

BOARD OF INQUIRY
POLICE SERVICES ACT, 1990

Complainant: D.S.

Involved Officer: Constable Perry Dunlop #76
Cornwall Police Service

OPCC File#: 30019/94

Cornwall P.S.#: C.C.94-01

Board of Inquiry#: CH009/94

AFFIDAVIT OF PERRY DUNLOP

I, Perry Dunlop, of the City of Cornwall, in the United Counties of Stormont, Dundas and Glengarry, MAKE OATH AND SAY:

1. I have been a member of the Cornwall Police Force for the past 11 years and am presently a 1st Class Constable. I am 33 years old and married with three young children.

2. On September 23, 1993, while attending to my professional and official duties related to my assignment to the Criminal Investigation Bureau Drug Unit, I gained knowledge of a sexual assault complaint involving allegations of abuse by Father Charles MacDonald and Ken Seguin, a probation officer in Cornwall. The victim of the abuse was D.S. (referred to as the "victim" throughout my affidavit).

3. The initial complaint was dated December of 1992, and became overdue on January 18, 1993, with no reports entered into the computer (OMPPAC) about it. I became concerned about the allegations and the investigation because, on the computer (OMPPAC), the only information that was displayed was the assault location of 40 4th Street West. This was the location of St. Columban's Church, of which I am a member.

4. On September 24, 1993, before attending court, I was in the Intelligence Office where Sergeants Ron Lefebvre and Claude Lortie were openly discussing this Sexual Assault case. I had already been informed by Sergeant Lortie that the allegations of Sexual Assault were against Father MacDonald.

5. I have strong ties with St. Andrews Church where Father MacDonald was then presiding. I regularly attended St. Andrews and in fact Father MacDonald married me and baptized my first born daughter at St. Andrews. We have several family members and friends that attend St. Andrews and I was concerned for the safety of children.

6. It was during the discussion with Sergeants Lefebvre and Lortie that I first learned that the investigation concerning Father MacDonald had been terminated because the Roman Catholic Church Arch Diocese had made a monetary settlement with the complainant. During this discussion, Sergeant Lortie made it clear that he strongly disagreed with this case being closed.

7. Constable Heidi Sebalj was the officer investigating the complaint by the victim. I asked Constable Sebalj if I could see the victim's statement.

8. The 8 page victim's statement contained detailed allegations of sexual abuse by Father MacDonald and Ken Seguin.

9. The victim statement contained, in part, the following information:

(a) The victim became an altar boy at age 12 at St. Columban's Church where Father MacDonald presided.

(b) The victim and Father MacDonald were alone in the Church sacristy together and Father MacDonald started to touch the victim's leg, and moved his hand up to his inner thigh, ultimately touching the victim's penis.

(c) The victim attended a retreat at St. Andrews. While the victim was in bed (and in a private location), Father MacDonald sat down on his bed. At this point, Father MacDonald was naked. Father MacDonald put his right hand under the blankets and felt the victim's penis under his pyjamas.

(d) At age 14, the victim walked past the St. Columban's church and Father MacDonald called him into his office. Father MacDonald informed the victim that he watched the girls walk past and that he masturbates himself watching them. Father MacDonald grabbed the victim's leg and with one finger rubbed the victim's inner thigh up and down and then grabbed the victim's penis. The victim then got up very quickly and ran down the hall and out of the front door.

- (e) Several months later, Father MacDonald saw the victim and suggested to the victim that they go for a car ride. After initially refusing, the victim agreed to get in the car to discuss the problems the victim had been having at school. Father MacDonald drove the car into the country and stopped in an isolated location. Father MacDonald suggested that they go for a walk. After they exited the car, Father MacDonald took off his pants and started masturbating himself. The victim turned around to escape and ran as fast as he could, but was tackled by Father MacDonald. Father MacDonald rolled the victim onto his back, undid the victim's pants, sat on the victim's stomach, and tried to push his penis into the victim. The victim cried and yelled and then went blank.
- (f) As a result of the victim's anger, he stole \$40 from the parish. He was caught, charged, and placed on probation while aged 14 and 15. His probation officer was Ken Seguin. Ken Seguin later repeatedly sexually assaulted the victim. The victim later found out that Ken Seguin was Father MacDonald's best friend.

10. It appeared that the victim had a very good memory, remembering smells, sights and places. As a police officer I have taken and read many statements and, in my opinion, this one was the truth.

11. After realizing the gravity of the allegations I had great concerns about the safety of the children now attending St. Andrew's Church and the safety of those children in contact with Ken Seguin, the probation officer.

12. I had previously been aware of a case involving Father Deslauriers in or about 1985. Father Deslauriers was a priest in the Cornwall Diocese. The case involved a major investigation, and ultimately resulted in him being charged with 16 counts of sexually abusing nine young Cornwall men. He received two years probation.

13. Constable Sebalj informed me that she had difficulty getting hold of the victim and that the victim may not want to proceed with the complaint. After making further inquiries, I was informed that the victim had settled his complaint with the Church and no longer wished to pursue the complaint. I made further inquiries and it appeared that the case was coming to a close without a complete investigation being done. I then went to the photocopy machine and made a copy of the victim's statement and gave Constable Sebalj back the original victim's statement.

14. I have since been informed that on or about September 3, 1993, Staff Sergeant Luc Brunet received a call from Mr. Sean Adams, advising him that he was representing the victim and that the victim had reached a satisfactory civil settlement with the church and wanted to withdraw his criminal complaint. I have obtained this information after reviewing the witness statement by Staff Sergeant Luc Brunet, given in the context of the Board of Inquiry under the *Police Services Act*.

15. I first brought this matter to the attention of Mr. Richard Abell, Executive Director of the Children's Aid Society, on September 25, 1993, the day after I photocopied the witness statement. In my conversation with Mr. Abell, I told him about this case and my fear for the children who were presently at risk.

16. The following day, on September 26, 1993, I had another conversation with Mr. Abell and brought a copy of the victim's statement over to Mr. Abell's home. Mr. Abell viewed the statement but I retained possession of it. Mr. Abell informed me that I, as a police officer, had a duty to report any suspected child abuse. I was aware of this statutory duty to report already and believed I was acting in accordance with my duty to report when I first approached Mr. Abell. I informed Mr. Abell that I would be speaking with Staff Sergeant Brunet to see what was going on with the case.

17. On September 28th, 1993, I spoke with Constable Sebalj and told her my concerns about the case. She replied that she had tried for a month to get hold of the victim but he was not returning her calls. She mentioned that there were other victims but there was nothing she could do because she had spoken to the Crown and without a complainant the investigation would be over.

18. Given the nature of and allegations contained in the victim's statement, which I believed, and coupled with the fact that Constable Sebalj made me aware of other sexual assault victims of Father MacDonald, and believing that paedophilia was an incurable condition, I continued to fear that there were children at risk in our community.

19. On September 29th, 1993, I met with Crown Attorney Murray MacDonald in his office and showed him the statement and he said he knew about it and that Staff Sergeant Brunet was dealing with the case. The Crown Attorney informed me that he was not aware that allegations

of sexual abuse had also been made about Ken Seguin. He suggested that I speak with Staff Sergeant Brunet about the case.

20. I then went downstairs where Staff Sergeant Brunet advised me that the victim had seen Constable Sebalj that morning and wanted the investigation ended. He then said to me that the investigation was over as we have no complainant. I told him that I had a problem with this because children remained at risk. After leaving his office I believed that children were presently at risk.

21. On September 30, 1993, Mr. Abell asked me for a copy of the victim's statement and I complied by providing him with a copy of the victim's statement. We agreed that we would no longer talk about the case.

22. I have been informed that, on October 7, 1993, Deputy Chief St. Denis requested that Staff Sergeant Derochie investigate my involvement in providing Children's Aid Society with a copy of the victim's statement. This information is set out in the statement by Staff Sergeant Derochie given in the context of the Board of Inquiry under the *Police Services Act*.

23. In reading Staff Sergeant Brunet's statement, I have been informed that, on October 7, 1993, Chief Shaver and Staff Sergeant Luc Brunet met with the Archbishop, the representative of the Pope in Canada and Bishop Larocque. At these meetings, Chief Shaver and Staff Sergeant Brunet shared their concerns about the potential that Father MacDonald may be continuing to sexually abuse children.

24. In reading the witness statement by Staff Sergeant Derochie, I have been informed that Staff Sergeant Derochie met with Chief Shaver and Deputy Chief St. Denis on or about October 14, 1993 to discuss my actions in disclosing the victim's statement to the Children's Aid Society. It was determined at this meeting that no charges under the *Police Services Act* would be laid against me.

25. As a result of reviewing Staff Sergeant Derochie's statement, I have been informed that Chief Shaver had decided that, as of October 15, 1993, I would not be disciplined for my actions in releasing the victim's statement to the Children's Aid Society.

26. As a result of reviewing Staff Sergeant Derochie's statement, I have been informed that Staff Sergeant Derochie completed his investigation into my conduct on January 4, 1994 after receiving the results of two related O.P.P. investigations. On January 7, 1994 he submitted his report to acting Chief Carl Johnston on my involvement in providing a copy of the victim's statement to the Children's Aid Society. The conclusion of that report was that he had uncovered no evidence to suggest that my motives in providing the Children's Aid Society with a copy of the victim's statement were other than out of concern for the safety of the community. He concluded that no discipline should be imposed.

27. Upon reading an article published in the Citizen on January 8, 1994, I learned that the Cornwall Police had officially concluded that no member of the Cornwall Police gave any statement to any news media. Attached as Exhibit A to this affidavit is a copy of the January 8 article.

28. Upon reading an article published in the Standard-Freeholder dated January 12, 1994, I learned that Leo Courville, Chair of the Cornwall Police Services Board, said that he was satisfied with the way things were handled by the police. Attached as Exhibit B to this affidavit is a copy of the January 12, 1994 article.

29. Upon reading a separate article published in the Standard-Freeholder dated January 12, 1994, I learned that Richard Abell, Executive Director of the CAS in Cornwall, stated that "it is our view that the CAS should have notice of any allegation of historical abuse of a child by a member of the clergy who is in a present position where he has contact with children". Attached as Exhibit C to this affidavit is a copy of the January 12, 1994 article.

30. I released a copy of the victim's statement to Richard Abell of the Children's Aid Society. I honestly believe that it was my duty as a police officer to report this matter to the Children's Aid Society pursuant to section 72 of the *Child and Family Services Act*.

31. At no time have I ever spoken to the media about this matter or given them a copy of this statement.

32. In July of 1992 I received a work evaluation from Staff Sergeant Derochie. In the evaluation, Staff Sergeant Derochie stated that I should be recognized and commended for my community involvement and that I project an image of our organization that is beyond reproach. The evaluation stated that I would be most successful in the Community Services Division. Attached as Exhibit D to my affidavit is a copy of the July 1992 evaluation.

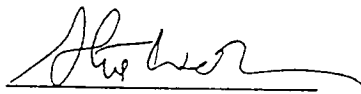
33. Attached to my July 1992 evaluation are comments from Staff Sergeant Kirkey. He states that I have always been involved with the community and that I should be looked at for the Community Service Branch in the future, although at this time I am too valuable as a member of Team D to be transferred to the Community Service Branch.

34. Attached to my July 1992 evaluation are comments from Chief Shaver. He stated that my evaluation was excellent and specifically thanked me for assisting with the Children's Aid Society volunteers.

35. The July 1992 evaluation is my most recent evaluation. I have yet to be evaluated for 1993.

Sworn before me at the
City of *Ottawa*
in the *Regional Municipality*
of *Ottawa-Carleton* on

August 30th, 1994


A Commissioner of Oaths, etc.
Steven Wehner


PERRY DUNLOP