

**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 227

Held at :

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

Tuesday, May 13 2008

Tenue à:

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

Mardi, le 13 mai 2008

ERRATA
Volume 226
May 13, 2008

Exhibit List and Transcript

P-1591 (721121) - Brian Snyder - Video Taped 197
Interview Report by C-66 w/ OPP Don Genier
dated 14 Oct 65

Should have read:

P-1591 (721121) - Brian Snyder - Video Taped 197
Interview Report by C-66 w/ OPP Don Genier
dated 22 May 98

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Lori Beaudette Ms. Julie Gauthier	Registrar
Ms. Karen Jones Ms. Mary Simms	Commission Counsel
Mr. John E. Callaghan Ms. Reena Lalji	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Actg.Det.Supt. Colleen McQuade	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
S/Sgt. Brian Snyder	S/Sgt. Brian Snyder

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1 --- Upon commencing at 9:58 a.m. in public/

2 L'audience débute à 9h58 en public

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Just by way of reminder for those who are
12 joining us on the internet, we had an in camera session
13 whereby we reviewed certain monikers that we had given
14 yesterday.

15 So the only thing we have to tell people is
16 that yesterday we used a moniker 67 for -- I forget her
17 first name, but ---

18 **MS. JONES:** Pam.

19 **THE COMMISSIONER:** Pam Silmser, and that was
20 not necessary. Otherwise, we've given two other monikers
21 or confirmed monikers for C-66 and C-68.

22 **MS. JONES:** Thank you very much ---

23 **THE COMMISSIONER:** Thank you.

24 **MS. JONES:** --- Mr. Commissioner.

25 **THE COMMISSIONER:** Officer Snyder, good

1 morning again.

2 MR. SNYDER: Good morning.

3 S/SGT. BRIAN SNYDER, Resumed/Sous le même serment:

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

5 JONES (cont'd/suite):

6 MS. JONES: Just with regards to the moniker
7 that was just lifted, I just want to be clear about that.
8 Pam Silmser, I understand, is David Silmser's wife. Is
9 that correct?

10 MR. SNYDER: That's correct.

11 MS. JONES: The only other thing I wanted to
12 do on the record before we start, Mr. Commissioner ---

13 THE COMMISSIONER: Yes.

14 MS. JONES: --- is to get a publication ban
15 on documents that were entered yesterday for the record.

16 All of these documents actually referred or
17 made reference to at least one of the list of people that
18 currently have active monikers, and for those reasons I
19 would ask that the following exhibits please be given a
20 publication ban for this Inquiry: Exhibits 1583; 1584;
21 1585; 1586; 1586A; 1587; 1588; 1589; 1590 and 1591.

22 THE COMMISSIONER: I don't -- just to be
23 very precise, we will stamp them, but it's only as an aide-
24 mémoire to the media. They have the responsibility of
25 ensuring when they use names, that they are not subject to

1 a publication ban, but given the complexity of everything
2 here, we're doing that as an assistance to them.

3 Thank you.

4 **MS. JONES:** Thank you.

5 Now, we left yesterday, you may recall, with
6 going through the taped or transcribed statement or
7 interview of C-66 with Officer Genier. And you recall that
8 was Exhibit 1591, and I don't know if you have that in
9 front of you?

10 **MR. SNYDER:** I do not.

11 **MS. JONES:** Okay.

12 **MR. SNYDER:** Thank you.

13 **THE COMMISSIONER:** What exhibit again,
14 please?

15 **MS. JONES:** Fifteen-ninety-one (1591), Mr.
16 Commissioner.

17 **THE COMMISSIONER:** Thank you.

18 **MS. JONES:** Again, just to get back into
19 this document, essentially, this was an interview that was
20 done on the 22nd of May, 1998. C-66 was speaking to Officer
21 Genier of the OPP, and it was an interview with regards to
22 an allegation of historical sexual abuse by one Bernard
23 Sauv e?

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

25 **MS. JONES:** And yesterday, where I had left

1 it with you, C-66 had spent the first few pages, shall we
2 say, of the interview describing his contact with you, that
3 he had told you about it approximately a year before. We
4 figured it was about 14 months, actually. And we left it
5 on Bates page 5605 where C-66 said:

6 "If you remembered rightly, I think
7 Brian was supposed to look into it, if
8 he was still alive or whatever,
9 Bernie."

10 So it seemed, on the face of this interview
11 anyway, that C-66 was under the impression you were going
12 to get back to him on the investigation?

13 **MR. SNYDER:** Yeah, and he said, "If you
14 remember correctly", so that was his recollection during
15 this interview ---

16 **MS. JONES:** Yes.

17 **MR. SNYDER:** --- that I was going to go back
18 to.

19 **MS. JONES:** Yeah.

20 Would you agree with me that nowhere in the
21 interview does he say -- anywhere in the document does he
22 say that he didn't want to proceed with the charges a year
23 ago when he spoke to you?

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

25 **MS. JONES:** Now, it would appear on the next

1 page, Bates page 5606, that C-66 -- about halfway down the
2 page -- tells Officer Genier that he was working for Mr.
3 Sauvé at approximately the age of 14. And that was the age
4 that the assaults were happening.

5 MR. SNYDER: I've got a blank ---

6 MS. JONES: It's on the screen, Sergeant, if
7 that helps you.

8 MR. SNYDER: Thank you. Perfect. That's
9 probably better.

10 MS. JONES: Just in the middle of the screen
11 there he's saying:

12 "How old were you when you got the
13 job?"

14 He said:

15 "Fourteen (14)."

16 MR. SNYDER: Okay. Yes.

17 MS. JONES: So that was the approximate age
18 that he was when these things were happening to him, he
19 alleges, by Mr. Sauvé?

20 MR. SNYDER: Correct.

21 MS. JONES: Now I'd like for you to go to
22 Bates page 5614 please? Perhaps I should just -- I don't
23 know -- have you read over the transcript in its entirety,
24 Sergeant?

25 MR. SNYDER: Yes.

1 **MS. JONES:** Okay. Between these two sets of
2 pages I've referred you to, would you agree with me that
3 what C-66 is describing is a sexual assault just to ---

4 **MR. SNYDER:** Yeah ---

5 **MS. JONES:** --- clarify that?

6 **MR. SNYDER:** --- I'll take that. I read it
7 all and that's what was in there. I obviously have to read
8 it read myself to see if that's what is in there but I
9 agree with you that he did speak with sexual assault.

10 **MS. JONES:** Okay. He's describing a sexual
11 assault, ---

12 **MR. SNYDER:** Yes.

13 **MS. JONES:** --- an unwanted assault?

14 **MR. SNYDER:** Yes.

15 **MS. JONES:** And on Bates page 5614, he is at
16 the point where he is describing if there was anyone else
17 around at the time when these things were happening and
18 four entries down, it starts off with C-66 talking. And
19 I'll just read his paragraph:

20 "well, I thought he was sending him
21 home for a reason."

22 "Him" being his son which he is going to
23 describe in a minute.

24 **MR. SNYDER:** Yes.

25 **MS. JONES:** "Like, like it wasn't like his

1 son did something wrong you know. It
2 wasn't like you get home, like you're
3 punished type of thing, he just sent
4 him home. You know, it's almost like
5 his son knew too because his son was my
6 age. Like if not, maybe you're older
7 or, like, you know, right around my age
8 anyways. It's almost like his son
9 knew, like, not to argue with him, just
10 go home, you know."

11 Do you see that part there?

12 **MR. SNYDER:** Yes.

13 **MS. JONES:** So it would seem that, at the
14 time that C-66 is making this allegation of a sexual
15 assault on him, it seems that Mr. Sauvé had a son about the
16 same age ---

17 **MR. SNYDER:** Yes.

18 **MS. JONES:** --- around, around the same
19 time.

20 **MR. SNYDER:** Yes.

21 **MS. JONES:** Now, in your reading of the
22 allegations by C-66, you'd agree with me that it certainly
23 describes a sexual assault but also the substance of what
24 could be a criminal prosecution, in other words?

25 **MR. SNYDER:** I can't ---

1 **MS. JONES:** The actions that he describes
2 were effected on him.

3 **MR. SNYDER:** Yes.

4 **MS. JONES:** Okay. And according to your
5 testimony on a couple of points, when C-66 contacted CPS,
6 you were concerned, Officer Desrosiers was concerned,
7 Inspector Trew was concerned about C-66's fragile state or
8 emotional state at the time?

9 **MR. SNYDER:** Yes.

10 **MS. JONES:** Would you agree with me as he is
11 describing the alleged sexual assault effected on him by
12 Mr. Sauv ; would you agree with me that there really aren't
13 obvious indicators that he was in any sort of fragile state
14 that sometimes you will see ---

15 **MR. SNYDER:** Well ---

16 **MS. JONES:** --- in other statements.

17 **MR. SNYDER:** --- again, you can't indicate
18 by words, a video you might be able to see more as to
19 whether or not he is being -- you know, is he having
20 difficulty in speaking; is he crying; is he -- those types
21 of things.

22 I know at the start he said he was nervous.
23 To make an opinion as to his fragility, being fragile with
24 this, I can't make that opinion.

25 **MS. JONES:** Let me put it to you another way

1 then. There certainly is no point where Officer Genier
2 says "Do you want to take a break, you seem upset?" or "I
3 notice that you're crying" or "This is difficult for you to
4 talk about" or words to that effect that would show some
5 sort of fragility?

6 **MR. SNYDER:** You're right. I don't see that
7 here. It doesn't mean that he wasn't upset about the whole
8 ordeal.

9 **MS. JONES:** And there isn't an indication in
10 this particular interview anyway as we have seen with other
11 victim interviews saying that it's extremely difficult for
12 him to come forward and this is -- this has ruined his life
13 and phrases that are often seen in other sort of victim
14 statements, they are not actually in this particular
15 interview; would you agree with me on that?

16 **MR. SNYDER:** I'd have to go through it
17 again. I read it once yesterday. I can take your word for
18 that. I guess you're correct if you're looking for
19 something as saying that "No, I can't do this, I want to
20 stop." He does not say that, you're correct.

21 **MS. JONES:** Right. And again, you've
22 interviewed many people I'm sure in these sort of
23 situations ---

24 **MR. SNYDER:** Yes.

25 **MS. JONES:** --- ones where you have to stop

1 the interview, start again, come back even another day or -
2 - there just doesn't seem to be any of that; would you
3 agree?

4 **MR. SNYDER:** At this point in time, it
5 appears that way.

6 **MS. JONES:** Okay. Would you also agree that
7 the frankness and the manner in which it appears written on
8 the face of this document that C-66 is giving this
9 interview that he seems very credible?

10 **MR. SNYDER:** I believe C-66. I think he's
11 credible, yes.

12 **MS. JONES:** Okay. There don't seem to be
13 any sort of obvious inconsistencies or mistakes or
14 anything, again on the face of this document?

15 **MR. SNYDER:** Well, I'd have to do the
16 investigation after. This is a statement he is giving,
17 then you would wind up doing an investigation to
18 corroborate what he is saying. But on the surface, and
19 personally knowing him through my investigation, he is a
20 credible individual, yes.

21 **MS. JONES:** And as a result of this
22 interview, are you aware that charges were actually laid
23 against Mr. Sauv e?

24 **MR. SNYDER:** Yes, I am.

25 **MS. JONES:** So, I don't know if you can

1 comment or not on this, but would one assume maybe that
2 Officer Genier also found C-66 credible? That if ---

3 **MR. SNYDER:** If he laid the charges, I would
4 suspect that he had information that would lead to an
5 investigation -- or lead to a charge, yes.

6 **MS. JONES:** Okay. I'm just trying to make a
7 general sort of a concept is that a police officer won't
8 lay charges if they think their witness is not credible.

9 **MR. SNYDER:** They have to have reasonable
10 and probable grounds so obviously Officer Genier had those
11 grounds and laid the charge.

12 **MS. JONES:** Okay. And also at the same
13 time, C-66 was also a victim in the Marcel Lalonde matter -
14 --

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

16 **MS. JONES:** --- around the same time period.
17 There was a preliminary ---

18 **MR. SNYDER:** Corect.

19 **MS. JONES:** --- and a trial?

20 **MR. SNYDER:** Correct.

21 **MS. JONES:** And as a result of C-66
22 testifying, Mr. Lalonde was actually convicted?

23 **MR. SNYDER:** Correct.

24 **MS. JONES:** Are you aware of that?

25 **MR. SNYDER:** I knew he was convicted. I

1 wasn't sure if C-66 had to testify or not. I'm not aware
2 of that.

3 **MS. JONES:** Okay. The next part that I'd
4 like to direct you to ---

5 **MR. SNYDER:** I'm not sure. Is it important
6 to note about what happened in trial with Mr. Sauv e though?
7 I think that's ---

8 **MS. JONES:** At the Lalonde ---

9 **MR. SNYDER:** No ---

10 **MS. JONES:** --- the Lalonde trial?

11 **MR. SNYDER:** --- the Sauv e trial, what
12 happened there?

13 **MS. JONES:** We'll get to that in a second.

14 **MR. SNYDER:** Okay.

15 **MS. JONES:** But I'm just trying to get
16 things in order here.

17 **MR. SNYDER:** Okay, sorry.

18 **MS. JONES:** But at the Lalonde trial, there
19 were no issues with Mr. -- sorry, C ---

20 **MR. SNYDER:** Well, there was some issues.
21 There was some issues at the preliminary inquiry because
22 that's what brought our attention to bringing -- to
23 advising the OPP about him being fragile. There were
24 issues at him testifying at the preliminary inquiry ---

25 **MS. JONES:** M'hm.

1 **MR. SNYDER:** --- that obviously we wanted to
2 ensure the OPP were aware that we felt he was fragile.

3 **MS. JONES:** I'm just asking questions about
4 credibility though. You ---

5 **MR. SNYDER:** Oh no, he's credible.

6 **MS. JONES:** That's what I was looking at.

7 **MR. SNYDER:** Yeah.

8 **MS. JONES:** Now, on Bates page 5625 which is
9 numbered 31 for ease of reference, about halfway down the
10 page. "This was after" is how it starts.

11 You can see on the screen as well, Sergeant
12 Snyder, just in case. Officer Genier starts with a
13 question:

14 "This is after. Is there anyone else
15 that you disclosed this to about Mr.
16 Sauvé?"

17 C-66 said:

18 "Brian Snyder."

19 Officer Genier:

20 "Okay. Besides Mr. Snyder, did you --
21 did you ever tell anybody, your
22 parents?"

23 C-66 says:

24 "No."

25 "Your wife, girlfriend?"

1 C-66 answers:

2 "No."

3 Officer said:

4 "What about any ---

5 And C-66 said:

6 "They know now, mind you."

7 And then they confirm they know now but it
8 would appear, at the time, that he disclosed to anyone else
9 about it, he only mentions you.

10 **MR. SNYDER:** I was probably the first one he
11 spoke to, yes.

12 **MS. JONES:** Would you agree with me that
13 certainly again that adds some credibility to the fact that
14 -- or some credibility to the memory of C-66 that you're
15 the only person he actually talked this over with that he
16 would have, perhaps, that was quite clear in his mind.

17 **MR. SNYDER:** Well, I would think he would
18 remember the first person he told. That would be something
19 that would be pretty much imprinted in your mind.

20 **MS. JONES:** Okay. And then Bates page 5627
21 and we're about four lines down; again Officer Genier:

22 "Could there be any witnesses to this
23 abuse at all, any of these incidences?"

24 And C-66 stated:

25 "Well, his son would know if he

1 remembers of course. He would know
2 about the time we slept there. He
3 would know that he got sent home in the
4 middle of the night."

5 Which would be in the middle of the night
6 for him.

7 So again, it's linking the son to one of the
8 allegations of abuse effected on C-66 by Mr. Sauv e; would
9 you agree?

10 **MR. SNYDER:** Yes.

11 **MS. JONES:** At the bottom of Bates page
12 5627, a conversation starts about what's called a little
13 misunderstanding and that is Officer Genier's phrase when
14 he states:

15 "I think there was a little
16 misunderstanding perhaps on the first
17 time we were supposed to meet over a
18 week ago."

19 And I've already asked you questions about
20 that conversation that you may or may not have had with C-
21 66, but I just want to go over what C-66 says from his
22 perspective, and that's what follows in the next couple of
23 pages.

24 So Officer Genier starts off:

25 "Can you tell me about that, why you

1 called my office yesterday for?"

2 And C-66 says:

3 "Well, because I still didn't know like
4 you -- okay, why you had called me in
5 the first place. Like I said, I had
6 just gotten up that -- that morning
7 there and you called and then you gave
8 me your name and number and that --
9 that -- and then we talked about you
10 coming to visit, coming to see me the
11 next day or whatever at, you know, 1:30
12 or whatever. Excuse me. And when I
13 hung up the phone, I got up and it was
14 late. I got out of the tub and it was
15 like I didn't, you know -- what the
16 heck is going on here? So anyways, I
17 called Brian to see. Actually, I --
18 when I first called, I called for
19 René..."

20 Which would be René Desrosiers I assume:

21 "...but René wasn't -- wasn't
22 available; so I talked to Brian."

23 Officer Genier:

24 "And this is René?"

25 C-66:

1 "René Desrosiers, he's -- he's a
2 policeman."

3 And then he goes on to say that he's taking
4 care of Lalonde. He's his contact.

5 **MR. SNYDER:** Correct.

6 **MS. JONES:** But it would appear from that
7 substance anyway that C-66 phoned you. He called Officer
8 Desrosiers but he actually talked to you.

9 **MR. SNYDER:** Correct.

10 **MS. JONES:** And would you agree that that
11 happened ---

12 **MR. SNYDER:** Yes.

13 **MS. JONES:** --- in that way?

14 And then C-66 continues:

15 "So I called to talk to him and he
16 wasn't available. So I talked to Brian
17 and I just asked Brian if he knew why -
18 - why like -- why you wanted to come
19 and see me. Like do you know what's
20 going on or you can tell me something
21 and he didn't know anything about it.
22 So then he says, 'Well, I'll get back
23 to you'. Then he got back to me and he
24 said, 'Okay. Well, I talked to -- it
25 was Don Genier or whatever and he said

1 he got a hold of you and talked to you
2 and he had asked you not to come and
3 see me.' And then I got to thinking
4 why; why? And this was like a few days
5 later. You -- you hadn't gotten back
6 in touch with me or Brian hadn't gotten
7 back. After he said that, he never got
8 because he said that instead of you
9 coming to see me, you were going to see
10 him first and you were going to tell
11 him what you wanted to tell me type of
12 thing, and then he was going to get
13 back to me and tell me what you
14 wanted."

15 It all sounds very confusing of course.

16 Then the next input by C-66:

17 "I said, 'Oh, okay'. But then a few
18 days passed and nobody -- I didn't hear
19 anything about it. So that's when I
20 said, 'Well, I can talk to you myself
21 like' and I called you up and here we
22 are."

23 Officer Genier:

24 "So you, you're here willingly?"

25 C-66:

1 "Oh, definitely."

2 Genier:

3 "This was your decision to come forward
4 with -- with this abuse?"

5 C-66:

6 "Yes."

7 So just based on what it would appear, if I
8 can translate what he said a little bit, it seemed that he
9 phoned you, you did get back to him initially or you did
10 return the call once.

11 **MR. SNYDER:** Yes.

12 **MS. JONES:** But it seems that C-66 was under
13 the impression you were going to get back to him a second
14 time but you didn't.

15 **MR. SNYDER:** Yes, I was waiting for a phone
16 call back from the OPP to let me know why they want to
17 speak to him because the person I was speaking to wasn't
18 aware of the reasons why. And in the interim, he contacted
19 the OPP himself.

20 **MS. JONES:** So, again, if you look at C-66's
21 behaviour, certainly vis-à-vis this particular interview,
22 it's true that it was Officer Genier that made the initial
23 phone call to him.

24 **MR. SNYDER:** Correct.

25 **MS. JONES:** But it would appear with making

1 an appointment for the next day and then C-66 of his own
2 volition called a week later saying, "Hey, I want to talk
3 to you."

4 MR. SNYDER: M'hm.

5 MS. JONES: And he came down fairly shortly
6 thereafter as well, had this interview on May 22nd, '98.

7 MR. SNYDER: Yes.

8 MS. JONES: On the face of it, it looks like
9 C-66 was very willing and actually wanting to talk about
10 what happened to him ---

11 MR. SNYDER: Yes, and all I can ---

12 MS. JONES: --- with regards to Bernard
13 Sauv .

14 MR. SNYDER: Yeah. Things could have
15 changed in his life and reference to this case there may
16 have been other victims as well. So he felt stronger to
17 give his testimony because of that.

18 MS. JONES: Do you have any notes of any
19 other victims coming forward?

20 MR. SNYDER: What I understand there was two
21 in this case.

22 MS. JONES: Before C-66?

23 MR. SNYDER: With C-66. I don't know where
24 they came in but there's obviously two -- two victims in
25 this case.

1 **MS. JONES:** But do you have knowledge ---

2 **MR. SNYDER:** No, I ---

3 **MS. JONES:** --- that there was somebody who
4 came before C-66?

5 **MR. SNYDER:** No. No, I don't.

6 **MS. JONES:** Okay. And we don't have
7 anything here saying, in this interview anyway, that he had
8 heard from someone else that they were going after Bernard
9 Sauv .

10 **MR. SNYDER:** Yeah, you're correct. I'm just
11 saying things in his life may have changed that he felt
12 comfortable in speaking to Constable Genier about this.
13 All I can say is when he was speaking to me, he wasn't
14 prepared. He wasn't ready to speak about Bernard Sauv .

15 **MS. JONES:** Okay. Would you agree with me
16 that nowhere in the interview does he say things have
17 changed over the last year and now I'm willing to talk
18 about it, or other people have come forward and now I'm
19 willing to tell things that you suggested? He doesn't say
20 that, does he?

21 **MR. SNYDER:** You're right. You're right,
22 yes.

23 **MS. JONES:** And just to be clear, nowhere in
24 this interview does he say that at any time he told you, "I
25 don't want to proceed with the charges against Mr. Sauv "?

1 **MR. SNYDER:** In that interview, correct.

2 **MS. JONES:** Would you agree with me that one
3 of the concepts of any criminal trial, it doesn't even
4 matter if it's sexual assault but any sort of a criminal
5 trial, one of the reasons why criminal justice should be
6 done as quickly as possible is so that everyone is treated
7 fairly; the defendant, the witnesses? Memories fade, you
8 know, as you say, things change; people can have different
9 sort of lifestyles or circumstances in their personal life
10 changes. And for you as a police officer, would you agree
11 with me that it's critical to try to get any investigation
12 on the road or being investigated as quickly as possible?

13 **MR. SNYDER:** Yes.

14 **MS. JONES:** And in aspects especially of
15 historical sexual assault context, would you agree with me
16 that with the passage of time, sometimes some victims do
17 lose a bit of their momentum and do lose their ability to
18 go forward with this huge thing they have lying ahead of
19 them?

20 **MR. SNYDER:** No, I disagree. I disagree. I
21 think that some victims need time to prepare and they'll
22 come forward when they're ready. Some are ready right
23 away. So I don't know if there's a pattern there that with
24 time they no longer want to go forward. I disagree with
25 that.

1 **MS. JONES:** Well, certainly would you agree
2 that you run the risk of losing a witness of any sort with
3 the passage of time?

4 **MR. SNYDER:** Absolutely.

5 **MS. JONES:** And with respect to what
6 happened in the Sauv  matter, if I could refer you, please,
7 to Document 116751?

8 **THE COMMISSIONER:** Thank you. Exhibit 1592
9 is a transcript of a Superior Court of Justice matter,
10 *Majesty the Queen v. Bernard Sauv *, 17th of June 2002.

11 --- **EXHIBIT NO./PI CE No. P-1592:**

12 (116751) - Brian Snyder - Transcript of Her
13 Majesty the Queen vs. Bernard Sauv  dated 17
14 Jun 02

15 **MS. JONES:** As there are mentions of names
16 of at least one of our people ---

17 **THE COMMISSIONER:** There's a publication ban
18 in the document, 46 sub 3.

19 **MS. JONES:** This is actually taken on the
20 trial date of Bernard Sauv  which is the 17th of June 2002
21 and I'd like to draw your attention to the first page of
22 the transcript, which is Bates page 1108002.

23 Actually, Mr. Commissioner, I'm not sure
24 that the names of the victims are actually in this
25 transcript. Mr. Findlay, the Crown attorney, was careful

1 actually not to mention them, but in any event.

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

3 **MS. JONES:** If you look at Mr. Findlay who
4 is the Crown attorney, about halfway through the page, it
5 starts, "I can tell Your Honour." Can you see where I am?

6 **MR. SNYDER:** Yes.

7 **MS. JONES:** "I can tell Your Honour that in
8 March, 1999 after I had thorough police
9 investigation in this case, charges
10 were laid against Mr. Sauvé for
11 offences allegedly committed in the
12 late 1970s and early 1980s. This
13 matter proceeded to a preliminary
14 inquiry and he was committed to stand
15 trial on April of 2000 on the offences
16 now before the court. And since that
17 time I can advise Your Honour that
18 there are two complainants in this case
19 and they both have suffered extreme
20 anxiety and stress related to court,
21 despite the best efforts of the Crown,
22 the police and the Victim Witness
23 Office to assist them. I also know
24 that the accused person, Mr. Sauvé,
25 although medically fit to stand trial

1 himself, suffers from various medical
2 difficulties related to heart disease,
3 diabetes and complications from
4 diabetes. And late last week, Your
5 Honour, it became apparent that the
6 complainants in this case because of
7 their difficulties may not be able to
8 testify; that they may not be able to
9 endure testifying in court. Despite
10 that, there was some reason for the
11 Crown to hold out some hope that over
12 the weekend the circumstances would
13 change and that they would be able to
14 call them as witnesses in this case,
15 but by this morning it became clear
16 that this was not something that was
17 going to take place. So based upon
18 that factor, Your Honour, as well as
19 the fact of the accused's own
20 difficulty with his health, it's the
21 view of the Crown that it's not in the
22 public interest to proceed any further
23 with the charges and I'm asking the
24 indictment to be marked 'withdrawn'."

25 So it seemed on the day of the trial,

1 certainly, or the days even leading up to the trial, it
2 would appear that C-66, being one of the complainants, was
3 unable for whatever reason to testify on that particular
4 day as described by Mr. Findlay.

5 **MR. CALLAGHAN:** Sorry, I think that's a
6 little editorializing, whether it's up to the trial or
7 whether C-66 had this condition throughout. We've heard
8 from the witness from what he witnessed of the witness. I
9 think -- we haven't heard from C-66; we don't know whether
10 he -- this was throughout the case or the day before the
11 trial or whatever.

12 **THE COMMISSIONER:** Well, certainly there was
13 -- there may have been some stops and starts but he did put
14 the complaint in. I don't know if they went through a
15 preliminary, they must have.

16 **MS. JONES:** It stated it went through a
17 preliminary inquiry.

18 **THE COMMISSIONER:** Went through a
19 preliminary, so I guess there are different stages where
20 it's up in the air as to what his thoughts were with
21 respect to proceeding.

22 **MR. CALLAGHAN:** And I trust, Mr.
23 Commissioner, you'll make conclusions if this is an issue
24 you have to deal with at the end of the day.

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

1 **MR. CALLAGHAN:** I just don't want the
2 impression to be made that you can draw that conclusion
3 from the transcript because I don't think you can.

4 **THE COMMISSIONER:** Is that ---

5 **MS. JONES:** Well, it's just a small point
6 but ---

7 **THE COMMISSIONER:** It is.

8 **MS. JONES:** --- certainly Mr. Findlay says
9 on page 8003, that I just read out, despite that there was
10 some reason for the Crown to hold out some hope that over
11 the weekend that the circumstances would change, seems to
12 show that there was a possibility they could proceed to
13 trial on June 22nd -- sorry, June 17th, 2002.

14 So it appears on the face of this transcript
15 that there was uncertainty but that there was some
16 possibility as well.

17 **MR. CALLAGHAN:** But in fairness, in this
18 non-adversarial system we have here, we haven't heard from
19 C-66, we haven't heard from the Crown attorney, Mr.
20 Findlay. I don't think it adds anything. Obviously, Mr.
21 Commissioner, you'll weigh it all at the end.

22 **THE COMMISSIONER:** Yeah.

23 **MR. CALLAGHAN:** And I don't want to give the
24 wrong impression as to what's actually going on, as to what
25 evidence we have. All we have is a transcript which can be

1 interpreted and which you'll no doubt decide what, if
2 anything it means at the end of the day.

3 **THE COMMISSIONER:** Okay.

4 **MS. JONES:** My question is basically this.
5 If one looks at the dates of which this all transpired for
6 C-66, the first initial conversation he had with you was
7 the 17th of March 1997. He was then interviewed by Officer
8 Genier on the 22nd of May 1998. There appears to have been
9 a preliminary inquiry in April, 2000, which is stated on
10 the first page of the transcript, Bates page 8002 where
11 it's stated:

12 "This matter proceeded to preliminary
13 inquiry and he was committed to stand
14 trial on April of 2000."

15 So now we have a trial date on the 17th of
16 June, 2002.

17 All I'm saying is there's basically five
18 years from the time he first told someone, which was you,
19 about the complaint, to when the trial actually happened;
20 five years had passed?

21 **MR. SNYDER:** It was five years.

22 **MS. JONES:** And you'll agree with me that's
23 a very long time for something to proceed from the time you
24 first make a complaint to the actual trial date?

25 **MR. SNYDER:** But you've got to remember he

1 wasn't ready when he first spoke to me, so a lot of the
2 delay was in him preparing himself to be prepared to speak
3 to a police officer and give him his testimony.

4 **MS. JONES:** With the greatest respect,
5 that's your evidence?

6 **MR. SNYDER:** That's my evidence.

7 **MS. JONES:** There is -- there is
8 documentation that doesn't necessarily bear that out coming
9 from other sources, but I understand that's your evidence.

10 But my point ---

11 **MR. CALLAGHAN:** Again, Mr. Commissioner, we
12 haven't heard from any of the witnesses. It's the
13 Commission counsel's take on what she's reading from a
14 transcript of Mr. Genier. You'll no doubt make your own
15 conclusion at the end of the day.

16 I don't think it's helping to put the
17 accusatory sort of statement to the witness that that's his
18 version. Obviously it's -- you know, we talked about
19 having respect for all the witnesses. I mean, we talked an
20 Inspector Trew's testimony. The evidence is there; he's
21 given his evidence. To suggest that somehow his evidence
22 isn't correct is something we'll have to deal with at the
23 end of the day if that's what you conclude.

24 But, where we're at today is, we've had
25 someone take a transcript of an interview and ask questions

1 about it. The person isn't here. Drawing conclusions
2 which she wishes to draw, many of which were not agreed by
3 the witness. I think we just -- the evidence is in the
4 record; it hasn't changed and no doubt you'll make a
5 conclusion at the end of the day.

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

7 **MR. CALLAGHAN:** But to put it back to the
8 witness suggesting, well that's his evidence, is I suggest
9 not the respectful kind of tone that we've taken with other
10 witnesses which you've talked about, particularly most
11 recently.

12 The evidence is the evidence. You'll
13 obviously make a conclusion at the end of the day.

14 And I'm having a little trouble as to why
15 the time between 1998 and 2002 is being suggested, oh,
16 there's five years of delay, and somehow this witness has
17 to answer for it.

18 **THE COMMISSIONER:** No, no, no. I don't -- I
19 think you're -- first of all, let me get back the thing of
20 respect.

21 First of all, we're dealing with an entirely
22 different matter with Officer Trew than what you're saying.

23 **MR. CALLAGHAN:** No, the general issue, it's
24 not ---

25 **THE COMMISSIONER:** No. No, first of all, I

1 think the Commission counsel is putting questions to the
2 witness in a polite way, in a calm voice and that kind of
3 thing, and so that's the kind of thing ---

4 **MR. CALLAGHAN:** All right, fair enough.

5 **THE COMMISSIONER:** All right.

6 Second of all, what she's looking at is a
7 five-year delay starting with Officer Snyder's discussion
8 with this person.

9 **MR. CALLAGHAN:** Right.

10 **THE COMMISSIONER:** There's some issue as to
11 whether or not he said -- well, this witness tells us that
12 C-66 says I'm not ready to go forward with this.

13 **MR. CALLAGHAN:** Right.

14 **THE COMMISSIONER:** Okay, so that's one step.
15 Then we go through and then he does go to a
16 preliminary inquiry ---

17 **MR. CALLAGHAN:** But we don't know whether he
18 testified, we don't know whether that was -- whether he had
19 -- they had to testify, I don't know whether C-66
20 testified. I don't know what happened at the preliminary
21 inquiry.

22 **THE COMMISSIONER:** Okay, well then we'll
23 have -- but in any event, there's a preliminary inquiry
24 that goes through and they're going through towards a
25 trial.

1 So somewhere along the line I can look
2 through this and say there may have been some hums and
3 haas, some indecision on his part, I don't know. But I
4 think we can let this witness be asked questions about that
5 and see where it goes.

6 **MR. CALLAGHAN:** I agree. It's just the
7 suggestion that his evidence is contradicted by the
8 interview when the interview doesn't say anything with
9 respect to what he just said. But I will leave it at that.

10 **THE COMMISSIONER:** Thank you.

11 **MS. JONES:** I actually just have a question
12 about the fact that according -- from C-66's perspective,
13 five years have elapsed?

14 **MR. SNYDER:** Correct.

15 **MS. JONES:** And I understand your evidence
16 is that he didn't want to go forward in 1997?

17 **MR. SNYDER:** Correct.

18 **MS. JONES:** I understand that.

19 Really, my only question is, would you agree
20 with me that especially when you're dealing with victims of
21 a fragile nature perhaps, but certainly the types of
22 incidences that historical sexual assault typically bear
23 out, that it's important to get investigations going and to
24 lay charges and go through the process as quickly as
25 possible because of the emotional ---

1 **MR. SNYDER:** Yes.

2 **MS. JONES:** --- state of many of the victims
3 of these types of crimes?

4 **MR. SNYDER:** Yes.

5 **MS. JONES:** And was that something that was
6 first and foremost in your mind as an investigator in
7 dealing with historical sexual assaults?

8 **MR. SNYDER:** Yes.

9 **MS. JONES:** And was that something that
10 Cornwall Police Service had emphasised to any police
11 officer who's investigating historical sexual assault; that
12 these cases should be investigated and dealt with as
13 quickly as possible?

14 **MR. SNYDER:** Yes.

15 **THE COMMISSIONER:** All right. So are you
16 able to answer for all of the police officers ---

17 **MR. SNYDER:** Yes.

18 **THE COMMISSIONER:** --- that the Cornwall
19 Police had emphasised that these things are of importance?

20 **MR. SNYDER:** Absolutely. And in 1999, I
21 believe there was actually an order sent out directing us
22 to ensure that they're done in a timely fashion with the
23 same amount of emphasis as a present day assault.

24 **MS. JONES:** Is it really looking for a
25 priority?

1 **MR. SNYDER:** Priority?

2 **MS. JONES:** The same sort of priority ---

3 **MR. SNYDER:** Priority, yeah.

4 **MS. JONES:** Okay.

5 **MR. SNYDER:** And I think it's important with
6 this one, if -- I'm sorry, I apologize -- if C-66 wanted to
7 go forward, I had no reason not to go forward, and that's
8 my evidence is that he directed me. He wasn't ready and if
9 he would have been ready, there's no reason why I wouldn't
10 have went forward.

11 **THE COMMISSIONER:** But no, I don't think
12 there's an -- if we except your evidence ---

13 **MR. SNYDER:** Yes.

14 **THE COMMISSIONER:** --- and he told you that,
15 I think then that the follow-up is, what did you do
16 afterwards with him?

17 **MR. SNYDER:** Yes, basically I waited for him
18 to come to me. That was the ---

19 **THE COMMISSIONER:** Okay. And the real issue
20 is going to become, I think, should you have done something
21 else. You sent a registered letter to Mr.
22 Silmser at ---

23 **MR. SNYDER:** Yes.

24 **THE COMMISSIONER:** --- that point.

25 **MR. SNYDER:** Yes.

1 **THE COMMISSIONER:** You know that if this
2 person is truly a victim ---

3 **MR. SNYDER:** Yes.

4 **THE COMMISSIONER:** --- that he is suffering
5 a lot.

6 **MR. SNYDER:** Yes.

7 **THE COMMISSIONER:** All right.

8 And that as an experienced person dealing
9 with victims of sexual assault, is it fair to leave it up
10 to them and just leave him wander around in the maze of
11 clouds and self doubt and all, you know, that we've heard
12 that they suffer from, and is there something that you, as
13 a police officer and police forces across Ontario should be
14 doing and saying, okay, well, maybe I should phone him up
15 next month. Maybe I should keep on and not to push him or
16 anything like that ---

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

18 **THE COMMISSIONER:** --- but to see how
19 they're doing and to see how we can get him to come forward
20 in a healthy environment.

21 **MR. SNYDER:** I agree, Mr. Commissioner. I
22 think that we should, perhaps, maybe within a month, make
23 contact with them, but there's a fine line between asking
24 him to come forward and being a pest. And I want to be
25 careful about that, so I guess I would suggest, I would

1 think that, yeah, we should maybe go back a month later of
2 two months later and then perhaps follow it up with a
3 letter, a registered letter, saying listen, we spoke to you
4 a couple of months ago and you're not ready yet; here's a
5 letter, we're on file.

6 Please, when you're ready, come back, but
7 I'm not sure how long we should continue in going after
8 them and asking them, do you want to come forward -- coming
9 forward. I think it's a fine line there.

10 **THE COMMISSIONER:** Right. Right, I agree
11 with you except that, at some point, if you were going to
12 deal with these types of historical, sexual abuse in a
13 logical and reasonable fashion ---

14 **MR. SNYDER:** Yes.

15 **THE COMMISSIONER:** --- then I would have
16 thought that it would be important for you to note and
17 because we know that ---

18 **MR. SNYDER:** Yes.

19 **THE COMMISSIONER:** --- witnesses fluctuate
20 in their mental state.

21 So if you would have put down, I spoke to
22 him and he doesn't want to proceed, that would be one
23 thing, and then going back and say, I phoned him a month
24 later and in my assessment, at this point, I decided not to
25 phone him anymore ---

1 **MR. SNYDER:** Yes.

2 **THE COMMISSIONER:** --- well, then we'd have
3 it all there and we'd have your rationale.

4 **MR. SNYDER:** I agree.

5 **THE COMMISSIONER:** Right now we don't have
6 that.

7 **MR. SNYDER:** I agree.

8 **THE COMMISSIONER:** Okay, thank you.

9 **MS. JONES:** And building up from that, if
10 you compare it with where -- right now, compare that to
11 how you handled David Silmsen ---

12 **MR. SNYDER:** Yes.

13 **MS. JONES:** --- in the same situation, you
14 actually made several phone calls to Mr. Silmsen's house --
15 -

16 **MR. SNYDER:** Yes.

17 **MS. JONES:** --- and spoke to Pam Silmsen?

18 **MR. SNYDER:** Yes.

19 **MS. JONES:** You were told, according to you,
20 the very first phone call you had, I don't think he's
21 willing to come forward at this point, but you did maintain
22 contact. You made at least one other phone call and you
23 sent a registered letter?

24 **MR. SNYDER:** Yes, the first phone call was
25 she was going to speak to him and then the second phone

1 call was she did speak to him and he wasn't prepared to go
2 forward. So I think I made two phone calls; a couple
3 trying to find her and then a couple of conversations.

4 In reference to C-66, I also called him
5 trying to find him in reference to the Marcel Lalonde case,
6 and I did that and he was willing to come forward.

7 **MS. JONES:** Yes.

8 **MR. SNYDER:** Within that, the -- Sauv  came
9 forward. He said he wasn't ready to proceed and so I
10 stopped.

11 **MS. JONES:** No, I'm trying to draw the
12 parallel though between Silmsner not wanting to proceed on
13 Lalonde and C-66 not wanting to proceed on Sauv , okay?

14 So in the Silmsner case, as I say, you had at
15 least two conversations with Pam Silmsner ---

16 **MR. SNYDER:** Yes.

17 **MS. JONES:** --- about it and when it was
18 apparent that Mr. Silmsner did not want to proceed on it ---

19 **MR. SNYDER:** Yes.

20 **MS. JONES:** --- you sent a registered
21 letter?

22 **MR. SNYDER:** Yes.

23 **MS. JONES:** Basically saying, you know, call
24 me anytime and ---

25 **MR. SNYDER:** Yes.

1 **MS. JONES:** --- it was a registered letter
2 so you knew that he would get that letter from you?

3 **MR. SNYDER:** Yes.

4 **MS. JONES:** It wasn't even by regular post.

5 **MR. SNYDER:** Right.

6 **MS. JONES:** And I assume that's standard
7 practice as well, to ensure that the person gets that
8 letter from you?

9 **MR. SNYDER:** It is now, yes.

10 **MS. JONES:** Well, it was then if you did it;
11 correct?

12 **MR. SNYDER:** No, I'm not sure if it was
13 then. I think we were doing some and it was sporadic; it
14 wasn't for everybody.

15 **MS. JONES:** But you certainly did it for Mr.
16 Silmsers?

17 **MR. SNYDER:** Yes.

18 **MS. JONES:** And building on what Mr.
19 Commissioner said, your evidence was that you had a verbal
20 unwillingness, shall we say, on C-67's part to pursue the
21 Bernard Sauv  situation, but there was not only no follow-
22 up phone call of any sort noted, but there wasn't even a
23 registered letter, for example, that you sent to C-66, as
24 you had done with David Silmsers?

25 **MR. SNYDER:** There was no willingness you're

1 saying on C-66.

2 MS. JONES: With regards to Mr. Sauvé?

3 MR. SNYDER: Yes.

4 MS. JONES: But you did not do any follow-up
5 phone calls at all with him?

6 MR. SNYDER: No, because he told me -- as
7 soon -- again ---

8 MS. JONES: Okay.

9 MR. SNYDER: --- back to the Silmsler -- as
10 soon as he was advised me that he no longer wished to
11 proceed or wasn't interested, I stopped calling.

12 Same with C-66, as soon as he said I'm not
13 ready to proceed, I stopped calling.

14 MS. JONES: But with Mr. Silmsler, you also
15 sent a registered letter?

16 MR. SNYDER: Yes.

17 MS. JONES: You did not do that with C-66,
18 did you?

19 MR. SNYDER: Yes, you're right.

20 MS. JONES: Okay.

21 THE COMMISSIONER: Is there a reason why?

22 MR. SNYDER: There was no reason why, sir.

23 MS. JONES: Was there a feeling -- also, at
24 that same time, you're still having contact with C-66
25 because he's also involved in the Lalonde investigation?

1 **MR. SNYDER:** Correct.

2 **MS. JONES:** And you're supervising the
3 Lalonde investigation?

4 **MR. SNYDER:** Correct.

5 **MS. JONES:** So there would have been casual
6 or even informal contact, I assume, with C-66 in
7 preparation for the Lalonde matter?

8 **MR. SNYDER:** Correct.

9 **MS. JONES:** And yet at no time, even in a
10 casual way, did you mention to him, say, are you willing to
11 talk about this other matter at any time? There was never
12 sort of a casual conversation about it?

13 **MR. SNYDER:** Well, I guess the -- back to
14 that is during that time period, there was a conversation,
15 him saying that he didn't want to proceed, I said when
16 you're ready to proceed, please see me and I let it go. I
17 didn't bring it back up to him ---

18 **MS. JONES:** Okay, but I ---

19 **MR. SNYDER:** --- I just left it ---

20 **MS. JONES:** --- just want to clarify ---

21 **MR. SNYDER:** Yes.

22 **MS. JONES:** --- though. This wasn't a fact
23 of someone who just lives somewhere that you just never
24 have contact with. You actually were having ---

25 **MR. SNYDER:** Yes.

1 **MS. JONES:** --- some contact with him ---

2 **MR. SNYDER:** M'hm.

3 **MS. JONES:** --- throughout, so you have an
4 opportunity to meet him. It wasn't that his phone was
5 disconnected or he moved or anything like that, you
6 actually knew where he was and you actually had had contact
7 during that same period of time?

8 **MR. SNYDER:** Yes.

9 **MS. JONES:** Did you feel with C-66 that as
10 he was going through this Lalonde situation that if he did
11 pursue the Sauvé matter, it would somehow compromise the
12 Lalonde situation?

13 **MR. SNYDER:** No, but we felt that he was
14 fragile. He had difficulties in the preliminary inquiry
15 providing testimony and that was the reason why we
16 contacted the OPP. So the fact that he was fragile with
17 that suggests that he's not ready to do another complaint.

18 **MS. JONES:** Now, you've just mentioned, did
19 C-66 testify at the preliminary Inquiry?

20 **MR. SNYDER:** I believe he did.

21 **MS. JONES:** Were you there for that?

22 **MR. SNYDER:** No, I was not.

23 **MS. JONES:** Okay, but your understanding is
24 that he did testify?

25 **MR. SNYDER:** Yes. I got that from ---

1 **MS. JONES:** C-66?

2 **MR. SNYDER:** Marcel Lalonde.

3 **MS. JONES:** Did he testify at the
4 preliminary -- okay.

5 **MR. SNYDER:** Yes.

6 **MS. JONES:** All right.

7 Also in this context, I'm wondering at this
8 point in 1997 when you're dealing with C-66 and the year
9 that follows, what was your understanding about the mandate
10 of Project Truth and what sort of cases you would be
11 referring to Project Truth?

12 **MR. SNYDER:** High profile individuals as
13 well as multiple victims. I would contact them or they
14 would be contacted.

15 **MS. JONES:** And did you not feel that even
16 if C-66 didn't want to go ahead with Mr. Sauvé's complaint
17 or allegations, did you not feel at any time that maybe
18 Project Truth could take over that investigation?

19 **MR. SNYDER:** No.

20 **MS. JONES:** And did you feel that Sauvé
21 would have fallen within that mandate?

22 **MR. SNYDER:** No.

23 **MS. JONES:** And what would be the reason
24 that you didn't feel that he fell within the mandate?

25 **MR. SNYDER:** I had one individual, which was

1 C-66, saying that a person at a corner store sexually
2 assaulted him.

3 MS. JONES: Right. I understand Mr. Sauvé
4 was the owner of the store. Is that right?

5 MR. SNYDER: Yes.

6 MS. JONES: Okay. It turns out, of course,
7 that Project Truth does take over the Sauvé matter, so it
8 would appear on the face of it that it was within their
9 mandate. Did that surprise you?

10 MR. SNYDER: Yes.

11 THE COMMISSIONER: Sir, if you had to do it
12 all over again, would you do it any differently?

13 MR. SNYDER: Yes.

14 THE COMMISSIONER: And how is that?

15 MR. SNYDER: Basically, from what I'm
16 learning here is I would have contacted him again -- again,
17 bearing in mind that we're dealing with him as a fragile
18 witness within the Lalonde matter, but I would have
19 probably asked him sometime in there, you know, "Are you
20 ready to proceed?" as opposed to letting him come forward.

21 MS. JONES: Okay. I'm going to move on
22 right now to put your mind forward on this as well. I'm
23 going to be talking still about the Lalonde investigation
24 but with regards to C-8. If you could look on your moniker
25 list, then you could put your mind towards that person,

1 okay?

2 If you could please turn to Document Number
3 734306, please?

4 **THE COMMISSIONER:** Thank you. Exhibit
5 Number 1593 is a Witness Statement of C-8 taken, I believe,
6 on the 6th of March 1997.

7 **--- EXHIBIT NO./PIÈCE NO. P-1593:**

8 (73406) Brian Snyder - Witness Statement of
9 C-8 dated 6 Mar 1997

10 **MS. JONES:** Just for clarification, can just
11 the date of the document be that date, Mr. Commissioner,
12 because there's actually a bit of confusion as to whether
13 the statement was actually given on that date?

14 **THE COMMISSIONER:** Oh, okay. So what are
15 you telling me?

16 **MS. JONES:** If the date -- the document
17 seems to be dated that, but whether that's actually the
18 time the statement was taken ---

19 **THE COMMISSIONER:** No, it says "Statement
20 time."

21 **MS. JONES:** But that's not actually
22 necessarily accurate. I'm just saying for the sake of
23 clarity ---

24 **THE COMMISSIONER:** I just want to identify
25 the exhibit. I'm saying that what I have here is Exhibit

1 1593. It's a Witness Statement of C-8. It was printed in
2 2006. You tell me what date you want.

3 **MS. JONES:** Yes. The date is fine, March
4 6th, 1997, but it may not be the statement date. That's all
5 I want to clarify.

6 **THE COMMISSIONER:** That's fine. Thank you.

7 **MS. JONES:** I'd also ask for a publication
8 ban on this document as it ---

9 **THE COMMISSIONER:** Sure.

10 **MS. JONES:** --- names C-8.

11 **THE COMMISSIONER:** Thank you.

12 And please be careful, Sergeant Snyder.

13 I'm wondering if you could just help clarify
14 this document. There's a bit of confusion on the face of
15 this document, as I've just alerted Mr. Commissioner to.
16 I'm wondering if you could help out. The very first page
17 of this on Bates page 929, it actually states the statement
18 was taken by Perry Dunlop.

19 **MR. SNYDER:** Yes.

20 **MS. JONES:** And the statement time was March
21 6th, 1997 at 10:30.

22 **MR. SNYDER:** Yes, that's what it says.

23 **MS. JONES:** Do you see that?

24 **MR. SNYDER:** Yeah.

25 **MS. JONES:** Okay. Now, if you flip over to

1 Bates page 932, which is the fourth page of the statement,
2 down at the very bottom, almost at the very bottom anyway,
3 it says in very small type -- do you see in the small type,
4 it's right under name, actually, Father Charles MacDonald,
5 it says "Statement taken by Sgt. Snyder on March 3rd, 1997
6 at 08:44 hours."

7 MR. SNYDER: Yes.

8 MS. JONES: Do you see that?

9 MR. SNYDER: M'hm.

10 MS. JONES: And then there is another
11 statement, essentially, by C-8.

12 MR. SNYDER: Yes.

13 MS. JONES: Without going into the details
14 of the statement, I just wondered if you could please
15 clarify what's happening in this? And that's why the dates
16 are confusing ---

17 MR. SNYDER: Yeah.

18 MS. JONES: --- because -- just to get
19 something clear, you were definitely interviewing C-8 on
20 March 3rd, 1997?

21 MR. SNYDER: Correct.

22 MS. JONES: And did you make up this
23 document even though it has Perry Dunlop on the front page?

24 MR. SNYDER: No, I think what happened here,
25 they put my transcript of the interview with C-8 with this

1 document. Within my transcript, I think you'll notice that
2 he mentions he received -- that Perry Dunlop -- he gave
3 Perry Dunlop a statement back in '97, January, I believe,
4 and at the end he provided me with a copy of that document.

5 **THE COMMISSIONER:** Who is "he"?

6 **MR. SNYDER:** Sorry, C-8 ---

7 **THE COMMISSIONER:** Yes.

8 **MR. SNYDER:** --- provided me with a copy of
9 that document, and that's what is on the front, which was a
10 statement taken by Dunlop from C-8 January of '97.

11 **MS. JONES:** So that's what I'm asking you;
12 did you construct this document?

13 **MR. SNYDER:** No.

14 **MS. JONES:** Who would have constructed this
15 document?

16 **MR. SNYDER:** Records, our Records people.
17 They would have just put it together.

18 **MS. JONES:** And did you provide these things
19 to Records in order to make this document?

20 **MR. SNYDER:** I would have provided the
21 video, which they did the transcript from, and then I would
22 have given them a copy of the statement which they put onto
23 our system.

24 **MS. JONES:** So just for the sake of the
25 record, at Bates page 4937, about halfway down the page, it

1 starts with the words "Um, did you give anybody else." And
2 this is you asking C-8:

3 "Um, did you give anybody else -- did
4 you provide any other statements in
5 reference to this incident? I know you
6 gave one to the OPP on video and you've
7 given me just recently an obviously
8 video, of course, not audio portion.
9 Have you given any other statements to
10 anybody?"

11 The answer is:

12 "Perry Dunlop."

13 And you ask:

14 "Did you write out your own statement
15 at that time? Does Perry Dunlop have a
16 copy of that statement, of the original
17 statement?"

18 And the answer was:

19 "I had Perry type it out for me because
20 my handwriting was like shit. I just
21 went to grade 10."

22 So that's why I wanted to be really clear
23 that the first statement, shall we say, that looks like
24 it's being taken by Perry Dunlop ---

25 **MR. SNYDER:** Yes.

1 **MS. JONES:** --- actually predates your
2 statement which was taken on the 3rd of March 1997; is that
3 right?

4 **MR. SNYDER:** Yes.

5 **MS. JONES:** Mr. Commissioner, I'm actually
6 trying to avoid reference to some of Sergeant Snyder's
7 notes. We're trying to get a better copy of Sergeant
8 Snyder's notes in a chronological sequence.

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

10 **MS. JONES:** And this is an issue that's come
11 up. I've been trying to actually avoid going to that set
12 of notes, but I'm going to have to just make a small
13 reference, and I don't think that there will be too much of
14 a difficulty on that. We're going to try to tidy that up
15 for this afternoon.

16 But if I could please have you refer to
17 Exhibit 1585, please?

18 **THE COMMISSIONER:** I'm sorry, 1585 is in the
19 binder.

20 **MR. SNYDER:** Oh, sorry.

21 **MS. JONES:** I'm specifically looking at
22 Bates page 992. It's about the sixth page in. And I just
23 want to confirm it's exactly what's on the screen. Well
24 done. I'm sorry; that's not ---

25 **THE COMMISSIONER:** What Bates page did you

1 want?

2 MS. JONES: Nine-nine-two (992). Yeah,
3 that's it. That's the one. If you could just go down
4 further, Madam Clerk, to time of 08:30 on Friday, February
5 21st.

6 These are your notes, Sergeant Snyder.

7 MR. SNYDER: Correct.

8 MS. JONES: And I just want to get the
9 chronology proper here. That seems to be your attempt to
10 make an arrangement to have C-8 come down for an interview,
11 to the KGB interview.

12 MR. SNYDER: Yes.

13 MS. JONES: Is that right?

14 MR. SNYDER: And he came down for the
15 interview.

16 MS. JONES: Is that correct?

17 MR. SNYDER: I'm sorry, yes, yes.

18 MS. JONES: And is that the interview that
19 didn't have the audio working?

20 MR. SNYDER: That's correct.

21 MS. JONES: You'd done a video interview,
22 literally, with no audio?

23 MR. SNYDER: Correct.

24 MS. JONES: And it turned out the audio
25 wasn't working. Okay.

1 So he gave a full interview then that
2 particular day, and then if we flip back to Exhibit 1593,
3 then he gave another interview and he referred to the fact
4 the audio didn't work during your interview?

5 **MR. SNYDER:** Correct.

6 **MS. JONES:** And that's what you were
7 referring to in your March 3rd interview, that the audio
8 wasn't working so he had to give another statement?

9 **MR. SNYDER:** I have nothing in my 1593 here
10 so.

11 **MS. JONES:** Fifteen-ninety-three (1593)?

12 **THE COMMISSIONER:** What are you talking
13 about? No, no. No, no, I'm sorry. Go back to Exhibit
14 1585.

15 **MR. SNYDER:** Okay.

16 **THE COMMISSIONER:** When she's -- when Mrs.
17 Jones is referring to pages, if you look in the top left
18 corner there is -- top left corner.

19 **MR. SNYDER:** Okay.

20 **THE COMMISSIONER:** Okay, so she's at page
21 4994; is that where you were?

22 So if you look at the last numbers of
23 Exhibit 1585. Go to 1585. All right, now look on the top
24 left-hand corner.

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

1 **THE COMMISSIONER:** All right, and there's
2 71349 -- see those numbers?

3 **MR. SNYDER:** Yes.

4 **THE COMMISSIONER:** Okay. She wants to send
5 you to 7134994.

6 **MS. JONES:** Sorry, 4992.

7 **THE COMMISSIONER:** Four-nine-nine-two
8 (4992).

9 **MR. SNYDER:** Sorry.

10 **MS. JONES:** And it's Friday, February 21st,
11 '97.

12 **MR. SNYDER:** Okay, that's where I was.

13 **MS. JONES:** Eight-thirty (8:30).

14 **MR. SNYDER:** Yes.

15 **MS. JONES:** And just making an arrangement
16 for C-8 to come for an interview.

17 **MR. SNYDER:** He came in. That's the one
18 that had no audio.

19 **MS. JONES:** That's the one that didn't work?

20 **MR. SNYDER:** That's right.

21 **MS. JONES:** Okay, but at that particular
22 time though, C-8 was making a very full and frank
23 disclosure about what had happened to him concerning Marcel
24 Lalonde?

25 **MR. SNYDER:** Yes.

1 MS. JONES: So then you've rescheduled?

2 MR. SNYDER: Yes.

3 MS. JONES: And we got the interview of
4 March 3rd?

5 MR. SNYDER: Yes.

6 MS. JONES: Which is Exhibit 1593.

7 MR. SNYDER: That's in this book?

8 MS. JONES: I don't know.

9 MR. SNYDER: I went to 1593 when you asked
10 and there's nothing in this book at 1593 that ---

11 THE COMMISSIONER: No because -- okay, 1593
12 is the loose exhibit.

13 MR. SNYDER: I'm sorry. Okay, got it.

14 MS. JONES: You got it there?

15 MR. SNYDER: Yes.

16 MS. JONES: Okay. I just want to get the
17 chronology right. So then he came in on the 3rd of March
18 1997 and provided you with this statement?

19 MR. SNYDER: That's correct.

20 MS. JONES: It starts on Bates Page 932.

21 MR. SNYDER: Yes.

22 MS. JONES: And again he gave a full and
23 frank disclosure about what had happened?

24 MR. SNYDER: Correct.

25 MS. JONES: Now, I also understand that he

1 had also, as he indicated to you on that date ---

2 **THE COMMISSIONER:** Oh, in comes Mr. Kozloff.

3 **MR. KOZLOFF:** Morning, sir.

4 **THE COMMISSIONER:** Would appear to be full
5 and frank.

6 **MR. KOZLOFF:** I'm concerned. Yes, thank
7 you. As long as you've alive to that, sir.

8 **THE COMMISSIONER:** Oh I'm not dead yet, Mr.
9 Kozloff.

10 **(LAUGHTER/RIRES)**

11 **MR. KOZLOFF:** Well C-8 testified ---

12 **THE COMMISSIONER:** No, no. No, no, I was
13 just joking, Mrs. Jones.

14 Just -- you say he gave a full and frank,
15 well we know that he lied. He said that Mr. Lalonde had
16 abused him on a school trip and he retracted that. So it
17 would appear to be a full and frank ---

18 **MR. KOZLOFF:** Thank you, sir.

19 **MS. JONES:** I apologize. I don't mean to
20 mislead.

21 **THE COMMISSIONER:** No, no, you weren't
22 misleading, you just ---

23 **MS. JONES:** He seemed to give a lot of
24 details in any event about what had happened to him?

25 **MR. SNYDER:** Yes.

1 **MS. JONES:** Okay. And he seemed to be quite
2 forthcoming to provide those details, that's what I meant,
3 at the time. I'm not looking at the accuracy of them but -
4 --

5 **MR. SNYDER:** Yes.

6 **MS. JONES:** --- he's telling you a long
7 story?

8 **MR. SNYDER:** Yes.

9 **MS. JONES:** Could I also refer you then to
10 the two OPP statements that he gave because he mentions
11 that in his statement to you and, again, I'm not looking at
12 the substance of them, I'll just refer them for the sake of
13 completing the record here. And the first one is Document
14 721090.

15 **THE COMMISSIONER:** That's a new document,
16 Madam Clerk.

17 **MS. JONES:** I'm sorry, is that already
18 exhibit ---

19 **THE COMMISSIONER:** I'm sorry, what exhibit
20 did you say?

21 **MS. JONES:** C-608.

22 **THE COMMISSIONER:** All right.

23 **MS. JONES:** Do you have it there in front of
24 you, sir?

25 **MR. SNYDER:** Yes.

1 **MS. JONES:** Have you read that over before?

2 **MR. SNYDER:** Yes.

3 **MS. JONES:** Recently?

4 **MR. SNYDER:** I can't remember when. Last
5 couple weeks I would suspect.

6 **MS. JONES:** You'd suspect?

7 **MR. SNYDER:** Well, I've read so much. I
8 know I read it. I'm just trying -- last couple weeks,
9 yeah.

10 **MS. JONES:** Do you recall reading it -- just
11 as a matter of course, you would have had this statement
12 with you when you interviewed C-8?

13 **MR. SNYDER:** No, I watched the video. We
14 watched the video prior to; I didn't have a statement.

15 **THE COMMISSIONER:** Who is "we"?

16 **MR. SNYDER:** Sorry. Myself and Constable
17 Genier.

18 **THE COMMISSIONER:** Okay.

19 **MR. SNYDER:** He brought them over.

20 **MS. JONES:** But you had access to what the
21 substance was of this particular ---

22 **MR. SNYDER:** By listening to the -- yes.

23 **MS. JONES:** Okay. And to the best of your
24 knowledge and certainly to the best of mine, this appears
25 to be the first statement that C-8 gave about allegations

1 concerning Mr. Lalonde. Is that the best of your
2 understanding as well?

3 **MR. SNYDER:** This interview was when?

4 **MS. JONES:** The 23rd of January, 1997.

5 **MR. SNYDER:** Okay, and there was a statement
6 provided to Perry Dunlop ---

7 **MS. JONES:** Do you have a date on that?

8 **MR. CALLAGHAN:** If I can assist. Obviously,
9 Mr. Commissioner, you're aware the statement is done by --
10 with Mr. Dunlop and then Mr. Bourgeois takes C-8 to the
11 OPP. So the statement which was -- for your information,
12 if you saw the document, the Cornwall Police document that
13 you were looking at, that's the January 23rd, '97 statement
14 transcribed prior to the interview of Mr. Snyder.

15 **THE COMMISSIONER:** Because what he did in
16 effect was read it out on the audio?

17 **MR. CALLAGHAN:** I'm not sure if that
18 actually happened in that case; it certainly happened in
19 this case.

20 **THE COMMISSIONER:** Okay.

21 Mr. Neville?

22 **MR. NEVILLE:** Of course, there is the other
23 statement that comes to light much later, the December 12th
24 statement ---

25 **THE COMMISSIONER:** Yes.

1 **MR. NEVILLE:** --- of '96.

2 **THE COMMISSIONER:** Yes.

3 **MS. JONES:** So to the best of your knowledge
4 anyway, we have -- at least this OPP statement dated
5 January 23rd, '97 and the Perry Dunlop statement that was
6 preceding your statement here of March 3rd or your interview
7 I should say, of March 3rd, and they're of the same date.
8 Is that your understanding?

9 **MR. SNYDER:** Same date.

10 **MS. JONES:** Same date, 23rd of January '97?

11 **MR. SNYDER:** Yes.

12 **MS. JONES:** Okay. Now just looking at the
13 OPP document, C-608, just a couple of things of note here.
14 First of all, noting that on Bates page
15 5258, right at the very bottom actually, the last entry by
16 C-8, he actually mentions C-66's name?

17 **MR. SNYDER:** Correct.

18 **MS. JONES:** Do you see that?

19 And on Bates page 5259, at the very bottom,
20 Officer Genier is asking C-8:

21 "Did you ever see a photo album of
22 naked boys in C-8's house anywhere?"

23 **THE COMMISSIONER:** C-8?

24 **MS. JONES:** Sorry. Did you ever see a photo
25 album of naked boys that he refers to there at the bottom

1 paragraph and then the ---

2 **THE COMMISSIONER:** And then he corrects it
3 and he says, "No really ---

4 **MS. JONES:** Yes. C-8 says, "In Marcel's
5 house" and then the officer says, "I'm sorry, in Marcel's
6 house".

7 **MR. SNYDER:** Okay.

8 **MS. JONES:** Then C-8 says:

9 "Yeah, I've seen different things on
10 the occasion. I guess I can't remember
11 exactly what it was but I'm almost
12 positive he's had that stuff in his
13 house but I can't say, you know, I've
14 seen like three kids in a picture. I
15 can give you descriptions but I can't,
16 you know, it's been too long."

17 And then he's asked whether or not he saw
18 kiddie porn and C-8 says in the next paragraph after a
19 pause:

20 "I'm almost positive he's had kiddie
21 porn. I'm almost positive of it."

22 So do you see that?

23 **MR. SNYDER:** Yes.

24 **MS. JONES:** Now, I'd like to go back then to
25 the Perry Dunlop statement, which is 1593, and I guess my

1 question at this point is you have a statement that's quite
2 complete from Officer Genier. You've been given a
3 statement now by Officer Dunlop who is actually with your
4 police service.

5 Are you able to explain what the reason was
6 for yet another interview of C-8?

7 **MR. SNYDER:** The video of C-8 had, if I
8 remember correctly, different aspects of it and I wanted
9 him to concentrate on Marcel Lalonde. I think that was one
10 of the things I was dealing with.

11 **MS. JONES:** And so in your opinion, you felt
12 you had to re-interview the whole -- because of one aspect
13 like that you had to re-interview him on the whole thing
14 again?

15 **MR. SNYDER:** I wanted to get his side of the
16 story, yes. I just felt that I wanted to have him tell me
17 his story about Marcel Lalonde and only dealing with Marcel
18 Lalonde. I think that's pretty clear when I start off my
19 statement is that I mention that to him.

20 **THE COMMISSIONER:** Page 933.

21 **MR. SNYDER:** Nine three three (933), yes.

22 **MS. JONES:** You're aware obviously as a
23 senior police officer that there's always a danger to have
24 different statements of victims out there given to
25 different people about the same event. You understand that

1 ---

2 MR. SNYDER: I wasn't giving statements to
3 different people.

4 MS. JONES: No, no, that the victim giving
5 statements to different people can sometimes be problematic
6 at trial for them. Are you aware of that?

7 MR. SNYDER: There can be issues, yes.

8 (SHORT PAUSE/COURTE PAUSE)

9 MS. JONES: If I could just please direct
10 you to Exhibit 727726.

11 THE COMMISSIONER: Well, that's not an
12 exhibit.

13 MS. JONES: Okay, that's fine.

14 THE COMMISSIONER: What is it; document
15 number?

16 MS. JONES: Yes, Document Number 727726.
17 It's an excerpt and I would want the excerpts from Bates
18 page 6391 to 6425.

19 THE COMMISSIONER: Thank you. Exhibit 1594
20 are -- are these your notes, sir?

21 MR. SNYDER: No, they're not.

22 THE COMMISSIONER: They're Genier's?

23 MS. JONES: They're Officer Genier's notes.

24 THE COMMISSIONER: Okay. Officer Genier.
25 So 1594 and the first date on this first page is Monday,

1 the 10th of February 1997.

2 --- EXHIBIT NO./PIÈCE No. P-1594:

3 (727726)(7106391-425) - Brian Snyder - Notes
4 of Don Genier dated 10 Feb 97 to 29 Sep 99

5 MS. JONES: And again, it's always
6 interesting to get everybody's perspective of what happens
7 from their own point of view and essentially these are
8 Officer Genier's notes and it's all around the same
9 timeframe that he's bringing C-8 to your attention
10 basically.

11 And on the very first page, the 12th of
12 February '97, there is contact with you about another
13 matter and he says he spoke to you.

14 MR. SNYDER: I'm sorry. What date?

15 MS. JONES: Just on the front page it just
16 shows that he's having a conversation with you.

17 MR. SNYDER: Difficult to read. Okay.

18 THE COMMISSIONER: Is it on the screen yet?

19 MR. SNYDER: No.

20 MR. CALLAGHAN: Mr. Commissioner, we note
21 that that might be Exhibit P-1473. That's ---

22 THE COMMISSIONER: Sorry?

23 MR. CALLAGHAN: Before you enter that as an
24 exhibit ---

25 THE COMMISSIONER: Yes.

1 **MR. CALLAGHAN:** --- all of -- we understood
2 that all of Officer Genier's notes were entered as a single
3 exhibit, but I might be mistaken, under Exhibit 1473, but I
4 may ---

5 **THE COMMISSIONER:** Well, we'll take a break
6 now. You guys can work that out and then we'll come back
7 after the break. Thank you.

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

10 This hearing will resume at 11:20.

11 --- Upon recessing at 11:08 a.m. /

12 L'audience est suspendue à 11h08

13 --- Upon resuming at 11:27 a.m. /

14 L'audience est reprise à 11h27

15 **THE REGISTRAR:** This hearing is now resumed.
16 Please be seated. Veuillez vous asseoir.

17 **THE COMMISSIONER:** Thank you. Have a seat,
18 sir.

19 Before we resume, the ever evolving
20 situation with respect to parking and so I am told that
21 everyone has been advised where they should be parking.
22 And so I have instructed people from the parking lot just
23 to simply -- well, they suggested that they'd start towing
24 people and I agree. So whoever has got a BMW, a grey one,
25 AYEK283, you will be towed.

1 **MR. CALLAGHAN:** (Off mic) stand down, Mr.
2 Commissioner, for two minutes.

3 **THE COMMISSIONER:** No. I'm sure it's not
4 your vehicle. I'm sure you're helping somebody else.

5 **MR. CALLAGHAN:** I think it's Mr. Carroll's
6 but I ---

7 **(LAUGHTER/RIRES)**

8 **THE COMMISSIONER:** You want to save him the
9 embarrassment of getting in line. All vehicles that are
10 not parked where they should be are being towed.

11 **MR. CARROLL:** (Off mic) specifically a BMW
12 plate.

13 **THE COMMISSIONER:** Yes, convertible. Grey.

14 **MR. CARROLL:** Yes, there are two of them.

15 **THE COMMISSIONER:** AYEK283.

16 **(LAUGHTER/RIRES)**

17 **THE COMMISSIONER:** All right. Let's
18 continue.

19 **S/SGT. BRIAN SNYDER:** Resumed/Sous le même serment

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

21 **JONES (Continued/Suite):**

22 **MS. JONES:** All right. Just to get back on
23 track here, we clarified that issue by the way, Mr.
24 Commissioner, about the exhibit. It's good to have it
25 Exhibit 1594 as you have assigned and the excerpt would be

1 from Bates page 6391 to 6425.

2 **THE COMMISSIONER:** All right. Let's go.

3 **MS. JONES:** So again, just to get you back
4 into the scheme of things here, Sergeant Snyder, it would
5 appear on the first page there on the 12th of February 1997
6 that there is dialogue between yourself and Officer Genier
7 about another historical sexual assault.

8 **MR. SNYDER:** Yes.

9 **MS. JONES:** Dealing with C-8.

10 **MR. SNYDER:** Yes.

11 **MS. JONES:** And on the next page, the date
12 is 25th of February '97. About halfway down at 13:30 hours,
13 it says "Ottawa Court" and it would appear that Officer
14 Genier met with Officer Fagan and Crown Pelletier and Fagan
15 had a copy of C-8's statement.

16 I don't know if you know if that's the one
17 that you had been given or not but ---

18 **MR. SNYDER:** I don't know.

19 **MS. JONES:** Okay. And then on the next
20 Bates page 6393, at approximately 16:20, he said:

21 "Located C-8's statement dated 11th of
22 February '94 and said Randy..."

23 Presumably Randy Millar:

24 "...took a statement from C-8 prior to
25 that."

1 And I'm just wondering when it was that you
2 would have received -- was it about that time period that
3 you received the videos from Officer Genier?

4 **MR. SNYDER:** Officer Genier -- in my notes,
5 Officer Genier actually came down with them.

6 **MS. JONES:** Okay. But is it around that
7 time period in discussing with C-8?

8 **MR. SNYDER:** If you can bring me to my
9 notes, it's right in my notes.

10 **MS. JONES:** Okay. With regards to this
11 witness' notes, we're trying to resolve an issue, Mr.
12 Commissioner. There seem to be different versions of the
13 same thing and unfortunately, with the adoption of the
14 loose-leaf methodology as adopted by Sergeant Snyder, some
15 of the times the pages are out of order and we have found
16 one version that seems to have the pages in the best order
17 and I was going to enter yet another version of Sergeant
18 Snyder's notes.

19 I've had discussion with CPS counsel; not
20 this one, the one who is moving the car, and she seems to
21 be in agreement. Anyway, this might be a very easy way of
22 doing -- making reference to Sergeant Snyder's notes, but
23 we don't have a hard copy of it. It's on the screen but we
24 all have multiple versions of the same notes.

25 **THE COMMISSIONER:** We'll get the hard copy

1 eventually. So what exhibit does this mirror?

2 **MS. JONES:** We are suggesting Exhibit
3 1585(a) because the notes are already entered under Exhibit
4 1585.

5 **THE COMMISSIONER:** Okay. So Exhibit 1585(a)
6 ---

7 **MS. JONES:** Will be Document 737619.

8 **THE COMMISSIONER:** Perfect.

9 --- **EXHIBIT NO./PIÈCE No. 1585(a):**

10 (737619) Notes of Brian Snyder dated 24
11 Feb 97 to 21 Feb 97

12 **MS. JONES:** And the Bates page numbers would
13 be 7158435 through to 7148458.

14 **THE COMMISSIONER:** Okay.

15 **MS. JONES:** Now, just to make things a
16 little -- it's a little confusing initially, but it's
17 actually very simple. You'll see on the front page the
18 date is Monday, February 24th, 1997.

19 If you just go up, Madam Clerk, you'll see
20 on this exhibit the first page shows Monday, February 24th,
21 '97. If you go to Bates page 8451, please, Madam Clerk?

22 **THE REGISTRAR:** Five-one (51)?

23 **MS. JONES:** Five-one (51). You'll see that
24 that Bates page is actually dated February 4th, '97. So
25 Bates page 8451 through to 8458 are eight pages consecutive

1 that actually come before Bates page 8435, if you can
2 understand that. Other than that, they seem to be in very
3 good consecutive order. So I'll try to refer to this
4 document even though it may be a bit confusing at times.

5 So just a moment, please.

6 (SHORT PAUSE/COURTE PAUSE)

7 MS. JONES: So if we could please go to your
8 notes in the latest exhibit, 1585A, dated February 21st,
9 1997 -- I've already gone over this with you. I just want
10 to get you back into your notes and back on track. That
11 was the first contact you had with C-8. Now, on the next
12 page, the next Bates page, again, you're having contact
13 with C-8.

14 (SHORT PAUSE/COURTE PAUSE)

15 MS. JONES: Sorry, Mr. Commissioner, my
16 Bates page isn't working here properly.

17 Okay. I'm just going to move on to
18 something else. I may have to figure this out over lunch
19 because all my numbers are mixed up now.

20 If I could move on to another matter on
21 March 14th in your notes -- Friday, March 14th.

22 THE COMMISSIONER: Madam Clerk, are you --

23 -

24 (SHORT PAUSE/COURTE PAUSE)

25 MS. JONES: March 14th, in the new exhibit

1 it's Bates page 8443, in Exhibit 1585A.

2 THE COMMISSIONER: Okay. Let's just deal
3 with one exhibit.

4 MS. JONES: Yeah, that's what I'm trying to
5 do here.

6 THE COMMISSIONER: Okay.

7 MS. JONES: The newest exhibit we just put
8 in ---

9 THE COMMISSIONER: M'hm.

10 MS. JONES: --- 1585A ---

11 THE COMMISSIONER: Yeah.

12 MS. JONES: --- Bates page 8443.

13 THE COMMISSIONER: Okay. So we know that on
14 Friday, March 14th there was a large snowstorm. So we're
15 back on track.

16 MS. JONES: And this particular situation
17 here, you've actually got contact with C-58. Do you see
18 that ---

19 MR. SNYDER: Yes.

20 MS. JONES: --- another complainant about
21 Mr. Lalonde.

22 MR. SNYDER: Yes.

23 MS. JONES: Is that right? Okay.

24 And although it's not in your notes at that
25 particular point, if you please go to Document 734303?

1 **THE COMMISSIONER:** Thank you.

2 Exhibit Number 1595 is a witness statement.

3 I don't know -- does she have a -- this person have a ---

4 **MS. JONES:** She doesn't have a moniker.

5 She's the ---

6 **THE COMMISSIONER:** Does she need ---

7 **MS. JONES:** No, she's the former wife of

8 Marcel Lalonde.

9 **THE COMMISSIONER:** Okay. Cathy McKee. All
10 right. And that's a statement taken on the 14th of March
11 1997.

12 --- **EXHIBIT NO./PIÈCE NO. P-1595:**

13 (734303) Brian Snyder - Witness Statement by
14 Cathy McKee dated March 14, 1997

15 **MS. JONES:** Okay. So that's where we are
16 now in the questions.

17 So this was a name obviously you got in your
18 investigation and this is the ex-wife of Mr. Lalonde?

19 **MR. SNYDER:** Yes.

20 **MS. JONES:** And you're the one who took this
21 statement?

22 **MR. SNYDER:** Yes.

23 **MS. JONES:** And on the front page of the
24 Document 4922, partway down it seems that according to Ms.
25 McKee anyway, it said:

1 "Throughout the marriage, Marcel and I
2 got along very well. I was very
3 surprised when he suggested we should
4 separate."

5 If we could just go further down, Madam
6 Clerk, please.

7 Do you see the statement "Throughout the
8 marriage"?

9 **MR. SNYDER:** Yes.

10 **MS. JONES:** Okay. So it seems to say it
11 wasn't the type of situation where there was a great deal
12 of animosity. From her perspective, in any event, it
13 seemed that it was a surprise to her when they ended up
14 getting separated?

15 **MR. SNYDER:** What she's saying, yes.

16 **MS. JONES:** Okay. And she says she was very
17 hurt about what happened?

18 **MR. SNYDER:** Yes.

19 **MS. JONES:** All right.

20 Would it be fair to say that you didn't get
21 a feeling there was, even at the time she was giving the
22 statement, a great deal of animosity that she felt towards
23 Mr. Lalonde?

24 **MR. SNYDER:** It's hard for me to give you
25 that opinion right now. I can't remember. Obviously from

1 the statement she doesn't seem to be angry with him. She's
2 not saying anything derogatory against him.

3 **MS. JONES:** She sounds like she's more sad
4 about it than anything.

5 **MR. SNYDER:** Yes, yes.

6 **MS. JONES:** Okay. And then on the following
7 page, Bates page 4923, she actually names two people there,
8 C-8 and another person, that were students of Mr. Lalonde's
9 around that same time period?

10 **MR. SNYDER:** Yes.

11 **MS. JONES:** And she went on -- she discussed
12 that she actually met the families of both of these people
13 including C-8's.

14 **MR. SNYDER:** Yes.

15 **MS. JONES:** And that's essentially what her
16 story was at that time so, as I say, at that stage, you're
17 still investigating Mr. Lalonde.

18 **MR. SNYDER:** Correct.

19 **MS. JONES:** And coming up with some sort of
20 evidence, shall we say.

21 Now, if we could go back to your notes,
22 please; I'm sorry for going back and forth like this, but
23 go back to your notes and Exhibit 1585A, again Bates page
24 8443, again the entry on March 14th, '97.

25 **MR. SNYDER:** It's not there yet.

1 **MS. JONES:** Thank you very much, Madam
2 Clerk.

3 Now, the very first entry, you have a name
4 there and it seems as if you were doing some sort of
5 investigation, shall we say, on it in the sense that you
6 had a name and you made a request to Peel Regional Police,
7 at some point, to get some information on that person; do
8 you recall that?

9 **MR. SNYDER:** Yes.

10 **MS. JONES:** I don't see any other reference
11 to this person in your notes. Do you recall if you
12 received a reply to that?

13 **MR. SNYDER:** I was looking for this
14 individual and I sent out a CPIC message asking them if --
15 and I think the -- the message is in the file somewhere
16 because I remember seeing it, asking see if you can locate
17 him for me.

18 **MS. JONES:** I can actually put you to that
19 document; it's Document Number 117270.

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **THE COMMISSIONER:** Do we really need the
22 document? It's a OMPPAC request from some police force
23 checking in on this guy.

24 **MS. JONES:** That's right. It's an OMPPAC
25 request from Sergeant Snyder ---

1 **THE COMMISSIONER:** Okay.

2 **MS. JONES:** --- requesting some further
3 information ---

4 **MR. SNYDER:** A CPIC request actually.

5 **MS. JONES:** A CPIC request ---

6 **THE COMMISSIONER:** Okay.

7 **MS. JONES:** --- I'm sorry. All I want to
8 know is, was there any follow-up on that? Did you get any
9 information back when -- if you didn't, did you do any
10 follow-up on that?

11 **MR. SNYDER:** I'm trying to recall this
12 individual and -- and I can't, in my mind, recall what we
13 did with him, whether I continued on or passed it on to
14 Constable Derochie to follow up and my -- my mind is blank
15 as to this individual. I know we sent a message out; I'm
16 not sure after that.

17 **MS. JONES:** Okay.

18 Then it seems the next sort of investigation
19 you did was getting another statement from C-8's mother
20 which is Document 734301.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **THE COMMISSIONER:** Thank you. Exhibit 1596
23 is a written statement with ---

24 **MS. JONES:** I think that the name should,
25 perhaps, not be mentioned.

1 **THE COMMISSIONER:** No, it would be a ban on
2 publication of that name.

3 And so the statement time is the 17th of
4 March, 1997.

5 **--- EXHIBIT NO./PIÈCE NO. P-1596:**

6 (734301) - Witness Statement by Theresa
7 Labelle dated 17 Mar 97

8 **MS. JONES:** Thank you. I would ask for a
9 publication ban on this document as well ---

10 **THE COMMISSIONER:** Yes.

11 **MS. JONES:** --- as it mentions C-8.

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

13 **MS. JONES:** This is C-8's mother that gives
14 you some information about ---

15 **MR. SNYDER:** Growing up.

16 **MS. JONES:** --- what was happening at that
17 time et cetera, and you recall that?

18 **MR. SNYDER:** Yes.

19 **MS. JONES:** And, of course, around this time
20 too, we already had this as an exhibit, but you also had
21 interviewed C-66 at around this time as well; also the 17th
22 of March '97?

23 **MR. SNYDER:** Yes.

24 **MS. JONES:** I'm not sure if this was entered
25 as an exhibit. I, frankly, don't have it written down, but

1 I have a Document Number 102426.

2 **THE REGISTRAR:** Fifteen eighty-six(a)
3 (1586(a)).

4 **MS. JONES:** Fifteen eighty-six (a) (1586
5 (a)); thank you very much. So 1586A shows that you have
6 interviewed C-66 again on the 17th of March. That was a
7 busy day for you on that particular day.

8 **MR. SNYDER:** We're all busy.

9 **THE COMMISSIONER:** Are you at Exhibit 1586?

10 **MR. SNYDER:** No, it's not in front of me
11 yet.

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

13 **MR. SNYDER:** It's not in front of me yet.

14 **THE COMMISSIONER:** It's in the book.

15 **MR. SNYDER:** Oh, sorry.

16 **MS. JONES:** Fifteen eighty-six(a) (1586
17 (a)), sir.

18 **THE COMMISSIONER:** Actually, I think he
19 wants -- well, is there a reason you wanted to look at (a)
20 as opposed to the typed version?

21 **MS. JONES:** No, it just -- it ---

22 **THE COMMISSIONER:** So let's use the typed
23 version.

24 **MS. JONES:** Okay, it's just to confirm the
25 date, Mr. Commissioner; just to get the sequence of events

1 that's happening here.

2 MR. SNYDER: Okay.

3 THE COMMISSIONER: Okay, so the question is?

4 MS. JONES: So the next point I wanted to
5 draw your attention to then on this investigation, again,
6 going back to your notes at Exhibit 1585(a), Bates page
7 8446 ---

8 THE COMMISSIONER: I'm sorry, what exhibit
9 are you at now?

10 MS. JONES: Back to his notes; 1585(a),
11 Bates page 8446 and the date of the notes is March 27, '97.

12 THE COMMISSIONER: Okay, it's on ---

13 MS. JONES: Do you see that?

14 THE COMMISSIONER: --- the screen.

15 MS. JONES: Thank you.

16 Again, just to get the sequence of events
17 here, this is when you called Perry Dunlop at home, asked
18 him to provide a witness statement for C-8 and apparently,
19 according to Mr. Dunlop, he said that it was written on his
20 neighbour's computer and that he would -- sorry, he does
21 not have one.

22 MR. SNYDER: Correct.

23 MS. JONES: But you had the understanding
24 you would get it as soon as he was able to get it off the
25 computer; was that your understanding?

1 **MR. SNYDER:** Well, if I remember correctly,
2 I had several conversations or several attempts to speak to
3 Perry Dunlop and I think further on you'll see, I think, on
4 April 14th, we finally speak and he said he'll bring his
5 statement in on the 15th.

6 **MS. JONES:** Right, but I'm just saying at
7 that particular time though on March 27th, was that your
8 understanding that he didn't have it at the time, but his
9 neighbour's computer has it and he would be getting it to
10 you ---

11 **MR. SNYDER:** No, my understanding ---

12 **MS. JONES:** --- was that your understanding?

13 **MR. SNYDER:** --- was it was on the
14 neighbour's computer and doesn't have it and won't be able
15 to get it from the neighbour's computer; that was my
16 understanding of it.

17 **MS. JONES:** But as this is March 27th, you'd
18 already talked to C-8 and gotten the statement, but you got
19 a copy from him on ---

20 **MR. SNYDER:** Correct.

21 **MS. JONES:** --- March 3rd when you
22 interviewed him.

23 **MR. SNYDER:** I got a copy from him, C-8.

24 **MS. JONES:** So that was one and the same
25 statement though; is that ---

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

2 **MS. JONES:** Is that correct?

3 **MR. SNYDER:** Yes.

4 **MS. JONES:** Okay.

5 So what was your purpose of getting another
6 version of the same statement then from Mr. Dunlop?

7 **MR. SNYDER:** I wanted the original. I
8 thought he had an original statement so I was asking for
9 his original.

10 **MS. JONES:** Okay, so the one that was
11 provided to you by C-8 was a copy, was it?

12 **MR. SNYDER:** Well, they're all basically
13 computer -- if Perry Dunlop had a copy or an original of
14 this statement; I wanted that from him. You understand?

15 **MS. JONES:** Yes.

16 **MR. SNYDER:** Like basically, he took the
17 statement; I felt he -- he had a copy of that statement or
18 the original of that statement and so I wanted him to give
19 me that if he had it.

20 **MS. JONES:** And then on April 1st, you
21 prepare a photo line-up of Mr. Lalonde?

22 **MR. SNYDER:** Correct.

23 **MS. JONES:** Then the next page reference
24 would be -- and it's the same exhibit -- 8448, April 14th,
25 1997

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. SNYDER: All right. So April 14th ---

3 MS. JONES: Yeah, I'm just waiting for
4 people to get there.

5 THE COMMISSIONER: Oh, don't worry about
6 that. Let's keep rolling.

7 MS. JONES: My apologies.

8 You can there at 16:00 hours:

9 "Spoke to Constable Genier for
10 disclosure about C-8."

11 MR. SNYDER: Correct.

12 MS. JONES: "And he suggested I
13 contact the Crown attorney Murray
14 MacDonald as charges he laid may be
15 sent to Ottawa."

16 Is that correct?

17 MR. SNYDER: Correct.

18 MS. JONES: Now, the last sentence, "I
19 asked" -- I think it says asked.

20 MR. SNYDER: "I advised."

21 MS. JONES: "I advised Constable
22 Desrosiers to keep in contact with our
23 Crown."

24 MR. SNYDER: Correct.

25 MS. JONES: Now, I just want to ask you a

1 couple of questions about the role that -- your
2 understanding was anyway about the role of the Crown
3 attorney in advising and directing with regards to charges.
4 What was the role of the Crown? How did you contact them?
5 When did you contact and why would you contact them?

6 **MR. SNYDER:** On legal issues, not on whether
7 we had RPG or were laying the charges. That's our
8 responsibility to lay the charges. The responsibility
9 would be to prosecute the charges. So if we had a legal
10 thought, quite didn't understand whether we had enough, you
11 know, where we could go, we would ask him.

12 **MS. JONES:** When you say when I had enough,
13 do you mean enough RPG?

14 **MR. SNYDER:** Well, no, we had RPG but they
15 require more. You know, how does he feel about the charge?
16 We have those types of conversations on complex
17 investigations.

18 **MS. JONES:** In this particular case, what is
19 it that you're going to Murray MacDonald on?

20 **MR. SNYDER:** I'm not -- basically I am asked
21 to keep in contact by Genier because there is obviously an
22 issue of going to Ottawa. So I asked Constable Desrosiers
23 contact the Crown and see what the problem is. It wasn't a
24 problem with our investigation. It wasn't anything to do
25 with whether we thought we had RPG or where we're going

1 with our investigation. It was more of a Constable Genier
2 said something about going to Ottawa. We want to make sure
3 that we're on the same page.

4 **MS. JONES:** I guess I'm still not clear
5 though; what would be the purpose of talking to the Crown
6 at that particular time? Is it about transferring charges
7 or is it about -- because the charges actually aren't laid
8 yet.

9 **MR. SNYDER:** At this point in time, I don't
10 know. Constable Genier is saying there's difficulties --
11 sorry, there's a suggestion that the Crown, Murray
12 MacDonald, is going to transfer it to Ottawa. So I am
13 saying to Constable Desrosiers find out what's going on.
14 You know, are we transferring our stuff to Ottawa are not?
15 Are we just continuing on status quo?

16 **MS. JONES:** All right. So the next entry
17 there is April 29th, 1997, and you've got in the very first
18 sentence there, "Made plan to arrest Marcel Lalonde."

19 **MR. SNYDER:** Correct.

20 **MS. JONES:** Can you just describe what you
21 mean by made a plan? What sort of plan are you talking
22 about?

23 **MR. SNYDER:** Well, I would have my team
24 together and we're going to say okay, in this instant, we
25 had people that are going to be doing the arrest which was

1 Constable Desrosiers. We had people that were going to be
2 exhibit officers and we would decide who would be the
3 exhibit officers, who would be the searching officers, and
4 who was going to log the exhibits.

5 **THE COMMISSIONER:** So it sounds like you had
6 a search warrant?

7 **MR. SNYDER:** We were going to -- arrest
8 warrant and search warrant.

9 **THE COMMISSIONER:** Okay.

10 **MS. JONES:** And from what you said
11 yesterday, you kept your notes and you kept sort of a
12 bundle of notes with regards to each investigation. You
13 had separate bundles of notes. You didn't keep one
14 continuous set of notes for all your investigations but you
15 had them in bundle.

16 **MR. SNYDER:** As the investigations came on,
17 yes. So if I had, for instance, this investigation, I had
18 my notes; Landry investigation, I had my notes for that
19 one; correct.

20 **MS. JONES:** Okay. So am I correct then in
21 saying that between April 14th, '97 and April 29th, '97, you
22 didn't do anything on the Lalonde matter?

23 **MR. SNYDER:** Correct.

24 **MS. JONES:** If I could refer you, please, to
25 Exhibit 1594? I'm looking at page 6400.

1 **THE COMMISSIONER:** All right. There we go.

2 **MS. JONES:** And looking at the date of 15th
3 of April 1997, I just want to be clear about this. We've
4 got here:

5 "Received a call from Sergeant Snyder
6 and only other victim is C-8 linked to
7 Father Charlie; all other unaware of
8 cases."

9 So that phone call doesn't relate to Lalonde
10 which is why it's not in those notes I've just described
11 there?

12 **MR. SNYDER:** Correct.

13 **MS. JONES:** And the very next entry on these
14 notes, which is same exhibit just the next Bates page 6401,
15 again I'd like to just draw your attention to Officer
16 Genier's entry for 29th of April, 1997.

17 **THE COMMISSIONER:** Scroll down, Madam Clerk.

18 **MS. JONES:** And according to Officer Genier,
19 he is in Cornwall Court about the Lalonde JPT. I assume
20 it's a judicial pre-trial.

21 **MR. SNYDER:** Correct.

22 **MS. JONES:** And in the normal course of
23 things, you don't have a JPT until charges are all laid, et
24 cetera. Is that your understanding as well?

25 **MR. SNYDER:** I don't know what he's making

1 reference to. It could be his reference to his cases and
2 not my cases. He could be there in reference to whatever
3 charges he laid, not the criminal charges.

4 **MS. JONES:** So was Marcel Lalonde charged
5 first by the OPP?

6 **MR. SNYDER:** I believe so.

7 **MS. JONES:** Okay. Were you aware of the
8 dates of all of these occurrences when he was ---

9 **MR. SNYDER:** No.

10 **MS. JONES:** --- arrested or when JPTs were
11 scheduled or ---

12 **MR. SNYDER:** No, I would know Cornwall's but
13 not OPP's.

14 **MS. JONES:** So there was no liaising between
15 you and Officer Genier then to coordinate when things were
16 happening with the two cases?

17 **MR. SNYDER:** Well, I think we had a pretty
18 good rapport back and forth and obviously they felt that
19 they were going to go ahead and lay their charges. I don't
20 know what this charge is related to, but the fact that they
21 laid that charge wouldn't affect our investigation.

22 **MS. JONES:** Well, I'll let you hold that
23 thought for just a second because -- I'm sorry to go flip
24 back and forth again. If you go back to your notes, which
25 is Exhibit 1585A, again on April 29th ---

1 **THE COMMISSIONER:** It's in your book.

2 You'll have to go there.

3 **MR. SNYDER:** Okay. Fifteen eighty-nine
4 (1589), sorry?

5 **THE COMMISSIONER:** Fifteen eighty-five
6 (1585).

7 **MS. JONES:** A.

8 **THE COMMISSIONER:** Oh, no, I'm sorry; 1585A
9 is the one that's on the screen. Sorry.

10 **MS. JONES:** A is the new one, that's
11 correct.

12 **THE COMMISSIONER:** Sorry.

13 **MS. JONES:** I thought it would be easy
14 actually to have one on the screen and one in front of you
15 that's actually -- so it would be again Bates page -- Bates
16 page 8448, Madam Clerk.

17 Again, at eight o'clock I believe, it was:

18 "Made plans to arrest Marcel Lalonde.

19 Sergeant Tyo and Acting Sergeant

20 Lalonde..."

21 I'm assuming no relative:

22 "...would be the search team with the
23 uniformed officer there for security
24 and Sergeant Desrosiers would arrest
25 and read rights."

1 So when you made that plan, you didn't --
2 you were not aware, you don't think anyway, that there was
3 actually a JPT scheduled ---

4 **MR. SNYDER:** No, actually -- and I
5 understand this date we made the arrest and there was a
6 bail hearing that day. Was I aware of the OPP charges?
7 No.

8 **MS. JONES:** You weren't aware of what was
9 happening on that same date with the OPP charges at all?

10 **MR. SNYDER:** No. No.

11 **MS. JONES:** And the search warrant that was
12 obtained was for -- specifically for photo albums and
13 videos and such of photographs, inappropriate photographs
14 basically?

15 **MR. SNYDER:** I believe so, yes.

16 **MS. JONES:** And that was done on the basis
17 of several of the complainants stating that they had seen
18 photo albums?

19 **MR. SNYDER:** Correct.

20 **MS. JONES:** I've mentioned one or two I
21 think this morning. And you did actually find photo albums
22 there?

23 **MR. SNYDER:** Yes.

24 **MS. JONES:** And secured videos as well I
25 believe.

1 **MR. SNYDER:** Yes.

2 **MS. JONES:** Would you agree with me that if
3 police officers want to get access to information,
4 especially information stored on a computer or photo albums
5 where clearly it's inappropriate and a criminal offence
6 sometimes just to own, even drug charges, would you agree
7 with that surprising the offender is a bit element of a
8 successful search warrant?

9 **MR. SNYDER:** Getting the information is
10 required before we can surprise anybody. We had to do our
11 case to get a search warrant. Without all of those things
12 first, we wouldn't have been allowed to get the search
13 warrant. So although you're correct, the surprise is nice,
14 it's not always possible.

15 **MS. JONES:** It's true, but would you agree
16 with me though that part of -- the big part of police work
17 in successful search warrants though, in certain types of
18 search warrants, the surprise is a very big element to
19 success?

20 **MR. SNYDER:** Mostly drug that I'm aware of,
21 drug warrants.

22 **MS. JONES:** Well, let's say photo albums or
23 videotapes of child pornography, would that be a very
24 important element?

25 **MR. SNYDER:** Well, again, taken in the

1 context, we have to get the information first. So, yeah, I
2 suppose we can get all the information in one day and do
3 the warrant in one day and surprise them, but it's longer
4 than that.

5 **MS. JONES:** Would you agree with me you
6 already had information about the existence of photo albums
7 for some months by that point? This wasn't something that
8 was discovered on April 28th, this was something you'd known
9 for some time?

10 **MR. SNYDER:** Yes, we started the
11 investigation. That's just one part of the investigation,
12 we still had to interview witnesses and made sure that we
13 had the complete package. I'm not going to do a search
14 warrant with inaccurate or not full information.

15 **MS. JONES:** Had you contacted the OPP once
16 you learned that Marcel Lalonde was arrested by them to
17 find out if any of those complainants had made statements
18 concerning photo albums?

19 **MR. SNYDER:** I don't believe I did
20 personally, Rene Desrosiers may have. He had more to do
21 with the Marcel Lalonde case and he may have but I'm not
22 sure. I know personally I didn't.

23 **MS. JONES:** Okay, but you were the senior
24 supervisor, were you not ---

25 **MR. SNYDER:** I'm supervising, correct.

1 **MS. JONES:** --- with the Lalonde
2 investigation?

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

4 **MS. JONES:** And would you agree with me that
5 something like possessing child pornography, photographs of
6 actual possible victims is very critical to prosecuting a
7 case of sexual assault?

8 **MR. SNYDER:** Yes and we did do the search
9 warrant and we did find those albums.

10 **MS. JONES:** But just backing up though;
11 would you agree that evidence of photographs taken of young
12 children in an inappropriate sort of a pose, i.e. nude, by
13 someone that's being accused of historical sexual assault
14 would be very critical sort of evidentiary material for
15 you?

16 **MR. SNYDER:** I agree, but we also need the
17 information and proper information to get that search
18 warrant. The judges aren't going to sign a search warrant
19 with little information that yes, we had a victim or a
20 person that's saying that. We want to get other
21 corroborating evidence and we did do that and we made the
22 arrest and did the search warrant at the same time.

23 **MS. JONES:** Well, certainly you didn't
24 receive any new information say even between April 14th, and
25 29th?

1 **MR. SNYDER:** Well, there's -- don't forget
2 there's Rene Desrosiers who is also working on this case.
3 So he's also got victims and he's compiling information.

4 **MS. JONES:** So is it your evidence then
5 that, in your opinion -- because I understand the search
6 warrant was obtained the day before on April 28th -- in your
7 opinion, you didn't have the reasonable probable grounds
8 for the search warrant much before April 28th, 1997?

9 **MR. SNYDER:** Well, again, the date as to
10 when we had reasonable probable grounds, I don't know. It
11 would be within that timeframe and we would have spoken
12 about getting a search warrant, how we're going to man it.

13 It's a difficult question as in when exactly
14 RP&G came out, but this was the date that we felt we were
15 going to make the arrest and do the search warrant.
16 Everything came together, I guess, on that date, for lack
17 of better words.

18 **MS. JONES:** Just a moment, please.

19 When Mr. Lalonde was first arrested by the
20 OPP were you informed of that?

21 **MR. SNYDER:** I can't recall.

22 **MS. JONES:** If you ---

23 **MR. SNYDER:** I'm sure I was made aware. I'm
24 sure I was -- I knew he was arrested or charged, but I
25 can't recall if somebody came and spoke to me directly or

1 not.

2 **MS. JONES:** As the lead investigator in this
3 case, do you think it might have been useful for you to
4 have contact with the OPP considering that, oh, this
5 perpetrator has now been arrested on a similar series of
6 events?

7 **MR. SNYDER:** Well, again, I can't say it
8 didn't happen. It may very well have happened; they may
9 have called Constable Desrosiers, I just have no
10 recollection of that. We did have a very good rapport and
11 so I can't see us not knowing about it, but I have no
12 recollection of them calling me personally.

13 **MS. JONES:** Madam Clerk, could I please see
14 Document Number 117272?

15 **THE COMMISSIONER:** Exhibit 1597 is a Will
16 State of Constable Genier, I guess. Statement taken 28th of
17 April, 1997.

18 --- **EXHIBIT NO./PIÈCE NO. P-1597:**

19 (117272) PUBLICATION BAN - Witness Statement
20 by Don Genier dated April 28, 1997

21 **MS. JONES:** Correct, thank you.
22 Have you read over this statement, Sergeant
23 Snyder?

24 **MR. SNYDER:** Some time ago.

25 **MS. JONES:** Okay. Did you want to read it

1 over, are you okay?

2 MR. SNYDER: No, go ahead.

3 MS. JONES: Okay, fine. Just on the very
4 first page, it's Bates page 201.

5 MR. SNYDER: Yes.

6 MS. JONES: And Officer Genier, again, is --
7 we don't really have a date, to be quite frank, a very good
8 date on this one, but it says at the very beginning:

9 "At 1430 hours contacted [a certain
10 person] who made a complaint about
11 Marcel Lalonde."

12 Do you read that?

13 MR. SNYDER: Correct. Yes.

14 MS. JONES: And if you go down a couple of
15 more lines it says:

16 "Lalonde took photos of this person and
17 this person noted two other photos in
18 album located in Lalonde's bedroom."

19 Do you see that?

20 MR. SNYDER: Yes.

21 MS. JONES: I should add by the way, this
22 should be subject to a publication ban, Mr. Commissioner.
23 It does mention people that are protected.

24 THE COMMISSIONER: Okay.

25 MS. JONES: I'd like you then to -- again,

1 it's unfortunate we don't have an exact date of when that
2 happens, but I can say that towards the bottom of the page,
3 about six lines up or so, it starts "On 21st January, 1997"
4 and then it describes what happens.

5 So, I'm being very presumptuous, but I would
6 assume that that -- those items listed above 21st January
7 '97 perhaps happened before but I'm not certain about that.

8 **MR. SNYDER:** Okay.

9 **MS. JONES:** In any event, everything else
10 seems to be quite well dated.

11 So if you continue on with this Will State,
12 at the very top of the next page, Exhibit -- I'm sorry,
13 Bates page 202, it starts off "23rd of January, 1997". Do
14 you see that?

15 **MR. SNYDER:** Yes.

16 **MS. JONES:** And that's actually the date of
17 C-8's statement to Mr. Genier.

18 **MR. SNYDER:** Yes.

19 **MS. JONES:** That continues on.

20 And then on Bates Page 203, halfway down, it
21 starts off with a line saying "Further victims" there's a
22 bit of a -- a photocopy of a ---

23 **MR. SNYDER:** Yes.

24 **MS. JONES:** --- page hole there. It names
25 several people there.

1 **MR. SNYDER:** Yes.

2 **MS. JONES:** One of them is C-8, another one
3 is C-66, and then it mentions two names that we're talking
4 about, Lalonde allegations of sexual assault against them,
5 and those two people say Lalonde had photo albums of many
6 boys.

7 **MR. SNYDER:** Yes.

8 **MS. JONES:** Do you see that as well?

9 **MR. SNYDER:** Yes.

10 **MS. JONES:** So it would seem logical to me
11 that if you are carrying on a parallel investigation of the
12 same perpetrator, that you would have been sharing this
13 sort of information between the two of you. Officer Genier
14 contacting you saying this about Lalonde, you contacting
15 Genier saying this. So there would have been sharing
16 information, surely?

17 **MR. SNYDER:** Yes. Yes.

18 **MS. JONES:** So it would appear by January of
19 1997 you have at least three, possibly four, people that
20 are all saying Marcel Lalonde had photo albums of boys?

21 **MR. SNYDER:** Yes.

22 **MS. JONES:** And I'm just wondering why it
23 would be that you wouldn't have done the search warrant
24 then, when he was first arrested even, so that you would
25 get the greatest element of surprise about that very item;

1 something that can be easily destroyed?

2 **MR. SNYDER:** Well, again, this is people
3 he's giving us. Some of these people we've attempted to
4 locate or speak to and they did not want to get involved.
5 So although you got names here of people who say they saw
6 the album, they refused to speak to us or come forward. So
7 that's -- that's one thing.

8 And then we've got to speak to the --
9 although it's in his statement we -- because it happened in
10 our area -- have to speak to these people and get their
11 statement as to what they saw, did, heard.

12 And that's what we did, and it takes time.
13 As you see, there was lots of time in trying to locate some
14 of these witnesses.

15 And, again, one of the witnesses that you've
16 mentioned I know for sure did not want to proceed with any
17 charges, did not want to speak to us.

18 **MS. JONES:** So after you executed the search
19 warrant then, apparently you did get photographs?

20 **MR. SNYDER:** Correct.

21 **MS. JONES:** Inappropriate photographs?

22 **MR. SNYDER:** Correct.

23 **MS. JONES:** And would you classify it as
24 child pornography? Is that how you would describe it?

25 **MR. SNYDER:** I didn't see the -- to be

1 honest with you, I didn't see the pictures. That wasn't my
2 role.

3 MS. JONES: Oh.

4 MR. SNYDER: I let Rene Desrosiers and the
5 other part of the team take care of that. I didn't think
6 it was appropriate for me to start going through pictures
7 when Rene could have done it on our behalf and the other
8 investigators, so I didn't even see the pictures.

9 MS. JONES: So I guess that precludes my
10 next question as to what happened to them. Is that
11 something ---

12 MR. SNYDER: You can speak to -- they were
13 made exhibits, I understand, in court. So they were court
14 documents.

15 THE COMMISSIONER: In which proceedings?

16 MR. SNYDER: Against Marcel Lalonde in --
17 I'm thinking C-8 and others, the other group of boys.

18 THE COMMISSIONER: Okay.

19 MS. JONES: Now, did you -- it's sort of
20 funny because you actually didn't see the pictures, but you
21 knew what the content of these photo albums were?

22 MR. SNYDER: Yes.

23 MS. JONES: Just by conversation, I suppose,
24 with Constable Desrosiers.

25 Did you at that time discuss disclosing

1 those photographs to the CAS?

2 **MR. SNYDER:** I don't believe that
3 conversation ever came up, not to my knowledge anyway, not
4 with me.

5 **MS. JONES:** Is that not something ---

6 **MR. SNYDER:** I'm sorry, you wanted us to
7 show those pictures to CAS?

8 **MS. JONES:** To share that information, yes.
9 Was that something that was done when you saw that there
10 were obviously children that were being abused?

11 **MR. SNYDER:** Well, CAS were aware of this
12 investigation.

13 **MS. JONES:** I'm talking specifically about
14 the photographs.

15 **MR. SNYDER:** I would not be showing these
16 photographs to CAS.

17 **MS. JONES:** Okay. That's not something that
18 would be in your protocol?

19 **MR. SNYDER:** No. Again, how appropriate are
20 these pictures to be showing to other people? We made
21 attempts to identify pictures or people's names within the
22 album. I know that.

23 **THE COMMISSIONER:** I'm sorry, "We ---

24 **MR. SNYDER:** We made attempts to identify
25 people within the pictures.

1 **MS. JONES:** M'hm.

2 **MR. SNYDER:** But to bring them to the CAS,
3 no, that conversation never happened with me anyways, that
4 I know of.

5 **MS. JONES:** It never occurred to you or -- I
6 don't know if you can speak on behalf of CPS, but it never
7 occurred to you to go to CAS to see if they could possibly
8 help identify some of the people that were in the
9 photographs that you could not identify?

10 **MR. SNYDER:** Not to my knowledge, no. No.

11 **MS. JONES:** Okay. And if we could please go
12 to Document 117262.

13 **THE COMMISSIONER:** Okay.

14 Exhibit Number 1598 is a Will-Say Statement
15 of George Tyo, Acting Sergeant, and taken on the 10th of
16 June '97.

17 **--- EXHIBIT NO./PIÈCE NO. P-1598:**

18 (117262) Will-Say Statement of George Tyo
19 dated June 10, 1997

20 **MS. JONES:** Thank you.

21 I'd ask for a publication ban on this
22 because there is the mention of C-68 within the document.

23 **THE COMMISSIONER:** Thank you. So ordered.

24 **MS. JONES:** This is Sergeant Tyo's version
25 of his assisting in the search warrant. Do you see that,

1 Officer?

2 MR. SNYDER: Yes.

3 MS. JONES: Okay. Just at the very, very
4 bottom, it says -- at 12:55 hours Sergeant Tyo says:

5 "Upon checking the first album stored
6 in the closet, I recognized a
7 photograph of [C-68] a victim from the
8 OPP investigation."

9 Do you see that?

10 MR. SNYDER: Yes.

11 MS. JONES: Then it goes on to say:

12 "Constable Desrosiers viewed other
13 photo albums and as a result of their
14 contents, advised me to seize four
15 albums from the closet."

16 So it would seem that just by that one
17 sentence alone that certainly Sergeant Tyo is aware to some
18 extent as to who the OPP victims are vis-à-vis the Lalonde
19 investigation?

20 MR. SNYDER: We would be aware of that, yes.

21 MS. JONES: Okay. So was there any talk
22 then with the OPP -- and I'm going to leave this topic
23 soon, but was there any talk with the OPP of how to best
24 coordinate this particular search warrant, so as to first
25 of all ensure you have the people necessary for the grounds

1 but also for the element of surprise factor?

2 MR. SNYDER: There was no element of
3 surprise other than us getting a search warrant and going.
4 He wouldn't have known when we were making our arrest. I
5 don't know if that helps your point at all. So there was
6 an element of surprise to some degree.

7 And the second part of the question, did I
8 contact the OPP personally to let them know that we were
9 doing this? Personally, I don't remember doing that.
10 Constable Desrosiers may very well have.

11 MS. JONES: But you, yourself, though -- you
12 seem to have a lot of contact with Officer Genier?

13 MR. SNYDER: Yes.

14 MS. JONES: You, yourself, did not do any
15 coordination with Genier yourself to coordinate all of this
16 ---

17 MR. SNYDER: Not to my recollection, no.

18 MS. JONES: --- in order to make sure you
19 get the best possible evidence for your search warrant?

20 MR. SNYDER: Well, again, I don't know what
21 the OPP would have to get the best possible -- we knew what
22 we were looking for. Whether I contact the OPP or not
23 really had no relevance to that search warrant and that
24 arrest. We knew what we had. We knew what we were going
25 in for. To advise them -- and again, I know you're trying

1 to make a point. I don't understand the point, I guess,
2 and that's why it's not clicking in my mind very well. We
3 get the search warrant. We get the arrest warrant. We
4 know what we're going for and we're going for it. To
5 advise the OPP, I don't know what more would have happened
6 with that.

7 **MS. JONES:** Well, I guess if you're not
8 understanding my point, let me just make it clear then.

9 I'm basically wondering why the search
10 warrant wasn't done sooner. I'm concerned that you may
11 have lost a lot of the element of surprise. He was already
12 arrested for similar offences, that he may have been tipped
13 off. You're phoning people, making inquiries. He may have
14 heard about this, obviously. And as with a drug bust, it's
15 very easy to get rid of real evidence, which is what
16 photograph elements are.

17 **MR. SNYDER:** All I can say is that we did it
18 when we felt we were ready. We felt that we had the
19 evidence. We felt that we -- that our victims were ready,
20 statements, any other corroborating evidence, and the final
21 thing we did was do the search warrant and arrest him. The
22 answer is we did it when we were ready, as soon as we felt
23 we could do it.

24 **MS. JONES:** Okay. And I understand that you
25 were actually called to testify at Marcel Lalonde's trial.

1 I have your subpoena here, Document 1169 ---

2 THE COMMISSIONER: I don't think we need the
3 subpoena.

4 MS. JONES: Pardon me?

5 THE COMMISSIONER: Do we need really the
6 subpoena?

7 MS. JONES: No.

8 THE COMMISSIONER: Okay. Well, then -- were
9 you subpoenaed and did you testify?

10 MR. SNYDER: I was subpoenaed. I did not
11 testify.

12 THE COMMISSIONER: Did not testify. There
13 you go.

14 MS. JONES: Can you recall, was it a full
15 trial or did it stop midway?

16 MR. SNYDER: I didn't go. Again, everything
17 was set up -- Rene Desrosiers was -- after the arrest was
18 done and all the statements were put in, Rene Desrosiers
19 took full responsibility of the case to coordinate with the
20 victims, to ensure that the Crown liaison was done. So
21 Rene Desrosiers took care of that, so I didn't even go to
22 that. I wasn't required and I didn't go.

23 MS. JONES: Was that the normal conduct?
24 Because I understand you were the lead investigator?

25 MR. SNYDER: Well, lead as in I was a

1 supervisor. Rene Desrosiers was also doing it. I was
2 assisting -- we were kind of assisting each other. I had
3 certain victims that came to light through the OPP. So I
4 continued on investigating or interviewing them. Rene
5 Desrosiers had victims that he had got through another
6 individual and was doing it that way. And so we were
7 coordinating with each other. I was assisting him by doing
8 some of the victims.

9 **MS. JONES:** Okay. I'm sorry, according to
10 this subpoena, I believe it was August, 1999?

11 **MR. SNYDER:** I don't know.

12 **MS. JONES:** Yes, the 6th of August 1999,
13 around that time was the trial?

14 **MR. SNYDER:** I wouldn't know without ---

15 **MS. JONES:** You wouldn't know that?

16 **MR. SNYDER:** No.

17 **MS. JONES:** Okay. The ---

18 **MR. CALLAGHAN:** Sorry, I very much doubt the
19 trial was August '99 because I think we heard the
20 information that Donna Ptak writes a letter in September of
21 '99 that starts "The further disclosure issues of Mr.
22 Dunlop".

23 **THE COMMISSIONER:** Yeah, but this is on the
24 Lalonde trial.

25 **MR. CALLAGHAN:** That's what Donna Ptak's

1 letter was about.

2 MS. JONES: Actually, I probably should have
3 put in the subpoena.

4 THE COMMISSIONER: Okay.

5 MS. JONES: Because I am making reference to
6 it, 116 ---

7 MR. CALLAGHAN: The subpoena is not the
8 issue. I was just clarifying that the trial didn't go
9 ahead in August '99. It goes ahead later.

10 We've heard evidence already that in
11 September you got the letter and then you heard from Staff
12 Sergeant Desrosiers *ad nauseam* about what he did. That
13 trial takes place sometime later. I'm not sure if it's
14 2000 or 2001. So this was getting ready for that trial
15 which then doesn't happen.

16 THE COMMISSIONER: Right.

17 MS. JONES: All right. That's fair.

18 My next exhibit, actually, is the letter. I
19 don't have it entered as an exhibit, the letter from Ms.
20 Ptak. It's Document 116854.

21 THE COMMISSIONER: Thank you.

22 Exhibit Number 1599 is a letter dated
23 September 13th, 1999 addressed to Claudette Wilhelm from
24 Donna Ptak.

25 MS. JONES: Ptak.

1 **THE COMMISSIONER:** Ptak, yes.

2 **--- EXHIBIT NO./PIÈCE NO. P-1599:**

3 (116854) Letter from Donna Ptak to Claudette
4 Wilhelm dated September 13, 1999

5 **MS. JONES:** So even though your subpoena was
6 dated August 1999, I understand from my able-bodied
7 colleague here that the trial date was set for about
8 October 4th and then it was adjourned, so just to give you
9 some idea of the timeframe.

10 So the date of this letter is September 13th,
11 1999.

12 I'm sorry, Madam Clerk, what was the
13 exhibit?

14 **THE COMMISSIONER:** One-five-nine-nine
15 (1599).

16 **MS. JONES:** Thank you.

17 The request for further disclosure from Ms.
18 Ptak writing to the Crown's office, point number 3:

19 "Serjeant Brian Snyder - all notes
20 after April 3rd, 1997 that deal with Mr.
21 Lalonde."

22 Do you see that?

23 **MR. SNYDER:** Yes.

24 **MS. JONES:** And I'm assuming that this is
25 Officer Desrosiers' comments on the right-hand side. I

1 think that's his signature. I've seen it a few times. It
2 says:

3 "No new notes to disclose."

4 Which is Constable R. Desrosiers. Do you see that?

5 **MR. SNYDER:** Yes.

6 **MS. JONES:** Now, when you're -- when such
7 further requests for disclosure are made, Sergeant Snyder,
8 are you contacted directly to find out -- for example, I
9 understand Officer Desrosiers is the contact person, but
10 would Officer Desrosiers, for instance, contact you and
11 say, "Do you have any more notes"?

12 **MR. SNYDER:** He would contact me.

13 **MS. JONES:** Okay. There isn't like a
14 central vault or something where you go get the notes?

15 **MR. SNYDER:** No.

16 **MS. JONES:** He would have to come to you for
17 that; correct?

18 **MR. SNYDER:** Yes.

19 **MS. JONES:** Okay. If we could please go to
20 Exhibit 1585A?

21 **THE COMMISSIONER:** Yes. That's this one,
22 sir.

23 **MR. SNYDER:** Oh.

24 **THE COMMISSIONER:** We now have a hardcopy --

25 -

1 MS. JONES: Oh, do we? Okay.

2 THE COMMISSIONER: --- of 1585A.

3 Did you give it to the witness, Madam Clerk?

4 Yes. It's not in the bound section.

5 MR. SNYDER: No?

6 THE COMMISSIONER: It's ---

7 MR. SNYDER: I think they bound it.

8 THE COMMISSIONER: They put it in there,

9 1585A?

10 MS. JONES: Now, I'm looking at Bates page -

11 --

12 THE COMMISSIONER: Hold on. He's not ---

13 MS. JONES: I'm sorry.

14 MR. SNYDER: Let's see if this is the right

15 one.

16 THE COMMISSIONER: Well, you look over here

17 ---

18 MR. SNYDER: Yes.

19 THE COMMISSIONER: --- and it says 1585A.

20 MR. SNYDER: It says 1585.

21 THE COMMISSIONER: No. The clerk would have
22 given you another.

23 Could you assist, please?

24 (SHORT PAUSE/COURTE PAUSE)

25 MR. SNYDER: Oh, here we go. Thank you.

1 Sorry.

2 **THE COMMISSIONER:** What page, please?

3 **MS. JONES:** Eight-four-four-eight (8448).

4 We've actually gone over these notes
5 already, but quite clearly these notes are dated April 14th,
6 and then there's April 29th, and then at Bates page 85 --
7 8450, there's actually an entry for April 30th as well. So
8 these are notes that are after April 3rd; correct?

9 **MR. SNYDER:** Yes.

10 **MS. JONES:** Do you agree with me ---

11 **MR. SNYDER:** Yes.

12 **MS. JONES:** --- they probably -- these are
13 ones that probably should have been disclosed on the
14 Lalonde matter?

15 **MR. SNYDER:** I'm sure they were. Well,
16 they're my notes. They would have been disclosed. This is
17 the one that's all mixed up too, eh?

18 **MS. JONES:** Well, actually, that's the good
19 version that you've got. The last eight pages ---

20 **MR. SNYDER:** I don't believe so.

21 **MS. JONES:** --- go in the front.

22 In any event, we have a series of notes here
23 obviously after April 3rd.

24 **MR. SNYDER:** Yes.

25 **MS. JONES:** And we have Officer Desrosiers'

1 notation here on the letter, "No new notes to disclose".
2 The lawyer is asking for all notes after April 3rd, which --
3 -

4 MR. SNYDER: Yes.

5 MS. JONES: --- would presumably mean that
6 she didn't have them.

7 MR. SNYDER: Yes.

8 MS. JONES: Do you have any explanation for
9 that?

10 MR. SNYDER: No.

11 MS. JONES: Okay.

12 THE COMMISSIONER: I think it's time for
13 lunch.

14 MS. JONES: Okay.

15 THE COMMISSIONER: Thank you. We'll come
16 back at 2:00.

17 THE REGISTRAR: Order; all rise. A l'ordre;
18 veuillez vous lever.

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

20 --- Upon recessing at 12:28 p.m./

21 L'audience est suspendue à 12h28

22 --- Upon resuming at 2:03 p.m./

23 L'audience est reprise à 14h03

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

1 This hearing is resumed. Please be seated.
2 Veillez vous asseoir.

3 **THE COMMISSIONER:** Thank you.

4 Good afternoon, Officer Snyder.

5 **MS. JONES:** Thank you.

6 Just to confirm one small administrative
7 matter, Mr. Commissioner. I understand that it's been
8 agreed that the Inquiry will be starting next Tuesday at
9 one o'clock ---

10 **THE COMMISSIONER:** Yes.

11 **MS. JONES:** --- after the long weekend. Is
12 that correct?

13 **THE COMMISSIONER:** Yes, it will.

14 **MS. JONES:** Thank you.

15 **S/SGT. BRIAN SNYDER, Resumed/Sous le même serment:**

16 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**
17 **JONES (cont'd/suite):**

18 **MS. JONES:** Now, I hope this is my last time
19 I go to your handwritten notes that we've tried several
20 times to enter as exhibits.

21 I would like to go to Exhibit 1585, not
22 1585A but 1585, please.

23 **THE COMMISSIONER:** That's in the paper --
24 1585. Okay?

25 **MR. SNYDER:** Yes.

1 **THE COMMISSIONER:** All right.

2 **MS. JONES:** And the area I'd like to draw
3 your attention to is Bates page 3946. It's the very last
4 page. Sorry, just a moment, please.

5 **MR. SNYDER:** I'm confused.

6 **MS. JONES:** No, that's fine. Sorry, the
7 very last page is 5007. My apologies.

8 **THE COMMISSIONER:** Well, not on ours, but --
9 not on the one I have.

10 **MS. JONES:** Oh ---

11 **THE COMMISSIONER:** But in any event, does it
12 have to do with 11:45? Is that the last time entry? Oh,
13 no ---

14 **MS. JONES:** No. Sorry, this is the first
15 page. I'd like you just to have that in front of you and
16 then go to Document 111096.

17 **THE COMMISSIONER:** Okay. But -- no, no,
18 this isn't working out -- 1585 is the exhibit you want us
19 to look at?

20 **MS. JONES:** Correct.

21 **THE COMMISSIONER:** Okay.

22 **MS. JONES:** And Bates page 007.

23 **THE COMMISSIONER:** Double zero-seven (007),
24 okay.

25 **MS. JONES:** And just to keep it on the

1 screen, please.

2 THE COMMISSIONER: Okay. Fine.

3 MR. CALLAGHAN: Mr. Commissioner, my friend
4 was right. This is the one that's out of order.

5 THE COMMISSIONER: Yes.

6 MR. CALLAGHAN: This is the last page on
7 that order.

8 THE COMMISSIONER: Yes. I've got that.
9 Okay. So I've got that document then.

10 MS. JONES: Okay.

11 THE COMMISSIONER: Then you want me to enter
12 a new exhibit.

13 MS. JONES: One-one-one-zero-nine-six
14 (111096) and it's an excerpt. I'm just going to be looking
15 at one Bates page.

16 THE COMMISSIONER: Whose notes are these?

17 MS. JONES: These are also Sergeant
18 Snyder's.

19 THE COMMISSIONER: All right.

20 So Exhibit 1600 is Officer Snyder's notes
21 and the first entry is Friday, March 14th, 1997.

22 --- EXHIBIT NO./PIÈCE NO. P-1600:

23 (111096) Notes of Brian Snyder dated March
24 14, 1997 to April 30, 1997

25 MS. JONES: Okay.

1 **THE COMMISSIONER:** All right. So we've got
2 both.

3 **MS. JONES:** And I'd like to turn in the
4 second one that you've just entered, 1600, to go to Bates
5 page 3946. If you could turn to the hardcopy of that?

6 **THE COMMISSIONER:** Okay.

7 **MS. JONES:** Do you have that in front of you
8 there?

9 **MR. SNYDER:** Yes.

10 **MS. JONES:** Right. Here's the problem. The
11 problem is that if you compare the two documents side-by-
12 side, you'll see that on the document that's on the screen,
13 which is Exhibit 1585, and Document 1600 which you have in
14 front of you, it's supposedly the same page because the top
15 portion is identical.

16 **MR. SNYDER:** Yes.

17 **MS. JONES:** Can you see that?

18 **MR. SNYDER:** Yes.

19 **MS. JONES:** Yet on the Exhibit 1585, the
20 bottom of that page is blank.

21 **MR. SNYDER:** Yes.

22 **MS. JONES:** And the Exhibit 1600, the page
23 is actually filled out "Wednesday, April 30th, 1997"?

24 **MR. SNYDER:** Yes.

25 **MS. JONES:** Do you have an explanation for

1 that?

2 MR. SNYDER: Yes.

3 MS. JONES: What is that?

4 MR. SNYDER: The first page which has
5 nothing dealing with April 30th was photocopied for the bail
6 hearing, that was the day of the bail hearing for Marcel
7 Lalonde. So they required my notes for that.

8 MS. JONES: M'hm.

9 MR. SNYDER: And then subsequent to that I
10 had another entry. The next day, after the bail hearing, I
11 contacted C-66 and C-8 to let them know that charges were
12 laid.

13 MS. JONES: Okay. Thank you. And I hope
14 that's the last time I have to refer to those notes.

15 MR. SNYDER: That's fine.

16 MS. JONES: No offence.

17 Just a moment please, I just want to ---

18 MR. CALLAGHAN: Can I just put on the
19 record, Mr. Commissioner, the one that he referred to the
20 bail hearing is Exhibit 1585.

21 THE COMMISSIONER: Yes.

22 MR. CALLAGHAN: Just so I -- I wasn't sure
23 it clear to the record.

24 MS. JONES: And I've just got a few little
25 small issues that I wish to address with you if I could,

1 please.

2 The first one has to do with an offender
3 that was part of OPP Project Truth, that being Carl Allen.
4 Does that name ring a bell?

5 **MR. SNYDER:** Yes.

6 **MS. JONES:** And I'll just feed you some of
7 this information to save a bit of time here. Apparently on
8 April 17th, 1998 you got information from OPP Project Truth
9 regarding historical sexual abuse complaint being made by
10 C-10. C-10 is on your list there, sir.

11 **MR. SNYDER:** Yes.

12 **MS. JONES:** C-10 had been interviewed by the
13 OPP on February 3rd, 1998 and it was determined that the
14 offence did not meet their mandate and it was referred back
15 to CPS for investigation.

16 **MR. SNYDER:** Correct.

17 **MS. JONES:** And I understand it was Officer
18 Desrosiers that was assigned to the investigation?

19 **MR. SNYDER:** Correct.

20 **MS. JONES:** Now, were you the person that
21 was responsible for the supervision of the complaint?

22 **MR. SNYDER:** Ultimately I would have been.
23 It was called in. I believe it was Officer Genier.

24 **MS. JONES:** Pardon me?

25 **MR. SNYDER:** Who called it in. I'm sorry,

1 who made the referral to me. It was referred to me, I made
2 a general occurrence on it. I then assigned it Constable
3 Desrosiers to investigate.

4 **MS. JONES:** I do have the statement here. I
5 don't think it actually says, it just says ---

6 **MR. SNYDER:** There would have been -- there
7 would have been ---

8 **MS. JONES:** --- Project Truth advised of the
9 sexual assault.

10 **MR. SNYDER:** Okay. If I can see that then I
11 can ---

12 **MS. JONES:** Certainly.

13 **THE COMMISSIONER:** Is part of the story
14 line?

15 **MS. JONES:** No. No, I just wanted a
16 confirmation as to what your role was.

17 **MR. SNYDER:** Okay that's fine, yes. Yes.

18 **MS. JONES:** Yes, okay.

19 **MR. SNYDER:** Yes.

20 **MS. JONES:** I have no questions on the
21 actual investigation.

22 **MR. SNYDER:** I'm sorry.

23 **THE COMMISSIONER:** Okay.

24 **MS. JONES:** The next smaller issue I just
25 wanted to address too was that of Shelley Price.

1 **MR. SNYDER:** Yes.

2 **MS. JONES:** And, again, I'll just feed you
3 some information just to get things go quickly.

4 On July 20th, 1998 you apparently received
5 information from Officer Dupuis of OPP Project Truth
6 concerning a complaint of historical sexual assault from
7 Shelley Price?

8 **MR. SNYDER:** Correct.

9 **MS. JONES:** And she formerly lived in
10 Cornwall, although she eventually moved out to B.C. I
11 understand.

12 And can you recall who you would have
13 assigned initially for the investigation? Was it -- were
14 you overseeing this?

15 **MR. SNYDER:** I was not. I did the initial
16 report and I believe after the initial it went to Staff
17 Sergeant Brunet, who was my supervisor, and then it was
18 then sent to investigators from there.

19 **MS. JONES:** Okay. I also have a note here,
20 on January 22nd, 1999 you met with Staff Sergeant Rick
21 Carter and Sergeant Tyo to discuss the possibility that
22 Shelley Price now wished to proceed with the original
23 complaint?

24 **MR. SNYDER:** Yes.

25 **MS. JONES:** Do you recall that?

1 **MR. SNYDER:** Yes.

2 **MS. JONES:** Do you recall that throughout
3 your dialogue, either with Shelley Price or her husband,
4 that there were concerns from their end about CPS as
5 persons investigating it and they didn't want CPS officers
6 involved. Do you recall that?

7 **MR. SNYDER:** Actually I was -- I had little
8 to do with Shelley Price. It was beyond me doing the
9 initial and that one little dealing with Staff Sergeant
10 Carter and Tyo; my hands were pretty much free of that.
11 Later on with Professional Standards, I was going to make
12 some arrangements to have officers sent out there,
13 basically just being a liaison for the airplane tickets,
14 but that's pretty much my involvement with Shelley Price.

15 **MS. JONES:** Okay. So leaving that.

16 Another small matter too, the investigation
17 of Keith Ouellette.

18 **MR. SNYDER:** Yes.

19 **MS. JONES:** Not of Keith Ouellette but at
20 the request of Keith Ouellette. Again, I'll just read you
21 some information about it to get you up-to-date.

22 Mr. Ouellette was involved in a motor
23 vehicle accident and he made -- basically a complaint
24 against CPS officers and in December -- on December 30th,
25 1999 Keith Ouellette wrote a letter to Officer Desrosiers

1 and Professional Standards, and Professional Standards
2 assigned you to investigation the complaint. Do you recall
3 that?

4 **MR. SNYDER:** I recall getting the complaint.
5 I'm not sure if Keith wrote directly to ---

6 **MS. JONES:** I'm sorry, he's written a letter
7 -- I'm sorry, from Officer Desrosiers, saying that you were
8 assigned.

9 **MR. SNYDER:** I missed that, I'm sorry.

10 **THE COMMISSIONER:** Desrosiers wrote a letter
11 to Ouellette saying ---

12 **MR. SNYDER:** Yes.

13 **THE COMMISSIONER:** --- you were assigned.

14 **MR. SNYDER:** I got that.

15 **MS. JONES:** Yes?

16 **MR. SNYDER:** Yes.

17 **MS. JONES:** Okay. And I understand that you
18 would have met with Mr. Ouellette?

19 **MR. SNYDER:** Yes, I did.

20 **MS. JONES:** And, again, you were in charge
21 of this investigation. I don't know if anybody else really
22 helped you, whether you were the main person involved in
23 it?

24 **MR. SNYDER:** I was the main person.

25 **MS. JONES:** And you took a statement from

1 Mr. St. Louis?

2 MR. SNYDER: Yes.

3 MS. JONES: And in your -- and basically in
4 your conclusion that you made, you wrote a report and in
5 your opinion you didn't find that there was any foundation
6 really to the allegations?

7 MR. SNYDER: There's more than Mr. St.
8 Louis. I took statements from people at the hospital. I
9 took statements from witnesses. It was bigger than just
10 one individual.

11 MS. JONES: Yes.

12 MR. SNYDER: So after all that put together,
13 yes, then I made my conclusion.

14 THE COMMISSIONER: Can we be careful with
15 the monikers, please? You may not be aware of that but ---

16 MS. JONES: There's no moniker.

17 MR. SNYDER: He's not -- he's a taxi driver.

18 THE COMMISSIONER: Oh, okay. What's his
19 first name?

20 MS. JONES: He's a ---

21 MR. SNYDER: It's not the same one, sir.

22 THE COMMISSIONER: Okay, fine. Thank you.

23 MS. JONES: No, he's just a civilian
24 witness.

25 THE COMMISSIONER: An innocent bystander.

1 **MR. SNYDER:** Yes.

2 **MS. JONES:** And yes, you did extensive
3 interviews, actually, numerous. I didn't want to just say
4 you did one.

5 **MR. SNYDER:** Yes.

6 **MS. JONES:** That one sticks in my mind
7 because he seemed like such a Good Samaritan.

8 In any event, you wrote a final report and I
9 believe that Officer Desrosiers also wrote a report on it
10 that actually concurred with your finding?

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

12 **MS. JONES:** You'd find there was no
13 misconduct?

14 **MR. SNYDER:** Yes.

15 **MS. JONES:** And I believe that one of the
16 allegations was an assault by a police officer that
17 actually -- it was person misidentified and ---

18 **MR. SNYDER:** That's a whole different --
19 there was two investigations ---

20 **MS. JONES:** It was another ---

21 **MR. SNYDER:** --- I was doing, yes.

22 **MS. JONES:** Yes, there was another
23 investigation.

24 **MR. SNYDER:** And, again, in that case there
25 was several people interviewed and photo line-ups and the

1 conclusion finally was that it was unsubstantiated.

2 MS. JONES: Okay. Now, did you communicate
3 your findings directly to Mr. Ouellette? Did you meet with
4 him to discuss what you'd found?

5 MR. SNYDER: Yes.

6 MS. JONES: And gone over everything?

7 MR. SNYDER: Yes.

8 MS. JONES: And I understand that you helped
9 -- did you help complete a Criminal Injuries Compensation
10 Board questionnaire for him?

11 MR. SNYDER: I did.

12 MS. JONES: Is that something that's done
13 all the time or ---

14 MR. SNYDER: We get -- the Criminal
15 Compensation Board send us reports periodically and as the
16 investigating officer we fill them out and send them back,
17 yes.

18 MS. JONES: So you had informed Mr.
19 Ouellette of both your finding and Officer Desrosiers'
20 finding as well?

21 MR. SNYDER: He would made aware of that --
22 he would have been aware of that. I'm not sure of your
23 question.

24 THE COMMISSIONER: Did you make him aware?

25 MR. SNYDER: Yes. Yes.

1 **MS. JONES:** So you told him what the results
2 were of your finding and Officer Desrosiers'?

3 **MR. SNYDER:** Well, I did my findings and
4 then Officer Desrosiers -- I wouldn't have those until
5 after he read my brief and then he sent Mr. Ouellette a
6 letter, I believe, articulating the findings, as well as
7 his right to appeal.

8 **MS. JONES:** All right.

9 The only other sort of smaller issue before
10 I get into the larger issue of the Earl Landry
11 investigation, has to do with Perry Dunlop and I understand
12 -- again, I'm going to lead you through some of this
13 evidence.

14 On August 31st, 2004 you wrote a report to
15 Chief Parkinson regarding Perry Dunlop's lack of disclosure
16 in the Jacques Leduc trial, and apparently you had listened
17 to the Jacques Leduc trial testimony between August 16th,
18 the 19th, 24 and you wrote a letter stating that you found
19 that Mr. Dunlop had lied concerning when he had first met a
20 person, Richard Nadeau.

21 And then you wrote a letter concerning that.
22 Did you want me to put you through to that letter?

23 **MR. SNYDER:** I remember reading the letter.
24 If you wish to question me on the letter, bring it up,
25 please.

1 **MS. JONES:** It's Document 731915.

2 **THE COMMISSIONER:** Thank you.

3 Exhibit 1601 is an internal correspondence
4 from the Cornwall Community Police Service addressed to
5 Chief D. Parkinson from Sergeant Brian Snyder dated August
6 31st, 2004.

7 **--- EXHIBIT NO./PIÈCE NO. P-1601:**

8 (731915) Internal Correspondence from Brian
9 Snyder to Chief D. Parkinson dated August
10 31, 2004.

11 **MS. JONES:** So I'm just going to read the
12 second paragraph and a bit of the third paragraph. These
13 are what your observations, I understand, are:

14 "During Mr. Dunlop's testimony, Mr.
15 Leduc's defence counsel questioned him
16 on his knowledge of Mr. Richard Nadeau.
17 Mr. Nadeau is well known in the area
18 for setting at the Project Truth
19 website. This site had names of
20 potential suspects as well as victim
21 statements posted for everyone to read.
22 In his reply to questioning, Mr. Dunlop
23 stated that he spoke to Mr. Nadeau
24 approximately 10 times in person and
25 spoke with him several more times over

1 the phone from 1996 to 2000. Mr.
2 Dunlop admitted supplying several of
3 the witnesses' statements to Mr. Nadeau
4 for the website."

5 And then the last sentence of the next
6 paragraph:

7 "Defence counsel questioned Mr. Dunlop
8 further on this discrepancy and he
9 admitted that he lied at the Father
10 MacDonald trial about his knowledge of
11 Richard Nadeau."

12 Because apparently he said he had only just met Richard
13 Nadeau ---

14 **MR. SNYDER:** Correct.

15 **MS. JONES:** --- but there was obviously this
16 discrepancy.

17 Then you went further to say:

18 "At the conclusion of the day, I spoke
19 with Crown Attorney Lydia Narozniak
20 concerning Mr. Dunlop's testimony and
21 possible perjury investigation."

22 **MR. SNYDER:** Correct.

23 **MS. JONES:** So my question for you is,
24 essentially, why were you watching the Leduc trial at that
25 precise time? Was there -- had someone sent you there for

1 that?

2 **MR. SNYDER:** Yeah, I'm Professional
3 Standards at the time, and one of my roles in Professional
4 Standards was to monitor different investigations or things
5 we had dealings with.

6 The fact that Mr. Dunlop was testifying at
7 this had obviously impact on the Cornwall Police Service,
8 so I was instructed to go and just listen to the testimony.

9 **MS. JONES:** And was there a specific reason
10 why Mr. Dunlop was targeted on that particular day?

11 **THE COMMISSIONER:** Was there a particular
12 reason why you were asked to go and see Mr. Dunlop testify?

13 **MR. SNYDER:** I was asked to watch the entire
14 trial, not just particularly his testimony, but I watched
15 everybody's testimony.

16 **THE COMMISSIONER:** Okay.

17 **MS. JONES:** For the entire trial?

18 **MR. SNYDER:** For the entire trial.

19 **MS. JONES:** And had you done that to any
20 other Cornwall Police Service officers as a Professional
21 Standards investigator?

22 **MR. SNYDER:** There was no other in my
23 experience as being in Professional Standards to have to do
24 that.

25 **MS. JONES:** This was the only trial you did

1 it at?

2 **MR. SNYDER:** That's the only trial that
3 happened, occurred, while I was in Professional Standards.

4 **MS. JONES:** There were no other trials in
5 Cornwall Police Service while you were a Professional
6 Standards officer?

7 **MR. SNYDER:** Well, in reference to this,
8 this type of issue. I guess I don't understand the
9 question.

10 He was no longer a police officer with us.
11 There's obviously dealings with Mr. Dunlop. This was,
12 again, one of the high-profile investigations that
13 everybody was keyed in on, so I was asked to go and watch
14 it.

15 **THE COMMISSIONER:** Who asked you?

16 **MR. SNYDER:** It was through the Deputy
17 Chief's office.

18 **THE COMMISSIONER:** Thank you.

19 **MS. JONES:** Was this a typical thing,
20 though, for an officer of Professional Standards to go
21 watch, just an officer or even former officer testifying at
22 a trial, or was this unusual?

23 **MR. SNYDER:** Well, if you're asking if I've
24 ever done it before, no. However, I think in the
25 circumstances it wouldn't be wrong to do that. Officers go

1 and watch other officers from time-to-time. In this case,
2 obviously, it was for me to get a sense as to what's being
3 said, what's being done. There was disclosure issues we
4 knew about, and so we just wanted to have somebody there to
5 ensure that if there was any problems, I would be made
6 aware of it firsthand.

7 **MS. JONES:** Okay. Thank you.

8 Now, I'm going to start asking about the
9 Earl Landry, Jr. investigation, and I think the easiest way
10 to start this off is to look at a summary of the
11 chronology, and I'd like to refer you to Document 740340.

12 **THE COMMISSIONER:** Thank you.

13 Exhibit Number 1602 is internal
14 correspondence to Chief Repa from Staff Sergeant Derochie,
15 December 8th, 1999.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MS. JONES:** I'm informed by my colleague
18 that this may already be an exhibit entered through Staff
19 Sergeant Derochie's evidence. It may not just be under
20 this document number.

21 But in any event, the reason why I thought
22 this was a good place to start, if you could please go to
23 Bates page 0095 there's a chronology, basically, of the
24 complaint, and the complaint starts -- it says "victim"
25 here, but we do know from other documents, and you probably

1 know as well, that that person is C-52?

2 MR. SNYDER: Yes.

3 MS. JONES: Do you have your moniker list
4 there?

5 MR. SNYDER: Yes.

6 MS. JONES: Okay. So it's C-52 that starts
7 the ball rolling, shall we say, November 29th, 1995. And
8 just to highlight some of the salient points here, the --
9 I'll have to give a box of tissue to CPS counsel, I think,
10 after today.

11 The first important date would be January
12 10th, 1996, and that's when Staff Sergeant Brunet assigns
13 Constable Hanton to investigate?

14 MR. SNYDER: Correct.

15 MS. JONES: And an interview takes place
16 approximately eight days later, and then April 5th, 1996,
17 Hanton gets the matter reassigned. It's reassigned then to
18 Constable Bough on May 28th, 1996 and then he's transferred
19 out of the unit on September 27th, and then finally you
20 enter the picture on September 30th, 1996?

21 MR. SNYDER: Correct.

22 MS. JONES: It says here:

23 "Brunet reassigns Sergeant Snyder."

24 Do you see that?

25 MR. SNYDER: Yes.

1 **MS. JONES:** Now, do you recall at the time
2 that Sergeant Snyder (sic), given the history and through
3 the lack of work, frankly, done on it, do you recall him
4 telling you at that time, "Please give this matter a high
5 priority"?

6 **MR. SNYDER:** He told me to take a look at it
7 and ensure that it was done properly, yes.

8 **THE COMMISSIONER:** Well, yes -- no, but just
9 a second now.

10 **MR. SNYDER:** Well, high priority.

11 **THE COMMISSIONER:** She asked you whether it
12 was given high priority. You answer, "He tells me to do it
13 properly".

14 **MR. SNYDER:** Unfortunately, I don't remember
15 those words "high priority".

16 **THE COMMISSIONER:** Okay.

17 **MR. SNYDER:** And that's where I'm -- so I
18 knew that I had to get to it and to do a proper
19 investigation. Whether it was set high priority or not, I
20 don't recollect those words, but I was definitely given the
21 investigation to do.

22 **MS. JONES:** Okay. It is very key though if
23 you do or do not recall ---

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

25 **MS. JONES:** --- whether Sergeant Brunet

1 told you it was a high priority. In other words, something
2 had to be done on it quickly given the history of that
3 file?

4 **MR. SNYDER:** Yes.

5 **MS. JONES:** Did he tell you to work on it
6 quickly given the ---

7 **MR. SNYDER:** Well, actually, I did work on
8 it quickly. I got to it as soon as he gave it to me. So
9 that -- again, the wording is difficult for me. I did try
10 -- my mind felt it was a high priority because of who it
11 was. So whether he told me it was a high priority or not,
12 I took it as a high priority.

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

14 **MS. JONES:** I'm told by my colleague that
15 the other exhibit number is 1348.

16 **THE COMMISSIONER:** So why don't we go to
17 1348 and we'll withdraw 1602, unless there's -- to try and
18 avoid duplication here, unless there's a good reason for
19 it. So 13 ---

20 **MS. JONES:** Thirteen-forty-eight (1348).

21 **THE COMMISSIONER:** All right. Thank you.
22 Okay. Carry on.

23 **MS. JONES:** So now if I could take you to
24 Document 115746?

25 **THE COMMISSIONER:** Thank you.

1 hibit number 1602 is Will Say Statement of
2 Carole Leblanc of the Children's Aid Society, May 28th,
3 1997.

4 **--- EXHIBIT NO./PIÈCE NO. P-1602:**

5 (15746) Witness Statement by Carole Leblanc,
6 CAS, dated May 28, 1997

7 **MS. JONES:** Thank you.

8 And I'd like to turn you, please, to the
9 second page of that document.

10 **THE COMMISSIONER:** Publication ban should be
11 stamped on this document as well.

12 **MS. JONES:** Yes, please. Thank you.

13 **THE COMMISSIONER:** And so you want to go at
14 what page?

15 **MS. JONES:** On the second page, Bates page
16 4805.

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

18 **MS. JONES:** And I draw your attention
19 specifically to point number 9 and point number 10 and
20 you'll see that in point number 9, it states:

21 "On January 10th, 1996, I received a
22 call from Constable Scott Hanton
23 advising me that he would be conducting
24 the investigation."

25 **MR. SNYDER:** Yes.

1 **MS. JONES:** You see that, and apparently he
2 picked up the audiotape?

3 **MR. SNYDER:** Yes.

4 **MS. JONES:** The next contact it would appear
5 with the CAS worker, Ms. Leblanc, in any event was a little
6 over a year later, February 12th, 1997?

7 **MR. SNYDER:** Correct.

8 **MS. JONES:** And that's when you called her
9 and said now you were assigned the investigation ---

10 **MR. SNYDER:** Yes.

11 **MS. JONES:** --- involving C-52. And then
12 you apparently listened to the interview on February 18th,
13 1997 and attended the office on February 26th, 1997 to get
14 the documentation. Those are her notes on that.

15 **MR. SNYDER:** Yes. She is saying "I" as in
16 not me; "I" as in Carole Leblanc listened to the audiotape.

17 **MS. JONES:** Right, that you had attended?

18 **MR. SNYDER:** No, I don't think so.

19 **MS. JONES:** Point 12:

20 "Sergeant Snyder attended the CAS
21 office."

22 **MR. SNYDER:** That was later on, not on
23 February 18th, no.

24 **MS. JONES:** Oh, I see what you mean. "I
25 listened to the audiotape". You meant that she listened to

1 the audiotape, not you?

2 MR. SNYDER: Correct.

3 MS. JONES: That's fine. And this seems to
4 be confirmed in your notes, which is in Document 740002.

5 THE COMMISSIONER: Thank you.

6 Exhibit Number 1603 is Officer Snyder's
7 notes and the first entry is February 18th, 1997.

8 --- EXHIBIT NO./PIÈCE NO. P-1603:

9 (740002) - Notes of Brian Snyder dated 18
10 February 18, 1997 to September 8, 1997

11 MS. JONES: Now, these are the first notes
12 that I have concerning your involvement with ---

13 MR. SNYDER: Correct.

14 MS. JONES: --- the matter. So just to be
15 clear, I don't have any notes from you say dating from
16 September or October 1996 concerning any sort of
17 investigation ---

18 MR. SNYDER: Correct.

19 MS. JONES: --- on this Landry matter?

20 MR. SNYDER: Correct.

21 MS. JONES: Okay. So would it be fair to
22 say that really in February 26th, it's really the first time
23 you're delving into the investigation going and finding out
24 what the victim had said to the CAS?

25 MR. SNYDER: No, actually in the end of

1 September, I wrote an assignment to Constable Hanton asking
2 him to give me an update as to what he had done in his
3 investigation and I also spoke to him. And within that,
4 his report, and I think we can get to it, he states that he
5 spoke to the victim. There's no other -- spoke to the
6 victim, wasn't able to identify the subject. There was no
7 other people who came forward or couldn't supply any other
8 names and that the victim was also notified that no further
9 action would be done in the investigation.

10 **MS. JONES:** Were you supervising Officer
11 Hanton at the time he had carriage of this file?

12 **MR. SNYDER:** No.

13 **MS. JONES:** Besides asking Officer Hanton
14 then for his input, there was no other contact though by
15 you to either CAS or to the victim?

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

17 **MS. JONES:** And so your first contact with
18 either CAS or the victim was in February?

19 **MR. SNYDER:** That's correct.

20 **THE COMMISSIONER:** Of?

21 **MS. JONES:** Nineteen-ninety-seven (1997).

22 **THE COMMISSIONER:** Right.

23 **MS. JONES:** And when you did meet with C-52,
24 which you did I believe on April 1st, 1997, Bates page 9333?

25 **MR. SNYDER:** Yes.

1 **MS. JONES:** Just towards the end of the page
2 there, it said there "Meeting with C-52" and one of the
3 items you said there:

4 "I asked if he would get an assessment
5 and he agreed to take one."

6 Do you see that?

7 **MR. SNYDER:** Yeah.

8 **MS. JONES:** Okay. Now, asking a complainant
9 of these types of offences to get an assessment, is that a
10 typical thing that you do?

11 **MR. SNYDER:** No, and you know what, I'm --
12 over my mind trying to figure out what I meant by that and
13 I was thinking I don't know what I meant by that, other
14 than I think I wanted to ensure that he was seeking
15 continuous counselling. I didn't care about any
16 assessment. I didn't need assessments and that's the only
17 thing I can think of in reference to that. It wasn't me
18 asking to go and get an assessment so we could use it for
19 court.

20 **MS. JONES:** So you weren't interested in the
21 assessment then?

22 **MR. SNYDER:** No.

23 **MS. JONES:** Now, when you found out about C-
24 52's allegation, do you recall that you also at that point
25 looked into other complainants as well, that you had other

1 names?

2 MR. SNYDER: Yes.

3 MS. JONES: One of the people we talked
4 quite at length about, C-66, yesterday, and this is the
5 timeframe that -- all around that same sort of timeframe
6 that we talked about yesterday, C-66?

7 MR. SNYDER: Yes. I don't believe he's
8 involved with this case.

9 MS. JONES: Oh, sorry, I'm looking at the
10 wrong thing here. I've got here C-51 is one of the people?

11 MR. SNYDER: That's correct.

12 MS. JONES: Is that right?

13 MR. SNYDER: Yes.

14 MS. JONES: And so you talked to C-51?

15 MR. SNYDER: Yes.

16 MS. JONES: Okay, good. Just a moment
17 please.

18 (SHORT PAUSE/COURTE PAUSE)

19 MS. JONES: Now, after you talked to C-52, I
20 understand that you made attempts to contact Mr. Landry and
21 wanted to come in -- have him come in to speak with you
22 sometime following your investigation?

23 MR. SNYDER: I'm not sure. Attempts; I
24 think I got him right away. I don't think there was much
25 difficulty in getting him in, if I remember correctly.

1 **MS. JONES:** I'll direct you then to Bates
2 page 9338, May 26th.

3 **MR. SNYDER:** Yes.

4 **MS. JONES:** And you have there at 12 o'clock

5 ---

6 **MR. SNYDER:** Three-three-eight (338).

7 **THE COMMISSIONER:** It's on the screen.

8 **MR. SNYDER:** Okay, sorry.

9 **MS. JONES:** It said:

10 "Called Earl Landry, Jr. at home and he
11 said he would come in at 13:00."

12 **MR. SNYDER:** Correct.

13 **MS. JONES:** And then he came an hour later.

14 Do you see that 13:10, "Earl Landry arrived"?

15 **MR. SNYDER:** Correct.

16 **MS. JONES:** Okay. So that was actually the
17 day that you met with Mr. Landry, Jr. and ended up having a
18 fairly successful conversation with him?

19 **MR. SNYDER:** Yes.

20 **MS. JONES:** And essentially he confessed?

21 **MR. SNYDER:** He confessed.

22 **MS. JONES:** And admitted the allegations
23 made by C-52?

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

25 **MS. JONES:** And he was arrested?

1 MR. SNYDER: Correct.

2 MS. JONES: And I'm wondering if you could
3 describe the release terms that you had decided that you
4 would go with, with Mr. Landry Jr. on that charge?

5 MR. SNYDER: Do we have the release here?

6 MS. JONES: We do.

7 MR. SNYDER: Pardon me?

8 MS. JONES: It's Document 740263.

9 (SHORT PAUSE/COURTE PAUSE)

10 MR. SNYDER: It's not in front of me either.

11 THE COMMISSIONER: Thank you. Exhibit
12 number 1604 is a Recognizance of Bail taken by a Justice of
13 the Peace and the number is 61228.

14 --- EXHIBIT NO./PIÈCE No. P-1604:

15 (740263) - Recognizance of Bail Earl Landry
16 dated 28 May 97

17 MS. JONES: And if you go to the second page
18 of that document, Bates page 9921, that's the Appendix A of
19 the release terms which ---

20 MR. SNYDER: Yes.

21 MS. JONES: --- is the meat of the document,
22 shall we say.

23 MR. SNYDER: Yes.

24 MS. JONES: And there was a \$200
25 recognizance and the non-association clause only had with

1 regards to C-52 and C-51.

2 **MR. SNYDER:** Correct.

3 **MS. JONES:** And there was also a term to
4 stay away from any public park facility where there were
5 persons under the age of 14 or where they may be found.

6 **MR. SNYDER:** Correct.

7 **MS. JONES:** And then there was a curfew from
8 11 to 7.

9 **MR. SNYDER:** Yes.

10 **MS. JONES:** Eleven p.m. (11 p.m.) until 7
11 a.m., and lastly, there was a requirement to take an
12 assessment at a particular facility.

13 **MR. SNYDER:** Yes.

14 **MS. JONES:** And those were all the terms
15 that were made and I understand that there was a bail
16 hearing. Was it a contested bail hearing or was he just
17 released? Was he just released on those terms?

18 **MR. SNYDER:** I can't be sure. I don't
19 remember.

20 **MS. JONES:** One thing that I'm curious about
21 here is that with respect to his children because you were
22 aware that he had three young children at home.

23 **MR. SNYDER:** Yes.

24 **MS. JONES:** And he was married.

25 **MR. SNYDER:** Yes.

1 **MS. JONES:** And there's nothing here really
2 to say that he's not to be left alone with his children.

3 **MR. SNYDER:** Correct.

4 **MS. JONES:** Which happen also to all be boys
5 as well?

6 **MR. SNYDER:** Yes.

7 **MS. JONES:** Is there a reason why that
8 wouldn't have happened?

9 **MR. SNYDER:** There was no indication that he
10 was -- was assaulting his children and I do know that
11 obviously CAS were made aware of it. Beyond that, this
12 would have been in consultation with the Crown as to what
13 the -- what the release procedures were and I really can't
14 say why the children were there or were not there other
15 than to say that there's no indication that he had
16 assaulted his -- his kids.

17 **MS. JONES:** Do you have confirmation that
18 you contacted CAS about that ---

19 **MR. SNYDER:** I was ---

20 **MS. JONES:** --- to make inquiries?

21 **MR. SNYDER:** --- I was in with CAS the
22 entire time, back and forth we were speaking. There was
23 quite a bit of notation of -- in fact, I think the next day
24 I called CAS, let them know that charges were laid and what
25 the conditions were. We had a very, very good rapport.

1 **MS. JONES:** I'd like to turn you now to the
2 Document 115691, please.

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **THE COMMISSIONER:** Thank you. Exhibit
5 Number 1605 ---

6 **MR. SNYDER:** Thank you.

7 **THE COMMISSIONER:** --- is a risk management
8 conference minutes with the case name Landry, file number
9 12164, dated April 2nd, 1997.

10 **--- EXHIBIT NO./PIÈCE No. P-1605:**

11 (115691) - CAS Risk Management Conference
12 Minutes dated 02 Apr 97

13 **MS. JONES:** And you can see the date of this
14 is April 2nd, 1997. So that's after you spoke to the two
15 complainants, but before Mr. Landry Jr. was arrested.

16 **MR. SNYDER:** Yes.

17 **MS. JONES:** And the CAS appeared to be
18 wondering whether or not they should contact Mr. Landry's
19 employer and advise him of their concerns.

20 Do you see that? It's towards the bottom.

21 **MR. SNYDER:** Yes.

22 **MS. JONES:** And I guess I'm querying, isn't
23 that something that is more the responsibility of the
24 police? Is that not something that you would have done ---

25 **MR. SNYDER:** I did.

1 **MS. JONES:** --- as part of your
2 investigation?

3 **MR. SNYDER:** I did.

4 **MS. JONES:** You did do that?

5 **MR. SNYDER:** Yes.

6 **MS. JONES:** And when did you do that?

7 **MR. SNYDER:** Notations here, I'm asking for
8 records of his employment, when he was working there.

9 **THE COMMISSIONER:** Isn't there some mention
10 of City Hall at some point?

11 **MR. SNYDER:** City Hall, Christine Lefebvre
12 and then Frank McDonald; several people that I spoke to,
13 Dart; Mr. Dart as well ---

14 **MS. JONES:** M'hm.

15 **MR. SNYDER:** --- all from City Hall that
16 you'll know. As it turns out, just so -- he had -- when
17 the charges were laid, I believe he went off on sick leave
18 and he wasn't working anymore or they suspended him. I'm
19 not quite sure, but ---

20 **THE COMMISSIONER:** You're talking about Mr.
21 Landry Jr.?

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

23 **MS. JONES:** Okay.

24 So there's one report that I just need an
25 explanation of you because the date seems a bit funny and

1 that is Document 740013.

2 (SHORT PAUSE/COURTE PAUSE)

3 THE COMMISSIONER: Thank you. Exhibit
4 Number 1606 is an Arrest Report of Earl James Landry and
5 the author of it is Officer Snyder and the date is 26th of
6 May, 1997.

7 --- EXHIBIT NO./PIÈCE No. P-1606:

8 (740013) - CPS Arrest Report Earl Landry
9 dated 26 May 97

10 MS. JONES: Now the -- before I even go into
11 it, I just want to be clear; it looks like the date of this
12 report is the 26th of May, 1997?

13 MR. SNYDER: Okay, yes.

14 MS. JONES: Is that correct?

15 MR. SNYDER: That's what it says there.

16 MS. JONES: Because when I read through the
17 document, you don't just deal with the victim C-52 and C-
18 51; you actually mention C-54 and others.

19 MR. SNYDER: Yes.

20 MS. JONES: So is the date of the document
21 accurate?

22 MR. SNYDER: You and I can assume and I
23 don't like assuming here, is that as I started charging Mr.
24 Landry with the different victims as they came at different
25 times, I kept adding it to the same arrest report.

1 So the initial arrest report was done on
2 that date and then other entries were done afterwards
3 instead of making it separate. So it has one brief, so to
4 speak, as opposed to having five different ones.

5 **MS. JONES:** I see. So when these items are
6 added, you didn't put the date though on when those other
7 items were added?

8 **MR. SNYDER:** No, ---

9 **MS. JONES:** Okay, I just ---

10 **MR. SNYDER:** --- they're just accounts.

11 **MS. JONES:** --- want to be clear about that
12 ---

13 **MR. SNYDER:** Yeah.

14 **MS. JONES:** --- because the dates just
15 didn't quite gel with me. I understand that now.

16 Now, there were concerns at some point that
17 perhaps you were aware of on the part of C-52 that there
18 had been a delay in the investigation ---

19 **MR. SNYDER:** Yes.

20 **MS. JONES:** --- that he had made his initial
21 complaint to CAS, but CPS didn't pick up the complaint
22 until much later.

23 Were you aware that he was dissatisfied with
24 that?

25 **MR. SNYDER:** Yes.

1 **MS. JONES:** And, in fact, there was an
2 article written some time later, a couple of articles; one
3 is 706689.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **THE COMMISSIONER:** Thank you. Exhibit 1607
6 ---

7 **MR. SNYDER:** Thank you.

8 **THE COMMISSIONER:** --- are articles, news
9 articles from the Standard Freeholder and one date I've got
10 is September 22nd, 1999.

11 --- **EXHIBIT NO./PIÈCE No. P-1607:**

12 (706689) - Standard Freeholder News Clipping
13 "Man says police slow to act" dated 22 Sep
14 99

15 **MS. JONES:** Yes, we don't -- that's the only
16 article I'm concerned with, Mr. Commissioner. I think it's
17 the only ---

18 **THE COMMISSIONER:** Okay.

19 **MS. JONES:** --- dated one that we have.

20 There's a lower one down below, but with
21 regards just to that first article, we have a handwritten
22 notation at September 22nd, '99, it seems consistent but
23 that's all we have to be frank.

24 **MR. SNYDER:** Yes.

25 **MS. JONES:** On the -- in the second column

1 the man who is not identified, it seems to be quite clear
2 that it's C-52?

3 **MR. SNYDER:** Yes, it is.

4 **MS. JONES:** In the second column it starts:

5 "He had gone to the police in late 1995
6 or early 1996 but nothing happened for
7 months. Fed up, he threatened to
8 bypass police and go to the media. It
9 was then the file was transferred to
10 Sergeant Brian Snyder who acted quickly
11 and soon laid charges said the man.
12 'I've got nothing but good things to
13 say about that fellow' he said of
14 Snyder."

15 I thought I would add that one in for you.

16 **MR. SNYDER:** Thank you.

17 **MS. JONES:** Did you hear about that,
18 anything to that effect that C-52 was going to go to the
19 media if CPS didn't act on it quickly?

20 **MR. SNYDER:** No, not at all. I spoke to C-
21 52 in the hall of the police station where he told me that
22 -- or he asked me what was going on with his file. And
23 because I had the file I said well you're -- you know,
24 you've been advised, sort of thing, that you couldn't
25 identify the individual and that -- and he came back with

1 me saying, "No, I know who it is" and expressed it was "big
2 Earl Landry". So I said, well, leave it with me I will
3 look into it and get moving on it.

4 Because up to that point-in-time my
5 understanding was he could not identify Mr. Landry.

6 **MS. JONES:** Now, I understand that you also
7 interviewed Mr. Landry's wife, Lucie Landry?

8 **MR. SNYDER:** Correct.

9 **MS. JONES:** And that document is at 740040.

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **THE REGISTRAR:** Zero-zero-four-zero (0040)?

12 **MS. JONES:** Yes, 74 ---

13 **THE COMMISSIONER:** Could we have it on the
14 screen, Madam Clerk?

15 **MS. JONES:** Seven-four-zero-zero-four-zero
16 (740040).

17 I think you got an extra zero in there.

18 **THE COMMISSIONER:** What is the document?

19 **MS. JONES:** It's a copy of Lucie Landry's
20 statement.

21 **THE COMMISSIONER:** Okay, here it is. So
22 that will be an exhibit when we find the hard copy and that
23 exhibit, Madam Clerk, would be what number?

24 **THE REGISTRAR:** Sixteen-zero-eight (1608).

25 **THE COMMISSIONER:** Sixteen-zero-eight

1 (1608). Thank you.

2 --- EXHIBIT NO./PIÈCE NO. P-1608:

3 (740040) - Witness Statement by Lucie Landry
4 dated June 17, 1997

5 MS. JONES: I'm not going to go through the
6 whole statement here but, generally speaking, again, Ms.
7 Landry was saying to you that they have three children,
8 three boys, and she also reinforced the fact that Mr.
9 Landry confessed to her that he had abused eight or nine
10 people in his past and they were young people, and there's
11 all kinds of other things that he said at that time.

12 But one of the things that's very
13 interesting, halfway through the second page, 9444, it's a
14 line that starts with "(The boys)" on the left and these
15 are Ms. Landry's -- Mrs. Landry's words, "He said they all
16 came from sexual abuse backgrounds" talking about the
17 victims that Earl Landry, Jr. pointed at.

18 MR. SNYDER: Yes.

19 MS. JONES: So one could conclude just from
20 that, on the face of this document anyway, according to his
21 wife, he's picking on vulnerable children?

22 MR. SNYDER: Yes.

23 MS. JONES: Not just children but vulnerable
24 children.

25 Did you contact CAS once you had received

1 that sort of information, again, out of concern for his own
2 children?

3 **MR. SNYDER:** And I didn't have concern for
4 his children. The mother's taking care of them. She was
5 pretty adamant -- I think they actually separated about the
6 same time so the access, I really wasn't concerned. There
7 was, again, no indication that he had that tendency and his
8 wife was protective of his kids.

9 And CAS were aware because of other issues
10 about the Landry's and I think were in fact looking into
11 them.

12 **MS. JONES:** That's what I'm asking ---

13 **MR. SNYDER:** Yes.

14 **MS. JONES:** --- did you satisfy yourself
15 that CAS was looking into that? Did you share with them
16 that information?

17 **MR. SNYDER:** I was satisfied that CAS was
18 taking care of the Landry family. I had no qualms about
19 them taking care of the kids. We had, again, conversations
20 back-and-forth. One time I saw Mr. Landry with the kids at
21 a McDonalds restaurant and I called CAS right away to let
22 them know that and they acted on it right away and
23 appropriately, I thought.

24 **MS. JONES:** Okay. We'll leave that for just
25 a second.

1 But my concern here is that -- this is quite
2 a remarkable statement from Mrs. Landry concerning what was
3 said to her by her husband?

4 **MR. SNYDER:** Remarkable in which way?

5 **MS. JONES:** That he made a confession to her
6 that he had molested ---

7 **MR. SNYDER:** That's why I wanted her to come
8 in.

9 **MS. JONES:** --- young people.

10 **MR. SNYDER:** Yeah, that's why I wanted her
11 to come in so that she hopefully would have that and
12 strengthen the case.

13 **MS. JONES:** But was CAS aware that she was
14 aware of what he was doing? In other words, did you -- do
15 you share this sort of information with CAS, that's my
16 question?

17 **MR. SNYDER:** I can't recall whether I did or
18 not. That's my best, but I know that we were sharing
19 everything to do with him and there was no concern on my
20 part that the boys were in any danger because of our back-
21 and-forth that I specifically say this to CAS, I can't say
22 that for sure, but I am very comfortable they knew about
23 the Landry's and were taking care of it.

24 **MS. JONES:** Okay, just one more question on
25 that though. You said that you were satisfied -- that you

1 felt Mrs. Landry was protecting the children enough?

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

3 **MS. JONES:** However, she was still living
4 with somebody who was an admitted child molester?

5 **MR. SNYDER:** I don't believe so; I think
6 they separated at that point-in-time. Right after the
7 charges were laid they were separated and they weren't
8 living together. He was with his father.

9 **MS. JONES:** But he had told her these things
10 while they were together.

11 **MR. SNYDER:** Previously, before the charges,
12 yes.

13 **MS. JONES:** Yes.

14 **MR. SNYDER:** And living together, yes.

15 **MS. JONES:** Right. So she was aware of that
16 information while they were married with the children, not
17 when they were separated after the charges?

18 **MR. SNYDER:** Yes.

19 **MS. JONES:** So that's why I'm ---

20 **MR. SNYDER:** Yes, I see your point. I don't
21 know, I guess, is my answer. I don't know if I shared this
22 with them or not.

23 **MS. JONES:** Because would that just not be a
24 natural concern that when you have a husband confessing of
25 what he does to young boys, you have three boys in the

1 home. I mean -- I'm not saying whether it's right or wrong
2 or the substance is true or false, I'm just saying ---

3 **MR. SNYDER:** I guess what I'm saying is that
4 I had no concern for the boys at that point-in-time because
5 they were aware -- CAS were aware and were dealing with the
6 boys and had some sanctions put with Mrs. Landry that they
7 not be left alone and all those things. So I was satisfied
8 that those boys were protected.

9 **MS. JONES:** But did you know CAS -- if CAS
10 was aware that Mrs. Landry was aware of her husband's
11 pedophilic tendencies?

12 **MR. SNYDER:** I don't know is my answer.

13 **THE COMMISSIONER:** Do you understand the
14 difference?

15 **MR. SNYDER:** I think so. I understand the
16 different I just don't know if I told them that. I
17 understand the difference perfectly.

18 **THE COMMISSIONER:** Because CAS may have
19 taken a different view with respect to ---

20 **MR. SNYDER:** Yes.

21 **THE COMMISSIONER:** --- whether the children
22 -- they should impose stricter terms or whether or not
23 question -- whether or not she'd enforce those terms, that
24 kind of thing.

25 **MR. SNYDER:** I understand, sir. I just -- I

1 can't -- I can't say for sure that I let them know that.

2 **THE COMMISSIONER:** Well, given the fact that
3 you -- oh well -- anyway, sorry, you didn't understand or
4 come to realize that part of the equation about her
5 protecting her children but that's really an aside. The
6 real question was, did you advise them of her prior
7 knowledge and you don't know?

8 **MR. SNYDER:** I don't know.

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

10 **MS. JONES:** One more question.

11 If you had advised CAS, you would have put
12 that presumably in your notes somewhere?

13 **MR. SNYDER:** No. No, because we were
14 talking back-and-forth. There's a lot of things like, for
15 instance, the McDonalds restaurant thing is not in my
16 notes. In fact, I think I was off duty when I saw it and I
17 called. So there's a lot of things back-and-forth with
18 CAS, that we spoke, just, hey, this is what's going on and
19 I wouldn't have made a note of it.

20 **MS. JONES:** Now, I understand that in June
21 there's a second set of charges involving C-53?

22 **MR. SNYDER:** Yes.

23 **MS. JONES:** So, essentially, C-53 came to
24 you, made the disclosure, and I understand from your notes
25 you phoned up Mr. Landry again. He came in and I also

1 understand you released him on a promise to appear?

2 MR. SNYDER: Correct.

3 MS. JONES: Do you recall that?

4 MR. SNYDER: Yes.

5 MS. JONES: Okay. So there was no bail
6 hearing?

7 MR. SNYDER: No. Basically, it was the same
8 conditions as the bail hearing.

9 MS. JONES: As before?

10 MR. SNYDER: That's right.

11 MS. JONES: Did you inform CAS there was
12 another complainant and more charges?

13 MR. SNYDER: Yes.

14 MS. JONES: Now, do you recall trying to get
15 counselling records for any of these other complainants,
16 specifically 51 and number 53?

17 MR. SNYDER: I never tried to get
18 counselling records for anybody.

19 MS. JONES: Well, we have -- do you recall
20 trying to get them to do some counselling or get assessment
21 records, as you had with C-52?

22 MR. SNYDER: No.

23 MS. JONES: You didn't try that with the
24 other two?

25 MR. SNYDER: No.

1 **MS. JONES:** I just want to refer you to a
2 letter from the Crown Attorney to yourself, Document
3 739948.

4 **THE COMMISSIONER:** Exhibit 1609 is a letter
5 to Constable Snyder dated July 7th, 1997 from Lynn Robinson.

6 **--- EXHIBIT NO./PIÈCE NO. P-1609:**

7 (739948) Letter from Lynn Robinson to Brian
8 Snyder dated July 7, 1997

9 **MS. JONES:** And you can see in this letter
10 it's addressed to you about Earl Landry and it says:

11 "Having regard to the 1995 Supreme
12 Court of Canada decision in *O'Connor*,
13 please advise why you're attempting to
14 obtain counselling records or
15 assessments about the victims."

16 **MR. SNYDER:** Correct.

17 **MS. JONES:** "Also, please have one
18 information laid with all counts in it
19 so that we can have one preliminary and
20 only one trial."

21 So it would seem that you were actually
22 making numerous attempts to get assessments or counselling
23 records for more than one victim. Is that what your
24 recollection is?

25 **THE COMMISSIONER:** I don't know if it's fair

1 to say that he was doing numerous attempts, but he was --
2 why were you attempting to obtain counselling records?

3 **MR. SNYDER:** I wasn't, sir. I think the
4 misunderstanding came because I was speaking to witnesses
5 who happened to be in counselling, that I required a
6 statement from those people to have my RP&G to lay the
7 charge, and she felt by me speaking to these people that
8 were counsellors, that I was attempting to get records when
9 in fact I wasn't. I was just trying to get a statement as
10 to what he told them about Earl Landry.

11 **MS. JONES:** So you were trying to get
12 records from counsellors?

13 **MR. SNYDER:** No, a statement.

14 **MS. JONES:** A statement from counsellors?

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

16 **MS. JONES:** Okay. And then it states:

17 "Please have one information laid with
18 all counts so that we can have one
19 preliminary and one trial."

20 **MR. SNYDER:** Correct.

21 **MS. JONES:** Is that a common thing to do in
22 this sort of a situation where you have one perpetrator and
23 multiple victims?

24 **MR. SNYDER:** I don't know if it was common
25 or not. It's something that the Crown -- it's her

1 discretion, I guess, to ask for that.

2 MS. JONES: Okay. And you remember
3 receiving this letter?

4 MR. SNYDER: No, I do not.

5 MS. JONES: You don't remember?

6 MR. SNYDER: No.

7 MS. JONES: Okay. I'll just refer you now
8 to Document 739947.

9 THE COMMISSIONER: Thank you.

10 Exhibit 1610 is a letter to Sergeant B.
11 Snyder this time, 1st of October 1997 from Lynn Robinson.

12 --- EXHIBIT NO./PIÈCE NO. P-1610:

13 (739947) Letter from Lynn Robinson to Brian
14 Snyder dated October 1, 1997

15 MS. JONES: And in that one Ms. Robinson is
16 asking why you failed to respond to the earlier letter we
17 just read and also, two, that the instruction about the
18 information had not been followed. But if you're saying
19 you didn't get the first letter, then that's
20 understandable, I suppose.

21 MR. SNYDER: Correct.

22 MS. JONES: Because in the meantime there
23 had been three sets of charges now because we had a third
24 person, C-54, that had come forward.

25 MR. SNYDER: Correct.

1 **MS. JONES:** And Earl Landry, Jr. again was
2 brought in about September 3rd, 1997 ---

3 **MR. SNYDER:** Correct.

4 **MS. JONES:** --- charged with some more
5 charges and again released on his own recognizance?

6 **MR. SNYDER:** Correct.

7 **MS. JONES:** Okay. And is it fair to say
8 that there were multiple informations laid?

9 **MR. SNYDER:** As the individuals came in and
10 I released Mr. Landry, I laid separate informations for
11 each of my victims to get the process moving. So there
12 would have been five informations for five different
13 victims; correct.

14 **MS. JONES:** Okay. Now, did you get this
15 letter, October 1st, 1997?

16 **MR. SNYDER:** I have a vague recollection of
17 it. I did act upon it because obviously -- if you're
18 aware, that on October 27th there was one multiple
19 information made with all the charges, I think 14 or 15
20 charges.

21 **MS. JONES:** But you never wrote back to the
22 Crown Attorney on that?

23 **MR. SNYDER:** But we speak all the time. In
24 my mind, I didn't write back, but we had to have spoken.
25 And again, I don't have a recollection of speaking about

1 this, but things were done and within 27 days of this
2 letter, the information was done.

3 MS. JONES: Because I'll just refer you to
4 Document 739946.

5 THE COMMISSIONER: Thank you.

6 Exhibit 1611 is a document sent to MM from
7 LR dated May 27th, 1998. So I don't know what this is.

8 MS. JONES: I can further identify that.

9 THE COMMISSIONER: Go ahead.

10 MS. JONES: I'm just waiting for it to get
11 up on the screen.

12 I understand MM is probably Murray
13 MacDonald.

14 MR. SNYDER: Correct.

15 MS. JONES: And LR is Lynn Robinson.

16 MR. SNYDER: Correct.

17 --- EXHIBIT NO./PIÈCE NO. P-1611:

18 (739946) Letter from Murray MacDonald to
19 Lynn Robinson dated May 27, 1998

20 MS. JONES: And the investigator they
21 referred to, I think, is you, as they -- because they're
22 talking about -- or she's talking about the 7th of July
23 letter that you didn't respond to ---

24 MR. SNYDER: Yes.

25 MS. JONES: --- about the counselling

1 records:

2 "I never got a response. 1st of October
3 '97 follow-up, no response."

4 So I think she's talking about you there.

5 **MR. SNYDER:** Sure. I'll accept that.

6 **MS. JONES:** Okay. And there's obviously a
7 concern here, why no response to the letter, and there was
8 some response to -- or concern about disclosure issues
9 which was another issue. And it even says at the bottom:

10 "The appearance of ineptitude will not
11 go unnoticed by the victims and the
12 media."

13 Did you remember -- or did you ever see this
14 memo around that time at all?

15 **MR. SNYDER:** No, no.

16 **MS. JONES:** Were you ever talked to about it
17 by anyone?

18 **MR. SNYDER:** No. In my mind, the memo is
19 wrong because the information was laid on October 27th of
20 '97. So that was completed. So I have no idea why that
21 was done. And as for Number 3, the response for Number 3
22 too was more documents because a month prior she was asking
23 for disclosure and uncertain -- I remember correctly, it
24 was the hardcopies or the originals. So those things were
25 sent to her.

1 **THE COMMISSIONER:** The originals of what?

2 **MR. SNYDER:** Of different witnesses.

3 **THE COMMISSIONER:** Their will-says?

4 **MR. SNYDER:** The will-says of different
5 witnesses.

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

7 **MR. SNYDER:** And I'm suspecting that she
8 received those on May 27th and felt that I was doing more of
9 the O'Connor problems when in fact they were the old ones
10 of witnesses, the counsellors that I had already spoken to.

11 **MS. JONES:** Okay. And the last document on
12 this issue is 739945.

13 **THE COMMISSIONER:** Thank you.

14 Exhibit Number 1612 is a letter dated May
15 28th, 1998 to Chief Tony Repa from Murray MacDonald.

16 **--- EXHIBIT NO./PIÈCE NO. P-1612:**

17 (739945) Letter from Murray MacDonald to
18 Tony Repa dated May 28, 1998

19 **MS. JONES:** And I just want to draw your --
20 do you have it in front of you, sir?

21 **MR. SNYDER:** Yes.

22 **MS. JONES:** Okay. Just the second paragraph
23 is what is of interest to me here.

24 "The case at hand relates to a high
25 profile sexual assault currently being

1 prosecuted by this office."

2 That's related to the Landry prosecution,
3 right?

4 **MR. SNYDER:** Yes.

5 **MS. JONES:** "The case is now before the
6 General Division. The considerable
7 delays in receiving and response will
8 harm the Crown's case and cause
9 unnecessary litigation over the
10 complainant's personal records and
11 related confidentiality interests. My
12 request, in a nutshell, was that Crown
13 requests for relevant information be
14 acted upon as quickly, as reasonably,
15 as possible."

16 So it appears that even at that date that
17 there is still concerns about your ---

18 **MR. SNYDER:** It's unfortunate because ---

19 **MS. JONES:** --- responses to that.

20 **MR. SNYDER:** --- it was responded to, and if
21 you look at the informations, the informations clearly
22 state they were sworn on October 27th. So why this letter
23 was written, I have no idea, but it -- they were responded
24 to and were taken care of.

25 **MS. JONES:** Okay. Now, I just want to deal

1 with the -- there is one issue surrounding C-54.

2 **THE COMMISSIONER:** Well, how about if we do
3 that after the afternoon break?

4 **MS. JONES:** Sure. Okay.

5 **THE COMMISSIONER:** Thank you.

6 **THE REGISTRAR:** Order; all rise. A l'ordre;
7 veuillez vous lever.

8 This hearing will resume at 3:25 p.m.

9 --- Upon recessing at 3:08 p.m./

10 L'audience est suspendue à 15h08.

11 --- Upon resuming at 3:28 p.m./

12 L'audience est reprise à 15h28.

13 **THE REGISTRAR:** Order; all rise. A l'ordre;
14 veuillez vous lever.

15 This hearing is now resumed. Please be
16 seated. Veuillez vous asseoir.

17 **THE COMMISSIONER:** Thank you.

18 All right. Yes, sir.

19 **S/SGT. BRIAN SNYDER, Resumed/Sous le même serment:**

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

21 **JONES (cont'd/suite):**

22 **MS. JONES:** Thank you. I just want to go
23 over a couple of points you made before the break because
24 now I've had a chance to look through my notes here.

25 When you were first assigned the case, you

1 said that you spent -- you were first assigned the case, I
2 believe, on September 30th, 1996.

3 **MR. SNYDER:** Correct.

4 **MS. JONES:** And according to what you said
5 earlier today, the first thing you did was look at Hanton's
6 notes to see what he had done and get yourself up to speed?

7 **MR. SNYDER:** The first thing I did was read
8 his report, which was on the system and then I asked him to
9 submit another report, more in depth as to what he did, and
10 that's what he did.

11 **MS. JONES:** Okay. I've got some notes here
12 of Officer Hanton's. It's 740715.

13 **THE COMMISSIONER:** Exhibit 1613 is a
14 document and it looks like Constable Hanton's notes dated
15 10th of January '96.

16 --- **EXHIBIT NO./PIÈCE NO. P-1613:**

17 (740715) Notes of Cst. Hanton dated 10 Jan
18 96 to 13 Mar 96

19 **MS. JONES:** Thank you.

20 Now, these appear to be the only notes that
21 Officer Hanton has with regards to this particular
22 investigation. And by the way, there should -- and I don't
23 know if officers' notes are automatically subject to
24 publication ban, but there are mentions of a name in there.

25 **THE COMMISSIONER:** So there will be a stamp

1 put on it.

2 MS. JONES: Thank you.

3 These are the only notes that have reference
4 -- I mean, they're not very long. I'm not going to go into
5 the details of them, but there isn't a lot to them.

6 MR. SNYDER: Correct.

7 MS. JONES: You'll agree with me on that?

8 And really the only other aspect to the case
9 that Officer Hanton seems to be involved in was that he
10 took a witness statement, actually, from C-52.

11 MR. SNYDER: Correct.

12 MS. JONES: And that's already been entered
13 as an exhibit, Exhibit 1462, but you're probably aware it's
14 just a typed statement ---

15 MR. SNYDER: Yes.

16 MS. JONES: --- with C-52, but that was
17 pretty well it. I don't think it would have taken a
18 tremendous amount of time for you to review that.

19 But I'm just curious, what happened on
20 February 12th, 1997 that caused you to suddenly call CAS to
21 start the investigation kind of going again?

22 MR. SNYDER: C-52 came to the police
23 station.

24 MS. JONES: Sir ---

25 MR. SNYDER: I'm sorry. C-52 came to the

1 police station. My assumption ---

2 MS. JONES: And ---

3 MR. SNYDER: In and around that area, in or
4 about the 12th of February, C-52 came to the police station
5 and wanted to know what was going on with his
6 investigation.

7 MS. JONES: And so that's basically what
8 kick-started it or jump-started it back into ---

9 MR. SNYDER: Back into ---

10 MS. JONES: --- action?

11 MR. SNYDER: Yes.

12 MS. JONES: And the other items that you
13 mentioned over the break, I didn't have at hand. We were
14 talking about counsellors and such of C-52. I believe
15 there's also one of C-51. Could I just refer you to a
16 couple of documents, just so that we are on the same page
17 about that?

18 MR. SNYDER: Yes.

19 MS. JONES: So there's no confusion,
20 740017.

21 THE COMMISSIONER: Okay. I'm sorry. You're
22 going to have to help me out here. What happened from
23 January -- February 20 -- the last note he made was
24 February -- or 13th of March 1996 to September of 1996.

25 MR. SNYDER: And this is -- I'm sorry, this

1 is in reference to Constable Hanton?

2 THE COMMISSIONER: Yeah.

3 MS. JONES: I can perhaps assist, actually.
4 It's Officer Bough that was assigned and virtually nothing
5 happened between those months either.

6 THE COMMISSIONER: Okay.

7 MS. JONES: I'm assuming you didn't -- you
8 didn't even make reference to anything that Officer Bough
9 had done.

10 MR. SNYDER: No.

11 MS. JONES: So I assume there was nothing to
12 look at?

13 MR. SNYDER: No, there was another report
14 submitted by him saying he did nothing.

15 MS. JONES: That he did nothing on it.
16 Okay.

17 THE COMMISSIONER: Oh, okay. Can we mention
18 this lady's name on Exhibit ---

19 MS. JONES: It actually contains information
20 about ---

21 THE COMMISSIONER: I'm not asking that.

22 MS. JONES: --- C-52.

23 THE COMMISSIONER: I'm not asking that.

24 MS. JONES: Oh, yes.

25 THE COMMISSIONER: I'm asking about the

1 witness' name?

2 **MS. JONES:** I don't think that there's a
3 problem with that.

4 **THE COMMISSIONER:** Okay. So Kathleen Gignac
5 gave a witness statement on the 30th of May 1997 to Sergeant
6 Snyder. There you go. That's Exhibit 1614.

7 **---EXHIBIT NO./PIECE NO. P-1614:**

8 (740017) - Witness Statement by
9 Kathleen Gignac dated 30 May 97

10 **MS. JONES:** So just to be clear, this seems
11 to be a person that met on several occasions with C-52 to
12 discuss issues surrounding addiction?

13 **MR. SNYDER:** This is his counsel. This is
14 the initial person he confided in, who then provided a
15 statement to CAS which got the ball rolling on this
16 investigation. So in my mind, I needed a statement from
17 her as to what they spoke about and how he came about to
18 give her that information.

19 **MS. JONES:** Okay. But you actually
20 constructed the statement. In other words, this statement
21 was given to you. It wasn't a document provided to you,
22 already prepared?

23 **MR. SNYDER:** She gave me a handwritten
24 statement, correct. I didn't ask for anything other than
25 "Could you please provide me with a statement as to your

1 knowledge of C-52 and the allegation against Landry?"

2 **MS. JONES:** Okay. Well, actually, then you
3 did ask for this document to be prepared?

4 **MR. SNYDER:** Absolutely.

5 **MS. JONES:** Okay. That's why I was saying
6 there's a difference between something that already exists
7 that you're getting a copy of or something that you're
8 actually going out to get.

9 **MR. SNYDER:** She's a witness and I needed
10 her to form my RPG to -- so I could lay the charge.

11 **MS. JONES:** So this is one of those
12 documents?

13 **MR. SNYDER:** That's correct, but I think the
14 O'Connor, for lack of a better word, kafuffle came over --
15 my understanding was I wasn't looking for documents. I
16 wanted a statement from Ms. Gignac, nothing to do with
17 anything other than Earl Landry.

18 **MS. JONES:** And there's another document,
19 740022.

20 **THE COMMISSIONER:** All right. So here's a
21 witness -- Exhibit 1615 is a Witness Statement from Gail
22 Mitchell, statement time, 23rd of June 1997.

23 **---EXHIBIT NO./PIÈCE NO. P-1615:**

24 (740022) - Witness Statement by Gail
25 Mitchell dated 23 Jun 97

1 **MS. JONES:** And this is a similar situation.
2 It seems this person was also involved in counselling C-52?

3 **MR. SNYDER:** That's correct.

4 **MS. JONES:** And the same sort of
5 circumstances; you asked this person for a statement as
6 well?

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

8 **MS. JONES:** Okay. And the last one that I
9 have here ---

10 **MR. SNYDER:** Again, it's important to note
11 it's a statement about what occurred between C-52 and Earl
12 Landry is what I requested. You know, it wasn't records.
13 I didn't want records ---

14 **THE COMMISSIONER:** No, no. Okay. No, no,
15 we're beyond that.

16 **MR. SNYDER:** Thank you, sir.

17 **MS. JONES:** And the last document in this
18 area I want to refer you to is 740041.

19 Could I ask for a publication ban, please,
20 on 1615?

21 **THE COMMISSIONER:** It will be so stamped.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **THE COMMISSIONER:** Exhibit 1616 is a letter
24 to Sergeant Brian Snyder from Michele Lafrance, Équipe
25 psychosociale, dated November 9th, 2000, and this should be

1 marked with a publication ban.

2 --- EXHIBIT NO./PIÈCE No. P-1616:

3 (740041) Letter from Michele Lafrance to
4 Brian Snyder dated 09 Nov 00

5 MS. JONES: Now, this is a similar letter
6 only about C-51. It would appear that you had asked for
7 similar sort of information.

8 MR. SNYDER: This was in reference to the
9 Earl Landry Sr. investigation and we're trying to get some
10 timelines as to when an incident may have occurred and that
11 was in reference to that, just asking him did he make any
12 disclosure in reference to being sexually assaulted by Earl
13 Landry Jr. and when would that have been, and the reply to
14 that was there was no record of any disclosure.

15 MS. JONES: Okay. But again, I'm just
16 saying it's similar to the other two. We're asking for
17 that information.

18 MR. SNYDER: Yes.

19 MS. JONES: It seems to be a response to you
20 and ---

21 MR. SNYDER: Yes, but two different -- two
22 different investigations.

23 MS. JONES: Yes, okay.

24 MR. SNYDER: Okay.

25 MS. JONES: And the only other thing I

1 wanted clarification on is something that arose earlier;
2 Document 740024.

3 **THE COMMISSIONER:** Thank you. And this is a
4 Witness Statement from -- is it Graham Dart? Yeah.

5 **MR. SNYDER:** That's correct.

6 **THE COMMISSIONER:** Dated the 13th of 8th month

7 ---

8 **MS. JONES:** August.

9 **THE COMMISSIONER:** --- 1997.

10 **MS. JONES:** So it's 1617?

11 **THE COMMISSIONER:** I'm sorry; yes.

12 --- **EXHIBIT NO./PIÈCE No. P-1617:**

13 (740024) - Witness Statement by Graham Dart
14 dated 13 Aug 97

15 **MS. JONES:** You had mentioned earlier when I
16 asked you questions about contacting Earl Landry Jr.'s
17 employer and you said that you had. In fact, I believe you
18 mentioned Graham Dart by name.

19 **MR. SNYDER:** Yes.

20 **MS. JONES:** And I'm just wondering if the
21 date on there is accurate, that if you had received this
22 information because this statement actually is just
23 reciting a letter that you received from Mr. Dart.

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

25 **MS. JONES:** You don't actually put the date

1 of the letter here because I don't see it anywhere and I'm
2 wondering if it would have happened on or about the 13th of
3 August 1997 in that sort of timeframe?

4 **MR. SNYDER:** I think I've got it in my notes
5 somewhere where I spoke to him and requested this
6 information. It was all around and I believe in May,
7 shortly before or right around the time that I charged Earl
8 Landry, but I ---

9 **MS. JONES:** But this letter, I'm just saying
10 when did you receive this letter confirming? Would it have
11 been around that date?

12 **MR. SNYDER:** I don't know. Obviously
13 without the letter, it's hard for me to determine but it
14 would within, you know, a short period of time after I
15 requested it.

16 **MS. JONES:** Is it fair to say it was after
17 you had charged Earl Landry Jr.?

18 **MR. SNYDER:** Yeah, I think that would be
19 fair to say.

20 **MS. JONES:** Okay. Now, I just want to go
21 back to where I left off before the break and this had to
22 do with the third set of charges which concerns C-54.
23 Okay. Do you know ---

24 **MR. SNYDER:** Yes, yes.

25 **MS. JONES:** Okay. Now, I understand that he

1 was interviewed. He obviously gave a statement. You had
2 reasonable probable grounds. You ended up charging Earl
3 Landry Jr. again and he was charged on September 3rd, 1997.

4 **MR. SNYDER:** Correct.

5 **MS. JONES:** Is that about the right time? I
6 just want to refer to your notes in Exhibit 1603, which are
7 your handwritten notes.

8 **THE COMMISSIONER:** What page?

9 **MS. JONES:** Bates page 9361, please, at the
10 bottom. It actually goes into 9362 fairly soon after, but
11 on September 5th, 1997 at 13:10, it shows that Earl Landry
12 Jr. came into Headquarters with his aunt.

13 **MR. SNYDER:** Correct.

14 **MS. JONES:** To talk to you about an incident
15 that had happened and he describes the incident then on
16 line 362. And he basically told you that his mother and
17 his aunt had gone to see C-54 and asked why he was doing
18 this.

19 **MR. SNYDER:** His mother and his aunt did?
20 Is that what you're saying?

21 **MS. JONES:** Earl Landry Jr.'s mother and
22 aunt.

23 **MR. SNYDER:** Yes, okay.

24 **MS. JONES:** Had gone ---

25 **THE COMMISSIONER:** Where do you see that?

1 **MS. JONES:** At the very top of page 9362.

2 **MR. SNYDER:** Well, they had seen him, yes.

3 **THE COMMISSIONER:** Oh, he said that his aunt
4 -- his mom and aunt -- okay.

5 **MR. SNYDER:** Had seen ---

6 **MS. JONES:** Had seen C-54.

7 **MR. SNYDER:** Yes.

8 **MS. JONES:** That's the newest charge.

9 **MR. SNYDER:** Yes.

10 **MS. JONES:** Okay. So you've charged -- just
11 to get the timeframe, you charged now on September 3rd, 1997
12 ---

13 **MR. SNYDER:** Yes.

14 **MS. JONES:** --- with regards to C-54.

15 **MR. SNYDER:** Yes.

16 **MS. JONES:** Then on September 5th, 1997, Earl
17 Landry Jr. comes with his aunt to see you.

18 **MR. SNYDER:** Yes.

19 **MS. JONES:** And he says at the top of page
20 9362 that his mother and aunt, that's Earl Landry Jr.'s
21 mother and aunt, had gone to C-54 and asked why he was
22 doing this and according to them, C-54 said, "Because I
23 want to put that bastard in jail" and Earl Landry Jr.
24 wanted you to speak to his mother; Mr. Landry's mother is
25 how I interpreted that.

1 **MR. SNYDER:** Yes.

2 **MS. JONES:** Now, a little bit further down,
3 you said words to the effect that a lot of times
4 complainants really only want to see charges pressed. They
5 don't really care about the penalty. That's what you say a
6 little bit further down.

7 **MR. SNYDER:** I think there's a fold; there's
8 -- some people want jail time; some people don't. There's
9 a whole gambit and I told him that, yes.

10 **MS. JONES:** Okay. The only questions really
11 I have around that is, did you ever consider that their
12 action was somewhat obstructive towards the whole process,
13 witness intimidation and something like that?

14 **MR. SNYDER:** No, I don't see where the
15 intimidation was. They -- no.

16 **MS. JONES:** Well, the intimidation right
17 after their son and nephew was charged, going down to the
18 complainant and confronting him.

19 **MR. SNYDER:** Well, I don't know if it says
20 that. Again, from my notes, they saw him or they seen him
21 and I didn't get a sense that they went and spoke to him
22 personally. Again, maybe I should have asked the question
23 or I knew at the time, but it wasn't they were out looking
24 for him; that they happened to see each other and this
25 conversation occurred.

1 **MS. JONES:** Then that's my next question.

2 **MR. SNYDER:** Yeah.

3 **MS. JONES:** Did you do any follow-up on
4 that? Did you phone C-54 and find out the details of that
5 or?

6 **MR. SNYDER:** I don't believe so.

7 **MS. JONES:** Find out -- did you hear
8 anything about that afterwards?

9 **MR. SNYDER:** No.

10 **MS. JONES:** Okay. Now, ---

11 **THE COMMISSIONER:** How old was the
12 complainant at this time?

13 **MR. SNYDER:** He was in his mid-twenties.

14 **THE COMMISSIONER:** So we've got the wife of
15 the ex-police chief and -- going over to see a complainant
16 and if we understand complainants who are alleged victims
17 of sexual assault, they're pretty fragile at times.

18 **MR. SNYDER:** Yes.

19 **THE COMMISSIONER:** Okay. So you know that
20 they have met him somehow and asked him why he's doing this
21 and all of that, and do you not think that maybe the
22 complainant would be a little shaken up because of that?

23 **MR. SNYDER:** It didn't cross my mind, sir.

24 **THE COMMISSIONER:** Okay. Let alone, you
25 know, being bullied around or anything like that, and I'm

1 not alleging, I'm not saying or suggesting that necessarily
2 they would have done that, but ---

3 **MR. SNYDER:** Again, the only thing I can
4 suggest or -- suggest or say from this is I didn't get the
5 impression they were out looking for him. I think it was a
6 chance meeting, but again, without ---

7 **THE COMMISSIONER:** So what?

8 **MR. SNYDER:** Again, I agree. I agree. Just
9 I didn't ---

10 **THE COMMISSIONER:** So words were said.

11 **MR. SNYDER:** Yes.

12 **THE COMMISSIONER:** You have the words and
13 you did nothing.

14 **MR. SNYDER:** Yes.

15 **THE COMMISSIONER:** Okay. Go ahead.

16 **MS. JONES:** Thank you.

17 The other concern here and I have to be very
18 careful about possible identification here but there was a
19 familial connection, was there not, with C-54 that did not
20 exist with the other complainants, i.e., C-52, C-51, C-53?

21 **MR. SNYDER:** Yes.

22 I just want to go back to the obstruct to
23 some degree. I just don't see where the obstruct is here.
24 They had a conversation, and maybe you can point me in the
25 right direction here.

1 They asked him why. He says "Because I want
2 to put the bastard in jail". They don't say anything to
3 him about "Hey, you know what; leave him alone. You're
4 causing problems." That's never said those things.

5 So I don't see the obstruct justice or
6 attempting to obstruct justice because of that. It was a
7 statement made by him and they were more, I think -- I
8 can't say more but they were upset because of that
9 statement that all he wants to do is put him in jail; it's
10 not for anything other than that.

11 If I -- if they had said something or if I
12 had got, you know what, we also told him that he should be
13 leaving me alone and do all those things, then I see the
14 obstruct but I didn't see the obstruct here.

15 **MS. JONES:** But with the greatest of
16 respect, you were getting it from them.

17 **MR. SNYDER:** Yes.

18 **MS. JONES:** So wouldn't the person to ask
19 what did they say back to you ---

20 **MR. SNYDER:** Yes, you're correct.

21 **MS. JONES:** --- been the actual complainant?

22 **MR. SNYDER:** You're correct. You're
23 correct. And all I can say again is that C-54, along with
24 my other victims, called me from time to time for different
25 things and he never once, that I can remember or have notes

1 of, said anything about this encounter.

2 **MS. JONES:** But did you ask him?

3 **MR. SNYDER:** No, not to my knowledge.

4 **MS. JONES:** Because if I could just return
5 to an item that has actually been entered as an exhibit,
6 and I'm sorry I didn't write it down; 740013.

7 **THE REGISTRAR:** Sixteen zero six (1606).

8 **MS. JONES:** Thank you. Exhibit 1606.

9 Now, you may recall I brought this up a bit
10 earlier and you explained -- this is an arrest report and
11 you explained that you had been adding on people at the end
12 of the document even though the initial date of the
13 document is the 26th of May 1997.

14 I think we can safely say, for example, C-54
15 isn't interviewed until several months afterwards and he's
16 just added on to the end of this report.

17 **MR. SNYDER:** Okay.

18 **THE COMMISSIONER:** Can you scroll down,
19 Madam Clerk.

20 No. Well, what part do you want to see,
21 sir?

22 **MR. SNYDER:** I don't know. When she's
23 asking the question, I guess I'm still confused as to what
24 she's asking me.

25 **THE COMMISSIONER:** She's asking you to look

1 at the arrest report which is Exhibit 16 ---

2 MS. JONES: Zero six (06).

3 THE COMMISSIONER: --- 06; so you have it in
4 paper form in front of you as well, in the book.

5 MR. SNYDER: Oh, in the book. Okay.

6 THE COMMISSIONER: Sixteen zero six (1606);
7 do you have anything there?

8 That's the arrest report, right?

9 MR. SNYDER: Yes.

10 THE COMMISSIONER: Okay. So what she's
11 saying is that she's going back and looking at this report
12 and saying, okay, you were throwing in, adding to this
13 report as you went.

14 MR. SNYDER: Yes.

15 THE COMMISSIONER: And so the fact that
16 we've got -- who now?

17 MS. JONES: C-54.

18 THE COMMISSIONER: C-54 on page 3 at the
19 bottom there, right. So you're adding him there at that
20 point; right?

21 MR. SNYDER: Yes.

22 THE COMMISSIONER: And that's several months
23 after the initial ---

24 MR. SNYDER: Yes.

25 THE COMMISSIONER: --- contact was open.

1 **MR. SNYDER:** Yes.

2 **THE COMMISSIONER:** That's all she's asking.

3 **MR. SNYDER:** Okay.

4 **MS. JONES:** Okay. Do you remember saying
5 that earlier today?

6 **MR. SNYDER:** I remember saying that, yes.

7 **MS. JONES:** Okay. The thing about this
8 particular situation, you start off with describing on the
9 first page C-52. You also mention C-51 and you mention C-
10 54 in this arrest report.

11 **MR. SNYDER:** Yes.

12 **MS. JONES:** You also mention C-53. I don't
13 know if I've mentioned that already.

14 **MR. SNYDER:** M'hm.

15 **MS. JONES:** And you mention another person
16 at the back that doesn't have a moniker.

17 What I find interesting with all of these
18 summaries because you've summarised essentially what the
19 allegations are that each of them are saying about Earl
20 Landry Jr.

21 What I find interesting is at the end of
22 each of those victim's descriptions, you have added a note.
23 And if I could just refer to C-52's note which comes on
24 Bates page 9395, do you see the note there in the middle of
25 the page? It starts with "Note: It is unknown"?

1 **MR. SNYDER:** Yes.

2 **MS. JONES:** "I is unknown at this time if
3 the victim suffers from psychological
4 effects as a result of these
5 incidents."

6 **MR. SNYDER:** Yes.

7 **MS. JONES:** Do you see that?

8 **MR. SNYDER:** Yes.

9 **MS. JONES:** And you actually add that to
10 every single one of these victims.

11 **MR. SNYDER:** Yes.

12 **MS. JONES:** And I just find that quite
13 curious because it's obviously an editorial comment by
14 yourself; it's not something they have told you.

15 **MR. SNYDER:** Correct.

16 **MS. JONES:** Because you're adding this note
17 at the end of each item.

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

19 **MS. JONES:** And I'm curious because I've
20 already pointed out to you a couple of counselling records
21 say that -- not records, excuse me for using that word --
22 counselling statements that we have for at least two of
23 those complainants, one would presume that you're seeing
24 treatment for psychological problems, addiction problems
25 that perhaps that might be due, in part, to what happened

1 to them in the hands of Earl Landry Jr.

2 Would that not be a ---

3 **MR. SNYDER:** All I'm doing here is letting
4 the courts know ---

5 **MS. JONES:** --- conclusion?

6 **MR. SNYDER:** Again, what I'm doing is
7 letting the courts know that I haven't done a test for
8 these people. I think it's important to know that they may
9 very well have suffered some psychological trauma in this
10 thing and to seek help for them if required.

11 I didn't do -- I didn't do any testing on
12 them to find that out and it's not in my record but I think
13 it's important for the courts to know that they very well
14 may be traumatized.

15 **MS. JONES:** But that's not what you put in
16 here in the note. In fact, you say quite the opposite:
17 "It's unknown if the victim suffers at the moment".

18 **MR. SNYDER:** Yeah.

19 **MS. JONES:** Not perhaps this person can
20 benefit from some counselling.

21 **MR. SNYDER:** Well, I think you're playing
22 with the words. My mind is I want the courts to know that
23 these persons could have suffered psychological problems
24 and effects. However, I'm not aware of that and it would
25 be the courts to determine those things.

1 **MS. JONES:** Do you put that at the end of
2 every historical sexual assault victim report?

3 **MR. SNYDER:** I put different things down.
4 Again, with reference to accused, if the person was
5 cooperative or uncooperative. In this case, you know,
6 there was five young people that were sexually assaulted by
7 this individual and I just felt it was appropriate to put
8 that notation in there.

9 **MS. JONES:** And also too, having read many
10 statements in my career for years, is it not a common
11 question to ask the victim of any sort of a sexual assault
12 or even assault or a robbery or a theft, "What sort of
13 effect this has had on you"?

14 **MR. SNYDER:** That would be in the victim
15 impact statement. They'll be -- they'll provide that
16 information.

17 **MS. JONES:** That's true but that's quite a
18 ways down the road, isn't it?

19 **MR. SNYDER:** Well, we're dealing with --
20 obviously if I was to ask those questions, put it in and
21 then we're back to the Crown with O'Connor again, they'd be
22 upset that I'm asking them questions about their
23 psychological background.

24 So I think it's important that the courts
25 realize it. It's just something I put in just as a note.

1 **THE COMMISSIONER:** The courts wouldn't see
2 this.

3 **MR. SNYDER:** If he pled guilty, Mr.
4 Commissioner, this would be read in as -- on a guilty plea.

5 **MS. JONES:** Is this what you consider a
6 Crown brief synopsis?

7 **MR. SNYDER:** Crown brief synopsis.

8 **MS. JONES:** That's what you'd call an arrest
9 report?

10 **MR. SNYDER:** Yes.

11 **MS. JONES:** Now, just to reiterate again
12 then, at this particular point of time, we've got this
13 person now charged with three different series of events
14 with multiple victims and just to reiterate again because I
15 think this was kind of glossed over, the last victim, C-54,
16 as I said earlier, had a familial contact with Earl Landry
17 Jr.; correct?

18 **MR. SNYDER:** Correct.

19 **MS. JONES:** Knowing the family context and
20 the age in which the assault was alleged to have happened,
21 did you then contact CAS and raise some concern about the
22 children of Earl Landry Jr.?

23 **MR. SNYDER:** Yes.

24 **MS. JONES:** Did you now have some concern
25 for them?

1 **MR. SNYDER:** Well, I advised CAS of the
2 situation and then CAS would then -- I think went on and
3 interviewed the kids.

4 **MS. JONES:** No, no, that's not the question.
5 Did you now put your mind to the fact that
6 maybe, now knowing the relationship that C-54 had in Earl
7 Landry Jr.'s life ---

8 **MR. SNYDER:** Yes.

9 **MS. JONES:** --- that now perhaps his own
10 children are at a greater risk than perhaps before?

11 **MR. SNYDER:** That's why I advised CAS, yes.

12 **MS. JONES:** So if you thought they were at
13 greater risk, then could you explain why he was released on
14 exactly the same terms as before? In other words, there
15 were no restrictions on him being around his children.

16 **MR. SNYDER:** Again, he wasn't with his
17 children. CAS were already involved and were taking care
18 of that issue.

19 **MS. JONES:** He may have been separated from
20 his wife, but he still had access to his children?

21 **MR. SNYDER:** It was supervised access, if at
22 all.

23 **MS. JONES:** But you didn't know, did you?

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

25 **MS. JONES:** You did know that he had

1 supervised access?

2 MR. SNYDER: I believe I did, yes.

3 MS. JONES: Is it not common for release
4 terms to at least reinforce that so that he'll be -- you'll
5 be doubly sure that the children won't be at risk?

6 MR. SNYDER: It would be difficult for me to
7 put a non-contact with the kids when I didn't have them as
8 a witness or as a victim. That's why I contacted CAS, to
9 ensure that they were aware of the charges.

10 MS. JONES: Well, maybe it's difficult, but
11 is that for your decision? Perhaps a bail hearing might
12 have been appropriate, so let a JP decide if that's
13 appropriate or not, for example?

14 MR. SNYDER: Correct.

15 MS. JONES: Because would you agree with me
16 that certainly after C-54 enters the picture, now things
17 have changed a bit; now that there actually is a
18 possibility of a familial connection?

19 MR. SNYDER: Yes.

20 MS. JONES: It's not like the other ones?

21 MR. SNYDER: Correct.

22 MS. JONES: I understand that on or about
23 the 26th of October 1997, that you did see Earl Landry, Jr.
24 alone with his children at a McDonald's restaurant; is that
25 right?

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

2 **MS. JONES:** Now, the best notation I have of
3 it, actually, is not from your notes. I don't have
4 anything from your notes on it, but I do have a document,
5 115698.

6 **THE COMMISSIONER:** Thank you.

7 Exhibit 1618 is a Children's Aid Society
8 Semi-Annual Report and it's dated the 28th of November 1997.

9 **MS. JONES:** Thank you.

10 **--- EXHIBIT NO./PIÈCE NO. P-1618:**

11 (115698) CAS Documentation System dated
12 November 28, 1997

13 **MS. JONES:** And this is written by Mr. Bell
14 of the CAS and it's concerning Earl Landry, Jr. And at the
15 very bottom, the second-last paragraph, I'll read this a
16 little slower because I'm told the interpreters find it
17 difficult sometimes to interpret when you read too quickly:

18 "Earl contacted our agency following
19 having been seen alone with his
20 children on 26/10/97 at McDonald's
21 Restaurant by Sergeant B. Snyder of
22 CPS. He indicated that he brought the
23 children to the drive-thru in his car
24 without adult supervision. He
25 indicated there were not court

1 restrictions on his access to his
2 children. However, it was pointed out
3 to him that this CAS has serious
4 concerns for the safety of his children
5 in his company."

6 Then we go to the next page, Bates page
7 4588. We go to the fourth paragraph down, starting with
8 "There were":

9 "There were no bail release
10 restrictions placed on Earl regarding
11 his own children. Therefore, we have
12 had to rely on Lucie to ensure that
13 safe methods of access by Earl have
14 been employed."

15 Do you see that?

16 **MR. SNYDER:** Yes.

17 **MS. JONES:** Now, the way that that reads to
18 me, because that's a CAS document, is that it doesn't
19 appear to have been any more safeguards to that to
20 restricting Earl Landry, Jr.'s access to his children
21 except for his wife Lucie. That's the way I read that. Is
22 that a fair reading?

23 **MR. SNYDER:** Sure. Yes.

24 **MS. JONES:** And, of course, with no
25 restrictions on his access to children put on him by the

1 Bail Court, it doesn't seem that there was any restrictions
2 as well put on by CAS by reading that. Would you agree?

3 **MR. SNYDER:** No, I believe CAS had
4 restrictions and that to Lucie, that she was not to leave
5 the boys alone with Earl Landry.

6 **MS. JONES:** Well, that's not exactly what
7 this document says though, is it? It says at the bottom,
8 on the first page -- I'm sorry, the bottom of -- yes,
9 bottom of the first page of that paragraph:

10 "It was pointed out to him that this
11 CAS has serious concerns for the safety
12 of his children in his company."

13 It doesn't necessarily mean that there is
14 any sort of a supervision order by CAS. They have
15 concerns, but it seems that they left it up to Lucie Landry
16 to ensure the safety of the children.

17 **MR. SNYDER:** Okay. And you're correct; it's
18 up to Lucie, and they go on to say that Lucie had indicated
19 -- because they spoke to her -- indicated that she has a
20 sitter who picks up the children, remains with them while
21 Earl visits, so definitely an indication that she knows
22 that she is not to leave them alone with Earl.

23 **MS. JONES:** But, of course, the CAS are not
24 aware of the statement that Lucie Landry provided to you,
25 the one that I referred to earlier, where she said that

1 Earl Landry, Jr. had confessed to her about previous
2 incidences. The CAS are not aware of that statement, are
3 they?

4 **MR. SNYDER:** I'm not sure if they are or
5 not. That's why I said I don't recall whether I gave them
6 the statement or not, but they're definitely aware of the
7 investigation and what was going on. That particular part,
8 you're right; I don't know if they received it or not.

9 **MS. JONES:** Okay. Also worthy of -- just a
10 minute.

11 Also worthy of note, just because it's not
12 in that particular document; it's in another one, 115705.

13 **MR. SNYDER:** Just one other ---

14 **MS. JONES:** Yes.

15 **MR. SNYDER:** I'm just looking down here
16 again, the second-last:

17 "In supervision of the 04/11/97 with B.
18 Lamarche, it was decided we would write
19 to Earl, making it clear that we expect
20 access through Access Centre."

21 So they definitely were moving on it.

22 **MS. JONES:** Yes, moving on it in the future,
23 but ---

24 **MR. SNYDER:** No, prior to that, I think that
25 they had just the access, making sure that Lucie was

1 ensuring that Earl would not have access. She obviously
2 dropped the ball a little bit here with the babysitter. So
3 they have now increased the force, I guess, for lack of
4 better words.

5 **THE COMMISSIONER:** Restricted access.

6 **MR. SNYDER:** Restrictions. Sorry.

7 **MS. JONES:** If we could go to Document
8 115705.

9 **THE COMMISSIONER:** Thank you.

10 This is a Semi-Annual not timely done from
11 the Children's Aid Society on Landry, September 7th, 1998,
12 Exhibit 1619.

13 **--- EXHIBIT NO./PIÈCE NO. P-1619:**

14 CAS Documentation System dated September 7th,
15 1998.

16 **MS. JONES:** Again, the same author is
17 Gregory Bell. I'm just pointing this out here, that the --
18 if you scroll down further, Madam Clerk, with the paragraph
19 beginning "Earl Jr. is not to be left alone", do you see
20 that part?

21 **MR. SNYDER:** Yes.

22 **MS. JONES:** "Earl Jr. is not to be left
23 alone with her children at any time.
24 However, on Friday, September 4th, '98,
25 at 23:18 hours, Cst. Brian Snyder

1 spotted Earl with his children at a
2 local McDonald's Restaurant."

3 So it would seem that the problem really
4 with that that you saw was the time of this situation. In
5 other words, he was breaching his curfew. His curfew was
6 from 11:00 to 7:00; correct?

7 **MR. SNYDER:** If I had of saw the curfew, I
8 think he's mistaken with the time because obviously I would
9 have breached him on that time. I don't recollect when I
10 saw him, but it was definitely not after -- it wasn't that
11 late because I would have breached him.

12 **MS. JONES:** There's my question because ---

13 **MR. SNYDER:** Yeah.

14 **MS. JONES:** --- that is beyond the curfew
15 time, isn't it?

16 **MR. SNYDER:** Absolutely.

17 **MS. JONES:** And very late to take young
18 children to the McDonald's drive-thru.

19 **MR. SNYDER:** Absolutely. I think he's
20 mistaken. I think it was actually in the morning when I
21 saw him, but it was daylight because I remember -- I could
22 see the faces, sort of thing, in the vehicle and that's
23 when I -- and I was off duty. But if it had been that late
24 at night, I would have definitely breached him.

25 **MS. JONES:** Okay.

1 Now, I'm going to go into a situation of the
2 Landry bail hearing which happened on or about September
3 9th, 1998 and just moving on to that sort of a focus for the
4 moment.

5 And I'd like to go to -- just a moment
6 please.

7 Just a moment please.

8 Yes, okay, I do have it right; sorry. It's
9 late in the day; 740060.

10 **THE COMMISSIONER:** Thank you. Exhibit 1620
11 is a continuation of a bail hearing; it's a transcript of
12 that event, dated September 9th, 1998.

13 **--- EXHIBIT NO/PIÈCE No. P-1620:**

14 (740060) - Transcript of Her Majesty the
15 Queen vs. Earl Landry Jr. dated 09 Sep 98

16 **MS. JONES:** Now, I understand that you
17 actually saw Earl Landry, Jr. again in a situation you
18 didn't think was appropriate for him to be at. In other
19 words, you saw him over at Lucie Landry's house one
20 evening?

21 **MR. SNYDER:** Correct.

22 **MS. JONES:** And you did arrest him as a
23 result of that I understand?

24 **MR. SNYDER:** Correct. I got information
25 that he was maybe breaching his -- his undertaking so I

1 went and did surveillance and -- and caught him doing that.

2 **MS. JONES:** And do you know where you got
3 that information from?

4 **MR. SNYDER:** It would -- I'm not sure if
5 it's anonymous or not, I'd have to check my notes.

6 **MS. JONES:** Okay.
7 You weren't staking out Lucie Landry's
8 residence or anything before you got that information, were
9 you?

10 **MR. SNYDER:** That's correct, no.

11 **MS. JONES:** That's correct, no you weren't?

12 **MR. SNYDER:** That's correct ---

13 **MS. JONES:** Okay.

14 **MR. SNYDER:** --- no I wasn't.

15 **MS. JONES:** Okay.

16 But you got information and I understand you
17 actually phoned his father to ask where he was and he
18 confirmed he was actually at Lucie Landry's that night.

19 **MR. SNYDER:** Correct. I believe so.

20 **MS. JONES:** And I understand that he'd
21 fallen asleep on the couch or that was his version of what
22 happened and he ---

23 **MR. SNYDER:** That was his version.

24 **MS. JONES:** --- and he wasn't supposed to be
25 there anyway?

1 **MR. SNYDER:** Correct.

2 **MS. JONES:** And so you arrested him and so
3 now I believe that we're having this bail and he's before
4 the Courts, before the Justice of the Peace and I
5 understand -- I think that's what this bail hearing is all
6 about?

7 **MR. SNYDER:** Correct.

8 **MS. JONES:** Now ---

9 **MR. SNYDER:** Is the other charge here too
10 and this I'm just going to ask was, the obstruct justice,
11 was that in this one as well?

12 **MS. JONES:** It may very well. With regards
13 to the computer?

14 **MR. SNYDER:** Yes.

15 **MS. JONES:** Yes ---

16 **MR. SNYDER:** Okay.

17 **MS. JONES:** --- yes, I think it was.

18 **MR. SNYDER:** Because I had charged him with
19 obstruct justice as well.

20 **MS. JONES:** Yes, that's right, because he
21 was possibly interfering with C-54 and ---

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

23 **MS. JONES:** --- and offering a computer and
24 such.

25 But just looking at the charge that you were

1 involved in, I just want to go please to Bates page 9533,
2 please.

3 And these are submissions by Mr. Johnson who
4 is I believe former Crown attorney and now turned defence
5 lawyer for Mr. Earl Landry, Jr. and -- 9533 -- and just to
6 paraphrase essentially Mr. Johnson is saying that they were
7 just made aware that morning, I believe, that there was a
8 5.24 application before the Court.

9 MR. SNYDER: Correct.

10 MS. JONES: And that Mr. Landry, Jr. was
11 arrested by Constable Snyder.

12 MR. SNYDER: Correct.

13 MS. JONES: Do you see that?

14 MR. SNYDER: Yep.

15 MS. JONES: All right.

16 Now, let's go to the top of Bates page 9534
17 which is page 43 of the transcript and it says that Mr.
18 Landry was apprehended on the 4th of September 1998,
19 subsequently he is not even advised of a section 5.24
20 arrest until, as Mr. Gauthier has revealed yesterday, was
21 yesterday morning, he is in -- subsequently told that he is
22 also being -- he's being charged or brought in under
23 section 5.24. A convoluted way of saying it.

24 And then Mr. Johnson goes on to state that
25 under section 5.24(2), it's mandatory at the time that the

1 person that apprehended or arrested, that he's advised of
2 section 5.24 arrest. Do you see that?

3 **MR. SNYDER:** Yes.

4 **MS. JONES:** Okay.

5 And down at the bottom of that paragraph it
6 states that it's only later on that the sort of scoop comes
7 in and says, okay, now it's a 5.24 situation and that's
8 what we're proceeding with and I'd ask the Court to
9 consider that procedure in this matter in dealing with the
10 application by the Crown for section 5.24 and the
11 cancellation of the other recognizances (sic).

12 **MR. SNYDER:** Correct.

13 **MS. JONES:** So do you understand about the
14 whole concept of 5.24 and the significance of that?

15 **MR. SNYDER:** Yes.

16 **MS. JONES:** And what it means?

17 So if we just move ahead now to page 9540.

18 **MR. SNYDER:** Just -- just so as you're
19 aware, just because Mr. Johnson said this, doesn't mean
20 it's correct because I would submit Your Worship that the
21 section 5.24(2) application and it's mandatory that at the
22 time that's -- we don't necessarily have to do the time; it
23 should be done before the trial or before the case, but it
24 doesn't have to be at the time. Just ---

25 **MS. JONES:** Is that your understanding of

1 it?

2 **MR. SNYDER:** Yes.

3 **MS. JONES:** But the JP was quite critical of
4 you. I don't know if you've read this.

5 **MR. SNYDER:** Actually, I'm the one that
6 asked for this transcript.

7 **MS. JONES:** Okay.

8 And at the bottom it said:

9 "Dealing first with the 5.24
10 application, it is clear in law that
11 there must be an arrest pursuant to
12 section 5.24(1) or (2) without a
13 warrant before the Crown has a right to
14 proceed at bail hearing. That arrest
15 was done -- was done on September 8th.
16 I have nothing to say about this other
17 than I have never seen such sloppy
18 police work. For this Officer to be
19 sitting on the street waiting for a
20 breach to happen and doesn't know what
21 the law says pursuant to section 5.24
22 is -- he doesn't know his job and he
23 shouldn't be on the street. The arrest
24 was made -- it was made at whose
25 request I can only guess."

1 So what are your comments about those rather
2 harsh words, shall we say?

3 **MR. SNYDER:** Well, actually I heard about
4 the harsh words; that's why I asked for the transcript.

5 That's her opinion; there's not much I can
6 do about it, but I think she's incorrect about my police
7 work.

8 I don't know much more to say.

9 **MS. JONES:** Okay.

10 And the last document in this area, 740067.

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

12 **MS. JONES:** Before Mr. Commissioner sees
13 this document -- have you got that document?

14 **MR. SNYDER:** Not yet.

15 **MS. JONES:** Okay.

16 I don't know who the person is, Mr.
17 Commissioner, it just has a first name; I just want a
18 clarification before it's actually said.

19 **THE COMMISSIONER:** Well it's -- well, first
20 of all, I just want to identify it for ---

21 **MS. JONES:** Okay.

22 **THE COMMISSIONER:** --- the purposes of the
23 record.

24 So Exhibit 1621 is a document called Landry
25 Application for Bail Pending Appeal.

1 **MS. JONES:** Okay.

2 **MR. SNYDER:** And on May -- on or about May
3 4th, she -- I had contact with her; she's got some concerns.
4 I transfer my concerns, as well, onto paper and then fax it
5 to her that next day.

6 **MS. JONES:** So on or about the 4th of May of

7 ---

8 **MR. SNYDER:** I believe ---

9 **MS. JONES:** --- what year?

10 **MR. SNYDER:** --- that's the date. It's from
11 memory.

12 **MS. JONES:** Of what year?

13 **MR. SNYDER:** Now we're -- of '97 -- '98, I
14 think. I would suspect -- well, again, I'm sure we can
15 find it someplace.

16 **MS. JONES:** Okay.

17 **MR. SNYDER:** It was after the sentencing,
18 and he was sentenced in -- I can remember that.

19 **MS. JONES:** Okay. After the sentencing.

20 **MR. SNYDER:** So after the sentencing there
21 was an appeal. It was May of that following year, whatever
22 that was, and I apologize for not knowing off the top of my
23 head, but I got this letter and I answered it this way.

24 **MS. JONES:** You do note in one of the
25 paragraphs here that this has an impact on the victims.

1 **MR. SNYDER:** Yes.

2 **MS. JONES:** It has some sort of
3 psychological impact on them?

4 **MR. SNYDER:** Yes, yes.

5 **MS. JONES:** Okay. The next sort of area
6 that I want to look into actually has to do in response to
7 the Statement of Claim that was served, and then you were
8 involved in an investigation on that?

9 **MR. SNYDER:** Yes.

10 **MS. JONES:** A Statement of Claim was
11 initiated by C-53 and his family.

12 **MR. SNYDER:** Correct.

13 **MS. JONES:** And the document number on that
14 is 739936. It's possible it could be Exhibit 1359.

15 **THE COMMISSIONER:** What document are we
16 looking for, the Statement of Claim?

17 **MS. JONES:** Yes.

18 **THE COMMISSIONER:** Yes, 1359.

19 **MS. JONES:** Thirteen-fifty-nine (1359)?

20 Could I have a publication ban, by the way,
21 on that last document?

22 **THE COMMISSIONER:** No, you're not getting a
23 publication ban. We're stamping the document.

24 **MS. JONES:** Sorry, stamping the document.

25 Thank you. I don't know if this one has been stamped

1 already, but if it could be stamped as well?

2 So this is a Statement of Claim brought by
3 C-53 and other members of his family as they do share the
4 same surname and I understand that they are related.

5 And as a result of that, it appeared that
6 you were tasked with doing an investigation, and the
7 document giving you that task is 739933.

8 (SHORT PAUSE/COURTE PAUSE)

9 MS. JONES: I believe that's actually an
10 exhibit. I'm very sorry again, 1358.

11 THE COMMISSIONER: Hang on.

12 Yes, it is.

13 MS. JONES: I apologize for that.

14 Do you have that, sir?

15 MR. SNYDER: I have the Supreme Court of
16 Justice in front of me.

17 THE COMMISSIONER: It would be in a
18 different ---

19 MS. JONES: No, 1358.

20 THE COMMISSIONER: That's in another binder.
21 Look at the binder on ---

22 MR. SNYDER: Okay. Sorry.

23 THE COMMISSIONER: Thirteen-fifty-eight
24 (1358).

25 MR. SNYDER: I'll get with the program.

1 Sorry.

2 **MS. JONES:** And this seems to be a letter
3 from Chief Repa?

4 **MR. SNYDER:** Correct.

5 **MS. JONES:** And it states -- it's sent to
6 Sergeant Derochie -- Staff Sergeant Derochie, I'm sorry.

7 **MR. SNYDER:** Correct.

8 **MS. JONES:** And it says there's -- in the
9 civil allegations as against Earl Landry, Jr., i.e. this
10 Statement of Claim that was filed on June 30th, 2000. It
11 says:

12 "The civil allegations are serious and
13 allege conduct of a criminal nature."

14 **MR. SNYDER:** Correct.

15 **MS. JONES:** And so an investigation was
16 going to be conducted to find out what happened.

17 **MR. SNYDER:** Correct.

18 **MS. JONES:** And I understand you were the
19 person that was tasked to that?

20 **MR. SNYDER:** Yes.

21 **MS. JONES:** Now, do you have any clue as to
22 why you were the one that was tasked with that particular
23 job?

24 **MR. SNYDER:** Probably because I had
25 knowledge of the Landry file for some time, quite easy to

1 bring somebody else up to snuff on everything and that I
2 had the knowledge, skills and ability to do the job.

3 **MS. JONES:** But you were certainly one of
4 the investigators, if not the lead investigator, for a long
5 period of time on the Landry matter.

6 **MR. SNYDER:** Correct.

7 **MS. JONES:** It has the appearance that
8 you're doing an investigation of -- yourself, in a way.

9 **MR. SNYDER:** No, I don't think so because
10 I'm here to investigate Earl Landry, Sr., the allegation of
11 criminal conduct which would be obstruct justice. I think
12 there's two different things going on. I'm not
13 reinvestigating the investigation. I'm doing an
14 investigation on Earl Landry, Sr.

15 **MS. JONES:** Okay. You don't think that
16 there's a link there at all?

17 **MR. SNYDER:** No.

18 **MS. JONES:** You don't see that?

19 **MR. SNYDER:** No.

20 **MS. JONES:** Okay.

21 **MR. SNYDER:** Except that I had the knowledge
22 of the other investigations.

23 **MR. CALLAGHAN:** I think in fairness, for the
24 record, people should understand we're talking about an
25 investigation of the 1985 case, not what he just finished

1 in 1997.

2 THE COMMISSIONER: M'hm.

3 MR. CALLAGHAN: I hope there's no confusion,
4 but let's be clear.

5 THE COMMISSIONER: Did you know the Landrys
6 at all?

7 MR. SNYDER: Only the Chief.

8 THE COMMISSIONER: Only the Chief.

9 MR. SNYDER: The Chief.

10 THE COMMISSIONER: Did you work under him?

11 MR. SNYDER: For four years, until 1983.

12 THE COMMISSIONER: Okay.

13 MS. JONES: So you starting working on it
14 and your notes, which are happily now in a notebook and
15 note in loose-leaf form, start on page 7 -- I'm sorry,
16 Document Number 739997.

17 (SHORT PAUSE/COURTE PAUSE)

18 THE COMMISSIONER: Thank you.

19 Exhibit 1622 are Staff Sergeant -- or, no,
20 Sergeant Brian Snyder's notes, and the first note is dated
21 Friday, September 15th, 2000.

22 --- EXHIBIT NO./PIÈCE No. P-1622:

23 (739997) Notes of Brian Snyder dated
24 September 15, 2000 to March 9, 2000

25 MS. JONES: So, one of the first people -- I

1 shouldn't say one of the first people, but one of the
2 people you call is actually related to C-51, and I'm
3 looking specifically at Bates page 9261. And if you see at
4 08:37 it shows there you called the mother of C-51. Do you
5 see that?

6 **MR. SNYDER:** Yes.

7 **MS. JONES:** And you said that you called her
8 and advised that you were doing the investigation into a
9 possible conspiracy at the Cornwall Police; correct?

10 **MR. SNYDER:** Correct.

11 **MS. JONES:** Now, on the next page, 9262, it
12 shows at 10 o'clock that you actually met her at her
13 residence, I believe?

14 **MR. SNYDER:** Correct.

15 **MS. JONES:** The first thing she said was she
16 was tired of people that kept bringing the matter up and
17 she just wanted to get on with her life since this had been
18 going on for quite some time, obviously. And further down
19 on the next notebook page, it starts with "I explained" and
20 it stated:

21 "I explained to her that I was with
22 Professional Standards and that I was
23 investigating a possible conspiracy and
24 trying to cover Earl Landry's incident
25 up and if there was people that should

1 **MS. JONES:** Is it fair to say that possibly,
2 though, saying that you're from Professional Standards in
3 that way, there may have been a misunderstanding if it was
4 a criminal investigation and perhaps something a little bit
5 less serious such as just looking into conduct of police
6 officer?

7 **MR. SNYDER:** I don't think so, but you know
8 what, I don't know what's in her mind. My mind is I'm
9 Professional Standards and I'm doing -- when I say
10 conspiracy, most people -- and I use that word because it's
11 a common word criminally without being too -- just keeping
12 it simple, and my mind, she knew I was doing a criminal
13 investigation.

14 **MS. JONES:** Okay. I'm just wondering, Mr.
15 Commissioner, I'm still going to be some time ---

16 **THE COMMISSIONER:** How much time?

17 **MS. JONES:** --- with issues. I would say I
18 would be at least half an hour.

19 **THE COMMISSIONER:** Would you prefer to
20 finish now or tomorrow morning?

21 **MS. JONES:** Tomorrow morning would actually
22 be good if that's possible.

23 **THE COMMISSIONER:** All right. So if it's a
24 half an hour, we'll come back tomorrow morning at 9:30.

25 **THE REGISTRAR:** Order; all rise. À l'ordre;

1 veuillez vous lever.

2 This hearing is adjourned until tomorrow
3 morning at 9:30 a.m.

4 --- Upon adjourning at 4:29 p.m./

5 --- L'audience est ajournée à 16h29

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

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

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



Marc Demers, CVR-CM