

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

The Honourable Justice /
L'honorable juge
G. Normand Glaude

Commissaire

VOLUME 124

Held at :

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

Monday, August 13, 2007

Tenue à:

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

Lundi, le 13 août 2007

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Mr. Pierre Dumais	Commission Counsel
Ms. Maya Hamou	
Mr. John E. Callaghan	Cornwall Police Service Board
Ms. Suzanne Costom	Ontario Provincial Police
Ms. Diane Lahaie	
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Elizabeth MacLennan	
Mr. Allan Manson	Citizens for Community Renewal
Ms. Helen Daley	
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Ms. Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association

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P-572B	(713593) Videotaped interview (Part 2) - RonLeroux w/ counsel Charles Bourgeois / OPP - Dan Anthony and Cathy Bell - Dated February 7, 1997	11
P-573A	(712800) Videotaped interview (Part 3) (16 minutes) - Ron Leroux w/ counsel Charles Bourgeois / OPP Dan Anthony and Cathy Bell - Dated February 7, 1997	12
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1 --- Upon commencing at 2:05 p.m./

2 L'audience débute à 14h05

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

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

8 Please be seated. Veuillez vous asseoir.

9 ---STATEMENT BY THE COMMISSIONER/DÉCLARATION PAR LE
10 COMMISSAIRE:

11 **THE COMMISSIONER:** I'm glad to see I'm not
12 the only one that's rusty this afternoon.

13 (LAUGHTER/RIRES)

14 **THE COMMISSIONER:** Good afternoon, everyone.
15 I hope counsel and those in attendance had some opportunity
16 for a restful break at some time over the last four or five
17 weeks.

18 I would like to take a brief opportunity to
19 speak to those of you who are here today or observing
20 through the webcast. I find it useful after a break to
21 regularly review our work schedule in the public domain so
22 that there is a shared understanding of what to expect and
23 also to keep the public informed.

24 This week and the following week of August
25 20th, we will be completing testimony given by individuals

1 who were victims or alleged victims of childhood sexual
2 abuse. This has been an important part of the work to date
3 and we expect to complete before Labour Day.

4 We will also complete context evidence work
5 by hearing from the Catholic District School Board of
6 Eastern Ontario during the month of September.

7 We have had a series of experts providing
8 key background information related to the work of this
9 Inquiry. Later this month and in September, we will hear
10 expert witnesses in respect to the Roman Catholic Church.
11 We expect this testimony be completed by September 13th of
12 2007.

13 It is my intention to update you again the
14 week of September 17th when we start the community context
15 part of the Inquiry's schedule of evidence. I will be
16 taking time that day to convey a thorough understanding of
17 this Inquiry's schedule as we move to complete our
18 hearing's mandate, including the addition of more hearing
19 time to complete our goals.

20 I will also be taking the opportunity to
21 provide updates on progress and plans for Phase II work,
22 "Renewal in Cornwall".

23 Moving back to our current work, at our last
24 sitting date, Friday, June 29th, 2007, we had moved in
25 camera to view certain videotapes related to interviews of

1 Mr. Ron Leroux, one taken by Mr. Dunlop and two by OPP
2 officers. We did not complete viewing these videotapes,
3 and so we will be moving back into an in camera session to
4 complete this work.

5 I would note that I have already ruled that
6 these videotapes would be heard in camera because the names
7 of certain individuals are mentioned. These names are
8 already subject to monikers and publication bans.

9 Now, before rising to change into the in
10 camera setting, we will be airing the audiotape. We will,
11 after that, rise and go into the in camera session. I have
12 already ruled that the audiotape is not subject to any
13 confidentiality measures or publication ban and should be
14 heard in public, and any remaining cross-examination of Mr.
15 Leroux will be completed this week.

16 I remind any individuals in attendance in
17 person today that only those who have signed party
18 undertakings in respect to confidentiality may remain
19 during the in camera sessions of the Inquiry.

20 Accordingly, Madam Clerk -- well, unless --
21 let's hear from Mr. Dumais. Are there any other opening
22 remarks from you?

23 **MR. DUMAIS:** Just a few housekeeping
24 matters, Commissioner.

25 **THE COMMISSIONER:** Thank you.

1 --- PRELIMINARY MATTERS BY/MATIÈRES PRÉLIMINAIRES PAR MR.
2 PIERRE DUMAIS

3 **MR. DUMAIS:** As has been our practice, I
4 would like to introduce a new face, Commissioner. There is
5 a new counsel that will be representing the interests of
6 Mr. Jacques Leduc. Her name, I'm advised, is Danielle
7 Robitaille.

8 **THE COMMISSIONER:** Bonjour, Madame
9 Robitaille.

10 **MR. DUMAIS:** She's standing, and she will be
11 replacing Jill Makepeace.

12 **THE COMMISSIONER:** Thank you.

13 **MR. DUMAIS:** A few other housekeeping
14 matters, Commissioner, which deal more specifically with
15 the next witness coming up or the witness that we started
16 at the end of June, Mr. Leroux, over time we have had some
17 exchange of correspondence between Commission counsel and
18 his therapist, Dr. Wayne Nadler. One of the last pieces of
19 correspondence that we received is dated July 30th, 2007.
20 Following the receipt, in the review of this
21 correspondence, which was addressed by Mr. Engelmann, we
22 communicated with Mr. Nadler and we indicated that we felt
23 duty bound to disclose the contents of that correspondence
24 to all the other parties. We advised Dr. Nadler. He
25 indicated that he had some difficulty with that and he

1 believed his correspondence to be protected under the
2 *Personal Health Information Protection Act*.

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

4 **MR. DUMAIS:** And that he wished to have some
5 sort of proceeding or at least the issue determined.

6 So we still feel duty bound to disclose that
7 correspondence to the parties, Commissioner, and we have
8 not done so yet.

9 Now, my suggestion would be to have this
10 argument made this week, and I was proposing to have the
11 argument first thing Wednesday morning at 9:30 a.m. so that
12 it doesn't delay us.

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

14 **MR. DUMAIS:** So I've not advised Dr. Nadler
15 of that yet, but if you're in agreement with that, I'm
16 proposing to communicate with him this afternoon and to
17 advise him of that. If he wishes to be represented by
18 counsel, he can do so as well.

19 You should know as well, Commissioner, that
20 we were in contact with Mr. Leroux's counsel, Mr. Dave
21 Williams, and as late as Friday night, we did explain our
22 position. His position at that time is that he supported
23 our position. He felt that we should disclose this
24 correspondence.

25 However, since then, we received two new

1 pieces of correspondence over the weekend, so on August 11th
2 and August 12th, and we have not yet been in contact with
3 Mr. Williams. So I intend to forward those two new pieces
4 of correspondence which were addressed personally to you,
5 Commissioner, and as has been our practice in the past,
6 correspondence, although addressed to you, is not given to
7 you or released to you unless it is so ordered by you.

8 So I propose to send him these two new
9 pieces of correspondence in fairness and I'm going to ask
10 him to have either him attend on Wednesday as well or have
11 someone from his law firm attend so that we can have
12 everyone in the same room and have the argument out.

13 **THE COMMISSIONER:** Okay. So you may also
14 add my -- how would I say -- I used to say that in criminal
15 court -- we'll invite the law firm in a more formal way and
16 ask them to attend because if there's something important
17 that Mr. Leroux -- affects Mr. Leroux's rights, I think he
18 should have legal representation at that time.

19 So let's set aside 9:30 Wednesday morning to
20 be able to discuss that issue.

21 **MR. DUMAIS:** All right.

22 **THE COMMISSIONER:** All right.

23 **MR. DUMAIS:** Thank you, Commissioner.

24 **THE COMMISSIONER:** Thank you.

25 **MR. MANSON:** Mr. Commissioner, can I address

1 this?

2 **THE COMMISSIONER:** Sure.

3 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ALLAN MANSON:

4 **MR. MANSON:** I have no idea what this is
5 about.

6 **THE COMMISSIONER:** Neither do I.

7 **MR. MANSON:** But I'm in the middle of my
8 cross-examination of Mr. Leroux and, quite appropriately,
9 we broke to watch the tapes. I'm doing a quick calculation
10 of the time involved. I would hope that I would be able to
11 resume the cross-examination before Wednesday morning.

12 **THE COMMISSIONER:** Oh no. Oh, before
13 Wednesday morning? I'm told there's about seven hours of
14 listening pleasure.

15 **MR. MANSON:** My only concern is that should
16 this issue in any way affect Mr. Leroux's testimony, I
17 would like to be able to address it before I resume.

18 **THE COMMISSIONER:** Absolutely. No doubt
19 about it.

20 **MR. MANSON:** That's point number one.

21 So you're thinking that we will be spending
22 this afternoon and tomorrow in a passive mode?

23 **THE COMMISSIONER:** Exactly.

24 **MR. MANSON:** My other point is remind me of
25 the date of the audiotape that we're about to hear?

1 MR. DUMAIS: I will do that.

2 THE COMMISSIONER: Thank you.

3 MR. MANSON: My point is ---

4 MR. DUMAIS: May 30th, '97.

5 MR. MANSON: Yes, that's what I thought.

6 See, we're hearing them out of sync.

7 THE COMMISSIONER: Oh, no, that's not my
8 intention. That's not my intention.

9 The way I had written up my little comments
10 was that we were going to go in camera and then do the
11 audio, but then someone told me this morning that I had it
12 backwards. So by ---

13 MR. MANSON: I will sit down.

14 THE COMMISSIONER: No, no, let's be clear
15 here. I want them in sequence. So which one comes next?

16 MR. DUMAIS: February 7th.

17 MR. MANSON: Thank you, Mr. Commissioner.

18 THE COMMISSIONER: So what's coming on next?

19 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PIERRE DUMAIS:

20 MR. DUMAIS: As much as I hate to admit it,
21 Commissioner, I made a mistake.

22 THE COMMISSIONER: You did?

23 MR. DUMAIS: I did.

24 THE COMMISSIONER: Oh God.

25 MR. DUMAIS: And Mr. Manson is quite

1 correct, the next chronological videotape is the one that's
2 been filed -- or the transcript has been filed as Exhibit
3 572.

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

5 **MR. DUMAIS:** As I understand it, that's a
6 videotape that was made on February 7th, 1997. It is two
7 hours and four minutes, and there's a subsequent videotape
8 that follows this one, and that's Exhibit 573, and was made
9 on February 7th, '97 as well, and that videotape is 17
10 minutes.

11 **THE COMMISSIONER:** Okay. So that would take
12 care of today?

13 **MR. DUMAIS:** That would ---

14 **THE COMMISSIONER:** The only reason I'm
15 trying to coordinate this is for the people on the webcast,
16 because if it's in camera, then we can tell them now to
17 come back tomorrow morning at 9:30.

18 **MR. DUMAIS:** That's correct, Commissioner.

19 So this videotape has to be heard in an in
20 camera session, as per your ruling back in June. Following
21 those two videotapes, there is one audiotape which can be
22 heard on the web, and it's a videotape -- an audio tape,
23 sorry, that is dated May 30th, 1997. I'm advised it's about
24 30 minutes in length.

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

1 **MR. DUMAIS:** And the last videotape is one
2 that is dated November 25th, 1997 and that's Exhibit 574,
3 and that should be heard in camera as well, and that's a
4 three-hour long videotape.

5 **---RULING ON MATTERS OF THE VIDEOTAPE PROCEEDING BY THE**
6 **COMMISSIONER/DÉCISION SUR LA MATIÈRE DES PROCÉDURES DE**
7 **VIDEOCASSETTE PAR LE COMMISSAIRE:**

8 **THE COMMISSIONER:** All right.

9 So in answer to your question, Mr. Manson,
10 what I suggest -- what I had thought of when I got wind of
11 all of whatever it was that we're talking about is that we
12 would take the time to hear all of the videos and see all
13 the videos, and if there's an hour or two tomorrow
14 afternoon, it may be a good time for people to talk about
15 the issue that we're going to be dealing with at 9:30 the
16 next morning. It may be that constructive minds can
17 resolve that issue. I don't know, but I thought we'd give
18 you people some time to talk about that.

19 All right? So unfortunately for those
20 people on the webcast, we will be going in an in camera
21 session immediately, which means that we will be coming
22 back tomorrow morning at 9:30. At 9:30, we will be
23 listening to the audiotape of a conversation between Mr.
24 Dunlop and Mr. Leroux, and then we will go back into an in
25 camera session to hear the rest of the -- to see and hear

1 the rest of the videotapes.

2 All right.

3 **MR. DUMAIS:** So just before we break,
4 Commissioner, if we can just -- with respect to the
5 transcript that we are about to hear this afternoon, it has
6 been filed as an exhibit already, 572.

7 **THE COMMISSIONER:** Yes.

8 **MR. DUMAIS:** I suggest that we do as we did
9 back in June, that it be filed -- or that it be amended to
10 read 572(a) and that the actual videotape that we're going
11 to hear today be marked as 572(b).

12 **THE COMMISSIONER:** Yes.

13 **--- EXHIBIT NO./PIÈCE NO. P-572(A):**

14 (712799) Videotaped interview (Part 1)
15 (2:04 hours) - Ron Leroux w/ counsel Charles
16 Bourgeois / OPP - Dan Anthony and Cathy Bell
17 - Dated 07 Feb 1997

18 **--- EXHIBIT NO./PIÈCE NO. P-572(B):**

19 (713593) Videotaped interview (Part 2) - Ron
20 Leroux w/ counsel Charles Bourgeois / OPP -
21 Dan Anthony and Cathy Bell - Dated February
22 7, 1997

23 **MR. DUMAIS:** And the same scenario with the
24 second videotape. So 573(a) would be the transcript and
25 573(b) the videotape.

1 --- EXHIBIT NO./PIÈCE NO. P-573(A):

2 (712800) Videotaped interview (Part 3) (16
3 minutes) - Ron Leroux w/ counsel Charles
4 Bourgeois / OPP Dan Anthony and Cathy Bell -
5 Dated February 7, 1997

6 --- EXHIBIT NO./PIÈCE NO. P-573(B):

7 (713584) Videotaped interview (Part 4) - Ron
8 Leroux w/ counsel Charles Bourgeois / OPP
9 Dan Anthony and Cathy Bell - Dated February
10 7, 1997

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

12 So we'll now adjourn for 10 minutes or 15.

13 Let me know whenever you're ready to conduct the in camera
14 session.

15 Thank you.

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

18 The hearing will resume at 2:30 in camera.

19 --- Upon adjourning at 2:19 p.m. to resume in camera/

20 L'audience est ajournée à 14h19 pour reprendre à huis
21 clos

22

23

24

25

C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM