

**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 295**

**Held at :**

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

Monday, October 27, 2008

**Tenue à:**

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

Lundi, le 27 octobre 2008

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Mary Simms	Commission Counsel
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
M <sup>e</sup> Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Jodie-Lynn Waddilove	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. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. Jordan Glick	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police Association
Ms. Kimberley Ishmael	Upper Canada District School Board
Mr. Frank T. Horn	Coalition for Action
Mr. Richard Abell	CAS

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

2 L'audience débute à 9h36

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

5 **THE COMMISSIONER:** Thank you.

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

9 Please be seated. Veuillez vous asseoir.

10 **THE COMMISSIONER:** Thank you. Good morning  
11 all.

12 Mr. Abell, how are you doing this morning?

13 **MR. ABELL:** Just fine, thank you, sir.

14 **THE COMMISSIONER:** Good.

15 Mr. Engelmann?

16 **MR. ENGELMANN:** Good morning, Mr.

17 Commissioner. Good morning, Mr. Abell.

18 **MR. ABELL:** Good morning, Mr. Engelmann.

19 **RICHARD ABELL, Resumed/Sous le même serment:**

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

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

22 **MR. ENGELMANN:** I'd like to, again, start  
23 out where we finished off the last day. We were looking at  
24 Exhibit 1441. I believe the binder's been given to you.  
25 And, Mr. Commissioner, we were in the timeframe in the fall

1 of 1993 ---

2 THE COMMISSIONER: M'hm.

3 MR. ENGELMANN: --- right around the start  
4 of the Project Blue investigation by the CAS.

5 THE COMMISSIONER: Thank you.

6 MR. ENGELMANN: And, sir, we had gone  
7 through a call you'd had -- a meeting you'd had with Bishop  
8 Larocque and a couple of meetings you had with Chief Shaver  
9 ---

10 MR. ABELL: Yes.

11 MR. ENGELMANN: --- and also a meeting you'd  
12 had with Staff Sergeant Derochie.

13 MR. ABELL: Yes.

14 MR. ENGELMANN: And I note at Bates page  
15 7080645 ---

16 THE COMMISSIONER: Six-four-five (645).

17 MR. ENGELMANN: --- we have the date October  
18 15<sup>th</sup>, 1993, 2:40 p.m. phone call from Jacques Leduc.

19 THE COMMISSIONER: So just a second. It's  
20 Exhibit 1441?

21 MR. ENGELMANN: That's correct, sir.

22 THE COMMISSIONER: And if you look at the --  
23 you can look there if you want and the hardcopy is 0645,  
24 the last numbers. Okay.

25 MR. ABELL: Thank you, sir.

1                   **MR. ENGELMANN:** All right.  
2                   And again, these are your notes, Mr. Abell?  
3                   **MR. ABELL:** They are.  
4                   **MR. ENGELMANN:** And do I take it from the  
5 notes that you would have received a phone call from  
6 Jacques Leduc?  
7                   **MR. ABELL:** Yes.  
8                   **MR. ENGELMANN:** Is that correct?  
9                   **MR. ABELL:** That's correct.  
10                  **MR. ENGELMANN:** And, at this point in time,  
11 I'm not sure if this is his first contact with you after  
12 Project Blue; I suspect it might be given the date.  
13                  **MR. ABELL:** It looks to be.  
14                  **MR. ENGELMANN:** Yes.  
15                  **MR. ABELL:** Early on, yes.  
16                  **MR. ENGELMANN:** Yes, and he was a lawyer  
17 that you were familiar with?  
18                  **MR. ABELL:** I was.  
19                  **MR. ENGELMANN:** And you had indicated that,  
20 from time to time, he acted for your Agency.  
21                  **MR. ABELL:** He did.  
22                  **MR. ENGELMANN:** All right.  
23                  **MR. ABELL:** On child welfare matters.  
24                  **MR. ENGELMANN:** Right.  
25                  So he's calling you and your notes indicate,



1 right at the beginning, that, apparently, you were --  
2 didn't have a whole lot of time to speak with him.

3 MR. ABELL: Yes.

4 MR. ENGELMANN: Any independent recollection  
5 of this, sir, or simply from the notes themselves?

6 MR. ABELL: I -- I'm really drawing from the  
7 notes here, Mr. Engelmann.

8 MR. ENGELMANN: All right, fair enough.

9 And it starts by apparently he's asking you  
10 if there's been an admission. Do you see that? Right at  
11 the top.

12 MR. ABELL: I do see that second line, yes.

13 MR. ENGELMANN: Asks if there has been an  
14 admission.

15 MR. ABELL: Yes.

16 MR. ENGELMANN: And do you have any  
17 recollection, sir, as to admission from whom ---

18 MR. ABELL: I ---

19 MR. ENGELMANN: --- or did you ---

20 MR. ABELL: I'm assuming regarding Father  
21 MacDonald, Charles MacDonald.

22 MR. ENGELMANN: All right.

23 And your response is twofold, if I may. You  
24 say:

25 "I say yes to being homosexual.

1 Relations with adolescents, adults.  
2 Not as a teacher. Not the last four  
3 years."

4 And then in brackets "this from the Bishop."

5 **MR. ABELL:** Yes.

6 **MR. ENGELMANN:** And that was as a result of  
7 your in-person meeting with the Bishop?

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

9 **MR. ENGELMANN:** And we saw your notes on  
10 that from October 12<sup>th</sup>?

11 **MR. ABELL:** Yes.

12 **MR. ENGELMANN:** Then you say:

13 "I tell him Chief spoke to the Bishop  
14 and told me MacDonald had admitted to  
15 Silmsler. Needs to be clarified."

16 **MR. ABELL:** Yes.

17 **MR. ENGELMANN:** And what is it then, sir,  
18 that needs to be clarified?

19 **MR. ABELL:** Specifically, I can't recall.

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

21 Well, could it be the distinction between  
22 the two comments; one being what you're told directly by --  
23 -

24 **MR. ABELL:** The Bishop.

25 **MR. ENGELMANN:** --- the Bishop and the other

1           apparently what you're told ---

2                   **MR. ABELL:** By the Chief.

3                   **MR. ENGELMANN:** --- by the Chief?

4                   **MR. ABELL:** I would presume so.

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

6                   **MR. ABELL:** But I don't have a clear  
7           recollection of that.

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

9                   And we did look through your notes of the  
10           conversation you had with the Chief on October 8<sup>th</sup> ---

11                   **MR. ABELL:** Yes.

12                   **MR. ENGELMANN:** --- and there did not seem  
13           to be a reference there to him advising you that the Bishop  
14           told him that Father MacDonald had admitted to anything;  
15           whether it be Silmsner, homosexuality, whatever and I'm just  
16           wondering, you know, do you have any explanation for that?  
17           Do you want to look at the October 8<sup>th</sup> ---

18                   **MR. ABELL:** Regarding where I've got the  
19           Chief spoke to ---

20                   **MR. ENGELMANN:** Yes.

21                   **MR. ABELL:** --- that piece? Yes, I -- I  
22           don't have any recollection of it, no. No, I really can't  
23           help on that. I'm sorry.

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

25                   Is there any reason for you to doubt the

1 accuracy of this note?

2 MR. ABELL: No.

3 MR. ENGELMANN: All right.

4 Now, in the note, a little further down,  
5 about halfway down the page, it says:

6 "He will talk to Greg rather than  
7 Father McDougald."

8 MR. ABELL: Yes, I see that.

9 MR. ENGELMANN:

10 "McDougald is the Vicar General. Can't  
11 betray priestly confidences?"

12 And you have a question mark.

13 MR. ABELL: Yes.

14 MR. ENGELMANN: "I say, okay, we'll start  
15 there."

16 MR. ABELL: Yes.

17 MR. ENGELMANN: Did you have any  
18 understanding as to what Mr. Leduc might have meant by  
19 "priestly confidences"?

20 MR. ABELL: I presumed, looking at this, he  
21 was referencing the confidence of the confessional.

22 MR. ENGELMANN: All right.

23 Was that ever explained? Because I note you  
24 just have a question mark there.

25 MR. ABELL: I know it -- it was subsequently

1 discussed. I can't tell you specifically in what context  
2 other than the general investigation, but I know we had  
3 discussions about the extent to which the clergy -- the  
4 Catholic clergy -- were bound by that stricture, we'll call  
5 it.

6 **MR. ENGELMANN:** Right.

7 Well, so was there any suggestion from Mr.  
8 Leduc that Father McDougald or Monsignor McDougald had  
9 received some information in the confessional from Father  
10 MacDonald or others and therefore shouldn't be speaking  
11 with CAS?

12 **MR. ABELL:** If there was, it's not -- I  
13 didn't record it, but I don't recall that being raised as  
14 an issue by Mr. Leduc.

15 **MR. ENGELMANN:** Because I was just wondering  
16 as to some form of explanation of that term. Because he  
17 doesn't use the term "confessional."

18 **MR. ABELL:** No, it's ---

19 **MR. ENGELMANN:** It's "priestly confidences."

20 **MR. ABELL:** --- it's broader; "priestly  
21 confidences." And that was the reason that we had an  
22 interest in it because, again, we wanted to know the extent  
23 to which that limitation, I guess, confined clergy in  
24 speaking to us.

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

1                   **MR. ABELL:** At this point, we were just  
2 getting going on the investigation.

3                   **MR. ENGELMANN:** Fair enough.

4                   Now, sir, we talked, I believe the last  
5 time, about the fact that there were regular team meetings.

6                   **MR. ABELL:** There were.

7                   **MR. ENGELMANN:** And I'm just going to ask  
8 you to refer to your notes. And the Exhibit Number is -- I  
9 think the best exhibit to look at is 2325. And I believe,  
10 sir, this is a collection of most of the notes from the  
11 team meetings. And again, these would all be in your hand.

12                   **MR. ABELL:** Okay, just as a small point of  
13 clarification; we had -- some of our meetings were regular.  
14 I would call them more ongoing than regular. They weren't  
15 at precise intervals.

16                   **MR. ENGELMANN:** Yes. They seemed to have  
17 more regularity at the beginning.

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

19                   **MR. ENGELMANN:** And then there would be more  
20 of a gap after that.

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

22                   **MR. ENGELMANN:** Sir, right at the back of  
23 the exhibit, Bates page 7081349, is, I believe, the note of  
24 your first full team meeting and it's dated October 22<sup>nd</sup>,  
25 1993.

1 MR. ABELL: I have it.

2 MR. ENGELMANN: Okay.

3 And we seem to have the -- for example, the  
4 project name ---

5 MR. ABELL: Correct.

6 MR. ENGELMANN: --- being determined at the  
7 top of the page.

8 MR. ABELL: That's correct.

9 MR. ENGELMANN: Can you explain that, sir?

10 MR. ABELL: Well, at the time, the Blue Jays  
11 were doing extremely well. It was a common topic of  
12 conversation around the office and when we were looking for  
13 a project name, that was suggested, but we thought "Blue"  
14 was a little more appropriate.

15 MR. ENGELMANN: All right.

16 And the reference to "Blue Jay" and we see  
17 the "Jay" struck out ---

18 MR. ABELL: Yes.

19 MR. ENGELMANN: --- and then left with  
20 "Blue," that had nothing to do with a police investigation?

21 MR. ABELL: No, it didn't.

22 MR. ENGELMANN: All right.

23 MR. ABELL: Nothing to do with the colour of  
24 uniforms at all. It was the Blue Jays.

25 MR. ENGELMANN: All right.

1                   And so that's the answer to number 1, need  
2           project name?

3                   **MR. ABELL:**   Yes.

4                   **MR. ENGELMANN:**  And, sir, again you talk  
5           about structure ---

6                   **MR. ABELL:**   Yes.

7                   **MR. ENGELMANN:**  --- and at least, initially,  
8           you're talking about having these meetings on Fridays ---

9                   **MR. ABELL:**   Correct.

10                  **MR. ENGELMANN:**  --- but shifting if  
11           necessary.

12                  **MR. ABELL:**   Yes.

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

14                  And then on the agenda -- and I -- do I take  
15           it that these were supposed to be agenda items that would  
16           repeat themselves; "a" being key developments of last week  
17           ---

18                  **MR. ABELL:**   Yeah.

19                  **MR. ENGELMANN:**  --- "b" being planning for  
20           upcoming week?

21                  **MR. ABELL:**   Correct, so it was pretty  
22           straight forward.  Catch up on past developments and then  
23           look ahead to what's coming.

24                  **MR. ENGELMANN:**  And, in fact, you did have  
25           some reporting, sir.  "A" which would be key developments



1 of last week; you say:

2 "Meeting yesterday with police. We  
3 have police material."

4 **MR. ABELL:** Yes.

5 **MR. ENGELMANN:** And, sir, we've heard from  
6 both Messrs. Bell and Carriere that they had a meeting with  
7 the Cornwall Police Service on October 21<sup>st</sup>, 1993. So that  
8 might be what that reference is there; fair enough?

9 **MR. ABELL:** Fair enough.

10 **MR. ENGELMANN:** And meeting with Jacques  
11 Leduc, is that the 2<sup>nd</sup> or do you ---

12 **MR. ABELL:** I'm not sure where that refers  
13 to it. What's the date on this?

14 **MR. ENGELMANN:** In the parentheses.

15 **MR. ABELL:** This is the 22<sup>nd</sup>. No, that would  
16 be, I presume, the second meeting.

17 **MR. ENGELMANN:** Right.

18 **MR. ABELL:** Yeah.

19 **MR. ENGELMANN:** And it says, "This a.m..."

20 **MR. ABELL:** M'hm.

21 **MR. ENGELMANN:** "...we have church  
22 material"?

23 **MR. ABELL:** Yes.

24 **MR. ENGELMANN:** So presumably Mr. Leduc had  
25 turned over some material to your investigators at that

1 time?

2 MR. ABELL: Yes. That's what it looks like,  
3 yeah.

4 MR. ENGELMANN: All right.

5 And then, again, under the "Agenda Item B  
6 for Next Week", you've got the note, "Attempt to meet with  
7 Silmsler". And there's a reference to "Support from police?  
8 Maybe?"

9 Any recollection of what that's referring to  
10 at this time?

11 MR. ABELL: Not specific, I don't, no.

12 MR. ENGELMANN: And you talk about some  
13 other planning?

14 MR. ABELL: Yes.

15 MR. ENGELMANN: And in fact the note, "Bring  
16 in Pina. R. speak to Angelo, backfill." So this is about  
17 how she's going to be ---

18 MR. ABELL: Covered off.

19 MR. ENGELMANN: --- her position will be  
20 staffed?

21 MR. ABELL: Yes. Covered off, yeah.

22 MR. ENGELMANN: All right.

23 And likewise, sir, you have a second team  
24 meeting, the two Bates pages just before that at 7081347  
25 and 1348?

1                   **MR. ABELL:** Yes.

2                   **MR. ENGELMANN:** And that's from the 29<sup>th</sup> of  
3                   October, so a week later?

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** And you've got a reference  
6                   on that first page:

7                   "Commitment from Bishop through Jacques L. that we have all  
8                   the time we need to investigate."

9                   **MR. ABELL:** I see that, yes.

10                  **MR. ENGELMANN:** "And Father MacDonald will  
11   not be going back into the parish."

12                  **MR. ABELL:** Yes.

13                  **MR. ENGELMANN:** And remember you had told us  
14                  that you'd been allowed a two-week window?

15                  **MR. ABELL:** Yes.

16                  **MR. ENGELMANN:** It appears already by this  
17                  time, which is approximately a couple of weeks after you've  
18                  met with the Bishop ---

19                  **MR. ABELL:** Yes.

20                  **MR. ENGELMANN:** --- that the Diocese is  
21                  being flexible on the length of your investigation ---

22                  **MR. ABELL:** Yes.

23                  **MR. ENGELMANN:** --- and also giving you a  
24                  commitment that they're not putting Father MacDonald back  
25                  into the St Andrew's Parish?

1                   **MR. ABELL:** Not immediately, no.

2                   **MR. ENGELMANN:** Certainly not in the  
3 foreseeable future at this point?

4                   **MR. ABELL:** Correct.

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

6                   Now, there's also some reference to the fact  
7 that Mr. Bell has at least spoken with Mr. Silmsner?

8                   **MR. ABELL:** I see that.

9                   **MR. ENGELMANN:** We know that the interview  
10 actually with him didn't happen until November 2<sup>nd</sup>, so  
11 presumably this is a phone call?

12                   **MR. ABELL:** Yes.

13                   **MR. ENGELMANN:** And there's a reference:  
14 "Greg talked to David Silmsner to get an appointment.  
15 Concerned he will lose his money if he talks to us."

16                   **MR. ABELL:** Yes.

17                   **MR. ENGELMANN:** "Appointment for next  
18 Thursday. Silmsner to be assured. Jacques L. will assure  
19 him or his lawyer that he can speak to us without penalty."

20                   **MR. ABELL:** Yes.

21                   **MR. ENGELMANN:** So, sir, you would have been  
22 advised of the fact that Mr. Silmsner was concerned about  
23 losing his settlement money if he actually spoke with your  
24 investigators?

25                   **MR. ABELL:** Yes.

1                   **MR. ENGELMANN:** And they were working  
2 together with the Diocesan council to make sure that didn't  
3 happen?

4                   **MR. ABELL:** To remove that as a barrier,  
5 yes.

6                   **MR. ENGELMANN:** And, sir, on the following  
7 page, right at the top, does the note say:  
8 "Pina/Greg will be following up on the Ken Seguin  
9 allegation when they meet with Silmsen?"

10                  **MR. ABELL:** The Seguin allegation, yes.

11                  **MR. ENGELMANN:** I'm not sure what the  
12 initial ---

13                  **MR. ABELL:** I put in the wrong name ---

14                  **MR. ENGELMANN:** Oh, okay.

15                  **MR. ABELL:** --- and crossed it out and  
16 initialled it.

17                  **MR. ENGELMANN:** Fair enough. So:  
18 "Pina/Greg will be following up on the Seguin allegation  
19 when they meet with Silmsen."

20                  **MR. ABELL:** Yes.

21                  **MR. ENGELMANN:** All right. Just be a  
22 moment.

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

24                  **MR. ENGELMANN:** Sir, if we could then turn  
25 back to Exhibit 1441, and you should still have that

1 binder, I believe?

2 MR. ABELL: I do.

3 MR. ENGELMANN: And these are just  
4 miscellaneous notes of yours in that same timeframe. And I  
5 will be jumping between these documents.

6 I want you to turn to Bates page 7080635 and  
7 this is a note of yours from November 3<sup>rd</sup>, 1993.

8 MR. ABELL: I have it.

9 MR. ENGELMANN: All right.

10 And, again, we see the reference to Lenore?

11 MR. ABELL: Lenore Jones.

12 MR. ENGELMANN: Right. And she's your  
13 contact at the Ministry?

14 MR. ABELL: She is.

15 MR. ENGELMANN: It says, "She's talked to  
16 Robert Nadon," or Robert Nadon?

17 MR. ABELL: Robert Nadon.

18 MR. ENGELMANN: Who is that?

19 MR. ABELL: He was her supervisor.

20 MR. ENGELMANN: All right.

21 MR. ABELL: He was the second in charge of  
22 the regional office at the Ministry at the time.

23 MR. ENGELMANN: All right. And there's a  
24 reference there to both and can I assume that that's Lenore  
25 and Robert?

1                   **MR. ABELL:** Yes.

2                   **MR. ENGELMANN:** "Both concerned that we  
3 are 'out there on our own'. Why aren't police  
4 investigating with us?"

5                   **MR. ABELL:** Yes.

6                   **MR. ENGELMANN:** All right.  
7 "Gave her the background, withdrawal of complaint, etc.  
8 Wants to know if I should go to Crown. I say no."

9                   Right?

10                  **MR. ABELL:** Yes.

11                  **MR. ENGELMANN:** I don't know, sir, if you  
12 have any recollection of these instructions -- or this  
13 meeting, or call, I mean?

14                  **MR. ABELL:** I have somewhat of a  
15 recollection of this meeting, yes.

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

17                  **MR. ABELL:** It wasn't a meeting. It was a  
18 phone call, sorry.

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

20                  **MR. ABELL:** Yes.

21                  **MR. ENGELMANN:** So the Ministry appears to  
22 have some concern that you're out there on your own  
23 investigating?

24                  **MR. ABELL:** Yes.

25                  **MR. ENGELMANN:** And that the police aren't

1           there with you?

2                       **MR. ABELL:** I recall hearing it more as a  
3           question. They had discussed it. It had come up in their  
4           exchange and Lenore wanting to, I guess, basically assure  
5           herself that we had thought this thing out and we were sure  
6           of our grounds.

7                       **MR. ENGELMANN:** And what about the reference  
8           to going to the Crown and your suggestion that that  
9           shouldn't be done?

10                      **MR. ABELL:** I can't recall that piece of the  
11           exchange. And looking at the notes, I am presuming I would  
12           have explained to her that that had been an early  
13           consideration but we had begun by me speaking to Chief  
14           Shaver and it had moved on from there.

15                      **MR. ENGELMANN:** All right. And you advised  
16           them, at least according to the note, that you'd had some  
17           discussions with both Chief Shaver and the OPP?

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

19                      **MR. ENGELMANN:** And, essentially, that their  
20           position was they weren't going to investigate unless you  
21           came up with something new?

22                      **MR. ABELL:** That was the understanding.

23                      **MR. ENGELMANN:** But they weren't going back  
24           and looking at Silmsen?

25                      **MR. ABELL:** Correct.



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

2                   And I'm just wondering there, it says:  
3                   "Police cooperating at this point, information. No need to  
4                   go further at this time. Crown, Police Services Board."

5                   Do you recall, sir, if you would have  
6                   already have been advised about Silmsers's allegation vis-à-  
7                   vis Marcel Lalonde?

8                   That interview happened on the 2<sup>nd</sup> of  
9                   November. This is a call you're having on the 3<sup>rd</sup>. There's  
10                  no reference to school boards or that issue.

11                  Do you know whether you would have already  
12                  been informed or not about him bringing up that name?

13                  **MR. ABELL:** I don't know if I was aware at  
14                  that point.

15                  **MR. ENGELMANN:** All right. At the bottom it  
16                  appears to be you're sort of re-stating your own mandate,  
17                  your own perspective?

18                  **MR. ABELL:** I've reviewed with her the  
19                  mandate, as I understood it, with respect to investigating  
20                  historical abuse.

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

22                  **MR. ABELL:** And laid out my grounds and, as  
23                  you can see there, I didn't get -- I didn't seem to get an  
24                  argument from Lenore.

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

1                   Grounds where a priest could be put back in  
2                   a parish. So it's this whole issue about present risk, the  
3                   possibility of present abuse?

4                   **MR. ABELL:** Based on historical concerns,  
5                   yes.

6                   **MR. ENGELMANN:** Right. Okay.

7                   Sir, in that same exhibit, at Bates pages  
8                   633 and 634, you have reference to a meeting with Staff  
9                   Sergeant Derochie?

10                  **MR. ABELL:** Yes.

11                  **MR. ENGELMANN:** Now, this is a second  
12                  meeting now because you told us about one on October 14<sup>th</sup>?

13                  **MR. ABELL:** Yes.

14                  **MR. ENGELMANN:** This is now another one on  
15                  November 4<sup>th</sup>, and there appears to be a number of areas that  
16                  you would have covered with him?

17                  **MR. ABELL:** Yes.

18                  **MR. ENGELMANN:** For example, you note that  
19                  he's asking you -- right at the start again. We're  
20                  following the order of the meeting?

21                  **MR. ABELL:** I did.

22                  **MR. ENGELMANN:** Your notes?

23                  **MR. ABELL:** My notes do, yes.

24                  **MR. ENGELMANN:** And notes taken presumably  
25                  right after the meeting with Staff Sergeant Derochie?

1                   **MR. ABELL:** I can't tell you exactly when I  
2                   made them but that was my practice.

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

4                   **MR. ABELL:** Within the working day.

5                   **MR. ENGELMANN:** Sometime on that day because  
6                   you don't refer to the fact that they were written on a  
7                   different day?

8                   **MR. ABELL:** No, I don't. You're right.

9                   **MR. ENGELMANN:** All right. And you start  
10                  by:

11                  "Reviewed the dates of my initial involvement in the case.  
12                  Gave him them."

13                  And those would be your dealings with Perry  
14                  Dunlop ---

15                  **MR. ABELL:** Perry Dunlop.

16                  **MR. ENGELMANN:** --- at the beginning?

17                  **MR. ABELL:** That's correct.

18                  **MR. ENGELMANN:** "Asked if my going to  
19                  police after..."

20                  And you've underlined "after":

21                  "...getting a statement from Perry Dunlop was because I had  
22                  no confidence in the police."

23                  **MR. ABELL:** Yes.

24                  **MR. ENGELMANN:** And that was a question he  
25                  had or a query?

1                   **MR. ABELL:** I recall that, yes.

2                   **MR. ENGELMANN:** All right. And the answer  
3 you gave, is that what we see just below?

4                   **MR. ABELL:** Yes, it is.

5                   **MR. ENGELMANN:** "More out of a knowledge  
6 of how much pressure there is in these situations  
7 politically not to proceed."

8                   **MR. ABELL:** Yes.

9                   **MR. ENGELMANN:** "Wanted the statement  
10 in hand before moving."

11                   **MR. ABELL:** Yes.

12                   **MR. ENGELMANN:** "Pointed out I had called  
13 the Chief the same day."

14                   **MR. ABELL:** Yes.

15                   **MR. ENGELMANN:** So the same day you get the  
16 statement, on September 30<sup>th</sup>, you make the effort to contact  
17 Chief Shaver to meet with him the next day?

18                   **MR. ABELL:** To let him know, yes.

19                   **MR. ENGELMANN:** Right.

20                   And what did you really mean by, "Knowledge  
21 of how much pressure there is in these situations"?

22                   **MR. ABELL:** Well, I was already starting to  
23 do some reading about --- some of the higher profile  
24 clerical abuse cases. If you recall, I've done some  
25 consulting early on when this thing came to my attention.

1           So it was just something I was trying to keep alert to in  
2           those circumstances and discussed it with Staff Sergeant  
3           Derochie when it came up.

4                       **MR. ENGELMANN:** All right.

5                       And it appears if we look at the next Bates  
6           page, 0634, it's at this point that he tells you, I'm not  
7           only looking at *Police Service Act* charges and Dunlop's  
8           disclosure to you, but he talked about wanting to reopen  
9           the investigation. Oh, sorry, on Bates page 633 ---

10                      **MR. ABELL:** Yes.

11                      **MR. ENGELMANN:** He had said he was now doing  
12           an investigation of the entire police action in Silmser,  
13           not just Perry's case?

14                      **MR. ABELL:** Yes.

15                      **MR. ENGELMANN:** So he's talking to you about  
16           his expanded mandate?

17                      **MR. ABELL:** Yes.

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

19                      And apparently he asked you about problems  
20           that might exist?

21                      **MR. ABELL:** Yes.

22                      **MR. ENGELMANN:** And what might need fixing?

23                      **MR. ABELL:** Yes.

24                      **MR. ENGELMANN:** And it would appear, at  
25           least from the bottom of the page, you're telling him, "We

1 should get together on the duty to report issue"?

2 MR. ABELL: Well, in particular, the  
3 historical -- reporting of historical abuse. That was the  
4 particular point.

5 MR. ENGELMANN: Yeah, you say "Duty to  
6 report, also consulting on historical abuse".

7 MR. ABELL: Correct.

8 MR. ENGELMANN: So you wanted to make sure  
9 that you had a common understanding as to when these cases  
10 should be reported to the CAS?

11 MR. ABELL: Yes, sir. Certainly, a clearer  
12 understanding than we appeared to have at that point.

13 MR. ENGELMANN: Right.

14 MR. ABELL: And I would say in fairness on  
15 both sides. I don't think that was confined to the police.

16 MR. ENGELMANN: All right.

17 And would it be fair to say that you would  
18 have wanted to have been consulted on the Silmsler matter  
19 earlier?

20 MR. ABELL: Yes.

21 MR. ENGELMANN: And ---

22 MR. ABELL: We would have liked to have  
23 been, yeah.

24 MR. ENGELMANN: When it was actually in  
25 active investigation by the Cornwall Police Service?

1                   **MR. ABELL:** Yes.

2                   **MR. ENGELMANN:** And at the top of the next  
3 page -- and I took you there by mistake -- but at the top  
4 of 634, he's expressing his views to you that he wants his  
5 service to reopen the investigation?

6                   **MR. ABELL:** Yes.

7                   **MR. ENGELMANN:** And you're agreeing but  
8 commenting that you'd like to work together?

9                   **MR. ABELL:** Yes, that's our preferred  
10 position, yes.

11                   **MR. ENGELMANN:** Yeah.

12                   **MR. ABELL:** As a matter of policy.

13                   **MR. ENGELMANN:** And you said:

14                                "Told him we had a project team.  
15                                Invited him to take part or someone  
16                                else."

17                   Were you actually suggesting that one of his  
18 officers could be involved in your project team?

19                   **MR. ABELL:** We would have been quite open to  
20 it.

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

22                   **MR. ABELL:** Yes, sir.

23                   **MR. ENGELMANN:** And would you have made that  
24 clear to Staff Sergeant Derochie?

25                   **MR. ABELL:** I believe so.

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

2                   **MR. ABELL:** The notes say I did.

3                   **MR. ENGELMANN:** Yeah.

4                   Now, there's some reference here to getting  
5 names of other alleged victims.

6                   **MR. ABELL:** I'm sorry, where is that in the

7 ---

8                   **MR. ENGELMANN:** I'm just trying to find it.

9                   **THE COMMISSIONER:** At the bottom of the last  
10 paragraph, you talk about Luc Brunet and said he had talked  
11 to Luc Brunet:

12                               "Luc doesn't want to give us the two  
13 names. I told him to sort it out and  
14 keep me in touch."

15                   **MR. ENGELMANN:** And, sir, if you look at the  
16 top third of the page ---

17                   **MR. ABELL:** Yes.

18                   **MR. ENGELMANN:** --- about a third of the way  
19 down, you say:

20                               "Asked him to let us know if they did  
21 start to investigate."

22                   **MR. ABELL:** Yes.

23                   **MR. ENGELMANN:** "Told him David Silmser  
24 was very tentative at this point. He  
25 offered the names of the other two



1                   victims the police spoke to."

2                   Do you see that?

3                   **MR. ABELL:** Yes.

4                   **MR. ENGELMANN:** And then the bottom half of  
5 the page is a call you're getting from him later on?

6                   **MR. ABELL:** Yes.

7                   **MR. ENGELMANN:** Presumably the same day.

8                   **MR. ABELL:** Yes.

9                   **MR. ENGELMANN:** And he, at the bottom of the  
10 page, says:

11                    "Said he talked to Luc Brunet. Luc  
12 doesn't want..."

13                   **MR. ABELL:** Luc doesn't want ---

14                   **MR. ENGELMANN:** "...to give us the two  
15 names."

16                   **MR. ABELL:** "To give us the two names";  
17 correct.

18                   **MR. ENGELMANN:** All right. So Derochie had  
19 offered them initially but presumably said he'd have to  
20 check with people in his service?

21                   **MR. ABELL:** Yes, that's right.

22                   **MR. ENGELMANN:** And then he got back to you  
23 later that day and said that he couldn't give them to you?

24                   **MR. ABELL:** Right.

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

1                   **THE COMMISSIONER:** Was that unusual or have  
2 you ever -- were you ever in a situation like that before  
3 where they said, no, they wouldn't give it to you?

4                   **MR. ABELL:** It's not exceptionally unusual  
5 but I'd say more or less, yes.

6                   **MR. ENGELMANN:** I think there was some  
7 effort later on by your team to get these names again?

8                   **MR. ABELL:** That's correct, there was.

9                   **MR. ENGELMANN:** But they were never provided  
10 -- or were they?

11                   **MR. ABELL:** I don't think I saw them until  
12 preparation for the Inquiry.

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

14                   **MR. ABELL:** But if that really answers your  
15 question, I'm not sure.

16                   **MR. ENGELMANN:** All right. That's your  
17 knowledge at least?

18                   **MR. ABELL:** That's my knowledge, yes.

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

20                   Now, when Staff Sergeant Derochie calls you  
21 back, the Cornwall Police Service, someone's had a  
22 conversation with David Silmsers from the CPS, right?

23                   **MR. ABELL:** Yes.

24                   **MR. ENGELMANN:** And Staff Sergeant Derochie  
25 is reporting back to you that Mr. Silmsers' angry?

1                   **MR. ABELL:** Yes.

2                   **MR. ENGELMANN:** And apparently he's angry  
3 because of the fact that the CAS has somehow gotten his  
4 name and there was a woman trying to see him, et cetera.  
5 Do you see that reference?

6                   **MR. ABELL:** I do, yes.

7                   **MR. ENGELMANN:** So were those explanations  
8 given to you by Staff Sergeant Derochie as to possibly why  
9 he was angry?

10                  **MR. ABELL:** That's how it reads, yes.

11                  **MR. ENGELMANN:** Okay. And:

12                                 "Garry alerting us as to Silmsen's  
13                                 state of mind. Very hostile."

14                  **MR. ABELL:** Yes.

15                  **MR. ENGELMANN:** All right. And he says:

16                                 "They may try to 'work around him',  
17                                 leave him to us."

18                  **MR. ABELL:** Yes.

19                  **MR. ENGELMANN:** Do you know what was meant  
20 by that?

21                  **MR. ABELL:** I think Staff Sergeant Derochie  
22 was saying that they're trying to find the best way to move  
23 ahead on this given they had a very upset individual to  
24 work with.

25                  **MR. ENGELMANN:** All right. But "leave him

1 to us", a suggestion that perhaps you should be pursuing  
2 things with David Silmsner and then maybe later on they  
3 could?

4 **MR. ABELL:** Yes. That's how I read it, yes.  
5 We already had a commitment to meet with him. It sounds  
6 like they were prepared to see what came out of that.

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

8 Now, there's no mention, at least on your  
9 part, about Marcel Lalonde?

10 **MR. ABELL:** None.

11 **MR. ENGELMANN:** So, again, you're not sure  
12 whether you'd been briefed by either Greg Bell or Bill  
13 Carriere about the Silmsner interview at this point?

14 **MR. ABELL:** I don't recall having gotten  
15 that information, no.

16 **MR. ENGELMANN:** If you had, would you agree  
17 that's something that perhaps should have been shared with  
18 Staff Sergeant Derochie?

19 **MR. ABELL:** That would be reasonable, yes.

20 **MR. ENGELMANN:** Given that, you know, this  
21 is a teacher who works in the Cornwall area or the City of  
22 Cornwall?

23 **MR. ABELL:** Yes.

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

25 And if we could go back and look at team

1 meetings and 2325, your other binder, there's a third team  
2 meeting on November 4<sup>th</sup>, 1993, Bates pages 345 and 346.

3 MR. ABELL: I have those.

4 MR. ENGELMANN: All right. And it would  
5 appear, at least at this point, that you're being briefed  
6 on the Silmsler interview. If you look at Item 3, "GP..." -  
7 - I presume that's Greg Pina -- "...interviewed Silmsler"?

8 MR. ABELL: That's correct.

9 MR. ENGELMANN: "Gave outline, presented  
10 credibly."

11 MR. ABELL: Yeah.

12 MR. ENGELMANN: "More to tell."

13 MR. ABELL: Yes.

14 MR. ENGELMANN: So presumably, they're  
15 telling you that they're not done?

16 MR. ABELL: That's correct.

17 MR. ENGELMANN: They'd like to spend more  
18 time with them. They think it might even take a couple of  
19 days?

20 MR. ABELL: Yes.

21 MR. ENGELMANN: All right.

22 So, again, Mr. Abell, I've looked at these  
23 notes. There's no reference to Marcel Lalonde. And I'm  
24 just -- I'm looking at the notes for the team meeting of  
25 November 4<sup>th</sup>.

1                   **MR. ABELL:** I see none in the notes of the  
2                   4<sup>th</sup>, you're correct.

3                   **MR. ENGELMANN:** All right. Do you know if  
4                   they went there or not with you?

5                   **MR. ABELL:** In the discussion on the 4<sup>th</sup>?

6                   **MR. ENGELMANN:** Yeah, on the 4<sup>th</sup>.

7                   **MR. ABELL:** I couldn't recall.

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

9                   **MR. ABELL:** I wouldn't know to say one way  
10                  or the other.

11                  **MR. ENGELMANN:** In fact ---

12                  **MR. ABELL:** I would ---

13                  **MR. ENGELMANN:** The one and only reference I  
14                  was able to find of his name and, you know, I may have made  
15                  a mistake, but the one and only reference I found is Bates  
16                  page 7081336. It's a team meeting on December 17<sup>th</sup>, 1993.  
17                  If you look, it's under, "Phone call, Ron Wilson, OPP"?

18                  **MR. ABELL:** Yes.

19                  **MR. ENGELMANN:** "Didn't know of other  
20                  alleged perpetrators."

21                  **MR. ABELL:** Yes.

22                  **MR. ENGELMANN:** "Greg told him about  
23                  Marcel Lalonde (teacher)."

24                  **MR. ABELL:** Teacher, yes.

25                  **MR. ENGELMANN:** All right. So at some

1 point, either on December 17<sup>th</sup> or sometime before, they  
2 would have apprised you of this third alleged perpetrator,  
3 Marcel Lalonde; correct?

4 MR. ABELL: Yes. That's correct, yes.

5 MR. ENGELMANN: And presumably you would  
6 have become aware, because you've written it there, that he  
7 was a teacher?

8 MR. ABELL: Yes.

9 MR. ENGELMANN: And that he was continuing  
10 to teach?

11 MR. ABELL: Yes.

12 MR. ENGELMANN: And both Mr. Bell and Mr.  
13 Carriere talked to us and they explained, in essence, that  
14 given the paucity of detail from Mr. Silmsler concerning the  
15 allegations he made with respect to Marcel Lalonde, that  
16 the CAS could not proceed with an investigation and did not  
17 feel you could notify his employer, either the school or  
18 the school board. That's what we were told.

19 MR. ABELL: Yes.

20 MR. ENGELMANN: Do you recall this issue  
21 being discussed and any possibility of notifying ---

22 MR. ABELL: Yes. I recall it being  
23 discussed, yes.

24 MR. ENGELMANN: Okay. And would you not  
25 agree that this would be a particular concern when you have

1           allegations of abuse by a schoolteacher?

2                       **MR. ABELL:** Well, I guess I'll repeat  
3           Mr. Carriere's position, that my recollection is that we  
4           had a series of -- we made a series of efforts to address  
5           this issue with Mr. Silmser to get some supporting  
6           information -- if you recall, he said he had a lot more to  
7           tell -- and that's really what preoccupied us. We made a  
8           number of efforts and weren't successful, frankly.

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

10                      **MR. ABELL:** And so didn't inform the school  
11           board.

12                      **MR. ENGELMANN:** Let's just deal with that  
13           issue generally for a moment.

14                      **MR. ABELL:** Sure.

15                      **MR. ENGELMANN:** A teacher would have  
16           constant contact with students.

17                      **MR. ABELL:** Yes.

18                      **MR. ENGELMANN:** Presumably if he's teaching  
19           Grade 8 he'd have contact -- regular contact with students  
20           under the age of 16.

21                      **MR. ABELL:** Yes.

22                      **MR. ENGELMANN:** And in fact throughout his  
23           work, as opposed to a priest who might only have the  
24           contact maybe a quarter of the time or whatever he's in  
25           charge of altar servers.



1                   **MR. ABELL:** A teacher would have more  
2                   contact with children; no question.

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

4                   I want to ask you if you were aware of the  
5                   fact that the Cornwall Police Service had received  
6                   complaints concerning Marcel Lalonde and sexual abuse of  
7                   children back in 1988.

8                   **MR. ABELL:** I wasn't aware, no.

9                   **MR. ENGELMANN:** All right. And if you had  
10                  been aware of that, would that have had an impact on your  
11                  decision about whether or not to investigate further, or  
12                  whether or not possibly to notify the employer?

13                  **MR. ABELL:** It could possibly have had an  
14                  influence, yeah.

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

16                  And some of the things that you didn't know,  
17                  I presume, about the situation between the teacher,  
18                  Lalonde, and David Silmsner that might be different than the  
19                  situation with Father MacDonald and David Silmsner is you  
20                  didn't know the age of Mr. Silmsner at the time of the  
21                  alleged abuse ---

22                  **MR. ABELL:** I don't believe so.

23                  **MR. ENGELMANN:** --- by Marcel Lalonde?

24                  **MR. ABELL:** I don't believe so, no.

25                  **MR. ENGELMANN:** And you weren't sure, right

1 -- you didn't have any details about when and where it  
2 might have happened, whether it was in the school  
3 et cetera?

4 **MR. ABELL:** My recollection is that we had  
5 no specifics at all.

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

7 Now, just to go back to your third Meeting  
8 Note then at Bates page 345.

9 **MR. ABELL:** I have it.

10 **MR. ENGELMANN:** You're reporting, at the  
11 bottom of the page, to the team on your discussions with  
12 Staff Sergeant Derochie?

13 **MR. ABELL:** That's correct.

14 **THE COMMISSIONER:** It's on November 4<sup>th</sup> or  
15 8<sup>th</sup>; 4<sup>th</sup>, right?

16 **MR. ENGELMANN:** November 4<sup>th</sup> of 1993.

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

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

19 And just to go back, further up on the page,  
20 after the interview with Mr. Silmsner, apparently Mr. Bell  
21 is reporting on a phone call to him re possibility of a  
22 further interview:

23 "Called today. Mention of Pina as a  
24 neighbour of his mom. Wanting to hold  
25 off on legal advice."

1 Do you see that?

2 MR. ABELL: Yes, I've got.

3 MR. ENGELMANN: All right. He's aware of  
4 some internal police developments; he's to call back. This  
5 is being reported to you as things that Mr. Silmsler had  
6 said in a call?

7 MR. ABELL: Well, reported to the team, yes.

8 MR. ENGELMANN: Well, right. Exactly.

9 All right, if we could then look at Bates  
10 page 343, which is I believe the next team meeting.

11 MR. ABELL: I have it.

12 MR. ENGELMANN: There's a reference at the  
13 bottom of the page to, "interview with Perry Dunlop."

14 MR. ABELL: Yes.

15 MR. ENGELMANN: Do you see that?

16 MR. ABELL: I do.

17 MR. ENGELMANN: And there's also, a little  
18 further up the page, a reference to a meeting with Helen  
19 Dunlop?

20 MR. ABELL: Yes.

21 MR. ENGELMANN: And it says:

22 "Information on possible information  
23 sources in the Parish."

24 MR. ABELL: Yeah.

25 MR. ENGELMANN: Okay. So it appears that

1           sometime in or around mid-November your investigators --  
2           either Greg Bell, Pina DeBellis or their supervisor, Bill  
3           Carriere -- are having some discussions with the Dunlops?

4                   **MR. ABELL:** That's right.

5                   **MR. ENGELMANN:** And there's a reference to  
6           the fact -- and I believe this is upcoming -- that:

7                           "G or P are to call Perry. If he's  
8                           going to give us 'official' information  
9                           CPS needs to be notified. Best to make  
10                          formal request to Garry Derochie."

11                   **MR. ABELL:** I see that.

12                   **MR. ENGELMANN:** All right. Do you have some  
13           recollection of a discussion on that issue?

14                   **MR. ABELL:** I do, Mr. Engelmann.

15                           The issue, as I recall it, was needing -- us  
16           needing to clarify that our approaches to Perry Dunlop, any  
17           information we would get from him was, I guess, in an  
18           official capacity, we'll call it; a formal capacity rather  
19           than -- if you recall, there was a question raised about --  
20           by Chief Shaver with me about back-channel information.

21                   **MR. ENGELMANN:** Right.

22                   **MR. ABELL:** We wanted to make sure this  
23           wasn't considered back channel.

24                   **MR. ENGELMANN:** All right. And that he  
25           would be reporting to you as a police officer?

1                   **MR. ABELL:** Correct.

2                   **MR. ENGELMANN:** All right. And therefore it  
3 was important that you have the permission or at least  
4 consult with the CPS on the issue?

5                   **MR. ABELL:** Important that they know what we  
6 were doing and on what basis.

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

8                   And then if we look at the following page,  
9 Bates page 344, you talk about some things that are to be  
10 done in the following week.

11                   **MR. ABELL:** Yes.

12                   **MR. ENGELMANN:** Fair enough?

13                   **MR. ABELL:** Yes, it is.

14                   **MR. ENGELMANN:** And then again if we go back  
15 to Bates page 342, we appear to have the following team  
16 meeting: November 26.

17                   **MR. ABELL:** Yes.

18                   **MR. ENGELMANN:** And there's a reference to a  
19 couple of things there. You've been informed about Ken  
20 Seguin's death?

21                   **MR. ABELL:** Yes.

22                   **MR. ENGELMANN:** So there's some discussion  
23 of that and there's also the note that, I believe, one or  
24 both of your investigators will be seeing Perry Dunlop.

25                   **MR. ABELL:** Yes.

1                   **MR. ENGELMANN:** Amongst other things that  
2                   are listed.

3                   **MR. ABELL:** That's right.

4                   **MR. ENGELMANN:** All right.

5                   And we know from Mr. Bell's notes that this  
6                   actually happens on November 29<sup>th</sup>, 1993; all right?

7                   **MR. ABELL:** Yeah.

8                   **MR. ENGELMANN:** And at some point you would  
9                   have been advised of that, presumably?

10                  **MR. ABELL:** Yes.

11                  **MR. ENGELMANN:** Now, just to follow through  
12                  with respect to Perry Dunlop, I'm looking at the notes of  
13                  your December 3<sup>rd</sup> team meeting, Bates page 340 and 341.  
14                  There's no reference to either Dunlop there. Could you  
15                  just take a quick look?

16                  **MR. ABELL:** I don't see any.

17                  **MR. ENGELMANN:** So just because it's not  
18                  there it doesn't mean he wasn't discussed, but at least you  
19                  didn't feel it significant enough to put it in your  
20                  minutes. Is that fair?

21                  **MR. ABELL:** That's correct. I mean these  
22                  are obviously scratch minutes; they're pretty brief.

23                  **MR. ENGELMANN:** And again, December 10<sup>th</sup>,  
24                  which is 338 and 339, I don't see any reference to either  
25                  of the Dunlops there.

1 MR. ABELL: December 10<sup>th</sup>?

2 MR. ENGELMANN: Tenth (10<sup>th</sup>).

3 MR. ABELL: I'm just going back. Okay, got  
4 it. Reference to Dunlops? I don't see any.

5 MR. ENGELMANN: But there is a reference on  
6 December 17<sup>th</sup>, and this is Bates pages 336 and 337.

7 MR. ABELL: I have it.

8 MR. ENGELMANN: And the reference is at 337:

9 "Next interview Perry Dunlop (other  
10 perp?)."

11 MR. ABELL: Yes.

12 MR. ENGELMANN: Do you see that?

13 MR. ABELL: Yes.

14 MR. ENGELMANN: So there's some indication  
15 there that Mr. Dunlop should be interviewed?

16 MR. ABELL: Yes.

17 MR. ENGELMANN: All right.

18 And just to follow this further, if we look  
19 at Bates page 334 -- and these are all in that same  
20 exhibit, sir ---

21 MR. ABELL: Yes.

22 MR. ENGELMANN: --- 2325, your Project Blue  
23 Team Meeting Minutes of January 11<sup>th</sup>. It's right at the  
24 top:

25 "Update. No appointment as yet with

1 Perry Dunlop. Will be following up."

2 MR. ABELL: Yes.

3 MR. ENGELMANN: And again, under "Next" it  
4 says, "See Perry D."

5 MR. ABELL: Yes.

6 MR. ENGELMANN: And then if we flip to the  
7 January 31<sup>st</sup> notes ---

8 MR. ABELL: Yes.

9 MR. ENGELMANN: --- Bates page 7081331 under  
10 "Update."

11 MR. ABELL: Yes.

12 MR. ENGELMANN: "No further contact from  
13 Perry Dunlop."

14 MR. ABELL: Yes.

15 MR. ENGELMANN: "Decision. We won't  
16 pursue him."

17 MR. ABELL: Yeah.

18 MR. ENGELMANN: Do you see that?

19 MR. ABELL: I do.

20 MR. ENGELMANN: And, sir, we note from -- or  
21 we know from the evidence of Bill Carriere and Greg Bell,  
22 and Greg Bell's notes, that Perry Dunlop came in to the CAS  
23 on November 29<sup>th</sup>, 1993; okay?

24 And sir, if you want to refer to that, it's  
25 Exhibit 2324, which would be just before your 2325 and it's



1 Bates pages 983 and 984. It's a little hard to read. Mr.  
2 Bell acknowledges that his notes weren't always the easiest  
3 to follow.

4 MR. ABELL: Nine eight four (984).

5 MR. ENGELMANN: Nine eight three (983) and  
6 984.

7 MR. ABELL: Just coming to it.

8 I have it.

9 MR. ENGELMANN: And during that time -- and  
10 it says this was a meeting that he had with both Mr. Bell  
11 and Ms. DeBellis.

12 MR. ABELL: I'm going to need to be  
13 directed. I can't ---

14 MR. ENGELMANN: Yeah. Well ---

15 MR. ABELL: --- read his writing.

16 MR. ENGELMANN: For example, he is saying --  
17 -

18 MR. ABELL: Oh, I see, okay.

19 MR. ENGELMANN: He said, if you look at  
20 Bates page 984 ---

21 THE COMMISSIONER: M'hm.

22 MR. ENGELMANN: --- page 120 of his notes,  
23 number 5 that:

24 "There are other perpetrators  
25 involved in a ring. We will be hearing

1                                   about this; that this includes Malcolm  
2                                   MacDonald."

3                   **MR. ABELL:** I see that.

4                   **MR. ENGELMANN:** And he also talks about the  
5 fact that he'll be receiving information, I believe, from  
6 Randy Millar and Chris McDonell of the OPP amongst other  
7 things.

8                   **MR. ABELL:** Okay.

9                   **MR. ENGELMANN:** So he is bringing up the  
10 fact that he's aware of other allegations.

11                  **MR. ABELL:** Yes.

12                  **MR. ENGELMANN:** And we know that despite a  
13 number of efforts on Greg Bell's part, Mr. Dunlop did not  
14 come in for another interview.

15                  **MR. ABELL:** That's my recollection.

16                  **MR. ENGELMANN:** And we've seen your team  
17 making notes which indicate that.

18                  **MR. ABELL:** That's right.

19                  **MR. ENGELMANN:** And in fact, we know that,  
20 at Mr. Carriere's direction and perhaps even your own, Mr.  
21 Bell spoke to Mr. Dunlop about his duty under the *CFSA* to  
22 report. Were you aware that that was being done?

23                  **MR. ABELL:** I don't recall that I was aware  
24 of it.

25                  **MR. ENGELMANN:** All right. But -- okay, so

1 ---

2 MR. ABELL: It makes sense in the context of  
3 what I recall, clearly, as a series of efforts by Greg Bell  
4 to sit down again with Mr. Dunlop.

5 MR. ENGELMANN: I believe both he and Mr.  
6 Carriere talked about the fact that Mr. Carriere thought  
7 that Mr. Dunlop should be informed of that duty to report.

8 MR. ABELL: Yes.

9 MR. ENGELMANN: And, given that Mr. Dunlop  
10 was alleging that he had more information about the sexual  
11 abuse of young people, including information about a  
12 specific individual, Malcolm MacDonald, and the fact that  
13 others may be involved in a pedophile ring, did you, at any  
14 time, become personally involved to try and get this  
15 information from Mr. Dunlop?

16 MR. ABELL: I didn't, no.

17 THE COMMISSIONER: I did or did not?

18 MR. ABELL: I did not, excuse me.

19 THE COMMISSIONER: All right.

20 MR. ENGELMANN: And I'm just wondering why;  
21 because you had been successful in at least getting him to  
22 share information with you earlier.

23 MR. ABELL: I can't -- I don't have a  
24 specific recollection on this, Mr. Engelmann. But I --  
25 what I believe would have the case -- and I was very of the

1 efforts, as I said, through project team meetings to get  
2 that information. I really had placed the day-to-day work  
3 in the hands of Mr. Carriere and his staff. And I really  
4 was trying to maintain that line, that professional line  
5 that I had talked about on Friday between myself and Perry.

6 So I don't recall it actually being a topic  
7 that we discussed, would I go and do it? It was up to Bill  
8 and his people to try to get that information, as they  
9 would in any other case. So I believe that's the reason  
10 that I didn't approach him personally.

11 **MR. ENGELMANN:** Do you recall if it was  
12 something you considered but then decided not to because of  
13 that line?

14 **MR. ABELL:** I don't have a recollection of  
15 whether we actually considered that or not. I don't know.  
16 It seems a reasonable thing. We might have but I don't  
17 recall.

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

19 **THE COMMISSIONER:** Were you still seeing  
20 Perry on social level at that time?

21 **MR. ABELL:** Yes, I was.

22 **THE COMMISSIONER:** Okay. And you wouldn't  
23 discuss it when you met?

24 **MR. ABELL:** No. I mean it was impossible  
25 for it not to enter into our social relationship but both

1 Perry and I, I believe, made a concerted effort to not get  
2 specific about where things were.

3 MR. ENGELMANN: Sir if we can then go back  
4 to Exhibit 1441, the other binder.

5 MR. ABELL: I have it.

6 MR. ENGELMANN: All right. And if you could  
7 take a look at -- it's Bates page 628. This is referring  
8 to a call I believe you received from Garry Derochie.

9 MR. ABELL: November 26<sup>th</sup>?

10 MR. ENGELMANN: Correct.

11 MR. ABELL: Okay. Thank you.

12 MR. ENGELMANN: And it appears he's the one  
13 -- he's calling you to tell you about Ken Seguin's death?

14 MR. ABELL: Yes.

15 MR. ENGELMANN: And he's explaining some  
16 background:

17 "Says Silmsner had been in touch with  
18 them. Said he was talking to Seguin;  
19 wanted \$100,000 or he would go to the  
20 press; said he had 'an agency working  
21 for him.'"

22 MR. ABELL: Yes.

23 MR. ENGELMANN: And you've got in "(us)?"

24 MR. ABELL: Yes.

25 MR. ENGELMANN: Do you recall this at all,

1           this discussion?

2                       **MR. ABELL:** I have a -- again a somewhat dim  
3           recollection of this exchange, yes.

4                       **MR. ENGELMANN:** All right. Do you remember  
5           if you asked Staff Sergeant Derochie if, in effect, Silmsers  
6           was saying you were working for him?

7                       **MR. ABELL:** I presume I didn't, otherwise I  
8           wouldn't have that little query in there.

9                       **MR. ENGELMANN:** All right. Garry's saying  
10          the relationship between Silmsers and Seguin may have been  
11          in part "voluntary."

12                      **MR. ABELL:** Yes.

13                      **MR. ENGELMANN:** Had you ever been informed  
14          of that before by anybody?

15                      **MR. ABELL:** Not that I recall.

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

17                                "i.e. Silmsers went back to Seguin as a  
18                                result of a homosexual relationship  
19                                that grew between them."

20                      **MR. ABELL:** I see that.

21                      **MR. ENGELMANN:** Have you ever dealt with  
22          situations like this where there had been abuse or alleged  
23          abuse and then followed by some sort of a relationship  
24          afterwards?

25                      **MR. ABELL:** Yes.

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

2                   **MR. ABELL:** It's not that uncommon. And  
3                   it's a -- as much as we look at it as the act is exploitive  
4                   and abusive, it is a relationship. And for young people,  
5                   in their formative years, emotionally, socially, sexually,  
6                   it can meet some needs.

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

8                   **MR. ABELL:** And it's still exploitive but  
9                   it's a relationship.

10                  **MR. ENGELMANN:** I'm just concerned. You put  
11                  the words "voluntary" in quotes and I'm wondering ---

12                  **MR. ABELL:** Yes.

13                  **MR. ENGELMANN:** --- what you meant by that?

14                  **MR. ABELL:** Well, as I read that, I mean,  
15                  it's -- in our view, it may have developed into what looks  
16                  like a consensual relationship but in our view, it's not  
17                  voluntary. I mean you've got a position -- particularly  
18                  when you know the background of this one.

19                  This is an individual, an adult who's in a  
20                  clear position of authority. So voluntary, we take it with  
21                  a large grain of salt.

22                  **MR. ENGELMANN:** Right. Do you know if you  
23                  would have made that clear to Staff Sergeant Derochie, your  
24                  views on that, or can you recall?

25                  **MR. ABELL:** I can't say that I did here. I

1 don't make reference that he and I talked about it any  
2 further.

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

4 Sir, also in this exhibit, there's a  
5 reference at Bates pages 7080623 and 24 to a call you have  
6 with Bishop LaRocque on December 3<sup>rd</sup>.

7 **MR. ABELL:** I see it.

8 **MR. ENGELMANN:** And it appears that he had  
9 called you and so you call him back?

10 **MR. ABELL:** Yes.

11 **MR. ENGELMANN:** And it appears, at least  
12 looking at the first page, that he's expressing some  
13 concerns to you about the scope and length of your  
14 investigation?

15 **MR. ABELL:** Yes.

16 **MR. ENGELMANN:** Now you had been told  
17 earlier to take as much time as you liked?

18 **MR. ABELL:** Yes.

19 **MR. ENGELMANN:** Now you're being told:  
20 "Wanted to know how long we would be  
21 investigating. You told me a month."

22 Do you see that?

23 **MR. ABELL:** Yes. Which I hadn't.

24 **MR. ENGELMANN:** All right. So he's  
25 expressing some concern that you're well over that month?



1                   **MR. ABELL:** Yeah. It ---

2                   **MR. ENGELMANN:** It's been about six weeks by  
3 here.

4                   **MR. ABELL:** At the onset of the conver -- I  
5 do remember this conversation, Mr. Engelmann. At the onset  
6 of the exchange, it was a change of tone certainly from the  
7 Bishop. It was -- it felt like a push back ---

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

9                   **MR. ABELL:** --- at that point. Now we were  
10 able to talk our way through it by the end of the  
11 conversation. But initially, yes, it was "What are you  
12 guys doing; what are you up to?"

13                   **MR. ENGELMANN:** And the concern about the  
14 scope, he seems to be suggesting at the beginning that, at  
15 least, he's been told that you're going beyond St.  
16 Andrew's.

17                   **MR. ABELL:** M'hm.

18                   **MR. ENGELMANN:** Do you see that?

19                   **MR. ABELL:** I do.

20                   **MR. ENGELMANN:** And you advise him, no,  
21 you're just looking at St. Andrews.

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

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

24                   There's also some concern -- there's  
25 reference to a tunnel ---

1                   **MR. ABELL:** Yes.

2                   **MR. ENGELMANN:** --- and right after that,  
3                   between the church and the old nunnery, claims that tells -  
4                   - that tells him our man is biased.

5                   **MR. ABELL:** That's right.

6                   **MR. ENGELMANN:** Do you see that?

7                   **MR. ABELL:** Yes, I do.

8                   **MR. ENGELMANN:** Do you recall that concern  
9                   being expressed?

10                  **MR. ABELL:** Oh, I do, yes.

11                  **MR. ENGELMANN:** And how did you deal with  
12                  that?

13                  **MR. ABELL:** Well, as you see, going on in  
14                  the notes there, I said that we were following up on  
15                  information we'd received from his parishioners as part of  
16                  our investigation.

17                  **MR. ENGELMANN:** All right. And what about  
18                  the ---

19                  **MR. ABELL:** His -- if I may? His -- what I  
20                  recall him saying to me was that the issue of tunnels  
21                  between churches and residences for sisters was, according  
22                  to him, an old piece of mythology in the Catholic Church  
23                  and have been used to sort of bash the church with. So, I  
24                  mean, when he heard "tunnel" what came through to me was  
25                  kind of a biased association in the mind of my investigator

1 -- going back to this old myth or whatever. Whether or not  
2 it's a myth, I don't know.

3 So I heard him out and then I said, "Well,  
4 sir, you need to understand this is what we're following up  
5 on, information we've received and it's got nothing to do  
6 with old stories about the church".

7 **MR. ENGELMANN:** Did he seem satisfied by  
8 that?

9 **MR. ABELL:** We moved on.

10 **MR. ENGELMANN:** I'm sorry?

11 **MR. ABELL:** We moved on. I don't know if he  
12 was satisfied.

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

14 **MR. ABELL:** But we moved on.

15 **MR. ENGELMANN:** Because I know there's some  
16 discussion in these notes about Mr. Bell finding various  
17 passages and things.

18 **MR. ABELL:** Yes.

19 **MR. ENGELMANN:** I don't know if that was  
20 ever explained to the Bishop afterwards.

21 **MR. ABELL:** I don't know.

22 One recollection I have is the discussion we  
23 had with Inspector Smith of the OPP where he had talked to  
24 us about some of the work he'd done in Alfred and the fact  
25 that quite a bit of the abuse had gone on in the basement

1 of the building and that in his mind we as investigators  
2 need to be alert to any indication that something might  
3 have gone on underground. So it may well have been in Mr.  
4 Bell's mind as well.

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

6 Just be a moment, sir.

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

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **MR. ENGELMANN:** The cross-reference to that  
10 is, again, at Tab -- sorry -- Exhibit 2325, if you just  
11 have it handy, the meeting of December 3<sup>rd</sup>, 1993, the team  
12 meeting, Bates page 7081340.

13 **MR. ABELL:** One-three-zero (1-3-0)?

14 **THE COMMISSIONER:** Four-zero (4-0).

15 **MR. ENGELMANN:** One-three-four-zero (1340).

16 And I think this is where the Bishop might  
17 have had the concern. It says, number 4:

18 "Visit to church last Friday. Is one  
19 tunnel between church and hall."

20 **MR. ABELL:** Mr. Engelmann, just excuse me.  
21 I've just gotten myself lost here.

22 **MR. ENGELMANN:** Sorry.

23 **MR. ABELL:** It's Exhibit number?

24 **MR. ENGELMANN:** Twenty-three-twenty-five  
25 (2325).

1                   **MR. ABELL:** Oh, excuse me, and Bates page  
2                   number?

3                   **MR. ENGELMANN:** Seven-zero-eight-one-three-  
4                   four-zero (7081340) -- three-four-zero (340) at the end --  
5                   it's your December 3<sup>rd</sup> team meeting notes.

6                   **MR. ABELL:** Sorry about that. Yes, I have  
7                   it now, thank you.

8                   **MR. ENGELMANN:** Yeah, and the reference is  
9                   paragraph 4.

10                  **MR. ABELL:** Yes, correct, with the church,  
11                  yes.

12                  **MR. ENGELMANN:** So Mr. Bell had been over  
13                  there. He identifies a tunnel.

14                  **MR. ABELL:** Yes.

15                  **MR. ENGELMANN:** And that seemed to be at  
16                  least one of the concerns that the Bishop had.

17                  **MR. ABELL:** Yes.

18                  **MR. ENGELMANN:** In his call to you of  
19                  December 3<sup>rd</sup>?

20                  **MR. ABELL:** Yes.

21                  **MR. ENGELMANN:** Now, your notes also  
22                  indicate, sir, that starting in late December of 1993 you  
23                  have a television reporter trying to get a hold of you  
24                  about the Silmser allegations. And we know already from  
25                  talking about Jeannette Antoine's allegation that he also

1 was trying to get a hold of you with respect to that  
2 matter?

3 MR. ABELL: Yes.

4 MR. ENGELMANN: This is a fellow by the name  
5 of Charlie Greenwell?

6 MR. ABELL: Yes.

7 MR. ENGELMANN: And you do have some notes  
8 of that; for example, in Exhibit 1441?

9 MR. ABELL: Okay.

10 THE COMMISSIONER: What page?

11 MR. ENGELMANN: I think the first reference  
12 is at Bates page 613.

13 MR. ABELL: I have that.

14 MR. ENGELMANN: I'll just be a moment.

15 MR. ENGELMANN: He apparently has some  
16 information about this matter?

17 MR. ABELL: Yes.

18 MR. ENGELMANN: And this is about a week  
19 before he publicizes Mr. Silmsen's statement on television?

20 MR. ABELL: Yes.

21 MR. ENGELMANN: And he's asking you  
22 essentially what you know about it?

23 MR. ABELL: Yes.

24 MR. ENGELMANN: All right.

25 MR. ABELL: Well, he starts out by -- well,

1 he feeds me what he knows or says he knows.

2 MR. ENGELMANN: Okay. So he then -- he  
3 tells you about David Silmser. He mentions a number:

4 "35,000 payoff, Seguin kills himself,  
5 withdrew -- police -- their  
6 investigation. Other boys involved.  
7 Questions."

8 MR. ABELL: Yeah.

9 MR. ENGELMANN: So this is all background  
10 that he's giving you?

11 MR. ABELL: That's correct.

12 MR. ENGELMANN: All right. And then am I  
13 correct, sir, that your notes carry over onto Bates page  
14 615 and that's the same discussion?

15 MR. ABELL: Yes, that's the back of a piece  
16 of scrap paper, yes, that's what it is.

17 MR. ENGELMANN: All right.

18 And he then is suggesting others that may  
19 have paid money?

20 MR. ABELL: Yes.

21 MR. ENGELMANN: And:

22 "Allegation of cover-up for long time  
23 in the community."

24 And then is the remainder of the note on  
25 Bates page 617?

1                   **MR. ABELL:** Looks to be, yes.

2                   **MR. ENGELMANN:** And he's asking you about  
3 your position with respect to adults who come forward with  
4 abuse when they were children?

5                   **MR. ABELL:** Yes.

6                   **MR. ENGELMANN:** And do you recall the call  
7 with him?

8                   **MR. ABELL:** I do.

9                   **MR. ENGELMANN:** All right. And was the  
10 conversation mainly him telling you what he knew?

11                   **MR. ABELL:** Primarily, yes.

12                   **MR. ENGELMANN:** Yeah, and what if anything  
13 were you prepared to give him during that call?

14                   **MR. ABELL:** Very little.

15                   **MR. ENGELMANN:** And would it be summarized  
16 on Bates page 617?

17                   **MR. ABELL:** Yes, I would say so,  
18 particularly since I'd agreed to see him the following  
19 Wednesday, as it says here. So that would be all the more  
20 reason for me not to be talking to him.

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

22                   **MR. ABELL:** Over the phone.

23                   **MR. ENGELMANN:** Sir, I want to then ask you  
24 about something that is in the same exhibit, and I'm just  
25 not sure where it fits into things. It's at Bates pages



1 609 through 612.

2 THE COMMISSIONER: Before we go there, Mr.  
3 Engelmann, I see the scrap paper that you're using looks  
4 like "protest against the Children's Aid Society"?

5 MR. ABELL: Yes.

6 THE COMMISSIONER: Was that going on  
7 contemporaneously with this?

8 MR. ABELL: I believe so, yes.

9 THE COMMISSIONER: And what was that all  
10 about, just briefly, I guess.

11 MR. ABELL: That was a group of mothers, if  
12 I recall, who were unhappy with us and who on one occasion,  
13 perhaps twice, had done a picket line, an information line,  
14 outside of our office and I believe these were posters that  
15 were handed out.

16 THE COMMISSIONER: And so is this in any way  
17 related to what was going on at this time with Dunlop and  
18 with Silmsen and that kind of thing?

19 MR. ABELL: Not that I recall, sir. I  
20 believe it was specific to issues they had around our  
21 involvement with their families and their children.

22 THE COMMISSIONER: Okay.

23 MR. ABELL: That's my recollection.

24 THE COMMISSIONER: Thank you.

25 Go ahead, Mr. Engelmann.

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

2                   I just wanted to ask you about a document  
3 that appears in this exhibit, and it starts at 7080609.

4                   **MR. ABELL:** I have it.

5                   **MR. ENGELMANN:** And it runs through to 612.

6                   **MR. ABELL:** Yes.

7                   **MR. ENGELMANN:** And I'm thinking this is  
8 something that's prepared at a later time, and I'm just  
9 wondering if you can help us with respect to who would have  
10 prepared it, when, and for what purpose? It does have some  
11 of your notes on it.

12                   **MR. ABELL:** Yes, and it's a working  
13 document. It's a thinking-through, what do we have, and  
14 leading to taking an agency position. That's how I read  
15 it.

16                   **MR. ENGELMANN:** Well, we know that the  
17 agency position, at least on verification, was determined  
18 on February 17<sup>th</sup>.

19                   **MR. ABELL:** Right.

20                   **MR. ENGELMANN:** Nineteen-ninety-four (1994).  
21 It almost looks like this is later in the sense that --  
22 I'll just be a moment.

23                   It says, for example:

24                   “(E) FM has not admitted sexual abuse.”

25                   And there's a cross-out there.

1 "Denial to the commission."

2 I'm not sure.

3 **MR. ABELL:** That I believe refers, Mr.  
4 Engelmann, to the commission of the Diocese. If you recall  
5 they had a little ---

6 **MR. ENGELMANN:** Oh.

7 **MR. ABELL:** --- kind of a working group  
8 panel that tried to deal with allegations against their  
9 clergy.

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

11 **MR. ABELL:** I believe that was called the  
12 "commission".

13 **MR. ENGELMANN:** No admission in the  
14 Southdown material.

15 **MR. ABELL:** Yes.

16 **MR. ENGELMANN:** And I know that Southdown  
17 material comes over time.

18 **MR. ABELL:** Actually, it was a while coming.  
19 You're right.

20 **MR. ENGELMANN:** I don't think he leaves  
21 there until sometime in May perhaps.

22 **MR. ABELL:** I can't recall.

23 **MR. ENGELMANN:** Late May of '94.

24 **MR. ABELL:** Okay.

25 **MR. ENGELMANN:** All right. So this is an

1 internal document. This is something -- do you know if it  
2 was prepared by your investigator, or who would have  
3 prepared it?

4 MR. ABELL: I'm not sure. I'm not sure who  
5 prepared this.

6 MR. ENGELMANN: All right.

7 MR. ABELL: No, I'm sorry, I can't help you.

8 MR. ENGELMANN: And it has not only your  
9 handwriting on it but it seems to have someone else's  
10 handwriting on it.

11 MR. ABELL: Yes, it does. There's at least  
12 two people who've got notations on here.

13 MR. ENGELMANN: And do you know who the  
14 others are?

15 MR. ABELL: I'll take a stab.  
16 I think one of them is our in-house counsel,  
17 Ms. MacLennan.

18 MR. ENGELMANN: All right.

19 MR. ABELL: But that's a guess.

20 MR. ENGELMANN: And there are some pretty  
21 strong statements in here, if I can use that term.

22 MR. ABELL: Yes, you can.

23 MR. ENGELMANN: For example ---

24 MR. ABELL: Yeah.

25 MR. ENGELMANN: --- if you look at number 7

1 on the last page, it says:

2 "The payoff. Bishop buys a child for  
3 the sexual use of one of his priests."

4 MR. ABELL: Yes.

5 MR. ENGELMANN: "Message to that priest,  
6 'I will protect you from the  
7 consequences of your acts.' This  
8 message provides a licence to the  
9 priest to reoffend; a hunting licence."

10 MR. ABELL: Yeah.

11 MR. ENGELMANN: It's pretty loaded language  
12 here.

13 MR. ABELL: It is, yeah.

14 MR. ENGELMANN: Do you know why language  
15 like that would be used?

16 MR. ABELL: My recollection was that that  
17 came out of some of the research that we did, some of the  
18 literature we looked at, and it didn't make it into  
19 anything that we used on an official basis.

20 MR. ENGELMANN: All right.

21 MR. ABELL: It's obviously very strongly  
22 worded, if not ---

23 MR. ENGELMANN: And just after -- sorry.

24 MR. ABELL: If not inflammatory, so it's ---

25 MR. ENGELMANN: Yeah.

1 MR. ABELL: Yeah.

2 MR. ENGELMANN: Number 8:

3 "Southdown assessment weak. No  
4 phallometric testing. This is a church  
5 staffed and operated facility.  
6 Perception of bias."

7 So a couple of things there. One, it almost  
8 appears that this might have been after he's done with  
9 Southdown. And the perception of bias; presumably that's  
10 someone in the CAS having a concern about a report from  
11 Southdown, given that it's run by the Church?

12 MR. ABELL: I would say that's a perception  
13 of a general bias, rather than just our own.

14 MR. ENGELMANN: I'm sorry?

15 MR. ABELL: I would say that's a perception  
16 of a general bias. Certainly that's the kind of criticism  
17 we heard of Southdown at the time.

18 MR. ENGELMANN: All right.

19 MR. ABELL: That it was really an in-house  
20 facility, therefore it wasn't likely going to lead to --  
21 call it an objective assessment and recommendation.

22 MR. ENGELMANN: All right.

23 So you're not sure who prepared this?

24 MR. ABELL: I'm not.

25 MR. ENGELMANN: It would have been -- you

1       said an internal document and you think it may well have  
2       been used at or about the time of the verification meeting?

3               **MR. ABELL:** It certainly has that kind of  
4       use. I mean if I had to guess on who wrote it I'd say I  
5       did. The note -- working notes only under the title  
6       Project Blue is the kind of notation I would have used,  
7       that I have used, so it's possible I did it but frankly I  
8       just can't recall preparing it.

9               I also wonder why I would have put notes --  
10       handwritten notes on my document, but anyway I'm not sure.

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

12              And I think the reference to the commission,  
13       you're right, it's on the third page, 611:

14                       "Internal equals bias. Lack of  
15                       knowledge, expertise. Meeting with  
16                       D.S. Leduc says the priest's  
17                       embarrassed."

18              Do you see that?

19              **MR. ABELL:** Where are you, sorry?

20              **MR. ENGELMANN:** I'm on Bates page 611.

21              **MR. ABELL:** Six eleven (611) okay.

22              **MR. ENGELMANN:** Those comments, are they  
23       concerning the internal inquiries of this Commission, as  
24       you've called it?

25              **MR. ABELL:** It would appear so.

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

2                   **MR. ABELL:** That was our take on the work of  
3 the Commission.

4                   **MR. ENGELMANN:** All right.

5                   And this was something that was at least  
6 referred to in the Diocese protocol; the protocol that they  
7 had in place at or about the time they would have been  
8 looking at the Silmsler ---

9                   **MR. ABELL:** You mean involvement of the  
10 Commission?

11                   **MR. ENGELMANN:** Yes.

12                   **MR. ABELL:** Yes. I can't recall it. You  
13 know, I don't have a clear recollection of that protocol.

14                   **MR. ENGELMANN:** Okay. Well, I think you get  
15 it sometime in January of '94, so we'll take a look at  
16 that.

17                   **MR. ABELL:** Okay, good.

18                   **MR. ENGELMANN:** Okay.

19                   Sir, we've heard that -- and I just -- I'm  
20 not sure of the exact date but on or around the 5<sup>th</sup> or 6<sup>th</sup> of  
21 January Mr. Greenwell aired a story on CJOH.

22                   **MR. ABELL:** Yes, yes.

23                   **MR. ENGELMANN:** And in this story they would  
24 have broadcast a portion or portions of Mr. Silmsler's  
25 handwritten statement that he gave to the Cornwall Police



1 Service back in February of '93?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: And did you see that  
4 broadcast, sir?

5 MR. ABELL: No, I didn't.

6 MR. ENGELMANN: All right, but you certainly  
7 became aware of it?

8 MR. ABELL: I was very aware of it, yes.

9 MR. ENGELMANN: And in fact I'm thinking it  
10 happened on the 5<sup>th</sup> because on the 6<sup>th</sup> you actually received  
11 a call from your predecessor, Tom O'Brien.

12 MR. ABELL: Yes.

13 MR. ENGELMANN: Do you recall that, sir?

14 MR. ABELL: I recall the conversation, yes.

15 MR. ENGELMANN: Okay. And, sir, it's found  
16 again in the same exhibit, 1441, at Bates page 605.

17 MR. ABELL: I have it.

18 MR. ENGELMANN: Can you just have a quick  
19 look at that, sir?

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. ABELL: Thank you, I've looked at it.

22 MR. ENGELMANN: All right. So it appears  
23 he's calling you immediately after this coverage by  
24 Mr. Greenwell.

25 MR. ABELL: He did, yes.

1                   **MR. ENGELMANN:** And did he call you often?

2                   **MR. ABELL:** No.

3                   **MR. ENGELMANN:** What was the gist of his  
4 concern?

5                   **MR. ABELL:** He was -- as it says there, he  
6 was upset. Tom expressed himself strongly to me that he  
7 was very unhappy with what he'd learnt in the media.

8                   **MR. ENGELMANN:** All right. And in what  
9 capacity was he calling you, sir.

10                   **MR. ABELL:** Well, as I note there,  
11 Mr. Engelmann, he said to me, "I'm calling you as a  
12 Catholic ---"

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

14                   **MR. ABELL:** "--- community member".

15                   **MR. ENGELMANN:** So not calling you as the  
16 previous director.

17                   **MR. ABELL:** No, no. No.

18                   **MR. ENGELMANN:** He's Catholic, he knows  
19 you're Catholic. He says he's calling you as a Catholic.

20                   **MR. ABELL:** Yeah. He was trying to make the  
21 distinction it wasn't a -- well, I mean he didn't have a  
22 formal capacity at that time anyway, other than former  
23 Director. So no, he was -- I think what he was saying was  
24 from the heart.

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

1                   And he appears to indicate knowledge of  
2                   another victim or alleged victim.

3                   **MR. ABELL:** He did.

4                   **MR. ENGELMANN:** Was this another alleged  
5                   victim of Father MacDonald?

6                   **MR. ABELL:** I don't know. It was really --  
7                   he didn't go into any specifics at all.

8                   **MR. ENGELMANN:** All right. To your  
9                   knowledge did this alleged victim ever come forward to the  
10                  CAS?

11                  **MR. ABELL:** No.

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

13                  **MR. ABELL:** Well, I don't know. I don't  
14                  know if the person ever came forward.

15                  **MR. ENGELMANN:** Now, sir, if we flip the  
16                  pages over to Bates page 603 and 604.

17                  **MR. ABELL:** Yeah, I have them.

18                  **MR. ENGELMANN:** It appears there's a number  
19                  of communications from the media.

20                  **MR. ABELL:** Yes.

21                  **MR. ENGELMANN:** And did you have sort of an  
22                  approach for how you were going to field all these  
23                  questions at that time?

24                  **MR. ABELL:** Yeah. It was pretty standard.  
25                  I'd listen to them out; I'd review -- I reviewed with them

1 the restrictions I had on making public information and  
2 offered to speak in general terms to the best that I could  
3 to help them.

4 **MR. ENGELMANN:** Would your standard line --  
5 and I think that's your term -- be what we see at the  
6 bottom of Bates page 603?

7 **MR. ABELL:** Yes, there it is. Yeah,  
8 standard line.

9 **MR. ENGELMANN:** "Can't discuss. We are  
10 Interested in current abuse aspect of  
11 historical abuse. Always look into any  
12 complaint."

13 **MR. ABELL:** Yes.

14 **MR. ENGELMANN:** All right. But as far as  
15 the actual investigation you're doing in Project Blue, you  
16 did not give any details?

17 **MR. ABELL:** No, I didn't.

18 **MR. ENGELMANN:** You appeared to also get a  
19 call from a police officer that day -- I'm looking at the  
20 top of the page -- Brendon Wells.

21 **MR. ABELL:** Yes.

22 **MR. ENGELMANN:** He was the Professional  
23 Standards Officer at the Cornwall Police Service?

24 **MR. ABELL:** He was, yes.

25 **MR. ENGELMANN:** He was familiar to you, sir?

1                   **MR. ABELL:** Yes, I knew him.

2                   **MR. ENGELMANN:** And he's saying that he's  
3 also received a call from Mr. Greenwell?

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** "Claims CAS says four  
6 independent victims of Father MacDonald  
7 have come forward. Said I'd check, get  
8 back to him. Lise no, Fran no."

9                   **MR. ABELL:** Lise and Fran are child  
10 protection workers in our intake department, so I went to  
11 them and said, "Check -- you know, have you got anything?  
12 Has anything come in? Check our records."

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

14                   **MR. ABELL:** And you can see the answer.

15                   **MR. ENGELMANN:** All right. And would you  
16 have gotten back to Staff Sergeant Wells and told him that  
17 or do you know?

18                   **MR. ABELL:** Yes. If you look at the -- on  
19 page 604 in the middle of the page.

20                   **MR. ENGELMANN:** Yes.

21                   **MR. ABELL:** That references my conversation  
22 with him.

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

24                   **MR. ABELL:** "In confidence. No calls  
25 today." And I ask him to say nothing to Charlie Greenwell

1 about this.

2 MR. ENGELMANN: All right, because he was  
3 actually suggesting that you'd received calls that day from  
4 new victims.

5 MR. ABELL: Correct.

6 MR. ENGELMANN: All right. And you were  
7 confirming that you had not?

8 MR. ABELL: That's correct.

9 MR. ENGELMANN: All right.

10 Sir, you also received either a call or a  
11 visit from Chief Shaver.

12 MR. ABELL: Yes, I did.

13 MR. ENGELMANN: And is that what we see  
14 again on January 6<sup>th</sup> at Bates page 7080597?

15 MR. ABELL: Five-nine-seven (597)?

16 MR. ENGELMANN: Yes.

17 MR. ABELL: I have it.

18 MR. ENGELMANN: All right.

19 Now, at this point he's retired?

20 MR. ABELL: Yes.

21 MR. ENGELMANN: All right.

22 And do you remember -- if you just want to  
23 look at the notes, that's fine -- why he was coming to see  
24 you, what his concern was?

25 MR. ABELL: The media coverage was the

1 general gist of his conversation with me or his issue.

2 MR. ENGELMANN: What did he want you to do  
3 about that? Why was he seeing you?

4 MR. ABELL: Can I just take a quick ---

5 MR. ENGELMANN: Absolutely.

6 MR. ABELL: Thank you.

7 (SHORT PAUSE/COURTE PAUSE)

8 MR. ABELL: Okay, thank you.

9 My recollection was that there had been a  
10 lot of media attention, obviously, to the whole matter and  
11 that was his issue. His particular take on it, I can't  
12 recall; I'm sorry. And I don't see it -- I didn't  
13 elaborate in here.

14 MR. ENGELMANN: All right.

15 He does say:

16 "Concern media have misquoted, got  
17 facts wrong."

18 MR. ABELL: Yes.

19 MR. ENGELMANN: Do you know if he was trying  
20 to get some information from you as to facts from Project  
21 Blue or can you help us?

22 MR. ABELL: No, I don't recall that. But I  
23 can't recall the conversation with any clarity, I'm sorry.

24 MR. ENGELMANN: No problem.

25 Sir, the following day, January 7, you

1 received a call from Mr. Silmsers himself, at least your  
2 notes indicate that.

3 MR. ABELL: Okay.

4 MR. ENGELMANN: Bates page 591.

5 MR. ABELL: I have it.

6 MR. ENGELMANN: Now, had you actually spoken  
7 to Mr. Silmsers before this, sir, if you recall?

8 MR. ABELL: I don't recall if I'd a  
9 conversation with him before. I'm not sure.

10 MR. ENGELMANN: All right.

11 But this one do you have some recollection  
12 of it?

13 MR. ABELL: I do have a recollection of  
14 this, yes.

15 MR. ENGELMANN: All right.

16 And it appears from your note that the  
17 recent publicity, the statement on the press, et cetera,  
18 had caused him and his family some distress.

19 MR. ABELL: Very much so.

20 MR. ENGELMANN: All right.

21 And I think both -- well, certainly Mr. Bell  
22 would have indicated to us that following this event Mr.  
23 Silmsers didn't really trust the Agency. I don't think he  
24 just said the Agency but perhaps institutions generally?

25 MR. ABELL: Yes, that's fair.



1                   **MR. ENGELMANN:** He wasn't sure who had  
2 released this, whether it was the Agency, the police or  
3 someone else.

4                   **MR. ABELL:** That's right.

5                   **MR. ENGELMANN:** Was that also your  
6 understanding?

7                   **MR. ABELL:** Yeah. No, he was very upset,  
8 very angry and I think he didn't know where to turn or who  
9 to trust.

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

11                  Sir, at the bottom of the page you indicate  
12 -- you asked him if he was getting any support.

13                  **MR. ABELL:** Yes.

14                  **MR. ENGELMANN:** "Just got angry, said he  
15 had to go. Ended the conversation."

16                  **MR. ABELL:** Yes.

17                  **MR. ENGELMANN:** What was your purpose in  
18 doing that?

19                  **MR. ABELL:** He needed some help. He  
20 definitely needed support and if he'd been open to it I  
21 certainly would've seen what could've been done.

22                  **MR. ENGELMANN:** When you say support what  
23 are you referring to?

24                  **MR. ABELL:** Counselling support for he or  
25 his family.

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

2                   Sir, there's a -- we talked about this  
3 earlier about follow ups with the press, and if we look at  
4 Bates page 588 again -- I'm still in Exhibit 1441 --  
5 there's references to a fellow named Danny Gloverman or  
6 Gloverman?

7                   **MR. ABELL:** Gloverman, yes.

8                   **MR. ENGELMANN:** From CBC?

9                   **MR. ABELL:** Right.

10                  **MR. ENGELMANN:** So you have some discussions  
11 with him?

12                  **MR. ABELL:** Yes.

13                  **MR. ENGELMANN:** Again, it appears you're  
14 saying, "I can't discuss any aspect of a case."

15                  **MR. ABELL:** Correct.

16                  **MR. ENGELMANN:** So again, you're talking in  
17 generalities perhaps?

18                  **MR. ABELL:** Yes.

19                  **MR. ENGELMANN:** And then at 589 there  
20 appears to be a follow up with Charlie Greenwell?

21                  **MR. ABELL:** Five-eighty-nine (589).

22                  **MR. ENGELMANN:** January 7<sup>th</sup>?

23                  **MR. ABELL:** Yes.

24                  **MR. ENGELMANN:** And you had -- is this  
25 something you had arranged the previous week? We had

1 looked at some notes from December.

2 MR. ABELL: Oh, yes. There was another --  
3 yeah. We were going to meet next Wednesday so this may  
4 have been a follow up.

5 MR. ENGELMANN: All right.

6 MR. ABELL: I'm not sure.

7 MR. ENGELMANN: "Told him I felt he  
8 misused the clip of me Wednesday p.m."

9 MR. ABELL: On Newslane.

10 MR. ENGELMANN: "Made out as if I was  
11 commenting specifically on the case."

12 MR. ABELL: Yes.

13 MR. ENGELMANN: We had a ---

14 MR. ABELL: "We exchanged."

15 MR. ENGELMANN: "We exchanged." Can you  
16 tell us what happened there?

17 MR. ABELL: We just sort of barked at each  
18 other about that. I wasn't happy.

19 MR. ENGELMANN: All right.

20 And your take was that he was using comments  
21 you were making generally?

22 MR. ABELL: Yes.

23 MR. ENGELMANN: And applying them to this  
24 case?

25 MR. ABELL: I was, and that's -- I mean,

1       it's not uncommon. I mean reporters are trying to do their  
2       job and when they've got a specific case in mind and  
3       someone like myself gives them general information they  
4       obviously take the general to the specific. I just felt he  
5       crossed the line.

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

7                   And sometimes there are context issues when  
8       you speak to the press?

9                   **MR. ABELL:** Yes, very much.

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

11                  Sir, he apparently asked you about specifics  
12       again, whether you were interviewing children, whether  
13       there were other victims, et cetera.

14                  **MR. ABELL:** Yes.

15                  **MR. ENGELMANN:** And you refused to comment?

16                  **MR. ABELL:** Yes.

17                  **MR. ENGELMANN:** Except with the final  
18       question?

19                  **MR. ABELL:** I gave him an answer on that  
20       one, yes.

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

22                  Now, sir, at or about this time there was a  
23       press release from the Diocese?

24                  **MR. ABELL:** Yes.

25                  **MR. ENGELMANN:** And there was also an

1 article in the Freeholder quoting the Bishop?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: Do you have some  
4 recollection of that, sir?

5 MR. ABELL: I do, yes.

6 MR. ENGELMANN: And in fact, and this is in  
7 a couple of places but let's just stay in 1441 for a minute  
8 -- if you look at Bates page 583, 7080853?

9 MR. ABELL: I have it.

10 MR. ENGELMANN: This is the media release  
11 that they would've issued?

12 MR. ABELL: Yes.

13 MR. ENGELMANN: And again, the protocol that  
14 I talked about earlier in our exchange this morning ---

15 MR. ABELL: Yes.

16 MR. ENGELMANN: --- that's what we find at  
17 Bates page 584, 585, et cetera?

18 MR. ABELL: Yes, I see it.

19 MR. ENGELMANN: And this is the one that  
20 contemplates -- used the term "commission" but some form of  
21 internal investigation?

22 MR. ABELL: Yes.

23 MR. ENGELMANN: All right.

24 And at the top of 583 there's a reference to  
25 the fact that this is faxed to you from the Freeholder?

1 MR. ABELL: Yes.

2 MR. ENGELMANN: And did this arise, sir, as  
3 a result of an effort by a reporter to have you comment?

4 MR. ABELL: I would presume, yes.

5 MR. ENGELMANN: All right.

6 MR. ABELL: That wasn't a comment. If I  
7 hadn't seen something they'd fax it over.

8 MR. ENGELMANN: All right.

9 And you would have wanted to review the  
10 media release and the protocol before answering the  
11 reporter's questions?

12 MR. ABELL: I would.

13 MR. ENGELMANN: If I could just have a  
14 minute, sir?

15 (SHORT PAUSE/COURTE PAUSE)

16 THE COMMISSIONER: Do you still live in  
17 Cornwall, sir?

18 MR. ABELL: I beg your pardon, sir?

19 THE COMMISSIONER: Are you still living in  
20 Cornwall?

21 MR. ABELL: Yes, I am, sir.

22 MR. ENGELMANN: Mr. Commissioner, parts of  
23 what I wanted to refer the witness to are in Exhibit 1441.

24 THE COMMISSIONER: M'hm.

25 MR. ENGELMANN: But I think for completeness

1 it would be useful that the witness also have, I think,  
2 sort of his working notes at the time. It's again  
3 different versions of the same documents but sometimes with  
4 some notes from Mr. Abell written on them.

5 **THE COMMISSIONER:** Yes.

6 **MR. ENGELMANN:** And they're in a combined  
7 document number -- and I think for ease of reference I'm  
8 just going to ask them to put the whole document number in.

9 **THE COMMISSIONER:** Certainly.

10 **MR. ENGELMANN:** Even though parts of it are  
11 elsewhere.

12 **THE COMMISSIONER:** Yes.

13 **MR. ENGELMANN:** And it is Document Number  
14 761 -- sorry -- 721622. And it's a collection of documents  
15 that I'm going to have the witness describe very quickly,  
16 if I can.

17 Mr. Abell, it's going to be handed to you.  
18 You don't have it yet.

19 **THE COMMISSIONER:** Thank you. Exhibit 2461  
20 is a compilation of notes and documents of Mr. Richard  
21 Abell and it is Document Number 721622, Exhibit 2461.

22 **MR. ABELL:** Thank you.

23 --- **EXHIBIT NO./PIÈCE NO. P-2461:**

24 (721622) Notes of Richard Abell "Project  
25 Blue" Media Documents

1                   **MR. ENGELMANN:** Thank you.

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

3                   **MR. ENGELMANN:** So Mr. Abell, these would  
4 have been a collection of documents that you would have had  
5 on your file. Is that a fair comment?

6                   **MR. ABELL:** Yes.

7                   **MR. ENGELMANN:** So, for example, we have, at  
8 the back of the exhibit from Bates pages 731 to 73, eight  
9 pages of an eight-and-a-half-page statement that Mr.  
10 Silmsler would have given the CPS back in February of 1993.

11                   **MR. ABELL:** Could you give me those Bates  
12 numbers again? I'm sorry.

13                   **MR. ENGELMANN:** Seven-zero-eight-zero-seven-  
14 three-one (7080731).

15                   **MR. ABELL:** Seven-three-one (731).

16                   **MR. ENGELMANN:** Perhaps it's a whole  
17 statement. I apologize. It's -- it's to 738.

18                   **MR. ABELL:** I have it.

19                   **MR. ENGELMANN:** All right, so we have an 8-  
20 page statement.

21                   **MR. ABELL:** Yes, I apologize. I've got it.

22                   **MR. ENGELMANN:** And at 730, is it fair to  
23 say that's scrap paper and you've ---

24                   **MR. ABELL:** Yes.

25                   **MR. ENGELMANN:** --- that shouldn't really be



1 here?

2 MR. ABELL: No.

3 MR. ENGELMANN: It's the other side of the  
4 first page of the statement?

5 MR. ABELL: That's correct.

6 MR. ENGELMANN: All right.

7 And then you have a copy of the Divisional  
8 Court decision which would have been issued in or around  
9 December of 1995.

10 MR. ABELL: Yes.

11 MR. ENGELMANN: This is on the Dunlop *Police*  
12 *Services Act* charges?

13 MR. ABELL: Yes.

14 MR. ENGELMANN: All right.

15 So some of these documents are from the 19 -  
16 - early 1994; some of them clearly from later.

17 MR. ABELL: Yes.

18 MR. ENGELMANN: And they just found  
19 themselves together ---

20 MR. ABELL: Yes.

21 MR. ENGELMANN: --- in a package that you  
22 were keeping?

23 MR. ABELL: Yes.

24 MR. ENGELMANN: And would this have been one  
25 of these admin files ---

1                   **MR. ABELL:** It was a file that ---

2                   **MR. ENGELMANN:** --- you've talked about?

3                   **MR. ABELL:** --- I just -- it was a file I  
4 just simply put documents in as they came to hand or I  
5 needed them. I mean, they weren't -- they weren't well  
6 kept -- they weren't kept in chronological order all the  
7 time.

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

9                   And it appears, if I'm looking at the media  
10 statements et cetera near the beginning, that before  
11 commenting either to the Freeholder or putting out your own  
12 media statement with respect to the Diocesan media  
13 statement, you would have sent material to Lenore Jones for  
14 her feedback or comments, because I'm seeing a fax here.  
15 Or were you just sending it to her saying you were doing  
16 this? I'm looking at Bates page 7080675.

17                   **MR. ABELL:** Yeah.

18                   **MR. ENGELMANN:** Second page in.

19                   **MR. ABELL:** It's possible again -- it may be  
20 that that's what I did or -- or that it was a piece of  
21 scrap. It could be either; I'm not sure.

22                   **MR. ENGELMANN:** Well, you have as well, at  
23 the very first Bates page, an activity report.

24                   **MR. ABELL:** Yes.

25                   **MR. ENGELMANN:** Again, sending to something

1 to ---

2 MR. ABELL: Yeah, I mean ---

3 MR. ENGELMANN: --- Ms. Jones.

4 MR. ABELL: --- certainly, I sent material  
5 to her. No question about that.

6 MR. ENGELMANN: Right.

7 MR. ABELL: Yeah.

8 MR. ENGELMANN: And it appears also -- and  
9 just from looking at this earlier -- that there's an  
10 article in here about "The Child Molester: Clinical  
11 Observations."

12 MR. ABELL: Yes, some of the research we  
13 did.

14 MR. ENGELMANN: And "Sexual Abuse of Boys:  
15 Current Perspectives."

16 MR. ABELL: Yes.

17 MR. ENGELMANN: You've got a couple of  
18 references to media statements and it appears, as well,  
19 that it was sent to a Mr. Gordon Bryan at the Diocese.

20 MR. ABELL: Yes.

21 MR. ENGELMANN: And this is your media  
22 statement about the Diocese's response.

23 MR. ABELL: Okay, yes.

24 MR. ENGELMANN: And I'm looking at, for  
25 example, Bates page 7080703.

1 MR. ABELL: Seven-zero-three (703)?

2 MR. ENGELMANN: Yeah.

3 MR. ABELL: I have it, yes.

4 MR. ENGELMANN: So it appears that you may  
5 have sent things to both MCSS and to the Diocese.

6 MR. ABELL: Yes, I'm -- and I'm presuming  
7 the media statement is what I sent to him.

8 MR. ENGELMANN: Yes.

9 MR. ABELL: Yeah.

10 MR. ENGELMANN: And presumably, the media  
11 statement goes out to local media sites et cetera ---

12 MR. ABELL: Exactly.

13 MR. ENGELMANN: --- in the normal course?

14 MR. ABELL: Yes.

15 MR. ENGELMANN: All right.

16 And sir, the article you would have read in  
17 responding, is that what we see at Bates page 7080679,  
18 "Bishop Promises Full Cooperation"?

19 THE COMMISSIONER: Six-seven-nine (679)?

20 MR. ENGELMANN: Six-seven-nine (679).

21 MR. ABELL: Sorry, could you repeat that,  
22 please?

23 MR. ENGELMANN: Yes, the article that, in  
24 part, we're responding to, is that what we see at Bates  
25 page 7080679?

1 MR. ABELL: Six-seven (67), I'm presuming --

2 -

3 MR. ENGELMANN: This is on the screen.

4 MR. ABELL: Yes, I'm -- yes.

5 MR. ENGELMANN: And sir, again, the document  
6 you would have been provided or you were provided by the  
7 Standard Freeholder is the Diocesan guidelines on sexual  
8 abuse by priests, deacons, seminarians and pastoral  
9 assistants?

10 MR. ABELL: Yes.

11 MR. ENGELMANN: And we have now another copy  
12 of that in this exhibit at Bates page 7080680.

13 MR. ABELL: Yes.

14 MR. ENGELMANN: And this copy has some of  
15 your notes on it.

16 MR. ABELL: It does, yes.

17 MR. ENGELMANN: And are you noting some  
18 questions or concerns you have about it?

19 MR. ABELL: Yes.

20 MR. ENGELMANN: For example, you have a  
21 question, "How does Bishop get involved?" ---

22 MR. ABELL: Yes.

23 MR. ENGELMANN: --- when we're talking about  
24 the receiving of a complaint?

25 MR. ABELL: Yes.

1                   **MR. ENGELMANN:** You have a question near the  
2 bottom about the meeting with the suspected aggressor.

3                   **MR. ABELL:** Yes.

4                   **MR. ENGELMANN:** "Re-assure him that his  
5 rights..."

6                   **MR. ABELL:** Yes.

7                   **MR. ENGELMANN:** --- and you've got a  
8 question, "...which are?"

9                   **MR. ABELL:** Yes.

10                  **MR. ENGELMANN:** And can you tell us what the  
11 note says? It's very hard to read at the bottom; 26-10-93.

12                  **MR. ABELL:** That's somebody else's  
13 handwriting. Actually, it looks like Greg Bell's to me.

14                  **MR. ENGELMANN:** "Received by G. Bell from  
15 Monsignor McDougald."

16                  **MR. ABELL:** Okay, there we are.

17                  **MR. ENGELMANN:** And the dates.

18                  **MR. ABELL:** Good for you, yeah.

19                  **MR. ENGELMANN:** And you've just got a note  
20 on the following page, "meeting with the suspected  
21 aggressor." Your note is -- does it say, "When does he  
22 talk about the allegations?"

23                  **MR. ABELL:** Yes.

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

25                                 And that's a question about, presumably,

1 when does the suspected aggressor talk?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: All right.

4 MR. ABELL: That's how I interpret that,  
5 yes.

6 MR. ENGELMANN: All right.

7 So you have a number of questions?

8 MR. ABELL: That's right.

9 MR. ENGELMANN: All right.

10 And you have a question next to the term,  
11 "reasonable motive" in the middle of the page?

12 MR. ABELL: Yes.

13 MR. ENGELMANN: Okay.

14 And sir, you had already met with the Bishop  
15 in the fall and suggested that protocol in your first  
16 meeting?

17 MR. ABELL: Yes.

18 MR. ENGELMANN: That a protocol should be  
19 developed.

20 MR. ABELL: I did.

21 MR. ENGELMANN: And having looked at this  
22 document in January of '94, did you still feel that a  
23 protocol needed to be developed?

24 MR. ABELL: Yes.

25 MR. ENGELMANN: Even more so or less?

1                   **MR. ABELL:** Well, I continued to be of the  
2 view that it needed to be re-examined ---

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

4                   **MR. ABELL:** --- and involving other parties.

5                   **MR. ENGELMANN:** All right, including the  
6 police?

7                   **MR. ABELL:** Correct.

8                   **MR. ENGELMANN:** And so this would reference  
9 some of the questions or concerns you had about the current  
10 protocol of the Diocese?

11                   **MR. ABELL:** My recollection, Mr. Engelmann,  
12 is that this was -- when I got this, I guess was scratching  
13 as I was reading through it what came to mind. I mean, I  
14 wouldn't call this an exhaustive analysis. It was just ---

15                   **MR. ENGELMANN:** Fair enough.

16                   **MR. ABELL:** --- thoughts that came to mind.

17                   **MR. ENGELMANN:** And the media statement that  
18 you would have issued, is that what we see at Bates pages  
19 7080676 through 678?

20                   **MR. ABELL:** Yes.

21                   **MR. ENGELMANN:** And is this something that  
22 you would have drafted on your own, sir, or would that have  
23 been drafted by a staff member?

24                   **MR. ABELL:** I wrote this and -- and passed  
25 it by some of my senior people.



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

2                   And it's dated January 10<sup>th</sup>, '94.

3                   **MR. ABELL:** Yes.

4                   **MR. ENGELMANN:** And signed off by you?

5                   **MR. ABELL:** Right.

6                   **MR. ENGELMANN:** So if you sent it to Lenore  
7 Jones on January 12<sup>th</sup>, it would have been an after the fact?

8                   **MR. ABELL:** Yes.

9                   **MR. ENGELMANN:** And that's -- is this  
10 something that you would have to run by her?

11                   **MR. ABELL:** No.

12                   **MR. ENGELMANN:** Is it something you would  
13 have to run by your Board?

14                   **MR. ABELL:** No.

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

16                   And you made these decisions and on occasion  
17 would consult with senior staff?

18                   **MR. ABELL:** Correct.

19                   **MR. ENGELMANN:** Would you have at least  
20 discussed this or perhaps discussed this with some members  
21 of your Project Blue team?

22                   **MR. ABELL:** Well, I would have discussed it  
23 with Bill Carriere and Elizabeth MacLennan; both of whom  
24 were members of the team.

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

1                   And in it, sir, you set out some of the  
2                   concerns you had and some -- as to why you had them. For  
3                   example, bottom of the first page, Bates page 7080676 ---

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** --- statements, and you  
6                   quote the Freeholder article:

7                                 "The Roman Catholic Church is  
8                                 'prepared to cooperate with police and  
9                                 other agencies' in any allegations of  
10                                sexual abuse by clergy."

11                   **MR. ABELL:** Yes.

12                   **MR. ENGELMANN:** "And if there are victims  
13                                of sexual abuse by the clergy, we want  
14                                to know about it."

15                   **MR. ABELL:** Yes.

16                   **MR. ENGELMANN:** And you say:

17                                "Society position: Any stated  
18                                commitment to cooperate with public  
19                                authorities requires actions which are  
20                                consistent with such undertakings."

21                   **MR. ABELL:** Yes.

22                   **MR. ENGELMANN:** "Further knowledge of  
23                                legitimate abuse allegations should  
24                                provide the necessary grounds for a  
25                                full inquiry into the facts."

1                   **MR. ABELL:** Yes.

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

3                   Why was it important for you to say that?

4                   **MR. ABELL:** My recollection was that when we  
5 looked at the article that we felt we needed to, well,  
6 clarify our own position, our own thinking about what had  
7 been put out in the public by the Bishop. It really wasn't  
8 to contradict; it was really to clarify how we saw the  
9 situation. And so, I mean, this is saying, fine to have it  
10 in protocol, but it needs to be acted on.

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

12 But you are saying that words need to be accompanied by  
13 action?

14                   **MR. ABELL:** Yes.

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

16                   **THE COMMISSIONER:** Did you get any reaction  
17 from the Diocese?

18                   **MR. ABELL:** Not that I recall, sir.

19                   **THE COMMISSIONER:** It could be seen as a  
20 shot across the bow.

21                   **MR. ABELL:** It could.

22                   **THE COMMISSIONER:** Was it intended that way?

23                   **MR. ABELL:** I won't say that that message  
24 wasn't in there, sir.

25                   **THE COMMISSIONER:** Okay.

1                   **MR. ENGELMANN:** And sir, again, you comment  
2                   on some statements in either the article or the Diocese  
3                   media release a little further down on Bates page 677.

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** "Church acted in  
6                   accordance with guidelines accepted and  
7                   promulgated. Canadian Conference of  
8                   Catholic Bishops published a guide a  
9                   few years ago to deal with cases of  
10                  child molesting priests."

11                  **MR. ABELL:** Yes, sir.

12                  **MR. ENGELMANN:** And you say under Society  
13                  position among other things:

14                                "A reading of the document raises a  
15                               number of issues for the Society which  
16                               will need to be followed up with Church  
17                               officials."

18                  **MR. ABELL:** Yes.

19                  **MR. ENGELMANN:** You're referring to the  
20                  document that you have some comments on?

21                  **MR. ABELL:** My scratchings, yes.

22                  **MR. ENGELMANN:** Yeah.

23                  **MR. ABELL:** Yes, sir.

24                  **MR. ENGELMANN:** And you also talk about:

25                               "...media reports of a financial

1 settlement by the Church to an alleged  
2 sexual abuse victim. There's no  
3 reference to such payments in the  
4 protocol we have received.

5 Hypothetically, if a practice is made  
6 of financial settlements to alleged  
7 abuse victims for the purpose of  
8 curtailing a disclosure, the Society  
9 would have some concerns."

10 And then you set them out.

11 **MR. ABELL:** So it's our concern with,  
12 essentially, the gag aspect of a settlement.

13 **MR. ENGELMANN:** And one of the concerns you  
14 had is if there are other potential victims, they may not  
15 have been identified.

16 **MR. ABELL:** That's correct.

17 **MR. ENGELMANN:** And this can happen if  
18 matters are not open and transparent.

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** And lastly -- sorry?

21 **THE COMMISSIONER:** Almost break time.

22 **MR. ENGELMANN:** Yeah, I apologize. One more  
23 point, if I may?

24 Lastly, there's a statement again on the  
25 last page?

1 MR. ABELL: Yeah.

2 MR. ENGELMANN: "The guidelines also say  
3 the Diocese has the obligation to  
4 notify the Children's Aid Society of  
5 the offence of a minor 16 years of age  
6 and under is involved."

7 MR. ABELL: Sorry, could I just ---

8 MR. ENGELMANN: Bates page 7080678, the last  
9 page.

10 MR. ABELL: Yes, and which piece of that  
11 page?

12 MR. ENGELMANN: There's a statement in the  
13 middle of the page.

14 MR. ABELL: Oh, yes, okay.

15 MR. ENGELMANN: And your position seems to  
16 be "we still need to look at" -- that you should have  
17 notice of allegations of historical abuse by a child by a  
18 member of the clergy who is in a present position where he  
19 has contact with children?

20 MR. ABELL: Yes.

21 MR. ENGELMANN: So consistent with your  
22 approach on Project Blue?

23 MR. ABELL: Yes.

24 THE COMMISSIONER: So can you just help me  
25 out, Mr. Engelmann, before we take a break, where did this

1 fit in with -- it's probably Monday morning -- in early  
2 January the Diocese holds a -- we had some difference  
3 between the press conference or whatever, saying one thing  
4 and then they found out about the settlement and then they  
5 came out and had this subsequent. Where does this come  
6 from? Does this come after the second one?

7 **MR. ENGELMANN:** No, it comes in between.

8 **THE COMMISSIONER:** In between, okay. Thank  
9 you.

10 **MR. ENGELMANN:** We should take a break.

11 **THE COMMISSIONER:** Thank you. Take the  
12 morning break.

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

15 The hearing will resume at 11:25 a.m.

16 --- Upon recessing at 11:09 a.m. /

17 L'audience est suspendue à 11h09

18 --- Upon resuming at 11:30 a.m. /

19 L'audience est reprise à 11h30

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

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

24 **RICHARD ABELL, Resumed/Sous le même serment:**

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

1           **ENGELMANN (cont'd/suite):**

2                           **MR. ENGELMANN:** Mr. Abell, when we left off  
3 we were in January of 1994.

4                           **MR. ABELL:** Yes.

5                           **MR. ENGELMANN:** And dealing with a number of  
6 things that were going on at that time. It was a fairly  
7 busy time.

8                           **MR. ABELL:** It was, yes.

9                           **MR. ENGELMANN:** You not only had Project  
10 Blue and all the media attention, you of course were  
11 dealing with the Antoine matter as well.

12                           **MR. ABELL:** Yes.

13                           **MR. ENGELMANN:** There was a lot going on.

14                           **MR. ABELL:** Yeah.

15                           **MR. ENGELMANN:** And another player became  
16 involved, and when I say that the Ottawa police came down  
17 to Cornwall.

18                           **MR. ABELL:** Yes.

19                           **MR. ENGELMANN:** And I don't know if you were  
20 informed of the fact that they were requested to do so by  
21 the new Acting Chief of the Cornwall Police?

22                           **MR. ABELL:** Yes, I was made aware of that.

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

24   And I understand that a couple of officers,  
25 Superintendent Skinner and Staff Sergeant Blake, would have



1 spoken to you at some point in January of 1994?

2 MR. ABELL: They did.

3 MR. ENGELMANN: And if you could turn again  
4 to Exhibit 1441. Sorry, it's Document Number 721621, Bates  
5 page 571.

6 MR. ABELL: Fourteen-forty-one (1441) and  
7 Bates?

8 MR. ENGELMANN: Five-seven-one (571) are the  
9 last three digits, 7080571.

10 It would appear, just looking at the top of  
11 the page, that you would have received a call from Staff  
12 Sergeant Blake the day before and an interview was setup  
13 for the 18th at eleven in the morning.

14 MR. ABELL: Yes.

15 MR. ENGELMANN: They gave you their business  
16 cards and that's what we see on the page?

17 MR. ABELL: Yes.

18 MR. ENGELMANN: And they come to visit you  
19 at around 11:30 on the 18<sup>th</sup>?

20 MR. ABELL: Yes.

21 MR. ENGELMANN: And again, it would appear  
22 they indicate to you that they're reviewing the  
23 investigation of Silmsers's complaint only. What did you  
24 take the "only" to mean?

25 MR. ABELL: They were clear with me that

1 that was their focus.

2 MR. ENGELMANN: All right.

3 Therefore, they were going to have no  
4 involvement in your investigation, for example?

5 MR. ABELL: For example.

6 MR. ENGELMANN: All right.

7 And then we have three questions that are  
8 set out. Do you see those?

9 MR. ABELL: I do.

10 MR. ENGELMANN: Do you recall the length of  
11 the meeting, sir?

12 MR. ABELL: My recollection was that it was  
13 brief.

14 MR. ENGELMANN: All right.

15 MR. ABELL: In the order of half an hour.

16 MR. ENGELMANN: All right.

17 And we have about a page and a half of your  
18 notes. They flow from 571 onto 573?

19 MR. ABELL: They do.

20 MR. ENGELMANN: All right.

21 So if we just look at them quickly, you're  
22 being asked about the relationship between the two  
23 organizations. Do you see that?

24 MR. ABELL: Yes, I do.

25 MR. ENGELMANN: And do you know which

1 organizations are being referred to there?

2 MR. ABELL: The Children's Aid Society and  
3 the Cornwall Police Service.

4 MR. ENGELMANN: All right.

5 And you indicate that those relations are  
6 positive?

7 MR. ABELL: Yes.

8 MR. ENGELMANN: And there is some discussion  
9 about that, presumably?

10 MR. ABELL: Yes.

11 MR. ENGELMANN: All right.

12 They then -- they ask you whether the CPS  
13 delayed in getting notice to the CAS of the complaint?

14 MR. ABELL: Yes.

15 MR. ENGELMANN: And your answer is as  
16 indicated in your notes?

17 MR. ABELL: Yes.

18 MR. ENGELMANN: Do you recall any discussion  
19 around that at all, sir, other than what you have here?

20 MR. ABELL: Yes, there was certainly more  
21 discussion than what's set out here.

22 MR. ENGELMANN: All right.

23 But that's essentially the gist of ---

24 MR. ABELL: That was the gist.

25 MR. ENGELMANN: --- the question and answer?

1 MR. ABELL: Correct.

2 MR. ENGELMANN: All right.

3 Then you were asked a direct question about  
4 a cover up?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: And you say:

7 "I was told by CPS people it was a  
8 screw up, okay."

9 MR. ABELL: Yes.

10 MR. ENGELMANN: Or is that okay?

11 MR. ABELL: It looks like "okay," yes.

12 MR. ENGELMANN: All right.

13 And you're referring to Staff Sergeant  
14 Derochie, Chief Shaver. Anyone else, sir?

15 MR. ABELL: No, I believe those were the  
16 only comments that I had in mind when I made that note or  
17 made that remark.

18 MR. ENGELMANN: You say:

19 "I did wonder as time went by, the  
20 cover up was being talked about,  
21 Cornwall being 'tiny town'."

22 MR. ABELL: Tiny town, yes.

23 MR. ENGELMANN:

24 "Took a long time to work on 'deal'.  
25 Stopped police..."

1 Et cetera.

2 "I have seen nothing to substantiate a  
3 cover up."

4 MR. ABELL: Yes.

5 MR. ENGELMANN: All right.

6 So you indicate some reasons why presumably  
7 people might think there was a cover up but at the end of  
8 it you say you haven't seen anything to substantiate that.

9 MR. ABELL: Correct?

10 MR. ENGELMANN: Is that a fair ---

11 MR. ABELL: Well ---

12 MR. ENGELMANN: --- summary?

13 MR. ABELL: --- it began with me  
14 acknowledging that I too would have wondered was there a  
15 cover up. I mean it was in the air, it was in the water.  
16 It was everywhere. So it wasn't as if I was naive to that  
17 issue. I had considered it.

18 MR. ENGELMANN: And then you were  
19 essentially asked if there was anything else you had to  
20 add?

21 MR. ABELL: Yes.

22 MR. ENGELMANN: And you make the comments  
23 you do?

24 MR. ABELL: Yes.

25 MR. ENGELMANN: And aside from saying that

1 the CPS is overworked and understaffed you say:

2 "I only want to get on with business,  
3 not for heads to roll."

4 **MR. ABELL:** Correct.

5 **MR. ENGELMANN:** And what did you think they  
6 might be doing, what might result from their report?

7 **MR. ABELL:** I don't know that I had in mind  
8 that Ottawa had any kind of brief to take anybody's head.  
9 It was really my own interest in seeing that issues moved  
10 ahead. I mean, there was a lot of interest or considerable  
11 interest in what was my view of the relationship between  
12 ourselves and Cornwall Police Service. I mean, this is  
13 really an extension of that. We worked together and as far  
14 as I'm concerned that's the issue; getting the job done  
15 together, not ---

16 **MR. ENGELMANN:** Were you concerned -- sorry.

17 **MR. ABELL:** But not, you know, the blame  
18 game. I mean, I just wasn't interested in that.

19 **MR. ENGELMANN:** Were you concerned that some  
20 officers may be disciplined or action taken if the Ottawa  
21 Police had negative comments about the Cornwall Police?

22 **MR. ABELL:** Well, it's always possible. I  
23 mean, it's ---

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

25 **MR. ABELL:** Staff Sergeant Derochie was

1 working on, you know, looking at their practices. I mean,  
2 we had occasion to do exactly the same in-house. I mean,  
3 sometimes people had to be brought up.

4 **MR. ENGELMANN:** And, in fact, Chief Shaver  
5 mentioned a couple of names to you ---

6 **MR. ABELL:** He did.

7 **MR. ENGELMANN:** --- very early on?

8 **MR. ABELL:** Yes, he did.

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

10 Sir, at or about this time, you become aware  
11 of the fact, do you not, that Staff Sergeant Wells, who's  
12 the Professional Standards Officer, begins investigating a  
13 possible breach of the *Police Services Act* ---

14 **MR. ABELL:** Yes.

15 **MR. ENGELMANN:** --- as a result of the  
16 release of the Silmsler statement to the media?

17 **MR. ABELL:** Yes.

18 **MR. ENGELMANN:** And also as a result of the  
19 release of the statement to the CAS?

20 **MR. ABELL:** Yes.

21 **MR. ENGELMANN:** And I believe you have some  
22 calls from him in February of '94 and I just want to take  
23 you to those, if I may. We're still in 1441. There's a  
24 call on Bates page 7080559.

25 **MR. ABELL:** I have it.

1                   **MR. ENGELMANN:** This would appear to be the  
2 first call about this issue, the *Police Services Act*  
3 complaint.

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** And he's advising you about  
6 a public complaint from Mr. Silmser?

7                   **MR. ABELL:** Yes.

8                   **MR. ENGELMANN:** And there's an arrangement  
9 to meet the following week?

10                  **MR. ABELL:** There is.

11                  **MR. ENGELMANN:** All right. And it may take  
12 a bit longer than that, but I believe at Bates page 552  
13 there's some follow-up on this.

14                  **MR. ABELL:** Yes.

15                  **MR. ENGELMANN:** And these are your notes  
16 about a call with Brendon Wells?

17                  **MR. ABELL:** Yes.

18                  **MR. ENGELMANN:** And there's a comment:  
19 "He hadn't checked on issue of info  
20 going to the public from complaints not  
21 being used in civil/criminal  
22 proceedings. I told him I wasn't  
23 giving a statement on legal advice to  
24 put us in potential violation of our  
25 statute. He wanted to know if I was



1                   aware I could be summonsed to a *Police*  
2                   Act proceeding. I said, 'Fine, then  
3                   I'm covered'."

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** Can you give us the context  
6 here, sir?

7                   **MR. ABELL:** Well, for the latter piece it's  
8 -- we have -- under the statute it's very clear that in any  
9 matter where a police force is investigating an allegation  
10 of child abuse, we are free to provide all information that  
11 we have in our records to the police, but that is the  
12 limit, and so beyond the police actually conducting an  
13 active child abuse investigation we are either in a  
14 position of saying no, we can't share our information or we  
15 need to be compelled in some way or there needs to be some,  
16 I guess, legal basis for us to provide that information.

17                   So that's really what I was saying to him  
18 there but that that's fine; if you can get me something  
19 that says that I am to produce this, then I will.

20                   **MR. ENGELMANN:** Well, how do you rationalize  
21 that with the interview you had with the Ottawa Police  
22 Service, in the sense that they weren't really  
23 investigating the acts of child sexual abuse, they were  
24 sort of looking at how the Cornwall Police Service ---

25                   **MR. ABELL:** Its procedure, yeah. Good

1 question. I'd say primarily that was a discussion about  
2 relationship, first and foremost ---

3 MR. ENGELMANN: All right.

4 MR. ABELL: --- between the two  
5 organizations. And to my recollection, there was  
6 relatively little, if any, that had to do with case  
7 specifics.

8 MR. ENGELMANN: Okay.

9 MR. ABELL: But it's a fair point.

10 MR. ENGELMANN: All right. Did you -- when  
11 you say you got legal advice, from your internal counsel --  
12 -

13 MR. ABELL: Correct.

14 MR. ENGELMANN: --- on that issue?

15 MR. ABELL: Yes.

16 MR. ENGELMANN: Okay. And later on, I  
17 believe there's some notes to the fact that someone does  
18 get a consent and allows you to speak ---

19 MR. ABELL: That's correct.

20 MR. ENGELMANN: --- to them in the context  
21 of -- was it the *Police Services Act*?

22 MR. ABELL: Yes, that proceeding. In fact,  
23 our records were made available.

24 MR. ENGELMANN: And that was a lawyer from  
25 the Police Complaints Commission, if I remember correctly?

1                   **MR. ABELL:** No. I believe it was Staff  
2                   Sergeant Wells who came over and looked at our material and  
3                   in fact might have taken a file, I can't recall, but I  
4                   believe it was from the Cornwall Police Service.

5                   **MR. ENGELMANN:** After obtaining consent?

6                   **MR. ABELL:** Yes. Well, after obtaining the  
7                   -- whatever it was we got. Summons or I don't know what.

8                   **MR. ENGELMANN:** All right. Some legal  
9                   authority?

10                  **MR. ABELL:** Correct, yes.

11                  **MR. ENGELMANN:** All right, fair enough.  
12                  Sir, a few questions about Milton MacDonald  
13                  if I may?

14                  **MR. ABELL:** Yes.

15                  **MR. ENGELMANN:** And, again, talking about  
16                  being busy in early 1994, this issue was percolating as  
17                  well was it not?

18                  **MR. ABELL:** Yes, it was.

19                  **MR. ENGELMANN:** We've heard from  
20                  Mr. Carriere that as early as January of 1994 there were  
21                  reports within your service about rumours that some of your  
22                  workers who were from the Lancaster area were hearing about  
23                  him and possible child sexual abuse?

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

25                  **MR. ENGELMANN:** And rumours included

1           allegations that he had been abusing boys for a number of  
2           years?

3                       **MR. ABELL:** Yes.

4                       **MR. ENGELMANN:** And, in fact, a number of  
5           boys for a number of years?

6                       **MR. ABELL:** Yes.

7                       **MR. ENGELMANN:** We also heard that you asked  
8           one of those staff members from Lancaster, a woman named  
9           Patricia Garrahan, to put something in writing for you so  
10          that these rumours could be looked at.

11                      **MR. ABELL:** Correct. She -- just a small  
12          point. She wasn't from Lancaster.

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

14                      **MR. ABELL:** But she had heard rumours ---

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

16                      **MR. ABELL:** --- in the Lancaster area.

17                      **MR. ENGELMANN:** You also had a staff member  
18          by the name of Geraldine Fitzpatrick.

19                      **MR. ABELL:** And she is a long-time resident  
20          of Lancaster; correct.

21                      **MR. ENGELMANN:** All right. And I believe  
22          she heard some rumours as well?

23                      **MR. ABELL:** Yes.

24                      **MR. ENGELMANN:** So you were asking that some  
25          of this be put to paper?

1                   **MR. ABELL:** Yeah. Yes.

2                   **MR. ENGELMANN:** Correct? And do you recall,  
3                   sir, after that some communications with OPP officers about  
4                   their investigation of Milton MacDonald?

5                   **MR. ABELL:** We -- my recollection is that we  
6                   had a meeting with some OPP representatives, I believe at  
7                   Long Sault, and said to them, "Look, we're hearing this.  
8                   We want you to know what we've got," and left it with them.

9                   **MR. ENGELMANN:** All right. Mr. Carriere  
10                   told us that although the OPP investigation involved  
11                   multiple victims, in only one case was a child involved who  
12                   was still under the age of 16.

13                   **MR. ABELL:** That's what I recall.

14                   **MR. ENGELMANN:** And your agency was only  
15                   provided with that child's name?

16                   **MR. ABELL:** Yes.

17                   **MR. ENGELMANN:** And there was some  
18                   investigative work done, I believe by Mr. Bell, with  
19                   respect to that individual?

20                   **MR. ABELL:** There was.

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

22                   Sir, I want to talk to you very briefly  
23                   about the verification process, if I may ---

24                   **MR. ABELL:** Yes.

25                   **MR. ENGELMANN:** --- with respect to

1 Mr. Silmsner's allegations.

2 If we go back to your team meeting notes for  
3 a minute, and that's Exhibit 2325. First of all, there's -  
4 - if I can call it the pre-verification meeting.

5 MR. ABELL: And the ---

6 MR. ENGELMANN: January 31<sup>st</sup>, 1994?

7 MR. ABELL: --- Bates page?

8 MR. ENGELMANN: Three-three-one (331).

9 MR. ABELL: Three-three-one (331)?

10 MR. ENGELMANN: Yes.

11 MR. ABELL: Thank you. I have it.

12 MR. ENGELMANN: Sir, under the update  
13 there's a reference to letters to Father Charlie/Malcolm  
14 MacDonald?

15 MR. ABELL: Yes.

16 MR. ENGELMANN: That's Father Charles  
17 MacDonald?

18 MR. ABELL: Yes.

19 MR. ENGELMANN: Correct?

20 Were you aware that at this point-in-time,  
21 this is late January, that there had been no in-person  
22 meeting or interview with Father MacDonald?

23 MR. ABELL: I would have known that, yes.

24 MR. ENGELMANN: Okay. And that it was  
25 finally determined that a letter be written to him ---

1 MR. ABELL: Yes.

2 MR. ENGELMANN: --- requesting a response?

3 MR. ABELL: Yes.

4 MR. ENGELMANN: And we've seen the letter.

5 It went out about a week before this meeting of January  
6 31<sup>st</sup>.

7 MR. ABELL: Okay.

8 MR. ENGELMANN: And was that a procedure  
9 that you were familiar with, sir, that at least prior to a  
10 verification there was some effort made to either interview  
11 or request input from an alleged abuser?

12 MR. ABELL: Very much so, yes.

13 MR. ENGELMANN: All right. And did that  
14 happen all the time? I mean, in other words, was there a  
15 response typically or do you have some recollection? Just  
16 generally speaking.

17 MR. ABELL: I believe it was a standard --  
18 an investigation standard for dealing with matters of  
19 allegations of sexual abuse.

20 MR. ENGELMANN: It was the standard to ask?

21 MR. ABELL: It was a standard requirement  
22 that we would be in contact with the alleged offender in  
23 order to get their point-of-view. It's a matter of  
24 balance.

25 MR. ENGELMANN: And do you recall if you

1 typically got a response?

2 MR. ABELL: It would vary. I mean, it  
3 certainly wasn't uncommon we'd be told, "No way I'm talking  
4 to you"; I mean, often on legal advice or just on their  
5 own.

6 MR. ENGELMANN: All right.

7 Now, sir, under paragraph 5, Agency  
8 Position, we've been told, I believe by both Mr. Carriere  
9 and Mr. Bell, that the items listed thereunder are some of  
10 the factors that were relied upon by your team in coming to  
11 your verification position with respect to Father  
12 MacDonald?

13 MR. ABELL: Yes. That's right.

14 MR. ENGELMANN: Is that correct?

15 MR. ABELL: That's exactly what it looks  
16 like, yeah.

17 MR. ENGELMANN: And they carry on onto pages  
18 332 and 333?

19 MR. ABELL: Yes.

20 MR. ENGELMANN: And we've also heard that,  
21 in this case, like in other verification decisions, the  
22 decision's made on a consensus basis?

23 MR. ABELL: Yes.

24 MR. ENGELMANN: And that -- well, the people  
25 that I asked couldn't recall there never being a consensus.



1           There was always a consensus reached on these as opposed to  
2           a majority/minority decision?

3                   **MR. ABELL:** I can't recall a situation where  
4           we didn't reach, at some point, a consensus.

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

6                   **MR. ABELL:** On a verification.

7                   **MR. ENGELMANN:** I'm sorry?

8                   **MR. ABELL:** On a verification.

9                   **MR. ENGELMANN:** Yes.

10                   Let's just take briefly a look at the second  
11           meeting then in February, February 17<sup>th</sup>? That is when the  
12           actual decision is made on verification?

13                   **MR. ABELL:** February -- February 17<sup>th</sup>?

14                   **MR. ENGELMANN:** Yes.

15                   **MR. ABELL:** May I have the Bates page for  
16           that, please?

17                   **MR. ENGELMANN:** I'm sorry; 328 and 329.

18                   **MR. ABELL:** Three-two-eight (328) and 329.

19                   Sorry, I have it.

20                   **MR. ENGELMANN:** Yeah. And it's hard to read  
21           but the bottom of page 328 and onto 329 ---

22                   **MR. ABELL:** Yes?

23                   **MR. ENGELMANN:** --- sets out, in a few  
24           words, the decision on verification?

25                   **MR. ABELL:** Yes.

1                   **MR. ENGELMANN:** All right. And it says, for  
2                   example, at the top of 329:

3                   "Father Charlie therefore represents a potential risk to  
4                   children/male adolescents."

5                   **MR. ABELL:** Yes.

6                   **MR. ENGELMANN:** "The Church should  
7                   consider carefully the potential risk to children posed by  
8                   Father Charles."

9                   **MR. ABELL:** Something "adolescents posed by  
10                  Father Charles".

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

12                  **MR. ABELL:** Yeah.

13                  **MR. ENGELMANN:** Oh, yes. Again, sorry,  
14                  "male adolescents". Yes.

15                  **MR. ABELL:** "Male", that's it. Thank you.

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

17                  And after verification, a decision was made.  
18                  Sir, in Mr. Bell's notes of this meeting, he was  
19                  anticipating this would be the final meeting of your team.

20                  **MR. ABELL:** Okay.

21                  **MR. ENGELMANN:** It turns out that there were  
22                  subsequent meetings.

23                  **MR. ABELL:** Yes.

24                  **MR. ENGELMANN:** And, in fact, if you look at  
25                  Bates page 327, there's a meeting in November of '94?

1                   **MR. ABELL:** Yes.

2                   **MR. ENGELMANN:** And there's a meeting as  
3 well in March of '95, which seems to be the final meeting?

4                   **MR. ABELL:** I see that.

5                   **MR. ENGELMANN:** And I just -- I'm just--I  
6 think there was also possibly a meeting in July.

7                   And I'm wondering what happened to what was  
8 anticipated to be the final meeting. Why, just generally  
9 speaking, there had to be other meetings or you thought  
10 there was a need to have other meetings? Were there some  
11 loose ends to ---

12                   **MR. ABELL:** I presume there was some  
13 business to clean up.

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

15                   **MR. ABELL:** It's the only reason we would  
16 get together. I can assure you we wouldn't -- there would  
17 have been a purpose.

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

19                   And would you have been aware, sir, that  
20 verification letters went out, for example to Father  
21 MacDonald, to the Cornwall Police Service and to the OPP in  
22 early March of 1994?

23                   **MR. ABELL:** I couldn't swear to the date but  
24 I certainly knew verification letters went out.

25                   **MR. ENGELMANN:** All right. And I understand

1 that a similar letter verifying the abuse did not go out to  
2 the Diocese until January of 1995?

3 MR. ABELL: I recall that being later, yes.

4 MR. ENGELMANN: Okay. And -- well, were  
5 there some hold-ups with respect to that issue?

6 MR. ABELL: My recollection was that we were  
7 seeking Father MacDonald's permission to inform his  
8 employer?

9 R. ENGELMANN: All right. And I just --  
10 just going back then to the notifications that went out in  
11 March.

12 Was it CAS practice to notify police  
13 authorities when you'd made a verified finding of abuse if  
14 the police authority had had some involvement in an  
15 investigation of the matter?

16 MR. ABELL: It would be good practice to do  
17 so. I can't remember if that was part of the standard.

18 MR. ENGELMANN: All right. But it was done  
19 in this case to the CPS who had previously investigated?

20 MR. ABELL: Okay. I'd need to see the  
21 document ---

22 MR. ENGELMANN: Right, there's a letter that  
23 went.

24 MR. ABELL: If it went, then yes.

25 MR. ENGELMANN: All right. And there's a

1 letter that went to the OPP as well.

2 MR. ABELL: Okay.

3 MR. ENGELMANN: I don't think we have to go  
4 to them, but you were aware, sir, that the OPP was in the  
5 process of starting an investigation in or around March of  
6 '94?

7 MR. ABELL: I -- yes, presumably I was.  
8 Yes.

9 MR. ENGELMANN: All right.

10 Now, the reason why I ask the question about  
11 sending things to the police if they might have been doing  
12 a similar investigation, we know that verification  
13 decisions were made with respect to Earl Landry, Jr. in  
14 January of 1994 with respect to two victims, and in May of  
15 1996 with respect to a third. And I couldn't see, and  
16 maybe it's just we don't have them, any letters sent to,  
17 say, the Cornwall Police Service, who'd had some  
18 involvement.

19 I'm just wondering, if they weren't sent, if  
20 you can give us a reason why they might not have been sent  
21 in the Earl Landry, Jr. case but they were in the Silmsier  
22 matter?

23 MR. ABELL: I can't think of a reason why  
24 they wouldn't be. Again, I'd need to know if it was a  
25 standard.

1                   **MR. ENGELMANN:** Okay.

2                   **MR. ABELL:** If it was -- let's call it an  
3 in-place requirement in abuse investigations, so I can't  
4 speak to that.

5                   **MR. ENGELMANN:** All right. But whether it  
6 was a standard or not, you think it's a good idea to do so  
7 if they had some involvement?

8                   **MR. ABELL:** Where there was police  
9 involvement, it would be good practice, yes.

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

11                   Now, in the spring of 1994, it's my  
12 understanding that you would have been aware that in or  
13 around March the OPP was commencing two investigations.

14                   When I say two, I mean there was an  
15 Inspector Hamelink, with the assistance of other officers,  
16 who was investigating David Silmsner for possible extortion  
17 of Ken Seguin.

18                   And, as well, an Inspector Smith, with the  
19 assistance of another officer, was re-investigating the  
20 Father MacDonald issues and also allegations of conspiracy  
21 involving the settlement, et cetera.

22                   **MR. ABELL:** Yes.

23                   **MR. ENGELMANN:** Were you aware that the OPP  
24 was commencing these two investigations?

25                   **MR. ABELL:** I have a -- I have a very clear

1 recollection of the investigation begun by Inspector Smith.  
2 The first one you mentioned, I can't -- frankly at this  
3 point, can't recall if I was aware of it or not.

4 **MR. ENGELMANN:** All right. It's in your  
5 notes or in their notes. You have no reason to doubt that  
6 you would have been informed?

7 **MR. ABELL:** No. I wouldn't debate it, no.

8 **MR. ENGELMANN:** All right. But you have  
9 more of a recollection certainly of the fact that Inspector  
10 Smith ---

11 **MR. ABELL:** Yes.

12 **MR. ENGELMANN:** --- was looking at the  
13 Silmsen issue?

14 **MR. ABELL:** Yes.

15 **MR. ENGELMANN:** All right. As far as, I  
16 mean, his allegations vis-à-vis Father MacDonald?

17 **MR. ABELL:** Correct.

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

19 Just be a moment, sir. I might have  
20 something handy for the witness on that.

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

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. ENGELMANN:** Sir, I understand that Mr.  
24 Bell would have had meetings with the OPP from time-to-time  
25 and, in fact, you were also present at a meeting with

1 various members of the OPP at or around March 22<sup>nd</sup> of 1994,  
2 when they were sort of filling you in on what they were  
3 going to be doing?

4 MR. ABELL: Okay.

5 MR. ENGELMANN: I have a reference in Greg  
6 Bell's notes to that.

7 MR. ABELL: That's fine.

8 MR. ENGELMANN: Just -- just there's one  
9 reference. There's also some notes of Tim Smith and I  
10 think we'll get to some of your own notes in a minute, if I  
11 can, which will be more helpful.

12 Were you aware, sir, of the fact that OPP  
13 officers would have presented a warrant to the CAS and they  
14 were then provided with file materials regarding Project  
15 Blue?

16 MR. ABELL: I don't have a specific  
17 recollection but it makes sense that they would have.

18 MR. ENGELMANN: All right. And, again, your  
19 practice would be that you wouldn't actually hand over your  
20 materials unless there was some kind of lawful authority  
21 requesting it?

22 MR. ABELL: Correct.

23 MR. ENGELMANN: And one example would be a  
24 search warrant or some kind of a warrant?

25 MR. ABELL: Correct.



1                   **MR. ENGELMANN:** And, sir, aside from meeting  
2 with Inspector Smith early on in his investigation, do you  
3 recall having any communications with him over the summer  
4 of 1994 regarding the issue of Marcel Lalonde --- and  
5 possibly following up on him?

6                   **MR. ABELL:** Marcel Lalonde? I don't.

7                   **MR. ENGELMANN:** All right. Perhaps I can  
8 just find a note, sir.

9                   It's Document Number 721620.

10                  **THE COMMISSIONER:** No, that would be a new  
11 one, sir.

12                  **MR. ENGELMANN:** Bates page 7080546.

13                  **THE COMMISSIONER:** Thank you. Exhibit 2462  
14 is a document called "Project Blue, Volume 1."

15                  ---EXHIBIT NO./PIÈCE NO P-2462:

16                                 (721620) CAS Project Blue - Volume 1

17                  **MR. ENGELMANN:** Sir, a number of the notes  
18 here, and they've already been filed ---

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

20                  **MR. ENGELMANN:** --- as excerpts. I'm in  
21 your hands, we could simply file the last page and a couple  
22 of other pages that I'm going to refer to ---

23                  **THE COMMISSIONER:** No, we'll keep it all  
24 together.

25                  **MR. ENGELMANN:** We'll take the whole

1 document? Sure. Okay.

2 I will check over the lunch break to see if  
3 there's anything in the document we need to be concerned  
4 about publication-wise.

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

6 **MR. ENGELMANN:** Mr. Abell, I'd like you to  
7 look at the very last page if you could? It's Bates page  
8 546.

9 **MR. ABELL:** I have it.

10 **MR. ENGELMANN:** All right. And this appears  
11 to be a -- notes, in fact, this almost looks like a team  
12 meeting.

13 **MR. ABELL:** Yes, it does.

14 **MR. ENGELMANN:** Is that fair?

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

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

17 **THE COMMISSIONER:** Like a what?

18 **MR. ENGELMANN:** I'm sorry?

19 **THE COMMISSIONER:** I didn't catch, like a?

20 **MR. ENGELMANN:** It looks like a team  
21 meeting.

22 **THE COMMISSIONER:** Team meeting.

23 **MR. ENGELMANN:** Yeah.

24 **MR. ABELL:** Project Blue sir.

25 **THE COMMISSIONER:** Right, right, right.

1                   **MR. ENGELMANN:** So this is something you  
2 might have expected to find in Exhibit 2325?

3                   **MR. ABELL:** Correct, it's out of place,  
4 yeah.

5                   **MR. ENGELMANN:** All right. But in any  
6 event, it appears that the members of the -- or most of the  
7 members of the project team meet -- yeah, all of you -- on  
8 July 7<sup>th</sup>, '94?

9                   **MR. ABELL:** Yes.

10                  **MR. ENGELMANN:** And you're providing an  
11 update about a conversation that you've had with Inspector  
12 Smith?

13                  **MR. ABELL:** We are. Yes.

14                  **MR. ENGELMANN:** Is that right?

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

16                  **MR. ENGELMANN:** And he's apparently  
17 recommending that the CAS advise the school board of Marcel  
18 Lalonde?

19                  **MR. ABELL:** Yes.

20                  **MR. ENGELMANN:** "Feels Silmser" what does  
21 that say, "could?"

22                  **MR. ABELL:** Ah ---

23                  **MR. ENGELMANN:** "Could bring suit."

24                  **MR. ABELL:** "Could bring suit if this  
25 teacher continued to molest and we had

1 the name (teacher at Sacred Heart)."

2 MR. ENGELMANN: Okay. That's coming from  
3 Tim Smith ---

4 MR. ABELL: Correct.

5 MR. ENGELMANN: --- to you?

6 MR. ABELL: Yes.

7 MR. ENGELMANN: Aside from his concern about  
8 a possible lawsuit by Mr. Silmsner, would he have expressed  
9 a concern about the fact that Marcel Lalonde was still a  
10 teacher and there may be issues of present abuse?

11 MR. ABELL: Well, that's -- I mean that's  
12 the implication, that he's a teacher. "Continue to molest"  
13 and we had the name. That's the implication.

14 MR. ENGELMANN: All right. And it says:  
15 "Discussion review of our efforts to  
16 date to get further information re  
17 Lalonde."

18 And I believe at this point, one letter had  
19 been sent out; in fact, when you sent your verification  
20 letter on the Father MacDonald's aspect to David Silmsner,  
21 in the letter to him, it referenced the fact that you  
22 didn't have sufficient detail to make such a finding vis-à-  
23 vis Ken Seguin and Marcel Lalonde.

24 MR. ABELL: Correct.

25 MR. ENGELMANN: That was sent to him in

1 March. I understand, as a result of this team meeting, you  
2 wrote to him care of his lawyer, Mr. Geoffrey, in late July  
3 of 1994?

4 MR. ABELL: Yes.

5 MR. ENGELMANN: And then again when there  
6 was no response, you would have written a similar letter in  
7 late November of '94 as well?

8 MR. ABELL: Yes.

9 MR. ENGELMANN: And at that point, advising  
10 that no action would be taken because you hadn't heard from  
11 him.

12 MR. ABELL: Correct.

13 MR. ENGELMANN: All right.

14 Now, there's also some discussion, at the  
15 bottom of the page, it says:

16 "Also write to Bishop re giving him  
17 investigation results protocol."

18 MR. ABELL: Yes.

19 MR. ENGELMANN: "And also write to Malcolm  
20 MacDonald re Southdown reports."

21 MR. ABELL: Yes.

22 MR. ENGELMANN: "Keep file open."

23 MR. ABELL: Yes.

24 MR. ENGELMANN: Now, we've heard that there  
25 was some delay in getting Father MacDonald's consent for

1 the release of the verification decision to the Bishop?

2 MR. ABELL: Yes, it took a while.

3 MR. ENGELMANN: And following this meeting  
4 in July, did you also write a letter to the Bishop  
5 concerning this issue asking him for help in getting Father  
6 MacDonald's consent?

7 MR. ABELL: I can't recall if we took that  
8 step.

9 MR. ENGELMANN: All right.  
10 There is a version of this letter filed as  
11 Exhibit 2089. Perhaps we could take a quick look at that.

12 THE COMMISSIONER: Exhibit again -- 206?

13 MR. ENGELMANN: Two zero -- hang on -- 2089,  
14 sir.

15 THE COMMISSIONER: Thank you.

16 MR. ENGELMANN: Document Number 104368.

17 MR. ABELL: Thank you. I have it.

18 MR. ENGELMANN: Okay. I just need to wait  
19 for it to come up on the screen. I've got a different  
20 version of the same letter.

21 If you could just read it, sir, because I  
22 think the letter is actually misdated.

23 MR. ABELL: Okay.

24 MR. ENGELMANN: The letter should be July  
25 28, 1994 when you sent out a number of letters to various

1 people?

2 MR. ABELL: Okay.

3 MR. ENGELMANN: If you can just read the  
4 letter and see if the date that is there makes any sense,  
5 given the content of the letter?

6 Could we have it on the screen, please?

7 MR. ABELL: You're right. I mean, I'm going  
8 to be back on August 22<sup>nd</sup> and this is dated September 28<sup>th</sup>,  
9 so clearly it's a typo.

10 MR. ENGELMANN: Yeah. I have another  
11 version of the letter that just has a note from Greg Bell  
12 saying should be 28 07 94.

13 MR. ABELL: So July 27? Yes.

14 MR. ENGELMANN: July 28<sup>th</sup> ---

15 MR. ABELL: Twenty eight (28), excuse me.

16 MR. ENGELMANN: --- ninety-four ('94).

17 MR. ABELL: Makes more sense, yes.

18 MR. ENGELMANN: Okay. And this one's in  
19 evidence and has a note from the Bishop. But in any event,  
20 July 28th, '94, you're writing to the Bishop asking for his  
21 assistance ---

22 MR. ABELL: Yes.

23 MR. ENGELMANN: --- in getting the consent  
24 of Father MacDonald?

25 MR. ABELL: Yes, I see that.

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

2                   And, sir, you were -- were you aware that  
3 members of team were attempting to obtain Father  
4 MacDonald's consent through his lawyer, Malcolm MacDonald?

5                   **MR. ABELL:** Yes.

6                   **MR. ENGELMANN:** I'm just wondering why you  
7 felt it necessary to have Father MacDonald's consent? And  
8 just given what the employer already knew here; you knew  
9 the employer knew of the allegations?

10                  **MR. ABELL:** Yes.

11                  **MR. ENGELMANN:** Correct?

12                  **MR. ABELL:** Yes.

13                  **MR. ENGELMANN:** You knew the employer first  
14 received those allegations back in December of '92 ---

15                  **MR. ABELL:** Yes.

16                  **MR. ENGELMANN:** --- or thereabouts?

17                         You knew the employer had paid out some  
18 money as a result of the allegations?

19                  **MR. ABELL:** Yes.

20                  **MR. ENGELMANN:** You knew the employer had  
21 removed the priest from active ministry?

22                  **MR. ABELL:** Yes.

23                  **MR. ENGELMANN:** All right. So given all  
24 that, do you know why it was you were still seeking Father  
25 MacDonald's consent simply to ---



1                   **MR. ABELL:** To ---

2                   **MR. ENGELMANN:** --- send the verification  
3 decision?

4                   **MR. ABELL:** I don't -- I can't think of what  
5 it was that took us down that path. I'm not sure.

6                   **MR. ENGELMANN:** Were you concerned about  
7 some repercussions from Malcolm MacDonald if you did this?

8                   **MR. ABELL:** Not that I recall, no. But  
9 surely I don't ---

10                   **MR. ENGELMANN:** Repercussions in the sense  
11 of some kind of lawsuit or something else there?

12                   **MR. ABELL:** Sorry, I just don't remember  
13 what it was that was behind the effort to get that consent.

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

15                   I'll just be a moment.

16                   Then there's a number of references in Mr.  
17 Bell's notes. I don't know if it's necessary to go there.

18                   But eventually you do obtain Father  
19 MacDonald's consent through his counsel?

20                   **MR. ABELL:** Yes.

21                   **MR. ENGELMANN:** In November of '94?

22                   **MR. ABELL:** Yes.

23                   **MR. ENGELMANN:** And if we could just take a  
24 look at that? Just be a moment.

25                   There's a letter. It's Document Number

1 721641 and I really just want Bates page 7081129. It's an  
2 excerpt of -- there is a number of pieces of  
3 correspondence, separate letters, in this particular  
4 document number, Mr. Commissioner.

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

6 **MR. ENGELMANN:** So I'm just looking.  
7 There's a letter -- all right. You know what, let's not  
8 even go there.

9 Were you aware, sir, that Malcolm MacDonald  
10 wrote in or around late November authorizing or consenting  
11 to the CAS writing to the Bishop concerning the  
12 verification?

13 **MR. ABELL:** I know we got a consent from him  
14 eventually.

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

16 **MR. ABELL:** Yes.

17 **MR. ENGELMANN:** And sir, if you could have a  
18 look at Exhibit 2090? It's Document Number 119888.

19 **MR. ABELL:** Yes.

20 **MR. ENGELMANN:** Do you have that handy?

21 **MR. ABELL:** I do, yes.

22 **MR. ENGELMANN:** All right. I'll just be a  
23 moment, sir. I'm getting a different copy of it.

24 Was this in fact a copy of the letter that  
25 would have been sent to Bishop LaRocque on this issue with

1 a copy to Malcolm MacDonald?

2 MR. ABELL: It appears so.

3 MR. ENGELMANN: If you just have a quick  
4 look at it just to confirm?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: All right.

7 And do you recall, sir, if you and Mr.  
8 Carriere would have met with Bishop LaRocque shortly before  
9 this to discuss your findings?

10 MR. ABELL: I don't recall such a meeting,  
11 no.

12 THE COMMISSIONER: Well, it says in the  
13 letter:

14 "Further to our meeting of  
15 yesterday..."

16 MR. ABELL: Okay, I -- oh, exactly, yeah.

17 MR. ENGELMANN: And again, sir, just to help  
18 with that as well if you look at 2089, the previous exhibit  
19 ---

20 MR. ABELL: I have it.

21 MR. ENGELMANN: --- he has a reference to  
22 January 4<sup>th</sup>, 1995, "Richard Abell and Bill Carriere."

23 MR. ABELL: That's in his notes, yes. I see  
24 that.

25 MR. ENGELMANN: All right.

1 MR. ABELL: Yeah.

2 MR. ENGELMANN: So there would have been  
3 some kind of a meeting with him to discuss your findings?

4 MR. ABELL: Yes.

5 MR. ENGELMANN: All right.

6 Now, I understand, sir, that later in 1995  
7 you were approached by a Father Kevin Maloney in or around  
8 August with respect to a further complaint against Father  
9 MacDonald from a former altar boy.

10 MR. ABELL: Yes.

11 MR. ENGELMANN: And Kevin Maloney was known  
12 to you, sir?

13 MR. ABELL: Yes.

14 MR. ENGELMANN: He would be your parish  
15 priest at the time?

16 MR. ABELL: He was; he was.

17 MR. ENGELMANN: All right.

18 And you have some notes of that visit, sir,  
19 and if you'd like -- it's Exhibit 230, Mr. Commissioner.

20 THE COMMISSIONER: While we're getting that  
21 document, sir, do you recall that meeting when you went  
22 over and saw the Bishop and explained to him?

23 MR. ABELL: Actually, I don't.

24 THE COMMISSIONER: Okay. Then I won't ask  
25 you what his reaction was.

1                   **MR. ABELL:** Thank you.

2                   **THE COMMISSIONER:** Two-thirty (230), Mr.  
3                   Engelmann?

4                   **MR. ENGELMANN:** Yes.

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

6                   **MR. ABELL:** I have the note.

7                   **MR. ENGELMANN:** I'd just like to see it on  
8                   the screen and confirm it's the same. I have a different  
9                   document number.

10                   A handwritten note saying, "Project Blue, 15  
11                   August '95"?

12                   **MR. ABELL:** Yes.

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

14                   So this is -- essentially, sir, what's  
15                   happening is Father Maloney is informing you that he's  
16                   received a letter ---

17                   **MR. ABELL:** Yes.

18                   **MR. ENGELMANN:** --- from an individual who's  
19                   named in the following paragraph, John MacDonald?

20                   **MR. ABELL:** Yes.

21                   **MR. ENGELMANN:** That this is a fellow who  
22                   claims to be another victim of Father Charles MacDonald?

23                   **MR. ABELL:** He did.

24                   **MR. ENGELMANN:** And that claims to, as well,  
25                   know of David Silmsen?

1                   **MR. ABELL:** Yes.

2                   **MR. ENGELMANN:** And you're being advised,  
3                   presumably by Kevin Maloney, that he has -- he being John  
4                   MacDonald -- has a history of alcohol abuse and wants to  
5                   start healing?

6                   **MR. ABELL:** Yes.

7                   **MR. ENGELMANN:** And this is being described  
8                   to you by Father Maloney?

9                   **MR. ABELL:** That's correct.

10                  **MR. ENGELMANN:** Do you know if you were  
11                  given a copy of this letter at the time or was he just  
12                  telling you the information?

13                  **MR. ABELL:** I believe he was just informing  
14                  me.

15                  **MR. ENGELMANN:** Okay.

16                  Now, sir, as I understand it, a few days  
17                  later your assistant would have received a phone call from  
18                  -- your assistant, Joan Archambault, would have received a  
19                  phone call from David Silmsler, and this is Exhibit 281, I  
20                  believe.

21                  It should be in that same binder.

22                  **MR. ABELL:** Yes, I have it.

23                  **MR. ENGELMANN:** And this is Ms.  
24                  Archambault's note, either to you or to the file?

25                  **MR. ABELL:** Yes.

1                   **MR. ENGELMANN:** And Mr. Silmser, again, is  
2                   apparently calling in. And was it your understanding, sir,  
3                   that the individual he's referring to here is that same  
4                   individual that Father Maloney had mentioned to you, John  
5                   MacDonald?

6                   **MR. ABELL:** It's one and the same, John  
7                   MacDonald, yes.

8                   **MR. ENGELMANN:** And as a result of the  
9                   information you received from Ms. Archambault did you  
10                  yourself call Mr. Silmser that afternoon?

11                  **MR. ABELL:** I believe I did.

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

13                  And sir, I believe it's Exhibit C-407.

14                  **THE COMMISSIONER:** C-407.

15                  **(SHORT PAUSE/COURTE PAUSE)**

16                  **MR. ENGELMANN:** Sir, I believe this may be  
17                  one of the documents that we're proposing be dealt with  
18                  when we deal with some publication ban issues and  
19                  confidentiality issues. I can't recall now, sir, why this  
20                  document was given a "C".

21                  **THE COMMISSIONER:** I don't know. Well,  
22                  there's a couple of names in there.

23                  **MR. ENGELMANN:** No, I know, and we've been  
24                  dealing with them differently since.

25                  Having said that, I don't want to deal with

1 that right now.

2 THE COMMISSIONER: No, but do you realize  
3 that Exhibit 407 is the same as 282?

4 MR. ENGELMANN: I'm sorry, as?

5 THE COMMISSIONER: Four-oh-two (402) is the  
6 same as 282 except 282 has the message, a telephone message  
7 put on it.

8 MR. ENGELMANN: Oh, okay.

9 THE COMMISSIONER: But you're better off  
10 with 407 because some of the writing is hidden by the  
11 message.

12 MR. ENGELMANN: And 282 does not have a "C",  
13 simply a publication ban stamp?

14 THE COMMISSIONER: I don't know.

15 MR. ENGELMANN: In any event, let's deal  
16 with that later.

17 THE COMMISSIONER: Yeah.

18 MR. ENGELMANN: Mr. Abell, these are your  
19 notes?

20 MR. ABELL: Yes, they are.

21 MR. ENGELMANN: August 21<sup>st</sup>, 1995.

22 MR. ABELL: Yes.

23 MR. ENGELMANN: And I'm not going to get  
24 into some of the other names that are mentioned in here.

25 MR. ABELL: Okay.



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

2                   **MR. ABELL:** Yes.

3                   **MR. ENGELMANN:** Mr. Silmser's name we can  
4 talk about. Mr. MacDonald's name we can talk about.

5                   **MR. ABELL:** Yes.

6                   **MR. ENGELMANN:** But he's -- essentially  
7 starts by telling you -- do you remember the phone call  
8 with Mr. Silmser?

9                   **MR. ABELL:** I have a recollection of it,  
10 yes.

11                   **MR. ENGELMANN:** Right. And he's pretty  
12 excited?

13                   **MR. ABELL:** He was.

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

15                   He starts:

16                                "A lot's happening in the last two  
17                                days. Altar boy in B.C. back four  
18                                months ago."

19                   He's referring to Mr. MacDonald, is he not?

20                   **MR. ABELL:** Yes.

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

22                                "Same thing happened to him."

23                   And he's relating some details to you?

24                   **MR. ABELL:** Yes.

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

1                   He's also referring on the second page to  
2                   another individual about a third of the way down the page  
3                   who he says doesn't want to come forward?

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** He says other things like:  
6                               "Dunlop was trying to do the right  
7                               thing but statements shouldn't have  
8                               been given to news media."

9                   **MR. ABELL:** Yes.

10                  **MR. ENGELMANN:** And I'm wondering, sir, is  
11                  that something that David Silmsen is saying to you or is it  
12                  something that he says this other individual is saying?  
13                  Can you help us there?

14                  **MR. ABELL:** I believe that was Mr. Silmsen  
15                  speaking to me, his point of view.

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

17                  So some of that is about the statement  
18                  coming out publicly. Apparently there is some kind of  
19                  settlement about it afterwards.

20                  **MR. ABELL:** Yes.

21                  **MR. ENGELMANN:** Were you aware that he had  
22                  brought not just a police complaint but also a civil action  
23                  concerning the release?

24                  **MR. ABELL:** I was aware.

25                  **MR. ENGELMANN:** Okay. And apparently he's

1           expressing a relief that someone else is coming forward  
2           because he says, "thought he was the only one."

3                   **MR. ABELL:** Yes.

4                   **MR. ENGELMANN:** You see that?

5                   **MR. ABELL:** I do.

6                   **MR. ENGELMANN:** And that was apparently of  
7           some comfort to Mr. Silmsier.

8                   **MR. ABELL:** Yes. He had some support.

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

10                   And there's other names that are mentioned  
11           on the following page and he's expressing to you, at least:

12                                "Says all he ever wanted was written  
13                                apology."

14                   Do you see that?

15                   **MR. ABELL:** I have -- what would be the  
16           Bates number of the following page?

17                   **MR. ENGELMANN:** Five three eight (538).

18                   **THE COMMISSIONER:** We don't have that.

19                   **MR. ABELL:** I don't have that, sir.

20                   **THE COMMISSIONER:** Not in that exhibit. But  
21           what we can do is go back to the other exhibit and it might  
22           be there. Yes, it is.

23                   **MR. ENGELMANN:** All right. And that is in  
24           282?

25                   **THE COMMISSIONER:** Two eighty-two (282),

1           yeah.

2                       **MR. ABELL:** So that would 814 Bates?

3                       **MR. ENGELMANN:** It would be number 3 at the  
4           top right.

5                       **THE COMMISSIONER:** Yeah that's the one, sir.

6                       **MR. ABELL:** Thank you.

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

8                       **MR. ABELL:** Okay.

9                       **MR. ENGELMANN:** There then appears -- he  
10           actually makes the comment:

11                               "Charlie Greenwell said to D.S. he got  
12                               the statement from 'the police'."

13                       **MR. ABELL:** Yes.

14                       **MR. ENGELMANN:** See that?

15                       **MR. ABELL:** Yes.

16                       **MR. ENGELMANN:** And then he talks about --  
17           gives some reasons why he accepted some money.

18                       **MR. ABELL:** Yes.

19                       **MR. ENGELMANN:** And says at the bottom:

20                               "He wants Church to admit they knew  
21                               Father Charlie was abusing, did nothing  
22                               about it."

23                       **MR. ABELL:** Yes.

24                       **MR. ENGELMANN:** Okay. And these were notes  
25           that you would have made at or about the time, sir; got

1 about a 20-minute timeframe on the call.

2 MR. ABELL: My recollection is that I  
3 scratched these as I was talking to Mr. Silmser.

4 MR. ENGELMANN: All right.

5 Now, we understand that shortly after this  
6 you met with John MacDonald, and I'm wondering if -- and I  
7 don't know if it's in your binder but it's Exhibit 241.

8 MR. ABELL: Zero eight eight (088)?

9 MR. ENGELMANN: Yes.

10 MR. ABELL: Thank you.

11 MR. ENGELMANN: And sir, what we have -- we  
12 have some notes of yours over a, I don't know, 24-hour  
13 period.

14 MR. ABELL: Yeah.

15 MR. ENGELMANN: They appear to be from  
16 September 25<sup>th</sup> of '95 on to September 26<sup>th</sup> of '95.

17 MR. ABELL: Yes.

18 MR. ENGELMANN: Correct?

19 MR. ABELL: I see that.

20 MR. ENGELMANN: And you write down, first of  
21 all, your meeting with John MacDonald on the 25<sup>th</sup>?

22 MR. ABELL: Yes.

23 MR. ENGELMANN: And then you refer to  
24 speaking to colleagues, Carriere and MacLennan?

25 MR. ABELL: Can you take me to that, please?

1 MR. ENGELMANN: Bates page 090.

2 MR. ABELL: Yes. Thank you.

3 MR. ENGELMANN: And you refer to a health  
4 care professional as well?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: And again, later on that  
7 very same day -- if you flip over to Bates page 091 ---

8 MR. ABELL: Yes.

9 MR. ENGELMANN: --- you inform Inspector Tim  
10 Smith about the meeting?

11 MR. ABELL: Yes.

12 MR. ENGELMANN: And you tell him that  
13 Mr. MacDonald is keen to talk to him?

14 MR. ABELL: Yes.

15 MR. ENGELMANN: And he's going to follow up  
16 directly with Mr. MacDonald?

17 MR. ABELL: He was.

18 MR. ENGELMANN: All right.

19 MR. ABELL: And did.

20 MR. ENGELMANN: And then you update  
21 Mr. MacDonald at the end of the day?

22 MR. ABELL: Yes.

23 MR. ENGELMANN: And then there's a following  
24 communication with him on the 26<sup>th</sup>.

25 MR. ABELL: Yes.

1                   **MR. ENGELMANN:** And part of what you've  
2 recognized, sir, is -- both in your first meeting with him  
3 and in your follow-up, is that this is an individual who  
4 could use some counselling?

5                   **MR. ABELL:** Yes.

6                   **MR. ENGELMANN:** And that was quite apparent  
7 to you?

8                   **MR. ABELL:** He was at -- he -- I mean his  
9 commentary to Father Kevin, right from the start, if you  
10 recall my notes, was that he wanted to move ahead. And I  
11 took that in terms of his issue but also himself, and I saw  
12 and heard a man who really was open to receiving help.

13                   **MR. ENGELMANN:** All right. And sir, you  
14 followed up and assisted him with that, did you not?

15                   **MR. ABELL:** I did.

16                   **MR. ENGELMANN:** And that would have included  
17 some communication with the Diocese on that issue?

18                   **MR. ABELL:** I spoke to the Bishop.

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

20 I'll just be a moment.

21                   **(SHORT PAUSE/COURTE PAUSE)**

22                   **MR. ENGELMANN:** It is Exhibit 232.

23                   **THE COMMISSIONER:** Two thirty-two.

24                   **MR. ENGELMANN:** This is a letter that you  
25 sent to Bishop LaRocque on the 27<sup>th</sup> of September?

1                   **MR. ABELL:** Yes.

2                   **MR. ENGELMANN:** It refers to the fact that  
3 you have a call with him on the 26<sup>th</sup>?

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** And could you just describe  
6 the nature of the call and your own views on the Bishop's  
7 reaction and what was done here?

8                   **MR. ABELL:** When I called him it was with  
9 the intent of seeing if the Diocese would fund counselling  
10 for Mr. MacDonald. And when I explained the situation to  
11 him, and it didn't take a lot at all, he said, "Send me the  
12 bill." He was very forthcoming. I was pleasantly  
13 surprised.

14                   **MR. ENGELMANN:** All right, so you were happy  
15 with the cooperation -- immediate cooperation ---

16                   **MR. ABELL:** It was immediate.

17                   **MR. ENGELMANN:** --- with respect to  
18 Mr. MacDonald and counselling support?

19                   **MR. ABELL:** Yeah. I don't recall he had any  
20 questions. He just said, "Send me the bill."

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

22                   And were you aware that there had been some  
23 difficulty in having -- in Mr. MacDonald having these  
24 matters covered before?

25                   **MR. ABELL:** That was my understanding. I



1 didn't know specifics but I understood that.

2 MR. ENGELMANN: All right.

3 But when you made your effort with the  
4 Bishop it happened?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: All right.

7 Just to go back to 241 for a minute ---

8 MR. ABELL: May I also add, if I can ---

9 MR. ENGELMANN: Yes.

10 MR. ABELL: I know you haven't asked for it,  
11 but I got a similar response from Inspector Smith, and both  
12 of those -- both the commitments and the follow-up by both  
13 those individuals I think was really important for John  
14 MacDonald. So also Inspector Smith deserves credit on  
15 that.

16 MR. ENGELMANN: He followed up right away  
17 with ---

18 MR. ABELL: That's my understanding. He  
19 spoke to Mr. MacDonald very quickly and got his end going.

20 MR. ENGELMANN: And that was of assistance  
21 to Mr. MacDonald?

22 MR. ABELL: Yeah. I mean he has -- many  
23 victims, no doubt you've heard, they want to be heard.  
24 They want a system that responds to them and in this case  
25 the system did.

1                   **MR. ENGELMANN:** And had Mr. MacDonald told  
2 you about some problems he had sharing this information  
3 with the Cornwall Police Service earlier?

4                   **MR. ABELL:** He had some frustrations. I  
5 don't recall specifics but he had some frustrations.

6                   **MR. ENGELMANN:** The reason I ask that, sir,  
7 at Exhibit 241 there's a reference to -- it's about a third  
8 of the way down the page:

9                                   "Wrote to Father Kevin Maloney, asking  
10 for help. His letter given to Cornwall  
11 Police. They call him to tell him not  
12 to talk to Kevin Maloney [or Father  
13 Maloney]. He goes on to give his  
14 statement to CPS. They won't take it.  
15 He's emotionally exhausted, can't  
16 understand why no-one has so far wanted  
17 to hear him out."

18                   **MR. ABELL:** Yes.

19                   **MR. ENGELMANN:** All right. So therefore the  
20 quick follow-up by Inspector Smith may have been  
21 particularly important.

22                   **MR. ABELL:** Very much.

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

24                   **MR. ENGELMANN:** So if we could take a look  
25 then at 2462 for a minute. That's a recent exhibit.

1                   **THE COMMISSIONER:** Actually it's -- oh,  
2                   you've got it.

3                   **MR. ENGELMANN:** That's fast.

4                   Sir, this appears to be a follow-up phone  
5                   call with John MacDonald in the fall.

6                   **THE COMMISSIONER:** Where are we now?

7                   **MR. ABELL:** Bates page?

8                   **MR. ENGELMANN:** Oh, I'm sorry. Bates page  
9                   525.

10                  **MR. ABELL:** Five two five?

11                  **MR. ENGELMANN:** Yeah.

12                  **MR. ABELL:** I have it.

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

14                  Would you -- you had a call or calls from  
15                  John MacDonald from time-to-time?

16                  **MR. ABELL:** On an occasional basis, yes.

17                  **MR. ENGELMANN:** And this would have been one  
18                  of those calls?

19                  **MR. ABELL:** Yes.

20                  **MR. ENGELMANN:** And was he calling you, sir,  
21                  do you recall?

22                  **MR. ABELL:** Looks to me like I was calling  
23                  him back from the phone message there.

24                  **MR. ENGELMANN:** Right.

25                  **MR. ABELL:** He tried to reach me, so I think

1 I was calling him back.

2 MR. ENGELMANN: And he's just relating some  
3 things about his own personal situation?

4 MR. ABELL: Yes.

5 MR. ENGELMANN: And that he's going to see  
6 this part through to the end ---

7 MR. ABELL: Yes.

8 MR. ENGELMANN: --- or words to that effect?

9 MR. ABELL: Yes.

10 MR. ENGELMANN: All right. And he doesn't  
11 appear to be in counselling at the time but appears to be  
12 indicating to you that he's doing okay?

13 MR. ABELL: That's right.

14 MR. ENGELMANN: All right.

15 Sir, just before the lunch break, I'm  
16 wondering if I could deal with one other discrete matter.

17 THE COMMISSIONER: Sure.

18 MR. ENGELMANN: And that is -- it's Exhibit  
19 1048 and 1049; one thousand forty-eight, one thousand  
20 forty-nine.

21 If we could start with 1048. It's a letter  
22 dated October 23<sup>rd</sup>, 1995 from an individual named Douglas  
23 Seguin and it's written to a variety of people: the Board  
24 of Directors of the CAS, Ontario Association of Children's  
25 Aid Societies and the Ministry of Community and Social

1 Services.

2 MR. ABELL: Yes.

3 MR. ENGELMANN: And it's -- essentially,  
4 it's a complaint of professional misconduct.

5 MR. ABELL: Yes.

6 MR. ENGELMANN: Purporting to be a complaint  
7 of professional misconduct by you?

8 MR. ABELL: Yes.

9 MR. ENGELMANN: Was this sent to you, sir,  
10 by Mr. Seguin, to your knowledge?

11 MR. ABELL: I believe it came to me, yes.

12 MR. ENGELMANN: Okay, through the Board or  
13 otherwise, or do you ---

14 MR. ABELL: No, I believe it -- my  
15 recollection is it came to me and I passed it on to the --  
16 it may have just have been sent to the office.

17 MR. ENGELMANN: I'm sorry?

18 MR. ABELL: It may have just been sent to  
19 our office.

20 MR. ENGELMANN: All right.

21 MR. ABELL: But that's my recollection; that  
22 I passed it on to the Board of Directors, actually to the  
23 President of the Board.

24 MR. ENGELMANN: I just wanted to make sure.  
25 It's not addressed to you personally ---

1 MR. ABELL: No.

2 MR. ENGELMANN: --- but you would have  
3 received it at some point?

4 MR. ABELL: Yes.

5 MR. ENGELMANN: At or around this time?

6 MR. ABELL: Yes.

7 MR. ENGELMANN: Okay. And had you had any  
8 dealings with this individual before, to your knowledge?

9 MR. ABELL: No, I hadn't.

10 MR. ENGELMANN: Did you know who he was?

11 MR. ABELL: No.

12 MR. ENGELMANN: Okay. Did you know he was  
13 the brother of Ken Seguin?

14 MR. ABELL: That's what I learnt.

15 MR. ENGELMANN: That's what you learnt?  
16 Okay.

17 MR. ABELL: Yes.

18 MR. ENGELMANN: And did you have any idea  
19 why this complaint was being filed at this time by this  
20 individual?

21 MR. ABELL: Not as to the timing, no.

22 MR. ENGELMANN: All right. And ---

23 MR. ABELL: Oh, other than their -- his  
24 issue was public statements I had made or things I'd  
25 written that had been published.

1                   **MR. ENGELMANN:** There's a reference to a  
2 public statement that you would have made in January of  
3 1994?

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** At or about the time the  
6 Silmsen allegations were in the media?

7                   **MR. ABELL:** Yes.

8                   **MR. ENGELMANN:** And then there's another  
9 reference to a couple of articles in July of '95?

10                   **MR. ABELL:** Yes.

11                   **MR. ENGELMANN:** And I believe these were  
12 articles dealing with Perry Dunlop?

13                   **MR. ABELL:** Yes.

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

15                   So you had no prior personal relationship  
16 with Mr. Seguin. Were you -- and you weren't expecting  
17 anything of this nature?

18                   **MR. ABELL:** No.

19                   **MR. ENGELMANN:** Have you ever received a  
20 complaint of this nature in your career?

21                   **MR. ABELL:** Can't say as I can think I've  
22 been accused of professional misconduct other than this  
23 time, no.

24                   **MR. ENGELMANN:** All right. And, sir, were  
25 you asked in any way to respond to this complaint?

1                   **MR. ABELL:** No.

2                   **MR. ENGELMANN:** All right. And do you know  
3 how the complaint was handled?

4                   **MR. ABELL:** The complaint went to the  
5 President of the Board of Directors. The President at the  
6 time, Mr. Jean-Louis Rochette, spoke to me about it. We  
7 discussed it and I left -- I assumed the matter was in his  
8 hands, and it was, and so I left it to the Board to address  
9 the matter.

10                  **MR. ENGELMANN:** So you would have had one  
11 conversation with the President of the Board at the time?

12                  **MR. ABELL:** Yes.

13                  **MR. ENGELMANN:** I believe there's a  
14 reference in this complaint -- and I think we've already  
15 asked this -- to your knowledge, was Perry Dunlop ever a  
16 volunteer of your agency?

17                  **MR. ABELL:** Not to my knowledge.

18                  **MR. ENGELMANN:** All right. And, sir, after  
19 you ---

20                  **MR. ABELL:** Excuse me. Actually that's not  
21 true. He did -- we were -- sorry, if you want it, to  
22 answer your question, he did help us one time; just came to  
23 me.

24                               We were setting up a little family access  
25 room and we needed help setting up the sound system because



1 we had a microphone in the room, and actually Perry did  
2 help out with that because he was -- because of his being a  
3 musician he knew about sound equipment, so he was on one  
4 occasion. I'd forgotten that.

5 **MR. ENGELMANN:** Do police officers help out  
6 from time-to-time with various activities?

7 **MR. ABELL:** Yes, yes. We've had great  
8 cooperation and support from police.

9 **MR. ENGELMANN:** And we know, of course, that  
10 from time-to-time you've had members of the Cornwall Police  
11 Service on your Board, right?

12 **MR. ABELL:** Correct, yes.

13 **MR. ENGELMANN:** And that certainly would be  
14 volunteer work?

15 **MR. ABELL:** Correct.

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

17 **MR. ABELL:** With the, I mean, knowledge and  
18 support of their own service.

19 **MR. ENGELMANN:** Of course.

20 And, sir, were you aware of the response  
21 that was sent to Mr. Seguin by the Board of Directors?

22 **MR. ABELL:** I believe I saw a copy of the  
23 letter, yes. I know there was a letter went to him from  
24 our President.

25 **MR. ENGELMANN:** Could you look at Exhibit

1 1049? It should be the next tab.

2 MR. ABELL: I have it.

3 MR. ENGELMANN: Would this be the letter  
4 that you would have seen a copy of?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: All right, and it appears  
7 that a committee of the Board of Directors did look at this  
8 matter.

9 MR. ABELL: Yes.

10 MR. ENGELMANN: As you said, the only person  
11 you would have spoken to would have been the President?

12 MR. ABELL: I just spoke to the President,  
13 yes.

14 MR. ENGELMANN: All right. And after they  
15 would have written to Mr. Seguin to say that they would be  
16 taking no further action in relation to this, do you know  
17 if there was any follow-up on this matter that you're aware  
18 of?

19 MR. ABELL: Not that I'm aware of, no. You  
20 mean by the Board or Mr. Seguin?

21 MR. ENGELMANN: Yeah, whether Mr. Seguin  
22 went any further to this to the Ministry or anywhere else?

23 MR. ABELL: I don't believe so, no.

24 MR. ENGELMANN: You can't recall getting  
25 notice of any other documents of this nature?

1                   **MR. ABELL:** No, I can't.

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

3                   Perhaps, Mr. Commissioner, this is an  
4 appropriate time.

5                   **THE COMMISSIONER:** Thank you. We'll come  
6 back at 2 o'clock.

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

9                   This hearing will resume at 2:00 p.m.

10 --- Upon recessing at 12:34 p.m./

11                   L'audience est suspendue à 12h34

12 --- Upon resuming at 2:03 p.m./

13                   L'audience est reprise à 14h03

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

16                   This hearing is now resumed. Please be  
17 seated. Veuillez vous asseoir.

18                   **THE COMMISSIONER:** Good afternoon. Good  
19 afternoon, sir.

20                   Mr. Engelmann, how long do you think you're  
21 going to be before you finish?

22                   **MR. ENGELMANN:** I will take till the  
23 afternoon break, sir.

24                   **THE COMMISSIONER:** At 3 o'clock; great.  
25 Okay.

1                   So then I'd like to canvass the folks  
2 afterwards. After the break, I would expect that we should  
3 be finished with this gentleman by tomorrow afternoon at  
4 the break, or at lunchtime, so let's see how far we can  
5 get.

6 **RICHARD ABELL, Resumed/Sous le même serment:**

7 **--- EXAMINATION BY/INTERROGATOIRE PAR MR. ENGELMANN**

8 **(cont'd/suite):**

9                   **MR. ENGELMANN:** Mr. Abell, I'd like to start  
10 -- during the course of Project Blue you had -- Project  
11 Truth you had a number of discussions and conversations  
12 with not only people from the OPP, there were  
13 communications with people from the Diocese also from time-  
14 to-time.

15                   And we know at the start of it you would  
16 have had some conversations with a lawyer representing  
17 Perry Dunlop; a fellow by the name of Charlie Bourgeois?

18                   **MR. ABELL:** Yes.

19                   **MR. ENGELMANN:** You recall that?

20                   **MR. ABELL:** I do, yes.

21                   **MR. ENGELMANN:** All right, maybe we can  
22 start there, and that is with Mr. Bourgeois, and I'd like  
23 to take you to some documents.

24                   And, first of all, this predates formal  
25 Project Truth but I just -- I want to get out a few things

1 that you might have done with Mr. Bourgeois.

2 At Document Number 721627, Madam Clerk?

3 And, Mr. Commissioner, these are notes of  
4 Mr. Abell's, detailing telephone conversations I believe  
5 with Mr. Bourgeois in or around December 19<sup>th</sup> and 20<sup>th</sup>, 1996.

6 **THE COMMISSIONER:** Thank you.

7 That will be Exhibit 2463.

8 --- EXHIBIT NO./PIECE NO. P-2463:

9 (721627) Notes of Richard Abell

10 'Project Blue' - Volume II notes re:

11 Bourgeois & Dunlop.

12 **MR. ENGELMANN:** Sir, this individual, Mr.

13 Bourgeois contacts you?

14 **MR. ABELL:** Yes.

15 **MR. ENGELMANN:** Provides you with a list of  
16 names?

17 **MR. ABELL:** Yes.

18 **MR. ENGELMANN:** And says they are suspected  
19 pedophiles or words to that effect?

20 **MR. ABELL:** Yes, he did. He -- he said that  
21 he was providing these names to me under the duty to  
22 report.

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

24 And on the second page in, you tell him:

25 "I need information on which the

1                   allegations are based."

2                   **MR. ABELL:** Yes.

3                   **MR. ENGELMANN:** And he tells you he'll bring  
4 in some statements?

5                   **MR. ABELL:** Yes.

6                   **MR. ENGELMANN:** He also says he's concerned  
7 about conflicts of interest?

8                   **MR. ABELL:** Yes.

9                   **MR. ENGELMANN:** Does he explain what he's  
10 talking about there?

11                   **MR. ABELL:** Did he explain?

12                   **MR. ENGELMANN:** Yes.

13                   **MR. ABELL:** Something to the effect that  
14 there had been a roast for Father Kevin. Frankly, I can't  
15 recall what his point was on that. Anyway, he was implying  
16 there was some kind of conflict of interest between Mr.  
17 Towndale and the Diocese and perhaps our -- you know, our  
18 activity on our own project.

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

20                   So there appears to be some follow-up and  
21 you left a message for him to call you back?

22                   **MR. ABELL:** Yes.

23                   **MR. ENGELMANN:** You also attempted to  
24 contact Perry Dunlop.

25                   **MR. ABELL:** I see that.

1                   **MR. ENGELMANN:** And do you recall why that  
2 was, sir?

3                   **MR. ABELL:** Can't recall.

4                   **MR. ENGELMANN:** So you don't know if that  
5 was -- if you weren't getting the information from his  
6 lawyer, you wanted to try and get it from him?

7                   **MR. ABELL:** I don't recall why I ---

8                   **MR. ENGELMANN:** Okay.

9                   **MR. ABELL:** I mean, Mr. Bourgeois may have  
10 said, "Perry's got something," or -- I just don't know.

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

12                   Now this is well on into Mr. Dunlop's  
13 disability leave?

14                   **MR. ABELL:** Yes.

15                   **MR. ENGELMANN:** He leaves in or about  
16 February of '94 and doesn't return to work, at least on a  
17 part-time basis, until May of '97?

18                   **MR. ABELL:** Yes.

19                   **MR. ENGELMANN:** Can you describe your  
20 relationship with him at or around December of '96, towards  
21 the end of his disability leave? Are you seeing him much?

22                   **MR. ABELL:** I believe by then, Mr.  
23 Engelmann, our social relationship was much, I'll say,  
24 diminished. We were seeing much less of each other by  
25 then.

1                   **MR. ENGELMANN:** All right. Can you just  
2 give us a sense as to what might have happened there?

3                   **MR. ABELL:** Well, it really was -- I've  
4 alluded to a couple of times in other -- in other  
5 discussions we've had, that it was difficult to maintain a  
6 professional line with Perry and Helen.

7                   Also, they really -- the whole issue of the  
8 alleged conspiracy really began to take over their lives  
9 and I found that more and more there really wasn't anything  
10 else to talk about. And that was something I didn't really  
11 frankly want to get into in any specific depth or detail or  
12 any depth or detail.

13                   So it just -- it became difficult and so --  
14 really, I mean, we diverged, I mean, but I found myself  
15 slowly sort of pulling back in the relationship to the  
16 point where we really stopped seeing each other.

17                   **MR. ENGELMANN:** All right. Was there any  
18 social contact by this point, late '96, early '97?

19                   **MR. ABELL:** That I can't recall. I don't  
20 have a fixed time in my mind where we stopped being social  
21 friends. I'm not sure.

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

23                   **MR. ABELL:** It was gradual.

24                   **MR. ENGELMANN:** It happened over time?

25                   **MR. ABELL:** It was over time and it was



1 gradual, yes.

2 MR. ENGELMANN: And then he returned to the  
3 Cornwall Police Service in '97 and left here in about 2000?

4 MR. ABELL: Yes.

5 MR. ENGELMANN: Were you involved at or  
6 about the time he left?

7 MR. ABELL: No.

8 MR. ENGELMANN: All right.

9 MR. ABELL: I saw him the day he left. He  
10 said he was leaving, just happened to run into him on the  
11 street, but no, it had been some time since he and I had  
12 any contact ---

13 MR. ENGELMANN: All right.

14 MR. ABELL: --- before then.

15 MR. ENGELMANN: We'll come back to that.  
16 Let's just turn quickly then to Exhibit 734?  
17 Sir, this just appears to be you're noting  
18 up some of these calls?

19 MR. ABELL: Yes.

20 THE COMMISSIONER: Sorry. What exhibit  
21 again?

22 MR. ENGELMANN: It's 734, sir.

23 THE COMMISSIONER: Right. Sorry.

24 MR. ENGELMANN: It has Project Blue on the  
25 top, Note to File.

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

2                   **MR. ENGELMANN:** This is long after you've  
3 really concluded Project Blue work, is it not?

4                   **MR. ABELL:** Yes. I continued to use the  
5 title despite Mr. Carriere telling me we'd closed the  
6 project.

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

8                   **MR. ABELL:** It stuck in my head.

9                   **MR. ENGELMANN:** And he's giving you some  
10 background. He's again expressing concerns about the  
11 conflict of interest issue set out at paragraph 3; correct?

12                   **MR. ABELL:** Yes, I see that, yeah.

13                   **MR. ENGELMANN:** He's concerned ---

14                   **MR. ABELL:** Which ---

15                   **MR. ENGELMANN:** Sorry?

16                   **MR. ABELL:** --- which wasn't the case. This  
17 organizing a roast for Father Maloney at -- I recall one  
18 and I recall being there, but the CAS didn't organize it.

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

20                   He appears to have some concerns about if he  
21 turns over information to you that it's going to  
22 go to the Cornwall Police Service?

23                   **MR. ABELL:** Yes.

24                   **MR. ENGELMANN:** And does he tell you at this  
25 time that he's got a lawsuit going on behalf of Mr. Dunlop

1 against the Service?

2 MR. ABELL: I believe I knew that.

3 MR. ENGELMANN: Oh.

4 MR. ABELL: I'm quite sure I knew that by  
5 this time.

6 MR. ENGELMANN: All right.

7 And you reference, or you call Lenore Jones  
8 because of this matter to get advice with respect  
9 to Mr. Bourgeois's responsibilities?

10 MR. ABELL: I suggest - I see here I  
11 suggested that he, you know, he speak to Lenore Jones,  
12 yeah.

13 MR. ENGELMANN: Yeah. In fact, you suggest  
14 that he speak to her?

15 MR. ABELL: I do.

16 MR. ENGELMANN: Right.

17 MR. ABELL: According to this, yes.

18 MR. ENGELMANN: And he calls back and says  
19 he's spoken to her and if he has no present concerns about  
20 specific children, he has no duty to report?

21 MR. ABELL: Yes.

22 MR. ENGELMANN: All right. And he really  
23 didn't seem to want to give you specifics here?

24 MR. ABELL: He did not, and he persisted in  
25 not wanting to give me specifics.

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

2                   Then, sir, just to follow this up if we may?

3                   Again, Exhibit 735?

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** You write to him?

6                   **MR. ABELL:** Yes.

7                   **MR. ENGELMANN:** And you say in your final

8                   paragraph:

9                                    "With respect to your recent report of  
10                                   suspected pedophiles, it is our view  
11                                   that we have not been given 'the  
12                                   information on which it is based',  
13                                   which will be necessary if this Society  
14                                   is to carry out its mandate."

15                   **MR. ABELL:** Yes.

16                   **MR. ENGELMANN:** And, again, sir --- sorry?

17                   **MR. ABELL:** No.

18                   **MR. ENGELMANN:** And this is just confirming  
19                   the discussion back-and-forth?

20                   **MR. ABELL:** Yes.

21                   **MR. ENGELMANN:** And then I'm wondering,  
22                   Madam Clerk, if we could have from Document Number 721626,  
23                   Bates pages 902, that's 7080902 and 7080903. The Document  
24                   Number again, 721626; Bates pages 7080902 and 0903. I  
25                   would just like those two Bates pages, if possible. There

1 are several exhibits already.

2 Perhaps you could just hand the whole  
3 package to the witness? We can just refer him to those two  
4 Bates pages?

5 If the record could show, Mr. Commissioner,  
6 all I'm seeking to do is enter a two-page reference from a  
7 document number. They refer to a meeting on December 24<sup>th</sup>,  
8 1996, Notes from Richard Abell.

9 And then, again, Notes of Richard Abell from  
10 January 14<sup>th</sup>, 19 -- I think it should be -- sorry, December  
11 24<sup>th</sup>, 1996 and it's January 14<sup>th</sup>, '97; Bates pages 7080902  
12 and 03 from Document Number 721626.

13 **THE COMMISSIONER:** All right then.

14 Those two pages will be Exhibit Number 2464.

15 **--- EXHIBIT NO./PIECE NO. P-2464:**

16 (721626) Notes to File by Richard Abell  
17 re: Project Blue dated December 24,  
18 1996 & Handwritten Notes of Richard  
19 Abell dated January 14, 1997

20 **MR. ENGELMANN:** Mr. Abell, if you could  
21 start at Bates page 903?

22 **MR. ABELL:** Yeah, I have it.

23 **MR. ENGELMANN:** After your call with Mr.  
24 Bourgeois and your letter to him -- you meet with both Mr.  
25 Carriere and Ms. MacLennan?

1 MR. ABELL: Yes.

2 MR. ENGELMANN: You note the -- sorry, you  
3 note the decision after that meeting to write to him about  
4 the duty of report -- duty to report provisions?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: And you also say, sir --  
7 also:

8 "Discussion of what action, if any, we  
9 can take on the name of the teacher..."

10 MR. ABELL: Yes.

11 MR. ENGELMANN: "...we have now been given  
12 on three occasions. Silmsler referral."  
13 And then you have a mention of C-8 case,  
14 that's a fellow with a moniker here.

15 MR. ABELL: Yes.

16 MR. ENGELMANN: And then the Bourgeois list.

17 MR. ABELL: Okay.

18 MR. ENGELMANN: And you're, again, referring  
19 now by this to the teacher being Marcel Lalonde?

20 MR. ABELL: I believe so.

21 MR. ENGELMANN: Right. And the decision  
22 you're saying:

23 "We will first make an attempt to speak  
24 to C-8."

25 MR. ABELL: Yes.

1                   **MR. ENGELMANN:** And you go to the separate  
2 board with whatever comes of that effort as early in the  
3 school year as possible?

4                   **MR. ABELL:** Yes.

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

6                   And then, sir, the follow-up, you contact  
7 your supervisor in January of '97? Sorry, your program  
8 supervisor at the Ministry, Lenore Jones? This is at Bates  
9 page 902.

10                  **MR. ABELL:** I have that.

11                  **MR. ENGELMANN:** All right. And you review  
12 with her a phone conversation she has with Mr. Bourgeois?

13                  **MR. ABELL:** Yes.

14                  **MR. ENGELMANN:** And she told you that she  
15 would have told Mr. Bourgeois he can take his information  
16 to a variety of places if he didn't want to go to the CAS?

17                  **MR. ABELL:** I see that.

18                  **MR. ENGELMANN:** And those would include --  
19 and in particular, he didn't want the Cornwall Police  
20 informed?

21                  **MR. ABELL:** Yes.

22                  **MR. ENGELMANN:** And she apparently suggested  
23 to him he can go either to the OPP or to the Attorney  
24 General?

25                  **MR. ABELL:** Yes.

1                   **MR. ENGELMANN:** All right. And he tells her  
2                   that he's already taken the information in question to the  
3                   London Police?

4                   **MR. ABELL:** I see.

5                   **MR. ENGELMANN:** All right. And, sir, you're  
6                   aware that Mr. Dunlop's brief, if I can call it that, went  
7                   to the then head of the London Police, a man by the name of  
8                   Julian Fantino ---

9                   **MR. ABELL:** I was aware of that, yes.

10                  **MR. ENGELMANN:** --- in December of '96?

11                  **MR. ABELL:** Yes.

12                  **MR. ENGELMANN:** And that he, in fact,  
13                  dropped off documents at various ministries in April of  
14                  '97?

15                  **MR. ABELL:** I've learned that, yes.

16                  **MR. ENGELMANN:** All right. And, sir,  
17                  Exhibit 736 is Mr. Bourgeois's response to your letter of  
18                  December 23<sup>rd</sup>?

19                  Do you have Exhibit 736?

20                  **MR. ABELL:** Seven-three-six (736), excuse  
21                  me. I'm sorry, I do.

22                  **MR. ENGELMANN:** And he essentially tells you  
23                  that he's given you the information on which it is based?

24                  **MR. ABELL:** The 736 that I have is Bates 896  
25                  and that's a letter from me to Mr. Bourgeois.



1                   **MR. ENGELMANN:** Oh, there should be two  
2 pages. And if you could look at 897 first?

3                   **MR. ABELL:** Excuse me, I apologize. It's on  
4 the back.

5                   **MR. ENGELMANN:** I'm -- no, my apologies.

6                   **MR. ABELL:** Yeah, I have it.

7                   **MR. ENGELMANN:** Okay. So we'll start with  
8 your letter, go chronologically. You write to him February  
9 21<sup>st</sup>, 19 -- sorry, he writes to you February 21<sup>st</sup>, '97?

10                  **MR. ABELL:** Yes.

11                  **MR. ENGELMANN:** Saying he's given you ---

12                  **MR. ABELL:** Yes.

13                  **MR. ENGELMANN:** --- what you need? And that  
14 doesn't satisfy you?

15                  **MR. ABELL:** Yes.

16                  **MR. ENGELMANN:** And you write to him ---

17                  **MR. ABELL:** No, I should say no, it doesn't  
18 satisfy me.

19                  **MR. ENGELMANN:** Right. And you write to him  
20 on March 20<sup>th</sup>, '97?

21                  **MR. ABELL:** Yes.

22                  **MR. ENGELMANN:** And, again, you request  
23 information and you, in fact, outline reporting obligations  
24 under the *Child and Family Services Act*?

25                  **MR. ABELL:** Yes.

1                   **MR. ENGELMANN:** All right. And you say:  
2                    "I believe the matter can be very  
3                    simply resolved. I'm formally  
4                    requesting that for each of the named  
5                    'suspected pedophiles' you've provided  
6                    to us, you provide a detailed written  
7                    account that supports your concerns  
8                    regarding an individual."

9                    You go on?

10                  **MR. ABELL:** Yes.

11                  **MR. ENGELMANN:** It's my understanding he  
12                  does not do that?

13                  **MR. ABELL:** That's correct.

14                  **MR. ENGELMANN:** But you later learn that he  
15                  takes Ms. Jones up on one of those other options by going  
16                  to government ministries?

17                  **MR. ABELL:** He went elsewhere, that's  
18                  correct.

19                  **MR. ENGELMANN:** Okay.

20                  Sir, a couple of references to some other  
21                  contacts you would have had. If we could look at Exhibit  
22                  2462?

23                  I'll be looking at various references  
24                  between Bates pages 505 and 516 which describe a lot of  
25                  activity that takes place in or around the same time. And

1 this is May of 1997.

2 MR. ABELL: I see that.

3 MR. ENGELMANN: All right.

4 And there's some action on a lawsuit and  
5 some people provide you with demands for particulars and  
6 other documents from a lawsuit?

7 MR. ABELL: That's correct.

8 MR. ENGELMANN: And at the same time, you  
9 have officials from the Diocese coming to see you with  
10 information?

11 MR. ABELL: Yes.

12 MR. ENGELMANN: You have officials from the  
13 Cornwall Police coming to see you with information? And  
14 lot of this is information they're getting from the  
15 lawsuit?

16 MR. ABELL: Yes.

17 MR. ENGELMANN: And this is the lawsuit that  
18 Mr. Bourgeois has filed on behalf of Mr. Dunlop?

19 MR. ABELL: Correct.

20 MR. ENGELMANN: And, in addition, the other  
21 thing that's happening at or around this time is that the  
22 OPP has announced it's investigating Project Truth?

23 MR. ABELL: Correct.

24 MR. ENGELMANN: And that's in play?

25 MR. ABELL: Yes.

1                   **MR. ENGELMANN:** All right. So, for example,  
2                   at Bates page 508 ---

3                   **MR. ABELL:** Yes.

4                   **MR. ENGELMANN:** --- you have a phone call  
5                   from Tim Smith ---

6                   **MR. ABELL:** Yes.

7                   **MR. ENGELMANN:** --- OPP?

8                   **MR. ABELL:** Yes.

9                   **MR. ENGELMANN:** And he's talking to you  
10                  about new allegations, prominent people, et cetera?

11                  **MR. ABELL:** Yes.

12                  **MR. ENGELMANN:** And he's talking about the  
13                  fact that he's reinvestigating the whole issue?

14                  **MR. ABELL:** Yes.

15                  **MR. ENGELMANN:** And is this your first  
16                  contact from him about Project -- what's known as Project  
17                  Truth?

18                  **MR. ABELL:** I believe so.

19                  **MR. ENGELMANN:** All right. And he's  
20                  indicating to you that he's got three officers full time,  
21                  Long Sault, and that he's going to be looking at  
22                  allegations involving prominent people?

23                  **MR. ABELL:** Yes.

24                  **MR. ENGELMANN:** And these are allegations of  
25                  sexual abuse of young people?

1 MR. ABELL: Yes.

2 MR. ENGELMANN: All right.

3 And I note at page 509, he also suggests  
4 that -- something about work jointly, but OPP to be the  
5 lead agency?

6 MR. ABELL: That's correct.

7 MR. ENGELMANN: And as well, sir, at page  
8 510, is this a call with then Chief Tony Repa?

9 MR. ABELL: It was.

10 MR. ENGELMANN: And did he advise you that  
11 Tim Smith had called him or were you just advising him  
12 about Tim Smith's call to you?

13 MR. ABELL: I'm not sure how that is to be  
14 read. "Tim Smith called you." It sounds like he's telling  
15 me that Inspector Smith called me but I don't why he'd do  
16 that. So, I'm not sure.

17 MR. ENGELMANN: All right. In any event,  
18 you go through with him some of the information that you've  
19 gleaned from Tim Smith?

20 MR. ABELL: Yes.

21 MR. ENGELMANN: So he's aware of the fact  
22 that this is going on as well?

23 MR. ABELL: Yes.

24 MR. ENGELMANN: And he indicates to you that  
25 his staff is getting demands for particulars and this is

1 from this lawsuit. Is that correct?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: And asking whether  
4 everything should be sent to the CAS?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: He's telling you that he's  
7 sending material to Tim Smith?

8 MR. ABELL: Yes.

9 MR. ENGELMANN: And he'll also send it to  
10 you?

11 MR. ABELL: Yes.

12 MR. ENGELMANN: All right.

13 Sir, also at that time, Bates page 511, you  
14 have a visit from Kevin Maloney and Monsignor McDougald?

15 MR. ABELL: Yes.

16 MR. ENGELMANN: And they also want to now  
17 give you information from the civil suit. So you're  
18 getting the same information from different sources?

19 MR. ABELL: We were quite popular at that  
20 point.

21 MR. ENGELMANN: Yes. And this is all at or  
22 around the time that everybody knows that Project Truth has  
23 just got going?

24 MR. ABELL: That's correct.

25 MR. ENGELMANN: "Everybody" being the

1 Diocese, the Cornwall Police Service and yourselves?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: All right.

4 And, again, the material that is being  
5 explained to you by Father Maloney and Monsignor McDougald,  
6 that is the Dunlop brief that's been given to Chief Fantino  
7 in London? Is that your understanding?

8 MR. ABELL: Yes.

9 MR. ENGELMANN: All right. And you talk  
10 about follow-up with him ---

11 MR. ABELL: Could you just back up on that?

12 MR. ENGELMANN: Yes.

13 MR. ABELL: On the material that was  
14 provided to Chief Fantino.

15 MR. ENGELMANN: Yes?

16 MR. ABELL: I want to make sure I understood  
17 your question because I'm not sure I did after I said  
18 "yes". Can you just play that back, your last piece there?

19 MR. ENGELMANN: I was just wondering if  
20 what's being discussed here:

21 "They have material arising from the  
22 civil suit. Contains allegations  
23 against numerous clergy including  
24 themselves. They want to cooperate;  
25 will make the material available if we

1                                    want it. Told them I'd get back to  
2                                    them."

3                   **MR. ABELL:** Okay.

4                   **MR. ENGELMANN:** Is this ---

5                   **MR. ABELL:** Well, I'm sorry, I wasn't clear.

6                   What Father Kevin Maloney and Monsignor McDougald were  
7                   providing was the material that came out of the lawsuit,  
8                   but that's not the same as the material that was provided  
9                   by Perry Dunlop to Chief Fantino. I mean, the lawsuit was  
10                   based on that. I think you called it a brief?

11                   **MR. ENGELMANN:** Yes.

12                   **MR. ABELL:** So it's not -- they didn't have  
13                   the brief.

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

15                   **MR. ABELL:** They had ---

16                   **MR. ENGELMANN:** They had a demand for  
17                   particulars from a lawsuit ---

18                   **MR. ABELL:** They would have had, what's a --  
19                   statement of claim and demand for whatever.

20                   **MR. ENGELMANN:** Right. And perhaps ---

21                   **MR. ABELL:** Whatever they ---

22                   **MR. ENGELMANN:** Sorry?

23                   **MR. ABELL:** Out of the civil action that was  
24                   launched. That's the material they had.

25                   **MR. ENGELMANN:** Okay.



1 MR. ABELL: Not the ---

2 MR. ENGELMANN: Not the brief itself?

3 MR. ABELL: --- the brief itself.

4 MR. ENGELMANN: Fair enough.

5 MR. ABELL: My understanding -- sorry.

6 MR. ENGELMANN: Was it your understanding  
7 that the lawsuit in that material was based on ---

8 MR. ABELL: Correct.

9 MR. ENGELMANN: --- material from the brief?

10 MR. ABELL: Exactly, yes.

11 MR. ENGELMANN: Okay.

12 And, sir, your notes indicate on May 21<sup>st</sup>,  
13 1997 an office visit by Inspector Smith, Constable Steve  
14 Seguin and Don Genier from the OPP?

15 MR. ABELL: Correct.

16 MR. ENGELMANN: And if you flip over to --  
17 that's on Bates page 511 -- if you flip over to Bates page  
18 513?

19 MR. ABELL: Yes.

20 MR. ENGELMANN: You have some notes of that  
21 meeting?

22 MR. ABELL: Yes.

23 MR. ENGELMANN: And you set out a number of  
24 things that are going to take place?

25 MR. ABELL: Yes.

1                   **MR. ENGELMANN:** And this is Inspector Smith  
2 essentially telling you what his plan is. Is that fair?

3                   **MR. ABELL:** Well, he certainly gave us his  
4 plan. We also had, I thought, a good discussion about how  
5 the two of us would fit together around this thing, so it  
6 wasn't just a dictate.

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

8                   **MR. ABELL:** And I found him open to -- you  
9 know, it came to us in a very collaborative stance.

10                  **MR. ENGELMANN:** All right. But he had a set  
11 idea on how to proceed?

12                  **MR. ABELL:** Oh, yeah. Yeah.

13                  **MR. ENGELMANN:** And you found it acceptable  
14 at that time?

15                  **MR. ABELL:** We did, yes.

16                  **MR. ENGELMANN:** You didn't disagree with it?

17                  **MR. ABELL:** No, no.

18                  **MR. ENGELMANN:** And what was set out,  
19 essentially, is set out in paragraphs (a) through (j) in  
20 your notes?

21                  **MR. ABELL:** Yes, yes.

22                  **MR. ENGELMANN:** And this is after he leaves  
23 the Bourgeois binder with you?

24                  **MR. ABELL:** That's when he did, yes.

25                  **MR. ENGELMANN:** Yeah, or binders? And

1           there's a reference that:

2                               "Bill will go and do some interview  
3                               tapes."

4           **MR. ABELL:**   Yes.

5           **MR. ENGELMANN:**  Is that Bill Carriere?

6           **MR. ABELL:**   Yes, that's correct.

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

8           And you talk about a number of things.

9                               "They say that they're going to be  
10                              interviewing Ron Leroux."

11           Correct?

12           **MR. ABELL:**   Yes.

13           **MR. ENGELMANN:**  Without your presence but  
14           you can provide questions if you'd like?

15           **MR. ABELL:**   Yes.

16           **MR. ENGELMANN:**  They're going to give you  
17           all records of interviews?

18           **MR. ABELL:**   Yes.

19           **MR. ENGELMANN:**  Did that happen, sir?

20           **MR. ABELL:**   No, it didn't happen.  There's a  
21           few things that didn't happen and that was one of them.

22           **MR. ENGELMANN:**  Yeah.

23           **MR. ABELL:**   I mean, that would have been  
24           from our point-of-view a physical impossibility.

25           **MR. ENGELMANN:**  Right.  Perhaps that's

1 something that you in hindsight didn't want to happen. Did  
2 you know that they did hundreds of interviews?

3 MR. ABELL: Oh, I -- well, it was over  
4 years.

5 MR. ENGELMANN: Yeah.

6 MR. ABELL: And they had a team of  
7 investigating officers so I -- I mean, I had a sense of the  
8 volume. I had a few chats with the officers from Project  
9 Truth and certainly it sounded to me as if it was  
10 extensive, very extensive.

11 MR. ENGELMANN: But that was something that  
12 Inspector Smith was suggesting at that time?

13 MR. ABELL: Yes, he was open to it.

14 MR. ENGELMANN: Okay. Well, it says:

15 "...will give us all records of  
16 interviews".

17 MR. ABELL: Yeah. Now, as I read that  
18 again, he will give it to us. That was an offer, "We will  
19 give it to you if you want it" kind of thing.

20 MR. ENGELMANN: It goes on:

21 "Keep in close contact..."

22 MR. ABELL: Yes.

23 MR. ENGELMANN: "...so as not to create  
24 any coordination difficulties."

25 MR. ABELL: Yes.

1                   **MR. ENGELMANN:** "Proceed with our work  
2                                   without any fear of causing problems  
3                                   for the police investigation."

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** "Attempt to interview Tom  
6                                   Swabey who was counsel for Father Kevin  
7                                   and some of the other priests."

8                   **MR. ABELL:** Yes.

9                   **MR. ENGELMANN:** "Speak to senior church  
10                                  officials re access of the accused  
11                                  kids."

12                   **MR. ABELL:** And perhaps it's obvious but  
13                   "we" being CAS.

14                   **MR. ENGELMANN:** Right.

15                   **MR. ABELL:** Yes.

16                   **MR. ENGELMANN:** "CAS to explore treatment  
17                                  resources for any victims who come  
18                                  forward."

19                   **MR. ABELL:** Yes.

20                   **MR. ENGELMANN:** And that was to be  
21                   coordinated?

22                   **MR. ABELL:** I beg your pardon?

23                   **MR. ENGELMANN:** That was to be coordinated?  
24                   They were going to give you a heads-up on who these people  
25                   were so that ---

1                   **MR. ABELL:** Presumably, yes. We'd have to  
2 know to help them, yes.

3                   **MR. ENGELMANN:** And there's a response to  
4 media set out?

5                   **MR. ABELL:** Yes.

6                   **MR. ENGELMANN:** And it says:

7                                "If CAS approached by victims, we will  
8 take statement and encourage  
9 individuals to speak to police."

10                   **MR. ABELL:** Yes.

11                   **MR. ENGELMANN:** And:

12                                "Police will inform victims they see  
13 that they are working with us. These  
14 people should also talk with us."

15                   **MR. ABELL:** Yes.

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

17                                Was this ever formalized in any kind of a  
18 document, sir?

19                   **MR. ABELL:** No, it wasn't. Certainly, in  
20 looking at it in preparation, it strikes me that this  
21 warranted at least a follow-up letter from me to Inspector  
22 Smith to say we met on so-and-so and here's my  
23 understanding.

24                                Another format would have been to actually  
25 put it into agreement form and ---

1                   **MR. ENGELMANN:** In some kind of protocol for  
2                   how this would proceed?

3                   **MR. ABELL:** Protocol or written  
4                   understanding or whatever term we had chosen to use, but  
5                   basically formalize the thing.

6                   **MR. ENGELMANN:** And how could a more formal  
7                   arrangement have assisted? We know that Project Truth went  
8                   on for many years.

9                   **MR. ABELL:** It did. Again, in hindsight, to  
10                  do it all over again, I think if we had had an agreement  
11                  document or protocol, as you term it, I think that would  
12                  have put us closer to going onto a project basis along the  
13                  line of Project Truth -- of Blue, excuse me.

14                  This was a lengthy and an intensive  
15                  undertaking by the OPP and was one that was unique in my  
16                  experience, in that we had an understanding right from the  
17                  start that the OPP were going to carry this and completely.  
18                  So we had a number of historical allegations and we came to  
19                  a real division of responsibilities. For a CAS to step  
20                  back, it's a significant -- I think a significant  
21                  development on our part.

22                  So that really, I guess where I'm going with  
23                  this is I could feel that in agreement form and on a  
24                  project basis, we would have done more formalized follow-up  
25                  in terms of meeting -- much as you saw on Project Blue

1        what's happened, what's coming up. And there might have  
2        been very little that we knew because we obviously were  
3        working with them and they had the bulk of the work. But  
4        it just seems to me it needed more sort of shaping than we  
5        actually did in the event.

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

7                    We know, and perhaps come to some of it,  
8        that you were contacted typically just before people were  
9        to be charged?

10                   **MR. ABELL:** Yes, that was one. We also  
11        were, from time-to-time, getting requests for us to review  
12        our files. They would have names ---

13                   **MR. ENGELMANN:** Yes.

14                   **MR. ABELL:** --- of alleged perpetrators,  
15        alleged victims, and they would want to know what do we  
16        have on our records, if anything.

17                   **MR. ENGELMANN:** And aside an OPP contact  
18        providing you with information just before an arrest ---

19                   **MR. ABELL:** Yes.

20                   **MR. ENGELMANN:** --- there was information  
21        flowing the other way?

22                   **MR. ABELL:** Yes, there was, yes.

23                   **MR. ENGELMANN:** And you indicated to us that  
24        you were almost happy you didn't get all of their interview  
25        statements and that it would have been impossible for you



1 to deal with that or difficult ---

2 MR. ABELL: We had troubles storing our own  
3 materials, frankly.

4 MR. ENGELMANN: What about being advised of  
5 names of alleged perpetrators that were not being  
6 investigated or they decided not to charge?

7 MR. ABELL: I think that, and possibly other  
8 aspects of their investigation, is something we might have  
9 picked up if we'd had a more formalized structure through a  
10 straight track and on top of what was developing.

11 MR. ENGELMANN: Is that something you would  
12 have liked to have had to perhaps assess if there was a  
13 risk to children in some of those cases?

14 MR. ABELL: Yeah. Now, again, it's -- you  
15 know, it's that very clear hindsight.

16 And I can assure you that my own perception  
17 -- I can't speak for my managers -- but from my own  
18 perspective we had an unprecedented police -- level of  
19 police activity on this matter and I, to put it very  
20 plainly, I was very glad that they were doing it and not  
21 us.

22 MR. ENGELMANN: Sir, from time-to-time, you  
23 gave information back to them and let me just give you a  
24 few examples.

25 There was an interview or a call from a

1           fellow by the name of Richard Nadeau?

2                   **MR. ABELL:** Yes.

3                   **MR. ENGELMANN:** And do you recall after that  
4 referring that information to Pat Hall of the OPP?

5                   **MR. ABELL:** I believe I did, yes.

6                   **MR. ENGELMANN:** And, sir, information that  
7 would have been provided from time-to-time would include  
8 them providing you with information about bail conditions  
9 with respect to Jacques Leduc just before his bail hearing?

10                  **MR. ABELL:** I believe I recall that, yes.

11                  **MR. ENGELMANN:** Also, they would have  
12 provided you with information, I think the day of or the  
13 day before, the arrest of several individuals as alleged  
14 perpetrators, a fellow by the name of Claude Marleau in  
15 July of 1998?

16                  **MR. ABELL:** That sounds familiar, yes. We  
17 also, if I may, just had agreed to jointly promote the  
18 public messaging that Project Truth was underway and also  
19 that we were interested in hearing from anybody who had  
20 information.

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

22                               And just as an example of this, if we could  
23 look at Document Number 721625?

24                               **(SHORT PAUSE/COURTE PAUSE)**

25                               **THE COMMISSIONER:** Thank you.

1 Exhibit Number 2465 is notes of Richard  
2 Abell and the first date on it is the 12<sup>th</sup> of March, 1999.

3 **MR. ENGELMANN:** Sir, this will need a  
4 publication ban stamp.

5 **THE COMMISSIONER:** Publication ban stamp  
6 ordered.

7 --- **EXHIBIT NO./PIÈCE NO. P-2465:**

8 (721625) - Notes of Richard Abell re  
9 "Project Blue", Volume II, re notes and  
10 media

11 **MR. ENGELMANN:** Sir, as I understand it, on  
12 Bates page of 747748 you are being given some information  
13 by Pat Hall with respect to alleged victims, or confirmed  
14 victims, of a fellow by the name of Jean-Luc Leblanc?

15 **MR. ABELL:** On 748 -- 747, 748?

16 **MR. ENGLEMANN:** Yes. And if it helps, sir,  
17 you can move on to 749.

18 **MR. ABELL:** Well, these are individuals and  
19 charges to be laid. I don't believe -- my understanding,  
20 these aren't victims.

21 **MR. ENGLEMANN:** Sir, if we look at Bates  
22 page 747 ---

23 **MR. ABELL:** Seven four seven (747), yes.

24 **MR. ENGLEMANN:** --- this is one of the  
25 individuals that ---

1 MR. ABELL: Okay.

2 MR. ENGLEMANN: --- he allegedly  
3 assaulted ---

4 MR. ABELL: Yes.

5 MR. ENGLEMANN: --- between the dates in  
6 question. You have her age ---

7 MR. ABELL: Yes, okay, and these are charges  
8 related to the individuals; I'm sorry.

9 MR. ENGLEMANN: Right.

10 MR. ABELL: Yes, I've got it.

11 MR. ENGLEMANN: Okay. So this would be an  
12 example of some of the information that would be provided  
13 to you?

14 MR. ABELL: My apologies, yes. I see what  
15 you mean.

16 MR. ENGLEMANN: Right. And if we look at  
17 Bates page 749, you're getting information on charges that  
18 are going to be laid vis-à-vis Jacques Leduc?

19 MR. ABELL: Yes, okay. Now, yes.

20 MR. ENGLEMANN: And some of the others?

21 MR. ABELL: Yes.

22 MR. ENGLEMANN: Bates page 750, that would  
23 be charges vis-à-vis Malcolm MacDonald et cetera?

24 MR. ABELL: Yes.

25 MR. ENGLEMANN: Okay. And, sir, a couple of

1 other things, if I may, with respect to this. If we could  
2 look at 721703. It's a cross document, I'm sorry; 721703.

3 **THE COMMISSIONER:** Thank you. Exhibit 2466  
4 is a document; again Richard Abell's notes, and it's  
5 document 721703.

6 **---EXHIBIT NO./PIÈCE NO P-2466:**

7 (721703) Notes of Richard Abell dated 26 Jan  
8 98

9 **MR. ENGLEMANN:** Sir, again, we'll need the  
10 publication ban stamp for some of the names that are on ---

11 **THE COMMISSIONER:** All right.

12 **MR. ENGLEMANN:** --- the second Bates page.

13 Sir, is this information you were receiving  
14 in the fall of 1997 with respect to a press conference that  
15 the OPP has held?

16 **MR. ABELL:** Yes.

17 **MR. ENGLEMANN:** All right. And you're  
18 discussing some of the strategy in dealing with the  
19 press ---

20 **MR. ABELL:** Yes. Well ---

21 **MR. ENGLEMANN:** --- with the OPP?

22 **MR. ABELL:** --- some of what came up during  
23 the press conference, and then a kind of a strategy.

24 **MR. ENGLEMANN:** All right.

25 **MR. ABELL:** Some themes.

1                   **MR. ENGLEMANN:** And there's a comment there,  
2                   and the answer, "Should the press call us, yes, the 18  
3                   other people named in the Dunlop binder"?

4                   **MR. ABELL:** Yes.

5                   **MR. ENGLEMANN:** All right, and again there's  
6                   a common theme that's to be utilized, at the bottom?

7                   **MR. ABELL:** Yes.

8                   **MR. ENGLEMANN:** All right. And again  
9                   there's some information that's being provided to you, I  
10                  believe with respect to new complainants, and this is  
11                  dealing with Father Charles MacDonald. And again, it  
12                  appears this is getting to you the day before he's about to  
13                  be charged.

14                  **MR. ABELL:** Yes.

15                  **MR. ENGLEMANN:** All right. So again that  
16                  seems to be a pattern.

17                  **MR. ABELL:** Yes.

18                  **MR. ENGLEMANN:** And, sir, just an example of  
19                  perhaps some of the information going the other way, if you  
20                  could look at -- it's Document Number 738480; 738480.  
21                  These are notes of an intake, sir, involving an individual  
22                  who I believe is monikered here. We will need a  
23                  publication ban stamp.

24                  **THE COMMISSIONER:** Merci. Exhibit 2467 is  
25                  the Multiservice Reporting System and the first date is ---

1                   **MR. ENGLEMANN:** I believe it's in 1993, sir.

2                   **THE COMMISSIONER:** Yes, it's the third day  
3 of the tenth month -- no, sorry -- 3<sup>rd</sup> of May, 1993.

4                   **---EXHIBIT NO./PIÈCE NO P-2467:**

5                               (738480) Multiservice Reporting System  
6                               Intake Record dated 31 May 93

7                   **MR. ENGLEMANN:** Mr. Abell, if you'll look at  
8 the second page, there's a reference to an intake on the  
9 31<sup>st</sup> of May, 1993.

10                   **MR. ABELL:** Yes.

11                   **MR. ENGLEMANN:** I believe that is actually  
12 the date, sir ---

13                   **MR. ABELL:** Yes.

14                   **MR. ENGLEMANN:** --- 31 May?

15                   **MR. ABELL:** Yes.

16                   **MR. ENGLEMANN:** It talks about a former  
17 ward, I believe, who came in and alleged abuse by a child  
18 care worker ---

19                   **MR. ABELL:** Yes.

20                   **MR. ENGLEMANN:** --- in a group home?

21                   **MR. ABELL:** Yes.

22                   **MR. ENGLEMANN:** A fellow by the name of  
23 Brian Dufour. Do you see that?

24                   **MR. ABELL:** I do.

25                   **MR. ENGLEMANN:** And this was back in 1993,

1 and the OPP is seeking information in or around the year  
2 2000. We have -- if you can see, it's Bates pages 7168342  
3 and 343. This is an example of providing some information  
4 from your files to an officer by the name of Joe Dupuis ---

5 MR. ABELL: Yes.

6 MR. ENGLEMANN: --- who was working on this  
7 matter?

8 MR. ABELL: Yes.

9 MR. ENGLEMANN: All right.

10 Sir, I'd like to briefly deal with the  
11 matter involving Father René Dubé.

12 MR. ABELL: Yes.

13 MR. ENGLEMANN: Do you recall having an  
14 exchange with Bishop LaRocque at or around the time  
15 Father Dubé was charged in the summer of 1999?

16 MR. ABELL: I do.

17 MR. ENGLEMANN: If we could look at  
18 exhibit 2462? I'll just be a moment.

19 (SHORT PAUSE/COURTE PAUSE)

20 MR. ENGLEMANN: Sir, I believe if we look at  
21 Bates page 502, we have information coming in ---

22 MR. ABELL: Sorry?

23 MR. ENGLEMANN: --- in a telephone call.

24 MR. ABELL: Sorry, do I have that?

25 THE COMMISSIONER: Yes, 2462.



1                   **MR. ABELL:** Oh, excuse me, I do. Asleep at  
2                   the switch -- I apologize.

3                   **THE COMMISSIONER:** And 50?

4                   **MR. ENGLEMANN:** Five zero two (502).

5                   **MR. ABELL:** Yes, 2462 and 502, okay.

6                   **MR. ENGLEMANN:** Of a call coming in from  
7                   Staff Sergeant Carter to inform either Bill Carriere or  
8                   Richard Abell that Father Dubé has been charged, and this  
9                   is by the Montreal Police?

10                  **MR. ABELL:** Yes.

11                  **MR. ENGLEMANN:** And when he's to be  
12                  appearing in court.

13                  **MR. ABELL:** Yes.

14                  **MR. ENGLEMANN:** He's letting you know, he  
15                  says, that Inspector Hall maybe be doing so as well.

16                  **MR. ABELL:** Yes.

17                  **MR. ENGLEMANN:** Right?

18                  And then, sir, we have your notes at Bates  
19                  page 504.

20                  **MR. ABELL:** Yes.

21                  **MR. ENGLEMANN:** And are these notes of a  
22                  call with Bishop LaRocque?

23                  **MR. ABELL:** I don't see a title on here.

24                  **MR. ENGLEMANN:** Just have a look at them  
25                  quickly.

1                   **MR. ABELL:** Yes, I can see reference to  
2                   the -- yes.

3                   **MR. ENGLEMANN:** All right. So the reference  
4                   to, "Let's shoulder together this false allegation," et  
5                   cetera, those would be comments he's making to you?

6                   **MR. ABELL:** They are, yes.

7                   **MR. ENGLEMANN:** All right. And you're  
8                   recommending that he should be safe about this. You say,  
9                   "Read the protocol. Bishop had freedom to refuse the  
10                  resignation," and you have a question mark. Is that  
11                  something he's asserting to you, or do you recall?

12                  **MR. ABELL:** I don't recall.

13                  **MR. ENGLEMANN:** All right. Well, if we look  
14                  quickly at a couple of letters ---

15                  **THE COMMISSIONER:** Well, just a second. At  
16                  the bottom of that page there's this whole thing about,  
17                  "Let's shoulder together this false accusation." Is  
18                  that ---

19                  **MR. ABELL:** That's the Bishop speaking to  
20                  me.

21                  **THE COMMISSIONER:** Okay.

22                  **MR. ABELL:** Yes.

23                  **THE COMMISSIONER:** Go ahead.

24                  **MR. ENGLEMANN:** If you look at Bates  
25                  page 476, sir? Just for the record, this is also

1 exhibit 2124 but it's right here.

2 THE COMMISSIONER: So what page again?

3 MR. ENGLEMANN: Bates page 476.

4 THE COMMISSIONER: M'hm, got it.

5 MR. ENGLEMANN: Of the exhibit, and this is  
6 2462 I'm in.

7 Sir, this is your letter to Bishop LaRocque?

8 MR. ABELL: Yes.

9 MR. ENGLEMANN: And in the letter you're  
10 urging him to accept Father Dubé's resignation?

11 MR. ABELL: Yes.

12 MR. ENGELMANN: And that is because you're  
13 referring to his protocol?

14 MR. ABELL: Among other things, yes.

15 MR. ENGELMANN: Which says:

16 "A reading of your protocol informs me  
17 you have discretion in the  
18 circumstances, although four of the  
19 five situations cited which would  
20 support the decision to suspend ..."

21 MR. ABELL: Yes.

22 MR. ENGELMANN: And you're referring, sir,  
23 to what we see at Bates page 481 under Phase 4? Is that  
24 correct?

25 MR. ABELL: Yes.

1                   **MR. ENGELMANN:** All right. So that's really  
2                   what you're recommending to him, is it not; that he should  
3                   accept this resignation?

4                   **MR. ABELL:** Well, I mean, on the basis of  
5                   his own protocol and the safety of the children.

6                   **MR. ENGELMANN:** Yes. And that is your  
7                   consideration.

8                   **MR. ABELL:** Which is my ---

9                   **MR. ENGELMANN:** Right.

10                  **MR. ABELL:** Yes. I mean, I'm not just --  
11                  not, you know, a technician saying You've got to follow  
12                  your protocol.

13                  **MR. ENGELMANN:** Right.

14                  **MR. ABELL:** This is not just procedural.  
15                  This is a matter of my concern being expressed to him  
16                  directly, that there's the risk issue here for children.

17                  **MR. ENGELMANN:** That's the whole reason you  
18                  got involved in the first place, by contacting him on this  
19                  matter.

20                  **MR. ABELL:** Yes, yes, that's correct.

21                  **MR. ENGELMANN:** Correct?

22                  **MR. ABELL:** Yes.

23                  **MR. ENGELMANN:** He wasn't contacting you  
24                  seeking advice, you were calling him, or do you remember?

25                  **MR. ABELL:** No, he -- I believe it began

1 with him calling me.

2 MR. ENGELMANN: Okay, fair enough.

3 MR. ABELL: I have a recollection of him  
4 calling me ---

5 MR. ENGELMANN: All right.

6 MR. ABELL: --- and telling me, and then if  
7 I -- if I've got this right, what I recall him saying was  
8 he believed Father Dubé.

9 MR. ENGELMANN: Yes.

10 MR. ABELL: And he believed very strongly.  
11 He believed he had evidence that Father Dubé was falsely  
12 accused and that on that basis he wasn't going to step him  
13 down. So that started the discussion.

14 MR. ENGELMANN: Did he give you any sense as  
15 to what that evidence was or that he'd shared it with  
16 anybody?

17 MR. ABELL: He did. I believe he talked  
18 about dates being wrong, that the accusation didn't line up  
19 with what he knew about Father Dubé's history. The  
20 specifics I don't recall.

21 MR. ENGELMANN: All right.

22 MR. ABELL: But I'm pretty sure it was, in  
23 his view, wrongly placed in time.

24 MR. ENGELMANN: All I'm suggesting that  
25 anybody else would have confessed to him that they had done

1 this or that someone else had done this?

2 MR. ABELL: No, not that I recall. No.

3 MR. ENGELMANN: All right.

4 As an alternative to accepting the  
5 resignation, in the next paragraph of your letter at Bates  
6 476, you say:

7 "In the event you should decide to  
8 maintain Father Dubé in his present  
9 assignment ..."

10 And you suggest some conditions.

11 MR. ABELL: Yes.

12 MR. ENGELMANN: Is that fair?

13 MR. ABELL: Yes.

14 MR. ENGELMANN: And was that your  
15 alternative?

16 MR. ABELL: Yes, it would be a step back.

17 MR. ENGELMANN: All right.

18 MR. ABELL: I mean, I'm giving him an  
19 option. It's one that frankly put him on the hook.

20 MR. ENGELMANN: All right. But it wasn't  
21 your preference in the circumstances?

22 MR. ABELL: No.

23 MR. ENGELMANN: And then at Bates page 478,  
24 you were copied with his response to Father Dubé?

25 MR. ABELL: Four-seven-eight (478)? Yes.

1 Yes, thank you.

2 MR. ENGELMANN: And he relies on your  
3 alternative?

4 MR. ABELL: Yeah.

5 MR. ENGELMANN: Right? He doesn't refer to  
6 accepting a resignation. In fact, he doesn't accept the  
7 resignation ---

8 MR. ABELL: No, he ---

9 MR. ENGELMANN: --- but says some measures  
10 should be put in place.

11 MR. ABELL: He puts some -- yeah, some steps  
12 in place, yes.

13 MR. ENGELMANN: All right. Sir, in the --  
14 I'll just be a moment.

15 In or around the year 2000 and, in fact, in  
16 June of 2000, are you interviewed by Officers Hall and  
17 Dupuis of the Ontario Provincial Police?

18 MR. ABELL: I was.

19 MR. ENGELMANN: All right. Had you been  
20 interviewed before in this process?

21 MR. ABELL: Not in a formal sense.

22 MR. ENGELMANN: All right. And, sir, do you  
23 recall if you were asked -- or if you were provided with  
24 some questions prior to the interview?

25 MR. ABELL: I don't recall, but the record

1 certainly indicates to me that I was.

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

3 And if I could have the witness see Document  
4 Number 711910?

5 **THE COMMISSIONER:** Thank you.

6 Exhibit Number 2468 is a statement of  
7 Richard Abell.

8 **MR. ENGELMANN:** Sir, I believe these are  
9 questions for Mr. Abell.

10 **THE COMMISSIONER:** Okay, okay, yes. So  
11 Exhibit 2468.

12 --- **EXHIBIT NO./PIÈCE NO. P-2468:**

13 (711910) Questions to Richard Abell from OPP

14 **MR. ENGELMANN:** Mr. Abell, I think you  
15 couldn't remember perhaps until you saw this document that,  
16 in fact, you had been provided with these questions in  
17 advance. Do I understand that?

18 **MR. ABELL:** Even seeing it again, I don't  
19 recall getting it and preparing.

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

21 **MR. ABELL:** But, again, I have no question  
22 that I did.

23 **MR. ENGELMANN:** Okay. Because in the  
24 interview itself, starting on page 2, which is Bates  
25 page 774, Inspector Hall says at the end of his first



1 reference -- and, I'm sorry, I'm on Exhibit -- I'm on the  
2 interview itself. I don't think I've entered it.

3 **THE COMMISSIONER:** No, you haven't.

4 **MR. ENGELMANN:** I apologize; 711908.

5 **MR. ABELL:** And do I have that?

6 **THE COMMISSIONER:** No, you'll get that in a  
7 second.

8 **MR. ABELL:** Okay, thank you.

9 **MR. ENGELMANN:** I apologize, Mr. Abell.

10 I'm trying to meet a deadline that I see I'm  
11 not going to meet.

12 **THE COMMISSIONER:** Thank you.

13 Exhibit 2469 is the Audiotaped Interview  
14 Report of Richard Abell on June 20<sup>th</sup>, 2000.

15 **--- EXHIBIT NO./PIÈCE NO. P-2469:**

16 (711908) Audiotaped Interview Report dated  
17 20 Jun 00

18 **MR. ENGELMANN:** Sir, if you'll see on the  
19 second page, Bates page 774, the first reference by  
20 Inspector Hall, the last half of the paragraph:

21 "We have prepared a number of questions from  
22 investigative material that was provided to  
23 the OPP. You've been provided an  
24 opportunity to review these questions prior  
25 to this interview. Are you prepared now to

1 address these questions?"

2 MR. ABELL: Yes, sir.

3 MR. ENGELMANN: Okay, so again that would  
4 suggest that they had done that?

5 MR. ABELL: Indeed, yes.

6 MR. ENGELMANN: All right. You just don't  
7 remember?

8 MR. ABELL: I frankly don't, no.

9 MR. ENGELMANN: Right.

10 And, sir, this interview lasted  
11 approximately 37 minutes. Would you describe it as  
12 businesslike, if I can use that term?

13 MR. ABELL: Very much.

14 MR. ENGELMANN: All right. And you had  
15 questions from both Inspector Hall and then later from  
16 Officer Dupuis as well?

17 MR. ABELL: The bulk of it was carried by  
18 Inspector Hall.

19 MR. ENGELMANN: All right. And, sir, you  
20 were asked to deal with a number of the allegations they  
21 were investigating. And I'm just wondering, in reviewing  
22 the statement -- you've had an opportunity to review the  
23 statement in preparation for your evidence here?

24 MR. ABELL: Yes, I have.

25 MR. ENGELMANN: And just make some comments

1 about the questions and answers that day, looking at it now  
2 that you've had time to reflect.

3 **MR. ABELL:** Well, in looking at it, my  
4 impression is that I hadn't prepared for the interview or I  
5 hadn't prepared well. There's a lot of hesitation on my  
6 part and I believe I made a number of errors, or made a few  
7 errors. And it was just generally -- it wasn't a strong  
8 response on my part.

9 **MR. ENGELMANN:** So for example -- as an  
10 example of one of those errors, on Bates page 775 there's a  
11 question:

12 "Did you have conversations with David  
13 Silmsler concerning these allegations?"  
14 "Not at the time. David called here  
15 after this thing came to us. We got  
16 active with it. We tried to speak to  
17 David Silmsler to get his account. He  
18 refused to speak to us."

19 Okay?

20 **MR. ABELL:** Yes.

21 **MR. ENGELMANN:** Whereas, in fact, and I  
22 think you acknowledge it later in the statement, that is a  
23 mistake. He came in and saw you on November 2<sup>nd</sup>, '93?

24 **MR. ABELL:** Correct.

25 **MR. ENGELMANN:** There was some difficulty

1           contacting -- getting him back for another interview?

2                   **MR. ABELL:** Yes.

3                   **MR. ENGELMANN:** Is that fair?

4                   **MR. ABELL:** If not, that was incorrect on my  
5           part.

6                   **MR. ENGELMANN:** So that'd be an example of  
7           an error that was made?

8                   **MR. ABELL:** Kind of errors, yes.

9                   **MR. ENGELMANN:** Yeah.

10                   And you have a reference, for example, to a  
11           conversation with Claude Shaver, at the bottom of page 776,  
12           top of 777. You reference the one time when he comes in  
13           with Luc Brunet but you know now, from your review and  
14           preparation for your evidence here that, in fact, you met  
15           with him on his own first and then you had a subsequent  
16           meeting with him and Luc Brunet?

17                   **MR. ABELL:** That's correct.

18                   **MR. ENGELMANN:** Did you have your notes and  
19           did you review your contemporaneous notes before giving  
20           this interview to Messrs. Hall and Dupuis?

21                   **MR. ABELL:** Again, I can't recall, but I  
22           doubt it given the performance here.

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

24                   **MR. ABELL:** It would appear that I didn't.

25                   **MR. ENGELMANN:** Would you agree with me that

1 that would have been a good idea?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: And do you know if they had  
4 your Project Blue notes ---

5 MR. ABELL: Yes.

6 MR. ENGELMANN: --- before the interview?

7 MR. ABELL: Well, they -- Project Blue had  
8 our material. Sorry, Project Truth had our material.

9 MR. ENGELMANN: All right. So they would  
10 have had all of your notes?

11 MR. ABELL: All of my -- I have to assume  
12 so.

13 MR. ENGELMANN: And the team meetings,  
14 et cetera?

15 MR. ABELL: Yes, I have to assume so.

16 MR. ENGELMANN: Sir, I want to ask you about  
17 a letter.

18 It's Document Number 740606. It's a letter  
19 that you write March 21<sup>st</sup>, 2001 to a woman by the name of  
20 Danielle G. Dougall, Assistant Director, Decorations and  
21 Medals, Rideau Hall. It's a letter regarding Helen and  
22 Perry Dunlop.

23 THE COMMISSIONER: Thank you.

24 Exhibit Number 2470.

25 --- EXHIBIT NO./PIECE NO. P-2470:

1 (740606) Letter From Richard Abell to  
2 Danielle Dougall dated March 21, 2002

3 **MR. ENGELMANN:** Sir, this would appear to be  
4 a letter that you're writing to someone who is involved in  
5 nominations for the Order of Canada?

6 **MR. ABELL:** I can't recall what the  
7 decoration was specifically.

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

9 **MR. ABELL:** It may have been. I can't  
10 recall.

11 **MR. ENGELMANN:** I'm just looking at the end  
12 of the letter. You talk about it in the second-last  
13 paragraph, "Honour to Canada"?

14 **MR. ABELL:** Well, the very last piece of  
15 that is "Meritorious Service Decoration"], so I'm assuming  
16 that's what they were referencing.

17 **MR. ENGELMANN:** Okay, all right.

18 So do you know how this came about, how it  
19 was that you were asked to provide a reference for Helen  
20 and Perry Dunlop?

21 **MR. ABELL:** The request letter that I  
22 received just said that the Dunlops had been proposed for  
23 this recognition and that my name had been provided as a  
24 reference.

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

1 some background in your letter?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: Starting with what happened  
4 in September of 1993?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: And that's in the second  
7 paragraph on the first page of your letter?

8 MR. ABELL: Yes.

9 MR. ENGELMANN: And you've told us about  
10 most of what you set out herein, your initial contact with  
11 Perry Dunlop in late September of 1993, his outrage about  
12 his department not pursuing criminal charges, and he says:

13 "...for the reason that subsequent to  
14 making a statement, the individual had  
15 accepted a financial settlement from  
16 the local Catholic diocese..."

17 -- et cetera.

18 You then talk about the fact that the priest  
19 involved had married them, baptised their children. You  
20 talked about before approaching you with the statement and  
21 before giving you the statement that he had approached a  
22 superior officer in the department and that would Sergeant  
23 Brunet he talked about?

24 MR. ABELL: Correct.

25 MR. ENGELMANN: And you talk about the fact

1 that you were personal friends at the time. I'm looking at  
2 the last paragraph. You talk about the fact that he'd be  
3 facing disciplinary sanctions and you said:

4 "He stated, and I believed, that he  
5 acted out of a genuine commitment to  
6 the safety of children in our  
7 community."

8 **MR. ABELL:** Correct.

9 **MR. ENGELMANN:** "A powerful sense of the  
10 injustice inherent in the payoff of the  
11 alleged victim and concern that there  
12 were likely other abusers and victims  
13 in the community whose history would  
14 never see the light of day."

15 **MR. ABELL:** Yes.

16 **MR. ENGELMANN:** All right? These are  
17 comments you're making in 2001?

18 **MR. ABELL:** Yes.

19 **MR. ENGELMANN:** And you talk about the fact  
20 that for releasing the statement, Perry was charged under  
21 the *Police Act*. You say he was found guilty. Would you  
22 agree with me now, having reviewed the material, that  
23 that's an error?

24 **MR. ABELL:** Yeah, I was incorrect about  
25 that, yes.



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

2                   You say he was ultimately given a strong  
3                   exoneration by appeal court. An appeal court did uphold  
4                   the original stay and found that he had acted correctly in  
5                   making the situation known to the child welfare  
6                   authorities. Okay?

7                   **MR. ABELL:** Yes.

8                   **MR. ENGELMANN:** Then you talk about the fact  
9                   that this has mushroomed from there.

10                  **MR. ABELL:** Yes.

11                  **MR. ENGELMANN:** Now, why was that important  
12                  to emphasize what had happened from then on?

13                  **MR. ABELL:** Well, I wanted to give a  
14                  complete picture of why I was making the final statement  
15                  that I did regarding the recognition. So I wanted it  
16                  clearly understood that I felt he indeed deserved a huge  
17                  amount of credit for the initial steps that he took, but I  
18                  felt that where this whole matter went subsequently really  
19                  damaged -- in many ways offset the good work that he'd done  
20                  at the beginning. And so I was just trying to present a  
21                  balanced picture and then say, "This is why I can't  
22                  recommend it".

23                  **MR. ENGELMANN:** All right. And that's, in  
24                  fact, what you start to do in the second paragraph on the  
25                  second page of the letter?

1 MR. ABELL: Yes.

2 MR. ENGELMANN: Where you say:

3 "The conduct of Helen and Perry over  
4 the intervening years has, in my view,  
5 badly tarnished the merit they deserve  
6 for first bringing the police statement  
7 to the Children's Aid Society."

8 MR. ABELL: Yes.

9 MR. ENGELMANN: And you describe some of  
10 that conduct?

11 MR. ABELL: Yes.

12 MR. ENGELMANN: "Public condemnation,  
13 accusations of many people in the  
14 community of sex crimes..."

15 MR. ABELL: Yes.

16 MR. ENGELMANN: "...characterization of  
17 the entire city as a 'haven for  
18 pedophiles'."

19 MR. ABELL: Yes.

20 MR. ENGELMANN: You go on to talk about some  
21 of the other issues and you, in fact, say that:

22 "It's their work in contacting alleged  
23 sexual abuse victims which is now  
24 emerging in criminal proceedings as  
25 profoundly damaging to the very cause

1 the Dunlops have so strongly espoused."

2 MR. ABELL: Yes.

3 MR. ENGELMANN: Were you referring to what  
4 had happened in the Leduc matter at that time?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: All right.

7 And you talked again about some of the  
8 actions that caused you concern in that paragraph, about a  
9 witness coached by Perry to falsify a portion of his  
10 statement?

11 MR. ABELL: Yes.

12 MR. ENGELMANN: And is this material you  
13 would have known from what source ---

14 MR. ABELL: Public record.

15 MR. ENGELMANN: Okay.

16 MR. ABELL: I was very careful to keep to  
17 the public record.

18 MR. ENGELMANN: All right.

19 And you talk about the fact that it is  
20 unlikely after talking about some of that -- well, you say  
21 some of these actions -- and I'm looking at your middle  
22 paragraph. You say:

23 "Worse, the integrity and veracity of  
24 some and possibly all alleged victims  
25 is now in question."

1                   Why did you say that, sir?

2                   **MR. ABELL:** Can you just direct me to the --

3                   -

4                   **MR. ENGELMANN:** Yeah, middle paragraph.

5                   **MR. ABELL:** Okay.

6                   **MR. ENGELMANN:** Second page, long paragraph.

7                   **MR. ABELL:** Oh, this one, okay, thank you.

8                   And the piece you are referring to ---

9                   **THE COMMISSIONER:** Right next to the cursor.

10                  **MR. ABELL:** Got it.

11                  So you're asking me about the piece to the  
12 point, "The genuine victims may never well" or "may never  
13 see justice done" -- is that? I'm sorry.

14                  **MR. ENGELMANN:** No, I'm -- the comment, yes,  
15 and then you say:

16                               "Worse, the integrity and veracity of  
17 some and possibly all alleged victims  
18 is now in question."

19                  **MR. ABELL:** Yes. I'm referring to -- I  
20 mean, there have been many -- there's a lot of public  
21 commentary obviously in this community over the years and  
22 that's been part of the commentary, "Can we believe anybody  
23 that comes forward with allegations?" and that's a great  
24 tragedy.

25                  **MR. ENGELMANN:** And you get into that again,

1 I think, in the next paragraph, sir?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: You say the community will -

4 -:

5 "It is unlikely that this community  
6 will ever see the 'clearing of the air  
7 that so many have asked for'."

8 MR. ABELL: Yes.

9 MR. ENGELMANN: "Some innocent people will  
10 have to endure a lifelong cloud of  
11 suspicion over them because of public  
12 accusations directed against them."

13 MR. ABELL: Yes.

14 MR. ENGELMANN: And you say:

15 "Some guilty parties will escape being  
16 held to account for their crimes."

17 MR. ABELL: Yes.

18 MR. ENGELMANN: And you close by saying in  
19 that paragraph:

20 "The respect and appreciation the  
21 Dunlops actually did earn has been  
22 stained by their single-minded and  
23 self-promoting crusade."

24 MR. ABELL: Yes.

25 MR. ENGELMANN: Pretty strong words.

1                   **MR. ABELL:** They are.

2                   **MR. ENGELMANN:** That was your sense at that  
3 time?

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** Is what you've said about  
6 what happens early on in this matter and then what happens  
7 subsequently as you set out in this letter in 2001, is that  
8 still your view today, sir?

9                   **MR. ABELL:** Yes.

10                  **THE COMMISSIONER:** Why don't we take an  
11 afternoon break and we'll let you finish afterwards, Mr.  
12 Engelmann?

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

15                               The hearing will resume at 3:20 p.m.

16 --- Upon recessing at 3:04 p.m. /

17                               L'audience est suspendue à 15h04

18 --- Upon resuming at 3:31 a.m. /

19                               L'audience est reprise à 15h31

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

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

24 **RICHARD ABELL, Resumed/Sous le même serment:**

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

1           **ENGELMANN (cont'd/suite):**

2                           **THE COMMISSIONER:** Yes, sir.

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

4                           Mr. Abell, I'd like to ask you some  
5                           questions about an individual who is known by a moniker  
6                           here and I can't remember whether I would have shown you  
7                           this name with this moniker. It's C-14.

8                           **MR. ENGELMANN:** It's C-14.

9   **(SHORT PAUSE/COURTE PAUSE)**

10                           **MR. ENGELMANN:** Are you familiar with that  
11                           name, sir?

12                           **MR. ABELL:** I am.

13                           **MR. ENGELMANN:** Are you also familiar with -  
14                           - so you'd be familiar with the fact that this individual  
15                           was a Crown ward for a number of years?

16                           **MR. ABELL:** Yes.

17                           **MR. ENGELMANN:** Were you also familiar with  
18                           the fact that in or around 1991, the OPP -- and this was  
19                           the first time -- would have investigated some allegations  
20                           made by him with respect to sexual and physical abuse while  
21                           he was in the care of the Children's Aid Society?

22                           **MR. ABELL:** Yes.

23                           **MR. ENGELMANN:** And were you aware that that  
24                           investigation concluded with no charges being laid at that  
25                           time?

1                   **MR. ABELL:** Yes.

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

3                   Were you also aware, sir, that from around  
4                   1993 until around 1995, there were a number of  
5                   communications between yourself and this individual or this  
6                   individual's counsel at the time?

7                   **MR. ABELL:** Yes.

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

9                   And those -- those communications were, for  
10                  the most part, dealing with his requests for disclosure and  
11                  information from his CAS file?

12                  **MR. ABELL:** Yes.

13                  **MR. ENGELMANN:** And you -- some of these  
14                  were dealt with by your colleagues, but you also would have  
15                  dealt with some disclosure requests from a new counsel that  
16                  he would have hired in or around 1996.

17                  **MR. ABELL:** That's correct.

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

19                  Were you aware that later in the late  
20                  nineties, there was actually a lawsuit brought by this  
21                  individual against the CAS?

22                  **MR. ABELL:** Yes.

23                  **MR. ENGELMANN:** And were you informed that  
24                  that lawsuit was abandoned in or around the year 2000?

25                  **MR. ABELL:** Yes.



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

2                   Were you also informed that in or around  
3                   that year, the year 2000, the Ontario Provincial Police  
4                   commenced a second investigation dealing with some of his  
5                   allegations?

6                   **MR. ABELL:** Yes.

7                   **MR. ENGELMANN:** And, I believe, during that  
8                   second investigation, but help us -- help me if I'm wrong,  
9                   you would have had no direct contact with the investigating  
10                  officer, a fellow by the name of Ralko?

11                  **MR. ABELL:** I don't recall having any  
12                  contact with the officer, no.

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

14                  And we have a number of letters already in  
15                  evidence, sir, concerning the disclosure issues ---

16                  **MR. ABELL:** Yes.

17                  **MR. ENGELMANN:** --- but some material that  
18                  isn't in evidence. And I'd just like to take you to that  
19                  quickly if I can.

20                  **MR. ABELL:** Okay.

21                  **MR. ENGELMANN:** If the witness could be  
22                  shown Document Number 115364.

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

24                  **THE COMMISSIONER:** Thank you. Exhibit 2471  
25                  is a letter -- not a letter; Document 115364 which is

1 entitled "C-14: Agency Summaries."

2 --- EXHIBIT NO./PIÈCE NO. P-2471:

3 (115364) Notes of Richard Abell re C-14

4 MR. ENGELMANN: Sir, these are your notes?

5 MR. ABELL: They are.

6 MR. ENGELMANN: It would appear they're a  
7 summary that you'd have created from a file review.

8 MR. ABELL: That's correct.

9 MR. ENGELMANN: Do you have -- I don't  
10 believe they're dated, sir. I'm just wondering if you have  
11 any idea when you would have done this review.

12 MR. ABELL: I don't. I mean, it would have  
13 been early on in my dealings with this individual.

14 MR. ENGELMANN: All right. I believe Mr.  
15 Carriere had some dealings before you, but that your  
16 dealings started in or around the year 1993. Would it be  
17 fair to say that -- that ---

18 THE COMMISSIONER: That should be a  
19 publication ban.

20 MR. ENGELMANN: Yes, of course. I  
21 apologize.

22 Would it be fair to say, sir, that you might  
23 have reviewed the file notes before getting involved just  
24 to make sure you had a handle on the matter?

25 MR. ABELL: That's -- that's, yeah, my

1 presumption, yes.

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

3 Sir, if the witness could be shown Document  
4 Number 115374. I think this might help us answer the  
5 question, Mr. Abell.

6 **THE COMMISSIONER:** Thank you. Exhibit 2472  
7 is a memo dated July 3<sup>rd</sup>, 1993.

8 --- **EXHIBIT NO./PIÈCE NO. P-2472:**

9 (115374) Notes of Richard Abell re C-14  
10 dated 03 Jul 93

11 **MR. ENGELMANN:** Madam Clerk, while we're  
12 looking at this if you could provide the witness with a --  
13 an exhibit binder that has exhibits in or around 530 and up  
14 from there.

15 Mr. Abell, would this assist with respect to  
16 when you might have reviewed the -- the file summary?

17 **MR. ABELL:** Yes.

18 **MR. ENGELMANN:** So presumably, this ---

19 **MR. ABELL:** Early July '93, yes.

20 **MR. ENGELMANN:** All right, fair enough.

21 And the issue here was a release of  
22 information from his file?

23 **MR. ABELL:** Yes, he wanted access to his  
24 file material.

25 **MR. ENGELMANN:** Right.

1                   And we'll go through a few letters, but he  
2                   was concerned about two things if I can summarize; one was  
3                   the slant or his view that some of the summaries that were  
4                   prepared were only of a negative light, if I can use that  
5                   term.

6                   **MR. ABELL:** Well, one.

7                   **MR. ENGELMANN:** Yes.

8                   **MR. ABELL:** I believe his issue in that  
9                   regard was the first one he received.

10                  **MR. ENGELMANN:** Okay.

11                  **MR. ABELL:** I can't remember the date, but  
12                  it was the first -- first time he'd made the request and --  
13                  -

14                  **MR. ENGELMANN:** Right.

15                  **MR. ABELL:** --- he got a response.

16                  **MR. ENGELMANN:** And secondly, sir, and  
17                  perhaps more frequently, there were concerns on his part  
18                  that things were taking too long or that he wasn't getting  
19                  ---

20                  **MR. ABELL:** Yes.

21                  **MR. ENGELMANN:** --- sufficient disclosure.

22                  **MR. ABELL:** Yes.

23                  **MR. ENGELMANN:** Is that fair?

24                  **MR. ABELL:** Yes. No, that's fair, yes.

25                  **MR. ENGELMANN:** I'm just wondering if we

1 have that document binder.

2 THE COMMISSIONER: What exhibit did you want  
3 to go to?

4 MR. ENGELMANN: Five-thirty (530).

5 THE COMMISSIONER: Yeah.

6 (SHORT PAUSE/COURTE PAUSE)

7 MR. ENGELMANN: Sir, it doesn't appear that  
8 anything happens between early July of 1993 and May of  
9 1994. Do you have any explanation for that delay?

10 MR. ABELL: I don't, no.

11 MR. ENGELMANN: All right.

12 Well, let's look at -- in May of 1994, Mr. -  
13 - C-14 -- sorry ---

14 THE COMMISSIONER: Well, that'll be changed.  
15 Okay, go ahead.

16 MR. ENGELMANN: I apologize. Looking at  
17 documents, I'm not focusing.

18 The individual in question, sir, was -- was  
19 seeking access through his lawyer to file information.

20 MR. ABELL: He was, correct.

21 MR. ENGELMANN: And there's a series of --  
22 of letters back and forth. It does say though in the third  
23 paragraph of this letter that he was seeking -- requesting  
24 his file be released to him.

25 MR. ABELL: Yes.

1                   **MR. ENGELMANN:** And at that point in time,  
2                   the request was denied.

3                   **MR. ABELL:** Yes.

4                   **MR. ENGELMANN:** And that would have been  
5                   accurate, at that time, given ---

6                   **MR. ABELL:** Yes.

7                   **MR. ENGELMANN:** --- how you dealt with these  
8                   matters?

9                   **MR. ABELL:** That had been a longstanding  
10                  practice ---

11                  **MR. ENGELMANN:** Okay.

12                  **MR. ABELL:** --- that we would release only  
13                  file summaries.

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

15                                 And there is some indication here that he  
16                                 might be allowed to look at the file, but he -- he wouldn't  
17                                 have it released to him.

18                  **MR. ABELL:** Correct.

19                  **MR. ENGELMANN:** And then, sir, there's a  
20                                 follow-up to this and this is a letter from yourself on  
21                                 June 17<sup>th</sup>, 1994 to the lawyer.

22                  **MR. ABELL:** Yes.

23                  **MR. ENGELMANN:** And again, you're talking  
24                                 about not permitted to disclose information or limit the  
25                                 amount of release of information you can disclose.

1                   **MR. ABELL:** Yes.

2                   **MR. ENGELMANN:** And again, you're looking to  
3                   make an arrangement though, at that time, for him to come  
4                   in.

5                   **MR. ABELL:** Yes.

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

7                   And the next correspondence on this matter  
8                   is at Exhibit 532.

9                   **MR. ABELL:** Yes.

10                  **MR. ENGELMANN:** The lawyer's indicating  
11                  he'll be coming in with the client and they're trying to  
12                  set up a time.

13                  **MR. ABELL:** Yes.

14                  **MR. ENGELMANN:** And was this practice, at  
15                  the time, that if a former ward wanted to review the file,  
16                  they could come in and look at at least part of the file?

17                  **MR. ABELL:** No, that hadn't been our  
18                  practice up until this point.

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

20                  So ---

21                  **MR. ABELL:** It was a matter of providing  
22                  them with summaries and sitting down with them and  
23                  discussing the content.

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

25                  So this was a new direction ---

1                   **MR. ABELL:** This -- this was a ---

2                   **MR. ENGELMANN:** --- for your agency?

3                   **MR. ABELL:** --- yes, I mean, this gentleman  
4 had been particularly clear, shall I say with us, that he  
5 wasn't satisfied and on his own behalf or at least through  
6 his own efforts and through his counsel.

7                   He'd made it plain that he wanted more from  
8 us and after internal discussions; we decided that we would  
9 take this next step which would be to make a copy of the  
10 file available with some redactions.

11                   **MR. ENGELMANN:** All right, and this is  
12 something you hadn't done before?

13                   **MR. ABELL:** No, not to my knowledge. No, in  
14 fact I'm quite confident this was new practice for us.

15                   **MR. ENGELMANN:** Then, sir, there's another  
16 letter from the lawyer. That's at -- it's Exhibit 534.

17                   **MR. ABELL:** Yes.

18                   **MR. ENGELMANN:** And there is a reference to  
19 a letter you had written, indicating essentially that it's  
20 not the policy of the Society to make files directly  
21 available, and it's the policy of providing summaries.  
22 Maybe we should take a look at that actually. It is  
23 Exhibit 2380.

24                   Just keep that binder handy though, sir.

25                   **MR. ABELL:** Well, while we're just waiting



1 to find the ---

2 MR. ENGELMANN: Yes?

3 MR. ABELL: --- in looking at this material,  
4 I think I had in mind that we had in our earlier exchange -  
5 - that we had by then made an offer for a full review --  
6 for a review of the full file. In reading this, I think I  
7 was incorrect. I think at this point we were still talking  
8 about a summary.

9 MR. ENGELMANN: I think you made the offer  
10 for a full review.

11 MR. ABELL: Had I?

12 MR. ENGELMANN: But then I think you  
13 withdrew it ---

14 MR. ABELL: Okay.

15 MR. ENGELMANN: --- and we'll see in this  
16 letter ---

17 MR. ABELL: All right, that may well be  
18 then.

19 MR. ENGELMANN: --- which is a letter you  
20 write to the lawyer on August 30<sup>th</sup>.

21 MR. ABELL: Yeah, okay.

22 MR. ENGELMANN: Okay. So your original  
23 offer for him to come in and review is -- has now been  
24 rescinded?

25 MR. ABELL: We have stepped back on this,

1           yes.

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

3                   **MR. ABELL:** Yeah.

4                   **MR. ENGELMANN:** And the lawyer then is  
5 writing, obviously expressing some displeasure with that.

6                   **MR. ABELL:** Yes.

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

8                   And do you know why it was at that time that  
9 you rescinded this offer to allow him to have access?

10                   **MR. ABELL:** I can't recall specifically, Mr.  
11 Engelmann. It's -- my presumption here is that this was  
12 new practice and although we had taken a step forward  
13 perhaps we were having some second thoughts. I mean  
14 subsequently we did follow through on the earlier  
15 commitment but it would appear we were having some second  
16 thoughts.

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

18                   And this is clearly troubling to him and his  
19 counsel.

20                   **MR. ABELL:** Fair enough. It was, yes.

21                   **MR. ENGELMANN:** Yeah.

22                   And, sir, then -- it's his letter that we've  
23 just looked at, 534. If you look at Exhibit 535, you're  
24 then responding?

25                   **MR. ABELL:** Yes.

1                   **MR. ENGELMANN:** Saying you're not subject to  
2 a certain piece of legislation that he was relying upon?

3                   **MR. ABELL:** Yes.

4                   **MR. ENGELMANN:** And then, sir, if we could  
5 look at -- it's Document Number 115363 and I believe this  
6 is a document -- these are notes of yours that indicate  
7 that he in fact does come in with counsel.

8                   **MR. ABELL:** He did, I know.

9                   **MR. ENGELMANN:** If this could be the next  
10 exhibit. It's a Note to File dated October 14<sup>th</sup>, '94.

11                   **THE COMMISSIONER:** Two four seven three.

12                   **MR. ENGELMANN:** I'm sorry?

13                   **THE COMMISSIONER:** Exhibit 2473.

14                   **MR. ENGELMANN:** And, sir, that will need a  
15 publication ban stamp.

16                   **THE COMMISSIONER:** Yes.

17                   **--- EXHIBIT NO./PIÈCE NO. P-2473:**

18                                   (115363) Note to File of Richard Abell re:  
19                                   C-14 dated October 14, 1994.

20                   **MR. ENGELMANN:** So it would appear from this  
21 there was an office visit, sir.

22                   **MR. ABELL:** Yes.

23                   **MR. ENGELMANN:** That they were expecting to  
24 have access to his file?

25                   **MR. ABELL:** Yes.

1                   **MR. ENGELMANN:** And you told them  
2 essentially that that was not available?

3                   **MR. ABELL:** Yes.

4                   **MR. ENGELMANN:** Correct?

5                   **MR. ABELL:** Yes.

6                   **MR. ENGELMANN:** And you made the offer to  
7 have the file reviewed by another social worker and a new  
8 summary prepared?

9                   **MR. ABELL:** Yes.

10                  **MR. ENGELMANN:** And that wasn't acceptable  
11 to them; they wanted access to the file?

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

13                  **MR. ENGELMANN:** Fair enough?

14                  **MR. ABELL:** That's fair enough.

15                  **MR. ENGELMANN:** And they said that they  
16 would have names blacked out as needed, they would pay  
17 photocopying costs, but you said that you had to follow  
18 your practice?

19                  **MR. ABELL:** Yes.

20                  **MR. ENGELMANN:** All right.  
21 And it was a short meeting?

22                  **MR. ABELL:** Yes.

23                  **MR. ENGELMANN:** Then after that we have  
24 Exhibit 536.

25                  **MR. ABELL:** Yes.

1                   **MR. ENGELMANN:** There's a reference to a  
2           telephone call and apparently:

3                               "The office has advised -- revised its  
4                               position with respect to allowing my  
5                               client to review his file."

6                   **MR. ABELL:** Correct.

7                   **MR. ENGELMANN:** "In short, it was your  
8           position to allow my client full access to his file and to  
9           allow a review of same."

10                              And now he's asking to schedule a further  
11           meeting.

12                   **MR. ABELL:** Yes.

13                   **MR. ENGELMANN:** And he's expressing -- he's  
14           happy that you've changed your position again; correct?

15                   **MR. ABELL:** Yes.

16                   **MR. ENGELMANN:** But this time to allow him  
17           to review the file?

18                   **MR. ABELL:** Yes.

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

20                              And then after this, sir, we have -- it's  
21           Document Number 115390.

22                   **THE COMMISSIONER:** Yes.

23                              Exhibit 2474. And on the flip side, I'll identify it.

24                              That was a letter dated January 25<sup>th</sup>, 1995 to Mr. Mazerolle  
25           from Rick Abell -- Richard Abell, sorry.

1           --- EXHIBIT NO./PIÈCE NO. P-2474:

2                           (115390)Letter from Richard Abell to Michel  
3                           Mazerolle dated January 25, 1995.

4           **MR. ENGELMANN:** Sorry, the other way round,  
5                           sir, from ---

6           **THE COMMISSIONER:** The transaction report?

7           **MR. ENGELMANN:** --- no. It's a letter from  
8           Mr. Abell to the lawyer.

9                           The back side, sir?

10          **THE COMMISSIONER:** That's what I'm saying.

11          **MR. ENGELMANN:** Oh, I'm sorry.

12                          All right, and apparently, Mr. Abell, you  
13          weren't quite ready for the visit?

14          **MR. ABELL:** Yes.

15          **MR. ENGELMANN:** And your internal counsel  
16          was ill?

17          **MR. ABELL:** Yes.

18          **MR. ENGELMANN:** So you advised them you had  
19          to put the matter off?

20          **MR. ABELL:** Yes.

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

22                          Then, sir, I believe the next matter is --  
23          it's a letter from yourself to the lawyer again, dated  
24          March 30<sup>th</sup>, '95, and that is Exhibit 537 and that's  
25          arranging for a meeting on April 5<sup>th</sup>?

1 MR. ABELL: Yes.

2 MR. ENGELMANN: And again, "Provided file.  
3 Can take notes. No photocopies."

4 MR. ABELL: Yes.

5 MR. ENGELMANN: Right?

6 MR. ABELL: Yes.

7 MR. ENGELMANN: And, sir, did they come in  
8 as planned?

9 MR. ABELL: Yes, they did.

10 MR. ENGELMANN: All right.

11 And then if we could look at Document Number  
12 114597. This is a letter dated September 20<sup>th</sup>, 1996, so  
13 quite a while later, from new counsel, a fellow by the name  
14 of Douglas Faulkner.

15 THE COMMISSIONER: Yes.

16 Exhibit Number 2475 is a letter from Douglas Faulkner to  
17 the Children's Aid Society, dated September 20<sup>th</sup>, 1996.

18 --- EXHIBIT NO./PIÈCE NO. P-2475:

19 (114597) Letter from Douglas Faulkner to  
20 Richard Abell re C-14 dated September 20,  
21 1996.

22 MR. ENGELMANN: Sir, this was a new lawyer  
23 now ---

24 MR. ABELL: Correct.

25 MR. ENGELMANN: --- for C-14?

1                   **MR. ABELL:** Yes.

2                   **MR. ENGELMANN:** Aside from the visit in  
3                   April of '95, was there any involvement that you can recall  
4                   between that date and this date in September of '96?

5                   **MR. ABELL:** I don't recall any.

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

7                   And you're wanting to see your counsel about  
8                   responding to this? Is that what the note is?

9                   **MR. ABELL:** Yes.

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

11                  And then, sir, if we could look at 114547.

12                  **THE COMMISSIONER:** Thank you.

13                  This is a memo to Rick Abell from Elizabeth  
14                  MacLennan dated November 15<sup>th</sup>, 1996.

15                  **MR. ENGELMANN:** And the number, sir?

16                  **THE COMMISSIONER:** Two four seven six  
17                  (2476).

18                  --- **EXHIBIT NO./PIÈCE NO. P-2476:**

19                  (114547) Memo from Elizabeth MacLennan to  
20                  Richard Abell dated November 15, 1996.

21                  **MR. ENGELMANN:** Sir, you were getting some  
22                  advice on this matter?

23                  **MR. ABELL:** Yes.

24                  **MR. ENGELMANN:** About what to disclose?

25                  **MR. ABELL:** Yes.



1                   **MR. ENGELMANN:** And essentially the advice  
2 was what?

3                   **MR. ABELL:** Well, really it's background to  
4 a discussion that Ms. MacLennan had with a colleague at the  
5 Ottawa Children's Aid Society.

6                   **MR. ENGELMANN:** Yes.

7                   **MR. ABELL:** Where she's trying to inform her  
8 own thinking on this matter.

9                   **MR. ENGELMANN:** And as a result did you make  
10 some decision about further disclosure?

11                   **MR. ABELL:** I can't recall specifically  
12 related to this memo. I know that --my recollection is  
13 that I was in touch with counsel for this individual and  
14 indicate -- among other things, I remember indicating that  
15 we had already provided the -- the -- you know, him an  
16 opportunity to see the file and I think it's possible, by  
17 that time, we'd actually provided a photocopy of the -- of  
18 the full redacted file, as well. I -- I believe what I did  
19 was just inform the gentleman that this is what we had  
20 done; that his client already had the information.

21                   **MR. ENGELMANN:** Sir, I think you sent  
22 something further, so I just want to take you ---

23                   **MR. ABELL:** Is that right?

24                   **MR. ENGELMANN:** --- there, if I can?

25                   **MR. ABELL:** Okay.

1                   **MR. ENGELMANN:** Document Number 114543;  
2                   November 22<sup>nd</sup>, 1996, letter from Mr. Abell to Mr. Faulkner.

3                   **THE COMMISSIONER:** Thank you.  
4                   Exhibit 2477.

5                   **--- EXHIBIT NO./PIÈCE NO. P-2477:**

6                                   (114543) Letter from Douglas Faulkner to  
7                                   Richard Abell re C-14 dated November 22,  
8                                   1996.

9                   **MR. ABELL:** Okay, yes.

10                   **MR. ENGELMANN:** Does that help refresh your  
11                   memory, sir ---

12                   **MR. ABELL:** It does, thank you.

13                   **MR. ENGELMANN:** --- about what you did?

14                   **MR. ABELL:** So we -- out of -- out of this  
15                   advice -- the legal advice -- and probably internal  
16                   discussions, the decision was to forward a photocopy  
17                   indicating that what -- indicating some information was  
18                   withheld.

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

20                                   So at this point in time, you are providing  
21                   a photocopy though of, sort of, redacted notes, if I can  
22                   use the term?

23                   **MR. ABELL:** Yes, yes.

24                   **MR. ENGELMANN:** And sir, would this have  
25                   been -- do you know if it was from his child file, his

1 family file or the foster home file or all three of the  
2 above?

3 MR. ABELL: It doesn't tell me. It wouldn't  
4 have been the foster home file, but quite likely child and  
5 family file. Well, child for sure, possibly family file.

6 MR. ENGELMANN: All right.

7 MR. ABELL: I -- I can't tell from this.

8 MR. ENGELMANN: All right, fair enough.

9 And sir, much later in 2001, if you could  
10 look at Document Number 115377?

11 THE COMMISSIONER: Thank you.  
12 Exhibit 2478; Case Documentation System Service Record of  
13 C-14 and the date is January 29, '01.

14 MR. ENGELMANN: Again, a publication ban is  
15 here, sir.

16 THE COMMISSIONER: Yes.

17 --- EXHIBIT NO./PIÈCE NO. P-2478:

18 (115377) Case Documentation System Service  
19 Record re C-14 dated January 29, 2001.

20 MR. ENGELMANN: Sir, this is the second OPP  
21 investigation we talked about?

22 MR. ABELL: Yes.

23 MR. ENGELMANN: And you're being kept  
24 informed by one of your staff?

25 MR. ABELL: Miss Garrahan.

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

2                   And then likewise, sir, Document 115383?

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

4                   **THE COMMISSIONER:** Thank you.

5                   Exhibit 2479 is a memo to William Carrière and to Richard  
6                   Abell from Patricia Garrahan, May 30<sup>th</sup>, '01, and the Exhibit  
7                   is 2479.

8                   **--- EXHIBIT NO./PIÈCE NO. P-2479:**

9                                 (115383) E-mail to William Carrière and  
10                                Richard Abell from Patricia Garrahan dated  
11                                May 31, 2001.

12                   **MR. ENGELMANN:** Again sir, this is further  
13                   indication that you're being kept abreast of the OPP  
14                   investigation into the -- it was the second OPP  
15                   investigation?

16                   **MR. ABELL:** Yes.

17                   **MR. ENGELMANN:** Okay.

18                                Sir, I want to ask you a couple of questions  
19                   about a former ward by the name of Roberta Archambault;  
20                   maiden name was Judd.

21                   **MR. ABELL:** Yes.

22                   **MR. ENGELMANN:** Some familiarity with that  
23                   name, sir?

24                   **MR. ABELL:** Yes.

25                   **MR. ENGELMANN:** I understand in or around

1 1994, you would have met with her about concerns she had  
2 with respect to access to her file?

3 MR. ABELL: Yes.

4 MR. ENGELMANN: And during the course of  
5 speaking with her, would you have become aware of  
6 allegations that she had made of either physical and/or  
7 sexual abuse while a ward?

8 MR. ABELL: Yes.

9 MR. ENGELMANN: And she would have told you  
10 that she'd been seeking access to her file for several  
11 years?

12 MR. ABELL: Yes.

13 MR. ENGELMANN: And you would have then  
14 gotten involved?

15 MR. ABELL: Yes.

16 MR. ENGELMANN: It's Exhibit 2313, if we  
17 could look at it for just a couple of minutes, sir?

18 THE COMMISSIONER: No, It's not that one.

19 (SHORT PAUSE/COURTE PAUSE)

20 MR. ENGELMANN: All right.

21 So this is a -- this is a request coming in  
22 to an intake worker about a request to see the file?

23 MR. ABELL: Yes.

24 MR. ENGELMANN: This is in 1992?

25 MR. ABELL: Yes, it is.

1                   **MR. ENGELMANN:** And sir, the actual document  
2                   that I want to take you to and I apologize; it's Exhibit  
3                   127.

4                   **THE COMMISSIONER:** One-two-seven (127)?

5                   **MR. ENGELMANN:** Yes, there are some notes of  
6                   telephone conversations you would have had with Ms.  
7                   Archambault in August of 1994; so a couple of years after  
8                   the -- at least that intake.

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

10                  **MR. ENGELMANN:** Sir, in particular, Bates  
11                  page 7172777.

12                  **THE COMMISSIONER:** Two-seven (27)?

13                  **MR. ENGELMANN:** Last three numbers, 777.

14                  **THE COMMISSIONER:** Yeah, well it's not  
15                  there.

16                  **MR. ENGELMANN:** Oh, shoot.

17                  **THE COMMISSIONER:** Pardon me?

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

19                  **THE COMMISSIONER:** You're missing one page  
20                  because we start at 778.

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

22                  Madam Clerk, do you have Document Number  
23                  738545?

24                  **THE COMMISSIONER:** What is it that you want?

25                  **MR. ENGELMANN:** There are just some notes

1 from Mr. Abell ---

2 THE COMMISSIONER: Okay.

3 MR. ENGELMANN: --- confirming the call.

4 THE COMMISSIONER: Yeah.

5 MR. ENGELMANN: I'm looking for, in  
6 particular -- and it's perhaps an excerpt then of Document  
7 Number 738545 that would include Bates pages 777 and 775?

8 (SHORT PAUSE/COURTE PAUSE)

9 MR. ENGELMANN: Stand by. This may have  
10 been in the cross.

11 In any event, if we could show that to the  
12 witness then, all right?

13 (SHORT PAUSE/COURTE PAUSE)

14 THE COMMISSIONER: Thank you.  
15 Exhibit Number 2480 is an excerpt of 738545. Enter notes  
16 of Mr. Richard Abell and the first date on the second page  
17 is the 26<sup>th</sup> of August, 1994.

18 MR. ENGELMANN: Sir, if you turn a little  
19 further, you should see a note that says August 24<sup>th</sup>, '94.  
20 I believe it may be the last page of that excerpt.

21 THE COMMISSIONER: Yes.

22 --- EXHIBIT NO./PIÈCE NO. P-2480:

23 (738545, 7172774-77) Richard Abell notes on  
24 Roberta Archambault dated August 24, 1994.

25 MR. ENGELMANN: Mr. Abell, perhaps we can

1 start there? These are your notes, sir?

2 MR. ABELL: Yes.

3 MR. ENGELMANN: You have a conversation with  
4 Ms. Archambault on August 24<sup>th</sup>, 1994?

5 MR. ABELL: Yes.

6 MR. ENGELMANN: And she's calling because  
7 she says she's been trying to get her file for three years?

8 MR. ABELL: Yes.

9 MR. ENGELMANN: You told her she wouldn't be  
10 getting her file?

11 MR. ABELL: Yes.

12 MR. ENGELMANN: And we'd discuss her  
13 request, et cetera?

14 MR. ABELL: Yes.

15 MR. ENGELMANN: So at this point in time,  
16 that was the policy? Again, we're talking about access to  
17 -- presumably she's seeking access to her entire file?

18 MR. ABELL: Yes.

19 MR. ENGELMANN: All right.

20 And it appears that you have an office  
21 interview with her -- I'm looking at Bates page 775 -- on  
22 August 26<sup>th</sup>, 1994?

23 MR. ABELL: Yes.

24 MR. ENGELMANN: And you have some notes from  
25 that interview?



1                   MR. ABELL: Yes.

2                   MR. ENGELMANN: And she's concerned about  
3 physical and sexual abuse?

4                   MR. ABELL: Yes.

5                   MR. ENGELMANN: And she's trying to find out  
6 if this is noted in her file?

7                   MR. ABELL: Yes, that's what she was looking  
8 for.

9                   MR. ENGELMANN: Right.

10                   And this was of some concern to her, and  
11 she's also wondering why the police weren't notified about  
12 her allegations. Is that fair?

13                   MR. ABELL: Yes, yes.

14                   MR. ENGELMANN: All right. But she is told  
15 in any event that both these homes were closed because of  
16 her allegations. This is what you tell her?

17                   MR. ABELL: Yes.

18                   MR. ENGELMANN: And presumably you know that  
19 because you've reviewed some files ---

20                   MR. ABELL: I would have ---

21                   MR. ENGELMANN: --- to be able to tell her  
22 that?

23                   MR. ABELL: I would have spoken to staff or  
24 looked at files beforehand, yes.

25                   MR. ENGELMANN: All right.

1                   Sir, I want to talk to you very briefly then  
2                   about another former ward seeking file disclosure, and  
3                   that's a woman by the name of Catherine Sutherland ---

4                   **MR. ABELL:** Yes.

5                   **MR. ENGELMANN:** --- née Donnelly. I  
6                   understand that in approximately 1997 concerns she had  
7                   relating to access to her file were brought to your  
8                   attention.

9                   **MR. ABELL:** They were.

10                  **MR. ENGELMANN:** And that had been going for  
11                  some time before then but it came up to your attention in  
12                  1997, at which point you became involved?

13                  **MR. ABELL:** Yes.

14                  **MR. ENGELMANN:** And I understand that at  
15                  that point, as I said, she'd been seeking access to her  
16                  file for several years.

17                  **MR. ABELL:** I believe she'd had information  
18                  prior to my getting involved, if I remember correctly. It  
19                  was a matter that she was looking for more, I believe.

20                  **MR. ENGELMANN:** Do you recall, after you  
21                  became involved, making arrangements for her to review a  
22                  redacted version of her file in the presence of a  
23                  caseworker?

24                  **MR. ABELL:** Yes, we did do that.

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

1 further communications, in approximately August of 1999,  
2 further information and a redacted version of her file was  
3 provided to her?

4 MR. ABELL: That was subsequent to her  
5 meeting with our social worker?

6 MR. ENGELMANN: Yes.

7 MR. ABELL: It was.

8 MR. ENGELMANN: This is something that  
9 Mr. Carriere testified about.

10 MR. ABELL: Okay then. Yes.

11 MR. ENGELMANN: Released in August of 1999.

12 MR. ABELL: Okay.

13 MR. ENGELMANN: And one of the concerns  
14 here, of course, was not just access to the file but the  
15 delay that this took?

16 MR. ABELL: It was. There were gaps in  
17 between our contact with her and getting material to her.  
18 I agree.

19 MR. ENGELMANN: And I ---

20 MR. ABELL: Lengthy.

21 MR. ENGELMANN: --- would have asked  
22 Mr. Carriere about this and he indicated that -- perhaps I  
23 can just take you it, sir, so that you know what I asked  
24 him. It's the transcript from Wednesday, September 10<sup>th</sup>,  
25 2008. It's Volume 279. After we'd been discussing this

1 matter for some time ---

2 **THE COMMISSIONER:** Thank you.

3 What page, sir?

4 **MR. ENGELMANN:** It's right at the top of  
5 page 209 but you might want to look back on page 208. And  
6 we're referring to the timeframe of the summer of 1999.

7 **MR. ABELL:** Yes. Okay.

8 **MR. ENGELMANN:** Sir, I'm suggesting to  
9 Mr. Carriere that this is now 12 years after the initial  
10 request is made for disclosure.

11 **MR. ABELL:** Yes.

12 **MR. ENGELMANN:** There have been several in  
13 the meantime, and I asked him if he'd agree that this was  
14 an inordinate amount of time to provide the information.

15 **MR. ABELL:** Yes.

16 **MR. ENGELMANN:** And he agreed with that.

17 **MR. ABELL:** Yes.

18 **MR. ENGELMANN:** Do you agree as well that  
19 this took too long?

20 **MR. ABELL:** It is too long, there's no  
21 question. But again, I'm not sure, having -- I haven't  
22 read all of this, but certainly my recollection was that it  
23 was lengthy series of back-and-forths between ourselves and  
24 Ms. Sutherland.

25 For instance, at one point when we had

1 provided some information there was a time gap and then she  
2 came back with questions about that material. And then it  
3 took us a while to -- I think I prepared, in fact, a  
4 response to her and sent her back some information  
5 addressing the questions that she had.

6 So it was that kind of back and forth,  
7 albeit very, very long; no question.

8 **MR. ENGELMANN:** Yeah. I went through this  
9 in some detail with Mr. Carriere and I recall, in fact, at  
10 one point the Commissioner interjecting and essentially  
11 saying when it came to this disclosure:

12 "Mr. Carriere, can we say that this  
13 isn't your Agency's finest hour as far  
14 as disclosure of documents?"

15 And he said:

16 "I think that would be a fair  
17 statement."

18 **MR. ABELL:** And I'd agree.

19 **MR. ENGELMANN:** Okay.

20 **MR. ABELL:** Yeah.

21 **MR. ENGELMANN:** Again, sir, as I understand  
22 it, this was an area where you were breaking some new  
23 ground with respect to disclosure?

24 **MR. ABELL:** Yes. We actually thought we  
25 were pushing the envelope. In fact, we were in practice

1 but I'm sure from Ms. Sutherland's end it didn't look that  
2 way. It looked like she was pulling teeth, and I agree.

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

4 Sir, I have one last matter to deal with.  
5 I'm just going to -- we have asked other institutions here  
6 about their approach that they follow when employees of  
7 theirs have allegedly committed some form of sexual abuse  
8 against young people.

9 **MR. ABELL:** Yes.

10 **MR. ENGELMANN:** And policies and procedures  
11 in place.

12 And I wanted to ask you about a couple of  
13 instances where this would have occurred within the Agency.

14 **MR. ABELL:** Okay.

15 **MR. ENGELMANN:** I have spoken to your  
16 counsel, who's indicated to me under the circumstances that  
17 he would like me to file these particular documents on a  
18 confidential basis. The name of this individual has not  
19 come into the public light with respect to these  
20 allegations.

21 And I understand, and Mr. Chisholm will  
22 correct me if I make a mistake, that in both cases the  
23 matters were investigated by a third party. Initially, one  
24 of them was investigated internally and then sent to  
25 another CAS for review ---

1                   **MR. ABELL:** Yes. I know what you're  
2 speaking about.

3                   **MR. ENGELMANN:** --- and contact with the  
4 police.

5                   **MR. ABELL:** Yes.

6                   **MR. ENGELMANN:** In the other case there was  
7 also an investigation done by, I believe, the Ottawa  
8 Children's Aid Society. There was contact with the police  
9 and then there was a follow-up. I think in neither case  
10 was there a verification.

11                   So in those circumstances I think it perhaps  
12 prudent that -- well, Mr. Chisholm wants to speak to this  
13 but I understand that he's seeking confidentiality on the  
14 documents I intend to enter, and I assume that's because of  
15 the protection of both the individual alleged abuser, who  
16 was in the employ of the Children's Aid Society, and the  
17 alleged victims involved.

18                   I'll let Mr. Chisholm speak to that, sir.

19                   **THE COMMISSIONER:** Thank you.

20 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CHISHOLM:**

21                   **MR. CHISHOLM:** Good afternoon, sir.

22                   **THE COMMISSIONER:** Yes, good afternoon, sir.

23                   **MR. CHISHOLM:** You've heard what  
24 Mr. Engelmann had to say and that's correct. I'll be  
25 seeking to have these exhibits that touch upon this area be

1 made C exhibits.

2 There are two separate circumstances, two  
3 different cases that I anticipate the evidence will touch  
4 upon. One was an allegation put forth by two boys from one  
5 family that resulted in the Brockville CAS conducting an  
6 investigation. And the next matter -- both sets of  
7 allegations relate to the same CAS worker.

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

9 **MR. CHISHOLM:** The second allegation was  
10 initially reviewed internally by the local CAS and later by  
11 the Ottawa CAS.

12 As you've heard from Mr. Engelmann, my  
13 position would be that the worker's name, the individual  
14 CAS worker's name against whom the allegations were made,  
15 is not relevant to any theory or conspiracy theory that  
16 we've heard thus far.

17 And of course, with respect to the names or  
18 identities of the children involved, I would submit that  
19 their identities ought to be protected, and I would submit  
20 that the Dagenais/Mentuck test is met with respect to these  
21 identities, and also I'd direct your attention to Section 4  
22 of the *Public Inquiries Act*.

23 The individual, the particular worker, was  
24 never charged by any police agency and, of course, never  
25 found guilty with respect to any of these allegations. I



1 would submit his reputational interest ---

2 **THE COMMISSIONER:** Was he ever investigated  
3 by the police?

4 **MR. CHISHOLM:** I don't know that he was  
5 investigated. I believe you'll see in the documents that I  
6 anticipate Mr. Engelmann will file -- you'll see, I  
7 believe, a reference to the fact that the police were  
8 notified.

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

10 Okay. Does anybody want to comment on the  
11 issue of confidentiality of the alleged perpetrator and the  
12 names of the alleged victims in these documents?

13 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. LEE :**

14 **MR. LEE:** We -- the only concern I have at  
15 this point is that we weren't given advance notice of the  
16 request, I assume by oversight. I'm not exactly sure which  
17 documents are being referenced here; which ones Mr.  
18 Engelmann intends to file; which ones the request relates  
19 to. If we could just have the document numbers read out  
20 and quite literally 60 seconds to take a quick look at the  
21 documents.

22 **THE COMMISSIONER:** Sure.

23 **MR. ENGELMANN:** Sir, the Document Numbers  
24 are, with respect to the first matter, 130041, 130042,  
25 130043, 130029 and 130023. Those are with respect to the

1 first matter.

2 With respect to the second matter, there  
3 two: 130063 and 130074.

4 There are numerous other documents. We have  
5 just taken a summary to get a flavour of what was done.  
6 Those are the documents that I was intending to put very  
7 briefly to Mr. Abell ---

8 **THE COMMISSIONER:** Okay.

9 **MR. ENGELMANN:** --- with respect to this  
10 matter.

11 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CHISHOLM:**

12 **MR. CHISHOLM:** Sir, I was just advised that  
13 now Acting Staff Sergeant Shawn White had involvement with  
14 respect to the matter that was dealt with by the Brockville  
15 CAS and now Sergeant Jeff Carroll had some involvement with  
16 respect to the matter that was tied into the Ottawa CAS.

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

18 So is the purpose of going to this issue  
19 strictly one of an institutional response and showing how  
20 the Children's Aid Society responds -- and I don't know  
21 when this took place but how they respond to allegations  
22 against their own?

23 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:**

24 **MR. ENGELMANN:** Yes, because we've seen how  
25 they look at others.

1 THE COMMISSIONER: M'hm.

2 MR. ENGELMANN: And I think we should also  
3 look at how they look at themselves. And Mr. Abell may  
4 tell us that this is consistent with the policy when he  
5 left, or perhaps there have been some changes. But that  
6 was really the point, sir.

7 THE COMMISSIONER: Thank you.

8 MR. ENGELMANN: I'm certainly not trying to  
9 embarrass anybody. And I'm not certainly opposed to  
10 Mr. Chisholm's request for confidentiality under the  
11 circumstances. I don't know if anybody has any objections.  
12 I didn't ---

13 THE COMMISSIONER: Well, Mr. Lee wanted  
14 60 seconds. I don't know if he's seen the documents yet.

15 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. LEE:

16 MR. LEE: I'm familiar with the issues. I  
17 just hadn't -- I wasn't sure of exactly which documents.  
18 Given the circumstances is a good way of putting it for  
19 this case. In this case, which is a rare position for us  
20 to take; we're going to take no position on this.

21 THE COMMISSIONER: No position.

22 Well, I will take a position.

23 If the purpose for which the evidence is  
24 tendered is to look at a straight institutional response,  
25 if the name of the alleged perpetrator is not connected in

1 any way with any conspiracy angle or anything like that,  
2 and if for sure the victims, or the alleged victims, were  
3 wards of the Society or participants with the Society, they  
4 too should be given some measure of confidentiality.

5 So given that I have probably the best  
6 lawyers in Ontario here at this Inquiry and the best legal  
7 minds that I think -- and you're not objecting, except for  
8 Mr. Lee, who's not taking a position -- I'll grant the  
9 application.

10 So the exhibits that are to follow will be  
11 "C" exhibits?

12 **MR. ENGELMANN:** Correct. I don't think it  
13 will be necessary to have a moniker for the alleged  
14 perpetrator. I don't intend to use his name.

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

16 **MR. ENGELMANN:** So Madam Clerk, if the  
17 witness could be provided with 130041. If you want to just  
18 provide 130042, 43, 29 and 23.

19 Sir, do you want these all entered as  
20 separate exhibits or as one?

21 **THE COMMISSIONER:** They can be as one.

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

23 **THE COMMISSIONER:** Staple them together.

24 So when I did give the order for  
25 confidentiality, I don't think there's any objection to the

1 media relating the generic terms of what went on, as long  
2 as the identity of the alleged victims and the alleged  
3 perpetrator are not revealed.

4 **MR. ENGELMANN:** Just so we're clear, 130041,  
5 130042, 130043, 130029 and 130023 all involve one set of  
6 allegations.

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

8 **THE COMMISSIONER:** Thank you. Exhibit C-  
9 2481 will be documents as described by Mr. Engelmann just  
10 prior to the documents being handed out.

11 **--- EXHIBIT NO./PIÈCE NO. C-2481:**

12 (130041 / 130042 / 130043 / 130029 / 130023)  
13 "Full Description of Serious Occurrence 201D  
14 / Letter from Mel Gill to Richard Abell  
15 dated 28 Sept 92 / CAS Report of Abuse  
16 Allegations / Referral/Report/New  
17 Information dated 03 Jul 02 / Letter from  
18 Pierre Viger to Rachel Daigneault dated 29  
19 Nov 07

20 **RICHARD ABELL, Resumed/sous le même serment:**

21 **---EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**  
22 **ENGELMANN (cont'd/suite) :**

23 **MR. ENGELMANN:** All right, sir, do you have the documents?

24 **MR. ABELL:** I do.

25 **MR. ENGELMANN:** All right. If we could

1 start with the first one which has the Document Number 41  
2 at the top right.

3 MR. ABELL: Yes.

4 MR. ENGELMANN: This is a -- if I can call  
5 it a description of a serious occurrence?

6 MR. ABELL: Yes.

7 MR. ENGELMANN: All right. And the  
8 allegations themselves are set out in paragraph 2?

9 MR. ABELL: Yes.

10 MR. ENGELMANN: And it's reported that the  
11 allegations were made to an intake worker by the mother.

12 MR. ABELL: Correct.

13 MR. ENGELMANN: And there's a reference  
14 underneath that she was vague in describing the events and  
15 could not specify dates and times?

16 MR. ABELL: Yes.

17 MR. ENGELMANN: Right. And this would have  
18 been to one of your CAS workers?

19 MR. ABELL: Yes.

20 MR. ENGELMANN: And if we look under  
21 paragraph 4, this would have happened at the Baldwin house?

22 MR. ABELL: So I see, yes.

23 MR. ENGELMANN: All right. And there was a  
24 reference to the mother seeking counsel?

25 MR. ABELL: Yes.

1                   **MR. ENGELMANN:** And then contact made with  
2                   an intake supervisor of your agency?

3                   **MR. ABELL:** That's right.

4                   **MR. ENGELMANN:** All right.

5                   And if we flip over the page, we have a  
6                   listing of the action taken.

7                   **MR. ABELL:** Yes.

8                   **MR. ENGELMANN:** And, sir, you became  
9                   personally involved?

10                  **MR. ABELL:** Yes.

11                  **MR. ENGELMANN:** All right. And in fact were  
12                  involved in a conference with several other senior staff  
13                  and your lawyer?

14                  **MR. ABELL:** That's correct.

15                  **MR. ENGELMANN:** After which the individual  
16                  employee was questioned?

17                  **MR. ABELL:** Yes.

18                  **MR. ENGELMANN:** He denied the wrongdoing?

19                  **MR. ABELL:** Correct.

20                  **MR. ENGELMANN:** And at that point, the  
21                  police were informed and apparently the Chief as well?

22                  **MR. ABELL:** I see that, yes.

23                  **MR. ENGELMANN:** And that would have been the  
24                  local police, sir?

25                  **MR. ABELL:** Yes.

1                   **MR. ENGELMANN:** And there was a further  
2 conference?

3                   **MR. ABELL:** Yes.

4                   **MR. ENGELMANN:** And then under "Current  
5 status," there were other investigations involving other  
6 family members here? Do you see that ---

7                   **MR. ABELL:** Yes, I see, okay.

8                   **MR. ENGELMANN:** --- the police are  
9 continuing ---

10                   **MR. ABELL:** Excuse me, I do see that now.  
11 Yes.

12                   **MR. ENGELMANN:** And the decision was  
13 "Insufficient evidence to conduct an investigation on the  
14 allegations made"?

15                   **MR. ABELL:** Yes.

16                   **MR. ENGELMANN:** But the request for a third-  
17 party review.

18                   **MR. ABELL:** Yes.

19                   **MR. ENGELMANN:** Now, that third-party review  
20 that was requested, however; was that a paper review or was  
21 that to be more than that to your understanding?

22                   **MR. ABELL:** My recollection, Mr. Engelmann,  
23 was that that was a review of our process. In fact, it  
24 was. It was a request to a Senior Protection Manager from  
25 the Ottawa Children's Aid Society ---



1 MR. ENGELMANN: All right.

2 MR. ABELL: --- to come down and to review  
3 our process.

4 MR. ENGELMANN: All right.

5 And then we have -- we just follow this  
6 exhibit, sir. The next document, Number 42 ---

7 MR. ABELL: Yes.

8 MR. ENGELMANN: We have a written review of  
9 the abuse investigation as per their request.

10 MR. ABELL: Sorry, the document number I  
11 have is 130029. Is that ---

12 MR. ENGELMANN: Well, the next one after 41  
13 should be 42.

14 MR. ABELL: I don't appear to -- oh, I have  
15 it. It's here.

16 MR. ENGELMANN: It should be there. It's  
17 just a cover letter from a Mel Gill.

18 MR. ABELL: It was out of order. Sorry,  
19 yes.

20 MR. ENGELMANN: Okay, if you just put that  
21 in the second spot then.

22 MR. ABELL: Okay.

23 MR. ENGELMANN: And he's referring to a  
24 fellow by the name of Pierre Viger.

25 MR. ABELL: Viger.

1                   **MR. ENGELMANN:**    Is that someone who would  
2                   have done the review, sir?

3                   **MR. ABELL:**       That's correct.

4                   **MR. ENGELMANN:**    And is the review the next  
5                   document that we see; 130043?

6                   **MR. ABELL:**       It appears to be it, yes.

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

8                   **MR. ABELL:**       Yes, it is.    It's signed -- it's  
9                   from Mr. Viger.

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

11                  And the report itself -- just so I'm clear,  
12                  he doesn't interview anybody; right?  He reviews the work  
13                  that was done.

14                  **MR. ABELL:**       That's correct.

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

16                  And he sets out various comments about the  
17                  various relationships involved.

18                  **MR. ABELL:**       Yes.

19                  **MR. ENGELMANN:**    The fact -- and I'm looking  
20                  at the page that has a 2 at the top, the source of the  
21                  information.

22                  **MR. ABELL:**       Yes.

23                  **MR. ENGELMANN:**    He talks about the initial  
24                  meeting that was held and the process that was going to be  
25                  followed, on that page ---

1 MR. ABELL: Yes.

2 MR. ENGELMANN: --- in a number of bullets.

3 MR. ABELL: Yes.

4 MR. ENGELMANN: It refers to someone by the  
5 name of D. Quesnel. Can you explain who that is?

6 MR. ABELL: She was an investigation worker  
7 at that time.

8 MR. ENGELMANN: And she's the one who  
9 conducted the internal investigation?

10 MR. ABELL: That's correct.

11 MR. ENGELMANN: Was she someone who had any  
12 supervisory relationship with the alleged abuser?

13 MR. ABELL: At this time, no.

14 MR. ENGELMANN: All right.

15 And she talks about what she did, at the  
16 bottom of the page.

17 MR. ABELL: Yes.

18 MR. ENGELMANN: And on the following page,  
19 you get a sense as to when this was done.

20 MR. ABELL: Yes.

21 MR. ENGELMANN: And the standards that were  
22 applied.

23 MR. ABELL: M'hm.

24 MR. ENGELMANN: And there's a reference to  
25 the fact, in the third paragraph, the child did not

1 disclose anything to the investigator and there was no  
2 corroborating evidence.

3 MR. ABELL: Yes.

4 MR. ENGELMANN: And there's a reference  
5 again to contact with the police, further down on the page.

6 MR. ABELL: Yes.

7 MR. ENGELMANN: And there's some  
8 recommendations that Mr. Viger has.

9 MR. ABELL: Yes.

10 MR. ENGELMANN: And I'm just wondering if  
11 you could take a quick look at them and tell us if you  
12 agree with them.

13 MR. ABELL: Yes, I do.

14 MR. ENGELMANN: All right.

15 So there's a reference to the fact that  
16 there's -- because of the position of trust ---

17 MR. ABELL: Yes.

18 MR. ENGELMANN: --- that you have to satisfy  
19 a higher standard.

20 MR. ABELL: Well, it was -- essentially, it  
21 was in-house and no matter how careful you are, he's saying  
22 quite rightly that in-house is suspect.

23 MR. ENGELMANN: Right.

24 MR. ABELL: Yes.

25 MR. ENGELMANN: And in fact was there a

1 change made to your ---

2 MR. ABELL: Yes.

3 MR. ENGELMANN: --- your practice after  
4 this?

5 MR. ABELL: There was and I quite suspect  
6 that we were aware of the need for that when we asked for  
7 him to get involved.

8 MR. ENGELMANN: All right.

9 MR. ABELL: I mean I don't remember  
10 specifically, but I suspect that was the case.

11 MR. ENGELMANN: All right.

12 And sir, as I understand it, if we look at  
13 29 now ---

14 MR. ABELL: Yes.

15 MR. ENGELMANN: --- these allegations  
16 resurfaced ---

17 MR. ABELL: Yes.

18 MR. ENGELMANN: --- some 10 years later.

19 MR. ABELL: They did.

20 MR. ENGELMANN: And at that point in time,  
21 am I correct if I'm reading this, that there was no action  
22 taken by your agency? There was simply an immediate  
23 referral to the Ottawa CAS?

24 MR. ABELL: Correct.

25 MR. ENGELMANN: And that was in accordance

1 with the practice that you developed after the first issue.

2 MR. ABELL: That's right.

3 MR. ENGELMANN: All right.

4 And so this document is an Ottawa CAS  
5 document?

6 MR. ABELL: It is.

7 MR. ENGELMANN: And it talks about the  
8 protocol they're going to follow and then finally at --  
9 it's Document 23, you're advised that the investigation did  
10 not proceed as requested due to the unavailability of the  
11 alleged victim.

12 MR. ABELL: Yes.

13 MR. ENGELMANN: All right. That's the first  
14 matter.

15 Sir, if we could briefly deal with the  
16 second matter; these are Documents Numbers 130063 and  
17 130074.

18 THE COMMISSIONER: Thank you. So new  
19 Exhibit C-2482 will be Doc. Number 130074 and 130063.

20 --- EXHIBIT NO./PIÈCE NO. C-2482:

21 (130063 / 130074) "Referral/Change in  
22 Circumstances Disposition at the Completion  
23 of Investigation and Assessment"

24 MR. ENGELMANN: So by this time, sir, this  
25 first document is dated -- is that February 9<sup>th</sup> or September

1 -- it's probably September 2<sup>nd</sup>.

2 MR. ABELL: September -- yes, September 2<sup>nd</sup>.

3 MR. ENGELMANN: All right.

4 MR. ABELL: Ninety-nine ('99), yes.

5 MR. ENGELMANN: Right.

6 By this point in time was your new protocol  
7 a practice in place that if there was an allegation made  
8 against internal staff that you were not to do any form of  
9 investigation but to refer it out immediately?

10 MR. ABELL: Yes.

11 MR. ENGELMANN: And is that what is being  
12 indicated under "Details of Referral"?

13 MR. ABELL: That's correct.

14 MR. ENGELMANN: So it comes in and again,  
15 this time, from the mother of two boys ---

16 MR. ABELL: Yes.

17 MR. ENGELMANN: --- suggesting that one of  
18 your workers had molested the boys years prior.

19 MR. ABELL: Yes.

20 MR. ENGELMANN: And Mr. Carriere is  
21 referring the matter to the Brockville CAS.

22 MR. ABELL: And that was the key piece of  
23 the protocol. The Director of Protection Services,  
24 Mr. Carriere, would be in touch with his counterpart in  
25 whatever agency we approached.

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

2                   And this case -- and I've only put in a  
3 couple of documents, but involved allegations that  
4 allegedly took place during a physical examination of the  
5 boys.

6                   **MR. ABELL:** That's correct.

7                   **MR. ENGELMANN:** And the allegation was that  
8 this happened in the presence of a female co-worker as well  
9 ---

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

11                  **MR. ENGELMANN:** --- if I remember correctly.

12                  **MR. ABELL:** That is correct.

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

14                  And the matter then was referred and the  
15 documents that are attached as 74 -- that's the disposition  
16 at the completion of the investigation and assessment by  
17 the CAS in Brockville?

18                  **MR. ABELL:** Yes.

19                  **MR. ENGELMANN:** And it says:

20                               "The current case investigators  
21                               determined that the allegations could  
22                               not be substantiated or verified."

23                  **MR. ABELL:** Yes.

24                  **MR. ENGELMANN:** And in this case the  
25 Cornwall Police Service was contacted as well when the



1 referral was made?

2 MR. ABELL: They were.

3 MR. ENGELMANN: There was a recommendation,  
4 however, from the Brockville CAS that the Agency protocol  
5 around caseworker physical examinations of children needed  
6 to be reviewed and addressed ---

7 MR. ABELL: Yes.

8 MR. ENGELMANN: --- and it was suggested  
9 that be done in detail with the particular worker ---

10 MR. ABELL: Yes.

11 MR. ENGELMANN: --- so that further  
12 allegations of this nature would not be an issue again?

13 MR. ABELL: Yes.

14 MR. ENGELMANN: All right.

15 MR. ABELL: And I -- if I recall, it went  
16 beyond the individual worker involved. It -- I believe we  
17 did a development piece with all our staff.

18 MR. ENGELMANN: I was just going to ask if  
19 you applied that more generally.

20 MR. ABELL: Yes.

21 MR. ENGELMANN: All right.

22 And again, there's further information on  
23 the final page that the matter is terminated within a few  
24 weeks of it being referred; correct?

25 MR. ABELL: Yes.

1                   **MR. ENGELMANN:** And again, there's a  
2 reference to the contacts that they had, both with  
3 Mr. Carriere from the CAS here in Cornwall and the Cornwall  
4 Police Service.

5                   **MR. ABELL:** Yes.

6                   **MR. ENGELMANN:** Thank you. Those are my  
7 questions on that matter, sir.

8                   Mr. Abell, I'm a bit late in getting to this  
9 but I just want to ask you, sir, if you want to comment on  
10 one of two things.

11                   One is, given the work you did in this field  
12 -- in the child protection/child welfare field for many,  
13 many years -- if your own involvement in this work has had  
14 some effect on you personally; whether that's your  
15 involvement generally or perhaps your involvement  
16 specifically in some of the issues that are directly before  
17 this Inquiry?

18                   So that's the first question I want to leave  
19 with you if you want to comment on that at all.

20                   And secondly, if you have any  
21 recommendations or suggestions for the Commissioner, given  
22 what he has to do and given your experience in the area.

23                   **MR. ABELL:** Impact on me personally? Was  
24 there anything in particular?

25                   **MR. ENGELMANN:** Yes. Well, sir, you were

1 directly involved in this in several of the cases. We know  
2 that, for example, you were directly involved with Perry  
3 Dunlop in the beginning of the -- the accepting the Silmser  
4 complaint and some of the issues that arose out of that.  
5 We know that you had dealings with a number of other  
6 institutional players in this case. You had meetings with  
7 several victims and alleged victims of child sexual abuse.  
8 So if there is any effect that some of what I have asked  
9 you about had on you personally or on your family -- there  
10 was a lot of media attention here about some of these  
11 issues. So that's my first question. And we've asked this  
12 of all witnesses, sir.

13 MR. ABELL: Okay.

14 MR. ENGELMANN: I'm not singling you out in  
15 any way.

16 MR. ABELL: Okay.

17 MR. ENGELMANN: And the second question  
18 would be recommendations and suggestions.

19 ---STATEMENT BY/DÉCLARATION PAR MR. ABELL:

20 MR. ABELL: Recommendations, okay.

21 The quick answer is "yes". Has it impacted  
22 me personally, I think human service work and all of us in  
23 this room are in it, touches you personally. It cannot but  
24 do that. Certainly, the issue, the whole matter with Perry  
25 and Helen; the loss of that friendship I regret to this

1 day. We were very close and they're very good people, and  
2 so that was a loss for us.

3 Certainly, the effect on me and my family  
4 was real. But it went with the territory, quite simply. I  
5 mean, the position I was in being Director of a Children's  
6 Aid Society, it's a high profile, high demand role at any  
7 time. But it's one that has also got its rewards. So in  
8 talking about the impact on me personally, I mean I could  
9 go on about you know the emotional impact.

10 But on the other hand, I'd also like to say  
11 it's had huge rewards as well. I mean, it's very, very  
12 satisfying work. It is. I used to say to Mr. Carriere on  
13 many occasions, "It's not for the weaker stomach".

14 But if you can get past that, it's a chance  
15 to be with people from all walks of life in a very real  
16 way. And, I think, in particular it really is an  
17 opportunity to do something with a career. And I have  
18 tremendous satisfaction that our organization was the one  
19 that cared about people. Some of our conduct at times, I  
20 will acknowledge, didn't seem very caring. I'm not very  
21 happy in looking back on that aspect of our work. But I  
22 can tell you, it's a caring organization.

23 I tried to -- I always tried to lead by  
24 example. And that wasn't hard because I've got -- I had a  
25 wonderful organization with some people who cared about

1        what they did and cared about the people they worked with.  
2        So I mean I just wanted to say that, yes, it's been tough  
3        slugging a lot of times but also the rewards have been  
4        huge.

5                        Recommendations, sir?

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

7                        **MR. ABELL:** I was advised over lunch you  
8        were going to ask that so that I ate and scratched.

9                        Record disclosure; the last piece that you  
10       touched on, Mr. Engelmann, I'll say this to you, sir.

11                      I'm certainly -- I'm not proud of the three  
12       examples that you raised. I did get involved with them  
13       because people were frustrated and upset. They weren't the  
14       only three. There were other -- certainly when I was  
15       getting calls as people do in this town. It is a small  
16       town. More often than not, it was about access to records  
17       and I did do my level best to hear them, accept their  
18       frustration and try to move things along.

19                      In thinking about this -- I've had the  
20       opportunity because of all the preparation -- my hope, Mr.  
21       Commissioner, is that you can find your way to a  
22       recommendation that record disclosure, which is a technical  
23       way of saying giving people a chunk of their life,  
24       particularly with respect to the children that are in our  
25       care -- it needs to be more than an afterthought. It needs

1 to be more than an adjunct. For far too much of the  
2 history of child welfare in this province, and that's in  
3 excess of 100 years, it's been an adjunct. It's been  
4 something we got around to when we could. And one of the  
5 things that this experience has taught me is that it really  
6 can't be continued to be viewed that way.

7 I want to hasten to add that I know our  
8 society has started to or did start under my time and has  
9 continued to invest far more in getting information to  
10 people in a timely way. But that needs to happen more than  
11 just on an organization or CAS by CAS basis. I mean, as  
12 you know, there is 53 organizations and I don't really  
13 think that it's good enough that we should each be kind of  
14 left to manage this thing as best we can on our own.

15 It is a priority that needs to be set in our  
16 mandate, but it's a priority. And I have to say -- I'll  
17 echo my predecessor, Mr. O'Brien -- that there has got to  
18 be resources committed to that. It's not a simple matter.  
19 I wish it was, you know, a quick fix that we could hand  
20 departing Crown wards, some file information.

21 Giving people information about their lives  
22 means starting to think about that as soon as they join or  
23 they come into the care of the Society, so we have to be  
24 very thoughtful about what information we gather, when we  
25 gather and in what form. And I particularly want to

1 emphasize the "in what form".

2 What you tell people and the way in which  
3 it's delivered to them obviously is critically important.  
4 And when I look at our file documentation of the case  
5 recordings, they're not something you should hand to a  
6 youth. I don't even think they are something you should  
7 hand to an adult. Quite frankly, they were built for audit  
8 purposes and that's not the way to hand people a piece of  
9 their lives.

10 So I would urge that societies -- at least  
11 the Ministry take a provincial look at this thing, set some  
12 across-the-board standards in place and be prepared to  
13 resource a really strong, good faith effort on the part of  
14 all societies on a priority basis the delivery of  
15 information about people who have been in our care.

16 Part of that effort needs to be providing  
17 counselling when it's being handed out. To dump a history  
18 -- some of these histories are incredibly tragic and to  
19 dump that on anybody, youth or adult, I think is unethical.  
20 And I strongly urge that if we're going to provide people  
21 with documentation, it's got to be not only in the correct  
22 form in a way that they can reasonably manage but also with  
23 support if they choose to access it. So that piece is  
24 critically important.

25 Ongoing support, I mentioned last week when

1 I saw the material that came out of the group home  
2 experience, I was powerfully struck with that on a number  
3 of levels.

4 And one of the things that I thought -- it  
5 took me to some discussions I've had with colleagues over  
6 the years about our role as parents to youth, children and  
7 youth who come into our care. We raise -- child welfare in  
8 this province raises thousands of children and when I think  
9 about the parental role -- and I did see myself in a  
10 parental role with our youth. I used to kid our staff that  
11 I was father to two at home and 350 at the office, and I  
12 urged them to think that way about our youth -- to really  
13 extend that to when we think about our own situation.

14 Most of us who have reached my vintage  
15 years, if you're lucky you've got children that are out in  
16 the world and doing well -- and thank God, I do -- but I  
17 still parent them. My wife and I still parent them. And  
18 they come home and they'll pour out their troubles, come  
19 home looking for some money sometimes and a meal and all  
20 the wonderful things that you get to do as a parent. That,  
21 I hope, will continue for a lot more years. Many of our  
22 youth don't have that. Many of our young people don't have  
23 that.

24 What they have, and God bless every foster  
25 parent who does it -- so many of our foster parents in a



1 very quiet way continue to be there for their young people  
2 who went through their door. And I sort of get choked up  
3 thinking about it.

4 I've talked to foster parents who have these  
5 young people show up at their door at Christmas and they  
6 take them in and they feed them and they do whatever, you  
7 know, and that's family. These kids don't have that.

8 We need to do more and societies have been  
9 asking for some time, "Give us the means and give us the  
10 resources. Give the foster parents the resources to stay  
11 parents to these young people" for years, for years and  
12 years. And that's past 21 -- frankly, that's past 30, for  
13 whatever it takes.

14 Now, I realize that some might hear that as  
15 an open chequebook but we've got an obligation to these  
16 young people. They were -- many of them were Crown wards.  
17 The Crown was their legal parent. And I think the Crown  
18 needs to take a look at how long and in what way we can  
19 continue to support our young people in their lives ahead.

20 Sorry, Mr. Commissioner.

21 **THE COMMISSIONER:** No, that's fine.

22 That's it?

23 **MR. ABELL:** That's it.

24 **THE COMMISSIONER:** Thank you.

25 **MR. ABELL:** I would like to add -- sorry. I

1 had Bill across from me at lunch and he said, "Keep in mind  
2 what I said and what Mr. MacLean said" and I do. I'd like  
3 to support -- those are two wise gentlemen and I hope  
4 you'll listen well to their comments.

5 **THE COMMISSIONER:** Sure. Thank you.

6 **MR. ENGELMANN:** Thank you, Mr. Abell.

7 Mr. Commissioner, I have -- a colleague of  
8 mine who did speak to my friends with respect to length of  
9 time ---

10 **THE COMMISSIONER:** Yes.

11 **MR. ENGELMANN:** --- anticipated in  
12 cross-examination, and I don't believe Mr. Sherriff-Scott  
13 or his colleague Ms. Levesque is here ---

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

15 **MR. ENGELMANN:** --- but the others who are  
16 here have indicated a total time of five hours. So I'm not  
17 sure how late you wish to sit but that's the indication  
18 today, sir. I know you would like to have this finished  
19 tomorrow ---

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

21 **MR. ENGELMANN:** --- and, if it's possible,  
22 try and have Ms. LeBlanc testify. Her evidence will be  
23 very brief.

24 **THE COMMISSIONER:** M'hm. Well, I think we  
25 should end tonight because I don't think -- I have a

1 meeting to go to, in any event, very shortly.

2 **MR. ENGELMANN:** Okay.

3 **THE COMMISSIONER:** We'll start at 9:30, but  
4 we stay here tomorrow until it's done, until we hear the  
5 cross-examination and we hear from the witness.

6 **MR. ENGELMANN:** Sure.

7 **THE COMMISSIONER:** So let's plan on sitting  
8 late tomorrow.

9 **MR. ENGELMANN:** Sure. Should we have  
10 Ms. Leblanc available for the end of the day or ---

11 **THE COMMISSIONER:** Yes.

12 **MR. ENGELMANN:** Okay.

13 **THE COMMISSIONER:** Yes. It's got to be  
14 done.

15 Thank you very much. We'll see you tomorrow  
16 morning at 9:30.

17 **MR. ABELL:** Thank you, sir.

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

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

22 --- Upon adjourning at 4:44 p.m.

23 --- L'audience est ajournée à 16h44

24

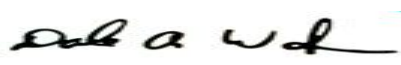
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C E R T I F I C A T I O N

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-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.

  
\_\_\_\_\_

Dale Waterman, CVR-CM