

**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 291**

**Held at :**

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

Tuesday, October 21, 2008

**Tenue à:**

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

Mardi, le 21 octobre 2008

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
M <sup>e</sup> Pierre R. Dumais	Commission Counsel
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Mr. Diane Lahaie	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Greg Bell	CAS

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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:** Good morning, Mr.  
8 Engelmann.

9 **MR. ENGELMANN:** Good morning, sir.

10 The witness needs just a moment to ---

11 **THE COMMISSIONER:** There he is.

12 **MR. ENGELMANN:** He's just coming now, sir.

13 **THE COMMISSIONER:** Thank you.

14 Good morning, sir. Do you understand you're  
15 still under oath, sir?

16 **MR. BELL:** I do.

17 **THE COMMISSIONER:** Thank you.

18 Mr. Engelmann.

19 **GREG BELL, Resumed/Assertment:**

20 ---EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.

21 **ENGELMANN (Cont'd/Suite):**

22 **MR. ENGELMANN:** Thank you.

23 Good morning, Mr. Bell.

24 **MR. BELL:** Morning.

25 **MR. ENGELMANN:** Sir, when we left off

1           yesterday we had just finished talking about your work  
2           involving investigating some issues with Jeannette Antoine.

3                   **MR. BELL:** Yes.

4                   **MR. ENGELMANN:** And I wanted to ask you a  
5           little now, sir, about your work on an investigation known  
6           as Project Blue.

7                   **MR. BELL:** Okay.

8                   **MR. ENGELMANN:** And sir, again, you have  
9           indicated to us yesterday that you would have reviewed your  
10          notes on that investigation back in February of this year?

11                   **MR. BELL:** Yes.

12                   **MR. ENGELMANN:** And I believe you told us  
13          that you didn't note any errors or omissions in those  
14          notes?

15                   **MR. BELL:** Correct.

16                   **MR. ENGELMANN:** All right. Sir, if you do  
17          have some independent recollection when we come to a  
18          specific question, you can let us know. Otherwise I  
19          understand that your evidence is essentially from your  
20          recall, from your notes.

21                   **MR. BELL:** Correct.

22                   **MR. ENGELMANN:** And I just want to ask you  
23          some general questions about the investigation, if I may.  
24          To begin with, we've heard that you were assigned this  
25          investigation in mid-October of 1993, and I'm wondering if

1       you can recall whether you were assigned by Mr. Carriere or  
2       Mr. Abell to do this?

3               **MR. BELL:** Likely Mr. Carriere, but it could  
4       have been either or it could have been both together.

5               **MR. ENGELMANN:** All right. And Mr. Carriere  
6       was your supervisor then, sir?

7               **MR. BELL:** Yes.

8               **MR. ENGELMANN:** And sir, we've heard that he  
9       was in charge or he was responsible for the project, but  
10       that you were his primary investigator and that there was  
11       another investigator as well.

12              **MR. BELL:** Correct.

13              **MR. ENGELMANN:** And we understand that she  
14       was assigned a few days after you were?

15              **MR. BELL:** Correct.

16              **MR. ENGELMANN:** And her name was Pina  
17       deBellis?

18              **MR. BELL:** Correct.

19              **MR. ENGELMANN:** Then sir, we have entered as  
20       an exhibit your Project Blue notes, and I would just like  
21       you to have those handy if you could. It's Exhibit 2324.

22              **MR. BELL:** Okay.

23              **MR. ENGELMANN:** Sir, do you have that handy?

24              **MR. BELL:** Yes.

25              **MR. ENGELMANN:** And we have about -- well,

1 over 200 hundred pages of handwritten notes?

2 MR. BELL: Yes.

3 MR. ENGELMANN: And that's all in your  
4 handwriting, sir? The notes that you have in front of you.  
5 Well, you had your own notes, sir, and as I understand it  
6 you also had notes of others?

7 MR. BELL: Yes, in the package of mine there  
8 are some of Pina deBellis; otherwise notes from -- that are  
9 from other than ourselves are in a separate package.

10 MR. ENGELMANN: All right. And sir, I have  
11 already reviewed these notes in some detail with Mr.  
12 Carriere, and it would appear that after you did things on  
13 any given day, you would often have something noted as a  
14 supervision with Mr. Carriere?

15 MR. BELL: Yes.

16 MR. ENGELMANN: And what was your purpose,  
17 sir, after doing something to then have the supervision  
18 with Mr. Carriere?

19 MR. BELL: Typical of this and other cases,  
20 we would consult and confer to see what the next steps  
21 might be and to keep him apprised of current events in a  
22 given investigation and seek direction for next stage  
23 activities.

24 MR. ENGELMANN: Fair enough. And, sir, did  
25 you and your colleague, Miss deBellis, and your supervisor,



1 Mr. Carriere, did you have regular team meetings with  
2 respect to Project Blue?

3 MR. BELL: Yes.

4 MR. ENGELMANN: And were there other  
5 individuals from the Agency who would have been involved in  
6 those team meetings with the three of you?

7 MR. BELL: Yes.

8 MR. ENGELMANN: And who were they?

9 MR. BELL: That would be Rick Abell, the  
10 Executive Director, and Elizabeth MacLennan, the in-house  
11 counsel.

12 MR. ENGELMANN: And to your knowledge, sir,  
13 did you always attend those team meetings?

14 MR. BELL: There would have been a couple  
15 where I might have been on vacation or away but generally  
16 speaking I attended them all and, in any case, I would have  
17 received the minutes.

18 MR. ENGELMANN: All right. And just from  
19 your attendance at those meetings, am I correct in saying  
20 that Mr. Abell would have chaired those meetings?

21 MR. BELL: Yes.

22 MR. ENGELMANN: And would he have also been  
23 the principal note taker for those meetings?

24 MR. BELL: Yes.

25 MR. ENGELMANN: I am not saying that you

1 didn't take your own notes perhaps, but he had the notes  
2 for the meeting?

3 MR. BELL: I believe he looked at it as  
4 taking the minutes.

5 MR. ENGELMANN: Fair enough. And sir, if  
6 you look at the next exhibit in your book, 2325.

7 THE COMMISSIONER: Sorry, you want him to go  
8 to Exhibit 2325?

9 MR. ENGELMANN: Yes, for just a minute.

10 THE COMMISSIONER: It's the next one, 2325,  
11 two-three-two-five.

12 MR. ENGELMANN: And it says on the front  
13 page, "Team Conf. -- C-o-n-f. -- Minutes 12168 Silmsr  
14 'Project Blue.'"

15 MR. BELL: Correct.

16 MR. ENGELMANN: And if you flip in a couple  
17 of pages to 7081326.

18 MR. BELL: Okay.

19 MR. ENGELMANN: We see the title, "Project  
20 Blue 27 March 1995." This is Mr. Abell's handwriting;  
21 correct, sir?

22 MR. BELL: Yes.

23 MR. ENGELMANN: Make that a little smaller,  
24 yes.

25 This, as I understand it, sir, was the last

1 of the team meetings in the spring of 1995. It's the last  
2 one we have any minutes for in any event?

3 MR. BELL: Yes, I believe, okay.

4 MR. ENGELMANN: All right. And you're noted  
5 as present as are the others you've referenced; Ms.  
6 DeBellis, Mr. Carriere, Mr. Abell and Miss MacLennan?

7 MR. BELL: Correct.

8 MR. ENGELMANN: And typically the five of  
9 you were present for these meetings?

10 MR. BELL: Yes.

11 MR. ENGELMANN: All right. And, sir, aside  
12 -- and I think you told us this, aside from your extensive  
13 notes and notes of Ms. DeBellis, you had a separate file  
14 for notes of others; correct?

15 MR. BELL: Yes.

16 MR. ENGELMANN: Now, we have heard from Mr.  
17 Carriere that the focus or principal purpose of the Project  
18 Blue investigation was to determine if there were any  
19 children currently at risk with respect to Father Charles  
20 MacDonald.

21 MR. BELL: Yes.

22 MR. ENGELMANN: Do you agree with that?

23 MR. BELL: Yes.

24 MR. ENGELMANN: All right. And sir, during  
25 the course of your Project Blue investigation did you have

1 meetings and/or interactions with employees of various  
2 other institutions?

3 MR. BELL: I did.

4 MR. ENGELMANN: And so we know you had  
5 meetings with CAS staff, and you've named them. Would you  
6 have had meetings with officials from the Cornwall Police  
7 Service?

8 MR. BELL: Yes.

9 MR. ENGELMANN: Would you have meetings with  
10 officials from the OPP?

11 MR. BELL: Yes.

12 MR. ENGELMANN: And if you had meetings  
13 and/or discussions with those officials, would those have  
14 been noted in your notes?

15 MR. BELL: Yes.

16 MR. ENGELMANN: And sir, I understand in  
17 your notes you listed some of the people at least that you  
18 would have had interaction with, with contact information.  
19 And just to show you that if I may, if you could look at  
20 2324 -- so flip back one tab in your book, and if you look,  
21 it's the third page in. It's 7081848.

22 MR. BELL: Okay.

23 MR. ENGELMANN: And it's just now up on the  
24 screen. It says:

25 "OPP contact: Constable Ron Wilson.

1 CPS contact:"

2 There's no one listed there at that point.

3 "Church contact: Monsignor Donald  
4 McDougald. Alleged Perpetrator:  
5 Father Charles MacDonald."

6 It goes on, and a number of people are  
7 listed on that page and on the second page and some of  
8 those people would be individuals you would have had  
9 contact with?

10 MR. BELL: Yes.

11 MR. ENGELMANN: And when you had -- as you  
12 said earlier, when you had contact with people, you would  
13 note their name and the date of the call or the date of the  
14 meeting in your notes?

15 MR. BELL: Yes.

16 MR. ENGELMANN: All right. So for example,  
17 near the beginning of your investigation, if we look at --  
18 it's Bates page 7081860 or page 6 of your notes in the top  
19 right corner, if we look at the bottom of that page we see  
20 that you have made a reference to meeting with Constable  
21 Ron Wilson of the OPP with Bill Carriere. You see that,  
22 "October 15<sup>th</sup>, '93, 1302"?

23 MR. BELL: Yes.

24 MR. ENGELMANN: All right. So early on in  
25 your investigation, you would have had a meeting with a

1 representative from the OPP?

2 MR. BELL: Yes.

3 MR. ENGELMANN: Do you actually remember  
4 meeting with Constable Wilson at some point early in your  
5 investigation?

6 MR. BELL: Yes, I have a recollection of a  
7 meeting with him, which included Bill, at Long Sault  
8 detachment.

9 MR. ENGELMANN: And the actual recollection  
10 of what was said at that meeting, you would have to look at  
11 your notes to glean that?

12 MR. BELL: Well, I know it was to  
13 essentially apprise him of what was on our plate, so to  
14 speak, at the early -- early on.

15 MR. ENGELMANN: All right. And, Mr. Bell,  
16 would it be fair to say that during the course of your  
17 investigation, you would have received documents from time-  
18 to-time from various people?

19 MR. BELL: Yes.

20 MR. ENGELMANN: Not just information  
21 verbally but sometimes people would give you documents?

22 MR. BELL: Correct.

23 MR. ENGELMANN: And when you received  
24 documents, you would note that in your notes as well?

25 MR. BELL: Yes.

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

2                   So, for example, if we were to look at Bates  
3                   page 7081873, which is page 19 of your notes, there's a  
4                   reference to a meeting on October 22<sup>nd</sup>, 1993 at 9:16 in the  
5                   morning.;

6                                 "Meeting with CAS with E. McLennan..."  
7                   That's your in-house lawyer; correct?

8                   **MR. BELL:** Correct.

9                   **MR. ENGELMANN:** "...William Carriere and  
10                                 Jacques Leduc."

11                   **MR. BELL:** Correct.

12                   **MR. ENGELMANN:** And underneath that, you  
13                   say, "We have a purpose" -- you often put the purpose of a  
14                   particular meeting or call?

15                   **MR. BELL:** Yes.

16                   **MR. ENGELMANN:** Just so that ---

17                   **MR. BELL:** It's convenient after the fact  
18                   when you're trying to understand what that activity is  
19                   about.

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

21                   And underneath that you say:

22                                 "Jacques Leduc gave us copies of the  
23                                 following four pieces of  
24                                 correspondence."

25                   **MR. BELL:** Yes.

1                   **MR. ENGELMANN:** So here it is, an example of  
2                   a Diocesan official or the Diocesan lawyer giving you some  
3                   information and you're noting what you received?

4                   **MR. BELL:** Yes.

5                   **MR. ENGELMANN:** And if there's something  
6                   that someone doesn't want to give you for one reason or  
7                   another, you would note that reason as well?

8                   **MR. BELL:** Yes.

9                   **MR. ENGELMANN:** All right. So other  
10                  disclosures you may have received or you did receive from  
11                  Diocesan officials, they would be noted in a similar  
12                  fashion in your notes?

13                  **MR. BELL:** Yes.

14                  **MR. ENGELMANN:** So, for example, if  
15                  Monsignor McDougald gave you something, it would be noted  
16                  in your notes?

17                  **MR. BELL:** Yes.

18                  **MR. ENGELMANN:** All right. Your notes also  
19                  indicate receipt of documents from Father MacDonald's  
20                  lawyer, a fellow by the name of Malcolm MacDonald, do they  
21                  not?

22                  **MR. BELL:** Yes.

23                  **MR. ENGELMANN:** And, for example, if we were  
24                  to look at -- I'll just be a moment. It's Bates page  
25                  7081992; it's page 128.



1 Sir, just to read that to you, it says:

2 "November 30<sup>th</sup>, 1993, 14:57: CAS visit  
3 with Malcolm MacDonald with P.  
4 DeBellis."

5 When you met with someone and you had a  
6 colleague with you, you would put that in brackets often on  
7 the side?

8 **MR. BELL:** Yes.

9 **MR. ENGELMANN:** And you say a little further  
10 down the page:

11 "He indicated this was agreeable to him  
12 and he provided the following  
13 documents."

14 And you set out a number of documents that  
15 he provides you; correct?

16 **MR. BELL:** Yes.

17 **MR. ENGELMANN:** And one of the things he  
18 actually provided you was some of the settlement documents  
19 from the Silmsler settlement. As you see at the bottom of  
20 the page, it says:

21 "Copy of 'Full release and  
22 undertaking'."

23 **MR. BELL:** Yes.

24 **MR. ENGELMANN:** I think it says:

25 "Not to be disclosed. Signed by David

1 Silmsers on September 2<sup>nd</sup>, 1993."

2 MR. BELL: Yes.

3 MR. ENGELMANN: All right. And, again, on  
4 each occasion that you may have received documents from  
5 Malcolm MacDonald, would you have noted that in your notes,  
6 sir?

7 MR. BELL: Yes.

8 MR. ENGELMANN: And, Mr. Bell, your notes  
9 also indicate meetings that you had with the Cornwall  
10 Police from time-to-time?

11 MR. BELL: Yes.

12 MR. ENGELMANN: And if we look at a meeting  
13 that you would have had relatively early in your  
14 investigation, I'm going to turn you to Bates page 872.  
15 There's a reference, sir, and it's page 18 of your notes:

16 "October 21<sup>st</sup>, 1993, 14:05: Meeting at  
17 CPS with Staff Sergeant Luc Brunet,  
18 Constable Heidi Sebalj and William  
19 Carriere. Purpose: Obtain info for our  
20 investigation."

21 Now, sir, we've heard from Mr. Carriere  
22 about a visit that you and he took to the Cornwall Police  
23 Service early on in your investigation ---

24 MR. BELL: Okay.

25 MR. ENGELMANN: --- October 21<sup>st</sup>, 1993. That

1 would have been just in the first week or so of your  
2 investigation. Is that fair?

3 MR. BELL: Yes, very early on.

4 MR. ENGELMANN: Yeah. And, sir, we've also  
5 heard from another witness that you might have photographed  
6 some material there.

7 What I ask you, sir, is do you recall a  
8 meeting where you would have attended at the Cornwall  
9 Police Service to review some documents from their Silmser  
10 file, with Mr. Carriere?

11 MR. BELL: Yes.

12 MR. ENGELMANN: All right. And did you  
13 photograph anything when you were there?

14 MR. BELL: No.

15 MR. ENGELMANN: Did you photocopy anything  
16 when you were there?

17 MR. BELL: No.

18 MR. ENGELMANN: All right. Do you remember  
19 whether you were allowed to remove any documents; whether  
20 you were allowed to actually take any documents with you  
21 from their file?

22 MR. BELL: We weren't.

23 MR. ENGELMANN: All right. So of the  
24 documents that you were allowed to view by the Cornwall  
25 Police Service, how did you track the information that you

1 would have been able to get from those files?

2 MR. BELL: I think it was either mine or  
3 Bill's suggestion, since we couldn't photocopy them, they  
4 loaned us a dictation recorder and either Bill and/or I, I  
5 believe, read the documents in and kept the tape.

6 MR. ENGELMANN: All right. And you would  
7 have had the tape transcribed or handwritten when you  
8 returned to your office, sir?

9 MR. BELL: Possibly, I can't remember ---

10 MR. ENGELMANN: All right.

11 MR. BELL: --- if it was transcribed.

12 MR. ENGELMANN: But you remember that you  
13 were provided a Dictaphone by someone at the Cornwall  
14 Police Service?

15 MR. BELL: Yes.

16 MR. ENGELMANN: But no photographing or  
17 photocopying?

18 MR. BELL: Correct.

19 MR. ENGELMANN: All right.

20 Sir, do you remember a meeting that you  
21 would have had with David Silmser at some point during the  
22 Project Blue investigation?

23 MR. BELL: Yes.

24 MR. ENGELMANN: All right. Because we've  
25 heard and we've seen a document that is an audiotaped

1 interview that you and Ms. DeBellis would have had with him  
2 on November 2<sup>nd</sup>, 1993.

3 MR. BELL: Okay.

4 MR. ENGELMANN: Do you know if at any other  
5 time during your investigation you had an in-person meeting  
6 with Mr. Silmser?

7 MR. BELL: I believe that was the only one.

8 MR. ENGELMANN: Sir, that meeting is  
9 described in your notes at Bates page 7081893; it's page 35  
10 of your notes. And as we said -- as I said, we have an  
11 audiotaped interview.

12 I don't want to take you through it, I  
13 simply want to ask you if you recall Mr. Silmser describing  
14 some of the allegations that he had against Father  
15 MacDonald during the course of that interview?

16 MR. BELL: I do.

17 MR. ENGELMANN: And do you recall him also  
18 discussing some of the allegations vis-à-vis Ken Seguin?

19 MR. BELL: Yes.

20 MR. ENGELMANN: And do you recall whether he  
21 alleged during the course of the interview that he was  
22 sexually assaulted by yet a third person, a former school  
23 teacher named Marcel Lalonde?

24 MR. BELL: Yes.

25 MR. ENGELMANN: With respect to the third

1 person, sir, do you recall if he would have given you any  
2 details of those allegations?

3 **MR. BELL:** He didn't. Only after describing  
4 the incidents he alleged with Reverend MacDonald, he said  
5 that Marcel Lalonde did the same thing. He didn't  
6 elaborate.

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

8 Now, sir, can you give us a sense of what,  
9 if anything, you recall of the actual interview with Mr.  
10 Silmsner?

11 **MR. BELL:** It certainly was consistent with  
12 my experience in disclosures made by adults who had been  
13 sexually abused as children. There was a tenor sort of of  
14 anguish about his whole presentation.

15 My sense of it was it was quite difficult to  
16 get to that point to come and speak to us and it was a bit  
17 of a struggle to do it and, ultimately, he didn't and I  
18 expect wasn't able to describe in complete detail the  
19 actual -- what the sexual abuse consisted of. I got a  
20 sense it was certainly -- they were painful recollections.

21 **MR. ENGELMANN:** Recall his tone or his  
22 attitude at the time -- just as you've described his  
23 anguish?

24 **MR. BELL:** I think many of the typical  
25 emotions. There was confusion, disappointment, stress,

1 anger, some pain.

2 **MR. ENGELMANN:** Now, starting on November  
3 4<sup>th</sup>, a couple of days after that interview, we see in your  
4 notes -- and this is around Bates page 906 -- a number of  
5 references to "Called for David Silmser". We see this on  
6 Bates page 906. And, in fact, Bates page 907 is the same  
7 as 906 but it's not blocked off at all.

8 So you'll see at 907, which is page 47 of  
9 your notes, there's a reference, it says, "Purpose: Return  
10 his call". Phone message indicating he'd called at 9:24.  
11 You make a number of efforts to try and return his call and  
12 then, finally, you relate a discussion that you have with  
13 him at 13:26 on that date, at the bottom of the page and  
14 onto the next page.

15 So it would appear that you -- that this  
16 was, you know, a call of some length. You have some notes  
17 indicating the nature of the call; correct?

18 **MR. BELL:** Yes.

19 **MR. ENGELMANN:** Then you have a note,  
20 "Supervision with Bill Carriere", right after the call on  
21 Bates page 909; correct?

22 **MR. BELL:** Yes.

23 **MR. ENGELMANN:** And then, sir, there are a  
24 number of efforts, it appears, to contact Mr. Silmser  
25 again, and I'm on Bates 7081914, page 54?

1 MR. BELL: Yes.

2 MR. ENGELMANN: And it says under the first  
3 one:

4 "At 11:37, purpose to inquire  
5 regarding seeing him again for  
6 another interview."

7 MR. BELL: Yes.

8 MR. ENGELMANN: And, sir, I think we heard  
9 from Mr. Carriere that you wanted to see Mr. Silmsler to get  
10 more information about his allegations involving Ken  
11 Seguin, and also to get some of the details if you could  
12 vis-à-vis Marcel Lalonde?

13 MR. BELL: Yes.

14 MR. ENGELMANN: Is that one of the reasons  
15 you were seeking to interview him again in person?

16 MR. BELL: Yes.

17 MR. ENGELMANN: And, again, there's a  
18 reference to speaking with him, on Bates page 915, page 55  
19 of your notes, "Called David Silmsler". And, again, there's  
20 considerable number of notes going on to the next page.

21 So it would appear again on November 9<sup>th</sup> that  
22 you had a telephone conversation with him?

23 MR. BELL: Yes.

24 MR. ENGELMANN: So it's fair to say, sir,  
25 that although you didn't interview him again in person, you



1 had telephone calls with him from time-to-time,  
2 particularly in November of 1993?

3 MR. BELL: Yes.

4 MR. ENGELMANN: And, sir, we know that Mr.  
5 Seguin, who was one of the alleged perpetrators here,  
6 committed suicide in late November of 1993?

7 MR. BELL: Yes.

8 MR. ENGELMANN: And you would have been made  
9 aware of that at some point shortly after it happened?

10 MR. BELL: Yes.

11 MR. ENGELMANN: Before then, would it be  
12 fair to say that you didn't really commence investigating  
13 the allegations involving Ken Seguin?

14 MR. BELL: Correct.

15 MR. ENGELMANN: And do you recall, sir,  
16 whether at the time you felt you had enough information to  
17 proceed with that?

18 MR. BELL: I believe it was our hope to have  
19 Mr. Silmsen come in and provide us more detail before going  
20 in that direction.

21 MR. ENGELMANN: All right. Was that  
22 something that you could have done over the phone at the  
23 time, sir?

24 MR. BELL: With Mr. Silmsen?

25 MR. ENGELMANN: Yes. Because, clearly, you

1           were able to speak to him. There's a couple of other  
2           references to speaking to him.

3                       **MR. BELL:** He became quite reluctant to  
4           really give us more information.

5                       **THE COMMISSIONER:** Did he say why he was  
6           reluctant?

7                       **MR. BELL:** Yes, I understood -- at one point  
8           -- and I'm not exactly sure if it's at this point, he  
9           became -- he too was aware that Ken Seguin had committed  
10          suicide and felt, I think, to some degree responsible.

11                      And I think it was -- it may have been  
12          Malcolm MacDonald who'd said to him, "If you hadn't have  
13          spoken to him, he would be alive today". And I think he  
14          said something to me at one point of, "I don't want another  
15          death on my conscience".

16                      And then there was an incident. His  
17          statement to Cornwall Police had got into the press somehow  
18          and he reached the point ---

19                      **MR. ENGELMANN:** This is now in January of  
20          '94.

21                      **MR. BELL:** Oh, okay.

22                      **MR. ENGELMANN:** Yeah.

23                      **MR. BELL:** In an ongoing sense, his trust in  
24          institutions, which was fragile I think to start with, was  
25          injured by that experience.

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

2                   So there was a concern about giving you  
3 information because of some concern about causing Ken  
4 Seguin's death?

5                   **MR. BELL:** Yes.

6                   **MR. ENGELMANN:** And then there's a concern  
7 again after things become public in January?

8                   **MR. BELL:** Yes. And, also, I think a  
9 concern that he didn't want to perhaps cause Marcel  
10 Lalonde's death.

11                  **MR. ENGELMANN:** Sir, your notes indicate and  
12 refer to a number of contacts you had with families of  
13 current altar boys or altar servers at St Andrew's Parish,  
14 starting in approximately mid-November of 1993?

15                  **MR. BELL:** Yes.

16                  **MR. ENGELMANN:** And do you recall, sir,  
17 asking for names and contacts of altar servers and their  
18 parents during one of your meetings with Diocesan  
19 officials?

20                  **MR. BELL:** Yes.

21                  **MR. ENGELMANN:** And did you receive that  
22 information from the Diocesan officials you met with?

23                  **MR. BELL:** Yes.

24                  **MR. ENGELMANN:** And did you then seek the  
25 permission of these altar servers' parents to interview

1           them?

2                           **MR. BELL:** Yes.

3                           **MR. ENGELMANN:** And, sir, am I correct in  
4 saying that you did not describe the nature of the  
5 allegations to these parents?

6                           **MR. BELL:** Yes.

7                           **MR. ENGELMANN:** Nor did you advise them that  
8 Father MacDonald was the subject of your investigation?

9                           **MR. BELL:** No, I didn't advise them of that;  
10 correct.

11                          **MR. ENGELMANN:** The notes indicate you  
12 advised parents that the CAS was conducting an  
13 investigation and you needed to speak to their children.

14                          And, sir, I understand that although several  
15 parents refused to allow the CAS to interview their  
16 children, the majority in fact allowed you and Ms. DeBellis  
17 to interview their children?

18                          **MR. BELL:** Yes.

19                          **MR. ENGELMANN:** And, sir, I understand when  
20 those interviews were conducted, it was you and Ms.  
21 DeBellis who conducted the interview?

22                          **MR. BELL:** Yes.

23                          **MR. ENGELMANN:** And it was with the child  
24 alone, not with the child's parent?

25                          **MR. BELL:** Correct.

1                   **MR. ENGELMANN:** And that you utilized a  
2 particular method that was described, at least in your  
3 notes, as something called "Stepwise"?

4                   **MR. BELL:** Yes.

5                   **MR. ENGELMANN:** Do you remember what that  
6 was, sir?

7                   **MR. BELL:** It's a method that -- when the  
8 interview is conducted in that manner, one can apply a  
9 statement validity analysis procedure to the content of the  
10 interview after the interview's completed which helps to  
11 establish the veracity of the content, the truth of the  
12 content.

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

14                   And, sir, I understand of the children who  
15 were current altar servers at St Andrew's, whose parents  
16 agreed to let them be interviewed, that none of those  
17 children disclosed any abuse on the part of Father  
18 MacDonald?

19                   **MR. BELL:** Correct.

20                   **MR. ENGELMANN:** And, sir, do you have a  
21 sense as to how long your active investigation was on  
22 Project Blue?

23                   **MR. BELL:** I know I was seconded for 10  
24 weeks straight to that, doing only that, and then I  
25 returned to a regular caseload but there were still

1 activities in this case, I believe, after that 10-week  
2 period was over.

3 MR. ENGELMANN: All right. So it was about  
4 10 weeks of full-time work?

5 MR. BELL: Yes.

6 MR. ENGELMANN: And then the odd work after  
7 that?

8 MR. BELL: Yes.

9 MR. ENGELMANN: We know, sir, that you  
10 started your work on October 14<sup>th</sup>, 1993, and if you'll turn  
11 to Bates page 7082066, it's page 200 of your investigation  
12 notes.

13 There's a reference to a team meeting on  
14 February 17<sup>th</sup>, 2000 -- sorry, February 17<sup>th</sup>, 1994.

15 And just next to it you've got the regular  
16 people present and it says:

17 "Planning: This is last anticipated  
18 team meeting."

19 MR. BELL: Yes.

20 MR. ENGELMANN: Do you see that?

21 MR. BELL: Yes.

22 MR. ENGELMANN: And we know there's some  
23 work after that, but one of the things that happens at this  
24 meeting is a verification decision?

25 MR. BELL: Yes.

1                   **MR. ENGELMANN:** And as I understand it, sir,  
2                   the team came to a consensus verifying sexual abuse by  
3                   Father MacDonald at that meeting?

4                   **MR. BELL:** Of Silmser.

5                   **MR. ENGELMANN:** Sorry, that's what I meant.

6                   **MR. BELL:** Yeah, yeah.

7                   **MR. ENGELMANN:** Yes. And would it have been  
8                   at or about this time that you would have also noted, "No  
9                   current risk under the circumstances"?

10                  **MR. BELL:** Yes.

11                  **MR. ENGELMANN:** At this point-in-time,  
12                  Father MacDonald was in Southdown. He wasn't in active  
13                  ministry?

14                  **MR. BELL:** That's my understanding, yeah.

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

16                  Now, you continue to have some notes through  
17                  -- just before I go there -- verification decision or  
18                  verification meeting; is that something that typically  
19                  happens towards the end of an investigation?

20                  **MR. BELL:** Yes.

21                  **MR. ENGELMANN:** All right. And you do have  
22                  some notes that follow that in the calendar year 1994 and  
23                  there's a reference to a final team meeting on March 27,  
24                  1995, over a year after that?

25                  **MR. BELL:** Okay.

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

2                   If we actually look at that, sir, that's in  
3                   the next exhibit, 2325 and it's at Bates page 7081326.  
4                   It's the first page that has writing on it really of any  
5                   significance.

6                   Do you have any idea why this meeting is 13  
7                   months after what was to be your last meeting?

8                   **MR. BELL:** I know we made efforts to get a  
9                   consent from Father Charlie to disclose the outcome of our  
10                  investigation to the Bishop, in effect his employer ---

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

12                  **MR. BELL:** --- in relation to reassignment.

13                  **MR. ENGELMANN:** All right. And did that  
14                  take some time during the calendar year 1994?

15                  **MR. BELL:** I believe so.

16                  **MR. ENGELMANN:** Because that letter appeared  
17                  to go out at the beginning of January and, in fact, there's  
18                  a reference to that on the page we're on where it says:

19                                 "05 Jan. 95: Meet with Bishop.

20                                 Reviewed investigation outcome."

21                  **MR. BELL:** Oh, I see that. Okay.

22                  **MR. ENGELMANN:** Yes. So there was some time  
23                  period during the course of the 1994 calendar year where  
24                  you were trying to get Father MacDonald's consent to allow  
25                  that to happen?



1                   **MR. BELL:** Yes.

2                   **MR. ENGELMANN:** All right. And then between  
3                   January 5<sup>th</sup> and the end of March, you just didn't get to it  
4                   or?

5                   **MR. BELL:** I can't remember, I'm sorry.

6                   **MR. ENGELMANN:** That's fine.

7                   And, sir, that meeting that was to be the  
8                   last meeting on February 17<sup>th</sup>, that's noted in these team  
9                   meetings of Mr. Abell starting -- that's at Bates pages 328  
10                  and 329; 7081328 and 1329.

11                  And would you agree, sir, that the bulk of  
12                  the work had been done by the time this meeting comes  
13                  around in February 17<sup>th</sup> of 1994?

14                  **MR. BELL:** Yes.

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

16                  And just to turn back to your notes for a  
17                  minute -- and that's at the previous document, the thick  
18                  one -- and if you will look at -- it's Bates page 7082027  
19                  or page number 163, there's a reference to an earlier team  
20                  review meeting of December 10<sup>th</sup>, 1992?

21                  **THE COMMISSIONER:** Hold on. Are you there?  
22                  Good, okay.

23                  **MR. ENGELMANN:** If you will look about the  
24                  middle of the page where the cursor is? Again, you're all  
25                  there. You're updated all on the status of interviews with

1 altar servers. There's some information you're still  
2 seeking.

3 There's a note at the top of the next page,  
4 and I believe it says something to Malcolm MacDonald  
5 requesting interview with Father Charles MacDonald. All  
6 right, so ---

7 **MR. BELL:** Yes.

8 **MR. ENGELMANN:** Can I just ask you this,  
9 sir? At the time, was it your practice or was it part of  
10 your procedure to attempt, before you complete a  
11 verification decision, to speak to an alleged perpetrator?

12 **MR. BELL:** Yes.

13 **MR. ENGELMANN:** All right. And was that  
14 something you attempted to do, just as I say, before you  
15 complete that verification process?

16 **MR. BELL:** Yes.

17 **MR. ENGELMANN:** All right. And it indicates  
18 that you're making a decision to try and do that here.  
19 There's a couple of references -- well, there's more than a  
20 couple, but just references to attempting to do that.

21 If you'll turn to -- it's Bates page  
22 7082036. It's page 172 of your notes. It's an -- sorry,  
23 it's a call to Malcolm MacDonald on December 14<sup>th</sup>, 1993 at  
24 10:00 in the morning:

25 "Purpose: Seek interview with Father

1 Charles MacDonald."

2 MR. BELL: Yes.

3 MR. ENGELMANN: All right. So you have a  
4 discussion with him and you're seeking -- you're trying to  
5 find out if he wants to be interviewed?

6 MR. BELL: Yes.

7 MR. ENGELMANN: There are several references  
8 to this. Another example would be at page 175 of your  
9 notes; it's Bates page 7082040:

10 "December 16<sup>th</sup>, 1993, 15:36: Purpose,  
11 inquire as to whether Father Charles  
12 will come for face-to-face meeting or  
13 if we need to..."

14 MR. BELL: "Correspond".

15 MR. ENGELMANN: "...correspond by mail to  
16 address seeking his input to this  
17 investigation."

18 MR. BELL: Yes.

19 MR. ENGELMANN: "Asks Mr. MacDonald if he  
20 knew if Father Charles would come back  
21 from Southdown for interview with CAS."

22 MR. BELL: Yes.

23 MR. ENGELMANN: "He related the following:  
24 That he just got off the phone with  
25 Father Charles who indicated they

1                   didn't like people to leave Southdown  
2                   and he would not be discharged until  
3                   April or later."

4                   Okay?

5                   **MR. BELL:** Yes.

6                   **MR. ENGELMANN:** And I think there's another  
7                   reference to this. Yes, at Bates page 7082043. Again:

8                    "Inquire whether Father MacDonald will  
9                   be coming to CAS for interview. He  
10                  related next to impossible for someone  
11                  to leave Southdown before their  
12                  treatment is complete. I indicated  
13                  that I'm therefore understanding he  
14                  will not come to CAS."

15                  **MR. BELL:** Okay.

16                  **MR. ENGELMANN:** Your reference there.

17                  And, again, just a few pages back when you  
18                  first would have asked for this on December 14<sup>th</sup> and that's  
19                  again page 172 of your notes; 7082036.

20                  I think this is the first effort to ask.

21                  You said:

22                        "I explained that we are at a point  
23                        where we're ready to seek Father  
24                        Charles' input for our verification  
25                        review process and subsequent..."

1 MR. BELL: "Registration if verified."

2 MR. ENGELMANN: "...if verified. He asked  
3 if input could be written."

4 MR. BELL: Yes.

5 MR. ENGELMANN: Okay, do you see that?

6 MR. BELL: Yes.

7 MR. ENGELMANN: So initially, I guess, he  
8 asked if he could do the input in writing?

9 MR. BELL: Yes.

10 THE COMMISSIONER: Was there any thought  
11 given to going to see him at Southdown?

12 MR. BELL: I don't think so because my sense  
13 was I don't think we'd have been allowed to. That was my  
14 impression of that. It was never, as far as I'm aware,  
15 offered ---

16 THE COMMISSIONER: M'hm.

17 MR. BELL: --- to us.

18 MR. ENGELMANN: We know, sir, from both Mr.  
19 Carriere's evidence and from a review of these notes, that  
20 you never actually did meet with Father MacDonald?

21 MR. BELL: No.

22 MR. ENGELMANN: All right.

23 MR. BELL: I mean, correct.

24 MR. ENGELMANN: Were you ever advised by his  
25 lawyer that he wanted to actually meet with you in person

1 to ---

2 MR. BELL: No.

3 MR. ENGELMANN: --- speak with you?

4 MR. BELL: No. I believe, at some point,  
5 even after the verification review and he'd been notified  
6 of our outcome, we offered to meet with him after he was  
7 out of Southdown but we didn't get a response.

8 MR. ENGELMANN: What would the point have  
9 been then if you'd already verified? Would it be to  
10 discuss the process or to review it or ---

11 MR. BELL: Well, if -- I believe we offered  
12 -- if he'd had questions or possibly interested in  
13 treatment recommendations.

14 MR. ENGELMANN: Now, we know, sir, that when  
15 the in-person didn't happen that an actually letter was  
16 sent to him ---

17 MR. BELL: Yes.

18 MR. ENGELMANN: --- seeking his input?

19 Mr. Commissioner, I know this is already an  
20 exhibit and I have a -- it's a letter dated January 25<sup>th</sup>,  
21 1994 from Greg Bell and William Carriere to Reverend  
22 Charles MacDonald. I have a document number but I know  
23 there's another document that's already an exhibit.

24 I'm just wondering, Madam Clerk, if you can  
25 help? The Document Number I have is 122916 but I don't

1 think that's the document number that's in evidence as an  
2 exhibit.

3 **MR. NEVILLE:** Two-two-four-nine (2249).

4 **MR. ENGELMANN:** I'm advised by Mr. Neville  
5 it may be 2249?

6 I just don't want to make -- there's several  
7 letters of this.

8 **THE COMMISSIONER:** Two-two-four-nine (2249)?

9 **MR. ENGELMANN:** Yes.

10 I'm just going to wait for that to come up  
11 on the screen and make sure it's the same as the document  
12 I'm looking at. I'm sure it is. If you could just scroll  
13 down, Madam Clerk? All right. And if you would also let  
14 me see the second page? Yes.

15 So we're looking at Document Number 724307,  
16 Exhibit 2249.

17 Sir, a letter was written to Father Charles  
18 MacDonald?

19 **MR. BELL:** Yes.

20 **MR. ENGELMANN:** And he responded by writing  
21 a note on the letter ---

22 **MR. BELL:** Yes.

23 **MR. ENGELMANN:** --- saying -- and this is  
24 dated January 31<sup>st</sup>, 1994:

25 "My answer to the above question number

1                   one is an emphatic no."

2                   **MR. BELL:** Yes.

3                   **MR. ENGELMANN:** And the question was:

4                   "Have you ever..."

5                   I think it should say "ever" but it says  
6 "every":

7                   "...sexually abused a child or children  
8                   under the age of 16 years?"

9                   **MR. BELL:** Yes.

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

11                  And I presume, given the nature of the  
12 question, that you weren't surprised by the answer?

13                  **MR. BELL:** No.

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

15                  Sir, do you have any memory, any  
16 recollection, as to why you didn't ask for any specifics?  
17 And by specifics I mean whether he knew David Silmser,  
18 whether David Silmser had been an altar boy when he was a  
19 priest at St. Columban's, the age that Mr. Silmser might  
20 have been at the time; just issues of that nature?

21                  **MR. BELL:** My sense of it was it probably  
22 didn't feel there was much point, just try and sort of  
23 conduct what those questions being, what we would ask in an  
24 interview by mail correspondence. And by that time, I  
25 think my sense of it was that he was denying this and



1           wouldn't discuss with us, and this would be almost like --  
2           might seem like playing a game to draw him in to some point  
3           where he would concede to more than he had denied.

4                   **MR. ENGELMANN:** So the decision not to ask  
5           more questions or more specifics, would that have been your  
6           decision or would that have been a decision that would have  
7           been made by Mr. Carriere or your team, or do you remember?

8                   **MR. BELL:** I believe it was Bill or the team  
9           that drafted the two questions. The bulk of the rest of  
10          the letter was one that I had drafted, I think, perhaps  
11          years earlier and used in many cases at this stage.

12                   **MR. ENGELMANN:** Sir, if we turn back to the  
13          team meeting minutes, and that's Exhibit 2325, so it's in  
14          the other binder ---

15                   **MR. BELL:** Okay.

16                   **MR. ENGELMANN:** --- and it's the exhibit  
17          right after your notes, so it's the next tab.

18                   Sir, if we look at Bates page 7081331, this  
19          is a meeting of the team on January 31<sup>st</sup>, 1994.

20                   **MR. BELL:** Okay.

21                   **MR. ENGELMANN:** Do you have that page, sir?

22                   **MR. BELL:** Yes.

23                   **MR. ENGELMANN:** It's on the screen.

24                   If we look to the bottom, it says "Agency  
25          position number five"?

1 MR. BELL: Yes.

2 MR. ENGELMANN: And there's a number of  
3 subparagraphs. I'm just going to read a couple to you, if  
4 I may.

5 MR. BELL: Okay.

6 MR. ENGELMANN: "A) written police  
7 statements, sufficiently credible, not  
8 to be dismissed. B) Interview with D.  
9 Silmsler. Silmsler personal  
10 statement..."

11 I'm on the next page.

12 MR. BELL: Okay.

13 MR. ENGELMANN: "...is consistent with the  
14 written statement provided  
15 substantially earlier (10 month gap).  
16 Monsignor S. [I think that's  
17 Schonenbach] in correspondence dated  
18 [and the date's blank] states 'D.S.  
19 appears to be a credible person'. D.  
20 Silmsler's personal presentation agency  
21 staff was highly consistent our  
22 experience of disclosure behaviours of  
23 other verified victims of sexual  
24 abuse."

25 There's a number of others that are listed

1           there ---

2                           **MR. BELL:** Yes.

3                           **MR. ENGELMANN:** --- including a financial  
4           settlement, other statements relating to sexual assaults of  
5           young men by Father Charles MacDonald, et cetera. There  
6           are about 10 reasons set out there.

7                           Sir, when it -- it's called "Agency  
8           Position". Would these be some of the factors that would  
9           have been taken into account on your verification decision?

10                          **MR. BELL:** Yes.

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

12                          And the verification decision is that your  
13           decision, is it Mr. Carriere's decision, or is it the team  
14           decision?

15                          **MR. BELL:** That's the team.

16                          **MR. ENGELMANN:** All right. And when you do  
17           a verification process, do you have a standard process for  
18           that requiring a consensus or a majority of team members?

19                          **MR. BELL:** I can't ever remember not having  
20           a consensus on one of those.

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

22                          **MR. BELL:** I don't know if it -- so in my  
23           experience it never came up.

24                          **MR. ENGELMANN:** All right. So you would  
25           always reach a consensus?

1                   **MR. BELL:** In my experience, yes.

2                   **MR. ENGELMANN:** And that was what happened  
3                   in this case?

4                   **MR. BELL:** Yes.

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

6                   So if we flip back to Bates page 7081329,  
7                   which is one of the pages on the -- this is the meeting now  
8                   of February 17<sup>th</sup>. In fact, if we look at the bottom of the  
9                   previous page, 328, we have a few of these factors that we  
10                  just reviewed near the bottom:

11                                 "Request permission of Father Charlie,  
12                                 through Malcolm MacDonald, to share our  
13                                 findings/position with the church."

14                   And you've set out a few of those factors or  
15                   he sets out a few of those factors:

16                                 "There is a child/victim [and then it  
17                                 says] young adolescent victim of Father  
18                                 Charlie. There are other [and I think  
19                                 it says] young adolescent victims of  
20                                 Father Charlie. Father Charlie  
21                                 therefore represents a potential risk  
22                                 to children/male adolescents. Church  
23                                 should consider carefully the potential  
24                                 risk to children/male adolescents posed  
25                                 by Father Charles."

1 MR. BELL: Yes.

2 MR. ENGELMANN: So this is the verification  
3 decision meeting now on February 17<sup>th</sup>, sir?

4 MR. BELL: Yes.

5 MR. ENGELMANN: All right.

6 And there are issues about potential risk  
7 that are discussed?

8 MR. BELL: Yes.

9 MR. ENGELMANN: And, sir, why -- do you know  
10 now -- we know that there were letters sent shortly after  
11 that verification decision to the OPP, I believe, and to  
12 the Cornwall Police Service in early March. There was a  
13 letter sent to Father Charles MacDonald through his lawyer.  
14 Do you know why the letters were also sent to the police  
15 agencies at that time?

16 MR. BELL: The practice was that if we were  
17 involved in a co-investigation like that, we would share  
18 out outcome with them once we had determined what that was.

19 MR. ENGELMANN: All right.

20 And why was it important as well then to  
21 send the letter to the Bishop as Father MacDonald's  
22 employer?

23 MR. BELL: He would need to understand those  
24 risks/concerns that we felt existed for children so that we  
25 understood that it was his role to assign priests to

1 various duties, and he would need to know that to protect  
2 children, essentially.

3 **MR. ENGELMANN:** And you were aware that  
4 Father MacDonald was coming back from Southdown at some  
5 time in the spring of 1994, you and your team?

6 **MR. BELL:** Yes.

7 **THE COMMISSIONER:** Would the same apply --  
8 let's assume that you made that finding against a teacher.  
9 Was it the policy at that time to advise the school board?

10 **MR. BELL:** In the case of the school board  
11 as his employer, we would seek the consent of the teacher.

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

13 **MR. ENGELMANN:** So it's the same thing as  
14 you did here; you sought the consent of Father Charles to  
15 send it?

16 **MR. BELL:** Yes.

17 **MR. ENGELMANN:** And that took some time, so  
18 it didn't go until January of '95, and if it had been a  
19 teacher in a school, you would have sought the teacher's  
20 consent to send it to the principal or to a school board  
21 official?

22 **MR. BELL:** Yes.

23 **THE COMMISSIONER:** What happens if they  
24 don't consent?

25 **MR. BELL:** We are in a very difficult

1 position and that would be certainly a risk management  
2 committee decision. It's done on an individual basis.

3 I mean, the CAS is in an awkward position if  
4 -- without the consent, if we verified abuse by a person  
5 working with children and we don't tell their employer and  
6 subsequently there's a repeat of it, I suppose ultimately  
7 the taxpayer says what are we paying you for and we haven't  
8 done what we could to protect the teacher.

9 On the other hand, if we advise the employer  
10 in the absence of a consent, we've violated that  
11 individual's right of privacy. It's a very -- we've  
12 agonised over that occasionally.

13 **THE COMMISSIONER:** And have you -- what kind  
14 of -- are there cases where you have said and cases where  
15 you haven't or has it been consistently, "We don't do it"  
16 or "We do it". Do you know?

17 **MR. BELL:** I can't remember for sure. I  
18 think there was perhaps one instance where we felt we had  
19 to advise, and I think it might have been the school board.

20 **THE COMMISSIONER:** Okay.

21 **MR. BELL:** Yeah. I know our agency counsel  
22 would be heavily involved in those decisions because it has  
23 complicated implications legally.

24 **THE COMMISSIONER:** Thank you.

25 **MR. ENGELMANN:** We looked at a couple of

1 examples of that with colleagues and, as I understand it,  
2 it's a case-by-case basis?

3 MR. BELL: Yes.

4 MR. ENGELMANN: You would seek typically the  
5 advice of your in-house solicitor?

6 MR. BELL: Oh, yes.

7 MR. ENGELMANN: And that if there was  
8 concern about present abuse, at the very least you would do  
9 what you indicated to us and that is if you couldn't get  
10 the consent from the employee, you would send some kind of  
11 a letter to the employer?

12 MR. BELL: We would -- I would attempt to  
13 try the employer with a filled-out consent and ask the  
14 employer if they would have the employee sign the consent,  
15 and if the employee refused that to his employer then they  
16 could make their decisions based on not having it.

17 MR. ENGELMANN: Do you recall, sir, there  
18 was quite a delay in obtaining the consent from Father  
19 Charles in this case?

20 MR. BELL: Yes.

21 MR. ENGELMANN: Do you recall, and I'm  
22 thinking I've seen a letter but it's not at my fingertips,  
23 actually writing to the Bishop in the fall of 1994 about  
24 this issue and the fact that you were seeking consent from  
25 Father MacDonald?



1                   **MR. BELL:** I can't recall the specific  
2                   letter, but it certainly would be typical of the practice.  
3                   It would be in my notes. The letter would be in my ---

4                   **MR. ENGELMANN:** I'll just be a moment, sir,  
5                   if I can.

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

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

8                   **MR. ENGELMANN:** There's a reference, sir, at  
9                   -- it's Bates page 7082116.

10                  **THE COMMISSIONER:** Page 242.

11                  **MR. BELL:** Okay, thank you.

12                  **MR. ENGELMANN:** I believe it says at the  
13                  top:

14                                 "Received fax from Malcolm MacDonald  
15                                 indicating Father Charles MacDonald  
16                                 consents to CAS forwarding our response  
17                                 on him to Bishop LaRocque, with the  
18                                 understanding that we will provide  
19                                 Father Charles MacDonald with a copy of  
20                                 this response. A response is to be  
21                                 sent in care of Malcolm MacDonald's  
22                                 office."

23                  **MR. BELL:** Yes.

24                  **MR. ENGELMANN:** That's dated November 28<sup>th</sup>,  
25                  1994?

1                   **MR. BELL:** Yes.

2                   **MR. ENGELMANN:** And there's something  
3                   December 15<sup>th</sup>, '94 that you meet with Rick Abell and discuss  
4                   letter to Bishop LaRocque. Do you see that?

5                   **MR. BELL:** Yes.

6                   **MR. ENGELMANN:** So, sir, if there was  
7                   another letter to the Bishop, that's something I can ask  
8                   Mr. Abell about. You don't recall a letter in the fall of  
9                   1994?

10                  **MR. BELL:** But at some point, I went on  
11                  vacation and I believe Mr. Abell had a face-to-face meeting  
12                  with the Bishop and may have presented him direct,  
13                  personally with a letter at that point.

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

15                  Mr. Bell, I would like to ask you a few  
16                  questions, if I may, about Earl Landry, Jr.

17                  **MR. BELL:** Okay.

18                  **MR. ENGELMANN:** Again, you would have  
19                  reviewed notes of your involvement with this individual  
20                  back in February of 2008 when you were reviewing other  
21                  notes?

22                  **MR. BELL:** I didn't have those then. I have  
23                  reviewed them to the best of my ability since, but ---

24                  **MR. ENGELMANN:** Okay, so those notes you  
25                  didn't have. You weren't ---

1                   **MR. BELL:** Not in February.

2                   **MR. ENGELMANN:** --- sure if you'd be  
3                   commenting on them at that time?

4                   **MR. BELL:** I didn't understand that was a  
5                   case of interest back then.

6                   **MR. ENGELMANN:** All right. You've had some  
7                   opportunity to review the notes to the best of your  
8                   ability?

9                   **MR. BELL:** Yes.

10                  **MR. ENGELMANN:** And do you recall if you had  
11                  any concerns about errors or omissions in those notes?

12                  **MR. BELL:** No, I didn't have concerns.

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

14                  And, sir, from the notes and other  
15                  documents, I understand that this was a file that was  
16                  transferred to you in June of 1997? Does that sound about  
17                  right, the summer of '97?

18                  **MR. BELL:** Yes.

19                  **MR. ENGELMANN:** And, sir, at the time, there  
20                  were criminal charges pending against Mr. Landry, Jr. and  
21                  you were assigned to assess the possible risk that existed  
22                  with respect to his three children?

23                  **MR. BELL:** Yes.

24                  **MR. ENGELMANN:** And, sir, do you recall a  
25                  year or two after you first became involved being asked by

1 the Ottawa Children's Aid Society to assist them because  
2 the Landrys had moved to the Ottawa area?

3 MR. BELL: Yes, I'm not sure of the time gap  
4 exactly, but I do remember that.

5 MR. ENGELMANN: All right. Well, do you  
6 recall, sir, being asked to depose or to write an affidavit  
7 ---

8 MR. BELL: Yes.

9 MR. ENGELMANN: --- on their behalf in 1999?

10 MR. BELL: Yes.

11 MR. ENGELMANN: All right.

12 And, sir, if we could look briefly at --  
13 it's Document Number 115743.

14 THE COMMISSIONER: That will be a new one,  
15 sir.

16 MR. ENGELMANN: This is an affidavit, Mr.  
17 Commissioner, of Gregory Bell. It was sworn on August 11<sup>th</sup>,  
18 1999. If it might be the next exhibit?

19 THE COMMISSIONER: Exhibit 2416.

20 --- EXHIBIT NO./PIÈCE NO. P-2416:

21 (115743) - Fax from Greg Bell to Heidi  
22 Potowin re Earl Landry, Jr. - dated August  
23 11, 1999

24 MR. ENGELMANN: This document, sir, should  
25 be stamped with a publication ban.

1                   **THE COMMISSIONER:** Certainly.

2                   **MR. ENGELMANN:** The child victims of Earl  
3 Landry, Jr., several of them mentioned; several are going  
4 to have monikers, et cetera.

5                   Sir, I assume you'd agree with me that your  
6 memory of these events would have been better in 1999 ---

7                   **MR. BELL:** Yes.

8                   **MR. ENGELMANN:** --- of your work in 1997  
9 than it is today?

10                  **MR. BELL:** Yes.

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

12                  And I'd just like to review a few facts from  
13 this affidavit, if we could, starting at paragraph 6. And  
14 I'm just going to read a couple of things to you, Mr. Bell,  
15 if I may?

16                  **MR. BELL:** Okay.

17                  **MR. ENGELMANN:** It says:

18                         "On June 4<sup>th</sup>, 1997, this case was  
19 assigned to me with the understanding  
20 that I would address the possible risks  
21 to the three Landry children who were  
22 residing within the jurisdiction of the  
23 Society."

24                  **MR. BELL:** Yes.

25                  **MR. ENGELMANN:** Right? So that sets out why

1           you got involved and when?

2                       **MR. BELL:** Yes.

3                       **MR. ENGELMANN:** All right. And it says:

4                               "At this stage, the Cornwall Police  
5                               Service indicated that Earl Landry, Jr.  
6                               had been charged with sexual offences  
7                               concerning three now adult men and that  
8                               the offences occurred when these  
9                               individuals were boys. It was also  
10                              indicated that the prospect of laying  
11                              charges with respect to further alleged  
12                              victims was being investigated."

13                      **MR. BELL:** Yes.

14                      **MR. ENGELMANN:** So, sir, at the time you  
15                      were assigned you had some contact with the Cornwall police  
16                      about the work they were doing?

17                      **MR. BELL:** Yes.

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

19                              Sir, in paragraph 7 it would appear that  
20                      Earl Landry, Jr.'s wife indicated to you that he had  
21                      admitted to her molesting of children ---

22                      **MR. BELL:** Yes.

23                      **MR. ENGELMANN:** --- and that she believed  
24                      his admission.

25                      **MR. BELL:** Yes.

1                   **MR. ENGELMANN:** As well, sir, it would  
2 appear that you are exchanging information with the  
3 Cornwall Police at or about that time. As we can see from  
4 paragraph 8, on August 5<sup>th</sup>, 1997, it was learned from the  
5 Cornwall Police Service -- and one of the individuals who  
6 has a moniker here had come forward to the police alleging  
7 that Earl Jr. had sexually abused him.

8                   **MR. BELL:** Yes.

9                   **MR. ENGELMANN:** And this, as well, sir, was  
10 confirmed to you by Earl Landry, Jr.; was it not?

11                   **MR. BELL:** Yes.

12                   **MR. ENGELMANN:** That he indicated that his  
13 abuse of that individual occurred before that individual  
14 lived in his home?

15                   **MR. BELL:** Yes.

16                   **MR. ENGELMANN:** And would you have exchanged  
17 that information back and forth with the Cornwall Police  
18 Service?

19                   **MR. BELL:** Yes.

20                   **MR. ENGELMANN:** So if you'd obtained either  
21 an admission from Mrs. Landry or Mr. Landry, Jr. himself,  
22 would you have exchanged that information with the Cornwall  
23 Police Service?

24                   **MR. BELL:** Yes.

25                   **MR. ENGELMANN:** And, sir, would you describe

1 -- and, sir, was the officer you would have been in touch  
2 with at this time, would that have been a Sergeant Snyder?

3 MR. BELL: Yes.

4 MR. ENGELMANN: And would you describe this  
5 as a joint investigation or simply as investigations by  
6 your agencies where information is being shared?

7 MR. BELL: If we became aware of criminal  
8 acts they weren't already investigating, we would advise  
9 them and then I suspect we'd call it a joint investigation.

10 MR. ENGELMANN: Would it be fair to say,  
11 sir, though that you were not interviewing individuals  
12 together?

13 MR. BELL: Correct.

14 MR. ENGELMANN: That's what I really mean by

15 ---

16 MR. BELL: Oh, okay. Yes, correct.

17 MR. ENGELMANN: --- a joint investigation.

18 MR. BELL: Okay.

19 MR. ENGELMANN: You were concerned about the  
20 risk, present risk, to his children?

21 MR. BELL: Yes.

22 MR. ENGELMANN: And they were concerned  
23 about three charges and three others that they were looking  
24 at?

25 MR. BELL: Yes, and we had no disclosure, as



1 I recall, from the children.

2 MR. ENGELMANN: All right.

3 MR. BELL: The natural children.

4 MR. ENGELMANN: From his natural children?

5 MR. BELL: Yes.

6 MR. ENGELMANN: And, sir, at paragraph 11,  
7 there is some information that you received from Richard  
8 Abell concerning Mr. Landry, Jr.'s fear of losing his  
9 children?

10 MR. BELL: Yes.

11 MR. ENGELMANN: And that's being seen by  
12 Sergeant Snyder with them when he was not supposed to be  
13 with them?

14 MR. BELL: Yes.

15 MR. ENGELMANN: And, sir, you talk about  
16 admissions that he makes to you in paragraph 11 about being  
17 with them unaccompanied. And as well in paragraph 12, he's  
18 indicating to you that he intended to plead guilty to all  
19 the charges at his past court appearance; however, he gave  
20 you a reason or an excuse for why he didn't do it at the  
21 time.

22 Do you see that?

23 MR. BELL: Yes.

24 MR. ENGELMANN: It says:

25 "During the above conversation with

1 Earl Landry Jr. he indicated it had  
2 been his intention to plead guilty."

3 MR. BELL: Yes.

4 MR. ENGELMANN: All right.

5 And again the reference to molesting this  
6 boy at a time before he was in their home?

7 MR. BELL: Yes.

8 MR. ENGELMANN: All right.

9 And, sir, at paragraph 16, you indicate a  
10 further exchange of information, information you're  
11 receiving from Sergeant Snyder, saying you learned from  
12 Sergeant Snyder of the Cornwall Police Service that this  
13 individual, this now confirmed victim had indicated that  
14 Earl Jr. was spending a lot of time at Lucie Landry's home.  
15 And there's just -- there's further information there about  
16 a violation of bail conditions?

17 MR. BELL: Yes.

18 MR. ENGELMANN: And that information is  
19 being shared with you by Sergeant Snyder because it might  
20 have an impact on the current risk to the children?

21 MR. BELL: Yes.

22 MR. ENGELMANN: And, sir, aside from  
23 exchanging information with Sergeant Snyder from time to  
24 time, do you recall if you were asked to prepare a will-say  
25 statement for him?

1                   **MR. BELL:** I believe so.

2                   **MR. ENGELMANN:** Madam Clerk, if the witness  
3 could be shown Document Number 115745.

4                   **THE COMMISSIONER:** Thank you.

5                   Exhibit 2417 is a will-say statement of  
6 Gregory Bell dated the 16<sup>th</sup> of the ninth month of 1998.

7                   **--- EXHIBIT NO./PIÈCE NO. P-2417:**

8                   (115745) - Will Say Statement of Gregory  
9 Bell dated 16 Sep 98

10                  **MR. ENGELMANN:** Again, sir, it will require  
11 a publication ban stamp.

12                  **THE COMMISSIONER:** Publication ban.

13                  **MR. ENGELMANN:** Sir, in the first paragraph,  
14 you're describing your investigation of the possible abuse  
15 or risk to and you list his natural children?

16                  **MR. BELL:** Yes.

17                  **MR. ENGELMANN:** And you indicate right there  
18 that, with respect to Earl Landry, Jr., a number of now  
19 adult males allege they were molested by him as children?

20                  **MR. BELL:** Yes.

21                  **MR. ENGELMANN:** So you're explaining in your  
22 will-say -- and this will-say was requested by Sergeant  
23 Snyder?

24                  **MR. BELL:** Cornwall Police certainly.

25                  **MR. ENGELMANN:** Okay. Cornwall Police.

1 Fair enough.

2 MR. BELL: Probably him.

3 MR. ENGELMANN: Yes, and you describe some  
4 of your activities on the case and you also describe in  
5 your will-say, in the last paragraph, the fact that he  
6 indicated -- "he" being Earl Landry, Jr. -- indicated that  
7 he had intended to plead guilty, and you set out the  
8 reasons why it didn't happen. And you say:

9 "When I questioned this course of  
10 events, Mr. Landry, Jr. became vague  
11 and seemed to avoid answering. He then  
12 indicated that he would plead guilty at  
13 the next court appearance."

14 And, again, you indicate in the will-say his  
15 admission to you about his molestation of one of the  
16 victims.

17 MR. BELL: Yes.

18 MR. ENGELMANN: So you're providing that  
19 information to the Cornwall Police Service?

20 MR. BELL: Yes.

21 MR. ENGELMANN: And, sir, shortly after  
22 this, you also prepare a semi-annual report on this file.  
23 And I would just like you to have a look. It's Exhibit  
24 1619.

25 THE COMMISSIONER: You won't have that.

1                   **MR. ENGELMANN:** I don't know -- do you know  
2                   what's meant by "Semi-Annual Not Timely Done" at the top of  
3                   the page, sir?

4                   **MR. BELL:** It wasn't done within the six  
5                   month timeframe. It was done more than six months after  
6                   the previous report. In other words, it's out of schedule.

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

8                   And the file name is "Landry". The file  
9                   number is there. The social worker is yourself. The date  
10                  recorded and the date typed being the following date.

11                  And, again, you describe some of the  
12                  information on the file, starting with an intake received  
13                  on September 13<sup>th</sup>, 1993, by one of your colleagues a few  
14                  years earlier; correct?

15                  **MR. BELL:** Yes.

16                  **MR. ENGELMANN:** And you refer to some of the  
17                  work that you're doing, the names of his natural children  
18                  and you reference the last semi-annual completed November  
19                  28<sup>th</sup>, '97, and you reference some of the issues we've looked  
20                  at already: Discussions with Brian Snyder, discussions  
21                  with Mr. and Mrs. Landry. Is that fair?

22                  **MR. BELL:** Yes.

23                  **MR. ENGELMANN:** And, sir, at the second  
24                  page, under the caption "Plans to Address Protection  
25                  Concerns and Complete Investigation" you talk about some of

1 the things that are to happen yet, and one of them is that  
2 you are to interview Mrs. Landry and revisit concerns  
3 around the safety children. So that would still be an  
4 ongoing task?

5 MR. BELL: Yes.

6 MR. ENGELMANN: And you make the note that  
7 she has to realize that her children are at "high risk" if  
8 left alone with her husband?

9 MR. BELL: Yes.

10 MR. ENGELMANN: And you indicate that a  
11 follow-up letter is going to be done to both of them?

12 MR. BELL: Yes.

13 MR. ENGELMANN: You are to share the outcome  
14 of the investigation with the Cornwall Police Service?

15 MR. BELL: Yes.

16 MR. ENGELMANN: And you indicate some other  
17 issues, but you say:

18 "After assurances have been provided,  
19 we will close our file, however, any  
20 breach of the rules will result in CAS  
21 apprehending the three Landry  
22 children."

23 MR. BELL: Yes.

24 MR. ENGELMANN: All right.

25 And it seems to be signed off not only by

1           yourself but another worker?

2                       **MR. BELL:** That would have been my then  
3           supervisor Bernie Lamarche.

4                       **MR. ENGELMANN:** Okay. But are there two  
5           lines under "Social worker" or is that just your full name  
6           there? I'm looking at the line that says "Social worker."

7                       **MR. BELL:** Yes, that's my name with my  
8           initials.

9                       **MR. ENGELMANN:** All right. Okay. And Mr.  
10          Lamarche would have been your supervisor at that time?

11                      **MR. BELL:** Yes.

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

13                      Sir, very quickly, you would have had some  
14          involvement in the investigation of a fellow by the name of  
15          Nelson Barque?

16                      **MR. BELL:** Yes.

17                      **MR. ENGELMANN:** And again, this is something  
18          that you would have had an opportunity to review at least  
19          some notes on back in February of 2008?

20                      **MR. BELL:** Yes.

21                      **MR. ENGELMANN:** And if I could just turn you  
22          to a couple of documents that are very short; it's Exhibit  
23          1618.

24                      Counsel, it's document 115698.

25                      Oh, I'm sorry, I apologize sir, I've got the

1 wrong -- oh, no, that's the one, 1618. Oh, no, sorry,  
2 that's -- no that's not necessary, that's another one on  
3 Earl Landry, Jr. Let's skip that.

4 Let's go right to Exhibit 891, my apologies.  
5 It's Document Number 115435.

6 **THE COMMISSIONER:** I'm sorry; what exhibit -  
7 - 891?

8 **MR. ENGELMANN:** Eight-nine-one (891), sir.

9 **THE COMMISSIONER:** Sorry.

10 **MR. ENGELMANN:** Document 115435.

11 **THE COMMISSIONER:** Yes.

12 **MR. ENGELMANN:** Sir, in 891, these are Mr.  
13 Carriere's notes, dated November 28<sup>th</sup>, 1994, and it's  
14 talking about something that happened back in 1986. A  
15 mother of a sexual abused victim indicated to the CAS she  
16 would not allow Nelson Barque, who was at the time working  
17 for L'Équipe Psycho-Sociale, to counsel her son as she'd  
18 heard rumours that Mr. Barque had molested a child. It  
19 says:

20 "I advised Staff Sergeant Brunet that  
21 we had met with L'Équipe Psycho-  
22 Sociale's clinical director Mario Sarda  
23 concerning Mr. Barque's recent  
24 departure from L'Équipe Psycho-Sociale  
25 and had been advised by Mr. Sarda that



1 Mr. Barque's departure was not related  
2 to any reports that he had sexually  
3 molested a child under the age of 16."

4 Sir, my first question is this is something  
5 happening late in 1994; do you recall if you had any  
6 involvement with the matter back in the summer of 1986? In  
7 other words, would you have spoken to people at L'Équipe  
8 Psycho-Sociale?

9 MR. BELL: I met with Mario Sarda ---

10 MR. ENGELMANN: Okay.

11 MR. BELL: --- I'm not -- I remember that  
12 meeting. And when he said what's recorded here ---

13 MR. ENGELMANN: All right.

14 MR. BELL: --- about his departure.

15 MR. ENGELMANN: All right.

16 So that would have happened way back in the  
17 mid-'80s?

18 MR. BELL: I don't know the date actually.

19 MR. ENGELMANN: All right.

20 Sir it just says at the bottom, the case  
21 note by Mr. Carriere:

22 "Advised Richard Abell that I'd spoken  
23 with Staff Sergeant Brunet and the  
24 particulars of our discussion indicated  
25 I would be reviewing the material with

1 Greg Bell and would get back to Staff  
2 Sergeant Brunet on November 29<sup>th</sup>."

3 Okay?

4 **MR. BELL:** Okay.

5 **MR. ENGELMANN:** Do you remember why this was  
6 coming up in late 1994? Do you know if one of the police  
7 forces, either the Cornwall Police Service or the OPP, were  
8 investigating Mr. Barque at the time for historical  
9 allegations?

10 **MR. BELL:** That sounds familiar to me, yes.

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

12 And they were looking for some information  
13 from the CAS?

14 **MR. BELL:** Yes.

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

16 If we look at Exhibit 1469, which is  
17 Document 115434, again it's a case note by Mr. Carriere.  
18 This is November 29<sup>th</sup>, 1994. I'm about a third of the way  
19 down the page, it says:

20 "Consultation with Greg Bell. Advised  
21 by Greg Bell that he had met Constable  
22 Heidi Sebalj, Cornwall Police Service.  
23 She'd inquired about file material.  
24 Greg advised me that he advised  
25 Constable Sebalj of what we had on

1 file. Indicated to Greg Bell it still  
2 did not have any information indicating  
3 that any child under the age of 16 had  
4 ever been sexually molested by Mr.  
5 Barque.

6 Discussed the report of Mr. Barque  
7 reportedly supply teaching. We do not  
8 have any information concerning this to  
9 determine whether this was random  
10 supply teaching,..."

11 Et cetera. Okay?

12 **MR. BELL:** Yes.

13 **MR. ENGELMANN:** So, again, I don't know if  
14 that helps refresh your memory as to whether or not you  
15 would have been involved back in the mid-'80s when this  
16 first might have been brought to the attention of the CAS  
17 or not.

18 **MR. BELL:** I remember how it came to our  
19 attention because I had received an -- I was visiting this  
20 mother in connection with her own teenage son. I don't  
21 know if that was the very first contact with her but I went  
22 to that visit at her house and it was then that she  
23 expressed these concerns about her son being counselled and  
24 like hit by Nelson Barque. And ---

25 **MR. ENGELMANN:** You just can't remember sir

1 if that was current at the time or whether that was  
2 historical information?

3 MR. BELL: That she was giving me historical  
4 information?

5 MR. ENGELMANN: Yes.

6 MR. BELL: Yes, she was.

7 MR. ENGELMANN: All right.

8 Because it says a little further down the  
9 page, about two thirds down on the page, it says -- it's  
10 the last, well, it's the second last paragraph:

11 "With respect to the investigation,  
12 Constable Brunet indicated that CPS and  
13 OPP were jointly involved. As there  
14 was no report that a child under the  
15 age of 16 had been sexually molested,  
16 Sergeant Brunet indicated it was his  
17 view that there was not a need for CAS  
18 involvement at the present time."

19 All right?

20 MR. BELL: Okay.

21 MR. ENGELMANN: And it doesn't appear that  
22 there is any investigation of Nelson Barque beyond this --  
23 these couple of notes.

24 MR. BELL: Not by us that I'm aware of.

25 MR. ENGELMANN: All right.

1                   **MR. BELL:** Certainly not by me.

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

3                   And sir, I don't know if you were advised at  
4 the time or not about what either the CPS or OPP were doing  
5 with respect to Nelson Barque?

6                   **MR. BELL:** I became aware at some point, not  
7 in the sense of anything being assigned to me, that they  
8 were looking into Nelson Barque.

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

10                  But at the time, it wasn't involving someone  
11 involving someone under the age of 16 at the time of the  
12 allegations?

13                  **MR. BELL:** Correct.

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

15                  And, sir, did you have any involvement in --  
16 we've heard about an investigation involving a fellow by  
17 the name of Milton MacDonald.

18                  **MR. BELL:** Yes.

19                  **MR. ENGELMANN:** And we know, sir, that he  
20 was charged and convicted of several counts of abusing  
21 children or adolescents. And I'm wondering if you would  
22 have been involved in the investigation of any of those  
23 victims of Milton MacDonald?

24                  **MR. BELL:** One victim that I'm aware of.

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

1                   And we've heard from -- I believe -- from  
2                   Mr. Carriere that one name was provided by the OPP to the  
3                   CAS of the many individuals that were being investigated.  
4                   And the one name was provided because the victim was under  
5                   the age of 16 at that time. And this would have been in  
6                   the spring of 1994. Would you have been involved in that  
7                   particular investigation?

8                   **MR. BELL:** I believe that's the one.

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

10                   I thought we had given that person a  
11                   moniker. But in any event, you recall, sir, having  
12                   something to do with the investigation of a teenage boy  
13                   ---

14                   **MR. BELL:** Yes.

15                   **MR. ENGELMANN:** --- who had been sexually  
16                   abused in Milton MacDonald's home?

17                   **MR. BELL:** Yes.

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

19                   And do you have some recollection, sir, of  
20                   some information sharing with the OPP with respect to that  
21                   matter?

22                   **MR. BELL:** That would be the normal course  
23                   of events, certainly. It was their jurisdiction.

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

25                   **MR. BELL:** We would have shared information

1 back and forth.

2 MR. ENGELMANN: But your recollection is you  
3 were provided with one name and you were involved in the  
4 investigation of one individual?

5 MR. BELL: One individual. I can't actually  
6 recall where the intake came from, but certainly OPP would  
7 be a typical source.

8 MR. ENGELMANN: I believe it was from  
9 Lancaster, sir.

10 MR. BELL: Lancaster detachment, yes.

11 MR. ENGELMANN: All right.

12 Sir, I want to close by asking you a couple  
13 of questions, and we've asked other witnesses who've come  
14 before you if they want to comment on the effects, if any,  
15 that this type of work or any particular case that you were  
16 involved in might have had on you personally, and also want  
17 to ask you ---

18 MR. KOZLOFF: Just correct the record for a  
19 minute. The investigation of Milton MacDonald comes out of  
20 the Lancaster area, but not the detachment. It was an  
21 external investigation conducted by OPP officers from  
22 Belleville ---

23 THE COMMISSIONER: Yes.

24 MR. KOZLOFF: --- at the request of  
25 Superintendent Fougere.

1                   **THE COMMISSIONER:** Thank you.

2                   **MR. ENGELMANN:** That's right. I apologize  
3 for the error.

4                   **THE COMMISSIONER:** M'hm. So, sir, do you  
5 have any comments you'd like to make about the effect or  
6 any recommendations for me to consider?

7 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. BELL:**

8                   **MR. BELL:** I put together two  
9 recommendations.

10                  **THE COMMISSIONER:** Right.

11                  **MR. BELL:** In terms of a brief comment on  
12 the nature of the work, it certainly can be stressful in  
13 the sense that you probably see more human distress in a  
14 month than many people would, I guess, in a lifetime, and  
15 there are Friday nights when you get home and you're pretty  
16 drained.

17                               I recall when I learned of Ken Seguin's  
18 suicide I was -- that was pretty upsetting even though -- I  
19 mean, obviously I'm not responsible for it, but even that  
20 distant a connection does have an impact and so I could  
21 appreciate how it had an impact on Mr. Silmser.

22                               As far as recommendations go ---

23                  **MR. ENGELMANN:** Sure.

24                  **MR. BELL:** --- what I prepared was a letter  
25 for Michele Allinotte because she had mentioned -- well, we



1           were at a meeting when you said typically you would ask for  
2           recommendations and she said I could pass that through her,  
3           but if I could just read the two briefly would that ---

4                       **THE COMMISSIONER:** Certainly. Oh, yes,  
5           that's fine.

6                       **MR. ENGELMANN:** Is it possible for you to do  
7           that, sir; it's not too much ---

8                       **MR. BELL:** Yes ---

9                       **MR. ENGELMANN:** --- in writing? Okay.

10                      **MR. BELL:** They're brief.

11                      **MR. ENGELMANN:** Yes.

12                      **MR. BELL:** The first I thought worth  
13           mentioning is the recommendation for two workers involved  
14           in client contact. I'll just read what I wrote to her. I  
15           put:

16                                "In the course of my 20 years as a  
17                                child-protection worker I've been  
18                                subjected to threats with knives,  
19                                firearms, fists and a hammer, as well  
20                                as, being physically assaulted. These  
21                                occurrences occurred in circumstances  
22                                where they could not reasonably be  
23                                anticipated thus accompaniment would  
24                                not be sought from the police. CAS  
25                                workers routinely attend out of site in

1 urban and rural locations visiting  
2 families who sometimes hold very  
3 hostile feelings toward CAS and/or its  
4 staff. I cannot think of another  
5 agency with such significant  
6 enforcement authority where its staff  
7 would function alone most of the time  
8 under such circumstances. The value of  
9 a second worker, if only as a witness,  
10 would be considerable. I would  
11 recommend that initially at least if  
12 not all client contact be conducted by  
13 two workers."

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

15 **MR. BELL:** My other one is a recommendation  
16 regarding the proposed *Apology Act* legislation.

17 **THE COMMISSIONER:** Yes.

18 **MR. BELL:** I read a brief article this month  
19 about a bill soon to be tabled in the Ontario Legislature  
20 with the purpose of allowing an individual such as a  
21 physician who may have, for instance, inadvertently injured  
22 a patient in the course of their duties, to apologize to  
23 the patient, such that the inherent admission of  
24 responsibility would not be admissible in a civil or a  
25 criminal proceeding.

1                   Alleged offenders, on their own or on the  
2                   advice of their counsel, will often refrain from an apology  
3                   to their child even when they might otherwise wish to do  
4                   so. Such an apology, when sincerely voiced, can be of real  
5                   benefit to a child as well as to the relationship and even  
6                   to the offender.

7                   I ask -- I can think of a father who in  
8                   hitting his son and whose sense of self seemed tied up in  
9                   never admitting he was wrong. After talking at length to  
10                  the father, he apologized to his son. His son was  
11                  astounded. It was constructive and the last thing he ever  
12                  expected to hear from his father. He came to recognize  
13                  this took more courage for a man like his father than  
14                  digging in his heels.

15                  I would recommend apologies in child-  
16                  protection cases be considered for inclusion under this  
17                  legislation. Certain limitations could be placed on the  
18                  apologies, such that it might apply in an open child-  
19                  protection case or be made in the presence of the child's  
20                  worker. Although the apology would not otherwise be  
21                  admissible, it could be a factor taken into account in a  
22                  civil settlement or a sentencing hearing.

23                  I understand one of the objectives of this  
24                  Inquiry is to produce a report which will include  
25                  recommendations perhaps making it an ideal forum from which

1 to speak to this piece of legislative work.

2 **THE COMMISSIONER:** Great, thank you very  
3 much. Good.

4 **MR. ENGELMANN:** Mr. Bell, thank you very  
5 much for coming to testify here.

6 Now, I ask -- we're about to take the  
7 morning break, I believe ---

8 **THE COMMISSIONER:** Yes, yes.

9 **MR. ENGELMANN:** --- and then you'll be asked  
10 some questions by some of the other counsel here. They  
11 will give you their name. They will tell you who they're  
12 representing and they will have a few questions for you.

13 **MR. BELL:** Okay.

14 **THE COMMISSIONER:** All right. Great, thank  
15 you.

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

18 This hearing will resume at 11:20 a.m.

19 --- Upon recessing at 11:04 a.m./

20 L'audience est suspendue à 11h04

21 --- Upon resuming at 11:23 a.m./

22 L'audience est reprise à 11h23

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

25 This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 **THE COMMISSIONER:** Ms. Daley?

3 **GREG BELL, Resumed/Sous le même serment:**

4 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

5 **DALEY:**

6 **MS. DALEY:** Good morning, Mr. Bell. My name  
7 is Helen Daley and I'm counsel to a group called the  
8 Citizens for Community Renewal; a local citizens group  
9 interested in protection of children and institutional  
10 reform.

11 Some questions for you, first of all, about  
12 your involvement with Earl Landry, Jr., if I could; all  
13 right?

14 **MR. BELL:** Okay.

15 **MS. DALEY:** So if you could direct your mind  
16 to that. And at the time you become involved in 1997, sir,  
17 did you know who Mr. Landry, Jr.'s father was and what role  
18 he had occupied in the city of Cornwall?

19 **MR. BELL:** I think he worked for the Parks  
20 Department.

21 **MS. DALEY:** Mr. -- the fellow you were  
22 involved in worked in the Parks Department.

23 **MR. BELL:** Yes.

24 **MS. DALEY:** Did you know his father, Earl  
25 Landry, Sr.?

1                   **MR. BELL:** No.

2                   **MS. DALEY:** Did you know that his father had  
3                   been Chief of Police in Cornwall up until about 1984?

4                   **MR. BELL:** I think I learnt that later. I  
5                   don't know if it was during the course of the investigation  
6                   or I'm not -- I did come to know that at some point.

7                   **MS. DALEY:** All right.

8                   I take it, sir, that when you came to deal  
9                   with Mr. Landry, Jr. -- my reading of your notes -- it  
10                  seems to me that you perceived that CAS should be concerned  
11                  about him, in part, because he had ready access to children  
12                  at the park where he was working. Is that  
13                  ---

14                  **MR. BELL:** That would be an extended  
15                  concern. Our initial would be his own children.

16                  **MS. DALEY:** Correct.

17                  If you recall Exhibit -- I don't know if you  
18                  have the exhibits handy.

19                  **MR. BELL:** I don't know.

20                  **MS. DALEY:** In Exhibit 1618; do you have  
21                  that one?

22                  **MR. BELL:** I don't have that volume.

23                  **(SHORT PAUSE/COURTE PAUSE)**

24                  **MS. DALEY:** One-six-one-eight (1618).

25                  **MR. BELL:** Okay.

1                   **MS. DALEY:** And we looked at this -- you  
2 looked at this, this morning with Mr. Engelmann, but if I  
3 could just take you to the first paragraph. And you're  
4 quite right, the first concern you mention is the safety of  
5 his children and then you mention in your last sentence:

6                   "As well, there was concern that he  
7 would have opportunity to molest other  
8 children through his place of work as  
9 an employee at the King George Park in  
10 Cornwall."

11                   **MR. BELL:** Yes.

12                   **MS. DALEY:** So that was a secondary concern?

13                   **MR. BELL:** Yes.

14                   **MS. DALEY:** And you, as an experienced field  
15 worker with the Children's Aid Society, appreciated that  
16 his job gave him access to children; correct?

17                   **MR. BELL:** Yes.

18                   **MS. DALEY:** As well as, perhaps, an  
19 opportunity to be with them in a private set up where  
20 something wrongful could occur, right?

21                   **MR. BELL:** Yes.

22                   **MS. DALEY:** And I take it -- did you know,  
23 sir, that Mr. Landry, Jr. had held that job for many years  
24 prior to 1997?

25                   **MR. BELL:** I may have at the time. I don't

1 recall that ---

2 MS. DALEY: All right.

3 MR. BELL: --- now as we speak.

4 MS. DALEY: In particular, did you know  
5 whether he'd held the job back in the mid-1980s?

6 MR. BELL: I may have then. I don't recall  
7 that, now. I'm sorry.

8 MS. DALEY: That's fine, sir.

9 One of the things I noted from this Exhibit,  
10 1618, the exhibit refers to a victim of Mr. Landry, Jr.,  
11 and just make it easier for me to talk to you, I'm going to  
12 refer to him by his moniker. He has a moniker here and we  
13 have identified him as C-54.

14 MR. BELL: Okay.

15 MS. DALEY: Is that all right?

16 MR. BELL: Okay.

17 MS. DALEY: I take it you learned that C-54  
18 was both a -- the name's in the document -- you know the  
19 name that I'm referring to by C-54?

20 MR. BELL: I believe so.

21 MS. DALEY: He's referred to on page 1 of  
22 1618. Is that correct, sir?

23 If you just look at the third paragraph.  
24 Maybe it's easier if you look at Madam Clerk.

25 MR. BELL: Okay.



1                   **MS. DALEY:** There she's showing you.

2                   **MR. BELL:** Yeah, that's who I ---

3                   **MS. DALEY:** Are we on the same page?

4                   **MR. BELL:** That's who I understood you to  
5 mean.

6                   **MS. DALEY:** Good. We are on the same page.  
7 So that's C-54.

8                   And, sir, you knew that he was a provisional  
9 foster child of Mr. Landry, Jr.?

10                  **MR. BELL:** Yes.

11                  **MS. DALEY:** Correct? And, in addition,  
12 unfortunately, he was a victim of fairly prolonged abuse by  
13 Mr. Landry, Jr.?

14                  **MR. BELL:** Yes.

15                  **MS. DALEY:** In the third paragraph of the  
16 exhibit, sir, the very last sentence which I'm going to  
17 read to you ---

18                  **MR. BELL:** Okay.

19                  **MS. DALEY:** --- there was an arrangement  
20 whereby C-54 was involved in Landry, Jr. accessing his  
21 natural children. It says -- I won't use the first few  
22 words, but C-54 offered to help with this. And I took it  
23 what that meant was he was going to be present in the car  
24 when Landry, Jr. was picking up and dropping off his own  
25 children. Did you recall that detail, sir?

1                   **MR. BELL:** No, I'm sorry.

2                   **MS. DALEY:** All right.

3                   I just wondered -- it just occurred to me  
4                   that that was perhaps a somewhat unusual situation to have  
5                   a victim of the gentleman involved in that role, but do you  
6                   have any recollection about that?

7                   **MR. BELL:** It sounds familiar when you say  
8                   it, but I don't have much surrounding recollection of that  
9                   aspect.

10                  **MS. DALEY:** All right. That's fine.

11                  Now, sir, I wonder if Madam Clerk could show  
12                  you another monikered name. Could you please show this  
13                  gentleman C-51's name, Madam Clerk?

14                  **(SHORT PAUSE/COURTE PAUSE)**

15                  **MS. DALEY:** Did you see that name okay?

16                  **MR. BELL:** Yes. Yes.

17                  **MS. DALEY:** And do you recognise that name  
18                  as another victim of Mr. Landry, Jr.?

19                  **MR. BELL:** Yes.

20                  **MS. DALEY:** All right.

21                  Now, I take it, sir, that when you became  
22                  involved in 1997, you were not aware that the Children's  
23                  Aid Society had received an allegation of abuse by C-51  
24                  against Mr. Landry, Jr. in 1985? I take it you didn't know  
25                  that?

1                   **MR. BELL:** No, I don't believe so.

2                   **MS. DALEY:** And, in fact -- and again we'll  
3 take you to the exhibit if need be; I'm trying to avoid  
4 doing that if I can.

5                   **MR. BELL:** Okay.

6                   **MS. DALEY:** But you recall that you had  
7 prepared an affidavit and you had sworn an affidavit to a)  
8 the Ottawa organization?

9                   **MR. BELL:** Yes.

10                   **MS. DALEY:** You looked at that briefly this  
11 morning.

12                   **MR. BELL:** Yes.

13                   **MS. DALEY:** And I'm just going to read you  
14 some of the introducing language of that affidavit.

15                   **MR. BELL:** Okay.

16                   **MS. DALEY:** But what you say in the  
17 introduction is that you've been involved since June '94  
18 and that you familiarized yourself with the Children's Aid  
19 Society file, including times prior to your involvement so  
20 that you could attest at the things you did in the  
21 affidavit?

22                   **MR. BELL:** Yes.

23                   **MS. DALEY:** You recall having ---

24                   **MR. BELL:** Reviewed the file.

25                   **MS. DALEY:** --- reviewed the file?

1                   **MR. BELL:** Exactly.

2                   **MS. DALEY:** And what you then say or attest  
3 to in your affidavit is that having done that, that your  
4 Children's Aid Society first became involved with Mr.  
5 Landry, Jr., in September of '93.

6                   And so I take it from that that, that having  
7 looked at the file, the first evidence you could see of  
8 being engaged in relation to this individual came in  
9 September of '93 when there was a complaint to Intake?

10                  **MR. BELL:** I would go with that if I put  
11 that in the affidavit, yes.

12                  **MS. DALEY:** Yes, I ---

13                  **MR. BELL:** I don't have a recollection of it  
14 specifically.

15                  **MS. DALEY:** All right. I assume though from  
16 that affidavit that you saw no evidence in the file of a  
17 prior complaint about Earl Landry, Jr., coming to your  
18 agency or you would have said so I assume?

19                  **MR. BELL:** I would -- yes, I would have  
20 included that.

21                  **MS. DALEY:** All right. And had there been a  
22 prior complaint of which you were aware, obviously, that  
23 would have had an impact on the work that you were asked to  
24 do pertaining to this person, Mr. Landry, Jr.?

25                  **MR. BELL:** Yes, a verified allegation.

1 MS. DALEY: Yes.

2 MR. BELL: Yes.

3 MS. DALEY: Now, one of your co-workers was  
4 a social worker named Jean Dupuis?

5 MR. BELL: Yes.

6 MS. DALEY: Do you recall him?

7 MR. BELL: Yes.

8 MS. DALEY: And he was also, as you were, an  
9 investigative officer at the CAS? He's on the child  
10 protection side?

11 MR. BELL: We then called it Intake.

12 MS. DALEY: Intake?

13 MR. BELL: Later, it's been called  
14 Investigation. Same function, different title.

15 MS. DALEY: It's the same.

16 MR. BELL: He would ---

17 MS. DALEY: He's performing the same type of  
18 function as you?

19 MR. BELL: Yeah, same unit under Bill.

20 MS. DALEY: And he would have the same skill  
21 set that you have in terms of investigating whether  
22 children were in need of protection?

23 MR. BELL: Yes.

24 MS. DALEY: We've heard evidence here that  
25 he received an allegation from C-51 that he had been

1 sexually assaulted by Earl Landry, Jr. in the King George  
2 Park in 1985.

3 Now, I take it, sir, that's not information  
4 that Mr. Dupuis ever shared with you or do you recall?

5 MR. BELL: I don't recall. I can't say he  
6 didn't share it with us, but I don't recall that.

7 MS. DALEY: You don't recall it?

8 MR. BELL: No. Sorry.

9 MS. DALEY: Was he still with the  
10 organization in 1997 and following years when you were  
11 handed this file?

12 MR. BELL: He did leave to go to work at  
13 Ottawa CAS, but -- and I'm not sure -- and we certainly  
14 overlapped ---

15 MS. DALEY: Yes.

16 MR. BELL: --- a number of years, but I'm  
17 not sure when he left exactly.

18 MS. DALEY: All right. Now, I assume, sir,  
19 that -- sorry, let me just get on the same page with you  
20 here.

21 Mr. Landry, Jr. is a worker in a park in  
22 1997 and from the materials we've seen that Mr. Dupuis had,  
23 he was also a worker there in 1985. He was doing the same  
24 job throughout.

25 MR. BELL: Okay.

1                   **MS. DALEY:** So if you'll accept that premise  
2                   with me?

3                   **MR. BELL:** Yes.

4                   **MS. DALEY:** Here's my question.

5                   If, in 1985, it had come to your attention  
6                   that a child alleged abuse by an individual working in a  
7                   park, would that be a matter of interest to you as an  
8                   investigator? In other words, would you consider it  
9                   worthwhile investigating to determine what had happened and  
10                  whether other children were at risk from that man?

11                  **MR. BELL:** Yes, I would expect so. Yes.

12                  **MS. DALEY:** All right.

13                  And I take it, sir, that is because of the  
14                  factors that you noted in the first exhibit I took you to,  
15                  and that is he has opportunity and access to children?

16                  **MR. BELL:** Yes.

17                  **MS. DALEY:** And that was as clear to you in  
18                  1985 as it was at a later point in your career? That was a  
19                  concerning circumstance to the CAS?

20                  **MR. BELL:** Yes.

21                  **MS. DALEY:** And would that not engage the  
22                  CAS's mandate to investigate and to determine whether  
23                  children needed protection?

24                  **MR. BELL:** Yes.

25                  **MS. DALEY:** Thank you. All right.

1                   Let me move to another area that you were  
2                   involved in and that's your dealings with Ms. Antoine,  
3                   Jeannette Antoine?

4                   **MR. BELL:** Okay.

5                   **MS. DALEY:** And, again, I'll certainly take  
6                   you to documents if that helps, but I'll just see if your  
7                   recollection can help you answer some of these questions in  
8                   the first place.

9                   Sir, just to put you in the right timeframe,  
10                  this is occurring in August and the later months of 1989 if  
11                  you remember, and you and Suzie Robinson are dealing with  
12                  Ms. Antoine?

13                  **MR. BELL:** Yes.

14                  **MS. DALEY:** You recall that?

15                  **MR. BELL:** Yes.

16                  **MS. DALEY:** Now, I've looked at some of your  
17                  notes about that and what appears to me is that over a  
18                  period of meetings with her -- there was more than one  
19                  meeting, you do recollect that?

20                  **MR. BELL:** Yes.

21                  **MS. DALEY:** Over a period of those meetings,  
22                  Ms. Antoine began to tell you and Suzie Robinson about more  
23                  than just her own personal experiences in the group home.  
24                  Is that correct, sir?

25                  **MR. BELL:** Well, she spoke about other



1 individuals in the group home ---

2 MS. DALEY: Correct.

3 MR. BELL: --- if that's what you're  
4 thinking.

5 MS. DALEY: And what she was alleging about  
6 some of those other individuals was that they too had been  
7 physically abused in the group home. Do you recall that?

8 MR. BELL: Yes.

9 MS. DALEY: And amongst other things at this  
10 time, do you recollect that she also brought up to you that  
11 she had been sexually assaulted by her natural father?

12 MR. BELL: Yes, yes.

13 MS. DALEY: And I don't know if you'll  
14 recall this, sir, but your notes indicate that she also  
15 introduced you to a lady who was the sister of a former  
16 resident of the group home, who also described coming to  
17 the group home occasionally and witnessing physical  
18 assaults or physical abuse of children. Do you recall  
19 that?

20 MR. BELL: Yes.

21 MS. DALEY: And so, again, apart from Ms.  
22 Antoine just speaking to you about her complaints about Mr.  
23 Keough, she brought other information forward at that time  
24 that went beyond that. Fair?

25 MR. BELL: Yes.

1                   **MS. DALEY:** All right.

2                   And I take it that you reported on that to  
3 Mr. O'Brien, who was the Executive Director at the time?

4                   **MR. BELL:** To Bob Smith, actually. I'm sure  
5 eventually it was reported to Mr. O'Brien but I believe  
6 certainly the initial information she told Suzie and I was  
7 brought back to Bob Smith.

8                   **MS. DALEY:** Bob Smith?

9                   Do you remember in that period of time, sir,  
10 whether you and Suzie ever had direct, face-to-face with  
11 Mr. O'Brien to tell him this is what this lady is telling  
12 us?

13                   **MR. BELL:** There was one meeting, yes, I  
14 recall.

15                   **MS. DALEY:** All right.

16                   **MR. BELL:** Yes.

17                   **MS. DALEY:** And you would have done your  
18 best in that meeting to inform him about what Ms. Antoine  
19 is stating to you about the group home scenario?

20                   **MR. BELL:** I think he would have -- probably  
21 would have known all of that from us already, but,  
22 certainly, that would have been the content of the  
23 discussion.

24                   **MS. DALEY:** All right.

25                   **MR. BELL:** Most, if not all, he would

1 probably have been aware of from the material we gave Bob.

2 MS. DALEY: And that material consisted of  
3 Suzie's notes and any notes that you had taken?

4 MR. BELL: Yes.

5 MS. DALEY: All right. So your expectation  
6 of course then is up the chain of command, if you will.  
7 Bob is going to inform the executive director about all of  
8 that?

9 MR. BELL: Yes.

10 MS. DALEY: All right. And did the  
11 Executive Director, Mr. O'Brien, ever say to you words to  
12 the effect that part of what Ms. Antoine says is true, part  
13 of it isn't or is exaggerated? Do you remember that being  
14 his view?

15 MR. BELL: Yes. I -- yes.

16 THE COMMISSIONER: I'm sorry. Whose view?  
17 Mr. O'Brien?

18 MS. DALEY: Mr. O'Brien.

19 THE COMMISSIONER: Right. Thank you.

20 MS. DALEY: So he acknowledged to you and  
21 Suzie that part of the story is correct, part of it he says  
22 isn't?

23 MR. BELL: Yes.

24 MS. DALEY: And did you know what he meant  
25 by that, or do you remember any further details or

1 discussion around that?

2 MR. BELL: I think there were a number of  
3 incidents that she spoke of that he addressed. I think one  
4 of them was that she had said he was at the Children's Aid  
5 or at a meeting with her when, in fact, he wasn't. He was  
6 on leave I think.

7 MS. DALEY: Correct.

8 MR. BELL: So I wouldn't have known that at  
9 the moment she told me that but ---

10 MS. DALEY: But he knew that?

11 MR. BELL: --- he knew that. I wasn't  
12 working there at the time.

13 MS. DALEY: All right. Fair enough.

14 And we've heard here that, in fact, he was -  
15 - "he" being O'Brien -- was on a three month leave and it  
16 was Mr. Towndale who was actually in charge when the group  
17 home incident occurred in March of '76?

18 MR. BELL: Okay.

19 MS. DALEY: So what O'Brien -- what Mr.  
20 O'Brien's reflecting to you is that that detail is wrong  
21 but some of the other details she's giving you are correct?

22 MR. BELL: Yes.

23 MS. DALEY: And as a child care  
24 investigator, as a child care worker, were you disturbed by  
25 the group home statements that Ms. Antoine was making to

1           you? In other words, did it disturb you to learn these  
2           allegations?

3                       **MR. BELL:** Yes.

4                       **MS. DALEY:** And I take it you didn't join  
5           the CAS until some years after the Second Street Group Home  
6           had been closed?

7                       **MR. BELL:** December, '82.

8                       **MS. DALEY:** Okay. And we've heard here that  
9           it closes sometime in '77.

10                      Did you reflect to Mr. O'Brien or to Mr.  
11           Smith that you personally found these allegations  
12           disturbing?

13                      **MR. BELL:** I probably wouldn't have used the  
14           word disturbing. I think anyone in the child protection  
15           field hearing them and giving them credibility would find  
16           them disturbing. I don't know that I actually said I found  
17           them disturbing ---

18                      **MS. DALEY:** Fair enough

19                      **MR. BELL:** --- in that sense.

20                      **MS. DALEY:** But I think what you're getting  
21           at there is that as a child care professional, the notion  
22           that children would be treated in this manner by other  
23           child care professionals is ---

24                      **MR. BELL:** Oh, definitely, definitely ---

25                      **MS. DALEY:** That's an alarming thing?

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

2                   **MS. DALEY:** All right.

3                   Now, do you know whether you -- or do you  
4 remember whether you -- received any instructions or  
5 directions, either from Mr. O'Brien or from Mr. Smith, as  
6 to what you should be doing with these allegations, i.e.,  
7 should you investigate further?

8                   **MR. BELL:** Well, maybe just by way of a bit  
9 of background. I assumed that a situation like that  
10 wouldn't be investigated by me, and I was correct, but Bob  
11 Smith had asked Suzie and I to go back with the notes that  
12 Suzie had taken about her account of events in -- in, while  
13 she was in care ---

14                   **MS. DALEY:** Yes.

15                   **MR. BELL:** --- and ask her if she would sign  
16 and date each page, which we did.

17                   And at some point very early on I think she  
18 indicated to us she was preparing a statement in her own  
19 words, in her own handwriting. What she had told us, and  
20 Suzie took down, was separate from that.

21                   **MS. DALEY:** Yes.

22                   **MR. BELL:** And she then, I think, prepared  
23 her account in her own words, of the same events.

24                   **MS. DALEY:** And did she give that to someone  
25 at the Children's Aid Society, to you or to Suzie? Do you

1 recall that, sir?

2 MR. BELL: I believe so. We eventually had  
3 that. I don't know if it was to me or Suzie.

4 MS. DALEY: All right.

5 And we do have that document as an Exhibit  
6 here, so your recollection is correct about that. And just  
7 for the record, not that we need to go there, it's Exhibit  
8 514.

9 MR. BELL: Okay.

10 THE COMMISSIONER: Thank you.

11 MS. DALEY: And it's dated by Ms. Antoine  
12 August 18<sup>th</sup>, '89.

13 MR. BELL: Okay.

14 MS. DALEY: So do you recall, sir, whether  
15 once you had these allegations in writing and signed by  
16 her, you or Suzie received any direction from your  
17 supervisor to go further to probe what was being said about  
18 this group home and the people who worked there?

19 MR. BELL: The only thing I recall is that  
20 after we essentially put this in Bob's hands, Bob Smith's  
21 hands, at one point I think it was Tom O'Brien said to me  
22 something to the effect that she was welcome to come in and  
23 discuss it with him if she wished. That's -- it was never  
24 assigned to me as a case to investigate.

25 MS. DALEY: That's what I mean.

1                   **MR. BELL:** Which is what I -- I would never  
2                   have expected it to be either.

3                   **MS. DALEY:** And that's because it was too  
4                   close to home, I take it?

5                   **MR. BELL:** Yes.

6                   **MS. DALEY:** Someone else should have  
7                   investigated?

8                   **MR. BELL:** Yes. I believe I had said to  
9                   Mrs. Antoine that I thought probably the Ministry would be  
10                  the ones to look into that.

11                  **MS. DALEY:** All right.

12                  But as matters developed, they didn't or do  
13                  you know?

14                  **MR. BELL:** I wasn't really apprised of what  
15                  happened beyond that.

16                  **MS. DALEY:** Fair enough.

17                  **MR. BELL:** I hadn't heard that they had, but  
18                  by that I don't mean that they didn't.

19                  **MS. DALEY:** But can we take this from your  
20                  recollection, sir, that based on your experience and what  
21                  you were hearing from her, you would have expected perhaps  
22                  the Ministry would take an interest and probe further?

23                  **MR. BELL:** Somebody would, but not at my  
24                  level.

25                  **MS. DALEY:** I understand that. It's not



1 your decision to make.

2 MR. BELL: I've never been in quite that  
3 situation before, and I took it at face value what she was  
4 saying without necessarily saying I believe all of it or I  
5 don't believe all of it or any of it. I said I have to  
6 take it at face value.

7 MS. DALEY: Correct.

8 MR. BELL: And we were able to confirm when  
9 Suzie and I got back that she had been at least in some of  
10 the homes she mentioned.

11 MS. DALEY: All right. Let me frame my  
12 thought this way.

13 I think given what you've heard here from  
14 Ms. Antoine, at one level it is or could be a police matter  
15 and that's what your agency does do. We know Officer  
16 Malloy does the police investigating, so that's one stream  
17 of activity.

18 I guess another possible stream of activity  
19 could have been an internal review by the CAS itself as to  
20 those circumstances.

21 MR. BELL: Yes.

22 MS. DALEY: But as far as you're aware,  
23 there was no such internal review or review by your  
24 Ministry? If there was, you didn't know of it?

25 MR. BELL: Not that I know of.

1                   **MS. DALEY:** All right.

2                   **MR. BELL:** I think things were done but I  
3 don't know if it constituted an internal review.

4                   **THE COMMISSIONER:** We're aware of what went  
5 down, so let's ---

6                   **MS. DALEY:** Yeah. All right.

7                   **THE COMMISSIONER:** --- deal with this  
8 witness.

9                   **MS. DALEY:** When you joined the Agency or  
10 indeed at this point in time, was there any information in  
11 the Agency about the Second Street Group Home and what had  
12 occurred there in 1976? Did you know any details yourself  
13 about that from information in the office?

14                   **MR. BELL:** I mean, there would have been  
15 files on -- like, just as there's a foster home file, there  
16 would have been a file for the group home.

17                   **MS. DALEY:** Correct.

18                   **MR. BELL:** But I wasn't aware -- I mean, I  
19 had heard -- perhaps I had come across a recording where it  
20 was mentioned. I mean, I knew there had once been a Second  
21 Street Group Home but beyond that, I didn't know anything  
22 really.

23                   **MS. DALEY:** All right.

24                   Let me move you now to the -- your  
25 involvement with Mr. Silmsler; all right?

1                   **MR. BELL:** Okay.

2                   **MS. DALEY:** Mr. Silmsen ---

3                   **MR. BELL:** Okay.

4                   **MS. DALEY:** --- and Project Blue. And I  
5 don't know if this detail will be recalled to you, sir.  
6 But do you recall, in the course of Project Blue, getting  
7 some information about the -- from the Diocese as to their  
8 protocols? Is that something that you can remember?

9                   **MR. BELL:** Yes, there was a document sent to  
10 us elaborating, I think, a completely internal procedure  
11 they had adopted or were proposing.

12                   **MS. DALEY:** All right.

13                   And I'm happy to show you a document. But  
14 do you remember having a concern about that protocol when  
15 you saw it?

16                   **MR. BELL:** If it's the one I'm thinking of,  
17 there was one that I recall. It went through quite a few  
18 steps before the Children's Aid would have been notified of  
19 a concern.

20                   **MS. DALEY:** Just to perhaps verify what you  
21 said, Madam Clerk, Document 721650 should be a note that  
22 Mr. Bell has made on ---

23                   **MR. BELL:** I don't have anything on my  
24 screen.

25                   **MS. DALEY:** No.

1                   **THE COMMISSIONER:** Just a second.

2                   **THE REGISTRAR:** Exhibit 2384.

3                   **MS. DALEY:** Is it part of 23 ---

4                   **THE COMMISSIONER:** Two-three-eight-four  
5                   (2384).

6                   **MS. DALEY:** So I'll need to give you a Bates  
7                   page then. The Bates page I have is 7081295.

8                   **THE COMMISSIONER:** Two-three-eight-four  
9                   (2384).

10                  **MS. DALEY:** Could you help him find -- 1295  
11                  is the Bates page, Madam Clerk?

12                  **THE COMMISSIONER:** It's the first page.

13                  **MS. DALEY:** First page, excellent.

14                  **THE COMMISSIONER:** So we're looking at that  
15                  first page, that little column there.

16                  **MR. BELL:** Okay.

17                  **MS. DALEY:** If I'm reading your handwriting  
18                  correctly and -- that's a big if -- but I think what you're  
19                  noting at the bottom is that:

20                                 "CAS not notified till alleged perp is  
21                                 met and advised of allegations; could  
22                                 be days after disclosure. We get  
23                                 advised only in Phase 5..." --

24                  I think it says.

25                  **MR. BELL:** In 5.1(a)

1                   **MS. DALEY:** In 5.1(a), all right.  
2                   So consistent with the testimony you gave, I  
3                   think, is this not reflecting a concern that the internal  
4                   process of the Diocese doesn't inform CAS early enough to  
5                   be worthwhile?

6                   **MR. BELL:** Yes.

7                   **MS. DALEY:** And I take it that's something  
8                   that you found unsatisfactory as a front line investigator?

9                   **MR. BELL:** Yes, I thought it should be --  
10                  that should be looked at ---

11                  **MS. DALEY:** All right.

12                  **MR. BELL:** --- that issue.

13                  **MS. DALEY:** Now, let me speak to you then  
14                  about the very allegation Mr. Silmsler made and what I call  
15                  the reportability of that allegation if you -- what I mean  
16                  by that is whether it's reportable to the Children's Aid.

17                  **MR. BELL:** Okay. You're not talking  
18                  reportability of the child if he's registered?

19                  **MS. DALEY:** No.

20                  **THE COMMISSIONER:** No, no, no

21                  **MR. BELL:** Okay.

22                  **MS. DALEY:** No, no.

23                  **MR. BELL:** Okay.

24                  **MS. DALEY:** We're talking about  
25                  reportability to intake to your ---

1 MR. BELL: Okay.

2 MS. DALEY: --- CAS.

3 MR. BELL: Okay.

4 MR. ENGELMANN: Sir, I would just remind  
5 counsel, as she's well aware, accommodation issue and we  
6 did go through this in some detail with Bill Carriere on  
7 reportability and the scope. So I just hope it's not going  
8 to be too lengthy.

9 THE COMMISSIONER: M'hm.

10 MS. DALEY: Would you like to have a break;  
11 are you all right?

12 MR. BELL: So far, so good.

13 MS. DALEY: Okay. You'll tell me if that  
14 changes?

15 MR. BELL: Yes.

16 MS. DALEY: Okay.

17 THE COMMISSIONER: Keeping in mind we've got  
18 a lot of other witness ---

19 MS. DALEY: I know that, sir.

20 THE COMMISSIONER: Okay.

21 MS. DALEY: I take it that -- did you become  
22 aware that Mr. Silmsen had reported his allegations  
23 initially to people in authority at the church?

24 MR. BELL: Certainly, ultimately, at some  
25 course. I'm not sure at the moment it came to us that I

1           knew that, but certainly, I think, fairly early on, that  
2           was identified.

3                   **MS. DALEY:** Did you learn that he had done  
4           so prior to going to the police?

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

6                   **MS. DALEY:** Sorry.

7                   **MR. ENGELMANN:** There's some issue on that,  
8           sir.

9                   So anyway, I don't know where we're going.

10                   **MS. DALEY:** I don't want to muddy the waters  
11           with this, sir. But was the allegations that Silmsner made,  
12           the historic allegations, are those allegations that, in  
13           your mind as an intake worker, ought to have been reported  
14           to your agency once they were known to others?

15                   **MR. BELL:** Yes. Yes.

16                   **MS. DALEY:** All right.

17                   And, sir, that is because the alleged  
18           perpetrator potentially could be harming other children if  
19           the allegations were correct?

20                   **MR. BELL:** Among other reasons, yes.

21                   **MS. DALEY:** All right.

22                   **THE COMMISSIONER:** And that, sir -- just to  
23           make it clear, that's your view back in 1992 as well or has  
24           that changed over time? Would your answer be the same if  
25           you were back in 1992?

1 MR. BELL: Yes, it should be reported.

2 THE COMMISSIONER: Okay.

3 MR. BELL: Yes.

4 MS. DALEY: In your dealings with Mr.  
5 Silmsler, did he ever suggest to you that he had come to the  
6 Children's Aid Society of his own volition?

7 MR. BELL: You mean prior to meeting with  
8 me?

9 MS. DALEY: Correct.

10 MR. BELL: I don't recall that happening.

11 MS. DALEY: All right.

12 Would you have expected in 1992 that an  
13 intake worker, any intake worker, who received allegations  
14 of this sort that Mr. Silmsler made to you, would view them  
15 as within your agency's mandate?

16 MR. BELL: It would depend on whether it  
17 related -- him being -- him reporting as a now adult. The  
18 concern we would have is, is it identify risk, current risk  
19 to children.

20 MS. DALEY: Correct.

21 MR. BELL: Because adults might come to us  
22 and report that and we would refer them to the police ---

23 MS. DALEY: Understood.

24 MR. BELL: --- where they're not identifying  
25 children currently at risk.



1                   **MS. DALEY:** Assuming that he reports as an  
2 adult abuse by a priest who's still an active priest, are  
3 we in agreement that an intake worker would perceive that  
4 as being within your investigation and protection mandate?

5                   **MR. BELL:** Yes.

6                   **MS. DALEY:** Thank you.

7                   Would you say the same in relation to the  
8 allegations pertaining to Mr. Seguin? In other words, Mr.  
9 Silmsner tells you that Seguin abuses him as a child under  
10 16 on probation; you know that Mr. Seguin is still in a  
11 probation officer's role. Again, is it your experience,  
12 based on your years in the field, that that would be viewed  
13 within your agency's mandate?

14                   **MR. BELL:** To investigate Seguin  
15 independently?

16                   **MS. DALEY:** Correct.

17                   **MR. BELL:** Yes.

18                   **MS. DALEY:** Indeed that's why -- that's what  
19 you perceived in 1993 when Mr. Silmsner brought it to you;  
20 correct?

21                   **MR. BELL:** Yes.

22                   **MS. DALEY:** And, sir, am I right to say that  
23 as soon as Mr. Seguin is deceased the matter is of no  
24 further interest or concern? In other words, you've lost  
25 any mandate? Or do you not see it that way?

1                   **MR. BELL:** Well, if there was a risk, it no  
2 longer existed ---

3                   **MS. DALEY:** Correct.

4                   **MR. BELL:** --- as a result of him, I guess  
5 that's the best way to put it.

6                   **MS. DALEY:** Does it follow from that that  
7 there is no other basis then on which the CAS would stay  
8 involved; you wouldn't use your resources?

9                   **THE COMMISSIONER:** Let's assume somebody  
10 came in, sir, and said that Mr. Seguin had abused 10 other  
11 people and they were young at the time; would you  
12 -- would your agency have gone out and offered these people  
13 counselling or anything like that?

14                   **MR. BELL:** Yes, that's what I was going to  
15 say.

16                   **THE COMMISSIONER:** Okay.

17                   **MR. BELL:** Counselling or possible  
18 assistance with CICB application.

19                   **THE COMMISSIONER:** Right.

20                   **MR. BELL:** Yes.

21                   **MS. DALEY:** So that's still something that  
22 your agency would have a role to play in?

23                   **MR. BELL:** Yes.

24                   **MS. DALEY:** And clearly the allegations that  
25 Mr. Silmsler made about Marcel Lalonde were within your

1 protection mandate because he did inform you that Lalonde  
2 was still a schoolteacher?

3 MR. BELL: Yes.

4 MS. DALEY: All right.

5 Now, speaking about Mr. Seguin just for a  
6 moment, sir, would it have been possible for you to  
7 determine if indeed Mr. Seguin had dealt with juvenile  
8 probationers in the timeframe that Mr. Silmsler alluded to?  
9 Is that something that you could have done?

10 MR. BELL: I imagine; by checking with his  
11 employer.

12 MS. DALEY: Right. Was that something  
13 considered? Notwithstanding that you didn't have a lot of  
14 detail from Mr. Silmsler, was that a step that you  
15 considered taking?

16 MR. BELL: There would have been a number of  
17 steps taken had he not taken his life.

18 MS. DALEY: Right.

19 MR. BELL: I don't know if that answers your  
20 question.

21 MS. DALEY: Well, prior to late November  
22 when he does die, there's a window of time where you have  
23 an open allegation about him.

24 MR. BELL: Yes.

25 MS. DALEY: I take it there were steps that

1       you could have taken in that interval to develop some  
2       information about whether Silmsers's allegation was  
3       verifiable?

4               **MR. BELL:** Well, our hope was actually to  
5       get other interviews with Silmsers or at least another  
6       interview with Silmsers to get more information.

7               **MS. DALEY:** Did you feel that you needed  
8       information about the actual conduct before you could go  
9       forward?

10              **MR. BELL:** Sorry, I don't understand the ---

11              **MS. DALEY:** The conduct, what I mean is Mr.  
12       Seguin's behaviour, the actual acts that had occurred, the  
13       acts of abuse. Did you need those details to go further?

14              **MR. BELL:** I'm trying to situate myself in  
15       the time.

16              **MS. DALEY:** Fair enough.

17              **MR. BELL:** To some degree, I think being as  
18       we were only two people, we had a great amount of work to  
19       do and couldn't do everything at once, perhaps is the ---

20              **MS. DALEY:** Quite understandable.

21              **MR. BELL:** The answer.

22              **MS. DALEY:** All right.

23              In any event, you were hoping for more  
24       detail that would come from Mr. Silmsers?

25              **MR. BELL:** Yes.

1                   **MS. DALEY:** But, unfortunately, that wasn't  
2                   forthcoming, in part because there was a public disclosure  
3                   of his statement in the early days of 1994?

4                   **MR. BELL:** I think that contributed to his  
5                   unwillingness and lack of confidence in agencies.

6                   **MS. DALEY:** Understandable.

7                   **MR. BELL:** Plus, I believe Mr. Seguin taking  
8                   his life and Silmsers' expressing some sense of  
9                   responsibility.

10                  **MS. DALEY:** In terms of the public  
11                  disclosure of the statement, sir, just a few questions  
12                  about that.

13                         Was it your impression that Mr. Silmsers  
14                         thought that the agency, your agency, was responsible for  
15                         that getting into the press?

16                   **MR. BELL:** I think he felt it could have  
17                   been a number of agencies, including ours.

18                   **MS. DALEY:** We've heard some evidence here  
19                   about that so let me just see if you can help us at all.

20                         I'm assuming his statement was in the  
21                   Project Blue file?

22                   **MR. BELL:** Yes.

23                   **MS. DALEY:** And did a lady named Pat -- I  
24                   want to say "Garragan". I could be ---

25                   **MR. BELL:** Garrahan?

1 MS. DALEY: Thank you.

2 MR. BELL: Okay.

3 MS. DALEY: You knew her at the time; you  
4 knew what her role was?

5 MR. BELL: Well, it varied. She had  
6 different functions, but I worked there when she worked  
7 there as well, yes.

8 MS. DALEY: All right. Do you know whether  
9 or not she had access to Mr. Silmsser's statement?

10 MR. BELL: I don't know why she would. I  
11 can't think of any reason she would have, in that sense. I  
12 mean, she wasn't involved in the case, wasn't part of that  
13 team.

14 MS. DALEY: I understand, but the file  
15 wasn't under lock and key. She could look at it if she had  
16 wanted to for some -- for any reason?

17 THE COMMISSIONER: In late 1992 now or 1993.

18 MR. BELL: At the time we were  
19 investigating?

20 THE COMMISSIONER: Yes.

21 MS. DALEY: Yes.

22 MR. BELL: Well, workers -- we all had the  
23 same key for the workers' offices if that's -- we locked  
24 our doors but it was the same key for the workers ---

25 MS. DALEY: Understood.

1                   MR. BELL: --- in that sense.

2                   MS. DALEY: So I appreciate you see no  
3 reason why she'd take an interest but if, for some reason,  
4 she wanted to see it it's possible that she could?

5                   MR. BELL: Physically, yes.

6                   MS. DALEY: Thank you.

7                   MR. BELL: The practice was you went to a  
8 supervisor if you needed another worker's file to consult.

9                   MS. DALEY: All right. I take it you're not  
10 aware of her requesting access to your file?

11                   MR. BELL: No.

12                   MS. DALEY: There's some indication in your  
13 note -- and this pertains to Mr. Silmsner's allegation about  
14 the schoolteacher, Mr. Lalonde?

15                   MR. BELL: Okay.

16                   MS. DALEY: There's -- and I'll try to  
17 paraphrase your notes to see if that triggers your  
18 recollection -- that you certainly did go back to him in  
19 early November and you were asking for details about his  
20 allegations there because I guess you perceived that  
21 Lalonde was still teaching children ---

22                   MR. BELL: Yes.

23                   MS. DALEY: --- and there was a risk. Do  
24 you recall that, sir?

25                   MR. BELL: Yes.

1                   **MS. DALEY:** And as I read your notes, Mr.  
2 Silmser is telling you, "Well, if you find a child being  
3 abused then I will give you further information". Does  
4 that ring a bell?

5                   **MR. BELL:** Pardon me? Can you read that  
6 again? I don't have it on the screen there.

7                   **MS. DALEY:** No, I will absolutely read that  
8 to you. Just give me one second.

9                   I'm just reading a portion of your notes  
10 that ---

11                   **MR. BELL:** Okay.

12                   **MS. DALEY:** It's not an exhibit yet, sir,  
13 but it's Document 728503.

14                   **THE COMMISSIONER:** So what do you want to do  
15 now?

16                   **MS. DALEY:** Well, why don't I just read it  
17 to him and see if ---

18                   **THE COMMISSIONER:** Just read it to him.

19                   **MS. DALEY:** I'm just going to read it and  
20 see if it's at all helpful to you, sir, and I do think I  
21 can read this accurately.

22                   **MR. BELL:** Okay.

23                   **MS. DALEY:** It reflects a phone conversation  
24 that you're having with Mr. Silmser on November 4<sup>th</sup>.  
25 Remember that was the day you kept trying to get in touch



1 with him?

2 MR. BELL: There were a number of those days  
3 I think.

4 MS. DALEY: A number of those days. This  
5 would have been the first day after your November 2<sup>nd</sup>  
6 interview.

7 MR. BELL: Okay, I'll take your word for it.

8 MS. DALEY: And you're talking to him about  
9 Mr. Lalonde and he tells you that he thinks he's at Bishop  
10 Macdonell school teaching there. And then he -- being  
11 Silmser -- reported:

12 "If we had a child being abused he'd  
13 talk further with us."

14 And I think the context there is you're  
15 trying to persuade him to come forward with more  
16 information so that kids don't get hurt. Having read that  
17 to you, does that ring any bell?

18 MR. BELL: Not ---

19 MR. ENGELMANN: Sir, this is in -- it's in  
20 your notes and it's Exhibit 2324 in your binder. It's  
21 Bates page 909, right at the top of the page.

22 MR. BELL: Sorry, did you say the name --  
23 the page number in my notes?

24 THE COMMISSIONER: Twenty-three-twenty-four  
25 (2324). No, and ---

1                   **MR. ENGELMANN:** Forty-nine (49).

2                   **MR. BELL:** Forty-nine (49). Okay, thank  
3                   you.

4                   **MS. DALEY:** Handwritten page 49.

5                   **MR. BELL:** Thank you.

6                   **THE COMMISSIONER:** So that's the first line,  
7                   sir.

8                   **MR. BELL:** Oh, okay. Okay. I see it, yes.

9                   **MS. DALEY:** Can you see that, sir?

10                  **MR. BELL:** Yes.

11                  **MS. DALEY:** Does it trigger any recollection  
12                  as to really what Mr. Silmsler is communicating to you  
13                  there?

14                  **MR. BELL:** Yes. I mean, I think I  
15                  understood what he would have meant by that.

16                  **MS. DALEY:** Okay. Can you help me  
17                  understand that? What did he mean?

18                  **THE COMMISSIONER:** What did you take him to  
19                  mean?

20                  **MR. BELL:** Yeah, if we'd identified another  
21                  victim or had another allegation from a victim, I think a  
22                  child victim, that he would revisit coming to talk to us  
23                  again.

24                  **MS. DALEY:** Understood.

25                  So let me ask you this question, sir --

1       sorry, on the same page, and you'll have to help me because  
2       this part of your writing I'm not sure I really do  
3       understand, but bear with me one sec. I think the next  
4       passage says:

5                        "I pointed out without identifying  
6                        anyone, we understand others were  
7                        SA..."

8                        Which I think is your shorthand for sexually  
9       abused?

10                      **MR. BELL:** Yes.

11                      **MS. DALEY:** "...besides him, which he  
12                      didn't seem to know."

13                      Now, can you help us with that comment? At  
14       that time, did you have knowledge of others who had been  
15       sexually abused by Mr. Lalonde?

16                      **MR. BELL:** It's possible.

17                      **MS. DALEY:** Can you -- do you have a  
18       recollection as to having that information?

19                      **MR. BELL:** I'm sorry, I don't. I'm not  
20       saying it wasn't the case but ---

21                      **MS. DALEY:** But you don't recall?

22                      **MR. BELL:** As I sit here, I don't recall.

23                      **MS. DALEY:** Sir, did you consider, in the  
24       context of Project Blue, asking for direction or guidance  
25       to undertake an investigation of children at the school?

1 In other words, to go to the school and ask present  
2 students of Mr. Lalonde whether anything untoward had  
3 happened?

4 **MR. BELL:** These issues would have been  
5 examined in our team meeting and I think backtracking a  
6 bit, before going to that stage of intrusiveness, we would  
7 want more concrete information from Mr. Silmsler because, in  
8 effect, what he had said is he described a person who  
9 abused him and then just said "this other person did the  
10 same thing".

11 Now, one could easily argue I thought that  
12 someone saying well, what same thing? Well, it have been  
13 took him for a drive, shook his hand.

14 I think, typically, we would like to  
15 initiate such an intrusive act on more solid ground.

16 **MS. DALEY:** In other words, you needed to  
17 hear Mr. Silmsler say "He sexually abused me"; that's what  
18 you needed to hear?

19 **MR. BELL:** Preferably much more than that.  
20 Preferably something you do a stepwise-type interview with  
21 in effect.

22 **MS. DALEY:** And I'm assuming that that would  
23 entail a level of detail about the acts?

24 **MR. BELL:** Yes.

25 **MS. DALEY:** And you never got there and

1 that's why it wasn't undertaken to go and ask children?

2 MR. BELL: Yeah, that would have been a team  
3 decision. certainly, and that's sounds to me reasonably why  
4 we would have not done so.

5 MS. DALEY: All right. Just a few further  
6 questions, sir, and then I'm finished.

7 Do you recall receiving information from  
8 Constable Dunlop during the time you worked on Project Blue  
9 to the effect that there was, in his mind at least, a ring  
10 of pedophiles in operation? Does that ring any bell with  
11 you?

12 MR. BELL: Well, I don't know if you mean  
13 information like document information. I interviewed him.

14 MS. DALEY: Yes.

15 MR. BELL: And I believe he, at some point  
16 or perhaps in a subsequent phone call, spoke about a ring,  
17 but he ---

18 MS. DALEY: You have a recollection that he  
19 told you that on ---

20 MR. BELL: He used the term "ring" I  
21 believe, yes.

22 MS. DALEY: All right. And have you a  
23 recollection that the people that he said were part of this  
24 ring included Ken Seguin, Father MacDonald, and Malcolm  
25 MacDonald?

1                   **MR. BELL:** If there was an entry in my notes  
2 to that effect, I would agree with it.

3                   **MS. DALEY:** Okay.

4                   **MR. BELL:** Right now, sitting here, I don't  
5 remember who he listed. I remember him -- I remember a  
6 comment about a ring, but I don't know if he listed the  
7 people he thought were part of it, which he may have. I  
8 would have expect written that down.

9                   **MS. DALEY:** Yes, indeed, you did.

10                  **MR. BELL:** Okay.

11                  **MS. DALEY:** And this is my fault. I don't  
12 have the page reference handy, but this is information you  
13 received from him verbally or in a meeting. Is that  
14 correct, sir?

15                  **MR. BELL:** One or the other, yes.

16                  **MS. DALEY:** And I take it you were looking  
17 for further information from him about that allegation?

18                  **MR. BELL:** Yes.

19                  **MS. DALEY:** And he led you to believe he had  
20 further information to offer, did he?

21                  **MR. BELL:** That's what I understood at the  
22 time, yes.

23                  **MS. DALEY:** Was any further information  
24 forthcoming?

25                  **THE COMMISSIONER:** From him.

1                   **MS. DALEY:** From him?

2                   **MR. BELL:** No. No. No. I know we had made  
3 efforts to speak with him again, but they were -- I think  
4 he was under some constraints that he spoke of and couldn't  
5 speak to us and eventually I don't think we ever got a  
6 further interview.

7                   **MS. DALEY:** Do you have a recollection, sir,  
8 whether in a team meeting or a supervision meeting there  
9 was any decision made as to how to deal with that  
10 circumstance? In other words, an allegation has been made,  
11 but there's no further detail available. Did that come up?

12                   **MR. BELL:** I'm not sure, concerning which  
13 alleged offender?

14                   **MS. DALEY:** Concerning his allegation of a  
15 ring.

16                   **MR. BELL:** A ring.

17                   **MS. DALEY:** That people are acting together  
18 to do this.

19                   **MR. BELL:** Okay. Now, and what was your  
20 question, I'm sorry?

21                   **MS. DALEY:** Just do you recollect it being  
22 discussed in a team meeting or in your supervision sessions  
23 as to how you would deal with that?

24                   **MR. BELL:** I would imagine. In some  
25 respects, I'm not sure at that stage it would necessarily

1 change anything, whether the potential offenders are  
2 connected to each other in a ring or not.

3 I mean at some point, ultimately yes, but I  
4 don't know. Being given no more information than that, I  
5 don't know what it would have contributed.

6 **MS. DALEY:** Fair enough. Particularly, he's  
7 giving you an additional name to the ones that you're  
8 already looking at, Seguin and MacDonald.

9 **MR. BELL:** Yeah.

10 **MS. DALEY:** If there's nothing further  
11 forthcoming from him, I assume there's nothing you can do?

12 **MR. BELL:** Well, we would need at least one  
13 alleged victim to interview and commence and confirm some  
14 of that.

15 **MS. DALEY:** Fair enough. And you didn't  
16 have one?

17 **MR. BELL:** No.

18 **MS. DALEY:** Let me just ask you finally a  
19 question or two about reporting to the employer, on a  
20 general level.

21 **MR. BELL:** Okay.

22 **MS. DALEY:** And you described in responses  
23 to some questions from the Commissioner the dilemma that it  
24 puts the CAS in ---

25 **MR. BELL:** Yes.



1                   **MS. DALEY:** --- when there's no consent of  
2 the alleged abuser to a disclosure?

3                   **MR. BELL:** Yes.

4                   **MS. DALEY:** I don't take credit for this  
5 idea, I think it's been tabled here before, but was thought  
6 ever given to informing the victim or his or her parents  
7 that they could talk to the employer?

8                   In other words, assume you have a verified  
9 abuse but you have a person who won't consent to the  
10 disclosure, could you suggest to the victim or the victim's  
11 parents if he or she is a child, that they do that?

12                   **MR. BELL:** I don't think suggest. I think I  
13 can recall an instance where -- not related to this  
14 necessarily -- but where a parent asked if they could do  
15 that, and we said they're not under the same constraint we  
16 are. You can tell essentially anyone what you believe.

17                   **MS. DALEY:** All right. So in that  
18 circumstance, it came up in response to a question. Would  
19 a way to get around the problem simply be to inform the  
20 person, not suggest, but inform, "You have the right to do  
21 this"?

22                   **MR. BELL:** Inform like a parent of a victim?

23                   **MS. DALEY:** Yes.

24                   **MR. BELL:** It's the kind of thing I think,  
25 because it could be sensitive, that we would certainly

1 discuss with our in-house counsel because I'm not sure of  
2 all the legal implications of our being the one  
3 recommending that or not.

4 **MS. DALEY:** All right.

5 **MR. BELL:** We may be seen to be  
6 circumventing the privacy of the individual.

7 **MS. DALEY:** So you wouldn't feel comfortable  
8 without some legal advice on that point?

9 **MR. BELL:** Yes. I mean I wouldn't be  
10 comfortable, correct.

11 **MS. DALEY:** All right, but if you were asked  
12 the question, giving the answer is something that you did  
13 have comfort with?

14 **MR. BELL:** Yes.

15 **MS. DALEY:** All right.

16 Those are my questions. Thank you, sir.

17 **THE COMMISSIONER:** Thank you.

18 Mr. Horn?

19 **MR. LEE:** Mr. Commissioner, Mr. Horn and I  
20 have decided to trade spots here.

21 I have only one distinct issue I want to  
22 deal with and I can be done by lunch.

23 **THE COMMISSIONER:** Thank you.

24 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

25 **MR. LEE:** Mr. Bell, my name is Dallas Lee.

1 I'm counsel for the Victims' Group. I have only one area I  
2 want to ask you about and I won't be terribly long with  
3 you.

4 If we can take a look at your notes please,  
5 Exhibit 2324, and it's Bates page 945. So in handwritten  
6 pages, that's page 83.

7 MR. BELL: Thank you.

8 MR. LEE: And if you see at the top of the  
9 page the date is November 18<sup>th</sup>, 1993, and there's reference  
10 to contact you would have had with William Carriere. Do  
11 you see that?

12 MR. BELL: Yes.

13 MR. LEE: And there's a name referred to  
14 here that I'm not going to mention because I don't need to,  
15 but it says:

16 "Check [this person's] file with N.  
17 Dunning."

18 Was N. Dunning a CAS worker?

19 MR. BELL: Yes, she was probably at that  
20 time our Unit secretary. That would be Nancy Dunning.

21 MR. LEE: Okay.

22 MR. BELL: She had different functions  
23 within the agency.

24 MR. LEE: And I believe it continues on:

25 "Had involved with him where abuse by

1 him and verified. He would likely  
2 speak with us about Father Charles. He  
3 is one who CPS interviewed. He could  
4 tell us more about 1.1: the porno  
5 material shown him by Father Charles;  
6 and 1.2: the other boy shown porno  
7 material by Father Charles."

8 Okay?

9 **MR. BELL:** Okay.

10 **MR. LEE:** Do you have some recollection of  
11 there being a statement received by the CAS relating to the  
12 fact that this boy and another boy had been shown  
13 pornographic material by Father MacDonald?

14 **MR. BELL:** I remember that coming out but  
15 I'm not exactly sure where -- how we came -- I can't  
16 recollect at the moment how we became aware of that.

17 **MR. LEE:** And we've had some evidence here  
18 from Mr. Carriere that this -- I won't say allegation --  
19 but the statement from this person whose name appears  
20 there, caused him some concern because it was -- it meant  
21 to be a positive statement in relation to Father Charles  
22 MacDonald, saying that he had never been abused and that  
23 these things had never happened but, at the same time, he  
24 relays in that statement the fact that he had been shown,  
25 as a young boy, pornographic material.

1                   **MR. BELL:** Yes, I think I remember that.

2                   **MR. LEE:** And if ---

3                   **MR. BELL:** It's the context.

4                   **MR. LEE:** --- if we turn over to page --  
5                   Bates page 2004 in your notes, which is page 140, below the  
6                   middle of the page we have a December 12<sup>th</sup> or December 2<sup>nd</sup>,  
7                   '93 again meeting with Bill Carriere and we have re. this  
8                   person's name again, and it reads:

9                                   "Hold off for now on calling him and  
10                                   can review after altar servers are  
11                                   interviewed whether to interview him."

12                   Okay?

13                   **MR. BELL:** Okay.

14                   **MR. LEE:** So, again, it's still on the CAS  
15                   radar this matter of the pornography and the statement this  
16                   young man's made, or this man by this point, about a time  
17                   when he was young.

18                                   So what I really want to get to is at page  
19                   2074, which is page 206 of your notes; 206.

20                                   And on page 205, it references March 21<sup>st</sup>,  
21                   1994 and a call you made to Detective Superintendent Tim  
22                   Smith, OPP, Kingston and there's a long list of issues  
23                   discussed and over on page 206, numbers 4, 5 and 6 may  
24                   relate to this.

25                                   And number 4 seems to read -- this is

1 information, apparently, you're receiving from Tim Smith,  
2 that he has heard from a couple of people that they were  
3 shown pornographic material.

4 And number 5 that he has heard Malcolm  
5 MacDonald was present where some of this material was.

6 And number 6 that:

7 "He would be interested in the material  
8 I have that where an individual  
9 indicated having been shown porno  
10 material by Father Charles MacDonald."

11 Do you see that?

12 **MR. BELL:** Yes.

13 **MR. LEE:** And so later on that same day --  
14 if you turn over a few pages to Bates page 077 which is  
15 page 209 of your notes -- so it's later that same afternoon  
16 at 14:05, again, a discussion with William Carriere and the  
17 middle paragraph there says:

18 "Should cross-reference check for  
19 Malcolm MacDonald."

20 Do you see that?

21 **MR. BELL:** Yes.

22 **MR. LEE:** And then if you turn the page over  
23 one, later on at 16:07 hours that same day:

24 "Discuss with N. Dunning."

25 -- who you've told us was, essentially, a records clerk.

1 Is that right?

2 MR. BELL: She was probably our Unit's  
3 secretary at that time.

4 MR. LEE: Okay.

5 And it seems to say:

6 "Re: cross-reference check on Malcolm  
7 MacDonald. She indicated checking this  
8 name under both "Mc" and "Mac" and not  
9 finding any record."

10 Do you see that?

11 MR. BELL: Yes.

12 MR. LEE: So my first question is, what  
13 would -- what sort of cross-reference check would Ms.  
14 Dunning have performed here? What materials would she have  
15 looked at or what database would she have accessed?

16 MR. BELL: Before we were computerized or  
17 more computerized, it was a card file, three-and-a-half by  
18 five-inch cards, much like a library card file on the days  
19 when it was hardcopy, and they would be stored in  
20 alphabetical order. I don't know if that answers your  
21 question.

22 MR. LEE: So she, essentially, would have  
23 checked to see whether or not the local CAS had ever had  
24 any contact with Malcolm MacDonald, not as a lawyer but as  
25 an alleged abuser in that scenario? Is this ---

1                   **MR. BELL:** Yes.

2                   **MR. LEE:** And is it your recollection of the  
3 purpose of the cross-reference check was based on the  
4 information provided by Tim Smith, being that there may  
5 have been -- there was at least a suggestion of possible  
6 impropriety on the part of Malcolm MacDonald?

7                   **MR. BELL:** Yes.

8                   **MR. LEE:** And I take it it was of concern to  
9 the CAS when you have a senior OPP officer saying that he  
10 had heard that Malcolm MacDonald was present where some of  
11 this material was? That was of concern to you as a CAS  
12 worker?

13                   **MR. BELL:** Yes.

14                   **MR. LEE:** And do you recall anything more of  
15 that conversation with Tim Smith other than what's reported  
16 in the notes, being that he has heard that Malcolm  
17 MacDonald was present where some of this material was?

18                   **MR. BELL:** No, I don't think there was  
19 anymore either known by him or shared with us about that at  
20 that time.

21                   **MR. LEE:** So you had the information and  
22 that was sufficient for you and Mr. Carriere to decide to  
23 run a reference check on Malcolm MacDonald?

24                   **MR. BELL:** Yes.

25                   **MR. LEE:** And you would have understood, at



1           that point, that Malcolm MacDonald was acting as counsel  
2           for Charles MacDonald?

3                       **MR. BELL:** Yes.

4                       **MR. LEE:** And you would have -- by that  
5           point would have known that the CAS had had various  
6           contacts back and forth with Malcolm MacDonald as ---

7                       **MR. BELL:** In the context of ---

8                       **MR. LEE:** --- in the context ---

9                       **MR. BELL:** --- our case?

10                      **MR. LEE:** --- of representing Charles  
11           MacDonald?

12                      **MR. BELL:** Yes.

13                      **MR. LEE:** And would you have known at that  
14           point that the police had also had various contacts with  
15           Malcolm MacDonald acting as lawyer for Charles MacDonald?

16                      **MR. BELL:** I probably would have. I ---

17                      **MR. LEE:** Now, we have this March 21<sup>st</sup> entry  
18           saying that a cross-reference check had come back negative  
19           and that nothing had been found under McDonald or MacDonald  
20           for Malcolm MacDonald.

21                      Do you recall any further activities by the  
22           CAS to look into Mr. MacDonald?

23                      **MR. BELL:** Not that I recall by me.

24                      **MR. LEE:** Do you recall any team meetings,  
25           under whatever name at the CAS, with perhaps Mr. Abell or

1 Mr. Carriere, and discussing whether or not there was cause  
2 for concern about Malcolm MacDonald?

3 MR. BELL: I don't have a recollection of  
4 it. I imagine it would have come up at such a meeting, but  
5 I don't have a direct recollection of that.

6 MR. LEE: Because what we know is that in  
7 November of 1994, you and Mr. Carriere and Mr. Abell are  
8 meeting to discuss, essentially, a meeting with Malcolm  
9 MacDonald where you may be able to share some of the  
10 information from your investigation with him and to get  
11 behind some of the reasons for the finding that the CAS  
12 made. Do you recall that?

13 MR. BELL: Okay.

14 MR. LEE: And, eventually, there is a  
15 meeting on November 24<sup>th</sup> of '94 with Malcolm MacDonald,  
16 Richard Abell, William Carriere and yourself.

17 So I'm wondering if by November of 1994,  
18 when the CAS is meeting with Malcolm MacDonald and sort of  
19 getting behind its finding that this abuse had been  
20 verified, whether there are still concerns at the CAS level  
21 about Malcolm MacDonald or whether or not those have been  
22 sort of washed aside?

23 MR. BELL: I don't know that one would say  
24 washed aside. Again, I suspect we didn't have probably  
25 sufficient information. It's not as though someone had

1 presented us a case -- an allegation that Malcolm MacDonald  
2 had abused a child currently, so I don't know that it would  
3 have precipitated an investigation. I don't know if that  
4 answers your question. We would have remained aware of  
5 what -- of that ---

6 **MR. LEE:** I don't suppose, at any point,  
7 that Officer Smith's comment was put to Malcolm MacDonald?

8 **THE COMMISSIONER:** Well, how would he know  
9 that?

10 **MR. LEE:** Whether or not he put. Because  
11 the CAS met with Malcolm MacDonald, I'm asking him ---

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

13 **MR. LEE:** They had information from Tim  
14 Smith. I'm wondering whether or not at one of these  
15 meetings or in a discussion, it was raised with Malcolm  
16 MacDonald that sort of this comment had come in from the  
17 OPP and whether or not he had ---

18 **THE COMMISSIONER:** Okay, no, no.

19 **MR. LEE:** --- any knowledge or ---

20 **THE COMMISSIONER:** Did you put it to Mr.  
21 Malcolm MacDonald about what the allegation you had  
22 received?

23 **MR. BELL:** I don't believe so.

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

25 **MR. LEE:** The only other question I had for

1           you, sir, is you've discussed a couple of times practice of  
2           seeking the consent of an employee in order to provided  
3           information to the employer. Do you recall that?

4                   **MR. BELL:** When the ---

5                   **MR. LEE:** Just generally the ---

6                   **MR. BELL:** --- when the risk relates to  
7           their employment, yes.

8                   **MR. LEE:** Yes.

9                   **MR. BELL:** Yeah.

10                  **MR. LEE:** And you told us that where an  
11           employee would refuse such consent, one further option  
12           might be to approach the employer and attempt to have them  
13           get the employee's consent?

14                  **MR. BELL:** Correct.

15                  **MR. LEE:** Do you recollect that ever  
16           happening or is that just something that you've pondered in  
17           the past but never actually executed?

18                  **MR. BELL:** You mean in this case or in cases  
19           of ---

20                  **MR. LEE:** No, just generally in your time  
21           with the CAS, do you ever remember a time when an employee  
22           refused to provide the consent so the CAS instead  
23           approached the employer to see if they could get a consent?

24                  **MR. BELL:** I'm pretty sure it happened in  
25           one of my school-related cases where -- like the school

1 boards would designate a contact for me. It was usually a  
2 superintendent and I believe there was a case where the  
3 superintendent sought that consent from the teacher or the  
4 school board, probably the superintendent that I was  
5 working with.

6 **MR. LEE:** And was this a case where the  
7 school board had previously been unaware of any allegations  
8 or any involvement by the CAS?

9 **MR. BELL:** Well, they knew about the  
10 investigation I was liaising with that superintendent about  
11 but, I mean, there -- I mean, there could have been other  
12 investigations of other people prior to that. I don't ---

13 **MR. LEE:** Okay ---

14 **MR. BELL:** --- that weren't mine.

15 **MR. LEE:** --- thank you. Those are my  
16 questions, sir.

17 **THE COMMISSIONER:** Thank you.

18 Before we break for the lunch, I need to  
19 know -- Mr. Horn, how long do you think you are going to  
20 be?

21 **MR. HORN:** About a half-an-hour.

22 **THE COMMISSIONER:** Mr. Neville?

23 **MR. NEVILLE:** Mr. Sherriff-Scott is going to  
24 jump the queue ahead of me, so depending on what he covers,  
25 I may be perhaps ---

1 THE COMMISSIONER: Mr. Sherriff-Scott?

2 MR. SHERRIFF-SCOTT: Ten (10) minutes, sir.

3 THE COMMISSIONER: Yes, that's good.

4 Mr. Neuberger?

5 MR. NEUBERGER: No questions.

6 THE COMMISSIONER: Mr. Thompson?

7 MR. THOMPSON: No questions expected.

8 THE COMMISSIONER: Cornwall Police?

9 MR. CRANE: Likely 10 minutes.

10 THE COMMISSIONER: OPP?

11 MR. KOZLOFF: Depending on what my friends

12 cover ---

13 THE COMMISSIONER: OPPA?

14 MR. CARROLL: Depending on the same ---

15 THE COMMISSIONER: All right.

16 So this isn't exactly the kind of time that  
17 I had foreseen for this witness given the medical reports  
18 that we have, and I need to have some certainty because the  
19 other witness who is coming, I understand, has some health  
20 problems -- so concerns.

21 Look at your material, make sure you stay  
22 focused and we'll come back at two o'clock, sir.

23 Are you able to come back at two, sir?

24 MR. BELL: Yes.

25 THE COMMISSIONER: And do you think you can

1 last another hour or so?

2 **MR. BELL:** Yes.

3 **THE COMMISSIONER:** All right. We'll give  
4 that a try. Thank you.

5 **MR. BELL:** I'll do my best.

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

8 This hearing will resume at 2:00 p.m.

9 --- Upon recessing at 12:29 p.m./

10 L'audience est suspendue à 12h29

11 --- Upon resuming at 2:03 p.m./

12 L'audience est reprise à 14h03

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

15 This hearing is now resumed. Please be  
16 seated. Veuillez vous asseoir.

17 **THE COMMISSIONER:** Thank you.

18 **GREG BELL, Resumed/Sous le même serment:**

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

20 **HORN:**

21 **MR. HORN:** Good morning -- oh, it's  
22 afternoon; sorry.

23 My name is Frank Horn, Coalition for Action,  
24 and I have a few questions in regards to the matters that  
25 are before this Commission.

1 I'm interested in the statements that were  
2 made in regards to the fact that after Ken Seguin's death,  
3 there was no interest. Is that right, after he died?

4 MR. BELL: I'm not -- no interest ---

5 MR. HORN: There was no more interest in  
6 pursuing the investigation?

7 MR. BELL: Of potential risk he presented.

8 MR. HORN: Pardon?

9 MR. BELL: Of -- pardon me -- of potential  
10 risk that he presented.

11 MR. HORN: Okay. I understand, but ---

12 MR. BELL: Other aspects of the  
13 investigation continued.

14 MR. HORN: If Mr. Seguin was connected with  
15 the -- say, Malcolm MacDonald and Father Charles MacDonald,  
16 wouldn't you think that even though he may not be there but  
17 the fact that he had these relationships meant that there  
18 may be more investigation that should be done?

19 MR. BELL: I'm not sure which relationships.  
20 Are you referring to relationships to Charlie MacDonald?

21 MR. HORN: Charles MacDonald and Mr. Malcolm  
22 MacDonald.

23 MR. BELL: I'm not sure whether that would  
24 have led to us -- what the advantage of that would have  
25 been at that point.



1                   **MR. HORN:** Well, if Mr. Ken Seguin was a  
2                   suspect for being a perpetrator, and that there's been  
3                   suggestions or there was relationships between Mr.  
4                   MacDonald -- Malcolm MacDonald and Father Charles MacDonald  
5                   in which they associated with each other, and there were  
6                   suggestions by even Mr. Silmsler that Ken Seguin and Father  
7                   Charles knew each other. There's relationships there.  
8                   Does that ---

9                   **THE COMMISSIONER:** Mr. Horn ---

10                  **MR. HORN:** --- suggest to you that maybe you  
11                  should dig a little further?

12                  **THE COMMISSIONER:** Mr. Horn, that may be a  
13                  good question to put to the police, but this a Children's  
14                  Aid Society worker. They've already got an investigation  
15                  going on Charles MacDonald. Ken Seguin is dead and there's  
16                  only one mention of Malcolm MacDonald at this time, right,  
17                  1993-94, from a Mr. Dunlop who refuses to come back and see  
18                  him.

19                  So I think the question is irrelevant.

20                  **MR. HORN:** Okay.

21                  **THE COMMISSIONER:** Good question, but wrong  
22                  party.

23                  **MR. HORN:** Yes, I understand.

24                  Prior to Ken Seguin's death -- and you were  
25                  involved, when he was still alive, for a short period of

1 time?

2 MR. BELL: Yes.

3 MR. HORN: In your investigation?

4 MR. BELL: Yes.

5 MR. HORN: For a very short period of time.

6 And did you get the feeling that your  
7 superiors were reluctant to go forward with an  
8 investigation of Ken Seguin because they were afraid of  
9 what he might know about the Second Street Group Home?

10 MR. BELL: Not at all.

11 MR. HORN: Pardon?

12 MR. BELL: Not at all. No.

13 MR. HORN: Since he was the probation  
14 officer, and I understand that he was the probation officer  
15 of Miss Antoine. Did you know that?

16 MR. BELL: No.

17 THE COMMISSIONER: Well, was he the  
18 probationer(sic) of Miss Antoine while she was at the group  
19 home?

20 MR. HORN: He was the probation officer at  
21 sometime afterwards, so he would know about -- he would  
22 know about her background, being a probation officer. I'm  
23 asking ---

24 THE COMMISSIONER: No. No, no. The  
25 proposition is he would know about her background. That's

1 a big leap there.

2 MR. HORN: Well, the fact is, there was -  
3 from the time in 1976 to 1989, there's 13 years in between.

4 THE COMMISSIONER: Yes.

5 MR. HORN: Some people had to know of what  
6 was going on, what had happened at the group home.

7 THE COMMISSIONER: M'hm.

8 MR. HORN: And I'm suggesting that Ken  
9 Seguin is -- because he was a probation officer, may have  
10 had a lot of knowledge.

11 MR. CHISHOLM: Sir, may I just interject at  
12 this point and question whether there's a factual  
13 foundation for the question Mr. Horn is advancing.

14 MR. HORN: Well, okay ---

15 THE COMMISSIONER: No, no, no. You can't  
16 just ask the question now. You have to -- what's your  
17 factual foundation for that?

18 MR. HORN: There was evidence that was  
19 before the Commission in which it was said that Miss  
20 Antoine was -- had Mr. Ken Seguin as her probation officer.  
21 That's right.

22 THE COMMISSIONER: M'hm.

23 MR. HORN: I just wanted to know if he was  
24 aware of that and if that's the case, if he was aware of  
25 that, then I would go from there.

1                   **THE COMMISSIONER:** Yes, but were you ever  
2 aware that Miss Antoine had Mr. Seguin as a probation  
3 officer?

4                   **MR. BELL:** No.

5                   **THE COMMISSIONER:** No.

6                   **MR. HORN:** Okay. The suggestion that Mr.  
7 Seguin was not -- the investigation for Mr. Seguin's  
8 involvement with young people was not pursued because he  
9 was in another ministry. Did you think -- because he was  
10 not in your ministry, the same ministry? Is that what you  
11 understood?

12                   **MR. BELL:** Well, I know ---

13                   **MR. CHISHOLM:** Sorry. Just before the  
14 witness askd(sic) the question, is Mr. Horn asking if Mr.  
15 Bell understood that Mr. Seguin was employed by the same  
16 ministry that oversees the CAS or is it another question?

17                   **MR. HORN:** Okay. Did you know of Mr.  
18 Seguin's involvement with Miss Antoine in any way?

19                   **MR. BELL:** No.

20                   **MR. HORN:** Did Mr. Seguin's name come up at  
21 any time during your investigation?

22                   **THE COMMISSIONER:** Which one?

23                   **MR. HORN:** I'm talking about the Antoine  
24 investigation.

25                   **THE COMMISSIONER:** Okay.

1                   **MR. BELL:** Not that I'm aware of.

2                   **MR. HORN:** Did you notice any difference in  
3 the attitude in your -- in the Children's Aid Society  
4 pursuing matters after his death going forth in the  
5 investigation, not just the fact that he died, but an  
6 attitude change by your superiors?

7                   **MR. BELL:** No.

8                   **MR. HORN:** Okay.

9                   So you -- and as for your involvement with  
10 Ms. Sebalj, how often did you meet with her?

11                   **MR. BELL:** Which case?

12                   **MR. HORN:** Ms. Sebalj -- I'm talking about  
13 the Antoine case.

14                   **MR. BELL:** I don't recall her being the  
15 person I dealt with. She might have been at the meeting at  
16 CPS that I attended with Bill when we looked at some of the  
17 documentation.

18                   **MR. HORN:** So you didn't have any direct  
19 dealings with her in regards to the Antoine's case?

20                   **MR. BELL:** Not that I recall.

21                   **MR. HORN:** Okay. But on the Silmsler matter,  
22 you did have direct dealings with her?

23                   **MR. BELL:** I don't believe I did personally.

24                   **MR. HORN:** You didn't have any meetings with  
25 her?

1                   **MR. BELL:** I don't recall. I don't recall  
2                   dealing with her on that.

3                   **THE COMMISSIONER:** So, if you have evidence,  
4                   sir ---

5                   **MR. HORN:** No, well, I'm just asking.

6                   **THE COMMISSIONER:** No, no.

7                   **MR. HORN:** Looking at the notes in -- the  
8                   case notes, Exhibit Number 2324.

9                   **THE COMMISSIONER:** Twenty-three-twenty-four  
10                  (2324). Yes? What page?

11                  **MR. HORN:** Page -- at the top, it would be  
12                  page 10.

13                  **THE COMMISSIONER:** Page 10. Okay.

14                  **MR. HORN:** In the first note at the bottom,  
15                  it does mention her name. Is this ---

16                  **MR. BELL:** Is that my page 10?

17                  **THE COMMISSIONER:** Yeah, your page 10.

18                  **MR. HORN:** Yes.

19                  **MR. BELL:** Okay.

20                  **THE COMMISSIONER:** So where it says number 1  
21                  at the bottom there.

22                  **MR. BELL:** Oh, yeah, okay.

23                  **THE COMMISSIONER:** "Officers involved were  
24                                  Constable Heidi Sebalj, who dealt with  
25                                  the two other alleged victims, and

1                                   Sergeant Ron Lefebvre who assisted  
2                                   Constable Sebalj in taking the  
3                                   statement from David Silmser. He  
4                                   indicated the following..."

5                                   So, this is from a telephone call from Luc  
6                                   Brunet to this witness and that's what he's telling him.  
7                                   So that's the only contact. It's minimal.

8                                   **MR. HORN:** Is there any ---

9                                   **THE COMMISSIONER:** But Mr. Neville is coming  
10                                   to your assistance.

11                                   **MR. HORN:** Yes.

12                                   **MR. NEVILLE:** It's October 21<sup>st</sup>,  
13                                   Commissioner, the meeting at -- with Officer Brunet, Ms.  
14                                   Sebalj, Mr. Carriere and Mr. Bell. It was covered in-chief  
15                                   as well.

16                                   **MR. ENGELMANN:** Yeah, and this was covered  
17                                   with Mr. Carriere. This is when they go to the Cornwall  
18                                   Police to look at the files.

19                                   **THE COMMISSIONER:** Oh yeah. And take the  
20                                   pictures.

21                                   **MR. HORN:** Okay.

22                                   **THE COMMISSIONER:** Not take the pictures,  
23                                   record.

24                                   **MR. BELL:** Yes.

25                                   **MR. HORN:** Okay. So that was the only time

1           that you were involved with her?

2                       **MR. BELL:** As I recall, yes.

3                       **MR. ENGELMANN:** In fairness to the witness  
4           and I've said this to counsel not and I've said this to Mr.  
5           Horn, he doesn't have a whole lot of memory outside of his  
6           notes. If there is a reference in the notes, please take  
7           him there.

8                       **THE COMMISSIONER:** You've got go get to the  
9           microphone, otherwise we're not ---

10                      **MR. ENGELMANN:** I have said this to all the  
11           counsel here. This witness doesn't have a whole lot of  
12           memory outside of his notes. If there is an indication in  
13           the notes, he should take him there.

14                      **THE COMMISSIONER:** Yeah.

15                      **MR. HORN:** Okay. I'm just going to ask a  
16           few more questions and hopefully I'll be finished very  
17           soon.

18                      Do you know Geraldine Fitzpatrick?

19                      **MR. BELL:** Yes.

20                      **MR. HORN:** Okay. And were you aware of her  
21           investigations with Ms. Sebalj?

22                      **MR. BELL:** No.

23                      **MR. HORN:** You were ---

24                      **MR. BELL:** Not prior to -- very recently in  
25           the context of this Inquiry.



1                   **MR. HORN:** So you were not aware at all  
2                   about her meeting with Sebalj and Ms. Antoine?

3                   **MR. BELL:** No. No.

4                   **MR. HORN:** When you were talking to Ms.  
5                   Antoine, was it ever -- was that ever brought up?

6                   **MR. BELL:** No.

7                   **MR. HORN:** Okay.

8                   Now, one of the other areas that I was  
9                   interested in is the question in regards to knowledge that  
10                  the church had.

11                  Were you aware of the content of the letter  
12                  from Father Schonenbach to the local Diocese?

13                  **MR. CHISHOLM:** Perhaps Mr. Horn is going to  
14                  refer to the letter; he can put it to the witness.

15                  **MR. HORN:** Well, the letter is mentioned in  
16                  his notes.

17                  **MR. SHERRIFF-SCOTT:** It's Exhibit 311.

18                  **MR. ENGELMANN:** Mr. Horn has referenced the  
19                  verification meeting notes that I took the witness to this  
20                  morning, if that's helpful. That's Exhibit 2325. It's no  
21                  doubt mentioned in his notes as well but it's certainly  
22                  mentioned there.

23                  **MR. CHISHOLM:** It's 7081332.

24                  **THE COMMISSIONER:** One-three-three-two  
25                  (1332) should be -- so Exhibit 2325 and page 1332.

1                   So he got -- so we've got a record that he  
2                   received -- the Children's Aid Society received -- the  
3                   Schonenbach correspondence.

4                   **MR. HORN:** Okay. Did you get a chance to  
5                   read that letter?

6                   **MR. BELL:** I don't have it in front of me.  
7                   I believe there was a letter from Schonenbach that came to  
8                   us but I ---

9                   **MR. HORN:** Do you remember the ---

10                  **MR. BELL:** Is the letter available on the  
11                  screen?

12                  **THE COMMISSIONER:** Yes, it is. What's the  
13                  exhibit? I'm sorry?

14                  **MR. ENGELMANN:** Mr. Sherriff-Scott's right;  
15                  I think it's 311.

16                  **THE COMMISSIONER:** Three-eleven (311).  
17                  Madam Clerk, can you give him 311 or put it  
18                  on the screen?

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

20                  **THE COMMISSIONER:** So, Mr. Horn, could you  
21                  point out where you want him to look at?

22                  **MR. HORN:** Page 2, second line. Do you  
23                  remember reading that?

24                  **MR. CHISHOLM:** Perhaps Mr. Horn can read the  
25                  line so the witness ---

1                   **MR. HORN:** Okay.

2                                "My own knowledge of David Silmser is  
3                                restricted to this one meeting. He  
4                                seems like a credible person."

5                   Do you remember those words?

6                   **MR. BELL:** Yes, I believe we got this letter  
7                   at some point.

8                   **MR. HORN:** Okay. When you received this  
9                   letter, did this go into your analysis and assessment as to  
10                   whether to proceed with any further investigations?

11                   **THE COMMISSIONER:** Mr. Horn, does it matter?

12                   **MR. HORN:** Pardon?

13                   **THE COMMISSIONER:** Does it matter in the  
14                   sense that if they would have said it wasn't incredible  
15                   then you could bring him to this. But in the end analysis,  
16                   they've determined that for child welfare purposes that  
17                   Father Charles MacDonald had likely abused this gentleman.

18                   **MR. HORN:** Okay. Now, this letter does  
19                   indicate one thing, that the church was aware of the  
20                   allegations by Mr. Silmser.

21                   **THE COMMISSIONER:** Mr. ---

22                   **MR. HORN:** Wouldn't this letter indicate  
23                   that?

24                   **THE COMMISSIONER:** Oh, come on. We're way  
25                   down that road, Mr. Horn. We know that; he knows that.

1 It's been -- they get this on the 31<sup>st</sup> of January, 1994.

2 So I think we can take notice that not only  
3 does he know that, but that the press conference has been  
4 heard; the settlement has been shown; everything like that.  
5 So why ask him that question, m'hm?

6 **MR. HORN:** When you were first assigned the  
7 -- to investigate the Antoine case, did you go in to find  
8 out who was working back in 1976, and that you -- did you  
9 go and speak to those people, those individuals?

10 **MR. CHISHOLM:** I hate to interrupt but I'm  
11 not sure that's the evidence that he was assigned to  
12 investigate, the Antoine case. Mr. Bell's evidence was  
13 that he was assigned to deal with an allegation involving  
14 Ms. Antoine ---

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

16 **MR. CHISHOLM:** --- brought by one of her  
17 children.

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

19 **MR. HORN:** And you never went further than  
20 that?

21 **MR. BELL:** Well, that was the assigned --  
22 the assigned work was to investigate allegations concerning  
23 her own children, and in the course of initiating that she  
24 disclosed the events she alleged about her life as a foster  
25 child.

1                   And I did some of the -- well, Suzie  
2                   Robinson, who was accompanying me, did some of the initial  
3                   documentation of that, and then we turned it over to, I  
4                   believe it was Suzie's supervisor, Bob Smith. But that  
5                   wasn't -- that wasn't either the initial purpose or  
6                   subsequent purpose of continuing with the investigation.

7                   **MR. HORN:** Okay. So you really never  
8                   continued on in that investigation; you stopped there?

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

10                  **MR. HORN:** Okay.

11                  **MR. BELL:** I should clarify. It never was  
12                  my investigation.

13                  **MR. HORN:** Pardon?

14                  **MR. BELL:** It never was my investigation.

15                  **MR. HORN:** Okay.

16                  **MR. BELL:** I mean, her allegations about  
17                  herself as a foster child.

18                  **MR. HORN:** Okay. Thank you. That's all the  
19                  questions I have. Thank you.

20                  **THE COMMISSIONER:** Thank you very much.

21                  So now Mr. Neuberger?

22                  **MR. NEUBERGER:** None. Thank you.

23                  **THE COMMISSIONER:** Mr. Thompson?

24                  **MR. THOMPSON:** No, thank you.

25                  **THE COMMISSIONER:** Mr. Sherriff-Scott?

1 MR. SHERRIFF-SCOTT: Good afternoon, sir.

2 THE COMMISSIONER: Good afternoon.

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

4 SHERRIFF-SCOTT:

5 MR. SHERRIFF-SCOTT: Good afternoon, Mr.

6 Bell.

7 MR. BELL: Good afternoon.

8 MR. SHERRIFF-SCOTT: David Sherriff-Scott.

9 I act for the Diocese.

10 Just a couple of points; first, dealing with  
11 the decision in connection with the notice to the Bishop  
12 about the decision of the verification outcome ---

13 MR. BELL: Okay.

14 MR. SHERRIFF-SCOTT: --- pertaining to  
15 Charles MacDonald.

16 MR. BELL: Okay.

17 MR. SHERRIFF-SCOTT: I don't need to take  
18 you to it. My friend to my left did. The verification  
19 note in February of '94 where you're reaching your  
20 conclusions and listing in the team minutes the various  
21 points which are the foundation for your conclusions about  
22 the verification; one of those points says, and I'll just  
23 read it to you:

24 "Father Charles, therefore, represents a potential risk to  
25 children. The Church should consider carefully the

1 potential risks to children and adolescents posed by Father  
2 Charles."

3 Okay?

4 MR. BELL: Okay.

5 MR. SHERRIFF-SCOTT: So there -- at that  
6 point, at the end of the meeting, there is an  
7 acknowledgement in the team that the church should be  
8 notified the Bishop has to deal with this or should be  
9 carefully considering the implications of your decision;  
10 correct?

11 MR. BELL: Yes.

12 MR. SHERRIFF-SCOTT: All right.

13 And I think your evidence was you waited  
14 until January -- not waited, but some eleven months passed  
15 before the actual notice went to the Bishop because of  
16 consent issues emanating from Charles MacDonald. Is that  
17 right?

18 MR. BELL: Yes.

19 MR. SHERRIFF-SCOTT: Now, there was a  
20 decision, I take it, internally at the team level, that  
21 that consent was a condition precedent to disclosure to the  
22 Bishop, right?

23 MR. BELL: Yes.

24 MR. SHERRIFF-SCOTT: Okay. And I think you  
25 mentioned that that related to privacy concerns?

1 MR. BELL: Yes.

2 MR. SHERRIFF-SCOTT: What were those privacy  
3 concerns?

4 MR. BELL: Well, the alleged offender, were  
5 we to disclose our concerns about him without his consent,  
6 we would have -- it would have been a violation of his  
7 privacy.

8 MR. SHERRIFF-SCOTT: Okay. So just coming  
9 back to the chronology of events; in October of 1993 the  
10 CAS goes to meet Bishop Larocque; correct?

11 MR. BELL: I didn't, but I believe Tom  
12 O'Brien possibly -- not Tom -- Richard Abell and possibly  
13 Bill Carriere.

14 MR. SHERRIFF-SCOTT: And there is discussion  
15 about the allegations by David Silmser, in the context of  
16 meetings with the church?

17 MR. BELL: I wasn't party to that meeting  
18 but that's what I understood its purpose was.

19 MR. SHERRIFF-SCOTT: And certainly, you had  
20 meetings with Father McDougald about this issue?

21 MR. BELL: Yes.

22 MR. SHERRIFF-SCOTT: About Denis  
23 Vallaincourt; correct?

24 MR. BELL: Denis Vallaincourt?

25 MR. SHERRIFF-SCOTT: Father Denis



1 Vallaincourt; one of the priests at the Diocese. There are  
2 a number of people you met with.

3 MR. BELL: Oh, okay. Okay.

4 MR. SHERRIFF-SCOTT: A number of priests at  
5 the Diocese you met with in which these allegations were  
6 openly discussed; correct?

7 MR. BELL: I met with a couple of priests at  
8 that church when Pina and I visited the physical premises.  
9 I don't know if we discussed the allegations with them. I  
10 suspect we didn't.

11 MR. SHERRIFF-SCOTT: Let me put it this way.  
12 If it's in your notes, you had the discussions. Is that  
13 fair?

14 MR. BELL: Okay, okay. I would accept that.

15 MR. SHERRIFF-SCOTT: You'd accept that?  
16 Okay.

17 MR. BELL: Okay.

18 MR. SHERRIFF-SCOTT: And certainly you had  
19 the discussion with Father McDougald.

20 MR. BELL: Oh, yeah. Okay.

21 MR. SHERRIFF-SCOTT: And your superiors had  
22 discussions with the Bishop.

23 MR. BELL: Yes.

24 MR. SHERRIFF-SCOTT: Right?

25 MR. BELL: Yes.

1                   **MR. SHERRIFF-SCOTT:** And you know that  
2 various pieces of correspondence were disclosed by the  
3 Diocese to the CAS in connection with these matters.

4                   **MR. BELL:** Yes.

5                   **MR. SHERRIFF-SCOTT:** Including the  
6 confidential, personal preliminary assessments from  
7 Southdown and final assessments from Southdown.

8                   **MR. BELL:** Yes.

9                   **MR. SHERRIFF-SCOTT:** Correct?

10                  **MR. BELL:** Yes.

11                  **MR. SHERRIFF-SCOTT:** And by January of 1994  
12 it's fair to say the whole city knew about this issue,  
13 didn't they?

14                  **MR. BELL:** I'm not a Cornwall City person.  
15 That's probably correct, but I didn't follow that aspect of  
16 it.

17                  **MR. SHERRIFF-SCOTT:** There were press  
18 conferences. It had become a media issue.

19                  **MR. BELL:** Okay. Yes, okay.

20                  **MR. SHERRIFF-SCOTT:** So can you help us with  
21 why 11 months would go by with no notice to the Bishop in  
22 that environment?

23                  **MR. BELL:** Well, certainly our understanding  
24 was that he -- no one had put Charlie MacDonald in that  
25 interim in a position to place children at risk. He was at

1 Southdown for, I don't know the exact dates but while we  
2 were -- certainly for a good length of the time we were  
3 involved.

4 MR. SHERRIFF-SCOTT: Can I -- let me put it  
5 this way. In terms of what was known to the Bishop and  
6 what was known to the CAS, really the verification is the  
7 development of your conclusion or opinion based on the  
8 facts.

9 MR. BELL: Yes.

10 MR. SHERRIFF-SCOTT: Right?

11 MR. BELL: Yes.

12 MR. SHERRIFF-SCOTT: So really the Bishop,  
13 to your knowledge, knew all the facts. He knew about all  
14 the Southdown reports; correct?

15 MR. BELL: Yes.

16 MR. SHERRIFF-SCOTT: He knew about the  
17 allegations.

18 MR. BELL: Yes.

19 MR. SHERRIFF-SCOTT: He knew you were out  
20 there interviewing altar boys.

21 MR. BELL: Yes.

22 MR. SHERRIFF-SCOTT: Certainly you didn't  
23 find anything with respect to any of the altar boys who  
24 made allegations about Charles MacDonald.

25 MR. BELL: No disclosures concerning ---

1                   **MR. SHERRIFF-SCOTT:** No disclosures at all.

2                   **MR. BELL:** No.

3                   **MR. SHERRIFF-SCOTT:** So in terms of what the  
4 Bishop didn't know already, there's very little except your  
5 opinion about the facts. Isn't that fair?

6                   **MR. BELL:** It's hard to speak to what he knew  
7 -- for me to speak to what he knew. I mean, what you're  
8 saying sounds reasonable but I -- I'm not him, so to speak.

9                   **MR. SHERRIFF-SCOTT:** I take it that -- was  
10 this decision really not in your hands about notifying him,  
11 or was that someone else's call?

12                   **MR. BELL:** Well, it would be discussed at  
13 our team meeting but it is the practice to address the need  
14 to do that on an individual basis in that kind of  
15 institutional case where an employee could place children,  
16 in the course of their work, at risk.

17                   **MR. SHERRIFF-SCOTT:** All right.

18                   **THE COMMISSIONER:** But who had the final  
19 call; was it you; was it your supervisor; was it Mr. Abell?

20                   **MR. BELL:** Is that the final call on the  
21 verification or sending the letter?

22                   **THE COMMISSIONER:** Yeah, sending the letter  
23 out?

24                   **MR. BELL:** That would be the team. The  
25 final call wouldn't really be me.

1 THE COMMISSIONER: M'hm.

2 MR. SHERRIFF-SCOTT: You're part of the  
3 team.

4 MR. BELL: Yes.

5 MR. SHERRIFF-SCOTT: It was a call made by  
6 the team.

7 MR. BELL: Yes.

8 MR. SHERRIFF-SCOTT: All right; I think you  
9 apprehend my point.

10 All right; one quick other matter, and that  
11 pertains to Marcel Lalonde. You'll remember you told my  
12 friends that there was an allegation made in the audio-  
13 taped interview of David Silmsler in November of 1993 about  
14 Marcel Lalonde abusing David Silmsler; correct?

15 MR. BELL: Yes.

16 MR. SHERRIFF-SCOTT: And I think what you  
17 said is "he did the same thing to me". You actually seemed  
18 to be familiar with the text of what he said.

19 MR. BELL: Yes, yes.

20 MR. SHERRIFF-SCOTT: And he said that -- I  
21 can take you to it if necessary -- directly in the context  
22 of having said that he was sexually abused by Ken Seguin.

23 MR. BELL: In the context of the same  
24 interview, yes.

25 MR. SHERRIFF-SCOTT: Yes.

1 MR. BELL: Yes.

2 MR. SHERRIFF-SCOTT: And, well, in the same  
3 paragraph -- I can take you to it -- he says "I was abused  
4 by -- sexually abused by Ken Seguin" and then he says, one  
5 or two lines later, "Marcel Lalonde did the same thing to  
6 me".

7 MR. BELL: Correct.

8 MR. SHERRIFF-SCOTT: Correct?

9 MR. BELL: Not specifically "that I was  
10 sexually abused by him". He used those words, "did the  
11 same thing".

12 MR. SHERRIFF-SCOTT: Surely you understood  
13 this was an allegation?

14 MR. BELL: Yes. Yes.

15 MR. SHERRIFF-SCOTT: Okay. And later on, in  
16 the same interview, there's a reference by Mr. Silmsner who  
17 comes back, at your prodding, to identify Marcel Lalonde as  
18 a person he wants to "get" because of what he has done to  
19 him.

20 MR. BELL: I don't know if he used the word  
21 "get", but I know he was concerned about him as an offender  
22 towards himself as well.

23 MR. SHERRIFF-SCOTT: All right.

24 And do I take it that the same privacy  
25 issues is what obstructed you from going to the school

1 board to tell them about this allegation and investigate  
2 the allegation in the same way you investigated a  
3 clergyman?

4 **MR. BELL:** No, I think that the team  
5 deliberated over whether or not to pursue the issues with  
6 Marcel Lalonde, but we're often in an awkward position  
7 where we don't have -- in this sense, we made significant  
8 efforts to try and get Mr. Silmsler to come back and  
9 elaborate on that.

10 I mean, playing sort of the devil's  
11 advocate, I could see someone saying "Well you said -- Mr.  
12 Silmsler said this person did the same thing". Well, what  
13 same thing? You know, shook his hand, took him -- I  
14 understood and assumed he meant sexually abuse him but  
15 someone defending the other side of that might not agree  
16 with my assumption.

17 **MR. SHERRIFF-SCOTT:** Right. You're not in a  
18 defence context, you're analyzing risks to children, right?

19 **MR. BELL:** Yes.

20 **MR. SHERRIFF-SCOTT:** May I -- so is it the  
21 absence of detail that was the driving factor?

22 **MR. BELL:** That I think, plus the team would  
23 be very much aware that we have, at that point, the only  
24 person alleging not willing to come back and substantiate  
25 that with us. It's ---

1                   **MR. SHERRIFF-SCOTT:** Well, may I stop you  
2                   there?

3                   **MR. BELL:** Yeah, yeah.

4                   **MR. SHERRIFF-SCOTT:** In November of 1993  
5                   when you had your interview with Mr. Silmser, he made the  
6                   allegation on tape in front of you, right?

7                   **MR. BELL:** Yes.

8                   **MR. SHERRIFF-SCOTT:** You didn't know he  
9                   wasn't going to come back until later?

10                  **MR. BELL:** No, no.

11                  **MR. SHERRIFF-SCOTT:** Right? Fair enough.

12                  So let me just come back to a few points  
13                  about this in terms of measuring your response. First of  
14                  all, in your team meeting in January, assessing the  
15                  credibility of Mr. Silmser, you said:

16                                "His personal presentation to agency  
17                                staff was highly consistent with our  
18                                experience of disclosure behaviours of  
19                                other verified victims."

20                  And do I take it that what that meant is his  
21                  behaviour in the interview context is what was consistent  
22                  with other victims and the patterns of their discussions  
23                  and behaviour when you interviewed them?

24                  **MR. BELL:** Yes.

25                  **MR. SHERRIFF-SCOTT:** Okay. So it wasn't the



1 detail in that meeting that gave you the sort of sense that  
2 his disclosure behaviour was consistent, it was the pattern  
3 of behaviour exhibited during the interview. Isn't that  
4 right?

5 **MR. BELL:** I'm sorry, could you repeat that?  
6 I'm just ---

7 **MR. SHERRIFF-SCOTT:** Maybe you should --  
8 well, I don't want to drag you through documents. It's the  
9 only document I'm going to take you to. In the January  
10 31<sup>st</sup>, '94 team meeting -- I'll just read this to you:

11 "Silmser's personal presentation to the  
12 agency staff was highly consistent in  
13 our experience of disclosure behaviours  
14 of other verified victims of sexual  
15 abuse."

16 And I think you acknowledged that his  
17 behaviour during the interview process is what led you to  
18 say that, as opposed to the detail itself?

19 **MR. BELL:** No, I didn't see it as an  
20 either/or. Additional to the content of his disclosure,  
21 the manner in which he made it or the manner in which he  
22 played his part in the interview, was consistent with what  
23 we have seen in other adults making similar disclosures.

24 Perhaps another way to put it is, his body  
25 language comportment was not inconsistent with the content

1 of what he was disclosing.

2 MR. SHERRIFF-SCOTT: Well, you called it  
3 consistent, highly consistent, not just inconsistent?

4 MR. BELL: No, no, what I'm saying is it was  
5 not -- I'm trying to put it in a way -- it didn't  
6 contradict the content of what he was saying ---

7 MR. SHERRIFF-SCOTT: All right. Fair  
8 enough.

9 MR. BELL: --- if I can put it that way.

10 MR. SHERRIFF-SCOTT: And that factor would  
11 apply as much to Marcel Lalonde potentially as to Charles  
12 MacDonald or even Ken Seguin, right?

13 MR. BELL: Yes.

14 MR. SHERRIFF-SCOTT: All right.

15 So the fact of the consistency of his  
16 behaviour would possibly be a factor which would support,  
17 or at least not discount, the allegation that he had made  
18 against Marcel Lalonde; correct?

19 MR. BELL: Yes.

20 MR. SHERRIFF-SCOTT: And the fact that you  
21 and your agency considered his statement in connection with  
22 Mr. Silmsler to be credible, surely that was something that  
23 in your view may well militate again in favour of  
24 credibility with respect to the Marcel Lalonde allegation?

25 MR. BELL: Yes.

1                   **MR. SHERRIFF-SCOTT:** And when you add these  
2 things up, there's another factor potentially that you knew  
3 about as well and that was Mr. Seguin had committed suicide  
4 and you knew that was at least linked to the allegations by  
5 David Silmser?

6                   **THE COMMISSIONER:** That what was linked,  
7 that his suicide ---

8                   **MR. SHERRIFF-SCOTT:** His suicide, yes.

9                   Mr. Silmser was expressing remorse to this  
10 witness indicating that the making of his allegations may  
11 have stimulated a suicide. That, too, would be consistent  
12 with credibility in the overall scheme of all of these  
13 allegations, would it not?

14                   **MR. BELL:** It's hard to assess that, I  
15 guess. If I'm understanding what you're saying, the  
16 suicide enhances the credibility of Mr. Silmser's  
17 disclosure?

18                   **MR. SHERRIFF-SCOTT:** No, I'm thinking back  
19 to your mindset at the time, and you were presented with  
20 Mr. Silmser, as you described it, feeling remorse at the  
21 death of Ken Seguin and Mr. Silmser saying to you that he  
22 felt responsible and the responsibility emanated from him  
23 making allegations. That's what you understood, isn't it?

24                   **MR. BELL:** Okay, yes. Yes.

25                   **MR. SHERRIFF-SCOTT:** Okay. And that is, I

1 submit to you, consistent with the credibility assessment  
2 that you're conducting here?

3 MR. BELL: Yes.

4 MR. SHERRIFF-SCOTT: Okay. So we have these  
5 factors.

6 First, there is an allegation which you  
7 consider to be one of sexual abuse and then there are the  
8 other points we mentioned. And I think -- can we not agree  
9 that the absence of detail in your mind, as you've  
10 testified, is at least a neutral factor?

11 MR. BELL: Concerning Marcel Lalonde?

12 MR. SHERRIFF-SCOTT: Concerning any  
13 potential perpetrator.

14 MR. BELL: Yes, it doesn't speak to the  
15 truth or non-truth of ---

16 MR. SHERRIFF-SCOTT: Exactly.

17 MR. BELL: --- the allegation, yes.

18 MR. SHERRIFF-SCOTT: And here you have  
19 Marcel Lalonde, a schoolteacher, which you knew to be  
20 active at the time. Isn't that right?

21 MR. BELL: Teaching, yes.

22 MR. SHERRIFF-SCOTT: Yes. And potentially  
23 in contact with virtually hundreds of youth a week, right?

24 MR. BELL: Yes.

25 MR. SHERRIFF-SCOTT: And so you didn't

1 consider that it behoved you to be making this matter the  
2 subject of an allegation in the same way you made the  
3 Charles MacDonald allegation the subject of an  
4 investigation?

5 MR. BELL: You mean the subject of an  
6 investigation ---

7 MR. SHERRIFF-SCOTT: Well, for example, you  
8 went out and interviewed all kinds of altar boys at St.  
9 Andrew's West. You didn't do anything with respect to  
10 pupils at a local school who were in contact with a teacher  
11 everyday.

12 MR. BELL: Well, I go back to what I said  
13 earlier. In this context, the team has to make a decision  
14 under what -- at what point and what circumstances to  
15 intervene.

16 MR. SHERRIFF-SCOTT: Was Charles MacDonald a  
17 more politically hot potato for you, that you felt you  
18 needed to deal with as opposed to Marcel Lalonde? Why is  
19 there a difference in the decisions here between the two  
20 institutions? I'm not clear on that.

21 MR. BELL: I'm trying to follow you on  
22 "political hot potato".

23 MR. SHERRIFF-SCOTT: Well, I mean, by  
24 January, Charles MacDonald's case is a media issue and it's  
25 certainly attracting a lot of attention.

1                   **MR. BELL:** I mean, that doesn't change the  
2 facts on which we base a decision ---

3                   **MR. SHERRIFF-SCOTT:** I'm not interested in  
4 that.

5                   **MR. BELL:** --- on how to plan.

6                   **MR. SHERRIFF-SCOTT:** What I'm interested in  
7 is why you didn't go and investigate and interview pupils  
8 at the school where Marcel Lalonde was teaching as opposed  
9 to going and interviewing altar boys?

10                  **MR. BELL:** Okay. I mean, I suspect this  
11 would have been discussed at the supervisory level and in  
12 the team context and that -- I don't remember the specifics  
13 of why, but my understanding would be that we didn't have  
14 enough to warrant that degree of intrusion at that point.

15                  **MR. SHERRIFF-SCOTT:** Enough detail?

16                  **MR. BELL:** Corroborating -- a corroborating  
17 victim or an alleged victim giving us the detail, beyond  
18 saying this person did the same thing to someone else.

19                         I guess another way of saying -- I could  
20 assume, yes, that he meant he was abused by him, but is  
21 that a sufficiently defensible position to go and initiate  
22 an investigation on that alone? It's a judgment call.  
23 It's the kind of judgment call that I think is difficult to  
24 make and ---

25                  **MR. SHERRIFF-SCOTT:** In any event, you made

1 a judgment call, or your team did, and it was not to pursue  
2 that avenue?

3 MR. BELL: Well, the hope was that we would  
4 have more and be able to pursue it.

5 MR. SHERRIFF-SCOTT: When you didn't get  
6 that, your decision was not to alert the employer?

7 MR. BELL: Right.

8 MR. SHERRIFF-SCOTT: Right. Thank you, sir.  
9 Those are my questions.

10 THE COMMISSIONER: Mr. Neville?

11 MR. NEVILLE: Good afternoon, Commissioner.

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

13 NEVILLE:

14 MR. NEVILLE: Good afternoon, Mr. Bell. My  
15 name is Michael Neville. I represent Father Charles  
16 MacDonald ---

17 MR. BELL: Good afternoon.

18 MR. NEVILLE: --- also the Estate of Ken  
19 Seguin and Mr. Seguin's family members. I just have a few  
20 minutes of questions for you.

21 Looking at your notes, which is our Exhibit  
22 2324 -- and I'll take you to a couple of references for the  
23 purpose of my questions -- but it would appear, subject to  
24 preliminary work, introductory work you may have done, your  
25 first actual investigative work along with colleagues would

1 be found on page 1 on the 14<sup>th</sup> of October, a supervision  
2 with Mr. Carriere.

3 MR. BELL: Where it says "Case assigned to"  
4 me?

5 THE COMMISSIONER: M'hm.

6 MR. NEVILLE: So I take it you were, to some  
7 extent at least, briefed by Mr. Carriere?

8 MR. BELL: Yes.

9 MR. NEVILLE: I'm sorry. Could ---

10 MR. BELL: Yes, I would expect.

11 MR. NEVILLE: All right.

12 And do you recall being briefed at all by  
13 Mr. Abell?

14 MR. BELL: I can only go by my notes and  
15 I've referenced supervision with Bill Carriere.

16 MR. NEVILLE: All right.

17 MR. BELL: I don't know that Richard -- I  
18 mean if it was together with him and Richard Abell, I would  
19 have noted.

20 MR. NEVILLE: All right. Did you come to  
21 learn how the matter got started, that is to say with Mr.  
22 Abell's receiving a statement of David Silmsner from Perry  
23 Dunlop?

24 MR. BELL: Yes, I knew that.

25 MR. NEVILLE: All right.



1                   **MR. BELL:** I came to know that. I'm not  
2 exactly sure how. I think fairly early on.

3                   **MR. NEVILLE:** I would suggest you probably  
4 learned that in the first briefing, in other words, "Why am  
5 I here with you, Mr. Carriere, being tasked with this  
6 investigation?"

7                   **MR. BELL:** Yeah.

8                   **MR. NEVILLE:** Is that fair?

9                   **MR. BELL:** Yeah.

10                  **MR. NEVILLE:** All right. And you were  
11 obviously provided with a copy of Mr. Silmser's statement?

12                  **MR. BELL:** Yes.

13                  **MR. NEVILLE:** I'm sorry?

14                  **MR. BELL:** Yes.

15                  **MR. NEVILLE:** Yes. And you obviously read  
16 it?

17                  **MR. BELL:** Yes.

18                  **MR. NEVILLE:** Were you given any opinion by  
19 Mr. Carriere as to how he or Mr. Abell or others of your  
20 colleagues saw the credibility of that statement?

21                  **MR. BELL:** I don't specifically -- sorry?

22                  **THE COMMISSIONER:** At this first time  
23 meeting?

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

25                  **THE COMMISSIONER:** At this first meeting

1 when you were assigned the thing, did Mr. Carriere or  
2 anybody comment on to the credibility of the statement?

3 MR. NEVILLE: Or shortly thereafter, sir, as  
4 part of the introduction of the case.

5 MR. BELL: I don't recall a specific comment  
6 on that regard. However, I think reasonably, the fact that  
7 they're presenting it to me and assigning it as an  
8 investigation would suggest to me that they found it at  
9 least that worthy or that credible that it warranted  
10 assigning -- being assigned as a case.

11 MR. NEVILLE: All right. Well were you  
12 told, for example, that anyone of them had done what you  
13 mentioned earlier today, a statement of validity analysis?  
14 If you recall; if you don't recall, please just tell us.

15 MR. BELL: At that early stage, I don't  
16 believe -- we didn't. I don't know if the police did that  
17 with the statement.

18 MR. NEVILLE: No, I'm asking about the CAS -  
19 --

20 MR. BELL: Yeah. Okay.

21 MR. NEVILLE: --- in particular, your  
22 colleagues or you?

23 MR. BELL: No.

24 MR. NEVILLE: Did you know how to do this  
25 technique that we've had described for us by Mr. Carriere

1 called "statement validity analysis"? Had you been taught  
2 it?

3 MR. BELL: Yes.

4 MR. NEVILLE: Did you ever use the technique  
5 in relation to the Silmsler statement? It's not in your  
6 notes that you did.

7 MR. BELL: No, this -- it's a technique used  
8 more with an interview that you conduct yourself.

9 MR. NEVILLE: Where you take the statement.

10 MR. BELL: Pardon me?

11 MR. NEVILLE: Where one takes the statement;  
12 right?

13 THE COMMISSIONER: When you're present with  
14 the witness ---

15 MR. BELL: Yes.

16 THE COMMISSIONER: --- and you're asking the  
17 questions and you're either taking it or writing it down.

18 MR. BELL: Yes.

19 THE COMMISSIONER: That's when you say that  
20 this statement analysis is ---

21 MR. BELL: Could be applied, yes.

22 THE COMMISSIONER: --- could be applied.

23 MR. BELL: Yes.

24 THE COMMISSIONER: Okay.

25 MR. NEVILLE: Thank you, Your Honour.

1                   Now, can we look just for a moment Mr. Car -  
2                   - sorry, Mr. Bell at page 6 at the bottom and 7 or your  
3                   notes? And if you wish I can just summarize it for you to  
4                   make it easier?

5                   **MR. BELL:** Okay.

6                   **MR. NEVILLE:** And this is a meeting at your  
7                   Agency involving yourself, William Carriere, and Detective  
8                   Constable Wilson of the OPP. It's at the bottom of page --  
9                   I'm using your numbers ---

10                  **MR. BELL:** Okay.

11                  **MR. NEVILLE:** --- page 6.

12                  **MR. BELL:** Okay.

13                  **MR. NEVILLE:** And it continues on to the top  
14                  of page 7; right?

15                  **MR. BELL:** Okay, I see it.

16                  **MR. NEVILLE:** And this is where he advises  
17                  you that his Force will not be carrying out an  
18                  investigation without a designated complainant; right?

19                  **MR. BELL:** Okay.

20                  **MR. NEVILLE:** All right. And then he -- and  
21                  you record the following:

22                                 "He [meaning Wilson] indicated having  
23                                 some concern regarding the  
24                                 creditability of David Silmsers  
25                                 statement of which we provided him a

1 copy."

2 MR. BELL: Okay.

3 MR. NEVILLE: Do you recall what he said?

4 And I'm going to go on to the rest of what you've written.

5 But do you recall what Officer Wilson said was his concerns  
6 about the creditability of the statement?

7 MR. BELL: No.

8 MR. NEVILLE: All right. And I'll just read  
9 on then, if you just bear with me:

10 "Bill [that's Mr. Carriere] pointed out  
11 elements of credit..."

12 THE COMMISSIONER: Creditability.

13 MR. NEVILLE: "...creditability as well  
14 though."

15 All right. Maybe -- so I broke it up. Let  
16 me just read it all.

17 "He indicated having some concern  
18 regarding the creditability of David  
19 Silmsen's statement of which we  
20 provided him a copy. Bill pointed out  
21 elements of creditability as well  
22 though."

23 Now, do you remember anything Mr. Carriere  
24 said in support of the creditability?

25 MR. BELL: I believe I recall those two

1 comments as you read them.

2 MR. NEVILLE: Right.

3 MR. BELL: I don't remember what points Bill  
4 brought out specifically.

5 MR. NEVILLE: All right. So you don't  
6 remember Bill's points in support or Wilson's points in  
7 criticism.

8 MR. BELL: Correct.

9 MR. NEVILLE: All right.

10 We then move to the next matter I just want  
11 to address briefly. And that's the meeting of yourself,  
12 Mr. Carriere at the CAS, I'm sorry, at the CPS, Cornwall  
13 Police Service, on the 21<sup>st</sup> of October with Staff Sergeant  
14 Brunet and Constable Sebalj. All right?

15 MR. BELL: Okay.

16 MR. NEVILLE: Now, you knew, of course, that  
17 Officer Sebalj was the hands-on investigator in the CPS  
18 Silmsler investigation?

19 MR. BELL: At some point, yes.

20 MR. NEVILLE: All right. And you knew, I  
21 take it, that Staff Sergeant Brunet was her supervisor?

22 MR. BELL: I don't know that I knew that. I  
23 know for a good length of time, he was our liaison person  
24 for CPS.

25 MR. NEVILLE: All right. And I take it, and

1 just for reference purposes, Commissioner, it's page 10 of  
2 Mr. Bell's notes, sir.

3 **THE COMMISSIONER:** Page 10?

4 **MR. NEVILLE:** Yes. On to page 11. No,  
5 sorry, sorry, no.

6 **THE COMMISSIONER:** I thought it was page 18.

7 **MR. NEVILLE:** No, no, no, you're quite  
8 right; I was looking at a different entry. It's page ---

9 **THE COMMISSIONER:** You're looking for the --  
10 -

11 **MR. NEVILLE:** --- page 18.

12 **THE COMMISSIONER:** Yeah.

13 **MR. NEVILLE:** Sorry.

14 **THE COMMISSIONER:** That's what I said.

15 So this is the meeting when you're at the  
16 Cornwall Police Service and go ahead.

17 **MR. BELL:** Yes.

18 **MR. NEVILLE:** Yes; thank you, Commissioner.

19 Now, I take it, common sense would say that  
20 you and Mr. Carriere got a briefing, an explanation if you  
21 will, from, in particular, Officer Sebalj about the  
22 investigation she'd done.

23 **MR. BELL:** I don't have a direct  
24 recollection. But we were there to get information they  
25 could provide us on the case.

1                   **MR. NEVILLE:** All right. Do your recall  
2 whether she said anything to you as to whether she had ever  
3 formed reasonable and probable grounds to lay a charge?

4                   **MR. BELL:** I don't recall but I believe she  
5 didn't lay a charge.

6                   **MR. NEVILLE:** All right. Do you recall  
7 anything being conveyed to you and Mr. Carriere by either  
8 she or by Brunet that the Crown attorney, Mr. MacDonald,  
9 had been consulted and had provided them with  
10 correspondence?

11                   **MR. BELL:** I don't recall that.

12                   **MR. NEVILLE:** All right.

13                   Can we just touch briefly then on -- and  
14 this comes back to the -- what's called the Schonenbach  
15 letter. I'm going to suggest if we look, Mr. Bell, at page  
16 19 of your notes, this is a meeting at CAS that involved  
17 yourself, Elizabeth MacLennan, Mr. Carriere, and Mr. Leduc,  
18 counsel for the Diocese.

19                   **MR. BELL:** Okay.

20                   **MR. NEVILLE:** And it would appear, if we  
21 look at item 1 in the circled numbered items, he provides,  
22 at that point, a copy of the Schonenbach letter.

23                   **MR. BELL:** Okay.

24                   **MR. NEVILLE:** And you obviously saw that  
25 letter, probably had your own copy?



1                   **MR. BELL:** Yes.

2                   **MR. NEVILLE:** And it's our Exhibit 311,  
3 Commissioner.

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

5                   **MR. NEVILLE:** Did you ever compare what  
6 Monsignor Schonenbach conveyed as the story to him from  
7 Silmsen with what was in the statement?

8                   **MR. BELL:** I can't recall specifically doing  
9 that task.

10                  **MR. NEVILLE:** Isn't some -- is that not  
11 something likely you would have done?

12                  **MR. BELL:** As I recall, the Shonenbach  
13 letter, I don't believe it had the kind of detail -- I may  
14 be wrong but I don't believe it had the kind of detail that  
15 would be in the statement. I don't know if there was,  
16 other than his saying that he was abused, I don't know if  
17 there was the kind of content that lent itself to a  
18 comparison.

19                  **MR. NEVILLE:** Well, ---

20                  **MR. BELL:** I might be wrong.

21                  **MR. NEVILLE:** -- the fact -- he has a  
22 paragraph, it's the second full paragraph, Mr. Bell, in  
23 which he only refers to two events; only one of which can  
24 be described as sexual misconduct.

25                  **MR. BELL:** Okay.

1                   **MR. NEVILLE:** Did you make that comparison  
2 of what was in one as opposed to the other?

3                   **MR. BELL:** I can't specifically recall doing  
4 that but essentially all input is examined in that sense.

5                   **MR. NEVILLE:** Everything is considered. Is  
6 that right?

7                   **MR. BELL:** Or looked at if it -- looked at -  
8 - in terms of the verification review, everything is looked  
9 at in terms of, does it have a bearing on that ---

10                   **MR. NEVILLE:** Well ---

11                   **MR. BELL:** --- that would be considered.

12                   **MR. NEVILLE:** Sorry, we know from your  
13 evidence in-chief and was touched upon, I believe, by last  
14 counsel that the Schonenbach letter is one of the items  
15 discussed later in 1994 at the verification conference.

16                   **MR. BELL:** Yes.

17                   **MR. NEVILLE:** That's one of the items.

18                   **MR. BELL:** Yes, that's -- that's ---

19                   **MR. NEVILLE:** So to some extent it must have  
20 been in there; right?

21                   **MR. BELL:** Yes.

22                   **MR. NEVILLE:** All right.

23                   **MR. BELL:** Yes.

24                   **MR. NEVILLE:** All right.

25                   Let's just look briefly then at another

1 source of information.

2 **THE COMMISSIONER:** Excuse me, Mr. Neville.  
3 Before we go further ---

4 **MR. NEVILLE:** Yes, sir.

5 **THE COMMISSIONER:** --- just looking through,  
6 you were asking him that at the meeting with Sebalj and  
7 Brunet ---

8 **MR. NEVILLE:** Brunet. Yes, sir.

9 **THE COMMISSIONER:** --- whether they advised  
10 him that they had a letter from the Crown and what their  
11 intentions were with respect to proceeding. Well, I think  
12 in fairness, we should look at page 19 and the number 3  
13 right on top there ---

14 **MR. NEVILLE:** Yes.

15 **THE COMMISSIONER:** --- it says that, "The  
16 CPS is willing to proceed of David Silmser -- if David  
17 Silmser wants to act on his allegations."

18 **MR. NEVILLE:** I took that, sir, to go with  
19 the previous one in relation to Seguin.

20 **THE COMMISSIONER:** Well, you see. Good,  
21 good, let's see now. Yes, you're right. So yes, yes,  
22 thank you. Thank you very much.

23 **MR. NEVILLE:** Just looking briefly, Mr.  
24 Bell, at one of the meetings that took place, in  
25 particular, on the 26<sup>th</sup> of October 1993 involved Monsignor

1 McDougald and that's a -- that's a name you're familiar  
2 with.

3 MR. BELL: Yes.

4 MR. NEVILLE: He was the vicar and had had  
5 dealings with the matter including at the Diocese  
6 committee.

7 MR. BELL: I believe he was assigned to us  
8 as our liaison ---

9 MR. NEVILLE: Right.

10 MR. BELL: --- person.

11 MR. NEVILLE: Among other things, you're  
12 quite right.

13 MR. BELL: Yes, okay.

14 MR. NEVILLE: And you learned that he played  
15 a role earlier in the history of the Silmser matter; that  
16 the Diocese had their own internal committee and that he  
17 was part of it along with Father Vaillancourt. Do you  
18 remember that? If you don't, that's fine. We've had it.

19 MR. BELL: There was a letter, I believe,  
20 Father Vaillancourt drafted on a computer which he erased.

21 MR. NEVILLE: Right.

22 MR. BELL: I don't know if that's what  
23 you're referring to.

24 MR. NEVILLE: He had made minutes or notes -  
25 --

1                   MR. BELL: Yes.

2                   MR. NEVILLE: --- and they were erased ---

3                   MR. BELL: That's it.

4                   MR. NEVILLE: --- and then recreated.

5                   MR. BELL: Correct, yes.

6                   MR. NEVILLE: Right.

7                   MR. BELL: Okay.

8                   MR. NEVILLE: Okay.

9                   MR. BELL: I remember.

10                  MR. NEVILLE: What I'm interested in, sir,  
11 is this, as part of meeting with Monsignor McDougald -- and  
12 I'll just read it out to assist you -- it's at page 28,  
13 Commissioner.

14                  THE COMMISSIONER: Yes.

15                  MR. NEVILLE: And I'll just read out what  
16 you've recorded, Mr. Bell ---

17                  MR. BELL: Okay.

18                  MR. NEVILLE: --- as follows. It's in the  
19 bottom half, sir, Mr. Commissioner.

20                                "Monsignor McDougald has several phone  
21 conversations with D. Silmser.  
22 Monsignor McDougald took letter of  
23 Monsignor Schonenbach and showed it to  
24 Father Charles MacDonald who  
25 categorically denied any abuse though

1                   didn't deny knowing D. Silmser.  
2                   Monsignor McDougald indicated to Father  
3                   MacDonald that this was a very serious  
4                   charge and Father MacDonald indicated  
5                   he used to help him on occasions  
6                   (meaning Silmser) and that D. Silmser  
7                   was a con artist. Father MacDonald  
8                   admitted to nothing improper."

9                   Did you take that into account?

10                  **MR. BELL:** Yes, it would be -- yes, that's -  
11                  --

12                  **MR. NEVILLE:** I don't see it in the items  
13                  considered in either of the January 17<sup>th</sup> or February 21<sup>st</sup>  
14                  verification discussions. Do you agree with this, Mr.  
15                  Bell; that as a factor worth considering would be the fact  
16                  that Father MacDonald may have had ongoing dealings with  
17                  Mr. Silmser where he, in fact, assisted him including with  
18                  significant legal problems at the courts and elsewhere?  
19                  Would that not be significant, potentially?

20                  **MR. BELL:** That Father MacDonald assisted  
21                  Silmser ---

22                  **MR. NEVILLE:** Yes.

23                  **MR. BELL:** --- with court?

24                  **MR. NEVILLE:** In court.

25                  **MR. BELL:** Is this in relation to his

1 criminal charges?

2 **MR. NEVILLE:** Yes, Mr. Silmser got in  
3 difficulties with the law and one of the persons who helped  
4 him from time to time with his legal difficulties was  
5 Father MacDonald.

6 **THE COMMISSIONER:** Yes, but ---

7 **MR. BELL:** I'm not sure how ---

8 **THE COMMISSIONER:** Do we have that in  
9 evidence?

10 **MR. NEVILLE:** I'm sorry, sir?

11 **THE COMMISSIONER:** We don't -- I mean, how  
12 could he have known that then?

13 **MR. NEVILLE:** Well, because Monsignor  
14 MacDonald tells them and I want to know what, if anything,  
15 he -- was done.

16 **THE COMMISSIONER:** Well, he tells them. He  
17 tells them.

18 **MR. ENGELMANN:** Just so we're clear, I think  
19 the witness may be confused because Mr. Neville's not being  
20 very clear about criminal charges.

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

22 **MR. ENGELMANN:** There is a letter that's in  
23 evidence that has to do with when Mr. Silmser's a youth.  
24 There's a possibility of Mr. Silmser going to stay with  
25 Father MacDonald or words to that effect, but it's not with

1 respect to the allegations against Father MacDonald ---

2 **THE COMMISSIONER:** No, no ---

3 **MR. ENGELMANN:** --- by Mr. Silmser. That's  
4 what -- no, but the witness was asking.

5 **MR. NEVILLE:** Indeed, if I may correct the  
6 record, Commissioner, at the time of the letter which  
7 you've seen -- it's a lawyer writing to Father MacDonald --  
8 Mr. Silmser is approximately 17 if not 18. He's an adult  
9 and he's been prosecuted in adult court.

10 **THE COMMISSIONER:** Okay, but no -- but all  
11 I'm ---

12 **MR. NEVILLE:** And I'm not asking about that.  
13 I'm asking about the fact that they were provided with --  
14 and it's going to come up again, sir, in the OPP.

15 **THE COMMISSIONER:** Well, the -- I mean,  
16 you're asking -- I mean you've got a third party coming in  
17 and saying, I spoke to Father MacDonald whom they never  
18 speak to and says, yes, he's a con artist. Well, I mean,  
19 it's not Father McDougald who's saying that. It's Father  
20 MacDonald who's told him so I mean what weight can you put  
21 on that?

22 **MR. NEVILLE:** I'm just asking, Commissioner,  
23 what factors they took into the mix because that topic  
24 comes up again, but we'll get there briefly, momentarily.

25 Let me move on then. Mr. Bell, we've had



1           some evidence from you about Mr. Dunlop and this notion of  
2           a ring abusing young people.

3                   **MR. BELL:** I believe he spoke of the belief  
4           that there was a ring.

5                   **MR. NEVILLE:** And just to correct one of the  
6           previous counsel, the reference to a possible participant  
7           is to Malcolm MacDonald only. It appears, sir, that  
8           efforts were made with Mr. Dunlop to get him to provide  
9           what he had including alleged notes, and I'm taking this  
10          from your notes, that somebody -- I believe either you or  
11          Mr. Carriere -- went so far as to advise him of his duty to  
12          report what he knew. Do you recall that?

13                   **MR. BELL:** I guess my understanding was that  
14          that was the whole reason he brought this to our attention  
15          in the first place.

16                   **MR. NEVILLE:** No, I understand that.

17                   **MR. BELL:** Yeah, okay.

18                   **MR. NEVILLE:** But then he wasn't coming  
19          forth with what he purportedly knew ---

20                   **MR. BELL:** Okay.

21                   **MR. NEVILLE:** --- to the point where he was  
22          warned or cautioned about his duty to report ---

23                   **MR. BELL:** Okay.

24                   **MR. NEVILLE:** --- right? Do you recall  
25          something like that? It's in your notes.

1 MR. BELL: Yes, I ---

2 MR. NEVILLE: Okay.

3 MR. BELL: --- accept it.

4 MR. BELL: And then we end up at a meeting  
5 of your team in mid-January '94 where it's decided -- and  
6 I'll use the actual words -- "not to pursue it or him."  
7 What do you recall as being the reasons that was not  
8 pursued?

9 MR. BELL: As I recall our efforts weren't  
10 successful. We didn't ---

11 MR. NEVILLE: No, I know that. Why weren't  
12 they pursued?

13 MR. BELL: I -- I -- I don't -- we were  
14 pursuing. We were trying to ---

15 MR. NEVILLE: No, but you got nowhere. He  
16 wouldn't ---

17 MR. BELL: Yes.

18 MR. NEVILLE: --- come in.

19 MR. BELL: Yes.

20 MR. NEVILLE: He wouldn't cooperate. He was  
21 warned. Didn't anybody think of going to his own police  
22 force?

23 MR. BELL: I -- I don't know what -- I  
24 understand there were some -- I don't know what constraints  
25 he was under by virtue of being a police officer or if

1           they're within the -- within the police -- within the  
2           Cornwall Police Force.

3                   **MR. NEVILLE:** Your notes -- your notes  
4           indicate that if he was going to be providing information  
5           officially as a police officer, you ought to go through  
6           Staff Sergeant Derochie.

7                   **MR. BELL:** Okay. Yes, I recall that.

8                   **MR. NEVILLE:** Was that ever done?

9                   **MR. BELL:** Yes, I believe it was.

10                  **MR. NEVILLE:** You went through Derochie?

11                  **MR. BELL:** I'm not sure who, but somebody.

12                  **MR. NEVILLE:** Do you have any recollection  
13           of somebody going to the Staff Sergeant and saying, "Look,  
14           this gentleman claims to know about a ring. He claims to  
15           have notes and he's not forthcoming"? Do you recall  
16           anybody, yourself or through knowledge, anybody doing that  
17           to pursue it?

18                  **MR. BELL:** Well, we -- we try -- we were  
19           trying to pursue it with -- directly with the person  
20           involved.

21                  **THE COMMISSIONER:** You might want to ask  
22           people who were ---

23                  **MR. NEVILLE:** Yes.

24                  **THE COMMISSIONER:** --- taking the decisions  
25           on this.

1                   **MR. NEVILLE:** I'll move on, sir.

2                   Now, one of the things you said in your  
3 evidence in-chief was that you didn't recall any request or  
4 requests by or on behalf of Father MacDonald to be  
5 interviewed. Do you recall telling us that this morning?

6                   **MR. BELL:** By me, yes.

7                   **MR. NEVILLE:** Okay.

8                   Now, can we -- am I correct, sir, that prior  
9 to the February 17<sup>th</sup>, 1994 verification decision that's been  
10 explored with you in your notes, the information generally  
11 speaking from Mr. MacDonald, the lawyer, was that Father  
12 MacDonald could not leave  
13 Southdown.

14                   **MR. BELL:** Yes.

15                   **MR. NEVILLE:** So he wasn't going to be able,  
16 at least at that point, to come for an interview, was what  
17 you understood?

18                   **MR. BELL:** That's what I was hearing from  
19 them, yeah.

20                   **MR. NEVILLE:** All right.

21                   And Mr. Commissioner asked you, in  
22 particular, whether anybody thought of going there to  
23 interview him and what you said to the Commissioner was you  
24 believed the understanding was you couldn't go there to see  
25 him?

1                   **MR. BELL:** Oh, okay, maybe -- I don't mean I  
2                   couldn't physically go there. What I meant by that is I  
3                   don't believe they would allow me to go there.

4                   **MR. NEVILLE:** That's what I thought you told  
5                   our Commissioner.

6                   **MR. BELL:** Yes.

7                   **MR. NEVILLE:** Now, what I want to know is,  
8                   what was your basis to believe that, that you would not be  
9                   allowed to see him?

10                  **MR. BELL:** My whole sense of that ---

11                  **MR. NEVILLE:** No, what was your basis, not a  
12                  sense. Did somebody tell you that?

13                  **THE COMMISSIONER:** No, it might that all he  
14                  had was a sense.

15                  **MR. BELL:** Oh, yes, I apologise.

16                  **THE COMMISSIONER:** What was your sense?

17                  **MR. BELL:** That he was not accessible there.

18                  **THE COMMISSIONER:** Okay.

19                  **MR. BELL:** He couldn't come back to speak to  
20                  us and ---

21                  **THE COMMISSIONER:** So is that just a sense  
22                  you had or did anybody tell you that or do you remember?

23                  **MR. BELL:** I -- my whole -- it's hard to --  
24                  I can't remember if it's a specific comment, but my  
25                  understanding was that we couldn't reach him there.

1 I can only say it's my sense of the  
2 situation primarily from his lawyer.

3 **MR. NEVILLE:** I see nothing in your notes,  
4 Mr. Bell, of an attempt being made to contact that  
5 institution by you.

6 **MR. BELL:** Well, we worked through his  
7 lawyer to try to contact him.

8 **MR. NEVILLE:** All right. So I see nothing  
9 in your notes saying that you or someone from CAS could not  
10 go there and do an interview. Do you agree with that?  
11 Nothing like that is in your notes.

12 **MR. BELL:** I believe that's correct.

13 **MR. NEVILLE:** All right.

14 Now, this business of requests to  
15 participate. Can we look briefly, Commissioner, at page  
16 204-05 of the Notes, Exhibit 2324.

17 Now, have you found it, Mr. Bell? And I'll  
18 assist you by reading it if I could.

19 The date on this entry is the 11<sup>th</sup> of March.

20 **THE COMMISSIONER:** This is page 204.

21 **MR. BELL:** Two-zero-four (204), okay.

22 **MR. NEVILLE:** Using your numbers, sir.

23 **MR. BELL:** Okay.

24 **MR. NEVILLE:** This is now the 11<sup>th</sup> of March.

25 **MR. BELL:** Okay.

1                   **MR. NEVILLE:** And by this point, the post-  
2 verification letter has already gone to Charles MacDonald  
3 and been received by him. All right?

4                   **MR. BELL:** Okay.

5                   **MR. NEVILLE:** Because that's bullet point  
6 lat the bottom of page 204. All right?

7                   And now we have Item 3 at the top of 205.  
8 He is asking ---

9                   **THE COMMISSIONER:** Now, just a minute. Mr.  
10 Kozloff?

11                   **(OFF-RECORD DISCUSSION/DISCUSSION HORS ENREGISTREMENT)**

12                   **THE COMMISSIONER:** Do you have much to go?

13                   **MR. NEVILLE:** Sorry, Commissioner?

14                   **THE COMMISSIONER:** It's ---

15                   **MR. NEVILLE:** I think perhaps Mr. Bell  
16 should have a short break. I'm going to be 10-15 minutes.

17                   **MR. ENGELMANN:** Sir, I know Mr. Neville has  
18 been 25 minutes and, clearly, given the comment (off mic)  
19 we should really just key on things that are necessary with  
20 this witness.

21                   **THE COMMISSIONER:** Especially, Mr. Neville,  
22 if we've already ---

23                   **MR. ENGELMANN:** We have his notes.

24                   **THE COMMISSIONER:** No, no, but you've  
25 canvassed a lot of this through Mr. Carriere and then

1           there's still Mr. Abell to come, who's probably in a better  
2           position.

3                           But there you go. Let's take a short break,  
4           sir, and we'll come back.

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

7                           This hearing will resume at 3:25 p.m.

8           --- Upon recessing at 3:06 p.m./

9                           L'audience est suspendue à 15h06

10           --- Upon resuming at 3:22 p.m./

11                           L'audience est reprise à 15h22

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

14                           This hearing is now resumed. Please be  
15           seated. Veuillez vous asseoir.

16           **GREG BELL, Resumed/Sous le même serment:**

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

18           **NEVILLE (cont'd/suite):**

19                           **THE COMMISSIONER:** Mr. Neville?

20                           **MR. NEVILLE:** Thank you, Commissioner.

21                           Just a couple of brief points to conclude,  
22           Mr. Bell.

23                           The topic we were on was your evidence in-  
24           chief today with Mr. Engelmann, but you did not recall any  
25           requests by Father MacDonald or on his behalf to be



1 interviewed. All right?

2 MR. BELL: Correct.

3 MR. NEVILLE: If we can then look where we  
4 broke off at page 212 of your notes -- actually, sorry, the  
5 first reference is page 205.

6 This is a phone call to you from Malcolm  
7 MacDonald. I'll just read what you have recorded.

8 Are you with me, Mr. Bell? I'll just read  
9 it out for you.

10 MR. BELL: Okay.

11 MR. NEVILLE: If you want to follow along,  
12 that's fine.

13 It's the top of the page, Commissioner, 205,  
14 bullet point circled 3:

15 "That he [that's Malcolm MacDonald] is  
16 asking we not terminate file as per our  
17 letter to Father Charles until we hear  
18 from him. I indicated we'd wait to  
19 hear from him."

20 Does that refresh your memory?

21 MR. BELL: I don't remember specifically,  
22 independently that.

23 MR. NEVILLE: All right.

24 Well, let's look at page 228.

25 MR. BELL: The "him" is Malcolm MacDonald I

1 take it. Is that ---

2 **MR. NEVILLE:** To hear from Father, yes, to  
3 hear about Father MacDonald being interviewed.

4 **MR. BELL:** Okay.

5 **MR. NEVILLE:** And let's look at page 228.

6 **THE COMMISSIONER:** Two-twenty-eight (228)?

7 **MR. NEVILLE:** Two-two-eight (228).

8 **THE COMMISSIONER:** Yes.

9 **MR. NEVILLE:** The date is, Commissioner, 22  
10 September 1994. It's Item -- at the bottom -- Number 3,  
11 Commissioner. I'll just read it out, and Mr. Bell, if  
12 you're able to follow with me.

13 **MR. BELL:** Okay.

14 **MR. NEVILLE:** This is Mr. MacDonald --  
15 Malcolm MacDonald -- to you:

16 "... that he felt there would be no  
17 problem if we wanted to speak to Father  
18 Charles MacDonald now that he is out of  
19 Southdown and that it was the Southdown  
20 people who would not allow him out  
21 during his stay. I [this is yourself]  
22 indicated we sought his input for the  
23 verification review but had to proceed  
24 without it as he declined."

25 **MR. BELL:** Yes.

1                   **MR. NEVILLE:** Now, you've agreed with me  
2                   that it wasn't so much a question of declining, he couldn't  
3                   leave. And your sense, to use your word, was you couldn't  
4                   go there. And the verification letter was done anyway.

5                   Now, here's an offer to meet with him to  
6                   interview him, which again you declined; right?

7                   **MR. BELL:** My understanding of his not being  
8                   able to leave was their choice, his choice, or Southdown's  
9                   choice.

10                  **MR. NEVILLE:** Well, that's the point, Mr.  
11                  Bell. It was Southdown, is what you're being told, did not  
12                  want him to leave. And you've put it in your notes that  
13                  you told Malcolm MacDonald that you did the verification  
14                  review without the benefit of a Charles MacDonald interview  
15                  because he, Charles MacDonald, had declined.

16                  But your information was two points; he was  
17                  not supposed to leave, and your sense, which was your word,  
18                  is you couldn't go there, you or a colleague, right?

19                  **MR. BELL:** That they would not allow us.

20                  **MR. NEVILLE:** Right.

21                  **MR. BELL:** Correct.

22                  **MR. NEVILLE:** So really the answer is it  
23                  proceeded without his input because it wasn't possible to  
24                  get it. Isn't that the answer?

25                  **MR. BELL:** I wouldn't say possible, it

1           wasn't forthcoming. My understanding is Southdown belongs  
2           to his employer and the Bishop had indicated we'd have full  
3           cooperation. So it's against that background that I ---

4                   **MR. NEVILLE:** Mr. Bell, you're being offered  
5           an interview on the 22<sup>nd</sup> of September, why didn't you take  
6           up the offer?

7                   **MR. BELL:** I don't -- I'm not clear on this  
8           because as far as I'm concerned that offer was always open  
9           to him.

10                   Perhaps, just by way of background,  
11           typically in a situation like this when an offender is  
12           denying the allegation; they're very often the ones calling  
13           us repeatedly requesting an interview so ---

14                   **MR. NEVILLE:** Mr. Bell, he was in Southdown  
15           until May. He was out in May. He was able to be  
16           interviewed on the 7<sup>th</sup> of June by the OPP, Detective  
17           Constable Fagan. Something you knew because Mr. Fagan told  
18           you that and Inspector Smith told you that, that he was  
19           available and had been interviewed by the OPP. His counsel  
20           is offering you in particular an opportunity to interview  
21           Father MacDonald in September and you decline the  
22           opportunity. Isn't that right?

23                   **MR. BELL:** I'm ---

24                   **MR. NEVILLE:** Plain and simple.

25                   **MR. BELL:** Can you refer me back to where

1 that was declined? I mean, I understand the police  
2 possibly could compel the interview but that we can't.

3 **MR. NEVILLE:** Mr. Bell, I've read out to you  
4 what you've recorded as the utterances to you by Mr.  
5 Malcolm MacDonald on the 22<sup>nd</sup> of September:

6 "There would be no problem if we wanted  
7 to speak to Father MacDonald. It was  
8 the Southdown people who would not  
9 allow him out during his stay."

10 "I" -- that's you -- indicated his input for  
11 the verification review:

12 "We sought his input for the  
13 verification review but had to proceed  
14 without it as he declined."

15 Now, I'm going to suggest to you, the  
16 problem here is that you and your colleagues had already  
17 made up your mind. There was no point to an interview in  
18 September, was there?

19 **MR. BELL:** Not for the verification purposes

20 ---

21 **MR. NEVILLE:** No.

22 **MR. BELL:** --- but for treatment, yes.

23 **MR. NEVILLE:** Treatment for something he was  
24 denying?

25 **MR. BELL:** To us, correct.

1                   **MR. NEVILLE:** Not just to you. He denied it  
2 to Southdown. He denied it to the Bishop. He denied it to  
3 Monsignor McDougald. His denial of involvement is  
4 contained in the Southdown materials which you had. This  
5 wasn't new.

6                   The problem here, sir, I suggest is by at  
7 least January, certainly by February without question, and  
8 I'm going to suggest by November '93, you and your agency  
9 had decided the outcome and it didn't matter what he was  
10 going to say.

11                   **MR. BELL:** Oh, no, I would disagree with  
12 that.

13                   **MR. NEVILLE:** Well, then why didn't you go  
14 along with the idea to interview in September, just because  
15 treatment was all that was left. Is that the answer?

16                   **MR. BELL:** As far as -- I mean, he never  
17 contacted me or us, as far as I know, and asked for an  
18 interview ---

19                   **MR. NEVILLE:** Mr. Bell, ---

20                   **MR. BELL:** --- when it was -- had been  
21 offered.

22                   **MR. NEVILLE:** --- you and your colleagues  
23 had sent him a letter in March saying we consider you to  
24 have abused David Silmser. It sounds like the decision's  
25 been made, doesn't it?

1                   **MR. BELL:** That was the outcome of the  
2 verification review.

3                   **MR. NEVILLE:** Right.

4                   **MR. BELL:** Yes.

5                   **MR. NEVILLE:** So what was he going to -- was  
6 he going to talk you out of it, in all likelihood?

7                   **MR. BELL:** Well, we had sought that before  
8 we made that decision.

9                   **MR. NEVILLE:** Was he going to talk you out  
10 of it, in all likelihood, was my question?

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

12                   **MR. ENGELMANN:** He's badgering this witness.  
13 I mean, this witness has already said, and he's agreed with  
14 Mr. Neville, he sought his input before the verification  
15 review. He's now said the only point of something in  
16 September would have been for treatment assessment. We've  
17 done that. We've been there.

18                   **THE COMMISSIONER:** We've been around the  
19 rosebush and there is the word that he declined. You've  
20 made your point and let's go on.

21                   **MR. NEVILLE:** I have one more question,  
22 Commissioner, then I'm done.

23                   Mr. Bell, you knew that throughout 1994 the  
24 Ontario Provincial Police had come back to Cornwall and had  
25 reinvestigated the entire matter.

1                   **MR. BELL:** I knew they were involved. To  
2 the extent to what they did, I don't know.

3                   **MR. NEVILLE:** Well, I don't want to take up  
4 too much time, sir, but there are numerous entries in your  
5 notes where you're in direct contact with Inspector Smith  
6 about the investigation.

7                   **MR. BELL:** Okay. No, I knew he was ---

8                   **MR. NEVILLE:** Okay. Well, that's all I'm  
9 getting at.

10                  **MR. BELL:** Okay.

11                  **MR. NEVILLE:** And you became aware, I take  
12 it, that in December of 1994 the OPP did a press release  
13 that no charges would be laid against Father MacDonald?

14                  **MR. BELL:** I don't recall the release. If  
15 it's in my notes then I accept that.

16                  **MR. NEVILLE:** Do you recall the event? It  
17 was widely publicized.

18                  **MR. BELL:** I didn't get a Cornwall paper at  
19 the time. I don't ---

20                  **MR. NEVILLE:** So your answer is you don't  
21 recall the event? If you don't recall the event, that's  
22 fine.

23                  **MR. BELL:** Not now.

24                  **MR. NEVILLE:** That's all. No questions.

25                  **THE COMMISSIONER:** Thank you.



1 So, Mr. Crane, any questions?

2 MR. CRANE: Yes.

3 THE COMMISSIONER: I was afraid of that.

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

5 CRANE:

6 MR. CRANE: Mr. Bell, good afternoon.

7 MR. BELL: Good afternoon.

8 MR. CRANE: Mr. Commissioner, ---

9 THE COMMISSIONER: Yes, sir.

10 MR. CRANE: --- good afternoon.

11 Mr. Bell, my name is Mark Crane. I am  
12 counsel representing the Cornwall Police Service. I don't  
13 intend to be very long, sir, but I do have a few questions.

14 To begin, a few questions about your  
15 experience. You told us that you began your career with  
16 the Children's Aid Society in 1982 ---

17 MR. BELL: Correct.

18 MR. CRANE: --- and over the following 20  
19 years you estimated you had completed hundreds of  
20 investigations involving sexual and physical abuse.

21 MR. BELL: I would -- yes, I would estimate.

22 MR. CRANE: And it's against that backdrop,  
23 I imagine, that at least in part you were assigned the  
24 primary investigator role during Project Blue, or do you  
25 know?

1                   **MR. BELL:** I'm sorry; what was the -- I'm  
2 not sure I understood the ---

3                   **MR. CRANE:** Well, you were assigned as being  
4 the primary investigator during Project Blue?

5                   **MR. BELL:** I was, yes.

6                   **MR. CRANE:** Yes?

7                   **MR. BELL:** Yes.

8                   **MR. CRANE:** And do you think that was, at  
9 least in part, based on your experience?

10                  **MR. BELL:** I would assume. I didn't make  
11 that decision of course.

12                  **THE COMMISSIONER:** He had seven years in  
13 then, not 25.

14                  **MR. CRANE:** Fair enough.

15                                 Now, you told us you only had one in-person  
16 interview with Mr. Silmsers.

17                  **MR. BELL:** Correct. Yes, face-to-face, yes.

18                  **MR. CRANE:** And that occurred on November  
19 2<sup>nd</sup>, 1993?

20                  **MR. BELL:** I'll take your word for it if  
21 it's in my note time.

22                  **MR. CRANE:** I can show you the exhibit but -  
23 --

24                  **THE COMMISSIONER:** No, no. Let's just keep  
25 going.

1 MR. CRANE: Okay.

2 MR. BELL: I accept it.

3 MR. CRANE: And you told Mr. Engelmann this  
4 morning that you felt Mr. Silmsler during that interview was  
5 expressing some confusion, stress and disappointment. Do  
6 you recall saying that?

7 MR. BELL: Yes.

8 MR. CRANE: And you said that that may have  
9 -- you know, he couldn't recall specific details or all the  
10 specific details during that interview. Do you recall  
11 saying that?

12 MR. BELL: I didn't say "wouldn't recall."  
13 I don't know if he couldn't, but he didn't. I'll say he  
14 didn't recall the precise description of the sexual abuse.

15 MR. CRANE: Fair enough.

16 MR. BELL: I don't know if that answers your  
17 question.

18 MR. CRANE: Fair enough.

19 MR. BELL: Okay.

20 MR. CRANE: And as an investigator you  
21 wanted to have a follow-up interview with Mr. Silmsler.

22 MR. BELL: Yes.

23 MR. CRANE: Fair? And this never did occur;  
24 correct?

25 MR. BELL: Not face-to-face. Well, nothing

1 really we'd call an interview, correct.

2 MR. CRANE: And in fact, you gave us a  
3 couple of reasons why you thought it may be -- it didn't  
4 occur. You mentioned the death of Mr. Seguin ---

5 MR. BELL: Yes.

6 MR. CRANE: --- that occurred -- we've heard  
7 evidence-- on the 25<sup>th</sup> of November of 1993?

8 MR. BELL: Okay.

9 MR. CRANE: And you also mentioned the  
10 release of his statement that we've heard evidence occurred  
11 in January of 1994.

12 MR. BELL: Yes.

13 MR. CRANE: Fair?

14 MR. BELL: Yes.

15 MR. CRANE: Now, I ma going to suggest to  
16 you, Mr. Bell, that even prior to the two events, you, as  
17 the primary investigator, were having difficulty obtaining  
18 additional disclosure from Mr. Silmser. Is that fair?

19 MR. BELL: I'm a little shaky on the timing,  
20 but ---

21 MR. CRANE: Why don't we take a look at your  
22 notes?

23 MR. BELL: Okay.

24 MR. CRANE: And Madam Clerk, it's Exhibit  
25 2324.

1                   **MR. BELL:** I do believe I was trying to  
2 reach him before Mr. Seguin committed suicide, attempting  
3 to get him to come back.

4                   **MR. CRANE:** I think that's right, sir.

5                   **MR. BELL:** Yeah.

6                   **THE COMMISSIONER:** Okay, so we assume it's  
7 right. Let's keep going.

8                   **MR. CRANE:** Bates page -- I wouldn't mind  
9 going through some of the detail, sir, and I won't be long.  
10 I said I'd be 10 minutes and I think I'll fall within that  
11 estimate.

12                   Madam Clerk, if we can pull up Bates page  
13 915, and towards the bottom half of the page, 7081915.  
14 It's written page 55 of your notes, Mr. Bell.

15                   **MR. BELL:** Okay, thanks.

16                   **MR. CRANE:** And under the heading of 14:46,  
17 there's an issue number one that you circled. And we can  
18 see that you've called Mr. Silmsler on this date.

19                   **MR. BELL:** Oh, okay.

20                   **MR. CRANE:** It's the 9<sup>th</sup> of November, so  
21 after your interview with him. And under that first  
22 bullet, you've written:

23                                    "He [being Mr. Silmsler] discussed  
24                                    speaking to CAS further with his lawyer  
25                                    who had no problem with this occurring

1                                   so long as he was not speaking publicly  
2                                   about his abuse."

3                                   So it appears that Mr. Silmsers has spoken to  
4                                   his lawyer and has received his consent to speak with you  
5                                   further?

6                                   **MR. BELL:** Yes.

7                                   **MR. CRANE:** And Madam Clerk, if we can  
8                                   scroll then to Bates page ending in 930, which is page 69  
9                                   of your notes, sir?

10                                  Excuse me, if we can scroll back to 916,  
11                                  which is page 56 of your notes.

12                                  Do you have that sir?

13                                  **MR. BELL:** Yes.

14                                  **MR. CRANE:** And towards the bottom half of  
15                                  the page, you've written that you're still speaking with  
16                                  Mr. Silmsers and you've arranged to have an additional  
17                                  meeting with him, and it's to occur on the 16<sup>th</sup> of November?

18                                  **MR. BELL:** Yes.

19                                  **MR. CRANE:** Okay.

20                                  And if we scroll over to the 16<sup>th</sup> of  
21                                  November, which is Bates page ending 930, page number 69 of  
22                                  your notes, sir. You have a notation on the bottom half of  
23                                  the page at 11 o'clock on the 16<sup>th</sup>.

24                                  **MR. BELL:** Okay.

25                                  **MR. CRANE:** That Mr. Silmsers hasn't shown up

1 for the scheduled interview. Do I understand that  
2 correctly?

3 MR. BELL: Yes, correct.

4 MR. CRANE: And if we look at page 79 of  
5 your notes, Madam Clerk, Bates page ending with 941, which  
6 is the 17<sup>th</sup> of November, the following day, you are  
7 contacting Mr. Silmsler to try and confirm why he hasn't  
8 shown up?

9 MR. BELL: Yes.

10 MR. CRANE: And the following day -- excuse  
11 me, on November 19<sup>th</sup>, which is Bates page ending 948, page  
12 86, Madam Clerk; and here you do contact Mr. Silmsler on the  
13 19<sup>th</sup> of November and on the bottom half of the page he  
14 confirms with you that he's having a bad week?

15 MR. BELL: Yes.

16 MR. CRANE: And if you turn over the page to  
17 Bates -- page 87, you note that at the top of the page, Mr.  
18 Bell, in the second full bullet or the third full bullet.  
19 Madam Clerk, scroll this:

20 "I didn't seek to set an appointment at  
21 this time as I felt he might feel too  
22 pressured."

23 MR. BELL: Correct.

24 MR. CRANE: And I take it that in your  
25 experience, it's not unusual for alleged victims of abuse

1 to have bad weeks?

2 MR. BELL: Yes.

3 MR. CRANE: And alleged victims of abuse may  
4 wish their investigations or their disclosure relating to  
5 their investigations to proceed at their own pace?

6 MR. BELL: Yes.

7 MR. CRANE: And that is why these --  
8 investigations of this nature can take some time to  
9 complete?

10 MR. BELL: Yes, we were sensitive to his  
11 seemingly fragile condition.

12 MR. CRANE: Despite the experience that you  
13 had as -- the 10 years or so you had been with the Society  
14 at that point, it was still difficult to obtain information  
15 from Mr. Silmsler, additional information?

16 MR. BELL: Yes.

17 MR. CRANE: Mr. Bell, a few quick questions  
18 about reporting standards.

19 MR. BELL: Okay.

20 MR. CRANE: Madam Clerk, if we can pull up  
21 Exhibit 25, Tab 5, which is Document Number 600090.

22 THE COMMISSIONER: What tab?

23 MR. CRANE: At Tab 5, Mr. Commissioner.

24 THE COMMISSIONER: What page?

25 MR. CRANE: Beginning on Bates page ending



1 in 962.

2 THE COMMISSIONER: We don't have Bates pages  
3 in the document.

4 MR. CRANE: The third page of the document,  
5 sir.

6 THE COMMISSIONER: Thank you. Table of  
7 Contents?

8 MR. CRANE: In fact, the correspondence  
9 dated August 1992.

10 THE COMMISSIONER: Oh, okay.

11 MR. CRANE: And Mr. Bell, I appreciate  
12 you've got difficulty reading the correspondence. I can  
13 tell you this is a letter dated 1992. The document we are  
14 looking at is entitled the "Revised Standards for the  
15 Investigation and Management of Child Abuse Cases by  
16 Children's Aid Society Under the *Child and Family Services*  
17 *Act.*"

18 What I am trying to confirm with you, sir,  
19 were the reporting standards that existed at/and around the  
20 time of the Silmser investigation, so 1993.

21 MR. BELL: Okay.

22 MR. CRANE: I've shown you this cover letter  
23 to confirm with you that these were the standards in place  
24 at that time. And if I can draw your attention now to the  
25 tenth page of the document.

1                   **THE COMMISSIONER:** And what would that be?

2                   **MR. CRANE:** Sorry?

3                   **THE COMMISSIONER:** Page 10 of the document?

4                   **MR. CRANE:** Correct, entitled "Response to  
5 Reports of Child Abuse."

6                   **THE COMMISSIONER:** Okay.

7                   **MR. CRANE:** And there is a heading there,  
8 sir, Mr. Bell, when you arrive there, entitled "Past  
9 Abuse".

10                   **MR. BELL:** Okay, I think I've got the right  
11 page. The page numbers didn't copy, so it's Roman III ---

12                   **MR. CRANE:** It would be page 9 at the bottom  
13 of the document.

14                   **THE COMMISSIONER:** It doesn't show like  
15 that, sir. So let's see. Yes, that looks like the one  
16 "Response to Reports of Child Abuse."

17                   **MR. BELL:** Okay.

18                   **THE COMMISSIONER:** Thank you.

19                   **MR. CRANE:** And I'm just going to read in  
20 the second paragraph under this heading, Mr. Bell, and it  
21 states:

22                                   "The person over the age of 16 who  
23 reports past abuse should be encouraged  
24 to report the abuse to the police and  
25 should be helped to take advantage of

1                   whatever victim assistance, therapy and  
2                   legal assistance resources exist in the  
3                   community. The Society will initiate a  
4                   further investigation only if there is  
5                   an allegation or evidence that a child  
6                   under the age of 16 may be at risk or  
7                   may have been abused."

8                   Now, Mr. Bell, Mr. Carriere testified here  
9                   before you, confirmed for this Commission that this was the  
10                  standard in effect during the time of the Silmser  
11                  investigation and I take it that you would also agree that  
12                  this was the standard in place at that time. Is that fair?

13                  **MR. BELL:** Ninety-two ('92), yes.

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

15                  **MR. BELL:** Yes.

16                  **MR. CRANE:** Thank you sir, those are my  
17                  questions.

18                  **THE COMMISSIONER:** Mr. Kozloff?

19                  --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
20                  **KOZLOFF:**

21                  **MR. KOZLOFF:** Good afternoon, sir. Good  
22                  afternoon Mr. Bell.

23                  **MR. BELL:** Good afternoon.

24                  **MR. KOZLOFF:** My name is Neil Kozloff. I  
25                  represent the Ontario Provincial Police. I have a couple

1 of questions for you.

2 Just to assist my friend for the CCR with  
3 the document that she was looking for, it's Document  
4 115844, and that's an interview that was conducted by Mr.  
5 Bell on the 10<sup>th</sup> of May 1994. I won't name the individual,  
6 but it's a young man in -- east of Lancaster.

7 MR. BELL: Okay.

8 MR. KOZLOFF: And that's in relation to the  
9 Malcolm MacDonald matter.

10 MR. BELL: Okay.

11 THE COMMISSIONER: So do you have an  
12 Exhibit, Madam Clerk?

13 MR. KOZLOFF: One-one-five-eight-four-four  
14 (115844).

15 THE COMMISSIONER: That doesn't help.

16 MR. KOZLOFF: Okay.

17 THE COMMISSIONER: Is it already an Exhibit?

18 MR. KOZLOFF: I don't believe so.

19 THE COMMISSIONER: Okay. So let's -- okay.

20 MR. KOZLOFF: I don't need it made an  
21 exhibit. I was just assisting with respect to that.

22 I just want to go through with you some of  
23 your notes in Exhibit 2324, having to do with your contacts  
24 with the Ontario Provincial Police as well as with Mr.  
25 Dunlop.

1                   Your initial contact with the Ontario  
2                   Provincial Police, as I understand it, was the 14<sup>th</sup> and 15<sup>th</sup>  
3                   of October, and that would be at ---

4                   **MR. BELL:** With Constable Ron Wilson?

5                   **MR. KOZLOFF:** That's right.

6                   **MR. BELL:** Okay.

7                   **MR. KOZLOFF:** The first note you have is at  
8                   page 2 of your notes. You have a meeting at OPP Long Sault  
9                   with Constable Ron Wilson?

10                  **MR. BELL:** Correct.

11                  **MR. KOZLOFF:** And I gather that was with  
12                  regard to the wish of the Children's Aid Society to address  
13                  the issue of risk with respect to Father Charles MacDonald  
14                  and current altar servers in St. Andrews Parish?

15                  **MR. BELL:** Yes. But ---

16                  **MR. KOZLOFF:** And he got back to you the  
17                  next day with respect to your request and confirmed to you  
18                  that he would not be able to assist you with regard to your  
19                  investigation of current altar servers unless and until you  
20                  got a complaint, in which case he would be happy to assist?

21                  **MR. BELL:** Act on it, correct.

22                  **MR. KOZLOFF:** And the next contact you have  
23                  with the OPP is actually as a result of your discussions  
24                  with Mr. Dunlop?

25                               I'm going to help you now. You had a visit

1 with Helen Dunlop on the 16<sup>th</sup> of November, and that's at  
2 page 90 -- sorry, 71 of your notes.

3 MR. BELL: Okay.

4 MR. KOZLOFF: She came by to give you some  
5 information. You had spoken to her previously?

6 MR. BELL: Yes.

7 MR. KOZLOFF: With respect to background  
8 information on Father Charles MacDonald and St. Andrews  
9 parish; correct?

10 MR. BELL: Yes.

11 MR. KOZLOFF: And on the 16<sup>th</sup>, she told you  
12 that her husband, Perry Dunlop, is across the street at the  
13 Villa and could meet with you.

14 Do you recall that?

15 MR. BELL: Yes, I do.

16 MR. KOZLOFF: All right.

17 And that's how you came to meet Perry Dunlop  
18 and speak with him for the first time. Is that right?

19 MR. BELL: Yes.

20 MR. KOZLOFF: And you met with him on that  
21 afternoon, and the purpose you have indicated -- this is at  
22 page 72 of your notes -- is what he can tell you about this  
23 case. Right?

24 And he indicated -- I'm reading your notes.  
25 I think I'm reading it correctly.

1 "He indicated pieces of knowledge that would likely provide  
2 leads to people who should be interviewed."

3 MR. BELL: Can you tell me which bullet that  
4 is? Sorry.

5 MR. KOZLOFF: That would be the very bottom  
6 of page 72.

7 This is the 16<sup>th</sup> ---.

8 MR. BELL: Okay, yes. Yes.

9 MR. KOZLOFF: Eleventh (11<sup>th</sup>) '93; 1530.

10 MR. BELL: Yes.

11 MR. KOZLOFF: Did I read that correctly?

12 "He indicated pieces of knowledge  
13 that would likely provide leads to  
14 people who should be interviewed."

15 MR. BELL: Yes.

16 MR. KOZLOFF: "He relayed names of St.  
17 Andrews West community, numerous  
18 people who want to talk to the  
19 CAS."

20 And you agree to a further meeting at which  
21 time:

22 "He said he'll bring his notes and  
23 we can go over them together."

24 MR. BELL: Yes.

25 MR. KOZLOFF: All right.

1                   And then you have a meeting, a review  
2                   meeting on the 17<sup>th</sup> with Mr. Abell, Mr. Carriere, Ms.  
3                   MacLennan and Ms. DeBellis and the planning says:

4                                "If Perry Dunlop is giving us  
5                                official information as a police  
6                                officer, then the CPS needs to be  
7                                notified. Thus we should make a  
8                                formal request through Staff  
9                                Sergeant Garry Derochie. Then we  
10                              will let Perry Dunlop know about  
11                              approaching Staff Sergeant  
12                              Derochie about speaking to him as  
13                              an officer."

14                              Right?

15                              **MR. BELL:** Yes.

16                              **MR. KOZLOFF:** And then there's a call from  
17                              Helen Dunlop on the 17<sup>th</sup>. It says:

18                              "Call from Helen Dunlop and Perry Dunlop."

19                              You speak with Helen first, and then at page  
20                              97, you tell Perry Dunlop:

21                              "I explained we would like to  
22                              advise the CPS formally that we  
23                              want to speak to him as a police  
24                              officer, which is distinct from as  
25                              a parishioner, a context in which



1 we also feel he can provide  
2 information useful to this case."

3 **THE COMMISSIONER:** Wait. You said 97?

4 **MR. BELL:** Page 97?

5 **MR. KOZLOFF:** I'm sorry, page 77. I beg  
6 your pardon.

7 Your notes are superb but sometimes I have  
8 difficulty reading them, sir.

9 **MR. BELL:** I do too. I'm sorry.

10 **MR. KOZLOFF:** It's Bates page 1939, Mr.  
11 Commissioner.

12 **THE COMMISSIONER:** Yeah, I'm there.

13 **MR. KOZLOFF:** Mid-page.

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

15 **MR. KOZLOFF:** All right.

16 **MR. BELL:** Okay.

17 **MR. KOZLOFF:** And it says:

18 "He was immediately agreeable with  
19 this plan and confirmed we should  
20 address this with Staff Sergeant  
21 Derochie."

22 Correct?

23 **MR. BELL:** Yes.

24 **MR. KOZLOFF:** All right.

25 So the next page, you have called Staff

1 Sergeant Derochie. You've indicated that the CAS would  
2 like to interview Constable Dunlop as a police officer,  
3 apart from but as well as a citizen member of St. Andrews  
4 Parish?

5 MR. BELL: Correct.

6 MR. KOZLOFF: And if you go down, you say,  
7 after you say:

8 "I explained I am the worker  
9 investigating allegations arising  
10 from David Silmser and that I  
11 would like to interview Constable  
12 Dunlop as a police officer as well  
13 as a parishioner. He replied that  
14 he didn't see what he could add to  
15 our knowledge but that he has no  
16 problem with him speaking to you."

17 Right?

18 MR. BELL: Correct.

19 MR. KOZLOFF: All right.

20 "He indicated that he thinks all  
21 Perry Dunlop would know were a lot  
22 or rumours that are going around  
23 the police station."

24 That was what Derochie said to you, right?

25 MR. BELL: Correct.

1                   **MR. KOZLOFF:** All right.

2                   You finally get to meet with Constable  
3                   Dunlop on the 29<sup>th</sup> of November. That's at page 119,  
4                   beginning. And this is, I believe, with Pina DeBellis?

5                   **MR. BELL:** Yes.

6                   **MR. KOZLOFF:** And the second note you have  
7                   is:

8                                    "In the next few weeks, further  
9                                    information will come to light  
10                                   regarding other..." ---

11                   **MR. BELL:** "...perpetrators."

12                   **MR. KOZLOFF:** --- "...perpetrators." Right?

13                   **MR. BELL:** Correct.

14                   **MR. KOZLOFF:** And then he tells you that  
15                   Randy Miller and Chris MacDonnell of OPP Lancaster are  
16                   investigating the matter of Ken Seguin's suicide and  
17                   possibly the issue of whether there was extortion?

18                   **MR. BELL:** Yes.

19                   **MR. KOZLOFF:** And that:

20                                    "Randy Miller will want to speak  
21                                    with you, as he..." --

22                   I take it that refers to Dunlop --

23                                    "...indicated we are investigating  
24                                    the case and that Silmsler has  
25                                    given them a statement, which they

1 will give us."

2 Right?

3 **MR. BELL:** Randy Miller ---

4 **MR. KOZLOFF:** That's at Bullet four.

5 **MR. BELL:** Number four, yes.

6 **MR. KOZLOFF:** And the next Bullet is that:

7 "There are other perpetrators  
8 involved in a ring and that we  
9 will be hearing about them and  
10 that these include Malcolm  
11 MacDonald."

12 **MR. BELL:** Yes.

13 **MR. KOZLOFF:** All right.

14 "He will still come in to review  
15 his notes with us but suggested  
16 that he needed a couple of weeks  
17 until we have spoken to Randy  
18 Miller who can tell you more about  
19 what you need to know."

20 Right?

21 **MR. BELL:** Correct.

22 **MR. KOZLOFF:** Did he explain why coming in  
23 and sharing his information with you would be dependent on  
24 Randy Miller?

25 **MR. BELL:** No.

1                   **MR. KOZLOFF:** No.

2                   And then he asked for a letter from the CAS  
3                   to his staff sergeant confirming that you are asking to  
4                   interview him; correct?

5                   **MR. BELL:** Correct.

6                   **MR. KOZLOFF:** The next page, at 121, you and  
7                   Mr. Carriere discuss this. You update Mr. Carriere on your  
8                   discussions with Mr. Dunlop. And you agree that you would  
9                   welcome the opportunity to exchange information with the  
10                  OPP; correct? You see that at the top of page 121?

11                  **MR. BELL:** Yes.

12                  **MR. KOZLOFF:** All right.

13                  **MR. BELL:** Yes.

14                  **MR. KOZLOFF:** And then at page 147, it  
15                  appears you comply with Mr. Dunlop's request. There's an  
16                  indication that on the 6<sup>th</sup> of the 12<sup>th</sup> '93, you write a  
17                  letter to Staff Sergeant Derochie confirming his clearance  
18                  to interview Constable Dunlop as a police officer.

19                  **THE COMMISSIONER:** Well, Constable Perry  
20                  Derochie as a police ---

21                  **MR. KOZLOFF:** It's a letter to Staff  
22                  Sergeant Derochie, purpose: Confirm his clearance to  
23                  interview Constable Perry ---

24                  **THE COMMISSIONER:** Derochie.

25                  **MR. BELL:** Oh, I think ---

1                   **MR. KOZLOFF:** --- well it says Perry  
2                   Derochie, I think you meant Dunlop.

3                   **MR. BELL:** I suspect I made an entry  
4                   mistake.

5                   **MR. KOZLOFF:** Yes.

6                   **MR. BELL:** I meant Dunlop.

7                   **MR. KOZLOFF:** Thank you, Mr. Commissioner.  
8                   It should have been Dunlop; correct?

9                   **MR. BELL:** Yes, yes.

10                  **MR. KOZLOFF:** Thank you, sir.

11                  I told you I was having trouble reading his  
12                  notes, sir.

13                  **THE COMMISSIONER:** Yeah, m'hm.

14                  **MR. KOZLOFF:** And then you get a call -- you  
15                  call -- on the 8<sup>th</sup> of December, you call Randy Millar.

16                  **THE COMMISSIONER:** What page?

17                  **MR. KOZLOFF:** It's at page 158. That's your  
18                  first effort to call and I gather he was off duty that day?

19                  **MR. BELL:** Yes.

20                  **MR. KOZLOFF:** You called him again later on  
21                  -- at page 160, "He's off sick this p.m."

22                  **MR. BELL:** Yes.

23                  **MR. KOZLOFF:** Then you spoke to Staff  
24                  Sergeant Brunet, at page 164, of the Cornwall police. And  
25                  he tells you that since Ken Seguin's suicide, the OPP has

1           become involved and he suggests that you call Ron Wilson at  
2           Long Sault as he suggested that he thinks -- that he thinks  
3           that the investigation of sexual improprieties is now in  
4           his hands; correct?

5                       **MR. BELL:** Yes.

6                       **MR. KOZLOFF:** All right. You called Ron  
7           Wilson; you weren't able to get him because he wasn't in,  
8           but you got a phone call on the 13<sup>th</sup> -- this is at page 165  
9           -- from Randy Millar. And he basically updated you on  
10          everything that he'd been doing; correct?

11                      **MR. BELL:** Well ---

12                      **MR. KOZLOFF:** He became involved over the  
13          death of Ken Seguin which was clearly suicide. And there  
14          was a connection to Father Charles MacDonald that came out  
15          of this. Said that that case is now gone to Ron Wilson, so  
16          that David Silmser gave Randy Millar -- himself, Randy  
17          Millar -- another statement; that there's another name in  
18          the Silmser statement; and that Wilson has this statement  
19          and is working on it.

20                      **MR. BELL:** Yes.

21                      **MR. KOZLOFF:** And did you notice from the  
22          CAS that they're two other alleged victims of Father  
23          Charlie; correct?

24                      **MR. BELL:** Yes.

25                      **MR. KOZLOFF:** And then you get a call from

1 Ron Wilson on the 14<sup>th</sup> of December and again he's filling  
2 you in on what he's been doing. The tells you he spoke to  
3 David Silmser ---

4 **THE COMMISSIONER:** What page again? I'm  
5 sorry.

6 **MR. KOZLOFF:** This is 17 -- I beg your  
7 pardon, I'm going to be careful because the sevens and the  
8 nines confuse me. It's 171, Bates page 2035.

9 He says he spoke to David Silmser a week ago  
10 and that he refused to have anything to do with either the  
11 CPS or the OPP or the OPP or the CPS indicating they have  
12 not done right by him. Right?

13 **MR. BELL:** Correct.

14 **MR. KOZLOFF:** That he had only heard of two  
15 perpetrators from David Silmser, they being Father Charlie  
16 -- Father Charles and Ken Seguin. He had not heard about  
17 the teacher, Marcel Lalonde.

18 **MR. BELL:** Correct.

19 **MR. KOZLOFF:** And then when you said that  
20 there was another alleged perpetrator, according to David  
21 Silmser, who's Marcel Lalonde, you pointed out that you  
22 didn't have details about his sexual abuse of David Silmser  
23 and were in a difficult spot regarding what to do with the  
24 information; right?

25 **MR. BELL:** Correct.



1                   **MR. KOZLOFF:** Yeah. And that he indicated  
2 to you that it was okay to proceed with interviewing Father  
3 Charlie as you had -- as there was no further police action  
4 contemplated at this time.

5                   **MR. BELL:** Correct.

6                   **MR. KOZLOFF:** That's at bullet 5.

7                   **MR. BELL:** Yes.

8                   **MR. KOZLOFF:** And that was because, I take  
9 it, you would have understood that was because Mr. Silmser  
10 was refusing to cooperate with the OPP which was pointed  
11 out ---

12                   **MR. BELL:** Probably.

13                   **MR. KOZLOFF:** --- to you at bullet 1.

14                   **MR. BELL:** Yeah, yeah.

15                   **MR. KOZLOFF:** All right. And -- then you  
16 have a call, at page 173, to Perry Dunlop. You're  
17 following up:

18                                 "Purpose: Meeting with him to get  
19 his notes."

20                   **MR. BELL:** Yes.

21                   **MR. KOZLOFF:** All right.

22                   **MR. BELL:** Requests his notes as he  
23 suggested.

24                   **MR. KOZLOFF:** And he says, at top of page  
25 174:

1                    "He can't schedule a meeting with Pina  
2                    and I this week but will check his  
3                    schedule and call me back with a likely  
4                    time for next week."

5                    Right?

6                    **MR. BELL:** Correct.

7                    **MR. KOZLOFF:** All right. And you then, I  
8                    suggest, make a number of calls to Mr. Dunlop trying to get  
9                    him to come in. There's one at page 178, 211293, "Called  
10                    for Constable Dunlop. Not in." You left a message to  
11                    call.

12                    Then you have a call at page 184 on the 12<sup>th</sup>  
13                    of January. So now, we're into the new year and we're post  
14                    the appearance of Mr. Silmsers's statement in the press and  
15                    the media circus that ensues; right?

16                    **MR. BELL:** Okay. I didn't know the timing  
17                    of that.

18                    **MR. KOZLOFF:** All right. In any event, ---

19                    **THE COMMISSIONER:** That was in January.

20                    **MR. BELL:** Okay.

21                    **MR. KOZLOFF:** You call Mr. Dunlop on the 12<sup>th</sup>  
22                    of January:

23                    "He replied that he would like to  
24                    get back to me in a couple of weeks as  
25                    there are currently some issues for him

1 which need to be..."

2 MR. BELL: "...resolved."

3 THE COMMISSIONER: "...resolved."

4 MR. KOZLOFF: "...resolved."

5 At the top of the next page:

6 "I indicated we understood from our  
7 last meeting with him that there were  
8 other perpetrators or a ring which  
9 relates to..."

10 MR. BELL: "...children still at risk."

11 MR. KOZLOFF: Right. He responded "Yes,"  
12 right?

13 MR. BELL: I'm just trying to think of that  
14 word. Indicated, yes.

15 MR. KOZLOFF: Indicated "Yes." We replied -  
16 - oh,

17 "He replied he'll call me back in about  
18 two weeks when things are settled."

19 MR. BELL: "...when some things are  
20 settled."

21 MR. KOZLOFF: "...when some things are  
22 settled." All right.

23 And then you have a meeting with Mr.  
24 Carriere which you -- the plan is to call Dunlop back and  
25 explain Section 72, the *Child and Family Services Act* -

1       *Duty to Report; correct?*

2                   **MR. BELL:** Correct.

3                   **MR. KOZLOFF:** So you called Dunlop, that's  
4       the next page, 186. And I gather you left a message with  
5       Mrs. Dunlop.

6                   **MR. BELL:** Yes.

7                   **MR. KOZLOFF:** All right.

8                   **MR. BELL:** Can I just clarify a quick point?

9                   **MR. KOZLOFF:** Sure.

10                  **MR. BELL:** Explaining to Perry Dunlop in the  
11       phone call about Section 72, would be ---

12                  **THE COMMISSIONER:** The protections.

13                  **MR. BELL:** -- to indicate that I think he  
14       would be safe on any grounds ---

15                  **THE COMMISSIONER:** Right.

16                  **MR. BELL:** --- sharing with us.

17                  **THE COMMISSIONER:** Right.

18                  **MR. KOZLOFF:** Give him comfort; right?

19                  **MR. BELL:** Yes. I don't know why there was  
20       hesitancy but ---

21                  **MR. KOZLOFF:** Right.

22                  **MR. BELL:** --- I mean I was very much aware  
23       that Silmsen was fearful of disclosing to us. And then I  
24       felt he would be safe under the Act.

25                  **MR. KOZLOFF:** All right.

1                   And then, let's get to page 189, this is now  
2           the 13<sup>th</sup> of January, you call Perry Dunlop:

3                   "...explained that if he has  
4                   information relating to other  
5                   perpetrators not yet known to the OPP  
6                   that relate to the..."

7           **MR. BELL:** "...to the CAS."

8           **MR. KOZLOFF:** Sorry:

9                   "...to the CAS that relate to..."

10           **MR. BELL:** "...children..."

11           **MR. KOZLOFF:** "...at risk..." ...

12           **MR. BELL:** "...now, we should know about  
13           this..."

14           **MR. KOZLOFF:** "...as soon as possible."

15           **MR. BELL:** "...as soon as possible."

16           **MR. KOZLOFF:** And then you read to him from  
17           Section 72?

18           **MR. BELL:** Correct.

19           **MR. KOZLOFF:** And then he told you that he  
20           would have to make some inquiries before getting back to  
21           you; right?

22           **MR. BELL:** Correct.

23           **MR. KOZLOFF:** Okay.

24                   The next contact is at page 191. This is  
25           with the OPP. You have a meeting with MacDonnell and

1 Genier?

2 MR. BELL: Yes.

3 MR. KOZLOFF: And the update you on what  
4 they're doing on their investigation?

5 MR. BELL: Yes.

6 MR. KOZLOFF: All right.

7 And they're looking into the alleged  
8 extortion of Ken Seguin?

9 MR. BELL: Yes.

10 MR. KOZLOFF: And they tell you that they're  
11 working under Inspector Hamelink from OPP CID and that  
12 Inspector Smith is in charge of the investigation of David  
13 Silmsler's allegation against Father Charlie; right?

14 MR. BELL: I see Inspector Fred Hamelink.

15 MR. KOZLOFF: It's at the bottom of  
16 page 191.

17 MR. BELL: Yes, okay, "Tim Smith is in  
18 charge." Okay.

19 MR. KOZLOFF: And thereafter there's no  
20 further contact with Mr. Dunlop that I can see.

21 MR. BELL: No, well, if there's nothing in  
22 the notes ---

23 MR. KOZLOFF: All right.

24 MR. BELL: --- there would be none.

25 MR. KOZLOFF: So you made numerous efforts,

1       you provided comfort to him in the form of a letter to  
2       Staff Sergeant Derochie, and you provided comfort to him in  
3       the form of Section 72 of the *Child and Family Services Act*  
4       and there was no positive response from Mr. Dunlop; right?

5               **MR. BELL:** Correct, correct.

6               **MR. KOZLOFF:** And then there are follow-ups  
7       at page 202. There's a call for Chris MacDonnell or Don  
8       Genier regarding their investigation. And without wasting  
9       a lot more time, the police are keeping you updated with  
10      respect to their investigation. You get a call, at page  
11      205, from Detective Inspector Smith.

12              **MR. BELL:** Correct.

13              **MR. KOZLOFF:** And being very careful, you  
14      decide before you're going to talk to him that you should  
15      call him back and make sure he's really who he says he is?

16              **MR. BELL:** Well, I did that sort of thing at  
17      times. Well, if I knew somebody I wouldn't, but anybody  
18      can call and say they're who they want to be.

19              **MR. KOZLOFF:** In any event, he provides you  
20      with information regarding his investigation and updates  
21      you?

22              **MR. BELL:** Yes.

23              **MR. KOZLOFF:** And addresses with you the  
24      issue of Mr. Lalonde? It's at page 206.

25              **MR. BELL:** Which bullet, number 4?

1                   **MR. KOZLOFF:** That would be bullet 2 and  
2                   bullet 3.

3                   **MR. BELL:** Yes.

4                   **MR. KOZLOFF:** And then there are further  
5                   contacts with Smith, at page 209?

6                   **THE COMMISSIONER:** I thought we weren't ---

7                   **MR. KOZLOFF:** Sorry, two ---

8                   **THE COMMISSIONER:** I thought we weren't  
9                   going to go through all of that.

10                  **MR. KOZLOFF:** There's a purpose. I'll be  
11                  another two minutes, sir. Thank you.

12                                 In terms of what you were telling us earlier  
13                                 today about the dilemma that you find yourself in when you  
14                                 have the bare allegation against an individual, without any  
15                                 details, one instance of that is the information regarding  
16                                 Malcolm MacDonald that you had received from Perry Dunlop?

17                   **MR. BELL:** Yes.

18                   **MR. KOZLOFF:** That was information which you  
19                   deliberately withheld from the OPP when you shared  
20                   information with respect to what you had received in the  
21                   course of your investigation; correct? You recall a  
22                   meeting where you determined that you would provide Mike  
23                   Fagan with copies of certain documents but that you would  
24                   delete the name or redact the name Malcolm MacDonald?

25                   **MR. BELL:** I believe there was a team



1 decision about that.

2 MR. KOZLOFF: Right.

3 MR. BELL: Yes, yes.

4 MR. KOZLOFF: Right, okay.

5 And that's an example of that kind of a  
6 situation where you had the bare allegation third-hand ---

7 MR. BELL: Yes.

8 MR. KOZLOFF: --- and you weren't going to  
9 share that with another agency without more; correct?

10 MR. BELL: Substantiation of some kind, yes.

11 MR. KOZLOFF: Right. Fair enough.

12 THE COMMISSIONER: Do you have that in a  
13 note some place?

14 MR. KOZLOFF: That's at page 209, sir. It  
15 begins at 209; sorry.

16 THE COMMISSIONER: Okay. "Should cross-  
17 reference check..."

18 MR. KOZLOFF: No, no. I understand that,  
19 sir. I'm looking for the -- I highlighted it but I'm just  
20 not sure.

21 THE COMMISSIONER: Well, how about if we put  
22 that as homework, if you can advise me tomorrow.

23 MR. KOZLOFF: I will. I will.

24 THE COMMISSIONER: That's fine.

25 MR. KOZLOFF: All right.

1                   **THE COMMISSIONER:** Let's keep going then.

2                   **(SHORT PAUSE/COURTE PAUSE)**

3                   **MR. KOZLOFF:** You have a meeting on the 22<sup>nd</sup>  
4 of March with Smith, Fagan, MacDonnell, Richard Abell, Mr.  
5 Carriere and yourself where you share information from your  
6 investigation that may be helpful to them?

7                   **MR. BELL:** Yes, yes.

8                   **MR. KOZLOFF:** Right.

9                   There's arrangements made for Detective  
10 Constable Fagan to attend the CAS to get further  
11 information. And at page 211 there's a discussion  
12 regarding why you didn't feel that you could pursue the  
13 issue of the allegation that Marcel Lalonde molested David  
14 Silmser any further without more details from Mr. Silmser;  
15 correct?

16                   **THE COMMISSIONER:** It's the third paragraph.

17                   **MR. BELL:** Third paragraph? Okay, yes.  
18 Yes.

19                   **MR. KOZLOFF:** And you're given an update  
20 from Constable MacDonnell as to where Marcel Lalonde is  
21 actually teaching?

22                   **MR. BELL:** Yes.

23                   **MR. KOZLOFF:** All right.

24                   **MR. BELL:** Yes.

25                   **MR. KOZLOFF:** You're given a letter from

1 Detective Inspector Smith, confirming that he's  
2 investigating allegations ---

3 MR. BELL: Yes.

4 MR. KOZLOFF: --- that Silmser was sexually  
5 abused by MacDonald?

6 MR. BELL: Yes.

7 MR. KOZLOFF: And that's for the purpose of  
8 addressing the protocol for the sharing of information?

9 MR. BELL: Yes.

10 MR. KOZLOFF: Further calls with Smith in  
11 May, at page 215, and a visit from Fagan in June -- sorry,  
12 in May on the 27<sup>th</sup>, at page 216.

13 MR. BELL: Yes, I see them.

14 MR. KOZLOFF: Smith calls you or you call  
15 Smith on the 27<sup>th</sup> of June. He gives you an update.

16 THE COMMISSIONER: What page?

17 MR. KOZLOFF: This is page 219, sir.

18 THE COMMISSIONER: M'hm.

19 MR. KOZLOFF: He tells you that the OPP does  
20 not have enough to investigate Marcel Lalonde, the teacher  
21 Silmser alleged had abused him.

22 THE COMMISSIONER: Page 219?

23 MR. KOZLOFF: Page 219 at the bottom.

24 THE COMMISSIONER: Oh, at the bottom.

25 Number?

1 MR. KOZLOFF: Bullet 6.

2 THE COMMISSIONER: Six, okay.

3 MR. KOZLOFF: And there's a discussion about  
4 whether or not you should be advising the school board;  
5 correct?

6 MR. BELL: Yes.

7 MR. KOZLOFF: Thank you.

8 And then there's a discussion with Mr. Abell  
9 on the 28<sup>th</sup> about whether or not the CAS should be advising  
10 the school board.

11 It's at 1145. Do you see that?

12 MR. BELL: That's the one that talks about  
13 having another meeting?

14 MR. KOZLOFF: Yes.

15 MR. BELL: Okay.

16 MR. KOZLOFF: There is a further letter  
17 written to Mr. Silmsler as a result. That's at page 222.

18 MR. BELL: Okay. Letter to be written?

19 MR. KOZLOFF: It's actually discussed at  
20 page 222 and it's written on the 29<sup>th</sup> of the seventh at page  
21 224.

22 MR. BELL: Right, care of his lawyer.

23 MR. KOZLOFF: Right?

24 MR. BELL: Correct.

25 MR. KOZLOFF: And letters to both, Mr.

1 Silmser and his lawyer, Mr. Geoffrey, are never responded  
2 to; correct?

3 MR. BELL: If there's no entry, I assume so.

4 MR. KOZLOFF: All right. In fact, there is  
5 an entry to the effect that there was no response.

6 MR. BELL: Okay.

7 MR. KOZLOFF: I am almost finished, sir.

8 THE COMMISSIONER: I'm interested in finding  
9 out the purpose.

10 MR. KOZLOFF: Of what? Me finishing?

11 THE COMMISSIONER: No, no, no.

12 MR. KOZLOFF: It's to assist you, sir.

13 THE COMMISSIONER: You told me -- oh, you're  
14 doing that to assist me. Okay.

15 MR. KOZLOFF: My purpose was to go through  
16 with this witness who has compiled ---

17 THE COMMISSIONER: M'hm.

18 MR. KOZLOFF: --- compendious notes ---

19 THE COMMISSIONER: Yes.

20 MR. KOZLOFF: --- covering a period of over  
21 two years of the numerous occasions in which there was  
22 contact with and cooperation with another public  
23 institution in response to allegations of historic abuse of  
24 young people.

25 THE COMMISSIONER: Sir, throughout those two

1 years when you were taking these notes, did you have  
2 regular contact with the OPP?

3 MR. BELL: Yes, as needed.

4 THE COMMISSIONER: Yes.

5 MR. BELL: There would be gaps. It would  
6 occur when there was an incident to share or discuss.

7 THE COMMISSIONER: M'hm, did you think that  
8 they were full and frank with you?

9 MR. BELL: Yes.

10 THE COMMISSIONER: Did they cooperate with  
11 you as much as possible as far as you were concerned?

12 MR. BELL: Yes. Yes.

13 THE COMMISSIONER: And did you cooperate  
14 with them as much as possible as far as you were concerned?

15 MR. BELL: Yes.

16 THE COMMISSIONER: Thank you.

17 MR. KOZLOFF: Are you prepared to write that  
18 in his report, sir?

19 (LAUGHTER/RIRES)

20 MR. KOZLOFF: Thank you.

21 THE COMMISSIONER: Thank you.

22 Now, Mr. Carroll, do you want to echo how  
23 good the police officers did?

24 MR. CARROLL: I don't really need you to say  
25 it again, thanks. (Off mike)

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( LAUGHTER/RIRES )

THE COMMISSIONER: Thank you.

Now, Mr. Chisholm, what will you want me to hear?

MR. CHISHOLM: Pardon me?

THE COMMISSIONER: What do you want me to hear now?

THE CHISHOLM: The truth, sir.

THE COMMISSIONER: Well, let's make it the relevant truth.

MR. CHISHOLM: Very good, sir. Let me know if I get off track.

THE COMMISSIONER: I will.

--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. CHISHOLM:

MR. CHISHOLM: Mr. Bell, how are you today?

MR. BELL: Surviving here. I'm okay.

MR. CHISHOLM: You know who I am. I act for the CAS.

MR. BELL: Yes.

MR. CHISHOLM: If I could take you to your notes, which are Exhibit 2324, page 32 of your notes, Bates page 1889, and that's the October 28<sup>th</sup>, 1993 entry at 1612 hrs. Is that right?

MR. BELL: Correct.

1                   **MR. CHISHOLM:** You called Mr. Silmser; is  
2                   that right?

3                   **MR. BELL:** Yes.

4                   **MR. CHISHOLM:** And if you look about five  
5                   lines down, it reads:

6                                 "His immediate concern was how we know  
7                                 about his abuse."

8                   Is that right? Do you see that?

9                   **MR. BELL:** Can you read me the section?

10                  **MR. CHISHOLM:** Sorry.

11                                 "His immediate concern was how we  
12                                 knew..."

13                  **MR. BELL:** Oh, yes, okay. Yes.

14                  **MR. CHISHOLM:** Knew or know about his abuse.

15                  **MR. BELL:** Yes.

16                  **MR. CHISHOLM:** And do I take that entry to  
17                  be that Mr. Silmser was surprised that you had contacted  
18                  him?

19                  **MR. BELL:** Yes.

20                  **MR. CHISHOLM:** Had Mr. Silmser given you any  
21                  suggestion that he had given any information to the CAS  
22                  prior to you contacting him?

23                  **MR. BELL:** I don't believe so.

24                  **MR. CHISHOLM:** Did you see any evidence  
25                  during the course of your investigation to suggest that Mr.



1 Silmsers first went to the CAS before going to the Cornwall  
2 Police Service?

3 MR. BELL: No.

4 MR. CHISHOLM: You interviewed Mr. Silmsers  
5 on November the 2<sup>nd</sup>, 1993, and that was your -- as far as I  
6 understand -- your only face-to-face contact with Mr.  
7 Silmsers?

8 MR. BELL: Yes.

9 MR. CHISHOLM: Following that meeting, you  
10 had a number of telephone contacts that we've heard about  
11 today. Is that right?

12 MR. BELL: Yes.

13 MR. CHISHOLM: If I could take you, please,  
14 to Bates page 1907, that's November the 4<sup>th</sup> at 1326 hrs  
15 towards the bottom of the page, bullet number one.

16 So do I understand your note to mean you  
17 called Mr. Silmsers on that date at that time and that he  
18 relayed the following information to you:

19 "One, that his lawyer told him he  
20 shouldn't speak further to us at  
21 this..."

22 MR. BELL: "Point."

23 MR. CHISHOLM: "...point because..."

24 MR. BELL: "...other things are going on."

25 MR. CHISHOLM: "...things are going on."

1 So Mr. Silmsers told you that?

2 MR. BELL: Yes.

3 MR. CHISHOLM: Did that cause you any  
4 concern when you heard that Mr. Silmsers is being told by  
5 his lawyer not to have further contact with the CAS?

6 MR. BELL: Concern?

7 MR. CHISHOLM: In terms of you being able to  
8 get further information from Mr. Silmsers.

9 MR. BELL: Discouraging, I suppose.

10 MR. CHISHOLM: Discouraging to you?

11 MR. BELL: Yes.

12 MR. CHISHOLM: And I understand you had  
13 telephone conversations or contact with Mr. Silmsers again  
14 following Mr. Seguin's suicide?

15 MR. BELL: Yes.

16 MR. CHISHOLM: And again following the  
17 release in the media of Mr. Silmsers's statement. Is that  
18 right?

19 MR. BELL: Yes.

20 MR. CHISHOLM: Would it be fair to  
21 categorize some of those conversations that you had with  
22 Mr. Silmsers to having taken place during times of crisis in  
23 Mr. Silmsers's life?

24 MR. BELL: Yes, quite likely for him.

25 MR. CHISHOLM: Did you have any concerns

1 about losing contact with Mr. Silmsers?

2 MR. BELL: Yes.

3 MR. CHISHOLM: How would you classify your  
4 view of the relationship that Mr. Silmsers had with the CAS?

5 MR. BELL: Initially, I thought quite, quite  
6 constructive and open. Later, when the -- when his  
7 statement got in the press, he seemed doubtful about who he  
8 could trust including -- particularly agencies, including  
9 ours.

10 MR. CHISHOLM: If I called it "fragile"  
11 would you agree with that assessment?

12 MR. BELL: Yes.

13 MR. CHISHOLM: If I could take you, please,  
14 to Bates page 2051, that's page 186 of your notes. I am  
15 interested in the last entry on that page, that's January  
16 12, '94 at 1319 or 1315 hours, I believe.

17 MR. BELL: Sorry. Do you have the page ---

18 MR. CHISHOLM: Do you see that?

19 MR. BELL: Do you have my page number for  
20 that one?

21 MR. CHISHOLM: So your page number is page  
22 186.

23 MR. BELL: Oh, eight-six, okay.

24 MR. CHISHOLM: And I'm interested in the  
25 last entry on the page, Mr. Bell, and I'll read:

1 "I relayed..."

2 You are on that page, are you, Mr. Bell?

3 **MR. BELL:** Yes.

4 **MR. CHISHOLM:** "I relayed..."

5 **MR. BELL:** That would be "related"; that was  
6 short for related.

7 **MR. CHISHOLM:** Okay. So you said:  
8 "I related, I'm calling back to follow  
9 up about the details. He offered  
10 to..."

11 **THE COMMISSIONER:** "...share with us..."

12 **MR. CHISHOLM:** "...share with us..."

13 **THE COMMISSIONER:** "...other perpetrators."

14 **MR. CHISHOLM:** You told that to Mr. Silmser.  
15 Is that right?

16 **MR. BELL:** Yes.

17 **MR. CHISHOLM:** Then I would like to take you  
18 to the following page, and that's continuation of the first  
19 entry. The last three lines of that entry about the middle  
20 of the page, it reads:  
21 "He became quite angry saying he  
22 doesn't know who to trust and  
23 eventually hung up the phone."  
24 Is that right?

25 **MR. BELL:** Yes.

1                   **THE COMMISSIONER:** After having explained,  
2                   of course, that his statement showed up in the public, that  
3                   he doesn't know who to trust, and that quite clearly he was  
4                   very much upset about the developments.

5                   **MR. CHISHOLM:** Oh, yeah, I don't ---

6                   **THE COMMISSIONER:** No, but in the absence of  
7                   anybody else to point that out for us for Mr. Silmsler.

8                   **MR. CHISHOLM:** That's fair.

9                   Changing topics, Mr. Bell, onto the subject  
10                  of caregivers; would you agree with me that an important  
11                  consideration in the work of a CAS is whether an alleged  
12                  perpetrator is a caregiver?

13                  **MR. BELL:** Yes.

14                  **MR. CHISHOLM:** And if I can take you back to  
15                  the state of knowledge in 1985 and the distinction between  
16                  a caregiver and a non-caregiver, if you could tell me is  
17                  there a difference in those distinctions in 1985 versus  
18                  when you last worked for the CAS? Was there a better  
19                  understanding later in your career than in 1985, or what  
20                  can you tell us about that, if anything?

21                  **MR. BELL:** I'm not sure -- you mean the  
22                  definition of a caregiver?

23                  **MR. CHISHOLM:** Definition or your  
24                  understanding, for instance, of who would fall into the  
25                  category of a caregiver. And I'm thinking about a

1 caretaker at a park, for instance.

2 MR. BELL: Okay. They wouldn't be  
3 considered a caregiver, although they could be a person in  
4 authority in relation to a child. A caregiver we would  
5 typically look at as a parent, a caregiver of a child. A  
6 park person in whose park a child is could be possibly  
7 considered a person in authority in relation to the child.

8 MR. CHISHOLM: Depending on the  
9 responsibilities of the person in the park.

10 MR. BELL: Yes.

11 MR. CHISHOLM: If they don't have dealings,  
12 day-to-day dealings with a child, they may not be a  
13 caregiver. Is that fair?

14 MR. BELL: Correct.

15 MR. CHISHOLM: Or a person in authority?

16 MR. BELL: Correct.

17 MR. CHISHOLM: With respect to -- you've  
18 talked about, today, notice to employers of alleged  
19 perpetrators?

20 MR. BELL: Yes.

21 MR. CHISHOLM: During your time with the CAS  
22 was there anything in the child protection standards of the  
23 day that guided the CAS with respect to when to contact an  
24 employer? Do you know of any guidance in the standards?

25 MR. BELL: I'm not aware of any.

1                   **MR. CHISHOLM:** One last question.  
2                   Geraldine Fitzpatrick; you know  
3                   Ms. Fitzpatrick, right?

4                   **MR. BELL:** Former co-worker, yes.

5                   **MR. CHISHOLM:** She testified at this Inquiry  
6                   in the last few weeks, and she testified that she was told  
7                   that you had gone to your superiors with respect to the  
8                   Jeannette Antoine matter, saying that if the CAS had not  
9                   dealt with Bryan Keough, they had not dealt with the  
10                  Antoine matter. Did you ever say anything of the sort to  
11                  anyone at the CAS?

12                  **MR. BELL:** Can you repeat the part you said  
13                  about Bryan Keough? I'm not clear what ---

14                  **MR. CHISHOLM:** Sure.  
15                  You understand -- you know who Bryan Keough  
16                  is?

17                  **MR. BELL:** Yes, yes.

18                  **MR. CHISHOLM:** He's a former ---

19                  **MR. BELL:** Co-worker -- former co-worker.

20                  **MR. CHISHOLM:** --- co-worker?

21                  Ms. Fitzpatrick testified that she was told  
22                  that you had gone -- by another person -- that you had gone  
23                  to your superiors at the CAS and complained or suggested to  
24                  them that if they had not dealt with Bryan Keough they had  
25                  not dealt with the Antoine matter.

1                   **MR. BELL:** No, I didn't -- no.

2                   **MR. CHISHOLM:** You never said that?

3                   **MR. BELL:** No.

4                   **THE COMMISSIONER:** Did you ever go to any of  
5 your supervisors and -- with generally the idea of  
6 complaining that on Second Street Group Home or with  
7 respect to Mr. Keough, those allegations, that they hadn't  
8 done a good job and that they should have dealt with  
9 Keough? Did you ever do anything like that?

10                   **MR. BELL:** No. I mean, once I presented the  
11 statements that contained those concerns about Bryan, that  
12 was basically it for me on that, as far as I know.

13                   **THE COMMISSIONER:** Thank you.

14                   **MR. CHISHOLM:** You never expressed any  
15 concern over the fact that Mr. Keough was still employed at  
16 the CAS?

17                   **MR. BELL:** Well, I think in the context of  
18 presenting that to Bryan Keough, I think Suzie would have  
19 possibly brought that up. She was aware that he was in the  
20 process of adopting a child because I think she was  
21 involved in that. I wasn't aware of that, but that may  
22 have been presented to Bob Smith or someone as a concern --  
23 an issue that had to be identified.

24                   **MR. CHISHOLM:** But not by -- nothing raised  
25 by you?



1                   **MR. BELL:** Not that I recall.

2                   **MR. CHISHOLM:** Thank you, sir. Those are my  
3 questions.

4                   **THE COMMISSIONER:** Thank you.  
5 Mr. Kozloff?

6                   **MR. KOZLOFF:** I'm accepting your invitation.  
7 Page 196 of Mr. Bell's notes, on the 11<sup>th</sup> of the second  
8 month, 1994.

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

10                   **--- FURTHER CROSS-EXAMINATION BY/RÉ-CONTRE-INTERROGATOIRE**  
11 **PAR MR. KOZLOFF:**

12                   **MR. KOZLOFF:** Mr. Bell, just to position you  
13 here, there's been a request by Constable MacDonnell and  
14 Constable Genier for your information in relation to your  
15 investigation, to assist them with their investigation of  
16 Mr. Silmsier for extortion.

17                   **MR. BELL:** Okay.

18                   **MR. KOZLOFF:** They've requested all of your  
19 notes and the decision has been made by your agency that  
20 they will be provided only with those notes of yours that  
21 refer to Mr. Seguin. Do you recall that?

22                   **MR. BELL:** Yes.

23                   **MR. KOZLOFF:** All right.

24                   At page 196 there's a discussion with  
25 Mr. Carriere at -- it looks like 1550, "Discussed whether -

1 --"

2 **MR. BELL:** "...whether material..."

3 **MR. KOZLOFF:** "...whether material to be  
4 provided to Constable Chris MacDonnell  
5 and Constable Don Genier should have  
6 reference to Malcolm MacDonald on  
7 page 120 of these notes blanked.  
8 Agreed should be blanked and can  
9 indicate it makes no reference to Ken  
10 Seguin."

11 Correct?

12 **MR. BELL:** Correct.

13 **MR. KOZLOFF:** And if you go back to  
14 page 120, sir, that's the information received from Perry  
15 Dunlop at bullet 5 that there are other perpetrators  
16 involved in a ring "and we will be hearing about them.  
17 That includes Malcolm MacDonald." Right?

18 **MR. BELL:** Correct.

19 **MR. KOZLOFF:** Thank you.

20 Thank you, sir.

21 **THE COMMISSIONER:** Thank you very much, sir.

22 Mr. Engelmann, did you have any questions of  
23 this witness?

24 **MR. ENGELMANN:** I do not.

25 **THE COMMISSIONER:** Thank you.

1                   **MR. ENGELMANN:** Thank you very much,  
2                   Mr. Bell, for your attendance. You're free to go.

3                   **THE COMMISSIONER:** Mr. Bell, thank you very  
4                   much. I appreciate you coming, and I apologize that it  
5                   lasted until late in the afternoon, but it seems we did  
6                   fairly well.

7                   **MR. BELL:** Thank you, your Honour. I  
8                   appreciate people reading things to me as well.

9                   **THE COMMISSIONER:** That's right. Thank you  
10                  very much, sir.

11                  **MR. ENGELMANN:** Sir, I know my colleague,  
12                  Maître Dumais, has been ready for some time to start the  
13                  next matter. It's now 4:30. I don't know what you'd like  
14                  to do. I know there are issues he wants to deal with  
15                  before actually leading the evidence of the witness.

16                  **THE COMMISSIONER:** Maybe we should deal with  
17                  that now.

18                  **MR. ENGELMANN:** All right.  
19                  Take a very short break and I'll ---

20                  **THE COMMISSIONER:** Take a very short break.  
21                  So can we do it -- well, let's see what we can do in the  
22                  next half-hour.

23                  **MR. ENGELMANN:** Yes.

24                  **THE COMMISSIONER:** All right. Thank you.

25                  **THE REGISTRAR:** Order; all rise. À l'ordre;

1           veuillez vous lever.

2                           This hearing will resume at 4:40 p.m.

3           --- Upon recessing at 4:30 p.m./

4                           L'audience est suspendue à 16h30

5           --- Upon resuming at 4:38 p.m./

6                           L'audience est reprise à 16h38

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

9                           This hearing is now resumed. Please be  
10           seated. Veuillez vous asseoir.

11                           **THE COMMISSIONER:** Maître Dumais, good  
12           evening.

13           ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DUMAIS :**

14                           **MR. DUMAIS:** Good evening, Commissioner.

15                           The next witness we intend on calling from  
16           the Children's Aid Society is Mr. Thomas O'Brien. He is  
17           not present. There's a matter we need to address with you  
18           before he's called.

19                           Mr. O'Brien was a longstanding Executive  
20           Director with the Children's Aid Society. He started  
21           working there as a social worker in 1963 until he retired  
22           in 1990, so he was the -- although he was not the Executive  
23           Director in the beginning, he became the Director shortly  
24           afterwards. He certainly has a lot of information and  
25           knowledge.

1 We advised the counsel for the Children's  
2 Aid Society of our intent and they provided us with  
3 correspondence dated September 25<sup>th</sup>, 2008, along with a  
4 number of medical reports indicating that he required us to  
5 consider accommodations for him to present his evidence.

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

7 **MR. DUMAIS:** They have made a number of  
8 requests. We considered their requests, agreed to some of  
9 them. One of the requests was the time that Commission  
10 counsel could spend meeting with Mr. O'Brien. That was --  
11 we accommodated Mr. O'Brien. That worked out well. The  
12 medical reports that were filed -- provided to Commission  
13 counsel I believe should be filed at this point in time and  
14 I'm going to ask you to review them, Mr. Commissioner.

15 There are a number of these reports. My  
16 suggestion is that they be filed as the next collective  
17 exhibit. I believe that would be Exhibit 2418.

18 **THE COMMISSIONER:** Two four one eight  
19 (2418). And do you wish to make a C exhibit? Does anybody  
20 have any objections to that? No. Okay. Thank you.

21 **--- EXHIBIT NO./PIÈCE NO. C-2418:**

22 Medical Letters re Thomas O'Brien - various  
23 dates in 2008

24 **MR. DUMAIS:** Perhaps, Mr. Commissioner, just  
25 before I get into the medical reports, we are of course

1 relying on Section 20 of our Rules, and I'll just read it  
2 out, just for the record:

3 "If special arrangements are desired by  
4 a witness in order to facilitate that  
5 witness' comfort in testifying, a  
6 request for accommodation shall be made  
7 to the Commission sufficiently in  
8 advance of the witness' scheduled  
9 appearance to reasonably facilitate  
10 such requests."

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

12 **MR. DUMAIS:** "While the Commission will  
13 make reasonable efforts to accommodate  
14 such requests, the Commission retains  
15 ultimate discretion as to whether and  
16 to what extent such requests will be  
17 accommodated."

18 The reason why we're seeking your direction,  
19 Mr. Commissioner, when we decided to -- made the decision  
20 to accommodate some of the requests from the witness, we  
21 advised counsel for the parties and, to a certain extent,  
22 some objected or had concerns. This is why we're  
23 essentially seeking your direction.

24 Mr. Commissioner, I believe I can go through  
25 the medical reports without getting into any of the details

1 of the medical conditions. So the first report is a report  
2 from Dr. H. Williams, which is dated August 28<sup>th</sup>, 2008. You  
3 will note in this report, on the top page, that he lists  
4 the different medical conditions that Mr. O'Brien has and  
5 he's -- the doctor has addressed as well his suggestion as  
6 to accommodations.

7 So essentially, if Mr. O'Brien is allowed to  
8 testify -- it's about mid-page -- for short periods, two  
9 hours maximum daily, depending on his conditions on a  
10 particular day. And then the doctor goes on to explain the  
11 reason for this accommodation towards the end of the  
12 report.

13 The second report is one from his  
14 physiotherapist, a Mr. Peter Baugh -- I hope I'm  
15 pronouncing that correctly -- dated September 5<sup>th</sup>, 2008.  
16 And again, he goes through some of the health issues that  
17 Mr. O'Brien has. He does not, however, get into any of the  
18 accommodations.

19 The third letter is dated September 22<sup>nd</sup>,  
20 2008 from Dr. Thomas Bates; again notes some medical  
21 difficulties and the accommodations requested is  
22 essentially restricting Mr. O'Brien's testimony to no more  
23 than two hours at a time, possibly with a short break  
24 during the timeframe; made other suggestions, for example,  
25 notice of anticipated questions in writing and format.

1 The fourth report is a report from a  
2 chiropractor ---

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

4 **MR. DUMAIS:** --- dated September 8, 2008.

5 And you'll note from that report that it had been some time  
6 since this chiropractor had seen Mr. O'Brien, last treated  
7 on December 2006, and essentially indicates in this report  
8 that Mr. O'Brien is too weak and frail to participate in  
9 the Public Inquiry.

10 Then there's a further report from  
11 Mr. O'Brien's acupuncturist. Again, he goes into his  
12 medical conditions and then gets into the suggested  
13 accommodations and essentially indicates that he should not  
14 remain in a seated position for more than one hour at a  
15 time and provides as an explanation that this could impact  
16 his mental faculties if he's asked to do so.

17 And finally, the last documents are the  
18 documents from the Champlain Community Care Access Centre  
19 dated September 10<sup>th</sup>, 2008 and again essentially notes the  
20 different health problems that Mr. O'Brien has.

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

22 **MR. DUMAIS:** I, myself, Mr. Commissioner,  
23 have met with Mr. O'Brien on two occasions to prepare his  
24 evidence. He's mentally alert, has some medical  
25 conditions. I can advise that he has told me that he is



1 able and willing to testify and wants to give his evidence.  
2 He has requested that, if possible, a wooden chair be  
3 provided to him with a straight back and a cushion. That's  
4 essentially what he's requested.

5 **THE COMMISSIONER:** Thank you.

6 **MR. DUMAIS:** Taking all those things into  
7 consideration, Mr. Commissioner, we did prepare a document  
8 to assist Mr. O'Brien in giving his evidence, and perhaps,  
9 Mr. Commissioner, if you can just have a look at a  
10 document. No need to file it now, unless my friends have  
11 objections. It's the Testimony Facilitation Outline  
12 Overview.

13 **THE COMMISSIONER:** M'hm. All right.

14 **MR. DUMAIS:** So you'll note,  
15 Mr. Commissioner, that this document contains two types of  
16 information.

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

18 **MR. DUMAIS:** And I think the first page sets  
19 out the first type. So you'll note that there's paragraphs  
20 stating out facts about his knowledge on issues regarding  
21 the Children's Aid Society, and the reference at the bottom  
22 states that this is based on O'Brien's recollection.

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

24 **MR. DUMAIS:** So that's essentially what he  
25 remembers.

1 THE COMMISSIONER: Right.

2 MR. DUMAIS: And what we've done as well,  
3 we've gone through some of the documents that relate to Mr.  
4 O'Brien's evidence and we've summarized some of the  
5 documents or provided a timeline or chronology, and you'll  
6 note that at times we've added his recollection on the  
7 contents of the document.

8 THE COMMISSIONER: M'hm.

9 MR. DUMAIS: And what we've asked  
10 Mr. O'Brien to do is review this document and indicate to  
11 us whether or not it is accurate and whether or not he  
12 adopts it as his evidence.

13 THE COMMISSIONER: M'hm.

14 MR. DUMAIS: And I believe when he is  
15 called, if and when he is called to the stand, that he will  
16 say so, that he adopts it.

17 THE COMMISSIONER: Okay.

18 MR. DUMAIS: So essentially, I guess the  
19 objective is to not -- I do not intend on getting into all  
20 of the usual background information. I will not get into  
21 his CV.

22 THE COMMISSIONER: Will you be reading --  
23 will somebody be reading this or ---

24 MR. DUMAIS: I intend to file it as an  
25 exhibit, if permitted to do so.

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

2                   **MR. DUMAIS:** And to read it in,  
3                   Mr. Commissioner.

4                   **THE COMMISSIONER:** And then he'll adopt it.  
5                   So how long do you think you're going to be  
6                   with him?

7                   **MR. DUMAIS:** I expect to be no longer than  
8                   one hour in chief, Mr. Commissioner.

9                   **THE COMMISSIONER:** Okay.

10                  **MR. DUMAIS:** So essentially, we advised the  
11                  parties that given his medical condition, that they should  
12                  focus their cross-examination to matters that relate to  
13                  their client's interest and taking into account his medical  
14                  condition and restrict it as much as possible.

15                  **THE COMMISSIONER:** Okay. So basically  
16                  you're saying he can testify for two hours?

17                  **MR. DUMAIS:** He can testify for two hours  
18                  per day. Mr. O'Brien -- at the time -- in mid-September he  
19                  was feeling not as well as he is feeling today. I spoke to  
20                  him last night. He indicated to me that he believes he can  
21                  go for one hour. If he's given a 15-minute break to move  
22                  around, he believes he can go for another hour after that,  
23                  and he can re-attend if necessary.

24                  **THE COMMISSIONER:** Okay. That's fine.  
25                  So does anybody have any objections to this?

1 MR. LEE: Good afternoon, Mr. Commissioner.

2 THE COMMISSIONER: Good afternoon.

3 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. LEE:

4 MR. LEE: The Victims Group does object to  
5 the process.

6 THE COMMISSIONER: M'hm.

7 MR. LEE: The primary -- and again, like Mr.  
8 Dumais, I'll try not to get into specific details of the  
9 medical documents, but the primary reason for my objection  
10 is that having reviewed the medical records that you now  
11 have and having spoken with counsel for the CAS and  
12 Commission counsel, I'm left to conclude that there's  
13 virtually no chance that Mr. O'Brien will complete full  
14 cross-examination if he's permitted to testify.

15 I'll give you some specifics here, but our  
16 basic position is that having Mr. O'Brien testify in-chief  
17 only or in-chief with severely limited cross-examination,  
18 is not better than not having him testify at all, it's far,  
19 far worse, and it should not be an option that the  
20 Commission seriously entertains.

21 We were advised some time ago during the  
22 course of an all-counsel meeting, that counsel for the CAS  
23 would not be seeking to have Mr. O'Brien excused from  
24 testifying but rather there would be some kind of request  
25 for accommodation.

1                   We were advised at that time that Commission  
2                   counsel would essentially produce a document similar to an  
3                   ODE, which is what we now have in the TFOO, and that that,  
4                   as Mr. Dumais outlined, would essentially be put to the  
5                   witness and confirmed by him and would essentially, as I  
6                   understand it, make up his evidence in-chief.

7                   So rather than at the conclusion of evidence  
8                   in-chief having a detailed transcript where he's asked  
9                   questions and gives answers, we would be left with this  
10                  document which would be marked as an exhibit, which he  
11                  would have adopted under oath, and that would serve as his  
12                  answers, essentially, to what he would have been asked in-  
13                  chief.

14                  We were initially advised by Commission  
15                  counsel that the hope was that Mr. O'Brien could be out of  
16                  here in no more than two hours in total. Apparently, given  
17                  Mr. Dumais' comments a moment ago, it sounds like there's  
18                  some possibility that he would be asked to come back for no  
19                  more than two hours per day, but on subsequent days or  
20                  subsequent weeks.

21                  I expressed concerns early on once I had  
22                  viewed the close-to-final draft of this document. I want  
23                  to make it clear that my instructions are to agree to any  
24                  accommodation of any witness that will facilitate  
25                  testimony, be it confidentiality, be it only sitting for

1 two hours a day, be it making somebody comfortable,  
2 whatever that is. What I cannot consent to is any  
3 accommodation that may result in having my right to fully  
4 cross-examine the witness on matters relevant to my clients  
5 limited in some way.

6 You'll notice on the copy of the TFOO that  
7 you've been provided with, it speaks right at the very top  
8 to Mr. O'Brien's limited time on the stand. And that's  
9 certainly been my understanding in speaking with Commission  
10 counsel, that the goal here is to get this man in and out  
11 as quickly as possible, and that the only way that that can  
12 really be done is to have a limited cross-examination.

13 Having read the document, now there are 100  
14 paragraphs in the document. My clients take some issue  
15 with over a quarter of those. I would need to ask Mr.  
16 O'Brien about those obviously. There are other areas not  
17 canvassed at all in the document that are relevant to my  
18 clients and that are properly put to this witness that I  
19 would ask Mr. O'Brien questions on.

20 My best guess at this point without having  
21 fully prepared for his evidence yet, is that I would need  
22 about two hours in cross-examination with this witness if  
23 he were healthy and able to fully engage in the process. I  
24 don't know whether his medical limitations affect his  
25 ability once on the stand at all. I just don't have that

1 information, but I suspect they might and, therefore, I  
2 would take somewhat longer.

3 Mr. Dumais very briefly ran through this  
4 man's career for you. He was the Executive Director of the  
5 CAS for 24 years, from 1966 to 1990. He was the man in  
6 charge of the CAS when a number of my clients dealt with  
7 the CAS many times in very serious situations. These would  
8 include Scott, Cindy and Jody Burgess, Jason Tyo, Cathy  
9 Sutherland, Roberta Archambault and C-14.

10 Mr. O'Brien was also the man in charge of  
11 the CAS at the time of matters we've dealt with, including  
12 Earl Landry, Jr. and Malcolm MacDonald and the Cieslewicz  
13 home and the Lapensée home and the Barber home and the  
14 Second Street Group Home, to name a few.

15 The point of me telling you this is to make  
16 it clear that this is not a minor witness at this Inquiry.  
17 Mr. O'Brien, essentially, is to the CAS what Bishop  
18 Larocque was to the Diocese in terms of the length of his  
19 tenure and the importance of the evidence he would give.

20 And our concern is that if Mr. O'Brien is  
21 permitted to give his evidence in-chief, whether  
22 traditionally or through this proposed document, it is  
23 absolutely critical that he be turned over for full cross-  
24 examination. And our concern, based on the medical  
25 documents that we have, is that they seem -- it seems

1       apparent, on their face, that that is extremely unlikely to  
2       happen.

3                   **THE COMMISSIONER:** So all or nothing?

4                   **MR. LEE:** With a witness this important,  
5       essentially, yes.

6                   **THE COMMISSIONER:** Okay.

7                   **MR. LEE:** That's our position.

8                   If we had any confidence that Mr. O'Brien,  
9       as an example, could come here for one hour every Friday  
10       until the conclusion of this Inquiry and throughout that  
11       stretch he would complete his evidence, we would have no  
12       objection at all. Based on the medical documents, and I'll  
13       show you in a moment exactly what I'm looking at, our  
14       concern is that that is extremely unlikely to happen.

15                   If you look at the August 28<sup>th</sup>, 2008 letter  
16       from Dr. William, Mr. Dumais summarized the list of medical  
17       conditions and the proposed accommodation.

18                   What he didn't take you to was the second  
19       last paragraph of the document which states that there  
20       should be an avoidance of stress and the reason that stress  
21       should be avoided is set out there. And on the top of the  
22       next page it speaks to the fact that should he have any  
23       difficulties with his health, he should be excused  
24       immediately and seen by a physician or sent to emergency.

25                   If you look at ---



1                   **THE COMMISSIONER:** So you're saying to me  
2                   that his condition is such that he shouldn't be testifying  
3                   at all, is what you're -- that's the point you're making  
4                   now?

5                   **MR. LEE:** Yeah. Essentially, sir, our  
6                   position is that, based on the medical evidence we have  
7                   here, it seems extremely likely that should Mr. O'Brien  
8                   attend he's not going to be able to sit through -- the  
9                   examination in-chief doesn't seem to be much of a problem.  
10                  A document is read in when he's not even present and ---

11                  **THE COMMISSIONER:** Oh, no, he'd be present.

12                  **MR. LEE:** That's not my understanding of the  
13                  proposal, sir.

14                  **THE COMMISSIONER:** Mr. Dumais, would he be  
15                  present or not?

16                  **MR. DUMAIS:** Well, my preference would be  
17                  that he not be present. He's read the document already.  
18                  He knows what it says. And that would prevent him from  
19                  being -- sitting around here listening to this evidence  
20                  which I expect will take an hour.

21                  I suspect he may be -- I suspect that he  
22                  actually may be watching from home on the web cast and  
23                  perhaps those arrangements can be made. But, I mean, if  
24                  your decision is that he be in the hearing room for the  
25                  reading in of the document, if that's goes in, well, I'm

1 sure that he would agree to be here.

2 It's just that an issue -- the only issue is  
3 accommodation.

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

5 **MR. DUMAIS:** I mean, the whole point of  
6 drafting of the document was to prevent him from being here  
7 for an hour.

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

9 **MR. LEE:** My understanding was, essentially,  
10 that should you agree with Mr. Dumais and decide to  
11 proceed, the document would be marked -- the document would  
12 be read in on the understanding that he would adopt it ---

13 **THE COMMISSIONER:** Okay.

14 **MR. LEE:** --- before he comes, before he  
15 swears to ---

16 **THE COMMISSIONER:** So is that a problem with  
17 you?

18 **MR. LEE:** It is a problem and I can address  
19 that in a moment.

20 **THE COMMISSIONER:** Okay. Go ahead.

21 **MR. LEE:** So, as I said, if you turn to the  
22 September 8<sup>th</sup>, 2008 document provided by Wayne Bell, the  
23 chiropractor, Mr. Dumais suggested that, quite rightly,  
24 that Mr. O'Brien had not been a client of that clinic in  
25 some time. But if you look at the second paragraph, sir,

1 it's clear that after receiving a letter from counsel for  
2 the CAS, Mr. O'Brien was contacted by that office and I  
3 think the clear suggestion is that the information letter  
4 is a result of information they gleaned directly from Mr.  
5 O'Brien.

6 And if you look at the paragraph that begins  
7 "Currently he no longer" ---

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

9 **MR. LEE:** This gives you, I think, the best  
10 insight into Mr. O'Brien's current physical condition and  
11 the effect that the medical issues have had upon him.

12 And as Mr. O'Brien -- or rather as Mr.  
13 Dumais said on the second page, the opinion of this person,  
14 based on the information that he received, is that he's too  
15 weak and frail to participate in the Public Inquiry. But  
16 leaving a conclusion aside for a minute, we have, as I  
17 said, I think we have the best description of the shape  
18 this man is in.

19 Our concern then is that we more than --  
20 this is more than a slight risk that we'll be left at the  
21 end of the day with this testimony facilitation outline  
22 overview marked as an exhibit, adopted by the witness under  
23 oath, with no ability to cross-examination.

24 My position to you is that it's gone past  
25 the point of being possible to the point of being likely,

1 based on these medical documents that we have here.

2 And it's been -- it's not exactly analogous  
3 but it's been pointed out to me by a couple of people that,  
4 you know, the importance of cross-examination to this  
5 process was brought home at one point during one of Mr.  
6 Dunlop's visits here, when he essentially suggested well,  
7 I'll just read in my will-state and we can leave it at  
8 that. And that was immediately rejected, and the reason it  
9 was rejected is because we need to test the evidence.

10 One of the additional concerns that we have  
11 as a victims group is whether or not -- and I'm not sure I  
12 know the answer to this and I'd like to put it to the  
13 witness. I don't know, given his medical conditions, the  
14 extent to which Mr. O'Brien has been able to review not  
15 only the document, the 100 paragraph document, but the  
16 underlying documents referenced therein.

17 My concern is that if he hasn't been well  
18 enough to review this with diligence and to review the  
19 documents referenced therein we can't possibly have the man  
20 swear an oath and adopt this document.

21 It seems to me that, in the very least,  
22 before he should be permitted to adopt the document, there  
23 should be some kind of process. I'm not sure you would  
24 call it a *voir dire* but some *voir dire*-like process to at  
25 least ask Mr. O'Brien, if you're inclined to do so, what

1 his participation in this process has been, how much effort  
2 he's put into this, whether or not he's been able to read  
3 the document, not only the TFOO but the underlying  
4 documents as well, to a point where he's satisfied that  
5 it's accurate enough to adopt it under oath.

6 Because I need -- we need to keep in mind  
7 that this document may have been prepared by Commission  
8 counsel but certainly would have been done in conjunction  
9 with counsel for the CAS. And I'm not concerned in the  
10 evidence of counsel for the CAS; I want Mr. O'Brien's  
11 evidence, and I think we need to be satisfied that that's  
12 what this document represents.

13 My suggestion and my position is that, based  
14 on the information you have in the medical documents, it  
15 appears likely that Mr. O'Brien would not be able to  
16 complete cross-examination. And I don't mean a stripped-  
17 down version of cross-examination; I mean a cross-  
18 examination where counsel's entitled to put the questions  
19 relevant to its client's interests to Mr. O'Brien and have  
20 answers to those questions.

21 My position is that, rather than proceeding  
22 the way proposed by Mr. Dumais, that instead the work that  
23 was put into the TFOO, which obviously was considerable, is  
24 used instead to create an ODE for Mr. O'Brien, and that we  
25 can have -- then have the usual process where counsel is

1 permitted to comment on that document. I think in the end  
2 we may end up with a more balanced document, given that an  
3 ODE isn't one that Mr. O'Brien would have to adopt, and  
4 therefore I think it may be more critical at points than  
5 this document is capable of being.

6 I spent some time last night with counsel  
7 for the Coalition trying to work this issue around and  
8 trying to see if we could be on the same page and try to  
9 limit our time in submissions here, and one of the  
10 alternatives that we came up with, should you reject my  
11 primary submission, is that, if you're inclined to proceed  
12 with Mr. O'Brien and at the same time you recognize the  
13 concerns we have about possibly not being able to cross-  
14 examine, we might propose that this Testimony Facilitation  
15 Outline and Overview be marked for identification purposes  
16 only, as a tool to assist Mr. O'Brien with his testimony.

17 Under our proposal, it would have no  
18 evidentiary value whatsoever, until such time as his  
19 testimony is completed in its entirety, including full  
20 cross-examination, at which point it could be entered as an  
21 Exhibit, as Mr. Dumais proposes.

22 If he's unable to complete his testimony on  
23 the other hand, we would submit that it would not be  
24 entered as an Exhibit and would therefore not prejudice any  
25 parties unable to cross-examine the witness.

1 So I think that fairly sums up my position.  
2 Subject to any questions, that's all I have on this.  
3 Thank you.

4 **THE COMMISSIONER:** All right.

5 Well, we have an ---

6 **MR. LEE:** I'm not sure whether Mr. Horn has  
7 any comments or ---

8 **THE COMMISSIONER:** An argument.

9 Mr. Horn?

10 No, no, no, no.

11 **MR. HORN:** We're already supporting Mr.  
12 Dallas ---

13 **THE COMMISSIONER:** You're just supporting  
14 Mr. Lee. Okay. Good.

15 All right; so anybody want to -- so far I've  
16 got either we bring the witness on and treat him like  
17 anything -- anybody else, without accommodation, I guess,  
18 or we accommodate him and we make him come back until all  
19 of the evidence is done, or we don't call him at all.

20 Ms. Daley?

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

22 **MS. DALEY:** Could I make just a few comments  
23 to you, sir, having heard what Mr. Lee said?

24 I have no objection whatsoever to  
25 accommodations. And I think the usage of the document

1 proposed by Me. Dumais is a good accommodation factor. I  
2 certainly don't object to him spending limited amounts of  
3 time in the witness stand, no objection to any of that.

4 But I want to just remind us about the two  
5 witnesses who started and weren't able to finish cross-  
6 examination ---

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

8 **MS. DALEY:** --- in an unforeseeable way, for  
9 unforeseeable reasons, and the controversy and the  
10 suspicion and the thoughts that that generated in the minds  
11 of the public and perhaps in the minds of some of the  
12 parties here.

13 **THE COMMISSIONER:** So wait a minute. Now  
14 you're making a submission about what the public thinks.

15 **MS. DALEY:** Well, I want -- I think it's  
16 important, sir, that if a witness as important as Mr.  
17 O'Brien is called, and I do believe he is quite important,  
18 that the public be able to see that counsel who have a  
19 legitimate interest have had a reasonable ability to ask  
20 him questions. Whether that take place over a period of  
21 days, I have no objection to that whatsoever. But if he  
22 were to start testifying, and in circumstances where cross-  
23 examination couldn't be completed, my worry is that the  
24 public might perceive that in a way that's going to be  
25 detrimental to our process here, detrimental to our



1 ultimate goal which is to generate a report that will be --  
2 that will have esteem in the public eye.

3 So I'm just rising to suggest there's no  
4 objection whatsoever on our part to any form of  
5 accommodation. But if he does testify, *viva voce*, I think  
6 it's fair to ask for the commitment that we can, that over  
7 a period of days he will be able to complete a cross-  
8 examination.

9 **THE COMMISSIONER:** How much time do you  
10 think you're going to be with him?

11 **MS. DALEY:** Sir, I haven't had an  
12 opportunity to prepare. I've read the document. I think  
13 perhaps an hour.

14 **THE COMMISSIONER:** Okay.

15 **MS. DALEY:** He is, in my mind, an important  
16 witness, sir.

17 **THE COMMISSIONER:** M'hm. Okay.

18 Anybody else wish to comment?

19 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. ALLINOTTE :

20 **MS. ALLINOTTE:** This may be the first time  
21 that counsel is arguing in favour of their witness not  
22 being excused.

23 Mr. O'Brien wants to testify as long as he's  
24 medically able to do so, and that has been his position  
25 since he was first contacted by our office and we've had

1 communications with the Inquiry counsel.

2 I don't have a lot of submissions and we  
3 have requested the accommodation. You've seen the medical  
4 documents. My only submissions would be that no witness is  
5 guaranteed to complete their cross-examination. No one  
6 here can predict the future and know whether or not any  
7 witness will have medical difficulties while they're  
8 testifying, whether it be related to their testimony or  
9 related to something else.

10 Yes, there are some medical difficulties  
11 here, but I cannot say with certainty that Mr. O'Brien will  
12 not be able to complete cross-examination or that he will.

13 My suggestion would be that if for some  
14 reason Mr. O'Brien cannot complete his cross-examination,  
15 the parties who object to not being able to cross-examine  
16 him and not being able to cross-examine him fully, bring a  
17 motion for his evidence to be expunged at that point. That  
18 would be my suggestion.

19 I'll leave it up to you, Mr. Commissioner to  
20 make a decision, but those are my submissions.

21 **THE COMMISSIONER:** Anybody else?

22 Thank you very much.

23 First of all, let me say that, for Mr.  
24 O'Brien, who is 75 years of age, I think -- I think I saw  
25 that someplace -- who is willing, notwithstanding his

1 health problems, to come forward, is a totally different  
2 situation than people who came and testified and then  
3 became ill or brought medical attention.

4 We know what to expect from Mr. O'Brien, and  
5 accordingly, I think Ms. Daley's argument is not very valid  
6 in my estimation. I think the public understands that if  
7 someone comes forward and for some reason, like too lengthy  
8 cross-examination, has adverse affects that he could be  
9 excused.

10 I guess my point in all of this is that,  
11 yes, he is a very important witness. The idea is, and what  
12 I would have thought I would have heard, was that, yes, we  
13 agree to the accommodations; yes, we can read that in,  
14 because then we'll be able to cross-examine.

15 I would think that the time for cross-  
16 examination would be shaved to the bare bones; that there  
17 not be any repetition of the questions; that we focus on  
18 the absolute necessity of the issues to be canvassed. That  
19 doesn't mean that he doesn't get cross-examined to a full  
20 extent. What it means is that we focus. And I'm somewhat  
21 disappointed that that wasn't given as an undertaking by  
22 all concerned.

23 I can tell you that I will welcome  
24 Mr. O'Brien as a witness, that we will accommodate him and  
25 that I will keep an eye and I will be guided by

1 Mr. O'Brien's requirements and his desires with respect to  
2 how and when he can come back.

3 And from what I hear, "Well, he can come  
4 back every Friday until the Inquiry's over," that might be  
5 stressful on him and I would urge everyone to undertake,  
6 and not just blindly, just make sure that this witness is  
7 treated well; is cross-examined effectively and quickly.

8 So Monsieur Dumais, when can you have him  
9 here?

10 **MR. DUMAIS:** He can be here tomorrow  
11 morning, Mr. Commissioner.

12 **THE COMMISSIONER:** Fine. You'll start off  
13 by reading the document?

14 **MR. DUMAIS:** Correct.

15 **THE COMMISSIONER:** He may not be here. Then  
16 you put him in the box and then we go from there. Just  
17 make sure he has the chair he needs and the cushion he  
18 needs.

19 **MR. DUMAIS:** All right.

20 **THE COMMISSIONER:** All right. Thank you.

21 **MR. DUMAIS:** Thank you.

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

24 This hearing is adjourned until tomorrow  
25 morning at 9:30 a.m.

1            --- Upon adjourning at 5:12 p.m. /  
2            --- L'audience est ajournée à 17h12  
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C E R T I F I C A T I O N

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

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



---

Dale Waterman, CVR-CM