

**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 233

Held at :

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

Thursday, May 22 2008

Tenue à:

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

Jeudi, le 22 mai 2008

ERRATA
Volume 232
May 21, 2008

Exhibit Page

P-1691 (735636) - Witness Statement of Albert Roy 75
dated 17 May 02

Should have read

P-1691 (735636) - Witness Statement of Albert 75
Lalonde dated 17 May 02

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
M ^e Pierre R. Dumais Ms. Janie Larocque	Commission Counsel
Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn Mr. Ian Paul	Coalition for Action
Mr. Jeff Carroll	Mr. Jeff Carroll

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1 --- Upon commencing at 9:35 a.m./

2 L'audience débute à 9h35

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 **MR. DUMAIS:** Good morning, Commissioner.

12 Just before we start with the witness,
13 Commissioner, there's one errata in yesterday's transcript.
14 It's found on the list of exhibits, Exhibit P-1691 is
15 identified as a Witness Statement of Albert Roy and it
16 should read Albert Lalonde.

17 **THE COMMISSIONER:** Yes. Did I do that? Did
18 I say that and did you not catch it?

19 **MR. DUMAIS:** I'm not sure, Commissioner.

20 **JEFF CARROLL, Resumed/Sous le même serment:**

21 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
22 DUMAIS (cont'd/suite):

23 **MR. DUMAIS:** All right, Sergeant.

24 So we left off with your last investigation
25 yesterday, and so the last remaining matter that I want to

1 address with you is your involvement with Project Phoenix
2 Song.

3 **THE COMMISSIONER:** Phoenix?

4 **MR. DUMAIS:** Song.

5 **THE COMMISSIONER:** Song.

6 **MR. DUMAIS:** So if you can -- and my
7 understanding is that they asked you at one point or the
8 Cornwall Police Service asked you at one point-in-time
9 whether or not you could undertake this project. Is that
10 correct?

11 **MR. CARROLL:** I don't believe they ever
12 asked me if I could undertake this project. This was a
13 project that was developed by the Police Services Board and
14 I was the person that was placed in the position to
15 administer the project. It was a project, though, that I
16 was very anxious to involve myself in and I had nothing but
17 enthusiasm towards implementing it.

18 **MR. DUMAIS:** All right.

19 So your first involvement would have began
20 sometime in October of 2000. Is that correct?

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

22 **MR. DUMAIS:** And can you just give us a
23 general overview of what the project was?

24 **MR. CARROLL:** Project Phoenix Song was an
25 initiative developed by the Cornwall Police Services Board

1 to highlight some of the work that was being done by our
2 Sexual Assault and Child Abuse Unit in the fall of 2000.

3 That project was launched at the same time
4 as the newly renovated police headquarters was opened and
5 it was a bit of an attempt by the Board to highlight some
6 of the work that has been going on in the sexual assault
7 and child abuse area of the Police Service.

8 **MR. DUMAIS:** Do you know, Sergeant, how the
9 project was developed?

10 **MR. CARROLL:** The project was developed by
11 the Police Services Board, not the Police Service. The two
12 are different units. The Board oversees the political
13 management of the Police Service and the Chief of Police
14 answers directly to the Board.

15 The meat and potatoes, for lack of a better
16 term, of the project was put together with various
17 consultants, I gather, that the Police Services Board had
18 contracted to develop the project.

19 **MR. DUMAIS:** All right.

20 If I can just take you to the executive
21 summary of the proposal, Sergeant, and that's at Document
22 729919.

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **THE COMMISSIONER:** Thank you.

25 Exhibit 1705 is a document entitled

1 Proposal, Executive Summary, Protecting Cornwall's Kids and
2 Project Phoenix Song.

3 --- EXHIBIT NO./PIÈCE NO. P-1705:

4 (729919) Proposal, Executive Summary -
5 Protecting Cornwall's Kids and Project
6 Phoenix Song

7 MR. DUMAIS: So, Sergeant, this appears to
8 be some sort of a summary of the project, and as you've
9 indicated, it appears that Gary Ralph, a public relations
10 consultant, was retained to, I guess, prepare the proposal.
11 Is that correct?

12 MR. CARROLL: That's my understanding.

13 MR. DUMAIS: All right. But he was not
14 involved in conducting any sort of an audit of the SACA
15 Unit and propose any type of reforms. Is that correct?

16 MR. CARROLL: No, he wasn't. That's
17 correct.

18 MR. DUMAIS: All right. And those
19 suggestions or proposal would have come from the Cornwall
20 Police Services Board or from Cornwall Police?

21 MR. CARROLL: My understanding is that it
22 came from the Board.

23 MR. DUMAIS: All right. And you were not
24 involved in that part of the project. Is that correct?

25 MR. CARROLL: In no way was I involved in

1 any of the development of the project.

2 **MR. DUMAIS:** All right.

3 And my understanding is that the Deputy
4 Chief at that time, Ronald Laverty, had been asked to
5 supervise this project. Is that correct?

6 **MR. CARROLL:** Mr. Laverty wasn't the Deputy
7 Chief at the time that the project was launched. He came
8 into our Service very shortly thereafter and upon his
9 appointment as Deputy Chief, he was put in charge of the
10 project.

11 **MR. DUMAIS:** All right. And was he
12 supervising your involvement in this project?

13 **MR. CARROLL:** He was the person that I would
14 report to directly on Phoenix Song matters.

15 **MR. DUMAIS:** All right.

16 Now, I'm just looking at the second page of
17 this executive summary, so Bates pages 588, towards the end
18 of the first paragraph, and if I can, I'll just read out
19 the sentence:

20 "This program tentatively titled
21 'Protecting Cornwall Kids' could make
22 Cornwall a model for many other
23 Canadian communities in combating
24 sexual abuse of children."

25 So the executive summary appears to refer to

1 another project. So do I have that right?

2 **MR. CARROLL:** I'm not sure if I understand
3 exactly what you mean, Mr. Dumais.

4 **MR. DUMAIS:** Was there a separate program
5 that had been put in place or was being considered which
6 was called "Protecting Cornwall Kids"?

7 **MR. CARROLL:** Not to my knowledge. I think
8 they saw "Protecting Cornwall Kids" as a goal of Project
9 Phoenix Song.

10 **MR. DUMAIS:** All right, sir.

11 **MR. CARROLL:** I'm not aware of a separate
12 project that was running at the same time.

13 **MR. DUMAIS:** Okay. And perhaps I can just
14 point out the second-last paragraph of that same page which
15 reads, the first sentence:

16 "While Project Phoenix Song can be
17 implemented relatively easily in a
18 short time, a program like "Protecting
19 Cornwall Kids" would admittedly require
20 considerable more time, energy and
21 funds."

22 **MR. CARROLL:** I'm not entirely sure what
23 their meaning was around that.

24 **MR. DUMAIS:** All right.

25 **MR. CARROLL:** If that was going to be an

1 eventual project that would be developed or a separate
2 program, I'm not entirely sure.

3 **MR. DUMAIS:** Okay. Now, if I can just then
4 take you to Document Number 729926?

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **THE COMMISSIONER:** Thank you.

7 Exhibit 1706 is Project Phoenix Song. It's
8 a project of the Police Services Board of Cornwall and
9 Cornwall Police Service.

10 **--- EXHIBIT NO./PIÈCE NO. P-1706:**

11 (729926) Project Phoenix Song to Protect the
12 Children of Cornwall from Sexual Abuse

13 **MR. DUMAIS:** So, again, this appears to be a
14 description of a project, Sergeant, that takes some of the
15 same information that was found in the executive summary,
16 but at the second page, so Bates page 609, it lists a
17 number of project components and introduction. And you see
18 there that there are 20 separate components.

19 So is this where you became involved? You
20 were to make sure that these 20 components were complied
21 with?

22 **MR. CARROLL:** Yes, that's where I became
23 involved and my mandate or my responsibilities under this
24 project was try and implement as many of these as I could.

25 **MR. DUMAIS:** All right.

1 And my understanding, and you see the -- I'm
2 just looking at the timetable overview paragraphs -- is
3 that the project would have started sometime -- or at least
4 the announcement of the project would have started on
5 October 25th, 2000 when a press conference was held. Is
6 that correct?

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

8 **MR. DUMAIS:** All right.

9 And my understanding -- and I'm just looking
10 at the last paragraph on the following page -- is that most
11 of these components were to be completed by the end of 2000
12 with some spillage into 2001, but certainly I think the
13 intent was that it be completed on February 2001. Is that
14 correct?

15 **MR. CARROLL:** That was my understanding,
16 yes.

17 **MR. DUMAIS:** And I'm just looking at the
18 second sentence of the last paragraph. So it states:

19 "The Board will evaluate this project
20 in February 2001 and decide at that
21 time to continue or discontinue the
22 project."

23 So do you know, Sergeant, whether or not
24 there was some sort of an assessment in February of 2001?

25 **MR. CARROLL:** I don't know if there was an

1 assessment between the Chief of Police and the Board at
2 that time. I do know that there was meetings between
3 myself, the Deputy Chief and the Chief with respect to the
4 progress that I was having in implementing the 20 or so
5 components that had been put out.

6 A lot of progress had been made in many
7 different areas of this project and we reached a point
8 where I believe I had discussions with Chief Repa that I
9 have done as much as I can possibly do at this time and
10 this was very quickly becoming something that I was doing
11 rather than my investigative duties within the unit, and I
12 left that in the hands of the Chief. His eventual
13 instructions were to me that he was satisfied that we had
14 accomplished as much as we can reasonably accomplish as far
15 as the components were concerned and I was to return to my
16 regular duties within the SACA Unit.

17 **MR. DUMAIS:** All right. And does the
18 timeline make sense; would that have occurred in February
19 of 2001?

20 **MR. CARROLL:** It would be somewhere in that
21 time. I'm not sure of the exact week.

22 **MR. DUMAIS:** Now, I understand that you did
23 prepare some sort of a summary of what was accomplished
24 with the different components. Is that correct?

25 **MR. CARROLL:** There was a document that

1 accompanied the project that set out the exact -- sorry,
2 the exact components and there was room for us to record
3 what had been accomplished and what was ongoing.

4 **MR. DUMAIS:** All right. So if I can just
5 take you then to Document Number 729900.

6 **THE COMMISSIONER:** Thank you. Exhibit 1707
7 is a document entitled "Project Phoenix Song."

8 --- **EXHIBIT NO./PIÈCE No. P-1707:**

9 (729900) - Project Phoenix Song - Components
10 and Status

11 **MR. DUMAIS:** So is that the report that you
12 completed, Sergeant?

13 **MR. CARROLL:** That's the document that I
14 maintained on a regular basis throughout the project.

15 **MR. DUMAIS:** All right. So you were
16 updating this as some of the components but is this the
17 last version? Does that make sense?

18 **MR. CARROLL:** This I believe to be the last
19 version.

20 **MR. DUMAIS:** All right. So then if you can
21 just -- we'll just look at each of the components. So the
22 first one was the reform of the Sexual Assault and Child
23 Abuse Unit and you note in your report that that had been
24 completed. And could you indicate what had been done with
25 respect to that component?

1 **MR. CARROLL:** Well, I believe the notation
2 is there that that was met by the announcement of the
3 project at a press conference in October of 2000 and the
4 structure of the unit was changed slightly from how it had
5 been before. I believe with only two officers working at
6 an area to three constables and one acting sergeant which
7 was myself.

8 So with the changes announced in October of
9 2000, that first component was satisfied.

10 **MR. DUMAIS:** All right. So I take it then
11 that components 2 and 3 are to be read in conjunction with
12 component 1.

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

14 **MR. DUMAIS:** All right. So the second
15 component was an increase in staff and supervision of the
16 SACA Unit and it appears to confirm that the actions that
17 were taken was to assign three constables to the Unit. Is
18 that correct?

19 **MR. CARROLL:** That's correct.

20 **MR. DUMAIS:** And one acting sergeant. That
21 would be yourself; is that correct?

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

23 **MR. DUMAIS:** All right. And then it appears
24 to indicate that a fourth constable was trained as well to
25 be prepared if a secondment was necessary. Is that

1 correct?

2 MR. CARROLL: That's correct.

3 MR. DUMAIS: All right. And then the third
4 component, of course, is your new duties as a supervisor of
5 this Unit. Is that correct?

6 MR. CARROLL: Well, the fourth component
7 referred to Deputy Chief Laverty being appointed as the top
8 manager.

9 MR. DUMAIS: Sorry, Sergeant. I was just
10 referring to the third component.

11 MR. CARROLL: Oh.

12 MR. DUMAIS: So you're the acting sergeant
13 but you had I guess the additional duty or the duty to
14 supervise the Unit.

15 MR. CARROLL: That's correct.

16 MR. DUMAIS: All right. And so the fourth
17 component I believe we have spoken about that already, is
18 the fact that he was -- the Deputy Chief was asked to
19 oversee the Unit. Is that correct?

20 MR. CARROLL: That's right.

21 MR. DUMAIS: All right. So then you're
22 supervising the SACA Unit and do you report then to the
23 OIC, the officer in charge of the CIB, or do you report
24 directly to Chief Ronald Laverty?

25 MR. CARROLL: No, the only reason that I

1 would report to Deputy Chief Lavery would be on Phoenix
2 Song matter. Other than that, with the day-to-day
3 operation of the SACA Unit, I would report to the staff
4 sergeant of Criminal Investigations.

5 **MR. DUMAIS:** All right. Perhaps I'm reading
6 that wrong there. I'm just looking at Bates pages 448:

7 "Deputy Chief Ronald Lavery will be
8 assigned to oversee this Unit and to
9 report directly to the Chief of Police
10 on its activities and needs."

11 So the Unit -- the reference to Unit does
12 not referred to the SACA Unit?

13 **MR. CARROLL:** I think that that -- and my
14 understanding at the time and still now is that I would
15 report to the Deputy Chief as it pertained to Phoenix Song
16 matters, but the day-to-day operations of the Sexual
17 Assault and Child Abuse Unit was just part of the Criminal
18 Investigation Division and I would be reporting on those
19 matters operationally to the staff sergeant in charge of
20 CIB.

21 **MR. DUMAIS:** All right. So that reporting
22 aspect of the SACA Unit did not change?

23 **MR. CARROLL:** No.

24 **MR. DUMAIS:** All right. Now, the fifth
25 component deals with ensuring the timely investigation of

1 complaints and there does not appear to have any action to
2 have been taken with respect to that component, sir.

3 **MR. CARROLL:** That was an ongoing issue.
4 It's always an ongoing issue that you ensure you make every
5 attempt that you possibly can to ensure that your
6 investigations are completed in a timely manner. That's an
7 ongoing priority even today and I don't know if I had any
8 discussion with the Deputy on this but that was marked as
9 ongoing because it continued to be ongoing for as long as
10 the SACA Unit existed.

11 **MR. DUMAIS:** All right. But I guess nothing
12 was put in place by yourself or anything additional just to
13 make sure that these investigations and complaints were
14 investigated in a timely fashion.

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

16 **MR. DUMAIS:** All right. But we do know,
17 Sergeant, that there was a standing order that had been
18 adopted in 1999. Is that correct?

19 **MR. CARROLL:** That's correct.

20 **MR. DUMAIS:** Now, component number 6 deals
21 with providing ongoing training to existing and new
22 members. Is that correct?

23 **MR. CARROLL:** That's correct.

24 **MR. DUMAIS:** And perhaps you can just tell
25 us what was done to ensure that everyone was properly

1 trained.

2 **MR. CARROLL:** As courses came along, be they
3 through the Ontario Police College or be they through the
4 Canadian Police College or any other legitimate training
5 facilities, we would make every effort that we could to
6 learn about those courses and make arrangements to have our
7 officers attend.

8 Initially, that began with cross-training
9 Constable Emma Wilson-King as a sexual assault
10 investigator. At the time, she was a member of the
11 Criminal Investigation Division as a general investigator.
12 She was selected as somebody who had the knowledge, skills
13 and abilities to be a sexual assault investigator. She was
14 trained. She wasn't physically moved into the SACA Unit at
15 that time but the availability to have a qualified
16 investigator that we could access, should the workload
17 require that we bring somebody else in. That was the point
18 of having her cross-trained at that time.

19 **MR. DUMAIS:** All right.

20 Was it ever a pre-condition that anyone
21 attached to the SACA Unit either had to have the sexual
22 assault investigator's course completed or completed
23 shortly after?

24 **MR. CARROLL:** Not necessarily prior to being
25 moved into the area. Quite often that simply isn't

1 possible because of (a) a vacancy within the Unit or course
2 availability through the Ontario Police College. Every
3 effort was made to ensure that if somebody was moved into
4 the Unit, they had an opportunity to attend that training
5 course as quick as possible.

6 **MR. DUMAIS:** All right.

7 And I'm just looking at Bates pages 450 and
8 it appears to say that arrangements had been made for
9 members of the SACA Unit to attend a joint seminar with the
10 Crown's office. Do you know if that was done?

11 **MR. CARROLL:** Yes, I believe that was done.
12 I can't recall exactly what the subject matter of that was,
13 but I do remember attending meetings at the Crown's office
14 with the SACA Unit discussing best practices and things
15 like that that can be employed with these investigations
16 and liaising with the Crown's office throughout.

17 **MR. DUMAIS:** All right.

18 And I also understand that the Unit members
19 completed sexual offender registry training and I know that
20 you completed that training as we went through that last
21 week.

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

23 **MR. DUMAIS:** All right.

24 And again, component 7 I believe deals with
25 further training, and the component that had been

1 identified was that the officers will continue learning as
2 we identified the best training opportunities for them.
3 And I think component 7 deals with the fact that members of
4 the Unit would have completed the Understanding Sexual
5 Offenders training course. Is that correct?

6 MR. CARROLL: That's correct.

7 MR. DUMAIS: And the course appears to have
8 been offered by the Sexual Assault Response Team of
9 Stormont-Dundas and Glengarry. Is that correct?

10 MR. CARROLL: That's correct.

11 MR. DUMAIS: And who is that unit or
12 response team?

13 MR. CARROLL: That unit, for the most part,
14 is run out of -- was run out of the General Hospital at
15 that time. Since the hospitals have moved it's now run out
16 of the Cornwall Hospital McConnell site.

17 That primarily has social work support and
18 forensic nurses that are trained to complete the Sexual
19 Assault Evidence Kit examinations. As members of the
20 Sexual Assault Response Team at the time, as they
21 identified training opportunities they hosted courses from
22 time-to-time. We were often invited to attend those
23 courses if we felt that it would be useful for us to send
24 our members to.

25 This particular course, as I recall, was put

1 on by a Corrections Canada psychologist who specialized in
2 dealing with sex offenders. I found that that would be an
3 excellent opportunity for our officers to understand many
4 of the details about sex offenders and we thought that it
5 was a worthwhile training opportunity to participate in.

6 **MR. DUMAIS:** All right.

7 Now, component 8 deals with your offices or
8 the interview room, I guess, to be more child- friendly.
9 Is that correct?

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

11 **MR. DUMAIS:** And my understanding is that
12 this project was being implemented at the same time that
13 the new headquarters was opening. Is that correct?

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

15 **MR. DUMAIS:** All right. And so the
16 interview room was made more child-friendly. Is that
17 correct?

18 **MR. CARROLL:** It's been more child-friendly.
19 It's more victim-friendly.

20 It has developed into a very nice
21 comfortable room with furniture in it that you would expect
22 to find in a normal living room, a place that victims would
23 likely find less intimidating after a traumatic event be
24 they a young child or be they an adult.

25 **MR. DUMAIS:** All right.

1 **MR. CARROLL:** As part of that modification
2 to the room came the installation of rather non-obvious
3 video recording equipment so that victims could come and
4 concentrate on discussing their incident with an
5 investigator rather than having a great big distracting
6 video camera pointed right at them.

7 **MR. DUMAIS:** All right.

8 **THE COMMISSIONER:** How good is it?

9 **MR. CARROLL:** Sorry?

10 **THE COMMISSIONER:** How good is the taping
11 and that kind of thing because from the videos that I saw
12 so far, grainy; can't see physical features; hard to
13 understand people talking; difficult to make an assessment
14 at times.

15 **MR. CARROLL:** When we first started this
16 project off we hooked up a couple of VCRs and installed a
17 rather non-sophisticated microphone but at the time it was
18 the best that was available.

19 That has since evolved quite a bit to a
20 fully digital system right now where instead of recording
21 interviews to the videotapes that you and many others have
22 had to struggle with, we now have a completely digital
23 system, that interviews are stored on a server to the point
24 where -- well, they are stored on a server.

25 I can access any recorded interview at any

1 time from my desk, listen to it over a headset and make
2 notes on it where things are clear, the sound is proper.
3 And we can go as far as if I wanted my partner to monitor
4 an interview that I was doing just for a second set of eyes
5 and ears and another opinion, my partner could do so right
6 from his or her desk.

7 It's a system that's quite sophisticated.
8 It's been featured on news programs in Ottawa. It's one
9 that we are very proud of and other agencies who are doing
10 work in Cornwall and who use our interview facilities are
11 usually quite impressed with what they see.

12 **MR. DUMAIS:** All right.

13 And I understand that in the ninth component
14 not only was -- training was not only directed to SACA
15 members but it was supposed to be directed to members of
16 the service in general. Is that correct?

17 **MR. CARROLL:** That's correct.

18 **MR. DUMAIS:** And I understand that Constable
19 Desrosiers was involved in offering some of this training.
20 Is that correct?

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

22 **MR. DUMAIS:** Constable Desrosiers was part
23 of the SACA Unit?

24 **MR. CARROLL:** Yes, he was.

25 **MR. DUMAIS:** All right.

1 And component 10 deals with the materials to
2 be prepared for groups serving children. Is that correct?

3 **MR. CARROLL:** That's correct.

4 **MR. DUMAIS:** And was that ever completed,
5 Sergeant?

6 **MR. CARROLL:** That was never entirely
7 completed. There were some discussions on exactly what
8 type of materials should be produced, who should produce
9 them, and how they should be produced and circulated.

10 That was one of the last elements of this
11 project that we were working on together with the Board to
12 come up with something as simple as a pamphlet with
13 information that we wished to put out for different groups
14 to have access to.

15 **MR. DUMAIS:** All right. So in my
16 understanding that a draft pamphlet had been prepared and
17 you had reviewed it; you had some concerns with it. You
18 had suggested -- made suggestions, but a final version of
19 the pamphlet was never prepared and used. Is that correct?

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

21 **MR. DUMAIS:** All right.

22 And does component 11 deal with essentially
23 the same thing?

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

25 **MR. DUMAIS:** It deals with the distribution

1 aspect of that pamphlet?

2 MR. CARROLL: Yes.

3 MR. DUMAIS: All right. And is it the same
4 thing for component 11, just a different type of material
5 or directed at the public rather than the service
6 providers?

7 MR. CARROLL: It would have been slightly
8 different material depending on who the target group was
9 and we were just concerned with ensuring that the best
10 possible material was circulated out there from the best
11 possible sources.

12 MR. DUMAIS: All right.

13 I think I have a copy of the working
14 document. Document Number 729913 can be put to the
15 witness, please?

16 (SHORT PAUSE/COURTE PAUSE)

17 THE COMMISSIONER: Exhibit Number 1708 is a
18 document entitled "Protecting Cornwall's Kids from Sexual
19 Abuse". I can't find the date.

20 --- EXHIBIT NO./PIÈCE NO. P-1708:

21 (729913) - Pamphlet - "Protecting Cornwall's
22 Kids from Sexual Abuse"

23 MR. DUMAIS: So, Sergeant, is that the
24 working copy of the pamphlet that you had been working on
25 or had provided some comments on?

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

2 **MR. DUMAIS:** All right.

3 Now, component 12 deals with the --
4 "Maintain ongoing liaison with all children organization's
5 in the area" and your list of action refers to the writing
6 of a child protection protocol or coordinate a response?

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

8 **MR. DUMAIS:** Do you know if that was
9 completed, Sergeant?

10 **MR. CARROLL:** Yes, it was. I wasn't
11 involved in the preparation of the protocol, however, one
12 of the officers from the Unit, Constable Rene Desrosiers,
13 he was assigned to that, probably even before my
14 transferring into the SACA Unit.

15 That was a project that he worked on with
16 the Children's Aid Societies in Eastern Ontario to develop
17 the protocol that -- that was completed at that time and
18 since that time it has been updated and revised, just to
19 make sure that it stays as current as possible.

20 **MR. DUMAIS:** All right.

21 And my understanding of your involvement in
22 this component was developing a relationship with
23 Probations and Corrections with respect to the
24 implementation of the registration of offenders in the Sex
25 Offenders Registry. Is that correct?

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

2 **MR. DUMAIS:** All right.

3 And I understand that the Deputy Chief did
4 meet with the Children's Aid Society to have just a general
5 discussion on how both organizations work and discussing
6 the possibility of joint orientation. Is that correct?

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

8 **MR. DUMAIS:** And do you know if -- do you
9 know if my joint orientation they meant joint training
10 between the two members of the organizations?

11 **MR. CARROLL:** There has been, at different
12 times, joint training that has taken place between police
13 and CAS on a variety of aspects.

14 At that time, there was a course called
15 "Interviewing Children" regarding sexual offences and it
16 was a joint police and Association of Children's Aid
17 Societies training venture. It was of course that I and
18 all members of the SACA team eventually attended and that
19 was structured entirely around approaching joint police,
20 CAS investigations in an effective and organized fashion.

21 **MR. DUMAIS:** And was this just a one-time
22 course or do you know if this is ongoing, if this training
23 is ongoing?

24 **MR. CARROLL:** This course has since been
25 modified so that it is no longer run jointly by police and

1 CAS in different police jurisdictions. It's now run
2 essentially out of the Ontario Police College, as far as I
3 know.

4 MR. DUMAIS: All right.

5 And component 13 deals with the update of
6 your website. Do you know if that was completed?

7 MR. CARROLL: I believe that has been and we
8 do have a website that we have our media relations officer
9 that maintains it and he looks after all of the material
10 that makes it on to the website ---

11 MR. DUMAIS: All right.

12 MR. CARROLL: --- from time-to-time.

13 MR. DUMAIS: And the next component deals
14 with spokespersons being made available to speak to the
15 community about child sexual abuse. Do you know who the
16 current -- or do you know if there's a spokesperson
17 designated?

18 MR. CARROLL: We have a spokesperson --
19 well, actually, we have several running through our
20 Community Services and Community Partnerships Branch that
21 attend a variety of community-based groups and speak on
22 several issues, including child abuse and child sexual
23 abuse.

24 MR. DUMAIS: All right. And who is the
25 current designated spokesperson?

1 **MR. CARROLL:** Current we have Constable Gary
2 Leger, who is in that Unit; he does a lot of the public
3 appearances himself. However, there are other members that
4 work with him that from time-to-time that either
5 participate with him or go off on their own types of
6 presentations.

7 **MR. DUMAIS:** Now, the 15th component deals
8 with liaisons between news and information media,
9 specifically on ways to prevent sexual abuse of children,
10 and the action taken refers to a pamphlet that had been
11 received by you, making reference to a website that was
12 designed and to prepare the child victim witness for court.

13 The action to be taken noted there was that
14 you were to meet with Crown's office and decide how this
15 tool could be used.

16 **MR. CARROLL:** I did meet with the Crown's
17 office. We did see that there was a pamphlet and a book
18 that helped explain the court process to children, to get
19 them ready for court.

20 At the same time, the Victims Witness
21 Assistance Program became operable in the city and they
22 currently -- and have developed over the years a very
23 organized system in meeting with all victims, including
24 children, to prepare them for the court process.

25 Even today, officers in the SACA Unit

1 participate in these pre-court preparations that often
2 involve a tour of the courthouse and a tour of the
3 courtroom and different people playing the different roles
4 for the child or the victim who's going to be attending in
5 court, to show them just exactly how the process is going
6 to work, so that when they do show up from their trial date
7 or their court appearance it's not completely foreign to
8 them and a surprise about how the proceedings work.

9 **MR. DUMAIS:** All right.

10 Now, the 16th component deals with the use of
11 an educator?

12 **MR. CARROLL:** Yes. I don't believe an
13 educator was ever identified and brought into the Unit to
14 take over the teaching duties that the project kind of
15 envisioned.

16 **MR. DUMAIS:** So what were you envisioning
17 with that component, going into the schools and educating?

18 **MR. CARROLL:** Potentially going into the
19 schools. That didn't really develop in that way. The way
20 in which we entered the schools to conduct teaching was a
21 joint venture by the Children's Aid Society and ourselves,
22 namely me, where we would attend all the schools and we
23 would try and meet with all staff that worked in the
24 schools, be they the principal, vice-principals, teachers,
25 we even included custodial staff and anybody that worked in

1 the school.

2 We wanted to deliver the message that the
3 legislation may at times seem confusing to you with respect
4 to your duty report suspected child abuse, as far as who
5 you would report this to, the police or the CAS.

6 The representative from the Children's Aid
7 Society and myself took a unified position on this; that it
8 didn't matter who you reported it to. If you reported
9 something to the police that should go to the CAS, the
10 police will make sure that it got there and the CAS
11 delivered the message that the same would happen in
12 reverse.

13 It didn't matter who you reported it to,
14 either the police or the CAS would take care of the matter
15 being brought to the right person's attention or the right
16 organization's attention and that it would be handled from
17 that point.

18 **MR. DUMAIS:** All right. So you were
19 involved in providing that information session?

20 **MR. CARROLL:** Yes, I was.

21 **MR. DUMAIS:** All right. And is this ongoing
22 today, Sergeant?

23 **MR. CARROLL:** It's not ongoing today. We
24 spent quite a bit of time attending all of the schools,
25 explaining to them the Job Protection Protocol that has

1 been developed. All of the schools have a copy of it, and
2 we made sure that the message was delivered with respect to
3 their duty to report.

4 **MR. DUMAIS:** All right.

5 The next component, Sergeant, deals with the
6 use of a psychiatrist, and I believe at that time you had
7 spoken to Dr. Peter Collins?

8 **MR. CARROLL:** Yes, at the time that this
9 project was underway, I was in attendance at -- as a matter
10 of fact, at a sexual assault investigator's course. I had
11 an opportunity to meet and discuss this project and the
12 potential need for us wanting to contract the services of a
13 psychiatrist with respect to any ongoing investigation.

14 I had, at that time, dealt with Dr. Collins,
15 using him as a resource in other investigations and it gave
16 us a chance to have some discussion over this and Dr.
17 Collins indicated to me that he was available at any time,
18 should we feel that we needed his services.

19 **MR. DUMAIS:** All right.

20 **THE COMMISSIONER:** Is that more for
21 profiling?

22 **MR. CARROLL:** That could be for profiling
23 either offenders or that could be maybe coming up with a
24 more focused approach on dealing with interviewing somebody
25 that could even extend to a victim or a witness.

1 We never used it for profiling a particular
2 person, as far as I know, but the contact was made and if
3 we did feel that we needed these expert services, at least
4 we had a place that we could begin.

5 **MR. DUMAIS:** Do you know for a fact,
6 Sergeant, if the psychiatrist was ever used?

7 **MR. CARROLL:** I don't believe he was.

8 I used him once on a -- looking for some
9 collateral information and some type of an opinion, a
10 professional opinion on what materials I could expect to
11 find in an offender's home while executing a search
12 warrant. That was the only time that I resorted to
13 contacting Dr. Collins.

14 **THE COMMISSIONER:** I'm wondering if the
15 service was to be continued or used in the future, if you
16 would consider using it to help you understand the victim?
17 For example, you know, some people might look at it and
18 say, "Well, he doesn't come to the office on time or misses
19 a lot of appointments, so mustn't be very interested in the
20 case," whereas maybe the psychologist or psychiatrist could
21 tell you, "Well, no, no, that might be a sign that they're
22 having a rough time with it," that kind of thing. Was
23 there any thought given to that kind of use of a
24 psychiatrist?

25 **MR. CARROLL:** I don't know, to tell you the

1 truth, but it is something that -- just that issue is
2 something that's addressed in sexual assault training
3 courses, so that ---

4 **THE COMMISSIONER:** All right.

5 **MR. CARROLL:** --- I'm quite confident in
6 saying now that the investigators are sensitive to that
7 possibility, that it may go -- it may have to go further in
8 contacting some sort of a resource to assist the victim and
9 we've even gone as far as allowing the victim's resource
10 and support person to attend with them and be present while
11 they're interviewed under strict -- just so they can sit
12 and be there for them but they're not to participate in the
13 interview. That's there. That's understood by all of the
14 members and we've gone as far as going and picking up the
15 victim and their support person and bringing them together
16 for their interview and then taking them home when it's
17 done.

18 **MR. DUMAIS:** All right.

19 So the eighteenth component dealt with the
20 publication of statistics for the purpose of informing the
21 public on a yearly basis and your action item notes that
22 you had some preliminary discussions with your Information
23 Services manager. Do you know if that was ever completed?

24 **MR. CARROLL:** The statistics are published
25 now every year as they relate to all criminal activity

1 within the City of Cornwall and included in those
2 statistics are sexual assault numbers as well.

3 MR. DUMAIS: All right.

4 MR. CARROLL: So that's something that has
5 taken place and it's still ongoing.

6 MR. DUMAIS: All right.

7 And they're broken down by ---

8 MR. CARROLL: By type ---

9 MR. DUMAIS: --- of investigations.

10 And is that information found on your
11 website; is that correct?

12 MR. CARROLL: I believe it is.

13 MR. DUMAIS: All right.

14 So the second-last component was to carry on
15 research to identify new needs of the special unit?

16 No actions have been indicated in your
17 report. Do you know if that was ever done or ---

18 MR. CARROLL: I can't speak to what was done
19 with that following the direction of the Chief to me that I
20 was to return to my regular duties.

21 However, as we learn of new courses, as we
22 learn of new equipment, we will routinely make a
23 presentation as to "This would be a good idea and it would
24 assist us in this way or that way" or perhaps some
25 modification to our interviewing and recording equipment

1 would work better.

2 As we learn of new things, new techniques
3 and new courses, we make representations or presentation as
4 to we would like to have some access to these.

5 **MR. DUMAIS:** All right.

6 And the last component was just a general
7 commitment from the Chief of Police to continue to deliver
8 the best possible efforts to protect the children of
9 Cornwall. Maybe it's a question for the Police Chief.

10 **MR. CARROLL:** It probably is, but that's a
11 commitment by this entire Police Service for children and
12 for every citizen of the City of Cornwall on a day-to-day
13 basis.

14 **MR. DUMAIS:** All right.

15 Now, this report was prepared back in 2001,
16 Sergeant. Am I right in assuming that there hasn't been a
17 specific review of what the components are and what the
18 objectives were and whether or not you've followed up on
19 all your action items since then?

20 **MR. CARROLL:** No. Shortly after, we felt
21 that we've accomplished as much as we can reasonably
22 accomplish within Project Phoenix Song. I was instructed
23 by the Chief of Police that we would stop at that point
24 because we had done our best to accomplish everything that
25 we could reasonably accomplish and that I was to return to

1 my regular duties.

2 I don't know if Phoenix Song has ever been
3 addressed at the command level beyond that point in time.

4 **MR. DUMAIS:** All right.

5 Now, these are the questions I have for you,
6 Sergeant.

7 As I indicated to you, before I let my
8 friends ask you some questions, you would be provided with
9 an opportunity to indicate how your involvement in -- as a
10 member of the Cornwall Community Police Services and your
11 involvement with the SACA Unit has impacted you personally
12 and/or whether or not you had any recommendations that you
13 wished to voice, and I advised you I would leave it up to
14 you whether or not you would want to do so.

15 **MR. CARROLL:** Can I read from something I
16 prepared, Mr. Commissioner?

17 **THE COMMISSIONER:** You sure can.

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

19 **--- STATEMENT BY/DÉCLARATION PAR MR. CARROLL:**

20 **MR. CARROLL:** Mr. Commissioner, I've been a
21 member of the Cornwall Police Service for the last 22 years
22 and in these years I've had the pleasure of working in
23 every area of the Service and I pursued ever challenge that
24 I've met to the best of my ability.

25 One of the greatest challenges that I've had

1 the opportunity to meet has been working in the area of
2 sexual assault and child abuse investigations and I see the
3 ability of me serving as both a supervisor and an
4 investigator in this unit as being a great personal
5 accomplishment.

6 One of the most troubling things that I deal
7 with on a day-to-day basis is people asking me just, "How
8 do you go to work every day and deal with the things that
9 you deal with?"

10 The answer's quite simple and I know I speak
11 for myself and my coworkers in SACA, saying that every day
12 is a treat when you can't wait to get to work and do a
13 challenging job that you just can't seem to get enough of.

14 To be part of taking personal tragic
15 circumstances and being just a small part of helping turn a
16 victim into a survivor is something that is enjoyed, with
17 great personal pride.

18 When other members of our Service routinely
19 take friends and family members around the building, they
20 stop by the SACA office door and make comments like "This
21 is an area that I could never stand to work in and I don't
22 know how these people come to work and do this every day."
23 Members of our Unit collectively grin and know amongst
24 ourselves that despite the challenges of dealing with the
25 sexual assaults and child abuse on a day-to-day basis, this

1 is a job that the group of us can't wait to get to work
2 every day and tackle.

3 Perhaps one of the greatest distractions
4 that has haunted Cornwall Community Police Service and the
5 City of Cornwall over the last 15 years have been the
6 exaggerated and inflamed media circus surrounding
7 allegations of cover-up and how a paedophile ring has
8 operated in the city over the years with impunity. This
9 has hurt the image of the Service and the community and has
10 greatly destroyed the lives and careers of many
11 individuals.

12 I can only hope that someday this damage
13 will be repaired, and from a personal standpoint, myself,
14 my family, as well as families of many of my coworkers have
15 endured this for far too long.

16 It saddens me every day that the very hard
17 work and excellent police work that goes on in the Cornwall
18 Community Police Service by all of its employees is
19 overshadowed by nothing but negative, sensational headlines
20 that seem to place the spotlight in the wrong spot.

21 When I think of how recklessly terms like
22 "paedophile" and "cover up" have been used over the years,
23 I begin to get rather frustrated, but deep down I try and
24 correct that by becoming more determined.

25 I look forward to a day when all this is

1 behind us. I hope it happens in my career, but some days
2 I'm doubtful.

3 I envy officers that are behind me in years
4 of service because their chances of seeing this are far
5 greater than my own.

6 As far as recommendations go, Mr.
7 Commissioner, I can only ask you to please preserve the
8 very high threshold of burden of proof that exists or that
9 is expected by the courts in the prosecution of sexual
10 offences, be they historic or very recent. Relaxing these
11 would be in no one's interest and would cure no social ill.

12 Mr. Commissioner, I also ask you to deliver
13 a very strong sanction to people who conduct clandestine
14 investigations in an unofficial manner, prosecuting them in
15 a public forum without having regard to rules of evidence
16 or procedure. These actions make future investigations all
17 but impossible. Criminal investigations can never be
18 personal agenda or headline-driven.

19 Whatever findings you must make must please
20 realistically take into account that we can't keep doing
21 more with less. Resources, be they human, financial and
22 technological, must all be employed in unison to ensure our
23 collective success.

24 Mr. Commissioner, it's been a very long wait
25 for me and many of my colleagues to be able to speak

1 publicly and freely about this. I thank you very much for
2 this opportunity and I wish you great success in the future
3 phases of this Inquiry.

4 **THE COMMISSIONER:** Thank you very much.

5 **MR. DUMAIS:** Thank you, Detective Sergeant.

6 **THE COMMISSIONER:** Do you want to go now?

7 Mr. Manson?

8 **MR. MANSON:** You want me to start now?

9 **THE COMMISSIONER:** If you wish.

10 **MR. MANSON:** I expect to be probably half an
11 hour.

12 **THE COMMISSIONER:** That's fine.

13 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
14 MANSON:

15 **MR. MANSON:** Sergeant Carroll, my name is
16 Allan Manson. I'm one of the lawyers for the Citizens for
17 Community Renewal, which is a group of Cornwall citizens
18 concerned with institutional reform and especially the
19 protection of young people and children.

20 I have a few questions for you. I want to
21 start by correcting something that I think was just a
22 little slip, but we should correct the record.

23 When you were talking about your interview
24 of July 10th, 1998 with Mr. Lewis at the headquarters ---

25 **MR. CARROLL:** Yes, sir.

1 **MR. MANSON:** --- you indicated that you, at
2 one point, offered him the opportunity to call his lawyer
3 and I believe you said he called Sean Adams.

4 **MR. CARROLL:** Okay.

5 **MR. MANSON:** In fact, if we look at your
6 notes, it looks like he called and spoke with Hal Sherwood.

7 **MR. CARROLL:** Hal Sherwood worked in the
8 same firm as Sean Adams and the name of the partnership is
9 Adams and Sherwood. If I made that mistake, I apologize.

10 **MR. MANSON:** Oh, I just wanted to -- you do
11 recall that it was Hal Sherwood?

12 **MR. CARROLL:** I do recall that it is Hal
13 Sherwood, only because I know Mr. Sherwood.

14 **THE COMMISSIONER:** But the name Sean Adams
15 did show up in the notes.

16 **MR. MANSON:** Well, no, if we look at Exhibit
17 1672, Mr. Commissioner ---

18 **THE COMMISSIONER:** Yes.

19 **MR. CARROLL:** I could have referred to Adams
20 and Sherwood because it was the name of the firm.

21 **THE COMMISSIONER:** Okay.

22 **MR. MANSON:** I'm just trying to keep the
23 record straight ---

24 **THE COMMISSIONER:** No, I ---

25 **MR. MANSON:** --- for a variety of reasons.

1 **THE COMMISSIONER:** There was a -- I had made
2 a mental note of that.

3 **MR. MANSON:** In 1672, if you look at the
4 second page -- the third page -- no, second page, 1438 --
5 -

6 **THE COMMISSIONER:** I'm sorry; what exhibit
7 again?

8 **MR. MANSON:** If we look at the second page,
9 it's Bates page 941 ---

10 **THE COMMISSIONER:** Right.

11 **MR. MANSON:** --- 1436, the end of that note:

12 "He wishes to speak to Sean Adams,
13 placed on hold."

14 But then later you say he speaks with Hal
15 Sherwood.

16 **THE COMMISSIONER:** All right. Okay. Good.

17 **MR. MANSON:** And I understand later you did
18 have dealings with Mr. Sherwood, who was initially the
19 counsel?

20 **MR. CARROLL:** Can I read this just to make
21 sure?

22 **MR. MANSON:** Yes.

23 **MR. CARROLL:** "I called Adams and Sherwood
24 for him at his request. He wishes to
25 speak to Sean Adams. Placed on hold..."

1 "The B room" indicates that we were using the breathalyser
2 room to use the phone.

3 "James moved into the booking room
4 where he could speak privately. I
5 called Adams and Sherwood back,
6 advising him of this. Speak with Hal
7 Sherwood."

8 **THE COMMISSIONER:** Okay.

9 **MR. CARROLL:** So my reference to Adams and
10 Sherwood refers to the firm that I'm calling and he
11 eventually does speak to Hal Sherwood because I believe I
12 spoke to Hal Sherwood that day as well.

13 **THE COMMISSIONER:** Good.

14 **MR. MANSON:** Thank you. That was just
15 simply to correct the record. I have spoken to the
16 subsequent counsel and I know it was Hal Sherwood who
17 originally had the file.

18 My other question at this point is not so
19 much a correction but just a clarification. At one point
20 Mr. Dumais was asking you about looking in OMPPAC files,
21 and your answer was, "I'm not sure if at that time we were
22 using OMPPAC or RMS." And I'm not familiar with RMS.

23 **MR. CARROLL:** OMPPAC was the system that was
24 in place prior to the year 2000. And don't hold me to the
25 exact dates on when the switch was flipped from one system

1 to the other. RMS is something that is -- has been
2 developed by a company called NICHE, I believe. It's quite
3 an enhanced and much more sophisticated version of what we
4 had in OMPPAC. It has a much greater query capability and
5 Crown brief preparation capability. It is the same as what
6 OMPPAC was to us then, but even more now. And they both
7 remain the databases that we searched through then for
8 material and that we continue to search for and work in
9 now.

10 **MR. MANSON:** So if we look to today, your
11 file management, reporting management and preparation of
12 Crown briefs is done through this RMS system?

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

14 **MR. MANSON:** And it's maybe another
15 generation forward of what OMPPAC was to you?

16 **MR. CARROLL:** That's a nice way of putting
17 it, yes. It's leaps and bounds ahead of what OMPPAC was.

18 **MR. MANSON:** Thank you.

19 I want to start by looking at the Price
20 investigation.

21 **MR. CARROLL:** Okay.

22 **MR. MANSON:** I know this is out of sync in
23 terms of time, but I think it will be easier. And you've
24 prepared a chronology, which is Exhibit 1343.

25 Can we just look at that, Mr. Commissioner?

1 THE COMMISSIONER: M'hm.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. CARROLL: Okay, I have it.

4 MR. MANSON: Do you have that?

5 MR. CARROLL: Yes, I do.

6 MR. MANSON: Just to capsulize; this is a
7 set of allegations that involves a Father, members of
8 Cornwall Fire Department, Cornwall Police Department, maybe
9 retired members is a better way to put it and the nature of
10 the allegations is sexual accompanied by satanic rituals;
11 correct?

12 MR. CARROLL: Yes, sir.

13 MR. MANSON: And I know your involvement is
14 later on but you -- in preparing this chronology you've
15 gone through the entire files; correct?

16 MR. CARROLL: The reason for me preparing
17 this chronology was two-fold; one number, to keep track of
18 what I was doing but allowed me to go back and look at
19 everything that happened in the years prior to me becoming
20 involved in it, just so I could gain some sort of
21 understanding on what was done.

22 MR. MANSON: But you're familiar with the
23 whole investigated file?

24 MR. CARROLL: Yes, I am.

25 MR. MANSON: And the end of the story, at

1 this point, and please correct me if I'm wrong, is that you
2 and your superiors concluded that you needed a face-to-face
3 meeting with Mrs. Price and Mr. Price, to go through the
4 various writings that you had and you were unable to
5 arrange that face-to-face meeting; correct?

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

7 **MR. MANSON:** And so the file is essentially
8 in abeyance?

9 **MR. CARROLL:** That's correct.

10 **MR. MANSON:** Now, I want to go back and look
11 through the investigation. And I don't think we need to go
12 into any great detail or name all the names but it seems to
13 me that the Cornwall Police contacted, personally, at least
14 three siblings. Does that sound correct?

15 **MR. CARROLL:** That -- yes, that sounds
16 correct.

17 **MR. MANSON:** And that one of the siblings
18 told you -- and this at Bates page 307 -- that she was
19 aware of these complaints about 12 years prior but that
20 eight years prior the matter was dealt with by the Bishop
21 of the Mormon Church and nothing ever came of this.

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

23 **MR. MANSON:** Can you explain what that means
24 "Dealt with by the Bishop of the Mormon Church"? Did you -
25 - well, did your officers get any more information about

1 that resolution?

2 **MR. CARROLL:** I never spoke with the victim
3 -- sorry, with the Bishop of the Mormon Church. I did
4 speak to one of the siblings, a lady by the name if Cindy
5 Larose. This family, at one point in time, was very active
6 within the Mormon Church and this problem did arise in
7 their family at one point in time that I'm aware of because
8 they told me or Cindy told me, and the family was content
9 to have it dealt with within the church and leave it as
10 such.

11 **MR. MANSON:** But this -- the first sibling,
12 the first name is Laurie.

13 **MR. CARROLL:** You're talking about Schnell,
14 Mrs. Schnell?

15 **MR. MANSON:** Yes.

16 **MR. CARROLL:** Okay.

17 **MR. MANSON:** She couldn't confirm any of the
18 details for your officers; that's correct?

19 **MR. CARROLL:** Correct.

20 **MR. MANSON:** A second sibling, whose first
21 name was Sharon, reported that she had been fondled by her
22 father but couldn't confirm any of the other details about
23 the allegations; correct?

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

25 **MR. MANSON:** And the sibling that you

1 mentioned, Cindy, recalled that allegations had been made
2 but she couldn't confirm them either, could she?

3 MR. CARROLL: That's right.

4 MR. MANSON: And also, Michael McDonald,
5 another brother, that would be the fourth sibling, wasn't
6 able to confirm any of the allegations either?

7 MR. CARROLL: That's correct.

8 MR. MANSON: Just prior to your involvement,
9 if we look at Bates page 310, and the date here is June
10 20th, 2000, and this is shortly after -- well it's a year
11 after I suppose, Mr. Nadeau contacted the Cornwall Police
12 and said that Mrs. Price was ready to proceed.

13 You've got a note of a contact between Mr.
14 Price and Detective Sergeant Lefebvre; correct?

15 MR. CARROLL: Where are you referring?

16 MR. MANSON: It's page 310.

17 MR. CARROLL: Okay.

18 MR. MANSON: Bates page 310.

19 THE COMMISSIONER: Just on the top there.

20 MR. CARROLL: Okay.

21 MR. MANSON: June 20th, 2000.

22 MR. CARROLL: All right.

23 MR. MANSON: And the note indicates that Mr.
24 Price stated they would only proceed if the CPS would
25 assign Constable Perry Dunlop to do the investigation; is

1 that correct?

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

3 **MR. MANSON:** And Mr. Price was advised that
4 that wasn't possible; correct?

5 **MR. CARROLL:** That's correct.

6 **MR. MANSON:** Around the same time -- if we
7 turn the page -- Detective Sergeant Lefebvre had arranged
8 for the local RCMP, that would be the Park Hill Detachment,
9 to interview Mrs. Price and they forwarded a statement to
10 you; correct?

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

12 **MR. MANSON:** But Detective Sergeant Lefebvre
13 found the statement was vague and disjointed and when
14 attempts to made to clarify it with her she became upset
15 and the interview was ended; correct?

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

17 **MR. MANSON:** So at this stage, using the
18 local RCMP out in British Columbia wasn't helpful in
19 sorting out these allegations; correct?

20 **MR. CARROLL:** No, it wasn't.

21 **MR. MANSON:** Your involvement -- the first
22 note of your involvement is August 4th, 2000, when you spoke
23 with Mr. Price. And I just want to alert you, there's a
24 moniker in that second paragraph, C-20.

25 **MR. CARROLL:** Okay, I see that.

1 **MR. MANSON:** You indicate that your
2 conversation focused on the involvement of Dick Nadeau and
3 that of C-20. What do you mean by focusing on their
4 involvement?

5 **MR. CARROLL:** I wanted to know just what
6 role they had in the Prices coming forward at this time.

7 **MR. MANSON:** By role you mean were they
8 encouraging, have they spoken to them about details?

9 **MR. CARROLL:** Yes.

10 **MR. MANSON:** You're concerned about possible
11 tainting problems?

12 **MR. CARROLL:** That's one issue that I was
13 trying to stay alive to.

14 **MR. MANSON:** I want to just point out one
15 other -- a few other references but if we turn to Bates
16 page 314 you had another conversation with the sibling,
17 Cindy Larose.

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

19 **MR. MANSON:** And can you explain what's
20 meant by the third paragraph?

21 "Stated that Dick Nadeau in the Project
22 Truth Two website out of blame for this
23 and that family members are
24 contemplating legal action."

25 What's meant by your statement "are to blame

1 for this"?

2 **MR. CARROLL:** That's -- that's me recording
3 Cindy's words. I don't think I could answer that. That
4 came from Cindy Larose, she would probably be best to
5 explain that.

6 **MR. MANSON:** But did you get the sense that
7 she was suggesting that Mr. Nadeau had been encouraging
8 Shelley to come forward with these allegations?

9 **MR. CARROLL:** Yes, I think that's a fair
10 assessment but, again, that would probably be something
11 best explained by her.

12 **MR. MANSON:** Can we flip forward to one of
13 your last conversations with Mr. Price; this would be
14 September 26th, 2000?

15 This is the conversation where he explains
16 to you that he has no faith in the Cornwall Police Service.

17 **THE COMMISSIONER:** Three one seven (317)?

18 **MR. MANSON:** Yes. Sorry. Thank you.

19 **MR. CARROLL:** I got that.

20 **MR. MANSON:** About halfway down, your notes
21 read:

22 "Commented that Cornwall was full of
23 paedophiles and that everyone was
24 trying to cover it up."
25 Were those his words to you?

1 **MR. CARROLL:** Yes, I believe they were, or
2 something very close to that.

3 **MR. MANSON:** Do you know what he was basing
4 that on?

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

6 **MR. MANSON:** Do you know if he was in
7 contact with anyone from Cornwall?

8 **MR. CARROLL:** I don't know.

9 **MR. MANSON:** Do you know if he was talking
10 with Perry Dunlop?

11 **MR. CARROLL:** I have -- again, I have no
12 idea of that.

13 **MR. MANSON:** The next paragraph, and this
14 relates to something I want to talk to you about in a few
15 minutes:

16 "Claimed Detective Inspector Pat Hall
17 of Project Truth told him the only
18 reason that Shelley's case was not a
19 Project Truth case was due to the fact
20 Shelley was not a young boy."

21 Was this the statement that Mr. Price made
22 to you?

23 **MR. CARROLL:** Those I believe were the words
24 or the point that he was trying to get across to me.

25 **MR. MANSON:** In other words, he was

1 suggesting that Project -- and I'm not suggesting that his
2 conversation between him and Pat Hall did or didn't happen,
3 but in terms of what's being related to you, he is saying
4 "The OPP Project Truth isn't interested because Shelley was
5 a girl."

6 MR. CARROLL: I believe that's the
7 understanding that I have of that at that time.

8 MR. MANSON: Okay. And as we said before,
9 the matter is in abeyance because the Prices wouldn't agree
10 to meet with you even if you travelled to British Columbia.

11 MR. CARROLL: That's correct.

12 MR. MANSON: And you did have authorization
13 to go to British Columbia?

14 MR. CARROLL: I was ready to go.

15 MR. MANSON: Can we move to the Project
16 Truth mandate? And I want to ask you about this in the
17 context of the Marc Latour/Gilf Greggain investigation.

18 MR. CARROLL: Okay.

19 MR. MANSON: If we look at Exhibit 359,
20 please, these are your notes from June of 2000, Sergeant
21 Carroll. It's Exhibit 359 I believe.

22 MR. CARROLL: Yes.

23 THE COMMISSIONER: So what Bates page?

24 MR. MANSON: I'm sorry?

25 THE COMMISSIONER: Page number?

1 **MR. MANSON:** Bates page 185, the first page.

2 **THE COMMISSIONER:** Okay.

3 **MR. MANSON:** About three quarters of the way
4 down, you say:

5 "Referred to CPS via Project Truth as
6 incident did not fall within their
7 mandate. Contact Detective Inspector
8 Pat Hall."

9 Correct?

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

11 **MR. MANSON:** What was your understanding at
12 that point of the Project Truth mandate?

13 **MR. CARROLL:** I didn't have a lot of
14 understanding of that mandate at that time at all and ---

15 **MR. MANSON:** Do you know why it was
16 suggested to you that this case didn't fall within the
17 mandate?

18 **MR. CARROLL:** I don't recall.

19 **MR. MANSON:** Can we also look at Detective
20 Inspector Hall's letter to you, which is Exhibit 368?

21 **MR. CARROLL:** Okay.

22 **MR. MANSON:** I should say it's a letter to
23 Cornwall Police and it's attention Sergeant Carter, but you
24 have seen this letter, have you?

25 **MR. CARROLL:** I've seen this letter.

1 **MR. MANSON:** And the third paragraph says:
2 "These alleged offences occurred in the
3 City of Cornwall. The exact nature of
4 the allegations was not solicited as it
5 was felt it would be more appropriate
6 for your police service to conduct the
7 investigation."

8 Correct?

9 **MR. CARROLL:** That's correct.

10 **MR. MANSON:** It doesn't say it wasn't within
11 the Project Truth mandate.

12 **MR. CARROLL:** No, I see that it doesn't say
13 that.

14 **MR. MANSON:** I guess the reason I'm puzzled
15 is, in a nutshell, the Latour allegation is an allegation
16 of an historical sexual assault by a teacher; correct?

17 **MR. CARROLL:** That's correct.

18 **MR. MANSON:** And it seems to me that that
19 ought to be within the Project Truth mandate.

20 **MR. CARROLL:** I don't know how to answer
21 that because I don't know enough about the Project Truth
22 mandate even today to answer that question.

23 **MR. MANSON:** Well, perhaps can you explain
24 to me what your understanding was as to why this case was
25 punted to the CPS by Project Truth?

1 **MR. CARROLL:** I have no idea.

2 **MR. MANSON:** Okay. But you do recall
3 someone saying it wasn't within our mandate but you don't
4 understand the details of that?

5 **MR. CARROLL:** That's correct.

6 **MR. MANSON:** Speaking of Project Truth,
7 let's talk for a minute about the other Project Truth, the
8 Project Truth website.

9 You know that this was organized and run by
10 Dick Nadeau; correct?

11 **MR. CARROLL:** Yes, I do.

12 **MR. MANSON:** And it had this misleading
13 title of Project Truth website; correct?

14 **MR. CARROLL:** That was the title. Whether
15 it was misleading or not, I don't know.

16 **MR. MANSON:** Well, let's put it this way; if
17 someone from British Columbia was in -- or Saskatoon maybe
18 was interested in and heard about problems in Cornwall,
19 they might be forgiven if they went and did a Google search
20 and ended up with the Project Truth website. They might be
21 forgiven if they thought it was official; correct? It has
22 an official sounding name; correct?

23 **MR. CARROLL:** I'll agree with you on that.

24 **MR. MANSON:** I mean we know the OPP is in
25 town with a taskforce called Project Truth and there's a

1 Project Truth website.

2 MR. CARROLL: Okay.

3 MR. MANSON: So by misleading, that's what I
4 mean.

5 MR. CARROLL: I'll agree with you on that
6 point, yes.

7 MR. MANSON: Now, you told us that you had a
8 rapport with Dick Nadeau.

9 MR. CARROLL: Yes, I did.

10 MR. MANSON: And that you tried to use that
11 to your advantage.

12 MR. CARROLL: Yes.

13 MR. MANSON: By advantage, you mean to
14 further your police work?

15 MR. CARROLL: Certainly, yes.

16 MR. MANSON: And you also told us that from
17 time to time you looked at the website; correct?

18 MR. CARROLL: I think I looked at that
19 website on a couple of occasions.

20 MR. MANSON: And am I right in assuming that
21 you would have seen statements, some of them even looking
22 official like affidavits, that made various allegations
23 about various people in the Cornwall community?

24 MR. CARROLL: I think I might have seen
25 those.

1 **MR. MANSON:** Were you disturbed by any of
2 the things that you saw on the website?

3 **MR. CARROLL:** No.

4 **MR. MANSON:** Did you have any sense that
5 some of these statements might be defamatory?

6 **MR. CARROLL:** I recognized that, yes. I
7 didn't have any specific concerns over what I saw. After I
8 saw some of the contents there, I kind of shook my head and
9 wondered what kind of impact this would have on any future
10 investigations.

11 **MR. MANSON:** But you also -- depending on
12 how much scrutiny you applied, you'd see the names of
13 various of your colleagues being the subjects ---

14 **MR. CARROLL:** Yes.

15 **MR. MANSON:** --- of various allegations.

16 **MR. CARROLL:** Yeah, I saw some of my
17 colleagues' names in there.

18 **MR. MANSON:** And those allegations would
19 include sexual improprieties; correct?

20 **MR. CARROLL:** I don't recall any sexual
21 improprieties and my colleagues being connected on that
22 site and there wasn't an awful lot of scrutiny put into
23 that by me. I saw that it was -- it was completely
24 unofficial and you can put down whatever you wanted on it,
25 I don't think I looked at that thing more than once or

1 twice and I didn't go back to it.

2 MR. MANSON: But we've heard evidence that
3 Mr. Nadeau didn't check the material that he received and
4 if someone gave him a statement that seemed to fit within
5 his frame of interest -- I'm not going to use the word
6 mandate -- frame of interest that he would post it on the
7 website.

8 Did you know that, that he didn't verify any
9 of these documents?

10 MR. CARROLL: No, I didn't.

11 MR. MANSON: So that if anyone could send
12 him anything and there was a good chance it could get
13 posted. For example, you know that the Albert Lalonde
14 materials were all posted; correct?

15 MR. CARROLL: Yes, I do know they were
16 posted.

17 MR. MANSON: Can we look at Marc Latour's
18 statement that's Exhibit 360B, please?

19 MR. CARROLL: Okay.

20 MR. MANSON: Have you got it, Sergeant
21 Carroll?

22 MR. CARROLL: Yes.

23 MR. MANSON: And if we turn to Bates page
24 541, which is page 19, the big paragraph at the top you've
25 got Mr. Latour making some comments about Dick Nadeau and

1 explaining to you that, "Dick is my cousin"; correct?

2 MR. CARROLL: Yes, I see that.

3 MR. MANSON: The next sentence, Mr. Latour
4 says:

5 "I don't believe what he is doing is
6 fair to anybody."

7 Correct?

8 MR. CARROLL: Yes, I see that.

9 MR. MANSON: And can we assume -- well, it
10 goes on:

11 "Okay, I don't. Let the justice system
12 take its course, okay, I agree. He
13 does know. I never told him whatever
14 happened to me."

15 But this statement about, "I don't believe
16 what he's doing is fair to anybody", it seems clear that
17 Mr. Latour is concerned about the website; correct?

18 MR. CARROLL: I won't disagree with you.
19 Yeah, sure, I'll agree with that.

20 MR. MANSON: And his concern must be that
21 this unfairness this indiscriminate defaming of people?

22 MR. CARROLL: I don't know if that's exactly
23 what he's referring to.

24 MR. MANSON: You didn't get that sense?

25 MR. CARROLL: I don't think I read anything

1 else into that other than what he said.

2 MR. MANSON: Okay.

3 Can we look at your interview of June 20th
4 '02 with Mr. Nadeau, please? It's Exhibit 841.

5 MR. CARROLL: Eight-forty-one (841)?

6 MR. MANSON: I believe ---

7 THE COMMISSIONER: No, different notebook.

8 (SHORT PAUSE/COURTE PAUSE)

9 MR. MANSON: Have you got that, Sergeant?

10 MR. CARROLL: I'm getting it.

11 MR. MANSON: Just to situate this in time,
12 you're interviewing Mr. Nadeau about his involvement with
13 the new Albert Lalonde allegation; correct? That's the
14 reason why you've arranged this interview with Mr. Nadeau?

15 MR. CARROLL: Yes, I believe so. Yes.

16 MR. MANSON: And the date of the interview
17 is June 20th, '02. Your evidence was a few weeks before
18 this. To be precise, the day after the stay was imposed in
19 the Father MacDonald prosecution, you heard from Dick
20 Nadeau that there was another victim that wanted to make
21 allegations and that was Albert Lalonde; correct?

22 MR. CARROLL: That's correct.

23 MR. MANSON: And shortly afterwards you meet
24 with Mr. Nadeau?

25 MR. CARROLL: That's correct.

1 **MR. MANSON:** Is it fair to say that you want
2 to find out about his involvement with Albert Lalonde
3 because again you are concerned about the problems of
4 tainting?

5 **MR. CARROLL:** That's correct.

6 **MR. MANSON:** And from your questions, at
7 least at this stage, your concerns relate both to Mr.
8 Nadeau and to Carson Chisholm; correct?

9 **MR. CARROLL:** That's correct.

10 **MR. MANSON:** And if we look at page 7,
11 you're talking to Mr. Nadeau about Carson Chisholm;
12 correct?

13 **MR. CARROLL:** Yes, sir.

14 **MR. MANSON:** Halfway down?

15 **MR. CARROLL:** Yes, sir.

16 **MR. MANSON:** Can I just read it?

17 "But you..."

18 "C" that's you, of course; correct?

19 **MR. CARROLL:** Yes.

20 **MR. MANSON:** You're "C" and he is "N"?

21 **MR. CARROLL:** That's right.

22 **MR. MANSON:**

23 "C: But you guys definitely talked
24 before I interviewed Albert or before
25 last Friday?

1 N: Yeah, I just told him that Albert
2 had decided to come forward."

3 When you meant "you guys", you're referring
4 to Carson Chisholm and Dick Nadeau; correct?

5 MR. CARROLL: That's correct.

6 MR. MANSON: "That's basically all and
7 Carson was happy about that. Carson
8 and I don't run close together, you
9 know. We're sort of at arms length
10 from each other.

11 C: Okay.

12 N: We never developed a relationship.
13 He has his own agenda, you know."

14 Do you know what his own agenda is?

15 MR. CARROLL: Do I know what Carson's agenda
16 is?

17 MR. MANSON: Yes.

18 MR. CARROLL: No, I don't.

19 MR. MANSON: Have you ever met Carson
20 Chisholm?

21 MR. CARROLL: I have never met him. I
22 believe I had one conversation on the phone with him.

23 MR. MANSON: And from -- have you ever read
24 any news accounts of any statements he's made publicly?

25 MR. CARROLL: Maybe I've read once -- or

1 once or twice I've taken a look at them.

2 MR. MANSON: Does that give you any sense of
3 what Mr. Nadeau might mean when he says he has his own
4 agenda?

5 MR. CARROLL: No, it doesn't. I'm quite
6 satisfied that he has an agenda. Exactly what it is I
7 didn't know then and I still don't know now.

8 MR. MANSON: Okay, that's fair.

9 In the course of the Lalonde investigation,
10 do you know that Mr. Chisholm was seen on a TV broadcast by
11 CJOH displaying an alleged victim statement that was Albert
12 Lalonde's statement?

13 MR. CARROLL: No, I don't.

14 MR. MANSON: Can we look at Exhibit 1375,
15 please?

16 (SHORT PAUSE/COURTE PAUSE)

17 THE COMMISSIONER: Yes, sir?

18 MR. MANSON: These are some of the notes
19 from Staff Sergeant Derochie, who I believe would have been
20 your superior at the time you were assigned the Lalonde
21 investigation in '02?

22 MR. CARROLL: That's correct.

23 MR. MANSON: If we look to Bates page 113 --
24 hope I've got the right exhibit number.

25 THE COMMISSIONER: Yes, I believe so.

1 **MR. MANSON:** Yes, this is it, the bottom
2 paragraph which goes over to the next page.

3 I'll just read you this, Sergeant Carroll,
4 and tell me if this refreshes your memory. Sergeant
5 Derochie is recording a telephone call from Pat Hall and he
6 writes:

7 "They have a number of statements going
8 back as far as 1995 from Lalonde.
9 Evidence concerning this allegation has
10 been reviewed by the Crown and it has
11 been determined there was no likelihood
12 of conviction. He cautioned that
13 Lalonde's evidence would be tainted in
14 the extreme. He will supply all doc
15 Project Truth has. He also informed
16 that it would have been Lalonde's
17 statement which Carson Chisholm had
18 displayed on camera for CJOH TV outside
19 of the courthouse at the start of the
20 MacDonald trial."

21 Does that refresh your memory?

22 **MR. CARROLL:** Yes, it does.

23 **MR. MANSON:** And was this one of the reasons
24 why when you're meeting with Mr. Nadeau and when you're
25 meeting with Mr. Lalonde you're concerned to say, "Please,

1 we don't need media coverage of these allegations if I'm
2 going to do a proper investigation"?

3 MR. CARROLL: That's correct.

4 MR. MANSON: This is not helpful to your
5 investigation, is it?

6 MR. CARROLL: The media coverage?

7 MR. MANSON: Yes.

8 MR. CARROLL: No, it's not.

9 MR. MANSON: And in fact, I want to show you
10 another -- to try and get our heads around Carson
11 Chisholm's involvement I want to show you another document.
12 I don't believe this is an exhibit yet, Mr. Commissioner.

13 It's Document 705830 which appears to be a
14 handwritten statement signed by Albert Lalonde dated April
15 9th in the beginning, April 9th, 2002, but then it looks like
16 April 26th at the end.

17 THE REGISTRAR: That would be Exhibit 697.

18 MR. MANSON: There you go, Exhibit 697.

19 Thank you.

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. MANSON: If we turn to the last page
22 where the signature appears, it says "Witness Carson A.
23 Chisholm, April 26, '02"; correct?

24 MR. CARROLL: That's correct.

25 MR. MANSON: Did you -- have you seen this

1 statement before, this version?

2 MR. CARROLL: Yes, I have. I'm not sure
3 exactly when, but yes, I've seen this.

4 MR. MANSON: And can you identify it as a
5 statement that would have been prepared by Albert Lalonde,
6 or at least handwritten by Albert Lalonde?

7 MR. CARROLL: I've seen it. I see that it's
8 got Albert's signature on it. I'm not sure if I saw this
9 in its original form or in a copy or whatever. I took the
10 statement for what it was.

11 MR. MANSON: But it seems to indicate that
12 at least for the purpose of being a witness, Carson
13 Chisholm is involved with Mr. Lalonde in April of '02;
14 correct?

15 MR. CARROLL: Yes, sir, it does.

16 MR. MANSON: Just to finish off this area,
17 Mr. Commissioner, at the end of your investigation into the
18 Lalonde allegations, you concluded that you had no
19 reasonable and probable grounds to lay an Information;
20 correct?

21 MR. CARROLL: That's correct.

22 MR. MANSON: And that was confirmed by Mr.
23 McConnery; correct?

24 MR. CARROLL: That's correct.

25 MR. MANSON: Is it fair to say that the

1 reasons or the concerns in your mind -- and I'm not going
2 into any great detail, but just to capsulize it, one
3 concern would have been the personal credibility of Mr.
4 Lalonde; correct?

5 MR. CARROLL: There were problems with the
6 statements that he's made.

7 MR. MANSON: Well, I'll get to the statement
8 in a minute ---

9 MR. CARROLL: Okay.

10 MR. MANSON: --- but just his personal
11 credibility.

12 MR. CARROLL: Yes.

13 MR. MANSON: You'd be concerned about
14 whether he'd be a good witness?

15 MR. CARROLL: That's fair.

16 MR. MANSON: You'd be concerned about the
17 credibility of the statement given how it arose starting
18 with a vision; correct?

19 MR. CARROLL: That's correct.

20 MR. MANSON: And you were particularly
21 concerned about tainting; correct?

22 MR. CARROLL: That's correct.

23 MR. MANSON: And the tainting you'd be
24 concerned about was his involvement with Dick Nadeau;
25 right?

1 **MR. CARROLL:** Yes, sir.

2 **MR. MANSON:** His involvement with Carson
3 Chisholm; right?

4 **MR. CARROLL:** Yes, sir.

5 **MR. MANSON:** And the way that Dr. Richter
6 helped him develop the account; correct?

7 **MR. CARROLL:** Sorry, the way?

8 **MR. MANSON:** That Dr. Richter helped him
9 develop the account over a series of professional meetings?

10 **MR. CARROLL:** I don't quite understand what
11 you mean by helping him develop the account.

12 **MR. MANSON:** Well, if we go back to the
13 Richter notes which are, as I recall, 1995, we see an
14 evolution in Mr. Lalonde's mind of the details of the
15 account, and that evolution is assisted by his interaction
16 with Dr. Richter.

17 **MR. CARROLL:** Okay.

18 **MR. MANSON:** Would you agree that that's
19 another possible taint problem?

20 **MR. CARROLL:** I would be concerned of how
21 that assisted evolution would impact on reasonable grounds
22 and how certainly that would have an impact on eventual
23 reasonable doubt, if it ever went to trial.

24 **MR. MANSON:** But we can't minimize the
25 effect of tainting in a case like this; correct?

1 **MR. CARROLL:** No, we can't.

2 **MR. MANSON:** I'm going on to another area,
3 Mr. Commissioner, if you want to have a break?

4 **THE COMMISSIONER:** All right. Thank you. I
5 need a health break.

6 **MR. MANSON:** Thank you, Commissioner.

7 **THE COMMISSIONER:** We'll come back after the
8 break.

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

11 This hearing will resume at 11:25.

12 --- Upon recessing at 11:09 a.m./

13 L'audience est suspendue à 11h09

14 --- Upon resuming at 11:31 a.m./

15 L'audience est reprise à 11h31

16 **THE REGISTRAR:** Order; all rise. A l'ordre;
17 veuillez vous lever.

18 This hearing is now resumed. Please be
19 seated. Veuillez vous asseoir.

20 **MR. MANSON:** Mr. Commissioner, one of the
21 problems with breaks is it permits absent-minded counsel to
22 remember something that they had forgotten.

23 **JEFF CARROLL, Resumed/Sous le même serment:**

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

25 **MANSON (cont'd/suite):**

1 **MR. MANSON:** So with my apologies, Sergeant
2 Carroll, we have to go back to Exhibit 1343, your Price
3 chronology, page 305.

4 **THE COMMISSIONER:** Yes.

5 **MR. CARROLL:** Okay.

6 **MR. MANSON:** Without going into details, it
7 seems that in 1998, December 2nd, at the instruction of
8 Staff Sergeant Brunet, Detective Tyo notified the
9 Children's Aid Society of possible child protection
10 concerns; correct?

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

12 **MR. MANSON:** And so this would be in
13 furtherance of the statutory duty to notify CAS any time
14 there's concerns that a child may be subject to abuse;
15 correct?

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

17 **MR. MANSON:** And so by 1998, it seems that
18 the Cornwall Police Service accepts that even in historical
19 cases, the CAS has to be notified; correct? I only mention
20 that because there was some concern back in 1993 whether
21 that was an obligation, but in 1998, at least from what we
22 know from the Price case, your fellow officers accepted
23 that notwithstanding these were historical allegations, the
24 CAS had to be notified?

25 **MR. CARROLL:** I'm not sure if at that time

1 that that was a statutory obligation, but it was an
2 obligation as part of the investigation to share that
3 information, and I was aware that that had already been
4 done ---

5 **MR. MANSON:** Yes.

6 **MR. CARROLL:** --- at that time, when I
7 conducted my investigation.

8 **MR. MANSON:** I was only pointing that out --
9 -

10 **MR. CARROLL:** Okay.

11 **MR. MANSON:** --- because we've had an issue
12 about CAS notification, and here is an example in 1998 they
13 were notified.

14 I want to move to a few questions about your
15 inability to develop reasonable and probable grounds in the
16 Latour/Gilf Greggain case. And I know Mr. Dumais asked you
17 a number of questions about this, and I believe your view
18 was -- and this is from my notes, not from the transcript,
19 so please correct me -- but you said "I believed Marc
20 Latour was sincere that he was a victim" but that that
21 isn't the same as having reasonable and probable grounds to
22 believe that an offence was committed?

23 **MR. CARROLL:** Yes.

24 **MR. MANSON:** So you weren't doubting his
25 sincerity, but you needed something more?

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

2 **MR. MANSON:** And what I want to talk to you
3 about is in terms of the something more, a number of times
4 in your testimony you've said you were looking for
5 corroboration; correct?

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

7 **MR. MANSON:** And what I want to ask you is
8 why you thought you needed corroboration?

9 **MR. CARROLL:** Without it, I had nothing more
10 than Marc Latour saying that he was victimized by Mr.
11 Greggain and Mr. Greggain saying no, he didn't do it. I
12 had no problem putting Mr. Latour in the school, in Mr.
13 Greggain's class. That was taken care of. One person says
14 that somebody did something to them and the other person
15 says, "No, I didn't," there has to be some evidence in my
16 mind that I can articulate making full, frank and fair
17 disclosure of all of the facts as to why I believe that
18 offence happened. This has nothing to do with how I feel
19 about the victim, how I feel about the suspect or how I
20 feel about any of the witnesses. It has to do with what I
21 can put before a court or a Justice to satisfy them that
22 this goes beyond more than one person against the other.

23 **MR. MANSON:** The point of my question,
24 Sergeant Carroll, is that you're using corroboration in a
25 non-technical sense, meaning -- by that I mean you wanted

1 something more to confirm Mr. Latour's story as compared to
2 the view that the law at the time required you to have
3 corroboration. Is that correct?

4 **MR. CARROLL:** That I believe is correct,
5 yes.

6 **MR. MANSON:** I just wanted to clarify that.
7 That your concern wasn't that if we looked at the
8 substantive in the evidentiary law at the time of the
9 offence that there was a corroboration requirement. Your
10 evidence is that from an investigator's point of view, you
11 ---

12 **MR. CARROLL:** I wanted something.

13 **MR. MANSON:** You wanted something more?

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

15 **THE COMMISSIONER:** So in your view, if it's
16 a question of -- in the vernacular -- "he says, she says",
17 no charges? In fact, just like we've got here, you
18 wouldn't lay charges on a "he said, she said"?

19 **MR. CARROLL:** Yes, sir.

20 **THE COMMISSIONER:** You wouldn't or you
21 would?

22 **MR. CARROLL:** No, sir, I wouldn't.

23 **THE COMMISSIONER:** You wouldn't.

24 **MR. MANSON:** And would that apply in the
25 context of a domestic assault back then?

1 **MR. CARROLL:** I don't know what the law was
2 back then.

3 **MR. MANSON:** No, no, no, I mean your view
4 now because you're interviewing Mr. Latour just a few years
5 ago.

6 **MR. CARROLL:** In the case of a domestic
7 assault, I no longer have that option. A domestic assault
8 is a mandatory charge and it's a mandatory charge, and it's
9 made quite clear to victims and accused persons or
10 suspected persons at that time, in the case of a victim
11 that doesn't want to proceed, I'm sorry, in face of you
12 calling the police and us showing up and you with that
13 visible injury and your utterance that this person did this
14 to you me, I have no choice but to proceed.

15 **MR. MANSON:** What about a sexual assault?

16 **MR. CARROLL:** If it's in a domestic context?

17 **MR. MANSON:** No.

18 **MR. CARROLL:** Okay. Sexual assault is a
19 little bit different. However, the law, as it stands today
20 doesn't have a corroboration requirement.

21 **MR. MANSON:** That's correct. But as the
22 Commissioner pointed out, it's not uncommon to have "he
23 says she says" in sexual assaults?

24 **MR. CARROLL:** There's a lot of other
25 evidentiary availabilities that are explored there. Number

1 one, there's a detailed sexual assault examination kit and
2 an accompanying questionnaire that is completed by the
3 person performing the examination that sometimes turns into
4 being a very valuable statement in and of itself. There
5 are lots of potential for physical evidence at the scene;
6 utterances and statements made to other people that the
7 victim may have disclosed this to.

8 Not often does it end up in just a "he said,
9 she said".

10 **THE COMMISSIONER:** No, but they do happen?

11 **MR. CARROLL:** They do happen.

12 **MR. MANSON:** I guess -- of course, you're
13 always looking for confirmation because you want to build a
14 better case, but as the Commissioner points out, there are
15 sexual assaults that don't involve visible injury, that
16 don't involve forensic evidence or torn clothing and it's
17 often just a he said -- or at least sometimes, a "he said,
18 she said".

19 Is it your evidence that if you can't
20 confirm you wouldn't go forward?

21 **MR. CARROLL:** Not necessarily. It's very
22 hard to answer that question in a non-case by case analysis
23 of these.

24 There have been sexual assaults that have
25 been prosecuted successfully on the basis of victim says

1 this, accused says no.

2 I can't think of one right now that I have
3 been involved in personally without a whole lot more
4 contemplation time, but I do know of other officers that
5 have been successful in cases like these.

6 **MR. MANSON:** So you don't rule it out?

7 **MR. CARROLL:** It's not ruled out
8 automatically.

9 **MR. MANSON:** You have to look at the whole
10 context?

11 **MR. CARROLL:** You have to look at the entire
12 context of everything.

13 **MR. MANSON:** Let me turn to -- Mr.
14 Commissioner, I just want to flag this.

15 I think there is a -- and I'm not about to
16 put any questions to the witness but there is a legal issue
17 ---

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

19 **MR. MANSON:** --- as to the applicability of
20 corroboration requirements with respect to old offences,
21 when there were statutory corroboration requirements.

22 **THE COMMISSIONER:** Yeah.

23 **MR. MANSON:** And the legal issue is if
24 they're being prosecuted today ---

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

1 **MR. MANSON:** --- do those apply and at some
2 point we may have to address that.

3 **THE COMMISSIONER:** Very good.

4 **MR. MANSON:** Now, again, thinking about
5 sexual assaults generally, can you tell me your view on the
6 notion that an investigator should wait for the victim to
7 be ready to tell their story? Is that your view?

8 **MR. CARROLL:** Yes, it is.

9 **MR. MANSON:** And what do you mean by
10 waiting? Do you just wait for the next call or is there
11 anything that you can do along the way?

12 **MR. CARROLL:** You can -- first of all, let
13 the victim know that you definitely want that next call.
14 Hopefully while you are waiting for that next call, you
15 have enough background information to begin your initial
16 investigation.

17 You may want to begin canvassing witnesses.
18 You may want to begin identifying your scene and assessing
19 whether or not there's a likelihood of any physical
20 evidence within that scene. You may want to begin
21 canvassing any documentary evidence that may be out there.
22 There's all kinds of things that can be done.

23 **MR. MANSON:** But your practice is you will
24 wait for the next call? You won't make the call, I guess
25 that's my question?

1 **MR. CARROLL:** I may make the call.

2 **MR. MANSON:** Okay. Is that a general
3 feeling within SACA? I guess, should a call be made?

4 **MR. CARROLL:** A call will be made in our
5 Unit to let the victim know or the witness know, as the
6 case may be, that when you are ready, we are ready to
7 proceed. Is there anything that we can do to be of some
8 assistance with you at this time? If there's a way of
9 making that call and leaving a message, we'll do that.

10 **MR. MANSON:** When you say "be of some
11 assistance", what are you thinking?

12 **MR. CARROLL:** Offering some support, perhaps
13 assisting the victim in getting in contact with some type
14 of counselling. There's a variety of supports that are out
15 there.

16 **MR. MANSON:** Now, I guess I'm just musing,
17 but it would certainly be preferable if there was a need
18 for support or counselling, that you organized it because
19 you would direct the victim to somebody that you trusted;
20 correct?

21 **MR. CARROLL:** I would offer a variety of
22 options to the victim and not direct him to a particular
23 individual that I trusted.

24 We have a victims services officer who has
25 contact and information on a variety of social latencies

1 that can be of some support and these are several options
2 that this person would have the ability to explain to a
3 victim, and anyone of these would be good viable services
4 for a victim.

5 **MR. MANSON:** But you'd want to vet that
6 list. What I'm getting at by saying trust, there's a
7 potential tainting problem and you'd want to know that
8 you're dealing with a counsellor who has experience?

9 **MR. CARROLL:** I wouldn't be vetting any list
10 of services, picking and choosing which ones that I think
11 would be best.

12 We might assist a victim in making the
13 choice, but I'm not going to vet and select a list of
14 services that a victim might have the opportunity to get in
15 touch with.

16 **MR. MANSON:** But aren't you concerned that
17 the counselling experience could pose a problem with
18 respect to going forward with the investigation?

19 **MR. CARROLL:** I would never put the need for
20 counselling ahead of the needs for investigation.

21 If a victim is -- feels that they're in need
22 of counselling, you go ahead and take care of that. That
23 takes priority over my investigation. I will work around
24 whatever counselling has to be done, as the case may be.

25 **MR. MANSON:** That's fair. That answers my

1 question. Thank you, Sergeant Carroll.

2 I want to just turn, lastly, to your
3 interviews with Mr. Lewis and these would be Exhibits 1664
4 and 1672.

5 Please, if you want to refer to your notes,
6 go right ahead.

7 **MR. CARROLL:** Sixteen-seventy-four (1674)
8 you said?

9 **MR. MANSON:** Sixteen-sixty-four (1664) would
10 be the first set, that's the 32 pages.

11 **MR. CARROLL:** Okay.

12 **MR. MANSON:** And then 1672 is the second
13 set.

14 So your earlier interviews and meetings with
15 Mr. Lewis are in the first set, then the July 10th meeting
16 when he's eventually arrested and charged is in the second
17 set.

18 **MR. CARROLL:** All right.

19 **MR. MANSON:** Exhibit 1672.

20 Now, you seize from Mr. Lewis' home a
21 picture album; correct?

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

23 **MR. MANSON:** And some of the pictures are
24 missing and they are cut up and you find cut-up remnants
25 both at his home and at Mr. Hickerson's home; correct?

1 **MR. CARROLL:** Yes.

2 **MR. MANSON:** And then you piece those
3 together to find -- to make the 43 pictures?

4 **MR. CARROLL:** We pieced a lot of those
5 together. I perhaps didn't articulate earlier that some of
6 those pieces were cutup so small that they couldn't be
7 pieced together with anything. We pieced as many of these
8 pictures together as we could. Some of those pictures
9 there was more Scotch tape than there was pictures. What
10 we did as much of a job as we could do to put these pieces
11 together and we ended up with that number of pictures at
12 the end of this exercise.

13 **MR. MANSON:** And I know your evidence was
14 that some of the cut-up pictures included young boys
15 involved in sexual acts or being photographed in sexual
16 positions; correct?

17 **MR. CARROLL:** They were being photographed
18 in sexual positions and the only sexual act that was
19 depicted in any of these pictures was masturbation.

20 **MR. MANSON:** And that was in the album, the
21 masturbation photos?

22 **MR. CARROLL:** That was the -- I believe
23 there was one or two pictures in the album depicting that.

24 **MR. MANSON:** So both the 40 -- I'm just
25 trying to get a sense of what was in the album. The album

1 was also young boys and were all the photos of young boys
2 in sexual positions or the masturbation photo or were there
3 some neutral photos?

4 **MR. CARROLL:** There were some that were just
5 nudity. Some were depicting -- the central images in the
6 pictures would be genitalia or the anal region and others
7 would be somebody appearing to be masturbating while
8 looking at a magazine or something like that.

9 **MR. MANSON:** And could you estimate the age
10 of the young boys?

11 **MR. CARROLL:** Probably somewhere between --
12 anywhere between 8 years to 14, 15 years of age.

13 **MR. MANSON:** Can you estimate the age of the
14 photos?

15 **MR. CARROLL:** I would guess between 15 to 20
16 years of age and I'm basing that on -- a couple of those
17 pictures had Mr. Lewis and/or his brother in the pictures.

18 **MR. MANSON:** Yes.

19 **MR. CARROLL:** I'm familiar with both of
20 those individuals and my guess on their facial appearances
21 then in the pictures and then as I remembered them in 1998,
22 that would be my guess. Mr. Lewis' estimation between 10
23 to 15 years ago is probably fairly accurate. And I'm
24 basing that on how the pictures have been faded over the
25 years. They are Polaroid pictures. They've begun to turn

1 orange and the 15 to 20 years is probably a fair estimate.

2 MR. MANSON: Were any of them of a more
3 recent appearance?

4 MR. CARROLL: No.

5 MR. MANSON: Or is that something you
6 couldn't tell?

7 MR. CARROLL: I couldn't really tell.

8 MR. MANSON: You told us that you seized
9 from Mr. Hickerson's home seven videotapes that involved
10 sexual activity between Mr. Hickerson and Mr. Lewis;
11 correct?

12 MR. CARROLL: Yes.

13 MR. MANSON: And you viewed those tapes?

14 MR. CARROLL: Yes, I did.

15 MR. MANSON: Were any other individuals
16 apparent in any way on those tapes?

17 MR. CARROLL: No.

18 MR. MANSON: In the photo album, either the
19 pieced-together ones or the album itself, were there any
20 adults apparent in the photos?

21 MR. CARROLL: No.

22 MR. MANSON: But you could tell that they
23 had been taken at Mr. Hickerson's home?

24 MR. CARROLL: They appeared to be taken at
25 Mr. Hickerson's home and I'm basing that on just the

1 general decor and the type of panelling that was on the
2 walls. Some of them were taken in the bedroom. Others
3 appear to be taken in the basement. And, again, I'm
4 judging that on the type of panelling and just the general
5 decor.

6 MR. MANSON: At some point you talked to Mr.
7 Lewis about Mr. Hickerson; correct?

8 MR. CARROLL: That's right.

9 MR. MANSON: And early on -- I can refer you
10 to the supplementary occurrence report -- but you noted
11 that he said Mr. Hickerson had a sexual preference for boys
12 from young teens to, I believe it was 17 or 18 or 19 years
13 old?

14 MR. CARROLL: That's correct.

15 MR. MANSON: This is 1998; correct?

16 MR. CARROLL: That's correct.

17 MR. MANSON: And you're aware that there is,
18 in the media at least, allegations of a clan of pedophiles
19 in Cornwall?

20 MR. CARROLL: Yes.

21 MR. MANSON: In any of your interviews with
22 Mr. Lewis, did you ask him whether other men were ever
23 involved with the young boys that Mr. Hickerson knew?

24 MR. CARROLL: I don't recall if I did that
25 specifically.

1 **MR. MANSON:** I checked these two exhibits
2 and there doesn't seem to be a question about that.

3 **MR. CARROLL:** I don't believe at that time I
4 was looking into the aspect that there may have been a clan
5 of pedophiles. I don't think I was really aware of the
6 clan of pedophiles at that time being as predominant as it
7 was.

8 With respect to the term "pedophile" on
9 this, Mr. Lewis was very quick to point out to me that
10 pederasty dealt more with the age group of 13 to the 18-
11 year olds and that was Mr. Hickerson's sexual preference.
12 He wasn't a pedophile. He was a pederast.

13 **MR. MANSON:** And to follow that up, Mr.
14 Lewis on a number of occasions, especially when you showed
15 him the diskettes and the child pornography that had been
16 downloaded from the internet, on a number of occasions he
17 offered to you, whether you want to call it his
18 justification or whatever, the view that children are
19 sexual beings and they are capable of consenting; correct?

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

21 **MR. MANSON:** And you also read material that
22 you found on Mr. Hickerson's computer; correct?

23 **MR. CARROLL:** That's correct.

24 **MR. MANSON:** There was an essay that he was
25 working on, "When a Man of God has Sex with a Boy"?

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

2 **MR. MANSON:** Is it fair to say that that was
3 Mr. Hickerson's view too?

4 **MR. CARROLL:** I believed that it was, and
5 I'm only basing that on the writings and some of the
6 literature that I found in his house.

7 **MR. MANSON:** Yes.

8 Now, your superior at this point was
9 Sergeant Brunet; correct?

10 **MR. CARROLL:** Staff Sergeant Brunet.

11 **MR. MANSON:** Yes.

12 **MR. CARROLL:** Yes.

13 **MR. MANSON:** And did he at any point
14 indicate that you ought to be concerned about the clan of
15 pedophiles allegation?

16 **MR. CARROLL:** I don't believe so.

17 **MR. MANSON:** At any point did he say to you,
18 "We should be speaking to Mr. Lewis about people like Ken
19 Seguin, Malcolm MacDonald, Father Charles MacDonald"?

20 **MR. CARROLL:** No.

21 **MR. MANSON:** So that aspect was never
22 pursued?

23 **MR. CARROLL:** No, it wasn't.

24 **MR. MANSON:** And at the end of the Lewis
25 prosecution when he was acquitted, all of the child

1 pornography was destroyed; correct?

2 MR. CARROLL: After the appeal period, yes.

3 MR. MANSON: Now, are you familiar with
4 Project P?

5 MR. CARROLL: Yes, I am.

6 MR. MANSON: And can you just explain to the
7 Commissioner what Project P is?

8 MR. CARROLL: Project P is the Ontario
9 Provincial Police Child Pornography Unit.

10 MR. MANSON: Did it occur to you that maybe
11 these materials should be sent to them, that there might be
12 some investigative value even in the future?

13 MR. CARROLL: On one occasion around this
14 time on a separate investigation, I met with an
15 investigator on a separate investigation from Project P.

16 The list of books, the binder that was full
17 of what I believed to be internet addresses, were in fact
18 image numbers from different types of child pornography
19 images that are taken from the internet.

20 I went through this material with the
21 officer from Project P. They were -- some of these were
22 internet addresses, some of these were just image numbers,
23 some of these images they were familiar with. The series
24 like the Lolita series of child pornographic images are
25 well known. There's virtually millions of them worldwide

1 on the internet copied by people all over the place who
2 collect and view child pornography.

3 I had nothing that could be used as the
4 basis to launch any investigation. I had thousands and
5 thousands and thousands of internet images that had been
6 copied to disks.

7 **MR. MANSON:** At any time did you ask Mr.
8 Lewis whether -- he was obviously an intimate of Mr.
9 Hickerson's and said that he'd known him for 20 years and
10 became the executor of his will.

11 Did you ask Mr. Lewis whether Mr. Hickerson
12 shared any of his pornography with other people?

13 **MR. CARROLL:** I'm not completely sure if I
14 did.

15 **MR. MANSON:** I don't see it in Exhibit 1664
16 or 1672.

17 **MR. CARROLL:** I'm not completely sure if I
18 did.

19 **MR. MANSON:** Those are my questions,
20 Sergeant Carroll. Thank you.

21 **MR. CARROLL:** Okay. Thank you.

22 **THE COMMISSIONER:** Mr. Paul?

23 Were you aware after the Hickerson demise
24 that he was a former priest?

25 **MR. CARROLL:** Yes, I was.

1 **THE COMMISSIONER:** That he probably came
2 east because of some problems with young boys before?

3 **MR. CARROLL:** I was aware on the day of my
4 attendance where I discovered his body that yes, he was a
5 former priest. I wasn't sure exactly where; I don't
6 believe I got that from Mr. Lewis but that he was defrocked
7 for sexual problems with ---

8 **THE COMMISSIONER:** Yes, I'm just -- that's
9 in 1998.

10 **MR. CARROLL:** That's right. I learned that
11 from Mr. Lewis that first day.

12 **THE COMMISSIONER:** All right. So by that
13 time, the Dunlop allegations about a paedophile clan,
14 former -- a priest and that kind of thing is in on your
15 radar.

16 **MR. CARROLL:** I believe it is.

17 **THE COMMISSIONER:** Okay. Thank you.
18 Mr. Paul?

19 **MR. PAUL:** Thank you.

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

21 **PAUL:**

22 **MR. PAUL:** Sergeant Carroll, I appear for
23 the Coalition for Action and I would like to start off
24 asking a few questions about the Shelley Price matter.

25 **MR. CARROLL:** Okay.

1 **MR. PAUL:** I'd like to refer the witness to
2 Exhibit 1343. On the first page, which is an investigation
3 chronology, and I believe it gives an indication of the
4 rough start date of the investigation, the first date of
5 entry would be July 20th, 1998.

6 **MR. CARROLL:** That isn't the beginning of my
7 investigation. What I began using this document for is to
8 help me go through and conduct some research and everything
9 that had been done before I looked at this.

10 **MR. PAUL:** All right. That's the first
11 known contact with the Cornwall Police?

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

13 **MR. PAUL:** And going forward, I want to ask
14 you a few questions about page 7137310 with the date entry
15 of June 20th, 2000.

16 Now, I believe Mr. Manson in his questions I
17 believe he had suggested that the Prices wanted to deal
18 only with Mr. Dunlop. I wanted to show you in the middle
19 of the page there's a quote:

20 "Mr. Price would not elaborate but
21 stated they would only proceed if then
22 Constable Perry Dunlop or an outside
23 police agency would investigate."

24 Do you see that notation?

25 **MR. CARROLL:** Yes, I see that.

1 **MR. PAUL:** Is that your understanding that
2 they would be prepared -- or they seem to indicate they
3 were prepared to deal with Dunlop or an outside police
4 agency; correct?

5 **MR. CARROLL:** That's correct.

6 **MR. PAUL:** So it wasn't the situation where
7 they were suggesting we will only deal with Dunlop and
8 nobody else, no other police officer?

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

10 **MR. PAUL:** Now, the next page entry of June
11 23rd.

12 **MR. CARROLL:** Okay.

13 **MR. PAUL:** Is the June 23rd entry where
14 there's a reference to some form of allegations against
15 retired Cornwall Police members?

16 **MR. CARROLL:** Whether it's -- I know it's
17 noted somewhere in the materials that we received from
18 Shelley Price that some retired members were mentioned in
19 her materials. I don't have it noted here.

20 Sorry; yes, I do. It's in the third
21 paragraph up from the bottom that yes, there are some
22 retired members that could be involved.

23 **MR. PAUL:** And the date of that indication
24 that there may be allegations against Cornwall -- former
25 Cornwall police officers is June 23rd, 2000; correct?

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

2 **MR. PAUL:** Now, did this file get put into a
3 project file at some point?

4 **MR. CARROLL:** I believe it did eventually.
5 I wasn't the one that placed it into a project file. That
6 would have been done by Staff Sergeant Derochie and he was
7 the professional standards officer at that time.

8 **MR. PAUL:** All right. I'm going to refer
9 you to another document. It's 734971.

10 **THE COMMISSIONER:** Merci. Exhibit 1709 is a
11 Supplementary Occurrence Report authored by Sergeant
12 Carroll, report time the 18th of September 2000; right?

13 **MR. PAUL:** Yes.

14 **--- EXHIBIT NO./PIÈCE No. P-1709:**

15 (734971) - Supplementary Occurrence Report
16 dated 18 Sep 00

17 **MR. PAUL:** Now, there's a reference to your
18 name as the author and there's a reference to submitting a
19 matter to a project file. To your knowledge, is that the
20 Price matter?

21 **MR. CARROLL:** Yes, I believe it was.

22 **MR. PAUL:** And is this -- you're documenting
23 what Staff Sergeant Derochie did or were you involved in
24 the entry of the project file?

25 **MR. CARROLL:** I am just documenting the fact

1 that from this date, all further reports are going to be
2 submitted under the project file under that incident
3 number, just so that there's obviously going to be a break
4 between the activity going on under the 1703695 incident
5 number to the reports going in under the project file in
6 this report. And this report was simply to show that that
7 switch is being done at the direction of my supervisor.

8 MR. PAUL: All right. And the date in this
9 report is September 18th, 2000?

10 MR. CARROLL: That's correct.

11 MR. PAUL: And that's a couple of months
12 after the June notation that there's some reference to
13 possibility of former Cornwall Police officers being
14 involved in allegations.

15 MR. CARROLL: Yes.

16 MR. PAUL: I just want to ask you, given
17 that there is some form of contact going back as far as
18 1998 when the matter wasn't a project file, to your
19 knowledge, is it the alle -- potential allegations against
20 former Cornwall officers is that what precipitates putting
21 the matter into a project file?

22 MR. CARROLL: I am not sure about that. I
23 don't know how to answer that question.

24 MR. PAUL: All right. But given the timing,
25 is that a possibility or you have no knowledge?

1 **MR. CARROLL:** That's a possibility, but I
2 have no knowledge about exactly what caused that decision
3 to be made.

4 **MR. PAUL:** Now, I did ask you before about
5 the Prices wanting either Constable Dunlop or an outside
6 police force to be involved. I want to refer you to
7 another document. It would be Document 734967.

8 **THE COMMISSIONER:** Thank you. Exhibit 1710
9 is a Supplementary Occurrence Report from Sergeant Carroll.
10 Report time is the 16th of April 2002.

11 **--- EXHIBIT NO./PIÈCE No. P-1710:**

12 (734967) - Supplementary Occurrence Report
13 dated 16 Apr 02

14 **MR. PAUL:** Do you have this report, Sergeant
15 Carroll?

16 **MR. CARROLL:** Yes, I prepared that report.

17 **MR. PAUL:** That is some considerable time
18 later than 2000. Is this at some point where the
19 investigation is becoming stalemated by lack of
20 cooperation?

21 **MR. CARROLL:** Yes, that is and I believe I'd
22 had discussions with Staff Derochie at this point in time
23 over whether or not the Crown's office should be directing
24 the OPP to do this investigation. I compiled everything
25 that I had done, including the chronology that I had been

1 maintaining, and suggested that the senior management of
2 the Force consider affording that documentation to either
3 the Crown or the OPP requesting that an outside agency
4 potentially look at this.

5 **MR. PAUL:** I've given it -- there's been
6 some reference to the Prices wanting an outside agency to
7 be considered and you make reference to civil liability.

8 I just want to ask you, in your mind at the
9 time your suggestion that OPP be considered, is that
10 because of the Price request or because your consideration
11 of civil liability or both?

12 **MR. CARROLL:** That's probably a
13 consideration of everything, and I'm reporting exactly what
14 I have to my senior officers and giving them any
15 recommendations that I feel might be appropriate at this
16 time.

17 **MR. PAUL:** So at that point, you didn't
18 necessarily disagree with the Prices' suggestion that an
19 outside agency be considered at that point?

20 **MR. MANDERVILLE:** I think to be fair, my
21 friend should go back to the passage in the chronology he
22 was looking at before where an outside police agency is
23 offered to the Prices at the same time as they suggested.

24 **THE COMMISSIONER:** And where is that? Where
25 is that, sir?

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. MANDERVILLE: At Bates 7137310, Mr.
3 Commissioner, right after the entry that Mr. Price
4 indicates they would only deal with Constable Dunlop or an
5 outside agency.

6 THE COMMISSIONER: M'hm.

7 MR. MANDERVILLE: And after it's mentioned
8 that the type of investigation was not in Constable
9 Dunlop's mandate, Mr. Price was advised -- Mr. Price was
10 advised that:

11 "Shelley was uncomfortable with
12 speaking with a member of the Cornwall
13 Police. There was a possibility she
14 could speak with a member of a police
15 service in British Columbia."

16 MR. PAUL: Perhaps I could ask if that
17 portion, that suggestion of a police force in British
18 Columbia, is that Mr. Price suggesting that or is that the
19 Cornwall Police suggesting that?

20 MR. CARROLL: I believe that was a -- a
21 suggestion by the Prices.

22 MR. PAUL: All right. So it's not
23 necessarily something that's brought up by the Cornwall
24 Police?

25 MR. CARROLL: Not -- I don't believe it is.

1 **THE COMMISSIONER:** And just to be complete
2 there, Mr. Manderville, while it does say that there's the
3 RCMP out there, it would still be under the control and
4 investigation of the Cornwall Service?

5 **MR. MANDERVILLE:** Theoretically.

6 **THE COMMISSIONER:** Pardon me?

7 **MR. MANDERVILLE:** Theoretically, sir.

8 I hesitate to say the Cornwall Police be
9 directing the RCMP on how to do their investigation?

10 **THE COMMISSIONER:** No. No, no, but we know
11 that they went and took a statement. The RCMP took a
12 statement but it was going back to the Cornwall Police.

13 **MR. MANDERVILLE:** Correct.

14 **THE COMMISSIONER:** Okay.

15 **MR. PAUL:** So -- but in 2002, you don't see
16 the option of going to an outside police force to take the
17 matter over is necessarily a bad option?

18 **MR. CARROLL:** I saw it as being a viable
19 option, but it wasn't something that myself as a sergeant
20 could simply call up the local OPP detachment or another
21 police force and ask them to take over an investigation for
22 us.

23 That request in my mind would have had to
24 come from the Chief of Police and because of that I
25 forwarded this -- this correspondence with my

1 recommendations to him.

2 MR. PAUL: So at that point in 2002, it
3 would be Chief Repa who would make a decision whether it
4 would go to an outside force?

5 MR. CARROLL: I believe it would have been
6 Chief Repa at the time, yes.

7 MR. PAUL: Do you know if apart from OPP,
8 whether other police forces such as RCMP or Ottawa Police
9 were considered as alternative agencies?

10 MR. CARROLL: I don't know.

11 MR. PAUL: I want to move to the Albert
12 Lalonde matter.

13 Perhaps I'd like to take you to some aspects
14 of Exhibit 1691. I believe it's a -- the first portion
15 would I believe would be page 32.

16 MR. CARROLL: Sixteen-ninety-one (1691)?

17 MR. PAUL: Sixteen-ninety-one (1691), yes.
18 It would be the statement of Albert Lalonde.

19 THE COMMISSIONER: And page 32 you say?

20 MR. PAUL: Yes.

21 (SHORT PAUSE/COURTE PAUSE)

22 MR. PAUL: It would be page 32.

23 MR. CARROLL: Okay.

24 MR. PAUL: Now, before I get into the actual
25 document, just generally I take it that given the

1 background to this case you felt that you had to give
2 consideration to whether Mr. Lalonde was subject to any
3 undue influence or pressure?

4 MR. CARROLL: Yes, I was trying to remain
5 alive to that.

6 MR. PAUL: But notwithstanding that, in
7 terms of his statements that he gave to you, either
8 verbally or in writing, the issue of tainting didn't
9 necessarily arise from any significant change in his
10 statements from what you had and what -- what the OPP had;
11 correct?

12 MR. CARROLL: No, I was just trying to keep
13 that alive in the back of my mind, that we have several
14 people involved in this statement now; we've got Dick
15 Nadeau, we've got Carson Chisholm.

16 I'm sort of being cautious over what
17 influence, before, during, and after the statement, may
18 have been applied at that and I'm just trying to keep that
19 in the back of my mind.

20 MR. PAUL: So it's -- basically it's -- any
21 steps you're taking are the steps that a prudent
22 investigator who knows the background of the case; correct?

23 MR. CARROLL: Well, I'm trying my best to do
24 that.

25 MR. PAUL: But it's not a situation where

1 you've identified any glaring change in the complainant's
2 evidence from OPP to Cornwall; correct?

3 **MR. CARROLL:** No, I'm trying to remain
4 relatively guarded here but without painting myself into a
5 corner.

6 **MR. PAUL:** And as far as Mr. Chisholm's
7 involvement, his was a written statement he had in his
8 possession at some point from Mr. Lalonde?

9 **MR. CARROLL:** That's correct.

10 **MR. PAUL:** And this was a statement that was
11 a written document and your only evidence was that he was a
12 witness to the written document, Mr. Chisholm was?

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

14 **MR. PAUL:** And on page 32 towards the
15 bottom, there's some questions to the complainant. You
16 indicate:

17 "Do you know who these people might be?
18 One would be Dick Nadeau. Okay, who
19 else?"

20 "Carson Chisholm, but Carson I didn't
21 really go into details with."

22 Did you take that response to mean that Mr.
23 Lalonde was essentially saying while he gave his statement,
24 a written statement, it was witnessed by Mr. Chisholm, he
25 didn't go into the details or discuss the matter in detail

1 with Mr. Chisholm?

2 MR. CARROLL: I don't know if I really knew
3 how to take that comment at that time.

4 MR. PAUL: But the only information you have
5 or had in the interview was that the complainant didn't go
6 into details with Mr. Chisholm; correct?

7 MR. CARROLL: Yeah.

8 MR. PAUL: So you didn't really have any
9 real evidence that Mr. Chisholm had any negative impact on
10 Mr. Lalonde in terms of tainting him as a witness?

11 MR. CARROLL: Although I didn't -- I didn't
12 forget about -- or the possibility of that could be in play
13 here.

14 MR. PAUL: But you didn't have any real
15 evidence of it; correct?

16 MR. CARROLL: No, I didn't.

17 MR. PAUL: I just want to go forward to
18 page 37. I believe at page 37 there's some reference to
19 Mr. Lalonde having brief contact with Perry Dunlop. You
20 asked the complainant whether he spoke to Mr. Dunlop?

21 (SHORT PAUSE/COURTE PAUSE)

22 MR. CARROLL: Yes, okay, I see that.

23 MR. PAUL: And it's your understanding that
24 the extent of the contact indicated by Mr. Lalonde was Mr.
25 Lalonde thanked Perry Dunlop, but they didn't seem to

1 discuss the nature of the charges or the details of it?

2 MR. CARROLL: All right.

3 MR. PAUL: So based on that, you didn't
4 appear to have any evidence of any tainting of the witness
5 by Mr. Dunlop?

6 MR. CARROLL: Again, as with the last
7 person, although there was nothing there I didn't just take
8 that out of my mind, I remained alive to the fact that
9 there had been some discussion with Perry Dunlop.

10 MR. PAUL: All right. But according to Mr.
11 Lalonde, it was limited to thanking him without a
12 discussion of the nature of his allegations; correct?

13 MR. CARROLL: That was Mr. Lalonde's
14 version, yes.

15 MR. PAUL: That's the only version you had
16 in terms of that interaction; correct?

17 MR. CARROLL: Yes, that's right.

18 MR. PAUL: Just going forward to page 38 to
19 39 -- sorry, top of page 39. There's a reference to:

20 "Well Dick did tell me, he said 'go be
21 relaxed, you'll like Jeff'."

22 And you I believe asked:

23 "Did he tell you to say anything?"

24 The response is:

25 "No, no, he just told me 'just relax'."

1 **MR. CARROLL:** Okay.

2 **MR. PAUL:** Is the only evidence you had for
3 Mr. Lalonde that -- in terms of Mr. Nadeau, it wasn't --
4 Mr. Nadeau wasn't telling him what to say?

5 **MR. CARROLL:** That's what I obtained from
6 him at that time, yes.

7 **MR. PAUL:** So essentially you didn't have
8 any evidence of any undo pressure by Mr. Nadeau ---

9 **MR. CARROLL:** No.

10 **MR. PAUL:** --- on Mr. Lalonde?

11 **MR. CARROLL:** No.

12 **MR. PAUL:** I just want to ask you some
13 general questions about your grounds -- or lack of grounds
14 for arrest in relation to Mr. Lalonde.

15 I would understand that some of your
16 difficulty was -- went back to the period when the OPP were
17 investigating and the manner in which his memory surfaces
18 during the course of time?

19 **MR. CARROLL:** Some of that was based on
20 that, yes.

21 **MR. PAUL:** And I just wanted to ask you, I
22 didn't see it come through and into your notes but just
23 wanted to ask you whether you or the Crown ever considered
24 or were alive to the concept of recovered memory syndrome,
25 whether the debate over that was ever discussed between you

1 and the Crown?

2 **MR. CARROLL:** Well, no, there was no
3 discussion between me and the Crown on that and I can't
4 speak for the Crown.

5 As far as recovery memory syndrome and
6 things like that, I wasn't then, nor am I now qualified to
7 even really discuss the concept of recovered memory.

8 **MR. PAUL:** At the time were you aware that
9 it was somehow an issue that might have to be looked at,
10 either by the Crown or an expert, to determine whether it's
11 valid?

12 **MR. CARROLL:** No, I was wasn't.

13 **MR. PAUL:** And in terms of your dealings
14 with the Crown, did the Crown ever discuss that topic, the
15 topic of recovered memory syndrome with you and whether it
16 was valid or not?

17 **MR. CARROLL:** No.

18 **MR. PAUL:** Now, I understand that you
19 believe you were left in a situation where you didn't have
20 reasonable and probably grounds to lay a charge; correct?

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

22 **MR. PAUL:** You would agree that in terms of
23 proceeding with further investigation that the test is a
24 bit lower. Would you agree that you'll need something in
25 the nature of reasonable suspicion to proceed with an

1 investigation?

2 **MR. CARROLL:** I felt that I had gone as
3 absolutely far as I could go and I didn't feel that I had
4 any ability at this time to go out and try and create
5 something, rather than uncover something that might tip the
6 scales on reasonable grounds.

7 **MR. PAUL:** I want to take you back to a
8 portion of Mr. Nadeau's statement. I believe it's at 841,
9 at page 14.

10 **THE COMMISSIONER:** Eight forty-one (841).

11 **MR. PAUL:** At page 14.

12 **THE COMMISSIONER:** Eight forty-one (841),
13 page 14.

14 **MR. CARROLL:** Okay.

15 **MR. PAUL:** Towards the top of the page. I
16 believe there's someone referred to, I believe it was a
17 moniker, C-4, I believe.

18 **THE COMMISSIONER:** C-4 you say?

19 **MR. PAUL:** I believe it's C-4. It's in the
20 plural, the name, but I believe one of them ---

21 **THE COMMISSIONER:** Where -- where -- oh yes.
22 Yes, yes.

23 **MR. PAUL:** So one of the two individuals ---

24 **THE COMMISSIONER:** Right.

25 **MR. PAUL:** --- in that family would be a

1 moniker.

2 THE COMMISSIONER: Right.

3 MR. PAUL: Do you see the reference to C-4,
4 towards the top?

5 MR. CARROLL: Okay.

6 THE COMMISSIONER: That's C-4.

7 MR. PAUL: All right. And that's somehow
8 given as information of someone who, according to Mr.
9 Nadeau, might be a relevant person in the case but someone
10 who's -- or that couple of brothers would be reluctant to
11 come forward.

12 MR. CARROLL: All right, I see that.

13 MR. PAUL: Now, did you know C-4 before
14 this?

15 MR. CARROLL: No, I didn't.

16 MR. PAUL: Were there any steps taken to
17 contact C-4?

18 MR. CARROLL: I don't recall.

19 MR. PAUL: In terms of Mr. Nadeau, is this
20 sort of an example of you having a good rapport with Mr.
21 Nadeau, that he's offering you information at the time?

22 MR. CARROLL: That might be but that
23 information referred to, at that time to Charlie and Ken
24 Seguin and in the context of -- well I wasn't looking into
25 anything involving Ken Seguin.

1 **MR. PAUL:** They're also referred to as
2 possible other complainants, are they not?

3 **MR. CARROLL:** Yeah. No, I didn't pursue
4 looking for the people that C-4 alleged.

5 **MR. PAUL:** Did you think if there were other
6 complainants that it might somehow potentially strengthen
7 the case for Albert Lalonde if there were other
8 complainants?

9 **THE COMMISSIONER:** As in corroborating.

10 **MR. CARROLL:** Potentially it could have,
11 yes.

12 **MR. PAUL:** Now, you agree that Mr. Nadeau
13 seems to be fairly candid in suggesting these people were
14 just not going to come forward, in speaking to C-4?

15 **MR. CARROLL:** Yes, okay.

16 **MR. PAUL:** Would you also agree that
17 whatever Mr. Nadeau may say about whether someone would
18 come forward or not, it's your investigation, not Mr.
19 Nadeau's investigation and that it should still be checked
20 out by Cornwall Police; would you agree with that?

21 **MR. CARROLL:** Yes, I'll agree with that.

22 **MR. PAUL:** To your knowledge, you don't know
23 if that was ever checked out?

24 **MR. CARROLL:** I don't believe that I tried
25 to track down the people that C-4 relate to.

1 **MR. PAUL:** All right. In the same page it
2 goes on, just the next paragraph I believe, refers to a
3 hairdresser as someone who -- he doesn't give a name but
4 someone who potentially might have been abused or
5 threatened. Do you see that reference?

6 **MR. CARROLL:** Yes, I see that.

7 **MR. PAUL:** Were there any efforts to try to
8 determine who that was or to locate that person?

9 **MR. CARROLL:** I don't recall making any.

10 **MR. PAUL:** Would you agree that that might
11 be a potential piece of information that might have been
12 helpful to the case?

13 **MR. CARROLL:** Well if I ever could have
14 figured out who the hairdresser was it would have been but
15 no, I didn't pursue trying to identify the hairdresser.

16 **MR. PAUL:** All right. Were there any
17 further questions to Mr. Nadeau to try to pin down where
18 this person could be located?

19 **MR. CARROLL:** I don't recall.

20 **MR. PAUL:** I believe the location is fairly
21 general in that statement; it's Ottawa -- Ottawa Orleans or
22 is it Ottawa Orleans, is that referring to C-4 or is that
23 referring to the hairdresser?

24 **MR. CARROLL:** Reading that, I would think it
25 would be the hairdresser.

1 **MR. PAUL:** There's, I believe, a third
2 individual if I read it correctly, later on in the same
3 page.

4 I'm sorry; I believe it's the next page, the
5 next page towards the middle.

6 Perhaps you could read the paragraph, the
7 large paragraph in the middle of the page.

8 **MR. CARROLL:** Is that the one from N?

9 **MR. PAUL:** Yes.

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **MR. CARROLL:** All right.

12 **MR. PAUL:** Would you agree that -- you see
13 there's some reference to another possible complainant who
14 is alleging some form of abuse as well?

15 **MR. CARROLL:** Well, Mr. Nadeau talks about a
16 boy being taken down to the basement of the church who was
17 caught stealing at the same time, and at the same time he's
18 telling me that he's getting this information from his
19 mother and his mother is telling Mr. Nadeau that he
20 exaggerates.

21 **MR. PAUL:** Would this, again, be an example
22 of a good rapport with Mr. Nadeau, that he's been quite
23 candid in giving the deficiencies or problems with this
24 complainant?

25 **MR. CARROLL:** I would think so. Well ---

1 **MR. PAUL:** First of all, he does suggest, as
2 you indicate, that the mother said that there was a
3 tendency to exaggerate; correct?

4 **MR. CARROLL:** Yes, he freely reports that to
5 me.

6 **MR. PAUL:** And he also freely advises you
7 information that perhaps he might only have knowledge of,
8 information about checking microfiche and finding no
9 evidence of a fire, backing up this allegation of a fire at
10 St. Columban's; correct?

11 **MR. CARROLL:** He's being candid there.

12 **MR. PAUL:** So he's giving you some
13 information that might cause you to doubt whether the
14 complaint is accurate or not; correct?

15 **MR. CARROLL:** Yes.

16 **MR. PAUL:** Again, basically, you're the
17 investigator. It's your investigation, not Mr. Nadeau's.
18 So notwithstanding any potential problems, wouldn't it be
19 still a proper step to go ahead and try to locate that
20 person and speak to him to make the decision for yourself?

21 **MR. CARROLL:** I don't think I pursued that.
22 There was -- on the basis of this, there appeared to be no
23 one to pursue. He wasn't identified and I didn't obtain
24 from Mr. Nadeau the details from his mother on how I could
25 get a hold of her.

1 **MR. PAUL:** All right. In this case, there
2 seems to be some indication that Mr. Nadeau appears to have
3 some ability to contact the mother; correct?

4 **MR. CARROLL:** Yes.

5 **MR. PAUL:** So potentially, maybe you could
6 have found out where this person was through Mr. Nadeau's
7 knowledge of where the mother was; correct?

8 **MR. CARROLL:** That's true.

9 **MR. PAUL:** And that step wasn't taken?

10 **MR. CARROLL:** I didn't take that step.

11 **MR. PAUL:** I just want to ask you to confirm
12 -- my understanding would be that in terms of the Cornwall
13 Police investigation in relation to Silmsers, are you saying
14 that you didn't have access or you didn't have the
15 opportunity to review Constable Sebalj's notes about the
16 Silmsers investigation?

17 **MR. CARROLL:** I didn't do that and I don't
18 believe I ever asked to access that material.

19 **MR. PAUL:** So in terms of any evidence of
20 potential witnesses that may or may not show up in her
21 notes, you wouldn't have had access or you didn't review
22 those?

23 **MR. CARROLL:** No, I didn't.

24 **MR. PAUL:** Just the last point, you
25 indicated that you didn't see it as necessary, based on the

1 circumstances, to interview Charles MacDonald; correct?

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

3 **MR. PAUL:** And is that solely because you
4 didn't think he would cooperate?

5 **MR. CARROLL:** Well, that was one of the
6 reasons. There was no new complaint. All of the material
7 that had been presented by Albert and everything that I had
8 discovered in speaking with his doctors had already been
9 looked into. It was part and parcel of the prosecution
10 that the stay was announced in.

11 In order to contact Mr. MacDonald -- Father
12 MacDonald -- and ask him to come in, I would be telling him
13 that this was optional on his part. He didn't have to. He
14 wasn't compelled to. And we elected to not make that call
15 and have him come in and interview him.

16 **MR. PAUL:** But you would agree though that
17 in terms of the decision to contact Mr. MacDonald, you
18 didn't need reasonable and probable grounds to seek out him
19 for an interview?

20 **MR. CARROLL:** No, I didn't.

21 **MR. PAUL:** I wanted to ask you a few
22 questions about the Marc Latour matter.

23 Firstly, I had a few questions about
24 reasonable and probable grounds generally in terms of how
25 you viewed that test. Obviously you didn't view it as a

1 test as high as beyond a reasonable doubt; correct?

2 MR. CARROLL: That's correct.

3 MR. PAUL: You viewed it as somewhat much
4 lower than that; correct?

5 MR. CARROLL: Yes, I did.

6 MR. PAUL: In terms of the nature of that
7 test, your understanding would be there would be a
8 subjective and an objective aspect of it?

9 MR. CARROLL: That's correct.

10 MR. PAUL: And in terms of looking at pieces
11 of evidence such as corroboration, you wouldn't solely look
12 at those pieces of evidence individually or separately.
13 You'd have to look at them all together; correct?

14 MR. CARROLL: Prior to taking that step on
15 making an arrest, I would look at the entire package
16 together to see how corroboration -- how important
17 corroboration might be in a case like this and whether or
18 not I had the ingredients to allow me to satisfy myself
19 that I had reasonable and probable grounds.

20 MR. PAUL: So essentially you have to add up
21 the weight or all the pieces of corroborating evidence
22 together. You wouldn't look at them separately. You look
23 at them at the end all together?

24 MR. CARROLL: Yes.

25 MR. PAUL: And in terms of evaluating

1 corroborative evidence, for example, the evidence of Mr.
2 Tyo, when you're looking at evidence, potential
3 corroboration like that, you'd agree that you're in a lot
4 of a different position than a judge looking at that
5 evidence; correct?

6 **MR. CARROLL:** I can't say I understand
7 exactly how a judge looks at it, but I would see that my
8 role would be a little bit different at this stage. I'm
9 looking at it piece by piece and then again all together.

10 **MR. PAUL:** The other thing is the evidence
11 that you have from someone, for example, Mr. Tyo, isn't
12 necessarily exactly the same in the sense that it's not,
13 for example, subject to a cross-examination where you can
14 maybe make a determination for sure whether Mr. Tyo is
15 telling the truth or Mr. Delorme, the other janitor, is
16 telling the truth; correct?

17 **MR. CARROLL:** That's correct.

18 **MR. PAUL:** So in some cases your position is
19 a little bit different, in that you have a piece of
20 corroborative evidence from Mr. Tyo and because it's not
21 been subject to cross-examination or testing at a trial,
22 you can't say for sure whether it's fully true or not;
23 correct?

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

25 **MR. PAUL:** So at the end of the day, in your

1 investigation, while you have doubts -- some doubts about
2 Mr. Tyo's evidence, I'd suggest it's still there as some
3 form of corroborating evidence; correct? It's just the
4 degree or weight of it, but it's still there as some
5 corroborating evidence; correct?

6 **MR. CARROLL:** It might be, but then I have
7 to look at it in terms of it's evidence of an observation
8 that he made at another school, at a much different time,
9 that really, that other school and that other time have
10 nothing to do with Mr. Latour.

11 **MR. PAUL:** But did you put a lot of weight
12 on the fact that Mr. Delorme sort of cast doubt on the
13 credibility of Mr. Tyo?

14 **MR. CARROLL:** I put some weight on it. I
15 think given the fact that Mr. Delorme's assessment of Mr.
16 Tyo's observation was based on not only Mr. Delorme's
17 recollection of the event itself but how he related it to
18 an official capacity that he was acting on or acting in at
19 the time of the event as a representative of the school
20 union that Mr. Tyo would have been a member of, and that he
21 had some official relationship with respect to Mr. Tyo, I
22 probably put a fair bit of weight on what he was telling
23 me.

24 **MR. PAUL:** And this was in a phone
25 interview; correct?

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

2 **THE COMMISSIONER:** I'm sorry, this is a
3 what?

4 **MR. PAUL:** Telephone interview.

5 And the contact with Mr. Tyo was actually a
6 face-to-face, in-person meet?

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

8 **MR. PAUL:** And would you agree that the
9 information from Mr. Tyo seemed to be more in the nature of
10 what you call admission against interest, someone saying
11 something that appears more credible because it's something
12 against their interest or potentially harmful to them?

13 **MR. CARROLL:** I can't see how this would
14 have been against Mr. Tyo's interest by telling me this.

15 **MR. PAUL:** In the sense that Mr. Tyo seemed
16 to be admitting that he saw something potentially
17 inappropriate, you didn't do anything about it. Is that
18 potentially something that comes across credibly because
19 it's an admission against his own interest that could make
20 him look bad in public?

21 **MR. CARROLL:** I don't think so.

22 **MR. PAUL:** In terms of the other individual,
23 Mr. Delorme, is it not the case that maybe it's the
24 opposite, that he perhaps has a motive to not be fully
25 frank with you because if he did see an instance such as

1 that and didn't report it, it's certainly against his
2 interest. It makes him appear in a negative light?

3 **MR. CARROLL:** I don't really necessarily
4 agree with that.

5 Mr. Tyo told me that if that is what he saw,
6 he would have instantly reported it because at that time,
7 he was a volunteer with the Scout organization and had
8 received some training or counselling around dealing with
9 issues like that, and if that is what he saw, he would have
10 taken immediate action on it, and I found that to be very -
11 --

12 **THE COMMISSIONER:** Yeah, I accept that. I
13 think that's Delorme.

14 **MR. CARROLL:** Sorry, that's Delorme.

15 **THE COMMISSIONER:** Right.

16 **MR. CARROLL:** I apologize.

17 **MR. PAUL:** Now, I understand that you had a
18 consent from Mr. Tyo to look at his records?

19 **MR. CARROLL:** To look at his employment
20 records?

21 **MR. PAUL:** Yes.

22 **MR. CARROLL:** Yes.

23 **MR. PAUL:** And is that something he's
24 volunteering, to give that information, something that
25 might seem appear somewhat more credible?

1 **MR. CARROLL:** I don't think it impacts on
2 his credibility at all.

3 **MR. PAUL:** In terms of records, records
4 would be something that potentially might have cast some
5 light on whether some of the comments by Mr. Delorme about
6 difficulties with staff were true or not?

7 **MR. CARROLL:** Yeah, they could have.

8 **MR. PAUL:** Okay. So in the absence of those
9 would you agree that perhaps you were left with the
10 situation where you couldn't really conclusively tell
11 whether Delorme or Tyo were telling the truth?

12 **MR. CARROLL:** I don't think I made that
13 assessment about who was being truthful and who wasn't at
14 that time.

15 I took both statements for granted, based on
16 what they said. I didn't pursue and obtain all of Mr.
17 Tyo's employment records at this time.

18 **MR. PAUL:** I just want to go back to the
19 general issue of corroborations. I want to ask you, do you
20 agree generally that corroboration is more likely needed in
21 circumstances where the evidence appears to be frail or
22 difficulties with the complainant's evidence?

23 **MR. CARROLL:** I think that would be true,
24 yes.

25 **MR. PAUL:** In situations for example where

1 there are a significant number of discrepancies in the
2 complainant's evidence?

3 **MR. CARROLL:** I think it becomes very
4 important when you have simply two versions and no physical
5 evidence to support them. I think it becomes very crucial.

6 **MR. PAUL:** In this particular case you're in
7 a situation where you didn't have tremendous difficulty
8 with the version of events that the complainant gave in
9 terms of discrepancies or credibility; correct?

10 **MR. CARROLL:** No, I didn't.

11 **MR. PAUL:** And you found the complainant to
12 be generally fairly sincere?

13 **MR. CARROLL:** Yes, I did.

14 **MR. PAUL:** In terms of what you did have as
15 corroboration, I've already referred to Mr. Tyo. I think
16 you indicated that the school records were a small amount
17 of corroboration to you?

18 **MR. CARROLL:** For Mr. Tyo?

19 **MR. PAUL:** Sorry, school records for ---

20 **MR. CARROLL:** Mr. Latour?

21 **MR. PAUL:** --- Mr. Latour, yes.

22 **MR. CARROLL:** Yes, they were -- the purpose
23 of me getting the school records was not so much to
24 corroborate what he was saying but to assist me in
25 establishing a date and a year and a time when this would

1 have happened. And I believe the school records placed him
2 in Grade 3, some time around 1963-'64.

3 **MR. MANDERVILLE:** Sixty-seven ('67). Sorry.

4 **MR. CARROLL:** Some time in the 1960s.

5 **THE COMMISSIONER:** Mr. Manderville was
6 assisting the witness by saying '67.

7 **MR. PAUL:** Okay. Thank you.

8 So that give you some corroboration in a
9 sense, it puts the teacher and the complainant together at
10 the same time; correct?

11 **MR. CARROLL:** That's correct. It allows me
12 to date it.

13 **THE COMMISSIONER:** Well, it also puts it
14 from anywhere in the planet ---

15 **MR. CARROLL:** Yes.

16 **THE COMMISSIONER:** --- to in the classroom,
17 in Grade 3, in 1967, as he declared in his statement.

18 **MR. CARROLL:** Thank you, Mr. Commissioner.

19 **THE COMMISSIONER:** So, I mean it's a piece
20 of the puzzle.

21 **MR. CARROLL:** That's right; it's a piece of
22 the puzzle.

23 **MR. PAUL:** I want to ask you about one
24 aspect of Mr. Greggain's statement. I believe it's 1686B,
25 the written version of the statement.

1 **THE COMMISSIONER:** Sixteen sixty-eight
2 (1668).

3 How much longer did you think you'll be for
4 lunch purposes?

5 Do you want us to take a break shortly or do
6 you ---

7 **MR. PAUL:** About 15 to 20 minutes we could
8 take a break if you ---

9 **THE COMMISSIONER:** Yes, let's take a break
10 now and have the lunch break and then we'll continue at 2
11 o'clock.

12 **THE REGISTRAR:** Order, all rise. À l'ordre,
13 veuillez vous lever.

14 This hearing will resume at 2 p.m.

15 --- Upon recessing at 12:41 p.m./

16 L'audience est suspendue à 12h41

17 --- Upon resuming at 2:07 p.m./

18 L'audience est reprise à 14h07

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

20 Please be seated. Veuillez vous asseoir.

21 **JEFF CARROLL, Resumed/Sous le même serment:**

22 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. PAUL

23 **(cont'd/suite):**

24 **THE COMMISSIONER:** A little bit of
25 entertainment.

1 I must say, I see that yellow is the tie of
2 the day today and also perhaps the spring sport coats.

3 Mr. Paul, where were we?

4 **MR. PAUL:** Thank you.

5 I was just about to refer to Exhibit 1686B.

6 **THE COMMISSIONER:** Sixteen eighty-six B
7 (1686B).

8 **MR. PAUL:** The transcript of Mr. Greggain's
9 statement.

10 **THE COMMISSIONER:** Yes.

11 **MR. PAUL:** And I was going to be referring
12 to the bottom of page 4, over to the top of page 5.

13 **THE COMMISSIONER:** Are you there, sir?

14 **MR. CARROLL:** Yes, sir, I am.

15 **THE COMMISSIONER:** Go ahead.

16 **MR. PAUL:** See towards the bottom of page 4
17 there's a question you asked:

18 "Did Marc ever have to stay after
19 school?"

20 **MR. CARROLL:** Yes, I see the answer.

21 **MR. PAUL:** And the answer is -- indicates
22 laughs:

23 "I don't know, I can't remember. I
24 wasn't prone to go in that direction; I
25 wasn't much to punish people, you

1 know."

2 So at that point in the interview he seems
3 to be indicating he doesn't know and he's not necessarily
4 completely denying that there could have been times when
5 Marc stayed after school.

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

7 **MR. PAUL:** He does indicate -- after he says
8 "I don't know" he indicates something -- implies that he
9 wasn't prone to use discipline; is that correct?

10 **MR. CARROLL:** That was my understanding.

11 **MR. PAUL:** But then later on there's some
12 doubt cast on that answer in the interview, created --
13 towards the bottom of the same page and the top of the
14 next, page 6, there's some indication that he leaves open
15 the possibility that maybe there was physical discipline?

16 **MR. CARROLL:** I would agree with that.

17 **MR. PAUL:** So just looking at the
18 combination of those answers, between four to six, would
19 leave his situation, at best, not remembering whether he
20 was alone with Marc Latour at the school; correct?

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

22 **MR. PAUL:** And at worst case for him, for
23 Mr. Greggain, is there's a possibility that there may have
24 been physical discipline alone at the school, so I'm clear
25 -- his answer is not entirely clear; right?

1 **MR. CARROLL:** That's right.

2 **MR. PAUL:** So in terms -- if the matter were
3 to proceed to court, to court proceedings Mr. Greggain, as
4 an accused, might have some difficulty disputing the
5 suggestion that he had opportunity alone to commit the
6 crime; correct?

7 **MR. CARROLL:** Well I think that's a far cry
8 from that -- not being certain in his own mind to ending up
9 in a courtroom.

10 **MR. PAUL:** You would agree that in terms of
11 this being a situation where there's corroboration on the
12 fact that school records show that Mr. Greggain was there
13 at the same time as Mr. Tyo, you said that that wasn't a
14 huge amount of corroboration for you; correct?

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

16 **MR. PAUL:** But to the extent that you can
17 place Mr. Greggain and Mr. Latour alone in the school, the
18 corroboration becomes a bit greater; correct?

19 **MR. CARROLL:** Well, I'm not sure if -- I'm
20 not sure if that helps me a whole lot in making a great big
21 step to reasonable grounds to believe an offence has been
22 committed.

23 **MR. PAUL:** You would agree that you're in a
24 stronger position if you're in a position where you can put
25 the accused and the complainant not only in the school but

1 in the school alone in a situation where there's
2 opportunity to commit the crime while they're alone.
3 That's a stronger situation than just being in a classroom
4 with other people; correct?

5 MR. CARROLL: I don't see it as being much
6 stronger, Mr. Paul.

7 MR. PAUL: You would agree though that at
8 the end of the interview processes with the complainant and
9 the accused, you had a complainant Mr. Latour who is saying
10 that he's alone after school when he is abused; correct?

11 MR. CARROLL: That's correct.

12 MR. PAUL: And you had that information in a
13 way that you thought came across very sincerely; correct?

14 MR. CARROLL: On Mr. Latour's behalf?

15 MR. PAUL: Yes.

16 MR. CARROLL: Yes, I do.

17 MR. PAUL: And you had another individual,
18 Mr. Greggain, as a potential accused or suspect who was
19 potentially in a situation where he would have a lot of
20 difficulty disputing Mr. Latour's suggestion that, "I was
21 alone with him after school," and he had the opportunity.
22 He'd be in a difficult situation with that statement in
23 disputing that; correct?

24 MR. CARROLL: I'm not convinced it's that
25 simple. Mr. Greggain's feeling that he could have been

1 alone with Mr. Latour in an after-school type situation is
2 not that strong and he has doubts of it himself and he's
3 also expressing that he's not likely to use that process if
4 he can at all avoid it.

5 MR. PAUL: All right. But I think you have
6 agreed that you add together all the items of corroboration
7 and you accumulate them in a cumulative way; correct?

8 MR. CARROLL: We would, yes.

9 MR. PAUL: And you agree that not only do
10 you have presence of the accused and complainant in the
11 school together, potentially some corroboration of
12 exclusive opportunity, but you also have some corroboration
13 of the aspect of physical discipline; correct? You have
14 other people besides Marc Latour saying that there was
15 physical discipline; correct?

16 MR. CARROLL: I don't recall who else is
17 telling me that there's physical discipline at that time.

18 MR. PAUL: Well, isn't the statement of Mr.
19 Greggain himself, the conceding that some physical
20 discipline was possible, isn't that statement of Mr.
21 Greggain corroborative of the accused's evidence of
22 physical discipline?

23 MR. CARROLL: Well, he's mentioning that it
24 is possible. It was not an unheard of practice in the
25 schools at that time. Mr. Greggain is saying that it is

1 possible that he could have resorted to that. Yes, there
2 is some corroborative value to that but not a whole lot and
3 it's not helping me take a great big step towards having
4 reasonable grounds to believe an offence has been
5 committed.

6 **MR. PAUL:** But potentially if the matter
7 went to trial, he might be in some difficulty suggesting
8 that there wasn't physical discipline because you have a
9 statement where he concedes it was possible; correct?

10 **MR. CARROLL:** Well, he might be but I don't
11 see the way Mr. Greggain is talking about this subject it's
12 a great big concession.

13 **MR. PAUL:** All right. Did you see the
14 evidence of Marc Latour's sister as being of some value as
15 far as corroboration of the physical discipline aspects?

16 **MR. CARROLL:** No, I didn't. I didn't hear
17 any physical discipline that was imposed upon her by Mr.
18 Greggain.

19 **THE COMMISSIONER:** No, but you've got the
20 yardstick incident and the mum's coming in to talk to him.

21 **MR. CARROLL:** He's there. He's carrying
22 that yardstick around. She has never said that he used
23 that yardstick on her for any purpose other than walking
24 around with it and I wasn't able to verify the fact that
25 the mum came in. I would have loved to have the

1 opportunity to speak to the mum. Unfortunately, that's not
2 available.

3 MR. PAUL: All right. The fact that Mr.
4 Greggain doesn't admit the use of the yardstick doesn't
5 change the fact that the allegations of the sister are in
6 some way corroborative; correct?

7 MR. CARROLL: To a very minor degree.

8 MR. PAUL: Did you find that the fact that
9 the statement of Mr. Latour was under oath, did that give
10 you some cause to think it was somewhat stronger?

11 MR. CARROLL: No, it didn't.

12 MR. PAUL: Would you agree that you had some
13 difficulty with the demeanour or attitude of Mr. Greggain
14 during the interview?

15 MR. CARROLL: I found his demeanour rather
16 interesting. I'm not saying that I had trouble with it.
17 He was very calm. He was cool and he was composed. I've
18 seen that before in many people.

19 Mr. Greggain is a -- obviously a very highly
20 educated man. He's probably very used to a professional
21 type of decorum and I wasn't surprised over the fact that
22 he -- he held himself together and he wasn't terribly
23 rattled by the -- by the allegations.

24 MR. PAUL: When you spoke to him on the
25 phone first, you didn't give him much in the way of

1 details; correct?

2 MR. CARROLL: No, I didn't.

3 MR. PAUL: And there was nothing to you --
4 to indicate to you that he had ever heard of it before you
5 spoke to him?

6 MR. CARROLL: No.

7 MR. PAUL: You didn't have the impression he
8 already knew about it?

9 MR. CARROLL: No, I didn't.

10 MR. PAUL: I want to take you to another
11 document. It's 735743.

12 THE REGISTRAR: It's 1685.

13 MR. PAUL: Oh, thank you.

14 THE COMMISSIONER: Sixteen (16)?

15 THE REGISTRAR: Eighty-five (85).

16 MR. PAUL: The part I was going to be asking
17 about was the second paragraph.

18 MR. CARROLL: Okay.

19 MR. PAUL: You do make specific note that
20 Greggain gave an interesting interview showing little shock
21 or emotion over how serious the allegations were.

22 MR. CARROLL: That's right.

23 MR. PAUL: Now, the fact that you're making
24 note of that, little shock or emotion, would that not
25 indicate that that was something of importance to you that

1 you would note it in a supplementary report?

2 **MR. CARROLL:** I would note it in my notes or
3 in a supplementary report. Again, as much as I would find
4 that interesting, I wouldn't be fully moved one way or
5 another by that.

6 **MR. PAUL:** Not by itself but together with
7 other factors, it's something that you would consider in
8 terms of his credibility; correct?

9 **MR. CARROLL:** That might be a factor, yes.

10 **MR. PAUL:** And when you look at all the
11 factors, look in terms of -- just in terms of a comparison
12 of the complainant and the accused without getting into
13 corroboration and looking at the suspect, Mr. Greggain,
14 first, would you not agree that you had -- would have added
15 a couple of concerns just looking at his evidence and the
16 concerns would have included what I've referred to as his
17 demeanour during the interview and the fact that he seemed
18 to potentially agree that there may have been some physical
19 discipline, number two, and thirdly the fact that he did
20 not seem to clearly dispute the fact that he had exclusive
21 opportunity to commit the offence alone. Those three
22 things, would they not raise some concerns with his
23 evidence?

24 **MR. CARROLL:** No, they didn't jump right out
25 at me. Any teacher in the school at any time would have

1 exclusive opportunity to be alone with any student. That
2 did not help me make that great big step to reasonable
3 grounds to believe the offence had been committed.

4 **THE COMMISSIONER:** I think where he's going
5 is this. This is -- and I use the word game -- this game
6 of inches, I guess, and the idea is if Mr. Greggain would
7 have said "I never was alone with any of my students
8 because I feared that someone would say something about
9 me," that would be a big wall. Whereas what Mr. Paul is
10 doing is opening a door a little bit and saying "Well,
11 could you have been with students?" Yeah. Did he
12 discipline people? Yeah.

13 So what he is trying to do is open doors
14 just a little bit. So it's a game of inches is what we're
15 trying to get at.

16 Do you understand that?

17 **MR. CARROLL:** Well, if it's a game of
18 inches, yes ---

19 **THE COMMISSIONER:** Never mind the word
20 "game." It's a journey of inches.

21 **MR. CARROLL:** Thank you. Yes, it's there.
22 That opportunity is there. He is by way of just simply
23 being a teacher and being in the school and the fact that
24 physical discipline was a practice of the day, those things
25 are all there.

1 **MR. PAUL:** And just looking at comparison,
2 taking the complainant I think that you didn't -- you
3 didn't have a lot of difficulties with the sincerity of the
4 complainant, correct?

5 **MR. CARROLL:** Of Mr. Latour, no, I didn't.

6 **MR. PAUL:** And comparing to him to someone
7 who seemed to present some demeanour issues and seemed to
8 acknowledge some physical discipline, didn't that at the
9 outset lead you to tend to accept the version of Mr. Latour
10 from the outset even before looking at corroboration issues
11 that the balance, if even slight, seemed to put you in
12 favour of Mr. Latour from the outset.

13 **MR. CARROLL:** I don't think on the basis of
14 either one of these statements I could give one greater
15 weight over the other, just yeah they all have their
16 different way of expressing themselves and their different
17 backgrounds and stuff like that. But I don't think either
18 one of them swayed it one way or the other for me.

19 **MR. PAUL:** And you wouldn't agree that
20 comparing the two and then -- comparing the two statements
21 and then adding Mr. Tyo's evidence, his school records, the
22 evidence suggesting that there may have been an opportunity
23 to be alone, the physical discipline issues and the
24 demeanour, adding all that together that you didn't have
25 reasonable probable grounds at that point?

1 **MR. CARROLL:** I didn't feel that I did, no.

2 **MR. PAUL:** Did you find Mr. Tyo's evidence
3 to be more credible given that the evidence seemed to
4 suggest Mr. Tyo and Mr. Latour weren't talking about the
5 matters together?

6 **MR. CARROLL:** I don't think I considered it
7 in that light. What swayed me with respect to Mr. Tyo's
8 evidence is the complete lack of context in what was going
9 on in his observations.

10 **MR. PAUL:** You would agree that Mr. Latour
11 did not want you giving his name to Mr. Tyo?

12 **MR. CARROLL:** Yes, I do agree with that.

13 **MR. PAUL:** And that seemed to give you the
14 impression that the two were not talking about the events?

15 **MR. CARROLL:** Yeah, that's a good
16 possibility.

17 **MR. PAUL:** In this type of case, collusion
18 is something you'd be alive to, whether parties are
19 colluding together or know each other?

20 **MR. CARROLL:** That's a potential, yes.

21 **MR. PAUL:** And the concern of collusion is a
22 bit less because of Mr. Latour's request?

23 **MR. CARROLL:** I never felt that collusion
24 was operating here.

25 **MR. PAUL:** Now, I think -- I think you had

1 agreed that there weren't any efforts to locate -- you
2 didn't locate any other students from the classrooms at the
3 time?

4 **MR. CARROLL:** No, I didn't. I didn't have
5 access to a class list.

6 **MR. PAUL:** And would access to the classroom
7 list, would that have potentially assisted in determining
8 whether there are other witnesses who might have been able
9 to verify whether Marc Latour was kept after school, for
10 example?

11 **MR. CARROLL:** That could have been. I would
12 be very cautious about soliciting that information, only
13 because I would be very wary about sort of encouraging the
14 answer that people thought I might want.

15 **THE COMMISSIONER:** I know, but you can't get
16 there unless you talk to them and then you say, "Well,
17 listen, do you remember this fellow?" "Yes." "And what
18 sticks out about him if anything?" "Well, he was always
19 kept at school."

20 **MR. CARROLL:** It would have been a very
21 carefully-considered strategy in interviewing these people
22 but if I was able to obtain the information about everybody
23 else in the class, that would have been an avenue to
24 pursue.

25 **MR. PAUL:** There's also some evidence that

1 there was a confrontation between Mr. Greggain and another
2 teacher, a teacher who has since died.

3 **MR. CARROLL:** That's correct. Well,
4 according to Mr. Latour, Ms. Gosling apparently addressed
5 the fact that Mr. Greggain may have had some involvement
6 with Marc. However, there was a complete inability to
7 follow that up with Ms. Gosling. She had since passed
8 away.

9 **MR. PAUL:** Is it possible any other students
10 may have been present? Could you conclusively determine
11 whether other students were around when that confrontation
12 ---

13 **MR. CARROLL:** No, I couldn't conclusively
14 determine that or follow up on that.

15 **MR. PAUL:** Just in terms of the warrant you
16 are talking about, a *Criminal Code* warrant wasn't possible
17 based on the evidence you had?

18 **MR. CARROLL:** No, it wasn't. I don't feel
19 it was. I would have had a hard time articulating
20 reasonable grounds to believe the offence was committed.

21 **MR. PAUL:** Your belief at the time was that
22 you suspected an offence but you didn't have reasonable
23 grounds for an offence?

24 **MR. CARROLL:** I don't think I even suspected
25 at that time. It was an allegation I was looking into when

1 I was trying to develop reasonable grounds to look at
2 eventually laying a charge. I was never successful in
3 being able to do that.

4 **MR. PAUL:** Well, certainly, you would have
5 at minimum, I'd suggest, a reasonable suspicion of an
6 offence after speaking to Mr. Latour and Mr. Greggain?

7 **MR. CARROLL:** Only at a suspicion level.

8 **MR. PAUL:** Okay. Would you have had
9 reasonable grounds that there would have been an offence-
10 related property at the school or the School Board in terms
11 of records? You would have had reasonable grounds at least
12 with respect to the existence of relevant records?

13 **MR. CARROLL:** If I could articulate an
14 honest belief of an offence I could have written to that in
15 a search warrant but I didn't have that reasonable belief
16 of an offence.

17 **MR. PAUL:** What I'm asking, not about the
18 belief in the offence. Did you have reasonable grounds
19 that there were relevant records at the School Board or the
20 school?

21 **MR. CARROLL:** Yes.

22 **MR. PAUL:** And it's your understanding you
23 needed both reasonable grounds of the existence of the
24 records and also of the commission of the offence?

25 **MR. CARROLL:** I have to articulate both in

1 order to get a search warrant.

2 MR. PAUL: So your understanding is you
3 couldn't get a warrant based on reasonable grounds that
4 there was offence-related property in the building of a
5 suspected offence? You couldn't get a warrant for that?

6 MR. CARROLL: No.

7 THE COMMISSIONER: And you're telling me
8 that if you went to the school and said, "Do you have a
9 class picture of 1999" or whatever date it was, that they
10 wouldn't have given it to you?

11 MR. CARROLL: I really tried that with the
12 school boards and the schools on several times, and it's
13 absolutely everything we can do to make sure that we're
14 abiding by everybody's privacy rights. I don't get
15 anywhere that way.

16 THE COMMISSIONER: How about a yearbook, if
17 you went to the school they might give you a yearbook?

18 MR. CARROLL: I didn't go looking for a
19 yearbook.

20 THE COMMISSIONER: No, I understand that.

21 MR. CARROLL: There was a time. There was a
22 time, yes, when the schools would all provide yearbooks to
23 the police departments so we could have a collection of
24 pictures. I don't think that's been done for some years
25 and I never considered exploring whether or not in 1967 St.

1 Peter's School would have had a yearbook.

2 **THE COMMISSIONER:** Or a class picture?

3 **MR. CARROLL:** Or a class picture. But then
4 a class picture would have only confirmed for me what I
5 already knew, that Marc was in Grade 3 at that school and
6 the teacher was Mr. Greggain.

7 **THE COMMISSIONER:** No, he could have looked
8 at what names were listed.

9 **MR. CARROLL:** Okay.

10 **THE COMMISSIONER:** There's all the names.

11 **MR. CARROLL:** I didn't do that. I didn't.

12 **THE COMMISSIONER:** But you're telling me
13 like in today's -- in 2008 that you cannot go to a school
14 and ask them for a yearbook. You can't go in there and ask
15 them for a class picture and they won't give it to you?

16 **MR. CARROLL:** They are very wary about doing
17 that because of privacy concerns. There was a time when I
18 could walk in and say is, you know, this person and that
19 person in this class, and I would be looked after; nowadays
20 no.

21 **THE COMMISSIONER:** And yet on Social
22 Services, you can phone up Social Services and get the
23 addresses of people.

24 **MR. CARROLL:** Well, we have contacts at
25 Social Services that will help us out from time to time.

1 But what I can use that information for becomes very
2 questionable because that might be pushing the limits of
3 what I would be asking someone from Social Services to do
4 for me or whatever.

5 **THE COMMISSIONER:** Okay.

6 **MR. PAUL:** This is the last question on the
7 warrant.

8 When you dealt with the Crown is that only
9 on reasonable probable ground or reasonable grounds issue
10 for arrest or did you deal with the Crown on the warrant
11 issue?

12 **MR. CARROLL:** I didn't address the warrant
13 issue with the Crown.

14 **MR. PAUL:** And when you dealt with the Crown
15 on the issue of grounds for arrest did they get into
16 details of suggestions of what was required for
17 cooperation?

18 **MR. CARROLL:** No, we didn't deal with those
19 issues specifically. I was satisfied that I didn't have
20 them and I didn't scrum those or explore them with the
21 Crown.

22 **MR. PAUL:** And your opinion was not so
23 extensive that it covered, for example, case law on the
24 test for reasonable grounds or the test for corroboration?

25 **MR. CARROLL:** If the Crowns did that or the

1 Crown did that he made that assessment of his own and we
2 didn't discuss.

3 MR. PAUL: So they just gave you the opinion
4 without the background of why.

5 MR. CARROLL: That's correct.

6 MR. PAUL: When you did send the file
7 material to the Crown on the Marc Latour matter did it
8 contain the video statements?

9 MR. CARROLL: That's correct.

10 MR. PAUL: And would those have included
11 references to Mr. Nadeau in the statements?

12 MR. CARROLL: I believe Mr. Nadeau's
13 statement would have been with the package that I sent to
14 the Crown. I took the entire package over and hand-
15 delivered it myself.

16 MR. PAUL: Okay. Well, for example, I
17 believe there's a point where you discuss with Mr. Latour
18 on his statement whether he's been in contact with Mr.
19 Nadeau because Mr. Nadeau contacted you?

20 MR. CARROLL: That would have been part and
21 parcel of the materials that went to the Crown.

22 MR. PAUL: And I'm just wondering, at this
23 timeframe when this is happening, does not Mr. Nadeau have
24 material on the website at that time?

25 MR. CARROLL: I'm not entirely sure because

1 there was a time period that that website disappeared I'm
2 told, and there was a time period following that that the
3 website reappeared. I lost all track of what was going on
4 with the website and I didn't make any attempts to keep up
5 with what was going on with Mr. Nadeau's websites.

6 **MR. PAUL:** Just to clarify, the time when
7 you're forwarding the information to the Crown's office, to
8 your understanding, had Mr. Nadeau put anything on his
9 website prior to that that might have referred to any
10 Crowns being involved?

11 **MR. CARROLL:** I don't know.

12 **MR. PAUL:** Did you have any concern at this
13 time that the Crown's office might be in conflict somehow
14 because of the involvement and the allegations of Mr.
15 Nadeau?

16 **MR. CARROLL:** No. If they were, I'm sure
17 they would have advised me. That's something that I didn't
18 canvass or consider before this went to the Crown's office.

19 **MR. PAUL:** At that time, was your
20 relationship relatively good with Mr. Nadeau?

21 **MR. CARROLL:** I think it was.

22 **MR. PAUL:** At any point when you were
23 dealing with Mr. Latour, did you ever get upset by Mr.
24 Nadeau's involvement and say something to the effect, "This
25 is my investigation and not Mr. Nadeau's"?

1 **MR. CARROLL:** I believe I said that at one
2 point-in-time. I don't believe I got upset as I said it.
3 I think it was part and parcel to Marc on how I was looking
4 at the matter.

5 **MR. PAUL:** All right.

6 Was this to make it clear that you wanted
7 the complainant dealing only with you and not other people?

8 **MR. CARROLL:** That's correct.

9 **MR. PAUL:** Just one brief area that I had a
10 couple questions on.

11 The Hickerson matter, I just wanted to
12 clarify. My understanding is that in terms of the
13 videotapes, most of them are commercial grade videotapes?

14 **MR. CARROLL:** Yes.

15 **MR. PAUL:** And of the few ones that
16 contained home-type movies, your evidence is that you
17 viewed all those?

18 **MR. CARROLL:** Yes, it is.

19 **MR. PAUL:** And the only adults you saw on
20 them would have been Mr. Hickerson and Mr. Lewis?

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

22 **MR. PAUL:** And nobody else?

23 **MR. CARROLL:** Nobody else.

24 **MR. PAUL:** All right. Those are my
25 questions. Thank you.

1 **THE COMMISSIONER:** Thank you.

2 Mr. Lee.

3 **MR. LEE:** Good afternoon, sir.

4 **THE COMMISSIONER:** Good afternoon, sir.

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

6 **MR. LEE:** Sergeant Carroll, my name is
7 Dallas Lee. I'm counsel for the Victims Group.

8 I have a number of areas that I'd like to
9 canvass with you. I may be some time, but I'll try to
10 speed it along as much as I can.

11 I'd like to start with the Hickerson/James
12 Lewis matter; okay?

13 **MR. CARROLL:** Thank you.

14 **MR. LEE:** You told us about photographs of
15 children and youths and your efforts to identify the
16 persons in those pictures. Do you recall that?

17 **MR. CARROLL:** Yes, sir.

18 **MR. LEE:** And specifically, the one
19 significant step you took was going to the CAS and seeing
20 if CAS workers could identify?

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

22 **MR. LEE:** And you were unsuccessful there.
23 Is that right?

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

25 **MR. LEE:** And you told us in-chief that you

1 showed James Lewis the pictures as well?

2 **MR. CARROLL:** Yes, sir, I did.

3 **MR. LEE:** And you attempted to have him
4 identify people. Is that correct?

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

6 **MR. LEE:** What I wasn't clear on was whether
7 you systematically took him through every picture and every
8 person in those pictures and asked point by point who that
9 person was or whether it was more of a matter of just
10 putting the pictures in front of him and asking him if he
11 could pick out ---

12 **MR. CARROLL:** I think it was more putting
13 the matter of the pictures in front of him and directing
14 his attention to the individual pictures.

15 You have to understand that by the time
16 these pictures were put together, many of the pictures
17 contained more scotch tape than they contained picture.
18 The pictures were somewhat dated. Polaroid pictures, after
19 10 to 15 years or plus, begin to turn orange. They're all
20 faded, and unless you knew somebody personally in the
21 picture, I would highly doubt that you would be able to
22 positively identify them.

23 **MR. LEE:** And I take it at the time you were
24 asking Lewis to go through the pictures, you thought it at
25 least a possibility that he did know these people

1 personally?

2 MR. CARROLL: Yes, that's what I was hoping
3 for.

4 MR. LEE: You knew that the relationship --
5 and I don't necessarily mean the sexual relationship --
6 but his relationship with Richard Hickerson was
7 longstanding was your understanding?

8 MR. CARROLL: Yes, I was aware of that.

9 MR. LEE: Going back years?

10 MR. CARROLL: Yes, I was aware of that.

11 MR. LEE: Did you ask Lewis for -- the
12 pictures aside, did you ask Lewis for the names of any kids
13 that Hickerson was friendly with?

14 MR. CARROLL: I don't believe I phrased the
15 question just like that.

16 MR. LEE: Do you know if in 1998, when you
17 were going through this process, whether Manpower was still
18 around? Was that still an agency in Cornwall?

19 THE COMMISSIONER: In what year?

20 MR. LEE: It was '98, wasn't it, when
21 Hickerson killed himself?

22 MR. CARROLL: I believe it was, but I also
23 am aware that Mr. Hickerson was retired and no longer
24 working at Manpower.

25 MR. LEE: That doesn't answer my question.

1 Were you aware of whether or not Manpower
2 was still ---

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

4 **MR. LEE:** --- functioning?

5 Did you talk to anybody at Manpower to see
6 if there were employees there who would have worked with
7 Mr. Hickerson?

8 **MR. CARROLL:** No, I didn't.

9 **MR. LEE:** Given everything that you learned
10 about James Lewis during the course of the death
11 investigation and then the later possession of child
12 pornography investigation, did you form a belief that he
13 was a pedophile?

14 **MR. CARROLL:** No, I didn't.

15 **MR. LEE:** You did not form that opinion?

16 **MR. CARROLL:** I didn't form that belief.

17 The -- to answer that question I'm going to have to ask you
18 what you mean by pedophile because that has been the most
19 misused term in this city for the last 15 years.

20 **MR. LEE:** You touched on that a little bit
21 in your recommendations today.

22 Let me -- did you form a belief that Lewis
23 was likely -- had in the past or was currently engaging in
24 sex with persons under, let's say, 16 years of age?

25 **MR. CARROLL:** I didn't believe that to be

1 so.

2 MR. LEE: You did know that he had child
3 pornography in his possession?

4 MR. CARROLL: Yes, I did.

5 MR. LEE: And you knew that he was very
6 close to Hickerson, who by that point you knew was a sexual
7 predator. Is that right?

8 MR. CARROLL: He was a -- I'm not going to
9 go as far as using the term "predator". In the course of
10 my duties, I deal exclusively with sex offences and sex
11 offenders. I would consider Mr. Hickerson to be what is
12 referred to as a pederast. That's someone who has
13 expressed and displayed a sexual interest in persons that
14 are roughly between the age of 13 to 18 years of age, and
15 that I've learned through the course of my training on
16 different types of paraphelias and different preferences of
17 different types of sex offenders.

18 MR. LEE: You considered him to be a sex
19 offender, Hickerson, based on the evidence you had?

20 MR. CARROLL: No, I'll take that back. My
21 focus on studying this is from dealing with sex offenders.

22 I consider Mr. Hickerson to have a
23 particular sexual preference and a particular sexual
24 orientation. From everything that I learned about Mr.
25 Hickerson, which included his collection of literature on

1 pederasty, his sexual preferences is confined to males
2 between roughly the age of 13 to 18.

3 MR. LEE: You're not suggesting that you
4 held a belief that this was a passing interest of Mr.
5 Hickerson?

6 MR. CARROLL: No, this was a lifestyle of
7 Mr. Hickerson.

8 MR. LEE: He was actively engaging in these
9 activities?

10 MR. CARROLL: Yes, he was.

11 MR. LEE: And you knew that James Lewis was
12 close to him?

13 MR. CARROLL: Yes, I was.

14 MR. LEE: Did you believe that James Lewis
15 was engaging in these activities?

16 MR. CARROLL: He was engaging in this type
17 of activity with Mr. Hickerson. If this had been going on
18 for quite some period of time, from the time that Mr. Lewis
19 was 14 years of age, this would have been a consensual
20 sexual relationship between the two that wouldn't have been
21 in any way illegal.

22 MR. LEE: James Lewis told you about how he
23 believed that children were sexual beings?

24 MR. CARROLL: Yes, he did.

25 MR. LEE: Did you ever ask Lewis whether he

1 was having sex with children?

2 **MR. CARROLL:** I don't believe I asked that
3 question. Mr. Lewis made it very clear to me, "Please
4 don't think of me as a pedophile. I'm not. Don't use the
5 "P" word when you're talking about me or to me."

6 **MR. LEE:** I'm not trying to be insensitive
7 here, but is it fair to say that Mr. Lewis was not
8 particularly intelligent?

9 **MR. CARROLL:** Based on -- well, that can be
10 looked at a couple of ways. Based on the way Mr. Lewis was
11 able to use and access and store and deal with information
12 on computers, I believe that he -- he wasn't a non-
13 intelligent person. He was somewhat challenged, I believe,
14 in certain areas but I wouldn't consider Mr. Lewis a non-
15 intelligent person.

16 **MR. LEE:** He might be described as slow
17 perhaps?

18 **MR. CARROLL:** Perhaps that would be somewhat
19 more of an accurate term, but I would be very cautious in
20 using that term about anybody. I'm not an expert in
21 assessing people's intelligence or ---

22 **MR. LEE:** Nor am I. I'm just trying to get
23 the point across here and I'm not trying to be insensitive
24 ---

25 **MR. CARROLL:** Okay.

1 **MR. LEE:** --- to Mr. Lewis but I want to
2 make sure we're on the same page.

3 It was apparent to you when you dealt with
4 Mr. Lewis that he may have been a little bit slow?

5 **MR. CARROLL:** Yes, I think that you and I
6 are probably referring to this the same way.

7 **MR. LEE:** And he was forthcoming with you
8 when you asked him about Hickerson?

9 **MR. CARROLL:** Very much so.

10 **MR. LEE:** And about materials in the house?

11 **MR. CARROLL:** Very much so.

12 **MR. LEE:** And as I understand it, he told
13 you not only -- sorry, he told you that he cut up some of
14 the pictures because he didn't want to get Hickerson in any
15 more trouble?

16 **MR. CARROLL:** That's right.

17 **MR. LEE:** But he also told you that he did
18 not cut up others because he liked them?

19 **MR. CARROLL:** That's correct.

20 **MR. LEE:** Meaning that he, Lewis, liked
21 them. Is that right?

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

23 **MR. LEE:** And he told that to you?

24 **MR. CARROLL:** That's right.

25 **MR. LEE:** Knowing you were a police officer?

1 **MR. CARROLL:** That's right.

2 **MR. LEE:** Is it possible that had you asked
3 Lewis about his own activities, and about his own sexual
4 activities in particular, that he may have just told you?

5 **MR. CARROLL:** Yes, he may have.

6 **MR. LEE:** Are you aware that James Lewis
7 pled guilty to a different possession of child pornography
8 charge in 2005?

9 **MR. CARROLL:** Yes, I am.

10 **MR. LEE:** And are you aware that when the
11 police searched his home they found toys, children's music
12 and children's videos?

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

14 **MR. LEE:** You didn't search Lewis' home in
15 1998. Is that right?

16 **MR. CARROLL:** No, I didn't.

17 **MR. LEE:** You didn't get a warrant, you let
18 him turn over the things that he was willing to turn over?

19 **MR. CARROLL:** I didn't have any grounds to
20 write a search warrant for Mr. Lewis' house that particular
21 day.

22 **MR. LEE:** Does the name Jamie Marsolais mean
23 anything to you?

24 **MR. CARROLL:** Yes, it does.

25 **MR. LEE:** How do you know Mr. Marsolais?

1 **MR. CARROLL:** Mr. Marsolais is a previous
2 victim of James Lewis in an historical matter that came
3 forward to the Cornwall Police Service some years after the
4 Hickerson investigation. I wasn't involved in the
5 Marsolais investigation at all.

6 I have since spoke with Mr. Marsolais on
7 matters pertaining to James Lewis following his release
8 from custody in the Marsolais matter and in the child
9 pornography matter that followed it.

10 **MR. LEE:** You're aware, I take it, based on
11 what you've just said, that Lewis was charged in 2005 ---

12 **MR. CARROLL:** Yes, I'm ---

13 **MR. LEE:** --- for having abused Marsolais in
14 the 1980s?

15 **MR. CARROLL:** Yes, I'm aware of that case.

16 **MR. LEE:** And you're aware that Mr. Lewis
17 pled guilty?

18 **MR. CARROLL:** Yes, I am.

19 **MR. LEE:** And my question therefore is that
20 in 1998 when you were investigating the Hickerson matter
21 and then thereafter the possession of child pornography
22 charges that eventually were laid against Lewis, did you
23 have concerns about his possible abuse of children?

24 **MR. CARROLL:** Yes, I did, but I manifested
25 that concern by suggesting to James, "Listen, you've got

1 all this gay porn or homosexual porn. That is going to
2 provide you -- that's going to bring you nothing but
3 trouble down the road. Why don't you do yourself a favour
4 and just get rid of it" and I left it like that and he
5 agreed to turn all that material over to me.

6 The reason that I was anxious to get all
7 that material out of his hands because I was very concerned
8 about it being used some way, some time, or the potential
9 for it being used to assist in grooming somebody to say
10 that, "Listen, this kind of stuff is okay and see, all
11 these people in the movies are doing it, they're having fun
12 and maybe you might want to engage that with me".

13 **MR. LEE:** Do you recall ---

14 **MR. MANDERVILLE:** Mr. Commissioner, I'm not
15 objecting to anything my friend is touching on with
16 Sergeant Carroll, I just wish to point out that the
17 Marsolais/Lewis matter is something that arose after the
18 Inquiry was called.

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

20 **MR. MANDERVILLE:** And then the charges
21 proceeded and the plea was entered. Again, some time after
22 the Inquiry was called.

23 **THE COMMISSIONER:** M'hm. And we're
24 certainly not going to go that far but I think that -- that
25 it certainly has some bearing with respect to the question

1 asked ---

2 **MR. MANDERVILLE:** Correct. So that's why
3 I'm not objecting to ---

4 **THE COMMISSIONER:** No, I understand. Thank
5 you.

6 **MR. LEE:** I'm not going further into the
7 Marsolais matter at all.

8 **THE COMMISSIONER:** That's fine.

9 **MR. LEE:** Is it fair to say that you didn't
10 put surveillance on Lewis at all in 1998?

11 **MR. CARROLL:** No.

12 **MR. LEE:** You didn't talk to his neighbours
13 or friends or family?

14 **MR. CARROLL:** No.

15 **MR. LEE:** Looking back on it now, do you
16 think that was a mistake, sir?

17 **MR. CARROLL:** No. At that time, Mr. Lewis
18 was nothing more than a person who found that his friend
19 had likely committed suicide.

20 Mr. Lewis was in possession of some
21 materials that him and Mr. Hickerson shared at some point-
22 in-time. I didn't feel that at that time Mr. Lewis posed a
23 threat for doing anything that would warrant us putting
24 surveillance on him.

25 I think I would have had a hard time

1 justifying the suggestion that the police department begin
2 maintaining surveillance on James Lewis at that time.

3 **MR. LEE:** Didn't everything that James Lewis
4 was telling you and everything you were learning about
5 James Lewis suggest that it was extremely likely that he
6 was abusing children at that time?

7 **MR. CARROLL:** No. I had no information or
8 reason to believe at this time or that time James Lewis was
9 involved with children.

10 **MR. LEE:** Mr. Hickerson's computer was
11 seized from his residence after his death?

12 **MR. CARROLL:** That's right.

13 **MR. LEE:** Do you know whether or not he had
14 an email program set up on that computer?

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

16 **MR. LEE:** Do you know whether or not the
17 contact list or address book or whatever you want to call
18 it was examined?

19 **MR. CARROLL:** I don't believe it was.

20 **MR. LEE:** Do you know whether or not a hard
21 copy address book was found in the residence?

22 **MR. CARROLL:** Yes, there was.

23 **MR. LEE:** Was that seized?

24 **MR. CARROLL:** It was seized and it was
25 looked at. I believe it was eventually returned to Mr.

1 Lewis, being the executor of the estate.

2 I can tell you there was not a whole lot in
3 that address book.

4 **MR. LEE:** What do you mean by not a whole
5 lot?

6 **MR. CARROLL:** There was very few names of
7 anybody in the address book.

8 **MR. LEE:** Did you view it personally?

9 **MR. CARROLL:** Yes, I did.

10 **MR. LEE:** Was Ken Seguin listed in that
11 address book?

12 **MR. CARROLL:** I don't recall specifically
13 anybody that was in there. I do know that there was not a
14 whole lot of names in that address book.

15 **MR. LEE:** So you couldn't give us a list of
16 names that were there or a list of names that were not?

17 **MR. CARROLL:** No, I couldn't.

18 **MR. LEE:** You just don't recall?

19 **MR. CARROLL:** No, I don't know. No, I don't
20 remember.

21 **MR. LEE:** If -- Madam Clerk, can you show
22 the witness Document 713528, please? This is a document I
23 would have provided you with the other day.

24 **THE COMMISSIONER:** Thank you.

25 Exhibit 1711 is an interview report of

1 Ronald Wilson. Date of interview, the 26th of June 1998.

2 --- EXHIBIT NO./PIÈCE NO. P-1711:

3 (713528) - Interview Report of Ronald Wilson
4 with OPP D.C. Genier dated June 26, 1998

5 MR. LEE: Do you have that, sir?

6 MR. CARROLL: Yes, I do.

7 MR. LEE: And I -- let me say right off the
8 bat, I understand this is not an interview you conducted,
9 it's an interview by Detective Constable Genier of the OPP,
10 as the Commissioner said, on June 26th, '98. Do you see
11 that?

12 MR. CARROLL: That's correct.

13 MR. LEE: And the person being interviewed
14 is Ron Wilson and you'll see on the front page his
15 occupation is listed as Wilson Funeral Home?

16 MR. CARROLL: That's correct.

17 MR. LEE: I take it you're familiar with Mr.
18 Wilson?

19 MR. CARROLL: Yes, I am.

20 MR. LEE: How long have you known Mr.
21 Wilson?

22 MR. CARROLL: Probably since -- probably
23 since I've been working here. He may have been on the
24 Police Services Board at one time. I know I met him very
25 early in my career; part and partially of running into him

1 at death investigation calls when he would attend as part
2 of the body removal service.

3 I know him to see him or I knew him to see
4 him at the time and to stop and chat with him wouldn't be
5 out of the ordinary if we happened to run into one another.

6 **MR. LEE:** If we -- if you can scroll down,
7 Madam Clerk, to the first question and answer on this page.

8 The question from Detective Constable Genier
9 reads:

10 "It has come to my attention that you
11 commented in a peculiar way when
12 speaking to Officer Carroll of the
13 Cornwall Police Service in relation to
14 a deceased, Mr. Richard Hickerson. To
15 the best of your recollection would you
16 repeat your conversation with Officer
17 Carroll to me."

18 And the answer is:

19 "I just said 'let the suicides begin'."
20 Do you see that, sir?

21 **MR. CARROLL:** Yes, I do. In the course of
22 the Hickerson investigation I recall meeting Mr. ---

23 **MR. LEE:** Wilson.

24 **MR. CARROLL:** Mr. Wilson. Thank you.

25 At least on one occasion at the bank when

1 James was accessing the safety deposit box for instructions
2 and the will and that stuff, I remember speaking to Mr.
3 Wilson there.

4 I do not recall a comment like, "Let the
5 suicides begin". I'm kind of surprised to see that at the
6 statement, and here in reference to a conversation with me,
7 I think a comment like that would have stuck in my mind for
8 some time. I don't recall that.

9 **MR. LEE:** I got the impression when reading
10 this -- and all I have is the document obviously I don't
11 have any background knowledge on this -- that Detective
12 Constable Genier seemed to be suggesting that you might
13 have been the one who told him about this comment so that
14 he would have known to go and talk to Ron Wilson.

15 Are you saying you wouldn't have told
16 Detective Constable Genier any of this?

17 **MR. CARROLL:** I don't recall any
18 conversation that I had with anybody around this time where
19 something like "let the suicides begin" has even come up.

20 **MR. LEE:** No recollection of this
21 whatsoever?

22 **MR. CARROLL:** I have no recollection of that
23 at all. That's quite a surprise to see that in reference
24 to any conversation that anybody had with me.

25 **MR. LEE:** That scratches a few questions off

1 my list here for you.

2 I'm going to move on to the Gilf Greggain
3 investigation, and I should let you know off the bat that
4 one of my clients is Marc Latour so you know where I'm
5 coming from a little bit here.

6 You told us in-chief that you were working
7 on many other things at the time of the Greggain
8 investigation. Is that right?

9 **MR. CARROLL:** As the Greggain investigation
10 got going, a whole host of other things found their way
11 onto my plate.

12 **MR. LEE:** You were setting up the local Sex
13 Offender Registry?

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

15 **MR. LEE:** There were a couple of homicides
16 in the city?

17 **MR. CARROLL:** Yes, there was.

18 **MR. LEE:** There was a missing person case
19 that ended up being a biker gang related homicide?

20 **MR. CARROLL:** Yes, there was.

21 **MR. LEE:** You said in-chief a couple of
22 other serious cases?

23 **MR. CARROLL:** There was one -- well, there
24 was -- there was at least two suspicious death
25 investigations involving children that I was involved in.

1 There was a kidnapping that I was involved in. There was -
2 - there was a homicide from the summer previous that I was
3 tasked with doing a couple of search warrants that involved
4 out-of-town institutions and a DNA warrant to be executed
5 on the accused in custody in another jurisdiction.

6 **MR. LEE:** You told us you were the
7 draftperson for all search warrants and production orders?

8 **MR. CARROLL:** For that time, that's what my
9 role in criminal investigation was, on top of my duties in
10 SACA.

11 **MR. LEE:** For the entire Force you were the
12 draftperson?

13 **MR. CARROLL:** I was doing the bulk of the
14 search warrant drafting duties.

15 **MR. LEE:** So is it fair to say you were
16 extremely busy?

17 **MR. CARROLL:** That's a fair comment, yes.

18 **MR. LEE:** Would you say too busy?

19 **MR. CARROLL:** No, I'm not going to say too
20 busy.

21 I was -- I think I was very challenged in
22 term of my time management and my case management and it
23 was -- it was duties that I didn't mind applying myself to.

24 **MR. LEE:** I'm going to start this area by
25 going through a list of the investigative steps that you

1 did not take during the course of the investigation. Later
2 on, we'll discuss the steps you did take; okay?

3 I'm going to start with what you did not do.
4 You did not interview former teachers at St. Peter's
5 School. Is that right?

6 **MR. CARROLL:** No, I didn't.

7 **MR. LEE:** Ms. Gosling was one that was
8 deceased. You obviously did not ---

9 **MR. CARROLL:** She was deceased.

10 **MR. LEE:** You could not interview her but
11 ---

12 **MR. CARROLL:** No, I didn't begin tracking
13 down former staff members of the school.

14 **MR. LEE:** And that would include former
15 principals?

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

17 **MR. LEE:** During Mr. Latour's testimony here
18 during his cross-examination by the -- by counsel for the
19 school board, it was suggested that there may have been two
20 "Principal Beaudettes" back-to-back; one of them Charlie
21 and one of them Percy.

22 Did you appreciate that at the time of your
23 investigation?

24 **MR. CARROLL:** I'm not sure if I did.

25 **MR. LEE:** Either way, you didn't speak to a

1 Principal Beaudette?

2 MR. CARROLL: I didn't speak to.

3 MR. LEE: When Mr. Latour was here, he told
4 us about a couple of friends that used to wait for him
5 after school and who eventually gave up on waiting because
6 he was being kept after school so often.

7 You didn't speak to any friends along ---

8 MR. CARROLL: No.

9 MR. LEE: Friends of Mr. Latour or
10 classmates of Mr. Latour?

11 MR. CARROLL: No, sir, I didn't.

12 MR. LEE: You've already talked with Mr.
13 Paul about not getting a search warrant for the class list
14 so I'll leave that.

15 You didn't ask Mr. Latour at any point-in-
16 time to write down the names of the classmates he could
17 recall?

18 MR. CARROLL: No, I didn't.

19 MR. LEE: And you didn't ask Mr. Greggain to
20 do that either?

21 MR. CARROLL: No, I did not.

22 MR. LEE: You spoke with Joan Dingwall, who
23 was Mr. Latour's sister, but you didn't speak to any other
24 siblings. Is that correct?

25 MR. CARROLL: No, sir, I didn't.

1 **MR. LEE:** You didn't ask the Children's Aid
2 Society if they had a file on Greggain?

3 **MR. CARROLL:** No, I didn't.

4 **MR. LEE:** Would you have expected them at
5 that time to give you that information had you requested
6 it?

7 **MR. CARROLL:** No, I wouldn't. This was not
8 a joint police/CAS investigation and because of that I
9 don't believe that those materials would have been made
10 available to me by the agency.

11 **THE COMMISSIONER:** Well, let's just make
12 clear, maybe not the materials but would they have informed
13 you orally that -- because I seem to sense that there's --
14 there was an understanding that the Cornwall Police could
15 go over to the Children's Aid Society and they would relate
16 things but wouldn't let them take the files away?

17 **MR. CARROLL:** I believe that that would only
18 apply in the case of a joint investigation and this wasn't
19 a case of a joint investigation and I didn't take that step
20 at that time.

21 **THE COMMISSIONER:** Okay.

22 **MR. LEE:** So is it your evidence that had
23 you asked the CAS about Mr. Greggain, they would have just
24 told you that they couldn't answer your question?

25 **MR. CARROLL:** Yes, I believe that that would

1 be.

2 MR. LEE: And you've been asked a little bit
3 about the Jules Tyo/Don Delorme dynamic and what you did
4 with them. Is it fair to say that you didn't investigate
5 whether anybody at the board actually had a problem with
6 Jules Tyo, as Mr. Delorme suggested?

7 MR. CARROLL: I didn't obtain his employment
8 records, no.

9 MR. LEE: Mr. Delorme seemed to paint a
10 fairly negative picture of Mr. Tyo and suggested that he
11 had some issues while at the board. Is that right?

12 MR. CARROLL: Yes, he did.

13 MR. LEE: And you didn't -- another thing
14 you didn't do was an audio-video interview of Delorme; you
15 just did a telephone interview?

16 MR. CARROLL: That's correct.

17 MR. LEE: And you did not confront Jules Tyo
18 with what Delorme said in order to give him a chance to
19 respond?

20 MR. CARROLL: No, sir, I didn't.

21 MR. LEE: You didn't contact any of the
22 teachers or the principal that Jules Tyo named as being at
23 the later school?

24 MR. CARROLL: No, sir, I didn't.

25 MR. LEE: One of things -- one of the issues

1 that you've discussed a little bit is the importance or the
2 relevance of what Jules Tyo was telling you and I got the
3 impression that you didn't think it to be particularly
4 important. Is that fair?

5 **MR. CARROLL:** I didn't think it to be
6 particularly relevant to -- to what took place in
7 St. Peter's School involving Marc Latour and Mr. Greggain.

8 **MR. LEE:** And that was because Tyo wasn't at
9 St. Peter's School. He was telling you about observations
10 made years later at a different school?

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

12 **MR. LEE:** But you'll agree with me his
13 observations were that he had observed Gilf Greggain in his
14 capacity as a teacher fondling his students?

15 **MR. CARROLL:** Yes, but it was in a situation
16 that had very little context to it as part and parcel of a
17 gym class. I would have liked to know exactly what the gym
18 class was all about that he was having contact with the
19 students during.

20 **MR. LEE:** Did you ask Jules Tyo to expand on
21 that?

22 **MR. CARROLL:** I -- I don't believe he could
23 expand on that in the interview.

24 **MR. LEE:** I mean, the impression you got
25 from Jules Tyo certainly wasn't that he may have

1 misunderstood what he saw. He was pretty sure of what he
2 saw?

3 **MR. CARROLL:** And at the same time, Mr.
4 Delorme said that that -- that him being there, he had no
5 observations of any such sort that he could recall.

6 **MR. LEE:** I'm not going to tread over the
7 same ground as Mr. Paul when he asked you about that.

8 You've already noted that you didn't submit
9 the authorization that you had Jules Tyo sign to the board?

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

11 **MR. LEE:** And, similarly, you didn't submit
12 the authorization that Joan signed to the oard ---

13 **MR. CARROLL:** Yes.

14 **MR. LEE:** --- and you told us why that was?

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

16 **MR. LEE:** And you also -- well, actually,
17 let me just so we can clear one thing up.

18 Can you take a look at Exhibit 1684B,
19 please. This is the transcript of the statement you took
20 from Joan Dingwall.

21 **THE COMMISSIONER:** Mr. Lee, if you could
22 pick your spot after this for a break.

23 **MR. LEE:** Sure.

24 **THE COMMISSIONER:** All right. So we're at
25 page?

1 **MR. LEE:** One (1).

2 **THE COMMISSIONER:** One (1).

3 **MR. LEE:** In a moment of -- I'll let you get
4 there, Sergeant Carroll. Are you there? Are you there?

5 **MR. CARROLL:** I'm there.

6 **MR. LEE:** A moment ago when -- when Mr. Paul
7 was questioning you, you suggested that her allegation was
8 not of having been physically disciplined, but rather Mr.
9 Greggain simply walking around with a yardstick. Do you
10 recall that?

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

12 **MR. LEE:** If you can look down at her last
13 answer on the first page, please? It's on the screen now.

14 And if we look down to the middle of the
15 third line, it reads:

16 "He had this ruler with a handle and he
17 used to call it 'the G.I. Joe'. For
18 some reason he cornered me. He got me
19 into the library. It used to be the
20 janitor's room and they turned it into
21 a library. He went after me, but I got
22 away. For some reason I was able to
23 get out of there and I ran home and my
24 parents came up."

25 Do you see that?

1 **MR. CARROLL:** Yes, I see that.

2 **MR. LEE:** So this is a little more than Ms.
3 Latour telling you that he happened to be walking around
4 with a yardstick. Would you agree with that?

5 **MR. CARROLL:** I don't quite understand or I
6 wasn't able to quite gather from her what she's talking --
7 is he actually chasing her or is he swinging this at her?
8 I don't find that she provided me with enough detail there
9 to go beyond that.

10 **MR. LEE:** Can you turn over the page,
11 please, sir, page 2? She continues with her answer. It's
12 quite a lengthy answer, and she finishes with:

13 "He was different."

14 Referring back to Mr. Greggain. Do you see that?

15 **MR. CARROLL:** Yes, I see that.

16 **MR. LEE:** And your question is:

17 "Tell me what you mean by different?"

18 And the interview proceeds from there. Do you see that?

19 **MR. CARROLL:** Yeah.

20 **MR. LEE:** So you don't immediately follow-up
21 on the question of exactly what he was doing with the
22 yardstick, but you do, over on page 3, get back to it. In
23 the middle of the page, you ask:

24 "What was he doing with the yardstick?"

25 And she replies:

1 "That was for discipline."

2 And:

3 "Was he waving it at you?"

4 And it goes on, and her last answer:

5 "No, he came in basically just to show
6 me that before I left I was probably
7 going to get it, but I got out before I
8 even got it. Back then it was allowed,
9 today it wasn't. So he came in. I
10 knew I was going to get it."

11 Do you see those answers?

12 **MR. CARROLL:** Yes, I see those.

13 **MR. LEE:** So Ms. Latour -- or Ms. Dingwall,
14 rather, is fairly unequivocal in what she suggested was
15 going to happen, wasn't she?

16 **MR. CARROLL:** But at no time is she going
17 beyond that to say that he's actually using that yardstick
18 to strike her or anybody ---

19 **MR. LEE:** Because she got away?

20 **MR. CARROLL:** She ran out and she went home.

21 I ---

22 **MR. LEE:** Can I have another five minutes,
23 sir, just to finish off this area?

24 **THE COMMISSIONER:** Absolutely.

25 **MR. LEE:** And continuing with my list, you

1 didn't ask Ms. Latour for help in finding Dennis Rochon?

2 **MR. CARROLL:** No, I didn't.

3 **MR. LEE:** There seemed to be some confusion
4 during in-chief of whether or not Rochon was a friend when
5 Marc was a boy or whether he was a friend when he was an
6 adult. Do you recall that?

7 **MR. CARROLL:** Yes, and I think he was a
8 friend later on in life. I don't think he was a friend at
9 school.

10 **MR. LEE:** I agree with you on that, and one
11 of the reasons is one of the statements that Latour gives
12 you is that he -- when he runs into Jules Tyo, when Jules
13 Tyo makes his comment about Greggain being a son of a
14 bitch, it's Latour and Rochon shopping for a boat. Do you
15 recall that?

16 **MR. CARROLL:** Okay. All right.

17 **MR. LEE:** So you recall now that it's an
18 adult friend?

19 **MR. CARROLL:** It's an adult friend and it's
20 later on in life. This isn't a friend from school.

21 **MR. LEE:** Right.

22 And you didn't ask Mr. Latour to help you
23 find Mr. Rochon?

24 **MR. CARROLL:** No, I didn't go out with him
25 for that.

1 **MR. LEE:** And another thing you told us
2 about, some confusion you had, was you told Mr. Dumais that
3 you were never clear about when Ms. Gosling confronted Gilf
4 Greggain as it related to the timing of Mr. Latour's father
5 confronting Greggain. Do you recall that?

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

7 **MR. LEE:** So you understood what the two
8 recollections were from Latour, the dad going in to
9 Greggain and Gosling confronting Greggain, but you didn't
10 understand where they were placed chronologically in
11 relation to one another?

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

13 **MR. LEE:** And you told us that you would
14 have liked to question Ms. Gosling on that, but you
15 couldn't because she was dead?

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

17 **MR. LEE:** Do you recall ever asking Mr.
18 Latour to clarify that timing or the sequence of those
19 events to you?

20 **MR. CARROLL:** I don't believe he was able to
21 assist me in that area.

22 **MR. LEE:** You're aware Mr. Latour testified
23 here?

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

25 **MR. LEE:** And he -- I have to tell you he

1 seemed quite clear when he was here testifying, and one of
2 the things he told us was that Ms. Gosling confronted Mr.
3 Greggain in front of the entire class after learning of
4 what Mr. Greggain had done.

5 **MR. CARROLL:** Okay.

6 **MR. LEE:** And were you aware of that during
7 your investigation?

8 **MR. CARROLL:** I'm not entirely sure.

9 **MR. LEE:** You can tell us that you did not
10 follow-up with classmates or anybody that may have
11 witnessed that?

12 **MR. CARROLL:** No, I didn't.

13 **MR. LEE:** And another thing that confused me
14 a little bit about your evidence in-chief was your
15 suggestion that you didn't have the proper context to look
16 into the information Mr. Latour had given you about Mr.
17 Greggain being around handicapped children?

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

19 **MR. LEE:** And I got the impression you were
20 trying to tell us that for all you knew, Greggain could
21 have been walking by on the street and had absolutely
22 nothing to do with those kids?

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

24 **MR. LEE:** I'm going to suggest to you, sir,
25 that it is very clear from the statements you took from Mr.

1 Latour that he was concerned that Mr. Greggain may have
2 been caring for those children, and I'm going to suggest to
3 you that you would have known fully well at that time that
4 Mr. Latour was saying to you that he was concerned about
5 those children. Is that fair?

6 **MR. CARROLL:** I believe he had a concern,
7 but I don't believe I had any place to begin looking into
8 exactly what and why Mr. Greggain may have been in the
9 company of some handicapped children.

10 **MR. LEE:** It was not possible to investigate
11 that?

12 **MR. CARROLL:** I imagine it would have been.
13 I didn't pursue what Mr. Greggain was doing at that time
14 that Marc may have seen him walking on the street.

15 **MR. LEE:** Will you agree, based on what
16 we've just gone through, that there were many steps in the
17 investigation that you could have taken that you did not?

18 **MR. CARROLL:** There was more things that I
19 could have done and, again, my focus was on trying to
20 develop some sort of corroboration on what occurred between
21 Mr. Greggain and Mr. Latour.

22 **MR. LEE:** That's a good time for a break,
23 Mr. Commissioner.

24 **THE COMMISSIONER:** Thank you. We'll take
25 the afternoon break.

1 **THE REGISTRAR:** Order; all rise. A l'ordre;
2 veuillez vous lever.

3 This hearing will resume at 3:25.

4 --- Upon recessing at 3:06 p.m./

5 L'audience est suspendue à 15h06

6 --- Upon resuming at 3:31 p.m./

7 L'audience est reprise à 15h31

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

10 This hearing is now resumed. Please be
11 seated. Veuillez vous asseoir.

12 **THE COMMISSIONER:** Mr. Lee.

13 **JEFF CARROLL, Resumed/Sous le même serment:**

14 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE**
15 **(cont'd/suite):**

16 **MR. LEE:** Sergeant Carroll, during your
17 examination in-chief, you were asked about the issue where
18 Mr. Latour asked you not to give Jules Tyo his name and
19 that eventually you did give the name. Do you recall that?

20 **MR. CARROLL:** Yes, I do.

21 **MR. LEE:** And what you told us in-chief was
22 that you eventually apologized to Mr. Latour about that?

23 **MR. CARROLL:** Yes, I did.

24 **MR. LEE:** Do you have any note of that
25 apology, sir?

1 **MR. CARROLL:** No, I don't believe I made
2 notes on that. In the process of interviewing Mr. Tyo and
3 trying to get the information out of Mr. Tyo, I freely
4 admit that I slipped up in giving Mr. Tyo Marc Latour's
5 name. That was something that I regretted and when I had
6 an opportunity to address that with Mr. Tyo, I tried my
7 best to do that.

8 **MR. LEE:** With Mr. Latour, you mean?

9 **MR. CARROLL:** With Mr. Latour. Sorry.

10 **MR. LEE:** When Mr. Latour testified here, he
11 told us that you explained to him it was a misunderstanding
12 but didn't say anything about an apology. Is it possible
13 that you may have meant to apologize but didn't actually do
14 that?

15 **MR. CARROLL:** I certainly did, and if in the
16 course of that, that I wasn't clear in the fact that I
17 regretted doing that, I'm letting you know now that I do
18 and, yes, it was intended as an apology to Mr. Latour for
19 letting his name slip out.

20 **MR. LEE:** Okay. I'd like to move on to the
21 reasonable and probable grounds analysis.

22 You were asked several times in-chief -- I
23 counted six, but I could be wrong on that -- whether or not
24 you believed Mr. Latour, and each time you gave us an
25 answer that was essentially that you thought that Mr.

1 Latour believed he was telling the truth and was being
2 sincere but that that was not enough for you to form
3 reasonable grounds. Is that right?

4 **MR. CARROLL:** That's correct.

5 **MR. LEE:** Will you agree that you repeatedly
6 during the course of the investigation told Mr. Latour that
7 you believed it?

8 **MR. CARROLL:** I was trying, yes, to convince
9 Mr. Latour that, yes, I believed in what he was telling me,
10 and maybe I didn't do a good enough job in telling him
11 that, "There's a big jump before -- between me believing
12 and accepting what you're saying to establishing reasonable
13 grounds to lay a charge and prosecute it".

14 **MR. LEE:** I don't think that's a fair
15 criticism of yourself there because I can tell you that Mr.
16 Latour very much, through the course of the investigation,
17 had the impression that you believed him and, as a matter
18 of fact, he never had any other impression from you. He
19 always thought you believed him.

20 But your evidence here isn't that you
21 believed him, it's that essentially you believed that he
22 believed that it happened?

23 **MR. CARROLL:** Okay.

24 **MR. LEE:** And what I want to know is whether
25 you believe the offences occurred?

1 **MR. CARROLL:** I don't know. Okay? I don't
2 know. I wasn't there. In many ways I wish I was because
3 then I would have known for sure.

4 I see my role as -- regardless of whether
5 this happened or not, it's my role to find and establish
6 evidence to believe that it happened so that it can be
7 prosecuted.

8 **MR. LEE:** Would you agree with me that one
9 of Mr. Latour or Mr. Greggain is lying -- was lying to you
10 during the course of your investigation?

11 **MR. CARROLL:** I don't know if I'm completely
12 comfortable using the word "lying."

13 **MR. LEE:** Well, your evidence isn't that Mr.
14 Latour appeared to be confused.

15 **MR. CARROLL:** No, it's not.

16 **MR. LEE:** He came to you and told you he had
17 a very clear memory of very clear events and that he wanted
18 charges laid?

19 **MR. CARROLL:** Yes.

20 **MR. LEE:** And Mr. Greggain told you those
21 things didn't happen.

22 **MR. CARROLL:** I guess if you want to look at
23 it like that, yes, somebody here isn't telling me the
24 truth.

25 **MR. LEE:** Will you agree with me that

1 throughout the course of your investigation Mr. Latour's
2 story was consistent?

3 MR. CARROLL: Yes, it was.

4 MR. LEE: And it took him some time to get
5 the whole story out.

6 MR. CARROLL: That's correct.

7 MR. LEE: But every time he told you the
8 story you were getting consistent details?

9 MR. CARROLL: Yes, sir.

10 MR. LEE: And it was not surprising to you,
11 as an experienced sex abuse investigator that the victim
12 might need some time to tell his full story?

13 MR. CARROLL: That's correct.

14 MR. LEE: And it was no surprise to you that
15 he wouldn't have been able to give you every single detail
16 at that first meeting?

17 MR. CARROLL: That's right.

18 MR. LEE: And I take it it wasn't a surprise
19 that the more serious allegations would have come out only
20 when some kind of rapport was developed?

21 MR. CARROLL: That's right.

22 MR. LEE: And I take you felt, through this
23 process, that you were developing such a rapport with Mr.
24 Latour?

25 MR. CARROLL: Yes, I was.

1 **MR. LEE:** And would you agree with me that
2 this process of the disclosures from Mr. Latour went pretty
3 much as you might expect from a victim of historic sex
4 abuse?

5 **MR. CARROLL:** It was in line with what I
6 have learned over the years that you could expect the
7 disclosures to take place in this way. It's called the
8 incremental disclosure. It's of no surprise to me when it
9 happens and when you see it happens, you have a pretty good
10 understanding of what's going on.

11 **MR. LEE:** And when you say you learned that
12 that may happen, you didn't learn it in a textbook, you
13 experienced it yourself during the course of your work?

14 **MR. CARROLL:** Yeah, you learn it from a
15 textbook but you kind of don't really get a grasp of it
16 until you see it happen a few times.

17 **MR. LEE:** And by the time of the Latour
18 investigation you had that?

19 **MR. CARROLL:** I've seen this happen on
20 numerous occasions previously.

21 **MR. LEE:** Would you agree with that during
22 the course of the investigation you had no evidence at any
23 time that disproved anything that Mr. Latour said?

24 **MR. CARROLL:** Yes. Yes, I would.

25 **MR. LEE:** And am I also correct that you did

1 not, at any point, have any information to suggest that Mr.
2 Latour had some kind of ulterior motive?

3 **MR. CARROLL:** I'll be quite candid with you
4 in saying as soon as the involvement of Dick Nadeau comes
5 up there -- there is something in the back of your mind
6 that you're cautious of the fact that there may be other
7 forces operating here.

8 I did not think that Mr. Latour had some
9 sort of a personal agenda of his own but I was mindful of
10 the fact that throughout all of this that there was some
11 suggestion that Mr. Nadeau had been involved and speaking
12 to him.

13 **MR. LEE:** One moment, please.

14 And I take it those concerns you had about
15 Mr. Nadeau were the reason for the questions you put to Mr.
16 Latour about his relationship with Mr. Nadeau?

17 **MR. CARROLL:** Yes, sir.

18 **MR. LEE:** And were you satisfied with the
19 answers Mr. Latour gave you in that regard?

20 **MR. CARROLL:** Yes, I was.

21 **MR. LEE:** Did you get the impression during
22 your examination, or your investigation rather, that Mr.
23 Latour wasn't particularly fond of Mr. Nadeau?

24 **MR. CARROLL:** He expressed -- yeah, he
25 expressed some frustration with certain parts of Mr.

1 Nadeau.

2 **MR. LEE:** Do you investigate Mr. Latour's
3 background at all, in the sense of trying to determine
4 whether there was anything there that made him unreliable
5 for some reason?

6 **MR. CARROLL:** I knew of previous fraud-
7 related matters but that didn't have any bearing on this at
8 all; I knew that they were there. I do that as a matter of
9 practice on all parties that are involved in an
10 investigation because if it ever comes to a prosecution,
11 criminal records on all involved parties are required and I
12 simply just check them at some point in time in the
13 investigation.

14 **MR. LEE:** Did you ever form the opinion,
15 based on anything you found during the course of those
16 searches, that Mr. Latour could not be trusted?

17 **MR. CARROLL:** No.

18 **MR. LEE:** And if we leave Latour for a
19 moment and jump over to Greggain, I'm -- you can appreciate
20 the position I'm coming from, being that I represent Mr.
21 Latour. Our position, obviously, at the end of the day is
22 going to be that Mr. Greggain was not at all credible but I
23 want to take you through some of what he told to you and
24 some of what you told to him.

25 **MR. MANDERVILLE:** Mr. Commissioner, I want

1 to express some reservations here. I know your mandate is
2 not to consider or determine the truth or falsity of
3 allegations.

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

5 **MR. MANDERVILLE:** I spoke to my friend a
6 moment ago; I'm a little concerned about how he frames some
7 of these questions, that it doesn't head in that direction.

8 **THE COMMISSIONER:** Mr. Lee, any comments?

9 **MR. LEE:** My only concern with this witness
10 is whether or not he had reasonable and probably grounds to
11 lay a charge and a part of that assessment is the
12 credibility of the complainant versus the credibility of
13 the accused or the suspect in his dealings with them.

14 And what I want to do is go to the statement
15 that -- the transcript of the statement that Sergeant
16 Carroll took from Gilf Greggain and I want to put, not only
17 some of Mr. Greggain's words to him but I want to put some
18 of Sergeant Carroll's own words to him so -- to see if we
19 can get some idea of Mr. Carroll's mindset and what he was
20 thinking and how he assessed what Greggain was telling him.

21 **MR. MANDERVILLE:** I guess my concern, Mr.
22 Commissioner, is I accept that part of Officer's Carroll's
23 function was to weigh credibility.

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

25 **MR. MANDERVILLE:** And Mr. Lee can elicit

1 that fact or -- and perhaps some evidence going to it but I
2 don't know how far behind it he can go. In fact, I suggest
3 he can't go very far behind it at all before he gets into
4 the area I just expressed a concern about.

5 **THE COMMISSIONER:** Right. I guess this is
6 the flip coin to the -- the other side of the coin when
7 folks who represent alleged perpetrators come forward and
8 elicit information that might be seen as trying to find
9 their client not guilty.

10 So I think you're going into the grey area.
11 I'm not going to stop you at this point. As long as we
12 focus on not whether or not Mr. Greggain was guilty or not
13 but the institutional response of Mr. Latour's complaint
14 and how this gentleman and the Force, Cornwall Force
15 investigated that complaint.

16 So as long as we keep within that framework
17 ---

18 **MR. LEE:** I'm not here with a mandate to
19 suggest that Mr. Greggain was guilty or not guilty.

20 **THE COMMISSIONER:** No.

21 **MR. LEE:** I'm very much here with a mandate
22 to suggest that Sergeant Carroll should have laid the
23 charge and let a court decide and that's the way I'm
24 framing it and that's the way I intend to go with it.

25 **THE COMMISSIONER:** I'll give you some

1 leeway.

2 MR. LEE: Thank you.

3 Can you turn up Exhibit 1686B, please.

4 That's the transcript of the interview with Gilf Greggain.

5 MR. CARROLL: All right.

6 MR. LEE: And if you can start on page 2,
7 please. If we can start at the middle -- just below the
8 middle of the page, it begins "Now, just as we get going
9 here."

10 Do you see that, it's on the screen now,
11 sir?

12 MR. CARROLL: Okay, right where you are?

13 MR. LEE: Do you have that on the hard copy
14 as well?

15 This is -- I don't intend to read at length
16 from the statement or anything like that but I think we do
17 need to read this part aloud just because I have a few
18 questions about it.

19 Can I just ask you, sir, to start at "Now,
20 just as we get going here" and read to the end of that,
21 that statement from you I suppose.

22 MR. CARROLL: "Now, just as we get
23 going here I'm going to tell you one
24 thing. The telephone call that you and
25 I had on the other day was probably the

1 most interesting that happened to me in
2 this investigation. I made exactly
3 that phone call to lots of people,
4 absolutely lots of people, absolutely
5 lots of people asking them to come in
6 and discuss an incident involving a
7 specific person. Sometimes those
8 incidents are quite old, as in this
9 case; this is dating back 30 years and
10 I found it very interesting in the fact
11 that you remembered Marc right away.
12 You remembered Marc's sister right
13 away."

14 **MR. LEE:** Keep going please.

15 **MR. CARROLL:** "Let me finish, let me finish.
16 When I explained to you that it was an
17 investigation about allegations Marc
18 was making in relation to you there was
19 a pregnant pause and you know what I
20 mean by a pregnant pause, okay? And
21 following that there was 'oh'. I
22 stopped myself right there to think and
23 it was kind of funny because I have
24 made this phone call so often and lots
25 of times I hear 'what, you've got to be

1 kidding'. In this case and I expect
2 that, I expect to be hung up on.
3 'You've got to be blinking kidding,
4 you're nuts. It's like -- give me a
5 break, I'm not talking to you until
6 I've talked to a lawyer, you can talk
7 to my lawyer. Unless you've got a
8 reason to arrest me come and arrest me.
9 If not, screw off and leave me alone.'
10 In this case I heard 'Oh, I remember
11 Marc and his sister, a little red-
12 headed kid'. Okay, now that aside,
13 I've just thought I'd tell you that I
14 found that very interesting."

15 **MR. LEE:** Just the next paragraph as well
16 and that will be it.

17 **MR. CARROLL:** Starting from "I spent"?

18 **MR. LEE:** "I spent a long time."

19 **MR. CARROLL:** "I spent a long time
20 thinking about that and based on
21 everything that Marc has told me and
22 everything his sister has told me about
23 this and everything other individuals
24 have told me about this, I'm going to
25 tell you right now there's absolutely

1 no doubt in my mind at all that
2 something significant happened between
3 you and Marc and at some point to cause
4 your reaction on the phone. The only
5 think I'm looking for here, Mr.
6 Greggain, is trying to figure out what
7 that significant event was. That's
8 what I want to figure out."

9 **MR. LEE:** Okay. Stop there, please.

10 Do you, sitting here today, recall having
11 generally felt this way about that first phone call, as
12 you've described to Mr. Greggain here?

13 **MR. CARROLL:** I found his response to be
14 rather contained. I wasn't surprised with the fact that he
15 remembered Marc. I do know a few teachers and I do think
16 that it's not strange for them to remember people over the
17 years, especially in a smaller community like this. I've
18 been a police officer here for close to 25 years and I can
19 still tell you the name of the first person that I arrested
20 and several people that I've dealt with over the years I
21 remember and surprisingly they remember me. That's not
22 uncommon. That didn't take me by surprise.

23 I did a lot of talking to Mr. Greggain here
24 in this interview about really trying to convince him that
25 he had lots of reasons to want to talk to me and doing

1 everything I can to promote his interest in speaking with
2 me.

3 MR. LEE: Were you here during the testimony
4 of Staff Sergeant Snyder?

5 MR. CARROLL: No, I wasn't.

6 MR. LEE: One of the -- you understand that
7 at one point in his career he was the polygraph operator
8 for Cornwall Police?

9 MR. CARROLL: Yes, I do.

10 MR. LEE: He spent a little bit of time when
11 he was here explaining to us what -- for a lack of a better
12 term I'll call it tricks of the trade and things that he's
13 learned as an investigator and he went into some detail
14 about eye movements and if you look down it means one thing
15 and if you look up it means something else, and things
16 along those lines.

17 MR. CARROLL: Yes.

18 MR. LEE: One of the things he told us is
19 that truthful persons are upset at the fact they've been
20 accused and that's something they look for.

21 MR. CARROLL: Yes.

22 MR. LEE: Is that similar to what you were
23 dealing with here?

24 MR. CARROLL: There were some tricks of the
25 trade and some gamesmanship going on in this interview. I

1 won't deny that. There was lots of that.

2 As far as eye movement and body language and
3 behaviour of Mr. Greggain, I didn't see anything that
4 jumped out on me that he was being deceptive. He was being
5 very calm. He was being very cool and he was articulating
6 to me that these are allegations, just allegations and to
7 them I'm making a denial.

8 **MR. LEE:** Can you turn to page 12, please?

9 When you go to the second question that you
10 asked on that page, you asked Mr. Greggain:

11 "Did you ever fondle Marc's genitals?"

12 Do you see that? It's on the screen now,
13 sir.

14 **MR. CARROLL:** Okay. I see that.

15 **MR. LEE:** And the response is:

16 "No, no, no."

17 And you follow up with:

18 "Would you have?"

19 And the response again is:

20 "No, no, no. This is too weird. This
21 is something I in no way ever, ever,
22 ever expected. It's very, very strange
23 and well, anyways, I don't know what to
24 say or what to do."

25 And you reply:

1 "Well, again, I'm trying to look into
2 something that happened 30 years ago."

3 And he responds:

4 "Can I say it didn't happen; I don't
5 know. I'm assuming you're doing the
6 investigation. I can tell you it
7 didn't happen. Are you going to
8 believe it? What's the difference?
9 Where does it come in time? Where..."

10 And he trails off. Do you see that?

11 **MR. CARROLL:** Yes, I do.

12 **MR. LEE:** Do you recall that answer jumping
13 out at you when you interviewed Mr. Greggain?

14 **MR. CARROLL:** I recall the answer. I recall
15 the interview by reading this right now. It didn't jump
16 out with me in such a way that I was ready to jump at him,
17 advise him of his rights and caution him and tell him that
18 "Listen, there's no doubt in my mind that you did this.
19 You've convinced me by your words that you have done this."

20 I have no problem jumping right into a very
21 aggressive interrogation mode at this point in time in an
22 interview if need be. His answers didn't cause me to
23 believe that (a) he was being deceptive and (b) he likely
24 did this, and because of that, I didn't jump into that
25 mode.

1 **MR. LEE:** In fairness to you, you said a
2 moment ago that you didn't jump in and tell him that
3 there's no doubt in your mind. That's not the test that
4 you're trying to satisfy.

5 **MR. CARROLL:** No, that's not.

6 **MR. LEE:** And you've talked to us about what
7 you understand to be the reasonable and probable grounds
8 test; is that right?

9 **MR. CARROLL:** That's correct.

10 **MR. LEE:** And you understand that that's
11 different than the reasonable prospect of conviction test?

12 **MR. CARROLL:** Yes, I do.

13 **MR. LEE:** And you understand that the latter
14 is the Crown's concern, not yours?

15 **MR. CARROLL:** That's right.

16 **MR. LEE:** Is there ever a situation where
17 you think to yourself that -- where you think to yourself
18 that you're going to lay a charge because you have
19 reasonable and probable grounds, you're not going to
20 concern yourself with what the reasonable prospect of
21 conviction is?

22 **MR. CARROLL:** That happens very often. When
23 you are satisfied that you have reasonable and probable
24 grounds to make the arrest, to lay the charge, for lack of
25 a better description, it hits you like a freight train that

1 you have this, you've got this right now and let's go.

2 **MR. LEE:** What about on the flipside where
3 you don't have reasonable and probable grounds?

4 **MR. CARROLL:** It hits you just as quickly
5 too.

6 **MR. LEE:** I guess one of the things I
7 struggle with a little bit in relation to your evidence is
8 once you determined you don't have RPG, what is the point
9 of going to the Crown? What can the Crown possibly say to
10 you that is going to all of a sudden result in you having
11 RPG?

12 **MR. CARROLL:** At times it can be a safety
13 net. At times it could be as much as can you assess this
14 from a legal standpoint. Do I have anything here that I
15 can use? You know what; I'd love at this point for
16 somebody to look at this legally and say to me "You know
17 what; you missed something here. Maybe you could take a
18 look at this."

19 That is as welcome as preparing a very
20 complicated document and having a friend that knows nothing
21 about the case review it for you and have that person
22 identify to you something that you may have thought that
23 you covered off and it wasn't quite clear. Having a Crown
24 assess it in that light too would be wonderful if something
25 missing is discovered and brought to your attention.

1 **MR. LEE:** Why the Crown though in this case?
2 Why not a fellow officer or a supervisor?

3 **MR. CARROLL:** Because I wanted it to be
4 looked at in terms of legally and what contents and what
5 material I have gathered to let me know whether this
6 supports something that I can lay a charge with and whether
7 it can be prosecuted properly.

8 **MR. LEE:** It is possible that the real
9 purpose of going to the Crown is to get a letter from the
10 Crown covering you off?

11 **MR. CARROLL:** No.

12 **MR. LEE:** There's no policy in place saying
13 you must go to the Crown in a case where you're not going
14 to lay charges. Is that correct?

15 **MR. CARROLL:** No, there isn't.

16 **MR. LEE:** Is there an unwritten rule within
17 the Cornwall Police Service that if you have a complicated
18 investigation or perhaps a high-profile investigation that
19 it's best to get the Crown's okay on that?

20 **MR. CARROLL:** No, there isn't.

21 **MR. LEE:** There is no ---

22 **MR. CARROLL:** Not that I know of, no.

23 **MR. LEE:** And in your practice, at least,
24 that's not one of your practices that you get a letter for
25 the file so that at the end of the day you can say "The

1 Crown agreed too"?

2 **MR. CARROLL:** No, there are many cases that
3 I'm involved in that have been very complicated, more
4 complicated than this one that I haven't gone to the Crown.
5 Yet, there are other cases that I may want to go to the
6 Crown and discuss issues like exclusive opportunity and
7 maybe do these injuries and in combination with exclusive
8 opportunity to support reasonable grounds. There may be
9 issues on any particular case that I want to canvass with
10 the Crown. There's no hard and fast rules.

11 **MR. LEE:** Do you recall at any point having
12 any concerns about the Cornwall Crown Attorney's Office
13 reviewing a matter where Mr. Latour was the complainant?

14 **MR. CARROLL:** No.

15 **MR. LEE:** Do you recall during your
16 interviews with Mr. Latour him expressing some concerns
17 with the Cornwall Crown?

18 **MR. CARROLL:** I believe it was in relation
19 to either a fraud or an impaired driving matter from years
20 past. It didn't sway me one way or another in reviewing
21 this case with the Crown.

22 If the Crown felt there was a problem, I was
23 very open to accepting that and asking the Crown's
24 instructions on who they might feel would be best to assess
25 him.

1 **MR. LEE:** Mr. Latour told you it was a
2 fraud-related matter and Mr. Latour told you he had been
3 charged and that he never should have been?

4 **MR. CARROLL:** That came from Mr. Latour,
5 yes.

6 **MR. LEE:** And that those charges were
7 withdrawn by the Crown on the eve of trial?

8 **MR. CARROLL:** Yes, and I didn't pursue that
9 any further. That had nothing to do with this, in my mind.

10 **MR. LEE:** Mr. Latour was irate about that?

11 **MR. CARROLL:** Was irate about?

12 **MR. LEE:** About that entire sequence of
13 events where he was charged and they were withdrawn on the
14 eve of trial?

15 **MR. CARROLL:** He indicated that he was.

16 **MR. LEE:** And he held the Crown responsible
17 for that?

18 **MR. CARROLL:** I believe he did but that I'm
19 not sure.

20 **MR. LEE:** When Murray MacDonald writes back
21 to you giving his opinion on this matter, he writes that
22 there are credibility issues with Mr. Latour.

23 Do you recall that?

24 **MR. CARROLL:** Yes, I do.

25 **MR. LEE:** Did he share those concerns with

1 you or articulate them?

2 **MR. CARROLL:** No, I didn't discuss them
3 issue by issue with him.

4 **MR. LEE:** Did you ask him what the
5 credibility concerns were?

6 **MR. CARROLL:** No, I didn't go back and
7 discuss Mr. MacDonald's letter with him.

8 **MR. LEE:** You had no credibility concerns
9 with Mr. Latour; is that correct?

10 **MR. CARROLL:** Only in light of the complete
11 absence of any corroborating evidence at all, but as far as
12 accepting what Mr. Latour was telling me, I had none, no.

13 **MR. LEE:** But that's a different thing, not
14 having enough evidence to proceed and having a Crown say
15 there are credibility issues with the complainant?

16 **MR. CARROLL:** Yes, it is. I'll agree with
17 you there.

18 **MR. LEE:** And it would seem to me that that
19 must have struck you as an odd comment when you received
20 that letter given that you had no such concerns and hadn't
21 expressed any such concerns to the Crown?

22 **MR. CARROLL:** No, it didn't.

23 **MR. LEE:** That didn't strike you as odd?

24 **MR. CARROLL:** No, it didn't.

25 **MR. LEE:** It didn't occur to you that you

1 might want those articulated for you?

2 **MR. CARROLL:** I asked Mr. MacDonald to
3 review this entire case, for the Crown's office to review
4 this entire case, and when I received their opinion and
5 their answer back, I didn't question it and ask them to
6 back up what they were saying in it.

7 **MR. LEE:** Did you ask Mr. MacDonald if he
8 had any personal knowledge of Mr. Latour from other
9 dealings with him?

10 **MR. CARROLL:** No, I didn't.

11 **MR. LEE:** Were you concerned at any point
12 that Mr. MacDonald may have relied -- may have
13 misunderstood the facts or something along those lines in
14 coming to his opinion, given that comment in his letter?

15 **MR. CARROLL:** No, I didn't.

16 **MR. LEE:** Can you help me out; can you help
17 me understand what you would have needed in this case to
18 proceed with the charge?

19 **MR. CARROLL:** I would have loved to have the
20 opportunity to interview Marc's parents. That, sadly, is
21 not available to us. I would have loved to have the
22 opportunity, too, to have somebody who was to observe Marc,
23 indicating that he was passing blood when he went to the
24 bathroom, somebody who could report to me that Marc was
25 having a hard time walking after all of this had taken

1 place. I would have loved to have the opportunity to learn
2 that after being in pain and passing blood, Marc was taken
3 for a medical check-up, at least have the ability to go on
4 a hunt and search for a medical record that I could have
5 obtained either through a production order or a warrant to
6 have some physical evidence of what had happened. Those
7 would be the cat's meow in this case, to ---

8 MR. LEE: Just so we're clear, you had no
9 reason to believe such medical records existed?

10 MR. CARROLL: That's correct.

11 MR. LEE: Marc never told you that he was
12 taken to the hospital or anything like that?

13 MR. CARROLL: That's right.

14 MR. LEE: That was ---

15 MR. CARROLL: No.

16 MR. LEE: --- your ideal? You were
17 hypothesizing; correct?

18 MR. CARROLL: That would have been the ideal
19 pieces of corroboration that I would have loved to have
20 been able to obtain.

21 MR. LEE: Madam Clerk, can you put up the
22 last page of this interview on the screen, please?

23 Sergeant Carroll, the second paragraph on
24 the page begins "But" and it reads:

25 "But again..."

1 And this is you speaking:

2 "But again, maybe this will clear you
3 that much more. I don't know. All I
4 have is a sworn allegation and you
5 saying no. Put yourself in my
6 position. What do I do? It's not my
7 place to judge you or Mr. Latour."

8 Do you see that?

9 **MR. CARROLL:** That's right.

10 **MR. LEE:** And you still agree with that
11 today?

12 **MR. CARROLL:** Yes, I do.

13 **MR. LEE:** When Mr. Latour testified here, he
14 told us that once you advised him that you were going to
15 seek an opinion from the Crown on this, he never heard from
16 you again, and that contradicts your testimony in-chief
17 that says that once you received the letter from Mr.
18 MacDonald, you advised -- or sorry, the confirmation of Mr.
19 MacDonald's opinion, that you advised Mr. Latour of what
20 that was.

21 **MR. CARROLL:** After I had received that, I
22 did contact Mr. Latour.

23 **MR. LEE:** Can we look at Exhibit 367,
24 please?

25 **(SHORT PAUSE/COURTE PAUSE)**

1 **MR. LEE:** Do you have that, sir?

2 **MR. CARROLL:** Yes, I do.

3 **MR. LEE:** So this is the Supplementary
4 Occurrence Report that you filed on February 12th, 2003.
5 And you'll notice the time there is 15:56. Do you see
6 that?

7 **MR. CARROLL:** Yes, I do.

8 **MR. LEE:** And you lay out what Mr. MacDonald
9 had told you and the last sentence is -- or the last
10 paragraph:

11 "No charge is to be laid. No further
12 action be taken. The complainant and
13 suspect have been advised of this."

14 Do you see that?

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

16 **MR. LEE:** And the 15:56 on February 12th that
17 we see would be an automatic time stamp from OMPPAC. Is
18 that right?

19 **MR. CARROLL:** That's correct. Well,
20 actually, this is in RMS, but it's an automatic time stamp
21 from our Records Management System.

22 **MR. LEE:** You don't input the date and time
23 there; they input it?

24 **MR. CARROLL:** I don't. That happens
25 automatically. I typed this report in myself after I

1 received the information from Mr. MacDonald.

2 MR. LEE: Can you now turn back a couple of
3 exhibits to 362, please?

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. LEE: And if you turn to the last page,
6 please, we have a time of 1500 hours and it speaks of a
7 discussion with Murray MacDonald re: R. v. Greggain. Do
8 you see that?

9 MR. CARROLL: That's correct.

10 MR. LEE: And it sets out what Mr. MacDonald
11 told you. Is that right?

12 MR. CARROLL: Yes, it does.

13 MR. LEE: And the last bullet reads:

14 "Advised I will follow up with written
15 letter of understanding regarding our
16 conversation."

17 Do you see that?

18 MR. CARROLL: That's correct.

19 MR. LEE: And it notes that you're off duty
20 at 1600 hours?

21 MR. CARROLL: That's correct.

22 MR. LEE: You agree there's nothing in this
23 note about a call to either Mr. Latour or Mr. Greggain?

24 MR. CARROLL: I believe that by the time
25 that I actually made the call to Mr. Greggain I was no

1 longer in Criminal Investigation. I was in Uniform Patrol.
2 That would have been entered into a different type of
3 notebook than this and the -- if I made notes of it -- but
4 I typed in the Supplementary Report myself immediately
5 following this.

6 MR. LEE: So at 1500 hours you speak with
7 Murray MacDonald and you make a note of that call?

8 MR. CARROLL: That's correct.

9 MR. LEE: And then you switch notebooks to
10 put in details of the call and then you file the
11 Supplementary Occurrence Report. Is that what you're
12 saying?

13 MR. CARROLL: I don't believe I made contact
14 with the accused or with Mr. -- or, sorry, with Mr.
15 Greggain or Mr. Latour until after I received it in
16 writing.

17 MR. LEE: Until you received ---

18 MR. CARROLL: Until after I received the
19 written document.

20 MR. LEE: The Supplementary Occurrence
21 Report states:

22 "The complainant and suspect have been
23 advised of this."

24 Not "will be" advised of this or "should be" advised of
25 this.

1 **MR. CARROLL:** Okay. I have -- I made the
2 calls to both people shortly after speaking with Mr.
3 MacDonald and after I advised both of them, that's when I
4 submitted the Supplementary Report.

5 **MR. LEE:** So you just didn't make a note of
6 the two phone calls; is that right?

7 **MR. CARROLL:** There's a good chance that I
8 didn't make a note of it.

9 **MR. LEE:** Is that typical? Would you
10 typically make a note of a phone call -- two phone calls,
11 one to a complainant and one to an accused?

12 **MR. CARROLL:** Yes, normally I would.

13 **MR. LEE:** Any explanation for why there's no
14 call here?

15 **MR. CARROLL:** I can't give you one right
16 now. There are times that I will do quick tasks like that
17 and I can type in a quick Supplementary Report myself. My
18 notes would reflect the same thing as I typed in the
19 report. I can't answer that for you right now.

20 **MR. LEE:** Isn't it a likely explanation that
21 you didn't make those calls?

22 **MR. CARROLL:** If I submitted the report, I
23 believe, and I'm going by my past practices, that I would
24 have made a notation of it at the same time too. Depending
25 on what I was doing at the time that I was typing the

1 report, there is a possibility that it didn't make it into
2 my notebook. In one format, either by way of a
3 Supplementary Report or a note, it would be recorded.
4 Since we only have a Supplementary Report, there is a
5 possibility that it didn't make it into my notebook. If it
6 did, it would contain the same information.

7 **MR. LEE:** To wrap up my questions on the
8 Greggain matter, will you agree with me that this was not a
9 complete and thorough investigation?

10 **MR. CARROLL:** It was as thorough as I could
11 make it at the time that I did it. There are things in
12 every investigation that when you look at them eight years
13 later, you probably could have done differently. You may
14 have wished that you might have done differently. My
15 biggest problem with this investigation is I am not happy
16 with the delays and the gaps that were in it.

17 I have testified to the fact of what I was
18 doing in those delays and gaps. They were tasks that my
19 supervisors and this Service was counting on me to perform,
20 and all along, anytime I could have an opportunity to speak
21 to Mr. Latour, I assured him that I wasn't forgetting about
22 this case, that although it still remained important
23 several things take place in the day-to-day places that a
24 municipal police service has to react to and we reacted to
25 and those gaps took place.

1 **MR. LEE:** You've obviously spent a fair
2 amount of time preparing for your testimony at this
3 Inquiry?

4 **MR. CARROLL:** Yes, I have.

5 **MR. LEE:** Reviewed all these documents?

6 **MR. CARROLL:** I've reviewed lots of
7 documents.

8 **MR. LEE:** You've been here for several days
9 now and you've been asked many questions about this
10 investigation.

11 At this point in time, sitting here after
12 everything we've reviewed, do you have any second-doubts
13 about your decision or your feeling you didn't have RPG?

14 **MR. CARROLL:** No, I don't.

15 **MR. LEE:** You still believe you didn't have
16 reasonable and probable grounds?

17 **MR. CARROLL:** I still don't believe I have
18 reasonable grounds to lay a charge in this case.

19 **MR. LEE:** The other matter I want to discuss
20 with you is the investigation of Albert Lalonde's
21 allegations.

22 **MR. CARROLL:** Okay.

23 **MR. LEE:** Okay? And I should let you know
24 as I did with Mr. Latour, that I also represent Mr.
25 Lalonde.

1 **MR. CARROLL:** Okay.

2 **MR. LEE:** Mr. Dumais took you to one of
3 Albert Lalonde's statements to the OPP and read out an
4 answer to you about how the memory of abuse came back to
5 Mr. Lalonde; do you recall that?

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

7 **MR. LEE:** And the gist of it was that he
8 watching the news and there was a story about the
9 allegations against Father MacDonald and the fact that
10 there had been a lawsuit for a couple of million dollars.

11 **MR. CARROLL:** I recall that.

12 **MR. LEE:** Is that right? And that was your
13 understanding at the time that you dealt with Mr. Lalonde;
14 that that event is what triggered his memory?

15 **MR. CARROLL:** Yes, it was.

16 **MR. LEE:** And would you agree with me that
17 Mr. Lalonde was very open about that triggering event?

18 **MR. CARROLL:** Yes, he was.

19 **MR. LEE:** He didn't try to hide that fact or
20 downplay it?

21 **MR. CARROLL:** No, he didn't.

22 **MR. LEE:** With the OPP or with you?

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

24 **MR. LEE:** And would you agree with me that
25 someone making a complaint for financial gain would

1 typically not tell the police something like that?

2 MR. CARROLL: I don't think I can answer
3 that, give an opinion on that. I've never seen anything
4 like Mr. Lalonde's statement where he comes forward saying
5 that the reason this has come -- all come back to him is
6 because of a news story; this is a first for me.

7 MR. LEE: Well, not a news story, a news
8 story about a \$2 million lawsuit.

9 MR. CARROLL: There you go.

10 MR. LEE: That was the triggering event?

11 MR. CARROLL: That was the first time that I
12 have ever heard anything like that.

13 MR. LEE: And he told you that himself?

14 MR. CARROLL: Yeah.

15 MR. LEE: That wasn't digging on your part,
16 through the OPP?

17 MR. CARROLL: Right upfront. Yes, he told
18 me that upfront.

19 MR. LEE: And you told Mr. Dumais yesterday
20 that you were concerned about the impact of that statement
21 on your ability to form reasonable and probably grounds; is
22 that right?

23 MR. CARROLL: Yes, I did.

24 MR. LEE: And as I understood what you were
25 trying to say is that you didn't know if you could ever

1 come to have reasonable and probably grounds when that was
2 the genesis of the complaint?

3 **MR. CARROLL:** That's correct.

4 **MR. LEE:** Were you aware that Mr. Lalonde
5 spent a considerable amount of time with his doctors in
6 counselling, dealing with those flashbacks?

7 **MR. CARROLL:** Yes, I do.

8 **MR. LEE:** And you had some access to records
9 of that?

10 **MR. CARROLL:** I've seen notes and records
11 from, I think, two doctors on that.

12 **MR. LEE:** And you understood that Mr.
13 Lalonde had very serious concerns about these memories that
14 were coming back to him?

15 **MR. CARROLL:** Yes, he did.

16 **MR. LEE:** And that he was struggling with
17 things like rage and frustration at these memories?

18 **MR. CARROLL:** Yes, he did.

19 **MR. LEE:** And that he wanted to suppress the
20 memories at times because they were hurtful?

21 **MR. CARROLL:** Yes, he did.

22 **MR. LEE:** And that he was medicated?

23 **MR. CARROLL:** Yes, he did.

24 **MR. LEE:** And that as time went by more and
25 more came back to him.

1 **MR. CARROLL:** Yes, he did.

2 **MR. LEE:** And was it your impression
3 reviewing the materials and speaking to Mr. Lalonde that he
4 was confused at times and often for long periods of time
5 about what was happening?

6 **MR. CARROLL:** Yes, that was my impression on
7 that because in those notes there also contained notations
8 by the doctors that Albert was struggling at times, whether
9 or not these flashbacks and these feelings were even true.

10 **MR. LEE:** Whether they were real?

11 **MR. CARROLL:** For himself, yes.

12 **MR. LEE:** Certainly the flashbacks were
13 true; they were happening to him.

14 **MR. CARROLL:** Well they were happening too
15 but he had concerns himself whether or not what he was
16 flashing back to was reality or not.

17 **MR. LEE:** Let's cut to the chase; he had
18 concerns at different times whether or not he was really
19 abused by a priest?

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

21 **MR. LEE:** He was having flashbacks of being
22 abused by a priest but in his own mind he wasn't sure at
23 different times whether or not that was real or it was a
24 dream or it was made up or what it was.

25 **MR. CARROLL:** And the only person that he

1 was able to identify to some of those doctors was the
2 gentleman by the name of Raymond St. Jean.

3 MR. LEE: And there's a conviction?

4 MR. CARROLL: And there's a conviction with
5 respect to Mr. St. Jean.

6 MR. LEE: And I'm not going to get into the
7 St. Jean thing with you; I'm concerned about the MacDonald
8 allegations.

9 Am I right that none of these issues was
10 hidden by Mr. Lalonde either?

11 MR. CARROLL: That's correct.

12 MR. LEE: He had no problem with you getting
13 medical records?

14 MR. CARROLL: No, he didn't.

15 MR. LEE: No problem with you talking to
16 doctors?

17 MR. CARROLL: No he didn't.

18 MR. LEE: No problem with you asking him
19 questions about the genesis of this entire thing?

20 MR. CARROLL: No, he didn't.

21 MR. LEE: And he -- was it your impression
22 that he was answering your questions to the best of his
23 ability?

24 MR. CARROLL: Yes, he was.

25 MR. LEE: Mr. Lalonde didn't come off to you

1 at any point as trying to hide anything or being secretive,
2 he was ---

3 MR. CARROLL: No, he didn't.

4 MR. LEE: --- doing his best?

5 MR. CARROLL: That's right.

6 MR. LEE: By the time you interviewed Mr.
7 Lalonde, and I make that distinction because we have this
8 history of the OPP having worked with him and then later on
9 you come along and you're doing it anew.

10 By the time you had interviewed him he was
11 certain it was Father Charles MacDonald who had abused him;
12 is that right?

13 MR. CARROLL: That's correct.

14 MR. LEE: The allegation at that point -- if
15 you take away all the history from the OPP the allegation
16 to you would have seemed pretty certain?

17 MR. CARROLL: At that time but in making my
18 assessment at the end of this investigation I couldn't take
19 away all that history.

20 MR. LEE: I'm not asking you to take away
21 and I won't criticize you for that.

22 MR. CARROLL: Thank you.

23 MR. LEE: What I'm saying to you is by the
24 time he came to you he was no longer uncertain?

25 MR. CARROLL: That's right.

1 MR. LEE: That's how he presented himself?

2 MR. CARROLL: That's right.

3 MR. LEE: He was now sure?

4 MR. CARROLL: That's right.

5 MR. LEE: In his own mind he had sorted
6 through the issues and he knew it was -- he knew it was
7 MacDonald?

8 MR. CARROLL: That's correct.

9 MR. LEE: My understanding was that you were
10 asked to investigate his complaints fully?

11 MR. CARROLL: Yes, sir.

12 MR. LEE: And you were not just to
13 rubberstamp the OPP's earlier investigation?

14 MR. CARROLL: No, I didn't do that, I ---

15 MR. LEE: Nor were you to just concur with
16 their opinions?

17 MR. CARROLL: That's right.

18 MR. LEE: And you understood those
19 instructions?

20 MR. CARROLL: That's correct.

21 MR. LEE: You were to conduct your own full,
22 complete and thorough investigation?

23 MR. CARROLL: Yes, sir.

24 MR. LEE: Do you feel you did that, sir?

25 MR. CARROLL: I think I did so to the best

1 of my ability.

2 MR. LEE: You devoted the time and the
3 energy to this investigation that you would have to any
4 other historic sex abuse investigation?

5 MR. CARROLL: Well I didn't have the gaps in
6 it that I had to deal with, with Mr. Latour's
7 investigation.

8 MR. LEE: Timeline you mean ---

9 MR. CARROLL: Timeline.

10 MR. LEE: --- in terms of the length of time
11 that it took.

12 MR. CARROLL: And interruptions and things
13 like that.

14 MR. LEE: Well, looking back on it, do you
15 have any concerns that you didn't do as much as you should
16 have done on this investigation?

17 MR. CARROLL: No, I don't.

18 MR. LEE: Your investigation did not include
19 a full review of the Silmsler investigation that was
20 conducted by your Force?

21 MR. CARROLL: That was a project matter that
22 was closed and I don't believe that I had the ability to
23 access that material and I didn't access that material.

24 MR. LEE: I mean you certainly couldn't have
25 sat down at your computer on day one and pulled up those

1 files?

2 MR. CARROLL: No.

3 MR. LEE: But you didn't go to a superior
4 and ask for access to them?

5 MR. CARROLL: No, I didn't.

6 MR. LEE: And a superior didn't come to you
7 and ask whether you wanted access?

8 MR. CARROLL: No, they didn't.

9 MR. LEE: And you weren't provided a hard
10 copy of the file or anything like that?

11 MR. CARROLL: No, sir, I wasn't.

12 MR. LEE: And your investigation did not
13 include a full review of all the Project Truth matters
14 related to Father MacDonald; is that right?

15 MR. CARROLL: Those weren't available to me
16 at all.

17 MR. LEE: Did you ask for them?

18 MR. CARROLL: No, I didn't.

19 MR. LEE: Sitting here today, is it your
20 evidence that you still don't know what's in those project
21 files relating to Father MacDonald?

22 MR. CARROLL: That's correct.

23 MR. LEE: You haven't reviewed those?

24 MR. CARROLL: No, I haven't.

25 MR. LEE: And you were today brought through

1 some of the people that you didn't contact, including C-4,
2 a hairdresser in Ottawa and the other possible victim.
3 You'll recall there was the one story from Dick Nadeau
4 about somebody being caught stealing from the church and
5 the fire ---

6 **MR. CARROLL:** That's correct. No, I didn't
7 contact those people.

8 **MR. LEE:** And you didn't contact any of the
9 altar boys that Mr. Lalonde named for you?

10 **MR. CARROLL:** No, I didn't.

11 **MR. LEE:** And you didn't bring Father
12 MacDonald in to talk to him?

13 **MR. CARROLL:** No, sir, I didn't.

14 **MR. LEE:** You told Mr. Paul, who is not here
15 any longer but he was on for the Coalition, that one of the
16 reasons for not bringing in Father MacDonald was that he
17 had already been through investigations; is that correct?

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

19 **MR. LEE:** Including of Mr. Lalonde's
20 allegations by the OPP?

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

22 **MR. LEE:** And -- well, you told us shortly
23 before lunch, you said -- and that and I quote "It was part
24 and parcel of the stay decision"; do you recall that?

25 **MR. CARROLL:** It was part and parcel of the?

1 **MR. LEE:** Stay decision.

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

3 **MR. LEE:** Was it your understanding that
4 Father MacDonald was charged in relation to the allegation
5 by Lalonde and they were the subject matter of the stay?

6 **MR. CARROLL:** I think it was but I realized
7 that I was mistaken. Sitting here, I don't believe the
8 stay had anything to do with -- with Albert Lalonde.

9 **MR. LEE:** You appreciate that the OPP did
10 not lay charges in relation to Lalonde?

11 **MR. CARROLL:** To Lalonde, yes, I'm aware of
12 that.

13 **MR. LEE:** And -- I'm not going to go back
14 into this but Mr. Paul took you in -- asked you a little
15 bit about recovered memory syndrome and whether or not you
16 consulted with the Crown or an expert on that.

17 **MR. CARROLL:** Yes, he did.

18 **MR. LEE:** You confirmed that you didn't do
19 that.

20 **MR. CARROLL:** No, I didn't.

21 **MR. LEE:** Did it occur to you at the time,
22 given that you had -- you'll readily admit I take it, that
23 you have no expertise in dealing with recovered memories?

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

25 **MR. LEE:** Don't really know anything about

1 it?

2 MR. CARROLL: I don't know anything about
3 it.

4 MR. LEE: Do you know anything about the
5 state of science on that, whether it's accepted or rejected
6 or anything along those lines?

7 MR. CARROLL: No, I don't.

8 MR. LEE: Would you agree with me that had
9 you been -- had you looked into it and been told that it's
10 valid, that would have possibly changed the way you looked
11 at things?

12 MR. CARROLL: Valid as a scientific thing?

13 MR. LEE: Yes.

14 MR. CARROLL: I never thought of pursuing
15 the science on that particular ---

16 MR. LEE: But it may have -- it could have
17 made a difference either way, had you been told that it's
18 completely rejected in science. That would have solidified
19 what you were -- the direction you were going?

20 MR. CARROLL: I would have consulted with
21 the Crown attorney on that.

22 MR. LEE: And you had the names of -- you
23 had the names of four doctors given to you by Mr. Lalonde;
24 is that correct?

25 MR. CARROLL: That's correct.

1 **MR. LEE:** And you interviewed only one of
2 those and that was Dr. Clement; is that right?

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

4 And I shared information with the OPP with
5 respect to talking with Dr. Richter.

6 **MR. LEE:** And you'll agree that Dr. Clement
7 said some very damaging things about Mr. Lalonde's
8 credibility?

9 **MR. CARROLL:** Yes, he did.

10 **MR. LEE:** He said that Mr. Lalonde was not
11 credible at all, given the psych history he had relayed to
12 you?

13 **MR. CARROLL:** That was one of Dr. Clement's
14 conclusions.

15 **MR. LEE:** And he rendered an opinion that
16 Mr. Lalonde displayed a personality disorder and summarized
17 some of these problems as "cheating, lying and stealing"?

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

19 **MR. LEE:** Do you recall that?

20 **MR. CARROLL:** Yes, sir.

21 **MR. LEE:** Very strong words?

22 **MR. CARROLL:** They were strong words to --
23 to hear from a doctor.

24 **MR. LEE:** What did you take out of that
25 interview? What was the relevant information to you?

1 **MR. CARROLL:** I felt that I had serious
2 difficulties here in -- in reaching a point where I could
3 lay charges, and I would consult with a Crown attorney
4 before even considering that.

5 And if this ever went to court and I was
6 addressed at trial, those were comments and information
7 that would have serious impact on reaching a -- a decision
8 with respect to guilt beyond a reasonable doubt.

9 **MR. LEE:** Did you rely upon the opinions of
10 Dr. Clement in assessing reasonable and probable grounds;
11 you took them into account?

12 **MR. CARROLL:** I took them into account.

13 **MR. LEE:** And you sent that interview to the
14 Crown, with your materials?

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

16 **MR. LEE:** And am I right, that one of the
17 things that Dr. Clement told you was that he had referred
18 Mr. Lalonde to a psychiatrist, Dr. Richter?

19 **MR. CARROLL:** That's correct.

20 **MR. LEE:** And you knew that Dr. Clement was
21 a family doctor?

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

23 **MR. LEE:** Did you question Mr. Clement --
24 Dr. Clement, rather, at any point on whether or not he was
25 qualified, in any way, to give an opinion on psychological

1 matters?

2 **MR. CARROLL:** No, I didn't, but I was aware
3 of the fact that he had referred him to -- to a
4 psychiatrist and ---

5 **MR. LEE:** Did it occur to you that he had
6 made that referral to Richter, because even he realized
7 that he was not qualified to deal with the psychological
8 issues?

9 **MR. CARROLL:** No, I didn't.

10 **MR. MANDERVILLE:** I don't know if that
11 characterization is accurate, Mr. Commissioner.

12 Family physicians, as you know, have taken
13 psychiatry courses; they just don't deem themselves to be
14 experts in psychiatry.

15 **THE COMMISSIONER:** All right. Well, then,
16 so the question could be that he referred it to an expert?
17 Someone ---

18 **MR. LEE:** You were aware it was referred to
19 Dr. Richter?

20 **MR. CARROLL:** Yes, I was.

21 **MR. LEE:** Who is a psychiatrist?

22 **MR. CARROLL:** Yes, I was.

23 **MR. LEE:** And you would have understood
24 generally that the reason that a family doctor would refer
25 to a specialist was for an increased level of

1 specialization?

2 MR. CARROLL: That's correct.

3 MR. LEE: Did it occur to you that at -- at
4 any point, that Dr. Clement was the least qualified of the
5 four doctors who Mr. Lalonde named to you, to give you an
6 opinion on psychological matters?

7 MR. CARROLL: I never assessed that in terms
8 of Dr. Clement being the least qualified.

9 MR. LEE: He is the only one you
10 interviewed?

11 MR. CARROLL: He was the only one that I
12 interviewed.

13 MR. LEE: And you didn't audio or
14 video-record that interview?

15 MR. CARROLL: No, I didn't. This took place
16 in his office, in one of the examination rooms, after
17 hours.

18 MR. LEE: And you didn't have him give you a
19 statement?

20 MR. CARROLL: I took notes of the interview
21 with him.

22 MR. LEE: You didn't have him sign your
23 notes?

24 MR. CARROLL: No, I didn't have him sign my
25 notes.

1 **MR. LEE:** And you didn't get him to swear an
2 oath, obviously.

3 **MR. CARROLL:** No, I didn't.

4 **MR. LEE:** Moving to Dr. Richter, you
5 received his notes from the OPP?

6 **MR. CARROLL:** Yes, I did.

7 **MR. LEE:** And what did you take out of his
8 notes?

9 **MR. CARROLL:** There were different times
10 within his notes where he documented serious concerns that
11 Mr. Lalonde, himself, was having with respect to his -- his
12 memory on these things.

13 **MR. LEE:** Mr. Manson, for the CCR, suggested
14 to you that you were concerned that Richter had helped him
15 with the evolution of his account; do you recall that
16 question?

17 **MR. CARROLL:** I can see that as a --
18 something that operated throughout Dr. Richter's work with
19 Mr. Lalonde.

20 **MR. LEE:** Was that something that -- I mean,
21 Mr. Manson put it to you today, but what I'd like to know
22 is whether or not that was something you considered back at
23 the time?

24 **MR. CARROLL:** I don't believe that role --
25 or that played a role in my deciding whether or not I had

1 reasonable grounds.

2 I never really thought of it in terms of the
3 -- the terms that Mr. Manson put it with me today.

4 I did see the notes contained a certain
5 amount of vagueness with respect to Mr. Lalonde's
6 recollections of what had happened or what may have
7 happened to him at the hands of Father Charlie or whomever
8 he was talking about, because at times Father Charlie
9 wasn't identified -- well, Father Charlie wasn't identified
10 at all in -- in the material from Dr. Richter, the St. Jean
11 individual was -- and we only had vague recollections of a
12 priest but nobody specifically identified.

13 **MR. LEE:** And am I right that one of the
14 reasons you went to Clement and Richter was because there
15 was a suggestion that they had been told about the abuse?

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

17 **MR. LEE:** And that they had been told that
18 it was Father MacDonald?

19 **MR. CARROLL:** That's right.

20 **MR. LEE:** And that's something that you were
21 interested in?

22 **MR. CARROLL:** That's something I was very
23 much interested in.

24 And upon speaking to Dr. Clement, Father
25 MacDonald was never identified to him and -- and I believe,

1 from my recollection, the OPP found the same thing with
2 respect to Dr. Richter.

3 **MR. LEE:** You didn't speak to Dr. Richter?

4 **MR. CARROLL:** I didn't speak to Dr. Richter.

5 In speaking with the OPP officers, we
6 decided for the purposes of the division of labour, we
7 would each speak to different doctors and we would exchange
8 information after that was over.

9 **MR. LEE:** And the OPP got from you a copy of
10 your notes; is that correct, is that ---

11 **MR. CARROLL:** That's correct. My notes and
12 the interview notes that I took on ---

13 **MR. LEE:** From the OPP, you received
14 Richter's notes?

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

16 **MR. LEE:** You didn't get a Will State or
17 officer's notes or a statement or anything ---

18 **MR. CARROLL:** No, at that -- not at that
19 stage.

20 They, too, were forwarding the same
21 information off to the Crown and the two packages would
22 marry up for a Crown review.

23 **MR. LEE:** I want to take you to Dr.
24 Richter's notes, briefly.

25 The first set are at Exhibit 1700, please.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. LEE: I won't be too much longer, Mr.
3 Commissioner.

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. LEE: Are you there, sir?

6 MR. CARROLL: I'm -- I'm there.

7 MR. LEE: And we have the first entry is
8 April 12, '95, on this note; do you see that?

9 MR. CARROLL: Yes, I do.

10 MR. LEE: And as I read it:

11 "Patient feels very upset by sudden
12 recollection of ..."

13 I'm not going to:

14 "... having a -- sex acts committed
15 like, say, by a priest." (As read)

16 Do you see that?

17 MR. CARROLL: That's right.

18 MR. LEE: And if you turn over two pages,
19 please, we have a note, at the top, "October 26th, '95"; you
20 see that?

21 MR. CARROLL: Yes, I do.

22 MR. LEE: And it reads:

23 "Patient returns after long absence.
24 Trying to cope with his anger and rape
25 not only..."

1 "Rage," sorry:

2 "... rage not only at sexual abuse of
3 the man his parents fostered."

4 And that would be St. Jean; is that right?

5 **MR. CARROLL:** That's correct.

6 **MR. LEE:** "This man has been charged and is
7 facing a preliminary inquiry but
8 also..."

9 It looks like "today":

10 "... a priest, especially who he
11 remembers abused him as an altar boy,
12 feels very ambivalent as he like this
13 priest."

14 Do you see that?

15 **MR. CARROLL:** Yes, I do.

16 **MR. LEE:** And would you agree with me that
17 if Mr. Lalonde is telling Dr. Richter that he had liked
18 this priest, that he must know who the priest is?

19 **MR. CARROLL:** It could be taken like that
20 but still there's no mention of this Father Charles.

21 **MR. LEE:** I don't dispute that Father
22 Charles MacDonald's name is not there but can you offer me
23 any other possible explanation?

24 "He liked this priest."

25 In order to make that statement, Mr. Lalonde

1 needs to know which priest he's talking about, doesn't he?

2 MR. CARROLL: I would agree, but in -- in
3 reaching the -- the grounds to lay a charge, I can't read
4 his mind; I have to hear or see that the priest has been
5 identified.

6 MR. LEE: And you would agree with me that
7 these are very brief notes taken by Dr. Richter?

8 MR. CARROLL: Yes, they are.

9 MR. LEE: They're not verbatim transcripts?

10 MR. CARROLL: That's right.

11 MR. LEE: They're not anything close to
12 verbatim transcripts?

13 MR. CARROLL: That's correct.

14 MR. LEE: And based on these notes, which is
15 all you had at the time of your investigation, you don't
16 know what else was said here, do you?

17 MR. CARROLL: No, I don't.

18 MR. LEE: If you can turn to the next set of
19 his notes, it's Exhibit 1701, if I can take you to the last
20 page, please, Bates ending in 117, we have a date in
21 February and it was maybe February 18th, '96; do you see
22 that?

23 MR. CARROLL: Yes, I do. That's the top,
24 yes. Here we go.

25 MR. LEE: Yes.

1 And it reads:

2 "Patient remains very angry with the
3 priest..."

4 And then in parentheses:

5 "...(whom he hasn't named)."

6 Do you see that?

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

8 **MR. LEE:** And you took these notes as they
9 were, without further explanation?

10 **MR. CARROLL:** Well, I didn't follow up with
11 Dr. Richter. I'm still waiting for somebody to identify
12 who the person is they're talking about ---

13 **MR. LEE:** And ---

14 **MR. CARROLL:** --- that's not happening here.

15 **MR. LEE:** I bring you to this because of a
16 comment you made a few moments ago and the wording we have
17 here is "whom he hasn't named." Has not named, not "cannot
18 name"; do you see that: "could not name"?

19 **MR. CARROLL:** Yes, I see that.

20 **MR. LEE:** And that's all we have is this
21 note; is that right?

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

23 **MR. LEE:** And what we don't have is whether
24 or not Dr. Richter asked for an identification and whether
25 Mr. Lalonde was incapable of providing it; is that correct?

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

2 **MR. LEE:** We don't know whether or not Mr.
3 Lalonde told Dr. Richter that he could provide the name but
4 he would rather not. We don't know anything about that.
5 Is that right?

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

7 **MR. LEE:** And we don't now whether or not
8 the identification of the priest was in any way important
9 to Dr. Richter's work with Mr. Lalonde?

10 **MR. CARROLL:** All right.

11 **MR. LEE:** Having had the benefit of
12 hindsight and the opportunity to reflect, we can see that
13 this was not an honest reconsideration of these matters.
14 Your investigation was not an honest reconsideration of
15 these matters?

16 **MR. CARROLL:** I feel it was. I looked as
17 much as I possibly could for sources of corroboration.

18 Albert Lalonde told me that he told his
19 doctors about who sexually abused him. I took that as it
20 was and I went looking for evidence of that by speaking to
21 his doctors. They both have clearly noted in their notes
22 that no identification of Father Charlie has taken place
23 when they were dealing with him as Albert said that he did.

24 I don't believe Albert was reporting
25 anything new the day that he came in to see me. He was

1 going back to things that he had dealt with before.

2 MR. LEE: You talked to Dr. Clement?

3 MR. CARROLL: Yes, I did.

4 MR. LEE: You didn't talk to Dr. Richter?

5 MR. CARROLL: That's right.

6 MR. LEE: Dr. Richter's notes do not say
7 Albert Lalonde cannot identify Charles MacDonald or the
8 priest, sorry. He hasn't identified the priest.

9 MR. CARROLL: Dr. Clement's notes did. He
10 was the doctor that I spoke to.

11 MR. LEE: That's my point, is perhaps you
12 should have spoken to Richter as well.

13 It seems to me, sir, that you looked at what
14 the OPP did. You relied on the opinion of Dr. Clement in
15 an area in which he had limited expertise and then you send
16 it to the Crown, and that was the gist of your
17 investigation?

18 MR. CARROLL: And the same information
19 pertaining to Dr. Richter made it to the same Crown for the
20 purpose of assessment.

21 MR. LEE: Is it possible that you took one
22 look at the medical issues that Mr. Lalonde had and you
23 decided that this wasn't going anywhere right off the bat?

24 MR. CARROLL: No, I didn't.

25 MR. LEE: You told us at the end of your

1 examination in-chief that the exaggerated and inflamed
2 media circus has been a great distraction for 15 years. Is
3 that right?

4 MR. CARROLL: That's correct.

5 MR. LEE: And that it's hurt your service
6 and the city?

7 MR. CARROLL: Yes, it has.

8 MR. LEE: That it's destroyed people?

9 MR. CARROLL: Yes, it has.

10 MR. LEE: That this city, I took it as
11 meaning the cities, endured this too long?

12 MR. CARROLL: I believe so.

13 MR. LEE: And that reckless terms like
14 "pedophile" and "cover-up" frustrate you. Is that right?

15 MR. CARROLL: Yes, they do.

16 MR. LEE: And you also told us that you
17 don't know the details of the DS investigation?

18 MR. CARROLL: That's correct.

19 MR. LEE: And that's true even though you
20 investigated the later allegations against the same accused
21 person?

22 MR. CARROLL: I didn't open up the DS
23 investigation to review that myself.

24 MR. LEE: And you don't know what happened
25 in any great detail with the Project Truth investigations?

1 **MR. CARROLL:** No, I don't.

2 **MR. LEE:** Would you agree with me that
3 you're not, given those facts, in the best position to
4 comment on whether or not the media attention was
5 exaggerated or inflamed?

6 **MR. CARROLL:** I've read what's been written
7 in the media. I've read repeated misuses of the term
8 "pedophile" to the point where it's rare that I see the
9 term being used correctly. I've read of reports of
10 pedophile rings where people have since come forward to say
11 that they have fabricated their statements, but the media
12 has paid no attention to anything else other than those
13 rather sensational items.

14 **MR. LEE:** You're speaking of Mr. Leroux, I
15 take it?

16 **MR. CARROLL:** Yes.

17 **MR. LEE:** As somebody who recanted
18 allegations, in your opinion?

19 **MR. CARROLL:** That's correct.

20 **MR. LEE:** You understand that that testimony
21 took place in this Inquiry?

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

23 **MR. LEE:** And you obviously understand,
24 given that I'm talking to you now, that this proceeding has
25 not been completed?

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

2 **MR. LEE:** You understand that a final report
3 has not been issued?

4 **MR. CARROLL:** That's correct.

5 **MR. LEE:** You understand that the
6 Commissioner has not made any findings whatsoever in
7 relation to Mr. Leroux's testimony?

8 **MR. CARROLL:** I realize that, yes.

9 **MR. LEE:** Can you appreciate that
10 allegations of cover-up and of a less than effective local
11 police force are fuelled by incompetent investigations?

12 **MR. CARROLL:** I'm not going to agree with
13 that.

14 **MR. LEE:** Can you agree that such rumours
15 would be fuelled by superficial investigations?

16 **MR. CARROLL:** Again, I don't think I'm going
17 to agree with that either.

18 **MR. LEE:** And by police not laying charges
19 where they should have laid charges?

20 **MR. CARROLL:** If I had grounds to lay
21 charges in either one of these two cases, I would have laid
22 charges. I honestly felt that I didn't and I took that to
23 the Crown Attorney and asked to have those investigations
24 and those materials reviewed.

25 **MR. LEE:** And they did that?

1 **MR. CARROLL:** And they did that and I -- and
2 I received their answers.

3 **MR. LEE:** And you at no point had any
4 concerns with that particular Crown Attorney's Office
5 reviewing those investigations?

6 **MR. CARROLL:** No, I didn't.

7 **MR. LEE:** And you had no concerns with this
8 particular police force conducting those investigations?

9 **MR. CARROLL:** No, I didn't.

10 **MR. LEE:** Those are all my questions. Thank
11 you.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Neville?

14 We should address the issue of time to see -
15 - I'd like to finish this witness today, is possible. So,
16 Mr. Neville, do you have an estimate of time?

17 **MR. NEVILLE:** I would have thought,
18 Commissioner, 20 to 30 minutes perhaps.

19 **THE COMMISSIONER:** All right. So Mr.
20 Chisholm?

21 **MR. CHISHOLM:** Fifteen (15), sir.

22 **THE COMMISSIONER:** Fifteen (15). Maître
23 Rouleau?

24 **MR. ROULEAU:** Nothing, sir.

25 **THE COMMISSIONER:** All right. Let's see.

1 Mr. Scharbach?

2 MR. SCHARBACH: Ten minutes.

3 THE COMMISSIONER: All right. Mr.

4 Manderville?

5 MR. MANDERVILLE: Perhaps 15 to 20 minutes,

6 Mr. Commissioner.

7 THE COMMISSIONER: And Ms. Lahaie?

8 MS. LAHAIE: (Off mic).

9 THE COMMISSIONER: Mr. Carroll? Okay.

10 So go ahead, Mr. Neville.

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

12 NEVILLE:

13 MR. NEVILLE: We press on?

14 THE COMMISSIONER: Yes, we do.

15 MR. NEVILLE: Very good.

16 One of the earlier counsel, I believe it was

17 Mr. Manson -- oh, I'm sorry, I didn't introduce myself,

18 Sergeant Carroll.

19 My name is Michael Neville and I represent

20 Father MacDonald and the Estate of Ken Seguin and his

21 family. All right?

22 MR. CARROLL: Yes, sir.

23 MR. NEVILLE: And Mr. Manson in some of his

24 questions referred you to our Exhibit 1375, which is notes

25 of Staff Sergeant Derochie. If we could just turn to them

1 briefly.

2 **THE COMMISSIONER:** Thirteen-seventy-five
3 (1375).

4 **MR. CARROLL:** Okay. I'm at them, sir.

5 **THE COMMISSIONER:** What page, sir?

6 **MR. NEVILLE:** Yes, Commissioner, I was going
7 to refer to -- the last three numbers are 113.

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

9 **MR. NEVILLE:** The date, sir, is May 27th,
10 '02. This is part of the same point touched on by Mr.
11 Manson and it deals with a telephone call that Staff
12 Sergeant Derochie received from Inspector Hall and you can
13 recall, sir, that I in fact elicited some of this testimony
14 from Officer Derochie myself.

15 Now, just before -- sorry, it's Exhibit
16 1375, Document 7 -- oh, I think ---

17 Now, just a couple of brief questions,
18 Sergeant Carroll. Were you aware of Staff Sergeant
19 Derochie's involvement on prior occasions going back a
20 number of years with Perry Dunlop and issues involving Mr.
21 Dunlop?

22 **MR. CARROLL:** I knew that he had some
23 involvement with Perry Dunlop. Exactly what that
24 involvement was, it didn't involve me and I wasn't in a
25 position to even be cognisant of what was going on.

1 **MR. NEVILLE:** All right.

2 Now, when we look at his notes and when we
3 look through -- because I tend to go through some parts of
4 your own notes that we've put in as an exhibit this week --
5 it would appear that from time-to-time on a fairly regular
6 basis, Staff Sergeant Derochie is being consulted or kept
7 up-to-speed by you about what's going on on the Albert
8 Lalonde case.

9 **MR. CARROLL:** That's correct.

10 **MR. NEVILLE:** And was there a reason for
11 that?

12 **MR. CARROLL:** He was my immediate
13 supervisor. I knew that this case was going to be one of
14 particular importance to the Police Department and I made
15 it a point to keep Staff Derochie up-to-date on almost a
16 daily basis.

17 **MR. NEVILLE:** Very good. So within the
18 chain of command, he was your supervisor?

19 **MR. CARROLL:** That's it.

20 **MR. NEVILLE:** Sorry?

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

22 **MR. NEVILLE:** Yes, I'm sorry. I just
23 couldn't hear you very well. That's fine.

24 Now, he has this telephone call with Mr.
25 Hall. Did he at some point advise you of this call and the

1 contents of it?

2 **MR. CARROLL:** At one point-in-time, he was
3 on the phone with Detective Inspector Hall while I was
4 present. I couldn't give you a date or an exact subject
5 matter, but any information he received from Inspector Hall
6 he shared with me.

7 **MR. NEVILLE:** All right.

8 And he -- on the next page, he's clearly
9 when we look at this note been advised by Inspector Hall of
10 the 1995 activities of the OPP and he tells the Staff
11 Sergeant, at the top of the next page, about the concern
12 and the phrase recorded by the Staff Sergeant is "Tainted
13 in the extreme".

14 Did he explain to you at some point what he
15 meant by that?

16 **MR. CARROLL:** No, he didn't, but as the
17 notes go on, I see different names that are attached in
18 there and I'm sure that's what he meant.

19 **MR. NEVILLE:** Okay, and by that you mean of
20 course Mr. Chisholm?

21 **MR. CARROLL:** Mr. Chisholm and -- I don't
22 see anybody else in there, Mr. Chisholm,

23 **MR. NEVILLE:** Okay, now if we just -- look
24 back to page 10 -- Bates pages, the last three numbers 109.
25 It's a slightly earlier date. And the date is May 18th of

1 2002. Have you found it?

2 **MR. CARROLL:** I found it.

3 **MR. NEVILLE:** All right.

4 Let me just read it. There's a time entry
5 of 11:00 a.m.:

6 "Reviewed my files of documents copied
7 from Nadeau's Project Truth web site.
8 Found an e-mail to Nadeau from Lalonde
9 and a statement by him dated September
10 24th, looks like 0-0 for 2000. I
11 printed the document at 8:21 on October
12 2nd, 2000, marked the originals for
13 future identification and will pass
14 them on to Sergeant Carroll."

15 Do you recall his doing that?

16 **MR. CARROLL:** Yes, I did.

17 **MR. NEVILLE:** So that would appear to be at
18 least one source of you obtaining an earlier Lalonde
19 statement that had some how made it into the Nadeau
20 website. Right?

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

22 **MR. NEVILLE:** And that's a statement that I
23 think you had been already earlier referred to and I may
24 come back to it later.

25 Now, can we go back another page or so to

1 106 and the date is May 17th which is the date that you met
2 with Albert Lalonde in person and took the KGB video
3 statement. Correct?

4 MR. CARROLL: Yes.

5 MR. NEVILLE: All right.

6 If we look at the bottom of that page -- the
7 time entry appears to be, I think it's 15:50 and there's a
8 case number that is the Lalonde case and he writes the
9 following, "Invest. briefing." So I took that to be
10 investigative briefing. And he appears to be quoting you
11 by the context, if we just look at it, it says:

12 "Has taken KGB statement from
13 complainant Albert Lalonde. He has
14 revealed that he has given statements
15 to Carson Chisholm and Dick Nadeau who
16 posted it on his Project Truth website.
17 He has also had contact with Perry
18 Dunlop who put him in touch with David
19 Silmsler and John MacDonald. He has
20 also provided statements to
21 investigators of Project Truth. He has
22 apparently provided info which will..."

23 I guess that should be "lead":

24 "...to evidence which will support his
25 account of what happened and which will

1 firm up dates."

2 And then he has:

3 "After he left..."

4 Meaning Lalonde:

5 "...Carroll received a call from Nadeau
6 who wanted to know how long the
7 investigation will take. He also said
8 that he -- meaning Nadeau -- has
9 material to turn over which will assist
10 in the investigation."

11 Now, this appears to be notes of the staff
12 Sergeant of a meeting with you. Right?

13 **MR. CARROLL:** Yeah, I believe so. I recall
14 briefing Staff Sergeant Derochie ---

15 **MR. NEVILLE:** Right.

16 **MR. CARROLL:** --- after his statement with
17 Lalonde.

18 **MR. NEVILLE:** And this appears to be his
19 notes of the briefing. Right?

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

21 **MR. NEVILLE:** Now he's made a particular
22 point of noting, among various other things of contact
23 between Lalonde with Perry Dunlop, David Silmser and John
24 MacDonald.

25 Did Staff Sergeant Derochie explain to you

1 what the significance of that might be?

2 **MR. CARROLL:** I don't recall anything
3 specific. I do recall him being very wary of that.

4 **MR. NEVILLE:** Right.

5 I'm going to -- exactly. I'm going to
6 suggest that it's -- quite possibly he referred you to the
7 fact that this was a potential tainting problem.

8 **MR. CARROLL:** I would agree with you.

9 **MR. NEVILLE:** Okay. And he's got a note
10 consistent with what you told us happened between you and
11 Lalonde and you and Nadeau and it's just going back to the
12 last entry he has about asking the complainant and Nadeau
13 to keep it away from the media. Again, something you had
14 addressed. Right?

15 **MR. CARROLL:** That is correct.

16 **MR. NEVILLE:** All right.

17 So we'll come back to a couple of those
18 points in a minute when we get to other entries of yours.

19 Now, can we look briefly then at Exhibit
20 1693 which is your notes; your actual day-to-day dedicated
21 notes?

22 **THE COMMISSIONER:** Yes, we're there.

23 **MR. NEVILLE:** Yes, Commissioner. Could I
24 start with Bates page 805? The reference is the 21st of May
25 2002.

1 What I'm going to attempt to do is piece
2 some of this together in a chronology, so to speak, and
3 connect some of the dots with the pieces.

4 **THE COMMISSIONER:** Sorry, what page again?

5 **MR. NEVILLE:** Yes, sir. It's page 805.

6 **THE COMMISSIONER:** Thank you.

7 **MR. NEVILLE:** You'll note, sir, that at the
8 top of some of the pages there are also numbers.

9 **THE COMMISSIONER:** Oh yeah, right.

10 **MR. NEVILLE:** Which helps to find them but I
11 think there are back pages so they go -- they skip, so the
12 next one is blank but there's 14 so I think it's a back
13 flip of a page so it helps sometimes to find ---

14 **THE COMMISSIONER:** Okay.

15 **MR. NEVILLE:** I'll move it along.

16 So we have an entry at 8:30.

17 **MR. CARROLL:** Okay, I see that.

18 **MR. NEVILLE:** You see the reference we refer
19 to in Derochie's notes, this appears to be where he turns
20 over to you the Nadeau website version of Lalonde's
21 statement. Right?

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

23 **MR. NEVILLE:** And you have an entry in your
24 notes:

25 "Statement copied and read, chronicles

1 Albert's complaint consistent with that
2 he gave me on Friday."

3 MR. CARROLL: That's correct.

4 MR. NEVILLE: Okay, so we may come back to
5 that.

6 Now, the next entry I want to give you is
7 the next page actually, 806, and we know that you took a
8 videoed statement; a KGB sworn statement from Dick Nadeau.

9 MR. CARROLL: That's correct.

10 MR. NEVILLE: Right? And that appears to be
11 on the 21st of May because this appears to be the same day.
12 The previous page starts your day -- of that day and this
13 is later in the day, at 2:30 you meet with Mr. Nadeau.
14 Right?

15 MR. CARROLL: That's correct. And you can
16 see the entry that you do the KGB oath and proceed to take
17 a statement. Right?

18 MR. CARROLL: That's right.

19 MR. NEVILLE: Now, you're notes continue on
20 the next page. And it's on this next page that he
21 discusses with you a little bit the fact that Carson
22 Chisholm appears to be directly involved with Mr. Nadeau.
23 Correct?

24 MR. CARROLL: That's right.

25 MR. NEVILLE: All right. And I'd like to

1 refer you to the seventh line from the top of page 807. It
2 also has the number 14 in the top right. This is Nadeau,
3 you say:

4 "Dick states he called Albert after
5 Charlie's case was stayed."

6 Right?

7 **MR. CARROLL:** That's right.

8 **MR. NEVILLE:** So -- and it's then he, Mr.
9 Nadeau, who in fact virtually sets up the appointment for
10 Mr. Lalonde to call you, isn't it?

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

12 **MR. NEVILLE:** All right.

13 So let's look over on the next page, 808.
14 You have an entry three lines from the top: "Asked" and I
15 presume this is you asking Nadeau:

16 "Asked about pressure on Albert.
17 Vague."

18 **MR. CARROLL:** Right.

19 **MR. NEVILLE:** Eight oh eight (808)
20 Commissioner.

21 **THE COMMISSIONER:** Yeah. Okay.

22 **MR. NEVILLE:** It's also Bates page number 15
23 of -- now that I've figured out how the numbering works, it
24 appears to alternate corners:

25 "Asked about pressure on Albert.

1 Vague."

2 What I'm going to suggest to you is, you
3 discussed with Mr. Nadeau the question of whether pressure
4 -- presumably in part by him -- had been brought to bear on
5 Albert and I'm going to suggest to you, you've put vague
6 because Nadeau's explanation or answer was vague.

7 **MR. CARROLL:** That would be correct. I
8 would agree with that.

9 **MR. NEVILLE:** Can we next look at page 809,
10 Thursday, May 23rd? Have you got it?

11 **MR. CARROLL:** I've got it.

12 **MR. NEVILLE:** All right.

13 We have the top of the page and you were
14 taken to that in-chief and this deals with Albert signing
15 various releases for records?

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

17 **MR. NEVILLE:** Let's go just below that:

18 "Albert advised me he had a call from
19 the Ottawa Sun. Advised him that so
20 did I, and to not discuss the case with
21 the press or it will potentially ruin
22 any investigation. He agreed."

23 Had you had a call from The Sun about
24 Albert's complaint?

25 **MR. CARROLL:** I believe I did.

1 **MR. NEVILLE:** M'hm. Did you wonder how The
2 Sun knew about it?

3 **MR. CARROLL:** I had suspicions but ---

4 **MR. NEVILLE:** Tell us what they -- what were
5 they? What were the suspicions?

6 **MR. CARROLL:** Well I believed that there's a
7 likelihood that Mr. Nadeau ---

8 **MR. NEVILLE:** Exactly.

9 **MR. CARROLL:** --- or Mr. Chisholm could have
10 been involved with that. I really didn't know and I really
11 didn't care at that point.

12 **MR. NEVILLE:** Right.

13 **MR. CARROLL:** I made it clear to The Sun
14 that we don't comment on any investigation that's ongoing.

15 **MR. NEVILLE:** Exactly. But the very day
16 before or on the 21st, two days before, you had extracted a
17 promise, not just from Albert on the 17th but from Nadeau
18 that the media would not be made part of this and here you
19 get a call two days later and I suggest to you, the
20 inference is exactly the one you drew; it's either Albert
21 himself or Chisholm or Nadeau.

22 It wasn't you, right?

23 **MR. CARROLL:** No, it wasn't me.

24 **MR. NEVILLE:** And you certainly suspected --
25 we won't put it higher than that, those two men that you

1 named.

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

3 **MR. NEVILLE:** Right?

4 **MR. CARROLL:** Well, I'd agree with you
5 there.

6 **MR. NEVILLE:** All right. Now, here's your
7 first contact, it appears, with the OPP, in the next entry:

8 "Contact Joe Dupuis."

9 Second line:

10 "He is familiar with him."

11 Meaning Albert:

12 "Will give me all info they have on
13 Albert for my investigation."

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

15 **MR. NEVILLE:** So can we now go to the next
16 page, 810, and there was evidence in-chief, you mentioned
17 about a meeting and the meeting takes place on the 30th. I
18 refer you to the entry of 1339.

19 Have you found it? May 30th, Bates page 810.

20 **MR. CARROLL:** Eight one zero (810)?

21 **MR. NEVILLE:** Yes.

22 **MR. CARROLL:** Okay, I've got it.

23 **MR. NEVILLE:** At the bottom, you see a time
24 entry of 1339?

25 **MR. CARROLL:** Yes.

1 **MR. NEVILLE:** Now, the participants are
2 Inspector Hall, Staff Sergeant Derochie also goes, doesn't
3 he?

4 **MR. CARROLL:** Yes.

5 **MR. NEVILLE:** Right. Constable Dupuis,
6 Detective Constable and yourself. So officer -- Staff
7 Sergeant Derochie, who we all know and I think you now
8 fully realize, had quite an extensive knowledge of much to
9 do with the Father MacDonald issue. He's also physically,
10 personally there for this meeting; right?

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

12 **MR. NEVILLE:** And this is where the OPP
13 provide, and you partially summarize, previous OPP
14 statements.

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

16 **MR. NEVILLE:** Right? And let me just refer
17 you because you make notes of that; right, which goes on
18 for about three pages and I'm going to suggest that if we
19 look at page 813 we come to the 3rd of June, you finish
20 reviewing those statements. Do you see that, 0800 ---

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

22 **MR. NEVILLE:** --- complete reviewing of
23 statements.

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

25 **MR. NEVILLE:** And I'm suggesting that's the

1 OPP material?

2 MR. CARROLL: Yes, sir.

3 MR. NEVILLE: All right. So just stopping
4 there for a moment, can we look at Exhibit 1694 and it will
5 assist, Commissioner, I guess they'll all be together so
6 it's helpful perhaps for you and the witness, I'll be
7 asking questions on 1694, 96, 97, 98 because they all go
8 together, sir, they are the statements that are reviewed,
9 starting with the 30th of May.

10 THE COMMISSIONER: Yes.

11 MR. NEVILLE: You there?

12 MR. CARROLL: I'm there.

13 MR. NEVILLE: All right. So you'll notice
14 the date of the letter is May the 30th, from Inspector Hall
15 and what I'm going to suggest is, if we look at your notes
16 from that date, the date of the meeting that included
17 Derochie is they basically hand deliver this to you.

18 MR. CARROLL: That's correct.

19 MR. NEVILLE: All right. And then you're
20 able to spend some time going through the statements, as
21 you record in your notes.

22 Now, I take it that's being done in the
23 presence of all these others, Derochie, Dupuis, and Hall?

24 MR. CARROLL: That's correct, we're all
25 there.

1 **MR. NEVILLE:** Sorry?

2 **MR. CARROLL:** We're all there.

3 **MR. NEVILLE:** Right. And is the discussion
4 and review going back and forth amongst yourselves about
5 the statements?

6 **MR. CARROLL:** I believe there was.

7 **MR. NEVILLE:** Sure.

8 **THE COMMISSIONER:** Mr. Neville, can I just
9 stop you?

10 **MR. NEVILLE:** Yes.

11 **THE COMMISSIONER:** I've got a picture here,
12 I want to make sure it's -- what you're suggesting is that
13 all these -- these four men are sitting at -- or at a
14 meeting, presumably with tables and they're actually
15 reviewing, going over these things?

16 **MR. NEVILLE:** Well that's the suggestion I'm
17 making, is that as he's going through them and has recorded
18 some notes.

19 **THE COMMISSIONER:** Yeah.

20 **MR. NEVILLE:** The others are there and what
21 I'm suggesting, if he agrees ---

22 **THE COMMISSIONER:** Yeah.

23 **MR. NEVILLE:** --- was there possibly
24 discussion back and forth about the contents.

25 **THE COMMISSIONER:** Okay, I want to make sure

1 -- so do you recall that?

2 MR. CARROLL: There was. Yes, there was.

3 THE COMMISSIONER: You folks were sitting
4 around and you're passing around the documents?

5 MR. CARROLL: Yes, there was.

6 THE COMMISSIONER: And there's comments
7 about that going around?

8 MR. CARROLL: I remember the meeting.

9 THE COMMISSIONER: Fair enough.

10 MR. CARROLL: It was out in the Long Sault
11 Detachment.

12 MR. NEVILLE: And would it be fair to say
13 that there's some discussion going on about the contents of
14 the statements and how they change and vary and may
15 conflict even?

16 MR. CARROLL: I believe there was.

17 MR. NEVILLE: Sure. Now, one of the -- so
18 you've got now available to you Exhibits 1696, 97, and 98,
19 all right. Do you have them there?

20 MR. CARROLL: I have them here.

21 MR. NEVILLE: And these are the -- these
22 are, if we look at Mr. Hall's letter, these are items 1 --
23 these three exhibits I've just had you obtain are items 1,
24 2, and 3 in his letter.

25 MR. CARROLL: Okay.

1 **MR. NEVILLE:** All right. So if we just look
2 briefly at Exhibit 1696, let me just stop for a minute and
3 just summarize because we'll come back briefly to your
4 interview of Albert Lalonde.

5 He -- and you put a summary of that
6 interview, you may recall, the first two pages of the
7 transcript of your taped interview on May 17 has a summary
8 of three events that he describes; right?

9 **MR. CARROLL:** Yes, I recall that.

10 **MR. NEVILLE:** Two events; one and three in a
11 washroom at the church.

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

13 **MR. NEVILLE:** And event number two at a park
14 in or near Avonmore?

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

16 **MR. NEVILLE:** All right. And you have
17 there, if you would start briefly with 1696, this is a
18 statement done on April 24th, '95; the interview being
19 conducted by Detective Hurtubise and are you able to
20 confirm for us that there is no reference in this document
21 to any event in Avonmore?

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

23 **MR. NEVILLE:** All right. There is a
24 reference to his having a memory triggered by a television
25 show of the priest trying to do something to him of a

1 sexual nature; right?

2 MR. CARROLL: Yes, I recall that.

3 MR. NEVILLE: So we then look at Exhibit
4 1697 which is a statement to the OPP, including Detectives
5 Fagan, in fact Detectives Fagan and Zedbruck about three
6 weeks later on May 12th.

7 You got it?

8 MR. CARROLL: I've got it.

9 MR. NEVILLE: And again, if we look
10 particularly at the top of the second page, there is no
11 identifying or stating of a place where that first -- where
12 that particular sexual act in question happened.

13 MR. CARROLL: That's correct.

14 MR. NEVILLE: Now that particular sexual act
15 is one that eventually, with you, he claims happened in
16 Avonmore?

17 MR. CARROLL: That's right.

18 MR. NEVILLE: All right. Now, let's look at
19 1698.

20 When you were shown this one in-chief by Mr.
21 Dumais, this is an interview report by Detective Genier;
22 right, on December 16th, 1996; correct?

23 MR. CARROLL: That's correct.

24 MR. NEVILLE: Now, this is about -- over --
25 a little over a year and a half after the statements in

1 April and May of '95 that we've just looked at, right?

2 MR. CARROLL: That's correct.

3 MR. NEVILLE: And it's almost a year, just
4 under a year, about 10 months since he's last seen Dr.
5 Richter.

6 MR. CARROLL: That's correct.

7 MR. NEVILLE: All right. And you were asked
8 to agree, although in fairness to you and I don't mean to
9 criticize Mr. Dumais, he didn't put this document in front
10 of you; he simply asked you to say was it irrelevant to
11 your investigation.

12 I'm going to suggest when we look at it, it
13 is not.

14 MR. DUMAIS: Well that's not exactly true.
15 There's two references, Commissioner. Mr. Neville is
16 correct; that's the way I put it to him the first time but
17 the second time I did file it and I did ask Detective
18 Sergeant Carroll whether or not he had reviewed it or
19 remembered reviewing it.

20 And I believe Staff Sergeant Carroll
21 indicated that he did not. That's my recollection.

22 THE COMMISSIONER: Okay.

23 MR. NEVILLE: Well, and that's why I went
24 through the notes of the officer, Commissioner.

25 THE COMMISSIONER: M'hm.

1 **MR. NEVILLE:** And if we could just come back
2 to your notes? You'll remember I asked you about your
3 references of the meeting on the 30th ---

4 **MR. CARROLL:** Yes.

5 **MR. NEVILLE:** --- and the 2nd of June. You
6 get these documents, and I think you agreed with me, and I
7 suggest it would not make much sense otherwise, that at
8 some point, by June 2nd, you had read all of these?

9 **MR. CARROLL:** All right.

10 **MR. NEVILLE:** Would you not have?

11 **MR. CARROLL:** Yes, I believe I would have.

12 **MR. NEVILLE:** Sure.

13 **MR. CARROLL:** And I think the error here may
14 be mine and not Mr. Dumais'.

15 **MR. NEVILLE:** I know it. I'm not
16 criticizing anybody. I'm trying to get the record clear
17 because it wouldn't take very long to read it. It's
18 essentially, in its typed version, slightly more than a
19 page, right?

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

21 **MR. NEVILLE:** But let's look at what is
22 addressed, all right? It was to be about Mr. Marcel
23 Lalonde, right?

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

25 **MR. NEVILLE:** Now, let's look at the bottom

1 -- five lines from the bottom:

2 "I remember some pushing at this park,
3 someone trying to push their penis in
4 my rectum, but I can't say who it is
5 and there was a lot of oral sex. I was
6 interviewed by Constable Hurtubise in
7 '94..."

8 Now, we know that that's wrong, it was '95.

9 "...about Father MacDonald sexually
10 abusing me. I remembered specific time
11 and locations about him, but this park
12 in Avenmore feels like it's someone
13 else."

14 So you would have, as part of reviewing all
15 the material, being careful, have read that entry, would
16 you not?

17 **MR. CARROLL:** That's correct.

18 **MR. NEVILLE:** Now, that entry is not, I
19 suggest to you, helpful in terms of your subsequent
20 interview, is it?

21 **MR. CARROLL:** No, it isn't.

22 **MR. NEVILLE:** No.

23 Now, let's go back to your notes.

24 **THE COMMISSIONER:** Sorry, what exhibit
25 again?

1 **MR. NEVILLE:** Exhibit 1693, sir.

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

3 **MR. NEVILLE:** And I want to deal in a bit
4 more detail because what we have put in as an exhibit in
5 relation to Dr. Clement is our Exhibit 1699.

6 And perhaps it would be helpful,
7 Commissioner, if Sergeant Carroll had that as well. It's
8 the two-page document.

9 **THE COMMISSIONER:** He has it. It's all in -
10 --

11 **MR. NEVILLE:** It should be in that book,
12 right.

13 **THE COMMISSIONER:** It's in the binder now
14 and it's on the -- well, it may not be.

15 **MR. NEVILLE:** So when you prepared 1699,
16 Staff Sergeant, and that's -- well, I'll just hold it up
17 for you. That's the typed Witness Summary Report ---

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

19 **MR. NEVILLE:** --- Witness Statement is what
20 you call it -- that you prepared for yourself. It went to
21 Mr. McConnery and you shared it with the OPP?

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

23 **MR. NEVILLE:** All right.

24 But you also, I take it, and we can see it
25 in your notes, made quite extensive notes of your meeting

1 with Dr. Clement?

2 MR. CARROLL: That's right.

3 MR. NEVILLE: Now, can we look at Bates page
4 815? Have you found it?

5 MR. CARROLL: Yes, I did.

6 MR. NEVILLE: It's at the bottom. The date
7 matches your typed summary made June 25th, '02. It looks
8 like you set off -- 10:07 means arrived or depart for?

9 MR. CARROLL: It means I arrived at Dr.
10 Clement's office at 4:30 that day.

11 MR. NEVILLE: And were able to start meeting
12 him at 5:08?

13 MR. CARROLL: That's right. I had to wait a
14 little bit of time.

15 THE COMMISSIONER: Which is pretty good for
16 waiting in a doctor's office.

17 MR. CARROLL: Not bad.

18 MR. NEVILLE: Better than I usually do,
19 Commissioner.

20 MR. CARROLL: I'm glad you said that, sir.

21 THE COMMISSIONER: He's not my doctor.

22 MR. NEVILLE: Can we flip over two pages to
23 817 where the notes of the interview end, just above the
24 date "June 26th"? Have you found that?

25 MR. CARROLL: That's right. I've got it.

1 **MR. NEVILLE:** And you've got an entry,
2 "19:30 off duty".
3 **MR. CARROLL:** That's correct.
4 **MR. NEVILLE:** Now, does that tell us that
5 your interview meeting with Dr. Clement lasted in the
6 vicinity of two plus hours?
7 **MR. CARROLL:** I was -- well, that includes
8 my drive back from St. Isidore.
9 **MR. NEVILLE:** That's what I wanted to ask.
10 Okay.
11 **MR. CARROLL:** But I was with Dr. Clement, I
12 would believe, for a good hour.
13 **MR. NEVILLE:** Okay. Now, I just want to
14 refer you to -- to make it clear what you gleaned from him.
15 He had a very large medical file?
16 **MR. CARROLL:** That's correct.
17 **MR. NEVILLE:** And he had these concerns
18 about the need, in his view, for multiple releases from
19 each ---
20 **MR. CARROLL:** That's correct.
21 **MR. NEVILLE:** In relation to each doctor?
22 **MR. CARROLL:** He was concerned that there
23 were so many ---
24 **MR. NEVILLE:** Yes.
25 **MR. CARROLL:** --- contributing physicians to

1 the medical record, that releases should include a whole
2 lot more people than what I had.

3 **MR. NEVILLE:** Got that. And that's recorded
4 in your typed version.

5 But what I want to turn to is, among other
6 things, he's there and what he does, I suggest, by the
7 entries in your notes, is he reads from you or summarizes
8 for you reports and findings of other doctors that he has
9 in his file?

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

11 **MR. NEVILLE:** All right.

12 Let's look at the bottom of 816. The entry
13 is 1993, 5 line from the bottom, and I'm going to suggest
14 that this is what he's advising you he had in his file from
15 these two doctors, Ahmed and Nadler:

16 "Consideration of avoidance personality
17 disorder - overly passive. Reports
18 that both Albert and his brother were
19 abused by Raymond St. Jean and
20 references by Albert that sometimes he
21 sees the man that abuses him - no ID."

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

23 **MR. NEVILLE:** Top of the next page:

24 "Very few references to specific abuse
25 by any identified persons. Only ID

1 provided is Raymond St. Jean. Only
2 recollections of abuse are flashbacks."

3 I guess that's an "s" on the end.

4 **MR. CARROLL:** That's correct.

5 **MR. NEVILLE:** Now, what I'm suggesting is
6 that those nine lines or so, eight lines or so, are what
7 you record in your notes as coming from Dr. Clement who was
8 quoting what he had from those two physicians?

9 **MR. CARROLL:** That's correct.

10 **MR. NEVILLE:** Then we've got the next entry:

11 "1992-93 - All abuse discussed is as a
12 kid and nothing but St. Jean is
13 disclosed."

14 Now, that entry appears to be about himself,
15 Dr. Clement?

16 **MR. CARROLL:** That's right.

17 **MR. NEVILLE:** As opposed to quoting Ahmed
18 and Nadler?

19 **MR. CARROLL:** That's right.

20 **MR. NEVILLE:** All right.

21 Let's look at the next entry:

22 "April 18th, '95 - Clement requests that
23 Dr. Richter follow this case. Isolated
24 mentioning of a priest but no names."

25 Now, when he gives you that piece of

1 information, I'm suggesting he's quoting from something in
2 his file.

3 **THE COMMISSIONER:** Well, that's speculation.

4 **MR. NEVILLE:** I'm asking, that's all.

5 **THE COMMISSIONER:** Do you know?

6 **MR. NEVILLE:** He obviously has the knowledge
7 -- sorry, Commissioner.

8 **THE COMMISSIONER:** Do you know?

9 **MR. CARROLL:** He's got the file open. It's
10 quite large. It's sitting right before me. The
11 information that I'm getting from him, I believe, he's
12 obtaining from the file and he's reading it to me. It was
13 a huge file. You couldn't miss it sitting right in front
14 of you.

15 **MR. NEVILLE:** Sure. All right.

16 Let's look at the next entry.

17 "September 1995 - Wayne Nadler,
18 psychologist, feels..."

19 **MR. CARROLL:** "Hypnotherapy".

20 **MR. NEVILLE:** Sorry. Thank you.

21 "...hypnotherapy may help, but Albert
22 cancels all appointments. Payment for
23 services becomes a problem and a
24 dispute between Albert and his doctors,
25 Nadler, comes into play."

1 Right?

2 MR. CARROLL: That's right.

3 MR. NEVILLE: Now, the next entry is this:

4 "Consideration of personality
5 disorder..."

6 And you've put that in block letters in your notes.

7 MR. CARROLL: That's right.

8 MR. NEVILLE: Is that because to you that
9 was a significant term?

10 MR. CARROLL: It was, and partly because I
11 didn't fully know what the personality disorder is. It's a
12 term that you hear bounced around all over the place.

13 MR. NEVILLE: Right.

14 MR. CARROLL: And I distinctly remember even
15 today asking him, "Can you please explain that to me in
16 laymen's terms?"

17 MR. NEVILLE: Okay. And did he do so?

18 MR. CARROLL: He did that and that's where
19 he expressed that it's characterized by behaviours such as
20 cheat, lie and steal.

21 MR. NEVILLE: That's what I was getting to.
22 So that next sentence is his explanation to you of what he
23 means by that?

24 MR. CARROLL: That's -- yes.

25 MR. NEVILLE: Because you wanted to know?

1 **MR. CARROLL:** He's describing to me
2 behaviours that you would expect in a personality disorder.

3 **MR. NEVILLE:** Fair enough.

4 Now, he then refers to the fact that Richter
5 has discharged him as a patient. Then he's got an entry:

6 "October 21st, 1999 - compensated.."

7 I take it that means Albert Lalonde:

8 "...for the St. Jean incident but no
9 mention of any other incidents."

10 And you've got that in block letters?

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

12 **MR. NEVILLE:** The obvious omission being
13 Father Charles?

14 **MR. CARROLL:** There's no names given.

15 **MR. NEVILLE:** Right.

16 And he had this information in his file?

17 **MR. CARROLL:** That's correct.

18 **MR. NEVILLE:** Okay. So even up to '99, it
19 would appear he had information in his file that Lalonde
20 had sought compensation from the government board, the
21 Victims Board, only in relation to St. Jean?

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

23 **MR. NEVILLE:** All right.

24 Then if we could just go on in your notes,
25 the next day you contact Detective Dupuis of the OPP and he

1 asks you for your report, your version of what happened
2 with Dr. Clement?

3 MR. CARROLL: That's correct.

4 MR. NEVILLE: And this is part of the
5 agreement to share information?

6 MR. CARROLL: That's right.

7 MR. NEVILLE: And is that what you send to
8 him? When I say "that", I'm holding Exhibit 1699.

9 MR. CARROLL: Yeah, that's the report or my
10 summary of the statement that I would have entered into
11 RMS.

12 MR. NEVILLE: Okay. And Mr. Commissioner
13 has that one, so I'm not going to go back through all of
14 it.

15 And then he confirms that he has an
16 appointment with Richter -- Dr. Richter, sorry; right?

17 MR. CARROLL: That's correct.

18 MR. NEVILLE: All right.

19 So let's move to the next page, 9th of July,
20 and it appears you're getting a call from Mr. Nadeau?

21 MR. CARROLL: That's correct.

22 MR. NEVILLE: A bit of a concern that he's
23 calling?

24 MR. CARROLL: Yes, there is, and I let him
25 know that I'm not in a position to discuss the matter with

1 him and we've got other matters to do with this and ---

2 MR. NEVILLE: All right.

3 Let's look at the next entry, 1:10 p.m., you
4 actually -- you initiated a call to Mr. Lalonde?

5 MR. CARROLL: Yeah.

6 MR. NEVILLE: It looks like you've been
7 having some difficulty reaching him. He wanted to know how
8 things were going. You confirmed the Dr. Clement
9 interview, that you interviewed his own doctor at length,
10 and an interview was required with Richter?

11 MR. CARROLL: That's right.

12 MR. NEVILLE: All right. Then you say about
13 three lines down, the following:

14 "Advised a consultation with the Crown
15 would be held..."

16 I'm not sure what the next word is.

17 MR. CARROLL: "...after this to see if
18 grounds to charge..."

19 MR. NEVILLE: "...after this..."

20 Thank you, yes.

21 "...to see if grounds to charge
22 existed. Understood."

23 Meaning he understood?

24 MR. CARROLL: Albert understood, yes.

25 MR. NEVILLE: All right.

1 We then have another telephone contact with
2 Detective Dupuis about his interviewing of Dr. Richter;
3 right?

4 **MR. CARROLL:** They hadn't done it as of yet.

5 **MR. NEVILLE:** I understand.

6 And then you have an entry just about 14:00:

7 "Offered my notes on Dr. Clement's
8 interview, if needed."

9 **MR. CARROLL:** That's correct.

10 **MR. NEVILLE:** And that's the notes I took
11 you through in some detail.

12 **MR. CARROLL:** Yeah.

13 **MR. NEVILLE:** Do you recall sending those on
14 at some point to Officer Dupuis?

15 **MR. CARROLL:** I believe I may have taken
16 them out to Officer Dupuis myself.

17 **MR. NEVILLE:** All right.

18 Your next entry is contacting the Regional
19 Crown, Mr. Stewart, and that's how you learn that the
20 assigned Crown is likely going to be a Mr. McConnery?

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

22 **MR. NEVILLE:** All right.

23 We look to the next page, please. We have
24 at the top of the page your first contact with Mr.
25 McConnery, 16th of July?

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

2 **MR. NEVILLE:** And he's asking for a full
3 brief of everything; right?

4 **MR. CARROLL:** That's correct.

5 **MR. NEVILLE:** Now, let's look at the next
6 entry. It's the 23rd of July. It looks like there was
7 another meeting; right?

8 **MR. CARROLL:** That's correct.

9 **MR. NEVILLE:** Again, it's with Detective
10 Dupuis and Staff Sergeant Derochie is present; right?

11 **MR. CARROLL:** I believe that took place in
12 our office. Detective Dupuis came to Cornwall.

13 **MR. NEVILLE:** Came to your folks; fair
14 enough.

15 So Staff Sergeant Derochie is more than, it
16 would appear, merely supervising. He's taking kind of a
17 direct role, hands-on not necessarily, but certainly there?

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

19 **MR. NEVILLE:** All right.

20 You've written this:

21 "Dupuis handed over material he
22 received from Dr. Richter."

23 So this appears to confirm that you are
24 getting -- that the interview has taken place with Richter
25 and you are getting from Dupuis the Richter documents

1 relevant to your investigation?

2 MR. CARROLL: That's correct.

3 MR. NEVILLE: And I'm going to suggest that
4 that's what became our Exhibits 1700 and 1701?

5 MR. CARROLL: That's it.

6 MR. NEVILLE: Now, your next entry is you
7 prepare a package for Mr. McConnery; right?

8 MR. CARROLL: That's right.

9 MR. NEVILLE: And you are in contact with
10 Mr. Lalonde on the 25th of July. Bottom of the page,
11 there's discussion about the wedding photo; right?

12 MR. CARROLL: That's right.

13 MR. NEVILLE: And then you have an entry:

14 "Advised case is going to the Crown for
15 review and I'll advise him of outcome."

16 MR. CARROLL: That's correct.

17 MR. NEVILLE: All right.

18 Now, let me just come back to the meeting
19 you have with yourself, Derochie and Dupuis on July 23rd.
20 All right?

21 MR. CARROLL: Okay.

22 MR. NEVILLE: Now, there was a joint
23 investigation going -- not joint as in working together but
24 sort of parallel investigations -- Dupuis and Genier for
25 the OPP, you for Cornwall?

1 **MR. CARROLL:** That's right.

2 **MR. NEVILLE:** Sharing back and forth and we
3 see meetings.

4 **MR. CARROLL:** That's right.

5 **MR. NEVILLE:** All right. Now, including a
6 meeting on the 23rd of July that I've just touched upon.

7 Could I have the witness referred,
8 Commissioner, to Document 710934?

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

10 **MR. NEVILLE:** The database, just while
11 you're waiting, Commissioner, doesn't appear to identify
12 the actual author, but from its contents it's clearly an
13 OPP chronology of the same case, and I understand it was
14 prepared by either or both of Dupuis and Genier and you'll
15 see from the content.

16 **THE COMMISSIONER:** Okay.

17 Exhibit Number 1712 is a document entitled
18 "Chronology" and the first date is April 12th, 1995.

19 **--- EXHIBIT NO./PIÈCE NO. P-1712:**

20 (710934) - Chronology re: Lalonde

21 **MR. NEVILLE:** One-seven-one-two (1712),
22 Commissioner?

23 **THE COMMISSIONER:** One-seven-one-two (1712),
24 yes.

25 **MR. NEVILLE:** Thank you.

1 Have you been provided at some point to
2 prepare with this document?

3 **MR. CARROLL:** I believe I was.

4 **MR. NEVILLE:** Okay. All I want to refer you
5 to is the last page, which would be page 2 of the
6 chronology, and I want to refer you to the entry of July
7 16th, '02, which is a week before the July 23rd meeting at
8 your station with the OPP.

9 It reads:

10 "Detective Constable Genier interviews
11 ex-wife Judy Lalonde. She advises that
12 Albert never talked about abuse until
13 he spoke with a person by the name of
14 John. Last name is not known."

15 Were you advised of that interview result?

16 **MR. CARROLL:** I -- well, I learned of it
17 when I looked at this document, but any further details
18 from that interview I didn't have.

19 **MR. NEVILLE:** Okay. So you don't recall
20 being advised of it, for example, as part of the meeting on
21 the 23rd, about a week after the apparent interview?

22 **MR. CARROLL:** I don't believe it came up at
23 that interview. It was just more an exchange of
24 information that took place on the 23rd.

25 **MR. NEVILLE:** All right. We're going to

1 hear from OPP personnel later.

2 The significance I'm going to suggest is
3 this. From your investigation and previous statements that
4 we touched upon with the OPP, Mr. Lalonde claims that he
5 had this flashback recovery of being abused while watching
6 a television show with his wife?

7 **MR. CARROLL:** Yes.

8 **MR. NEVILLE:** And said to her when he saw
9 Father Charles' picture on the screen, "That's the man that
10 abused me" and it went from there; right?

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

12 **MR. NEVILLE:** And it would appear, as part
13 of the parallel investigation by the OPP, that they
14 interviewed the wife who was told no such thing.

15 Now, you knew that the ---

16 **THE COMMISSIONER:** Sorry, say again?

17 **MR. NEVILLE:** That she says Albert never
18 talked to her about abuse.

19 **THE COMMISSIONER:** No. He says never talked
20 to me about abuse?

21 **MR. NEVILLE:** Until he spoke of the person
22 named John.

23 **THE COMMISSIONER:** A person by the name
24 John.

25 **MR. NEVILLE:** Right.

1 **THE COMMISSIONER:** So query when was that?

2 **MR. NEVILLE:** Well, I can take you to the
3 statement, Commissioner, if you want but it's not a
4 document that was in anybody's notice but I can give you
5 the number if you want to see on the screen. It's the
6 interview by her -- of her by Genier on the 16th of July,
7 and the "John", sir, is John MacDonald.

8 **THE COMMISSIONER:** And ---

9 **MR. NEVILLE:** You'll learn that eventually.
10 We can do it today but ---

11 **THE COMMISSIONER:** Okay. We'll learn it
12 eventually.

13 **MR. NEVILLE:** I can assure you, you will.
14 I've looked at it and it's -- if you put it all together,
15 then you'll see other references, sir, that ---

16 **THE COMMISSIONER:** Okay.

17 **MR. NEVILLE:** And maybe I'll have the
18 Sergeant confirm it in any event.

19 Even from your interviews and other
20 materials you have collected prior to the brief to
21 McConnery, you learned that one of the people in contact
22 with Albert was a person named John MacDonald. In fact,
23 Derochie told you that and we referred to that?

24 **MR. CARROLL:** Yes, sir.

25 **MR. NEVILLE:** All right. So this piece of

1 evidence about the wife, you didn't even know that when you
2 sent off the brief to McConnery?

3 MR. CARROLL: No, I didn't.

4 MR. NEVILLE: Okay.

5 Now, can we look then briefly at Exhibit
6 1702?

7 MR. CARROLL: Okay.

8 MR. NEVILLE: This is your actual cover
9 letter with the package for Mr. McConnery?

10 MR. CARROLL: That's correct.

11 MR. NEVILLE: Now, one of the issues that
12 came up during your evidence in-chief was whether you
13 sought any opinion from him about the concept known as
14 reasonable prospect of conviction. And you understand I
15 take it, that that's a different concept than reasonable
16 and probable grounds to charge; they are different things,
17 right?

18 MR. CARROLL: Yes, sir, they are.

19 MR. NEVILLE: And if we look at your letter,
20 the closing sentence, the second-last from the bottom, the
21 opinion you seek from him is as, to use short form, RPG.

22 MR. CARROLL: That's right.

23 MR. NEVILLE: You're not asking his personal
24 opinion about reasonable prospect of conviction.

25 THE COMMISSIONER: Just a minute, the before

1 last paragraph talks about the reasonableness of charging.

2 MR. NEVILLE: Yes, of charge.

3 THE COMMISSIONER: Yeah.

4 MR. NEVILLE: Which I took to mean laying a
5 charge.

6 THE COMMISSIONER: Yeah.

7 MR. NEVILLE: I'll get to the other concept
8 shortly, Commissioner, because it comes up in actual
9 conversation between the witness and McConnery later.

10 THE COMMISSIONER: Right, well, okay.

11 MR. NEVILLE: I'm just asking whether -- all
12 I want to ask the witness is when you put this in your
13 letter, are you asking him to address your concern about
14 RPG?

15 THE COMMISSIONER: Or how about this way;
16 what did you mean by reasonableness of charging.

17 MR. NEVILLE: Good. Very good question.

18 THE COMMISSIONER: Thank you.

19 (LAUGHTER/RIRES)

20 THE COMMISSIONER: It's not as leading as
21 yours but -- what did you think of that? What did you mean
22 -- what did you mean when you said "I'm seeking your advice
23 on the reasonableness of charging at this time"?

24 MR. CARROLL: I'm -- in my own mind I feel I
25 don't have the grounds to lay the charge.

1 **THE COMMISSIONER:** Right.

2 **MR. CARROLL:** In writing this letter maybe I
3 didn't articulate that clearly in there. However, as it
4 closes off, I'm seeking his advice with respect to how
5 reasonable this is at this time.

6 **THE COMMISSIONER:** Okay.

7 **MR. NEVILLE:** Now, we'll come to entries in
8 your notes in a minute where actually you and he have a
9 discussion about both topics; RPG and the reasonable
10 prospects of conviction; right?

11 **MR. CARROLL:** Yes.

12 **MR. NEVILLE:** Because you do speak with him
13 about it later.

14 **MR. CARROLL:** We speak and yes,
15 correspondence is exchanged.

16 **MR. NEVILLE:** Yes, right. Now, so we've
17 already touched on the content but you send him -- you make
18 very specific reference in the second paragraph and I'm
19 going to suggest you did it for a very important reason.

20 You provide -- you refer to your interview
21 with Dr. Clement, you also refer to Dr. Richter's records,
22 both of which you give him; right?

23 **MR. CARROLL:** That's correct.

24 **MR. NEVILLE:** And you say this:

25 "Mr. Lalonde claimed he disclosed much

1 of what happened to him to Dr. Clement
2 and a psychiatrist named Mr. Richter,
3 who Dr. Clement referred him to."

4 Now, we've looked at the Richter notes in
5 some detail; we've looked at your interview with Clement
6 and the bottom line is Mr. Lalonde never identifies Father
7 MacDonald.

8 MR. CARROLL: That's correct.

9 MR. NEVILLE: And that's what you're
10 signalling to him in this letter.

11 MR. CARROLL: That's correct.

12 MR. NEVILLE: Now, you're not telling him,
13 you're letting this experienced prosecutor read it for
14 himself is what I'm suggesting?

15 MR. CARROLL: Yes, sir.

16 MR. NEVILLE: This is what you were looking
17 for, you're highlighting it for him.

18 MR. CARROLL: Yeah, I'll agree with you with
19 that.

20 MR. NEVILLE: Sure. It was a big point,
21 wasn't it?

22 MR. CARROLL: I wanted him to be aware of --
23 just something that I thought was very, very key in this
24 package and ---

25 MR. NEVILLE: Right.

1 MR. CARROLL: --- I left it to him to do.

2 MR. NEVILLE: Fair enough. Can we go back
3 to your notes then, Exhibit 1693, page 820.

4 Your entry at the top of the page is the 12th
5 of August. You provide Albert with an update that you're
6 waiting for the Crown opinion.

7 MR. CARROLL: That's right.

8 MR. NEVILLE: September 6th you speak to Mr.
9 McConnery who needs more time; 1500, September 6th.

10 MR. CARROLL: Yes.

11 MR. NEVILLE: He has not fully reviewed all
12 materials as of yet, expects a couple of more weeks; have
13 you found that?

14 MR. CARROLL: That's right.

15 MR. NEVILLE: Okay. You then advise Albert
16 of that; at 1520.

17 MR. CARROLL: That's correct.

18 MR. NEVILLE: And less than half an hour
19 later you get a call from Mr. Nadeau, were you surprised?

20 MR. CARROLL: Yes and no.

21 MR. NEVILLE: You knew, I suggest, that Mr.
22 Nadeau was keeping an eye on this one, didn't you?

23 MR. CARROLL: I had had concern ---

24 MR. NEVILLE: Sure.

25 MR. CARROLL: --- from the first day.

1 **MR. NEVILLE:** You knew he might be the
2 initiator and you knew he was monitoring.

3 **MR. CARROLL:** I knew there was some
4 involvement there. Exactly what label I was willing to
5 attach at it, I'm not sure if I decided that far but I knew
6 he was involved.

7 **MR. NEVILLE:** All right. Let's look at the
8 next page, 821, it's the 15th of November and this is your
9 actual teleconference with Mr. McConnery.

10 It would appear that he left a message for
11 you; right?

12 **MR. CARROLL:** That's right.

13 **MR. NEVILLE:** So -- and here's what you've
14 recorded: "He advises he has reviewed entire file."

15 Now, stopping there, you were aware of
16 course, I take it, that not only were you sending a package
17 so were the OPP?

18 **MR. CARROLL:** I knew that the two would
19 eventually meet up in Mr. McConnery's office.

20 **MR. NEVILLE:** Okay and we're going to see
21 something consistent with that in a minute.

22 "He has reviewed entire file and feels
23 that this matter has been reviewed, not
24 only in the past by investigators but
25 by Crowns and R and PG not present."

1 So there's the first issue that was
2 uppermost in your mind; right?

3 **MR. CARROLL:** That's correct.

4 **MR. NEVILLE:** Let's look at the next entry:

5 "Feels [that is he] likelihood of
6 conviction non-existent."

7 Was that his words "non-existent"?

8 **MR. CARROLL:** I'm not sure if they're his
9 words or the way that I entered the notes but the point was
10 clear to me that as far as I was concerned he has told me
11 that he agreed with my decision, that R and PG wasn't there
12 and there was no prospect of a conviction.

13 **MR. NEVILLE:** All right.

14 **MR. CARROLL:** It was the message that I was
15 getting.

16 **MR. NEVILLE:** And the next entry would
17 appear to confirm a similar opinion to the OPP, having
18 reviewed their material?

19 **MR. CARROLL:** That's correct.

20 **MR. NEVILLE:** All right. Now, we then have
21 -- and he tells you he will send a confirming letter.

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

23 **MR. NEVILLE:** All right. And we know it
24 took a while but you get that in early January.

25 **THE COMMISSIONER:** He did say next week but.

1 **MR. NEVILLE:** I agree with you, sir, next
2 week.

3 At 9:20 you then update Sergeant -- Staff
4 Sergeant Derochie; right?

5 **MR. CARROLL:** That's right.

6 **MR. NEVILLE:** All right. Then we have an
7 entry at the bottom of the page. Three days later you are
8 in discussion, I don't know whether it's by phone or in
9 person, with Detective Dupuis, OPP.

10 He confirms he has received a similar
11 opinion from Mr. McConnery.

12 **MR. CARROLL:** Okay.

13 **MR. NEVILLE:** Yes?

14 **MR. CARROLL:** Yes.

15 **MR. NEVILLE:** And it looks like at that
16 point there's some suggestion of possibly meeting with
17 Albert when the Crown's written opinion comes in.

18 **MR. CARROLL:** That's right.

19 **MR. NEVILLE:** All right. Next page, we have
20 an entry on the 8th of January where he advises you -- this
21 is McConnery -- his opinion will be mailed that week;
22 right?

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

24 **MR. NEVILLE:** And then your next entry --
25 and in fact, if we look at Exhibit 1704, his letter, your

1 next reference is 12 days later but his letter bears the
2 date January 8th, corresponding with your phone call.

3 MR. CARROLL: That's correct.

4 MR. NEVILLE: Right?

5 MR. CARROLL: Yes.

6 MR. NEVILLE: All right. You then
7 obviously, and I'm not sure when it is the letter gets
8 there but certainly your next entry is the 20th of January;
9 you've got the document and you review its contents with
10 Staff Sergeant Derochie.

11 MR. CARROLL: That's correct.

12 MR. NEVILLE: The next entry is contact by
13 phone with Albert Lalonde, January 21st; right?

14 MR. CARROLL: Yes.

15 MR. NEVILLE: And you tell him that there
16 are insufficient grounds to lay a charge; right?

17 MR. CARROLL: Yes.

18 MR. NEVILLE: And in fact what you tell him
19 is, you personally had insufficient grounds and that that
20 had been reviewed and confirmed by a Crown?

21 MR. CARROLL: That's right.

22 MR. NEVILLE: All right. Then he wanted to
23 know why; right?

24 MR. CARROLL: That's correct.

25 MR. NEVILLE: And you said the following:

1 "I cited identification not until it
2 was seen on the news..."

3 And this is the famous TV news flashback.

4 **MR. CARROLL:** That's right.

5 **MR. NEVILLE:** Okay.

6 "...and no disclosure for some time
7 while in therapy."

8 And this is the absent identification to
9 either or both of Clement and Richter; right?

10 **MR. CARROLL:** That's right.

11 **MR. NEVILLE:** "Advised him my decision was
12 based on an objective standard on what
13 I felt I could prove in court and he
14 asked for copies."

15 **MR. CARROLL:** That's right.

16 **MR. NEVILLE:** And then you -- at the next
17 entry at the bottom, confirm to Staff Sergeant Derochie
18 your contact with Mr. Lalonde.

19 **MR. CARROLL:** That's right.

20 **MR. NEVILLE:** Now, this whole question of
21 identification, because it comes up in your conversation
22 with McConnery and here, I'm going to suggest is really a
23 little different than the normal concern about
24 identification, for example, the fleeting glimpse or
25 somebody who doesn't do very well at a line-up, right?

1 **MR. CARROLL:** That's right.

2 **MR. NEVILLE:** What we're talking about here
3 is his -- there's no dispute, I'm going to suggest to you,
4 that Albert Lalonde knew who Father MacDonald was to see
5 him.

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

7 **MR. NEVILLE:** He'd even said he had some of
8 his children baptized by him.

9 **MR. CARROLL:** I recall that.

10 **MR. NEVILLE:** Sure.

11 So the question wasn't being able to say
12 that's Father MacDonald and point to a human being. The
13 question was he never said it at the appropriate time.

14 **MR. CARROLL:** That's right.

15 **MR. NEVILLE:** So that's what people are
16 talking about with the notion "identification," right?

17 **MR. CARROLL:** That's right.

18 **MR. NEVILLE:** Now, I'm going to suggest to
19 you, as I believe you said in-chief and I want to confirm I
20 heard you correctly, that as you got to the point of
21 seeking the opinion of a Crown, you were concerned in your
22 mind whether you had reasonable and probable grounds to
23 believe in your own mind, subjectively, that an offence
24 even happened, let alone by whom?

25 **MR. CARROLL:** I was wrestling with both --

1 -

2 MR. NEVILLE: Right. Both, right?

3 MR. CARROLL: Yes.

4 THE COMMISSIONER: Mr. Lee, your time
5 estimate record is now intact in the sense that Mr. Neville
6 has taken over that.

7 MR. LEE: That's a load off, sir.

8 MR. NEVILLE: I just wanted to turn just
9 briefly -- one of the issues that came up -- and I'm just
10 going to refer you very quickly, if I could, Sergeant, to
11 your taped interview with Mr. Lalonde on the 17th of May.

12 Commissioner, 1691 is the exhibit number.

13 THE COMMISSIONER: Yeah. Do you have an
14 idea of how much longer, another half hour?

15 MR. NEVILLE: If that, sir.

16 THE COMMISSIONER: That's fine.

17 MR. NEVILLE: You have it there ---

18 THE COMMISSIONER: Yes, I do.

19 MR. NEVILLE: --- Sergeant?

20 MR. CARROLL: I've got it.

21 THE COMMISSIONER: Sorry, 1691? Yeah. It's
22 on the screen.

23 MR. NEVILLE: Now, one of the issues that
24 came up was the question of the possible -- the date of the
25 alleged third incident at the church -- incident number

1 three at the church and its connection to a wedding.

2 MR. CARROLL: That's correct.

3 MR. NEVILLE: And if I can refer you to --
4 and I'm using the numbers, Commissioner, at the bottom
5 right just because they're easier -- page 7.

6 MR. CARROLL: Okay. I'm there.

7 MR. NEVILLE: Are you there?

8 MR. CARROLL: Yes.

9 MR. NEVILLE: The date that he appears to --
10 he says at this point in the interview that he had been
11 given, by calling someone -- it looks like he spoke to this
12 Mickey Tessier -- was the date of October the 2nd, 1974.

13 MR. CARROLL: That's right.

14 MR. NEVILLE: Okay. Now, if we go to page
15 26 of the same tape, you return to the topic, and in fact,
16 if we look -- sorry, before I go there, if you just go --
17 if you have your finger at page 7, turn to page 8. You
18 come back to the question of the date at the top of the
19 page. You say:

20 "Take me back to October 2nd, 1974."

21 Right? And then we go to page 26. Do you
22 have 26, using the right-hand corner numbers?

23 MR. CARROLL: Yes, I've got it.

24 MR. NEVILLE: The date now seems to have
25 become October 2nd, 1971. Do you see that?

1 **MR. CARROLL:** That's right.

2 **MR. NEVILLE:** Did that ever get straightened
3 out to your satisfaction whether it was '71 or '74?

4 **MR. CARROLL:** I'm not exactly sure. I know
5 that I managed to get the wedding picture from Mr. Tessier.

6 **MR. NEVILLE:** Right.

7 **MR. CARROLL:** I'm pretty sure, in speaking
8 to him, I straightened out the exact date and my
9 conversation with him I'm sure is in my notes, because I do
10 remember speaking to Mr. Tessier about ---

11 **MR. NEVILLE:** Were you able to determine
12 whether it was '71 or '74?

13 **MR. CARROLL:** I would have to go back into
14 my notes, but I'm sure I did.

15 **MR. NEVILLE:** All right. Well, I don't want
16 to take up time.

17 But you feel you did something to straighten
18 it out?

19 **MR. CARROLL:** I straightened it out with Mr.
20 Tessier.

21 **MR. NEVILLE:** All right. That's fine.

22 Now, can you agree with me, sir -- and if we
23 look at page 37 of this tape, you ask him at the top of
24 that page about his contacts with Perry Dunlop, right?

25 **MR. CARROLL:** That's right.

1 **MR. NEVILLE:** If we look down to the last
2 full paragraph by the initial "L" for Lalonde, he advises
3 you that the person who put him in contact with John
4 MacDonald was Perry Dunlop.

5 **MR. CARROLL:** That's right.

6 **MR. NEVILLE:** Now, you were referred to the
7 statement that Mr. Chisholm had produced, Exhibit 697?

8 **MR. CARROLL:** Yes, I was.

9 **MR. NEVILLE:** Do you have that available to
10 you?

11 **MR. CARROLL:** I don't think I have that book
12 in front of me anymore.

13 **MR. NEVILLE:** Six-nine-seven (697), Mr.
14 Commissioner.

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

16 **MR. CARROLL:** Okay. I have that.

17 **MR. NEVILLE:** Okay. And the date at the top
18 of the document, which may or may not be the starting date
19 of it, is April 9th, 2002, about five weeks before you see
20 Albert Lalonde, right?

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

22 **MR. NEVILLE:** But the completion date, if we
23 can take it as such, and if look at the last page, page 7 -
24 --

25 **THE COMMISSIONER:** April 26th.

1 **MR. NEVILLE:** --- "may be April 26th."

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

3 **MR. NEVILLE:** Right? All right.

4 And if we just go back, if you could, for a
5 moment with me, now, this is a statement that started about
6 five weeks before your first interview of Mr. Lalonde and
7 may or may not have been completed about three weeks before
8 you see him, so a very short time before. And he purports
9 to address some of the same allegations, does he not?

10 **MR. CARROLL:** Yes, he does.

11 **MR. NEVILLE:** Okay. And if you look at the
12 bottom of what's numbered as page 2, do you have it?

13 **MR. CARROLL:** Yes.

14 **MR. NEVILLE:** He talks about what would be,
15 from your interview standpoint, the trip to Avonmore area,
16 at the bottom of the page?

17 **MR. CARROLL:** That's right.

18 **MR. NEVILLE:** And he says in this version:

19 "This is also one of the days that he
20 took me for a ride to what I think was
21 Centennial Park on the Avonmore Road."

22 Right?

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

24 **MR. NEVILLE:** If you look at the top of the
25 next page -- are you there?

1 MR. CARROLL: Yeah.

2 MR. NEVILLE: Okay. He describes a sexual
3 act, an attempt at a sexual act at the top of the page,
4 right?

5 MR. CARROLL: That's right.

6 MR. NEVILLE: And then says:

7 "It wasn't till the next time that he
8 actually penetrated in me."

9 Right?

10 MR. CARROLL: That's right.

11 MR. NEVILLE: And then the second-last
12 paragraph from the bottom, he writes:

13 "I think we went to this park two to
14 three times."

15 Now, that's not consistent with the version
16 you get three weeks later.

17 MR. CARROLL: They're a little different.

18 MR. NEVILLE: More than a little.

19 MR. CARROLL: Well, they're -- there's
20 differences.

21 MR. NEVILLE: And this was a document you
22 eventually got your hands on, as we've seen from your
23 notes?

24 MR. CARROLL: That's right.

25 MR. NEVILLE: Was this a document that you

1 sent on to Mr. McConnery?

2 MR. CARROLL: I believe this was in the
3 package as well.

4 MR. NEVILLE: That's what I was asking.

5 MR. CARROLL: I tried to compile as many of
6 the articles together ---

7 MR. NEVILLE: Right.

8 MR. CARROLL: --- as I could.

9 MR. NEVILLE: So when Mr. McConnery gave you
10 orally and in writing the opinion he did, he had a great
11 many documents, including all of these that I've reviewed
12 today, including the last one?

13 MR. CARROLL: Yes. And I think he had
14 exposure to this file previously, so this wasn't completely
15 foreign to him.

16 MR. NEVILLE: Right. Well, in fact it
17 would appear that when Mr. McConnery was here in early May
18 of '02, when this all started, as the Crown on the
19 MacDonald case, he was approached by somebody on behalf of
20 Albert Lalonde. Do you recall reading something like that?

21 MR. CARROLL: M'hm, I recall something like
22 that. Where it came from I'm not sure, but I recall ---

23 MR. NEVILLE: Okay, there's some references
24 that suggest that it may have been his brother, Albert's
25 brother.

1 **MR. CARROLL:** Okay.

2 **MR. NEVILLE:** Do you recall anything like
3 that?

4 **MR. CARROLL:** In fact, I think it was
5 Albert's brother that -- that mentioned that to me now that
6 you mention the brother.

7 **MR. NEVILLE:** Right. And that's the same
8 episode as one other counsel -- and this document that I've
9 just discussed with you from Mr. Carson Chisholm would
10 appear to be the same document that Mr. Chisholm -- Carson
11 Chisholm is putting on CJOH television during Charles
12 MacDonald's trial; right?

13 **MR. CARROLL:** I wasn't aware of anything
14 being put on CJOH at that time, but ---

15 **THE COMMISSIONER:** Well, was it -- and I
16 don't know what you mean. Was it brandished like this or
17 was it put up on the TV screen?

18 **MR. NEVILLE:** I'm going by Sergeant
19 Derochie's notes, Commissioner ---

20 **THE COMMISSIONER:** So ---

21 **MR. NEVILLE:** Right, I agree with you. He
22 was showing it and the Sergeant seemed to know what it was,
23 so I just leave it at that, sir.

24 **THE COMMISSIONER:** Yes, I think so.

25 **MR. NEVILLE:** And you learned from your

1 interview with Mr. Nadeau that just prior to Albert coming
2 in for that April -- for that May 17th interview, Mr.
3 Chisholm was actively involved, just before; right?

4 **MR. CARROLL:** That's right.

5 **MR. NEVILLE:** And Mr. Nadeau was involved
6 just before?

7 **MR. CARROLL:** That's right.

8 **MR. NEVILLE:** Right.

9 Those are my questions. Thank you.

10 **THE COMMISSIONER:** Thank you.

11 We'll continue tomorrow at 9:30.

12 **THE REGISTRAR:** Order, all rise. A l'ordre,
13 veuillez vous lever.

14 This hearing is adjourned until tomorrow
15 morning at 9:30 a.m.

16 --- Upon adjourning at 5:36 p.m. /

17 L'audience est ajournee a 17h36

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

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM