

**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 229

Held at :

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

Thursday, May 15 2008

Tenue à:

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

Jeudi, le 15 mai 2008

Appearances/Comparutions

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

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1 --- Upon commencing at 9:34 a.m./

2 L'audience débute à 9h34

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning, all. Good
10 morning, Sergeant Snyder.

11 **MR. SNYDER:** Good morning, sir.

12 **THE COMMISSIONER:** Mr. Paul.

13 **MR. PAUL:** Good morning, Mr. Commissioner.

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

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

16 **PAUL:**

17 **MR. PAUL:** Good morning, Staff Sergeant
18 Snyder.

19 **MR. SNYDER:** Good morning.

20 **MR. PAUL:** I appear for the Coalition for
21 Action which is a citizens group, and the first area of
22 questions I'd like to ask you about would be the area that
23 your evidence began originally. You first took the stand
24 in relation to the Silmsers matter and the examination of
25 the statement of Mr. Silmsers.

1 Just before I get into that, I just wanted
2 to confirm a couple points. In terms of you giving or
3 expressing the details of that opinion, I mean, obviously
4 you expressed it to Constable Sebalj way back at the time;
5 correct?

6 **MR. SNYDER:** Correct.

7 **MR. PAUL:** And you've expressed it here in
8 the Inquiry and possibly in preparation for the Inquiry;
9 correct?

10 **MR. SNYDER:** Correct.

11 **MR. PAUL:** But other than that, other than
12 the Inquiry and in preparation, other than to Ms. Sebalj,
13 are those the only times basically you had the chance to
14 express what the opinion was on this statement?

15 **MR. SNYDER:** Correct.

16 **MR. PAUL:** And as far as that statement,
17 when you gave the opinion to Constable Sebalj, I understand
18 that the only physical document you had was the written --
19 or the statement of Mr. Silmsen himself?

20 **MR. SNYDER:** Correct.

21 **MR. PAUL:** And you had no other documents?

22 **MR. SNYDER:** Correct.

23 **MR. PAUL:** And as far as information, apart
24 from documents, you didn't even really probably discuss
25 other information or evidence about the case other than

1 that document itself, the written statement?

2 **MR. SNYDER:** Correct.

3 **MR. PAUL:** So your knowledge when you're
4 giving the opinion was really limited to the written
5 document of Mr. Silmser?

6 **MR. SNYDER:** Correct.

7 **MR. PAUL:** Now, with your knowledge being, I
8 mean, somewhat limited to the written document, certainly
9 you weren't in a position back then to express whether
10 there were reasonable and probable grounds, I take it, for
11 the case?

12 **MR. SNYDER:** Correct. I never went into any
13 other documents. That was the only document I was looking
14 at; correct.

15 **MR. PAUL:** Because your information was too
16 limited to give that kind of opinion; correct?

17 **MR. SNYDER:** Correct.

18 **MR. PAUL:** But notwithstanding that, and
19 certainly it wasn't the type of case where you would have
20 said to Constable Sebalj to "Close this down or stop
21 investigating because it's not worth your time"? You
22 wouldn't have said something like that?

23 **MR. SNYDER:** Correct.

24 **MR. PAUL:** And it would have been a case
25 where you found enough in that statement to rely upon that

1 perhaps you would have had the impression that it was a
2 case that she should be going on forward on further?

3 **MR. SNYDER:** Well, again, the opinion I was
4 giving her was areas where she could go forward and
5 investigate, if that's what your question is?

6 **MR. PAUL:** Yes. And it was a case where you
7 thought that she was in the middle of a case and perhaps
8 further investigation might lead her to reasonable and
9 probable grounds and arrest?

10 **MR. SNYDER:** Within that statement, to speak
11 to Mr. Silmsler. There were things in that statement that I
12 said you should be speaking to him about and there was also
13 things in that statement that she would have been able to
14 go out and perhaps get corroborating evidence with.

15 **MR. PAUL:** Yes. If -- depending on what
16 happened, what further steps were taken, it was a case that
17 could potentially lead to an arrest?

18 **MR. SNYDER:** I don't know. I don't know
19 that for sure.

20 **MR. PAUL:** But back at the time you thought
21 that further action possibly could lead to an arrest?

22 **MR. SNYDER:** I don't know that for sure.
23 I'm just saying that within that statement there's things
24 that she could go forward with. Whether it led to an
25 arrest or not, I couldn't give that information.

1 **MR. PAUL:** All right.

2 I realize you weren't sure, but the fact
3 that you were telling her to take -- you wouldn't tell her
4 to take further steps if it was futile or there wasn't any
5 reason to do it; correct?

6 **MR. SNYDER:** No, that wasn't the -- my
7 intent was or what she wanted was a clarification on the
8 statement, what can be done with the statement. Is it
9 truthful? Is it not truthful? What areas -- whether it
10 could lead to an arrest or not, from that statement, I
11 couldn't tell you that.

12 **MR. PAUL:** All right.

13 Now, analyzing that statement, I understand
14 that it was the first time you had done that for another
15 officer?

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

17 **MR. PAUL:** And I'm just wondering; Constable
18 Sebalj, having knowledge that you were a person capable of
19 doing that, I mean, was that something widely known in the
20 Police Department?

21 **MR. SNYDER:** I believe it was. People knew
22 that I had taken the course and I was doing it when I was
23 doing some polygraph examinations.

24 **MR. PAUL:** And the fact that she came to
25 your home, is that any indication that this -- what I

1 believe is termed as an historical sexual assault -- was
2 that historical sexual assault viewed as somehow urgently
3 requiring attention that she had to come to your home
4 residence?

5 MR. SNYDER: You'd have -- again, you can't
6 ask her, but she'd have to -- she obviously felt that she
7 wanted it done. I wasn't at work. Maybe I wasn't working.
8 I don't know why she came to my home, dates-wise, but she
9 obviously felt that she wanted to have me look at the
10 statement.

11 MR. PAUL: All right.
12 Your rank at the time, was it a sergeant at
13 the time?

14 MR. SNYDER: No, it was constable.

15 MR. PAUL: Constable. Okay.

16 THE COMMISSIONER: But you weren't on a
17 regular -- it wasn't usual for her to drop in at your
18 place?

19 MR. SNYDER: No, no.

20 THE COMMISSIONER: Okay.

21 MR. PAUL: Was this her dropping off when
22 you were just off for a couple days between shifts or were
23 you actually on a prolonged vacation?

24 MR. SNYDER: I have no idea.

25 MR. PAUL: And you didn't find it unusual

1 that she was seeking to see you at home?

2 **MR. SNYDER:** I'm trying to think back. Was
3 it unusual? It's unusual for an officer to come to my
4 home, I suppose, and ask me to do that, but the fact that
5 she did it obviously showed that she wanted things done and
6 she wanted to go forward with the case and wanted to get
7 some information.

8 **MR. PAUL:** All right.

9 And you have no recollection of asking her
10 why she's showing up at home or why she wants to meet you
11 at home?

12 **MR. SNYDER:** No.

13 **MR. PAUL:** Now, I understand that in
14 relation to this opinion, you don't have any notes today
15 about that?

16 **MR. SNYDER:** Correct.

17 **MR. PAUL:** Have you reviewed any notes of
18 other officers in relation to that subject such as notes of
19 Constable Sebalj?

20 **MR. SNYDER:** No.

21 **MR. PAUL:** So you haven't reviewed Constable
22 Sebalj's notes?

23 **MR. SNYDER:** No.

24 **MR. PAUL:** And you haven't reviewed what, if
25 anything, Staff Sergeant Derochie might have in his notes

1 about it?

2 MR. SNYDER: I can't recall.

3 MR. PAUL: All right.

4 Have you reviewed any testimony of other
5 witnesses such as Staff Sergeant Derochie that might
6 pertain to this topic?

7 MR. SNYDER: I listened to his testimony,
8 but I can't recall pinpointing what he said in reference to
9 this topic, no.

10 MR. PAUL: All right.

11 But you are aware that there are other
12 sources out there such as notes that may or may not reflect
13 upon this topic? You're not aware?

14 MR. SNYDER: The only note I can think of is
15 there was -- Staff Sergeant Wells did an internal
16 investigation in reference to the notes, but beyond that I
17 really don't know if there's anything else. But if you say
18 there is, I'll ---

19 MR. PAUL: And you never reviewed or
20 discussed with anybody what the contents might be of
21 Constable Sebalj's notes?

22 MR. SNYDER: No.

23 MR. PAUL: Just the fact that Constable
24 Sebalj came to your home residence and you don't have any
25 record of that, is that to mean in any way that this was

1 meant to be, in some way, a secretive or a clandestine
2 meeting?

3 **MR. SNYDER:** No.

4 **MR. PAUL:** In any way, was the fact that
5 she's coming to your home residence and not doing this at
6 work, is there any intention, as you understand it, for her
7 to have a second opinion that might -- did she mention that
8 she had an opinion already from anybody at work, that she
9 wanted a second opinion from you somehow?

10 **MR. SNYDER:** I don't believe so. I don't
11 know.

12 **MR. PAUL:** Okay. And you're not aware of
13 any difficulties she might be having with supervisors at
14 work that might indicate why she's coming to your home
15 residence as opposed to dealing with this at work?

16 **MR. SNYDER:** No.

17 **MR. PAUL:** You're not aware?

18 **MR. SNYDER:** No.

19 **MR. PAUL:** Now, you didn't do any formal
20 report; correct?

21 **MR. SNYDER:** Correct.

22 **MR. PAUL:** I'm just going to ask you; the
23 fact that there's no formal report by you, in any way could
24 that be explained by you not wanting to be seen as
25 interfering or second-guessing any of her supervisors?

1 MR. SNYDER: No.

2 MR. PAUL: Because I take it you weren't in
3 the chain of command in relation to Constable Sebalj ---

4 MR. SNYDER: Correct.

5 MR. PAUL: --- at the time?

6 MR. SNYDER: Correct.

7 MR. PAUL: You weren't even in the same
8 organization as far as where she's physically in the
9 Cornwall Police?

10 MR. SNYDER: Correct.

11 MR. PAUL: You're in a different unit?

12 MR. SNYDER: Correct.

13 MR. PAUL: I wanted to ask you about a
14 portion of -- I believe it's your testimony, I think, on
15 the first day. I believe it's Volume 226, page 130.

16 THE COMMISSIONER: Is this a copy of the
17 transcript?

18 MR. PAUL: Yes.

19 THE COMMISSIONER: Okay.

20 MR. PAUL: It would be Monday, May 12th,
21 Volume 226.

22 THE COMMISSIONER: Thank you.

23 And what page, please?

24 MR. PAUL: Oh, page 130.

25 THE COMMISSIONER: One-thirty (130), okay.

1 **MR. PAUL:** In the middle -- around the
2 middle of the page.

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

4 **THE COMMISSIONER:** We'll just wait a minute
5 for the transcript to go up on the screen.

6 Okay. So 130?

7 **MR. PAUL:** It's 130.

8 **THE COMMISSIONER:** Okay.

9 **MR. PAUL:** But it's -- I'm looking at -- I'm
10 not looking at 130 -- I'm looking at 130, on the top of the
11 page.

12 **THE COMMISSIONER:** Okay.

13 **MR. PAUL:** That's correct. And around the
14 middle where there's a question:

15 "So if we gave you the statement ..."
16 and then there's a response about redoing it.

17 **MR. SNYDER:** I'm sorry?

18 "Redoing it", yes.

19 **MR. PAUL:** I want to ask about that portion,
20 there's a portion that you indicate:

21 "I don't think I could redo it. It's
22 quite lengthy and I don't have the
23 original with all my colourings and
24 notes on it. I could not do a
25 statement analysis right now if you

1 asked me to do one."

2 **MR. SNYDER:** Correct.

3 **MR. PAUL:** Now, I don't want to ask you
4 about the "redoing it", but I do want to ask you about the
5 comment about the original with colourings and notes on it.
6 I take it the original is the copy of a statement that
7 Constable Sebalj gave you?

8 **MR. SNYDER:** Correct.

9 **MR. PAUL:** And "colourings", is that some
10 form of highlighting?

11 **MR. SNYDER:** Yes.

12 **MR. PAUL:** And the "notes", you put some
13 kind of hand -- possibly put the handwritten notes with
14 your comments or how -- what your impression of the
15 statement is on the side of the statement ---

16 **MR. SNYDER:** Correct.

17 **MR. PAUL:** And is that one that you say you
18 don't have that?

19 **MR. SNYDER:** Correct.

20 **MR. PAUL:** And I guess the question I have
21 is, first of all, what happened to that? Was it destroyed
22 or what happened to it?

23 **MR. SNYDER:** I have no idea what happened to
24 it.

25 **MR. PAUL:** Okay. Was that ever turned over

1 to Constable Sebalj to be part of the investigation --
2 investigative file relating to Mr. Silmser?

3 **MR. SNYDER:** I don't recall. I would
4 suspect that she -- again, going back to memory, she would
5 likely have kept it but I don't recall if she did or not.

6 **MR. PAUL:** Okay. But you, I think, I mean,
7 did not express an unwillingness to testify in court in
8 relation to that opinion?

9 **MR. SNYDER:** Correct.

10 **MR. PAUL:** So I'm just wondering, given that
11 you didn't want to be in a position to have to testify in
12 court about the opinion, did you refuse to give her the
13 copy with the notes because you didn't want to be part of a
14 formal process of possibly having to testify about it?

15 **MR. SNYDER:** No, actually I have no problem
16 with it. What I had said to her was, "I want to give you -
17 - testify in court if you feel that you want to have second
18 opinion on something who may be able to testify in court".
19 I provided her with the name of a Quebec Provincial Police
20 officer who does statement analysis on a regular basis and
21 may be willing to testify in court as to the statement.

22 **MR. PAUL:** All right. You would agree that
23 given that it's in the midst of a criminal investigation,
24 that there's likely some obligation for you to try to
25 maintain any documents that you prepare in relation to the

1 investigation?

2 MR. SNYDER: Correct, that's -- correct.

3 MR. PAUL: And in terms of whether you did
4 give it to Constable Sebalj, and you indicated that you're
5 not really certain of that or not?

6 MR. SNYDER: Well, I'm assuming I have, but
7 I haven't seen it so I don't know where it went.

8 MR. PAUL: So you really don't know for sure
9 what happened to it?

10 MR. SNYDER: Correct.

11 MR. PAUL: And you don't really know for
12 sure whether you gave it to Constable Sebalj or not?

13 MR. SNYDER: Correct.

14 MR. PAUL: I mean, did you have any concern
15 at the time that you didn't want her superiors to know what
16 your views were in the statement and ---

17 MR. PAUL: No.

18 MR. PAUL: --- you didn't want in the file?

19 MR. SNYDER: No.

20 MR. PAUL: I just want to ask you about a
21 couple of the documents that were referred to you
22 yesterday.

23 I believe the first one is Exhibit 1581.

24 It's a memo to Inspector Wells, I believe.

25 THE COMMISSIONER: Do you have any -- what's

1 that binder beside you, sir?

2 MR. SNYDER: This one? Sixteen-thirteen
3 (1613). Would that be in this one?

4 THE COMMISSIONER: No, it's in the one
5 before.

6 I'm sorry, 1683? No, I'm sorry ---

7 MR. PAUL: Fifteen-eighty-one (1581).

8 THE COMMISSIONER: Fifteen-eighty-one
9 (1581), sorry.

10 (SHORT PAUSE/COURTE PAUSE)

11 THE COMMISSIONER: Yeah, we're there.

12 MR. PAUL: Do you have Exhibit 1581 there?

13 MR. SNYDER: Yes.

14 MR. PAUL: And that's the internal
15 correspondence from yourself to, at the time, Staff
16 Sergeant Wells?

17 MR. SNYDER: Correct.

18 MR. PAUL: And I want to clarify that the
19 purpose of that document, is that in relation to the Board
20 of Inquiry proceedings or what's the purpose of setting
21 that ---

22 MR. SNYDER: I believe that the -- that
23 Staff Sergeant Wells was investigating where statements
24 were. There was an allegation that somebody gave this
25 statement out to the press and I think he was trying to

1 track down who may have had statements.

2 MR. PAUL: So this would have been
3 specifically relating to the release of Mr. Silmsers
4 statement?

5 MR. SNYDER: Correct.

6 MR. PAUL: And it would be basically in
7 relation to the same statement that you analyzed?

8 MR. SNYDER: Correct.

9 MR. PAUL: And in this particular document,
10 I think you have already indicated that there was no
11 reference to exactly what your opinion was?

12 MR. SNYDER: Correct.

13 MR. PAUL: The other document I believe is
14 similar. It's Exhibit 1582, the next document. Do you
15 have a copy of that one?

16 MR. SNYDER: Yes.

17 MR. PAUL: Now, this is a document in
18 relation to -- again, it relates to the same statement, the
19 Silmsers statement?

20 MR. SNYDER: Correct.

21 MR. PAUL: And -- but in this case, it's --
22 again, I believe it's a similar statement but again it
23 makes no reference to what your opinion was on the
24 statement?

25 MR. SNYDER: Correct.

1 **MR. PAUL:** And just to clarify the purpose
2 of this statement, is this a statement that's in relation
3 to the Board of Inquiry proceedings?

4 **MR. SNYDER:** I don't know what Board of
5 Inquiry proceedings you're talking about, sir.

6 **MR. PAUL:** Well, the proceedings with Mr.
7 Dunlop -- or what's the purpose of this particular
8 document?

9 **MR. SNYDER:** It's the same thing. It's -- I
10 think it's just a follow-up to my original statement and
11 this is just clarification on points and it's reference to
12 the statement being released to the press and Staff
13 Sergeant Wells is doing an internal investigation on that.

14 **MR. PAUL:** All right. And then in both
15 cases, I take it that you make no reference to what your
16 opinion was?

17 **MR. SNYDER:** Correct.

18 **MR. PAUL:** And did nobody ask you what your
19 opinion was?

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

21 **MR. PAUL:** Now, did you have some hesitation
22 to express the opinion, at that time, of what your opinion
23 was on the statement?

24 **MR. SNYDER:** No.

25 **MR. PAUL:** And also I think your statement

1 also doesn't make any reference to exactly where you
2 obtained the statement, in the sense does it make any
3 reference to where you held the statement or where you had
4 it for the week?

5 **MR. SNYDER:** I believe it says here, "Where
6 did you have this document?" And I said, "At home".

7 **MR. PAUL:** Okay. Was it at home for the
8 entire week?

9 **MR. SNYDER:** Yes.

10 **MR. PAUL:** Okay. As far as not indicating
11 the opinion in relation to the statement, was it -- I mean,
12 was it your impression that if you expressed an opinion
13 that there was some credibility to Mr. Silmsers statement,
14 that that might be viewed as -- essentially as giving some
15 support to Perry Dunlop?

16 **MR. SNYDER:** No. The questions were as to
17 where was the statement. It had nothing to do with
18 opinions. It was, "Did you have a copy of the statement?"
19 "What did you do with it?"

20 The questions of the -- to my opinion as to
21 the truthfulness of it wasn't asked.

22 **MR. PAUL:** You didn't have some impression
23 that perhaps if the extent that the Silmsers statement
24 appeared more credible, that that might give some
25 justification to Mr. Dunlop's actions in providing it to

1 the Children's Aid?

2 MR. SNYDER: No.

3 MR. PAUL: And you weren't hesitant to
4 express positive views on this statement because of being
5 -- having fear of being perceived as being giving
6 assistance to Mr. Dunlop somehow?

7 MR. SNYDER: No.

8 MR. PAUL: So, in fact, from the time that
9 you expressed the opinion to Ms. Sebalj, you never
10 expressed any opinion after that on the statement until you
11 got involved in the Inquiry proceedings and have presented
12 it?

13 MR. SNYDER: Correct.

14 MR. PAUL: Correct?

15 Now, as far as Staff Sergeant Wells, you're
16 giving the information to Staff Sergeant Wells about the
17 documentation.

18 I just want to ask you, how did it become
19 known that you had information about this statement? Is
20 that something that became known through Constable Sebalj
21 or did you go and volunteer to them that you were involved
22 in this?

23 MR. SNYDER: I have no idea.

24 MR. PAUL: Okay. You -- I mean, you had no
25 notes yourself about it at the time?

1 **MR. SNYDER:** No.

2 **MR. PAUL:** Is it more likely that they came
3 to you because Constable Sebalj suggested that you had some
4 involvement?

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

6 **THE COMMISSIONER:** Well, did they come to
7 you or did you volunteer it up?

8 **MR. SNYDER:** They came to me.

9 **THE COMMISSIONER:** No, okay.

10 **MR. PAUL:** Just one last point on this area,
11 a small point in relation to the statement analysis, so
12 you're aware that there was a review by the Ottawa Police
13 at some point, I believe in early '94, of the Silmser case?

14 **MR. SNYDER:** Through the Inquiry, I do.

15 **MR. PAUL:** The individuals, the officers
16 that were responsible for that I believe their names are
17 Superintendent Skinner and Sergeant Blake?

18 **MR. SNYDER:** Correct.

19 **MR. PAUL:** Did you know any of those people
20 at the time they were doing the review?

21 **MR. SNYDER:** I know Sergeant Blake and I
22 don't know if I knew him then, but he was a polygraph
23 examiner as well, so I knew him professionally that way,
24 but I don't know if I knew him. In '84-'85, I wouldn't
25 have known him.

1 MR. PAUL: All right.

2 MR. SNYDER: I'm sorry, what ---

3 THE COMMISSIONER: Ninety-three ('93)?

4 MR. SNYDER: Ninety-three ('93)?

5 MR. PAUL: Yes.

6 MR. SNYDER: I probably would have known him
7 in '93 because I did polygraph in '86-'87 so I would have
8 known him by then.

9 MR. PAUL: I mean was it -- when he came to
10 do the review, is he someone that you saw at the time and
11 did you socialize with him at all ---

12 MR. SNYDER: No.

13 MR. PAUL: --- when he was there? Do you
14 recall seeing him when he was there to do the review?

15 MR. SNYDER: No.

16 MR. PAUL: A few questions about the
17 Ouellette matter.

18 I understand that you basically indicated
19 that you didn't see any bar on the Cornwall Police
20 investigating Mr. Ouellette's complaints; correct?

21 MR. SNYDER: Correct.

22 MR. PAUL: But you would agree that in terms
23 of his complaints, at least in relation to the threatening
24 aspect -- and I'm not talking about the aspect with
25 Constable Martel -- but the threatening aspect that that

1 was a fairly serious complaint?

2 MR. SNYDER: Yes, it was.

3 MR. PAUL: Did those involve threats of
4 death?

5 MR. SNYDER: Correct.

6 MR. PAUL: And there was some aspect of
7 alleging intimidation?

8 MR. SNYDER: Threatened to do it.

9 MR. PAUL: Now, I just want to ask you, in
10 your mind is there some level of seriousness where the
11 police draw the line, such as a murder, or is there some
12 level of seriousness where once you have a police suspect
13 that you have to declare a conflict?

14 MR. SNYDER: Well, there's certain criteria
15 where SIU has to be called in. For instance, if you -- you
16 mention a murder or a shooting then the SIU would do the
17 investigation. We would parallel the investigation with
18 Professional Standards. In this case, I was directed to do
19 it and I saw no reason why I couldn't do it.

20 MR. PAUL: Okay. So in terms of getting SIU
21 involved, the test is not necessarily the degree of the
22 conflict or how serious a conflict, the test might be more
23 the seriousness of the allegation. Is that what you're
24 saying?

25 MR. SNYDER: Well, there's certain criteria

1 for SIU to get involved and we have to contact them, for
2 instance, if there's a prisoner that's seriously hurt while
3 effecting arrest then we contact SIU and then they decide
4 if they're going to come down and investigate. If somebody
5 comes in on their own and complains of an assault against a
6 police officer, we would do that. That's part of our
7 mandate in the Professional Standards.

8 **MR. PAUL:** So in this case, it would be the
9 case that -- because Mr. Ouellette is alleging a threat,
10 but not actual physical injury, it remains with Cornwall
11 Police and SIU's ---

12 **MR. SNYDER:** Well, again, I can't remember
13 about all the circumstances, but there was no reason --
14 obviously for the Chief, it was the Chief's decision to
15 decide to have an outside agency do it. He decided that we
16 were capable of doing it. He felt he had people in place
17 that had the abilities to do that investigation and when I
18 was asked to do it, I felt that I could do a thorough,
19 unbiased investigation.

20 **MR. PAUL:** Just a few questions about the
21 nature of the investigation.

22 Discussions with Mr. Ouellette, are those
23 recorded only in notes? You don't have, for example, a
24 videotape of statements?

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

1 **MR. PAUL:** Oh, yes. Okay.

2 And the photo-ID process ---

3 **MR. SNYDER:** That was videotaped as well.

4 **MR. PAUL:** Okay, but that's limited to the
5 officers who allegedly made the threat; correct?

6 **MR. SNYDER:** No, what I presented to him was
7 a book with pictures of current and past police officers
8 and civilians. We have pictures of them as they're hired
9 on and I presented him with, I think, two binders of
10 pictures for him to go through.

11 **MR. PAUL:** And the objective is for him to
12 try to pick out who he says made the threats, the verbal
13 threats?

14 **MR. SNYDER:** For him to identify the person,
15 yes.

16 **MR. PAUL:** But the objective of that phase
17 of the investigation is not to -- for him to pick out who
18 he thinks the Chief of Police is that he spoke to?

19 **MR. SNYDER:** No, it was to pick out who
20 threatened him.

21 **MR. PAUL:** Because there's some issue that
22 you make out the fact that he makes the allegation, that it
23 occurred in '79 and you believe he says it's Chief Shaver;
24 correct?

25 **MR. SNYDER:** I believe it was '78 and he

1 believes it was Chief Shaver, yes.

2 MR. PAUL: And at that time, it would be
3 Chief Landry at the time, in '78?

4 MR. SNYDER: That's correct.

5 MR. PAUL: But during the investigation,
6 he's not shown photographs of Chief Landry or Chief Shaver?

7 MR. SNYDER: No.

8 MR. PAUL: So you can't necessarily say
9 conclusively whether he's actually only mixed up on the
10 names as opposed to the facial identification?

11 MR. SNYDER: No, he was pretty clear it was
12 Chief Shaver. I -- and I -- I went back to him and -- to
13 try and verify that because obviously it was '78 and he was
14 pretty clear it was Chief Shaver.

15 MR. PAUL: Okay, but you never showed him a
16 photo of Chief Shaver?

17 MR. SNYDER: No.

18 MR. PAUL: And at that time, Chief Shaver
19 would have retired; is it very early in '94, I believe?

20 MR. SNYDER: Chief Landry retired, I believe
21 in 80 ---

22 MR. PAUL: Chief Shaver, in early '94?

23 MR. SNYDER: Oh, Chief ---

24 THE COMMISSIONER: Well ---

25 MR. SNYDER: --- I don't know ---

1 **THE COMMISSIONER:** --- late '93 to be
2 effective January 2nd, 1994.

3 **MR. PAUL:** The very end of December ---

4 **THE COMMISSIONER:** Yes, something like that.

5 **MR. SNYDER:** Thank you, Mr. Commissioner.

6 **MR. PAUL:** All right. Okay.

7 And Chief Landry would have been back '84-
8 '85, in that range you would have ---

9 **MR. SNYDER:** He was '83, I believe, Landry -
10 --

11 **MR. PAUL:** Okay. And by the time you're
12 speaking to Mr. Ouellette, it's sometime after '93 I take
13 it, it's -- you're in the late 90s, 2000?

14 **MR. SNYDER:** I can't remember when I did the
15 investigation. Sorry, you'll have to bring me up in my
16 notes.

17 **MR. PAUL:** All right.

18 **MR. SNYDER:** But it's some considerable time
19 ---

20 **MR. PAUL:** Yes, you're speaking to him after
21 Chief Shaver has been retired for a considerable period of
22 time.

23 **MR. SNYDER:** Again, if you just read my
24 notes as to when the investigation started that would --
25 that would be great for me. I don't remember.

1 MR. PAUL: Right.

2 THE COMMISSIONER: This is the Ouellette ---

3 MR. SNYDER: Yes.

4 MR. PAUL: I don't recall the number of that
5 note. I'm told it's 601.

6 THE COMMISSIONER: Exhibit 601?

7 MR. PAUL: Yes.

8 (SHORT PAUSE/COURTE PAUSE)

9 THE COMMISSIONER: So the first entry is
10 December 29th, 1999?

11 MR. PAUL: Yes.

12 MR. SNYDER: Fine.

13 THE COMMISSIONER: Okay.

14 MR. PAUL: December '99 and ---

15 MR. SNYDER: Yes.

16 MR. PAUL: And so at that point, Chief
17 Shaver's been gone for about six years is it?

18 MR. SNYDER: I believe so.

19 THE COMMISSIONER: Going on six years?

20 MR. SNYDER: Yes.

21 MR. PAUL: Yes. Now, the only other point
22 on that investigation I wanted to ask you is, I think in
23 terms of interviews you never -- you wouldn't have
24 interviewed Chief Landry to get his views on anything would
25 you? There was no contact with former Chief Landry?

1 **MR. SNYDER:** I don't believe so.

2 **MR. PAUL:** And ---

3 **MR. SNYDER:** No.

4 **MR. PAUL:** --- given that the reference is
5 to '78, even though he's saying Shaver, well, that is
6 referring to '78, would it not be appropriate to contact
7 Chief Landry to see if he recalls any contact or recalled
8 any contact with Mr. Ouellette?

9 **MR. SNYDER:** In my mind, no. He was adamant
10 that it was -- it was Chief Shaver.

11 **MR. PAUL:** I wanted to ask you a few
12 questions about Shelley Price.

13 **MR. SNYDER:** Yes.

14 **MR. PAUL:** And the document, I believe, is
15 737710.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. PAUL:** Do you have that document?

18 **MR. SNYDER:** Not yet.

19 **THE COMMISSIONER:** Hold a second. Thank
20 you.

21 Exhibit 1632 is a general occurrence report
22 authored by Sergeant Snyder and the report time is the 29th
23 of the seventh month of 1998.

24 **--- EXHIBIT NO./PIÈCE NO. P-1632:**

25 (737710) - General Occurrence Report dated

1 July 29, 1998

2 MR. PAUL: Before I get into this document,
3 my understanding is you're saying that you had limited
4 involvement in terms of the decision-making whether the
5 Cornwall Police investigate the Price matter; correct?

6 MR. SNYDER: Correct.

7 MR. PAUL: And that was -- that would have
8 been done by the Chief of Police?

9 MR. SNYDER: Oh, I believe this was passed
10 on to Staff Sergeant Brunet and then from there, I don't
11 know who had the decision making.

12 MR. PAUL: But in terms of this report, in
13 the middle it makes reference to:

14 "Mr. Price further stated he received
15 death threats in 1992 and these threats
16 were recorded on tape. The tape was
17 taken to the Cornwall Police, however,
18 no investigation was conducted."

19 This is a report you're preparing?

20 MR. SNYDER: That's correct.

21 MR. PAUL: And do you have recollection of a
22 complaint by the Price's that they were complaining that
23 they had forwarded some tapes of a threat and nothing was
24 done?

25 MR. SNYDER: That would've been investigated

1 with this incident itself here.

2 MR. PAUL: Okay. And was there any result
3 from that?

4 MR. SNYDER: I have no idea.

5 MR. PAUL: Okay. And you didn't know --
6 have no idea what happened with respect to that complaint
7 about the tapes?

8 MR. SNYDER: No.

9 MR. PAUL: And as far as -- sorry, you
10 understand that they were also making allegations against
11 former Cornwall Police Officers?

12 MR. SNYDER: Correct.

13 MR. PAUL: And that they were specifically
14 objecting to Cornwall Police taking the case?

15 MR. SNYDER: Well, that's further on.
16 Again, a lot of that information I get further on. This is
17 all the information I had and I passed it on to other
18 people to investigate that. I didn't have cartage of that.

19 MR. PAUL: Do you know when the decisions
20 are being made whether the Cornwall Police are going to
21 keep this case or not? In addition to the Price's concerns
22 about the former officers being accused, do you know if
23 this complaint about the tapes, is that taken into account
24 whether it's sent to another police force if they have this
25 other complaint as well?

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

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

3 **MR. SNYDER:** I don't know. I'm sorry.

4 **MR. PAUL:** I have a couple of questions for
5 you about C-66.

6 **MR. SNYDER:** Yes.

7 **MR. PAUL:** Just about the aspect of -- you
8 indicated that C-66 indicating that did not want to proceed
9 at the time with charges?

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

11 **MR. PAUL:** And that was a comment to -- or
12 didn't have recorded in notes but you had recalled getting
13 that from him on the street, I think?

14 **MR. SNYDER:** Yes.

15 **MR. PAUL:** And the reference to "on the
16 street", what did he mean by that? Did you mean physically
17 walking on the street or what did you mean by that?

18 **MR. SNYDER:** We met and we spoke and I don't
19 know where that was, but I remember speaking to him and him
20 speaking to me and saying that he wasn't ready to proceed.

21 **MR. PAUL:** And I just want to ask you, would
22 you agree that despite the fact that you're not on duty at
23 the time, it would be a duty on you to record that as soon
24 as you're back to the police station?

25 **MR. SNYDER:** I obviously should've recorded

1 it because it been a lot better for the Inquiry here. I
2 didn't record it and probably what happened, I just forgot
3 once I got back and doing other work, so ---

4 **MR. PAUL:** When you get back, I mean, get
5 back at the office at some point, are there either physical
6 files OMPPAC entries relating to C-66 that are going to jog
7 your memory or remind you that, well, I just saw that guy
8 and I better record this?

9 **MR. SNYDER:** No.

10 **MR. PAUL:** So you have no other
11 documentation in the office about C-66?

12 **MR. SNYDER:** Well, there's the investigation
13 if -- in reference to Marcel Lalonde.

14 **MR. SNYDER:** Right.

15 **MR. PAUL:** But when you get back to your
16 office and at some point see documentation, any
17 documentation that might be relevant, doesn't it jog your
18 memory that you should add that?

19 **MR. SNYDER:** Obviously not.

20 **MR. PAUL:** Okay.

21 I have a few questions about the aspect of
22 your involvement in the Dunlop aspect of testimony at the
23 Jacques Leduc trial, I believe. You indicated you're in
24 Standards at the time?

25 **MR. SNYDER:** Yes, Professional Standards.

1 **MR. PAUL:** And you actually attended and
2 watched most of the proceeding?

3 **MR. SNYDER:** Correct.

4 **MR. PAUL:** As far as your purpose there, I
5 just want to clarify your purpose. Was your purpose simply
6 to watch? I take it -- and it wasn't, for example, to
7 assist Mr. Dunlop in his testimony?

8 **MR. SNYDER:** Correct.

9 **MR. PAUL:** So it wasn't to assist him in
10 getting ready for the proceeding in any way?

11 **MR. SNYDER:** Correct.

12 **MR. PAUL:** And so you didn't have any
13 communication with him while the proceeding was on?

14 **MR. SNYDER:** Correct.

15 **MR. PAUL:** And when it's over, as far as the
16 perjury aspect, in your mind are you and the Cornwall
17 Police in the nature of complainants in terms of the
18 perjury issue?

19 **MR. SNYDER:** I had spoke to the Crown when
20 the perjury came up and the suggestion was that I read a
21 letter to -- and again, you have to bring up the letter --
22 to the Ministry, Head Crown, to make the decision as to
23 whether or not an investigation should take place in
24 reference to the perjury.

25 **MR. PAUL:** And as far as that conversation,

1 are you initiating that topic or is it the Crown initiating
2 that with you?

3 **MR. SNYDER:** I believe -- well, we're
4 talking together. I don't know how the topic came up,
5 whether it was I or her, but we definitely did speak about
6 it.

7 **MR. PAUL:** Do you have any recollection or
8 do you have any knowledge of whether this issue of the
9 transcript of the MacDonald proceedings, do you know
10 whether Mr. Dunlop had a copy of that to review before the
11 proceeding?

12 **MR. SNYDER:** I don't know if he had it
13 before but I know that they brought him to it at the trial.

14 **MR. PAUL:** In terms of bringing him to it,
15 did he have a physical copy right in front of him on the
16 witness stand?

17 **MR. SNYDER:** I believe he did but I'm not
18 sure.

19 **MR. PAUL:** All right.

20 I'm just wondering, in terms of some of the
21 passages, it wasn't clear to me whether he's given time on
22 the witness stand there to look through it and read the
23 context of the parts surrounding -- where he's asked about,
24 do you know if that was done. Any recollection of that?

25 **MR. SNYDER:** I believe it was. I believe he

1 had the opportunity to read it and go through it. That was
2 -- I believe he did, yes.

3 **MR. PAUL:** Okay. I'd like to bring you to a
4 portion of a document that's -- I believe it's Exhibit 723.
5 It's a portion of the Leduc proceedings.

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

7 **THE COMMISSIONER:** What page?

8 **MR. PAUL:** If you're asking -- first of all,
9 page 36. Do you have page 36?

10 **THE COMMISSIONER:** All right. I think he's
11 there.

12 **MR. PAUL:** Now, before I get into the
13 contents, I just want to ask you if you recall there being
14 an issue of whether Mr. Dunlop had just met Mr. Nadeau
15 before he leaves to B.C. or whether he'd met him numerous
16 times, something like 10 times, back to '96?

17 **MR. SNYDER:** That was the issue, right.

18 **MR. PAUL:** That issue, okay. And that
19 issue, there's some discussion about that on page 36?

20 **MR. SNYDER:** Yes, it looks that way.

21 **MR. PAUL:** And in terms of the portions that
22 are quoted, in the middle of the page there's a portion
23 where the defence lawyer, I believe, says -- quotes line
24 15. Mr. Neville is asking you this question:

25 "Now, just speaking about the internet,

1 do you know a person named Richard
2 Nadeau?

3 Answer: Yes I do."

4 That's a quotation from the MacDonald
5 proceeding; correct?

6 **MR. SNYDER:** Yes.

7 **MR. PAUL:** And then later on there's
8 questions. A little later on, it indicates:

9 "All right.

10 Question: And how do you know him?

11 Answer: I met him just shortly before
12 I left Cornwall.

13 Do you recall being asked that question
14 and giving that answer? Yes."

15 And there's a suggestion that that's a lie. Do you recall
16 that discussion?

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

18 **MR. PAUL:** Now, in terms of the question:

19 "Now, just speaking about the internet,
20 do you know a person named Richard
21 Nadeau?"

22 When you were looking at the perjury issue,
23 did you consider that perhaps the reference to "Just
24 speaking about the internet" sort of interjected some
25 confusion about what the question was in this case?

1 **MR. SNYDER:** I never looked into the
2 perjury. What I saw here when I -- at the trial was a
3 potential for perjury and I wanted -- I put a memo through
4 to our chief. The Deputy Chief sent a memo to one of the
5 Head Crowns for their investigation. I never investigated
6 the perjury.

7 **MR. PAUL:** And when you said "the memo", you
8 wouldn't have necessarily the exact transcript of what
9 happened at that point?

10 **MR. SNYDER:** No. No. But the memo is here
11 and I do make reference to certain areas where the perjury
12 could've occurred in my memo.

13 **MR. PAUL:** But you were present. You
14 would've been present when this comment was read about:
15 "Now, just speaking about the internet,
16 do you know a person named Richard
17 Nadeau?"

18 **MR. SNYDER:** Yes.

19 **MR. PAUL:** And I'm just asking you, looking
20 at that, would you not agree that that might cause some
21 confusion whether the later questions are asking about when
22 the first meeting is with Mr. Nadeau is in time or whether
23 he's being asked, the first meeting, when he's discussing
24 with Mr. Nadeau about the internet, those are two different
25 things?

1 **MR. PAUL:** Again, I really can't say whether
2 it was confusing or not. I would ---

3 **MR. PAUL:** Now, later in the transcript, I
4 believe page 42 -- I'm sorry, page 43, right towards the
5 end.

6 Do you see there's references to -- at one
7 point Mr. Dunlop says, towards the bottom, "I guess I was
8 lying". Do you see that?

9 **MR. SNYDER:** Yes.

10 **MR. PAUL:** But above it, towards the top,
11 there's an indication, "I didn't purposely lie to the
12 court".

13 **MR. SNYDER:** Correct.

14 **MR. PAUL:** In terms of the evidence of
15 possible perjury, do you agree that that is somewhat
16 confusing evidence?

17 **MR. SNYDER:** That would be up to the
18 investigator to decide.

19 **MR. PAUL:** Right.

20 **MR. SNYDER:** And that would be up to --
21 after the investigation, to determine whether or not that
22 would allow you the grounds to lay a charge.

23 **MR. PAUL:** Did you think it appropriate to
24 tell your supervisors that Mr. Dunlop at one point said, "I
25 didn't purposely lie in court," that that might be

1 something appropriate to tell the supervisor, that perhaps
2 it wasn't entirely clear cut?

3 **MR. SNYDER:** No, I put the report through
4 because there was a potential for perjury and the
5 investigation, whoever investigated this incident, would
6 have made that determination. That wasn't up to me.

7 **MR. PAUL:** All right.

8 I'd suggest to you that the witness in this
9 case, Mr. Dunlop, having indicated, "I didn't purposely lie
10 to the court", I would suggest that on his evidence alone,
11 certainly the grounds for perjury would not be that strong?

12 **MR. CALLAGHAN:** I think that's a conclusion
13 or a statement rather than a question. The officer just
14 said they didn't do an investigation. I don't know if it's
15 proper to put a bit of argument forward like that.

16 **THE COMMISSIONER:** Well, I don't know if it
17 was an argument or an inflection at the end with a question
18 mark.

19 **MS. ROBITAILLE:** My concern, Mr.
20 Commissioner, is that the question is asking the witness to
21 draw a legal analysis and I'm not sure he's qualified to do
22 that.

23 **THE COMMISSIONER:** Yeah, you're right there,
24 but he was in court that day and he's read the documents
25 over, so I'll permit the question. Thank you.

1 So did you have a question on that part or -
2 --

3 **MR. PAUL:** Yes.

4 **THE COMMISSIONER:** If it was a conclusion,
5 you know, Mr. Callaghan is right, but I thought I heard a
6 question mark at the end of it.

7 **MR. PAUL:** Yes, I didn't want to suggest
8 that given the testimony, "I didn't purposely lie in court"
9 would he not be of the view that the grounds to proceed on
10 perjury were not particularly strong?

11 **MR. SNYDER:** No, because right back, he
12 said, "I guess I'm lying now". So obviously he's telling
13 us right in court he's lied.

14 **MR. PAUL:** All right.

15 Shortly after he said, "I didn't purposely
16 lie"; correct?

17 **MR. SNYDER:** But you're taking things out of
18 context. "I didn't purposely lie. I'm lying now." So to
19 form reasonable and probable grounds, I'd have to, again,
20 do a thorough investigation, which I didn't, but that one
21 line itself is pretty strong.

22 **MR. PAUL:** All right.

23 And the comment, "I didn't purposely lie to
24 the court", in terms of investigation in relation to
25 perjury, I would suggest that that would be a piece of

1 information that would be of importance to consider. Would
2 you agree with that?

3 **MR. SNYDER:** I think you have to consider
4 the whole context of the investigation and the brief. So -
5 --

6 **MR. PAUL:** You'd have to consider both the
7 fact -- the last comment, "I guess I was lying" and also
8 the previous comment, both; correct?

9 **MR. SNYDER:** Yes.

10 **MR. PAUL:** You were asked if you had any
11 contact with -- or knowledge of Ken Seguin, and I believe
12 that you indicated that he was not someone that you would
13 socialize with?

14 **MR. SNYDER:** I didn't know Ken Seguin.

15 **MR. PAUL:** All right.

16 Just a couple other people; Malcolm
17 MacDonald, was he someone that you would be familiar with?

18 **MR. SNYDER:** I knew Malcolm MacDonald.

19 **MR. PAUL:** Would he be someone that -- apart
20 from a professional relationship, would he be someone that
21 you would socialize with?

22 **MR. SNYDER:** I never socialized with
23 Malcolm.

24 **MR. PAUL:** What about Charles MacDonald?

25 **MR. SNYDER:** I don't know him.

1 **MR. PAUL:** What about the individual who was
2 investigated and the charges, I believe, were withdrawn at
3 trial, Bernard Sauvé. Was he someone that you ---

4 **MR. SNYDER:** I didn't know him.

5 **MR. PAUL:** Okay. And do you know whether
6 Chief Shaver had any social contact with any of those
7 individuals?

8 **MR. SNYDER:** I have no idea.

9 **MR. PAUL:** Those are my questions.

10 **THE COMMISSIONER:** Thank you.

11 **MR. SNYDER:** Thank you.

12 **MR. LEE:** It's not as bad as it looks.

13 **THE COMMISSIONER:** I wasn't looking at the
14 documents. I was looking ---

15 **MR. LEE:** Don't say the tie. Don't say the
16 tie. Mr. Neuberger likes the tie. Everybody else has made
17 fun of me today.

18 **THE COMMISSIONER:** I'm simply an observer of
19 life.

20 **MR. LEE:** I would appreciate if my tie
21 didn't make it into the final report, Mr. Commissioner.

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

23 **MR. LEE:** Staff Sergeant Snyder, my name is
24 Dallas Lee. I'm counsel for the Victims Group.

25 **MR. SNYDER:** Good morning, sir.

1 **MR. LEE:** I have a number of areas that I'd
2 like to ask you about, and I want to start off with dealing
3 with you as a polygraph examiner ---

4 **MR. SNYDER:** Yes.

5 **MR. LEE:** --- just to try to get some
6 general information. As far as I know anyway, we haven't
7 had anybody testify here who was a polygraph examiner.
8 You're the only one from the Cornwall Police. Is that
9 right?

10 **MR. SNYDER:** Correct.

11 **MR. LEE:** And as I understood your evidence
12 yesterday, the ideal situation in which to conduct a
13 polygraph is towards the end of an investigation with as
14 much information as you can possibly have at your disposal.
15 Is that right?

16 **MR. SNYDER:** Correct.

17 **MR. LEE:** Can you talk to me about the other
18 side of the spectrum? What is workable as a minimum for
19 you to conduct a polygraph?

20 **MR. SNYDER:** That's a difficult question. I
21 would get information from an investigator, look through
22 it. And I get all times, different time periods, and
23 sometimes I'll say I have enough to conduct a test and
24 sometimes I'll have the investigator go back and re-
25 interview people or get more information. I don't know if

1 there's an answer to an optimum time or a lower time. It's
2 just is there enough information there for me to formulate
3 questions and have a good idea as to what is actually
4 occurring. So it's not an easy question.

5 **MR. LEE:** Has it ever, in your experience,
6 been totally pointless to conduct a polygraph?

7 **MR. SNYDER:** If you give me an example -- I
8 don't know if I've ever said, "No, it doesn't make sense to
9 do a test right now".

10 **MR. LEE:** There are better times and there
11 are worse times, but there's some value to conducting a
12 polygraph, in your experience?

13 **MR. SNYDER:** Yes, I believe in polygraph and
14 I think it's a very useful tool.

15 **MR. LEE:** Have you ever had a suspect
16 confess during the course of a polygraph examination?

17 **MR. SNYDER:** Yes.

18 **MR. LEE:** Have you ever had a suspect
19 confess upon learning the results of a polygraph
20 examination?

21 **MR. SNYDER:** Yes.

22 **MR. LEE:** And would you agree with me that
23 it is typically a nerve-racking experience for the
24 subject?

25 **MR. SNYDER:** It's pretty stressful.

1 **MR. LEE:** Were you at any time during the
2 course of the Silmsler investigation into the allegations
3 against Father Charles MacDonald asked to be on standby or
4 told that you may be conducting a polygraph at some point?

5 **MR. SNYDER:** Actually, I was out of
6 polygraph at that time. I wasn't doing polygraph
7 examinations then.

8 **MR. LEE:** You were not doing polygraph
9 examinations?

10 **MR. SNYDER:** I was not doing polygraph.

11 **MR. LEE:** Do you know who was?

12 **MR. SNYDER:** We weren't. We didn't have
13 anybody in Cornwall doing polygraph.

14 **MR. LEE:** It would have gone to Ottawa
15 probably?

16 **MR. SNYDER:** It went to Ottawa.

17 **MR. LEE:** Okay.

18 **MR. SNYDER:** Or OPP.

19 **MR. LEE:** Ms. Daley, who has stepped out,
20 but she was the counsel for the Citizens for Community
21 Renewal, the first lawyer to cross-examine you, asked you
22 some questions about your knowledge of Kevin Malloy's
23 investigation ---

24 **MR. SNYDER:** Yes.

25 **MR. LEE:** --- of Marcel Lalonde in 1988. Do

1 you recall that?

2 **MR. SNYDER:** Yes.

3 **MR. LEE:** And what you told us is that you
4 were learning about that for the first time?

5 **MR. SNYDER:** Yes.

6 **MR. LEE:** Are you aware that Rene Desrosiers
7 learned of that investigation in October of '99?

8 **MR. SNYDER:** No, I don't think so.

9 **MR. LEE:** Mr. Desrosiers hasn't testified
10 yet, but I think some of what we'll bring him through is
11 that he went to a great deal of trouble to go back and
12 track down Malloy's file and to go through the notes and to
13 piece things together and to interview people.

14 You weren't aware of any of that at the
15 time?

16 **MR. SNYDER:** I don't recall that, no.

17 **MR. LEE:** Okay. I just wanted to make sure
18 that Mr. Desrosiers was the person we should be asking
19 about that, not you.

20 **MR. SNYDER:** Yes.

21 **MR. LEE:** You were asked yesterday about an
22 issue that arose during Constable Hanton's investigation of
23 Earl Landry, Jr. in dealing with C-52's ability to identify
24 Earl Landry, Jr. Do you recall that?

25 **MR. SNYDER:** Yes.

1 **MR. LEE:** And you told us that you had
2 spoken to Hanton at one point and that he had told you that
3 there was an issue with identification. Is that right?

4 **MR. SNYDER:** Correct.

5 **MR. LEE:** And I want to be clear; Hanton
6 told you the issue with identification related to Earl
7 Landry, Jr.?

8 **MR. SNYDER:** Correct.

9 **MR. LEE:** And that was your understanding
10 and there was a supplementary occurrence report at some
11 point, and that was the case as well?

12 **MR. SNYDER:** Yes.

13 **MR. LEE:** I want to -- I know you've been
14 through this a bit, but you haven't seen all of the
15 documents, and I want to try to take you through these
16 chronologically and see if we can piece these together.

17 **MR. SNYDER:** Sure.

18 **MR. LEE:** Is it your understanding that C-52
19 initially disclosed his abuse to a counsellor?

20 **MR. SNYDER:** Correct.

21 **MR. LEE:** And the counsellor then reported
22 to the CAS?

23 **MR. SNYDER:** Correct.

24 **MR. LEE:** And that was Carole Leblanc?

25 **MR. SNYDER:** Correct.

1 **MR. LEE:** Do you recall that?

2 Carole Leblanc was interviewed later on, but
3 she gave a statement relating to her recollection of the
4 January 3rd, '96 interview she did with C-52. Okay? That's
5 what I want to take you to is her statement. It's Exhibit
6 1602. This is a Will Say Statement.

7 **MR. SNYDER:** That's the one I probably asked
8 her for?

9 **MR. LEE:** I would presume, yeah.

10 **THE COMMISSIONER:** You might have ---

11 **MR. SNYDER:** I'm sorry.

12 **THE COMMISSIONER:** Look in the books, 1602.

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

14 **MR. LEE:** Do you have that out, sir?

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

16 **MR. LEE:** And if you look at the last page,
17 we see it's dated May 28, 1997, and it appears to be signed
18 by Ms. Leblanc. Do you see that?

19 **MR. SNYDER:** Yes.

20 **MR. LEE:** If you go back to the first page,
21 as I said, at the numbered paragraph Number 3, she states
22 that on -- we have there:

23 "On January 3, 1996, I conducted an
24 audio-taped interview with C-52 and he
25 stated the following ..."

1 And she goes out and sets out a number of things. Do you
2 see that?

3 MR. SNYDER: Yes.

4 MR. LEE: And if we look at the third point
5 under that paragraph, Number 3, if you can just read that
6 to yourself, please?

7 (SHORT PAUSE/COURTE PAUSE)

8 MR. SNYDER: Yes.

9 MR. LEE: Do you have that?

10 Would you agree with me that based on -- on
11 this document, at least, that there's not -- there are no
12 issues with identification disclosed here?

13 MR. SNYDER: I agree.

14 MR. LEE: It seems to be very clear that
15 it's Mr. Landry?

16 MR. SNYDER: I agree.

17 MR. LEE: If you can turn the page over,
18 please, and go to paragraph 3, subparagraph 8, right at the
19 top of the page, it talks about C-52. It said:

20 "There was another man in the room
21 during the incident but that nothing
22 happened with this man. He said that
23 he does not know who this man is but
24 said that he was a balding man."

25 MR. SNYDER: Yes.

1 **MR. LEE:** Do you see that?

2 **MR. SNYDER:** Yes.

3 **MR. LEE:** So there's an issue with
4 identification there?

5 **MR. SNYDER:** Yes.

6 **MR. LEE:** But not relating to Landry Jr.; is
7 that right?

8 **MR. SNYDER:** Correct.

9 **MR. LEE:** And just while we're at this
10 document, if you can look down at paragraph 9, towards the
11 bottom of the page, please, it notes that Ms. Leblanc
12 received a call from Constable Hanton and that she agreed
13 to provide a copy of the audio-tape of that interview we've
14 just ---

15 **MR. SNYDER:** Correct.

16 **MR. LEE:** --- she summarized and that he did
17 pick that up. Do you see that?

18 **MR. SNYDER:** Correct.

19 **MR. LEE:** So if we go now to the first
20 document that we have from the CPS relating to that -- I
21 don't believe this is an exhibit yet, Mr. Commissioner.
22 It's 740006.

23 **THE COMMISSIONER:** It's Exhibit 1461, I
24 understand.

25 **MR. LEE:** Thank you.

1 MR. SNYDER: I don't have it.

2 MR. LEE: I'm sorry about that, Madam Clerk.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. SNYDER: Thank you.

5 MR. LEE: Do you have that, sir?

6 MR. SNYDER: Yes, sir.

7 MR. LEE: So as I said, the statement by Ms.
8 Leblanc was given later but referred back to that January 3
9 interview, so now ---

10 MR. SNYDER: Correct.

11 MR. LEE: --- the next step in the
12 chronology here is a January 9th, '96, general occurrence
13 report, authored and entered by Luc Brunet. Do you see
14 that?

15 MR. SNYDER: Correct, yes.

16 MR. LEE: And as I understand it, a general
17 occurrence report would be the first report put into
18 OMPPAC; is that right?

19 MR. SNYDER: Correct.

20 MR. LEE: And subsequent to that, there
21 would be supplementary occurrence reports?

22 MR. SNYDER: That's correct.

23 MR. LEE: So you wouldn't have two general
24 occurrence reports?

25 MR. SNYDER: Correct.

1 **MR. LEE:** This is -- this is the start?

2 **MR. SNYDER:** This is it.

3 **MR. LEE:** Okay. And you'll notice here,
4 again, it's talking about C-52 and reported that he had
5 been abused by Earl Landry Jr. when he was between 10 and
6 14 years and that he was playing at King George Park and it
7 again names Landry. Do you see that?

8 **MR. SNYDER:** Yes.

9 **MR. LEE:** So at least at the time of the
10 general occurrence report, it was fairly obvious that we
11 were dealing with Earl Landry Jr. here. Do you see that?

12 **MR. SNYDER:** Yes, they're, again, dealing
13 with Earl Landry Jr. as a suspect ---

14 **MR. LEE:** As a suspect.

15 **MR. SNYDER:** --- according to this report.

16 **MR. LEE:** And at least on the face of this
17 report, there's nothing suggesting any problem with
18 identification?

19 **MR. SNYDER:** Correct.

20 **MR. LEE:** If you turn now to Exhibit 1613,
21 these are Constable Hanton's notes that you looked up.

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

23 **MR. LEE:** It's on the screen there, sir, if
24 that assists you.

25 **MR. SNYDER:** Good.

1 **MR. LEE:** You see the -- C-52's name and
2 identifying information is set out?

3 **MR. SNYDER:** Correct.

4 **MR. LEE:** Followed by the suspect, Earl
5 Landry Jr.?

6 **MR. SNYDER:** Yes.

7 **MR. LEE:** And again, you told us yesterday
8 that you see a distinction between a "suspect" and a
9 "positive identification"?

10 **MR. SNYDER:** Yes.

11 **MR. LEE:** But what you can agree with me, on
12 the face of these notes, there's nothing to suggest a
13 problem with identification?

14 **MR. SNYDER:** Yes.

15 **MR. LEE:** And the next thing that ---

16 **MR. SNYDER:** But again, I don't know --
17 again, the question is "a problem with identification". I
18 don't see anything here that suggests he was identified
19 either. You know what I'm saying? That's ---

20 **MR. LEE:** Fair enough.

21 **MR. SNYDER:** Okay.

22 **MR. LEE:** It does not speak to
23 identification. Is that right?

24 **MR. SNYDER:** Yes.

25 **MR. LEE:** We have a suspect listed and

1 that's it.

2 **MR. SNYDER:** Yes.

3 **MR. LEE:** And we have -- the next document
4 that we have in the chronology is a -- is Document
5 Number 740007.

6 Madam Clerk, this is document that I
7 provided late notice of.

8 Mr. Commissioner, I've provided copies to my
9 friends and to the Clerk.

10 **THE COMMISSIONER:** All right.

11 Thank you. Exhibit Number 1633 is a Witness
12 Statement and that should have a stamp on it as well, I
13 believe. And the statement is ---

14 **MR. LEE:** It's a statement taken by
15 Constable Hanton of C-52 on January 18th, 1996.

16 **THE COMMISSIONER:** Thank you.

17 **MR. LEE:** Can I have the exhibit number
18 again, please, sir?

19 **THE COMMISSIONER:** One-six-three-three
20 (1633).

21 **MR. LEE:** Thank you.

22 Sir, is it my -- my understanding is that
23 you -- this was an audio-taped interview by Constable
24 Hanton and that you had this typed up, transcribed after
25 that fact. Is that right?

1 **MR. SNYDER:** I didn't personally have it
2 typed up. It was typed up after the fact.

3 **MR. LEE:** Okay. And as I said, the date of
4 this is January 18th, 1996, so we're in that very early
5 timeframe of this investigation.

6 And if you look down, just about halfway
7 down this first page, there's a line that begins with "13
8 or 14, um".

9 Do you see that, sir?

10 **MR. SNYDER:** Yes.

11 **MR. LEE:** And C-52 is giving a statement
12 here and he talks about how he used to frequent the King
13 George Park. Do you see that?

14 **MR. SNYDER:** Just bring me to it. I'm
15 sorry; I'm ---

16 **MR. LEE:** Do you see the line, about five
17 lines down ---

18 **MR. SNYDER:** Thirteen (13) or 14?

19 **MR. SNYDER:** Yes.

20 **MR. LEE:** During that line:

21 "... um, I used to frequent the King
22 George Park ..."

23 **MR. SNYDER:** Yes.

24 **MR. LEE:** "... in Cornwall during the
25 wintertime."

1 **MR. SNYDER:** yes.

2 **MR. LEE:** And a couple of lines further down
3 he says:

4 "There used to be a fellow there who
5 used to take care of the place and open
6 up the water, the rink, open up the
7 clubhouse."

8 Do you see that?

9 **MR. SNYDER:** Correct, yes.

10 **MR. LEE:** And a little further down he says:

11 "We referred to him as 'Big Earl'."

12 **MR. SNYDER:** Yes.

13 **MR. LEE:** And he continues:

14 "I'm right; it's Earl Landry, uh, but
15 the ..."

16 **THE COMMISSIONER:** "If I'm right".

17 **MR. SNYDER:** "If I'm right".

18 **MR. LEE:** Oh, I'm sorry, I didn't see it:

19 "...If I'm right, it's Earl Landry, uh,
20 but the last name could be..."

21 And he trails off.

22 And he says:

23 "As far as I know, he's working at the
24 Bob Turner now."

25 **MR. SNYDER:** Yes.

1 MR. LEE: Do you see that?

2 Some more identifying information, would you
3 agree with that?

4 MR. SNYDER: Yes.

5 MR. LEE: And if you turn over to the second
6 page, down towards -- two-thirds of the way down ---

7 MR. SNYDER: Just let's go back a second,
8 please, just to ---

9 MR. LEE: Oh, Madam Clerk ---

10 MR. SNYDER: Sorry, I just ---

11 MR. LEE: --- can you go back?

12 MR. SNYDER: I'm just a little ---

13 MR. LEE: He just wants to take a look at
14 something.

15 MR. SNYDER: Could you just bring me back
16 there again, please, just to ---

17 MR. LEE: If you can show him the bottom
18 half of the page probably, Madam Clerk, should be fine.

19 (SHORT PAUSE/COURTE PAUSE)

20 MR. SNYDER: Okay. Go ahead, sorry.

21 MR. LEE: So as far as identification ---

22 MR. SNYDER: Yes, yes.

23 MR. LEE: --- goes, that's -- that's about
24 it on that page?

25 MR. SNYDER: Yes.

1 **MR. LEE:** And he talks about some of the
2 details of the abuse, but I'm not going to take you to
3 that.

4 **MR. SNYDER:** Yes, yeah.

5 **MR. LEE:** I'm worried about identification
6 at this stage.

7 **MR. SNYDER:** Yeah.

8 **MR. LEE:** So if you go to the second page,
9 the bottom two-thirds, we have a white space.

10 Yeah, right there, Madam Clerk. That's
11 perfect.

12 And Constable Hanton asks, the second line
13 there:

14 "The person said you referred to him as
15 "Big Earl."

16 And C-52 goes on and says:

17 "Yes, Big Earl."

18 And Constable Hanton asked him for a
19 physical description and he provides one. Do you see that?

20 **MR. SNYDER:** Yes.

21 **MR. LEE:** He talks about his hair and things
22 like that?

23 **MR. SNYDER:** Yes, I agree.

24 **MR. LEE:** And he talks about -- you'll see,
25 if you read a little bit, he talks again about having seen

1 him recently at the Bob Turner. Do you see that?

2 **MR. SNYDER:** Yes.

3 **MR. LEE:** And he talks about the position he
4 believes he occupies at the Bob Turner, head of the rink or
5 "rink boys" or whatever, something along those lines?

6 **MR. SNYDER:** Yes.

7 **MR. LEE:** And he says -- the last answer by
8 C-52 on this page:

9 "I see him regularly and that's --
10 maybe that's why it's brought it back."

11 Do you see that?

12 **MR. SNYDER:** Yes.

13 **MR. LEE:** And if you turn over to the end of
14 the next page, the last answer by C-52, do you see that
15 there? It begins with "um"?

16 **MR. SNYDER:** Yes.

17 **MR. LEE:** He again goes back to talking
18 about this bald-headed man in the room that he can't
19 identify. Do you see that?

20 **MR. SNYDER:** Yes.

21 **MR. LEE:** So would you agree with me again
22 that on -- based on this statement, there does not seem to
23 be any issue with identification of Earl Landry Jr., but
24 there may be an issue with the identification of some
25 witness?

1 **MR. SNYDER:** I agree.

2 **MR. LEE:** Is that correct?

3 And as I suggested to you a couple of
4 moments ago, at some point you request a supplementary
5 occurrence report from Constable Hanton, and that's our
6 Exhibit 1466. If you can turn that up, please?

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **MR. SNYDER:** I have it.

9 **MR. LEE:** The first thing that jumps off the
10 page at me in the first line is that he's misspelled the
11 complainant's name. Do you see that?

12 **MR. SNYDER:** Yes.

13 **MR. LEE:** This is about -- this is November
14 of 1996, so almost 10 months after the parts of the
15 investigation that we looked at?

16 **MR. SNYDER:** Yes.

17 **MR. LEE:** And we now suddenly are told that
18 C-52 cannot positively identify the suspect. Do you see
19 that?

20 **MR. SNYDER:** Yes.

21 **MR. LEE:** What did you make of this document
22 when you read it?

23 **MR. SNYDER:** I asked for this document
24 because I wanted to know -- get up to snuff, and I made it
25 that he couldn't identify the -- Mr. Landry, that he felt

1 that there was other persons who may come forward and help
2 him out, and that didn't occur. There was no evidence to
3 proceed at this time and that the victim, C-52, was made
4 aware of the investigation.

5 **MR. LEE:** Did you, at any point after
6 receiving the supplementary occurrence report, review the
7 documents I've just taken you through?

8 **MR. SNYDER:** No, I didn't -- those documents
9 weren't on the system. They weren't on my system yet. I
10 hadn't had a chance to read them. They weren't there.

11 **MR. LEE:** When is the first time you would
12 have seen those documents?

13 **MR. SNYDER:** It would have been February.

14 **MR. LEE:** Of?

15 **MR. SNYDER:** Of '97, the 18th or in about
16 that area.

17 **MR. LEE:** Did you at any point go back and
18 pose some of the questions I posed here today ---

19 **MR. SNYDER:** Yes.

20 **MR. LEE:** --- to Constable Hanton about
21 identification?

22 **MR. SNYDER:** I did in reference to this.
23 I'm saying, "You can't identify him?" Here, "Yes, sir, I
24 can't identify him." I was satisfied from his answer there
25 was no positive identification and I took that at face

1 value.

2 MR. LEE: So can I take it that at the time
3 of the supplementary occurrence report, you didn't have the
4 background knowledge to know that there may have been an
5 issue with what Constable Hanton was telling you?

6 MR. SNYDER: Yes.

7 MR. LEE: And can I take it that it wasn't
8 terribly critical for you to go back and grill Constable
9 Hanton on this because you were going to do your own
10 investigation anyways?

11 MR. SNYDER: Correct. I wanted to know what
12 he had done, and he felt that there was no identification.
13 So I took that at face value. I will then -- I was then
14 going to look at it on my own.

15 MR. LEE: And I take it what you can tell us
16 is that once you got to the case, there was no issue with
17 identification?

18 MR. SNYDER: That's correct.

19 THE COMMISSIONER: Any explanation why
20 there's that ---

21 MR. SNYDER: Reasonable and probable
22 grounds, I guess, is subjective and he felt he didn't have
23 it. He felt he didn't -- "I can't explain that."

24 THE COMMISSIONER: No, no, no.

25 MR. SNYDER: Oh, sorry.

1 **THE COMMISSIONER:** No, no, no, never mind
2 reasonable and probable grounds.

3 **MR. SNYDER:** Yeah.

4 **THE COMMISSIONER:** Identification.

5 **MR. SNYDER:** I can't explain to him why -- I
6 can't explain why he didn't feel. I was very confident
7 when I saw those statements that I had Earl Landry Jr. as
8 the person who did these crimes. I think Constable
9 Hanton's got to explain why he didn't think so. I don't
10 know why.

11 **THE COMMISSIONER:** Didn't you ask him?

12 **MR. SNYDER:** Later on, I -- no, I just went
13 on with my investigation. He would have had to explain
14 that himself if it went to trial.

15 **MR. LEE:** Did you consider at any point that
16 Constable Hanton may not have been truthful in the
17 supplementary occurrence report?

18 **MR. SNYDER:** No, I didn't think that he
19 would lie.

20 **MR. LEE:** Do you think it's possible that he
21 was a little bit concerned that he had done nothing on the
22 investigation?

23 **MR. SNYDER:** I didn't take that into
24 consideration.

25 **MR. LEE:** Okay. I want to now discuss your

1 2001 investigation of Earl Landry Sr. and the issues
2 surrounding that. Okay? And Ron Lefebvre was the
3 investigating officer at the time of that 1985
4 investigation?

5 **MR. SNYDER:** Yes.

6 **MR. LEE:** And you've been asked about some
7 of the discrepancies in Mr. Lefebvre's statements, but
8 there are a couple that you haven't been asked about that
9 I'd like to take you to.

10 Can we agree, first off, that if there had
11 been some kind of conspiracy in 1985, that Mr. Lefebvre
12 would have had to have been involved in some way given that
13 he was the investigating officer?

14 **MR. SNYDER:** If there was a conspiracy ---

15 **MR. LEE:** If. I prefaced it; if there was a
16 conspiracy, the investigating officer would have had to
17 play some role in it, either actively or passively, just
18 letting it happen because he's ---

19 **MR. SNYDER:** If there was.

20 **MR. LEE:** And as I said, if there was a
21 conspiracy and he wasn't directly involved, at the very
22 least he would have had to follow orders or go along with
23 not laying charges. Is that right?

24 **MR. SNYDER:** I don't like hypothetical
25 questions. It's tough. If there was a conspiracy, then he

1 would have to be involved.

2 MR. LEE: Is it your evidence that you did a
3 thorough investigation into these matters in 2001?

4 MR. SNYDER: I believe so.

5 MR. LEE: And again, I'm not talking about -
6 - I want to be very clear here. I'm not talking at this
7 point about your investigation of Earl Landry Jr. ---

8 MR. SNYDER: That's right.

9 MR. LEE: --- the charges and all that.
10 Leave that aside entirely.

11 MR. SNYDER: Yes.

12 MR. LEE: I want to talk about you looking
13 into what happened in 1985. Is it your evidence that that
14 investigation was thorough, your investigation of that was
15 thorough?

16 MR. SNYDER: Yes.

17 MR. LEE: Is it possible -- these were
18 allegations against CPS officers, obviously, retired Chief
19 Landry ---

20 MR. SNYDER: Yes.

21 MR. LEE: --- but I think you'd have to
22 agree with me that if he was implicated, others from CPS
23 were going to have to be drawn into the fold at some point?

24 MR. SNYDER: Yes.

25 MR. LEE: Is it possible that you took it

1 easy on them, sir?

2 MR. SNYDER: No.

3 MR. LEE: Is it possible that you just went
4 through the motions a little bit with this investigation?

5 MR. SNYDER: No.

6 MR. LEE: Can you turn up Exhibit 1371,
7 please?

8 (SHORT PAUSE/COURTE PAUSE)

9 MR. LEE: This is the statement of Ron
10 Lefebvre that was taken by you and Staff Sergeant Derochie.
11 Are you there?

12 MR. SNYDER: Yes.

13 MR. LEE: Can you -- you remember the Bates
14 pages at the top left corner?

15 MR. SNYDER: Yes.

16 MR. LEE: That's what I'll refer to. If you
17 can turn to the page ending in 104, please? And that page
18 ends with a question from Staff Sergeant Derochie:

19 "Explain why no charges were laid
20 against Earl Landry Jr. at the
21 conclusion of your investigation in
22 1985."

23 Do you see that?

24 MR. SNYDER: Yes.

25 MR. LEE: If we turn the page over, there

1 are a couple of issues identified by Constable -- Staff --
2 or just Constable Lefebvre at the time?

3 MR. SNYDER: Special constable.

4 MR. LEE: Special Constable Lefebvre at the
5 time. One of them is the kid at the time was mentally
6 challenged. That's one issue that he identifies. Do you
7 see that?

8 MR. SNYDER: Yes.

9 MR. LEE: And then he goes on and he says
10 that there's something about a photo line-up?

11 MR. SNYDER: Yes.

12 MR. LEE: He's suggesting there's some kind
13 of identification issue; is that right?

14 MR. SNYDER: Issues for identification, yes.

15 MR. LEE: Let's take the mentally challenged
16 issue first. This would relate to the original complainant
17 who was C-51?

18 MR. SNYDER: Yes.

19 MR. LEE: Did you, at any point during your
20 review of the 1985 investigation, come across any medical
21 evidence to support Special Constable Lefebvre's statement
22 that there was an issue with capacity?

23 MR. SNYDER: There was, I think, Dupuis gave
24 a statement that also corroborated that statement that he
25 was mentally challenged.

1 **MR. LEE:** Jean Dupuis from the CAS?

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

3 **MR. LEE:** Did you come across any medical
4 evidence?

5 **MR. SNYDER:** There was something said that
6 he was in Grade 5 -- or was supposed to be in Grade 5 and
7 in a Grade 2 capacity -- that was there as well. And I
8 don't know if that's medical or from the CAS. There was
9 definitely something there that corroborated the fact that
10 he was mentally challenged.

11 **MR. LEE:** There was -- I mean, I guess there
12 are a couple of issues. There was some evidence that there
13 was something wrong. He was either a little bit behind in
14 school or he was a little bit slower. There was something
15 going. We know that.

16 **MR. SNYDER:** Yes.

17 **MR. LEE:** I'm talking about medical evidence
18 dealing with his ability to testify.

19 **MR. SNYDER:** I don't recall that.

20 **MR. LEE:** Did you uncover any evidence that
21 Lefebvre sought any advice or counsel on that issue?

22 **MR. SNYDER:** I don't think so.

23 **MR. LEE:** Do you recall questioning Lefebvre
24 on whether or not he had made that call on his own or
25 whether or not he had had help with that?

1 **MR. SNYDER:** No.

2 **MR. LEE:** Did you ask him what he based his
3 opinion on specifically?

4 **MR. SNYDER:** No.

5 **MR. LEE:** If we can take a look, please,
6 there was a reference made to a letter by Dr. Park, but I
7 don't think you have been shown it. It's already an
8 exhibit. It's Exhibit C-1353.

9 **MR. SNYDER:** Is that it here, 1353?

10 **THE COMMISSIONER:** Mr. Lee has us vaulting
11 from book to book this morning.

12 **MR. SNYDER:** I have 1355.

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

14 **THE COMMISSIONER:** One-three-four-three
15 (1343)?

16 **MR. LEE:** One-three-five-three (1353).

17 **THE COMMISSIONER:** Five-three (53). Okay.
18 While we're at it, we have entered Exhibit
19 1633 and it is already Exhibit 1462. So why don't we,
20 rather than clutter the exhibits, take that one back?
21 Okay.

22 **MR. LEE:** Are you at Exhibit 1353, sir?

23 **MR. SNYDER:** C-1353, yes.

24 **MR. LEE:** Yeah. So this is the September
25 11th, 1985 letter from Doctor Malcolm Park to Jean Dupuy at

1 the CAS?

2 MR. SNYDER: Yes.

3 MR. LEE: You've seen this before?

4 MR. SNYDER: Yes.

5 MR. LEE: And this is the letter from Doctor
6 Park that you were referring to yesterday during your
7 examination by Ms. Daley?

8 MR. SNYDER: Yes.

9 MR. LEE: And what you told Ms. Daley
10 yesterday was that this letter doesn't corroborate the
11 allegations in any way?

12 MR. SNYDER: Correct.

13 MR. LEE: Is that right? What I'm going to
14 suggest to you, and we'll go through it though, is that it
15 may tell us something about the complainant's capacity.

16 Have you had the time, since you turned this
17 up, to read it? Just right now so ---

18 MR. SNYDER: Just right now, no.

19 MR. LEE: Okay. Can you take a moment to
20 read the letter, please? It's not very long.

21 (SHORT PAUSE/COURTE PAUSE)

22 MR. SNYDER: Okay.

23 MR. LEE: You've read that now, sir?

24 MR. SNYDER: Yes, sir.

25 MR. LEE: Would you agree, at least in this

1 letter, that there's nothing to suggest that C-51 is
2 incapable of telling his story?

3 MR. SNYDER: Yes.

4 MR. LEE: In fact, the doctor states in the
5 first paragraph that C-51 described the abuse without
6 leading questions?

7 MR. SNYDER: Correct.

8 MR. LEE: Specifically makes note of that;
9 correct?

10 MR. SNYDER: Yes.

11 MR. LEE: And he includes some information
12 in quotes?

13 MR. SNYDER: Yes.

14 MR. LEE: Suggesting that that came directly
15 from C-51?

16 MR. SNYDER: Yes.

17 MR. LEE: And some of those details are
18 quite specific?

19 MR. SNYDER: Yes.

20 MR. LEE: They talk about sex acts directly?

21 MR. SNYDER: Yes.

22 MR. LEE: They talk about the frequency of
23 the acts?

24 MR. SNYDER: Yes.

25 MR. LEE: And if you look at the second

1 paragraph, he provides some additional details about --
2 specifically naming Mr. Landry, Jr. in the direct quote
3 there?

4 **MR. SNYDER:** Yes.

5 **MR. LEE:** Would you agree that this -- if
6 you turn over to the second page, at the bottom, the
7 signature is Doctor Malcolm Park, Chairman, Child
8 Protection Team, and we know from the letterhead that this
9 is from the Children's Hospital of Eastern Ontario.

10 Would you agree that Doctor Park's letter
11 here seems to contradict what Lefebvre is telling you in
12 2001 about issues with mental challenges or capacity?

13 **MR. SNYDER:** Well, again, the question is
14 not asked of him, his mental challenge or capacity. He's
15 saying that this individual gave him good, concise
16 evidence. The fact that he was mentally challenged or not
17 is not indicated here.

18 **MR. LEE:** Well, it certainly seems that
19 Officer Lefebvre, in 2001, is throwing out the idea of him
20 being mentally challenged. There's some suggestion for why
21 he couldn't proceed is it not?

22 **MR. SNYDER:** Yes, that was one of the
23 things. He also -- I was thinking that Sergeant Lefebvre
24 also had this information when he did his investigation.

25 **MR. LEE:** Sorry, say that again?

1 MR. SNYDER: This information ---

2 MR. LEE: Yes.

3 MR. SNYDER: --- about what Earl Landry had
4 done was also supplied to Sergeant Lefebvre at the time.
5 And he did believe that something happened but he felt that
6 they couldn't go forward.

7 MR. LEE: I want to be clear.

8 MR. SNYDER: Yeah.

9 MR. LEE: I can't press you on ---

10 MR. SNYDER: Yeah.

11 MR. LEE: --- what Lefebvre believed or
12 didn't believe.

13 MR. SNYDER: Yes.

14 MR. LEE: What I'm asking you about is ---

15 MR. SNYDER: Yes.

16 MR. LEE: --- how you scrutinized the 1995
17 investigations, the questions you put to Lefebvre and ---

18 MR. SNYDER: Yes.

19 MR. LEE: --- what I want to know is, did
20 you press Lefebvre on any of these issues?

21 MR. SNYDER: No.

22 MR. LEE: Did you put this letter to him and
23 say that it looks like this kid maybe could have been a
24 witness?

25 MR. SNYDER: I didn't put this letter to

1 him, if that's what you're asking.

2 **THE COMMISSIONER:** And why not?

3 **MR. SNYDER:** I don't know, sir.

4 **MR. LEE:** And there was an issue -- the
5 other issue in that 2001 statement that I put to you -- I
6 don't need you to turn it back up -- was with -- had
7 something to do with identification and I thought you
8 conceded yesterday that there was not an issue with
9 identification back in 1985?

10 **MR. SNYDER:** Correct.

11 **MR. LEE:** But you don't seem to press
12 Special Constable Lefebvre on that issue either in 2001
13 when you were interviewing him?

14 **MR. SNYDER:** As to identification ---

15 **MR. LEE:** Well, he's telling you there's an
16 issue with identification. It seems rather clear there was
17 not an issue with identification, but you don't press him
18 on that?

19 **MR. SNYDER:** Correct.

20 **MR. LEE:** Why not?

21 **MR. SNYDER:** I don't recall at the time.

22 **MR. LEE:** You took a witness statement from
23 C-51 in 1997 during the course of your investigation into
24 the allegations against Landry. Is that correct?

25 **MR. SNYDER:** Yes.

1 **MR. LEE:** And, again, this -- we're jumping
2 a little bit to your investigation of ---

3 **MR. SNYDER:** Yes.

4 **MR. LEE:** --- the allegations against
5 Landry. Can you turn that up, please?

6 Mr. Commissioner, I don't believe it's an
7 exhibit, but I haven't been doing very well today on that.
8 It's Document 740011.

9 **THE COMMISSIONER:** And what document is it?

10 **MR. LEE:** It is a witness statement of C-51
11 taken by Staff Sergeant Snyder on March 18, 1997.

12 **THE COMMISSIONER:** Thank you.

13 Exhibit Number 1633 is a witness statement
14 of C-51 taken on 18th of March 1997.

15 **---EXHIBIT NO./PIÈCE NO. P-1633:**

16 (740011) - Witness Statement of C-51 dated
17 March 18, 1997

18 **MR. LEE:** Do you have that in front of you,
19 sir?

20 **MR. SNYDER:** Yes, sir.

21 **MR. LEE:** If you look down towards the
22 bottom of the first page, 10 lines up or so, there's a
23 sentence that begins with, "I remember one day"?

24 **MR. SNYDER:** Yes.

25 **MR. LEE:** I'll wait for Madam Clerk to get

1 it up on the screen here. Down at the very bottom of the
2 page, Madam Clerk. It reads:

3 "I remember one day driving by in a car
4 with my mother and I told my mother
5 that he molested me."

6 Referring to Earl Landry, Jr.

7 "My mother confronted him in front of
8 me and he did admit it at the time. My
9 mother filed a report with the police
10 and from then on, I don't know what
11 happened."

12 Do you see that?

13 **MR. SNYDER:** Yes.

14 **MR. LEE:** And this is obviously referring
15 back to the first complaint to the police in the mid-'80s.
16 Is that right?

17 **MR. SNYDER:** I'm assuming that.

18 **MR. LEE:** Did you ever ask Special Constable
19 Lefebvre about this statement that C-51 had given you about
20 whether or not he knew of this confrontation by the mother?

21 **MR. SNYDER:** No.

22 **MR. LEE:** Would you agree that this
23 information here would've been relevant to Special
24 Constable Lefebvre's assessment of RPG?

25 **MR. SNYDER:** I don't think there was a

1 problem with RPG. I think the problem was corroboration.
2 My recollection of '85 is that if they would've had
3 corroboration, they would've laid the charge.

4 **MR. LEE:** Well, might this go to
5 corroboration, sir?

6 **MR. SNYDER:** No, I don't believe so.

7 **THE COMMISSIONER:** That the mother
8 confronted him and he admitted to it?

9 **MR. SNYDER:** Oh, I see what you mean. Okay.
10 Yes, you're correct. No, I didn't ask about that.

11 **MR. LEE:** You didn't ask Lefebvre about
12 that?

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

14 **THE COMMISSIONER:** Before you move away,
15 when you spoke to C-51, and I know it's 12 years later, did
16 he communicate well? This is the same little person that
17 we said ---

18 **MR. SNYDER:** Yes. Yeah, he was
19 communicating well with me.

20 **THE COMMISSIONER:** So if ever there was some
21 concern when he was young about being delayed or any mental
22 incapacity ---

23 **MR. SNYDER:** Yes.

24 **THE COMMISSIONER:** --- or anything like
25 that, that wasn't apparent to you in 1997?

1 **MR. SNYDER:** No, we did have difficulties
2 later on with him through the trial but ---

3 **THE COMMISSIONER:** For emotions. No, no,
4 no.

5 **MR. SNYDER:** Yes, I understand.

6 **THE COMMISSIONER:** Never mind emotion.

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

8 **THE COMMISSIONER:** I'm thinking about his
9 ability to communicate.

10 **MR. SNYDER:** No, he ---

11 **THE COMMISSIONER:** His ability to be able to
12 be a witness.

13 **MR. SNYDER:** I had no difficulty with that.

14 **THE COMMISSIONER:** Okay.

15 **MR. LEE:** The other thing that Special
16 Constable Lefebvre tells you in 2001 in that statement is
17 that given these issues there he uses the phrase, "There
18 just wasn't enough to go ahead with the charge". Do you
19 recall that?

20 **MR. SNYDER:** Yes.

21 **MR. LEE:** And one of the things you
22 discussed with Ms. Daley yesterday was Lefebvre saying in
23 1997 in his Will State that Earl Landry, Jr. was arrested,
24 advised of his right to counsel, and that he declined that
25 right?

1 MR. SNYDER: Correct.

2 MR. LEE: Do you recall that?

3 MR. SNYDER: Yes.

4 MR. LEE: A rather specific recollection of
5 that event ---

6 MR. SNYDER: Yes.

7 MR. LEE: --- as you read that statement?

8 And by 2001, when you're going back to review all this, you
9 knew that Landry, Jr. had ultimately not been charged in
10 1985?

11 MR. SNYDER: Correct.

12 MR. LEE: Arrested but not charged and
13 that's a distinction you drew yesterday with Ms. Daley. Is
14 that right?

15 MR. SNYDER: Yes.

16 MR. LEE: If we put together all the
17 information that we have, we know -- going back to 1995 --
18 we know that allegations are made against Landry Jr.?

19 MR. SNYDER: Yes.

20 MR. LEE: That Lefebvre feels he has grounds
21 to arrest Landry Jr. and does so.

22 MR. SNYDER: Yes.

23 MR. LEE: That Landry Jr. refuses to provide
24 any information but says he might consider a polygraph.

25 MR. SNYDER: Yes.

1 **MR. LEE:** That Chief Shaver calls Landry Sr.
2 to let him know what's happening.

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

4 **MR. LEE:** That Landry Sr. calls Stan Willis
5 the next day ---

6 **MR. SNYDER:** Yes.

7 **MR. LEE:** --- to let him know that there
8 will not be a polygraph. Is that right?

9 **MR. SNYDER:** Yes.

10 **MR. LEE:** We know that Willis was a friend
11 of the Landry family.

12 **MR. SNYDER:** Yes.

13 **MR. LEE:** We know that Willis goes and
14 speaks to Lefebvre.

15 **MR. SNYDER:** Yes.

16 **MR. LEE:** And we know that in the end,
17 Landry Jr. is not charged and the matter is put in
18 abeyance.

19 **MR. SNYDER:** Yes.

20 **MR. LEE:** Would you agree with me that the
21 police don't arrest on a whim?

22 **MR. SNYDER:** Yes.

23 **MR. LEE:** They don't arrest on mere
24 suspicion?

25 **MR. SNYDER:** Yes.

1 **MR. LEE:** And would you agree that that is
2 especially so when the suspect is the son of the former
3 chief of police?

4 **MR. SNYDER:** I don't think it matters.

5 **MR. LEE:** You don't think that matters?

6 **MR. SNYDER:** Yes.

7 **MR. LEE:** You don't think that you might be
8 very, very certain of what you're doing before you arrest
9 the former chief's son?

10 **MR. SNYDER:** I think that you -- if you
11 form your grounds to arrest, you'd do it regardless who the
12 person is.

13 **MR. LEE:** You would agree with me at the
14 very least that the decision to arrest would be taken very
15 seriously?

16 **MR. SNYDER:** Yes.

17 **MR. LEE:** And that would have been so in
18 1985?

19 **MR. SNYDER:** Yes.

20 **MR. LEE:** And you would have known Constable
21 Lefebvre at the time, in '85?

22 **MR. SNYDER:** I think he was Sergeant.

23 **MR. LEE:** Sergeant Lefebvre, in 1985 is
24 being somebody who would take that very, very seriously?

25 **MR. SNYDER:** Yes.

1 **MR. LEE:** It's not a -- it's not something
2 you do casually, arrest somebody; is that right?

3 **MR. SNYDER:** Correct.

4 **MR. LEE:** What do you understand to be the
5 legal test for affecting an arrest?

6 **MR. SNYDER:** Well, I have to have grounds to
7 believe that the person may have done -- committed a crime.

8 **MR. LEE:** Reasonable grounds?

9 **MR. SNYDER:** Reasonable grounds.

10 **MR. LEE:** To arrest?

11 **MR. SNYDER:** Yes.

12 **MR. LEE:** Not to charge here; we're talking
13 arrest.

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

15 **MR. LEE:** Reasonable and probable grounds as
16 you understand it? Is that the test for arrest as well?

17 **MR. SNYDER:** I don't know if you'd need the
18 second part of it. I think reasonable grounds to believe
19 the person committed a crime.

20 **MR. LEE:** High standard?

21 **MR. SNYDER:** High standard.

22 **MR. LEE:** Would it have been a high standard
23 in 1985, as you remember it?

24 **MR. SNYDER:** I believe it, yes.

25 **MR. LEE:** So if -- is it your understanding

1 that the test for arrest is somewhat lower than the test
2 for charging?

3 **MR. SNYDER:** Yes.

4 **MR. LEE:** It is your understanding that it
5 is lower?

6 **MR. SNYDER:** In my mind. I want to get some
7 evidence to proceed with the charge. I may not have total
8 evidence to do that.

9 By arresting an individual, I would bring
10 him in, attempt to question him, and sometimes they say
11 "I'm not talking to you". I may not have the grounds to
12 charge, so I have to release them. So I don't have the
13 reasonable and probable grounds to lay the charge.

14 **MR. LEE:** Let's break that down a little
15 bit. You've had situations where you had reasonable
16 grounds in your mind to effect an arrest?

17 **MR. SNYDER:** Yes.

18 **MR. LEE:** You've attempted to interview the
19 person you've just arrested?

20 **MR. SNYDER:** Correct.

21 **MR. LEE:** They've refused to cooperate in
22 any way?

23 **MR. SNYDER:** Yes.

24 **MR. LEE:** And you have then not laid a
25 charge?

1 **MR. SNYDER:** Correct.

2 **MR. LEE:** Are you not playing with fire a
3 little bit there?

4 **MR. SNYDER:** I don't understand why you say
5 that?

6 **MR. LEE:** I mean, are you not -- I mean I
7 know you're not -- you know, I know you're not intimately
8 familiar with civil litigations and civil processes or
9 anything like that, but you're familiar with the concept of
10 false imprisonment, I take it?

11 **MR. SNYDER:** Correct.

12 **MR. LEE:** I mean, it sounds to me that if
13 you're going to arrest somebody, you had better be pretty
14 sure you can lay a charge at that point?

15 **MR. SNYDER:** No, I still do my
16 investigation.

17 **THE COMMISSIONER:** So how many times, just
18 out of interest, would you arrest somebody and not charge
19 him? Does that happen often?

20 **MR. SNYDER:** I don't know of how often it
21 happens, but it's happened.

22 **THE COMMISSIONER:** Well, how long have you
23 been a police officer?

24 **MR. SNYDER:** Twenty nine (29) years. I
25 can't say the number, sir.

1 **THE COMMISSIONER:** Well, 50/50?

2 **MR. SNYDER:** No. No. It's a very small
3 percentage.

4 **MR. LEE:** Let's deal with specifics in terms
5 of the Landry Jr. situation. This isn't a case where he
6 was arrested and offered an alibi?

7 **MR. SNYDER:** I'm sorry?

8 **MR. LEE:** I can see there being a situation
9 where you might arrest somebody ---

10 **MR. SNYDER:** Yes.

11 **MR. LEE:** --- and say that "We brought you
12 in here because on January 1st, you did such and such."

13 **MR. SNYDER:** Yes.

14 **MR. LEE:** And the person says "On January
15 1st, I was in Mexico. Here's my passport. Here's my hotel
16 confirmation. Here's pictures of me by the pool."

17 **MR. SNYDER:** Yes.

18 **MR. LEE:** You can't possibly lay the charge?

19 **MR. SNYDER:** Correct.

20 **MR. LEE:** That's not what happened with
21 Landry Jr.? He didn't offer any kind of excuse?

22 **MR. SNYDER:** I think he just said he didn't
23 do it.

24 **MR. LEE:** As you might expect.

25 **MR. SNYDER:** Yes.

1 **MR. LEE:** But he didn't offer any specific
2 information? He didn't cooperate?

3 **MR. SNYDER:** Well, I guess not, no. He
4 didn't give a statement, inculpatory statement.

5 **MR. LEE:** He was not helpful?

6 **MR. SNYDER:** I didn't do the interview, so I
7 can't say if he was helpful or not helpful. Ultimately, he
8 was released to perhaps take a polygraph test.

9 **THE COMMISSIONER:** Well, let's get that
10 straightened out.

11 You've been saying "It appears that." My
12 understanding from reading, and someone should correct me
13 if I'm wrong, is that he said "Yeah, I'll do a polygraph."

14 **MR. SNYDER:** Yes.

15 **THE COMMISSIONER:** So it wasn't he was
16 thinking about it ---

17 **MR. SNYDER:** Yeah.

18 **THE COMMISSIONER:** --- he said he was going
19 to do it.

20 **MR. SNYDER:** Correct.

21 **THE COMMISSIONER:** Okay.

22 **MR. LEE:** He's arrested. He says he'll do a
23 polygraph and he is released. That's your understanding?

24 **MR. SNYDER:** Correct.

25 **MR. LEE:** We can agree on that much. We

1 know that after that time, Shaver calls Landry Sr.?

2 MR. SNYDER: After that time or during that
3 time.

4 MR. LEE: Around that time?

5 MR. SNYDER: Around that time.

6 MR. LEE: They speak for hours by Shaver's
7 own admission?

8 MR. SNYDER: Yes.

9 MR. LEE: We know that Stan Willis then
10 talks to Landry Sr.?

11 MR. SNYDER: The next morning, yes.

12 MR. LEE: And then we know the matter is
13 placed in abeyance?

14 MR. SNYDER: Correct.

15 MR. LEE: Landry's never charged?

16 MR. SNYDER: Correct.

17 MR. LEE: Would you agree with me that the
18 1997 statement by Lefebvre that he had made an arrest is
19 something that you should have questioned him on in 2001?

20 MR. SNYDER: In which way, sir?

21 MR. LEE: How about in the way I've just
22 questioned you? Do you agree you should have scrutinized
23 that? You should have asked him about the grounds he had
24 to arrest. You should have asked him about what changed
25 after arrest to lead him into not laying a charge?

1 **MR. SNYDER:** I think I understood what went
2 on.

3 **MR. LEE:** And what was your understanding?

4 **MR. SNYDER:** Is that the individual was --
5 Landry was released ---

6 **MR. LEE:** M'hm.

7 **MR. SNYDER:** --- to take a polygraph test.
8 The polygraph test didn't happen.

9 **MR. LEE:** Given the areas we've just gone
10 through and some of the questions I've raised with you that
11 you can see you didn't raise with Lefebvre, would you not
12 concede to me that the investigation in 2001 was not
13 complete or thorough?

14 **MR. SNYDER:** No.

15 **MR. LEE:** Is it possible that the end result
16 of that investigation was always going to be a finding that
17 the CPS acted appropriately?

18 **MR. SNYDER:** No.

19 **MR. LEE:** Will you agree at this point that
20 it was inappropriate for CPS officers to be doing that
21 investigation?

22 **MR. SNYDER:** No.

23 **MR. LEE:** In 2001?

24 **MR. SNYDER:** Well, again, it's up to the
25 chief to decide. He made an opinion to have me do it and I

1 felt comfortable in doing it.

2 MR. LEE: The chief got it wrong, sir, is
3 going to be the position that we take at the end of the day
4 here and I want to know whether you agree?

5 MR. SNYDER: I felt comfortable in doing it.

6 MR. LEE: You met with Claude Shaver on
7 December 20th, 2000 at his parents' home in Brockville?

8 MR. SNYDER: Correct.

9 MR. LEE: Is that right? You spoke to him
10 for some time?

11 MR. SNYDER: Yes.

12 MR. LEE: And you left him a list of written
13 questions for him to get back to you?

14 MR. SNYDER: Yes.

15 MR. LEE: My understanding is that those
16 were delivered back to the CPS sometime in February of
17 2001?

18 MR. SNYDER: I think by mail.

19 MR. LEE: Is it typical that you would allow
20 that much time for somebody to get back to you during the
21 course of an investigation with answers?

22 MR. SNYDER: I don't know if that was
23 typical or not, but it didn't wave any flags or anything
24 because I already had the conversation with him. I knew it
25 was coming, so I was still in the midst of the

1 investigation. It wasn't important that I get it right
2 away.

3 **MR. LEE:** Is it possible that Chief Shaver
4 was being treated differently than you might some other
5 witness who you weren't familiar with?

6 **MR. SNYDER:** No.

7 **MR. LEE:** Is it possible that you were
8 showing some deference to your former boss?

9 **MR. SNYDER:** No.

10 **MR. LEE:** Do you recall in the written
11 answers given by Chief Shaver that he expresses relief for
12 the former chief and his family when charges were not laid?

13 **MR. SNYDER:** Yes.

14 **MR. LEE:** Did you find that odd at all?

15 **MR. SNYDER:** I guess I found it
16 compassionate. I didn't feel it odd. It was, I guess, a
17 statement that he put in.

18 **MR. LEE:** You told us yesterday that you saw
19 no indication that Landry Sr. had actively tried to subvert
20 justice; is that right?

21 **MR. SNYDER:** Correct.

22 **MR. LEE:** Did you consider that Landry Sr.
23 may not have had to specifically ask either Willis or
24 Shaver to go easy on his son?

25 **MR. SNYDER:** He did not have to specifically

1 ask?

2 **MR. LEE:** Did you consider that Willis or
3 Shaver may have taken it upon themselves to give the
4 chief's kid a break without the chief needing to ask?

5 **MR. SNYDER:** I considered through my
6 investigation whether they did that or not. I didn't feel
7 they did.

8 **MR. LEE:** Mr. Commissioner, I'm done with
9 that area if you want to take a break.

10 **THE COMMISSIONER:** Yes, we should take a
11 break. Thank you very much.

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

14 This hearing will resume at 11:20 a.m.

15 Please be seated. Veuillez vous asseoir.

16 --- Upon recessing at 11:04 a.m. /

17 L'audience est suspendue à 11h04

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

19 L'audience est reprise à 11h31

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

21 Please be seated. Veuillez vous asseoir.

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

23 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE

24 (cont'd/suite):

25 **MR. LEE:** Sir, just one brief area to finish

1 off on the Landry Jr. matters. Can you, in your words,
2 just briefly describe what you understand ViCLAS to be?

3 **THE COMMISSIONER:** A what?

4 **MR. SNYDER:** ViCLAS.

5 **MR. LEE:** ViCLAS. I couldn't tell you what
6 that -- do you know what ViCLAS stands for?

7 **MR. SNYDER:** Yes. Well, off the top of my
8 head, I'm not going to be able to say it now, but
9 basically, it's a database that we put -- I think there's
10 sex offenders, homicides. There's a whole list of criteria
11 as to -- we have to report to ViCLAS.

12 **MR. LEE:** Let me take you -- sir, during the
13 CPS corporate presentation, their book of documents was
14 entered as Exhibit 30, and one of the documents in that
15 concerned ViCLAS. The Bates page is 6000346.

16 **THE COMMISSIONER:** Can I -- do we have the
17 book, Madam Clerk?

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

19 **THE COMMISSIONER:** Exhibit 30? It would be
20 in a bound -- not in a three-ring binder. Well, maybe if
21 you can just put it up on the screen?

22 **MR. LEE:** I'm not sure you need the
23 hardcopy, sir.

24 **THE COMMISSIONER:** Okay.

25 **MR. LEE:** I think the screen should be fine

1 for this. I don't think it would make any difference. The
2 screen is fine.

3 Did you get that Bates page, Madam Clerk,
4 6000346.

5 **THE COMMISSIONER:** Well, the screen is fine
6 for you, but I put notes on the side of the documents of
7 all the excellent questions you put.

8 **MR. LEE:** Gotcha. That's the one.

9 **THE COMMISSIONER:** Okay.

10 **MR. LEE:** So, Staff Sergeant Snyder, I don't
11 know if you're aware, but early in the Inquiry process all
12 the different public institutions came and gave us some
13 policy evidence and gave us some background information
14 about policies and procedures and things like that.

15 **MR. SNYDER:** Correct.

16 **MR. LEE:** The Cornwall Police did that and
17 this is one of the pages out of the materials that they
18 provided us.

19 So would you agree that the first paragraph
20 there is an accurate description of what ViCLAS is?

21 **MR. SNYDER:** The Violent Crime Link Analysis
22 System.

23 **MR. LEE:** Analysis System. But it's a
24 national database ---

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

1 **MR. LEE:** --- administered by the RCMP?

2 **MR. SNYDER:** Correct.

3 **MR. LEE:** It's -- it does all of those
4 things.

5 **MR. SNYDER:** It has the criteria down there
6 too.

7 **MR. LEE:** And then we have -- I'm sorry?

8 **MR. SNYDER:** It has the criteria, five
9 bullets of criteria.

10 **MR. LEE:** Right. Those are -- and as it
11 says there:

12 "Every police officer who is in charge
13 of an investigation must, within 30
14 days of the start of the investigation,
15 complete and submit a ViCLAS crime
16 analysis report following
17 investigations."

18 **MR. SNYDER:** Correct.

19 **MR. LEE:** Do you see that? And the second
20 bullet there is:

21 "All solved or unsolved sexual assaults
22 or attempts..."

23 **MR. SNYDER:** Correct.

24 **MR. LEE:** And that would include historic
25 assaults?

1 **MR. SNYDER:** Yes.

2 **MR. LEE:** So it says there -- "Beginning in
3 1997" is the start of that paragraph. I should have read
4 it.

5 "...It must be done within 30 days."

6 **MR. SNYDER:** Correct.

7 **MR. LEE:** Do you see that?

8 And the last paragraph in that section says
9 that:

10 "Prior to the implementation of that
11 regulation, the CPS have been
12 voluntarily submitting the reports
13 since 1996."

14 **MR. SNYDER:** Correct.

15 **MR. LEE:** Do you see that?

16 Can I turn you please to Document 740028?

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **THE COMMISSIONER:** Thank you.

19 **MR. LEE:** Thank you.

20 **THE COMMISSIONER:** All right. So Exhibit
21 1634 is a Supplementary Occurrence Report authored by B.
22 Paquin, report time the 20th of May 1999.

23 **--- EXHIBIT NO./PIÈCE NO. P-1634:**

24 (740028) Supplementary Occurrence Report
25 dated May 20, 1999

1 **MR. LEE:** Do you have that, sir?

2 **MR. SNYDER:** Yes.

3 **MR. LEE:** And the only entry here is that a
4 ViCLAS report was completed and submitted by the writer on
5 this date?

6 **MR. SNYDER:** Correct.

7 **MR. LEE:** And if you look at the occurrence,
8 there's a file number, an assault on January 9, 1996. It's
9 my understanding this relates to one of the allegations
10 against Earl Landry Jr.

11 **MR. SNYDER:** Okay.

12 **MR. LEE:** Is there any reason that you can
13 tell me why a ViCLAS report is being submitted in 1999
14 rather than earlier?

15 **MR. SNYDER:** I think it was a tombstone
16 offence. We went back in some of our areas and put them
17 in. Beyond that, I don't -- Mr. Paquin is our ViCLAS
18 coordinator and I think it was a tombstone -- like, I call
19 tombstone where we went back in occurrences and put
20 databases in, put stuff in.

21 **MR. LEE:** Is there a reason that it wouldn't
22 have been done at the time that the complaint was received?
23 My understanding is it's within -- you're supposed to be
24 doing it within 30 days of receipt?

25 **MR. SNYDER:** Because it was a '96 offence.

1 Again, I don't know. I don't know why it wasn't done
2 there, the dates and stuff.

3 **MR. LEE:** Should it have been done at the
4 time?

5 **MR. SNYDER:** I don't know. Again, if you're
6 looking at '96, I think ViCLAS came in in '97. The
7 incident started in '96. So it -- that would have been one
8 that the Service would have had the opportunity to put in
9 if they wanted to, and then we went back and it did finally
10 go in in 1999.

11 **MR. LEE:** As I read the excerpt from Exhibit
12 30 that I took you to, the regulation relating to ViCLAS
13 making it mandatory came in in '97, but the CPS had been
14 voluntarily submitting reports since '96.

15 Was there a policy or procedure in place,
16 whether written or unwritten, at CPS in '96?

17 **MR. SNYDER:** I don't recall.

18 **MR. CALLAGHAN:** Sorry, in fairness, I think
19 Deputy Chief Aikman talked about the lag of getting up and
20 running when he was here many, many months ago.

21 **THE COMMISSIONER:** Yes.

22 **MR. CALLAGHAN:** So I don't think it -- I
23 don't think the presentation with evidence -- I don't think
24 the evidence with the presentation was it was a hard and
25 fast '96 issue.

1 **MR. LEE:** So your evidence is that in '96
2 there may have been best efforts to do it but it always
3 done? Is that fair to say?

4 **MR. SNYDER:** Again, I don't know. I wasn't
5 involved with the ViCLAS system. It was new and up
6 running. So in '96 it wasn't mandatory, as you say. I
7 know that we were called tombstones and things that
8 occurred in the past, we were trying to get up and running
9 and into the system, and that's the best of my answer.

10 **MR. LEE:** Just one more document on this,
11 740115, please.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **THE COMMISSIONER:** Thank you.

14 Exhibit 1635, Supplementary Occurrence
15 Report, again B. Paquin, report time the 2nd day of
16 September 1999.

17 **--- EXHIBIT NO./PIÈCE NO. P-1635:**

18 (740115) Supplementary Occurrence Report
19 dated September 2, 1999

20 **MR. LEE:** Do you have that, sir?

21 **MR. SNYDER:** Yes.

22 **MR. LEE:** You see the assault date on that
23 one is August 20th, 1997?

24 **MR. SNYDER:** Yes.

25 **MR. LEE:** It would appear that this one

1 falls within the timeframe of that regulation?

2 **MR. SNYDER:** Yes, and this is a
3 supplementary report, so there's already one put in. This
4 was a supplementary to that. So as things progress, you
5 have to keep updating, and this is an updated report for
6 ViCLAS.

7 **MR. LEE:** Right. What I -- so is it your
8 understanding here that -- the text of it says a ViCLAS
9 Supplementary Report. So is it your understanding there
10 had been an original ViCLAS report?

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

12 **MR. LEE:** And this is a supplementary?

13 **MR. SNYDER:** Correct.

14 **MR. LEE:** Okay. Fair enough.

15 I want to turn now to another one of the
16 investigations that you handled and where the suspects were
17 Cornwall Police officers, and that deals with the
18 allegations made by Keith Ouellette.

19 **MR. SNYDER:** Yes.

20 **MR. LEE:** And one of the allegations made by
21 Ouellette was that he met with -- the allegation he made
22 was that he met with Claude Shaver and that he was later
23 threatened by two officers. Is that right?

24 **MR. SNYDER:** Correct.

25 **MR. LEE:** And did it seem to you -- was it

1 your recollection that Ouellette was somehow tying the
2 meeting with the Chief to the later threats?

3 MR. SNYDER: Yes.

4 MR. LEE: He thought there was some link
5 there?

6 MR. SNYDER: Correct.

7 MR. LEE: There was nothing improper about
8 the meeting with the Chief on its face, but he thought that
9 ---

10 MR. SNYDER: There was a linkage.

11 MR. LEE: He thought essentially probably
12 there had been an order by the Chief to have these ---

13 MR. SNYDER: Correct.

14 MR. LEE: --- two officers go out and get
15 him. Is that right?

16 MR. SNYDER: Yes.

17 MR. LEE: And you agreed today that these
18 are obviously very serious allegations, if true?

19 MR. SNYDER: Yes.

20 MR. LEE: And I think you talked a little
21 bit about how there was a very obvious problem on the face
22 of the allegation in that he alleged that this meeting with
23 Shaver had been years prior to when Shaver joined the
24 Force?

25 MR. SNYDER: Yes.

1 **MR. LEE:** I mean, it was pretty clear early
2 on the allegation, as it was told to you, could not have
3 been right?

4 **MR. SNYDER:** Yes.

5 **MR. LEE:** Did you suggest to Mr. Paul today
6 that you advised Mr. Ouellette of that discrepancy?

7 **MR. SNYDER:** No.

8 **MR. LEE:** Did you advise Mr. Ouellette of
9 the discrepancy?

10 **MR. SNYDER:** No.

11 **MR. LEE:** Did you ever go to him and say,
12 "Listen, there's a pretty significant problem here. What
13 do you say about that?"

14 **MR. SNYDER:** No.

15 **MR. LEE:** Why not?

16 **MR. SNYDER:** It was his evidence and I was
17 going to prove things one way or another. I was going to
18 do an investigation. I wasn't going to try and change his
19 evidence.

20 I know I spoke to him about the evidence to
21 confirm in his mind that was the year, but I wasn't trying
22 to change his mind as to who he spoke to.

23 **MR. LEE:** Did you consider in your mind that
24 he had the right date but the wrong Chief?

25 **MR. SNYDER:** Well, that's why I continued

1 the investigation, you know, to determine what was going
2 on.

3 MR. LEE: Did you consider in your mind that
4 he may have had the right Chief but the wrong date?

5 MR. SNYDER: I considered everything.

6 MR. LEE: And did you -- I believe you said
7 today that you never showed him photographs of the two
8 Chiefs?

9 MR. SNYDER: Correct.

10 MR. LEE: Did you believe at the time that
11 you were dealing with Mr. Ouellette that he was suffering
12 from emotional or psychological problems?

13 MR. SNYDER: I knew Mr. Ouellette and I know
14 Mr. Ouellette, I've known him since I was a kid and we grew
15 up together, so I know him, I know his background so, yes,
16 is the answer.

17 MR. LEE: He was not your typical
18 complainant I take it?

19 MR. SNYDER: Correct.

20 MR. LEE: Difficult to deal with?

21 MR. SNYDER: I didn't find him difficult to
22 deal with.

23 MR. LEE: Frustrating to deal with at times?

24 MR. SNYDER: At times.

25 MR. LEE: Prone to going off on tangents?

1 **MR. SNYDER:** Yes.

2 **MR. LEE:** He made threats that he may harm
3 himself at times?

4 **MR. SNYDER:** Yes.

5 **MR. LEE:** Made threats that he may harm
6 others at times?

7 **MR. SNYDER:** Yes.

8 **MR. LEE:** In your experience with Mr.
9 Ouellette, would he at times make unrealistic claims about
10 past experiences or his abilities or things along those
11 lines?

12 **MR. SNYDER:** You have to explain more with
13 that please, I'm sorry.

14 **MR. LEE:** Has it -- has it been your -- or
15 was it your experience that at this time dealing with Mr.
16 Ouellette that he would say things about his past or about
17 things he had done and things that had happened to him that
18 could not possibly be true; he was prone to exaggeration at
19 times?

20 **MR. SNYDER:** Well, in his mind I think they
21 were true.

22 **MR. LEE:** That's not what I'm asking.

23 **MR. SNYDER:** Yeah.

24 **MR. LEE:** I'm not asking you to call Mr.
25 Ouellette a liar.

1 **MR. SNYDER:** Yeah. I don't want to do that.

2 **MR. LEE:** No, I completely agree with you on
3 that.

4 What I'm saying is you know at times he's
5 prone to exaggeration?

6 **MR. SNYDER:** Some of the stories seem to be
7 unbelievable.

8 **MR. LEE:** They don't make a lot of sense to
9 you?

10 **MR. SNYDER:** Yes.

11 **MR. LEE:** Did you consider at any point that
12 he may have difficult with the actual process of providing
13 a statement to the police because of the issues he was
14 dealing with?

15 **MR. SNYDER:** I didn't see that, no.

16 **MR. LEE:** Did it occur to you that even when
17 recounting an event that we know had most definitely
18 happened to him, he may have difficulty recounting it?

19 **MR. SNYDER:** Give me an example of that,
20 sir, I don't know.

21 **MR. LEE:** I would suggest that you could
22 have a -- you know, as a hypothetical let me give you kind
23 of what I'm thinking.

24 **MR. SNYDER:** Yeah.

25 **MR. LEE:** You could have a video of Keith

1 Ouellette having dinner with you a year earlier and he may
2 have trouble telling you when it was, where it was, exactly
3 what happened, what was said?

4 MR. SNYDER: I don't know that.

5 MR. LEE: You didn't make any observations
6 that that may be ---

7 MR. SNYDER: No.

8 MR. LEE: --- something he would have
9 trouble with?

10 MR. SNYDER: No.

11 MR. LEE: You did know at the time of your
12 investigation that he was dealing with custody issues
13 regarding his children?

14 MR. SNYDER: Yes.

15 MR. LEE: And he was distraught over that?

16 MR. SNYDER: Yes.

17 MR. LEE: A major, major concern to him?

18 MR. SNYDER: Yes.

19 MR. LEE: And did you at any point take
20 steps to get Mr. Ouellette medical or other assistance that
21 might help him better organize his thoughts or memory so
22 that he could provide you with a meaningful statement?

23 MR. SNYDER: Well, I didn't personally. I
24 know I made attempts to try and help him with his
25 children's issues.

1 As for the medical he was, within that time
2 period, brought to the hospital a couple of times so he was
3 in fact getting the help I thought he needed.

4 **MR. LEE:** I'm not trying to put the onus on
5 you to ---

6 **MR. SNYDER:** Yes.

7 **MR. LEE:** --- get him psychological help.

8 **MR. SNYDER:** No, I understand that.

9 **MR. LEE:** But I understand right now,
10 generally to help him with his life.

11 **MR. SNYDER:** Yeah.

12 **MR. LEE:** I'm talking about did you
13 appreciate that he may be having trouble communicating
14 effectively with you, his allegations, and that it may be
15 helpful for you to bring in somebody to help him with that?

16 **MR. SNYDER:** I didn't feel he had any
17 difficulty in communicating what he believed to be so.

18 **MR. LEE:** Given that these were allegations
19 being made against Cornwall police officers, is it possible
20 that you were content or satisfied to have him stumble
21 along a little bit?

22 **MR. SNYDER:** No.

23 **MR. LEE:** Is it possible that you just
24 didn't want to exert the energy necessary to deal with Mr.
25 Ouellette?

1 **MR. SNYDER:** No.

2 **MR. LEE:** Having the benefit of hindsight
3 with you, would you agree that those allegations, given
4 their serious nature, should not have been investigated by
5 the Cornwall Police?

6 **MR. SNYDER:** I felt comfortable in doing --
7 again, it's the Chief's decision. I'm just going to --
8 Chief's decision to decide whether or not at the time --
9 the *Police Services Act* is pretty clear. The Chief has the
10 mandate to decide whether we do it internally. That's what
11 Professional Standards does, we do it all the time.

12 He -- I got that investigation. I make
13 determinations whether I feel that I have the ability to do
14 that investigation and I did.

15 **MR. LEE:** Would it have been open to you at
16 some point to go to the Chief and say that you had some
17 concerns, that maybe this was one that CPS shouldn't be
18 handling?

19 **MR. SNYDER:** I had no concerns.

20 **MR. LEE:** No, had you had concerns, would it
21 have been available to you?

22 **MR. SNYDER:** If I had concerns, I would have
23 made those concerns to the Chief.

24 **MR. LEE:** You had a good enough relationship
25 with the Chief you could do that?

1 MR. SNYDER: Yes.

2 MR. LEE: You were asked some questions
3 in-chief about a recent visit to C-52's home?

4 MR. SNYDER: Yes.

5 MR. LEE: Are you aware that some concerns
6 have been expressed to the Commission about that visit?

7 MR. SNYDER: Yes.

8 MR. LEE: And there's been some information
9 received that maybe C-52 isn't happy with that visit?

10 MR. SNYDER: I saw the letter, yes.

11 MR. LEE: And you told us yesterday that you
12 were in uniform when you visited?

13 MR. SNYDER: Yes.

14 MR. LEE: I don't -- I'm asking this out of
15 ignorance, I don't know. Is a Staff Sergeant's uniform --
16 I mean, were you carrying a gun, handcuffs, the ---

17 MR. SNYDER: Yes, I'm in charge of the
18 Uniform Division so that's my uniform of the day, that's
19 what I wear.

20 MR. LEE: So it's not just a -- you know, a
21 blue shirt or anything like that, ou have the full police
22 uniform?

23 MR. SNYDER: Full police uniform with my
24 rank.

25 MR. LEE: And would you agree with me that

1 C-52 is not a very large man physically?

2 MR. SNYDER: That's correct.

3 MR. LEE: He's a slight man?

4 MR. SNYDER: Yes.

5 MR. LEE: You're much larger than he is?

6 MR. SNYDER: Yes.

7 MR. LEE: Can you appreciate that a police
8 officer in full uniform might be intimidating to some
9 people?

10 MR. SNYDER: To some people.

11 MR. LEE: Did you make it clear when you
12 visited C-52 that you were there as part of your
13 preparation for the Inquiry?

14 MR. SNYDER: Yes.

15 MR. LEE: And did he know what you meant by
16 "the Inquiry"?

17 MR. SNYDER: Yes.

18 MR. LEE: Did it appear to you that he had
19 at least some idea of what we're doing here?

20 MR. SNYDER: Yes.

21 MR. LEE: And you know that what we're doing
22 here is examining how institutions respond to allegations
23 of abuse?

24 MR. SNYDER: Correct.

25 MR. LEE: And you know that this isn't

1 always a fun process for the institutional witnesses?

2 MR. SNYDER: Correct.

3 MR. LEE: And you would have known that
4 before you showed up. Is that right?

5 MR. SNYDER: Yes.

6 MR. LEE: And C-52 would have known
7 obviously that you were being called as a witness to
8 discuss, in part, issues with his case?

9 MR. SNYDER: When I spoke to him, yes, he
10 would have known that.

11 MR. LEE: I mean, he knew by the time you
12 spoke to him you wanted to talk because you were going to
13 the Inquiry?

14 MR. SNYDER: Yes.

15 MR. LEE: As a witness?

16 MR. SNYDER: Yes.

17 MR. LEE: And one of the things you would
18 discuss was his case?

19 MR. SNYDER: That's correct.

20 MR. LEE: Okay. And does it make sense to
21 you that C-52 may have thought that you would be interested
22 in making sure that your testimony went well here?

23 MR. SNYDER: Okay, re-word that question
24 please.

25 MR. LEE: Well, is it fair to say that

1 somebody in the situation that C-52 was in when you came to
2 visit him would have appreciated the fact that you were
3 there, in part, because you wanted things to go well for
4 you at the Inquiry?

5 **MR. SNYDER:** Well for me?

6 **MR. LEE:** Yes.

7 **MR. SNYDER:** He was -- I explained to him
8 that I wanted to refresh my memory as to what occurred. I
9 can't say what he was thinking.

10 **MR. LEE:** You wanted to get the story
11 straight ---

12 **MR. SNYDER:** Yes.

13 **MR. LEE:** --- really?

14 You told us yesterday that you were aware
15 that C-52 would not be a witness here and that he was not
16 on the list. Do you recall saying that?

17 **MR. SNYDER:** Yes.

18 **MR. LEE:** Why did you tell us that? When
19 did that pop in your mind?

20 **MR. SNYDER:** Because all the witnesses had
21 already went through the -- the victims had already gone
22 through.

23 **MR. LEE:** Why was that a relevant
24 consideration to you?

25 **MR. SNYDER:** Because if they hadn't gone

1 through I wouldn't have spoke to him because he would have
2 been a potential witness.

3 MR. LEE: So you recognize that you should
4 not be speaking to witnesses at least?

5 MR. SNYDER: Yes.

6 MR. LEE: Can you turn up Exhibit 1630,
7 please? Those are your notes for March 19 '08.

8 MR. SNYDER: Yes.

9 MR. LEE: They were entered yesterday. I
10 think it probably is in a binder there, sir.

11 MR. SNYDER: Oh, 1608?

12 THE COMMISSIONER: No, 1630 I think he said.

13 MR. LEE: Sixteen-thirty (1630).

14 THE COMMISSIONER: It's in the smaller one.

15 (SHORT PAUSE/COURTE PAUSE)

16 MR. LEE: I want to look at the second page
17 when you have that up, sir.

18 (SHORT PAUSE/COURTE PAUSE)

19 MR. LEE: Do you have that, sir?

20 MR. SNYDER: Yes.

21 MR. LEE: If you look at the -- I'm going to
22 start on the second line of the first full sentence, and
23 follow along with me here, but I believe it reads:

24 "He was surprised that the Inquiry had
25 not contacted him, and that if he did

1 testify, they would have to make it
2 special because they are past that
3 stage."

4 Is that right?

5 **MR. SNYDER:** Correct.

6 **MR. LEE:** Meaning the stage of hearing
7 victim evidence. Is that right?

8 **MR. SNYDER:** Yes.

9 **MR. LEE:** And that note, sir, would seem to
10 me to suggest that C-52 thought it possible that he might
11 testify?

12 **MR. SNYDER:** Yes. Well, I think he thought
13 or he wanted to testify.

14 **MR. LEE:** And he made that known to you?

15 **MR. SNYDER:** Yes.

16 **MR. LEE:** Would you agree with me that
17 that's a fairly major problem in that we have C-52 telling
18 you that -- expressing some desire in testifying?

19 **MR. SNYDER:** Yeah, and that was after --
20 again, this is at the end of everything going on. It was
21 not in the starting of the conversation. It was at the end
22 of the conversation and I had no idea that he was speaking
23 to anybody and according to him, he hadn't contacted
24 anybody.

25 **MR. LEE:** How sure are you that this came

1 only at the end of the conversation with C-52?

2 **MR. SNYDER:** Very sure.

3 **MR. LEE:** You're aware that Mr. Ouellette,
4 Keith Ouellette, testified here in August of '07?

5 **MR. SNYDER:** Yes.

6 **MR. LEE:** And you attended the hearings
7 during his testimony did you not?

8 **MR. SNYDER:** I was here for maybe a half-a-
9 day or something.

10 **MR. LEE:** You were dressed in your police
11 uniform here?

12 **MR. SNYDER:** Yes.

13 **MR. LEE:** Just like when you went to C-52's
14 home?

15 **MR. SNYDER:** Yes.

16 **MR. LEE:** And you knew that Mr. Ouellette
17 would be testifying with issues he had about an
18 investigation you had conducted?

19 **MR. SNYDER:** Yes.

20 **MR. LEE:** And is it fair for me to say that
21 concerns were expressed on that date about you being here
22 in full uniform?

23 **MR. SNYDER:** Yes.

24 **MR. LEE:** And you left?

25 **MR. SNYDER:** Yes.

1 **MR. LEE:** Did you understand at the time
2 what those concerns might be?

3 **MR. SNYDER:** I was told to go outside
4 because of my uniform.

5 **MR. LEE:** Did that make sense to you once
6 you heard it?

7 **MR. SNYDER:** It did, and then I apologized
8 and left. I didn't think of it when I came in. Again,
9 that's my dress of the day.

10 **MR. LEE:** Whether you had ill motives or not
11 ---

12 **MR. SNYDER:** Yes.

13 **MR. LEE:** --- it was made clear to you that
14 your presence might be perceived by others as
15 inappropriate?

16 **MR. SNYDER:** That's why I left, yes.

17 **MR. LEE:** In uniform.

18 **MR. SNYDER:** Yes.

19 **MR. LEE:** Is that right?

20 **MR. SNYDER:** Yes.

21 **MR. LEE:** And you were okay with that; you
22 left?

23 **MR. SNYDER:** Yes.

24 **MR. LEE:** I'm having a hard time
25 understanding why you would then go to C-52's home in full

1 uniform having had that experience.

2 **MR. SNYDER:** It didn't cross my mind.

3 Again, C-52 and I, again, go back a long way as you know,
4 and I had no indication that me being in uniform would be
5 upsetting to anybody or him, and me being there he showed
6 no signs that me being there in uniform upset him.

7 **MR. LEE:** The problem we seem to have, sir,
8 is that there is absolutely no doubt that you believe
9 you're trustworthy and you believe that everything is above
10 board, but you must know through this Inquiry that the CPS
11 is under scrutiny?

12 **MR. SNYDER:** Yes.

13 **MR. LEE:** A fair amount of scrutiny here ---

14 **MR. SNYDER:** Yes.

15 **MR. LEE:** --- would you agree with that?

16 **MR. SNYDER:** Yes.

17 **MR. LEE:** And you know that it's been under
18 scrutiny in relation to sex abuse matters since at least
19 1993 when the DS story broke?

20 **MR. SNYDER:** Yes.

21 **MR. LEE:** And that's been -- that's never
22 really gone away has it?

23 **MR. SNYDER:** No.

24 **MR. LEE:** You know, we're at an Inquiry now
25 and we're still talking about it. So you must know, do you

1 not, that there are major issues with trust relating to the
2 CPS in some quarters? There are people who just don't
3 trust the police?

4 **MR. SNYDER:** Yes.

5 **MR. LEE:** And given that we're in the
6 context of this Inquiry, wouldn't you think that it would
7 be especially important to not do anything to subject the
8 CPS or yourself to criticism?

9 **MR. SNYDER:** Yes.

10 **MR. LEE:** The way you have with coming here
11 in police uniform and the way you have with going to C-52's
12 in full uniform?

13 **MR. SNYDER:** Well, again, here was obviously
14 a mistake. Going there, again, let's go back to my
15 relationship with C-52, and I didn't see anything wrong
16 with it. And, again, all I can suggest or say about that
17 is that he did not, in any way, feel intimidated by me in
18 that home.

19 **MR. LEE:** Well, he didn't express to you he
20 was feeling intimidated in that home?

21 **MR. SNYDER:** Well, he was pretty relaxed.
22 We were playing with his dog. He was going back and forth.
23 It -- really there was nothing there that suggests to me
24 that he was intimidated.

25 **MR. LEE:** Have you, since 1993 when the

1 Silmsers affair came to light and the fallout from that,
2 noticed any appreciable difference in the way that the
3 Cornwall Police conducts itself as it relates to
4 appearances of impropriety, conflicts of interest, things
5 along those lines?

6 MR. SNYDER: You have to give me examples,
7 sir. I ---

8 MR. LEE: I'm wondering whether, in your
9 opinion, the Cornwall Police learned any lesson from what
10 happened with Silmsers in the years subsequent? We've gone
11 over a number of investigations now where the CPS officers
12 have been accused of wrongdoing and the CPS does it just
13 like before.

14 MR. SNYDER: I'm sorry, just what?

15 MR. LEE: Just like before. Pre-'93 they
16 would have done that and they've done it post-'93 and you
17 don't see anything wrong with that?

18 MR. SNYDER: Again, you're going to have to
19 explain the question because you're saying about the *Police*
20 *Services Act* -- gives us the -- to do investigations?

21 MR. LEE: No. I'm not interested in what
22 you're -- what the CPS has a right to do.

23 MR. SNYDER: Yeah.

24 MR. LEE: I'm interested in what they should
25 be doing and my question to you is, do you not think, in

1 the context of everything that's happened here, that the
2 CPS should hold itself to a little bit of a higher
3 standard?

4 And let me start with one example. It
5 should not be investigating allegations against its own
6 officers or a criminal nature.

7 **MR. SNYDER:** I disagree, and saying that,
8 things are changing with -- I think Bill 103 is going to
9 prevent this from happening. It's actually coming out now
10 in which from here on in -- or it's coming up, it's not
11 totally read -- Bill 103 is going to allow -- it's going to
12 have complaints go to a triage of sorts and then that
13 commissioner will decide whether the service will, in fact,
14 do the investigation or not.

15 **MR. LEE:** How do you feel about that?

16 **MR. SNYDER:** Good. Excellent.

17 **MR. LEE:** Would it have saved a little
18 trouble today and ---

19 **MR. SNYDER:** Absolutely.

20 **MR. LEE:** You said yesterday in relation to
21 going to C-52's home, that you didn't see a problem at that
22 time but you see it now?

23 **MR. SNYDER:** I see it now because I'm here.
24 If it wasn't for bringing it to my attention, I didn't feel
25 there was a problem. The fact that you're questioning me

1 on it, obviously, there was a problem with it.

2 But beyond that, I've been trying to refresh
3 my memory and I had to, in my mind, give the best evidence
4 I could at this Commission and the way I felt I could do
5 that was by speaking to him.

6 **MR. LEE:** Staff Sergeant, those are my
7 questions. Thank you.

8 **MR. SNYDER:** Thank you.

9 **THE COMMISSIONER:** Can I just ask one
10 question before you leave?

11 **MR. SNYDER:** Yes, sir.

12 **THE COMMISSIONER:** Never mind C-52 or C-51.
13 Perception. We have perception that victims
14 are being -- there may be a perception out there that
15 there's inequality between victims and police and that for
16 those who have very serious concerns about the Cornwall
17 Police, that you're going to see this person is just
18 another example of police interference with a victim. Did
19 you not see that before you left?

20 **MR. SNYDER:** No, sir, because he wasn't --
21 he hadn't testified, he wasn't testifying. I guess I'm
22 missing ---

23 **THE COMMISSIONER:** I guess you are.
24 Thank you.

25 **MR. SNYDER:** Thank you, sir.

1 **THE COMMISSIONER:** Mr. Neville?

2 **MR. NEVILLE:** Is it still good morning,
3 Commissioner?

4 **THE COMMISSIONER:** Yes, it is.

5 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
6 **NEVILLE:**

7 **MR. NEVILLE:** Good morning, Staff Sergeant.
8 My name is Michael Neville.

9 **MR. SNYDER:** Good morning.

10 **MR. NEVILLE:** I represent Father Charles
11 MacDonald and the Estate of Ken Seguin and his family. I
12 just have a very few questions to ask you.

13 I want to touch on this business of
14 statement analysis first. You took your course, I believe
15 you told the Commissioner, in 1988?

16 **MR. SNYDER:** Correct.

17 **MR. NEVILLE:** And where did you take it?

18 **MR. SNYDER:** In Toronto.

19 **MR. NEVILLE:** I saw that on your profile.
20 Where exactly did you take the course?

21 **MR. SNYDER:** It was at one of the -- there's
22 a -- I can't remember the name. It's a -- at one of the
23 hotels, I guess. They had a ---

24 **THE COMMISSIONER:** Conference room.

25 **MR. SNYDER:** --- a conference room type of

1 idea.

2 MR. NEVILLE: Okay, so it wasn't at the
3 Police College in Aylmer or the Canadian Police College?

4 MR. SNYDER: That's correct.

5 MR. NEVILLE: And who presented the program?

6 MR. SNYDER: Avinoam Sapir.

7 MR. NEVILLE: Pardon me?

8 MR. SNYDER: Avinoam Sapir.

9 MR. NEVILLE: And what is that?

10 MR. SNYDER: He -- that's a person's name.

11 MR. NEVILLE: No, I understand. What -- who
12 is this person?

13 MR. SNYDER: He's actually with -- he was
14 with Mossad.

15 MR. NEVILLE: Israeli intelligence.

16 MR. SNYDER: Israeli intelligence ---

17 MR. NEVILLE: Right.

18 MR. SNYDER: --- and developed this tool.

19 MR. NEVILLE: Well, who sponsored this
20 lecture, let's call it? Was it a lecture or ---

21 MR. SNYDER: It was a lecture. It was
22 actually a one-week ---

23 MR. NEVILLE: --- was it a course?

24 MR. SNYDER: --- or a four-day course.

25 MR. VIGLASKY: Okay. And who puts it on?

1 Is this a private function that this person puts it on and
2 charges a fee for?

3 MR. SNYDER: I don't recall if it was -- I'm
4 suggesting or saying, I think it was police backed because
5 there was other police services there. There was also
6 insurance companies there and just a whole gamut of
7 individuals.

8 MR. NEVILLE: All right.
9 Did it involve an exam?

10 MR. SNYDER: No, it did not.

11 MR. NEVILLE: Okay. So when you finished
12 the course, four days of lecture, I take it there were
13 seminars or practice things ---

14 MR. SNYDER: Practicing.

15 MR. NEVILLE: --- where you learn the
16 technique with the colours and all the ---

17 MR. SNYDER: Yes.

18 MR. NEVILLE: --- stuff? Okay.

19 And then you put it into practice yourself
20 when you came back here, and you told the Commissioner you
21 used it roughly 10 times in a given year over a number of
22 years?

23 MR. SNYDER: Yes.

24 MR. NEVILLE: All right.

25 And my sense of your evidence was it was

1 mostly connected to cases you're always -- you were also
2 doing a polygraph on?

3 MR. SNYDER: That's correct.

4 MR. NEVILLE: All right.

5 And when you would use it, yourself, was
6 there any kind of objective peer review of your work?

7 MR. SNYDER: No.

8 MR. NEVILLE: Okay. So nobody looked upon
9 you and graded your performance, so to speak?

10 MR. SNYDER: Correct.

11 MR. NEVILLE: Okay. And do you agree with
12 me that as a technique -- and we'll talk just briefly a
13 little bit about it -- it's quite subjective in terms of
14 the opinions that are arrived at?

15 MR. SNYDER: Yes.

16 MR. NEVILLE: It hasn't even the
17 objectiveness, so to speak, that a polygraph does which at
18 least has the machine?

19 MR. SNYDER: It has the instrument, yes.

20 MR. NEVILLE: Right.

21 THE COMMISSIONER: Sir, I'm sorry to
22 interrupt you, but how is this relevant in the sense that
23 we're not looking at how accurate it was, but for the fact
24 that it was made? So why do we have to go through --- ...

25 MR. NEVILLE: Well, I didn't think we even

1 had an explanation, frankly, sir, as to what it was. I
2 thought it might be of some interest as to what exactly it
3 even was.

4 **THE COMMISSIONER:** What is it ---

5 **MR. NEVILLE:** Some people spent a lot of
6 time on it and it's my client's case.

7 **THE COMMISSIONER:** No, no, whoa, just a
8 minute. People can spend a lot of time on it ---

9 **MR. NEVILLE:** Right.

10 **THE COMMISSIONER:** --- but that doesn't mean
11 that you get equal time.

12 **MR. NEVILLE:** I'm not asking for equal time.

13 **THE COMMISSIONER:** As long as you get to a
14 relevant part ---

15 **MR. NEVILLE:** Yes.

16 **THE COMMISSIONER:** --- what I'm saying is
17 that if he -- what he said exactly would be fine, but
18 whether or not he took his training anywhere doesn't really
19 matter.

20 **MR. NEVILLE:** Well, Commissioner, my friend
21 for the Commission, Ms. Jones, spent quite a bit of time,
22 including eliciting at least three times, that he came to
23 some conclusion about the validity of the sexual
24 allegations. So I want to cross-examine and lay some
25 foundation as to what their technique even is.

1 **THE COMMISSIONER:** No, you see, because --
2 no. We'll continue this discussion, and I want to make
3 sure I have it straight. Whether or not what he said was
4 correct is not in issue here.

5 **MR. NEVILLE:** Right.

6 **THE COMMISSIONER:** All right? So on what
7 basis and what qualifications he has is irrelevant to me.

8 **MR. NEVILLE:** And the question I would ask
9 rhetorically is why was Commission counsel asking what his
10 opinion or conclusion was?

11 **THE COMMISSIONER:** Oh, it's very simple
12 because Constable Sebalj, right, we have to analyze how she
13 decided what she was going to do. So she got information
14 from this gentleman who said that, I'll say, parts of it
15 appeared to be truthful. And you're quite right; you can
16 ask him questions about whether -- what he -- what
17 conclusion did he give her, but the basis for it, I think,
18 is irrelevant.

19 **MR. NEVILLE:** Well, I wasn't going to ask
20 him that, sir.

21 **THE COMMISSIONER:** Okay.

22 **MR. NEVILLE:** I thought it was of some
23 usefulness, even to yourself or the public, what the
24 technique is and where it comes from. If you think that's
25 of no use, ignore what I've done and I'll move on.

1 **THE COMMISSIONER:** I don't see it, unless
2 there's someone that has -- unless I'm not understanding
3 you properly. All I need to know from this man, I think,
4 is what it is that he told Sebalj about the result, and the
5 rest is irrelevant to me.

6 **MR. NEVILLE:** I'll deal with that, sir.

7 **THE COMMISSIONER:** All right.

8 **MR. NEVILLE:** In arriving at your opinions -
9 --

10 **MR. SNYDER:** Yes.

11 **MR. NEVILLE:** --- such as whatever they were
12 -- and I take it you're not able now, today, with any
13 independent recollection, to tell the Commissioner what it
14 is actually you said to her?

15 **MR. SNYDER:** Correct.

16 **MR. NEVILLE:** And just so it's clear, what
17 you were analyzing was the eight pieces of paper and the
18 writing on it?

19 **MR. SNYDER:** Correct.

20 **MR. NEVILLE:** Nothing to do with the content
21 per se, truthful or otherwise?

22 **MR. SNYDER:** I ---

23 **MR. NEVILLE:** Well, you're looking at things
24 like grammar, sentence structure ---

25 **MR. SNYDER:** No, not grammar, no. I'm

1 looking at the way things are written down.

2 **MR. NEVILLE:** All right.

3 So, for example, did you concern yourself
4 whether within the statement itself there were
5 inconsistencies?

6 **MS. JONES:** I'm going to object to that line
7 of questioning. If Mr. Neville is going to go through
8 which portions of the statements cause any sort of concern
9 or were there even inconsistencies or the type of analysis
10 that was effected, I'm going to object to that because that
11 is not the purpose of what certainly my line of questioning
12 was and anyone else's line of questioning.

13 The purpose is purely to confirm what it is
14 that this witness told Ms. Sebalj, not the veracity of
15 whatever the opinion was that he came to, and I think that
16 looking at a question that says "Were there inconsistencies
17 in the statement?" is actually going right to the very
18 heart of "Was the statement truthful in your opinion or
19 not, and in parts that you may have thought they were not,
20 was it because of inconsistencies?"

21 I think that Mr. Neville is actually looking
22 at an analysis of the statement in a roundabout way.

23 **THE COMMISSIONER:** Mr. Neville.

24 **MR. NEVILLE:** I'm not, with great respect,
25 Commissioner, and I don't even intend to look at the

1 document. I simply want to ask him if the process includes
2 taking into account whether there are or are not internal
3 inconsistencies in the statement.

4 **THE COMMISSIONER:** Right.

5 **MR. NEVILLE:** That's all I'm asking.

6 **THE COMMISSIONER:** But what's the relevance
7 of knowing what the process is?

8 **MR. NEVILLE:** I'll move on to another topic,
9 Commissioner. I don't want to waste everybody's time.
10 Obviously I'm wasting yours.

11 Can we look, Sergeant -- sorry, Staff
12 Sergeant, at Exhibit 1600, which is your notes?

13 **MR. SNYDER:** Is it in here?

14 **MR. NEVILLE:** And I want to deal just
15 briefly with the question of C-8 and Mr. Dunlop.

16 These are the notes, Commissioner. I think
17 they went in in two different forms, and I think I have it
18 correctly as 1585 and then again as 1600, but I may be
19 wrong. One was Document 111096 and the other was a
20 different document number, but this was the notes,
21 Commissioner, where there was a problem with the sequencing
22 of the pages.

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

24 **MR. NEVILLE:** Do you have the right notes
25 there?

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

2 **MR. NEVILLE:** So let me just refer you to a
3 date ---

4 **MR. SNYDER:** Okay.

5 **MR. NEVILLE:** --- rather than a -- would you
6 turn -- from my standpoint it would be the second page, and
7 the date is Wednesday, March 26th.

8 **MR. SNYDER:** Yes.

9 **MR. NEVILLE:** At the bottom of the page, you
10 contact Mr. Dunlop and leave him a message; correct?

11 **MR. SNYDER:** Yes.

12 **MR. NEVILLE:** And the next page, we have
13 March 27th. We have a time entry of 9:37 and you actually
14 were able to speak to him.

15 **MR. SNYDER:** It's not on the screen. Sorry.

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

17 **MR. NEVILLE:** Sorry. It should be the very
18 next page, or at least the very -- chronologically it is,
19 but this is the problem, Commissioner, is these pages were
20 ---

21 **THE COMMISSIONER:** Right. So you're saying
22 Wednesday, March 26th?

23 **MR. NEVILLE:** No, Thursday, March 27th.

24 **THE COMMISSIONER:** All right.

25 **MR. NEVILLE:** I've already dealt with

1 Wednesday. It's the next morning. There it is.

2 **THE COMMISSIONER:** There we go.

3 **MR. NEVILLE:** There it is. So at 9:37 you
4 actually speak to Perry Dunlop?

5 **MR. SNYDER:** Correct.

6 **MR. NEVILLE:** Now, if you just take a moment
7 and just read the note to yourself -- have you had a chance
8 to re-read it?

9 **MR. SNYDER:** Yes.

10 **MR. NEVILLE:** Now, it's -- and I don't mean
11 this as criticism. It's a tad awkwardly worded. What I'm
12 going to suggest to you is that what you are actually after
13 to get from him was his statement of his dealings with C-8
14 from start to finish?

15 **MR. SNYDER:** Yes.

16 **MR. NEVILLE:** All right.

17 Because it looks as if what you're trying to
18 get from him, on one wording here, is the statement or
19 statements that he had taken, but what you really wanted
20 was his version of his dealings with C-8?

21 **MR. SNYDER:** Yes.

22 **MR. NEVILLE:** All right.

23 **THE COMMISSIONER:** Can you hold on just for
24 a second?

25 **MR. NEVILLE:** And that was something that

1 ultimately you never were able to get?

2 **MR. SNYDER:** I never got.

3 **MR. NEVILLE:** Could I refer the witness,
4 Commissioner, to Document 737615?

5 **THE COMMISSIONER:** But before we leave this
6 one, I mean, you asked him for something. From your notes,
7 it sounds like you're saying, "Well, I need this
8 statement".

9 **MR. SNYDER:** I wanted two things from him.
10 I wanted a statement, a Will-Say statement as to his
11 knowledge of the C-8 meeting and I wanted the other
12 statement which he said was on the computer.

13 **THE COMMISSIONER:** Well, okay.

14 "I called Perry at home and asked him
15 to provide a witness statement..."

16 **MR. SNYDER:** Yes.

17 **THE COMMISSIONER:** "...for C-8 from the time
18 they met to..."

19 The time they're giving the statement, I
20 guess.

21 **MR. SNYDER:** Yes.

22 **THE COMMISSIONER:** Okay. So it doesn't say
23 in there, "And I also want to have the statement of C-8".

24 **MR. SNYDER:** He stated that it was -- it was
25 on his neighbour's computer, so he was -- did not have one.

1 So I guess I had another -- I should have put another line
2 in there.

3 **THE COMMISSIONER:** Okay.

4 **MR. NEVILLE:** That's what I meant,
5 Commissioner, the notes are a tad awkward, the wording. I
6 didn't mean it as a criticism, but certainly my
7 understanding was that the staff sergeant wanted, as he's
8 now clarified, two items, in effect.

9 **THE COMMISSIONER:** Okay. And so when you
10 asked him for the -- for his witness statement ---

11 **MR. SNYDER:** Yes.

12 **THE COMMISSIONER:** --- what did he say? Not
13 C-8's witness statement.

14 **MR. SNYDER:** Yes.

15 **THE COMMISSIONER:** You wanted him to write
16 up a statement of all of his actions?

17 **MR. SNYDER:** Yes.

18 **THE COMMISSIONER:** And to that request, what
19 did he say, if anything?

20 **MR. NEVILLE:** I think I can refer the
21 witness ---

22 **MR. SNYDER:** Yes, I think I ---

23 **MR. NEVILLE:** --- if you wish, Commissioner.

24 **THE COMMISSIONER:** Okay.

25 **MR. NEVILLE:** Can we look briefly -- we'll

1 have a document coming up that may assist both you and
2 Staff Sergeant Snyder, and I'll also refer before we get to
3 it, if I could, Commissioner, to the notes. And the
4 reference is April 14th, '97 at the top.

5 **THE COMMISSIONER:** Okay. We're going from
6 his notes?

7 **MR. NEVILLE:** Yes. And then I'll connect
8 the two up with the document in your hand, sir.

9 **THE COMMISSIONER:** Well, Exhibit 1636 is a
10 "Will" of Sergeant Brian Snyder. I don't know if it's last
11 will, but ---

12 **MR. NEVILLE:** I hope it isn't.

13 **THE COMMISSIONER:** And it's dated October
14 19th, 1999.

15 **---EXHIBIT NO./PIÈCE NO P-1636:**

16 (737615) - Will State of Brian Snyder dated
17 19 Oct 99

18 **MR. NEVILLE:** He looks to be in good health.
19 We've made this which number, sir 16 ---

20 **THE COMMISSIONER:** Thirty-six (36).

21 **MR. NEVILLE:** Thirty-six (36). All right.

22 **THE COMMISSIONER:** All right.

23 **MR. NEVILLE:** Just before we turn to this
24 document, Staff Sergeant, if you just look back at your
25 notes, Exhibit 1600, the date I'm looking for is Monday,

1 April 14, '97. It's about the fourth last page.

2 MR. SNYDER: Yes.

3 THE COMMISSIONER: Just a second.

4 MR. NEVILLE: It's at the top of the page,
5 Commissioner.

6 THE COMMISSIONER: Right.

7 MR. NEVILLE: It should read "Monday, April
8 14th."

9 THE COMMISSIONER: M'hm.

10 MR. NEVILLE: There it is. So we have an
11 entry of 15:55 or five to 4:00.

12 "Spoke..."

13 I presume that means to or with:

14 "...Constable Dunlop."

15 MR. SNYDER: Yes.

16 MR. NEVILLE: "Ask him for disclosure on
17 statement re: C-8..."

18 MR. SNYDER: "Stated would be in on 15th."

19 MR. NEVILLE: That is he, I take it:

20 "... would be in on 15th."

21 MR. SNYDER: Yeah.

22 MR. NEVILLE: And I take it you took that to
23 mean he'd be in on the 15th with what you wanted?

24 MR. SNYDER: Yes.

25 MR. NEVILLE: All right.

1 Can we look now at the new Exhibit 1636?

2 And this is a summary of this topic, I guess, in effect?

3 **MR. SNYDER:** Yes.

4 **MR. NEVILLE:** And what you've recorded.

5 You've had the various references taken that we've just
6 touched on right out of your notes with the time entries.

7 And the last sentence indicates, the last two lines:

8 "Constable Dunlop stated he would be in
9 on April 15th. Constable Dunlop did not
10 see me on April 15th and has never
11 provided me with disclosure in this
12 incident."

13 **MR. SNYDER:** Correct.

14 **MR. NEVILLE:** And this document that I've
15 referred you to is -- bears your signature and date of
16 October 19th, 1999?

17 **MR. SNYDER:** Correct.

18 **MR. NEVILLE:** Do you recall if that was
19 during a period that other officers on your force, together
20 with the OPP, were attempting to obtain disclosure
21 materials from Mr. Dunlop?

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

23 **MR. NEVILLE:** I take it you were asked to
24 generate this document summarizing your activities on that
25 topic?

1 **MR. SNYDER:** Correct.

2 **MR. NEVILLE:** Do you recall who asked you to
3 do this?

4 **MR. SNYDER:** I'm thinking it was Inspector
5 Trew, but I can't be sure of that.

6 **MR. NEVILLE:** All right. Thank you.

7 **THE COMMISSIONER:** So following up -- okay,
8 so April 15th shows up. You don't get anything?

9 **MR. SNYDER:** Yes.

10 **THE COMMISSIONER:** Where is the follow-up?

11 **MR. SNYDER:** I gave it to Constable
12 Desrosiers. He had carriage of that case and I advised him
13 I still had not receive the case and to continue on to
14 attempt to get the statement.

15 **THE COMMISSIONER:** Okay. So you gave it to
16 Desrosiers to follow up?

17 **MR. CALLAGHAN:** Mr. Commissioner, I think it
18 hasn't got there, but there's an OMPPAC -- he doesn't give
19 it to him, but there's an OMPPAC statement that's already
20 been entered as an exhibit, I think, of April 15th. So he
21 doesn't come -- what the note is, he doesn't come to see
22 Mr. Snyder. He just puts it into OMPPAC. He doesn't
23 actually come and ---

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

25 **MR. CALLAGHAN:** Mr. Dunlop.

1 **THE COMMISSIONER:** Dunlop.

2 **MR. CALLAGHAN:** He puts it into OMPPAC ---

3 **THE COMMISSIONER:** Okay.

4 **MR. CALLAGHAN:** --- on the 15th. I just
5 don't want you to get confused. I thinks that's already in
6 the record, but I'm sure my friend will go there.

7 **THE COMMISSIONER:** Okay.

8 **MR. CALLAGHAN:** It's Exhibit 1408.

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

10 **THE COMMISSIONER:** Okay. Just a second.

11 **MR. NEVILLE:** We have that, Commissioner.

12 **THE COMMISSIONER:** I'm sure I do. I just
13 want to make sure I have the -- 14?

14 **MR. NEVILLE:** Zero eight (08).

15 **THE COMMISSIONER:** Zero eight (08). Thank
16 you.

17 All right. Okay. So he did respond. Okay.
18 Thank you.

19 **MR. NEVILLE:** What you're seeing now in
20 front of you, Sergeant, is in the format of an OMPPAC
21 statement.

22 **MR. SNYDER:** Yes.

23 **MR. NEVILLE:** And was that statement brought
24 to your attention that you can recall?

25 **MR. SNYDER:** I don't remember reading it

1 back then, but I was told that he had provided the
2 statement.

3 MR. NEVILLE: Into OMPPAC or in some
4 fashion?

5 MR. SNYDER: In some fashion.

6 MR. NEVILLE: Okay. And then obviously the
7 issue is still alive in October of 1999 and you're asked,
8 you think, by Inspector Trew to generate your involvement
9 in this document, now Exhibit 1636?

10 MR. SNYDER: Correct.

11 MR. NEVILLE: Fair enough. All right.

12 And one last area briefly, Commissioner.

13 Could we have the witness referred to Exhibit 1601 and also
14 Exhibit 1415?

15 THE COMMISSIONER: Okay.

16 MR. NEVILLE: So we can start with 1601. Do
17 you have that, Commissioner?

18 THE COMMISSIONER: Yes, I do.

19 MR. NEVILLE: And you have it there, Staff
20 Sergeant?

21 MR. SNYDER: Yes, I do.

22 MR. NEVILLE: All right.

23 This is your memo to Chief Parkinson?

24 MR. SNYDER: Correct.

25 MR. NEVILLE: And I just want to refer you

1 to the final paragraph on the first page, because there are
2 actually two points being made here, I'm going to suggest.
3 You speak with the Crown ---

4 MR. SNYDER: Correct.

5 MR. NEVILLE: --- who had carriage. The
6 Crown's name is Lydia Narozniak. Now, she was the
7 prosecuting Crown ---

8 MR. SNYDER: Yes.

9 MR. NEVILLE: --- of the Leduc re-trial.

10 MR. SNYDER: Correct.

11 MR. NEVILLE: All right.

12 And you speak to her concerning what may
13 well have been perjury being committed that you witnessed.

14 MR. SNYDER: Correct.

15 MR. NEVILLE: All right.

16 And the first point I wish to draw to your
17 attention is that she appears to have her own concern
18 because what you've written here is:

19 "She stated she would be writing a
20 report to her superiors and suggested
21 that I advise our administration."

22 MR. SNYDER: Yes.

23 MR. NEVILLE: So the response to what has
24 happened in court is both by you, I suggest, and by her.

25 MR. SNYDER: Yes.

1 **MR. NEVILLE:** All right.

2 If we look to the next page in your memo to
3 Chief Parkinson, you say you recommend or suggest that
4 senior administration write to Ms. Narozniak with a copy to
5 Mr. John McMahon, Assistant Deputy Attorney General, right?

6 **MR. SNYDER:** Yes.

7 **MR. NEVILLE:** And could I now refer you to
8 Exhibit 1415? Do you have that there?

9 **MR. SNYDER:** Yes, sir.

10 **MR. NEVILLE:** And if you just turn to page
11 2, you'll see that the author is the Deputy Chief, Mr.
12 Aikman?

13 **MR. SNYDER:** Correct.

14 **MR. NEVILLE:** The c.c. is to John McMahon.

15 **MR. SNYDER:** Yes.

16 **MR. NEVILLE:** So this would appear to be the
17 response quoting from your memo of senior administration to
18 the issue you've memoed the chief on?

19 **MR. SNYDER:** Correct.

20 **MR. NEVILLE:** Those are my questions. Thank
21 you, Commissioner.

22 **THE COMMISSIONER:** Thank you.

23 **MR. NEVILLE:** Thank you, sir.

24 **MR. SNYDER:** Thank you.

25 **THE COMMISSIONER:** Why don't we take the

1 lunch break now and come back at 10 to 2:00?

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

4 This hearing will resume at 1:50 p.m.

5 --- Upon recessing at 12:19 p.m. /

6 L'audience est suspendue à 12h19

7 --- Upon resuming at 2:00 p.m. /

8 L'audience est reprise à 14h00

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

11 This hearing is now resumed. Please be
12 seated. Veuillez vous asseoir.

13 **THE COMMISSIONER:** Thank you. Good
14 afternoon, all.

15 So, Mr. Chisholm?

16 **MR. CHISHOLM:** Good afternoon sir.

17 **THE COMMISSIONER:** Good afternoon.

18 **MR. CHISHOLM:** Mr. Lee has a nice tie on so
19 I believe Mr. Neuberger would have him beat hands down.

20 **THE COMMISSIONER:** Really? Excuse me, Mr.
21 Neuberger? Could you stand up please?

22 **MR. CHISHOLM:** That is a great tie.

23 **THE COMMISSIONER:** Either, no, I think that
24 pink one is a little better.

25 **(LAUGHTER/RIRES)**

1 **THE COMMISSIONER:** Although -- I'm sorry --
2 Mr. Chisholm, you know, I think Mr. Lee's would be over on
3 the left side; Mr. Neuberger would be in the middle and
4 you'd be on the right side.

5 **MR. CHISHOLM:** I'm pretty close to Mr.
6 Neuberger because ---

7 **THE COMMISSIONER:** Yes.

8 **MR. CHISHOLM:** --- he copied me this
9 morning.

10 **THE COMMISSIONER:** All right. In any event,
11 here we go.

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

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

15 **MR. CHISHOLM:** Good afternoon, Staff
16 Sergeant. Do you know who I am?

17 **MR. SNYDER:** Yes, I do, sir.

18 **MR. CHISHOLM:** I act for the CAS. I have a
19 few questions, if I can.

20 If I could take you please to Exhibit 1622
21 which are your notes.

22 **THE COMMISSIONER:** It should be there.

23 **MR. CHISHOLM:** And, Madam Clerk, it would be
24 Bates page 7179295.

25 **THE COMMISSIONER:** November 24th.

1 **MR. SNYDER:** I missed the number; I'm sorry.

2 **MR. CHISHOLM:** So it's Bates page 7179295,
3 the Friday, November 24, 2000 entry and I'm interested in
4 the 13:28 time.

5 Staff Sergeant, the entry in your notebook
6 reads:

7 "Left message with CHEO to call re
8 Doctor Park's letter."

9 **MR. SNYDER:** Yes.

10 **MR. CHISHOLM:** And is that the letter you
11 saw this morning, Exhibit C- -- or excuse me, Exhibit 1353?

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

13 **MR. CHISHOLM:** That's the letter of
14 September 11, 1985?

15 **MR. SNYDER:** Yes.

16 **MR. CHISHOLM:** And if I could get you to
17 turn the page, please, on to Bates page 7179296 and the
18 entry is 15:36. The entry reads:

19 "Susan Murphy called and provided
20 no..." ---

21 **MR. SNYDER:** I can't see because it's so
22 darked out -- "following" ---

23 **MR. CHISHOLM:** --- "...no info re
24 following that..." ---

25 **MR. SNYDER:** --- "...she said that the

1 first and only visit ..."

2 Actually, I was looking for other visits in
3 reference to that individual.

4 **MR. CHISHOLM:** Okay. And Susan Murphy, is
5 she from CHEO?

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

7 **MR. CHISHOLM:** And Ms. Murphy told you that
8 the only visit that the doctor had with C-51 was on July
9 23, 1995. Is that right?

10 **MR. SNYDER:** Correct.

11 **MR. CHISHOLM:** And then further down, about
12 four lines from the bottom, five lines, and the last hash
13 mark:

14 "The Child Protection Team met on
15 August 7, 1985."

16 Correct? That's what Ms. Murphy told you?

17 **MR. SNYDER:** Correct.

18 **MR. CHISHOLM:** Oh, Mr. Callaghan would like
19 me to read the rest of that entry:

20 "The police would not have been at that
21 meeting."

22 **MR. SNYDER:** Correct.

23 **MR. CHISHOLM:** Did Ms. Murphy ever tell you
24 that there were any other letters from Doctor Park apart
25 from the September 11, '85 letter?

1 **MR. SNYDER:** I'm sorry?

2 **MR. CHISHOLM:** Did Ms. Murphy ever tell you
3 that there was any other letter from CHEO apart from the
4 September 11, 1985 letter?

5 **MR. SNYDER:** I don't believe so. I would've
6 made notes of that.

7 **MR. CHISHOLM:** Then if I could take you,
8 still in the same exhibit, to Bates page 7179308 and the
9 December 19, 2000 entry. Did you get that, Staff Sergeant?

10 **MR. SNYDER:** Yes.

11 **MR. CHISHOLM:** These are the notes that you
12 made with respect to your meeting with Jean Dupuy at the
13 Ottawa CAS? Is that right?

14 **MR. SNYDER:** Yes.

15 **MR. CHISHOLM:** In terms of the timing of
16 that meeting, that would be some 15 years after Sergeant
17 Lefebvre first told Mr. Dupuy about C-51's abuse. Is that
18 right?

19 **MR. SNYDER:** Correct.

20 **MR. CHISHOLM:** And when you met with Mr.
21 Dupuy in Ottawa he was no longer employed by the Children's
22 Aid Society of the United Counties of Stormont Dundas &
23 Glengarry?

24 **MR. SNYDER:** Correct.

25 **MR. CHISHOLM:** But was employed by the

1 Ottawa Carleton CAS. Is that right?

2 MR. SNYDER: That's correct.

3 MR. CHISHOLM: Do you recall when you met
4 with Mr. Dupuy what CAS documentation that you would've
5 brought to him, if any?

6 MR. SNYDER: I don't believe I had anything
7 with me. I would've made notation of what I gave to him.
8 So I don't believe I had anything with me.

9 MR. CHISHOLM: And do you recall how that
10 meeting came about, how it was arranged that you would go
11 to the Ottawa Carleton CAS to meet with Mr. Dupuy?

12 MR. SNYDER: Well, he worked there, so I
13 went to see him. I would have to have called the local CAS
14 to find out where he was, and I got that information and
15 contacted him.

16 MR. CHISHOLM: So you would've called Mr.
17 Dupuy in advance?

18 MR. SNYDER: Correct.

19 MR. CHISHOLM: But you don't recall giving
20 him any information?

21 MR. SNYDER: That's correct.

22 MR. CHISHOLM: From the CAS file?

23 MR. SNYDER: Correct, in Cornwall.

24 MR. CHISHOLM: And would you agree that
25 whatever Mr. Dupuy would've told you would've been based in

1 large part upon his recollection?

2 MR. SNYDER: I believe his statement
3 suggests that and I think we should go to that if -- just
4 so I can refresh my mind as to what he said -- but I
5 recollect, I think, in his statement that what he says.

6 MR. CHISHOLM: Okay. And I'll take you
7 there in a bit.

8 If I could take you on to the next page,
9 Bates page 7179309, the first hash mark, third line from
10 the top of the page. That reads -- do you have that in
11 front of you, Staff Sergeant?

12 MR. SNYDER: That he did not have a
13 recollection as to whether he gave the Cornwall Police the
14 letter from Doctor Park.

15 MR. CHISHOLM: So you're saying he does not
16 have a recollection. You didn't note that Mr. Dupuy said
17 he did not give Doctor Park's letter to the Cornwall Police
18 Service?

19 MR. SNYDER: I'm sorry?

20 MR. CHISHOLM: Your notes don't say that Mr.
21 Dupuy did not ---

22 MR. SNYDER: That's correct.

23 MR. CHISHOLM: --- give a letter to the
24 Cornwall Police Service?

25 MR. SNYDER: Absolutely, yes.

1 **MR. CHISHOLM:** Then down towards the bottom
2 of the page, it would be the second last hash mark, and you
3 were taken to this I believe yesterday, this notation:

4 "He also said..."

5 **MR. SNYDER:** "...that he heard rumours
6 about Earl Landry but nothing concrete
7 ever materialized."

8 **MR. CHISHOLM:** And the word "rumours", is
9 that a verbatim quote from Mr. Dupuy or is that your words
10 -- your word, excuse me?

11 **MR. SNYDER:** I don't have it in quotes but
12 rumours are rumours and I would have got that right from
13 him.

14 **MR. CHISHOLM:** Did Mr. Dupuy tell you when
15 it was that he heard the rumours?

16 **MR. SNYDER:** No, but we were talking about
17 the 1985 timeframe.

18 **MR. CHISHOLM:** But some 15 years later?

19 **MR. SNYDER:** Yes.

20 **MR. CHISHOLM:** And you're not able to tell
21 us what decade it was Mr. Dupuy would've heard those
22 rumours?

23 **MR. SNYDER:** Correct.

24 **MR. CHISHOLM:** Did Mr. Dupuy tell you
25 specifically what he had heard with respect to the rumours?

1 **MR. SNYDER:** No, not to my recollection.

2 **MR. CHISHOLM:** Did Mr. Dupuy tell you about
3 the source of the rumours?

4 **MR. SNYDER:** No.

5 **MR. CHISHOLM:** Is it possible the source
6 could've been Sergeant Lefebvre?

7 **MR. SNYDER:** I would suspect that Sergeant
8 Lefebvre wouldn't be giving rumours; that would be
9 information -- investigational information. So that to me
10 would not be a rumour.

11 **MR. CHISHOLM:** Then it's not a possibility?

12 **MR. SNYDER:** I don't believe so.

13 **MR. CHISHOLM:** But you can't rule out
14 certainty?

15 **MR. SNYDER:** Well, I can't see Sergeant
16 Lefebvre giving rumours.

17 **MR. CHISHOLM:** But did give him information
18 with respect to Earl Landry?

19 **MR. SNYDER:** Yes, he did.

20 **MR. CHISHOLM:** Then on to the next Bates
21 page, please, 71779310, 13:15 entry, you return to the CAS
22 -- the Ottawa CAS and picked up Mr. Dupuy's statement. Is
23 that right?

24 **MR. SNYDER:** Correct.

25 **MR. CHISHOLM:** And then if we could show

1 Staff Sergeant Snyder Document Number 740049 please, Madam
2 Clerk.

3 (SHORT PAUSE/COURTE PAUSE)

4 THE COMMISSIONER: Thank you.

5 Exhibit Number 1637 is a letter dated
6 December 19th 2000. Actually it says "Statement of Jean R.
7 Dupuy" and there you go.

8 --- EXHIBIT NO./PIÈCE NO. P-1637:

9 (740049) - Statement of Jean R. Dupuy dated
10 December 19 2000

11 MR. CHISHOLM: Staff Sergeant, is this the
12 statement that you made reference to in your notes?

13 MR. SNYDER: Correct, picked up.

14 MR. CHISHOLM: If I could take you to the
15 second page of the statement Bates page 7179458. The first
16 paragraph is what I'm interested in, Staff Sergeant. Let
17 me know when you've read that paragraph, please.

18 (SHORT PAUSE/COURTE PAUSE)

19 MR. SNYDER: Yes, I've got it.

20 MR. CHISHOLM: This paragraph deals with
21 whether or not -- deals with the issue of whether Mr. Dupuy
22 shared Dr. Park's letter with the Cornwall Police Service.
23 Is that right and correct?

24 And he's saying:

25 "I'm not able to provide any

1 explanation as to why this information
2 was not investigated or whether or not
3 this information was passed on to the
4 Cornwall Police."

5 Right? He said:

6 "The normal procedure would have been
7 to share all relevant information with
8 police, however, without my case notes
9 it is not possible to determine if this
10 actually occurred."

11 **MR. SNYDER:** Correct.

12 **MR. CHISHOLM:** Maybe if I could just take
13 you back to the first page to deal with an issue that I
14 would speaking to you of earlier; the third paragraph
15 starting:

16 "It is noted this statement is being
17 made with only partial CAS file
18 information as the case notes in this
19 matter were not available and their
20 whereabouts remained unknown."

21 **MR. SNYDER:** Correct.

22 **MR. CHISHOLM:** "This statement is being
23 prepared with the initial record of
24 inquiry date July 9, 1985 as well as a
25 letter sent to myself from Children's

1 Hospital of Eastern Ontario, Dr.
2 Malcolm Park, dated September 11,
3 1985."

4 MR. SNYDER: Yes.

5 MR. CHISHOLM: So in terms of how that
6 information came into Mr. Dupuy's hands, do you know how he
7 would have acquired it?

8 MR. SNYDER: I don't recall.

9 MR. CHISHOLM: Okay. And in terms of your
10 knowledge as to the documentation that Mr. Dupuy had when
11 he gave this statement, would that third paragraph fit with
12 your recollection of what he would have had?

13 (SHORT PAUSE/COURTE PAUSE)

14 MR. SNYDER: He would have had that
15 information you're saying? It's---

16 MR. CHISHOLM: That's not at odds with your
17 recollection ---

18 MR. SNYDER: No.

19 MR. CHISHOLM: --- I take it?

20 MR. SNYDER: No, no.

21 MR. CHISHOLM: Then if I could take you back
22 to the second page of the statement, the second last
23 paragraph. I'll read it to you:

24 "At the time of this investigation and
25 others like it, the working protocol

1 with the Cornwall Police was relatively
2 new in that there were several
3 investigations that involved alleged
4 abusers within the community that may
5 or may not be viewed by today's
6 standards as being a care provider.
7 Only care providers are investigated by
8 CAS. All other persons are
9 investigated solely by police unless
10 the alleged offender has care and
11 custody of other children."

12 I take it that statement would not surprise
13 you in terms of what the mandate of the CAS was?

14 **MR. SNYDER:** Correct.

15 **MR. CHISHOLM:** You would agree with that?

16 **MR. SNYDER:** Yes.

17 **MR. CHISHOLM:** If I could move on to another
18 exhibit.

19 It's Exhibit 1628, and this was the second
20 of two pages I believe of the questions that had been
21 prepared with respect to Sergeant Lefebvre.

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

23 **MR. CHISHOLM:** Do you have that in front of
24 you, Staff Sergeant?

25 **MR. SNYDER:** Yes.

1 **MR. CHISHOLM:** And I'm interested in the
2 third point. It reads:

3 "When he met with Carriere and Dupuy of
4 CAS on July 8th, what did they discuss
5 concerning the Landry, Jr.
6 investigation?"

7 **MR. SNYDER:** Yes.

8 **MR. CHISHOLM:** Am I correct that you're
9 referring to Bill Carriere in that sentence?

10 **MR. SNYDER:** I'm trying to figure out --
11 yes, Bill Carriere, but I'm looking through the rest of the
12 notes. Yes, correct, in that sentence.

13 **MR. CHISHOLM:** So "Carriere" is Bill
14 Carriere?

15 **MR. SNYDER:** Yes.

16 **MR. CHISHOLM:** Whom you know?

17 **MR. SNYDER:** Yes.

18 **MR. CHISHOLM:** And "Dupuy" is Jean Dupuy?

19 **MR. SNYDER:** Yes.

20 **MR. CHISHOLM:** And July 8th is July 8, 1985.
21 Is that right?

22 **MR. SNYDER:** Yes.

23 **MR. CHISHOLM:** And where did you get the
24 date of July 8, 1985?

25 **MR. SNYDER:** I'm looking at this one. Are

1 these the questions that I actually asked Sergeant
2 Lefebvre? Have we got the transcript related to this?

3 I'm not sure if these are the questions I
4 ever posed to ---

5 **MR. CHISHOLM:** I'm not sure if you ever put
6 the question to him but ---

7 **MR. SNYDER:** Yeah. I'm saying I don't even
8 know if this is my document. Like that's -- I don't know
9 if it's my personal document or somebody else that put
10 these questions together, but ---

11 **MR. CHISHOLM:** My recollection is this
12 exhibit went in yesterday during ---

13 **MR. SNYDER:** Was it this exhibit or the
14 other questions?

15 **MR. CHISHOLM:** Well, I believe there were
16 ---

17 **THE COMMISSIONER:** The one before is 1627
18 which is just one exhibit before. Turn it over, 1627. So
19 there's that document.

20 **MR. SNYDER:** Yes, I'm comfortable that these
21 are the questions I made up. I'm not comfortable that
22 these are the questions I made up. It's just to clarify.

23 **THE COMMISSIONER:** Okay, so that's what he's
24 saying now.

25 **MR. CHISHOLM:** I'm sorry, Mr. Callaghan had

1 my ear.

2 You're saying you did not prepare 1628?

3 **MR. SNYDER:** I don't remember preparing
4 those statement -- those questions or having Sergeant
5 Lefebvre answer those questions. If you can show me that
6 he did, then I'm willing to back off but I don't recall
7 that. I recall this sheet itself.

8 **MR. CHISHOLM:** This -- you have 1627 in
9 front of you?

10 **MR. SNYDER:** Sixteen-twenty-eight (1628). I
11 feel comfortable those are my questions and the way it
12 went.

13 Sixteen-twenty-eight (1628). I'm not
14 comfortable that those are my questions, however, as I say
15 if you can bring me to a point where I -- those questions
16 were answered.

17 **MR. CHISHOLM:** Maybe.

18 **MR. CALLAGHAN:** I think he misstated the two
19 numbers. Can you confirm which one ---

20 **MR. SNYDER:** Oh, I'm sorry, yes, 1627. Yes,
21 1627, I'm comfortable -- sorry, 1627 I'm comfortable those
22 are the questions I asked Sergeant Lefebvre.

23 Sixteen-twenty-eight (1628) unless you have
24 something that shows me that I asked those questions, I'm
25 not sure I ever asked those questions to Sergeant Lefebvre.

1 **MR. CHISHOLM:** Maybe I misunderstood your
2 evidence yesterday. I thought you had -- thought you had
3 prepared those questions.

4 **THE COMMISSIONER:** Well, I think in
5 yesterday's volleys I was certainly under the impression
6 that that was your document as well.

7 **MR. SNYDER:** Yes.

8 **THE COMMISSIONER:** So it's good that you
9 asked.

10 **MR. CHISHOLM:** Because I ---

11 **MR. SNYDER:** I know -- again, I apologize
12 for interrupting.

13 I think the transcript would show 1627, the
14 interview with Sergeant Lefebvre. I'm not sure if those
15 questions in 1628 were in there.

16 **THE COMMISSIONER:** I don't know that it
17 matters.

18 **MR. SNYDER:** Okay.

19 **THE COMMISSIONER:** Because we're here now
20 ---

21 **MR. SNYDER:** Yes.

22 **THE COMMISSIONER:** --- and we've got the
23 thing and you're saying that you don't know anything about
24 these questions?

25 **MR. SNYDER:** I -- I can't say they're my

1 questions.

2 **THE COMMISSIONER:** Okay.

3 **MR. CHISHOLM:** So you can't help us with
4 respect to where the July 8th date came from?

5 **MR. SNYDER:** No.

6 **MR. CHISHOLM:** Okay.

7 Then if I could take you, please, to Exhibit
8 1629. This is your undated report, and I'm interested in
9 the sixth page of the document, Bates page 7179473. Do you
10 have that, Staff Sergeant?

11 **MR. SNYDER:** Yes.

12 **MR. CHISHOLM:** Sir, it's Bates 7179473.

13 **MR. SNYDER:** Four-seven-three (473),
14 correct.

15 **MR. CHISHOLM:** It's the first paragraph I'm
16 interested in, Staff Sergeant, and specifically I start you
17 three lines down that paragraph:

18 "The file was then reopened September,
19 1985 with a notation from Jean Dupuy,
20 Children's Aid Society worker, dated
21 July 9, 1985 that states Sergeant
22 Lefebvre advised them of the possible
23 sexual assault on C-51 by Earl Landry,
24 Jr."

25 **MR. SNYDER:** Yes.

1 **MR. CHISHOLM:** That's the -- July 9th is the
2 date you understand there was contact between Mr. Dupuy and
3 Sergeant Lefebvre. Is that right?

4 **MR. SNYDER:** Correct.

5 **MR. CHISHOLM:** Okay. Then on to page 13 of
6 the document, it's Bates page 7179480, the fourth point on
7 that page makes reference again to the July 9th date?

8 **MR. SNYDER:** Correct.

9 **MR. CHISHOLM:** Okay. And just going back to
10 -- we don't need to pull it -- turn it up, but Exhibit
11 1628, there was a reference to Bill Carriere. You can't
12 tell us how that -- how he was referenced -- how he came to
13 have his name put in that question?

14 **MR. SNYDER:** No, as I say, I don't recognize
15 that as being my ---

16 **MR. CHISHOLM:** Okay. And you don't have any
17 knowledge of Bill Carriere meeting with Sergeant Lefebvre
18 on July the 9th, 1985?

19 **MR. SNYDER:** No.

20 **MR. CHISHOLM:** Okay. My review of Exhibit
21 1629 suggests that you made note of all the people you had
22 spoken with, the date that you had spoken with them and
23 what they told you. Is that fair to say?

24 **MR. SNYDER:** Yes.

25 **MR. CHISHOLM:** And would you agree with me

1 that none of the people that you had spoken with ever
2 suggested that the CAS had not shared the information
3 contained in Dr. Parks' letter with the Cornwall Police?

4 **MR. CALLAGHAN:** I'm sorry, I thought we just
5 saw Jean Dupuy saying that he didn't believe it was shared
6 with the Cornwall Police, but maybe ---

7 **THE COMMISSIONER:** No. I don't think he --
8 I think he says he didn't remember if he had shared it with
9 the Cornwall Police.

10 **MR. CHISHOLM:** And his normal practice was
11 that he would share relevant information is my
12 understanding ---

13 **THE COMMISSIONER:** There you go.

14 **MR. CHISHOLM:** --- of what he said.

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

16 **MR. CHISHOLM:** Am I right?

17 **MR. SNYDER:** The question again, please?

18 **MR. CHISHOLM:** In Exhibit 1629 ---

19 **MR. SNYDER:** Yes.

20 **MR. CHISHOLM:** --- there's no reference to
21 you -- you don't record that anyone has ever told you that
22 the CAS did not share the contents of that letter with the
23 Cornwall Police?

24 **MR. SNYDER:** Correct, barring what we just
25 discussed in reference to that one statement with Jean

1 Dupuy.

2 MR. CHISHOLM: Mr. Dupuy's statement?

3 MR. SNYDER: That's correct.

4 MR. CHISHOLM: He's saying he has no
5 recollection?

6 MR. SNYDER: Absolutely.

7 MR. CHISHOLM: And he's saying his normal
8 practice would be to share relevant information?

9 MR. SNYDER: Yes.

10 MR. CHISHOLM: And then down to the -- still
11 at the same page -- point six I'm interested in, and
12 specifically the last part of paragraph six in brackets:

13 "(Cornwall Police were never made aware
14 of this letter.)"

15 Can you tell me, Staff Sergeant, what the
16 basis of that statement is?

17 MR. SNYDER: I could find no notation in any
18 of the files that I went through to suggest that that did
19 occur, that the letter was given.

20 MR. CHISHOLM: But I take it you haven't
21 found anyone saying that it was not given?

22 MR. SNYDER: Correct.

23 MR. CHISHOLM: Mr. Dupuy certainly never
24 told you that he failed to give it to the Cornwall Police
25 Service?

1 MR. SNYDER: He said he couldn't remember.

2 MR. CHISHOLM: He had no recollection?

3 MR. SNYDER: No recollection.

4 MR. CHISHOLM: And his practice would be --
5 his normal practice would be to provide relevant
6 information?

7 MR. SNYDER: That's what he said.

8 MR. CHISHOLM: Staff Sergeant, those are my
9 questions. Thank you very much.

10 MR. SNYDER: Thank you.

11 THE COMMISSIONER: Thank you.

12 Mr. Neuberger.

13 MR. NEUBERGER: None. Thank you, sir.

14 THE COMMISSIONER: Mr. Thompson.

15 MR. THOMPSON: Good afternoon. Just a few
16 questions. Thank you.

17 THE COMMISSIONER: You said two questions?

18 MR. THOMPSON: Just a few questions.

19 THE COMMISSIONER: Oh, okay.

20 MR. THOMPSON: But probably not much more
21 than two.

22 THE COMMISSIONER: Okay.

23 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
24 THOMPSON:

25 MR. THOMPSON: Good afternoon, Staff

1 Sergeant Snyder. My name is Chris Thompson. I'm counsel
2 for the Ministry of the Attorney General.

3 MR. SNYDER: Yes.

4 MR. THOMPSON: And as I indicated, I just
5 have a few questions for you.

6 Yesterday, Commission counsel discussed with
7 you your contact with the victims of Earl Landry, Jr.
8 regarding the delay in the sentencing appeal?

9 MR. SNYDER: Yes.

10 MR. THOMPSON: You recall that?

11 MR. SNYDER: Yes.

12 MR. THOMPSON: And you had -- she took you
13 to your notes where you had indicated that you were
14 requested by the Crown to contact the victims to advise
15 them of that?

16 MR. SNYDER: Yes.

17 MR. THOMPSON: If I recall correctly, it was
18 your view that notwithstanding that there was a civil
19 lawsuit, you didn't see any impediment to you contacting
20 the victims?

21 MR. SNYDER: Correct.

22 MR. THOMPSON: These were the victims that
23 were in your investigation of Earl Landry, Jr.?

24 MR. SNYDER: Correct.

25 MR. THOMPSON: And I think you mentioned

1 that you had a good rapport at least with one of the
2 victims?

3 **MR. SNYDER:** I had a good rapport with all
4 the victims, I felt.

5 **MR. THOMPSON:** Okay. And there was no
6 victim witness assistance program in place at the time
7 either?

8 **MR. SNYDER:** It might have just been
9 starting up, but we didn't have anything in place concrete.

10 **MR. THOMPSON:** All right.

11 And so I take it because you didn't see any
12 concern arising from the civil suit that you wouldn't have
13 raised that with the Crown at the time?

14 **MR. SNYDER:** Correct.

15 **MR. THOMPSON:** Thank you.

16 Those are all my questions.

17 **THE COMMISSIONER:** Thank you.

18 Ms. Robitaille.

19 **MS. ROBITAILLE:** Good afternoon, Mr.

20 Commissioner.

21 **THE COMMISSIONER:** Good afternoon.

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

23 **ROBITAILLE:**

24 **MS. ROBITAILLE:** Good afternoon, Staff
25 Sergeant Snyder. I also only have a few questions for you

1 this afternoon.

2 You testified in-chief that you attended the
3 testimony during the Leduc pre-trial motions in 2004.

4 **MR. SNYDER:** Correct.

5 **MS. ROBITAILLE:** And you attended as a
6 representative of the Professional Standards Division. Is
7 that right?

8 **MR. SNYDER:** Correct.

9 **MS. ROBITAILLE:** And you told Mrs. Jones in-
10 chief that you attended with the knowledge that -- and I'm
11 going to quote you here:

12 "There was disclosure issues we knew
13 about, and so we just wanted to have
14 someone there to ensure that if there
15 were any problems, I would be made
16 aware of it firsthand."

17 Do you recall giving that answer?

18 **MR. SNYDER:** Yes.

19 **MS. ROBITAILLE:** And whether you were aware
20 of it before or not, certainly after attending Mr. Dunlop's
21 testimony in 2004, you became aware that between June '97
22 and January 2000, Mr. Dunlop was repeatedly ordered to
23 provide disclosure and repeatedly disobeyed those orders.
24 Would you agree?

25 **MR. SNYDER:** Yes.

1 **MS. ROBITAILLE:** And, in fact, Mr. Dunlop
2 admitted during his Leduc testimony that he did not comply
3 with those orders. Do you recall that?

4 **MR. SNYDER:** There was an issue -- I can't
5 recall it exactly, but -- no, I can't recall that.

6 **MS. ROBITAILLE:** Okay.

7 **MR. SNYDER:** I'm sorry.

8 **MS. ROBITAILLE:** That's fine. I can get it
9 elsewhere.

10 Do you recall that Justice Platana was
11 satisfied that Mr. Dunlop still hadn't fully complied with
12 his disclosure obligations and had ordered him and Mr.
13 Chisholm to produce relevant materials?

14 **MR. SNYDER:** Yes, I do recall that.

15 **MS. ROBITAILLE:** And you became aware
16 through this testimony that Mr. Dunlop's disclosure
17 pertaining to the Leduc case was defective in a number of
18 respects, and I'm going to give you a couple of examples.

19 **MR. SNYDER:** Yes, please.

20 **MS. ROBITAILLE:** Notebooks which were
21 particularly relevant to the Leduc case had in some cases
22 never been produced in their original form?

23 **MR. SNYDER:** Correct.

24 **MS. ROBITAILLE:** Some material appeared to
25 be missing, notes?

1 MR. SNYDER: Yes.

2 MS. ROBITAILLE: And some notes appeared to
3 be out of order?

4 MR. SNYDER: I don't recall. Sorry.

5 MS. ROBITAILLE: Okay.

6 THE COMMISSIONER: I don't know if that's a
7 fault. I don't understand what you mean by they're out of
8 order.

9 MS. ROBITAILLE: If you recall, looking at -
10 - and I don't remember the exact exhibit number, but Mr.
11 Dunlop's handwritten notes are, in some places, out of
12 chronological order.

13 THE COMMISSIONER: Okay. Out of
14 chronological order.

15 MS. ROBITAILLE: And some pages are -- the
16 pagination doesn't follow in some places.

17 THE COMMISSIONER: M'hm. Some might say
18 it's the way things went at the Cornwall Police Service at
19 that time.

20 MS. ROBITAILLE: The specific notebook that
21 I'm referring to I don't believe was a duty notebook.

22 THE COMMISSIONER: Ah, okay.

23 MS. ROBITAILLE: So ---

24 THE COMMISSIONER: M'hm.

25 MS. ROBITAILLE: And you also attended the

1 testimony of Mr. Carson Chisholm. Is that right?

2 MR. SNYDER: Correct.

3 MS. ROBITAILLE: And you became aware that
4 Mr. Chisholm acted in close concert with Mr. Dunlop over
5 the course of his private investigation; right?

6 MR. SNYDER: Yes.

7 MS. ROBITAILLE: Now, I am going to refer
8 you to some monikers. Perhaps Madam Clerk can help me out
9 with that; C-16 and C-17.

10 (SHORT PAUSE/COURTE PAUSE)

11 MS. ROBITAILLE: You became aware that Mr.
12 Chisholm had repeated contact with C-16's mother and even
13 attended her home. Do you recall that?

14 THE COMMISSIONER: Well, "repeated contact"?

15 MS. ROBITAILLE: Yes.

16 THE COMMISSIONER: What does "repeated"
17 mean?

18 MS. ROBITAILLE: Well, when I read my
19 shampoo bottle, it says, "Wash, rinse, repeat", so at least
20 twice.

21 THE COMMISSIONER: Well, this isn't a Miss
22 Clairol advertising. So "repeated" to me -- because my
23 understanding so far, and I could be wrong, is that there
24 were at maximum two contacts with the ---

25 MS. ROBITAILLE: That the witnesses could

1 recall.

2 THE COMMISSIONER: Oh, yeah. So that's the
3 evidence we got.

4 MS. ROBITAILLE: If you prefer that I use
5 "twice" as opposed to "repeated"?

6 THE COMMISSIONER: Well, just "repeated"
7 might be a hundred times and so I just want to make sure
8 that we be as precise as possible.

9 MS. ROBITAILLE: Sure. I'll rephrase the
10 question.

11 THE COMMISSIONER: Okay.

12 MS. ROBITAILLE: You became aware that Mr.
13 Chisholm could recall that he had at least two contacts
14 with C-16's mother?

15 MR. SNYDER: Yes.

16 MS. ROBITAILLE: And that he testified he
17 even attended her home?

18 MR. SNYDER: I'm going back in my memory now
19 into the trial and it's difficult. I don't recall -- I
20 remember there was a contact. I don't know or I don't
21 recall where it was ---

22 MS. ROBITAILLE: That's fine. That's fine.
23 And that he had contact with C-17's mother
24 on at least one occasion?

25 MR. SNYDER: I don't know the name here.

1 **MS. ROBITAILLE:** Yes.

2 **MR. SNYDER:** But I know that he had contact
3 with another individual.

4 **MS. ROBITAILLE:** Do you recall that Mr.
5 Dunlop testified that he spoke to C-16's mother on at least
6 two occasions?

7 **MR. SNYDER:** I would have to see the
8 transcript. I don't recall.

9 **MS. ROBITAILLE:** That's fine. I can get it
10 elsewhere. Thank you.

11 **MR. SNYDER:** Okay.

12 **MS. ROBITAILLE:** Staff Sergeant Snyder,
13 after hearing Mr. Dunlop and Mr. Chisholm's testimony, did
14 you write to your superiors asking for an investigation
15 into aspects of Mr. Dunlop's behaviour beyond the possible
16 perjury?

17 **MR. SNYDER:** I don't believe so. I think it
18 was just the perjury incident. I wrote that we should look
19 further to see if we should be investigating that or have
20 somebody investigate it.

21 **MS. ROBITAILLE:** Thank you.

22 Now, Mr. Paul asked you a question earlier
23 today. He asked you if you could recall whether Mr. Dunlop
24 was afforded the opportunity to review his transcripts from
25 the MacDonald testimony.

1 **MR. SNYDER:** Yes.

2 **MS. ROBITAILLE:** And if I remember your
3 answer, it was that you couldn't recall whether he had the
4 transcript in front of him or not?

5 **MR. SNYDER:** Yes, I believe he did or
6 somebody read it to him ---

7 **MS. ROBITAILLE:** M'hm.

8 **MR. SNYDER:** --- but that was my testimony.

9 **MS. ROBITAILLE:** I think I can refresh your
10 memory on that point, and if we can go to Exhibit 722.

11 **THE COMMISSIONER:** What page, please?

12 **MS. ROBITAILLE:** Page 44.

13 **MR. SNYDER:** Thank you. Sorry, page?

14 **MS. ROBITAILLE:** Forty-four (44).

15 I am just going to take you to a couple of
16 different references to see if it refreshes your memory.

17 At the bottom of page 44, there's a question
18 there. Do you have it?

19 **MR. SNYDER:** Yes.

20 **MS. ROBITAILLE:** Question:

21 "All right. And..." --

22 and this is Ms. Henein speaking.

23 "And when Ms. Narozniak told you,
24 'Listen, I am going to send you the
25 transcripts to accommodate you' surely

1 you were looking for them; right?"

2 And Mr. Dunlop answers:

3 "Yes."

4 The next question on the following page:

5 "All right. So Wednesday, according to
6 our information, the Purolator courier
7 left notice with you at your home
8 saying 'We've come, nobody's home. We
9 have a delivery for you.' Is it your
10 evidence under oath today that you did
11 not know that?"

12 Mr. Dunlop replies that he did not know
13 that.

14 And then there's some discussion of when he
15 received that notice. And if you turn the page to page 46,
16 at the bottom of the page, the question is:

17 "All right. Friday, you picked up the
18 transcripts?"

19 Answer: My wife picked them up.

20 Question: And she brings them home?

21 Answer: Yes."

22 And if we can turn to page 51, Ms. Henein
23 took the witness -- took Mr. Dunlop to a portion of his
24 testimony in MacDonald where Mr. Neville was asking him
25 whether he had reviewed his Will Say and Mr. Dunlop

1 indicated that he did not.

2 So if you go to the bottom of 51, the
3 question from Mr. Neville is:

4 "All right. So my next question is,
5 you have the material, did you read it?

6 Answer: Okay, now I can answer that
7 question.

8 The Court: Did you read it, then you
9 can answer.

10 Answer: I did not read it."

11 And you just turn to the next page, on page
12 52, Ms. Henein asks:

13 "All right. And then do you recall
14 that the explanation..." ---

15 **THE COMMISSIONER:** Can you give me a line
16 number there?

17 **MS. ROBITAILLE:** Sure. It's the first
18 question on the page.

19 **THE COMMISSIONER:** Okay.

20 **MS. ROBITAILLE:** "All right. And then do
21 you recall that the explanation you
22 give is you didn't have the time. Do
23 you recall that?

24 Answer: Yes.

25 Question: All right. Same explanation

1 that you've given..." ---

2 **MR. SNYDER:** Excuse me. You're a little too
3 fast for me.

4 **MS. ROBITAILLE:** Sorry.

5 **MR. SNYDER:** I'm trying to catch up myself
6 here.

7 **THE COMMISSIONER:** Page 52.

8 **MR. SNYDER:** I'm on page 52, and I'm -- I
9 just missed that last -- go back to "Do you recall...".
10 Sorry, just one back a little bit.

11 **MS. ROBITAILLE:** Yeah.

12 "Do you recall..." ---

13 **MR. SNYDER:** Whereabouts is that? Okay.

14 **MS. ROBITAILLE:** Got it?

15 **MR. SNYDER:** Perfect. Now I got it. I was
16 -- okay, thank you.

17 **MS. ROBITAILLE:** "...that the explanation you
18 give is that you didn't have time. Do
19 you recall that?"

20 Mr. Dunlop answers:

21 "Yeah.

22 Question: All right. Same explanation
23 that you've given in court today;
24 right?

25 Answer: Yes.

1 Question: You seem to never have the
2 time to read your own statements,
3 right, in preparation for testifying in
4 court. Isn't that right?"

5 And Mr. Dunlop answers:

6 "That's right."

7 So you would agree with me that if Mr.
8 Dunlop didn't read his transcript from the Leduc trial, it
9 wasn't because he wasn't afforded the opportunity?

10 **MR. SNYDER:** Yes.

11 **MS. ROBITAILLE:** It wasn't because he wasn't
12 given the transcripts?

13 **THE COMMISSIONER:** Well, okay, your point's
14 been made.

15 **MS. ROBITAILLE:** When you were in court in
16 those several days, you had a chance to observe that the
17 proceedings were supervised by a Superior Court judge?

18 **MR. SNYDER:** Yes.

19 **MS. ROBITAILLE:** There was a Crown in the
20 room?

21 **MR. SNYDER:** Yes.

22 **MS. ROBITAILLE:** And it was a fully open
23 hearing and a full audience?

24 **MR. SNYDER:** Yes.

25 **MS. ROBITAILLE:** And you would agree that if

1 Mr. Dunlop was confused by a question, he would have had
2 the opportunity to voice his concern?

3 MR. SNYDER: Yes.

4 MS. ROBITAILLE: Now, you've been taken to a
5 letter in-chief and in cross that you wrote about your
6 concern that Mr. Dunlop had lied under oath?

7 MR. SNYDER: Yes.

8 MS. ROBITAILLE: And I just want to make
9 sure that I have your concerns clearly on the record.

10 You were aware at the time that Mr. Richard
11 Nadeau was the operator of a website called
12 ProjectTruth2.com?

13 MR. SNYDER: Yes.

14 MS. ROBITAILLE: And you were aware that Mr.
15 Nadeau posted statements and other material from alleged
16 victims of sexual abuse from Cornwall on this website?

17 MR. SNYDER: Yes.

18 MS. ROBITAILLE: And you were aware that
19 some complainants alleged that Mr. Nadeau posted those
20 statements without their permission?

21 MR. SNYDER: I don't know that.

22 MS. ROBITAILLE: Okay.

23 Are you aware of that now?

24 MR. SNYDER: Not offhand, no.

25 MS. ROBITAILLE: No? Well, were you aware

1 at the time that Mr. Nadeau had breached court orders in
2 the operation of his website and, indeed, was cited in
3 contempt of court as a result of one of those breaches?

4 **THE COMMISSIONER:** Excuse me.

5 **MS. JONES:** I'm just going to raise a bit of
6 concern. I guess it's not clear on what the relevance is
7 to this particular witness as to how much he was aware of
8 things, like opportunities of Officer Dunlop to raise an
9 objection. I mean, I'm sort of sitting there wondering
10 what relevance it really has to this particular witness and
11 perhaps that could be made a bit clearer, please.

12 **MS. ROBITAILLE:** Mr. Commissioner, I wasn't
13 planning on going into those areas in my examination. I
14 decided to pose those questions after hearing from my
15 friend, Mr. Paul, and I just wanted to clarify certain
16 areas. There was some mention that, perhaps, Mr. Dunlop
17 was confused.

18 **THE COMMISSIONER:** Well, my only comment on
19 that, the transcript is here. I can read it just as well
20 as this witness can.

21 The only advantage that this witness had is
22 that he was there, but I don't see any great usefulness. I
23 mean, we have what we have. We've got the transcript.
24 We've got the letter of concern from the Crown and from the
25 police. Can't we deal with this in submissions?

1 **MS. ROBITAILLE:** My concern, Mr.
2 Commissioner, is that when I objected to a question that
3 Mr. Paul raised, your answer to my objection was, this
4 witness was here and therefore he -- was there and he --
5 therefore he can answer the question.

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

7 **MS. ROBITAILLE:** And I'm just asking for the
8 same latitude, and I can assure you there's only a few more
9 points and it won't take long.

10 **THE COMMISSIONER:** Well, okay. Then get on
11 with it as to -- I mean, you just want to get something out
12 of what was said and I don't know if he'll remember, but
13 all right, but never mind the baggage with it all about
14 Nadeau. It's quite clear he was asking questions about
15 Nadeau and some people have evaluated that so just stick to
16 that and we'll be fine.

17 **MS. ROBITAILLE:** Sure, thank you.

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

19 **MS. ROBITAILLE:** So, Staff Sergeant Snyder,
20 you're aware that Mr. Dunlop testified in the Father
21 MacDonald 11B application in 2002 that he did not give
22 material to Mr. Nadeau; right?

23 **MR. SNYDER:** Now, is that in the transcript
24 we're getting at here?

25 **MS. ROBITAILLE:** Yes, yes.

1 MR. SNYDER: Yes.

2 MS. ROBITAILLE: He further testified that
3 he did not know how material relating to his private
4 investigation got on the Nadeau website?

5 MR. SNYDER: Yes.

6 MS. ROBITAILLE: You are aware, and indeed
7 you were present, when Mr. Dunlop admitted that he did, in
8 fact, give Mr. Nadeau binders and boxes of material; right?

9 MR. SNYDER: Yes.

10 THE COMMISSIONER: Do you recall that, sir?

11 MR. SNYDER: Yes.

12 THE COMMISSIONER: Okay.

13 MR. SNYDER: Sometimes, I keep going back in
14 my memory just to ---

15 THE COMMISSIONER: Okay.

16 MS. ROBITAILLE: And I just want to make
17 sure -- I think there was some confusion when Mr. Paul was
18 examining and I just want to make sure we know exactly how
19 the testimony evolved.

20 If we can just go to Exhibit 723.

21 (SHORT PAUSE/COURTE PAUSE)

22 MS. ROBITAILLE: And page 42 and it's just
23 line 14. Ms. Henein asks -- are you there?

24 MR. SNYDER: Yes.

25 MS. ROBITAILLE: So maybe my question was

1 not clear. When Mr. Neville was asking questions, he asked
2 you, "How did Nadeau get this material?" and your answer
3 was:

4 "He could have gotten it anywhere. I
5 didn't give it to him.

6 Answer: Right.

7 Question: That was a lie. You had
8 given him material; right? You
9 admitted it in this courtroom.

10 Answer: What year was that?

11 Question: 2002.

12 Answer: Yes, by 2002, I'd given him
13 material."

14 And then we can just flip to the next page
15 at page 43 and just around line 12, Mr. Dunlop's answer:

16 "Well, I gave him the material.

17 Question: That's not the question I
18 asked you. You lied under oath or are
19 you lying now; which?

20 Answer: I'm ---

21 Question: Answer is one you want to
22 stick with, pick.

23 Answer: Yeah, I'm not lying now.

24 Question: But you were lying then?

25 Answer: I guess I was lying.

1 Question: That wasn't true; right?

2 Answer: Right."

3 Is that how you recall?

4 MR. SNYDER: Yes.

5 MS. ROBITAILLE: Thank you. Those are my
6 questions.

7 THE COMMISSIONER: Thank you.

8 Who's next? So Mr. Kozloff?

9 MR. KOZLOFF: Good afternoon, sir.

10 THE COMMISSIONER: Good afternoon, sir.

11 MR. KOZLOFF: Good afternoon, Staff
12 Sergeant.

13 MR. SNYDER: Sir.

14 MR. KOZLOFF: Mr. Commissioner, my questions
15 have been addressed by other counsel so ---

16 THE COMMISSIONER: Thank you very much.

17 MR. KOZLOFF: --- I have no questions, thank
18 you.

19 MR. SNYDER: Thank you, sir.

20 THE COMMISSIONER: Next. Mr. Carroll?

21 MR. CARROLL: Nothing today.

22 THE COMMISSIONER: Thank you.

23 MR. SNYDER: Thank you, sir.

24 THE COMMISSIONER: Mr. Callaghan, so let's
25 go for 10-15 minutes and we'll take a break.

1 **MR. CALLAGHAN:** Or maybe one minute to get
2 set up.

3 **THE COMMISSIONER:** I don't know, Mr.
4 Callaghan, but that tie would certainly ---

5 **MR. CALLAGHAN:** I was a little offended no
6 one had noticed until you.

7 **THE COMMISSIONER:** Oh no, no, no. I think
8 they're just envious.

9 **MR. CALLAGHAN:** You know what, it's a veiled
10 attempt to enjoy the spring.

11 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
12 **CALLAGHAN:**

13 **MR. CALLAGHAN:** Staff Sergeant Snyder, I
14 would like to start by just going -- and I know Commission
15 counsel went through it a little bit -- but just to
16 highlight some of the courses you've taken and it comes
17 from your -- and I'm just going to touch on those that bear
18 on things we're talking about today. I'm not going to deal
19 with them all, I just want to make sure that -- I know we
20 have a paper document, but I would like to must review it
21 so those listening know.

22 And I regret that I did not mark the career
23 profile exhibit number. I believe it's Exhibit 1580 and I
24 recognize -- and I'm not going to be long, I just want to -
25 --

1 **THE COMMISSIONER:** You have it ---

2 **MR. SNYDER:** It's right in front of me too.

3 **THE COMMISSIONER:** Oh, I'm sorry, 1580?

4 Okay, right.

5 **MR. CALLAGHAN:** You've been an officer I
6 think you said for 29 years. Before we touch on this, can
7 you tell us how many -- just so they get an understanding
8 of the scope of your expertise -- how many criminal
9 investigations would you have done? I mean, I know that's
10 a wild question, but ---

11 **MR. SNYDER:** Well over thousands; there were
12 thousands of cases.

13 **MR. CALLAGHAN:** And what about complex
14 cases; cases that have a level of complexity?

15 **MR. SNYDER:** Very high, I've done homicides,
16 I've been the lead in homicides. I've -- put a number to
17 them, hundreds.

18 **MR. CALLAGHAN:** Hundreds?

19 **THE COMMISSIONER:** Hundreds of homicides?

20 **MR. SNYDER:** No, hundreds of complex cases.

21 **MR. CALLAGHAN:** Complex cases and ---

22 **MR. SNYDER:** No ---

23 **MR. CALLAGHAN:** --- we're talking about --
24 in this Inquiry you're being asked to discuss the Landry
25 case and the Lalonde case and where would they fall in

1 complexity levels of -- in those hundreds of cases?

2 **MR. SNYDER:** Actually, they weren't that
3 complex really. They were pretty -- I wouldn't say easy
4 investigations, but they were such that we had to deal with
5 -- keep in mind the victims and stuff -- probably middle of
6 the road type of idea. It's not that complex, but not --
7 it was something you had to pay attention to.

8 **MR. CALLAGHAN:** All right.

9 So if we could just look at your career
10 profile and I'm just going to talk to you on those ones
11 that have some bearing.

12 So we have on November 5th, 1984 at page 5,
13 you take the -- or actually if I may drop down, sorry,
14 October 15th, 1984, you take the Youth Officer's course and
15 that course addresses things related to what you would have
16 done in the Youth Branch?

17 **MR. SNYDER:** Correct, right.

18 **MR. CALLAGHAN:** So prior to doing these
19 cases, you had been involved in the Youth Branch and done
20 those types of sexual assault cases?

21 **MR. SNYDER:** Yes.

22 **MR. CALLAGHAN:** And if we go up -- because
23 we did talk about there was a bit of surveillance in this
24 case -- you did take a surveillance course at the RCMP?

25 **MR. SNYDER:** Correct.

1 **MR. CALLAGHAN:** And I don't think we need a
2 recitation on what it was, but what about the next course?
3 You take quite a long course on a polygraph examiner's
4 course. What's that about?

5 **MR. SNYDER:** That's -- I think it was a 14-
6 week course and it deals with learning the philosophy of
7 polygraph and interviewing and how the instrument works
8 itself and -- and part of that is also doing -- training
9 with live subjects.

10 **MR. CALLAGHAN:** So I take it that's during
11 Chief Shaver's time?

12 **MR. SNYDER:** Yes, it was.

13 **MR. CALLAGHAN:** And can you just tell us how
14 many forces the size of Cornwall would have a polygraph
15 examiner such yours in those times?

16 **MR. SNYDER:** I think we were unique.

17 **MR. CALLAGHAN:** And let's -- like in this
18 region, for example, Kingston, do you know whether Kingston
19 had one at that time?

20 **MR. SNYDER:** I don't believe they did.

21 **MR. CALLAGHAN:** Right.
22 And Kingston would be bigger?

23 **MR. SNYDER:** Yes.

24 **MR. CALLAGHAN:** All right.

25 And then you have further polygraph

1 examiner's courses, and I'll just read them in here, 1986 -
2 - pardon me, August 18th, 1987 to August 21st, 1987. You
3 have another one that goes on August 6th, 1990 to August
4 10th, 1990. You have one June 24th, 1991 to June 28th, 1991,
5 and then there's one June 8th, 1992 to June 12th, 1992, and
6 then you have one in August '93 to -- August 16th, '93, on
7 August 20th, '93.

8 Are those, just to lead this, refresher
9 courses?

10 **MR. SNYDER:** Well, they're seminars and all
11 polygraph examiners were part of an association and we
12 meet. We have guest lecturers on interviewing, hot topics
13 of the time, those type of refreshing -- refreshers and
14 obviously learning new things, new techniques.

15 **MR. CALLAGHAN:** All right.

16 And then on January 18th, 1988 to January
17 23rd, 1988, production, interrogation course, statement
18 analysis course.

19 **MR. SNYDER:** Yes.

20 **MR. CALLAGHAN:** Is that the course you were
21 speaking briefly to Mr. Neville about?

22 **MR. SNYDER:** Yes, it was.

23 **MR. CALLAGHAN:** All right.

24 Now, when we're talking about the assistance
25 you gave Heidi Sebalj, if I could refer you to Exhibit

1 1582? You have that handy. You had indicated already that
2 you hadn't seen her notes and you indicated that it was
3 about March 4th, '93 and you had the statement approximately
4 a week in this ---

5 MR. SNYDER: Correct.

6 MR. CALLAGHAN: All right.

7 And by a week, do you mean five days or do
8 you have any appreciation for that time or is it an
9 approximation?

10 MR. SNYDER: Approximately four or five
11 days, like over the weekend, I think. I looked at it, and
12 I got it, I think, on a Thursday, and by the Monday or the
13 Tuesday, I would have given it back to her.

14 MR. CALLAGHAN: All right.

15 And as you hadn't seen her notes -- well,
16 let me -- did you have an understanding that she wanted
17 this in order to conduct further interviews?

18 MR. SNYDER: I would assume so, yes. That's
19 the idea of me doing a statement.

20 MR. CALLAGHAN: All right.

21 Now, as you say, you haven't seen it. The
22 Commissioner is aware that on March 10th, '93, she goes and
23 meets with Mr. Silmsler. Would this fit within the time
24 range which you're talking about in having the statement?

25 MR. SNYDER: Yes.

1 **MR. CALLAGHAN:** All right.

2 And having talked to her; right?

3 **MR. SNYDER:** Prior to that, yes.

4 **MR. CALLAGHAN:** So she could have had that
5 information before she went and visited with Mr. Silmsen?

6 **MR. SNYDER:** Yes.

7 **MR. CALLAGHAN:** Now, Mr. Commissioner, I'm
8 about to start into the meat of it and I didn't know
9 whether you wanted to ---

10 **THE COMMISSIONER:** No, let's take the break
11 now and we'll ---

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

14 This hearing will resume at 3:10.

15 --- Upon recessing at 2:56 p.m./

16 L'audience est suspendue à 14h56

17 --- Upon resuming at 3:16 p.m./

18 L'audience est reprise à 15h16

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

21 This hearing is now resumed. Please be
22 seated. Veuillez vous asseoir.

23 **MR. CALLAGHAN:** Thank you, Mr. Commissioner.

24 **THE COMMISSIONER:** Yes.

25 **MR. CALLAGHAN:** Mr. Commissioner, I'm going

1 to move to the Lalonde investigation, and I'm looking at
2 Exhibit 1585A.

3 **THE COMMISSIONER:** Yes.

4 **MR. CALLAGHAN:** And I should add, Mr.
5 Commissioner, I know you made a comment regarding the CPS
6 notes. It should be known to the public that there are
7 multiple copies of notes being produced ---

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

9 **MR. CALLAGHAN:** --- from various sources.

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

11 **MR. CALLAGHAN:** The Commission elects which
12 ones they're going to call, they're going to bring forward.
13 They get -- depending on whose notes they are, what source
14 they are; they might be intermingled. There are -- all the
15 notes are available. In fact, these notes particularly are
16 with the Commission now in order. The 1585A set -- and I
17 can't tell you where they came from, whose file -- they are
18 in a -- there are -- I think we noted earlier that Bates
19 page 451 is the start. That's the February 4th, '97.

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

21 **MR. CALLAGHAN:** No, I have 1585A. It starts
22 February 24th, '97.

23 **THE COMMISSIONER:** Yeah.

24 **MR. CALLAGHAN:** But unfortunately, again,
25 the source of these, as far as what source, if you look at

1 Bates page 451, I'm just going to ask you so we can get
2 orientated, and as I say, Mr. Commissioner, the originals
3 are in the office, 8451, February 4th, '97.

4 **THE COMMISSIONER:** Right.

5 **MR. CALLAGHAN:** All right? So we'll start
6 there.

7 **THE COMMISSIONER:** Okay. The comment I was
8 making was not with respect to whether the notes are like
9 that. It was the history of note taking was that they were
10 permitted to use three-ring binders ---

11 **MR. CALLAGHAN:** I see. And you've heard --
12 and I was going to rise earlier, so everybody heard this
13 explanation by Luc Brunet ---

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

15 **MR. CALLAGHAN:** --- and the explanation by
16 Staff Sergeant Derochie about whether that's permissible
17 and the internal issues they discussed from time to time on
18 those.

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

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

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

22 **CALLAGHAN (cont'd/suite):**

23 **MR. CALLAGHAN:** All right.

24 So I just want to start, Mr. -- or Staff
25 Sergeant Snyder, just to put some context on it because of

1 your investigative background.

2 In terms of historic cases, whether they be
3 sexual assaults or others, what kind of challenges face an
4 investigator?

5 **MR. SNYDER:** Evidence gathering is probably
6 one of the key things because, again, going back into
7 records, trying to locate them, trying to find
8 corroboration from the witnesses; those are key issues,
9 trying to find people. Some are deceased. So those are
10 key problems with historic.

11 **MR. CALLAGHAN:** And what about when -- you
12 talked about hard finding people; what about finding them
13 and whether they'll cooperate?

14 **MR. SNYDER:** Yes, and that's -- you know, we
15 get names of individuals and having to speak to them,
16 whether they want to proceed, whether they're ready to
17 proceed are all issues that we deal with.

18 **MR. CALLAGHAN:** All right.

19 And this investigation, and you've already
20 said it, it was a joint investigation wherein Rene
21 Desrosiers was dealing with some complainants and you had
22 others?

23 **MR. SNYDER:** Correct.

24 **MR. CALLAGHAN:** All right.

25 And I take it, just for the record, in

1 fairness; you'd have to look at the two together to see the
2 totality of the investigation?

3 MR. SNYDER: Correct.

4 MR. CALLAGHAN: All right.

5 And when you -- there's a point in time when
6 you conclude your notes and go through the prosecutorial
7 stage. What involvement did you have and what involvement
8 did Rene Desrosiers have?

9 MR. SNYDER: Well, Rene would have been the
10 coordinator. So all my notes, I would have copied and then
11 given to him, and then from there, they're disclosed.

12 MR. CALLAGHAN: All right. No, but for
13 example, was it you who liaised with the Crowns after the
14 charge data was ---

15 MR. SNYDER: No, I'm sorry, it was Rene
16 Desrosiers.

17 MR. CALLAGHAN: All right.

18 And so he would have that information
19 dealing with after the charges were laid?

20 MR. SNYDER: Correct.

21 MR. CALLAGHAN: All right.

22 And the case came in on your side at least
23 with a call from Don Genier, and that was a call to Staff
24 Sergeant Brunet?

25 MR. SNYDER: Correct.

1 **MR. CALLAGHAN:** All right.

2 And one of the names -- and if I could just
3 confer?

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MR. CALLAGHAN:** There is a -- if we just
6 start at Bates page 8451 and ---

7 **MR. SNYDER:** Is this from 1585A? I don't
8 have A in front of me here. I don't have ---

9 **THE COMMISSIONER:** Yes, you do. It should
10 be at the back of 84 -- no, no, no, just a second. Go to
11 Exhibit 1585.

12 **MR. SNYDER:** Yes.

13 **THE COMMISSIONER:** At the back of that
14 exhibit, just inside that thing, you've got a document
15 there that is "A".

16 **MR. SNYDER:** There it is.

17 **THE COMMISSIONER:** All right.

18 **MR. SNYDER:** Thank you.

19 **THE COMMISSIONER:** Now, what Bates page?

20 **MR. CALLAGHAN:** Bates page 4 -- 8451.

21 **THE COMMISSIONER:** Eight-four-five-one
22 (8451). Okay.

23 Do you have that, sir?

24 **MR. SNYDER:** Yes.

25 **THE COMMISSIONER:** All right.

1 Now, what we went through is that the notes,
2 for some reason are not in chronological order, so don't
3 let that bother you.

4 **MR. SNYDER:** All right.

5 **MR. CALLAGHAN:** And just -- Sergeant Snyder,
6 when you have your notebook and the binder, is it or is it
7 not in chronological order?

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

9 **MR. CALLAGHAN:** Well, sorry, I asked is or
10 is it not in chronological order? Is it in chronological
11 order?

12 **MR. SNYDER:** Yes, it is, sorry.

13 **THE COMMISSIONER:** No, he can go ---

14 **MR. SNYDER:** There's two questions there.

15 **THE COMMISSIONER:** You can't go wrong.

16 **MR. SNYDER:** It's the first question ---

17 **MR. CALLAGHAN:** All right. And you start
18 off with the investigation on February 4th, 1997?

19 **MR. SNYDER:** Yes.

20 **MR. CALLAGHAN:** All right.

21 And I take it you reviewed the memo that --
22 the material that Staff Sergeant Brunet gave you which is
23 Exhibit 1584. Do you remember that?

24 **MR. SNYDER:** Yes.

25 **MR. CALLAGHAN:** All right.

1 And, in fact, if you go down to February
2 10th, '97, you begin to contact people that are mentioned in
3 that memo; correct?

4 **MR. SNYDER:** Correct.

5 **MR. CALLAGHAN:** And you contact a fellow at
6 the bottom there and he's not sure if he wants to proceed?

7 **MR. SNYDER:** Yes.

8 **MR. CALLAGHAN:** Do you see that?

9 **MR. SNYDER:** Yes.

10 **MR. CALLAGHAN:** And I take it, sir, would
11 you have followed-up with him on occasion to see whether he
12 wanted to proceed?

13 **MR. SNYDER:** Yes.

14 **MR. CALLAGHAN:** And what was his answer?

15 **MR. SNYDER:** He wasn't ready to proceed.

16 **MR. CALLAGHAN:** All right.

17 **MR. SNYDER:** I think he actually gave a
18 reason why in my notes as well as to why he didn't want to
19 proceed.

20 **MR. CALLAGHAN:** But that's they type of
21 thing that's not uncommon in a case such as this?

22 **MR. SNYDER:** Yes, correct.

23 **MR. CALLAGHAN:** And if you go over to
24 February 12th, '97, you're again communicating, I take it,
25 with the OPP and getting whatever information and

1 assistance that they have?

2 MR. SNYDER: Correct.

3 MR. CALLAGHAN: And they're dealing with the
4 complainant, C-8, on other investigations; correct?

5 MR. SNYDER: Correct.

6 MR. CALLAGHAN: All right.

7 And if we go on a little bit more, I take it
8 you at 12:55 viewed the video that was provided to you?

9 MR. SNYDER: Correct.

10 MR. CALLAGHAN: We don't need to know the
11 details.

12 MR. SNYDER: Yes.

13 MR. CALLAGHAN: We're not talking details
14 but that's -- I'm just going through the process here what
15 you have done, all right?

16 And then at the bottom of that page, you're
17 seeking more details to find other witnesses?

18 MR. SNYDER: Correct.

19 MR. CALLAGHAN: One is the mother of C-8?

20 MR. SNYDER: Correct.

21 MR. CALLAGHAN: And one is the school board
22 representative?

23 MR. SNYDER: Correct.

24 MR. CALLAGHAN: And did you get to speak to
25 both those people?

1 MR. SNYDER: Yes, I did.

2 MR. CALLAGHAN: All right.

3 And I take it with respect to the school
4 board, you were looking for confirmatory dates, et cetera?

5 MR. SNYDER: Correct.

6 MR. CALLAGHAN: All right.

7 And if we go on, you'll see that there is
8 the name David Silmsner?

9 MR. SNYDER: Correct.

10 MR. CALLAGHAN: And I'm not going to go over
11 that, but you then went through the process of contacting
12 the wife, et cetera. We went through that the other day?

13 MR. SNYDER: Yes.

14 MR. CALLAGHAN: All right. And then if you
15 could go over to February 12th, and I'm just taking you
16 through so that people have an understanding of the nature
17 of these cases.

18 MR. SNYDER: We're on February 12th now?

19 MR. CALLAGHAN: Right. And here you are
20 doing what may be described as the laborious process of
21 trying to contact people; right? February 12 -- sorry,
22 February 18th, '97? My apologies.

23 MR. SNYDER: Okay.

24 MR. CALLAGHAN: Misspoke.

25 MR. SNYDER: Yes.

1 **MR. CALLAGHAN:** All right.

2 And I take it that's sort of the grunt work
3 of it, if I might put it that way?

4 **MR. SNYDER:** Yes.

5 **MR. CALLAGHAN:** And, for example, you have
6 in there, because we talked about him yesterday, C-66 for
7 example?

8 **MR. SNYDER:** Yes.

9 **MR. CALLAGHAN:** All right. And there are a
10 few other people, I don't need to read the names.

11 **MR. SNYDER:** Several people there, yes.

12 **MR. CALLAGHAN:** What's that?

13 **MR. SNYDER:** There are several people in
14 there, yes.

15 **MR. CALLAGHAN:** All right.

16 And, again, I'm not going to read the names
17 necessarily unless I have to, okay? And I think that's
18 acceptable to everybody. Again, just to get an idea of the
19 work, you're back at it on February 19th?

20 **MR. SNYDER:** Yes.

21 **MR. CALLAGHAN:** All right.

22 And this continues for some time and you
23 start doing some interviews, for example?

24 **MR. SNYDER:** Correct.

25 **MR. CALLAGHAN:** You did the start and stop

1 interview on February 21st with C-8?

2 MR. SNYDER: Yes.

3 MR. CALLAGHAN: All right.

4 Okay now, if we go over -- and again I'm not
5 wanting to believe this -- but if we go over then to March
6 3rd, '97, that's when C-8 finally -- we get things organized
7 and we have an interview that's taped; correct?

8 MR. SNYDER: On March 3rd, correct.

9 MR. CALLAGHAN: All right. And he gives you
10 certain names; correct?

11 MR. SNYDER: That's correct.

12 MR. CALLAGHAN: And I want to -- and you
13 have -- I'm going to take an example of the kind of work
14 that's involved in this type of case. You have C-66. You
15 have this fellow D'Arcy Allen, I'm going to come back to
16 that. You have Lisa Kaneb, who is the girlfriend?

17 MR. SNYDER: Correct. Right.

18 MR. CALLAGHAN: And you talked to her?

19 MR. SNYDER: Yes.

20 MR. CALLAGHAN: She had no information?

21 MR. SNYDER: That's correct.

22 MR. CALLAGHAN: And I take it that's common
23 that you would get people with no information?

24 MR. SNYDER: Yes.

25 MR. CALLAGHAN: But you still have to speak

1 to them?

2 MR. SNYDER: Yes.

3 MR. CALLAGHAN: And then you've got a number
4 of things, for example, the mother of C-8 who you took a
5 statement from?

6 MR. SNYDER: Yes.

7 MR. CALLAGHAN: Cathy McKee who we saw the
8 statement from earlier?

9 MR. SNYDER: The ex-wife.

10 MR. CALLAGHAN: All right. The wife of
11 Marcel Lalonde?

12 MR. SNYDER: Yes.

13 MR. CALLAGHAN: All right.

14 So let's just talk, for example, D'Arcy
15 Allen, if I could ask you -- and again you're going to have
16 to -- I'm trying to go to Bates page 8443, March 14th, '97.

17 MR. SNYDER: Yes.

18 THE COMMISSIONER: Hold on a second there.

19 MR. CALLAGHAN: Sorry? Sorry, it's 1585,
20 Bates page 443.

21 THE COMMISSIONER: That's on Exhibit ---

22 MR. CALLAGHAN: Fifteen-eighty-five-A
23 (1585A), sorry. I'm sorry.

24 THE COMMISSIONER: No, no, no. We'll get
25 there.

1 Madam Clerk, do you ---

2 **MR. CALLAGHAN:** Shall I continue, Mr.

3 Commissioner? If it's on the ---

4 **THE COMMISSIONER:** It's not on the screen
5 but ---

6 **MR. CALLAGHAN:** I'm ---

7 **THE COMMISSIONER:** Are you okay? Do you
8 know where we are at?

9 **MR. SNYDER:** Yes.

10 **THE COMMISSIONER:** All right.

11 **MR. CALLAGHAN:** May I continue?

12 **THE COMMISSIONER:** Yeah.

13 **MR. CALLAGHAN:** So, the Commission counsel
14 took you to this entry?

15 **MR. SNYDER:** Yes.

16 **MR. CALLAGHAN:** Then CPIC message re D'Arcy
17 Allen, and you asked what you recalled of it and you
18 couldn't recall much?

19 **MR. SNYDER:** I thought I recalled that it
20 was a CPIC message to Peel Region for some reason, that
21 reflects -- and asking them if they could locate him or try
22 and find him.

23 **MR. CALLAGHAN:** I want to just take you to
24 the notes.

25 **MR. SNYDER:** Yeah.

1 **MR. CALLAGHAN:** Now, just to be clear, this
2 wasn't something covered in any of your interviews?

3 **MR. SNYDER:** Correct, absolutely.

4 **MR. CALLAGHAN:** So let's go back so we can
5 start afresh with D'Arcy Allen.

6 So you get the name; we go back then to the
7 Bates page 436. You get the name of D'Arcy Allen through
8 the interview process?

9 **MR. SNYDER:** Yes.

10 **MR. CALLAGHAN:** All right.

11 And I take it that might have been through
12 the interview process that the statement that he brought in
13 or it might have been your interview or something he said
14 afterwards?

15 **MR. SNYDER:** Yes.

16 **MR. CALLAGHAN:** All right.

17 So if you then go to March 6th, which is over
18 three pages on Bates page ending 438, you called a phone
19 number looking for D'Arcy Allen and you got a last address
20 and could you read the last bit of it? I'm not sure I can
21 read that.

22 **MR. SNYDER:** The last address is 314 -- do
23 you want me to say the address out loud here?

24 **MR. CALLAGHAN:** No, I don't.

25 **MR. SNYDER:** Sorry.

1 **MR. CALLAGHAN:** I don't think that's
2 appropriate.

3 **MR. SNYDER:** Okay. Where would you like me
4 to read here? I'm sorry.

5 **MR. CALLAGHAN:** Unless the Commissioner
6 wants the address. I don't think we need it.

7 **MR. SNYDER:** Okay. I guess I just
8 misunderstood what you ---

9 **MR. CALLAGHAN:** Okay. And then what does it
10 say below that or is that a different note?

11 **MR. SNYDER:** "Several times and line was
12 dead."

13 **MR. CALLAGHAN:** Okay. So you called ---

14 **MR. SNYDER:** Yeah.

15 **MR. CALLAGHAN:** --- and let ---

16 **MR. SNYDER:** Let it ring several times, line
17 went dead; that's what it was.

18 **MR. CALLAGHAN:** Okay. And while we're just
19 on this page, like for example, just to follow-up what we
20 said, you're talking to the various people, Lisa Kaneb, the
21 girlfriend, you can see at 10:39 and at 12:30 on that page,
22 the other woman that's mentioned?

23 **MR. SNYDER:** Yes.

24 **MR. CALLAGHAN:** Okay. So now if you go over
25 a further page, the next page, on March 11th and you use --

1 you go to social services to see if you can find Darcy
2 Allen, correct?

3 **MR. SNYDER:** Correct.

4 **MR. CALLAGHAN:** All right.

5 And you've described earlier that's one of
6 the things you do in order to find addresses for people?

7 **MR. SNYDER:** Correct.

8 **MR. CALLAGHAN:** Right. Or what might be
9 someone's last known address. All right.

10 And if you go over to the next page -- you
11 get an address, actually, you get the address over on the
12 next page, an address in Mississauga; correct?

13 **MR. SNYDER:** Correct.

14 **MR. CALLAGHAN:** And a phone number; correct?

15 **MR. SNYDER:** Yes.

16 **MR. CALLAGHAN:** All right.

17 And then you, on March 12th, call that phone
18 number?

19 **MR. SNYDER:** Yes.

20 **MR. CALLAGHAN:** If you go to the next page,
21 859:

22 "Called Darcy Allan at number..."

23 And if maybe you could read the last of it
24 because you're ---

25 **MR. SNYDER:** "Male who answered stated that

1 there was no one by that name there."

2 **MR. CALLAGHAN:** Okay. So that avenue didn't
3 work; correct?

4 **MR. SNYDER:** Correct.

5 **MR. CALLAGHAN:** All right.

6 So then we go to the note that Commission
7 counsel started with and it's at that time you are seeking
8 to find another avenue of finding Darcy Allan.

9 **MR. SNYDER:** Correct.

10 **MR. CALLAGHAN:** All right.

11 And if we go over to April 3rd, I believe,
12 and you'll see at the bottom -- I'll wait for the screen --
13 I'll proceed. The bottom of the next page, Madam Clerk.

14 At the bottom, you will see -- can you read
15 that to me "While en route..."

16 **MR. SNYDER:** "En route, I checked for Darcy
17 Allan who was residing at..."

18 **MR. CALLAGHAN:** "Residing in..."

19 **MR. SNYDER:** "...in Toronto."

20 **MR. CALLAGHAN:** Phone number.

21 **MR. SNYDER:** "Phone number. This..."

22 I wish it was on the screen here so it would make it a
23 little easier for me. There we go.

24 "...not given. I was looking for..."

25 Oh, boy!

1 "...never in Cornwall".

2 Oh, it's not the same person. He was never
3 in Cornwall. The person I spoke to wasn't the Darcy Allan
4 I was looking for.

5 **MR. CALLAGHAN:** All right.

6 And so would that have been the -- would
7 that have been the information you would have got from
8 CPIC?

9 **MR. SNYDER:** Yes.

10 **MR. CALLAGHAN:** All right.

11 And just to be clear, the phone number here,
12 not that we are going to read it, is a different number
13 than we saw in the Mississauga number?

14 **MR. SNYDER:** Yes.

15 **MR. CALLAGHAN:** So ---

16 **MR. SNYDER:** Sorry, I was hoping that when I
17 was in that area I would find him and then go interview him
18 at the same time.

19 **MR. CALLAGHAN:** Were you able to get any
20 other leads on where Darcy Allan might reside or be?

21 **MR. SNYDER:** No.

22 **MR. CALLAGHAN:** All right.

23 And as we go through this, you also -- if
24 you can go back to March 14th, which is page 8443?

25 **MR. SNYDER:** Yes.

1 **MR. CALLAGHAN:** And we talked -- I think it
2 was the examination by Ms. Daley, you talked about C-58.
3 Do you see that?

4 **MR. SNYDER:** Yes.

5 **MR. CALLAGHAN:** All right.

6 Just so it's clear, you had indicated that
7 you were unaware of the contact with Kevin Malloy; right?

8 **MR. SNYDER:** Yes.

9 **MR. CALLAGHAN:** But you did actually catch
10 up with C-58?

11 **MR. SNYDER:** Yes, I did.

12 **MR. CALLAGHAN:** And you got statements from
13 C-58?

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

15 **MR. CALLAGHAN:** And did you lay a charge in
16 respect to C-58's complaint?

17 **MR. SNYDER:** Yes.

18 **MR. CALLAGHAN:** All right.

19 And I take it at any time did C-58 indicate
20 that he had spoken to Officer Malloy earlier?

21 **MR. SNYDER:** He never indicated that to me.

22 **MR. CALLAGHAN:** Just for the record, if I
23 might, Mr. Commissioner, this is a document that was
24 referenced, but ---

25 **THE COMMISSIONER:** Thank you.

1 **MR. SNYDER:** Thank you.

2 **THE COMMISSIONER:** So is this name ---

3 **MR. CALLAGHAN:** Yes, this is an OMPPAC
4 statement, witness statement, sir, for C-57.

5 **THE COMMISSIONER:** Okay. Great.

6 So Exhibit 1638 is a witness statement of C-
7 57?

8 **MR. CALLAGHAN:** C-57.

9 **THE COMMISSIONER:** All right. And it is
10 taken on the 21st of December 1999.

11 **MR. CALLAGHAN:** And I just -- that's what
12 this is, sir? Just -- can you confirm that that's an
13 OMPPAC statement?

14 **MR. SNYDER:** It's an OMPPAC statement, yes.

15 **--- EXHIBIT NO./PIÈCE No. P-1638:**

16 (734894) - Witness Statement of IC-57 dated
17 21 Dec. 99

18 **MR. CALLAGHAN:** And just, again, Ms. Daley
19 referred to C-57, but you are now aware that C-57 did come
20 forward and speak to Constable Desrosiers?

21 **MR. SNYDER:** Yes.

22 **MR. CALLAGHAN:** Just while we are in these
23 notes, there are references to your discussing or trying to
24 get a statement from Perry Dunlop.

25 **MR. SNYDER:** Let me look back in the notes,

1 yes.

2 **MR. CALLAGHAN:** All right.

3 And I am not going to go over it. You
4 already went over that with another party -- I think it was
5 Mr. Neville -- on that issue. And I won't -- for example -
6 - if I could just have one minute, sir.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **MR. CALLAGHAN:** So if you go to March 5th in
9 the notes, you -- and keep in mind you had interviewed C-8
10 on March 3rd. You called Perry Dunlop's home; correct?

11 **MR. SNYDER:** Correct.

12 **MR. CALLAGHAN:** And what was the purpose of
13 that?

14 **MR. SNYDER:** To get a will say statement.

15 **MR. CALLAGHAN:** All right.

16 And I take it when you get a will say from
17 an officer, you would understand that he provide any
18 documents that pertained to the matter?

19 **MR. SNYDER:** Yes.

20 **MR. CALLAGHAN:** All right.

21 So if we go over ---

22 **THE COMMISSIONER:** So just to follow up, on
23 March 5th, there is no answer?

24 **MR. CALLAGHAN:** Yes, I know. I'm just going
25 through the attempts to call.

1 **THE COMMISSIONER:** I know, but for the
2 record.

3 **MR. CALLAGHAN:** Did I rush that through,
4 sir. I'm trying ---

5 **THE COMMISSIONER:** No, no, you didn't, but
6 I'm just saying that there was no answer that day.

7 **MR. CALLAGHAN:** No, I understand that.

8 **THE COMMISSIONER:** Okay.

9 **MR. CALLAGHAN:** And then on March 26th, '97,
10 which is Bates page 445, you again call and leave a
11 message?

12 **MR. SNYDER:** A voice message, yes.

13 **MR. CALLAGHAN:** And on March 27th, he calls
14 you back and you had the discussion which you referred to
15 in Mr. Neville's discussion; right?

16 **MR. SNYDER:** Correct.

17 **MR. CALLAGHAN:** And then on April 14th, you
18 have a further discussion with him about getting a
19 statement; correct?

20 **MR. SNYDER:** Correct.

21 **MR. CALLAGHAN:** All right.

22 I just want to be clear on those notes.

23 So if we then discuss then for a moment,
24 there's the arrest of Mr. Lalonde; correct?

25 **MR. SNYDER:** Yes.

1 **MR. CALLAGHAN:** And there is the issue of
2 the search of the house; correct?

3 **MR. SNYDER:** Yes.

4 **MR. CALLAGHAN:** All right.

5 I think you indicated earlier, and just to
6 be clear, by the time you get involved, the OPP have
7 already charged Mr. Lalonde with another incident?

8 **MR. SNYDER:** Yes.

9 **MR. CALLAGHAN:** The one that precipitated
10 everything, the fellow who was seen by Staff Sergeant
11 Desrosiers that's sent over?

12 **MR. SNYDER:** C-68, I believe.

13 **MR. CALLAGHAN:** C-68, correct. All right.
14 And to your knowledge, there was no search
15 done at that time?

16 **MR. SNYDER:** Correct.

17 **MR. CALLAGHAN:** So I don't want to review
18 the search issue, but it was suggested that there might
19 have been an issue of timing. But to your knowledge, from
20 the date you started your investigation in February to the
21 date of that search, have you ever been made aware that any
22 documents were removed or otherwise destroyed at the
23 residence of Mr. Lalonde, which would respond to the search
24 warrant?

25 **MR. SNYDER:** No.

1 **MR. CALLAGHAN:** We reviewed -- Commission
2 counsel reviewed with you issues relating to disclosure; do
3 you recall that?

4 **MR. SNYDER:** Yes.

5 **MR. CALLAGHAN:** All right. And Mr. -- well,
6 at one point you reviewed 1585, not 1585-A but 1585.

7 **MR. SNYDER:** Yes.

8 **MR. CALLAGHAN:** And 1585 stopped after the
9 April 14th, '97 entry which can be found at 1585-A, at Bates
10 page 8448; right?

11 **MR. SNYDER:** Okay. Where am I looking?
12 Sorry.

13 **MR. CALLAGHAN:** If you go to 1585-A, just --
14 -

15 **MR. SNYDER:** Yes.

16 **MR. CALLAGHAN:** --- so we're clear ---

17 **MR. SNYDER:** Yes.

18 **MR. CALLAGHAN:** --- these are the full
19 notes.

20 **MR. SNYDER:** Yes.

21 **MR. CALLAGHAN:** All right. Fifteen-eighty-
22 five (1585) stop -- sorry, I'm on -- I'm sorry, after ---

23 **THE COMMISSIONER:** Five-zero-zero-seven
24 (5007) is the one where the notes stop; in Exhibit A-85,
25 period, and Bates page 448 -- no, I have it in ---

1 **MR. CALLAGHAN:** You know what? Let me just
2 double-check to get it right for the record, Mr.
3 Commissioner.

4 **THE COMMISSIONER:** Yeah.

5 **MR. CALLAGHAN:** It's actually -- sorry, it's
6 the second last -- it's the last page, 8450, the Bates
7 page, the last set of sequential page in the notes, but
8 there is a note after that.

9 **THE COMMISSIONER:** And now I'm lost.

10 **MR. CALLAGHAN:** If you go to 8450.

11 **THE COMMISSIONER:** Eight (8) ---

12 **MR. CALLAGHAN:** Madam Clerk has got it on
13 the screen.

14 **THE COMMISSIONER:** Eighty-five (85) ---

15 **MR. CALLAGHAN:** This is the last page ---

16 **THE COMMISSIONER:** That's right.

17 **MR. CALLAGHAN:** --- of the notes.

18 **THE COMMISSIONER:** Yes, yes. And the
19 corresponding one in the main is 5007?

20 **MR. CALLAGHAN:** Right.

21 **THE COMMISSIONER:** Okay.

22 **MR. CALLAGHAN:** Okay. Just because this is
23 a point that came up the other day.

24 Okay. So the note -- the 1585 note ends
25 prior to the April 30th, '97 entry; correct?

1 **MR. SNYDER:** Yes.

2 **MR. CALLAGHAN:** All right. And the entry
3 above that is:

4 "Spoke with Lynn Robinson, Crown, she
5 advised that the bail hearing would be
6 done on Marcel Lalonde. Constable
7 Desrosiers prepared our duty counsel.
8 The accused waived his right at this
9 time."

10 For the purpose of a bail hearing, what is
11 required of you with respect to your notes?

12 **MR. SNYDER:** I had to make a photocopy of my
13 notes so they could have them at the bail hearing.

14 **MR. CALLAGHAN:** And what's done with those
15 notes as far as you're aware?

16 **MR. SNYDER:** They're put in a brief, the
17 bail hearing brief and left there.

18 **MR. CALLAGHAN:** And do you know who they're
19 given to eventually?

20 **MR. SNYDER:** The Crown.

21 **MR. CALLAGHAN:** And to who else?

22 **MR. SNYDER:** The defence.

23 **MR. CALLAGHAN:** All right. And if we --
24 there is a letter that was -- you were taken to letter 15 -
25 - the letter from Donna Ptak, Exhibit 1599.

1 **MR. SNYDER:** Yes.

2 **MR. CALLAGHAN:** All right. And she
3 referenced the note that they're looking for your notes
4 after April 3rd, 1997; do you see that?

5 **MR. SNYDER:** Yes.

6 **MR. CALLAGHAN:** All right. And what's your
7 understanding of what your final notes, with the April 30th
8 entry, were they, to your understanding, provided to the
9 defence?

10 **MR. SNYDER:** Yes.

11 **MR. CALLAGHAN:** All right. I'd like you to
12 take a look at the document that wasn't provided to you,
13 which is Doc 116863.

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

15 **MR. CALLAGHAN:** And I'd ask you to just keep
16 in mind that the letter that you're looking at is dated --
17 on the screen, the one that is the current exhibit,
18 September 13th, 1999.

19 **MR. SNYDER:** Yes.

20 **MR. CALLAGHAN:** I have Commission Document
21 116863. It should be in the Commission's ---

22 **THE COMMISSIONER:** It is on the screen now.

23 **MR. CALLAGHAN:** ---- document production.

24 **THE COMMISSIONER:** It should be.

25 **MR. CALLAGHAN:** Okay.

1 **THE COMMISSIONER:** Okay. So ---

2 **MR. CALLAGHAN:** So we don't -- physically
3 don't have the document. All right.

4 **THE COMMISSIONER:** No, so we will ---

5 **MR. CALLAGHAN:** Okay.

6 **THE COMMISSIONER:** --- reserve this for a --
7 what is the exhibit number we will give to this?

8 **THE CLERK:** One-six-three-nine (1639).

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

10 **THE CLERK:** One-six-three-nine (1639).

11 **THE COMMISSIONER:** One-six-three-nine (1639)
12 will be a letter to Claudette Wilhelm dated March 9th, 1998,
13 and I take it it would be from Donna Ptak.

14 --- **EXHIBIT NO./PIÈCE NO. P-1639:**

15 (116863) - Letter from Donna Ptak to
16 Claudette Wilhelm dated March 9, 1998

17 **MR. CALLAGHAN:** Right. So this is a letter
18 that ---

19 **MR. SNYDER:** Yes.

20 **MR. CALLAGHAN:** --- that's from the same
21 counsel again, on the same matter, being the Marcel Lalonde
22 matter?

23 **MR. SNYDER:** Yes.

24 **MR. CALLAGHAN:** All right. And it's dated
25 almost 13 months ahead of Exhibit 1599 which was April 13th,

1 '99?

2 MR. SNYDER: Correct.

3 MR. CALLAGHAN: All right. So let's go and
4 take a look at the last page. And she says:

5 "As a further follow-up to our letter
6 of December 17th, '99, we request the
7 following: ..."

8 And it says:

9 "Number 3, please provide any notes of
10 Staff Sergeant Snyder, Cornwall Police
11 Services, for the period subsequent to
12 April 30th, '97."

13 MR. SNYDER: Correct.

14 MR. CALLAGHAN: All right. And is it your
15 understanding that you had provided all disclosure up to
16 April 30th, 1997?

17 MR. SNYDER: Yes.

18 MR. CALLAGHAN: If I could then -- and just
19 -- in the Lalonde matter -- because I'm not sure it's been
20 said -- there were convictions for four of the seven
21 individuals?

22 MR. SNYDER: I believe so.

23 MR. CALLAGHAN: Do you recall?

24 MR. SNYDER: I can't recall. I think so.

25 MR. CALLAGHAN: But there were convictions?

1 **MR. SNYDER:** Yes, there were.

2 **MR. CALLAGHAN:** If we could then shift
3 gears, if I may say, to Exhibit -- if I can just pause one
4 second, Mr. Commissioner.

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

6 **MR. CALLAGHAN:** If I could then take you --
7 we'll just move on to the Landry criminal investigation
8 into the allegations of Earl Landry, Jr. Okay?

9 **MR. SNYDER:** Yes.

10 **MR. CALLAGHAN:** And what I'll be using as a
11 guide for sake of ease, are your notes, being Exhibit 1603.

12 **MR. SNYDER:** I'm sorry, the number again,
13 sir, please

14 **THE COMMISSIONER:** Sixteen-zero-three
15 (1603).

16 **MR. SNYDER:** Sixteen-zero-three (1603).

17 **MR. CALLAGHAN:** Now, in these notes, if you
18 have them before you, ---

19 **MR. SNYDER:** Yes.

20 **MR. CALLAGHAN:** --- you did a number of
21 investigations involving a number of people who were
22 assaulted by Earl Landry, Jr.; right?

23 **MR. SNYDER:** Yes.

24 **MR. CALLAGHAN:** So you did it -- and just to
25 be clear -- and I want to take you to this so it's clear on

1 the record, there are notes here that overlap
2 investigations. I'm going to show you so we get it clear
3 on the record. Okay?

4 MR. SNYDER: Yes.

5 MR. CALLAGHAN: So the first set of notes
6 starting with the Bates page 9328 ---

7 MR. SNYDER: Yes.

8 MR. CALLAGHAN: --- this deals with the main
9 investigation, if I could put that way, the one that
10 started it all, regarding C-52; correct?

11 MR. SNYDER: Yes.

12 MR. CALLAGHAN: All right. And you've
13 candidly indicated that you had communication with people
14 such as Carole Leblanc prior to the start of these notes on
15 February 18th, '97?

16 MR. SNYDER: Yes.

17 MR. CALLAGHAN: All right. So if we just
18 move ahead just so we're clear on the record, we go to
19 Bates page 9354.

20 THE COMMISSIONER: Nine-three-five-four
21 (9354).

22 MR. CALLAGHAN: And, again, I mean, as I
23 indicated earlier, Mr. Commissioner, I'm not sure whose
24 sets of notes these are, who put them away together this
25 way.

1 These are the start of the notes relevant to
2 C-54, if you look at the name?

3 **MR. SNYDER:** Yes.

4 **MR. CALLAGHAN:** All right.

5 If we go ahead again to Bates page 9364,
6 these deal with -- and I want to make sure I get the right
7 moniker ---

8 **THE COMMISSIONER:** C-53?

9 **MR. CALLAGHAN:** Yes, Mr. Commissioner.

10 **MR. SNYDER:** Yes.

11 **MR. CALLAGHAN:** It's almost like music;
12 people are following along.

13 If you go to the bottom -- and I hate to do
14 this ---

15 **THE COMMISSIONER:** Except you're not the
16 pied piper.

17 **MR. CALLAGHAN:** I can assure you I'm not,
18 even to my children.

19 Nine-three-seven-one (9371), and I hate to
20 do this because unfortunately this is the way it was
21 packaged. At the bottom of this, it tails off. Do you see
22 that? And I'm going to show you another document, just so
23 the record is complete, so it's not -- there's not a
24 problem, but if I could show him Document 740198.

25 **THE COMMISSIONER:** Can you scroll up again

1 and show me what page this is?

2 MR. CALLAGHAN: I'm on 9371.

3 THE COMMISSIONER: Yeah, but that's not
4 what's on the ---

5 MR. CALLAGHAN: No, you're right, Mr.
6 Commissioner. I'm sorry.

7 THE COMMISSIONER: It happens.

8 MR. CALLAGHAN: So it's 371.

9 THE COMMISSIONER: Yeah, that's -- okay.
10 We're there.

11 MR. CALLAGHAN: Okay.

12 THE COMMISSIONER: What do you mean by "it
13 tails off"?

14 MR. CALLAGHAN: Well, I'm going to show him
15 another document. Again, this is the issue, but there's
16 another set of full -- this note, in one spot in the notice
17 documents, and that's Document 740198, and before you mark
18 it, Mr. Commissioner, why don't I explain it and we can
19 decide the best way to mark it without making a mess of the
20 whole record.

21 THE COMMISSIONER: Okay.

22 MR. CALLAGHAN: But I just want to make sure
23 all of the notes are in.

24 THE COMMISSIONER: Let me see that we have
25 that here. So what's the new document you want to ---

1 **MR. CALLAGHAN:** It's 740198. It's one of
2 the documents the Commission gave notice on, but again, it
3 was repetitive but for this one point.

4 **THE COMMISSIONER:** Okay. So before we mark
5 it as an exhibit, let me have a peek at it.

6 **MR. CALLAGHAN:** Mr. Commissioner, if you go
7 to the second-last page of that document, you'll see it's
8 the same document as -- the same page as Bates page 9371.
9 If you turn it over, you'll see that it continues on. It
10 just didn't get picked up, for whatever reason, in Exhibit
11 1603.

12 I'm just trying to illustrate that ---

13 **THE COMMISSIONER:** No, they're exactly the
14 same.

15 **MR. CALLAGHAN:** Well, no, if you turn the
16 page ---

17 **THE COMMISSIONER:** Turn the page.

18 **MR. CALLAGHAN:** That's what I'm trying to
19 illustrate; the notes continue. If you turn the page in
20 the other, they go on to the next investigation. They go
21 on to the investigation of ---

22 **THE COMMISSIONER:** Well, I think -- am I
23 missing the point here?

24 **MR. CALLAGHAN:** No, I don't think you are.
25 I think maybe it's not that clear, but what I'm trying to

1 indicate is Exhibit -- at least my copy of Exhibit 1603
2 does not include the last notation.

3 **THE COMMISSIONER:** It should have Saturday,
4 June 28th? It sure does.

5 **MR. CALLAGHAN:** Okay. It must be the copy I
6 have.

7 **THE COMMISSIONER:** Oh, maybe -- I'll tell
8 you what -- yeah.

9 **MR. CALLAGHAN:** Mr. Commissioner, it might
10 be just the copy I have. If it -- 9372, it must be a copy
11 I have. My apologies.

12 **MR. SNYDER:** But I think, just to clarify,
13 the 9373, the next page, should be a start of the notes by
14 itself.

15 **MR. CALLAGHAN:** No, Mr. Commissioner, I've
16 just noticed when you put it on the screen that I have the
17 wrong document. So I will change my documents rather than
18 you change yours, and I apologize. So we can put that
19 document away. I'm glad I did that. I just wanted to make
20 sure all the documents are in front of you, sir.

21 All right. So if I could pause there for a
22 second, having wasted that time, can you tell us then, at
23 Bates page 9373, who -- these are the notes beginning with
24 -- if you can confirm ---

25 **MR. SNYDER:** The number is not there.

1 **MR. CALLAGHAN:** The number is not here.

2 It's C-55, sir.

3 **MR. SNYDER:** C-55?

4 **THE COMMISSIONER:** Yeah.

5 **MR. CALLAGHAN:** Okay. Well, that's all
6 right. Fine.

7 Sorry for belabouring the point, but I think
8 it's important that the notes are known as to what they are
9 before we start the process.

10 All right. So will you start at the
11 beginning, which is dealing with the notes for C-52, and
12 they start February 18th, '97; correct? Right at the
13 beginning.

14 **MR. SNYDER:** Yes.

15 **MR. CALLAGHAN:** All right.

16 And if I could then, on February 26th, did
17 you attend at CAS to review their files with respect to
18 Earl Landry?

19 **MR. SNYDER:** Yes, I did.

20 **MR. CALLAGHAN:** All right.

21 And what's the protocol with respect to --
22 at that time -- with respect to taking documents from CAS?

23 **MR. SNYDER:** I did not take any documents
24 from CAS. I sat down. I could take notes but could not
25 take documents away.

1 **MR. CALLAGHAN:** All right.

2 And was that -- and if you wanted a
3 document, what did you have to do?

4 **MR. SNYDER:** I don't know if they would have
5 given it to me.

6 **THE COMMISSIONER:** You'd need a warrant.

7 **MR. SNYDER:** Yes, I'm sorry. I guess ---

8 **MR. CALLAGHAN:** All right.

9 And so you're again getting information from
10 those files. For example, if you turn the page, you refer
11 to another -- one of the victims, C-51?

12 **MR. SNYDER:** Yes.

13 **MR. CALLAGHAN:** All right.

14 And you also found out at that time, just a
15 little bit further down on the page, that C-52 made
16 disclosure to Kathy Gignac; correct?

17 **MR. SNYDER:** Correct.

18 **MR. CALLAGHAN:** And we talked about that.

19 And I take it you then go back and you speak
20 to Sergeant Lefebvre?

21 **MR. SNYDER:** Correct.

22 **MR. CALLAGHAN:** All right.

23 And I take it at that time -- it doesn't
24 note it there, but you could not find his notes at that
25 time; correct?

1 **MR. SNYDER:** He could not find his notes;
2 correct.

3 **MR. CALLAGHAN:** And I take it they
4 subsequently come up much later?

5 **MR. SNYDER:** Yes.

6 **MR. CALLAGHAN:** All right.

7 And I take it you then start trying to meet
8 with these people, if you turn over the page. Again, you
9 go to Social Services to get some numbers so that you can
10 make contact with them, right?

11 **MR. SNYDER:** Yes.

12 **MR. CALLAGHAN:** All right.

13 And you contact both C-53 and C-52?

14 **MR. SNYDER:** Correct.

15 **MR. CALLAGHAN:** And you talk to -- and if
16 you go over the page, you get a hold of C-52 and he comes
17 in?

18 **MR. SNYDER:** Correct.

19 **MS. JONES:** Mr. Commissioner, I just am
20 finding that the CPS counsel is taking a very long time to
21 actually get to the point of a question. I think that a
22 lot of his questions have just gone over evidence that's
23 already been entered. We accept that all these contacts
24 were made and that eventually he got in contact, for
25 example, with C-52, but he's going over all the points of

1 contact before actually getting to the point, and I'm just
2 wondering if perhaps instead of going over all the evidence
3 we've already heard, that he could just perhaps focus on
4 the questions more.

5 **THE COMMISSIONER:** Well, no ---

6 **MR. CALLAGHAN:** I mean, part of what we're
7 trying to do is educate the people how you do this and take
8 them through it in a chronological fashion so they can
9 understand how -- what is the institutional response. I'm
10 trying not to belabour it. The point is to -- and other
11 Commission counsel have done it with them -- is to go
12 through and say, "Okay, let's see what the institutions
13 did. How did they proceed with this investigation?"

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

15 **MR. CALLAGHAN:** And I think it's helpful for
16 the public to understand what it is Sergeant Snyder did,
17 particularly, in light of comments about the quality of the
18 investigations people are making that he knows what they --
19 what he did so they can assess it because they're not, you
20 know, looking at the notes et cetera; they're listening and
21 following along.

22 **THE COMMISSIONER:** I'm wondering if we can
23 come to a compromise on that? I understand your point ---

24 **MR. CALLAGHAN:** I know and it's ---

25 **THE COMMISSIONER:** --- but it's laborious so

1 ---

2 **MR. CALLAGHAN:** I think the point is, so is
3 investigating. The point is that's what the institutional
4 response is largely; a laborious exercise of going through
5 it, finding people, working away and diligently working.
6 And I'm trying to illustrate that this officer did that and
7 if it's going to be suggested otherwise, I think he's --
8 you know, and I don't mean to belabour it, but I think the
9 institutional response has to be out there that -- and I
10 don't mean to drag the thing out unnecessarily, sir.

11 **THE COMMISSIONER:** No, okay, but I'm
12 wondering if we could -- no one -- could you highlight the
13 areas where -- I mean, let's face it, he gets -- I mean,
14 there are other issues here about the prior complaints, but
15 this -- Sergeant Snyder shows up on scene, he's assigned
16 the file. On February 18th, 1997, he goes through it and
17 then the charges are laid in March; right?

18 **MR. CALLAGHAN:** Right.

19 **THE COMMISSIONER:** Or April?

20 **MR. CALLAGHAN:** In April -- May?

21 **THE COMMISSIONER:** Which we've heard of in
22 INSET, that's pretty good timewise.

23 **MR. CALLAGHAN:** Well, and it's not just
24 that, sir, it's ---

25 **THE COMMISSIONER:** No, no, no, I know it's

1 not just that, obviously not, but where are the areas of
2 concern? You know, if people are cross-examined and
3 pinpointed some areas of concern, I could see where you'd
4 go there and do that, but in the end we're probably arguing
5 this point and probably in that time you could have covered
6 a lot of ground, I suppose.

7 **MR. CALLAGHAN:** No, and I agree. I mean,
8 there are certainly issues that people have raised and I
9 intend to deal with them.

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

11 **MR. CALLAGHAN:** And I intend to deal with
12 them, but I think there are a couple of things.

13 One, Mr. Commissioner, I would have liked to
14 have seen that, for example, there were lots of interviews
15 done. No interview statements -- very few interview
16 statements have been filed.

17 **THE COMMISSIONER:** Right.

18 **MR. CALLAGHAN:** So someone looks at the
19 record, someone's going to say, m'hm, they didn't do
20 anything. And yet I know -- and I don't think you've seen
21 them and maybe they're routine, but people should
22 understand. They meet people, they interview people.
23 These are not investigations where people are -- and the
24 allegations that are being made, as Mr. Lee says, there's
25 an allegation of cover-ups. If it's a cover-up, then we

1 don't do this kind of work it's my submission the other
2 day. I've got to be able to put out what we did.

3 Now, maybe there's a compromise, sir, that
4 we can file those and you can have regard to the fact that
5 they did all that and you can assess it but, I mean, that's
6 what we're faced with as an institution where we see
7 officers who we believe to have done good work throughout.
8 And maybe at the end of the day, sir, you will say, you
9 know what, this one could have been done better, that part
10 could have been done better ---

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

12 **MR. CALLAGHAN:** --- and as Sergeant Snyder
13 said in his statement, we're looking forward to some input
14 about how to do stuff ---

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

16 **MR. CALLAGHAN:** --- but the concern that
17 people are -- they're just not -- I don't think they're
18 getting the feel for the level of work and diligence that
19 went on in this. And I don't want to belabour it. I'm
20 just thinking how I can shorten it. My problem is my
21 examination ---

22 **THE COMMISSIONER:** Is based on ---

23 **MR. CALLAGHAN:** --- but, I mean, I'm happy
24 to -- I'm not going to finish today anyway, sir.

25 I'm happy to consider it and -- there's -- I

1 still have -- there are a couple of other investigations
2 this office, unless we're going to stay particularly late,
3 but that's the difficulty and I'm happy to work to get this
4 into the record as easily as possible.

5 **THE COMMISSIONER:** Okay, well, you see, I
6 don't see that there's very great difficulty from any of
7 the parties as to his conduct of what he did when he came
8 on the investigations themselves. What he did or what
9 happened, I think the concern is the 1990 -- the 1980 what
10 -- the prior complaint and why it wasn't dealt with.

11 **MR. CALLAGHAN:** Right, and I'll deal with
12 that when I get to the ---

13 **THE COMMISSIONER:** Right ---

14 **MR. CALLAGHAN:** --- other end of it.

15 **THE COMMISSIONER:** --- but is there really
16 much complaint about what he did from the beginning to the
17 -- of, you know, when he got this file and to the charge is
18 being laid?

19 **MR. CALLAGHAN:** Well, I mean, I don't have a
20 problem in the sense that there are certain issues, as you
21 say, that people have raised, no question, and I will deal
22 with them.

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

24 **MR. CALLAGHAN:** There is though -- I'm going
25 to say at the end of the day, and if you could just close

1 your ears, witness, that this is a good officer who works
2 diligently and that you have to be able to see that through
3 the files and the work, and the suggestion that there's
4 something other than that going on is not appropriate. And
5 it may be that we can do this off the record, I mean, off
6 the record, off the record as filed, and there's much of it
7 that hasn't been filed at the moment, as far as I'm
8 concerned.

9 And I'm happy to work with Commission
10 counsel. This is a fluid process, I understand, sir, of
11 which, you know, you're running -- I think it was Vinny who
12 called it a caravan. You're running the caravan and I
13 don't mean to delay the caravan ---

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

15 **MR. CALLAGHAN:** --- but as an institution,
16 obviously, there is a need to make sure that, you know,
17 good officers are seen in a good light and that it is --
18 and I'm just trying to think of a way to do this.

19 I could well go on to another subject and
20 come back to this tomorrow and turn my mind to it.

21 **THE COMMISSIONER:** All I'm saying is that at
22 this point, in any event, I don't know that there are --
23 and I don't want to -- I don't think there are serious
24 concerns about how this officer went about his
25 investigation from February, 1997 to the date of the

1 charge.

2 MS. JONES: Yes, Mr. Commissioner, I can go
3 on record and say that certainly from my standpoint, I
4 don't believe I asked any questions or raised any concerns
5 at all from the time he received the file or started the
6 file in February -- I believe he had the first contact
7 February 12th, 1997 and he extracted a confession from him
8 in May -- I don't believe that there were any questions
9 about his competency. He did a fine job and I don't
10 believe there's been any other counsel that have questioned
11 his conduct during that particular period of time. As with
12 the Lalonde investigation as well, there's been -- there
13 was obviously a successful prosecution on that.

14 The focus of this Inquiry has to be though
15 on the issues that cause other people concerns and I don't
16 think that any of the issues of this Inquiry are linked to
17 this officer's conduct during that investigation between
18 February 12th, 1997 and the first arrest of Earl Landry, Jr.
19 That is not a particular concern.

20 I'm sure there are many files that this
21 officer has worked on and done an excellent job on. We're
22 not going to hear about all of those today either. The
23 focus just has to be on issues that have been raised as a
24 result of this Inquiry and the concerns raised by
25 Commission counsel as well as the other counsel here.

1 **MR. CALLAGHAN:** And I accept all those
2 things and I'm sure -- I'm grateful for hearing them, but
3 the difficulty is there's a whole public out there and I
4 don't want to belabour this; there's a public listening,
5 drawing there own conclusions ---

6 **THE COMMISSIONER:** Right, but the Commission
7 counsel just got up and said, look it, for this block here,
8 I don't know that you have any serious concerns about that.
9 I think if you look at the Landry matter, it's the issue of
10 the conspiracy, what happened with the former Chief and
11 Chief Shaver and whether or not it was proper for this
12 officer to do an investigation of that, those kinds of
13 things, but for this part here, but -- but ---

14 **MR. CALLAGHAN:** But, but, but.

15 **THE COMMISSIONER:** --- but I recognize that
16 it's your institution, it's your time to put forward what
17 you think is best and so I'll sit back. Do it as you think
18 is best.

19 **MR. CALLAGHAN:** Thank you, Mr. Commissioner.
20 I am happy to, as I've said in the past, work with
21 Commission counsel ---

22 **THE COMMISSIONER:** Okay.

23 **MR. CALLAGHAN:** --- in a way that makes sure
24 the record is complete ---

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

1 **MR. CALLAGHAN:** --- that an agreed statement
2 could be done on something such as this ---

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

4 **MR. CALLAGHAN:** --- that would shorten it.
5 That had not been done, but I will, hopefully, with the
6 understanding from Commission counsel that we can go back
7 and put in a proper record, and by which I mean the file in
8 terms of all the investigations so ---

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

10 **MR. CALLAGHAN:** --- people understand when
11 they look at something. I'll try to cut this down a little
12 bit ---

13 **THE COMMISSIONER:** Sure.

14 **MR. CALLAGHAN:** --- but there are certain
15 elements that we ---

16 **THE COMMISSIONER:** No.

17 **MR. CALLAGHAN:** --- probably have to review.
18 All right.

19 **THE COMMISSIONER:** And ---

20 **MR. CALLAGHAN:** So where I was ---

21 **THE COMMISSIONER:** Before you go on ---

22 **MR. CALLAGHAN:** I'm sorry.

23 **THE COMMISSIONER:** --- Exhibit 1639 is the
24 letter to Claudette Wilhelm which we saw on the screen
25 which is now here in paper form.

1 Okay, go ahead.

2 **MR. CALLAGHAN:** So just so I'm clear, so you
3 -- and this is a key point, you meet C-52 on March 17th and
4 you go over his story with him; correct?

5 **MR. SNYDER:** I'm sorry, the date again?
6 Sorry.

7 **MR. CALLAGHAN:** I'm sorry, I thought we were
8 all on the same page, March 17th, '97.

9 **THE COMMISSIONER:** Three three one (331).

10 **MR. SNYDER:** Yes.

11 **MR. CALLAGHAN:** All right. And you do go
12 through, and I think so, and today just put in the
13 statement of C-52. So if we go over to March 18th, '97, you
14 reference a meeting with C-51?

15 **MR. SNYDER:** Correct.

16 **MR. CALLAGHAN:** And if I could ask you to
17 look at -- because it has come up today -- Exhibit Number
18 1633. Just to confirm that's the statement. You've got it
19 handy.

20 And I will be coming back to this. I just
21 want to draw -- there is just one line that I will bring
22 back into this, Mr. Commissioner, later. I don't suggest
23 it needs to be read into the record, but I think you should
24 have a word with it just because it comes up in a letter
25 that this officer does.

1 If you go about halfway up and you see \$2.00
2 to \$5.00?

3 **MR. SNYDER:** Yes.

4 **MR. CALLAGHAN:** All right. If you go down
5 and you read -- I don't want you to read that sentence out
6 loud -- but below the word "put" and then "he did something
7 several times".

8 **MR. SNYDER:** Yes.

9 **MR. CALLAGHAN:** All right, so that's -- I
10 don't think I need to read that into the record, Mr.
11 Commissioner, but that's something I am going to come back
12 to, okay?

13 And then you also, I take it, on the next
14 page, spoke to his mother, and you got from her a statement
15 which was also put in this morning; right?

16 **MR. SNYDER:** Yes.

17 **MR. CALLAGHAN:** Okay. And we will come back
18 to that.

19 And you then speak to -- you then, on April
20 1st, '97, you meet with C-52 and you asked him whether he is
21 ready to proceed?

22 **MR. SNYDER:** Yes.

23 **MR. CALLAGHAN:** And is that customarily one
24 of the things you might do?

25 **MR. SNYDER:** Yes.

1 **MR. CALLAGHAN:** All right. And why is that?

2 **MR. SNYDER:** I want to make sure that they
3 are prepared to go forward, that nothing is changed in
4 their life and ensure that they are comfortable in going
5 forward.

6 **MR. CALLAGHAN:** All right, so we can go over
7 then to Bates page 336. And here, you are speaking to C-
8 51; right?

9 **MR. SNYDER:** Yes.

10 **MR. CALLAGHAN:** Bates page 336, same
11 document, Document 1603.

12 And it says:

13 "I spoke with C-51. He advised at this
14 time in his life he does not wish to
15 proceed with charges that he may ... "

16 It may be ---

17 **MR. SNYDER:** "... decide" ---

18 **MR. CALLAGHAN:** You continue on your
19 reading.

20 **MR. SNYDER:** "... may decide later in time,
21 but he cannot go through with right
22 now. "

23 **MR. CALLAGHAN:** Go on, "He was advised ..."

24 **MR. SNYDER:** "He was advised that when he
25 was ready to contact me or if he could

1 not contact me, any male of the
2 service."

3 **MR. CALLAGHAN:** All right. And then if you
4 go down to the May 22nd entry, this is you speaking to C-52
5 to discuss whether he is willing to proceed in the absence
6 of C-51?

7 **MR. SNYDER:** Correct.

8 **MR. CALLAGHAN:** And why did you do that?

9 **MR. SNYDER:** Because the hope was I was
10 going to have two individuals come together. Obviously,
11 it's easier for everybody. C-52 was aware that I was
12 trying to get another -- we did have another victim out
13 there, and I was making him aware that that person wasn't
14 ready to come forward and was he still willing to go
15 forward on his own.

16 **MR. CALLAGHAN:** All right. And then to go
17 over to May 26th, '97, and this is you meeting with Earl
18 Landry?

19 **MR. SNYDER:** May 23rd, I believe, sir.

20 **MR. CALLAGHAN:** Sorry.

21 **THE COMMISSIONER:** No, he was -- well, he
22 said Monday, May 26th.

23 **MR. SNYDER:** Twenty-sixth (26th) is ---

24 **MR. CALLAGHAN:** I have May 26th, I just --
25 yes, I'm right.

1 **THE COMMISSIONER:** You're right.

2 **MR. SNYDER:** Yes, sorry, you're right.

3 **MR. CALLAGHAN:** And I take it you also took
4 the time to find out -- and I won't take you to the notes
5 just for speed -- but you took to find out the layout and
6 tried to get plans for the layout of the hut, the little
7 house in the park?

8 **MR. SNYDER:** Correct, yes.

9 **MR. CALLAGHAN:** Right. And that's where
10 some of the events took place?

11 **MR. SNYDER:** Correct.

12 **MR. CALLAGHAN:** And were you able to get
13 plans for that?

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

15 **MR. CALLAGHAN:** But you tried?

16 **MR. SNYDER:** I tried.

17 **MR. CALLAGHAN:** All right. So you then go to
18 May 26th, '97, and you interviewed him for approximately, by
19 the look of that, from 13:13 to 13:45?

20 **MR. SNYDER:** Correct.

21 **MR. CALLAGHAN:** All right. And that's a
22 videotape?

23 **MR. SNYDER:** Yes.

24 **MR. CALLAGHAN:** All right, and that's
25 available if someone wants to look at it?

1 **MR. SNYDER:** Yes.

2 **MR. CALLAGHAN:** All right. And if you go to
3 Document 740014, if I could have.

4 **THE COMMISSIONER:** Thank you. Exhibit
5 Number 1640 is a witness statement for Earl James Landry
6 taken the 26th of May 1997.

7 **--- EXHIBIT NO./PIÈCE NO P-1640:**

8 (740014) - Witness Statement of Earl Landry
9 dated 26 May 97

10 **MR. CALLAGHAN:** All right. And I won't read
11 it but this is him confessing with respect to C-52.

12 **MR. SNYDER:** Correct.

13 **MR. CALLAGHAN:** All right. Now, just so I
14 am clear, after your interview, a half an hour or so, you
15 then do this statement?

16 **MR. SNYDER:** Correct, I ---

17 **MR. CALLAGHAN:** There is a written form of
18 it somewhere.

19 **MR. SNYDER:** He wrote it himself. I left
20 the room, left by himself to write it.

21 **MR. CALLAGHAN:** So you had the confession on
22 tape and a written confession?

23 **MR. SNYDER:** Correct.

24 **MR. CALLAGHAN:** All right. And then if you
25 go back to the notes, he talks about calling -- he wanted

1 to call father ---

2 MR. SNYDER: Mother.

3 MR. CALLAGHAN: And mother?

4 MR. SNYDER: Yes.

5 MR. CALLAGHAN: So did you offer him to
6 speak to a lawyer?

7 MR. SNYDER: Yes.

8 MR. CALLAGHAN: And did he -- and who -- and
9 he wanted to speak to his father?

10 MR. SNYDER: He wanted to speak to his
11 father and mother.

12 MR. CALLAGHAN: All right. He's a married
13 man?

14 MR. SNYDER: Yes.

15 MR. CALLAGHAN: All right. We can go over
16 to the next page. And -- now, these notes relate to you
17 going out, getting the form, having him fill out the form?

18 MR. SNYDER: Correct.

19 MR. CALLAGHAN: This is what -- the written
20 portion of 1640?

21 MR. SNYDER: Yes.

22 MR. CALLAGHAN: All right. And if you can
23 read the entry at 15:18.

24 THE COMMISSIONER: Bates page please?

25 MR. SNYDER: Fifteen eighteen (15:18).

1 **MR. CALLAGHAN:** I'm sorry, I apologize, next
2 Bates page, 339.

3 **MR. SNYDER:** "I entered the room ..." -- do
4 you want me to read this?

5 **MR. CALLAGHAN:** Yes, please.

6 **MR. SNYDER:** "... entered the room, and asked
7 how he was doing. Still on phone, he
8 stated he called his father and aunt.
9 I asked if he wanted me to call a Legal
10 Aid lawyer for him because he was being
11 held for bail hearing and would not be
12 released until tomorrow."

13 **MR. CALLAGHAN:** All right. And then so he
14 calls his father. Do you know whether he ever calls a
15 lawyer?

16 **MR. SNYDER:** He did not.

17 "I left room, he called ..."

18 Yes, I think he did. I called the duty
19 counsel lawyer for him.

20 **MR. CALLAGHAN:** All right, but you did the
21 calling for him?

22 **MR. SNYDER:** Yes.

23 **MR. CALLAGHAN:** Okay, so if you could go
24 over the next page, 340.

25 **MR. SNYDER:** Yes?

1 **MR. CALLAGHAN:** Fifteen forty-six (15:46),
2 you're letting your victim know?

3 **MR. SNYDER:** Yes.

4 **MR. CALLAGHAN:** All right.

5 **MR. SNYDER:** Well, I contact, I don't -- I
6 don't get a hold of him, but I've left a message for him to
7 contact me.

8 **MR. CALLAGHAN:** Sorry. And you know what?
9 I spoke too soon. We'll come up to it shortly.

10 And the next, the notes -- so we're clear on
11 the record -- the notes at Bates page 341 and 342 are your
12 rough notes?

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

14 **MR. CALLAGHAN:** That you're doing at the
15 time?

16 **MR. SNYDER:** Yes.

17 **MR. CALLAGHAN:** All right. And then if you
18 go to Bates page 343 on May 27th, this is when you actually
19 speak to C-52; correct?

20 **MR. SNYDER:** Correct.

21 **MR. CALLAGHAN:** All right. Now, we had
22 discussions regarding the bail issue?

23 **MR. SNYDER:** Yes.

24 **MR. CALLAGHAN:** You recall that?

25 **MR. SNYDER:** Yes.

1 **MR. CALLAGHAN:** All right. And if I could
2 ask you to be shown exhibit -- pardon me, Document 740637.

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

4 **MR. CALLAGHAN:** Now, if I -- well --

5 **THE COMMISSIONER:** Thank you.

6 **MR. CALLAGHAN:** Thank you.

7 **THE COMMISSIONER:** Exhibit 1641 is entitled
8 "Show Cause Hearing Report Overview and the date is May 26,
9 1997."

10 **--- EXHIBIT NO./PIÈCE NO. P-1641:**

11 (740637) - Show Cause Hearing Report for
12 Earl Landry Jr. dated 26 May 97

13 **MR. CALLAGHAN:** And, Staff Sergeant Snyder,
14 who prepared this?

15 **MR. SNYDER:** I did.

16 **MR. CALLAGHAN:** And this relates to the bail
17 for Earl Landry after this charge on C-52?

18 **MR. SNYDER:** Correct.

19 **MR. CALLAGHAN:** All right.
20 And what's -- who gets this?

21 **MR. SNYDER:** This is for the Crown to get.
22 It's basically my thoughts on release of the individual.

23 **MR. CALLAGHAN:** All right.

24 And who is responsible for making the
25 submission to the judicial officer on the bail hearing?

1 **MR. SNYDER:** The Crown attorney.

2 **MR. CALLAGHAN:** All right.

3 So this was given to a Crown attorney?

4 **MR. SNYDER:** Correct.

5 **MR. CALLAGHAN:** And if we could turn over to
6 Bates page 472? And you see at the top "Bail opposed/not
7 opposed"?

8 **MR. SNYDER:** Yes.

9 **MR. CALLAGHAN:** And it says "Primary grounds
10 and secondary grounds"?

11 **MR. SNYDER:** Yes.

12 **MR. CALLAGHAN:** All right.

13 And you ticked off "secondary grounds" and
14 you wrote something. Can you just read it out?

15 **MR. SNYDER:** "The accused is currently
16 charged with sexual offences. There
17 was another victim. However, at this
18 time he does not wish to proceed. His
19 job at the Bob Turner puts him in
20 contact with other children.
21 Therefore, for public safety he must be
22 kept to prevent any possible offences."

23 **MR. CALLAGHAN:** All right.

24 Now, you'd indicated that's a recommendation
25 to the Crown. Is that a recommendation to oppose bail?

1 **MR. SNYDER:** To oppose bail.

2 **MR. CALLAGHAN:** All right.

3 And now, they have -- the next, I take it,

4 it says:

5 "Bail with conditions."

6 This is if you lose?

7 **MR. SNYDER:** Basically. The next one is:

8 "However, if you aren't able to get
9 this person to remain in custody, these
10 are the recommendations that I would
11 put forward."

12 **MR. CALLAGHAN:** All right.

13 And your recommendations are over to the
14 next page?

15 **MR. SNYDER:** Correct.

16 **MR. CALLAGHAN:** All right.

17 And it refers to reporting weekly?

18 **MR. SNYDER:** Yes.

19 **MR. CALLAGHAN:** To reside at -- whose house
20 is that?

21 **MR. SNYDER:** That's his dad's house.

22 **MR. CALLAGHAN:** His dad's house. All right.
23 So he wouldn't be residing with his family?

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

25 **MR. CALLAGHAN:** All right.

1 And not to have contact with C-52?

2 MR. SNYDER: Correct.

3 MR. CALLAGHAN: All right.

4 And then -- and if you switch to the bottom
5 part and just "Other conditions".

6 MR. SNYDER: "Have a copy of the bail
7 hearing sheet with him at all times."

8 MR. CALLAGHAN: And then the last one "Other
9 conditions."

10 MR. SNYDER: "Not to be left alone or
11 in company of anyone under the age of
12 16 years without another adult
13 present."

14 MR. CALLAGHAN: All right.

15 And if we could take a look at Exhibit 1604,
16 which was put to you -- were you at the bail hearing?

17 MR. SNYDER: No, I was not.

18 MR. CALLAGHAN: So you don't know whether
19 the Crown made the submissions you suggested on refusing
20 bail?

21 MR. SNYDER: Correct.

22 MR. CALLAGHAN: Mr. Commissioner, are you
23 ready?

24 THE COMMISSIONER: I'm ready, sure.

25 MR. CALLAGHAN: Sorry, I -- sorry, I just

1 wanted to make sure. Okay.

2 So this is the actual recognizance of bail
3 that we reviewed the other day?

4 **MR. SNYDER:** Yes.

5 **MR. CALLAGHAN:** All right.

6 And they did accept your -- some of your
7 alternate conditions, right?

8 **MR. SNYDER:** I don't have a hardcopy. I'm
9 going through -- I think she'll have to scroll down for me
10 a little bit

11 **THE COMMISSIONER:** It should be the back
12 page, next page, Madam Clerk.

13 **MR. SNYDER:** Yes.

14 **MR. CALLAGHAN:** All right.

15 And they have him residing at his father's
16 place; correct?

17 **MR. SNYDER:** Correct.

18 **MR. CALLAGHAN:** All right.

19 Now, he's not to associate with C-52 and C-
20 51?

21 **MR. SNYDER:** Correct.

22 **MR. CALLAGHAN:** All right.

23 And then not to attend any public park or
24 facility where persons under the age of 14 may be found.

25 **MR. SNYDER:** Found. That's correct.

1 MR. CALLAGHAN: Do you see that?

2 MR. SNYDER: Correct. Yeah.

3 MR. CALLAGHAN: And that was not your
4 recommendation?

5 MR. SNYDER: No.

6 MR. CALLAGHAN: Your recommendation was not
7 to be in the presence of anyone under the age of 16?

8 MR. SNYDER: Without an adult present.

9 MR. CALLAGHAN: And then they add a last one
10 regarding assessment; correct?

11 MR. SNYDER: Correct.

12 MR. CALLAGHAN: Now, just to -- if you could
13 go to May 27th, you obviously -- I take it you advise C-52?

14 MR. SNYDER: Correct.

15 MR. CALLAGHAN: All right.

16 And then you go on and you advise on May 28th
17 -- you speak to Carole Leblanc?

18 MR. SNYDER: Correct.

19 MR. CALLAGHAN: All right.

20 And they indicate that they're conducting an
21 investigation into the three children?

22 MR. SNYDER: Correct.

23 MR. CALLAGHAN: And you again spoke to C-52
24 on May 29th regarding the -- or C-52 on the -- as to the
25 conditions again on May 29th?

1 **MR. SNYDER:** Yes.

2 **MR. CALLAGHAN:** And then again, over the
3 next page, on June 10th, you contact C-51 and advise him at
4 1435 of the charges and then ---

5 **MR. SNYDER:** Yes.

6 **MR. CALLAGHAN:** --- he advised you that he's
7 now willing to proceed?

8 **MR. SNYDER:** Yes.

9 **MR. CALLAGHAN:** All right.

10 So it made a difference?

11 **MR. SNYDER:** It made a difference.

12 **MR. CALLAGHAN:** All right.

13 And you talked earlier about the comfort of
14 people knowing that others are prepared to go forward?

15 **MR. SNYDER:** Yes.

16 **MR. CALLAGHAN:** All right.

17 And if we could just -- just to keep the
18 chronology here, if we could go in then, Mr. Commissioner,
19 to Bates page 9364. Sorry; I thought we were in the notes,
20 Exhibit -- same exhibit, Exhibit 1603.

21 **THE COMMISSIONER:** Yes, but she is at the
22 recognizance of bail.

23 **MR. CALLAGHAN:** Oh, I'm sorry, Mr.
24 Commissioner. I wasn't ---

25 **THE COMMISSIONER:** So you want the doc

1 number?

2 MR. CALLAGHAN: Exhibit 1603. And what I'm
3 at is 9364. Okay.

4 So you have the charge now on C-52 -- charge
5 on Landry, I should say?

6 MR. SNYDER: Yes.

7 MR. CALLAGHAN: All right.

8 And so we're now at 9364 and this starts the
9 investigation regarding C-53?

10 MR. SNYDER: Yes.

11 MR. CALLAGHAN: All right.

12 And did we ever learn how it is that C-53
13 comes forward?

14 MR. SNYDER: A newspaper article.

15 MR. CALLAGHAN: On the ---

16 MR. SNYDER: The arrest and charging.

17 MR. CALLAGHAN: And I take it you would've
18 had a press release on it?

19 MR. SNYDER: Yes.

20 MR. CALLAGHAN: All right.

21 And he goes through, with you, his
22 information, right?

23 MR. SNYDER: Correct.

24 MR. CALLAGHAN: And then he goes over to the
25 next page and you make an appointment to see him on the

1 29th, '97?

2 MR. SNYDER: Correct.

3 MR. CALLAGHAN: And again, I won't take you
4 through the laborious process, but he gives you names and
5 you follow up on the names?

6 MR. SNYDER: Yes.

7 MR. CALLAGHAN: All right.

8 And I take it, just to illustrate what we
9 were talking about over on June 17th, you're talking to a
10 fellow at the bottom on Tuesday, June 17th at 366, the next
11 page.

12 MR. SNYDER: Yeah.

13 MR. CALLAGHAN: Received a call and the
14 person is irrelevant and that he advised that Earl was --
15 maybe you could -- always, sorry, perhaps you could read
16 that?

17 MR. SNYDER: Well, basically, it was ---

18 MR. CALLAGHAN: You don't need to read the
19 name, but ---

20 MR. SNYDER: "Received a call from the
21 person. He advised that Earl always
22 treated him well, never tried anything
23 sexual on him and never saw or heard
24 anything about anyone else."

25 MR. CALLAGHAN: And you go through and you

1 have similar experiences with others ---

2 MR. SNYDER: Correct.

3 MR. CALLAGHAN: --- where they weren't aware
4 of anything?

5 MR. SNYDER: Correct.

6 MR. CALLAGHAN: All right.

7 And that's not uncommon?

8 MR. SNYDER: Correct.

9 MR. CALLAGHAN: And then if you go over to
10 June 10th, '97, you have a statement of C-53?

11 MR. SNYDER: Yes, he took it home to write
12 it and came back with it.

13 MR. CALLAGHAN: And if we could refer -- and
14 again, we'll just put the OMPPAC ones, if that's
15 acceptable, Mr. Commissioner, Doc. 740018.

16 (SHORT PAUSE/COURTE PAUSE)

17 MR. CALLAGHAN: And you had already spent a
18 considerable amount of time with him ---

19 MR. SNYDER: Yes.

20 MR. CALLAGHAN: --- prior to that?

21 MR. SNYDER: Yes.

22 THE COMMISSIONER: Exhibit 1642 is a Witness
23 Statement of C-50 ---

24 MR. CALLAGHAN: Three.

25 THE COMMISSIONER: I'm sorry?

1 **MR. CALLAGHAN:** Fifty-three (53).

2 **THE COMMISSIONER:** Fifty-three (53), thank
3 you. The statement time is the 10th of June, 1997.

4 **--- EXHIBIT NO./PIÈCE NO. P-1642:**

5 (740018) - Witness Statement of C-53 dated
6 October 6, 1997

7 **MR. CALLAGHAN:** I take it you then -- let's
8 say you go in and you interview others?

9 **MR. SNYDER:** Correct.

10 **MR. CALLAGHAN:** Including the mother?

11 **MR. SNYDER:** Correct.

12 **MR. CALLAGHAN:** And I will take it that we
13 can put those documents in later, Mr. Commissioner, to save
14 the time.

15 **MR. SNYDER:** The wife as well.

16 **MR. CALLAGHAN:** The wife as well.

17 And you then charge Earl Landry; correct?

18 **MR. SNYDER:** Correct.

19 **MR. CALLAGHAN:** All right.

20 And I just want to show you a document, and
21 I -- and it's a document, Mr. Commissioner, as a
22 representative of documents just because the issue of press
23 releases, et cetera, has been an issue, I thought one
24 should be in the record. This is the one I readily found
25 last night, and it's Document 740349.

1 **THE COMMISSIONER:** Thank you. Exhibit
2 Number 1643 is a news release dated June 30th, 1997.

3 **--- EXHIBIT NO./PIÈCE NO. P-1643:**

4 (740349) - News Release from Cornwall Police
5 Service dated June 30, 1997

6 **MR. CALLAGHAN:** All right.

7 And this would relate to the incidents
8 regarding C-53?

9 **MR. SNYDER:** Yes.

10 **MR. CALLAGHAN:** All right.

11 And is this typical of the types of news
12 releases that would come out?

13 **MR. SNYDER:** Yes.

14 **MR. CALLAGHAN:** Now, a quick pause, Mr.
15 Commissioner.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. CALLAGHAN:** All right.

18 And I take it if we can go over to the entry
19 on 9352, and this date, Mr. Commissioner, is June 28th, '97.

20 And then just to be clear, I take it the
21 charges in terms of the two counts dealt with not only --
22 it was not only at that time C-53, but also C-51 who is now
23 emboldened by C-52?

24 **MR. SNYDER:** Correct.

25 **MR. CALLAGHAN:** All right.

1 So they're both together on the same -- you
2 bring those charges forward at the same time?

3 **MR. SNYDER:** Well, they came in differently
4 because the C-52 is obviously the first one who came
5 through, then C-51 came through. So that information was
6 sent up.

7 **MR. CALLAGHAN:** That was done before?

8 **MR. SNYDER:** Before?

9 **MR. CALLAGHAN:** Before C ---

10 **MR. SNYDER:** Fifty-three (53)?

11 **MR. CALLAGHAN:** Fifty-three (53)?

12 **MR. SNYDER:** Yes.

13 **MR. CALLAGHAN:** Okay. So just as an
14 illustration here, at 9:32 you're calling Earl Landry to
15 advise him of the charges, right?

16 **MR. SNYDER:** Yes.

17 **MR. CALLAGHAN:** At 10:05 you leave him in
18 interview number one?

19 **MR. SNYDER:** Correct.

20 **MR. CALLAGHAN:** And on this time, he now
21 wants to talk to his lawyer, not his father; right?

22 **MR. SNYDER:** No, he said that -- he advised
23 that he had called his lawyer before coming to the station.

24 **MR. CALLAGHAN:** I see. All right.

25 **MR. SNYDER:** And basically I asked what he

1 wanted -- I asked him to give me a statement and he advised
2 that he wanted to say -- didn't want to say anything about
3 the charge on the advice of his lawyer.

4 **MR. CALLAGHAN:** Okay. If we could then look
5 at the next matter that comes in, and it deals with C-54,
6 and you take a statement from him. And if I could ask you
7 to see Document 740106?

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **THE COMMISSIONER:** Thank you. Exhibit P-
10 1643 is a witness statement.

11 **MR. CALLAGHAN:** And ---

12 **THE COMMISSIONER:** Just a second. Just a
13 second. Of C-54 on the 29th of the 7th month, 1997.

14 **--- EXHIBIT NO./PIÈCE NO. P-1644:**

15 (740106) - Witness Statement of C-54 dated
16 29 July 1997

17 **MR. CALLAGHAN:** All right.

18 So if you go to the next page in Document
19 1603 -- we'll come back to 1643 in a second, the notes --
20 and it says -- if you could read the note at 1345?

21 **MR. SNYDER:** "He was unsure if he wanted
22 to lay charges or just be a witness.
23 He did not want the accused to get away
24 with what he had done to himself and
25 the others and would..."

1 I'm sorry, I can't -- I'll have to -- if you
2 put it up on here, it's a lot easier than my ---

3 "...worried about what the family would
4 think."

5 **THE COMMISSIONER:** Madam Clerk, do you have
6 the ---

7 **MR. SNYDER:** "I asked him to think about it
8 and get back to me."

9 **MR. CALLAGHAN:** Okay.

10 **MR. SNYDER:** So he's worried about what the
11 family would think.

12 **MR. CALLAGHAN:** All right.

13 And just again, an illustration of some of
14 the stuff you do, if I could ask you to go back to 1643?

15 **MR. SNYDER:** Sixteen-forty-three (1643).

16 **MR. CALLAGHAN:** Sorry. Sorry, I got the
17 wrong number. The statement, Mr. Commissioner, was 1643.

18 **THE COMMISSIONER:** One-six-four-three?

19 **MR. CALLAGHAN:** My apologies.

20 **MR. SNYDER:** One-six-four-three (1643).

21 Yes, got it. That's all right.

22 **MR. CALLAGHAN:** And I just want to just take
23 you through just again just to illustrate the nature of the
24 business, on the next page, Bates page 633, it says:

25 "The assaults took place on Gloucester

1 Street except two. One was at the
2 college. He was a security guard. He
3 had the keys for the snack bar and
4 would give me chips and ice cream."

5 Do you see that?

6 **MR. SNYDER:** Yes.

7 **MR. CALLAGHAN:** All right. We're going to
8 come back to that.

9 And you follow up; I take it, with C-54 on
10 the 5th of August and ask that ---

11 **MR. SNYDER:** Correct.

12 **MR. CALLAGHAN:** --- whether he ---

13 **MR. SNYDER:** I had a voice message to call
14 him.

15 **MR. CALLAGHAN:** Right. But you follow up
16 with him ---

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

18 **MR. CALLAGHAN:** --- and ask him about
19 whether he's ready now?

20 **MR. SNYDER:** Yes.

21 **MR. CALLAGHAN:** Right. He then came to the
22 station?

23 **MR. SNYDER:** Yes.

24 **MR. CALLAGHAN:** And he was now ready?

25 **MR. SNYDER:** Yes.

1 **MR. CALLAGHAN:** All right.

2 And you advised CAS of this?

3 **MR. SNYDER:** Correct.

4 **MR. CALLAGHAN:** Now, just to illustrate
5 this, you then -- the next page, you contact his employer?

6 **MR. SNYDER:** Yes.

7 **MR. CALLAGHAN:** All right.

8 And you're trying to find out when he worked
9 there? This is Mr. Graham Dart?

10 **MR. SNYDER:** Work Records, correct.

11 **MR. CALLAGHAN:** All right.

12 I'm sorry; yes, I'm back on notes. I
13 apologize. I'm trying, given the lateness of the day. The
14 Exhibit is 1603, 9356.

15 Mr. Commissioner, to speed things up, I
16 will, in these next couple of documents, if it's
17 acceptable, read in doc numbers, unless you want to take
18 the time to mark exhibits?

19 **THE COMMISSIONER:** Well, we should be
20 marking exhibits.

21 **MR. CALLAGHAN:** All right. Then we'll do it
22 that way. All right?

23 So you begin and you speak to Graham Dart,
24 the person with respect to ---

25 **MR. SNYDER:** The City.

1 **MR. CALLAGHAN:** --- the City, and you get a
2 number of documents from him?

3 **MR. SNYDER:** Yes.

4 **MR. CALLAGHAN:** You take a statement from
5 him and you get basically two -- a letter and an
6 attachment?

7 **MR. SNYDER:** Correct.

8 **MR. CALLAGHAN:** All right.

9 If I could have Document 740024? I don't
10 know if it's easier if Madam Clerk brings them all up, Mr.
11 Commissioner?

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

13 **MR. CALLAGHAN:** I've got three documents.
14 If it's easier just to bring them all up?

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **THE COMMISSIONER:** So really, the witness
17 statement that we gave a number of 1643 should be 1644, all
18 right?

19 **MR. CALLAGHAN:** But Mr. Dart, I'm told, is
20 Exhibit 1617. So I don't need to put that in. But I would
21 like, just for the record, 740288, and if it's handy, Madam
22 Clerk, 740289, the next numbered doc. There are two of
23 them. I just advised that the statement was already...

24 **(SHORT PAUSE/COURT PAUSE)**

25 **MR. CALLAGHAN:** And these are

1 correspondence, sir?

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

3 **MR. CALLAGHAN:** It may be easier, Mr.

4 Commissioner, you may want to just mark them as one exhibit
5 because I think they go together. If the witness wants to
6 verify that?

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

8 **MR. CALLAGHAN:** Different doc numbers?

9 That's fine.

10 **THE COMMISSIONER:** All right.

11 Exhibit 1645 is a letter to Sergeant Snyder
12 from Graham Dart, the Manager, Human Resources, dated
13 August 13th, 1997.

14 --- **EXHIBIT NO./PIÈCE NO. P-1645:**

15 (740288) Letter from Graham Dart re: Earl
16 Landry Jr. dated August 13, 1997

17 **THE COMMISSIONER:** Then on the same day,
18 1646 is the new exhibit. Mr. Dart writes a letter, "To
19 whom it may concern", dated again August 13th, 1997.

20 --- **EXHIBIT NO./PIÈCE NO. P-1646:**

21 (740289) Letter from Graham Dart re: Earl
22 Landry Jr. dated August 13, 1997

23 **THE COMMISSIONER:** So 45 is ---

24 **MR. CALLAGHAN:** Maybe I can ask the witness

25 ---

1 **THE COMMISSIONER:** Oh, it was an attached
2 document. Anyway, okay.

3 **MR. CALLAGHAN:** That's fine.

4 Does Mr. Commissioner have it right?

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

6 **MR. CALLAGHAN:** All right.

7 And those are you trying to sort out the
8 timing of certain events as to where Mr. Landry was in
9 respect to the allegations?

10 **MR. SNYDER:** Correct.

11 **MR. CALLAGHAN:** And so the -- you also were
12 trying to sort out, by calling Lucie Landry at the next
13 page, the issue about Gloucester, right, the notes in 1603
14 -- Exhibit 1603?

15 "I received a phone call from Lucy
16 Landry..."

17 **MR. SNYDER:** At nine o'clock, yes.

18 **MR. CALLAGHAN:** Yeah. And you're trying to
19 locate the Gloucester Street, which goes back ---

20 **MR. SNYDER:** Correct. Right.

21 **MR. CALLAGHAN:** And I take it -- we talked
22 at the bottom -- and I'll just go through this quickly --
23 you try to sort out for the security offices who was
24 providing the security at the place where they say the
25 event happened?

1 **MR. SNYDER:** He had also worked security at
2 St. Lawrence College.

3 **MR. CALLAGHAN:** All right.

4 **MR. SNYDER:** So -- and that was one of the
5 allegations, so I wanted to know who his employer was and
6 whether he was, in fact, employed during that time period.

7 **MR. CALLAGHAN:** All right.

8 So if we could then move over to Bates page
9 9373 of Exhibit 1603, this is as you were trying to find
10 all the people at the securities. And this is the next
11 complainant; correct?

12 **MR. SNYDER:** Correct, C-55.

13 **MR. CALLAGHAN:** All right.

14 And this came in through a call in from Luc
15 Brunet?

16 **MR. SNYDER:** I'm not sure how I received it.
17 I just received word that C-55 wished to speak with me.
18 I'm not sure how I got that name.

19 **MR. CALLAGHAN:** Okay. And you eventually
20 take a statement from him?

21 **MR. SNYDER:** Yes.

22 **MR. CALLAGHAN:** And that is Document 740137.

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

24 **MR. CALLAGHAN:** And if you go over to 375,
25 you referred to having the charges regarding this ---

1 **MR. SNYDER:** I'm sorry?

2 **MR. CALLAGHAN:** --- most recent complainant

3 ---

4 **THE COMMISSIONER:** Exhibit 1647 is a Witness
5 Statement of C-55 taken on the 30th day of the 8th month
6 1997.

7 **MR. SNYDER:** Yes.

8 **--- EXHIBIT NO./PIÈCE NO. P-1647:**

9 (740137) Witness Statement of C-55 taken on
10 August 30, 1997

11 **MR. CALLAGHAN:** I'm sorry, Mr. Commissioner,
12 I think I talked over you, sir.

13 This is the next exhibit, my apologies.

14 **THE COMMISSIONER:** One-six-four-seven
15 (1647).

16 **MR. CALLAGHAN:** All right. So if I could go
17 back, I'm at Exhibit 1603.

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

19 **MR. CALLAGHAN:** And ---

20 **MR. SNYDER:** I'm sorry, what number sir?

21 **MR. CALLAGHAN:** It's just a notation to get
22 your bearings straight. It's not that clear, but on 375,
23 you bring in -- at some point in early September, you bring
24 in Earl Landry, Jr. and charge him with this most recent
25 offence?

1 **MR. SNYDER:** Correct.

2 **MR. CALLAGHAN:** Or this most recent
3 complaint.

4 Now, I provided two documents and they're
5 both the Information. After you charge, how does the
6 Information get sworn out?

7 **MR. SNYDER:** We -- I send it to our Records
8 area. They type them up and send it over to the Courts
9 with the Brief. We have a Special Constable over in the
10 Courts area who then swear to the Informations.

11 **MR. CALLAGHAN:** And this relates to some of
12 the comments in the Crown's letter. I just want to put
13 these two documents in. One is Document 740157 and one is
14 740159.

15 **THE COMMISSIONER:** Thank you. Exhibit 1648
16 is an Information with accused Earl Landry, sworn on City
17 of Cornwall on the 15th of October 1997.

18 And Exhibit 1649 is another Information
19 sworn on the same date charging Earl Landry again.

20 --- **EXHIBIT NO./PIÈCE No P-1648:**

21 (740157) - Information of Cst. G. Wright re
22 Earl Landry, Jr. 15 Oct 97

23 --- **EXHIBIT NO./PIÈCE No P-1649:**

24 (740159) - Information of Cst. G. Wright re
25 Earl Landry, Jr. 15 Oct 97

1 **MR. CALLAGHAN:** All right. And one is
2 referable -- you may want to get on the record, Mr.
3 Commissioner ---

4 **THE COMMISSIONER:** Yes.

5 **MR. CALLAGHAN:** --- which one is referable
6 to which.

7 **THE COMMISSIONER:** Okay, so 1648 is
8 referable to C-55, and 1649 is referable to C-54.

9 **MR. CALLAGHAN:** All right, and so these are
10 -- I am putting these Informations in because you have the
11 earlier Informations dealing with the other three
12 complainants; correct?

13 **MR. SNYDER:** Correct.

14 **MR. CALLAGHAN:** And at this time, you recall
15 the letters from the Crown attorney?

16 **MR. SNYDER:** Correct.

17 **MR. CALLAGHAN:** And there was one October
18 1st?

19 **MR. SNYDER:** Correct.

20 **MR. CALLAGHAN:** All right. And I take it
21 you were still dealing with victims?

22 **MR. SNYDER:** Correct.

23 **MR. CALLAGHAN:** Now, if I could ask, there
24 is yet another Information.

25 **THE COMMISSIONER:** Thank you. Exhibit 1649

1 is an Information charging Earl Landry and the information
2 is sworn on the 27th of October 1997 and it's referable to -
3 --

4 **MR. CALLAGHAN:** You know what? It's a
5 consolidated with all the victims, sir.

6 **THE COMMISSIONER:** All right. Good.

7 **MR. CALLAGHAN:** And, sir, I am not sure if
8 it's 1649 or 1650, that's the exhibit number.

9 **THE COMMISSIONER:** It's 1649 -- oh, no,
10 you're right. Madam Clerk, it should be 1650. Thank you
11 very much.

12 --- **EXHIBIT NO./PIÈCE No P-1650:**

13 (129501) - Information of Cst. G. Wright re
14 Earl Landry, Jr. 27 Oct 97

15 **MR. CALLAGHAN:** All right. Now, I'm not
16 going to take you back for the sake of brevity. You recall
17 the letters ---

18 **MR. SNYDER:** Yes.

19 **MR. CALLAGHAN:** --- from the Crown?

20 **MR. SNYDER:** Yes.

21 **MR. CALLAGHAN:** You now got all the
22 individuals charged. What's this, Exhibit 1650?

23 **MR. SNYDER:** This is result of the Crown's
24 letter asking that all of the Informations be consolidated
25 into one Information and I got that done.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. CALLAGHAN: And I won't take you back to
3 it, but you recall in your notes that there was discussion
4 -- and you got a statement from the wife, Lucy Landry?

5 MR. SNYDER: Correct.

6 MR. CALLAGHAN: And I take it, just to
7 paraphrase, you went over with her that she was a
8 compellable witness?

9 MR. SNYDER: Competent and compellable, yes.

10 MR. CALLAGHAN: And how is that compared
11 with most spouses, just so the public ---

12 MR. SNYDER: They're not compellable.
13 Spouses are competent but they may not be compellable;
14 however, in sexual offences they are -- with children,
15 they're competent and compellable.

16 MR. CALLAGHAN: And that was -- and you were
17 able to talk her to come in on that basis?

18 MR. SNYDER: Correct.

19 MR. CALLAGHAN: And just to be clear, it's
20 all known here, but nobody is obligated to come and speak
21 to you on the investigative stage.

22 MR. SNYDER: Correct, right.

23 MR. CALLAGHAN: They're only required to
24 come if they're summonsed to a court?

25 MR. SNYDER: Correct.

1 **MR. CALLAGHAN:** So we had discussion --
2 there was some discussion around both, the letters from the
3 Crown and there's a later letter from the Crown, and this
4 is a document which we've got. It is Document 129504, and
5 it's from the MAG productions.

6 **THE COMMISSIONER:** Thank you. Exhibit 1651
7 is a Memorandum to the Pretrial Crown from someone called
8 Lynn dated 24th of October 1997.

9 **--- EXHIBIT NO./PIÈCE NO. P-1651:**

10 (129504) - Memo Lynn to Pretrial Crown re
11 Earl Landry, Jr. 24 Oct 97

12 **MR. CALLAGHAN:** And I take it, sir, it's
13 October 24th '97, and it's a memo from Lynn. Who would Lynn
14 be?

15 **MR. SNYDER:** Lynn Robertson would be the
16 Crown attorney handling this case.

17 **MR. CALLAGHAN:** All right. And there are
18 two aspects I would like to take you to. First of all, in
19 here, I take it, they're just outlining some information in
20 respect of an upcoming judicial Pretrial, which was
21 supposed to take place October 27th; correct?

22 **MR. SNYDER:** Correct.

23 **MR. CALLAGHAN:** All right. And I take it
24 the Crown can move to vary bail at any time?

25 **MR. SNYDER:** Yes.

1 **MR. CALLAGHAN:** All right. And we had the
2 discussion about you taking the statement from Lucy Landry.
3 You recall that?

4 **MR. SNYDER:** Yes.

5 **MR. CALLAGHAN:** And I won't take you to it,
6 but when that statement is prepared and put on OMPPAC,
7 where does it end up going?

8 **MR. SNYDER:** The Records people put it on
9 OMPPAC. A copy of the statement as well as the OMPPAC
10 statement is then sent over to courts for the Brief.

11 **THE COMMISSIONER:** What do you mean by
12 "courts"?

13 **MR. SNYDER:** Court -- our court liaison and
14 then the Crown's office.

15 **THE COMMISSIONER:** So your court liaison
16 would then walk it over to the Crown's office?

17 **MR. SNYDER:** Wherever -- well, it's actually
18 the same building.

19 **THE COMMISSIONER:** Right.

20 **MR. SNYDER:** They're all together; it's
21 actually the same offices. We have a person right there
22 with them.

23 **THE COMMISSIONER:** At the Crown's office?

24 **MR. SNYDER:** Yes.

25 **MR. CALLAGHAN:** And for completeness, sorry,

1 I can't find them, Mr. Commissioner, but we will enter the
2 OMPPAC version. I think the handwritten version was
3 Exhibit 1608, for the record, but there is an OMPPAC
4 version, and I'll do that -- I'm told I can do it now.

5 And it is Exhibit -- it is Document 740019.
6 And don't put away this most recent exhibit; I will be
7 coming back to it.

8 **THE COMMISSIONER:** Thank you. Exhibit
9 Number 1652 is the Witness Statement of Lucy Landry taken
10 the 17th of June 1997.

11 **--- EXHIBIT NO./PIÈCE No P-1652:**

12 (740019) - Witness Statement of Lucy Landry
13 dated 17 June 97

14 **MR. SNYDER:** Thank you.

15 **MR. CALLAGHAN:** All right. And, Staff
16 Sergeant Snyder, this would be the OMPPAC version of the
17 Lucy Landry statement?

18 **MR. SNYDER:** Correct.

19 **MR. CALLAGHAN:** All right. So then if we
20 could just go back to Document 6051 dated October 24th '97.

21 **MR. SNYDER:** Yes.

22 **MR. CALLAGHAN:** And if you go to the second
23 page ---

24 **MR. SNYDER:** Yes.

25 **MR. CALLAGHAN:** --- of the memo -- and I

1 take it, to be clear, 1652, you were saying would be
2 available for a Crown to look at?

3 MR. SNYDER: Yes.

4 MR. CALLAGHAN: And it would certainly be
5 available at a pre-trial?

6 MR. SNYDER: Yes.

7 MR. CALLAGHAN: All right.

8 So if you could go -- and it says, "After
9 reciting the victims", can you read that?

10 MR. SNYDER: Sorry, whereabouts do you want
11 me to start reading?

12 MR. CALLAGHAN: The second page ---

13 MR. SNYDER: Yes.

14 MR. CALLAGHAN: --- Bates page 370.

15 MR. SNYDER: Yes.

16 MR. CALLAGHAN: After the recitation of the
17 victims.

18 MR. SNYDER: Yes.

19 MR. CALLAGHAN: What does it say?

20 MR. SNYDER: "Accused' wife will confirm
21 that he has confessed to her that he
22 has molested 8-9 boys."

23 MR. CALLAGHAN: And do you know whether the
24 Crown sought to have a review of the bail conditions of
25 Earl Landry?

1 MR. SNYDER: No.

2 MR. CALLAGHAN: As in they did not?

3 MR. SNYDER: They did not.

4 MR. CALLAGHAN: And if I could take you to
5 the bottom -- and remember this is dated October 24th, '97.

6 MR. SNYDER: Correct.

7 MR. CALLAGHAN: It references a note and it
8 says -- well, perhaps you could read it. I'd like it read
9 without the cross-out and then with the cross-out. If you
10 could do without the cross-out first?

11 MR. SNYDER: Okay. So you want me to read
12 the crossed-out portion first?

13 MR. CALLAGHAN: Yes, what's crossed out.

14 MR. SNYDER: Okay.

15 "All one trial. I told Snyder to lay
16 one information, but he hasn't."

17 MR. CALLAGHAN: All right.

18 And now, obviously, the judicial pre-trial
19 was on October 27th, the date of the information?

20 MR. SNYDER: Correct.

21 MR. CALLAGHAN: Can you now read what's in
22 there after the cross-out?

23 MR. SNYDER: "Done all one indictment -
24 severance."

25 MR. CALLAGHAN: And we saw letters much

1 later -- Commission counsel took you to letters from Crown
2 Murray MacDonald to Chief Repa, and they took you to an
3 internal memo dated in May '98, I believe, and complaining
4 that you hadn't combined the charges. Was that the case or
5 not?

6 **MR. SNYDER:** It was not the case.

7 **MR. CALLAGHAN:** And you've already spoken
8 about your contact with healthcare providers for some of
9 the complainants?

10 **MR. SNYDER:** Yes.

11 **MR. CALLAGHAN:** And was that -- just so it's
12 clear, were the statements in those letters, to your
13 knowledge, true or not?

14 **MR. SNYDER:** Not true.

15 **MR. CALLAGHAN:** Mr. Commissioner, I'm going
16 to be a while. It's been a long day. I know the witness
17 asked for Aspirins at the last break. I'm a little
18 concerned that ---

19 **THE COMMISSIONER:** All right. That's fair.
20 That's fair. I thought you were going to say you're
21 getting tired of standing.

22 **MR. CALLAGHAN:** No, I sat all day.

23 **THE COMMISSIONER:** All right.

24 So we'll come back at 9:30. How much longer
25 do you think you're going to be?

1 **MR. CALLAGHAN:** Probably another hour, hour
2 and a half.

3 **THE COMMISSIONER:** All right. Thank you.

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

6 This hearing is adjourned until tomorrow
7 morning at 9:30 a.m.

8 --- Upon adjourning at 5:04 p.m./

9 L'audience est ajournée à 17h04

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter inthe Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CVR-CM