

**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 236**

**Held at :**

Hearings Room  
709 Cotton Mill Street  
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K6H 7K7

Tuesday, June 3 2008

**Tenue à:**

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

Mardi, le 3 juin 2008

**Appearances/Comparutions**

Ms. Julie Gauthier	Registrar
Ms. Karen Jones	Commission Counsel
Ms. Mary Simms	
Ms. Suzanne Sinnamon	
Mr. George MacPherson	
Mr. John E. Callaghan	Cornwall Community Police
Mr. Mark Crane	Service and Cornwall Police
Mr. Peter Manderville	Service Board
Ms. Reena Lalji	
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
M <sup>e</sup> Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	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
Mr. Mark Wallace	Association
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	
Cst. René Desrosiers	Cst. René Desrosiers
Insp. Brendon Wells	Insp. Brendon Wells

**Table of Contents / Table des matières**

	<b>Page</b>
List of Exhibits :	iv
<b>RENÉ DESROSIERS, Resumed/Sous le même serment</b>	1
Cross-Examination by/Contre-interrogatoire par Ms. Helen Daley(cont'd/suite)	1
Cross-Examination by/Contre-interrogatoire par Mr. Frank Horn	42
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	81
Cross-Examination by/Contre-interrogatoire par Mr. Michael Neville	100
Cross-Examination by/Contre-interrogatoire par Mr. Peter Manderville	130
Re-Examination by/Ré-interrogatoire par Ms. Mary Simms	135
<b>INSP. BRENDON WELLS, Sworn/Assermenté</b>	146
Examination in-Chief by/Interrogatoire en-Chef par Ms. Karen Jones	147

**LIST OF EXHIBITS/LISTE D'EXHIBITS**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGE NO</b>
P-1736	(117092) - Notes of Rene Desrosiers dated 04 Oct 99 to 17 Feb 00	5
P-1737	(116908) - Letter from Claudette Wilhelm to Don Genier dated 08 Nov 99	7
P-1738	(200193) - Brendon Wells -Career profile - 3-Jun-08	149

1 --- Upon commencing at 11:02 a.m./

2 L'audience débute à 11h02

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you. Good morning.

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

11 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

12 **DALEY (cont'd/suite):**

13 **MS. DALEY:** Good morning, sir. How are you  
14 today?

15 **MR. DESROSIERS:** Good. Thank you.

16 **MS. DALEY:** Good.

17 I have just a little bit more -- a few more  
18 questions for you. You remember when we left off yesterday  
19 we had discussed Officer Dunlop and his involvement with  
20 some of the witnesses that you had worked with on your  
21 matters.

22 **MR. DESROSIERS:** Correct.

23 **MS. DALEY:** You recall that, sir?

24 I wanted to ask you some questions then  
25 about the documentary disclosure; in other words, the

1 documents that Dunlop had that became an issue for  
2 disclosure. All right?

3 **MR. DESROSIERS:** Right.

4 **MS. DALEY:** My impression from your  
5 testimony was that when documents came in from Officer  
6 Dunlop, they came to you often in an envelope and you  
7 didn't open the envelope and examine the documents that  
8 were coming to you. Did I get that correct?

9 **MR. DESROSIERS:** No. No, I did look at the  
10 documents at the time they came in.

11 **MS. DALEY:** You did look at them? All  
12 right.

13 So you would receive the documents and then  
14 you would send them off to the Crown, and in most instances  
15 that was Ms. Wilhelm?

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

17 **MS. DALEY:** But I take it one thing that you  
18 didn't do is -- and I'm not suggesting that it was your  
19 responsibility, but you didn't create a list or an  
20 inventory of the documents that came to you from Officer  
21 Dunlop?

22 **MR. DESROSIERS:** At some points, no.

23 **MS. DALEY:** Okay. And the points I'm  
24 referring to would be in 1998, for example, when materials  
25 were coming in, in 1999. In that timeframe you didn't

1 generate a list of the documents that he provided?

2 MR. DESROSIERS: I believe not until 2000.

3 MS. DALEY: That's correct.

4 So the only list that gets generated is the  
5 list that Staff Sergeant Derochie creates of the contents  
6 of the nine boxes; correct?

7 MR. DESROSIERS: I believe he had given me  
8 some disclosure, Staff Sergeant Derochie, prior to 2000.

9 MS. DALEY: Yes.

10 MR. DESROSIERS: I believe, which would have  
11 been disclosed ---

12 MS. DALEY: Right.

13 MR. DESROSIERS: --- at that time.

14 MS. DALEY: But not listed?

15 MR. DESROSIERS: Not listed.

16 MS. DALEY: That's what I'm trying to focus  
17 on.

18 MR. DESROSIERS: That's correct.

19 MS. DALEY: I'm trying to find out when  
20 anyone at Cornwall Police attempted to make a complete list  
21 of all the documents that Officer Dunlop had provided, and  
22 I take it, for starters, you never attempted to do that?

23 MR. DESROSIERS: No, I didn't, no.

24 MS. DALEY: Okay. And it appears that by  
25 the spring of the year 2000, Officer Derochie has created a

1 list of what he has received from Dunlop; correct?

2 **MR. DESROSIERS:** I assume that, yes.

3 **MS. DALEY:** But it would be difficult for  
4 anyone to know whether those materials had been previously  
5 provided by Dunlop because at an earlier point in time when  
6 he was sending you materials, no list was generated. Is  
7 that fair?

8 **MR. DESROSIERS:** Not by myself.

9 **MS. DALEY:** Is that correct?

10 **MR. DESROSIERS:** Yes, not by myself. I  
11 don't know if maybe Staff Sergeant Derochie kept a list at  
12 that time, but ---

13 **MS. DALEY:** Okay. But to the best of your  
14 knowledge, you weren't aware of any list?

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

16 **MS. DALEY:** All right. Thank you.

17 Now, just a few questions for you about  
18 Officer Dunlop's contact with some of your victims and  
19 witnesses, and I'm referring to the Lalonde matter  
20 primarily, not the Carl Allen matter.

21 But I gather from your notes that certainly  
22 by the time of the original Lalonde trial date, which was  
23 adjourned, but by that time, were you asking your victims  
24 and witnesses whether other folks had been in contact with  
25 them to discuss their abuse?

1                   **MR. DESROSIERS:** I don't believe prior to  
2                   that trial date, I had not. I don't believe I did.

3                   **MS. DALEY:** Just take a quick look, if you  
4                   would -- I just need to get you the exhibit number. One  
5                   second.

6                   **(SHORT PAUSE/COURTE PAUSE)**

7                   **MS. DALEY:** Madam Clerk, I think this  
8                   document is an exhibit and I apologize; I don't have the  
9                   exhibit number handy, but 117092, have we exhibited that  
10                  document?

11                  **THE COMMISSIONER:** What document is it, Ms.  
12                  Daley?

13                  **MS. DALEY:** It's a set of notes of this  
14                  officer, starting on October 4<sup>th</sup>. That's not an exhibit  
15                  yet?

16                  **THE COMMISSIONER:** Exhibit 1736 are  
17                  Constable René Desrosiers' notes. I'm trying to see -- one  
18                  of the dates on the first page is October 4<sup>th</sup>, 1999.

19                  **--- EXHIBIT NO./PIÈCE NO. P-1736:**

20                                 (117092) Notes of René Desrosiers from 4 Oct  
21                                 1999 to 17 Feb 2000

22                  **MS. DALEY:** Thank you.

23                                 Officer, your notes of October 4<sup>th</sup>, '99 seem  
24                  to reflect a preparation session that you're having with C-  
25                  58 who's a witness against Lalonde?

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

2                   **MS. DALEY:** And if you look at the bottom of  
3 Bates page 248, you've noted that you then asked C-58 had  
4 anyone approached him to talk about his case or any other  
5 case as his charges against Marcel Lalonde were laid, and  
6 his reply was that the only person he'd had contact with  
7 was you.

8                   **MR. DESROSIERS:** Right.

9                   **MS. DALEY:** Do you see that, sir?

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

11                  **MS. DALEY:** So I looked at that and it  
12 occurred to me that perhaps at this point in time you're  
13 asking your folks, your witnesses and victims, whether or  
14 not Dunlop or anyone else who is out in the community has  
15 been in touch with him. Is that why you asked the  
16 question?

17                  **MR. DESROSIERS:** I'd like to be able to  
18 recall if it was specifically about Mr. Dunlop or not. I  
19 just don't recall ---

20                  **MS. DALEY:** All right.

21                  **MR. DESROSIERS:** --- who it was for that I  
22 would have been asking him at this time.

23                  **MS. DALEY:** That's fine.

24                  But you wanted to know whether it was Dunlop  
25 or Mr. Nadeau, who I'll come to in a second, or anyone else

1           whether there had been contact with your victims?

2                   **MR. DESROSIERS:** I still can't recall if it  
3 would have been ---

4                   **MS. DALEY:** All right.

5                   **MR. DESROSIERS:** --- about them two or  
6 anybody in general. I just don't recall.

7                   **MS. DALEY:** Is that a question you would  
8 ordinarily ask a victim or a witness?

9                   **MR. DESROSIERS:** No.

10                  **MS. DALEY:** Can I take you, please, to  
11 Document, Madam Clerk, 116908?

12                  **THE COMMISSIONER:** Thank you. Exhibit 1737  
13 is the letter addressed to Detective Constable Don Genier  
14 dated November 8<sup>th</sup>, 1999 from Claudette Wilhelm.

15                  **--- EXHIBIT NO./PIÈCE NO. P-1737:**

16                               (116908) Letter from Claudette Wilhelm to  
17 Detective Constable Don Genier dated 8 Nov  
18 1999

19                  **MS. DALEY:** And, sir, if you look on the  
20 bottom of the second page, it appears that this document  
21 was carbon copied to you?

22                  **MR. DESROSIERS:** Yes.

23                  **MS. DALEY:** All right.

24                               You might want to just take a moment and  
25 refresh your mind about its contents.

1                   **MR. DESROSIERS:** Now that I think back a  
2 bit, possibly it was because of the notes we had received  
3 from him, from the request by Donna Ptak.

4                   **MS. DALEY:** The notes from Officer Dunlop?

5                   **MR. DESROSIERS:** That's right, that were  
6 turned in the following day after the Crown had received  
7 information from defence saying they believe he has two  
8 certain documents.

9                   **MS. DALEY:** Right.

10                  **MR. DESROSIERS:** And that I would -- Shawn  
11 Roy was the last person to be prepped for trial, and I  
12 probably would have asked him about Perry Dunlop.

13                  **MS. DALEY:** All right.

14                  **MR. DESROSIERS:** Because of the new notes  
15 that came in, "Did anybody talk to you? Did he talk to you  
16 or did somebody talk to you?"

17                  **MS. DALEY:** Let me ask you some questions  
18 about this letter that you received from the Crown. This  
19 letter is written obviously after it's known that the trial  
20 has been adjourned; correct?

21                  **MR. DESROSIERS:** Correct.

22                  **MS. DALEY:** And what she says in the fourth  
23 paragraph is that it's come to her attention that Constable  
24 Dunlop is meeting with the complainants on the Lalonde  
25 prosecution and she says defence has reason to believe he's

1 spoken with, first of all, Mr. C-68, who was the subject of  
2 the OPP charges, C-8, who was your witness and C-45 and his  
3 brother, who is also your witness; right?

4 **MR. DESROSIERS:** Correct.

5 **MS. DALEY:** Now, did you confirm with your  
6 witnesses that, in fact, Officer Dunlop had been speaking  
7 with him?

8 **MR. DESROSIERS:** Yes, later in the next year  
9 -- in 2000.

10 **MS. DALEY:** All right. And what did you  
11 learn?

12 **MR. DESROSIERS:** I had learned also at that  
13 time -- around that time that they had been contacted by a  
14 Mr. Yegendorf in relation to releasing their statements ---

15 **MS. DALEY:** Yes.

16 **MR. DESROSIERS:** --- for a civil suit.

17 **MS. DALEY:** I'm going to come there in a  
18 moment because I've seen your notes on that.

19 Right now I'd like you to focus, if you can,  
20 on whether you learned that these people had been in  
21 contact with Constable Dunlop. Had they been?

22 **MR. DESROSIERS:** The only person that had  
23 been known was C-10 -- sorry, not ---

24 **THE COMMISSIONER:** C-8.

25 **MR. DESROSIERS:** C-8. I'm sorry. Yes.

1                   **MS. DALEY:** So you knew about that contact?

2                   **MR. DESROSIERS:** Yes.

3                   **MS. DALEY:** Did you know that any of the  
4 other individuals who were witnesses had been in contact  
5 with Dunlop or had been ---

6                   **MR. DESROSIERS:** Later I found out they had  
7 not.

8                   **MS. DALEY:** They had not?

9                   **MR. DESROSIERS:** They had not been in  
10 contact with him.

11                   **MS. DALEY:** All right.

12                   **THE COMMISSIONER:** Excuse me. Can I just  
13 help situate myself this morning?

14                   **MS. DALEY:** Yes, please do.

15                   **THE COMMISSIONER:** By November 8<sup>th</sup>, 1999 has  
16 C-8 disclosed that -- the Toronto trip -- there was no  
17 incident on the Toronto trip?

18                   **MS. DALEY:** Yes, he has.

19                   **THE COMMISSIONER:** Okay. Thank you.

20                   **MS. DALEY:** Because he disclosed that just  
21 prior to -- no, I'm sorry; I'm incorrect. He did not  
22 disclose that to you until just prior to the ---

23                   **MR. DESROSIERS:** September of 2000.

24                   **MS. DALEY:** --- September, 2000 trial.

25                   **THE COMMISSIONER:** Okay.

1                   **MS. DALEY:** That's correct.

2                   He disclosed that just prior to trial ---

3                   **MR. DESROSIERS:** Yes.

4                   **MS. DALEY:** --- but it wasn't the October  
5 '99 trial date, it was the September, 2002 trial date?

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

7                   **MS. DALEY:** Now, if you look at the second  
8 page of Ms. Wilhelm's letter, Exhibit 1737, in the second  
9 paragraph she says:

10                                 "The defence position is that Constable  
11                                 Dunlop is contaminating the prosecution  
12                                 of this case. Please ask the officer  
13                                 not to contact the complainants  
14                                 involved in the prosecution."

15                   Taking the last piece of that first, did you  
16 ask Officer Dunlop not to contact the complainants involved  
17 in the Lalonde prosecution?

18                   **MR. DESROSIERS:** To my recall, I recall  
19 going to his home at one point ---

20                   **MS. DALEY:** Yes.

21                   **MR. DESROSIERS:** --- with Constable Genier  
22 and being in his home on Amelia Street, and I'm trying to  
23 recall if that would have been the time I would have asked  
24 him not to be speaking to them.

25                   **MS. DALEY:** Do you have a memory that ---

1                   **MR. DESROSIERS:** I have a memory of that.

2                   **MS. DALEY:** --- you asked Officer Dunlop not  
3 to speak ---

4                   **MR. DESROSIERS:** Yes.

5                   **MS. DALEY:** --- to your witnesses?

6                   **MR. DESROSIERS:** Yes, I was in his living  
7 room I recall.

8                   **MS. DALEY:** What was the response?

9                   **MR. DESROSIERS:** Yes. That's -- like, it's  
10 a memory that I have of that.

11                   **MS. DALEY:** Did he promise that he wouldn't  
12 talk to them?

13                   **MR. DESROSIERS:** I can't recall exactly what  
14 he had said to me.

15                   **MS. DALEY:** All right.

16                   Sir, did you know if anyone else at the  
17 Service, any of your senior officers, had communicated that  
18 to Officer Dunlop? Was that ever brought home to you?

19                   **MR. DESROSIERS:** It was never brought up to  
20 me.

21                   **MS. DALEY:** All right.

22                   And to take the first part of that  
23 paragraph, she says that the defence position is that  
24 Dunlop is contaminating the prosecution. Did you know what  
25 that meant?

1                   **MR. DESROSIERS:** Yes, because at the time  
2                   that she had received a letter prior to the October trial,  
3                   there were going to -- the problem was that we're not  
4                   getting full disclosure from him ---

5                   **MS. DALEY:** All right. So ---

6                   **MR. DESROSIERS:** --- and it could be  
7                   contaminating the prosecution. So this goes back actually  
8                   to October. That's why I met with my supervisor and there  
9                   was Staff Sergeant Derochie there.

10                  **MS. DALEY:** So from your perspective, the  
11                  potential problem of Dunlop's involvement was a disclosure  
12                  problem because he would talk to people, perhaps make  
13                  notes, but then you had to disclose the notes and they may  
14                  or may not be given to you. Was that the problem?

15                  **MR. DESROSIERS:** Yes.

16                  **MS. DALEY:** Was there any other aspect of  
17                  the role Officer Dunlop was playing that you thought could  
18                  be detrimental to the cases you were trying to bring?

19                  **MR. DESROSIERS:** Other than the lack of the  
20                  disclosure or speaking already to C-8?

21                  **MS. DALEY:** Yes.

22                  **MR. DESROSIERS:** At that time, no, I did not  
23                  think there were other reasons.

24                  **MS. DALEY:** Let me address the C-8 point  
25                  with you, sir.

1 MR. DESROSIERS: Right.

2 MS. DALEY: You gave evidence on that  
3 yesterday, when C-8 came forward in September of 2000 ---

4 MR. DESROSIERS: Yes.

5 MS. DALEY: --- and admitted that he had not  
6 been truthful about Marcel Lalonde and the school trip?

7 MR. DESROSIERS: Right.

8 MS. DALEY: So focussing on that, did you  
9 come to the conclusion that Officer Dunlop had influenced  
10 C-8 to give incorrect disclosure?

11 MR. DESROSIERS: I believe C-8, when I took  
12 his statement after that disclosure to us, told me that he  
13 didn't believe he had been led to lie by ---

14 MS. DALEY: He didn't -- sorry ---

15 MR. DESROSIERS: --- Mr. Dunlop.

16 MS. DALEY: --- I just missed what you said.

17 MR. DESROSIERS: He hadn't been led to lie  
18 by Mr. Dunlop.

19 MS. DALEY: Yes.

20 MR. DESROSIERS: He did it to fuel the  
21 flames to make it more of a story, but he did not say that  
22 "Perry Dunlop told me to do this, to lie".

23 MS. DALEY: All right.

24 He did indicate to you in the statement that  
25 you took and that we saw here yesterday, that Mr. Dunlop

1 had given him some information -- had said that if anything  
2 happened at the school they had a lot of money and that C-8  
3 could sue them. You recall him telling you that?

4 **MR. DESROSIERS:** Yes.

5 **MS. DALEY:** And whether that information was  
6 correct or otherwise, did you have the impression that C-8  
7 had that information in mind when he gave you the  
8 statements about Lalonde and the school trip?

9 **MR. DESROSIERS:** Yes, I guess so, yes.

10 **MS. DALEY:** All right. So, again, I'm not  
11 suggesting that Officer Dunlop told this man to lie, but  
12 had Officer Dunlop, in your mind, not influenced the  
13 disclosure that C-8 gave you?

14 **MR. DESROSIERS:** In my mind at that time,  
15 no, it didn't.

16 **MS. DALEY:** All right. I take it though you  
17 do understand even though the prosecution of C-8's  
18 allegation succeeded, the fact that C-8 had lied at the  
19 pre-trial and then had had to come before the trial judge  
20 and tell a different story, that created a risk that he  
21 might not be believed at trial; correct?

22 **MR. DESROSIERS:** Yes.

23 **MS. DALEY:** Sir, did you ever ask your  
24 witnesses on the Lalonde prosecution or on the Carl Allen  
25 prosecution not to speak with Officer Dunlop about their

1 case?

2 MR. DESROSIERS: To him in particular?

3 MS. DALEY: Yes.

4 MR. DESROSIERS: No.

5 MS. DALEY: Did you ask them ---

6 MR. DESROSIERS: But to anybody ---

7 MS. DALEY: ---generally not to speak to  
8 anybody about their case?

9 MR. DESROSIERS: Not to speak to anybody  
10 about their case, that's right.

11 MS. DALEY: All right.

12 One last area that I -- sorry, one last  
13 question concerning Officer Dunlop and his role that I just  
14 wanted to address with you is this, and do you recall you  
15 gave testimony yesterday about a tape. I guess it's an  
16 audiotape of his interview with C-8?

17 MR. DESROSIERS: Yes, there was mention of a  
18 videotape.

19 MS. DALEY: Was it a videotape?

20 MR. DESROSIERS: Yes.

21 MS. DALEY: And I think what happened is you  
22 attempted to get that videotape from Dunlop and from his  
23 counsel, Mr. Bourgeois; correct?

24 MR. DESROSIERS: That's correct.

25 MS. DALEY: And let me just ask you this.

1 I'm not sure you were -- you gave this evidence yet in-  
2 chief, but when you eventually spoke with Mr. Bourgeois on  
3 the phone ---

4 **MR. DESROSIERS:** Yes.

5 **MS. DALEY:** --- did you tell him that this  
6 tape was required for disclosure in a criminal proceeding?

7 **MR. DESROSIERS:** I advised him we were into  
8 a matter involving Marcel Lalonde before the court.

9 **MS. DALEY:** All right. And at the time you  
10 spoke with Mr. Bourgeois, I think that was in or about mid-  
11 May of 2000, and the trial was going to occur in September;  
12 right?

13 **MR. DESROSIERS:** Correct.

14 **MS. DALEY:** And you -- did you bring home to  
15 Mr. Bourgeois the importance of that tape?

16 **MR. DESROSIERS:** Yes.

17 **MS. DALEY:** And notwithstanding that, I take  
18 it, you never heard back from him and no tape was provided?

19 **MR. DESROSIERS:** He had advised me that if  
20 he had anything he would be calling me.

21 **MS. DALEY:** Yes.

22 **MR. DESROSIERS:** He would be advising me.

23 **MS. DALEY:** And he didn't do that?

24 **MR. DESROSIERS:** And if not -- no, I never  
25 heard from him ---

1 MS. DALEY: All right.

2 MR. DESROSIERS: --- after that  
3 conversation.

4 MS. DALEY: So, I take it then, sir, that  
5 what you did as a result of that was go back and try to  
6 pursue the date through Constable Dunlop; correct?

7 MR. DESROSIERS: Correct, yes.

8 MS. DALEY: And if you could please turn up  
9 Exhibit 1726, there's some notes of the efforts you made to  
10 do that.

11 THE COMMISSIONER: While you were talking to  
12 Mr. Bourgeois, did he give you any indication or ever  
13 mention something about no, it's privileged to the lawsuit  
14 -- to the civil lawsuit?

15 MR. DESROSIERS: No, he didn't, sir. The  
16 Crown -- I don't know if I can reiterate.

17 MR. MANDERVILLE: There's one thing that I  
18 think you should bear in mind, Mr. Commissioner. We've  
19 heard evidence that Bourgeois had not been Officer Dunlop's  
20 counsel for some three years at that point, he switched to  
21 Mr. Morris in the fall of '97.

22 THE COMMISSIONER: Thank you. Good point.

23 MS. DALEY: But on that point, sir, I  
24 thought that Officer Dunlop had told you that if the tape  
25 was anywhere it was with Bourgeois, his former counsel; is

1 that not ---

2 MR. DESROSIERS: Not in particular, it may  
3 be C-8's tape but videotapes ---

4 MS. DALEY: Videotapes.

5 MR. DESROSIERS: --- might be in his  
6 possession.

7 MS. DALEY: Dunlop believed they were in  
8 Bourgeois' possession ---

9 MR. DESROSIERS: Yes.

10 MS. DALEY: --- even though Dunlop had  
11 changed counsel?

12 MR. DESROSIERS: Yes.

13 MS. DALEY: All right.

14 So, if you look at Bates page 323 of Exhibit  
15 1726, those are your notes. Let me just find a date for  
16 you so you can have that.

17 Those are your notes of July 19<sup>th</sup>, 2000?

18 MR. DESROSIERS: Yes.

19 MS. DALEY: And right before the 10 o'clock  
20 entry you're trying to follow-up on Item Number 9, which I  
21 take it is the tape that we've been discussing, the  
22 audio/videotape from Mr. Bourgeois ---

23 MR. DESROSIERS: That's correct.

24 MS. DALEY: --- with C-8 and Marcel Lalonde,  
25 right?

1                   **MR. DESROSIERS:** Yes.

2                   **MS. DALEY:** And so then at 10 o'clock -- I  
3 don't know if you've looked at this portion of your notes  
4 recently, sir, but you take some efforts to try and  
5 communicate with Mr. Dunlop about that; correct?

6                   **MR. DESROSIERS:** Yes, I do make contact at  
7 the home.

8                   **MS. DALEY:** Now, reading this passage I drew  
9 some conclusions; you tell me if this is correct or not.

10                   The person who answered the phone initially  
11 and who requested your identification was a male voice and  
12 then he refers your identification to a female named Helen.

13                   **MR. DESROSIERS:** Yes.

14                   **MS. DALEY:** He puts Helen on the phone and  
15 you talk to Helen. And you know that Helen is Helen  
16 Dunlop?

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

18                   **MS. DALEY:** Was the first man who answered  
19 the phone not Perry Dunlop?

20                   **MR. DESROSIERS:** I can't recall. By the  
21 voice, no I didn't.

22                   **MS. DALEY:** Okay. Do you recall that first  
23 interaction? Did you call up and ask for Perry Dunlop?

24                   **MR. DESROSIERS:** Yes, I would -- I did -- I  
25 did ask to speak to Perry Dunlop. It may not reflect here

1 but that's who I was calling for.

2 MS. DALEY: Did you feel something -- did  
3 you feel that you had him on the phone but he wanted you to  
4 talk to his wife?

5 MR. DESROSIERS: No, not that I can recall  
6 that.

7 MS. DALEY: You didn't feel that. Okay.

8 MR. DESROSIERS: No.

9 MS. DALEY: So in any event, you go on and  
10 you make your request to Mrs. Dunlop.

11 MR. DESROSIERS: That's right.

12 MS. DALEY: But what you're asking for is an  
13 opportunity to meet with Perry, yourself and Officer  
14 Genier; correct?

15 MR. DESROSIERS: That's correct.

16 MS. DALEY: Now, you told me a few moments  
17 ago that you did have a meeting with Perry in his home,  
18 with Officer Genier.

19 MR. DESROSIERS: This was prior.

20 MS. DALEY: This was an earlier ---

21 MR. DESROSIERS: Right.

22 MS. DALEY: That was an earlier meeting?

23 MR. DESROSIERS: Yes.

24 MS. DALEY: Now in July of 2000 you're  
25 asking if you and he can meet again and you want to discuss

1 the tape; correct?

2 MR. DESROSIERS: That's correct. Yes.

3 MS. DALEY: And the response apparently is  
4 Mrs. Dunlop then says she's going to go ask Perry; so Perry  
5 is there, and she comes back after a short pause and tells  
6 you that he's not a police officer and any inquiries are to  
7 be directed to Howard Yegendorf; you see that?

8 MR. DESROSIERS: That's correct.

9 MS. DALEY: All right.

10 So we infer from this that of course Perry  
11 was present when you made the phone call but he chose not  
12 to speak with you; correct?

13 MR. DESROSIERS: From my gist of our  
14 conversation she had asked or she had -- she said she had  
15 spoken to him.

16 MS. DALEY: Right. Okay. So assuming that  
17 was correct, he's there but he's not prepared to either  
18 talk to you on the phone or meet with you and Officer  
19 Genier?

20 MR. DESROSIERS: Correct.

21 MS. DALEY: And the response is "talk to my  
22 lawyer"?

23 MR. DESROSIERS: Right.

24 MS. DALEY: And this is coming at a time,  
25 which again is mere months away from the hearing of the

1 Lalonde charge and you would agree with me that the tape,  
2 if it exists and can be found, is important to be  
3 disclosed; correct?

4 **MR. DESROSIERS:** Correct. Yes.

5 **MS. DALEY:** And that this again could  
6 potentially create a circumstance in which the defence  
7 could legitimately say there'd been a failure of  
8 disclosure; fair?

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

10 **MS. DALEY:** And had they done so that could  
11 have impaired your prosecution?

12 **MR. DESROSIERS:** Yes.

13 **MS. DALEY:** All right.

14 All right, one final area I want to discuss  
15 with you has to do with Mr. Nadeau and you recall, you  
16 spoke about Mr. Nadeau here yesterday.

17 **MR. DESROSIERS:** Yes.

18 **MS. DALEY:** Sir, did you know that he  
19 operated a website called "Project Truth" in Cornwall?

20 **MR. DESROSIERS:** I had heard about it, like  
21 through talk at the office; I had never seen it.

22 **MS. DALEY:** And did you come to know that  
23 his website contained, amongst other things, victim's  
24 statements?

25 **MR. DESROSIERS:** That's what I had heard,

1           yes.

2                       **MS. DALEY:** And did you also come to know  
3           that his website contained many allegations about a  
4           pedophile ring in this community, comprised of many  
5           prominent people?

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

7                       **MS. DALEY:** All right.

8                       And did you come to know that on his website  
9           were allegations of widespread pedophilia in this  
10          community?

11                      **MR. DESROSIERS:** No, I wouldn't know -- like  
12          I said, I didn't see the website.

13                      **MS. DALEY:** All right.

14                      **MR. DESROSIERS:** I'm just going -- hearing  
15          about ---

16                      **MS. DALEY:** Did you come to learn -- I'm  
17          sorry, sir.

18                      **MR. DESROSIERS:** Oh sorry.

19                      **MS. DALEY:** Did you come to learn that his  
20          website named names of very prominent people, including  
21          former chiefs of police and bishops of your church?

22                      **MR. DESROSIERS:** Not names, no.

23                      **MS. DALEY:** All right.

24                      In any event, you testified about a call you  
25          received from Mr. Nadeau and actually, it's in the same

1 exhibit that we've -- I think -- give me one second I'll  
2 direct you to it.

3 Yes, it's at the beginning of Exhibit 1726  
4 which you should have in front of you; your May 30<sup>th</sup> entry.

5 **MR. DESROSIERS:** Yes.

6 **MS. DALEY:** At 9:11. I take it that you  
7 accurately recorded what he said and he told you that he's  
8 working for a lawyer?

9 **MR. DESROSIERS:** Yes.

10 **MS. DALEY:** Who is -- you've written  
11 "suppressing".

12 **MR. DESROSIERS:** Yes.

13 **MS. DALEY:** "Civil suits against Father  
14 Charles MacDonald, Marcel Lalonde and a  
15 Father at the Classical College."

16 Did you otherwise know Mr. Nadeau from the  
17 community? Did you know him at all before this call?

18 **MR. DESROSIERS:** At this point, no I don't  
19 believe I knew him.

20 **MS. DALEY:** Okay.

21 **MR. DESROSIERS:** I knew -- I had heard the  
22 name but never met him or ---

23 **MS. DALEY:** At this point, being May 30<sup>th</sup>,  
24 were you aware of his Project Truth website?

25 **MR. DESROSIERS:** I can't recall if the

1 website was there at that time. I don't have a memory or  
2 recall of it.

3 **MS. DALEY:** But you think you may have heard  
4 something about his name?

5 **MR. DESROSIERS:** Yes, I had heard his name  
6 being mentioned.

7 **MS. DALEY:** In what connection?

8 **MR. DESROSIERS:** Just in talking around the  
9 office.

10 **MS. DALEY:** All right.

11 **MR. DESROSIERS:** That's where I recall  
12 hearing the name.

13 **MS. DALEY:** You've made a note that he has  
14 requested information on how to contact three people, all  
15 of whom are victims of charges that your service is  
16 involved in; correct?

17 **MR. DESROSIERS:** Yes.

18 **MS. DALEY:** Now, did you ask him how he knew  
19 those three names? How did he know to ask for those names?

20 **MR. DESROSIERS:** I didn't ask him. Our  
21 conversation was not very long on the phone.

22 **MS. DALEY:** All right.

23 In any event, the conversation is just as  
24 you've recorded it; he asks, you say I'm not going to  
25 disclose and then he wants you to put him in touch with

1 those folks and you decline?

2 MR. DESROSIERS: That's correct.

3 MS. DALEY: All right.

4 THE COMMISSIONER: You mentioned at some  
5 point -- Ms. Daley asked you if you were aware of former  
6 chiefs who were -- and members -- and your church. So are  
7 you a parishioner of any of these churches that we're  
8 talking about?

9 MR. DESROSIERS: No, I'm not.

10 THE COMMISSIONER: So your church was ---

11 MR. DESROSIERS: Just a generic.

12 MS. DALEY: That was generic. What I meant  
13 was the Catholic Church here and Bishop Larocque and other  
14 sort of senior church -- churchmen.

15 In any event ---

16 MR. DESROSIERS: Yes.

17 MS. DALEY: --- you weren't aware that those  
18 folks were being named on Mr. Nadeau's website?

19 MR. DESROSIERS: No. No. Not at all, no.

20 MS. DALEY: All right.

21 Now, just carrying on with Mr. Nadeau and  
22 his contact with your victims, if I could ask you to look  
23 inside Exhibit 1728, those should be your notes from the  
24 summer of 2000.

25 MR. DESROSIERS: Yes.

1                   **MS. DALEY:** And I'm going to ask you to  
2 start looking at Bates page 359. Let me give you the date;  
3 that's September 6, 2000.

4                   **MR. DESROSIERS:** Yes.

5                   **MS. DALEY:** And at the bottom, you entry of  
6 13 -- sorry, your entry of 10:38, you're meeting with an  
7 individual and the Crown and this individual of course is a  
8 victim in the upcoming charges.

9                   **MR. DESROSIERS:** Yes.

10                  **MS. DALEY:** And he tells you he's received a  
11 call from Dick Nadeau, re, a civil action suit.

12                  **MR. DESROSIERS:** Correct.

13                  **MS. DALEY:** And he tells you he's told  
14 Nadeau that he's not interested?

15                  **MR. DESROSIERS:** Yes and to not call him  
16 back.

17                  **MS. DALEY:** All right.

18                                 Did that contact between Nadeau and that  
19 individual cause you or the Crown any concern?

20                  **MR. DESROSIERS:** Yes because later on,  
21 during the other preparations, with the other complainants  
22 we asked -- we asked them all if they had had contact with  
23 Mr. Nadeau.

24                  **MS. DALEY:** And, in fact, if you look over  
25 the next page at the entry at 1400, this is your meeting

1 with C-45 and Wilhelm ---

2 MR. DESROSIERS: Yes.

3 MS. DALEY: --- and he -- he being Mr. C-45  
4 -- also talks about Dick Nadeau and a class action suit and  
5 then at 1430 ---

6 MR. DESROSIERS: Yes.

7 MS. DALEY: --- you have, I take it, a  
8 private meeting with C-45 and he gives you more details  
9 about that?

10 MR. DESROSIERS: Yes, he does.

11 MS. DALEY: All right.

12 And I take it you learned from C-45 that  
13 what Mr. Nadeau appears to be doing is recruiting  
14 plaintiffs for a class action?

15 MR. DESROSIERS: It's what it would appear  
16 to be.

17 MS. DALEY: All right.

18 And Mr. Yegendorf, whose name we've heard  
19 from Mr. Dunlop on July 26<sup>th</sup>, appears to be the lawyer  
20 involved in the class action; correct?

21 MR. DESROSIERS: Yes.

22 MS. DALEY: And if you go to the following  
23 page, it indicates that C-45, as well as his brother, have  
24 both met that lawyer and have given him permission to, I  
25 guess, release their statement or utilize their statement;

1 correct?

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

3 **MS. DALEY:** Now, I'm assuming that would  
4 have caused you as well as the Crown great concern?

5 **MR. DESROSIERS:** It can, yes. It could.  
6 I'm not saying it would.

7 **MS. DALEY:** How did you and she react to  
8 this? Did she appear concerned to you? Did you have  
9 concerns about this?

10 **MR. DESROSIERS:** I didn't really have a  
11 concern because they knew they would have to answer if --  
12 if defence would bring it up. Yeah, it would be a concern  
13 on how they'd be responding to questions because this would  
14 be disclosed to defence.

15 **MS. DALEY:** Right. And I take it, just to  
16 spell it out, the concern might be that perhaps their  
17 motivation in discussing abuse by Lalonde was self-  
18 interested because they were participating as plaintiffs in  
19 a civil suit?

20 **MR. DESROSIERS:** It's possible.

21 **MS. DALEY:** And that might impair their  
22 credibility?

23 **MR. DESROSIERS:** I don't know if I could  
24 answer that.

25 **MS. DALEY:** No, no, obviously we know their

1 charges succeeded but there was a risk, was there not, that  
2 that ---

3 **MR. DESROSIERS:** I believe if, yeah, if you  
4 have other actions going on during a criminal proceeding,  
5 it would be -- the possibility of being questioned on any  
6 other proceedings ---

7 **MS. DALEY:** Right.

8 **MR. DESROSIERS:** --- you're -- you're  
9 involved with in relation to a civil matter, yeah.

10 **MS. DALEY:** Obviously, you had refused to  
11 give Nadeau their contact information, but somehow Nadeau  
12 had contacted them; correct?

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

14 **MS. DALEY:** Did you ever learn how that came  
15 about?

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

17 **MS. DALEY:** All right.

18 Now, I just want to talk to you then about  
19 Nadeau's involvement with C-8 and that's reflected in  
20 Exhibit 1730.

21 I'd like you to start at the bottom of Bates  
22 page 334, your entry of -- I guess it's 1945, 1945 hours,  
23 and the date is ---

24 **MR. DESROSIERS:** I have 335, the beginning  
25 of 335.

1                   **MS. DALEY:** Yes, it -- sorry, the last three  
2 digits of the small number are 337?

3                   **MR. DESROSIERS:** Okay. Yes, I have that.

4                   **MS. DALEY:** So this is part of your entry  
5 for September 12<sup>th</sup>, 2000, and just to situate us, the  
6 Lalonde trial is ongoing at this time; correct?

7                   **MR. DESROSIERS:** Yes, it's just at its  
8 initial stages, yes.

9                   **MS. DALEY:** That's right, and Mr. C-8 has  
10 been told that he's to testify starting the week of  
11 September 13<sup>th</sup>; correct?

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

13                   **MS. DALEY:** So this is a Sunday evening and  
14 he calls you -- he pages you, I guess ---

15                   **MR. DESROSIERS:** Yes.

16                   **MS. DALEY:** --- and you connect with him at  
17 7:45 p.m. the Sunday before the trial resumes on Monday;  
18 right?

19                   **MR. DESROSIERS:** Right, yes.

20                   **MS. DALEY:** And what he's telling you is  
21 that he has a voice mail message from Dick Nadeau and that  
22 Nadeau had threatened to write up information on a website  
23 within the hour, concerning, allegedly, a smuggling  
24 operation with C-8's boat, and you see the notes you made  
25 of the conversation ---

1 MR. DESROSIERS: Yes.

2 MS. DALEY: --- and obviously C-8 is very  
3 distressed about this and, ultimately, he tells you that he  
4 feels he can't trust anyone and he should leave the city  
5 with his business. He's all ---

6 MR. DESROSIERS: Right.

7 MS. DALEY: --- that's how distressed he is  
8 by this chain of events; correct?

9 MR. DESROSIERS: Yes, he is.

10 MS. DALEY: Because essentially what's  
11 happening, sir, not to put to fine a point on it, is he's  
12 being threatened on the eve of him taking the witness stand  
13 with some very negative information, true or false ---

14 MR. DESROSIERS: M'hm.

15 MS. DALEY: --- to be published about him by  
16 Mr. Nadeau on the website; correct?

17 MR. DESROSIERS: Yes.

18 MS. DALEY: And you would acknowledge that  
19 that is an extremely distressing situation?

20 MR. DESROSIERS: It's distressing, yes.

21 MS. DALEY: It's not something that Mr.  
22 Nadeau should have done?

23 MR. DESROSIERS: No.

24 MS. DALEY: If I could ask you to look at --  
25 just look over a few Bates pages to the one ending 341, and

1 I just want to understand what date this is. So this is --  
2 these are your notes of September ---

3 **MR. DESROSIERS:** Thirteenth (13<sup>th</sup>).

4 **MS. DALEY:** --- thirteenth (13<sup>th</sup>).

5 So again we're in the Lalonde trial and  
6 we're at about the point where Mr. C-8 is going to be  
7 giving his testimony. All right?

8 **MR. DESROSIERS:** Yes.

9 **MS. DALEY:** And at Bates page 341, the 12:40  
10 entry, you are speaking with -- sorry ---

11 **MR. DESROSIERS:** C-8.

12 **MS. DALEY:** --- C-8. My apologies, please  
13 just go back one page because I need to start you at the  
14 12:30 entry.

15 He comes to headquarters and you listen to  
16 the message that Nadeau has left on C-8's phone the day  
17 prior; correct?

18 **MR. DESROSIERS:** Yes, we were outside.

19 **MS. DALEY:** All right. And you have  
20 recorded verbatim what Mr. Nadeau said to C-8?

21 **MR. DESROSIERS:** Yes.

22 **MS. DALEY:** And clearly C-8's impression  
23 that he was being threatened with something was accurate  
24 because that's exactly what Nadeau says?

25 **MR. DESROSIERS:** Yes.

1                   **MS. DALEY:** So then over the page, your  
2 entry at 12:40 at Bates 341, I think there are two things I  
3 want to extract from this.

4                   First of all, C-8 is advising you he wants  
5 to make a complaint about the phone call; correct?

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

7                   **MS. DALEY:** All right. But he then tells  
8 you that he has received several phone messages from Nadeau  
9 previously, and I'm just going to read from your notes:

10                                "He spoke in person to Dick Nadeau in  
11                                Casselman. Nadeau wanted C-8 to  
12                                release his statement in relation to a  
13                                lawsuit being organized."

14                   So just stopping there. Again, Nadeau wants  
15 C-8's actual victim statement; correct?

16                   **MR. DESROSIERS:** Correct.

17                   **MS. DALEY:** For use in a lawsuit?

18                   **MR. DESROSIERS:** Yes.

19                   **MS. DALEY:** C-8 rejected Nadeau's request:

20                                "Our discussion ended by C-8 advising  
21                                the writer that a short time later he  
22                                was contacted by phone by Perry Dunlop  
23                                and was asked why he was not supporting  
24                                the lawsuit."

25                   So I take it that's an accurate reflection

1 of what C-8 told you?

2 MR. DESROSIERS: Yes.

3 MS. DALEY: And that appears to connect Mr.  
4 Nadeau's activities with Mr. Dunlop; correct?

5 MR. DESROSIERS: It would appear, yes.

6 MS. DALEY: And it would appear that in some  
7 circumstances at least, Dunlop is prepared to act as a  
8 spokesman for Mr. Nadeau vis-à-vis C-8; correct?

9 MR. DESROSIERS: They must have had contact  
10 somehow.

11 MS. DALEY: They must have had contact and  
12 it must be the case from this notation that Dunlop also  
13 wanted C-8 to put his statement forward in a civil lawsuit?

14 MR. DESROSIERS: That was the information I  
15 had from C-8, yeah.

16 MS. DALEY: All right. You had no reason to  
17 disbelieve that?

18 MR. DESROSIERS: No, no.

19 MS. DALEY: And I take it, sir, you felt  
20 that C-8 had a fairly legitimate complaint about what  
21 Nadeau was doing?

22 MR. DESROSIERS: Certainly. Yes, I did.

23 MS. DALEY: Now, sir, I don't suggest that  
24 this is your responsibility. I appreciate you're a  
25 constable, you're an investigating officer, but was the

1 Service at all concerned about Nadeau's contact with  
2 victims and witnesses?

3 **MR. DESROSIERS:** I would have advised them  
4 that I did it probably through all this and let them know  
5 that, you know, Mr. Nadeau has had contact. I would have  
6 been talking to a supervisor about it, letting them know  
7 about what was happening at trial.

8 **MS. DALEY:** Would that be Brian Snyder?

9 **MR. DESROSIERS:** Not necessarily him.

10 **MS. DALEY:** Who was your other supervisor at  
11 this time?

12 **MR. DESROSIERS:** I believe it was Staff  
13 Sergeant Carter.

14 **MS. DALEY:** Staff Sergeant?

15 **MR. DESROSIERS:** Carter.

16 **MS. DALEY:** Carter, thank you.

17 So did you make them aware of the Nadeau  
18 problem that was brewing out there?

19 **MR. DESROSIERS:** I probably -- I don't have  
20 a memory of that, of talking to them directly, but I'm  
21 believing I would have talked to them at some point about  
22 this.

23 **MS. DALEY:** All right, but I take it you  
24 can't recall any -- any content of any conversation you had  
25 ---

1                   **MR. DESROSIERS:** No, other than speaking to  
2                   the OPP and advising them that he wanted to make a  
3                   complaint and that Detective Constable Gilles Dupuis would  
4                   look into that matter for him.

5                   **MS. DALEY:** Do you know what ensued with C-  
6                   8's complaint?

7                   **MR. DESROSIERS:** I wasn't advised by the OPP  
8                   or anything.

9                   **MS. DALEY:** So you have no knowledge what  
10                  the result was?

11                  **MR. DESROSIERS:** No, and C-8 never told me  
12                  either.

13                  **MS. DALEY:** All right.

14                  So my final few questions have to do with  
15                  the CAS and, sir, during the Lalonde prosecution and the  
16                  Carl Allen prosecution, I understood that you were always  
17                  within the SACA Unit of the CPS?

18                  **MR. DESROSIERS:** Yes, I had just started.

19                  **MS. DALEY:** All right.

20                  Now, in relation to Mr. Lalonde, when you  
21                  commenced investigating allegations of C-45 and the  
22                  brother, was Lalonde still working with young people at  
23                  that time? That would be February, '97.

24                  **MR. DESROSIERS:** No, he had been suspended  
25                  from school I believe from teaching, and he had conditions

1 set by the OPP.

2 MS. DALEY: All right.

3 MR. DESROSIERS: From their charge.

4 MS. DALEY: Fair enough. Did you make any  
5 contact with the CAS concerning Lalonde when the victims  
6 came forward?

7 MR. DESROSIERS: I only had a contact with a  
8 CAS worker named Mrs. L'Abbé ---

9 MS. DALEY: Yes.

10 MR. DESROSIERS: --- who had contacted me  
11 stating that she had some information about a young person.  
12 She had received a call from a parent who stated that they  
13 had seen some observations on their son to be of -- looking  
14 for the proper word ---

15 THE COMMISSIONER: Out of character?

16 MR. DESROSIERS: --- out of character, yes,  
17 that would be ---

18 MS. DALEY: Yes.

19 MR. DESROSIERS: --- a good word for that,  
20 and that he had had Mr. Lalonde as a teacher, and so we set  
21 up times to interview him and did an interview. There was  
22 no disclosure given, but then again you could see some of  
23 the same things happening ---

24 MS. DALEY: Yes.

25 MR. DESROSIERS: --- very close to the

1 child, a special child -- a special ---

2 MS. DALEY: Yes.

3 MR. DESROSIERS: --- that kind of thing. So  
4 there were some things that came out that were very  
5 familiar with the other complainants.

6 MS. DALEY: Yes.

7 MR. DESROSIERS: And -- but he did not give  
8 a disclosure of anything having occurred to him.

9 MS. DALEY: I take it that the CAS became  
10 involved in that matter because this individual or his  
11 mother brought it to them?

12 MR. DESROSIERS: Yes, that's correct.

13 MS. DALEY: And the CAS in turn brought that  
14 individual and his mother to you as possible victims of a  
15 crime; correct?

16 MR. DESROSIERS: Correct.

17 MS. DALEY: Okay.

18 Did you ever initiate contact on behalf of  
19 the CPS with the CAS concerning Mr. Lalonde?

20 MR. DESROSIERS: No, I did not.

21 MS. DALEY: Now, let me ask you some  
22 questions about Carl Allen. At the time of the prosecution  
23 against him, did you know whether or not he had access to  
24 children?

25 MR. DESROSIERS: At that time?

1 MS. DALEY: Yes.

2 MR. DESROSIERS: No, I did not.

3 MS. DALEY: You didn't know, for example, if  
4 he had young children living at home with him or  
5 grandchildren, for that matter. I'm not quite sure what  
6 his age would have been.

7 MR. DESROSIERS: I don't believe so, no.

8 MS. DALEY: All right.

9 So did you initiate any contact with the CAS  
10 as a result of the disclosure you received about Carl  
11 Allen?

12 MR. DESROSIERS: No, I did not.

13 MS. DALEY: Okay. And let me ask you about  
14 Nelson Barque.

15 You recall that you received some disclosure  
16 from C-45 about alleged sexual abuse by Nelson Barque?

17 MR. DESROSIERS: Correct.

18 MS. DALEY: Did you initiate any  
19 communication with the CAS as a result of that disclosure?

20 MR. DESROSIERS: No.

21 MS. DALEY: And what about with the Cornwall  
22 Probation/Parole Service? I assume ---

23 MR. DESROSIERS: No, I did not.

24 MS. DALEY: --- you didn't do that either?  
25 All right.

1                   Those are my questions. We thank you very  
2 much, sir.

3                   **MR. DESROSIERS:** Thank you.

4                   **THE COMMISSIONER:** Thank you.

5                   **THE COMMISSIONER:** Good morning, Mr. Horn.

6                   **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

7                   **MR. FRANK HORN:**

8                   **MR. HORN:** Yes, my name is Frank Horn.

9                   **MR. DESROSIERS:** Good morning.

10                  **MR. HORN:** And I'm representing the  
11 Coalition for Action.

12                  I understand that you have been with the  
13 Cornwall Police Services for -- what -- 28 years now?

14                  **MR. DESROSIERS:** In October, yes.

15                  **MR. HORN:** And during that period of time  
16 you worked with Perry Dunlop?

17                  **MR. DESROSIERS:** Yes, we were in the same  
18 service together, yes.

19                  **MR. HORN:** I know, in the same service. Did  
20 you ever work with him in any capacity?

21                  **MR. DESROSIERS:** To my recall, no.

22                  **MR. HORN:** Did you know him personally in  
23 any way?

24                  **MR. DESROSIERS:** I knew him as a police  
25 officer. We didn't associate or socialize together but I

1           knew of him. He played music, I knew that and ---

2                   **MR. HORN:** Did you know his family, Helen,  
3           or any of the other family members?

4                   **MR. DESROSIERS:** I knew, probably to see,  
5           Helen, his wife, at functions maybe when we'd be at the  
6           same function, Christmas Party, that kind of thing. That's  
7           how I knew to see her. I saw her with him when he played  
8           music, she was there.

9                   **MR. HORN:** When he played music?

10                   **MR. DESROSIERS:** When he played music, she  
11           was there.

12                   **MR. HORN:** Have you ever heard him play  
13           music?

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

15                   **MR. HORN:** At functions with the Police  
16           Service?

17                   **MR. DESROSIERS:** It wasn't really functions.  
18           It was at the police club that I had heard him.

19                   **MR. HORN:** Okay.

20                           And now I understand that you have been  
21           involved with the SACA for what about -- nine years now?

22                   **MR. DESROSIERS:** Yes, I was there for eight  
23           and went back on the road for about a year, and then  
24           returned to general investigations in 2006.

25                   **MR. HORN:** And in the period of time since

1       you've been involved, you do about, what, one investigation  
2       involving sexual abuse, what, per month or how many in a  
3       year?

4                   **MR. DESROSIERS:** How many in a year? It  
5       gives and takes between years, but I could see probably  
6       doing 50 investigations and possibly other types of  
7       investigations also during -- in SACA.

8                   **MR. HORN:** Okay. And how many of those  
9       would be the historical ones? Over many years ago?

10                   **MR. DESROSIERS:** Over the year, probably on  
11       average five or six historicals.

12                   **MR. HORN:** And during -- so that would make  
13       it five per year?

14                   **MR. DESROSIERS:** It's an average. I don't -  
15       - we don't have statistics on historicals, but on the  
16       average, my number would be about five or six.

17                   **MR. HORN:** So that you would have quite a  
18       bit of experience then in dealing with individuals who have  
19       come forward to deal with something that may have been  
20       around for some time in their lives?

21                   **MR. DESROSIERS:** Yes, it was an experience.  
22       A different learning experience of investigating because  
23       there is no training on doing an historical sexual assault,  
24       so it was like a learning curve for me.

25                   **MR. HORN:** And one of the major qualities

1 that you would have to develop is that you would want to  
2 learn how to make a person come forward and divulge some  
3 very intimate things of their past?

4 **MR. DESROSIERS:** Well, I believe you -- we --  
5 - you have to have compassion with somebody. You have to  
6 have empathy with somebody.

7 You meet them after they have already met a  
8 uniformed officer most times and you are being assigned  
9 their case, so you do want to meet with them beforehand and  
10 explain to them what the processes would be prior to them  
11 giving a statement.

12 If it's historical, possibly give them a day  
13 or so just to get their thoughts together so that they can  
14 provide as much detail as they can of whatever allegation  
15 they had to talk about.

16 So there is a process that starts right at  
17 the beginning when you meet a complainant for the first  
18 time, is meeting them, letting them know who you are and  
19 what you do.

20 **MR. HORN:** Would you agree though that it's  
21 an area where there's a great deal of tact would have to be  
22 used in dealing with people in the circumstances that  
23 they've come out of because of maybe the historical abuse.

24 Let's say in the case of Carl Allen, we're  
25 talking about something that happened in 1962 to '64.

1 That's over 45 years ago?

2 MR. DESROSIERS: Yes.

3 MR. HORN: So an individual would be living  
4 many, many years with this type of thing in their past.

5 MR. DESROSIERS: Yes.

6 MR. HORN: And maybe finally they are coming  
7 forward to deal with something like that?

8 MR. DESROSIERS: Yes.

9 MR. HORN: And in doing so, they're coming  
10 to someone who is going to be not like everybody else,  
11 trying to hurt them or somehow they're afraid, and they  
12 have to trust you, don't they, in order to come forward?

13 MR. DESROSIERS: Certainly, it's not an easy  
14 subject to talk about for them.

15 MR. HORN: That's right.

16 MR. DESROSIERS: But I believe even the  
17 frontline officers would be able to deal -- handle the  
18 beginning of it in a compassionate way, a professional way.

19 MR. HORN: So that when you heard that many  
20 of these people were coming forward to talk to Perry Dunlop  
21 and talking about these things to him, did you think maybe  
22 you should go work with Perry? Because if he had that kind  
23 of rapport with these people, and Helen also, wouldn't you  
24 think that they would be a great ally for you to be able to  
25 deal with this problem?

1                   **MR. DESROSIERS:** Not myself personally, no.

2                   **MR. HORN:** So you never thought about  
3 working with Perry?

4                   **MR. DESROSIERS:** No, I worked within my  
5 service, what my policies are, what my protocols would be,  
6 what I'm assigned to do. I'm not going to go outside  
7 policy or administrative policies just to go work with  
8 somebody on cases.

9                   **MR. HORN:** Well, wouldn't you maybe suggest  
10 to somebody in a superior position and say, "Well, Perry  
11 seems to be able to talk to these people and they seem to  
12 be coming to him. Maybe we can utilize that contact that  
13 he has with these people"?

14                   **MR. DESROSIERS:** It's not something I  
15 thought about, no.

16                   **MR. HORN:** Did you ---

17                   **MR. DESROSIERS:** Myself personally.

18                   **MR. HORN:** You never thought about doing  
19 something like that?

20                   **MR. DESROSIERS:** No.

21                   **MR. HORN:** Well, I mean, in the Carl Allen  
22 situation, was the -- Perry's -- was that the first time in  
23 the will-say statement of Perry -- was that the first time  
24 the complainant came forward?

25                   **MR. MANDERVILLE:** Perhaps Officer Desrosiers

1           could be referred to the will-say.

2                       **MR. HORN:** Okay. All right.

3                       This is the number 733881. That's the  
4 Confidential Instructions for Crown Counsel.

5                       **THE COMMISSIONER:** Was it made an ---

6                       **THE REGISTRAR:** That's 1734.

7                       **THE COMMISSIONER:** Exhibit 1734.

8                       **MR. HORN:** Seventeen-thirty-four (1734).

9                       **THE COMMISSIONER:** Okay. What page, Mr.  
10 Horn?

11                       **MR. HORN:** Seventeen-thirty-four (1734).

12                       **THE COMMISSIONER:** That's ---

13                       **MR. HORN:** That would be the will-say  
14 statement by Perry.

15                       **THE COMMISSIONER:** Well, no, that's a Crown  
16 Brief from what I can see.

17                       Mr. Horn, can you direct me someplace in  
18 that exhibit?

19                       **MR. HORN:** I have here the will-say  
20 statement. It would be 7133817.

21                       **THE COMMISSIONER:** Okay. That's good. So  
22 that's Mr. Desrosiers -- Officer Desrosiers' will-say  
23 statement. All right. What page there or what section?

24                       **MR. HORN:** It's the -- Perry Dunlop's will-  
25 say statement.

1                   **THE COMMISSIONER:** Oh, right. Yes, yes, I'm  
2                   sorry, statement taken the 2<sup>nd</sup> of March 1999?

3                   **MR. HORN:** That's right.

4                   Now, it sounds like the complainant -- that  
5                   was the first time he spoke to anybody was when he spoke to  
6                   Perry in Ottawa. Is that what happened?

7                   **MR. DESROSIERS:** Yes, I believe so because  
8                   he spoke to the OPP later in that year.

9                   **MR. HORN:** According to that, Perry sent  
10                  them to the -- sent him to the OPP. Is that right?

11                  **MR. DESROSIERS:** He just states that he -- I  
12                  just want to make sure about a name -- C-10 attended on the  
13                  24<sup>th</sup> of January, and he was directed, yes, to Project Truth.

14                  **MR. HORN:** So it was Perry that directed him  
15                  to Project Truth?

16                  **MR. DESROSIERS:** Correct.

17                  **MR. HORN:** But he first met him in Ottawa,  
18                  right, and that was the first time he divulged this  
19                  important information or very confidential information to  
20                  anybody?

21                  **THE COMMISSIONER:** Well, we ---

22                  **MR. HORN:** That looked like -- that's what  
23                  it looks like.

24                  **THE COMMISSIONER:** Just a minute. Just a  
25                  minute.

1                   **MR. MANDERVILLE:** I don't think we know  
2                   that, Mr. Commissioner.

3                   **THE COMMISSIONER:** No. First of all, we  
4                   don't know that Mr. Dunlop met C-10 for the first time in  
5                   Ottawa. It says "I met with C-10 in Ottawa." So we don't  
6                   know. We're stuck with what we have on the page, Mr. Horn.

7                   **MR. HORN:** Okay. You have this. This is  
8                   written.

9                   Did you go behind this will-say statement  
10                  and find out the background of the way in which this came  
11                  about?

12                  **MR. DESROSIERS:** I had asked him for a will-  
13                  say and any information he had with him at this point, and  
14                  that's when the will-say was produced, but not until  
15                  November of the following year do I go to my supervisor and  
16                  request, once some charges had been laid -- were going to  
17                  be laid, did I make a request to my Sergeant Snyder to get  
18                  any notes from Constable Dunlop.

19                  **MR. HORN:** I understand that, but what I'm  
20                  interested in is the complainant had to divulge this  
21                  information to someone for the first time to get the  
22                  process started. Do you know if it was to Mr. Dunlop or  
23                  was it to somebody else?

24                  **MR. DESROSIERS:** I do not know how they made  
25                  contact or how C-10 got in contact with Mr. Dunlop. I

1 don't have any knowledge or information about that.

2 MR. HORN: But according to the Confidential  
3 Instructions, it looks like that's how the process was  
4 started.

5 MR. DESROSIERS: Yes. Mr. Dunlop directed  
6 him to the Project Truth.

7 MR. HORN: Okay. So this is a situation in  
8 which it looks like Perry Dunlop was doing what he was  
9 supposed to do at that time? There was somebody that came  
10 forward. There's a process in place. Send them to Project  
11 Truth. He did it?

12 MR. DESROSIERS: Yes.

13 MR. HORN: All right. And the process got  
14 started?

15 MR. DESROSIERS: Correct.

16 MR. HORN: Okay. And then there was further  
17 investigations. Was this one of -- the one in which it  
18 went to Project Truth then it was sent back to you  
19 eventually?

20 MR. DESROSIERS: It was sent back to our  
21 service eventually, yes.

22 MR. HORN: Okay. And the interesting thing  
23 is when it was all over, he was given a peace bond?

24 MR. DESROSIERS: That's correct.

25 MR. HORN: Okay. Now, you know that a peace

1 bond is not -- once the time period is over, there's no  
2 record?

3 MR. DESROSIERS: Correct.

4 MR. HORN: So really what he got was a peace  
5 bond. At the end of that, there'd be no criminal record of  
6 any kind?

7 MR. DESROSIERS: That's correct.

8 MR. HORN: And now, what about this  
9 individual? Was he now going to be on any kind of record  
10 to keep an eye on him to see if he's going to be involved  
11 with children or anything?

12 MR. DESROSIERS: It would be in our  
13 database.

14 MR. HORN: He'd be in your database?

15 MR. DESROSIERS: Yes, and any other police  
16 service with the same database that we had.

17 MR. HORN: So even though he's got no  
18 criminal record, it wouldn't show up on his record? He  
19 could say, if he went for a job, that he doesn't have a  
20 criminal record?

21 MR. DESROSIERS: It wouldn't show on the  
22 CPIC, which is the Canadian Police Information Centre. It  
23 wouldn't show as a record there, but if another police  
24 agency were doing an investigation and checked all the  
25 organizations that had the same computer system, data

1 system, it would show up. Our investigation reports would  
2 show up there. The statements that were taken would show  
3 up there for them, but not if you queried that individual  
4 on CPIC. It would show no criminal record.

5 MR. HORN: Well, let's say he applied for a  
6 job somewhere.

7 MR. DESROSIERS: Right.

8 MR. HORN: And they said, "Do you have a  
9 criminal record?" And he's going to be working with  
10 children. He can say, "I don't have a criminal record,"  
11 right?

12 MR. DESROSIERS: That's correct.

13 MR. HORN: So he could get a job and say  
14 that "I don't have a criminal record."

15 MR. DESROSIERS: That's correct.

16 MR. HORN: And that would be okay?

17 MR. DESROSIERS: Not to say it would be  
18 okay, no.

19 MR. HORN: Pardon?

20 MR. DESROSIERS: It wouldn't be okay.

21 MR. HORN: Okay.

22 MR. DESROSIERS: But at the time that the  
23 Crown had met with us and him, he understood what the  
24 resolution that had been talked about between the defence  
25 counsel and the Crown. He agreed with that, that it would

1 save him from going to testify. He understood the  
2 repercussions -- what it was, the peace bond, it was  
3 explained to him by the Crown.

4 **THE COMMISSIONER:** You're talking about the  
5 victim now?

6 **MR. DESROSIERS:** Yes, C-10.

7 **MR. HORN:** Now what about, you know, the law  
8 which requires a sexual offender to register after they've  
9 been convicted. Do they go on that list? Do you know if  
10 they do? You're working in this field?

11 **MR. DESROSIERS:** This was prior to 2000, to  
12 Christopher's Law?

13 **MR. MANDERVILLE:** Mr. Commissioner, when C-  
14 10 testified we heard evidence that Carl Allen was aged 12  
15 to 14 at the time of the alleged offences. So my friend's  
16 comments about Sexual Offender Registry and so on need to  
17 be put into context, I suggest.

18 **MR. HORN:** Okay.

19 **THE COMMISSIONER:** I think I prefer -- I  
20 think I prefer the other argument that it wasn't in  
21 existence until after.

22 **MR. MANDERVILLE:** I like that one too.

23 **MR. HORN:** Okay. But the conviction itself  
24 was -- it might have been charged -- I mean, he was never  
25 charged, but he was convicted only in what?

1                   **MR. DESROSIERS:** It would have been under  
2                   the *Juvenile Delinquents Act*.

3                   **MR. HORN:** When he was -- no, but when he  
4                   was convicted.

5                   **THE COMMISSIONER:** If he had been convicted.

6                   **MR. HORN:** Well, he was -- oh ---

7                   **MR. DESROSIERS:** He was a juvenile.

8                   **MR. HORN:** If he had been convicted, when he  
9                   made the resolution of the peace bond ---

10                  **MR. DESROSIERS:** Right.

11                  **MR. HORN:** --- at that time, which was more  
12                  recent -- we're not talking 1962. We're talking very  
13                  recent ---

14                  **MR. DESROSIERS:** No, but he was charged with  
15                  the year in which the offences were alleged to have  
16                  occurred. So right now, being a juvenile, his record would  
17                  not even appear as a young offender. There would be no  
18                  record of it. By law in Ontario, there would be nothing.

19                  **MR. HORN:** Okay. But when he resolved the  
20                  matter, at that time, does his name go on that record, the  
21                  Sexual Offender Registry?

22                  **MR. DESROSIERS:** No, it does not because it  
23                  wasn't in existence at the time.

24                  **MR. HORN:** When did that ---

25                  **MR. DESROSIERS:** This was prior to the year

1           2000 when it came into -- it was enacted into law in  
2           Ontario.

3                       **MR. HORN:**   Okay.

4                       **MR. DESROSIERS:**   It was April, I believe,  
5           2000.

6                       **MR. HORN:**   So really what we're dealing with  
7           is a situation in which there was a man who was convicted  
8           of sexual improprieties back over 40 years ago.  He finally  
9           deals with the matters and then he's given no record of any  
10          kind; right?

11                      **MR. DESROSIERS:**   Yes.

12                      **MR. HORN:**   This is a man that for 40 years,  
13          if he's been doing it back 40 years ago, there's no telling  
14          what he's done in the meantime since then, has he?  That's  
15          40 years of a guy walking around ---

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

17                      **MR. HORN:**   --- who's known to be a ---

18                      **MR. DESROSIERS:**   But through the law, his  
19          record will not show because he was a juvenile at the time.  
20          His record would not show today anymore because it happened  
21          when he was a juvenile.  He was charged under the *Juvenile*  
22          *Delinquents Act* because of his age at the time.  The  
23          offender's age at the time, he was a young person.  He was  
24          under 16.

25                      **THE COMMISSIONER:**   For -- if I'm correct,

1 I'd like to straighten one thing out though. From what I  
2 recall from yesterday was that -- and Mr. Allen was ordered  
3 into a peace bond and the charges were stayed for a year.  
4 Was that not correct?

5 **MR. HORN:** I don't know if they were.

6 **THE COMMISSIONER:** Yeah. I believe ---

7 **MR. DESROSIERS:** He received a year's  
8 probation.

9 **THE COMMISSIONER:** No, no, no. No, no. He  
10 was given an 810 peace bond and then there was some  
11 discussion before the judge, and correct me if I'm wrong,  
12 where the defence wanted the charge withdrawn. The Crown  
13 wanted it stayed and I think the judge said "My hands are  
14 tied" or something like that, "The Crown has spoken." Is  
15 that not correct? Can anybody help me?

16 **MR. MANDERVILLE:** I think that is correct,  
17 Mr. Commissioner.

18 **THE COMMISSIONER:** So I don't know that it  
19 affects your cross-examination all that much except from  
20 the -- the Crown should know that. Come on now.

21 **MR. KLOEZE:** I can't find the documents  
22 either, Mr. Commissioner.

23 **THE COMMISSIONER:** It's the Reasons for  
24 Judgment on the Carl Allen matter when the charges were  
25 withdrawn -- when the charges were stayed, is my

1 understanding.

2 So, sir, from the Crown's perspective they  
3 didn't withdraw the charges; they kept it for a year. My  
4 understanding of the law is that it stays and they can  
5 recharge him or bring it back before the court within a  
6 year.

7 **MR. HORN:** Okay.

8 **THE COMMISSIONER:** All right?

9 **MR. HORN:** But after the year, everything's  
10 gone.

11 **THE COMMISSIONER:** It's stayed. The stay is  
12 gone, yes.

13 **MR. HORN:** Yeah.

14 And so -- now, there was also a mention --  
15 was there any connection between him and -- I'm talking  
16 about the complainant -- not the complainant but Mr. Allen  
17 and Ken Seguin. Do you know if there was anything showing,  
18 any kind of relationship between Mr. Seguin -- Ken Seguin  
19 and Malcolm MacDonald and Mr. Allen?

20 **MR. DESROSIERS:** None. Not through the  
21 investigation.

22 **MR. HORN:** I believe that Mr. -- the  
23 problems that he had in the future, and that's the  
24 complainant ---

25 **THE COMMISSIONER:** In the future?

1                   **MR. HORN:** --- he became -- I think Ken  
2                   Seguin did become his probation officer, from what I  
3                   understand.

4                   **MR. DESROSIERS:** That would have been in the  
5                   -- probably the OPP statement.

6                   **THE COMMISSIONER:** You're saying that Mr.  
7                   Allen became ---

8                   **MR. HORN:** No, no, the complainant.

9                   **THE COMMISSIONER:** All right. Okay.

10                  **MR. HORN:** The complainant.

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

12                  **MR. HORN:** He became a probationer of Mr.  
13                  Ken Seguin, from what I understand.

14                  **MR. DESROSIERS:** I believe he was a  
15                  probationer. If I can be referred to the statement ---

16                  **MR. HORN:** Okay.

17                  **MR. DESROSIERS:** --- that I took with Mr. C-  
18                  10.

19                  **MR. HORN:** Sure, go ahead.

20                  **THE COMMISSIONER:** You've got to tell him  
21                  what exhibit it is.

22                  **MR. HORN:** I'm looking for a ---

23                  **MR. DESROSIERS:** But I found no connection  
24                  between Mr. Allen and the probation officer.

25                  **MR. HORN:** There was no connection between -

1 - when he was -- when he was sent to the OPP and he was  
2 interviewed, there seemed to be a lot of talk by him about  
3 Malcolm MacDonald and about Ken Seguin and so forth.

4 **MR. DESROSIERS:** Right. But there was  
5 nothing that ---

6 **MR. HORN:** Was there any ---

7 **MR. DESROSIERS:** --- showed that Mr. Allen  
8 knew Mr. MacDonald, knew Mr. Seguin. There was no  
9 information that was produced that way that showed that.

10 **MR. HORN:** There was nothing that showed  
11 that there was any connection between Ken Seguin and  
12 Malcolm MacDonald and Mr. Allen?

13 **MR. DESROSIERS:** None through the  
14 investigation I did, no.

15 **MR. HORN:** Even though C-10 was speaking  
16 about them sort of in a lengthy discussion with the OPP and  
17 their names came up quite a bit in that discussion?

18 **MR. DESROSIERS:** It appears he had had  
19 contact with all these people in his lifetime, but there  
20 was nothing that connected one to the other with Mr. Allen.  
21 There was nothing that showed he was connected to anybody  
22 else he had spoken to with the Provincial Police.

23 **MR. HORN:** So as far as you were concerned,  
24 Mr. Allen was -- this is an individual. He had problems.  
25 He had problems with young people and it was dealt with. I

1 mean, it was a long time ago, but in the meantime, since  
2 then, you don't see any history? You didn't find out any  
3 history of problems that he may have had? That's 40 years?

4 **MR. DESROSIERS:** Yes.

5 **MR. HORN:** You didn't see anything? Like  
6 was he ever on -- was he ever charged since then, since the  
7 40 years? Was there any history of him being on probation  
8 and ---

9 **MR. DESROSIERS:** No, there was no record for  
10 Mr. Allen at all ---

11 **THE COMMISSIONER:** Well ---

12 **MR. DESROSIERS:** --- when I did my  
13 investigation.

14 **MR. HORN:** Okay.

15 **THE COMMISSIONER:** Well, there was in 19 --  
16 -

17 **MR. DESROSIERS:** He had no criminal record.

18 **THE COMMISSIONER:** Well, hold on now. Mr.  
19 Allen does have a -- well, now, where did I see that?

20 There was a 1962 conviction on his CPIC or  
21 on your Crown ---

22 **MR. DESROSIERS:** No.

23 **THE COMMISSIONER:** No, sorry. Sorry, that's  
24 the charge, indecent assault, 1<sup>st</sup> of January 1962.

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

1                   **THE COMMISSIONER:** Okay.

2                   **MR. HORN:** Okay. So this is an individual  
3 who had no problems. He had the problems when he was  
4 young?

5                   **THE COMMISSIONER:** Who's this now?

6                   **MR. HORN:** Sixty-two (62)-'64 and then since  
7 then there's been nothing showing up anywhere? Did you do  
8 a background check on him? Did you check and find out if  
9 he had any contacts with any police forces or ---

10                  **MR. DESROSIERS:** Yes, I've done that with  
11 OMPPAC and done that with the contact cards and there was  
12 nothing to show that he had been a complainant of similar  
13 information with anybody else with our police service or  
14 outside agencies that were on the same database as we had.

15                  **THE COMMISSIONER:** You said complainant, but  
16 ---

17                  **MR. DESROSIERS:** Or even himself, any record  
18 of having contact with police.

19                  **THE COMMISSIONER:** Okay. I see what you  
20 mean.

21                  **MR. HORN:** Why the Coalition is interested  
22 in this, this direction of examination is that we believe  
23 that there is a connection between certain individuals. I  
24 mean, we just wanted to know if you did that kind of  
25 investigation, that there are -- people are related and

1           they know each other. I'm talking about pedophiles know  
2           each other.

3                       **MR. DESROSIERS:** Right. There was nothing  
4           like that that turned up in my investigation.

5                       **MR. HORN:** Pardon? Nothing ---

6                       **MR. DESROSIERS:** There was nothing of that  
7           nature that turned up in my investigation.

8                       **MR. HORN:** Did you think along these lines?

9                       **MR. DESROSIERS:** Not necessarily.

10                      **THE COMMISSIONER:** I guess what he's saying,  
11           Mr. Desrosiers, is that this is 1998.

12                      **MR. DESROSIERS:** Yes.

13                      **THE COMMISSIONER:** And so everything -- the  
14           Seguin matter has come to light with the suicide. We know  
15           that there are lawsuits. We know that there are  
16           allegations out there of a pedophile ring, right?

17                      **MR. DESROSIERS:** Yes.

18                      **THE COMMISSIONER:** And so in walks C-10 and  
19           he says to Dunlop in the will say that he was abused by  
20           Seguin, MacDonald and Carl Allen.

21                      **MR. DESROSIERS:** Right.

22                      **THE COMMISSIONER:** Right? And so in the  
23           background of all of that, you've got multiple offenders --  
24           -

25                      **MR. DESROSIERS:** Yes.

1                   **THE COMMISSIONER:** --- on one victim.

2                   **MR. DESROSIERS:** Individual.

3                   **THE COMMISSIONER:** One individual, right.

4                   Sorry. Thank you.

5                   And so I guess Mr. Horn is asking, well, did  
6                   the light go on and say, well, did anybody ask Mr. C-10  
7                   whether or not there had ever been any connection between  
8                   the three, that kind of stuff?

9                   **MR. DESROSIERS:** I don't believe so, sir.  
10                  Mr. Allen came from a different background, if you would  
11                  say, altogether from these other people.

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

13                  **MR. DESROSIERS:** But there was nothing that  
14                  I saw that connected these four people together.

15                  **THE COMMISSIONER:** And I guess the next  
16                  question that might come up is he came from a different ---

17                  **MR. DESROSIERS:** Well, knowing him, he was  
18                  not a highly developed ---

19                  **THE COMMISSIONER:** Mr. Allen was poor?

20                  **MR. DESROSIERS:** Poor, yes. He lived in a  
21                  poor area.

22                  **THE COMMISSIONER:** Single, lived in a place  
23                  and he wasn't prominent?

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

25                  **THE COMMISSIONER:** So Mr. Horn might say,

1 "Then why did you pick on Mr. Allen and not on the others?"

2 MR. DESROSIERS: Because ---

3 MR. HORN: Good question.

4 MR. DESROSIERS: --- Mr. Allen was my  
5 investigation.

6 THE COMMISSIONER: I know.

7 Mr. ---

8 MR. MANDERVILLE: Two of the others were  
9 dead and the third, Malcolm MacDonald, was in fact charged  
10 by the OPP.

11 THE COMMISSIONER: I know. I know. I know.

12 All right. Mr. Horn, you can continue.

13 MR. HORN: Yes. Now, the other area of  
14 interest is the area involving Marcel Lalonde. Okay.  
15 You're getting prepared for a trial and you're interviewing  
16 the complainant, and all of a sudden this story comes up  
17 that Mr. Dunlop was making some suggestions to this  
18 individual to alter his evidence in order to help his --  
19 the civil lawsuit. Do you know the one I'm talking about?

20 MR. DESROSIERS: Yes.

21 MR. HORN: The one that -- the supposed trip  
22 to Toronto ---

23 MR. DESROSIERS: In 2000?

24 MR. HORN: Yes.

25 MR. DESROSIERS: Is that the one you're

1 referring to?

2 MR. HORN: Yes.

3 THE COMMISSIONER: No, but to help what  
4 lawsuit?

5 MR. HORN: Well, from what I understand,  
6 it's the lawsuit of the complainant ---

7 THE COMMISSIONER: Okay.

8 MR. HORN: --- if he'd had it against the  
9 Church and other, you know, institutions. It would help if  
10 you, you know, get the School Board involved because they  
11 had deep pockets and they've got a lot more money.

12 That was -- now, you're an experienced  
13 investigator. When you hear that from a complainant and  
14 he's now putting the blame on Mr. Dunlop, what would you --  
15 what do you think you should do then? The first thing I  
16 would say is "I'll go talk to Dunlop," wouldn't you, and  
17 ask him ---

18 MR. DESROSIERS: M'hm.

19 MR. HORN: --- "Is this true?"

20 THE COMMISSIONER: So the question is did  
21 you ask Mr. Dunlop whether -- did you ever ask Mr. Dunlop?

22 MR. DESROSIERS: No, I never did. The  
23 jurisdiction was with the -- well, was with our case here,  
24 but I wasn't directed by the Crown to contact him at all  
25 myself ---

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

2                   **MR. DESROSIERS:** --- prior to the trial  
3 starting, and from his statement also, he has said that he  
4 wasn't told by Mr. Dunlop to lie about this trip.

5                   Mind you, he was -- he did say he was  
6 pressured, that he trusted Mr. Dunlop at that time and  
7 that, you know, if you make it look like it happened on the  
8 school grounds, you can get more money out of it, that kind  
9 of pressure possibly to make Mr. C-8's wheels turn in  
10 looking at it, but in Mr. C-8's continuation of the  
11 statement, it was more to add fire to the fuel -- or fuel  
12 to the fire in making it a more grander picture before the  
13 court.

14                   **MR. HORN:** This is what the complainant's  
15 telling you ---

16                   **MR. DESROSIERS:** Yes.

17                   **MR. HORN:** --- but he's talking about  
18 another individual who's in your police department and  
19 you're working with him?

20                   **MR. DESROSIERS:** I believe he was gone by  
21 then.

22                   **MR. HORN:** Oh, he was gone by then?

23                   **MR. DESROSIERS:** Yes.

24                   **MR. HORN:** Okay. But he's a former police -  
25 - former colleague?

1                   **MR. DESROSIERS:** Yes, correct. He's no  
2 longer a police officer at that point, but I wasn't  
3 directed by the Crown to follow suit after I provided her  
4 with the phone number -- his phone number.

5                   **MR. HORN:** So if you would have had your  
6 choice, would you have done that? Let's say you were given  
7 the freedom, "Do what you have to do to get behind the  
8 story that you've been given now." A guy comes in and he's  
9 your witness and all of a sudden he's said something about  
10 somebody else and "This guy made me do it," wouldn't you  
11 want to get behind it and find out what the truth is?

12                   **MR. DESROSIERS:** I believe Sergeant Garry  
13 Lefebvre conducted an investigation into that, into the  
14 perjury.

15                   **MR. HORN:** And?

16                   **MR. DESROSIERS:** Of C-8.

17                   **MR. HORN:** Okay. I understand that.

18                   **MR. DESROSIERS:** But I wasn't privy to the  
19 investigation. I wasn't involved other than briefing  
20 Sergeant Garry Lefebvre about what had occurred, what had  
21 just transpired with the statement. I provided them the  
22 statement of C-8 and so forth, and that was conducted by  
23 Sergeant Lefebvre to look into that.

24                   **MR. HORN:** So you didn't touch it? You just  
25 said, "That's out of my hands"? The Crown was telling you

1           what to do and ---

2                   **MR. DESROSIERS:** Well, it wasn't assigned --  
3           no, it wasn't assigned to me. It was reported back to the  
4           office and they assigned a sergeant to investigate it  
5           possibly because Sergeant Lefebvre wasn't involved with the  
6           Lalonde matter. I mean, it is a serious enough offence  
7           that ---

8                   **MR. HORN:** I mean ---

9                   **MR. DESROSIERS:** I can't answer for why my  
10          supervisors would take -- pick a sergeant, or it could have  
11          been a staff sergeant doing the investigation. I don't  
12          know. But it was Sergeant Lefebvre that did an  
13          investigation on that.

14                  **MR. HORN:** Okay. Your witness suddenly  
15          says, "I perjured myself. He made me do it." Right?

16                  **MR. DESROSIERS:** Right.

17                  **MR. HORN:** Or "He influenced me to do it."

18                  **MR. DESROSIERS:** He said it pressured him to  
19          do certain things.

20                  **MR. HORN:** Okay. That's what he says?

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

22                  **MR. HORN:** Okay. Now, you, as an  
23          experienced police officer, who have had a lot of  
24          experience of dealing with clients that go before the  
25          court, what happens when you have two co-accused and one of

1       them is testifying against another, and you look at -- I  
2       mean, do you trust everybody and say, "Well, this guy's  
3       telling me that -- he's got a..." -- why did you say "The  
4       complainant must be telling me the truth?" Why would you  
5       think that?

6                   **MR. DESROSIERS:** I don't understand your  
7       question.

8                   **MR. HORN:** Okay. The complainant is your  
9       witness.

10                  **MR. DESROSIERS:** Yes.

11                  **MR. HORN:** Okay? He's now saying, "I was  
12       made to perjure myself because of him."

13                  **MS. SIMMS:** I don't think that was Constable  
14       Desrosiers' evidence. I think he said he was told that C-8  
15       had spoken to Perry Dunlop, that Perry Dunlop had advised  
16       him that his -- he could have a civil suit against the  
17       School Board if there was an incident that occurred on a  
18       school trip. And I think Constable Desrosiers' evidence  
19       was that he did not hear from the victim that Perry Dunlop  
20       told him to lie or made him give perjured evidence in any  
21       way.

22                  **THE COMMISSIONER:** Well, okay, there's a  
23       suggestion there that somehow Mr. Dunlop might have  
24       contributed to this gentleman telling a lie.

25                  **MR. HORN:** Okay.

1                   **THE COMMISSIONER:** And, Mr. Horn ---

2                   **MR. HORN:** Yes.

3                   **THE COMMISSIONER:** --- as a result of that,  
4 my understanding is that there was an investigation.

5                   **MR. HORN:** And he was exonerated by the  
6 Ottawa Police, who said that there was no charge. There  
7 was no ---

8                   **THE COMMISSIONER:** Well, he wasn't charged.  
9 He wasn't charged.

10                  **MR. HORN:** There was no possibility of a  
11 conviction, yes. Okay.

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

13                  **MR. HORN:** So when you heard this, I mean,  
14 your first instinct as a police officer dealing with  
15 witnesses all the time in court, going to court is, do I  
16 believe this guy or not? Is he putting the blame on  
17 somebody else in trying to -- you know, I mean isn't that  
18 your first instinct if a guy changes his story and suddenly  
19 he throws this thing out in your face and says, "Hey, now  
20 I'm prejudicing your case".

21                  **MR. DESROSIERS:** I questioned him about the  
22 other events he had disclosed and he told me that those  
23 things were true. I had -- I believed C-8.

24                  **MR. HORN:** Pardon?

25                  **MR. DESROSIERS:** I believed C-8 when he told

1 me this one wasn't true but the others are. I believed  
2 him.

3 **MR. HORN:** So you believed him ---

4 **MR. DESROSIERS:** Yes.

5 **MR. HORN:** --- even though you never  
6 consulted with Mr. Dunlop. You never talked to him and  
7 asked him what his side of the story was?

8 **THE COMMISSIONER:** But, Mr. Horn, he didn't  
9 have to on this issue. You have to put it in context.

10 We have a witness who's coming forward to  
11 testify against Marcel Lalonde. He comes up and he says to  
12 the officer, "Look it, there's a part of this that isn't  
13 true". All right?

14 And what this gentleman is saying, "Okay,  
15 regardless of the circumstances on how it came that you  
16 lied about it", right, "I believe you that these ones are  
17 true and this one is not". All right?

18 So we're not -- he's not on the stand  
19 talking about it's not all -- none of it is true, he's  
20 saying one part of it isn't.

21 **MR. HORN:** Okay. Okay, so we'll deal with  
22 that one part that you didn't no longer believe, that part  
23 you don't believe because of what Perry was supposed to  
24 have done.

25 So as a good police officer, you would have

1       gone over and say -- talked to Perry and said, "Look, this  
2       guy is saying this about you, what's your side of this?"  
3       Wouldn't that have been the smart thing to do or the wise  
4       thing or the fair thing to do?

5                   **MR. DESROSIERS:** Not necessarily. This was  
6       something of a nature that I reported, that is to my  
7       supervisors when it happened, I advised them. They  
8       suggested or they decided they would have a sergeant look  
9       into the matter and assign Sergeant Lefebvre, and he would  
10      have all that information to look into any perjury offence  
11      if they felt there was evidence of that.

12                   **MR. HORN:** So then you put it into somebody  
13      else's hands and they went on to lay -- to see if they  
14      could lay perjury charges against Perry?

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

16                   **MR. HORN:** Okay. Because you didn't want to  
17      make that decision, you put it to somebody else's ---

18                   **MR. DESROSIERS:** Not that I didn't want to  
19      make that decision, if they'd have asked me to investigate  
20      it, I would have, but I reported this to my supervisors and  
21      they decided to assign a sergeant to do the investigation.  
22      But if any assignment is given to me, I will investigate  
23      it.

24                   **MR. HORN:** Okay. So you could have -- you  
25      would have done it if they said, "Go ahead, you do it, go

1 talk to Perry, get the true story, find out what's really  
2 happened here"?

3 MR. DESROSIERS: I do my work, sir.

4 MR. HORN: You would have done it?

5 MR. DESROSIERS: I do my work.

6 MR. HORN: So they put it to somebody else  
7 to do?

8 MR. DESROSIERS: Yes, that's what happened.

9 MR. HORN: Okay.

10 MS. SIMMS: If I can just clarify while  
11 we're waiting.

12 You referred to Sergeant Lefebvre's  
13 investigation, Garry Lefebvre, and that was an  
14 investigation into C-8 for perjury?

15 THE COMMISSIONER: Right.

16 MS. SIMMS: Not into Perry Dunlop, just so  
17 we're clear.

18 MR. DESROSIERS: That's correct.

19 MS. SIMMS: That's correct?

20 MR. DESROSIERS: Yes.

21 MS. SIMMS: And there was an OPS -- the  
22 Ottawa Police investigated Perry Dunlop regarding issues  
23 with his testimony at the prelim ---

24 MR. DESROSIERS: That's correct.

25 MS. SIMMS: --- and that predated this?

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

2                   **MS. SIMMS:** Right?

3                   **MR. DESROSIERS:** Yes.

4                   **MS. SIMMS:** So just so we're clear, the  
5 investigations that we're discussing are not investigations  
6 into Perry Dunlop with respect to this incident?

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

8                   **MS. SIMMS:** And I don't believe there  
9 actually was an investigation conducted into Perry Dunlop  
10 with respect to this particular incident. Do you know?

11                   **MR. DESROSIERS:** M'hm ---

12                   **MS. SIMMS:** That's fine, I just wanted to  
13 clarify that.

14                   **THE COMMISSIONER:** That's good. Thank you.  
15 Mr. Manderville?

16                   **MR. MANDERVILLE:** The only point I was going  
17 to make, Mr. Commissioner, is that with the miracles of  
18 computers we've tracked down that transcript you were  
19 referring to and you're correct in your assessment of what  
20 it was.

21                   I can tell you what the Document Number is  
22 for the record. It's 119031.

23                   **THE COMMISSIONER:** Okay. So for the record,  
24 I'd just like to have the exhibit put on the record, Madam  
25 Clerk.

1                   **MR. MANDERVILLE:** It's Exhibit 380,  
2                   apparently, Mr. Commissioner.

3                   **THE COMMISSIONER:** Thank you very much.  
4                   All right, Mr. Horn, sorry about that.

5                   **MR. HORN:** Yes.

6                   **THE COMMISSIONER:** So, in essence, I think  
7                   we should be guided by Ms. Simms' comments, but presumably  
8                   -- well, I would think that if they're looking into C-8  
9                   with the possibility of a perjury charge that one would  
10                  have looked at whether there were some co-conspirators and  
11                  what exactly occurred.

12                  **MR. HORN:** Okay.

13                  **THE COMMISSIONER:** So, Mr. Horn, I don't  
14                  know how much time you want to further cross-examine this  
15                  gentleman. It's about lunchtime. Can you give me some  
16                  idea how long you'll be or do you want ---

17                  **MR. HORN:** It won't be that much longer.  
18                  Maybe about 15 minutes after lunch, I can do it.

19                  **THE COMMISSIONER:** After lunch, okay.  
20                  We'll come back at two.

21                  **THE REGISTRAR:** Order, all rise. À l'ordre;  
22                  veuillez vous lever.

23                  This hearing will resume at 2:00 p.m.

24                  --- Upon recessing at 12:27 p.m./

25                  L'audience est suspendue à 12h27

1 --- Upon resuming at 2:05 p.m.

2 L'audience est reprise à 14h05

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

5 This hearing is now resumed, please be  
6 seated. Veuillez vous asseoir.

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

8 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. HORN  
9 (Contd/Suite):

10 **THE COMMISSIONER:** Good afternoon, Mr. Horn.

11 **MR. HORN:** Oh, hi. Good afternoon.

12 **THE COMMISSIONER:** How was lunch?

13 **MR. HORN:** We're just about ready to pack it  
14 in. The -- there's only a couple of areas that I'm  
15 interested in.

16 Prior to the disclosure by -- is it C-6 ---

17 **THE COMMISSIONER:** Do you have that number,  
18 sir?

19 **MR. DESROSIERS:** No, I do not, Mr.  
20 Commissioner.

21 **MR. HORN:** Pardon?

22 **THE COMMISSIONER:** Actually ---

23 **MR. HORN:** Oh, C-8, I'm sorry.

24 **MR. DESROSIERS:** C-8.

25 **THE COMMISSIONER:** C-8.

1                   **MR. HORN:** C-8. Prior to the disclosure of  
2 C-8, do you know if at that time he was under any police  
3 investigations?

4                   **MR. DESROSIERS:** At that time, no.

5                   **MR. HORN:** At that time, prior to that  
6 disclosure, was he under any kind of investigations for  
7 possible criminal charges?

8                   **MR. DESROSIERS:** Not to my knowledge.

9                   **MR. HORN:** So you don't know -- it wouldn't  
10 have been in your field or you never checked up or you just  
11 didn't know?

12                   **MR. DESROSIERS:** I didn't know.

13                   **MR. HORN:** Did you possibly hear on the  
14 grapevine something like that; that there may be charges  
15 hanging over his head at that time?

16                   **THE COMMISSIONER:** At that time, you mean  
17 when he recanted the part about the trip?

18                   **MR. HORN:** Yes. Yes.

19                   **THE COMMISSIONER:** Okay.

20                   **MR. HORN:** At that time?

21                   **MR. DESROSIERS:** At that time, yes, I had  
22 heard.

23                   **MR. HORN:** You had heard?

24                   **MR. DESROSIERS:** Yes.

25                   **MR. HORN:** Okay. And do you know if

1 anything ---

2 **THE COMMISSIONER:** I'm sorry, you had heard  
3 what?

4 **MR. DESROSIERS:** I had heard that he had  
5 been under investigation charge by Constable Genier.

6 **MR. HORN:** By Constable?

7 **MR. DESROSIERS:** Genier.

8 **MR. HORN:** Genier, okay.

9 Do you know the nature of the charges?

10 **MR. DESROSIERS:** No. I knew they were  
11 inappropriate type of -- inappropriate type ---

12 **MR. HORN:** Touching?

13 **MR. DESROSIERS:** Touching.

14 **THE COMMISSIONER:** Wait a minute now. Just  
15 out of an abundance of caution ---

16 **MR. HORN:** Okay.

17 **THE COMMISSIONER:** When is this now?

18 **MR. HORN:** Prior to September the 7<sup>th</sup>, 2000,  
19 when he recanted. Prior to that date ---

20 **THE COMMISSIONER:** Okay, but we know that he  
21 had had some problems with the law in January of 1998 --  
22 seven or eight?

23 **MR. MANDERVILLE:** Ninety-seven (97), I  
24 believe, Mr. Commissioner.

25 **THE COMMISSIONER:** Ninety-seven (97) and

1           they had been dealt with. So are you talking about  
2           something other than that?

3                       **MR. HORN:** That's right.

4                       **THE COMMISSIONER:** Okay, so other ---

5                       **MR. DESROSIERS:** No, not other than.

6                       **MR. HORN:** Not other than those?

7                       **MR. DESROSIERS:** No.

8                       **MR. HORN:** Okay. There's just one other  
9           question.

10                      Had you -- have you ever, as a police  
11           officer, been put into the difficult position that  
12           Constable Dunlop was in, where he had to make a decision as  
13           to follow his conscience or follow the rules of the Police  
14           Department.

15                      Have you ever been in that position and  
16           which way would you go?

17                      **MR. MANDERVILLE:** I think, Mr. Commissioner,  
18           Mr. Horn should specify for Constable Desrosiers exactly  
19           what situation he's trying to refer to.

20                      **MR. HORN:** Okay. Let's say a hypothetical,  
21           you're in a position where you have a complaint of an  
22           improper monetary settlement to drop criminal charges, and  
23           would you have gone to the Children's Aid Society the way  
24           Mr. Dunlop did?

25                      **MR. DESROSIERS:** My conscience would have

1 told me what's the right thing to do. I would -- if there  
2 was a settlement I would -- it's not a good thing that  
3 would have followed, most likely.

4 **MR. HORN:** Okay. So are you then saying  
5 that you -- in conscience what Mr. Dunlop did was the right  
6 thing to do?

7 **MR. DESROSIERS:** If he had the best  
8 interests in what he was doing, like for the best for that  
9 -- for the system, for everybody, if he was doing it out of  
10 his good conscience.

11 **MR. HORN:** Okay. That's all the questions I  
12 have. Thank you.

13 **THE COMMISSIONER:** Mr. Lee.  
14 Good afternoon, sir.

15 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:**

16 **MR. LEE:** Good afternoon, sir.  
17 Constable Desrosiers, my name is Dallas Lee.  
18 I'm on for the Victims Group.

19 **MR. DESROSIERS:** Okay.

20 **MR. LEE:** I have just a couple of areas I'd  
21 like to ask you about, and the first two deal mostly with  
22 just trying to get some general information from you about  
23 policing and training and the way things are done  
24 generally, okay.

25 **MR. DESROSIERS:** Yes.

1                   **MR. LEE:** I'd like to start by taking you to  
2                   yesterday's transcript, please.

3                   It's Volume 235, Madam Clerk.

4                   **THE COMMISSIONER:** Merci.

5                   **MR. DESROSIERS:** Thank you.

6                   **MR. LEE:** Page 36, please.

7                   Constable Desrosiers, just on the preceding  
8                   pages Ms. Simms is asking you about the information you had  
9                   received from Randy Fontaine that he had been interviewed  
10                  by the police years earlier in relation to Marcel Lalonde  
11                  and your efforts to go and try to figure out whether or not  
12                  that had indeed happened and whether you had any record of  
13                  it, okay?

14                  **MR. DESROSIERS:** Yes.

15                  **MR. LEE:** And you start talking about  
16                  contact cards. Do you remember having that conversation  
17                  with Ms. Simms yesterday?

18                  **MR. DESROSIERS:** Yes.

19                  **MR. LEE:** And at the top of page 36, Ms.  
20                  Simms asks at line two:

21                                 "You went to look through the contact  
22                                 cards yourself?"

23                  And your answer was:

24                                 "Yes."

25                  Then she asks:

1 "Is that your normal practice or ---"

2 And you say:

3 "It was a practice that I had been told  
4 when I came into the branch, to look  
5 for the -- any extra information of  
6 previous contact and that's where they  
7 would be is in alphabetical cardex."

8 Do you see that?

9 **MR. DESROSIERS:** Yes.

10 **MR. LEE:** Can you expand on that a little  
11 bit and tell me what you're talking about when you say it  
12 was a practice that you had been told of when you came into  
13 the branch? What branch are you referring to?

14 **MR. DESROSIERS:** The Youth Branch is what I  
15 had been told.

16 **MR. LEE:** And do you recall who gave you  
17 advice about looking at the contact cards?

18 **MR. DESROSIERS:** To my recollection, it was  
19 Staff Sergeant Brunet that had come in to see me and was  
20 showing me certain things that were required.

21 **MR. LEE:** This was at the time that you  
22 first joined the Youth Branch?

23 **MR. DESROSIERS:** Yes.

24 **MR. LEE:** Did you have some kind of  
25 orientation or training session surrounding your beginning

1 in the Youth Branch?

2 MR. DESROSIERS: No, not that -- no, not  
3 really.

4 MR. LEE: Do you recall, was there any kind  
5 of -- how many years had you been with the Cornwall Police  
6 by the time you went into the Youth Branch?

7 MR. DESROSIERS: I started -- about 17  
8 years.

9 MR. LEE: So you were an experienced  
10 investigator?

11 MR. DESROSIERS: Well, I had investigated --  
12 did investigations, yes.

13 MR. LEE: So you get an assignment to the  
14 Youth Branch and it was your first time in the Youth  
15 Branch. Is that correct?

16 MR. DESROSIERS: I had been for four months  
17 prior to.

18 MR. LEE: But this was -- you were going to  
19 be in there for a long haul. That was your understanding?

20 MR. DESROSIERS: That's right. I got  
21 transferred to that branch full time

22 MR. LEE: So there was no specific training  
23 you were sent on prior to starting in the Youth Branch?

24 MR. DESROSIERS: No. We were provided was a  
25 protocol I recall. It was a green covered protocol, I

1 believe, with CAS at that time.

2 MR. LEE: But Luc Brunet took you aside, at  
3 least at some point, and gave you some tips. Is that how  
4 we might describe it?

5 MR. DESROSIERS: Well, he provided me with  
6 some of the information that was in that unit in relation  
7 to the investigation of children, the CAS -- working with  
8 the CAS.

9 MR. LEE: Did you know anything about  
10 contact cards before your conversation with Mr. Brunet?

11 MR. DESROSIERS: It wasn't something on the  
12 road that you normally went to do.

13 Did I know if they existed? Yeah. Yes, I  
14 would say I did know about them.

15 MR. LEE: Do you recall what -- was he Staff  
16 Sergeant at the time, Brunet?

17 MR. DESROSIERS: Yes.

18 MR. LEE: Do you recall what Staff Sergeant  
19 Brunet told you about contact cards and how they might be  
20 of use to you?

21 MR. DESROSIERS: Well, any previous contact  
22 with an individual who had either made a complaint or was  
23 possibly an accused charged with some offence, there would  
24 be a connection with an occurrence number, a name, a date  
25 of birth on those cards.

1                   **MR. LEE:** Do you know -- are you aware of  
2                   whether or not there was any policy or protocol in place in  
3                   the Youth Branch to have investigating officers check the  
4                   contact cards for prior contacts with accused persons?

5                   **MR. DESROSIERS:** I don't recall that  
6                   personally, no. To my knowledge, I don't recall that.

7                   **MR. LEE:** So what was the gist of the  
8                   conversation with Staff Sergeant Brunet; simply that they  
9                   were a resource you could turn to if you wished?

10                  **MR. DESROSIERS:** That's -- yes, I would say  
11                  that. I would agree with that.

12                  **MR. LEE:** That was your understanding?

13                  **MR. DESROSIERS:** Yes.

14                  **MR. LEE:** Nothing in writing about that,  
15                  about having ---

16                  **MR. DESROSIERS:** To my knowledge, not that I  
17                  recall, no.

18                  **MR. LEE:** Do you recall whether or not it  
19                  was an established practice at least in the Youth Branch or  
20                  whether it was simply a tool you could make use of if you  
21                  felt like it?

22                  **MR. DESROSIERS:** I would have to assume it  
23                  was maybe a practice because he had told me about it. I'm  
24                  assuming he might have told the other officers that were  
25                  already in those units. I can't say for sure. I didn't

1 hear any conversations with them -- with Staff Sergeant  
2 Brunet about that.

3 MR. LEE: Did you adopt it as a practice of  
4 your own once you ---

5 MR. DESROSIERS: Well, I thought it was a  
6 good idea to be able to see if there was any other previous  
7 contacts with any individual.

8 MR. LEE: Did it from that point forward  
9 become a standard part of your investigations?

10 MR. DESROSIERS: Yeah, normally in any  
11 sexual assault, yes, or child physical abuse.

12 MR. LEE: And just so we're clear, as I  
13 understand it, contact cards would be kept not only for  
14 persons accused of a crime but also for the complainants?

15 MR. DESROSIERS: Yes, that's correct.

16 MR. LEE: And witnesses perhaps?

17 MR. DESROSIERS: I cannot recall if it would  
18 be for witnesses.

19 MR. LEE: As I understood it ---

20 MR. DESROSIERS: Usually the person making a  
21 complaint, his name would be on there or if somebody was  
22 involved, say, in a motor vehicle accident, the name of  
23 that person being in the accident would be on there.

24 MR. LEE: And if we can take an example.  
25 When you pull a contact card listing the name of Marcel

1 Lalonde ---

2 MR. DESROSIERS: Right.

3 MR. LEE: --- it may have on there a number  
4 of occurrence numbers as an example?

5 MR. DESROSIERS: It could, if we had several  
6 contacts with him.

7 MR. LEE: And it might have dates on there?

8 MR. DESROSIERS: Yes.

9 MR. LEE: Would it have anymore information  
10 then an occurrence number and a date?

11 MR. DESROSIERS: It may have a heading of  
12 the incident.

13 MR. LEE: Such as?

14 MR. DESROSIERS: Motor vehicle accident,  
15 sexual assault, anything.

16 MR. LEE: Would the Marcel Lalonde contact  
17 card have the name of complainants or witnesses?

18 MR. DESROSIERS: The one that we found, no,  
19 it did not.

20 MR. LEE: Okay.

21 The -- Madam Clerk, if you can just put that  
22 same page back on the screen briefly, page 36?

23 Ms. Simms at line 13 asks:

24 "You didn't make note of this in your  
25 notes?"

1 And your response is:

2 "No."

3 Do you see that?

4 **MR. DESROSIERS:** Yes.

5 **MR. LEE:** And the next area I wanted to ask  
6 you about was note-keeping generally.

7 And what I'm interested in is understanding  
8 from you -- I want you to think back to the beginning of  
9 your career and what you were taught about note-keeping and  
10 where you were taught about note keeping and who instructed  
11 you on those.

12 I don't have any kind of policing  
13 background, so I'm asking this to try to get some input  
14 from you on how does a police officer learn how to keep  
15 proper notes?

16 **MR. DESROSIERS:** Well, note-keeping is part  
17 of your recruit -- basic recruit training. It's also a  
18 practice that you develop on your own as well. It's used  
19 to be able to refresh your memory about aspects of an  
20 investigation. And so you gain different skills, different  
21 knowledge about it all the time.

22 **MR. LEE:** So as part of your recruit  
23 training that would be at the Ontario Police College?

24 **MR. DESROSIERS:** Yes, it was, in 1980.

25 **MR. LEE:** And you specifically learned about

1 proper note-keeping practices at that time?

2 MR. DESROSIERS: Well, we were taught  
3 whatever practice -- whatever teaching material they could  
4 provide to you. This is how we were taught, yes, at that  
5 time.

6 MR. LEE: And then did you begin your career  
7 in policing with the Cornwall Police Service?

8 MR. DESROSIERS: Yes, I did.

9 MR. LEE: Do you recall any training with  
10 Cornwall Police once you arrived here about note-keeping?

11 MR. DESROSIERS: I believe there was a  
12 policy on note-taking at a certain point.

13 MR. LEE: Did you receive any updated  
14 training or instruction through the years on note-keeping?

15 MR. DESROSIERS: Other than what policy  
16 would be in the Service, no.

17 MR. LEE: So I take it you might get a  
18 direction or you might get a revised policy on note-keeping  
19 and those would be brought to your attention?

20 MR. DESROSIERS: Yes.

21 MR. LEE: Have the principles changed over  
22 the years much in terms of note-keeping?

23 MR. DESROSIERS: Yes, they have.

24 MR. LEE: In what ways?

25 MR. DESROSIERS: I found they have.

1                   **MR. LEE:** In what ways?

2                   **MR. DESROSIERS:** In relation to keeping good  
3 times in your notebook, number one, not putting everything  
4 in your notebook that requires the investigation but, you  
5 know, anything of importance that occurs, phone calls,  
6 messages you receive, your investigation as a whole, the  
7 purpose of what you're doing, why you're doing this today.  
8 Like if I'm making a phone call, write in the purpose of  
9 that phone call, that kind of thing, as you're going.

10                   **MR. LEE:** Let's break it down a little bit.  
11 I want to discuss with you sort of the rules for note-  
12 keeping by a police officer. I take it now the rule is  
13 that you must have a bound notebook?

14                   **MR. DESROSIERS:** Yes.

15                   **MR. LEE:** And that wasn't always the case?

16                   **MR. DESROSIERS:** No, it was not.

17                   **MR. LEE:** It used to be you could have  
18 loose-leaf?

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

20                   **MR. LEE:** Even in those days, I take it, the  
21 notes would be sequential?

22                   **MR. DESROSIERS:** Yes.

23                   **MR. LEE:** The pages would be numbered?

24                   **MR. DESROSIERS:** I would number the pages.

25                   **MR. LEE:** The pages would be numbered?

1                   **MR. DESROSIERS:** Yes.

2                   **MR. LEE:** Obviously you would have dates?

3                   **MR. DESROSIERS:** Yes.

4                   **MR. LEE:** Can I assume that a police officer  
5 such as yourself would have at least one entry in a  
6 notebook for every day that you work?

7                   **MR. DESROSIERS:** There would be an entry in  
8 one of my loose-leaf pages depending on the investigations  
9 I was working on at the time, yes.

10                   **MR. LEE:** And now that it's a bound  
11 notebook?

12                   **MR. DESROSIERS:** Now it's a bound notebook.  
13 It's chronological.

14                   **MR. LEE:** But, I mean, even if -- as an  
15 example, even if you ---

16                   **MR. DESROSIERS:** If I come to work today,  
17 today will show the date I'm at work, where I am, what I'm  
18 doing.

19                   **MR. LEE:** Okay. You're to write on every  
20 line of the notebook, I take it?

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

22                   **MR. LEE:** Is there ever a situation where  
23 you may, for whatever reason, need to leave blank spaces?

24                   **MR. DESROSIERS:** For redaction, if it's a  
25 disclosure ---

1                   **MR. LEE:** No, no, I'm talking about when  
2                   you're actually taking the notes. I'm not concerned about  
3                   ---

4                   **MR. DESROSIERS:** For myself?

5                   **MR. LEE:** Yes.

6                   **MR. DESROSIERS:** I don't leave an empty  
7                   line.

8                   **MR. LEE:** And you don't skip pages, I take  
9                   it?

10                  **MR. DESROSIERS:** No.

11                  **MR. LEE:** You touched a moment ago on --  
12                  when I was asking you -- I asked you what -- whether or not  
13                  the processes and the practices for note-keeping have  
14                  changed over the years. You said they did.

15                  One of the things you said was that your  
16                  notes need to be detailed, essentially, and you said you  
17                  don't need to put absolutely everything in your notes, but  
18                  you need to make note of certain important events  
19                  throughout an investigation. Is that correct?

20                  **MR. DESROSIERS:** Well, if it's involving an  
21                  investigation, yes, I would be putting the notes of what  
22                  I'm doing for that investigation, information I received,  
23                  phone calls I've made.

24                  **MR. LEE:** Can you give me an example of  
25                  something that might occur during the course of an

1 investigation that would not necessarily need to be noted  
2 in your notebook?

3 **MR. DESROSIERS:** Maybe I should rephrase  
4 what I said but, you know, anything involved with the  
5 investigation should be -- there should be a recording of  
6 what you did.

7 **MR. LEE:** Any contact with the accused, I  
8 take it, obviously?

9 **MR. DESROSIERS:** Any contact with anybody,  
10 yes, about ---

11 **MR. LEE:** Complainants, witnesses?

12 **MR. DESROSIERS:** Yes.

13 **MR. LEE:** Other police forces?

14 **MR. DESROSIERS:** Yes.

15 **MR. LEE:** What about your superiors?

16 **MR. DESROSIERS:** Any meetings with them  
17 about a certain case?

18 **MR. LEE:** Yes.

19 **MR. DESROSIERS:** Yes.

20 **MR. LEE:** Or if you seek advice from them,  
21 as an example?

22 **MR. DESROSIERS:** Yes.

23 **MR. LEE:** What about the -- let me give you  
24 a situation where you're working on a case where you have a  
25 complainant X and you're dealing with X throughout the

1 course of the investigation, and one day, on a day off,  
2 you're at the movie theatre and you run into X and you have  
3 a conversation. You're not working and you're not in  
4 uniform and you don't have a notebook. What's the protocol  
5 there?

6 **MR. DESROSIERS:** It would go in my notebook  
7 at the next possible time, as soon as I could do that.

8 **MR. LEE:** So you would go home and make a  
9 note of that contact?

10 **MR. DESROSIERS:** Or go the following day and  
11 make the notation.

12 **MR. LEE:** Is that a rule or is that just  
13 your practice?

14 **MR. DESROSIERS:** No, but it's a better  
15 practice.

16 **MR. LEE:** And why is that?

17 **MR. DESROSIERS:** Because it's something that  
18 may become important later on in the investigation.

19 **MR. LEE:** And I take it you're dealing with  
20 a great number of cases at any given time?

21 **MR. DESROSIERS:** Yes.

22 **MR. LEE:** And you can't be expected to  
23 remember every detail of every investigation?

24 **MR. DESROSIERS:** Unless I refer to my index  
25 to find where parts of the investigation are in that

1 notebook.

2 MR. LEE: And that's the point; you write it  
3 down?

4 MR. DESROSIERS: I can always find out where  
5 every page that has information about a certain  
6 investigation in my index that I keep.

7 MR. LEE: Would you agree with me that  
8 thorough and accurate note-keeping is extremely important  
9 for a police officer?

10 MR. DESROSIERS: Yes, and having experienced  
11 many court cases too where notebooks -- note-keeping was  
12 very important possibly or was an issue maybe brought up in  
13 the courtroom by a lawyer. So there was a lot of different  
14 areas where you learn also as you go ---

15 MR. LEE: So I take it ---

16 MR. DESROSIERS: --- what's more important  
17 to put in the notebook or how it should be put in your  
18 notebook compared to somebody just coming on. Obviously  
19 you gain experience in maintaining a notebook ---

20 MR. LEE: So would you get ---

21 MR. DESROSIERS: --- as you gain the  
22 experience.

23 MR. LEE: When you get put through the  
24 ringer by a defence lawyer a couple of times, you learn to  
25 ---

1                   **MR. DESROSIERS:** No, not to say I have.

2                                   **(LAUGHTER/RIRES)**

3                   **MR. LEE:** You were asked a number of  
4 questions about the Carl Allen investigation.

5                   **MR. DESROSIERS:** Yes.

6                   **MR. LEE:** And the complainant in that was C-  
7 10 ---

8                   **MR. DESROSIERS:** Correct.

9                   **MR. LEE:** --- as you'll recall. And one of  
10 the things you were asked about was the resolution at the  
11 end of the matter in terms of the peace bond and some of  
12 the conditions that were imposed or not imposed.

13                                   Do you recall that?

14                   **MR. DESROSIERS:** Yes.

15                   **MR. LEE:** And I take it you would agree with  
16 me that if there are concerns about the protection of  
17 children or the safety of the community, that the onus is  
18 on the Crown and the police rather than the victim to  
19 concern themselves with those issues?

20                   **MR. DESROSIERS:** Yes, I agree with that.

21                   **MR. LEE:** And I take it -- the reason I ask  
22 is that you asked -- you mentioned a couple of times during  
23 your evidence that C-10 had essentially signed off on the  
24 disposition or agreed with what was going to happen. Do  
25 you recall that?

1                   **MR. DESROSIERS:** Yes.

2                   **MR. LEE:** And I take it you're not trying to  
3 put any onus on the victim in that case to protect this  
4 community from sex offenders?

5                   **MR. DESROSIERS:** Definitely not, no.

6                   **MR. LEE:** Or to ensure that offenders are  
7 appropriately sentenced?

8                   **MR. DESROSIERS:** Yes, which is more a Crown  
9 decision.

10                  **MR. LEE:** Certainly not the ---

11                  **MR. DESROSIERS:** I think we have an input  
12 into the decision with the complainant at the time. Today,  
13 no decisions are made without having also the complainant  
14 there to have input on what they believe.

15                  **MR. LEE:** Right. And that's one of your  
16 roles, isn't it, as the investigating officer?

17                  **MR. DESROSIERS:** Well, yeah, that's one of  
18 my roles too is to be part of that meeting and we'll see  
19 what the best route to take would be.

20                  **MR. LEE:** And I take it, typically, as the  
21 investigating officer, you've developed a little bit more  
22 of a rapport with the complainant than the Crown has  
23 typically?

24                  **MR. DESROSIERS:** Yes, I would be meeting  
25 more with the complainant than the Crown ---

1                   **MR. LEE:** And your ---

2                   **MR. DESROSIERS:** --- in most cases.

3                   **MR. LEE:** Your relationship with the  
4 complainant would date back to an earlier time?

5                   **MR. DESROSIERS:** Yes.

6                   **MR. LEE:** And that's something that I take  
7 it you would discuss with the complainant, what he or she  
8 thinks would be an appropriate disposition and what they're  
9 hoping to get?

10                   **MR. DESROSIERS:** Normally it's brought at  
11 the meeting with the Crown.

12                   **MR. LEE:** With the Crown.

13                   And you recall doing that with C-10?

14                   **MR. DESROSIERS:** I recall a memory of that,  
15 yes.

16                   **MR. LEE:** And you recall that he was --  
17 after hearing the concerns of the Crown about the  
18 likelihood of conviction and the -- I suppose the utility  
19 of going through a trial, that C-10 agreed with the  
20 disposition that was being proposed?

21                   **MR. DESROSIERS:** Yes, he did.

22                   **MR. LEE:** And if there's any criticism that  
23 comes from the conditions that were imposed and a couple of  
24 conditions that weren't imposed, that criticism certainly  
25 wouldn't fall on C-10, would it?

1 MR. DESROSIERS: No.

2 MR. LEE: Can I have one moment, please,  
3 sir?

4 THE COMMISSIONER: Certainly.

5 (SHORT PAUSE/COURTE PAUSE)

6 MR. LEE: Those are my questions. Thank  
7 you.

8 MR. DESROSIERS: Thank you, sir.

9 THE COMMISSIONER: Thank you.

10 Mr. Neville?

11 MR. NEVILLE: Good afternoon, Commissioner.

12 THE COMMISSIONER: Good afternoon, sir.

13 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
14 NEVILLE:

15 MR. NEVILLE: Good afternoon, Officer  
16 Desrosiers, my name is Michael Neville. I represent Father  
17 Charles MacDonald ---

18 MR. DESROSIERS: Good afternoon.

19 MR. NEVILLE: --- and also the Estate of Ken  
20 Seguin and his family and as a result of previous counsel,  
21 I'll be, I think, quite brief.

22 You were asked some questions earlier by Mr.  
23 Horn about Mr. Dunlop.

24 MR. DESROSIERS: Yes.

25 MR. NEVILLE: Did you become aware -- I take

1 it you were on the Force in the fall of 1993?

2 MR. DESROSIERS: Yes, I was.

3 MR. NEVILLE: And through right up until  
4 today?

5 MR. DESROSIERS: Yes.

6 MR. NEVILLE: All right.

7 And I take it you became aware at some point  
8 that there was a controversy about Mr. Dunlop taking a  
9 complainant's statement to the Children's Aid Society?

10 MR. DESROSIERS: Correct.

11 MR. NEVILLE: And when did you become aware  
12 of that whole controversy, that topic?

13 MR. DESROSIERS: Through the media.

14 MR. NEVILLE: Through the media?

15 Now, I take it you also became aware through  
16 the media, in part, and confirm if you will, if it happened  
17 internally in the police department, that you became aware  
18 of proceedings under the *Police Services Act* for Mr.  
19 Dunlop?

20 MR. DESROSIERS: I don't have a recollection  
21 of it.

22 MR. NEVILLE: Okay. Did you become aware  
23 that Mr. Dunlop brought a multi-million dollar lawsuit?

24 MR. DESROSIERS: I believe possibly through  
25 an Association meeting, yes.

1                   **MR. NEVILLE:** Right.

2                   And I was going to refer you to that because  
3                   our Commissioner has heard evidence through previous  
4                   witnesses of a meeting in late November '97, and the  
5                   minutes reflect that you were there, where Mr. Dunlop  
6                   addressed the Association and sought help with his fees for  
7                   that law suit; correct.

8                   **MR. DESROSIERS:** Yes.

9                   **MR. NEVILLE:** So you were aware of the law  
10                  suit and that he was suing the Force; right?

11                  **MR. DESROSIERS:** Yes.

12                  **MR. NEVILLE:** The Police Services Board;  
13                  right?

14                  **MR. DESROSIERS:** Yes.

15                  **MR. NEVILLE:** And named members of the  
16                  Force?

17                  **MR. DESROSIERS:** Yes, I believe they were  
18                  all named.

19                  **MR. NEVILLE:** Right.

20                  So you are aware that there was some issues  
21                  involving Mr. Dunlop internally before anything that  
22                  involved complainants of yours?

23                  **MR. DESROSIERS:** Yes.

24                  **MR. NEVILLE:** All right.

25                  So let's just turn briefly, if I could,

1 Commissioner, I'd like to start for a moment with Exhibit  
2 1728.

3 **THE COMMISSIONER:** Yes.

4 **MR. NEVILLE:** These are some notes of  
5 Constable Desrosiers. I just want to refer the witness, if  
6 I could, Commissioner, to one page, it's Bates 362. The  
7 date is September 7<sup>th</sup>, 2000. Do you have that, Constable?

8 **MR. DESROSIERS:** Yes.

9 **MR. NEVILLE:** And the time entry is 8:40  
10 a.m.?

11 **MR. DESROSIERS:** Yes.

12 **MR. NEVILLE:** Have you found that  
13 Commissioner? You ---

14 **THE COMMISSIONER:** Oh, I have ---

15 **MR. NEVILLE:** --- you have it? Thank you.

16 You appear to be receiving some  
17 documentation through the receptionist at the Force having  
18 been dropped off -- that is the documents by your colleague  
19 at the OPP, Officer Genier?

20 **MR. DESROSIERS:** Correct.

21 **MR. NEVILLE:** And it turns out to be a copy  
22 of a statement by C-8 taken by a Porter, a Randy Porter, on  
23 the 24<sup>th</sup> of June 1996; correct.

24 **MR. DESROSIERS:** Correct.

25 **MR. NEVILLE:** And this would be very shortly

1 within a week or two of the start of a trial in which C-8  
2 was a named complainant?

3 MR. DESROSIERS: Correct.

4 MR. NEVILLE: To your recollection, was that  
5 the first you had seen that statement?

6 MR. DESROSIERS: Yes.

7 MR. NEVILLE: Now, just dealing with the  
8 same set of notes, if we could, and I'm not going to go  
9 into great detail about what actually happened on the date  
10 itself, but if you turn to the second last page with the  
11 time entry of 13:20 that's when C-8 in the pre-trial  
12 interview admits to his perjury, correct, in relation to  
13 the Toronto events? Have you found it?

14 MR. DESROSIERS: Bates page ---

15 MR. NEVILLE: Bates page, Commissioner, is  
16 63. It's the last two numbers.

17 THE COMMISSIONER: Well it -- okay, well, it  
18 starts there but really when he talks about the  
19 recantation, it's on 64.

20 MR. NEVILLE: It is sir, yes.

21 THE COMMISSIONER: Yes.

22 MR. NEVILLE: Yes. I just wanted to make  
23 sure that we had the start so -- in case you were looking  
24 for a time.

25 THE COMMISSIONER: Yes.

1                   **MR. NEVILLE:** Have you found it, Constable?

2                   **MR. DESROSIERS:** Yes.

3                   **MR. NEVILLE:** All right. What I am  
4 interested in then is this.

5                               It looks like -- and I'm just going by the  
6 times you've entered -- the interview with the Crown  
7 present starts at 1:20. And we see an entry of 1:25,  
8 13:25, Miss Wilhelm leaves, I guess in light of what was  
9 starting to happen; right?

10                   **MR. DESROSIERS:** Yes.

11                   **MR. NEVILLE:** I suspect we may hear from  
12 her, but I presume to avoid being a witness and leave it to  
13 you; right?

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

15                   **MR. NEVILLE:** All right.

16                               And then it appears that you then speak with  
17 C-8 from 1:25 to 1:36?

18                   **MR. DESROSIERS:** Yes.

19                   **MR. NEVILLE:** And then you start the formal  
20 statement that we now have as -- and our Commissioner has  
21 as Exhibit 1729?

22                   **MR. DESROSIERS:** Yes.

23                   **MR. NEVILLE:** All right.

24                               So something goes on between you and C-8 by  
25 way of conversation on the topic for some 10 to 11 minutes?

1                   **MR. DESROSIERS:** Yes.

2                   **MR. NEVILLE:** And I take it -- is it all  
3 necessarily reflected in the written statement, the things  
4 that he was telling you?

5                   **MR. DESROSIERS:** Not all of it. He was very  
6 emotional. Crying.

7                   **MR. NEVILLE:** Okay. And I'm going -- we  
8 have the statement and I'm not going to get into that in  
9 great detail, but if I could just ask the witness to look  
10 at it briefly, Commissioner. It's Exhibit 1729. Do you  
11 have it there, sir?

12                   **MR. DESROSIERS:** Yes.

13                   **MR. NEVILLE:** It's on page 2 of the text.

14                   **MR. DESROSIERS:** Yes.

15                   **MR. NEVILLE:** The second question from the  
16 top. You ask him:

17                                "Why did you state an incident occurred  
18                                between you and Marcel Lalonde in  
19                                Toronto when you now state it did not  
20                                happen?"

21                   And you have recorded the following:

22                                "Only because I felt it would put the  
23                                son-of-a-bitch away because the way my  
24                                niece lied about me, I'm not like that.  
25                                The truth is the truth."

1                   Now, what did you, if anything, understand  
2                   him to mean when he said as some kind of explanation,  
3                   "Because the way my niece lied about me". What did you  
4                   understand he meant?

5                   **MR. DESROSIERS:** My knowledge of that I  
6                   understood was that there was some inappropriateness that  
7                   had occurred.

8                   **MR. NEVILLE:** Well, didn't you understand  
9                   that he had been charged and on a plea of guilty convicted  
10                  of sexual ---

11                  **MR. DESROSIERS:** Well, that's the incident  
12                  that I am talking about.

13                  **MR. NEVILLE:** Right.

14                  **MR. DESROSIERS:** I just didn't know if it  
15                  was appropriate to bring it up.

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

17                  **MR. NEVILLE:** But what I'm getting at is ---

18                  **MR. DESROSIERS:** That's what it was, yes.

19                  **MR. NEVILLE:** Right. Well, what we're  
20                  getting at, sir, is this. This event -- and where you take  
21                  the statement -- is on the 9<sup>th</sup>, sorry the 7<sup>th</sup> of September,  
22                  2000?

23                  **MR. DESROSIERS:** Yes.

24                  **MR. NEVILLE:** And the Commissioner knows  
25                  that the conviction was a plea in late February of '97, so

1           some three-and-a-half years before. I take it when he says  
2           this, that that means something to you. You knew what he  
3           was talking about?

4                   **MR. DESROSIERS:** Yes, I knew that before.

5                   **MR. NEVILLE:** Okay.

6                   **MR. DESROSIERS:** From Constable Genier.

7                   **MR. NEVILLE:** So you knew of his conviction  
8           and the essence of what it was about?

9                   **MR. DESROSIERS:** Yes. I don't know when.  
10          Not at the beginning of the investigation, but later in  
11          years.

12                   **MR. NEVILLE:** Right.

13                   **MR. DESROSIERS:** I was told about ---

14                   **MR. NEVILLE:** Well, did you know it involved  
15          an allegation of -- of sexual abuse of his niece?

16                   **MR. DESROSIERS:** Yes.

17                   **MR. NEVILLE:** All right. And so did -- and  
18          you knew he had been convicted?

19                   **MR. DESROSIERS:** Yes.

20                   **MR. NEVILLE:** And yet he says, as some kind  
21          of explanation for his perjury, "The way my niece lied  
22          about me"; right?

23                   **MR. DESROSIERS:** Right.

24                   **MR. NEVILLE:** Did you ask him what he meant  
25          by that?

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

2                   **MR. NEVILLE:** All right.

3                   So let me just refer you if I could ---

4                   **THE COMMISSIONER:** But he does temper that  
5 by saying, "I'm not like that."

6                   **MR. NEVILLE:** I'm not sure quite frankly,  
7 sir, what that means, "I'm not like that. The truth..." --  
8 -

9                   **THE COMMISSIONER:** "The truth ..." ---

10                  **MR. NEVILLE:** --- "...is the truth."  
11 And, again, sir, I was going to ask the  
12 witness that.

13                  **THE COMMISSIONER:** Okay.

14                  **MR. NEVILLE:** What did you take him to mean  
15 by that, if anything? "I'm not like that."

16                  **MR. DESROSIERS:** It's not something he would  
17 do.

18                  **MR. NEVILLE:** Pardon me?

19                  **MR. DESROSIERS:** It's not something he would  
20 do.

21                  **MR. NEVILLE:** Even though he had pleaded  
22 guilty to it?

23                  **MR. DESROSIERS:** Yes.

24                  **THE COMMISSIONER:** No, no, no.

25                  **MR. DESROSIERS:** Can't answer it.

1                   **THE COMMISSIONER:** No, I'm sorry. Go ahead.

2                   **MR. NEVILLE:** Now, just moving along, sir,  
3 going back to your notes where we were.

4                   **MR. DESROSIERS:** Yes.

5                   **MR. NEVILLE:** All right?

6                   Now, could I -- we have the statement  
7 finished at 14:10, as reflected in your notes?

8                   **MR. DESROSIERS:** Yes.

9                   **MR. NEVILLE:** Now, could I ask the witness,  
10 Commissioner, to look briefly at Exhibit 1401.

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

12                   **MR. DESROSIERS:** Yes.

13                   **MR. NEVILLE:** During your testimony in-chief  
14 with Ms. Simms yesterday, sir, you indicated that -- and  
15 you've touched on it a bit today, that you knew that the  
16 perjury issue involving C-8 had been turned over to someone  
17 else for investigation?

18                   **MR. DESROSIERS:** Yes.

19                   **MR. NEVILLE:** And you mentioned, I think, it  
20 was Acting Sergeant Lefebvre?

21                   **MR. DESROSIERS:** Yes, Sergeant Lefebvre.

22                   **MR. NEVILLE:** And were you aware that Staff  
23 Sergeant Derochie was monitoring this?

24                   **MR. DESROSIERS:** No, not necessarily, no.

25                   **MR. NEVILLE:** Well, one of the things that

1       you told the Commissioner yesterday in-chief was that you  
2       did read various supplementary follow-up occurrence reports  
3       about this investigation?

4                   **MR. DESROSIERS:** Yes.

5                   **MR. NEVILLE:** All right.

6                   Well, let's look at this document, Exhibit  
7       1401. It's entitled, Supplementary Occurrence Report. And  
8       you can see that the author is Staff Sergeant Derochie?

9                   **MR. DESROSIERS:** Correct.

10                  **MR. NEVILLE:** Right. Correct?

11                  **MR. DESROSIERS:** Yes.

12                  **MR. NEVILLE:** All right. Now, if we just  
13       look at the second paragraph or at least what appears to be  
14       paragraph, starting with, "During the interview"?

15                  **MR. DESROSIERS:** Yes.

16                  **MR. NEVILLE:** All right.

17                  **THE COMMISSIONER:** The ---

18                  **MR. NEVILLE:** Just stop for a moment ---

19                  **THE COMMISSIONER:** Sorry.

20                  **MR. NEVILLE:** This document is authored by  
21       Staff Sergeant Derochie. Do you recall now whether the  
22       Staff Sergeant, that is Mr. Derochie, has spoke to you at  
23       some point, given the fact that you were personally a  
24       witness to the admission? He must have.

25                  **MR. DESROSIERS:** Yes, I must have talked to

1 him, yes.

2 MR. NEVILLE: Right. And this is likely  
3 reflecting his conversation with you?

4 MR. DESROSIERS: Yes. That's correct.

5 MR. NEVILLE: Because the only person who  
6 could tell him these things apart from C-8 himself is  
7 yourself.

8 MR. DESROSIERS: That's correct.

9 MR. NEVILLE: Because Ms. Wilhelm had left?

10 MR. DESROSIERS: Yes.

11 MR. NEVILLE: All right.

12 MR. DESROSIERS: That's correct.

13 MR. NEVILLE: So what he's recorded is:

14 "During the interview, C-8 informed  
15 Constable Derochie and Wilhelm..."

16 So obviously for the portion she's there:

17 "... that he had given perjured evidence  
18 [et cetera]. He went on to explain  
19 that Dunlop had told him that for  
20 purpose of a civil action in relation  
21 to the same allegations for which  
22 Lalonde was charged would have been  
23 official if an incident had occurred at  
24 or in relation to Lalonde's position as  
25 an employee of the catholic school

1 board. That is to say, Lalonde had  
2 limited assets but the school board had  
3 in effect 'deep pockets'."

4 Now, if we look at the statement, Exhibit  
5 1479, or your notes for that day, we don't see the phrase  
6 "deep pockets".

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

8 **MR. NEVILLE:** But you confirm for us that  
9 for some 10 or 11 minutes you and C-8 discuss the  
10 situation, and I'm going to suggest to you that this is  
11 reflective of one of the things he said about his  
12 interaction with Mr. Dunlop that's not reflected in your  
13 notes or the statement, the use of the phrase "deep  
14 pockets"?

15 **MR. DESROSIERS:** That's -- it's possible.

16 **MR. NEVILLE:** Then it says:

17 "C-8 took Dunlop's advice and  
18 fabricated a story which would result  
19 in the school board being liable."

20 Do you recall expressing it that way to  
21 Staff Sergeant Derochie?

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

23 **MR. NEVILLE:** All right.

24 **MR. DESROSIERS:** And this written in 2001,  
25 later, in May.

1                   **MR. NEVILLE:** Well, that's the time that  
2 report is done. If you look up at the top you'll see the  
3 date, 2000-09-07.

4                   **MR. DESROSIERS:** The date that it was  
5 entered as an occurrence.

6                   **MR. NEVILLE:** Right. All right, so do you  
7 recall whether you said what I just read out, "Took  
8 Dunlop's advice and fabricated a story"?

9                   **MR. DESROSIERS:** It's possible, yes.

10                  **MR. NEVILLE:** All right, that's fine.

11                  Now, you were also asked yesterday in-chief  
12 about whether you learned about the outcome of the perjury  
13 investigation vis-à-vis C-8?

14                  **MR. DESROSIERS:** Through the supplementary  
15 reports, I did.

16                  **MR. NEVILLE:** Right. Well, you were also  
17 asked by Ms. Simms if you ever heard where it ended up,  
18 what did it lead to; right?

19                  **MR. DESROSIERS:** Right.

20                  **MR. NEVILLE:** And you had two answers you  
21 gave, one on page 108 from yesterday was:

22                                 "You were advised there would be no  
23 charge because of 'insufficient  
24 evidence'."

25                                 Right?

1                   **MR. DESROSIERS:** Yes.

2                   **MR. NEVILLE:** And then on page 109 you said  
3 in relation to no charge:

4                               "Because of his emotional state he was  
5 going through."

6                   **MR. DESROSIERS:** Right.

7                   **MR. NEVILLE:** So I take it at some point you  
8 were advised of what factor or factors were taken in  
9 account in not laying a charge?

10                   **MR. DESROSIERS:** I read that through  
11 preparing myself, yeah.

12                   **MR. NEVILLE:** All right. That's what I want  
13 to refer you to then. Exhibit, Commissioner, 1403.

14                               You have it, sir?

15                   **MR. DESROSIERS:** Yes, sir.

16                   **MR. NEVILLE:** All right.

17                               If I could refer, Constable Desrosiers,  
18 Commissioner, to Bates page ending in 2865.

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

20                   **MR. DESROSIERS:** Yes.

21                   **MR. NEVILLE:** You'll see a dotted line or a  
22 line of stars almost dead centre, and right below it you'll  
23 see the date of January 17<sup>th</sup>, 2001?

24                   **MR. DESROSIERS:** Yes.

25                   **MR. NEVILLE:** All right. And this appears

1 to be an itemizing of the factors taken into account,  
2 ultimately in consultation with Ms. Wilhelm, the Crown, as  
3 to not laying charges?

4 MR. DESROSIERS: Yes.

5 MR. NEVILLE: And if you look at it with me,  
6 you'll see the decision not to is based on the following  
7 and there's a bunch of items listed; right?

8 MR. DESROSIERS: Yes.

9 MR. NEVILLE: Now, the first one says:

10 "No charges were ever laid based on the  
11 false allegations of the Toronto sexual  
12 assaults."

13 But in point of fact, is it not correct that  
14 C-8 testified to those events?

15 MR. DESROSIERS: Yes, he did at the prelim,  
16 yes.

17 MR. NEVILLE: So, while it may be correct to  
18 say there wasn't a specific count on an information or an  
19 indictment, he testified to the so-called abuse ---

20 MR. DESROSIERS: Yes.

21 MR. NEVILLE: --- which happened and then in  
22 the end was perjury?

23 MR. DESROSIERS: Yes.

24 MR. NEVILLE: But he gave the evidence;  
25 right?

1                   **MR. DESROSIERS:** Yes, he did.

2                   **MR. NEVILLE:** All right.

3                   Then they talk -- the next factor is the  
4 voluntarily coming forward; right?

5                   **MR. DESROSIERS:** Yes.

6                   **MR. NEVILLE:** The next factor appears to  
7 correspond with one of your answers yesterday, the "fragile  
8 psychological state"; right?

9                   **MR. DESROSIERS:** Yes.

10                  **MR. NEVILLE:** Now, look at the next one.

11                   "Although there is no evidence of overt  
12 actions by other individuals to cause  
13 C-8 to perjure himself, it is evident  
14 that individuals [in the plural] took  
15 advantage of his mental state to  
16 further their own agendas."

17                   You became aware of that factor?

18                  **MR. DESROSIERS:** When reading this past few  
19 weeks, yes.

20                  **MR. NEVILLE:** Okay.

21                  **MR. DESROSIERS:** In preparing.

22                  **MR. NEVILLE:** Are you saying to us that you  
23 only became aware of this group of factors in recent  
24 preparation?

25                  **MR. DESROSIERS:** Yes.

1                   **MR. NEVILLE:** You didn't learn it back then  
2                   in reading occurrence reports?

3                   **MR. DESROSIERS:** No. This is the occurrence  
4                   reports I'm referring to.

5                   **MR. NEVILLE:** Oh, fair enough. So this is a  
6                   recent knowledge on your part?

7                   **MR. DESROSIERS:** Yes.

8                   **MR. NEVILLE:** All right, that's fine.

9                   Now, can I ask, next look briefly with you,  
10                  Commissioner, with the witness, at Exhibit 1730; again,  
11                  notes of the constable.

12                  **MR. DESROSIERS:** Yes.

13                  **MR. NEVILLE:** All right. I'm interested in  
14                  referring you to Bates page, Commissioner, 336.

15                  **THE COMMISSIONER:** Yes.

16                  **MR. NEVILLE:** A time entry of 1341.

17                  **MR. DESROSIERS:** Yes, I have it.

18                  **MR. NEVILLE:** You have it?

19                  **MR. DESROSIERS:** Yes.

20                  **MR. NEVILLE:** So this -- these are notes of  
21                  a meeting with C-8 and the Crown and yourself?

22                  **MR. DESROSIERS:** Yes.

23                  **MR. NEVILLE:** And this is some -- a few days  
24                  later after the admission. In fact, to be precise, it's  
25                  five days later, on the 12<sup>th</sup> of September; right?

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

2                   **MR. NEVILLE:** Where he has decided that he  
3 still wishes to testify?

4                   **MR. DESROSIERS:** Correct.

5                   **MR. NEVILLE:** And then he says -- four lines  
6 above the entry 1350:

7                                    "He then advised Claudette Wilhelm that  
8 Perry Dunlop had called him from B.C.  
9 and left him a number which is in his  
10 truck."

11                   And then you go out with C-8 to his truck  
12 and he provides to you a telephone number with a B.C. area  
13 code?

14                   **MR. DESROSIERS:** Yes.

15                   **MR. NEVILLE:** Which you took to be Mr.  
16 Dunlop's phone number?

17                   **MR. DESROSIERS:** At that time, yes ---

18                   **MR. NEVILLE:** Right.

19                   **MR. DESROSIERS:** --- I believe.

20                   **MR. NEVILLE:** Now, did you ever -- did it  
21 cross your mind at that point why Mr. Dunlop would be  
22 calling C-8 at that particular time?

23                   **MR. DESROSIERS:** From the fact that Mr.  
24 Nadeau and Perry were maybe talking to each other ---

25                   **MR. NEVILLE:** Right.

1                   **MR. DESROSIERS:** --- because there was  
2 evidence of that later on, obviously, at some point.

3                   **MR. NEVILLE:** Well we -- yes, one of the  
4 other lawyers took you through some notes of yours on that  
5 topic.

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

7                   **MR. NEVILLE:** What I'm curious about here is  
8 this. First of all, we know by the date that Mr. Dunlop is  
9 gone from the Force, he left at the end of June 2000 and in  
10 fact he and his family had moved to B.C.?

11                   **MR. DESROSIERS:** Yes.

12                   **MR. NEVILLE:** He was no longer a police  
13 officer, certainly not here?

14                   **MR. DESROSIERS:** Correct.

15                   **MR. NEVILLE:** And yet he's phoning one of  
16 your complainants; that must have concerned you?

17                   **MR. DESROSIERS:** It did, and we spoke with  
18 the Crown but we didn't further ---

19                   **MR. NEVILLE:** I understand, but I'm also  
20 concerned about this; that he's calling him by coincidence  
21 right after Mr. C-8 has -- I won't say accused Mr. Dunlop,  
22 but certainly connected him in the wider sense to the fact  
23 that he had perjured himself.

24                   Did you make that connection?

25                   **MR. DESROSIERS:** Yes. I don't have a time

1 when he received that phone call.

2 MR. NEVILLE: Right.

3 MR. DESROSIERS: But ---

4 MR. NEVILLE: Well, did it occur to someone  
5 to contact Dunlop and instruct him, as best you could, as  
6 now a civilian, to cease calling complainants, in  
7 particular this person?

8 MR. DESROSIERS: It wasn't done at that  
9 time. It was done prior, when he was a policeman.

10 MR. NEVILLE: Right. But the landscape has  
11 changed a little bit, hasn't it?

12 MR. DESROSIERS: Yes.

13 MR. NEVILLE: Right.

14 MR. DESROSIERS: No, there was no call made  
15 to him.

16 MR. NEVILLE: Nothing, all right.

17 Now, I don't think you were asked in-chief  
18 to give the full text, but perhaps for the sake of the  
19 record we ought to have it and I'd refer you, if you could,  
20 please, to Bates page 340, time entry of 12:30.

21 MR. DESROSIERS: Yes.

22 MR. NEVILLE: Now, this is where you learn  
23 about Mr. Nadeau calling C-8?

24 MR. DESROSIERS: Yes.

25 MR. NEVILLE: And putting it in the bluntest

1 terms, he was threatening him, wasn't he; right?

2 MR. DESROSIERS: Yes. Not in the criminal  
3 sense but he was threatening to ---

4 MR. NEVILLE: Well ---

5 MR. DESROSIERS: --- not to harm him but to  
6 ---

7 MR. NEVILLE: I don't want to get in a legal  
8 debate here, sir, but ---

9 MR. DESROSIERS: No.

10 THE COMMISSIONER: If you don't do this I  
11 will do that, that's the way we mean the threat.

12 MR. NEVILLE: Okay, yes, right.

13 And what the threat was and you've recorded  
14 it, in fact, I think, in two places, which you confirmed  
15 for us, and I think Mr. Commissioner has the full exhibit.  
16 You have it in your notes at the bottom of that page;  
17 correct?

18 MR. DESROSIERS: Yes.

19 MR. NEVILLE: And if you turn over two pages  
20 to Bates page 342 ---

21 MR. DESROSIERS: Yes.

22 MR. NEVILLE: --- you seem to have it again.

23 MR. DESROSIERS: Yes.

24 MR. NEVILLE: And this is something you  
25 transcribed listening to the tape or the voice message on

1 C-8's ---

2 MR. DESROSIERS: When we were outside of the  
3 police station, yes.

4 MR. NEVILLE: And the full text was -- and I  
5 won't use the first name, Dick Nadeau -- that is, he's  
6 identifying himself:

7 "You better get in touch with me  
8 because if I don't hear from you within  
9 the next hour, I'm just gonna start  
10 writing, okay, about your relationship  
11 with Ron, your neice (sic), your  
12 smuggling. You call it, okay. So call  
13 me back."

14 MR. DESROSIERS: Right.

15 MR. NEVILLE: What did you understand  
16 Nadeau to mean when he made a threat about writing about C-  
17 8's relationship with Ron? What, if anything, did you  
18 understand that to mean?

19 MR. DESROSIERS: I didn't have much  
20 information about him ---

21 MR. NEVILLE: Did you know what it meant?  
22 Did you know what he'd meant at all?

23 MR. DESROSIERS: No, not that I can recall.

24 MR. NEVILLE: You certainly knew -- sorry?

25 MR. DESROSIERS: Not that I can recall.

1                   **MR. NEVILLE:** All right.  
2                   You certainly knew what the niece reference  
3                   was.

4                   **MR. DESROSIERS:** Yes.

5                   **MR. NEVILLE:** All right.

6                   And the smuggling is obviously a threat to  
7                   accuse him in some public way of being a smuggler?

8                   **MR. NEVILLE:** Yes.

9                   **MR. NEVILLE:** Now, you knew that when Mr.  
10                  Nadeau -- I'm going to suggest this; that you knew that  
11                  when Mr. Nadeau says, as you heard for yourself, "I'm just  
12                  gonna start writing", you knew he likely meant writing and  
13                  posting to his website; didn't you?

14                  **MR. DESROSIERS:** Possibly. I didn't ---

15                  **MR. NEVILLE:** Sure.

16                  **MR. DESROSIERS:** --- at that time, you know.

17                  **MR. NEVILLE:** So ---

18                  **MR. DESROSIERS:** It didn't maybe come across  
19                  right away, but ---

20                  **MR. NEVILLE:** Pardon?

21                  **MR. DESROSIERS:** Maybe not right at that  
22                  time, I wasn't thinking that's what ---

23                  **MR. NEVILLE:** Well, I'm ---

24                  **MR. DESROSIERS:** --- he was talking about.

25                  **MR. NEVILLE:** --- going to suggest that at

1           some point shortly thereafter ---

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

3                       **MR. NEVILLE:** --- you put two and two  
4 together.

5                       **MR. DESROSIERS:** Right.

6                       **MR. NEVILLE:** That's what Mr. Nadeau was  
7 most known for at ---

8                       **MR. DESROSIERS:** Yes.

9                       **MR. NEVILLE:** --- that time ---

10                      **MR. DESROSIERS:** Yes.

11                      **MR. NEVILLE:** --- around here; wasn't he?

12                      **MR. DESROSIERS:** Yes.

13                      **MR. NEVILLE:** Yes.

14                      So he was going to put these things about C-  
15 8 on a website; right?

16                      **MR. DESROSIERS:** Correct.

17                      **MR. NEVILLE:** If C-8 didn't get hold of him.  
18 And I'm going to suggest that what you understood was  
19 happening here was this, if C-8 didn't get hold of him and  
20 cooperate with the lawsuit, this is what was going to  
21 happen.

22                      **MR. DESROSIERS:** Possible, yes.

23                      **MR. NEVILLE:** That's extortion; isn't it?

24                      **THE COMMISSIONER:** Well ---

25                      **MR. NEVILLE:** Or an attempt?

1                   **THE COMMISSIONER:** I don't know that --  
2                   well, you're putting to him a position that "You'd better  
3                   get in touch with me" means that he wants you to cooperate  
4                   with the lawsuit. I could be a ---

5                   **MR. NEVILLE:** Yes, I agree, sir.

6                   **THE COMMISSIONER:** Okay.

7                   **MR. NEVILLE:** I'm suggesting what one ---

8                   **THE COMMISSIONER:** Yes.

9                   **MR. NEVILLE:** --- possibility here is,  
10                  because if we turn over to the next page in your notes --  
11                  -

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

13                  **MR. NEVILLE:** --- and this was covered in  
14                  more detail by Ms. Daley, you've got quite a series of  
15                  entries there that she explored with you about that very  
16                  topic.

17                  **MR. DESROSIERS:** Right.

18                  **MR. NEVILLE:** So I'm going to suggest to you  
19                  this, sir, that when C-8 is going through this whole  
20                  exercise with you, as reflected on both pages, he made that  
21                  connection.

22                  **MR. DESROSIERS:** I don't know if he did. I  
23                  can't recall if he did.

24                  **MR. NEVILLE:** I'm suggesting to you that  
25                  that's likely what's happening here. You cooperate or this

1 is what'll happen. It's possible?

2 **MR. DESROSIERS:** Yes, sir.

3 **MR. NEVILLE:** Now, just one last ---

4 **THE COMMISSIONER:** Can I just stop you there  
5 for a second? So as I understand it -- and I just want to  
6 get the chronology -- C-8 comes to the Crown and you and  
7 says, "Look it, I lied," and that's on September ---

8 **MR. NEVILLE:** Seventh (7<sup>th</sup>).

9 **THE COMMISSIONER:** --- 7<sup>th</sup>. C-8 tells you on  
10 September 12<sup>th</sup> that he received a phone call from Nadeau and  
11 he's recorded it?

12 **MR. DESROSIERS:** Yes.

13 **THE COMMISSIONER:** Okay. So Mr. Neville  
14 wants you to make a link that it has to do with the  
15 lawsuit. Could it also -- it could also be that he somehow  
16 learned about C-8's recantation. Would that be possible?

17 **MR. DESROSIERS:** It could be, but I wouldn't  
18 know who -- how that person would have found that out.

19 **THE COMMISSIONER:** Okay.

20 **MR. DESROSIERS:** Because we were in private  
21 when it was said. I don't know if C-8 said something else  
22 later to somebody else ---

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

24 **MR. DESROSIERS:** --- and it got back to some  
25 -- to another person.

1                   **THE COMMISSIONER:** Okay. Mr. Neville?

2                   **MR. NEVILLE:** Thank you, Commissioner.

3                   **THE COMMISSIONER:** You can go ahead.

4                   **MR. NEVILLE:** One last brief point and I'm  
5 done. Thank you, sir.

6                   I just want to touch very quickly and just  
7 for the sake of keeping the record straight, particularly  
8 for the public's benefit, you were asked about the  
9 resolution of the C-10 complaint ---

10                  **MR. DESROSIERS:** Yes.

11                  **MR. NEVILLE:** --- with the peace bond?

12                  **MR. DESROSIERS:** Correct.

13                  **MR. NEVILLE:** And you said, among other  
14 things, he would be satisfied because he would not have to  
15 testify and I think the phrase you gave in-chief was "and  
16 he would get or have a conviction". And I just want you to  
17 ---

18                  **THE COMMISSIONER:** He what?

19                  **MR. NEVILLE:** He would have a conviction.

20                  **THE COMMISSIONER:** Right, right.

21                  **MR. NEVILLE:** And I just want to have you  
22 confirm -- which I think is evident to His Honour as a  
23 lawyer and a judge and all the rest of us -- that a peace  
24 bond is not a conviction?

25                  **MR. DESROSIERS:** You're right, yes.

1                   **MR. NEVILLE:** Thank you. That's all.

2                   **THE COMMISSIONER:** Thank you.

3                   Mr. Chisholm?

4                   **MR. CHISHOLM:** Good afternoon, sir.

5                   Good afternoon, Constable. My name's Peter Chisholm. I'm  
6                   counsel for the CAS. I have no questions for you.

7                   Mr. Commissioner, during Mr. Neville's  
8                   cross-examination, there was a reference to C-8's surname  
9                   during ---

10                  **THE COMMISSIONER:** Yes.

11                  **MR. CHISHOLM:** You caught that?

12                  **THE COMMISSIONER:** Yes.

13                  **MR. CHISHOLM:** Thank you.

14                  **THE COMMISSIONER:** Maître Rouleau?

15                  **Me ROULEAU:** I have no questions, sir.

16                  **THE COMMISSIONER:** Thank you.

17                  Mr. Kloeze?

18                  **MR. KLOEZE:** I have no questions, sir.

19                  **THE COMMISSIONER:** Thank you. Ms.

20                  Robitaille is not here.

21                  Ms. Lahaie?

22                  **MS. LAHAIE:** No questions, Mr. Commissioner.

23                  **THE COMMISSIONER:** Mr. Carroll?

24                  **MR. CARROLL:** No questions. Thank you, sir.

25                  **THE COMMISSIONER:** Thank you.

1                   So that leaves you, sir, Mr. Manderville.

2                   And you have no questions? Okay.

3                   **MR. MANDERVILLE:** Just a few. Good  
4                   afternoon, Mr. Commissioner.

5                   **THE COMMISSIONER:** Good afternoon.

6                   **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

7                   **MANDERVILLE:**

8                   **MR. MANDERVILLE:** Good afternoon, Constable  
9                   Desrosiers.

10                  **MR. DESROSIERS:** Good afternoon, Mr.  
11                  Manderville.

12                  **MR. MANDERVILLE:** I have a few areas I want  
13                  to canvass with you and hopefully do so fairly briefly.

14                  In your examination in-chief with Ms. Simms,  
15                  she took you to the issue of the various photo albums that  
16                  were found at Marcel Lalonde's home.

17                  **MR. DESROSIERS:** Yes.

18                  **MR. MANDERVILLE:** Do you recall that?

19                  **MR. DESROSIERS:** I recall.

20                  **MR. MANDERVILLE:** And you reviewed the  
21                  photos in those albums?

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

23                  **MR. MANDERVILLE:** And you determined that it  
24                  was unnecessary to notify the CAS about the photos?

25                  **MR. DESROSIERS:** Yes.

1                   **MR. MANDERVILLE:** Can you tell me what  
2 factors you took into account in determining whether or not  
3 to notify the CAS?

4                   **MR. DESROSIERS:** Well, the photos were of  
5 people, teenagers 16-17, fully clothed that I saw. They  
6 were in the kitchen, in the living room. They were holding  
7 drinks. They were old photos, old Polaroids of -- and  
8 some were identified as certain complainants.

9                   The other pictures that we found were more -  
10 - were a pose and the person had looked older than 18 or 18  
11 or older, from my observations, and it was more of a pose,  
12 take my picture laying across the couch, something of this  
13 nature, naked. And there was a few of the same person that  
14 were in that file.

15                   **MR. MANDERVILLE:** Did any of the pictures  
16 depict sexual acts?

17                   **MR. DESROSIERS:** No, none did in the photo  
18 albums. There were also family pictures in the photo  
19 albums, Polaroid family pictures.

20                   **MR. MANDERVILLE:** Were you able to estimate  
21 how old the photos were -- the photo albums were?

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

23                   **MR. MANDERVILLE:** And again, during the  
24 course of Ms. Simms' examination of you, you spoke of C-45  
25 and his brother and they had given some indication that

1           there may be photo albums at Lalonde's house. Is that  
2           correct?

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

4                       **MR. MANDERVILLE:** To your knowledge, how  
5           long had it been since C-45 and his brother had been to  
6           Lalonde's home?

7                       **MR. DESROSIERS:** C-45, probably early '70s  
8           when he was there. That's where the allegations stem from.  
9           And for his brother, in the '70s as well.

10                      **MR. MANDERVILLE:** So we're talking ---

11                      **MR. DESROSIERS:** Mid-'70s.

12                      **MR. MANDERVILLE:** So we're talking ---

13                      **MR. DESROSIERS:** So we're talking ---

14                      **MR. MANDERVILLE:** Go ahead, sorry.

15                      **MR. DESROSIERS:** --- 20 some years ago, 28  
16           actually 40 -- my math is so bad there right now.

17                      **MR. MANDERVILLE:** More than 30 years  
18           previously?

19                      **MR. DESROSIERS:** I would say more, yes.  
20           More than 30 years.

21                      **MR. MANDERVILLE:** Did you know if Lalonde  
22           had changed addresses during that period of time?

23                      **MR. DESROSIERS:** Yes, he had. He had moved  
24           around.

25                      **MR. MANDERVILLE:** I take it then it would

1 have been pure speculation as to whether or not those photo  
2 albums continued to exist 30 years later?

3 **MR. DESROSIERS:** The photo albums seemed to  
4 have a stopping point, whereas it all seems to be for a  
5 specific amount of years and all of a sudden it just stops.  
6 There's no more pictures of young kids at his house,  
7 whether it be at his new home where he was placed under  
8 arrest.

9 There seems to be a period of time where  
10 everything stopped and the last complainant that we had was  
11 in the early '80s, and those pictures all seem to be for a  
12 timeframe of '70 to '80 and then all of a sudden everything  
13 stops. Like, there's no other pictures.

14 **MR. MANDERVILLE:** Changing the topic  
15 somewhat, at the very beginning of your evidence in-chief,  
16 you told us that one of your tasks with the Cornwall Police  
17 is PowerCase -- or to do the entries in the PowerCase Major  
18 Case Management; correct?

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

20 **MR. MANDERVILLE:** What does that involve?

21 **MR. DESROSIERS:** It involves threshold, non-  
22 threshold cases which involve homicides, attempted murders,  
23 all sexual assaults pertaining to children under the age of  
24 14, any sexual assault, including adults, found human  
25 remains where foul play is suspected, missing persons where

1 foul play is suspected.

2 It's a main database where we input that  
3 information, and every 24 hours it goes through an entire  
4 cycle of all information put in by police agencies in  
5 Ontario and you get a hit under a name, date of birth, even  
6 tattoos, involving another police service in Ontario,  
7 anything that's unique, that's close. And from there we  
8 can verify to see if there is a requirement to contact that  
9 police service and advise them that we have a hit of two  
10 possible people that may be the same person, and we check  
11 to see what kind of contact they had with that person and  
12 what kind of contact we had.

13 **MR. MANDERVILLE:** Am I correct in  
14 understanding you're the main officer designated to do the  
15 PowerCase entries?

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

17 **MR. MANDERVILLE:** How frequently would you  
18 be on the computer carrying out that task?

19 **MR. DESROSIERS:** Quite a bit, actually, now.  
20 Any threshold case has to be cross-referenced with any  
21 people you put in. Statements have to be cross-referenced.  
22 The system analyzes the statement and brings out areas of  
23 vehicles, other names, nicknames.

24 So it's a system where you can properly do  
25 the case and see things that you may not obviously analyze

1           when you're reading it. Also, you have to read it anyway  
2           because the machine is not infallible, the system, but it's  
3           a great managing tool for a major case investigation.

4                       **MR. MANDERVILLE:** Given that you're on it  
5           fairly frequently, in your experience, have you encountered  
6           any weaknesses in it or ways you think it could be  
7           improved?

8                       **MR. DESROSIERS:** The system is always  
9           improving, sir. If we see something that could be  
10          improved, we send a message to the Ontario Police College  
11          where the training is given and we -- and they will see if  
12          there's anything in that software that can be changed, if  
13          it would be something that would be good to do for the  
14          system.

15                      **MR. MANDERVILLE:** So over the years, since  
16          it's been in operation, have you noted changes in the  
17          software as you go on it?

18                      **MR. DESROSIERS:** Yes, I've received several  
19          amendments to the PowerCase system, yes -- a few  
20          amendments.

21                      **MR. MANDERVILLE:** Thank you very much,  
22          Constable Desrosiers.

23                      **THE COMMISSIONER:** Thank you.

24                      Ms. Simms?

25          --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MS. SIMMS:

1                   **MS. SIMMS:** I just have two brief things to  
2 clarify and then perhaps we can take a break and we'll ---

3                   **THE COMMISSIONER:** Change the witness, yes.

4                   **MS. SIMMS:** Constable Desrosiers, just very  
5 briefly, Ms. Daley mentioned the issue of some of the  
6 victims being involved in multiple prosecutions?

7                   **MR. DESROSIERS:** Yes.

8                   **MS. SIMMS:** And how that caused some  
9 distress. And I think you specifically mentioned C-66? Do  
10 you see that ---

11                   **MR. DESROSIERS:** I don't have ---

12                   **THE COMMISSIONER:** Do you have C-66?

13                   **MR. DESROSIERS:** I do not, sir.

14                   **MS. SIMMS:** Actually, Madam Clerk, maybe I  
15 can just refer to a document and you can -- Document Number  
16 102429.

17                   **THE REGISTRAR:** That was Exhibit 1590.

18                   **MS. SIMMS:** Fifteen-ninety (1590)? Okay.  
19 Thanks.

20                   **MR. DESROSIERS:** Yes.

21                   **MS. SIMMS:** This is a will say that you  
22 prepared regarding C-66?

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

24                   **MS. SIMMS:** Was that who you were thinking  
25 of when you were talking about a victim in particular who

1 was having some difficulties?

2 MR. DESROSIERS: Yes, that's correct.

3 MS. SIMMS: And just because I don't think  
4 you were referred to this, but this is a will say that you  
5 prepared?

6 MR. DESROSIERS: Yes.

7 MS. SIMMS: And what was the purpose of this  
8 will say; do you recall?

9 MR. DESROSIERS: The purpose was that I had  
10 a voice message from C-66. Is that the number?

11 MS. SIMMS: Well, just a second. Can I just  
12 ask, this was a voicemail you received in May of 1998;  
13 right?

14 MR. DESROSIERS: Yes, that's correct.

15 MS. SIMMS: And you're preparing this will-  
16 say statement in April of 2000?

17 MR. DESROSIERS: Yes, that's correct.

18 MS. SIMMS: Do you recall the purpose for  
19 which you prepared this will-say statement?

20 MR. DESROSIERS: Yes. I had received  
21 information from C-66 that the OPP wanted to contact him,  
22 wanted to meet with him and talk to him. It was my  
23 understanding at the time that he possibly was a victim of  
24 the Project Truth investigation.

25 He had just gotten through, in January of

1 1998, a terrible time in testifying at the preliminary of  
2 Marcel Lalonde. He was very fragile at that point  
3 throughout the process, and so I went to advise Sergeant  
4 Snyder of the phone call, and he advised me that he would  
5 look into the matter and contact the OPP and C-66.

6 **MS. SIMMS:** And that was the entirety of  
7 your involvement with this issue?

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

9 **MS. SIMMS:** Okay.

10 **THE COMMISSIONER:** But why did you do this  
11 will say in 2000, a couple of years later? What was the  
12 reason for doing the will say then?

13 **MR. DESROSIERS:** I cannot recall, Mr.  
14 Commissioner.

15 **MS. SIMMS:** Well, Constable Desrosiers, you  
16 are referring to another investigation in this will say.  
17 Do you recall if there were charges brought by the OPP with  
18 respect to another investigation?

19 **MR. DESROSIERS:** I believe there was, yes,  
20 but I don't know if that's what it was about.

21 **MS. SIMMS:** You don't recall if this will  
22 say was prepared for disclosure for their prosecution or  
23 not?

24 **MR. DESROSIERS:** No.

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

1                   **MS. SIMMS:** One other point that was raised  
2                   with Ms. Daley. She referred you to your notes regarding a  
3                   request that you made of Charles Bourgeois for a videotape?

4                   **MR. DESROSIERS:** Yes.

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

6                   **THE COMMISSIONER:** I thought it was an  
7                   audiotape, wasn't it?

8                   **MS. SIMMS:** Well, I'd just like to clarify  
9                   that.

10                  **THE COMMISSIONER:** Okay.

11                  **MS. SIMMS:** Because I was a bit confused  
12                  about that discussion.

13                  **MR. DESROSIERS:** Right.

14                  **MS. SIMMS:** So if I could refer you to your  
15                  notes that are at Exhibit 1715?

16                  **THE COMMISSIONER:** All right. What page?

17                  **MS. SIMMS:** Bates page 811.

18                  **THE COMMISSIONER:** Eight-one-one (811).

19                  M'hm.

20                  Are you there, sir?

21                  **MR. DESROSIERS:** Yes, I am.

22                  **THE COMMISSIONER:** February 29<sup>th</sup>.

23                  **MS. SIMMS:** So your entry on February 29<sup>th</sup> is  
24                  about you receiving a telephone call from Staff Sergeant  
25                  Derochie advising that Constable Dunlop had advised him

1           that his lawyer had not returned videotapes. Do you see  
2           that?

3                           **THE COMMISSIONER:** Videotapes.

4                           **MR. DESROSIERS:** Videotapes, yes.

5                           **MS. SIMMS:** So in that case, sir, he's  
6           referring to videotapes and he goes on to say that he  
7           doesn't know if they contain any information with respect  
8           to Marcel Lalonde; correct?

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

10                          **MS. SIMMS:** And as a result of this  
11           information, as we already discussed, you make several  
12           attempts to contact Mr. Bourgeois?

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

14                          **MS. SIMMS:** And you eventually do speak to  
15           him in mid-March -- or mid-May, 2000?

16                          **MR. DESROSIERS:** Of 2000, yes, that's  
17           correct.

18                          **MS. SIMMS:** And as I remember your  
19           testimony, he said he would look into it. Among other  
20           things, he said he'd look into it and get back to you if he  
21           found anything?

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

23                          **MS. SIMMS:** And then you didn't hear from  
24           him again?

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

1                   **MS. SIMMS:** So I'd like you to look at your  
2 notes from -- well, they're Exhibit 1726, and it's Bates  
3 page 099.

4                   **MR. DESROSIERS:** Yes.

5                   **THE COMMISSIONER:** No, no, it's not 099.

6                   **MS. SIMMS:** I'm sorry; Bates page 321. It  
7 actually starts at the very bottom of 320.

8                   So these are notes you made on June 1<sup>st</sup>,  
9 2000.

10                  **THE COMMISSIONER:** Hold on.

11                  **MR. DESROSIERS:** I'm not there yet.

12                  **THE COMMISSIONER:** No, that's why I'm saying  
13 hold on.

14                  So you're at Exhibit 1726?

15                  **MR. DESROSIERS:** Correct.

16                  **THE COMMISSIONER:** All right and you go to  
17 the end, close to it and it's -- the last three numbers are  
18 320.

19                  **MR. DESROSIERS:** Thank you, Mr.  
20 Commissioner.

21                  **THE COMMISSIONER:** All right, so at the  
22 bottom there.

23                  Go ahead.

24                  **MR. DESROSIERS:** Yes.

25                  **MS. SIMMS:** So these are your notes from

1 June 1<sup>st</sup>, 2000?

2 MR. DESROSIERS: Yes, it is.

3 MS. SIMMS: So that's some time after your  
4 call from -- you conversation with Mr. Bourgeois?

5 MR. DESROSIERS: Yes.

6 MS. SIMMS: And as I read your notes here  
7 you are meeting with Sergeant Lalonde of the Ottawa Police  
8 Service?

9 MR. DESROSIERS: That's correct.

10 MS. SIMMS: And Sergeant Lalonde provides  
11 you with information.

12 You can go on to the next page, 321. He's  
13 advising you at this time that he spoke to C-8 and that -  
14 during that interview C-8 indicated to him that there was a  
15 meeting that C-8 had with Dunlop that was taped; right?

16 MR. DESROSIERS: Yes, that would be audio  
17 taped.

18 MS. SIMMS: Audio taped.

19 MR. DESROSIERS: By a recording tape  
20 recorder, yeah.

21 MS. SIMMS: Okay. And then -- and we've  
22 gone through this, you try to contact Perry Dunlop with  
23 respect to that audio tape; right?

24 MR. DESROSIERS: That's correct, yes.

25 MS. SIMMS: So this -- when you try and

1 contact Mr. Dunlop and he refuses to speak to you, that's  
2 with respect to this request that you received on June 1<sup>st</sup>,  
3 2000?

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

5 MS. SIMMS: And in your notes you indicate  
6 at Bates page 324 ---

7 MR. DESROSIERS: Yes.

8 MS. SIMMS: --- when you're talking to Helen  
9 Dunlop -- or did you identify the person as Helen Dunlop or  
10 ---

11 MR. DESROSIERS: Yes, I did.

12 MS. SIMMS: Okay. There's a pause and she  
13 says that any inquiries ought to be directed to his lawyer,  
14 Howard Yegendorf?

15 MR. DESROSIERS: Correct.

16 MS. SIMMS: Okay. So that's his lawyer at  
17 this point in time.

18 MR. DESROSIERS: Yes.

19 MS. SIMMS: As far as you know.

20 MR. DESROSIERS: Yes.

21 MS. SIMMS: And did you make any inquiries  
22 of Howard Yegendorf about this?

23 MR. DESROSIERS: I advised the Crown about  
24 this information ---

25 MS. SIMMS: Yes.

1                   **MR. DESROSIERS:** --- and she asked me for  
2 his mailing address and name, to look into it.

3                   **MS. SIMMS:** So you personally didn't make  
4 any inquiries?

5                   **MR. DESROSIERS:** No.

6                   **MS. SIMMS:** And just one last point of  
7 clarification. During Mr. Horn's questioning of you he  
8 mentioned that the first time that C-10 disclosed abuse was  
9 to Perry Dunlop. And I just wanted to clarify; there are  
10 mention in the statements of a number of other disclosures  
11 from C-8 to psychiatrist, friends, et cetera.

12                   **MR. DESROSIERS:** Yes.

13                   **MS. SIMMS:** So just to clarify, when you say  
14 the first person he disclosed the abuse to was Perry  
15 Dunlop, do you know if that was ---

16                   **MR. MANDERVILLE:** I think Mr. Horn's  
17 questioning on that line was with respect to C-10, not C-8.

18                   **MS. SIMMS:** Oh, I'm sorry.  
19 Sorry, we were talking about C-10.

20                   **MR. DESROSIERS:** Okay.

21                   **THE COMMISSIONER:** Yeah.

22                   **MS. SIMMS:** Maybe I confused you. But do  
23 you recall that there was some questioning about when was  
24 C-10's first disclosure?

25                   **MR. DESROSIERS:** Yes.

1                   **MS. SIMMS:** Okay. And in the statement from  
2 the OPP and in your statement there are mention of  
3 disclosures that C-10 made to other individuals.

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

5                   **MS. SIMMS:** So do you know to whom he first  
6 made a disclosure about the abuse?

7                   **MR. DESROSIERS:** No, I don't, I have dates  
8 about when he disclosed to other people.

9                   **MS. SIMMS:** Those were my questions.

10                   **THE COMMISSIONER:** Thank you.

11                   Mr. Desrosiers, I want to thank you for  
12 taking time out to come and give your evidence. I  
13 certainly appreciated your evidence. I will take into  
14 consideration your recommendations as well.

15                   **MR. DESROSIERS:** Thank you.

16                   **THE COMMISSIONER:** Thank you very much.

17                   **MR. DESROSIERS:** You're welcome, Mr.  
18 Commissioner.

19                   **THE COMMISSIONER:** So we'll take a short  
20 break -- well, the afternoon break so that we can change  
21 things around for the next witness.

22                   Thank you.

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

25                   This hearing will resume at 3:30.

1 --- Upon recessing at 3:14 p.m./

2 L'audience est suspendue à 15h14

3 --- Upon resuming at 3:31 p.m./

4 L'audience est reprise à 15h31

5 **THE REGISTRAR:** Order, all rise; À l'ordre,  
6 veuillez vous lever.

7 This hearing is now resumed. Please be  
8 seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good afternoon all.

10 So, Ms. Jones, you'll present the new faces  
11 since that you will transfer your mantle of rookie to ---

12 **MS. JONES:** Yes, to Mr. MacPherson.

13 **THE COMMISSIONER:** Welcome aboard, Mr.  
14 MacPherson.

15 Good morning -- good afternoon, sir.

16 **MR. WELLS:** How are you?

17 **THE COMMISSIONER:** Good. Yourself? Have a  
18 seat please.

19 **BRENDON WELLS Sworn/Assermentée:**

20 **THE COMMISSIONER:** Thank you.

21 Good afternoon, sir.

22 **MR. WELLS:** Good afternoon, sir.

23 **THE COMMISSIONER:** So, a few preliminary  
24 matters. You've got water, fresh glasses over there. The  
25 microphone, I'd ask you to speak into so everyone can hear.

1           There's a speaker there, if people aren't speaking loud  
2           enough or maybe too loud, you can adjust to your hearing.

3                       **MR. WELLS:** All right.

4                       **THE COMMISSIONER:** Please make yourself  
5           comfortable. People will be asking you a lot of questions.  
6           If you don't know the answer you don't know the answer; if  
7           you can't recall, you can't recall and if you don't  
8           understand the question please, let's stop and get it  
9           organized so we have the proper response to a proper  
10          question.

11                      If at any time you feel uncomfortable, you  
12          need a break, please address yourself to me and we'll take  
13          care of your concerns.

14                      **MR. WELLS:** Thank you.

15                      **THE COMMISSIONER:** All right, thank you.

16                      Ms. Jones?

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

18          **JONES:**

19                      **MS. JONES:** Yes, good afternoon, Inspector  
20          Wells.

21                      **MR. WELLS:** Good afternoon.

22                      **MS. JONES:** I'm just going to go very  
23          briefly through the topics that we're going to canvass with  
24          you in my questions to you between today and tomorrow and  
25          you're probably already familiar with that but just to

1 refresh your memory, we're first going to go through your  
2 background and your career and we're going to look at your  
3 role as a supervisor. Then we're going to move to a couple  
4 of investigations that were around when you were a  
5 supervisor, that being the Marcel Lalonde investigation and  
6 the Antoine investigation; briefly touching on the Keith  
7 Ouellette situation and the situation following some  
8 factors involving Chief Shaver and then we're going to move  
9 on to Perry Dunlop instances when he was first on an as  
10 officer. You, I understand were a supervisor. We're going  
11 to be looking at some news releases and then we're going to  
12 be looking at your role as a Professional Standards person  
13 and some of the internal complaints that you looked at, one  
14 involving David Silmser and one involving Perry Dunlop; one  
15 involving Doug Seguin and we're going to be touching  
16 briefly on when Mr. Dunlop returned back to work.

17 So that would basically be what we're  
18 canvassing with you here in the next couple of days.

19 **MR. WELLS:** All right.

20 **MS. JONES:** So the easy part first and that  
21 has to do with your career, and I do have a career profile  
22 for you which I understand is Document 200193.

23 **THE COMMISSIONER:** And which now will become  
24 Exhibit 1738 which is Inspector Brendon Wells rank and  
25 position within the Cornwall Police Service.

1           --- EXHIBIT NO./PIÈCE No. P-1738

2                                   (200193) - Brendon Wells - Career profile -  
3                                   3-Jun-08

4                   **MS. JONES:** I'm just going to lead you  
5                   through some of the salient points, Inspector.

6                   **MR. WELLS:** Fine.

7                   **MS. JONES:** I understand that you started  
8                   the Cornwall Community Police Service in 1970 and over that  
9                   period of time you've had a wide variety of training  
10                   courses, including training in areas of criminal  
11                   investigation and police management.

12                                   To touch on some of those courses, you had a  
13                   Junior Command Course, a Youth Officer Course which had a  
14                   component on legislation and youths and investigative  
15                   techniques.

16                                   You also took a Senior Police Administration  
17                   Course, Major Crime Investigative Techniques Course,  
18                   Forensics Pathology, Commanders Criminal Incidence  
19                   Conference that you attended, Major Incident Commanders  
20                   Course and Fundamentals of Auditing.

21                                   And these aren't all the conferences that  
22                   you went on but those are some of the highlights of your  
23                   training.

24                                   You worked in the Field Operations as a  
25                   Constable until 1981 and on August 10<sup>th</sup>, 1981 you were

1 assigned to the Youth Bureau in the Criminal Investigation  
2 Bureau, which is CIB, as a sergeant.

3 **THE COMMISSIONER:** As a detective sergeant?

4 **MR. WELLS:** Yes, sir.

5 **THE COMMISSIONER:** Detective sergeant, okay.

6 **MS. JONES:** And you were promoted to staff  
7 sergeant of CIB on December 1<sup>st</sup>, 1984 and on January 3<sup>rd</sup>,  
8 1984 you were seconded to the Canadian Police College as a  
9 Course Coordinator.

10 **THE COMMISSIONER:** Nineteen eighty-five  
11 (1985).

12 **MS. JONES:** Pardon me?

13 **THE COMMISSIONER:** You said '84 but it's  
14 '85.

15 **MS. JONES:** I'm sorry, '85.

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

17 **MS. JONES:** He was seconded to the Canadian  
18 Police College as a Course Coordinator for the Senior  
19 Police Administrators Course. You returned to CPS in field  
20 operations "D" team on February 15<sup>th</sup>, 1985. So it was a  
21 little over a month you had the secondment, sir, is that  
22 right?

23 **MR. WELLS:** Seven weeks.

24 **MS. JONES:** Seven weeks?

25 **MR. WELLS:** Yes.

1                   **MS. JONES:** From 1985 to 1987 you were  
2 transferred out of CIB and in '86 you went to the "R" Team.

3                   In October of '87 you were transferred to  
4 the Executive Bureau.

5                   I'm just wondering at this particular stage,  
6 what were the duties of the Executive Bureau at that time?

7                   **MR. WELLS:** Support services, courts,  
8 records, managing those respective areas.

9                   **THE COMMISSIONER:** Sir, could you turn the  
10 microphone over.

11                   **MR. WELLS:** I'm sorry.

12                   **THE COMMISSIONER:** No, just when you get old  
13 like me you can't hear very well.

14                   **MR. WELLS:** All right.

15                   **MS. JONES:** And on November 28<sup>th</sup>, 1998, you  
16 returned as Staff Sergeant to CIB and you stayed there  
17 until January 20<sup>th</sup>, 1992. And I understand after 1992 you  
18 became an Inspector in March 1996?

19                   **MR. WELLS:** Excuse me; I believe I was in  
20 Professional Standards from '92 to '96.

21                   **MS. JONES:** Yes, that's right, 1992 to 1996  
22 you were at Professional Standards, again with the  
23 Executive Bureau, and then as an Inspector to today --  
24 you're now a ranking inspector, I believe?

25                   **MR. WELLS:** That's correct.

1                   **MS. JONES:** You're an Executive Officer with  
2                   the Executive Bureau from January 11<sup>th</sup>, 1999 and you were  
3                   also in Support Services in 2001, and in 2002 to 2004, you  
4                   were in the Quality Assurance Bureau?

5                   **MR. WELLS:** That's correct.

6                   **MS. JONES:** Is that right? And what does  
7                   that job entail?

8                   **MR. WELLS:** Quality assurance, quality  
9                   control, various audits.

10                  **THE COMMISSIONER:** But for the public,  
11                  audits of cases that the officers are carrying on?

12                  **MR. WELLS:** Audits of policies, to ensure  
13                  practices.

14                  **THE COMMISSIONER:** All right.

15                  **MS. JONES:** Now, just to go over -- just a  
16                  couple of questions again just to flesh things out in your  
17                  background, when you were in the Youth Bureau, and again,  
18                  you were assigned in 1981 initially, is it fair to say that  
19                  if things were slow in the Youth Bureau, you would work in  
20                  other departments of CIB? Is that how it worked when you  
21                  were there at that time?

22                  **MR. WELLS:** You could possibly receive  
23                  assignments of other criminal offences.

24                  **MS. JONES:** And I also understand that when  
25                  you were with the Youth Bureau between 1981 and 1984, you

1           may have dealt with approximately a dozen sexual assault  
2           cases?

3                       **MR. WELLS:** Through that entire period?

4                       **MS. JONES:** Through that entire period?

5                       **MR. WELLS:** I dealt with some -- did you say  
6           historical sexual assaults?

7                       **MS. JONES:** No, I didn't. I just said  
8           sexual assaults.

9                       **MR. WELLS:** Yes, I would say that.

10                      **MS. JONES:** And do you know how many of  
11           those would have been historical?

12                      **MR. WELLS:** You're asking me to make a  
13           guess?

14                      **MS. JONES:** Were half of them historical or  
15           less than half?

16                      **MR. WELLS:** Less than half.

17                      **MS. JONES:** Less than half?

18                      And at that time, I understand there were  
19           two officers at the Youth Bureau?

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

21                      **MS. JONES:** And they would have been  
22           supervised by a staff sergeant and a sergeant?

23                      **MR. WELLS:** They would have been supervised  
24           by a staff sergeant and an inspector.

25                      **MS. JONES:** An inspector?

1                   MR. WELLS: Yes.

2                   MS. JONES: But you were there as a  
3                   sergeant?

4                   MR. WELLS: That's correct.

5                   MS. JONES: So is that not ---

6                   MR. WELLS: There was ---

7                   MS. JONES: --- a supervisory role?

8                   MR. WELLS: There were two sergeants at the  
9                   time.

10                  MS. JONES: Okay. But there's a different  
11                  between a sergeant and a staff sergeant, is there not?

12                  MR. WELLS: Yes, Ma'am.

13                  MS. JONES: So when you were at the Youth  
14                  Bureau as a sergeant ---

15                  MR. WELLS: Yes.

16                  MS. JONES: --- there was also a staff  
17                  sergeant above and then an inspector?

18                  MR. WELLS: That's correct.

19                  MS. JONES: But there were two constables  
20                  that worked there as well, were there not?

21                  MR. WELLS: No, there was Sergeant Kirkey  
22                  and myself.

23                  MS. JONES: Oh, just the two of you,  
24                  Sergeant Kirkey and yourself?

25                  MR. WELLS: Yes, that's correct.

1                   **MS. JONES:** Okay. Now, when you returned to  
2                   CIB in 1988 as well, so taking into the two portions of  
3                   when you were at CIB and just to summarize, that was 1981  
4                   to '84 and 1988 to 1992. Are you able to say if when you  
5                   joined this particular department, was there any specific  
6                   training in sexual assault investigations or historical  
7                   sexual assault investigations?

8                   **MR. WELLS:** In '81, when I was transferred  
9                   to the Youth Bureau, they would have sent me away on a  
10                  Youth Course.

11                  **MS. JONES:** And was that the extent of the  
12                  training?

13                  **MR. WELLS:** Basically, yes.

14                  **MS. JONES:** And so there was no in-house  
15                  training, in other words?

16                  **MR. WELLS:** There might have been a few  
17                  seminars, but that was basically the training period.

18                  **MS. JONES:** Okay. And what about policy  
19                  manuals or binders on a shelf that you could go to to find  
20                  out what the policy was on certain situations; did anything  
21                  like that exist?

22                  **MR. WELLS:** To the best of my recollection,  
23                  yes, *Juvenile* ---

24                  **MS. JONES:** There were policy manuals?

25                  **MR. WELLS:** --- *Delinquency Act*, the Acts

1 such as -- is that what you're speaking about?

2 **MS. JONES:** No, I'm not talking about  
3 legislation. I'm talking about policy manuals, guideline  
4 to provide -- to serving police officers on operational  
5 aspects of historical sexual assaults or even sexual  
6 assault investigations.

7 **MR. WELLS:** Through the training period at  
8 OPC, they had various correspondence that they would have  
9 given us that we could have utilized to improve our memory  
10 during investigations such as those. Those are the books  
11 that we would use.

12 **MS. JONES:** So there was nothing internal  
13 generated from CPS or any other organization that would  
14 give you any sort of specific guidelines?

15 **MR. WELLS:** There may have been. I just  
16 can't recall right now.

17 **MS. JONES:** And what was your understanding,  
18 while you were working there, with regards to what officers  
19 were told when they started working there about how to  
20 conduct themselves on historical sexual assaults?

21 **MR. WELLS:** Basically, the course at OPC, to  
22 the best of my recollection, would teach us how to conduct  
23 ourselves with investigations, collection of evidence, et  
24 cetera.

25 **MS. JONES:** So all your training or

1 information came from OPC, which is the police college  
2 offsite rather than back at home?

3 MR. WELLS: I can't say all of it. Like,  
4 the theory portion of it, certainly. There was always the  
5 availability of my supervisors and fellow officers that  
6 could assist, because I was the new kid on the block, type  
7 of thing, and I could always fall back on those people for  
8 assistance.

9 MS. JONES: And what about when you were the  
10 staff sergeant when you went back there later on?

11 MR. WELLS: In CIB?

12 MS. JONES: Yes.

13 MR. WELLS: Sorry?

14 MS. JONES: Was there a specific guidance  
15 that was provided to any of the officers that would join  
16 CIB for the first time?

17 MR. WELLS: I would say that it was  
18 basically the same. They would receive their theory  
19 training at OPC and then when returning back to the  
20 Department for -- to continue on with their job, there were  
21 various -- yes, there'd be various books that they could go  
22 to, but we worked together as a team.

23 MS. JONES: M'hm.

24 MR. WELLS: And we'd assist one another if  
25 required.

1                   **MS. JONES:** Okay. And being a staff  
2 sergeant and even now as an inspector, you said that part  
3 of your role, the quality assurance even in Executive  
4 Bureau, you're basically setting standards, are you not,  
5 for what is expected of proper police procedure; for  
6 example, maintaining officer notebooks, are they going to  
7 be loose-leaf or they going to not be in loose-leaf, and  
8 those sorts of things that are discussed at a higher level?  
9 Is that part of what you would be doing?

10                   **MR. WELLS:** I would be measuring the  
11 standards. I wouldn't be setting them. The standards have  
12 already been set. My job was to ensure that those  
13 standards, policies, procedures were followed.

14                   **MS. JONES:** So part of the standards though  
15 that you would be looking at other officers to comply with  
16 would be, for example, note-taking, making sure their notes  
17 are being taken at appropriate times?

18                   **MR. WELLS:** Various audits were conducted to  
19 ensure that the policy, with regards to note-taking, were  
20 completed.

21                   **MS. JONES:** Okay. Now, you were a field  
22 operations inspector from 1996 until January 11<sup>th</sup>, 1999 and  
23 you're still an Executive Officer to the present day.  
24 There were a couple of absences though. You were absent  
25 from duty May 26, 1999 through to December 31<sup>st</sup>, 2002?

1                   **MR. WELLS:** Yes.

2                   **MS. JONES:** And also absent from May 16<sup>th</sup>,  
3                   2003 until March 14<sup>th</sup>, 2004?

4                   **MR. WELLS:** Yes.

5                   **MS. JONES:** Now, I'm not looking for  
6                   particulars here, but is there -- was there a specific  
7                   reason for that or was it long-term disability? I'm not  
8                   looking for particulars or details, but was it ---

9                   **MR. WELLS:** Various operations.

10                  **MS. JONES:** Various operations. Okay.

11                  Thank you.

12                  And I understand that -- and I also  
13                  understand you were assigned to the Quality Assurance  
14                  Bureau on January 1<sup>st</sup>, 2002 and you got training on May 13<sup>th</sup>,  
15                  2002 of fundamentals of auditing. Was there any other  
16                  auditing courses or training that you took since that  
17                  particular date?

18                  **MR. WELLS:** No, Ma'am.

19                  **MS. JONES:** Okay. And is that still the job  
20                  that you have today?

21                  **MR. WELLS:** Yes, Ma'am.

22                  **MS. JONES:** Thank you.

23                  Now, moving to your role as supervisor, as a  
24                  supervisor, I understand that whether you were a staff  
25                  sergeant or even now as an inspector, is it your practice

1 to hold team meetings on a regular basis?

2 MR. WELLS: Yes.

3 MS. JONES: And either bi-weekly or monthly,  
4 depending on the need?

5 MR. WELLS: That's correct.

6 MS. JONES: And it's -- with regards to  
7 policies regarding reviewing officers' reports, is it your  
8 understanding that -- well, what is your understanding with  
9 regards to policies regarding that? Are there policies in  
10 existence or not? Do you know?

11 MR. WELLS: Yes.

12 MS. JONES: There are policies?

13 MR. WELLS: There are policies.

14 MR. JONES: And who is in charge of making  
15 sure those policies are complied with?

16 MR. WELLS: The Quality Assurance Officer.

17 MR. JONES: So is it at the inspector level  
18 only?

19 MR. WELLS: Yes.

20 MR. JONES: Or is that also ---

21 MR. WELLS: At the present time it is.

22 MR. JONES: --- staff sergeant?

23 MR. WELLS: At the present time it is.

24 MR. JONES: Okay. And was it always during  
25 your years at CIB specifically?

1                   **MR. WELLS:** If I understand your question,  
2                   you're saying who is responsible for the submission of  
3                   reports or ---

4                   **MR. JONES:** The policies -- are there any  
5                   policies with regards to reviewing officer's reports? I  
6                   believe you said that there are?

7                   **MR. WELLS:** There are.

8                   **MR. JONES:** So who is responsible for  
9                   effecting that policy and making sure it's actually done?

10                  **MR. WELLS:** Well, the supervisor -- in the  
11                  case of CIB, it could be the staff sergeant or the  
12                  inspector in CIB that's responsible for checking their  
13                  investigators' reports. So if the policy is there it would  
14                  be incumbent upon those people to ensure that it was  
15                  followed.

16                  **MR. JONES:** But you as supervisor would also  
17                  have to, I would assume, at some point, make sure that it  
18                  was followed as well?

19                  **MR. WELLS:** Yes.

20                  **MR. JONES:** Because somebody who is not  
21                  doing it can just not do it ---

22                  **MR. WELLS:** That's correct.

23                  **MR. JONES:** --- for years.

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

25                  **MR. JONES:** So there has to be some sort of

1 a check and balance system, is there not?

2 MR. WELLS: M'hm.

3 MR. JONES: So would it be incumbent also on  
4 you as a supervisor to make sure that reports are being  
5 filed and such?

6 MR. WELLS: Yes.

7 MR. JONES: And I understand that you used a  
8 ledger to keep track of assignments?

9 MR. WELLS: Years ago, yes.

10 MR. JONES: Years ago. While in CIB. I'll  
11 be clear about that?

12 MR. WELLS: Yes.

13 MR. JONES: Okay.

14 And in Professional Standards, is there only  
15 one person or one officer assigned to Professional  
16 Standards at a time?

17 MR. WELLS: Yes.

18 MR. JONES: Is that how -- is that still the  
19 practice today?

20 MR. WELLS: Yes.

21 MR. JONES: And as a supervisor in the late  
22 '80s and '90s, what was your understanding or what was your  
23 position with regards to individual workloads within the  
24 office? Did you think that they were appropriate? Did you  
25 think people were overworked? What was your opinion on

1 that?

2 MR. WELLS: I was in uniform and CIB, so  
3 you're asking overall?

4 MR. JONES: Yes.

5 MR. WELLS: The assignment lists were quite  
6 extensive and the officers at times were possibly  
7 overworked.

8 MR. JONES: And what was the understanding  
9 if someone was overworked or having problems, who would  
10 they go to?

11 MR. WELLS: The supervisor.

12 MR. JONES: And that was the culture of that  
13 Unit at that time when you were there at CIB?

14 MR. WELLS: Yes.

15 MR. JONES: Now, I'm just going to comment -  
16 - or ask you a couple of questions about the relationship  
17 you had at the Crown Attorney's office at the time you were  
18 with CIB.

19 MR. WELLS: M'hm.

20 MR. JONES: When you were there, what was  
21 the relationship like with the Crown Attorney's office?

22 MR. WELLS: It was excellent.

23 MR. JONES: And what was the procedure with  
24 regards to getting some help from the Crown Attorney's  
25 office or specifically a Crown Attorney with regards to a

1 specific file? What was the -- if a police officer had a  
2 problem with a particular file -- and I'm talking about  
3 historical sexual assaults here -- what was the process in  
4 place as to when or if you ever went to a Crown Attorney?

5 **MR. WELLS:** We expected -- the policy of the  
6 day, that I can recall, is the officers would or the  
7 investigators would meet with the inspector or myself on a  
8 regular basis to go over their workload or the various  
9 cases.

10 If they were having problems or required  
11 legal advice, they would meet with myself or Inspector  
12 Trew, who was in charge of CIB at the time, explain ---

13 **MR. JONES:** Can I just interrupt you there  
14 for just a second?

15 **MR. WELLS:** I'm sorry.

16 **MR. JONES:** When you said when they had  
17 wanted some legal advice, they went to you. What sort of  
18 legal advice would you mean?

19 **MR. WELLS:** They would review the case.

20 **MR. JONES:** M'hm.

21 **MR. WELLS:** We would discuss the various  
22 charge options available, which one was the most  
23 appropriate charge. If there were areas of uncertainty,  
24 then we may suggest that the officer goes to the Crown to -  
25 - for legal assistance.

1                   **MR. JONES:** And when the officer would be  
2 told this is something that you can do, go to the Crown  
3 Attorney, this is appropriate for a Crown to look at, would  
4 you expect that officer to take notes of that conversation  
5 with the Crown Attorney as to what the Crown Attorney was  
6 giving them advice on?

7                   **MR. WELLS:** It would be left up to the Crown  
8 Attorney of the day to decide if notes could be taken.  
9 They may just sit down and have a bit of an information-  
10 sharing period.

11                   **MR. JONES:** But let's say the Crown Attorney  
12 didn't say anything about note-taking, was it expected by  
13 you as a supervisor that a police officer would typically  
14 take notes of the conversation with the Crown Attorney when  
15 talking about a specific file and looking for specific  
16 advice on that file?

17                   **MR. WELLS:** Not necessarily. If they had a  
18 meeting and it was just a conversation, I trusted that the  
19 officer would come back and if required report back  
20 accurately.

21                   **MR. JONES:** Report back to who?

22                   **MR. WELLS:** Their supervisors?

23                   **MR. JONES:** Okay. But at some point, would  
24 it be expected that notes of that conversation would be  
25 made as to what the Crown Attorney had given them direction

1 on?

2 MR. WELLS: Not necessarily.

3 MR. JONES: What about going to the Crown  
4 Attorney for advice on R&PG, or reasonable probable  
5 grounds, whether or not charges should be laid. Is that  
6 something that would be -- they would be consulted on?

7 MR. WELLS: Yes.

8 MR. JONES: Is that also something  
9 supervisors would normally be consulted on as well?

10 MR. WELLS: Yes.

11 THE COMMISSIONER: Were you consulted on  
12 R&PG issues?

13 MR. WELLS: We would have various  
14 discussions with regards to that, Mr. Commissioner.

15 THE COMMISSIONER: Thank you.

16 MR. JONES: Now, was it the practice that if  
17 an officer had issues with respect to R&PG that the typical  
18 route that would be taken of that more junior officer would  
19 be to go to the supervisors first and then go to the Crown  
20 Attorney's office?

21 MR. WELLS: As I stated, in CIB at the time  
22 it was very -- it was a team, more like a family, and we  
23 worked together, and so it wouldn't be uncommon for an  
24 investigator to share a case with a fellow officer,  
25 possibly one with more experience in that particular area

1 or bring it to the attention of their supervisors. It was  
2 more of an information sharing, so it was not what you're  
3 doing today was a secret and you couldn't share it. It was  
4 a joint effort.

5 MR. JONES: Okay. I guess what I'm looking  
6 for here though is, an investigator working on a historical  
7 sexual assault on his own, not in partnership with anybody,  
8 sort of not consulting colleagues and going directly to the  
9 Crown first, would that be unusual or would there be more  
10 information sharing first amongst colleagues or  
11 supervisors?

12 MR. WELLS: It would be, I believe, to the  
13 best of my recollection at the time, it would be unusual  
14 for him to bypass a supervisor and go directly to the  
15 Crown.

16 MR. JONES: As a supervisor ---

17 MR. WELLS: Yes.

18 MR. JONES: --- would you agree that it  
19 would probably be best practice for that officer to discuss  
20 with colleagues, more experienced or supervisors, as to  
21 what the next step should be rather than jumping to the  
22 Crown Attorney's office?

23 MR. WELLS: Possibly.

24 MR. JONES: Now, looking at file  
25 organization for just a moment.

1                   Before OMPPAC came into being, and OMPPAC  
2                   came in in July 1989, before OMPPAC came in, I'll just  
3                   describe what I believe to be your file organization  
4                   method, but please correct me if I'm wrong on this.

5                   **MR. WELLS:** All right.

6                   **MR. JONES:** I understand one of the normal  
7                   things is that once a file was open it was given an  
8                   occurrence number and anything to do with that particular  
9                   file or investigation was kept in that one file and all the  
10                  pieces of paper were kept together. Is that fair to say?

11                  **MR. WELLS:** Yes, ma'am.

12                  **MR. JONES:** And there would be one file  
13                  occurrence report per incident with respect to -- sorry,  
14                  with one perpetrator, and there may be various incidents.  
15                  I'm talking about historical sexual assaults here.

16                  **MR. WELLS:** Yes.

17                  **MR. JONES:** So there would be one  
18                  perpetrator but there may be multiple victims or  
19                  complainants ---

20                  **MR. WELLS:** Yes.

21                  **MR. JONES:** --- going on with that one  
22                  perpetrator?

23                  **MR. WELLS:** That's correct.

24                  **MR. JONES:** And before OMPPAC was  
25                  implemented, I understand that CPS used carbon-copy and

1           they would take -- do you recall that?

2                       **MR. WELLS:** Yes, I do.

3                       **MR. JONES:** And was it the practice to take  
4 rough notes in one area and then transfer them into a  
5 notebook? Was that a common practice or not, or was that  
6 best practice at the time?

7                       **MR. WELLS:** I can't say it was a common  
8 practice or best practice. Some officers would like to  
9 take rough notes and then they would put it into the  
10 report. Is that what you're asking?

11                      **MR. JONES:** Well, I'm just wondering if they  
12 were -- if it was common practice to have kind of two sets  
13 of notes going on, one rough set of notes and then copy it  
14 better in a proper notebook format?

15                      **MR. WELLS:** You may do that, yes.

16                      **MR. JONES:** And even before OMPPAC, was  
17 there not -- was there a 30-day sort of diary date check  
18 that things would be -- so that things wouldn't just fall  
19 by the wayside and be forgotten? Was there some way of  
20 checking up on those things?

21                      **MR. WELLS:** At the time in CIB, it was a  
22 practice that a 30-day diary date would be initiated with  
23 an investigation, and during that time it would be expected  
24 that some form of action would be taken on the incident and  
25 it would be recorded.

1                   **MS. JONES:** Now, if a police officer had  
2 forgotten or neglected or just didn't do anything within  
3 that 30 days, was there, again, a check and balance system  
4 where the supervisor would notice that it's fallen by the  
5 wayside?

6                   **MR. WELLS:** We had the ledger at that time.  
7 This is pre ---

8                   **MS. JONES:** Pre-OMPPAC?

9                   **MR. WELLS:** Pre-OMPPAC. It would be  
10 expected that the officer would respect the 30-day diary  
11 date, and at that time, if that investigator was nearing  
12 the 30-day extension -- or diary date due date, he would --  
13 he or she would then make a request for an extension on  
14 that investigation.

15                   **MS. JONES:** And then ---

16                   **MR. WELLS:** The ledger was -- I'm sorry.

17                   **MS. JONES:** I'm sorry. And then when that  
18 30 days went up again, that would happen?

19                   **MR. WELLS:** Yes.

20                   **THE COMMISSIONER:** So it's a nice system,  
21 but did it work back in those days, in that era I mean?

22                   **MR. WELLS:** To the best of my recollection,  
23 at that time, while I was a staff sergeant, it was a  
24 practice and it was working pretty well.

25                   **THE COMMISSIONER:** So nobody -- the general

1 rule was that, generally speaking, most reports were done  
2 within 30 days?

3 MR. WELLS: Yes.

4 THE COMMISSIONER: Okay.

5 MS. JONES: But the ones that weren't done  
6 in 30 days though, the system that was in place, you're  
7 saying -- your evidence is it actually did work most of the  
8 time?

9 MR. WELLS: Most of the time.

10 MS. JONES: Now, after OMPPAC came online in  
11 July 1989, I believe that there was still another 30-day  
12 check.

13 MR. WELLS: Yes.

14 MS. JONES: It was just on a computer rather  
15 than in a ledger book?

16 MR. WELLS: That's correct.

17 MS. JONES: And again, did that work, that  
18 30-day check?

19 MR. WELLS: It made it a heck of a lot  
20 easier for the supervisors to keep track because the  
21 computer -- you could pull up a person's assignment list,  
22 and if I'm not mistaken -- it's been a while -- the  
23 computer would, I believe, print OVD, overdue, next to that  
24 respective incident number, and that would clue me, you  
25 know, or the inspector, whoever happened to be checking on

1 that date on the assignment list that that particular  
2 incident was overdue, and then we would speak to the  
3 investigator to ascertain what was the cause of the  
4 incident being overdue and move towards preparing some  
5 written document, further evidence or whatever to knock the  
6 overdue off the computer and then another date would be  
7 applied.

8 **MS. JONES:** Okay. OMPPAC came into being  
9 July 1989. Now, you were with CIB as a staff sergeant from  
10 '88 until '92. So during that time, the transition  
11 happened.

12 **MR. WELLS:** M'hm.

13 **MS. JONES:** Do you recall -- during your  
14 time up until 1992, do you recall that transition period?

15 **MR. WELLS:** I recall going from the ledger  
16 to OMPPAC. How accurately, I ---

17 **MS. JONES:** Okay. And do you recall though,  
18 as a supervisor, looking over your colleagues' files or the  
19 people you were supervising? Do you recall using OMPPAC to  
20 do that in the way that you've just described, every 30  
21 days?

22 **MR. WELLS:** Yes.

23 **MS. JONES:** And when you would review the  
24 people in your department and see their workload, see  
25 what's happening and see if these 30 days has come up or

1 not, how often did you do that? Did you every morning just  
2 do a little bit of a review before you started the day or  
3 was it once a week or how often was that?

4 **MR. WELLS:** I can't recall exactly how often  
5 or how frequent; every couple of weeks.

6 **MS. JONES:** That's all, just once every two  
7 weeks?

8 **MR. WELLS:** Or so. I can't recall exactly  
9 how frequently. It wouldn't be for an extended period of  
10 time.

11 **MS. JONES:** Was there a built-in little  
12 beeper system like some people have on emails to say  
13 "You've got mail"?

14 **MR. WELLS:** No.

15 **MS. JONES:** Was there some sort of a BF  
16 system that said, "Flash - something's coming up in 30  
17 days" or something like that?

18 **MR. WELLS:** Not to my recollection there  
19 wasn't.

20 **MS. JONES:** So you had to check the OMPPAC  
21 system yourself to see if in fact one of those dates had  
22 come up?

23 **MR. WELLS:** Yes.

24 **MS. JONES:** Now, I'm going to move on to a  
25 couple of investigations now. And just to start off, I'm

1           actually going to start off with ones that you were not  
2           involved in so that everyone will be familiar with the fact  
3           that you were not involved in some of the investigations  
4           that have been an important component of this Inquiry.

5                        You were never involved in the Earl Landry,  
6           Jr., the Lucien Labelle or the Gilles Deslauriers  
7           investigations. Is that correct?

8                        **MR. WELLS:** I don't believe so.

9                        **MS. JONES:** Pardon me?

10                      **MR. WELLS:** No, I don't believe so.

11                      **MS. JONES:** You weren't involved in those?

12                      **MR. WELLS:** No.

13                      **MS. JONES:** Okay. So the first  
14           investigation I'm going to ask you about is the Marcel  
15           Lalonde investigation. And to give you an idea of the  
16           timeframe, this is when you are a staff sergeant at CIB  
17           from 1988 to 1992. And we had heard evidence from Officer  
18           Malloy that a person with a moniker of IC-57 had made an  
19           initial complaint.

20                      **THE COMMISSIONER:** All right. Just a  
21           minute; Madam Clerk will show you who number 57 is.

22                      Do you recognize that name, sir?

23                      **MR. WELLS:** If you would have asked me, Mr.  
24           Commissioner, that before I started preparation for this  
25           Inquiry, I wouldn't have been able to recognize it.

1                   **THE COMMISSIONER:** All right. No, that's  
2 fine. But you do recognize it now?

3                   **MR. WELLS:** Yes, sir.

4                   **THE COMMISSIONER:** We're on the same  
5 wavelength?

6                   **MR. WELLS:** We're on the same wavelength.

7                   **THE COMMISSIONER:** Terrific.

8                   Go ahead.

9                   **MS. JONES:** All right.

10                   Just by way of background, IC-57 -- and  
11 please just -- you probably already know this, but just to  
12 be clear, you're not to use this person's name because  
13 that's why they've been given a moniker. So please be  
14 careful not to state this person's name on the record.  
15 Okay?

16                   Now, IC-57, we have heard, made an initial  
17 complaint to the Uniformed Division of CPS in 1988. So his  
18 occurrence number actually starts with 88, but then it was  
19 transferred in early January to Officer Malloy, and Officer  
20 Malloy was then assigned the complaint of IC-57 and the  
21 complaint was against one Marcel Lalonde.

22                   Now, we've heard evidence that Officer  
23 Malloy started at CIB on January -- on or about January 5<sup>th</sup>,  
24 1989. Do you recall that being the date that he would have  
25 started or ---

1                   **MR. WELLS:** No, I don't recall that being  
2                   the date.

3                   **MS. JONES:** And we heard from Officer Malloy  
4                   that he met with IC-57 on about January 10<sup>th</sup>, 1989, about  
5                   five days after he arrived in the unit. Do you have any  
6                   recollection of that?

7                   **MR. WELLS:** No.

8                   **MS. JONES:** No?

9                   And according to Officer Malloy, he said he  
10                  believed this was his first case that he had been assigned  
11                  whilst at CIB. Were you involved at all in assigning files  
12                  as the supervisor there?

13                  **MR. WELLS:** Yes, Ma'am.

14                  **MS. JONES:** So somewhere along the line, you  
15                  would have assigned the Marcel Lalonde investigation to  
16                  Officer Malloy when he first arrived?

17                  **MR. WELLS:** No.

18                  **MS. JONES:** So who was responsible for  
19                  assigning him that file then?

20                  **MR. WELLS:** I would assign youth or  
21                  incidents related to youth to be investigated by the Youth  
22                  Bureau to the Youth Bureau, and the sergeant of the day in  
23                  that particular area, to the best of my recollection, was  
24                  responsible for taking those incidents and disseminating  
25                  them amongst the personnel that worked in the Youth Bureau.

1                   **MS. JONES:** So you're saying you had nothing  
2 to do then with assigning Officer Malloy the Lalonde  
3 investigation in January '89?

4                   **MR. WELLS:** Not to the best of my  
5 recollection.

6                   **MS. JONES:** We have heard from Officer  
7 Malloy that there was a report. I'd like to refer, please,  
8 to Exhibit 1495.

9                   **THE COMMISSIONER:** All right, sir. So  
10 here's your introduction to three-ring binders. You look  
11 at the top left-hand corner.

12                   **MR. WELLS:** Yes.

13                   **THE COMMISSIONER:** You'll see a bunch of  
14 numbers, 1110498. I'm sorry; you're looking at it  
15 sideways, of course, because it's a side document. But do  
16 you see where it says 1110498?

17                   **MR. WELLS:** Yes, sir.

18                   **THE COMMISSIONER:** Okay. We'll be referring  
19 to that as your page numbers. Consider those your page  
20 numbers. All right?

21                   **MR. WELLS:** Okay.

22                   **THE COMMISSIONER:** Okay. Go ahead.  
23 Supplementary occurrence report.

24                   **MS. JONES:** Thank you very much.

25                   Now, again, just reading you through this,

1           this seems to be a supplementary report submitted about IC-  
2           57 and it's written by Constable Malloy, and the date of it  
3           is the 22<sup>nd</sup> of June 1989. And it says:

4                               "Right of requesting this occurrence be  
5                               placed in abeyance for a short period  
6                               of time to allow writer to interview  
7                               suspect Lalonde, Marcel at [an address;  
8                               date of birth]."

9                               Do you see that, sir?

10                              **MR. WELLS:** Yes, I do.

11                              **MS. JONES:** And that's your signature at the  
12           bottom?

13                              **MR. WELLS:** Yes, it is.

14                              **MS. JONES:** So we had heard from Officer  
15           Malloy that things are put in abeyance or on hold so that  
16           further investigation can be done on the matter. Is that a  
17           typical sort of a thing that happens?

18                              **MR. WELLS:** Or until further information  
19           would have come in relevant to that occurrence or incident.

20                              **MS. JONES:** All right.

21                              In this case though it seems to be he was  
22           going to be doing further investigation.

23                              **MR. WELLS:** It would appear so, yes.

24                              **MS. JONES:** Now, it would be pretty clear,  
25           from this document anyway, that you were made aware of the

1 Lalonde investigation and that Officer Malloy was doing it  
2 and that it was put in abeyance in June of '89?

3 **MR. WELLS:** That's correct.

4 **MS. JONES:** Now, do you have any notes at  
5 all about this Lalonde investigation that is able to assist  
6 your memory or refresh your memory as to any conversations  
7 you may have had or may not have had with Officer Malloy?

8 **MR. WELLS:** No, I don't.

9 **MS. JONES:** Is there a reason why you don't  
10 have any notes?

11 **MR. WELLS:** Basically at that time  
12 supervisors in CIB wouldn't necessarily have notes on their  
13 daily activities because it was basically assigning  
14 investigations or meeting with people. It wasn't just a  
15 practice that -- or for me myself, I just didn't keep  
16 notes.

17 **MS. JONES:** So if you tasked Officer Malloy  
18 with a certain activity, for instance, please do follow-up  
19 on this or don't go that route try this route, or have you  
20 considered this factor, you would have no notes to support  
21 that you told Officer Malloy that?

22 **MR. WELLS:** No. We'd have a conversation on  
23 a case and we would share information and if I instructed  
24 the officer to go in a specific direction, no, I wouldn't  
25 keep notes on that.

1                   **THE COMMISSIONER:** So in those days, in that  
2                   time, in your position, was there any policy about folks in  
3                   your position keeping notes?

4                   **MR. WELLS:** Not that I recollect, Mr.  
5                   Commissioner.

6                   **THE COMMISSIONER:** All right, fair enough.

7                   **MS. JONES:** Now, I don't know if you know  
8                   this or not but in this particular investigation this was  
9                   basically the last piece of paper generated on the Lalonde  
10                  investigation with regards to Officer Malloy. There's no  
11                  other paper trail with regards to any other further work  
12                  done on this by Officer Malloy.

13                  **MR. CALLAGHAN:** I think it's more fair to  
14                  say it's the last piece that we have in 2008. I don't  
15                  think anyone's testified that this is it. Went back --  
16                  when they went back this is what was left of the file.

17                  **MS. JONES:** Well, I think the evidence is  
18                  that no further investigation was done after June 22<sup>nd</sup>, 1989  
19                  by Officer Malloy. So we have nothing further to show,  
20                  from Officer Malloy himself as well.

21                  So we have this piece of paper showing it's  
22                  put in abeyance so that Officer Malloy can interview Mr.  
23                  Lalonde but nothing was done actually about interviewing  
24                  Mr. Lalonde by Officer Malloy.

25                  Were you aware of that?

1                   **MR. WELLS:** I can only speak to the fact  
2                   that if this is the last piece of paper I'm not -- I can't  
3                   testify to whether or not Constable Malloy would have met  
4                   with Inspector Trew in relation to this matter.

5                   **MS. JONES:** No, I'm not asking you that  
6                   though, sir. I'm asking, are you aware that Officer Malloy  
7                   did actually not interview the suspect in this and actually  
8                   did not do any further investigation after he filed this  
9                   report?

10                  **MR. WELLS:** No, I'm not aware of that.

11                  **MS. JONES:** So after this report is filed  
12                  and you're aware of it in June 1989 ---

13                  **MR. WELLS:** Yes.

14                  **MS. JONES:** --- based on what you said just  
15                  a moment ago in your testimony, would this not have come up  
16                  in 30 days to say this is still on hold?

17                  **MR. WELLS:** It could have come up in -- it  
18                  should have come up in 30 days, yes.

19                  **MS. JONES:** And should this not have been  
20                  noticed by you then?

21                  **MR. WELLS:** Myself or Inspector Trew because  
22                  we were both sharing -- like it was a team effort with  
23                  regards to the supervision. If I was busy in one aspect  
24                  of, let's say, assigning incidents, then Inspector Trew may  
25                  very well be able to sit down or was available to meet with

1 the various investigators.

2 So I can only say that it would appear that  
3 on the 22<sup>nd</sup> that was the last time that I signed a document  
4 or that I recall having anything to do with this particular  
5 incident.

6 However, I can't speak for Inspector Trew,  
7 whether he met with Kevin Malloy on this.

8 **MS. JONES:** I'm not asking you to speak for  
9 Inspector Trew, I'm just looking for your experience and  
10 your recollection.

11 If you've signed this document here, one  
12 would presume then that in 30 days at least or 60 days or  
13 90 days, some time, it's going to come to your attention,  
14 as you're the assigned supervisor here, that nothing has  
15 happened on this file?

16 **MR. WELLS:** No, it would mean that the last  
17 time I signed it it would mean on the 22<sup>nd</sup> of June. It  
18 doesn't necessarily guarantee that Constable Malloy is  
19 going to come to me for another extension on this incident.

20 **MS. JONES:** Let's assume he doesn't come to  
21 you for an extension but you as a supervisor, you said  
22 earlier, part of your role, even if the officer doesn't  
23 come to you, as a supervisor you are supposed to make sure  
24 something doesn't just fall by the wayside; you're the  
25 check and balance system, are you not?

1                   **MR. WELLS:** Inspector Trew or myself were  
2 together the check and balance system.

3                   **MS. JONES:** So you had equal responsibility  
4 then to make sure that incidents like this were followed up  
5 on then?

6                   **MR. WELLS:** To the best of my recollection,  
7 yes.

8                   **MS. JONES:** You didn't have any more  
9 responsibility than Inspector Trew but you also didn't have  
10 any less?

11                   **MR. WELLS:** I don't understand your  
12 question, I didn't have any ---

13                   **MS. JONES:** You had equal responsibility  
14 with regards to supervising people like Officer Malloy,  
15 with regards to whether they did the follow-ups or not?

16                   **MR. WELLS:** M'hm. Basically my  
17 responsibility was to receive complaints that were  
18 forwarded to the CIB for dissemination.

19                   Inspector Trew wasn't expected to do that  
20 unless I wasn't available. However, meeting the staff and  
21 discussing cases and possibly giving an extension could  
22 possibly be both.

23                   **MS. JONES:** Well it could be either of you?

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

25                   **MS. JONES:** So where's the check and balance

1           then because if you think, "Oh I guess Inspector Trew has  
2           that" and if Inspector Trew is thinking "Well I guess Staff  
3           Sergeant Wells has that" where is the -- where is the  
4           failsafe to make sure somebody has done something?

5                       **MR. WELLS:** I would expect that the officer  
6           would submit that information into that respective file if  
7           the -- and the officer would have received, as he did in  
8           this case, requesting it be placed in abeyance and I would  
9           file the report then a copy of this would be placed in that  
10          file.

11                      If he would meet with Inspector Trew, if I  
12          wasn't available, and ask verbally or in writing for an  
13          extension, I would expect that that extension approval  
14          would be placed in that file.

15                      **MS. JONES:** But then the file just sits  
16          there, no one looks in it. How do you prevent that from  
17          happening?

18                      **MR. WELLS:** Trusting that the officer is  
19          going to -- if he requests his extension surely he's going  
20          to do a follow-up and I approve it or Inspector Trew  
21          approves it. We're trusting that the officer is going to  
22          do a follow-up.

23                      In this case here he requested time -- a  
24          short period of time to allow the writer to interview the  
25          suspect.

1                   **MS. JONES:** So when this officer puts this  
2 piece of paper then in his file, as a supervisor, at some  
3 point you would presumably want to see this file; see how  
4 these things are going. You'd have to actually look at the  
5 physical file then?

6                   **MR. WELLS:** Yes.

7                   **MS. JONES:** So then it's safe to say at some  
8 point, even if you don't know the date of it, you would  
9 have had, at some point, looked at Officer Malloy's file on  
10 the Lalonde investigation back in '89?

11                   **MR. WELLS:** Myself?

12                   **MS. JONES:** Yes.

13                   **MR. WELLS:** Or Inspector Trew.

14                   **MS. JONES:** But it's possible you did as  
15 well?

16                   **MR. WELLS:** It's possible.

17                   **MS. JONES:** And if you had looked at Officer  
18 Malloy's file at some point would it be part of your role  
19 as a supervisor to look at the pieces of paper that he has  
20 in there and perhaps suggest investigative routes to take?  
21 For example, there's names mentioned in here, have you  
22 followed up with these people; there's an incident  
23 described here, have you gone to the school; there's a  
24 theatre group mentioned here, have you followed up on that;  
25 have you talked to Mr. Lalonde?

1                   Like these sorts of investigative and  
2           policing kinds of things.

3                   **MR. WELLS:** Yes.

4                   **MS. JONES:** Would you have a conversation  
5           like that with a junior officer just starting in CIB?

6                   **MR. WELLS:** Yes.

7                   **MS. JONES:** And as a supervisor, when you  
8           have someone new to the department, like Officer Malloy,  
9           was there any special effort made to say exactly how a  
10          historical sexual assault case should be investigated?

11                  **MR. WELLS:** When you say "new officer"  
12          you're referring to a new officer ---

13                  **MS. JONES:** To CIB.

14                  **MR. WELLS:** To CIB. We would sit down with  
15          the new officers coming in and explain what would be  
16          expected of them with regards to investigating incidents.

17                   In Constable Malloy's case that could have  
18          been one of three people; it could have been Inspector  
19          Trew, it could have been myself, it could have been  
20          Sergeant Trottier or the sergeant in Youth to explain to  
21          him the proper procedures or the work ethics and what would  
22          be expected of him with regards to various files.

23                  **MS. JONES:** Well we don't have Officer  
24          Trottier or Officer -- or Inspector Trew's signature though  
25          on a document like we have yours here.

1                   MR. WELLS: M'hm.

2                   MS. JONES: So certainly in June 1989 when  
3 you signed this, presumably you would have read it?

4                   MR. WELLS: Yes.

5                   MR. JONES: So, again, presumably you would  
6 have perhaps entered into a dialogue with Officer Malloy  
7 asking him about the conduct of the file?

8                   MR. WELLS: That's possible.

9                   MR. JONES: Is that a normal thing that  
10 would have happened while he's a new officer requesting  
11 things to go in abeyance?

12                   MR. WELLS: We may have, yes.

13                   MR. JONES: And according to Officer Malloy,  
14 this apparently was his very first case in CIB, his very  
15 first historical sexual assault.

16                   Do you think that when you had put your  
17 signature to this document, that at that time it would have  
18 been appropriate to give him some guidance as to how to  
19 conduct a historical sexual assault?

20                   MR. WELLS: Yes.

21                   MR. JONES: And to keep an extra eye on  
22 someone who's new to the Department, having never done it  
23 before?

24                   MR. WELLS: Yes.

25                   MR. JONES: Do you recall taking any special

1 care with Officer Malloy with regards to his first days  
2 there at CIB to be sure that he knows how to conduct  
3 himself?

4 **MR. WELLS:** I don't recall that.

5 **MR. JONES:** We also heard from Officer  
6 Malloy that he came to the opinion he did not have  
7 sufficient R&PG to lay the charges at that time and that he  
8 did not consult with colleagues at CIB, and he went  
9 straight to the Crown's office, to Don Johnson, to have a  
10 discussion with Don Johnson about whether charges should be  
11 laid or not.

12 I had asked earlier about if that's the  
13 typical format. Is that the typical practice that happened  
14 at CIB at that time?

15 **MR. WELLS:** No, Ma'am.

16 **MR. JONES:** When charges ended up not being  
17 laid on the Lalonde matter in 1989, is there a reason why  
18 you wouldn't perhaps have reviewed this file, your  
19 signature being the last noted signature here as a  
20 supervisor, as to why charges were not laid?

21 **MR. WELLS:** Your question is again?

22 **MR. JONES:** When charges were not laid in  
23 Mr. Lalonde's matter in 1989, did you, as the last  
24 supervisor to put your signature on a piece of paper here  
25 on the Lalonde file -- did you ask Officer Malloy or review

1 the file yourself to see why charges were not laid?

2 MR. WELLS: I can't recall that.

3 MR. JONES: So it's possible you did review  
4 the file?

5 MR. WELLS: It's possible, myself. It's  
6 possible Inspector Trew reviewed the file with him. I  
7 can't -- I mean, one of the two of us would meet with our  
8 staff or the staff would meet with us. So if you're saying  
9 did I, because I signed that document, I signed the  
10 document as an extension or held in abeyance. I don't  
11 recall meeting with Constable Malloy with respect to why  
12 charges were not laid.

13 MR. JONES: Okay. Is it possible you did?  
14 I just want to be clear on what your evidence is.

15 MR. WELLS: It's possible.

16 MR. JONES: Did you ever have a discussion  
17 with Mr. Malloy about more investigation? For example, did  
18 you have a discussion with Mr. Malloy, specifically on  
19 historical sexual assaults, of whether an employer should  
20 be contacted? Mr. Lalonde was a teacher. So did you have  
21 a discussion about whether the employer should be  
22 contacted? Did you have a discussion about whether CAS  
23 should be contacted, those sorts of questions.

24 MR. WELLS: I ---

25 MR. CALLAGHAN: The witness has told us that

1 he has no recall. I don't know what the point of going  
2 through this. Obviously, Mr. Commissioner, you'll assess,  
3 you know -- it's 20 years ago.

4 **THE COMMISSIONER:** Ms. Jones, you're falling  
5 into the trap of many lawyers. You asked the general  
6 question. He says "I don't remember" and then you go to  
7 specifics, and so then that gets counsel to get up and say  
8 "He answered the general question so you can't ask the  
9 specific". So either you flip him over or you accept his  
10 answer that he doesn't recall anything.

11 So, sir, do you recall anything about this  
12 file after?

13 **MR. WELLS:** No, Mr. Commissioner, I'm sorry;  
14 I don't.

15 **MR. JONES:** Do you recall, at that time  
16 period, what was CPS's obligation to inform employers or  
17 CAS about possible child abuse cases?

18 **MR. WELLS:** No, I don't.

19 **MR. JONES:** You don't know what CPS's  
20 practice and policy was at the time you were the staff  
21 sergeant at CIB?

22 **MR. WELLS:** If an officer -- I trusted if an  
23 officer is investigating an incident and the investigation  
24 takes him into the realm of questioning or advising an  
25 employer, I don't recall any specific policy that would

1 direct an investigator to do that. But if the officer or  
2 investigator decided to speak with the employer -- is that  
3 what you're asking -- would he be allowed to or is it  
4 possible that he did go that route? That was his choice.  
5 Is that what you're asking?

6 **MR. JONES:** I'm not asking actually about a  
7 specific officer. I'm asking about the broader policy.  
8 What is the CPS policy at that time in CIB?

9 **MR. WELLS:** I don't believe CPS had an  
10 individual policy with respect to advising employers.

11 **MR. JONES:** And what about looking to CAS  
12 and informing CAS of possible child abuse?

13 **MR. WELLS:** We worked with CAS. Frequently,  
14 the Youth Bureau would interact with CAS on various  
15 incidents.

16 **MR. JONES:** Now, it would appear that at  
17 that time Mr. Lalonde would be considered a fairly  
18 prominent person in the community in that he was a teacher  
19 at a school, a professional within the community. And was  
20 there any guidance given to any of the officers there,  
21 including yourself, as to how to deal with persons of a  
22 certain description within the community, professionals,  
23 people of prominence, priests, teachers, those sorts of  
24 people? Was there any guidance at all given to these  
25 officers to yourself?

1                   **MR. WELLS:** No, Ma'am.

2                   **MR. JONES:** Are you aware what happened to  
3 Mr. Lalonde 10 years later?

4                   **MR. WELLS:** In preparing for this Inquiry  
5 I've read a number of pages of information. I believe that  
6 there was another investigation conducted by our service  
7 with respect to sexual assaults alleged against him.

8                   **MR. JONES:** But you didn't know back in 1999  
9 about it going on?

10                  **MR. CALLAGHAN:** Is the question back in 1989  
11 he didn't know the investigations that happened in '96?  
12 You asked if there were any -- did you learn what happened  
13 to him and he said in preparing he's read material.

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

15                  **MR. CALLAGHAN:** But surely in 1989 he  
16 couldn't have known what was going to happen in the  
17 subsequent ---

18                  **THE COMMISSIONER:** No, no, that wasn't the  
19 question.

20                  **MR. CALLAGHAN:** That wasn't the question? I  
21 misunderstood then.

22                  **MS. JONES:** I'll simplify it for Mr.  
23 Callaghan.

24                               Were you aware in 1999 what happened to  
25 Marcel Lalonde?

1                   **THE COMMISSIONER:** In 1999.

2                   **MR. WELLS:** I believe I recall something  
3 about Mr. Lalonde being investigated and charged. I can't  
4 nail it down to one particular date. I recall Marcel  
5 Lalonde being investigated, yes, but I don't know the year.

6                   **MR. JONES:** Okay. Well, was it around 1999  
7 when he was being charged with subsequent offences?

8                   **MR. WELLS:** I would say it was around the  
9 time the investigation was being carried out.

10                  **MR. JONES:** And when you heard in 1999 that  
11 Mr. Lalonde was being charged in various other offences,  
12 did that not send off a light bulb in your head saying  
13 "Geez, I heard about that case 10 years ago. I heard about  
14 this guy"?

15                  **MR. WELLS:** No. No, it did not, not that I  
16 recall.

17                  **MR. JONES:** You had no memory or recall that  
18 10 years ago there was a teacher, and this really rings a  
19 bell?

20                  **MR. WELLS:** Not that I recall.

21                  **MR. JONES:** In your opinion, do you think  
22 that Officer Malloy -- this being the last work that he did  
23 on the file in June 1989, do you think that Officer Malloy  
24 did a complete investigation of the Lalonde matter back  
25 then?

1                   **MR. WELLS:** I'm not so sure that that was  
2                   the last time that he spoke to that particular incident.

3                   **MR. JONES:** Let's assume, for the sake of  
4                   argument, it is, do you think that that was a proper  
5                   investigation, as a supervisor looking at an officer?

6                   **MR. CALLAGHAN:** In fairness -- I mean, I'm  
7                   not suggesting you go there, but to show him one piece of  
8                   paper as to what they did without talking about -- showing  
9                   the rest of the file, such as it is, that's found here 20  
10                  years later, to say that this is the investigation isn't  
11                  quite a proper question. You've already heard what Officer  
12                  Malloy did. And whether it really is an appropriate  
13                  question to ask him whether it's proper of something he  
14                  doesn't recall without going into great detail as to what  
15                  Officer Malloy said, I don't think that's particularly  
16                  fair. It's certainly not fair to show him one document.

17                  **THE COMMISSIONER:** Is it fair to ask him if  
18                  somebody leaves a file in abeyance and there's nothing  
19                  documented afterwards whether that's proper?

20                  **MR. CALLAGHAN:** That's proper on the proviso  
21                  that people understand. You've already heard about the  
22                  documentation policy. There is no indication that this is  
23                  the complete file. To suggest, as he just said, that this  
24                  is the only -- this is the end of it, I don't think it's  
25                  possible to say. The general question, having regard to

1 that, if this was -- you're saying if this is the last  
2 place it ended, is that appropriate, that may be an  
3 appropriate question, but there's a lot of provisos.  
4 That's a hypothetical that this is the last place it ended.

5 **THE COMMISSIONER:** Well, we heard from  
6 Officer Malloy.

7 **MR. CALLAGHAN:** Right.

8 **THE COMMISSIONER:** And didn't it stop about  
9 there?

10 **MR. CALLAGHAN:** Well, it stopped in the  
11 sense of it stopped that he didn't do the interview, that's  
12 quite correct.

13 **THE COMMISSIONER:** Right.

14 **MR. CALLAGHAN:** But that doesn't mean that  
15 there wasn't communication with supervisors, doesn't mean  
16 there wasn't communication with others. It just means this  
17 is where it stopped, in terms of the paper trail that we  
18 have in 2008, from 20 years ago.

19 My problem is I'm not -- you don't have a  
20 complete file. No one has warranted that this is a  
21 complete file ---

22 **THE COMMISSIONER:** Okay ---

23 **MR. CALLAGHAN:** --- and whether there are  
24 additional communications in terms of follow-up on this  
25 report and having the discussions and someone would have

1       said something.

2                       Now, obviously this witness doesn't recall  
3       anyway, so it doesn't much matter from this perspective but  
4       I think it's improper to suggest that it necessarily ends  
5       here in terms of anybody else's role.

6                       **THE COMMISSIONER:** Well, okay, what we're  
7       going to have to forge though then is this; we have an  
8       investigation done way back when ---

9                       **MR. CALLAGHAN:** M'hm.

10                      **THE COMMISSIONER:** --- which ---

11                      **MR. CALLAGHAN:** It wasn't done the other  
12       day, I mean I understand.

13                      **THE COMMISSIONER:** It doesn't look -- we  
14       don't know where it's going.

15                      **MR. CALLAGHAN:** We're always -- we're going  
16       to wait to the end of the day where it ends up, but I hear  
17       what you're saying.

18                      **THE COMMISSIONER:** Except 10 years later,  
19       right, we have a guy that comes forward and he's convicted.

20                      **MR. CALLAGHAN:** Right.

21                      **THE COMMISSIONER:** And I guess some people  
22       are going to ask what happened during those 10 years.

23                      **MR. CALLAGHAN:** Right.

24                      **THE COMMISSIONER:** And so I think -- and  
25       this officer is a quality assurance officer; he's a -- he

1 knows about audits, he knows about these types of things  
2 and so I think maybe not the -- that question should be put  
3 to him but I think we can go a little further and say isn't  
4 there something weird about this?

5 **MR. CALLAGHAN:** Well I think you can go  
6 that. I'm just recognizing that it's not a perfect file in  
7 the sense that I'm not -- no one is warranting that this is  
8 a perfect file, no one has said it's a perfect file in the  
9 sense of the documentation. Whether the conduct underneath  
10 it, that's something you'll decide at the end of the day.

11 **THE COMMISSIONER:** So, okay.

12 **MR. CALLAGHAN:** But -- but that's my proviso  
13 and having regard to what he said about his actual recall  
14 of this file, which you already got but -- but we'll see  
15 where we go.

16 **THE COMMISSIONER:** All right.

17 I think you can ask some questions about the  
18 conduct, police conduct and things like that, subject to  
19 the scope of his memory.

20 **MS. JONES:** All right.

21 If an officer does as Officer Malloy did,  
22 put a file into abeyance, saying I'm going to be  
23 interviewing the perpetrator or alleged perpetrator at that  
24 time ---

25 **MR. WELLS:** Yes.

1                   **MS. JONES:** --- and then is put into  
2                   abeyance and then does not actually interview the  
3                   perpetrator or actually do any work further on that file  
4                   and it literally just sits there, do you think that that is  
5                   proper police file management?

6                   **MR. WELLS:** If Constable Malloy -- may ---

7                   **THE COMMISSIONER:** Yes.

8                   **MR. WELLS:** If Constable Malloy submitted  
9                   that document and said he was going to interview the  
10                  suspect or the alleged perpetrator there, and in the  
11                  absence of any other actions on his behalf, if he did  
12                  absolutely nothing more on that particular incident, no,  
13                  that wouldn't be proper.

14                  **MS. JONES:** Thank you.

15                  **THE COMMISSIONER:** Okay, so if it's not  
16                  proper and we have this as such, right, that that's the  
17                  last documentation, we have Malloy's evidence that he  
18                  didn't investigate, obviously something fell through the  
19                  cracks.

20                  Maybe not so obviously but ---

21                  **MR. WELLS:** Mr. Commissioner, there is a  
22                  possibility, if I may use that.

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

24                  **MR. WELLS:** There is a possibility that  
25                  Constable Malloy did meet with the Crown. There is a

1 possibility that he got information from other witnesses.  
2 There's always that possibility that he didn't properly  
3 document the information that he received or actions that  
4 he completed.

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

6 **MR. WELLS:** And for those reasons sat with  
7 Inspector Trew instead of myself on that particular day,  
8 explained that to the Inspector and as a result of that  
9 agreed that there's no further -- there's nothing further I  
10 can do on the case. There is that possibility ---

11 **THE COMMISSIONER:** Right.

12 **MR. WELLS:** --- in this particular case.

13 **THE COMMISSIONER:** But then if you're  
14 following the OMPPAC system, right, Malloy would have  
15 written a supplementary occurrence report saying, "Dear  
16 Sir, this will confirm that I got instructions from so and  
17 so and therefore this file is closed".

18 **MR. WELLS:** Yes, sir.

19 **THE COMMISSIONER:** And then it would  
20 complete the circle.

21 **MR. WELLS:** I was under the impression that  
22 OMPPAC came in in '89, July of '89 you said and this is  
23 June of '89. So it wouldn't be into OMPPAC, it would be  
24 strictly the old ledger system; is that correct?

25 **MS. JONES:** That's right, July '89 is

1 OMPPAC.

2 MR. WELLS: So this is pre-OMPPAC?

3 MS. JONES: Correct, it is.

4 THE COMMISSIONER: So okay, then under the  
5 old ledger form ---

6 MR. WELLS: M'hm.

7 THE COMMISSIONER: What I'm concerned about  
8 is institutional response.

9 MR. WELLS: Yes, sir.

10 THE COMMISSIONER: What I'm looking at is  
11 how did the Cornwall Police work?

12 MR. WELLS: Sure.

13 THE COMMISSIONER: How did they function?

14 MR. WELLS: M'hm.

15 THE COMMISSIONER: And so we're left here  
16 with a person who says I want this to be put in abeyance  
17 and then there's nothing else.

18 MR. WELLS: Yes.

19 THE COMMISSIONER: Put in abeyance for the  
20 purposes of interviewing the suspect.

21 MR. WELLS: Yes.

22 THE COMMISSIONER: We've heard from  
23 Constable Malloy he did not interview the suspect. So  
24 there's something missing in the reporting system, isn't  
25 there?

1                   **MR. WELLS:** And I wouldn't have been privy  
2 to him not knowing, you know what I mean, like ---

3                   **THE COMMISSIONER:** Yeah, I know and I guess  
4 what we're saying is -- what the suggestion is then maybe a  
5 part of the institutional response is there shouldn't be  
6 two people dividing tasks because the left hand might not  
7 know what the right hand is doing and how can you control a  
8 huge number of officers if that's going on.

9                   **MR. WELLS:** That's true.

10                  **THE COMMISSIONER:** All right.

11                   Okay, here we go.

12                  **MS. JONES:** I just was asking, Mr.  
13 Commissioner, what time are we sitting till because I'm  
14 finished with that particular part and moving on to  
15 another?

16                  **THE COMMISSIONER:** Till 5:30.

17                  **MS. JONES:** Okay, thank you.

18                   I'm now going to move on to the Antoine  
19 investigation and I'd like to refer you, please, to Exhibit  
20 1286.

21                   **(SHORT PAUSE/COURTE PAUSE)**

22                  **THE COMMISSIONER:** Okay, so this is the  
23 report to Acting Chief Carl Johnston on the media  
24 allegations of misconduct by the Cornwall Police Service in  
25 the '89-'90 investigation of Jeannette Antoine complaint

1 against the Children's Aid Society.

2 MR. WELLS: Yes, sir.

3 THE COMMISSIONER: All right.

4 MS. JONES: Now, just to give you, again,  
5 some background on facts that we've already learned in the  
6 Inquiry and to speed things up just a little bit here. We  
7 heard from Officer Malloy that he first met with Ms.  
8 Antoine on September 26<sup>th</sup>, 1989 and on that date his  
9 evidence is he told her to make a written statement.

10 And we also have in evidence that on  
11 September 29<sup>th</sup>, 1989 you attended the meeting and at the  
12 meeting was Deputy Chief St. Denis and Thomas O'Brien of  
13 the CAS and you were there to discuss the matter of Ms.  
14 Antoine.

15 Do you recall that meeting, sir?

16 MR. WELLS: Yes, I do.

17 MS. JONES: Okay. And at that meeting,  
18 again, just to speed things up a little bit, she had  
19 alleged that she was physically and sexually assaulted  
20 while in the care and custody of the CAS as a child.  
21 That's what you were being told by Mr. O'Brien.

22 MR. WELLS: Yes.

23 MS. JONES: You did not meet with Ms.  
24 Antoine yourself, did you?

25 MR. WELLS: No, I did not.

1                   **MR. JONES:** No.

2                   **MR. WELLS:** Are we sure that was the date?

3                   I thought it was the latter part of September, early  
4                   October?

5                   **MR. CALLAGHAN:** Yeah, I think that there are  
6                   two meetings, Mr. Commissioner. There's the earlier  
7                   meeting that Inspector Trew said he was at and then there  
8                   was the October meeting.

9                   **THE COMMISSIONER:** Okay, but ---

10                  **MR. CALLAGHAN:** I think this witness was at  
11                  the October meeting.

12                  **THE COMMISSIONER:** Right.

13                  **MS. JONES:** Well, could I please refer you  
14                  to Bates page 7175642.

15                  **THE COMMISSIONER:** So if you look at the  
16                  document you've just been given, look in the top left  
17                  corner.

18                  **MR. WELLS:** Yes.

19                  **THE COMMISSIONER:** The last three numbers  
20                  are 642.

21                  **MR. WELLS:** Yes.

22                  **THE COMMISSIONER:** The indication of where  
23                  you're supposed to go.

24                  **MS. JONES:** It says page 3 as well but we  
25                  don't use that. We're more official here.

1                   **MR. WELLS:** All right. Thank you.

2                   **MS. JONES:** At the second-last paragraph,  
3 this is Officer Derochie's report and I'm assuming that  
4 he's going to be accurate in this report. It says:

5                                 "The second meeting was on September  
6                                 29<sup>th</sup>, 1989 and was held in the office of  
7                                 Deputy Chief St. Denis. Present at  
8                                 this meeting were O'Brien, the Deputy  
9                                 Chief and Staff Sergeant Wells and  
10                                possibly Inspector Trew."

11                   **MR. CALLAGHAN:** There were notes of Mr.  
12 O'Brien's I thought were put into evidence.

13                                 I'm almost certain he said October. I'm not  
14 sure much turns on it. It's the second meeting.

15                   **THE COMMISSIONER:** We'll call it the second  
16 meeting.

17                   **MR. CALLAGHAN:** What's that?

18                   **THE COMMISSIONER:** We'll call it the second  
19 meeting.

20                   **MR. CALLAGHAN:** Yeah and then we'll go back  
21 when it's ---

22                   **THE COMMISSIONER:** And if there's a problem  
23 as to what date it was ---

24                   **MR. CALLAGHAN:** And whether that makes a  
25 difference. It may not make a difference anyway what date

1 it is, whether it was 29<sup>th</sup> or the 2<sup>nd</sup> but it is the second  
2 meeting.

3 **THE COMMISSIONER:** Yes, because this officer  
4 goes on sick leave on November 17<sup>th</sup> of '89?

5 **MR. WELLS:** Yes, sir.

6 **THE COMMISSIONER:** Okay. So it's the second  
7 meeting.

8 **MS. JONES:** Right

9 **THE COMMISSIONER:** And you're there.

10 **MS. JONES:** The second meeting and you're  
11 there. Okay.

12 **MR. WELLS:** I don't believe that.

13 **THE COMMISSIONER:** Go ahead.

14 **MR. WELLS:** I believe that there was Mr.  
15 O'Brien and there was Deputy Chief St. Denis and myself at  
16 that particular meeting. I'm not sure if Inspector Trew  
17 was ---

18 **THE COMMISSIONER:** We're not sure either.  
19 It's iffy in the report in any event. Okay.

20 **MR. WELLS:** Thank you.

21 **THE COMMISSIONER:** So we're all there.

22 **MS. JONES:** So, as a result of that meeting  
23 it would seem that, according to this the very next  
24 paragraph says:

25 "Constable Malloy was assigned to

1 investigate this matter."

2 MR. WELLS: M'hm.

3 MS. JONES: Do you see that?

4 MR. WELLS: Yes.

5 MS. JONES: And are you the person that  
6 assigned him specifically to do the Antoine matter?

7 MR. WELLS: I'm not sure of that.

8 MS. JONES: Is it possible it was you?

9 MR. WELLS: Yes, it is possible it was me.

10 MS. JONES: And is there a reason why  
11 Officer Malloy was chosen? Was it because he had already  
12 spoken to Ms. Antoine about it a few days earlier?

13 MR. WELLS: I can't speak to the reason why  
14 he was assigned this particular case. I don't recall the  
15 reason why he was assigned that particular case.

16 MS. JONES: Do you recall him saying that,  
17 "Oh I've just spoken to this women three days ago, what a  
18 coincidence," or something to that effect?

19 MR. WELLS: No.

20 MS. JONES: Did you give him -- do you  
21 recall giving him any special instructions if you were the  
22 person that had assigned it?

23 MR. WELLS: I ---

24 THE COMMISSIONER: Okay.

25 MR. CALLAGHAN: He doesn't recall whether he

1 assigned it.

2 MS. JONES: Do you have any notes about your  
3 involvement with this matter?

4 MR. WELLS: No, ma'am.

5 MS. JONES: Now, at this particular point in  
6 time, you were still the Staff Sergeant in CIB?

7 MR. WELLS: That's correct.

8 MS. JONES: So, rank-wise you would have  
9 been Mr. Malloy's direct supervisor?

10 MR. WELLS: That's correct.

11 MS. JONES: And, if the hierarchy is to be  
12 followed, if there's any problems that Officer Malloy would  
13 have, presumably you would be the first person he may turn  
14 to?

15 MR. WELLS: That's correct. Well, one of  
16 the first persons that he would turn to.

17 MS. JONES: Well, again, you're supervisor,  
18 you know who you are responsible for. Correct?

19 MR. WELLS: Yes.

20 MS. JONES: As an Inspector, you know who  
21 you are responsible for.

22 MR. WELLS: Yes.

23 MS. JONES: So, regardless of whether  
24 Officer Malloy did or didn't come to you, he's still your  
25 responsibility as a supervisor, correct?

1                   **MR. WELLS:** Yes.

2                   **MS. JONES:** So given the fact that you'd had  
3 a fairly significant meeting that involved CAS, involved  
4 the Deputy Chief about a particular person, and the Officer  
5 Malloy from your section was assigned to this, would it be  
6 fair to say that a fair amount of attention would have been  
7 focused on making sure that this investigation was going to  
8 take place?

9                   **MR. WELLS:** Absolutely.

10                  **MS. JONES:** And perhaps you've been given a  
11 higher priority or focus because everybody knew about this  
12 investigation. Would that be fair to say?

13                  **MR. WELLS:** Yes, it would be.

14                  **MS. JONES:** Okay.

15                   So whether or not you were the actual person  
16 who assigned Officer Malloy, literally, the file of the  
17 Antoine investigation certainly he is assigned the  
18 investigation and you are his next direct supervisor.

19                  **MR. WELLS:** There was Sergeant Trottier I  
20 believe at that time, myself and Inspector Trew. He, being  
21 Constable Malloy, Sergeant Trottier may have been his  
22 supervisor. He would -- he wouldn't necessarily -- yes he  
23 would be his supervisor. There being myself and then  
24 Inspector Trew, in that order.

25                  **MS. JONES:** Going up the chain though,

1           you're second supervisor ---

2                       **MR. WELLS:** Yes.

3                       **MS. JONES:** --- then shall we say?

4                       **MR. WELLS:** M'hm.

5                       **MS. JONES:** So part of your mandate though  
6 would be to make sure this Antoine investigation gets  
7 underway and is done properly?

8                       **MR. WELLS:** Yes.

9                       **MS. JONES:** Okay.

10                      Now, I do understand that you did go on sick  
11 leave -- sorry, on annual leave approximately the first  
12 week of October until November '89. Is that right?

13                      **MR. WELLS:** Yes, I was off ---

14                      **MS. JONES:** Sometime in November?

15                      **MR. WELLS:** --- for three or four weeks in  
16 October and then I would have come back for a week and then  
17 I would have been off for another annual -- period of  
18 annual leave and then I was off on sick leave, yes.

19                      **MS. JONES:** So, you left for three weeks  
20 annual leave, came back for a week and then you were gone  
21 from November '89 to June 1990?

22                      **MR. WELLS:** Yes.

23                      **MS. JONES:** Now, again, once that was  
24 assigned -- and it was a very high profile situation and  
25 you want to make sure that it's done right, even when you

1           came back for that one week, in between your annual leave  
2           and your sick leave that you would be taking in November to  
3           June, I presume that you have been away for three weeks,  
4           OMPPAC is on line now and one of the things that you would  
5           do is to check the status of that particular file? Is that  
6           correct?

7                       **MR. WELLS:** You would think so.

8                       **MS. JONES:** Well, I would think so. What  
9           about you?

10                      **MR. WELLS:** Being away for ---

11                      **MS. JONES:** What do you think?

12                      **MR. WELLS:** --- three weeks in CIB ---

13                      **MS. JONES:** Yeah.

14                      **MR. WELLS:** --- from the CIB office? There  
15           is a significant amount of work that piles up.

16                      **MS. JONES:** M'hm.

17                      **MR. WELLS:** And I would suggest that for  
18           that week it would be just getting -- trying to get caught  
19           up on what has built up over a three-week period ---

20                      **MS. JONES:** M'hm.

21                      **MR. WELLS:** --- in all honesty.

22                      **MS. JONES:** Okay. And knowing that you were  
23           going to be leaving too, I appreciate that but one of the  
24           things that would likely have been on your list of things  
25           to do would be to see how the Antoine investigation was

1 going.

2 MR. WELLS: Prior to me leaving in October -  
3 - early October, what normally I would do is sit down with  
4 the Inspector and bring him up to date on any outstanding  
5 issues that I felt were of a high priority so that there  
6 wouldn't be anything missed, at all possible.

7 And so I could see myself sitting down with  
8 the Inspector, briefing him on those -- that information so  
9 that he could carry on in my absence.

10 MS. JONES: Okay.

11 MR. WELLS: We did that for one another.

12 MS. JONES: Okay, so one of the things  
13 though that you would have done likely in that week --  
14 again, we don't have any notes to confirm, but you would  
15 have likely turned on the computer and checked OMPPAC  
16 sometime during that one week that you were back?

17 MR. WELLS: You would think so, yes.

18 MS. JONES: Pardon me?

19 MR. WELLS: Yes.

20 MS. JONES: Thank you. So if you had  
21 checked OMPPAC and you were aware of this high profile  
22 Antoine investigation then you must have noticed that it  
23 actually wasn't in OMPPAC?

24 MR. WELLS: I can't recall. I can't recall  
25 if I noticed or not.

1                   **MS. JONES:** Because no OMPPAC incident was  
2 actually opened on the Antoine matter. We have that as  
3 evidence.

4                   **MR. WELLS:** Okay.

5                   **MS. JONES:** So, if you were looking in that  
6 week for it on the OMPPAC system it wouldn't be there.

7                   So if you had presumably turned on OMPPAC  
8 and not noticed, would you agree with me that part of your  
9 role as a supervisor would be just merely to ask what's  
10 happened to the Antoine matter?

11                   **MR. WELLS:** Possibly.

12                   **MS. JONES:** And when you came back from your  
13 sick leave in June 1990, am I correct in assuming that,  
14 again, you would have turned on your computer and checked  
15 the OMPPAC situation at some point after returning?

16                   **MR. WELLS:** Yes, it's possible that I would  
17 be turning on OMPPAC.

18                   **MS. JONES:** Well, was your evidence earlier  
19 that you used to check the OMPPAC system about once every  
20 two weeks or so?

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

22                   **MS. JONES:** Is that right?

23                   **MR. WELLS:** Yes.

24                   **MS. JONES:** So, certainly when you returned  
25 to work in June 1990, during that first two weeks you

1           likely would have checked the OMPPAC?

2                       **MR. WELLS:** Yes.

3                       **MS. JONES:** And again, presumably would have  
4 wondered, where's the Antoine matter?

5                       **MR. WELLS:** In CIB, if I can explain, there  
6 -- there is a number of incidents. There is not just one  
7 particular incident. We are dealing with many over that  
8 period of time. And after eight months of leave, for me to  
9 come back and remember that there's one particular incident  
10 that's being investigated -- I guess I can be held  
11 accountable for that, yes. That would be my  
12 responsibility, yes.

13                       **MS. JONES:** Okay. And we have in evidence  
14 from Officer Malloy and we have the documents that there  
15 were a couple of Crown attorney letters that were written  
16 about April 1990 and there was some correspondence with the  
17 CAS about May 1990. This is before you came back. And  
18 just to give you an update on the status of it, it was kind  
19 of on hold in June 1990.

20                       Did you ask any questions about what was  
21 happening with the investigation -- regardless of OMPPAC,  
22 but did you ask any questions of what's going on with this  
23 Antoine matter?

24                       **MR. WELLS:** As I had said originally I don't  
25 recall the Ginette Antoine case other than the meeting that

1 was held with Mr. O'Brien and Deputy Chief St. Denis. To  
2 my recollection that's the only involvement that I ever had  
3 in that particular case, or was ever apprised of.

4 **MS. JONES:** Sorry, I was reading something.  
5 What was your last sentence, sir?

6 **MR. WELLS:** That -- that it was ever -- it  
7 was ever brought up to my attention. I don't recall the  
8 Jeannette Antoine case other than that meeting that was  
9 held in late September or early October with Deputy Chief  
10 St. Denis and Mr. Tom O'Brien. I just can't recall. I  
11 don't recall the incident.

12 **MS. JONES:** Could I refer, please, to  
13 Exhibit 1509.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **MS. JONES:** Inspector, I'm wondering if you  
16 could please turn a few pages inward, the Bates page ending  
17 5542.

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

19 **MS. JONES:** And I just want to refer you  
20 part way down the page. It's very hard because they're  
21 really not paragraphs and they aren't numbered. It's very  
22 hard, I apologize.

23 The left-hand words start with, "Mr. Tom  
24 O'Brien" and it's about two-thirds of the way down the  
25 page, Madam Clerk. It's on the screen actually ---

1 MR. WELLS: "With regards" ---

2 MS. JONES: --- about halfway down the  
3 screen.

4 MR. WELLS: "Mr. Tom O'Brien with regards"?

5 MS. JONES: It starts with "Mr. Tom" --yes.

6 MR. WELLS: Yes.

7 THE COMMISSIONER: Okay, so just to situate  
8 you, this is Constable Malloy's statement.

9 MR. WELLS: Thank you.

10 THE COMMISSIONER: All right.

11 MS. JONES: That's right. I'm sorry, Mr.  
12 Commissioner. Yes, that's a very good point.

13 This is the statement Officer Malloy gave  
14 Officer Derochie so Officer Derochie could write the report  
15 that I just referred you to earlier. So this is earlier in  
16 time than the report.

17 MR. WELLS: All right.

18 MS. JONES: And this is Officer Malloy's  
19 version of events as to what happened from his perspective.

20 MR. WELLS: All right.

21 MS. JONES: And if I could just refer you to  
22 that particular little point, it actually starts further  
23 down the sentence of the Mr. Tom O'Brien sentence and  
24 Officer Malloy says:

25 "I also recall receiving photocopies".

1 Do you see where I am, sir?

2 MR. WELLS: At that little arrow going  
3 around the screen?

4 MS. JONES: It's right under "Mr. Tom  
5 O'Brien", but I start to the right. "I also recall  
6 receiving..." ---

7 MR. WELLS: Yes.

8 MS. JONES: --- "...photocopies of  
9 pertinent CAS files made during the time  
10 period in question, however, I do not recall  
11 who gave them to me. I am pretty sure that  
12 I did not get them from Mr. O'Brien, who's  
13 with CAS, but from a senior member of the  
14 Police Service."

15 My only question on this is, were you the  
16 Officer that provided Officer Malloy with the CAS  
17 materials?

18 MR. WELLS: I -- I don't recall returning  
19 those, no.

20 MS. JONES: And further down, just a couple  
21 of lines down, it starts with, "Due to the fact"?

22 MR. WELLS: Yes.

23 MS. JONES: "Due to the fact that I was  
24 new in the Youth Branch and had little  
25 to no experience in historical

1 investigations involving matters that  
2 occurred 10 to 15 years prior and also  
3 the use of corporal punishment in use  
4 during that time period, I presented  
5 all the case facts and Ms. Antoine's  
6 statement to the Crown Attorney, Mr.  
7 Don Johnson."

8 Do you see that?

9 **MR. WELLS:** M'hm.

10 **MS. JONES:** Again, just to reiterate, was  
11 this common practice for an officer to go to the Crown  
12 attorney for guidance and advice on an historical sexual  
13 assault such as this?

14 **MR. WELLS:** He -- he would -- it's a common  
15 practice. I would assume that Mr. or Constable Malloy  
16 would have met with one of HIS supervisors and discussed  
17 the case before going to the Crown.

18 **MS. JONES:** All right.

19 Just a moment, please.

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

21 **MS. JONES:** Now, at Bates page 7175543, just  
22 the next page there, about halfway down the page it says,  
23 "I therefore placed"?

24 **MR. WELLS:** Yes.

25 **MS. JONES:** "I therefore placed..."

1 This is Officer Malloy speaking again:

2 "I therefore placed this matter in  
3 abeyance until I heard from Mr.  
4 Johnson. This matter came back to my  
5 attention only when I received the call  
6 from Deputy Chief St. Denis concerning  
7 the media. I had not heard anything  
8 from anyone connected with this case up  
9 to this time."

10 So it would appear that this is another case  
11 that Officer Malloy has put in abeyance, which is similar  
12 to what happened to the Lalonde matter, and again, as  
13 supervisor, would it not be part of your role at some  
14 point, in a reasonable amount of time anyway, to look at  
15 files that had been placed in abeyance and see what the  
16 status is and what's happening with these matters?

17 **MR. WELLS:** Yes.

18 **MS. JONES:** Now, I want to go back a couple  
19 of pages, please, to Bates page 5541.

20 You may be aware that Mr. Malloy did not put  
21 this matter into OMPPAC. He did not keep sufficient notes  
22 in Officer Derochie's opinion, and Officer Malloy explained  
23 why the notes are deficient and this was -- in the context  
24 of that explanation, I just want to direct you to this one  
25 comment and it's about a third of the way down and it

1 starts off with, "Know if the complainant", "K-N-O-W if the  
2 complainant", that sentence?

3 MR. WELLS: Yes.

4 MS. JONES: Okay. Go to the end of that  
5 sentence, "My direct supervisors."

6 MR. WELLS: Yes.

7 MS. JONES: "My direct supervisors, being  
8 Staff Sergeant Brendon Wells and  
9 Inspector Trew, were aware of the  
10 allegations and kept up-to-date."

11 MR. WELLS: Yes.

12 MS. JONES: So he's obviously naming you and  
13 Inspector Trew -- first of all, not Sergeant Trottier that  
14 you had mentioned earlier -- but he's mentioning yourself  
15 and Inspector Trew as being aware of the allegations and  
16 kept up-to-date.

17 MR. WELLS: M'hm.

18 MS. JONES: Do you recall Officer Malloy  
19 keeping you up-to-date ---

20 MR. WELLS: No, madam.

21 MS. JONES: --- on the times that you were  
22 present at the office?

23 MR. WELLS: No, ma'am.

24 MS. JONES: So you were not aware about  
25 things such as whether Ms. Antoine was cooperative or not

1 cooperative, whether he had a statement from her or not.  
2 You weren't aware of any of that?

3 MR. WELLS: No, ma'am.

4 MS. JONES: Okay.

5 If I could go back, please, to Exhibit 1286?

6 (SHORT PAUSE/COURTE PAUSE)

7 MS. JONES: Now, this is -- I'm sorry.

8 MR. WELLS: That's all right. Okay.

9 MS. JONES: I'm looking at Bates page 5650,  
10 and I'm just going to read you a few statements of the  
11 findings of Officer Derochie and the conclusions that he  
12 made concerning the supervision of Officer Malloy on the  
13 Antoine matter.

14 MR. WELLS: M'hm.

15 MS. JONES: I'm looking at point 4 on page  
16 5650.

17 MR. WELLS: Yes.

18 MS. JONES: The second -- I'm sorry, I'll  
19 read the paragraph introducing that:

20 "Constable Malloy's supervisors, all  
21 the way up the chain of command, had  
22 knowledge of the investigation.  
23 There's no evidence that the case was  
24 being managed by the supervisors. It  
25 would appear that no one asked for

1 reports or even noticed that an  
2 incident had not been created. No one  
3 appears to have realized that the  
4 allegations were very serious and that  
5 mishandling of the investigation would  
6 cause embarrassment to the Service. It  
7 could be suggested that senior  
8 management of the Service showed no  
9 interest in the investigation."

10 Do you have any comments about that finding,  
11 sir, with regards to yourself only?

12 **MR. WELLS:** With regards to myself?

13 **MS. JONES:** And your role, if any?

14 **MR. WELLS:** The fact is the comments I would  
15 have relevant to that statement of Staff Sergeant Derochie  
16 is, for the first eight months of that particular  
17 investigation, I was absent.

18 To suggest that we had no knowledge of the  
19 investigation or the supervisors had no knowledge of the  
20 investigation, that no one asked for reports and even  
21 noticed that the incident had not been created, with  
22 respect to me is an inaccurate statement.

23 I wasn't available to have knowledge of what  
24 Constable Malloy was or was not doing with respect to that  
25 investigation. So for that eight-month period of time, to

1 hold me accountable for that, no, I don't particularly  
2 agree with his comments.

3 **MS. JONES:** When you say "that eight-month  
4 period of time", do you mean the time that you were off  
5 sick?

6 **MR. WELLS:** From October, when apparently  
7 the investigation was given to Constable Malloy and June,  
8 when I returned to work.

9 **MS. JONES:** To be clear, even Officer  
10 Derochie does not hold you accountable for the time you  
11 were off sick or on annual leave and that is not the  
12 timeframe that I'm suggesting either.

13 What I'm looking at is the time from when  
14 you had that first meeting, or I guess we're calling it the  
15 second meeting ---

16 **MR. WELLS:** M'hm.

17 **MS. JONES:** --- with CAS, when you're made  
18 aware of Antoine, to the time that you go off on your  
19 annual leave. I'm talking about the time where you were in  
20 between your annual leave and your next annual leave, and  
21 I'm talking about post-June 1990. So I'm not referring to  
22 your responsibility when you were on annual leave or sick  
23 leave ---

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

25 **MS. JONES:** --- but the times when you were

1 on duty at CIB as a staff sergeant.

2 So just to be clear about that ---

3 **MR. WELLS:** All right.

4 **MS. JONES:** --- do you have any comments  
5 about those words now, recognizing I'm not talking about  
6 annual leave, and nor is Officer Derochie?

7 **MR. WELLS:** May I ask a question relevant to  
8 that?

9 **MS. JONES:** M'hm.

10 **MR. WELLS:** When was the report submitted by  
11 Constable Malloy to have this held in abeyance? What date  
12 would that have been?

13 **MS. JONES:** That was in April 1990.

14 **MR. WELLS:** Okay.

15 **MR. CALLAGHAN:** Well, first of all, let's  
16 characterize this. The start of this is Constable --  
17 sorry, Staff Sergeant Derochie saying he's playing devil's  
18 advocate, but nowhere does it talk about Mr. Wells --  
19 Inspector Wells during the period after he comes back. And  
20 you've indicated there's a very short period in the earlier  
21 part.

22 So I think the suggestion that he's  
23 necessarily -- that Staff Sergeant Derochie is speaking  
24 about Inspector Wells is not fair. There are other senior  
25 officers, obviously, there.

1                   **THE COMMISSIONER:** Well, that's not the only  
2                   one.

3                   **MR. CALLAGHAN:** Well, I'm not even sure he's  
4                   speaking about Staff Sergeant Wells. He's only there for a  
5                   couple of weeks at the beginning, and there's no suggestion  
6                   in here that it's something he should have done in June.  
7                   The suggestion that that's what's being implied in this is  
8                   not correct.

9                   **THE COMMISSIONER:** Well ---

10                  **MR. CALLAGHAN:** To suggest that he's  
11                  criticizing Staff Sergeant Wells about what happened in  
12                  June -- when he gets back in June, that's not what -- I  
13                  don't read Staff Sergeant Derochie criticizing. I don't  
14                  think they continue it as an ongoing thing in June.

15                  So all we're -- we could most be talking  
16                  about is that little period in October, and I don't really  
17                  read this report as being critical of this person, of this  
18                  witness, on that basis.

19                  **THE COMMISSIONER:** Thank you for your  
20                  submission. I disagree.

21                  First of all, his paragraph 4 is very clear.  
22                  He says:

23                                 "Constable Malloy's supervisors all the  
24                                 way up the chain of command had  
25                                 knowledge of the investigation."

1                   So obviously this gentleman, Inspector  
2                   Wells, cannot be held responsible for things that happened  
3                   when he wasn't there.

4                   **MR. CALLAGHAN:** True.

5                   **THE COMMISSIONER:** Point.

6                   **MR. CALLAGHAN:** And I take that point.

7                   **THE COMMISSIONER:** All right.

8                   **MR. CALLAGHAN:** But it's not talking about  
9                   the June period. I can understand the question as it  
10                  relates to the front period. June 1990 and the discussion  
11                  isn't, "Oh, by the way, people in..." -- you might as well be  
12                  talking about the supervisors in 1991 didn't pick it up.

13                  **THE COMMISSIONER:** Well ---

14                  **MR. CALLAGHAN:** I don't think that's fair of  
15                  the characterization of the report.

16                  **THE COMMISSIONER:** Well, that's up to you.  
17                  He has exposure for a certain period of time, however  
18                  brief.

19                  **MR. CALLAGHAN:** Right.

20                  **THE COMMISSIONER:** Right? And so he can be  
21                  held accountable, and he's in -- Constable -- Staff  
22                  Sergeant Derochie's paragraph 4 stands that "all the way up  
23                  the chain of command". So I'm open to hear questions about  
24                  what happened when he was there.

25                  **MR. CALLAGHAN:** Thank you.

1                   **THE COMMISSIONER:** Thank you.

2                   **MS. JONES:** So, Inspector ---

3                   **THE COMMISSIONER:** Not to say that I'm going  
4 to find anything, but I think you have to answer questions  
5 about the period of time you were there.

6                   **MR. WELLS:** I understand. Thank you, Mr.  
7 Commissioner.

8                   **THE COMMISSIONER:** Thank you.

9                   **MS. JONES:** So any comments then about  
10 Officer Derochie's categorization of the supervision of  
11 Officer Malloy during those times?

12                   **MR. WELLS:** Just one more that no one  
13 appears to have realized that the allegations were very  
14 serious. I take offence to that statement being made, and  
15 I don't agree with it.

16                   **THE COMMISSIONER:** Fair enough.

17                   **MS. JONES:** Could I please refer you to  
18 Bates page 5651. It's just the next page.

19                   **MR. WELLS:** M'hm.

20                   **MS. JONES:** And it's point 6. It starts  
21 with "Constable Malloy". I'll just read that.

22                                    "Constable Malloy and his supervisors..."  
23 I'm sorry; I'm going to start at the  
24 beginning.

25                                    "The CAS Director does not hear back

1 from Constable Malloy or the Crown  
2 Attorney and gives up hope of ever  
3 having the matter resolved to his  
4 satisfaction. Constable Malloy and his  
5 supervisors forget the whole matter.  
6 The local Crown does not follow-up.  
7 The regional Crown never follows up.  
8 If one wanted to make a case for a  
9 cover-up, certainly there are more than  
10 enough elements in this incident to  
11 work with. However, it is the writer's  
12 opinion that there was no such cover-up  
13 in this instance. Mistakes were made.  
14 Case management and supervision was  
15 non-existing and there may even have  
16 been a degree of incompetence involved,  
17 but not a cover-up."

18 So I just want to go to that initial  
19 paragraph, paragraph 6 that starts off "The CAS Director".  
20 So even though this file was held in abeyance in April 1990  
21 -- held in abeyance means, as you said earlier -- was put  
22 on hold until either material comes in or the investigator  
23 finds something else to add to the file?

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

25 **MS. JONES:** Correct?

1                   **MR. WELLS:** Yes.

2                   **MS. JONES:** So it was still in abeyance in  
3 June 1990 when you returned to work?

4                   **MR. WELLS:** Yes.

5                   **MS. JONES:** So I'm just wondering; with  
6 respect to those two paragraphs there that the matter was  
7 basically forgotten; it's on hold; the Crown forgets about  
8 it, et cetera; do you have any comments from your  
9 perspective and your role as Mr. Malloy's supervisor about  
10 these two paragraphs stated by Officer Derochie?

11                   **MR. WELLS:** I'd like to refer you to the  
12 last paragraph:

13                                    "If one wanted to make a case for a  
14 cover-up..."

15                   **MS. JONES:** M'hm.

16                   **MR. WELLS:** And then he goes on to say that:

17                                    "No such cover-up existed. Mistakes  
18 were made. Case management and  
19 supervision was non-existing and there  
20 may even have been a degree of  
21 incompetence..."

22                    Again, I take personal exception to that, or  
23 I'm offended by that one word "incompetence". Other than  
24 that, I have no comment to make.

25                   **MS. JONES:** Do you agree that mistakes were

1 made and case management and supervision was non-existent?

2 MR. WELLS: There's a possibility mistakes  
3 were made, yes.

4 MS. JONES: And what about the case  
5 management and supervision was non-existent?

6 MR. WELLS: If ---

7 MS. JONES: From your perspective.

8 MR. WELLS: If what Staff Sergeant Derochie  
9 is saying here is the truth, I would agree that mistakes  
10 were possibly made. And you're saying case management and  
11 supervision non-existent?

12 MS. JONES: Yes.

13 MR. WELLS: I can't speak to that.

14 MS. JONES: Just from your -- I'm not asking  
15 you to comment on ---

16 MR. WELLS: No, no.

17 MS. JONES: --- Inspector Trew or anyone  
18 else.

19 MR. WELLS: Okay.

20 MS. JONES: Just yourself.

21 MR. WELLS: As I said, I have no  
22 recollection of the Jeannette Antoine case, so I can't --  
23 no comment.

24 THE COMMISSIONER: Fair enough.

25 MS. JONES: Okay. Bates page 5652, please,

1 first paragraph.

2 THE COMMISSIONER: We'll just finish this  
3 section and then we'll go home.

4 MS. JONES: Okay.

5 MR. WELLS: Thank you.

6 MS. JONES: Have you got Bates page 5652  
7 there, sir?

8 MR. WELLS: Yes, I do.

9 MS. JONES: The first paragraph:

10 "Constable Malloy's immediate  
11 supervisors should have recognized the  
12 significance of the allegations being  
13 made and should have monitored the  
14 progress of the Inquiry very carefully.  
15 They should have expected to see  
16 reports on a regular basis and should  
17 have noticed that no reports were being  
18 filed. There was no mechanism in  
19 place, nor is there now, to my  
20 knowledge, for monitoring CIB officers'  
21 notebooks."

22 And just so that you put this in context,  
23 this report is being written in April 1995.

24 MR. WELLS: All right.

25 MS. JONES: Okay? Do you have any comments

1 about that, sir?

2 MR. WELLS: No.

3 MS. JONES: From your perspective about what  
4 Officer Derochie has stated there?

5 MR. WELLS: Again, for that period of time  
6 that the investigation was first assigned up until a point  
7 eight months down the road, yes, I agree; his immediate  
8 supervisor should have recognized the significance of the  
9 allegations made and should have monitored the progress.

10 MS. JONES: Okay. I'm not talking about  
11 when you were on leave. I'm talking about when you were on  
12 duty as Officer Malloy's supervisor and your role when you  
13 were working.

14 MR. WELLS: Relevant to this incident?

15 MS. JONES: Yes.

16 MR. WELLS: I wasn't working for the first  
17 eight months of it.

18 MS. JONES: Well, you were working ---

19 MR. WELLS: So I'm suggesting that for that  
20 period of time, that what Garry Derochie is suggesting is  
21 accurate, they should have.

22 MS. JONES: Okay. Sir, I'm ---

23 THE COMMISSIONER: Okay. What about when  
24 you came back?

25 MR. WELLS: Yes, sir.

1                   **THE COMMISSIONER:** In June?

2                   **MS. JONES:** What about when you came back in  
3 June 1990, sir?

4                   **MR. WELLS:** What about it?

5                   **MS. JONES:** When you came back in June 1990?

6                   **MR. WELLS:** M'hm.

7                   **MS. JONES:** The file is still in abeyance.

8                   **MR. WELLS:** Yes.

9                   **MS. JONES:** What is your comment about  
10 Officer Derochie's criticism that nothing was being  
11 monitored, notebooks were not being looked at, there were  
12 no reports being filed when you were the direct supervisor  
13 back at work?

14                   **MR. WELLS:** If the incident was placed in  
15 abeyance, that incident would have been closed until  
16 further information or further evidence would have come in.  
17 I wouldn't be addressing it.

18                   **THE COMMISSIONER:** Wait a minute now. Then  
19 that's a concern. It would be on OMPPAC, would it not?  
20 Like, when you get -- just help me out here. You come back  
21 in June, for example.

22                   **MR. WELLS:** Yes, sir.

23                   **THE COMMISSIONER:** All right.

24                   And you press a button to see who's got what  
25 caseload.

1                   **MR. WELLS:** Yes.

2                   **THE COMMISSIONER:** So on Malloy's caseload  
3 or somebody's caseload, they would have had the Antoine  
4 investigation?

5                   **MR. WELLS:** Yes.

6                   **THE COMMISSIONER:** And it says it's in  
7 abeyance. You would have seen that, right?

8                   **MR. WELLS:** In the task of that particular  
9 officer?

10                  **THE COMMISSIONER:** Yes.

11                  **MR. WELLS:** Was it in abeyance prior to me  
12 arriving back in June, Mr. Commissioner?

13                  **THE COMMISSIONER:** Let's assume for a minute  
14 that it was still in abeyance when you come back.

15                  **MR. WELLS:** If it was in abeyance when I  
16 came back, I believe that it would have been off this task.  
17 I believe that when it goes off on abeyance, I believe it's  
18 removed from his assignment list, I believe.

19                  **THE COMMISSIONER:** Okay. So if that's the  
20 case then, there must be a basket someplace with all of  
21 these things in abeyance, you see. And so I'm trying to  
22 understand this.

23                  **MR. WELLS:** Sure.

24                  **THE COMMISSIONER:** So is this a way of  
25 throwing files -- discarding files and they're left in a

1 vacuum?

2 **MR. WELLS:** I wouldn't use the word  
3 "discarding". Placing a file in abeyance would be -- the  
4 officer then -- to my recollection of OMPPAC at that time,  
5 sir, ---

6 **THE COMMISSIONER:** Okay. Fair enough.

7 **MR. WELLS:** --- when it's filed in abeyance  
8 -- and I believe if I have -- and I had the ability to  
9 approve the reports ---

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

11 **MR. WELLS:** --- or whoever approved the  
12 report, they pushed a button; that information was entered  
13 and I believe then that would satisfy the need of OMPPAC  
14 and it would be removed from the officer's assignment list.  
15 So then anyone checking that officer's assignment list  
16 would not see the Jeannette Antoine incident. They would  
17 see the remaining incidents associated to his task list.

18 **THE COMMISSIONER:** So is there any way -- is  
19 there a place in OMPPAC where there's a place for files in  
20 abeyance?

21 **MR. WELLS:** I believe -- again, it -- to the  
22 best -- I believe that people still had the ability to go  
23 into OMPPAC and call up that particular incident and review  
24 the reports that were submitted.

25 **THE COMMISSIONER:** I'm just trying to

1 understand, from a supervisor's point of view, that what  
2 you're telling me, if I accept that it goes in abeyance and  
3 it takes off, that means that things could be lost. Files  
4 in abeyance could just stay there for years.

5 MR. WELLS: Again, Mr. Commissioner, to the  
6 best of my recollection, that's how it worked.

7 THE COMMISSIONER: Okay. Fair enough.

8 MR. JONES: But in this particular case it  
9 actually wasn't entered in OMPPAC?

10 MR. WELLS: I don't know. The Commissioner  
11 mentioned OMPPAC, I assumed.

12 MR. JONES: I understand. But in this  
13 particular situation with no OMPPAC matter created, is  
14 there any other check and balance system for you to see if  
15 this error has happened?

16 MR. WELLS: If it wasn't in OMPPAC, so then  
17 it was pre-OMPPAC and that meant the old ledger system,  
18 right?

19 MR. JONES: No, it was not pre-OMPPAC.  
20 Officer Malloy neglected to enter it in OMPPAC. That was  
21 an error on his part.

22 MR. WELLS: Okay.

23 MR. JONES: So it was after OMPPAC.

24 MR. WELLS: All right.

25 MR. JONES: But upon your return in June

1 1990, how do you discover if an officer accidentally  
2 forgets to put something on OMPPAC? How is something then  
3 placed in abeyance if it's actually not on OMPPAC? There  
4 must have been still a paper way of doing that?

5 **MR. WELLS:** The only answer I have for that  
6 is -- and you're not going to maybe like it -- is the fact  
7 that trusting that the supervisors of the day, during that  
8 period of time, handled that investigation and ensured all  
9 procedures relevant to that were followed properly. That's  
10 the best answer I can give you on that.

11 **MR. JONES:** On Bates page 5653, the second  
12 paragraph ---

13 **MR. WELLS:** Yes.

14 **MR. JONES:** --- Officer Derochie wrote:

15 "The immediate supervisors of Constable  
16 Malloy ought to have ensured that this  
17 investigation was being pursued. They  
18 ought to have noticed that an incident  
19 had not been created and that reports  
20 were not being submitted. The writer  
21 could not determine if, in fact, the  
22 supervisors were even briefed orally on  
23 the progress of the investigation. It  
24 should have occurred to them that this  
25 was an investigation of some

1 consequence and had to be dealt with in  
2 a timely manner."

3 So, again, only on the parts that you were  
4 involved in, including when you returned back after June  
5 1990, how do you respond to those words, sir?

6 **MR. WELLS:** I don't know if that statement  
7 from Staff Sergeant Derochie is accurate. I seem to have  
8 read something in preparation for this Inquiry where  
9 Inspector Trew was kept up to date by Constable Malloy.

10 **MR. JONES:** Okay. But as I say, I don't  
11 want you to comment on Inspector Trew. I'm looking at your  
12 perspective. Do you feel that's a fair assessment of your  
13 supervision of Officer Malloy ---

14 **MR. WELLS:** If I had given ---

15 **MR. JONES:** --- in the times that you were  
16 involved with it?

17 **MR. WELLS:** If I had given Inspector Malloy  
18 and assigned him that case, I would have expected Constable  
19 Malloy to start an OMPPAC incident number upon reviewing it  
20 with the victim or the complainant as soon as he  
21 interviewed the lady and to keep the proper reports being  
22 submitted. I don't know if that answers your question.

23 **MR. JONES:** And as a supervisor, even if you  
24 hadn't been the one to assign physically the file to  
25 Malloy, but as a supervisor, it's your job to make sure

1           that's done; correct?

2                           **MR. WELLS:** Yes.

3                           **MR. JONES:** Perhaps this is a good time to  
4           go?

5                           **THE COMMISSIONER:** Good. Thank you.  
6                           Sir, if we could see you tomorrow morning at  
7           9:30.

8                           **MR. WELLS:** Fine then.

9                           **THE COMMISSIONER:** Thank you.

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

12                           This hearing is adjourned until tomorrow  
13           morning at 9:30 a.m.

14           ---Upon adjourning at 5:14 p.m./

15                          L'audience est ajournée à 17h14

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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.

  

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Dale Waterman, CVR-CM