

**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 162

Held at :

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

Monday, November 19 2007

Tenue à:

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

Lundi, le 19 novembre 2007

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Christine Morris	Commission Counsel
Ms. Mary Simms	
Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Mr. Carson Chisholm

11 **THE REGISTRAR:** Order; all rise. À l'ordre;
12 veuillez vous lever. This hearing will resume at 2:30 p.m.

13 --- Upon recessing at 2:14 p.m. /

14 L'audience est suspendue à 14h14

15 --- Upon resuming at 2:32 p.m. /

16 L'audience est reprise à 14h32

17 **THE REGISTRAR:** This hearing has now
18 resumed. Please be seated. Veuillez vous asseoir.

19 **THE COMMISSIONER:** All right.

20 Good afternoon.

21 --- **EXHIBITS PRESENTATION BY/PRÉSENTATIONS D'EXHIBITS PAR**
22 **MS. MORRIS(cont'd/suite):**

23 **MS. MORRIS:** Good afternoon, Mr.

24 Commissioner. We are seeking to introduce an Overview of
25 Documentary Evidence, known informally as an ODE, as well

1 as accompanying documents for Mr. Kenneth Seguin.

2 **THE COMMISSIONER:** All right.

3 **MS. MORRIS:** Mr. Seguin was employed as a
4 probation officer in Cornwall. There have been numerous
5 allegations of sexual assault made against him by former
6 probationers. Mr. Seguin passed away in 1993, and in our
7 view the filing of the ODE would assist in the public and
8 your understanding of the events in issue.

9 **THE COMMISSIONER:** Thank you.

10 **MS. MORRIS:** We have circulated the draft
11 ODE. We've received comments from many of the parties
12 following the circulation of the overview.

13 Counsel have made comments and we have
14 incorporated some. Some parties expressed concerns that
15 the ODE did not tell the entire Seguin story.

16 For these reasons, in consultation with the
17 parties, we are proposing that the ODE be filed along with
18 a note. The note would be titled, "Preface to the Overview
19 of Documentary Evidence, Ken Seguin". It would indicate
20 that the overview is based on documents that relate to Ken
21 Seguin. Allegations for the most part were disclosed after
22 his death and, consequently, there have been very few
23 investigations of the specific allegations.

24 We have omitted references to the evidence
25 already given by witnesses who alleged were victims of

1 complaint dated 09 Dec 1992

2 **MS. MORRIS:** That completes the documents to
3 be tendered.

4 **THE COMMISSIONER:** Thank you.

5 **MS. MORRIS:** I'll proceed with the reading
6 of the Overview of Documentary Evidence then ---

7 **THE COMMISSIONER:** Thank you.

8 **MS. MORRIS:** --- for Kenneth Seguin.
9 Exhibit 921B.

10 **MS. MORRIS:** John Kenneth Gordon Seguin was
11 born on February 7th, 1944 in Cornwall. He attended Island
12 Public School and the Cornwall Collegiate and Vocational
13 School.

14 The reference is to Exhibit 945.

15 In 1967, he obtained a Bachelor of Arts from
16 the University of Ottawa and a Bachelor of Philosophy from
17 St. Paul University. In 1968, he studied Theology at St.
18 Paul University.

19 Exhibit 938.

20 In September of 1970, Seguin lived at 1345
21 3rd Street East, Apartment 101, in Cornwall. In September
22 of 1975, Seguin moved from 3rd Street East to 1758 Alguire
23 Street. He purchased a property in Summerstown on May 30th,
24 1986.

25 The references are to Exhibits 945, 939 and

1 958.

2 In January of 1968, Seguin applied to work
3 as a probation officer in Cornwall.

4 He was offered the position of a Group 1
5 probation officer on February 20th, 1968 to commence
6 employment on June 3rd, 1968.

7 Seguin worked as a probation officer from
8 June 3rd, 1968 until his death on November 25th, 1993.

9 On June 10th, 1968, V.M. Marks, the Area
10 Probation Supervisor, announced Seguin's appointment as a
11 probation officer with primary responsibility in juvenile
12 court, noting Seguin's studies into the causes of deviant
13 behaviour of deprived juveniles.

14 On June 24th, 1969, Seguin was promoted to
15 Probation Officer, Group 2, effective June 1st, 1969.

16 The references are to Exhibits 943, 942,
17 941, 940 and 944.

18 Seguin primarily worked as a probation
19 officer in the Cornwall area, although he did have some
20 additional responsibilities outside of Cornwall.

21 In 1971, he worked out of an office in
22 Chesterville twice a week and, in or around the end of
23 1972, he worked in the Prescott area.

24 In Prescott, he temporarily assumed the
25 preparation of Prescott Criminal Division Court pre-

1 sentence reports for new probationers, having assumed
2 responsibility for 10 existing cases in that area.

3 The references are to Exhibits 924 and 923.

4 R.S. Tear wrote supervision reports relating
5 to Seguin from June 3rd, 1968 to March 5th, 1973.

6 Seguin's supervision report from September
7 1969 refers to probationer C-10 being supervised by Seguin.

8 In November of 1969, Tear noted in her
9 supervision report that Seguin:

10 "...works hard with his cases and is not
11 afraid of enforcing the order.

12 However, on occasion, he is inclined to
13 let his sympathy for the probationer
14 overrule his discretion as a probation
15 officer."

16 The reference is to Exhibit 924.

17 J.R MacEachern wrote her supervision report
18 relating to Seguin for the period of January to June of
19 1972.

20 One of the entries indicates that Seguin had
21 taken a trip to Florida. E.R. Brillinger wrote in a 1972
22 employment history and evaluation form that:

23 "Seguin's case load had almost
24 doubled."

25 The references are to Exhibits 925 and 957.

1 In a case audit review from May of 1975,
2 Seguin was found to be lacking in his use of the reporting
3 record that he had previously agreed to use. It was
4 indicated that the size and demand of Seguin's caseload was
5 a factor. The reference is to Exhibit 923.

6 In his annual employee appraisal for the
7 period of July 1978 to April of 1979, Seguin's relationship
8 with his probationers was described as "Open and honest."
9 This appraisal was completed by K.P. Connolly. The
10 reference is to exhibit 968.

11 On March 11th, 1981, Seguin applied to be
12 placed on an eligibility list for future area manager
13 positions.

14 On March 18th, 1981, area manager W.A. Groten
15 put Seguin's name forward to be considered for the position
16 of area manager.

17 Groten described Seguin as having the
18 respect and confidence of all staff. He noted that Seguin
19 had acted in the capacity of office manager since 1974 and
20 described him as "tending to be a quiet and thoughtful
21 person."

22 He further noted that during the period of
23 his employment, Seguin had built an excellent reputation in
24 the community regarding the quality of his work which had
25 persistently been rated as superior by his previous

1 supervisors.

2 He also noted that people in the community
3 recognized Ken Seguin's leadership abilities and found it
4 rewarding to be associated with him.

5 On April 22nd, 1981, Seguin was notified that
6 he had not been selected for the eligibility list for
7 future area manager positions. The references are to
8 Exhibits 937, 936 and 935.

9 P.H. Sirrs conducted Seguin's annual
10 employee appraisal report for the period of April of 1981
11 to May of 1982. Sirrs indicated that:

12 "In his approach with clients, Mr.
13 Seguin is very humanistic, too much so
14 perhaps, although he seems to achieve a
15 rapport with results that are not
16 usually associated with other
17 approaches. Mr. Seguin agrees he could
18 develop an increased firmness in
19 dealing with clients which should not
20 impair these other valued qualities."

21 The report also noted an above average
22 quality of service. The reference is to Exhibit 967.

23 Sirrs also completed Seguin's annual
24 employee appraisal for the period of May 1982 to June of
25 1983. Sirrs noted that Seguin continued to maintain an

1 excellent reputation built over his 15 years in his
2 position and maintained a good rapport with clients, fellow
3 staff and outside community agencies. The report also
4 noted that Seguin:

5 "...has an insightful appreciation into
6 his role as a probation officer and
7 demonstrates a thoughtful,
8 conscientious and sincere approach."

9 The reference is to Exhibit 956.

10 In Seguin's annual appraisal report for the
11 period of April of 1983 to June of 1984, Sirrs reiterated
12 some of his earlier comments about Seguin and noted that he
13 is:

14 "...a capable experienced officer who, by
15 his conscientious, competent and quiet
16 style, provides a good role model for
17 other staff."

18 The reference is to Exhibit 966.

19 On January 24th, 1985, Seguin applied for the
20 position of area manager.

21 On January 25th 1985 L.V. White recommended
22 Seguin for the position of area manager. White he noted
23 that Seguin was:

24 "A warm human being with an excellent
25 force in interpersonal relationships."

1 He further noted that he:

2 "...had occasion to meet a couple of
3 lawyers, the acting Crown attorney and
4 other businesspeople in Cornwall and
5 was amazed at the esteem in which these
6 people hold ken Seguin."

7 On February 11th, 1985, Seguin withdrew from
8 the competition. The references are to Exhibits 933, 934,
9 and 932.

10 In Seguin's Annual Appraisal Report from
11 June of 1984 to September of 1985, Emile Robert, Area
12 Manager, wrote that he had:

13 "...observed Mr. Seguin to be an
14 extremely fine gentleman, dedicated to
15 his duties and responsibilities as a
16 probation and parole officer."

17 The reference is to Exhibit 955.

18 A case audit on several of Seguin's
19 probationer files was conducted on November 14th, 1985. A
20 memorandum to Seguin from Emile Robert concerning the audit
21 indicated the following concerns:

22 "Case notes not being completed or
23 initialed in some instances; the
24 absence of legal warnings and
25 explanations to clients; the absence of

1 supervision plans being included during
2 initial interviews with clients and the
3 lack of recording of the review of
4 conditions with clients."

5 References are to Exhibit 947.

6 Seguin's annual appraisal report for the
7 period of April of 1985 to June of 1986, Emile Robert noted
8 that Seguin:

9 "...is the mainstay of this office and
10 holds a high level of stabilizing
11 influence on his coworkers. Mr. Seguin
12 is an asset to this office and I am
13 pleased with his work performance."

14 The reference is to Exhibits 965 and 954.

15 A case audit conducted by Emile Robert in
16 September of 1987 in relation to one of Seguin's cases
17 referred to the need for sufficient monthly collateral
18 and/or parental contacts and suggested that Seguin review
19 the probation and parole standards for case supervision and
20 recording. The reference is to Exhibit 946.

21 In Seguin's performance review for the
22 period of July 1987 to June of 1988, Emile Robert indicated
23 that Seguin acted appropriately in monitoring and applying
24 probation rules and regulations. The reference is to
25 Exhibit 964.

1 Seguin's performance review for the period
2 of July of 1987 to June of 1988 notes:

3 "I am pleased with the progress of Mr.
4 Seguin's work performance."

5 This review was also completed by Emile
6 Robert. The reference is to Exhibit 953.

7 On March 10th, 1989, Seguin wrote to his
8 supervisor Emile Robert, advising him that, in accordance
9 with Ministry policies and procedures, as of March 11th,
10 1989 he would be renting a room in his home to Gerald
11 Renshaw had been under Seguin's supervision from October of
12 1984 to April of 1986.

13 On March 20th, 1989 Robert wrote to Roy
14 Hawkins Regional Manager, about Seguin's request.

15 On March 29th, 1989 H.R. Hawkins, the
16 Regional Manger wrote to Emile Robert, the Area Manager,
17 concerning Ken Seguin's letter. Hawkins wanted four steps
18 followed but did not advise against the arrangement.

19 On April 3rd, 1989 Robert received a reply to
20 his request for guidance from Hawkins.

21 On April 7th, 1989 all of the pre-conditions
22 identified by Hawkins had been met and Robert advised Ken
23 Seguin of the approval on the same date.

24 Robert gave a statement to Paul Downing
25 Special Investigator, in 2000, that he had told Ken Seguin

1 his request was approved on the condition that Ken Seguin
2 must report any change in Renshaw's circumstances and,
3 should that occur, he would review the situation.

4 Earlier that year, on February 27th, 1989,
5 Seguin had co-signed a loan for Renshaw. Terry Renshaw
6 testified that he moved in with Ken Seguin late in 1988 and
7 lived with him for approximately a year and a half.

8 The references are to Exhibits 556, I-559,
9 I-560, 542 and 958.

10 In Seguin's performance reviews for the
11 periods of July of 1988 to June of 1989 and July of 1989 to
12 June of 1990, Emile Robert noted that Seguin was well
13 motivated and demonstrated a high-level of proficiency in
14 his work. He added that he was pleased with his work
15 performance.

16 References are to Exhibits 952 and 951.

17 In Seguin's performance review for the
18 period of July 1990 to June of 1991, Emile Robert noted
19 that Seguin enforced all conditions in a professional
20 manner and that he was a very good employee.

21 The reference is to Exhibit 950.

22 During the evening of January 8th, 1992, one
23 of Seguin's clients and three other young males attended
24 Seguin's residence.

25 On January 9th, 1992, at approximately 4:00

1 a.m., one of the males who had earlier attended Seguin's
2 residence fatally shot another of the males. He was
3 subsequently convicted of manslaughter in relation to the
4 occurrence.

5 Seguin was interviewed by Detective
6 Constable R.L. Miller of the Ontario Provincial Police in
7 relation to the events leading up to the shooting.

8 During the interview, Seguin advised that he
9 had given the young males beer while they were at his
10 residence and that he didn't make a habit of having clients
11 at his residence.

12 The reference is to Exhibit 927 and also
13 929.

14 On January 16th, 1992 Seguin submitted a
15 Ministry of Correctional Services Incident Report in
16 relation to the shooting incident.

17 In the report he described that the young
18 males had attended his residence and noted that the family
19 of the alleged shooter lived nearby and was known to him on
20 a casual basis.

21 He indicated that the males had arrived
22 unannounced and uninvited and that he had attempted to
23 proceed quickly and professionally with the concern at
24 hand; that his probation client was to attend for his pre-
25 sentence report interview the next day, in relation to a

1 break, enter and theft occurrence and was agitated and
2 concerned about the possible outcome of his court case.

3 In the report Seguin described how he had
4 advised his probation clients that he could not address his
5 concerns properly before seeing the file and that it would
6 be best discussed at the office the following day.

7 Seguin added that the males left after he
8 had advised them to get the probation client home, so he
9 wouldn't be breaching his curfew.

10 Seguin wrote that the next day, his
11 probation client advised him that after the males had
12 dropped him off they had gone to a hotel and then to the
13 residence where the shooting had occurred.

14 The alleged shooter was being detained on a
15 charge of second-degree murder.

16 Seguin noted that he had provided a witness
17 statement to the Lancaster OPP on January 9th, 1992.

18 The reference is to Exhibit 927.

19 On August 27th, 1992 Emile Robert and
20 Detective Constable Miller discussed Seguin's involvement
21 in the shooting incident.

22 On September 3rd, 1992 Detective Constable
23 Miller sent Emile Robert a letter describing Seguin's
24 January 9th, 1992 statement to the OPP.

25 On November 10th, 1992 Seguin met with Emile

1 Robert in relation to the incident and received a
2 memorandum from Robert indicating that it was:

3 "Improper to allow Ministry clients to
4 visit your residents and to offer them
5 alcoholic beverages."

6 A copy of the Ministry policy on employee
7 contact with offenders/ex-offenders was enclosed. Seguin
8 was warned if a similar situation should arise disciplinary
9 action could be imposed.

10 The references are to Exhibits 928, 929,
11 931, 930 and 926.

12 In Seguin's annual performance review for
13 the period of July 1991 to June of 1992, Emile Robert noted
14 that Seguin is a very good employee; he has demonstrated a
15 high-level of initiative and proficiency in his work.

16 The reference is to Exhibit 949.

17 On December 9th, 1992 David Silmsner first
18 reported his allegations of historical sexual assault by
19 Father Charles MacDonald and Seguin to the Cornwall
20 Community Police Service.

21 The reference is to Exhibit 974 and 271.

22 On January 28th, 1993 Sergeant Ron Lefebvre
23 of the Cornwall Police Service interviewed Silmsner in
24 relation to his allegation of historical sexual assault by
25 Father MacDonald and Ken Seguin.

1 Constables Kevin Malloy and Heidi Sibalj
2 from the Cornwall Police Service were present during the
3 interview.

4 The references are to Exhibits 315, 295, and
5 297.

6 On February 16th, 1993 Silmsers gave the
7 Cornwall Police a written statement describing his
8 allegations of abuse by Father MacDonald. The statement
9 also indicated that Ken Seguin had sexually assaulted him.

10 The references are to Exhibits 295, 297, and
11 262.

12 On March 10th, 1993 Constable Sibalj and
13 Sergeant Lefebvre attended Silmsers residence and Silmsers
14 signed his statement. There was some discussion about
15 Silmsers allegations against Seguin and he told the police
16 officers that he didn't think he could deal with the Seguin
17 issue at that time.

18 The references are to Exhibits 295 and 297.

19 In Seguin's annual performance review for
20 the period of July of 1992 to June of 1993, Emile Robert
21 noted:

22 "All enforcement matters are handled in
23 a professional manner."

24 And:

25 "Mr. Seguin is a dedicated employee; he

1 shows initiative and proficiency in his
2 work. I'm pleased with his work
3 performance."

4 The reference is to Exhibit 948.

5 On August 24th, 1993, and twice on November
6 15th, 1993, Seguin purportedly wrote three "statements".
7 These statements set out some contacts Seguin allegedly had
8 with Silmser.

9 According to Malcolm MacDonald's statement
10 to the Ontario Provincial Police on December 21st, 1993,
11 Seguin approached Malcolm MacDonald on November 15th, 1993
12 and discussed with him the allegations by Silmser against
13 Seguin.

14 Malcolm MacDonald asked Seguin to provide
15 him with "some documentation as to his story and to
16 document the times he received calls from Silmser."

17 The references are to Exhibits 962, 961, 960
18 and 973.

19 On November 2nd 1993 Gregory Bell and Pina
20 DeBellis of the Children's Aid Services interviewed
21 Silmser. During the interview, Silmser alleged that Father
22 Charles MacDonald, his former probation officer Seguin, and
23 a school teacher, Marcel Lalonde, had sexually assaulted
24 him.

25 The reference is to Exhibit 270.

1 According to a Cornwall Police Service
2 Supplementary Report, on November 4th, 1993 Silmser
3 contacted Constable Sibalj of the Cornwall Police.

4 The report indicates that when Silmser was
5 asked whether he wished to pursue the Seguin matter Silmser
6 declined and stated that he no longer wanted to talk about
7 "all of this".

8 The reference is to Exhibit 296.

9 On November 26th, 1993 OPP Detective
10 Constables R. Miller and C. MacDonnell interview David
11 Silmser. During the interview, Silmser said that about
12 three weeks earlier, Gregory Bell from the Children's Aid
13 Services had called him and said that he was conducting
14 investigation in relation to Father Charles MacDonald and
15 Ken Seguin and that he wanted to see Silmser.

16 Silmser went on to explain that he had a
17 number of telephone conversations with Malcolm MacDonald
18 and Seguin to discuss a financial settlement in the days
19 preceding Seguin's death. The last of these calls occurred
20 that morning when he spoke to Malcolm MacDonald and was
21 advised of Seguin's death. The reference is to Exhibit
22 271.

23 Seguin passed away on November 25th, 1993.
24 His neighbour, Ron Leroux, found Seguin after gaining entry
25 into his residence using a spare key. The Coroner's

1 Investigation Statement completed by Coroner D. Conway,
2 M.D. indicated that Seguin had committed suicide and that
3 he had had episodes of depression. The references are to
4 Exhibits 972, 970, 969, 971, 963 and 922.

5 Following Ken Seguin's death, the Ontario
6 Provincial Police conducted an investigation into
7 allegations that Silmsler had attempted to extort money from
8 Seguin. No charges were laid as a result of this
9 investigation. The reference is to Exhibit 959.

10 Following the death of Seguin, many former
11 probation clients came forward alleging sexual abuse by
12 Seguin. Some commenced civil suits in relation to the
13 alleged sexual abuse. The facts related to these
14 allegations do not form part of this document.

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

16 **MS. MORRIS:** That completes the reading of
17 the overview.

18 **THE COMMISSIONER:** All right. Does anybody
19 wish to make a comment on this ODE at this time? No. All
20 right. Thank you.

21 Mr. Manderville?

22 **--- COMMENTS BY/COMMENTAIRES PAR MR. MANDERVILLE:**

23 **MR. MANDERVILLE:** Good Afternoon, Mr.
24 Commissioner.

25 More or less, I'm going to reiterate what

1 I've said to you before about ODEs and I was remiss in not
2 raising it in respect of Mr. Barque, and I know you will
3 accept or reject these points as you wish, but I wish to
4 make them.

5 The ODE itself, as opposed to the exhibits
6 of which it is comprised -- the ODE itself, I suggest, is
7 unavoidably Commission counsel's interpretation of what the
8 documents appended to it say and I would submit the ODE
9 cannot be used as a basis for a finding of misconduct nor
10 to assist in making a finding of misconduct.

11 Similarly, the ODE cannot be proffered for
12 the truth of its contents or used to bolster or detract
13 from the credibility of a live witness.

14 And those are the points that I wish to make
15 on that. And I'm happy to answer any questions that you
16 might have about it.

17 **THE COMMISSIONER:** No. No. I'll just go
18 back to what I said to you before about those comments. So
19 that's it. Thank you.

20 Mr. Horn, did you wish to say something?

21 **--- COMMENTS BY/COMMENTAIRES PAR MR. HORN :**

22 **MR. HORN:** This has been a subject of some
23 discussion regarding the appropriateness of the way -- the
24 manner in which these -- the ODEs have been done. I agree
25 with the fact that they are -- should be in a kind of

1 narrative form. There has to be some way in which the
2 public can read and understand the contexts, and I think
3 that by just giving the public documents to peruse and look
4 at is just going to just confuse them and I think that it's
5 necessary that the Commission counsel do something in order
6 to give some cohesion into how these things came together
7 and how they were put the way they were, and I think -- I
8 agree with the manner in which it was put in.

9 **THE COMMISSIONER:** Thank you.

10 Anyone else? No.

11 Ms. Morris, is that everything for today?

12 **MS. MORRIS:** Yes, it is, Mr. Commissioner.

13 **THE COMMISSIONER:** So I take it we're coming
14 back tomorrow morning at 9:30 with Mr. Guzzo?

15 **MS. MORRIS:** Yes.

16 **THE COMMISSIONER:** Mr. Lee?

17 **MR. LEE:** I'm not sure whether your
18 intention is still to go in camera this afternoon in order
19 to get a moniker assigned?

20 **THE COMMISSIONER:** Absolutely.

21 **MR. LEE:** Okay. Thank you.

22 **THE COMMISSIONER:** So we'll break and I will
23 not be offended if people take their leave. It will only
24 be for the purposes of going in camera and putting a name
25 to the moniker that we've given -- the one or two monikers

1 we've given.

2 Thank you.

3 **MS. MORRIS:** Thank you.

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

6 This hearing will resume at 3:40.

7 --- Upon adjourning at 3:23 p.m. to resume in camera/

8 L'audience est ajournée à 15h23 pour reprendre à huis

9 clos

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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