

**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 100

Held at :

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

Tuesday, March 27, 2007

Tenue à:

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

Mardi, le 27 mars 2007

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Mr. John E. Callaghan	Cornwall Police Service Board
Ms. Reena Lalji	
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
Mr. David Rose	Ontario Ministry of Community
Mr. Joe Neuberger	and Correctional Services and Adult Community Corrections
Ms. Judie Im	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Mark Wallace	Ontario Provincial Police Association
Ms. Jennifer Birrell	Catholic District School Board

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
Opening remarks/Remarques preliminaries	1
MARC LATOUR, Resumed/Sous le même serment	2
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann (cont'd/suite)	2
Cross-Examination by/Contre-interrogatoire par Mr. Peter Wardle	14
Cross-Examination by/Contre-interrogatoire par Ms. Judie Im	41
Cross-Examination by/Contre-interrogatoire par Ms. Reena Lalji	45
Cross-Examination by/Contre-interrogatoire par Ms. Diane Lahaie	113
Cross-Examination by/Contre-interrogatoire par Ms. Jennifer Birrell	119
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	142
Re-Examination by/Ré-interrogatoire par Mr. Peter Engelmann	151
Ruling on Request for Supplementary Funding for CCR by/Décision concernant la demande de financement supplémentaire pour CCR par Justice Normand Glaude	158
House keeping matters by/Question d'ordre administratif Par Mr. Peter Engelmann	160

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-363	Video taped interview - Marc Latour w/Cornwall Police Service dated Aug 2, 2000	62
P-364	Supplementary Report - April 16, 2002	77
P-365	Police officers notes - Jeff Carroll dated April 2002	82
P-366	Supplementary Report - Jan 06, 2003	100
P-367	Supplementary Report - Feb 12, 2003	157
P-368	Letter to S/Sgt R. Carter fr P.R. Hall dated June 19, 2000	115
P-369	Marc Latour's Ontario School Record	121
P-370	Supplementary Report - April 15, 2002	153

1 --- Upon commencing at 9:36 a.m. /

2 L'audience débute à 9h36

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

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

8 Please be seated. Veuillez vous asseoir

9 **THE COMMISSIONER:** Good morning all.

10 Julie, do you have the cross-examination
11 list?

12 Thank you.

13 Good morning, Mr. Engelmann.

14 **MR. ENGELMANN:** Good morning, sir. I
15 believe some very important glasses have been located.

16 (LAUGHTER/RIRES)

17 **THE COMMISSIONER:** Good morning, Mr. Latour.

18 **MR. LATOUR:** Good day, sir.

19 **THE COMMISSIONER:** How are you doing today?

20 **MR. LATOUR:** Good.

21 **THE COMMISSIONER:** All right.

22 **MR. LATOUR:** I forgot my glasses.

23 **THE COMMISSIONER:** Yes.

24 So you understand you are still under oath?

25 **MR. LATOUR:** Yes, I do.

1 **THE COMMISSIONER:** All right.

2 Mr. Engelmann has some questions from you
3 and then we will carry on with the rest of the ---

4 **MR. LATOUR:** Very well, sir.

5 **MARC LATOUR, Resumed/Sous le même serment:**

6 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
7 **ENGELMANN (Cont'd/Suite):**

8 **MR. ENGELMANN:** Good morning, Mr. Latour.

9 **MR. LATOUR:** Hi.

10 **MR. ENGELMANN:** I am glad you have your
11 glasses.

12 **MR. LATOUR:** Me too.

13 **MR. ENGELMANN:** I need them now too. So.

14 Mr. Latour, yesterday I forgot to cover one
15 matter with you. I want to go back to just before we
16 finish up. And it's with respect to your continuing
17 contact, if any, with Mr. Greggain. And, you told us
18 about, you know, what happened to you in Grade 3 and you
19 related your allegations to us. And, you said that later
20 on you weren't sure if it was immediately after you
21 finished Grade 3 or a bit later, that Mr. Greggain was
22 changed to a Grade 6 teacher from a Grade 3 teacher.

23 Correct?

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

25 **MR. ENGELMANN:** And, how did you know he

1 became a Grade 6 teacher?

2 MR. LATOUR: Because I was still attending
3 school at St. Peter's, I went through Grade 4, 5 and my 6th
4 year was up and I find out he was the teacher.

5 MR. ENGELMANN: Right.

6 MR. LATOUR: Grade 6.

7 MR. ENGELMANN: And, let me just ask you
8 this, Mr. Latour. I don't know the size of the school.

9 Would there have been more than one class
10 per grade?

11 MR. LATOUR: No, just one class per grade.

12 MR. ENGELMANN: So if you stayed in that
13 school and you wanted to complete Grade 6, he was the
14 teacher?

15 MR. LATOUR: That's correct.

16 MR. ENGELMANN: All right.

17 So, what happened, how did you find out he
18 was going to be your teacher and what, if anything did you
19 or your parents do?

20 MR. LATOUR: Well, I found out before I
21 attended Grade 6 that he was going to be the teacher of
22 Grade 6. And I was all hysterical and I didn't want to go
23 to school; I didn't want to go to his class; and we had
24 another meeting with the principal of the school at the
25 time.

1 His name was Mr. Beaudette. It's the same
2 principal I spoke to in Grade 3 that promised me that he
3 wouldn't hurt me anymore. He promised me again that, if I
4 attended his class, I would not be hurt.

5 **MR. ENGELMANN:** Do you remember who was at
6 that meeting?

7 **MR. LATOUR:** My mother, myself and, of
8 course, the principal.

9 **MR. ENGELMANN:** Okay.

10 And, did you then attend his Grade 6 class.

11 **MR. LATOUR:** I didn't want to, but I had no
12 choice. I mean, I'm still young, you know. I didn't want
13 to, but I did, yes.

14 **MR. ENGELMANN:** All right.

15 And, what was that year like; was it similar
16 to what happened in Grade 3, or was it different?

17 **MR. LATOUR:** No, it was a great year,
18 excellent year.

19 **MR. ENGELMANN:** Any detentions?

20 **MR. LATOUR:** Never.

21 **MR. ENGELMANN:** No physical or sexual abuse?

22 **MR. LATOUR:** Never. It's like, nothing. He
23 was a great teacher for Grade 6. He involved me in all the
24 sports programs.

25 I was still nervous at the beginning for the

1 first few months because I'd known what I went through and
2 I kept scared all the time, all the time. I finished that
3 school year there with the same teacher.

4 **MR. ENGELMANN:** All right.

5 Okay.

6 I then just had a few questions that I
7 wanted to ask. We've asked these questions of a lot of the
8 witnesses who've come before you. If you feel able to
9 comment on them, please do.

10 Your comment on the effect of the -- of the
11 alleged abuse, the physical and sexual abuse that you say
12 that Mr. Greggain did to you.

13 **MR. LATOUR:** Well the affects were enormous
14 all through my life. The biggest thing is, he took my mom
15 away from ---

16 **(SHORT PAUSE/COURT PAUSE)**

17 **MR. LATOUR:** For some reason, I always
18 believed to be true that she gave him the permission and I
19 hated her, all my life. I even hated her when she died.
20 But she did nothing but support me. He took away my dream,
21 my future.

22 I've been through things I never would have
23 been through if it wasn't for him. And, the only reason
24 I'm here is in memory of my mom. She'd want me to be here.

25 My son lost his education because of the way

1 I think and the things I do. He was having a problem in
2 school. We had a meeting at the school with his principal
3 and some teachers. And, because I wouldn't agree with
4 them, in their strategy towards him, because he was having
5 problems with one teacher; I said, "Why don't you just take
6 him out of that class? The teacher don't like him, he told
7 me." And he got all upset at the meeting and said, "We're
8 professionals; that don't happen".

9 I wouldn't -- they wanted to change my son
10 schools at the time and I said, "No, no, that's not the way
11 to fix this problem." And, two days later my son is
12 expelled from school because I wouldn't agree with what
13 they were doing.

14 So, I believe if I would have agreed, you
15 know, that with professionals those things don't happen.
16 Well, they do happen and, they did happen. So.

17 He didn't go to school anymore. I feel to
18 blame for that. I feel I should have tried to get over
19 this and just agreed with them.

20 I abused alcohol just to forget, your whole
21 life, you know. I -- the effects are enormous. My
22 children, I mean, I raised a couple children, and you
23 wouldn't believe how hard it is when you got to watch them
24 every moment, so that they don't meet up with a person like
25 this, that they're safe, you know.

1 My children still don't know what happened.
2 They're going to know now, I think. I haven't talked to
3 them. I just -- I couldn't tell them. My daughter has two
4 grandchildren. My grandson is ten; the other guy is three.
5 I don't need her worrying that these things happen and
6 nothing is done about them. It's -- I don't know how come
7 your mind gets so corrupt, as I got older. I don't know
8 why I still believe this.

9 Why I even thought my mother would ever give
10 somebody like that permission to do what he did to me. But
11 it just stayed with me. I did all this trouble just to get
12 back at her and punish her. My sister told me she died
13 feeling it was her fault, what I've been through.

14 Okay.

15 Not about reform school. She thought it was
16 only reform school because the police had come to the door.
17 You know, it was a hard life. He put me through, it's
18 disgusting.

19 I'm very lucky to be here. If it wasn't for
20 my fiancée, my counsellor, I wouldn't be here. I was
21 giving up. I wasn't coming. Six months ago, I wasn't
22 bothering with this. I didn't think it would do any good.
23 I truly didn't. This isn't the justice I am looking for.
24 You know, just, "Come and tell the people why you didn't do
25 this to me Gilf, tell them. Tell them why I -- you didn't

1 do this to me. Just come and answer." But no, But I want
2 to answer. I want an answer. I'm ready to answer.
3 Finally, I'm ready and that's why I'm here to. I'm ready.

4 **MR. ENGELMANN:** Okay.

5 Mr Latour, you've talked to us about some
6 involvement you had with public institutions. In your
7 evidence, some involvement you had as a child with the
8 school, and some involvement you had as an adult with the
9 Cornwall Police Service. And, I'm just wondering what, if
10 any, concerns you might have had with respect to the
11 response of either of those institutions, and whether or
12 not you have any suggestions or recommendations for us with
13 respect to institutional response given what we're doing
14 here.

15 That's a long question, maybe I ---

16 **MR. LATOUR:** It is.

17 **MR. ENGELMANN:** I can break it up a bit.

18 **MR. LATOUR:** Pardon?

19 **MR. ENGELMANN:** I can break it up a bit if
20 you'd like.

21 **MR. LATOUR:** The school, I was eight years
22 old, I was just happy that he wasn't going to hurt me
23 anymore. So at the time, the principal did his job.
24 Because I wasn't hurt anymore, but was I -- as I grow up is
25 it his job? It shouldn't stop there I don't believe, as an

1 adult, but as a child, certainly, certainly, saved my life,
2 I believe.

3 I dealt with police all my life as a
4 juvenile. Nobody ever caught on. "What's happening to
5 this guy or this child?" This -- you know, I come from a
6 family that are hard workers, that do well, that's never
7 been in trouble with the law. They always wondered,
8 everybody wondered what happened. "What's wrong with Marc"
9 you know. But nobody really offered any help.

10 You know, the courts didn't offer any help
11 to me. They didn't send me to see doctors, or, "This young
12 boy; this ain't right." There's a problem somewhere.
13 There has to be a problem. You just don't do this -- these
14 things. I never did anything to hurt anybody in my life,
15 physically or sexually, or maybe mentally. Family members,
16 I always blamed everybody else for what he did to me, you
17 know. I was sent to reform school. I got no counselling
18 in there either.

19 What did I face?

20 I faced abuse again ---

21 (SHORT PAUSE/COURTE PAUSE)

22 MR. LATOUR: It just goes on and on.

23 I finally go to the police. I've never been
24 to the police in my life to ask them for anything,
25 anything, ever; ever asked them for anything, any help,

1 nothing. I just didn't trust them. And I have every right
2 not to trust them.

3 People forget, we had the worst force in the
4 70s this city has ever seen. I had to deal with these
5 officers. They did things to me. I had no respect and,
6 I'm sorry, there are lots of good ones, but certainly are,
7 I just had no respect for these people, you know. I could
8 have used their help many times in my life.

9 But if you have no respect for somebody, why
10 ask them for their help?

11 And it just kept going on and on. So. I
12 just had to do this. And when I went to the police about
13 what happened to me, maybe I wasn't quite ready. If I
14 could do it all over again, I would have went in last six
15 months, because I'm ready. --- I don't know why but I'm
16 ready.

17 Things may have been a little differently,
18 you know. Maybe I would explain myself better. I'm not
19 satisfied with lots of things, in these papers, these
20 tapes, and it mind-boggles me to this day.

21 Okay.

22 Why I wouldn't -- why my sentences are cut
23 short and why isn't the other paragraph there, you know?

24 But was it me, was I stressed out so much
25 and worried?

1 My biggest fear was my children finding out
2 about this, you know. I talked very mildly about it. I'm
3 just -- I buried my head in the sand and I took it out.

4 **MR. ENGELMANN:** Sir, what, if anything, did
5 you expect would come of your involvement with the Cornwall
6 Police Service?

7 You went to see Jeff Carroll in 2000 and, of
8 course, you went back in 2001.

9 What was your expectation at the end of the
10 day?

11 **MR. LATOUR:** I wanted him to lay some
12 charges against Gilf Greggain, so he could answer for what
13 he did to me, in a court of law. Like, that's the way to
14 do things.

15 I mean, I had only respect for Jeff at the
16 beginning. I thought he was finally going to do something
17 about this. He never gave me no reason not to believe him.

18 I understand that I couldn't go through with
19 the initial investigation, I just -- I couldn't -- I just
20 wanted to bury my head in that sand again. And then I came
21 up and some things he had told me like, "This is my
22 investigation, not Dick Nadeau's" like. And I asked him
23 not to tell, "I think I might have some evidence for you"
24 not to mention my name. But he did.

25 And he also threatened me. Threatened, now,

1 this is what the -- Mr. Tyo told me. I don't even know
2 that to be true, but I know Jules and he don't lie. I
3 never knew him to lie.

4 I lost some respect, but I still thought I
5 would proceed with the charges. But it never materialized,
6 you know.

7 I mean, I even asked him, "I'll take the
8 polygraph test." "Oh, no, no, Mark. I have no reason. I
9 believe you; I believe you. It's just, you know, the
10 evidence." I said, "Well, I see you have to charge me. If
11 you can't charge him, you have to lay the charge against
12 me. I cannot go around accusing somebody of doing this to
13 me. If you can't charge him, I have to be charged." And I
14 thought that, I would get my day in court that way. He
15 wouldn't lay the charge against me, either. He said, "I'll
16 get back to you. I'll talk to the Crown." He never got
17 back to me. Never. And I'm here today.

18 **MR. ENGELMANN:** All right.

19 Do you have any suggestions for us, or
20 recommendations for us, Mr. Latour, about ---

21 **MR. LATOUR:** I think it's -- the most
22 important thing is, I think it's very important if a child
23 just turns astray so bad, you have to look where is the
24 problem. Just don't tag him along the system and get him
25 the help he needs. Get it early; get it early. Maybe

1 it'll do some good, you know. We're all victims. Many
2 were abused and I'm overwhelmed at the victims there are in
3 this city, you know. I really, truly believed I was the
4 only one. It's awful.

5 Am I surprised?

6 Worse things too have happened in this city.
7 Like I mentioned our police force of the '70's. I'm sorry
8 but ---

9 **MR. ENGELMANN:** That's ---

10 **MR. LATOUR:** People didn't want to believe
11 and ---

12 **MR. ENGELMANN:** Okay. I think it's
13 important Mr. Latour we stick to your situation and what
14 you know. So ---

15 **MR. LATOUR:** And I think that's the most
16 important -- take care of -- try and take care of the
17 problem early.

18 **MR. ENGELMANN:** Yeah.

19 **MR. LATOUR:** Early.

20 **MR. ENGELMANN:** Okay.

21 **MR. LATOUR:** You know. Whether it be the
22 courts or, you know. And I think if the courts would have
23 been there ---

24 **MR. ENGELMANN:** All right.

25 **MR. LATOUR:** --- when I was going through

1 all this trouble as a youngster and I mean very young, you
2 know ---

3 **MR. LATOUR:** So if we see a good kid from a
4 good family, who all of a sudden goes astray, we should
5 look behind that?

6 **MR. LATOUR:** Exactly.

7 **MR. ENGELMANN:** All right.

8 Mr. Latour, thank you very much for coming
9 and giving your evidence and I'd ask if you could please
10 answer the questions that some of the lawyers will have
11 from you from the different parties. They'll identify
12 themselves and they'll let you know who they're
13 representing when they ask you the questions.

14 Thank you, sir.

15 **THE COMMISSIONER:** All right.

16 You okay?

17 **MR. LATOUR:** Yeah, I'm fine.

18 **THE COMMISSIONER:** All right.

19 So Mr. Wardle will ask questions for the
20 Citizens for Community Renewal.

21 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

22 **WARDLE:**

23 **MR. WARDLE:** Good morning, Mr. Latour.

24 **MR. LATOUR:** Good day, sir.

25 **MR. WARDLE:** Good morning, Mr. Commissioner.

1 **THE COMMISSIONER:** Good morning, sir.

2 **MR. WARDLE:** Mr. Latour, I'm just going to
3 introduce my client. My client is called Citizens for
4 Community Renewal, and it's an organization of concerned
5 citizens from this area with standing at the Inquiry. And
6 they're known by their acronym CCR for short.

7 "CCR is determined to promote needed
8 institutional reforms so as to ensure
9 the protection of children and
10 justice for all."

11 That's really their sort of mission
12 statement.

13 So I have only a few questions for you and I
14 just -- I'd like to start if I can by just asking you some
15 brief questions not about the abuse itself, but about the
16 events that took place around it in the 1960's. And I want
17 to start with the school and what took place at the school.
18 And I think Mr. Engelmann's already established that you
19 were in Grade 3.

20 Correct?

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

22 **MR. WARDLE:** And this is St. Peter's which
23 is an elementary Catholic school.

24 Correct?

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

1 MR. WARDLE: And you think that this was
2 approximately 1967, when this happened.

3 MR. LATOUR: I was in Grade 3, yes.

4 MR. WARDLE: Okay.

5 So would that give us a rough idea of the
6 year; somewhere around that time?

7 MR. LATOUR: Yes.

8 MR. WARDLE: Okay.

9 And, today, as I understand it, you recalled
10 that the principal was a Mr. Beaudette?

11 MR. LATOUR: That's correct.

12 MR. WARDLE: And are you aware that Mr.
13 Beaudette died recently, in the last year or two?

14 MR. LATOUR: No, he didn't. I heard that,
15 but it was his brother I'm told.

16 MR. WARDLE: Okay.

17 Do you know if he's still alive?

18 MR. LATOUR: I believe so.

19 MR. WARDLE: Okay.

20 And Mrs. Gosling, as I understand it, your
21 Grade 2 teacher, she died some time ago.

22 MR. LATOUR: Yes, she did.

23 MR. WARDLE: Okay.

24 And as I understand it, from what you told
25 us yesterday, these incidents always happened after school.

1 Correct?

2 MR. LATOUR: That's correct.

3 MR. WARDLE: And the sort of pretext by the
4 teacher, Gilf, was a detention. You were always in there
5 for a detention.

6 MR. LATOUR: That's correct.

7 MR. WARDLE: Okay.

8 And it took place over a period of weeks or
9 months, you told us yesterday?

10 MR. LATOUR: that's correct.

11 MR. WARDLE: And you didn't tell anyone for
12 the reasons you told us about yesterday, you were scared?

13 MR. LATOUR: That's right.

14 MR. WARDLE: And he told you not to tell
15 anyone.

16 MR. LATOUR: That's right

17 MR. WARDLE: Okay.

18 Now, I'm not sure I heard you say this
19 yesterday, or I may have seen it in one of the statements,
20 but somewhere I thought you said that your friends stopped
21 waiting around for you after school.

22 MR. LATOUR: Yes, at the beginning I had
23 some good friends. I had Brian and April; one was a girl
24 and one was a boy; and we did everything together. and they
25 waited for me, at the beginning, outside, in the hallway

1 while I wrote I would behave or I would wash the
2 blackboards or -- but they stopped waiting. And to this
3 day I've never talked to them, why they stopped waiting. I
4 just figured that they got fed up of waiting for me.

5 **MR. WARDLE:** And do you know if these
6 friends knew that you were in trouble of some kind?

7 **MR. LATOUR:** Well, after the abuse came to
8 light, everybody knew in the school. It's just something
9 that went around.

10 **MR. WARDLE:** So the kids would have been
11 talking about it. They may not have known what happened,
12 but they would have heard something about this.

13 **MR. LATOUR:** Yes.

14 **MR. WARDLE:** Okay.

15 And you also said yesterday, and I'm not
16 sure we quite got this out completely, that:

17 "Even one of the teachers stopped
18 looking in at me."

19 And I assume you were referring to Mrs.
20 Gosling.

21 Is that right?

22 **MR. LATOUR:** That's correct.

23 **MR. WARDLE:** Because she had been your
24 teacher in Grade 2, and was she sort of keeping an eye on
25 you in grade three, a little bit?

1 **MR. LATOUR:** I don't believe so, just, she -
2 - I remember the first time I was under detention and she
3 just came in. She seen me there, and was probably
4 wondering what I was doing there after school, because I
5 was a great student. I had no problem. I loved school. I
6 didn't give any teachers a hard time, ever, in elementary
7 school.

8 **MR. WARDLE:** So Mrs. Gosling knew that you
9 were getting detentions from this new teacher?

10 **MR. LATOUR:** Yes, she did. And she asked
11 about it, to him, at first. And it was always that I was
12 misbehaving or I wasn't doing my work, or I was fighting,
13 you know. So -- but he always had an excuse why I was
14 there, at the beginning.

15 **MR. WARDLE:** Now, I want to ask you just a
16 little bit about the last incident where your father comes,
17 and I realize this is very painful for you. So I'm only
18 going to ask you a few questions about it.

19 I understand that your father sees you,
20 across the street from the school, talks to you and then he
21 goes and confronts the teacher.

22 **MR. LATOUR:** After Gilf Greggain assaulted
23 me ---

24 **MR. WARDLE:** Right.

25 **MR. LATOUR:** --- abused me, I escaped from

1 him. And I ran, and I ran across the street. And it hurt.

2 **MR. WARDLE:** Now, I'm not -- I'm ---

3 **MR. LATOUR:** Anyways, I heard, "Marc." My
4 dad worked out of town and he was never home, he had to
5 work. For some reason he was there. And he said, "Marc,
6 what's wrong?" And I said, "He's beating me; he's hurting
7 me." He said, "Who?" I said, "Never mind, let's just go
8 home. Never mind." He said, "No, who son, who?" I said,
9 "He's going to kill you, dad!" And he said, "Who? You're
10 going to tell me." And I said, "The teacher." So he
11 carried me and was screaming, and I said, "No Dad. He's
12 going to kill you."

13 **THE COMMISSIONER:** You okay sir?

14 Do you want to take a short break?

15 **MR. LATOUR:** No.

16 **THE COMMISSIONER:** All right.

17 So just take your time now. I think Mr.
18 Wardle wants to know more about the circumstances I think.
19 And he certainly just ---

20 **MR. LATOUR:** I'm telling him that.

21 **THE COMMISSIONER:** Yes, but I guess what
22 he's saying is that he doesn't want to have to put you
23 through all of this. He has some specific questions he
24 wants to ask you.

25 All right?

1 Mr. Wardle, if you could give that a try.

2 **MR. WARDLE:** I think, Mr. Latour, everybody
3 in this room doesn't want to put you through the pain of
4 that again.

5 **MR. LATOUR:** I didn't come here to cry.

6 **THE COMMISSIONER:** I'm sorry.

7 **MR. LATOUR:** I said, I didn't come here to
8 cry.

9 **THE COMMISSIONER:** Oh, no, no. That's okay
10 that's not the issue.

11 **MR. LATOUR:** He took me, he confronted the
12 teacher.

13 **THE COMMISSIONER:** All right.

14 **MR. WARDLE:** Now, my understanding of what
15 you said yesterday is you can't remember whether you were
16 actually in the room or not. You know, or whether you were
17 outside, trying to figure out what was going on inside,
18 between your father and the teacher.

19 But am I right that after that happened, you
20 went -- you left school for a few days?

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

22 **MR. WARDLE:** And then there was a meeting
23 with the principal?

24 **MR. LATOUR:** That's correct, in fact.

25 **MR. WARDLE:** So this would be Mr. Beaudette?

1 MR. LATOUR: That's correct.

2 MR. WARDLE: Okay.

3 And you were at that meeting.

4 MR. LATOUR: That's right.

5 MR. WARDLE: And were your parents there as
6 well?

7 MR. LATOUR: My mother was there.

8 MR. WARDLE: Your mother was there.

9 And, essentially, the principal promised you
10 that he wouldn't hurt you again.

11 MR. LATOUR: Yes, he did.

12 MR. WARDLE: Okay.

13 But you weren't removed from his class. You
14 had to stay in his class for the rest of the year as I
15 understand it.

16 MR. LATOUR: Yes I did.

17 MR. WARDLE: Okay.

18 And you don't know, sir, I take it, whether
19 any other steps were taken by the school at that point?

20 MR. LATOUR: They were. He never hurt me
21 again.

22 MR. WARDLE: Well, somebody must have talked
23 to him. I'm assuming he wasn't at this meeting with the
24 principal.

25 MR. LATOUR: No.

1 **MR. WARDLE:** Okay.

2 But you don't know if the school took any
3 steps, for example, to discipline him for what had
4 happened.

5 **MR. LATOUR:** No, I never heard anything.

6 **MR. WARDLE:** Okay.

7 And you don't know whether -- you don't
8 know, sir, whether, for example, the Children's Aid Society
9 was notified?

10 **MR. LATOUR:** No, they weren't. They never
11 talked to me.

12 **MR. WARDLE:** No one ever came to your house
13 from the Children's Aid Society about this.

14 **MR. LATOUR:** Never in my life.

15 **MR. WARDLE:** And, obviously, the police
16 weren't called because you would have told us if the police
17 had been involved?

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

19 **MR. WARDLE:** So all you really know and
20 remember -- I mean we all know you were eight at the time -
21 - all you really know is you had this meeting and the
22 principal said, you know, "It won't happen again" and it
23 didn't happen again.

24 **MR. LATOUR:** I still didn't want to go, but
25 I had to go.

1 **MR. WARDLE:** And you had to go back into the
2 class.

3 **MR. LATOUR:** Yes I did.

4 **MR. WARDLE:** And, Mr. Greggain, as I
5 understand it, continued to teach at the school for a
6 significant period of time after that?

7 **MR. LATOUR:** I believe so, yeah.

8 **MR. WARDLE:** And, in fact, three years later
9 he was your Grade 6 teacher, as you told us about this
10 morning.

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

12 **MR. WARDLE:** And you don't know how he ended
13 up teaching Grade 6 as opposed to Grade 3; that's not
14 something you would know anything about.

15 **MR. LATOUR:** I have no clue.

16 **MR. WARDLE:** Okay.

17 So you don't know whether any steps were
18 taken by the school or by the school board to discipline
19 him in any way for what had happened.

20 **MR. LATOUR:** No.

21 **MR. WARDLE:** And as far as you know, he
22 spent his entire career as a teacher.

23 **MR. LATOUR:** I never had -- I don't know, to
24 be honest. I don't know what he did.

25 **MR. WARDLE:** Now, can I just move, if I can,

1 sir, to 2000, when you came forward to first the OPP and
2 then the Cornwall Police?

3 And I just have a few questions, first of
4 all, about why you came forward. And you told us a little
5 bit about that, yesterday. But I just want to ask you a
6 few more questions.

7 First of all, from, you know, approximately
8 1967 when you were in Grade 3, to 2000 that's roughly 33
9 years. That's a long time, right?

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

11 **MR. WARDLE:** And I understand that there
12 were a number of factors that caused you to come forward,
13 and I'm just going to go through them and you can tell me
14 whether you agree or you disagree.

15 One (1) of the factors you told us about
16 yesterday was that you had recently been diagnosed with
17 this fibromyalgia, and you were trying to come to grips
18 with that.

19 Correct?

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

21 **MR. WARDLE:** As I understand it as well, you
22 had also stopped drinking two or three years earlier. And
23 that was another factor that gave you the strength to be
24 able to come forward.

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

1 MR. WARDLE: Okay.

2 Am I right as well, sir, that your father
3 had recently died?

4 MR. LATOUR: My Dad's dead, yes.

5 MR. WARDLE: And you were -- one of the
6 things I sense from just reading the material is you were
7 concerned that if you came forward while he was still
8 alive, it would drag him into this.

9 MR. LATOUR: That's a reason, yes.

10 MR. WARDLE: Okay.

11 And am I right that one of the factors was
12 this chance encounter you had with Mr. Greggain on the
13 street, where you saw him as you told us about yesterday?

14 MR. LATOUR: Yes.

15 MR. WARDLE: And you're concerned that he
16 might have some access to children?

17 MR. LATOUR: He might be hurting them.

18 MR. WARDLE: Okay.

19 Are those all of the factors that you can
20 think of, that caused you to come forward?

21 And I should have added to that, the support
22 of your family, your fiancée.

23 MR. LATOUR: That's correct.

24 MR. WARDLE: Okay.

25 Is that sort of all the factors you can

1 think of?

2 MR. LATOUR: And I wanted him to face
3 justice.

4 MR. WARDLE: You wanted him to face justice
5 and that's really why, you know, you went to the police and
6 pursued it with the police.

7 MR. LATOUR: That's another reason, yes.

8 MR. WARDLE: Okay.

9 I want to just move to the communications
10 you had with Mr. Carroll, from the Cornwall Police Service.
11 And, first of all, I just want to go back over the dates,
12 and Mr. Engelmann sort of took you through this yesterday,
13 but I just want to sort of outline some of the dates.
14 First of all, I think we've established your first taped
15 interview was on June 23rd, 2000. And that's -- the
16 document was made exhibit 358, yesterday.

17 MR. LATOUR: Right.

18 MR. WARDLE: And then you had a second
19 interview very soon after that, with Mr. Carroll.

20 Correct?

21 MR. LATOUR: Right.

22 MR. WARDLE: Okay.

23 And then -- and I'm not going to ask you --
24 you don't recall -- I'm sure you won't recall this
25 precisely, but I think we established yesterday, in early

1 August 2000, you told Mr. Carroll that you wanted to drop
2 the complaint and that was made an exhibit -- his notes
3 were made an exhibit; that's Exhibit 359.

4 MR. LATOUR: I did tell Mr. Carroll this,
5 yes.

6 MR. WARDLE: Okay.

7 Then in March of 2001 you came back in, and
8 you said to him you wanted to go ahead, and he then
9 interviewed you again.

10 Do you recall that?

11 MR. LATOUR: Yes, I did.

12 MR. WARDLE: And then, yesterday you told
13 Mr. Engelmann in September of 2002 -- so that's 18 months
14 later -- you had a communication with Mr. Carroll where he
15 told you that he had now interviewed Mr. Greggain, and
16 that's when you were told that all of their leads to date
17 hadn't turned up anything, essentially.

18 MR. LATOUR: If it was that long, I wasn't
19 paying attention.

20 MR. WARDLE: Okay.

21 Well, one of the things we're concerned
22 about here in the Inquiry is the length of time it may have
23 taken the police to respond to a particular complaint. So
24 you may have not focused on it, but that's one of the
25 things we're interested in is, you know, it seems to have

1 taken Mr. Carroll quite a length of time to get to this
2 point.

3 MR. LATOUR: Yeah, but he was busy, he ---

4 MR. WARDLE: Well, I'm going to come to that
5 in a minute. He told you he was busy.

6 MR. LATOUR: That's correct.

7 MR. WARDLE: He told you he had other
8 priorities, right?

9 MR. LATOUR: Yes, he had murders in the
10 city.

11 MR. WARDLE: In fact, he told you he had
12 homicide investigations and other things.

13 MR. LATOUR: That's correct.

14 MR. WARDLE: So you never had the feeling,
15 as I understand it, that your case was being treated as a
16 priority.

17 Is that right?

18 MR. LATOUR: Well, I left a little
19 disappointed, but hey, it was more important.

20 MR. WARDLE: Okay.

21 And then, last date -- if I can just take
22 you to that -- January 2003 -- and this is again some notes
23 at Exhibit 362 -- Mr. Carroll tells you that they don't
24 have sufficient grounds to proceed, but he's going to be
25 talking to a Crown about the case.

1 MR. LATOUR: That's at the end, yes.

2 MR. WARDLE: And that's the last time you
3 hear from Mr. Carroll.

4 MR. LATOUR: That's correct.

5 MR. WARDLE: Okay.

6 Mr. Carroll, as I understand it, also told
7 you repeatedly that he believed you.

8 MR. LATOUR: Yes.

9 MR. WARDLE: And did you think up to a point
10 in time that something was going to happen or did you not
11 know?

12 Did you think he was going to charge -- or
13 the police were going to charge Mr. Greggain?

14 MR. LATOUR: Yes, I did.

15 MR. WARDLE: And what led you to think that?

16 MR. LATOUR: So he could face justice, you
17 know. I brought these allegations against him, as they
18 called them. Why wouldn't they charge him?

19 MR. WARDLE: Is there anything the police
20 said to you that gave you the impression that he was going
21 to be charged?

22 MR. LATOUR: I knew they had to do their job
23 and their investigation, you know. And I knew that he had
24 no reason to give them that he didn't do this to me.

25 MR. WARDLE: M'hm.

1 **MR. LATOUR:** I think that would have been
2 enough. I believed that the charges would be laid against
3 him.

4 **MR. WARDLE:** So when you found out that they
5 had interviewed him and he had denied it, you were
6 disappointed, obviously.

7 **MR. LATOUR:** Well, I wasn't disappointed; I
8 mean who's going to admit to that?

9 **MR. WARDLE:** Sure.

10 **MR. LATOUR:** Like, I expected that. There
11 was no other thing I didn't expect. I didn't expect him to
12 say, "Yeah, I did that to Marc. I'm sorry." I didn't
13 expect that. So what Jeff told me, it was no surprise to
14 me.

15 **MR. WARDLE:** You were asked some questions
16 along the way by Mr. Carroll about corroboration.

17 Do you remember that subject coming up; do
18 you remember using that word?

19 **MR. LATOUR:** Could you use another word
20 besides?

21 **MR. WARDLE:** He asked you a number of
22 questions about whether you could point to any other people
23 who could support your evidence.

24 **MR. LATOUR:** Okay.

25 **MR. WARDLE:** Do you remember that?

1 **MR. LATOUR:** I remember that, yes.

2 **MR. WARDLE:** Okay.

3 I want to just take you briefly over a
4 couple of the interviews, starting with Exhibit 358, if we
5 could put that up on the screen?

6 **THE COMMISSIONER:** You would have them in
7 the book, sir, I believe.

8 **MR. LATOUR:** I'll read it on the screen.

9 **THE COMMISSIONER:** Okay, okay. Fine.

10 **MR. WARDLE:** So starting with page five, if
11 we could put that up on the screen?

12 **THE COMMISSIONER:** That's of the June 23?

13 **MR. WARDLE:** Yes. And towards the bottom of
14 the page -- you'll see the reference at the very bottom.
15 First of all, you'll see the question:

16 "Who was the principal at that time?
17 Do you remember?"

18 And then over on the next page, the answer,

19 "No, I don't."

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

21 **MR. WARDLE:** Okay.

22 And then a little further along, page 19,
23 you'll see around towards the middle of the page:

24 "CPS [which is obviously Mr. Carroll]
25 I'm going to have to do some things

1 in this investigation to tie some
2 things together. I have to
3 come up with hard evidence of you
4 being in Grade 3 in Greggain's
5 class. What that is going to entail
6 is getting school board records."

7 And, do you see that?

8 **MR. LATOURE:** Yes, I do.

9 **MR. WARDLE:** And do you recall that one of
10 the things that Mr. Carroll told you he was going to do was
11 he was going to get the records from the school to
12 establish when you were there?

13 **MR. LATOURE:** I believe so, yes.

14 **MR. WARDLE:** And then, if we could go for a
15 minute to Exhibit 360.

16 Sorry.

17 I'm just consulting with Mr. Engelmann
18 because of the concerns that arose yesterday over a name.

19 **THE COMMISSIONER:** Right. M'hm.

20 **MR. WARDLE:** So this is now the March 2001
21 interview and I'd like to start with page 12.

22 So, I'm just going to draw your attention to
23 -- at the top of the page:

24 "Who was the principal at the time?

25 Answer:

1 "To be honest, I don't know."

2 **MR. LATOUR:** At the time I didn't know his
3 name.

4 **MR. WARDLE:** Okay.

5 And then, going on a little further to page
6 18, and see around the middle of the page, there is a
7 discussion and it has JC and it starts:

8 "Anything else you can think of that
9 would help me corroborate what you're
10 saying?"

11 And then he goes on and gives an
12 explanation. Maybe you could just read that to yourself
13 for a minute, sir.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **MR. LATOUR:** I don't remember all of it, but
16 I remember the -- I don't remember the part about -- the
17 explanation about the whole, but I do remember the part
18 about the hockey game.

19 **MR. WARDLE:** So when he says the word
20 "corroboration" he's really saying, you know "Can you come
21 up with something to support your story?"

22 **MR. LATOUR:** Correct.

23 **MR. WARDLE:** And at the earlier interview,
24 he had asked you about the janitor, Jules.

25 **MR. LATOUR:** That's -- well -- okay --

1 before?

2 MR. WARDLE: That's right.

3 MR. LATOUR: Yes, that's all I knew.

4 MR. WARDLE: Okay.

5 And one of the things that I notice here is
6 he doesn't ever ask you about your friends, in the class.

7 MR. LATOUR: No.

8 MR. WARDLE: Couldn't find any reference to
9 that in either of the interviews.

10 MR. LATOUR: I don't remember him ever
11 asking about any school mates or students.

12 MR. WARDLE: And he never actually asks you
13 about other information about people in the Grade 3 class?

14 MR. LATOUR: No.

15 MR. WARDLE: Okay.

16 And did you ever actually see school records
17 that Mr. Carroll was able to find?

18 MR. LATOUR: No. But I never asked him to
19 see them. Why would I want ---

20 MR. WARDLE: No, I'm not asking so much
21 about what you did; I'm really focusing on what Mr. Carroll
22 did. And I'm wondering whether he ever came to you and
23 said, "I've got the school records; let's go through them
24 together."

25 MR. LATOUR: No.

1 **MR. WARDLE:** Okay.

2 And do you know if he ever found out the
3 name of the principal and talked to him?

4 **MR. LATOUR:** I don't believe he did, because
5 later on in the investigation, I found out from -- I'd
6 asked my sister if they remembered the principal because --
7 my two sisters and my younger brother also went to that
8 school; the four of us went to that school; and so, they
9 told me the name of the principal. And I asked them, "Is
10 he still living?" And they said, "Yes."

11 As a matter of fact, I believe I was told
12 that he don't live too far from my brother's.

13 Okay?

14 So, that's when I gave Jeff Carroll the name
15 of the principal. And he told me -- I told him I was going
16 to go talk to the principal. I remember that.

17 Okay?

18 And he said, "No, I'll go talk to him."

19 **MR. WARDLE:** M'hm.

20 **MR. LATOUR:** So I said, "Okay."

21 **MR. WARDLE:** And you don't what ever
22 happened about that?

23 **MR. LATOUR:** Well, I believe he went and
24 talked to him.

25 **MR. WARDLE:** Okay.

1 **MR. LATOUR:** I didn't have any address for
2 him though.

3 **MR. WARDLE:** Now, if I can take you to
4 Exhibit 362 for a moment. So if we could turn up the next
5 page, towards the bottom of the page.

6 So this is the reference my friend, Mr.
7 Engelmann, took you to yesterday. It's January 3rd, 2003.
8 So this is now -- I think we established that it was in
9 March of 2001 that you told Mr. Carroll you wanted to
10 reopen the investigation.

11 **MR. LATOUR:** I'm not quite sure of the date,
12 but yes.

13 **MR. WARDLE:** So it's roughly a year and nine
14 months -- a year and ten months, after that. And these
15 notes say:

16 "Called Marc Latour. Advised of
17 Greggain's unwillingness to take a
18 polygraph. Advised at this time, I
19 feel I have insufficient grounds to lay
20 a charge, and that I have prepared a
21 brief for review by the Crown, and that
22 I'd give him a final answer when that
23 was complete."

24 I think you told us yesterday that you
25 recalled this conversation.

1 **MR. LATOUR:** Yes, I do.

2 **MR. WARDLE:** Okay.

3 And your evidence, as I understand it, is
4 you never got that final phone call.

5 **MR. LATOUR:** He never called me. I met him
6 in person here. I don't know why he says he called me, and
7 we talked over the phone.

8 Okay?

9 When he advised me that Gilf Greggain
10 wouldn't take the polygraph, that's the only time I knew --
11 I don't know why his record states that he called me.

12 **MR. WARDLE:** Okay.

13 But I guess my point is a little different.
14 After this date, you never got anything official, if I can
15 put it that way, from the Force saying, "We've completed
16 our investigation and we're not doing anything." You never
17 heard from him.

18 **MR. LATOUR:** I never heard from him again,
19 no.

20 **MR. WARDLE:** Okay.

21 And let me just take you over one more page
22 -- two more pages. I'm sorry.

23 Can you just make that a little larger?

24 Now this is not something that you were a
25 part of, Mr. Latour, but I'm just going to read it to you.

1 It says:

2 "Discussion with Murray MacDonald."

3 Now, Murray MacDonald is a Crown Attorney.

4 **MR. LATOUR:** I know that, yes.

5 **MR. WARDLE:** Okay.

6 "Re: R. versus Greggain. Murray has
7 reviewed the case video and is of the
8 opinion that no reasonable prospect of
9 conviction exists, and feels that my
10 determination that R. and P.G [which is
11 shorthand for reasonable and probable
12 grounds] to lay a charge has not been
13 established."

14 And then it goes on to say:

15 "Will not consider having the victim
16 take a polygraph."

17 And then it says, below that:

18 "Points to credibility problems of
19 victim, lack of corroboration and
20 witness whose credibility is in
21 question."

22 So there's really three things being said
23 here about the case at this point:

24 (1) concerns about your credibility, Mr.
25 Latour;

1 (2) lack of corroboration; that's the issue
2 we've been discussing; and
3 (3) witness whose credibility is in
4 question.

5 My question for you is -- I'm asking you to
6 accept any of this by the way -- I'm just saying -- did
7 anybody ever tell you this, that this is why they were
8 closing the case?

9 MR. LATOUR: Never.

10 MR. WARDLE: Okay.

11 And would it have been important to you to
12 know -- 33 years after you came forward and struggled to
13 get to the point that you got to, wouldn't it have been
14 important to you to know why the police weren't taking any
15 action?

16 MR. LATOUR: Yes, it would have. Yes.

17 MR. WARDLE: Okay.

18 MR. LATOUR: I waited for that call. It
19 never came.

20 MR. WARDLE: Those are all my questions,
21 thank you.

22 THE COMMISSIONER: Thank you.

23 Mr. Chisholm.

24 MR. CHISHOLM: Good morning, Mr.
25 Commissioner.

1 **THE COMMISSIONER:** Thank you.

2 **MR. CHISHOLM:** Good morning, Mr. Latour.

3 My name is Peter Chisholm. I'm counsel for
4 the local Children's Aid Society.

5 **MR. LATOUR:** Yes, sir.

6 **MR. CHISHOLM:** I have no questions for you.

7 Thank you for coming today, and your
8 attendance yesterday as well.

9 Thank you.

10 **THE COMMISSIONER:** Thank you.

11 Probation and Corrections, either Mr.
12 Neuberger or Rose?

13 **MR. ROSE:** No questions.

14 **THE COMMISSIONER:** Thank you.

15 Ms. Im?

16 **MS. IM:** Just a few questions, sir.

17 Thank you.

18 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. IM:**

19 **MS. IM:** My name is Judy Im. I'm counsel
20 for the Ministry of the Attorney General. I just have a
21 few questions.

22 You testified earlier that you received some
23 counselling services from the Men's Project?

24 **MR. LATOUR:** Yes, I did.

25 **MS. IM:** Okay.

1 The Ministry provided funding for special
2 services to male survivors of sex abuse in Cornwall,
3 through the Men's Project in Ottawa.

4 **MR. LATOUR:** I'm sorry. You talk a little
5 too fast for me.

6 **MS. IM:** Sure. Let me slow down. Sorry
7 about that.

8 So, the Ministry provided funding for
9 special services to male survivors of sexual abuse in the
10 Cornwall area through the Men's Project; and the Ministry
11 started providing this funding in 1999 -- September of
12 1999. So I'm wondering if you can recall when you received
13 this counselling from the Men's Project.

14 Was it after 1999?

15 **MR. LATOUR:** I couldn't answer that question
16 at all. I mean, I'm sure they have it on a record, you
17 know.

18 **MS. IM:** Well, perhaps ---

19 **MR. LATOUR:** I did attend three or four
20 meetings with the counsellor.

21 **MS. IM:** M'hm.

22 **MR. LATOUR:** But I opt out of counselling.

23 **MS. IM:** Okay.

24 **MR. LATOUR:** He wanted to put me in a group
25 session, and they didn't have the funding for one-on-one.

1 So I told him I wasn't returning. I wasn't going to no
2 group session.

3 **MS. IM:** Okay.

4 Now would it assist you if we tried to
5 locate it in time, with respect to when you were going
6 through this investigation process with Detective Sergeant
7 Carroll. That was happening in 2000 to 2002.

8 Were you receiving counselling services from
9 the Men's Project during that time period?

10 **MR. LATOUR:** No.

11 **MS. IM:** No. So it was after that time that

12 ---

13 **MR. LATOUR:** No, I think it was before.

14 **MR. LATOUR:** It was before.

15 Okay.

16 **MR. LATOUR:** I could be wrong about that.
17 Like I said, you have -- you should have a record about
18 when I went. I'm sorry. It's just so much things to
19 remember like that.

20 **MS. IM:** No problem.

21 And I think Mr. Engelmann also asked you
22 some questions about how the Men's Project came to your
23 attention; how you knew to contact them for assistance. In
24 and around June and July of 2000 -- and this is
25 approximately around the time that you first were

1 interviewed by Detective Sergeant Carroll, in June of 2000
2 -- in and around that time period, the Cornwall Crown
3 Attorney's office sent a letter -- sent letters to a number
4 of individuals, whose names came to their attention through
5 the police. And in that letter, it provided contact
6 information for the Men's Project, as well as the Victim
7 Witness Assistance Program in Ottawa.

8 Can you recall, if you ever received a
9 letter like that?

10 **MR. LATOUR:** I'm sorry. I don't recall
11 that.

12 **MS. IM:** Not sure?

13 **MR. LATOUR:** No.

14 **MS. IM:** That's fair.

15 Thank you.

16 Those are my questions.

17 Thank you very much.

18 **THE COMMISSIONER:** Thank you.

19 Mr. Callaghan?

20 **MS. LALJI:** Mr. Commissioner, I'll be asking
21 the questions.

22 **THE COMMISSIONER:** Oh, I'm sorry.

23 All right.

24 So, Ms. Lalji?

25 **MS. LALJI:** Thank you.

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

2 LALJI:

3 MS. LALJI: Good morning, Mr. Latour. My
4 name is Reena Lalji. I'm counsel for the Cornwall Police
5 Services, and I'll have a few questions for you this
6 morning.

7 MR. LATOUR: Okay.

8 MS. LALJI: Now, Mr. Latour, when you first
9 met with Sergeant Carroll in 2000, you told him at that
10 time that you did not trust the Cornwall Police.

11 Is that correct?

12 MR. LATOUR: I told him on many occasions
13 through that, yes, that -- I don't know if I said I didn't
14 trust them.

15 MS. LALJI: But you weren't comfortable with
16 them.

17 MR. LATOUR: That's correct.

18 MS. LALJI: And you had testified yesterday,
19 when Mr. Engelmann was asking you questions, that the
20 reason for that is that you had dealt with the Cornwall
21 Police several times in the context of you being a suspect
22 from when you were very young.

23 MR. LATOUR: That's correct.

24 MS. LALJI: So that, by the time you did
25 come to speak to Sergeant Carroll in 2000, you weren't very

1 comfortable talking to him because he was part of the
2 Cornwall Police.

3 Would that be fair?

4 **MR. LATOUR:** That's fair, yes. It's the
5 first time that I ever went to the police for any help.

6 **MS. LALJI:** And, in fact, as you had already
7 indicated, you were not able at that time to tell Sergeant
8 Carroll, in 2000, the full extent of your story. It was
9 very difficult for you.

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

11 **MS. LALJI:** Now, you said yesterday, when
12 Mr. Engelmann was asking you questions, that when you did
13 come to speak to Sergeant Carroll in 2000, up until that
14 point in time, you had not told anyone about the sexual
15 abuse.

16 Is that correct?

17 **MR. LATOUR:** I'm sorry. No. I didn't go
18 into detail. I did tell some people but not into detail.

19 **MS. LALJI:** Was that the letter that you
20 were talking about, that you sent to your siblings and to
21 your father after your mother passed away?

22 **MR. LATOUR:** That's correct.

23 **MS. LALJI:** Okay.

24 So you left it quite general, but you did
25 talk about what had happened to you in the context of the

1 physical abuse, and very generally about the sexual abuse.

2 But that would have been ---

3 **MR. LATOUR:** No, I didn't -- I just said
4 where I was abused in my life.

5 **MS. LALJI:** Okay.

6 And -- but that -- sorry.

7 Go ahead.

8 **MR. LATOUR:** And so, the letter that I wrote
9 them, at the time, was a suicide letter.

10 Okay.

11 And I just told them what happened to me,
12 generally. What Gilf Greggain did -- what I endured. What
13 reform school did. It wasn't in detail. And another thing
14 too on there, but which I won't mention, because I don't
15 have to right now.

16 Okay.

17 So, they knew, and my dad looked all over
18 for me, called my brothers and sisters to find me.

19 **MS. LALJI:** Okay.

20 But it wasn't until you spoke to Sergeant
21 Carroll that you actually got into the detail.

22 Is that correct?

23 **MR. LATOUR:** Yes.

24 Well, I shouldn't say that either. I'm
25 sorry. I went for counselling at -- I believe it's Tri

1 County Counselling -- my fibromyalgia had hit before I seen
2 Mr. Carroll.

3 Okay.

4 And I looked for help to help me deal with
5 this. It was very severe so I talked to a psychologist at
6 the Tri County before I met and I told her everything
7 that's happened in my life.

8 So she was supposed to get back to me and
9 she really wanted to help me but she only got back six or
10 seven months later and I wasn't -- she apologized to me
11 though, you know. So I only spoke to her once.

12 **MS. LALJI:** And is this the counsellor that
13 Ms. Im was asking you about, that you had spoken to prior
14 to coming to the Cornwall Police?

15 **MR. LATOUR:** The Men's Project?

16 No.

17 **MS. LALJI:** This was a different counsellor?

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

19 **MS. LALJI:** Okay.

20 **MR. LATOUR:** This was a different -- it was
21 just -- I went there with my OHIP card.

22 **MS. LALJI:** Okay.

23 And when you did speak to your counsellor
24 about what had happened to you, did you disclose about the
25 sexual abuse as well?

1 MR. LATOUR: Yes, I did.

2 MS. LALJI: And you just said that the
3 counsellor didn't follow up with you on that?

4 MR. LATOUR: She was going to -- her
5 intentions were but they were so busy I guess. She did
6 follow up six/seven months later. But I got back to put my
7 head in the sand attitude. So that was it.

8 MS. LALJI: Do you remember when that would
9 have been?

10 MR. LATOUR: Year of the ice storm I
11 believe, because the ice storm jogs my memory.

12 MS. LALJI: Now, I am not sure if someone
13 can help me in that, 19? -- 1998, I had just moved to
14 Toronto at that time so I missed the ice storm.

15 Okay.

16 So it was in 1998 then?

17 MR. LATOUR: Ninety-eight (98)-'99, yes.

18 MS. LALJI: Okay.

19 MR. LATOUR: Because the ice storm was in
20 December and it lasted. So.

21 MS. LALJI: Okay.

22 Now, Mr. Wardle asked you earlier today some
23 questions about people at the school who knew about the
24 abuse at the time that it happened when you were in Grade
25 3, and I just wanted to confirm that the extent of what the

1 principal knew was the physical abuse.

2 Correct?

3 Because that's what you had told your
4 father?

5 **MR. LATOUR:** Well, he knew that he was
6 hurting me, yes.

7 **MS. LALJI:** Right.

8 And at that time, when you were in Grade 3,
9 you hadn't told anyone about the sexual abuse.

10 Correct?

11 **MR. LATOUR:** That's correct, nobody asked
12 me.

13 **MS. LALJI:** Okay.

14 **MR. LATOUR:** I was just happy that it
15 stopped.

16 **MS. LALJI:** You testified yesterday when Mr.
17 Engelmann was asking you some questions, and you had said
18 that you felt Sergeant Carroll was supportive, and that he
19 had told you several times during the course of the
20 investigation that he believed what you told him.

21 Do you remember that?

22 **MR. LATOUR:** Yes, I do.

23 **MS. LALJI:** And yet during the first couple
24 of interviews in 2000, and I'm not saying this to be ---

25 **MR. LATOUR:** Pardon?

1 MS. LALJI: --- I said, I'm not saying this
2 to be critical ---

3 MR. LATOUR: No.

4 MS. LALJI: --- but, in the first couple of
5 interviews in 2000, it was still very difficult for you to
6 talk about the extensive abuse.

7 Correct?

8 MR. LATOUR: That's correct.

9 MS. LALJI: And that's because after all
10 these years, it's not easy to talk about it, is it?

11 MR. LATOUR: It's never easy.

12 MS. LALJI: Now, Sergeant Carroll sensed
13 that from you in your interview on July 5th.

14 Do you recall that?

15 He was asking you questions to get more
16 information from you and you weren't very comfortable to
17 give him all the details.

18 Do you recall that?

19 MR. LATOUR: On the first interview, yes.

20 MS. LALJI: Okay.

21 And it was also on the July 5th interview, it
22 was the second interview.

23 Do you remember that?

24 If you don't, I can take you to that but it
25 is in the transcript. So I just wanted to check that with

1 you, if you recall.

2 **MR. LATOUR:** The second interview with -- is
3 that one I didn't want to go ahead with the process?

4 **MS. LALJI:** That was the third one in August
5 2nd ---

6 **MR. LATOUR:** That was the third one, so ---

7 **MS. LALJI:** Right.

8 And the July 5th one, he was trying to get
9 more detail from you about that last incident and you
10 weren't comfortable going there and so he was trying to
11 work with you on that.

12 Do you remember?

13 I can take you to that.

14 **MR. LATOUR:** Well, I don't doubt it. The
15 problem is how many interviews did I have with Mr. Carroll,
16 and I have a hard time to try to remember because I guess I
17 think I had five of them.

18 **MS. LALJI:** Okay.

19 Why don't I give you a hand on this then,
20 okay, just to jog your memory, it's Exhibit 358(b), it's
21 the July 5th transcript, at page 14. It just starts at the
22 very bottom and continues on the next page Mr. Latour.

23 The July 5th one?

24 **MR. KOZLOFF:** July 5th.

25 **MS. LALJI:** Sorry. It's the July 5th one.

1 Thank you, Mr. Kozloff.

2 So it's page 14 of the July 5th interview,
3 starting at the very bottom.

4 Mr. Latour, I am just going to take you
5 through this just to help jog your memory on this
6 interview.

7 Okay?

8 Now, it says CPS on the bottom and that's
9 Jeff Carroll:

10 "I'm going to take a break in the
11 interview here and I'm going to leave
12 you alone. I know talking about this
13 is hard. Again, I get the sense that
14 there is some things here that you
15 don't want to tell me."

16 And then you say:

17 "No, there isn't."

18 And then he says, he continues on -- and
19 I'll just jump to that last line of what Jeff Carroll says:

20 "...there are details here that you just
21 don't want to go into now."

22 And you still say:

23 "No."

24 And then he continues on, and then finally,
25 after that long passage where he says:

1 "Marc, you just answered that question
2 for me, you answered that question from
3 me with your body language."

4 This is on page 15, just scroll down a
5 little bit.

6 Okay.

7 A little bit more.

8 Okay.

9 See where it says CPS:

10 "Marc, you just answered that question
11 for me, you answered that question from
12 me with your body language."

13 **MR. LATOUR:** Correct.

14 **MS. LALJI:** And then you say:

15 "I don't want to go there."

16 Does that help remind you that he was very
17 sensitive to the fact that you were not able to tell the
18 full story?

19 **MR. LATOUR:** Sure. Yes.

20 **MS. LALJI:** Okay.

21 Now, Mr. Latour, we've heard at this Inquiry
22 in earlier testimony that it is very difficult for victims
23 to come forward to talk about the abuse that they have
24 suffered, and that they should only be coming forward when
25 they are ready to do so. And the reason for that is that

1 is that it's very emotionally difficult for them to do
2 that. It's difficult for their families and it also takes
3 a significant toll on them because it's as though they're
4 reliving the abuse all over again. So I have a question
5 for you on that.

6 Do you agree that victims should be given
7 time to come forward when they're ready to do so?

8 **MR. LATOUR:** Yes, I do.

9 **MS. LALJI:** And do you agree that victims
10 should not be forced to talk about the abuse until they're
11 ready to do so?

12 **MR. LATOUR:** Well, you used "forced." I
13 don't think it's a very good word to use. I wasn't forced
14 or you shouldn't force anybody to do anything they don't
15 want to do.

16 **MS. LALJI:** And I'm not implying that that's
17 what was happening. All I'm trying to suggest to you is
18 that victims should only be coming forward -- and if you
19 don't agree with me, that okay, just tell me so -- but
20 victims should only be coming forward to talk about what
21 happened when they are ready to do so, particularly with
22 the police.

23 Do you agree?

24 **MR. LATOUR:** Well, this is my opinion on the
25 matter, me, Marc Latour. If I had to do it again, I

1 would've waited until I was stronger -- okay -- and able to
2 take care of this.

3 So, I left my faith into the professionals
4 where they belong. Whatever happened there happened. Like
5 I said, there is only a couple of issues with Mr. Carroll
6 that I didn't like. The rest I believe he was doing his
7 job. That's, "When are you going to be ready?" I wasn't
8 ready like I said, up until to six months ago. That's why
9 I'm here.

10 Okay?

11 **MS. LALJI:** And that's fair enough Mr.
12 Latour. And I think that you are agreeing with what I'm
13 saying, which is essentially what the experts have said
14 earlier in testimony, which is, at some point, when victims
15 are strong enough to deal with it, that's the time that
16 they should come forward. So I think that's what you are
17 saying.

18 **MR. LATOUR:** I don't know what the experts
19 said.

20 **MS. LALJI:** Okay.

21 Now, during your interviews with Sergeant
22 Carroll, he had told you that the reason he needed to get
23 the full story from you was that he would not be able to
24 proceed with the investigation with only a partial story.

25 Do you recall that?

1 MR. LATOUR: I'm sure he must have.

2 MS. LALJI: And he also told you -- and I
3 can take you to that in the transcript -- but he also told
4 you that he only gets one shot to lay a charge against Mr.
5 Greggain. So he requires all the evidence in order to do
6 that.

7 Do you remember that?

8 MR. LATOUR: Well, not quite but I knew one
9 shot -- I didn't catch on to what he meant if he said that,
10 you know.

11 MS. LALJI: Okay.

12 How about if I take you to the transcript;
13 it's Exhibit 358(b), and it's the July 5th, 2000 interview,
14 and it's at page 16. I'm just going to get you to scroll
15 down a little bit.

16 Okay. Great.

17 Mr. Latour, I'm just going to take you to
18 just the middle of the paragraph or the middle of the page
19 where it says CPS, and that would be Jeff Carroll speaking
20 to you and he says:

21 "Okay, that's fine. I'm not going to
22 push you to go there but it is
23 important for me to know that there are
24 some things that you are not willing or
25 not ready to disclose yet. Some day,

1 you might be and that's important for
2 me to know."

3 And here's the part I wanted to draw your
4 attention to:

5 "The last thing I want to do with
6 Greggain is to bring him and have him
7 face the music on this; and then to
8 have him walk because I can't produce
9 all of the evidence against him and not
10 get a second chance at him. Because
11 once I scoop him for the sexual assault
12 and he gets off, I can't scoop him
13 again with this further evidence
14 because this wonderful Charter of
15 Rights that we have says that you can't
16 be tried for the same crime twice".

17 And then he continues:

18 "If there are things involved here that
19 we aren't ready to go to yet, we should
20 wait until we're ready to go there".

21 Do you see that?

22 **MR. LATOUR:** Okay.

23 **MS. LALJI:** Okay.

24 So he had explained to you on July 5th that
25 he did need to have the full story before he could proceed

1 against Mr. Greggain.

2 Do you see that?

3 **MR. LATOUR:** Is this the second interview?

4 **MS. LALJI:** This is -- correct, the July 5th
5 interview.

6 Okay.

7 So you were still not comfortable to talk to
8 him about everything?

9 **MR. LATOUR:** I don't remember all of it but
10 it's there. So.

11 **MS. LALJI:** And I don't expect you to
12 remember everything seven years later and that's why I'm
13 taking you to this just to remind you ---

14 **MR. LATOUR:** Right.

15 **MS. LALJI:** --- and to refresh your memory
16 on that.

17 Okay?

18 And in that context, because you weren't
19 ready to go there, which is what you do say, and you
20 decided that in August of 2000 that you wanted to put
21 everything on hold, Sergeant Carroll had told you that he
22 needs to do this investigation thoroughly and properly so
23 he needs to wait to get all the information from you.

24 Correct?

25 **MR. LATOUR:** I didn't want to go there.

1 Okay?

2 I went to everything but there -- that last
3 episode.

4 Okay?

5 I felt that he had enough. I had been
6 physically and sexually assaulted up to there.

7 Okay?

8 He knew about the physical and sexual
9 assault that I endured. I just didn't go to the end; I
10 wasn't ready to go there.

11 **MS. LALJI:** And that's fair that you weren't
12 ready. I am not being critical of that Mr. Latour at all.
13 So please don't get me wrong on that. All I'm getting at
14 is that because you weren't ready to tell the full story,
15 Sergeant Carroll was not able to proceed. Because, like he
16 said, he only gets one shot to lay the charges and he has
17 one shot to do it right. So he needed to wait until you
18 were ready and that's what he told you on July 5th.

19 Correct?

20 **MR. LATOUR:** Okay, that's fair.

21 **MS. LALJI:** Okay.

22 And just to confirm, it was almost a year
23 later in March 2001 when you felt ready at that time to
24 start the investigation and you agree with that.

25 Correct?

1 MR. LATOUR: I agree.

2 MS. LALJI: March 19th?

3 MR. LATOUR: When I asked him to reopen
4 that.

5 MS. LALJI: That's right.

6 Now I wanted to just take you to -- and I
7 don't need to take you there but -- Mr. Commissioner, Mr.
8 Engelmann had entered one document into evidence yesterday;
9 it's the August 2nd, 2000 notes of Sergeant Carroll. It's
10 Exhibit 359.

11 THE COMMISSIONER: M'hm.

12 MS. LALJI: And that doesn't need to be put
13 up unless if Mr. Latour needs it.

14 Mr. Latour, do you recall that on August 2nd,
15 2000, when you came in to speak to Sergeant Carroll, when
16 you told him you wanted to essentially drop the
17 investigation, or at least put it on hold for now, do you
18 remember that he did a videotaped interview of you?

19 MR. LATOUR: After I talked to him, yes,
20 outside yes.

21 MS. LALJI: Okay.

22 So you would come in that day, and you did a
23 videotaped interview where you told him on that videotape
24 that you wanted to drop the investigation or at least put
25 it on hold, and you gave the reasons why.

1 Do you remember that?

2 **MR. LATOUR:** I -- like I said -- I don't
3 remember the video, but you have it on video. But I
4 remember calling him, and we met outside, and I told him
5 that I wanted it.

6 Okay?

7 I didn't tell him over the phone when I
8 called him. I said I had to talk to him.

9 Okay?

10 So, we ---

11 **MS. LALJI:** Okay.

12 **MR. LATOUR:** --- we met at the Police
13 Station and I told him outside and then I guess he
14 interviewed -- put it on tape.

15 **MS. LALJI:** Okay.

16 There is a videotaped transcript of that
17 interview and it's document No. 200135. I'm not sure if we
18 have that on the system yet. I think it was just sent out
19 on Friday of last week.

20 **THE COMMISSIONER:** Exhibit 363.

21 --- **EXHIBIT NO./PIÈCE NO P-363:**

22 Transcript of the Cornwall Police Service
23 interview of August 2nd, 2000 of Marc Latour.

24 **MS. LALJI:** Thank you, Mr. Commissioner.

25 So, Mr. Latour, actually, Mr. Commissioner,

1 Mr. Lee made a point, we should also mark the videotape of
2 this interview. Unfortunately, I don't have the document
3 number because this particular interview just came to light
4 last week that it was missing from the Commission's
5 package.

6 Just one moment.

7 Mr. Commissioner, Mr. Engelmann just advised
8 me that it would be the same Exhibit as 358(a). All the
9 videotapes for the 2000 interviews are on one tape.

10 **THE COMMISSIONER:** All right.

11 Thank you.

12 **MS. LALJI:** Now, Mr. Latour, this is the
13 August 2nd interview; it's a very short one. But if you
14 see, in the middle of the page, right above where it says,
15 "Marc Latour" Jeff Carroll says:

16 "Go ahead and tell me what you want to
17 do."

18 And, you say:

19 "Okay. I'm here this morning Jeff to -
20 - I would like to just drop my
21 complaint."

22 And then Jeff says:

23 "Would you mind letting me know the
24 reasons why you want to drop the
25 complaint?"

1 And the, Mr. Latour, you explain why you do
2 want to drop it.

3 Do you see that?

4 **MR. LATOUR:** Yes, I do.

5 **MS. LALJI:** Okay.

6 Thank you.

7 Mr. Latour, I just wanted to clarify
8 something from your testimony from yesterday. During your
9 various interviews, you told Sergeant Carroll that there
10 was one person he should speak to, and that would be Jules
11 Tyo because he had some information that you thought would
12 be helpful.

13 Do you recall that?

14 **MR. LATOUR:** Yes. He asked me if I knew of
15 anyone. Yes.

16 **THE COMMISSIONER:** Okay.

17 And I just want to clarify something,
18 because it was a little bit unclear yesterday. I just want
19 to confirm that Dennis Rochon was not a witness, because he
20 didn't know anything about the abuse. He's friend of
21 yours.

22 Is that correct?

23 **MR. LATOUR:** That -- well, the reason his
24 name came out was what I heard years prior. Dennis was
25 with me. What Jules had said one day.

1 Okay?

2 And I guess that's why Dennis' name came
3 out, because Jeff had asked me where I heard it or
4 something, and I had told him that I think Mr. Tyo might
5 have some evidence.

6 **MS. LALJI:** Right.

7 But it wasn't Dennis Rochon that would have
8 any evidence?

9 **MR. LATOUR:** Oh, no.

10 **MS. LALJI:** I just want to take you now to
11 2001, March 19th, when you decided you wanted to reopen the
12 case and have Sergeant Carroll start up with the
13 investigation.

14 Now, during that interview you had mentioned
15 to Sergeant Carroll that your sister, Joan Dingwall, was
16 very supportive of you and that it would be okay for him to
17 speak to her about this.

18 Do you recall that?

19 **MR. LATOUR:** Yes, I recall along the lines
20 of that. Yeah.

21 **MS. LALJI:** And also, during that interview,
22 Sergeant Carroll had asked you if you knew of any other
23 kids at your school who may have also been victims of Mr.
24 Greggain.

25 Do you remember him asking you that?

1 If you don't, I can take you to it, it's not
2 a problem.

3 **MR. LATOUR:** Yes, take me to it please.

4 **MS. LALJI:** Okay.

5 Its Exhibit 360(b), and that's the March
6 19th, 2001 interview.

7 **THE COMMISSIONER:** What page?

8 **MS. LALJI:** Page 16.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **MS. LALJI:** Mr. Latour, we'll just wait
11 until that comes on the screen.

12 **MR. LATOUR:** Yeah.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MR. LATOUR:** Excuse me, sir.

15 **THE COMMISSIONER:** Yes.

16 **MR. LATOUR:** After I'm done with the next
17 question, can I have a break please?

18 **THE COMMISSIONER:** Absolutely. It's a good
19 time for a break. In fact, why don't we take it now. We
20 are having some technical problems with the transcript, so
21 we'll get that at the break, and we'll come back then.

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

24 This hearing will resume at 11:15am.

25 --- Upon recessing at 10:58 a.m. /

1 L'audience est suspendue à 10h58

2 --- Upon resuming at 11:23 a.m. /

3 L'audience est reprise à 11h23

4 **THE REGISTRAR:** This hearing is now resumed,
5 please be seated. Veuillez vous asseoir.

6 **THE COMMISSIONER:** Thank you.

7 Before we recommence, there's a whistling
8 sound. And I don't know, I think maybe our sound person
9 was listening to it and wondering where it was coming from.
10 But, it's a fire alarm downstairs, but they assure me it's
11 a false alarm. So if you were concerned about that, well,
12 don't be.

13 All right.

14 How are you doing?

15 **MR. LATOUR:** Fine.

16 **THE COMMISSIONER:** Great. We'll continue
17 asking you questions then.

18 All right?

19 **MR. LATOUR:** Thank you.

20 **MS. LALJI:** Thank you, Mr. Commissioner.

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

22 **MARC LATOUR, Resumed/Sous le même serment:**

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

24 **LALJI:**

25 **MS. LALJI:** Mr. Latour, just before the

1 break, and I'll remind you about the question that I had
2 asked you, and it was in relation to the March 19th, 2001
3 interview when you came back to reopen your investigation
4 with Sergeant Carroll. And I'll take you to that passage,
5 which is up on the screen right now.

6 Before we get there, I am just going to put
7 the context for you. Sergeant Carroll had asked you about
8 whether there were any other kids at your school or that
9 you had known about that this could have happened to as
10 well at the hands of Mr. Greggain. And it was in that
11 context that he was asking you this question. So I'll just
12 take you to that.

13 Okay?

14 If you look at in the middle of the page
15 where it says, "JC" and that's Jeff Carroll, and it says:

16 "Do you know of any other kids that
17 might have had things happen to them at
18 the hands of Greggain?"

19 And then you say:

20 "Not at all."

21 And then you talk about how Jules Tyo may
22 have some information. And then if you go to the next
23 paragraph of what you say, you tell Sergeant Carroll:

24 "I've never ever heard of him hurting
25 anybody else, but yet I was never quite

1 around either."

2 Do you see that?

3 **MR. LATOUR:** Yes, I do.

4 **MS. LALJI:** Okay.

5 So, in that context, Sergeant Carroll was
6 asking you if there were other students, other kids at your
7 school that he could interview and you didn't have any
8 names that you could give to him.

9 **MR. LATOUR:** No -- well he didn't put the
10 question to me like you're saying now. He asked me if I
11 knew of any other kids that were abused by him.

12 **MS. LALJI:** Fair enough.

13 **MR. LATOUR:** I didn't know.

14 **MS. LALJI:** Fair enough. And if I misstated
15 the question, that was not my intention. I am focusing on
16 this, which is, if there were any other victims that you
17 may know about, okay, that's what the question is.

18 Right?

19 **MR. LATOUR:** Right.

20 **MS. LALJI:** He's asking if there's any other
21 victims that you may know about.

22 **MR. LATOUR:** That's right, and I didn't.

23 **MS. LALJI:** And you didn't.

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

25 **MS. LALJI:** So, there wasn't anyone else

1 that Mr. -- that Sergeant Carroll could go interview in
2 terms of other possible victims?

3 **MR. LATOUR:** Victims, right. I didn't know
4 about.

5 **THE COMMISSIONER:** But that still leaves
6 open the question as to whether or not he could have asked
7 for names of students who could have testified as to as to
8 how this witness was being treated by Mr. Greggain in the
9 classroom.

10 **MS. LALJI:** Fair enough. Mr. Commissioner,
11 he didn't ask that exact question and I suppose this could
12 be left for argument. But, he does ask -- and I can take
13 you to that passage ---

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

15 **MS. LALJI:** --- about whether there's
16 anybody else that would know about this, and, I understand
17 that's a very broad question.

18 **THE COMMISSIONER:** Okay.

19 **MS. LALJI:** You know, but I'll leave it as
20 that. But, I agree, he didn't specifically ask about other
21 students in the class who knew about what happened to you.
22 I'll leave that.

23 **THE COMMISSIONER:** Well, even whatever
24 happened to you, and he might say, "No." But that's still
25 a wide open question subject to interpretation.

1 **MS. LALJI:** Okay.

2 I'll leave that, Mr. Commissioner.

3 **THE COMMISSIONER:** Thank you.

4 **MR. LATOUR:** Now, Mr. Latour, I just want to
5 turn your attention to Jules Tyo, because that was one of
6 the names that you did give to Sergeant Carroll, as an
7 individual who may have information.

8 **MR. LATOUR:** Right.

9 **MS. LALJI:** Now, with respect to Jules Tyo,
10 just to confirm, he was not a janitor at St. Peter's when
11 you were there.

12 Is that correct?

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

14 **MS. LALJI:** And, in fact, when you were in
15 school at St. Peter's you did not ---

16 **MR. LATOUR:** --- I should -- I'm sorry.

17 I shouldn't answer, "That as correct." I
18 wouldn't know.

19 **MS. LALJI:** Okay.

20 Well, let me ask you this, because this may
21 be a question that you may know the answer to. At least
22 while you were at St. Peter's, Jules Tyo was not a janitor
23 at that time. You didn't know him back then, did you?

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

25 **MS. LALJI:** And, in fact, you only knew

1 Jules Tyo as an adult; that's when you go to know him?

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

3 **MS. LALJI:** So there wouldn't have been any
4 way for Mr. Tyo to know what had happened to you
5 specifically, unless if you had told him.

6 Is that correct?

7 **MR. LATOUR:** I've never told Mr. Tyo about
8 any of this abuse, ever.

9 **MS. LALJI:** Right.

10 Now, when Sergeant Carroll interviewed Jules
11 Tyo, you may not know this, but he had provided a name of
12 another custodian, another janitor, who could corroborate
13 his story.

14 Are you aware of that?

15 **MR. LATOUR:** Well, I'm not aware of anything
16 that happened in this investigation, witnesses he talked
17 to, or anything. No, I'm not aware of this. All I'm aware
18 of -- I said that he might have some information for him,
19 because of an incident that happened years prior, which is
20 -- he has down, why I thought I knew.

21 **MS. LALJI:** Okay.

22 I'll take you to some documents to give you
23 some context so that you can understand what Sergeant
24 Carroll had done during his investigation, because I
25 appreciate that you perhaps don't know all the details.

1 Okay?

2 MR. LATOUR: Okay.

3 MS. LALJI: So with respect to Jules Tyo,
4 when he interviewed Jules Tyo, Mr. Tyo gave him a name of
5 another janitor who could corroborate his story.

6 MR. LATOUR: That's correct.

7 MS. LALJI: Okay.

8 MR. LATOUR: I said I didn't know but I --
9 didn't know at the time. I knew it last week or something
10 though.

11 MS. LALJI: Right.

12 THE COMMISSIONER: Who could corroborate
13 whose story?

14 MS. LALJI: Jules Tyo's story.

15 THE COMMISSIONER: That ---

16 MS. LALJI: That during gym class, when he
17 was a janitor ---

18 Mr. Commissioner, why don't I take the
19 witness to that statement?

20 Okay?

21 THE COMMISSIONER: Sure.

22 MS. LALJI: Just give me a moment.

23 (SHORT PAUSE/COURT PAUSE)

24 MS. LALJI: It's document number 200089.

25 This is a transcript of the interview that Sergeant Carroll

1 did of Jules Tyo on April 12, 2002.

2 (SHORT PAUSE/COURT PAUSE)

3 MS. LALJI: Mr. Commissioner ---

4 THE COMMISSIONER: Yes.

5 MS. LALJI: --- we weren't expecting to use
6 this so I hadn't given notice on it. So my apologies.
7 However, I'm going to try and find it in Sergeant Carroll's
8 notes, some of which had been entered as an exhibit. So, I
9 do apologize.

10 Give me one moment, please.

11 Actually, Mr. Commissioner, I had given
12 notice on it. Mr. Engelmann just confirmed. So we're just
13 going to sort this out.

14 (SHORT PAUSE/COURT PAUSE)

15 MS. LALJI: Actually, Mr. Commissioner, I'm
16 going to streamline this because it's not relevant in terms
17 of what Mr. Tyo said. I'm going to Mr. -- because Mr.
18 Latour's not going to know this.

19 THE COMMISSIONER: M'hm.

20 MS. LALJI: So I'm going to take Mr. Latour
21 to another document that will give some background. Just
22 to streamline. If I don't need to go into Jules Tyo's
23 interview.

24 So I will turn you to document number--

25 MR. LATOUR: Excuse me, sir.

1 **THE COMMISSIONER:** Yes.

2 **MR. LATOUR:** I would to like to see that
3 interview, because I was told something in there, that I
4 don't think -- I've never talked to Jules Tyo about this
5 incident. But he states, I guess, to Mr. Carroll that he
6 had a discussion with me. And it boggles my mind why he
7 would say something like that.

8 **THE COMMISSIONER:** Mr. Engelmann, can you
9 help us with this?

10 He wants to see the interview which ---

11 **MR. ENGELMANN:** Yes.

12 **THE COMMISSIONER:** Is there any relevance?

13 **MR. ENGELMANN:** Sir, I -- obviously this
14 will come up in the institutional response. But I can
15 understand Mr. Latour's desire to hear something now that
16 it's been referred to. I'm quite frankly not sure why we
17 don't have this document, and now I'm not sure whether
18 notice was given or not. But I could -- if I could have
19 two minutes, I could resolve this, and I think I could get
20 a copy of the document.

21 **THE COMMISSIONER:** As in a break?

22 **MR. ENGELMANN:** Yes, if that's acceptable.

23 **THE COMMISSIONER:** Okay.

24 We'll take a five minute break; five
25 minutes. And we'll come right back and we'll try to find

1 that document for you.

2 MR. LATOUR: It's not important today
3 though. I'd like to see it though.

4 THE COMMISSIONER: Okay.

5 MR. ENGELMANN: I'm certainly happy to
6 provide a copy to Mr. Latour, as soon as counsel has ---

7 THE COMMISSIONER: Okay.

8 So why don't we do it that way, rather than
9 take a break.

10 MR. LATOUR: Okay.

11 Great.

12 THE COMMISSIONER: You'll get a copy, and
13 then you can satisfy yourself of whatever interest that you
14 may have in it.

15 MR. LATOUR: Okay.

16 THE COMMISSIONER: All right?

17 Thank you.

18 Okay.

19 Let's continue ---

20 No.

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

23 THE COMMISSIONER: No. Hold it. Hold it.

24 Do we -- we don't need a break anymore?

25 Thank you.

1 THE REGISTRAR: No?

2 THE COMMISSIONER: No.

3 Thank you.

4 MS. LALJI: So I'll turn you to another
5 document.

6 THE COMMISSIONER: Right.

7 MS. LALJI: It is 735740.

8 (SHORT PAUSE/COURTE PAUSE)

9 THE COMMISSIONER: Exhibit number 364, which
10 is a supplementary occurrence report, that's what it's
11 titled, and it's dated the 6th of -- the 20th of June, I
12 guess, 2000.

13 Okay.

14 --- EXHIBIT NO./PIÈCE NO P-364:

15 Supplementary Report - April 16, 2002

16 MS. LALJI: Now, Mr Latour, I'll just tell
17 you what this document is. This is a Cornwall Police
18 document, and it's called a Supplementary Occurrence
19 Report. And what it is, is that whenever a police officer
20 does anything, they enter it into a computer system under
21 what's called a Supplementary Occurrence Report. So this
22 tells what Jeff Carroll did.

23 Okay?

24 MR. LATOUR: Okay.

25 MS. LALJI: All right.

1 So if you just take a look at it, and I'll
2 go through it, and this is in relation to after Sergeant
3 Carroll interviewed Jules Tyo, Jules Tyo gave him a name of
4 another janitor -- and I'm not saying that you're going to
5 know this, I'm just giving you some background.

6 Okay?

7 He gave the name of another janitor who
8 could corroborate Mr. Tyo's story. So what Jeff Carroll
9 did was he went and spoke to this other individual. And
10 this document explains what happens. So I'll just go over
11 it to let you know what happened.

12 If you could just follow with me. It says:
13 "On April 15th, 2002, at approximately
14 11:30 hours, Sergeant Carroll contacted
15 Mr. Don Delorme..."

16 And that's the other Janitor.

17 "And confirmed he was the same former
18 janitor that Mr. Tyo has spoken about.
19 The observations of Tyo, with respect
20 to Greggain, were explained to Delorme
21 and Delorme stated that he could not
22 recall any event as such."

23 And then he goes on:

24 "Delorme stated that his training with
25 the Boy Scouts had focused on issues

1 like this -- just like this, and if he
2 had observed anything of this nature he
3 would have reported it immediately."

4 Okay.

5 So do you see that?

6 That's that conversation that Sergeant
7 Carroll had with the other janitor.

8 **MR. LATOUR:** Okay.

9 **MS. LALJI:** Okay.

10 Now I want to turn you -- your attention, to
11 your sister Joan Dingwall.

12 **MR. LATOUR:** Oky doke?

13 **MS. LALJI:** Yes, we're done with this
14 document.

15 Thank you.

16 Now with respect to your sister, Joan
17 Dingwall, you had indicated she didn't know the extent of
18 everything that you had told her. You said something to
19 her, in the letter, but you didn't tell her the full
20 extent.

21 Is that correct?

22 **MR. LATOUR:** That's correct.

23 **MS. LALJI:** And initially when you first met
24 with Sergeant Carroll, in 2000, you had mentioned that it
25 would be okay for him to speak to your sister because she

1 knew something.

2 Correct?

3 **MR. LATOUR:** Well, I believe she knew
4 something, yes.

5 **MS. LALJI:** And then, and I'm not being
6 critical, I'm just putting the timeline on this ---

7 **THE COMMISSIONER:** I'm sorry. Just a
8 second.

9 (SHORT PAUSE/COURTE PAUSE)

10 **THE COMMISSIONER:** Go ahead.

11 **MS. LALJI:** Thank you.

12 And, Mr. Latour, I'm not being critical, I'm
13 just putting a timeline on this, okay?

14 And then it was about more than a year
15 later. So you had your case reopened in March of 2001, and
16 then it was around the middle of April 2002, so a little
17 bit more than a year later, that you had told Sergeant
18 Carroll that he should actually speak to your sister
19 because she may have been abused by Gilf Greggain.

20 Do you recall that?

21 **MR. LATOUR:** I didn't say abused, no. No.
22 No.

23 **MS. LALJI:** Okay.

24 Well let me just turn you to a document --

25 **MR. LATOUR:** I would know that.

1 MS. LALJI: Okay.

2 MR. LATOUR: She's my sister.

3 MS. LALJI: Or that she probably had some
4 additional information?

5 MR. LATOUR: Pardon me. You take me back
6 there, Joan Dingwall, I did mention my sister, that might
7 know something because -- you know, it's something she had
8 said to me or something.

9 MS. LALJI: Okay.

10 Why don't I take you to that document then.

11 MR. LATOUR: Okay.

12 MS. LALJI: Okay.

13 Document number --

14 THE COMMISSIONER: Just a second, are we
15 rebooted?

16 (SHORT PAUSE/COURTE PAUSE)

17 THE COMMISSIONER: Okay.

18 Let's go to the document -- let's pull the
19 document anyways.

20 MS. LALJI: It's 735763.

21 THE COMMISSIONER: Do counsel have that
22 document?

23 MS. LALJI: It's Sergeant Carroll's notes.
24 And it's page 10.

25 THE COMMISSIONER: So that's Exhibit 365,

1 Madam Clerk?

2 --- EXHIBIT NO./PIÈCE NO P-365:

3 Police officers notes - Jeff Carroll dated
4 April 2002

5 **THE COMMISSIONER:** Okay.

6 **MS. LALJI:** Mr. Latour do you have that
7 document?

8 **MR. LATOUR:** What's the number?

9 **MS. LALJI:** It's 735763. It was just handed
10 to you.

11 **MR. LATOUR:** Yes I do.

12 **MS. LALJI:** Okay. Now let me just get you
13 to turn to the last page, which is page 10.

14 **MR. LATOUR:** The last page of this?

15 **MS. LALJI:** Yes. And just to let you know
16 what this is, this is Sergeant Carroll's notes. If you
17 look at the last page, at the very top, and I'll just read
18 what Sergeant Carroll has here -- at the very top:

19 "Reach Marc at home. Advised of
20 progress thus far."

21 Then the next line:

22 "States he has new info of Greggain
23 abusing his own sister, that apparently
24 his father addressed prior to his
25 death."

1 And the next line:

2 "Asked Marc to speak to his sister
3 about this and get back to me, and I
4 would like to interview her."

5 Do you see that?

6 **MR. LATOUR:** Yes, I do.

7 **MS. LALJI:** Okay. So that was in 2000 -- in
8 April, 2002, that you ---

9 **MR. LATOUR:** That's bunch of crap.

10 **MS. LALJI:** Okay.

11 Well ---

12 **MR. LATOUR:** I'm sorry. I don't remember
13 that.

14 **MS. LALJI:** Okay.

15 **MR. LATOUR:** At all.

16 **MS. LALJI:** Okay.

17 Well, this is what Sergeant Carroll has, and
18 he actually interviewed your --

19 **MR. LATOUR:** I'm sorry.

20 **MS. LALJI:** Well, he interviewed your sister
21 shortly thereafter.

22 Okay?

23 So he did interview your sister, in relation
24 to ---

25 **MR. LATOUR:** I know he talked to my sister,

1 yes.

2 **MS. LALJI:** Okay. Great.

3 So I just -- this is just giving the
4 timeline of when all of that happened, and why he was
5 interviewing your sister. So I just -- that's why I wanted
6 to point you to that.

7 And are you aware, that when Sergeant
8 Carroll did interview your sister, that she did not say she
9 was victimized by Gilf Greggain.

10 Are you aware of that?

11 **MR. LATOUR:** All I'm aware of is what Jeff
12 Carroll told me; that she loved me very much and he
13 explained that she'd like to see Greggain's head.

14 Okay?

15 That's all he told me, all I can remember.

16 **MS. LALJI:** And in turn ---

17 **MR. LATOUR:** And, I believe my sister was
18 very upset at what happened to me.

19 Okay?

20 **MS. LALJI:** I don't doubt that she was.

21 **MR. LATOUR:** But, if she was abused I would
22 know about it.

23 **THE COMMISSIONER:** Well, just a minute here.
24 What about the -- on page 19 of the transcript of March
25 19th, 2001, there's mention there of -- are you planning on

1 covering that as well?

2 **MS. LALJI:** Well, I was going to ask Mr.
3 Latour if he knew the extent of what had happened. And it
4 was in the context of him -- on Gilf Greggain possibly
5 hitting your sister with a ruler and she got scared, and
6 she ran home and told your father. That's the extent of
7 it.

8 Do you recall?

9 **MR. LATOUR:** All I knew is that -- what she
10 had said that he tried to get her and she got away. That's
11 all I know what my sister told me.

12 **MS. LALJI:** That's fair enough.

13 **MR. LATOUR:** I don't know.

14 Tried to get her for what?

15 I -- she never explained.

16 **MS. LALJI:** Okay.

17 That's fair enough. We don't need to go
18 into the details. I just --

19 **MR. LATOUR:** But that's a far cry from
20 abuse, you know. I mean ---

21 Anyways, go ahead.

22 I just -- I don't believe this at all --
23 that one before.

24 **MS. LALJI:** Okay.

25 So what you're saying is that your sister,

1 as far as you know, was not abused. And I'm telling you
2 that's what was confirmed when Sergeant Carroll had
3 interviewed her.

4 **MR. LATOUR:** That's fine.

5 **MS. LALJI:** Okay.

6 So, unfortunately, the only two witnesses
7 that could actually -- who you would identify -- so Jules
8 Tyo and your sister, who were -- who you thought might be
9 able to corroborate your story, unfortunately, they weren't
10 able to. There wasn't enough there.

11 Okay.

12 So are you prepared to agree with that,
13 that's what Sergeant Carroll had found when he interviewed
14 them?

15 **MR. LATOUR:** Well, when he had asked me if I
16 thought -- if I knew of anybody, and I mentioned Jules and
17 my sister Joan, you know. That's correct. That's the only
18 two things that I knew that could maybe help him.

19 **MS. LALJI:** Right.

20 And, unfortunately, he didn't have enough
21 after interviewing them.

22 Now, you're also aware that Sergeant Carroll
23 had met with Gilf Greggain and interviewed him. You're
24 aware of that, right?

25 **MR. LATOUR:** I believe he told me that.

1 Yes, he did. That he had met with him, or -- that's right.

2 MS. LALJI: And are you --

3 THE COMMISSIONER: I'm sorry. Just a
4 second, just a second.

5 Is there evidence -- and I'm just reading
6 through -- there's evidence of a phone call.

7 Was there actually a meeting between the
8 officer and Mr. Greggain?

9 MS. LALJI: Yes, there was.

10 THE COMMISSIONER: Okay.

11 MS. LALJI: And there was also a videotaped
12 interview with a transcript.

13 THE COMMISSIONER: Terrific.

14 MS. LALJI: And Mr. Latour, are you also
15 aware that Gilf Greggain denied those allegations?

16 That is not a surprise to you.

17 MR. LATOUR: Yeah. That's not a surprise to
18 me, yes.

19 MS. LALJI: And did Sergeant Carroll -- he
20 also told you that Mr. Greggain refused to take the
21 polygraph, which you obviously were upset about.

22 MR. LATOUR: Well -- well, I wasn't upset
23 about. Of course, he wasn't going to take one. I was
24 upset because he wouldn't let me take one.

25 MS. LALJI: Now when Sergeant Carroll called

1 to give you this update about Gilf Greggain ---

2 **THE COMMISSIONER:** When -- hold it sir.

3 You have to try to situate us a little better.

4 What are we talking about; again in 2002?

5 **MS. LALJI:** This would be in 2002.

6 **THE COMMISSIONER:** Okay.

7 So in April, I guess?

8 **MS. LALJI:** So he had already spoken to Gilf
9 Greggain -- I'll give you the date of that, give me a
10 moment. Sergeant Carroll had met with Gilf Greggain in
11 September -- on September 8th, 2002. So it would have been
12 shortly after that time that Sergeant Carroll had given you
13 the update, that he met with Gilf Greggain, that he denied
14 the charges -- or the allegations which --

15 **(FIRE ALARM/ALARME À FEU)**

16 **THE COMMISSIONER:** All right.

17 Well, I am obliged to take a break at this
18 time, for your safety. We'll come back as soon as we can.

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

21 --- Upon recessing at 11:45 a.m. /

22 L'audience est suspendue à 11h45

23 --- Upon resuming at 1:56 p.m. /

24 L'audience est reprise à 13h56

25 **THE REGISTRAR:** This hearing is now resumed.

1 Please be seated. Veuillez vous asseoir.

2 **THE COMMISSIONER:** Thank you.

3 Good afternoon all.

4 Mr. Latour.

5 For those who are joining us on the webcast,
6 we broke abruptly this morning as a result of a fire alarm.
7 And while we were outside waiting for the response, it was
8 decided that we would adjourn for lunch and come back at
9 1:45. And now it's almost 2:00, and the reason for that is
10 simply because I'm told the -- we had some technical
11 difficulties and they had to be repaired, and they are, and
12 here we are.

13 Now, Mr. Latour -- oh, coffee is not usually
14 permitted in the courtroom, sir. So if you could just put
15 it aside?

16 **MR. LATOUR:** Oh. Excuse me, I didn't know.

17 **THE COMMISSIONER:** No, that's not a problem
18 and I take no offence to that.

19 **MR. LATOUR:** I see, they gave me water and
20 coffee other places.

21 **THE COMMISSIONER:** Yes and the lawyers would
22 like that but no, we don't let coffee.

23 **(LAUGHTER/RIRES)**

24 **THE COMMISSIONER:** In fact, they hide it
25 behind the curtains I am told but ---

1 MR. LATOUR: I'll take the cup with me, it
2 might be a winner.

3 THE COMMISSIONER: Terrific.

4 (LAUGHTER/RIRES)

5 THE COMMISSIONER: In any event, you
6 understand you are still under oath.

7 MR. LATOUR: Yes, I do.

8 THE COMMISSIONER: All right.

9 Could we continue with the cross-examination
10 please?

11 **MARC LATOUR, Resumed/Sous le même serment:**

12 MS. LALJI: Thank you, Mr. Commissioner.

13 Mr. Commissioner, just before the lunch
14 break, you had asked me about some of the context behind
15 when Mr. Greggain was interviewed and when Mr. Latour was
16 notified by Jeff Carroll, so I just wanted to give that to
17 you ---

18 THE COMMISSIONER: Yes.

19 MS. LALJI: --- so we have it and it is
20 actually in Exhibit 361.

21 THE COMMISSIONER: Yes.

22 MS. LALJI: And I'll just go through that
23 with you so that you have the context.

24 THE COMMISSIONER: Thank you.

25 MS. LALJI: And we'll just wait for it to

1 come on the screen. Now, unfortunately, there is no Bates
2 numbers on these pages.

3 **THE COMMISSIONER:** Okay.

4 **MS. LALJI:** However it's the 8th page in,
5 number 8, and it starts with Thursday, 5 September 2002.
6 Page after that, one more ---

7 **THE COMMISSIONER:** I'm sorry.
8 What exhibit?

9 **MS. LALJI:** This is Exhibit 361.

10 **THE COMMISSIONER:** Right. Okay.

11 **MS. LALJI:** These are Sergeant Carroll's
12 notes.

13 **THE COMMISSIONER:** Yes, I have it.

14 **MS. LALJI:** And I just wanted to give you
15 some context.

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

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

18 **LALJI (Cont'd/Suite):**

19 **MS. LALJI:** On September 5th, 2002, Sergeant
20 Carroll notes that he met with Marc Latour in that first
21 paragraph. And he says:

22 "Given updates [and in this it's] in
23 investigation. Advised him I had
24 interviewed Greggain and he denies
25 allegations."

1 Okay,
2 And a little bit down, it says:
3 "Advised me he was upset and not
4 surprised. I had told him my next step
5 is polygraph but that Greggain does not
6 have to take this. He understood this.
7 Advised that this would be for one
8 month to six weeks and he understood
9 this."

10 So at that point, he had already advised Mr.
11 Latour he spoke to Mr. Greggain and he was going to attempt
12 to get Mr. Greggain to take a polygraph. And if you just
13 turn the page ---

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

15 **MS. LALJI:** --- the next page,
16 unfortunately, we don't have a date on here but it
17 obviously was after September 5th, in the middle at "13:30",
18 that notation, it says:

19 "Contact Gilf Greggain by phone..."

20 And I am not sure what the next one is. It
21 says:

22 "Re: polygraph test. Said he hadn't
23 really thought about it. Told him this
24 is what we spoke about our last
25 meeting."

1 And then it says essentially that he'll have
2 to contact a lawyer before he responds to that. So that's
3 the next notation and unfortunately, we don't have a date.
4 And then on the next page where the heading is December
5 17th, 2002, at the very bottom, it says:

6 "Call received from Bill Markle."

7 And that's Giff Greggain's lawyer and
8 essentially the notation -- it's not very clear -- but
9 essentially, the notation says that Mr. Greggain is not
10 going to take the polygraph.

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

12 **MS. LALJI:** So it was on December 18th that
13 Sergeant Carroll got that confirmation and then, in the new
14 year, on January 3rd, is when he contacted Mr. Latour to
15 give him the update.

16 So that was just the context from when he
17 met with Mr. Greggain to when he next contacted Mr. Latour;
18 I just wanted to provide that for you.

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

20 **MS. LALJI:** Now, Mr. Latour, on January 3rd,
21 2003, when Sergeant Carroll called you to give you this
22 update, he had told you that he thought at that time there
23 were insufficient grounds for him to lay a charge but he
24 would still prepare a brief for the Crown to get the
25 Crown's opinion on that.

1 Do you recall that?

2 **MR. LATOUR:** First of all, I've never, ever
3 talked to Mr. Carroll on the phone about anything. The
4 only thing was to make an appointment to see him in person.
5 So I have no clue why he's saying I talked to him on the
6 phone about these things.

7 **MS. LALJI:** Okay.

8 Do you at least recall on January 3rd, you
9 had a discussion with him about this?

10 **MR. LATOUR:** No, I don't. I recall the one
11 meeting with Mr. Carroll that I initiated to see how this
12 investigation was going. It's been a while since I heard
13 from him, quite a while. That's when he notified me of
14 Gilf Greggain's refusal to take the polygraph.

15 A big shit lawyer called him out of Toronto
16 or whatever the case may have been, told him to leave his
17 client alone.

18 Okay.

19 He told me no evidence and no charges were
20 going to be laid. That's when I told him that I would take
21 the polygraph test. He said that wasn't necessary that he
22 believed me.

23 Okay.

24 That's when I told him to charge me.

25 Okay.

1 He wouldn't do that but he did say that he
2 would talk to the Crown, okay, and give me a call back.
3 Charges would be laid.

4 **MS. LALJI:** Okay.

5 Now, I'll just take you to that document
6 because I think essentially what you've said summarizes
7 what I've said. But I'll take you to the document; it's
8 Exhibit 362.

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

10 I think you have that in the book, sir. It
11 will come up on the screen. There you go.

12 **MS. LALJI:** And it's on page 2.

13 Now, Mr. Latour, I know that you're
14 disagreeing with whether Sergeant Carroll had called you or
15 had spoken to you in person; I'm not as concerned about
16 that aspect.

17 Okay?

18 I am just -- what I'm asking you is the
19 details of the discussion.

20 Okay?

21 So I am just going to take you to the bottom
22 of that page, which is Friday, January 3rd, 2003 and at the
23 bottom -- actually, it's the previous page. The previous
24 page. Previous, yes, right here, and go to the bottom.

25 Okay.

1 And right here at the bottom, it says, this
2 is Sergeant Carroll's notes:

3 "Called Marc Latour, advised of
4 Greggain's unwillingness to take a
5 polygraph. Advised at this time I feel
6 I have insufficient grounds to lay a
7 charge and that I have prepared a brief
8 for review by the Crown and that I'd
9 give him a final answer when that was
10 complete."

11 And then the next page, it looks like Harv:

12 "Harv was told..."

13 Oh, sorry, "Marc." I apologize, Mr. Latour.

14 "Marc was told this had nothing to do
15 with whether I believed him. It was
16 about what I felt I could prove in
17 court. He stated he understood this."

18 So it seems to me essentially that's your
19 recollection of what had happened.

20 **MR. LATOUR:** Well, part of it. I just told
21 you what my recollection was. But, yeah, it seems you
22 don't want to understand. I'm sorry. I am not trying to
23 give you a hard time or nothing.

24 I have never talked to Mr. Carroll. So. I
25 talked face to face with him on all of this stuff here.

1 Okay?

2 And everything he said at the one meeting.

3 Okay.

4 And he did tell me that he was going to ask
5 the Crown Attorney and get back to me. I just answered
6 your question before this. You seem to want to put it in
7 different words again.

8 Okay.

9 I am just going to tell you what ---

10 **MS. LALJI:** Absolutely.

11 **MR. LATOUR:** --- I remember.

12 Okay?

13 If you tell me Mr. Carroll called me, called
14 me. I'm sorry, yeah, to maybe to come in and see him,
15 okay, or I initiated the call; maybe he wasn't there; he
16 called me back. I am a very hard person to get a hold of.

17 Okay?

18 You can ask my lawyers; you can ask anybody.
19 So messages are left and I do get back. So.

20 It's just wrong; what he wrote is wrong. I
21 don't know why, maybe he maybe he made a mistake; we were
22 face to face. On a few issues here, he said that we
23 discussed over the phone, part of it is right but, you
24 know, like, it's not all there. I don't remember it all.
25 I just remember what I told you.

1 **MS. LALJI:** Okay and I do want to understand
2 what you're saying. That's why I am asking you these
3 questions. So, you know, if I am not understanding, that's
4 why I'm trying to do and it's seems to me and, like I said
5 before, you don't seem to agree that Mr. Carroll called
6 you. I'm not concerned about whether you called each other
7 or whether you met in person. It's more the substance of
8 the discussion that I'm concerned about.

9 **THE COMMISSIONER:** Yes. Well ---

10 **MR. LATOUR:** Okay.

11 I understand ---

12 **THE COMMISSIONER:** Okay.

13 Hold it, hold it, hold it.

14 What I am concerned about is if there is a
15 discrepancy about whether he called or not, it goes to the
16 weight that I will be giving to the notes because we have
17 throughout these proceedings been putting witnesses --
18 notes to witnesses and that is what he allegedly wrote --
19 the officer allegedly wrote, and we've seen that there have
20 been mistakes about whether it was three months or three
21 weeks and things like that in a variety of notes. And so,
22 this is not the gospel truth and you know I made note that
23 this gentleman is adamant that there was a mistake in a
24 sense that he is saying that these conversations never took
25 place over the phone but face to face. So I just want to

1 make sure you understand that.

2 **MS. LALJI:** I do understand that Mr.
3 Commissioner and I am not saying that these notes are
4 gospel. I'm going by them and I'm saying that there is a
5 discrepancy. I'm not as concerned about that and I know
6 that he is adamant about it and that's fine. I am
7 concerned about the context ---

8 **THE COMMISSIONER:** Okay.

9 **MS. LALJI:** --- and the content of the
10 discussions.

11 **THE COMMISSIONER:** Okay.

12 **MS. LALJI:** That was my point.

13 **THE COMMISSIONER:** All right.

14 But, in fairness to you, be careful now,
15 because I might -- you might -- I'm just trying to give you
16 a heads up, that I might say, if I find for fact, for
17 example, that they were face to face, then it lessens the
18 weight I can give to the accuracy of what this officer put
19 down.

20 **MS. LALJI:** I'm going by the notes ---

21 **THE COMMISSIONER:** Fine.

22 **MS. LALJI:** --- Mr. Commissioner ---

23 **THE COMMISSIONER:** Okay.

24 **MS. LALJI:** --- that Carroll wrote at the
25 time that everything was happening.

1 **THE COMMISSIONER:** Well, you're assuming
2 that they were made at the time that everything was
3 happening and one of the things we might hear is well, he
4 may have done it hours later and that might explain why --
5 where the call comes in as opposed to the face to face
6 meeting and where those discrepancies might come in.

7 **MS. LALJI:** Now, Mr. Latour, were you aware
8 that on January 6th, 2002 (sic), Sergeant Carroll had
9 provided a brief to the Crown to get their advice on
10 proceeding with charges against Mr. Greggain?

11 Are you aware of that?

12 **MR. LATOUR:** No, I wasn't. All I was aware
13 of that he told me that he would speak to the Crown and get
14 back to me.

15 **MS. LALJI:** I'll just put a document to the
16 witness; it's document 735747.

17 **MR. ENGELMANN:** If I could just interrupt
18 for a moment. I think counsel meant 2003 perhaps.

19 **MS. LALJI:** Sorry, I did, sorry if I
20 misdated that.

21 **THE COMMISSIONER:** Thank you.

22 And that would be Exhibit 366 which is a
23 supplementary occurrence report dated the 20th of June 2000
24 (sic).

25 --- EXHIBIT NO./PIÈCE No. P-366:

1 Supplementary Report - Jan 06, 2003.

2 **MS. LALJI:** Now, Mr. Latour, this is a
3 Supplementary Occurrence Report like one we've already
4 reviewed previously and I explained what this was. It's a
5 Cornwall Police document.

6 Okay.

7 And if you take a look at the last
8 paragraph, Sergeant Carroll notes here on Monday, January
9 6th, 2003:

10 "Detective Sergeant Carroll hand-
11 delivered the file and the six video
12 tapes to Guy Simard for review;
13 awaiting the Crown's advice."

14 **MR. LATOUR:** Okay. Fine.

15 **MS. LALJI:** Okay.

16 So, that's what he did?

17 **MR. LATOUR:** Sure I didn't know about that
18 till now though.

19 **MS. LALJI:** Absolutely. I wouldn't have
20 expected you to know that. I am just telling you what
21 happened ---

22 **MR. LATOUR:** Okay.

23 **MS. LALJI:** --- and showing you the
24 documents.

25 **MR. LATOUR:** Fine.

1 **MS. LALJI:** And then on -- again I don't
2 expect you to know this -- on February 12th, 2003, Sergeant
3 Carroll had a discussion with Murray MacDonald who is also
4 a Crown regarding your case and I'll take you to that
5 document. It's Exhibit 362.

6 **THE COMMISSIONER:** No, I'm sorry. I made a
7 mistake when I was dealing with Exhibit 366, I said there
8 is -- the 20th of June 2000 but that's the occurrence
9 report. This document deals of a time of -- on Friday,
10 January 3rd, 2003. I am saying that just for purposes of
11 identification of the document.

12 Okay?

13 **MS. LALJI:** Sorry, Mr. Commissioner.

14 Was that for Exhibit 366?

15 **THE COMMISSIONER:** Yes.

16 **MS. LALJI:** Thank you.

17 Okay.

18 So we are at Exhibit 362 and if I can take
19 you to the last page. Now Mr. Wardle also took you to this
20 document. So you've already taken a look at it.

21 There's a notation here, if you look at it
22 at the very top:

23 "Discussion with Murray MacDonald,
24 re: RV Greggain. Murray had reviewed
25 the case videos and is of the opinion

1 that no reasonable prospect of
2 conviction exists, and feels that
3 my determination that R & PG
4 [which is reasonable and probable
5 grounds] to lay a charge has not been
6 established."

7 So you see that Sergeant Carroll had a
8 discussion with the Crown, and that it was the Crown's
9 opinion that there was no reasonable prospect of conviction
10 based on this notation.

11 Do you see that?

12 **MR. LATOUR:** Yes, I'm not arguing that point
13 though, or disagreeing with that at all.

14 **MS. LALJI:** Okay.

15 **MR. LATOUR:** Okay.

16 I'm just disagreeing that he never got back
17 to me.

18 **MS. LALJI:** Okay.

19 And I'll take you there in a minute.

20 **MR. LATOUR:** Okay.

21 **MS. LALJI:** But I just wanted to deal with
22 one other point on here, and Mr. Commissioner, I'm dealing
23 with this because in Mr. Wardle's questioning on this
24 notation here there was -- it was left with the assumption
25 that this decision was Sergeant Carroll's, and I'm showing

1 that it's actually a discussion that Sergeant Carroll had
2 with Murray MacDonald, the Crown. And this is the advice
3 that he had received. And then, further down, in that
4 notation, there's a notation that says:

5 "Points to credibility problems of
6 victim, lack of corroboration in
7 witnesses whose credibility is in
8 question."

9 So this was based on the discussion that
10 Sergeant Carroll and the Crown, Murray MacDonald, had with
11 respect to your case.

12 **MR. LATOUR:** At the end yes, right? At the
13 end.

14 May I reply to your ---

15 **MS. LALJI:** Absolutely.

16 **MS. LALJI:** --- what you just told me?

17 **MS. LALJI:** Absolutely.

18 **MR. LATOUR:** Maybe at the end I wasn't
19 there; between the two maybe. But Jeff Carroll never, for
20 one minute, ever gave me the impression of anything
21 different than that he believed in me.

22 Okay?

23 So -- and Mr. Carroll was never shy to tell
24 me anything, or say anything to anybody else. So.
25 Certainly if he would advised me, "Hey Marc, what the

1 hell's going on here?" "What's this bullshit?" Excuse my
2 language. I apologize for that.

3 Okay?

4 We have a problem here. He's never once in
5 all these interviews said, "Hey Marc, you know what -- is
6 this -- why don't -- there's something wrong here." Or,
7 you know, "I can't believe this statement" or, "I can't
8 believe this," or, you know.

9 At the end when everything's all over, he
10 makes this assumption of he doesn't believe me; that's how
11 I take it.

12 Okay.

13 But that's fine, because I never questioned
14 his job or his investigations at all. At all. And I still
15 don't because I'm not an investigator and I don't know how
16 this works. So just to tell you that Mr. Carroll -- it
17 feels strange that he wouldn't have asked me lots of things
18 then, if he didn't believe some of the parts or, you know.

19 **MS. LALJI:** Sir, Mr. Latour, I'm -- if you
20 are under the impression that I'm saying that Mr. Carroll
21 doesn't believe you, I'm not saying that.

22 I agree with you that he did tell you
23 several times that he believed you; I'm not disputing that.
24 But do you recall we'd already -- I'd already asked you
25 some questions about this earlier -- I know it's been a bit

1 of a long day -- but that Mr. Carroll had told you that,
2 yes, he believes you, but it depends on what he can prove.

3 Right?

4 That's the difference.

5 **MR. LATOUR:** Yes.

6 **MS. LALJI:** He believed you but he had to be
7 able to prove what you were saying and that was the
8 difference.

9 **MR. LATOUR:** Right. Okay. Fine.

10 Yes, that is the difference. But what I'm
11 saying is he never told me what you just told me. What he
12 told Mr. Murray MacDonald.

13 Like, who said that; Mr. MacDonald or Mr.
14 Carroll?

15 It sounds to me that they didn't believe me,
16 what you just read to me.

17 **MS. LALJI:** Well, I'm going to put to you --
18 and you're obviously not going to know this but, based on
19 that notation and the fact that he was having a discussion
20 with Murray MacDonald, that it was the Crown telling Jeff
21 Carroll about that.

22 Okay?

23 And I know you can't answer that because
24 you're not part of this discussion. So you're not going to
25 be able to answer that one way or the other.

1 Okay?

2 So I'm not expecting any answer from you on
3 that.

4 **MR. LATOUR:** I'm going to apologize to you.
5 I thought Jeff Carroll thought that.

6 **THE COMMISSIONER:** Well, there's -- the
7 jury's still out on who felt that the determination of
8 reasonable probable grounds to lay a charge had not been
9 established. They may have shared that opinion. But we'll
10 find that out later, sir.

11 **MR. LATOUR:** Well that's fine. I'm just
12 trying to understand some things.

13 **THE COMMISSIONER:** I know. I know.

14 **MS. LALJI:** Now you've said several times
15 Mr. Latour that Mr. -- that Sergeant Carroll did not follow
16 up with you after this. You did not hear from him at all.

17 Do you remember saying that several times
18 between yesterday and today?

19 **MR. LATOUR:** Could you repeat that please?

20 I am sorry.

21 **MS. LALJI:** Absolutely.

22 Do you remember, that between yesterday and
23 today, you've testified that Sergeant Carroll never
24 followed up with you after he spoke to the Crown.

25 Do you remember this?

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

2 **MS. LALJI:** Okay.

3 Is it possible, Mr. Latour -- and I know
4 it's been a very, very long time -- is it possible that you
5 may have been mistaken on this point and that Sergeant
6 Carroll actually did follow up with you and you just may
7 have forgotten about it?

8 **MR. LATOUR:** Yeah, that's possible, but I
9 don't think so. I would -- I'm -- surely I remember that
10 because I was waiting for his call.

11 **MS. LALJI:** Okay.

12 Well, how about if I take you to a document
13 that may help you a little bit?

14 Okay?

15 It's document 735748.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **THE COMMISSIONER:** Do you have that
18 document, Madam Clerk?

19 **MS. LALJI:** Mr. Commissioner, sorry about
20 that side discussion I had with Mr. Engelmann. This
21 document, no notice was given but the reason for that was
22 this was included in the Commission's book of documents
23 that was to be entered as an exhibit, and Mr. Engelmann
24 just confirmed he missed this document during his
25 examination in-chief. He is entering it as an exhibit.

1 **THE COMMISSIONER:** Okay.

2 So what exhibit -- what number is it, then?

3 **MS. LALJI:** This document number is 735748.

4 Okay.

5 Now Mr. Latour, this is also the

6 Supplementary Occurrence Report that Cornwall Police

7 produces and if you just go down to the bottom, actually,

8 I'll just -- it's very short, so I'll just read it for you.

9 So this is what sergeant Carroll entered, and he says that:

10 "On February 12, 2002, Detective

11 Sergeant Carroll spoke with Murray

12 MacDonald regarding his case. Mr.

13 MacDonald indicated that he had

14 completed his review of all the

15 evidence [it should be 'gathered'] in

16 this investigation and saw no

17 reasonable prospect of conviction,

18 should charges be laid."

19 And that was just the handwritten notation

20 that we had gone through that I showed you. And then the

21 next paragraph:

22 "Mr. MacDonald agreed with detective

23 Sergeant Carroll that reasonable and

24 probable grounds to believe a sexual

25 assault occurred do not exist."

1 And then, take a look at that last
2 paragraph:

3 "No charges to be laid. No [and it
4 should be further] action to be
5 taken. The complainant and suspect
6 have been advised of this."

7 So, does this help you remember that
8 Sergeant Carroll did follow up with you, to tell you that
9 they would not be proceeding?

10 **MR. LATOUR:** No, it doesn't help me
11 remember, because I remember he never got back to me; he
12 never gave me a paper, you know. I don't know anything
13 about that. All I can contest to here is the complainant
14 and suspect have been -- not even the suspect, the
15 complainant, which is me, has been advised. I'd never been
16 advised. That's all I remember, you know. We're talking
17 about the end of everything.

18 Okay?

19 I don't know what happened after my last
20 conversation with Jeff. Have no clue what happened. You
21 brought it up to my attention. So you keep asking me, I'm
22 telling you, he never notified me. I took it for granted,
23 he told me that he couldn't lay charges but that he would
24 talk to the Crown.

25 Okay.

1 I took it for granted that he talked to the
2 Crown. So the answer was no, no charges would be laid. So
3 I don't know why he's never told me what the outcome of his
4 discussion with the Crown was. That's all I have to say
5 about this matter.

6 **MS. LALJI:** That's fair enough, and I wanted
7 to show this to you to see if this would help with your
8 memory, and if it doesn't, it doesn't.

9 I do have another -- my last question for
10 you, and I don't mean -- so please don't take this in the
11 wrong way. I'm not being critical at all by me asking
12 this, but I have to ask it. Since you don't recall that
13 Sergeant Carroll phoned you or contacted you to give you an
14 update as to what the Crown's advice was, I'm just
15 wondering why did you not follow up with Sergeant Carroll?

16 I mean, you had called him in the past to
17 follow up over the two years of the investigation. I'm
18 just wondering.

19 You knew he was going to be speaking to the
20 Crown, why wouldn't you have followed up with him and
21 called him or gone down to the police station and say,
22 "Sergeant Carroll, how -- what's the story here?"

23 **MR. LATOUR:** Fair enough. Fair enough.

24 I never bothered Jeff in any of his
25 investigations but once or twice, because it had been

1 months and months since I've heard anything and I just
2 called him to see how things were going. He had told me he
3 had really busy; he had murder cases, that my case was not
4 a priority. So I let the man do his job.

5 Okay?

6 Maybe I didn't call him back because I
7 really didn't give a shit after.

8 Okay?

9 Because I probably knew in my head what the
10 answer was: no charges would be laid. So that's why I
11 never called him. And it's his job to call me I would
12 think, now. But he didn't and I don't make a big issue out
13 of this either.

14 Okay.

15 I'm just saying that he didn't notify me.

16 Is it his job to notify me?

17 I don't know. I have no clue.

18 Okay.

19 I took it for granted he didn't notify me
20 because the Crown agreed with him, what he had told me. He
21 couldn't lay the charge because of lack of evidence. My
22 last meeting with him, that -- he must have seen how upset
23 I was and said he would talk to the Crown for me, and see
24 if charges could be laid. And that's all I know from that
25 end. So.

1 In fairness, I never called him, no. No, I
2 didn't to see what the outcome was with his discussion with
3 the Crown.

4 **MS. LALJI:** Thank you, Mr. Latour, for being
5 very patient today.

6 Those are all my questions.

7 **THE COMMISSIONER:** Thank you.

8 From the OPP any questions, yes? Miss
9 Lahaie.

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

11 **LAHAIE:**

12 **MS. LAHAIE:** Good afternoon, Mr. Latour, my
13 name is Diane Lahaie and I'm counsel for the OPP.

14 **MR. LATOUR:** Hello.

15 **MS. LAHAIE:** I have -- hello.

16 I have only one issue I wish to canvass with
17 you this afternoon and it's regarding the response time of
18 the Ontario Provincial Police to your initial complaint.
19 This should be very brief.

20 **MR. LATOUR:** Okay.

21 **MS. LAHAIE:** You testified this morning,
22 when speaking with Mr. Engelmann that your first contact
23 with police with respect to the abuse that you had suffered
24 at the hands of Mr. Greggain came by way of a telephone
25 call to the OPP Project Truth hotline.

1 That's correct?

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

3 **MS. LAHAIE:** Okay.

4 I want to take you to a document, it's
5 number 735769.

6 **THE COMMISSIONER:** There's also supposed to
7 be no cell phones in the ---

8 **MR. LATOUR:** I don't have one, sir.

9 (LAUGHTER/RIRES)

10 **THE COMMISSIONER:** It's a roundabout way of
11 saying that, that's all.

12 **MS. LAHAIE:** Yes.

13 **MR. LATOUR:** Too many people could get a
14 hold of me, then.

15 **THE COMMISSIONER:** Yeah.

16 **MS. LAHAIE:** Mr. Commissioner, I would be
17 asking that this be marked as the next exhibit --

18 **THE COMMISSIONER:** Three hundred and sixty-
19 eight (368) is a letter dated June 19, 2000. from
20 inspector Pat Hall to the Cornwall Police Service, Chief of
21 Police.

22 **MS. LAHAIE:** If that could be the next
23 exhibit please, Mr. Commissioner, and if it could be marked
24 as a P exhibit. However, I would be requesting a
25 publication ban, with respect to the name at the end of the

1 second paragraph.

2 **THE COMMISSIONER:** Yes, given that -- well,
3 when we go in -- yes, it will be a P exhibit, and what
4 we'll do is when we go into camera later on this afternoon
5 -- because I understand we have another witness who's going
6 to be testifying in-camera, we can deal with that at the
7 same time, rather than close things down. But remind me of
8 that.

9 **--- EXHIBIT NO./PIÈCE NO P-368:**

10 Letter to S/Sgt R. Carter fr P.R. Hall dated
11 June 19, 2000

12 **MS. LAHAIE:** Thank you very much, Mr.
13 Commissioner.

14 If you could just take a moment to review
15 the letter, Mr. Latour.

16 **MR. LATOUR:** I did.

17 **MS. LAHAIE:** If I suggest to you that a
18 review of our files and a review of this letter would seem
19 to indicate that your telephone call to OPP hotline came on
20 the 19th of June 2000 -- that you have no reason to dispute
21 that that is accurate?

22 **MR. LATOUR:** No, I don't remember the date
23 or anything, but I have no reason to dispute it.

24 **MS. LAHAIE:** And the last paragraph of that
25 letter indicates that you were advised by the OPP that

1 someone from the Cornwall Police Service would be in touch
2 with you.

3 Do you recall that?

4 **MR. LATOUR:** I recall that, yes.

5 **MS. LAHAIE:** And you were eventually
6 interviewed by the Cornwall Police four days later, on the
7 23rd of June 2000?

8 **MR. LATOUR:** I believe it was shortly after,
9 yes.

10 **MS. LAHAIE:** And before that interview, you
11 were contacted by Sergeant Carroll to set the interview up,
12 a couple of days before that?

13 **MR. LATOUR:** I believe so, yes. Somebody --
14 yes.

15 **MS. LAHAIE:** So I take it you were satisfied
16 with the initial response that you received to the
17 allegations?

18 **MR. LATOUR:** Oh, I have no complaint at all.
19 I just called the wrong people, I guess. I mean I was
20 supposed to have called the Cornwall Police, or go in. I
21 went through the OPP at the beginning, and they advised me
22 to go to -- or they would -- advised me it was a Cornwall
23 Police situation.

24 **MS. LAHAIE:** I don't disagree that you
25 called the right agency given that there was so much

1 publicity at the time with respect to Project Truth.
2 Internally, between the police forces, they agreed that the
3 Cornwall Police would continue with the investigation. It
4 was certainly nothing improper; I'm not suggesting it was
5 anything improper by you calling the OPP.

6 **MR. LATOUR:** Oh, okay, fine.

7 **MS. LAHAIE:** I want to thank you for
8 participating in the Inquiry Mr. Latour.

9 **MR. LATOUR:** Thank you.

10 **MS. LAHAIE:** Good luck to you, sir.

11 **MR. LATOUR:** Thank you.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Wallace?

14 **MR. WALLACE:** Thank you, Mr. Commissioner.

15 I have no questions.

16 **THE COMMISSIONER:** Thank you.

17 Ms. Birrell?

18 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

19 **BIRRELL:**

20 **MS. BIRRELL:** Good afternoon, Mr. Latour.

21 Good afternoon, Mr. Commissioner.

22 **THE COMMISSIONER:** Good afternoon.

23 **MS. BIRRELL:** My name is Jennifer Birrell,
24 and I'm here on behalf of the Catholic District School
25 Board of Eastern Ontario.

1 MR. LATOUR: Well, hello there.

2 MS. BIRRELL: Hello.

3 I have a few questions for you this
4 afternoon.

5 MR. LATOUR: Go right ahead.

6 MS. BIRRELL: Yesterday, when you started
7 your evidence-in-chief with Mr. Engelmann, he spoke to you
8 about the mandate of this Inquiry, and how the inquiry was
9 looking at institutional responses to allegations of sexual
10 abuse.

11 Do you recall Mr. Engelmann asking you about
12 that?

13 MR. LATOUR: I believe so, yes. That's --
14 yes, I understand what it's about.

15 MS. BIRRELL: Okay.

16 And it would be fair to say that, based on
17 you evidence to date, that your allegations of sexual abuse
18 by your former teacher, were never brought to the school
19 board.

20 MR. LATOUR: By me, no, because I was eight
21 years old then.

22 MS. BIRRELL: I beg your pardon?

23 MR. LATOUR: I was eight years old when this
24 happened.

25 Okay.

1 You have to -- it was brought to principal's
2 attention -- and twice; not once, twice. I'm just trying
3 to get -- but personally I've never brought it up, no.

4 **MS. BIRRELL:** Okay.

5 And in terms of the allegations of sexual
6 abuse, that was never raised with the school board at any
7 time, back in the 60s, up until this Inquiry.

8 Is that fair to say?

9 **MR. LATOUR:** That's fair to say.

10 **MS. BIRRELL:** Okay.

11 **MR. LATOUR:** You just never asked me though.

12 **MS. BIRRELL:** And it was never -- you had no
13 reason to believe that until this Inquiry that the board
14 had any notice that you were raising allegations against
15 your former teacher.

16 **MR. LATOUR:** Oh, I couldn't tell you if you
17 knew about it or not.

18 **MS. BIRRELL:** Okay.

19 And do you have any information that the
20 board was aware of it?

21 **MR. LATOUR:** You're kind of losing me here.
22 As an adult or as a child here?

23 **MS. BIRRELL:** At any point in time, did you
24 become aware that the board knew that you were raising
25 allegations of sexual abuse against your former teacher?

1 **MR. LATOUR:** Well, I believe that the school
2 board was notified when I was eight years old. Yes, I
3 believe that, but -- what I believe and what's true is -- I
4 believe that Mrs. Gosling notified the school board.

5 Okay?

6 **MS. BIRRELL:** M'hm.

7 **MR. LATOUR:** Maybe the principal. I have no
8 clue.

9 **MS. BIRRELL:** Okay.

10 And you're aware of allegations of sexual
11 abuse being raised with the principal and with Ms. Gosling?

12 **MR. LATOUR:** Not at the time, no. No, I'm
13 sorry. No.

14 **MS. BIRRELL:** Okay.

15 **MR. LATOUR:** Because nobody ever asked me,
16 and like -- quite frankly I was just happy that everything
17 stopped.

18 **MS. BIRRELL:** Now, it's my understanding
19 that before you gave evidence in this Inquiry, you were
20 asked to sign a consent form for the disclosure of school
21 board records.

22 **MR. LATOUR:** By?

23 **MS. BIRRELL:** By the Commission counsel.

24 Do you recall signing a document?

25 **MR. LATOUR:** I'm sorry. I've signed lots of

1 documents over the last 10 years. School boards, hospitals
2 for different things, you know. So, I probably signed
3 them, yes.

4 **MS. BIRRELL:** And you have no issue with
5 producing school board records as part of this Inquiry.

6 **MR. LATOUR:** No. My records. No, not at
7 all. Everybody's, no, I have no issue ---

8 **MS. BIRRELL:** And you consent to their
9 disclosure; you have no problems with this?

10 **MR. LATOUR:** Oh, definitely, yes.

11 **MS. BIRRELL:** Okay.

12 If I could have document number 20086
13 brought up please.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **THE COMMISSIONER:** Exhibit 369 will be --
16 what is that?

17 **MS. BIRRELL:** It's the Ontario Student
18 Record Card.

19 **THE COMMISSIONER:** All right.

20 Dated -- last date attending school, June
21 30th, 1971.

22 Okay.

23 **--- EXHIBIT NO./PIÈCE NO P-369:**

24 Marc Latour's Ontario School Record

25 **MS. BIRRELL:** And, sir, have you seen this

1 document before?

2 MR. LATOUR: I don't believe so, no.

3 MS. BIRRELL: Okay.

4 This is a document --

5 MR. LATOUR: Now, I could be wrong, though,
6 but I don't believe I've seen this.

7 MS. BIRRELL: Okay.

8 This is a document that reflects your school
9 history and it's maintained by school boards in Ontario.

10 MR. LATOUR: Okay.

11 MS. BIRRELL: Okay.

12 If I could have you take a look at the third
13 page into the document. It's actually second in the
14 Commission Counsel version. Just go back a page. On the
15 right-hand side, there's a reference to St. Peters on
16 Second Street East.

17 Do you see that?

18 THE COMMISSIONER: On the right hand-side
19 there. Right on top, it says:

20 "School, St. Peters, 1811 Second Street
21 East."

22 MR. LATOUR: Okay. Fine.

23 THE COMMISSIONER: Great.

24 MR. LATOUR: Thank you for bringing it up.
25 I was having a hard time to see it.

1 Okay.

2 **MS. BIRRELL:** Okay.

3 And, sir, to the best of your knowledge, is
4 that an accurate reflection of your history at St. Peters,
5 in terms of the teachers?

6 **MR. LATOUR:** I attended -- in terms of the
7 teachers.

8 **MS. BIRRELL:** Teachers, the dates, the
9 grades.

10 **THE COMMISSIONER:** So in kindergarten you
11 would've have Ms. Labelle or D. Labelle. Grade 1, Mrs.
12 Ferning (phonetic), or something; and in Grade 2, Gosling;
13 in Grade 3, Greggain; in Grade 4 Mrs. Gosling; and in Grade
14 5, Ms. Levac; and Mr. Greggain again in Grade 6.

15 **MR. LATOUR:** The only two teachers I
16 remember there are Mr. Greggain and Mrs. Gosling. The rest
17 I'm sure I had them, it's on my record.

18 **MS. BIRRELL:** Okay.

19 **MR. LATOUR:** But I don't remember them.

20 **MS. BIRRELL:** And you have no reason to
21 dispute the accuracy of this document.

22 **MR. LATOUR:** Well, no. Not with the
23 teachers, no.

24 **MS. BIRRELL:** All right.

25 I would like to take you to 1967, when Mr.

1 Greggain was your teacher at St. Peters.

2 MR. LATOUR: Okay.

3 MS. BIRRELL: And yesterday, and you
4 referenced it as well today, you described a confrontation,
5 if I could call it that, between your father and the
6 teacher.

7 MR. LATOUR: In Grade what?

8 MS. BIRRELL: In Grade 3.

9 MR. LATOUR: Three (3), yes.

10 MS. BIRRELL: Okay.

11 And I'm not going to review in detail your
12 evidence around this point, but you described how your
13 father found you outside the school, or across the street
14 from the school. And your words, I think, were he made you
15 tell; your father made you tell.

16 MR. LATOUR: Yes. Correct. Okay.

17 Tell him, yes ---

18 MS. BIRRELL: Okay ---

19 MR. LATOUR: --- who was hurting me.

20 MS. BIRRELL: And when you did tell, I think
21 you clarified this, you didn't tell your father about the
22 allegations of sexual abuse by the teacher.

23 MR. LATOUR: I just said that he was hurting
24 me.

25 MS. BIRRELL: Okay.

1 I think your evidence today was that the
2 allegations of sexual abuse weren't disclosed to your
3 farther until much later in life, when you were an adult.

4 **MR. LATOUR:** And still it wasn't. It was
5 briefly. I never told my father what happened to me.

6 **MS. BIRRELL:** M'hm.

7 **MR. LATOUR:** Okay.

8 My father was sick, I was -- he was dying of
9 cancer.

10 Okay?

11 I just wrote that one letter that one time
12 to all my family members.

13 **MS. BIRRELL:** Okay.

14 **MR. LATOUR:** Okay.

15 And told them about all the abuse I've
16 suffered over the years. So.

17 **MS. BIRRELL:** Sir, I'm just focusing on what
18 happened in the 60s, and I'm looking at what you told your
19 dad back in the sixties.

20 **MR. LATOUR:** Well you just asked me -- okay.

21 **MS. BIRRELL:** You didn't tell your dad about
22 the allegations.

23 **MR. LATOUR:** No, I did not. No, I did not.

24 **MS. BIRRELL:** And so what you told your dad
25 was about the physical punishments.

1 **MR. LATOUR:** I didn't even tell him that. I
2 said, "He's hurting me."

3 **MS. BIRRELL:** Okay.

4 And so the confrontation as -- between the
5 teacher and your father was about that hurting?

6 **MR. LATOUR:** Yes, about the time he found
7 me, yes. And we went over to the school -- to school and
8 he confronted Greggain.

9 **MS. BIRRELL:** And there was no discussion in
10 that confrontation, between the teacher and your father,
11 about sexual abuse.

12 **MR. LATOUR:** That's correct. That's right.
13 There was just -- a totally different conversation, yes.

14 **MS. BIRRELL:** Is it fair to describe that
15 confrontation between your father and your former teacher,
16 as being a private meeting?

17 There was just the two of them in the
18 classroom?

19 **MR. LATOUR:** That's correct.

20 **MS. BIRRELL:** Okay.

21 **MR. LATOUR:** At that time, yes.

22 **MS. BIRRELL:** At that time.

23 There were no other students around?

24 **MR. LATOUR:** I was there.

25 **MS. BIRRELL:** You were there. And I think

1 your evidence was you were either outside, or sitting in
2 the hall.

3 MR. LATOUR: Well, yes. Yes.

4 MS. BIRRELL: Okay.

5 And so it was your father and the former
6 teacher alone in the room.

7 MR. LATOUR: That's correct.

8 MS. BIRRELL: Okay.

9 MR. LATOUR: Now, I've already answered that
10 though, I have no -- anyways, go ahead. It's just it's
11 hard for me to go back to that part, but go ahead.

12 MS. BIRRELL: Well, I'm going to move on
13 then.

14 MR. LATOUR: No, you go ahead and finish
15 please.

16 MS. BIRRELL: The principal wasn't part of
17 that meeting?

18 That meeting between your father and your
19 former teacher, that came later, is my understanding of
20 your evidence.

21 MR. LATOUR: I just. Of course, he wasn't.
22 My dad was going to kill him. Both of them too. My dad
23 was protecting me that night.

24 Okay.

25 It was after school, like -- there was just

1 Gilf Greggain, my father and me.

2 MS. BIRRELL: And the meeting that you
3 described with the principal took place some days later?

4 MR. LATOUR: That's correct.

5 MS. BIRRELL: Okay.

6 Do you know how that meeting came about,
7 sir?

8 MR. LATOUR: How it came about?

9 MS. BIRRELL: Yes.

10 Did your mother call the school and ask for
11 a meeting, or ---

12 MR. LATOUR: To be honest with you, I don't
13 know how it came about. It must have been my mother
14 because I wasn't going back to school.

15 MS. BIRRELL: You have no personal knowledge
16 about how the meeting came about.

17 MR. LATOUR: No, I don't. I was eight years
18 old; I have no clue.

19 MS. BIRRELL: And you -- I take it then
20 would have no knowledge of what information was
21 communicated to the principal prior to the meeting.

22 MR. LATOUR: What kind of -- prior to the
23 meeting?

24 MS. BIRRELL: You don't know what your mom
25 may, or may not, have said to the principal before the

1 meeting?

2 MR. LATOUR: That is correct, yes.

3 MS. BIRRELL: Okay.

4 But you did go to a meeting with your
5 mother?

6 MR. LATOUR: Yes.

7 MS. BIRRELL: With the principal.

8 And it was at the school?

9 MR. LATOUR: It was at school.

10 MS. BIRRELL: And I think you said, if I can
11 call them the attendees at the meeting, there were your
12 mother, yourself and the principal, Mr. Beaudette.

13 MR. LATOUR: That's correct.

14 MS. BIRRELL: Okay.

15 And your father, who had been at the school
16 a couple of days earlier, he didn't participate in that
17 meeting?

18 MR. LATOUR: No he didn't. My dad was
19 working.

20 MS. BIRRELL: And during this meeting, you
21 didn't talk about allegations of sexual abuse?

22 MR. LATOUR: They never asked me.

23 MS. BIRRELL: Okay.

24 Did you talk about -- did you describe to
25 the principal your allegations of physical abuse?

1 **MR. LATOUR:** He never asked me.

2 **MS. BIRRELL:** Is it fair to say, sir, that
3 the purpose of the meeting was to talk about getting you
4 back to school?

5 **MR. LATOUR:** The purpose of the meeting was
6 to get me back into his class.

7 **MS. BIRRELL:** And, sir, is it possible that
8 the principal did not receive notice of your allegations of
9 physical abuse at that meeting?

10 **MR. LATOUR:** I don't think so. Why else
11 wouldn't I -- why else would there be a meeting if he
12 wasn't notified that I didn't want to go to school? I mean
13 --

14 **MS. BIRRELL:** But, sir, you had no ---

15 **MR. LATOUR:** You kind of lost me on the
16 questioning there ---

17 **THE COMMISSIONER:** No.

18 Okay.

19 Hold on; hold on.

20 Do you remember going into the principal's
21 office with your mother?

22 **MR. LATOUR:** Yes, I did.

23 **THE COMMISSIONER:** Do you remember what was
24 said during that conversation?

25 **MR. LATOUR:** All I remember was what the

1 principal told me.

2 MS. BIRRELL: M'hm.

3 MR. LATOUR: Okay.

4 That he would never hurt me again.

5 Okay?

6 He didn't hurt me again.

7 MS. BIRRELL: Okay.

8 But you never ---

9 MR. LATOUR: That's all I wanted to remember
10 anyways, I guess.

11 MS. BIRRELL: That's what you took away from
12 the meeting.

13 MR. LATOUR: That he wouldn't hurt me. And
14 I was quite upset that I was going back into his class,
15 yes.

16 MS. BIRRELL: And my question for you, sir:
17 is it possible that you didn't tell the principal about
18 your allegations of physical abuse at that meeting?

19 MR. LATOUR: I didn't tell him anything.

20 MS. BIRRELL: Because I can tell you that we
21 have spoken to Mr. Beaudette and I'm proud to say that he's
22 alive and well ---

23 MR. LATOUR: I'm glad to hear that.

24 MS. BIRRELL: And he has no recollection of
25 ever receiving any complaint about Mr. Greggain and no

1 allegations of physical abuse.

2 Is that possible that Mr. Beaudette's
3 recollections are correct?

4 **MR. LATOUR:** Well, I can't see because -- I
5 mean, if he don't recollect -- if he don't remember, he
6 don't remember. I can't tell you why he doesn't remember.

7 I -- if that's what Mr. Beaudette's saying.
8 I haven't ever met Mr. Beaudette after -- except for -- I
9 believe in Grade 6, he was the same principal. Now, I
10 believe he was the same principal and he assured me again
11 that I would not be hurt. So, if it's the same Mr.
12 Beaudette that was the principal in Grade 3 and Grade 6,
13 well, I have no clue why he wouldn't remember.

14 **MS. BIRRELL:** Okay.

15 And, we'll get to that meeting in Grade 6 in
16 just a moment. But Mr. Beaudette does not recall ever
17 receiving a complaint about physical abuse. And he will
18 say that he has a very strong recollection of that year,
19 because it was his first year as a principal.

20 **MR. LATOUR:** Oh, I couldn't tell you that.

21 **MS. BIRRELL:** Okay.

22 But it is possible, sir. You'd agree with
23 me that he didn't receive those allegations of physical
24 abuse.

25 **MR. LATOUR:** Well, you want me to agree to

1 something that I don't know.

2 **THE COMMISSIONER:** No, no, no. That's not
3 what she's asking you.

4 Say the question again.

5 **MS. BIRRELL:** Is it possible, sir, that Mr.
6 Beaudette did not receive your allegations of physical
7 abuse back in 1967?

8 **MR. LATOUR:** Well, why did we have the
9 meeting?

10 Because I didn't want to go to school, I was
11 a great student.

12 **MS. BIRRELL:** M'hm.

13 **MR. LATOUR:** Like, I'm sorry. He must have
14 heard from my mother.

15 **MS. BIRRELL:** Okay.

16 But you have no personal knowledge, sir?

17 **MR. LATOUR:** No, I don't have any personal
18 knowledge.

19 **THE COMMISSIONER:** Personal knowledge of
20 what?

21 **MS. BIRRELL:** Personal knowledge of your
22 mother telling Mr. Beaudette that you were being physically
23 abused by your former teacher.

24 **MR. LATOUR:** No, I don't.

25 **THE COMMISSIONER:** Nobody can -- and I don't

1 want to -- he is saying that he recalls that meeting and
2 the principal telling him that he would not be hurt by Mr.
3 Greggain anymore.

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

5 **THE COMMISSIONER:** So, if you're asking him
6 whether or not he could be wrong about that, that's
7 something else. But ---

8 **MS. BIRRELL:** Sir, is it perhaps that you're
9 mistaken in terms of your recollection about what the
10 principal said at that meeting?

11 **MR. LATOUR:** No, not at all.

12 **MS. BIRRELL:** Okay.

13 Now, you talked about your meeting in Grade
14 6, and how a meeting was held with the principal in Grade 6
15 to talk about your being placed in Mr. Greggain's class.

16 **MR. LATOUR:** Well, I remember the meeting.
17 I remember him. I moved from Grade 5 to Grade 6.

18 **MS. BIRRELL:** M'hm.

19 **MR. LATOUR:** Okay.

20 I find out he's going to be my Grade 6
21 teacher.

22 Now, what do you think I was going through?

23 I wasn't going to go to school; my mother
24 knew this. And I wasn't going. So, she must have
25 initiated the meeting with the principal again. So, I

1 remember having another meeting.

2 **MS. BIRRELL:** Okay.

3 And I think your evidence this morning was
4 that it was the same principal that you met in Grade 3.

5 **MR. LATOUR:** I believe so, yes.

6 **MS. BIRRELL:** Okay.

7 And, sir, is it possible that you're
8 mistaken about that?

9 It is, for Grade 6, yes.

10 **MS. BIRRELL:** Okay.

11 And it could have been a different
12 principal?

13 **MR. LATOUR:** It could have well been, I
14 believe. It could have though.

15 **MS. BIRRELL:** And, sir, if I could have you
16 look at Exhibit 369.

17 **MR. LATOUR:** All I remember is what was told
18 to me from the both principals, or the principals.

19 **MS. BIRRELL:** Sir, could I have you pull up
20 the exhibit, your school record that we just looked at.

21 **MR. LATOUR:** Oky doky.

22 **MS. BIRRELL:** Now, there's a notation for
23 your Grade 3 year that the principal was Mr. P. Beaudette.
24 And, I understand that's Percy Beaudette.

25 It's my information that Percy Beaudette

1 left St. Peter's in 1970 to become Superintendent. And,
2 another principal, another Mr. Beaudette, a Charlie
3 Beaudette, took his place in Grade 6, in 1970.

4 Is it possible, sir, you met with Charlie
5 Beaudette and not Percy Beaudette in 1970.

6 **MR. LATOUR:** Well, I couldn't tell you. No.
7 I -- you just -- all I know it was the French fellow today.
8 Whether it was P. Beaudette or C. Beaudette, if you ask me
9 what he looks like, I have no recollection what he looks
10 like, the principal.

11 **MS. BIRRELL:** So, it's possible it was a
12 different individual.

13 **MR. LATOUR:** It's possible.

14 **MS. BIRRELL:** Okay.

15 And you'd agree with me sir, that if it was
16 a different individual, you have no reason to believe that
17 Mr. Charlie Beaudette would have any knowledge of what
18 happened in Grade 3, in 1967?

19 **MR. LATOUR:** I was just assured that he
20 wouldn't hurt me.

21 **MS. BIRRELL:** Okay.

22 **MR. LATOUR:** So, that's all I remember ---

23 **MS. BIRRELL:** Okay.

24 **MR. LATOUR:** --- about these meetings, the 2
25 of them.

1 MS. BIRRELL: Okay.

2 MR. LATOUR: Okay.

3 MS. BIRRELL: And you have no information --
4 no recollection of telling him, Mr. Charlie Beaudette, in
5 Grade 6, in 1970, about what transpired in Grade 3?

6 MR. LATOUR: No, I don't, no. I didn't tell
7 him as a child. No. Maybe my mother told him that, why I
8 didn't want to go in his class. I'm just speculating, of
9 course.

10 MS. BIRRELL: You have no recollection of
11 your mother saying that at that meeting.

12 MR. LATOUR: No, I don't.

13 MS. BIRRELL: Okay.

14 Now, sir, you ---

15 MR. LATOUR: --- I wasn't worried about that
16 stuff anyways. I was worried about going in his class.

17 MS. BIRRELL: Absolutely. I'm just looking
18 to talk about the institutional response and review your
19 response in your discussions with the Catholic School
20 Board.

21 MR. LATOUR: Okay. Fine.

22 MS. BIRRELL: Now, you talked about a
23 teacher, Mrs. Gosling, and, she was, as I understand your
24 evidence, your Grade 2 teacher.

25 MR. LATOUR: That's correct.

1 **MS. BIRRELL:** And I think your evidence was
2 as well that she provided you with some assistance in
3 reading in Grade 3 as well?

4 **MR. LATOUR:** Yes.

5 **MS. BIRRELL:** And then, in Grade 4, she
6 again became your teacher?

7 **MR. LATOUR:** In Grade 4?

8 **MS. BIRRELL:** Yes.

9 **MR. LATOUR:** No.

10 **MS. BIRRELL:** No, she wasn't your teacher --

11 **MR. LATOUR:** No.

12 **MS. BIRRELL:** -- according to the records --

13 -

14 **MR. LATOUR:** No, at all. Your records are
15 wrong.

16 **MS. BIRRELL:** That record is wrong.

17 Okay.

18 **THE COMMISSIONER:** Well, for the, just for
19 the record, the teacher in Grade 2 is an A. Gosling ---

20 **MS. BIRRELL:** M'hm.

21 **THE COMMISSIONER:** --- and then in Grade 4
22 is Mrs. Gosling. So, we don't know ---

23 **MS. BIRRELL:** --- it could be a different
24 person.

25 **THE COMMISSIONER:** It could be a different

1 person just like Mr. Beaudette.

2 MS. BIRRELL: And, Mrs. Gosling remained at
3 the school, at St. Peter's, as far as you're aware, for the
4 period in which you were at St. Peter's.

5 MR. LATOUR: I can't answer that. I don't
6 know.

7 MS. BIRRELL: Do you have any recollections
8 of Ms. Gosling leaving the school while you were there?

9 MR. LATOUR: She wasn't my teacher at the
10 time. So, as I progressed through the years, so I don't
11 remember, no I don't.

12 MS. BIRRELL: Okay.

13 MR. LATOUR: You have the record though, you
14 would know.

15 MS. BIRRELL: Yes. And Mr. Beaudette will
16 say Mrs. Gosling remained at that school and she taught
17 Grade 4 in that year.

18 MR. LATOUR: Oh, did she?
19 She never taught me again.

20 MS. BIRRELL: Okay.

21 And, I think you described Mrs. Gosling as
22 somebody who you remembered. You remember she's one of the
23 two teachers that you remembered?

24 MR. LATOUR: That's correct.

25 MS. BIRRELL: Okay.

1 And, she was I think, your words either in
2 your evidence or in one of the documents was that she was
3 good to you?

4 **MR. LATOUR:** Well, she was.

5 **MS. BIRRELL:** And, I think you said as well
6 that she stood up for you.

7 **MR. LATOUR:** Yes, she did.

8 **MS. BIRRELL:** She was protective of you?

9 **MR. LATOUR:** Well, the one or two times,
10 yes.

11 **MS. BIRRELL:** She looked in on your
12 classroom?

13 **MR. LATOUR:** And wondering why I was having
14 detentions because I was such a good student in her class
15 and I guess she couldn't understand why I was having
16 detentions.

17 **MS. BIRRELL:** And, I think your evidence,
18 either today or yesterday, was that she even entered the
19 class and threatened to report the teacher to the school
20 board if she found any wrong doing?

21 **MR. LATOUR:** I will repeat once more, okay -
22 --

23 **MS. BIRRELL:** M'hm,

24 **MR. LATOUR:** --- what happened.

25 **MS. BIRRELL:** Okay.

1 **MR. LATOUR:** After the abuse came to light
2 and I was promised that he would not hurt me no more, Gilf
3 Greggain.

4 Okay?

5 **MS. BIRRELL:** M'hm.

6 **MR. LATOUR:** I was put back into his class.
7 She came in one day after that, okay, with a pointer or a
8 yardstick, okay, and in front of the class, okay. She
9 said, "You hurt Marc -- if you hurt Marc or another child,
10 I will beat you to the ground like the dog you are. And
11 I'm report -- get this straight, I'm reporting you to the
12 school board."

13 **MS. BIRRELL:** M'hm.

14 And is it fair to describe Ms. Gosling as
15 somebody who you trusted?

16 **MR. LATOUR:** Why not?

17 **MS. BIRRELL:** Okay.

18 And, you didn't tell Mrs. Gosling about the
19 sexual -- allegations of sexual abuse.

20 **MR. LATOUR:** No, I didn't.

21 **MS. BIRRELL:** One (1) of the goals of this
22 Inquiry is to look at procedures that would help alleged
23 victims come forward with their allegations of abuse.

24 **MR. LATOUR:** Right.

25 **MS. BIRRELL:** With respect to somebody like

1 Ms. Gosling, what, if anything, could a trusted person like
2 Miss Gosling do to enable people to bring forward
3 allegations of abuse?

4 **MR. LATOUR:** Would you repeat that please?

5 **MS. BIRRELL:** Okay.

6 What, if anything, could Ms. Gosling, or
7 another trusted individual, do to help victims bring
8 forward allegations of abuse?

9 **MR. LATOUR:** I have no clue.

10 **MS. BIRRELL:** Okay.

11 **MR. LATOUR:** I'm eight years old.

12 **MS. BIRRELL:** Well, thank you sir, those are
13 my questions and I thank you for giving your evidence here
14 today.

15 **MR. LATOUR:** Thank you.

16 **THE COMMISSIONER:** Thank you.

17 So, now we go to Mr. Lee?

18 Oh, no. I'm sorry.

19 Is it -- Mr. Lee then you or -- how does it
20 work?

21 Mr. Lee.

22 **MR. LEE:** Mr. Engelmann insists on being
23 last, sir.

24 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

25 **LEE:**

1 **MR. LEE:** Mr. Latour, I just have a few
2 questions for you. I just want to clarify a few things
3 that happened earlier.

4 This morning you discussed, Mr. Engelmann
5 asked you about the affects of your abuse and some of the
6 recommendations that you might have. And, one of the
7 recommendations that you gave is to paraphrase that when an
8 otherwise good kid from a good family of hard workers goes
9 astray, there's got to be a reason behind and the system
10 needs to look into it.

11 Is that right?

12 **MR. LATOUR:** If you're involved in the
13 system, yes, which I was.

14 **MR. LEE:** And you told us -- we haven't
15 touched on it and it is not somewhere this Inquiry is going
16 and I'm concerned about what happened once you were at
17 training school. But, you told us at one point that you
18 were to training school.

19 Is that correct?

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

21 **MR. LEE:** Do you remember what the
22 circumstances around that were?

23 **MR. LATOUR:** Oh, the circumstances, why I
24 was sent to reform school?

25 **MR. LEE:** Yes.

1 **MR. LATOUR:** Is this what you mean?
2 Running away, theft; it just progressed.

3 **MR. LEE:** Do you remember who it was that
4 decided you should be sent to Cornwall -- or training
5 school, or who suggested it, or how that happened?

6 **MR. LATOUR:** Well, how it happened again. I
7 got in trouble with law, okay. I went in front of Mr. -- I
8 believe it's Bergeron, the judge, at the time, the juvenile
9 judge. And, he sentenced me to reformatory, indefinite
10 sentence. Now, lots of things have happened. I was mixed
11 up. I blamed my mother and I was getting back -- back at
12 her. So, it just progressed that I was sent to reform
13 school.

14 But, years and years later, I find out that
15 she had to sign to have me put in there though.

16 **MR. LEE:** That your mother that is?

17 **MR. LATOUR:** That's correct.

18 **MR. LEE:** So, there was some agreement that
19 maybe that would be -- at the time I take it, it was
20 something that was done with troubled youth.

21 We can't control you; we'd better send you
22 to reform school.

23 Is that right?

24 **MR. LATOUR:** Well, I probably deserved it.
25 I'm sorry to say that I was in lots of trouble.

1 MR. LEE: Okay.

2 MR. LATOUR: What else were they going to do
3 with me?

4 MR. LEE: Another issue that I wanted to
5 bring you to was Miss Lalji was the lawyer for the Cornwall
6 Police, who was up here a little while ago, and an issue
7 came up surrounding your sister Joan.

8 MR. LATOUR: Right.

9 MR. LEE: And I'd like to just -- I'm not
10 sure that you were able to follow along with the discussion
11 that Ms. Lalji had a little bit with the Commissioner. I'd
12 just like to take you to a document just to show you what
13 has happening and get your comments on it.

14 I'd like to take you to Exhibit 360(b), and
15 this is the March 19th, 2001 transcript of the interview you
16 had with the Cornwall Police, at page 19.

17 So if you look at the long paragraph on that
18 page you're talking about your -- Jeff Carroll has raised
19 the issue of Dick Nadeau and you say about half way down
20 that large paragraph, you say:

21 "The only reason he knew about my
22 abuses [and you're talking about Dick
23 Nadeau here] okay, is he called my
24 sister Joan. Now I don't know when he
25 called. That's when I got a call from

1 him a couple of years back. My sister
2 must have filled him in on some
3 details, I can't speak for her. As
4 crazy as this might seem, my sister
5 Joan tells me -- I only heard this
6 after I talked to my sister -- that
7 Gilf Greggain tried to hurt her too."

8 Jeff Carroll replies:

9 "Really?"

10 You continue:

11 "And my dad was going to kill him."

12 And Carroll replies:

13 "How did he try and hurt your sister."

14 And you reply:

15 "I really didn't get into it with her.

16 He had her cornered and she was scared

17 in the classroom. She told my father."

18 And Carroll replied:

19 "Sorry what sister, and you say Joan.

20 And she told my father and mother about

21 it and my dad was furious. My mother

22 had to stop him. I didn't know this."

23 And over the next page, Jeff Carroll asks:

24 "When did Joan tell you this?"

25 And you reply:

1 "When did Joan tell me this? I believe
2 just within -- since I shelved the case
3 here."

4 And then Jeff Carroll continues on about
5 Dick Nadeau and that's the end of the exchange.

6 Do you remember telling Jeff Carroll that at
7 that time?

8 **MR. LATOUR:** Yes, I talked to him about
9 that. Yeah. I don't know if they're the exact words, but,
10 of course, they're there, so, yes.

11 **MR. LEE:** And does that generally -- does
12 what's written here generally accord with what you
13 understood to have been the situation with your sister at
14 that time.

15 **MR. LATOUR:** What she had kind of told me
16 that, you know, now.

17 **MR. LEE:** So this is pretty much what your
18 sister told you, is what I'm asking?

19 **MR. LATOUR:** Yes. He went after her one
20 time and ---

21 **MR. LEE:** And the reason this was raised
22 today is that Ms. Lalji, the lawyer for the Cornwall
23 Police, brought you to another document that I'd like to
24 take a look at, Exhibit 365. And these are handwritten
25 notes from Detective Sergeant Carroll. And she took you to

1 the very last page of this and you took issue with this
2 document. The very last page, right at the top reads:

3 "Reached Marc at home. Advised of
4 progress thus far. States he has new
5 info of Greggain abusing his own sister
6 that apparently his father addressed
7 prior to his death. Asked Marc to
8 speak to his sister about this and get
9 back to me and I would like to
10 interview her."

11 Do you recall at any point learning of any
12 new information about your sister?

13 **MR. LATOUR:** No.

14 **MR. LEE:** Did you ever discuss -- your
15 sister, you told us, a year before had told you a story and
16 you told Jeff Carroll when he read the transcript, you say
17 that was pretty much what she told you.

18 **MR. LATOUR:** That was it.

19 **MR. LEE:** Do you recall a later conversation
20 where she told you something new?

21 **MR. LATOUR:** No.

22 **MR. LEE:** You seemed, when Ms. Lalji read
23 this to you, you seemed to get upset when she used the word
24 -- when she was reading here and you saw the word "abusing"
25 about Greggain abusing your sister.

1 MR. LATOUR: Correct.

2 MR. LEE: Do you recall telling Jeff Carroll
3 that your sister was abused by Gilf Greggain?

4 MR. LATOUR: Never.

5 MR. LEE: The last area I'd like to take you
6 to deals with the examination by Ms. Birrell a moment ago,
7 she was the lawyer from the School Board who was just up,
8 and you've told us before and you told her now about a
9 meeting that you had with the Principal once you found out
10 you had to go back in Gilf Greggain's class in Grade 6.

11 Is that correct?

12 MR. LATOUR: In Grade 6?

13 Right. Okay.

14 MR. LEE: Yes. I'm talking, not the Grade 3
15 meeting, but the Grade 6 meeting.

16 MR. LATOUR: Okay.

17 MR. LEE: So my understanding is you found
18 out at some point you had to -- it was going to be -- Gilf
19 Greggain was going to be your teacher.

20 MR. LATOUR: Correct.

21 MR. LEE: You didn't want to go into his
22 class.

23 MR. LATOUR: That's right.

24 MR. LEE: So you just told us a minute ago,
25 you presumed your mother must have called to set up a

1 meeting with the school to see what would be done to get
2 you back into school.

3 MR. LATOUR: I presume that, yes.

4 MR. LEE: Do you recall when you would have
5 found out that Gilf Greggain would be your teacher?

6 MR. LATOUR: It was before I started school.

7 MR. LEE: Do you remember -- when was it,
8 just before school in the summer ---

9 MR. LATOUR: It must have been before
10 school.

11 MR. LEE: You can't narrow it down any more
12 than that?

13 MR. LATOUR: No, I can't. No, I can't.

14 MR. LEE: Okay.

15 Mr. Latour ---

16 MR. LATOUR: All I know is that I wasn't
17 going to go to that school, in his class.

18 MR. LEE: My only question in this area:
19 can you remember when you would have learned that
20 information?

21 I don't remember when I was a child when I
22 would have known who my teacher was the next year; I don't
23 know if I would have found out in Grade 5 or in summer, the
24 start of Grade 6, I have no idea.

25 I am asking if you remember when you would

1 have learned that Greggain would be the teacher and your
2 answer is, "No."

3 Is that correct?

4 **MR. LATOUR:** I believe it was in the summer
5 before I went to Grade 6.

6 **MR. LEE:** Okay.

7 Mr. Latour, thank you very much for being
8 here.

9 Those are all my questions. Mr. Engelmann
10 may have a few questions for you.

11 **MR. LATOUR:** Yes.

12 **THE COMMISSIONER:** Mr. Engelmann?

13 **MR. ENGELMANN:** If I could just have a
14 minute sir. I'll just be a moment.

15 (SHORT PAUSE/COURTE PAUSE)

16 ---RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:

17 **MR. ENGELMANN:** Mr. Latour, I just want to
18 follow up on one point if I could. It won't be long.

19 **MR. LATOUR:** Okay.

20 **MR. ENGELMANN:** When Ms. Lalji was asking a
21 few questions from the Cornwall Police Service, she asked
22 you a bit about Jules Tyo.

23 Do you recall that you would have given that
24 name to Sergeant Carroll as someone that he should probably
25 speak to?

1 MR. LATOUR: Yes.

2 MR. ENGELMANN: All right.

3 And I don't remember the exact expression
4 but you said that in your presence Mr. Tyo had said
5 something about Greggain being, I think the words were "a
6 son of a bitch" or something of that nature.

7 MR. LATOUR: That's correct.

8 MR. ENGELMANN: Because he had allegedly
9 done something to kids at the school?

10 MR. LATOUR: That's right. He is a molester
11 and paedophile I think he had mentioned at the time.

12 MR. ENGELMANN: And you and Ms. Lalji got
13 into an exchange and she took you to a document that showed
14 you some follow up that the Cornwall police had done about
15 that; a conversation; a special Occurrence Report when he
16 had spoken to another caretaker I believe by the name of
17 Delorme.

18 Do you remember she took you ---

19 MR. LATOUR: She sure mentioned that, yes.

20 MR. ENGELMANN: You were interested in what
21 happened and you asked her to give you a bit more detail
22 because you weren't sure.

23 MR. LATOUR: Exactly.

24 MR. ENGELMANN: I just want to try and fill
25 in a bit more detail if you'd like as well. And there is a

1 document perhaps can be shown to the witness and it was in
2 the cross documents from the Cornwall Police Service,
3 735739. It's a Supplementary Occurrence Report dated April
4 15th, 2002; the author is Carroll J.; if that could be the
5 next exhibit.

6 **THE COMMISSIONER:** Okay.

7 That's Exhibit 370.

8 **--- EXHIBIT NO./PIÈCE NO P-370:**

9 Supplementary Report - April 15, 2002.

10 **MR. ENGELMANN:** If you could just have a
11 look at this. Sir, I don't know if you've seen it before.

12 **MR. LATOUR:** Okay.

13 **MR. ENGELMANN:** All right.

14 So about 13 months before this, in March of
15 2001, you're telling Sergeant Carroll you want the
16 investigation reopened and you're giving him the name of
17 Jules Tyo.

18 **MR. LATOUR:** Okay.

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

20 And he is interviewed, Mr. Tyo, on April
21 12th, 2002.

22 Do you see that?

23 **MR. LATOUR:** Okay.

24 **MR. ENGELMANN:** All right.

25 Now, have you had a chance to read the

1 document, sir?

2 MR. LATOUR: No, I haven't.

3 MR. ENGELMANN: Just take a moment.

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. LATOUR: Okay.

6 I read it.

7 MR. ENGELMANN: Okay.

8 So did Sergeant Carroll ever tell you what
9 he learned from Mr. Tyo?

10 MR. LATOUR: No, he didn't. I learned it
11 from Jules Tyo himself.

12 MR. ENGELMANN: All right.

13 MR. LATOUR: I didn't learn any of this, I
14 am just stating that after he had talked to Mr. Tyo, okay,
15 I was home fishing, I was at the store in Glenwalter, okay,
16 when I came across Jules Tyo.

17 He wasn't supposed to even know I was
18 involved in this because I'd asked Mr. Carroll not to
19 mention my name and that was no problem at the time. I
20 just didn't want everybody to know.

21 Okay.

22 And he said, "Marc, I have to talk to you."
23 He said, "I'll just be right back; I have to go home" and I
24 forget what he had to bring but anyways, and I waited and
25 he came back. And he just told me that Jeff had threatened

1 him if he would lie for me that he would end up in jail.

2 Okay. And that's what I know about the
3 interview.

4 **MR. ENGELMANN:** All right.

5 So what this fellow, Jules Tyo, was he a
6 friend of yours?

7 **MR. LATOUR:** Jules Tyo?

8 **MR. ENGELMANN:** Yes?

9 **MR. LATOUR:** Yes, he was.

10 **MR. ENGELMANN:** At that time.

11 **MR. LATOUR:** I haven't seen him or hung
12 around with him for a long time.

13 **MR. ENGELMANN:** Okay.

14 All right.

15 But Sergeant Carroll never told you about
16 the contents of the interview that he had with Mr. Tyo?

17 **MR. LATOUR:** No.

18 **MR. ENGELMANN:** Or that he was prepared to
19 testify?

20 **MR. LATOUR:** Who?

21 **MR. ENGELMANN:** Mr. Tyo. I'm just looking
22 at the bottom of the page.

23 **MR. LATOUR:** No.

24 **MR. ENGELMANN:** Where it says:

25 "Tyo insisted that he prepare to

1 testify in relation to this if he had
2 to but he'd rather not. Regardless,
3 Tyo provided a full audio/video
4 statement".

5 **MR. LATOUR:** No, I don't know nothing about
6 this.

7 **MR. ENGELMANN:** Okay.
8 Thanks very much, Mr. Latour.
9 Those are all my questions.

10 **THE COMMISSIONER:** Thank you very much Mr.
11 Latour. Again I'd like to thank you for participating in
12 this Inquiry and your comments certainly will be taken into
13 consideration in making my recommendations.

14 Thank you again, sir.

15 What we'll do is we'll take a short break;
16 now, it's the afternoon break. I have to give a decision
17 which, I don't have here, which I'll give after the break,
18 on the funding request by the CCR and we'll return with our
19 next witness.

20 All right.

21 Thank you.

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

24 --- Upon adjourning in public at 3:27 p.m. to resume
25 in camera/

1 L'audience est suspendue en public à 15h27 pour
2 reprendre à huis clos.

3 --- Upon resuming in public at 3:54 p.m./

4 L'audience est reprise en public à 15h54

5 **THE REGISTRAR:** The hearing is now resumed.
6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you.
8 Mr. Engelmann.

9 **MR. ENGELMANN:** Mr. Commissioner, we
10 neglected to file an exhibit with the last witness, Mr.
11 Latour.

12 **THE COMMISSIONER:** Right.

13 **MR. ENGELMANN:** And that was a document
14 referred to by Ms. Lalgi in her cross-examination on behalf
15 of the Cornwall Police Service and I had it a moment ago,
16 and -- I apologize.

17 It is document number 735748 and I
18 understand that our clerk has actually noted that and
19 reserved a spot for it, and if that could be marked on the
20 record as exhibit 367, please.

21 **THE COMMISSIONER:** Thank you.

22 --- **EXHIBIT NO./PIÈCE NO P-367:**

23 Supplementary Report - Feb 12, 2003

24 **MR. ENGELMANN:** Sir, I believe you have a
25 decision ---

1 **THE COMMISSIONER:** Yes.

2 **MR. ENGELMANN:** --- that you wish to
3 deliver, and then I have some comments about the other
4 matter.

5 **THE COMMISSIONER:** Thank you.

6 Yes, the Citizens for Community Renewal, or
7 the CCR, has made a request for supplementary funding. The
8 purpose of this supplementary funding would be to retain
9 the assistance of Mr. Joe Wolfe, an ex-Toronto police
10 service officer. No parties oppose the CCR's request.

11 The CCR submitted that a number of policing
12 issues have arisen and will continue to arise over the
13 course of this Inquiry. Mr. Wolfe's role would not be to
14 act as an investigator, but as a consultant on these
15 policing issues, which may well be relatively
16 sophisticated.

17 CCR indicated that neither its client nor
18 its legal team has the expertise to deal with these issues
19 in an informed manner, unlike a number of other
20 institutions that are participating in this Inquiry, such
21 as the Ontario Provincial Police, the Ontario Provincial
22 Police Association, and the Cornwall Police Service. These
23 institutions have access to their own internal experts.

24 The CCR also submitted that the need for
25 assistance such as this is limited to parties having

1 similar interests to it, such as the victims group but is
2 not shared by the institutional parties who have a
3 narrower focus.

4 The CCR indicated that Mr. Wolfe is a 30-
5 year veteran of the Toronto Police Service, who retired in
6 1995 at the rank of Superintendent. He has experience in a
7 number of areas including sex crimes investigations,
8 investigative techniques, victim sensitivity issues, and
9 interviewing.

10 Furthermore, amongst other things, for a
11 period of time he ran the Sexual Assault Squad in Toronto,
12 and was one of the people responsible for the Bernardo
13 Investigation. Mr. Wolfe's experience is, therefore, quite
14 extensive.

15 I have decided to recommend supplementary
16 funding for the CCR to retain Mr. Wolfe. I acknowledge
17 that the CCR's perspective in relation to this Inquiry is
18 somewhat different from that of some of the institutional
19 parties in that it may not have the same access to internal
20 expertise and policing issues. I'm hopeful that the
21 expenditure of public funds to acquire Mr. Wolfe's
22 experience and expertise in relation to these issues will
23 be s benefit to the CCR and also to the work of this
24 Inquiry as a whole.

25 CCR indicated that it would work with the

1 Victims Group in sharing Mr. Wolfe as a common resource,
2 and also offered his assistance to Commission counsel. I
3 encourage counsel for the Victim's Group and the CCR to
4 communicate with respect to sharing this resource.

5 The CCR indicated that Mr. Wolfe's fees
6 would be of \$70 per hour to a maximum of \$500 per day, in
7 that given his relatively focused role, the total hours
8 would be less than 50.

9 Accordingly, I would recommend that the
10 expenditure in these -- no, I'm sorry, the total hours
11 would be 500. I will recommend that the expenditure in
12 respect of Mr. Wolfe, in any event, be capped at \$30,000.

13 And there you go.

14 So that will be forwarded to the Attorney
15 General for his consideration, and as soon as we're aware
16 of the result, we'll advise you.

17 **MR. WARDLE:** Thank you, sir.

18 **THE COMMISSIONER:** Thank you.

19 Mr. Engelmann?

20 **MR. ENGELMANN:** Mr. Commissioner, as you
21 know we'd intended at this point in time to commence with
22 the process -- alternative process, that the parties had
23 indicated they were willing to try, those parties that had
24 not yet had an opportunity to cross-examine Mr. Silmsler.

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

1 **MR. ENGELMANN:** And you recall that the
2 Ministry of Correctional Services, the OPP, the OPPA and
3 the Cornwall Police Service had not yet had an opportunity
4 to cross-examine Mr. Silmsler. So they were going to be
5 presenting oral presentations in that order.

6 Other counsel who may have concerns about
7 whether or not Mr. Silmsler was completely capable of giving
8 the evidence he did, when he was being cross-examined,
9 because there was an issue about taking medication ---

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

11 **MR. ENGELMANN:** --- and what effect if any
12 that might have had on some of his answers.

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

14 **MR. ENGELMANN:** So some of those counsel who
15 cross-examined, I believe, on the 5th and 6th of February,
16 were also invited to make brief submissions, if
17 appropriate, from their perspective, as well.

18 Oh, I forgot the Catholic District School
19 Board. I'm terribly sorry and I apologize to Ms. Birrell
20 and her client. They were the 5th of the institutions that
21 had not had an opportunity, and they would have followed
22 the Cornwall Police Service.

23 **THE COMMISSIONER:** M'hm

24 **MR. ENGELMANN:** And at this point all of
25 these institutions have given us at least the documents

1 that they intend to refer to in their narratives, if I can
2 call them that. And they had given us these documents in
3 order so that this matter could be streamlined.

4 And as Commission counsel leading this
5 evidence, I had either email or voicemail or telephone
6 contact with them about their presentations. And some of
7 them I actually received a narrative and in others I
8 didn't. But in any event, parties have been working on
9 this process in accordance with our agreement to try and
10 make this work to see how it would work.

11 You reserved your rights to see whether or
12 not this was satisfactory, they reserved their rights to
13 see if it was satisfactory to them, and we were going to
14 give it a go.

15 Yesterday, the Commission received a letter
16 from Mr. Silmsen.

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

18 **MR. ENGELMANN:** The letter was written to
19 you, Mr. Commissioner, and in keeping with the practice of
20 correspondence to the Commission and, in particular,
21 correspondence to you, it was screened by Commission staff.
22 We have not given it to you. In normal practices, these
23 letters are screened, and particularly as it's a letter
24 from a witness, not provided to you because of the quasi-
25 judicial nature of this proceeding and for all sorts of

1 other purposes.

2 So, having received the letter, I attempted
3 to contact Mr. Culic to advise him that this process was in
4 place at the Commission and we couldn't simply pass letters
5 on to you. That we would have to provide the letter to
6 counsel for all the parties, first and hear from them, as
7 to the appropriateness of whether a letter such as this
8 could be an exhibit. Commission investigator also spoke
9 with Mr. Silmser directly to advise him of this.

10 I received a call from Mr. Culic late last
11 night and he advised me that he certainly had no concern or
12 neither did his client, about us sharing the letter with
13 counsel for the parties. If that would, in fact, allow the
14 letter to come to before you.

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

16 **MR. ENGELMANN:** This morning I prepared a
17 brief letter to counsel for all the parties. And I think
18 it's appropriate that I read it. I don't think anyone has
19 any objections; this is my letter, not Mr. Silmser's
20 letter. And the letter reads:

21 "Dear Counsel, re David Silmser
22 letter on March 26, 2007. We
23 received the letter from Mr. Silmser
24 which is addressed to the
25 Commissioner. The Commissioner has

1 not been provided with the letter.

2 Both Mr. Silmsler and his counsel, Mr.
3 Culic, want the letter to be read by
4 the Commissioner. It would seem that
5 the letter may have to be entered as
6 an exhibit if the Commissioner is to
7 read it. We would appreciate your
8 views on this matter. Mr. Silmsler's
9 letter is attached."

10 And, second paragraph:

11 "In addition, Mr. Culic intends to
12 attend the hearings tomorrow, to make
13 submissions as a result of the
14 alternative process to the cross
15 examination of Mr. Silmsler if
16 permitted to do so. We would also
17 appreciate your views on this
18 matter."

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

20 **MR. ENGELMANN:** So that letter was provided
21 to counsel at the morning break today. As you know, I was
22 in the hearing room with Mr. Latour, reading evidence.

23 I have spoken to some counsel at the break
24 just after we finished the evidence. Mr. Latour and a
25 number of them have asked me to have some more time, to

1 consider the contents of Mr. Silmser's letter ---

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

3 **MR. ENGELMANN:** --- before addressing you on
4 this important issue. I think all counsel thought that it
5 was prudent to have those have those discussions before
6 embarking on the alternative process that people had agreed
7 to, at least, give a try to. Some of those concerns that
8 were expressed were such that some counsel thought that the
9 content -- some of the content of Mr. Silmser's letter
10 might call into question his inability to testify for
11 medical reasons.

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

13 **MR. ENGELMANN:** Therefore, I'm alerting you
14 to that fact, and to the fact that all counsel want to
15 consider their views before they make submissions to you.
16 They want to consider how they want to make those
17 submissions and their views on whether the letter can be
18 made an exhibit, or if there's some other procedure for
19 dealing with the letter.

20 As a result, Mr. Neuberger, who was to
21 start, has advised me that he obviously would prefer not to
22 start today. He and his client want to consider their
23 options and make submissions on this letter tomorrow, as do
24 several of the other institutional parties.

25 You will remember that we've already

1 reserved 9:30 tomorrow morning for Mr. Cipriano's return,
2 to deal with the issue of the affidavits of C-10. I know
3 that Mr. Callaghan might have some comments on that.

4 Mr. Lee has kindly written to the parties on
5 that issue, so there's some discussion going on already
6 about it. That matter was to be addressed before you at
7 9:30. So perhaps we can deal with that matter first, and
8 then we can deal with the process to be followed with Mr.
9 Silmsers's letter, and then, in fact, the alternative
10 process for Mr. Silmsers's cross-examination, if that's
11 suitable.

12 **THE COMMISSIONER:** All right.

13 It's a reasonable request.

14 **MR. ENGELMANN:** I don't know if any parties
15 with to make submissions at this time. I know that they do
16 want some time to take it in and think about what they want
17 to say.

18 **THE COMMISSIONER:** Sure.

19 Okay.

20 What I would like to say and point out to
21 those who are viewing and members of the public, is that,
22 as a judge, sometimes people feel the need to write
23 directly to a judge, or to a Commissioner in this case, and
24 it has been my practice throughout -- I mean, one just has
25 to sit back and think about it a little bit. If you're

1 doing a trial or having a hearing it would not be proper
2 for a judicial officer to read something that isn't before
3 the record or in the public sphere.

4 Accordingly, I have from an early date
5 indicated to counsel that any such letter should be
6 reviewed by them and that the procedure that we've accepted
7 today is something that, and I feel very strongly about, is
8 that it should go to the parties. The parties should have
9 an opportunity to read this letter and then make comments
10 as to what we should be doing with it. Whether I read it
11 or not, or whether I'm advised generally of the contents.
12 And that is to put everybody on the same footing. And I
13 think that's what the intent was and I think that's a wise
14 decision in any event.

15 That having been said, if counsel wants some
16 time, it's already 4:10. I think it's wise to adjourn till
17 tomorrow morning, save and except if any other counsel wish
18 to make any further comments or provide me with any words
19 of wisdom for the evening reading.

20 That being the case, we'll adjourn till
21 9:30, for your comments.

22 **MR. ENGELMANN:** Sir, just before we adjourn,
23 I will undertake to attempt to contact Mr. Culic, and
24 advise him of the process we're agreed to undertake.

25 **THE COMMISSIONER:** Exactly.

1 **MR. ENGELMANN:** I'm not sure if he's
2 available, but I'll certainly invite him to be here if he
3 has some submissions that he wishes to make. There may be
4 parties who want to comment on his right to make
5 submissions, and that's fine. But I just want to alert
6 him, if he's not watching, to what we've agreed to do.

7 **THE COMMISSIONER:** That's fine. No.
8 Nine thirty (9:30) we'll deal with matters,
9 and if anyone wants to make submissions they have to be
10 here.

11 **MR. ENGELMANN:** Thank you.

12 **THE COMMISSIONER:** Thank you.

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

15 This hearing is adjourned until tomorrow
16 morning at 9:30 a.m.

17 --- Upon adjourning at 4:08 p.m. /

18 L'audience est ajournée à 16h08

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

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



Marc Demers, CR