

**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 235

Held at :

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

Monday, June 2 2008

Tenue à:

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

Lundi, le 2 juin 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Mary Simms	Commission Counsel
Ms. Suzanne Sinnamon	
Mr. Peter Manderville	Cornwall Community Police
Ms. Reena Lalji	Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Jodie-Lynn Waddilove	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Cst. René Desrosiers	Cst. René Desrosiers

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
RENÉ DESROSIERS, Resumed/Sous le même serment	1
Examination in-Chief by/Interrogatoire en-chef par Ms. Mary Simms(cont'd/suite)	1
Statement by/Déclaration par Cst. René Desrosiers	163
Cross-Examination by/Contre-interrogatoire par Ms. Helen Daley	165

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1717	(117081) - Transcript of Her Majesty the Queen vs. Marcel Lalonde - Preliminary Inquiry Vol III dated 15 Jan 98	5
P-1718	(728258) - Witness Statement of Rene Desrosiers to CPS dated 06 Oct 99	11
P-1719	(116797) - Letter from Donna Ptak to Claudette Wilhelm re disclosure request dated 09 March 98	15
P-1720	(117109) - Letter from D.C. Genier to T. Smith and P. Hall dated 29 Apr 98	22
P-1721	(116895) - Letter from D.C. Genier to Claudette Wilhelm dated 04 May 98 (1)	25
P-1722	(116897) - Letter from D.C. Genier to Claudette Wilhelm dated 04 May 98 (2)	25
P-1723	(116892) - Letter from Donna Ptak to Claudette Wilhelm dated 29 Sep 00	45
P-1724	(117293) - Will Say of D.C. Genier to OPP date unknown	64
P-1725	(107789) - Will Say of D.C. Genier to OPP re Dunlop date unknown	78
P-1726	(117099) - Notes of Rene Desrosiers dated 30 May 00 to 19 Jul 00	87
P-1727	(731891) - Chronology of Events - Cornwall - Dunlop Investigation	92
P-1728	(117103) - Notes of Rene Desrosiers dated 28 Aug 00 to 07 Sep 00	101
P-1729	(117104) - Witness Statement by C-8 dated 07 Sep 00	104

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1730	(117102) - Notes of Rene Desrosiers dated 12 Sep 00 to 13 Sep 00	109
P-1731	(733888) - Notes of Rene Desrosiers dated 14 May 98 to 03 Nov 99	116
P-1732	(728022) - Incident Summary re C-10 dated 03 Apr 98	117
P-1733	(733890) - Notes of Rene Desrosiers dated 22 Nov 99	154
P-1734	(733881) - Crown Brief re Carl Allen dated 18 Nov 99	156
P-1735	(119054) - Notes of Lynn Robinson re R. v. Carl Allen dated 27 Jul 00	161

1 --- Upon commencing at 1:06 p.m./

2 L'audience débute à 13h06

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
10 afternoon.

11 Good afternoon, Ms. Simms.

12 **MS. SIMMS:** Good afternoon.

13 **THE COMMISSIONER:** Is there a new -- for the
14 Attorney General, Ms. Waddilove?

15 **MS. WADDILOVE:** Yes.

16 **THE COMMISSIONER:** All right. Good morning
17 -- good afternoon again.

18 **MS. SIMMS:** And Suzanne Sinnamon is here
19 from the Commission is here with us today.

20 **THE COMMISSIONER:** Yes. Thank you.

21 **MS. SIMMS:** So we are just going to resume
22 with Constable Desrosiers.

23 **THE COMMISSIONER:** Yes.

24 **RENÉ DESROSIERS, Resumed/Sous le même serment:**

25 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

1 **SIMMS (cont'd/suite):**

2 **MS. SIMMS:** You acknowledge you're still
3 under oath, sir?

4 **MR. DESROSIERS:** Yes.

5 **MS. SIMMS:** Okay. So where we left off a
6 week ago on Friday, we were discussing the Marcel Lalonde
7 investigation?

8 **MR. DESROSIERS:** Yes.

9 **MS. SIMMS:** And just to get us back into
10 that, you'll recall we were discussing disclosure issues
11 with respect to that investigation?

12 **MR. DESROSIERS:** Yes.

13 **MS. SIMMS:** And to put that in context, I
14 understand that the trial that was originally scheduled for
15 September, 1999 -- sorry, October 4th, 1999 was adjourned
16 due to some late disclosure. Is that correct?

17 **MR. DESROSIERS:** Yes.

18 **MS. SIMMS:** Okay. So we were talking about
19 the beginning of your investigation and how you were
20 managing disclosure issues in conjunction with Detective
21 Constable Genier from the OPP?

22 **MR. DESROSIERS:** Yes.

23 **MS. SIMMS:** So I think we dealt with this
24 last time, but just to get us up-to-speed, there was some
25 disclosure provided by Constable Perry Dunlop to the OPP in

1 1997 and 1998 and you were not privy to what was being
2 provided by Constable Dunlop to the OPP. Is that correct?

3 **MR. DESROSIERS:** Correct, yes.

4 **MS. SIMMS:** Okay. And it was Constable
5 Genier who was taking care of any disclosure issues arising
6 with the OPP?

7 **MR. DESROSIERS:** Yes.

8 **MS. SIMMS:** Okay. So where we were when we
9 left off yesterday was the preliminary inquiry for Marcel
10 Lalonde, and that was held in January of 1998?

11 **MR. DESROSIERS:** Yes, it was.

12 **MS. SIMMS:** Okay. And you were involved in
13 prepping witnesses for that Inquiry?

14 **MR. DESROSIERS:** Yes, I was.

15 **MS. SIMMS:** And as I understand it, prior to
16 the preliminary inquiry, all of the charges were together
17 on a single information. Do you recall that?

18 **MR. DESROSIERS:** I don't recall that, but I
19 believe it was.

20 **MS. SIMMS:** Do you recall whether the
21 preliminary inquiry dealt with the charge laid by the OPP
22 as well as the CPS charges?

23 **MR. DESROSIERS:** Yes, I believe it did.

24 **MS. SIMMS:** It did? Okay.

25 And were you called as a witness yourself at

1 the preliminary inquiry?

2 MR. DESROSIERS: Yes, I was.

3 MS. SIMMS: And were you present in the
4 courtroom during the proceedings?

5 MR. DESROSIERS: Yes, I was.

6 MS. SIMMS: And that's the full proceedings?

7 MR. DESROSIERS: Yes.

8 MS. SIMMS: Okay. Was Constable Genier
9 present with you?

10 MR. DESROSIERS: I believe, yes, he was.

11 MS. SIMMS: So you would have been present
12 when Constable Dunlop gave evidence at the preliminary
13 inquiry?

14 MR. DESROSIERS: Yes.

15 MS. SIMMS: And I understand he was called
16 by the Defence to give evidence there?

17 MR. DESROSIERS: That's correct.

18 MS. SIMMS: I'm going to ask you to look at
19 the transcript from when he gave evidence and just point
20 out a couple of things. The transcript is Document Number
21 117081.

22 THE COMMISSIONER: Thank you.

23 Exhibit Number 1717 is a transcript of
24 proceedings, *Her Majesty the Queen v. Marcel Lalonde*.

25 MS. SIMMS: This should be marked "subject

1 to a publication ban" as well.

2 **THE COMMISSIONER:** It will be stamped. And
3 the date of the transcript is January 15th, 1998.

4 --- **EXHIBIT NO./PIÈCE NO. 1717:**

5 (117081) Transcript of *Her Majesty the Queen*
6 *v. Marcel Lalonde* - Preliminary Inquiry,
7 Volume III, dated January 15, 1998

8 **MS. SIMMS:** So, Constable Genier (sic), this
9 is a transcript from January 15th of 1998, the preliminary
10 inquiry. And you were present that day?

11 **MR. DESROSIERS:** Yes.

12 **MS. SIMMS:** Okay. I'm just going to ask you
13 to look at the Bates page ending 108.

14 **THE COMMISSIONER:** So that would be page 90?

15 **MS. SIMMS:** That's page 90, yes.

16 **THE COMMISSIONER:** And be careful with the
17 monikered person, C-8.

18 **MS. SIMMS:** Yes, sir.

19 There is a name referenced that we talked
20 about last time. His name is C-8 for the purposes of ---

21 **MR. DESROSIERS:** Yes. Okay.

22 **MS. SIMMS:** So this is the beginning of the
23 examination by defence counsel of Constable Dunlop and I
24 just wanted to note at the top of page 90, you see that
25 counsel -- he's referring to having been provided by the

1 Crown with a brief will-say statement. Do you see that?

2 MR. DESROSIERS: Yes.

3 MS. SIMMS: And I take it this would be the
4 will-say statement that you entered into OMPPAC in April of
5 1997. Is that right?

6 MR. DESROSIERS: Yes.

7 MS. SIMMS: Okay. And is that the -- that
8 was information you disclosed to the Crown?

9 MR. DESROSIERS: Yes, it would have been
10 disclosed.

11 MS. SIMMS: Okay. And if I can ask you to
12 look at page 92, halfway down that page you can see that
13 defence counsel is asking about C-8 again and states:

14 "And did C-8, at that time, provide you
15 with information concerning Marcel
16 Lalonde?"

17 THE COMMISSIONER: That's around line 17.

18 MR. DESROSIERS: Yes.

19 MS. SIMMS: Do you see that?

20 MR. DESROSIERS: Yes.

21 MS. SIMMS: And Constable Dunlop responds
22 that he doesn't have his notes from that time, but -- and
23 he goes on.

24 So there are now a series of questions about
25 the notes that he had. Do you see that?

1 **MR. DESROSIERS:** Yes.

2 **MS. SIMMS:** Is this the first that you were
3 aware that Constable Dunlop had some notes of these
4 contacts?

5 **MR. DESROSIERS:** Yes, it was.

6 **MS. SIMMS:** And on the following page, top
7 of 93, the questions are a little confusing, but you can
8 see he's asking about turning them over?

9 **MR. DESROSIERS:** Yes.

10 **MS. SIMMS:** And there's an answer saying:

11 "I turned them all over to the
12 Solicitor General, the Attorney
13 General, the OPP, Super-investigation.
14 Everybody's got them, everything I
15 have."

16 **MR. DESROSIERS:** Yes.

17 **MS. SIMMS:** So you were there when he
18 indicated that he had turned over materials to the OPP?

19 **MR. DESROSIERS:** Yes, I was.

20 **MS. SIMMS:** And if you could go to page 98,
21 if you could just quickly review what's on that page? So
22 it appears from this line of questioning by -- this is
23 Crown Wilhelm questioning Constable Dunlop.

24 **MR. DESROSIERS:** Yes, that's correct.

25 **MS. SIMMS:** And it appears from that line of

1 questioning that all she has in her possession is the will
2 say. Is that your understanding of what she possessed at
3 that time?

4 **MR. DESROSIERS:** Yes, it was.

5 **MS. SIMMS:** And just one further area that
6 was covered with Constable Dunlop at the preliminary
7 inquiry -- well, sorry, I should ask you to look at page 99
8 as well.

9 **MR. DESROSIERS:** Yes.

10 **MS. SIMMS:** And it's on that page that the
11 Crown asks Constable Dunlop to have the original notes
12 photocopied and disclosed. Do you see that at the top?

13 **MR. DESROSIERS:** Yes.

14 **MS. SIMMS:** And he agrees to do so?

15 **MR. DESROSIERS:** Yes.

16 **MS. SIMMS:** Okay.

17 And one other issue that comes up in the
18 preliminary inquiry is an issue with respect to contact
19 with C-8, and I would ask you to look at Bates -- sorry,
20 I'll just refer you to the page of the transcript which is
21 93.

22 **MR. DESROSIERS:** Yes.

23 **MS. SIMMS:** And at the very bottom of that
24 page, the last question, and this is again the defence
25 counsel, and he asks:

1 "At any time during the period June '96
2 to January of '97 did [C-8] make any
3 disclosures to you of the details?

4 Answer:

5 "No."

6 Question:

7 "As it related to Marcel Lalonde?"

8 Answer:

9 "Absolutely not."

10 Do you recall that coming up in the
11 testimony of Constable Dunlop?

12 **MR. DESROSIERS:** I read it here. Yes, that
13 I've seen, yes.

14 **MS. SIMMS:** So, I take it it was clear to
15 you, following that evidence that there was an issue with
16 respect to further notes or materials from Constable
17 Dunlop?

18 **MR. DESROSIERS:** That's correct.

19 **MS. SIMMS:** Was this discussed with the
20 Crown?

21 **MR. DESROSIERS:** Yes, it was.

22 **MS. SIMMS:** And when was that?

23 **MR. DESROSIERS:** That same day she directed
24 me to inquire with him.

25 **MS. SIMMS:** What exactly did she direct you

1 to do?

2 **MR. DESROSIERS:** She directed me to speak to
3 him, to have him turn over all disclosure, notes, newspaper
4 clippings that he would have in his possession, to me.

5 **MS. SIMMS:** Was there a discussion between
6 yourself and Constable Genier that day about this issue?

7 **MR. DESROSIERS:** That I can personally
8 recall, we may have had a conversation but I can't recall
9 for sure.

10 **MS. SIMMS:** I'm asking, Constable
11 Desrosiers, because it appears from Constable Dunlop's
12 answers that he says he's given materials to the OPP.

13 **MR. DESROSIERS:** Yes.

14 **MS. SIMMS:** So, would that be something you
15 would discuss with Constable Genier?

16 **MR. DESROSIERS:** In relation to Mr. Lalonde,
17 yes, I would have talked to him.

18 **MS. SIMMS:** But you can't specifically
19 recall whether you did or not?

20 **MR. DESROSIERS:** I cannot recall, no.

21 **MS. SIMMS:** Okay. I'm going to refer you to
22 a statement that's made some time later by yourself and
23 it's Document Number 728258.

24 And again, it should be marked subject to
25 publication ban.

1 **THE COMMISSIONER:** Thank you. The stamp
2 will be -- it will be stamped.

3 Exhibit 1718 is a statement from René
4 Desrosiers, taken on the 6th day of October 1999.

5 **--- EXHIBIT NO./PIÈCE No. P-1718:**

6 (728258) - Witness Statement of Rene
7 Desrosiers to CPS dated 06 Oct 99

8 **MS. SIMMS:** So this is some time later; the
9 actual Preliminary Inquiry was in January of '98 and this
10 is a statement you gave in October of '99.

11 **MR. DESROSIERS:** That's correct.

12 **MS. SIMMS:** Do you recall why you made this
13 statement?

14 **MR. DESROSIERS:** The Crown had asked me to
15 write down what I had -- had conversation with Mr. Dunlop.

16 **MS. SIMMS:** Okay, so you didn't have any
17 notes yourself, you don't have any contemporaneous notes?

18 **MR. DESROSIERS:** No.

19 **MS. SIMMS:** Okay. So, your statement says
20 that on January 16th you were directed by the Crown attorney
21 to request from Perry Dunlop all of his notes pertaining to
22 any meetings he had with C-8.

23 **MR. DESROSIERS:** Yes, that's correct.

24 **MS. SIMMS:** And then also copies of
25 newspaper articles.

1 **MR. DESROSIERS:** Yes.

2 **MS. SIMMS:** Okay. Was the request all of
3 his notes pertaining to meetings with C-8 in relation to
4 Marcel Lalonde or just all of his meetings with C-8?

5 **MR. DESROSIERS:** It was about meetings
6 involving Mr. Lalonde.

7 **MS. SIMMS:** Okay.

8 **MR. DESROSIERS:** To my recollection.

9 **MS. SIMMS:** So I understand that you --
10 according to your note -- your statement here, you made
11 that request?

12 **MR. DESROSIERS:** Yes, I did.

13 **MS. SIMMS:** And when was that?

14 **MR. DESROSIERS:** It was shortly, a few days
15 later, at the police station. I was walking in one of the
16 halls and he was in the Report Room working, he was on
17 shift that day, I believe, and I requested verbally to have
18 him turn over any materials involving C-8, in relation to
19 Marcel Lalonde.

20 **MS. SIMMS:** Okay. And also the newspaper
21 articles?

22 **MR. DESROSIERS:** Yes.

23 **MS. SIMMS:** And what was the response?

24 **MR. DESROSIERS:** He advised that he would
25 look and -- but that he had a lot of articles and they

1 would cost a lot of money for him to photocopy it.

2 I didn't make a note of it; I was in transit
3 when I met him and when I saw him I just stepped over to
4 see him in the Report Room but it was a couple of days
5 after the inquiry -- after the Preliminary Inquiry.

6 **MS. SIMMS:** So you don't have any notes of
7 this conversation?

8 **MR. DESROSIERS:** No.

9 **MS. SIMMS:** And did you make any follow-up
10 requests?

11 **MR. DESROSIERS:** I did in 1999.

12 **MS. SIMMS:** Well, let's stick with spring of
13 '98.

14 I'm going to get to some disclosure issues
15 that come up in March of '98, so let's say from January to
16 March, did you make any follow-up with Constable Dunlop?

17 **MR. DESROSIERS:** No, I did not.

18 **MS. SIMMS:** Okay. And there weren't any
19 written requests to him?

20 **MR. DESROSIERS:** No.

21 **THE COMMISSIONER:** Is there a reason why you
22 didn't follow-up?

23 **MR. DESROSIERS:** I assumed, Mr.
24 Commissioner, that he was going to turn these items over if
25 he had them in his possession, knowing that he's a police

1 officer and disclosure is a very important issue.

2 THE COMMISSIONER: Right.

3 MR. DESROSIERS: I continued ---

4 THE COMMISSIONER: He was supposed to give
5 them to you?

6 MR. DESROSIERS: Yes, he was to turn over to
7 me.

8 THE COMMISSIONER: M'hm.

9 MR. DESROSIERS: And we were both constables
10 so, you know, I assumed he was going to turn over that
11 information, if it was in his possession, to me.

12 MS. SIMMS: Well, you know that information
13 is -- or you've heard him say that that -- there are
14 documents in his possession; right?

15 MR. DESROSIERS: That's correct.

16 MS. SIMMS: So it isn't a case of you
17 assuming that there's nothing because he hasn't responded?

18 MR. DESROSIERS: That's right.

19 MS. SIMMS: You've heard him say that he
20 does have those materials?

21 MR. DESROSIERS: Yes, I have.

22 MS. SIMMS: And you also heard him say,
23 Constable, that he had given materials to the OPP?

24 MR. DESROSIERS: Yes.

25 MS. SIMMS: So, from January to March did

1 you do any follow-up with the OPP about what materials they
2 might have?

3 **MR. DESROSIERS:** To my recollection, when I
4 spoke with Constable Genier at one point, whatever they
5 were receiving in relation to Marcel Lalonde, he was going
6 to turn that over.

7 **MS. SIMMS:** Okay.

8 **MR. DESROSIERS:** Otherwise, further on, no.

9 **MS. SIMMS:** Okay, so I'd mentioned March of
10 1998 and I'm going to ask you to look at another document
11 which is Document Number 116797 and this is a letter from
12 Donna Ptak to Claudette Wilhelm, dated March 9th, 1998.

13 **THE REGISTRAR:** Can you repeat that number?

14 **MS. SIMMS:** 116797.

15 **THE COMMISSIONER:** Exhibit 1719 is a fax
16 cover page with an accompanying letter and it's from Mr.
17 Markell, I believe -- no ---

18 **MS. SIMMS:** I think it's from Donna Ptak.

19 **THE COMMISSIONER:** --- Donna Ptak to
20 Claudette Wilhelm, dated March 9th, 1998.

21 **MS. SIMMS:** And it should be marked
22 subjected to publication ban.

23 **THE COMMISSIONER:** Subject to publication
24 ban it is.

25 --- **EXHIBIT NO./PIÈCE No. P-1719:**

1 (116797) - Letter from Donna Ptak to
2 Claudette Wilhelm re disclosure request
3 dated 09 March 98

4 **MS. SIMMS:** So, Constable Desrosiers, this
5 is a disclosure request from defence counsel ---

6 **MR. DESROSIERS:** Yes.

7 **MS. SIMMS:** --- and you would have seen this
8 in around March of 1998?

9 **MR. DESROSIERS:** Yes, I would have.

10 **MS. SIMMS:** Okay. And I think you explained
11 us last time that when a disclosure letter came in it would
12 be sent to both yourself and Constable Genier?

13 **MR. DESROSIERS:** I assume he'd get a copy
14 because we'd touch base.

15 **MS. SIMMS:** Okay.

16 **MR. DESROSIERS:** Yes.

17 **MS. SIMMS:** Well, looking at this letter I
18 can see that some of the requests relate to the person who
19 was charged by the OPP.

20 **MR. DESROSIERS:** Correct.

21 **MS. SIMMS:** And right, there's a number of
22 different requests in here. So can you explain what the --
23 you and Constable Desrosiers -- or Constable Genier have
24 discussed this letter and divided up the disclosure
25 requests?

1 **MR. DESROSIERS:** Yes, the first entry would
2 have been Detective Constable Genier. The second request
3 would have been having to do with my part of the
4 investigation; third request, again, would have been part
5 of our investigation, Cornwall Police, and then there's an
6 entry with my name on there as well, to follow-up.

7 **MS. SIMMS:** And the next entry deals with
8 Constable Perry Dunlop?

9 **MR. DESROSIERS:** Right.

10 **MS. SIMMS:** Okay. And it appears that
11 Constable Genier took some steps on this request in April
12 of '98 but do you recall, was that a subject of discussion
13 between you and Constable Genier, about who was going to
14 deal with this issue?

15 **MR. DESROSIERS:** To my recollection, no.

16 **MS. SIMMS:** Did you take any steps to answer
17 this request?

18 **MR. DESROSIERS:** At this point?

19 **MS. SIMMS:** M'hm, at this point.

20 **MR. DESROSIERS:** No. No.

21 **THE COMMISSIONER:** Why not?

22 **MR. DESROSIERS:** I believe that we had
23 everything at that time, from the OPP that were given in
24 relation to Marcel Lalonde because I had spoken to
25 Constable Genier prior to that -- way prior to that and

1 that anything that would come in for that investigation
2 involving Mr. Lalonde that came through his hands, he would
3 provide that to them, to the Crown involved with both the
4 file, to the OPP.

5 **THE COMMISSIONER:** Well, but in March you
6 had asked Dunlop for some material and by the time you got
7 this letter, that was still outstanding?

8 **MR. DESROSIERS:** In January, I had asked him
9 for the material, yes.

10 **THE COMMISSIONER:** Yes, and so we are in
11 March.

12 **MR. DESROSIERS:** Yes.

13 **THE COMMISSIONER:** There is a letter there
14 saying, "Please get Constable Dunlop's notes". So what
15 steps did you take after you received that letter to get
16 the notes?

17 **MR. DESROSIERS:** I probably did not take any
18 steps because I was -- Constable Genier would have done
19 that, that part.

20 **THE COMMISSIONER:** Constable Genier would
21 have asked Dunlop?

22 **MR. DESROSIERS:** Well not, would have --
23 possibly would have asked him, but I'm just trying to
24 recall that time ---

25 **THE COMMISSIONER:** Yes.

1 **MR. DESROSIERS:** --- in relation to this
2 because there was a lot of disclosure requests.

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

4 **MR. DESROSIERS:** I didn't do any follow-up
5 per se right away, no.

6 **MS. SIMMS:** We do have some documents that
7 I'll take you to from April of 1998 where Constable Genier
8 is taking some steps.

9 **MR. DESROSIERS:** Yes, and I had attached ---

10 **MS. SIMMS:** Yes, and you were aware of that?

11 **MR. DESROSIERS:** Yes.

12 **MS. SIMMS:** You were -- did you come ---

13 **MR. DESROSIERS:** Not until I received it.
14 No, I was not aware of the letter he had sent until later.

15 **MS. SIMMS:** Okay. So I'm just going to
16 point you to a couple of documents from April, 1998 ---

17 **MR. DESROSIERS:** M'hm.

18 **MS. SIMMS:** --- where Constable Genier is
19 taking some steps, but just so I'm clear, you weren't aware
20 whether or not Constable Genier was taking any steps at
21 that time?

22 **MR. DESROSIERS:** No, I wasn't.

23 **MS. SIMMS:** Okay. Well, maybe I ---

24 **MR. DESROSIERS:** Not that I can recall, no.

25 **MS. SIMMS:** Why don't we just look quickly

1 at Exhibit 1594.

2 MR. DESROSIERS: Thank you.

3 MS. SIMMS: And I am going to ask you to
4 look at the Bates page that ends 726. This is a copy of
5 Constable Genier's notes.

6 MR. DESROSIERS: Okay.

7 THE COMMISSIONER: What page?

8 MS. SIMMS: Seven-two-six (726).

9 THE COMMISSIONER: That's the last three
10 numbers of the document number, I think.

11 MS. SIMMS: Oh, so that is. Sorry, 417.

12 There is an entry there, "Friday, April 24th,
13 1998". Are you there, Constable Desrosiers?

14 MR. DESROSIERS: Page is 7-2-?

15 MS. SIMMS: It's 7106417.

16 MR. DESROSIERS: Oh.

17 THE COMMISSIONER: You have to look at the
18 left-hand corner.

19 MS. SIMMS: It's on the screen.

20 MR. DESROSIERS: The left-hand corner?

21 THE COMMISSIONER: Yes, and it's on the
22 screen as well.

23 MR. DESROSIERS: Okay, thank you.

24 THE COMMISSIONER: It may be easier to read
25 that.

1 MR. DESROSIERS: Yes.

2 MS. SIMMS: So if you can look at the entry
3 that's dated Friday, 24th of April, '98?

4 MR. DESROSIERS: Yes.

5 MS. SIMMS: At 10:21, Constable Genier has a
6 note saying:

7 "Scanned through entire Dunlop package
8 and notes and photocopied three partial
9 pages which refer to Marcel Lalonde."

10 MR. DESROSIERS: Yes, I see that.

11 MS. SIMMS: You see that?

12 MR. DESROSIERS: Yes.

13 MS. SIMMS: Okay. So it appears from
14 Constable Genier's notes that he's taking some steps on
15 April 24th to locate further materials that have been
16 provided by Dunlop?

17 MR. DESROSIERS: Yes.

18 MS. SIMMS: And were you aware of that on
19 April 24th or not until some time later?

20 MR. DESROSIERS: Not until some time later.

21 MS. SIMMS: Okay. And if you will just flip
22 to the Bates page ending 419, you'll see there's a note on
23 that page:

24 "Called Brockville Crown office."

25 And there's a discussion between Constable

1 Genier and the Crown, Claudette Wilhelm.

2 MR. DESROSIERS: Yes.

3 MS. SIMMS: Were you aware of him having a
4 conversation with the Crown on this issue?

5 MR. DESROSIERS: Not that I can recall, no.

6 MS. SIMMS: Okay.

7 And as I understand it, Constable Genier
8 wrote a letter on April 24th -- sorry, April 29th, 1998, to
9 Inspector -- Detective Hall regarding Dunlop disclosure,
10 and you become aware of that letter later in time; right?

11 MR. DESROSIERS: Yes, I do.

12 MS. SIMMS: So I am going to ask you to look
13 at it now. It's Document Number 117109.

14 THE COMMISSIONER: Exhibit Number 1720 is a
15 letter from Detective Constable Genier to Inspector Smith
16 and Detective Sergeant Hall the 29th of April, 1998.

17 --- EXHIBIT NO./PIÈCE NO. P-1720:

18 (117109) - Letter from D.C. Genier to T.
19 Smith and P. Hall dated April 29, 1998

20 MS. SIMMS: So as I understand it, Constable
21 Genier (sic), you reviewed this letter sometime later? Was
22 it in the fall of 1998 that you first saw it?

23 MR. DESROSIERS: I can't recall exactly when
24 it was.

25 MS. SIMMS: Okay. In any case, it appears

1 from this letter that Constable Genier had identified some
2 documents with respect to Marcel Lalonde?

3 **MR. DESROSIERS:** Yes.

4 **MS. SIMMS:** And there's also a note at the
5 bottom and it appears to be signed by Sergeant Hall. Do
6 you see that handwritten note?

7 **MR. DESROSIERS:** Yes.

8 **MS. SIMMS:** And it appears he's in contact
9 with Constable Dunlop. It says:

10 "Read to him the notes we received in
11 relation to Marcel Lalonde. He
12 indicated he would check his notes
13 further and if anything, he would
14 advise. I indicated we would be
15 providing the disclosure information
16 that we have."

17 **MR. DESROSIERS:** Yes, I see that.

18 **MS. SIMMS:** So were you aware of the OPP
19 providing -- well, as I understand, the OPP provided some
20 further disclosure in early May?

21 **MR. DESROSIERS:** Correct.

22 **MS. SIMMS:** And that was part of your
23 response with Constable Genier to the March request?

24 **MR. DESROSIERS:** Yes, that's correct.

25 **MS. SIMMS:** You recall that. Did you ever

1 see that disclosure?

2 **MR. DESROSIERS:** Not that I can recall, no.

3 **MS. SIMMS:** So you wouldn't have seen what
4 notes or statements they provided on ---

5 **MR. DESROSIERS:** No. No, I did not. To my
6 recollection, I don't recall.

7 **MS. SIMMS:** And the last note on that page
8 seems to say that Constable Dunlop would check his notes
9 further and, if anything, would advise. Do you see that?

10 **MR. DESROSIERS:** Yes, I see that.

11 **THE COMMISSIONER:** Well. Oh, yes, yes. I'm
12 sorry. You're right.

13 **MS. SIMMS:** Okay. So are you aware of some
14 follow-up after that April 29th call? Did you or Constable
15 Genier, to your knowledge, contact Constable Dunlop to ask
16 if there's anything further?

17 **MR. DESROSIERS:** Not, I believe, in '98.
18 No.

19 **MS. SIMMS:** I am going to ask you to look at
20 another document. This is a letter from Constable Genier
21 and from yourself to Claudette Wilhelm, and it's one letter
22 but there's two document numbers. So it is split between
23 two document numbers. The first is 116895 and the second
24 is 116897.

25 **THE COMMISSIONER:** Exhibit Number 1721 is a

1 document dated May 14th, 1998, addressed to Claudette
2 Wilhelm.

3 The second page of that letter is Exhibit
4 1722 and it is signed by Detective Constable Genier, and
5 there's a title place for Constable Desrosiers to sign, but
6 it's unsigned. Okay.

7 **MS. SIMMS:** The date is May 4th, Mr.
8 Commissioner. I think you said May 14th.

9 **THE COMMISSIONER:** May 4th.

10 **--- EXHIBIT NO./PIÈCE NO. P-1721:**

11 (116895) - Letter from D.C. Genier to
12 Claudette Wilhelm dated May 4, 1998 (1)

13 **--- EXHIBIT NO./PIÈCE NO. P-1722:**

14 (116897) - Letter from D.C. Genier to
15 Claudette Wilhelm dated May 4, 1998 (2)

16 **MS. SIMMS:** So, Constable Desrosiers, this
17 is a letter -- and if you look at Exhibit 1722, there are
18 signature lines at the end ---

19 **MR. DESROSIERS:** Yes.

20 **MS. SIMMS:** --- for both Constable Genier
21 and yourself?

22 **MR. DESROSIERS:** Yes.

23 **MS. SIMMS:** And only Constable Genier
24 signed?

25 **MR. DESROSIERS:** I see that, yes.

1 **MS. SIMMS:** But I understand -- did you
2 prepare this letter together?

3 **MR. DESROSIERS:** We would have talked and
4 prepared it together, yes.

5 **MS. SIMMS:** So if you look on the first
6 page, Exhibit 1721?

7 **MR. DESROSIERS:** Yes.

8 **MS. SIMMS:** This is clearly in response to
9 the defence counsel's request for disclosure that we
10 reviewed ---

11 **MR. DESROSIERS:** Yes.

12 **MS. SIMMS:** --- on March 9th. And number
13 five is that Constable Perry Dunlop; the heading?

14 **MR. DESROSIERS:** Yes.

15 **MS. SIMMS:** And written there it says:
16 "Notes provided by Constable Dunlop in
17 reference to Marcel Lalonde are
18 enclosed."

19 **MR. DESROSIERS:** Yes.

20 **MS. SIMMS:** "Please note the names and/or
21 Sections..."

22 And it goes on to Exhibit 1722:

23 "...pertaining to this investigation."

24 Sorry:

25 "...the names and/or sections not

1 pertaining to this investigation were
2 not included in this disclosure."

3 And then it goes on to state, just as we saw
4 in that handwritten note, that on April 29th, Detective
5 Sergeant Hall contacted Dunlop. And it says:

6 "Read to him the notes that Dunlop
7 disclosed to him in October of 1997."

8 So you were involved with Genier in
9 preparing this letter?

10 **MR. DESROSIERS:** Yes.

11 **MS. SIMMS:** And the letter would have
12 enclosed the notes that are referenced there; is that
13 right?

14 **MR. DESROSIERS:** Yes.

15 **MS. SIMMS:** And you don't have any
16 recollection of actually personally seeing those notes?

17 **MR. DESROSIERS:** I'm trying to remember.
18 I'm trying to remember if he, eventually, would have given
19 me copy of them at some point which I would have seen that
20 were redacted, is that the proper word, that there were
21 missing information in it. But I can't recall if it's
22 later when we requested further information.

23 **MS. SIMMS:** Okay. But -- so you may or may
24 not have seen the notes that were enclosed with this
25 letter.

1 **MR. DESROSIERS:** I may not have seen those
2 notes that he had.

3 **MS. SIMMS:** But you did see the letter
4 itself?

5 **MR. DESROSIERS:** Yes.

6 **MS. SIMMS:** So you were aware that there
7 were notes identified by the OPP that had been provided to
8 them ---

9 **MR. DESROSIERS:** Yes.

10 **MS. SIMMS:** --- by Constable Dunlop in
11 October of 1997?

12 **MR. DESROSIERS:** Oh, I had recalled that in
13 October of '97, they were going to turn over ---

14 **MS. SIMMS:** Okay.

15 **MR. DESROSIERS:** --- anything.

16 **MS. SIMMS:** Notes that were already in the
17 possession of the OPP.

18 **MR. DESROSIERS:** Of the OPP, yes.

19 **MS. SIMMS:** Okay. And you're also aware
20 that there are names and sections that are not included in
21 this disclosure because they do not pertain to this
22 investigation. That's what the letter says.

23 **MR. DESROSIERS:** Yes.

24 **MS. SIMMS:** So did you have any opportunity
25 to review what materials were not given to the Crown on the

1 basis that they did not pertain to this investigation?

2 MR. DESROSIERS: Can you repeat that again,
3 sorry?

4 MS. SIMMS: Sorry. Let me rephrase. It
5 appears from the letter that materials were reviewed and a
6 determination was made that some names and sections did not
7 pertain to the Marcel Lalonde investigation. That's the
8 wording of the letter.

9 MR. DESROSIERS: Yes.

10 MS. SIMMS: And that those are not provided
11 to you, the Crown?

12 MR. DESROSIERS: Correct.

13 MS. SIMMS: Okay. Were you a part of making
14 that determination?

15 MR. DESROSIERS: Not that I can recall, no.

16 MS. SIMMS: Okay. So, you are not sure if
17 you saw the notes that were enclosed with this letter.

18 MR. DESROSIERS: That's correct.

19 MS. SIMMS: And you did not see what other
20 materials were not disclosed?

21 MR. DESROSIERS: Were not -- not involving
22 Mr. Lalonde, no.

23 MS. SIMMS: Okay. So any decision about
24 what was -- ought to be disclosed from the materials that
25 the OPP had was made by the OPP, as far as you know?

1 **MR. DESROSIERS:** That's correct.

2 **MS. SIMMS:** Do you know if it was made by
3 Constable Genier himself or in consultation with Inspector
4 Smith or Sergeant Hall?

5 **MR. DESROSIERS:** I do not know that for 100
6 per cent.

7 **MS. SIMMS:** And at this point in time, it's
8 your understanding that what is being sought are notes or
9 documents relating to Marcel Lalonde in particular?

10 **MR. DESROSIERS:** That's correct, yes.

11 **MS. SIMMS:** And I think this may have come
12 up last time, but I understand that you became aware in the
13 summer of 1998 that Constable Dunlop had turned over some
14 binders and materials to the OPP?

15 **MR. DESROSIERS:** Yes, I believe it was
16 around that time, yes, I had been told that.

17 **MS. SIMMS:** You'd been told that around that
18 time?

19 **MR. DESROSIERS:** Again, I'm not 100 per cent
20 sure of the time.

21 **MS. SIMMS:** But again you wouldn't have been
22 involved in reviewing those at all?

23 **MR. DESROSIERS:** No, I never saw those
24 books.

25 **MS. SIMMS:** And so that was up to Constable

1 Genier or the OPP to determine if there was anything that
2 should be disclosed?

3 **MR. DESROSIERS:** I recall that we were
4 talking, Constable Genier and I, and he said if there was
5 anything in these binders that -- in relation to Marcel
6 Lalonde, he would turn them in to the Crown involved with
7 our file.

8 **MS. SIMMS:** Okay. And you wouldn't have
9 been aware of whether or not he turned anything over?

10 **MR. DESROSIERS:** We didn't -- I didn't see
11 what he had disclosed. And he would send me a package
12 which was already ready to go and I would send it off with
13 my disclosure issues that we had in relation to certain
14 complainants. So I never sat down and read the disclosures
15 that he had.

16 **MS. SIMMS:** So you didn't have any further -
17 - so this letter is May 4th, 1998, you didn't have any
18 further involvement of seeking information from Constable
19 Dunlop until ---

20 **MR. DESROSIERS:** Until prior ---

21 **MS. SIMMS:** --- September of ---

22 **MR. DESROSIERS:** That's right.

23 **MS. SIMMS:** Until September of '99, just
24 prior to the trial?

25 **MR. DESROSIERS:** Yes, prior to the trial,

1 yes.

2 **MS. SIMMS:** Okay. So there is no further
3 request or follow-up by you in that time period?

4 **MR. DESROSIERS:** By myself? No.

5 **MS. SIMMS:** Constable Desrosiers, I'm going
6 to ask you to refer back to your notes which were marked as
7 Exhibit 1715 last Friday.

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **THE COMMISSIONER:** What page please?

10 **MS. SIMMS:** And it's Bates page ending 793.
11 So you have notes on that page -- you're
12 there, sir?

13 **MR. DESROSIERS:** Yes, I do.

14 **MS. SIMMS:** Starting as September 30th, 1999?

15 **MR. DESROSIERS:** Yes.

16 **MS. SIMMS:** Okay. And at this time, I
17 understand the trial had initially been scheduled for
18 February of '99 and been adjourned to October 4th, '99?

19 **MR. DESROSIERS:** Yes, that's correct.

20 **MS. SIMMS:** That's right? So this is
21 September 30th, '99.

22 **MR. DESROSIERS:** Yes.

23 **MS. SIMMS:** And you are assisting the Crown
24 in preparing for the trial?

25 **MR. DESROSIERS:** Yes, that's correct.

1 **MS. SIMMS:** And this note deals with your
2 meeting with a witness, Randy Fontaine?

3 **MR. DESROSIERS:** Yes, correct.

4 **MS. SIMMS:** And this is not -- there was no
5 allegation of abuse by Randy Fontaine, he was a witness in
6 support of one of the complainants.

7 **MR. DESROSIERS:** Yes, that's correct.

8 **MS. SIMMS:** All right. And so, I understand
9 that you received some further information from Randy
10 Fontaine at this prep meeting?

11 **MR. DESROSIERS:** Yes, I did.

12 **MS. SIMMS:** Which was?

13 **MR. DESROSIERS:** He had spoken to me that
14 sometime in '89 or 1990, he recalled having received a call
15 from a police officer from Cornwall Police Service in
16 relation to a Marcel Lalonde. And that he didn't hear more
17 about it. He was interviewed. He believed he had come
18 down for an interview or had been interviewed but didn't
19 hear anything more about it later.

20 **MS. SIMMS:** Okay. And was this disclosure
21 given during your meeting with Mr. Fontaine and Crown
22 Wilhelm?

23 **MR. DESROSIERS:** Yes, the Crown was present,
24 yes.

25 **MS. SIMMS:** She was present? Okay. Now, is

1 this the first that you are aware that there was a previous
2 investigation into Marcel Lalonde?

3 **MR. DESROSIERS:** Yes, it was.

4 **MS. SIMMS:** And Mr. Fontaine tells you that
5 he had a call from a police officer from your Force?

6 **MR. DESROSIERS:** Right. And he recalled it
7 being a male person, male officer.

8 **MS. SIMMS:** Male officer. And he also
9 recalled meeting with that officer to be interviewed?

10 **MR. DESROSIERS:** That's correct.

11 **MS. SIMMS:** So this information came as a
12 surprise to you and to the Crown?

13 **MR. DESROSIERS:** Yes, it did.

14 **MS. SIMMS:** What -- did you receive any
15 direction from the Crown after this information was
16 received?

17 **MR. DESROSIERS:** Yes. The Crown wanted me
18 to verify his information.

19 And I went ahead and spoke with the records
20 clerk, the manager, to see if we could find anything in
21 relation to his -- his information.

22 And what happened, there was no information
23 about Mr. Fontaine in our cards and I had her look again
24 for Mr. Lalonde and she was able to come up with a card, a
25 contact card, that she found that showed an occurrence

1 number from 1988.

2 Given the occurrence number, I was able to
3 try and get in between the months of that year where it may
4 be found, but she had advised me at that -- at that time,
5 the records are probably destroyed from that time, from
6 '88.

7 So I went downstairs to our archives anyway
8 and I found out from another person who works at the
9 station in the finances, if -- who was working in this
10 timeframe possibly in the Youth, sir, in our Youth Branch,
11 and she gave me a few names of people. So I went down
12 looking through the files anyway to see if I could locate
13 anything and I did find a box with Constable Malloy had his
14 name on it and there was a file, 9618. It said "Lalonde"
15 right on the file in that box.

16 So I took it out of archives and went
17 through the file.

18 **MS. SIMMS:** So we discussed this somewhat
19 last time, but the -- you had not previously asked the
20 records department to do a search of contact cards for
21 Marcel Lalonde?

22 **MR. DESROSIERS:** No, I had gone myself,
23 looking.

24 **MS. SIMMS:** Do you know when that was?

25 **MR. DESROSIERS:** Not too long after the file

1 came in our -- our incident came in.

2 **MS. SIMMS:** You went to look through the
3 contact cards yourself?

4 **MR. DESROSIERS:** Yes.

5 **MS. SIMMS:** Is that your normal practice or
6 ---

7 **MR. DESROSIERS:** It was a practice that I
8 had been told when I came into the branch, to look for the
9 -- any extra information of previous contact and that's
10 where they would be, is in an alphabetical cardex ---

11 **MS. SIMMS:** Right.

12 **MR. DESROSIERS:** --- type of ---

13 **MS. SIMMS:** So you didn't -- you didn't make
14 note of this in your notes?

15 **MR. DESROSIERS:** No.

16 **MS. SIMMS:** Any -- obviously, at that time,
17 you didn't ask for the assistance of the records
18 supervisor, I take it?

19 **MR. DESROSIERS:** No, I did not, no.

20 **MS. SIMMS:** So you've just -- just explained
21 how you went about finding these materials and, as I
22 understand it, that all happens on October 5th, 1999?

23 **MR. DESROSIERS:** The following day, yes,
24 that's correct.

25 **MS. SIMMS:** Well, that's not the following

1 day.

2 MR. DESROSIERS: No.

3 MS. SIMMS: You received this information on
4 September 30th ---

5 MR. DESROSIERS: Correct.

6 MS. SIMMS: --- 1999?

7 MR. DESROSIERS: The day after the trial was
8 supposed to commence.

9 MS. SIMMS: That's right. So you received
10 this information on September 30th, '99.

11 You have in your notes from that day, "An
12 internal check for Mr. Fontaine's name"?

13 MR. DESROSIERS: Yes.

14 MS. SIMMS: Right? You had no results for
15 that?

16 MR. DESROSIERS: That's correct.

17 MS. SIMMS: When you say "internal check",
18 is that a contact card check?

19 MR. DESROSIERS: Yes, it is.

20 MS. SIMMS: Okay. And then it says, "Writer
21 will follow up the information"?

22 MR. DESROSIERS: Correct.

23 MS. SIMMS: Right. And your next note is
24 October -- on this issue ---

25 MR. DESROSIERS: Yes.

1 MS. SIMMS: --- is October 5th, 1999?

2 MR. DESROSIERS: Correct.

3 MS. SIMMS: So you've just received
4 information that there was potentially a previous
5 investigation by your own Force?

6 MR. DESROSIERS: Yes.

7 MS. SIMMS: And I would take it that would
8 raise some flags for you about disclosure issues and your
9 investigation generally?

10 MR. DESROSIERS: Yes. And there was also
11 information that was received from defence that had come in
12 just a day prior, the 30th I believe it was or even the 29th,
13 that the Crown had received a letter stating that they were
14 -- they believed there were certain letters with certain
15 dates on them that were in possession of Constable Dunlop -
16 --

17 MS. SIMMS: Right.

18 MR. DESROSIERS: --- and that had not been
19 disclosed.

20 MS. SIMMS: Right.

21 MR. DESROSIERS: And they were going to make
22 issue at trial to have the trial adjourned ---

23 MS. SIMMS: Right.

24 MR. DESROSIERS: --- so that this
25 information could be brought forward.

1 **MS. SIMMS:** Okay.

2 Let's get back to this other issue with the
3 previous investigation of Marcel Lalonde.

4 Did you -- what was the instructions that
5 you received from the Crown? Was there a sense of urgency
6 to her request to find out if there are documents or
7 materials related to this previous investigation?

8 **MR. DESROSIERS:** No, it was important for
9 her, yes, when she told me to look into this, as soon as
10 you can get -- look into it.

11 **MS. SIMMS:** Right.

12 **MR. DESROSIERS:** In an attempt to locate
13 anything if there is something there.

14 **MS. SIMMS:** So I understand you -- and we'll
15 get into that -- you also received instructions about this
16 letter that you just mentioned and you take some steps on
17 that. I'm just wondering why you didn't take further steps
18 on locating this previous investigation, on September 30th,
19 '99?

20 **MR. DESROSIERS:** I can't answer. I really
21 ---

22 **MS. SIMMS:** Okay.

23 **MR. DESROSIERS:** We were still doing meeting
24 preps with other witness. We had a schedule that we had.
25 We had a complainant coming from Hamilton,

1 that kind of thing. We had a lot of witnesses to prepare
2 for and so there were times where the time was taken to
3 complete these things.

4 **MS. SIMMS:** But -- I mean, you've just
5 received this information and you don't know -- you don't
6 know the scope of the investigation that may have taken
7 place in '88 or '89?

8 **MR. DESROSIERS:** No, not until I found ---

9 **MS. SIMMS:** You don't know if it involves
10 the same complainants that you had in this case?

11 **MR. DESROSIERS:** I didn't know from Mr.
12 Fontaine's information at that point, other than he was a
13 witness involving one of the complainants.

14 **MS. SIMMS:** Right. And it was for the same
15 complainant that came forward in this case. Isn't that
16 right?

17 **MR. DESROSIERS:** One of the complainants,
18 yes, was located in the file.

19 **MS. SIMMS:** Okay.

20 **MR. DESROSIERS:** Yes.

21 **MS. SIMMS:** So when you did find the file on
22 October 5th, you found a statement from one of the
23 complainants in your current investigation. Is that right?

24 **MR. DESROSIERS:** No.

25 **MS. SIMMS:** Okay.

1 **MR. DESROSIERS:** I don't know if I can give
2 out his name.

3 **MS. SIMMS:** No, you can't, actually, it's
4 ---

5 **MR. DESROSIERS:** Okay.

6 **MS. SIMMS:** Sorry, I was just checking that
7 for you. It's -- I think it's C-58?

8 **THE COMMISSIONER:** Madam Clerk will write
9 the name down for you and give it to you.

10 **MR. DESROSIERS:** Thank you, sir.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **MR. DESROSIERS:** Thank you. Okay. I was
13 thinking of another name, sorry, I apologize.

14 **MS. SIMMS:** Oh, really?

15 **MR. DESROSIERS:** Yes.

16 **MS. SIMMS:** Maybe you could give that name
17 to Madam Clerk.

18 **THE COMMISSIONER:** So that's not the person
19 you were thinking of?

20 **MR. DESROSIERS:** Well, not with her
21 question.

22 **THE COMMISSIONER:** Okay.

23 **MR. DESROSIERS:** I may be wrong in ---

24 **THE COMMISSIONER:** Okay, then write down the
25 name of the person and Madam Clerk will help us out there.

1 (SHORT PAUSE/COURTE PAUSE)

2 THE REGISTRAR: C-57.

3 THE COMMISSIONER: Okay.

4 MS. SIMMS: Let me just clarify my question
5 to you, Constable Desrosiers.

6 I understand C-57 was the complainant -- one
7 of the complainants in the first investigation back in '88
8 or '89?

9 MR. DESROSIERS: That's correct.

10 MS. SIMMS: Right? So you find information
11 about him ---

12 MR. DESROSIERS: Yes.

13 MS. SIMMS: --- in that file?

14 And what I was asking you about is that it's
15 my understanding you also locate a statement given by C-58
16 in that same file?

17 MR. DESROSIERS: Yes. Yes, there was a
18 letter.

19 MS. SIMMS: Right. And C-58 is one of the
20 complainants in your investigation ---

21 MR. DESROSIERS: That's correct.

22 MS. SIMMS: --- that's going to trial?

23 MR. DESROSIERS: Yes.

24 MS. SIMMS: Okay.

25 So do you know -- September 30th, you get the

1 information; October 5th, you find the file. Were you
2 involved in any communicating any of this information to
3 defence counsel that potentially there was an issue
4 regarding disclosure of a previous investigation or ---

5 **MR. DESROSIERS:** I did not speak to defence
6 personally.

7 **MS. SIMMS:** Do you know ---

8 **MR. DESROSIERS:** The Crown was aware of the
9 situation with this new information. She didn't know I had
10 a file yet; we had -- I had located a file, but I briefed
11 my supervisor at the time.

12 **MS. SIMMS:** Okay.

13 **THE COMMISSIONER:** So you found this file in
14 a box in the archives, I guess, and it's a box with
15 Constable Malloy's name on it?

16 **MR. DESROSIERS:** Yes.

17 **THE COMMISSIONER:** All right. And this file
18 was closed?

19 **MR. DESROSIERS:** I believe what I ended up
20 finding out from what was in the file was that it was
21 either put in abeyance or closed. I believe when I spoke
22 later to Mr. Malloy, it was put in abeyance.

23 **THE COMMISSIONER:** And this is 10 years
24 later?

25 **MR. DESROSIERS:** Yes, it would be 11 years

1 almost.

2 **THE COMMISSIONER:** Okay.

3 **MS. SIMMS:** So we're still leading up to the
4 trial on October 4th -- scheduled for October 4th, and your
5 notes -- so just back where we were, Bates page 794.

6 **MR. DESROSIERS:** Yes.

7 **MS. SIMMS:** So just following your meeting
8 with Mr. Fontaine ---

9 **MR. DESROSIERS:** Yes.

10 **MS. SIMMS:** --- you have a note there at
11 2:55 -- or 14:55 hours.

12 **MR. DESROSIERS:** Yes.

13 **MS. SIMMS:** "Writer advised by Assistant
14 Crown Attorney Claudette Wilhelm to
15 follow-up defence counsel's request for
16 Cst. Perry Dunlop's notes for September
17 11th, '96 and December 12th, '96
18 regarding [C-8]."

19 Right?

20 **MR. DESROSIERS:** Correct.

21 **MS. SIMMS:** So that's what you just raised a
22 moment ago about ---

23 **MR. DESROSIERS:** Yes, it was.

24 **MS. SIMMS:** Okay. And was that -- you
25 mentioned a letter. Did you receive a copy from the Crown

1 of the defence counsel's letter of request?

2 **MR. DESROSIERS:** I believe -- yes, I recall
3 seeing the letter, yes.

4 **MS. SIMMS:** Let me refer you to the letter
5 and you can see. It's Document Number 116892.

6 **THE COMMISSIONER:** Thank you. Exhibit
7 Number 1723 is a fax cover page and letter addressed to
8 Claudette Wilhelm from Donna Ptak dated September 29th,
9 1999.

10 **MS. SIMMS:** If this could be marked subject
11 to publication ban?

12 **THE COMMISSIONER:** Certainly.

13 **--- EXHIBIT NO./PIÈCE NO. P-1723:**

14 (116892) Letter from Donna Ptak to Claudette
15 Wilhelm dated 29 September 99

16 **MS. SIMMS:** So do you recall seeing this
17 letter, Constable Desrosiers?

18 **MR. DESROSIERS:** Yes, it looks familiar,
19 yes.

20 **MS. SIMMS:** This is the letter?

21 **MR. DESROSIERS:** Yes.

22 **MS. SIMMS:** Okay. So you receive
23 instructions from the Crown to follow-up on this particular
24 request; is that right?

25 **MR. DESROSIERS:** Yes, I did.

1 **MS. SIMMS:** Okay. Do you -- did it strike
2 you as odd that counsel were requesting specific dates,
3 September 11th, '96 and December 12th, '96?

4 **MR. DESROSIERS:** Yes, I was -- I didn't know
5 how they would have known or where they got their
6 information.

7 **MS. SIMMS:** Was that a subject of any
8 discussion between the Crown and yourself and Constable
9 Desrosiers (sic)?

10 **MR. DESROSIERS:** No, it wasn't.

11 **MS. SIMMS:** So what did you do when you
12 received the instructions to follow up?

13 **MR. DESROSIERS:** I went to see my
14 supervisor, Staff Sergeant Brunet.

15 **MS. SIMMS:** Okay.

16 **MR. DESROSIERS:** And we met, I believe at
17 that time Staff Sergeant Derochie, who would have been the
18 person acting as the liaison for any information, anything
19 that would come in, and I explained to them what the
20 situation was, that we had disclosure issues here again
21 that could contaminate the prosecution's case. And so a
22 letter was written.

23 **MS. SIMMS:** Okay. Well, let's back up.

24 **MR. DESROSIERS:** M'hm.

25 **MS. SIMMS:** So you met with Staff Sergeant

1 Derochie and Staff Sergeant Brunet?

2 MR. DESROSIERS: Yes.

3 MS. SIMMS: You don't have mention of that
4 in your notes?

5 MR. DESROSIERS: No, no.

6 MS. SIMMS: So I'm going to just ask you to
7 refer to Constable Derochie's notes of this meeting, which
8 are in Exhibit 1325. While we're getting that, so that's
9 the first step you take in response to the request by the
10 Crown to follow up?

11 MR. DESROSIERS: Yes.

12 MS. SIMMS: You didn't go and speak to
13 Constable Genier about it in any respect?

14 MR. DESROSIERS: I don't believe he was
15 involved -- he wasn't in the court preps when we were
16 talking -- I was talking with the Crown.

17 MS. SIMMS: Okay. Because you know at this
18 point that they did have some disclosure from Dunlop? The
19 OPP were in possession of some disclosure from Dunlop?

20 MR. DESROSIERS: Yes.

21 MS. SIMMS: Right?

22 MR. DESROSIERS: That's correct.

23 MS. SIMMS: You know that from what happened
24 in the spring of '98?

25 MR. DESROSIERS: Yes.

1 **MS. SIMMS:** But you didn't go and ask him if
2 he was in possession of those particular notes?

3 **MR. DESROSIERS:** No, because the Crown would
4 have had possession of those notes, would have known that
5 she's asking for these letters. I'm assuming that.

6 **MS. SIMMS:** So you assumed that she didn't
7 have possession of them?

8 **MR. DESROSIERS:** Right.

9 **MS. SIMMS:** Sorry, we're at 1325, and the
10 Bates page -- I don't know if this is the beginning -- 300.

11 **THE COMMISSIONER:** Yes, second page.

12 **MS. SIMMS:** Is that the second page?

13 So is there a reason, Constable Desrosiers,
14 that at this point -- when you had a previous request from
15 the Crown you spoke informally to Constable Dunlop
16 yourself. Is there a reason at this point that you seek a
17 meeting with ---

18 **MR. DESROSIERS:** Well, I hadn't been
19 receiving anything, and if there was a -- now that we see
20 there's other disclosure issues that they believe is out
21 there, that there's more disclosure, I went to my boss at
22 the time ---

23 **MS. SIMMS:** Okay.

24 **MR. DESROSIERS:** --- to see if he would --
25 coming from a supervisor.

1 **MS. SIMMS:** So you advised Staff Sergeant
2 Derochie and Brunet about this specific request for these
3 two dates?

4 **MR. DESROSIERS:** Yes.

5 **MS. SIMMS:** And do you advise them that --
6 what do you advise them about the state of the disclosure
7 from Constable Dunlop?

8 **MR. DESROSIERS:** I'm trying to -- can you
9 just repeat that? Sorry.

10 **MS. SIMMS:** Well, let me just -- I
11 understand at this point in time you personally have only
12 received from Constable Dunlop the Will-Say statement?

13 **MR. DESROSIERS:** That's correct, yes.

14 **MS. SIMMS:** But you're aware that there were
15 other materials that went through the OPP and were
16 disclosed to the Crown?

17 **MR. DESROSIERS:** Yes.

18 **MS. SIMMS:** Okay. And when I look at your
19 notes from this date -- now, they're not the notes of this
20 meeting, but the notes you made on this date, which should
21 still be in front of you there, 1715 -- Exhibit 1715. It
22 should be in your binder. Sorry, Constable Desrosiers.

23 **MR. DESROSIERS:** Yeah, I think it is. Thank
24 you. Yes, I have it.

25 **MS. SIMMS:** Just keep those open because

1 these are all your notes, so we'll go back and forth to
2 those.

3 So Bates page ending 795.

4 **MR. DESROSIERS:** Yes.

5 **MS. SIMMS:** So you -- these aren't notes of
6 your meeting because you don't have notes of that meeting,
7 right?

8 **MR. DESROSIERS:** That's correct. It's a
9 summary of ---

10 **MS. SIMMS:** Right. You have a summary, and
11 the notes say, sort of halfway down:

12 "Writer had previously made a verbal
13 request to Cst. Dunlop for his notes
14 regarding [C-8] shortly after the
15 January 1998 preliminary hearing for
16 [C-8]. All writer has at this time is
17 Cst. Dunlop's statement dated April
18 16th, 1997."

19 **MR. DESROSIERS:** That's correct, yes.

20 **MS. SIMMS:** So is that the information you
21 conveyed to your supervisors, that all you'd been provided
22 was that Will-Say statement?

23 **MR. DESROSIERS:** Yes.

24 **MS. SIMMS:** Did you convey to him that
25 further disclosure had come through the OPP?

1 **MR. DESROSIERS:** Possibly did, yes. It's
2 possible.

3 **MS. SIMMS:** You can't recall?

4 **MR. DESROSIERS:** I can't recall.

5 **MS. SIMMS:** And what are the instructions
6 you received from Constable Derochie -- or, sorry, Staff
7 Sergeant Derochie or Staff Sergeant Brunet?

8 **MR. DESROSIERS:** That they were going to
9 write a letter, having Constable Dunlop turn all materials
10 -- ordering him to turn in materials that he would have, in
11 particular these dates as well, and they were going to look
12 after that end, and Staff Sergeant Derochie was to turn
13 over anything that would come in through this order to him
14 back to me.

15 **MS. SIMMS:** Okay. Just so we're clear,
16 there's several things that happened throughout this time
17 period.

18 **MR. DESROSIERS:** M'hm.

19 **MS. SIMMS:** So as I understand it, in
20 response to this request there is a memo from Staff
21 Sergeant Brunet to Perry Dunlop's supervisor who seeks
22 information from Perry Dunlop.

23 **MR. DESROSIERS:** That's right.

24 **MS. SIMMS:** Do you recall that?

25 **MR. DESROSIERS:** Yes.

1 **MS. SIMMS:** And then later in time,
2 Constable -- Staff Sergeant Derochie gives a larger order
3 respecting all material ---

4 **MR. DESROSIERS:** That's correct, yes.

5 **MS. SIMMS:** Okay.

6 **MR. DESROSIERS:** That's correct.

7 **MS. SIMMS:** So at this point in time there's
8 a request that goes from Staff Sergeant Brunet to ---

9 **MR. DESROSIERS:** Sergeant Gary Lefebvre, who
10 was Mr. Dunlop's supervisor at the time.

11 **MS. SIMMS:** All right.

12 **MR. DESROSIERS:** And then the next day or so
13 notes were turned over.

14 **MS. SIMMS:** Okay. So you received the notes
15 the following day? You received ---

16 **MR. DESROSIERS:** I believe it was the
17 following day after he had received this information from
18 the supervisor.

19 **MS. SIMMS:** All right.

20 Well, let me just take you to -- you
21 mentioned -- just while I'm looking for the document, you
22 mentioned that you made some inquiries regarding who may
23 have been handling that previous Marcel Lalonde
24 investigation. Do you remember that?

25 **MR. DESROSIERS:** Yes.

1 **MS. SIMMS:** When you were trying to find
2 them? Did you make inquiries of Staff Sergeant Derochie or
3 Brunet at this meeting of where this file might be, who you
4 might talk to to find it?

5 **MR. DESROSIERS:** No, I went looking on my
6 own for that file to locate it.

7 **MS. SIMMS:** Well, I'm just wondering because
8 this is still September 30th.

9 **MR. DESROSIERS:** They probably would have
10 been made aware of this, yes.

11 **MS. SIMMS:** You don't ---

12 **MR. DESROSIERS:** I would have made them
13 aware, yes.

14 **MS. SIMMS:** Okay. You don't recall
15 specifically ---

16 **MR. DESROSIERS:** No, but ---

17 **MS. SIMMS:** --- but you probably would have?

18 **MR. DESROSIERS:** Yes.

19 **MS. SIMMS:** Okay. I am going to ask you to
20 look at Exhibit 1451.

21 **THE COMMISSIONER:** I think you'll need
22 another binder for that.

23 **MS. SIMMS:** So this is the correspondence
24 you wrote to Staff Sergeant Brunet at the instruction of
25 Staff Sergeant Derochie. Is that right?

1 **MR. DESROSIERS:** Yes, as a result of the
2 meeting we had with the two of them.

3 **MS. SIMMS:** And you are attaching to this
4 correspondence the April 29th, 1998 letter from Constable
5 Genier.

6 **MR. DESROSIERS:** That's correct.

7 **MS. SIMMS:** To his supervisors?

8 **MR. DESROSIERS:** Yes.

9 **MS. SIMMS:** So is this around when you
10 became aware of that correspondence?

11 **MR. DESROSIERS:** I can't recall.

12 **MS. SIMMS:** You can't recall, okay.
13 But certainly by this time, you are aware of
14 that?

15 **MR. DESROSIERS:** Yes.

16 **MS. SIMMS:** So again there's -- the
17 correspondence points out that you requested documents from
18 Constable Perry Dunlop, all notes pertaining to C-8, and
19 that you did not receive anything from him?

20 **MR. DESROSIERS:** That's correct.

21 **MS. SIMMS:** So -- but it doesn't mention
22 that there was some disclosure that came to the OPP; that
23 documents had been provided to the OPP; that the OPP had
24 disclosed some of those documents, not others?

25 **MR. DESROSIERS:** That's correct. No, it

1 didn't.

2 MS. SIMMS: That's not involved in that memo
3 at all?

4 MR. DESROSIERS: No.

5 MS. SIMMS: Because -- okay, so this is what
6 Brunet is informed of on that date?

7 MR. DESROSIERS: I'm sorry?

8 MS. SIMMS: This is the information Sergeant
9 Brunet is given by yourself; right? To see ---

10 MR. DESROSIERS: Yes.

11 MS. SIMMS: And then I understand that he
12 makes a request -- it's Exhibit 1452, so the next page
13 over.

14 MR. DESROSIERS: Yes.

15 MS. SIMMS: He makes a request to Acting
16 Sergeant Garry Lefebvre?

17 MR. DESROSIERS: Yes, he does.

18 MS. SIMMS: Okay. Did you see this memo?

19 MR. DESROSIERS: It was given to me at a
20 later time, yes, for disclosure.

21 MS. SIMMS: Okay, so this is still September
22 30th?

23 MR. DESROSIERS: Yes.

24 MS. SIMMS: Right. And then at Exhibit
25 1453, which is the next page over, it appears that

1 Constable Dunlop provided notes on September 30th of 1999,
2 that same day?

3 **MR. DESROSIERS:** I'm looking at the bottom:
4 "The disclosure received by Luc --
5 Staff Sergeant Brunet on the 1st of
6 October..."

7 **MS. SIMMS:** Sure but this ---

8 **MR. DESROSIERS:** The following day.

9 **MS. SIMMS:** Sure, but this letter is Garry
10 Lefebvre -- Sergeant Garry Lefebvre writing to Staff
11 Sergeant Brunet?

12 **MR. DESROSIERS:** Yes.

13 **MS. SIMMS:** Dated September 30th?

14 **MR. DESROSIERS:** That's correct.

15 **MS. SIMMS:** And it's enclosing Constable
16 Dunlop's notes?

17 **MR. DESROSIERS:** Yes.

18 **MS. SIMMS:** Okay. So -- and this package
19 was turned over to you according to this note?

20 **MR. DESROSIERS:** Yes.

21 **MS. SIMMS:** On October 1st. Do you recall
22 what notes exactly were attached to this request or to this
23 memo?

24 **MR. DESROSIERS:** I don't believe it had any
25 of the specifics for these dates that what was turned in by

1 him. I believe one was September possibly ---

2 MS. SIMMS: Well, there is a document, if I
3 can turn you to Exhibit 1405.

4 MR. DESROSIERS: Okay.

5 THE COMMISSIONER: Which requires another
6 binder.

7 MS. SIMMS: We won't be able to see you
8 anymore, Constable Desrosiers.

9 MR. DESROSIERS: Thank you.

10 MS. SIMMS: That's a document of some notes
11 that have been redacted.

12 MR. DESROSIERS: Yes.

13 MS. SIMMS: It's starting on September 11th,
14 '96. Do you recall if this is what was provided with the
15 memo?

16 MR. DESROSIERS: Yes, it was, yes.

17 MS. SIMMS: Do you recall that?

18 MR. DESROSIERS: Yes, I do. My memory goes
19 back to seeing areas that were not -- that were missing in
20 notes.

21 MS. SIMMS: Pardon me? There's ---

22 MR. DESROSIERS: I'm just saying there was -
23 - I recall that there were areas missing in the notes of
24 the information that was there.

25 MS. SIMMS: Areas that were blacked out when

1 you received them?

2 **MR. DESROSIERS:** That's right.

3 **MS. SIMMS:** And I understand you also
4 received a -- and it is mentioned in Sergeant Lefebvre's
5 memo -- a Will Say saying that this September 11th note is
6 not related to Marcel Lalonde. Do you recall that?

7 **MR. DESROSIERS:** Yes, I believe so.

8 **MS. SIMMS:** Okay. And do you recall,
9 personally did you receive anything further aside from
10 these notes in the Will Say?

11 **MR. DESROSIERS:** At this point, no. No.

12 **MS. SIMMS:** Okay. Were you aware of
13 anything further being provided by Constable Genier to the
14 Crown at this time?

15 **MR. DESROSIERS:** Not other than seeing any
16 new disclosures that were requested by Defence, but no.
17 No, I did not.

18 **MS. SIMMS:** And you wouldn't necessarily
19 know; right?

20 **MR. DESROSIERS:** No.

21 **MS. SIMMS:** Because you didn't know what
22 Constable Genier was ---

23 **MR. DESROSIERS:** Exact; I didn't know.

24 **MS. SIMMS:** --- giving to the Crown?

25 **MR. DESROSIERS:** even at that point, no.

1 **MS. SIMMS:** So I understand that this -- I
2 expect we'll hear that the notes from September 11th and
3 December 12th had previously been provided to the OPP, but
4 this November 19th note, I understand that you had not seen
5 that note before?

6 **MR. DESROSIERS:** No, not at all.

7 **MS. SIMMS:** This note was a surprise to the
8 Crown as well? Do you know?

9 **MR. DESROSIERS:** I don't know.

10 **MS. SIMMS:** Okay.

11 **MR. DESROSIERS:** No. This was disclosed to
12 ---

13 **MS. SIMMS:** But this is clearly -- starting
14 on the second page of Exhibit 1405, this clearly relates to
15 C-8 giving information about Marcel Lalonde in particular.
16 Is that right?

17 **MR. DESROSIERS:** Yes.

18 **MS. SIMMS:** And it's dated November 19th,
19 1996?

20 **MR. DESROSIERS:** That's correct.

21 **MS. SIMMS:** Do you recall when we were
22 discussing the Preliminary Inquiry, and I pointed you to
23 the part where Constable Dunlop said that he didn't receive
24 disclosure of any details from C-8 between June of '96 and
25 January of '97?

1 **MR. DESROSIERS:** Yes, I recall.

2 **MS. SIMMS:** You remember that. So this is
3 November 19th, 1996.

4 **MR. DESROSIERS:** Correct.

5 **MS. SIMMS:** Did that -- did you notice that
6 discrepancy when you received this note?

7 **MR. DESROSIERS:** I may have. I can't
8 recall.

9 **MS. SIMMS:** You don't recall. So you've
10 received this note on October 1st, and I assume you turned
11 it over to the Crown that same day?

12 **MR. DESROSIERS:** As soon as possible, yes, I
13 did. I can't recall exactly what date it might have been.

14 **MS. SIMMS:** You don't recall ---

15 **MR. DESROSIERS:** I can refer to a note; if
16 it's in my notes, probably I could refer to that.

17 **MS. SIMMS:** Well, your notes hopefully are
18 still in front of you there; they're 1715.

19 And I think if you look at Bates page 796.

20 **MR. DESROSIERS:** Yes.

21 **MS. SIMMS:** You have notes there, receiving
22 the envelope from Staff Sergeant Brunet at 8:15 in the
23 morning.

24 **MR. DESROSIERS:** Yes.

25 **MS. SIMMS:** And turning them over to the

1 Assistant Crown Attorney, Claudette Wilhelm.

2 MR. DESROSIERS: That's correct. She was
3 attending the station that day for prep.

4 MS. SIMMS: Okay. That's at 10:00 a.m.?

5 MR. DESROSIERS: Yes.

6 MS. SIMMS: And then at 12:00 noon, you have
7 a note saying:

8 "The Crown requested writer make
9 photocopies of documents with blacked
10 out areas for disclosure."

11 MR. DESROSIERS: Correct.

12 MS. SIMMS: I don't think you have another
13 note about those particular documents.

14 MR. DESROSIERS: No, I don't.

15 MS. SIMMS: So was that the end of your
16 involvement with that?

17 MR. DESROSIERS: At that point, yes, at that
18 time.

19 MS. SIMMS: So this is leading up to the
20 trial date of October 4th, 1999, and I understand an
21 adjournment was sought for the trial date?

22 MR. DESROSIERS: Yes.

23 MS. SIMMS: Were you advised that the
24 Defence were seeking an adjournment by the Crown?

25 MR. DESROSIERS: I was aware that that's

1 what was in the wind, like that's what they were going to
2 be requesting, yes.

3 **MS. SIMMS:** Okay. And did you learn that on
4 the trial date or prior to the trial date?

5 **MR. DESROSIERS:** It was around the trial
6 date, at the day of trial because I recall our last witness
7 -- we advised our last witness that was for prep on the 4th
8 or the 5th that he wasn't -- we weren't going ahead. So it
9 was done on the date, on the 4th of October, if I'm not
10 mistaken.

11 **MS. SIMMS:** Do you know, were you involved
12 in any discussions with the Crown about their position with
13 respect to the adjournment request or ---

14 **MR. DESROSIERS:** No, not that I can recall.

15 **MS. SIMMS:** You weren't involved in that at
16 all?

17 **MR. DESROSIERS:** No.

18 **MS. SIMMS:** So you don't know -- you can't
19 tell us about what the basis of the adjournment request was
20 or what the Crown's position was?

21 **MR. DESROSIERS:** I can't recall for sure,
22 no.

23 **MS. SIMMS:** Okay. But you know that an
24 adjournment was granted?

25 **MR. DESROSIERS:** Yes.

1 **MS. SIMMS:** And a new trial date was set for
2 September of 2000?

3 **MR. DESROSIERS:** That's correct. The basis
4 of the request was because of the disclosure issue, they
5 felt they had not been given disclosure, all the disclosure
6 at the time.

7 **MS. SIMMS:** And when you say that you're
8 referring to the disclosure with respect to -- I mean,
9 there's a number of disclosure requests?

10 **MR. DESROSIERS:** Yes, in relation to Marcel
11 Lalonde, that case ---

12 **MS. SIMMS:** Yes.

13 **MR. DESROSIERS:** --- with us.

14 **MS. SIMMS:** Okay, but are you referring to
15 the issues with Constable Dunlop or -- I mean, there's a
16 number of disclosure issues; right?

17 **MR. DESROSIERS:** Right. We were able to
18 fulfill our disclosure through our investigation but they
19 felt there was other -- more information out there with
20 Constable Dunlop.

21 **MS. SIMMS:** Well -- and in fact you later --
22 a day later, find the Marcel Lalonde investigation from
23 '89; right?

24 **MR. DESROSIERS:** That's correct.

25 **MS. SIMMS:** Which is -- your view, I assume,

1 would have ---

2 MR. DESROSIERS: Yes.

3 MS. SIMMS: --- been subject to disclosure
4 as well?

5 MR. DESROSIERS: Yes, it was.

6 MS. SIMMS: So I understand from the
7 document that was prepared by Constable Genier -- I believe
8 was prepared by Constable Genier, it's a will say from
9 Marcel Lalonde; I'm going to ask you to look at it. It's
10 Document Number 117293.

11 THE COMMISSIONER: Exhibit Number 1724 is a
12 will say of Donald Genier, Detective Constable, and it is
13 on the -- is there a date of this?

14 MS. SIMMS: I don't see a date, Mr.
15 Commissioner. Maybe we can just say it commences on --
16 referring to October 1st, '99?

17 THE COMMISSIONER: Sure.

18 --- EXHIBIT NO./PIÈCE NO. P-1724:

19 (117293) - Will Say of D.C. Genier to OPP -
20 date unknown

21 MS. SIMMS: So, Constable Desrosiers, I'm
22 asking you to look at this because it makes reference to,
23 on October 4th and October 5th, '99, the Crown reviewing
24 Constable Dunlop's binders. You see, that's the first
25 entry on October 4th?

1 **MR. DESROSIERS:** Yes.

2 **MS. SIMMS:** Yeah, and then on October 5th
3 there's an entry saying:

4 "Reviewed files with Crown Wilhelm at
5 Project Truth office pertaining to
6 Constable Dunlop, Marcel Lalonde and
7 Ronald Leroux."

8 Do you see that?

9 **MR. DESROSIERS:** On the 5th of October, yes.

10 **MS. SIMMS:** Yes. So it appears right around
11 the time of the adjournment, the trial, the Crown herself
12 was looking at these materials that ---

13 **MR. DESROSIERS:** Yes.

14 **MS. SIMMS:** --- were in the possession of
15 Project Truth?

16 **MR. DESROSIERS:** Yes.

17 **MS. SIMMS:** Were you involved in that review
18 in any way?

19 **MR. DESROSIERS:** I have a memory of being in
20 the room, yes.

21 **MS. SIMMS:** Okay. So -- and there are notes
22 from the will say indicating that a passage is prepared for
23 the defence. Do you see that, October ---

24 **MR. DESROSIERS:** Yes, I see that.

25 **MS. SIMMS:** "October 5th package prepared for

1 defence."

2 MR. DESROSIERS: Right.

3 MS. SIMMS: And then October 8th refers to
4 attending to the Crown office and providing the package for
5 defence?

6 MR. DESROSIERS: Yes.

7 MS. SIMMS: Yes. So at this point-in-time
8 the Crown, and I guess yourself, are involved in reviewing
9 material from the possession of the OPP with respect to
10 Constable Dunlop. Is that correct?

11 MR. DESROSIERS: Yes, I would say I'm going
12 through some of it; she's mostly going through it herself,
13 yeah.

14 MS. SIMMS: All right. And you do identify,
15 or she does identify, additional documents that she felt
16 should be disclosed to the defence?

17 MR. DESROSIERS: Yes.

18 MS. SIMMS: And was this -- while we're
19 here, October 4th, '99, Constable Genier notes a meeting
20 with Crown Wilhelm, Constable Desrosiers, Staff Sergeant
21 Carter and Staff Sergeant Derochie. Do you see that?

22 MR. DESROSIERS: Yes.

23 MS. SIMMS: Okay. So was that something
24 that was discussed at this meeting, that you would be
25 undertaking a review of those materials to see if there was

1 anything that ought to be disclosed?

2 MR. DESROSIERS: At that point, I don't
3 recall being put -- I was probably advised. I can't recall
4 exactly but I did probably -- I did go through some of the
5 material myself, that I can recall.

6 MS. SIMMS: Just so we're clear, I know you
7 did go through, when Constable Dunlop delivered it, some
8 nine boxes?

9 MR. DESROSIERS: Later on, yes.

10 MS. SIMMS: Later on. You and Constable
11 Genier were involved in reviewing those materials?

12 MR. DESROSIERS: That's right.

13 MS. SIMMS: Right.

14 MR. DESROSIERS: That's correct.

15 MS. SIMMS: But you also recall being --
16 reviewing materials at this time, in October of '99?

17 MR. DESROSIERS: Yes, I recall being at a
18 meeting in the Project Truth office.

19 MS. SIMMS: Okay. Do you know what else
20 came from that meeting in terms of steps to be taken with
21 respect to disclosure issues or issues with Constable
22 Dunlop?

23 MR. DESROSIERS: There was talk that they
24 would have to prepare another order ---

25 MS. SIMMS: M'hm.

1 **MR. DESROSIERS:** --- to be served on him
2 again in relation to disclosures, and it would have to do
3 with everything he had in his possession.

4 **MS. SIMMS:** M'hm.

5 **MR. DESROSIERS:** I believe that order is
6 from the year 2000.

7 **MS. SIMMS:** Right.

8 **MR. DESROSIERS:** And I'm trying to remember;
9 February, possibly, around that timeframe.

10 **MS. SIMMS:** I think it was January 10th,
11 2000.

12 So there's discussion of sending a further
13 order. What about -- was there discussion of commencing an
14 investigation into Constable Dunlop in terms of what he had
15 provided or not provided or in terms of what he testified
16 to at the preliminary inquiry?

17 **MR. DESROSIERS:** Yes, eventually there was
18 an outside agency that come in.

19 **MS. SIMMS:** And that was the Ottawa Police
20 Service?

21 **MR. DESROSIERS:** Yes, it was.

22 **MS. SIMMS:** Okay. And -- but were you
23 involved in any way in that investigation?

24 **MR. DESROSIERS:** No, I was interviewed in
25 that investigation ---

1 MS. SIMMS: Okay.

2 MR. DESROSIERS: --- by Sergeant Lalonde.

3 MS. SIMMS: And were you involved in any way
4 of the preparation of that order that we just talked about,
5 the January 10th order?

6 MR. DESROSIERS: No, I was not, no.

7 MS. SIMMS: So following this meeting or the
8 adjournment of the trial in October of '99 to when
9 documents are received in January of 2000 or when the order
10 is given in January 2000, do you have further conversations
11 with Constable Dunlop or follow-up on disclosure issues
12 with respect to him?

13 MR. DESROSIERS: On another matter I did,
14 yes.

15 MS. SIMMS: On another matter?

16 MR. DESROSIERS: Yes.

17 MS. SIMMS: Okay. I think that's a matter
18 we'll come to, but with respect to this matter?

19 MR. DESROSIERS: No, not that I can recall.
20 I was going to be given any information that would be
21 given. Once we saw what there was, I went through some of
22 that information with Constable Genier.

23 MS. SIMMS: Okay, well let's get to that.
24 You're talking about the spring of 2000; right?

25 MR. DESROSIERS: Yes.

1 **MS. SIMMS:** Okay, let's get to that in a
2 little bit, a little bit later.

3 So I understand -- we've already discussed
4 some of the follow-up you were involved in is locating that
5 previous investigation and you've described that in some
6 detail, the previous Marcel Lalonde investigation file?

7 **MR. DESROSIERS:** Yes.

8 **MS. SIMMS:** So you do that on October 5th?

9 **MR. DESROSIERS:** Of '99, yes.

10 **MS. SIMMS:** Ninety-nine (99), and then you
11 subsequently contact Constable Malloy and you obtain his
12 notes from that investigation as well?

13 **MR. DESROSIERS:** Constable Malloy? Yes, I
14 spoke to him.

15 **MS. SIMMS:** Okay. And I'm going to ask you
16 to refer to Exhibit 1497.

17 **MR. DESROSIERS:** Yes.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **MS. SIMMS:** Okay? So this is a
20 supplementary occurrence report authored by yourself?

21 **MR. DESROSIERS:** Yes, it is.

22 **MS. SIMMS:** All right. And it's with
23 respect to this previous investigation we discussed?

24 **MR. DESROSIERS:** Yes, it is.

25 **MS. SIMMS:** So I understand you took some

1 follow-up steps and found the materials and then you took
2 some steps to locate the individuals who are mentioned in
3 the file from the previous investigation. Is that right?

4 **MR. DESROSIERS:** Yes.

5 **MS. SIMMS:** And were you doing that on the
6 instructions of the Crown?

7 **MR. DESROSIERS:** Yeah, she advised me to
8 look into the file ---

9 **MS. SIMMS:** Okay.

10 **MR. DESROSIERS:** --- and see what else
11 should be done or ---

12 **MS. SIMMS:** And at some point, you open up a
13 new file. Is that correct? You gave a new occurrence
14 number to this particular ---

15 **MR. DESROSIERS:** Yes, they required to --
16 because we were now on OMPPAC, they required to give it as
17 a number reflecting OMPPAC, which is the number they gave
18 me in records which was ---

19 **MS. SIMMS:** So you can -- did you consider
20 this a continuation of the 1988/89 ---

21 **MR. DESROSIERS:** Yeah, I considered, yes, I
22 was going to locate to the whole file and if there was ---

23 **MS. SIMMS:** Okay.

24 **MR. DESROSIERS:** --- something that should
25 be looked into, I would be looking into it, yes.

1 **MS. SIMMS:** All right.

2 And I understand that you did locate a
3 number of the individuals who were mentioned in the
4 previous investigation?

5 **MR. DESROSIERS:** Yes, I did.

6 **MS. SIMMS:** All right. And there's some --
7 there's some monikers here, so you already -- you already
8 mentioned C-57?

9 **MR. DESROSIERS:** Yes.

10 **MS. SIMMS:** And I guess the other relevant
11 one is C-59. I'll pass those up to Constable Desrosiers.

12 **MR. DESROSIERS:** Thank you.

13 **MS. SIMMS:** So you did, in fact, locate the
14 individuals that were from this investigation that was
15 conducted 10 years previously?

16 **MR. DESROSIERS:** Yes, I did, yes.

17 **MS. SIMMS:** And I think you mentioned in
18 this report, you mentioned a number of people, did any of
19 the individuals you contacted, did they wish to come
20 forward as complainants at this time? Now we're in '99 and
21 2000.

22 **MR. DESROSIERS:** There's a few. C-57 was
23 the first one I spoke to in relation to that file. He
24 recalled having spoken to a police officer. He recalled at
25 that time he believed nothing could be done. He was

1 surprised I had called him. I didn't want to bring it back
2 up for him, but it was important to see -- to meet with
3 him. He read over his statement with me and I clarified
4 his statement with a few other questions.

5 I had been previously told why he did not
6 proceed, by Constable Malloy, that there was a consent
7 issue involved in his matter.

8 I told him that if anything changes with the
9 investigation, I'll be talking with him.

10 If at least he would be a witness for the
11 present prosecution, if that was the case. He said he
12 wanted a bit of time to think about that.

13 **MS. SIMMS:** Do you recall if he did testify
14 at the Marcel Lalonde trial?

15 **MR. DESROSIERS:** I believe he did.

16 **MS. SIMMS:** He did?

17 **MR. DESROSIERS:** Yes.

18 **MS. SIMMS:** And there is another individual
19 you contacted having found this file, as well, C-59?

20 **MR. DESROSIERS:** Yes, m'hm.

21 **MS. SIMMS:** And that he, as well, agreed to
22 testify at the ---

23 **MR. DESROSIERS:** He did. He did not want to
24 proceed with any of the charges involved but, however, he
25 would offer his testimony to the other complainants if it

1 was required.

2 MS. SIMMS: And he did, in fact, give
3 testimony?

4 MR. DESROSIERS: I believe he did.

5 MS. SIMMS: Okay.

6 MR. DESROSIERS: I believe he did.

7 MS. SIMMS: So I take it this information
8 was all disclosed to the defence?

9 MR. DESROSIERS: Yes, it was.

10 MS. SIMMS: Do you recall when it was
11 disclosed to the defence?

12 MR. DESROSIERS: As soon as I would receive
13 it, I would be sending information off to the Crown.

14 I know there was a period of time where I --
15 there was like a break in the investigation due to other
16 matters that were coming up, but when -- when I had done
17 most of the investigation that I had to look into in
18 reaching the other possible complainants, then everything
19 was disclosed to the Crown.

20 MS. SIMMS: Okay. So you weren't doing it
21 piece-by-piece, you ---

22 MR. DESROSIERS: No.

23 MS. SIMMS: --- conducted your
24 investigation?

25 MR. DESROSIERS: That's correct.

1 **MS. SIMMS:** And then you disclosed it to the
2 Crown?

3 **MR. DESROSIERS:** Yes.

4 **MS. SIMMS:** And they disclosed it to the
5 defence?

6 **MR. DESROSIERS:** That's right.

7 **MS. SIMMS:** Was it somewhere around this
8 June, 2000 date that the report's made?

9 **MR. DESROSIERS:** I believe so. If I could
10 be directed to the note? I believe it is. It was prior to
11 trial in September.

12 **MS. SIMMS:** Okay.

13 **MR. DESROSIERS:** Yeah.

14 **MS. SIMMS:** All right.

15 So you already mentioned you're aware of
16 that January 10th, 2000 order that was given to Constable
17 Dunlop?

18 **MR. DESROSIERS:** Yes.

19 **MS. SIMMS:** Yes. Where he was asked to
20 provide everything that ---

21 **MR. DESROSIERS:** That's correct, yes.

22 **MS. SIMMS:** Okay. And I understand that --
23 or you can tell me, at some point did Constable Dunlop come
24 and talk to you about that order? Did he make -- I think
25 he made a request of you to provide him with notes?

1 **MR. DESROSIERS:** That's correct. He had a
2 room which was just two doors from the SACA office, which
3 is Sexual Assault Child Abuse Bureau. He came to the
4 doorway and asked me if I could provide him with the notes
5 he had already given to our Service for disclosure.

6 I said no. He was asking me why, "who are
7 you answering to?", that kind of talk. I said I'll go see
8 my boss, my supervisor, which I did. I went to see a Staff
9 in -- Staff Sergeant Carter; advised him of his request.
10 He told me, "No, you don't give him anything. His will
11 say's fine, you can give him that, but any notes, he has to
12 turn over everything."

13 So I told him that. Subsequently, I
14 returned to my office and told Constable Dunlop that.

15 **THE COMMISSIONER:** And what did he say about
16 that?

17 **MR. DESROSIERS:** He went -- he went to see
18 my Staff Sergeant.

19 **THE COMMISSIONER:** Okay.

20 **MR. DESROSIERS:** And they had a
21 conversation.

22 **MS. SIMMS:** That's the ---

23 **MR. DESROSIERS:** That was the last I had
24 contact with him.

25 **MS. SIMMS:** That's the last ---

1 **MR. DESROSIERS:** My last contact with Mr.
2 Dunlop, yes, personal contact.

3 **MS. SIMMS:** So he wasn't happy about it, I
4 take it?

5 **MR. DESROSIERS:** No, he wasn't, no.

6 **MS. SIMMS:** And then I see from your notes
7 in the earlier part of 2000, you're receiving some
8 documents from Constable (sic) Derochie to ---

9 **MR. DESROSIERS:** I received documents
10 incrementally from Staff Sergeant Derochie which came from
11 Constable Dunlop to him.

12 **MS. SIMMS:** Yeah.

13 **MR. DESROSIERS:** There were seven pieces, I
14 believe, that eventually were turned over; seven documents
15 over a period of -- short period of time.

16 **MS. SIMMS:** Yeah. And, again, you'd have no
17 way of knowing whether those documents had previously been
18 disclosed by Constable Dunlop to the Project Truth?

19 **MR. DESROSIERS:** No, I did not. I was
20 disclosing everything to the Crown.

21 **MS. SIMMS:** You were taking whatever he gave
22 you and ---

23 **MR. DESROSIERS:** Disclosing it, yes.

24 **MS. SIMMS:** --- disclosing it to the Crown?
25 Okay.

1 And, again, I understand in April of 2000,
2 yourself and Constable Genier reviewed the entire package
3 of disclosure that had been provided by Constable Dunlop
4 that spring?

5 **MR. DESROSIERS:** That's correct, yes.

6 **MS. SIMMS:** And I'm not sure if I saw your
7 notes on this matter, but perhaps we can look at -- there's
8 another will say made by Constable Genier, a Document
9 Number 107789?

10 **MR. DESROSIERS:** Yes.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **THE COMMISSIONER:** Thank you.

13 Exhibit Number 1725 is a will say of Don
14 Genier, Detective Constable. The first entry on that is
15 January, 1997.

16 **--- EXHIBIT NO./PIÈCE NO. P-1725:**

17 (107789) - Will Say of D.C. Genier to OPP re
18 Dunlop - date unknown

19 **MS. SIMMS:** Okay. So at the bottom of that
20 first page, Constable Desrosiers, Constable Genier refers
21 to April 12th, 13th and 19th, 2000, where he attended at the
22 Cornwall Police Service and met with yourself, provided a
23 list of all accused persons involved in Project Truth, and
24 you were to recognize the names while reviewing the
25 materials, and then the notes go on to a review of all of

1 those boxes?

2 **MR. DESROSIERS:** Right.

3 **MS. SIMMS:** Yeah. So were you directed to
4 do this review by your supervisors or how did this come
5 about?

6 **MR. DESROSIERS:** Well, I recall being
7 advised, I believe by my supervisors, to go through the
8 boxes.

9 The boxes were at the Service for a short
10 period of time and over -- eventually taken over to the
11 Project Truth office where we -- I continued looking with
12 Constable Genier. He had apparently seen a lot of these
13 materials before, so he knew that there was possibly
14 nothing mentioned about Mr. Lalonde in some of these files
15 because he had seen some of this disclosure through the
16 Project Truth investigation.

17 So I went box -- I might have done two or
18 three boxes of the nine boxes and then the original box of
19 his originals, which were with Staff Sergeant Derochie. I
20 did find a few pieces of material involving Marcel Lalonde,
21 and they were disclosed as well.

22 **MS. SIMMS:** Okay. Well, is what you found
23 similar to what Constable Genier says here in the will say?
24 So he has on the second page, Box 1 ---

25 **MR. DESROSIERS:** M'hm.

1 **MS. SIMMS:** --- no new material. Box 2, no
2 new material.

3 **MR. DESROSIERS:** M'hm.

4 **MS. SIMMS:** Now, I take it he's referring to
5 this from the OPP's perspective of what he'd seen before?

6 **MR. DESROSIERS:** Possibly, yes.

7 **MS. SIMMS:** Okay.

8 **MR. DESROSIERS:** Yes.

9 **MS. SIMMS:** Box 3, no new material. Is that
10 right?

11 **MR. DESROSIERS:** Yes. I'm sorry.

12 **MS. SIMMS:** Box 4, no new material. Box 5,
13 no new material?

14 **MR. DESROSIERS:** Correct.

15 **MS. SIMMS:** And then Box 6, is that what you
16 were just referring to about Sergeant Derochie's box?

17 **MR. DESROSIERS:** That's correct, yes.

18 **MS. SIMMS:** And are you saying you found
19 some material in that that needed to be disclosed?

20 **MR. DESROSIERS:** I believe it was in that
21 material. I believe -- to my memory, I believe it was, but
22 I'm not 100 percent sure about that. It would reflect in
23 my notes.

24 **MS. SIMMS:** Well -- so do you recall or do
25 you have a record of out of all of these materials what was

1 new material that was disclosed to the Crown?

2 MR. DESROSIERS: They were single-lined on
3 one page that had the name Marcel Lalonde in it.

4 MS. SIMMS: Okay.

5 MR. DESROSIERS: And it had to do with
6 certain complainants. So whenever I read through that, I
7 would -- I disclosed those pages that had his name --
8 Marcel Lalonde's name in it.

9 MS. SIMMS: And some of that new disclosure,
10 as I read the will say, was not new to Project Truth?

11 MR. DESROSIERS: Possibly not, no.

12 MS. SIMMS: For example, if I take you to
13 Bates page ending 226 ---

14 MR. DESROSIERS: Yes.

15 MS. SIMMS: --- from Box 1 to 6, it says "no
16 new material".

17 Box 7 refers to a binder, "Constable P.
18 Dunlop's Notes", and there's a little note under it saying:

19 "Lalonde mentioned in seven different
20 areas. This binder is not new to
21 Project Truth and parts were disclosed
22 in October of '99."

23 Do you see that?

24 MR. DESROSIERS: Right.

25 MS. SIMMS: So was this the materials that

1 were reviewed by yourself and the Crown in October of '99
2 and disclosed then?

3 **MR. DESROSIERS:** I don't know. I can't
4 recall.

5 **MS. SIMMS:** And then if you flip the page to
6 the last page, you're just talking about the brown box, and
7 Constable Genier says:

8 "The only material pertaining to Marcel
9 Lalonde is found in Dunlop's will say
10 and accompanying books."

11 Do you see that?

12 **MR. DESROSIERS:** Yes.

13 **MS. SIMMS:** And that's the will say that was
14 just prepared pursuant to the January order?

15 **MR. DESROSIERS:** I believe that's what it
16 is.

17 **MS. SIMMS:** So that's a new document
18 altogether?

19 **MR. DESROSIERS:** Yes.

20 **MS. SIMMS:** And that was disclosed, I take
21 it, to defence?

22 **MR. DESROSIERS:** Yes, it was.

23 **MS. SIMMS:** Okay. So he points out the will
24 say and accompanying books and an audio interview of a
25 victim. Do you see that?

1 **MR. DESROSIERS:** Is that on 726?

2 **MS. SIMMS:** On 727. I'm sorry, I'm on the
3 brown box.

4 So for all the materials you reviewed,
5 Constable Desrosiers, there was very little that was
6 outstanding at that point?

7 **MR. DESROSIERS:** Yes, yes, I would agree
8 with that.

9 **MS. SIMMS:** There was the will say, but that
10 had just been created?

11 **MR. DESROSIERS:** Yes, and there were notes
12 that were -- that we found that had the full version of the
13 first five pages that we had received from Mr. Dunlop where
14 there was blank areas. We had the full ---

15 **MS. SIMMS:** Like that November 19th note?

16 **MR. DESROSIERS:** That's correct, '96, yes.

17 **MS. SIMMS:** And the blanked out parts were
18 parts not pertaining to Marcel Lalonde, I take it?

19 **MR. DESROSIERS:** That's correct, yes.

20 **MS. SIMMS:** Mr. Commissioner, I'm wondering
21 if this would be a good time for ---

22 **THE COMMISSIONER:** It's the perfect time for
23 a break. Thank you.

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

1 This hearing will resume at 3:00 p.m.

2 --- Upon recessing at 2:41 p.m./

3 L'audience est suspendue à 14h41

4 --- Upon resuming at 3:02 p.m./

5 L'audience est reprise à 15h02

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

8 This hearing is now resumed. Please be
9 seated. Veuillez vous asseoir.

10 **RENÉ DESROSIERS, Resumed/Sous le même serment:**

11 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

12 **SIMMS (cont'd/suite):**

13 **MS. SIMMS:** All right.

14 Constable Desrosiers, so we just discussed
15 your review of the materials that Constable Dunlop provided
16 in the spring of 2000?

17 **MR. DESROSIERS:** Yes.

18 **MS. SIMMS:** And then I understand there's a
19 couple of other disclosure issues you deal with, and I just
20 want to ask you very briefly about those.

21 So if we can go back to your notes, which
22 are Exhibit 1715 and the Bates page ending 811?

23 **MR. DESROSIERS:** Yes.

24 **MS. SIMMS:** So you have an entry there dated
25 February 29th, 2000 regarding information you received from

1 Staff Sergeant Derochie advising that Constable Dunlop had
2 advised him that his lawyer, Charles Bourgeois, had not
3 returned videotapes. Do you see that?

4 MR. DESROSIERS: Yes, I see that.

5 MS. SIMMS: Do you recall what you did to
6 follow up on that information?

7 MR. DESROSIERS: At first, I spoke with the
8 Crown about it and I was to follow-up and made many, many
9 attempts with Mr. Bourgeois to contact him by phone. We
10 played a lot of tag on the phone ---

11 MS. SIMMS: M'hm.

12 MR. DESROSIERS: --- for a period of time.
13 Eventually, we did finally speak and I made the request if
14 he had any videotapes or any information in relation to Mr.
15 Marcel Lalonde for our investigation.

16 MS. SIMMS: M'hm.

17 MR. DESROSIERS: I advised him that
18 Constable Dunlop had advised us that he may be in
19 possession of those tapes, of some tapes.

20 He advised me that to his knowledge he
21 couldn't recall, in passing, other than one possible name,
22 C-8, that he may have had contact with or would have had
23 contact with and possibly one other, possibly C-58 as well
24 was mentioned.

25 He said if he had anything, he would call to

1 contact me. If not, it's because he didn't have anything
2 at that time, and eventually there was a letter sent to him
3 as well.

4 **MS. SIMMS:** Okay. So you -- did you ever
5 receive any videotapes from Mr. Bourgeois?

6 **MR. DESROSIERS:** No, I did not.

7 **MS. SIMMS:** Okay. And the letter, was that
8 sent by yourself or that was sent by ---

9 **MR. DESROSIERS:** It was sent by me to have
10 the Chief's secretary type out, re-draft it and send it
11 out.

12 **MS. SIMMS:** Okay. And in response to the
13 letter, you didn't receive any further disclosure?

14 **MR. DESROSIERS:** No, I did not receive a
15 response to the letter either, to my memory.

16 **MS. SIMMS:** I want to ask you about another
17 communication that you had, and this time it was with
18 someone named Dick Nadeau.

19 **MR. DESROSIERS:** Yes.

20 **MS. SIMMS:** And I'll refer you to -- you
21 have notes of this separate from the notes we've been
22 referring to. It's Document Number 117099.

23 **THE COMMISSIONER:** Thank you.

24 Exhibit Number 1726 is notes from Detective
25 Constable René Desrosiers and the first date on the

1 document is May 30th, 2000.

2 MS. SIMMS: And this should be marked
3 "subject to publication ban" as well.

4 THE COMMISSIONER: Certainly. Thank you.

5 --- EXHIBIT NO./PIÈCE NO. P-1726:

6 (117099) Notes of René Desrosiers from May
7 30, 2000 to July 19, 2000

8 MS. SIMMS: So, Constable Desrosiers, these
9 notes start on May 30th, 2000 and you have an entry that
10 morning regarding a call from Dick Nadeau?

11 MR. DESROSIERS: Correct.

12 MS. SIMMS: Had you had any previous
13 communications with him?

14 MR. DESROSIERS: I'm trying to remember if I
15 had a communication with him prior to this date. I believe
16 I did.

17 MS. SIMMS: In the context of this
18 investigation?

19 MR. DESROSIERS: No, into some other
20 different information.

21 MS. SIMMS: Okay. So this is your first
22 contact with him with respect to Marcel Lalonde. Is that
23 correct?

24 MR. DESROSIERS: That's correct, yes.

25 MS. SIMMS: And what does he advise you?

1 **MR. DESROSIERS:** He advised me that he was
2 working for a lawyer and was suppressing several suits
3 against Father Charles MacDonald, Marcel Lalonde and
4 fathers of the Classical College in Cornwall.

5 **MS. SIMMS:** Is that supposed to be
6 "suppressing" or is that "pressing" maybe?

7 **MR. DESROSIERS:** I understood him to say
8 "suppressing".

9 **MS. SIMMS:** Okay. Did you understand him to
10 say that he was working on civil suits against these
11 people?

12 **MR. DESROSIERS:** Yes, that would be fair to
13 say, yes.

14 **MS. SIMMS:** Okay. And he asked you for some
15 information about people who were complainants in this
16 investigation; right?

17 **MR. DESROSIERS:** That's correct, yes.

18 **MS. SIMMS:** And what was your response?

19 **MR. DESROSIERS:** I advised Mr. Nadeau that I
20 wasn't at liberty of giving out personal information in
21 relation to the files at the Service involving
22 investigations.

23 He requested my assistance in wanting to
24 contact these people. And I advised him that any
25 assistance would have to be cleared by Headquarters, by

1 that I mean the Records Bureau, Freedom of Information, if
2 he was looking for information.

3 He had told me though that he had talked to
4 one complainant ---

5 **MS. SIMMS:** Okay.

6 **MR. DESROSIERS:** --- but he didn't
7 elaborate.

8 **MS. SIMMS:** So did you take any steps to
9 clear providing assistance to Mr. Nadeau with anyone?

10 **MR. DESROSIERS:** No, I did not.

11 **MS. SIMMS:** Okay. So you -- was it your
12 intention to try and assist him with this?

13 **MR. DESROSIERS:** No, not at that -- no.

14 **MS. SIMMS:** And why is that?

15 **MR. DESROSIERS:** Because we do have policies
16 in relation to disclosure going to people outside the
17 Service in relation to matters that are before the courts,
18 investigations. If there is a way of obtaining
19 information, if you're able to receive it.

20 **MS. SIMMS:** Right.

21 **MR. DESROSIERS:** And I wasn't at liberty to
22 give him any information like that.

23 **MS. SIMMS:** So you also -- his second
24 request is that you contact the victims and ask them to
25 call him. And I take it you didn't think that was

1 appropriate either?

2 **MR. DESROSIERS:** I did not believe that to
3 be appropriate for me to do.

4 **MS. SIMMS:** And why is that?

5 **MR. DESROSIERS:** Number one, I guess the
6 foremost reason would be I don't want to bother them,
7 number one. They're involved in a very serious and
8 stressful prosecution where they're going to be testifying
9 and I didn't feel it was my place to advise them of that.

10 **MS. SIMMS:** Okay. And I understand later,
11 when you're preparing some of these complainants for the
12 trial, a number of them tell you that they have been
13 contacted by Mr. Nadeau or they've had contact with Mr.
14 Nadeau. Do you recall that?

15 **MR. DESROSIERS:** Yes, I recall some of that,
16 yes.

17 **MS. SIMMS:** And do you know how he would
18 have made contact with those individuals?

19 **MR. DESROSIERS:** I believe he contacted them
20 by phone or saw them personally.

21 **MS. SIMMS:** Sorry. He's asking you to put
22 him in touch with these people, right?

23 **MR. DESROSIERS:** Yes.

24 **MS. SIMMS:** Do you know how he was able to
25 contact them or look them up?

1 **MR. DESROSIERS:** I have no idea, no.

2 **MS. SIMMS:** Okay. In this same exhibit,
3 1726, you have a note on Bates page 320.

4 **MR. DESROSIERS:** Yes.

5 **MS. SIMMS:** And this note, starting at
6 11:12, you're talking about attending at Acting Deputy
7 Chief Carter's office ---

8 **MR. DESROSIERS:** Correct.

9 **MS. SIMMS:** --- with Sergeant Lalonde from
10 the Ottawa-Carleton Police.

11 **MR. DESROSIERS:** That's correct, yes.

12 **MS. SIMMS:** So this meeting is with respect
13 to the investigation that Sergeant Lalonde has conducted
14 into Perry Dunlop; is that right?

15 **MR. DESROSIERS:** Yes, it is.

16 **MS. SIMMS:** Okay. So what was the purpose
17 of this meeting?

18 **MR. DESROSIERS:** The purpose of the meeting
19 was to provide a package to the Cornwall Police Service in
20 relation to an index, an investigative report and a
21 chronology of events, Cornwall Dunlop investigation.

22 **MS. SIMMS:** Okay. So it's to provide to you
23 for disclosure purposes. Is that right?

24 **MR. DESROSIERS:** That's correct, in relation
25 to the Marcel Lalonde matter.

1 **MS. SIMMS:** Okay. And so you did have the
2 opportunity to review those materials, the report and the
3 chronology and the documentation?

4 **MR. DESROSIERS:** Yes, I recall reading them
5 over, yes.

6 **MS. SIMMS:** Okay. I just wanted to ask you
7 a couple of questions regarding the chronology that was
8 prepared by the Ottawa Police Service just to see if you
9 can clarify a couple of points. I just have to find it.
10 Give me a second.

11 It's Document Number 731891.

12 **THE COMMISSIONER:** Thank you. Exhibit
13 Number 1727 is a chronology of events of the Cornwall-
14 Dunlop investigation.

15 **---EXHIBIT NO./PIÈCE NO P-1727:**

16 (731891) - Chronology of Events - Cornwall -
17 Dunlop Investigation

18 **MS. SIMMS:** So is this one of the documents
19 that Sergeant Lalonde provided to you on that day?

20 **MR. DESROSIERS:** Yes, I believe it is, yes.

21 **MS. SIMMS:** Okay. So I just want to point
22 out that there is a couple of mentions in this chronology
23 about the will-say statement from April of 1997 and the
24 first one is at Bates page 401.

25 **MR. DESROSIERS:** Yes.

1 **MS. SIMMS:** Okay. And there is an entry
2 there under January 23rd, 1997.

3 **MR. DESROSIERS:** Yes.

4 **MS. SIMMS:** And it says:

5 "Investigation revealed that Desrosiers
6 did not take this report. Unknown how
7 his name got on the report."

8 **MR. DESROSIERS:** Yes.

9 **MS. SIMMS:** Okay. And there is another
10 mention at Bates page 406.

11 **THE COMMISSIONER:** Page 10.

12 **MS. SIMMS:** Page 10, yes, under April 15th.

13 **MR. DESROSIERS:** Yes.

14 **MS. SIMMS:** And again, it's referencing the
15 will say -- the OMPPAC will-say report. And it says:

16 "Detective Desrosiers denies taking the
17 statement; unknown how the report
18 entered on OMPPAC under his name."

19 Can you clarify that for us at all,
20 Constable Desrosiers?

21 **MR. DESROSIERS:** I believe that my name
22 shows up on it because I probably did release that
23 statement to the inputers with my name on it and they had
24 just put my name as statement taker. I did not take the
25 statement, but it was turned in from Mr. Dunlop.

1 **MS. SIMMS:** So we went over this last time,
2 that you were provided an original statement from Sergeant
3 Snyder, right?

4 **MR. DESROSIERS:** Yes, that's correct.

5 **MS. SIMMS:** And you gave that to the people
6 who enter things?

7 **MR. DESROSIERS:** To the database inputer.
8 That's correct.

9 **MS. SIMMS:** Data entry people.

10 **MR. DESROSIERS:** Yes.

11 **MS. SIMMS:** And they entered that into
12 OMPPAC?

13 **MR. DESROSIERS:** That's correct, yes.

14 **MS. SIMMS:** Okay. And your name ---

15 **MR. DESROSIERS:** Showed up because I was the
16 one that turned it in and my name would have been on a note
17 saying "Please enter."

18 **MS. SIMMS:** Okay. And I take it, to your
19 understanding, that that statement was prepared by
20 Constable Dunlop himself in response to a request from --

21 -

22 **MR. DESROSIERS:** That's correct. That's my
23 ---

24 **MS. SIMMS:** --- Sergeant Snyder?

25 **MR. DESROSIERS:** --- assumption, yes.

1 **MS. SIMMS:** Okay. Maybe you can't be of
2 assistance with this, Constable Desrosiers, but at Bates
3 page 409 ---

4 **MR. DESROSIERS:** Yes.

5 **MS. SIMMS:** --- there's an entry on October
6 10th, 1997 and it refers to Dunlop turning over a yellow
7 binder to Pat Hall, Project Truth. And it lists the
8 documents attributed to that yellow binder.

9 **MR. DESROSIERS:** Yes, I see that.

10 **MS. SIMMS:** You see that? And below that it
11 says:

12 "These notes were disclosed by OPP
13 Detective Genier to the Crown Attorney
14 on May 4th, 1998, after the Marcel
15 Lalonde preliminary hearing as a result
16 of charges by Project Truth."

17 Now, maybe you can't help us with this
18 because you said you didn't see those notes, but can you --
19 do you know if that statement is correct, that those notes
20 were disclosed by Constable Genier?

21 **MR. DESROSIERS:** I see a lot of these names
22 for the first time.

23 **MS. SIMMS:** So you don't ---

24 **MR. DESROSIERS:** I don't recall seeing any
25 of this disclosure.

1 **MS. SIMMS:** Okay. Because they do actually
2 refer to the September 11th, 1996 note ---

3 **MR. DESROSIERS:** Yes, they do.

4 **MS. SIMMS:** --- and the December 12th, 1996
5 note which were subsequently requested.

6 **MR. DESROSIERS:** That's correct, yes. I see
7 that.

8 **MS. SIMMS:** But you -- so you don't have any
9 knowledge of whether or not Constable Genier produced those
10 to the Crown on May 4th, 1998?

11 **MR. DESROSIERS:** No, I don't.

12 **MS. SIMMS:** And again, if you can just turn
13 the page to -- well, it's page 15 of 33.

14 **MR. DESROSIERS:** Yes.

15 **MS. SIMMS:** There's an entry on January 16th,
16 1998?

17 **MR. DESROSIERS:** Yes.

18 **MS. SIMMS:** It's regarding Crown Wilhelm's
19 direction to you following the preliminary inquiry?

20 **MR. DESROSIERS:** That's correct, yes.

21 **MS. SIMMS:** And just to clarify again, at
22 the end it says:

23 "Desrosiers did not make notes of the
24 exact conversation."

25 **MR. DESROSIERS:** That's correct.

1 **MS. SIMMS:** And in fact you didn't make any
2 notes at all. Is that correct?

3 **MR. DESROSIERS:** That's correct.

4 **MS. SIMMS:** Okay.

5 And, again, I'm not sure if you can help us
6 with this but if you can look at page 25 of 33?

7 **MR. DESROSIERS:** Yes.

8 **MS. SIMMS:** The entry at the bottom there,
9 April 10th, 2000 is in reference to a meeting between
10 Sergeant Lalonde and the Crown, Claudette Wilhelm?

11 **MR. DESROSIERS:** Yes.

12 **MS. SIMMS:** And she confirms apparently,
13 according to the chronology, that the only disclosure she
14 had at the preliminary inquiry was the will state (sic);
15 right?

16 **MR. DESROSIERS:** That's correct.

17 **MS. SIMMS:** That's your recollection?

18 **MR. DESROSIERS:** Yes.

19 **MS. SIMMS:** And she also says that the
20 December 12th, 1997 statement of C-8 was just disclosed
21 prior to the October '99 trial. See that?

22 **MR. DESROSIERS:** Yes, I see that.

23 **MS. SIMMS:** Now, that statement was not
24 something that you were provided by Constable Dunlop was
25 it?

1 **MR. DESROSIERS:** No, it was not.

2 **MS. SIMMS:** So do you have any knowledge of
3 how that statement came to be disclosed or when it came to
4 be disclosed?

5 **MR. DESROSIERS:** I do not, no.

6 **MS. SIMMS:** And there's another thing that
7 is a little confusing to me.

8 At the very end she says -- or according to
9 this chronology, Sergeant Lalonde reports she says she was
10 only prosecuting the Marcel Lalonde trial as it relates to
11 the Cornwall charge. Do you know what's meant by that?

12 **MR. DESROSIERS:** No, she was the Crown also
13 for the OPP charge.

14 **MS. SIMMS:** Right, and they are heard
15 together in the same trial; right?

16 **MR. DESROSIERS:** Yes, they were.

17 **MS. SIMMS:** Okay.

18 And on the following page there's an entry
19 from April 12th, 2000 and that's your interview with
20 Sergeant Lalonde?

21 **MR. DESROSIERS:** Yes.

22 **MS. SIMMS:** And that's what you referenced
23 earlier; right?

24 **MR. DESROSIERS:** Yes, that's correct.

25 **MS. SIMMS:** So this is your only involvement

1 in this investigation?

2 **MR. DESROSIERS:** Yes, it is.

3 **MS. SIMMS:** Okay.

4 And, again, below that, on the April 14th,
5 2000 there is an entry dealing with Sergeant Lalonde
6 speaking to Detective Constable Genier?

7 **MR. DESROSIERS:** Yes.

8 **MS. SIMMS:** And, again, it appears that
9 Constable -- according to this report, it states that the
10 charges heard in court in January, 1998 stem from the
11 Cornwall charges. See that? And I take it, we've already
12 discussed it was your understanding that both the OPP
13 charges and the Cornwall charges were together in that
14 preliminary inquiry?

15 **MR. DESROSIERS:** Yes, they were.

16 **MS. SIMMS:** And it also states in that entry
17 that the notes provided to the OPP were never disclosed to
18 the Cornwall Police as it was a separate investigation?

19 **MR. DESROSIERS:** Yes, until they were made
20 companion charges at some point.

21 **MS. SIMMS:** Okay.

22 **MR. DESROSIERS:** Of which I wasn't involved
23 with either. That was done by the Crown.

24 **MS. SIMMS:** Well ---

25 **MR. DESROSIERS:** And defence, I believe.

1 **MS. SIMMS:** As I understand what you've said
2 so far, the notes from the OPP were never provided to the
3 Cornwall Police.

4 **MR. DESROSIERS:** No, they weren't.

5 **MS. SIMMS:** They were provided directly to
6 the Crown?

7 **MR. DESROSIERS:** That's correct, yes.

8 **MS. SIMMS:** Is that right?

9 **MR. DESROSIERS:** Yes.

10 **MS. SIMMS:** And that's even when those notes
11 were dealing with one of the CPS complainants, such as C-8
12 or ---

13 **MR. DESROSIERS:** That's correct, yes.

14 **MS. SIMMS:** They still went directly to the
15 Crown?

16 **MR. DESROSIERS:** Yes, they did.

17 **MS. SIMMS:** Okay, so I understand you
18 received these documents and you had disclosed them to the
19 Crown?

20 **MR. DESROSIERS:** Yes, I did.

21 **MS. SIMMS:** The report that was prepared by
22 Sergeant Lalonde?

23 **MR. DESROSIERS:** Yes, I also made a copy to
24 the OPP.

25 **MS. SIMMS:** Okay, you made a copy ---

1 **MR. DESROSIERS:** Gave them to Detective
2 Genier as well.

3 **MS. SIMMS:** Okay. And were you involved in
4 the investigation past this point, when the report was
5 prepared?

6 **MR. DESROSIERS:** No.

7 **MS. SIMMS:** No, you had no further
8 involvement?

9 **MR. DESROSIERS:** No further involvement.

10 **MS. SIMMS:** Okay.

11 So I'm going to ask you, we're moving to the
12 time -- closer to the time of the trial and I'm going to
13 ask you to refer to another separate package of your notes,
14 Document Number 117103.

15 **THE COMMISSIONER:** Thank you.

16 Exhibit Number 1728 is Detective Constable
17 René Desrosiers' notes and the first entry -- well, August
18 28th, 2000.

19 **--- EXHIBIT NO./PIÈCE NO. P-1728:**

20 (117103) - Notes of Rene Desrosiers dated
21 August 28, 2000 to September 7, 2000

22 **MS. SIMMS:** So these notes, Constable
23 Desrosiers, are notes made sort of in a lead-up to the
24 trial of Marcel Lalonde?

25 **MR. DESROSIERS:** Yes, that's correct.

1 **MS. SIMMS:** And I'm going to take you -- ask
2 you to look at Bates page 363.

3 So at this point-in-time you're meeting with
4 Crown Wilhelm, with the complainants, to prepare for trial.
5 Is that correct?

6 **MR. DESROSIERS:** Yes, that's correct, yes.

7 **MS. SIMMS:** And on September 7th of 2000 you
8 meet with C-8?

9 Sorry, did I not give you the reference
10 there?

11 **MR. DESROSIERS:** Yes. It's September 7th,
12 yes. Correct.

13 **MS. SIMMS:** Yes, okay. So -- and what's the
14 purpose of your meeting with C-8?

15 **MR. DESROSIERS:** The purpose of the meeting
16 with C-8 that day was for court prep prior to trial.

17 He was very emotional and upset when he
18 showed up for the meeting. He had been asked by an
19 individual, Dick Nadeau, to -- if he could put his
20 statement on his website and if he wanted to be part of the
21 class action suit. He did not want to give anyone
22 permission for that, to print his statement, nor did he
23 agree to participate in any class action suit at all, and
24 he wanted something to be done about it and that the Crown
25 had mentioned she would research that issue for him.

1 **MS. SIMMS:** Right and that's -- like we were
2 speaking of before, a number of the complainants, when you
3 met with them, said they had been contacted by Dick Nadeau?

4 **MR. DESROSIERS:** Yes, correct.

5 **MS. SIMMS:** Yes, okay. All right.

6 And there's another issue that arose at your
7 meeting?

8 **MR. DESROSIERS:** Yes. Out of the blue, he
9 mentioned that the school trip in Toronto never happened.

10 When the Crown heard that information, right
11 away she says I'm stepping out of the room and she directed
12 me to try and get him to calm down a bit and then take a
13 statement with him in relation to that new information
14 because that was the first time I had heard of it myself.

15 **MS. SIMMS:** Okay, so C-8 had made an
16 allegation that there had been an incident of abuse on a
17 school trip in Toronto. Is that ---

18 **MR. DESROSIERS:** I believe one or two school
19 trips to Toronto.

20 **MS. SIMMS:** Okay. And that had arisen in
21 his statements to the police?

22 **MR. DESROSIERS:** Yes, it did.

23 **MS. SIMMS:** And did he also testify to that
24 at the preliminary inquiry?

25 **MR. DESROSIERS:** Yes, he did.

1 **MS. SIMMS:** Okay. So this is shortly before
2 trial and the Crown directs you to take a statement?

3 **MR. DESROSIERS:** That's correct.

4 **MS. SIMMS:** So I'm going to ask you to look
5 at the statement. It's Document Number 117104.

6 **THE COMMISSIONER:** Thank you.

7 Exhibit Number 1729 is a statement taken by
8 Officer Desrosiers of C-8. The date is the 7th of September
9 ---

10 **MS. SIMMS:** September.

11 **THE COMMISSIONER:** --- 2000.

12 --- **EXHIBIT NO./PIÈCE NO. P-1729:**

13 (117104) - Witness Statement by C-8 dated
14 September 7, 2000

15 **MS. SIMMS:** So is this a statement that you
16 took while you were meeting with C-8 that day?

17 **MR. DESROSIERS:** That's correct.

18 **MS. SIMMS:** Okay. And what was the purpose
19 of this statement?

20 **MR. DESROSIERS:** The purpose of the
21 statement was in relation to C-8's new disclosure of an
22 alleged allegation having occurred in a school in the
23 Toronto area.

24 **MS. SIMMS:** M'hm.

25 **MR. DESROSIERS:** So I took a statement from

1 him as a result of that disclosure to find out more.

2 MS. SIMMS: Was this going to be the basis
3 of a criminal investigation, this statement?

4 MR. DESROSIERS: At this point, no. No. I
5 did not caution him or anything of that nature. At that
6 point, it was simply to see what he wanted to tell me about
7 that; if he wanted to tell me anything about that.

8 At that point, I wasn't thinking criminal
9 investigation, at that point of the meeting.

10 MS. SIMMS: But it could be seen, you know,
11 as constituting a potential for a criminal investigation?

12 MR. DESROSIERS: Definitely. At that point
13 though, because of the way he was, I guess I was just as
14 much in shock him telling me this.

15 MS. SIMMS: Okay.

16 MR. DESROSIERS: But at that point, no, it
17 never crossed my mind, at that point.

18 What ---

19 MS. SIMMS: And so -- sorry.

20 MR. DESROSIERS: Oh, sorry.

21 MS. SIMMS: And so what did he advise you
22 about; the reasons that his story was -- has changed?

23 MR. DESROSIERS: I had asked him if Mr.
24 Dunlop had any influence on him filing his statement to the
25 Cornwall Police in 1997. He answered, "I feel like he

1 did", and I asked him why. He said he had called him up
2 because he felt he had to speak about his past; about these
3 pedophiles; about the road trip to school; trip to Toronto
4 with Marcel Lalonde.

5 "Marcel wanted me to just be a chaperon
6 for the trip and nothing happened at
7 the school with Marcel. Things only
8 happened on the boat and when it just
9 started at the house -- first started
10 at the house, Perry had told me that if
11 anything happened at the school, they
12 had a lot of money and that I would sue
13 them."

14 I believe it's enough.

15 **MS. SIMMS:** All right. And then he goes on
16 to say?

17 **MR. DESROSIERS:** Yes, I questioned him on
18 that;

19 "Was Perry Dunlop aware of the incident
20 you reported had happened at school in
21 Toronto?"

22 He says:

23 "He typed out my statements."

24 "Why did you state an incident occurred
25 between you and Marcel Lalonde in

1 Toronto when you now state it did not
2 happen?"

3 He answered:

4 "Only because I felt it would put the
5 son-of-a-bitch..." --

6 Excuse my language, Mr. Commissioner.

7 **THE COMMISSIONER:** No, no, no, you were just
8 reading.

9 **MR. DESROSIERS:** "...because the way my niece
10 had lied about me. I'm not like that.
11 The truth is the truth."

12 And I asked him again:

13 "Now, the other incidents which you
14 stated occurred between you and Marcel
15 Lalonde, did they actually happen?"

16 He says:

17 "Yes, they did. The Toronto incident
18 was to add fuel to the fire. Perry
19 Dunlop did not know about my trips to
20 Toronto with Marcel."

21 **MS. SIMMS:** Okay. So what -- did you meet
22 with the Crown following taking this statement?

23 **MR. DESROSIERS:** Yes, and this was disclosed
24 to defence. She read the statement and then made the -- we
25 disclosed it.

1 **MS. SIMMS:** And what came of this? Was
2 there -- did you get instructions to follow-up?

3 **MR. DESROSIERS:** No, another member of the
4 Police Service, later on, was asked to conduct an
5 investigation into a possible perjury investigation.

6 **MS. SIMMS:** Okay. Were you involved in that
7 investigation?

8 **MR. DESROSIERS:** No, I was not.

9 **MS. SIMMS:** Were you interviewed for it or
10 did you give a statement?

11 **MR. DESROSIERS:** I briefed Sergeant
12 Lefebvre, Garry Lefebvre about it.

13 **MS. SIMMS:** And were you kept up-to-date on
14 what was happening in his investigation?

15 **MR. DESROSIERS:** I had read some of the
16 supplementary reports that were put in.

17 **MS. SIMMS:** Okay. And I take it he was
18 investigating C-8 for perjury, was that the ---

19 **MR. DESROSIERS:** That's correct, yes.

20 **MS. SIMMS:** Okay. And were you advised what
21 the outcome of that investigation was?

22 **MR. DESROSIERS:** Yes, the final report, I
23 believe, if I can recall it, was there was insufficient
24 evidence for that.

25 **MS. SIMMS:** So charges, to your knowledge,

1 no charges were laid ---

2 **MR. DESROSIERS:** No charge was laid, I
3 believe, because of his emotional state he was going
4 through.

5 **MS. SIMMS:** And you have notes regarding --
6 and that's further notes regarding C-8, and they are in a
7 different package of notes. This one is Document Number
8 117102.

9 So these are your notes starting on
10 September 12th, 2000.

11 **THE COMMISSIONER:** Exhibit 1730.

12 **MS. SIMMS:** And if they could be marked
13 subject to publication ban?

14 **THE COMMISSIONER:** Sure.

15 --- **EXHIBIT NO./PIÈCE No. P-1730:**

16 (117102) - Notes of Rene Desrosiers dated 12
17 Sep 00 to 13 Sep 00

18 **MS. SIMMS:** So, Constable Desrosiers, you
19 have another meeting with C-8 and Crown Wilhelm, according
20 to your notes?

21 **MR. DESROSIERS:** Yes, that's correct.

22 **MS. SIMMS:** You have that, that's Bates page
23 336?

24 **MR. DESROSIERS:** Yes.

25 **MS. SIMMS:** Okay. And at that point, she's

1 advising C-8 that there would be an investigation.

2 **MR. DESROSIERS:** That's correct.

3 **MS. SIMMS:** Right?

4 **MR. DESROSIERS:** Yes.

5 **MS. SIMMS:** And he still wants to takes the
6 stand and tell his story?

7 **MR. DESROSIERS:** That's correct. He wanted
8 to tell the truth.

9 **MS. SIMMS:** And then you have a note that he
10 then advised Claudette Wilhelm that Perry Dunlop had called
11 him from B.C. and left him a number, which is in his truck?

12 **MR. DESROSIERS:** That's correct, yes.

13 **MS. SIMMS:** What was the significance of
14 that information?

15 **MR. DESROSIERS:** He wanted to let us know
16 that Perry had contacted him. I went and got the number
17 from him, on a piece of paper -- it was on a piece of scrap
18 paper. I provided the Crown with that piece of paper, and
19 I wasn't directed to do any further ---

20 **MS. SIMMS:** So that's your only involvement.
21 There wasn't ---

22 **MR. DESROSIERS:** That's right. There was no
23 other discussion about if I was to call -- of any further
24 follow-up.

25 **MS. SIMMS:** Okay. And later that day, it's

1 on the following page, 337, you have a note about receiving
2 a page from C-8?

3 **MR. DESROSIERS:** Yes. I was at my residence
4 when my pager went off.

5 **MS. SIMMS:** M'hm.

6 **MR. DESROSIERS:** And I called him back. I
7 left him a message advising him to -- it was because I was
8 -- we were having a change in witnesses in the list. His
9 matter was going to be put up -- put over to the following
10 week.

11 So I left him -- I called him up and left
12 him a message advising to page me in relation to that.

13 **MS. SIMMS:** And when you spoke to him, he
14 advised you of some other information?

15 **MR. DESROSIERS:** Yes, he was again very
16 upset on the phone, stating he had received a message on
17 his answering machine from a person he identified as Dick
18 Nadeau.

19 He stated that Nadeau had threatened to
20 write up information on a website within the hour
21 concerning his smuggling operation with his boat, and I
22 told him that I was on a residential line and I knew him to
23 have a cellular phone, so I knew the lines weren't secure.
24 So I advised that he -- couldn't confirm the reason Nadeau
25 was going on the Internet with this, but he didn't

1 cooperate with him for this to happen, to be put on.

2 C-8 made a comment of the fact he couldn't
3 trust anyone and should leave the city with his business
4 within the week.

5 He was not doing very well. So I told him
6 that I would seek direction first thing in the morning
7 about this and return his call.

8 **MS. SIMMS:** Okay. So you did seek direction
9 from -- was it Sergeant Lefebvre?

10 **MR. DESROSIERS:** That's correct.

11 **MS. SIMMS:** Sorry, Sergeant Garry Lefebvre?

12 **MR. DESROSIERS:** Yes.

13 **MS. SIMMS:** And then you had further
14 communications on this issue with Project -- well you
15 identify him as Project Truth investigator, Detective
16 Constable Genier?

17 **MR. DESROSIERS:** Yes, that's right.

18 **MS. SIMMS:** And what was it -- what came out
19 of that meeting?

20 **MR. DESROSIERS:** Constable Genier told me
21 that he had contacted Inspector Pat Hall about it and -- of
22 the conversation that had been given to me with C-8 and the
23 information was that if C-8 lodges a complaint to call
24 Detective Constable Genier directly.

25 **MS. SIMMS:** So the complaint -- there was a

1 complaint lodged?

2 **MR. DESROSIERS:** I believe there was. I
3 cannot say for sure. It would have been done by the OPP.
4 I believe Constable Dupuis was going to be looking into the
5 matter.

6 **MS. SIMMS:** Okay. So you believe there was
7 and you weren't involved in that investigation?

8 **MR. DESROSIERS:** No, I was not.

9 **MS. SIMMS:** Your notes do go on and you just
10 mentioned Constable Dupuis. At Bates page 341, you have a
11 note saying:

12 "C-8 advised writer that he wished to
13 make an official complaint concerning
14 this call."

15 And you advised C-8 that Detective Constable
16 Joe Dupuis would be contacting him?

17 **MR. DESROSIERS:** That's correct, yes.

18 **MS. SIMMS:** So following these notes, did
19 you have any further involvement on that investigation?

20 **MR. DESROSIERS:** No. No, I did not.

21 **MS. SIMMS:** Did you know what the outcome of
22 that investigation was?

23 **MR. DESROSIERS:** No, I do not.

24 **MS. SIMMS:** So the Marcel Lalonde matter
25 went to trial in September of 2000?

1 MR. DESROSIERS: Yes, it did.

2 MS. SIMMS: And you were in attendance for
3 the trial?

4 MR. DESROSIERS: Yes, I was.

5 MS. SIMMS: And you gave evidence there?

6 MR. DESROSIERS: Yes, I did.

7 MS. SIMMS: And were you there for
8 everyone's testimony?

9 MR. DESROSIERS: Yes, I was.

10 MS. SIMMS: Was Constable Genier there as
11 well?

12 MR. DESROSIERS: I believe him to be there,
13 yes, for the other matter that they had ---

14 MS. SIMMS: Okay.

15 MR. DESROSIERS: --- mostly for that matter.

16 MS. SIMMS: And what about Constable Dunlop,
17 did he attend to give evidence at the trial?

18 MR. DESROSIERS: No.

19 MS. SIMMS: And the matter, as I understand
20 it, resulted in convictions with respect to four of the
21 complainants?

22 MR. DESROSIERS: That's correct.

23 MS. SIMMS: And acquittals with respect to
24 three?

25 MR. DESROSIERS: Yes.

1 **MS. SIMMS:** Okay. And was there any further
2 issue after that adjournment in October of '99 with respect
3 to disclosure? Was that an issue raised at trial?

4 **MR. DESROSIERS:** No.

5 **MS. SIMMS:** And one of the convictions was a
6 conviction with respect to some of the allegations made by
7 C-8. Is that right?

8 **MR. DESROSIERS:** That's correct, yes.

9 **MS. SIMMS:** So his evidence was accepted
10 despite the ---

11 **MR. DESROSIERS:** Yes, it was.

12 **MS. SIMMS:** --- issue of the Toronto school
13 trips; right?

14 **MR. DESROSIERS:** He was a very good witness.

15 **MS. SIMMS:** So I'm going to move on to
16 another investigation that you conducted, and this is an
17 investigation into allegations of historical sexual assault
18 with respect to a person named Carl Allen.

19 **MR. DESROSIERS:** Yes.

20 **MS. SIMMS:** And the individual who is making
21 the complaint is referred to here as C-10.

22 Constable Desrosiers, your notes of this
23 incident are at Bates -- or at Document Number 733888.

24 **THE COMMISSIONER:** Exhibit 1731 are notes of
25 Officer Desrosiers and the first date is May 5th, 1998.

1 **--- EXHIBIT NO./PIÈCE No. P-1731:**

2 (733888) Notes of René Desrosiers from May
3 5, 1998 to November 3, 1999

4 **MS. SIMMS:** So, Constable Desrosiers, these
5 are your notes of that investigation; is that right?

6 **MR. DESROSIERS:** Yes, it is.

7 **MS. SIMMS:** And your notes indicate that you
8 were assigned the following incident for further follow-up
9 on May 5th, 1998; right?

10 **MR. DESROSIERS:** That's correct, yes.

11 **MS. SIMMS:** And were you advised at that
12 time that the matter had been transferred to the Cornwall
13 Police Service from the Project Truth team?

14 **MR. DESROSIERS:** Yes, that's correct.

15 **MS. SIMMS:** And I understand that a
16 statement was given by C-10 to the Project Truth team on
17 February 3rd, 1998?

18 **MR. DESROSIERS:** To my knowledge, yes,
19 that's when it was ---

20 **MS. SIMMS:** You became aware of that?

21 **MR. DESROSIERS:** Yes.

22 **MS. SIMMS:** And there is -- do you know when
23 the matter was transferred to the Cornwall Police Service?

24 **MR. DESROSIERS:** I noticed the assignment on
25 the 5th of May, but I only noticed it on my assignment list

1 on the 14th of May.

2 MS. SIMMS: Okay.

3 MR. DESROSIERS: There's a gap of nine days.

4 MS. SIMMS: All right.

5 And that's when it was assigned to you,
6 right?

7 MR. DESROSIERS: It was the 5th, yes.

8 THE COMMISSIONER: So what's the
9 explanation?

10 MR. DESROSIERS: The explanation, sir,
11 ongoing other things, investigations. I usually look at my
12 assignment list every day to see if there's anything new.
13 No other way to explain that right now.

14 MS. SIMMS: Well, I'm going to ask you to
15 look quickly at a document, Document Number 728022.

16 THE COMMISSIONER: Exhibit 1732 is an
17 incident summary and it is the 3rd of April '98. Does that
18 sound right?

19 MS. SIMMS: Sure, that's fine.

20 THE COMMISSIONER: Okay.

21 --- EXHIBIT NO./PIÈCE No. P-1732:

22 (728022) Incident Summary re: C-10 dated
23 April 3, 1998

24 MS. SIMMS: My question actually was about
25 that date. The incident summary refers to a sexual assault

1 on the 3rd of April '98.

2 Do you see that?

3 **MR. DESROSIERS:** Yes.

4 **MS. SIMMS:** Is that the date that it would
5 have been transferred to the Cornwall Police Service?

6 **MR. DESROSIERS:** Yes, it could be.

7 **MS. SIMMS:** It's referred to again in ---

8 **MR. DESROSIERS:** Yes, it could be.

9 **MS. SIMMS:** Well, it's referred to again in
10 the body of the supplementary report that you enter. Do
11 you see that?

12 **MR. DESROSIERS:** Yes.

13 **MS. SIMMS:** Incident from 03 April '98.

14 **MR. DESROSIERS:** Right. Right. That would
15 have been the date of the entry of the first information
16 that came in.

17 **MS. SIMMS:** So that would be the entry onto
18 OMPPAC of the first information and that's before you're
19 involved; right?

20 **MR. DESROSIERS:** Yes.

21 **MS. SIMMS:** So do you know why there's a gap
22 of time between the February 3rd statement and the first
23 entry by CPS on April 3rd, '98?

24 **MR. DESROSIERS:** The only thing I can see is
25 that that's when it was -- the information was given to the

1 Cornwall Police.

2 MS. SIMMS: Right.

3 MR. DESROSIERS: It would have been the 3rd
4 of April.

5 MS. SIMMS: Okay. And then was there
6 someone else working on this file before it was assigned to
7 you on May 5th?

8 MR. DESROSIERS: I put in a supplementary
9 report, but I didn't put a general occurrence report, which
10 would have been the first document to show.

11 MS. SIMMS: Do you know if any steps were
12 taken between April 3rd to May 5th in investigating the
13 matter?

14 MR. DESROSIERS: No, no.

15 MS. SIMMS: So you weren't aware -- and you
16 would have become aware of that, would you not, if there
17 had been other statements taken or ---

18 MR. DESROSIERS: Yes, I would have been. I
19 would have been given the file ---

20 MS. SIMMS: Sure.

21 MR. DESROSIERS: --- if there was other work
22 done on it before I got reassigned.

23 MS. SIMMS: Okay. So what is the -- and
24 maybe we can just go back to your notes, which are Exhibit
25 1731, and you can tell us what are the first steps you took

1 on the file?

2 **MR. DESROSIERS:** On May 29th, '98, I got a
3 hold of Inspector -- Detective Sergeant -- sorry -- Hall of
4 the OPP Project Truth team in relation to C-10. I
5 requested a copy of the audio/video interview that they had
6 conducted in relation to the alleged occurrence happening
7 in the City of Cornwall. He was going to check with
8 Inspector Smith in relation to the video and he'll contact
9 me on June 4th with an answer after discussing it with
10 Inspector Smith.

11 **MS. SIMMS:** So he suggests to you that he'd
12 have to check with Inspector Smith since the information
13 involves Project Truth matters?

14 **MR. DESROSIERS:** That's correct, yes.

15 **MS. SIMMS:** And he states that maybe you'd
16 be allowed to view the tape only and not receive a copy of
17 the transcript?

18 **MR. DESROSIERS:** During that phone call,
19 that's ---

20 **MS. SIMMS:** During that call.

21 **MR. DESROSIERS:** --- what was said.

22 **MS. SIMMS:** Were you surprised by that? Did
23 you expect that they would provide you with the entire
24 transcript?

25 **MR. DESROSIERS:** Not necessarily. If it had

1 only dealings with an incident that happened in Cornwall
2 involving an individual they weren't looking into, you
3 know, I'm sure they were going to give me everything that
4 has to do with that disclosure, whether it's a transcript
5 of that part of the interview that's on video. Obviously,
6 I assumed that nothing else pertained to that investigation
7 that I was going to be doing.

8 **MS. SIMMS:** Well, even so, the way
9 investigations go, there might be peripheral information
10 that come up that could have been of some assistance to you
11 that you didn't receive. Were you not concerned about that
12 at all?

13 **MR. DESROSIERS:** That never crossed my mind
14 at that time.

15 **MS. SIMMS:** Had you had other involvement
16 with cases that were transferred from other police forces
17 and any issues with obtaining information?

18 **MR. DESROSIERS:** I believe that's one of the
19 only ones where ---

20 **MS. SIMMS:** M'hm.

21 **MR. DESROSIERS:** Others did come in through
22 other agencies, but it had to do with an interview that was
23 done with just the allegation of happening in a different
24 city like our city.

25 **MS. SIMMS:** Right. So it wouldn't have been

1 multiple allegations ---

2 MR. DESROSIERS: That's right.

3 MS. SIMMS: --- in one statement.

4 MR. DESROSIERS: That's right. Otherwise, I
5 had never run across that.

6 MS. SIMMS: And this is happening May '98,
7 this is around the same period of time you're dealing with
8 Constable Genier with respect to disclosure ---

9 MR. DESROSIERS: Yes.

10 MS. SIMMS: --- of the Dunlop materials;
11 right?

12 MR. DESROSIERS: That's correct.

13 MS. SIMMS: So you are provided, according
14 to your notes, with a portion of the transcript.

15 MR. DESROSIERS: That's correct.

16 MS. SIMMS: Is that correct?

17 MR. DESROSIERS: Yes.

18 MS. SIMMS: On June 4th?

19 MR. DESROSIERS: Yes, I was provided 18
20 pages ---

21 MS. SIMMS: Pages.

22 MR. DESROSIERS: --- by Detective Constable
23 Genier.

24 MS. SIMMS: So I'm going to ask you to look
25 at the video taped interview report that's an exhibit

1 already. That's Exhibit 377.

2 **THE COMMISSIONER:** Merci.

3 **MR. DESROSIERS:** If I could have that number
4 again, Ms. Simms?

5 **MS. SIMMS:** Sorry, the Exhibit is 377.

6 **THE COMMISSIONER:** What page?

7 **MS. SIMMS:** Well, just -- I'll refer you to
8 a specific page in a moment, but is this -- is the first 18
9 pages of this document what you received?

10 **MR. DESROSIERS:** No, it's not, no.

11 **MS. SIMMS:** So this is different?

12 **MR. DESROSIERS:** Yes.

13 **MS. SIMMS:** Okay. So do you recall what it
14 was that you received from the OPP, where it cut off, in
15 terms of the interview report?

16 I can take you to -- if you look at page 18
17 of this document, which is Bates page 519.

18 **MR. DESROSIERS:** Yes.

19 **MS. SIMMS:** And maybe you won't be able to
20 remember this, but up until then he appears to be
21 discussing Carl Allen and then, a little past halfway
22 through that page, Detective Constable Seguin says:

23 "Okay, we'll move on then. There's
24 some abuse involving other people".

25 Do you see that?

1 **MR. DESROSIERS:** Right.

2 **MS. SIMMS:** And then they move on to talk
3 about someone else for a portion of time.

4 And maybe you can't recall; this was a long
5 time ago, but is that the point that you were provided up
6 to?

7 **MR. DESROSIERS:** It's quite -- it's
8 possible, yes.

9 **MS. SIMMS:** But you can't say for sure?

10 **MR. DESROSIERS:** But I can't recall for
11 sure.

12 **MS. SIMMS:** And were you ever provided with
13 the full document during the course of your investigation?

14 **MR. DESROSIERS:** No. No, I was not.

15 **MS. SIMMS:** And charges were laid; right?

16 **MR. DESROSIERS:** Yes, they were.

17 **MS. SIMMS:** Were you ever provided with the
18 full document for the prosecution?

19 **MR. DESROSIERS:** No.

20 **MS. SIMMS:** So if you will keep going in the
21 document, you'll see there's a portion at Bates page 523 --
22 a portion, I shouldn't say that -- but at Bates page 523,
23 if you look in the middle of the page, you see that ---

24 **MR. DESROSIERS:** Yes.

25 **MS. SIMMS:** --- they go back to Carl Allen

1 for a moment there?

2 MR. DESROSIERS: Yes, I see that.

3 MS. SIMMS: And they discuss that for the
4 rest of that page and the following page.

5 MR. DESROSIERS: Right.

6 MS. SIMMS: See that?

7 MR. DESROSIERS: Right. I'm starting to
8 think that they probably did redact some of it.

9 MS. SIMMS: You think ---

10 MR. DESROSIERS: They gave me that
11 information ---

12 MS. SIMMS: Yeah?

13 MR. DESROSIERS: --- my memory ---

14 MS. SIMMS: And then if you go on to --
15 let's see, so that was 23, 24. Go to page 43 -- I'm sorry,
16 42.

17 See again a little past halfway, Detective
18 Constable Seguin is asking about who he has told about the
19 incident; and then he asked "any of these incidents that
20 occurred"; see that part?

21 THE COMMISSIONER: I'm sorry, no I don't.

22 MS. SIMMS: Right halfway through Detective
23 Constable Seguin says:

24 "Did you ever tell anybody about this
25 incident that's going -- going back in

1 time here?"

2 C-10:

3 "No, not that I know of."

4 Detective Constable Seguin:

5 "And any of these instances that
6 occurred?"

7 **MR. DESROSIERS:** I don't see that.

8 **THE COMMISSIONER:** This is on page 542?

9 **MS. SIMMS:** Oh, I'm sorry. It's 543, the
10 actual page number is 42.

11 **THE COMMISSIONER:** Okay.

12 **MS. SIMMS:** Do you see that?

13 **MR. DESROSIERS:** Yes, I do.

14 **MS. SIMMS:** And then if you follow it
15 through, he names a number of people that he spoke to.

16 **MR. DESROSIERS:** Right.

17 **MS. SIMMS:** Right? And then if you move to
18 Bates page 545; there he talks about mentioning the Carl
19 Allen incidents to a friend of his.

20 **MR. DESROSIERS:** Okay, I see that.

21 **MS. SIMMS:** You see that?

22 **MR. DESROSIERS:** Yeah.

23 **MS. SIMMS:** And also on that page, he talks
24 about having a discussion about these issues with Perry
25 Dunlop and that goes on for another page.

1 MR. DESROSIERS: Yes.

2 MS. SIMMS: See that?

3 MR. DESROSIERS: That's correct.

4 MS. SIMMS: So you also -- it goes on, again
5 there's more -- another mention at Bates page 548, just
6 about his emotional reaction to the abuse with respect to
7 Carl Allen.

8 So your notes indicate you were provided
9 with the first 18 pages. Do you recall whether you were
10 provided with those later pages that I pointed out to you?

11 MR. DESROSIERS: It's been so long, I
12 honestly can't recall.

13 MS. SIMMS: Well you could see how that
14 would ---

15 MR. DESROSIERS: I believe they would have
16 given me these pages where it mentioned ---

17 MS. SIMMS: Well you would have expected
18 them to ---

19 MR. DESROSIERS: Yes.

20 MS. SIMMS: --- is that what you're saying?

21 MR. DESROSIERS: Yes.

22 MS. SIMMS: But you don't recall whether
23 they did?

24 MR. DESROSIERS: I can't recall, but ---

25 MS. SIMMS: And you can see how, when we're

1 looking at this, the problems that could be caused by
2 splitting up a statement?

3 MR. DESROSIERS: Yes, certainly.

4 MS. SIMMS: Right, because it goes back and
5 forth, that's the way ---

6 MR. DESROSIERS: Yes.

7 MS. SIMMS: --- it goes; sometimes you're
8 talking about more general, who did you speak to about any
9 of this; sometimes you're talking about emotional reaction?

10 MR. DESROSIERS: That could be. Yes, it
11 could happen.

12 MS. SIMMS: So it would have been preferable
13 if you'd received the full statement; do you agree?

14 MR. DESROSIERS: It would have been easier.
15 I'm just trying to recall if they redacted this and gave me
16 just the information where he mentions Carl Allen.

17 MS. SIMMS: Do you know ---

18 MR. DESROSIERS: I'm just trying to recall
19 that.

20 MS. SIMMS: Okay, well ---

21 MR. DESROSIERS: That's what I meant by
22 getting 18 pages. They could have been redacted by Project
23 Truth to the areas where it didn't involve Carl Allen.

24 MS. SIMMS: Well, your notes say that you're
25 advised that you'll be getting the first 18 pages.

1 **MR. DESROSIERS:** That's what I wrote down,
2 yes.

3 **MS. SIMMS:** Okay. So moving -- this is the
4 first thing you've done. You've obtained a portion of the
5 statement; is that right?

6 **MR. DESROSIERS:** Yes, that was my first
7 interaction with the file.

8 **MS. SIMMS:** Okay. And then you're
9 attempting to contact C-10?

10 **MR. DESROSIERS:** Yes. Many occasions we
11 tried to connect. The first time, his phone number was no
12 longer in service from the one that was provided. I spoke
13 to Detective Constable Genier. I spoke to his mother.
14 Detective Genier was a good contact to try and locate him
15 and gave me an updated number for him, which I did receive
16 at one point and left him a message to call me.

17 I had then had a contact person that was
18 given to me through Detective Genier or, I believe, the
19 mother. I don't know if I can say her name, but it was a
20 female acquaintance that he had where he could leave a
21 message with somebody.

22 And eventually he moved again from another
23 location. So I had -- I tried to get the OPP in that area
24 to go to the address; advise them who I am and that I
25 needed to get in touch with him and that he needed to get

1 in touch with me.

2 MS. SIMMS: And you did that on September
3 14th, that last step of '98?

4 MR. DESROSIERS: Yes. It took a while for
5 us to contact -- to get in touch together.

6 MS. SIMMS: And once you've done that, you
7 start -- you received contact from C-10?

8 MR. DESROSIERS: Yes. We decided -- he was
9 able to come down to meet on October 20th, around that time.

10 MS. SIMMS: Okay. And -- so you met with
11 him on October 20th?

12 MR. DESROSIERS: Yes.

13 MS. SIMMS: And you have notes of that
14 meeting?

15 MR. DESROSIERS: Yes, I do.

16 MS. SIMMS: Bates page 866.

17 And so at that time, you take a statement
18 from C-10; is that right?

19 MR. DESROSIERS: Yes.

20 MS. SIMMS: Why did you feel it was
21 necessary to take a statement, since you -- since you'd
22 previously given a statement to the OPP?

23 MR. DESROSIERS: There was more information
24 that I believe I could get from what was in the statement
25 initially, clarifying certain areas of the statement that

1 he had previously given and also the fact that he had had
2 contact with a Mr. Dunlop. I wanted to ask possibly some
3 questions about that, because I felt I'm going to have
4 maybe another disclosure situation, possibly.

5 **MS. SIMMS:** Okay. So prior to meeting with
6 him, you've obviously reviewed the OPP statement; is that
7 correct?

8 **MR. DESROSIERS:** I've read it, yes.

9 **MS. SIMMS:** You've read it?
10 Did you give C-10 a chance to review it
11 before he gave a statement to you?

12 **MR. DESROSIERS:** I can't recall if I have a
13 note of that.

14 **MS. SIMMS:** I don't see a note ---

15 **MR. DESROSIERS:** I don't believe ---

16 **MS. SIMMS:** --- on that point.

17 **MR. DESROSIERS:** I don't believe -- I can't
18 recall if I did or not.

19 It would have been the appropriate thing to
20 do.

21 **MS. SIMMS:** Pardon?

22 **MR. DESROSIERS:** It would have been the
23 right thing to do, just have him review it.

24 **MS. SIMMS:** Okay. But you can't
25 specifically recall?

1 **MR. DESROSIERS:** I can't specifically, no.

2 **MS. SIMMS:** Okay. And why -- why is that
3 the right thing to do?

4 **MR. DESROSIERS:** To have him refresh his
5 memory from what he's asked; what he's been talking about
6 before; to get a look and see how his story's changing; any
7 other concerns that I may have missed that he may not have
8 told me; that kind of thing.

9 **MS. SIMMS:** And even if you had provided him
10 with that review, it would have only been a portion of his
11 -- his interview; is that right?

12 **MR. DESROSIERS:** That's correct. I think
13 so.

14 I think that's all I had, yeah, it was the
15 portion that ---

16 **MS. SIMMS:** And might that be a concern to
17 you? If you're touching on areas that were already touched
18 upon by the OPP and neither yourself nor C-8 had a chance
19 to review what was previously said?

20 **MR. DESROSIERS:** Yes.

21 And I'm there to speak about Carl Allen with
22 him, so I wouldn't go dwell into other areas of his life
23 where other -- their investigation ---

24 **MS. SIMMS:** Sure. But you do ask about who
25 he'd spoken to?

1 **MR. DESROSIERS:** Yes, yes.

2 **MS. SIMMS:** You ask about Perry Dunlop?

3 **MR. DESROSIERS:** Yes.

4 **MS. SIMMS:** You ask about -- I'm sure you
5 ask about -- I don't have to say, ---

6 **MR. DESROSIERS:** No.

7 **MS. SIMMS:** --- "Sure, I'll take you to it,"
8 but you ---

9 **MR. DESROSIERS:** No, but I ---

10 **MS. SIMMS:** --- talked to him about ---

11 **MR. DESROSIERS:** --- asked him who was
12 around his life at that time.

13 **MS. SIMMS:** Sure.

14 **MR. DESROSIERS:** And he mentioned a lot of
15 friends would probably have a lot of information for me, so
16 we took down the names -- I took down the names with him.

17 **MS. SIMMS:** Were those names that had been
18 provided already to the OPP?

19 **MR. DESROSIERS:** I don't believe so, no.

20 **MS. SIMMS:** You don't think so.

21 And just backing up, in both these
22 statements to the -- this February 3rd statement to the OPP
23 and the statement you take in October, they both refer to -
24 - to multiple incidents of abuse; is that right?

25 **MR. DESROSIERS:** There were -- there were --

1 yes, there was the main incident that C-10 talked about,
2 which was the more aggravating one. Mind you, they're all
3 aggravating, but this one had more violence to it, ---

4 **MS. SIMMS:** M'hm.

5 **MR. DESROSIERS:** --- if you'd like to say,
6 involved with it. And there were other incidents that he
7 talked about that he couldn't get into a lot of -- a lot of
8 context about it, surrounding it.

9 **MS. SIMMS:** Okay. So you mentioned a number
10 of names being provided to you; right?

11 **MR. DESROSIERS:** Yes, that's correct.

12 **MS. SIMMS:** And I just -- it's one of those
13 portions I referred to you, in Exhibit 377; that's the OPP
14 statement.

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

16 **MS. SIMMS:** Do you have that statement?

17 **MR. DESROSIERS:** Yes.

18 **MS. SIMMS:** Yeah. If you look at Bates page
19 523; at page 22 out of 48.

20 **MR. DESROSIERS:** Yes.

21 **MS. SIMMS:** So we're not sure whether you
22 have this page or not, but you can see this is the part
23 where they're going back to Carl Allen in the interview.

24 **MR. DESROSIERS:** Right.

25 **MS. SIMMS:** And he's going back to ask about

1 friends at the time; right?

2 MR. DESROSIERS: Right.

3 MS. SIMMS: Do you see that?

4 So he provides a number of names of friends
5 at the time in that interview.

6 MR. DESROSIERS: Right.

7 MS. SIMMS: And you're not sure whether you
8 had that information or not?

9 MR. DESROSIERS: No.

10 I -- I recognize one name, at the top of the
11 page ---

12 MS. SIMMS: But before you did your
13 interview, you're not sure whether you had that?

14 MR. DESROSIERS: No.

15 MS. SIMMS: Okay. So you go about, I take
16 it, following the statement you took, trying to locate some
17 of those individuals?

18 MR. DESROSIERS: Yes, that's correct.

19 MS. SIMMS: Okay. And were you able to
20 locate some of them?

21 MR. DESROSIERS: Yes, I located several.

22 One gentleman lived outside the City of
23 Cornwall and only wanted to come down in a certain time
24 frame, because he was going to come down and visit his
25 parents at the same time.

1 Other people were local.

2 Some were believed to have moved outside,
3 into the United States, I believe, but I was able to reach
4 several of them.

5 MS. SIMMS: Okay. And there's one in
6 particular that had an allegation of abuse previous ---

7 MR. DESROSIERS: Yes, I ---

8 MS. SIMMS: --- to this, so let's not use
9 his name ---

10 MR. DESROSIERS: Okay.

11 MS. SIMMS: --- and we'll deal with that ---

12 MR. DESROSIERS: Yes.

13 MS. SIMMS: --- confidentiality issue.

14 But -- so I have from your notes -- and
15 that's Exhibit 1731 -- you begin contacting -- checking
16 locations for possible witnesses on October 27th, '98; and
17 that's Bates page 868.

18 MR. DESROSIERS: Which tab would that be,
19 Ms. Simms?

20 MS. SIMMS: Sorry, this should be loose,
21 because we just entered it as an exhibit, and it's 1731.

22 MR. DESROSIERS: Yes.

23 And the Bates page would be?

24 MS. SIMMS: Bates page is 868.

25 MR. DESROSIERS: Thank you.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. DESROSIERS: Yes, I'm there.

3 MS. SIMMS: Okay. So that shows on -- your
4 notes indicate that on October 27th, '98, you began checking
5 locations for possible witnesses?

6 MR. DESROSIERS: Yes.

7 MS. SIMMS: And then there's -- there's a
8 gap in time here between October 27th, '98, and January 25th,
9 '99; do you see that in your notes?

10 MR. DESROSIERS: Yes, there is.

11 MS. SIMMS: Do you recall why that was?

12 MR. DESROSIERS: All I can recall is looking
13 back; I had a major child abuse daycare investigation at
14 the time. I also had another 51-odd investigations, as
15 well.

16 There was hard time reaching people
17 sometimes with ---

18 MS. SIMMS: Well, you would have noted or
19 you do have notes of the attempts you made to reach people;
20 right?

21 MR. DESROSIERS: Yes.

22 MS. SIMMS: So October 25th, '99 shows you're
23 looking for information from Algonquin College?

24 MR. DESROSIERS: Yes, it was for his Ontario
25 school record I was trying to locate.

1 **MS. SIMMS:** All right. And then there's
2 some more efforts following that to locate some of the
3 individuals he named in his interview?

4 **MR. DESROSIERS:** Yes.

5 **MS. SIMMS:** Okay. And at Bates page 875,

6 ---

7 **MR. DESROSIERS:** Yes.

8 **MS. SIMMS:** --- you called an individual ---

9 **MR. DESROSIERS:** Yes, I did.

10 **MS. SIMMS:** --- who -- let me just take you
11 to a better reference.

12 Just a second.

13 At the bottom of Bates page 876, ---

14 **MR. DESROSIERS:** Yes.

15 **MS. SIMMS:** --- you have notes of a meeting
16 with one of the individuals named by C-10?

17 **MR. DESROSIERS:** Yes.

18 **MS. SIMMS:** Okay. And he disclosed to you
19 that he had had dealings with Carl Allen?

20 **MR. DESROSIERS:** That's correct.

21 **MS. SIMMS:** Right.

22 So what information did he give you?

23 **MR. DESROSIERS:** He advised me that when he
24 was young -- a young person, he had been lured into a
25 vehicle by a man he knew as Carl Allen at the time.

1 His parents found -- found out of this
2 through a third party and they approached the police with
3 that. And an investigation, apparently, had gone on.

4 The mother -- this -- this individual, here,
5 believed that the charges were laid in this incident
6 involving him.

7 The mother also told me that charges had
8 been laid involving him but they didn't know the end result
9 of the charges.

10 **MS. SIMMS:** Okay.

11 **MR. DESROSIERS:** And I then made attempts to
12 contact the police officer, at that time that had done that
13 investigation. He was a former officer of the Police
14 service.

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

16 **MR. DESROSIERS:** And then at the end of the
17 day when Carl Allen was arrested, he advised me that, yeah,
18 he had been charged and got a year's probation, he
19 believes, for sexual things that happened with that person.

20 **MS. SIMMS:** So you were never able to locate
21 any CPS files, Cornwall Police Service file relating to the
22 previous charges?

23 **MR. DESROSIERS:** No, I went downstairs to
24 try and find what they call a CPD file, it's got the --
25 it's if you're printed after you're charged. We used to

1 have old files where the fingerprints and the picture would
2 be there. I couldn't locate anything for that timeframe
3 which was the sixties.

4 I then tried to attend the courts to get an
5 archive of the information that might have been archived
6 and I was told, like docket number was required for them to
7 do that, and we had no file to show the docket number.

8 And I also checked with the RCMP criminal
9 records in Ottawa and was advised by them that no record
10 showed; not to mean there wouldn't have been a record, Mr.
11 Commissioner, but there was no record on their files at
12 that time.

13 **MS. SIMMS:** So this was -- this information
14 though was confirmed by the individual and his mother and
15 Carl Allen ---

16 **MR. DESROSIERS:** Right.

17 **MS. SIMMS:** --- himself.

18 **MR. DESROSIERS:** Yes.

19 **MS. SIMMS:** You just weren't able to find
20 any records, whether fro CPIC or elsewhere?

21 **MR. DESROSIERS:** I couldn't back that up
22 with any document.

23 **MS. SIMMS:** Right. And this was information
24 that you obtained from your investigation. It wasn't
25 information that C-10 had given you?

1 **MR. DESROSIERS:** That's correct, yes.

2 **MS. SIMMS:** He named a person as a friend of
3 his but he hadn't told you about any previous charges or
4 anything?

5 **MR. DESROSIERS:** No, not to my knowledge,
6 no.

7 **MS. SIMMS:** So you mentioned that you did
8 arrest Carl Allen and charges were laid.

9 **MR. DESROSIERS:** Yes.

10 **MS. SIMMS:** And was -- that was in ---

11 **MR. DESROSIERS:** It was in late fall; it was
12 in the fall.

13 **MS. SIMMS:** Yeah. November of '99; is that
14 correct?

15 **MR. DESROSIERS:** Yes, that's correct.

16 **MS. SIMMS:** Okay. So that's quite some time
17 after -- well, you first take a statement from Carl Allen
18 which was October 20th of '98; right?

19 **MR. DESROSIERS:** That's correct.

20 **MS. SIMMS:** So it's over a year later.

21 **MR. DESROSIERS:** Yes.

22 **MS. SIMMS:** Did that seem like a long time
23 to you for coming to the point of a reasonable and probable
24 grounds?

25 **MR. DESROSIERS:** For historical, I ---

1 **MR. MANDERVILLE:** Mr. Commissioner, there
2 are a number of pages of notes detailing what was done
3 through that period of time. I don't know that it's
4 correct to just sort of skip ahead and say "Gee, nothing
5 happened until October; that seems like a long time."

6 There is a lot of detail in here that could
7 be covered, if we choose to.

8 **MS. SIMMS:** Well, let me cover one portion
9 of it, Mr. Commissioner.

10 **THE COMMISSIONER:** Sure.

11 **MS. SIMMS:** So, let's go back to when you're
12 taking steps to locate C-10, okay? So you've received the
13 complaint -- so you have your notes there in front of you?

14 **MR. DESROSIERS:** Yes, I do.

15 **MS. SIMMS:** Okay. So you've -- it appears
16 that CPS received the complaint in April of '98?

17 **MR. DESROSIERS:** Yes.

18 **MS. SIMMS:** That's right? And it's assigned
19 to you early May '98?

20 **MR. DESROSIERS:** Yes.

21 **MS. SIMMS:** And you have in your note it's
22 May 5th, '98.

23 **MR. DESROSIERS:** Yes.

24 **MS. SIMMS:** Right? And you note on May 29th,
25 '98 that you attempted to contact ---

1 **MR. DESROSIERS:** The OPP.

2 **MS. SIMMS:** --- the OPP and that you also
3 attempted to contact C-10.

4 **MR. DESROSIERS:** That's correct.

5 **MS. SIMMS:** Okay?

6 **MR. DESROSIERS:** Yes.

7 **MS. SIMMS:** So -- and you're not aware of
8 any other attempts to contact C-10 by the CPS?

9 **MR. DESROSIERS:** The first time was he had
10 no number; the number was no longer in service.

11 **MS. SIMMS:** We're looking at the first time
12 now; that's my question. Is this the first time now; your
13 note of May 29th.

14 **MR. DESROSIERS:** Yes, May 29th, yes.

15 **MS. SIMMS:** Okay. So you're not aware of
16 any attempts to contact him from April 3rd to May 29th?

17 **MR. DESROSIERS:** No.

18 **MS. SIMMS:** And then you have another note
19 where you attempt to contact him on June 4th, '98, on page
20 2?

21 **MR. DESROSIERS:** That's correct, yes.

22 **MS. SIMMS:** Okay. And then your next note
23 of attempting to contact him, your next note at all is on
24 July 5th, '98; is that right?

25 **MR. DESROSIERS:** That's correct.

1 **MS. SIMMS:** Well -- sorry. You say the
2 number is no longer in service, at the bottom of June 4th,
3 1998?

4 **MR. DESROSIERS:** That's correct.

5 **MS. SIMMS:** And you tried that same number
6 several times again? You still not ---

7 **MR. DESROSIERS:** Just to back up, to make
8 sure that I didn't ---

9 **MS. SIMMS:** Sure.

10 **MR. DESROSIERS:** --- you know ---

11 **MS. SIMMS:** Okay.

12 **MR. DESROSIERS:** --- just was a glitch.

13 **MS. SIMMS:** Okay. And then you next note is
14 July 5th?

15 **MR. DESROSIERS:** Yes.

16 **MS. SIMMS:** And at that point you contact
17 his mother?

18 **MR. DESROSIERS:** Yes, that's correct.

19 **MS. SIMMS:** And she advised that he's
20 recently moved and has no phone?

21 **MR. DESROSIERS:** Right.

22 **MS. SIMMS:** So now we're at July 5th.

23 **MR. DESROSIERS:** That's correct.

24 **MS. SIMMS:** And she suggests that perhaps
25 Constable Don Genier could be of assistance?

1 MR. DESROSIERS: Yes.

2 MS. SIMMS: Had you contacted Constable Don
3 Genier for assistance prior to that?

4 MR. DESROSIERS: I do not believe so, no.

5 MS. SIMMS: Okay. So on July 29th, you have
6 contact with Constable Don Genier?

7 MR. DESROSIERS: That's right.

8 MS. SIMMS: And he gives you some more
9 information in terms of ---

10 MR. DESROSIERS: That's correct.

11 MS. SIMMS: --- how you can possibly contact
12 him.

13 MR. DESROSIERS: Yes.

14 MS. SIMMS: And you make a call that same
15 day?

16 MR. DESROSIERS: Right.

17 MS. SIMMS: And then another couple weeks
18 passes. You're asking for an update from Detective
19 Constable Don Genier?

20 MR. DESROSIERS: That's correct.

21 MS. SIMMS: And you note you still have not
22 received a call on September 10th, '98 and send out a CPIC
23 message to Belleville OPP?

24 MR. DESROSIERS: Yes, the district ---

25 MS. SIMMS: Do you think in all of this

1 there could have been a manner to expedite your getting
2 into contact with Mr. or sorry, C-10? You send out ---

3 **MR. DESROSIERS:** I was trying with the time
4 permitted to me and what I believe I should get in touch
5 with him; was trying to, first of all, have Constable
6 Genier get a hold of me if he had a new number. Nothing
7 was working. I wasn't getting a response back. Then I
8 tried to have the OPP go down to speak to him at his home
9 and give him a message to contact me; which they did. They
10 said they contacted him and he would be calling me. And I
11 didn't get a call for a period of time after that from him.
12 So ---

13 **MS. SIMMS:** So he gives a statement ---

14 **MR. DESROSIERS:** --- I believe I did make
15 several attempts to try and reach him, to try and have him
16 call me.

17 **MS. SIMMS:** So he gave a statement on
18 February 3rd to the OPP?

19 **MR. DESROSIERS:** Yeah.

20 **MS. SIMMS:** February 3rd, '98. And you
21 attempt to contact him on May 29th, 1998?

22 **MR. DESROSIERS:** That's correct.

23 **MS. SIMMS:** And then you make -- we just
24 went through the other attempts you make; right?

25 **MR. DESROSIERS:** Yes.

1 **MS. SIMMS:** And he comes in to see you on
2 October 20th, '98?

3 **MR. DESROSIERS:** That's correct.

4 **MS. SIMMS:** Okay. So you take your
5 statement there?

6 **MR. DESROSIERS:** Yes.

7 **MS. SIMMS:** And then we just referred to --
8 that was on October 20th and we just referred to your note
9 of October 27th, '98; that's Bates page 868.

10 **MR. DESROSIERS:** Eight-six-eight (868), yes.

11 **MS. SIMMS:** And that's a week after you've
12 taken the statement?

13 **MR. DESROSIERS:** M'hm.

14 **MS. SIMMS:** So there's some indication that
15 you're looking up information of people there.

16 **MR. DESROSIERS:** Yes.

17 **MS. SIMMS:** And then, there is nothing in
18 your notes until January 25th, '99; is that right?

19 **MR. DESROSIERS:** From which date to which
20 date, sorry?

21 **MS. SIMMS:** October 27th, ---

22 **MR. DESROSIERS:** Yes.

23 **MS. SIMMS:** Ninety eight ('98) ---

24 **MR. DESROSIERS:** That's right.

25 **MS. SIMMS:** --- to January 25th, '99.

1 MR. DESROSIERS: Yes, that's correct.

2 MS. SIMMS: That's three months.

3 MR. DESROSIERS: Yes.

4 MS. SIMMS: Right. So then you have some
5 notes from the end of January when you're attempting to
6 contact some of the people named by C-10?

7 MR. DESROSIERS: Yes.

8 MS. SIMMS: And then you have a note from --
9 on Bates page 872.

10 MR. DESROSIERS: M'hm.

11 MS. SIMMS: There's a note dated January
12 30th, '99, where you're attempting to contact one of these
13 individuals.

14 MR. DESROSIERS: Yes.

15 MS. SIMMS: And then again, there is no
16 notes until March 2nd, '99.

17 MR. DESROSIERS: Yes.

18 MS. SIMMS: See that? So that's in months
19 where there is no notes in your file?

20 MR. DESROSIERS: Correct.

21 MS. SIMMS: So as a -- as you said, there is
22 another series of notes from March and April of '99 where
23 you're trying to contact people named by C-10.

24 MR. DESROSIERS: Yes.

25 MS. SIMMS: Okay. And then on Bates page

1 880, you have a note of April 26th, '99.

2 MR. DESROSIERS: Yes.

3 MS. SIMMS: And then, there's no notes for
4 the month of May '99.

5 MR. DESROSIERS: That's correct.

6 MS. SIMMS: And there's a number of notes
7 dealing with June '99; see that?

8 MR. DESROSIERS: Yes.

9 MS. SIMMS: And then, there is no notes for
10 July or most of August of '99. You start again on August
11 25th, ---

12 MR. DESROSIERS: Correct.

13 MS. SIMMS: --- 1999.

14 MR. DESROSIERS: Correct.

15 MS. SIMMS: Okay?

16 MR. DESROSIERS: Yes.

17 MS. SIMMS: And then your next note after
18 August 25th is October 20th, '99?

19 MR. DESROSIERS: Yes.

20 MS. SIMMS: So that's another couple of
21 months; is that fair to say?

22 MR. DESROSIERS: Yup, close.

23 MS. SIMMS: Okay. And then it's fairly
24 shortly after that, that you arrest Carl Allen?

25 MR. DESROSIERS: On November 3rd, yes.

1 **MS. SIMMS:** Right. So October 20th, '99,
2 we're at that note there on Bates page 884.

3 **MR. DESROSIERS:** Right.

4 **MS. SIMMS:** So at this point, you've
5 contacted C-10 about Constable Perry Dunlop; is that right?

6 **MR. DESROSIERS:** Right.

7 **MS. SIMMS:** So this is a year to the day
8 after he's given a statement to you?

9 **MR. DESROSIERS:** Yes.

10 **MS. SIMMS:** So you are now contacting him
11 regarding contact he may have had with Constable Perry
12 Dunlop; right?

13 **MR. DESROSIERS:** Yes.

14 **MS. SIMMS:** Why is that, Constable
15 Desrosiers? What was the purpose of this call?

16 **MR. DESROSIERS:** Just to go back to that
17 part, in reaching him to see if there's anything new that
18 he recalled about talking to Constable Dunlop.

19 **MS. SIMMS:** Well, you were asking if he's
20 ever spoken to Constable Perry Dunlop.

21 **MR. DESROSIERS:** Right.

22 **MS. SIMMS:** Is that right?

23 **MR. DESROSIERS:** Yeah.

24 **MS. SIMMS:** He advised you ---

25 **MR. DESROSIERS:** I knew he had already

1 spoken to him in his statement he had already admitted
2 that.

3 **MS. SIMMS:** Yeah, he had mentioned it in his
4 February 3rd, 1998 statement?

5 **MR. DESROSIERS:** M'hm.

6 **MS. SIMMS:** And he mentioned it in his
7 October 20th, 1998 statement?

8 **MR. DESROSIERS:** Yes, he did. Yes.

9 **MS. SIMMS:** So you ask him about it again
10 and what happens -- what came of this meeting?

11 **MR. DESROSIERS:** It was mostly to see if --
12 to retouch base with him on notes, if he recalled again on
13 notes that he had taken, possibly taken; where, the
14 location; where it happened.

15 **MS. SIMMS:** Isn't this all information that
16 you had before, Constable Desrosiers?

17 **MR. DESROSIERS:** Pretty well, yeah. It was
18 the same information.

19 **MS. SIMMS:** And at that point in time, you
20 indicate at the bottom that he still wishes to proceed with
21 charges.

22 **MR. DESROSIERS:** That's correct.

23 **MS. SIMMS:** Was that something that came up
24 in your discussion?

25 **MR. DESROSIERS:** Yes, I wanted to know how

1 he was because I was going to prepare to bring him in, and
2 if he wanted to continue with the process at that point.

3 MS. SIMMS: And he indicated he did?

4 MR. DESROSIERS: Yes, he did.

5 MS. SIMMS: Did you receive from Constable
6 Dunlop any disclosure on this matter?

7 MR. DESROSIERS: Yes, I did; a will say in
8 February, I believe in '99; I received -- I would have -- I
9 had asked him ---

10 MS. SIMMS: You asked him for a will say?

11 MR. DESROSIERS: --- for disclosure, yeah.

12 MS. SIMMS: Okay.

13 MR. DESROSIERS: And he gave a will say.

14 MS. SIMMS: And did you also ask him further
15 for notes?

16 MR. DESROSIERS: Anything he had, yes.

17 MS. SIMMS: And did you receive those?

18 MR. DESROSIERS: No. Not initially, no.

19 MS. SIMMS: So you're saying in February of
20 '99, you asked him for a copy of his notes, is that ---

21 MR. DESROSIERS: I would have requested
22 something, if he had any information because he had talked
23 to this person, C-10.

24 MS. SIMMS: When you say that you would
25 have, do you have ---

1 MR. DESROSIERS: I did.

2 MS. SIMMS: --- a specific recollection of
3 that?

4 MR. DESROSIERS: Yes, I have a recollection
5 of asking him.

6 MS. SIMMS: Was it in your notes?

7 MR. DESROSIERS: No.

8 MS. SIMMS: And you state that he didn't
9 provide you any notes, he just provided a will say?

10 MR. DESROSIERS: That's correct, yes.

11 MS. SIMMS: Did you specifically ask him for
12 notes as well?

13 MR. DESROSIERS: I believe I did. Yes.

14 MS. SIMMS: You believe you did?

15 MR. DESROSIERS: I believe I did, yes.

16 MS. SIMMS: Are you sure you did?

17 MR. DESROSIERS: Not 100 percent.

18 MS. SIMMS: Okay. And I think in some of
19 the statements C-10 does mention that and I think it's -- I
20 believe it's in the February 3rd statement, C-10 mentions
21 that Constable Dunlop was writing something down.

22 Let me just see if I can find that. Do you
23 know if you saw the portion of the February 3rd OPP
24 statement regarding Perry Dunlop?

25 MR. DESROSIERS: I can't recall that, no.

1 **MS. SIMMS:** You can't recall?

2 **MR. DESROSIERS:** No.

3 **MS. SIMMS:** Okay. So following your
4 February 1999 request of Constable Dunlop, did you follow-
5 up with him, with respect to notes?

6 **MR. DESROSIERS:** Only in November after --
7 prior to the arrest, I asked Sergeant Snyder to make a
8 request from him to turn in anything he had.

9 **MS. SIMMS:** And I am going to ask you to
10 look at a document, it's Document Number 733890.

11 **--- EXHIBIT NO./PIÈCE No P-1733:**

12 (733890) - Notes of Renée Desrosiers dated
13 22 Nov 99

14 **THE COMMISSIONER:** Thank you.

15 So how much time you think you are going to
16 be?

17 **MS. SIMMS:** Not very long, Mr. Commissioner.

18 **THE COMMISSIONER:** All right.

19 **MS. SIMMS:** I would say maybe 15, 20
20 minutes.

21 **THE COMMISSIONER:** Okay. So do you want to
22 take a break now or finish your thing and then take a
23 break?

24 **MS. SIMMS:** We can take a break now.

25 **THE COMMISSIONER:** All right. Why don't we

1 take a short break now and then we'll finish off and then
2 go into the cross.

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

5 This hearing will resume at 4:35.

6 --- Upon recessing at 4:23 p.m./

7 L'audience est suspendue à 16h23

8 --- Upon resuming at 4:39 p.m./

9 L'audience est reprise à 16h39

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

12 This hearing is now resumed. Please be
13 seated. Veuillez vous asseoir.

14 **THE COMMISSIONER:** Thank you.

15 Go ahead.

16 **RENÉ DESROSIERS, Resumed/Sous le même serment:**

17 --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MS.**

18 **SIMMS (cont'd/suite):**

19 **MS. SIMMS:** Constable Desrosiers, so we have
20 just looked at Exhibit 1733 that indicated that you did
21 receive notes from Constable Dunlop in November of '99;
22 right?

23 **MR. DESROSIERS:** Yes, I did.

24 **MS. SIMMS:** I am going to refer you to
25 another document, which is Document Number 733881.

1 **THE COMMISSIONER:** Thank you.

2 Exhibit Number 1734 is a document called
3 "Confidential Instructions for Crown Counsel" dated 18th of
4 November 1999.

5 **MS. SIMMS:** And if it could be marked
6 subject to a publication ban?

7 **THE COMMISSIONER:** It certainly can.

8 **--- EXHIBIT NO./PIÈCE No P-1734:**

9 (733881) - Crown Brief re Carl Allen dated
10 18 Nov 99

11 **MS. SIMMS:** So, Constable Desrosiers, this
12 is the Crown Brief that you prepared for the Crown in this
13 matter; is that right?

14 **MR. DESROSIERS:** Yes.

15 **MS. SIMMS:** Okay. And I note that the brief
16 lists a number of names of witnesses?

17 **MR. DESROSIERS:** Yes.

18 **MS. SIMMS:** And there isn't any -- we were
19 discussing it -- in your investigation that you spoke to
20 someone who had previously been a victim of Carl Allen and
21 had reported to you that there were charges laid.

22 **MR. DESROSIERS:** Yes.

23 **MS. SIMMS:** His name doesn't appear on this
24 list.

25 **MR. DESROSIERS:** No, it doesn't. That's

1 correct.

2 MS. SIMMS: Nor his mother's?

3 MR. DESROSIERS: No.

4 MS. SIMMS: So is there a reason why you
5 didn't take statements from those two individuals to
6 include in the Crown Brief?

7 MR. DESROSIERS: He would have been brought
8 in as a similar fact witness at that time and if the Crown
9 felt that we should get the interview from him, then we
10 would.

11 MS. SIMMS: So are you saying that it was at
12 the instruction of the Crown that it wasn't included in the
13 brief here?

14 MR. DESROSIERS: It was something that was
15 talked about, from my recollection, and we relayed ---

16 MS. SIMMS: Okay, so you recall discussing
17 it ---

18 MR. DESROSIERS: I'm sorry?

19 MS. SIMMS: You recall discussing this
20 possibility ---

21 MR. DESROSIERS: I have a memory of a
22 discussion about it, yes.

23 MS. SIMMS: Let's just -- hold on a second.

24 MR. DESROSIERS: Yes.

25 MS. SIMMS: So you recall having a

1 discussion with the Crown regarding the possible use of
2 this individual's testimony as similar fact evidence?

3 **MR. DESROSIERS:** Possibly, yes.

4 **MS. SIMMS:** And do you know if that was
5 before or after you prepared this Crown Brief?

6 **MR. DESROSIERS:** It would have been after.

7 **MS. SIMMS:** After, okay.

8 **MR. DESROSIERS:** Yes.

9 **MS. SIMMS:** So my question I guess is, again
10 is, why is there not a statement or a recounting of that
11 possible evidence in the Crown Brief?

12 **MR. DESROSIERS:** My thinking at the time is
13 that the charges had already been laid. Take a wait-and-
14 see if there's going to be a trial, then we would get these
15 people back onboard.

16 **MS. SIMMS:** Okay. So -- but you do recall
17 discussing the matter with the Crown after ---

18 **MR. DESROSIERS:** I have a recollection of
19 that.

20 **MS. SIMMS:** And who was the Crown assigned?

21 **MR. DESROSIERS:** --- where it was.

22 **MS. SIMMS:** Who was the Crown assigned?

23 **MR. DESROSIERS:** At the end -- at the -- the
24 Crown I had contact with in the end was Lynn Robinson.

25 **MS. SIMMS:** Lynn Robinson, okay.

1 Now, I understand that the matter was
2 resolved with a section 810 peace bond?

3 **MR. DESROSIERS:** Yes.

4 **MS. SIMMS:** Is that right?

5 And were you involved in any of the
6 discussions or did you discuss with the Crown a possible
7 resolution of this matter by a peace bond?

8 **MR. DESROSIERS:** I recall a meeting, a bit,
9 yes, about that.

10 **MS. SIMMS:** Okay. And what was the thinking
11 about entering into that resolution?

12 **MR. DESROSIERS:** The timeframe, there was
13 some timeframe contradictions that the Crown was involved -
14 - had a problem with a bit in relation to the timeframe.
15 It would have been under the *Juvenile Delinquents Act* at
16 the time. Carl Allen would have been possibly a young
17 person at that -- well, what today we call a young person.

18 There were issues also -- the fact that his
19 sister didn't recall any such incidents of being chased
20 around a room with a knife, to corroborate his story.

21 The other witnesses -- several of the other
22 witnesses had observed exhibitionism involving Carl Allen
23 but no -- nothing that could be chargeable at this point
24 because it's historical.

25 **MS. SIMMS:** Except for that one individual

1 who had ---

2 **MR. DESROSIERS:** Except for that one
3 individual at the end of -- where we found out that charges
4 had been laid about him.

5 And the fact that he wouldn't get much more
6 and it was agreed upon that, with him, that the 810 would
7 be probably the best route to take for this.

8 **MS. SIMMS:** So was this a decision that was
9 made -- let me rephrase that. So you discussed this matter
10 with the Crown as she was going through her decision-making
11 process about to resolve this?

12 **MR. DESROSIERS:** And with C-10 as well.

13 **MS. SIMMS:** C-10. And so you were in
14 agreement with this proposed resolution?

15 **MR. DESROSIERS:** I was, yes, and he was too.

16 **MS. SIMMS:** And his concern was -- what was
17 his concern with respect to this individual? Did he
18 express to you a concern that he's not ---

19 **MR. DESROSIERS:** That he wouldn't have to
20 testify; it would save him from going through that process.

21 **MS. SIMMS:** Yes.

22 **MR. DESROSIERS:** And he would be -- still
23 get a conviction. That was his ---

24 **MS. SIMMS:** Did he express concern about
25 Carl Allen potentially abusing other boys? Was that a

1 concern?

2 **MR. DESROSIERS:** It may have, yes. It may
3 have, yes. I can't exactly recall if he did.

4 **MS. SIMMS:** So I'm just going to ask you to
5 look at another document. It's Document Number 119054.

6 **THE COMMISSIONER:** Exhibit Number 1735 is
7 notes entitled "*R. v. Carl Allen*". And who did -- is this
8 your handwriting, sir?

9 **MR. DESROSIERS:** No, it's not.

10 **THE COMMISSIONER:** So can you help me
11 identify this?

12 **MS. SIMMS:** I believe these are Lynn
13 Robinson's notes. They are signed LR at the bottom.

14 **THE COMMISSIONER:** Lynn Robinson's notes,
15 all right, and Exhibit 1735.

16 **MS. SIMMS:** And they appear to refer to a
17 courtroom number and the date, July 31st, 2000.

18 **THE COMMISSIONER:** There you go.

19 --- **EXHIBIT NO./PIÈCE NO. P-1735:**

20 (119054) - Notes of Lynn Robinson *re R. v.*
21 *Carl Allen* dated July 27, 2000

22 **MS. SIMMS:** So have you seen these notes
23 before, Constable Desrosiers?

24 **MR. DESROSIERS:** Yes, I've read them, yes.

25 **MS. SIMMS:** In preparation for this hearing?

1 **MR. DESROSIERS:** Yes, correct.

2 **MS. SIMMS:** So, was this your understanding
3 of the agreement that was reached with defence counsel?

4 **MR. DESROSIERS:** Yes.

5 **MS. SIMMS:** And the conditions that are
6 listed for the section 810 peace bond appear to say "No
7 deposit". Is that right, 12 months?

8 **MR. DESROSIERS:** Yes.

9 **MS. SIMMS:** And no contact with victim?

10 **MR. DESROSIERS:** Yes.

11 **MS. SIMMS:** And then there would be a
12 withdrawal of the substantive ---

13 **MR. DESROSIERS:** Yes.

14 **MS. SIMMS:** Was there any discussion of
15 including a broader no contact provision for this victim?

16 **MR. DESROSIERS:** Not to my recollection, no.

17 **MS. SIMMS:** So there's no requirement that
18 he stay away from persons under a certain age or areas
19 where children ---

20 **MR. DESROSIERS:** No, there wasn't.

21 **MS. SIMMS:** Okay, and you were satisfied
22 with this resolution of the case?

23 **MR. DESROSIERS:** Yes, I was.

24 **MS. SIMMS:** And did you discuss the
25 resolution with C-10?

1 **MR. DESROSIERS:** Yes, he was there.

2 **MS. SIMMS:** Okay. And did you have -- did
3 he express any concerns about this resolution to you?

4 **MR. DESROSIERS:** No, he was in agreement
5 with this, is my recollection.

6 **MS. SIMMS:** And did -- did you have any
7 further involvement in this matter in any way?

8 **MR. DESROSIERS:** No. He felt that -- what I
9 recall that he felt -- he didn't -- if this was going to be
10 the resolution in the end, not -- I didn't have to bother
11 to contact him or anything of that nature. He was happy,
12 he was okay with this. If things were going to change then
13 he would be advised about it.

14 **MS. SIMMS:** So those are my questions,
15 Constable Desrosiers, but we typically ask if you have any
16 recommendations that you'd like to make to the
17 Commissioner.

18 **--- STATEMENT BY/DÉCLARATION PAR CST. DESROSIERS:**

19 **MR. DESROSIERS:** Yes, I have a few, sir,
20 that I would like to bring forward.

21 Being a member of this community all my life
22 and partaking in a serious profession in trying to help the
23 public and the people in our community, I found it's been
24 hard to work sometimes when you're seeing negative things
25 being written and nothing being able to be said on the

1 other side of the fence. At times, it was hard.

2 Mind you, I think it's a very strong
3 community anyway, this community in Cornwall. I think
4 people will be able to -- eventually we'll all be able to
5 go on. It's such an unfortunate thing, you never want to
6 see anything of this nature ever happen but we know it's
7 there, it's out there, okay.

8 And I know we've had a lot of positive
9 things on historicals; a lot of things have been said about
10 historicals. I think maybe we should also look at the
11 innovative ways we can do investigations, especially when
12 it's young children that are involved.

13 Quite possibly one area is interviewing.
14 Possibly a psychologist, a child psychologist, trained in
15 interviewing could do an interview with a child at the same
16 time; not just for the disclosure, having it monitored by a
17 policeman, but also for the fact that anything that they
18 psychologist would see in the child to detect early, if
19 there are some issues, maybe some new way of doing a child
20 investigation.

21 Those are pretty well my recommendations.

22 **THE COMMISSIONER:** Thank you.

23 **MS. SIMMS:** Thank you very much.

24 **THE COMMISSIONER:** Ms. Daly?

25 Can I -- an estimate of time just so I know

1 when to finish off?

2 **MS. DALEY:** I might be 40 minutes. I would
3 hope to finish by 5:30. I'll make every effort.

4 **THE COMMISSIONER:** That's perfect. All
5 right, that's great because I don't think we'll go much
6 further than five-thirty, quarter to six.

7 **MR. DESROSIERS:** Thank you.

8 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

9 **DALEY:**

10 **MS. DALEY:** Let me introduce myself first.

11 Constable Desrosiers, my name is Helen
12 Daley. I'm counsel for a group called Citizens for
13 Community Renewal and that is a local citizens group that
14 has an interest in the reform of institutions, directed
15 towards the protection of children, much in line with your
16 last comments.

17 There's a number of areas that I want to
18 canvass. Hopefully, I'll be able to go through them
19 briefly.

20 The first general topic I want to talk to
21 you about, sir, are the instances in which the Cornwall
22 Police Service became involved in a sexual abuse matter,
23 perhaps not knowing that the perpetrator had previously
24 been known to the Service, if you follow what I mean. I
25 just want to review ---

1 MR. DESROSIERS: Yes.

2 MS. DALEY: --- some of those examples from
3 your testimony.

4 MR. DESROSIERS: Okay.

5 MS. DALEY: And the first one that comes to
6 mind, of course, is in relation to Marcel Lalonde; correct?

7 MR. DESROSIERS: Yes.

8 MS. DALEY: And if I'd understood you, when
9 you embarked on your investigation and when Officer Snyder
10 on his investigation in '97, both of you did so without
11 knowing that Constable Malloy had, in fact, received
12 allegations about Lalonde back in the year 1989; correct?

13 MR. DESROSIERS: Yes, that's correct.

14 MS. DALEY: And I take it, sir, had you
15 known that, when you opened your file in 1997, you would
16 have wanted to look at Malloy's file to look at the
17 information that he had developed 10 years prior?

18 MR. DESROSIERS: Yes, that's correct.

19 MS. DALEY: It would have had relevance for
20 you, no question, correct?

21 MR. DESROSIERS: Certainly, yes, it would
22 have.

23 MS. DALEY: And I wasn't entirely clear on
24 your testimony, but I thought what you said was that when
25 the file was assigned to you in February of '97, did you

1 look at the card system that was in place to determine if
2 Lalonde's name was on the cards?

3 MR. DESROSIERS: I looked at the card system
4 that I was aware existed there.

5 MS. DALEY: Yes.

6 MR. DESROSIERS: In the records area.

7 MS. DALEY: You didn't see his name?

8 MR. DESROSIERS: I didn't see his name.

9 MS. DALEY: What I'm not clear on is how --
10 how is it possible then in the year 2000, when you do a bit
11 more work, you go back to the same card system and you do
12 see his name. Can you help us understand that?

13 MR. DESROSIERS: I believe what I can say
14 about that is the more I was thinking about it the last few
15 weeks, is that investigations from the past, pre-OMPPAC,
16 that were serious in nature, like sexual assaults were in -
17 - even though the files may be gone, there was a contact
18 card system, one other box left that I didn't know about at
19 that time, and I'm sure that's where -- I'm positive that's
20 where Mrs. Parisien went to after looking at the main
21 Cardex file, A to Z.

22 MS. DALEY: All right.

23 MR. DESROSIERS: There was another Cardex
24 box there that just had previous investigations from the
25 past where they were sexual in nature.

1 **MS. DALEY:** So the problem then is that in
2 1997, you didn't know about that box of -- the pre-OMPPAC
3 Cardex box with the files that preceded it?

4 **MR. DESROSIERS:** No, I went myself to "L" --
5 Section "L" and looked for contact cards in Lalonde.

6 **MS. DALEY:** I see.

7 So it was Mrs. Parisien who knew that there
8 were other sources that you might look to for that?

9 **MR. DESROSIERS:** Yes, I agree, yes.

10 **MS. DALEY:** And did the card system relate
11 simply to the names of suspects or did it also contain
12 witness and victim names?

13 **MR. DESROSIERS:** I don't believe it gave
14 victim names.

15 **MS. DALEY:** All right. That clarification
16 is helpful.

17 So that deals with one circumstance where
18 the Force had previously investigated, unknown to
19 subsequent investigators.

20 **MR. DESROSIERS:** Right.

21 **MS. DALEY:** I think another one that comes
22 up, not quite the same, but I want to discuss it with you,
23 has to do with Nelson Barque, the other probation officer.

24 **MR. DESROSIERS:** Right.

25 **MS. DALEY:** And at a certain point in time,

1 sir, Mr. C-45 made disclosure to you in February 1997 about
2 Barque and C-45 had been a probationer, and his allegation
3 was in that context. In other words, Barque had been
4 abusing him sexually when he was a probationer. Is that --
5 that's the gist of what C-45 had to say?

6 **MR. DESROSIERS:** Yes, that one incident that
7 happened -- had happened, yes.

8 **MS. DALEY:** All right.

9 And I take it, sir, from your testimony that
10 when that disclosure was made to you in February of '97,
11 you were not aware that Barque had been charged and had
12 pled guilty to similar allegations by a probationer named
13 Albert Roy?

14 **MR. DESROSIERS:** No, I wasn't.

15 **MS. DALEY:** And nor were you aware that
16 Constable Sebalj had played or had had some role to play
17 with Albert Roy and his allegations concerning Barque?

18 **MR. DESROSIERS:** No, I don't, no.

19 **MS. DALEY:** And, sir, I think the third
20 example that comes from your testimony are previous charges
21 against Carl Allen; correct?

22 **MR. DESROSIERS:** Yes.

23 **MS. DALEY:** And again, if I've understood
24 you correctly, when you finally interviewed Carl Allen on
25 November 3rd, 1999, he actually admitted, did he not, that

1 there had been previous charges of a sexual nature and he
2 had received one year's probation?

3 **MR. DESROSIERS:** That's what he told me,
4 yes.

5 **MS. DALEY:** And just give me one second; I
6 want to refer you briefly to a document.

7 Just give me one second, sir.

8 **THE COMMISSIONER:** Certainly.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **MS. DALEY:** I was looking at your notes for
11 this information, sir, and that's Exhibit -- thank you --
12 1731.

13 **THE COMMISSIONER:** That would be the loose -
14 --

15 **MR. DESROSIERS:** Thank you, sir.

16 **MS. DALEY:** If you look at -- you've written
17 hand numbers, like hand numbers on your pages, and just to
18 help us out -- I'm on your handwritten number 27.

19 **MR. DESROSIERS:** Okay.

20 **MS. DALEY:** I think that's the notes you
21 make of your interview with Mr. Allen.

22 **MR. DESROSIERS:** Yes, that's correct.

23 **MS. DALEY:** And towards the very bottom of
24 that page -- and there's no need to read this name aloud --
25 but the last -- if you go three lines up, you're

1 referencing the name of an individual and Mr. Allen
2 recalled that name. He said he had been charged with
3 sexual things; there had been a pre-sentence report; he got
4 a year's probation, and that's where you make note of that
5 information.

6 **MR. DESROSIERS:** Yes.

7 **MS. DALEY:** Now, if I'm not mistaken, sir, I
8 think that the name of the prior victim of Mr. Allen, that
9 name had come up prior to November 3rd in your
10 investigation, hadn't it? I think you had spoken to that
11 individual and his mother?

12 **MR. DESROSIERS:** Yes, I did.

13 **MS. DALEY:** And both of them believe they
14 recall that there had been charges against Carl Allen at
15 the time; correct?

16 **MR. DESROSIERS:** Yes, that's correct.

17 **MS. DALEY:** You tried to verify that and I
18 think you had been unable to determine one way or the other
19 whether that was correct. Is that ---

20 **MR. DESROSIERS:** That's correct.

21 **MS. DALEY:** Have I got it right? Right.

22 So it's significant then that on November
23 3rd, '99 Allen acknowledges that that's what happened.

24 **MR. DESROSIERS:** Yes.

25 **MS. DALEY:** So I take it now you know there

1 has been a prior charge, a conviction ---

2 MR. DESROSIERS: Correct.

3 MS. DALEY: --- and a sentence of probation?

4 MR. DESROSIERS: That's correct, yes.

5 MS. DALEY: All right.

6 And again, sir, is the circumstance --
7 sorry, before I move on, it seems to me the very next thing
8 that you do, on your page number 28, you charge and arrest
9 Mr. Allen immediately once he confirms that prior
10 conviction has occurred?

11 MR. DESROSIERS: I arrested him prior to
12 that.

13 MS. DALEY: You had arrested him prior to
14 that and then at page 28, you advise him of the charges.
15 In other words ---

16 MR. DESROSIERS: I advise him of the charges
17 for C-10.

18 MS. DALEY: All right.

19 And I thought there might have been a
20 connection between those two occurrences but I'm not sure.

21 Having heard from Allen that he has a
22 history of this kind of behaviour did that get you to a
23 point where you felt that you can and should lay that
24 charge?

25 MR. DESROSIERS: In relation to the other

1 individual?

2 **MS. DALEY:** Yes, in relation to C-10.

3 **MR. DESROSIERS:** No, based on what I had
4 been told by the mother, by that other individual and the
5 accused, I had determined that the charges had been laid in
6 that case back then against that individual. The fact the
7 incident happened at a later time, near -- around -- not
8 the same timeframe as C-10 but a little bit -- maybe later
9 on, that Allen was still also a juvenile at the time when
10 this happened and that probably the record wouldn't show
11 anymore on his criminal record. But again, I wasn't able
12 to confirm anything in documents to show he had a
13 conviction in the past ---

14 **MS. DALEY:** Yes.

15 **MR. DESROSIERS:** --- to show that there was
16 an information that was laid in relation to the second
17 individual back in the sixties. But based on what the
18 mother and what he had said and what Carl Allen told me, I
19 was sure that the charges had gone through.

20 **MS. DALEY:** There had been a conviction.

21 **MR. DESROSIERS:** He's telling me he got a
22 sentence for it.

23 **MS. DALEY:** Sir, let me try my last question
24 again because I don't know if we were on the same
25 wavelength.

1 MR. DESROSIERS: M'hm.

2 MS. DALEY: I take it you're interested in
3 finding out whether Allen has been charged with similar
4 offences in the past, so you ask him. He acknowledges it -
5 --

6 MR. DESROSIERS: Yeah.

7 MS. DALEY: --- and he says he received a
8 sentence including probation. So you know there was at
9 least a conviction. And according to your notes, it's then
10 that you advise him of the charges that you're laying at
11 the incidents of Mr. C-10. That's how your interview
12 unfolded?

13 MR. DESROSIERS: Right.

14 MS. DALEY: What I was curious about is
15 this: Is the fact that you now know that Allen does have a
16 prior conviction; does that lead you to bring the charges
17 against C-10, does that give you the additional ---

18 MR. DESROSIERS: No.

19 MS. DALEY: --- weight that you need --_

20 MR. DESROSIERS: No, no.

21 MS. DALEY: --- to lay those charges?

22 MR. DESROSIERS: No, my charges were laid
23 based on C-10 ---

24 MS. DALEY: All right.

25 MR. DESROSIERS: --- alone.

1 **MS. DALEY:** We looked very briefly at the
2 Crown Brief a moment ago with Ms. Simms.

3 **THE COMMISSIONER:** One seven three four
4 (1734).

5 **MS. DALEY:** Thank you.

6 And I just happened to notice that if you
7 look at Bates page ending in 815 of that exhibit, sir,
8 under "Criminal History", this is the Crown Brief in
9 relation to Carl Allen.

10 **MR. DESROSIERS:** Yes.

11 **MS. DALEY:** And under "Criminal History", I
12 guess "yes" or "no" are the options, but the answer that's
13 been given is "no" -- and there doesn't appear to be any
14 attachment that references his prior conviction?

15 **MR. DESROSIERS:** Correct.

16 **MS. DALEY:** Would it not have been more
17 desirable for this Brief to have shown that, in fact, there
18 was a previous conviction for a sexual offence; might that
19 not have had a bearing on the disposition of these charges?

20 **MR. DESROSIERS:** I didn't have knowledge
21 that he may have gotten a pardon in the past; I didn't have
22 that knowledge. And the fact if he was a juvenile, the
23 record would no longer show today.

24 The Crown was aware of the previous
25 information. I had sent her my notes, the video of the

1 interview for disclosure, as well, but ---

2 **MS. DALEY:** So was the document filled out
3 this way because you thought there was a possible pardon
4 that he had received?

5 **MR. DESROSIERS:** No, it's just the way that
6 it was ---

7 **MS. DALEY:** All right.

8 **MR. DESROSIERS:** --- sent out, like it's
9 just the way it came out.

10 **MS. DALEY:** But -- but you feel the Crown
11 was aware of that prior conviction?

12 **MR. DESROSIERS:** Yes, definitely with my
13 disclosure.

14 **MS. DALEY:** All right. Did you make C-10
15 aware of that?

16 **MR. DESROSIERS:** I cannot recall.

17 **MS. DALEY:** All right.

18 **MR. DESROSIERS:** I cannot recall.

19 **THE COMMISSIONER:** Could I just ask a
20 question about when you were taking -- you brought him in;
21 you arrested him? I just have your notes here.

22 Did you ask him any questions about the
23 offence?

24 **MR. DESROSIERS:** With that other individual?

25 **THE COMMISSIONER:** No, no, no, no, with this

1 one.

2 MR. DESROSIERS: He wouldn't give me any ---

3 THE COMMISSIONER: He said, "I don't want --

4 --"

5 MR. DESROSIERS: --- inculpatory statement.

6 THE COMMISSIONER: All right.

7 MR. DESROSIERS: It didn't happen.

8 MS. DALEY: All right. I take it, sir, in
9 relation to your work investigating the allegations against
10 Carl Allen, it would have been helpful to you to know about
11 the prior criminal history involving the other individual?

12 MR. DESROSIERS: Yes, it would have.

13 MS. DALEY: All right. I'm going to move to
14 a different topic for a moment.

15 I want to -- I just have a question or two
16 for you, again, about the Lalonde investigation and, again,
17 I'm going to speak about some of the people that you worked
18 with who were also spoken to by Officer Malloy back in
19 1989.

20 And I had the impression that C-57 ---

21 MR. DESROSIERS: Yes.

22 MS. DALEY: --- do you know that name?

23 MR. DESROSIERS: Yes.

24 MS. DALEY: Had, in fact, wished to proceed
25 with charges in 1989, when he first went to your Service

1 but by the year 2000, when you track him down again, you --
2 you learn about the file; you locate this individual; he no
3 longer wants to be involved in any proceedings against
4 Lalonde?

5 MR. DESROSIERS: No, I'd spoken to Constable
6 Malloy about that ---

7 MS. DALEY: Yes.

8 MR. DESROSIERS: --- that person and I asked
9 him what the result was, as far as his investigation
10 involving C-57, and he had advised me that there were
11 consent issues involving his case, that's why no charges
12 was laid.

13 When I spoke to C-57, it was, in the end --
14 at the end of the day, if something more would come out
15 through the investigation, as evidence, you know, we -- we
16 can look at it then. But if nothing more could be done,
17 would he still be willing to become a witness for the
18 present prosecutions involving Marcel Lalonde. And he
19 wanted to take sometime to think about that before getting
20 involved in that process.

21 MS. DALEY: Let me ask you a question or two
22 about that.

23 When, in the chain of events, did you speak
24 with Officer Malloy about his 1989 investigation?

25 MR. DESROSIERS: After finding the file.

1 **MS. DALEY:** All right.

2 **MR. DESROSIERS:** Asking for his notes, if he
3 had notes; I spoke to him about the file, because I had
4 read the statement.

5 **MS. DALEY:** All right. Now, you said
6 something in-chief I wasn't clear about. Did Officer
7 Malloy tell you that he had raised this consent issue with
8 C-57, back in 1989, and that that's why there had been no
9 charges then?

10 **MR. DESROSIERS:** No, it was just the fact he
11 explained to me that the bottom -- the result was that
12 there was consent issues involving in laying a charge,
13 whether -- he didn't tell me it was the Crown and him that
14 discussed that. He just told me that himself, directly,
15 just there were consent issues.

16 **MS. DALEY:** What -- what I -- what I'm
17 trying to find out, if you know, is: Do you have any idea
18 as to whether Malloy told the victim, C-57, that, as a
19 result of consent issues, they weren't going to proceed
20 with charges in '89?

21 **MR. DESROSIERS:** I don't recall seeing that
22 in the file.

23 **MS. DALEY:** All right. Now, when you spoke
24 to C-57 ---

25 **MR. DESROSIERS:** Yes.

1 **MS. DALEY:** --- at a later time, did you
2 tell him that the reason there had been no charge in '89
3 had to do with issues pertaining to consent?

4 **MR. DESROSIERS:** I believe I did, yes.

5 **MS. DALEY:** All right.

6 **THE COMMISSIONER:** And what was his reaction
7 to that?

8 **MR. DESROSIERS:** Well, his reaction was,
9 first, "Why are you calling me?" Like, "I've dealt with
10 this type thing."

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

12 **MR. DESROSIERS:** "Well, I've dealt with it
13 already, sir."

14 And when we did meet in person, I did bring
15 that up to him and ---

16 **THE COMMISSIONER:** What? Bring the issue of
17 consent?

18 **MR. DESROSIERS:** The issue of consent.

19 **THE COMMISSIONER:** Yes?

20 **MR. DESROSIERS:** And I said to him:

21 "We're looking into it a little more."

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

23 **MR. DESROSIERS:** "There may be something
24 that comes up in the investigation
25 where we don't know. We may be able to

1 end up laying a charge but I can't
2 promise you that. And the fact is that
3 if we can't, would you be a witness for
4 this prosecution that's before the
5 courts?"

6 **THE COMMISSIONER:** What was his response, if
7 any, to the assertion that there was an issue of consent?

8 **MR. DESROSIERS:** There was no big reaction
9 about that, sir, that I can recall. It was like he -- he
10 knew this had happened, like in the past.

11 **THE COMMISSIONER:** Okay.

12 **MR. DESROSIERS:** It's, again, my
13 observation.

14 **THE COMMISSIONER:** Oh yeah.

15 **MR. MANDERVILLE:** You'll recall Kevin
16 Malloy's evidence on this issue, I'm sure, Mr.
17 Commissioner.

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

19 **MR. MANDERVILLE:** You'll recall Kevin
20 Malloy's evidence on this issue, I'm sure.

21 **THE COMMISSIONER:** Oh, I will.

22 **MS. DALEY:** I take it, when you
23 re-interviewed C-57 in the year 2000, he stuck to his
24 story, factually? In other words, he said, you know, "The
25 events I told Officer Malloy about, those are the events

1 that occurred."

2 MR. DESROSIERS: Yes, a lot of his answers
3 were ---

4 MS. DALEY: Were the same?

5 MR. DESROSIERS: --- were the same, yes.

6 MS. DALEY: I just wanted to take you very
7 briefly to the Supplementary Occurrence Report. I'm just
8 trying to track down ultimately whether or not C-57 was on
9 board or not ---

10 MR. DESROSIERS: Right.

11 MS. DALEY: --- in the year 2000 and this
12 should be in Exhibit 1497.

13 (SHORT PAUSE/COURTE PAUSE)

14 MS. DALEY: Sir, this is your Supplementary
15 Occurrence Report of June 2006, and I was looking at the
16 very last page, at the very last sentence, which I read as
17 saying that:

18 "C-57 does not wish to proceed with
19 criminal charges. This incident is to
20 be cleared otherwise. No further
21 police action."

22 That -- that was the final outcome in the
23 year 2000 in connection with C-57?

24 MR. DESROSIERS: Yes, that's correct.

25 MS. DALEY: All right.

1 **MR. DESROSIERS:** But any -- he did end up
2 becoming a witness; he did speak at the prosecution of
3 Marcel Lalonde later.

4 **MS. DALEY:** So he -- he testified in the
5 prosecution on behalf -- the prosecution brought on behalf
6 of the other victims?

7 **MR. DESROSIERS:** Yes, he did.

8 **MS. DALEY:** Did he testify about his own
9 experience?

10 **MR. DESROSIERS:** I made notes of his
11 testimony for the Crown but ---

12 **MS. DALEY:** If you recall?

13 **MR. DESROSIERS:** I -- I would seem to think
14 he did, yes, ---

15 **MS. DALEY:** All right.

16 **MR. DESROSIERS:** --- is my memory of that,
17 yeah.

18 **MS. DALEY:** Thank you.

19 I'm finished with that exhibit. You can set
20 that aside, sir.

21 **MR. DESROSIERS:** Thank you.

22 **MS. DALEY:** All right, the other -- another
23 topic I want to talk to you about and maybe I'll use a few
24 minutes to do that is the distinction, I guess, between
25 Project Truth and your understanding about it and what

1 Cornwall itself was investigating in the realm of historic
2 sexual abuse.

3 And, sir, let me ask you this. Did you ever
4 see anything in writing at the Cornwall Police Service that
5 defined in words what the Project Truth mandate was?

6 **MR. DESROSIERS:** Within our police service?

7 **MS. DALEY:** Yes.

8 **MR. DESROSIERS:** I did not see that.

9 **MS. DALEY:** All right.

10 You told us that in the early months of
11 1997, you, I guess, heard through the grapevine at your
12 service that the OPP was interested in allegations
13 pertaining to Father Charles MacDonald.

14 **MR. DESROSIERS:** Yes.

15 **MS. DALEY:** And I take it at later points in
16 time in 1997, did you hear further about a role or a
17 project that the OPP was undertaking?

18 **MR. DESROSIERS:** Well, I had had a visit
19 from Inspector Smith ---

20 **MS. DALEY:** Yes.

21 **MR. DESROSIERS:** --- and Constable Genier in
22 relation to the albums that we had seized at Marcel
23 Lalonde's house.

24 **MS. DALEY:** Yes.

25 **MR. DESROSIERS:** And talked about what they

1 were going to be looking into. They didn't get into big
2 specifics with me ---

3 **MS. DALEY:** Apart from the Lalonde ---

4 **MR. DESROSIERS:** --- that they were
5 interested.

6 **MS. DALEY:** Sorry. Apart from the Lalonde
7 investigation, a specific investigation, did those Officers
8 Hall or Genier or anyone else at the OPP ever sort of sit
9 you down and describe to you what Project Truth was and
10 what cases it would take in contrast to the cases that
11 would remain with your service?

12 **MR. DESROSIERS:** No, not that I can recall,
13 no.

14 **MS. DALEY:** All right.

15 And did you develop your own understanding
16 about that?

17 **MR. DESROSIERS:** Pretty well through the
18 media and hearing things around the office, yes.

19 **MS. DALEY:** All right.

20 So what you read in the press and what your
21 fellow officers told you led you to understand what
22 precisely about Project Truth?

23 **MR. DESROSIERS:** That it was going to be --
24 they were going to be looking into some high-profile people
25 in the community, clergy. That kind of thing is what I was

1 hearing.

2 **MS. DALEY:** So in your mind then the
3 distinction between what they would do versus what you
4 would do if it was otherwise in your policing jurisdiction
5 had to do with the profile of the alleged perpetrators?

6 **MR. DESROSIERS:** That's correct. Yeah, I
7 would say that, yes.

8 **MS. DALEY:** All right.

9 Now, I take it as a consequence of that,
10 you, at your service, dealt with a number of victims who
11 were simultaneously victims and witnesses in other
12 prosecutions ---

13 **MR. DESROSIERS:** Yes.

14 **MS. DALEY:** --- for historic sexual abuse;
15 right?

16 **MR. DESROSIERS:** That's correct.

17 **MS. DALEY:** And just to help us get a
18 picture about that, in fact, I think everyone you've spoken
19 to about falls into that category.

20 C-45, whom you investigated and brought
21 charges on for Lalonde, he was also a complainant about Mr.
22 Nelson Barque; correct?

23 **MR. DESROSIERS:** Yes, if I get C-45 the name
24 -- yeah, I probably know who you're talking about.

25 **THE COMMISSIONER:** Madam Clerk, number 45?

1 **MR. DESROSIERS:** May I be able to write that
2 down, Mr. Commissioner?

3 **THE COMMISSIONER:** She's going to write it
4 down, yes.

5 **MR. DESROSIERS:** Thank you.
6 Yes.

7 **MS. DALEY:** That's correct?

8 So that individual was your witness and your
9 victim for the purpose of the Lalonde prosecution but was
10 also an OPP witness and victim in charges that they laid
11 against Nelson Barque?

12 **MR. DESROSIERS:** Yes.

13 **MS. DALEY:** And similarly, that gentleman's
14 brother was also your witness for the purpose of the
15 Lalonde prosecution and the OPP witness and victim for the
16 purpose of a Father Charles MacDonald prosecution; correct?

17 **MR. DESROSIERS:** Yes, that's correct.

18 **MS. DALEY:** And both those prosecutions
19 happened in roughly the same span of time. They
20 overlapped?

21 **MR. DESROSIERS:** Yes.

22 **MS. DALEY:** I take it C-10 as well, we've
23 been speaking about him, he was you witness and victim from
24 the perspective of your prosecution of Carl Allen?

25 **MR. DESROSIERS:** Yes.

1 **MS. DALEY:** But were you aware that he was
2 also an OPP witness and victim in other prosecutions
3 including that of Malcolm MacDonald's?

4 **MR. DESROSIERS:** Not of the individual he
5 was alleging other things about to Project Truth, not to my
6 recollection. I didn't know who he had alleged something
7 happening to him to Project Truth.

8 **MS. DALEY:** All right.
9 You knew that he went and spoke to Project
10 Truth ---

11 **MR. DESROSIERS:** Yes.

12 **MS. DALEY:** --- about another prominent
13 person, but you weren't sure who it was?

14 **MR. DESROSIERS:** I didn't know who it was.

15 **MS. DALEY:** All right.

16 But in each of these examples -- well,
17 sorry, I guess C-8 is an example as well, isn't he; right?

18 **MR. DESROSIERS:** Yes, he is.

19 **MS. DALEY:** Because he is your witness and
20 victim for the purposes of Lalonde, but he is an OPP
21 witness and victim for purposes of other prosecutions.

22 **MR. DESROSIERS:** That's correct, yes.

23 **MS. DALEY:** Now, I take it that
24 circumstance, it could potentially have been hard on
25 victims; could it not?

1 I'm just trying to think about this from a
2 victim's perspective for a minute. He has to deal with two
3 sets of police officers in two jurisdictions, two Crown
4 Attorneys.

5 Did you ever turn your mind to how it might
6 feel from a victim's point of view to be involved in
7 multiple proceedings at the same time against different
8 perpetrators in different policing jurisdictions?

9 **MR. DESROSIERS:** Certainly, because it did
10 come up at one point with another monikered gentleman where
11 he was fragile at prelim.

12 **MS. DALEY:** I think that's Mr. C-66 that
13 your partner ---

14 **MR. DESROSIERS:** Could be.

15 **MS. DALEY:** --- or your supervisor talked
16 about him?

17 **MR. DESROSIERS:** Yes.

18 **MS. DALEY:** All right.

19 So with that experience, was there any
20 discussion in your service that you knew about perhaps
21 between you and your supervisors about how this process was
22 affecting victims and whether there was anything that could
23 be done to mitigate that?

24 **MR. DESROSIERS:** Not at my level, no.

25 **MS. DALEY:** Do you know if it was discussed

1 at higher levels?

2 MR. DESROSIERS: I do not know.

3 MS. DALEY: Do you think ---

4 MR. DESROSIERS: But I agree with you that
5 it is stressful for them to go through two.

6 MS. DALEY: Right. And I take it ---

7 MR. DESROSIERS: One is enough.

8 MS. DALEY: --- you would have seen the
9 effects of that on some of the people that you had to deal
10 with?

11 MR. DESROSIERS: I've seen it in my
12 experiences, yes, as a policeman.

13 MS. DALEY: And did you find, in your
14 dealing with the people that I talked about, that they were
15 puzzled by this circumstance, the fact that they could tell
16 you certain things but they had to tell other officers
17 other things?

18 MR. DESROSIERS: None of them directly
19 approached me with that except C-45's brother ---

20 MS. DALEY: Yes.

21 MR. DESROSIERS: --- had asked about that
22 during the course of preparation and things like that.

23 MS. DALEY: Did he raise a concern about it?

24 MR. DESROSIERS: Yeah, he did raise a
25 concern. It's just this is the way things are done, like,

1 you know, I always tried to explain that to him. Yeah, he
2 probably did want to finish everything right away, you
3 know. But, yeah, he was about the only one that I can
4 recall raised a concern about that.

5 **MS. DALEY:** I had the impression from your
6 testimony in-chief that you weren't necessarily aware when
7 one of your victims was testifying in an OPP matter. So
8 for example, the preliminary inquiry was going on on an OPP
9 matter. You may or may not be aware that one of your
10 victims is testifying?

11 **MR. DESROSIERS:** I wasn't, no.

12 **MS. DALEY:** Okay. So was that another
13 aspect of the situation that concerned you? In other
14 words, your own witnesses could be testifying in a criminal
15 court elsewhere. You wouldn't necessarily know how their
16 evidence had been received, how it held up, how they did
17 under cross-examination?

18 **MR. DESROSIERS:** Yeah, that's correct, yeah.
19 I wouldn't have known.

20 **MS. DALEY:** And that would be a problem from
21 your point of view?

22 **MR. DESROSIERS:** Well, not necessarily a
23 problem, but it would take a certainly strong individual to
24 go through all that.

25 **MS. DALEY:** Yes.

1 **MR. DESROSIERS:** I agree with that. But
2 whether they shouldn't or should not ---

3 **THE COMMISSIONER:** I don't think that's the
4 question.

5 **MR. DESROSIERS:** No.

6 **THE COMMISSIONER:** The question is "Would
7 you not want to know if your complainant in another
8 proceeding melted down, had serious problems, or ---

9 **MR. DESROSIERS:** Right.

10 **THE COMMISSIONER:** --- withstood the time
11 and was a great witness, was cross-examined but not shaken,
12 that kind of stuff?

13 **MR. DESROSIERS:** It would be good to know
14 that, I agree.

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

16 **MR. DESROSIERS:** I would probably see it the
17 next time I had to deal with them. I would assume they
18 maybe raise that concern, how they were, how they felt
19 through the first time. But I agree with that part. It
20 would be good maybe to know if -- how to deal with them
21 when the next time you're going to call them to see them.

22 **MS. DALEY:** I would have thought that the
23 Crowns that you were working with on your charges would
24 also want that information. In other words, it might be
25 important to the Crowns to know how C-8, for example, if he

1 testified first on an OPP matter, how he'd done so that,
2 you know, the Crown would know how to handle him or would
3 know if there were any difficulties that might be brought
4 home to him when he ---

5 MR. DESROSIERS: Yeah.

6 MS. DALEY: --- testifies at a later time.

7 MR. DESROSIERS: Well, the Crown would
8 probably get that from the investigators because, you know,
9 by talking with the complainant ---

10 MS. DALEY: Okay.

11 MR. DESROSIERS: --- you would get a -- you
12 would know if there was going to be maybe a problem. I
13 can't answer for what the Crowns would do.

14 MS. DALEY: Fair enough.

15 Did you ever -- did that matter ever come up
16 in your discussions with the Crowns on the charges that you
17 laid?

18 MR. DESROSIERS: No, not to my recollection.

19 MS. DALEY: All right.

20 I take it another possible problem -- I'm
21 not saying it did arise, but another possibility that
22 exists when there are different charges, different
23 jurisdictions at the same time is just possible confusion
24 and a lack of coordination?

25 MR. DESROSIERS: Yes. The more hands that

1 are in the pot maybe, but ---

2 MS. DALEY: Right. Right.

3 MR. DESROSIERS: --- you hate to miss
4 anything when there's too much information coming from two
5 sides. Something might get missed. You hope that doesn't
6 happen.

7 MS. DALEY: All right.

8 MR. DESROSIERS: I don't see that being the
9 problem because I know the officers that are at work. The
10 disclosure issue, you make sure you disclose what you have.
11 That's the bottom line.

12 MS. DALEY: All right.

13 I want to talk to you about the role of
14 Constable Dunlop. This might take us a bit past 5:30, but
15 if -- is 10 minutes good?

16 THE COMMISSIONER: Yeah, that's fine.

17 MS. DALEY: Okay. I mightn't finish the
18 entire examination today either, sir, but I'll try to just
19 finish this area and then I'll be very, very brief tomorrow
20 morning.

21 THE COMMISSIONER: M'hm.

22 MS. DALEY: But I want you to turn your mind
23 to Constable Dunlop and what he's doing, you know, the role
24 he's playing with some of your victims and your witnesses.

25 Let me just start with a very broad, general

1 question. Was it known to you generally, just by office
2 scuttlebutt or by reading the paper, that Constable Dunlop
3 had become involved in doing his own, if you will, personal
4 investigation of sexual abuse matters in your town?

5 **MR. DESROSIERS:** No, no.

6 **MS. DALEY:** You hadn't heard of that?

7 **MR. DESROSIERS:** No.

8 **MS. DALEY:** All right.

9 Did it come to your attention in any fashion
10 whether in the press or by talk in the office that Officer
11 Dunlop had initiated his own lawsuit and was doing some
12 investigating work in that realm?

13 **MR. DESROSIERS:** At some point I probably
14 would have heard it -- I did hear it in the office at some
15 point, not in an official -- like, you know, just talking
16 in general ---

17 **MS. DALEY:** All right.

18 **MR. DESROSIERS:** --- some people bringing
19 some information up.

20 **MS. DALEY:** And in that context, did you
21 learn or did any of your fellow officers talk about the
22 fact that Dunlop was interviewing witnesses such as Mr.
23 Leroux in connection with a lawsuit?

24 **MR. DESROSIERS:** No, that never came up to -

25 --

1 **MS. DALEY:** You didn't know about it?

2 **MR. DESROSIERS:** --- my attention.

3 **MS. DALEY:** All right.

4 So I take it what you did know was that
5 certain witnesses that you dealt with such as Mr. C-10, for
6 example, and others had also discussed their disclosure
7 with Dunlop?

8 **MR. DESROSIERS:** Yes.

9 **MS. DALEY:** And did you form an
10 understanding -- let's use C-10 as an example, and I can
11 show you some documents because you do have notes about him
12 telling you about this.

13 How is it that -- how and why did he come in
14 contact with Perry Dunlop? Do you know?

15 **MR. DESROSIERS:** To my recollection, I don't
16 know how he spoke or got involved in speaking with Mr.
17 Dunlop.

18 **MS. DALEY:** All right.

19 **MR. DESROSIERS:** I know how C-8 did in the
20 Marcel Lalonde matter.

21 **MS. DALEY:** Yes.

22 **MR. DESROSIERS:** But to my recollection, no,
23 not about Carl Allen.

24 **MS. DALEY:** All right.

25 Maybe I'll just show you -- I'm not sure if

1 this is a name that I need to be sensitive about, but I'll
2 be cautious. One second, sir.

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

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MS. DALEY:** If you'd look with me at Exhibit
6 379? You might need another book for that.

7 **THE COMMISSIONER:** No.

8 **MS. DALEY:** No?

9 **THE COMMISSIONER:** I thought we still had it
10 there.

11 **MR. DESROSIERS:** Yes.

12 **MS. DALEY:** Sorry, the Bates page that ends
13 in 801, if you look just about two-thirds down that page,
14 Perry Dunlop's name comes up and this is where your witness
15 is telling you about his conversation with Perry Dunlop.

16 **MR. DESROSIERS:** Yes.

17 **MS. DALEY:** Do you see that?

18 **MR. DESROSIERS:** Yes, I do.

19 **MS. DALEY:** And if you look several -- two
20 inches up, he talks about being interviewed and that he's
21 at Perry's home. He talks about the molesting, et cetera.

22 **MR. DESROSIERS:** Yes.

23 **MS. DALEY:** And it would appear that Perry
24 Dunlop is recognizing the name that he is giving and, in
25 fact, is talking about -- just carry on over on page 802.

1 Just have a look at that. There's interaction about C-10's
2 discussion with Dunlop and what, you know, Dunlop has to
3 say about Mr. Allen.

4 And I also saw that when you look at Bates
5 page 802, it also appears that C-10 spoke with Dunlop about
6 abuse by Seguin; correct?

7 **MR. DESROSIERS:** Yeah, he talks about him
8 being his probation officer.

9 **MS. DALEY:** He talks about a probation
10 officer.

11 And again, just to orient you to the
12 document, at page 803, you come back to the subject with
13 him again and he mentions a name. He names a friend of
14 his.

15 **MR. DESROSIERS:** Yes.

16 **MS. DALEY:** Do you see that name?

17 **MR. DESROSIERS:** Yes.

18 **MS. DALEY:** It says, "You know, C-10,
19 there's a big investigation. You should call him up and
20 talk to this guy," and that's the individual that puts him
21 in contact with Dunlop?

22 **MR. DESROSIERS:** Yes, I see that, yes.

23 **MS. DALEY:** Now, do you know that name in
24 any other capacity? Was that name also associated with any
25 of the other victims or the perpetrators ---

1 MR. DESROSIERS: No.

2 MS. DALEY: --- that were known to you?

3 MR. DESROSIERS: That was the first time I
4 saw it.

5 MS. DALEY: All right.

6 MR. DESROSIERS: Or I heard that name.

7 MS. DALEY: But it would appear that what's
8 out there in the community is the talk that there's a big
9 investigation going on and that people who have something
10 to disclose about abuse should speak with Perry Dunlop. Is
11 that what you take from what C-10 is telling you?

12 MR. DESROSIERS: I can see that's giving his
13 name out, yeah.

14 MS. DALEY: Yes.

15 And is that something that you ever
16 discussed with either of your supervisors; in other words,
17 "Hey, I'm receiving disclosure about sexual abuse and I'm
18 learning that people are being directed to speak to Perry
19 Dunlop."

20 MR. DESROSIERS: It has come up to my
21 recollection.

22 MS. DALEY: Did you speak with Staff
23 Sergeant Snyder or your other supervisor about it?

24 MR. DESROSIERS: I can't directly tell you
25 who. I might have memory of that; of these things. I'm

1 sure it was banter around the office, yeah, like, his name
2 is coming up a lot.

3 **MS. DALEY:** All right.

4 And did anybody develop any ideas or plans
5 about how to deal with this situation?

6 **MR. DESROSIERS:** It wouldn't have been at
7 our level, being constable.

8 **MS. DALEY:** I appreciate it would be ---

9 **MR. DESROSIERS:** No, no.

10 **MS. DALEY:** --- probably someone senior to
11 you.

12 **MR. DESROSIERS:** Or one of us bringing it up
13 maybe.

14 **MS. DALEY:** Yes.

15 **MR. DESROSIERS:** It could have possibly, but
16 nothing was being thought that way. At the time, I wasn't
17 thinking that way, that he's getting involved directly into
18 something. Yeah, he's talking to people, but you know, I
19 wouldn't have -- I didn't have that mind frame at that
20 time.

21 **MS. DALEY:** But you appreciated, through
22 your dealings with C-10, he'd given a statement to Dunlop;
23 correct?

24 **MR. DESROSIERS:** Right.

25 **MS. DALEY:** He's now giving you a statement.

1 So it's important for you to know what statement he's given
2 to Dunlop.

3 **MR. DESROSIERS:** Exactly, yes.

4 **MS. DALEY:** Correct?

5 **MR. DESROSIERS:** You're correct.

6 **MS. DALEY:** And obviously it's important for
7 disclosure purposes ---

8 **MR. DESROSIERS:** Yes, it is.

9 **MS. DALEY:** --- if there's going to be
10 charges; right?

11 **MR. DESROSIERS:** That's correct, yes.

12 **MS. DALEY:** So I take it that although at
13 your level you wouldn't maybe have been able to do
14 something about it, you would recognize that if Dunlop is
15 talking routinely to these victims, there's a potential --
16 potential ---

17 **MR. DESROSIERS:** Well, my ---

18 **MS. DALEY:** --- to harm the investigation?

19 **MR. DESROSIERS:** This was the second time
20 now that his name had come up in my investigation.

21 **MS. DALEY:** Right.

22 **MR. DESROSIERS:** The first time was with
23 Lalonde.

24 **MS. DALEY:** Correct.

25 **MR. DESROSIERS:** And now here again. So I

1 asked him for a will say or whatever he had on that for
2 Carl Allen. And eventually in November of '99, I went to
3 my supervisor and asked him to have Perry bring in any
4 notes that he has about this individual, Carl Allen, and of
5 his involvement with C-10.

6 **MS. DALEY:** Yes, all right.

7 Were there any other victims that you
8 interviewed that you came to know had talked to Dunlop?

9 What about C-45 and his brother?

10 **MR. DESROSIERS:** No. No, they hadn't talked
11 to him. I think the only one was C-8 ---

12 **MS. DALEY:** Yes?

13 **MR. DESROSIERS:** --- to my knowledge.

14 I'm not 100 percent sure about the OPP
15 charge, the complainant in that one. I don't believe so.
16 I think it was only C-8, to my knowledge, that he had
17 spoken to.

18 **MS. DALEY:** All right. Did you get any
19 guidance or direction from your supervisors about how to
20 deal with the fact that some of your witnesses were
21 speaking with Dunlop?

22 **MR. DESROSIERS:** The direction came from the
23 Crown for us to contact our witnesses to find that out, if
24 he was speaking to them.

25 **MS. DALEY:** All right.

1 **MR. DESROSIERS:** It came from the Crown
2 Wilhelm herself.

3 **MS. DALEY:** You must have found it curious
4 that people will go talk to Dunlop when they could equally
5 knock on the door and speak to anyone else at the Cornwall
6 Police Services. I mean you understood that them talking
7 to Dunlop was in Dunlop's off time; right?

8 **MR. DESROSIERS:** M'hm. M'hm.

9 **MS. DALEY:** Were you curious about that
10 situation?

11 **MR. DESROSIERS:** Well, it is a curious
12 thing. Yes. Yes, definitely.

13 **MS. DALEY:** Did you ever ---

14 **MR. DESROSIERS:** It's not the proper way of
15 doing things. Like, you know, you contact your police
16 service. To me, I didn't see a problem why they shouldn't
17 be contacting us.

18 **MS. DALEY:** Sorry. You didn't see a
19 problem?

20 **MR. DESROSIERS:** That they wouldn't be
21 contacting us. Like, you know.

22 **MS. DALEY:** Right. So did you ever come to
23 any conclusions about why they would speak to Dunlop in
24 preference to contacting you?

25 **MR. DESROSIERS:** I -- I cannot tell you that

1 would -- is it a problem? Yeah, it was; certainly it was,
2 but I just want to -- I just want to -- can you ask that
3 again, like I just want to answer properly?

4 **MS. DALEY:** Yeah. Did you, in your own
5 mind, come to or develop any conclusions about why
6 individuals, such as C-10 or C-8 or others would go to
7 Dunlop in preference to coming to the Cornwall Police
8 Service to talk about abuse?

9 **MR. DESROSIERS:** Well, I was wondering about
10 that. I didn't have any evidence of that, like, to say,
11 like, why are they going there.

12 I didn't know that he was doing -- possibly
13 investigations until later. I don't know why that went
14 that way. I really don't.

15 **MS. DALEY:** All right.

16 **THE COMMISSIONER:** But how were you feeling
17 about that? What did you ---

18 **MR. DESROSIERS:** Well, I'm feeling like, you
19 know, the people at the Service are doing, to my knowledge,
20 good work and being a ---

21 **(OFF-RECORD DISCUSSION/DISCUSSION HORS ENREGISTREMENT)**

22 **MS. DALEY:** Is there anything I can do to
23 fix that?

24 **THE COMMISSIONER:** Can we go on?

25 **MS. DALEY:** When I was reading this

1 document, I used the first name; I shouldn't have.

2 **THE COMMISSIONER:** That's okay. We'll just
3 let it slide.

4 **MS. DALEY:** Yes, we'll let it slide.

5 **THE COMMISSIONER:** Well, the court people
6 will put the moniker on.

7 **MS. DALEY:** Right.

8 **THE COMMISSIONER:** Okay. So how -- you know
9 back then, you are realising that people are going --
10 seeking out Constable Dunlop and Mr. Dunlop, I guess, ---

11 **MR. DESROSIERS:** Later, yes.

12 **THE COMMISSIONER:** --- and not the police
13 force.

14 **MR. DESROSIERS:** I had a very serious
15 problem with that too, yes. I was thinking hard about
16 that.

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

18 **MR. DESROSIERS:** What had the people at the
19 Police Service that I work with day to day done? They
20 haven't done anything as far as I'm concerned. We're --
21 I'm an investigator, have been a policeman for 17 years, 18
22 years, and there's nothing that's in my mind to say why are
23 these people turning that way or people turn that way to go
24 to one specific individual?

25 Like, you know, we're all professional

1 people in our jobs and try to be as much as we can be to
2 the best of our abilities, and I couldn't see; it hurt,
3 yeah. It hurt because, you know, I've been a policeman for
4 so many years and I believed what I was doing is the right
5 things, you know, with my training and everything else.

6 So, yeah, I did, I guess have a concern.
7 It's just -- I do my job, and I was doing the job I was
8 given, so I continue.

9 **MS. DALEY:** All right. Why don't I leave it
10 there for the moment; I have a few brief things to canvass
11 in the morning but that's soon enough.

12 **THE COMMISSIONER:** Fine, thank you.

13 See you tomorrow morning at 9:30.

14 **MR. DESROSIERS:** Thank you, sir.

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

17 This hearing is adjourned until tomorrow
18 morning at 9:30 a.m.

19 --- Upon adjourning at 5:37 p.m./

20 L'audience est ajournée à 17h37

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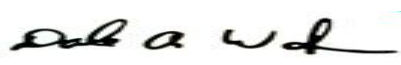
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C E R T I F I C A T I O N

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

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



Dale Waterman, CVR-CM