

ROYAL COMMISSION ON THE  
DONALD MARSHALL, JR., PROSECUTION

VOLUME IX

Held: September 21, 1987

At: St. Andrew's Church Hall  
Bentinck Street  
Sydney, Nova Scotia

Before: Chief Justice R. A. Hickman, Chairman  
Assoc. Chief Justice L. A. Poitras, Commissioner  
Hon. G. T. Evans, Commissioner

Counsel: George MacDonald, Q.C., Wylie Spicer, & David Orsborn:  
Commission Counsel

Clayton Ruby, Ms. Maryls Edwardh, & Ms. Anne S. Derrick:  
Counsel for Donald Marshall, Jr.

Michael G. Whalley, Q.C.: Counsel for City of Sydney

Ronald N. Pugsley, Q.C.: Counsel for John F. MacIntyre

Donald C. Murray: Counsel for William Urquhart

Frank L. Elman, Q.C., & David G. Barrett:  
Counsel for the Donald MacNeil estate

Jamie W. S. Saunders, & Darrel I. Pink:  
Counsel for Attorney General

James D. Bissell: Counsel for the R.C.M.P.

Al Pringle: Counsel for Correctional Services Canada

William L. Ryan: Counsel for Evers, Green and McAlpine

Charles Broderick: Counsel for Carroll

S. Bruce Outhouse: Counsel for Wheaton & Scott

Guy LaFosse: Counsel for Davies

Bruce H. Wildsmith: Counsel for Union of N. S. Indians  
Assisted by Daniel Christmas

E. Anthony Ross, & Kevin Drolet: Counsel for Oscar N. Seale

E. Anthony Ross, & Jeremy Gay: Counsel for Black United Front

Court Reporters: J. Graham Robson, & Judith M. Robson, OCR, RPR

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INQUIRY RECONVENED AT 9:30 o'clock in the forenoon on Monday, the 21st day of September, A.D., 1987, at Sydney, County of Cape Breton, Province of Nova Scotia

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MR. CHAIRMAN:

Good morning. Now where's the witness?

RICHARD WALSH, resumes testimony, as follows:

MR. CHAIRMAN:

So we're --

MR. BARRETT:

No questions on behalf of Mr. MacNeil's estate.

MR. CHAIRMAN:

Counsel for the R.C.M.P.?

MR. PRINGLE:

No questions, My Lord.

MR. CHAIRMAN:

Mr. Ross.

MR. SAUNDERS:

I have questions, My Lord.

MR. CHAIRMAN:

Oh, I thought you had -- Only wishful thinking on my part.

BY MR. SAUNDERS:

Q. Chief Walsh, my name is Saunders and I represent the Attorney General. I have some questions for you this morning and I'd like to begin by getting you to look at Volume 16 which I believe is the exhibit on the table before you, sir, and if you would turn to page 90. do you have that before you, Chief Walsh?

RICHARD WALSH, by Mr. Saunders

- 1 | A. Yes, sir, I do.
- 2 | Q. And am I right in assuming, Chief, that as far as you can tell  
3 | this is a telex, not from the Sydney Police Department,  
4 | Detective Division, but rather from the Sydney Detachment of  
5 | the R.C.M.P. to the Halifax Headquarters of the R.C.M.P.?  
6 | Would you just take a moment and review it and tell me whether  
7 | you think I'm correct in that please?
- 8 | A. Your question, sir?
- 9 | Q. Yes, sir. Have you had an opportunity to look at page 90?
- 10 | A. Yes.
- 11 | Q. Yes, and my impression of that document, Chief Walsh, is that  
12 | it is a telex from the Sydney Detachment of the R.C.M.P. to  
13 | the Halifax Headquarters of the R.C.M.P. and not a telex from  
14 | the Sydney Police Department to the Halifax R.C.M.P.. Do you  
15 | think I'm right in that?
- 16 | A. That is the indication here, yes.
- 17 | Q. All right. And have you ever seen this document before, Chief  
18 | Walsh; that is before these proceedings?
- 19 | A. No, sir.
- 20 | Q. All right. Thank you. Chief Walsh, that's all I have for  
21 | page 90 of that exhibit. Now you indicated that you joined  
22 | the Sydney Police Department in 1954, sir?
- 23 | A. Yes,
- 24 | Q. And as I recall your testimony over the last couple of days,  
25 | you indicated that there were no real in-roads between 1954

RICHARD WALSH, by Mr. Saunders

1 and 1971 in terms of recruitment, organization and training  
2 of police officers. Is that correct?

3 A. There was recruitment but organization and training, that  
4 could be suspect.

5 Q. Yes, so that the organization and training changes took place  
6 after 1971.

7 A. Yes.

8 Q. Can you tell me briefly, Chief, the order of rankings in 1971  
9 from the Chief down?

10 A. Chief, Deputy Chief, possibly Staff Sergeants. There was  
11 at one period in time. Sergeant of Detectives, Sergeant in  
12 Detectives and Sergeants on desk and the rank of Corporal  
13 also.

14 Q. Yes, what was the name of the Police Chief in 1971?

15 A. Gordon Kenneth McLeod.

16 Q. What was the name of the Deputy Chief in 1971

17 A. Norman D. MacAskill, I would believe.

18 Q. Were there ranks of Inspectors in 1971?

19 A. No, sir.

20 Q. When was the rank of Inspector established?

21 A. In 1980, but at a previous point in time, there was an Inspector  
22 on the Sydney Police Department.

23 Q. Prior to 1971?

24 A. Prior to 1971.

25 Q. But in 1971 the next senior rank to Deputy Chief was what?

RICHARD WALSH, by Mr. Saunders

- 1 A. I would suggest the either Staff Sergeant or the Sergeant of  
2 Detectives.
- 3 Q. Do you know whether there was a Staff Sergeant rank in 1971?
- 4 A. I'm just not quite clear. Either there was at that time or  
5 shortly after.
- 6 Q. The Sergeant of Detectives was in 1971 John MacIntyre?
- 7 A. Yes, sir.
- 8 Q. And how many other Detectives were there in the Detective  
9 Division in 1971?
- 10 A. Three others.
- 11 Q. And their names?
- 12 A. Michael J. MacDonald, Michael B. MacDonald, and William A.  
13 Urquhart.
- 14 Q. The next in rank underneath Detectives was what level, sir?  
15 Was it Corporal?
- 16 A. Corporal, yes.
- 17 Q. Yes, and how many Corporals were there in the Sydney Police  
18 Department?
- 19 A. Possibly four at that time. I'm not clear.
- 20 Q. Thank you. And the lowest rank within the Department was  
21 Constable?
- 22 A. Yes, sir.
- 23 Q. Were there levels or degrees of the rank of Constable?
- 24 A. No, sir.
- 25 Q. The Chief of Police in 1971, is he now deceased?

RICHARD WALSH, by Mr. Saunders

- 1 A. Yes, sir.
- 2 Q. The Deputy Chief, Mr. MacAskill, he is still alive?
- 3 A. Yes.
- 4 Q. If I recall your evidence earlier, you said that when you were  
5 a young boy Mr. MacAskill was the Sergeant of Detectives in  
6 Sydney.
- 7 A. He was -- He was in charge of Detectives, yes.
- 8 Q. Yes, sir. And Mr. MacAskill still resides in Sydney, does he?
- 9 A. Yes, sir.
- 10 Q. And would you agree, Chief Walsh, that the best person to speak  
11 to such issues as recruitment, training, organization, funding  
12 and direction from Municipal Government in 1971 would be former  
13 Deputy Chief MacAskill?
- 14 A. I don't know exactly what his duties would have been at that  
15 time and I'm not sure if that would be the right answer. The  
16 Chief is the man responsible and he is the man that would deal  
17 with the Police Commission or the Council.
- 18 Q. I understand but he is no longer with us.
- 19 A. Right.
- 20 Q. And the only surviving senior officer in 1971 --
- 21 A. Right.
- 22 Q. -- is Mr. MacAskill?
- 23 A. Yes, sir.
- 24 Q. All right. When did Mr. MacAskill retire? Do you know, Chief?
- 25 A. I can't give you an accurate date, sir.

RICHARD WALSH, by Mr. Saunders

- 1 Q. His rank upon retirement was Deputy Chief?
- 2 A. Yes, sir.
- 3 Q. Yes. Now I had a note, Chief Walsh, as to an answer that you  
4 gave on Friday and the note that I recorded was:
- 5 I was told it was unusual that I was not  
6 called as a witness at the first trial.
- 7 I couldn't find that in a quick review of the transcript this  
8 morning but that's the note that I took of your answer given  
9 last day on Friday morning early and so I ask you, Chief  
10 Walsh, is that an accurate record or a note that I have?
- 11 I was told it was unusual that I was not  
12 called as a witness at the first trial.
- 13 A. I think probably I said I found it unusual that I wasn't called.
- 14 Q. Any -- but my note is that
- 15 I was told it was unusual...
- 16 Why did you consider it was unusual, Chief Walsh, that you  
17 weren't called as a witness at the trial in November of  
18 1971?
- 19 A. This is in retrospect that I was the first officer on the  
20 scene and I was never called. That's the only -- the only  
21 answer.
- 22 Q. I take it in 1971 as a police officer, Constable on the beat,  
23 you did not consider it unusual that you were not called?
- 24 A. That was at the discretion of Crown Counsel, I would think.
- 25 Q. Yeh. Did you consider it unusual in 1971 that you weren't  
called?



RICHARD WALSH, by Mr. Saunders

1 A. No, I didn't think about it at that time.

2 Q. All right, it's only some sixteen years later that you consider  
3 it now as to have been unusual.

4 A. Yes.

5 Q. And why do you consider it unusual today, Chief, that you  
6 weren't called?

7 A. Because I would think that that's almost standard that the  
8 first person would be called. I've seen it in other cases and  
9 that's my only reasoning for that.

10 Q. I take it, sir, you had no discussions with the Crown  
11 Prosecutor of the day, Donald C. MacNeil, about the Marshall  
12 case?

13 A. None whatsoever.

14 Q. You testified last day that you had no idea that Donald Marshall  
15 Junior was a suspect when you were discussing things with him  
16 in the police car at Membertou on Sunday night, May 30th.

17 A. Yes, sir, that's true.

18 Q. And indeed it wasn't until some time later in the week that  
19 you first became appraised that Mr. Marshall was a suspect.

20 A. Yes.

21 Q. Can you pinpoint when that week, Chief Walsh, it was that you  
22 became appraised of that fact?

23 A. No, sir, I can't.

24 Q. You said quite frankly to the members of the Commission last  
25 day that you've searched your soul for the past sixteen years

RICHARD WALSH, by Mr. Saunders

1 as to whether or not there might have been something done  
2 differently or something done which may have saved the life  
3 of Sandy Seale. Correct?

4 A. Yes.

5 Q. And I ask you, Chief, whether in your search over the last  
6 sixteen years you can give us any insights as to why the  
7 Sydney Police Department charged what turned out to be the  
8 wrong man?

9 A. I don't know, sir. I was not part of the investigating team  
10 and I really don't know all the facts.

11 Q. Can you give us any help or insights at all, Chief Walsh, as  
12 to why it was that the Sydney Police Department, in fact,  
13 charged the wrong fellow?

14 A. I don't know, sir.

15 MR. SAUNDERS:

16 Thank you, Chief Walsh.

17 MR. CHAIRMAN:

18 I think I sort of got out of rotation there but I'll go back to  
19 you, Mr. Bissell, do you have any --

20 MR. PRINGLE:

21 It's Mr. Pringle, My Lord.

22 MR. CHAIRMAN:

23 Mr. Pringle. All right. Now, Mr. Ross.

24 MR. ROSS:

25 Thank you, My Lord.

RICHARD WALSH, by Mr. Ross

1 BY MR. ROSS:

2 Q. Chief Walsh, my name is Anthony Ross and I represent Oscar Seale  
3 and I'll be asking you some questions in that regard. Further  
4 I represent the Black United Front and will also be asking you  
5 some questions in that regard.

6 MR. ROSS:

7 My Lord, before I get into questioning, I recall Officer McDonald  
8 in his examination, it was pretty much restricted to the 1971 times  
9 and my understanding is that he will be recalled. Does the same apply  
10 to this witness?

11 MR. CHAIRMAN:

12 Yes, I have an indication just given by Commission counsel that  
13 this witness will be recalled --

14 MR. ROSS:

15 And then I perhaps ask Commission Counsel --

16 MR. CHAIRMAN:

17 -- to deal with matters not related to the year 1971.

18 MR. ROSS:

19 So then I take it that the scope of the examination ought to address  
20 1971.

21 MR. CHAIRMAN:

22 Yes.

23 MR. ROSS:

24 Thank you, very kindly, My Lord.

25 BY MR. ROSS:

Q. Chief, as far as the circumstances of the death of Sandy Seale

RICHARD WALSH, by Mr. Ross

1 is concerned, I take it that you have had an opportunity to  
2 review the statements which the Department had on hand in  
3 1971?

4 A. No, sir.

5 Q. You did not review them?

6 A. No, sir.

7 Q. Did you review any statements in preparation for these Hearings?

8 A. Just the -- the reports made by myself. Very little, sir.

9 Q. I see, and it didn't occur to you that you ought to review  
10 the statements, perhaps the statements of somebody like  
11 Patricia Harriss?

12 A. No, sir, I did not have the benefit of going over the statements  
13 taken.

14 Q. Well, were these a part of the police records?

15 A. The only accounting or records of this case as to the best of  
16 my knowledge, sir, are those that were held by the investigator  
17 at the time, John MacIntyre.

18 Q. Yes, but my understanding is that the City of Sydney Police  
19 Commission had standing and I would have thought that they  
20 would have had access to the material the same way I had  
21 access to the material. I don't propose to -- I'm not going  
22 to dwell on it but you didn't review any of this information.

23 A. No, I didn't have access to the materials before I came to court,  
24 sir, no.

25 Q. I take it then that you can only speak about when you first

RICHARD WALSH, by Mr. Ross

1 | became involved in this matter back in 1971.

2 | A. Yes.

3 | Q. Yes, and as I understand it you were working that night. When  
4 | was your shift supposed to end?

5 | A. Eight o'clock in the morning.

6 | Q. And when did you start working?

7 | A. At midnight.

8 | Q. Were you already signed in on your shift when you got this call?

9 | A. Yes, I was in the Sydney Police Station at the time and left  
10 | from there.

11 | Q. I understand you were in the Sydney Police Station; however,  
12 | as I further recall your testimony, you were of the view that  
13 | this call came in prior to midnight.

14 | A. That is -- that is my recollection.

15 | Q. And as a matter of fact that would be consistent with the  
16 | testimony and the statement given by Mr. Mattson. Do you  
17 | recall Mr. Mattson?

18 | A. Yes.

19 | Q. Do you have -- You didn't have a chance to look at his statement  
20 | ever?

21 | A. Not his statement but the call coming in but I thought that it  
22 | was noted at twelve-ten. I could be wrong on that.

23 | Q. Well, that's exactly what I'm trying to get at, Officer. Mr.  
24 | Mattson's evidence was that around ten minutes to twelve he  
25 | had gone upstairs and he heard people speaking outside his

RICHARD WALSH, by Mr. Ross

1 window and when he heard something to the effect that some-  
2 body was hurt, he called the police.

3 A. Yes.

4 Q. Yes. Now as I understand it. when you took the stand and you  
5 were shown Volume 16, page 2, which is a report signed by  
6 Constables Mroz, Dean, Walsh and McDonald, your indication  
7 was that you always had difficulty with this time. Do you  
8 recall that?

9 A. Yes, I felt that the time was shortly before midnight when  
10 the initial call came.

11 Q. Yes, and as far as these calls are concerned, I take it that  
12 as calls came into the police station, they were recorded?

13 A. By the Desk Sergeant at the time.

14 Q. And what was the recording -- What was the recording facility  
15 which you had? Was it tape or was it just logging time?

16 A. Just logging in by hand.

17 Q. I see. Now I take it then that all reports into the police  
18 department would be logged?

19 A. Yes, sir.

20 Q. For instance if somebody in any particular area was reporting  
21 a robbery, that would be logged, wouldn't it?

22 A. Yes, sir.

23 Q. And if a car was being broken in, that would be logged also?

24 A. Should be.

25 Q. And I take it that it was all complaints, all reports in that

RICHARD WALSH, by Mr. Ross

1 | were logged.

2 | A. Every complaint coming to the desk would probably have been  
3 | logged.

4 | Q. Sure. Now I recognize that you might not have had the advantage  
5 | of reading other's statements but being a police officer that  
6 | was to a degree involved in the -- even though peripherally  
7 | with the investigation of the death of Sandy Seale, we've got  
8 | a statement from Keith Beaver (?) to the effect that at  
9 | approximately eleven forty-five p.m. Sandy Seale along with  
10 | Alana Dixon and Carol MacDonald and himself were some place  
11 | in the general vicinity of the corner of Argyle and George  
12 | Streets. Were you aware of that?

13 | A. No, sir.

14 | Q. We also have evidence from Robert MacKay and Debbie Timmins --

15 | COMMISSIONER POITRAS:

16 | Are you making reference to an exhibit somewhere?

17 | MR. ROSS:

18 | Well, there's no point to referring -- Well there is a statement but  
19 | I'm not going to refer to the exhibit since the witness doesn't  
20 | know anything about it, My Lord.

21 | COMMISSIONER POITRAS:

22 | But you're asking him to make reference to it in his answers, aren't  
23 | you?

24 | MR. ROSS:

25 | Pardon me, My Lord?

RICHARD WALSH, by Mr. Ross

1 COMMISSIONER POITRAS:

2 You're making him refer to that exhibit in his answers, aren't you?

3 MR. ROSS:

4 Well, not really. I'm asking him whether or not he's aware of  
5 such a document. If he was aware of it, I'd put it before him  
6 and continue my questioning. If he's not aware of it, then I  
7 can still ask him peripheral questions without going into the  
8 document, as I understand it.

9 COMMISSIONER POITRAS:

10 Would it not be preferable to direct his attention to the exhibit  
11 and ask him whether he recognizes the document or not, if it is  
12 part of Volume 16?

13 MR. ROSS:

14 Sure, I will adopt that procedure, My Lord. Thank you.

15 BY MR. ROSS:

16 Q: Inspector, were you here for the evidence of Maynard Chant?

17 A. Partially.

18 Q. Well, a part of his evidence is to the effect that he was  
19 back where Sandy Seale lay wounded on the street -- on Crescent  
20 Street and it would appear from his evidence that he would be  
21 there before the police came. So your evidence is that you  
22 were the first policeman on the scene, first policeman at  
23 the place where Sandy was lying down.

24 A. Yes, sir.

25 Q. And that he was alone.



RICHARD WALSH, by Mr. Ross

1 A. At that time.

2 Q. Yes. I'm asking you to perhaps reflect back and tell me whether  
3 or not you recall when you lifted Sandy's -- when you opened  
4 Sandy's coat or lifted his shirt, whether or not there was  
5 another shirt on his stomach at the place of the wound?

6 A. There was a what, sir?

7 Q. Another shirt. Maynard Chant's shirt.

8 A. No, no. There was nothing there at that time.

9 Q. I see. Further there is evidence from one Robert MacKay that  
10 he arrived at the spot where Sandy Seale was lying with Debbie  
11 Timmins and having sent her to get her bus, he was there alone.  
12 From there he went through the park to Pollett's and got back  
13 to the scene when a car arrived with Maynard Chant and Donald  
14 -- sorry, with Donald Marshall. Now your evidence is that  
15 when you arrived, Donald Marshall was with another police  
16 officer. Am I correct?

17 A. No, I said that when I arrived, Sandy Seale was lying on the  
18 street unattended and a few minutes later when I walked up  
19 the other end of Argyle Street, I saw Donald Marshall talking  
20 to Corporal Martin MacDonald and Constable Howard Dean.

21 Q. Did you see the vehicle in which Corporal MacDonald and Howard  
22 Dean were driving? Did you see it approach?

23 A. No. No.

24 Q. I see, so I take it then that you might not have been the first  
25 -- your vehicle might not have been the first vehicle on the

RICHARD WALSH, by Mr. Ross

1 scene but yours was the first at the spot where Sandy Seale  
2 was laying?

3 A. Yes, sir, that's the point I was making the other day.

4 Q. I see. I see. So when you got there, Marshall was already  
5 with police officers and you attended at the body -- at where  
6 Sandy Seale was lying there.

7 A. That could be.

8 Q. I see. And apart from that night, apart from the night of  
9 the 28th of May, 1971, into the morning of the 29th of May,  
10 I take it you had no further personal involvement with the  
11 investigation?

12 A. No, sir.

13 Q. So anything that you could tell us, it will be something that  
14 somebody else could tell us better?

15 A. Yes, sir.

16 Q. Yes, well, perhaps you can tell me then about your knowledge  
17 of what happened back in 1971. Now there's indication that  
18 some of the reports which relate to this investigation were  
19 on the wrong type of reporting sheets. For instance, they  
20 were on occurrence reports rather than on crime reports?

21 A. Yes, sir, that's true.

22 Q. Now you have also indicated that it's quite likely that they  
23 ran out of crime reports?

24 A. That would be a possibility.

25 Q. Yes, would you agree with me that if one were to check the

RICHARD WALSH, by Mr. Ross

1 reports for the shift prior to the one which covered the  
2 investigation of the stabbing of Sandy Seale, the reports of  
3 that actual shift also and the one subsequent, one would  
4 determine whether or not these reporting forms were in fact  
5 available?

6 A. I think by looking at these the other day that some are  
7 written on crime and others were written on occurrence. So  
8 at that point in time there must have been some of both but  
9 whether they were used up or not I don't know, sir.

10 Q. Well, what kind of information would go on an occurrence  
11 report as to opposed to crime report?

12 A. Just the normal happenings. Maybe there was a street light  
13 reported out somewhere or minor incidents on occurrences.

14 Q. Well, that's the point. Minor incidents would go on an  
15 occurrence report?

16 A. Yes, sir.

17 Q. The more serious incidents on crime reports, am I correct?

18 A. Yes, sir.

19 Q. And things that relate to motor vehicle on the motor vehicle  
20 report?

21 A. Right.

22 Q. Yes, now who would be required to fill these reports?

23 A. The officers --

24 Q. Everybody on shift?

25 A. Everybody on shift who had any involvement, would be required

RICHARD WALSH, by Mr. Ross

1 to make a notation and file a report.

2 Q. In the event, sir, that, that an officer does his patrol and  
3 it turns out to be absolutely uneventful, nothing has happened,  
4 would he still write a report to say, "Well look it was a good  
5 night; no problems"?

6 A. In those days the answer would be no.

7 Q. I see, so that the reporting would be of incidents rather than  
8 a general reporting on his shift?

9 A. Yes, sir.

10 Q. I see. And the night of the 28th and going into the morning  
11 of the 29th of May, I understand that the shift changed at  
12 midnight?

13 A. Yes, sir.

14 Q. Was that for the whole station or did you have a swing-shift  
15 back there -- some people might be working from ten p.m.  
16 to six a.m. and others working from twelve to eight?

17 A. No, there was the, really, the three shifts for the patrols  
18 at that time.

19 Q. Three shifts for the patrols. What about administration,  
20 people who supervised the patrols. Would they be in this  
21 shift pattern also?

22 A. Yes, the sergeant would be the head man on the shift.

23 Q. I see, then I take it that one group would actually be taken  
24 out at midnight and replaced by a second group to go from  
25 midnight to eight a.m.?

RICHARD WALSH, by Mr. Ross

- 1 A. Yes, sir.
- 2 Q. And everybody on those shifts would have to report any, any  
3 incidents or any thing that was reported to them?
- 4 A. Yes, sir.
- 5 Q. Was there -- was there an internal system for reviewing these  
6 reports?
- 7 A. Not that I know of, sir, unless somebody would read them the  
8 following day.
- 9 Q. I see, the reports were written but maybe not read. Am I  
10 correct with that?
- 11 A. Well, the usual procedure when we went to work, we took the  
12 reports which were left loose if in the station and we would  
13 read to see what had happened on the shift prior to coming on.
- 14 Q. And who would read these; just any officer who wanted to?
- 15 A. Yes, any officer who came to work whatever reports were there  
16 he would read them unless for some reason they might have  
17 been removed by the detective section.
- 18 Q. Well, I take it then it was a matter more of curiosity rather  
19 than an obligation of the job to review these reports. Is  
20 that how I'm to understand that?
- 21 A. Well, that is the way at that time that you knew what was going  
22 on or what had happened before you came to work on the prior  
23 shifts by reading the reports.
- 24 Q. There was also evidence from Officer McDonald that around --  
25 that when he got into the force, that the normal procedure

1 was to have the young people, the younger officers patrol the  
2 Whitney Pier area. Is that still the policy?

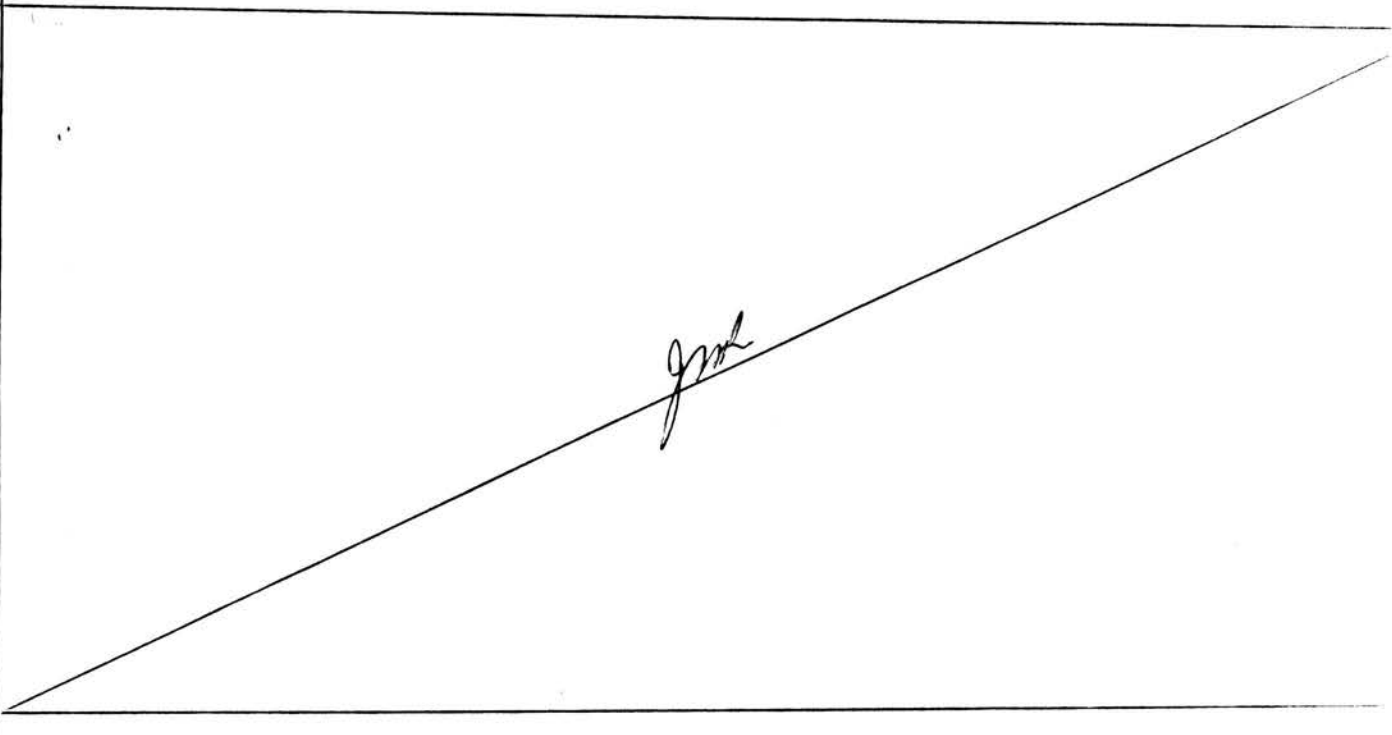
3 A. Yes, the officers are laterally transferred from time to time.

4 Q. Yeh, I could appreciate that they may be laterally transferred  
5 from time to time. But I wanted to know if it was the policy  
6 that the younger officers when they come -- really was  
7 Whitney Pier a training ground for younger officers?

8 A. I didn't see it in that light but yes, the young officers were  
9 sent to the Pier to do a tour of duty and they were also sent  
10 to Ashby or George Street or any other beat.

11 Q. Believe me I'm going to get to Ashby and so on, I'm just dealing  
12 with Whitney Pier for the time being.

13 A. Yes, sir, go ahead.



RICHARD WALSH, by Mr. Ross

1 Q. So I take it they would be sent to Whitney Pier, and would this  
2 be for -- what kind of duration? Is it just for one shift or  
3 a term at Whitney Pier?

4 A. That would depend on the Chief of the day. You could be there  
5 for six months or you could be there for two years. There was  
6 nothing definite, no set period of time.

7 Q. And what Senior Officers would be then sent back to Whitney  
8 Pier from time to time? Is it people who didn't perform well  
9 in other areas who were sent back to Whitney Pier?

10 A. Oh, no, it wasn't a punishment detail, no, if that's -- that  
11 is the indication, no.

12 Q. Oh, that was really the purpose of my question.

13 A. No, sir. No, that's not true.

14 Q. Thank you. Perhaps for the -- for my assistance and maybe the  
15 assistance of the Commission, I've got a map of the Sydney area  
16 and I am going to ask you to identify the boundaries of the  
17 Membertou Reserve and also the boundaries of what is referred  
18 to as Whitney Pier. You could do that for me on a map, couldn't  
19 you?

20 A. Yes, sir.

21 MR. CHAIRMAN:

22 Is this another map or the one that --

23 MR. ROSS:

24 Another one that is for the whole Sydney area.

25 MR. CHAIRMAN:

I assume we're going to keep this to Cape Breton Island.

RICHARD WALSH, by Mr. Ross

1 MR. ROSS:

2 Yes, this --

3 MR. CHAIRMAN:

4 Good. Good. This map will be entered as Exhibit 37.

5 BY MR. ROSS:

6 Q. Officer, we've attempted to avoid using the colours red and black,  
7 perhaps with blue you can identify the boundaries around the  
8 Membertou Reserve.

9 A. It's already identified here, sir, with the Membertou Indian  
10 Reserve and the boundary lines.

11 Q. Perhaps you could just outline it perhaps in green. It might  
12 be better if you highlight it in green because there's blue  
13 background.

14 A. Oh, this is -- This is Alexandra Street and that's the  
15 entrance here into Membertou and I don't know the -- actually  
16 where the boundaries lie, but it would seem that -- that those  
17 lines on the map are probably it. I imagine all this is taken  
18 in by the Reserve, somewhere in that boundary.

19 Q. Yes, and perhaps in green on the other side you could identify  
20 the boundaries of the Whitney Pier district?

21 A. Victoria Road to Whitney Pier. When you cross the overpass you  
22 are in the Whitney Pier area and that takes in that whole  
23 section of the City which is divided into two Wards, Ward five  
24 and Ward six, and Jamieson Street, I would think, it was the  
25 boundary line. All this area this way is Ward five. I'll just



RICHARD WALSH, by Mr. Ross

1 | roughly do it that way. Those lines may not be accurate.

2 | Q. Well, that's good enough for my purposes.

3 | MR. ROSS:

4 | Thank you.

5 | MR. CHAIRMAN:

6 | Chief, before you sit would you turn to face us and indicate what  
7 | you have just shown Mr. Ross because --

8 | THE WITNESS:

9 | Yes, I have just indicated on the map, Your Honour, that's the  
10 | lines indicating that that is Membertou Reserve and Membertou  
11 | Reserve is within the City of Sydney. This is the -- This is the  
12 | Ward five area of Whitney Pier. Whitney Pier is divided into two  
13 | Wards, Ward five and at Jamieson Street it's divided and the  
14 | next Ward is Ward six which takes you to the City limits.

15 | BY MR. CHAIRMAN:

16 | Q: As a matter of curiosity and it's really not relevant to this  
17 | hearing, but I take it then that the City of Sydney provides  
18 | the Municipal services to the Reserve?

19 | A. Yes, Yes, sir.

20 | MR. CHAIRMAN:

21 | Thank you.

22 | BY MR. ROSS:

23 | Q. Just to follow up on that question from the Chairman, isn't it  
24 | correct that the services -- the policing services that are  
25 | provided to the Membertou Reserve is pursuant to a contract

RICHARD WALSH, by Mr. Ross

1 between the Reserve, between the Band Council of the Reserve  
2 and the City of Sydney?

3 A. I would say that's accurate.

4 Q. Now as far as reports are concerned, I take it then that there  
5 would be a log of what complaints came in from time to  
6 time from the Membertou Reserve to the Sydney Police Department?

7 A. Yes, they would be logged.

8 Q. Would these be logged in a special book and in a special place  
9 recognizing that -- for the only purpose that they have a  
10 contract governing the relationship or in the general log?

11 A. That would be in the general log.

12 Q. I see, and I take it that any other reports from any other  
13 district would also be recorded?

14 A. Yes.

15 Q. So that if one was to get access to these logs, one could  
16 appreciate the type of complaints and the number of complaints  
17 which emanate from any particular district. Am I correct  
18 with that?

19 A. Repeat that please.

20 Q. So that if one was to access these logs one would be able  
21 to classify the number and type of complaints coming from  
22 each of these districts?

23 A. Yes, but you would have to go over all the reports to secure  
24 that information.

25 Q. Absolutely. Go through all of them and you classify them?

RICHARD WALSH, by Mr. Ross

1 A. Yes.

2 Q. Yes. Now as you might be aware, Chief, there's going to be  
3 a further review -- the -- with respect to the broad issues  
4 of racism and alike. the Commission will be having experts  
5 look at different problemed areas of -- purported problemed  
6 areas in the administration of justice and I'm asking would  
7 you be willing to make your records available to these  
8 experts for the purpose of doing some form of statistical  
9 analysis?

10 A. I don't see what reason there would be to deny that.

11 Q. Well, I guess the short answer would be yes, that you would --  
12 you'd make them available?

13 A. After I consulted with the City Solicitor and the Crown to see  
14 that there is no objection.

15 Q. Sure.

16 A. I would like the value of their input before I would say yes.

17 Q. Absolutely. Thank you. When Officer MacDonald was on the  
18 stand, he gave evidence of whether -- it could best be classified  
19 perhaps as a disgusting exchange of attempted insults between  
20 himself as an Officer and a black person. Now I feel this  
21 is an incident rather than a general policy, however, I will  
22 ask, what was the Department's policy in addressing such matters  
23 or was there a policy?

24 A. I don't think there was a set policy pertaining to that.

25 Q. Well, was there any system where the Department took action

RICHARD WALSH, by Mr. Ross

1 when Police Officers behaved in such a fashion?

2 A. Before the coming of the Police Act matters of that kind would  
3 probably have been handled by the Police of Chief in his own  
4 way.

5 Q. And would there be a record of all of these matters?

6 A. I wouldn't think so.

7 Q. Is there a reason why there wouldn't be a record?

8 A. No, I don't think so. It's just that if there is something  
9 in the past I don't know about it.

10 MR. ROSS:

11 My Lord, I'm just always very concerned when a witness is going to  
12 be recalled. I got quite a few more questions that I'd like to  
13 ask this Officer. It's on a broader question. You know I see  
14 the narrow, hard legal question as to whether or not the system  
15 broke down with respect to the circumstances which developed from  
16 the death of Sandy Seale. That's one aspect. The broad sort of  
17 sociological review, I take it, will come later and I would just  
18 like it on the record that with respect to questions to support  
19 that proposition that I would -- I would really like to ask more  
20 questions of this witness. I don't --

21 MR. CHAIRMAN:

22 You'd like to ask more questions of this witness when he's recalled?

23 MR. ROSS:

24 Yes, but --

25 MR. CHAIRMAN:

By all means.

RICHARD WALSH, by Mr. Ross

1 MR. ROSS:

2 Oh, absolutely.

3 MR. CHAIRMAN:

4 That's no problem. My understanding is, and if I'm wrong Counsel  
5 for the Commission can correct me, that later during these hearings  
6 the appropriate Officers from the Sydney Police Department will be  
7 either called or recalled, whatever the case may be, and asked to  
8 indicate what policy -- what the policies are or the method of  
9 policing and the method of law enforcement in Sydney is at this  
10 time, and that will allow a very broad examination of the questions  
11 that you now -- to which you now refer. So far the evidence that  
12 we've heard at this -- during these hearings have been restricted  
13 by necessity and prudence to try and have some order in the  
14 development of the evidence to the occurrences in 1971, but there  
15 will be, I'm quite certain, an opportunity for Counsel to further  
16 examine this witness when he is recalled.

17 MR. ROSS:

18 The only thing -- Excuse me, My Lord, I think that -- I think that  
19 for my purposes it would be necessary at the time of the broad  
20 examination to refer back to policies which might have existed in  
21 1971.

22 MR. CHAIRMAN:

23 Oh, yes, sure. I can see where it would be -- where it would be  
24 appropriate too for the Commission to have evidence to indicate  
25 what changes have taken place in the method of policing and the

RICHARD WALSH, by Mr. Ross, by Mr. Wildsmith

1 attitudes of policing, the attitudes of law enforcement, what  
2 changed, if any, between 1971 and now.

3 MR. ROSS:

4 Very good. I will ask my questions then, My Lord.

5 Chief, I must thank you for your answers.

6 MR. CHAIRMAN:

7 Mr. Wildsmith.

8 MR. WILDSMITH:

9 Just a few questions, My Lord.

10 BY MR. WILDSMITH:

11 Q. Chief Walsh, I'd like to perhaps begin by pursuing for a  
12 moment something that came up during Inspector MacDonald's  
13 examination and that is concerning information that may have  
14 been kept in your Department around 1971 on the ethnicity  
15 of persons who were apprehended and maybe later charged.  
16 Inspector MacDonald indicated that there -- if I understood  
17 correctly, that there were three categories used in 1971 that  
18 might appear on target sheets, and those three categories were  
19 as I understood it, white, black -- black, excuse me, or  
20 sallow. Does that correspond with your understanding?

21 A. Yes.

22 Q. And the term "sallow" as I understood it, was the term that  
23 was used with respect to Indians?

24 A. To complexion, yes.

25 Q. And would the term "sallow" also apply to other racial groups,

RICHARD WALSH, by Mr. Wildsmith

1 | for example, Orientals?

2 | A. I don't think so.

3 | Q. How would you have classified Orientals at that time?

4 | A. I don't know. I might just write in Oriental or Chinese,  
5 | Japanese or whatever. I just don't know.

6 | Q. Would you not have followed the same practice then of writing  
7 | in Indians? My attention has been drawn and perhaps it'd be  
8 | appropriate to draw your attention to volume 16, page 107,  
9 | I believe, which is the charging sheet that relates to  
10 | Donald Marshall.

11 | A. At 116?

12 | Q. I believe it's page 107.

13 | A. One hundred and seven, is that it?

14 | Q. And I draw your attention to -- I'm not sure what the printed  
15 | in portion is because it's typed over, but there is a reference  
16 | with respect to Donald Marshall's sheet as Indian. Do you see  
17 | that reference on page 107?

18 | MR. CHAIRMAN:

19 | Where?

20 | MR. WILDSMITH:

21 | It's very difficult for me to describe.

22 | MR. CHAIRMAN:

23 | Oh, yes, I see it. Yes, fine.

24 | MR. WILDSMITH:

25 | It appears under the signature.

RICHARD WALSH, by Mr. Wildsmith

1 COMMISSIONER EVANS:

2 Well, that's in the block "racial origin". If you look at 108  
3 you'll see it a little more clearly.

4 MR. WILDSMITH:

5 Thank you, My Lord. Yes, you can see it on 109 and 108 much more  
6 clearly and the box is called "racial origin".

7 BY MR. WILDSMITH:

8 Q. I -- I take it, Chief, that you weren't familiar with this  
9 particular form then as it existed in 1971?

10 A. No.

11 Q. My second question and really stemming from that one, are you  
12 aware of any statistical review that may in the past have done--  
13 have been done on the Sydney Police Department, shall we say  
14 from the time period in the late '60's until the present day,  
15 any statistical studies on the charging patterns of the Sydney  
16 Police Department?

17 A. No, I don't know what your question is leading to.

18 Q. I'm just asking if any studies have been done on the charging  
19 patterns in the Sydney Police Department in the time period  
20 late '60's through until today?

21 A. No, sir.

22 Q. Thank you. Are you aware of any reviews, external examinations,  
23 or studies at all that have been done on the operations of  
24 the Sydney Police Department in the time period late '60's  
25 until today?



RICHARD WALSH, by Mr. Wildsmith

1 A. No.

2 Q. Thank you. There has been reference on several occasions to  
3 off duty Sydney Police Officers acting as the Security Officers  
4 at teen dances and other private activities in the City. Could  
5 you tell me from your experience whether it is common for  
6 Officers to be in uniform on those occasions?

7 A. It would have been.

8 Q. Thank you. Now if I understood correctly the evidence of the  
9 previous witness, Inspector McDonald and of yourself, both --  
10 the two of you were appointed Inspectors by John MacIntyre  
11 after he became Chief. Is that correct?

12 A. In 1980, yes.

13 Q. Yes, and do you know the rank that the previous Officer,  
14 Inspector McDonald held at the time he was appointed Inspector?

15 A. Yes, he came from Constable to Inspector.

16 Q. And based on the evidence that you've given my learned --

17 MR. CHAIRMAN:

18 I didn't get that name. The name, Inspector --

19 MR. WILDSMITH:

20 McDonald, Ambrose McDonald, the previous witness.

21 MR. CHAIRMAN:

22 You said that Inspector -- you and Inspector MacDonald were  
23 appointed to that rank at the same day -- on the same day.

24 THE WITNESS:

25 Yes, sir.

RICHARD WALSH, by Mr. Wildsmith

1 MR. CHAIRMAN:

2 Then you mentioned another name, I thought.

3 MR. WILDSMITH:

4 I'm sorry. I didn't mean to mention another name. I asked what the rank was of  
5 Inspector McDonald just prior to his appointment as Inspector.

6 MR. CHAIRMAN:

7 I see.

8 BY THE WITNESS:

9 A. He went from a Constable to Inspector and I went to Inspector  
10 from Corporal at that time through the promotion routine that  
11 was instituted in the Sydney Police Department.

12 BY MR. WILDSMITH:

13 Q. If I understood the evidence that you gave to my learned friend  
14 for the Attorney General a few moments ago, there was in existence  
15 at this time also the rank above Constable of Corporal and above  
16 that of Detective, Sergeant of Detectives, all of those ranks  
17 are below that of Inspector?

18 A. They would be today.

19 Q. And they were at the time of the promotion of Ambrose McDonald  
20 to the rank of Inspector?

21 A. Yes. The only reference I made when I was asked the question  
22 about the rank of Inspector, at one time many years ago there  
23 was a very senior Police Officer who held the rank of  
24 Inspector McDonald, M.D. McDonald, and when I answered the  
25 question pertaining to, did that rank appear at an earlier

RICHARD WALSH, by Mr. Wildsmith

1 | time, that was the reference I was making.

2 | Q. Yes. I'm not speaking about the earlier time period though.

3 | I'm talking about in the time frame between 1971 until the

4 | appointment in 1980 of yourself and Inspector McDonald,

5 | Ambrose McDonald as an Inspector, and I'm confirming that

6 | there were several steps between the ranks held by

7 | yourself and Ambrose McDonald above your appointment --

8 | above the rank you held in 1980 and -- between that rank and

9 | the rank of Inspector?

10 | A. Yes, you're accurate on that.

11 | Q. So you -- both the two of you bypassed more senior ranks to

12 | jump up to the rank of Inspector that is my point?

13 | A. That is correct.

14 | Q. Thank you. Now there has been reference to the Police

15 | Commission on several occasions and I assume that we're going

16 | to get into this at a later date with respect to 1981. I'm

17 | wondering if you can indicate your understanding of the role

18 | of the Sydney Police Commission in 1971 in general and vis-a-vis

19 | your Department?

20 | A. Now I would have no knowledge at that time as to the inner

21 | workings between the Police Commission and the Police

22 | Department.

23 | MR. CHAIRMAN:

24 | Mr. Wildsmith, would you ask this witness whether there was a

25 | Police Commission in 1971.

RICHARD WALSH, by Mr. Wildsmith

1 MR. WILDSMITH:

2 Certainly.

3 BY MR. WILDSMITH:

4 Q. Was there a Police Commission in 1971?

5 MR. CHAIRMAN:

6 In Sydney.

7 BY THE WITNESS:

8 A. I would say yes to that.

9 BY MR. CHAIRMAN:

10 Q. Was this a Police Commission of the structure that exists  
11 today or was it --

12 A. I think it would be similar, Your Honour, in that members of  
13 Council-- some members of the elected representatives as  
14 Councillors are designated as Police Commissioners.

15 Q. I see. This is not a separate independent -- separate body,  
16 but it's a Committee, for want of a better word, of the  
17 City Council of the City of Sydney?

18 A. It is, then from the City Council on that particular body as  
19 Police Commissioners.

20 BY COMMISSIONER EVANS:

21 Q. In 1971, was this body that you call a Commission, made up  
22 of the elected representatives solely?

23 A. Yes, I would think so. I don't know if there was any laymen  
24 involved in that.

RICHARD WALSH, by Mr. Wildsmith

1 | MR. MacDONALD:

2 | I believe, My Lord, that one of the previous witnesses Mr. Mattson  
3 | was on the Police Commission at that time in 1971, so there were  
4 | lay members as well as elected members.

5 | BY MR. WILDSMITH:

6 | Q. Is it fair to think that the Police Commission made up of  
7 | civilians exercised some supervisory role over the Sydney  
8 | Police Department in 1971?

9 | A. I would think that the Police Commission might give direction  
10 | but the -- the day-to-day operation of the force would fall  
11 | to the Chief of Police.

12 | Q. Yes. Fair enough. We've heard some evidence from Inspector  
13 | McDonald about the appointment of Band Constables for the  
14 | Membertou Reserve, and I believe the evidence that we've heard  
15 | to date was that this Band Constable was appointed by the Band  
16 | Council. I'd like to put it to you that the Band Constable  
17 | was, in fact, appointed by the Sydney Police Commission?

18 | A. I don't know.

19 | Q. My learned friend representing the Attorney General has brought  
20 | out the fact that the best person to speak to these issues may,  
21 | in fact, and is living today, may, in fact, be the Deputy  
22 | Chief at the time Mr. MacAskill. Do you know any reason through  
23 | infirmity or age why Mr. MacAskill could not give testimony?

24 | A. No, sir, I don't.

25 | Q. Thank you. Do you have any understanding about why Band

RICHARD WALSH, by Mr. Wildsmith

1 Constables may have resigned their position in the time frame  
2 of 1971 and in the time frame a couple of years after 1971?

3 A. No.

4 Q. Does the name Freddie Googoo mean anything to you --

5 A. No.

6 Q. --as a Band Constable? Danny Paul?

7 A. I knew Danny Paul.

8 Q. Did you know him as a Band Constable?

9 A. Yes.

10 Q. And is it fair and within your knowledge for me to suggest  
11 to you that one of the reasons why Mr. Paul resigned was  
12 because of the lack of co-operation from the Sydney Police  
13 Department with him in carrying out his duties?

14 A. I don't know, sir.

15 Q. Who would be the best person to speak to that?

16 A. The one who knows about it I guess.

17 Q. Do you have any knowledge --

18 A. No.

19 Q. No. Okay. Do you have any knowledge about complaints from the  
20 Membertou Reserve over inadequate Police services in the  
21 time frame of 1970 through to the '80's shall we say?

22 A. There could have been. I wouldn't have knowledge of that.

23 Q. Okay. There was a reference question from the Chief Justice  
24 about the provision of Municipal services to the Membertou  
25 Reserve. It's true that police protection was part of the

RICHARD WALSH, by Mr. Wildsmith

1 Municipal services that were to be provided by the City to  
2 that Reserve? Police services were amongst the Municipal  
3 services to be provided to the Reserve?

4 A. I know that we police the Reserve but what -- I haven't seen  
5 any document signed by parties telling exactly what it's  
6 supposed to be.

7 Q. All right. Part of your response, I believe, to the Chief  
8 Justice over the question of these services was that it was  
9 done under contract between the Band Council and the City of  
10 Sydney. I put it to you that that contract may well have been  
11 between the Department of Indian Affairs and the City of  
12 Sydney. Would you have any knowledge --

13 A. That might have been. I have never seen any document.

14 Q. So you can't say that it was the Band Council?

15 A. No.

16 Q. Thank you. Now is there a tactical squad with the Sydney Police  
17 Department?

18 A. At this point in time, no.

19 Q. Was there a tactical squad in the time frame around 1971?

20 A. Yes.

21 Q. It has been suggested to me that very shortly, in a matter of  
22 a day or two after the death of Sandy Seale, a meeting was  
23 held of the Sydney Police Commission with the Department.  
24 Would you have any knowledge about that?

25 A. No.

RICHARD WALSH, by Mr. Wildsmith

1 Q. Again would former Deputy Chief MacAskill be the best person  
2 to speak to that kind of issue?

3 A. Probably.

4 Q. What I'm going to suggest to you, and if you have no knowledge  
5 just simply say so, is that the first tactical squad in the  
6 history of the City of Sydney Police Department was formed in  
7 a matter of several days after the death of Sandy Seale?

8 A. I don't know, sir.

9 Q. Thank you. Now my learned friend, Mr. Ross, has asked you  
10 questions about complaint procedures that may have been in  
11 place in 1971 and again you may not be the best person with  
12 information about this, but I think part of your answer was  
13 that records related to that might have been kept in the  
14 office of the Chief of Police?

15 A. I don't know if any records were kept.



RICHARD WALSH, by Mr. Wildsmith

1 Q. You are the present Chief, correct?

2 A. Yes.

3 Q. Would you not know whether records exist today in your office  
4 that relate to complaints filed in '70 or '71?

5 A. No.

6 Q. You don't know whether the records exist or are you saying that  
7 they don't exist at all?

8 A. I don't think they exist.

9 Q. Did you carry out any kind of review to determine whether such  
10 complaints presently exist in your departmental records?

11 A. No.

12 Q. Do you know anything from your personal knowledge outside of  
13 those records, which may not exist, about complaints concerning  
14 Sergeant MacIntyre in this time period of 19 -- say the late  
15 sixties and early seventies?

16 A. No, sir, I don't.

17 Q. Do you know complaints about any other officers of the Sydney  
18 Police Department in that time frame?

19 A. No, sir.

20 Q. Is it not the case that some officers were dismissed for thief  
21 in this rough time period of the late sixties early seventies?

22 A. Yes.

23 Q. Can you enlighten us on that to any extent?

24 A. In what way?

25

RICHARD WALSH, by Mr. Wildsmith

1 | THE CHAIRMAN:

2 | That seems to be getting away -- if any officer was dismissed for  
3 | theft, I would like some indication as to how you can tie that  
4 | into our, the terms of reference of this Commission.

5 | MR. WILDSMITH:

6 | It may have something to do with the degree of, of training,  
7 | recruitment and of supervision of the general force at that time  
8 | but if your Lordships don't want, don't wish to hear on that, I'll  
9 | be happy to leave it go.

10 | MR. CHAIRMAN:

11 | We're governed by the terms of reference. We had to keep some sort  
12 | of semblance of, of relevancy, Mr. Wildsmith. And while I'm not  
13 | restricting the cross-examination --

14 | MR. WILDSMITH:

15 | Certainly. I'm not anxious to pursue it, if My Lordships, don't  
16 | wish to do this.

17 | MR. CHAIRMAN:

18 | No, no.

19 | BY MR. WILDSMITH:

20 | Q. Let me turn to a different form of complaints, Chief. Are you  
21 | aware of complaints from Indians about their treatment at the  
22 | hands of the Sydney Police Department?

23 | A. Sir, I was a constable in those days and that type of complaint  
24 | would probably have gone either to a ranking officer or to the  
25 | chief of police of the day. And I'm certainly not familiar

RICHARD WALSH, by Mr. Wildsmith

1 with it. I'm not trying to avoid your questions but I just  
2 don't feel that I have the answers to answer the question. All  
3 I can give you an accounting for is my own period in that chair.

4 Q. Okay.

5 MR. WILDSMITH:

6 My Lords, I have copies here of a particular complaint sheet, which  
7 I understand was delivered to the chief of police, in the time frame  
8 of 1970 - 1971. This officer is indicating he has no knowledge  
9 about the fact that this complaint was filed. What I would like  
10 to do, although we could reserve this until the person who  
11 delivered this complaint, Roy Gould, takes the stand. Or what I  
12 would like to do at this officer, is read through this complaint.  
13 See if he has any personal knowledge himself of the incidents that  
14 are referred to and whether he himself was a participant in any of  
15 the incidents that are mentioned in this sheet.

16 MR. CHAIRMAN:

17 My concern is that this officer has just indicated that he knows  
18 nothing about it.

19 MR. WILDSMITH:

20 He knows nothing about the complaints but he may know something  
21 about the incidents.

22 MR. CHAIRMAN:

23 Well, try -- pardon -- name the incident but I think it would be  
24 unfair to whoever the parties concerned are. If that information  
25 came before the Commission by someone who has no knowledge of it.

RICHARD WALSH, by Mr. Wildsmith

1 | If we can get better and more direct evidence from the person or  
2 | persons who made the complaints. If there are indeed complaints.

3 | MR. WILDSMITH:

4 | Yes, the person who prepared this sheet is indeed living and is  
5 | existence and is here in Sydney.

6 | THE CHAIRMAN:

7 | All right.

8 | MR. WILDSMITH:

9 | There is scheduled to be one person who has knowledge through  
10 | receiving the complaints in his capacity as Chief of Membertou  
11 | Reserve and personally took these complaints to the Chief of  
12 | Police at that time.

13 | THE CHAIRMAN:

14 | I would prefer, you know, -- when the Commission has an opportunity  
15 | to follow the best evidence rule, then it certainly lends a great deal  
16 | more credibility to the evidence by introducing it through the  
17 | person or persons who have some direct knowledge.

18 | MR. WILDSMITH:

19 | My only concern is that perhaps this officer has some pertinent  
20 | knowledge because of his involvement.

21 | MR. CHAIRMAN:

22 | Well, all right, as I say what I want to avoid you indicated you're  
23 | going to read the whole statement through to him and --

24 | MR. WILDSMITH:

25 | Perhaps I could let him, I could mark it as exhibit and let him read  
it.

RICHARD WALSH, by Mr. Wildsmith

1 MR. CHAIRMAN:

2 Why don't you, why don't you ask him whether or not he has received  
3 any complaint from whomever the person is that you're going to  
4 refer to. Or alternatively, show it to the witness and we'll let  
5 him read it and if he says he can't identify it, then it won't be  
6 entered as an exhibit.

7 MR. WILDSMITH:

8 All right and maybe at the same time, I will ask the witness if he  
9 has any personal knowledge of the incidents that are referred to  
10 because of any involvement he may have had.

11 MR. CHAIRMAN:

12 All right.

13 BY MR. WILDSMITH:

14 Q. I show you a sheet, Chief Walsh; there's a signature at the  
15 end of it, Clarence Paul. I think from your previous  
16 testimony you have not seen this sheet before. Would you  
17 just take a moment and read through the sheets which I can  
18 provide to counsel as well.

19 MR. CHAIRMAN:

20 Do you have a typewritten copy?

21 MR. WILDSMITH:

22 No, I don't. I do intend to have it marked later on --

23 COMMISSIONER EVANS:

24 It can only be marked if he can identify it.

25 MR. CHAIRMAN:

It can only be entered if this witness can identify it, but there's

RICHARD WALSH, by Mr. Wildsmith

1 nothing wrong with circulating it amongst counsel; indeed, I would  
2 hope that counsel who would intend to introduce evidence of this  
3 kind will follow the practice of Commission Counsel; namely of  
4 giving all counsel ample opportunity to review the exhibits or  
5 the proposed exhibits before they're introduced because once --

6 MR. WILDSMITH:

7 Yes, this --

8 MR. CHAIRMAN:

9 -- where this -- I won't say differs from court, we want to  
10 assiduously avoid surprises.

11 MR. WILDSMITH:

12 This sheet just came into my possession the end of last week, My  
13 Lord.

14 BY THE WITNESS:

15 A. I have never seen this sheet before, sir.

16 BY MR. WILDSMITH:

17 Q. And have you read it through now to understand the incidents  
18 that are referred to?

19 A. Yes.

20 Q. And did any of thos incidences involve you?

21 A. I don't think so. I certainly don't recall.

22 Q. Thank you. Now Chief Walsh, the question that I asked Inspector  
23 McDonald was whether he had heard or used himself the word  
24 "Piute" in relation to Indians. Were you hear when that  
25 testimony was given?

RICHARD WALSH, by Mr. Wildsmith

1 A. Yes.

2 Q. And is that a word that you've heard used in relation to  
3 Indians?

4 A. I don't recall hearing that one.

5 Q. Is it one that you use yourself?

6 A. No, sir.

7 Q. What words do you recall hearing in relation to Indians?

8 A. Broken arrows, wagon burners. Don't ask me where and when.

9 Q. And, Chief Walsh, is it the case that you yourself have a  
10 nickname?

11 A. Yes, I do.

12 Q. What is that nickname, sir?

13 A. "Boots".

14 Q. And can you indicate why you understand you have that nickname?

15 A. Yes. Very simple. I grew up in the Whitney Pier district of  
16 Sydney and at that time when I was going to school, we had  
17 to cross a lot of ponds to -- and I was continually going to  
18 school wet because we were jumping ice claspers and so on,  
19 so my dad who worked on the plant got me a pair of leather  
20 boots, feeling that if he gave me the leather boots, I  
21 wouldn't get them wet. And the nickname stuck.

22 Q. It doesn't have anything to do with --

23 MR. CHAIRMAN:

24 No one can accuse me of restricting the rule of relevancy.

25 MR. WILDSMITH:

With that, My Lord, those are all my questions.

RICHARD WALSH, by Mr. Spicer, by Mr. Chairman

1 MR. CHAIRMAN:

2 Mr. Spicer, do you have any redirect?

3 MR. SPICER:

4 No, My Lord, but I didn't understand the second name that he  
5 ascribed. I heard Broken Arrows and didn't hear the second one.

6 BY MR. SPICER:

7 Q. Just a minute ago when you were asked names that -- What was  
8 it? Wagon --

9 A. Burners.

10 Q. Okay, I didn't hear that.

11 MR. CHAIRMAN:

12 You have no --

13 MR. SPICER:

14 No more.

15 BY MR. CHAIRMAN:

16 Q: Just a couple of things I -- questions I want to put to you,  
17 Chief, one with reference to -- at page 90 of the exhibit  
18 book 16. You had indicated that that was a communication from  
19 the Sydney Detachment of the Royal Canadian Mounted Police to  
20 their divisional headquarters in Halifax. Was there a  
21 detachment of the R.C.M.P. in Sydney at that time?

22 A. Yes, sir.

23 Q. They were not in -- And did they have any municipal policing  
24 contract or responsibility?

25 A. No. No. The R.C.M.P. building and the officers are still



RICHARD WALSH, by Mr. Chairman

1           stationed on Alexandra Street inside our boundaries.

2           Q. But is that -- are they designated as the Sydney Detachment  
3           of the R.C.M.P.?

4           A. I believe they're referred to as the Sydney Detachment.

5           Q. Okay, I --

6           A. At this point in time, they might have been stationed on the  
7           Esplanade. I'm not sure.

8           Q. No, I'm not concerned about where they were stationed. My  
9           understanding is that there is -- in some provinces, you'll  
10          find municipal policing contracts covering the R.C.M.P.  
11          operations and then there's the provincial contract.

12          A. Yes.

13          Q. And I assume from what you've said that there was no municipal  
14          policing contract for Sydney or the municipalities nearby with  
15          the R.C.M.P. in 1971.

16          A. No.

17          Q. The other -- you had indicated that as the Reserve was part  
18          of the -- came within the Municipal boundaries of Sydney  
19          that it was the responsibility in 1971 of the City to provide  
20          all municipal services which would include policing. I'm  
21          left with the impression that the policing of the Reserve  
22          was pretty much left to the police -- member of the Reserve  
23          had been appointed by the Band Council. Is that correct?

24          A. No, I don't think so, your Honour. We went to the Reserve  
25          if we were called there. And I suppose as today if everything

RICHARD WALSH, by Mr. Chairman

1 is peaceful and so on, we would not spend too much time in  
2 there.

3 Q. When you're cars or your police cars are on patrol --

4 A. They would take a drive through.

5 Q. Do you include the Reserve in the patrol?

6 A. Oh, yes, they'd take a drive in and so on.

7 Q. They drive through the same as they would any other part of  
8 the City of Sydney?

9 A. That's right.

10 Q. All right. Last thing. You indicated that you followed the  
11 ambulance to the hospital-carried Sandy Seale there. And  
12 you were, I think you said, in the operating room or some  
13 room when he was undressed?

14 A. What I said is that we went into the out-patient's with Sandy  
15 Seale and helped undress him there that evening assisting also  
16 with Leo Curry the ambulance operator.

17 Q. Well, after Sandy Seale had been undressed or at least after  
18 his outer clothing had been removed, what happened to it?

19 A. I don't know, sir. It was left there and we left that room  
20 because he was getting -- they were going to prepare him for  
21 surgery.

22 Q. Well, ordinarily when you bring -- when a person comes into  
23 the police station or a person is injured and you remove the  
24 clothing, is it the practice or is it not the practice to  
25 take possession of all personal belongings and mark them and --

RICHARD WALSH, by Mr. Chairman

1 so that there would be a record of what was on the person at  
2 the time?

3 A. That could have been done there by Sergeant MacDonald who was  
4 at the hospital. But it was not done by myself.

5 Q. You were there?

6 A. I was there.

7 Q. In the room?

8 A. Yes. But we had to leave the room because they were getting,  
9 getting him ready and they wanted us out and there was --  
10 we had to leave the room.

11 Q. Like I can see why you had to leave the room, but again, my  
12 interpretation of your evidence is that, you didn't leave  
13 the room until after his clothing or at least the outer  
14 clothing had been removed?

15 A. Yes, that's probably true.

16 Q. Well, you -- did you find anything in Sandy Seale's pockets?

17 A. I never searched his clothing, sir.

18 Q. Nor did anyone in your presence?

19 A. No, sir.

20 Q. And you have no idea what happened to his personal belongings  
21 whether they were secured or turned over to his family or  
22 what?

23 A. No, sir, I don't.

24 Q. Okay, that's all, thank you.

25