

**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 130

Held at :

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

Thursday, August 23, 2007

Tenue à:

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

Jeudi, le 23 août 2007

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Raija Pulkkinen	Commission Counsel
Ms. Maya Hamou	
Mr. John E. Callaghan	Cornwall Police Service Board
Mr. Mark Crane	
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
Mr. David Rose	Ontario Ministry of Community
M ^e Claude Rouleau	and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Stephen Scharbach	
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Giuseppe Cipriano	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Me Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. R. Paul Marshall	Catholic District School Board
Mr. Pradeep Chand	Mr. Ron Leroux

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P-614	Application of Standing and Funding Re: Ron Leroux	3

1 --- Upon commencing at 10:02 a.m./

2 L'audience débute à 10h02

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 **THE COMMISSIONER:** Thank you. Good morning
10 all.

11 Mr. Engelmann.

12 **THE COMMISSIONER:** Good morning, Mr.
13 Commissioner.

14 **MR. ENGELMANN:** So Mr. Chand is back with us
15 this morning to my immediate right ---

16 **THE COMMISSIONER:** Yes.

17 **MR. ENGELMANN:** --- counsel for Mr. Leroux.

18 **THE COMMISSIONER:** Yes.

19 **MR. ENGELMANN:** Sir, you recall last week
20 you heard a motion dealing with a request that Mr. Leroux
21 be excused from further cross-examination. We reserved
22 until today. You had also asked for the provision of --
23 you had suggested that counsel obtain a psychiatric report
24 to provide you with some further medical evidence to assist
25 you in making that decision.

1 I can advise, sir, that I did receive a call
2 from Mr. Chand yesterday. He indicated to me that there
3 would be no report this morning. He did indicate -- and
4 I'll let him speak to it -- that an appointment has been
5 made for Mr. Leroux to see someone in Ottawa, I believe
6 next Monday. But I'll let him speak to that, sir.

7 **THE COMMISSIONER:** Thank you.

8 **MR. ENGELMANN:** So I believe he will be
9 asking you for further time before you make your final
10 decision on his request.

11 He has also filed an application for
12 standing and funding so that Mr. Leroux can have standing
13 as a party in this Inquiry, and perhaps I will turn it over
14 to him to speak to both on those issues.

15 **THE COMMISSIONER:** Could I see the
16 application please?

17 **MR. ENGELMANN:** Yes. Madam Clerk has
18 copies.

19 **THE COMMISSIONER:** And that will be filed as
20 what, now?

21 **MR. ENGELMANN:** Could that be the next
22 exhibit sir?

23 **THE COMMISSIONER:** Well, do we not segregate
24 applications for standing?

25 **MR. ENGELMANN:** You know, I asked -- I asked

1 our registry office that question and the applications for
2 standing and funding that have been made subsequent have
3 simply been given exhibit numbers in the normal course.

4 This is certainly a motion, sir, or an
5 application. We could give it a separate exhibit number if
6 you feel it's appropriate.

7 **THE COMMISSIONER:** Well, if we have done --
8 no, it's okay.

9 **MR. ENGELMANN:** We have done that in the
10 past with the subsequent applications.

11 **THE COMMISSIONER:** Six hundred and fourteen
12 (614) is the application for standing on behalf of Mr.
13 Leroux.

14 --- **EXHIBIT NO./PIÈCE NO. P-614:**

15 Application of Standing and Funding re:
16 Ron Leroux

17 **MR. ENGELMANN:** Sir, there is a Book of
18 Authorities that I believe may have been filed this
19 morning. I'm just seeing it now. I don't know if the
20 clerk has copies of it.

21 Do you have additional copies, sir?

22 **THE COMMISSIONER:** I'm sorry?

23 **MR. ENGELMANN:** Mr. Chand has just given me
24 a Book of Authorities and apparently he has provided it to
25 the parties. I don't know if he has made the requisite

1 numbers for the Commission pursuant to the rules.

2 I'll let him speak to that, sir.

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

4 **MR. ENGELMANN:** I don't know if he has
5 provided copies for you and the Registry Officer.

6 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PRADEEP CHAND:**

7 **MR. CHAND:** Yes, good morning, Mr.
8 Commissioner.

9 I have -- with respect to the Book of
10 Authorities I have provided a copy to all parties that are
11 here today. I have provided one copy as well to Commission
12 counsel. I have an extra copy here that I'm able to
13 provide to you, sir, at this point.

14 **THE COMMISSIONER:** Thank you. Thank you.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 Go ahead, sir.

17 **MR. CHAND:** Yes, Mr. Commissioner.

18 If I can just simply address the issue of
19 the IME, if you'd like me to now address the issue of the
20 IME report.

21 **THE COMMISSIONER:** Which is the independent
22 medical examination?

23 **MR. CHAND:** That's correct, yes.

24 **THE COMMISSIONER:** Yes.

25 **MR. CHAND:** Now, in light of your remarks

1 last week we have now been able to canvass and investigate
2 further to see if -- basically to determine the feasibility
3 of Mr. Leroux going to have an independent medical
4 examination.

5 And, as a result of our investigation we
6 have been able to locate a doctor in the Ottawa area. And
7 I have provided the parties with a copy of that particular
8 doctor's resumé as well as confirmation indicating that Dr.
9 Ken Welburn, who is a psychologist in the Ottawa area -- I
10 must also say that he is a specialist in the area of PTSD,
11 posttraumatic syndrome/stress syndrome as well as the issue
12 of sexual assault. And as a result, he is prepared to see
13 Mr. Leroux on Monday, August 27th at 11 a.m. That was the
14 earliest appointment that I could arrange with this
15 particular doctor.

16 I will also state that I canvassed other
17 specialists both in the Ottawa area and my counterparts in
18 London also; tried to determine whether there is an
19 appropriate person in the London area that could see Mr.
20 Leroux and it was difficult to arrange such an appointment
21 within the timeframe. Some of the doctors that I did call
22 happened to be away on vacation and this was one doctor
23 that was willing to see him but the earliest possible date
24 was Monday the 27th.

25 I'm able to provide you at this point with a

1 copy of Dr. Ken Welburn's CV as well as a letter confirming
2 Mr. Leroux's appointment on Monday, August the 27th.

3 **THE COMMISSIONER:** Exhibits, please?

4 Go ahead.

5 **MR. CHAND:** Yes. In light of those
6 submissions, Mr. Commissioner, we would be asking for an
7 adjournment in order to give Dr. Welburn the opportunity to
8 assess Mr. Leroux and provide a report by the end of next
9 week. I've received assurances from Dr. Welburn that he
10 will do his best to get it done within one or two days, but
11 at the most it would be completed by the end of next week.

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

13 **MR. CHAND:** Those are my remarks on that
14 issue, Mr. Commissioner.

15 --- **RULING ON ADJOURNMENT BY THE COMMISSIONER/DÉCISION**
16 **CONCERNANT L'AJOURNEMENT PAR LE COMMISSAIRE**

17 **THE COMMISSIONER:** All right.

18 Anybody else wish to comment with respect to
19 the request for an adjournment?

20 Thank you. I will very reluctantly grant
21 you that adjournment. I know that you are new to this
22 Inquiry and we measure time in hours and days as much as
23 possible. And while I am disappointed, I suppose, that we
24 cannot deal with this matter today, especially since other
25 positions have been suggested that were quite capable and

1 willing of having the matter dealt with, with an
2 appointment setup and a report done as quickly as possible
3 and we'll see what the report says.

4 But I am telling you now, though, that the
5 report needs to be prepared and done by next week.

6 So Mr. Engelmann, dates when we can?

7 **MR. ENGELMANN:** Sir, we have obviously
8 witnesses scheduled for the dates when this will be coming
9 back. We are here next Thursday, Wednesday -- well, we are
10 here all of next week.

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

12 **MR. ENGELMANN:** We could -- we could perhaps
13 deal with this matter sometime on the 30th.

14 **THE COMMISSIONER:** The 30th is?

15 **MR. ENGELMANN:** Thursday.

16 **THE COMMISSIONER:** Yes.

17 **MR. ENGELMANN:** We anticipate we will be in
18 the evidence of a church context expert at that time but we
19 could have the report spoken to or, sir, the next available
20 date we have is in the afternoon of September 10th.

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

22 **MR. ENGELMANN:** And depending on your
23 decision we have witnesses that we have set up for that
24 time, or if Mr. Leroux was to continue with his testimony
25 he could do so that afternoon.

1 There is also the possibility, again I'm
2 just thinking about when this report is going to be done,
3 if it is not done until Thursday or Friday of next week --
4 if it's done on Thursday, it could be spoken to on
5 Thursday. If it is not, if it's done on Friday, we are
6 inevitably looking at September 10th, which is a Monday or
7 coming back on a non-scheduled hearing date to deal with
8 this matter.

9 If we were to deal with the matter and hope
10 to continue either with Mr. Leroux' evidence or with
11 someone else's, perhaps it is more appropriate the
12 afternoon of September 10th.

13 I'm in your hands, sir.

14 **THE COMMISSIONER:** No, I want to deal with
15 this matter as quickly as possible.

16 **MR. ENGELMANN:** All right.

17 **THE COMMISSIONER:** So I would say next
18 Thursday -- next Thursday at 2:00 p.m.

19 **MR. ENGELMANN:** All right.

20 **THE COMMISSIONER:** Mr. Manson.

21 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ALLAN MANSON:**

22 **MR. MANSON:** I would suggest a condition on
23 the adjournment.

24 **THE COMMISSIONER:** What's that?

25 **MR. MANSON:** In that it relates to the

1 distribution of the report.

2 THE COMMISSIONER: M'hm.

3 MR. MANSON: If we are going to speak to
4 this matter next Thursday at 10:00 ---

5 THE COMMISSIONER: At 2:00.

6 MR. MANSON: At 2:00 rather, is there any
7 reason why we can't get the report by next Monday or
8 Tuesday, and that it be distributed?

9 THE COMMISSIONER: Well, he is seeing the
10 witness on Monday.

11 MR. MANSON: On Monday, yes.

12 THE COMMISSIONER: So if he sees him on
13 Monday, he gets Tuesday to write up the report. So
14 Wednesday at 4:00?

15 MR. MANSON: Wednesday at 4:00 is better
16 than Thursday at 2:00. Thank you.

17 THE COMMISSIONER: All right. Report to be
18 prepared and distributed by Wednesday at five o'clock.

19 MR. CHAND: Mr. Commissioner, as you well
20 know, I also filed an Application for Standing and Funding.
21 Would you rather me address that issue at that time?

22 THE COMMISSIONER: Sure.

23 MR. CHAND: Okay. Thank you.

24 THE COMMISSIONER: Okay, great. Thank you.

25 MR. ENGELMANN: So sir, Wednesday at 5:00

1 for distribution of the report to the Commission and all
2 parties; Thursday at 2:00 p.m. to hear the continuation of
3 this motion on whether or not he should be excused and also
4 the Standing and Funding Motion at that time.

5 **THE COMMISSIONER:** Yes. All right. Thank
6 you.

7 **MR. ENGELMANN:** If we could take a short
8 break then.

9 **THE COMMISSIONER:** Yes.

10 **MR. ENGELMANN:** So that I can bring my
11 materials in and go back with the evidence of the current
12 witness.

13 **THE COMMISSIONER:** Thank you.

14 **THE REGISTRAR:** Order. All rise. À
15 l'ordre. Veuillez vous lever.

16 The hearing will resume at 10:30.

17 --- Upon recessing in public at 10:15 a.m. to resume in
18 camera/

19 L'audience est suspendue en public à 10h15 pour
20 reprendre à huis-clos

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

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I, Marc Demers a certified court reporter inthe 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, Marc Demers, 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.



Marc Demers, CVR-CM