

**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 299

Held at :

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

Friday, October 31, 2008

Tenue à:

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

Vendredi, le 31 octobre 2008

Appearances/Comparutions

Ms. Brigitte Beaulne	Registrar
Ms. Maya Hamou Ms. Karen Jones	Commission Counsel
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie	Ontario Provincial Police
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Jodie-Lynn Waddilove	Attorney General for Ontario
Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Mr. Juda Strawczynski	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Ms. Gisèle Levesque	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Larry O'Brien	Randy Millar
Mr. Chris McDonell	

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1 --- Upon commencing at 9:33 a.m./

2 L'audience débute à 9h33

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Good morning, sir. You understand you're
12 still under oath, sir?

13 **MR. McDONELL:** Yes.

14 **THE COMMISSIONER:** Thank you.

15 **CHRIS McDONELL, Resumed/Sous le même serment:**

16 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MS.**
17 **JONES (cont'd/suite):**

18 **MS. JONES:** Good morning, Mr. McDonell.

19 We're now going to move on to a new topic
20 for the start and we're going to be looking at the
21 extortion investigation or the subsequent investigation
22 that you got involved in in February '94. And I'd like to
23 draw your attention, please, to your notes dated February
24 2nd, which is at Bates page 7029.

25 **THE COMMISSIONER:** I'm sorry, what exhibit

1 again? Ms. Jones, what exhibit?

2 **MS. JONES:** Twenty-five thirty-eight (2538).

3 **THE COMMISSIONER:** Thank you. All right.

4 What page?

5 **MS. JONES:** Yes, on Bates page 7029.

6 **THE COMMISSIONER:** So one in. All right.

7 **MS. JONES:** It's the previous page that
8 shows as February 2nd, but the entry that I want is on page
9 7029 at 12:45.

10 And it would appear that you were to proceed
11 to Long Sault Detachment for investigation into Kenneth
12 Seguin.

13 "Detective Inspector Fred Hamelink set
14 up program as to plan of
15 investigation."

16 I believe that's what it says.

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

18 **MS. JONES:** Okay. Now, I wonder if you
19 could please describe what exactly that meeting was about
20 and what exactly was being set up and what was the plan of
21 investigation for that?

22 **MR. McDONELL:** Well, it would be --
23 Inspector Hamelink would be setting up the protocol or
24 which way he wanted to investigate it and how he wanted to
25 investigate it and what people he wanted to interview.

1 **MS. JONES:** All right.

2 What exactly was it that was being
3 investigated?

4 **MR. McDONELL:** Well, it was an extortion,
5 the follow-up to our investigation in November as to Ken
6 Seguin and possibly Silmsers extortion.

7 **MS. JONES:** Concerning the phone call the
8 night before the suicide; is that what you're referring to,
9 and some things that happened prior to the suicide?

10 **MR. McDONELL:** Well, we came to our
11 conclusion of the investigation and this is the follow-up
12 promoted by I don't know who. It was a follow-up to our
13 investigation, to check, to increase the investigation into
14 that.

15 **MS. JONES:** Is it fair to say certainly by
16 February 2nd, 1994 your previous investigation had
17 definitely finished by then?

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

19 **MS. JONES:** Okay. And certainly with
20 respect to any possible extortion issue?

21 **MR. McDONELL:** I would say yes.

22 **MS. JONES:** Okay.

23 **MR. McDONELL:** We were satisfied.

24 **MS. JONES:** All right.

25 Do you know why you were chosen to be on

1 that team?

2 **MR. McDONELL:** No idea.

3 **MS. JONES:** Did anyone say it was because
4 you had been involved in the previous investigation into
5 the suicide?

6 **MR. McDONELL:** No.

7 **MS. JONES:** And were you very clear about
8 the fact that you were looking into this possible extortion
9 situation? In other words, it was not a reinvestigation
10 into the whole suicide?

11 **MR. McDONELL:** I don't think it had anything
12 to do with the suicide. I mean, as per se the ---

13 **MS. JONES:** That was your understanding
14 anyway?

15 **MR. McDONELL:** Yeah. There was no
16 investigation into reinvestigating the suicide itself.

17 **MS. JONES:** So at this particular meeting
18 what sort of tasks were you given to do?

19 **MR. McDONELL:** Oh, I don't remember. It
20 goes on in my notebook here, interviews, mostly interviews
21 of different people associated.

22 **MS. JONES:** And were you told at the time
23 that there was also a parallel investigation being headed
24 up by Tim Smith?

25 **MR. McDONELL:** I don't recall.

1 **MS. JONES:** Was that ever discussed with
2 Hamelink at any time, not necessarily just on February 2nd,
3 but in the months ensuing?

4 **MR. McDONELL:** Well, I knew that there was -
5 - I would believe -- I don't know. Really, I don't. I
6 can't recall if I knew or not.

7 **MS. JONES:** Do you now know what that other
8 team was investigating?

9 **MR. McDONELL:** Yes, I was part of the other
10 team also.

11 **MS. JONES:** So you were part of the other
12 team?

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

14 **MS. JONES:** So then you would have been
15 aware then that there was another team and what they were
16 doing?

17 **MR. McDONELL:** At that very -- at that time,
18 when we went with Mr. Hamelink, I don't recall if we knew
19 that the other investigation had started or if it was -- it
20 was being done out of Ottawa.

21 **MS. JONES:** Did you eventually learn though
22 that there was another investigation going on?

23 **MR. McDONELL:** I did, yes.

24 **MS. JONES:** And did you learn that that
25 investigation was basically reinvestigating the Silmser

1 complaint, amongst other things, therefore making David
2 Silmsler a victim, whereas in your investigation it was
3 David Silmsler, the suspect? Do you recall that dichotomy
4 existing at the time?

5 **MR. McDONELL:** Well, I would say he was a
6 victim and a suspect. When we were doing the
7 investigation, he complained of being assaulted and we were
8 also interested in the extortion.

9 **MS. JONES:** All right.

10 So you agree then they had these two
11 investigations, one by Smith, one headed by Hamelink, and
12 Smith's has David Silmsler as a victim and Hamelink has
13 David Silmsler as the suspect?

14 **MR. McDONELL:** That's correct.

15 **MS. JONES:** And you're on Hamelink's team,
16 but sometimes you were helping out the Smith team?

17 **MR. McDONELL:** Correct.

18 **MS. JONES:** Who decided when you would be
19 joining which team and what you would be doing?

20 **MR. McDONELL:** I can't tell you that. I
21 can't tell you when that was decided. I suppose probably
22 because I was -- knew the area and knew the people
23 involved. I don't know why else.

24 **MS. JONES:** Do you recall there being
25 meetings with the Smith team and the Hamelink team to

1 coordinate efforts at any time?

2 **MR. McDONELL:** I don't recall.

3 **MS. JONES:** Do you recall there being some
4 sort of a planned approach by Smith or a coordinated
5 approach by Smith or Hamelink as to how to treat the issue
6 of David Silmser, the victim, versus David Silmser, the
7 suspect?

8 **MR. McDONELL:** No, that was their -- I did
9 what I was asked to do and the inspectors were looking
10 after their end of these investigations.

11 **MS. JONES:** And you were just asked to
12 conduct interviews and such?

13 **MR. McDONELL:** Correct, mostly.

14 **MS. JONES:** I was wondering if we could go
15 to Tab -- I'm sorry, to Document 725224.

16 **THE COMMISSIONER:** That's a new one, sir.
17 Thank you. Exhibit Number 2544 ---

18 **MS. JONES:** I can identify this. These are
19 actually notes by Hamelink.

20 **THE COMMISSIONER:** Okay. And the first date
21 is the 21st of February 1994.

22 --- **EXHIBIT NO./PIÈCE NO. P-2544:**

23 (725224) Notes of Hamelink dated 21 Feb 94

24 **MS. JONES:** We do know that these are notes
25 by Officer Hamelink dated the 21st of February 1994, and

1 there seems to be a meeting that happened in Ottawa. It
2 seems that Claudette Breault, Peter Griffiths, Officers
3 Fagan, McDonell and Genier were in attendance. And it
4 seems that the topic being discussed was described below:

5 "Extortion on hold for time being until
6 Smith completed obstruct investigation.
7 Need Silmser as witness against Father
8 MacDonald."

9 **THE COMMISSIONER:** I think it's "need"
10 Silmser.

11 **MS. JONES:** "Need Silmser as witness against
12 Father MacDonald."

13 Do you see that?

14 **MR. McDONELL:** Yes, I see that.

15 **MS. JONES:** Okay. So it would appear that
16 there was some discussion of how you're going to coordinate
17 this difficult situation where you have one person being
18 both victim and suspect?

19 **MR. McDONELL:** Yes, but it wasn't by me. It
20 was by the two inspectors.

21 **MS. JONES:** Pardon me?

22 **MR. McDONELL:** I say it would be by the two
23 inspectors.

24 **MS. JONES:** Correct. But it would appear
25 that you were involved in the discussion, or at least

1 present for the discussion.

2 MR. McDONELL: I was present, yes.

3 MS. JONES: So then do you recall there
4 being a discussion similar to this?

5 MR. McDONELL: I remember being in Ottawa at
6 the Crown Attorney's Office, but what was discussed there,
7 I do not recall.

8 MS. JONES: If you are one of the officers
9 doing the investigation on the extortion investigation,
10 would you agree it's useful to know how to play this out --
11 a particular aspect of it?

12 MR. McDONELL: That's correct.

13 MS. JONES: Whose decision was it to
14 interview which people?

15 MR. McDONELL: As I say, it would be the two
16 inspectors that were in charge of that investigation and
17 they would advise us who they wanted interviewed.

18 MS. JONES: Was there any sort of
19 operational plan; something written down that you could
20 refer to?

21 MR. McDONELL: Not that I had. They
22 obviously had one, but I didn't have a copy of that. We
23 just got instruction as to who to investigate or to who to
24 question.

25 MS. JONES: And do you recall that if you

1 got information when you were doing your extortion
2 investigation, was there some sort of understanding you
3 would share that information with the other team or did you
4 just keep it on your own team?

5 **MR. McDONELL:** Well, as I tell you, the two
6 inspectors, we reported to the two inspectors. What they
7 did, I don't know.

8 **MS. JONES:** So perhaps you could just
9 describe then -- you would go out and do a statement, you'd
10 come back. Would you share the statement right away with
11 your inspector? How did that work?

12 **MR. McDONELL:** They'd be turned -- they'd be
13 typed and turned in to the inspector. And he would go over
14 them and if there was some follow-up to be done on the
15 statement, which oftentimes there were, we would go back
16 and get the information that was required.

17 **MS. JONES:** Did you have any discussions
18 with Inspector Hamelink as to how the course of the
19 investigation was going or any discussion of where it
20 should be going, could be going?

21 **MR. McDONELL:** I'm sure I did. I don't
22 recall, but I'm sure we were. You know, I've known
23 Inspector Hamelink a long time.

24 **MS. JONES:** So were you kept apprised of
25 what was happening in the Smith investigation?

1 **MR. McDONELL:** Well, when I would be in with
2 -- assisting in the Smith investigation -- in the
3 interviews with the Smith investigation, I would obviously
4 know what for -- be told what to do there also.

5 **MS. JONES:** But I'm saying in a general sort
6 of a term, were you kept up-to-date as to what was
7 happening on this other investigation?

8 **MR. McDONELL:** I would say yes.

9 **MS. JONES:** If I could just, please, take
10 you back to a document we entered yesterday; 2528.

11 **THE COMMISSIONER:** It's in that same book,
12 sir.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MS. JONES:** And this is your Will Say and I
15 just would like to go to Bates page 4598 and this Will Say
16 is a nice, typed summary basically of your notes. I think
17 it's a bit easier to refer to than your notes, but if you
18 could just scroll down a bit, Madam Clerk, please?

19 You'll see that the dates of your entry
20 jumped from the 18th of February to the 22nd of February.
21 There's actually no mention of the Ottawa meeting in
22 February 21st. It's the same in your notes; there's no
23 mention of that, but you do recall that you were there?

24 **MR. McDONELL:** That's correct. I was there.
25 Why is it not in there? I don't know.

1 **MS. JONES:** In your experience, is it
2 typical practice to have such a senior Crown Attorney
3 involved in the investigative stage at that particular
4 point-in-time as happened on February 21st, '94?

5 **MR. McDONELL:** I don't know. Sometimes, if
6 it was homicide or a serious robbery or something, we would
7 go to a senior Crown.

8 **MS. JONES:** Okay, but this was not a
9 homicide or a serious robbery though?

10 **MR. McDONELL:** No, but it was pretty serious
11 in the area at the time. It was a serious investigation.

12 **THE COMMISSIONER:** Do you know what we mean
13 by a "senior Crown"? This is the -- at that time, this
14 gentlemen was the what ---

15 **MS. JONES:** Senior Regional Crown.

16 **THE COMMISSIONER:** Senior Regional Crown as
17 opposed to Murray MacDonald who was the Crown Attorney
18 here. Had you worked with people of the likes of Mr.
19 Griffiths at that time?

20 **MR. McDONELL:** Well, I'd worked with him,
21 Your Honour, yeah, as I said, with different homicides.

22 **THE COMMISSIONER:** Okay, so when he was
23 Regional Senior Crown, you worked with him on different
24 matters?

25 **MR. McDONELL:** Yes.

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

2 **MS. JONES:** I just want to look at a couple
3 of statement that were taken.

4 The first statement is Exhibit 1063,
5 Document 711828. It could also be Document 725557.

6 **THE COMMISSIONER:** I'm sorry?

7 **THE REGISTRAR:** One-zero-six-three (1063).

8 **THE COMMISSIONER:** Thank you.

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

10 **MS. JONES:** Mr. McDonell, this is a
11 statement of Jos Van Diepen.

12 **MR. McDONELL:** Yeah.

13 **MS. JONES:** And just a couple of things I
14 want to look at. Maybe I'll wait until it gets up on the
15 screen.

16 **(SHORT PAUSE/COURT PAUSE)**

17 **MS. JONES:** The one thing I want to note is
18 the actual occurrence number that's listed there, which is
19 CIB 995101794. Do you see that at the top?

20 **MR. McDONELL:** Okay.

21 **MS. JONES:** It's my understanding by reading
22 other documents as well, that that was the CIB
23 investigation number on the extortion side of this
24 situation that we're talking about. In other words, the
25 Hamelink investigation. There was a different number

1 assigned to the Smith investigation.

2 MR. McDONELL: Could be, I don't know. I
3 don't know what the file number of -- which one really
4 relates to it. I don't know -- we don't use that file
5 number other than on a report like this.

6 MS. JONES: All right. This is the file
7 number apparently assigned to the extortion investigation.

8 MR. McDONELL: Okay.

9 MS. JONES: And there's another number
10 assigned to the Smith investigation.

11 MR. McDONELL: Very good.

12 MS. JONES: But the reason I thought
13 significant is, just as you said, you put that number on
14 the top so you know which investigation this particular
15 statement is attached to; correct?

16 MR. McDONELL: Correct.

17 MS. JONES: Now, according to the CIB
18 number, you are interviewing Mr. Van Diepen with Officer
19 Genier on the 14th of February, 1994, and this is in
20 relation to the extortion side of the investigation, just
21 to be sure. What was the purpose of talking to Mr. Van
22 Diepen? How did that name come up?

23 MR. McDONELL: That would be one of the
24 names that the CIB inspector would give us to interview.

25 MS. JONES: And ---

1 **MR. McDONELL:** We had a list of names and
2 he'd be one of them.

3 **MS. JONES:** All right. And during the
4 course of the interview here, would you agree with me that
5 Mr. Van Diepen made some quite startling revelations about
6 another probation officer by the name of Nelson Barque?

7 **MR. McDONELL:** What line are you at?

8 **MS. JONES:** Well, it's actually on the first
9 page and several places throughout the statement.

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

11 **THE COMMISSIONER:** So, for example -- what
12 are you doing, you letting him read?

13 **MS. JONES:** Yes.

14 **THE COMMISSIONER:** On the last paragraph on
15 the first page, Mr. Van Diepen talks about Nelson Barque
16 having to leave the Probation Service because he was being
17 sexually involved with one of his probationers.

18 **MR. McDONELL:** Correct.

19 **THE COMMISSIONER:** All right.

20 **MS. JONES:** Do you wish to just review the
21 statement before I ask you questions about it, sir?

22 **MR. McDONELL:** Yeah.

23 **MS. JONES:** Yes, okay.

24 **THE COMMISSIONER:** Okay.

25 **MR. McDONELL:** Do you want me to read the

1 whole statement out?

2 MS. JONES: Do you want to read the whole
3 statement?

4 MR. McDONELL: Well, they told me to read
5 that -- that paragraph, which I did.

6 MS. JONES: Are you familiar with the
7 statement?

8 MR. McDONELL: Yeah.

9 MS. JONES: I'm just giving you the
10 opportunity; if you want to read it, you can.

11 MR. McDONELL: Okay.

12 MS. JONES: If you're familiar with it, then
13 we can move on because I have a few questions about it.

14 (SHORT PAUSE/COURTE PAUSE)

15 MR. McDONELL: Okay, what ---

16 MS. JONES: Do you recall that you and
17 Officer Genier were the ones that took the statement of Mr.
18 van Diepen?

19 MR. McDONELL: Yes.

20 MS. JONES: And was this the statement that
21 you're stating was taken by Mr. van Diepen?

22 MR. McDONELL: It was given -- yes, he gave
23 us his statement.

24 MS. JONES: All right. Mr. van Diepen
25 testified here at the inquiry about this statement, and he

1 had raised some concerns and was critical actually about
2 the method in which it was taken. According to Mr. van
3 Diepen, he testified that you and Officer Genier stood in
4 the doorway of his office and basically talked about
5 Seguin, Silmser for some period of time and then returned a
6 little while later on with a typewritten version of this
7 particular interview. Do you recall that?

8 **MR. McDONELL:** No, I don't. I recall Seguin
9 going to his office. I believe it was taken in his office
10 but I can't see us standing in the doorway. I mean, it's
11 quite a lengthy statement; you'd have to pretty near sit
12 down to write it.

13 **MS. JONES:** According to your notes, it
14 seems to be about 110 minutes that you were there at the
15 office?

16 **MR. McDONELL:** That's correct.

17 **MS. JONES:** But Mr. van Diepen recalls that
18 you stood in the doorway throughout that time?

19 **MR. McDONELL:** Well, I don't recall.

20 **THE COMMISSIONER:** He or both?

21 **MS. JONES:** According to Mr. van Diepen, he
22 said the officers, both McDonell and Genier.

23 **MR. McDONELL:** What can I say? I mean I
24 can't believe that we stood in the door and wrote out a
25 statement like that for an hour and ten minutes.

1 **MS. JONES:** And according to Mr. van Diepen,
2 he said a couple of days later, you came back with a
3 prepared typed statement and he read the statement in the
4 presence of yourselves and he penned changes to the
5 language that was used and said what he did agree with or
6 didn't agree with, and then he signed it. Do you recall
7 that?

8 **MR. McDONELL:** I don't recall but it's
9 obvious that he did. This is the original and the girls at
10 our office would type these statements.

11 **MS. JONES:** Mr. van Diepen also said it was
12 not explained to him at the time that his comments to you
13 that day were actually going to take the form of a
14 statement; he didn't realize that at the time when he
15 talked to you that day?

16 **MR. McDONELL:** Well, I find that hard to
17 believe being he was a probation officer and he knows what
18 the police procedures are.

19 **MS. JONES:** Mr. van Diepen said also too
20 that the document couldn't be relied on as his statement
21 because the document didn't originate from him. In other
22 words, he was saying that you actually wrote the statement
23 and he felt that the setting of the interview was
24 inappropriate and he didn't really feel it was his
25 statement; it was rather your statement of his words?

1 **MR. McDONELL:** That's my opinion that that's
2 the statement that he gave us when we went to his office
3 and he corrected some of the errors, I see a few places
4 throughout this statement, and then he signed it. So what
5 can I say?

6 **MS. JONES:** The items spoken in the
7 statement anyway address issues surrounding one Nelson
8 Barque, which is not one of the persons you were assigned
9 to investigate in this extortion situation; correct?

10 **MR. McDONELL:** No.

11 **MS. JONES:** And essentially Mr. van Diepen
12 was telling you that Mr. Barque left his employment in 1982
13 because of inappropriate sexual contact with his clients;
14 do you recall that in his statement?

15 **MR. McDONELL:** Correct, yes.

16 **MS. JONES:** Now we know that this matter was
17 handled internally by the Ministry, by Probation Services,
18 we know this here at the Inquiry and there's documents to
19 verify this. Did you contact CPS or do any follow-up with
20 CPS to see if Nelson Barque had been a suspect in any sort
21 of a complaint?

22 **MR. McDONELL:** I eventually did his death,
23 so I don't recall but I would imagine that there was some
24 follow-up. I don't know if it was at this time but he
25 eventually died.

1 **MS. JONES:** Well, some years later?

2 **MR. McDONELL:** Yeah.

3 **MS. JONES:** Yes, but I'm talking about
4 February 1994, you're being told some quite startling
5 things, I would say, in this statement and there's nothing
6 in your notes to show that you did any follow-up with CPS
7 to see if Mr. Barque was a possible suspect, or any follow-
8 up investigation at all on Mr. Barque?

9 **MR. McDONELL:** Well, no I would say no,
10 there was none.

11 **MS. JONES:** You're aware that Mr. Barque
12 actually did have criminal charges against him in the
13 following years to come?

14 **MR. McDONELL:** Yes. I knew Nelson Barque.

15 **MS. JONES:** How did you know Nelson Barque?

16 **MR. McDONELL:** Well, I knew him when he was
17 a probation officer.

18 **THE COMMISSIONER:** So did you know at the
19 time when he left, were you aware that he had left
20 Probation?

21 **MR. McDONELL:** Yes.

22 **THE COMMISSIONER:** Were you aware when he
23 left at the time that he left, the circumstances under
24 which he left?

25 **MR. McDONELL:** Yes, I was.

1 **THE COMMISSIONER:** And how did you find that
2 out?

3 **MR. McDONELL:** Because they originated out
4 of Lancaster, and I knew the officers that investigated it.

5 **THE COMMISSIONER:** Who investigated what
6 now?

7 **MR. McDONELL:** These sexual allegations.

8 **THE COMMISSIONER:** Right. No, no, what I'm
9 saying is when Mr. Barque left, quit Probation; do you
10 remember when he left Probation?

11 **MR. McDONELL:** Yes.

12 **THE COMMISSIONER:** Okay, was there an
13 investigation then?

14 **MR. McDONELL:** I believe there was an
15 investigation that led up to him leaving.

16 **THE COMMISSIONER:** Oh, okay and on what
17 basis, where do you get that?

18 **MR. McDONELL:** Well, the investigation was
19 done by an officer in Lancaster Detachment.

20 **THE COMMISSIONER:** And who would that have
21 been?

22 **MR. McDONELL:** Constable Seguin.

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

24 **MR. McDONELL:** But not the Seguin that's
25 here; another officer, who has since died.

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

2 **MS. JONES:** Mr. Barque left Probation in
3 1982, so you're saying there was an investigation in 1982
4 about it?

5 **MR. McDONELL:** I'm not sure of the year,
6 would be '72, 70 or -- did you say '72?

7 **MS. JONES:** '82.

8 **MR. McDONELL:** Well, so there would be
9 probably 1980 or 1981, I'm not sure when it was.

10 **MS. JONES:** So you were aware then of that
11 that had happened in 1980-81 and now you're hearing about
12 quite unsavoury things in February 1994. Again, that
13 didn't peak your interest and think maybe this should be
14 looked at a little bit closer right now?

15 **MR. McDONELL:** Was probably the same
16 investigation that took place then.

17 **MS. JONES:** Pardon me?

18 **MR. McDONELL:** Back in the '70s or the '80s,
19 the early '80s. That's what he was probably talking about
20 here.

21 **MS. JONES:** But it's not a hundred percent
22 clear, is it?

23 **MR. McDONELL:** No.

24 **MS. JONES:** No. So there's a possibility
25 there could have been other sexual misconduct on the part

1 of Nelson Barque that's being revealed to you in February
2 '94, but you didn't do any further investigation on that?

3 **MR. McDONELL:** No, I did not.

4 **MS. JONES:** If I could please go to Exhibit
5 117. It's Document 713277.

6 **MR. McDONELL:** Do I have that document here?

7 **MS. JONES:** You will have it, sir.

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

9 (SHORT PAUSE/COURTE PAUSE)

10 **MS. JONES:** We have an interview here of one
11 Albert Roy, and I see by the ---

12 **THE COMMISSIONER:** Sorry, 1107?

13 **MS. JONES:** One one seven (117) -- 0117.

14 **THE COMMISSIONER:** Okay. Thank you. Okay.
15 All right.

16 **MS. JONES:** We have the statement of Albert
17 Roy and it appears that you were the one who conducted the
18 interview?

19 **MR. McDONELL:** Yes.

20 **MS. JONES:** And the interview is on December
21 6th, 1994?

22 **MR. McDONELL:** Yes.

23 **MS. JONES:** And in this statement, certainly
24 on the second page, 1071, he's basically saying that he was
25 sexually assaulted by Nelson Barque. Do you see that?

1 **MR. McDONELL:** M'hm.

2 **MS. JONES:** Okay. I'm just wondering what
3 was it that caused you to interview Albert Roy?

4 **MR. McDONELL:** Why did I interview Albert
5 Roy?

6 **MS. JONES:** Yes.

7 **MR. McDONELL:** It was -- I believe he was
8 complaining of a sexual assault. I'd have to look in my
9 notebook to see what took me there, but he was complaining
10 of sexual assault by Mr. Barque and I took the statement
11 for Long Sault Detachment.

12 **MS. JONES:** Is this part of the Smith
13 investigation? Is that why you were there? It doesn't
14 seem to be part of the extortion, clearly.

15 **MR. McDONELL:** No.

16 **MS. JONES:** But ---

17 **MR. McDONELL:** I don't believe it was part
18 of -- I'd have to look in my notebook to see.

19 **THE COMMISSIONER:** Go ahead. Go ahead; look
20 at your notebook.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. McDONELL:** I was contacted by Cornwall
23 Police as they had received a complaint of sexual assault,
24 and I proceeded there and was introduced to Mr. Roy.

25 **THE COMMISSIONER:** So now what notebook are

1 you looking at, sir? Can we find it in the notes?

2 **MS. JONES:** Yes, I can enter this as an
3 exhibit, please -- as one exhibit. If I could please have
4 these excerpts as one exhibit, 7157367 to 70, Excerpt 373,
5 376, 378 to 379, 393 to 394, 397, 402 to 407, 409 to 410,
6 414, 418, 420, 451, 460, 462 to 464 and 466, Document
7 737498. It's the same document for all those excerpts --
8 498.

9 Seven one five seven three six seven
10 (7157367) is the first Bates page.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **THE COMMISSIONER:** Officer McDonell, while
13 there's a break in the action, did you discuss your
14 testimony here yesterday with anyone, per chance?

15 **MR. McDONELL:** No, sir, I went home to my
16 wife.

17 **THE COMMISSIONER:** You wouldn't have met
18 Officer Millar at any point?

19 **MR. McDONELL:** Oh yes, he was here in the
20 room.

21 **THE COMMISSIONER:** Did you discuss your
22 testimony with him at all?

23 **MR. McDONELL:** No, not really.

24 **THE COMMISSIONER:** You understand you're not
25 supposed to?

1 **MR. McDONELL:** Yes, I realize that.

2 **THE COMMISSIONER:** Are we there yet?

3 **MS. JONES:** No, we aren't. We're going to
4 have to leave that, I'm afraid.

5 It would appear though that ---

6 **THE COMMISSIONER:** No, no, we're not going
7 to leave that. He's referring to his original notes and I
8 think we should be directed to where he's looking to make
9 sure that what he's looking at is the same thing that we
10 have.

11 **MS. JONES:** I can provide that. If we take
12 a break, I can provide that. We do have that material.

13 **THE COMMISSIONER:** All right.

14 **MS. JONES:** Officer McDonell, were you ever
15 requested to become involved in Project Truth when that was
16 brought about to fruition a few years later down the road?

17 **MR. McDONELL:** Yes, I was offered the
18 position or job.

19 **THE COMMISSIONER:** Did you take it?

20 **MR. McDONELL:** No, I did not.

21 **THE COMMISSIONER:** So the question was were
22 you involved in Project Truth?

23 **MR. McDONELL:** No, not in the ---

24 **THE COMMISSIONER:** In 1997, the official
25 Project Truth, were you involved in that?

1 **MR. McDONELL:** No. Some aspects. I was
2 called into it on a couple of occasions, but I was not, as
3 per se, one of the investigating officers.

4 **THE COMMISSIONER:** No, that means you were
5 involved though in some aspects of Project Truth.

6 **MR. McDONELL:** I would say yes.

7 **THE COMMISSIONER:** All right.

8 Now, which ones? What did you do?

9 **MR. McDONELL:** I believe there was a teacher
10 -- I forget his name -- that was ---

11 **THE COMMISSIONER:** Albert Lalonde?

12 **MR. McDONELL:** That's right. I was involved
13 in the arrest and the statement taking of Mr. Lalonde. I
14 don't recall any others, but I do recall that one.

15 **MS. JONES:** Okay.

16 **THE COMMISSIONER:** Thank you.

17 **MS. JONES:** But you were asked to be part of
18 the team at some point and you turned it down, I
19 understand?

20 **MR. McDONELL:** Before it started.

21 **MS. JONES:** Before it started?

22 **MR. McDONELL:** Yes.

23 **MS. JONES:** Had you had any experience in
24 those types of investigations before, historical sexual
25 assaults?

1 **MR. McDONELL:** I did historical sexual
2 assaults for the last 30 years ---

3 **MS. JONES:** Okay.

4 **MR. McDONELL:** --- on my own, I mean my own
5 investigations.

6 **MS. JONES:** And why didn't you join?

7 **MR. McDONELL:** Because I didn't want a
8 commitment like that for, as it turned out, four or five
9 years.

10 **MS. JONES:** All right.

11 I then want to move on to the issue of Jean-
12 Luc Leblanc, and I understand that at some point when you
13 were working with Randy Millar between September and
14 December 1998, if Mr. Millar or Officer Millar was not on
15 duty, you would be the officer in charge. Is that a fair
16 summary?

17 **MR. McDONELL:** Yes.

18 **MS. JONES:** And if something came in then
19 and you were the officer in charge, you were the person
20 responsible for making sure it got looked after or
21 delegated to whoever was appropriate?

22 **MR. McDONELL:** I would say yes.

23 **MS. JONES:** Okay.

24 Do you recall that there was a call that
25 came in about a person, Jean-Luc Leblanc, at some point ---

1 **MR. McDONELL:** Yes, I recall.

2 **MS. JONES:** --- during that period of time?

3 **MR. McDONELL:** Yes.

4 **MS. JONES:** And can you recall approximately
5 what the information was that you had received and what you
6 had done with that information?

7 **MR. McDONELL:** All that I had was that a --
8 there was some person moved into the area that was -- had
9 been to -- had been convicted of sexual assault and ---

10 **THE COMMISSIONER:** Somebody moved into the
11 area that had been convicted?

12 **MR. McDONELL:** The Jean -- yes.

13 **THE COMMISSIONER:** Okay, I see what you
14 mean.

15 **MR. McDONELL:** And was living -- I believe
16 it was Newington or that area and that we should have a
17 look at him. And I requested that one girl by the name of
18 Julie Cyr look into it.

19 **MS. JONES:** And what did you instruct
20 Officer Cyr to do?

21 **MR. McDONELL:** Just to see if the guy was
22 there and just to see what she could -- you know, and check
23 him out; that's all. I didn't realize that this man was
24 involved -- I wasn't told that he was involved with kids at
25 that time. I mean, that he was that kind -- assaulting

1 kids. I mean, you know, he got out of jail and he was
2 living in our area, but we have lots of bad people living
3 in our area.

4 **THE COMMISSIONER:** But you were told that he
5 was a convicted sex offender. Were you told that before
6 you were told to go out and check him out?

7 **MR. McDONELL:** I believe so, yes.

8 **THE COMMISSIONER:** All right. Okay, good.

9 **MS. JONES:** And were you told that he'd been
10 seen in the company of young boys in a couple of locations
11 in the jurisdiction?

12 **MR. McDONELL:** Not that I recall. Just that
13 he lived in our area.

14 **MS. JONES:** And when you said you'd tasked
15 Officer Cyr to do something, was that surveillance or what
16 was it that you actually ---

17 **MR. McDONELL:** No, it wouldn't ---

18 **MS. JONES:** --- asked her to do?

19 **MR. McDONELL:** --- be -- it would be go up
20 and check -- check it out; check out the information.

21 **THE COMMISSIONER:** Did you go talk to him?

22 **MR. McDONELL:** I didn't. I asked her to do
23 it.

24 **THE COMMISSIONER:** Oh, I see.

25 **MS. JONES:** And do you recall that there was

1 some surveillance done of Mr. Leblanc in December 1998, and
2 that Project Truth got involved at that point?

3 **MR. McDONELL:** Well, I knew that Project
4 Truth had got involved later on down the -- a month or two
5 later, but as to say that I remember; no.

6 **MS. JONES:** So you got the initial call then
7 in September '98?

8 **MR. McDONELL:** No, I -- I don't believe it
9 was September. I don't know when it was, but it was
10 November, December; in that area.

11 **MS. JONES:** So you had not heard of Leblanc
12 from Randy Millar at that point? This was your first
13 indication of this person to you?

14 **MR. McDONELL:** Yes, as far as I recall.

15 **MS. JONES:** Had you ever heard -- before you
16 got involved in November or December, had you heard any
17 discussion of Mr. Leblanc around the office in any form?

18 **MR. McDONELL:** No.

19 **MS. JONES:** If there is a person committed -
20 - that has committed sexual offences against children that
21 has moved in the jurisdiction, is there any sort of a
22 protocol or an alert system that can be in place to have
23 other people keep an eye open for this person?

24 **THE COMMISSIONER:** Now or in 1994?

25 **MS. JONES:** No, in 1998.

1 **THE COMMISSIONER:** Nineteen ninety-eight
2 (1998) then.

3 **MR. McDONELL:** No, the -- I probably
4 investigated 15 or 20 a year for 15 years and they're on no
5 registry that I know of.

6 **MS. JONES:** No, I'm not saying a registry.
7 I'm just saying even an internal police communication of
8 some sort; putting a picture up on a wall in the office ---

9 **MR. McDONELL:** No.

10 **MS. JONES:** --- or something of that nature?

11 **MR. McDONELL:** No.

12 **MS. JONES:** So is you got the call then, it
13 would be up to the individual officer to share that
14 information, if it was going to be shared?

15 **MR. McDONELL:** Yeah, if it -- yes.

16 **MS. JONES:** And if it wasn't going to be
17 shared, there was no method for you to find out if there
18 was someone like that living in the neighbourhood?

19 **MR. McDONELL:** No, not really.

20 **MS. JONES:** Okay.

21 Do you recall being involved in the --
22 assigning resources to the surveillance of Jean-Luc Leblanc
23 in December? Do you recall there being a coordinated
24 effort between Project Truth and yourself?

25 **MR. McDONELL:** No, I don't recall.

1 **MS. JONES:** Did you do any follow-up with
2 Officer Cyr as to whether she found anything?

3 **MR. McDONELL:** No, and -- like, in late
4 December or January, I don't recall -- I knew that he'd
5 been arrested by the boys in Project Truth. Other than
6 that, I had lots to do on my own without bothering -- or I
7 shouldn't say bothering; without butting into somebody
8 else's investigation.

9 **MS. JONES:** Were you aware that he got
10 arrested very shortly -- the very next month, in January,
11 with sexual offences against young children?

12 **MR. McDONELL:** Yes, I was aware, yes.

13 **MS. JONES:** Did it concern you that you had
14 been alerted to him earlier than when he was arrested ---

15 **MR. McDONELL:** No, it didn't.

16 **MS. JONES:** --- and you hadn't really done
17 anything about that?

18 **MR. McDONELL:** No, it was not my
19 investigation so I wasn't concerned about that, no.

20 **MS. JONES:** But when it was brought to your
21 attention -- you said you said something to Officer Cyr.
22 At that point, when you learned that one or two months
23 later, he'd actually been arrested for the very thing that
24 you'd been alerted to, did that cause you any sort of
25 concern?

1 **MR. McDONELL:** No.

2 **MS. JONES:** I'm wondering if you can tell
3 what the workload was like between September and December
4 1998 in that same timeframe. What was the workload like in
5 your detachment?

6 **MR. McDONELL:** My workload?

7 **MS. JONES:** Your workload; the detachment
8 workload.

9 **MR. McDONELL:** It was quite heavy. I mean,
10 we had -- just look at the notebooks I have here for that
11 period and there's -- and I'm not a great note taker so
12 there was a lot going on.

13 **MS. JONES:** Okay.

14 Lots of people are busy, but it was a
15 manageable workload?

16 **MR. McDONELL:** Well, I -- I always figured
17 that I did what I was supposed to do and I didn't bother
18 with other people's business, so to speak.

19 **MS. JONES:** Did you ever hear anyone
20 complaining about the workload? Aside from normal work
21 complaints that I think everybody does on the job from time
22 to time no matter what job you have.

23 **MR. McDONELL:** And I think people complain
24 anyway, whether they're busy or not.

25 **MS. JONES:** Okay.

1 Just a moment please. Perhaps this would be
2 a good place to take a break, Mr. Commissioner, and I'll
3 get those documents.

4 **THE COMMISSIONER:** Thank you.

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

7 This hearing will resume at 10:35 a.m.

8 --- Upon recessing at 10:20 a.m.

9 L'audience est suspendue à 10h20

10 --- Upon resuming at 10:44 a.m./

11 L'audience est reprise à 10h44

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

14 **THE COMMISSIONER:** All right.

15 So do we have the documents all arranged?

16 **MS. JONES:** Yes, we do.

17 **THE COMMISSIONER:** Thank you.

18 **CHRISTOPHER McDONELL, Resumed/Sous le même serment:**

19 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MS.**

20 **JONES (Cont'd/Suite):**

21 **MS. JONES:** The Document 737498 and just
22 Bates page 7157420.

23 **THE COMMISSIONER:** Thank you. Exhibit 2545
24 is an excerpt of Document 737498 which are your notes, sir?

25 **MR. McDONELL:** Yes.

1 **THE COMMISSIONER:** All right.

2 Thank you.

3 **--- EXHIBIT NO./PIÈCE NO. P-2545:**

4 (737498-7157420) Notes of Christopher
5 McDonell dated 06 Dec 94

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **MS. JONES:** Thank you very much.

8 Just a couple of questions just to wrap
9 things up here. Dealing with the Jean-Luc Leblanc issue,
10 there's still a couple of blurry areas here.

11 When the call came in -- or when the
12 information was made known to you, do you recall who gave
13 you that information?

14 **MR. McDONELL:** I would believe it would be
15 Millar. I have nothing written down, if that's what you
16 mean.

17 **MS. JONES:** Right. The notes that you have
18 provided or have written down between September 1st, 1998
19 and the 19th of January 1999, would you agree with me,
20 there's nothing in those notes between those dates that
21 have any sort of reference to Jean-Luc Leblanc?

22 **MR. McDONELL:** No, I believe the only thing
23 that's in here is that I talked to Julie Cyr. I forget
24 what day that is, but it's -- there's a reference to
25 talking to Julie Cyr and I would imagine that's what that

1 was about.

2 MS. JONES: Is there any reference to your
3 notes so definitely referring to Jean-Luc Leblanc during
4 that period of time?

5 MR. McDONELL: No.

6 MS. JONES: Okay. So your notes are not
7 able to help you refresh your memory on this particular
8 point, and this is in part why it's fuzzy?

9 MR. McDONELL: No.

10 MS. JONES: Okay. So you say now that it's
11 possible the information came from Randy Millar?

12 MR. McDONELL: Well, Randy Millar was a
13 detective sergeant at that time ---

14 MS. JONES: Right.

15 MR. McDONELL: --- and he was on another
16 assignment.

17 MS. JONES: But I had understood from your
18 earlier testimony that you were covering for him when he
19 was on holidays when the information became known to you?

20 MR. McDONELL: That's correct.

21 MS. JONES: So he couldn't have been the
22 source of that information if he's on holidays?

23 MR. McDONELL: Yes, I believe at the time he
24 was working in Hawkesbury. I believe that's where he was
25 at that time, Hawkesbury.

1 **MS. JONES:** At what time?

2 **MR. McDONELL:** On the 6th of December or in
3 that timeframe.

4 **MS. JONES:** But if he's not in the office,
5 you're the officer in charge. The information that came in
6 presumably would not have come then from Randy Millar?

7 **MR. McDONELL:** It would come off -- he
8 probably called me. I don't recall, ma'am, how I got --
9 but I'm sure it came from Randy Millar and I'm sure he
10 called me or sent me an email. I don't know.

11 **MS. JONES:** Is it possible it came from the
12 people at Project Truth?

13 **MR. McDONELL:** No, it didn't come from them.
14 Now, I'm not saying it didn't come from them to Randy
15 Millar. I don't know that.

16 **MS. JONES:** When you were in charge though -
17 - I just again want to get your evidence clear on this --
18 when you were in charge when Randy Millar was not there,
19 when he was on holidays in December, do you recall doing
20 any sort of a joint surveillance together with Project
21 Truth and giving some manpower to that?

22 **MR. McDONELL:** Not myself, no. I'm not
23 saying that they didn't take my car, but I don't recall.

24 **MS. JONES:** Those are the questions that I
25 have for you, Officer McDonell.

1 At this point, I would be asking if you have
2 any recommendations for the Commissioner to consider and if
3 you wish to share any sort of impact that this Inquiry or
4 this process has had on you; this would be an opportunity
5 for you to do that as well. So I give it over to you.

6 **THE COMMISSIONER:** Do you have any comments
7 or recommendations that you would like me to consider?

8 **MR. McDONELL:** Not really. You know, I
9 always felt that the justice system was fairly fair except
10 I didn't think -- believe in their penalties.

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

12 **MR. McDONELL:** You know, I always figured
13 that they were pretty lax -- I shouldn't say lax; they
14 weren't severe enough.

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

16 Mr. Strawczynski?

17 **MR. STRAWCZYNSKI:** Thank you. Good morning,
18 Mr. Commissioner.

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

20 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

21 **STRAWCZYNSKI:**

22 **MR. STRAWCZYNSKI:** And good morning to you
23 too, sir.

24 **MR. McDONELL:** Morning.

25 **MR. STRAWCZYNSKI:** My name is Juda

1 Strawczynski and I'm here on behalf of Citizens for
2 Community Renewal.

3 **MR. McDONELL:** Yes.

4 **MR. STRAWCZYNSKI:** It's one of the parties
5 with full standing here at the Inquiry, and it's an
6 organization of concerned Cornwall citizens who are
7 principally interested in promoting institutional reform to
8 ensure the protection of children and justice for all. I
9 just have a few questions for you today, sir.

10 The first, I want to take you to Exhibit P-
11 2510, which is the Professional Standards Bureau
12 investigation report concerning Mr. Millar. And
13 specifically I'm going to take you to Bates page 357.

14 **THE COMMISSIONER:** Just a second, 2510?

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **THE COMMISSIONER:** Oh, sorry, we do have it.
17 Sorry. It's in the smaller book.

18 **MR. McDONELL:** What's the number again?

19 **THE COMMISSIONER:** Two-five-one-zero (2510).

20 **MR. McDONELL:** Yes, I have it.

21 **THE COMMISSIONER:** What page, sir?

22 **MR. STRAWCZYNSKI:** On Bates page 357,
23 please.

24 **MR. McDONELL:** Yes.

25 **MR. STRAWCZYNSKI:** My first question

1 actually involves Project Truth and your understanding of
2 it.

3 What you're looking at on this page, sir, is
4 a synopsis -- a summary of the statement you would have
5 given to investigators who were looking into this incident
6 involving Officer Millar. And the third-last bullet point
7 says that you had told the investigators that your
8 understanding of the mandate of Truth was to investigate
9 old sex cases.

10 Do you see that, sir?

11 **MR. McDONELL:** Yes.

12 **MR. STRAWCZYNSKI:** And I'm just wondering if
13 that was your understanding at the time, if this seems like
14 an accurate reflection of what your understanding of
15 Project Truth would have been?

16 **MR. McDONELL:** Yes, I would say pretty
17 close.

18 **MR. STRAWCZYNSKI:** Whenever you were brought
19 into that investigation, did anyone sit down and explain to
20 you the parameters of the investigation?

21 **MR. McDONELL:** No, I don't believe so.

22 **MR. STRAWCZYNSKI:** Did you ever see some
23 sort of written explanation of the mandate?

24 **MR. McDONELL:** No.

25 **MR. STRAWCZYNSKI:** You were effectively just

1 sent out to assist in investigations and to collect
2 information. Is that correct, sir?

3 **MR. McDONELL:** That's correct.

4 **MR. STRAWCZYNSKI:** I'm just going to turn
5 now to questions related to the extortion investigation, as
6 well as the initial sudden death investigation involving
7 Mr. Seguin. Just by way of overview, we've already seen
8 that during the sudden death investigation, you also were
9 investigating some allegations of extortion; correct?

10 **MR. McDONELL:** Correct.

11 **MR. STRAWCZYNSKI:** And by November 29th,
12 1993, inside the serious occurrence report for the sudden
13 death, there is a note indicating that any charge of
14 extortion was not to apply in this case; correct?

15 **MR. McDONELL:** That's right. It was ruled
16 out.

17 **MR. STRAWCZYNSKI:** Did you ever provide Mr.
18 Hamelink with a copy of the occurrence report from the
19 sudden death investigation?

20 **MR. McDONELL:** I didn't personally, but I
21 know -- I'm sure he had one.

22 **MR. STRAWCZYNSKI:** So he would have been
23 aware that you had been on the initial investigation
24 involving Seguin, as well as the initial extortion
25 investigation at that time?

1 **MR. McDONELL:** I would say yes.

2 **MR. STRAWCZYNSKI:** Now, in terms of how the
3 extortion investigation that commenced -- got started, just
4 to be clear, during the sudden death you reported to Mr.
5 Duhamel. Is that correct?

6 **MR. McDONELL:** That's correct.

7 **MR. STRAWCZYNSKI:** And then for the
8 subsequent extortion investigation, you were reporting to
9 somebody outside of the Cornwall region; correct?

10 **MR. McDONELL:** That's right. He would be
11 brought in.

12 **MR. STRAWCZYNSKI:** And where was he based,
13 sir?

14 **MR. McDONELL:** Orillia, Ontario, our
15 Headquarters, I believe.

16 **MR. STRAWCZYNSKI:** So this is OPP
17 Headquarters?

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

19 **MR. STRAWCZYNSKI:** Was it a frequent
20 occurrence for you to be reporting to somebody at OPP
21 Headquarters for an investigation?

22 **MR. McDONELL:** For major crimes -- all major
23 crimes were looked after by detective inspectors.

24 **MR. STRAWCZYNSKI:** And did you tell
25 detective inspectors or Mr. Hamelink when you were assigned

1 to this investigation that you had already investigated the
2 extortion on one occasion?

3 MR. McDONELL: Well, he would know that.

4 MR. STRAWCZYNSKI: So you took it as given?

5 MR. McDONELL: That's right.

6 MR. STRAWCZYNSKI: I'd like to take you now,
7 sir, to Exhibit 1031, which are Mr. Hamelink's notes,
8 specifically to Bates page 8220.

9 (SHORT PAUSE/COURTE PAUSE)

10 MR. STRAWCZYNSKI: Sir, are you there?

11 MR. McDONELL: That's right.

12 MR. STRAWCZYNSKI: You'll see a note about
13 halfway down the page that says, "lead investigator,
14 McDonell." Were you aware, sir, that you were the lead
15 investigator on this investigation?

16 MR. McDONELL: Well, I was the oldest one.

17 MR. STRAWCZYNSKI: I understand that, but was
18 it your understanding -- the next day in that notes it
19 appears as though Mr. Seguin also joins the team; correct?

20 MR. McDONELL: I didn't realize that, but
21 yes, I see that here. I worked with Genier as far as I
22 recall.

23 MR. STRAWCZYNSKI: And was your
24 understanding that in the chain of command here, Genier
25 would report to you and you would report to Mr. Hamelink or

1 was it more integrated than that?

2 **MR. McDONELL:** Well, we worked as partners.
3 Genier and I were partners, so when I went to see Hamelink,
4 he was with me or if he wanted to see Hamelink, I was with
5 him.

6 **MR. STRAWCZYNSKI:** Okay, and in terms of the
7 investigating that was being done, you worked very hard on
8 this and you interviewed, I understand, 55 witnesses; is
9 that correct?

10 **MR. McDONELL:** In that area, yes.

11 **MR. STRAWCZYNSKI:** And what is it
12 specifically that you were instructed to look for in these
13 interviews with respect to the extortion investigation?

14 **MR. McDONELL:** I don't recall but it was if
15 there was any evidence would lead us to believe if there
16 was people trying to extort Mr. Seguin, I mean.

17 **MR. STRAWCZYNSKI:** And when it came to the
18 February 1994 part of the proceedings, we were just -- we
19 had just discussed how there was a Crown meeting and there
20 was a decision made there to effectively back-burn or just
21 delay and hold off on the investigation of the extortion
22 matter so that the investigation involving Silmsler as a
23 complainant would be able to proceed; do you recall that?

24 **MR. McDONELL:** Well, I recall being at the
25 meeting.

1 **MR. STRAWCZYNSKI:** Do you have any
2 independent recollection of your thoughts or impressions as
3 to the decision made at that meeting, sir?

4 **MR. McDONELL:** No, I do not.

5 **MR. STRAWCZYNSKI:** Now as lead investigator,
6 generally this might just be a police 101 question and
7 you'll have to forgive me, I'm not too familiar with the
8 area, but a lead investigator; in certain cases would the
9 lead investigator have any role in preparing Crown briefs?

10 **MR. McDONELL:** Yes, I believe.

11 **MR. STRAWCZYNSKI:** And in this case were you
12 involved in preparing the Crown brief?

13 **MR. McDONELL:** Yes.

14 **MR. STRAWCZYNSKI:** Perhaps I should put the
15 document to you, sir. I'll just get it for you. It's a
16 two-volume item and I'm only interested for now in the
17 first volume. It's Document 116253.

18 **THE COMMISSIONER:** No, you won't have that,
19 sir.

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **MR. STRAWCZYNSKI:** Just for the record, Mr.
22 Commissioner, I may have misspoken earlier in suggesting
23 that Officer Seguin had joined the extortion investigation.
24 What I had meant to refer to was Officer Genier, which is
25 clearly referred to in Hamelink's notes and I believe I was

1 corrected by the witness, sir.

2 **THE COMMISSIONER:** Okay. So now, Madam
3 Clerk, what is the exhibit? Is it the whole thing? Okay.
4 So Exhibit 2546 are parts of *Regina vs. David Silmser*,
5 Volume 1. So that's Exhibit 2546.

6 --- **EXHIBIT NO./PIÈCE No. P-2546:**

7 P-2546: (116253) Executive Summary of
8 Ken Seguin

9 **MR. STRAWCZYNSKI:** Now if you turn from the
10 first page that's been provided to you, sir, to Bates page
11 5011, you'll see the executive summary that accompanied the
12 Crown brief; and I'm just wondering, sir, whether you had
13 any role in the preparation of the executive summary?

14 **MR. McDONELL:** I don't recall. You mean
15 have I authored the ---

16 **MR. STRAWCZYNSKI:** Yes, sir.

17 **MR. McDONELL:** I'm not sure but I would
18 think probably was myself, I don't know though.

19 **MR. STRAWCZYNSKI:** Do you recall whether you
20 would have received instructions from your superior as to
21 what the contents of the executive summary would have been
22 had you authored it?

23 **MR. McDONELL:** Say that again?

24 **MR. STRAWCZYNSKI:** Would you have received
25 support or instructions from your superior, from Mr.

1 Hamelink, if you had in fact authored this document?

2 MR. McDONELL: I would believe so but
3 perhaps -- I'm not sure that I wrote this, but ---

4 MR. STRAWCZYNSKI: Fair enough. So if I
5 could take you to Bates page 5014 of the document.

6 THE COMMISSIONER: I don't think we have
7 Bates pages. No, they're stapled there. What number? The
8 last page then.

9 MR. STRAWCZYNSKI: Five zero one four
10 (5014).

11 THE COMMISSIONER: The last page, I think.

12 MR. STRAWCZYNSKI: And at the top it says:

13 "At this time, the police investigation
14 has failed to provide the evidence to
15 substantiate a criminal offence of
16 extortion, pursuant to Section 346.1 of
17 the Criminal Code."

18 Do you recall that this was the conclusion
19 in the case, sir?

20 MR. McDONELL: Yes, I would have to say yes.
21 I don't recall. I mean I don't remember much about this.
22 It's 15 years ago.

23 MR. STRAWCZYNSKI: So you don't recall
24 whether this would have been an opinion shared by you at
25 the time that you went to the Crown?

1 **MR. McDONELL:** I would have to think it
2 would be, at least I would have to share that feeling.

3 **MR. STRAWCZYNSKI:** Were you aware of other
4 interim communications that were occurring with the Crown's
5 office with respect to the extortion investigation?

6 **MR. McDONELL:** No.

7 **MR. STRAWCZYNSKI:** So I'm going to put two
8 more documents into the record, sir, and I'd just like you
9 to review them and confirm that you -- whether you did in
10 fact see them or not.

11 The first is Document 103586 and the second
12 is 103587.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **THE COMMISSIONER:** Thank you. Exhibit 2547
15 is a document dated February 17th, 1994 to the Director of
16 Criminal Investigation Branch and 2548 is a Memorandum
17 dated 21st of January 1995 to the Criminal Investigation
18 Branch from Detective Inspector Hamelink.

19 **--- EXHIBIT NO./PIÈCE No. P-2547:**

20 (103586) Report re Extortion
21 dated 17 Feb 94

22 **--- EXHIBIT NO./PIÈCE No. P-2548:**

23 (103587) Report re Extortion dated
24 23 Feb 95

25 **MR. STRAWCZYNSKI:** Sir, do you recall seeing

1 either or both of these documents?

2 **MR. McDONELL:** I don't remember but I would
3 say I did not see them because it would be a CIB report.

4 **MR. STRAWCZYNSKI:** And these sorts of
5 interim reports that were sent to the Crown's office were -
6 - would they have been standard procedure for most
7 investigations?

8 **MR. McDONELL:** These reports?

9 **MR. STRAWCZYNSKI:** Yes.

10 **MR. McDONELL:** I do not believe they would
11 go to the Crown attorney.

12 **MR. STRAWCZYNSKI:** Okay. So these were
13 internal reports then?

14 **MR. McDONELL:** That's right.

15 **MR. STRAWCZYNSKI:** All right.

16 **MR. McDONELL:** They weren't reports that I
17 had anything to do with anyway.

18 **MR. STRAWCZYNSKI:** Okay.

19 Well, I'm going to take you to the first
20 one, the first one that was entered into evidence dated
21 February 17th. And if you see the brief synopsis of
22 occurrence, it says:

23 "The suspect was attempting to extort
24 money from the victim, who had
25 allegedly sexually assaulted the

1 suspect a number of years ago."

2 Do you see that, sir?

3 **MR. McDONELL:** Yes.

4 **MR. STRAWCZYNSKI:** Do you take that to be an
5 accurate reflection of the OPP thinking at this time for
6 the extortion investigation?

7 **MR. McDONELL:** No, I don't think so.

8 **MR. STRAWCZYNSKI:** And why is that, sir?

9 **MR. McDONELL:** Well, I would think that that
10 was the alleged request for the investigation. It was
11 concluded by myself and Millar prior to this that there was
12 no extortion.

13 **MR. STRAWCZYNSKI:** So by February 17, 1994
14 you had concluded there was no extortion?

15 **MR. McDONELL:** That's correct, the first
16 week of the investigation.

17 **MR. STRAWCZYNSKI:** I just want to go back to
18 this conclusion and take you again to the very fact that
19 you were put on the case. And we had heard yesterday that
20 there was actually a complaint that was allegedly brought
21 forward with respect to your conduct by members of Ken
22 Seguin's family. Do you recall hearing that, sir?

23 **MR. McDONELL:** No, I don't believe I was
24 here when that happened.

25 **THE COMMISSIONER:** No, but you -- we talked

1 about it yesterday. He's just trying to get you back into
2 the situation, and what it was. Yesterday some people --
3 Ms. Jones asked you questions about that situation where
4 supposedly you said some things to the ---

5 **MR. McDONELL:** That they didn't like.

6 **THE COMMISSIONER:** That they didn't like,
7 right. Okay. That's where we're at. Now he's going to
8 ask you questions about it.

9 **MR. STRAWCZYNSKI:** In fact, it might help
10 just to put this to the witness. We can go to Fougère's
11 notes, which are Exhibit 2499, from January 28th, 1994.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **MR. STRAWCZYNSKI:** Sir, if you'll see on the
14 second half of the page, there are notes that include the
15 words:

16 "Request charges of attempt
17 extortion..."

18 And then it goes on, and the complainants here appears to
19 be Doug Seguin, Keith Seguin and Nancy Seguin:

20 "They question the tone of the
21 investigation. Millar and McDonell
22 made statements to family they cannot
23 support and coloured the investigation.
24 They appear to be predisposed to the
25 result."

1 Now, I understand from your testimony
2 yesterday, sir, that you did not know that this complaint
3 had been made against you; correct?

4 **MR. McDONELL:** That's correct.

5 **MR. STRAWCZYNSKI:** And presumably, although
6 we will ask him, Mr. Hamelink would not have known that
7 this complaint was made against you; correct?

8 **THE COMMISSIONER:** Well ---

9 **MR. McDONELL:** I don't know.

10 **MR. STRAWCZYNSKI:** I apologize. I'll
11 retract the question.

12 **THE COMMISSIONER:** Do you know if Hamelink
13 was aware? No.

14 **MR. STRAWCZYNSKI:** Looking back on it now,
15 had you been aware at the time that you were put on the new
16 extortion investigation commencing in February that a
17 complaint had been received prior to that time, would it
18 have been your preference to not have been put on the case?

19 **MR. McDONELL:** I always did what I was told
20 or asked. They asked me to go on it and I would go on it,
21 regardless of the complaint.

22 **MR. STRAWCZYNSKI:** So just to understand, if
23 you knew that your superior officers knew that there was a
24 complaint against you by these individuals, complaining
25 that you had looked into extortion -- or sorry, that you

1 had looked into the investigation and that your
2 investigation had been coloured and that the results had
3 been predisposed of, which presumably would have included
4 your conclusions with respect to extortion, had your
5 superiors known that and had they put you on the case and
6 had you known of this complaint, you still would have felt
7 comfortable investigating, starting in February, 1994?

8 **MR. McDONELL:** Yes.

9 **MR. STRAWCZYNSKI:** In February, 1994, was it
10 generally seen within the OPP to be a strike against you if
11 you did not want to work on a particular file? You've
12 already mentioned, for example, that you declined to
13 participate in Project Truth sometime later, but at this
14 point would it have been something that would have been
15 frowned upon?

16 **MR. McDONELL:** I don't think so. I mean, I
17 had lots to do. The reason that I didn't go on to Project
18 Truth, my own feeling was that I preferred to deal with the
19 people of Glengarry County, which I was originally
20 stationed to, more so than to become involved in the City
21 of Cornwall's investigations.

22 **MR. STRAWCZYNSKI:** So looking back on this
23 situation now, do you see any problem in terms of image or
24 the optics of this situation of having had an officer who
25 investigated allegations into extortion at one early

1 occurrence through November, 1993, possibly beyond that, to
2 continue in a separate, new investigation under the
3 supervision of a new supervising officer, even though there
4 has been a complaint received with respect to possible bias
5 by the investigating officer?

6 **MR. McDONELL:** Do I see a problem with it?

7 **MR. STRAWCZYNSKI:** Yes.

8 **MR. McDONELL:** No, I do not.

9 **MR. STRAWCZYNSKI:** Okay. Thank you. Those
10 are my questions.

11 **THE COMMISSIONER:** Thank you.

12 Mr. Horn -- Mr. Lee?

13 **MR. LEE:** Commissioner, Mr. Horn and I had a
14 discussion and we thought it might be most efficient if I
15 went first.

16 **THE COMMISSIONER:** Terrific. Thank you.

17 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

18 **MR. LEE:** Mr. McDonell, my name is Dallas
19 Lee. I'm counsel for the Victims Group. I have just a few
20 areas I want to talk with you about.

21 Do I understand your evidence to be that you
22 don't have a clear line in your mind of where the suicide
23 investigation stopped and where the extortion investigation
24 started?

25 **MR. McDONELL:** Do I have a ---

1 **MR. LEE:** Do you have a clear -- as you look
2 back on it now, do you have a clear line in your mind where
3 you can recall at one point thinking, "I'm not longer
4 concerned with the suicide; now I'm solely concerned with
5 extortion" or did they kind of blend together?

6 **MR. McDONELL:** They blended together.

7 **MR. LEE:** And I take it that wouldn't be all
8 that unusual for a police officer investigating something
9 to come upon information he may not have anticipated at the
10 start and to follow up on that a little bit?

11 **MR. McDONELL:** Yes. I think if anybody was
12 threatened with certain things, if you lose your money in
13 the stock market, lots of people kill themselves. You
14 know, things get tough to live with.

15 **MR. LEE:** And so is it fair to say that
16 during the course of the investigation into whether or not
17 it was suicide, part of what you needed to do was look at
18 reasons behind why it may have been suicide?

19 **MR. McDONELL:** That's right.

20 **MR. LEE:** And, similarly, I suppose, reasons
21 behind why it may not have been suicide?

22 **MR. McDONELL:** Yes.

23 **MR. LEE:** And you would have, fairly early
24 on in that investigation, learned that Mr. Seguin was
25 feeling some pressure?

1 **MR. McDONELL:** That's right.

2 **MR. LEE:** And so you would have looked into
3 that a little bit further?

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

5 **MR. LEE:** And so whether we say that
6 specifically was looking at the suicide part or whether
7 that specifically was looking at something else, it was all
8 part of the same ball in your mind?

9 **MR. McDONELL:** Correct.

10 **MR. LEE:** Is that right?

11 And in February, you get specific
12 instructions that you're now looking at extortion?

13 **MR. McDONELL:** Correct.

14 **MR. LEE:** But even prior to that, you would
15 have at least turned your mind to it?

16 **MR. McDONELL:** Did I ---

17 **MR. LEE:** You had turned -- during the post-
18 suicide, up until February 2nd, you would have at least
19 turned your mind to whether any pressure had been exerted
20 on Mr. Seguin?

21 **MR. McDONELL:** Well, yes. I mean, that was
22 a pretty well known fact that next day.

23 **MR. LEE:** And my understanding of your
24 evidence is that after February 2nd, 1994, which is when you
25 get the instructions from Officer Hamelink to commence the

1 extortion investigation, my understanding of your evidence
2 is you understood your role as being someone who would go
3 and interview witnesses and prepare statements ---

4 MR. McDONELL: Correct.

5 MR. LEE: --- full stop. Is that right?

6 MR. McDONELL: And then turned over to
7 Inspector Hamelink ---

8 MR. LEE: Right.

9 MR. McDONELL: --- who then made the
10 decision.

11 MR. LEE: Was it your understanding then,
12 essentially, that you were going out to get pieces of a
13 puzzle, but you weren't responsible for putting the puzzle
14 together?

15 MR. McDONELL: That's correct.

16 MR. LEE: And who was responsible for
17 putting the puzzle together?

18 MR. McDONELL: Inspector Hamelink.

19 MR. LEE: And that was your understanding?

20 MR. McDONELL: That's right.

21 MR. LEE: And so it would not have been your
22 role at any point, I take it, to make a determination on
23 reasonable and probable grounds?

24 MR. McDONELL: Well, I wouldn't go that far.
25 I mean, I -- you know, every -- every bit -- little bit of

1 evidence leads you somewhere else, and, you know, if you
2 would -- while investigating this situation, if evidence
3 would have come up, I'm sure I would have talked to
4 Hamelink about it and expressed my views.

5 MR. LEE: You would have been in a position
6 certainly to offer your interpretation of what evidence you
7 had gathered ---

8 MR. McDONELL: That's correct, yes.

9 MR. LEE: --- for example? And Officer
10 Hamelink may well have asked you for your thoughts on
11 various matters?

12 MR. McDONELL: Probably, yes.

13 MR. LEE: But was it your understanding at
14 the time that in all likelihood, should a charge be laid,
15 it would be Officer Hamelink who made that decision?

16 MR. McDONELL: That's right.

17 MR. LEE: Was that unusual at all?

18 MR. McDONELL: Well, in major crime, when
19 the CIB inspectors come down to work on something, they
20 finally -- they usually have the final say in
21 what's -- what charges are to be laid and what information
22 or what evidence is to be gathered.

23 MR. LEE: And I take it, if we take the
24 example of an extremely complicated large-scale
25 investigation, there may be 10 officers, all gathering

1 pieces of the puzzle, and somebody above them putting the
2 puzzle together; is that right?

3 MR. McDONELL: Correct.

4 MR. LEE: And that's a little -- that's
5 similar to what was happening here?

6 MR. McDONELL: That's right.

7 MR. LEE: Do you have any knowledge of
8 whether the information you were passing up to
9 Officer Hamelink was being shared with Officer Sebalj?

10 MR. McDONELL: I have no idea.

11 MR. LEE: That wasn't part of your job.

12 And, similarly, do you have any information about whether
13 the -- or any knowledge of whether the information being
14 passed up to Hamelink was being shared with the Cornwall
15 Police Service?

16 MR. McDONELL: No, I don't have any
17 information on that.

18 MR. LEE: That wasn't your job?

19 MR. McDONELL: No.

20 MR. LEE: And, similarly, I suppose, you
21 have no idea whether Tim Smith was sharing information with
22 the CPS?

23 MR. McDONELL: No.

24 MR. LEE: Okay. You've been asked about the
25 Ken Seguin sudden death investigation and about the David

1 Silmsers extortion investigation, and you also had some
2 knowledge at some point that Tim Smith was looking into
3 Silmsers allegations against Father Charles MacDonald.

4 **MR. McDONELL:** That's correct.

5 **MR. LEE:** Is that right? Do you know of
6 any other investigations ongoing -- did you at the time
7 know of any other investigations, ongoing at that point,
8 that touched on these matters at all?

9 **MR. McDONELL:** Not -- no, I don't recall
10 any -- anything else happening.

11 **MR. LEE:** You mentioned during your
12 examination -- you were asked some questions by Ms. Jones
13 during your examination in-chief about Nelson Barque.

14 **MR. McDONELL:** That's correct.

15 **MR. LEE:** Do you recall that? And she
16 pointed out that you had received some information from Jos
17 van Diepen relating to Mr. Barque?

18 **MR. McDONELL:** Yes.

19 **MR. LEE:** And one of the things you told us
20 was that you had known Mr. Barque as a probation officer?

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

22 **MR. LEE:** And that you had known about the
23 circumstances of his leaving Probation and Parole at the
24 time.

25 **MR. McDONELL:** Correct.

1 **MR. LEE:** Is that correct? Do you recall
2 any specific details of what you knew at that time, in
3 terms of why he had left Probation?

4 **MR. McDONELL:** Well, there was allegations
5 of sexual abuse; that's all I can recall.

6 **MR. LEE:** Was it your understanding at the
7 time that it was allegations of sexual abuse, or
8 allegations of, simply, sex with clients who were adults
9 and consenting?

10 **MR. McDONELL:** I can't even go there.

11 **MR. LEE:** You don't recall whether or not
12 you knew it was children, or probationers, or anything
13 else?

14 **MR. McDONELL:** No, I don't recall.

15 **MR. LEE:** You appreciated at the time that
16 at the very least, the decision was made he should not have
17 been having sex with whoever he was having sex with, and he
18 had to leave; is that right?

19 **MR. LEE:** And you mentioned to us that you
20 had some knowledge of that because an investigation was
21 done out of the Lancaster detachment?

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

23 **MR. LEE:** And you noted that it was a
24 Constable Seguin, and you were specific to say "not Steve
25 Seguin," who we ---

1 **MR. McDONELL:** That's right.

2 **MR. LEE:** --- who we know from later on. Do
3 you know this other Constable Seguin's first name?

4 **MR. McDONELL:** Terry.

5 **MR. LEE:** Terry? And you said Terry's now
6 deceased?

7 **THE COMMISSIONER:** I'm sorry, what -- Cary?

8 **MR. McDONELL:** Terry; Terry Seguin.

9 **THE COMMISSIONER:** Terry, T-E-R-R-Y.

10 **MR. McDONELL:** Terry, right.

11 **THE COMMISSIONER:** Okay.

12 **MR. LEE:** And you said he's now deceased?

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

14 **MR. LEE:** Do you know about when he would
15 have died?

16 **MR. McDONELL:** Oh, two years ago, three
17 years, or four years ago, maybe.

18 **MR. LEE:** And, your understanding, that in
19 the early '80s he would have been a constable?

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

21 **MR. LEE:** And do you recall having any
22 specific conversations with Constable Seguin about the
23 Barque situation?

24 **MR. McDONELL:** I'm sure I did, but I don't
25 recall.

1 MR. LEE: Do you recall ---

2 MR. McDONELL: I worked with Terry.

3 MR. LEE: You did work with him?

4 MR. McDONELL: Yes, I -- he was -- we called
5 them GO&E(ph) officers back in them days, and I was one of
6 the three or four that were in Lancaster.

7 MR. LEE: And so you would have actually
8 been stationed in Lancaster in the early '80s?

9 MR. McDONELL: That's right.

10 MR. LEE: And so your understanding was that
11 it was an officer in your own detachment that had looked
12 into Barque?

13 MR. McDONELL: Yes.

14 MR. LEE: And do you recall hearing of
15 anything coming of that? Charges, as an example?

16 MR. McDONELL: Not really. I just know that
17 he was terminated.

18 MR. LEE: And your understanding was that
19 Constable Seguin was involved in some way, and had some
20 knowledge of that?

21 MR. McDONELL: Terry Seguin.

22 MR. LEE: Yes.

23 MR. McDONELL: Yes.

24 MR. LEE: And do you have any more details
25 at all about what role Mr. Seguin played, whether you spoke

1 with anybody else at Lancaster about that?

2 MR. McDONELL: I don't recall. I mean, we
3 do sexual assaults; you know, there's one a week, I'm sure.

4 MR. LEE: You told us that you know who
5 Father Charles MacDonald is?

6 MR. McDONELL: Yes.

7 MR. LEE: Are you related to him?

8 MR. McDONELL: No, I'm not.

9 MR. LEE: No blood relation, whatsoever?

10 MR. McDONELL: No.

11 MR. LEE: Not related by marriage?

12 MR. McDONELL: No.

13 MR. LEE: Nothing there at all? Okay.

14 Can you turn up Exhibit 2544, please?

15 THE COMMISSIONER: That's in the newer one,
16 the smaller -- 25 ---

17 MR. LEE: Four, four (44).

18 THE COMMISSIONER: --- 44.

19 MR. LEE: Do you have that, sir?

20 MR. McDONELL: I believe so.

21 MR. LEE: And you've seen this before? And
22 this is the February 21st, '94, note by Officer Hamelink, of
23 the meeting in Ottawa with Peter Griffiths. Do you see
24 that?

25 MR. McDONELL: Yes.

1 **MR. LEE:** And, if you look at it, the first
2 note is, "How does Seguin fit in?" And the second note is:
3 "Extortion on hold for time being
4 until Smith completed obstruct
5 investigation, needs Silmsers as witness
6 against Father MacDonald."

7 Do you see that?

8 **MR. McDONELL:** Yes.

9 **MR. LEE:** And we know that David Silmsers
10 made allegations of having been sexually abused by Charles
11 MacDonald, and you'll agree with me that those allegations
12 would not be referred to in this meeting as, "obstruct
13 investigation?"

14 **MR. McDONELL:** Yes.

15 **MR. LEE:** "Obstruct" would mean obstruction
16 of justice, would it not? And would you have understood,
17 at that time, that there had been a settlement entered into
18 by Mr. Silmsers that included a provision that required him
19 to drop the criminal proceedings, essentially?

20 **MR. McDONELL:** Was I aware of it?

21 **MR. LEE:** Yes.

22 **MR. McDONELL:** I was aware of it the night
23 that Mr. Seguin died.

24 **MR. LEE:** Of the settlement?

25 **MR. McDONELL:** Pardon me?

1 **MR. LEE:** Of the settlement, you were aware
2 of that?

3 **MR. McDONELL:** Well, I was aware that he had
4 obtained money on the -- probably not on the 24th, but on
5 the 25th.

6 **MR. LEE:** The next day when you went to the
7 CPS?

8 **MR. McDONELL:** Silmsers, when we interviewed
9 Silmsers.

10 **MR. LEE:** And I presume you probably would
11 have learned it earlier that day when you and
12 Officer Millar attended the Cornwall Police and met with
13 Officers Brunet and Derochie?

14 **MR. McDONELL:** I would assume, yes.

15 **MR. LEE:** Now, I take from this note that
16 what is being discussed is that Officer Tim Smith is
17 looking at possible obstruction of justice charges against
18 Father Charles MacDonald, because what he says here, or
19 what the note says:

20 "Extortion on hold for time being until
21 Smith completed obstruct investigation;
22 needs Silmsers as witness against Father
23 MacDonald."

24 Do you recall any discussion at that meeting
25 of possible charges arising from the illegal settlement?

1 **MR. McDONELL:** No.

2 **MR. LEE:** That's not something that stands
3 out in your mind at all?

4 **MR. McDONELL:** It's not something that was
5 brought to my attention, anyway.

6 **MR. LEE:** There were a number of players in
7 that settlement. They included David Silmser, obviously,
8 it included Father Charles MacDonald, his lawyer was
9 Malcolm MacDonald, and it involved the Diocese of
10 Alexandria-Cornwall, the head of which would be
11 Bishop Eugene LaRocque, and his lawyer, Jacques Leduc, and
12 there's another lawyer named Sean Adams that was involved.

13 Do you recall any of those names being
14 discussed at this meeting, in relation to the obstruct
15 justice investigation?

16 **MR. McDONELL:** At this meeting on the 21st?

17 **MR. LEE:** Yes.

18 **MR. McDONELL:** No.

19 **MR. LEE:** It doesn't ring a bell to you?

20 **MR. McDONELL:** No.

21 **MR. LEE:** You were asked some questions
22 about the Jean-Luc Leblanc issue that relates to Randy
23 Millar, and my first question for you is, do you have any
24 recall of Jean-Luc Leblanc, or surveillance, or anything
25 along those lines at all? Or are you trying to reconstruct

1 what's happened from documents you've read in preparing for
2 the Inquiry?

3 **MR. McDONELL:** That's about the size of it;
4 I don't recall that investigation. I had no part of it,
5 except, you know, what -- what you -- scuttlebutt, you
6 could say, after charges were laid.

7 **MR. LEE:** And certainly when charges were
8 laid by Project Truth against Jean-Luc Leblanc, you would
9 have heard that?

10 **MR. McDONELL:** That's right.

11 **MR. LEE:** And it was a lot of charges,
12 wasn't it? It was a fairly significant matter?

13 **MR. McDONELL:** I can't go there either.

14 **MR. LEE:** Okay. You don't recall that.

15 Now, I thought what I heard you say during
16 your examination in-chief is that you at some point
17 received information relating to Jean-Luc Leblanc from
18 Randy Millar?

19 **MR. McDONELL:** That's correct.

20 **MR. LEE:** Do you have a specific
21 recollection of that, sitting here today?

22 **MR. McDONELL:** Other than having somebody
23 check this fellow out that lived in -- I believe it was
24 Newington -- I'm not even sure that he lived in Newington.

25 **MR. LEE:** It was Newington.

1 **MR. McDONELL:** It was Newington?

2 **MR. LEE:** Yeah.

3 **MR. McDONELL:** And that he had something to
4 do with a school bus. He was a school bus driver, I
5 believe.

6 **MR. LEE:** My question for you, sitting here
7 today, do you have a specific recollection of Randy Millar
8 giving you information about Jean-Luc Leblanc?

9 **MR. McDONELL:** Well, yes, I realized that he
10 -- I remember him giving me that information to call -- to
11 send somebody to check it out.

12 **MR. LEE:** And you can't tell us when that
13 was?

14 **MR. McDONELL:** No.

15 **MR. LEE:** You can't even tell us a month,
16 let alone a day ---

17 **MR. McDONELL:** Well, as I told you, in my
18 notebook and around the mid to -- mid-December, sometime in
19 there, I talked to Julie Cyr. And why would I put it in my
20 notebook, except that -- that's my opinion. There's
21 nothing on the ---

22 **MR. LEE:** So what -- let me back up. So you
23 have a notebook entry sometime in December that suggests
24 that you assigned Julie Cyr to ---

25 **MR. McDONELL:** I spoke to Julie Cyr is what

1 it says.

2 MR. LEE: Do you have that notebook here
3 today?

4 MR. McDONELL: Probably.

5 MR. LEE: Mr. Commissioner, I -- this is
6 rather important, not necessarily for this witness, but as
7 we go along, and I think we need to give him an opportunity
8 to find that notebook and see if he can find that note for
9 us.

10 THE COMMISSIONER: Sure.

11 MR. LEE: If you could do that, sir?

12 THE COMMISSIONER: Is it something you
13 require a break to do, sir?

14 MR. McDONELL: It would probably be better.
15 Give me a couple of minutes.

16 THE COMMISSIONER: Okay. Well, let me know
17 when you're ready to ---

18 MR. LEE: If it helps at all, my
19 understanding is the notebook you'd be looking for has the
20 date September 1, '98 to January 1999.

21 THE COMMISSIONER: Okay.

22 MR. McDONELL: What is it again?

23 MR. LEE: I have some information that makes
24 me think it may be September 1, '98 to January 1999.
25 You're looking for the December '99 period anyway, sir --

1 December '98, sorry.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. McDONELL: You said December the 9th?

4 MR. LEE: No, December of 1998. I don't
5 know the date, sir.

6 (SHORT PAUSE/COURTE PAUSE)

7 MR. McDONELL: Your Honour, I might be best
8 to ask for that break.

9 THE COMMISSIONER: All right. Let me know
10 when you're ready to go.

11 THE REGISTRAR: Order; all rise. À l'ordre;
12 veuillez vous lever.

13 This hearing will resume at 11:40 a.m.

14 --- Upon recessing at 11:30 a.m./

15 L'audience est suspendue à 11h30

16 --- Upon resuming at 11:45 a.m./

17 L'audience est reprise à 11h45

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

20 This hearing is now resumed. This hearing
21 is now resumed. Please be seated. Veuillez vous asseoir.

22 MR. LEE: Thank you, Mr. Commissioner.

23 CHRISTOPHER McDONELL, Resumed/Sous le même serment:

24 THE COMMISSIONER: So have you found the
25 notes?

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE
2 (cont'd/suite):

3 MR. LEE: Officer McDonell, I understand you
4 have found a note that you think may be related to the
5 Leblanc matter?

6 MR. McDONELL: That's correct.

7 MR. LEE: And what's the date of that note,
8 sir?

9 MR. McDONELL: The 22nd of December ---

10 MR. LEE: What year?

11 MR. McDONELL: --- 1998.

12 MR. LEE: Nineteen ninety-eight (1998)?

13 And can you read the note to us, please?

14 MR. McDONELL: I was in the office in Long
15 Sault doing -- what it says on the report -- in my notebook
16 here:

17 "Office re: phone calls. Julie Cyr."

18 MR. LEE: So "Office re: phone calls" and
19 then a separate entry that says "Julie Cyr." Is that
20 right?

21 MR. McDONELL: That's right.

22 MR. LEE: And the word Leblanc does not
23 appear there?

24 MR. McDONELL: No.

25 MR. LEE: That's the entire entry?

1 **MR. McDONELL:** That's it.

2 **MR. LEE:** And was that the only entry you
3 were able to find around that period?

4 **MR. McDONELL:** That's correct.

5 **MR. LEE:** And is it your belief that that
6 December 22nd reference to Julie Cyr would have had
7 something to do with Mr. Leblanc's surveillance?

8 **MR. McDONELL:** I would -- that's my
9 understanding, that that was when I sent Julie Cyr out to
10 check on Mr. Leblanc.

11 **MR. LEE:** Okay. Just very briefly, can you
12 turn to Exhibit 2510, please? Two five one zero (2510).

13 Do you have the investigation report in
14 front of you there, sir?

15 **MR. McDONELL:** It looks like it's a new --
16 yes.

17 **MR. LEE:** At the top it reads "Professional
18 Standards Bureau Investigation Report"?

19 **MR. McDONELL:** Two five zero one (2501)?

20 **MR. LEE:** Two five one zero (2510).

21 **MR. McDONELL:** Oh. Yes.

22 **MR. LEE:** And if you could turn -- down at
23 the bottom right of the page you'll see page numbers. Can
24 you turn to page 9, please?

25 **MR. McDONELL:** Yes.

1 **MR. LEE:** And this is a synopsis of an audio
2 statement that Randy Millar would have given on January
3 11th, 2006. And if you look right in the middle of the
4 page, you'll see an entry dated 24th December. Do you see
5 that?

6 **MR. McDONELL:** Yes.

7 **MR. LEE:** And below that the bullet reads:

8 "Cannot recall advising Chris McDonell
9 about the Leblanc report. Even if he
10 had done, does not see McDonell would
11 have been able to move on it."

12 Do you see that?

13 **MR. McDONELL:** Yes.

14 **MR. LEE:** And if you turn over a couple of
15 pages to page 11 ---

16 **MR. McDONELL:** Yes.

17 **MR. LEE:** --- this is a part of the synopsis
18 of the same interview, and do you see the second bullet on
19 the page?

20 **MR. McDONELL:** Yes.

21 **MR. LEE:** And Officer Millar is discussing
22 some of the challenges he faced given the resources, and
23 the last two lines read:

24 "Surveillance of Jean-Luc Leblanc just
25 did not hit the priority list with the

1 resources that he had."

2 Do you see that?

3 **MR. McDONELL:** On March 15th?

4 **MR. LEE:** No, above that, the second bullet
5 on the page. If you look on the screen, Madam Clerk has
6 the cursor right beside it.

7 **MR. McDONELL:** Yes.

8 **MR. LEE:** "Surveillance on Leblanc just
9 did not hit the priority list with the
10 resources that he had."

11 **MR. McDONELL:** Yes.

12 **MR. LEE:** And if you turn over to page 28,
13 this is a synopsis of an interview that you gave on
14 February 2nd, 2006.

15 **MR. McDONELL:** Twenty-eight (28)?

16 **MR. LEE:** Page 28, yes.

17 **MR. McDONELL:** Yes.

18 **MR. LEE:** You see in the centre of the page,
19 "Statement of Constable Steve Seguin"?

20 **MR. McDONELL:** Yes.

21 **MR. LEE:** The bullet above that:

22 "McDonell didn't recall where he got
23 the information that Julie Cyr was
24 assigned to deal with the Leblanc
25 matter. He didn't recall where he

1 obtained that information."

2 **MR. McDONELL:** Yes, I see that.

3 **MR. LEE:** And if you turn over to page 36,
4 the top of the page, you'll see the heading, "Notebook
5 Entries." So they're summarizing what's in some of these
6 notebooks they've looked at. And if you go down to the
7 bottom of the page, we have the notebook of Detective
8 Constable Julie Cyr for September '98 through January '99
9 and she has an entry on December 21st, '98:

10 "10:08 Long Sault re: surveillance.

11 Set up at an address in Newington re:

12 Jean-Luc Leblanc."

13 And a few hours later, due to other
14 commitments, she has to leave that detail. Do you see
15 that?

16 **MR. McDONELL:** Yes. That's probably when I
17 gave her the -- it's the same date as I have in my
18 notebook.

19 **MR. LEE:** And if we go to page 37 there's a
20 synopsis of your notes or a reference to your notes below
21 the middle of the page and it tells us:

22 "There is nothing in McDonell's notes
23 to indicate that he had any contact or
24 assignment related to Jean-Luc
25 Leblanc."

1 And that's -- you've reviewed the notes
2 today, and other than that Julie Cyr comment, that's
3 accurate; the name Leblanc doesn't appear in there at all,
4 does it?

5 **MR. McDONELL:** No. But it all relates back
6 to that date that I gave it to Julie Cyr. She obviously
7 went right out and did some work on it.

8 **MR. LEE:** And given all of this, I take it
9 you'll agree with me that your involvement with the Leblanc
10 matter would have been in late December 1998?

11 **MR. McDONELL:** It would have ended probably
12 on the 21st of December.

13 **MR. LEE:** It would have started and ended on
14 that day; is that right?

15 **MR. McDONELL:** Right.

16 **MR. LEE:** And you recall no dealings with
17 any of that information prior to that?

18 **MR. McDONELL:** No.

19 **MR. LEE:** Thank you very much, sir. Those
20 are my questions.

21 **THE COMMISSIONER:** Thank you.

22 Mr. Horn?

23 **MR. McDONELL:** Your Honour, I had -- the
24 lady asked me a question a while ago about were things put
25 on a board or advertising and telling people that ---

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

2 **MR. McDONELL:** --- there was a sex offender
3 in the area. Well, everything was in an occurrence book or
4 on OMPPAC ---

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

6 **MR. McDONELL:** --- which all officers had to
7 read or were supposed to read before they started their
8 shift so if that refers to that; we have that.

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

10 Mr. Horn?

11 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
12 **HORN:**

13 **MR. HORN:** Yes. Coalition for Action, a
14 citizens' group here in Cornwall and we're interested in
15 asking some questions today.

16 Mr. or -- what do I call you now?

17 **MR. McDONELL:** Chris.

18 **MR. HORN:** Constable or Mister?

19 **MR. McDONELL:** Chris would be fine.

20 **MR. HORN:** Chris, okay, McDonell.

21 First of all, were you raised in the
22 Lancaster area?

23 **MR. McDONELL:** Glen Nevis, Ontario.

24 **MR. HORN:** Is that clear -- close to
25 Lancaster?

1 MR. McDONELL: Well, it's about 15 miles ---

2 MR. HORN: Okay.

3 MR. McDONELL: --- to the northeast.

4 MR. HORN: Extended family in that area;
5 relatives?

6 MR. McDONELL: One of eleven children.

7 MR. HORN: You're one of eleven?

8 MR. McDONELL: Yes.

9 MR. HORN: And are you related, in any way,
10 to Milton MacDonald?

11 MR. McDONELL: No.

12 MR. HORN: Are you related, in any way, to
13 Malcolm MacDonald?

14 MR. McDONELL: No.

15 MR. HORN: Are you related to Stuart
16 McDonald?

17 MR. McDONELL: No.

18 MR. HORN: By blood, no?

19 MR. McDONELL: Not that I know of.

20 MR. HORN: Okay.

21 MR. McDONELL: Stuart, you mean the ex-
22 policeman?

23 MR. HORN: Okay. And what about ---

24 THE COMMISSIONER: Is Stuart -- he asked you
25 a question. Stuart, the ex-police officer?

1 MR. HORN: The ex-police officer ---

2 MR. McDONELL: Yes.

3 MR. HORN: --- of the Cornwall Police
4 Services, yes.

5 And you indicated earlier that you were not
6 related to Charlie MacDonald?

7 MR. McDONELL: That's correct.

8 MR. HORN: Okay.

9 MR. McDONELL: I'm a McDonell; they're
10 MacDonalds. They're the lower class.

11 (LAUGHTER/RIRES)

12 MR. HORN: Okay, different clan.

13 MR. McDONELL: That's right.

14 MR. HORN: Okay.

15 And just one other question; were you
16 involved in the interview of Ron Leroux in May?

17 MR. McDONELL: Could you ---

18 MR. HORN: Did you remain to do the
19 interview?

20 MR. McDONELL: That's correct. I did.

21 MR. HORN: Okay, thank you.

22 And are you still out in that area;
23 Lancaster area now?

24 MR. McDONELL: do I still live there?

25 MR. HORN: Do you still live up in that

1 area?

2 MR. McDONELL: I live in Alexandria now.

3 MR. HORN: Okay.

4 And which church did you attend back at the
5 time these things were happening?

6 MR. McDONELL: And I still do; Glen Nevis,
7 St. Margaret of Scotland Parish.

8 MR. HORN: Where is that?

9 MR. McDONELL: In Glen Nevis, Ontario.

10 MR. HORN: Is that up in -- near Alexandria?

11 MR. McDONELL: The highlands, yes.

12 MR. HORN: Okay.

13 And are you a member of the Knights of
14 Columbus?

15 MR. McDONELL: No, I am not.

16 MR. HORN: Have you ever been?

17 MR. McDONELL: No.

18 MR. HORN: Okay.

19 And can we take a look at Exhibit Number 30
20 -- I think it's 303.

21 THE COMMISSIONER: Three zero three (303).
22 That's a memorandum dated July 19th ---

23 MR. HORN: That's right, yes.

24 THE COMMISSIONER: --- 1986. Thank you.

25 (SHORT PAUSE/COURTE PAUSE)

1 **MR. HORN:** Have you had a chance to look at
2 it?

3 **MR. McDONELL:** I'm just reading it. Do you
4 want me to read it?

5 **MR. HORN:** Yeah.

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **MR. HORN:** I think it's not quite the one
8 that I'm interested in. Was that March the 18th?

9 **THE COMMISSIONER:** No, that's July 19.

10 **MR. HORN:** Okay.

11 There's another -- okay, there's a number
12 here; 109252.

13 **THE REGISTRAR:** Three zero five (305).

14 **THE COMMISSIONER:** Exhibit 305.

15 **MR. HORN:** Oh, it's 305. I've got ---

16 **THE COMMISSIONER:** Right.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **THE COMMISSIONER:** So it seems, sir, that
19 someone, Mr. Silmsen apparently, thinks that you are Father
20 MacDonald's first cousin.

21 **MR. McDONELL:** Yeah, I see that, yeah.

22 **THE COMMISSIONER:** And is that true?

23 **MR. McDONELL:** No, it's not true.

24 **THE COMMISSIONER:** All right.

25 **MR. HORN:** Okay.

1 But there's a further ---

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

3 **MR. HORN:** --- some individual by the name
4 of -- I don't know if he has a moniker or not ---

5 **THE COMMISSIONER:** Well, we won't mention
6 his name in any event.

7 **MR. HORN:** --- won't mention his name; he
8 was telling this individual that Silmsers was a thief and
9 bringing him, Silmsers, down. It seems like that was
10 attributed to you, that comment.

11 **THE COMMISSIONER:** So do you remember
12 speaking to that person that we won't name there?

13 **MR. McDONELL:** No, I don't know that man at
14 all. I don't say ---

15 **MR. HORN:** Well ---

16 **MR. McDONELL:** I don't know the name.

17 **THE COMMISSIONER:** Yeah, he was an ex-altar
18 boy.

19 **MR. McDONELL:** Pardon me?

20 **THE COMMISSIONER:** It says he was an ex-
21 altar boy.

22 **MR. McDONELL:** If he was an ex-altar boy,
23 yeah, I probably would have interviewed him.

24 **THE COMMISSIONER:** Okay.

25 So what he's saying -- what Silmsers is

1 saying is when you were talking to this ex-altar boy that
2 you mentioned to him that Silmsers was a thief and that you
3 had bad words to say to that young boy or young man about
4 Silmsers.

5 MR. McDONELL: Well, I don't agree with that
6 at all.

7 MR. HORN: That never happened?

8 MR. McDONELL: No.

9 MR. HORN: Okay. Thank you.

10 THE COMMISSIONER: Now, did you ever become
11 aware of the fact that Silmsers had made this call and made
12 this complaint? Did it ever filter down to you?

13 MR. McDONELL: Not until recently.

14 THE COMMISSIONER: Recently; preparing for
15 the Inquiry?

16 MR. HORN: Yes.

17 THE COMMISSIONER: Okay.

18 MR. HORN: Oh, you've heard about it just
19 recently -- you didn't know about it in the past over the
20 last ---

21 MR. McDONELL: No.

22 MR. HORN: --- 15 years?

23 MR. McDONELL: Who was that -- I don't know
24 to ---

25 THE COMMISSIONER: This was a memorandum

1 that the secretary -- it seems Mr. Silmsler phoned the
2 Crown's office. He spoke with Mireille who is the
3 secretary and that's when he would have said these things.

4 **MR. McDONELL:** I didn't know about it.

5 **THE COMMISSIONER:** Okay.

6 **MR. HORN:** Okay, thank you.

7 What I was interested in also is the scene
8 of the -- oh, there's one other thing; I just forgot.

9 If we could look at -- I don't have an
10 exhibit number, but 600277.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **THE COMMISSIONER:** Do you have the exhibit
13 number, Ms. Jones?

14 **MS. JONES:** I have it as Exhibit 58, tab 43.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **THE COMMISSIONER:** Thank you. So Exhibit
17 58, Tab ---

18 **MR. HORN:** Tab 43.

19 **THE COMMISSIONER:** --- 43? This is a report
20 of the seventh meeting, of a meeting held in November 27th,
21 2002?

22 **MR. HORN:** That's right.

23 **THE COMMISSIONER:** Okay.

24 Your question is?

25 **MR. HORN:** Yes, I just wondering if -- you

1 could see that -- we could see that your name is mentioned;
2 is that Chris McDonell?

3 **MR. McDONELL:** That's the one.

4 **MR. HORN:** Okay, you were on that committee?

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

6 **MR. HORN:** It's a church committee?

7 **MR. McDONELL:** That's right.

8 **THE COMMISSIONER:** Whoa, whoa, no, no, no.
9 No, no, no. It's an ad hoc committee. In there there's
10 Richard Abell that I see that's -- so I don't know that
11 it's strictly a -- were you there as a police officer or
12 were you there as a parishioner?

13 **MR. McDONELL:** I was there -- I wasn't a
14 police officer. I believe I was retired by then.

15 **THE COMMISSIONER:** Oh, okay. So probably,
16 sir, then you're there then to prepare the protocol. Okay.
17 Go ahead.

18 **MR. HORN:** Okay, just a little background.
19 How did you get on that committee and what was the reason
20 why you -- either you volunteered or you chose to be by
21 somebody?

22 **MR. McDONELL:** The Bishop, Paul-André
23 Durocher called me one night and asked me if I would take
24 part in this committee and I said yes.

25 **MR. HORN:** Okay, so it was the Bishop that

1 called you and asked you to be ---

2 MR. McDONELL: Yes.

3 MR. HORN: Do you know the Bishop?

4 MR. McDONELL: Well, I was on this committee
5 with him, but other than -- no, I don't really know him
6 other than being on a committee with him and that's he's a
7 Bishop.

8 MR. HORN: You only got to know him after
9 you were on the committee?

10 MR. McDONELL: Pardon me?

11 MR. HORN: You got to know him after you got
12 on the committee?

13 MR. McDONELL: That's correct, yes.

14 MR. HORN: Did you ever ask why he called
15 you?

16 MR. McDONELL: No, I did not. I believe he
17 wanted some police presence on that committee, I would
18 think.

19 MR. HORN: And you were available?

20 MR. McDONELL: I was retired.

21 MR. HORN: And also you had a lot of
22 background in regards to some of the issues that you had to
23 deal with from the past?

24 MR. McDONELL: I would say, yes; yes.

25 MR. HORN: So they were aware of your

1 investigations and all of the things that you were involved
2 in, in the past?

3 MR. McDONELL: That's right.

4 MR. HORN: And the Bishop would have known
5 that?

6 MR. McDONELL: Yes.

7 THE COMMISSIONER: Wait a minute now. Are
8 you -- there's two levels to your question there. You're
9 saying he's aware of -- the Bishop was aware of his
10 experience generally dealing with those kinds of things or
11 are you putting to him that the Bishop would have known
12 that you actively investigated some of the matters that are
13 the subject matter of this Inquiry?

14 MR. HORN: Well, yes.

15 THE COMMISSIONER: Well, you've got to be
16 specific.

17 MR. HORN: All right. I mean you were
18 sitting on the committee and there must have been
19 discussions. You were there. They must have asked.
20 They'd been pumping you for information about, you know,
21 things that you might have known about things, and ---

22 MR. McDONELL: No, they never ---

23 MR. HORN: That was your input into the
24 committee, wasn't it?

25 MR. McDONELL: No, that was -- it was to

1 have policy put in place by the church in this Diocese, how
2 to react to volunteers, how to check on volunteers that
3 work for the church.

4 **THE COMMISSIONER:** It says, "...an ad hoc
5 committee on safeguarding against abuse"?

6 **MR. McDONELL:** That's right.

7 **THE COMMISSIONER:** Okay.

8 **MR. McDONELL:** By the church people.

9 **THE COMMISSIONER:** All right. M'hm. Did
10 you at any time during any of those meetings speak to
11 anyone in that committee about the investigations you would
12 have done with respect to Silmsler, Father Charles
13 MacDonald, Ken Seguin, or anything that you've been
14 questioned about here today?

15 **MR. McDONELL:** I would say no.

16 **THE COMMISSIONER:** You would say no?

17 **MR. McDONELL:** I did not talk about any of
18 those investigations, if that's what you mean. The same
19 thing applies to that Maloney, I didn't talk about --
20 generally to people. I might tell the police officers but
21 not to public.

22 **THE COMMISSIONER:** Okay.

23 **MR. HORN:** The investigation regarding the
24 death of Ken Seguin?

25 **MR. McDONELL:** Yes.

1 **MR. HORN:** You were there almost right at
2 the very beginning, right? Right after the death you were
3 involved?

4 **MR. McDONELL:** That's correct.

5 **MR. HORN:** Okay, and you and -- who were the
6 initial officers that worked with you, initially right
7 away, at the beginning? Constable Dussault?

8 **MR. McDONELL:** I believe he was the first
9 officer there.

10 **MR. HORN:** And yourself, and who was the
11 other?

12 **MR. McDONELL:** Millar.

13 **MR. HORN:** Millar, and then it got ---

14 **MR. McDONELL:** By then detective sergeants.

15 **MR. HORN:** Initially when you first saw the
16 scene and saw all the blood, what did you think? He's
17 hanging and there's blood everywhere. What did you think?

18 **MR. McDONELL:** Well, I was pretty upset. He
19 was a friend of mine. I would call him a friend, a
20 coworker and -- so I mean we had to think things out and
21 figure out what happened.

22 **MR. HORN:** I know, but did you initially
23 think automatically it must have been a suicide? But with
24 the blood it would make you question that, wouldn't it?

25 **MR. McDONELL:** It was always treated as a

1 homicide until we proved otherwise.

2 MR. HORN: Okay, so with a homicide, did you
3 make sure that the -- anybody that would have come and gone
4 initially or was seen around the area, their names were
5 gotten?

6 MR. McDONELL: That's correct. That's --
7 when we got there we put Constable Dussault on that duty.

8 MR. HORN: Now were you the one that did the
9 interview of the neighbour, Mr. -- is it Fern Touchette?
10 Yes, Document Number 715333.

11 THE COMMISSIONER: We don't know if that's
12 an exhibit yet.

13 MR. HORN: Pardon?

14 THE COMMISSIONER: I don't know if that's an
15 exhibit yet. Do you?

16 THE REGISTRAR: No.

17 THE COMMISSIONER: No, it isn't; okay.

18 MR. HORN: Is it? I think we put it in a
19 notice anyway, I believe so.

20 THE COMMISSIONER: Thank you. Exhibit
21 Number 2549 is an assignment document dated 11th of February
22 1994.

23 --- EXHIBIT NO./PIÈCE No. P-2549:

24 (715333) Notes of Interview of Fernand
25 Touchette dated 11 Feb 94

1 **THE COMMISSIONER:** So it looks like you were
2 assigned to do this interview, sir?

3 **MR. McDONELL:** That's correct.

4 **THE COMMISSIONER:** Did you do it?

5 **MR. McDONELL:** That's correct.

6 **MR. HORN:** Okay, and the other -- the
7 interview is 715294.

8 **MR. McDONELL:** Do I have that?

9 **THE COMMISSIONER:** Just -- it'll come, all
10 in the fullness of time.

11 All right, so Exhibit 2550 is the interview
12 report of Fernand Touchette, done on the 11th of February,
13 1994.

14 **--- EXHIBIT NO./PIÈCE No. P-2550:**

15 (715294) Interview Report of Fernand
16 Touchette dated 11 Feb 94

17 **MR. HORN:** Okay, can you look at the second
18 page of the interview?

19 **THE COMMISSIONER:** The second page; where,
20 Mr. Horn?

21 **MR. HORN:** About three-quarters of the way
22 down.

23 **THE COMMISSIONER:** There should be a
24 publication ban on this document.

25 So where does it start?

1 **MR. HORN:** It would be Ron Leroux.

2 **THE COMMISSIONER:** "Ron Leroux moved about
3 a week ago."
4 Do you see that, sir?

5 **MR. McDONELL:** Yes.

6 **THE COMMISSIONER:** All right.

7 **MR. HORN:** And they went to the main ---

8 **THE COMMISSIONER:** Watch out; it's C-8.

9 **MR. HORN:** "And C-8 started moving into
10 the house."
11 That's Donald Leroux's house?

12 **THE COMMISSIONER:** That's Ron Leroux's.

13 **MR. HORN:** "Ron Leroux's house. And I think
14 he bought it. The day Ken died..."

15 **THE COMMISSIONER:** C-8.

16 **MR. HORN:** Oh:
17 "...C-8 was in Ken's house and it
18 seems that Ron told..."

19 **THE COMMISSIONER:** C-8.

20 **MR. HORN:** "...C-8 he had no right to be
21 in Ken's house because Ken and C-8
22 didn't get along."

23 **THE COMMISSIONER:** Okay, so the question is?

24 **MR. HORN:** The question is -- and I
25 understand that Mr. Doug Seguin, in one of his statements

1 was talking about ---

2 **THE COMMISSIONER:** And the question is?

3 **MR. HORN:** I mean, sorry ---

4 **THE COMMISSIONER:** The question is?

5 **MR. HORN:** Was seen at the scene at the time
6 of the death?

7 **MR. McDONELL:** You'll have to ask that
8 again, sir.

9 **MR. HORN:** I'm just asking you, did you then
10 become a little bit suspicious and say, I want to
11 immediately talk to Mr. ---

12 **THE COMMISSIONER:** C-8.

13 **MR. HORN:** --- C-8.

14 **MR. McDONELL:** I don't recall.

15 **MR. HORN:** I know the family was very
16 concerned about this.

17 **MR. McDONELL:** I don't recall. This
18 statement would have been taken on the 11th of February
19 which would have been in the subsequent interview.

20 This -- as the neighbour, he was very likely
21 talked to during the initial investigation either that
22 night or the next day.

23 **THE COMMISSIONER:** Okay. But his question
24 is -- look, on February 11th, 1984, you go down there and
25 talk to Mr. ---

1 **MR. McDONELL:** Fougère.

2 **THE COMMISSIONER:** --- Fougère. All right.

3 And he tells you that C-8 -- and you know who C-8 is ---

4 **MR. McDONELL:** Yes.

5 **THE COMMISSIONER:** --- was in there and they
6 had -- you know, they weren't on the friendliest of terms.
7 So his question is did you ever think that maybe C-8 had
8 anything to do with the suicide or the death? Did that
9 ever run through your mind?

10 **MR. McDONELL:** No.

11 **THE COMMISSIONER:** Okay. And why not?

12 **MR. McDONELL:** I don't recall, Your Honour.
13 But if he would have been a suspect, we sure would have
14 talked to him at the time.

15 **THE COMMISSIONER:** Okay. So you have him
16 there at the house. The neighbour is saying he's at the
17 house that day; they're not best of friends. So that's
18 what you've got to go on?

19 **MR. McDONELL:** Yeah, but in this statement,
20 this is done on the ---

21 **THE COMMISSIONER:** February 11th.

22 **MR. McDONELL:** --- 11th of February, not on
23 the 24th of November.

24 **THE COMMISSIONER:** M'hm. Okay.

25 **MR. HORN:** It was sometime later, but still,

1 were you aware of the fact that C-8 was the one that made
2 the phone call to the police, the OPP, in order to make --
3 to go to Ron Leroux's house to find guns? Were you aware
4 of that?

5 **MR. McDONELL:** No.

6 **MR. HORN:** Pardon?

7 **MR. McDONELL:** That's sometime before this
8 even.

9 **MR. HORN:** That was before this, but were
10 you aware of that?

11 **MR. McDONELL:** No.

12 **MR. HORN:** That was discussed previously,
13 that C-8 already had done that previously where he called
14 the OPP; they did a raid; they went in and they found some
15 guns plus some pornographic material. Did you know about
16 that?

17 **MR. McDONELL:** No, I didn't know. I knew
18 about the pornographic material now, prior to, at least,
19 you know, there was talk in our office, in an occurrence
20 book, that that stuff was seized. I didn't know the
21 circumstances.

22 **MR. HORN:** And the fact that it was burned;
23 did you know about that?

24 **MR. McDONELL:** Oh, I had no -- no, I had
25 nothing to do with that.

1 **MR. HORN:** You didn't know anything about
2 that. Okay.

3 There was a little bit of trouble between
4 you and Ken Seguin's family. Was that ever brought up to
5 you when they were -- that whole issue of -- did you look
6 into that?

7 **MR. McDONELL:** There was never any problem
8 between myself and the Seguin family that I was aware of.

9 **THE COMMISSIONER:** And no one brought that
10 to your attention until very recently?

11 **MR. McDONELL:** No, that's correct.

12 **THE COMMISSIONER:** All right.

13 **MR. HORN:** Okay. Now, was there also some
14 discussions regarding a telephone book that was of interest
15 to the family that was in -- that was supposed to be in the
16 house but wasn't there?

17 **MR. McDONELL:** That's correct. It was
18 turned in.

19 **MR. HORN:** It was turned in? To who?

20 **MR. McDONELL:** I don't know.

21 **MR. HORN:** Did you ever see it?

22 **MR. McDONELL:** I'm sure I did.

23 **MR. HORN:** Do you remember what it
24 contained?

25 **MR. McDONELL:** Well, it was a phone book.

1 **MR. HORN:** Is it a phone book or is it a
2 book with names in it?

3 **MR. McDONELL:** Yeah, names, like ---

4 **MR. HORN:** Of friends?

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

6 **MR. HORN:** Okay. Did you ever see it?

7 **MR. McDONELL:** I don't recall seeing it, but
8 I'm sure I saw it.

9 **MR. HORN:** Okay.

10 **MR. McDONELL:** I don't recall seeing the
11 book. You know, it's ---

12 **MR. HORN:** Okay. Did you -- in your -- in
13 subsequent investigations, you never went back to Mr.
14 Touche (sic) -- that's the neighbour -- and asked him if
15 he'd seen any blood on C-8?

16 **THE COMMISSIONER:** Mr. Touchette.

17 **MR. HORN:** Touchette.

18 **THE COMMISSIONER:** Was there ever any issue
19 ---

20 **MR. HORN:** Touchette is the neighbour who
21 saw C-8 at the scene. I'm just wondering if that was ever
22 followed up to see if there was any ---

23 **THE COMMISSIONER:** Well, what's the basis
24 for that question?

25 **MR. HORN:** He saw him. He saw him around

1 the area when Mr. Seguin died.

2 MR. McDONELL: I don't believe so.

3 MR. HORN: All right.

4 No, Mr. Touchette saw him ---

5 MR. McDONELL: I don't think he saw ---

6 THE COMMISSIONER: C-8.

7 MR. McDONELL: --- C-8 there.

8 MR. HORN: He didn't see C-8 there?

9 MR. McDONELL: I'm pretty near positive he
10 didn't.

11 THE COMMISSIONER: Well, you know in the
12 statement there's something there ---

13 MR. McDONELL: He's also got Malcolm
14 MacDonald there and he's got ---

15 THE COMMISSIONER: No, no, no.

16 That should be a different paragraph, I
17 think. Then he goes generally to talk about the fact that
18 Malcolm was always there and, you know, those people came
19 around. So that's different.

20 MR. HORN: Yes.

21 MR. McDONELL: But, you see, he's talking
22 about C-8 moving.

23 THE COMMISSIONER: M'hm.

24 MR. McDONELL: Which was sometime after this
25 occurrence. It wasn't -- it didn't take place the day of

1 the death. This may be a month, two months down the road.
2 I don't recall.

3 **THE COMMISSIONER:** Well, you see, it says:
4 "The day Ken died, C-8 was in Ken's
5 house."

6 And now, where he got this, I don't know,
7 but it says:

8 "Ron told C-8 he had no right to be in
9 Ken's house because Ken and C-8 didn't
10 get along, so he left."

11 **MR. McDONELL:** Does that indicate to you
12 that he went in the house without Seguin being there?

13 **THE COMMISSIONER:** No. What he's saying is,
14 though, on the day that Mr. Seguin died, that C-8 was
15 there.

16 **MR. McDONELL:** Yes.

17 **THE COMMISSIONER:** Okay. So the question
18 from him was -- from Mr. Horn is did you ever go back and
19 ask Mr. Touchette whether C-8 had any blood on him that
20 day?

21 **MR. McDONELL:** No, I didn't. Mr. Touchette
22 was quite an elderly gentleman.

23 **THE COMMISSIONER:** Yes.

24 **MR. McDONELL:** As I recall.

25 **THE COMMISSIONER:** So not that he recalls,

1 Mr. Horn.

2 MR. HORN: Okay. I'm sure you're also aware
3 that C-8 had an office in Malcolm MacDonald's office?

4 MR. McDONELL: Right. I knew that, yes.

5 MR. HORN: And that they basically were
6 working together?

7 THE COMMISSIONER: Whoa, whoa C-8 ---

8 MR. HORN: Were they working -- C-8 ---

9 THE COMMISSIONER: C-8 and Malcolm MacDonald
10 were working together?

11 MR. HORN: They had an office in the office.
12 They were in the same office.

13 THE COMMISSIONER: Well, working together --
14 -

15 MR. HORN: Well, okay, they ---

16 THE COMMISSIONER: --- was Mr. MacDonald
17 doing construction work or was Mr. C-8 doing legal work?

18 MR. HORN: Do you know what the relationship
19 was in the office? Were they answering phone for each
20 other, what?

21 MR. McDONELL: Well, I think he had an
22 office space rented in the building. I think that's the
23 only association they had.

24 MR. HORN: Was the building owned by Mr.
25 MacDonald?

1 **MR. McDONELL:** I have no idea.

2 **MR. HORN:** Was it -- were they in the same
3 office? Were they sharing ---

4 **MR. McDONELL:** They were down in the
5 basement.

6 **MR. HORN:** Were they sharing secretaries?
7 Were they sharing -- was that's the sort of thing in your
8 investigation ---

9 **MR. McDONELL:** I don't recall. They were in
10 the same floor of that building.

11 **THE COMMISSIONER:** Did they have separate
12 offices?

13 **MR. McDONELL:** I'm sure they did.

14 **THE COMMISSIONER:** Well, you're sure -- do
15 you know?

16 **MR. McDONELL:** No, I don't know.

17 **THE COMMISSIONER:** He doesn't know. He
18 doesn't know.

19 **MR. HORN:** Fair enough. Okay.

20 There's one other area. You interviewed --
21 I forgot her -- she's got a moniker now. It's Number
22 715256.

23 **THE COMMISSIONER:** I guess exhibit numbers
24 are out of the question?

25 **MR. HORN:** I have it on -- I've got a whole

1 bunch of these, copies of this, but this one doesn't have a
2 number.

3 **THE COMMISSIONER:** Oh good.

4 **MR. HORN:** I've only got the number ---

5 **THE COMMISSIONER:** So you're going to be
6 referring to a moniker, are you?

7 **MR. HORN:** Yes.

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

9 **MR. HORN:** It was a brand new moniker that
10 was just given a couple of days -- a few days ago.

11 **THE COMMISSIONER:** All right. Well, we'll
12 look at the document and we'll figure it out.

13 Thank you.

14 So it would be C-87. So Exhibit 2551 is an
15 interview report of C-87 taken on April 21st, 1994 by
16 Detective Constables MacDonald and Fagan.

17 Okay, not McDonell.

18 **MR. HORN:** It's not McDonell.

19 **THE COMMISSIONER:** No.

20 **MR. HORN:** Were you aware of this ---

21 **MR. McDONELL:** But it should be.

22 **THE COMMISSIONER:** I'm sorry?

23 **MR. McDONELL:** But it should be.

24 **THE COMMISSIONER:** Oh, oh, well, there you
25 go, good for you Mr. Horn, it should be McDonell, he says.

1 **MR. HORN:** Oh, it's ---

2 **THE COMMISSIONER:** Did you take that
3 statement?

4 **MR. McDONELL:** Yes, I believe so.

5 **THE COMMISSIONER:** Okay. Well, we'll put
6 McDonell. So don't believe everything you read.

7 All right. So your question is?
8 Publication ban on the document.

9 **MR. HORN:** Yes, the document.
10 You did the interview?

11 **MR. McDONELL:** Yes.

12 **MR. HORN:** And you were aware then of the
13 relationship of Mr. Seguin and this individual?

14 **THE COMMISSIONER:** You learned something
15 about what happened between this C-87 and Mr. Seguin?

16 **MR. McDONELL:** Yes.

17 **THE COMMISSIONER:** All right.

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

19 **THE COMMISSIONER:** Now, your question ---

20 **MR. HORN:** And that had to do with a
21 previous ward of the CAS and she was at the Second Street
22 Group Home?

23 **MR. McDONELL:** Yes. If it says that in
24 here, it's so. What's ---

25 **MR. HORN:** And did you see that it would

1 seem that Mr. Seguin was writing letters to her husband in
2 order to cause problems for her?

3 **THE COMMISSIONER:** Well, just a minute.
4 Where do you see that?

5 There we go, the third paragraph -- second
6 page, third paragraph from the bottom, it said:

7 "I got divorced in July. Then Ken
8 Seguin located me in the States and
9 sent me a letter. In general, he
10 wanted me to come home and if I didn't,
11 he was going to tell my husband."

12 Okay.

13 **MR. McDONELL:** Yes.

14 **THE COMMISSIONER:** So what's the question?

15 **MR. HORN:** The question is you were doing an
16 investigation on extortion?

17 **MR. McDONELL:** Yes.

18 **MR. HORN:** Who's the extortioner?

19 **MR. McDONELL:** Who is the extortionist?

20 **MR. HORN:** Yes, is it Mr. Seguin?

21 **MR. McDONELL:** Mr. Seguin is deceased at
22 this time, right?

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

24 **MR. HORN:** Pardon?

25 **THE COMMISSIONER:** Yes, the statement was

1 taken in April of 1994.

2 The question is why did you interview C-87?

3 **MR. McDONELL:** Well, I had better look at my
4 notebook again, Your Honour, to see what I was doing. It
5 was obviously -- it was to do with Father Charlie because I
6 was with Fagan.

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

8 **MR. McDONELL:** So it was to do with Father
9 Charlie and the charges there.

10 Anything else you want?

11 **THE COMMISSIONER:** Oh, Mr. Horn's cross-ex.

12 **MR. HORN:** Just the whole issue of
13 extortion, you were investigating it.

14 **MR. McDONELL:** We weren't investigating any
15 extortion in this.

16 **MR. HORN:** At that time you weren't, but you
17 did do an investigation on extortion, right, against Mr.
18 Seguin?

19 **THE COMMISSIONER:** No, not against Mr.
20 Seguin.

21 **MR. HORN:** I mean not against him but
22 against Silmsler who was supposedly extort -- doing ---

23 **MR. McDONELL:** Extorting ---

24 **MR. HORN:** --- making extortions against Mr.
25 Seguin, right?

1 **MR. McDONELL:** That's correct, but this had
2 nothing to do with that.

3 **MR. HORN:** I understand. I'm just saying --
4 -

5 **THE COMMISSIONER:** Okay. We've said it.

6 **MR. HORN:** --- this is an individual who is
7 doing the very thing that you're investigating on Mr.
8 Silmsler. All right?

9 **THE COMMISSIONER:** Well, no, what you're
10 saying is Mr. Seguin -- well, Mr. Neville has got something
11 to say. I'm sure he'll shed some light on the matter.

12 **MR. NEVILLE:** Commissioner, this is not
13 helpful to your mandate.

14 **THE COMMISSIONER:** I know.

15 **MR. NEVILLE:** It has absolutely nothing to
16 do with it. It is pure character assassination and Mr.
17 Horn should know better.

18 **THE COMMISSIONER:** Well, I don't know if
19 it's character assassination, but where are you going with
20 this, Mr. Horn?

21 **MR. HORN:** I'm just saying, the fact is Mr.
22 Seguin may have had a lot of enemies because if he was
23 doing this to this individual, there's a possibility he may
24 have been doing it to other people. And ---

25 **THE COMMISSIONER:** What -- and what

1 relevance ---

2 **MR. HORN:** What I'm suggesting is his death
3 is very suspicious. Thank you.

4 Do you agree with that, very suspicious?

5 **(LAUGHTER/RIRES)**

6 **MR. McDONELL:** No, I don't believe it is.

7 **MR. HORN:** Okay. Thank you.

8 **THE COMMISSIONER:** Yes. Okay. So Exhibit
9 2551 is hereby cancelled because it's already in Exhibit
10 2483A. And so we should make a little notation there that
11 Officer McDonell is claiming authorship of the interview
12 with Fagan.

13 Mr. Neville?

14 **MR. NEVILLE:** Good afternoon, Commissioner.

15 **THE COMMISSIONER:** Good afternoon sir.

16 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
17 **NEVILLE:**

18 **MR. NEVILLE:** Good afternoon, Sergeant
19 McDonell.

20 My name is Michael Neville. I represent
21 Father MacDonald. I also represent the Estate of Ken
22 Seguin, his brother Doug and the Seguin family.

23 We know or you've learned that the Seguins
24 had some concerns of what they felt were things you or you
25 and Officer Millar had said to them in meetings you had?

1 You've learned that they had a concern and raised a
2 complaint?

3 **MR. McDONELL:** That's -- well, I am now,
4 yes.

5 **MR. NEVILLE:** No, that's what I mean; you've
6 learned since.

7 **MR. McDONELL:** Yes.

8 **MR. NEVILLE:** In the sessions you had with
9 one or more members of the Seguins, did you advise them
10 that Mr. Silmsler had made allegations against Ken?

11 **MR. McDONELL:** I don't recall that, sir.

12 **MR. NEVILLE:** Is it possible you advised
13 them?

14 **MR. McDONELL:** Well, I was in contact with
15 the two sisters quite regularly.

16 **MR. NEVILLE:** Right.

17 All I want to ask you is whether you recall
18 advising one or more members of the family that prior to
19 Ken's death by suicide, there had been allegations made
20 against him of a sexual nature?

21 **MR. McDONELL:** I don't recall.

22 **MR. NEVILLE:** Is it possible that was
23 explained to them as part ---

24 **MR. McDONELL:** Probably, yes, it was.

25 **MR. NEVILLE:** All right.

1 And if they had no knowledge of that type of
2 allegation, you could understand, given their grief in any
3 event, how that might upset them?

4 **MR. McDONELL:** Sure, I definitely would.

5 **MR. NEVILLE:** So we'll just leave it at
6 that. All right.

7 Can I just turn briefly, Commissioner, for
8 one follow-up question to Exhibit 305? And this is the
9 memo to Mr. Pelletier about Mr. Silmser's allegation
10 against Detective McDonell?

11 **THE COMMISSIONER:** So 305 is in one of these
12 books?

13 **MR. NEVILLE:** It's 305, Commissioner,
14 Exhibit -- sorry, Document 109252.

15 **MR. McDONELL:** Yes.

16 **THE COMMISSIONER:** He's there.

17 **MR. NEVILLE:** Do you have it there, sir?

18 **MR. McDONELL:** Yes, I do.

19 **MR. NEVILLE:** If we look at the final
20 paragraph of the memo:

21 "Mr. Silmser wants charges laid against
22 [yourself misspelled] and if nothing is
23 done, he would go to the media and
24 raise 'a stink' about the whole thing."

25 Now, you worked on the OPP investigation

1 throughout parts of 1994, initially on the extortion branch
2 and then, it would appear, on the non-extortion components?

3 **MR. McDONELL:** Correct.

4 **MR. NEVILLE:** And did you become aware at
5 all that this notion of threatening to go to the media was
6 something that Mr. Silmsler did from time to time?

7 **MR. McDONELL:** Yes.

8 **MR. NEVILLE:** Now, can I ask you to look for
9 a moment at Exhibit 543A, Commissioner, Document Number
10 715280?

11 **THE COMMISSIONER:** I don't have it.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **MR. NEVILLE:** Do you have it, Detective?

14 **MR. McDONELL:** Yes.

15 **MR. NEVILLE:** This is an interview report of
16 a Gerald W. Renshaw conducted by yourself and Detective
17 Constable Genier on February 9th, 1994.

18 **MR. McDONELL:** Yes.

19 **MR. NEVILLE:** Can you help me as to what was
20 the context of taking this statement from Mr. Renshaw? I'm
21 sorry, that's awkwardly worded. Was this in the context of
22 the extortion investigation, the alleged conspiracy to
23 cover up matters or the Father Charles MacDonald/David
24 Silmsler case? What component did this play a part in?

25 **MR. McDONELL:** I would say that this one was

1 to do with the extortion with Inspector Hamelink.

2 MR. NEVILLE: All right.

3 MR. McDONELL: As you see the CIB number on
4 the top?

5 MR. NEVILLE: Yes, I do.

6 Now, we've had evidence, for example, in
7 Exhibit 2544, which is the little note of the 21st of
8 February meeting in Ottawa at the Crown's office?

9 MR. McDONELL: Yes.

10 MR. NEVILLE: And the participants were Mr.
11 Griffiths, the Regional Crown; Ms. Breault who was a
12 student, I understand, at the time; yourself; Detective
13 Genier and Detective Fagan. So we've got participants here
14 from more than one branch of what's going on.

15 MR. McDONELL: Did it not mention in there
16 about Hamelink and is he not there also?

17 MR. NEVILLE: It doesn't appear from the
18 notes, sir. I don't mean to take the -- keep the document
19 away from you. If you need to take a quick look at it,
20 please do. It's 21 of February '94, Monday, Ottawa
21 meeting; I'll just read it "How does Seguin fit in?" is
22 written here and then there's a list of participants
23 "Breault" ---

24 MR. LEE: It's Hamelink's note.

25 MR. NEVILLE: Oh, sorry. My friend just

1 helped me, Mr. Lee. It's actually Hamelink's own notes,
2 sir. So that makes it pretty obvious he was there.

3 **THE COMMISSIONER:** Okay.

4 **(LAUGHTER/RIRES)**

5 **MR. NEVILLE:** So as of this point in
6 February, is it fair to say that the two branches, so to
7 speak, the Tim Smith branch and the Inspector Hamelink
8 branch are, to some extent at least, working together?

9 **MR. McDONELL:** I would say yes.

10 **MR. NEVILLE:** And sharing various statements
11 that are being collected?

12 **MR. McDONELL:** I don't know that for sure.

13 **MR. NEVILLE:** Is that likely?

14 **MR. McDONELL:** It's likely.

15 **MR. NEVILLE:** All right.

16 So let me just go back then to Exhibit 543A,
17 the interview report of Gerald Renshaw.

18 **MR. McDONELL:** Yes, I have it.

19 **MR. NEVILLE:** All right.

20 And I take it you and your brother officer
21 are asking him about his knowledge of and/or dealings with
22 Ken Seguin?

23 **MR. McDONELL:** Correct.

24 **MR. NEVILLE:** Okay.

25 And if we look at the first paragraph of the

1 interview, he confirms knowing Mr. Seguin for 15 to 18
2 years; right?

3 **MR. McDONELL:** Yes.

4 **MR. NEVILLE:** And about five lines from the
5 bottom of that first paragraph, he says:

6 "I couldn't ask for a better probation
7 officer. He was very understanding."

8 And goes on to give an example; right?

9 **MR. McDONELL:** On the first page?

10 **MR. NEVILLE:** Yes, first paragraph.

11 I read you the opening sentence.

12 **MR. McDONELL:** "I moved into Ken Seguin's
13 house", the next one down?

14 **MR. NEVILLE:** Yes, it's just above that;
15 about four lines, five lines above.

16 "I couldn't ask for a better probation
17 officer. He was very understanding."

18 **MR. McDONELL:** Yes.

19 **MR. NEVILLE:** And he gives an example in
20 terms of a missed appointment; right?

21 **MR. McDONELL:** M'hm.

22 **MR. NEVILLE:** And then he talks, as you just
23 referenced, moving into the house. If you'd look on the
24 next page for me, he confirms that in '87 and I think that
25 should probably should be "or '88" he moved in because of

1 problems with his girlfriend.

2 MR. McDONELL: Yes.

3 MR. NEVILLE: And about four lines down
4 "stayed or lived there for one to one and a half years."

5 MR. McDONELL: Yes.

6 MR. NEVILLE: And then he says, three lines
7 below that -- meaning Mr. Seguin:

8 "I think he was a homosexual, but I
9 can't swear on it."

10 Right?

11 MR. McDONELL: Yes.

12 MR. NEVILLE: Now, did you come to learn,
13 sir, that this gentleman eventually made an allegation of
14 homosexual conduct against Mr. Seguin and in particular,
15 portrayed himself as some kind of victim?

16 MR. McDONELL: Did I take the statement?

17 MR. NEVILLE: Yes, you did. No, no, it was
18 subsequent.

19 MR. McDONELL: Oh ---

20 MR. NEVILLE: Did you learn that
21 subsequently?

22 MR. McDONELL: No, I believe that Renshaw
23 was in there on charges I had laid against him actually.

24 MR. NEVILLE: I'm sorry. I couldn't hear
25 you.

1 **MR. McDONELL:** I say, I believe the reason
2 he was on probation is because I had something to do with
3 him prior to that.

4 **MR. NEVILLE:** You may have?

5 **MR. McDONELL:** Yes.

6 **MR. NEVILLE:** Okay.

7 No, no, what I'm getting at, sir, is this
8 statement where he makes these observations is given to you
9 and Officer Genier in February of '94.

10 **MR. McDONELL:** Yes.

11 **MR. NEVILLE:** Did you come to learn that he
12 said quite different things subsequently about Mr. Seguin?

13 **MR. McDONELL:** No, I did not.

14 **MR. NEVILLE:** All right.

15 Let's look then at Exhibit C-604; another
16 statement taken by yourself and Officer Genier in relation
17 to Mr. C-8.

18 **THE COMMISSIONER:** Thank you. Six zero?

19 **MR. NEVILLE:** C-604, sir. The Document
20 Number 715252.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. NEVILLE:** Do you have it, Detective?

23 **MR. McDONELL:** Yes, I do.

24 **MR. NEVILLE:** Commissioner, do you have it
25 yourself?

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

2 **MR. NEVILLE:** You took this interview
3 statement from C-8, sir?

4 **MR. McDONELL:** Well, I was in attendance.
5 It's not my writing so it had to be Genier.

6 **MR. NEVILLE:** Okay.

7 And actually, the version I have which might
8 be easier -- I don't know if it was made an exhibit,
9 Commissioner, is actually a typed one of the same thing,
10 but that's fine. If you'd look on the last page of the
11 written document -- you're there for the interview?

12 **MR. McDONELL:** Yes.

13 **MR. NEVILLE:** Okay.

14 And the one on ---

15 **MR. McDONELL:** I don't believe I have a
16 typed version though.

17 **THE COMMISSIONER:** No, no, we'll go with the
18 written version of these.

19 **MR. McDONELL:** Okay.

20 **MR. NEVILLE:** Go another page, Madam Clerk.

21 It might be one more. Yes.

22 There's a page on the screen there,
23 Detective, in front of you. It should be the same
24 document. You're able to see it on the screen?

25 **MR. McDONELL:** Yes.

1 **MR. NEVILLE:** All right.

2 So we see it, looking at the second line
3 from the top of the page "I met Father Charlie at Ken's
4 before." Do you see that?

5 **MR. McDONELL:** Yes.

6 **MR. NEVILLE:** And then he says "I did some
7 painting out in St. Andrew's before."

8 **MR. McDONELL:** Yes.

9 **MR. NEVILLE:** All right.

10 And then he says:

11 "I never heard any rumours about Father
12 Charlie or Ken or anything until I read
13 the papers after Ken's death."

14 **MR. McDONELL:** Yes.

15 **MR. NEVILLE:** Now, did you become aware that
16 this person, some years later, came forward and made an
17 allegation against Father MacDonald?

18 **MR. McDONELL:** No.

19 **MR. NEVILLE:** You never heard a thing ---

20 **MR. McDONELL:** I -- I had nothing to do with
21 that.

22 **MR. NEVILLE:** No. Did you learn of him
23 coming forward and making the allegations?

24 **THE COMMISSIONER:** What's the relevance here

25 ---

1 **MR. McDONELL:** No.

2 **THE COMMISSIONER:** --- asking this witness
3 those questions?

4 **MR. NEVILLE:** Well, whether he had any
5 follow-up dealing with this?

6 **THE COMMISSIONER:** His answer is ---

7 **MR. NEVILLE:** The answer is "no."

8 **MR. McDONELL:** No.

9 **MR. NEVILLE:** Could we now look, Detective,
10 at -- and I don't believe this is an exhibit, Commissioner,
11 715284?

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **MR. NEVILLE:** This document, Commissioner,
14 may require a publication ban on -- if you look on page 2,
15 there are names.

16 **THE COMMISSIONER:** Yes, yes, publication
17 ban. Two five five one (2551) is an interview report of --
18 and I don't know who he is.

19 **MR. NEVILLE:** It's Stewart Rousseau, sir.

20 **THE COMMISSIONER:** Okay, okay, he doesn't
21 need a publication ban. And it's taken by Genier and
22 McDonell ---

23 **MR. NEVILLE:** Yes, sir.

24 **THE COMMISSIONER:** --- on February 14th,
25 1994.

1 **--- EXHIBIT NO./PIÈCE NO P-2551:**

2 (715284) Interview Report of Stewart
3 Rousseau dated 17 Feb 94

4 **MR. NEVILLE:** Do you have that one there,
5 sir?

6 **MR. McDONELL:** Yes, I do.

7 **MR. NEVILLE:** All right.

8 And Mr. Rousseau, we can see from the text,
9 was a probation officer who knew Mr. Seguin.

10 **MR. McDONELL:** That's right.

11 **MR. NEVILLE:** And if you look starting six
12 lines from the top and going down basically to the bottom
13 of that page -- and I don't -- I'm not going to read the
14 content out, Mr. Rousseau provides information about Mr.
15 Silmser as a probationer including to himself.

16 **MR. McDONELL:** That's right.

17 **MR. NEVILLE:** Now, again, coming back to
18 what I asked you, it's likely that this document would have
19 been shared with the other officers?

20 **MR. McDONELL:** That's correct. This one
21 would have been to do with Genier so it had to do with the
22 Hamelink investigation.

23 **MR. NEVILLE:** Okay.

24 And you told me a few minutes ago that it's
25 likely that these type of interview statements would have

1 been shared with the Smith/Fagan side of the investigation
2 at some point.

3 **MR. McDONELL:** I would say they're police
4 property so they would be in an investigation of ---

5 **THE COMMISSIONER:** Well ---

6 **MR. McDONELL:** --- the same direction ---

7 **THE COMMISSIONER:** --- do you know?

8 **MR. McDONELL:** I do not.

9 **THE COMMISSIONER:** He doesn't know.

10 **MR. NEVILLE:** All right.

11 One final matter, Commissioner. Could we
12 please look at Exhibit 9 -- it's actually two that go
13 somewhat together in a sense, Commissioner, one is 973 and
14 the other is 960.

15 **THE COMMISSIONER:** You'll need a new book
16 here. Nine seven three (973)?

17 **MR. NEVILLE:** And 960.

18 **THE COMMISSIONER:** You'll need two books.
19 Oh no; you'll only need one.

20 **MR. McDONELL:** Do I have the book?

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. McDONELL:** Yes, I have it.

23 **MR. NEVILLE:** Good. And just for your own
24 assistance, Commissioner, 960 together with 961 and 962,
25 sir, were made exhibits as part of the Seguin ODE?

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

2 **MR. NEVILLE:** If we could start briefly,
3 Detective, with the Exhibit 973, the interview report from
4 Malcolm MacDonald?

5 **MR. McDONELL:** Yes.

6 **MR. NEVILLE:** Done by yourself and Detective
7 Millar on the 21st of December 1993?

8 **MR. McDONELL:** That's right.

9 **MR. NEVILLE:** And if you'd look with me at
10 page 2 of the handwritten report?

11 **MR. McDONELL:** Yes.

12 **MR. NEVILLE:** Five lines from the bottom.
13 I'll just read it out. "I requested at ..." -- and this is
14 Malcolm MacDonald speaking for himself. "I requested at
15 this time" and just for context, sir, this is when Mr.
16 Silmser is approaching Mr. Seguin in mid-November for
17 money, all right.

18 So Mr. Malcolm MacDonald advises you and
19 Officer Millar the following:

20 "I requested at this time that Ken
21 provide me with some documentation as
22 to his story and to document the times
23 he received calls from Silmser. Ken
24 did this."

25 And if you turn over.

1 "And I received his writings in respect
2 to this. I have kept it on file in my
3 office. I have read this and fully
4 agree with Ken's accounts of the
5 conversations I had with him."

6 Did you ever ask Mr. MacDonald for those
7 writings or to see them?

8 **MR. McDONELL:** I saw them just recently.

9 **MR. NEVILLE:** Okay, that was my next
10 question.

11 (LAUGHTER/RIRES)

12 **THE COMMISSIONER:** You didn't ask for them
13 at the time?

14 **MR. McDONELL:** I don't recall.

15 **MR. NEVILLE:** Okay.

16 **MR. McDONELL:** I don't recall if we asked
17 for them.

18 **MR. NEVILLE:** So if you just turn next for a
19 moment, if you wouldn't mind, to the other companion
20 exhibit if you wish to call it that, 960. And there are
21 actually two others, Commissioner, but this is the one with
22 the most detail.

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

24 **MR. NEVILLE:** Do you have 960 there,
25 Detective?

26 **MR. McDONELL:** Yes.

1 **MR. NEVILLE:** Is that what you mentioned a
2 moment ago of something you saw just recently?

3 **MR. McDONELL:** That's correct.

4 **MR. NEVILLE:** And you can see on the final
5 page of it that it's dated November 15th, '93 by Ken Seguin?

6 **MR. McDONELL:** That's correct.

7 **MR. NEVILLE:** So ---

8 **MR. McDONELL:** Well, better look first.

9 **MR. NEVILLE:** I'm sorry.

10 **MR. McDONELL:** Do I have the last one?

11 **THE COMMISSIONER:** Nine-six-zero (960).

12 **MR. NEVILLE:** Nine-six-zero (960) should be
13 its own tab.

14 **MR. McDONELL:** Yes.

15 **MR. NEVILLE:** And it's got a final page that
16 bears Mr. Seguin's signature and a date, November 15th,
17 1993.

18 **MR. McDONELL:** Yes.

19 **MR. NEVILLE:** You've got that?

20 **MR. McDONELL:** Yes.

21 **MR. NEVILLE:** Okay. So you're telling the
22 Commissioner that you only saw this document, I take it
23 recently as part of preparation?

24 **MR. McDONELL:** That's correct.

25 **MR. NEVILLE:** Did it occur to you, if you

1 can think back, it's 15 years, to ask for this material to
2 see what was being said?

3 MR. McDONELL: I'm sure we did ask for it.

4 MR. NEVILLE: All right.

5 MR. McDONELL: And I'm sure we were probably
6 denied.

7 MR. NEVILLE: Do you have any note of that?

8 MR. McDONELL: No.

9 THE COMMISSIONER: You're sure? You're
10 sure? Do you have any independent recollection of so
11 doing?

12 MR. McDONELL: No.

13 MR. NEVILLE: Those are my questions, sir.

14 THE COMMISSIONER: Thank you.

15 MR. NEVILLE: Thank you, Detective.

16 THE COMMISSIONER: Ms. Allinotte?

17 MS. ALLINOTTE: No questions.

18 THE COMMISSIONER: Thank you.

19 Mr. Rouleau?

20 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

21 ROULEAU:

22 MR. ROULEAU: Good afternoon, sir.

23 My name is Claude Rouleau. I represent
24 Corrections and Probation. I just have a few questions for
25 you.

1 You've testified yesterday that you knew a
2 Ken Seguin and you would meet him and talk to him on the
3 street and you would talk about weather, sports; do you
4 remember testifying about that?

5 **MR. McDONELL:** Yes.

6 **MR. ROULEAU:** Would it be fair to say that
7 you also knew in the same way, Jos van Diepen as a
8 probation officer?

9 **MR. McDONELL:** I knew Jos van Diepen but not
10 in the same manner because van Diepen, I believe, did
11 Dundas County.

12 **MR. ROULEAU:** Okay. Had you had chances to
13 work with Jos van Diepen or to talk to him at the
14 courthouse?

15 **MR. McDONELL:** Sure, I would.

16 **MR. ROULEAU:** He was not a stranger to you?

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

18 **MR. ROULEAU:** Okay. You would also as a
19 police officer imagine go to the probation office here in
20 Cornwall for professional things, to gather some
21 information, to meet other probation officers. Is that
22 fair?

23 **MR. McDONELL:** Correct.

24 **MR. ROULEAU:** Okay. And when you would do
25 that would it be fair to say that it would be quite

1 informal? You would talk to the people that were there,
2 the probation officers, the staff?

3 MR. McDONELL: Who was ever there.

4 MR. ROULEAU: Is that fair?

5 MR. McDONELL: That's right.

6 MR. ROULEAU: All right.

7 Now you testified that on February 14, 1994
8 you took a statement from Mr. Jos van Diepen at the
9 Probation Office?

10 MR. McDONELL: Yes.

11 MR. ROULEAU: Okay. Do you have, as we
12 speak now, a recollection of this event; is it clear in
13 your mind?

14 MR. McDONELL: No.

15 MR. ROULEAU: No. So you don't remember the
16 circumstances around the taking of the statement; do you?

17 MR. McDONELL: No, I do not.

18 MR. ROULEAU: Okay. And in fact this
19 morning when you were shown the statement made by Mr. van
20 Diepen you had to read it to remember what it said. Is
21 that correct? So you didn't remember also the content of
22 the statement before reading it?

23 MR. McDONELL: No.

24 MR. ROULEAU: If I can take you to Exhibit
25 2538 which are your notes that were entered yesterday.

1 **THE COMMISSIONER:** That would be in there,
2 yes.

3 **MR. ROULEAU:** Twenty-five thirty-eight
4 (2538).

5 **THE COMMISSIONER:** Twenty-five thirty-eight
6 (2538). It's in one of those books in any event.

7 **MR. McDONELL:** Mine are down in the
8 hundreds, so 2538?

9 **THE COMMISSIONER:** Where, Mr. Rouleau?

10 **MR. ROULEAU:** I believe Bates page 7030.

11 **THE COMMISSIONER:** Yes.

12 **MR. ROULEAU:** And those are your notes and I
13 believe the date is February 10, 1994; isn't it?

14 **MR. McDONELL:** Twenty (20)?

15 **MR. ROULEAU:** Bates page 7030.

16 **MR. McDONELL:** Yes.

17 **MR. ROULEAU:** So the date we see there, if
18 I'm not mistaken, is the 10th of February 1994. Is that
19 correct?

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

21 **MR. ROULEAU:** Okay, the following page,
22 which is Bates page 7031, now the next date that we see, if
23 I'm correct, is March 15, 1994. Is that correct?

24 **MR. McDONELL:** Yes.

25 **MR. ROULEAU:** So would you agree with me

1 that your notes are not helping you at all to remember the
2 circumstances under which you took the statement from Mr.
3 van Diepen?

4 **MR. McDONELL:** I obviously had a different
5 notebook.

6 **THE COMMISSIONER:** See it says, "See
7 notebook re Seguin."

8 **MR. ROULEAU:** Oh.

9 **THE COMMISSIONER:** So there might be another
10 notebook someplace.

11 **MR. ROULEAU:** Okay.

12 **MR. McDONELL:** Yes.

13 **MR. ROULEAU:** All right. Can you verify if
14 you do have notes?

15 **THE COMMISSIONER:** Have those notes been
16 disclosed; does anybody know?

17 **MR. WALLACE:** It's Document 737495, and the
18 whole interview is there.

19 **THE COMMISSIONER:** Can't hear you though.

20 **MR. ROULEAU:** All right, sir, I just wanted
21 to verify if you did have notes. So if the answer is that
22 you do have notes, I'm content with that.

23 **THE COMMISSIONER:** Let me see.

24 Now that we see the notes, might as well
25 look at them. They may have something to write home about.

1 **MR. McDONELL:** I have notes.

2 **MR. ROULEAU:** Okay.

3 **THE COMMISSIONER:** Okay.

4 Okay, so Exhibit Number 2552 is an excerpt
5 of Document 737495 and it has -- it's notes from Officer
6 McDonell.

7 **--- EXHIBIT NO./PIÈCE No. P-2552:**

8 (737494) Notes of Christopher McDonell

9 **THE COMMISSIONER:** Okay, does that help you
10 in any way?

11 **MR. McDONELL:** I have notes, yes.

12 **MR. ROULEAU:** Can you just take a look at
13 those notes and see if there is any detail in terms of, not
14 the content of the interview, but how it was set up, where
15 and if you called in advance to say that you were coming?

16 **THE COMMISSIONER:** No, it's not on there.
17 No, that isn't it, I don't think.

18 **MR. McDONELL:** I must have the wrong page
19 because I don't see anything on this page about Jos van
20 Diepen. On 2552?

21 **THE COMMISSIONER:** No, there's nothing in
22 there about van Diepen.

23 **MR. ROULEAU:** All right. One last subject I
24 want to treat with you.

25 You talked about the phone book that was

1 given to you or to the OPP by the Seguin family and you
2 said you didn't remember -- you were sure that you did look
3 at the names in the phone book or looked at the phone book
4 at least.

5 Do you remember doing any follow-up with the
6 names or the information that was contained in that phone
7 book?

8 **THE COMMISSIONER:** Well, actually, that page
9 has something in there. If you look on the back page of
10 that last exhibit:

11 "Doug Seguin came to Long Sault to be
12 interviewed. Turned over a phone book
13 that belonged to Ken Seguin."

14 All right? So there we go.

15 **MR. McDONELL:** Did I say I didn't know that
16 there was a phone book?

17 **MR. ROULEAU:** No, I'm asking you if you do -
18 - if you did a follow-up with the names or the information?
19 Did you call any people in the phone book to try to obtain
20 some more information with your investigation?

21 **MR. McDONELL:** I don't recall, sir.

22 **MR. ROULEAU:** You don't recall? Thank you.

23 **THE COMMISSIONER:** Thank you.

24 Ms. Waddilove?

25 **MS. WADDILOVE:** No questions. Thank you.

1 **THE COMMISSIONER:** Thank you.

2 Madame Levesque.

3 **MS. LEVESQUE:** Good afternoon.

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

5 **LEVESQUE:**

6 **MS. LEVESQUE:** Good afternoon, Mr. McDonell.
7 My name is Gisèle Levesque and I'm counsel for the Diocese
8 of Alexandria-Cornwall.

9 **MR. McDONELL:** Yes.

10 **MS. LEVESQUE:** I just have very few
11 questions for you this afternoon.

12 The first point or the first matter I'd like
13 to review with you is, on July 13th you were tasked -- and
14 maybe we'll have to go to your notes for that -- you were
15 tasked to follow-up because -- and your notes say:

16 "Bishop had failed to attend
17 interview."

18 Do you recall that, in July?

19 **MR. McDONELL:** Yes.

20 **MS. LEVESQUE:** You recall that? Okay.

21 **THE COMMISSIONER:** July of what year?

22 **MS. LEVESQUE:** Thirteen (13), 1994. I
23 apologize.

24 **THE COMMISSIONER:** Okay.

25 **MS. LEVESQUE:** July 13, 1994.

1 And then were you aware that Constable Fagan
2 -- that the Bishop had called Constable Fagan on that
3 morning, July 13, 1994 at 8:00 a.m., to cancel the
4 appointment? You don't ---

5 **MR. McDONELL:** I shouldn't say. I don't
6 recall.

7 **MS. LEVESQUE:** Okay. Can I take you to his
8 notes? Maybe we can have a quick look at his notes?

9 **MR. McDONELL:** I have the notes here also.

10 **MS. LEVESQUE:** But these would be Constable
11 Fagan's notes.

12 **MR. McDONELL:** Okay.

13 **MS. LEVESQUE:** Okay? Because I haven't seen
14 anything in your notes other than the fact that you
15 followed up, and this was at -- it was in the afternoon at
16 -- the hour I have is 13:45, so 1:45 in the afternoon.

17 Constable Fagan's notes, Madam Registrar,
18 are at Document Number 115 ---

19 **THE COMMISSIONER:** Does anybody disagree
20 with the fact that Constable Fagan received a call from
21 someone from the Bishop's office to cancel the appointment?

22 **MR. McDONELL:** No.

23 **THE COMMISSIONER:** Thank you. We don't have
24 to go further.

25 **MS. LEVESQUE:** He was advised and he did

1 attend?

2 **THE COMMISSIONER:** He did subsequently ---

3 **MS. LEVESQUE:** He was interviewed, the
4 Bishop?

5 **MR. McDONELL:** Not by me, he wasn't.

6 **MS. LEVESQUE:** No, but you know that he did
7 attend an interview a few weeks later?

8 **THE COMMISSIONER:** I know, and that's what
9 counts. Thank you.

10 **MS. LEVESQUE:** The next point I wanted to
11 raise with you is, you sat on the ad hoc committee in 2002?

12 **MR. McDONELL:** Yes.

13 **MS. LEVESQUE:** That was to develop a
14 protocol?

15 **MR. McDONELL:** Yes.

16 **MS. LEVESQUE:** You've told us earlier that
17 you didn't know the Bishop Durocher beforehand?

18 **MR. McDONELL:** No.

19 **MS. LEVESQUE:** Did you know that he only
20 attended -- he only arrived in Cornwall -- I'm sorry -- in
21 2002?

22 **MR. McDONELL:** He only arrived shortly
23 before that, yes.

24 **MS. LEVESQUE:** Shortly before that. Okay.
25 And did you know that the -- or you must

1 have known that his intent was to have the committee be
2 comprised of a mix -- the composition of the ad hoc
3 committee was to be comprised of a mix of ages, genders and
4 professions. Were you aware of that?

5 **MR. McDONELL:** Well, I knew that by being
6 there, yes.

7 **MS. LEVESQUE:** Exactly. So from sitting on
8 the committee, you would agree that it was composed of a
9 mix of ages, genders and professions?

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

11 **MS. LEVESQUE:** Okay. Those are all my
12 questions. Thank you.

13 **THE COMMISSIONER:** Thank you very much.
14 Mr. Crane?

15 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
16 CRANE:

17 **MR. CRANE:** Good afternoon, Mr. McDonell.
18 My name is Mark Crane. I'm a counsel representing the
19 Cornwall Police Service.

20 **MR. McDONELL:** Yes.

21 **MR. CRANE:** Just a few questions, sir.
22 Yesterday, Ms. Jones reviewed with you some
23 of your interactions with Staff Sergeant Brunet and Staff
24 Sergeant Derochie in and around November and thereafter
25 regarding the death of Mr. Seguin.

1 MR. McDONELL: Yes.

2 MR. CRANE: Do you recall that?

3 MR. McDONELL: Yes.

4 MR. CRANE: And is it fair to say that over
5 the years, you've had a good working relationship with the
6 Cornwall Police Service and its members during your years
7 with the OPP?

8 MR. McDONELL: Very good, yes.

9 MR. CRANE: Thank you, sir. Those are my
10 questions.

11 THE COMMISSIONER: Thank you.

12 Madame Lahaie?

13 MS. LAHAIE: No questions. Thank you.

14 THE COMMISSIONER: Thank you.

15 Mr. Carroll?

16 MR. CARROLL: Good afternoon.

17 THE COMMISSIONER: Good afternoon, sir.

18 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
19 CARROLL:

20 MR. CARROLL: There's two areas only that I
21 want to canvas with you, and I just want to pull some
22 evidence together with respect to the suicide
23 investigation.

24 When you attended the scene, you found the
25 body and it was hanging, I believe; right?

1 MR. McDONELL: Correct.

2 MR. CARROLL: And how long had you been a
3 detective at that point approximately? You joined in '68?

4 MR. McDONELL: Yes, 30 years plus.

5 MR. CARROLL: All right.

6 THE COMMISSIONER: Well, 30 years to then --

7 -

8 MR. CARROLL: Thirty (30) years as a police
9 officer, give or take. My math is bad, but it's closing in
10 on 30 years anyway.

11 And had you been to death scenes before,
12 sir?

13 MR. McDONELL: Many, yes.

14 MR. CARROLL: All right.

15 And did you take as much time as you needed
16 to make the observations you did about the scene?

17 MR. McDONELL: Yes.

18 MR. CARROLL: Were you there as long as you
19 needed to be?

20 MR. McDONELL: Yes, it was quite messy.

21 MR. CARROLL: And did you have a blood
22 splatter expert?

23 MR. McDONELL: I don't believe ---

24 MR. CARROLL: An officer by the name of
25 Hopps?

1 MR. McDONELL: I'm not sure on that.

2 MR. CARROLL: You're not sure. Okay.
3 You had an ident officer attend?

4 MR. McDONELL: That's right.

5 MR. CARROLL: And the Coroner attended?

6 MR. McDONELL: That's correct.

7 MR. CARROLL: And after the Coroner made
8 certain observations, ultimately the body was removed and
9 the following day you attended the autopsy?

10 MR. McDONELL: That's correct.

11 MR. CARROLL: And you were advised by the
12 Coroner that in his opinion, the man killed himself, that
13 it was a suicide?

14 MR. McDONELL: That's correct.

15 MR. CARROLL: And was there any observations
16 that you made in the house, just from a police forensic
17 point of view, that would dispute that finding or did you
18 agree that that was an appropriate finding based on the
19 evidence you had?

20 MR. McDONELL: That's right.

21 MR. CARROLL: All right.

22 The other area that I want to ask you about
23 is your investigation under the direction of Detective
24 Inspector Fred Hamelink.

25 MR. McDONELL: Yes.

1 **MR. CARROLL:** I think Mr. Lee put it very
2 well when he described your role in the sense that you
3 would be assigned to undertake certain tasks, mainly
4 getting statements. You would go out; you would get them,
5 type them and turn them in to the inspector; correct?

6 **MR. MCDONELL:** Correct.

7 **MR. CARROLL:** All right. And in doing those
8 interviews, on all occasions were you following the
9 directions of the detective inspector?

10 **MR. MCDONELL:** Yes, I was.

11 **MR. CARROLL:** At any time with respect to
12 any of the statements you turned in, did you get any
13 negative feedback from the detective inspector about the
14 content of the interview or the manner in which -- the form
15 it took?

16 **MR. MCDONELL:** No. If there was a problem
17 with the statement, it would be brought to our attention
18 and we would go back and ---

19 **MR. CARROLL:** Do you have a specific
20 recollection of there being problems, sir?

21 **MR. MCDONELL:** No, I don't.

22 **MR. CARROLL:** But as a matter of course in
23 detective work -- in working with somebody from CIB, is
24 that the way it works, that they would review it?

25 **MR. MCDONELL:** They review it, and if

1 there's more they want out of it, they send it back and we
2 follow up.

3 **MR. CARROLL:** All right.

4 Aside from the statements that you submitted
5 to the detective inspector, was he critical of any other
6 aspect of your policing work on that file, on that
7 investigation?

8 **MR. McDONELL:** Not that I know of.

9 **MR. CARROLL:** You had indicated that you had
10 -- I think you said that you were familiar with Peter
11 Griffiths, that you dealt with him before -- before that
12 meeting?

13 **MR. McDONELL:** Yes, I had met him on a
14 couple of occasions in Ottawa.

15 **MR. CARROLL:** You knew him to be an
16 experienced Crown Attorney?

17 **MR. McDONELL:** Yes, I knew he was a top --
18 head Crown.

19 **MR. CARROLL:** And you were aware that the
20 work product that you produced, along with your other
21 officers under the direction of Detective Inspector
22 Hamelink, was being sent to Peter Griffiths for review?

23 **MR. McDONELL:** Correct.

24 **MR. CARROLL:** Did you at any time receive
25 any feedback from this experienced Crown Attorney that any

1 aspect of the work that you had done on that investigation
2 was deficient or inappropriate or in any way not up to
3 snuff?

4 **MR. McDONELL:** No.

5 **MR. CARROLL:** Those are the questions I
6 have. Thank you.

7 **THE COMMISSIONER:** Thank you.

8 Ms. Jones?

9 **MS. JONES:** No re-examination. Thank you.

10 **THE COMMISSIONER:** Thank you.

11 Thank you very much, Officer, for coming in.

12 I certainly enjoyed your evidence and I'll certainly take
13 it into consideration when I'm writing up my report.

14 **MR. McDONELL:** Thank you.

15 **THE COMMISSIONER:** Thank you very much.

16 Let's close her up.

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

19 This hearing is adjourned until Monday,
20 November 10th at 9:30 a.m.

21 --- Upon adjourning at 1:01 p.m./

22 L'audience est ajournée à 13h01

23

24

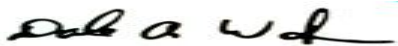
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C E R T I F I C A T I O N

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-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM