

**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 297**

**Held at :**

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

Wednesday, October 29, 2008

**Tenue à:**

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

Mercredi, le 29 octobre 2008

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Suzanne Sinnamon	Commission Counsel
Ms. Karen Jones	
Ms. Kelly Doctor	
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
Ms. Gina Saccoccio-Brannan, Q.C.	
M <sup>e</sup> Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Jodie-Lynn Waddilove	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Michele R.J. Allinotte	
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police
Mr. Mark Wallace	Association
Ms. Kimberley Ishmael	Upper Canada District School Board
Mr. Frank T. Horn	Coalition for Action
Mr. Carole Leblanc	
Mr. Carson Fougère	

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

2 L'audience débute à 09h36

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Good morning, Ms. Sinnamon.

12 **MS. SINNAMON:** Good morning, Mr.  
13 Commissioner.

14 The next witness that we would like to call  
15 is Carole Leblanc.

16 **THE COMMISSIONER:** Thank you. Ms. Leblanc.  
17 Madam Clerk, could you swear in the witness,  
18 please?

19 **CAROLE LEBLANC, Sworn/Assermentée:**

20 **THE COMMISSIONER:** Thank you.

21 Good morning, Ms. Leblanc.

22 **MS. LEBLANC:** Good morning.

23 **THE COMMISSIONER:** There is behind the jug  
24 some glasses if you'd like some water.

25 **MS. LEBLANC:** Okay.

1                   **THE COMMISSIONER:** I would ask you to speak  
2 into the microphone and answer the questions as best you  
3 can. If there is something you don't understand, let me  
4 know. And if at any time you need a break, tell me as  
5 well. All right?

6                   **MS. LEBLANC:** Thank you.

7                   **THE COMMISSIONER:** Thank you.

8                   Go ahead, Ms. Sinnamon.

9                   **--- EXAMINATION IN-CHIEF BY/INTERROGTOIRE EN CHEF PAR MS.**  
10 **SINNAMON:**

11                   **MS. SINNAMON:** Good morning, Mrs. Leblanc.

12                   **MS. LEBLANC:** Good morning.

13                   **MS. SINNAMON:** I just want to begin by  
14 asking you a couple of questions about your background.

15                   **MS. LEBLANC:** Okay.

16                   **MS. SINNAMON:** And you have provided us with  
17 a current C.V. and I believe it doesn't have a document  
18 number, but Madam Clerk should have a copy to show you.

19                   **THE COMMISSIONER:** Yes. Thank you.

20                   Exhibit 2493 is the C.V. of Carole Leblanc.

21                   **--- EXHIBIT NO./PIÈCE NO. P-2493:**

22                   CV of Carole Leblanc

23                   **MS. SINNAMON:** And you prepared this résumé  
24 recently?

25                   **MS. LEBLANC:** Yes, I did.

1 MS. SINNAMON: And is it accurate to the  
2 best of your ability?

3 MS. LEBLANC: Yes, it is.

4 MS. SINNAMON: And in terms of your  
5 education, I see you obtained a Bachelor of Arts with a  
6 concentration in Psychology in 1987?

7 MS. LEBLANC: Yes.

8 MS. SINNAMON: And a Bachelor of Social Work  
9 in 1990?

10 MS. LEBLANC: Yes.

11 MS. SINNAMON: And you joined the CAS of  
12 Stormont, Dundas and Glengarry in January of 1990?

13 MS. LEBLANC: Yes, that's correct.

14 MS. SINNAMON: And you've held a number of  
15 positions with the CAS?

16 MS. LEBLANC: Yes, I have.

17 MS. SINNAMON: In particular, you've worked  
18 as a child protection worker in both the Child and Youth  
19 Services Unit and the Family Services Unit?

20 MS. LEBLANC: Yes.

21 MS. SINNAMON: And you also spent some time  
22 working in the Reception Intake Unit?

23 MS. LEBLANC: Yes, I did.

24 MS. SINNAMON: And you were made a  
25 supervisor in May of 2000; correct?

1                   **MS. LEBLANC:** That's correct.

2                   **MS. SINNAMON:** I want to ask you a couple of  
3 questions about some statements that were made by a  
4 colleague of yours, Geraldine Fitzpatrick, when she  
5 testified here in early October.

6                   When Ms. Fitzpatrick testified she told us  
7 about a conversation she had with a Cornwall Police Officer  
8 by the name of Heidi Sebalj in the fall of 1993, and  
9 according to Ms. Fitzpatrick, Constable Sebalj told her a  
10 number of things.

11                   She said that an individual had come to see  
12 her and alleged that he had been abused by a priest when he  
13 was younger and that prior to coming to see her, he had  
14 been to the Children's Aid Society and spoken to a worker  
15 there who had told him -- and he had disclosed that he had  
16 been abused by a priest, and that this worker had told him  
17 that it was not within the mandate of the CAS and that he  
18 should go to the police.

19                   And according to Ms. Fitzpatrick, Constable  
20 Sebalj told her that the person that this individual spoke  
21 to was you. And by way of further information, Ms.  
22 Fitzpatrick also told us that she now understands that that  
23 individual who made the allegation is David Silmsers.

24                   First of all, do you know who David Silmsers  
25 is?

1                   **MS. LEBLANC:** I don't know him personally,  
2                   no. I only him from the media, the Inquiry, Project Truth,  
3                   the newspapers.

4                   **MS. SINNAMON:** So you know his name?

5                   **MS. LEBLANC:** I do.

6                   **MS. SINNAMON:** Okay. And you are aware that  
7                   he has made allegations of abuse against a priest named  
8                   Father Charles MacDonald?

9                   **MS. LEBLANC:** I'm aware of that.

10                  **MS. SINNAMON:** Okay. And when did you  
11                  become aware of that?

12                  **MS. LEBLANC:** I became aware of that mostly  
13                  through the media, the Project Truth, when all of that hit  
14                  the newspapers. I remember reading about it, and that's  
15                  the first that I had heard about that.

16                  **MS. SINNAMON:** And when Ms. Fitzpatrick  
17                  testified that David Silmser was alleged to have spoken to  
18                  you, she said you were working as an intake reception  
19                  worker and we see from your résumé that you did work as a  
20                  reception intake worker at different periods of time and,  
21                  in particular, you worked as a reception intake worker  
22                  between December 1991 and April 1992. Is that correct?

23                  **MS. LEBLANC:** That's correct.

24                  **MS. SINNAMON:** And during this period of  
25                  time, did an individual named David Silmser come to the CAS

1 office and speak to you?

2 MS. LEBLANC: No, he did not.

3 MS. SINNAMON: Do you recall anyone in that  
4 period of time coming to the CAS office and alleging that  
5 he had been abused by a priest when he was young?

6 MS. LEBLANC: No, I do not.

7 MS. SINNAMON: And according to your résumé  
8 as well, after you left the Reception Intake Unit you went  
9 into the Family Services Unit as a child protection worker?

10 MS. LEBLANC: That's correct.

11 MS. SINNAMON: And while you were in that  
12 position, would you have ever done any intake work?

13 MS. LEBLANC: No, I would not have.

14 MS. SINNAMON: So if an individual were to  
15 come to the Children's Aid Society in person or telephone  
16 call to make a complaint or a referral, you would not have  
17 taken that at that time?

18 MS. LEBLANC: Not as a family services  
19 worker, no.

20 MS. SINNAMON: So in -- just so I  
21 understand, is intake work at the Children's Aid Society  
22 specifically designated to those people who are in the  
23 Reception Intake Unit?

24 MS. LEBLANC: That's right. They are the  
25 only people who take in calls during the day or walk-ins or

1 address letters that come in.

2 **MS. SINNAMON:** And I understand you were not  
3 back in the Reception Intake Unit until March of 1995. Is  
4 that correct?

5 **MS. LEBLANC:** That's right.

6 **MS. SINNAMON:** And have you at any time  
7 spoken to David Silmser?

8 **MS. LEBLANC:** No, I have not.

9 **MS. SINNAMON:** And also when Ms. Fitzpatrick  
10 testified, she was asked whether she had verified this  
11 information with you and she said she did not at the time.  
12 However, she did say that approximately one year ago, you  
13 told her that you were the person who had taken the report  
14 from David Silmser. Do you recall having any such  
15 conversation with Miss Fitzpatrick?

16 **MS. LEBLANC:** I never had a conversation  
17 with Miss Fitzpatrick about my taking an intake with David  
18 Silmser.

19 **MS. SINNAMON:** I just want to ask you a few  
20 questions about an individual named Earl Landry, Jr. This  
21 is an individual who came to the attention of the CAS on a  
22 number of occasions. And this matter was covered in some  
23 detail with some of your colleagues, so I don't intend to  
24 cover it in any detail with you, but I just want to confirm  
25 with you the role that you did play in this matter.

1                   And if the witness could please be shown  
2           Exhibit 1602, and that's Document Number 115746.

3                   **THE COMMISSIONER:** And what page would you  
4           like? Oh, the statement.

5                   **MS. SINNAMON:** Just the first page is fine.

6                   **THE COMMISSIONER:** Yes.

7                   **MS. SINNAMON:** Ms. Leblanc, this is a Will-  
8           Say statement that you prepared on May 28<sup>th</sup>, 1997?

9                   **MS. LEBLANC:** Yes, it is.

10                   **MS. SINNAMON:** And I don't think you should  
11           need to refer to this individual but just by way of  
12           caution, there's an individual named in this who has the  
13           moniker of C-52.

14                   **MS. LEBLANC:** Okay.

15                   **MS. SINNAMON:** Do you recall preparing this  
16           statement?

17                   **MS. LEBLANC:** Yes, I do.

18                   **MS. SINNAMON:** And you were requested to  
19           prepare this?

20                   **MS. LEBLANC:** Yes, I was.

21                   **MS. SINNAMON:** Do you recall by whom?

22                   **MS. LEBLANC:** By Sergeant Brian Snyder of  
23           the Cornwall Community Police.

24                   **MS. SINNAMON:** And at the time, did you  
25           understand the importance of your Will-Say being accurate

1 and complete?

2 MS. LEBLANC: Yes, I did.

3 MS. SINNAMON: And did you attempt to be as  
4 accurate and complete as possible in preparing it?

5 MS. LEBLANC: Yes, I was very accurate.

6 MS. SINNAMON: According to this, on the  
7 first page, it appears you became involved in December,  
8 1995 when you were advised about an individual who is  
9 alleged to have been abused by Earl Landry, Jr.

10 MS. LEBLANC: That's right.

11 MS. SINNAMON: And at this point, were you  
12 aware of previous allegations made against Earl Landry, Jr.  
13 in 1985 and in 1993?

14 MS. LEBLANC: No, I was not.

15 MS. SINNAMON: So was this your first  
16 involvement with this matter?

17 MS. LEBLANC: Yes.

18 MS. SINNAMON: And looking over your Will-  
19 Say statement now, is there anything that you recall about  
20 your role in this matter that is different from, or in  
21 addition to, what is in this statement?

22 MS. LEBLANC: I took the statement from him.  
23 I interviewed him. I audiotaped the interview. I provided  
24 the information to the Cornwall Police. I prepared the  
25 Will-Say statement and after I prepared the statement, I

1 had no other contact regarding this matter.

2 **MS. SINNAMON:** And if I could just show you  
3 one more document on this matter. Madam Clerk, it's  
4 Document 115783. This is a letter from yourself and  
5 William Carriere to an individual who has a moniker here as  
6 well, C-51. This will require a publication ban, sir.

7 **THE COMMISSIONER:** Thank you.

8 **MS. SINNAMON:** The letter is dated February  
9 27<sup>th</sup>, 1997.

10 **THE COMMISSIONER:** And it's addressed to  
11 someone who has a moniker?

12 **MS. SINNAMON:** It's C-51.

13 **THE COMMISSIONER:** All right.

14 So here's a letter dated February 27<sup>th</sup>, 1997  
15 signed by Carole Leblanc and William Carriere, addressed to  
16 C-51. Is that what you said? Right. And that will be  
17 Exhibit 2494.

18 **--- EXHIBIT NO./PIÈCE NO. P-2494:**

19 (115786) - Letter from Carole Leblanc to C-  
20 51 dated February 27, 1997

21 **MS. SINNAMON:** So this is a letter from  
22 yourself and Mr. Carriere to an individual who had alleged  
23 abuse by Earl Landry, Jr. some years earlier. And in this  
24 letter you advise that at present the Cornwall Police is  
25 investigating a similar allegation and you further advise

1           that Sergeant Snyder is interested in speaking with this  
2           individual and you provide Sergeant Snyder's contact  
3           information.

4                   Do you have any recollection of sending this  
5           letter?

6                   **MS. LEBLANC:** Unfortunately, I don't.

7                   **MS. SINNAMON:** No. I take it then that you  
8           have no recollection of being asked by Sergeant Snyder to  
9           prepare the letter?

10                   **MS. LEBLANC:** Not direct recollection, no.

11                   **MS. SINNAMON:** And I believe you told us  
12           earlier that other than preparing your Will-Say in May of  
13           1997, you didn't have any further involvement in this  
14           matter?

15                   **MS. LEBLANC:** No, I did not.

16                   **MS. SINNAMON:** And there's one final matter  
17           I wanted to discuss with you briefly, and that involves a  
18           former ward by the name of Cathy Sutherland. She had some  
19           dealings with several people in your agency about the  
20           disclosure of her file and it appears that you had some  
21           involvement in this. So I just want to show you a few  
22           documents about this, if I may.

23                   **MS. LEBLANC:** M'hm.

24                   **MS. SINNAMON:** First of all, is her name  
25           familiar to you?

1                   **MS. LEBLANC:** Just from the documents that I  
2                   have prepared. I don't know this particular individual.

3                   **MS. SINNAMON:** Madam Clerk, if the witness  
4                   could be shown Document 738587? It was identified as a  
5                   cross document.

6                   **THE COMMISSIONER:** Thank you.  
7                   Exhibit Number 2495 is a file of Ms.  
8                   Sutherland, and the date is the 22<sup>nd</sup> of September 1998.

9                   **--- EXHIBIT NO./PIÈCE NO. P-2495:**  
10                   (738587) Module #1: People Profile of CAS  
11                   dated September 22, 1998

12                   **MS. SINNAMON:** And if you could take a look  
13                   at Bates page 179 ---

14                   **THE COMMISSIONER:** Those are the numbers on  
15                   the top -- oh, you know.

16                   **MS. LEBLANC:** Yes.

17                   **THE COMMISSIONER:** All right. Good.

18                   **MS. SINNAMON:** And near the bottom under  
19                   "Referral - New Information" it indicates that you received  
20                   a request from a Dr. Cornfield for record disclosure  
21                   regarding Ms. Sutherland?

22                   **MS. LEBLANC:** That's correct.

23                   **MS. SINNAMON:** So I understand you were  
24                   working in the Reception Intake Unit at this time?

25                   **MS. LEBLANC:** Yes, I was.

1                   **MS. SINNAMON:** And do you have any  
2                   recollection of receiving this telephone call?

3                   **MS. LEBLANC:** Yes, I do.

4                   **MS. SINNAMON:** So this individual was just  
5                   seeking general information or seeking file disclosure?

6                   **MS. LEBLANC:** He was seeking file disclosure  
7                   on behalf of his patient ---

8                   **MS. SINNAMON:** Okay.

9                   **MS. LEBLANC:** --- Ms. Sutherland. In his  
10                  referral he didn't identify what particular details he  
11                  wanted, just that he was looking for information from her  
12                  file as a child.

13                  **MS. SINNAMON:** And as an intake worker, what  
14                  would you do upon receiving such a request?

15                  **MS. LEBLANC:** At the time, records  
16                  disclosure was part of the reception intake team. We  
17                  didn't have anyone specific to do this, so we were  
18                  responsible to provide records disclosure as time  
19                  permitted. We were only, I think, maybe three intake  
20                  workers at the time and we were responsible to do all of  
21                  the referrals, records disclosure. So as time permitted or  
22                  as we were able to do it, we would then provide the  
23                  information to whoever requested the information.

24                  **MS. SINNAMON:** Okay. And so at this time  
25                  were you assigned to this particular request?

1                   **MS. LEBLANC:** Yes, I was the intake worker  
2 who took the referral, so I would have kept that file.

3                   **MS. SINNAMON:** Okay.

4                   **MS. LEBLANC:** And if I could show you  
5 another document, it's Document 738589.

6                   **THE COMMISSIONER:** Thank you.

7                   Exhibit 2496 is a documentation system 21-  
8 day report on the Sutherland matter, dated October 14<sup>th</sup>,  
9 1988.

10                  **--- EXHIBIT NO./PIÈCE NO. P-2496:**

11                                 (738589) Documentation System re. Catherine  
12                                 Sutherland dated October 14, 1998

13                   **MS. SINNAMON:** So this was a report you  
14 prepared?

15                   **MS. LEBLANC:** Yes.

16                   **MS. SINNAMON:** Okay.

17                                 And you state under the "Brief Summary of  
18 Facts" about the agency having received the request for  
19 information and you go on to say that you spoke to Dr.  
20 Cornfield on October 6<sup>th</sup> to obtain more specific information  
21 regarding his request?

22                   **MS. LEBLANC:** That's right.

23                   **MS. SINNAMON:** And do you recall doing that?

24                   **MS. LEBLANC:** Yes.

25                   **MS. SINNAMON:** And did he provide you with

1 additional information about his request?

2 **MS. LEBLANC:** He wasn't able to give me any  
3 specifics about what information he was requesting. I  
4 tried to prompt because the file was quite extensive and we  
5 were trying to narrow down what it is that he needed, and  
6 he wasn't able to provide me with any further details than  
7 what he had requested in his initial call.

8 **MS. SINNAMON:** And did you have any  
9 additional contact with Dr. Cornfield after that October 6<sup>th</sup>  
10 call?

11 **MS. LEBLANC:** No, I did not.

12 **MS. SINNAMON:** And at the end of the  
13 document it is noted:

14 "As of yet, this request has not been  
15 completed due to the fact that there's  
16 an abundance of information to go  
17 through and this request will be  
18 completed as time permits."

19 You've told us that you were assigned to  
20 this task. So were you continuing to be the person  
21 responsible for completing this?

22 **MS. LEBLANC:** At that time, yes.

23 **MS. SINNAMON:** And the final document I want  
24 to show you on this is Document 738590. It was also  
25 identified in the cross list, Madam Clerk.

1                   **THE COMMISSIONER:** Thank you.

2                   Exhibit Number 2497 is again a 60-day  
3 transfer report on the Sutherland file dated November 23<sup>rd</sup>,  
4 1998.

5                   **--- EXHIBIT NO./PIÈCE NO. P-2497:**

6                   (738590) Documentation System re Catherine  
7 Sutherland dated November 23, 1998

8                   **MS. SINNAMON:** According to this report, Ms.  
9 Leblanc, there had been no activity on this case since the  
10 October 14<sup>th</sup> report?

11                   **MS. LEBLANC:** That's right.

12                   **MS. SINNAMON:** Do you know why nothing was  
13 done in between those two periods of time?

14                   **MS. LEBLANC:** Records disclosure at the time  
15 was a large undertaking and there was a backlog in records  
16 disclosure at that time, and being only, I believe, like I  
17 said, three intake workers, we weren't able to get to all  
18 of the records disclosures. So they were prioritized at that  
19 time, and this one just unfortunately wasn't able to get  
20 attended to at that time.

21                   **MS. SINNAMON:** And this indicates that the  
22 matter was being transferred to the Family Services  
23 Department at this point. And did you have any further  
24 involvement after this particular time?

25                   **MS. LEBLANC:** No, I did not.

1                   **MS. SINNAMON:** Those are all my substantive  
2                   questions for you, Ms. Leblanc.

3                   We have asked all witnesses who testified  
4                   here two questions at the conclusion of their examination  
5                   in-chief.

6                   The first is whether they wish to comment on  
7                   the personal impact that working in this field or any of  
8                   the issues that may have arisen in this Inquiry have had on  
9                   them or their family, and the second is whether they have  
10                  any suggestions or recommendations to share with the  
11                  Commissioner?

12                  **MS. LEBLANC:** I don't have any comments.

13                  **MS. SINNAMON:** Okay. Well, then thank you  
14                  very much for your evidence and some of my friends may have  
15                  some questions for you, and they should identify who they  
16                  are and who they represent.

17                  **MS. LEBLANC:** Thank you.

18                  **MS. SINNAMON:** Thank you.

19                  **THE COMMISSIONER:** Thank you.

20                  Ms. Daley?

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

22                  **DALEY:**

23                  **MS. DALEY:** Good morning, Ms. Leblanc.

24                  **MS. LEBLANC:** Good morning.

25                  **MS. DALEY:** My name is Helen Daley. I have

1 questions for you about two of the matters you spoke about  
2 moments ago, and the first is your involvement with Mr. C-  
3 52.

4 MS. LEBLANC: Yes.

5 MS. DALEY: Just give me one second, please.

6 (SHORT PAUSE/COURTE PAUSE)

7 MS. DALEY: Having reviewed your Will-Say  
8 statement, which was Exhibit 1602, I take it, Ms. Leblanc,  
9 that when C-52 came to you with his allegations, he made it  
10 very clear to you that his alleged abuser was Earl Landry,  
11 Jr.?

12 MS. LEBLANC: Yes, he did.

13 MS. DALEY: You understood that?

14 MS. LEBLANC: Yes.

15 MS. DALEY: And did you have an  
16 understanding that this individual, Mr. Landry, Jr., was  
17 the son of a former chief of police in this town. Did you  
18 know that?

19 MS. LEBLANC: No, not at the time.

20 MS. DALEY: All right.

21 Now, looking at your Will-Say statement,  
22 your paragraphs 5 through 9, and that would be Bates 805,  
23 do you have those passages?

24 MS. LEBLANC: Yes.

25 MS. DALEY: It appears that you played a

1           role in helping C-52 bring his allegations forward to the  
2           Cornwall Police Service. Do you recall that?

3                   **MS. LEBLANC:** Yes.

4                   **MS. DALEY:** And I'm wondering if you could  
5           just elaborate on that for me a little bit.

6                   Obviously you saw it as part of your role to  
7           assist Mr. C-52 in presenting his allegations to the  
8           police?

9                   **MS. LEBLANC:** Yes.

10                  **MS. DALEY:** And is that something that as a  
11           protection worker at this time, you would routinely do if  
12           you felt it was necessary to help one of your clients?

13                  **MS. LEBLANC:** Yes.

14                  **MS. DALEY:** And you played a role to  
15           facilitate him -- and I gather from this document, Ms.  
16           Leblanc, you made the first connection with the Cornwall  
17           Police to tell them that C-52 was coming forward?

18                  **MS. LEBLANC:** Yes.

19                  **MS. DALEY:** Is that how it occurred?

20                  **MS. LEBLANC:** Yes.

21                  **MS. DALEY:** And then you followed up to make  
22           sure that his statement was taken by the Cornwall Police?

23                  **MS. LEBLANC:** Yes.

24                  **MS. DALEY:** Now, I don't know if you have a  
25           recollection of this, but there's been a period of time,

1 almost a year, before you hear anything further from the  
2 Cornwall Police. Do you recall that ---

3 **MS. LEBLANC:** Yes.

4 **MS. DALEY:** --- Ms. Leblanc?

5 And, essentially, what had happened was --  
6 tell me if you would agree, it would appear that C-52's  
7 allegations had been dormant for that period of time with  
8 the police? Were you aware of any investigation they were  
9 doing?

10 **MS. LEBLANC:** I wasn't aware of any  
11 investigation when I handed the matter over to the police.  
12 When they picked up the tape, I felt that had been taken  
13 care of on our part and it was being dealt with by the  
14 Cornwall Police.

15 **MS. DALEY:** Fair enough.

16 Did you have any contact with the agency's  
17 client, C-52, between the time he first went to the police  
18 and February of 1997 when Officer Snyder's in touch with  
19 you?

20 **MS. LEBLANC:** No, no contact with him.

21 **MS. DALEY:** All right. Were you surprised  
22 at all that a year went by before you heard again from the  
23 police?

24 **MS. LEBLANC:** Yes, I remember being  
25 surprised. I was asked for a Will-Say statement, you know,

1 at that time, so long after the fact.

2 MS. DALEY: All right. But do you have any  
3 information at all, ma'am, as to why that length of time  
4 passed before you were contacted again?

5 MS. LEBLANC: No, I don't have any ---

6 MS. DALEY: Okay.

7 MS. LEBLANC: --- of that information.

8 MS. DALEY: Thank you.

9 Just a few questions for you then about the  
10 -- your intake position and if I've understood your  
11 evidence correctly, you were in an intake capacity between  
12 the months December, 1991 and April of 1992 ---

13 MS. LEBLANC: Yes.

14 MS. DALEY: --- so that was a four-month  
15 period?

16 MS. LEBLANC: That's correct.

17 MS. DALEY: And I take it that you would  
18 have no direct knowledge then of anyone who presented  
19 themselves to intake following April, 1992 to the end of  
20 that year. You have no direct knowledge ---

21 MS. LEBLANC: No.

22 MS. DALEY: --- to offer? Thank you.

23 Now, just a few questions about intake. Did  
24 you received any training about how to deal with someone  
25 who presented themselves at intake and claimed that they'd

1           been abused in the past as a child? Was there any training  
2           specific to that?

3                   **MS. LEBLANC:** Not specific to that  
4           particularly, no.

5                   **MS. DALEY:** All right.

6                   And what I have in mind is that someone is  
7           coming forward who doesn't -- who's not asking for present  
8           services, but they're alleging that they were abused as a  
9           child. I take it that wasn't a part of how intake workers  
10          were trained as you recall?

11                   **MS. LEBLANC:** It wasn't specific to, you  
12          know, historical abuse, no.

13                   **MS. DALEY:** All right.

14                   And I'm assuming, for the most part, the  
15          people who presented themselves to intake when you were  
16          doing that job in late '91 and early '92 had present  
17          concerns about the abuse of children. In other words, they  
18          weren't bringing forward a past allegation. Is that fair?

19                   **MS. LEBLANC:** Yes.

20                   **MS. DALEY:** And just -- can you just help us  
21          a little bit; visualize how intake was conducted at that  
22          period of time? Were you on a reception desk and you would  
23          meet members of the public as they walked in? Would that  
24          be part of how it was done?

25                   **MS. LEBLANC:** No, they had to -- first they

1 had to walk into the agency or call and meet with a  
2 receptionist who would then advise whoever was on duty that  
3 particular day and advise us that either someone had -- was  
4 at the front desk needing to see someone or the call would  
5 be forwarded to the intake worker who was on duty at that  
6 particular time.

7 **MS. DALEY:** All right. So if you were on  
8 duty, you might be dealing with telephone queries or walk-  
9 ins, depending on the situation?

10 **MS. LEBLANC:** Yes.

11 **MS. DALEY:** And in terms of how walk-ins  
12 would be handled, would you then sit and meet with them and  
13 hear their story?

14 **MS. LEBLANC:** Yes.

15 **MS. DALEY:** Just a few questions about how  
16 that type of activity would be documented.

17 **MS. LEBLANC:** M'hm.

18 **MS. DALEY:** If a person walked in and the  
19 decision was that the agency couldn't assist them any  
20 further, how would that have been documented in this period  
21 -- in the period of time -- the 4-month period where you  
22 were involved?

23 **MS. LEBLANC:** Any contact or most contacts  
24 with the Children's Aid would be documented. Either a file  
25 would be opened if we decided that it was a matter that

1 needed to be investigated and, at that time, if the matter  
2 was not to be investigated, if it was deemed to be a minor  
3 referral, then a brief service report would be completed  
4 and filed.

5 **MS. DALEY:** Now, you said most contacts  
6 would be documented. Would there be any type of contact  
7 that would not necessarily be documented?

8 **MS. LEBLANC:** Yes, if it had no relevance to  
9 the Children's Aid, we wouldn't document it. For example,  
10 if someone called and asked, where can I find a family  
11 doctor, I mean, that would have no relevance ---

12 **MS. DALEY:** I understand.

13 **MS. LEBLANC:** --- to the Children's Aid and  
14 we probably wouldn't write up an intake about that.

15 **MS. DALEY:** So let me see if you would agree  
16 with this notion. If someone was sitting at the intake  
17 desk and came to the conclusion that the query didn't  
18 relate at all to CAS, it's possible that that would not be  
19 documented?

20 **MS. LEBLANC:** If it had no relevance to the  
21 Children's Aid, it likely would not.

22 **MS. DALEY:** All right.

23 **MS. LEBLANC:** Another example would be  
24 someone who's asking what's the legal age to babysit. We  
25 would often get that question.

1                   **MS. DALEY:** I understand. So if the intake  
2 worker perceived that the query had no relevance to the  
3 agency, he or she wouldn't necessarily document it?

4                   **MS. LEBLANC:** It would have to have  
5 absolutely no relevance.

6                   **MS. DALEY:** Understood, yes. But that would  
7 be a judgement call that an intake worker would have to  
8 make?

9                   **MS. LEBLANC:** A judgement call, and if the  
10 intake worker wasn't certain, we would certainly request  
11 the assistance of our supervisor.

12                   **MS. DALEY:** All right.

13                   Just give me one second, I'm almost finished  
14 here.

15                   I take it, Ms. Leblanc, you didn't take it  
16 upon yourself to review all of the intake records or the  
17 brief service records for the year 1992?

18                   **MS. LEBLANC:** No, I did not.

19                   **MS. DALEY:** That's not part of what anyone  
20 asked you to do?

21                   **MS. LEBLANC:** No.

22                   **MS. DALEY:** All right. Those are my  
23 questions. Thank you very much.

24                   **MS. LEBLANC:** Thank you.

25                   **THE COMMISSIONER:** Thank you.

1 Mr. Horn?

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

3 HORN:

4 MR. HORN: My name is Frank Horn, Coalition  
5 for Action.

6 MS. LEBLANC: Good morning.

7 MR. HORN: A few questions.

8 I understand that you began working at the  
9 Children's Aid Society in 1990 was it?

10 MS. LEBLANC: Yes.

11 MR. HORN: And the situation that is in  
12 dispute regarding Mr. Silmsler coming to the CAS happened  
13 how many years afterward -- it would have -- if it did  
14 happen? A couple of years, 1991, '92?

15 MR. CHISHOLM: I object. How can she say --  
16 speak to a timeline that from her perspective did not  
17 happen.

18 MR. HORN: Okay, if something happened in  
19 1991 and '92, how long would you have been working for the  
20 Children's Aid Society?

21 MR. CHISHOLM: Perhaps he can specify '91 or  
22 '92.

23 MR. HORN: Okay, 1991?

24 MS. LEBLANC: I started there in January 3<sup>rd</sup>,  
25 1990.

1                   **MR. HORN:** And so you would have been  
2 working for about a year?

3                   **MS. LEBLANC:** Depending what time of the  
4 year in 1991, yes.

5                   **MR. HORN:** Okay. And initially, when you  
6 first started working for the Society, what would be your  
7 job? I mean, initially, when you're going in, you don't  
8 really have much experience and so you wouldn't really be  
9 in a position to have any kind of supervisory role. You'd  
10 be, what, starting something that would be a little bit  
11 easier or something that would fit into your experience?

12                   **MS. LEBLANC:** Well, I started as a child  
13 protection worker and I did have experience when I came to  
14 the Cornwall Children's Aid.

15                   **MR. HORN:** Oh, so you'd done some work  
16 previously elsewhere?

17                   **MS. LEBLANC:** Yes.

18                   **MR. HORN:** And where was that?

19                   **MS. LEBLANC:** With the Ottawa Children's Aid  
20 Society.

21                   **MR. HORN:** Were you there very long?

22                   **MS. LEBLANC:** I was on -- on and off for a  
23 period of about a year; on a contract and as a field  
24 placement through my university degree.

25                   **MR. HORN:** Okay.

1                   So when you came to Cornwall, you  
2 immediately went into child protection as a worker?

3                   **MS. LEBLANC:** Yes.

4                   **MR. HORN:** And so when you were a worker and  
5 then you would be asked to be an intake worker, is that  
6 like a complete change in your portfolio?

7                   **MS. LEBLANC:** From what I was doing  
8 initially, it was a change, yes.

9                   **MR. HORN:** Okay. And what would that  
10 entail? You being at a desk when people come to the centre  
11 and you would be sitting behind a desk or the window or is  
12 there a window there or would ---

13                   **MS. LEBLANC:** No, I had my own office.

14                   **MR. HORN:** You had your own office?

15                   **MS. LEBLANC:** Yes.

16                   **MR. HORN:** So if a person were to come to  
17 the building -- this is the one on York Street is it?

18                   **MS. LEBLANC:** Yes, it was.

19                   **MR. HORN:** Okay.

20                   And so it's not as large a building as where  
21 you're at now on Boundary Road?

22                   **MS. LEBLANC:** That's right.

23                   **MR. HORN:** So it would be -- and really,  
24 there's only one door, one entry door?

25                   **MS. LEBLANC:** At York Street there was one

1 door for the public.

2 MR. HORN: Okay. And so if anybody were to  
3 come in, they would have to come in through that one  
4 particular door?

5 MS. LEBLANC: Yes.

6 MR. HORN: And where was your office when  
7 you were an intake worker?

8 MS. LEBLANC: Down the corridor -- I mean,  
9 when the person came in there was a receptionist -- there  
10 was a lobby, there was a receptionist, and then there was a  
11 series of corridors and my office would have been down one  
12 of the corridors.

13 MR. HORN: Okay. So if an individual came  
14 in they wouldn't see you initially, they would have to go  
15 to the receptionist first and then they would direct that  
16 individual to go to your office?

17 MS. LEBLANC: No. They would call me out to  
18 the reception for me to come and see the person who was  
19 there and escort them to my office.

20 MR. HORN: Okay, so if anybody did come in,  
21 then you would be coming out, seeing the individual and  
22 then you would take them into the back.

23 Now, at this time, do you remember how many  
24 people were working at the York Street centre? Was it a  
25 fairly busy place?

1                   **MS. LEBLANC:** It was always a busy place,  
2                   yes.

3                   **MR. HORN:** People coming and going all the  
4                   time?

5                   **MS. LEBLANC:** I'm not sure if it's all the  
6                   time but there would be some activity throughout the day.

7                   **MR. HORN:** Okay, and plus there's chairs  
8                   there for people to sit and wait for their turn to meet  
9                   with somebody?

10                  **MS. LEBLANC:** Yes.

11                  **MR. HORN:** And the receptionist would be  
12                  there all the time, behind the window ---

13                  **MS. LEBLANC:** There would be somebody at the  
14                  reception ---

15                  **MR. HORN:** --- the little window that was  
16                  there?

17                  **MS. LEBLANC:** Sorry. Yes, there would be  
18                  somebody at the reception from 8:30 to 4:30.

19                  **MR. HORN:** And the receptionist's window  
20                  faces the door so that they would see who would be coming  
21                  and going?

22                  **MS. LEBLANC:** Yes, that's right.

23                  **MR. HORN:** Okay. And so -- all right.

24                  In your evidence, it would seem that you  
25                  have never met Mr. Silmsen?

1 MS. LEBLANC: No, I have not.

2 MR. HORN: And you don't know who he is?

3 MS. LEBLANC: No.

4 MR. HORN: And the only evidence -- the only  
5 way that you know him is from newspaper articles?

6 MS. LEBLANC: Newspaper articles and mostly  
7 the media, yes.

8 MR. HORN: So you really wouldn't be able to  
9 recognize him?

10 MS. LEBLANC: No, I would not.

11 MR. HORN: So if he were to come into the  
12 building at the Children's Aid Society and you saw somebody  
13 who was Mr. Silmsler, you wouldn't be able to recognize who  
14 he was?

15 MS. LEBLANC: No, I would not.

16 MR. HORN: So you can't really say that you  
17 didn't see Mr. Silmsler there because you don't know what he  
18 looks like?

19 MS. LEBLANC: No, I don't know what he looks  
20 like but I certainly never took an intake from a Mr. David  
21 Silmsler.

22 MR. HORN: Pardon?

23 MS. LEBLANC: I never took an intake from a  
24 Mr. David Silmsler.

25 MR. HORN: And you don't -- but you don't

1 know him, you don't know what he looks like, and what if he  
2 had come in and given another name? Could he have talked  
3 to you then?

4 **MR. CHISHOLM:** Object. Is there any  
5 foundation to that question, Mr. Commissioner?

6 **THE COMMISSIONER:** Mr. Horn, what's your  
7 point?

8 **MR. HORN:** The point is, she doesn't -- she  
9 could have dealt with somebody, a person maybe wanted to  
10 come in, didn't want to divulge their name, they wanted to  
11 do it in confidence, anonymously.

12 They could have gone in and talked to  
13 somebody there and so she would have not been able to get  
14 the name, she doesn't know who he is, he could have come in  
15 and gone, and did go to the CAS.

16 **THE COMMISSIONER:** Okay.

17 **MR. HORN:** All right. That could have  
18 happened?

19 **THE COMMISSIONER:** Pass on. Let's go.

20 **MR. HORN:** So it's possible though ---

21 **THE COMMISSIONER:** No, no. The point's been  
22 made, Mr. Horn. Let's go; another subject.

23 **MR. HORN:** Okay.

24 Miss Fitzpatrick, you've known her how long?

25 **MS. LEBLANC:** Since I first started at the

1 agency, since January 3<sup>rd</sup>, 1990.

2 MR. HORN: And she was working prior to you  
3 being there, or who was there first?

4 MS. LEBLANC: She was there first.

5 MR. HORN: Okay, and what kind of work did  
6 she do when you first came there?

7 MS. LEBLANC: She was a child protection  
8 worker.

9 MR. HORN: Okay. Now, I understand from her  
10 testimony she would have a nickname, "Digger". Do you know  
11 that?

12 MS. LEBLANC: Yes.

13 MR. HORN: And that's because she was very  
14 vigilant?

15 MR. CHISHOLM: To clarify the record, could  
16 the witness clarify whether she knows the name "Digger"  
17 through reviewing Miss Fitzpatrick's evidence or had she  
18 been aware of that name prior to her testimony?

19 THE COMMISSIONER: Did you know that before?

20 MS. LEBLANC: I knew that while working at  
21 the Children's Aid, yes.

22 THE COMMISSIONER: All right.

23 MR. HORN: And, I mean, she had that  
24 reputation because of her vigilance and perseverance in  
25 uncovering -- one of the -- part of the evidence was that

1 she was very good at uncovering pedophiles in her evidence.  
2 Is that one of the reasons why she had that reputation?

3 **MR. CHISHOLM:** Object. I'm not sure that  
4 this witness is in a position to speak to why Miss  
5 Fitzpatrick had any particular reputation.

6 **THE COMMISSIONER:** Well, just a minute. We  
7 can ask her opinion.

8 Did you know why people called her "Digger"?

9 **MS. LEBLANC:** Not specifically, no.

10 **MR. HORN:** She mentioned in her evidence  
11 that she had quite a history of working with offenders and  
12 uncovering offenders and she -- and potential pedophiles.

13 Now did you that about her, that was her  
14 reputation at the CAS when you were working with her?

15 **MS. LEBLANC:** All I knew is that she worked  
16 in the Investigations Department and I didn't know that she  
17 had a reputation, no.

18 **MR. HORN:** Okay.

19 Now, there was also something she said about  
20 you and her having some differences. Is that true, what  
21 she says ---

22 **MS. LEBLANC:** Yes, I recall that  
23 information.

24 **MR. HORN:** Do you recall something that  
25 happened in regards -- she was called -- you called her one

1 night to go out in your place?

2 MR. CHISHOLM: I'm going to object to this  
3 line of questioning. It's not relevant to this Inquiry,  
4 sir.

5 MR. HORN: Credibility. If she has any  
6 feelings of animosity towards this individual.

7 THE COMMISSIONER: So let's assume for a  
8 minute there is some animosity, and on what issue do you --  
9 you want to see on the issue of whether or not David  
10 Silmser reported this to this lady?

11 MR. HORN: Yes.

12 THE COMMISSIONER: Let's do it briefly.

13 MR. HORN: Okay.

14 You know about the incident that she's  
15 talking about. Did you watch it or did you read about it  
16 or were you told about what she said on the stand?

17 MS. LEBLANC: I was watching at the time.

18 MR. HORN: Okay, and like you were supposed  
19 to have gone, she went in your place one night and she  
20 couldn't go because the police pulled her off the road. Do  
21 you recall that?

22 MS. LEBLANC: I recall hearing her talking  
23 about that.

24 MR. HORN: Okay. Do you recall if that did  
25 happen?

1                   **MS. LEBLANC:** It didn't happen as you're  
2                   suggesting, no.

3                   **MR. HORN:** It never happened that way?

4                   **MS. LEBLANC:** Not in the way that you're  
5                   suggesting, no.

6                   **MR. HORN:** No. But is that part of the  
7                   reason why there's a difference between you and her because  
8                   something did happen, maybe not quite that way, but  
9                   something did happen?

10                  **THE COMMISSIONER:** There was an incident ---

11                  **MR. HORN:** And it was an incident ---

12                  **THE COMMISSIONER:** --- that happened that  
13                  left you two ---

14                  **MR. HORN:** Was there an incident?

15                  **MS. LEBLANC:** There was incident that  
16                  particular night, yes.

17                  **THE COMMISSIONER:** And when was that? Like  
18                  ballpark, '92; '93; 2000?

19                  **MS. LEBLANC:** Oh, no, this would have been  
20                  approximately two winters ago, two years ago.

21                  **MR. HORN:** Okay. All right. And so there  
22                  was differences between you and her?

23                  **MS. LEBLANC:** Yes.

24                  **MR. HORN:** And this is something that just  
25                  happened recently. Had there been any differences between

1           you and her before then?

2                       **MS. LEBLANC:** I disciplined Miss Fitzpatrick  
3           in November, 2005.

4                       **MR. HORN:** Okay. And so -- it hasn't always  
5           been good between the two of you or just recently?

6                       **MS. LEBLANC:** I would say since November,  
7           2005.

8                       **MR. HORN:** Prior to that, were you friends?

9                       **MS. LEBLANC:** We were not friends. I was  
10          her supervisor.

11                      **MR. HORN:** Okay.

12                      If what Miss Fitzpatrick says is true, that  
13          you did not -- somebody came in with a complaint and you  
14          did not record it or report it, what kind of problems would  
15          you have had with the Society, if you hadn't done your job?

16                      **MS. LEBLANC:** I suppose I would have been  
17          spoken to by my supervisor if I hadn't done my job  
18          properly.

19                      **MR. HORN:** Okay. And so if you didn't do it  
20          back then, and Ms. Fitzpatrick is now saying you didn't do  
21          it, is there a problem for you now, if what she says is  
22          true?

23                      **MS. LEBLANC:** Well, I know it to be not  
24          true, that I never took an intake from Mr. David Silmsen.

25                      **MR. HORN:** But you don't know Mr. Silmsen.

1                   **THE COMMISSIONER:** No, no. No, no. She  
2 never took an intake from someone who identified himself as  
3 Mr. Silmser. Is that fair?

4                   **MS. LEBLANC:** That's correct.

5                   **MR. HORN:** Okay. And there's no record, or  
6 there's no -- nothing in your notes or nothing that would  
7 identify somebody by the name of Silmser coming in at any  
8 time in that period, back in the '91-'92 ---

9                   **MS. LEBLANC:** That's correct. I believe  
10 this evidence has already been before the Inquiry.

11                   **MR. HORN:** Pardon?

12                   **MS. LEBLANC:** I believe that that evidence  
13 has already been before the Inquiry, that there was some  
14 record -- record checks done at the agency and there  
15 were -- are no records of David Silmser coming into the  
16 agency ---

17                   **MR. HORN:** Okay. So somebody else ---

18                   **MS. LEBLANC:** --- in that timeframe.

19                   **MR. HORN:** --- did that check, and you  
20 didn't do it?

21                   **MS. LEBLANC:** That's correct.

22                   **MR. HORN:** Did you recently have an  
23 encounter with her, where you told her that it was you that  
24 did take that intake?

25                   **MS. LEBLANC:** Are we still talking about

1 Mrs. Fitzpatrick, sorry?

2 MR. HORN: Yes.

3 MS. LEBLANC: No, I did not have an  
4 encounter with Mrs. Fitzpatrick to tell her that I took an  
5 intake from David Silmser.

6 MR. HORN: She indicates that it happened at  
7 Boundary Road, not at York Street. Both of you were  
8 working at Boundary Road now?

9 MS. LEBLANC: Yes.

10 MR. HORN: And Boundary Road is a much  
11 larger building?

12 MS. LEBLANC: Yes, it is.

13 MR. HORN: And it's more open space?

14 MS. LEBLANC: Yes.

15 MR. HORN: And it's a lot easier for people  
16 to come and go, and walk around, because there's a lot of  
17 open space?

18 THE COMMISSIONER: You mean members of the  
19 public?

20 MR. HORN: Public, even staff?

21 MS. LEBLANC: Only staff can walk around in  
22 the building. It's -- when members of the public come into  
23 the building, they can only stay in the reception area and  
24 wait for whoever they're asking for. They are not able to  
25 get through to the building -- to the rest of the building.

1                   **MR. HORN:** So you're saying that you don't  
2 recall ever talking to Ms. Fitzpatrick in either the  
3 reception area or in any area of the building?

4                   **MS. LEBLANC:** I did not have a conversation  
5 with Ms. Fitzpatrick about David Silmser.

6                   **MR. HORN:** Okay. How about anything else?

7                   **THE COMMISSIONER:** In what time period, sir?

8                   **MR. HORN:** In the last couple of years? I  
9 think she indicates that you told her just recently, in the  
10 last couple of years, that you -- she says that you told  
11 her.

12                   **MS. LEBLANC:** Sorry, I missed the question.

13                   **MR. HORN:** Okay. In the last couple of  
14 years, she indicates that you met her at the Boundary Road  
15 building, and you discussed this, and you told her that it  
16 was you that Silmser had come in to see.

17                   **MS. LEBLANC:** I did not tell her that I took  
18 an intake from David Silmser.

19                   **MR. HORN:** Okay. Did you have any  
20 discussions with her in the last couple of years on other  
21 subjects then?

22                   **MS. LEBLANC:** I'm sure we've seen each other  
23 in the hallways. I'm sure we've said "Hello." I'm sure  
24 we've seen each other in the lunchroom, possibly, and had  
25 various discussions, but not about David Silmser.

1                   **MR. HORN:** Okay. Thank you.

2                   **MS. LEBLANC:** Thank you.

3                   **THE COMMISSIONER:** Thank you.

4                   Mr. Lee?

5                   **MR. LEE:** No questions.

6                   **THE COMMISSIONER:** Thank you. Mr. Rouleau?

7                   **MR. ROULEAU:** No questions, sir.

8                   **THE COMMISSIONER:** Oh, I'm sorry, Mr. -- no,

9                   Mr. Neville is not here. Okay. Ms. Waddilove?

10                  **MS. WADDILOVE:** No questions, sir.

11                  **THE COMMISSIONER:** Thank you. Mr. Glick's

12                  not here, no. Mr. Crane?

13                  **MR. CRANE:** No questions.

14                  **THE COMMISSIONER:** Ms. Lahaie?

15                  **MS. LAHAIE:** No questions, thank you.

16                  **THE COMMISSIONER:** Messrs. Carroll and

17                  Wallace?

18                  **MR. CARROLL:** Nothing. Thank you.

19                  **THE COMMISSIONER:** Thank you.

20                  And no one from the Upper Canada

21                  School Board. All right. Mr. Chisholm, do you have any

22                  questions?

23                  **MR. CHILSHOLM:** I don't, but Ms. Allinotte

24                  may have a few.

25                  **THE COMMISSIONER:** Oh. Good morning,

1 Ms. Allinotte.

2 MS. ALLINOTTE: Good morning.

3 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

4 MS. ALLINOTTE:

5 MS. ALLINOTTE: Good morning, Ms. Leblanc.

6 MS. LEBLANC: Good morning.

7 MS. ALLINOTTE: I have just a couple of  
8 questions for you. When Ms. Daley was questioning you, she  
9 asked you about your involvement with C-52 and how you  
10 facilitated him going to the Cornwall Police and making  
11 sure that his information was taken.

12 MS. LEBLANC: Yes.

13 MS. ALLINOTTE: And she said, as a  
14 protection worker, would you consider this part of your  
15 duties. I just wanted to clarify; at the time this  
16 happened, you were working at intake, correct?

17 MS. LEBLANC: Yes.

18 MS. ALLINOTTE: So you were an intake  
19 worker, not a protection worker?

20 MS. LEBLANC: I was a protection worker, but  
21 working in the intake department, yes.

22 MS. ALLINOTTE: Okay. And you mentioned in  
23 your testimony as well that you were in intake from  
24 December '91 to April '92, but were you working at the  
25 intake desk during that time or were you seconded to

1 another position for part of that period?

2 MS. LEBLANC: I was seconded during that  
3 period, yes, to another responsibility.

4 MS. ALLINOTTE: So how long would that  
5 period have been?

6 MS. LEBLANC: It would have been for several  
7 weeks. It was a serious occurrence investigation that  
8 would have lasted several weeks.

9 MS. ALLINOTTE: So during that period you  
10 wouldn't have been at intake ---

11 MS. LEBLANC: No ---

12 MS. ALLINOTTE: --- at all?

13 MS. LEBLANC: --- I would not have.

14 MS. ALLINOTTE: And Ms. Daley asked you  
15 about when a worker would deem something not relevant at an  
16 intake level, and what would not be documented. And I'm  
17 just going to ask you plainly what I think she meant is, if  
18 someone came to an intake worker and said, "I was abused as  
19 a child by a priest," is that something that would not be  
20 documented, in your opinion?

21 MS. LEBLANC: No, that would be documented.

22 MS. ALLINOTTE: And the reason for that  
23 would be?

24 MS. LEBLANC: Because it does fall within  
25 the mandate of the Children's Aid Society. It is abuse.

1 It is historical abuse. However, there are potential  
2 victims, so that would be documented, yes.

3 **MS. ALLINOTTE:** Okay. And Ms. Daley also  
4 asked you, and I think -- and Mr. Horn asked you as well  
5 about whether or not you reviewed the brief service intake  
6 records, and you indicated that you hadn't.

7 I believe you are aware of Mr. Carriere's  
8 testimony where he indicated -- this is at Volume 287 of  
9 the transcripts -- that he had searched the records from  
10 1990 until the time Mr. Silmsler did speak with the CAS?  
11 You're aware of that?

12 **MS. LEBLANC:** Yes, I am aware of that.

13 **MS. ALLINOTTE:** And he indicated he found no  
14 record?

15 **MS. LEBLANC:** Yes, I'm aware he found no  
16 record.

17 **MS. ALLINOTTE:** Okay. And something that  
18 wasn't clear to myself and perhaps some of my friends is  
19 when somebody presents themselves at the agency and they go  
20 to the receptionist, not the reception intake worker, does  
21 the receptionist do any triage of sorts or do they just  
22 automatically refer an individual to another intake worker?

23 **MS. LEBLANC:** No, they do do some triage at  
24 the receptionist desk in triage to see if possibly the  
25 matter that is being referred is already active with

1 another worker in the agency, and if it's not active, well,  
2 then, that's when the intake worker would then be  
3 responsible to deal with the matter.

4 **MS. ALLINOTTE:** So the receptionist would  
5 confirm whether or not another worker other than somebody  
6 from intake should be dealing with the individual?

7 **MS. LEBLANC:** That's correct.

8 **MS. ALLINOTTE:** Would the receptionist deal  
9 with individuals in any other way, or would it  
10 automatically go to the current worker or the intake  
11 worker?

12 **MS. LEBLANC:** That's correct, yes. And if  
13 the worker wasn't present, they might call the supervisor,  
14 but -- and on occasion I suppose that if they couldn't  
15 maybe find the worker or the supervisor, they may sometimes  
16 have called on an intake worker, but typically it would  
17 have gone to the worker that was responsible for that  
18 matter.

19 **MS. ALLINOTTE:** So if somebody presents  
20 themselves to the receptionist, not the reception intake  
21 worker, and says, "I was abused as a child," what would the  
22 receptionist do?

23 **MS. LEBLANC:** They would probably do a check  
24 at that time in terms of the person who's coming in and  
25 possibly the alleged perpetrator, if she had the name, and

1 do a search. If it's historical, I believe she would have  
2 probably just passed that on to the intake worker directly.

3 **MS. ALLINOTTE:** Okay.

4 **MS. LEBLANC:** I believe so.

5 **MS. ALLINOTTE:** So it's not the  
6 receptionist's role to deal with the individual in any way.  
7 It's basically just to confirm who that person should be  
8 referred to ---

9 **MS. LEBLANC:** That's correct.

10 **MS. ALLINOTTE:** --- in the agency? Okay.

11 Mr. Horn, when he was questioning you, said  
12 if Mr. Silmsler had come to the agency and not given his  
13 name -- I wasn't quite sure what the question was, but what  
14 I'm going to ask is have you ever taken an intake from  
15 somebody who said they were abused by a priest?

16 **MS. LEBLANC:** No, I did not.

17 **MS. ALLINOTTE:** Okay. And also while  
18 Mr. Horn was questioning you, he suggested that there was  
19 some animosity in your relationship with Ms. Fitzpatrick.  
20 How were your dealings with Ms. Fitzpatrick, from your  
21 point of view?

22 **MS. LEBLANC:** Sorry, I didn't get that.

23 Sorry.

24 **MS. ALLINOTTE:** How were your dealings with  
25 Ms. Fitzpatrick, from your point of view?

1                   **MS. LEBLANC:** I believe I've always remained  
2 professional with Ms. Fitzpatrick. I've continued to said  
3 "Hello" to her in the hallways. I've been friendly with  
4 her, you know, when I've seen her. I have not, you know,  
5 been anything other than professional with her.

6                   **MS. ALLINOTTE:** Okay. Those are all my  
7 questions. Thank you.

8                   **MS. LEBLANC:** Thank you.

9                   **THE COMMISSIONER:** Thank you.

10                   Ms. Sinnamon, do you have any questions?

11                   **MS. SINNAMON:** I have no further questions  
12 for you. Thank you.

13                   I am pleased to say this is the last witness  
14 for the Children's Aid Society and we'll be starting with  
15 the Ontario Provincial Police with our next witness.

16                   And my colleague, Ms. Jones, will be coming  
17 in to do that. So if we maybe want to take just a five-  
18 minute break or so?

19                   **THE COMMISSIONER:** No, actually we'll take  
20 the morning break.

21                   **MS. SINNAMON:** You want to take the morning  
22 break, okay.

23                   **THE COMMISSIONER:** And then we'll go right  
24 until 12:30.

25                   Merci beaucoup d'être venue. À la

1           prochaine.

2                           **MR. FOUGÈRE:** Merci.

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

5                           This hearing will resume at 10:45 a.m.

6           --- Upon recessing at 10:26 a.m./

7                   L'audience est suspendue à 10h26

8           --- Upon resuming at 10:45 a.m./

9                   L'audience est reprise à 10h45

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

12                           This hearing is now resumed. Please be  
13           seated. Veuillez vous asseoir.

14                           **THE COMMISSIONER:** Thank you.

15                           Ms. Jones? Sorry, could you swear in the  
16           witness, please. Sorry.

17           **CHIEF SUPERINTENDENT CARSON FOUGÈRE (RETIRED),**  
18           **Sworn/Assermenté:**

19                           **THE COMMISSIONER:** Thank you. Have a seat,  
20           sir. Welcome to the Inquiry.

21                           **MR. FOUGÈRE:** Thank you, Mr. Commissioner.

22                           **THE COMMISSIONER:** You have fresh water and  
23           you have the microphone to speak into. There's a speaker  
24           there if you wish to lower the volume of questions.

25                           **MR. FOUGÈRE:** Okay. Thank you.

1                   **THE COMMISSIONER:** There's a screen and  
2                   you'll be given no doubt some documents to look over. At  
3                   any time you need a break, please let me know.

4                   **MR. FOUGÈRE:** Thank you.

5                   **THE COMMISSIONER:** In the meantime, answer  
6                   the best you can.

7                   **MR. FOUGÈRE:** Thank you.

8                   **THE COMMISSIONER:** Thank you.

9                   Ms. Jones?

10                  **MS. JONES:** Thank you, Mr. Commissioner.

11                  Before we start hearing the evidence of Mr.  
12                  Fougère though I just want to give a few introductory words  
13                  if I could.

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

15                  **MS. JONES:** We have now finished the  
16                  Children's Aid Society as an institution and the next  
17                  institution that we'll be moving on to is the Ontario  
18                  Provincial Police.

19                  This particular week, we are starting with  
20                  Officer Fougère. We will be then proceeding to Officer  
21                  McQuade, Mr. Lalonde and hopefully the last witness of the  
22                  week is Officer McDonell.

23                  After that, there are going to be a number  
24                  of OPP witnesses made available to the Inquiry, and we are  
25                  going to be exploring the reinvestigation of the Silmsier

1 situation in 1994. And there will also be a number of  
2 witnesses that will be describing what happened in Project  
3 Truth.

4 We anticipate that the evidence will take us  
5 to the week of December 8<sup>th</sup>, that is what is scheduled now,  
6 and we obviously will have a better idea how that  
7 scheduling is going as the time progresses.

8 I understand that Mr. Kozloff wishes to say  
9 a few words to you, Mr. Commissioner, as well if you so  
10 allow.

11 **THE COMMISSIONER:** Oh, there he is. Mr.  
12 Kozloff?

13 **MR. KOZLOFF:** Good morning, sir.

14 **THE COMMISSIONER:** Good morning.

15 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. KOZLOFF:**

16 **MR. KOZLOFF:** Some brief remarks with your  
17 indulgence. Thank you sir.

18 With the commencement of the institutional  
19 response of the Ontario Provincial Police, we recognise  
20 that we embark on this part of the Inquiry under  
21 circumstances where the parameters have changed, yet we  
22 must all continue to move forward as you said, Mr.  
23 Commissioner, on October 23<sup>rd</sup>, "In a professional and  
24 purposeful manner to complete the work of this Inquiry."

25 As the institutional response of the Ontario

1 Provincial Police is canvassed, we will continue to offer  
2 our cooperation and do our utmost to assist you in working  
3 within the time limits imposed by the October 22<sup>nd</sup> Order-in-  
4 Council.

5 The volume of work that remains to be done  
6 has not changed. We are concerned about the time limits  
7 imposed and the effect it will have on this Inquiry's work.  
8 The Order-in-Council, as now amended, should not preclude  
9 the Ontario Provincial Police from a full response, a  
10 response which will assist you, Mr. Commissioner, and the  
11 people of this community where our officers served, to  
12 understand the work done by the organization and its  
13 officers in the various investigations that will be  
14 canvassed by you, your counsel, and counsel to the parties  
15 with standing.

16 Thank you very much.

17 **THE COMMISSIONER:** Thank you.

18 Ms. Jones?

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

20 **JONES:**

21 **MS. JONES:** Good morning, Mr. Fougère.

22 **MR. FOUGÈRE:** Good morning.

23 **MS. JONES:** Some things have been explained  
24 to you, I know, about how things progress here in the  
25 hearing room. I just want to refresh your memory on a

1 couple of things.

2 First of all, if you need anything, a drink  
3 or otherwise, please advise the Clerk and that can be  
4 provided for you. If you find that you need to have a  
5 break, again, please advise us and one will be taken  
6 because we don't want you to be uncomfortable in any way.

7 Also, too, there will be reference made to  
8 various documents and before you're asked to comment on  
9 those documents, we wish you to have the documents in front  
10 of you. A hard copy will be provided by Madam Clerk and  
11 then the version of it will also appear on your screen. I  
12 think I've told you I find the screen version actually very  
13 useful, sometimes because it's a bit larger print very  
14 often than the print you have in front of you.

15 So it's always advisable to wait until you  
16 have both of those documents in front of you before you  
17 proceed with the answers to the questions.

18 **MR. FOUGÈRE:** Okay, thank you.

19 **MS. JONES:** I think that you may recall that  
20 the document number is on the upper right-hand side of the  
21 document?

22 **MR. FOUGÈRE:** M'hm.

23 **MS. JONES:** And the Bates page is on the  
24 left-hand side.

25 But if you have any queries, please ask

1 about that before you feel that you are forced to forge on  
2 with something.

3 **MR. FOUGÈRE:** Okay. Thank you.

4 **MS. JONES:** Now, the very first document  
5 that is going to be entered through you, Mr. Fougère, is  
6 actually your background and your Curriculum Vitae. That  
7 is Document 130146.

8 **THE COMMISSIONER:** Thank you.

9 Exhibit 2498 is the C.V. of Carson Fougère.

10 **--- EXHIBIT NO./PIÈCE NO. P-2498:**

11 (130146) CV of Carson Fougère

12 **MS. JONES:** Thank you. I'm going to go  
13 through just some highlights here, Officer Fougère.

14 Understand that you were a General Duty  
15 Constable with Kapuskasing Police from 1968 to 1970 and  
16 joined the Ontario Provincial Police in 1970, where you  
17 were at the Hearst Detachment from 1970 to 1972. From '72  
18 to '79, you were at South Porcupine Detachment and were on  
19 uniform patrol duties.

20 In 1979, you were promoted to the rank of  
21 Detective Constable in the District Criminal Investigations  
22 Unit headquarters in South Porcupine, and you were there  
23 until '81.

24 In '81 to '86, you were in the rank of  
25 Corporal, again at South Porcupine, and second-in-command

1 of the Criminal Investigations Unit at the same time.

2 In '86, you were promoted to the rank of  
3 Sergeant in South Porcupine and you served in this capacity  
4 until '88.

5 From '88 to 1990, you were a Detective Staff  
6 Sergeant at Long Sault and in 1990, you were promoted to  
7 the rank of Inspector and posted to North Bay.

8 In 1993 to '95, you were the District  
9 Commander at Number 11 District OPP Headquarters in Long  
10 Sault and you held the rank of Superintendent. In that  
11 capacity, you directed utilization of resources and  
12 community policing, as well as operations and management of  
13 13 OPP detachments and seven special units in the five  
14 Eastern counties of Ontario.

15 From '95 to '99, you were the Director of  
16 Operations, Eastern Region. And in 1999, you were also  
17 promoted to the rank of Chief Superintendent, Regional  
18 Commander in North Bay, Ontario.

19 I understand you kept in that rank, in that  
20 position, until your retirement on January 31<sup>st</sup>, 2004. Is  
21 that correct?

22 **MR. FOUGÈRE:** Yes.

23 **MS. JONES:** And I understand that you teach  
24 at the Faculty of Law and Justice at the Canadian Career  
25 College in North Bay and you're also an instructor at

1 Nipissing University with the Criminal Justice Program. Is  
2 that correct?

3 **MR. FOUGÈRE:** Yes.

4 **MS. JONES:** The last thing I just want to  
5 mention is that you have over your service in the OPP been  
6 awarded several honours and awards. You've been a  
7 chairperson and a member of several committees related to  
8 work in policing, including the Canadian Association of  
9 Chiefs of Police?

10 **MR. FOUGÈRE:** Yes.

11 **MS. JONES:** And you have also successfully  
12 completed a variety of inservice training programs at the  
13 Canadian Police College, the Police Academy, the Ontario  
14 Police College, Centre for Leadership, the Centre for  
15 Forensic Science and the Office of Ontario Fire Marshal.

16 Now, the significant time that I wish to  
17 draw you to first with the questions I have is 1994. So I  
18 just want to clarify; in 1994, you would have been the  
19 District Commander for Eastern Region and responsible for  
20 the overall management of criminal investigations in the  
21 Eastern Region?

22 **MR. FOUGÈRE:** Not quite, counsel. I would  
23 have been -- the OPP was organized in that time in 16  
24 districts. So I was the Commander of Number 11 District  
25 which, as you mentioned, was the five eastern counties of

1 Ontario in the greenbelt area of Ottawa-Carleton. It  
2 wasn't all of the Eastern Region; it was that portion of  
3 the east.

4 **MS. JONES:** So it was a portion of the  
5 Eastern Region?

6 **MR. FOUGÈRE:** Yes.

7 **MS. JONES:** Okay. And I understand you were  
8 assisted in that role by Detective Sergeant Norm Duhamel?

9 **MR. FOUGÈRE:** Among others, yes.

10 **MS. JONES:** Among others.

11 So the first -- I can just outline what sort  
12 of areas that I'm going to be canvassing with you in your  
13 evidence here today, and I'm going to be looking at a few  
14 matters in 1994, specifically, your contact with the Seguin  
15 family, your contact regarding Randy Millar and Milton  
16 MacDonald. I'm also going to be looking into 1976 (sic)  
17 and focussing ---

18 **THE COMMISSIONER:** Nineteen seventy-six  
19 (1976)?

20 **MS. JONES:** I'm sorry, 1996, and focussing  
21 on press releases at that time and also looking at press  
22 releases surrounding 1997 when Project Truth was starting  
23 up and your role as a spokesperson and media person through  
24 1997.

25 So the first area or the first topic that

1 we're going to be looking at then is what happened in 1994  
2 when you're District Commander at that time. I want to  
3 draw your attention, please, to your notes that are  
4 Document 130147.

5 **THE COMMISSIONER:** Thank you. Exhibit 2499  
6 is a document with the date on top of Friday, January 28<sup>th</sup>,  
7 1994 which are your notes, sir?

8 **MR. FOUGÈRE:** Yes. There's another page for  
9 that date also. There's a continuation of this page.

10 **MS. JONES:** Madam Clerk, there should be  
11 several pages to that particular document. I have Bates  
12 page 0316 to 0335.

13 **THE COMMISSIONER:** Okay. Well, we've got  
14 the front page in any event. So you want pages 316 to 365?

15 **MS. JONES:** The last Bates page I have is  
16 0335.

17 **THE COMMISSIONER:** Three three five (335),  
18 all right.

19 **MS. JONES:** Yes.

20 **THE COMMISSIONER:** That will be part of  
21 Exhibit 2499.

22 Maybe we can proceed using the screen if you  
23 want to refer to anything other than the first page.

24 **--- EXHIBIT NO./PIÈCE NO. P-2499:**

25 (130147) Notes of Carson Fougère dated 28

1 Jan 94

2 **MS. JONES:** Madam Clerk, is that the bottom  
3 of the page? It is, is it? Okay.

4 We'll get the rest of the notes, if you  
5 don't mind just being patient, but for this purpose it's  
6 fine.

7 You recall that on January 28<sup>th</sup>, 1994 you met  
8 with a family of the late Ken Seguin.

9 **THE COMMISSIONER:** Sorry, what are you  
10 referring to now, sir? You've got something there?

11 **MR. FOUGÈRE:** Oh, this is a copy of the  
12 note. Okay?

13 **THE COMMISSIONER:** Just make sure we keep  
14 apples and apples.

15 Go ahead.

16 **MS. JONES:** We'll make reference to that  
17 later, sir. Okay?

18 I understand that on Friday, January 28<sup>th</sup>,  
19 1994, you met with the family of the late Ken Seguin at  
20 your office in Long Sault. And I'm wondering if you could  
21 please state what the purpose of that meeting was?

22 **MR. FOUGÈRE:** Members of the Seguin family  
23 asked to meet with me. When they did, it was in the  
24 morning. It was Doug Seguin, Keith Seguin and Nancy  
25 Seguin. They came to request charges of attempted

1 extortion and they wanted a copy of the Lancaster OPP  
2 police report with regard to the death of their brother,  
3 and they had questions about the tone of the investigation.

4 **THE COMMISSIONER:** Well, it says -- oh yeah,  
5 right. Okay. Sorry.

6 **MS. JONES:** So just to paraphrase, they were  
7 expressing concerns about the investigation, how the  
8 investigation had been done on their brother Ken Seguin on  
9 his suicide on November 25<sup>th</sup>, 1993?

10 **MR. FOUGÈRE:** Yes.

11 **MS. JONES:** And essentially, did they want  
12 that re-investigated?

13 **MR. FOUGÈRE:** Well, what they told me, and  
14 I'm going from my notes here, was that they -- both  
15 Constables Millar and McDonell made statements to the  
16 family that they couldn't support and they thought they had  
17 coloured the investigation.

18 **THE COMMISSIONER:** So what kind of comments  
19 would they have made -- they were saying that they made?  
20 Do you recall?

21 **MR. FOUGÈRE:** I don't recall the specific  
22 comments they were alleging that were made.

23 **THE COMMISSIONER:** Do you have any  
24 independent recollection of that meeting other than what's  
25 on the notes?

1                   **MR. FOUGÈRE:** No, I wouldn't say that I do,  
2                   no.

3                   **THE COMMISSIONER:** Okay.

4                   **MS. JONES:** But you did make a note  
5                   specifically naming Millar and McDonell. That would be  
6                   Randy Millar and Chris McDonell, two serving OPP officers?

7                   **MR. FOUGÈRE:** Yes.

8                   **MS. JONES:** And I also understand these were  
9                   the two officers that did the investigation into Ken  
10                  Seguin's suicide on November 25<sup>th</sup> and the days following in  
11                  1993?

12                  **MR. FOUGÈRE:** That's what I was led to  
13                  believe, that they were the officers assigned, yes.

14                  **MS. JONES:** Had you had any indication  
15                  before January 28<sup>th</sup>, 1994, that there were any issues  
16                  surrounding the Ken Seguin suicide or issues surrounding  
17                  officers Millar or McDonell?

18                  **MR. FOUGÈRE:** I don't recall issues around  
19                  the death of Ken Seguin and I had never had issues with  
20                  either McDonell or Millar.

21                  **MS. JONES:** So from your standpoint then,  
22                  this is the first time something is brought to your  
23                  attention that the Seguin family is concerned about the  
24                  situation?

25                  **MR. FOUGÈRE:** Yes.

1                   **MS. JONES:** I believe the Commissioner may  
2                   have asked this question already, but can you recall why  
3                   the Seguin family felt that they had coloured the  
4                   investigation somehow; those two officers?

5                   **MR. FOUGÈRE:** Well, again, going from my  
6                   notes, they told me that the officers appeared predisposed  
7                   to the result and I guess, this is where I need the second  
8                   page that goes with this because my note runs into that  
9                   second page.

10                  **THE COMMISSIONER:** We'll flip it over.

11                  **MS. JONES:** Thank you. That's Bates page  
12                  0317.

13                  **MR. FOUGÈRE:** And they said to me that no  
14                  police officer has ever interviewed family members to  
15                  ascertain if there were further witnesses to assist their  
16                  investigation. They complained about a Mr. Silmsler having  
17                  gone to the Ministry since their brother Ken's death in the  
18                  area of December 20<sup>th</sup> to demand money, and that Mr. Silmsler  
19                  was mouthing off in the town of Martintown at a hotel after  
20                  Ken's death about getting \$100,000 from Ken.

21                  So as a result of these concerns expressed  
22                  by the Seguin family, I assured them that there would be a  
23                  proper investigation of the death of Ken Seguin and to that  
24                  end, phoned our Criminal Investigation Branch to have a CIB  
25                  inspector -- detective inspector assigned to conclude the -

1 - to take over this investigation. And I told them I would  
2 give them updates on how that was proceeding, and that  
3 afternoon at about a quarter to three in the afternoon, I  
4 phoned Nancy Seguin after having spoken to Superintendent  
5 Wayne Frechette who was then the officer in charge of  
6 Criminal Investigation Branch, and I advised her that a CIB  
7 inspector would be here the following Monday or Tuesday at  
8 the latest, at which time, the family would be contacted  
9 and the investigation that I had asked for would commence.

10 **MS. JONES:** Okay. And just to be really  
11 clear here, the investigation you were actually requesting  
12 be commenced was a reinvestigation into the sudden death of  
13 Ken Seguin?

14 **MR. FOUGÈRE:** Yes.

15 **MS. JONES:** Okay. Can I refer, please, to  
16 Exhibit 1051. It's Document 124187.

17 **THE COMMISSIONER:** One zero five one (1051)?

18 **MS. JONES:** One zero five one (1051).

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

20 **MR. FOUGÈRE:** Thank you.

21 **MS. JONES:** And I'm specifically going to be  
22 referring to Bates page 1474, please; the bottom paragraph.

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

24 **THE COMMISSIONER:** Okay, so we're there.

25 **MS. JONES:** Thank you.

1                   And you see on the bottom paragraph what  
2                   this document is, Officer Fougère, is a written document  
3                   that's actually prepared by Doug Seguin in relation to a  
4                   civil lawsuit that occurred. So these are his notes and  
5                   his recollections of what had transpired up to that time.  
6                   And on that particular paragraph that I'm referring you to  
7                   there, I'll just read to you what he says about his version  
8                   of the meeting that he had with you, presumably, on January  
9                   28<sup>th</sup>, 1994.

10                   He stated:

11                   "We made a complaint to Superintendent  
12                   Fougère at Long Sault OPP of the  
13                   disreputable conduct of his officers.  
14                   He immediately called the East Regional  
15                   Headquarters in Orillia and started a  
16                   formal investigation of Silmser for  
17                   extortion. Unfortunately, they used  
18                   Chris McDonell, one of the same  
19                   officers who we had complained about  
20                   and who also was involved in Inspector  
21                   Tim Smith's investigation of Father  
22                   Charles MacDonald. In other words,  
23                   they were using the investigation into  
24                   Silmser as an added way of  
25                   investigating Father MacDonald and my

1 brother, Ken."

2 So just to go over each sentence

3 individually, the first sentence that Mr. Seguin says is:

4 "We made a complaint to Superintendent

5 Fougère at Long Sault OPP of the

6 disreputable conduct of his officers."

7 Presumably, that's Millar and McDonell

8 because that's what's in your notes. There were no other

9 officers mentioned?

10 **MR. FOUGÈRE:** They only mentioned Constables

11 Millar and McDonell, but I have absolutely no recollection

12 of an allegation of disreputable conduct against either

13 officer. And I can assure the Commission that had such an

14 allegation been made, that in addition for asking for the

15 criminal investigation into Ken Seguin's death, I'd have

16 asked our Professional Standards Bureau for a parallel

17 Professional Standards Bureau to ascertain if there was or

18 was not misconduct. So because I didn't ask for that

19 investigation, I can't and I don't recall them saying

20 anything disreputable. What they did say, I mentioned

21 earlier, they thought they were predisposed to the result,

22 but they weren't talking about them being disreputable or

23 officers of misconduct.

24 **THE COMMISSIONER:** Well, let's assume for a

25 minute that what they were talking about was a bias. They

1 had a bias on the investigation they were doing. Wouldn't  
2 that be disreputable conduct?

3 **MR. FOUGÈRE:** Thinking back and going with  
4 my experience in death by suicide, I was probably disposed  
5 to the notion that families have great difficulty accepting  
6 a suicidal death. I know that when a ---

7 **THE COMMISSIONER:** Excuse me. Can you get  
8 somebody to call me back? Yeah.

9 **MR. FOUGÈRE:** --- and I think that that was  
10 the level of distraught that I was feeling. And it was, to  
11 that point and subsequent to that point, in my experiences  
12 with the work of Detectives McDonnell and Millar, these were  
13 good detectives who had been commended by our courts for  
14 their investigations and so on. So I think they would have  
15 had to tell me directly of some misconduct for that to  
16 register.

17 And in my mind, what they were talking about  
18 was this investigation is not complete. We have more  
19 witnesses to talk to. So that's why I asked for the  
20 investigation -- my criminal investigation.

21 Disreputable conduct, with all due respect  
22 to this submission made to the civil court, I do not recall  
23 that as part of their presentation to me at all.

24 **MS. JONES:** Do you recall at all -- to  
25 explain some of this, the colour of the investigation, they

1 appeared to be predisposed -- do you recall the Seguin  
2 family complaining that Officers Millar and/or McDonell had  
3 told them in a meeting that they felt and believed that Ken  
4 Seguin was homosexual, and that was the issue they were  
5 upset about?

6 **MR. FOUGÈRE:** You know, I think I'd have  
7 made a note about that, and I didn't. So I can't comment  
8 about that. I'm sorry.

9 **MS. JONES:** Okay.

10 If, in fact, Officers Millar and McDonell  
11 had made a comment such as that, do you think that -- and  
12 the Seguin family complained about that to you, would that  
13 have been something that would have started an internal  
14 investigation; if, in fact, they had said that?

15 **MR. FOUGÈRE:** I don't know. What I might  
16 have wanted to find out first is if the remark was, in  
17 fact, factual.

18 **MS. JONES:** If the remark was factual,  
19 that's my question. If it turned out the remark was  
20 factual, that the officers had said to the family ---

21 **THE COMMISSIONER:** No, no, no, no. He's  
22 saying if they would have said, he would have had to find  
23 out whether or not it was a fact that Ken Seguin was a  
24 homosexual or not. And if he came up with that fact, well  
25 then ---

1                   **MS. JONES:** Okay.

2                   **THE COMMISSIONER:** --- that's where it would  
3 end.

4                   **MS. JONES:** I'm sorry then.

5                   **THE COMMISSIONER:** Right?

6                   **MR. FOUGÈRE:** It may well have ended there.  
7 I would want to ascertain that first, and it might have  
8 been a matter of then speaking to them about tactfulness in  
9 delivering messages that are difficult for people to  
10 receive.

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

12                   **MS. JONES:** Okay.

13                   Now, it does appear that on January 28<sup>th</sup>,  
14 1994, that the Seguins certainly brought your attention  
15 though that they were not pleased with the investigation,  
16 shall we say, to a certain point of Millar and McDonell.  
17 Is that a fair comment?

18                   **MR. FOUGÈRE:** Yeah, they felt that more  
19 could be done.

20                   **MS. JONES:** Okay.

21                   And yet, it does turn out on the next  
22 sentence that we have here in Doug Seguin's statement that  
23 Chris McDonell was used in the subsequent re-investigation.

24                   **MR. FOUGÈRE:** Yes.

25                   **MS. JONES:** Did you have any decision making

1 in assigning who was going to be doing this re-  
2 investigation?

3 **MR. FOUGÈRE:** No.

4 **MS. JONES:** Did you inform anyone that the  
5 Seguin family had raised concerns about both, Officers  
6 Millar and McDonell, before these officers were assigned?

7 **MR. FOUGÈRE:** Well, in my discussion with  
8 Superintendent Frechette, I would have outlined the  
9 concerns as they were expressed to me. Whether I'd have  
10 named Millar or McDonell, I don't recall if I did or not.

11 **MS. JONES:** Okay.

12 Now, the last phrase that's stated in Doug  
13 Seguin's notes here is that the investigation that you had  
14 basically initiated was an added way of investigating  
15 Father MacDonald and Ken Seguin. What are your comments on  
16 that? Was this investigation used for that from your  
17 standpoint?

18 **MR. FOUGÈRE:** I don't know. I would ask  
19 Detective Inspector Tim Smith that question. He did the  
20 investigation. I really don't know.

21 **THE COMMISSIONER:** Okay, but going back --  
22 given that -- well, first of all, is it a fact that Officer  
23 McDonell did continue on doing the re-investigation?

24 **MR. FOUGÈRE:** I'm told that that's what  
25 happened, and there is a very good likelihood that it did.

1 I don't ---

2 **THE COMMISSIONER:** Okay, but ---

3 **MR. FOUGÈRE:** --- or didn't keep notes of  
4 which officer was assigned to which investigation. You  
5 know, when I think of 1994, what stands out in my mind  
6 about 1994, notwithstanding the seriousness of what's said  
7 here, was that at the same time we had 11 homicide  
8 investigations on the go at the same time. We were really,  
9 really busy. And, Mr. Commissioner, I can tell you, I  
10 don't know, aside from the lead CIB inspector of those  
11 homicide investigations, who all the members of all the  
12 teams were because my liaison would be with the CIB  
13 inspector getting an update, from time to time, on various  
14 investigations.

15 **THE COMMISSIONER:** Right, but I guess what  
16 I'm going to try to ask you is this; is you have a  
17 complaint about McDonell. Whatever it is, it's there.  
18 Would it not have been wise to make sure that McDonell  
19 doesn't investigate this?

20 **MR. FOUGÈRE:** Well, Mr. Commissioner, I  
21 understand how the optics are so poor for the Seguin  
22 family; where they've complained about an officer and now  
23 he's on this investigation. And, you know, there was lots  
24 of work that Detective McDonell could have been assigned  
25 to, aside from this. So I don't know who made that

1 decision.

2 **THE COMMISSIONER:** Okay.

3 **MR. FOUGÈRE:** Had the Seguin family come  
4 back and said, "Hey, this is the officer that we raised  
5 some concern about, I'm sure I would have gone to that CIB  
6 inspector, who I recall was Inspector Hamelink and said,  
7 can we put someone else on this investigation.

8 **THE COMMISSIONER:** Right, but then the  
9 comeback would be; listen, you guys are -- you folks have a  
10 top-of-the-line outfit in the province. You've got all  
11 these resources. Surely if we go and see the district --  
12 the person in charge of this area, that -- and we give him  
13 the complaint that that was sufficient to make sure that  
14 McDonnell doesn't do this.

15 **MR. FOUGÈRE:** I could understand them  
16 thinking that, yes.

17 **THE COMMISSIONER:** So -- okay, go ahead.

18 **MS. JONES:** Thank you.

19 Could I go back to your notes, please? I'm  
20 sorry, I didn't make a note of the exhibit number, Madam  
21 Clerk.

22 **THE COMMISSIONER:** Okay. What did you want  
23 to do? Okay. So we're back to Exhibit 2499.

24 **MS. JONES:** Thank you.

25 And we'll go to your notes of February 1<sup>st</sup>,

1 which is Bates page 0318. And that's just a very brief  
2 entry the 1<sup>st</sup> of February, 1994.

3 You've now contacted Officer Frechette and  
4 asked that a detective inspector be assigned. So then you  
5 phoned up on the 1<sup>st</sup> of February, 1994 and advised Nancy  
6 Seguin that Fred Hamelink would be the person that would be  
7 in charge of the investigation?

8 **MR. FOUGÈRE:** Yes.

9 **MS. JONES:** Okay.

10 Then we have an entry on Bates page 0319,  
11 which is the next page, and that's dated the 3<sup>rd</sup> of  
12 February, 1997 and it states there that there was a meeting  
13 with Acting Inspector -- I'm sorry, '94:

14 "Met with Acting Inspector Duhamel,  
15 Detective Inspectors Hamelink and  
16 Grassman re: the Cornwall  
17 investigation."

18 **MR. FOUGÈRE:** Grassman is the last  
19 inspector.

20 **MS. JONES:** Grassman -- Clancy Grassman.  
21 That's fine.

22 So that was a discussion I would assume then  
23 with these very senior ranking officers about what was  
24 going to transpire with this investigation. It's all  
25 sequential. Is that correct?

1                   **MR. FOUGÈRE:** I would assume that is.  
2                   That's the only note I have. I don't have details of what  
3                   the meeting was about.

4                   **MS. JONES:** Well, it says "About the  
5                   Cornwall investigation". So ---

6                   **MR. FOUGÈRE:** And beyond that -- yes, it was  
7                   about the Cornwall investigation. That's all that I have.

8                   **MS. JONES:** All right. Would you agree with  
9                   me even at that meeting there would have been an  
10                  opportunity at that point even just to alert the senior  
11                  officers, especially Officer Hamelink, that McDonnell should  
12                  not be involved in this investigation? At least there was  
13                  that opportunity while you're talking about the  
14                  investigation about to ensue?

15                  **MR. FOUGÈRE:** Yes, I understand there would  
16                  be. However, I'd like the Commission to understand that  
17                  the assignment of personnel to investigations was not my  
18                  role as a District Commander. That was the role of the  
19                  Unit Commander of the Criminal Investigation Section. And  
20                  I wasn't in the habit or practice of asking who got  
21                  assigned to various investigations.

22                  So it didn't obviously happen from my  
23                  direction and as far as Detective McDonnell being assigned,  
24                  aside from the comments made by the Seguin family, this is  
25                  an officer who had a very good track record of criminal

1 investigations. So I don't think it would have, at the  
2 time, raised eyebrows with anyone about his assignment.

3 **MS. JONES:** All right.

4 Now, we're going to be hearing from Officer  
5 Hamelink in November, giving his own evidence on his  
6 perspective of this, but it would appear from Officer  
7 Hamelink's point-of-view that he was actually not re-  
8 investigating the suicide, but rather investigating a  
9 possible extortion against David Silmser.

10 **MR. FOUGÈRE:** M'hm.

11 **MS. JONES:** Do you know how that  
12 transformation came about?

13 **MR. FOUGÈRE:** No.

14 **MS. JONES:** We also will hear from Officer  
15 Hamelink that he spent a considerable amount of time with  
16 the Seguin family throughout the investigation.

17 Was there any discussion with Officer  
18 Hamelink, either on the 3<sup>rd</sup> of February as we've highlighted  
19 here or other dates, where you gave specific instructions  
20 to make sure he spent a lot of time with the Seguin family?

21 **MR. FOUGÈRE:** I don't have a note to that  
22 effect. I don't recall giving direction to the detective  
23 inspectors from CIB. They had their own director that gave  
24 them directions once they engaged in an investigation.

25 **MS. JONES:** On the next Bates page, 0320,

1 the entry is dated February 4<sup>th</sup>, and it states there that  
2 you phoned Nancy Seguin as requested. There's a question  
3 mark where Detective Hamelink or which Crown Attorney he's  
4 consulting about her request. Can you just explain what  
5 those notes mean, if you're able to?

6 **MR. FOUGÈRE:** It would appear that I  
7 answered a phone call that had come in for me from Nancy  
8 Seguin and I told her I didn't know where Detective  
9 Inspector Hamelink was and I didn't know who the Crown  
10 Attorney was that he would be consulting.

11 **MS. JONES:** When you mentioned the Crown  
12 Attorney, how did that come into the picture? Was there a  
13 discussion perhaps on the February 3<sup>rd</sup> meeting where there  
14 would be a discussion ongoing with the Crown Attorney with  
15 this investigation?

16 **MR. FOUGÈRE:** I have no idea how that phone  
17 call came to be directed to my office by Nancy Seguin. I  
18 don't know what motivated the call. I don't at all think  
19 it had any relationship to the meeting that I had on  
20 February 3<sup>rd</sup>.

21 **MS. JONES:** But it's fair to say, certainly  
22 on February 4<sup>th</sup>, you're informing Nancy Seguin very clearly  
23 that a Crown Attorney seems to be -- or is going to be  
24 consulted about the investigation being conducted by  
25 Inspector Hamelink?

1                   **MR. FOUGÈRE:** No, it seems to me that I'm  
2                   answering her question about where is the detective  
3                   inspector and who is the Crown Attorney that the detective  
4                   inspector is consulting with. To my mind, I wouldn't have  
5                   known he was consulting with a Crown Attorney or what he  
6                   might have been consulting about, and I didn't know where  
7                   he was.

8                   **MS. JONES:** All right.

9                   **MR. FOUGÈRE:** And it goes back again to the  
10                  division of responsibilities where that detective inspector  
11                  would have been responsible to the Criminal Investigation  
12                  Branch, not to me.

13                  **MS. JONES:** That's what actually leads me  
14                  nicely into the next area of questioning.

15                  Once this investigation is taken over now by  
16                  Hamelink and he goes on, I believe this is the last entry  
17                  you have concerning that investigation. Is that correct?

18                  **MR. FOUGÈRE:** As far as I could locate, yes,  
19                  it is.

20                  **MS. JONES:** So perhaps you could just  
21                  explain how the command structure happens because you  
22                  apparently own the crime or own that substance, however,  
23                  you are not directly in command of Officer Hamelink. He  
24                  would not report to you about this. Is that correct?

25                  **MR. FOUGÈRE:** That's correct. At that time

1 in the district, organization of the OPP was detective  
2 inspectors were attached to and assigned from the centre  
3 which was our Headquarters in Orillia and reported to the  
4 Director of Criminal Investigation Branch.

5 When they would come into the field, into  
6 one of the detachment areas that a district commander had,  
7 they would liaise with the district commander about  
8 whatever the investigation was at hand. Usually, though,  
9 they would work with the officer in charge of criminal  
10 investigations for the district and would use, for the most  
11 part, human resources from the district of occurrence.

12 From time-to-time, depending on the  
13 substance of an investigation, they would use resources  
14 from another part of the province, and the role of the  
15 inspector conducting an investigation with the district  
16 then would be to keep the district commander, usually  
17 through the officer in charge of criminal investigations,  
18 appraised of the progress of an investigation.

19 Direction with regard to an investigation or  
20 guidance sought by that inspector would be from the chain  
21 of command that that inspector reported through.

22 **MS. JONES:** So in this instance, Officer  
23 Hamelink would have reported to Officer Frechette?

24 **MR. FOUGÈRE:** Yes.

25 **MS. JONES:** As the direct supervisor, it's

1 Officer Frechette that would have been overseeing things.  
2 It just happened to be in your jurisdiction?

3 **MR. FOUGÈRE:** Pardon me?

4 **MS. JONES:** It just happened to be in your  
5 jurisdiction?

6 **MR. FOUGÈRE:** Yes, at the end of the day  
7 from a crime clearance rate, if you will, that was my  
8 responsibility to -- those crime statistics, if we can be  
9 so cold as to call them that, would be my responsibility.

10 **MS. JONES:** So in other words, you would not  
11 have any direct involvement or supervision as to the actual  
12 conducting of that investigation?

13 **MR. FOUGÈRE:** No.

14 **MS. JONES:** And you would not be responsible  
15 to see the progress of the investigation? It would not be  
16 your job to say, "Do this; don't do that"?

17 **MR. FOUGÈRE:** That would come from the  
18 director of CIB.

19 However, I wouldn't agree that it wasn't my  
20 job to ensure that there was progress. That would be  
21 ensured through these liaison visits the inspector would  
22 make to the Director of Criminal Investigation Unit or  
23 directly to myself. So it wasn't forgotten about as an  
24 inspector came into the investigation.

25 **MS. JONES:** There's one more entry on Bates

1 page 0321, which is dated the 8<sup>th</sup> of March, 1994.

2 There's a meeting with Detective Inspector  
3 Smith and Acting Inspector Duhamel, re District CIB  
4 investigations and, "Met with OPPA executives".

5 There's no other notes about that meeting.  
6 Would that be a general meeting just for an update, do you  
7 think?

8 **MR. FOUGÈRE:** It could be about what it  
9 says, "Re District CIB investigations".

10 You know, as I said earlier, there was -- at  
11 one point-in-time we were doing 11 homicide investigations  
12 concurrently. It could have been about that.

13 It could have been -- also at this time we  
14 had a regional task force into smuggling going on; it could  
15 have been that. There was a CIB onspector leading that up.

16 We had truck hijackings on the go, we had  
17 CIB Inspectors looking at that, so I really don't know  
18 which CIB investigations it was; whatever was pertinent  
19 that day, I think. To be specific, I don't know.

20 **MS. JONES:** Okay.

21 We're going to leave that topic then, thank  
22 you, and we're just going to move on to an issue that  
23 happened also in February, 1994. And I understand that you  
24 were contacted by Detective Constable Randy Millar from the  
25 Lancaster Detachment, and in that phone call Officer Millar

1 told you that Milton MacDonald, who was his father-in-law,  
2 had been suspected of sexually abusing a child. Do you  
3 recall that conversation?

4 **MR. FOUGÈRE:** Yes.

5 **MS. JONES:** You were aware already of the  
6 relationship between Officer Millar and Milton MacDonald  
7 and Murray MacDonald, who was his brother-in-law. You were  
8 aware of that relationship already?

9 **MR. FOUGÈRE:** Yes.

10 **MS. JONES:** I understand that Officer Millar  
11 asked you to assign an outside detective inspector to  
12 conduct this investigation. I understand that you did  
13 that. Could you just explain what you did when you got  
14 this call?

15 **MR. FOUGÈRE:** I called, again, the Director  
16 of Criminal Investigation Branch ---

17 **THE COMMISSIONER:** Who was Mr. Fougère?

18 **MR. FOUGÈRE:** I think it would have been  
19 still Superintendent Fréchette, but at any rate ---

20 **THE COMMISSIONER:** Fréchette, sorry. I'm  
21 sorry, yes.

22 **MR. FOUGÈRE:** Or it could have been  
23 Superintendent Edgar, I forget who was in charge at that  
24 particular -- at any rate, I contacted Criminal  
25 Investigation Branch and asked for an investigation to be

1 conducted by that branch for a couple of reasons.

2 One is that it was the father-in-law of one  
3 of our detectives that was the suspect in this matter and  
4 also the father of the local Crown Attorney, so I wanted an  
5 outside investigation.

6 You know, earlier I made reference to the  
7 fact that most often a CIB inspector would use local  
8 district resources. For that particular investigation,  
9 detectives from outside the district were used and brought  
10 in so that all parties involved in the investigation were  
11 without familiarity with Detective Constable Millar or the  
12 Crown Attorney or the accused or the victims.

13 **THE COMMISSIONER:** So are you saying that  
14 Randy Millar was essentially turning the spotlight on his  
15 father-in-law, like not turning him in, but inviting an  
16 investigation into his actions?

17 **MS. JONES:** Exactly, Mr. Commissioner, both  
18 from the conversation that I had with him -- both he and  
19 his brother-in-law, the Crown Attorney ---

20 **THE COMMISSIONER:** Murray MacDonald.

21 **MR. FOUGÈRE:** --- Murray MacDonald, wanted  
22 to make sure that this was a properly investigated, very  
23 transparent investigation that, after it was concluded,  
24 could withstand public scrutiny, and they didn't want to be  
25 seen in any way, through their respective positions, as

1 being obstructionist, if you will, to proper  
2 investigations. They wanted this done right and they  
3 wanted to absent themselves from the scene.

4 **MS. JONES:** So just to summarize. It was  
5 very critical to yourself and certainly to Officer Millar  
6 as well, that the optics present itself very clearly to the  
7 public and anyone else that could possibly be looking at  
8 it, that there can't be any potential conflict of interest  
9 whatsoever?

10 **MR. FOUGÈRE:** Yes.

11 **MS. JONES:** Okay.

12 We're going to move on to the last issue  
13 that happened in 1994, to deal with the CAS. And I want to  
14 refer you, please, to Document 715808.

15 **THE COMMISSIONER:** Thank you.

16 Exhibit 2500 is a letter addressed to  
17 District Commander Fougère, March 2<sup>nd</sup>, 1994 from the  
18 Children's Aid Society -- well, a host of signatures there,  
19 but from Richard Abell and William Carriere.

20 **--- EXHIBIT NO./PIECE NO. P-2500:**

21 (715808) Letter from Richard Abell to Carson  
22 Fougère dated March 2, 1994

23 **MS. JONES:** Thank you.

24 This letter dated March 2<sup>nd</sup>, 1994 comes to a  
25 very significant conclusion in the penultimate paragraph

1           there that I just wish to read to you.

2                           What they're looking at are the allegations  
3 brought by David Silmser that he was sexually abused by  
4 Father Charles MacDonald when he was a child. And the  
5 conclusion by the CAS in this letter says:

6           "After careful consideration of all available information,  
7 we have concluded that we have sufficient grounds to  
8 believe that Mr. Silmser was sexually molested as a child  
9 by Father Charles MacDonald."

10                           Now, this letter is dated March 2<sup>nd</sup>, 1994.  
11 On the left-hand side, written sideways on the letter --  
12 let's wait for it to get on the screen.

13                           **THE COMMISSIONER:** So, Madam Clerk, that's  
14 good work but -- there we go. All right.

15                           **MS. JONES:** Okay. Perhaps that could be  
16 made just a touch smaller?

17                           **THE COMMISSIONER:** Scroll it down -- up, I  
18 mean. No. There we go.

19                           **MS. JONES:** It has to -- yeah, I need the  
20 date. There's a date there; scroll it further down. There  
21 we go. Okay.

22                           It would appear that written along -- or  
23 typed along the side, "11<sup>th</sup> of March, 1994", that this was,  
24 "Attention, Detective Inspector Tim Smith. Forwarded for  
25 your information."

1                   And it appears that Acting Inspector Duhamel  
2           had forwarded that for the Superintendent, which I believe  
3           was you ---

4                   **MR. FOUGÈRE:** Yes.

5                   **MS. JONES:** --- according to this letter  
6           here.

7                   Do you recall reading this particular  
8           letter?

9                   **MR. FOUGÈRE:** No.

10                  **MS. JONES:** Something addressed to you that  
11           would come in the office. Perhaps you could explain why  
12           it's possible that you may not have even read it?

13                  **MR. FOUGÈRE:** The correspondence that came  
14           in to a District Headquarters would be disseminated from an  
15           office where office admin assistants worked, and the  
16           matters such as this would go to the operational inspector,  
17           and sometimes it would go directly to the Criminal  
18           Investigations Unit commander.

19                  I wouldn't see every piece of correspondence  
20           that comes in addressed to the District Commander even  
21           though, in this particular instance, it's addressed to me  
22           by name and my position.

23                  What I -- the correspondence that I would  
24           have seen would be that which the assistant that I had felt  
25           that I really had to see that day; things that I personally

1 had to deal with.

2 Or the other correspondence that I  
3 personally would have received would be from one the  
4 inspectors, either the operational or support service admin  
5 inspector, or one of the unit commanders.

6 But the mail coming through the system --  
7 what this is to me, it's a letter coming that was dealt  
8 with by the operational inspector, who sent it to Criminal  
9 Investigation Bureau for the attention of Detective  
10 Inspector Smith, who he would have known was working on a  
11 case at that time here.

12 **MS. JONES:** So you're not involved then in  
13 the day-to-day sort of grind of making sure that letters go  
14 the appropriate officers? It sounds like everything just  
15 comes to you and somebody else makes a decision of where  
16 it's distributed?

17 **MR. FOUGÈRE:** The distribution of  
18 correspondence was very well handled by the lady in charge  
19 of the administration section, who was a civilian, and she  
20 had -- you know, she was my executive assistant and  
21 supported my work and the work of the superintendents and  
22 oversaw the work of the other admin assistants in that  
23 office.

24 So they would make decisions on where things  
25 would go or should go, and it ran effectively and

1           efficiently while I was there. She was an experienced  
2           person.

3                       **MS. JONES:** Can I draw your attention back  
4           to your notes, which is, again, Exhibit 2499, and  
5           specifically on Bates page 0322?

6                       **MR. FOUGÈRE:** Pardon me, the page?

7                       **MS. JONES:** Zero, three, two, two. The  
8           entry is dated May 9<sup>th</sup>, '94.

9                       At that particular time, it appears that you  
10          were meeting with Chief Johnston and Deputy Chief St. Denis  
11          of Cornwall about the OPP Cornwall protocol. Could you  
12          explain what that protocol was about, please?

13                      **MR. FOUGÈRE:** Sorry, I can't. I've looked  
14          at -- there's a further note, I believe in August, about  
15          signing a protocol ---

16                      **MS. JONES:** Correct.

17                      **MR. FOUGÈRE:** --- but in the interim  
18          from -- throughout the course of 1994, I had meetings with  
19          Chief Johnston about the Crimestoppers protocol. One of  
20          the issues of the day, as I recall it, was the staffing of  
21          the Crimestoppers office. Cornwall Police Service had a  
22          person in, took the person -- we were both struggling with  
23          resource allocation, and so there was a protocol struck on  
24          Crimestoppers, there was a protocol struck on a  
25          relationship with the OPP, the Cornwall Police Service, the

1 RCMP, and the Akwesasne Police.

2 There was another discussion, protocol  
3 discussion, with the Cornwall Police Service with regard to  
4 waterways policing, specifically the St. Lawrence River,  
5 which abuts the City of Cornwall and whose responsibility  
6 it was, and the designation of waterways policing by the  
7 then Ministry of the Solicitor General, and who would do  
8 what.

9 So which protocol this is, I'm sorry, I  
10 don't recall.

11 **MS. JONES:** Do you know if any of these  
12 protocols would have dealt with the issue of historical  
13 sexual abuse in any way?

14 **MR. FOUGÈRE:** I know that -- and it wasn't  
15 Deputy Chief St. Denis, it was Inspector Rick Trew,  
16 Chief Johnston and I met with members of the Diocese of  
17 Alexandria-Cornwall. There was a monsignor, whose name  
18 escapes me, and a few more priests, and representatives  
19 from Children's Aid Society may have also participated in  
20 that meeting where we struck up a protocol. Yes, I do  
21 recall that. I don't immediately have a note about it, but  
22 I recall that meeting. I don't think this was about that.

23 **MS. JONES:** Okay. And I don't have any  
24 other notes or notations, of any other involvement in  
25 the -- what I call the 1994 investigation overseen by

1 Tim Smith and Inspector Hamelink. There doesn't seem to be  
2 any other notation concerning that, so I can assume, I  
3 think safely, that you were not involved in any way with  
4 that, in 1994?

5 **MR. FOUGÈRE:** No, and I guess maybe that's  
6 supportive of what I said earlier about once the  
7 investigation starts, the reporting relationship is to the  
8 Director, CIB. I would be appraised (sic) from time to  
9 time of a status of an investigation.

10 **MS. JONES:** Okay. So I'm going to move  
11 forward now unto 1996, and I would like you, please, to go  
12 to Document 715847.

13 **THE COMMISSIONER:** Thank you.

14 Exhibit 2501 is an Ontario Provincial Police  
15 news release dated March 11<sup>th</sup>, 1996.

16 **---EXHIBIT NO./PIÈCE NO P-2501:**

17 (715847) OPP Media Release "Priest Charged  
18 in Sexual Assault" dated 11 Mar 96

19 **MS. JONES:** The date of this press release  
20 is March 11th, 1996, and it's clearly showing a summary of  
21 the OPP position with regards to Father Charlie being  
22 charged. The point of contact, or the person to contact,  
23 is Tim Smith, which is noted on the second page.

24 Were you familiar with the contents of this  
25 press release before it became public?

1                   **MR. FOUGÈRE:** I don't recall if I was or  
2 not. Usually, when a media release -- in this case, this  
3 is a media release from Criminal Investigation Branch and  
4 Detective Inspector Smith. Usually, we would get a heads  
5 up that this was going to happen -- and, I'm sorry, I  
6 didn't understand your question about ---

7                   **MS. JONES:** Were you aware that this was  
8 happening, that Father Charles Macdonald had been charged  
9 as a result of Officer Smith's investigation?

10                   **MR. FOUGÈRE:** I probably would have been  
11 told. Could I look at my notes for March 11<sup>th</sup>, please?  
12 This is a document standalone -- it's difficult to talk  
13 about something that I didn't issue.

14                   **MS. JONES:** I can refer you to that. It's  
15 in your Exhibit 2499 on Bates page 0324, I believe. Is  
16 that right? Zero-three-two-four (0324).

17                   **THE COMMISSIONER:** He's on sick leave.

18                   **MS. JONES:** It shows -- yes, it shows on  
19 sick leave on March 11<sup>th</sup>, '96.

20                   **MR. FOUGÈRE:** M'hm.

21                   **MS. JONES:** Were you ---

22                   **MR. FOUGÈRE:** So that answers the question.  
23 That's why I wanted to see my notes; I wasn't at the office  
24 that day.

25                   **MS. JONES:** Okay. But were you aware of it

1 before the press release? I would imagine that there's  
2 discussion around the office if something significant  
3 happens, that's why I asked you if you were, before it came  
4 out.

5 **MR. FOUGÈRE:** I may have been or I may not  
6 have been. I -- it would be speculative to answer that  
7 now.

8 **MS. JONES:** The investigation by Tim Smith  
9 in 1994, which had happened in your jurisdiction, you were  
10 aware that there was a reinvestigation into the allegations  
11 against Father Charlie at that point?

12 **MR. FOUGÈRE:** Yes.

13 **MS. JONES:** Did you realize it was the same  
14 person and the same complainants that had been  
15 reinvestigated already in 1994 and was now a result of  
16 charges in 1996? Had you made that connection, in '96?

17 **MR. FOUGÈRE:** I knew who Father Charlie  
18 MacDonald was, yes.

19 **MS. JONES:** Okay. Had you made the  
20 connection, though, that this was the same sort of  
21 reinvestigation that had happened in '94 and now he was  
22 being charged in '96?

23 **MR. FOUGÈRE:** My recollection of that was  
24 that first investigation was brought to the Regional  
25 Director of Crown Attorneys for an opinion, and it was

1 believed to fall short with regards to reasonable grounds  
2 to lay a charge, and that subsequent to that, more  
3 investigation was done and then the charges were laid.

4 **MS. JONES:** Okay. That was your  
5 understanding at the time?

6 **MR. FOUGÈRE:** Yes.

7 **MS. JONES:** Okay. If we can go then to  
8 1997? If we can go to your notes, please, which is Exhibit  
9 2499, Bates page 0325? And these are notes dated  
10 Wednesday, May 14<sup>th</sup>, 1997.

11 Is it fair to say, given the previous notes  
12 were dated March 11<sup>th</sup>, '96, the next relevant notes that  
13 you've provided here, which is May 14<sup>th</sup>, 97, means there was  
14 nothing -- you were not involved in any sort of  
15 investigation regarding Father Charlie or any of these  
16 matters here?

17 **MR. FOUGÈRE:** No.

18 **MS. JONES:** Okay. It would appear on the  
19 14th ---

20 **MR. FOUGÈRE:** Just if I could interject,  
21 counsel ---

22 **MS. JONES:** Yes.

23 **MR. FOUGÈRE:** --- these notes that I've  
24 provided, and I've read a lot of my notes -- I've spent  
25 hours and hours doing that. These notes that I've provided

1 the Commission, and you counsel, are as a result of when we  
2 last met about a month ago. So, if there's a note  
3 somewhere in between about something, perhaps there might  
4 be. I don't want to mislead the Commission, saying,  
5 "Absolutely, there is no other note." I've responded to  
6 your question, so that's why you have this note, but I  
7 don't think there are others.

8 **MS. JONES:** I'm sorry, responded to -- I  
9 don't understand.

10 **MR. FOUGÈRE:** Well, we -- you had some  
11 questions, and I didn't have all of my notes with me, so,  
12 subsequent, to assist you with those answers you were  
13 seeking, I've copied the notes, but I don't think there are  
14 any others, but I don't want to stand here and absolutely  
15 say from the dates you mentioned -- I believe it was March  
16 of '96 to May of '97 -- I have absolutely no notes about  
17 various investigations. I may, but specific to this  
18 request, no, I don't think I do.

19 **MS. JONES:** So you're saying that it is  
20 possible that you have entries then between March 11<sup>th</sup>, '96  
21 and May 14<sup>th</sup>, '97?

22 **MR. FOUGÈRE:** I would have to research that  
23 to give you a definite yes or no. Yes, I would have to do  
24 that.

25 I don't think there are, but I would want to

1 do it. I wouldn't want to be standing here and making a  
2 commitment without the benefit of looking.

3 **MS. JONES:** I see. On May 14<sup>th</sup>, 1997, it  
4 appears that you met with Tim Smith concerning the  
5 assignment of personnel to the Dunlop investigation. And  
6 you were informed by Officer Smith that Detective Hall  
7 would be overseeing the investigation; correct?

8 **MR. FOUGÈRE:** Yes.

9 **MS. JONES:** Again, just to explain the  
10 duties or who is supervising who, were you the direct  
11 supervisor there, and if not, who was?

12 **MR. FOUGÈRE:** Detective Inspector Smith.

13 **MS. JONES:** But who is overseeing Detective  
14 Inspector Smith?

15 **MR. FOUGÈRE:** The Director of Criminal  
16 Investigation Branch of that day.

17 **MS. JONES:** So it's not you, in other words?

18 **MR. FOUGÈRE:** It isn't me.

19 **MS. JONES:** Okay. What would be the ---

20 **MR. FOUGÈRE:** This is Detective Inspector  
21 Smith letting me know -- giving me an update of what's  
22 going on.

23 **MS. JONES:** Okay. So that's what I'm asking  
24 then. If you're not the direct supervisor what would be  
25 the purpose of that meeting then?

1                   **MR. FOUGÈRE:** To let me know what's going on  
2                   in my area of responsibility.

3                   **THE COMMISSIONER:** So what did you  
4                   understand by the Dunlop investigation?

5                   **MR. FOUGÈRE:** I believe, in 1997, the  
6                   investigation that Detective Inspector Smith was by now  
7                   engaged in included an investigation into remarks made by  
8                   Constable Dunlop of the Cornwall Police Service. Exactly  
9                   what that investigation was, I'm not certain.

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

11                  **MS. JONES:** Well, perhaps I can shed some  
12                  light on there, if I could go please to Document 701607?

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

14                  **THE COMMISSIONER:** Thank you.

15                  **MR. FOUGÈRE:** Thank you.

16                  **THE COMMISSIONER:** Exhibit 2502 is internet  
17                  correspondence, email, from Leo Sweeney to Rick Deering et  
18                  al, and the date is May 13<sup>th</sup>, 1997.

19                  **--- EXHIBIT NO./PIÈCE No P-2502:**

20                                 (701607) E-mail to Carson Fougère from Leo  
21                                 Sweeney re: Dunlop Investigation dated 13  
22                                 May 97

23                  **MR. FOUGÈRE:** Thank you. In this email,  
24                  you're one of the people listed there that it was sent to,  
25                  and I believe the first paragraph may outline what you're

1 calling "the Dunlop complaint."

2 "Detective Inspector Smith has been  
3 assigned the Dunlop complaint. It  
4 deals with sexual assault issues and an  
5 alleged conspiracy on behalf of the  
6 Crown's office to obstruct justice.  
7 The file came to OPP via Orillia when  
8 Dunlop, an informant and a lawyer  
9 attended a GHQ and reported a number of  
10 criminal offences."

11 Does that refresh your memory as to what the  
12 Dunlop complaint was about?

13 **MR. FOUGÈRE:** Yes.

14 **MS. JONES:** Okay. So in this particular  
15 email, it seems that Officer Sweeney is announcing that Tim  
16 Smith has been assigned. Did you have any input into who  
17 would be assigned that particular complaint?

18 **MR. FOUGÈRE:** No, that would be the Director  
19 of Criminal Investigation Branch making the assignments.

20 **THE COMMISSIONER:** And that was Leo Sweeney?

21 **MR. FOUGÈRE:** No, Leo Sweeney was a  
22 Detective Inspector at the time in charge of criminal  
23 investigations for Eastern Region.

24 **THE COMMISSIONER:** Okay, but he says, "I  
25 hav" -- in the last paragraph, he says, "I have assigned

1 full-time the following members."

2 **MR. FOUGÈRE:** Yes, he would have, as the  
3 Director of Criminal Operations for Eastern Region ---

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

5 **MR. FOUGÈRE:** --- criminal investigations  
6 for the Region, he would have the authority to assign  
7 members to investigations.

8 **THE COMMISSIONER:** Okay.

9 **MR. FOUGÈRE:** And I guess that sort of  
10 explains what I was trying to mention to the Commission  
11 earlier; is that someone other than the District Commander  
12 assigns personnel or the Region Commander.

13 **MS. JONES:** Now, the very last sentence of  
14 that particular email states:

15 "Hall is in because he is independent  
16 and has had no contact or connection  
17 with the Crown's office or any of the  
18 other investigations."

19 Do you see that?

20 **MR. FOUGÈRE:** Yes.

21 **MS. JONES:** Now, again, I may not be -- I'm  
22 not asking you this question as a person because I know you  
23 didn't assign Tim Smith to this investigation, but just  
24 generally speaking, it would appear that that's a  
25 significant issue as to why Pat Hall was assigned to this

1 matter.

2 MR. FOUGÈRE: Can I read the whole email,  
3 please?

4 MS. JONES: Certainly.

5 (SHORT PAUSE/COURTE PAUSE)

6 MR. FOUGÈRE: Okay. Thank you.

7 MS. JONES: Okay. Would you agree with me  
8 it appears certainly that Mr. Sweeney is saying again the  
9 optics require the OPP to have a certain amount of  
10 transparency in this.

11 In other words, it's important that Officer  
12 Hall be chosen because he is independent, because he has no  
13 connection to any previous investigations.

14 MR. FOUGÈRE: I think that's -- with  
15 relation to the Crown Attorney's office? That's what ---

16 MS. JONES: With the Crown's office or any  
17 of the other investigations?

18 MR. FOUGÈRE: I would check -- perhaps if  
19 Inspector Sweeney is coming here he could best answer that.  
20 It says ---

21 THE COMMISSIONER: Okay, so you don't have  
22 any thoughts on that?

23 MR. FOUGÈRE: Well, no.

24 THE COMMISSIONER: You weren't involved in  
25 any discussions saying, "Look and make sure that we get an

1 outside investigator because" ---

2 **MR. FOUGÈRE:** See the decision to bring  
3 Detective Sergeant Hall into the investigation was already  
4 made when I was advised, and I probably was advised by this  
5 email for the first time. And when you look at the  
6 recipients of the email, it's listed the Regional  
7 Commander, myself as the Operations Director, and Rick  
8 Deering was at that time the Director of Support Services.

9 So you know there's going to be expenses and  
10 costs involved, and Rick was in charge of the budget for  
11 us.

12 **THE COMMISSIONER:** Okay.

13 **MS. JONES:** There is one more email just to  
14 look at, please, on this issue. It's Document 701317.

15 **THE COMMISSIONER:** Exhibit 2503 is another  
16 email from Leo Sweeney to Rick Deering et al, dated May  
17 14<sup>th</sup>, 1997.

18 --- **EXHIBIT NO./PIÈCE No P-2503:**

19 (701317) E-mail to Carson Fougère from Leo  
20 Sweeney re: Dunlop Investigation request for  
21 clerical support dated 14 May 97

22 **MS. JONES:** Thank you. Again, you are a  
23 recipient of this email, Officer Fougère.

24 Would you like a chance just to read it over  
25 before I ask ---

1 MR. FOUGÈRE: Yes, please.

2 MS. JONES: Okay.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. FOUGÈRE: Okay.

5 MS. JONES: Okay. In the first paragraph --

6 I'll just read it out, the part that I'm interested in:

7 "The investigation is, for the most  
8 part, an East Region responsibility.  
9 There are, however, alleged offences  
10 which occurred in the City of Cornwall.  
11 Normally Cornwall Police Service would  
12 form part of the investigative team.  
13 However, the Dunlop complaint targets  
14 the city police and questions their  
15 impartiality and competence."

16 From that sentence it would seem that the  
17 issue of impartiality or even transparency would be a key  
18 issue in making assignments of which resources should be  
19 put on this particular investigation. Would you agree with  
20 that?

21 MR. FOUGÈRE: Yes.

22 MS. JONES: Okay. And in the next  
23 paragraphs they're talking about very specific resource  
24 issues: secretarial support, transportation, request for  
25 funding under the Special Fund. These are all money

1 matters, shall we say?

2 **MR. FOUGÈRE:** Yes.

3 **MS. JONES:** The last paragraph about the  
4 request for the Special Fund:

5 "I feel that the request is valid  
6 because we are in essence doing some  
7 laundry here by cleaning up  
8 investigations which were allegedly  
9 left incomplete. In addition, there  
10 are these side issues which involve the  
11 Catholic Church and the Crown  
12 Attorney's Office wherein it is alleged  
13 the Crown's Office, the Catholic Church  
14 and the Cornwall Police Service  
15 conspired to obstruct justice."

16 This email actually, in time -- if you look  
17 at the time at 12:04 p.m. -- actually pre -- was delivered  
18 before Exhibit 2502, which was -- I'm sorry, they're  
19 different days. I was referring to another email. This is  
20 actually subsequent to 2502. This would have been received  
21 the next day.

22 But would you agree with me that that --  
23 that this email and these two paragraphs again underscore  
24 the need for the OPP to ensure transparency, impartial --  
25 select certain officers to ensure that this investigation

1 is not being accused of what Cornwall Police is being  
2 investigated -- being accused of, which is perhaps  
3 impartiality or partiality, I should say?

4 **MR. FOUGÈRE:** I would like to think that at  
5 that time and to this day the OPP investigations are all  
6 approached in that matter so that they withstand  
7 transparency.

8 **MS. JONES:** Okay. And would it also be fair  
9 to say, especially given the last paragraph there, that a  
10 very serious sort of allegation is being made in that last  
11 paragraph that there's a conspiracy there, that it was very  
12 critical to make sure that you had the right staffing and  
13 resources assigned to this very critical and important  
14 investigation?

15 **MR. FOUGÈRE:** Well, I think he isn't talking  
16 about staff there. He's talking about the side issues of  
17 the allegations made.

18 **MS. JONES:** Well, it's a fairly significant  
19 side issue, I would imagine.

20 **MR. FOUGÈRE:** Yeah, it's more than a side  
21 issue, in my mind. It's a serious allegation, but that's  
22 what it is at that time; it needs investigation, and I  
23 think he's outlining for the command staff of the day the  
24 seriousness of the investigation.

25 **MS. JONES:** I guess the question I have,

1           though, is it's a very serious situation that the OPP is  
2           being asked to investigate. Would you agree with that?

3                   **MR. FOUGÈRE:** Yes.

4                   **MS. JONES:** And naming these institutions  
5           just makes it even more serious or it brings attention to  
6           the fact that it's a very serious situation?

7                   **MR. FOUGÈRE:** Yes.

8                   **MS. JONES:** And clearly the OPP, certainly  
9           from this email in 2502, you want to be pretty clear and  
10          pretty certain that you're assigning the proper people to  
11          conduct this very important investigation?

12                   **MR. FOUGÈRE:** The -- yeah, it would appear  
13          that Detective Inspector Sweeney, you know, using his  
14          judgment and his knowledge of the people, felt comfortable  
15          with these people.

16                   **MS. JONES:** Okay.

17                   **MR. FOUGÈRE:** These were his assignments,  
18          and I know that I didn't question them.

19                   **MS. JONES:** Now, I'm going to bring your  
20          attention to various press releases now, and the first  
21          press release I want to draw your attention to is Exhibit  
22          1531. It's Document 730452.

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

24                   **MS. JONES:** Have you leafed through the  
25          document and familiarized yourself with that?

1                   **MR. FOUGÈRE:** Yes.

2                   **MS. JONES:** This particular document here  
3 seems to be a summary of what the OPP wanted to present to  
4 the media with regards to a background on what had happened  
5 leading up to Project Truth. Would that be a fair  
6 description?

7                   **MR. FOUGÈRE:** Yes.

8                   **MS. JONES:** And this particular document  
9 that was made, who was responsible for actually drafting  
10 it?

11                   **MR. FOUGÈRE:** I don't recall.

12                   **MS. JONES:** Were you one of the people  
13 responsible for drafting it?

14                   **MR. FOUGÈRE:** No.

15                   **MS. JONES:** So perhaps you can just describe  
16 then how it is you end up at a news conference with this  
17 particular document in front of you. How was that done?

18                   **MR. FOUGÈRE:** Okay. Before I go there, Mr.  
19 Commissioner, I wonder if I could look at my notes because  
20 the document that's reproduced here, it strikes me as being  
21 different from the one that I read from at that conference.

22                   **THE COMMISSIONER:** Your notes?

23                   **MR. FOUGÈRE:** The format of this first page,  
24 7119376, is certainly not in keeping with the way we did  
25 press conferences or news conferences, but I know I read

1 from a media release.

2 **THE COMMISSIONER:** Okay. So you want your  
3 notes?

4 **MR. FOUGÈRE:** Nine-three-seven-seven (9377)  
5 appears to be the media release, but then I see it's going  
6 on, and that's where I'm saying it's problematic for me to  
7 reconcile that.

8 **THE COMMISSIONER:** All right.  
9 So what do you want to refer to, your notes?

10 **MR. FOUGÈRE:** My notes that I had at the  
11 press conference, because this document goes on for a  
12 number of pages.

13 **THE COMMISSIONER:** Yes.

14 **MS. JONES:** Could I -- perhaps I could draw  
15 -- bring in one more exhibit to see if maybe this helps.  
16 It's related to this. It's Exhibit 1150.

17 **THE COMMISSIONER:** Exhibit 1150.

18 **MS. JONES:** And this is another version of  
19 that cover page. We've had this entered. And if you flip  
20 over to the next page, this was entered because there were  
21 actually handwritten notes written at the bottom. I  
22 believe it was entered in through Officer Wells, that these  
23 notes would likely have been made on the day of the news  
24 conference as an aide-mémoire, shall we say.

25 **THE COMMISSIONER:** I don't know if it's

1 Officer Wells. I thought that that was Officer Trew's --

2 -

3 **MS. JONES:** Officer Trew?

4 **THE COMMISSIONER:** No? All right.

5 Help us out there, Mr. Kozloff.

6 **MR. KOZLOFF:** Would there be an indication  
7 as to when this was made an exhibit, Madam Clerk?

8 **THE COMMISSIONER:** After 1149 and before  
9 1151.

10 **MR. KOZLOFF:** This exhibit was entered  
11 through Mr. Guzzo's evidence on the 16<sup>th</sup> of January.

12 **THE COMMISSIONER:** Okay. All I know is that

13 ---

14 **MR. KOZLOFF:** On the 16<sup>th</sup> of January.

15 **THE COMMISSIONER:** Okay. All I know is that

16 ---

17 **MR. KOZLOFF:** I'm referring, sir, to the  
18 specific Exhibit 1150.

19 **THE COMMISSIONER:** Yes.

20 **MR. KOZLOFF:** Which is Document 730454.

21 **THE COMMISSIONER:** Right. I'm sorry?

22 **MR. KOZLOFF:** It was entered as an exhibit  
23 in the cross-examination of Mr. Guzzo by ---

24 **THE COMMISSIONER:** Right. Okay. But I have  
25 a note someplace with respect to Officer Trew.

1                   **MR. KOZLOFF:** That's the first exhibit which  
2 my friend showed, the Retired Chief Superintendent Fougère,  
3 and that's 730452. That's Exhibit 1531 ---

4                   **THE COMMISSIONER:** No, no, sir.  
5 I'm sorry.

6                   **MR. KOZLOFF:** (Off mic)

7                   **THE COMMISSIONER:** Okay, well, I don't know  
8 if it means anything, but in my extensive notes, I have in  
9 that, "Trew says in didn't see this". But we have a copy  
10 of this document with Trew's handwriting which is Exhibit  
11 1150. So I were a betting man, I would say that the  
12 handwriting at the bottom of 1150 is Officer Trew's.

13                   **MR. KOZLOFF:** I would agree with you.

14                   **THE COMMISSIONER:** Okay, good. So while  
15 there is a lull in the action, were you able to look at  
16 1150, and does this give a little better with what you  
17 recall?

18                   **MR. FOUGÈRE:** No, Mr. Commissioner, here's  
19 my problem.

20 We have this font on this paper.

21                   **THE COMMISSIONER:** Yeah.

22                   **MR. FOUGÈRE:** This font on this paper.

23                   **THE COMMISSIONER:** Yeah.

24                   **MR. FOUGÈRE:** Which font is the press  
25 conference? And that's why I asked if I could look at my

1 notebook for the copy that I have.

2 THE COMMISSIONER: All right.

3 MR. FOUGÈRE: It's -- you know, they're both  
4 document numbers.

5 THE COMMISSIONER: Okay.

6 MR. FOUGÈRE: Both say the same thing.

7 THE COMMISSIONER: M'hm.

8 MR. FOUGÈRE: But there's a marked  
9 difference in the font.

10 THE COMMISSIONER: Okay, but so okay, okay.

11 So you want that -- where are your notes?

12 MR. FOUGÈRE: They're here.

13 THE COMMISSIONER: Oh, no, no. Do we have  
14 your notes?

15 MS. JONES: Yeah, is it possible that  
16 barring the first page ---

17 MR. FOUGÈRE: Okay.

18 MS. JONES: --- barring the first entry, the  
19 rest of the document would be consistent with what you were  
20 handed with on that news conference day?

21 MR. KOZLOFF: The rest of which document?

22 MS. JONES: The rest of Exhibit 1531.

23 MR. KOZLOFF: I believe ---

24 THE COMMISSIONER: In any event, you can't  
25 do that, Mr. Kozloff. You have to come up to the stand.

1 I welcome your comments, but you can't talk from there.

2 **MR. KOZLOFF:** I'm going to take you back to  
3 the evidence of Inspector Trew.

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

5 **MR. KOZLOFF:** There was some confusion about  
6 what, in fact, was made part of a press release.

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

8 **MR. KOZLOFF:** And what, in fact, was given  
9 and what, in fact, was taken away from that press release  
10 by Inspector Trew.

11 What we know from the evidence that you  
12 heard through him is that the document, which -- not the  
13 one with his handwriting on it, the other one -- was in the  
14 Cornwall Police documents that were disclosed to the  
15 Commission.

16 **THE COMMISSIONER:** Right.

17 **MR. KOZLOFF:** We can all theorize about how  
18 the second through the ninth page attached to the press  
19 release came to be in the possession of Inspector Trew and  
20 came to be brought back to the Cornwall Police Service  
21 station and maintained until it was turned over to the  
22 Commission, you know, 10 or 15 -- 10 or 12 years later.

23 What Mr. Fougère has testified to today is  
24 that he knows that after page one that is not part of the  
25 document that he was provided at the press conference.

1                   **THE COMMISSIONER:** Well, he's questioning  
2                   that.

3                   **MR. KOZLOFF:** Well, okay. I'll let ---

4                   **THE COMMISSIONER:** But now that you've told  
5                   him.

6                   **MR. KOZLOFF:** But we addressed this during  
7                   the evidence of Mr. Trew ---

8                   **THE COMMISSIONER:** Yes.

9                   **MR. KOZLOFF:** --- if you recall?

10                  **THE COMMISSIONER:** Yes, yes.

11                  **MR. KOZLOFF:** I know it's a long time ago,  
12                  sir.

13                  **THE COMMISSIONER:** No, well, I had my notes.  
14                  Okay, so, sir, what -- okay, he wants to  
15                  review his notes. What notes do we have?

16                  **MS. JONES:** We don't have any notes on that  
17                  issue.

18                  **THE COMMISSIONER:** You mean ---

19                  ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. KOZLOFF

20                  **MR. KOZLOFF:** Perhaps I could just address  
21                  that, so it's clear in your mind.

22                                When Mr. Fougère was interviewed by  
23                                Commission counsel and Commission staff in my presence, and  
24                                in the presence of Mr. Wallace for the OPPA, he brought  
25                                with him his notes. They were notes, which we did not

1 have. He referred to his notes during the course of his  
2 interview. It was of assistance to the Commission, staff  
3 who were preparing for the Commission.

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

5 **MR. KOZLOFF:** There was a verbal request  
6 made by my friend with respect to certain things that Mr.  
7 Fougère referred to in his interview. I indicated to my  
8 friend that I would like the request put in writing so I  
9 could be absolutely sure what was being requested.

10 I did not receive a request in writing.  
11 Notwithstanding I did not receive a request in writing, I  
12 asked Mr. Fougère to provide us with those of his notes,  
13 which were -- which he had referred to in the course of the  
14 interview and which he did.

15 So he sent them to us. We turned them over  
16 to the Commission. They're part of the documents which  
17 were disclosed. They were part of late disclosure.

18 We also ensured that Mr. Fougère would bring  
19 all of his notes here so that Commission counsel, if they  
20 chose, could inspect them and satisfy themselves with  
21 respect to what had been provided by way of faxes that were  
22 sent to me and then turned over to the Commission.

23 He has all of his notes. In the ordinary  
24 course, sir, when a police officer comes to testify in a  
25 court, as you well know from your experience, he has his

1 notebook. This man has his notes for the period of time  
2 that's under scrutiny by the Inquiry.

3 I know you're reluctant to allow him to  
4 refer to his best evidence, which is his own notes, rather  
5 than photocopies or copies on the screen, but he's brought  
6 them here. And, in my submission, if there is an issue  
7 about something which you need an answer to and the notes  
8 perhaps haven't been turned over because they didn't appear  
9 to be relevant to the request made by the Commission, but  
10 nevertheless they may be of assistance in answering your  
11 question, he should be permitted to refer to his note, and  
12 if you wish, you can examine the note. He can hand it to  
13 your staff who can bring it up to you and you can look at  
14 it yourself. That explains the gist.

15 **THE COMMISSIONER:** That explains -- but what  
16 about the disclosure? You know, you are undertaking to  
17 disclose everything.

18 **MR. KOZLOFF:** Yes.

19 **THE COMMISSIONER:** Nobody thought of asking  
20 this gentleman for his notes way back when I guess?

21 **MR. KOZLOFF:** There was a canvas done, sir,  
22 in 2005.

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

24 **MR. KOZLOFF:** It may well be that Mr. --  
25 well, you can ask Mr. Fougère but -- who's a big boy and

1 can answer for himself. It would appear that he did not  
2 turn his notes over to Detective Inspector, at the time,  
3 **McWade** for the purpose of being turned over. They weren't  
4 part -- they were not part of the files that were being  
5 maintained in respect of the matters which we understood to  
6 be under scrutiny by the Inquiry.

7 **THE COMMISSIONER:** Okay.

8 **MR. KOZLOFF:** Indeed, this man was not  
9 identified by the Commission as a potential witness until  
10 September of 2008.

11 **THE COMMISSIONER:** That's a chicken-and-the-  
12 egg question.

13 **MR. KOZLOFF:** I suppose.

14 **THE COMMISSIONER:** You know, I mean, in an  
15 inquiry, you, as a party, are supposed to give us what's  
16 relevant. Something happened, and it's not the end of the  
17 world. It's not the end of the world.

18 **MR. KOZLOFF:** Well, it's not a perfect  
19 world. Best efforts were made, sir, to provide the  
20 Commission with every relevant document and ---

21 **THE COMMISSIONER:** So the time for this is  
22 over now, in the sense that we have many things to do other  
23 than discuss this.

24 **MR. KOZLOFF:** I appreciate that.

25 **THE COMMISSIONER:** But I appreciate your

1 comments about this officer bringing up his notes because  
2 all I thought was that all the notes were already here, and  
3 I didn't want this officer looking at something different  
4 than what we had.

5 **MR. KOZLOFF:** I understand.

6 **THE COMMISSIONER:** So now that I understand  
7 what's going on here, what we'll do is we'll take the lunch  
8 break now. You folks can look at his notes and figure this  
9 -- it should be a very minor point and then figure out  
10 where we go with the news release and what was released.

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

12 **THE COMMISSIONER:** All right. Thank you.  
13 Let's come back at a quarter to.

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

16 This hearing will resume at 1:45 p.m.

17 --- Upon recessing at 12:14 p.m./

18 L'audience est suspendue à 12h14

19 --- Upon resuming at 1:48 p.m./

20 L'audience est reprise à 13h48

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

23 This hearing is now resumed. Please be  
24 seated. Veuillez vous asseoir.

25 **THE COMMISSIONER:** Did Mr. Kozloff buy you

1 lunch?

2 **MR. FOUGÈRE:** Pardon?

3 **THE COMMISSIONER:** Did Mr. Kozloff pay for  
4 lunch?

5 **MR. FOUGÈRE:** No, Mr. Commissioner, but  
6 maybe we can tap him later in the afternoon.

7 **THE COMMISSIONER:** All right.

8 Go ahead.

9 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. JONES :

10 **MS. JONES:** Mr. Commissioner, we had left  
11 before the lunch break concerning an issue surrounding Mr.  
12 Fougère's notes that he'd accumulated during his time as a  
13 police officer in the integral years of 1994 through to  
14 1997 and possibly even 1998.

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

16 **MS. JONES:** It would appear that there are  
17 several volumes of these notes that he's brought here today  
18 to the Inquiry and there may actually be material in there  
19 that may be considered relevant to the Inquiry that we do  
20 not have copies of at this particular point.

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

22 **MS. JONES:** The prudent thing to do perhaps,  
23 and I would be suggesting to you, Mr. Commissioner, would  
24 be to continue on with this witness as we are doing, but  
25 that the notes of Mr. Fougère will be left behind and

1 Commission counsel will review them, and if there's proper  
2 disclosure to be made, then it will be made to the parties  
3 and if Mr. Fougère has to be called back because of  
4 something arising out of these notes, then we would have  
5 that opportunity at that particular point.

6 To do otherwise would be losing valuable  
7 time here at the Inquiry, and I think that that possibly is  
8 something for you to consider.

9 I don't know if anyone else has any  
10 submissions on that point or not?

11 **THE COMMISSIONER:** Mr. Kozloff, is that  
12 satisfactory to your ---

13 **MR. KOZLOFF:** Sure.

14 **THE COMMISSIONER:** Fine. Then let's do it.

15 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. LEE:**

16 **MR. LEE:** I don't object to that process at  
17 all. I just think that Commission counsel should have  
18 discussions with the OPP about future witnesses and whether  
19 this was a -- Mr. Fougère seems perhaps from Mr. Kozloff's  
20 discussion to be in a different position than other  
21 witnesses.

22 **THE COMMISSIONER:** Right.

23 **MR. LEE:** I don't know if -- just if we  
24 could make sure that everybody's on the same page.

25 **THE COMMISSIONER:** Sure. A friendly recall

1           that it's an ongoing disclosure obligation and that it  
2           should be followed.

3                       **MS. JONES:** Thank you.

4                       **THE COMMISSIONER:** Thank you.

5           **CHIEF SUPERINTENDENT CARSON FOUGÈRE (RETIRED),**

6           **Sworn/Assermenté:**

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

8           **JONES:**

9                       **MS. JONES:** Mr. Fougère, we were at Document  
10           or Exhibit Number 1531 which was a news conference, Project  
11           Truth document dated September 25<sup>th</sup>, 1997. It says on the  
12           top of the document "News Conference Project Truth".

13                      And there was an issue on the second page of  
14           that document and then there's several pages following  
15           that. Was this a press release? Was this a news release?  
16           Was this something discussed? Perhaps you're able to  
17           explain, now that you've had a chance to review things,  
18           what this document, Exhibit 1531, means to you?

19                      **MR. FOUGÈRE:** Okay. The first two pages in  
20           7119376 and 77 are the press release and notes that I spoke  
21           from at a news conference on September 25<sup>th</sup>, 1997.

22                      **MS. JONES:** Sorry, when you say notes that  
23           you spoke from, did you speak at this press conference?

24                      **MR. FOUGÈRE:** I believe I spoke at that -- I  
25           spoke at some but they would be notes from a news

1 conference.

2 MS. JONES: I'm sorry. So continue.

3 MR. FOUGÈRE: I'm not sure that I spoke at  
4 this particular one. I know I spoke at some.

5 MS. JONES: And so would this actually be --  
6 the document itself actually be given? Would some piece of  
7 paper be given to the press or was this a situation where  
8 the people sat in front of the cameras and just read from  
9 this press release?

10 MR. FOUGÈRE: Usually, this is the kind of  
11 document that would be shared with the media. If it  
12 happened in this instance, I'm not sure.

13 MS. JONES: Either way, this was the stance  
14 taken for the press at that time?

15 MR. FOUGÈRE: At that time, yes.

16 MS. JONES: And what about the remaining  
17 pieces of paper that start with the title "Overview of  
18 Investigation"? That's Bates pages 9378 to 9385.

19 MR. FOUGÈRE: This, to me, appears to be a  
20 part of an application made by an investigator to secure  
21 funding for the investigation that was going on and is  
22 completely separate and apart from this news conference  
23 release.

24 MS. JONES: So do you know where this  
25 Overview of Investigation would have germinated from

1 originally; who would have written that?

2 **MR. FOUGÈRE:** The remaining pages?

3 **MS. JONES:** The remaining pages?

4 **MR. FOUGÈRE:** No, it doesn't have a  
5 signature on it. It would be the type of document that  
6 would -- that could come from the Regional Headquarters,  
7 more probably came from Criminal Investigation Branch, but  
8 I don't know the originator of this.

9 **MS. JONES:** Is it possible this particular  
10 document might have been given to those of you who were  
11 attending the conference or press release, which was Edgar  
12 and Trew and yourself? Is it possible that was provided to  
13 you by way of background on the information in case the  
14 press had asked you questions?

15 **MR. FOUGÈRE:** I don't recall a document like  
16 this for background at all, no. It may have been shared by  
17 -- it certainly isn't my document, so someone else may have  
18 shared with other participants. I don't recall even seeing  
19 this document before.

20 **MS. JONES:** Okay.

21 If we could go, please then, to Document  
22 706593 (sic).

23 **THE COMMISSIONER:** That will be a new  
24 document, sir.

25 Thank you.

1                   Exhibit Number 2504 is a press clipping,  
2                   Friday, September 26<sup>th</sup>, 1997, The Ottawa Citizen.

3                   **--- EXHIBIT NO./PIÈCE NO. P-2504:**

4                   (706953) Newspaper Article, The Ottawa  
5                   Citizen - 'Police Widen Sex Crimes  
6                   Investigation' dated September 26, 1997

7                   **MS. JONES:** Now, I'm just going to wait for  
8                   it to go on the screen because the printing is actually  
9                   very small. It's much easier to read it on the screen.

10                   I'm looking at the second column. It starts  
11                   off, "These are new allegations", about halfway down.  
12                   Thank you. Perfect.

13                   This is dated September 26<sup>th</sup>, 1997. It's the  
14                   day after the press conference or news conference we just  
15                   talked about, which was September 25<sup>th</sup>.

16                   **MR. FOUGÈRE:** M'hm.

17                   **MS. JONES:** So presumably this is running on  
18                   the heels of that particular press release. And the quote  
19                   attributed to you and put in quotation marks is:

20                   "These are new allegations against new  
21                   individuals. It would be premature at  
22                   this moment to make linkages between  
23                   new allegations and old, but the  
24                   investigators have a lot to follow up  
25                   on. They will be able to cross-index

1 with the previous investigation."

2 Is this an accurate quote, to the best of  
3 your ability?

4 **MR. FOUGÈRE:** I think it's an accurate  
5 quote.

6 **MS. JONES:** Okay. There's nothing in there  
7 that's incorrect?

8 **MR. FOUGÈRE:** I don't think so.

9 **MS. JONES:** Okay.

10 Now, one of the perpetrators I believe at  
11 this time could have been considered Father Charlie. Was  
12 that one of the perpetrators you had in mind at the time?

13 **THE COMMISSIONER:** One of the alleged  
14 perpetrators.

15 **MS. JONES:** Alleged perpetrators?

16 **MR. FOUGÈRE:** I don't know.

17 **MS. JONES:** Okay.

18 Now, at this particular point, were you  
19 considered to be some sort of media spokesperson for the  
20 OPP?

21 **MR. FOUGÈRE:** I was for this particular news  
22 conference. I was not an OPP spokesperson. I was the  
23 Director of Operations for Eastern Ontario at that time or  
24 Eastern Region of the OPP, and I can share with the  
25 Commission that the reason that I wasn't spokesperson was

1 to keep an arm's length, if you will, between the media,  
2 Detective Inspector Smith and the other investigators so  
3 they could do their work. We didn't want to slow down  
4 their work, and to have them available that day would lead  
5 to them being, in our mind at the time, more readily  
6 available as time went on. So they'd be busy interviewing  
7 someone, for example, and a cell phone or a pager goes off  
8 from whoever, asking for an update. We didn't want them  
9 talking to the media; we wanted them working on the case.

10 **MS. JONES:** You would -- you would become a  
11 spokesperson of sorts anyway, later on certainly. I'm  
12 wondering; did you receive any specialized training in  
13 media relations?

14 **MR. FOUGÈRE:** A bit. That was a part of a  
15 course that I took at the Canadian Police College in 1989.  
16 It was called a Senior Police Administration Course and  
17 there was hands-on training given to us by staff at the  
18 college and by national media people.

19 **MS. JONES:** And besides that training, had  
20 you received any other specialized media training of any  
21 sort?

22 **MR. FOUGÈRE:** No.

23 **MS. JONES:** What about liaising with the  
24 media people? I'm assuming there's a communications person  
25 within the OPP that ---

1                   **MR. FOUGÈRE:** Yes.

2                   **MS. JONES:** --- helps disseminate  
3 information.

4                   Had you received any special direction from  
5 that particular department in dealing with the media; what  
6 to say, what not to say?

7                   **MR. FOUGÈRE:** Not our Media Relations Branch  
8 in Orillia. I did rely quite heavily on information  
9 provided to me by the late Lori Berger who was the regional  
10 Media Relations Coordinator for Eastern Region, and she had  
11 come to the OPP from an employer in the media and so I  
12 sought her counsel before speaking.

13                   **MS. JONES:** And what about what you would  
14 actually share with the media and what you would not share  
15 with the media? Was there somebody that you talked to  
16 ahead of time or did you make those decisions yourself?

17                   **MR. FOUGÈRE:** What I would and would not  
18 share -- I'm sorry?

19                   **MS. JONES:** In future press releases I'll  
20 take you to, there's certain information you give the press  
21 and there's certain information I presume you would not  
22 give the press.

23                   **MR. FOUGÈRE:** M'hm.

24                   **MS. JONES:** Who made that decision, what  
25 gets released publicly and what does not? Was it just you

1 or did you consult with somebody on that?

2 **MR. FOUGÈRE:** No, I would have -- I guess at  
3 the end of the day I would have made the decisions as to  
4 what I'm answering or not answering but I would have  
5 received information from the Investigative Team and from  
6 Detective Inspector Smith from time to time, my briefing so  
7 that, you know, what I shared with the media was credible  
8 on behalf of the organization.

9 **MS. JONES:** But you made the ultimate  
10 decision, then, on what was shared and what was not?  
11 That's what I'm trying to get at here.

12 **MR. FOUGÈRE:** No, I think it was made in  
13 concert with the investigators from the team. And when I  
14 say I maybe, at the end, I'm the person in front of the  
15 cameras and the microphones and I can't, you know, peek  
16 into the corner and say, "What do you think of this one,  
17 Joey"? I have to make a decision on the spot; that's what  
18 I meant. Those would be the only ones but I would have had  
19 background information provided beforehand.

20 **MS. JONES:** And if the press wrote something  
21 in the -- in their articles, I'm talking about the written  
22 press here, if they wrote something and put it in quotation  
23 marks, even attributed it to you, at any time were any of  
24 those quotes incorrect or factually incorrect or improperly  
25 attributed to you?

1                   **MR. FOUGÈRE:** I believe from time to time  
2                   that occurred, yes.

3                   **MS. JONES:** What would you do in reaction to  
4                   that?

5                   **MR. FOUGÈRE:** Let it go. It's in the  
6                   newspaper today, and I have to deal with the media  
7                   tomorrow, next month, next year. I just personally had --  
8                   I know that from time to time people in my position write  
9                   letters to the editor or seek redress in some other forms.  
10                  I chose it was better to let it go and get on with life  
11                  because, at the end of the day, the police are working with  
12                  the media on a number of issues. We're seeking their  
13                  assistance so I didn't want to aggravate that relationship.  
14                  Sometimes it aggravated itself all by itself; it didn't  
15                  need any assistance from me.

16                  **MS. JONES:** But you will agree that there  
17                  were avenues available to you that, if there was a misquote  
18                  attributed, you would be able to either write a letter or  
19                  contact the paper in some way to have them retract that?

20                  **MR. FOUGÈRE:** I had one experience that  
21                  wasn't particularly -- I didn't care for it.

22                  **THE COMMISSIONER:** Is it related to this,  
23                  sir?

24                  **MR. FOUGÈRE:** But not, and based on that  
25                  one, I decided for in the future, you know what; as someone

1 once said, you don't write letters to the person that  
2 stores ink by the barrel.

3 **MS. JONES:** I beg your pardon?

4 **MR. FOUGÈRE:** You don't write letters to a  
5 person who has ink by the barrel.

6 **MS. JONES:** Okay.

7 **MR. FOUGÈRE:** And I decided this was my  
8 easier way.

9 **THE COMMISSIONER:** Could you put your  
10 microphone ---

11 **MR. FOUGÈRE:** Oh, sorry.

12 **THE COMMISSIONER:** No, that's good. Good.

13 **MS. JONES:** Thank you very much.

14 So if we could please go to Document 733168;  
15 733168.

16 **THE COMMISSIONER:** Thank you.

17 Exhibit 2505 is a news release dated July  
18 9<sup>th</sup>, 1998 from the Ontario Provincial Police. Okay.

19 **---EXHIBIT NO./PIECE NO. P-2505:**

20 (733168) OPP Press Release 'Seven  
21 Charged in 'Project Truth'  
22 Investigation' dated 9 Jul 98

23 **MS. JONES:** Now on this particular press  
24 release, dated July 9<sup>th</sup>, 1998, this is a very critical one  
25 because it's describing the seven simultaneously charged

1       alleged offenders in the Project Truth investigation.

2                   And on the second page it has you as the  
3       contact person, so certainly from this point onwards at  
4       least, you seem to be -- or will be the point of contact  
5       for Project Truth?           Is that a fair assessment?

6                   **MR. FOUGÈRE:** I was the contact person, I  
7       would say, for this particular news conference. In the  
8       days, not weeks subsequent to the news conference, I  
9       answered questions that the media posed about this  
10      particular press release.

11                  **MS. JONES:** And on this particular press  
12      release, I don't know how much background information you  
13      had but were you aware if the fact that seven people were  
14      charged at the same time was a planned situation or was it  
15      a coincidence? Was this something that was discussed?

16                  **MR. FOUGÈRE:** I think -- I don't know about  
17      the discussion but I think it was a point in time where the  
18      investigation had identified these seven people as having  
19      sufficient evidence to bring them to trial, and it was  
20      decided to do it at once.

21                  And if you go back to the previous  
22      investigation, and in this - or the previous press  
23      conference and in this one too, we're seeking the public's  
24      assistance and we're asking people to come forward, and --  
25      so I would probably say that it was showing the public that

1 progress was being made by the investigators and that we  
2 were determined to continue to make progress but we needed  
3 the assistance and support of people who had information.

4 **MS. JONES:** Could I please go to Document  
5 706624?

6 **THE COMMISSIONER:** Thank you.

7 Exhibit 2506 are new press clippings, and  
8 the first one on the first page is dated Friday, July 10<sup>th</sup>,  
9 1998. I don't know which newspaper, but in any event,  
10 there it is.

11 **--- EXHIBIT NO./PIECE NO. P-2506:**

12 (706624) Newspaper Articles dated 10 Jul 98

13 **MS. JONES:** I'm actually interested in the  
14 second page of that document.

15 And there are a few quotes attributed to you  
16 on this. The first quote is in the first column, starting  
17 with, "Those charged" -- halfway down; yes, where the  
18 cursor is, that's right, Madam Clerk.

19 The very first part of the quote, there are  
20 not quotation marks but it seems to be words attributed to  
21 you anyway. And it states:

22 "Those charged are life-long friends.

23 Their connections are through the Roman  
24 Catholic Church, adding that business  
25 relationships also played a role in

1 knowing each other."

2 Do you recall giving that particular  
3 statement to the press?

4 **MR. FOUGÈRE:** I recall speaking about their  
5 connections being through the Catholic Church and that some  
6 people probably knew each other because of the size of the  
7 community and them being involved in businesses; people  
8 would come and go to various businesses.

9 With regard to "those charged are lifelong  
10 friends," I don't know how I would have known that and I  
11 think that's an inference perhaps that whoever wrote this  
12 article made by the following remark, which is probably  
13 correct, that they had connections through the Catholic  
14 Church and business relationships.

15 **MS. JONES:** If I could refer you to Document  
16 706628, please; 706628.

17 **THE COMMISSIONER:** Exhibit 2507 are  
18 newspaper clippings. The first one -- well, on this page  
19 there's the Gazette, Montreal -- Montreal Gazette Friday,  
20 July 10<sup>th</sup>, 1998.

21 **MS. JONES:** I'm not sure there's a second  
22 page of that document.

23 **THE COMMISSIONER:** There's one page.

24 **MS. JONES:** Four seven nine five (4795)?  
25 I'm sorry, I have Document 728894.

1                   **THE COMMISSIONER:** No, it is not it.

2                   **MS. JONES:** Oh, I apologize. Just a minute,  
3 please.

4                   **THE COMMISSIONER:** So you don't want this as  
5 ---

6                   **MS. JONES:** I'm sorry, I don't want that  
7 document. My apologies. I will go to that, so we'll just  
8 leave that aside if we could.

9                   The document I do want is 728894.

10                  **THE COMMISSIONER:** So this will become  
11 Exhibit 2507, which is a Globe and Mail article dated July  
12 30<sup>th</sup>, 1998.

13                  --- **EXHIBIT NO./PIÈCE NO. P-2507:**

14                               (728894) Newspaper Articles from Globe &  
15                               Mail, 'Cornwall racked by sex abuse charges'  
16                               dated 30 Jul 98

17                  **THE COMMISSIONER:** All right, so where would  
18 you like to go with this one?

19                  **MS. JONES:** I'm sorry to say I was right the  
20 first time. My apologies.

21                  **THE COMMISSIONER:** Okay, well, we'll keep  
22 this as 2507.

23                  **MS. JONES:** Yes.

24                  **THE COMMISSIONER:** And then you want the ---

25                  **MS. JONES:** Go to 706628.

1                   **THE COMMISSIONER:** Okay, that will become  
2 Exhibit 2508.

3                   **--- EXHIBIT NO./PIÈCE NO. P-2508:**

4                   (706228) Newspaper Articles from the Gazette  
5 dated 10 Jul 98

6                   **MS. JONES:** Yes, that's correct. My  
7 apologies.

8                   I'm looking at the top article and the first  
9 column. Thank you. Could you scroll down just a couple of  
10 more lines, please? Keep that on there. Yes, thank you  
11 very much. That's perfect.

12                   So just further on from the other article  
13 where you've talked about the friendship, shall we say:

14                    "In total, police say 12 boys between  
15 the age of 12 and 18 were sexually  
16 assaulted by men connected with the  
17 Roman Catholic Church in the Cornwall  
18 area between the early 1950s and the  
19 early 1970s."

20                   This is the quote attributed to you:

21                    "Those charged are all friends. They  
22 all know each other," said  
23 Superintendent Carson Fougère of the  
24 Ontario Provincial Police. 'While a  
25 number of these people are linked to

1 and directly associated with the  
2 Catholic Church, a number of these  
3 people have been friends -- have been  
4 friends since the time of birth and  
5 have other professional links to each  
6 other.' Fougère refused to call the  
7 accused a paedophile ring. 'A ring?  
8 I'll leave that for others to decide,'  
9 he said."

10 It would appear in this quote attributed to  
11 you, "A number of these people have been friends -- have  
12 been friends since the time of birth" -- which could  
13 possibly explain the other line, "Those charged are  
14 lifelong friends," that another newspaper attributed to  
15 you. Do you recall giving that particular phraseology to  
16 the press at that time?

17 **MR. FOUGÈRE:** I don't recall it but I'm not  
18 -- you know, I don't want to get into open dispute with it  
19 either. I think what I'm talking -- I don't think they  
20 were all individually friends but some of them were friends  
21 with each other. Some had known each other from childhood  
22 -- it says "time of birth." The accuracy of it? I'm not  
23 sure.

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

25 Could I now go back then to Exhibit 2506 and

1 again to the second page; 706624. Again the first column,  
2 a couple of paragraphs down from where we were previously,  
3 Madam Clerk, starting with "Fougère revealed." Thank you.  
4 Perfect.

5 Another quote attributed to the article,  
6 July 10<sup>th</sup>, 1998:

7 "Fougère revealed that five of the  
8 accused had allegedly shared one of the  
9 victims while another victim was  
10 allegedly attacked by two more of the  
11 accused."

12 Can you see that, Mr. Fougère?

13 **MR. FOUGÈRE:** Yes.

14 **MS. JONES:** Do you recall sharing that  
15 information with the press?

16 **MR. FOUGÈRE:** Yes.

17 **MS. JONES:** Okay.

18 There's been some talk at this Inquiry about  
19 the impact that press releases had on community feeling  
20 that there was some sort of organization or, as has been  
21 quoted here, a paedophile ring. And a lot of the articles  
22 attributed -- or contributed to that sort of a philosophy  
23 that this existed. Would you agree that possibly saying  
24 things like that would have promulgated or promoted that  
25 type of philosophy coming up through the community?

1                   **MR. FOUGÈRE:** No, because I also said that  
2                   there was no evidence of a paedophile ring, and that came  
3                   to me from the investigators; I know that. And then I went  
4                   on to drop the subject, so to speak, by saying, "I'll let  
5                   others decide that." There were many people who wanted to  
6                   say that and, based on the information investigators were  
7                   providing me, they were saying they didn't have evidence of  
8                   that.

9                   **MS. JONES:** If I could please refer you to  
10                  your notes from Exhibit 2499, and I'm looking specifically  
11                  at the date July 9<sup>th</sup>, 1998.

12                  **THE COMMISSIONER:** I'm sorry, where are we  
13                  now?

14                  **MS. JONES:** Mr. Fougère's police notes,  
15                  Exhibit 2499, Document 130147, and I'm specifically looking  
16                  at July 9<sup>th</sup>, 1998.

17                  **THE COMMISSIONER:** Just a second.

18                  Madam Clerk, Exhibit 2499. Is that what ---

19                  **MS. JONES:** Two four nine nine (2499).

20                  **THE COMMISSIONER:** Yeah.

21                  Would that be in the new binder? Thank you.

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

23                  **THE COMMISSIONER:** What page?

24                  **MS. JONES:** And the Bates page is 0328 and  
25                  the date of the note is Thursday, July 9<sup>th</sup>, 1998.

1                   You can also see on the previous page as  
2                   well, but it would appear on July 9<sup>th</sup>, 1998, that you had  
3                   numerous contacts with the various media. Here we have a  
4                   print media, television/radio, and such listed here in your  
5                   notes; correct?

6                   **MR. FOUGÈRE:** Yes, they were contacting me.

7                   **MS. JONES:** And it also appears that you  
8                   spoke to your media relations person at 10:50. Is that  
9                   correct?

10                  **MR. FOUGÈRE:** Yes.

11                  **MS. JONES:** And you were discussing a  
12                  scheduled Project Truth news release which was going to be  
13                  taking place, I believe, on the 10<sup>th</sup>. Is that correct?

14                  **MR. FOUGÈRE:** I think it was that same day,  
15                  the 9<sup>th</sup>.

16                  **MS. JONES:** Or the same day, on the 9<sup>th</sup>,  
17                  fine.

18                  And were you informed at that time as to  
19                  what the press release was going to be on that day?

20                  **MR. FOUGÈRE:** I probably didn't see it until  
21                  I arrived at Long Sault Detachment.

22                  **MS. JONES:** But were you advised before it  
23                  went to print, before it was released?

24                  **MR. FOUGÈRE:** I was advised of a lot of  
25                  things, and I probably would have gone over the content of

1 that press release with someone beforehand.

2 MS. JONES: Was the purpose of meeting with  
3 the media relations person perhaps?

4 MR. FOUGÈRE: No, no. Which are you  
5 speaking about? The call to John Leatherby?

6 MS. JONES: I believe -- is that your media  
7 relations person?

8 MR. FOUGÈRE: Yes.

9 MS. JONES: For the OPP?

10 MR. FOUGÈRE: Yes.

11 MS. JONES: You tell me then. I'm assuming  
12 it's to discuss what is going to be happening with the  
13 press release is it not?

14 MR. FOUGÈRE: Well, there had been an issue  
15 come up about naming suspects as opposed to people charged.  
16 I wanted an answer on that. As a rule, we don't name our  
17 suspects and, you know, in July of '98 we weren't doing  
18 that.

19 MS. JONES: Right.

20 MR. FOUGÈRE: And the other, you know,  
21 there's a name there of a person who was going to be added  
22 to the list of -- or added to the release, which would make  
23 me think that even as I spoke at that time, at 10:50 in the  
24 morning, the media release itself wasn't yet finished. I  
25 don't know ---

1                   **MS. JONES:** I just wanted to get a feeling  
2                   for how much you would have known ahead of time, perhaps  
3                   even in the preparation of the press release.

4                   **MR. FOUGÈRE:** The most I knew for this press  
5                   conference ahead of time came from the investigators led by  
6                   Tim Smith and by the late Lori Berger who gave me counsel  
7                   on the proceedings.

8                   **MS. JONES:** If I could please go to Document  
9                   706626.

10                  **THE COMMISSIONER:** Thank you.

11                  Exhibit 2509 are more press clippings, and  
12                  there's one dated July 16<sup>th</sup>, 1991, The Ottawa Sun.

13                  --- **EXHIBIT NO./PIÈCE NO. P-2509:**

14                                 (706626) Newspaper Articles dated July 10,  
15                                 1998

16                  **MS. JONES:** Thank you.

17                                 I'm looking at the smaller article in the  
18                  bottom right, Madam Clerk, first column, "Ron called OPP,  
19                  has told some they are not" -- yes, that's right, the first  
20                  column. Great. Thank you very much.

21                                 This appears to be dated the 10<sup>th</sup> of July,  
22                  1998, and it states that:

23   "The OPP has told some people that  
24   they aren't under investigation by  
25   Project Truth' said Superintendent

1 Carson Fougère. He said investigators  
2 have talked to people and told them  
3 they are not suspects. 'We have spoken  
4 to people whose names have been  
5 slandered' said Fougère. He made the  
6 comments following a press conference  
7 Thursday announcing that seven men have  
8 been charged with sex related  
9 offences."

10 Do you recall stating those words, sir?

11 **MR. FOUGÈRE:** I probably said that, yes.

12 **MS. JONES:** Okay. So it was clear that  
13 somebody -- I suppose it was Tim Smith -- was keeping you  
14 up to date on things like that?

15 **MR. FOUGÈRE:** For the most part it was, yes.

16 **MS. JONES:** And so what kind of contact  
17 would you have with Mr. Smith?

18 **MR. FOUGÈRE:** Sometime it would be just in  
19 passing. There's a few times where we met briefly when he  
20 would come through the Regional Headquarters in Smiths  
21 Falls. It wouldn't be a regular contact.

22 Now, this is a day after the press  
23 conference so I would have had a lengthy chat with him  
24 before and I know I did afterwards also.

25 **MS. JONES:** And besides then the contact

1 with Tim Smith, and I referred to one contact you've had  
2 with the media relations person, it sounds to me like you  
3 were basically telling the media relations person what your  
4 position was, not the other way around. Would that be fair  
5 to say?

6 **MR. FOUGÈRE:** I don't follow that.

7 **MS. JONES:** That you were informing the  
8 media relations person, whose name escapes me here, John  
9 Leatherby, you are telling him what your policy is with  
10 regards to not naming suspects?

11 **MR. FOUGÈRE:** I don't think so. I think  
12 that was Leatherby saying that the organization didn't name  
13 suspects.

14 **MS. JONES:** Okay.

15 **MR. FOUGÈRE:** I know that I had -- I'm  
16 pretty sure I had that same conversation with Detective  
17 Inspector Smith about not naming suspects.

18 **MS. JONES:** All right.

19 **MR. FOUGÈRE:** I know we had one about not  
20 naming occupations of people also.

21 **MS. JONES:** Besides Mr. Smith, or Tim Smith,  
22 keeping you apprised as to the conduct and the progress of  
23 Project Truth, was there anyone else within the OPP  
24 organization advising you or telling you what sort of party  
25 line, for want of a better word, should be brought out by

1 the OPP in dealing with the press? Because this is a very  
2 critical issue at that time.

3 **MR. FOUGÈRE:** No, the OPP did not have a  
4 party line so to speak, and when we would have press  
5 conferences, it would be to announce that people were  
6 charged or seeking the assistance of the public in  
7 gathering information for the investigation. I didn't have  
8 a party line to speak given to me by anybody.

9 **MS. JONES:** Okay, so decisions then on what  
10 was said to the media was based on information provided by  
11 Tim Smith but you were ultimately responsible for what the  
12 media was going to hear from the OPP, in essence?

13 **MR. FOUGÈRE:** In essence, I guess, yes.

14 **MS. JONES:** Okay. I am going to leave that  
15 topic now. I'm going to move on to looking at some aspects  
16 of management I suppose.

17 When you were Detachment Commander at this  
18 time, and I'm talking say around the 1998 time, you became  
19 Detachment Commander. Am I wrong about that?

20 **MR. FOUGÈRE:** I was never the Detachment  
21 Commander, I was the District Commander.

22 **MS. JONES:** Oh, District Commander. Right.  
23 Thank you.

24 **MR. FOUGÈRE:** And then the Director of  
25 Operations for Eastern Region. After the OPP reorganized

1 in 1995, the position changed.

2 MS. JONES: That's right. My mistake.

3 MS. JONES: As District Commander though,  
4 you would conduct management inspections of your  
5 detachments within your jurisdiction?

6 MR. FOUGÈRE: I or inspectors would conduct  
7 the audits, and the detective staff sergeant would have  
8 responsibility for part of that audit, the criminal  
9 investigation. Traffic staff sergeant, likewise for  
10 matters of traffic. The forensic identification staff  
11 sergeant, likewise.

12 The various units would all have a part to  
13 play in a management inspection audit. It's called the  
14 management inspection process is what the name of it was.

15 MS. JONES: And how often were these  
16 management inspections performed?

17 MR. FOUGÈRE: I believe once a year at every  
18 detachment.

19 MS. JONES: At every detachment?

20 MR. FOUGÈRE: Yes.

21 MS. JONES: Okay. And ---

22 MR. FOUGÈRE: What year are you talking now?

23 MS. JONES: Well, I'm talking about these  
24 years between '94 and '98.

25 MR. FOUGÈRE: Well, things changed

1           drastically in '95 when the organization restructured and  
2           reorganized. A lot of the practices of the audits were  
3           discontinued, so that's why I was asking the dates that you  
4           were referencing.

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

6                       **MS. JONES:** What about -- at one point when  
7           you were District Commander, Jim McQuade was the Detachment  
8           Commander at Lancaster?

9                       **MR. FOUGÈRE:** He was Detachment Commander of  
10          Lancaster, and I don't know how much overlap there was with  
11          him there until he went to Renfrew and me coming to Long  
12          Sault as District Commander in November of '93. I know he  
13          was transferred. I don't remember the date of the  
14          transfer.

15                      **MS. JONES:** Okay, but at some point there  
16          was a time where when you were District Commander he was  
17          Detachment Commander at Lancaster. You can't remember  
18          when?

19                      **MR. FOUGÈRE:** I believe for a short period  
20          of time, yes.

21                      **MS. JONES:** And so at that particular point-  
22          in-time in '93, were there annual management inspection  
23          reports?

24                      **MR. FOUGÈRE:** Yes.

25                      **MS. JONES:** I'm also wondering too, in 1993,

1           what was the OPP policy with regards to search warrants  
2           being executed by individual officers within an individual  
3           detachment? Was there any sort of OPP policy regarding  
4           that?

5                       **MR. FOUGÈRE:** You mean if an officer at a  
6           detachment wanted to get a search warrant for -- are you  
7           talking criminal search warrants?

8                       **MS. JONES:** Yes, that's right. Was there  
9           any sort of policy as to, for example, did the Detachment  
10          Commander have to approve every search warrant that left  
11          that particular detachment?

12                      **MR. FOUGÈRE:** No, I wouldn't be aware of  
13          that kind of a policy. If there was an oversight, it would  
14          -- in my view, it should go to the area detective sergeant  
15          who would be in charge of a cluster of detectives to ensure  
16          that the contents of the information to obtain the warrant  
17          were sufficient to satisfy a justice, but I really think an  
18          officer could get his or her own warrants if they had  
19          reasonable grounds to seek a warrant.

20                      **MS. JONES:** Was there no -- so there was no  
21          policy that the senior officer within that detachment had  
22          to make sure whatever was coming out of that particular  
23          detachment was appropriate and done correctly?

24                      **MR. FOUGÈRE:** Well, I don't follow you  
25          there. I think the constable that's seeking the warrant

1 should know how to do it. Now, you don't know everything  
2 as soon as you come on the job, but they rely on the  
3 experience of others with more to assist, and I don't think  
4 they had to go to the Detachment Commander to get approval  
5 of a criminal search warrant. It would be prudent to have  
6 it reviewed by someone with more experience before  
7 presenting yourself to a Justice of the Peace, but I don't  
8 think there was a specific policy on that.

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

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

11 **MS. JONES:** Could I please go to Document  
12 738883?

13 **THE COMMISSIONER:** No, that will be a new  
14 document, sir.

15 Thank you. Exhibit 2510 is a Professional  
16 Standards Bureau investigation report with the date of the  
17 incident, September 11<sup>th</sup>, 1998.

18 **--- EXHIBIT NO./PIÈCE NO. P-2510:**

19 (738883) Professional Standards Bureau -  
20 Investigation Report dated 26 Sep 05

21 **MS. JONES:** Madam Clerk, what was the  
22 exhibit number, please, again?

23 **THE COMMISSIONER:** Two five one zero (2510).

24 **MS. JONES:** Great. Thank you. It goes so  
25 fast for me.

1                   This is a Professional Standards Bureau  
2                   investigation report. The portion of this that I'm most  
3                   interested in is actually on Bates page 4377.

4                   **THE COMMISSIONER:** So this is an  
5                   investigation report with the Respondent being Randy  
6                   Millar?

7                   **MS. JONES:** That's correct.

8                   **(SHORT PAUSE/COURTE PAUSE)**

9                   **MS. JONES:** I'm just moving on to another  
10                  topic here, and this has to do with resourcing. And I know  
11                  that as a senior manager within the police, this is a very  
12                  live issue, I'm sure, from the beginning of your career to  
13                  the end.

14                  Specifically, we're looking at an issue that  
15                  surrounded one officer, Randy Millar, and any sort of  
16                  resourcing situations he was experiencing between the  
17                  critical dates of September to December 1998. And I just  
18                  want to refer you to a statement that apparently you made,  
19                  and I just want your comments on it, if you agree that this  
20                  is accurate or not. And I believe that these interviews  
21                  may have been done by another OPP officer, but this is a  
22                  reflection of that. And the words attributed to you or the  
23                  facts attributed to you are:

24                                 "Has notes of November 12<sup>th</sup>, '98. Randy  
25                                 called me, wanted a meeting about

1 criminal issues and office space. We  
2 agreed to meet on November 20<sup>th</sup>, '98.  
3 On November 20<sup>th</sup>, 1998, met with Randy  
4 Millar, but prior to that had met with  
5 Superintendent Rick Deering, Director  
6 of Support Services, Eastern Region  
7 about detective concerns for the amount  
8 of criminal investigations we had on  
9 the go. I wanted to ensure that  
10 Deering was aware that this was a  
11 pressure point."

12 Could you please explain those two sentences  
13 so we can understand what exactly was going on there?

14 **MR. FOUGÈRE:** Okay. The first one about the  
15 12<sup>th</sup> of November, I was -- I know from my notes that I was  
16 on the road and there was a cell phone call that I received  
17 and I just made a note, and I looked forward to my agenda  
18 and said, "Okay, I'll meet you next Friday." I knew he was  
19 coming into the office on Friday, so I met with  
20 Superintendent Deering because Millar had told me that he  
21 had both human resource issues and he had accommodation or  
22 office space issues that he wanted to talk about.

23 And as I said previously, the division of  
24 responsibilities, Superintendent Deering was in charge of  
25 support services, which would include office

1 accommodations, and in charge of the allocation of our  
2 fiscal resources, i.e. the budget and monies allocated to  
3 it. He was also the officer charged with the  
4 responsibility of staffing or acquiring staffing that  
5 detachment commanders or people in my position identified  
6 as pressure points.

7 So that's why I had to chat with  
8 Superintendent Deering, to let him know that among the  
9 other issues that he was dealing with, other pressure  
10 points he had, this one is bubbling to the top and is very  
11 real also.

12 **MS. JONES:** And was that the normal chain of  
13 command, as it were, that Randy Millar would speak to you  
14 if in fact there were resource problems or office space  
15 problems?

16 **MR. FOUGÈRE:** No, the chain of command would  
17 have been for Randy Millar, at that point in time, to speak  
18 to the detective staff sergeant and then speak to the  
19 detective inspector before he got to me, if you followed  
20 the chain of command, you know, step by step by step. And  
21 I think it's fairly widely accepted that in areas where I  
22 was -- had command responsibilities, that anybody could  
23 talk to me at any time about anything. And what I did say  
24 to the subordinate people, between whoever was talking to  
25 me and myself in the hierarchy of the organization, "You

1 shouldn't be afraid for a frontline officer talking to a  
2 superintendent. If we're all doing our jobs, there  
3 shouldn't be a problem here." And I think that Millar --  
4 you know, he can best answer for himself, but thinking  
5 back, he was frustrated. He wanted to do more and didn't  
6 have the resources to do those things that he wanted to do.  
7 So he decided to bypass two of the steps in the  
8 organizational chart and come directly to me, and he did  
9 and I allowed it.

10 **MS. JONES:** Did you pass on these concerns  
11 to anyone?

12 **MR. FOUGÈRE:** I had the discussion with him  
13 where he outlined his concerns. You know, they're well --  
14 they're summarized there, of where we're using vaults for  
15 interview rooms. It was just a deplorable situation, how  
16 short of staff we were. And then later I spoke to -- now,  
17 when I spoke to Superintendent Deering, it was to tell him  
18 that there was a pressure point here. He wasn't able to  
19 assist me, really, because he had many pressure points.

20 I had the discussion with Chief  
21 Superintendent Eamer, you know, sometime later, the 9<sup>th</sup> of  
22 December, about this still being a problem and that the  
23 detectives in the United Counties of Stormont, Dundas and  
24 Glengarry had their backs to the wall. They had more work  
25 than people to do the work. And Chief Superintendent Eamer

1 reiterated what Superintendent Deering told me and what I  
2 probably knew myself; we had to do our job with what we  
3 had. There was no more.

4 **MS. JONES:** Okay. And my last couple of  
5 issues, just to tidy up a couple of things that you've had  
6 involvement in, Document 702874 which is an envelope --  
7 outside of an envelope.

8 **THE COMMISSIONER:** Thank you.

9 Exhibit 2511 is the outside of an envelope  
10 addressed to OPP Superintendent Carson Fougère, Project  
11 Truth, Cornwall, Ontario, with a received date of July 23<sup>rd</sup>,  
12 1998.

13 **--- EXHIBIT NO./PIÈCE NO. P-2511:**

14 (702874) Envelope addressed to Carson  
15 Fougère dated July 23, 1998

16 **MS. JONES:** Thank you.

17 I also would like Document 702875, please.

18 **THE COMMISSIONER:** Thank you.

19 Exhibit Number 2512 is a letter dated July  
20 12<sup>th</sup>, 1998, and unsigned.

21 **--- EXHIBIT NO./PIÈCE NO P-2512:**

22 (702875) Unsigned letter dated July 12, 1998

23 **MS. JONES:** Now, the envelope presumably is  
24 attached to the letter and is the envelope that this  
25 particular letter came in.

1                   **THE COMMISSIONER:** Okay.

2                   **MS. JONES:** It is unsigned; it's anonymous.  
3                   Do you recall receiving that letter,  
4                   Officer Fougère?

5                   **MR. FOUGÈRE:** I never received that letter.  
6                   I never worked at the Cornwall Detachment. That's where  
7                   the Project Truth offices were in Cornwall, and that  
8                   "received" note, "August 31<sup>st</sup>, '98", those are not my  
9                   initials at the bottom of it.

10                  **MS. JONES:** At the bottom of Exhibit 2512?

11                  **MR. FOUGÈRE:** Yes.

12                  **MS. JONES:** Right. Is this similar to what  
13                  happened with the other correspondence, that if  
14                  somebody -- just because it has your name on it doesn't  
15                  necessarily mean it is brought to your attention, it's  
16                  routed to where it should go?

17                  **MR. FOUGÈRE:** Yes. If this is  
18                  addressed -- if it's got my name but it's got "Project  
19                  Truth" -- so the administrative personnel would know that I  
20                  wasn't investigating Project Truth, somebody else was.

21                  **MS. JONES:** At this point of time, of  
22                  course, you would be the media spokesperson. People would  
23                  affiliate your name, understandably perhaps, with Project  
24                  Truth because of the media and the press releases.

25                  Was there a system in place that if

1           correspondence to Project Truth came with your name on it,  
2           it would be routed somewhere else ---

3                   **MR. FOUGÈRE:** No.

4                   **MS. JONES:** --- to where it was supposed to  
5           be?

6                   **MR. FOUGÈRE:** No, that -- I think the system  
7           in place was if something came about Project Truth that it  
8           be routed to Project Truth, not to me. I could  
9           understand ---

10                   **MS. JONES:** That's what I was wondering.

11                   **MR. FOUGÈRE:** Yes. I could understand where  
12           someone having read or viewed media clippings would think  
13           they should address it to me but, internally, office staff  
14           would know that it would go to the Project Truth  
15           investigators.

16                   **MS. JONES:** Do you ever know what happened  
17           with this letter? Did you ever know if anyone found out  
18           who wrote it or if anything was followed up on that?

19                   **MR. FOUGÈRE:** No, I never saw it until I  
20           came to speak to counsel at this Inquiry.

21                   **MS. JONES:** And just a last couple of things  
22           to finish up here to do with Project Truth -- 700087?

23                   **THE COMMISSIONER:** Thank you.

24                           Exhibit Number 2513 is a letter dated  
25           January 4<sup>th</sup>, 1999, addressed to the Detachment Commanders,

1 Unit Commanders, Area Crime Sergeants, Eastern Region, from  
2 Ian Grant.

3 --- EXHIBIT NO./PIÈCE NO P-2513:

4 (700087) Memorandum from Ian Grant to  
5 Detachment Commanders, Unit Commanders, Area  
6 Crime Sergeants of the Eastern Region, dated  
7 January 4, 1999

8 MS. JONES: I'm also interested in the  
9 second paragraph. Thank you, Madam Clerk,  
10 that's perfect.

11 This has to do with funding various items  
12 within the OPP. One of them, presumably, is Project Truth  
13 and the second paragraph is of most interest, and starts  
14 off by saying:

15 "Detective sergeants must initial  
16 and/or sign all the overtime and  
17 expenses related to their area of  
18 supervision as per the memorandum by  
19 Superintendent Fougère."

20 Can you recall what that memorandum was  
21 about and what it pertained to? Was it just about funding  
22 overtime or expenses on ---

23 MR. FOUGÈRE: No. I wish I could see the  
24 memorandum that I authored, but what I would think it was  
25 given the date, the 4<sup>th</sup> of January, I would have probably

1 concluded a quarterly audit of expenses incurred by people  
2 in my area of command, and overtime would be one, and  
3 travel accommodation/meal expenses would be another.

4 And it looks to me from this memo issued by  
5 the Acting Detective Inspector at the time, Grant, that he  
6 was reiterating that the instructions I had put forward  
7 about proper accountability for monies spent, for overtime  
8 claimed, was there, and it has nothing to do with Project  
9 Truth.

10 It has to do with the accumulation of  
11 expenses and overtime throughout all of Eastern Region and  
12 I think what this is all about is just because you are, for  
13 example, working at -- on a normal basis Kingston  
14 Detachment and you get assigned to Ottawa to assist the CIB  
15 inspector with something, doesn't mean you have carte  
16 blanche on the expense account.

17 Whoever the detective sergeant is that's  
18 supervising has to authorize every expense, particularly  
19 overtime, because overtime costs were a big concern.

20 **MS. JONES:** So what exactly was your role  
21 then with respect to approving funding for Project Truth?  
22 Did you have a direct role or was this a very, sort of,  
23 senior management philosophy to be applied to the various  
24 projects, and the detachment commanders were the ones  
25 responsible?

1                   **MR. FOUGÈRE:** No, I think my role in the  
2 funding for Project Truth was to support an application  
3 that was sent to our headquarters in Orillia seeking  
4 funding for it for, you know, office space, secretarial  
5 staff and the like, because our budget in the Region didn't  
6 have the money to pay for that. But it was an  
7 investigation we had to do, so I was seeking assistance  
8 from the headquarters' budget.

9                   **MS. JONES:** And just one last document to go  
10 to, Document 727751.

11                   **THE COMMISSIONER:** So 727 ---

12                   **MS. JONES:** Seven-five-one (751); 727751.  
13 It's an excerpt and I would be looking for the excerpt,  
14 just Bates page 7110114.

15                   **THE COMMISSIONER:** Thank you.

16                   Exhibit Number 2514 ---

17                   **MS. JONES:** These are notes of Pat Hall.

18                   **THE COMMISSIONER:** --- Pat Hall's notes,  
19 which is an excerpt of Document 727751.

20                   **MS. JONES:** Thank you.

21 ---EXHIBIT NO./PIÈCE NO. P-2514:

22                   (727751-7110114) Notes of Pat Hall dated  
23 April 9, 1999

24                   **MS. JONES:** Just a very small point. If  
25 Madam Clerk could go search the 9<sup>th</sup> of February -- sorry,

1 the 9<sup>th</sup> of April, '99, right down to the bottom, please? I  
2 don't need the top part. A little further -- yes, from the  
3 date right down to the bottom. Yes, that's it; yes,  
4 perfect.

5 This is an excerpt from Pat Hall's notes and  
6 this excerpt is from the 9<sup>th</sup> of April, 1999. It would  
7 appear that Mr. Hall met with Crown Attorney Bob Pelletier  
8 and John Corilli who was Director of Special  
9 Prosecutions on that particular date earlier in the  
10 morning, and then later on that day at 1500 hours, he met  
11 with yourself. And it said that -- I believe it says;

12 "Paged by Superintendent Fougère.  
13 Requested information on meeting,  
14 telephone calls."

15 I don't know if actually the two are related  
16 if you were looking for the update of the conversation you  
17 would have had with Bob Pelletier and Mr. Corilli, but was  
18 there a relationship with yourself and Mr. Hall where he  
19 would update you on Project Truth matters, once he was  
20 involved in that?

21 **MR. FOUGÈRE:** No, I believe there's another  
22 page to Inspector Hall's notes that explains that page I  
23 made to him and it's -- if I'm thinking of the same  
24 occurrence, it was an inquiry of me to as to why a Cornwall  
25 Police Service officer or officers were doing surveillance

1 in OPP area outside of Ottawa. What was that all about, I  
2 think, is what I was asking him. That's why I paged him.

3 **MS. JONES:** I see, okay.

4 So this was not -- to the best of your  
5 memory, not actually related to Project Truth?

6 **MR. FOUGÈRE:** No.

7 **MS. JONES:** Okay. Was Officer Hall  
8 responsible for keeping you up to date on Project Truth  
9 once he was instilled in charge of it? Do ---

10 **MR. FOUGÈRE:** I really -- I don't recall  
11 speaking to Pat Hall once during the time he came in and  
12 worked under Detective Inspector Tim Smith and I don't  
13 recall having discussions with Pat Hall about Project  
14 Truth.

15 **MS. JONES:** No, okay. Just a moment,  
16 please.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MS. JONES:** Those are actually all my  
19 questions, Mr. Fougère.

20 At this point, I'd like to ask if you have  
21 any recommendations for Mr. Commissioner to consider and  
22 whether you wish to share any, sort of, impact that this  
23 has had on you in a professional or personal capacity that  
24 you wish to share with the Inquiry.

25 **MR. FOUGÈRE:** I would say that, you know, a

1 few things come to mind.

2 Mr. Commissioner, I looked at a chart that  
3 outlined the number of people who were charged with Project  
4 Truth and here we have the Cornwall Public Inquiry. And  
5 when we started that investigation, we called it Project  
6 Truth because -- just like your Inquiry seeks to do -- we  
7 wanted to find out just what is the truth with all of these  
8 allegations that are swirling and being reported on in the  
9 media sometimes and so on. As a result, a number of  
10 charges were laid.

11 And I left this area in 1999 and subsequent  
12 to leaving the area, in the media from time to time, I'd  
13 read about the dismissal of charges against certain people.  
14 And it always struck me as, how is it that our conviction  
15 rate -- if you would refer to it that way or at least  
16 that's what I was looking at -- is so poor.

17 So I looked at some charts just recently;  
18 people charged and the reasons for them not being found  
19 guilty. What really struck me was one in particular where  
20 the court of the day applied the *Askov* decision; after 73  
21 months said, no, this is taking too long to come to trial.

22 Another one applied the decision about non-  
23 disclosure appropriately and I think of the intent of the  
24 Martin Commission of the day when it addressed that very  
25 issue.

1                   And then I think of the greater criminal  
2 justice system ---

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

4                   **MR. FOUGÈRE:** --- and I really have to  
5 wonder -- and I'm not quarrelling with the findings of  
6 courts, but I guess, if I could ask you, sir, to take a  
7 look at the number of delays in the process where we have  
8 someone charged, we have someone go for a bail hearing, you  
9 set a date for a pre-trial, you have another set date for -  
10 - and on and on and on it goes; and what is the cause of  
11 that? Is it a delay tactic? Quite frankly, I think often  
12 it is. And I think if some of those cases had been  
13 adjudicated by a court, perhaps we wouldn't be here today;  
14 none of us.

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

16                   **MR. FOUGÈRE:** And so I really think that  
17 what we're addressing here is a failure of parts of the  
18 criminal justice system itself.

19                   Those would be my comments, sir.

20                   **THE COMMISSIONER:** Great, thank you.

21                   Let's take the afternoon break.

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

24                   This hearing will resume at 3:10 p.m.

25 --- Upon recessing at 2:52 p.m./

1 L'audience est suspendue à 14h52

2 --- Upon resuming at 3:16 p.m./

3 L'audience est reprise à 15h16

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

6 This hearing is now resumed. Please be  
7 seated. Veuillez vous asseoir.

8 **THE COMMISSIONER:** Thank you.

9 Ms Daley?

10 **CHIEF SUPERINTENDENT CARSON FOUGÈRE (RETIRED), Resumed/Sous**  
11 **le même serment:**

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

13 **DALEY:**

14 **MS. DALEY:** Good afternoon, sir. My name is  
15 Helen Daley. I'm counsel for a party called the Citizens  
16 for Community Renewal and that's a local citizens' group  
17 who is an advocate for the Inquiry initially, and also  
18 interested in institutional reform.

19 The first questions I have for you -- since  
20 the last -- are you all right there? Do you need water?  
21 Are you all right?

22 **MR. FOUGÈRE:** I have some, thank you.

23 **MS. DALEY:** Since the last subject you spoke  
24 about was Project Truth, I'm going to start there. And let  
25 me start by just asking you about your understanding of the

1 mandate of Project Truth, that is to say, what it was to  
2 encompass. And there's a statement of the mandate within  
3 Exhibit 2510, if you could have that handy, please.

4 **THE COMMISSIONER:** Thank you.

5 **MS. DALEY:** Yes, just one second, sorry.

6 Seven three eight eight eight three  
7 (738883).

8 Just to refresh your mind, sir, this is the  
9 very lengthy report that is the Professional Standards  
10 Bureau investigation into the alleged professional  
11 misconduct of Officer Millar.

12 At the third page of the document, sir, the  
13 Bates number is 3332, just a little bit down the page it  
14 states, "The mandate of Project Truth is as follows..." and  
15 then there's two paragraphs that we see in italicized type.  
16 Would you like to take a second and just review that?

17 **MR. FOUGÈRE:** Okay.

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

19 **MS. DALEY:** Is that a correct statement of  
20 the Project Truth mandate as you understood it?

21 **MR. FOUGÈRE:** Today is the first time I see  
22 that mandate, ma'am.

23 **MS. DALEY:** You've never seen the mandate in  
24 words before?

25 **MR. FOUGÈRE:** No.

1                   **MS. DALEY:** Seeing it now, does it accord  
2 with what you understood the mandate of Project Truth to be  
3 or does it differ?

4                   **MR. FOUGÈRE:** Well, it's news to me that the  
5 -- well, I guess it does say it's alleged -- that the Crown  
6 Attorney, the Diocese of Cornwall and the Cornwall Police  
7 conspired to obstruct justice. I had heard allegations  
8 made by the -- against the Cornwall Police Service, against  
9 the Diocese of Cornwall. In my tenure here on two  
10 occasions, I never heard any allegations made about the  
11 Crown Attorney's office.

12                   **MS. DALEY:** All right. Is there any other  
13 respect in which this statement of the mandate differs from  
14 your understanding of the mandate?

15                   **MR. FOUGÈRE:** Well, my understanding of the  
16 mandate was to, in fact, investigate current and historic  
17 allegations of sexual abuse of people and to -- and, you  
18 know, that's why we did press conferences, news  
19 conferences, call them what we will, to encourage people to  
20 come to our investigators and, once and for all, stop the  
21 swirling accusations that were being broadcast.

22                   **MS. DALEY:** Was it part of your  
23 understanding of the mandate that those current or historic  
24 abuse allegations essentially had to be against prominent  
25 and respected citizens of Cornwall in order to be within

1 the Project Truth mandate?

2 **MR. FOUGÈRE:** No, one did not have to be a  
3 pillar of the community. If they were alleged to have  
4 committed a crime, that was to be investigated.

5 **MS. DALEY:** So, again, that's another way in  
6 which this statement of the mandate differs from your  
7 operational understanding?

8 **MR. FOUGÈRE:** Yeah, because this mandate, as  
9 it's written here, would seem to include lay people who do  
10 not have a position in the community.

11 **MS. DALEY:** Correct.

12 **MR. FOUGÈRE:** And my understanding was that  
13 no one was to be excluded. We were to find out, once and  
14 for all, what is the extent, if any, of this activity.

15 **MS. DALEY:** I don't know if this name will  
16 ring a bell with you. There was an individual charged.  
17 His name was Jean-Luc Leblanc, and he was charged with  
18 multiple counts of abuse; he was just an ordinary member of  
19 the community. Were you familiar with that aspect of the  
20 investigative work that occurred in the late '90s?

21 **MR. FOUGÈRE:** Is this the person who was a  
22 school bus driver?

23 **THE COMMISSIONER:** That's right.

24 **MS. DALEY:** Yes.

25 **MR. FOUGÈRE:** No, not until I was told I had

1 to -- I was being asked to come to this Inquiry, and it  
2 wasn't until I got looking at some charts of people charged  
3 that I was even aware of this person.

4 **MS. DALEY:** All right. If I could use him  
5 simply as an example.

6 I know you're not directly familiar, but  
7 he's a school bus driver. He's not a pillar of the  
8 community but, on your understanding of Project Truth, he  
9 would be within its mandate if someone alleged abuse by  
10 him?

11 **MR. FOUGÈRE:** Yes.

12 **MS. DALEY:** All right. Thank you.

13 Now, do you know anything about how the  
14 mandate of Project Truth was communicated to the officers  
15 who were to carry it out?

16 **MR. FOUGÈRE:** No.

17 **MS. DALEY:** I take it that wasn't part of  
18 your role or responsibility?

19 **MR. FOUGÈRE:** No, it was not.

20 **MS. DALEY:** And just to pick up on one other  
21 aspect of what you told me. You believed that Project  
22 Truth was to investigate allegations of abuse by people,  
23 and I take it you meant both men and women?

24 **MR. FOUGÈRE:** If -- yeah, it wasn't to be  
25 gender specific.

1                   **MS. DALEY:** All right. The reason I'm  
2 making that point with you is that Exhibit 1531; you  
3 remember that was the press release that we spoke about  
4 this morning?

5                   **MR. FOUGÈRE:** We spoke about a number of  
6 them.

7                   **MS. DALEY:** Yes.

8                   **THE COMMISSIONER:** Well, 15 -- it's in your  
9 book, sir, the small one that you have in front of you, I  
10 think. And if you look at 1531, it's empty. Oh, I'm  
11 sorry. Is it 2531?

12                   **MS. DALEY:** No, 1531.

13                   **THE COMMISSIONER:** Oh, sorry.

14                   **MR. FOUGÈRE:** I have it, Mr. Commissioner.

15                   **THE COMMISSIONER:** Thank you.

16                   **MS. DALEY:** The second page of the document,  
17 sir, I believe you identified that as the press release  
18 that was given in or about September 25<sup>th</sup>, 1997.

19                   And I'm just taking you to the second last  
20 paragraph, second sentence says, "Any male person who may  
21 have been or is presently being sexually abused", et  
22 cetera, is urged to call the number.

23                   So that press release would have given the  
24 impression that this project was for men only, so to speak?

25                   **MR. FOUGÈRE:** Yes, it does. It does.

1                   **MS. DALEY:** As far as you're aware, that was  
2 an erroneous impression. It was meant to apply to both men  
3 and women?

4                   **MR. FOUGÈRE:** That was my understanding.

5                   **MS. DALEY:** Okay. Thank you.

6                   **THE COMMISSIONER:** So let me get this  
7 straight though.

8                   Who ordered this Project Truth and how did  
9 you come to fit in? Where do you fit into it?

10                   **MR. FOUGÈRE:** Well, there were a number of  
11 things as I recall. There were allegations made that the -  
12 - from within the Cornwall Police Service, Constable  
13 Dunlop, that his Service had not adequately conducted a  
14 sexual assault investigation. As I recall, there was a  
15 review of that by the Ottawa Police Service.

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

17                   **MR. FOUGÈRE:** And there was some criticism  
18 of the Cornwall Police Service in that review.

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

20                   **MR. FOUGÈRE:** And then subsequent to that,  
21 the Police Chief of the day retired and an Acting Police  
22 Chief was brought in ---

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

24                   **MR. FOUGÈRE:** --- and he still had this  
25 matter to deal with. And he, in fact, I believe is the one

1           who went to the Ottawa Police Service.

2                           Then he had discussions with myself and  
3           with, I think Deputy Commissioner Piers at the OPP, about  
4           the OPP looking at the allegations. And I was in agreement  
5           to assist, but that being said though, I also knew that I  
6           would have to go to Orillia to our Criminal Investigations  
7           Branch to have that type of investigation headed up by a  
8           CIB inspector.

9                           **THE COMMISSIONER:** Right. So, in essence,  
10          you were part of the decision-making group that agreed to  
11          investigate those things and call it Project Truth?

12                          **MR. FOUGÈRE:** Yes.

13                          **THE COMMISSIONER:** All right. So once  
14          you've decided that, all right, you told your folks to go  
15          out and investigate through the CIB out of Orillia, to  
16          organize the project?

17                          **MR. FOUGÈRE:** Indirectly I suppose, yes.  
18          What I did was supported the request of Chief Johnston that  
19          the OPP investigate ---

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

21                          **MR. FOUGÈRE:** --- and then I went to  
22          Criminal Investigation Branch to get the leadership for the  
23          investigation ---

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

25                          **MR. FOUGÈRE:** --- and then my district and

1 then it became region, supplied most of the resources,  
2 human resources, for that investigation and Orillia  
3 provided the fiscal resources for that investigation.

4 **THE COMMISSIONER:** So ---

5 **MR. FOUGÈRE:** And at that point ---

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

7 **MR. FOUGÈRE:** --- when Detective Inspector  
8 Tim Smith is assigned, I no longer have carriage of that.  
9 It's another investigation going on within the area for  
10 which I have responsibility, just like -- if I could  
11 compare it that way -- also at the same time there would be  
12 homicide investigations going on, there would be sexual  
13 assault investigations going on elsewhere, and so on ---

14 **THE COMMISSIONER:** Sure.

15 **MR. FOUGÈRE:** --- and they would all be led  
16 by someone else, not me.

17 **THE COMMISSIONER:** Sure, but you're the one  
18 who gave to order to have this project created?

19 **MR. FOUGÈRE:** I'm the one who suggested to  
20 our -- to superior officers than myself, to support this  
21 request by the Cornwall Police Service and it was  
22 supported. I wouldn't say that I gave the order.

23 **THE COMMISSIONER:** Well, no.

24 **MR. FOUGÈRE:** I recommended that the OPP do  
25 it. That would probably be a better way.

1                   **THE COMMISSIONER:** All right.

2                   So what did you tell CIB to do, like as in  
3                   mandate?

4                   **MR. FOUGÈRE:** I didn't. This investigation,  
5                   I believe, a lot of the preliminary discussion occurred  
6                   between Detective Inspector Smith and Chief Johnston of the  
7                   Cornwall Police Service.

8                   **NR. KOZLOFF:** Mr. Commissioner?

9                   **THE COMMISSIONER:** Yes?

10                  **NR. KOZLOFF:** I don't really want to  
11                  interrupt but it would appear, with respect, that the  
12                  witness is confusing 1994 and 1997.

13                  **THE COMMISSIONER:** Thank you.

14                  **NR. KOZLOFF:** And perhaps like many others,  
15                  he assumes Project Truth begins in '94 when it really  
16                  begins in '97. Just for the record -- and I know you're  
17                  familiar with the evidence -- but maybe just to remind Mr.  
18                  Fougère, Piers, who was the Deputy Commissioner in '94  
19                  receives a request from Acting Chief Johnston who has just  
20                  arrived to replace Chief Shaver following the press  
21                  coverage that followed the release of the Silmsler  
22                  statement, and there's a reinvestigation of the Silmsler  
23                  allegation against Father Charlie. That's '94 and that's a  
24                  request made and the document -- there's documents to  
25                  establish the request is made directly by Johnston to

1 Piers.

2 **THE COMMISSIONER:** Right.

3 **MR. KOZLOFF:** Ninety-seven ('97) is where  
4 he's talking about supporting a project plan prepared by  
5 Detective Inspector Smith following a request from Regional  
6 Crown Attorney Griffiths to investigate the contents of the  
7 Dunlop binders.

8 **THE COMMISSIONER:** Yes.

9 **MR. KOZLOFF:** Anyway, I felt we were just  
10 getting a little ---

11 **THE COMMISSIONER:** Okay. No, you're  
12 absolutely -- thank you very much. I'll leave it to you.

13 **MS. DALEY:** Thank you.

14 Focussing on what you initially called the  
15 Dunlop Investigation, what became known as Project Truth,  
16 the 1997 investigation, sir, do you know how that mandate  
17 was communicated to the officers who were to carry it out?

18 **MR. FOUGÈRE:** No, I do not.

19 **MS. DALEY:** So that was at some level apart  
20 from your own, I'm assuming?

21 **MR. FOUGÈRE:** Yes.

22 **MS. DALEY:** And, Steve Seguin, he was an  
23 officer who was seconded to Project Truth eventually?

24 **MR. FOUGÈRE:** He was assigned, yes.

25 **MS. DALEY:** I'm assuming you had no direct

1 communication with him or any other assigned officer about  
2 the mandate of the project?

3 **MR. FOUGÈRE:** I did not assign any officers  
4 to this Project Truth or have communications about what  
5 their job was to them.

6 **MS. DALEY:** All right. Thank you.

7 There is one -- now, you did, of course,  
8 from time-to-time speak to the media about Project Truth as  
9 matters unfolded, and we've looked at a number of instances  
10 where that occurred.

11 I'm particularly interested in Exhibit 2509,  
12 if you could have that handy. I have a few questions for  
13 you about what was communicated in July of 1998.

14 It should be 706626. You're going to need  
15 help from Madam Clerk because these are very small and very  
16 hard to read, but I want to start firstly with the article  
17 in which you are quoted. That's the bottom one that Madam  
18 Clerk has expanded for you.

19 And I'm asking these questions, as I said at  
20 the outset, from the perspective of a citizens group  
21 because this is what citizens would be reading in the paper  
22 at this time.

23 I'm wondering if you could flesh out at all  
24 your comments about the fact that some people's names have  
25 been slandered. And I take it from that your observation

1 was that people were being named as pedophiles in this  
2 community without foundation. Is that the gist of what  
3 prompted you to make this statement?

4 **MR. FOUGÈRE:** I believe so, yes.

5 **MS. DALEY:** And were you aware of a website  
6 that was operating in Cornwall at this time called Project  
7 Truth?

8 **MR. FOUGÈRE:** No.

9 **MS. DALEY:** What information did you have  
10 that led you to believe that people were being unfairly  
11 accused of being pedophiles?

12 **MR. FOUGÈRE:** Some people were speaking to  
13 individual officers saying, "I'm hearing this about me.  
14 Are you looking at me?" And if the answer was 'no', those  
15 people were told, "No, we are not investigating you. You  
16 are not one of our suspects."

17 **MS. DALEY:** So people were coming forward  
18 and they said, "Folks are talking about me in town"?

19 **MR. FOUGÈRE:** Some people were, yes.

20 **MS. DALEY:** Some people did that, all right.

21 And as a result of that, you considered it  
22 worthwhile perhaps to dispel some of that and to indicate -  
23 - you indicated, or the Force did, that those people were  
24 not, in fact, under investigation?

25 **MR. FOUGÈRE:** Yes.

1                   **MS. DALEY:** I want to contrast your comments  
2 in this piece with The Ottawa Sun piece that's on the left-  
3 hand side of the page under the same date. And you'll need  
4 that expanded for you in order to read it.

5                   But this piece is primarily an interview  
6 with Helen Dunlop and I take it you would know that she was  
7 Perry Dunlop's wife?

8                   **MR. FOUGÈRE:** Yes.

9                   **MS. DALEY:** So this is the wife of the man  
10 whose allegations got Project Truth off the ground in 1997;  
11 correct?

12                   **MR. FOUGÈRE:** Yes.

13                   **MS. DALEY:** Now, what I'd like to take you  
14 to is -- there's a statement:

15                   "Three of the seven charged yesterday  
16 are members of the clergy; one a  
17 prominent doctor; another a well-known  
18 local restaurateur."

19                   Madam Clerk, if you could just expand for us  
20 the two paragraphs that follow. It's about halfway down.  
21 That's it. Just go up a little bit.

22                   **THE COMMISSIONER:** Up.

23                   **MS. DALEY:** You had it a moment ago. Why  
24 don't you move down and I'll say when. That's it.

25                   And just to situate you, you recall there

1 was a press release of that day in which seven individuals  
2 were named, and this article appears to be a reporter  
3 talking to Mrs. Dunlop about those names and this is what  
4 she says in response.

5 If you want to just take a moment and look  
6 there.

7 **MR. FOUGÈRE:** You're talking about the quote  
8 that starts, "The names we turned over"?

9 **MS. DALEY:** Yes. Yes, sir.

10 And then she goes on towards the bottom of  
11 what we see on the screen to suggest that there are 10  
12 names that could be added to the list of those charged and  
13 she makes further comment about that.

14 So were you aware of this media piece at the  
15 time?

16 **MR. FOUGÈRE:** I probably saw it.

17 **MS. DALEY:** Right. Was it statements of  
18 this nature that you were trying to, I suppose, respond to  
19 in some way or refute when you commented that people had  
20 been unfairly accused in this town?

21 **MR. FOUGÈRE:** No, I think that the comment  
22 was motivated by people saying, "Hey, I'm hearing bad  
23 things about me" to our officers; more so than what these  
24 quotes attributed to Mrs. Dunlop are about.

25 **MS. DALEY:** Okay, fair enough.

1                   Certainly, from Mrs. Dunlop's perspective,  
2                   assuming that this is an accurate reflection of what she  
3                   said, from her perspective she doesn't see any of the names  
4                   that she thinks are responsible for pedophilia on your list  
5                   of seven. That's the tone and the content of this piece?

6                   **MR. FOUGÈRE:** That's what she says, yes.

7                   **MS. DALEY:** Right. Okay.

8                   Did you have an awareness -- sorry. I take  
9                   it you weren't locally -- you weren't situated in Cornwall  
10                  in 1998. Where were you operating from?

11                  **MR. FOUGÈRE:** Smiths Falls.

12                  **MS. DALEY:** Smiths Falls. Did you have an  
13                  awareness at this point-in-time, that's the summer of 1998,  
14                  just how -- for want of a better word -- fraught things  
15                  were in this town about these allegations and about the  
16                  view that there may still be pedophiles on the loose that  
17                  Project Truth hasn't investigated? Did you have a sense of  
18                  that?

19                  **MR. FOUGÈRE:** Yes. It was a sense of, some  
20                  people are building this to something more than it actually  
21                  is, based on the evidence investigators were telling me  
22                  they were acquiring.

23                  **MS. DALEY:** Yes.

24                  **MR. FOUGÈRE:** But to say the community was  
25                  disturbed, if you will, definitely it was.

1                   **MS. DALEY:** To the extent that the community  
2 maybe had an unrealistic view that this was bigger than it  
3 actually was, did you consider whether or not there was  
4 anything that could be done by way of media comment by your  
5 Force to allay those fears or correct that  
6 misunderstanding?

7                   **MR. FOUGÈRE:** We didn't do it and I don't  
8 recall us giving it consideration at the time.

9                   **MS. DALEY:** Would you consider that part of  
10 your role or would that have fallen to the media relations  
11 person at the Force?

12                   **MR. FOUGÈRE:** Well, I guess,  
13 organizationally, it's something we could have looked at,  
14 but I think organizationally the focus at the time was to  
15 investigate all allegations of abuse and not get caught up  
16 in what this, that, and the next person had to say about it  
17 in the media.

18                   **MS. DALEY:** That's fine. I'm going to move  
19 to another topic.

20                   Very quickly, sir, you gave testimony this  
21 morning about Randy Millar and the fact that he insisted  
22 that his father-in-law be investigated independently when  
23 allegations came forward against his father-in-law, Milton.  
24 Do you recall that?

25                   **MR. FOUGÈRE:** Yes.

1                   **MS. DALEY:** There is a document I -- it's  
2 not an exhibit yet, but I'd like you to have a look at it  
3 if you could. There's just one aspect of that story that I  
4 want to talk to you about.

5                   If you could show him, please, 733045. This  
6 should be the Will-Say of Officer Millar. I think it's in  
7 the in-chief documents, Madam Clerk.

8                   **THE COMMISSIONER:** Thank you. Exhibit  
9 Number 2515 is a Project Truth Inquiry Officer Report and  
10 the date is June 27<sup>th</sup>, 2005.

11                   **--- EXHIBIT NO./PIÈCE NO. P-2515:**

12                   (733045) Project Truth Inquiry Officer  
13 Report of Randy Miller dated 27 Jun 05

14                   **MS. DALEY:** Yes.

15                   Sir, I'm going to ask you to look at Bates  
16 Number 373.

17                   **THE COMMISSIONER:** Last page?

18                   **MS. DALEY:** Yes, sir.

19                   And you'll see the first full entry in this  
20 Will-Say relates to Milton MacDonald. So if you want to  
21 just take a moment and review that, sir?

22                   **THE COMMISSIONER:** There should be a  
23 publication stamp on it as well.

24                   **MS. DALEY:** Indeed, and we're not going to  
25 refer to the name of the victim.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. FOUGÈRE: Yes.

3 MS. DALEY: Now, he does in fact here refer  
4 to the item you testified about, which is he contacts you  
5 and asks for -- well, makes you aware of the allegation.  
6 He asks for CIB to investigate, but before he says that in  
7 the Will-Say he indicates that he had a conversation with  
8 his brother-in-law and that he had had a conversation with  
9 the father of the alleged victim at that time and believed  
10 that the allegations had substance.

11 Did he make you aware that he'd contacted  
12 the victim's father, or the alleged victim's father?

13 MR. FOUGÈRE: I have no recollection of  
14 that. What I really recall is him calling and talking  
15 about his father-in-law and, of course ---

16 MS. DALEY: Yes.

17 MR. FOUGÈRE: --- his brother-in-law, who I  
18 knew as the Crown Attorney here. I don't recall a  
19 discussion about the father of the victim.

20 MS. DALEY: I know you have respect for  
21 Officer Millar, but can you comment on that aspect of his  
22 Will-Say, assuming that it's correct that he contacted the  
23 victim's father and spoke about things? How does that  
24 strike you?

25 MR. FOUGÈRE: I'm not sure. I think it's

1 something that -- there's a lot of variables in policing.  
2 Constable Millar, at the time, knew one heck of a lot of  
3 people and may very well have known this victim's father  
4 personally.

5 MS. DALEY: Do you have any concerns about  
6 the fact that, given his relationship to the alleged  
7 offender, he contacted the victim's family member?

8 MR. FOUGÈRE: It's a concern, yes.

9 THE COMMISSIONER: Well, I don't -- it will  
10 come out how he contacted this person.

11 MS. DALEY: Yes, sir.

12 THE COMMISSIONER: Right now I don't know  
13 that we can jump to conclusions. He just says that he was  
14 made aware of this "after conversation with my brother-in-  
15 law, Murray MacDonald...I do recall having a conversation  
16 with the father." So we don't ---

17 MS. DALEY: That he initiated contact,  
18 right.

19 THE COMMISSIONER: Right, so ---

20 MS. DALEY: That's a fair point. I just  
21 wondered if he'd informed you about that. I guess the  
22 answer is "no".

23 MR. FOUGÈRE: I don't -- no, it ---

24 MS. DALEY: All right.

25 MR. FOUGÈRE: --- isn't "no"; I don't know.

1 MS. DALEY: All right.

2 (SHORT PAUSE/COURTE PAUSE)

3 MS. DALEY: Just a point of perhaps  
4 clarification for me. You recall you spoke -- I think the  
5 first subject matter you talked about was being visited by  
6 the Seguin family and their wish to have an investigation  
7 into attempted extortion of their late brother. You recall  
8 speaking about that?

9 MR. FOUGÈRE: Yes.

10 MS. DALEY: I take it, sir, it's not part of  
11 your role or function to establish the parameters of an  
12 investigation?

13 MR. FOUGÈRE: I'm not sure of -- are you  
14 asking ---

15 MS. DALEY: What will be investigated?  
16 That's what I mean by parameters.

17 MR. FOUGÈRE: No, the investigating officer  
18 will go with the evidence that's accumulated, presented to  
19 him or her, and take it there. Now, if they're going to an  
20 extortion investigation, for example, well, you would be  
21 looking at facts and issues that would substantiate that  
22 particular charge. But you would not be ignoring other  
23 information that's coming that's perhaps supportive of some  
24 other breach of the *Criminal Code*.

25 MS. DALEY: What I'm just trying to make --

1 get somewhat clear in my mind is that I think the message  
2 you gave to the Seguin family was that there would be a  
3 further investigation about the death of their brother.

4 **MR. FOUGÈRE:** Yes.

5 **MS. DALEY:** By that did you mean the cause  
6 of death, suicide versus something else?

7 **MR. FOUGÈRE:** No, I was talking about the  
8 quality -- they were complaining about the quality of the  
9 investigation, as I recall.

10 **MS. DALEY:** Yes.

11 **MR. FOUGÈRE:** And I'm assuring them that  
12 through bringing in a detective inspector from Criminal  
13 Investigation Branch, the death investigation of their  
14 brother will be thoroughly handled by this inspector.

15 Knowing what I know about the process, the  
16 activities of CIB inspectors, I wouldn't be giving  
17 instructions to that inspector on how to conduct the  
18 investigation.

19 **MS. DALEY:** He would decide for himself what  
20 was relevant to that investigation?

21 **MR. FOUGÈRE:** That's right. And if he or  
22 she had reason to seek counsel, they would get it from  
23 their superiors or from Crown counsel, not from me.

24 **MS. DALEY:** I guess the only confusion left  
25 in my mind is I thought it was pretty clear to everyone

1           that the cause of Mr. Seguin's death was not disputed by  
2           that point.

3                         So if there was to be a further death  
4           investigation it would have to entail something more than  
5           by what means he died?

6                         **MR. FOUGÈRE:** I believe the cause still was  
7           at issue with the Seguin family at that time.

8                         **MS. DALEY:** All right. Okay. Thank you,  
9           sir.

10                        One final topic, and it may help you to have  
11           Exhibit 2510 handy. This is one of the last documents we  
12           looked at. This relates to Officer Millar's request for  
13           resources. So Exhibit 2510, and the Bates page will be  
14           4377.

15                        And you recall, sir, this sets out  
16           information that you provided to this investigation. This  
17           is the -- your recollection of his conversation with you in  
18           November of 1998. The question I had for you was this,  
19           sir.

20                        Do you recall whether Officer Millar made  
21           you aware in November of 1998 that his detachment,  
22           Lancaster, had received information that a convicted  
23           pedophile was in his area and there was concern that this  
24           person was having contact with young boys? Did he make you  
25           aware of that in his request for resources?

1                   **MR. FOUGÈRE:** I don't recall a specific  
2 request that he would have made. He went over those  
3 matters which are here, of needing room in Winchester;  
4 shortages in Long Sault, Lancaster, Maxville and  
5 Alexandria. He had pressure points, you know, in all of  
6 these places. So a specific investigation -- I can tell  
7 you I didn't make a note about a specific pedophile or a  
8 specific investigation.

9                   **MS. DALEY:** Just very, very briefly, sir,  
10 because I'm sure we'll canvass this in more depth  
11 otherwise, but did you understand or recall that at one  
12 point Officer Millar was -- it was suggested he'd been in  
13 neglect of duty because there was a four-month window in  
14 which he wasn't able to act on allegations about Jean-Luc  
15 Leblanc. Did you know that?

16                   **MR. FOUGÈRE:** I'm sorry, I didn't catch the  
17 first part of your ---

18                   **MR. KOZLOFF:** There were no allegations.  
19 That word is an incorrect characterization of the  
20 information received from Constable Millar.

21                   It was information, not allegations,  
22 information that he was observed ---

23                   **THE COMMISSIONER:** What ---

24                   **MR. KOZLOFF:** --- at the Cornwall Raceway  
25 and at the Wal-Mart with young boys. That is not an

1 allegation, sir.

2 **MS. DALEY:** I'm happy with the word  
3 "information". Did you understand in those terms, sir,  
4 that Officer Millar had been accused of neglect of duty as  
5 a result of that circumstance?

6 **MR. FOUGÈRE:** I was first advised that  
7 Constable Millar had been accused of neglect of duty when I  
8 was contacted by Professional Standards Bureau sometime  
9 after I retired and asked me if I had had a meeting about  
10 personnel with Detective Sergeant Millar at the time and I  
11 asked for dates, and I went to my notebooks and found,  
12 based on the dates they were referencing, where he had  
13 called me on the 12<sup>th</sup> of November seeking a meeting and  
14 where in fact I had met with him on the 20<sup>th</sup> of November and  
15 then where I followed up on the 9<sup>th</sup> of December with my  
16 commander, Chief Superintendent Eamer, about personnel and  
17 shortages of resources in Stormont, Dundas and Glengarry.

18 **MS. DALEY:** All right.  
19 And indeed that's what we see on this page  
20 of ---

21 **MR. FOUGÈRE:** Yes.

22 **MS. DALEY:** --- the exhibit.

23 And as you told us earlier this afternoon,  
24 the ultimate answer you had to give him was he had to make  
25 do with what he had. There were no further resources

1 available?

2 MR. FOUGÈRE: Yes.

3 MS. DALEY: Would that answer, do you think,  
4 sir, have been different had you known about the  
5 information available concerning Leblanc in his -- within  
6 his detachment area? Would that have made any difference?

7 MR. FOUGÈRE: I'm not familiar with Leblanc.  
8 Would you help me?

9 MS. DALEY: There's simply an allegation  
10 that there's an individual in Lancaster who has previously  
11 been convicted of -- information about an individual in  
12 Lancaster -- I forget the name of the town -- Newington --;  
13 he has been previously convicted of sexual abuse of young  
14 boys and he has been seen with young boys in Cornwall.

15 Would that have changed the availability of  
16 resources at all, sir?

17 MR. FOUGÈRE: It wouldn't change  
18 availability of resources. It -- you know, I would imagine  
19 there would be sharing of information with the Cornwall  
20 Police Service. I would hope there was.

21 And -- but at the end of the day, if one has  
22 an allocation of -- I forget what the numbers were, but  
23 let's say it was 10 detectives and he's down to four; we  
24 can't manufacture detectives and there were no more.  
25 That's it. So it's a prioritize your work. And I would

1 never say that it's unimportant to attend to this one  
2 you're referring to, but I'd also want to know what the  
3 other work was that they were doing. Perhaps it was  
4 homicide investigation. I'd have to have the context  
5 before I'd venture a response.

6 **MS. DALEY:** I take it, sir; it's not part of  
7 your role or responsibility to allocate resources to this  
8 detachment or any OPP detachment?

9 **MR. FOUGÈRE:** In concert with Superintendent  
10 -- the Chief Superintendent, we would allocate resources  
11 region-wide. So region-wide would, you know -- at the west  
12 end of the region, Bancroft, to the east end of the region,  
13 Lancaster, and you know, all the way up the Ottawa River to  
14 the Nipissing District Line, you know, some 200 and some  
15 kilometres west of Renfrew, we're allocating resources to a  
16 grand area and there were numerous requests for staffing  
17 increases, but there was no more staff for the organization  
18 to give because also at that time was a time of  
19 amalgamation of police forces into the OPP; some choosing  
20 to not have their own standalone municipal police service,  
21 and that was creating a capacity crunch on the OPP also.

22 **MS. DALEY:** Understood.

23 So when a specific detachment, for any  
24 reason, came to you in this period of time requesting more  
25 resources regardless the circumstances, they just weren't

1 available?

2 **MR. FOUGÈRE:** Sometimes you could get added  
3 resources, but it was rare.

4 **MS. DALEY:** Okay. Those are my ---

5 **MR. FOUGÈRE:** And if you took a resource  
6 from x to give to y, that meant the work wasn't getting  
7 done at x. The public still had expectations wherever one  
8 might take a resource from.

9 **MS. DALEY:** All right. Thank you, sir.

10 **MR. FOUGÈRE:** Thank you.

11 **THE COMMISSIONER:** Mr. Horn.

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

13 **HORN:**

14 **MR. HORN:** Yes, my name is Frank Horn with  
15 the Coalition for Action, and we're a citizens group  
16 involved in -- well, in the past, agitating for this  
17 Inquiry. Now we're participating and helping to bring some  
18 truth to the situations that occurred in the past.

19 I'd like to look at that last document,  
20 number 738883, page -- that would be page 3. At the bottom  
21 of the section where it states "The mandate of Project  
22 Truth is as follows", but at the very bottom of that ---

23 **MR. FOUGÈRE:** Excuse me; I haven't got that  
24 document yet.

25 **MR. HORN:** Sorry.

1                   **THE COMMISSIONER:** So it's Exhibit 2510. I  
2 think it's that one there, yeah. So 2510 ---

3                   **MR. HORN:** Yes.

4                   **THE COMMISSIONER:** --- and page 3.

5                   **MR. FOUGÈRE:** There is no page 3 in this  
6 book, Mr. Commissioner.

7                   **THE COMMISSIONER:** Exhibit ---

8                   **MR. FOUGÈRE:** Two five one zero (2510)?

9                   **THE COMMISSIONER:** Yes.

10                  **MR. FOUGÈRE:** Oh, pardon me; 2501 --  
11 dyslexic on you. Sorry. Page 3, you said?

12                  **MR. HORN:** Yes.

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

14                  **MR. HORN:** Yes. At the very bottom of the  
15 mandate of Project Truth is as follows, and all of the  
16 different things that were mentioned earlier regarding  
17 something that you had never seen before. Did you know  
18 about the last part though? It's:

19                                "November the 24<sup>th</sup>, Premier Dalton  
20                                McGuinty called a public inquiry into  
21                                the allegations."

22                                You knew that?

23                  **MR. FOUGÈRE:** I heard the Premier had called  
24 this Inquiry, yes.

25                  **MR. HORN:** Okay. And that -- did you get

1 any idea that as a result of the fact that it came right  
2 from the Premier's office, that he was the one doing this,  
3 that he was going to make sure that funds were going to be  
4 allocated to the OPP to be able to carry through this  
5 investigation?

6 **MR. FOUGÈRE:** At that time ---

7 **MR. KOZLOFF:** I don't understand. Perhaps  
8 Mr. Horn could explain what investigation it was that the  
9 Premier would provide funds for the OPP to carry out?

10 **MR. HORN:** Well, the mandate that was put  
11 forth there and underneath it, the ---

12 **THE COMMISSIONER:** Well ---

13 **MR. HORN:** Dalton McGuinty, who became the  
14 Premier, was agitating for this Inquiry, but at the same  
15 time prior to that when he was in the opposition, he was  
16 pushing for this.

17 **THE COMMISSIONER:** Right, right ---

18 **MR. HORN:** Now, that's right.

19 **THE COMMISSIONER:** --- but Project Truth is  
20 1994 and 1997.

21 **MR. HORN:** Okay.

22 **THE COMMISSIONER:** And ---

23 **MR. HORN:** I'm getting mixed up.

24 But there was a -- the Project Truth, when  
25 it was established, there was a lot of political agitation

1 that took place. There was agitation here in Cornwall.  
2 There were petitions. They went to Toronto. There were  
3 petitions. Ten thousand supported Dunlop when he went to  
4 the ---

5 **THE COMMISSIONER:** Mr. Horn ---

6 **MR. HORN:** --- CAS and all of the other  
7 times that went forth. So there was a lot of political  
8 agitation in order to get this investigation going.

9 You were aware of that, weren't you?

10 Go ahead.

11 **MR. KOZLOFF:** I believe -- the question is  
12 not based on any facts in evidence at this Inquiry, no.

13 **MR. HORN:** Well, I don't know about that. I  
14 think that the facts regarding the agitation that took  
15 place and the petitions, is that something you were aware  
16 of? That there were two separate petitions; one of them,  
17 agitating for the Inquiry, and previous to that, there was  
18 one where 10,000 signatures were gotten in support of what  
19 Dunlop did ---

20 **THE COMMISSIONER:** Were you aware of those  
21 ---

22 **MR. HORN:** --- involving the CAS?

23 **THE COMMISSIONER:** Okay. Were you aware of  
24 the pulse of the people of Cornwall around 1994?

25 **MR. FOUGÈRE:** I think I was, yes.

1                   **THE COMMISSIONER:** Okay.

2                   **MR. HORN:** And that there was a great deal  
3 of interest -- not only interest but there was agitation by  
4 citizens' groups in order to have something done. And it  
5 was as a result of that agitation that the politicians in  
6 Toronto made the decision that they were going to do  
7 something about it.

8                   Did they give you the idea that they were  
9 going to make sure that it was going to be done properly  
10 and that you were going to be adequately funded to be able  
11 to do that?

12                   **THE COMMISSIONER:** No, no. No, no.

13                   **MR. KOZLOFF:** Mr. Commissioner, Project  
14 Truth starts in 1997.

15                   **THE COMMISSIONER:** Yes.

16                   **MR. KOZLOFF:** The agitation to which my  
17 friend refers is in the latter part of the '90s, into this  
18 -- beginning of this decade. By that time, Mr. Fougère is  
19 the Chief Superintendent, safely in the north, where you  
20 know it's much safer than it is here.

21                   **( LAUGHTER/RIRES )**

22                   **MR. KOZLOFF:** So perhaps my friend can just  
23 direct himself to a period of time and an area, which this  
24 witness can address.

25                   **THE COMMISSIONER:** Mr. Horn, you're mixing

1 apples and oranges.

2 **MR. HORN:** Well, he has been brought in to  
3 the situation. I'm sure he was aware of the tremendous  
4 interest in this community that something had to be done  
5 about the allegations and all of the swirling accusations  
6 and so forth. And the OPP were called in to allay a lot of  
7 that.

8 When they did that, were you given any  
9 assurances by Toronto, the politicians in Toronto, that you  
10 were going to be adequately financed to be able to carry it  
11 through, to investigate properly?

12 **MR. FOUGÈRE:** Sir, when we undertook to  
13 investigate these matters, just as we don't with any other  
14 investigation we undertake, we do not go to the politicians  
15 of the day, either in government or in opposition, to seek  
16 our funds.

17 We go to -- I'm talking about a district  
18 commander or a regional commander or a director of  
19 operations. We go to our headquarters in Orillia to make  
20 our requests for resources, and the resources come from an  
21 allocation that is provided from that headquarters.

22 If there is anyone to go to government for  
23 resources, as I understand it, it will be the Commissioner  
24 of the Ontario Provincial Police not on an ad hoc basis by  
25 the various commanders throughout the province.

1                   **MR. HORN:** Okay. What this something that  
2 was said: "This is high priority, high-profile; something  
3 has to be done?"

4                   Is that the impression that you got when you  
5 became involved in this; that the government was going to  
6 get behind it, and "We're going to do something about it."

7                   And for you to have to fight for your  
8 financing to be able to do it, and to stretch your manpower  
9 and not be given adequate ability to be able to carry it  
10 through, is this something that you thought wouldn't happen  
11 when you initially got into this?

12                   **THE COMMISSIONER:** Mr. Horn, no -- not a  
13 fair question.

14                   **MR. HORN:** Not fair?

15                   **THE COMMISSIONER:** No, because first of all,  
16 you haven't -- when he got into it. Do you mean 1994? Do  
17 you mean 1997? This man's a police officer. He's not a  
18 politician. He has nothing to do with the government.

19                   And if you want to give a speech, I'll give  
20 you a soapbox, and you can go outside.

21                   **MR. HORN:** I'm not giving a speech. I'm  
22 asking a question.

23                   **THE COMMISSIONER:** Well, with the greatest  
24 of respect, Mr. Horn, I don't hear the question mark at the  
25 end. So keep them short.

1                   **MR. HORN:** All right.

2                   **THE COMMISSIONER:** Give us the questions and  
3 away we go.

4                   And in the end analysis, Mr. Horn, your  
5 point is very valid in the sense that this gentleman is  
6 saying, "Look it, we didn't have the resources." That's a  
7 good field to look into, but the way you're going about it  
8 just isn't permissible.

9                   **MR. HORN:** Okay. Were there any discussions  
10 along these lines, that we're going to do what we can to  
11 get that funding in order to be able to carry out what you  
12 were asked to do?

13                   **MR. FOUGÈRE:** There was an application  
14 process and we followed that application process to get the  
15 funding, to pay for the office building, and to pay for the  
16 support staff, and to pay for rental cars of our  
17 investigators and to the best of my knowledge, that funding  
18 was provided.

19                   **MR. HORN:** Okay. From whatever OPP was  
20 given, was there anything special that was applied to this  
21 situation; do you know?

22                   **MR. FOUGÈRE:** I don't understand the  
23 question.

24                   **MR. HORN:** Okay. Was there anything that  
25 made this a special project in which the -- where the OPP

1 can say, "We're going to" -- they're going to be given  
2 special funding in order to carry out something, which is  
3 over and above what they usually do as a police force?

4 **MR. FOUGÈRE:** Our headquarters in Orillia  
5 has traditionally -- and I don't know since I left, but I  
6 suspect since I retired they continued to provide special  
7 funding for various investigations that go on throughout  
8 the Province. It could be this one.

9 We could have had special funding, and I  
10 know, in fact, we did have special funding for other  
11 activities going on in this region at the same time with  
12 different investigators assigned to those different  
13 activities. And the extra funding required for that did,  
14 in fact, come from Orillia.

15 **MR. HORN:** Okay. Now, there's another  
16 interesting thing that I'd like to have you comment on.  
17 It's a newspaper article in the Globe & Mail, July 20<sup>th</sup>,  
18 1998 ---

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

20 **MR. HORN:** --- 728894.

21 **UNIDENTIFIED SPEAKER:** It's 2507.

22 **MR. HORN:** What is it?

23 **UNIDENTIFIED SPEAKER:** It's 2507.

24 **THE COMMISSIONER:** Mr. Horn doesn't believe  
25 in exhibit numbers, sir, so it's -- I'm told from the back

1           there it's 2507.

2                         **MR. FOUGÈRE:** Thank you.

3                         **MR. HORN:** On the second page, okay, on  
4           the -- underneath the third picture.

5                                 There's a quotation -- not a  
6                                 quotation, but there's something that  
7                                 is attributed to you: "Superintendent  
8                                 Fougère also acknowledged that without  
9                                 Constable Dunlop's turning over the  
10                                files to Children's Aid, there would  
11                                have been no Project Truth. This is  
12                                what triggered it into public  
13                                awareness."

14                               Is that something that -- is that  
15           quotation ---

16                         **MR. FOUGÈRE:** I'm still waiting for it to  
17           come out so ---

18                         **MR. HORN:** Pardon?

19                         **MR. FOUGÈRE:** I'm still waiting for it to  
20           appear here.

21                         **MR. HORN:** Okay.

22                         **THE COMMISSIONER:** It's there now.

23                         **MR. FOUGÈRE:** At that time, sir, when I said  
24           that I thought Constable Dunlop was principled and valued  
25           the principles of justice and pursuit of truth, based on

1 the information I had at that time, that is what I thought  
2 at that time.

3 MR. HORN: And do you agree that the -- this  
4 is what triggered it into public awareness and if it wasn't  
5 for him, there'd be no Project Truth? Do you agree with  
6 that?

7 MR. FOUGÈRE: Yes.

8 MR. HORN: So there would have never been an  
9 investigation started at all according to the way you  
10 understood it back then?

11 THE COMMISSIONER: Point made, Mr. Horn.  
12 Let's carry on.

13 MR. HORN: Pardon?

14 THE COMMISSIONER: I said you made your  
15 point.

16 MR. HORN: Oh, I just want to know if he  
17 agrees.

18 THE COMMISSIONER: You've just re-stated  
19 what he said in the newspaper, and he said, "Based on what  
20 I knew at the time, that's true."

21 MR. HORN: Okay. Now, I've got a couple of  
22 exhibits numbers 1532 or 1531. That's the news conference  
23 Project Truth on September 25<sup>th</sup>, 1997.

24 MR. FOUGÈRE: Can I have the exhibit number  
25 again, please?

1                   **THE COMMISSIONER:** One-five-three-one  
2                   (1531).

3                   **MR. HORN:** Yes. Now, you mentioned the ---

4                   **THE COMMISSIONER:** Whoa, let him get it  
5                   first.

6                   **MR. HORN:** Sorry.

7                   **THE COMMISSIONER:** Are you there? All  
8                   right. Where do you want to refer him to?

9                   **MR. HORN:** The second to the last page, page  
10                  8, page 8 at the top.

11                  This document is an official Ontario  
12                  Provincial Police document is -- was it?

13                  **MR. FOUGÈRE:** This is not part of -- for  
14                  starters, sir, you refer to it as the press release  
15                  document?

16                  **MR. HORN:** Yes, and then the other part that  
17                  was added on.

18                  **MR. FOUGÈRE:** This add on number of pages --  
19                  -

20                  **MR. HORN:** Yes.

21                  **MR. FOUGÈRE:** --- is, I think, part of a  
22                  submission for funds made by someone other than myself.

23                  **MR. HORN:** Not for yourself, but is it from  
24                  the OPP?

25                  **MR. FOUGÈRE:** I don't know. The first time

1 I see it is when I come to this Inquiry, but it would  
2 appear to be the way we operated at that time, yes.

3 **MR. HORN:** Okay, so the last paragraph, did  
4 you ever see that where it says:

5 "Many studies into the abuse of  
6 pedophiles indicates this type of  
7 sexual behaviour is not perpetrated in  
8 random, isolated, incidents but is a  
9 continuing and constant course of  
10 action involving multiple victims over  
11 a period of many years. It has been  
12 estimated one lone pedophile may have  
13 abused between 200 and 300 victims by  
14 the time he reaches the age of 50. In  
15 this case, it is alleged there are at  
16 least 18 such pedophiles."

17 Is that something that came from the OPP?

18 **THE COMMISSIONER:** He ---

19 **MR. FOUGÈRE:** I don't know.

20 **MR. HORN:** Pardon?

21 **THE COMMISSIONER:** He says he doesn't know.

22 **MR. KOZLOFF:** Is Mr. Horn paying attention  
23 to the witness's answers? Thank you.

24 **THE COMMISSIONER:** Mr. Horn, he says I don't  
25 know where this document originated; I don't know if it's

1 an OPP document. And clearly, Mr. Horn, if you are going  
2 to rely on those numbers as facts, pretty dangerous thing  
3 to do.

4 **MR. HORN:** It comes from -- the OPP is the  
5 source.

6 **MR. FOUGÈRE:** Says who?

7 **MR. HORN:** Well, so he doesn't agree that  
8 this comes from the OPP. Where does it come from then? Do  
9 you have any idea?

10 **THE COMMISSIONER:** Well, he said that it  
11 looks consistent with the type of document that would be  
12 prepared to present a case for funding.

13 **MR. HORN:** By the OPP.

14 **THE COMMISSIONER:** That's the best he can  
15 do.

16 **MR. HORN:** So these would be facts that  
17 would have been sent to somebody who's in a position to  
18 release funding and these were the facts that were given to  
19 them in order to allocate more funding to your project.

20 **THE COMMISSIONER:** If -- if it turns out to  
21 be a request for funding, then the answer would be -- if it  
22 is a request for funding, this is what was sent up to get  
23 the funding.

24 **MR. FOUGÈRE:** It's an overview. It says  
25 "Overview of Investigation", and it seems to me that this

1 would be the kind of preamble that someone seeking funding  
2 would do.

3 Who that someone is, I have no idea, but it  
4 surely isn't my document.

5 **MR. HORN:** Usually, it's based on facts or  
6 truth, wouldn't it? They don't make it up and send it up.

7 **MR. FOUGÈRE:** Well, with regard to the last  
8 paragraph on page 8, I don't know if that's fact or not. I  
9 don't know.

10 **MR. HORN:** Because if it's true, we are  
11 talking about 3,600-4,400 kids.

12 **THE COMMISSIONER:** Well, that's ---

13 **MR. KOZLOFF:** We're now going to ask for a  
14 hypothetical on a hypothetical.

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

16 **MS. JONES:** This is just not appropriate  
17 questioning whatsoever.

18 **THE COMMISSIONER:** Mr. Horn, they're ganging  
19 up on you. So, Mr. Horn, you can't ask ---

20 **MR. HORN:** Bad question.

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

22 **MR. HORN:** So, obviously, when you're  
23 dealing with the -- when you're dealing with this  
24 situation, you have to work very closely with the local  
25 Children's Aid Society?

1                   **THE COMMISSIONER:** Hold it, hold it, hold  
2                   it.

3                   This man is being brought in as a person who  
4                   was in the higher echelons to give some idea of the  
5                   structure.

6                   So what you're going to ask him about  
7                   Children's Aid, I would think would be for the men and  
8                   women a little lower down than this.

9                   **MR. HORN:** Okay, all right.

10                  **THE COMMISSIONER:** All right?

11                  **MR. HORN:** All right, I'll ask somebody else  
12                  that question.

13                  **THE COMMISSIONER:** Good.

14                  **MR. HORN:** That's good.

15                  One of the reasons I was interested in those  
16                  statistics is because the -- if you look at the Document  
17                  Number 729528.

18                  **THE COMMISSIONER:** Would it be an exhibit,  
19                  Mr. Horn?

20                  **MR. HORN:** It's a newspaper article.

21                  **THE COMMISSIONER:** I know, but has it been  
22                  made -- it hasn't been made an exhibit?

23                  **MR. HORN:** I think it has. It hasn't? We  
24                  may have put it in a notice. I think we've put in a  
25                  notice. What is it, 729528.

1                   **THE COMMISSIONER:** Just a second now. Okay.

2                   Now, Mr. Horn?

3                   **MR. HORN:** Yes.

4                   **THE COMMISSIONER:** The next exhibit is 2516,  
5                   and that is a newspaper article dated Friday, July 10<sup>th</sup>,  
6                   1998.

7                   **--- EXHIBIT NO./PIÈCE NO. P-2516:**

8                                 (729528) Standard-Freeholder Article 'Seven  
9                                 charged in sex scandal' dated July 10, 1998

10                   **MR. HORN:** Okay.

11                   **THE COMMISSIONER:** Now, just a second.

12                   We'll put it on the screen.

13                   **MR. HORN:** Okay.

14                   **THE COMMISSIONER:** Okay, we'll put it on the  
15                   screen. There you go. Okay, now, where would you like us  
16                   to go?

17                   **MR. HORN:** Thank you.

18                                 Okay, what is interesting is the column  
19                                 there and the individuals who were charged. There were  
20                                 seven charged, but look at the ages: 69, 69, 69, 67, 77,  
21                                 76, 68.

22                                 Why I was interested in the statistics is  
23                                 you're talking about age 50, these men are far older than  
24                                 67.

25                   **THE COMMISSIONER:** Ms. Jones?

1                   **MS. JONES:** This is not appropriate  
2                   questioning. If Mr. Horn is going to continue to refer to  
3                   the so-called statistics in Exhibit 1531, he just cannot  
4                   tie that back now to a newspaper article. That line of  
5                   questioning is not appropriate.

6                   **THE COMMISSIONER:** What's the question?

7                   **MR. HORN:** If the ages of these individuals  
8                   is 17, 18 years older than -- it said, "By the time they're  
9                   50, they..." -- by the time they're 50, the average has..."  
10                  -- well has ---

11                  **THE COMMISSIONER:** No, no. Are you going to  
12                  make -- no, no.

13                  **MR. HORN:** I'm just saying ---

14                  **THE COMMISSIONER:** No.

15                  **MR. HORN:** --- that obviously ---

16                  **THE COMMISSIONER:** No.

17                  **MR. HORN:** --- we are dealing with a very  
18                  bad situation.

19                  **THE COMMISSIONER:** No.

20                  You are asking to make a correlation between  
21                  some figures. I guess as a general premise, you could say  
22                  that if a pedophile continues to act out like that and  
23                  abusing children throughout their lives, the fact that  
24                  they're older would have given them more opportunity to  
25                  abuse more children.

1                   That might be, but then again, you know,  
2                   once you're 69, your opportunities might be decreasing.

3                   **MR. HORN:** Well, I'm just saying ---

4                   **THE COMMISSIONER:** No.

5                   **MR. HORN:** --- there's a big -- let's just  
6                   say ---

7                   **THE COMMISSIONER:** No.

8                   **MR. HORN:** --- we had a big problem when you  
9                   came in here with Project Truth, didn't you?

10                  **MR. FOUGÈRE:** There was an allegation of a  
11                  big problem and we undertook to investigate to ascertain  
12                  how many, if any, people were guilty of criminal offences  
13                  and some charges were laid as a result of that  
14                  investigation.

15                  **MR. HORN:** And you wanted to make sure that  
16                  the -- if there were that many pedophiles and there were  
17                  that many children that were at risk, something had to be  
18                  done by your Police Force. Isn't that right?

19                  **MR. FOUGÈRE:** No, our police organization  
20                  would have brought the accused people before the courts  
21                  but, yes, we'd have investigated ---

22                  **MR. HORN:** And then you would work with the  
23                  Children's Aid Society to make sure there wasn't a  
24                  continuing abuse. Isn't that right? You'd work  
25                  conjunction with the OPP -- the OPP and the Children's Aid

1 Society to make sure that we didn't have a continuing  
2 problem.

3 MR. FOUGÈRE: If the ---

4 MR. HORN: Isn't that right?

5 MR. FOUGÈRE: --- if the police identified  
6 children at risk, they have a legislated obligation, in  
7 fact, to advise Children's Aid and to work with Children's  
8 Aid and it's been my experience that that is what goes on.

9 MR. HORN: And to your knowledge, that's what  
10 did happen?

11 MR. FOUGÈRE: What?

12 THE COMMISSIONER: Do you ---

13 MR. HORN: To your knowledge, that's what  
14 did happen?

15 MR. FOUGÈRE: I'm -- generally speaking,  
16 when the police -- all police, but in this case OPP -- find  
17 a child at risk, they will work with the Children's Aid  
18 Society. Are you asking about if we work with the  
19 Children's Aid Society here?

20 MR. HORN: Yes.

21 MR. FOUGÈRE: I don't know. You'd have to --  
22 -- I would suggest perhaps Detective Inspector Tim Smith  
23 would give you the answer. I don't have it.

24 MR. HORN: Okay, thank you.

25 THE COMMISSIONER: Thank you.

1 Mr. Lee?

2 **MR. LEE:** Good afternoon, Mr. Commissioner.

3 **THE COMMISSIONER:** Good day, sir.

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

5 **MR. LEE:** Mr. Fougère, my name is Dallas  
6 Lee. I act for the Victims' Group. I have just a couple  
7 of areas I want to canvass with you. I won't be very long.

8 Do I understand that in your capacity as  
9 District Commander, you would have conducted management  
10 inspections of the detachments in your jurisdiction?

11 **MR. FOUGÈRE:** That was part of the  
12 responsibility, yes.

13 **MR. LEE:** Can you explain to me what a  
14 management inspection of a detachment would entail?

15 **MR. FOUGÈRE:** It's about a 25 or 30-page  
16 checklist of various aspects of a detachment operation.  
17 For example, the lock -- not the locker, the vault that  
18 stores found, seized property and so on -- the property  
19 vault -- the vaults that contained, you know, seized  
20 firearms, ammunition, alcohol, other contraband. There's a  
21 drug exhibit locker; there's the allocation of accountable  
22 advances of funds to the detachment commander; there's the  
23 occurrence reporting system or the records management  
24 system, is it being followed.

25 It's a big process, which is why I said

1 earlier that kind of an inspection process is usually  
2 broken down into various units with responsibility. For  
3 example, the property vault is usually examined by the  
4 detective staff sergeant of the criminal investigation  
5 unit, not by the inspector or not by the superintendent.  
6 That detective staff sergeant would then report the  
7 findings of his or her audit to the district commander when  
8 it's completed.

9 So if there's a specific area you might wish  
10 to address, I will try to assist you.

11 **MR. LEE:** Suffice it to say, it's a  
12 comprehensive inspection?

13 **MR. FOUGÈRE:** Yes, it is.

14 **MR. LEE:** It's intended to cover all of the  
15 various aspects, I suppose, of life in a detachment?

16 **MR. FOUGÈRE:** Yes, it's changed  
17 significantly from what it was, you know, prior to the  
18 reorganization of the OPP.

19 **MR. LEE:** I'm primarily interested in what  
20 it would have looked like at the time you were involved in  
21 that process. You mentioned a checklist. Do you ---

22 **MR. FOUGÈRE:** I referred to it as a  
23 checklist. It isn't a checklist. It was a long section of  
24 policy and direction of what was to be checked.

25 For example, among other things would be to

1 check the firearms, the individual sidearms of the various  
2 officers in a detachment.

3 So, for example, if there are 30 officers in  
4 a detachment, I would call an officer into the office and  
5 say, I want to see your sidearm, and I would have with me  
6 the serial number of that officer's sidearm.

7 Why do we do that? Well, sometimes we have  
8 occasion to take people to places like psychiatric  
9 facilities where when you go into such an institution,  
10 sidearms get put into vaults, they get mixed up coming out.  
11 We want to make sure everybody still has their own firearm  
12 everyday. The same with handcuffs; they're all issued with  
13 a serial number.

14 The other reason that you do it could be,  
15 you know -- but thankfully it was never my experience, but  
16 let's say with a handcuff issue and it has a serial number  
17 on it, if I lose my handcuffs, for whatever reason, and I'm  
18 too timid to report it, now it's management inspection day  
19 so I go to you, my buddy, and I say, hey, loan me your  
20 cuffs, I've got to go in and see the boss and all I've got  
21 to do is show him a pair. Well, this would just show him  
22 or her a pair to prove it's serial numbered.

23 **MR. LEE:** Would part of that -- these  
24 management inspections have dealt with a review of files or  
25 a review ---

1                   **MR. FOUGÈRE:** Pardon me?

2                   **MR. LEE:** Would part of a management  
3 inspection have included a review of files or a review of  
4 case notes or anything along those lines?

5                   **MR. FOUGÈRE:** Yes.

6                   **MR. LEE:** Were those random inspections?

7                   **MR. FOUGÈRE:** Sometimes random; sometimes a  
8 complete audit.

9                   **MR. LEE:** At the end of the day, when the  
10 management inspection and all its various areas is  
11 complete, what's the end product? Is it a report?

12                   **MR. FOUGÈRE:** Yes.

13                   **MR. LEE:** And who's that report made to?

14                   **MR. FOUGÈRE:** Well, it's shared with the  
15 detachment commander of the detachment involved and it's  
16 shared with the unit commander if it's one of the units at  
17 the regional or district headquarters. At that time, it  
18 would have been district headquarters. And from time-to-  
19 time, an outside audit comes in from the -- now, we're  
20 talking '93-'94, not anymore ---

21                   **MR. LEE:** Sure.

22                   **MR. FOUGÈRE:** --- but an outside audit would  
23 come in from an audit branch that the OPP had in Orillia  
24 and would do an audit of a detachment and report back to  
25 the district commander and the, at that time, division

1 commander or a chief superintendent that that  
2 superintendent answered to.

3 **MR. LEE:** So we have the management  
4 inspections you first described. You then have the second  
5 type of inspection or audit from Orillia. Are there any  
6 other ones that happened on a -- happened while you were  
7 District Commander?

8 **MR. FOUGÈRE:** Well, there should be an  
9 ongoing compliance audit done by the detachment commander.

10 **MR. LEE:** Okay. And are all of these audits  
11 concluded with a report that's sent up the chain in some  
12 way?

13 **MR. FOUGÈRE:** I don't recall sending audits  
14 "up the chain" as you refer to it because I became a  
15 district commander in November of '93. I really don't  
16 think we did any audits in 1994 and there were a couple of  
17 reasons for it. I came here, the superintendent had  
18 retired and went to another police service. Both  
19 inspectors retired and moved on so we went through a period  
20 of people acting in the inspector positions. And then when  
21 we got those filled -- we got one filled, the second was  
22 yet filled again with an acting inspector that went on for  
23 about a year before he was confirmed in his rank.

24 And then the organization decided to re-  
25 organize and look at all its processes and that was the

1 beginning of the end of the management inspection process  
2 as we knew it.

3 MR. LEE: And that was around 1994, the  
4 situation ---

5 MR. FOUGÈRE: Ninety-four (94) ---

6 MR. LEE: --- you've just described?

7 MR. FOUGÈRE: --- ninety-five (95), we  
8 started getting into this. We started looking at clusters  
9 of detachments.

10 MR. LEE: Prior to that, what would the  
11 frequency of these management inspections have been?

12 MR. FOUGÈRE: I think annually.

13 MR. LEE: Annually.

14 And what about the inspections or audits  
15 from Orillia?

16 MR. FOUGÈRE: They were on an ad-hoc basis;  
17 sometimes requested by a district commander, sometimes  
18 chosen by the audit branch.

19 One of the ways -- often times where we  
20 would have a management inspection, the prime time to do  
21 one in my experience was when a new detachment commander  
22 was appointed. So we have a new person in charge of the  
23 detachment coming in and the organization conducts an audit  
24 of that detachment and if there are shortcomings found in  
25 that audit, they're shared with the detachment commander so

1           that that person knows from day one issues that have to be  
2           addressed. Something may be okay -- appear to be okay on  
3           the surface and take longer than he or she would have liked  
4           to had brought to their attention.

5                       **MR. LEE:** Do you recall how many detachments  
6           would have been in your jurisdiction when you were District  
7           Commander?

8                       **MR. FOUGÈRE:** Here?

9                       **MR. LEE:** Yes.

10                      **MR. FOUGÈRE:** Give me a moment. I'll count  
11           them up; 13.

12                      **MR. LEE:** Thirteen (13). That would have  
13           included Long Sault?

14                      **MR. FOUGÈRE:** Yes.

15                      **MR. LEE:** And Maxville?

16                      **MR. FOUGÈRE:** Yes.

17                      **MR. LEE:** And was Upper Canada -- the Upper  
18           Canada Detachment within your regions?

19                      **MR. FOUGÈRE:** Upper Canada came into  
20           existence when it came into vogue to name detachments after  
21           geographic locations and that would probably have been '98  
22           or 99, that Long Sault detachment became known as Upper  
23           Canada.

24                      **MR. LEE:** You mentioned that there was a  
25           change beginning in 1994 in terms of management

1 inspections. If we take -- are you familiar with, let's  
2 say, the mid to late 1990s, what the inspection system  
3 would have been there? There still would have been some  
4 form of inspection or audit system in place?

5 **MR. FOUGÈRE:** There were audit systems in  
6 place mostly for fiscal matters, for accounting for  
7 equipment; for example, laptops, other computers, all the  
8 infrastructure that supports a detachment, vessels and so  
9 on, but it was the beginning of trying to determine an  
10 adequate audit process.

11 In my mind, the organization got turned  
12 upside down, downsized significantly. Detachments were  
13 clustered together and the same amount of work had to be  
14 done by less people. So I would say inspections were done  
15 more *ad hoc* than as a routine the way they had been prior  
16 to.

17 **MR. LEE:** In your experience, there's always  
18 been some form of oversight by way of audit or inspection.  
19 It's just the mechanism used is changed over time?

20 **MR. FOUGÈRE:** Yes.

21 **MR. LEE:** Ms. Daley was the first lawyer to  
22 cross-examine you from the Citizens for Community Renewal,  
23 and she asked you some questions about Officer Millar and  
24 the Jean-Luc Leblanc situation. He was the -- there was an  
25 issue made of, not an allegation being received but

1 information being received that this convicted pedophile  
2 had been seen in the community in the presence of children.  
3 Do you recall that?

4 **MR. FOUGÈRE:** I've been told that since I'm  
5 here.

6 **MR. LEE:** And you told us of the detachment  
7 that Officer Millar was concerned with, having gone from  
8 eight detectives down to four.

9 **MR. FOUGÈRE:** I gave that as -- by way of  
10 example.

11 **MR. LEE:** Right.

12 **MR. FOUGÈRE:** I forget what the numbers  
13 were.

14 **MR. LEE:** No, no. Your understanding was it  
15 was a significant ---

16 **MR. FOUGÈRE:** It was -- he had more work  
17 than he had people to do the work.

18 **MR. LEE:** And you told us that you can't  
19 manufacture detectives and that you have to prioritize you  
20 work? Do you remember that?

21 **MR. FOUGÈRE:** Yes.

22 **MR. LEE:** And as a general principle, would  
23 you agree with me that every single time information is  
24 received by the OPP that a convicted pedophile is being  
25 seen in the company of children, the OPP must follow up in

1           some way on that information?

2                       **MR. FOUGÈRE:** Yes.

3                       **MR. LEE:** And at very least, if the resource  
4 issue is at a critical point, you would expect that an OPP  
5 officer receiving that information would advise his  
6 superiors that resources are so lacking, that that specific  
7 information can't be followed up on right away.

8                       **MR. FOUGÈRE:** I don't know how far up the  
9 organization chart, but it surely should be discussed  
10 there. Somebody should be bringing it up the chart, which  
11 is what I think Detective Sergeant Millar was doing when he  
12 was coming to see me.

13                      **MR. LEE:** Do you have ---

14                      **MR. FOUGÈRE:** He was stressing, "Hey, our  
15 backs are to the wall here. We have to do something."

16                      **MR. LEE:** And your recollection of that  
17 conversation is that it was general in terms of, "we're  
18 having trouble, generally, we don't have enough resources".

19                      You don't remember specific cases being  
20 pointed to as ones that were getting lost in the shuffle?

21                      **MR. FOUGÈRE:** We may or may not have  
22 discussed specific cases. If we did, I didn't make note of  
23 them. I made note of the four detachments I've mentioned,  
24 where he identified shortages; one in particular, where  
25 things were so bad that they were using the property vault

1 as an interview room.

2 MR. LEE: My question was simply, you don't  
3 have a recollection, sitting here today, of specific cases  
4 being discussed?

5 MR. FOUGÈRE: No.

6 MR. LEE: And you have no specific  
7 recollection of the name Jean-Luc Leblanc? It's been put  
8 to you today, but otherwise it doesn't stand out in your  
9 memory?

10 MR. FOUGÈRE: No.

11 MR. LEE: Thank you very much. Those are my  
12 questions.

13 THE COMMISSIONER: Thank you.

14 Mr. Neville?

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

16 NEVILLE:

17 MR. NEVILLE: Good afternoon, Commissioner.

18 THE COMMISSIONER: Mr. Neville.

19 MR. NEVILLE: Good afternoon, Mr. Fougère.

20 My name is Michael Neville. I represent  
21 Father Charles MacDonald, also the Estate of Ken Seguin and  
22 the Seguin family.

23 MR. FOUGÈRE: And the last one?

24 MR. NEVILLE: The Seguin family.

25 MR. FOUGÈRE: Thank you.

1                   **MR. NEVILLE:** Can we just start with a brief  
2 reference, Commissioner, to Exhibit 2507, which is one of  
3 the newspaper articles, one a previous counsel referred to;  
4 and particularly Mr. Horn, Commissioner, about Mr.  
5 Fougère's comments about Constable Dunlop.

6                   **THE COMMISSIONER:** Two-five-zero-seven  
7 (2507). Yes.

8                   **MR. NEVILLE:** Do you have it there, sir?

9                   **MR. FOUGÈRE:** Yes.

10                  **MR. NEVILLE:** And Mr. Horn referred you to a  
11 specific passage on the second page of the article, where  
12 you make observation about Mr. Dunlop's role in turning  
13 over a statement to CAS and triggering Project Truth, and  
14 your comments about him personally.

15                                 And the article, as it's worded, refers to  
16 you answering the question carefully.

17                                 Do you see that?

18                   **MR. FOUGÈRE:** Not yet.

19                   **MR. NEVILLE:** Do you see the column? It's  
20 right under ---

21                   **MR. FOUGÈRE:** It hasn't been enlarged yet.

22                   **MR. NEVILLE:** Oh, sorry. If, Madam  
23 reporter, under the right-hand photograph, you could  
24 enlarge the portion where ---

25                                 **THE COMMISSIONER:** Yes, where your cursor

1 is, yeah.

2 **MR. NEVILLE:** Yes, where Superintendent  
3 Fougère is being quoted.

4 There you have it, Superintendent. Have you  
5 found it now? It's more or less in the centre of the  
6 screen.

7 You acknowledge Constable Dunlop's turning  
8 over the file as triggering public awareness. Do you see  
9 that passage? I'm paraphrasing it slightly.

10 **MR. FOUGÈRE:** Yes.

11 **MR. NEVILLE:** And then it appears that  
12 you're asked by the reporter, I assume: "Was it the right  
13 thing to do?"

14 And then you say, "I think Constable  
15 Dunlop's a principled man", et cetera. And they describe  
16 you at the end of that passage as "answering the question  
17 carefully".

18 Correct?

19 **MR. FOUGÈRE:** M'hm.

20 **MR. NEVILLE:** Now you are speaking as of the  
21 10<sup>th</sup> -- approximately the 10<sup>th</sup> of July 1998.

22 **MR. FOUGÈRE:** M'hm.

23 **MR. NEVILLE:** And what you said to the  
24 Commissioner today was, "that answer was given" -- and I  
25 took down, I think, correctly -- "based on what I knew at

1 the time."

2 MR. FOUGÈRE: Yes.

3 MR. NEVILLE: Now, as of July of 1998, you  
4 were continuing to liaise, I presume, with Inspector Smith  
5 and his group?

6 MR. FOUGÈRE: From time to time, yeah.

7 MR. NEVILLE: And were you aware that, as of  
8 the summer of 1998, Inspector Smith and others were  
9 experiencing certain difficulties with Mr. Dunlop?

10 MR. FOUGÈRE: I had heard that expressed,  
11 yes.

12 MR. NEVILLE: Right. And I suggest that's  
13 probably why, when you answered the question, you're  
14 described as answering it carefully?

15 THE COMMISSIONER: Well ---

16 MR. FOUGÈRE: I don't ---

17 THE COMMISSIONER: --- do you remember?

18 MR. FOUGÈRE: Whether I answered carefully  
19 or somebody interpreted that at the time, and it may well  
20 be that I was trying to be careful because of what I knew,  
21 I knew from the media basically about Mr. Dunlop going to  
22 the Children's Aid and so on. And then I heard other  
23 stories from the Cornwall Police, heard other stories from  
24 investigators.

25 But I said at the time, and I believed at

1 the time that, you know, he thought he had uncovered an  
2 injustice, and he pursued it through his going to the  
3 Children's Aid Society to see that if, in fact, that was  
4 the case, it would be investigated.

5 **MR. NEVILLE:** Well, my question actually to  
6 you is this: As of July 1998, when you're giving these  
7 comments to the press, you were aware, I take it, of what  
8 experience your colleagues were having with Mr. Dunlop and  
9 his level of cooperation with them.

10 **MR. FOUGÈRE:** I don't know that I'd go so  
11 far as to know about his level of cooperation. I would say  
12 that I was starting, I think, to hear some concerns about  
13 him.

14 **MR. NEVILLE:** All right.

15 **THE COMMISSIONER:** Mr. Neville, how is this  
16 relevant, really? I mean, he doesn't remember whether he  
17 responded carefully, and that's what he said.

18 **MR. NEVILLE:** Thank you, Commissioner. I'll  
19 move on.

20 **THE COMMISSIONER:** Good. Thank you.

21 **MR. NEVILLE:** Superintendent, in your  
22 closing observations to the Commissioner, you mentioned the  
23 success rate or conviction rate for the Project Truth  
24 cases?

25 **MR. FOUGÈRE:** M'hm.

1                   **MR. NEVILLE:** Right? And you'd acknowledge,  
2 I take it, that in fact there were some trials on the  
3 merits and some acquittals?

4                   **MR. FOUGÈRE:** Pardon me?

5                   **MR. NEVILLE:** There were some trials that  
6 took place on the merits, and there were acquittals?

7                   **MR. FOUGÈRE:** Yes.

8                   **MR. NEVILLE:** And that was acceptable, I  
9 take it?

10                  **MR. FOUGÈRE:** I wasn't here and I've never  
11 second-guessed the court.

12                  **MR. NEVILLE:** Well, that's my next couple of  
13 questions.

14                    You mentioned one case where there was a  
15 delay of 73 months ---

16                  **MR. FOUGÈRE:** M'hm.

17                  **MR. NEVILLE:** --- in which there was a stay  
18 of proceedings?

19                  **MR. FOUGÈRE:** Yes.

20                  **MR. NEVILLE:** Did you attend that case?

21                  **MR. FOUGÈRE:** No.

22                  **MR. NEVILLE:** Did you read the judge's  
23 reasons?

24                  **MR. FOUGÈRE:** No, and I said also ---

25                  **MR. NEVILLE:** Well, that's my question. Did

1           you read the judge's reasons?

2                       **MR. FOUGÈRE:** You're asking me about what I  
3           said to the Commissioner.

4                       **MR. NEVILLE:** Yes, and my question to you  
5           now is, in that particular instance, did you read the  
6           judge's reasons?

7                       **MR. FOUGÈRE:** No.

8                       **MR. NEVILLE:** No.

9                       And you don't know who testified?

10                      **MR. FOUGÈRE:** No.

11                      **MR. NEVILLE:** And you don't know that, for  
12           example, several of your senior colleagues testified?

13                      **MR. FOUGÈRE:** No.

14                      **MR. NEVILLE:** In particular, Inspector  
15           Smith, Inspector Hall, and senior members of the CPS. You  
16           don't know any of that?

17                      **MR. FOUGÈRE:** No.

18                      **MR. NEVILLE:** And you don't know what  
19           evidence and you don't know that Mr. Dunlop testified?

20                      **MR. FOUGÈRE:** No.

21                      **MR. NEVILLE:** And you don't know what  
22           findings the trial judge made about what the causes of  
23           delay were?

24                      **MR. FOUGÈRE:** No.

25                      **MR. NEVILLE:** Thank you. Those are my

1 questions.

2 MR. FOUGÈRE: But you're misrepresenting,  
3 sir, what I said.

4 THE COMMISSIONER: It's okay, sir.

5 MR. NEVILLE: Those are my questions.

6 THE COMMISSIONER: Thank you.

7 I understand what you said, sir. So I don't  
8 think you have to worry too much about the cross-  
9 examination from Mr. Neville.

10 MR. FOUGÈRE: Thank you.

11 THE COMMISSIONER: All right.

12 Ms. Allinotte, any questions?

13 MS. ALLINOTTE: No.

14 THE COMMISSIONER: Mr. Rouleau?

15 MR. ROULEAU: Nothing, sir.

16 THE COMMISSIONER: Thank you.

17 Ms. Waddilove?

18 MS. WADDILOVE: I have no questions.

19 THE COMMISSIONER: Thank you.

20 Mr. Crane?

21 MR. CRANE: Yes, sir.

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

23 CRANE:

24 MR. CRANE: Good afternoon, Mr. Fougère.

25 MR. FOUGÈRE: Good afternoon.

1                   **MR. CRANE:** Mr. Commissioner.

2                   **THE COMMISSIONER:** Yes, sir.

3                   **MR. CRANE:** Mr. Fougère, my name is Mark  
4 Crane. I'm counsel representing the Cornwall Police  
5 Service. I don't intend to be very long, sir, but just a  
6 few areas to canvass with you.

7                   To begin with, when you were giving your  
8 evidence this morning to my friend Ms. Jones, she took you  
9 to a passage in your notes, which is Exhibit 2499, Bates  
10 page 323. And I'll let you pull it up before we proceed,  
11 but it's in reference to a discussion you had with Acting  
12 Chief Johnston.

13                   **THE COMMISSIONER:** Three two three (323) is  
14 the Bates page, I believe; right?

15                   **MR. CRANE:** Dated August 18<sup>th</sup>, 1994, sir.

16                   **THE COMMISSIONER:** Yes. So 323 are the last  
17 Bates pages. Yes, I suspect that's where it is. Okay. Go  
18 ahead.

19                   **MR. FOUGÈRE:** Thank you.

20                   **MR. CRANE:** Do you have that, sir?

21                   **MR. FOUGÈRE:** Yes.

22                   **MR. CRANE:** And Ms. Jones was trying to  
23 confirm the nature of that meeting at that time, and for  
24 the purposes of the record, sir, I can tell you that on  
25 August 18<sup>th</sup>, you and Acting Chief Johnston signed a protocol

1 entitled "Protocol of Agreement Between Ontario Provincial  
2 Police Number 11 District and the Cornwall Police Service".

3 And I didn't give notice on the document,  
4 Mr. Commissioner, so I don't need to bring it up on the  
5 screen, but for the purposes of the record, I can tell you  
6 it's Exhibit 30 during our corporate presentation.

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

8 **MR. CRANE:** Tab 48, which is Doc No. 600062.

9 And I guess my question for you, Mr.  
10 Fougère, in light of that, is it likely that you would have  
11 been meeting with Acting Chief Johnston for the purpose of  
12 signing that protocol?

13 **MR. FOUGÈRE:** What was that protocol?  
14 You've given a bunch of numbers, but what was the protocol?

15 **THE COMMISSIONER:** Hang on; Exhibit 30. So  
16 what's the protocol about?

17 **MR. CRANE:** Well, sir, it's in relation to  
18 serve and ensure an effective and efficient and economical  
19 use of police resources in both jurisdictions in relation  
20 to merging OPP and Cornwall Police Service resources were  
21 to be encouraged where appropriate and it sets out a number  
22 of criteria ---

23 **THE COMMISSIONER:** Does it have anything to  
24 do with this Inquiry?

25 **MR. CRANE:** No, sir, but ---

1                   **THE COMMISSIONER:** Okay.

2                   **MR. CRANE:** --- it was brought up by Ms.  
3 Jones and I thought I'd confirm it for the record.

4                   **THE COMMISSIONER:** Okay. All right. So  
5 that's what it was all about. Never mind the exhibit.  
6 Let's go.

7                   **MR. CRANE:** Mr. Fougère, while you were  
8 being cross-examined by Ms. Daley, you got into an exchange  
9 with the Commissioner about how you became involved and how  
10 the OPP first became involved and there was some  
11 clarification by your counsel, Mr. Kozloff. And I want to  
12 put some records -- some documents into the record so that  
13 there's a fulsome understanding of the chronology. Okay?

14                   And, Madam Clerk, if we can pull up Document  
15 Number 111001?

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

17                   **THE COMMISSIONER:** Thank you.

18                   Exhibit 2517 is a letter to Deputy  
19 Commissioner Piers, dated January 28<sup>th</sup>, 1994, from Acting  
20 Chief Carl Johnston.

21                   **--- EXHIBIT NO./PIÈCE NO. P-2517:**

22                   (111001) Letter from Carl Johnston to R.E.  
23 Piers dated 28 Jan 94

24                   **MR. CRANE:** And during your evidence, Mr.  
25 Fougère, you confirmed that you did have some discussions

1 with Acting Chief Johnston and Deputy Commissioner Piers in  
2 and around this time?

3 **MR. FOUGÈRE:** I had discussion with Chief  
4 Johnston, but not with Deputy Commissioner Piers.

5 **MR. CRANE:** And if I can draw your attention  
6 to the third paragraph:

7 "This investigative report of Ottawa  
8 Police Service stems from my request of  
9 that agency that they review the  
10 initial investigation of Cornwall  
11 Police with a view to determining if an  
12 [ineffective] investigation was  
13 conducted and whether or not any member  
14 of this service attempted to conceal  
15 the allegations of sexual assault."

16 **THE COMMISSIONER:** It was "inefficient" as  
17 opposed to ineffective, but okay. You misread the word.

18 **MR. CRANE:** Thank you.

19 "I am requesting the assistance of your  
20 police service to conduct a completely  
21 new investigation."

22 Do you recall whether you would have seen  
23 this letter, sir?

24 **MR. FOUGÈRE:** No, this is not directed to  
25 me.

1                   **MR. CRANE:** Madam Clerk, if we can pull up  
2 Document Number 725166?

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

4                   **THE COMMISSIONER:** Thank you. Exhibit 2518  
5 is a ---

6                   **MR. CRANE:** Sir, this is the fax cover page  
7 that would have accompanied the letter identified at  
8 Exhibit 2517.

9                   **THE COMMISSIONER:** All right. Exhibit 2518.

10                  **--- EXHIBIT NO./PIÈCE NO. P-2518:**

11                                 (725166) Fax cover sheet from Carl Johnston  
12                                 to R.E. Piers dated 28 Jan 94

13                   **MR. CRANE:** Sir, if we can draw your  
14 attention -- the fax would have included 13 pages and  
15 there's handwriting at the bottom of the page. Would that  
16 be your handwriting, sir, or that of Deputy Commissioner  
17 Piers?

18                   **MR. FOUGÈRE:** It isn't mine and I don't know  
19 whose it is.

20                   **MR. CRANE:** Thank you.

21                                 If we can read that into the record, sir --  
22 and part of the reason I'm doing this, sir, is I don't  
23 anticipate we're going to be hearing from Deputy  
24 Commissioner Piers. I don't anticipate we're going to be  
25 hearing from Acting Chief Johnston, so I think it's

1 important for us to flesh out the record in terms of how  
2 the communications were developed between the two  
3 institutions.

4 And at the bottom of the page, Mr. Fougère,  
5 it reads:

6 "Agreed to investigate January 31, 1994  
7 as a result of reading material. 10:30  
8 a.m. call from C. Johnston. Request to  
9 be submitted February 1."

10 And in that respect, would you agree with me  
11 those are the words written at the bottom of the screen as  
12 far as ---

13 **MR. FOUGÈRE:** Yes.

14 **MR. CRANE:** Madam Clerk, if we can now pull  
15 up Document Number 111005?

16 Mr. Fougère, this is going to be  
17 correspondence from Acting Chief Johnston dated February 1,  
18 1994.

19 **THE COMMISSIONER:** Thank you. Exhibit 2519  
20 is a letter addressed to Deputy Commissioner Piers dated  
21 February 1<sup>st</sup>, 1994 from Acting Chief Johnston.

22 --- **EXHIBIT NO./PIÈCE NO. P-2519:**

23 (111005) Letter from Carl Johnston to R.E.  
24 Piers dated 01 Feb 94

25 **MR. CRANE:** And this correspondence reads,

1           sir:

2                                   "Pursuant to our telephone conversation  
3                                   of today's date..."

4                   If I stop there, that would be consistent  
5           with the notation on the fax page identified as Exhibit  
6           2518? Do you agree with that?

7                   **MR. FOUGÈRE:** Yes.

8                   **MR. CRANE:**

9                                   "...and the specific mandate  
10                                  of your personnel conducting an  
11                                  investigation of the David Silmsers  
12                                  alleged sexual assault by a local  
13                                  priest, I would request that your  
14                                  police service re-investigate the  
15                                  Silmsers matter in its entirety, the  
16                                  results of which will respond to media  
17                                  allegations of a conspiracy between the  
18                                  Cornwall Police Service and the local  
19                                  Catholic Diocese to effect a civil  
20                                  settlement with the alleged victim  
21                                  Silmsers. Your investigation will also  
22                                  make a determination if the priest can  
23                                  or should be prosecuted given the civil  
24                                  settlement to Silmsers and his refusal  
25                                  to testify."

1                   And was it your understanding, sir, that  
2                   when you became involved, I understood, you advocated for -  
3                   - you wanted to support this initiative from -- this  
4                   request from Acting Chief Johnston. Was this your  
5                   understanding of the mandate that the OPP were to  
6                   undertake?

7                   **MR. FOUGÈRE:** Yes.

8                   **MR. CRANE:** And I understand that Detective  
9                   Inspector Tim Smith was assigned?

10                  **MR. FOUGÈRE:** Yes.

11                  **MR. CRANE:** And I understand that you didn't  
12                  assign him, sir, but are you aware whether he was a local  
13                  officer or not to the Cornwall area?

14                  **MR. FOUGÈRE:** He was not a local officer,  
15                  no.

16                  **MR. CRANE:** And as part of the advocating  
17                  for resources that you would have done, would this  
18                  investigation have been requesting a special budget or a  
19                  dedicated budget to complete this investigation?

20                  **MR. FOUGÈRE:** It may have. I don't recall.

21                  **MR. CRANE:** Would the resources have come  
22                  out of the Long Sault Detachment or the Lancaster  
23                  Detachment or would they have come out of Headquarters in  
24                  Orillia?

25                  **MR. FOUGÈRE:** The investigators would have

1           come out of the district. Which specific detachment, I  
2           don't know.

3                   **MR. CRANE:** And are you aware where the  
4           resources would have been allocated from?

5                   **MR. FOUGÈRE:** That's what I meant. The  
6           human resources would have come from the district with the  
7           exception of the CIB inspector, who would be leading the  
8           investigation. That person, Tim Smith, was operating out  
9           of a deployed office in Kingston, but answering to Orillia.

10                   **MR. CRANE:** And while I appreciate you  
11           weren't involved in assigning Detective Inspector Smith, is  
12           it fair to say he was chosen in part at least because of  
13           his experience?

14                   **MR. FOUGÈRE:** I have no doubt in my mind.

15                   **MR. CRANE:** And that assignment would have  
16           occurred in and around November of 1994. Is that your  
17           understanding?

18                   **MR. FOUGÈRE:** I'm not sure exactly when it  
19           occurred.

20                   **MR. CRANE:** Would it have occurred in or  
21           around the timing of the correspondence from Acting Chief  
22           Johnston?

23                   **MR. FOUGÈRE:** It would be in that area.

24                   **MR. CRANE:** And we've heard evidence at this  
25           Inquiry, sir, that Detective Inspector Smith's

1 investigation took in or around 10 months to complete.

2 Were you aware of that?

3 **MR. FOUGÈRE:** I'm not sure of the exact  
4 duration.

5 **MR. CRANE:** And the evidence we've heard,  
6 sir, is that he forwarded a Crown brief to the Regional  
7 Crown Attorney's in November of 1993 in or around 10 months  
8 from there. Would that ---

9 **MR. FOUGÈRE:** '93 or '94?

10 **MR. CRANE:** Excuse me, 1994. Thank you.

11 **THE COMMISSIONER:** Were you aware of that,  
12 sir?

13 **MR. FOUGÈRE:** I have become aware of it, to  
14 Mr. Griffiths, yes.

15 **MR. CRANE:** And considering the length of  
16 the investigation, is it fair to say that an investigation  
17 of this nature takes time to complete at times?

18 **MR. FOUGÈRE:** Yes.

19 **MR. CRANE:** They are complicated  
20 investigations?

21 **MR. FOUGÈRE:** Yes.

22 **MR. CRANE:** The investigators needed to be  
23 slow and methodical?

24 **MR. FOUGÈRE:** Yes.

25 **MR. CRANE:** And were you aware, Mr. Fougère,

1           that the Crown brief that was prepared for the Regional  
2           Director, Mr. Griffiths, once he reviewed that brief,  
3           provided an opinion based on the reinvestigation of  
4           Detective Inspector Smith that the evidence provided to him  
5           didn't reach the threshold of reasonable and probable  
6           grounds?

7                           **MR. FOUGÈRE:** Yes.

8                           **MR. CRANE:** And as it relates to a  
9           conspiracy, were you aware that a conclusion was reached  
10          that there was no evidence to indicate that the Cornwall  
11          Police Service, the Crown Attorney and the Diocese engaged  
12          in a conspiracy to cover up? Were you aware of that?

13                          **MR. FOUGÈRE:** I believe I was aware of that,  
14          yes.

15                          **MR. CRANE:** If I can draw your attention to  
16          1997, which propels us into Project Truth and your  
17          involvement as I understand it as the media liaison between  
18          the officers completing the investigation and the actual  
19          media, were you aware that this came about as a result of a  
20          request from the Crown?

21                          **MR. FOUGÈRE:** I don't think so.

22                          **MR. CRANE:** Do you have a role, Mr. Fougère,  
23          in the funding for Project Truth?

24                          **MR. FOUGÈRE:** I was paying the salaries,  
25          overtime and expenses of the people from the Region from my

1 budget.

2 MR. CRANE: Do you have a sense of what that  
3 budget would have been?

4 MR. FOUGÈRE: If I could look at my C.V.  
5 again. I don't recall off the top of my head.

6 THE COMMISSIONER: The budget for Project  
7 Truth or ---

8 MR. CRANE: Correct.

9 MR. FOUGÈRE: Oh, no, for a budget for  
10 Project Truth, I don't know.

11 MR. CRANE: Is it fair to say it would have  
12 been significant?

13 MR. FOUGÈRE: Yes.

14 MR. CRANE: Mr. Fougère, those are my  
15 questions. Thank you.

16 MR. FOUGÈRE: Thank you.

17 THE COMMISSIONER: Thank you.

18 So who goes first? Mr. Kozloff or Mr.  
19 Wallace and Carroll?

20 MR. CARROLL: We have no questions. Thank  
21 you, sir.

22 THE COMMISSIONER: All right. I guess, Mr.  
23 Kozloff, do you have any questions?

24 MR. KOZLOFF: Would you like to tell the  
25 Commissioner what the weather was like in North Bay

1 yesterday when you left for Cornwall?

2 **MR. FOUGÈRE:** Sunny and clear and the same  
3 at noon today, Mr. Commissioner.

4 **MR. KOZLOFF:** Those are my questions, Mr.  
5 Commissioner.

6 **THE COMMISSIONER:** Thank you.

7 Ms. Jones, do you have any questions?

8 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MS. JONES:

9 **MS. JONES:** Yes, I just have one  
10 clarification.

11 When I first started questioning you, it was  
12 surrounding the Seguin family complaint. Remember, we  
13 talked about that? And they had specifically earmarked  
14 Millar and McDonell to you as two officers, and they raised  
15 concerns. We talked about that today.

16 I just was reviewing my notes and I don't  
17 think maybe I was clear on just one aspect.

18 Is it your testimony that when you met with  
19 whoever you met with to say that there should be an  
20 investigation going on there, is it your testimony you did  
21 not mention at any time that Millar or McDonell had been  
22 highlighted by the Seguin family to you during that  
23 conversation on January 28<sup>th</sup>?

24 **MR. FOUGÈRE:** I don't know if I did or did  
25 not. You're talking about when I called CIB to request an

1 investigation?

2 **MS. JONES:** You called CIB or talked to  
3 Duhamel or whoever it is that you talked to, Frechette.

4 **MR. FOUGÈRE:** No, and I don't know if I did  
5 or did not. All I do know is that, you know, on  
6 reflection, I knew that the Seguin family were upset and I  
7 think that's a pretty normal emotion. It's a normal  
8 reaction that I've experienced over the course of my  
9 career.

10 I also knew of the competence of both Millar  
11 and McDonell. And then when Inspector Hamelink was  
12 assigned by CIB, I don't know who assigned McDonell to work  
13 with him. I wouldn't have had a concern about his work,  
14 especially being led by Inspector Hamelink, but as I said  
15 to Mr. Commissioner, the optics from the Seguin family are  
16 just horrible, and I have to say that. I think he'd have  
17 done a good job and did a good job, but I surely do  
18 understand how I think -- I have empathy for the family.

19 **MS. JONES:** So the clarification, did you  
20 ever instruct anyone not to assign Millar or McDonell? Was  
21 there any sort of negative instruction?

22 **MR. FOUGÈRE:** I can never recall making that  
23 about this or any other investigation about those two  
24 officers.

25 **MS. JONES:** Okay. Thank you very much.

1 Thanks.

2 **MR. FOUGÈRE:** You're welcome.

3 **THE COMMISSIONER:** Thank you very much, sir.

4 I wish you a safe drive back to North Bay, which is the  
5 "Near North" as it's called ---

6 **MR. FOUGÈRE:** Yes.

7 **THE COMMISSIONER:** --- Mr. Kozloff.

8 **MR. KOZLOFF:** Thank you.

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

10 So I understand that the witness that's  
11 supposed to be here isn't here, but we're not going to be  
12 able to reach him today, but I would like to point out that  
13 I'd like to have witnesses available in case we decide to  
14 burn the midnight oil. Thank you very much again.

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

17 This meeting is adjourned until tomorrow  
18 morning at 9:30 a.m.

19 --- Upon adjourning at 4:57 p.m. /

20 L'audience est ajournée à 16h57

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.

  

---

Dale Waterman, CVR-CM