

**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 206

Held at :

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

Friday, March 7 2008

Tenue à:

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

Vendredi, le 7 mars 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Janie Larocque Ms. Mary Simms	Commission Counsel
Mr. Mark Crane Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action

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1 --- Upon commencing at 9:33 a.m./

2 L'audience débute à 9h33

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session. The Honourable Mr.
5 Justice Normand Glaude, Commissioner, presiding.

6 Please be seated. Veuillez vous asseoir.

7 **GARRY DEROCHIE, Resumed/Sous le même serment:**

8 **THE COMMISSIONER:** Thank you.

9 Good morning, all. Good morning, Mr.

10 Derochie.

11 **MR. DEROCHIE:** Good morning.

12 **THE COMMISSIONER:** Mr. Engelmann.

13 ---**EXAMINATION IN CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
14 **ENGELMANN (C'ont/Suite):**

15 **MR. ENGELMANN:** Good morning, sir. I need
16 just a minute if I can.

17 Good morning, Staff Sgt. Derochie.

18 **MR. DEROCHIE:** Good morning, Mr. Engelmann.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. ENGELMANN:** Staff Sergeant Derochie,
21 when we left off yesterday we had talked a little bit about
22 a report from 1990 ---

23 **MR. DEROCHIE:** Yes.

24 **MR. ENGELMANN:** --- that you and other staff
25 sergeants and other senior officers had tabled.

1 **MR. DEROCHIE:** Yes, that's right.

2 **MR. ENGELMANN:** And you talked about how
3 unusual or extraordinary that whole action was.

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** You also talked about how
6 you believed that the follow-up was -- I can't remember
7 your exact words but you thought that it was a good
8 response.

9 **MR. DEROCHIE:** Yes, there was a good result
10 from that whole experience.

11 **MR. ENGELMANN:** All right. And that was
12 because you thought that the strategic plan that went
13 forward from that day on was useful?

14 **MR. DEROCHIE:** Yes, it set a course. It set
15 a -- it created a situation where we came to an
16 understanding with regards to our roles and how we would
17 function.

18 **MR. ENGELMANN:** And if I remember correctly,
19 you said that that process was an ongoing process for some
20 time?

21 **MR. DEROCHIE:** It was to be an ongoing
22 process for some time.

23 **MR. ENGELMANN:** Did it ---

24 **MR. DEROCHIE:** I'm sorry; it was supposed to
25 be the new direction that we were going to go into.

1 **MR. ENGELMANN:** Did it actually continue,
2 sir?

3 **MR. DEROCHIE:** It went on for a period of
4 time and I don't know exactly how long it went on, but my
5 sense is after some time -- and I don't know if it would be
6 a matter of a year or two years -- I don't recall it being
7 an active process.

8 **MR. ENGELMANN:** All right.
9 The consultant was someone by the name of
10 Suzanne McGlashan?

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

12 **MR. ENGELMANN:** And she was retained some
13 time later -- some time during 1990 to get this going?

14 **MR. DEROCHIE:** That's correct, yes.

15 **MR. ENGELMANN:** Because your report was in
16 March ---

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** --- and April, and then, as
19 I understand it, she worked with the Board and the service
20 later in the fall?

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** All right.

23 Now, there was a follow-up visit, as I
24 understand it, sometime in 1991 and at that point in time
25 the Service had not retained her to do any ongoing work.

1 Do you recall that, sir?

2 MR. DEROCHIE: I don't recall -- I don't
3 recall the point in time when it was no longer an active
4 process.

5 MR. ENGELMANN: All right.

6 MR. DEROCHIE: But it sounds -- that may
7 well be right.

8 MR. ENGELMANN: Were you aware that there
9 were external reviews done of the Cornwall Police Service
10 in both 1990 and 1993?

11 MR. DEROCHIE: Oh, yes, and before that
12 time.

13 MR. ENGELMANN: All right.

14 And these were reviews done by a provincial
15 regulatory body?

16 MR. DEROCHIE: By Policing Services, yes.

17 MR. ENGELMANN: All right.

18 And, sir, were you aware that at least by
19 the time of the 1993 inspection the auditors were somewhat
20 concerned about the fact that the strategic planning
21 process was not ongoing ---

22 MR. DEROCHIE: Yes.

23 MR. ENGELMANN: --- and that they
24 recommended that it be reinstated?

25 MR. DEROCHIE: Yes, I recall that.

1 **MR. ENGELMANN:** Was it reinstated, to your
2 knowledge?

3 **MR. DEROCHIE:** Not that I recall.

4 **MR. ENGELMANN:** So, sir, some of that
5 momentum you talked about as a response to the Staff
6 Sergeant/Senior Officers Report to engage in the strategic
7 planning seems to have been somewhat short lived.

8 **MR. DEROCHIE:** Yes, I think that's a fair
9 statement.

10 **MR. ENGELMANN:** All right.

11 Sir, I'd like to ask you some questions
12 about matters that arose involving the son of a former
13 police chief.

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** The former police chief was
16 Earl Landry, Sr.

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

18 **MR. ENGELMANN:** And his son ended up being
19 charged and then convicted of several counts of sexual
20 abuse, sexual assault on children here in Cornwall.

21 **MR. DEROCHIE:** On children, yes.

22 **MR. ENGELMANN:** Some of them were fairly
23 young as well.

24 **MR. DEROCHIE:** Yes, they were definitely
25 children. It's very ---

1 **MR. ENGELMANN:** They were from -- ranged
2 from maybe eight to 13 or 14 years of age.

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** Sir, I understand that an
5 initial complaint of sexual assault or sexual abuse was
6 brought to the attention of the Cornwall Police Service in
7 or around 1985?

8 **MR. DEROCHIE:** June of '85, yes, I believe.

9 **MR. ENGELMANN:** And that subsequently an
10 allegation of historical sexual abuse was brought to the
11 attention of the CPS in 1993?

12 **MR. DEROCHIE:** Yes.

13 **MR. ENGELMANN:** And that would have been to
14 Staff Sergeant Brunet?

15 **MR. DEROCHIE:** Yes.

16 **MR. ENGELMANN:** And that in January of 1996
17 a further complaint was filed with the CPS with respect to
18 allegations of historical sexual abuse?

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

20 **MR. ENGELMANN:** After that, further
21 complaints and investigations ensued culminating in Earl
22 Landry, Jr.'s guilty plea for sexually abusing five youths
23 in November of 1999?

24 **MR. DEROCHIE:** Correct.

25 **MR. ENGELMANN:** And, sir, I understand that

1 your involvement in this matter deals with two internal CPS
2 investigations relating to Earl Landry, Jr.?

3 **MR. DEROCHIE:** Yes, that's correct.

4 **MR. ENGELMANN:** The first was an
5 administrative review that you conducted in the year 1999?

6 **MR. DEROCHIE:** Correct.

7 **MR. ENGELMANN:** And the second was an
8 investigation into possible criminal allegations involving
9 the CPS and its former chief in the years 2000 to 2002
10 approximately?

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** Now, I want to ask you,
13 prior to the commencement of the first investigation -- in
14 other words the administrative review -- did you have any
15 previous involvement in CPS investigations into allegations
16 against Earl Landry, Jr.?

17 **MR. DEROCHIE:** No.

18 **MR. ENGELMANN:** Did you have any previous
19 knowledge of CPS investigations into Earl Landry, Jr.
20 before you were assigned the administrative review in 1999?

21 **MR. DEROCHIE:** I don't believe so.

22 **MR. ENGELMANN:** All right.

23 Because you've told us when you were tasked
24 with the Silmsler matter on October 7th of 1993 that you
25 didn't even know he was -- you didn't know anything about

1 his complaint at all.

2 MR. DEROCHIE: I didn't recall. If I had
3 heard something it hadn't stuck with me. I had no
4 knowledge of it.

5 MR. ENGELMANN: Okay. We're back to Landry,
6 Jr.

7 MR. DEROCHIE: Yes -- oh, Landry, Jr.?

8 MR. ENGELMANN: Yeah, you clearly told us
9 with Silmsler that you didn't know anything ---

10 MR. DEROCHIE: No.

11 MR. ENGELMANN: --- before October 7th.

12 MR. DEROCHIE: No.

13 MR. ENGELMANN: I'm wondering if it was the
14 same with Landry, Jr. that when you read that article that
15 sort of triggered this thing did you really know anything
16 about ---

17 MR. DEROCHIE: Oh, I think ---

18 MR. ENGELMANN: --- these allegations?

19 MR. DEROCHIE: Oh, I think in -- when it was
20 brought to my attention in 1989 I would have known at that
21 point. I would have probably known the whole history or
22 had heard some bits and pieces of the whole history, but in
23 1985 I had no knowledge.

24 MR. ENGELMANN: All right.

25 THE COMMISSIONER: But you said 1989.

1 **MR. ENGELMANN:** Yeah, I think you meant '99,
2 sir.

3 **MR. DEROCHIE:** Ninety-nine (99), I'm sorry.

4 **THE COMMISSIONER:** Right. Okay.

5 **MR. ENGELMANN:** So you had no knowledge in
6 '85; you had no knowledge in '93, but by the time 1999
7 rolled around you would have known that others in your
8 force had been investigating him in either '96, '97, '98,
9 somewhere in there?

10 **MR. DEROCHIE:** I would have had some
11 knowledge of that, yes.

12 **MR. ENGELMANN:** But you wouldn't have
13 reviewed any of those investigations?

14 **MR. DEROCHIE:** No, I never went to them, no.

15 **MR. ENGELMANN:** And, sir, as a result of the
16 1999 administrative review into the force's investigation
17 of the Earl Landry, Jr. matter, did you prepare a formal
18 report of your findings?

19 **MR. DEROCHIE:** I did.

20 **MR. ENGELMANN:** Madam Clerk, if the witness
21 could be shown document number 731791.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **THE COMMISSIONER:** Yes, thank you, Exhibit
24 No. 1348, Internal Correspondence to Chief Repa from Staff
25 Sergeant Garry Derochie December 8, 1999 -- 1348.

1 --- EXHIBIT NO./PIÈCE NO. P-1348:

2 (731791) Internal correspondence from Garry
3 Derochie to Chief A. Repa - 08 Dec 99

4 **MR. ENGELMANN:** Mr. Commissioner, there are
5 five confirmed victims in this case.

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

7 **MR. ENGELMANN:** One or more of their names
8 appears in an Appendix 21348. They are all the subject
9 matter of a criminal publication ban as a result of those
10 criminal proceedings. I proposed, in order to deal with
11 matters efficiently this morning and knowing some counsel
12 want to beat a storm this afternoon that perhaps when we
13 break with Mr. Derochie's evidence later on that we go in
14 camera, I will be seeking monikers for all of these five
15 confirmed victims. I have advised counsel through email
16 last night of their names and proposed moniker numbers and
17 I propose that we do it in that fashion.

18 **THE COMMISSIONER:** All right.

19 Is there any objections or concerns that
20 these names be -- well, I don't know that there can be an
21 objection. I mean, there is an outstanding 46 sub 3
22 protection under the Criminal Code. So anybody have any
23 comments? No.

24 Fine. So what we will do is after we are
25 finished this morning I will reconvene in camera and we

1 will officially give those people their monikers and you
2 can have a copy of the transcript later on to read on your
3 way home.

4 **MR. ENGELMANN:** Thank you. Of course people
5 -- counsel are welcome to stay.

6 **THE COMMISSIONER:** Of course, of course they
7 are welcome to stay.

8 **MR. ENGELMANN:** And sir, I understand in
9 addition to your report you have some dedicated notes with
10 respect to this administrative review; is that correct?

11 **MR. DEROCHIE:** I have notes, yes.

12 **MR. ENGELMANN:** And sir, I'd like to have
13 the witness have a look at Document Number 740553.

14 **THE COMMISSIONER:** Okay, Exhibit No. 1349
15 are notes, a police officer's notes, and the first entry is
16 dated the 31st of August, '99.

17 --- **EXHIBIT NO./PIÈCE NO. P-1349:**

18 (740553) Notes of Garry Derochie - 31 Aug 99
19 to 08 Dec 00

20 **MR. ENGELMANN:** Sir, these are your notes
21 that you took during the administrative review?

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

23 **MR. ENGELMANN:** All right.

24 So just to confirm again, we have gone
25 through this period of time when we were dealing with the

1 Dunlop ongoing issues. We are in the fall or late summer
2 of 1999, just to confirm you are the Professional Standards
3 officer for the Force?

4 MR. DEROCHIE: That's correct.

5 MR. ENGELMANN: All right.

6 And you are apparently reading the local
7 paper?

8 MR. DEROCHIE: I am, yes.

9 MR. ENGELMANN: And something comes to your
10 attention?

11 MR. DEROCHIE: Yes.

12 MR. ENGELMANN: Can you just describe for us
13 what it is that concerns you on August 31st, 1999?

14 MR. DEROCHIE: There was a media report with
15 regards to the successful conclusion of the prosecution of
16 Earl Landry, Jr. but there was some concerns expressed in
17 the -- or some questions asked, I guess, in the media to
18 the effect that one of the victims had brought forth the
19 allegations to us and that no charges were laid. That
20 would have been previous --previously, and that the Crown
21 attorney at the time was now the defence lawyer. Those
22 were the two main issues that were highlighted in the media
23 that certainly caught my attention as being potentially
24 problematic.

25 MR. ENGELMANN: All right.

1 Let me get a sense, sir. In Professional
2 Standards was one of you -- I know you had many tasks and
3 many different responsibilities and they would increase or
4 decrease depending on the desires of the Chief of the day.

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** Was one of those tasks to
7 sort of monitor comments that were being made about the
8 Force in the community and report back to the Chief if you
9 thought there was something you needed to respond to?

10 **MR. DEROCHIE:** Oh, yes. Certainly, I came
11 to know that that was part of my responsibility to
12 anticipate problems or anticipate issues that we would have
13 to address.

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

15 So these issues that are raised in this
16 article were at least flagged by you because they could
17 reflect negatively on the police service?

18 **MR. DEROCHIE:** Absolutely.

19 **MR. ENGELMANN:** All right.

20 And the article in question, just if we
21 could identify it, if the witness could be shown document
22 number 740346?

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

24 **THE COMMISSIONER:** Thank you, Exhibit No.
25 1350 is a newspaper article dated 31st of August, 1999.

1 And is this from the Cornwall Freeholder?

2 MR. DEROCHIE: It is.

3 THE COMMISSIONER: All right. Thank you.

4 MR. DEROCHIE: That's my notation of the
5 date on the top, it would be from my media file I would
6 suspect.

7 --- EXHIBIT NO./PIÈCE NO. P-1350:

8 (740346) News clipping: "Former city
9 employee pleads guilty to sexual assault of
10 boys" - 31 Aug 99

11 MR. ENGELMANN: All right.

12 So this is the Cornwall Standard Freeholder?

13 MR. DEROCHIE: Yes.

14 MR. ENGELMANN: And sir, had this taken
15 place the day before, presumably, the guilty pleas?

16 MR. DEROCHIE: Yes.

17 MR. ENGELMANN: All right.

18 And it says, for example:

19 "Former city employee and son of a
20 former police chief pleads guilty
21 Monday to sexually abusing five boys.
22 He will be sentenced November 18th."

23 He is held in custody, as I understand it --

24 -

25 MR. DEROCHIE: Yes.

1 **MR. ENGELMANN:** --- pending the sentence.

2 Not only were there those charges, sir, but
3 if you look at the third column apparently there is a
4 reference to the fact that he was also charged with
5 obstructing justice and breach of recognizance after
6 allegedly contacting one of the five victims and asking him
7 to drop the charges?

8 **MR. DEROCHIE:** That's correct.

9 **MR. ENGELMANN:** So that was still
10 outstanding?

11 **MR. DEROCHIE:** I don't know if ---

12 **MR. ENGELMANN:** It says he faces trial in
13 October on those charges?

14 **MR. DEROCHIE:** Quite right; quite right.

15 **MR. ENGELMANN:** All right.

16 You didn't look into that in any way, sir?

17 **MR. DEROCHIE:** No, I was familiar with that.
18 The investigating officer of this particular investigation
19 was Sergeant Snyder.

20 **MR. ENGELMANN:** Okay.

21 **MR. DEROCHIE:** And he had at one point done
22 surveillance on Mr. Landry to make sure that he was
23 complying with his conditions and subsequently had -- one
24 of the victims had come in and tried to withdraw his
25 complaint against Mr. Landry and when Sergeant Snyder

1 pressed him on why he was advised that Mr. Landry had
2 approached him and tried to dissuade him by offering him a
3 computer, it was at the time, if he would not follow
4 through with his charge.

5 MR. ENGELMANN: All right.

6 MR. DEROCHIE: So those were related. Those
7 charges arose from the original investigation.

8 MR. ENGELMANN: And the two -- the two
9 concerns that jumped off the page for you from this article
10 were the fact that one of the victims had first gone to
11 city police with his complaint. At the time police didn't
12 lay any charges?

13 MR. DEROCHIE: Yes.

14 MR. ENGELMANN: And you of course when you
15 are doing the review find out that that had been back in
16 1985?

17 MR. DEROCHIE: That's correct.

18 MR. ENGELMANN: So 14 years earlier?

19 MR. DEROCHIE: Correct.

20 MR. ENGELMANN: And secondly, Johnston,
21 Landry's lawyer who was the Crown attorney for S. D. and G.
22 at the time said he can't recall if police approached him
23 at the time. In other words, can't recall if he had been
24 involved in that matter 14 years previous.

25 MR. DEROCHIE: Yes, and I don't believe he

1 was.

2 **MR. ENGELMANN:** All right.

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

4 **MR. DEROCHIE:** I don't believe he was. I
5 don't believe Mr. Johnston was the Crown that was
6 referenced back then

7 **THE COMMISSIONER:** And on what do you base
8 that belief?

9 **MR. DEROCHIE:** On my subsequent
10 investigation of the administrative review.

11 **THE COMMISSIONER:** So we'll get to there,
12 we'll get to that?

13 **MR. ENGELMANN:** All right.

14 And it says:

15 "Police were looking into the matter
16 when they were contacted on Monday
17 afternoon."

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** So clearly the press was
20 interested whether you brought this to the Chief's
21 attention or not, someone was going to be bringing it to
22 the Chief's attention?

23 **MR. DEROCHIE:** Absolute.

24 The Chief, as I recall, was not in the
25 office that particular day and I knew that when he came

1 back he would want -- he would wants things to have been
2 put in -- in motion, you know, to deal with it.

3 MR. ENGELMANN: And you had a media person,
4 as well, at that time, a Mr. Paquin?

5 MR. DEROCHIE: That's correct.

6 MR. ENGELMANN: All right. Now, in your
7 notes, you indicate -- and I believe this is 31st -- and by
8 the way, are these -- sir, we don't have a cover sheet on
9 these notes like we usually do ---

10 MR. DEROCHIE: No.

11 MR. ENGELMANN: --- to know whether it's a
12 dedicated note or just part of your normal notes.

13 MR. DEROCHIE: No, these are just dedicated
14 notes and -- and I'm being a little bit hypocritical here;
15 I'm using loose-leaf notes in those small binders.

16 MR. ENGELMANN: All right. But this is
17 dedicated to the admin review?

18 MR. DEROCHIE: Yes, it is.

19 MR. ENGELMANN: All right. And you're
20 starting -- you're starting notes even before you meet with
21 the Chief?

22 MR. DEROCHIE: Oh yes.

23 MR. ENGELMANN: All right. In the first
24 page of your note, Bates page 7181133 and then on to the
25 next page, you referenced the fact that you -- you -- the

1 first thing you do is you discuss the article with Staff
2 Sergeant Dupuis?

3 MR. DEROCHIE: Yes.

4 MR. ENGELMANN: And why do you speak with
5 him about this?

6 MR. DEROCHIE: I don't recall. Our -- our
7 offices are next to each other.

8 MR. ENGELMANN: All right.

9 MR. DEROCHIE: It would have been the -- it
10 would have been the topic of conversation within the
11 Service, on the -- on the second floor that day so ---

12 MR. ENGELMANN: All right. Now, as we go
13 through these notes, Exhibit 1349, there are a number of
14 blackouts on the notes.

15 MR. DEROCHIE: Yes.

16 MR. ENGELMANN: Sir, are you able to tell us
17 whether or not this involves some form of legal advice or
18 solicitor/client privilege advice?

19 MR. DEROCHIE: I believe I was -- I spoke to
20 her or Mr. Paquin; there was -- there was some discussion
21 about having a conversation with our lawyer, Mrs.
22 Bordeleau.

23 MR. ENGELMANN: All right.

24 MR. DEROCHIE: Lynda Bordeleau.

25 MR. ENGELMANN: So the -- the blackout or

1 editing we see here all refers to some form of
2 solicitor/client privilege, to your knowledge?

3 MR. DEROCHIE: To my knowledge that's what
4 they are.

5 MR. ENGELMANN: So Staff Sergeant Dupuis has
6 a fair bit to say to you ---

7 MR. DEROCHIE: Yes.

8 MR. ENGELMANN: --- about this issue,
9 correct?

10 MR. DEROCHIE: Yes, he does. He knows quite
11 a bit about the -- the history of it.

12 MR. ENGELMANN: So if we're looking at
13 page 2, he knew that Ron Lefebvre had been assigned to that
14 original investigation?

15 MR. DEROCHIE: Yes,

16 MR. ENGELMANN: And he suggested that
17 Lefebvre had been unable to gather sufficient evidence to
18 lay a charge?

19 MR. DEROCHIE: Yes.

20 MR. ENGELMANN: That was his view?

21 MR. DEROCHIE: Yes.

22 MR. ENGELMANN: He also appeared to know
23 that Lefebvre's notes could not be located?

24 MR. DEROCHIE: Yes.

25 MR. ENGELMANN: Did he give you any idea how

1 he would have known that?

2 MR. DEROCHIE: I -- I really don't know. I
3 don't recall how -- how he would have known that, no.

4 MR. ENGELMANN: Did it not seem surprising
5 to you that he'd be making a comment about something that
6 happened 14 years ago and he has knowledge of it?

7 MR. DEROCHIE: Well, I -- it would certainly
8 -- I would certainly expect that whatever he told me in
9 explanation to that had satisfied me at the time.

10 I'm sure that, you know, he would have began
11 his conversation, "Well, I know about this because I'm a
12 good friend of the investigating officer and we've been
13 having discussions about this," I -- and he would have been
14 ---

15 MR. ENGELMANN: Would Ron Lefebvre have
16 reported to him back then, in '85?

17 MR. DEROCHIE: He may well -- he may well
18 have because -- because of Darcy's position within the
19 organization and administration at that time. He wouldn't
20 have reported with him, but he would have been working with
21 -- with regards to possibly modified duties, I believe.

22 THE COMMISSIONER: I'm sorry, "Darcy"?

23 MR. DEROCHIE: Darcy Dupuis, I'm sorry.

24 MR. ENGELMANN: Well, Ron Lefebvre, back in
25 '85, at the time of the investigation, he was reporting to

1 Staff Sergeant Willis, was he not?

2 MR. DEROCHIE: Willis and Phillips, yes.

3 MR. ENGELMANN: And they were running CIB?

4 MR. DEROCHIE: Yes.

5 No, Staff Sergeant Dupuis would not have
6 been involved in the original investigation, to my
7 knowledge.

8 MR. ENGELMANN: And neither would he have
9 been involved in the chain of command?

10 MR. DEROCHIE: Exactly.

11 So his -- I'm sorry, his knowledge came from
12 the -- Sergeant's Snyder's investigation; I assume that was
13 the explanation, but ---

14 MR. ENGELMANN: You mean Staff Sergeant --
15 or Sergeant Snyder's investigation of the actual charges in
16 the mid- to late '90s?

17 MR. DEROCHIE: Yes.

18 And he would -- he would not have been in
19 the chain of command at that time either, no.

20 MR. ENGELMANN: I just wonder how the whole
21 issue about notes from 1985 ---

22 MR. DEROCHIE: I don't -- I don't ---

23 MR. ENGELMANN: We'll ask him. We'll ask
24 him.

25 MR. DEROCHIE: Thank you.

1 **MR. ENGELMANN:** All right. So he knew that
2 -- this is Staff Sergeant Dupuis indicated to you that
3 Staff Sergeant Willis was Ron Lefebvre's supervisor?

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** He also indicated to you
6 that Willis had been good friends with Brian Landry?

7 **MR. DEROCHIE:** Yes.

8 **MR. ENGELMANN:** And Brian Landry was the
9 brother of the accused?

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

11 **MR. ENGELMANN:** Another son of the former
12 Chief?

13 **MR. DEROCHIE:** That's right.

14 **MR. ENGELMANN:** He also indicated to you
15 that Don Johnson could have been the Crown attorney at that
16 time?

17 **MR. DEROCHIE:** Don Johnson certainly was the
18 Crown attorney at that time but there were Assistant Crown
19 attorneys in that office, as well.

20 **MR. ENGELMANN:** So Johnson would have been
21 the senior Crown attorney for this area?

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** And he also indicated to you
24 that the City had been informed of the allegations but that
25 Landry continued to be employed by them?

1 **MR. DEROCHIE:** That was his understanding.

2 **MR. ENGELMANN:** All right. Did he give you
3 any sense as to how he knew that?

4 **MR. DEROCHIE:** No.

5 **MR. ENGELMANN:** Or who at the City had been
6 informed that Landry was under suspicion?

7 **MR. DEROCHIE:** No, I have no idea how he
8 knew that now.

9 I assume he gave me some explanation at the
10 time, but I don't recall what that would have been.

11 **MR. ENGELMANN:** And he also indicated to you
12 that other sexual assaults had occurred after the original
13 allegation?

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** You would have known that?

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** And he also suggested to you
18 that at least some of the victims were considering civil
19 actions against the CPS?

20 **MR. DEROCHIE:** Again, I don't know how he
21 knew that.

22 Yes, he said -- told me that.

23 **MR. ENGELMANN:** But from -- your review, the
24 administrative review, find anything that suggested Staff
25 Sergeant Dupuis's involved in investigating any of these

1 issues?

2 **MR. DEROCHIE:** No.

3 But I found out where some of his
4 information came from or potentially where some of his
5 information.

6 **MR. ENGELMANN:** Okay. Where it could have
7 come have come from?

8 **MR. DEROCHIE:** Where it could have come
9 from.

10 **MR. ENGELMANN:** But people didn't suggest to
11 you that he was involved?

12 **MR. DEROCHIE:** Oh, no.

13 **MR. ENGELMANN:** Or that he was a confidant
14 of one of them?

15 **MR. DEROCHIE:** Of who?

16 **MR. ENGELMANN:** Well, for example, you found
17 out where information could have come from but they didn't
18 say, "Oh yeah, and I told Dupuis about it at the time."

19 **MR. DEROCHIE:** No. Not that I recall,
20 certainly.

21 **MR. ENGELMANN:** All right. So if he had any
22 involvement in this matter, he didn't tell you that?

23 **MR. DEROCHIE:** No. And I don't believe he
24 had any involvement whatsoever. He had knowledge and
25 that's all he had.

1 **MR. ENGELMANN:** Now, at the top of page 3,
2 and it's difficult to make this out because of the
3 blackout, but it says -- right after it says that:

4 "At least some of the victims were
5 considering civil action against the
6 City."

7 **MR. DEROCHIE:** Yes.

8 **MR. ENGELMANN:** It says:

9 "The Chief is apparently unaware of
10 what is going on with this matter."

11 Now, does that mean he's unaware of the
12 whole Landry issue or he's unaware of a possible civil
13 action or do you know?

14 **MR. DEROCHIE:** I think -- no, I -- I really
15 don't know for sure but my impression would be that he was
16 unaware of the news story, that -- that these questions had
17 been raised.

18 **MR. ENGELMANN:** Okay. So ---

19 **MR. DEROCHIE:** That -- that may well be what
20 it is.

21 **MR. ENGELMANN:** All right. Well, we'll ask
22 -- that would be Chief Repa?

23 **MR. DEROCHIE:** Chief Repa, certainly.

24 **MR. ENGELMANN:** So it could be he's unaware
25 of the fact that this had been reported back in '85?

1 **MR. DEROCHIE:** Yes.

2 And -- and he would be unaware -- yes,
3 certainly he would be unaware of that and certainly he
4 would be unaware that Willis was a good friend of -- of
5 Brian Landry; that kind of history.

6 **MR. ENGELMANN:** The history that you were
7 getting from Staff Sergeant Dupuis?

8 **MR. DEROCHIE:** Yes, yeah, yes.

9 **MR. ENGELMANN:** All right. And is this
10 something that Staff Sergeant Dupuis tells you still that
11 the Chief is unaware or is that something that you're
12 thinking out loud about?

13 **MR. DEROCHIE:** It may be something we
14 discussed at the ---

15 **MR. ENGELMANN:** All right.

16 **MR. DEROCHIE:** Repa wouldn't know -- Chief
17 Repa wouldn't know about this stuff, about this history.

18 **MR. ENGELMANN:** And that wouldn't surprise
19 you?

20 **MR. DEROCHIE:** No, no.

21 **MR. ENGELMANN:** But he certainly would have
22 been aware of the fact that the Cornwall Police Service had
23 been -- had been investigating Earl Landry, Jr., that he
24 was being prosecuted, et cetera?

25 **MR. DEROCHIE:** Oh, quite so, he would be

1 aware of that.

2 **MR. ENGELMANN:** Because that -- that would
3 have been a fairly high profile case?

4 **MR. DEROCHIE:** It certainly was, yes.

5 **MR. ENGELMANN:** And it was a case that did
6 attract media attention?

7 **MR. DEROCHIE:** Exactly. There was -- there
8 was media attention to this prior to, as you can well
9 imagine, the announcement of the charges and stuff like
10 that, yes.

11 **MR. ENGELMANN:** Well, I'm -- yes.

12 And I understand that when the charges were
13 announced and there was a fair bit of publicity about it,
14 more victims came forward?

15 **MR. DEROCHIE:** That's -- that's correct.

16 **MR. ENGELMANN:** Perhaps not all of them but
17 some of them came forward?

18 **MR. DEROCHIE:** Some came forward, yes.

19 **MR. ENGELMANN:** Yeah. I just recall reading
20 that there were others that didn't.

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** Were you aware of that, sir,
23 from statements on this file?

24 **MR. DEROCHIE:** I don't recall if I was aware
25 that some didn't want to proceed or some didn't come

1 forward; I -- I don't recall if I knew that, some came
2 forward, yes.

3 **MR. ENGELMANN:** Yes, I -- I just recall
4 reading that there were others that didn't ---

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** Were you aware of that, sir,
7 from statements on his file?

8 **MR. DEROCHIE:** I don't recall if I was aware
9 that some didn't want to proceed or some didn't come
10 forward; I don't recall if I knew that.

11 **MR. ENGELMANN:** All right.

12 **MR. DEROCHIE:** I was reading the media. If
13 that was indicated then I would have known it, certainly,
14 at that time.

15 **MR. ENGELMANN:** I just recall reading and I
16 think it was a statement by the accused's wife, that there
17 were others as well; you don't recall that?

18 **MR. DEROCHIE:** I don't -- I don't recall ---

19 **MR. ENGELMANN:** All right.

20 **MR. DEROCHIE:** --- all the statements, what
21 they contain.

22 **MR. ENGELMANN:** Now, the notes indicate at
23 the third page, it says, right after the second blackout --
24 -

25 **MR. DEROCHIE:** Yes.

1 **MR. ENGELMANN:** "Carter will instruct Mr.
2 Paquin..."

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** "...on how to answer the
5 Freeholder's questions."

6 **MR. DEROCHIE:** Yes.

7 **MR. ENGELMANN:** And that -- would that be
8 Rick Carter?

9 **MR. DEROCHIE:** Yes, that correct. He would
10 be an acting inspector at this time.

11 **MR. ENGELMANN:** All right and would that
12 have been one of his roles to give advice to the media
13 person?

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** And was the -- was the
16 position with the paper going to be what we see in the next
17 sentence; so it says:

18 "On how to answer Freeholder's
19 questions concerning the '85
20 investigation; insufficient evidence
21 available at the time to proceed with
22 charges."

23 Was that -- was that the media line that he was to use for
24 the Cornwall Police Service at that time?

25 **MR. DEROCHIE:** Given its context, I believe

1 that would be right.

2 **MR. ENGELMANN:** And do you know who came up
3 with that response at that time?

4 **MR. DEROCHIE:** Well, I would -- I would
5 imagine it was -- it was as a response of the collective
6 knowledge that we had of the incident at that time;
7 certainly Sergeant Snyder would have, you know, been aware
8 of -- of the previous investigations. Well, I knew for --
9 I know for a fact that he was aware because, subsequently,
10 he recalled the -- the '85 investigation and approached
11 that victim so ---

12 **MR. ENGELMANN:** All right, so ---

13 **MR. DEROCHIE:** He would have been alive to
14 what -- what went on in '85.

15 **MR. ENGELMANN:** Do you know if Sergeant
16 Snyder was involved in formulating that media response?
17 Because that's the day after ---

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** --- the questions are posed
20 in the media.

21 **MR. DEROCHIE:** I'm not -- I'm not sure.

22 **MR. ENGELMANN:** In any event, that appears
23 to be the approach that's going to be taken or the
24 response.

25 **MR. DEROCHIE:** I think that's fair, yes.

1 **MR. ENGELMANN:** Now, after you met with
2 Staff Sergeant Dupuis, did you -- did you speak to the
3 Chief that day or the next day, sir?

4 **MR. DEROCHIE:** I believe it would have been
5 the next day.

6 **MR. ENGELMANN:** Because I was trying to --
7 there's a note, and it's very brief, on page 4 of your --
8 your notes; it's Bates page 7181136.

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** And it says:

11 "Eight-fifty (8:50), briefly discussed
12 this matter with Chief; wants meeting
13 at nine o'clock."

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** So you had a brief
16 discussion with the Chief at 8:50?

17 **MR. DEROCHIE:** Yes, I would have -- you
18 know, when he came in, I would have given him a heads up;
19 here's what -- here's what's in the media, here's what we
20 know, but ---

21 **MR. ENGELMANN:** All right.

22 **MR. DEROCHIE:** --- then he would said, okay,
23 I want to meet with certain people.

24 **MR. ENGELMANN:** Now ---

25 **MR. DEROCHIE:** You can see the meeting

1 occurred directly, right after that.

2 MR. ENGELMANN: All right and so when it
3 says, "nine o'clock, I spoke with Lefebvre" and it goes
4 down; would it be fair to say that -- that the Chief was at
5 that meeting as well when ---

6 MR. DEROCHIE: No.

7 MR. ENGELMANN: --- Lefebvre was speaking to
8 you?

9 MR. DEROCHIE: I wouldn't -- I would not
10 think so, that he was at that meeting, I think I just saw
11 the time there and presumed that -- no, that didn't happen.
12 Obviously, I was still gathering information to brief him,
13 at that point.

14 MR. ENGELMANN: All right, so again, I just
15 -- just want to make sure and if you don't remember, that's
16 fine ---

17 MR. DEROCHIE: M'hm.

18 MR. ENGELMANN: --- but what it says is:
19 "Eight-fifty (8:50), briefly discuss
20 this matter with Chief; wants meeting
21 at nine."

22 MR. DEROCHIE: Yes.

23 MR. ENGELMANN: Then right after nine you
24 say "spoke with Lefebvre" and then it goes through what
25 appears to be a discussion you have with Ron Lefebvre on

1 the 1st of September.

2 MR. DEROCHIE: Yes, that's correct.

3 MR. ENGELMANN: And are you saying to us,
4 sir, that that would have been just you and Ron Lefebvre?

5 MR. DEROCHIE: I believe so. I don't -- I
6 don't -- I don't think that the Chief would have involved
7 himself.

8 MR. ENGELMANN: All right, so do you recall
9 if you had a meeting with the Chief at nine?

10 MR. DEROCHIE: Obviously I did not.

11 MR. ENGELMANN: All right and do you recall,
12 sir, did you get some instructions from the Chief that day
13 on the admin. review?

14 MR. DEROCHIE: I -- I don't recall, but my
15 habit is, if I got those instructions, I would normally
16 make a note of it.

17 MR. ENGELMANN: Well, certainly that's --
18 we've seen that in the past.

19 MR. DEROCHIE: Yes.

20 MR. ENGELMANN: And we've also seen in the
21 past with the admin. reviews some kind of internal
22 correspondence from the then-Chief to you ---

23 MR. DEROCHIE: Yes, that would be normal ---

24 MR. ENGELMANN: --- or ---

25 MR. DEROCHIE: --- normal.

1 **MR. ENGELMANN:** Either the Chief or Deputy
2 Chief.

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** And -- and as well, attached
5 with the internal correspondence some documents.

6 **MR. DEROCHIE:** Yes, its ---

7 **MR. ENGELMANN:** We saw that -- sorry, we saw
8 that in Silmser; we saw that in Antoine ---

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** --- so we've seen that
11 before.

12 **MR. DEROCHIE:** Sure, if the Chief or the
13 Deputy had a package, if they became aware of it before I
14 did, they would certainly be -- they would have something
15 that they were briefed from, but in this case, I became
16 aware of it before the Chief did.

17 **MR. ENGELMANN:** It would appear, in this
18 case, that there -- well, at least from our review of the
19 records, there was no internal correspondence started nor
20 was there a package of documents given to you.

21 **MR. DEROCHIE:** I don't recall, but I -- I
22 don't -- I can't disagree with that.

23 **MR. ENGELMANN:** All right. And the reason
24 I'm -- I'm trying to figure out exactly what your mandate
25 was because in the past, sometimes the mandate's been very

1 clear and been very precise and you have suggested there
2 were the two concerns from the newspaper article and I just
3 -- there's nothing that the Chief says, okay, Garry, those
4 are the two concerns; go get them, type of thing.

5 MR. DEROCHIE: Well, I could -- I could
6 suggest possibly that I was already aware of the concerns -
7 --

8 MR. ENGELMANN: All right.

9 MR. DEROCHIE: --- and there would be no
10 need for direction just other than, "Carry on, do what --
11 do what your plan is, do it as you planned it, you know, as
12 you've briefed me on, that's what you intend to do, go
13 ahead and do it."

14 MR. ENGELMANN: Well, when we look at 1348
15 which is your report, sorry, Exhibit 1348, sir.

16 THE COMMISSIONER: M'hm.

17 MR. ENGELMANN: It just -- the paragraph we
18 have on the instructions is simply:

19 "In accordance with your instructions,
20 I have looked into this matter in its
21 entirety. Following is a report of my
22 findings."

23 Do you see that?

24 MR. DEROCHIE: Yes.

25 MR. ENGELMANN: So we don't -- we don't

1 really know what your mandate is other than it appears to
2 look into the whole thing.

3 **MR. DEROCHIE:** Yes, I would -- I would
4 suggest that's probably what he told me; "look at it and
5 tell me what happened here."

6 **THE COMMISSIONER:** Well, can I just -- I'm
7 looking at 1138 of the Exhibit Number 1349 and on September
8 1st, it seems he has a meeting with the Chief "Carter,
9 Snyder, Dupuis and Paquin and myself" and then they have a
10 to-do list at the bottom; is that -- do you have that, sir?

11 **MR. DEROCHIE:** I do, sir, yes.

12 **THE COMMISSIONER:** So there were five points
13 on a to-do list; I don't know if that helps.

14 **MR. ENGELMANN:** It may be in part what the
15 admin. review's about; I know some of those things are to
16 get legal opinions ---

17 **MR. DEROCHIE:** Right.

18 **MR. ENGELMANN:** --- and it appears to be a
19 broad number of tasks.

20 Staff Sergeant Derochie, would some or all
21 of those tasks have been part of your admin. review?

22 **MR. DEROCHIE:** Yes, I would -- I would
23 suggest that's accurate.

24 **MR. ENGELMANN:** Well, okay, I -- I'm going
25 to come to that in a couple of minutes and we'll -- we'll

1 go through them and perhaps when we do, you can tell us
2 whether you think that was part of the admin. review or
3 not.

4 So the two concerns raised by the parties or
5 sorry, by the paper, they were clearly to be covered by
6 your admin. review.

7 **MR. DEROCHIE:** Yes, that's my understanding;
8 that's my recollection.

9 **MR. ENGELMANN:** Yes, and there may well have
10 been more issues.

11 **MR. DEROCHIE:** Yes, I should say that I had
12 a pretty -- a pretty -- I had quite a bit of latitude with
13 regards to, you know, the Chief wouldn't restrict me on
14 what I should look at. I could go where I wanted to go
15 with these issues.

16 **MR. ENGELMANN:** And sir, there was more
17 media attention about this shortly after the August 31st
18 story; was there not?

19 **MR. DEROCHIE:** I believe there was, yes.

20 **MR. ENGELMANN:** And if you could have a look
21 at Document Number 740378.

22 **THE COMMISSIONER:** Exhibit number 1351 are
23 two articles from Frank MacEachern from the Standard
24 Freeholder. Do we have dates?

25 --- **EXHIBIT NO./PIÈCE NO. P-1351:**

1 (740378) News Clippings: "Left with
2 emotional scars" & "Man says police slow to
3 act"

4 **MR. ENGELMANN:** We -- we don't have a date
5 on this, sir, and -- and Staff Sergeant Derochie, you --
6 you didn't hand write a date on this one; did you?

7 **MR. DEROCHIE:** I would suggest that it
8 doesn't -- didn't come from my media file, this one.

9 **MR. ENGELMANN:** Okay. That could be true,
10 sir. It would appear, however, that this would -- just to
11 find out when it might have been, it was obviously after
12 the August 31st story; correct?

13 **MR. DEROCHIE:** I think that's fair, yes.

14 **MR. ENGELMANN:** And it talks about how he's
15 already pleaded guilty?

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** And it talks about how he's
18 been -- he's currently in jail and that he's going to be
19 sentenced on November 18th.

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** So would it be fair to say
22 that this happened sometime between August 31st and November
23 18th of 1999?

24 **MR. DEROCHIE:** Sometime there. It may well
25 have been a companion article on the next ---

1 **MR. ENGELMANN:** On that very same day.

2 **MR. DEROCHIE:** On that very same day, yes.

3 **MR. ENGELMANN:** Fair enough.

4 Sir, you would have read these stories at
5 the time?

6 **MR. DEROCHIE:** I would have, definitely.

7 **MR. ENGELMANN:** Yeah. And the first story
8 is about some of the hurt -- the effect of the abuse?

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** That's the "left with
11 emotional scars". And the second one would be one that you
12 would be concerned about. Well, you may be concerned about
13 both, but you'd be particularly concerned about the second
14 one because it's a complaint against the Service?

15 **MR. DEROCHIE:** Yes.

16 **MR. ENGELMANN:** All right.

17 So like the previous one where a fellow had
18 said he'd come forward in '95 and there had been no -- or
19 '85 and there had been no charges laid, and there was the
20 concern about the Crown prosecutor possibly being in
21 conflict, this now is one of the fellows who came forward
22 in '95 -- late '95, early '96, complaining about delay?

23 **MR. DEROCHIE:** It was -- yes, and it was
24 certainly part of my internal review.

25 **MR. ENGELMANN:** I was going to ask you that,

1 sir, if this would have also been part of your admin
2 review?

3 **MR. DEROCHIE:** Oh yes.

4 **MR. ENGELMANN:** Because apparently -- and
5 this is one of the five victims -- says he'd gone to the
6 police in late '95 or early '96. Nothing happened for
7 months. Fed up, he threatened to bypass police and go to
8 the media. It was then the file was transferred to
9 Sergeant Brian Snyder, who acted quickly and soon laid
10 charges, said the man.

11 **MR. DEROCHIE:** Yes, that victim would be the
12 first person on that previous page.

13 **MR. ENGELMANN:** All right.

14 **MR. DEROCHIE:** That would be that
15 individual.

16 **MR. ENGELMANN:** And he's -- I guess he was
17 taking issue with something that had been said. He says
18 earlier in the story:

19 "At the time of the first charges
20 against Landry, City Police had said
21 they were a result of a 16-month
22 investigation by City Police. In
23 reality, said the man, it was only when
24 he threatened to go to the media after
25 months of what he said was inaction

1 that City Police finally got serious."

2 So this clearly is a complaint. This
3 clearly should be part of your admin review?

4 **MR. DEROCHIE:** No question.

5 **MR. ENGELMANN:** All right.

6 Sir, do you know, in the context or in the
7 course of your admin review whether you would have spoken
8 to that individual?

9 **MR. DEROCHIE:** No, I did, again, a paper
10 review of the -- of the -- of the matter.

11 **MR. ENGELMANN:** Did you attempt to confirm
12 whether or not his allegation was true?

13 **MR. DEROCHIE:** I did, and I did confirm
14 those, that there had been delays.

15 **MR. ENGELMANN:** No, no, not only delays but
16 the fact that it was only when he threatened to go to the
17 media that Sergeant Snyder was assigned and that the thing
18 took off from there?

19 **MR. DEROCHIE:** I know that he did come into
20 the station and complained to Sergeant Snyder and then the
21 investigation was dealt with very quickly after that.

22 **MR. ENGELMANN:** And did you -- were you able
23 to confirm whether or not his statement that it was only
24 when he threatened to go to the media that things happened?

25 **MR. DEROCHIE:** I don't know that I confirmed

1 it, but I did -- I had no question with regards to the
2 accuracy of that.

3 **MR. ENGELMANN:** You didn't see that it was
4 necessary to ask him whether that -- you didn't feel it
5 necessary to go speak to him about it?

6 **MR. DEROCHIE:** No.

7 **MR. ENGELMANN:** To confirm it?

8 **MR. DEROCHIE:** I didn't think it was
9 necessary to confirm that.

10 **MR. ENGELMANN:** All right.

11 So you -- and I'm not going to mention their
12 names, but there was a victim who had come forward in '85
13 and then was the subject matter of the later findings of
14 guilt or ---

15 **MR. DEROCHIE:** Yes.

16 **MR. ENGELMANN:** And there was this
17 particular victim who was just quoted in this last media
18 article?

19 **MR. DEROCHIE:** Yes.

20 **MR. ENGELMANN:** So we don't have monikers
21 yet, but those two, you would have undertaken an
22 investigation into their concerns about delay or their
23 concerns about the police not acting in 1985 or acting too
24 slowly in '96?

25 **MR. DEROCHIE:** I looked at both of those

1 issues.

2 MR. ENGELMANN: Right.

3 And I understand, sir, that on August 31st,
4 1999, you would have spoken with three of the officers
5 involved; Willis, Lefebvre and Brunet?

6 MR. DEROCHIE: Yes, I would have been trying
7 to gather background details on what had occurred.

8 MR. ENGELMANN: All right.

9 I'll just be a moment, sir.

10 THE COMMISSIONER: M'hm.

11 (SHORT PAUSE/COURTE PAUSE)

12 MR. ENGELMANN: It would appear that the
13 discussion with Lefebvre was simply to set up a time to
14 really talk to him, but you didn't speak to him about it in
15 a substantive way on that day? And I'm just looking at the
16 bottom of Bates page 7181135. It's page 3 of your notes,
17 sir.

18 MR. DEROCHIE: Yes, I'm there. And your
19 comment was again that?

20 MR. ENGELMANN: It doesn't appear you had
21 any substantive discussion with Lefebvre on that day. It
22 was just to set up a meeting?

23 MR. DEROCHIE: Talk to him tomorrow, yes.

24 MR. ENGELMANN: Yes.

25 MR. DEROCHIE: Quite right.

1 **MR. ENGELMANN:** And with ---

2 **MR. DEROCHIE:** It was rather late in the
3 day.

4 **MR. ENGELMANN:** Yes, sorry. And that was
5 15:30 with Willis. You've got a note:

6 "1500 spoke to Willis. He has very
7 vague recollection of the '85
8 investigation."

9 **MR. DEROCHIE:** That's right.

10 **MR. ENGELMANN:** "Can only recall that
11 there wasn't enough to go on. May have
12 notes but doubts it."

13 **MR. DEROCHIE:** Yes.

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

15 So that would have been a very brief
16 conversation?

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** And did you also speak with
19 Staff Sergeant Brunet?

20 **MR. DEROCHIE:** At 1540, yes.

21 **MR. ENGELMANN:** And what was he -- what did
22 he tell you?

23 **MR. DEROCHIE:** He told me that CAS were
24 involved in the investigation back in '85 and they have a
25 file on it, and it would confirm certain information in the

1 mother's statement.

2 **MR. ENGELMANN:** All right.

3 So that the mother had talked about the fact
4 that both -- that the CAS had been involved back in 1985 as
5 well?

6 **MR. DEROCHIE:** I don't know that she had
7 confirmed that or whether that was the issue. The issue
8 was whether CAS was involved or not and that there was --
9 -

10 **MR. ENGELMANN:** All right.

11 But when it says, "This would confirm info
12 in victim mother's statement" presumably that's information
13 that she said, "We had contacted the CAS"?

14 **MR. DEROCHIE:** Yes, I believe you're right.

15 **MR. ENGELMANN:** All right.

16 So the meeting with Sergeant Lefebvre -- or
17 was he a sergeant at that time, Officer Lefebvre? This is
18 19 ---

19 **MR. DEROCHIE:** At this time I believe he's
20 left our service as a police officer and is now working as
21 a special constable in the Court Bureau.

22 **MR. ENGELMANN:** All right.

23 Is that a -- I don't know if I want to ask
24 this; is that a civilian position then with the Force?

25 **MR. DEROCHIE:** It is.

1 **MR. ENGELMANN:** All right.

2 And so your discussion with him that's set
3 out on page 4 of your notes, that, you believe is just the
4 two of you?

5 **MR. DEROCHIE:** Yes, I would think it was
6 just the two of us.

7 **MR. ENGELMANN:** And to summarize what he
8 said to you at Bates page 7181136, he believes he gave his
9 notes to an officer who was investigating a similar
10 complaint?

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** And this is a similar
13 complaint involving Landry a couple of years back?

14 **MR. DEROCHIE:** Well, now he's talking bout
15 his investigation of the 1985 ---

16 **MR. ENGELMANN:** Right.

17 **MR. DEROCHIE:** --- incident. And he's
18 saying that he thought that some officer had approached him
19 some years ago or some time ago ---

20 **MR. ENGELMANN:** All right.

21 **MR. DEROCHIE:** --- with regards to where are
22 your notes on the '85 investigation, type of thing. That's
23 what we're talking about here.

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

25 And presumably that would have been someone

1 like Sergeant Snyder who was doing the investigation in the
2 mid to late '90s?

3 **MR. DEROCHIE:** I believe, in fact, it was
4 Constable Hanton.

5 **MR. ENGELMANN:** Sorry, Constable?

6 **MR. DEROCHIE:** Hanton, H-A-N-T-O-N.

7 **MR. ENGELMANN:** And Mr. Lefebvre wasn't sure
8 he got his notes back?

9 **MR. DEROCHIE:** That's what he was telling
10 me, yes.

11 **MR. ENGELMANN:** Right.

12 **MR. DEROCHIE:** He couldn't find them, in any
13 event.

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

15 And he couldn't recall if the CAS was
16 involved, but he thinks they may have been?

17 **MR. DEROCHIE:** Yes, that's what he told me,
18 pretty much.

19 **MR. ENGELMANN:** And he couldn't specifically
20 recall if he spoke to a Crown, but he believes he would
21 have?

22 **MR. DEROCHIE:** Yeah, he had very vague
23 recollections of this investigation.

24 **MR. ENGELMANN:** And he said the witness
25 would have been between eight and ten years of age and that

1 he thought he would have been a poor witness?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: Because he was
4 developmentally slow?

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: Now, sir, did you speak to
7 Mr. Lefebvre again in the course of your administrative
8 review?

9 MR. DEROCHIE: Oh, yes.

10 MR. ENGELMANN: I know you spoke to him when
11 you investigated the criminal allegations. I'm wondering
12 if you spoke to him again in the course of your
13 administrative review?

14 MR. DEROCHIE: I don't recall.

15 MR. ENGELMANN: All right. The notes of
16 your administrative review are the ones we're looking at
17 right here; correct?

18 MR. DEROCHIE: That's correct.

19 MR. ENGELMANN: And those are the full notes
20 of your administrative review?

21 MR. DEROCHIE: They are.

22 MR. ENGELMANN: So if there's no reference
23 to him again, it probably would not have been until you
24 were looking into the criminal allegations. Is that fair?

25 MR. DEROCHIE: That's fair.

1 **MR. ENGELMANN:** All right. Now, both Staff
2 Sergeant Brunet and Mr. Lefebvre had indicated some
3 involvement with the CAS. Do you know if you were
4 specifically asking them that question?

5 **MR. DEROCHIE:** I would have, yes, that would
6 have been of interest certainly.

7 **MR. ENGELMANN:** And would there have been a
8 reason that the involvement of the CAS was important to you
9 doing your review?

10 **MR. DEROCHIE:** Yes, given my experience,
11 yes.

12 **MR. ENGELMANN:** And your experience being
13 that often in cases of this nature there's some form of
14 joint investigation?

15 **MR. DEROCHIE:** Well, that and we were
16 hypersensitive to advising CAS of all such investigations
17 after, you know, having gone through the '93-'94 period.

18 **MR. ENGELMANN:** Yes. And in this case, at
19 least with the initial complaint, it was a current or
20 ongoing reporting, not an historical reporting? This is
21 the 1985 complaint.

22 **MR. DEROCHIE:** Oh, yes, definitely.

23 **MR. ENGELMANN:** So again that would be a
24 trigger to look at CAS involvement?

25 **MR. DEROCHIE:** Yes. Yes.

1 **MR. ENGELMANN:** Now, after your discussion
2 with Mr. Lefebvre on September 1st, there's a reference to
3 contacting Mrs. Parisien at the bottom of that page, Bates
4 page 7181136. Who is she?

5 **MR. DEROCHIE:** This is Deborah Parisien,
6 she's our records manager.

7 **MR. ENGELMANN:** All right. And I understand
8 that you asked her to find reports relative to the 1985
9 complaint?

10 **MR. DEROCHIE:** Yes.

11 **MR. ENGELMANN:** And that she was unable to
12 locate anything?

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

14 **MR. ENGELMANN:** Did that strike you as being
15 unusual, sir?

16 **MR. DEROCHIE:** No.

17 **MR. ENGELMANN:** All right. And that's
18 because records of this nature were not kept?

19 **MR. DEROCHIE:** These were strictly paper
20 files and I would -- you know, I would suspect that unless
21 we were very lucky there would be no record of these found.

22 **MR. ENGELMANN:** And it wouldn't have
23 mattered, sir, whether it was a major case or serious case
24 or not, they just wouldn't be there?

25 **MR. DEROCHIE:** That's correct, they wouldn't

1 be there.

2 Unless it was an unsolved homicide I would
3 think that would probably be the only -- or an unsolved
4 aggravated sexual assault, something where -- there was
5 always the possibility that the investigating officer had a
6 box of his old files and that was what I was hoping for.

7 By this time, we had gathered up all of that
8 documentation and put it into archive and were trying to
9 recover as much as we could of that -- those files that
10 were un-destroyed but there was very little. There was
11 very little left. We were looking for those types of --
12 you know, the notes that were stapled to the files and then
13 -- but we found very little.

14 **MR. ENGELMANN:** All right. Well, back in
15 1985 that was pre-OMPPAC?

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** What would you have expected
18 to find if you have a couple of officers investigating a
19 complaint of sexual abuse against a child or a young person
20 -- what would you have expected to find, other than notes
21 and notebooks? I mean, if records ---

22 **MR. DEROCHIE:** At this point -- at this
23 time?

24 **MR. ENGELMANN:** If records were kept. What
25 kind of records would have been kept at the time?

1 **MR. DEROCHIE:** Oh, there would have been
2 statements; statements of victims and witnesses that you
3 had interviewed. There would have been copies of the
4 actual occurrence reports and supplement reports. There
5 would have been interagency communications. There would
6 have been a Crown brief perhaps.

7 There would be a fair amount of
8 documentation and therein lies the problem, you know, that
9 all of these cases had a fair amount of -- all police cases
10 have a fair amount of paperwork attached to them and they
11 just become so cumbersome back then that ---

12 **MR. ENGELMANN:** All right.

13 **MR. DEROCHIE:** And there was a -- like I
14 say, there was a destruction schedule.

15 **MR. ENGELMANN:** All right. But statements
16 of victims and interviews obviously only if they're done;
17 it goes without saying?

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** And interagency
20 correspondence, only if there was some?

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

22 **MR. ENGELMANN:** And Crown brief, only if
23 there was one?

24 **MR. DEROCHIE:** Obviously.

25 **MR. ENGELMANN:** And you weren't able to

1 determine that because there were no records?

2 MR. DEROCHIE: Correct.

3 MR. ENGELMANN: And you were able to
4 determine, at least in other matters, that there were
5 issues about note-keeping? This is before we even get to
6 this one.

7 MR. DEROCHIE: Oh, yes.

8 MR. ENGELMANN: And there were issues in
9 this case about note-keeping as well?

10 MR. DEROCHIE: There are.

11 MR. ENGELMANN: Whether files are destroyed
12 or not, there's still issues about note-keeping?

13 MR. DEROCHIE: Exactly.

14 MR. ENGELMANN: Now, you did ask for some
15 printouts at the bottom of page 4 and you give some numbers
16 and, again, these are individuals who will have monikers,
17 going onto page 5.

18 MR. DEROCHIE: Yes, those I asked for
19 printouts of the investigations with regards to Sergeant
20 Snyder's.

21 MR. ENGELMANN: Okay. So these would have
22 been the investigations taking place from '96 onwards?

23 MR. DEROCHIE: Yes, those ---

24 MR. ENGELMANN: Sorry.

25 MR. DEROCHIE: Each of those victims had an

1 incident created to deal with their particular allegation.

2 MR. ENGELMANN: So those are the OMPPAC
3 files for each of their complaints?

4 MR. DEROCHIE: That's correct.

5 MR. ENGELMANN: All right. And did you use
6 that information to then prepare the appendix at the back
7 of 1348?

8 MR. DEROCHIE: That, yes, amongst other
9 things I would imagine.

10 MR. ENGELMANN: All right. And did you
11 prepare that chronology?

12 MR. DEROCHIE: I did.

13 MR. ENGELMANN: All right. So, sir, if
14 there are errors or omissions, you take responsibility?

15 MR. DEROCHIE: I certainly do.

16 MR. ENGELMANN: All right. And let me ask
17 you, sir, this particular chronology refers to only one
18 complainant?

19 MR. DEROCHIE: Yes.

20 MR. ENGELMANN: Can you tell us whether or
21 not you would have prepared chronologies for the other
22 complainants?

23 MR. DEROCHIE: I would not. This was the
24 investigation that -- this was the particular investigation
25 or -- this was with regards to that first name again on

1 that list ---

2 **MR. ENGELMANN:** Right.

3 **MR. DEROCHIE:** --- and this was the source
4 of the complaint. This was what was wrong with the
5 investigation. The other ones were quite well done, in my
6 mind. There was no problems with them.

7 **MR. ENGELMANN:** So just so we're all clear
8 on this, this chronology is with respect to the second
9 newspaper article I took you to?

10 **MR. DEROCHIE:** That and the whole idea of
11 what happened in 1985. To bring -- yes, I'm sorry; no,
12 you're quite right.

13 **MR. ENGELMANN:** No, the ---

14 **MR. DEROCHIE:** The chronology starts with
15 the victim that we're talking about, yes, that first
16 victim.

17 **MR. ENGELMANN:** Right.

18 **MR. DEROCHIE:** And he was the person quoted
19 in that article.

20 **MR. ENGELMANN:** All right. So just again to
21 make sure we're clear for the record -- and I should have
22 done the monikers earlier -- but this chronology is about
23 the fellow who says he goes to the police in late '95 or
24 early '96 and that nothing is done until he threatens to go
25 to the media. That's what this chronology -- that's who

1 this chronology is about?

2 **MR. DEROCHIE:** Quite right.

3 **MR. ENGELMANN:** This chronology is not about
4 the fellow and his mother who say they go to the CPS in
5 1985?

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

7 **MR. ENGELMANN:** All right. And the other
8 three, you believe there were no issues. Do I understand
9 that?

10 **MR. DEROCHIE:** Yes, as I recall now I don't
11 believe there were any issues.

12 **MR. ENGELMANN:** All right. But we don't
13 have a chronology to know how that was done?

14 **MR. DEROCHIE:** Well, we have the knowledge
15 that this was the -- the media release was -- the original
16 media release was based on this individual's coming forward
17 and us laying a charge with regards to this individual and
18 the fellow that Sergeant Snyder had found.

19 The other ones came forward as a result of
20 that media attention and, therefore, were dealt with in, I
21 would suggest, a timely manner.

22 **MR. ENGELMANN:** So we're looking at your
23 notes; correct?

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** On the screen?

1 **MR. DEROCHIE:** Yes.

2 **MR. ENGELMANN:** And the first name at the
3 top, that's the person who spoke to the press about having
4 to threaten to go to the media and he is also the person
5 that you're describing in this chronology?

6 **MR. DEROCHIE:** Correct.

7 **MR. ENGELMANN:** And the second individual on
8 that list, that is the individual who came forward with
9 abuse allegations in 1985?

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

11 **MR. ENGELMANN:** And the bottom three are
12 people who came forward after the first individual in and
13 around 1986, as a result of publicity, et cetera?

14 **MR. DEROCHIE:** That's quite right. The
15 numbers are chronologically descending ---

16 **MR. ENGELMANN:** Right.

17 **MR. DEROCHIE:** --- so that would be the
18 order in which they were reported to us.

19 **MR. ENGELMANN:** Well, with the exception of
20 the fact that the second name actually reported back in
21 1985.

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** Right.

24 So what you're saying is the last three
25 names you believe there were no issues with those

1 investigations and therefore there was no need for you to
2 do a chronology or to include them in the context of your
3 then review?

4 MR. DEROCHIE: Yes.

5 MR. ENGELMANN: All right.

6 And the officer who would have been involved
7 in those three investigations would be?

8 MR. DEROCHIE: Sergeant Snyder.

9 MR. ENGELMANN: All right.

10 So we can ask him about those
11 investigations?

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: Yeah.

14 Now, why -- I'm just curious why you don't
15 also do a chronology at least for the second name on that
16 page because that's one of the reasons you get involved in
17 this admin. review charged -- if people come to the CPS in
18 the mid '80s and no charges are laid.

19 MR. DEROCHIE: Yes.

20 MR. ENGELMANN: You didn't do a chronology
21 for that matter?

22 MR. DEROCHIE: No.

23 MR. ENGELMANN: All right. Why not?

24 MR. DEROCHIE: It didn't occur to me. I
25 thought that that investigation certainly at this time was

1 -- there were circumstances which explained why. As a
2 matter of fact, this fellow had to be coaxed in 1995 or
3 '96, whenever it was, to come forward, to agree to
4 cooperate. So I didn't have the sense that there was
5 anything particularly wrong with that investigation.

6 **MR. ENGELMANN:** Fair enough, but that was
7 one of the investigations you were to do an admin. review
8 on. I mean, that's what started this, right?

9 **MR. DEROCHIE:** The second name?

10 **MR. ENGELMANN:** Yes.

11 **MR. DEROCHIE:** Yes, okay. I must have
12 commented on it in my report.

13 **MR. ENGELMANN:** No, you deal with -- you
14 deal with, in your report ---

15 **MR. DEROCHIE:** Well, we are speaking only of
16 the chronology.

17 **MR. ENGELMANN:** I am just wondering why you
18 wouldn't have done a chronology of that one because that's
19 1985 and then we don't have contact again until '97 or so.

20 **MR. DEROCHIE:** Quite right, in hindsight
21 maybe I ought to have done a chronology.

22 **MR. ENGELMANN:** Now, the handwriting on the
23 appendix.

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** Where you see the words

1 "problem"?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: And presumably it's as a
4 result of the delay between certain dates, or that's what
5 it appears to be.

6 MR. DEROCHIE: Yes.

7 MR. ENGELMANN: Is that your handwriting,
8 sir?

9 MR. DEROCHIE: No, it is not.

10 MR. ENGELMANN: All right. Is that Chief
11 Repa's handwriting?

12 MR. DEROCHIE: I believe it is.

13 MR. ENGELMANN: All right. So he is
14 identifying, in his words, when there are problems with
15 delay in this particular chronology of the investigation?

16 MR. DEROCHIE: Yes.

17 MR. ENGELMANN: And the words at the end
18 that are used is that, again, Chief Repa or are those -- is
19 that your handwriting?

20 MR. DEROCHIE: No, that's -- that's not my
21 handwriting and it may well be Chief Repa's. I believe it
22 is his handwriting.

23 MR. ENGELMANN: All right. It would be
24 unusual for you to write about yourself in the third
25 person.

1 **MR. DEROCHIE:** I often refer to myself in
2 the third person but ---

3 **MR. ENGELMANN:** Oh, okay.

4 **MR. DEROCHIE:** --- that's not my
5 handwriting.

6 **MR. ENGELMANN:** All right, fair enough.
7 Now, just from your chronology it appears
8 that this particular victim was interviewed at least four
9 times.

10 **MR. DEROCHIE:** Yes.

11 **MR. ENGELMANN:** And do you have any thoughts
12 on that as a practice, sir?

13 **MR. DEROCHIE:** It's not a good practice.

14 **MR. ENGELMANN:** I assume that wouldn't be a
15 good practice with any victim of crime but, in particular a
16 victim of some kind of sexual abuse.

17 **MR. DEROCHIE:** I would want -- I would want
18 to know why he would have to interview the person more than
19 once and I didn't look into that aspect of it, quite
20 frankly.

21 **MR. ENGELMANN:** The chronology doesn't
22 suggest, sir, that there is any joint investigation on the
23 part of the CAS and the CPS.

24 **MR. DEROCHIE:** You are quite right.

25 **MR. ENGELMANN:** The chronology also suggests

1 that there are a number of officers that are assigned and
2 then reassigned.

3 **MR. DEROCHIE:** Quite right.

4 **MR. ENGELMANN:** Were those two points
5 concerns of yours, sir?

6 **MR. DEROCHIE:** They were.

7 **MR. ENGELMANN:** Now, you say on page 5 of
8 your notes that after speaking with Staff Sergeant Brunet
9 essentially you come -- or he tells you that Constable
10 Hanton originally investigated the complaint that we have
11 the chronology on. Is that correct?

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

13 **MR. ENGELMANN:** And although he investigated
14 for some time, he didn't get anywhere with it?

15 **MR. DEROCHIE:** Yes.

16 **MR. ENGELMANN:** Or words to that effect?

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** And then he concludes that
19 there is insufficient evidence to proceed.

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** And your note is at least
22 that Staff Sergeant Brunet told you that he was not
23 satisfied with that.

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

25 **MR. ENGELMANN:** And then reassigned the

1 investigation to another officer, Snyder?

2 MR. DEROCHIE: I think it went from -- yes,
3 ultimately it ended up with Snyder but I think it went
4 through David Bough at the same time.

5 MR. ENGELMANN: Yes. No, like from your
6 chronology that's apparent, yeah.

7 MR. DEROCHIE: Yes.

8 MR. ENGELMANN: Okay.

9 And did Staff Sergeant Brunet give you any
10 indication of what steps Constable Hanton had taken before
11 he came to the conclusion that there was insufficient
12 evidence?

13 MR. DEROCHIE: No, but he certainly left me
14 with the impression that he wasn't satisfied with the level
15 of activity on the file.

16 MR. ENGELMANN: Sir, do you recall if he
17 wasn't satisfied because nothing had really been done?

18 MR. DEROCHIE: Beyond saying he was
19 unsatisfied I don't recall. I didn't make a note of it. I
20 can't help you further on that.

21 MR. ENGELMANN: Let's just take a real quick
22 look at his notes, if we can. These are notes I believe by
23 Constable Hanton. It's Document Number 740329.

24 Again, sir, these will be subject to a
25 publication ban. It involves the individual complainant

1 who the chronology is based on.

2 **THE COMMISSIONER:** Yes, thank you.

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **THE COMMISSIONER:** Exhibit No. 1352 are
5 notes from Constable Hanton, and the first date on it is
6 the 10th of January, '96.

7 **--- EXHIBIT NO./PIÈCE NO. P-1352:**

8 (740329) Handwritten notes of Cst. Hanton

9 **MR. ENGELMANN:** Sir, you would have -- oh,
10 I'm sorry, the exhibit number, sir?

11 **THE COMMISSIONER:** One-three-five-two
12 (1352).

13 **MR. ENGELMANN:** Staff Sergeant Derochie, you
14 would have reviewed these notes in the course of doing this
15 administrative review?

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

17 **MR. ENGELMANN:** You did not review these
18 notes?

19 **MR. DEROCHIE:** No, I did not.

20 **MR. ENGELMANN:** Why is that?

21 **MR. DEROCHIE:** I didn't feel the need for
22 it, to review them. I was quite satisfied when I looked at
23 the paper trail that the investigation wasn't sufficient.

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

25 **MR. DEROCHIE:** And that's -- I wasn't

1 getting into that kind of detail. I was identifying
2 exactly what happened with this so I wasn't -- quite
3 frankly, I wasn't concerned as to why. I was just
4 concerned as to what happened to the investigation; why was
5 for someone else. You know, I'm pointing out here is what
6 I found on this thing. Here is what I found.

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

8 But just looking at these notes, sir, it's
9 clear that this officer didn't do very much, is it not?

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **MR. DEROCHIE:** They're not very detailed.

12 **MR. ENGELMANN:** Yes.

13 **MR. DEROCHIE:** There is not much of them, I
14 think.

15 **MR. ENGELMANN:** Well, there is a note saying
16 he is assigned on January 10.

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** Then three weeks later he is
19 in contact with the victim. He said:

20 "...presumably the victim, there may
21 have been other victims. He said he
22 would try and locate them."

23 **MR. DEROCHIE:** Yes.

24 **MR. ENGELMANN:** Do you think that's the
25 victim's job, sir?

1 **MR. DEROCHIE:** Sometimes, yes. Sometimes
2 victims may have a relationship with each other and one
3 victim may not want to expose another victim to police
4 scrutiny or to an investigation. And I would think that,
5 you know, a person, having experienced that, would be
6 sensitive to that kind of stuff.

7 So a lot of times, we do say, "Listen, if
8 you know anybody else, ask them to come and help us." Or,
9 "Can you identify these people to me?"

10 I don't think that's particularly
11 unreasonable.

12 **MR. ENGELMANN:** Okay. Not just, "Provide us
13 with contacts," and then the police actually go out and
14 locate and do statements?

15 **MR. DEROCHIE:** Well, that sometimes happens
16 as well, but there are times when one victim may say,
17 "Well, I don't know if this particular person would
18 appreciate me; he's a friend of mine, or I've known him for
19 a while. I don't think he would appreciate..."

20 I'm saying there's different circumstances
21 where you would use a different strategy, possibly, of
22 identifying other people.

23 And I can't say if this was a case, this
24 case ---

25 **MR. ENGELMANN:** Then, a month later, I mean:

1 "...was in contact with the accused."
2 It says, "accused" I'm assuming that means
3 victim.

4 "...again by phone. He had negative
5 results locating other possible
6 suspects."

7 Must have been a victim.

8 **MR. DEROCHIE:** Yeah, it must be a victim.

9 **MR. ENGELMANN:** All right.

10 **MR. DEROCHIE:** That's ---

11 **MR. ENGELMANN:** We know ---

12 **MR. DEROCHIE:** --- an obvious error, yes.

13 **MR. ENGELMANN:** --- there doesn't seem to be
14 any sense of urgency here at all.

15 **MR. DEROCHIE:** No.

16 **MR. ENGELMANN:** And there doesn't seem to be
17 a statement taken or any interview, or anything.

18 Sir? Oh, I'm sorry.

19 **MR. DEROCHIE:** The victim ---

20 **MR. ENGELMANN:** There's a statement on
21 January 10th.

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** All right. I apologize.
24 That ---

25 **MR. DEROCHIE:** He seemed to have responded

1 right away but as you say, it's ---

2 MR. ENGELMANN: That's it.

3 MR. DEROCHIE: I'm sorry?

4 MR. ENGELMANN: But that's it; what we have
5 from this officer.

6 And then your chronology -- sorry.

7 MR. DEROCHIE: Yes; if this is the entirety
8 of his investigation, obviously if this is all of his
9 notes, then that's exactly what he's been -- he's done on
10 it, it was -- seems to be it was active, somewhat, from the
11 10th to the 13th of March -- 10th of January to the 13th of
12 March.

13 MR. ENGELMANN: So you're not surprised,
14 looking at this now, that why Staff Sergeant Brunet was
15 dissatisfied?

16 MR. DEROCHIE: Quite right.

17 MR. ENGELMANN: Now, the Commissioner took
18 you here briefly, but on September 1st at page 6 of your
19 notes, you have a meeting with the Chief and Officers
20 Carter, Snyder, Dupuis, and your media person, Mr. Paquin.

21 MR. DEROCHIE: Correct.

22 MR. ENGELMANN: And this is, sir, about 24
23 hours or so after you start on this?

24 MR. DEROCHIE: Yeah.

25 MR. ENGELMANN: It's September 1st, 1:30 in

1 the afternoon.

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: You've had a couple of
4 interviews the day before?

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: Or sorry, the day of.
7 On September 1st you spoke with Lefebvre.

8 MR. DEROCHIE: Yes.

9 MR. ENGELMANN: And the day before, you'd
10 had very brief discussions in the afternoon with Willis and
11 Brunet.

12 MR. DEROCHIE: Correct.

13 MR. ENGELMANN: And you'd received some
14 information from Staff Sergeant Dupuis, but you're not sure
15 what role he had. Correct?

16 MR. DEROCHIE: Correct.

17 Although the chronology does indicate that
18 Dupuis was signing Hanton's supplement reports, I believe.
19 And that may well be where he got his knowledge.

20 Apparently, but after Hanton had the
21 investigation it was -- he was transferred onto -- back
22 into uniformed patrol.

23 He had been just seconded to the SACA unit
24 to deal with the backlog of investigations and, from my
25 understanding, is that he submitted a supplement report

1 indicating that the investigation needed more attention.

2 So he may well have briefed his staff
3 sergeant at that time, in 1996. And that may explained why
4 Darcy had some -- or, Staff Sergeant Dupuis had some
5 knowledge of the investigation.

6 **MR. ENGELMANN:** Yes; no I see that in the
7 chronology.

8 **MR. DEROCHIE:** Yeah.

9 **MR. ENGELMANN:** Well sir, what I guess I'm
10 getting at is, one day into this you're already saying,
11 "I was comfortable with the way the '85
12 complaint appears to have been
13 handled."

14 And I'm ---

15 **MR. DEROCHIE:** "Appears to have been
16 handled."

17 **MR. ENGELMANN:** That's pretty early for you,
18 given some of the other things we've looked at, for you to
19 make any even preliminary conclusions.

20 **MR. DEROCHIE:** Well, I'm -- there's a
21 proviso there, from what I can see of this, at this point.

22 You know, I'm sort of -- you're right; it's
23 early but there doesn't -- there's nothing jumping out at
24 me, that says, "This is problematic" at that point.

25 **MR. ENGELMANN:** All right. But, that is one

1 of the things you are tasked to look at in this admin
2 review, and you've at least come to a preliminary
3 conclusion on that.

4 MR. DEROCHIE: Yes.

5 MR. ENGELMANN: Within a day.

6 MR. DEROCHIE: Yes.

7 MR. ENGELMANN: And, at that point, both
8 Willis and Lefebvre tell you they can't remember much?

9 MR. DEROCHIE: They can't remember much,
10 right.

11 MR. ENGELMANN: We've gone through what
12 Lefebvre told you; we don't have notes, and we have some
13 other information from Brunet, who was not satisfied about
14 something and -- although not related to the '85 complaint,
15 and your brief comments are from Staff Sergeant Dupuis?

16 MR. DEROCHIE: Yes.

17 MR. ENGELMANN: Now, at this point in time
18 you hadn't located any notes or records from the 1985
19 investigation?

20 Correct?

21 MR. DEROCHIE: I don't believe so, no.

22 MR. ENGELMANN: And you state:

23 "The CAS was involved and, according to
24 the mother, Dr. Diepen had examined
25 him, which would be standard procedure

1 in such circumstances."

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: So, were you at least of the
4 view that the CAS, at this point in time, was working with
5 the CPS?

6 MR. DEROCHIE: That was my understanding,
7 yes.

8 MR. ENGELMANN: Right. And did you later
9 come to the view that, although they were both working with
10 this, they weren't really doing it together?

11 MR. DEROCHIE: Yes, on this particular --
12 yes, you're right.

13 MR. ENGELMANN: Yeah. Because if they had
14 been doing it together they would have been sharing
15 information.

16 MR. DEROCHIE: The CAS would have been
17 sharing information?

18 MR. ENGELMANN: Well, if you're doing a
19 joint investigation ---

20 MR. DEROCHIE: I'm sorry; when -- what
21 period in time are we talking about, Mr. Engelmann, '85?

22 MR. ENGELMANN: Yes.

23 If you're doing a joint investigation surely
24 you're sharing information?

25 MR. DEROCHIE: Yes, of course.

1 **MR. ENGELMANN:** So, if medical evidence
2 comes into one or the other agency and you're working on a
3 file together, that would be something that would be
4 shared?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** And there was some medical
7 evidence that you later came across that would have been
8 important -- or was important, from back in 1985?

9 **MR. DEROCHIE:** Yes; I never got a full
10 explanation. There was interaction between ourselves and
11 CAS at this same time. There was two investigations going
12 on, by which some of the -- at least, one of the victims --
13 -

14 **MR. ENGELMANN:** Yes.

15 **MR. DEROCHIE:** --- was involved with. And
16 they were working hand-in-hand with the same investigators.
17 The CAS investigator and our investigator were the same two
18 on both those cases, and that was a little bit confusing.

19 **MR. ENGELMANN:** Right.

20 **MR. DEROCHIE:** Because there seemed to be an
21 awful lot of communication and contact, but they seemed to
22 have split these investigations.

23 **MR. ENGELMANN:** Because, the victim who came
24 -- whose mother came forward in 1985, had been abused by
25 more than one person.

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

2 **MR. ENGELMANN:** And the CAS, with respect to
3 the other perpetrator who, like Landry, Jr., was a
4 pedophile -- there were multiple children that they both
5 abused.

6 **MR. DEROCHIE:** Yes, correct.

7 **MR. ENGELMANN:** Yes?

8 With the other guy -- and I -- the other
9 fellow, the other perpetrator, the CAS and the CPS do a
10 joint investigation.

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** But with Landry, Jr. they
13 don't.

14 And I'm wondering ---

15 **MR. DEROCHIE:** There wasn't ---

16 **MR. ENGELMANN:** --- why not.

17 **MR. DEROCHIE:** --- I don't know, and there
18 doesn't seem to be a -- there doesn't seem to be a
19 definitive yes or no about that.

20 It seems there talking about the same cases
21 at the same time when I reviewed the notes, but there
22 doesn't seem to be that formal acknowledgement that there's
23 a joint investigation going on.

24 **MR. ENGELMANN:** And in 1985, this mother and
25 her son, the victim -- the investigation and prosecution of

1 the other fellow is successful.

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: After the joint
4 investigation.

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: Whereas, the investigation
7 against Earl Landry, Jr. goes nowhere.

8 MR. DEROCHIE: Goes nowhere; there's
9 multiple victims for -- from the other fellow; there's only
10 one -- there's only -- or, I'm sorry, there's -- yes,
11 there's multiple victims of the other perpetrator, there's
12 only one victim of Earl Landry, Jr. at that time
13 identified.

14 MR. ENGELMANN: Right; identified. There
15 were other victims out there, we know that,

16 MR. DEROCHIE: Yes.

17 MR. ENGELMANN: They just weren't
18 identified.

19 MR. DEROCHIE: They weren't identified.

20 MR. ENGELMANN: And if there had been a
21 joint investigation perhaps they would have been, sir.

22 I guess it's difficult to speculate, now.

23 MR. DEROCHIE: It's possible.

24 MR. ENGELMANN: Yeah.

25 MR. DEROCHIE: Yes.

1 **MR. ENGELMANN:** But at least in the other
2 case, they were identified. The investigations continued
3 in a joint way, and the guy was successfully prosecuted.

4 **MR. DEROCHIE:** Correct.

5 **MR. ENGELMANN:** With Earl Landry, Jr. the
6 investigation stops, it just doesn't really go anywhere
7 after a couple of days, I would suggest, and then many,
8 many years later, more people come forward?

9 **MR. DEROCHIE:** That also is correct.

10 **MR. ENGELMANN:** Which is obviously very
11 unfortunate, you would agree?

12 **MR. DEROCHIE:** It is unfortunate.

13 **MR. ENGELMANN:** Because if it had been
14 investigated and prosecuted back in 1985, maybe other
15 things would have been uncovered then?

16 **MR. DEROCHIE:** Maybe.

17 **MR. ENGELMANN:** Now, do you know where this
18 information came from about Dr. Deepan and doing a physical
19 examination?

20 **MR. DEROCHIE:** I believe it came from the
21 mother.

22 **MR. ENGELMANN:** All right. And do you know,
23 sir, if doing joint investigations with the CAS with
24 children of that age, eight to ten, was the norm back in
25 the mid-80s?

1 **MR. DEROCHIE:** Oh, I would think so. I
2 would hope so.

3 **MR. ENGELMANN:** And as you said, that was
4 done with respect to the other perpetrator?

5 **MR. DEROCHIE:** Quite right.

6 **MR. ENGELMANN:** Now, the to-do list that's
7 made on page 6 and page 7, is that something that you're
8 directed to do by the Chief?

9 **MR. DEROCHIE:** I don't believe so. I
10 believe that's just something that I produced myself just
11 to make sure that I cover -- try to cover off or at least
12 consider whether this has to be done.

13 **MR. ENGELMANN:** All right. Now, legal
14 opinion on consequences, if any, of disclosing to
15 employers. Do you see that, the third point?

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** Was that something you were
18 looking at in the context of your administrative review?

19 **MR. DEROCHIE:** I don't know if it was. It
20 certainly came up in this particular one because we have
21 the same considerations here that I've had in others and
22 I'm still obviously not satisfied that I know the answer to
23 that, at this point.

24 **MR. ENGELMANN:** And you framed that
25 question, sir, not the Chief?

1 **MR. DEROCHIE:** Oh no, I framed that
2 question.

3 **MR. ENGELMANN:** All right, because I'm
4 wondering -- it says:

5 "Get legal opinion on consequences, if
6 any, if disclosing to employer and
7 others information, suspicions,
8 concerns about a possible sexual
9 predator in situations where police
10 cannot lay charges."

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** I just -- "Cannot lay
13 charges". Like, what do you mean by that, sir?

14 **MR. DEROCHIE:** Where there's insufficient
15 evidence to lay a charge or there's -- for some reason, the
16 victim does not want to proceed with laying a charge, does
17 not want to become involved in the criminal justice system.
18 There could be -- well, it would be the typical ones, I
19 would think.

20 I think it would be a fair statement to say
21 that the police want to lay charges, generally speaking,
22 you know. That's our goal in life is to ---

23 **MR. ENGELMANN:** Yes.

24 **MR. DEROCHIE:** --- lay a charge.

25 **MR. ENGELMANN:** No, I agree and if it's

1 warranted?

2 **MR. DEROCHIE:** Of course, if warranted. We,
3 you know, we recognize our limitations under -- in a
4 democratic society that we have to be cautious and, you
5 know, make sure that we have that elusive, sometimes
6 reasonable and probable grounds.

7 **MR. ENGELMANN:** But even before making that
8 determination, isn't one of the most important things to
9 make sure you do a thorough, complete investigation to
10 determine whether or not those charges should be laid?

11 **MR. DEROCHIE:** That would -- that's what
12 we're all about or that's what we should be all about.

13 **MR. ENGELMANN:** And if you can get
14 information from a variety of sources, you should attempt
15 to do so?

16 **MR. DEROCHIE:** Yes, you should.

17 **MR. ENGELMANN:** Now, the 1985 investigation,
18 that was classified as "Unfounded"; correct?

19 **MR. DEROCHIE:** Is it reflected in my notes?
20 I don't -- I can't recall; I don't have a memory of that.

21 **MR. ENGELMANN:** Okay, but do you know how it
22 was classified, sir? And the reason I'm suggesting that is
23 your first point says:

24 "Evaluate and reconsider retention
25 periods for allegations of sexual

1 assaults, as well as practice of how
2 unfounded allegations are classified."

3 **MR. DEROCHIE:** Yes, I'm presuming -- I'm
4 presuming at this point that that's what happened to the
5 '85 investigation, based on the fact that there was
6 insufficient evidence and that was -- unfortunately, that
7 was the practice way back then. It's certainly not the
8 practice today. You don't "Unfound" allegations simply
9 because you can't find sufficient evidence.

10 **MR. ENGELMANN:** What -- how do you classify
11 them today?

12 **MR. DEROCHIE:** You would probably classify
13 those, or you would classify those as "Complete Unsolved".

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

15 **MR. DEROCHIE:** I can't go any further; I'm
16 not prepared to say that this thing is "Unfounded"; I
17 haven't got concrete evidence.

18 If, for example, a victim came forward
19 during the investigation and admitted that, no, I made
20 these allegations falsely; I was trying to get back at so-
21 and-so for doing this to me. Then we would classify that
22 as "Unfounded", but normally if we just cannot lay a
23 charge, we would classify it as "Complete Unsolved."

24 **MR. ENGELMANN:** All right. Well, in this
25 case you would agree that if, in fact, the determination

1 was "Unfounded" in 1985, it was incorrect?

2 MR. DEROCHIE: Oh, absolutely.

3 MR. ENGELMANN: And is there also a -- I
4 don't want to ask you a lot about this, sir, but is there
5 also a classification or was there a classification at that
6 time known as "Cleared Otherwise"?

7 MR. DEROCHIE: Yes, there was.

8 MR. ENGELMANN: And do you know what kinds
9 of circumstances might be used -- where that might be used?

10 MR. DEROCHIE: Yes, for example, if we had -
11 - if we had an investigation where, for example, the victim
12 -- we were doing the investigation and in the course of the
13 investigation, the suspect became deceased, that would be a
14 circumstance. There would be a ---

15 THE COMMISSIONER: What's the word you use
16 for that?

17 MR. DEROCHIE: "Cleared ---

18 MR. ENGELMANN: "Cleared otherwise".

19 THE COMMISSIONER: "Cleared otherwise"?

20 MR. DEROCHIE: Yes.

21 MR. ENGELMANN: But what if during the
22 course of an investigation the victim no longer wants to
23 proceed for one reason or another?

24 MR. DEROCHIE: That would be classified as
25 "Complete Unsolved."

1 **MR. ENGELMANN:** All right.

2 **THE COMMISSIONER:** What about if you came up
3 with an alibi for the accused?

4 **MR. ENGELMANN:** Well, then the complaint
5 would be "Unfounded."

6 **THE COMMISSIONER:** "Unfounded", okay.

7 **MR. ENGELMANN:** All right. And the effect
8 of "Unfounded" in the mid-80s, do you know what effect that
9 would have had on retention?

10 **MR. DEROCHIE:** It would have shortened the
11 retention period. I think sexual assaults at that time
12 were -- were maintained for only five or six years and
13 "Unfounded" would have even -- it would have reduced that
14 retention period even further.

15 **THE COMMISSIONER:** Was it your -- was it the
16 culture, in those years, that in order to get files out of
17 the way that people would put down the famous words of
18 "Unfounded"?

19 **MR. DEROCHIE:** Well, they -- that could
20 happen. Hopefully, the checks and balances of a supervisor
21 reading the report and saying, "You're not there yet",
22 might -- I would hope that check and balance would be in
23 place, but is it possible because -- are you saying that
24 the investigation just became cumbersome or for want ---

25 **THE COMMISSIONER:** I mean, we talked

1 yesterday that there are some that are falling through the
2 cracks ---

3 **MR. DEROCHIE:** Yes.

4 **THE COMMISSIONER:** --- because even the
5 supervisors don't know.

6 **MR. DEROCHIE:** Exactly.

7 **THE COMMISSIONER:** So for the rank-and-file,
8 you know, if you have a file that, you know ---

9 **MR. DEROCHIE:** Well, I would -- you know,
10 human nature being what it is, I'm not going to -- I'm not
11 going to tell you that could never happen. If somebody
12 thought they could get away with that, is it possible that
13 they would try it? Yes ---

14 **THE COMMISSIONER:** And that's why I asked
15 you whether there was a culture of just putting down
16 whatever the thing is, "Unfounded"?

17 **MR. DEROCHIE:** Well, I don't believe there'd
18 be a culture of doing that, Mr. Commissioner. I don't
19 believe any -- there -- they -- that was widespread by any
20 means in any sense, no.

21 **THE COMMISSIONER:** Okay. Mr. Engelmann pick
22 your time for a break, anytime.

23 **MR. ENGELMANN:** Just a couple more minutes.
24 Thank you, sir.

25 Sir, at page 8 of your notes, Bates 7181140,

1 there's a reference to the bottom:

2 "September 14th '99, 13:25, at CAS with
3 Patricia in boardroom."

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** Who is Patricia?

6 **MR. DEROCHIE:** Patricia was an employee of
7 CAS. I'm sorry, I don't know what her last name was now
8 and I'd asked for access to the files and Patricia -- I was
9 to meet Patricia there and they would let me go through
10 their files.

11 **MR. ENGELMANN:** All right. And their files
12 indicated that Landry's name first surfaced with them on
13 July 9th of 1985?

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** This is a week or two after
16 there's an investigation by your Service in late June?

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** And it says:

19 "When then Sergeant Lefebvre reported a
20 complaint made by..."

21 This is the victim's mother ---

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** "... on behalf of her sons"?

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** I take it, again, both sons

1 were apparently abused by the other perpetrator?

2 **MR. DEROCHIE:** Yes.

3 **MR. ENGELMANN:** Is that correct?

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** And Lefebvre was working on
6 that investigation and had just recently been working on
7 the Landry investigation; correct?

8 **MR. DEROCHIE:** Yes ---

9 **MR. ENGELMANN:** All right.

10 **MR. DEROCHIE:** Yes. I don't know what the
11 timing is exactly.

12 **MR. ENGELMANN:** All right.

13 And the other perpetrators noted there --
14 there's a reference at the bottom of the page to a letter
15 from a doctor at CHEO?

16 **MR. DEROCHIE:** Dr. Park, Malcolm Park.

17 **MR. ENGELMANN:** Yes. Indicating -- and it's
18 dated July 23rd.

19 **MR. DEROCHIE:** Yes.

20 **MR. ENGELMANN:** Indicating that both of this
21 mother's boys had been there for examination.

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

23 **MR. ENGELMANN:** All right.

24 And on the following page, page 10 of your
25 notes:

1 "The team..."

2 Being the team from the hospital:

3 "...concluded that although there was
4 no physical evidence of sexual abuse,
5 their opinion was that the abuse had
6 occurred."

7 **MR. DEROCHIE:** Yes.

8 **MR. ENGELMANN:** "This opinion was based on
9 interviews and other considerations."

10 Do you see that?

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** And:

13 "Letters not specific with regards to
14 details as to what involvement the
15 other perpetrator and Landry had with
16 the boys, just that sexual assaults had
17 occurred."

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** Now, we have a letter in our
20 records from September. Are you sure about that date, sir,
21 or is it possible that that's the date of the -- I just --
22 you mentioned a date of July 23rd. Did you see two letters
23 from CHEO?

24 **MR. DEROCHIE:** No, I saw one letter.

25 **MR. ENGELMANN:** All right.

1 Document Number 740051 -- sir, this letter
2 is not only subject to a -- it should be subject to a
3 publication ban because it mentions the individual in
4 question, but because of the intimate personal and medical
5 details, I think perhaps this should be a "C" exhibit. I
6 don't know if my friends have any objections.

7 **THE COMMISSIONER:** Well, let me have a look
8 at it.

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

10 **THE COMMISSIONER:** I take it the parties
11 have that document?

12 **MR. ENGELMANN:** Yes.

13 **THE COMMISSIONER:** All right.

14 **THE REGISTRAR:** What was the document
15 number?

16 **MR. ENGELMANN:** Seven-four-zero-zero-five-
17 one (740051).

18 **THE COMMISSIONER:** While we're waiting for
19 that ---

20 **MR. ENGELMANN:** Sir, perhaps we should take
21 the break.

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

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

25 This hearing will resume at 11:20.

1 --- Upon recessing at 11:07 a.m./

2 L'audience est suspendue à 11h05

3 --- Upon resuming at 11:24 a.m./

4 L'audience est reprise à 11h24

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

7 This hearing is now resumed. Please be
8 seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you.

10 Mr. Engelmann.

11 **MR. ENGELMANN:** Sir, just before the break
12 we were looking at a letter dated September 11th, 1985.

13 **THE COMMISSIONER:** Okay. All right. And
14 that is Exhibit 1353 which is a letter addressed to Jean
15 Dupuis of the CAS and signed by Dr. Malcolm Park, the
16 Chairman of the Child Protection Team, September 11th, 1985.

17 Now, you wanted to talk about whether it
18 should -- there should be a publication ban and whether or
19 not there should be a "C" to this exhibit. Give me a
20 second.

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

22 **THE COMMISSIONER:** I notice that there are
23 some ---

24 **MR. ENGELMANN:** Sir, the letter refers to
25 two sons.

1 **THE COMMISSIONER:** Yes.

2 **MR. ENGELMANN:** And my understanding -- my
3 hope is that the blackout would have details concerning the
4 other son.

5 **THE COMMISSIONER:** That's unrelated to this?

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

7 **THE COMMISSIONER:** Fine.

8 **MR. ENGELMANN:** Well, my understanding is
9 the -- both the boys were abused by the other perpetrator.

10 **THE COMMISSIONER:** Right.

11 **MR. ENGELMANN:** But there's only -- with
12 respect to Earl Landry, Jr. the abuse was just against the
13 son who is not blacked out on this list.

14 **GARRY DEROCHIE, Resumed/Sous le même serment:**

15 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
16 **ENGELMANN (cont'd/suite):**

17 **MR. ENGELMANN:** Is that fair, Staff Sergeant
18 Derochie?

19 **MR. DEROCHIE:** I didn't redact these, so I'm
20 not familiar.

21 **MR. ENGELMANN:** Okay. But you were
22 familiar, sir, with the fact that this particular mother
23 had two boys who were abused?

24 **MR. DEROCHIE:** Oh yes. Yes, that's quite
25 right. I'm sorry, yes, the two boys were both sexually

1 abused by this other perpetrator.

2 MR. ENGELMANN: Right.

3 MR. DEROCHIE: And the other one solely by
4 Earl Landry, Jr.

5 MR. ENGELMANN: All right.

6 THE COMMISSIONER: All right.

7 So there is a ban on publication on this
8 young boy's name at the top -- he was a young boy at the
9 time.

10 Now the issue is whether it should be a "C"
11 exhibit. Does anybody have any objections to that? And I
12 think it's reasonable to do that given that the only real
13 purpose for this exhibit is to show that a report was made
14 to the Children's Aid Society. Is that -- amongst other
15 things, but still ---

16 MR. ENGELMANN: Yes. I don't intend to get
17 into the medical details.

18 THE COMMISSIONER: "C" exhibit then. Thank
19 you.

20 --- EXHIBIT NO./PIÈCE NO. C-1353:

21 (740051) Letter from Dr. Malcolm Park
22 to Jean Dupuis - September 11, 1985

23 MR. ENGELMANN: Now, Staff Sergeant
24 Derochie, in your notes -- and that's Exhibit 1349 ---

25 MR. DEROCHIE: Yes.

1 **MR. ENGELMANN:** --- on page 9, Bates page
2 7181141 ---

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** --- you refer to being at
5 the CAS on September 14th, 1999, meeting with a worker there
6 by the name of Patricia ---

7 **MR. DEROCHIE:** Yes.

8 **MR. ENGELMANN:** --- and reviewing some of
9 their files?

10 **MR. DEROCHIE:** Yes.

11 **MR. ENGELMANN:** And in particular, you refer
12 to a letter by a fellow named Malcolm Park, the doctor?

13 **MR. DEROCHIE:** Quite right, yes.

14 **MR. ENGELMANN:** And that's also the same
15 name as the doctor we see on C-1353?

16 **MR. DEROCHIE:** Yes, that's correct.

17 **MR. ENGELMANN:** But what you refer to in
18 your notes is correspondence from him to the CAS dated July
19 23rd, 1985.

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** And that is coincidentally
22 the date the boys were brought in, if you look at C-1353?

23 **MR. DEROCHIE:** Yes.

24 **MR. ENGELMANN:** Now, you're quite sure,
25 Staff Sergeant Derochie, that when you went to the CAS on

1 September 14th, that you were not looking at C-1353 but
2 rather a letter from an earlier date?

3 **MR. DEROCHIE:** I'm quite sure of that, yes.

4 **MR. ENGELMANN:** Okay. And in fact, sir, my
5 understanding in notes we will get to when you start the
6 criminal investigation aspect of the Landry matter that you
7 come across this September 11th letter only in the year 2000
8 when you're doing that criminal investigation file.

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

10 **MR. ENGELMANN:** And you note at that time it
11 appears to be a follow-up to a letter you've seen earlier?

12 **MR. DEROCHIE:** That was my speculation, yes.

13 **MR. ENGELMANN:** And that the subsequent
14 letter, the one we're now looking at, 1353, has more detail
15 than the first letter you looked at?

16 **MR. DEROCHIE:** That's my recollection, yes.

17 **MR. ENGELMANN:** All right.

18 Now, unfortunately, I haven't been able to
19 locate that first letter. Do you recall, sir, when you say
20 more detail in the second letter, what you mean by that?

21 **MR. DEROCHIE:** First of all, I didn't
22 believe there was a reference to an actual assault by Earl
23 Landry, Jr. I do note that in my notes on Bates page
24 7181142 that I indicate at the third paragraph down.

25 "The letter is not specific with

1 regards to details, as to what
2 involvement the perpetrator and Mr.
3 Landry had with the boys, just that a
4 sexual assault had occurred."

5 You read this letter, it's -- there are
6 specifics detailed, therefore I would have ---

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

8 **MR. DEROCHIE:** --- there's no -- I can't
9 explain why I would have made that note, had there not been
10 another letter.

11 **MR. ENGELMANN:** All right. And when you
12 were there, on September 14th of 1999, for whatever reason
13 you did not see a copy of C-1353?

14 **MR. DEROCHIE:** No, I didn't see that letter.
15 I have no note of it.

16 **MR. ENGELMANN:** There appears to be no
17 question from reviewing the letter that the employee in
18 question knew who his abuser was.

19 **MR. DEROCHIE:** No, there doesn't appear to
20 be any question to that.

21 **MR. ENGELMANN:** And ---

22 **MR. DEROCHIE:** Well, the letter indicates
23 that -- the letter identifies Earl Landry, Jr., I should
24 say. I don't know how they -- who -- where they got that
25 from.

1 **MR. ENGELMANN:** I'm just, sir, noting the
2 third paragraph down when the boy reacts, when he's
3 examined.

4 **MR. DEROCHIE:** I'm sorry; the third
5 paragraph down?

6 **MR. ENGELMANN:** Yes.

7 **MR. DEROCHIE:** Where it begins the --

8 **MR. ENGELMANN:** Just above the black out.

9 **MR. DEROCHIE:** --- physical exam? Yes.
10 Yes.

11 **MR. ENGELMANN:** He doesn't seem to have any
12 doubts about ---

13 **MR. DEROCHIE:** He knew Earl did it.

14 **MR. ENGELMANN:** Yeah.

15 Now, letters like C-1353 and the other
16 letter you saw would be important evidence in the context
17 of a police investigation. Correct?

18 **MR. DEROCHIE:** It would provide
19 corroboration, yes.

20 **MR. ENGELMANN:** Yes. And you would
21 certainly assume, sir, that if these two agencies were
22 interacting and doing a joint investigation, that they
23 would be sharing letters of this nature?

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** And, even if it wasn't a

1 joint investigation, if one of the agencies knew what the
2 other agency was doing, you would think that information
3 like this would be shared ---

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** --- to help do a proper,
6 thorough, complete investigation?

7 **MR. DEROCHIE:** Yes.

8 This letter notes that the charges and
9 convictions have already been -- or did I misread that.

10 **MR. ENGELMANN:** I'm sorry?

11 **MR. DEROCHIE:** Is there some sort of
12 indication that this thing has been dealt with? The
13 assault had been dealt with by the court?

14 **MR. ENGELMANN:** What are you referring to,
15 sir?

16 **MR. DEROCHIE:** I thought I read somewhere
17 where there's been charges laid and the other suspect has
18 been ---

19 **MR. ENGELMANN:** Oh, yes.

20 **THE COMMISSIONER:** Yes, yes.

21 **MR. ENGELMANN:** On -- in your notes of
22 September 14th, you say -- I'll just be a moment -- on page
23 9 ---

24 **MR. DEROCHIE:** Okay.

25 **MR. ENGELMANN:** Bates page 7181141, in

1 talking about the other perpetrator:

2 "This person was subsequently charged
3 with sexually assaulting five different
4 boys, including the two in question;
5 the two brothers."

6 **MR. DEROCHIE:** Yes, I was thinking of
7 something else, I'm ---

8 **MR. ENGELMANN:** Okay.

9 **MR. DEROCHIE:** I'm totally incorrect there,
10 in what I was saying.

11 **MR. ENGELMANN:** Now sir, you say on that
12 very same page:

13 "There is no link between the two
14 perpetrators..."

15 **MR. DEROCHIE:** There doesn't appear to be.

16 **MR. ENGELMANN:** "...Landry and the
17 other..."

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

19 **MR. ENGELMANN:** "...that I could
20 establish, after a quick review of the
21 files."

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** Now, to really establish
24 that link, would you not agree, sir, that it might be
25 important to do a more thorough investigation, although

1 that's not what you were doing at the time?

2 **MR. DEROCHIE:** No, that's not what I was
3 doing at the time. And I didn't find -- I spoke to all the
4 principals of that earlier investigation, there was no
5 indication from any of them that there was a link between
6 these two perpetrators.

7 **MR. ENGELMANN:** Was that something that you
8 were looking at, sir, in September of 1999?

9 **MR. DEROCHIE:** Well, I was trying to
10 understand that -- it's a little bit confusing, given that
11 there was no record of the investigation available to me to
12 look at; I couldn't find a CAS investigator's notes. I'd
13 been told they weren't available in the file.

14 As I mentioned, I subsequently believe that
15 there was very limited notes made by Lefebvre and Willis,
16 so I was wondering -- trying to figure out -- and I might
17 be confusing this part of the investigation with the
18 subsequent 1990 investigation. And I can only ---

19 **MR. ENGELMANN:** The subsequent -- sorry, the
20 subsequent investigation in the year 2000?

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

22 **MR. ENGELMANN:** Yes.

23 **MR. DEROCHIE:** And I can only know that this
24 is what I knew at the time, based on my notes. I don't --
25 the other information is so blurred, with regards to when I

1 found ---

2 MR. ENGELMANN: That's fine.

3 Sir, your notes carry on with respect to
4 this meeting at the CAS for a couple of pages.

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: And you make reference to
7 Mr. Landry's name coming up next; and this is at page 11,
8 Bates page 7181143.

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: And that's in the CAS files,
11 where there's a referral from a psychologist ---

12 MR. DEROCHIE: That's correct.

13 MR. ENGELMANN: --- to the CAS.

14 MR. DEROCHIE: Yes.

15 MR. ENGELMANN: And that's dated September
16 13th, '93.

17 MR. DEROCHIE: Correct.

18 MR. ENGELMANN: And, on the following page,
19 sir, you write:

20 "CAS files also indicate that Staff
21 Sergeant Brunet was advised of the 1993
22 allegations made against Landry."

23 MR. DEROCHIE: Yes.

24 MR. ENGELMANN: Now, you make a note:

25 "Revisit CAS; get details. Talk to

1 Brunet re: 1993 incident."

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: All right; those are follow-
4 up items?

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: I didn't see any indication
7 that you went back to the CAS after that. Do you know
8 whether you did, or not?

9 MR. DEROCHIE: I don't recall but, if it's
10 not in my notes, I would suspect that I did not.

11 MR. ENGELMANN: Do you have any sense, sir,
12 as to why you thought it was important to revisit?

13 MR. DEROCHIE: I don't recall now, why I
14 thought it was important. I'd -- they'd given me access to
15 their files, so I was satisfied that I'd seen what they
16 had.

17 So I don't know why I'd made a note to do
18 that.

19 MR. ENGELMANN: All right.

20 Now, according to your notes, there was
21 about a period of about eight weeks before there's further
22 action on this, on your part. We go from September 14th
23 until November 9th.

24 MR. DEROCHIE: Yes.

25 MR. ENGELMANN: And that's presumably when

1 you first, then, contact Staff Sergeant Brunet?

2 **MR. DEROCHIE:** Yes.

3 **MR. ENGELMANN:** So there's no indication of
4 any activity during that time frame. Correct?

5 **MR. DEROCHIE:** Quite right, yes.

6 **MR. ENGELMANN:** And that's a fairly long
7 gap?

8 **MR. DEROCHIE:** It's a significant gap.

9 **MR. ENGELMANN:** I think we know that you
10 were busy with some other things at that time. We've gone
11 through some of them.

12 **MR. DEROCHIE:** Yes, I have a workload, yes.

13 **MR. ENGELMANN:** Though particularly, you
14 were involved in speaking with the OPP and speaking with
15 outside Crown with respect to Mr. Dunlop?

16 **MR. DEROCHIE:** Yes, there was a lot going
17 on.

18 **MR. ENGELMANN:** And there were a number of
19 things going on with Mr. Dunlop in other matters?

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** All right.

22 Would it be fair to say that, at least at
23 that point, some of those issues took priority over this
24 administrative review?

25 **MR. ENGELMANN:** I think that's fair to say.

1 **MR. ENGELMANN:** And when you met or spoke
2 with Staff Sergeant Brunet on November 9th, did you receive
3 a copy of his notes ---

4 **MR. DEROCHIE:** I did.

5 **MR. ENGELMANN:** --- from 1993?

6 **MR. DEROCHIE:** I did.

7 **MR. ENGELMANN:** Madam Clerk, if the witness
8 could be shown Document Number 740360.

9 **THE COMMISSIONER:** Thank you.

10 Exhibit Number 1354 are Staff Sergeant
11 Brunet's notes of -- and the first note is dated the 22nd of
12 September 1993 at top of the page.

13 **MR. ENGELMANN:** One three five four (1354),
14 sir?

15 **THE COMMISSIONER:** One three five four
16 (1354), yeah.

17 **MR. ENGELMANN:** Thank you.

18 --- **EXHIBIT NO./PIÈCE No. P-1354:**

19 (740360) Notes of Staff Sergeant Brunet
20 - 09 Nov 99

21 Is there a victim's name there?

22 **MR. ENGELMANN:** There is not.

23 **THE COMMISSIONER:** Okay.

24 **MR. ENGELMANN:** I think that was one of the
25 issues and I just wanted to ask Staff Sergeant Derochie

1 about this.

2 MR. DEROCHIE: Yes, the victim was never
3 identified.

4 MR. ENGELMANN: Okay. I believe the victim
5 simply used his first name when he was dealing with the
6 CAS.

7 MR. DEROCHIE: That's correct. He made his
8 disclosure to the doctor and the doctor contacted CAS and
9 told CAS that the victim did not wish to be identified to
10 CAS but he felt compelled -- the doctor felt compelled,
11 rightly, to call CAS.

12 MR. ENGELMANN: And I understand there was
13 some persistence on the part of the CAS?

14 MR. DEROCHIE: Oh, yes.

15 MR. ENGELMANN: That they actually did end
16 up speaking?

17 MR. DEROCHIE: Yes, they did quite a
18 thorough investigation of this whole -- all of this
19 information, yes.

20 MR. ENGELMANN: And they in fact spoke with
21 the alleged victim, but ---

22 MR. DEROCHIE: By telephone, but he refused
23 to cooperate further than to give his story to them in
24 person. as it were, over the phone.

25 MR. ENGELMANN: But he explained what

1 happened to him?

2 **MR. DEROCHIE:** He did.

3 **MR. ENGELMANN:** And some of that is set out
4 in Staff Sergeant Brunet's notes. For example, the age
5 that he was at the time?

6 **MR. DEROCHIE:** Yes.

7 **MR. ENGELMANN:** And that the abuse lasted
8 for about a year?

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** All right. And do you know
11 if -- was this it as far as the notes from Staff Sergeant
12 Brunet?

13 **MR. DEROCHIE:** Yes, these are all of his
14 notes on that issue.

15 **MR. ENGELMANN:** And had he entered an OMPPAC
16 incident report about this?

17 **MR. DEROCHIE:** He did. That number at the
18 top, 81569-7, is the OMPPAC incident number.

19 **MR. ENGELMANN:** And we see from your notes
20 that that has -- that was since purged?

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** And was that consistent with
23 CPS policy that that would be purged?

24 **MR. DEROCHIE:** Yes, based on the ultimate
25 classification.

1 **MR. ENGELMANN:** And what was the
2 classification, do you know?

3 **MR. DEROCHIE:** I believe it would have been
4 "Police Information".

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

6 **MR. DEROCHIE:** "Police Information".

7 **MR. ENGELMANN:** "Police Information"?

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** Which means?

10 **MR. DEROCHIE:** It means just information
11 that we received; that we were recording the facts but that
12 we have received this information.

13 **MR. ENGELMANN:** And would that be something
14 that if there were other investigations involving this
15 individual that an intelligence officer or other officers
16 might be able to access?

17 **MR. DEROCHIE:** They would certainly be able
18 to query -- or query the name on the system and would get
19 all related incidents.

20 **MR. ENGELMANN:** All right. So that the name
21 of the alleged suspect or offender would be available to
22 them?

23 **MR. DEROCHIE:** Yes, yes, for a period of
24 time; for the period of time that the case was active
25 within the system.

1 **THE COMMISSIONER:** And was this a project
2 number or just a general number?

3 **MR. DEROCHIE:** That's the general occurrence
4 number.

5 **MR. ENGELMANN:** And would that be available
6 to them essentially two-and-a-half years later in early
7 1996 when the next complainant comes in on Earl Landry,
8 Jr.?

9 **MR. DEROCHIE:** I'm not sure what the
10 retention period for "Police Information" was at the time.
11 It may have; it may not have. I don't recall because ---

12 **MR. ENGELMANN:** Sorry?

13 **MR. DEROCHIE:** I'm thinking it's a two-year
14 retention period, but I might be wrong on that. So it's
15 possible, given that. If it is two years, no, there would
16 be the -- the only thing that would remain would be the
17 notes and the memory of it having occurred.

18 **MR. ENGELMANN:** Because the four victims who
19 come forward in '96 and later, none of them have this first
20 name?

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

22 **MR. ENGELMANN:** So it's probable this person
23 doesn't come forward again?

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

25 **MR. ENGELMANN:** Now, to your knowledge, sir,

1 did you take any further investigative steps in your review
2 after the meeting with Staff Sergeant Brunet?

3 MR. DEROCHIE: As far as looking into it
4 further, no.

5 MR. ENGELMANN: All right.

6 MR. DEROCHIE: I believe I had all of the --
7 enough -- sufficient details to write a report. I was
8 sufficiently concerned that I noted there were issues here
9 with regards to the timeliness of this investigation.

10 MR. ENGELMANN: All right. And you submit
11 the report to the Chief on or about the 8th of December.
12 You receive a response on or about the 13th and then you
13 meet with the Chief and Inspector Carter, Staff Sergeants
14 Brunet and Dupuis about this matter on the 29th of December?

15 MR. DEROCHIE: Yes.

16 MR. ENGELMANN: And this matter being -- you
17 reviewed the report and the proposed standing order?

18 MR. DEROCHIE: Yes, there was concern about
19 -- because I think I mentioned yesterday that the Chief
20 initially wanted a 7-day turnaround on reports. We had
21 discussed it, he and I, and I believe we thought maybe 14
22 days or -- but when we had the meeting with the people who
23 were actually doing the work, they convinced us that that
24 wasn't practical.

25 MR. ENGELMANN: And, in fact ---

1 **THE COMMISSIONER:** In fact?

2 **MR. ENGELMANN:** Well, in fact, sir, the --
3 and I will come to this but the recommendation that you
4 originally made was a seven-day report?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** And ---

7 **MR. DEROCHIE:** Well, I don't know. Do I
8 make that actual recommendation?

9 **MR. ENGELMANN:** It's what Chief Repa now
10 wants.

11 **MR. DEROCHIE:** Chief Repa wants seven days,
12 yes.

13 **MR. ENGELMANN:** And we can go there right
14 now.

15 Sir, did you ---

16 **THE COMMISSIONER:** Well, it goes from 7 to
17 14 to 30.

18 **MR. DEROCHIE:** Yes.

19 **THE COMMISSIONER:** And yesterday you told us
20 that even a 30-day is pie in the sky?

21 **MR. DEROCHIE:** Yes, yes.

22 **THE COMMISSIONER:** Is that still pie in the
23 sky today?

24 **MR. DEROCHIE:** I don't -- I don't believe
25 so. I believe they have a very strict regimen with regards

1 to 30 days. I guess there'd be the odd one that goes 45
2 days. It's possible. I'd have to do an audit but it's
3 watched pretty carefully but nothing, you know, nothing's
4 impossible I guess.

5 MR. ENGELMANN: All right. Well, we'll come
6 to it.

7 I just want to review your report if I can;
8 1348 is the Exhibit Number.

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: And just on the first page
11 of the report it starts with the rather broad instructions
12 we looked at, assuming you're looking at things in their
13 entirety; correct?

14 MR. DEROCHIE: Yes, as I understood the
15 parameters, yes.

16 MR. ENGELMANN: Right. In the third
17 paragraph, you say you're looking at or you're anticipating
18 the service may be asked to comment on the issues brought
19 forward by one of those victims to the effect that police
20 were slow to act. And we'd looked at that second article
21 from the Freeholder about that issue?

22 MR. DEROCHIE: Yes.

23 MR. ENGELMANN: Delays, having to threaten
24 it with media, et cetera?

25 MR. DEROCHIE: Yes.

1 **MR. ENGELMANN:** Then we talk about the fact
2 that -- under investigation. Again, you say:

3 "My investigation has failed to
4 establish a connection between Landry
5 and this other man."

6 **MR. DEROCHIE:** Yes.

7 **MR. ENGELMANN:** Did you do anything further
8 on that after you came to that conclusion back in
9 September, that preliminary conclusion, or you really do
10 more work on this in the following year or two when you get
11 into the criminal investigation?

12 **MR. DEROCHIE:** I don't recall if it's not in
13 my notes.

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

15 **MR. DEROCHIE:** Likely not.

16 **MR. ENGELMANN:** In the last paragraph you
17 say:

18 "The investigating officer was of the
19 opinion that the victim would have made
20 a very poor witness."

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** That's stronger than his
23 words to you which were a "poor witness". Was there
24 anything further from Lefebvre on that?

25 **MR. DEROCHIE:** Well, that was a recurring

1 theme of everybody I spoke to, that it would have been a
2 difficult -- he would have been a difficult witness.

3 **MR. ENGELMANN:** Yes, but remember we're just
4 in the admin review now and I understood the only person
5 you would have spoken to about that would have been
6 Lefebvre on that one occasion?

7 **MR. DEROCHIE:** And Willis. I would have
8 spoken to him.

9 **MR. ENGELMANN:** No, I know but the notes on
10 Willis were even thinner, sir.

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** The one -- the one thing you
13 have in your notes at least this time around. You review
14 with him later.

15 **MR. DEROCHIE:** Okay. I have it in my notes
16 that I only discussed it with Ron Lefebvre, but if it was
17 reinforced by Staff Sergeant Willis I wouldn't have made a
18 notation of that. So, you know, I can say you're right but
19 ---

20 **MR. ENGELMANN:** All right.

21 Then you say:

22 "There was no evidence to corroborate
23 his statement at that time."

24 **MR. DEROCHIE:** Yes, correct.

25 **MR. ENGELMANN:** Now, sir, at this point --

1 well, if at that time is -- those two or three days in June
2 -- perhaps not, but if it includes July 23rd medical letter
3 to the CAS, there would have been some evidence to
4 corroborate his statement?

5 MR. DEROCHIE: If we were aware of it, yes.

6 MR. ENGELMANN: But you were aware of it at
7 least by the time you did this ---

8 MR. DEROCHIE: Yes.

9 MR. ENGELMANN: --- administrative review.

10 MR. DEROCHIE: Yes, I knew it then, yes.

11 MR. ENGELMANN: All right. And you don't
12 make any reference to it here?

13 MR. DEROCHIE: Okay. And in fact, I don't.
14 It's possible. Oh, no, I do make a reference.

15 MR. ENGELMANN: Or do you?

16 MR. DEROCHIE: Yes, further on in the report
17 I make reference to it.

18 MR. ENGELMANN: Oh, I'm sorry, yes, you do,
19 the second paragraph at page 2.

20 You don't make any reference to it as being
21 any form of corroboration?

22 MR. DEROCHIE: No.

23 MR. ENGELMANN: You say ---

24 MR. DEROCHIE: No, because in my notes, in
25 my recollection of that there was no corroboration in that

1 letter.

2 MR. ENGELMANN: All right.

3 And you wouldn't have seen the September 11th
4 letter before you finished writing this administrative
5 review?

6 MR. DEROCHIE: Correct. I saw ---

7 MR. ENGELMANN: That's something you ---

8 MR. DEROCHIE: I saw a letter dated July
9 23rd.

10 MR. ENGELMANN: Right.

11 MR. DEROCHIE: That's my recollection of it.
12 That's my notes of it.

13 MR. ENGELMANN: Yeah. And at that point you
14 had not gone back to the CAS after that initial meeting, so
15 you would have never seen the September 11th letter that we
16 looked at until sometime in the following year?

17 MR. DEROCHIE: That's correct. The letter
18 wouldn't have existed at that time that I was dealing with
19 it.

20 MR. ENGELMANN: Well, this is September 11th.
21 You were there on September 14th.

22 MR. DEROCHIE: Yes.

23 MR. ENGELMANN: It's not clear whether they
24 had even received it.

25 MR. DEROCHIE: Well, it wasn't -- I didn't

1 see it in any event.

2 MR. ENGELMANN: Fair enough.

3 MR. DEROCHIE: Well, it obviously would have
4 been there if I'm looking at this in 1999. If it was in
5 the file, it should have been in there in 1999.

6 MR. ENGELMANN: Yes. It was from 1985.

7 MR. DEROCHIE: From 1985.

8 MR. ENGELMANN: Yeah. No, it should have
9 been there.

10 MR. DEROCHIE: I do get in a time warp every
11 now and then.

12 MR. ENGELMANN: So do I.

13 So do you know what, if any, steps or just
14 from your preliminary investigation -- and I know this is
15 difficult because you do a more thorough -- you do a more
16 thorough investigation in the following year; correct?

17 MR. DEROCHIE: Correct.

18 MR. ENGELMANN: So I'm asking you questions
19 about that first timeframe, and I realize it's difficult
20 because you learn more in the second timeframe?

21 MR. DEROCHIE: Yes, that's why I would rely
22 on this report and my notes ---

23 MR. ENGELMANN: Yes.

24 MR. DEROCHIE: --- as to what I knew and
25 when I knew it.

1 **MR. ENGELMANN:** So, sir, with respect to
2 steps that were taken to corroborate the victim's
3 statement, at least that you knew at this time, were there
4 any?

5 **MR. DEROCHIE:** No. I would only have known
6 what was available to me on December 8th, 1999.

7 **MR. ENGELMANN:** So, for example, you
8 wouldn't know whether the investigators had asked the
9 victim or his mother for names of other boys that
10 frequented the park with him?

11 **MR. DEROCHIE:** No, I have no knowledge of
12 that.

13 **MR. ENGELMANN:** Or friends of his that might
14 have spent time with Earl?

15 **MR. DEROCHIE:** No.

16 **MR. ENGELMANN:** And you wouldn't have had
17 any evidence about the investigators asking other park
18 staff about the names of boys who might have been at the
19 park with him?

20 **MR. DEROCHIE:** No, I don't know that they
21 did at that time.

22 **MR. ENGELMANN:** And there was no evidence
23 that any surveillance was conducted, sir, other than going
24 there and taking his photo on the second day?

25 **MR. DEROCHIE:** Yes, that was the -- the only

1 investigative procedure or technique they had used.

2 **MR. ENGELMANN:** And there was no evidence,
3 sir, that the investigator suggested any medical
4 examination of the victim?

5 **MR. DEROCHIE:** Not that I recall.

6 **MR. ENGELMANN:** And although you would
7 consider the medical letter that we looked at today
8 corroborative, you say that it was not -- you don't believe
9 it was provided to the CPS?

10 **MR. DEROCHIE:** No.

11 **MR. ENGELMANN:** The September 11th letter?

12 **MR. DEROCHIE:** No, I have no knowledge if it
13 ever was.

14 **MR. ENGELMANN:** Now, on page 2 of your
15 report, in the second paragraph, you say:

16 "The CAS was involved in the 1985
17 investigations."

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** "And case worker Jean
20 Dupuis and Lefebvre worked together on
21 the case."

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** Would you agree, sir, that
24 that's a bit of an overstatement? In other words, there's
25 no evidence they worked together on this case. There's

1 some evidence they worked together on the case involving
2 the other perpetrator.

3 **MR. DEROCHIE:** Yes. And I could only -- I
4 must have based that on something that I don't -- you're
5 right; it's an overstatement possibly. I had -- obviously,
6 I had that feeling or that thought that they had worked
7 together on it.

8 **MR. ENGELMANN:** Right. Because when we
9 reviewed the notes -- and maybe we'll review them -- but
10 the investigation really is June 24th, starting in the
11 evening with the complaint and June 27th morning being told
12 that Earl Landry, Jr. is not coming for a polygraph. That
13 appears to be the length of the initial investigation, at
14 least from the notes.

15 **MR. DEROCHIE:** And that's what I -- yes,
16 that's what I uncovered at that time.

17 **MR. ENGELMANN:** And then there's no
18 indication that there's anything to do with the CAS until
19 the 9th of July, and Lefebvre mentioning he's involved in
20 this other case as well?

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** So there was no record of
23 them working together on this matter?

24 **MR. DEROCHIE:** There was no record of it,
25 no.

1 **MR. ENGELMANN:** And neither Lefebvre -- you
2 hadn't interviewed Dupuis at this point?

3 **MR. DEROCHIE:** Not at this point.

4 **MR. ENGELMANN:** And Lefebvre didn't say
5 anything about working together with him on the file or a
6 joint investigation; correct?

7 **MR. DEROCHIE:** I don't have it in my notes
8 and I don't mention it in my report -- or I do mention it
9 in my report. I can't say for sure whether or not he told
10 me that. I put it in my report, so I must have -- I had to
11 have gotten that information from somewhere.

12 **MR. ENGELMANN:** I think, in fairness, Mr.
13 Lefebvre said he didn't recall, and that was early on in
14 your notes.

15 **MR. DEROCHIE:** Yes.

16 **MR. ENGELMANN:** Sir, you would have
17 expected, if they were working together, for that medical
18 letter to have been shared. Fair enough?

19 **MR. DEROCHIE:** Oh yes. Oh yes.

20 **MR. ENGELMANN:** And, sir, not just the July
21 23rd letter, but the later letter as well?

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** Because the later letter
24 does say "Continue police investigation."

25 **MR. DEROCHIE:** Exactly.

1 **MR. ENGELMANN:** And if you had this
2 information, that would certainly be your advice as well;
3 would it not?

4 **MR. DEROCHIE:** In 1985, certainly, we'd want
5 to continue that investigation.

6 **MR. ENGELMANN:** Sir, page 2, para 4, you
7 say:

8 "In speaking with Lefebvre, I learned
9 that he presented the results of his
10 investigation to his supervisor at the
11 time, Staff Sergeant Willis, and that
12 he confirmed the fact that he did not
13 have sufficient evidence to proceed
14 with a charge."

15 **MR. DEROCHIE:** Correct.

16 **MR. ENGELMANN:** Do you know where that came
17 from, that statement?

18 **MR. DEROCHIE:** It came from Sergeant
19 Lefebvre or -- yes, Sergeant Lefebvre. At that time he was
20 a sergeant.

21 **MR. ENGELMANN:** Right. I just didn't get
22 that from your notes, and your notes are dealing with
23 Sergeant Lefebvre, as he then was, Exhibit 1349, page 2,
24 and then again page 4. It does say that they worked
25 together on this, but it doesn't say anything about

1 presenting it and getting confirmation.

2 **MR. DEROCHIE:** Well, my understanding -- my
3 understanding with Staff Sergeant Willis at the time is
4 that he had limited involvement, only that part when they
5 wanted to go to the park and bring Mr. Landry in for
6 interviewing, and subsequently the telephone conversation.
7 It was certainly the sense that I got from Mr. Lefebvre
8 that he had done more than just those three days when I
9 questioned him.

10 **MR. ENGELMANN:** All right.

11 And, sir, you -- I mean, the reference from
12 Willis at page 3 of your notes is simply that he can only
13 recall that there wasn't enough to go on.

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** All right.

16 And were you at all concerned, sir -- I
17 mean, you're saying in your report that Willis confirmed
18 the fact he did not have sufficient evidence to proceed.
19 Were you at all concerned, sir, that the supervisor who
20 apparently confirmed this was a close friend of the
21 suspect's brother?

22 **MR. DEROCHIE:** I was not concerned.

23 **MR. ENGELMANN:** All right.

24 **THE COMMISSIONER:** Well, whether you --
25 well, there's being concerned and there's the appearance of

1 it.

2 MR. DEROCHIE: It didn't -- quite right,
3 sir, and I understand your point. I had no concern and I
4 didn't consider what it would appear like at that
5 particular point.

6 THE COMMISSIONER: Okay. Was there any
7 protocol or rule about conflicts at the CPS at that time?

8 MR. DEROCHIE: No.

9 MR. ENGELMANN: All right.

10 And, sir, did you not think it might be
11 important for you to give that information to Chief Repa in
12 your admin. review?

13 MR. DEROCHIE: What's that, sir?

14 MR. ENGELMANN: Well, that the supervisor of
15 Lefebvre was a close friend of the brother of the suspect,
16 or do you think the Chief knew about that already?

17 MR. DEROCHIE: I would suspect that he would
18 know that, but I didn't -- I certainly have it in my notes,
19 so I'm sure the Chief would have known the relationship.

20 MR. ENGELMANN: All right.

21 MR. DEROCHIE: I can't say for ---

22 MR. ENGELMANN: All right.

23 And then again at the fourth paragraph on
24 page 2 you say:

25 "Lefebvre also indicated that he most

1 likely would have consulted the Crown
2 attorney of the day, Mr. Don Johnson."

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** Do you see that?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** And he didn't have any
7 specific recollection. He just gave you that name and
8 said, I would have done that.

9 **MR. DEROCHIE:** That's correct. At the time
10 of this administrative review, he said he would have
11 consulted the Crown and Johnson was the Crown.

12 **MR. ENGELMANN:** All right. And at this
13 time, in December of '99, you would have not seen any notes
14 or any briefs or anything that would confirm that?

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

16 **MR. ENGELMANN:** And. in fact, later on in
17 your subsequent investigation, you're told orally that he
18 would have consulted with another Crown?

19 **MR. DEROCHIE:** Yes, he had a notation
20 further on in his notebook with regards to a meeting with
21 Alan Ain who was the Crown -- who was one of the assistant
22 Crowns at the time on the -- I believe on the other
23 investigation and another one, and he didn't identify
24 Landry as being one of the investigations, but he pointed
25 that notation to me and said he would have discussed it

1 with him at that time. That was his best recollection of
2 it at that time.

3 MR. ENGELMANN: No, because I noticed that
4 note too and that's in your subsequent investigation ---

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: He does not refer to
7 bringing up this matter?

8 MR. DEROCHIE: Quite right. Quite right and
9 I pointed that out to him as well and ---

10 MR. ENGELMANN: All right.

11 MR. DEROCHIE: --- and he says, to the best
12 of my recollection, I would have consulted a Crown on
13 something like this and I spoke with Alan Ain on this day
14 and the proximity of it seems to indicate that I would have
15 done it ---

16 THE COMMISSIONER: Alan who?

17 MR. DEROCHIE: Ain, A-I-N-S, (sic) I believe
18 it was.

19 MR. ENGELMANN: And, sir, again in that
20 fourth paragraph, you say -- and this again is from then
21 Sergeant Lefebvre, that although he could not lay charges,
22 he may have informed City Hall of the allegations. Do you
23 see that?

24 MR. DEROCHIE: Yes.

25 MR. ENGELMANN: But, again, he couldn't give

1 you any more on that so you don't know who he may have
2 told?

3 **MR. DEROCHIE:** No.

4 **MR. ENGELMANN:** You don't know when; you
5 don't know how?

6 **MR. DEROCHIE:** No.

7 **MR. ENGELMANN:** And it was not in his notes?

8 **MR. DEROCHIE:** That's correct, and I think
9 subsequently we determined that he had not.

10 **MR. ENGELMANN:** All right, but he still
11 wasn't able to confirm one way or the other?

12 **MR. DEROCHIE:** He couldn't -- no, he had a
13 very, very poor recollection of this.

14 **MR. ENGELMANN:** And, sir, in the fifth
15 paragraph, you come to some findings. One that Sergeant
16 Lefebvre's notes cannot be found and later you do find some
17 notes?

18 **MR. DEROCHIE:** We do, yes.

19 **MR. ENGELMANN:** But that's in your
20 subsequent investigation?

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

22 **MR. ENGELMANN:** But those notes are all of
23 about six pages, if I recall?

24 **MR. DEROCHIE:** They're not very extensive.

25 **MR. ENGELMANN:** No. You find that Staff

1 Sergeant Willis has only a vague recollection and doesn't
2 have notes?

3 MR. DEROCHIE: Correct, but subsequently I
4 find notes.

5 MR. ENGELMANN: Okay. And that I believe,
6 sir, is one page?

7 MR. DEROCHIE: There's not much more than
8 that, I wouldn't think.

9 MR. ENGELMANN: Or possibly two.

10 MR. DEROCHIE: Well, yes, notations on two
11 separate days, yes, so probably over the span of two days -
12 - two pages, rather.

13 MR. ENGELMANN: You also find that the Crown
14 attorney has no file on the matter, but that it -- in that
15 it would have been destroyed long ago?

16 MR. DEROCHIE: If there had been a file,
17 yes.

18 MR. ENGELMANN: Right, so -- and I just
19 wanted to point that out, sir, you're not saying there was
20 file?

21 MR. DEROCHIE: No, I never -- I never
22 uncovered any evidence there would have been a file.

23 MR. ENGELMANN: And you also find that
24 there's no file on Landry at CAS?

25 MR. DEROCHIE: Yes, the information that I

1 got about Mr. Landry was contained in the actual victim's
2 file or at least that's how it was presented to me --
3 whether they combined files, but ---

4 **MR. ENGELMANN:** All right, well, they had
5 some information?

6 **MR. DEROCHIE:** They had some information,
7 but I believe I recall asking specifically for the Landry
8 file and saying that all we have with regards to Mr. Landry
9 is contained in this file.

10 **MR. ENGELMANN:** But, sir, my understanding -
11 - maybe I'm incorrect -- was that their files would be by
12 the children ---

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** --- or perhaps by the mother
15 of the ---

16 **MR. DEROCHIE:** Yes ---

17 **MR. ENGELMANN:** --- child.

18 **MR. DEROCHIE:** --- I don't -- I don't know -
19 --

20 **MR. ENGELMANN:** All right.

21 **MR. DEROCHIE:** --- how they file their
22 system, what they use is a filing system; quite right.

23 **MR. ENGELMANN:** But you note, sir, that
24 although he should have been, he was never entered on the
25 province's suspected abuser's registry?

1 **MR. DEROCHIE:** Yes and, again, I relied on
2 Patricia for that information and she thought that it
3 probably would have qualified.

4 **MR. ENGELMANN:** All right. So that isn't --
5 that wasn't your opinion; that was an opinion you received
6 from ---

7 **MR. DEROCHIE:** Yes, I don't know ---

8 **MR. ENGELMANN:** --- the CAS?

9 **MR. DEROCHIE:** --- what the criteria is for
10 entering people on that ---

11 **MR. ENGELMANN:** All right.

12 **MR. DEROCHIE:** --- on that database.

13 **MR. ENGELMANN:** So you don't know whose
14 responsibility it is to enter as well?

15 **MR. DEROCHIE:** No, and I don't know, in
16 fact, whether he should have been.

17 **MR. ENGELMANN:** All right.

18 **MR. ENGELMANN:** You're just passing on ---

19 **MR. DEROCHIE:** --- I don't know what the
20 criteria ---

21 **MR. ENGELMANN:** I'm sorry, I didn't mean to
22 cut you off.

23 **MR. DEROCHIE:** No, no.

24 **MR. ENGELMANN:** You're just passing on
25 information you've received from a caseworker at the CAS?

1 **MR. DEROCHIE:** I don't know if she was a
2 caseworker, sir.

3 **MR. ENGELMANN:** Oh, okay.

4 **MR. DEROCHIE:** I don't know what her role
5 there was.

6 **MR. ENGELMANN:** And you also note at that
7 time that the CAS caseworkers -- worker Dupuis's notes,
8 which should be on the file at their office, are not?

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** Did you later uncover those
11 as well, in your subsequent investigation?

12 **MR. DEROCHIE:** I believe Sergeant Snyder
13 did, yes.

14 **MR. ENGELMANN:** And you say that several
15 members of the Service have some degree of knowledge
16 concerning the 1985 allegations?

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** Now, I'm just -- just
19 quickly, I'm wondering who you're referring to.

20 We have Lefebvre.

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** We have very limited
23 knowledge on the part of Willis?

24 **MR. DEROCHIE:** I'm sorry?

25 **MR. ENGELMANN:** On the part of Willis, we

1 have very limited recollection or knowledge?

2 MR. DEROCHIE: Yes. Willis wasn't there at
3 the time that I was doing this report.

4 THE COMMISSIONER: You know, what he's
5 saying though is at the -- in 1985, you're saying that
6 several member of the Service had some degree of knowledge
7 concerning the 1985 allegations?

8 MR. DEROCHIE: Yes, but not necessarily in
9 1985.

10 THE COMMISSIONER: Fair enough, okay.

11 MR. ENGELMANN: No, I -- no and ---

12 MR. DEROCHIE: And that's what your
13 reference is?

14 MR. ENGELMANN: Yes, we're on the same page.

15 MR. DEROCHIE: Okay.

16 MR. ENGELMANN: I'm saying, you're writing
17 in 1999 that several members of the Service have some
18 degree of knowledge concerning the 1985 ---

19 MR. DEROCHIE: Yes.

20 MR. ENGELMANN: --- allegations?

21 MR. DEROCHIE: Yes.

22 MR. ENGELMANN: You've spoken to Lefebvre?

23 MR. DEROCHIE: Yes.

24 MR. ENGELMANN: He has limited knowledge?

25 MR. DEROCHIE: Yes.

1 **MR. ENGELMANN:** You've spoken to Willis. He
2 has even less knowledge?

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** You've spoken to Dupuis and
5 he has some knowledge?

6 **MR. DEROCHIE:** He has some knowledge.

7 **MR. ENGELMANN:** It appears to be second-
8 hand?

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** Who else?

11 **MR. DEROCHIE:** Brunet had knowledge.

12 **MR. ENGELMANN:** Of the 1985 ---

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** --- allegations? Okay.

15 **MR. DEROCHIE:** Hanton had knowledge.

16 **MR. ENGELMANN:** Okay.

17 **MR. DEROCHIE:** Bough, I guess, would have
18 had knowledge.

19 **MR. ENGELMANN:** And were these all
20 individuals you had spoken to at this ---

21 **MR. DEROCHIE:** I had spoken to or had
22 referenced their material in order to ---

23 **THE COMMISSIONER:** Would the Chief in -- who
24 was the Chief in 1985?

25 **MR. ENGELMANN:** Shaver.

1 **THE COMMISSIONER:** Shaver. Would Chief
2 Shaver have known about this?

3 **MR. DEROCHIE:** Oh, yes.

4 **MR. ENGELMANN:** But you hadn't spoken to him
5 yet?

6 **MR. DEROCHIE:** No.

7 **THE COMMISSIONER:** I'm sorry, now you're
8 getting -- yet in 1999, you mean? Okay.

9 **MR. ENGELMANN:** Yes, as I understand it,
10 sir, you don't speak to Chief Shaver until you are engaged
11 in a criminal investigation about some of these allegations
12 in the year 2000 or 2001?

13 **MR. DEROCHIE:** Well, I think -- I believe
14 there's reference to Chief Shaver in Ron Lefebvre's notes
15 with regards to being given that investigation by Shaver in
16 1985.

17 **MR. ENGELMANN:** Well, two things, sir.
18 I was just asking if you'd actually spoken
19 to him ---

20 **MR. DEROCHIE:** Oh, no ---

21 **MR. ENGELMANN:** --- in the course of the ---

22 **MR. DEROCHIE:** --- I'm sorry, no, no.

23 **MR. ENGELMANN:** And, two, as I understand
24 it, at least at this point from this report, you don't have
25 those notes yet, the Lefebvre notes?

1 MR. DEROCHIE: You're quite right.

2 MR. ENGELMANN: You get them later?

3 MR. DEROCHIE: Yes, but I -- okay, yes,
4 quite right. They came so closely together, I'm mixing up
5 information.

6 MR. ENGELMANN: No, and I can imagine it's
7 extremely difficult to ---

8 MR. DEROCHIE: Yes.

9 MR. ENGELMANN: --- try and separate the
10 two.

11 MR. DEROCHIE: Yes.

12 MR. ENGELMANN: Sir, you then say -- I'll
13 just be a second.

14 On page 3 of your review, Bates page
15 7123203, you refer to some work that Staff Sergeant Brunet
16 did in 1993?

17 MR. DEROCHIE: Yes.

18 MR. ENGELMANN: Oh, I'm sorry, no. The
19 reference to 1993 is at the top of the page, first
20 paragraph.

21 MR. DEROCHIE: Yes.

22 MR. ENGELMANN: And the bottom paragraph,
23 three from the bottom, that's with respect to matters from
24 1996 onwards?

25 MR. DEROCHIE: Correct.

1 **MR. ENGELMANN:** Correct?

2 **MR. DEROCHIE:** Correct.

3 **MR. ENGELMANN:** And you're talking about the
4 investigation of the individual who had concerns about
5 delays and it says:

6 "The case was bounced around from
7 investigator to investigator for more
8 than a year and it was not until the
9 victim complained at the length of time
10 it was taking to investigate his
11 allegation, that the matter was looked
12 at in earnest."

13 **MR. DEROCHIE:** That's correct. I had
14 substantiated his complaint. I thought that that was a
15 legitimate complaint that he had.

16 **MR. ENGELMANN:** All right. So you don't
17 reference to his threat to go to the media in the admin
18 review; correct?

19 **MR. DEROCHIE:** Correct.

20 **MR. ENGELMANN:** Now, on the fourth page of
21 your report, you set out your conclusions and, firstly, you
22 say:

23 "I have been unable to uncover evidence
24 which suggests that Earl Landry, Jr.
25 received any kind of preferential

1 treatment because of his relationship
2 with the former Chief Earl Landry, Sr."

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** Right? Would you agree with
5 me, sir, that that really wasn't the focus of your
6 administrative review?

7 **MR. DEROCHIE:** It certainly wasn't the focus
8 of it but it was -- it was certainly a collateral issue to
9 it.

10 It was probably the most -- you know, it was
11 probably the most glaring thing that initially when he was
12 arrested, the whole focus was on, you know, "Son of former
13 Chief Earl Landry is arrested". And that was certainly the
14 focus of the media and it may well have been -- it may well
15 have been there, as well, at the end.

16 **MR. ENGELMANN:** I realize that, but, sir,
17 would you not agree that that wasn't the focus of the admin
18 review; that was the focus of what you did ---

19 **MR. DEROCHIE:** The focus ---

20 **MR. ENGELMANN:** --- afterwards?

21 **MR. DEROCHIE:** Yes, quite right, the focus
22 of the admin review was to see if Mr. -- if the victim's
23 complaint had merit and what we had done to focus on the --
24 on our handling of his complaint.

25 **MR. ENGELMANN:** Because actively looking for

1 evidence of preferential treatment really only happened in
2 the following year?

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

4 **THE COMMISSIONER:** Mr. Engelmann, I think
5 you have about three minutes left before the crowd here
6 gets a little antsy.

7 **MR. ENGELMANN:** Yes, I -- thank you for
8 that, sir.

9 It's more than a red light that goes on
10 here.

11 **(LAUGHTER/RIRES)**

12 **THE COMMISSIONER:** I thought maybe you could
13 start feeling the heat at the back of your neck there, but
14 ---

15 **MR. ENGELMANN:** It hasn't started today.

16 Sir, you also set out that -- the fact that
17 a number of the same shortcomings previously identified in
18 other historical sexual assault investigations, you came
19 across them here as well?

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** And when you say:

22 "A number of the same shortcomings
23 previously identified in other
24 historical sexual assault
25 investigations..." --

1 are you referring to any other historical sexual assault
2 investigations in particular?

3 **MR. DEROCHIE:** Well, in particular, I
4 obviously would have had experience in -- which was Silmser
5 and Antoine.

6 **MR. ENGELMANN:** Had you done reviews of any
7 others, sir?

8 **MR. DEROCHIE:** I don't recall, unless -- you
9 would have the reports, you would have the disclosure if I
10 had. I don't know of any others.

11 **MR. ENGELMANN:** I don't know of any others
12 that you were asked to review, either.

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** So we're talking about
15 Silmser and Antoine?

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** All right. You have no
18 recollection of being tasked to look at other historical
19 sexual assault cases?

20 **MR. DEROCHIE:** NO.

21 **MR. ENGELMANN:** All right. And the concerns
22 are set out there, firstly, that the notes were attached to
23 completed investigative reports and so they were destroyed
24 at the end of the retention period?

25 **MR. DEROCHIE:** That's correct. I had been

1 -- when I did this investigation, the first thing I do is
2 look for notes and I had been told, "Well, we were using
3 loose-leaf notebooks back then and our practice was the
4 staple them onto the supplement report".

5 **MR. ENGELMANN:** But, in fact, when you
6 looked at this in a more thorough way, you were able to
7 find some notes?

8 **MR. DEROCHIE:** I was surprised to see that
9 they were -- there were notes unbound in bound notebooks.

10 **MR. ENGELMANN:** So that practice had already
11 started by 1985?

12 **MR. DEROCHIE:** Well, I think it was a
13 combination; they were still using a combination of both.

14 **MR. ENGELMANN:** All right. Sir, with the
15 risk of -- I was about to finish, but I think I should stop
16 now.

17 **THE COMMISSIONER:** Yeah, all right, thank
18 you.

19 Sir, we'll have the pleasure of your company
20 again in a few weeks.

21 So let's close up and Madam Clerk will tell
22 us when we're coming back.

23 Thank you.

24 **MR. ENGELMANN:** Thank you.

25 **THE REGISTRAR:** Order; all rise. À

1 l'ordre; veuillez vous lever.

2 This hearing is adjourned until March 31st at

3 1:00 p.m.

4 --- Upon adjourning at 12:15 p.m./

5 --- L'audience est ajournée à 12h15

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CVR-CM