

EXECUTIVE SUMMARY

The Cornwall Public Inquiry was established to explore and make recommendations regarding the institutional response of the justice system and other public institutions to allegations of historical abuse of young people in the Cornwall area. The Inquiry was to examine the policies and procedures “then in place” to respond to such allegations. The Inquiry was established as a result of concerns over allegations of a “clan of pedophiles” in the Cornwall area, certain allegations of a conspiracy to cover-up the clan’s activities and the resulting Project Truth investigations.

This Inquiry heard over 345 days of testimony from more than 160 witnesses. Twenty-one current or former members of the Cornwall Community Police Service (“CPS”) and the Cornwall Police Services Board testified at this Inquiry. Their evidence occupied over fifty-seven days of hearing time, more than any other institution.

In an attempt to encapsulate the last three and one-half years of hearings, the CPS has provided submissions which are over 475 pages. This executive summary reviews only the key highlights and we invite those who wish to know more, to access the entire submission.

THE CONSPIRACY

In its opening, the CPS submitted that the allegations of a cover-up and conspiracy were false. The CPS stated that it “looked forward to having an

opportunity to have the swirl of innuendo and rumour that has gripped this community for many years put to rest". The CPS challenged those who support these salacious, unfounded and libellous allegations to come forward and adduce credible evidence supporting these assertions. After three years, there has not been a scintilla of credible evidence that would support the unfounded allegations that there was a conspiracy involving the CPS.

Since 1996, a group of conspiracy theorists have promoted the allegations that there was a VIP meeting of prominent Cornwall citizens in the late summer of 1993 to cover-up the existence of this alleged clan of pedophiles. The only alleged witness to this alleged event was Ron Leroux. In concocting these allegations, Ron Leroux received a helping hand from Perry Dunlop and his lawyer, Charles Bourgeois. Leroux's allegations also spoke of ritual sexual abuse of children. Leroux's allegations were explosive and asserted that many prominent people were either pedophiles, protectors of pedophiles or both. With the assistance of Perry Dunlop, Carson Chisholm and a willing media, the allegations gained wide circulation.

It was in June 2007 that Ron Leroux took the stand, swore to tell the truth and then proceeded to disclose, that he lied about ritualistic sexual abuse, that he lied about the existence of a "clan of pedophiles", that he lied about the existence of a "VIP meeting", and that he lied about the existence of a cover-up by prominent members of the Cornwall community.

It was a long wait for those whose reputations were unjustly thrown to the wolves. The scandalous nature of the allegations guaranteed that the media savvy conspiracy theorists exacted maximum damage on those targeted. In this internet age, the truth had little choice but to patiently wait while falsehoods, rumours and damaging innuendo swirled the globe. Those targeted by these scandalous allegations were restrained in their comments out of their respect for the administration of justice, a respect not shared by those who proffered Leroux's lies as the truth. It is now hoped that the Commissioner will set the record straight and thus dispel the rumour and innuendo that has swirled around Cornwall for the last decade. Those falsely accused deserve nothing less.

Given the complete collapse of the conspiracy allegation, the principal issue for this Inquiry is to assess how it is that this conspiracy allegation came into existence. From the outset of this Inquiry, the CPS sought and encouraged those who "asserted these allegations to come forward, swear to them and be cross-examined". In large measure, those who were the architects of the allegations either refused to attend, were unable to be cross-examined or feigned memory lapses. The architects and promoters of these fabrications were principally Ron Leroux, Perry Dunlop, Carson Chisholm and Charles Bourgeois. Ron Leroux was never cross-examined by those whom he accused as he was excused from being further cross-examined. Lawyer, Charles Bourgeois, attended at this Inquiry in a state of virtual amnesia. As Dunlop's lawyer, he was involved in much of the preparation of the statements and affidavits containing these fabricated allegations yet he had little or no memory of his involvement

when he testified. Perry Dunlop trumpeted the need for this Inquiry. While he will freely speak to the press, he refused to attend the Inquiry and explain his involvement in the creation of Leroux's fabrications. His testimony and cross-examination would undoubtedly have painted a different picture as to how these fabrications came into existence.

A careful review of the information contained in the statements and affidavits of Ron Leroux, clearly demonstrates that Ron Leroux did not act alone. Anyone who witnessed Ron Leroux's testimony could assess that he did not have the mental wherewithal nor the need to construct the allegations. His statements were lies and he lied with help. These affidavits and statements were made to support Dunlop's theory of a conspiracy which, in turn, supported his \$81 million lawsuit against the CPS, the Diocese and others. Leroux's helpers included Dunlop, Bourgeois, and Carson Chisholm. A careful review of Leroux's affidavits and statements demonstrate that those involved with him were carefully crafting a story to do maximum damage to those maligned. Not only Leroux but the witness who was designated as C-8 have testified that they lied at the urging of Perry Dunlop. Each of C-8 and Leroux were easily manipulated and Dunlop and his entourage took full advantage. Each of the helpers had their role and each must be held accountable for the damage they caused to the individuals and institutions they unjustly maligned, as well as the damage they caused to this community.

Much of the focus of this Inquiry was on Perry Dunlop even though he never attended. In many ways, Dunlop is an enigma. While he speaks of protecting

the children, he spent a considerable period of time hindering efforts to prosecute the alleged offenders. While he spoke about justice, he failed to abide by some of the basic tenets of our justice system, including the need for disclosure. While he asked victims to come forward and tell their stories, he encouraged and even participated in fabricating allegations. Chief Repa spoke of these contradictions when he said:

.....What I am talking about here is when Constable Dunlop became involved with all of these issues that are before us today. I could not for the life of me understand how an experienced police officer who talked about and espoused wanting to get all these pedophiles and put them – held them accountable for their alleged actions, how he could suddenly not be doing the very basics of policing to assist the Crown Attorney in a very quick manner to expedite, turning all these documents over and giving evidence.

[Repa Transcript, Volume 247, pages 74-75]

Indeed, Dunlop's refusal to testify at this Inquiry, despite campaigning for the creation of this Public Inquiry, further highlights his enigmatic character. It is hard to comprehend why a person would prefer to go to jail instead of coming to speak his version of the truth to this Inquiry.

When one reviews Dunlop's actions throughout, it is clear that Dunlop's motives require close scrutiny. Dunlop's original motives may well be seen to have been legitimate. He wanted to expose an alleged pedophile. His later actions bring his subsequent motives into question. His later motivation may well have been in part his lawsuit, in part his pride, in part a desire to maintain his status as "The Man Who Made Waves", and in part his willingness to "throw the rule book out" in pursuit of what he thought was just. Whatever his motivation, the harm he did to

the prosecutions, the people maligned by his conspiracy theory and the reputation of the City of Cornwall cannot be overstated and should not be minimized.

In the end, this community needs to hear from the Commissioner:

- i) that the allegations of a conspiracy are not true; and
- ii) who is responsible for fabricating and fermenting these falsehoods.

OTHER INVESTIGATIONS

During this Inquiry, the Commissioner examined 14 investigations conducted by the CPS. The review of these investigations was done for the purpose of reviewing the policies and procedures of the CPS which were then in place. The introspective nature of public inquiries can cause people to dwell on the few cases presented and then jump to sweeping conclusions. In reality, from 1986 to 2004, the CPS investigated 102,594 incidences of crime in Cornwall. Of these investigations, 1,191 were sexual offences. When seen against this larger landscape, it is clear that the CPS is about much more than the cases examined at this Inquiry.

The difficulty for an Inquiry that looks at historical facts is that the conduct of the institutions and individuals must be assessed through the standards as they applied at the time of the conduct being reviewed. It would be fundamentally unfair to assess conduct that is a decade or two old on standards as they exist today. In historical reviews such as this, it is fundamentally unfair to use

hindsight to judge the behaviour of individuals. However, hindsight can be used in an attempt to provide for better policies and procedures. In the SARS Inquiry, Mr. Justice Archie Campbell had the luxury of viewing the tragic events arising out of the SARS epidemic with the benefit of hindsight. He recognized that this was an ability that those who fought SARS did not have:

In discharging its mandate, the Commission has been keenly aware that it has reviewed the events with the benefit of hindsight. This is an ability that those who fought SARS did not have as they faced a new and unknown disease. Of course, it is easy with the benefit of what we now know to judge what happened during SARS. It is easy now to say which systems were inadequate and which decisions were mistaken. That is the great advantage of hindsight.

Or as Lord Denning more vividly put it in *Roe v. Minister of Health* [1954] 2 Q.B. 66 at 84:

We must not look at the 1947 accident with 1954 spectacles.

A review of the Order in Council clearly indicates that the purpose of this Inquiry is to examine the institutional responses, to determine if they were adequate and if not, what needs to be done to improve them. While individuals are part of the story of how institutions responded, they ought not to be the focus nor should findings of misconduct of individuals be the focus. It is a misconception by some that a commissioner's recommendations must follow statements of misconduct. This is not so. In the *Krever Inquiry* decision, the Supreme Court of Canada stated that findings of misconduct "should be made only in those circumstances where they are required to carry out the mandate of the Inquiry". To focus on individuals would be to miss the opportunity to alter the institutional policies and

procedures which transcend any individual. Indeed, to focus on individuals would allow other institutions in the Province to believe that the events in Cornwall could not happen anywhere else. It would be a terrible legacy for this Inquiry that the rest of the Province ignores the lessons that might be learned from these past 3-1/2 years on the pretext that institutions in Cornwall conduct themselves differently than elsewhere.

The Supreme Court of Canada recently held in *Hill v. Hamilton Wentworth Regional Police Services Board* that police officers are to be judged by the “reasonable officer standard”. In doing so, the Supreme Court noted that the reasonable officer standard incorporates “an appropriate degree of judicial discretion, denies liability for minor errors or mistakes and rejects liability by hindsight”. The purpose of rejecting minor errors and hindsight is that the standard should “reflect the realities of police work”. The Supreme Court recognized that to assess the special skill of a police officer requires there to be evidence of the reasonable skill and experience of a similarly situated police officer.

The Supreme Court further recognized that police practices change. As has been noted in this Inquiry, the manner in which police conduct sexual assault investigations has significantly changed since the time of the events examined by this Inquiry. For example, Mr. Justice Campbell in the *Bernardo Report* reviewed the investigative standards for assault cases and, as a result, policing standards came into force in 2001 which updated how police conduct sexual assault investigations.

An examination of each of the 14 cases discussed at this Inquiry is beyond the scope of this executive summary. However, through the evidence adduced, it is abundantly clear that the CPS has conscientiously and professionally served the people of Cornwall. While undoubtedly there will be some criticism and room for improvement, the totality of the evidence demonstrates that the CPS is an honourable, skilled and effective police force. In the mid-1990s, it was one of the few similarly sized police forces to have a specialized branch devoted to child abuse, including sexual assaults. Its officers were as well trained as any other police force. They were one of the first forces to implement the computer system known as OMPPAC therefore adopting a coordinated approach to the fighting of crime in Ontario. The CPS was one of the few, if not the only, institution at this Inquiry that regularly reviewed its own investigations in an effort to improve its practices and policies. Over the years, the CPS has sought to ensure it provided a high quality of policing to the community. The current police administration continues to strive to ensure that the CPS is at the leading edge of policing in Ontario. In this regard, the CPS looks forward to any recommendations the Commissioner might make for further improvement.

Throughout the period when the conspiracy theorists held sway over the media, the public never lost faith in the decency and competence of its police service. In 2004, Compusat Consultants surveyed Cornwall residents and 92% of those surveyed were proud of their police service. Similar results were reported in the

2008 survey notwithstanding the ongoing scrutiny of this Inquiry. The CPS continues to be grateful for the support it receives from the community.

The CPS trusts that its participation in this Inquiry and these submissions will be of assistance to the Commissioner. As a robust and dynamic organization, the CPS looks forward to the report and Commissioner's recommendations.