

RICHARD WALSH, by Mr. Spicer

1 RICHARD WALSH, being called and duly sworn, testified as follows:

2 BY MR. SPICER:

3 Q. Would you state your full name please.

4 A. Richard Joseph Walsh.

5 Q. And you are currently employed by the Sydney Police Department?

6 A. Yes, sir.

7 Q. And what is your position?

8 A. I am the Chief of Police as of January 1st, 1985.

9 Q. All right. For how long have you been with the Department?

10 A. Over thirty-three years as of May 4th last.

11 Q. Okay, and could you briefly give us a history of your
12 employment with the Department going through the ranks that
13 you've gone through?

14 A. Yes, I was appointed to the Sydney Police Department on
15 May 4th, 1954, and for approximately ten years I served on
16 primarily foot patrol, relieving in cars, and after ten years
17 I was designated as a car man. I spent several years in that
18 capacity and I was placed as a traffic cop, sir, by Chief
19 Gordon MacLeod on a motorcycle enforcing traffic regulations
20 in the City.

21 Q. When would that have been, Chief?

22 A. Oh, That would be in the '70's, sometime in the '70's, and I
23 continued for years in that capacity until I transferred into
24 the detective section, I believe, in November of 1977, '78.

25 Q. Yes.

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- 1 A. And I remained there until the restructuring of the Sydney
2 Police Department in 1980 where promotional routines were
3 conducted and when they were over I was promoted to the
4 rank of Inspector along with Inspector Ambrose MacDonald
5 and Inspector William Urquhart.
- 6 Q. Do you remember when that took place?
- 7 A. Yes, that was in March of 1980.
- 8 Q. Continue. Was your next position as Chief after that?
- 9 A. I served as Administration Officer for five years approximately
10 under Chief MacIntyre.
- 11 Q. Yes, and you assumed your current position?
- 12 A. On January 1st, 1985.
- 13 Q. In 1971, Chief, what were you doing, what was your position
14 with the Department?
- 15 A. I was -- On the night in question I was in a patrol car or
16 I was designated for a patrol car.
- 17 Q. But in 1971, generally, would that have been what you were
18 doing, working patrol cars?
- 19 A. Yes. Yes, I would be in a patrol car at that time.
- 20 Q. Okay, and as a person working in a patrol car what would your
21 responsibilities and duties generally be?
- 22 A. My duties would be to check the designated area, what your
23 patrol area was, to check the business establishments, to
24 answer any house calls. Any problem that might come up in that
25 area, you would have to attend to it.

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1 Q. At that stage of your career you were not in the detective
2 division I take it?

3 A. No, sir.

4 Q. Okay. If you were out in your patrol car and you saw some sort
5 of an incident, what would be the method by which you would
6 report that?

7 A. Well, we had radio contact from car to station at that time.

8 Q. All right. Other than that, would you file a report?

9 A. Yes, at the termination of your shift a report was usually
10 filed.

11 Q. And would those reports be in books, on pieces of paper, what's
12 the method by which you do that?

13 A. Well, at that period of time there were report forms, one would
14 be a "crime report" form, and the other would be an "occurrence,"
15 and the third would be "motor vehicle"?

16 Q: Do you have volume 16 in front of you? I think that's the one
17 you have. Just for the moment by way of example, Chief, if
18 we could just spend a few minutes looking at the various
19 reports that are contained in volume 16, pages one to sixteen.
20 Now, for example, on page two there's a -- Would I be correct
21 if that's a typed version of the handwritten report which
22 occurs on page three or it can be found on page three?

23 A. Yes, that is a reproduced version on a smaller scale of
24 the crime report sheet of the day.

25 Q. Now when you say the crime report sheet of the day, what do you

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1 mean by that? Is that a document that's available for everybody
2 to fill in when they come back in from their shift?

3 A. Yes, those documents -- sheets would be available for anybody
4 to -- to make their notation pertaining to what field it
5 was, whether it was an -- just an occurrence, a crime of
6 some kind, or a motor vehicle.

7 Q. Right, and would it be up to you to distinguish whether or
8 not you filed in a crime report when you got back as opposed
9 to an occurrence report?

10 A. Yes.

11 Q. I see, and would crime reports and occurrence reports both
12 physically be in the same locations in the station?

13 A. I would think so.

14 Q. Well, from your experience were they --

15 A. Yes, they were available there. You could choose any one
16 that you wanted to fill in.

17 Q. Yes, and would it be one of your responsibilities to fill in
18 when you got back either a crime report or an occurrence
19 report depending on what had happened?

20 A. Yes, unless there were circumstances that would cause you to
21 delay that report being filed until a later time.

22 Q. What sorts of circumstances might those be?

23 A. I think originally you would probably make a notation and
24 indicate that maybe at a later time there would be more
25 follow-up information placed in that report.

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1 Q. I see. With respect to page three, Chief, the right-hand
2 column, is that your handwriting?

3 A. I'm not sure if it's --

4 Q. The page prior to that, the typed version of it on page two,
5 I'll just direct your attention to the bottom of that, it
6 indicates: "Signed Constables, Mroz, Dean, Walsh, and
7 MacDonald", and what I'm trying to figure out is which one
8 of you, in fact, wrote that report. It says: "By myself" --

9 A. This does not appear to be my handwriting and I know it's
10 not Constable Leo Mroz because he had a very distinctive
11 way of writing. The other name on the report Dean -- or
12 two names, Dean and MacDonald, so I'm not sure-- This does not
13 appear to be my handwriting.

14 Q. The fact that the -- each of the Constable's names appears
15 at the bottom, would that indicate that each of you had
16 reviewed the contents of the report that is written there?

17 A. Not necessarily so. It might have been written at that time
18 indicating that all Officers were present. Now to set the
19 scenario for that particular night, the Sergeant on the
20 desk was Sergeant Lyn MacGillivray.

21 Q. Right.

22 A. I was detailed to a car but Constable Leo Mroz to the
23 best of my knowledge was not my partner in the car, because
24 of some circumstance that I can't relate at this time
25 Leo came with me. Constable Howard Dean was in a vehicle with

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1 Corporal Martin MacDonald and Constable Frank MacKenzie was
2 in another vehicle with Constable Jackie Johnson. Now since
3 the passing of time, Sergeant Lyn MacGillivray is deceased
4 and one member in each one of those cars, my partner on that
5 night, Constable Mroz is deceased; Constable Frank MacKenzie's
6 partner, Constable Jackie Johnson, he has been deceased; and
7 Constable Howard Dean, his partner of the night Corporal
8 Martin MacDonald is deceased.

9 Q. All right. Chief, for the moment -- I'll get to the details
10 of what happened that evening in a couple minutes, but what
11 I'd like to spend a little more time with you concerning is
12 how those reports are filed. Now if you flip over to the
13 next page, to page four you'll see a typed version of a
14 continuation of a report and that one is signed by Corporal
15 Dean and then the handwritten version is on the next page.
16 I'm wondering if you can help me with this, if you can tell
17 me why page five would be an occurrence report as opposed to
18 a crime report. Why would it be filed on an occurrence
19 report form?

20 A. There's no question about it that it should have been filed
21 on a crime report. The only suggestion I could make is --
22 and I don't -- I can't even agree with that because if there
23 was no crime reports available at that time I think the
24 occurrence should have been struck out and the word "crime"
25 placed there temporarily.

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- 1 Q. Right. There's no question that the material that's contained
2 in there is dealing with crime?
- 3 A. You're dealing with criminal, yes.
- 4 Q. Right. Now what becomes of the occurrence report forms and
5 the crime report forms? Once they're filled in, are they then
6 brought to the attention of other people in the Department?
- 7 A. Well, in those days the reports were filed and they were left
8 at the desk for others coming on duty who might read them,
9 but if they were of a criminal nature and very serious, at
10 the earliest convenience they would have probably had been
11 picked up by detective section, whether for follow-up
12 investigation or --
- 13 Q. Would it have been the practice at that time for the detective
14 division to pick up the crime reports and perhaps not the
15 occurrence reports or would you know?
- 16 A. Something of that nature could have happened inadvertently
17 but I doubt it. I think at that point in time certainly we
18 were not answering the number of calls that we are today in
19 excess of maybe thirteen thousand as opposed to probably a
20 handful. We are talking a different time period.
- 21 Q. I understand that. My question though is whether or not at
22 that point in time the detectives would make a practice of
23 picking up the crime reports, the information contained in the
24 crime reports but perhaps not the occurrence reports?
- 25 A. That certainly would not be the case with John MacIntyre as I

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1 know because anything that happened he would want to know,
2 no matter what report form it was on.

3 Q. So are you saying that in 1971 it would have been the practice
4 to your knowledge of Sergeant MacIntyre to pick up both the
5 crime report forms and the occurrence report forms?

6 A. Yes, he would go over just about everything that came into
7 that Department.

8 Q. And was that the method by which information was transferred
9 from persons like yourself in the patrol cars and on the
10 beat to the detective division, that is, through the crime
11 reports and the occurrence reports?

12 A. Yes, that was one method. If it was insignificant probably
13 you'd make a notation, but if it was something of importance
14 I would personally make a trip and pass the information on,
15 if I had something that I felt was worth
16 while.

17 Q. Right.

18 A. Many times the information we'd get when processed and checked
19 out is not of any value to us, on other occasions it is
20 very -- it is invaluable.

21 Q. Was it considered to be one of the responsibilities then
22 of any of the Officers that were performing patrol
23 functions either on their feet or in their cars to report
24 verbally to the detective division if they came across
25 anything of significance?

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- 1 | A. I think it would be accepted as form that if there was
2 | something important that it should be passed on to them and
3 | it probably would have been.
- 4 | Q. Do you know now whether or not that would have been
5 | considered to be one of your responsibilities at the time?
- 6 | A. Well, I would certainly -- In my own case, and speaking for
7 | myself, if there was something of value I would certainly
8 | see that it went to the -- to the proper person in the
9 | Department.
- 10 | Q. Do you know whether or not that was the policy of the Police
11 | Department at the time?
- 12 | A. No, I can't say that it was policy. Many of the procedures
13 | that we used were procedures but only procedures and not
14 | standard policy, not something that I can say, here's a
15 | document that says you must do this. That was not a system.
- 16 | Q: Do you think it's fair to say though that you would have been
17 | expected to pass that sort of information on?
- 18 | A. Oh, yes.
- 19 | Q. Verbally as well as by way of the reports?
- 20 | A. Oh, yes.
- 21 | Q. And were you here earlier today when Ambrose MacDonald was
22 | giving testimony?
- 23 | A. Yes, I was.
- 24 | Q. All right. Are you able to say whether or not the information
25 | that was conveyed by Junior Marshall when you were up at

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1 Membertou was in turn transferred by yourself to Sergeant
2 MacIntyre?

3 A. I don't recall passing that on to Sergeant MacIntyre, but
4 as you heard in Inspector MacDonald's statement, he told it
5 to Inspector Urquhart --

6 Q. Yes.

7 A. -- with -- to be relayed back. Now I would make a comment on
8 that, that Sergeant MacIntyre or -- he was the Sergeant of
9 Detectives at that time -- Oh, no, pardon me, he was
10 Sergeant of Detectives at that time and his job was -- his
11 responsibility was the investigation of all crime in this
12 City. Sergeant MacIntyre, I think, spent twenty-nine years
13 of a forty-three year career in the field of crime investigation
14 alone and from the time I was a boy growing up in the streets
15 of Whitney Pier, John MacIntyre's name was a well-known
16 name.

17 Q. Just to finish up on the method by which information got
18 transferred to the detective division from the street if
19 I could put it that way, from the patrol division, other
20 than by speaking to the detectives or by filling in the
21 occurrence reports and the crime reports, would there be
22 any forms of briefings, for instance?

23 A. No, there was no set-up on briefings in those days. There
24 was no set record section. All of the things that had
25 been noted, the record section, the keeping of records, the

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1 filing of them, they were done in a very simple way by
2 probably -- at the year's end they would be probably
3 taken and the reports were to be tied up and put probably in
4 a cardboard box and placed somewhere until some day they
5 might be needed or surfaced.

6 Q. Is it fair to describe the system as relatively informal at
7 that time in 1971?

8 A. I would say that would be a very fair assessment, that it
9 was a very informal system.

10 Q. And how would Police Officers coming on the force learn the
11 way that system worked in 1971?

12 A. In 1954, when I went on the street as a Police Officer, I
13 had graduated in Sydney Academy and I had spent two and a half
14 years in the steel mills in Sydney.

15 Q. Yes.

16 A. On May 4th, '54, I went to the Sydney Police Department. My
17 primary education was that I was given a flashlight, a set
18 of handcuffs and I was placed on the street. I learned by
19 working with senior men, on-the-job training, listening
20 to Officers I respected, asking their advice, feeling my
21 way and learning my trade, and that is how the training in
22 the Sydney Police Department at that time worked.

23 Q. Yeh, both in 1954 and in 1971?

24 A. I would say in that period of time there were no inroads
25 made in the field of training for Police Officers other than

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1 I recall being sent to Halifax on a two-week Halifax
2 Police School which was a continual thing at that time.
3 Other than that the only education that we received was
4 lawyers in the area that gave up their time to advise us as to
5 the proper procedures of giving evidence in Court and giving
6 us advice and persons like probably Mr. Rosenblum, Judge
7 Gunn, Donald MacNeil, and many of these men gave up their
8 time. It was more like an in-service training session.
9 Most of our learning was done in the Court of Law in a
10 court room opposing these lawyers and they were the class of
11 the area at the time from who I say I have the greatest
12 respect, Moe Rosenblum, Simon Khattar, who probably taught
13 me more in forty-five minutes on the stand than I would
14 have learned for years on the street.

15 Q. The training with respect to your actual police work then
16 can fairly be described as on-the-job training, I take it?

17 A. On-the-job training? I was probably on the job almost
18 nineteen years before I was sent on a simple radar course
19 and I was one of the first four Officers in the Sydney Police
20 Department to be sent. Some time later in 1972 I was one of
21 the first two to be trained in the field of breathalyzer.
22 In 1980 I was probably -- I was the first Officer sent to
23 the Canadian Police College in Ottawa on the Senior Police
24 Administration Course and later on in that year, six months
25 later or so I was sent back to the Canadian Police College

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1 on the Executive Development Courses and those are two
2 management course pertaining to police work.

3 Q. From what you describe, I take it then in 1971 there weren't
4 many Police Officers going on many courses from Sydney.

5 Is that fair to say?

6 A. No, indeed not. That was a very accurate comment. The courses
7 were non-existent other than the small in-service things that
8 were done.

9 Q. Did the courses exist, sir, and you just weren't able to go
10 on them or did they not exist at all at that time to your
11 knowledge?

12 A. I wouldn't know whether -- I would think that there was
13 always an opportunity for training for Police Officers at
14 colleges and so on. I can think momentarily of the Northwestern
15 University in the United States. I don't know when the
16 Canadian Police College in Ottawa was inaugurated but I
17 feel that it's probably one of the best things that ever
18 happened to Municipal Police --

19 Q. But in any event, not many people were going from Sydney?

20 A. That is true.

21 Q. Okay. There's just a couple of other questions generally
22 about the documents in sixteen, from one up to sixteen.

23 On virtually all of these there is a date and a time and
24 perhaps by way of example, if you could just turn to page
25 two you'll see that there's a time there twelve-ten a.m. which

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1 then is also reflected in the handwritten version. At what
2 time would the information contained in the second half of
3 that report, that is, "Further to the above Corporal
4 Martin MacDonald reported two men had been stabbed", and
5 the following paragraph, "On arrival noticed Sandy
6 Seale...", etcetera. Would that information have been
7 put on the crime report at the end of your shift?

8 A. Yes.

9 Q. That's when you come in off the job?

10 A. Yes.

11 Q. And that the time of twelve-ten would reflect solely the
12 entry -- the first entry. If you look on the handwritten one
13 I think it's easier to see. No, you flipped over too many
14 pages there I think, sir. On that one. This entry here
15 of twelve-ten, that would reflect only the call that
16 Sergeant MacGillivray is referring to I take it?

17 A. Yes, that would -- He's referring to the call that he
18 received from the former Mounted Police Sergeant.

19 Q. And are you able to say from your experience whether or not
20 you would have expected that Sergeant MacGillivray would
21 have made that entry contemporaneously with the phone call?

22 A. I don't think so. I have a problem with the time of
23 twelve-ten. My recollection is that this call came in
24 before mid-night, however sixteen long years have passed
25 and memories fade, but I feel that the time call and the

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1 response were --Spontaneously when the call came
2 Constable Leo Mroz and myself left from the office. Somehow
3 or another I have a problem with that twelve-ten a.m.
4 although it shows up in my own report at a later time,
5 twelve-ten.

6 Q. Right. Is it your view then that it may be that the call
7 came in earlier and Sergeant MacGillivary didn't make the
8 note of it until twelve-ten?

9 A. That is quite possible.

10 Q. And indeed that's your recollection of the events of the
11 evening so far as you were concerned, isn't it?

12 A. Yes.

13 Q. Okay. If I could just direct your attention now to the
14 night of May 28th, 1971. What were you doing on that
15 evening, sir?

16 A. At home?

17 Q. No, when you came on shift.

18 A. I came on shift early and I was around the office at the
19 time, and while at the office this call came.

20 Q. This call being which call?

21 A. Some incident in the park and it was of a serious nature
22 and I left the station in company with Constable Leo Mroz
23 who I told you was not my parter, my usual partner, and --

24 Q. Who was your usual partner?

25 A. I don't recall who my partner might have been, but

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1 Constable Leo Mroz was a beat man at that time. He preferred
2 the street. He liked to be on the street and that was his
3 preference, but on this occasion Leo and I were pretty close
4 friends and a serious call was coming in. I asked Leo to
5 come with me. Probably I could have asked any one of a
6 number of people who were there but Leo was the man I asked
7 to go with me.

8 Q. Were you senior to Mroz at that time?

9 A. Yes, I was.

10 Q. I see. Okay. So you get in your car and you head off. Now
11 can you show us the route that you would have taken on the
12 map behind you to get to the -- to get to the scene?

13 A. I can't recall the route I took, but coming out of the police
14 station at that time you could only go as far as Prince
15 Street and then you would have to either go to George or
16 Charlotte because the rest of the area was a one-way street
17 and I know that I did not violate the one-way street. No,
18 what I'm saying is, whether I chose to go Charlotte or
19 George, I don't recall but I do know that I ended up on
20 South Bentinck and from South Bentinck I turned in on
21 Crescent Street.

22 Q. Okay, and when you came down South Bentinck and turned onto
23 Crescent Street, what did you see?

24 A. At that point in time we were proceeding on Crescent
25 Street and in the headlights of the car we observed a person

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1 lying on the street, on Crescent Street. It was very dark
 2 and the person on the street was unattended at the time.
 3 There was no one around this person. We immediately stopped
 4 our car and we went to the person on the street, and at
 5 that time he was moaning, "Oh, Jesus", "Oh, Jesus", "Oh, Jesus",
 6 that -- those were the words coming from the youth on the
 7 street that night. I did not recognize Sandy Seale but
 8 Leo being a sports enthusiast and so on, he knew Sandy and
 9 he recognized him readily so the identification was made. At
 10 that point in time I asked Leo to hold his flashlight because
 11 I observed a bulge in the clothing being worn by Sandy
 12 Seale. I bent down over him and I lifted his shirt and when
 13 I lifted his shirt I realized the bulge was his intestines
 14 protruding through the abdominal wall.

15 Q. By this point in time was there anybody else on the scene?

16 A. I can't say that anybody else was there. When we arrived
 17 at that point in time we were the first to the youth on
 18 the street and I just don't recall seeing anybody.

19 Q. Is it your recollection that you were the first police car
 20 there?

21 A. It is my recollection that we were the first police car
 22 to Sandy Seale. The other car as I was to learn a few minutes
 23 later was further over Crescent Street coming in -- It had
 24 come in the other way.

25 Q. Well, had the other police car arrived on the scene by the

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1 time you got there?

2 A. The other police car might have arrived on Crescent Street but
3 not to where Sandy Seale was because that car didn't come
4 that far. We had -- My car was facing over Crescent
5 Street and the other -- towards Argyle and the other car
6 coming in was facing back to South Bentinck. In other words,
7 the two cars came into the area almost immediately.
8 Possibly the other car was in the park area before me but
9 we were the first car to arrive to the person on the street.

10 Q. You can just flip to page 12 of that volume, sir.
11 Would that be a typed version of the occurrence report
12 which appears on page 13?

13 A. Yes.

14 Q. And if you could have a look at page 13, is that your handwriting,
15 Chief?

16 A. Yes, it is.

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21 gmk.
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1 Q. Now, why would you have filled in an occurrence report
2 as opposed to a crime report?

3 A. Possibly because that there might not have been any
4 crime reports at the office at that time which could happen.

5 Q. The second paragraph of the typed version on page 12,
6 indicates:

7 Constables Howard Dean and Corporal Martin MacDonald
8 arrived first at the scene. And Constable Dean
9 radioed that the incident happened on Crescent Street.
10 We immediately were on the scene.

11 Is your recollection different today or --

12 A. No, I was aware at this -- I am aware of this report and
13 so on. I just -- feel that's it's -- that Dean and
14 Corporal Martin MacDonald entered from Argyle. They were
15 in the area but I still say that Constable Leo Mroz and I
16 were first to the youth on the street. From where the other
17 car was parked possibly they could have seen the individual
18 on the street.

19 Q. Right. So that when you said that in 1971 that Constables
20 Dean and MacDonald arrived first at the scene --

21 A. I'm talking of the scene of the park but what I am saying to
22 you is that Constable Leo Mroz and I were the first, to
23 the best of my knowledge, to arrive to where Sandy Seale
24 was on the pavement.

25 Q. Right. And I think you also indicated that the time you
got there there was nobody around?

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- 1 A. There was nobody by Sandy Seale at that time.
- 2 Q. Right. Scott MacKay gave testimony a couple of days ago
3 and indicated, I think, basically when he got back to the
4 -- back to the scene. Just before the police cars arrived
5 there were 20 to 25 people around. What would you say as
6 to his recollection of that?
- 7 A. He could have been accurate. There could have been people
8 around and then people could have vacated once the police
9 cars started moving into the area because a lot of people
10 don't want to get involved.
- 11 Q. You did not see anybody running from the scene when you
12 came up?
- 13 A. No.
- 14 Q. So if they weren't running from the scene and there were
15 20 to 25 people around can you give us any idea where you
16 think they might have gone?
- 17 A. I don't know but what I am telling you is that there was
18 nobody around Sandy Seale when Constable Leo Mroz and I
19 arrived there.
- 20 Q. Okay. Okay continue, what happened then? You bent down
21 and Sandy Seale was saying: "Oh Jesus. Oh Jesus." Now,
22 just pick up the narrative again and tell me then what
23 happened?
- 24 A. Yes, I reached down and I lifted up his shirt and I could
25 see that he had been badly wounded. As I said his intestines

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1 were protruding through the abdominal wall. I pulled his
2 t-shirt down and I tried to pull his jacket there to
3 more or less keep everything intact. I immediately instructed
4 Constable Mroz to call for an ambulance.

5 A. Did he in fact do that?

6 Q. He went to the car to do that. I didn't follow or watch
7 him to see that he did it. I know that it was done. I had
8 instructed him to do so and it was done. He returned a
9 few moments later and while waiting for an ambulance to
10 arrive I instructed Leo to stand there -- stay with
11 the person on the street. Now, I attempted to talk to
12 Sandy Seale on that night. I tried to comfort him by
13 saying probably things like: "Okay, son. There are --
14 we are trying to do the best we can. We'll get you out of
15 here." and so on. I received no response from Sandy
16 Seale. I feel at that point in time he lapsed into
17 unconsciousness. Now, the reason I'm bringing this
18 up and the reason I am saying it is that at some later
19 time, Sergeant MacIntyre -- he was pretty disturbed that
20 I did not get a dying declaration.

21 Q. Right.

22 A. In my view it was not possible. It could not be done for
23 the reasons I have sighted. I explained that to Sergeant
24 MacIntyre who was a man who was very thorough, as far
25 as I'm concerned, and he was wondering why if you were at

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1 the scene, why did you not do this. Feeling that probably
2 I had the opportunity. I have wrestled with that for 16½
3 years or however long it is -- has been since that night.
4 Other people, from the testimony that has been given in
5 the last few days, had an opportunity to do what was deprived
6 from me. People obviously, by their testimony, had spoken
7 to Sandy Seale and got a response. Obviously these people
8 were not trained to look for the things that I should have
9 been looking for but I'm telling you that the opportunity
10 was gone when I arrived there.

11 Q. Okay. So continue.

12 A. At that point I instructed Leo to stay with the person on the
13 street and I walked up possibly 100 feet or more, I'm not
14 sure, where I met the other car was stationed. Corporal
15 Martin MacDonald was there along with Constable Howard Dean.
16 And they were talking to Donald Marshall who was giving
17 them the story that they had been jumped in the park and
18 he held out his arm. There was a mark down his arm. He
19 was indicating that --that he had been stabbed. And this
20 is what he was relating to the two officers.

21 Q. For how long did that conversation go on? The conversation
22 between Junior and the police officers?

23 A. Everything that happened was brief because my top priority
24 was just to check -- to talk to the other officers and
25 my first priority was to get the youth on the street to the

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1 hospital where something could be done.

2 Q. All right. Did you see Junior Marshall get in to the police
3 car and go to the hospital?

4 A. No, I didn't. I observed Junior Marshall and his arm
5 and the cut down on his arm. And it was on his left arm.
6 And also an observation -- Junior is left handed.

7 At that point in time Corporal Martin MacDonald said:

8 We'll take him to the hospital. I said fine.
9 And we'll go with the other person. I started
10 back and at that point in time I noticed a
11 young boy with blood on his shirt and I immediately
12 stopped him and I checked him to find out who
13 he was and the response I got was: Maynard Chant
14 from Louisbourg. I did no questioning at that
15 time. I continued back. Mr. Seale was placed
16 in a ambulance and we followed to the hospital
17 where I went in to the outpatients room and I
18 helped Leo Curry undress Sandy Seale on the table.

14 Q. Before you get there, sir, I take it that none of the
15 police officers went in the ambulance with Mr. Seale?

16 A. No. No, no one went in the ambulance with Sandy Seale
17 that night?

18 Q. Why would that have been?

19 A. That might have been an error in judgement on our part.

20 But failing to have any conversation with him because he
21 had lapsed into unconsciousness we thought that speed
22 was expedient. Get him to the hospital. We went there.

22 Q. Do I understand then, that by this time, the two police
23 cars that had arrived at the scene had both departed?

24 A. I would say yes that Corporal Martin MacDonald and Howard
25 Dean had left taking Junior Marshall to the hospital for

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1 medical attention and medical attention only.

2 Q. Right. And --

3 A. Because at that point in time he was considered to be a
4 victim as well as Sandy Seale.

5 Q. And you had followed the ambulance yourself?

6 A. Yes.

7 Q. Okay. So at that point in time, had you made any call
8 to the station for other people to come to control the
9 the scene of the stabbing?

10 A. No, I did not but I think the records with show that Corporal
11 Martin MacDonald had notified the station that two people
12 were stabbed in the park on that night. We went immediately
13 to the hospital, Leo and I, where I helped assist undress
14 Mr. Seale.

15 Q. Okay. I sorry. I don't want to interrupt you but I just
16 want to -- I'm going -- I just want to take you back for
17 a minute. Why would it be the case that there would be
18 no police officers left at the scene of the stabbing?

19 A. Well, that night we had three cars on the road and I would
20 suggest to you that the three car or the car -- there
21 was one car had to pick up the calls and do the work of
22 the other three because of our involvement in a major
23 case.

24 Q. I see. And would you or to your knowledge anybody -- any
25 of the other officers who were there with you that night have

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1 had any training in what to look for at the scene of the
2 crime?

3 A. No.

4 Q. None at all.

5 A. I personally was not trained in any way to cope with a murder
6 investigation, at that point in time.

7 Q. Right. And you would not have considered it to be
8 one of your responsibilities to stay at the scene of the crime
9 to preserve what ever situation was there physically?

10 A. That would have been the proper move. To leave somebody to
11 protect the crime scene.

12 Q. Yes.

13 A. But all these things are wonderful in restrospect or hindsight
14 is wonderful. But it was not done.

15 Q. Okay. And in 1971 you're telling us that it wasn't part of
16 your training in any event, is that fair to say?

17 A. As I told you previously we were never sent on courses
18 of that type. Anything that you might have learned I --
19 you either learned by reading or the passing on of information
20 from senior officers who were experienced in the field.

21 Q. Right.

22 A. But it was not -- I had been on the force 17 years. I have
23 seen some bad incidents but this was my first experience with
24 a -- something of this nature.

25 Q. And during that period of training from senior officers and

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1 others on the force, had you ever been in the situation
2 where a crime had been committed and somebody suggested
3 well, somebody ought to stay behind here and make sure
4 that the scene is not tampered with. Sorry? No?

5 A. No.

6 Q. No.

7 A. No. Not in those days. Not at that period of time.

8 Q. All right. I just want to take you back for a minute to
9 the dicussion with Mr. Marshall and the police officers
10 at the scene of the crime. What do you remember him saying?

11 A. That they were jumped by a couple of men in the park and
12 that they were dressed in dark clothing and I think the --
13 it always comes back to me that he indicated either at
14 that time, that they were dressed as priests or possibly.
15 That piece of information could have come on the following
16 Sunday afternoon when Inspector MacDonald and I were talking
17 to Junior Marshall at the Indian Reserve at Membertou.

18 Q. Do you recollect the order of the conversation? Did he
19 indicate to you, to your recollection, first of all that
20 his friend had be stabbed or that his arm had been
21 wounded?

22 A. He was showing his arm but he was telling his story to
23 Corporal Martin MacDonald and Constable Howard Dean and
24 I did not stay. They -- Corporal Martin MacDonald said
25 "We will take him to the hospital." At that point I

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1 | went back to finish what I was doing with the injured
2 | person on the street.

3 | Q. Did you not hear a portion of the story being told?

4 | A. That they were jumped in the park by a couple of people,
5 | yes.

6 | Q. All right. And what else of that story do you remember hearing
7 | yourself that night?

8 | A. Just very vaguely that there was two people. There was
9 | one big man, one small man and so on. The description:
10 | Dressed in dark clothing. A very limited description at that
11 | point in time but actually he was with Corporal Martin
12 | MacDonald and Constable Howard Dean and if there was anything
13 | to be given I felt it would have been given there and not --
14 | my first priority was to get back to the injured person on the
15 | street.

16 | Q. If you would just flip to page 10 there Chief and also page 11.
17 | The typed copy of that report only has Constable Mroz's name
18 | at the bottom and I think if you flip over to page 11 you'll
19 | see it says Constable Mroz, Dean.

20 | A. Excuse the interruption, sir.

21 | Q. It's okay.

22 | What I was saying was that on the handwritten version of the
23 | report which appears on page 10 -- the handwritten one appearing
24 | on page 11. I think you'll see that the bottom on the left
25 | hand column says: "Constable Mroz, Dean, Walsh and M. MacDonald."

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1 Is that your handwriting, sir?

2 A. Well, on what page sir?

3 Q. On 11.

4 A. No.

5 Q. Did you -- would you have reviewed the information which
6 is contained on page 11 at the end of your shift?

7 A. I might have read it through, but I'm not sure.

8 Q. Would it have been your practise to read it through so
9 that when your name was put at the bottom you'd be able to
10 say that you could speak to the information contained in
11 the report?

12 A. No, I think in those days the way it was done. The officer
13 wrote the report and he indicated who was present at the
14 time.

15 Q. I see. So that on page 10 when it says:

16 According to Marshall the responsible parties
17 described as a man in his mid-forties, very tall
18 and having white hair. The second man had been
described as having been much shorter and younger
according to the description offered by Marshall.

19 That description might have been given to any one of those
20 four officers, is that --

21 A. Possible.

22 Q. I see. And the description given to you, to the best of
23 your recollection, is the description you gave me a couple
24 of minutes ago?

25 A. That's right.

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- 1 Q. Did you take the names of any people at the scene other
2 than Maynard Chant that evening?
- 3 A. No, just Maynard Chant. The only reason I stopped to
4 talk to him was I noted blood on what I recollect now as
5 being a white shirt.
- 6 Q. But by the time you left, sir, were there other people
7 milling around?
- 8 A. Oh, yes. There were many people there at that time. I would
9 think that probably a lot of people were coming from the
10 dance at St. Joseph's Hall at that night.
- 11 Q. Right. Did you or do you know whether or not any of the
12 other officers asked any of the people who were there
13 whether they had seen what had happened and took down names?
- 14 A. No, I don't know what happened other than what the part
15 that I was playing at the time.
- 16 Q. I see. So you don't have any -- you can't help us at all
17 as to whether or not any of the other officers took --
- 18 A. Well, there were only four officers there.
- 19 Q. Yes.
- 20 A. And two left with Junior Marshall in one car and the other
21 two were Mroz and myself. There was no one else left.
- 22 Q. Right. Do you know whether or not Constable Mroz took down
23 the names of any people that were at the scene before you
24 left?
- 25 A. No, I can't say what he might have done.

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1 Q. Do you have any recollection at all as to whether he did or
2 not?

3 A. No, other than the next move was out of there and to the
4 hospital.

5 Q. All right. And yourself other than Maynard Chant, that
6 was the only name that you took down?

7 A. That's the only name and I believe it will show somewhere in
8 a report.

9 Q. Do you think looking back on it that it would have been
10 prudent to take the names of any other people who were around
11 at the scene of the stabbing at the time?

12 A. It's all right to sit here 17 years later and say why didn't
13 I do this and why didn't I do that but time is of the
14 essence in a situation of that kind.

15 Q. Right.

16 A. You have to be in a pressure situation to realize what you
17 can do and you can't do. You do what your gut feeling tells
18 you is the right thing at the time. You do it the best you
19 can. Maybe 24 hours later you can say, well, why didn't
20 I do this or why didn't I do that?

21 Q. Right.

22 A. But it didn't occur to me at the time. My top priority was
23 to try and get that youth to the hospital to save his life.
24 And that is one thing that we were always told.

25 Q. Right.

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1 A. You can't do anything for an individual on the street
2 whether it's a car accident or anything else. The proper
3 place is at the hospital. That's exactly what I had done.
4 I have gone over this case in my mind all down through the
5 years. Searching my soul. Wondering was there anything
6 that I could have done that I failed to do. Maybe because
7 of lack of training and so on there were better ways to
8 do things. But what has happened has happened. All we
9 can do now as police officers is to patch the holes that
10 we might recognize and I think as officers that's what
11 exactly what were trying to do.

12 Q. What do you think sir, looking back on it since you bring
13 it up, were the holes that could be patched?

14 A. Well, number one I think we're missing a point here or
15 I -- maybe I'm the one that's missing the point. On this
16 night we were -- we were talking about an incident in the
17 park that was a stabbing. Where two young people were
18 stabbed according to the information first relayed to
19 us. And as badly as Sandy Seale was wounded when I went
20 to the hospital with him I still had a hope that that boy
21 was going to make it. I didn't know Sandy personally. I
22 had never had any dealings with him. I knew of him. That
23 he was an athlete and a good athlete and a good hockey player.
24 I knew his father, Oscar, from growing up in the Pier who
25 himself was a ball player and a well respected person in

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1 in the community.

2 Q. My question sir was: What do you think are the holes
3 that could be filled?

4 A. I think the biggest problem on that night is that we started
5 off with a stabbing and 20 hours later the news media was
6 carrying the news that Sandy Seale had died.

7 Q. Yes.

8 A. What was a stabbing on May 28th either two minutes before
9 midnight or two minutes afterwards, 20 hours later at
10 eight o'clock in the evening the Sydney Police Department
11 was faced with a murder investigation.

12 Q. Right.

13 A. And it had not started as such. What I'm saying is if a
14 murder had taken place at that time, it would probably have been
15 treated in a different light. I don't say it was taken
16 lightly. What I am saying is that different procedures
17 might have come into play. As you say the protection of
18 the scene, the leaving of an officer there, the acquiring
19 of ident. and so on. Many things that we might have done.
20 The option was taken away from us because of the 20 hours
21 approximately from the time that the boy was stabbed to
22 the time that he died.

23 MR. SPICER:

24 My Lord, I'm going to be some time with this witness. Perhaps
25 this would be an appropriate time to --

RICHARD WALSH, by Mr. Spicer, by The Chairman

1 | BY THE CHAIRMAN:

2 | Q. Well, before we adjourn, do I understand Chief Walsh that
3 | there -- you have a different procedure when you come upon
4 | a -- what would be a serious assault than a murder?

5 | A. Well, at that point in time, sir, I would think that the
6 | stabbing was probably not considered as serious as a murder
7 | would have been. If we were in to a murder case on that night
8 | and I hope I'm answering your question. If it was a definite
9 | murder case and we knew it at that time I think the procedures
10 | would be different. I don't know, on that night, if -- who
11 | could say that Sandy Seale would die. My hope was even
12 | seeing him badly wounded, is that he was going to make
13 | it. And I feel that lapse of the 20 hours, I think that
14 | turned the investigation of that case all around. That's
15 | the only way I can perceive it today. I know what our
16 | prodecures are now and possibly at that time if the boy
17 | had been dead different procedures would have been followed.
18 | Have I answered your question sir?

19 | Q. I guess.

20 | A. Thank you.

21 | MR. CHAIRMAN:

22 | We will adjourn until 8:00 tomorrow morning.

23 |
24 | INQUIRY ADJOURNED AT 4:27 o'clock in the afternoon on the 17th
25 | day of September, A.D., 1987.

COURT REPORTER'S CERTIFICATE

I, Judith M. Robson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Royal Commission on the Donald Marshall, Jr., Prosecution as held on the 17th day of September, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia, taken by way of recording and reduced to typewritten copy.



Judith M. Robson
Official Court Reporter
Registered Professional Reporter