

II. Executive Summary

In our submissions, the Ministry discusses the evidence in the following areas:

Part 1. The Victims. Here we discuss the evidence of several witnesses whose evidence portrayed victimization at the hands of probation officers. One of the guiding themes, which run throughout this section, is the inability of the victims to report the abuse at the time to civil authorities, or at all. Thus, in the case of Nelson Barque, the disclosure was generated from a collateral source, and not a victim. While the Inquiry heard thoughtful evidence about the many reasons why this is so, it nonetheless left the Ministry without *timely* knowledge of the activities of Nelson Barque and Ken Seguin. In the case of Ken Seguin there were, to be sure, reports of unusual activity during the course of his employment, it is only after his death that knowledge coalesces to the point of hard information about abuse.

An additional theme that runs throughout the evidence of the victims is the secretive way in which both Ken Seguin and Nelson Barque operated. Mr. Barque and Mr. Seguin were both quite successful in keeping their abusive activities hidden from all but the victims. Although this may be one of the hallmarks of predatory behaviour, it is also one explanation of how the Ministry failed to learn of the conduct until after Mr. Seguin's death, and in the case of Nelson Barque until the time a collateral source reported the conduct.

Furthermore, in addition to the distrust of authority arising from the nature of the abuse, Mr. Barque and Mr. Seguin exploited the victims' inability to come forward because of shame and trauma. The victims' evidence goes some distance to explain how Mr. Barque and Mr. Seguin could operate undetected for an extended period of time. In this section, we also examine the evidence of a relative of a victim who had the distinction of being the only witness who was a confidant of Ken Seguin. She herself knew nothing of the abuse.

Part 2. Ministry Knowledge. In this section we review evidence heard from Ministry witnesses, and those working for other institutions. We discuss this on an event-based analysis. It is the Ministry's argument, amply supported by the record, that knowledge by Ministry personnel of the abusive activities of Mr. Barque was confined to April and May of 1982. In the case of Ken Seguin it was only after his suicide that knowledge rose to a sufficient level that the Ministry could say that Mr. Seguin had been conducting himself in an abusive manner. There may have been weak rumours about Ken Seguin prior to then, but only that.

Mr. Seguin and Mr. Barque had both been careful not to share much of their private lives with their co-workers. This was one feature of the different layers of their personalities. Another aspect of the evidence suggests that, at least in Ken Seguin's case, he was effective in projecting an image of an upstanding respected member of the criminal justice community. Many of the witnesses described him as "Mr. Probation", and this appeared to deflect some measure of scrutiny over his professional work. In this sense, Mr. Seguin was able to surreptitiously exploit the human nature of his co-workers.

Against this backdrop, was the functioning of the office during the tenure of Mr. Barque's and Mr. Seguin's employment. Peter Sirrs conducted a preliminary investigation into an allegation against Nelson Barque in 1982. Up until that point, there was no indication provided to Peter Sirrs to suggest any inappropriate conduct on the part of Nelson Barque. There is nothing that Peter Sirrs could have done to supervise Nelson Barque during the usual course of business to detect something that was itself designed to operate surreptitiously. What we can learn from this period of time is that certain persons in the community had disparate pieces of information about Nelson Barque's conduct, which for one reason or another was not communicated to Peter Sirrs or the Ministry until the spring of 1982.

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The Peter Sirrs investigation into the activities of Nelson Barque was conducted efficiently and in an appropriate manner. The Ministry's referral of the brief to the Attorney General for an opinion on public prosecution reflects the Ministry's interest in not only being transparent but also in seeking appropriate redress for what may have been a transgression of the criminal law.

The scope of the investigation admittedly failed to take steps that might have sourced out additional victims. However, Nelson Barque's active files were subject to scrutiny as a result of the policy requiring the review of all supervision files assigned to a PPO1. In addition, Peter Sirrs had requested that Ms. Cardinal advise him of anything unusual relative to the caseload that she took over upon Mr. Barque's departure. Beyond that, there was no thought given to a broader investigation involving former clients. The efficacy of sourcing victims through this method remains unclear.

Although the Ministry was possessed with knowledge of Mr. Barque's activities by May of 1982, it did not share that information with any agency beyond the Ontario government. What cannot be said is that Mr. Sirrs ever provided a "letter of reference" to Pierre Landry, of L'Equipe Psycho-Sociale. Peter Sirrs provided nothing more and nothing less than a confirmation of employment.

During Emile Robert's tenure as Area Manager, a number of events occurred, which ought to have spurred Mr. Robert to conduct closer scrutiny of Ken Seguin. These events are apart from staff and the Area Manager's knowledge of Ken Seguin's informal "social work style" with his clients. The evidence establishes that staff in the Cornwall office regarded Ken's questionable contact with clients, not as indicative of an individual who took advantage of clients, but the opposite - an individual who sought to develop a rapport with clients while going above and beyond his duties to assist them. This was the "Mr. Probation" persona.

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Admittedly, this optic shielded Ken Seguin from a more in-depth scrutiny of his conduct with clients, but this may have been a facet of Mr. Seguin's complex personality. When certain staff were concerned with his conduct, they sought to determine if their suspicions had any merit. In their eyes, it didn't. The staff certainly was aware of conduct that the Area Manager was equally familiar with. The Area Manager was in the best position to make linkages between events and was obligated to take greater action most notably in the Travis Varley incident but did not.

The tension in the office was created partly by the interplay of the management style of Emile Robert and partly by the strong personalities in the office. This may have negatively impacted on the free-flow of information between staff and management. This may also have shielded Ken Seguin from greater scrutiny by Emile Robert.

The effect of Emile Robert's difficult management style was not confined to the Cornwall office. In his contact with his supervisor, Roy Hawkins, Mr. Robert failed to report matters in a timely manner, and at other times tended to over-consult with the Regional Office. Thus, his reporting of Ken Seguin's involvement in the Travis Varley episode was both late and inadequate. Mr. Robert failed to call Mr. Seguin to task, despite Mr. Hawkins' guidance that such discipline was called for. Although Mr. Hawkins did not adequately note up Mr. Robert's file for the inadequacy of his handling of this incident, or conduct his own investigation, the Ministry emphasises that Mr. Seguin reported to Mr. Robert and it was Mr. Robert's failure to supervise Mr. Seguin, not Mr. Hawkins'.

In the aftermath of Ken Seguin's death, Emile Robert continued his failure to react to increasing evidence of Ken Seguin's activities, which was now coming to the fore. Furthermore, the evidence is clear that tensions in the office continued to rise. That, coupled with the fresh allegations in 1994 and 1995 of Nelson Barque's abuse of Albert Roy should have caused Mr. Robert to recommend an investigation

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or some form of operational review of the Cornwall office. Deborah Newman ultimately arranged for the services of a mediator and then removed Mr. Robert from that position to another office. During this period, not one staff member spoke with Deborah Newman about untoward issues of Nelson Barque or Ken Seguin. This can be attributed to the poor labour relations in the Cornwall office at that time.

At a separate level in 1993, the Ministry received a report from David Silmsler of allegations of abuse perpetrated by Ken Seguin. Lenna Bradburn, the Manager of the Independent Investigations Unit, contacted the Cornwall Police and the Ontario Provincial Police about the complaint. Based upon information she received from the police, Ms. Bradburn decided that Bill Roy, the Regional Manager who initially spoke with David Silmsler, should contact Mr. Silmsler to request that his complaint be forwarded in writing to the Deputy Minister's office.

Ms. Bradburn discussed this course of action with Loretta Eley, the Executive Assistant to the Deputy Minister, who agreed with Ms. Bradburn that once the complaint was received in writing, IIU would make a determination whether to conduct an investigation. Although, the course of action taken by IIU was appropriate according to Ministry policy and practice, the Ministry acknowledges that this course of action created an extra barrier for a complainant to come forward and failed to address a larger issue, that the complainant also alleged that there were other victims and that he was seeking counselling.

Part 3. Ministry Action. As events unfolded in the mid-1990s the Ministry came to have a clearer understanding of what Mr. Barque and Mr. Seguin had perpetrated during the course of their employment. Commencing in about 1997 clients began discussing their abuse with their current probation officer. This caused the Ministry to respond in a variety of ways. For instance the local office prepared a protocol for eliciting and receiving these disclosures, and thoughtfully implemented that along with supportive training and appropriate referrals to

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community resources. At the same time, the operational challenges facing the Cornwall Office were exposed and corrected. In 2000, the Ministry commenced an administrative review by Paul Downing, which alerted various persons with a better understanding of the narrative.

The Administrative Review conducted by Paul Downing was taken to its conclusion and provided the Ministry with confirmation that current clients were not at risk and that the allegations were historical in nature. The fact that current clients were not at risk was foremost in the minds of Ministry officials.

As well the Ministry's focus in this time frame was on the appropriate response to the many victims who came forward and those whose disclosure was elicited by Cornwall Probation Staff. There can be no doubt that the creation and implementation of the local protocol and the actions of the local staff enabled many victims to come forward with their disclosures and to receive appropriate help and referrals.

It is acknowledged by the Ministry that further avenues of investigation were open to the Ministry but given the novelty of the crisis and focus on the local response, thought was not given to file reviews or other methods to seek out additional possible victims, or to gain a more fulsome understanding of the activities of Ken Seguin and Nelson Barque. The Ministry also clearly understands from the findings in the Downing Review, and from the closer examination of events throughout this Inquiry, that the collation, retrieval and transmission of incident information among management was systemically lacking.

That said, the local response of the Cornwall Probation and Parole office, with the support of senior management, was both exemplary and commendable. The local response was appropriate, client-focused, and timely in providing a safe forum for disclosure of allegations and the application of resources to assist in healing. It also created a template for a continuum of client care, regardless of how they suffered

the abuse. Moreover, the Cornwall Office sought to deal with the crisis in a consistent and transparent manner, including reporting of all allegations to the police and advising clients of their rights, including civil remedies.

Part 4. Evolution of the Ministry. In this section we discuss the evolution of the Ministry from a number of different perspectives including its organic growth from an enforcement focused to a client intervention focused institution with a holistic view of clients. This similarly included a paradigm shift in the manner in which youth in Ontario were both viewed and treated with the creation of the Youth Ministry. In this section, we seek to provide a comprehensive view, both historical and current, of various mechanisms in place to limit the risk of events repeating themselves.

Part 5. Recommendations. In this section, we outline the thoughtful recommendations of Deputy Minister Newman, and the implementation steps that have been taken since February of 2008. These recommendations and steps are aimed at addressing immediate gaps that have been identified at the Inquiry and therefore positioning the Ministry to conduct further study and review pending the Inquiry Report.

The MCSCS offers our respectful submissions as follows.