

**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 300**

**Held at :**

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

Monday, November 10, 2008

**Tenue à:**

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

Lundi, le 10 novembre 2008

**Appearances/Comparutions**

Ms. Brigitte Beaulne	Registrar
M <sup>e</sup> Pierre R. Dumais	Commission Counsel
Ms. Reena Lalji	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Kevin Hille	Attorney General for Ontario
Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. William Carroll Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn Mr. Ian Paul	Coalition for Action
Mr. Larry O'Brien	Randy Millar
Mr. Stephan McDougald	

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1 -- Upon commencing at 2:04 p.m./

2 L'audience débute à 14h04

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  
10 afternoon.

11 **MR. DUMAIS:** Good afternoon, Mr.  
12 Commissioner.

13 Before I call our next witness, just one  
14 matter I want to address. There's a document that was  
15 filed last week as Exhibit 2646 (sic), and that document is  
16 an excerpt of Document Number 116253. So my understanding  
17 is that ---

18 **THE COMMISSIONER:** Two-five-four-six (2546)?

19 **MR. DUMAIS:** Two-five-four-six (2546), thank  
20 you.

21 And the following pages were filed: Bates  
22 pages 1095004 and 1095011 through 014, and it is simply not  
23 indicated for the record that that was an excerpt and so I  
24 just wanted to correct the record.

25 **THE COMMISSIONER:** And introduce the new

1 counsel for the Attorney General, Mr. Hill, is it?

2 Good afternoon, sir. Welcome aboard.

3 **MR. DUMAIS:** And on that note, Mr.

4 Commissioner, if we can call Constable Stephan McDougald.

5 **THE COMMISSIONER:** Yes.

6 Good afternoon, sir. Madam Clerk?

7 **STEPHAN McDOUGALD, Sworn/Assermenté:**

8 **THE COMMISSIONER:** Thank you. Good  
9 afternoon, sir.

10 **CST. McDOUGALD:** Good afternoon.

11 **THE COMMISSIONER:** Yes. Come on up and  
12 bring the microphone down to your level or up to your  
13 level. There's water and fresh glasses. There's a little  
14 speaker in front of you in case you want to increase the  
15 volume.

16 The bottom line is you've given evidence  
17 before I'm sure. If there's anything that bothers you or  
18 you need a break, let me know. And in the meantime, answer  
19 the questions as best you can.

20 **CST. McDOUGALD:** Thank you, Commissioner.

21 **THE COMMISSIONER:** Thank you. Maître  
22 Dumais?

23 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**  
24 **DUMAIS:**

25 **MR. DUMAIS:** Good afternoon, Constable.

1                   **CST. McDOUGALD:** Good afternoon.

2                   **MR. DUMAIS:** Thank you for making yourself  
3 available on such short notice.

4                   I'm going to ask Madam Clerk to put a  
5 document in front of you which is Document Number 200295.

6                   **THE COMMISSIONER:** Thank you.

7                   Exhibit 2553 is a C.V. of Constable Stephan  
8 McDonald (sic).

9                   **CST. McDOUGALD:** McDougald.

10                  **THE COMMISSIONER:** McDougald, I'm sorry.

11                  --- **EXHIBIT NO./PIÈCE NO. P-2553:**

12                                 (200295) - Career Profile of Constable  
13                                 Stephan McDougald

14                  **MR. DUMAIS:** Now, Constable, you've seen  
15 this career profile that was prepared on your behalf?

16                  **CST. McDOUGALD:** Yes.

17                  **MR. DUMAIS:** And it's accurate as far as you  
18 can tell?

19                  **CST. McDOUGALD:** My transfer to the Regional  
20 Task Force in Cornwall occurred in 1994.

21                  **MR. DUMAIS:** So that date would be the 2<sup>nd</sup> ay  
22 of February, 991?

23                  **CST. McDOUGALD:** Excuse me, no, to the  
24 Regional Task Force in Cornwall, they have May, 1997 to  
25 July 9<sup>th</sup>, 2000.

1                   **MR. DUMAIS:** Yes?

2                   **CST. McDOUGALD:** That actually occurred on  
3 1994 to the year 2000.

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

5                   And perhaps if you look, there's a notation  
6 between those two dates, so the February 3<sup>rd</sup>, 1992 entry and  
7 the May, 1997 to July 9<sup>th</sup>, 2000 entry, and it appears to  
8 indicate that you were transferred to the Regional Task  
9 Force but not officially before May, 1997. Is that right?

10                  **CST. McDOUGALD:** Correct.

11                  **MR. DUMAIS:** Okay. And if we can just then  
12 briefly have a look at when you first started. My  
13 understanding is you were probationer constable on November  
14 2<sup>nd</sup>, 1987 at the Marathon Detachment?

15                  **CST. McDOUGALD:** Yes.

16                  **MR. DUMAIS:** And you became a Constable on  
17 September 3<sup>rd</sup>, 1998?

18                  **THE COMMISSIONER:** Eighty-eight ('88).

19                  **MR. DUMAIS:** Eighty-eight ('88), sorry.

20                  **CST. McDOUGALD:** Yes.

21                  **MR. DUMAIS:** And then you transferred out to  
22 the Lancaster Detachment on February 3<sup>rd</sup>, 1992?

23                  **CST. McDOUGALD:** Yes.

24                  **MR. DUMAIS:** And we are going to ask you a  
25 few questions about one specific investigation that you're

1 involved with at around that period of time and, as you've  
2 indicated, you transferred shortly thereafter to the  
3 Regional Task Force; correct?

4 **CST. McDOUGALD:** Yes.

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

6 Now, pages 2 and 3 of your career profile  
7 set out a number of courses and so these are all courses  
8 that you've attended and completed. Is that correct?

9 **CST. McDOUGALD:** Yes.

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

11 So then if I can just take you to another  
12 document which is Document Number 733586.

13 **THE COMMISSIONER:** Thank you.

14 This is a document called "Project Truth  
15 Inquiry Officer Report"; the date is June 29<sup>th</sup>, 2005.

16 Publication ban on the document, please.

17 **--- EXHIBIT NO./PIÈCE NO. P-2554:**

18 (733586) - Project Truth Inquiry Officer  
19 Report of Steve McDougald dated January 29,  
20 2005

21 **MR. DUMAIS:** Thank you.

22 **THE COMMISSIONER:** Can we show it to the  
23 public, Madam Clerk, but -- it can?

24 **MR. DUMAIS:** It can.

25 **THE COMMISSIONER:** It can?

1                   **MR. DUMAIS:** Yes.

2                   **THE COMMISSIONER:** So my screen is off now,  
3                   Madam Clerk, so you may -- okay. Mr. ---

4                   **MR. LEE:** We take it off the public screen.

5                   **THE COMMISSIONER:** We want to take it off  
6                   the public screen? Okay.

7                   **MR. LEE:** It's off the public screens now?

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

9                   **MR. LEE:** I'm not exactly sure of this, but  
10                   C-8 is identified in this document. He testified in  
11                   camera.

12                   **THE COMMISSIONER:** Yes.

13                   **MR. LEE:** He was given, as I understood, the  
14                   fullest protection available to him. So I would think that  
15                   it should not be on the public screens. It's not a typical  
16                   moniker in that it's not a typical pub ban. It's a moniker  
17                   of an individual who testified in camera.

18                   **THE COMMISSIONER:** I was just looking around  
19                   and while I don't know about the public over there, but  
20                   they look pretty well like OPP officers to me. I don't  
21                   know and the people over there are from CCR who signed  
22                   undertakings, but ---

23                   **MR. LEE:** Generally, though, my bigger  
24                   concern is if somebody were to come to the front desk.

25                   **THE COMMISSIONER:** Fine, thank you.

1                   **MR. DUMAIS:** I mean, this we may -- I want  
2                   to redress this particular moniker for C-8 because I  
3                   believe it was somewhat treated differently because he gave  
4                   his evidence in camera, but I think he can be protected by  
5                   a simple moniker for the remainder of the evidence here at  
6                   the Inquiry, Mr. Commissioner.

7                   **THE COMMISSIONER:** Right, but what Mr. Lee  
8                   is saying is if someone comes up to the desk and says, "I  
9                   want Exhibit 2554", right?

10                  **MR. DUMAIS:** Yes?

11                  **THE COMMISSIONER:** They shouldn't be able to  
12                  get it unless the name is struck out because there's not  
13                  only a ban of publication, there was a ban on his name  
14                  being known at any time.

15                  **MR. DUMAIS:** Yes, but, I mean, perhaps I'll  
16                  just leave that argument aside for now. I mean, this is  
17                  something I need to address with you when we do the  
18                  corrections on monikers and publication bans.

19                  **THE COMMISSIONER:** Okay. So for the time  
20                  being, Madam Clerk, just highlight on this exhibit that it  
21                  is not to be released without blacking out C-8's name; for  
22                  the time being. That's just an interim precaution so that  
23                  Mr. Lee will be happy and you will be happy.

24                  **MR. DUMAIS:** Thank you.

25                  **THE COMMISSIONER:** All right.

1                   **MR. DUMAIS:** All right, Constable.

2                   So this document -- essentially, you  
3 prepared this document, Constable?

4                   **CST. McDOUGALD:** Yes.

5                   **MR. DUMAIS:** Yes. And this is a chronology  
6 of the events that occurred on about December 18<sup>th</sup>, 1992  
7 when you received a complaint at the Lancaster Detachment.  
8 Is that correct?

9                   **CST. McDOUGALD:** Yes.

10                  **MR. DUMAIS:** And the complaint you received  
11 was from a gentleman that we refer to here as C-8, correct?

12                  **CST. McDOUGALD:** Correct.

13                  **MR. DUMAIS:** And my understanding is that C-  
14 8 was complaining or filed a complaint with you regarding a  
15 Mr. Ron Leroux; is that correct?

16                  **CST. McDOUGALD:** Correct.

17                  **MR. DUMAIS:** And as I understand it, C-8 was  
18 complaining that Mr. Leroux was harassing him. He also  
19 made a mention that he was perhaps suicidal and mentioned  
20 as well that he was in possession of a number of weapons;  
21 is that correct?

22                  **CST. McDOUGALD:** Correct.

23                  **MR. DUMAIS:** My understanding is that after  
24 this conversation -- and C-8 also indicated to you that he  
25 was presently in possession of Ron Leroux's weapons; is

1           that correct?

2                       **CST. McDOUGALD:** He was in possession of  
3           four of the weapons.

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

5                       And I understand that arrangements were made  
6           to have C-8 attend at the detachment for the purpose of  
7           obtaining those weapons from him; is that correct?

8                       **CST. McDOUGALD:** Arrangements were made for  
9           C-8 to attend the office to give a statement and to bring  
10          the four weapons with him.

11                      **MR. DUMAIS:** Okay. And did C-8 do that?

12                      **CST. McDOUGALD:** Yes, he did.

13                      **MR. DUMAIS:** All right.

14                      So he gave the weapons to you. You took  
15          possession of them and stored them at the detachment?

16                      **CST. McDOUGALD:** Yes.

17                      **MR. DUMAIS:** He also gave you a statement  
18          about essentially what he had told you over the phone; is  
19          that correct?

20                      **CST. McDOUGALD:** Yes.

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

22                      Now, my understanding is that following his  
23          attendance at the detachment you would have made  
24          arrangements to attend at Mr. Leroux's residence to speak  
25          with him.

1 CST. McDOUGALD: Yes.

2 MR. DUMAIS: And as I understand as you are  
3 going through these investigative steps you're taking down  
4 notes in your notebook; is that correct?

5 CST. McDOUGALD: Yes.

6 MR. DUMAIS: All right.

7 And perhaps if we can put Document Number  
8 733587 to you.

9 THE COMMISSIONER: Thank you.

10 Exhibit 2555 are police officer's notes of  
11 Officer Steve McDougald. First, do we have an idea of what  
12 years they ---

13 MR. DUMAIS: They would start in 19 -- in  
14 December of 1992 through April or May 1993.

15 THE COMMISSIONER: Okay. That's Exhibit  
16 2555.

17 --- EXHIBIT NO./PIÈCE NO. P-2555:

18 (733587) Notes of Steve McDougald dated 20  
19 Dec 92

20 MR. DUMAIS: Again, these notes contain a  
21 reference to C-8.

22 THE COMMISSIONER: All right. Same thing,  
23 Madam Clerk.

24 MR. DUMAIS: So, Constable, you'll notice  
25 that there's a number at the top left-hand corner of the

1 document, and that's what we call the Bates page. So I'm  
2 going to refer you -- refer you to the specific Bates page  
3 that I want you to look at, so 7130990.

4 **CST. McDOUGALD:** Could you repeat the  
5 number, please?

6 **MR. DUMAIS:** Seven-one-three-zero-nine-nine-  
7 zero (7130990).

8 **CST. McDOUGALD:** Yes, all right.

9 **MR. DUMAIS:** So these are your notes that  
10 start on December 20<sup>th</sup>, 1992.

11 **CST. McDOUGALD:** Yes.

12 **MR. DUMAIS:** And you're attending at Mr.  
13 Leroux's residence that morning; is that correct?

14 **CST. McDOUGALD:** Yes.

15 **MR. DUMAIS:** And you are accompanied by a  
16 fellow officer, Constable Dussault; is that correct?

17 **CST. McDOUGALD:** Correct.

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

19 And do you recall whether or not you are  
20 addressing Mr. Leroux or is it Constable Dussault?

21 **CST. McDOUGALD:** I am addressing Mr. Leroux.

22 **MR. DUMAIS:** All right.

23 And can you tell us a bit about that  
24 conversation, what you told him and what he was telling  
25 you?

1                   **CST. McDOUGALD:** I advised Mr. Leroux of the  
2                   complaint received by C-8 and the particulars of the  
3                   complaint. Mr. Leroux denied any harassment or that he was  
4                   harassing anybody. He initially advised that he was --  
5                   because we were dealing with the harassing aspect and also  
6                   the potential of suicidal -- he advised that he was not  
7                   suicidal, had never mentioned anything about suicide.

8                   **MR. DUMAIS:** Does he also confirm that he's  
9                   having some sort of a -- he acknowledges some sort of a  
10                  dispute with C-8?

11                  **CST. McDOUGALD:** I'll just find that in my  
12                  notes here.

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

14                  **MR. DUMAIS:** Okay.

15                  **CST. McDOUGALD:** Yes. He advised that he  
16                  was in the process of signing over his house to C-8 and  
17                  that he was speaking with his personal lawyer about that  
18                  matter, which was a civil matter at the time.

19                  **MR. DUMAIS:** All right.  
20                  And he identifies the lawyer to you?

21                  **CST. McDOUGALD:** Yes.

22                  **MR. DUMAIS:** And he indicates that Malcolm  
23                  MacDonald is acting for him; correct?

24                  **CST. McDOUGALD:** Right, he does.

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

1                   And when you attend there that morning and  
2                   you meet with Mr. Leroux, this is just part of your  
3                   investigation? You're not there to arrest him; is that  
4                   correct?

5                   **CST. McDOUGALD:** No, I am not.

6                   **MR. DUMAIS:** And after you speak with him  
7                   you don't arrest him either; correct?

8                   **CST. McDOUGALD:** No, Mr. Leroux was issued a  
9                   warning for the harassment and advised if the harassment or  
10                  if any harassment were to continue that we would take  
11                  further action and that he would be arrested and charged  
12                  for offences.

13                  **MR. DUMAIS:** All right.

14                  And do you have any discussion with him with  
15                  respect to the weapons that are now in your possession?

16                  **CST. McDOUGALD:** Yes.

17                  **MR. DUMAIS:** And what do you tell him and  
18                  what's his position?

19                  **CST. McDOUGALD:** He's advised that four of  
20                  the weapons were turned over to us by C-8 and that we were  
21                  currently holding those weapons at the detachment in  
22                  Lancaster for safekeeping. Mr. Leroux made it known to  
23                  myself that he didn't care about the guns and as far as he  
24                  was concerned we can either keep the guns.

25                  **MR. DUMAIS:** He wasn't too concerned about

1 the return of the guns or where the ---

2 CST. McDOUGALD: Not at all.

3 MR. DUMAIS: All right.

4 And your meeting with -- you met with Mr.  
5 Ron Leroux at his residence; correct?

6 CST. McDOUGALD: Correct.

7 MR. DUMAIS: And that's the same residence  
8 where later on you would execute a search warrant; is that  
9 correct?

10 CST. McDOUGALD: Correct.

11 MR. DUMAIS: Did you ever ask C-8 where he  
12 had obtained the four weapons that he gave to you?

13 CST. McDOUGALD: I don't recall.

14 MR. DUMAIS: Now, I understand that on  
15 January 10<sup>th</sup>, 1993 Mr. Leroux would have spoken to you and I  
16 think you make that entry at Bates pages 993. I'm just  
17 going to name the last three numbers. So that's the entry  
18 on January 10<sup>th</sup>, 1993. Are you there?

19 CST. McDOUGALD: Yes.

20 MR. DUMAIS: And this would have been a  
21 telephone conversation that you would have had with him  
22 where he was indicating that he wasn't too concerned about  
23 the return of the weapons; correct?

24 CST. McDOUGALD: At that point Mr. Leroux  
25 advised as far as he was concerned C-8 could have the

1 weapons. I advised him at that particular time I did not  
2 believe C-8 had the proper permits to possess and that if  
3 he was to have the weapons he would have to go through the  
4 appropriate procedure.

5 **MR. DUMAIS:** And if I can just have you go  
6 back to the previous page, Constable, which would be Bates  
7 pages 992?

8 And I'm just looking at the entry that  
9 starts in the left-hand margin? There is a word indicated.  
10 I believe it's "note" is that correct?

11 **CST. McDOUGALD:** Correct.

12 **MR. DUMAIS:** Okay. So I'll just read it out  
13 for you:

14 "It appears Leroux is holding something  
15 back. Yet, at this time there are no  
16 legal grounds to keep guns as he  
17 doesn't appear...." ...

18 **CST. McDOUGALD:** "...appear..."

19 **MR. DUMAIS:** "...on surface as suicidal."

20 So the first part of your note is that Mr.  
21 Leroux appears to be holding something back. Do you recall  
22 what your thoughts were at that time?

23 **CST. McDOUGALD:** Mr. Leroux appeared to be  
24 holding back his involvement with C-8 but my determination  
25 of his mental being or suicidal aspect which was -- which

1 was what I was looking at the particular time, there was no  
2 evidence at all that he appeared suicidal to myself.

3 **MR. DUMAIS:** Okay.

4 **CST. McDOUGALD:** So that's what I'm  
5 referring to at that point.

6 **MR. DUMAIS:** So you believe he was holding  
7 back as to his involvement in the harassment of C-8?

8 **CST. McDOUGALD:** Not in the harassment; it  
9 would be holding back as to what was happening with the  
10 house. He explained that, obviously they had been looking  
11 together ---

12 **THE COMMISSIONER:** No, no. You have to be  
13 careful. We can't give any -- allude to anything that  
14 would help to identify C-8 as well.

15 **CST. McDOUGALD:** Right. Sorry Commissioner.

16 **MR. DUMAIS:** All right. So he wasn't  
17 forthcoming with some of the details of his involvement  
18 with C-8?

19 **CST. McDOUGALD:** I believe he was not  
20 forthcoming with some of the civil aspect.

21 **MR. DUMAIS:** All right. Fair enough. Now,  
22 I understand that on -- a couple days afterwards, so I'm  
23 looking at the entries on January 12<sup>th</sup>, 1993 and that's at  
24 Bates page 994 -- you would have had some sort of  
25 conversation with the staff sergeant as well as another

1 officer at the detachment. I believe it was Sergeant  
2 Vanderwood?

3 **CST. McDOUGALD:** Correct.

4 **MR. DUMAIS:** Am I pronouncing that right?

5 **CST. McDOUGALD:** Yes.

6 **MR. DUMAIS:** All right. And I think the  
7 discussion at this point in time is you were seeking some  
8 advice as to what you should be doing with the weapons.

9 And they would have told you something to  
10 the effect "Well, we'll keep the weapons. If ever Mr.  
11 Leroux wants the weapons back, we can apply to court for  
12 some sort of a probation order." Am I -- do I have that  
13 right?

14 **CST. McDOUGALD:** Correct.

15 **MR. DUMAIS:** So at this point in time, are  
16 you still investigating the matter or does that essentially  
17 terminate your involvement until you receive information to  
18 get the search warrant? Are you still interviewing people  
19 or do you have the weapons? No one wants them back.  
20 Nothing's happening. Is that fair?

21 **CST. McDOUGALD:** I believe I have a notation  
22 at one point in my notes that I was waiting for Mr. Leroux  
23 to get back to me; that he was going to confer with his  
24 lawyer, Malcolm MacDonald, as to what he wanted to do with  
25 the weapons.

1                   **MR. DUMAIS:** All right.

2                   **CST. McDOUGALD:** That was my first opinion  
3 that he didn't want the weapons back and that he was  
4 probably either going to turn them over to the OPP for  
5 destruction and he wanted to confer with his lawyer at that  
6 time. And I was waiting for that reply to come back from  
7 him.

8                   **MR. DUMAIS:** All right. Then my  
9 understanding is that your staff sergeant would have  
10 received some information that Mr. Leroux may had had other  
11 weapons registered to his name. Is that correct?

12                   **CST. McDOUGALD:** Yes.

13                   **MR. DUMAIS:** All right. And he would have  
14 gotten a search done at the -- through the RCMP office;  
15 received the results; and then calls you into his office  
16 and gives you this information. Is that correct?

17                   **CST. McDOUGALD:** Yes, my staff sergeant did  
18 confer with myself at a later date stating that there were  
19 still two outstanding guns and that he had acquired that  
20 information.

21                   **MR. DUMAIS:** All right. So, at one point in  
22 time, a decision is made to swear an Information to Obtain  
23 a search warrant. Is that correct?

24                   **CST. McDOUGALD:** Yes.

25                   **MR. DUMAIS:** All right. And we've looked at

1 this document with other witnesses, Constable, but perhaps  
2 I'm just going to ask you to identify it. And this is  
3 Exhibit 2521, that's the Information to Obtain. And the  
4 search warrant itself is Exhibit 603.

5 (SHORT PAUSE/COURTE PAUSE)

6 So is that the Information that you swore to  
7 obtain the search warrant?

8 CST. McDOUGALD: Yes, it is.

9 MR. DUMAIS: All right. And on this -- and  
10 you prepared this Constable?

11 CST. McDOUGALD: Yes.

12 MR. DUMAIS: All right. And this  
13 Information refers to the two weapons, so the Smith &  
14 Wesson .22 caliber and the unknown European .45 caliber?

15 CST. McDOUGALD: Yes. Okay.

16 MR. DUMAIS: So these are the two weapons  
17 that had been identified to you through the RCMP search  
18 that your staff sergeant gave to you; correct?

19 CST. McDOUGALD: Correct.

20 THE COMMISSIONER: I note Mr. Dumais that  
21 Exhibit 2521 only has the inform -- does not have Exhibit A  
22 or B in it. And I know we saw that someplace else. I  
23 think it was on the return.

24 MR. DUMAIS: The return is Exhibit 603,  
25 Bates page 19A.

1                   **THE COMMISSIONER:** Six-zero-three (603)?

2                   The warrant is -- yes, the warrant is there;  
3                   Appendix A and B are there; and so is the return -- no, not  
4                   the return. Okay.

5                   **MR. DUMAIS:** It's the way it was filed.

6                   **THE COMMISSIONER:** Yes, I know. Okay.

7                   **MR. DUMAIS:** All right. So, Constable, you  
8                   obtain the warrant; you want to execute this warrant -- you  
9                   want to execute the warrant and sign -- the Information was  
10                  obtained by you on February 9<sup>th</sup>; the warrant was obtained on  
11                  February 10<sup>th</sup>.

12                  You are attempting to find a means to get  
13                  access to the residence. Is that correct?

14                  **CST. McDOUGALD:** Correct. Once the warrant  
15                  was sworn, Detective Constable Millar and myself attended  
16                  the residence immediately afterwards. And there was nobody  
17                  at the residence at that particular time; the building was  
18                  locked up.

19                  **MR. DUMAIS:** All right. My understanding,  
20                  Constable, is that before attending at the residence, you  
21                  would have made a few calls to find out if someone had the  
22                  key to the residence.

23                  **CST. McDOUGALD:** No. We attended the  
24                  residence first ---

25                  **MR. DUMAIS:** Yes.

1                   **CST. McDOUGALD:** --- in an attempt to  
2                   execute the warrant. Upon arriving at the residence, the  
3                   residence was locked; there was no answer.

4                   **MR. DUMAIS:** Okay.

5                   **CST. McDOUGALD:** There was no exigent  
6                   circumstances to enter the house by breaking a door,  
7                   breaking a window ---

8                   **MR. DUMAIS:** Yes.

9                   **CST. McDOUGALD:** --- at that particular  
10                  time. So we re-attended the detachment in Lancaster in an  
11                  attempt to see if we could locate a key so we could make a  
12                  less intrusive entry.

13                  **MR. DUMAIS:** All right. So then one of the  
14                  calls you are making is to C-8. Is that correct? That's  
15                  the first call you make?

16                  **CST. McDOUGALD:** If I can refer to my notes,  
17                  I believe that might have been the second.

18                  **MR. DUMAIS:** Yes, that's Bates page 997.

19                  **CST. McDOUGALD:** The first phone call that  
20                  was made upon returning to the detachment would have been  
21                  to Mr. Leroux' lawyer Malcolm MacDonald ---

22                  **MR. DUMAIS:** Yes.

23                  **CST. McDOUGALD:** --- as I was aware that he  
24                  was his personal lawyer. At that time, I asked Mr. Malcolm  
25                  MacDonald if he was aware of a key existing or where we can

1 get a key for the entry into the house. And he advised at  
2 that point that he did not.

3 **MR. DUMAIS:** And you would have given C-8 a  
4 call; correct?

5 **CST. McDOUGALD:** Correct.

6 **MR. DUMAIS:** And he was trying to locate a  
7 key as well.

8 **CST. McDOUGALD:** That I don't know. I was  
9 just advised that he did not have one.

10 **MR. DUMAIS:** Okay. Certainly Mr. MacDonald  
11 was not interested in attending at the residence with you  
12 to witness the execution of the warrant?

13 **CST. McDOUGALD:** I made another phone call  
14 after speaking to C-8. I did call Mr. Malcolm MacDonald  
15 back. At that particular time, I did advise him that we  
16 have the warrant that we're going to be executing. Out of  
17 courtesy for Mr. Leroux, I asked Mr. MacDonald if he wanted  
18 to attend the residence. During the first phone call, Mr.  
19 MacDonald advised that Mr. Leroux was in Florida, so he was  
20 gone for two weeks and would not be available to attend the  
21 house.

22 We were going to be executing the warrant  
23 that day, knowing that there was not going to be anybody at  
24 the house. I asked Mr. MacDonald if he wanted to be there  
25 on behalf of his client, just to ensure that nothing was

1 done to the house and that the search was done amicably;  
2 there was no destruction or anything that we could be  
3 accused of after.

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

5 **CST. McDOUGALD:** And Mr. MacDonald advised  
6 that he did not want to attend.

7 **MR. DUMAIS:** So my understanding is that C-8  
8 would then have called you shortly afterwards and indicated  
9 that he had a key to the residence and he was actually at  
10 the residence. Is that correct?

11 **CST. McDOUGALD:** Correct. We received a  
12 telephone call after by C-8, advising that he had located  
13 the key and that he was currently at the residence, and had  
14 also located one of the hand guns. C-8 was instructed by  
15 myself not to do anything further and to remain at the  
16 residence until we arrived.

17 **MR. DUMAIS:** All right. Now, when you first  
18 attended the residence that morning do you recall whether  
19 or not you were accompanied by a fellow officer?

20 **CST. McDOUGALD:** Yes, I was. Detective  
21 Constable Randy Millar.

22 **MR. DUMAIS:** Okay. And did he attend with  
23 you at the residence on the second time as well?

24 **CST. McDOUGALD:** He attended on the first  
25 attempt when we went to the residence after leaving

1 Cornwall and he came back to the residence with me when we  
2 executed the warrant.

3 **MR. DUMAIS:** Okay. Do you recall how  
4 Detective Millar became involved? Did you ask him to  
5 accompany you or did he make that request from you? Do you  
6 recall how this happened?

7 **CST. McDOUGALD:** I don't recall the  
8 specifics of how he became involved. It was to assist  
9 myself, as I believe this was the first warrant that I was  
10 involved in and I was looking for assistance from somebody  
11 who had the experience of being in the position to have  
12 executed warrants in the past.

13 **MR. DUMAIS:** All right. So then do you  
14 finally -- you attend the house. I understand you meet C-8  
15 there. As you -- when you get there you give him a copy of  
16 the warrant and he gives you one of the weapons that had  
17 been identified on the search warrant. Is that correct?

18 **CST. McDOUGALD:** Correct.

19 **MR. DUMAIS:** Following this, I understand  
20 that you make entry in the residence and you start  
21 searching the house; correct?

22 **CST. McDOUGALD:** Correct.

23 **MR. DUMAIS:** Okay. Can you tell us what you  
24 remember from that, who was doing what, and where you were  
25 and where Detective Millar was?

1                   **CST. McDOUGALD:** No, I can't tell you. I  
2                   don't have a recollection of -- I remember entering the  
3                   house, being met by C-8. I remember explaining the  
4                   warrant, showing him a copy of the warrant; remember  
5                   receiving one of the hand guns from C-8 and at that  
6                   particular time dealing with that.

7                   **MR. DUMAIS:** All right. So the information  
8                   that you had at this point-in-time was that there's two  
9                   weapons. One you already have, so you're looking for the  
10                  other one; correct?

11                  **CST. McDOUGALD:** Correct.

12                  **MR. DUMAIS:** And was it your understanding  
13                  that this weapon was a hand gun?

14                  **CST. McDOUGALD:** Correct.

15                  **MR. DUMAIS:** All right. And I'm just  
16                  looking at your notes, Bates pages 998, so the last six or  
17                  seven lines in the entry read as follows:

18                                 "Search upstairs P.C. Millar. Found in  
19                                 closet behind bathtub."

20                  Perhaps I can ask you to read the rest.

21                  **CST. McDOUGALD:** "Hiding place, two loose  
22                                 apparent pornographic tapes."

23                  **MR. DUMAIS:** All right. So it appears that  
24                  Detective Millar would have found some pornographic  
25                  material. Is that correct?

1 CST. McDOUGALD: Correct.

2 MR. DUMAIS: All right. Do you recall  
3 whether or not you were with him when the material was  
4 found?

5 CST. McDOUGALD: I was not with him.

6 MR. DUMAIS: Okay. And so it appears that  
7 he's upstairs. Do you recall whether or not you went up  
8 there -- he asked you to go up there -- or does he find you  
9 downstairs, or how does that happen?

10 CST. McDOUGALD: I do not recall going  
11 upstairs in the house myself. I do recall at one point  
12 Detective Constable Millar coming downstairs with items.

13 MR. DUMAIS: All right. And do you recall  
14 what he had with him?

15 CST. McDOUGALD: Excuse me?

16 MR. DUMAIS: Did you recall what he had with  
17 him?

18 CST. McDOUGALD: He had two loose VHS  
19 videotapes and a small suitcase that had a lock, a little  
20 padlock, on it.

21 MR. DUMAIS: Okay, so -- and when you first  
22 see this suitcase is it open or is it still locked?

23 CST. McDOUGALD: It's locked.

24 MR. DUMAIS: Okay. And I understand that at  
25 one point-in-time a decision was made to open the suitcase?

1                   **CST. McDOUGALD:** Correct.

2                   **MR. DUMAIS:** So did you guys have to break  
3 the lock to get into the suitcase?

4                   **CST. McDOUGALD:** I did not open the suitcase  
5 so I don't recall how it was opened.

6                   **MR. DUMAIS:** Okay. And it was Detective  
7 Millar that did?

8                   **CST. McDOUGALD:** I don't recall. I just  
9 know I did not open the suitcase.

10                  **MR. DUMAIS:** Okay. Suffice to say that at  
11 one point someone opens the suitcase and that's been done  
12 right at the house; correct?

13                  **CST. McDOUGALD:** Correct.

14                  **MR. DUMAIS:** And I understand as well that  
15 the suitcase contained a number of videotapes?

16                  **CST. McDOUGALD:** Correct, it did.

17                  **MR. DUMAIS:** Can you -- do you recall what  
18 those tapes looked like? Can you describe them for us?

19                  **CST. McDOUGALD:** They appeared to be  
20 standard VHS videotapes.

21                  **MR. DUMAIS:** All right. And so do they look  
22 like the tapes, the blank tapes, that you'd buy at the  
23 store to record something on them?

24                  **CST. McDOUGALD:** Some appeared to be blank  
25 tapes with labels on them. Other tapes appeared to be

1 commercially bought tapes.

2 MR. DUMAIS: Okay. So is it a combination  
3 of the two?

4 CST. McDOUGALD: Correct.

5 MR. DUMAIS: All right. And do you recall  
6 what -- any of the inscriptions on some of the labels?

7 CST. McDOUGALD: The only one that stands  
8 out in my mind is "The Boys From Company C".

9 MR. DUMAIS: All right. And my  
10 understanding is that you would have viewed some of the  
11 tapes at the residence itself. Is that correct?

12 CST. McDOUGALD: One VHS tape was placed in  
13 a video recorder at the residence ---

14 MR. DUMAIS: Okay.

15 CST. McDOUGALD: --- and viewed on the TV  
16 screen.

17 MR. DUMAIS: Okay. And do you recall why  
18 you would have done that; do you know?

19 CST. McDOUGALD: I don't remember the  
20 specific conversation.

21 MR. DUMAIS: Okay. And what did you observe  
22 when you viewed the tape at the residence?

23 CST. McDOUGALD: Male homosexual acts.

24 MR. DUMAIS: All right.

25 So at one point-in-time a decision is made

1 to take possession of these tapes and bring them back to  
2 the detachment. Is that correct?

3 **CST. McDOUGALD:** Yes.

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

5 And I understand that you also found a  
6 further weapon. Is that correct?

7 **CST. McDOUGALD:** That is correct.

8 **MR. DUMAIS:** Now, I'm just looking at your  
9 notes again and this is an entry that you have at Bates  
10 page 999, and it's about the 12th line. It starts with  
11 "statement", so:

12 "Statement taken from C-8 from myself."

13 **CST. McDOUGALD:** Correct.

14 **MR. DUMAIS:** So you took a statement from  
15 him. Do you recall what the statement was about?

16 **CST. McDOUGALD:** I don't recall at this  
17 time.

18 **MR. DUMAIS:** All right. So you don't recall  
19 whether or not you're taking a statement with respect to  
20 the complaint or whether or not you had asked him any  
21 questions about the videotapes?

22 **CST. McDOUGALD:** There was no questions  
23 about the videotape and C-8 never mentioned anything about  
24 the videotapes in our presence.

25 **MR. DUMAIS:** Okay. When you were viewing

1           these tapes, was C-8 at the same -- in the same area that  
2           you were?

3                       **CST. McDOUGALD:** I don't recall.

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

5                       So then you returned to the detachment,  
6           you've got these weapons; my understanding is that you  
7           would have secured the weapons in your exhibit locker. Is  
8           that correct?

9                       **CST. McDOUGALD:** That's correct. They were  
10          lodged in the detachment vault.

11                      **MR. DUMAIS:** All right.

12                      **CST. McDOUGALD:** Exhibit vault.

13                      **MR. DUMAIS:** And at one point in time, you  
14          would have had a conversation with Staff Sergeant McWade as  
15          to what should be done about these tapes. Is that correct?

16                      **CST. McDOUGALD:** Correct.

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

18                      Do you recall that conversation and what was  
19          said?

20                      **CST. McDOUGALD:** I don't recall the  
21          conversation, obviously, verbatim. The detachment  
22          commander was advised that the tapes were located at the  
23          residence. They were brought back by myself for further  
24          inspection to see if there was any criminality occurring  
25          within the tapes and that was the reason why we brought

1           them back. I had put a request into my detachment  
2           commander that the tapes be sent to a section within the  
3           OPP called Project P ---

4                       **MR. DUMAIS:** Yes.

5                       **CST. McDOUGALD:** --- which is out of our  
6           headquarters in Orillia, as I believed that they were the  
7           proper people to view the tapes in their entirety. My  
8           detachment commander advised me that he wanted me to review  
9           the tapes locally at the detachment. I was aware that  
10          Project P was a small section at that point; I believe only  
11          four or five members and the discussion was that they would  
12          be too busy with other investigations, provincially, to be  
13          looking at 22 tapes.

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

15                      And you're getting this explanation from  
16          your staff sergeant?

17                      **CST. McDOUGALD:** Correct. We would have had  
18          that conversation in the detachment.

19                      **MR. DUMAIS:** Okay.

20                      It appears that Detective Millar may have  
21          called Project P from the residence when you guys were  
22          executing the warrant. Were you made aware of that?

23                      **CST. McDOUGALD:** No, I was not.

24                      **MR. DUMAIS:** Okay.

25                      And ---

1                   **THE COMMISSIONER:** Were you later made aware  
2                   of that?

3                   **CST. McDOUGALD:** Excuse me, Commissioner?

4                   **THE COMMISSIONER:** Sorry, were you later  
5                   made aware of that?

6                   **CST. McDOUGALD:** Just recently.

7                   **THE COMMISSIONER:** Okay.

8                   **MR. DUMAIS:** And while you're having this  
9                   conversation with your staff sergeant, is Detective Millar  
10                  still around?

11                  **CST. McDOUGALD:** That I can't say.

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

13                  **CST. McDOUGALD:** We would have returned to  
14                  the detachment at that same time because we were in the  
15                  same vehicle. Where he was during some of this  
16                  conversation, I can't say.

17                  **MR. DUMAIS:** Now, I understand that you then  
18                  obtained instructions from your staff sergeant to review  
19                  those tapes. Is that correct?

20                  **CST. McDOUGALD:** Correct.

21                  **MR. DUMAIS:** And do you recall what specific  
22                  instructions as to how you should review the tapes and what  
23                  you should be looking for?

24                  **CST. McDOUGALD:** The discussion was between  
25                  myself and the staff sergeant as to how sometimes tapes may

1 be doctored up with other material that of criminal nature  
2 and sometimes that these may be placed part way through an  
3 existing tape.

4 **MR. DUMAIS:** Yes.

5 **CST. McDOUGALD:** The instructions were --  
6 because as stated, I advised him I was not interested in  
7 viewing the tapes; I didn't feel comfortable viewing the  
8 tapes in their entirety. He had advised me to individually  
9 go through the tapes by pressing play, fast forward, fast  
10 forward and fast forward, skipping through certain parts;  
11 like view the beginning of the tape, skip through maybe a  
12 segment, press fast play again and that's what I ended up  
13 doing with the tapes.

14 **MR. DUMAIS:** Okay.

15 So your instructions then from the staff  
16 sergeant were not to view these tapes from beginning to  
17 end; correct?

18 **CST. McDOUGALD:** Correct.

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

20 And ---

21 **THE COMMISSIONER:** But did he tell you what  
22 you were looking for?

23 **CST. McDOUGALD:** Well, I had explained to  
24 him the reason why I brought the tapes back and that ---

25 **THE COMMISSIONER:** And that was ---

1                   **CST. McDOUGALD:** --- and the discussion  
2                   between the two of us was based on the fact that there  
3                   could be something on the tape that -- of criminal nature  
4                   like child pornography, snuff films, bondage films, you  
5                   know, and that's what we were looking for.

6                   **MR. DUMAIS:** Do you recall your staff  
7                   sergeant indicating something to the effect; you should be  
8                   looking for homemade tapes of local people?

9                   **CST. McDOUGALD:** He never mentioned that.  
10                  That's just my note taking.

11                  **MR. DUMAIS:** All right.

12                  **THE COMMISSIONER:** Your note taking?

13                  **CST. McDOUGALD:** That's my note taking.  
14                  This -- my notes are to refresh my memory down the road ---

15                  **THE COMMISSIONER:** Yes.

16                  **CST. McDOUGALD:** --- so that is just a  
17                  comment that I placed in my notes. I was never instructed  
18                  by my staff sergeant to look for local people; that is just  
19                  something that I placed in my notes as I'm making my notes.

20                  **THE COMMISSIONER:** So why would you put that  
21                  in your notes?

22                  **CST. McDOUGALD:** Just to refresh my memory  
23                  that I'm looking for these videos to see if there's any  
24                  criminal nature in ---

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

1                   **THE COMMISSIONER:** That doesn't quite -- the  
2                   logic there kind of escapes me in the sense that there  
3                   could be pornographic material, it could be about bondage,  
4                   it could be about children, but why would you write down to  
5                   look for residents.

6                   **CST. McDOUGALD:** It's a wrong terminology  
7                   that I'm not looking for local residents. It's just a word  
8                   I put in my notebooks as I'm sitting down trying to get  
9                   caught up on my notes. The tapes were specifically seized  
10                  to look at to see if there was anything on there like  
11                  criminal nature of bondage, snuff films or pornography. We  
12                  weren't looking specifically to see if there was a local  
13                  person on. It was to see if there was anything of criminal  
14                  nature.

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

16                  Now, my understanding is that you would have  
17                  prepared a property report ---

18                  **CST. McDOUGALD:** Yes.

19                  **MR. DUMAIS:** --- to properly store these  
20                  tapes when you got to the detachment.

21                  And if Madam Clerk can just put to you doc -  
22                  - Exhibit Number 1144?

23                  **THE COMMISSIONER:** Exhibit 1144.

24                  **(SHORT PAUSE/COURTE PAUSE)**

25                  **MR. DUMAIS:** Did you prepare this document,

1 Constable?

2 CST. McDOUGALD: Yes, I did.

3 MR. DUMAIS: All right.

4 So essentially -- and that is your signature  
5 at about mid-page?

6 CST. McDOUGALD: Yes, it is.

7 MR. DUMAIS: All right.

8 And in order for you to store anything in  
9 the vault, you need to fill out one of these property  
10 sheets. Is that correct?

11 CST. McDOUGALD: Correct.

12 MR. DUMAIS: All right.

13 And this property sheet identifies the 20  
14 pornographic videos and the other two loose videos that had  
15 been seized from the house. Is that correct?

16 CST. McDOUGALD: Correct, it identifies the  
17 suitcase that the 20 cassettes were placed in; the 20  
18 videos and the two loose videos.

19 MR. DUMAIS: Yes, thank you.

20 So then once the sheet is filled out, you're  
21 storing these tapes in the vault. Do I have the right  
22 terminology? Is that where you put them?

23 CST. McDOUGALD: They were stored in the  
24 property vault; that's correct.

25 MR. DUMAIS: Okay.

1 And that property vault is locked?

2 **CST. McDOUGALD:** Correct.

3 **MR. DUMAIS:** All right.

4 Does everyone have access to that; all  
5 officers working at the detachment?

6 **CST. McDOUGALD:** Sixteen (16) years ago,  
7 yes.

8 **MR. DUMAIS:** Okay.

9 It's no longer like that today?

10 **CST. McDOUGALD:** That's correct; it's not  
11 like that today.

12 **MR. DUMAIS:** Okay.

13 So essentially, everyone that works at the  
14 station can walk in and out of the vault, back then?

15 **CST. McDOUGALD:** Uniformed members.

16 **MR. DUMAIS:** Uniformed members, okay.

17 And what about the caretaker, did he have  
18 access to the vault?

19 **CST. McDOUGALD:** That I can't answer.

20 **MR. DUMAIS:** And this property report would  
21 have been prepared on the same date that the search warrant  
22 was executed, so on February 10<sup>th</sup>, 1993?

23 **CST. McDOUGALD:** Correct.

24 **MR. DUMAIS:** Okay.

25 And my understanding is that the next time

1           you would have seen these tapes would have been on February  
2           17<sup>th</sup> when you started reviewing them, and I'm looking here  
3           at Bates pages 002 of your notes, Constable.

4                   **CST. McDOUGALD:** Yes.

5                   **MR. DUMAIS:** And perhaps -- can you just  
6           read out the entry there on whatever you wrote down on  
7           February 17<sup>th</sup>, 1993?

8                   **CST. McDOUGALD:**

9                           "10/7 detachment follow..."

10                   Which would be follow-up on:

11                           "...92-02915 viewing of porn videos."

12                   **MR. DUMAIS:** And then the next entry?

13                   **CST. McDOUGALD:** "10:08: patrol with..."

14                   And then I don't have the next line.

15                   **MR. DUMAIS:** Okay.

16                   So does this essentially mean that you would  
17           have started reviewing these videotapes, and perhaps you  
18           can just tell me what that time is there on the top of your  
19           notes?

20                   **CST. McDOUGALD:** It appears to me to be

21           21:10.

22                   **MR. DUMAIS:** Twenty-one-ten (21:10) and to

23           23:50. Is that correct?

24                   **CST. McDOUGALD:** Correct.

25                   **MR. DUMAIS:** So you would have spent about

1 two-and-a-half hours or so reviewing these tapes. Is that  
2 correct?

3 **CST. McDOUGALD:** Correct. There is another  
4 entry that does not show up on this page. A little later  
5 in the evening or earlier in the morning, I re-attended the  
6 detachment and continued viewing videos again.

7 **MR. DUMAIS:** Okay. Do you recall if anyone  
8 was assisting you in reviewing these tapes?

9 **CST. McDOUGALD:** Constable Dussault.

10 **MR. DUMAIS:** All right. And do you recall  
11 whether he assisted you, both at 2100 hrs or so and the  
12 second time as well, later in the evening?

13 **CST. McDOUGALD:** I would have to refer to my  
14 note for that section, and I can't say that right now.

15 **MR. DUMAIS:** All right. And perhaps  
16 Constable Dussault's notes may be of some assistance.

17 It's Document Number 703891.

18 **THE COMMISSIONER:** Thank you.

19 Exhibit Number 2556 is notes of Constable  
20 Pat Dussault and I think the first date is the 17<sup>th</sup> of  
21 February, 1993.

22 --- **EXHIBIT NO./PIÈCE NO. P-2556:**

23 (703891) - Notes of Patrick Dussault dated  
24 February 17, 1993

25 **MR. DUMAIS:** So these, I believe, are

1 Constable Dussault's notes and they appear to indicate that  
2 at 001 hours he would have assisted you with "reviewing the  
3 porno videos", I believe it reads.

4 So from 001 to 0230 I think; does that help  
5 you?

6 **CST. McDOUGALD:** Correct.

7 **MR. DUMAIS:** And if we look back at your  
8 notes, Constable, it appears at 2350 that you would have  
9 left the detachment to be on patrol?

10 **CST. McDOUGALD:** Correct.

11 **MR. DUMAIS:** All right. Is it possible that  
12 you did one portion of the reviewing of the tapes and  
13 Constable Dussault would have done the latter portion?

14 **CST. McDOUGALD:** No. I believe I reviewed  
15 some of the tapes by myself and Constable Dussault assisted  
16 me with the remainder.

17 **MR. DUMAIS:** Okay.

18 **CST. McDOUGALD:** I'm not aware at any point  
19 that he viewed any tapes by himself.

20 **MR. DUMAIS:** All right. Back in 1993, one  
21 T.V. and one VCR at the detachment?

22 **CST. McDOUGALD:** Correct.

23 **MR. DUMAIS:** And as you are reviewing these  
24 tapes, are you keeping some sort of a log identifying the  
25 tapes, sort of indicating what portion of it you looked at,

1           how long the tape was, anything of that sort?

2                       **CST. McDOUGALD:** No. At that particular  
3 time, there was no investigation. We were just viewing the  
4 tapes to ensure that there wasn't anything of criminality  
5 on them. So we were just going through the tapes.

6                       **MR. DUMAIS:** And, generally speaking, can  
7 you give us an indication of what was on the tapes?

8                       **CST. McDOUGALD:** All the tapes that I viewed  
9 were of male homosexual acts. I viewed one segment that  
10 included a female, and they all appeared to be of  
11 professional manufacturing.

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

13                       So you would not have found any child  
14 pornography?

15                       **CST. McDOUGALD:** No. Nothing was viewed  
16 that showed or appeared to be of any criminal matter.

17                       **MR. DUMAIS:** If you can just have a look at  
18 Exhibit 603 just for a second? Just the last page, so the  
19 return made to Justice.

20                       **CST. McDOUGALD:** Yes.

21                       **MR. DUMAIS:** So if you can just have that in  
22 front of you, and I'm just going to ask you to refer to  
23 your notes as well, Constable.

24                       I'm looking at Bates pages 000 and 001. So  
25 if you can just read for us the last six lines of your

1 notes.

2 **CST. McDOUGALD:** If I have the right page,  
3 are you referring to:

4 "10-7 detachment reports - property  
5 stores, the vault. P.C. Millar to make  
6 return to J.P. next shift. Occurrence  
7 to follow after rest days."

8 **MR. DUMAIS:** Yes.

9 **CST. McDOUGALD:** Yes.

10 **MR. DUMAIS:** So my question here is it's  
11 indicated here that P.C. Millar is to make the return to  
12 Justice on the next shift. Do you recall whether or not  
13 you did the return to Justice or whether or not P.C. Millar  
14 does it?

15 **CST. McDOUGALD:** I did the return to the  
16 Justice. Further down in my notes it would reflect that  
17 and, even before this, I was actually in on an overtime  
18 shift that date to execute the warrant. And after that  
19 shift, I was going on rest days. I was not going to be in  
20 the detachment. So I would not have been there to have  
21 completed the return to the Justice.

22 When I returned from being off on rest days,  
23 the return had not been made, and that's when I made the  
24 return.

25 **MR. DUMAIS:** I see. So then -- and you're

1 looking, I take it, at the entry on Bates page 001, the  
2 notation of February 16<sup>th</sup>, 1993?

3 **CST. McDOUGALD:** Correct.

4 **MR. DUMAIS:** And where it reads at 1430  
5 hrs.:

6 "10-8 to J.P. for return on search  
7 warrant."

8 Is that correct?

9 **CST. McDOUGALD:** Correct.

10 **MR. DUMAIS:** Okay. Do you recall whether or  
11 not anyone accompanied you there or were you alone?

12 **CST. McDOUGALD:** I don't recall.

13 **MR. DUMAIS:** So then if you could just have  
14 a look at the last page of Exhibit 603. So this is your  
15 handwriting then; you prepared the return?

16 **CST. McDOUGALD:** Yes, I did.

17 **MR. DUMAIS:** All right. And if you look at  
18 about mid-page there, there's a box that's checked off and  
19 these are some of the times that you seize pursuant to  
20 Section 487. Is that correct?

21 **CST. McDOUGALD:** Correct.

22 **MR. DUMAIS:** And you have also checked off  
23 Section 489, which would be items that were seized that had  
24 not previously been identified on your search warrant?

25 **CST. McDOUGALD:** Yes.

1                   **MR. DUMAIS:** And if you look at the bottom  
2 there, there are two entries.

3                   So the first one is:

4                               "Seize Item 2, unknown weapon, 45  
5                               calibre, Serial Number 3."

6 which appears to be the second weapon identified on your  
7 Information to Obtain and your search warrant. And the  
8 second item appears to be a weapon that had not previously  
9 been identified on the search warrant?

10                   **CST. McDOUGALD:** Correct.

11                   **MR. DUMAIS:** All right. And nowhere on this  
12 return to Justice are the videos or a suitcase identified?

13                   **CST. McDOUGALD:** Correct.

14                   **MR. DUMAIS:** And do you have an explanation  
15 for that?

16                   **CST. McDOUGALD:** That was an error on my  
17 part for not putting it on when I left. I have no  
18 explanation why I would have left it off but it was an  
19 error on my part.

20                   **MR. DUMAIS:** Okay. And when you're checking  
21 off the box which is section 489, what are you referring to  
22 here?

23                   **CST. McDOUGALD:** I would have been referring  
24 to -- I am referring to the unidentified restricted weapon  
25 that was located at the residence and the videotapes that

1           were in the suitcase, the videotapes that were taken from  
2           the residence.

3                       **MR. DUMAIS:**   Okay.

4                       **CST. McDOUGALD:**   And like I said, it's my  
5           error for having neglected not to put it on.

6                       **THE COMMISSIONER:**   So the Justice of the  
7           Peace was at no time aware of these pornographic videotapes  
8           that were seized?

9                       **CST. McDOUGALD:**   Commissioner, I cannot  
10          recall the conversation.   I know I explained to the Justice  
11          of the Peace what happened at the execution of the warrant,  
12          and I don't recall if he was advised about that.   I know he  
13          was advised about the execution of the warrant and items  
14          that were taken from the house, hence the fact the return  
15          was made.

16                       **THE COMMISSIONER:**   Thank you.

17                       **MR. DUMAIS:**   Constable, if you can just have  
18          -- do you have Exhibit 2554 in front of you?

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

20                       **THE COMMISSIONER:**   Right.

21                       **MR. DUMAIS:**   So I'm just looking at Bates  
22          pages 986, Constable, which is the last page of your  
23          statement.   So on the second line about right in the middle  
24          of the sentence, right in the middle of the line it reads  
25          as:

1 "On the 25<sup>th</sup> day of April, 1993 Ron  
2 Leroux signed the Property Form Quit  
3 Claim. Leroux left the detachment  
4 shortly after being served all  
5 documents relating to his charges."

6 **CST. McDOUGALD:** Correct.

7 **MR. DUMAIS:** So my understanding is that  
8 sometime later on you had had a conversation or a meeting  
9 with Mr. Leroux. Is that correct?

10 **CST. McDOUGALD:** On that date, on the 25<sup>th</sup>.

11 **MR. DUMAIS:** It was on the 25<sup>th</sup>?

12 **CST. McDOUGALD:** Mr. Leroux attended the  
13 Lancaster detachment to meet with myself reference the  
14 investigation pertaining to the firearms.

15 **MR. DUMAIS:** Okay. And he attended at your  
16 invitation. Is that correct?

17 **CST. McDOUGALD:** Correct.

18 **MR. DUMAIS:** All right. And my  
19 understanding is that there were weapons charges that were  
20 laid, so you dealt with that on that day. Is that correct?

21 **CST. McDOUGALD:** The predominant reason for  
22 him to attend the detachment was related to the firearms --

23 -

24 **MR. DUMAIS:** Okay.

25 **CST. McDOUGALD:** --- investigation. He was

1 -- I took a statement from Mr. Leroux. He was arrested.  
2 He was charged, I do believe, with 11 *Criminal Code*  
3 firearms-related offences. He was processed by myself. He  
4 was fingerprinted, released at that particular time  
5 pertaining to the firearms offences.

6 **MR. DUMAIS:** All right. And my  
7 understanding is on that day as well you would have struck  
8 a conversation with him with respect to the videotapes. Is  
9 that correct?

10 **CST. McDOUGALD:** Correct; prior to him  
11 leaving the detachment.

12 **MR. DUMAIS:** Okay. And my understanding is  
13 that you were at this point in time prepared to return the  
14 videotapes to him. Is that correct?

15 **CST. McDOUGALD:** That is correct.

16 **MR. DUMAIS:** And did he -- what did he  
17 indicate to you?

18 **CST. McDOUGALD:** I advised Mr. Leroux that  
19 we had no need to keep the tapes and that he could have the  
20 tapes back. I asked them if they were his, and that he  
21 could have them back. Mr. Leroux advised me that they  
22 weren't his tapes and explained that while he was working  
23 as a park warden at the Raisin River Park in South -- would  
24 have been Charlottenburg township at that point, which is  
25 now South Glengarry -- that he was bringing garbage to a

1 large dumpster and that while he was at that dumpster he  
2 observed a suitcase, which is the suitcase in question that  
3 we're talking about.

4 He advised me that he had taken the suitcase  
5 out of the dumpster and that he observed that this suitcase  
6 contained these videotapes, and that he took them from the  
7 dumpster because he didn't want the videotapes falling into  
8 the hands of children who might be at the park while he was  
9 working.

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

11 **CST. McDOUGALD:** And that was the  
12 explanation as to why he had this suitcase with the  
13 videotapes at his house. I explained to him that obviously  
14 we weren't going to keep the tapes and that he could have  
15 them back. Mr. Leroux was emphatic that he did not want  
16 them back at that time. He was explaining to me that  
17 nobody should have those tapes, nobody should be in  
18 possession of tapes like that.

19 I explained to Mr. Leroux at that point that  
20 if he wanted to sign the Quit Claim on the property report,  
21 if he did not want the tapes back we could have the tapes  
22 destroyed locally, and Mr. Leroux was in full agreement to  
23 that. As I stated, he kept explaining that nobody should  
24 have tapes like that, they shouldn't be out there, and that  
25 the best things for the tapes would be that they be

1 destroyed.

2 MR. DUMAIS: All right.

3 CST. McDOUGALD: And at that point he signed  
4 the Quit Claim.

5 MR. DUMAIS: Okay. So then you witnessed  
6 his signature on the property report, which is Exhibit  
7 1144?

8 CST. McDOUGALD: I'll just make sure I have  
9 the right -- yes. Yes, I did.

10 MR. DUMAIS: So then we're on April 25<sup>th</sup>,  
11 1993. What happens afterwards with respect to the  
12 destruction, or how -- or what happened afterwards?

13 CST. McDOUGALD: The property report with  
14 the signed Quit Claim would be placed back in the filing  
15 system from my NCO ---

16 MR. DUMAIS: Yes.

17 CST. McDOUGALD: --- to observe, and to be  
18 processed at that point.

19 MR. DUMAIS: And what's your involvement in  
20 that process?

21 CST. McDOUGALD: I do not have any  
22 involvement at that point.

23 MR. DUMAIS: All right. So you would have  
24 witnessed Mr. Leroux's signature and then just given the --  
25 do you give the property report to your -- the staff

1 sergeant?

2 **CST. McDOUGALD:** I don't recall who I gave  
3 it to. I don't recall if I put it in a filing bin that we  
4 have for administrative paperwork in the detachment. It  
5 would have been placed there and -- for proper procedure  
6 afterwards.

7 **MR. DUMAIS:** Okay. But is there anyone at  
8 the detachment that's responsible for that, for disposing  
9 of property? Is there anyone assigned that duty?

10 **CST. McDOUGALD:** At that time, 16 years ago,  
11 my understanding, it was the detachment commander or his  
12 designate.

13 **MR. DUMAIS:** Okay. Any reason why you would  
14 not get involved with the destruction of these tapes?

15 **CST. McDOUGALD:** That was not my role within  
16 the detachment.

17 **MR. DUMAIS:** Okay. And you're certainly not  
18 designated by the -- your staff sergeant to do so? He  
19 didn't tell you to destroy those tapes?

20 **CST. McDOUGALD:** Well, no. No, I had no  
21 dealings with the tapes after that. Could I have been  
22 designated to dispose of something from the vault, I may  
23 have been, had I been designated by my detachment  
24 commander, but I was not involved in the destruction of  
25 these tapes.

1                   **MR. DUMAIS:** Okay. All right. So I'm back  
2                   at Document Number 2554, which is your officer report,  
3                   Constable.

4                   **THE COMMISSIONER:** What exhibit?

5                   **MR. DUMAIS:** Pardon me?

6                   **THE COMMISSIONER:** What exhibit?

7                   **MR. DUMAIS:** Two five five four (2544).

8                   **THE COMMISSIONER:** Right. I'm sorry. Thank  
9                   you.

10                  **MR. DUMAIS:** So again I'm at the last page,  
11                  Constable. So on about the fourth line:

12                                 "On the fourth day of May, 1993 I was  
13                                 advised by Staff Sergeant McWade that  
14                                 our detachment caretaker destroyed all  
15                                 videotapes and the suitcase locally.  
16                                 The method of destruction was by  
17                                 burning the material in the detachment  
18                                 45-gallon drum."

19                  **CST. McDOUGALD:** Correct; that's what I have  
20                  written.

21                  **MR. DUMAIS:** Right. So do you have that --  
22                  do you recall that conversation with your staff sergeant?

23                  **CST. McDOUGALD:** I don't at this particular  
24                  time remember that specific conversation. I do remember  
25                  being advised by my detachment commander that the suitcase

1 and 22 tapes were destroyed locally.

2 MR. DUMAIS: All right. And certainly he  
3 appears to have indicated to you who was involved in the  
4 destruction, because you note down here that it was done by  
5 the caretaker; right?

6 CST. McDOUGALD: One moment, please.

7 This Will Say was prepared by myself, dated  
8 the 29<sup>th</sup> of June 2005. And I'm going by what I could recall  
9 at that particular time.

10 MR. DUMAIS: Pardon me?

11 CST. McDOUGALD: I said the preparation of  
12 this Will Say was the 29<sup>th</sup> of June 2005 ---

13 MR. DUMAIS: Yes.

14 CST. McDOUGALD: --- several years after.  
15 So when I'm preparing it, I'm just going by my  
16 recollection.

17 MR. DUMAIS: All right. But I mean,  
18 certainly when you're preparing this officer report ---

19 CST. McDOUGALD: Correct.

20 MR. DUMAIS: --- you have your notes with  
21 you and you're reviewing your notes to refresh your memory?

22 CST. McDOUGALD: Yes.

23 MR. DUMAIS: Is that correct?

24 CST. McDOUGALD: Yes.

25 MR. DUMAIS: The fact that the caretaker

1 would have been involved in the destruction or the notation  
2 you make in your note, was that something unusual?

3 **CST. McDOUGALD:** I don't believe it would  
4 have been unusual for him to be involved, no.

5 **MR. DUMAIS:** Was he -- was part of the  
6 duties of the caretaker to assist in the destruction of  
7 property from time to time?

8 **CST. McDOUGALD:** That I could not answer. I  
9 don't know what the specific details of the caretaker were.

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

11 You were at that detachment for a very short  
12 period of time, Constable, is that correct?

13 **CST. McDOUGALD:** Before?

14 **MR. DUMAIS:** Before being transferred to the  
15 Regional Task Force?

16 **CST. McDOUGALD:** Correct. Right.

17 **MR. DUMAIS:** So would this search and  
18 seizure that we talked about this afternoon have been one  
19 of the only one that you would have performed during that  
20 period of time?

21 **CST. McDOUGALD:** I don't recall without  
22 reviewing my notes at this point.

23 **MR. DUMAIS:** Okay. Now, I understand that  
24 later on, so in 1998, you would have provided a statement  
25 to Detective Sergeant Pat Hall. Do you recall that?

1                   **CST. McDOUGALD:** I remember giving a  
2 statement. I don't remember specific dates of it.

3                   **MR. DUMAIS:** Okay. So and you would have  
4 given two statements, Constable. Is that correct?

5                   **CST. McDOUGALD:** Correct.

6                   **MR. DUMAIS:** And if you can just have a look  
7 at Exhibit 690.

8                   **THE COMMISSIONER:** Six-nine-zero (690).  
9 Yes. What page, sir?

10                   **MR. DUMAIS:** Bates page 550. So the third-  
11 last paragraph. So you -- when you were giving your  
12 statement to Detective Sergeant Hall, you did indicate to  
13 him and I'll just read it out:

14                                "I was advised by Staff Sergeant McWade  
15 on the 4<sup>th</sup> day of May 1993 that the  
16 videotapes and the suitcase was  
17 destroyed..."

18                   **CST. McDOUGALD:** Excuse me, could you just -  
19 - what was the number please; the reference on that?

20                   **THE COMMISSIONER:** Five-five-zero (550).  
21 The last three numbers on the left-hand side are 550.

22                   **CST. McDOUGALD:** Five-five ---

23                   **THE COMMISSIONER:** Page 3 of 3 in ---

24                   **CST. McDOUGALD:** Five-five-zero (550); yes.  
25 Sorry.

1                   **THE COMMISSIONER:** So the before last -- the  
2                   third-last paragraph, "I was advised." Okay.

3                   Do you have that?

4                   **MR. DUMAIS:** So I'll just read out again,  
5                   Constable, third-last paragraph on that page. So:

6                                 "I was advised by Staff Sergeant McWade  
7                                 on the 4<sup>th</sup> day of May 1993 that the  
8                                 videotapes and the suitcase was  
9                                 destroyed locally by the caretaker,  
10                                burning them in a 45-gallon drum that  
11                                date."

12                   All right?

13                   **CST. McDOUGALD:** Correct.

14                   **MR. DUMAIS:** And then if you look right  
15                   under this paragraph, it's indicated that or Detective  
16                   Sergeant is asking you a question:

17                                 "Was Ken Seguin ever questioned about  
18                                 these videotapes?"

19                   And then, your answer is:

20                                 "Not by myself or by anybody that I  
21                                 know of."

22                   So do you recall why he was asking you this  
23                   question?

24                   **CST. McDOUGALD:** Offhand now, no, I don't  
25                   recall.

1                   **MR. DUMAIS:** Okay.

2                   When you were executing the warrant, back in  
3                   1993, did you know who Ken Seguin was?

4                   **CST. McDOUGALD:** No, I did not.

5                   **MR. DUMAIS:** So you didn't know he was a  
6                   probation officer in town?

7                   **CST. McDOUGALD:** No, I did not.

8                   **MR. DUMAIS:** All right. And you didn't know  
9                   either that he lived close by to Mr. Leroux' residence?

10                  **CST. McDOUGALD:** At that particular time, I  
11                  knew nothing of Mr. Seguin.

12                  **MR. DUMAIS:** Okay.

13                  And this is the statement that you would  
14                  have given to Detective Sergeant Hall on the 11<sup>th</sup> of  
15                  December 1998; you would have also given him a statement on  
16                  September 2<sup>nd</sup>, 1998. Is that correct?

17                  **CST. McDOUGALD:** I believe so.

18                  **MR. DUMAIS:** And that -- the other statement  
19                  is at Exhibit 1163.

20                  **CST. McDOUGALD:** Yes.

21                  **MR. DUMAIS:** So you gave two statements on  
22                  the same matter within a very short period of time?

23                  **CST. McDOUGALD:** Correct.

24                  **MR. DUMAIS:** And the first statement  
25                  essentially ---

1                   **THE COMMISSIONER:** Which first statement?

2                   **MR. DUMAIS:** Sorry, the one -- Exhibit 1163

3                   ---

4                   **THE COMMISSIONER:** Yes.

5                   **MR. DUMAIS:** --- for the one dated September  
6                   2<sup>nd</sup>, 1998, you're being asked questions about your executing  
7                   a warrant at Mr. Leroux' residence. Is that correct?

8                   **CST. McDOUGALD:** Correct. Right.

9                   **MR. DUMAIS:** And initially, in September of  
10                  1998, there were no discussions about videotapes. Is that  
11                  correct?

12                  **CST. McDOUGALD:** Any discussions with who?

13                  **MR. DUMAIS:** With Detective Sergeant Hall.

14                  **CST. McDOUGALD:** Not that I'm aware of.

15                  **MR. DUMAIS:** You gave him your statement;  
16                  correct?

17                  **CST. McDOUGALD:** That's correct.

18                  **MR. DUMAIS:** There were -- the questions he  
19                  was asking you were with respect to the execution of the  
20                  warrant and the seizure of the weapons and I believe he  
21                  does ask you at one point in time whether or not C-8 had  
22                  indicated that he had been sexually abused by Mr. Leroux.  
23                  Is that correct?

24                  **CST. McDOUGALD:** He indicated C-8 was  
25                  sexually abused by who?

1                   **MR. DUMAIS:** He was asking you that; whether  
2                   or not C-8 -- I'm just looking at the last page ---

3                   **CST. McDOUGALD:** Oh, that was ---

4                   **MR. DUMAIS:** --- of your statement.

5                   **CST. McDOUGALD:** --- a question he asked me,  
6                   if I was aware of?

7                   You're referring to question "Did he ever --  
8                   -

9                   **MR. DUMAIS:** I'm referring to Bates page  
10                  541, so the last two lines.

11                  **CST. McDOUGALD:** Yes, that was a question  
12                  that was asked.

13                  **MR. DUMAIS:** All right.

14                  So then Detective Sergeant Hall comes back  
15                  to you in December of 1998 and does he explain to you why  
16                  he wants to re-interview you about the same matter?

17                  **CST. McDOUGALD:** I don't recall the  
18                  discussion that he would have had with me at this time.

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

20                  Now, later on, Mr. Leroux would have given a  
21                  statement indicating that the tapes that had been seized at  
22                  his house were actually the tapes of Ken Seguin and that  
23                  they had been stored at his house. Are you aware of that  
24                  now?

25                  **CST. McDOUGALD:** I am aware of that now.

1                   **MR. DUMAIS:** All right. So you just became  
2 aware of that as a result of your preparation for your  
3 giving evidence at the Inquiry?

4                   **CST. McDOUGALD:** Correct.

5                   **MR. DUMAIS:** Okay. So you had never been  
6 made aware that Mr. Leroux had made that statement back  
7 then?

8                   **CST. McDOUGALD:** I was not aware of that  
9 statement.

10                   **MR. DUMAIS:** I believe these are my  
11 questions, Mr. Commissioner.

12                   If we can take the afternoon break?

13                   **THE COMMISSIONER:** Thank you.

14                   We will break, come back in 15.

15                   **MR. DUMAIS:** Thank you.

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

18                   This hearing will resume at 3:35 p.m.

19 --- Upon recessing at 3:24 p.m. /

20                   L'audience est suspendue à 15h24

21 --- Upon resuming at 3:47 p.m. /

22                   L'audience est reprise à 15h47

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

25                   This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 **THE COMMISSIONER:** Thank you.

3 Where is the witness? Thank you. Thank  
4 you, sir.

5 **STEPHEN McDOUGALD, Resumed/Sous le même serment:**

6 **MR. DUMAIS:** I have no further questions,  
7 Constable, and I understand you don't wish to make a  
8 statement at this point in time; is that correct?

9 **CST. McDOUGALD:** No, I'm not prepared at  
10 this point.

11 **MR. DUMAIS:** All right. Thank you.

12 **THE COMMISSIONER:** Thank you.

13 Ms. Daley.

14 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

15 **DALEY:**

16 **MS. DALEY:** Officer McDougald, my name is  
17 Helen Daley. I'm counsel for the Citizens for Community  
18 Renewal and that's a local citizens group with standing at  
19 this Inquiry whose interest is in institutional reform.

20 So I have some questions for you about your  
21 interactions with C-8 and Mr. Leroux. And the first  
22 questions will focus on the weapons part of your dealings  
23 with Mr. Leroux, the guns part of that story.

24 I take it by the time of your first contact  
25 with C-8 he already had possession of four handguns?

1 CST. McDOUGALD: That is correct.

2 MS. DALEY: And his purpose in possessing  
3 those guns was for safekeeping, as your notes suggest?

4 CST. McDOUGALD: That's what he explained to  
5 me.

6 MS. DALEY: That's what he said to you.

7 And from that point at least, he was not  
8 fearing any harm to either Leroux or anyone else from those  
9 four guns because those four guns were in his possession  
10 and shortly delivered to your possession?

11 CST. McDOUGALD: Correct.

12 MS. DALEY: Is that fair?

13 And again, as your notes indicate, your  
14 Force receives those weapons for safekeeping purposes?

15 CST. McDOUGALD: Correct.

16 MS. DALEY: And what I took that to mean is  
17 rather than evidence of a crime you're taking custody of  
18 these weapons because it's just safer?

19 CST. McDOUGALD: At that time, yes.

20 MS. DALEY: That was the intent?

21 CST. McDOUGALD: At that time, yes.

22 MS. DALEY: All right.

23 And at the time of your dealings on the guns  
24 issue did you form a view as to whether it was legal or  
25 otherwise for C-8 to have had possession of those four

1 guns?

2 CST. McDOUGALD: Not at that time.

3 MS. DALEY: Did that ever become a matter of  
4 relevance to you?

5 CST. McDOUGALD: No, it did not.

6 MS. DALEY: Now, I'm working with your notes  
7 -- that's Exhibit 2555. There were just some additional  
8 details or some information that you learned from C-8 on  
9 your first meeting with him.

10 CST. McDOUGALD: I don't have my notes at  
11 this time.

12 THE COMMISSIONER: Just hang on. It's at --

13 -

14 MS. DALEY: Two-five-five-five (2555).

15 THE COMMISSIONER: Yeah, so if you look in -

16 --

17 (SHORT PAUSE/COURTE PAUSE)

18 CST. McDOUGALD: The number again? Sorry.

19 MS. DALEY: Exhibit 2555.

20 CST. McDOUGALD: Okay.

21 MS. DALEY: Did you find that?

22 The very first page of your notes talks  
23 about what you testified with us here, and that's the  
24 harassment by Ron Leroux and that this is a person that C-8  
25 used to live with. So again, you get that information

1 early on from Mr. C-8, that he and Leroux ---

2 **THE COMMISSIONER:** We have to be careful  
3 about establishing relationships.

4 **MS. DALEY:** All right.

5 Anyway, that's information that you have  
6 available to you?

7 **CST. McDOUGALD:** Correct.

8 **MS. DALEY:** And based on the information  
9 that you had available to you, did you develop the  
10 understanding that Leroux and C-8 had had an ongoing  
11 relationship, a significant relationship?

12 **CST. McDOUGALD:** What do you mean by  
13 relationship?

14 **MS. DALEY:** A sexual relationship.

15 **CST. McDOUGALD:** I had no information of  
16 that.

17 **MS. DALEY:** Did you -- looking at the  
18 information you have recorded on page 988, you have some  
19 information about C-8 wanting to move away from Mr.  
20 Leroux's home in the past and having a gun pointed at him  
21 in the past when he wanted to do that, and your notes had  
22 said has always felt threatened to stay and then I think  
23 your note says:

24 "When girls got involved became  
25 jealous."

1 Is that what you've written there?

2 **CST. McDOUGALD:** Yes.

3 **MS. DALEY:** Okay. So that's also  
4 information that C-8 provided to you about what was  
5 occurring.

6 **CST. McDOUGALD:** Yes.

7 **MS. DALEY:** And did you attend at all in  
8 your mind to the relative ages of C-8 and Mr. Leroux? Did  
9 you understand that Mr. C-8 was a man in his late 20s, Mr.  
10 Leroux in his late 40s?

11 **CST. McDOUGALD:** Mr. C-8 alluded at one  
12 point during the interview that -- just trying to say this  
13 without being -- compromising the relationship. It was  
14 like a big brother relationship.

15 **MS. DALEY:** That's how he described it?

16 **CST. McDOUGALD:** That's how he described it.  
17 His mother was aware of the situation when he was younger  
18 in his teens when he first met Mr. Leroux and it was like a  
19 big brother relationship and at one point he was allowed to  
20 spend time with Mr. Leroux and move into Mr. Leroux's  
21 residence with the permission of his mother.

22 **MS. DALEY:** So those are the things you came  
23 to understand from C-8?

24 **CST. McDOUGALD:** Yes.

25 **MS. DALEY:** And did he ever say to you that

1 he felt he had been sexually abused in that relationship?

2 CST. McDOUGALD: There was never any  
3 mention, hint, about any sexual improprieties.

4 MS. DALEY: Now, I take it you also learned  
5 in your dealings with these people, both Mr. Leroux and C-  
6 8, that there had been a transfer of Leroux's home to C-8?

7 CST. McDOUGALD: I'm not aware of the full  
8 details.

9 MS. DALEY: You learned something to that  
10 effect?

11 CST. McDOUGALD: There was a mention about  
12 the house being signed over. It was a civil matter and I  
13 did not get any details as to what stage it was at.

14 MS. DALEY: Did you have some information to  
15 the effect that C-8 was going to lease the property back to  
16 Leroux?

17 CST. McDOUGALD: I was not aware of that.

18 MS. DALEY: Didn't know about that? All  
19 right.

20 Did you form the impression that this civil  
21 matter between C-8 and Leroux was contentious, in other  
22 words there was a dispute between them?

23 CST. McDOUGALD: I was not able to formulate  
24 that. There was no indication that there was any  
25 hostilities between the two. It was brought to my

1 attention that there was a possible civil matter starting  
2 but there never appeared to be any animosity between the  
3 two.

4 **MS. DALEY:** What is it that C-8 was being  
5 harassed about then?

6 **CST. McDOUGALD:** He advised that they were  
7 receiving phone calls from Mr. Leroux and that Mr. Leroux  
8 at times would drive by the house and C-8 wanted that to  
9 stop and that's why he approached the police, wanting Mr.  
10 Leroux to be spoken to and have him stop that harassing.

11 **MS. DALEY:** Did you have the impression that  
12 C-8 felt threatened by Leroux's guns; that he thought the  
13 guns would be used against him?

14 **CST. McDOUGALD:** No.

15 **MS. DALEY:** No? That wasn't part of why the  
16 guns were brought to you?

17 **CST. McDOUGALD:** He advised that he had  
18 taken them for safekeeping but he never indicated to me  
19 that he felt threatened at that particular time.

20 **MS. DALEY:** All right.

21 So he was protecting Mr. Leroux from  
22 himself, from a suicide risk?

23 **CST. McDOUGALD:** C-8 had mentioned that Mr.  
24 Leroux had stated something about suicide in the past.  
25 There was nothing indicated that it was a current at that

1 particular time when he approached the detachment with the  
2 complaint. The complaint was about being harassed, getting  
3 phone calls, and Mr. Leroux going by a particular house.

4 **MS. DALEY:** I take it, though, that the risk  
5 that Mr. Leroux might harm himself was something that you  
6 were slightly concerned about because you looked into that?

7 **CST. McDOUGALD:** Obviously, that was one of  
8 the things I was going to look into when I spoke to Mr.  
9 Leroux.

10 **MS. DALEY:** All right.

11 And so that -- perhaps not to you, but that  
12 suggests to me that something of significance had happened  
13 between C-8 and Leroux if Leroux was potentially suicidal,  
14 given that C-8 had moved out.

15 Did you put those things together at all?

16 **CST. McDOUGALD:** There was no indication  
17 that C-8 moved out of the house because of suicidal  
18 tendencies. C-8 indicated that he had a girlfriend and he  
19 was with this girlfriend, and I believe he stated that he  
20 was either living with her or spending most of his time  
21 with her.

22 **MS. DALEY:** I was thinking about it in  
23 reverse order, putting the cart and the horse in a  
24 different place. Did you ever get the impression from the  
25 information you gleaned that C-8 thought that Mr. Leroux

1 was somewhat suicidal because C-8 had left him and had  
2 moved in with a woman?

3 **CST. McDOUGALD:** Not at that particular  
4 time.

5 **MS. DALEY:** Did you at some later time come  
6 to that impression?

7 **CST. McDOUGALD:** No, because at a later time  
8 I spoke to Mr. Leroux and I determined after dealing with  
9 Mr. Leroux in my first meeting, that he did not appear  
10 suicidal to me.

11 **MS. DALEY:** All right.

12 I did review with you, very briefly, an  
13 entry on Bates 988 of the note, and actually it's the  
14 section that Madam Clerk has right up for us on the screen.  
15 And you've recorded that C-8 felt threatened to stay.

16 Did you take that information any further?  
17 In other words, that C-8 expressing he felt threatened by  
18 Leroux to continue living with him, did you develop that  
19 information any further in the course of what you did?

20 **CST. McDOUGALD:** I took that as he felt in  
21 the past threatened, when he was younger, not at this  
22 particular time.

23 **MS. DALEY:** All right.

24 Now, sir, just help me to get clear about  
25 something. And, again, in your notes -- just give me one

1 second.

2 I was -- just if I could ask you to look at  
3 Bates 994 for a moment, and then I'm going to take you  
4 quickly to the following page, 995. But on 994 we have  
5 your entry of January 12<sup>th</sup>, '93 essentially dealing with the  
6 safe storage of the four weapons that you have. That's how  
7 matters have been left at that point?

8 **CST. McDOUGALD:** Yes.

9 **MS. DALEY:** And I take it you had no  
10 particular concerns because Leroux didn't have any interest  
11 in getting the weapons back, so there was nothing to be  
12 concerned about?

13 **CST. McDOUGALD:** At that particular time,  
14 Mr. Leroux advised that he did not want the guns back.

15 **MS. DALEY:** Right.

16 **CST. McDOUGALD:** Yes.

17 **MS. DALEY:** The next thing that happens, as  
18 recorded in your notes, is some information that you  
19 received from your staff sergeant on February 9<sup>th</sup>, 1993. Do  
20 you see that, sir? It's on the following Bates page.

21 **CST. McDOUGALD:** Yes.

22 **MS. DALEY:** And he gives you information  
23 about two specific weapons, the Smith and Wesson 22 and the  
24 unknown-make European hand gun?

25 **CST. McDOUGALD:** Correct.

1                   **MS. DALEY:** Do you see that?

2                   **CST. McDOUGALD:** Yes.

3                   **MS. DALEY:** Now, first question, sir.

4                   Do you know anything about what gave rise to  
5                   the staff sergeant obtaining that additional information at  
6                   this time?

7                   **CST. McDOUGALD:** No, I don't at this time.

8                   **MS. DALEY:** I take it that between those two  
9                   events, between January, '93 and February 9, '93 when you  
10                  start working on the Information to Obtain, you haven't  
11                  heard anything further from C-8 in between those two times?

12                  **CST. McDOUGALD:** I don't have any  
13                  recollection at this time. There are other notes that  
14                  would have been made in our reporting system at detachment  
15                  that may have had entries at that point.

16                  **MS. DALEY:** Other handwritten notes?

17                  **CST. McDOUGALD:** That would have been our  
18                  reporting system, our occurrence reporting system, at  
19                  detachment.

20                  **MS. DALEY:** Can you just give me a few words  
21                  of explanation for how that works?

22                  **CST. McDOUGALD:** When you have an  
23                  occurrence, back 16 years ago in '92 or 1993, when we had  
24                  an occurrence we had forms -- a specific form and I do not  
25                  recall the exact form number at this time, but the

1 occurrence would be written out on that form and it would  
2 be left open pending follow-up and conclusion of the  
3 occurrence. So every time you dealt with the occurrence  
4 that would be updated in detail.

5 MS. DALEY: All right. So if what -- if  
6 I've understood it correctly then, in addition to the notes  
7 that we have from you, the exhibit, there is an occurrence  
8 form that the office maintained?

9 CST. McDOUGALD: Maintained at that time.

10 MS. DALEY: And I'm assuming a typewritten  
11 form?

12 CST. McDOUGALD: No, it was handwritten.

13 MS. DALEY: Handwritten by you?

14 CST. McDOUGALD: Yes.

15 MS. DALEY: So what you're saying is that  
16 there's a possibility that you had contact with C-8 between  
17 Feb 9 and the prior date, which was Jan 12<sup>th</sup>.

18 CST. McDOUGALD: Yes.

19 MS. DALEY: But it's not reflected as such  
20 in your notebook?

21 CST. McDOUGALD: No.

22 MS. DALEY: All right. And you have no  
23 recollection of that happening. You're just telling me  
24 that's a possibility?

25 CST. McDOUGALD: Yes. Those documents at

1 detachment level would have been purged two years current.

2 MS. DALEY: All right.

3 Dealing now with the Information to Obtain  
4 and the search warrant, did you ask your staff sergeant or  
5 do you recall asking your staff sergeant any questions or  
6 any -- or for any information about what you should do with  
7 what you've now learned and that is, I assume, two other  
8 guns registered to Mr. Leroux?

9 CST. McDOUGALD: Could you restate, please?

10 It's ---

11 MS. DALEY: Yeah. I take it what's  
12 happening on Feb 9<sup>th</sup> is your staff sergeant is advising you  
13 about two other hand guns. Is that correct, sir?

14 CST. McDOUGALD: Correct.

15 MS. DALEY: And they're both registered to  
16 Mr. Leroux?

17 CST. McDOUGALD: Correct.

18 MS. DALEY: On, I presume, a system operated  
19 by the RCMP?

20 CST. McDOUGALD: Correct.

21 MS. DALEY: Did you ask your staff sergeant  
22 what to do with this information or did you receive  
23 directions from him as to what you should do?

24 CST. McDOUGALD: I do not recall any  
25 conversations that took place.

1 MS. DALEY: All right.

2 I take it it follows then, sir, that you  
3 have no specific recollection of being told by your staff  
4 sergeant or instructed to prepare an Information to Obtain  
5 and to get a search warrant for those weapons?

6 CST. McDOUGALD: I have no recollection of  
7 that conversation.

8 MS. DALEY: All right. Now, sir, the --  
9 sorry, one second.

10 The Information to Obtain that you have  
11 testified about, that's Exhibit 2521. Do you have that?

12 CST. McDOUGALD: Yes.

13 MS. DALEY: This Information to Obtain  
14 identifies the exact same weapons, including model and  
15 serial number, as you were given by your staff sergeant?

16 CST. McDOUGALD: Yes.

17 MS. DALEY: So that was your intent, I take  
18 it ---

19 CST. McDOUGALD: Yes.

20 MS. DALEY: --- to try to find these weapons  
21 that he had told you existed?

22 CST. McDOUGALD: Correct.

23 MS. DALEY: Is that fair? All right.

24 Now, as to the unknown European weapon, I  
25 take it that's the one that C-8 handed over to you as soon

1 as you arrived at Mr. Leroux's home on the day you executed  
2 the warrant; correct?

3 **CST. McDOUGALD:** Correct.

4 **MS. DALEY:** In fact, I think before you got  
5 there he told you on the telephone, "I found that weapon,"  
6 and he presented it to you when you arrived. So you knew  
7 the whereabouts of that weapon?

8 **CST. McDOUGALD:** Correct.

9 **MS. DALEY:** If I could ask you also --  
10 sorry, sir, do you have your notes handy? That was Exhibit  
11 2555, and I'm asking you to look at Bates 999.

12 You testified about this in part in-chief,  
13 but about a quarter of the way down your note says:

14 "Statement taken from C-8 from myself  
15 and ..."

16 I take it he's now telling you the  
17 whereabouts of the other weapon, which is where the  
18 22 calibre is. Can you just read me some of those words?  
19 Does it say:

20 "He reports stating he knew that the 22  
21 calibre supposedly was sold to an  
22 individual about two to three years  
23 ago, as the person had a farm with  
24 roosters getting attacked by dogs."

25 **CST. McDOUGALD:** That's correct.

1                   **MS. DALEY:** "The gun was to protect the  
2   birds."

3                   **CST. McDOUGALD:** Correct.

4                   **MS. DALEY:** And then there's some  
5 information that Officer Millar is giving to the  
6 conversation; correct? Can you just read me that, please?  
7 I can't quite make it out.

8                   **CST. McDOUGALD:** No. There's no indication  
9 that Detective Millar is getting involved in the  
10 conversation at this point. It's just an additional note  
11 that I've made that I'm being advised by Detective  
12 Constable Millar.

13                   **MS. DALEY:** What is it that he advised you?

14                   **CST. McDOUGALD:** That he had done a search  
15 warrant in past and seized a 32-calibre handgun registered  
16 to Mr. Silmser.

17                   **MS. DALEY:** Can you read the rest of it?

18                   **CST. McDOUGALD:** I just can't make that out  
19 fully.

20                   **MS. DALEY:** Does it say something:

21   "Parties keep quiet as not to get  
22   Leroux into trouble..."

23                   **CST. McDOUGALD:** "...for selling the  
24 handgun."

25                   **MS. DALEY:** "...for selling the handgun"?

1 CST. McDOUGALD: Yes.

2 THE COMMISSIONER: What's Mr. Silmsers have  
3 to do with all of this? I'll -- what's Mr. Silmsers have to  
4 do? How does that come up?

5 CST. McDOUGALD: I don't recall. It's  
6 something that Detective Constable Millar mentioned to me.  
7 Mr. Leroux had purchased one of the handguns that we had at  
8 the detachment, one of the four handguns that we had at the  
9 detachment was actually registered to Mr. Silmsers. This  
10 was learnt after the check with the RCMP, and that was one  
11 of the *Criminal Code* firearms related charges that were  
12 laid against Mr. Leroux.

13 MS. DALEY: It was a Mr. Silmsers, but it was  
14 not, in fact, the David Silmsers.

15 THE COMMISSIONER: Oh, okay. Okay.

16 CST. McDOUGALD: No, no. It was a Mr.  
17 Silmsers.

18 MS. DALEY: It was a Mr. Silmsers.

19 CST. McDOUGALD: A Mr. Silmsers.

20 THE COMMISSIONER: Okay. Good.

21 MS. DALEY: You're feeling better now?

22 THE COMMISSIONER: I'm feeling a lot better,  
23 yes.

24 CST. McDOUGALD: This Mr. Silmsers was  
25 deceased at this time.

1                   **THE COMMISSIONER:** Okay. Okay.

2                   **CST. McDOUGALD:** He was an elderly gentleman  
3                   in Cornwall.

4                   **MS. DALEY:** But just to help us break down  
5                   what you are now learning. The first piece of it is Mr. C-  
6                   8 reporting to you that to his knowledge, this 22-calibre  
7                   weapon on your Information to Obtain was sold a few years  
8                   ago?

9                   **CST. McDOUGALD:** May have.

10                  **MS. DALEY:** May have been.

11                  **CST. McDOUGALD:** He was not -- it may have.

12                  **MS. DALEY:** All right, but certainly, I take  
13                  it, sir, he seemed to you to be fairly familiar with Mr.  
14                  Leroux' possessions. I mean he, for example, had found the  
15                  European gun; he brought you the four other weapons. So he  
16                  seemed to have some knowledge about what the situation was  
17                  concerning Mr. Leroux and his guns?

18                  **CST. McDOUGALD:** I'm not familiar with what  
19                  knowledge he had.

20                  **MS. DALEY:** Certainly, the information he  
21                  gave -- well, was this information which he gave you  
22                  reliable? Did this check out about the 22 calibre?

23                  **CST. McDOUGALD:** We weren't able to confirm  
24                  that.

25                  **MS. DALEY:** All right. Certainly, you never

1 found that weapon on Mr. Leroux' property though?

2 CST. McDOUGALD: No, a second weapon was  
3 found on the property though.

4 MS. DALEY: Which you also seized, I assume,  
5 pursuant to the warrant?

6 CST. McDOUGALD: That's correct.

7 MS. DALEY: All right. Now, we are very  
8 clear -- I think we're clear from your testimony that when  
9 Officer Millar goes upstairs in the Leroux residence -- I'm  
10 talking about the execution of the warrant, when he goes  
11 upstairs and finds what he finds in the bathroom, you're  
12 not with him?

13 CST. McDOUGALD: No.

14 MS. DALEY: And if you can help me with this  
15 detail; did you hear C-8 direct Millar to look upstairs?

16 CST. McDOUGALD: I'm not aware of that.

17 MS. DALEY: All right. Do you recall  
18 hearing any conversations at all between C-8 and Officer  
19 Millar pertaining -- during the search?

20 CST. McDOUGALD: I have no recollection of  
21 any conversations between the two of them.

22 MS. DALEY: And do you recall any  
23 conversations that you had with Mr. C-8 during the  
24 enforcement of the warrant?

25 CST. McDOUGALD: I have no independent

1 recollection at this time of the conversation.

2 **MS. DALEY:** So, for example, you have no  
3 recollection of him saying, "Ron has some videotapes  
4 upstairs" or "You guys should go look in the bathroom,"  
5 nothing like that -- recall?

6 **CST. McDOUGALD:** There was never mentioned -  
7 - there was never any mention of any videocassettes.

8 **MS. DALEY:** All right. Now, in terms of  
9 these tapes then, if I've understood your testimony in-  
10 chief, my impression was that it was your decision to seize  
11 as opposed to Officer Millar's?

12 **CST. McDOUGALD:** I cannot confirm the  
13 decision; who made the decision. I seized the videotapes.

14 **MS. DALEY:** Was it you who decided to review  
15 the one tape at Leroux' home or did Officer Millar decide  
16 that that should be done?

17 **CST. McDOUGALD:** I don't recall who put the  
18 video in or who suggested it. I was taking some direction  
19 from Detective Constable Millar as the fact that he was the  
20 Detective Constable in the detachment at the time with more  
21 experience than I had.

22 **MS. DALEY:** Would it be right to say that  
23 the decision was made to seize the videos after the one  
24 tape had been reviewed?

25 **CST. McDOUGALD:** I don't recall at this time

1 when the decision was made.

2 MS. DALEY: Certainly by the time you left  
3 the premises having taken the videos with you, you had  
4 reviewed the one tape?

5 CST. McDOUGALD: Yes.

6 MS. DALEY: And the tape that you did review  
7 was commercial, adult male pornography?

8 CST. McDOUGALD: That's what it appeared to  
9 be.

10 MS. DALEY: Was there any discussion between  
11 yourself and Officer Millar as to the legality of seizing  
12 the tapes under the warrant that you had?

13 CST. McDOUGALD: There was a discussion.

14 MS. DALEY: Do you remember it?

15 CST. McDOUGALD: There definitely was a  
16 discussion. I just cannot tell you what the discussion  
17 was.

18 MS. DALEY: Is it your recollection that --  
19 well, sorry, let me backtrack.

20 Officer Millar, as you mentioned a moment  
21 ago, was somewhat more experienced than you, sir?

22 CST. McDOUGALD: In service time and  
23 experience he was the Detective Constable in the  
24 detachment, yes.

25 MS. DALEY: To your knowledge, did he have

1 more experience than you in executing warrants?

2 **CST. McDOUGALD:** Definitely.

3 **MS. DALEY:** Did you look to him for any  
4 direction or guidance as to the legality of taking the  
5 tapes?

6 **CST. McDOUGALD:** I definitely looked to him  
7 for assistance and guidance with his experience. I cannot  
8 tell you any conversations or what conversations took place  
9 because I don't know verbatim what was said.

10 **MS. DALEY:** All right.

11 **THE COMMISSIONER:** Well never mind verbatim.  
12 What about the gist of what was said?

13 **CST. McDOUGALD:** Yes, sir, it was a  
14 discussion about the tapes. There was a discussion about  
15 taking the tapes.

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

17 **CST. McDOUGALD:** The tapes, it was -- in my  
18 opinion, it was good faith, that we were going to take the  
19 tapes to look to make sure that there was no criminality or  
20 something of criminal nature within the tapes.

21 **THE COMMISSIONER:** Of good faith?

22 **CST. McDOUGALD:** That's -- we were taking  
23 the tapes under the search warrant.

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

25 **CST. McDOUGALD:** Obviously to bring back to

1 the detachment to view at a later time to confirm that  
2 there was no criminal activities within the tapes.

3 **MS. DALEY:** You did understand, although you  
4 weren't present, that the tapes were concealed; in other  
5 words, they weren't in plain view in the bathroom?

6 **CST. McDOUGALD:** I have no -- I was not  
7 there when they were located so I don't know where they  
8 were.

9 **MS. DALEY:** All right. Did you learn from  
10 Officer Millar the precise place where he found them?

11 **CST. McDOUGALD:** He explained where they  
12 were found, but I mean I did not go up to see where they  
13 were found. So I'm just going by explanation.

14 **MS. DALEY:** I thought your own notes  
15 suggested it was a hiding place.

16 **CST. McDOUGALD:** It was explained to me  
17 where they were located.

18 **MS. DALEY:** As a hiding place?  
19 Did you wonder at all how it happened that  
20 Officer Millar found them there?

21 **CST. McDOUGALD:** No. We're searching for  
22 handguns, which means that you can search in any location,  
23 large or small.

24 **MS. DALEY:** I understand that, and I  
25 understand your rationale for opening the suitcase because

1           presumably if you -- or the briefcase -- because until you  
2           open it ---

3                   **CST. McDOUGALD:** It was a suitcase.

4                   **MS. DALEY:** --- you don't know that there  
5           might not be a handgun there; correct?

6                   **CST. McDOUGALD:** Correct.

7                   **MS. DALEY:** But once you've done that and  
8           you've seen what you have are tapes, some of which is gay  
9           pornography, ultimately the decision that you and he made  
10          was to take them?

11                   **CST. McDOUGALD:** Correct.

12                   **MS. DALEY:** Now, just to conclude on this  
13          point, I thought I'd understood you to say that there was a  
14          concern that illegal content, be it child pornography, what  
15          you call "snuff films" or something of that sort, could be  
16          sandwiched inside a tape? You had been led to believe that  
17          it was possible?

18                   **CST. McDOUGALD:** Yes.

19                   **MS. DALEY:** And was it your staff sergeant  
20          or detachment commander who told you that?

21                   **CST. McDOUGALD:** No, it was not.

22                   **MS. DALEY:** You had that understanding from  
23          somewhere else?

24                   **CST. McDOUGALD:** From attending training  
25          courses in the past, yes.

1                   **MS. DALEY:** All right. Are we agreed that  
2 if that's the concern, that some illegal content has been  
3 concealed inside a tape, we're agreed that the method that  
4 was used to review those tapes wouldn't necessarily catch  
5 that, would it?

6                   **CST. McDOUGALD:** I believe at that time,  
7 yes, it did -- it was.

8                   **MS. DALEY:** Well, is this not logical, sir?  
9 If the concern is that there might be illegal content in  
10 the midst of a commercial tape, wouldn't you pretty much  
11 have to watch the whole tape to determine whether or not  
12 there was such illegal content?

13                   **CST. McDOUGALD:** I believed at the time,  
14 fast forwarding through was sufficient.

15                   **THE COMMISSIONER:** Is that your belief now?

16                   **CST. McDOUGALD:** Sixteen (16) years ago,  
17 there was no allegations of any sexual impropriety. We  
18 were not investigating anything other than harassment and  
19 handguns. Yes, that's what I believed then.

20                   Today, with the knowledge that I have now,  
21 it's different.

22                   **THE COMMISSIONER:** It's what?

23                   **CST. McDOUGALD:** It's different. Now, with  
24 the knowledge I have today ---

25                   **THE COMMISSIONER:** Well, what's the

1 knowledge that you have today?

2 **CST. McDOUGALD:** I would have preferred that  
3 the tapes would have been sent to Project P and viewed by  
4 somebody in that section.

5 **THE COMMISSIONER:** Okay, but we're getting  
6 off track, I guess, a little bit.

7 I mean, you're saying that back then,  
8 looking at it as you did intermittently, that that was  
9 sufficient?

10 **CST. McDOUGALD:** Yes, I believe back then.

11 **THE COMMISSIONER:** Okay and now would you do  
12 the -- never mind Project P, do you agree that there may  
13 have been some spots in there where something was put in  
14 and you wouldn't have seen it?

15 **CST. McDOUGALD:** I believe the method we  
16 use, we more than likely would have seen something had it  
17 been placed into the tape.

18 **MS. DALEY:** Just on a random look? Just  
19 looking randomly?

20 **CST. McDOUGALD:** Yes.

21 **MS. DALEY:** Are you able to say for any  
22 individual tape, how much random sampling you did? I mean,  
23 how many actual minutes would you have looked at?

24 **CST. McDOUGALD:** That I couldn't tell you.

25 **MS. DALEY:** You did testify in your evidence

1 in-chief that you felt not comfortable reviewing the tapes.

2 CST. McDOUGALD: Correct.

3 MS. DALEY: And I wonder if you could expand  
4 on that a little bit? Without going -- without  
5 personalizing it, did you have an aversion to the content?

6 CST. McDOUGALD: I just did not feel  
7 comfortable viewing that type of tape, ma'am.

8 MS. DALEY: But why not?

9 CST. McDOUGALD: I just did not feel  
10 comfortable.

11 MS. DALEY: Did that make -- I assume the  
12 discomfort made it difficult then for you to review them?

13 CST. McDOUGALD: No, I had my job to do and  
14 I did my job.

15 MS. DALEY: And sir, one final question  
16 about this aspect of things; is there a reason why you  
17 didn't itemize each of the 22 tapes in your property report  
18 or in your notes or in any fashion at all?

19 CST. McDOUGALD: At that time, I was dealing  
20 with the allegations of the weapons. I was not  
21 investigating any other occurrence relating to sexual  
22 assaults or anything. That's why I did not make any notes  
23 at that time about itemizing the tapes. It's just that I  
24 viewed the tapes and nothing was found on the tapes.

25 MS. DALEY: All right.

1 I guess the way I would look at that -- you  
2 may disagree, but were you not at least to some extent  
3 investigating whether the tapes that had been seized  
4 contained illegal content?

5 CST. McDOUGALD: Yes.

6 MS. DALEY: Would that not have required  
7 them to be itemized?

8 CST. McDOUGALD: In what fashion?

9 MS. DALEY: Well, one fashion might be  
10 simply to record the label on each tape, to give a  
11 description including how it's labelled, whether it has a  
12 title on it, whether it has a handwritten label on it; that  
13 type of information.

14 CST. McDOUGALD: I did not do that in my  
15 notebook.

16 MS. DALEY: All right.

17 Just -- if you can help me with one final  
18 detail, you did remember the title of one of these videos;  
19 is it your recollection that they all had titled labels on  
20 them?

21 THE COMMISSIONER: You mean commercial ---

22 MS. DALEY: Yes.

23 THE COMMISSIONER: --- labels?

24 MS. DALEY: In one piece -- the movie that  
25 you recalled the title of, I assume that was a commercial

1 label on the videotape.

2 CST. McDOUGALD: Yes.

3 MS. DALEY: Now, do you remember whether all  
4 of the other ones had a commercial label with titles on  
5 them?

6 CST. McDOUGALD: I believe they all did.

7 MS. DALEY: They all did. All right.

8 Just -- my -- the final area I want to speak  
9 to you about has to do with the release -- I'm sorry, the  
10 Quit Claim incident and then the destruction of these  
11 tapes.

12 Bear with me one second, sir. If you could  
13 have Exhibit 1145 handy. Sorry, 44; this is the property  
14 report.

15 CST. McDOUGALD: Yes.

16 MS. DALEY: And just tell me if I've got  
17 this right, sir. My understanding of how this report came  
18 to be filled out is that you filled out the top portion of  
19 it identifying the briefcase, the pornographic videos and  
20 then you -- is that your signature, your officer I.D.  
21 number and the date February 10<sup>th</sup>, '93 that we see on the  
22 line halfway down?

23 CST. McDOUGALD: Yes.

24 MS. DALEY: So everything up to that point  
25 is your handwriting?

1 CST. McDOUGALD: Yes.

2 MS. DALEY: And the balance of the form, we  
3 see Mr. Leroux has signed this form on April 25, '93. Do  
4 you see that?

5 CST. McDOUGALD: Yes.

6 MS. DALEY: And that's not your handwriting;  
7 is it, sir?

8 CST. McDOUGALD: That is my handwriting.

9 MS. DALEY: That's your handwriting?

10 CST. McDOUGALD: Yes.

11 MS. DALEY: The April 25 date? All right.  
12 It was suggested to you that you had  
13 witnessed his signature. You didn't sign as a witness?

14 CST. McDOUGALD: No.

15 MS. DALEY: What confused me about the  
16 question is you signed above that at February 10<sup>th</sup>, '03, but  
17 Mr. Leroux comes in and signs on April 25<sup>th</sup>, '93 so that's  
18 several months later. Do you understand what I'm asking  
19 you?

20 CST. McDOUGALD: The date, 10 February '93,  
21 is myself placing the property into the detachment vault.

22 MS. DALEY: Right.

23 CST. McDOUGALD: That's what that date is  
24 about. It shows storage location, detachment vault, my  
25 signature and my badge number.

1 MS. DALEY: Right.

2 CST. McDOUGALD: The next date, which is the  
3 25<sup>th</sup> April '93, is the date that Mr. Leroux signed the Quit  
4 Claim.

5 MS. DALEY: But is it your handwriting that  
6 has put the date in there?

7 CST. McDOUGALD: Yes.

8 MS. DALEY: That was you, all right.

9 CST. McDOUGALD: And I have itemized one and  
10 two as the items he is placing on Quit Claim.

11 MS. DALEY: Right.

12 And then the remaining writing on this page,  
13 I take it that's not you; that's Mr. -- or Officer McWade  
14 or do you know?

15 CST. McDOUGALD: That's not my signature.

16 MS. DALEY: All right.

17 CST. McDOUGALD: And that's not my writing.

18 MS. DALEY: All right.

19 Now, I did look at your notes for April 25<sup>th</sup>,  
20 '93, Exhibit 2555 -- let me give you the right page, sir --  
21 starting at page 1005.

22 CST. McDOUGALD: Yes.

23 MS. DALEY: And over on the next page is the  
24 balance of that note, and that deals with your dealings  
25 with Mr. Leroux on April 25<sup>th</sup>, 1993.

1                   CST. McDOUGALD: Correct.

2                   MS. DALEY: And that relates to the weapons  
3 incidents; correct, sir?

4                   CST. McDOUGALD: Right.

5                   MS. DALEY: There's no note here of him  
6 giving you this additional information about how he found  
7 the suitcase, where he found the suitcase, what he wanted  
8 to happen with the suitcase. That's not noted in your  
9 notebook; correct?

10                  CST. McDOUGALD: That's correct.

11                  MS. DALEY: All right.

12                  Those are my questions. Thank you kindly.

13                  THE COMMISSIONER: Thank you.

14                  Who's going? Mr. Paul?

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

16                  PAUL:

17                  MR. PAUL: Constable McDougald, my name is  
18 Ian Paul. I appear for the Coalition for Action which is a  
19 citizens group. I had a few questions for you, first of  
20 all, in relation to Mr. Leroux and your interaction with  
21 Mr. Leroux.

22                  Now, I understand that you just indicated  
23 that you signed a Quit Claim deed giving up any rights to  
24 the tapes.

25                  CST. McDOUGALD: Correct.

1                   **MR. PAUL:** And he was -- I think you  
2 indicated that he was given the opportunity to take the  
3 tapes himself.

4                   **CST. McDOUGALD:** Yes.

5                   **MR. PAUL:** And did he appear nervous with  
6 the prospect of getting the tapes back?

7                   **CST. McDOUGALD:** I don't recall that.

8                   **MR. PAUL:** Okay.

9                   But he certainly presented himself as  
10 someone who did not want to be associated with the tapes.

11                   **CST. McDOUGALD:** That's correct.

12                   **MR. PAUL:** And he presented himself as  
13 someone who was distancing himself from the tapes by giving  
14 explanations that he was not even the owner -- original  
15 owner. He had found them abandoned; correct?

16                   **CST. McDOUGALD:** That is the explanation  
17 that he gave to me; that he had found them and didn't want  
18 them.

19                   **MR. PAUL:** Now, in the discussion at any  
20 point -- at any point when he's asked to sign the Quit  
21 Claim deed, does he express any doubt about the meaning of  
22 the document and specifically, does he, at any point, think  
23 that he's signing a document and getting the tapes back  
24 originally?

25                   **CST. McDOUGALD:** There was no -- any

1           indication of that, no.

2                   **MR. PAUL:** All right. So at least no verbal  
3           indication to you, that you recall?

4                   **CST. McDOUGALD:** No, I explained to him the  
5           process of, he can have the property back or if he did not  
6           want it back, he can sign the Quit Claim and I explained  
7           what that meant to him.

8                   **MR. PAUL:** Now, as far as the actual search  
9           of the residence, I wanted to ask you one point in terms of  
10          the manner of the search. Did you view it as an exhaustive  
11          search of the entire residence or did the search cease at  
12          some point when you found what you were looking for in  
13          terms of weapons?

14                   **CST. McDOUGALD:** I do not recall, at this  
15          point, when the search ceased.

16                   **MR. PAUL:** All right.

17                   So you don't recall if finding a weapon at  
18          some point ended -- resulted in the search ending at that  
19          point?

20                   **CST. McDOUGALD:** No, no, it did not. It  
21          continued on for a period of time.

22                   **MR. PAUL:** So as far as you can recall, the  
23          best of your recollection is, is that it was a search of  
24          the entire residence?

25                   **CST. McDOUGALD:** I have no full recollection

1 at this point of the entirety of the search.

2 MR. PAUL: I wanted to ask you about  
3 something in relation to a portion of Mr. Leroux' testimony  
4 here at the Inquiry in which he suggested -- his suggestion  
5 is that there were ripped up tapes in the bottom of a  
6 barrel, a laundry barrel.

7 I want to ask you, do you have any  
8 recollection of seeing any ripped up tapes?

9 CST. McDOUGALD: I never saw any ripped up  
10 tapes.

11 MR. PAUL: All right. Do you have any  
12 recollection of a laundry barrel being searched?

13 CST. McDOUGALD: I don't have a recollection  
14 of ever seeing a laundry barrel.

15 Now, what type of barrel are we talking  
16 about, Mr. Paul?

17 MR. PAUL: It would be a barrel -- it  
18 indicates a 45-gallon, if my recollection is correct, a  
19 large barrel used as a laundry hamper.

20 CST. McDOUGALD: Are we talking like a 45-  
21 gallon steel?

22 MR. PAUL: He indicated a 45-gallon barrel  
23 used for a laundry hamper.

24 CST. McDOUGALD: I don't recall seeing that.

25 MR. PAUL: Now, in terms of the process of

1 reviewing the tapes, there was the review of one tape at  
2 the residence; correct? And you were involved in that?

3 **CST. McDOUGALD:** Yes.

4 **MR. PAUL:** And subsequently, the police  
5 station had the balance of the tapes are reviewed primarily  
6 by you and Constable Dussault?

7 **CST. McDOUGALD:** Correct.

8 **MR. PAUL:** Now, if the tapes had been  
9 reviewed by Project P as an alternative, are you familiar  
10 with that process in the sense of would there have been a  
11 written report that would have come back if there was a  
12 review by that office?

13 **CST. McDOUGALD:** I am not aware of what  
14 their process was in 1993.

15 **MR. PAUL:** All right. As far as your  
16 process, there was no written report on your findings of  
17 the tapes; correct?

18 **CST. McDOUGALD:** There would have been a  
19 written report done by myself and that would have been on  
20 the occurrence report at the detachment level.

21 **MR. PAUL:** An occurrence report?

22 **CST. McDOUGALD:** Yes.

23 **MR. PAUL:** And would that occurrence report  
24 outline facts surrounding what the tapes were?

25 **CST. McDOUGALD:** Yes.

1                   **MR. PAUL:** Did you ever put to writing names  
2 that appeared on the labels of all the tapes?

3                   **CST. McDOUGALD:** I do not recall at this  
4 time what was in the report. It would have been a detailed  
5 report of what I did and what I found.

6                   **MR. PAUL:** Do you recall if you ever put to  
7 writing for example actually the contents of the tapes if  
8 when the tape is run if there's a title; if there's names  
9 of actors; that type of thing that would signify a  
10 commercial as opposed to a homemade tape?

11                   **CST. McDOUGALD:** I don't recall if it was  
12 written in that fashion.

13                   **MR. PAUL:** As far as an individual by the  
14 name of Ken Seguin, you indicated at that time you didn't  
15 know who Ken Seguin was.

16                   **CST. McDOUGALD:** I did not know who Ken  
17 Seguin was.

18                   **MR. PAUL:** So as far as you being able to  
19 identify whether he was on the tape or not, you wouldn't  
20 have been able to identify him at that point; you didn't  
21 know him?

22                   **CST. McDOUGALD:** As I stated, all the  
23 material that I viewed on the tapes, in my opinion, were  
24 commercially made.

25                   **MR. PAUL:** At this point though, you agree

1       you can't provide the Commission with, for example, names  
2       of the movies or names of actors who appeared in them?

3                   **CST. McDOUGALD:** No.

4                   **MR. PAUL:** they're So as far as any actual  
5       indicia of why you're saying that they're commercial tapes,  
6       would that be lists of actors appearing on the movies,  
7       names -- titles of the movies or for example, quality of the  
8       tapes, and breaking that down into the individual tapes,  
9       you obviously can't do that today?

10                   **CST. McDOUGALD:** Oh, I can't break it down  
11       today, no.

12                   **MR. PAUL:** As far as other individuals,  
13       Malcolm MacDonald, there was conversations with him on the  
14       phone; is he someone you knew back then?

15                   **CST. McDOUGALD:** No, I did not know him.

16                   **MR. PAUL:** Okay. So as to say, for example,  
17       whether Malcolm MacDonald appeared on any tapes; is that  
18       something you could have said or you would have been able  
19       to identify him at that point?

20                   **CST. McDOUGALD:** My understanding Mr.  
21       MacDonald was elderly in age and I did not view anybody of  
22       that age.

23                   **MR. PAUL:** All right. Would you have known  
24       Bishop LaRocque at the time?

25                   **CST. McDOUGALD:** No.

1                   **MR. PAUL:** Would you have known Claude  
2 Shaver at the time; Chief of Cornwall police?

3                   **CST. McDOUGALD:** I did not know him  
4 personally.

5                   **MR. PAUL:** Oh, but to visualize him, he's  
6 somebody you'd be able to identify or not from publicity in  
7 newspapers?

8                   **CST. McDOUGALD:** I may have but ---

9                   **MR. PAUL:** You're not sure at this point?

10                  **CST. McDOUGALD:** No.

11                  **MR. PAUL:** A couple of questions about  
12 Detective Constable Millar. I just want to clarify, who  
13 actually was the exhibit officer during the search; was  
14 that you or was that Officer Millar?

15                  **CST. McDOUGALD:** I was.

16                  **MR. PAUL:** So in terms of once the items  
17 were located, you become the custodian and responsible for  
18 continuity back to the police station?

19                  **CST. McDOUGALD:** Correct.

20                  **MR. PAUL:** Another thing I didn't understand  
21 completely. You were -- are you actually present when the  
22 suitcase with the tapes is opened or are you certain  
23 whether you were there at the time?

24                  **CST. McDOUGALD:** I was present when the  
25 suitcase was opened downstairs.

1                   **MR. PAUL:** And in terms of at what point the  
2 tapes get handed over, when do you take control for  
3 continuity purposes of the tapes?

4                   **CST. McDOUGALD:** At that particular time.

5                   **MR. PAUL:** Upon the opening?

6                   **CST. McDOUGALD:** Yes.

7                   **MR. PAUL:** And are you aware that there's  
8 other tapes, perhaps one or two other tapes that were not  
9 in the suitcase?

10                  **CST. McDOUGALD:** Yes.

11                  **MR. PAUL:** And at what point do you take  
12 control of those?

13                  **CST. McDOUGALD:** I don't recall that time  
14 frame.

15                  **MR. PAUL:** I want to ask you in relation to  
16 the investigations of Mr. David Silmser, I want to ask you  
17 -- you're familiar at this point, the Cornwall police was  
18 conducting investigations back then of David Silmser?

19                  **CST. McDOUGALD:** I'm familiar -- at what  
20 timeframe do I become?

21                  **MR. PAUL:** You're aware -- today, you're  
22 aware generally of the allegations involving David Silmser  
23 against Ken Seguin and Charles MacDonald? You're aware of  
24 that today?

25                  **CST. McDOUGALD:** I'm not aware fully of the

1 full allegations. I am aware of the allegation against  
2 Father MacDonald.

3 **MR. PAUL:** Now, what I wanted to ask you, is  
4 back at the time when the matters involving Leroux/C-8 were  
5 being looked at by you, December -- sorry C-8 and Mr.  
6 Leroux were being looked at by you, did you have any  
7 knowledge of any Cornwall police investigation at that  
8 time?

9 **CST. McDOUGALD:** Absolutely not.

10 **MR. PAUL:** And up until the search warrant,  
11 you had no knowledge of that matter?

12 **CST. McDOUGALD:** I had not heard of any  
13 names or any investigations ongoing.

14 **MR. PAUL:** Now when you were conducting the  
15 investigation, were you advised at some point by C-8 that  
16 he alleged that one of the guns or a gun was pointed at him  
17 in some fashion seven to eight years before?

18 **CST. McDOUGALD:** Yes.

19 **MR. PAUL:** And was that -- did you  
20 understand that to be pointed in a threatening manner?

21 **CST. McDOUGALD:** C-8 indicated that he was  
22 not looking for charges; that he wanted the harassment to  
23 stop.

24 **MR. PAUL:** All right. So I was going to ask  
25 if there was any reason for not charging Mr. Leroux at that

1 point. Was that because of a lack of desire to press  
2 charges?

3 **CST. McDOUGALD:** Yes.

4 **MR. PAUL:** I want to ask you about a portion  
5 of your notes; the Exhibit 2555, the page ending in 991.

6 Now there's a portion towards the bottom of  
7 the page making reference to C-8 and there's an allegation  
8 of Leroux. Leroux alleges that C-8 is making up some of  
9 the allegations. It's indication:

10 "I think C-8 made story up so as not  
11 to get into trouble for having guns at  
12 his house."

13 **CST. McDOUGALD:** Yes.

14 **MR. PAUL:** So, in terms -- is that speaking  
15 of the four guns that are originally turned over?

16 **CST. McDOUGALD:** Correct.

17 **MR. PAUL:** So the suggestion by Mr. Leroux  
18 is he is denying responsibility; is that -- so your  
19 understanding he's denying responsibility for those four  
20 guns?

21 **CST. McDOUGALD:** No.

22 **MR. PAUL:** How is it you're interpreting?  
23 Why are you putting in the notes that C-8 made the story  
24 up? What does that signify?

25 **THE COMMISSIONER:** I think it says "thinks."

1 Is that "thinks" you think or Leroux thinks that's C-8?

2 CST. McDOUGALD: Just reading that now,  
3 Commissioner.

4 THE COMMISSIONER: Okay.

5 CST. McDOUGALD: That would be Leroux  
6 thinking that C-8 made the story up about the harassment  
7 and the suicide. And that would be in respect to why C-8  
8 had the guns at his residence.

9 MR. PAUL: Right. So does it apply to the  
10 harassment only or also the harassment and the weapons?

11 CST. McDOUGALD: Can you restate that? I  
12 don't understand what you mean.

13 MR. PAUL: Does the phrase "making it up,"  
14 is that a suggestion by Leroux that applies to the  
15 harassment or both the harassment and the presence of  
16 weapons?

17 MR. CARROLL: I don't recollect the witness  
18 saying that Leroux made it up with respect to the presence  
19 of weapons and I read that -- it looks to me, you know,  
20 look at what's above it; it deals with threats, not the  
21 presence of weapons.

22 MR. PAUL: Well, in response, I didn't  
23 suggest that was the case. I'm asking ---

24 THE COMMISSIONER: No, I realize you didn't  
25 suggest that but what Mr. Carroll is saying is that the

1 things could be related back up and says:

2 "States never threatened to take life  
3 or anyone else."

4 And then:

5 "Thinks C-8 made story up so as not  
6 to get into trouble for having guns at  
7 his house illegally."

8 **MR. PAUL:** So is it your recollection that  
9 that comment applies to the harassment aspect?

10 **CST. McDOUGALD:** Correct.

11 **MR. PAUL:** In terms of the warrant  
12 application, the warrant application later on in February  
13 generally doesn't make reference to the harassment issues?  
14 And I can give you the document, Mr. McDougald.

15 **CST. McDOUGALD:** Yes, please.

16 **THE COMMISSIONER:** So 603?

17 **MR. PAUL:** I'm thinking of -- I believe it's  
18 Exhibit C-603, I believe it is.

19 **THE COMMISSIONER:** And the appendix is -- I  
20 think it's clear, Mr. Paul, that the appendixes say that  
21 the RCMP have a record that Leroux had guns, restricted  
22 weapons that had to be at a residence on a certain street.  
23 He obviously had moved and so it was rather a -- more of a  
24 technical thing -- well, I'm not going -- I don't want to  
25 belittle the point of restricted weapons but that was the

1 reason why the warrant?

2 **CST. McDOUGALD:** Yes, Commissioner, but as  
3 stated earlier, 11 various charges were laid under firearms  
4 related. Some were pertaining to paperwork, obviously not  
5 updating the paper. Others were related to having  
6 restricted weapons.

7 **MR. PAUL:** So you would not have given the  
8 entire background in the warrant application, the entire  
9 background of the parties to a Justice of the Peace?

10 **CST. McDOUGALD:** For this application we  
11 were looking for the two outstanding handguns that were in  
12 Mr. Leroux' name.

13 **MR. PAUL:** Now, when you're about to  
14 commence the execution of the warrant you've indicated  
15 there was contact with Malcolm MacDonald?

16 **CST. McDOUGALD:** Excuse me?

17 **MR. PAUL:** There was contact with Malcolm  
18 MacDonald?

19 **CST. McDOUGALD:** Correct.

20 **MR. PAUL:** And he is invited to be present  
21 at the execution of the warrant?

22 **CST. McDOUGALD:** During my second  
23 conversation with him, yes.

24 **MR. PAUL:** And is the idea that he is to be  
25 present just as an observer or are you hoping that he'll

1 assist you in any way?

2 **CST. McDOUGALD:** Strictly as an observor  
3 because at this particular time I'm aware that Mr.  
4 MacDonald is Mr. Leroux' personal lawyer. And being that  
5 we're aware at that particular time that Mr. Leroux is away  
6 and out of country for two weeks and will not be present  
7 during the warrant, I just thought it was being courteous  
8 and invited him if he wanted to come down just to be, not a  
9 witness or partake in the execution of the warrant, be  
10 there on his client's behalf.

11 **MR. PAUL:** And as far as C-8, you actually  
12 do get his assistance and obtain entry to the premises?

13 **THE COMMISSIONER:** He's the one who lets you  
14 in?

15 **CST. McDOUGALD:** He lets us in but he's not  
16 instructed to do so. He calls back at a later time  
17 advising "When I contact C-8 ask him if he has a key" and  
18 he advises me initially no, he does not. He then calls us  
19 back at a later time that date and advises that he was able  
20 to locate a key and that he was actually at the residence  
21 at that particular time.

22 **MR. PAUL:** When you contacted him it is with  
23 the hope that he'll have a key to let you in; correct?

24 **CST. McDOUGALD:** That's correct. As stated,  
25 the residence was locked and we were looking at the least

1 intrusive way of entering into the house.

2 MR. PAUL: And ultimately when you arrived  
3 does he present you with one of the guns?

4 CST. McDOUGALD: Correct.

5 MR. PAUL: So are you pleased that he's done  
6 some of your work for you already?

7 CST. McDOUGALD: No.

8 MR. PAUL: So I take it that at that point  
9 you might have some concern that his intervention may cause  
10 some difficulties for you in proving your case?

11 CST. McDOUGALD: I don't know what his  
12 intervention will or may cause. As stated, he was not  
13 instructed by myself to go to the residence. He was not  
14 instructed to assist in any manner.

15 MR. PAUL: So fair to say generally you  
16 would not want a civilian present during the execution of a  
17 warrant being involved if he's not named in the warrant?

18 CST. McDOUGALD: Civilians are -- we don't  
19 have control who was at locations sometimes when we execute  
20 warrants, obviously because if I were to have attended the  
21 residence, Mr. Leroux could have been home and there could  
22 have been some friends over.

23 MR. PAUL: To your knowledge, your knowledge  
24 at the time, it is Mr. Leroux' residence; correct?

25 CST. McDOUGALD: Excuse me?

1                   **MR. PAUL:** Your understanding is it is Mr.  
2                   Leroux' residence?

3                   **CST. McDOUGALD:** Correct.

4                   **MR. PAUL:** And that he is away at the time?

5                   **CST. McDOUGALD:** Correct.

6                   **MR. PAUL:** And it's not your understanding  
7                   that C-8 is living there at the time?

8                   **CST. McDOUGALD:** Correct.

9                   **MR. PAUL:** So you would perhaps have some  
10                  concerns with his intervention at the time?

11                  **CST. McDOUGALD:** I contacted C-8 based on  
12                  the fact that he used to live at the residence and just  
13                  trying to inquire if he would have had a key handy for us  
14                  to enter the residence.

15                  **MR. PAUL:** Is C-8 allowed to stay present  
16                  during the execution of the search?

17                  **CST. McDOUGALD:** He is in the building, in  
18                  the house.

19                  **MR. PAUL:** So he is not asked to leave at  
20                  any point?

21                  **CST. McDOUGALD:** No.

22                  **MR. PAUL:** But he is -- you're saying there  
23                  is no assistance sought from him?

24                  **CST. McDOUGALD:** No assistance at all.

25                  **MR. PAUL:** Did the -- in terms of the tapes,

1 the tapes are found fairly quickly after the entry?

2 CST. McDOUGALD: M'hm.

3 MR. PAUL: Your notes make reference to it,  
4 just again the same document, the 2555. I believe it's at  
5 page 998.

6 CST. McDOUGALD: I'm sorry, the number  
7 again, please?

8 MR. PAUL: Page ending in 998.

9 CST. McDOUGALD: Eleven (11) minutes after  
10 entry.

11 MR. PAUL: Now, I just want to ask you, the  
12 quick finding of the tapes, 11 minutes; is that in anyway  
13 through any assistance of any other persons such as C-8 or  
14 Malcolm MacDonald or anybody else?

15 CST. McDOUGALD: Could you state that again?  
16 I think that's ---

17 MR. PAUL: The quick finding of the tapes.

18 CST. McDOUGALD: Yes.

19 MR. PAUL: Is that coincidental or is it  
20 with assistance of C-8 or anybody else?

21 CST. McDOUGALD: That would assume that you  
22 consider that a quick find. It might not be that quick  
23 find.

24 MR. PAUL: Okay, but did you have any  
25 knowledge in advance that tapes might be anywhere in the

1 residence or is it fairly coincidental that you find the  
2 tapes that quick?

3 **CST. McDOUGALD:** Solely coincidental.

4 **MR. PAUL:** Now, in terms of the finding of  
5 the tapes in a briefcase, I would assume that -- initiate  
6 the opening of the briefcase is to look to see for  
7 potentially firearms in the briefcase. Is that ---

8 **CST. McDOUGALD:** Correct.

9 **MR. PAUL:** But once you have the tapes I  
10 would suggest that it was not necessarily clear from the  
11 labelling on the tapes that this would be child pornography  
12 or anything illegal. Is that what you're saying?

13 **CST. McDOUGALD:** There was nothing on any of  
14 the tapes that indicated anything of that nature.

15 **MR. PAUL:** And you do test one tape and play  
16 one tape at the residence; correct?

17 **CST. McDOUGALD:** Correct.

18 **MR. PAUL:** And you don't locate anything  
19 indicating child pornography? That's what your evidence  
20 is?

21 **CST. McDOUGALD:** The tape would have been in  
22 the recorder for a matter of seconds. We didn't test the  
23 whole tape. It was just placed in, press play, saw what  
24 was on it, turned it off.

25 **MR. PAUL:** Now, finding the tapes in that

1 manner, in terms of the discussions you had with Detective  
2 Constable Miller, are you relying upon the plain view  
3 doctrine, offence-related property is found in plain view?

4 **CST. McDOUGALD:** At that particular time,  
5 yes.

6 **MR. PAUL:** Now, you didn't see any  
7 difficulty with the plain view doctrine given the viewing  
8 of one tape and not identifying anything illegal on it?

9 **CST. McDOUGALD:** I don't follow you.

10 **MR. PAUL:** Well, in terms of the plain view  
11 doctrine would you not agree that you don't -- from the  
12 tape you saw you didn't identify any offence and from the  
13 labelling on the tapes you didn't seem to identify any  
14 offence or any suspicion of an offence?

15 **CST. McDOUGALD:** As stated, the tapes were  
16 brought back so that we can view them at another location.

17 **MR. PAUL:** And you didn't identify any  
18 difficulties with that along the lines of the plain view  
19 doctrine?

20 **CST. McDOUGALD:** No.

21 **MR. PAUL:** Just in terms of, first of all,  
22 the reaction of Sergeant McWade, I want to ask you about a  
23 portion of Document 117639. I believe it's Exhibit C-619;  
24 be at page 2.

25 **CST. McDOUGALD:** Sorry, 117?

1                   **THE COMMISSIONER:** No, no, Exhibit 619?

2                   **MR. PAUL:** C-619, yes, at page 2.

3                   **CST. McDOUGALD:** Six-one-nine (619)?

4                   **THE COMMISSIONER:** Yes. Page 2.

5                   **MR. PAUL:** Perhaps I could show him page 1  
6 first, just to identify the document?

7                   **THE COMMISSIONER:** Sure.

8                   **MR. PAUL:** Just to identify the document, I  
9 believe it's an interview, 11<sup>th</sup> December, '98 conducted by  
10 Detective Sergeant Hall.

11                   **CST. McDOUGALD:** Correct.

12                   **MR. PAUL:** And prior to the interview, are  
13 you under the understanding that the purpose of the  
14 interview is to -- in part at least to deal with the issue  
15 of the tapes?

16                   **CST. McDOUGALD:** I'm not familiar with what  
17 I was aware with at the time of the interview, until the  
18 interview progressed.

19                   **MR. PAUL:** Were you aware of what function  
20 Detective Hall was performing at the time, what  
21 investigations he was conducting?

22                   **CST. McDOUGALD:** I wasn't familiar with any  
23 detail. I was familiar with where he was assigned.

24                   **MR. PAUL:** All right. And I assume that you  
25 were trying to give as many details surrounding the tapes

1 to the best of your recollection?

2 **CST. McDOUGALD:** I was answering any  
3 question that he put forth to me in the best of my  
4 recollection, yes.

5 **MR. PAUL:** And was he conducting the  
6 interview in a fair manner, in the sense he wasn't trying  
7 to put words in your mouth?

8 **CST. McDOUGALD:** At this time I'm not  
9 familiar with or I cannot recall the interview and what  
10 transpired at the time of the interview.

11 **MR. PAUL:** All right.

12 I did want to ask you a portion of page 2 of  
13 the interview. There's a portion in the middle where it  
14 indicates:

15 "It was determined by Staff Sergeant J.  
16 McWade that I view the videotape  
17 randomly to ascertain if there was any  
18 child pornography or home videos of  
19 local people."

20 Do you recall putting that in your  
21 statement?

22 **CST. McDOUGALD:** I don't recall giving the  
23 statement -- like I said, I don't recall the statement  
24 being given, right now, at that particular time, but ---

25 **MR. PAUL:** Do you agree that that seems to

1 suggest almost that there's a direction from Staff Sergeant  
2 McWade to look for both child pornography or home videos of  
3 local people?

4 **CST. McDOUGALD:** Staff Sergeant McWade never  
5 directed me. As I stated earlier, that was my own wording  
6 that I placed in there. I was never directed by Staff  
7 Sergeant McWade to look for any local people. That was  
8 just the terminology I used at that particular time.

9 **MR. PAUL:** And you have no explanation today  
10 why you would have used the specific terminology of "home  
11 videos of local people" -- why you would have said that?

12 **CST. McDOUGALD:** I meant to myself, and this  
13 is a refresher of myself, that we were looking for anything  
14 that would have been of an illegal nature. And, as I  
15 stated, child pornography, snuff films -- that's just a  
16 terminology that I put in there.

17 **MR. PAUL:** You would agree that home videos  
18 of local people by themselves would not necessarily be of a  
19 legal interest to you in the sense of whether it's a  
20 criminal offence?

21 **CST. McDOUGALD:** Exactly, and we're not  
22 interested in that. We're interested in anything that  
23 might have been of a criminal offence.

24 **MR. PAUL:** All right. So if, in fact, you  
25 had been directed only to look for child pornography, there

1           wouldn't be any reason to mention home videos of local  
2           people, would there?

3                       **CST. McDOUGALD:** In what context do you  
4           mean?

5                       **MR. PAUL:** If you're only concern was  
6           looking for the criminal aspect of child pornography, there  
7           would be no reason for you to say in your statement that  
8           you were looking for home videos of local people?

9                       **CST. McDOUGALD:** Like I said, it may not  
10          have been the best words to use in my statement. We were  
11          looking for anything of a criminal nature -- anything of  
12          criminal nature, not necessarily just child pornography.

13                      **THE COMMISSIONER:** Officer McDougald, we  
14          know that in 1992 Silmsler is being investigated by the  
15          Cornwall Police. You may not know that, and that's fair.

16                      But, sir, we've got an allegation that there  
17          are some tapes that are around here some place circulating,  
18          okay, just out of this Inquiry. There's allegations that  
19          the police may have looked at these things, seen some  
20          people and destroyed them.

21                      **CST. McDOUGALD:** Right.

22                      **THE COMMISSIONER:** Now we don't know whether  
23          they were destroyed or not or by whom. You go to the  
24          Justice of the Peace and you forget to list the videos ---

25                      **CST. McDOUGALD:** Right.

1                   **THE COMMISSIONER:** --- which does not  
2                   conformed to law, right? Then you write in your notebook,  
3                   not once but twice -- or in statements -- that the  
4                   commander has told you that he and the janitor have  
5                   destroyed the tapes.

6                   So what we're looking at is, if we're  
7                   looking at from the point-of-view of a sinister look at it,  
8                   the fact that you put in "and of local people", I mean,  
9                   almost mimics what Project Truth was all about, about  
10                  looking for prominent people abusing young people.       And  
11                  so can you see how some people might well look at that and  
12                  have some kind of suspicion or doubt as to what went on?

13                  **CST. McDOUGALD:** That is just a term that I  
14                  used. The tapes were seized long before I had any  
15                  knowledge of any allegation of any form of any sense, and I  
16                  used that terminology then and it was just -- like I said,  
17                  maybe it was bad use of wording by myself. We were looking  
18                  for anything of criminal nature by whoever.

19                  **THE COMMISSIONER:** No, no, no. You were  
20                  looking for guns.

21                  **CST. McDOUGALD:** For the -- yes. I'm  
22                  referring to the tapes here, Commissioner.

23                  **THE COMMISSIONER:** Okay.

24                  **MR. PAUL:** So just to be clear on that last  
25                  point, the terminology of "home videos of local people",

1       you're saying clearly that that was your terminology, that  
2       was not terminology suggested by Detective Sergeant Hall?

3                   **CST. McDOUGALD:** That's correct.

4                   **MR. PAUL:** And generally in terms of some of  
5       the potential difficulties with the way the search was  
6       conducted, they've been referred to -- "the plain view  
7       doctrine" as one; another, the potential difficulty of  
8       having a civilian present at the scene; issues surrounding  
9       the return to the Justice of Peace.

10                   I just want to ask you generally was there  
11       any lack of concern about obtaining evidence in a manner  
12       that at a later point could withstand the scrutiny of the  
13       courts? Was there a general lack of concern about  
14       obtaining evidence that would be sufficient to withstand  
15       court scrutiny at a later point in relation to the guns?

16                   **CST. McDOUGALD:** At that time I did not  
17       think so.

18                   **MR. PAUL:** And I want to also ask you  
19       generally, was the focus at some point of the investigation  
20       more on the tapes actually than on the guns?

21                   **CST. McDOUGALD:** No, they were on the guns.

22                   **MR. PAUL:** I just want to ask you generally,  
23       briefly, about a few individuals.

24                   I believe you've confirmed that Ken Seguin,  
25       you had no knowledge of him at the time?

1                   **CST. McDOUGALD:** That's correct. I did not  
2 know of him.

3                   **MR. PAUL:** Did you have any association with  
4 the Knights of Columbus?

5                   **CST. McDOUGALD:** Yes.

6                   **MR. PAUL:** And were you a member at the  
7 time?

8                   **CST. McDOUGALD:** No, I don't believe so.

9                   **MR. PAUL:** Did you have any association with  
10 Charles MacDonald or Bishop LaRocque?

11                   **CST. McDOUGALD:** No.

12                   **MR. PAUL:** I believe those are my questions,  
13 Mr. Commissioner.

14                   **THE COMMISSIONER:** Thank you. Mr. Lee?

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

16 **MR. LEE:**

17                   **MR. LEE:** Officer McDougald, my name is  
18 Dallas Lee. I'm on for the Victims' Group. I just have a  
19 few areas I'd like to talk with you about and I won't be  
20 long.

21                   Can you turn up your notes, please, to  
22 start? Exhibit 2555 and Bates page ending in 002. That's  
23 the 17<sup>th</sup> of February, 1993 entry. Do you have that?

24                   **CST. McDOUGALD:** Yes.

25                   **MR. LEE:** And that's the one that shows at

1 21:10 hours, the viewing of tapes and at 23:50 you being  
2 out on patrol. Do you see that?

3 **CST. McDOUGALD:** Yes.

4 **MR. LEE:** And Mr. Dumais had you confirm in-  
5 chief the accuracy of that note, but you suggested that  
6 following you leaving to go on patrol, you returned to the  
7 detachment and viewed the tapes again. Is that right?

8 **CST. McDOUGALD:** Yes.

9 **MR. LEE:** And we don't have a notebook entry  
10 relating to that, but you have some memory of that?

11 **CST. McDOUGALD:** There was a notebook entry,  
12 but it's not here.

13 **MR. LEE:** Okay. Do you have any  
14 recollection of the amount of time that you would have  
15 spent the second time around?

16 **CST. McDOUGALD:** I don't have an independent  
17 recollection now, no.

18 **MR. LEE:** It looks like the entry we do have  
19 in your notebook is approximately 2 hours and 40 minutes.  
20 Would it have been more or less than that; do you recall?

21 **CST. McDOUGALD:** I don't recall.

22 **MR. LEE:** So your recollection, at the very  
23 least, is that there is a notebook entry and it's just not  
24 in front of you here?

25 **CST. McDOUGALD:** Correct.

1                   **MR. LEE:** Okay. Perhaps we'll have your  
2                   counsel take a look for that after the day is done and we  
3                   can get that.

4                   Can you look please at Exhibit C-619. This  
5                   is your statement to Pat Hall in December of 1998, Exhibit  
6                   619.

7                   You have that, sir?

8                   **CST. McDOUGALD:** I do.

9                   **MR. LEE:** And so we have the February 17<sup>th</sup>  
10                  viewing of the tape in two separate sessions, you've now  
11                  told us. Did you view the tapes outside of those two  
12                  sessions or was that all of it?

13                  **CST. McDOUGALD:** I don't have any other  
14                  recollection.

15                  **MR. LEE:** And if you look at Exhibit 619 on  
16                  the second page, the first full paragraph, the second  
17                  sentence reads:

18                                 "The videos were reviewed by myself and  
19                                 Provincial Constable Pat Dussault  
20                                 periodically through the next several  
21                                 day shifts."

22                  Do you see that?

23                  **CST. McDOUGALD:** I'm just trying to find  
24                  that.

25                  **MR. LEE:** First full paragraph, second

1 sentence.

2 **THE COMMISSIONER:** What page again, Mr. Lee?

3 **MR. LEE:** Page 2 of 3, the paragraph that  
4 begins, "It was determined by Staff Sergeant J. McWade"; if  
5 you look at the second sentence of that paragraph.

6 **CST. McDOUGALD:** Yes, I see that.

7 **MR. LEE:** And would you agree with me, given  
8 that your note of February 17<sup>th</sup> shows that you -- it's  
9 either an evening or an overnight shift, you begin  
10 reviewing tapes at 21:10 hours, that the comment here about  
11 "periodic review of the tapes through the next several day  
12 shifts" must be an error?

13 **CST. McDOUGALD:** The which one must be an  
14 error, sir?

15 **MR. LEE:** Well, I presume that you would  
16 have more confidence in your notebook, in the entry we have  
17 there, than you would in your recollection of the time  
18 you're meeting with Pat Hall.

19 **CST. McDOUGALD:** Yeah, I don't have any  
20 recollection besides what's in my notebook.

21 **MR. LEE:** Okay.

22 And Mr. Paul asked you a moment ago about  
23 the first sentence of that paragraph about Staff Sergeant  
24 McWade having asked you to ascertain if there was any child  
25 pornography or home videos of local people. And are you

1 aware, sir, that Officer McWade testified here recently?

2 **CST. McDOUGALD:** I am aware now.

3 **MR. LEE:** And, Madam Clerk, can we pull up  
4 Transcript Volume 298, please?

5 **THE COMMISSIONER:** Thank you, what page?

6 **MR. LEE:** We will begin on page 84. Do you  
7 have that, sir?

8 **CST. McDOUGALD:** Which page, sorry?

9 **MR. LEE:** Eighty-four (84).

10 **CST. McDOUGALD:** Yes.

11 **MR. LEE:** And if you see the longest  
12 question that I'm asking Officer McWade on the page, I put  
13 that reference out of your statement to him. Do you see  
14 that?

15 "It was determined by Staff Sergeant J.  
16 McWade that I view the videotapes..."

17 **CST. McDOUGALD:** What line would that be on,  
18 please?

19 **MR. LEE:** It begins on line 17.

20 **CST. McDOUGALD:** Okay.

21 "It was determined by Staff Sergeant J.  
22 McWade..."

23 **MR. LEE:** Right. So all I'm doing there is  
24 I'm putting to Officer McWade the sentence that we've been  
25 looking at from the Exhibit 619; okay?

1 CST. McDOUGALD: Right.

2 MR. LEE: And I ask him about what he has to  
3 say about that, and if you look onto page 85, line 12, I  
4 ask him:

5 "Are you telling us that you definitely  
6 did not say that or that you simply  
7 cannot recall saying that?"

8 And that's referring to the videos of local  
9 people.

10 And he answers:

11 "I can't recall saying anything in that  
12 terminology."

13 CST. McDOUGALD: I see that.

14 MR. LEE: And if you follow down, at line  
15 24, I say:

16 "Presumably to say something like that,  
17 you would have had some suspicion  
18 then."

19 And at the top of page 86, the answer is:

20 "Well, no, I was thinking along the  
21 lines of before you get into bondage,  
22 deeper stuff that might have been  
23 homemade, something that might be  
24 classified as..."

25 And the question:

1 "So in other words, homemade  
2 pornography that would be illegal?"

3 And his answer:

4 "Yeah, yeah."

5 Do you see that?

6 **CST. McDOUGALD:** Yes, I see that.

7 **MR. LEE:** You would agree with me that your  
8 memory in 1998 at the time of your interview by Pat Hall  
9 would have been better than it is today, sir?

10 **CST. McDOUGALD:** On certain things maybe,  
11 but not everything.

12 **MR. LEE:** Would you agree with me, given  
13 what you told Pat Hall 10 years ago and what Officer McWade  
14 testified to here, that it is at least possible that he  
15 instructed you to ascertain whether or not there were  
16 videos of -- home videos of local people on those tapes?

17 **CST. McDOUGALD:** I don't recall getting that  
18 direction from him.

19 **MR. LEE:** Is it possible, sir?

20 **CST. McDOUGALD:** Well, I have no  
21 recollection of the conversation of getting that, so.

22 **MR. LEE:** And do you still have Exhibit C-  
23 619 in front of you? That's your interview of December  
24 11<sup>th</sup>, '98 with Pat Hall?

25 **CST. McDOUGALD:** Yes.

1                   **MR. LEE:** And if you turn to the last page,  
2 you see the final question on the page, the paragraph above  
3 that, you've been taken to it today. It reads:

4                   "I was advised by Staff Sergeant McWade  
5 on the 4 May '93 that the videotapes  
6 and suitcase was destroyed locally by  
7 the caretaker burning them in a 45-  
8 gallon drum that date."

9                   Do you see that, sir?

10                  **CST. McDOUGALD:** Yes, I do.

11                  **MR. LEE:** And you can turn it up if you  
12 wish, but you may want to -- or you can take my -- let's  
13 turn it up. Exhibit 1144, please.

14                  This is the -- Madam Clerk, I don't have  
15 this in front of me. Can you scroll to the top of the  
16 page, so I can see what the document is titled, please?

17                  **THE COMMISSIONER:** Property Report.

18                  **MR. LEE:** So this is the Property Report and  
19 if you look down at the very bottom of the page, sir,  
20 you'll see that 4 May '93 is the date that disposal was  
21 approved by Detachment Commander McWade. Do you see that?

22                  **CST. McDOUGALD:** I see that.

23                  **MR. LEE:** And your statement, as I just read  
24 you, says that you were advised on that date that they had  
25 been destroyed locally by the caretaker burning them in a

1 45-gallon drum.

2 Do you have any specific recollection of  
3 having a conversation with Staff Sergeant McWade on the 4<sup>th</sup>  
4 of May 1993?

5 **CST. McDOUGALD:** No, I don't.

6 **MR. LEE:** And you have no notebook entry  
7 relating to that?

8 **CST. McDOUGALD:** That's correct.

9 **MR. LEE:** And so, again, would you agree  
10 with me that your memory in 1998 is likely to be better  
11 than your memory today?

12 **THE COMMISSIONER:** On this issue?

13 **MR. LEE:** On this issue?

14 **CST. McDOUGALD:** On that particular  
15 question?

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

17 **CST. McDOUGALD:** Yes.

18 **MR. LEE:** And, finally, sir, the search  
19 warrant that you obtained in relation to Mr. Leroux's  
20 residence stipulated that the areas to be searched included  
21 the dwelling house, the garage, and the boathouse. Do you  
22 recall that?

23 **CST. McDOUGALD:** Yes.

24 **MR. LEE:** Do you recall conducting any  
25 search of either the garage or the boathouse?

1                   **CST. McDOUGALD:** I don't have a recollection  
2 of that at this point.

3                   **MR. LEE:** Okay. Thank you. Those are my  
4 questions.

5                   **THE COMMISSIONER:** Thank you.

6                   Ms. Allinotte? No questions.

7                   Mr. Neuberger?

8                   **MR. NEUBERGER:** No questions.

9                   **THE COMMISSIONER:** Thank you. Mr. Hill?

10                  **MR. HILL:** No questions.

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

12                  **MS. LAHAIE:** No questions.

13                  **THE COMMISSIONER:** No questions. Mr.  
14 Carroll?

15                  **MR. CARROLL:** Just one, thank you.

16                  **THE COMMISSIONER:** Just one question? Okay.

17                  **MR. CARROLL:** Just one area, probably three  
18 questions. Nice shirt.

19                  **THE COMMISSIONER:** Sorry, Cornwall Police?

20                  **MS. LALJI:** I have no questions.

21                  **THE COMMISSIONER:** Sorry, sorry.

22                                Yes, very nice shirt! Good choice there,  
23 sir.

24                  --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
25 **CARROLL:**

1                   **MR. CARROLL:** Constable, you were asked by  
2 Mr. Paul about the videos and your viewing of them and he  
3 gave certain names. You recall he mentioned Malcolm  
4 MacDonald, Ken Seguin, Bishop LaRocque, Claude Shaver.

5                   And you indicated you were not -- recognised  
6 them. You didn't know them to see them at that point when  
7 you were looking at the videos, right?

8                   **CST. McDOUGALD:** Correct. Possibly the  
9 Chief of Police, I might have ---

10                   **MR. CARROLL:** Shaver, yeah.

11                   **CST. McDOUGALD:** Yes.

12                   **MR. CARROLL:** That was in 1993. Have you  
13 been in the Eastern Region and specifically in this area  
14 for the last 15 years?

15                   **CST. McDOUGALD:** Yes.

16                   **MR. CARROLL:** Have you ever seen anyone in  
17 this local area that you remember seeing in any of those  
18 movies that you looked at?

19                   **CST. McDOUGALD:** No, I did not see anybody.

20                   **MR. CARROLL:** Thank you.

21                   **THE COMMISSIONER:** Four questions. Maître  
22 Dumais?

23                   **MR. DUMAIS:** No re-examination, thank you.

24                   **THE COMMISSIONER:** Thank you very much, sir.  
25 Thank you very much for your attendance. Thank you.

1                   **CST. McDOUGALD:** Thank you, Mr.  
2                   Commissioner.

3                   **THE COMMISSIONER:** Do you want to deal with  
4                   the motion?

5                   **MR. DUMAIS:** Sure.

6                   **THE COMMISSIONER:** Okay.

7                   **--- MOTION BY MS. HELEN DALEY IN THE MATTER OF**  
8                   **SUPPLEMENTARY FUNDING FOR THE CITIZENS FOR COMMUNITY**  
9                   **RENEWAL/REQUÊTE PAR MS. HELEN DALEY CONCERNANT DES FONDS**  
10                  **SUPPLÉMENTAIRES POUR LE CITIZENS FOR COMMUNITY RENEWAL:**

11                  **MR. DUMAIS:** We received a motion record  
12                  from the CCR, Mr. Commissioner, and I do have three paper  
13                  copies. It should be filed as the next standing and  
14                  funding exhibit. I believe it's 6.7, Madam Clerk.

15                  **THE COMMISSIONER:** Thank you.

16                  **MR. DUMAIS:** We've received no responding  
17                  materials and Ms. Daley is prepared the argument ---

18                  **THE COMMISSIONER:** Well, is there anyone  
19                  opposed to this who wishes to comment?

20                  Ms. Daley, I find that your written material  
21                  is exceptionally well done and I don't need to hear from  
22                  you, other than I'll tell you right now that I'm prepared  
23                  to recommend that -- I've looked and there are 12 weeks  
24                  left until the thing, so the 750 hours for law clerk  
25                  funding is a little high, in my regard. So why don't we

1 say 400 hours and we'll see where we go.

2 So the application is really for more law  
3 clerk ---

4 **MS. DALEY:** It's exclusively for law clerk  
5 services.

6 **THE COMMISSIONER:** Exactly. Given the fact  
7 that we are sitting very regularly until the end of this  
8 Inquiry, and given the fact that you will not have very  
9 much time to make your written submissions, I think that  
10 the 400 hours is warranted at this point.

11 There will be a letter going out to the  
12 Attorney General in due course.

13 **MS. DALEY:** Thank you, sir.

14 **THE COMMISSIONER:** Thank you. Maître  
15 Dumais?

16 **MR. DUMAIS:** We're done for the day, thanks.

17 **THE COMMISSIONER:** Thank you. See you  
18 tomorrow at 9:30.

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

21 This hearing is adjourned until tomorrow  
22 morning at 9:30 a.m.

23 --- Upon adjourning at 5:09 p.m. /

24 L'audience est ajournée à 17h09

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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