

**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 272

Held at :

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

Friday, August 29, 2008

Tenue à:

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

Vendredi, le 29 août 2008

Appearances/Comparutions

Ms. Julie Gauthier Ms. Brigitte Beaulne	Registrar
M ^e Pierre R. Dumais Ms. Maya Hamou	Commission Counsel
Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Ms. Karin Stein	Ontario Provincial Police
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Gia Williams	Attorney General for Ontario
Mr. Peter Chisholm Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Mr. Juda Strawczynski	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. David Sherriff-Scott M ^e Gisèle Lévesque	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Ms. Karin Stein	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Bishop Paul-André Durocher	Bishop Paul-André Durocher

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1 --- Upon commencing at 10:01 a.m. /

2 L'audience débute à 10h01

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning all.

10 **MR. DUMAIS:** Good morning, Mr. Commissioner.

11 Before I call the next witness, if we can
12 deal with a few housekeeping matters. The first one being
13 the motion for the Diocese for additional funding?

14 **THE COMMISSIONER:** Yes.

15 Bonjour.

16 **Me LÉVESQUE:** Bonjour, monsieur le
17 Commissaire.

18 C'est une demande déposée à un dossier de
19 motion le 24 juillet qui contient notre Avis de Motion et
20 l'affidavit à l'appui.

21 **LE COMMISSAIRE:** Bon, est-ce que je peux
22 voir la requête s'il vous plaît?

23 **Me LÉVESQUE:** Paul Taylor assermenté le 24
24 juillet.

25 **LE COMMISSAIRE:** Donc, ça sera connu comme

1 10.10.

2 O.k. Allez-y.

3 ---MOTION BY/REQUÊTE PAR Me LÉVESQUE

4 Me LÉVESQUE: Alors, l'Avis de Motion c'est
5 pour une demande pour une modification de l'Ordonnance
6 d'aide financière recommandant de l'aide additionnelle pour
7 750 heures d'heures parajuristes rétroactive au 27 mars
8 2008, lorsque les heures étaient échues ainsi que 20 jours
9 additionnels pour la présence de deux juristes dans la
10 salle d'audience.

11 Je ne propose pas faire une révision de tous
12 les faits, mais seulement les faits saillants.

13 Ce que -- lors de votre Ordonnance de
14 Modification du 6 décembre 2007, vous aviez demandé que la
15 prochaine demande pour de l'aide financière additionnelle
16 étaye le travail qui avait été fait par la parajuriste.

17 LE COMMISSAIRE: M'hm.

18 Me LÉVESQUE: Alors, je vais juste passer
19 cela en revue.

20 Alors, du 5 novembre 2007 au 27 mars 2008,
21 la parajuriste a fait des recherches dans la banque de
22 données, isolé les documents pertinents pour les témoins
23 qui avaient un effet direct sur les diocèses ainsi que les
24 témoins dans notre réponse.

25 Il y a eu l'élaboration de listes

1 préliminaires de documents pertinents, le décodage des
2 résultats de la recherche -- cela implique l'élimination de
3 duplicata, la révision des documents, la réduction des
4 résultats de la recherche.

5 Ensuite, il y a le codage des documents
6 pertinents pour entrer les champs pertinents pour le
7 diocèse; donc l'auteur, le récipient, la description du
8 document, ainsi que les notes internes.

9 Ensuite il y a des recherches et les
10 préparations d'index ou de tables des matières pour les
11 documents de la Commission, puis les documents qui
12 soulèvent des Règles 38, des avis.

13 Il y a aussi la préparation et l'assemblage
14 des recueils pour les documents de la Commission ainsi que
15 la Règle 38 et les recueils que le diocèse prépare en
16 préparation pour la réponse.

17 Il y a aussi la mise à jour de la banque de
18 données, la préparation de la banque de données, des
19 nouvelles divulgations. Il y a une importation de la
20 divulgation intérimaire; alors, on parle de l'importation
21 des documents, des fichiers audiovisuels.

22 Ensuite, il y a une révision des courriels
23 qui proviennent de la Commission et, en particulier, des
24 parties qui ont qualité d'agir, alors sous la Règle 38.

25 Il y a aussi la mise à jour de portables

1 avec les nouvelles divulgations.

2 Il y a eu deux voyages à Cornwall pour
3 effectuer l'échange de disques durs. Et puis ils
4 fournissent aussi -- il a fourni aussi des avis et des
5 conseils en ce qui concerne les paramètres de recherches
6 complexes dans la banque de données ou aucune question
7 technique.

8 Si on regarde l'avant, ce que -- les heures
9 qu'on demande, ce que l'adjoint ferait c'est
10 essentiellement la même chose; alors les mêmes points, sauf
11 qu'il y a deux tâches additionnelles qui sont ajoutées. Et
12 ça c'est le codage des pièces parce que les juristes de la
13 Commission ont fait un effort pour isoler les pièces. Ça
14 inclut une revue des transcriptions de la Commission pour
15 s'assurer que les bonnes pièces sont identifiées.

16 **LE COMMISSAIRE:** Combien d'heures vous
17 voulez que ce soit rétroactif? Combien d'heures est-ce que
18 cette personne-là a épuisées depuis le mois de mars?

19 **Me LÉVESQUE:** O.k. Si on regarde la demande
20 le 24 juillet était pour 750 heures additionnelles.

21 **LE COMMISSAIRE:** Oui, c'est ça.

22 **Me LÉVESQUE:** Ça fait qu'au 23 juillet,
23 quand la demande a été préparée, ---

24 **LE COMMISSAIRE:** Oui.

25 **Me LÉVESQUE:** --- 391.8 heures avaient été

1 échues ou utilisées.

2 LE COMMISSAIRE: À l'excès de ce que j'avais
3 donné comme financement?

4 Me LÉVESQUE: C'est bien cela.

5 LE COMMISSAIRE: Ce que vous dites ---

6 Me LÉVESQUE: Oui?

7 LE COMMISSAIRE: Ce que vous dites, c'est
8 que si je donne accès à votre demande, c'est qu'il y aurait
9 400 heures déjà d'échues et il vous resterait 350 heures
10 pour finir l'enquête?

11 Me LÉVESQUE: Bien, si j'ai -- j'ai demandé
12 à notre adjointe, notre parajuriste de me fournir ses
13 heures au 26 août.

14 LE COMMISSAIRE: O.k., parfait.

15 Me LÉVESQUE: Alors, au 26 août, elle avait
16 un autre 122.2 heures. Alors, ça fait un total de 514
17 heures.

18 LE COMMISSAIRE: M'hm, correct.

19 Me LÉVESQUE: Puis ça laisse une balance de
20 236 heures.

21 LE COMMISSAIRE: O.k. Puis en cette date, au
22 mois d'août, la réponse institutionnelle du diocèse achève.

23 Me LÉVESQUE: Oui.

24 LE COMMISSAIRE: Donc, on devrait voir une
25 baisse considérable aux besoins des juristes.

1 **Me LÉVESQUE:** Oui. J'ai tout de même fait
2 une analyse du temps parce que le chiffre -- le nombre de
3 750 heures n'est pas arrivé de façon arbitraire.

4 **LE COMMISSAIRE:** M'hm.

5 **Me LÉVESQUE:** Ça été fait à la suite d'une
6 analyse. J'ai fait l'analyse le 24 juillet, puis j'ai
7 refait l'analyse en date du 26 et puis le nombre d'heures
8 par mois ça arrive à environ 71 ou 78 heures par mois,
9 c'est la moyenne essentiellement.

10 **LE COMMISSAIRE:** O.k., Madame Lévesque, je
11 n'ai pas besoin d'entendre de vous pour le reste en ce qui
12 concerne ---

13 **Me LÉVESQUE:** Les heures?

14 **LE COMMISSAIRE:** --- les heures et tout
15 cela.

16 **Me LÉVESQUE:** Très bien.

17 **LE COMMISSAIRE:** Maintenant pour les 20
18 heures pour l'avocat junior ou l'associé.

19 **Me LÉVESQUE:** Oui?

20 **LE COMMISSAIRE:** Expliquez-moi ça, le 20
21 jours. Est-ce que c'est déjà épuisé ça?

22 **Me LÉVESQUE:** Non, le 20 jours n'est pas
23 épuisé. Comme vous le savez, on a été consciencieux et
24 soucieux dans l'utilisation des deux juristes dans la salle
25 d'audience. Ça fait que le 30 juin 2006, vous aviez alloué

1 30 jours.

2 **LE COMMISSAIRE:** Oui.

3 **Me LÉVESQUE:** Au 24 juillet, si on regarde
4 la Motion dans l'affidavit, on avait 19.5 jours d'échus ou
5 utilisés plutôt.

6 **LE COMMISSAIRE:** M'hm.

7 **Me LÉVESQUE:** Et puis j'ai fait le calcul
8 hier, le 28 août, il y avait un autre 8.5 jours pour un
9 total de 28 jours. Alors, il reste tout de même deux jours
10 du 30 jours que vous aviez ordonnés le 30 juin.

11 **LE COMMISSAIRE:** O.k.

12 **Me LÉVESQUE:** Mais il reste tout de même des
13 témoins qui vont avoir un effet direct sur le diocèse. On
14 aimerait avoir deux juristes présents pour le restant des
15 réponses institutionnelles des autres parties qui ont
16 plaidé d'agir.

17 **LE COMMISSAIRE:** Correct, parfait.

18 Madame Lévesque?

19 **Me LÉVESQUE:** Oui.

20 **LE COMMISSAIRE:** Merci beaucoup.

21 **Me LÉVESQUE:** De rien.

22 **THE COMMISSIONER:** Does anyone have any
23 comments to make with respect to the Application by the
24 Diocese for extra paralegal hours and the dual counsel
25 attendance day?

1 Okay. Thank you.

2 Je rendrai ma décision la semaine prochaine
3 quelque temps. D'accord? Merci.

4 **MR. DUMAIS:** Two other outstanding matters
5 that had been adjourned from yesterday's proceedings. The
6 first one being -- and I'll invite the counsel for the
7 Cornwall Police Services, Mr. Manderville to address the
8 matter of Sergeant Lefebvre.

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

10 **MR. MANDERVILLE:** Good morning Mr.
11 Commissioner.

12 **THE COMMISSIONER:** I don't want you looking
13 at his notes now.

14 **MR. MANDERVILLE:** We -- our position or our
15 status is we are awaiting a follow-up report concerning Mr.
16 Lefebvre. We've spoken with the doctor shortly after you
17 issued your ruling. And we have written to him providing
18 him with a copy of your ruling, a copy of Mr. Lefebvre's
19 draft, a Statement of Anticipated Evidence and the areas to
20 be ---

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

22 **MR. MANDERVILLE:** --- it sets out the areas
23 to be covered and set out the questions or the information
24 you would like to have. We have since provided him with a
25 copy of your ruling in the Ron Wilson situation as well for

1 his assistance.

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

3 **MR. MANDERVILLE:** And we're awaiting a
4 report. We don't have it yet. And part of our problem, if
5 you will, is the doctor took holidays and he is now out of
6 the country, in a sport where there's currently a hurricane
7 and they don't know when he will be back.

8 **THE COMMISSIONER:** So I'm hoping he's
9 enjoying his trip in Disneyworld. Okay.

10 **MR. MANDERVILLE:** Different hurricane.

11 **THE COMMISSIONER:** Okay.

12 **MR. MANDERVILLE:** That's the current status.
13 I'd like to be able to tell you exactly when we anticipate
14 getting a report to give to you. I can't. I apologize for
15 that.

16 **THE COMMISSIONER:** When is he coming back?

17 **MR. MANDERVILLE:** I was on the phone with
18 his office literally five minutes ago and they don't go.
19 He is on an island where the hurricane is there and there's
20 no flights out of there ---

21 **THE COMMISSIONER:** No, when is he expected
22 back?

23 **MR. MANDERVILLE:** She didn't know. If -- he
24 is expected back some time next week.

25 **THE COMMISSIONER:** Bon, okay. There we go.

1 **MR. MANDERVILLE:** But who knows whether he
2 will be.

3 **THE COMMISSIONER:** Then maybe you should go
4 see another doctor.

5 **MR. MANDERVILLE:** Well, there is that as
6 well.

7 **THE COMMISSIONER:** Okay, let's do it this
8 way. We're going to put a date returnable, I don't know if
9 we have that kind of a date now, and either you have a
10 report or you have the doctor here and I'll provide you
11 with the summons if need be.

12 **MR. MANDERVILLE:** M'hm.

13 **THE COMMISSIONER:** Or you have Mr. Lefebvre.

14 **MR. MANDERVILLE:** Okay.

15 **THE COMMISSIONER:** Okay. What date?
16 Sufficiently in -- you know, we understand those problems,
17 yes.

18 **MR. MANDERVILLE:** Yes.

19 **MR. DUMAIS:** I'm thinking Mr. Commissioner,
20 we'd like to address this matter before we break again in
21 September, so perhaps the last Friday before we break. I'm
22 not sure what the date is.

23 **MR. MANDERVILLE:** That would be the 12th.

24 **THE COMMISSIONER:** Twelfth of September?
25 Okay.

1 **MR. MANDERVILLE:** Mr. Commissioner, I would
2 ask for more time than that. I realize time has passed but
3 if this gentleman can't get back to Canada until the week
4 of the 8th for example ---

5 **THE COMMISSIONER:** We'll cross that bridge
6 when we get to it. I'm sure that -- hurricanes don't seem
7 to sit in one place for very long and if the airport is
8 closed and it's ravaged and the country's destroyed, then I
9 think that would be, you know, a reasonable excuse for ---

10 **MR. MANDERVILLE:** Force majeure.

11 **THE COMMISSIONER:** Exactly, but otherwise,
12 September 12th, 9:30 a.m.

13 **MR. MANDERVILLE:** Okay, sir.

14 **THE COMMISSIONER:** Thank you.

15 Mr. Sherriff-Scott?

16 **MR. SHERRIFF-SCOTT:** I will serve my motion
17 on Wednesday next week, sir.

18 **THE COMMISSIONER:** Your motion?

19 **MR. SHERRIFF-SCOTT:** The motion in
20 connection with Monsignor McDougald. We will have all the
21 documents and reports relating thereto and they will be
22 served on Wednesday.

23 **THE COMMISSIONER:** There you go.

24 **MR. SHERRIFF-SCOTT:** Thank you.

25 **THE COMMISSIONER:** Thank you.

1 All right.

2 MR. DUMAIS: And just as we did yesterday,
3 Mr. Commissioner, I believe counsel were representing both
4 witnesses who had been summoned and returned to their
5 jurisdiction ---

6 THE COMMISSIONER: Yeah.

7 MR. DUMAIS: And I just want ---

8 THE COMMISSIONER: Their subpoenas will be
9 returnable September 12th as well.

10 MR. DUMAIS: Thank you.

11 THE COMMISSIONER: Thank you.

12 MR. SHERRIFF-SCOTT: Mr. Commissioner, was
13 that the hearing of the matter will take place on the 12th?

14 THE COMMISSIONER: No, no. I'm just
15 conserving jurisdiction by ---

16 MR. SHERRIFF-SCOTT: Fair enough, thank you.

17 THE COMMISSIONER: --- putting the subpoena
18 over to that date. Then the minute we speak to it again
19 and you're here as acting as agent so there won't be a
20 problem.

21 MR. DUMAIS: If we can call our next
22 witness, Bishop Paul-André Durocher.

23 THE COMMISSIONER: Thank you.

24 Will he be testifying in French or English?

25 MR. DUMAIS: He is testifying in English.

1 THE COMMISSIONER: All right.

2 BISHOP PAUL-ANDRÉ DUROCHER: Sworn/Assermenté

3 THE COMMISSIONER: Bonjour, Monseigneur.

4 BISHOP DUROCHER: Bonjour.

5 LE COMMISSAIRE: Ou rebonjour. Je vous ai
6 sans doute expliqué la dernière fois qu'il y a de l'eau; il
7 y a un microphone; il y a un haut-parleur et puis tout ça.
8 Et puis comme de raison, répondez -- I'm sorry, I'm sorry.

9 Answer the questions the best you can. If
10 there is any need for a break, if you require a break, if
11 you're unsure of anything, please let me know.

12 BISHOP DUROCHER: Sure.

13 THE COMMISSIONER: All right. Thank you.

14 BISHOP DUROCHER: Thank you.

15 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
16 DUMAIS:

17 MR. DUMAIS: Good morning, Bishop.

18 BISHOP DUROCHER: Good morning.

19 MR. DUMAIS: As the Commissioner indicated,
20 you testified before and you dealt with some of the issues
21 that we're going to be dealing again with this morning.
22 One of it being your biographical notes that were filed I
23 think nearly two years ago if I'm correct?

24 BISHOP DUROCHER: More than two years ago.

25 MR. DUMAIS: More than two years ago.

1 And that was Exhibit 58, Tab B. I don't
2 think there's any reason to put the exhibit to the witness.

3 **THE COMMISSIONER:** No.

4 **MR. DUMAIS:** But, essentially, Bishop, it
5 disclosed that you were born on May 28, 1954?

6 **BISHOP DUROCHER:** Correct.

7 **MR. DUMAIS:** And you were ordained into the
8 priesthood on July 2nd, 1982?

9 **BISHOP DUROCHER:** That's right.

10 **MR. DUMAIS:** And you were incardinated in
11 the Diocese of Timmins at that time?

12 **BISHOP DUROCHER:** That's right.

13 **MR. DUMAIS:** And the Diocese of Timmins is
14 the diocese where you grew up, so you spent part of your
15 childhood?

16 **BISHOP DUROCHER:** My teenage years, yes. We
17 moved there when I was 10 years old.

18 **MR. DUMAIS:** So I understand that in January
19 of 1997, you became the Auxiliary Bishop of Sault Ste
20 Marie?

21 **BISHOP DUROCHER:** That's right.

22 **MR. DUMAIS:** And perhaps you can just
23 briefly explain what's the role of an auxiliary bishop?

24 **BISHOP DUROCHER:** Well, the role of an
25 auxiliary bishop will depend on the duties that are

1 assigned to him by the diocesan bishop. So it varies from
2 diocese to diocese.

3 **MR. DUMAIS:** Okay. So you sort of acted in
4 that capacity for a certain period of time. Shortly
5 afterwards, you became the Bishop of Sault Ste Marie; of
6 the Diocese of Sault Ste Marie?

7 **BISHOP DUROCHER:** Of Alexandria-Cornwall. I
8 was never the Bishop of Sault Ste Marie.

9 **MR. DUMAIS:** Right. Sorry.

10 Then at a certain point-in-time, you were
11 nominated to become the Bishop of the Diocese of
12 Alexandria-Cornwall.

13 **BISHOP DUROCHER:** That's correct.

14 **MR. DUMAIS:** And you were installed here in
15 2002. Is that correct?

16 **BISHOP DUROCHER:** That's right.

17 **MR. DUMAIS:** And as the Auxiliary Bishop of
18 the Diocese of Sault Ste Marie, where were you residing?

19 **BISHOP DUROCHER:** I resided in Sudbury.

20 **MR. DUMAIS:** Okay. And so you performed
21 your duties from Sudbury. Is that correct?

22 **BISHOP DUROCHER:** Yes.

23 **MR. DUMAIS:** Okay. Perhaps you can just me
24 an idea of the Diocese of Sault Ste Marie; what cities are
25 part of this Diocese?

1 **BISHOP DUROCHER:** The Diocese of Sault Ste
2 Marie is territorially huge; it's about 1,000 kilometres
3 long. It includes the cities of North Bay, Sudbury and
4 Sault Ste Marie as well as Manitoulin Island and up the
5 shore of Lake Superior to Manitouwadge.

6 **MR. DUMAIS:** All right. A fairly large
7 territory there?

8 **BISHOP DUROCHER:** Huge territory.

9 **MR. DUMAIS:** All right.

10 And before you became the Bishop of
11 Cornwall, can you just give us an idea of what ties you had
12 to this area?

13 **BISHOP DUROCHER:** To Alexandria-Cornwall?

14 **MR. DUMAIS:** Correct.

15 **BISHOP DUROCHER:** I had no ties.

16 **MR. DUMAIS:** Okay. So did you know any of
17 the priests that were incardinated in this Diocese?

18 **BISHOP DUROCHER:** I believe I knew two of
19 the priests of this Diocese before arriving, apart from
20 Bishop LaRocque.

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

22 So what ties then did you have to Bishop
23 LaRocque?

24 **BISHOP DUROCHER:** Well, I would meet him at
25 meetings of bishops.

1 **MR. DUMAIS:** So would you meet him at the
2 meetings of the Canadian Conference of Bishops?

3 **BISHOP DUROCHER:** At the Canadian Conference
4 of Catholic Bishops and of the Ontario Conference of
5 Catholic Bishops.

6 **MR. DUMAIS:** So then as an Auxiliary Bishop,
7 you also had standing or you could participate in these
8 meetings?

9 **BISHOP DUROCHER:** These two associations are
10 -- all the bishops are standing members; whether you're an
11 auxiliary or a diocesan bishop, you're a member of those
12 two conferences.

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

14 Now the -- Bishop LaRocque testified in the
15 last couple of weeks indicating that when he reached the
16 age of 75, he submitted his resignation. I believe that
17 was on the 27th day of April 2002. You were nominated as
18 Bishop on that same day?

19 **BISHOP DUROCHER:** He submitted his
20 resignation before then. I wouldn't know which date he
21 submitted it on. And what happened on the -- what was the
22 date again? The 27th of April?

23 **MR. DUMAIS:** The 27th of April.

24 **BISHOP DUROCHER:** His resignation was
25 accepted and I was named to replace him.

1 **MR. DUMAIS:** Okay. Now, were you aware
2 prior to April 27th, 2002 that you were being considered as
3 a possible replacement for the Bishop?

4 **BISHOP DUROCHER:** There were rumours. There
5 are always rumours that are going around about where you're
6 going. There were rumours I might come here; there were
7 rumours I might be going to Pembroke.

8 **MR. DUMAIS:** All right.

9 **BISHOP DUROCHER:** Both dioceses received new
10 bishops that day.

11 **MR. DUMAIS:** But certainly prior to your
12 nomination, no-one is consulting with you. Is that
13 correct?

14 **BISHOP DUROCHER:** No, you're not consulted
15 before you're named.

16 **MR. DUMAIS:** So you don't go through an
17 interview process; no one asks you whether or not you're
18 prepared to move to this Diocese?

19 **BISHOP DUROCHER:** Well, no, you are asked
20 about -- I think in this case it was about 10 days before,
21 I was approached by the Papal Nuncio and asked if I would a
22 nomination to Cornwall.

23 **MR. DUMAIS:** Okay. And are you in a
24 position to refuse or not?

25 **BISHOP DUROCHER:** Well, there's freedom, but

1 you have to have a good reason.

2 **MR. DUMAIS:** Now, when they approached you
3 at around the time of your nomination, were you aware of
4 any of the difficulties with this Diocese regarding
5 allegations of child sexual abuse by clergy?

6 **BISHOP DUROCHER:** I had heard echoes of the
7 events surrounding Father Deslauriers. I was aware that
8 there were trials that were going on. That was about the
9 state of my awareness.

10 **MR. DUMAIS:** Okay. So you did not have any
11 specific knowledge?

12 **BISHOP DUROCHER:** No, I did not.

13 **MR. DUMAIS:** Do you recall whether or not
14 when you were sitting as an auxiliary Bishop at the --
15 either of the two conferences, whether or not those matters
16 came up or you were part of a group discussing these
17 matters?

18 **BISHOP DUROCHER:** The matters of Cornwall?
19 No, I was not.

20 **MR. DUMAIS:** Okay. Now, I understand that
21 you would have met with Bishop LaRocque on a few occasions,
22 some prior to your nomination, some afterwards.

23 If we can just put a number of documents to
24 the witness. And these documents are Number 119260 and the
25 -- these are the Bishop's daily diary so the first excerpt

1 is at Bates pages 1118385.

2 **THE COMMISSIONER:** Exhibit 2180 is an
3 excerpt of Document 119260 and this is what -- oh this is
4 the diary?

5 **MR. DUMAIS:** It's an excerpt of his --
6 Bishop LaRocque's diary, yeah, Mr. Commissioner.

7 **THE COMMISSIONER:** All right. Go ahead.

8 **---EXHIBIT NO./PIECE NO. P-2180:**

9 (119260) Excerpt 1118385 Bishop
10 LaRocque's Daily Diary

11 **MR. DUMAIS:** So, Bishop, then the -- Bishop
12 LaRocque had an entry at the bottom of the page at March 13
13 and 14 indicating that he was travelling to North Bay to
14 attend your ordination. Do you see those entries?

15 **BISHOP DUROCHER:** Yes.

16 **THE COMMISSIONER:** This is Monsignor
17 LaRocque's diary.

18 **MR. DUMAIS:** That's -- this is Monsignor
19 LaRocque's diary.

20 **THE COMMISSIONER:** Okay. So ---

21 **MR. DUMAIS:** Day book.

22 **THE COMMISSIONER:** Day book.

23 **MR. DUMAIS:** I think a daily diary or -- all
24 right. So that is the date of your ordination, Bishop, is
25 that correct?

1 **BISHOP DUROCHER:** It is.

2 **MR. DUMAIS:** Right and do you recall whether
3 or not Bishop LaRocque would have attended? Do you have
4 that recollection?

5 **BISHOP DUROCHER:** No, I don't.

6 **MR. DUMAIS:** Okay. Did you know him back
7 then?

8 **BISHOP DUROCHER:** Yes, I did.

9 **MR. DUMAIS:** And you knew him to have a
10 conversation with him, speak to him?

11 **BISHOP DUROCHER:** Yes. I had met him
12 previously at meetings dealing with religious education in
13 our French Catholic Schools in Ontario.

14 **MR. DUMAIS:** Okay. But then certainly you
15 would not have had any type of conversation with him on
16 that date?

17 **BISHOP DUROCHER:** On that date?

18 **MR. DUMAIS:** Nothing that you can recall?

19 **BISHOP DUROCHER:** No.

20 **MR. DUMAIS:** All right. So there's a second
21 excerpt and that is Bates pages 118430.

22 **THE COMMISSIONER:** And this is Exhibit 2181
23 is an excerpt of Document 119260. And again is part of a
24 daily planner of Monsignor LaRocque.

25 **--- EXHIBIT NO./PIECE NO. P-2181:**

1 (119260) Excerpt 1118430 Bishop
2 LaRocque's Daily Diary

3 **MR. DUMAIS:** There's an entry on July 13 of
4 that day and I think it makes reference to a youth rally in
5 St. Raphael. Do you recall that event?

6 **BISHOP DUROCHER:** Yes, I do.

7 **MR. DUMAIS:** And do you recall attending at
8 that event?

9 **BISHOP DUROCHER:** I do.

10 **MR. DUMAIS:** All right. And what was your
11 involvement and what type of contacts would you have had
12 with Bishop LaRocque during that ---

13 **BISHOP DUROCHER:** I -- that weekend I stayed
14 at his house as a guest. But I spent most of my time at
15 the youth rally in St. Raphael's.

16 **MR. DUMAIS:** Okay.

17 **THE COMMISSIONER:** I'm sorry, what -- is
18 this still the same year, 1997?

19 **MR. DUMAIS:** That is the 13th day of July,
20 2001.

21 **THE COMMISSIONER:** Okay. Does it say
22 anywhere? Top right. Okay, right. Thank you.

23 **MR. DUMAIS:** All right. So this was just
24 about a year prior to your -- you becoming the Bishop of
25 Alexandria-Cornwall, is that correct?

1 **BISHOP DUROCHER:** It would be, yes.

2 **MR. DUMAIS:** All right. So do you recall
3 any type of discussion with the Bishop at that time about
4 his upcoming retirement, whether or not -- who would
5 replace him, any type of conversation?

6 **BISHOP DUROCHER:** No.

7 **MR. DUMAIS:** All right. So your discussions
8 with him then would have centred around the youth rally, is
9 that fair?

10 **BISHOP DUROCHER:** Certainly.

11 **MR. DUMAIS:** All right. Now there is a
12 third excerpt and that's at Bates pages 1118441.

13 **THE COMMISSIONER:** Thank you. Exhibit 2182
14 is a copy of the daily planner for Monsignor LaRocque for
15 2002; April and May and June.

16 **---EXHIBIT NO./PIECE NO. P-2182:**

17 (119260) Excerpt 1118441 Bishop
18 Larocque's Daily Diary

19 **MR. DUMAIS:** So there are a number of
20 relevant entries on that page, Bishop. The first one being
21 on April 27th and that essentially indicates that Monsignor
22 LaRocque's -- his -- perhaps I'll just read it in French.

23 "La démission de Monseigneur LaRocque
24 à été acceptée par sa Sainteté le
25 Pape Jean-Paul II, Monseigneur Paul-

1 André Durocher a été nommé pour lui
2 succédé. »

3 So that's the entry on April 27th. There's
4 also an entry on April 30th and May 1st of that year. Visit
5 from Monsignor Paul-Andre Durocher, a new Bishop of the
6 Diocese.

7 So you would've travelled then to the
8 Diocese of Alexandria-Cornwall for the purpose of meeting
9 with the Bishop, is that ---

10 **BISHOP DUROCHER:** That's correct.

11 **MR. DUMAIS:** --- the former Bishop.

12 **BISHOP DUROCHER:** That's correct.

13 **MR. DUMAIS:** And do you recall that meeting
14 with the Bishop?

15 **BISHOP DUROCHER:** Well, there was no set
16 meeting. I came, I stayed at his residence; particularly I
17 was interested in meeting the staff at the Diocesan Centre
18 and meeting the College of Consulters to establish a date
19 for the ordination and how the ordination would be
20 organized.

21 **MR. DUMAIS:** Okay. And would you have
22 spoken with the Bishop or former Bishop at that time about
23 any business matters or affairs from the Diocese of
24 Alexandria-Cornwall?

25 **BISHOP DUROCHER:** Most probably. I have no

1 recollection.

2 **MR. DUMAIS:** All right.

3 **THE COMMISSIONER:** Well, more specifically
4 did you recall if you had any discussions with respect to
5 the ongoing concerns about sexual abuse or the priests that
6 are on trial ---

7 **BISHOP DUROCHER:** What I'm saying is that we
8 must have but I have no recollection.

9 **THE COMMISSIONER:** Okay, no. Fair enough.

10 **MR. DUMAIS:** Now, there's another entry in
11 the month of May, so on May 23rd and 24th and the Bishop has
12 noted that he received a visit from Monsignor Paul-Andre
13 Durocher on that day.

14 So do you recall that second visit to the
15 Diocese?

16 **BISHOP DUROCHER:** Not specifically, no.

17 **MR. DUMAIS:** Okay. Do you recall coming on
18 the second time?

19 **BISHOP DUROCHER:** No, I don't.

20 **MR. DUMAIS:** Okay.

21 **THE COMMISSIONER:** So all around that time,
22 you know up to your ordination, did you have any -- you
23 know when you thought I'm going to be the Bishop of
24 Cornwall which of course is a great honour I'm sure and a
25 great responsibility, did you have something like oh, and

1 there is this situation?

2 Were you concerned about that, you know?

3 **BISHOP DUROCHER:** Well, there were -- when I
4 was installed as Bishop, I mentioned three concerns that
5 had been brought to my attention and that I felt were
6 important for me to deal with ---

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

8 **BISHOP DUROCHER:** --- as the new Bishop of
9 the Diocese.

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

11 **BISHOP DUROCHER:** One was the situation
12 around allegations of sexual abuse by priests. The second
13 one was the problem with the presence of les fils de marie
14 in the Diocese which were a group of priests who eventually
15 were ex-communicated. Actually they were a splinter group
16 within the Catholic Church and their presence in the
17 Diocese was causing a lot of difficulty.

18 And the third was the reorganization of the
19 parishes in Cornwall. Bishop LaRocque had undertaken to
20 start a study on those issues and then had stopped it. And
21 there were serious staffing problems and question of
22 sustainability of parishes.

23 So I identified those three issues as the
24 three issues facing me. So obviously between the time of
25 my nomination and the time of my ordination on June -- my

1 installation on June 14th, I believe it was, I obviously
2 discussed those issues with Bishop LaRocque with the
3 College of Consulters and with other priests and also with
4 lay people. But I don't have specific memories of those
5 discussions.

6 **THE COMMISSIONER:** Okay.

7 **MR. DUMAIS:** All right, and perhaps just
8 before we get into some of the specifics of outstanding
9 proceedings, I understand that at one point in time in your
10 youth you were living in the -- I'm not sure if it's a
11 village of Tecumseh. Is that correct?

12 **BISHOP DUROCHER:** At the time it was a
13 village. It's now a suburb of Windsor, I believe.

14 **MR. DUMAIS:** All right. And we've heard
15 evidence in the last couple of weeks that the Bishop had
16 been in one of the parish -- in that village at one point
17 in time, I believe between 1970 and 1974.

18 Were you at that village at the same time as
19 Bishop LaRocque?

20 **BISHOP DUROCHER:** No, we moved away. I was
21 nine or 10 years old. It was in 1963, I believe.

22 **MR. DUMAIS:** So you didn't have any contacts
23 with him or you did not, or your family did not have any
24 contacts with him at that time?

25 **BISHOP DUROCHER:** No. It was a surprise for

1 me to discover that he'd actually been at that parish; you
2 know, later on.

3 **MR. DUMAIS:** Now, right when you were
4 nominated as a Bishop and at around the same time of your
5 installation there was the ongoing criminal matter of
6 Father Charlie MacDonald. Is that correct?

7 **BISHOP DUROCHER:** If I remember correctly,
8 his trial started the week after I was named as Bishop
9 here, so in the first week of May.

10 **MR. DUMAIS:** And so -- and during one of
11 those meetings with Bishop LaRocque he would have discussed
12 this case with you, would he have not?

13 **BISHOP DUROCHER:** I imagine, yes.

14 **MR. DUMAIS:** Okay. Can you tell us what you
15 remember about his comments about Father Charlie MacDonald?

16 **BISHOP DUROCHER:** I don't remember anything
17 specific, no.

18 **MR. DUMAIS:** All right, and did you have any
19 discussions with him with respect to the responsibility of
20 the Diocese towards Father MacDonald? And I guess more
21 specifically whether or not you had any financial
22 responsibility towards his criminal proceedings?

23 **BISHOP DUROCHER:** At one point I became
24 aware that there was a policy in the Diocese that the
25 Diocese pay the legal fees of priests.

1 **MR. DUMAIS:** All right. We'll get into some
2 of these policies shortly.

3 So then you don't recall any specific
4 instructions from Bishop LaRocque?

5 **BISHOP DUROCHER:** No instructions, no.

6 **THE COMMISSIONER:** Instructions; comments or
7 advice or ---

8 **BISHOP DUROCHER:** No. Actually Bishop
9 LaRocque was very, how can I say, hands off during that
10 time of transition. He did not try to tell me how to do
11 things or even influence, how can I say, my view of things.
12 He was very reserved. He was very focused on, I think,
13 moving back to Windsor and on his 50th anniversary of
14 priesthood that was being celebrated at that time.

15 So his mind was elsewhere and, to be quite
16 honest, I wanted to make my own mind up about things, so I
17 wanted to speak to people myself, rather than get his view
18 on it. So we did not have much discussion about the
19 situation in the Diocese.

20 **MR. DUMAIS:** All right, but certainly at
21 that time one of the concerns that you would have had is
22 whether or not Father MacDonald still had faculties,
23 whether or not he was still incardinated in this Diocese,
24 so are these questions you would have put to Bishop
25 LaRocque; what the status of Father MacDonald was?

1 **BISHOP DUROCHER:** Well, I was aware that he
2 was incardinated and I became aware that his faculties had
3 been removed, yes.

4 **MR. DUMAIS:** Okay. So -- and you -- how
5 would you have become aware that his faculties had been
6 removed?

7 **BISHOP DUROCHER:** I imagine either Bishop
8 LaRocque told me or one of the priests; I can't remember.

9 **MR. DUMAIS:** Okay. And so do you recall
10 what the status of his faculty was in 2002?

11 **BISHOP DUROCHER:** Which, in the -- well, I
12 knew that he was not exercising any public ministry.

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

14 Now, at one point in time you became aware
15 that the trial of Father MacDonald was over. Is that
16 correct?

17 **BISHOP DUROCHER:** Yes. It was over in a few
18 days.

19 **MR. DUMAIS:** All right. And do you recall
20 whether or not the Diocese had anyone monitoring this case?

21 **BISHOP DUROCHER:** Apart from the -- his
22 counsel?

23 **MR. DUMAIS:** I mean was anyone attending his
24 trial on behalf of the Diocese?

25 **BISHOP DUROCHER:** I'm not aware of that.

1 **MR. DUMAIS:** Okay. And then how would you
2 have become aware that the trial was over? Simply -- well,
3 how did you become aware of -- the trial was over?

4 **BISHOP DUROCHER:** I think it was around the
5 days of my first visit here. It was in the newspapers.

6 **MR. DUMAIS:** Right. So then the -- and did
7 you find out at that time the specifics of the rulings of
8 the Court regarding Father MacDonald?

9 **BISHOP DUROCHER:** I understand simply that
10 the trial was stayed because of the length that it had
11 taken for the trial to come -- whatever the expression is,
12 to be held.

13 **MR. DUMAIS:** So someone would have told you
14 about this?

15 **BISHOP DUROCHER:** Someone would have told me
16 or I would have read it. I can't remember.

17 **MR. DUMAIS:** Okay. So you don't recall
18 being briefed on this matter?

19 **BISHOP DUROCHER:** No, I don't.

20 **MR. DUMAIS:** All right. So then you find
21 out that this trial is over and at that time you've
22 indicated that Father MacDonald's faculties had been
23 removed. Is that correct?

24 **BISHOP DUROCHER:** That's correct.

25 **MR. DUMAIS:** So you have to make a decision

1 as to how you will deal with Father MacDonald. Correct?

2 **BISHOP DUROCHER:** Father MacDonald at the
3 time was retired and he was not at an age to recommence
4 exercise of ministry, so there was really no decision to
5 make; the status quo was maintained.

6 **MR. DUMAIS:** Okay. So you knew that he had
7 retired prior to 2002?

8 **BISHOP DUROCHER:** Well, he hadn't exercised
9 any ministry, from what I was told, from the moment he was
10 relieved from his responsibilities in St. Andrew's, and he
11 attained the age of 65 so he was living on his pension.

12 **MR. DUMAIS:** All right. And no request had
13 been made by Father MacDonald to be reinstated?

14 **BISHOP DUROCHER:** No.

15 **MR. DUMAIS:** Do you recall having any
16 conversation with Father MacDonald at around that period of
17 time?

18 **BISHOP DUROCHER:** Yes, I called him on the
19 phone.

20 **MR. DUMAIS:** After the trial had been
21 settled, or after the matter had been ---

22 **THE COMMISSIONER:** Completed?

23 **MR. DUMAIS:** --- completed?

24 **BISHOP DUROCHER:** I can't remember if it was
25 before or after, but sometime around there, just to

1 introduce myself.

2 **MR. DUMAIS:** Just for the purpose of clarity
3 -- both for you, Mr. Commissioner, and the Bishop -- I
4 think the decision on the stay of proceedings was rendered
5 on May 13, 2002.

6 **BISHOP DUROCHER:** Okay.

7 **MR. DUMAIS:** So shortly before you had been
8 installed as Bishop here.

9 **BISHOP DUROCHER:** Yes, that would be right.

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

11 All right, so after the -- so after your
12 instalment here as Bishop do you have any further dealings
13 with Father MacDonald in the sense that -- do you have any
14 dealings with the victims; with the alleged victims?

15 **BISHOP DUROCHER:** I'm having trouble
16 remembering the identities of the alleged victims ---

17 **MR. DUMAIS:** Okay.

18 **BISHOP DUROCHER:** --- and whether there
19 might have been law suits that arose from there, but I had
20 -- I can't -- I don't think I had any personal contact with
21 any of the complainants.

22 **MR. DUMAIS:** All right. And we'll look into
23 the new Diocesan Guidelines that were adopted in 2003 and,
24 as you know, those guidelines provide for support for the
25 victims and provide for a process that your delegate is to

1 follow and your advisory committee is to follow after a
2 criminal matter has been determined. Did you deal with any
3 of these matters after the stay of proceeding in the Father
4 MacDonald matter?

5 **BISHOP DUROCHER:** No.

6 **MR. DUMAIS:** All right.

7 And at that period of time, so in 2002, was
8 there a Bishop's delegate here in this jurisdiction?

9 **BISHOP DUROCHER:** When I arrived, one of the
10 first things I did was to -- I wanted to start right away;
11 I could say afresh or anew. I approached -- I asked for
12 some advice and found out that there was a priest in -- of
13 the Diocese of Antigonish living in Ottawa who was an
14 expert in these affairs and I approached him to ask him to
15 advise me and to be my interim delegate if any allegations
16 came to me as we were trying to develop new guidelines for
17 the Diocese.

18 His name is Father Everett MacNeil. So
19 Father Everett became my delegate.

20 **MR. DUMAIS:** All right.

21 **BISHOP DUROCHER:** But I guess my question
22 is, did you -- after the -- after you were installed here,
23 did you turn your mind to whether or not anything had to be
24 done with an advisory committee or with the Bishop's
25 delegate or with these victims?

1 **BISHOP DUROCHER:** Concerning past events?

2 **MR. DUMAIS:** Right.

3 **BISHOP DUROCHER:** No.

4 **MR. DUMAIS:** Okay. So your dealings with
5 Father MacDonald essentially had -- you had a communication
6 with him? Correct?

7 **BISHOP DUROCHER:** Yes.

8 **MR. DUMAIS:** All right.

9 And that was the extent of it. The status
10 of him as a clergy in the Diocese did not change? Correct?

11 **BISHOP DUROCHER:** That's correct.

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

13 And that was the extent of your involvement
14 with the Father MacDonald affair? Is that fair?

15 **BISHOP DUROCHER:** Yes.

16 **MR. DUMAIS:** All right.

17 You've indicated that for a certain period
18 of time you were the auxiliary Bishop of Sault Ste. Marie.

19 **BISHOP DUROCHER:** That's right.

20 **MR. DUMAIS:** And as the auxiliary Bishop of
21 Sault Ste. Marie did you deal at all with allegations of
22 sexual abuse by members of the clergy?

23 **BISHOP DUROCHER:** No, I did not.

24 **MR. DUMAIS:** Okay. You did not because that
25 was not your responsibility?

1 **BISHOP DUROCHER:** That's correct. Bishop
2 Plouffe, the Bishop of the Diocese of Sault Ste. Marie has
3 a clear understanding of what he wanted me -- had a clear
4 understanding of what he wanted me to deal with and what he
5 did not want me to deal with and basically all questions of
6 administration and questions such as allegations of sexual
7 abuse were dealt by his office.

8 I was assigned purely pastoral functions,
9 particularly for the French language parishes of the
10 Diocese and for the Native parishes of Manitoulin and the
11 North Shore of Lake Huron.

12 On the other hand when the Diocese started
13 working on developing screening initiative that fell under
14 pastoral responsibility. So I was very much involved in
15 developing screening initiatives for the Dioceses,
16 particularly for those French parishes.

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

18 **THE COMMISSIONER:** I'm sorry. Screening?

19 **BISHOP DUROCHER:** Screening of volunteers.

20 **THE COMMISSIONER:** All right.

21 **MR. DUMAIS:** Only screening of volunteers or
22 were you involved as well in screening of seminarians --
23 screening ---

24 **BISHOP DUROCHER:** No that -- that was
25 completely under the responsibility of Bishop LaRocque.

1 **MR. DUMAIS:** Okay. So simply screening of
2 volunteers.

3 **BISHOP DUROCHER:** That's correct. There was
4 a provincial initiative that was launched at that time to
5 help various -- various organizations that dealt with a lot
6 of volunteers; I think of minor hockey, I think of a number
7 of churches, I think of the Red Cross. And through --
8 through -- actually it was a provincially-funded initiative
9 and so all the dioceses of Ontario at that point got
10 involved in developing policies for screening of volunteers
11 in the parishes.

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

13 And so -- but certainly between your time as
14 the auxiliary Bishop, so between 1997 and 2002 there had
15 been allegations in the Diocese of Sault Ste. Marie as
16 well?

17 **BISHOP DUROCHER:** Yes.

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

19 And were you aware of whether or not the
20 Diocese of Sault Ste. Marie had any protocols or any
21 guidelines in place during the time that you were there?

22 **BISHOP DUROCHER:** I can't remember specific
23 text but I know that there was -- I have clear recollection
24 of specific processes that Bishop Plouffe had in place to
25 deal with allegations.

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

2 And would you have been involved at all or
3 would you have participated in any type of committee or
4 meeting that would have reviewed any of those guidelines
5 and protocols?

6 **BISHOP DUROCHER:** No.

7 **MR. DUMAIS:** All right.

8 Do you recall whether or not while you were
9 in the Diocese of Sault Ste. Marie you had a Bishop's
10 delegate?

11 **BISHOP DUROCHER:** There was. Yes.

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

13 And do you recall whether or not the
14 Bishop's delegate was in Sault Ste. Marie?

15 **BISHOP DUROCHER:** I believe he lived in
16 North Bay.

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

18 And do you recall whether or not the
19 Diocese of Sault Ste. Marie had an advisory committee at
20 that time?

21 **BISHOP DUROCHER:** I was never part of one
22 but I imagine there was.

23 **MR. DUMAIS:** All right.

24 And so just getting back to the Father
25 MacDonald matter, so in 2002 were you aware whether or not

1 there was any outstanding civil proceeding involving the
2 Diocese and Father MacDonald?

3 **BISHOP DUROCHER:** When I arrived?

4 **MR. DUMAIS:** Yes.

5 **BISHOP DUROCHER:** I know there were civil
6 proceedings involving Father MacDonald. Whether they had
7 been settled by the time I had arrived -- I believe they
8 had been settled by the time I arrived. It's not clear for
9 me.

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

11 **BISHOP DUROCHER:** And there were further
12 ones later.

13 **MR. DUMAIS:** Right.

14 **BISHOP DUROCHER:** Yes.

15 **MR. DUMAIS:** Yes, we'll deal with some of
16 those later on.

17 So the -- one of the other outstanding
18 criminal matter during that period of time was the matter
19 of Father Paul Lapierre? Is that correct?

20 **BISHOP DUROCHER:** That's correct.

21 **MR. DUMAIS:** Okay. So do you recall having
22 any discussion with Bishop regarding Father Lapierre?

23 **BISHOP DUROCHER:** I don't have any
24 recollection of a specific discussion, no.

25 **MR. DUMAIS:** Okay.

1 Do you recall when after you were installed
2 as Bishop having been told or made aware that there was
3 this outstanding criminal matter regarding Father Lapierre.

4 **BISHOP DUROCHER:** Well, I must have because
5 I became aware of it.

6 **MR. DUMAIS:** All right.

7 So what -- what did you -- what did you find
8 out about that matter?

9 **BISHOP DUROCHER:** Well, I found out that --
10 that originally Father Dubé had been charged at the same
11 time as Father Lapierre. By the time that it had arrived
12 Father Dubé had been dismissed from that case but Father
13 Lapierre's case was ongoing. It was a complicated
14 proceeding. I did meet with his counsel at one point to
15 try to understand what the proceeding was and how it was
16 advancing.

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

18 So if we can deal with the matter of Father
19 Paul Lapierre first. So you became aware that at one point
20 in time there had been criminal charges in this area?

21 **BISHOP DUROCHER:** That's correct.

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

23 And by the time that you had arrived, the
24 matter had been completed.

25 **BISHOP DUROCHER:** That's correct.

1 **MR. DUMAIS:** And Father Lapierre had been
2 acquitted. Is that correct?

3 **BISHOP DUROCHER:** That's right.

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

5 And there was also a criminal matter that
6 stemmed from the Montreal area. Is that correct?

7 **BISHOP DUROCHER:** That's right.

8 **MR. DUMAIS:** And that criminal matter also
9 involved Father Dubé? Is that correct?

10 **BISHOP DUROCHER:** That's correct.

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

12 And when you were first installed here you
13 believed that that criminal matter had been settled or ---

14 **BISHOP DUROCHER:** Father Dubé's had been
15 settled; not Father Lapierre's.

16 **THE COMMISSIONER:** Father -- just for the
17 record -- Father Dubé was found not guilty.

18 **BISHOP DUROCHER:** That's correct.

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

20 Now we've heard evidence over the last
21 couple of days regarding Bishop LaRocque's knowledge from
22 Father Paul Lapierre. So he recounted a telephone
23 conversation that he would have had with him indicating
24 that he knew that Father René Dubé they had been wrongfully
25 accused because Father Lapierre had indicated to him that

1 he had been responsible with another priest.

2 **THE COMMISSIONER:** Father Scott?

3 **MR. DUMAIS:** Were you ---

4 **BISHOP DUROCHER:** Father Donald Scott.

5 **MR. DUMAIS:** Were you made aware at any
6 point in time of this information?

7 **BISHOP DUROCHER:** I asked Bishop LaRocque,
8 once why he had not applied the protocol in the case of
9 Father Dubé and he told me because he had knowledge that
10 convinced him that Father Dubé was innocent, but he never
11 shared with me what that knowledge was; I heard it when he
12 testified here.

13 **MR. DUMAIS:** All right. And Bishop LaRocque
14 also indicated, during his evidence in the last couple of
15 days, that he -- the Diocese did not fund the criminal
16 defence of Paul Lapierre.

17 **BISHOP DUROCHER:** He was mistaken on that,
18 on his answer on that. The Diocese did fund Father
19 Lapierre's legal fees.

20 **THE COMMISSIONER:** And I take it,
21 Father -- the one that was acquitted, Father Dubé, as well?

22 **BISHOP DUROCHER:** Father Dubé's legal fees
23 also, yes.

24 **MR. DUMAIS:** Okay, all right. So
25 Father Lapierre's criminal legal fees, both for the Ontario

1 matter and the Québec matter, is that correct?

2 **BISHOP DUROCHER:** That's correct.

3 **MR. DUMAIS:** All right. And you're able to
4 determine that by going back and looking at some of the
5 invoices; is that correct?

6 **BISHOP DUROCHER:** Well, I actually met with
7 his counsel when I met him. One of the questions was
8 how -- were questions dealing with the legal fees, so I was
9 involved right from the start with paying bills.

10 **MR. DUMAIS:** All right. So, then, when you
11 were first installed as Bishop here, what was the status of
12 both Father Lapierre and Father Dubé, with respect to their
13 authorization to exercise their ministry here in the
14 Diocese?

15 **BISHOP DUROCHER:** Father Dubé was exercising
16 his ministry with no limitations, as far as I know. Father
17 Lapierre was retired in Montréal. I think he would go and
18 possibly help out in a parish once in a while, on weekends.

19 **MR. DUMAIS:** All right. But, clearly,
20 Father Lapierre was still incardinated in this Diocese?

21 **BISHOP DUROCHER:** Yes, he was.

22 **MR. DUMAIS:** All right. And do you recall
23 whether or not, during that period of time, there were any
24 outstanding civil proceedings with respect to either Father
25 Lapierre or Father Dubé?

1 **BISHOP DUROCHER:** I'm not aware of any civil
2 proceedings dealing with either of those two gentlemen.

3 **MR. DUMAIS:** And, again, did the Diocese
4 itself have any involvement with any of the alleged victims
5 of Father Dubé, during that period of time?

6 **BISHOP DUROCHER:** No.

7 **MR. DUMAIS:** So there would not have been
8 any investigation by the Diocese, or follow-up, with
9 respect to victims?

10 **BISHOP DUROCHER:** No.

11 **MR. DUMAIS:** All right. Another one --
12 another matter that was discussed over the last couple of
13 weeks was the matter of Father Deslauriers. So did you,
14 when you became installed as Bishop here, have any
15 discussion with Bishop LaRocque regarding that matter?

16 **BISHOP DUROCHER:** I don't recall any, no.

17 **MR. DUMAIS:** All right. And at one point in
18 time would you have reviewed some of the files or some of
19 the documents that were at the Diocese then?

20 **BISHOP DUROCHER:** I remember reading through
21 the transcript of the little committee that he had formed
22 to meet with some of the victims and their family members.
23 I remember reading through that.

24 **THE COMMISSIONER:** So we call it the Ad Hoc
25 Committee report.

1 **BISHOP DUROCHER:** The Ad Hoc Committee, yes.
2 Yes.

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

4 **BISHOP DUROCHER:** I remember reading through
5 that, yes.

6 **MR. DUMAIS:** Okay. And do you recall
7 reading through any other documents regarding
8 Father Deslauriers and his matters?

9 **BISHOP DUROCHER:** Well, at one point I must
10 have read through his whole file.

11 **MR. DUMAIS:** Okay. But, certainly at that
12 period of time you were made aware, or you became aware
13 that there had been criminal proceedings with respect to
14 Father Deslauriers as well, and that there had been
15 findings of guilt -- or pleas, actually?

16 **BISHOP DUROCHER:** That's correct.

17 **MR. DUMAIS:** All right. And do you recall
18 what Father Deslauriers' status with respect to the Diocese
19 was at that point in time?

20 **BISHOP DUROCHER:** He was no longer a member
21 of the Diocese when I arrived.

22 **MR. DUMAIS:** All right. He had been
23 excardinated?

24 **BISHOP DUROCHER:** That's ---

25 **MR. DUMAIS:** Is that correct?

1 **BISHOP DUROCHER:** --- correct, yes.

2 **MR. DUMAIS:** And would you have reviewed any
3 of the correspondence with respect to the incardination and
4 excardination of Father Deslauriers with ---

5 **BISHOP DUROCHER:** As I said, when I read his
6 file, I would have read that material, yes.

7 **MR. DUMAIS:** Okay. And, again, this would
8 have been the extent of your -- the information that would
9 have come from Bishop LaRocque, regarding Father
10 Deslauriers?

11 **BISHOP DUROCHER:** That's correct.

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

13 **THE COMMISSIONER:** So what was your
14 assessment of the whole thing when you read Deslauriers'
15 things? You know, all -- everything there was to read?
16 Did you have a ---

17 **BISHOP DUROCHER:** My first reaction, I
18 wanted to go punch this guy in the face. I -- I was
19 disgusted. I was disgusted that this priest had abused his
20 power that way, to abuse these young people. I
21 have -- sorry.

22 **THE COMMISSIONER:** No, that's fine. That's
23 fine, but -- then, okay ---

24 **BISHOP DUROCHER:** It's -- it's so terrible,
25 you know. And -- and he's a priest and I'm a priest, and

1 it made me ashamed, you know.

2 **MR. DUMAIS:** Now, there were a number of
3 other matters, and I'll just go through some of them, and
4 you can just advise me whether or not you recall having any
5 specific conversation with respect to these matters with
6 Bishop LaRocque.

7 **BISHOP DUROCHER:** M'hm.

8 **MR. DUMAIS:** So one of them is Father Hollis
9 Lapierre. Would you have had any discussion on this
10 matter?

11 **BISHOP DUROCHER:** I don't recall any, no.

12 **MR. DUMAIS:** All right. And what about
13 Father Carl Stone?

14 **BISHOP DUROCHER:** No.

15 **MR. DUMAIS:** All right. And what about
16 Father Lucien Lussier?

17 **BISHOP DUROCHER:** I might have had
18 conversations with him because he was still
19 replacing -- doing replacement ministry in the parishes,
20 but nothing specific.

21 **MR. DUMAIS:** All right. So Bishop LaRocque
22 would not have advised you or given you any information
23 about sending him to Southdown's?

24 **BISHOP DUROCHER:** No.

25 **MR. DUMAIS:** All right. So all the

1 information that you would have obtained from -- regarding
2 Father Lussier would come from his personnel file ---

3 **BISHOP DUROCHER:** That's correct.

4 **MR. DUMAIS:** --- is that fair? Okay. What
5 about Father Roméo Major?

6 **BISHOP DUROCHER:** Father Roméo, I met a few
7 weeks -- well, I can't remember exactly, but some time
8 after my arrival in the Diocese. I remember sitting with
9 him and talking about his -- his faith, his -- the fact
10 that he'd been charged, the fact that he -- that he had
11 gone to Southdown, how he had experienced all of that, his
12 desire to retire, but his willingness to stay and function
13 for a few more months to give me time to reorganize, you
14 could say, the personnel in the Diocese.

15 **MR. DUMAIS:** All right. The charges, I
16 believe, were withdrawn by the Crown's office sometime in
17 the fall of 2001, with respect to Father Major. Is that
18 your belief as well?

19 **BISHOP DUROCHER:** If you say so, yes.

20 **MR. DUMAIS:** All right. So, then, what was
21 his status at the time of your arrival, or your
22 installation here in the Diocese? Was he exercising his
23 ministry?

24 **BISHOP DUROCHER:** He was. He was parish
25 priest of the Parish of Canadian Martyrs.

1 **MR. DUMAIS:** All right. So you would
2 not -- so Bishop LaRocque would not have had any discussion
3 with respect to Father Major, specifically?

4 **BISHOP DUROCHER:** No.

5 **MR. DUMAIS:** And at that period of time, so
6 in 2002, were you aware that the charge had not proceeded
7 against Father Major because the complainant was ill?

8 **BISHOP DUROCHER:** That's what Father Major
9 told me.

10 **MR. DUMAIS:** Okay. So he had advised you,
11 right?

12 **BISHOP DUROCHER:** That's right.

13 **MR. DUMAIS:** All right. So what was the
14 steps you took with respect to Father Major? What happened
15 to him?

16 **BISHOP DUROCHER:** Nothing happened. He
17 continued his ministry.

18 **MR. DUMAIS:** Okay. So I thought you told me
19 earlier that you wanted some time to consider what ---

20 **BISHOP DUROCHER:** No, the consideration was
21 about the staffing of the Diocese. There was -- as I said,
22 one of the challenges that was facing me as I was arriving
23 was reorganisation of the number of parishes within the
24 Diocese. Within the first year that I was here we closed
25 three parishes and that entailed major reorganisation of

1 the staffing of the parishes.

2 It's in those terms that I say that Father
3 Major was willing to stay in place until we came to those
4 decisions and reorganisation.

5 **MR. DUMAIS:** All right. So then, when these
6 decisions were made, was he -- did he retire? Did he
7 continue to exercise his ministry in this Diocese?

8 **BISHOP DUROCHER:** He retired from full-time
9 ministry. He continued to do a bit of replacement ministry
10 -- limited. His health was not very good.

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

12 **THE COMMISSIONER:** I guess the question
13 would be did this concept enter into the discussion in the
14 sense that while someone is acquitted or the charges are
15 withdrawn, that as an employer that you would look beyond
16 the finding of not guilty or the withdrawal of the charges
17 to see if there were still some concerns with respect to
18 his ministry. Was that a concept that you were alive to in
19 those -- at that time?

20 **BISHOP DUROCHER:** When I arrived I was
21 having to face all of this all at the same time. My
22 priority was, first of all, giving ourselves a protocol,
23 and so I put my energy there and I kind of left everything
24 else status quo, as it was.

25 **THE COMMISSIONER:** Okay. All right.

1 **MR. DUMAIS:** So then we also heard from
2 Bishop LaRocque, over the last couple of days, information
3 with respect to Father Luc Meunier that had spent time in
4 this Diocese, I believe, for a period of about a year. Do
5 you recall any discussion with Bishop LaRocque regarding
6 Father Meunier?

7 **BISHOP DUROCHER:** No.

8 **MR. DUMAIS:** All right. And we previously
9 mentioned the name of Father Donald Scott as well. Do you
10 recall any discussion with the Bishop regarding Father
11 Scott?

12 **BISHOP DUROCHER:** No.

13 **MR. DUMAIS:** All right. And the other
14 matter was the matter of Father Ken Martin, who I believe
15 had been acquitted on September 19, 2001, so again a little
16 less than a year before you were installed in this Diocese.
17 Do you recall having any discussion with Bishop LaRocque
18 regarding Father Martin?

19 **BISHOP DUROCHER:** No.

20 **MR. DUMAIS:** All right. And do you recall
21 what Father Martin's status was in 2002 when you were first
22 installed?

23 **BISHOP DUROCHER:** I found out at one point
24 that he was retired in Montreal and, again, I believe he
25 was doing replacement ministry in the Diocese of Montreal.

1 **MR. DUMAIS:** All right. And do you recall
2 whether or not he was still incardinated in this Diocese?

3 **BISHOP DUROCHER:** Yes. He still is.

4 **THE COMMISSIONER:** Mr. Dumais, I'm going to
5 have to take a break shortly, so pick up a spot.

6 **MR. DUMAIS:** Good a spot as any, Mr.
7 Commissioner.

8 **THE COMMISSIONER:** We'll take a morning
9 break, 15 minutes, thank you.

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

12 The hearing will resume at 11:20 a.m.

13 --- Upon recessing at 11:05 a.m./

14 L'audience est suspendue à 11h05

15 --- Upon resuming at 11:23 a.m./

16 L'audience est reprise à 11h23

17 **THE REGISTRAR:** Order; all rise. À l'ordre;
18 veuillez vous lever. The hearing is now resumed. Please
19 be seated. Veuillez vous asseoir

20 **BISHOP PAUL-ANDRÉ DUROCHER, Resumed/Sous le même serment:**

21 **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

22 **DUMAIS (cont'd/suite):**

23 **MR. DUMAIS:** Right, Bishop, if we can have a
24 look then at some of the policies, guidelines and protocols
25 that were in place in the Diocese over a certain period of

1 time, and we'll start in 1987 and we'll go right through to
2 the last amendment to the guidelines which you were
3 involved with in 2005.

4 So if we can show Exhibit 58 Tab 6 to the
5 witness.

6 **THE COMMISSIONER:** Volume 1.

7 **BISHOP DUROCHER:** Thank you.

8 **MR. DUMAIS:** Now, Bishop, there are a number
9 of these guidelines and protocols that you found in your
10 archives. Would you have had any discussion with Bishop
11 LaRocque, when you were first installed, with respect to
12 any of these protocol or guidelines, or were you -- would
13 you have been advised of what the history was?

14 **BISHOP DUROCHER:** No.

15 **MR. DUMAIS:** All right. At one point in
16 time you would have seen this document which is called,
17 "Principles and Procedures for Clergy in Difficulty," is
18 that correct?

19 **BISHOP DUROCHER:** That's correct.

20 **MR. DUMAIS:** And that essentially is the
21 first guideline or protocol dealing with allegations -- it
22 deals with other matters as well, but allegations of child-
23 youth abuse -- child or youth abuse by a clergy member. Is
24 that correct?

25 **BISHOP DUROCHER:** I believe so.

1 **MR. DUMAIS:** And that's the first policy
2 that you're aware of that was ever implemented in this
3 Diocese. Is that correct?

4 **BISHOP DUROCHER:** I don't know if it was
5 implemented.

6 **MR. DUMAIS:** I believe you would have said
7 in your corporate presentation that sometime in March of --
8 prior to -- you thought it might have been implemented
9 prior to March 1987 and you had made reference to -- I
10 think it was a Council of Senate meeting or something to
11 that effect. Does that refresh your memory?

12 **BISHOP DUROCHER:** I'm sorry, it doesn't.

13 **MR. DUMAIS:** All right. But certainly you -
14 - if you look at the last page of this document, which is
15 Bates pages 619, you would see that Bishop LaRocque would
16 have signed this document in ---

17 **BISHOP DUROCHER:** That's correct.

18 **MR. DUMAIS:** All right. And as I've
19 indicated earlier, this document not only deals with
20 allegations of sexual abuse but deals as well with other
21 criminal offences. So if we look at the second -- the
22 number 2 -- not the second paragraph but the second
23 numbered paragraph on the first page. I'll just read it
24 out:

25 "Clergy and personnel are to be

1 educated on the legal and moral aspect
2 of indictable offences, i.e. drunk-
3 driving, embezzlement of funds, child
4 abuse, teenage or retarded adult sexual
5 assault."

6 So it dealt with other criminal matters as
7 well.

8 **BISHOP DUROCHER:** Yes.

9 **MR. DUMAIS:** And if we look on the second
10 page, so Bates pages 618, it's in the fourth paragraph,
11 you'll see about mid-page "confidentiality" is underlined.
12 So if I can read out:

13 "Confidentiality is not safeguarded in
14 the courts. Legal advice and
15 assistance is available to all members
16 of the clergy involved in criminal
17 investigations."

18 So this document essentially deals with
19 clergy facing difficulty with respect to criminal
20 investigations or criminal allegations. Is that correct?

21 **BISHOP DUROCHER:** That's my understanding.

22 **MR. DUMAIS:** All right. So as far as you
23 know, this document does not deal with civil matters, and
24 civil in a sense that the Diocese or the priests being sued
25 for a certain amount of money. Is that your understanding?

1 **BISHOP DUROCHER:** Well, it doesn't speak
2 about it.

3 **MR. DUMAIS:** All right. And this document
4 would have been replaced by a further document at one
5 point-in-time. Is that correct?

6 **BISHOP DUROCHER:** That's my understanding,
7 yes.

8 **MR. DUMAIS:** And that document is the
9 protocol that was adopted in 1996?

10 **BISHOP DUROCHER:** Okay.

11 **MR. DUMAIS:** Perhaps -- let me just -- I'll
12 point you out to this document in just a second. We'll
13 just -- I'll keep going chronologically.

14 So then there was a guideline that would
15 have been in place in the Diocese sometime in the years
16 '93/'94. If we can just look at Tab 25 of that same
17 exhibit, so Exhibit 58.

18 Now, we've heard evidence that this
19 guideline would have been drafted by Father Vaillancourt at
20 one point-in-time and he would have inspired himself from a
21 precedent from another diocese.

22 And as far as you know, this guideline was
23 no longer in effect when you were first installed in this
24 Diocese. Is that correct?

25 **BISHOP DUROCHER:** That's my understanding.

1 **MR. DUMAIS:** And it would have been replaced
2 by a guideline that was adopted in 1995, and if you can
3 just have a look at Exhibit 58, Tab 31.

4 **THE COMMISSIONER:** It's in your book. Tab
5 31 you said?

6 **MR. DUMAIS:** Correct.
7 So if you look on the second page again it's
8 dated June 21st, 1995 and it is signed by Bishop LaRocque.
9 So these are the guidelines that would have
10 replaced the 19 -- the previous document that we looked at.
11 Is that correct?

12 **BISHOP DUROCHER:** That's correct.

13 **MR. DUMAIS:** All right. And essentially
14 these guidelines dealt in the -- I'm looking at the first
15 page in phase one about reporting any allegations where the
16 victim would have been under the age of 16 to the
17 Children's Aid Society. Is that correct?

18 **BISHOP DUROCHER:** That's right.

19 **MR. DUMAIS:** And it provides in phase two
20 that the Bishop is to be informed of the complaint?

21 **BISHOP DUROCHER:** Yeah.

22 **MR. DUMAIS:** And then in phase three that it
23 is the responsibility of the CAS and the police to conduct
24 an investigation. Is that correct?

25 **BISHOP DUROCHER:** That's right.

1 **MR. DUMAIS:** And then it does provide at
2 phase four that if certain conditions are met, and they are
3 listed there, that you may remove the suspected aggressor
4 from church duties?

5 **BISHOP DUROCHER:** That's right.

6 **MR. DUMAIS:** And then phase five of these
7 guidelines provide that help and support is to be offered
8 to the alleged victim and his family?

9 **BISHOP DUROCHER:** That's right.

10 **MR. DUMAIS:** So these guidelines were
11 adopted once again in 1996 without any change. Is that
12 correct?

13 **BISHOP DUROCHER:** That could be.

14 **MR. DUMAIS:** Well, perhaps if you can just
15 have a look then at, I believe it's the next tab, Tab 32.
16 So do you recognize this document, Bishop?

17 **BISHOP DUROCHER:** Yeah.

18 **MR. DUMAIS:** All right. So this is
19 essentially a compilation of the different policies,
20 guidelines, protocols that have been placed -- that were in
21 place in the Diocese at that period of time. Is that
22 correct?

23 **BISHOP DUROCHER:** That's my understanding,
24 yes.

25 **MR. DUMAIS:** And at Appendix "C", there's a

1 document there that is the "Diocese Guidelines on Sexual
2 Abuse by Priests, Deacons, Seminarians and Pastoral
3 Assistants".

4 And this guideline is once again signed by
5 Bishop LaRocque and it is dated June 17th, 1996?

6 **BISHOP DUROCHER:** Yes.

7 **MR. DUMAIS:** And unlike the previous
8 version, I guess, there's another document that's annexed
9 to it. So if you look at the following page, so Bates
10 pages 817 and 818.

11 **BISHOP DUROCHER:** Yes.

12 **MR. DUMAIS:** There is a protocol for priests
13 who are the subject matter of criminal proceedings or civil
14 litigations.

15 **BISHOP DUROCHER:** Right. It's not -- my
16 understanding it's not annexed to guidelines. It's another
17 protocol that's part of the ensemble of protocols in the
18 Diocese.

19 **MR. DUMAIS:** Okay. So you believe it to be
20 separate and apart. Is that correct?

21 **BISHOP DUROCHER:** Well, I don't know. I'm
22 just saying this is taken from a compilation of
23 administrative procedures in the Diocese.

24 **MR. DUMAIS:** All right.

25 **BISHOP DUROCHER:** And so -- you used the

1 word this is "annexed" to the other one. I'm saying not
2 necessarily but ---

3 **THE COMMISSIONER:** Well, if you look at --
4 just for conversation.

5 **BISHOP DUROCHER:** Yeah.

6 **THE COMMISSIONER:** Table of Contents?

7 **BISHOP DUROCHER:** Yes.

8 **THE COMMISSIONER:** If you look Appendix "C",
9 it says "Diocesan Guidelines of Sexual Abuse by Priests,
10 Deacons and Seminarians" ---

11 **MR. DUMAIS:** There we go.

12 **THE COMMISSIONER:** --- at page 37 and it
13 goes to page ---

14 **BISHOP DUROCHER:** Oh, yes. Yeah.

15 **THE COMMISSIONER:** So it's all there.

16 **BISHOP DUROCHER:** That's right.

17 **MR. DUMAIS:** And certainly the date that's
18 found at Appendix "C" is the 17th day of June, 1996 and,
19 again, the "Protocol for Priests" is dated June 17th, 1996.

20 **BISHOP DUROCHER:** Yes.

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

22 So is it fair to say that you're -- when
23 you're first installed in the Diocese that these guidelines
24 were the guidelines that were in effect for the Diocese?

25 **BISHOP DUROCHER:** Yes.

1 **MR. DUMAIS:** All right. And if we look for
2 a second at the "Protocol for Priests", do you believe that
3 this protocol would have replaced the "Policy for Clergy in
4 Difficulty" that we just looked at which would have been
5 dated March, 1987?

6 Do you know that?

7 **BISHOP DUROCHER:** No, I don't.

8 **MR. DUMAIS:** All right. If we can then just
9 go through this protocol just for a second, so starting at
10 Bates pages 817.

11 **THE COMMISSIONER:** We don't have Bates pages
12 in this exhibit so ---

13 **MR. DUMAIS:** That would be page, I guess, 38
14 of the document.

15 So the first part deals with the accused
16 priests. So in the first paragraph, it essentially
17 indicates that the accused priest has a right to seek legal
18 counsel before responding to legitimate investigation
19 authorities, both civil and religious.

20 And if you look at the top of the protocol,
21 so the title, it deals -- it essentially says, "Protocol
22 for Priests are the Subject Matter of Criminal Proceedings
23 or Civil Litigation".

24 So certainly this new protocol appears to
25 provide for legal representation for both criminal and

1 civil matters. Do you agree with that?

2 BISHOP DUROCHER: That's right.

3 MR. DUMAIS: All right. So that's a
4 distinction from the 1987 protocol which appears certainly
5 to provide for representation for criminal matters only?

6 BISHOP DUROCHER: That's correct.

7 MR. DUMAIS: And certainly in the second
8 paragraph, the protocol does indicate that costs for the
9 legal representation are to be borne by the Diocese. Is
10 that correct?

11 BISHOP DUROCHER: That's right.

12 MR. DUMAIS: And if we look then at the next
13 paragraph, paragraph 3 the last line there. And the
14 paragraph essentially takes again some of the conditions
15 that you find in I believe it's phase four of the
16 guidelines, so whether and when you're to decide when the
17 suspected aggressor is to be removed from Church duties --
18 so it takes again this same language and indicates at the
19 end:

20 "The accused priest will be removed
21 from his position and placed on a leave
22 of absence."

23 And then it says:

24 "After six months the removal becomes
25 permanent."

1 What do you understand that paragraph to
2 mean?

3 **BISHOP DUROCHER:** Well, honestly, it's not
4 clear to me and it seems to contravene canon law, so I
5 don't know if this could be put into effect as it's
6 written; the last sentence.

7 **MR. DUMAIS:** All right, so it contravenes
8 canon law?

9 **BISHOP DUROCHER:** Yes.

10 **MR. DUMAIS:** In what way?

11 **BISHOP DUROCHER:** Well, in the way that a
12 priest has a right; for example, a parish priest cannot
13 simply be removed from his position as parish priest.
14 There is a procedure in canon law to go about doing that.
15 So if a bishop was to remove, permanently, someone from the
16 position of parish priest then he has to follow that
17 procedure.

18 **MR. DUMAIS:** All right. And so when you
19 were first installed as Bishop in this Diocese, this
20 protocol was in place. Is that correct?

21 **BISHOP DUROCHER:** I believe that's the
22 protocol that was in place, yes.

23 **MR. DUMAIS:** All right. So -- and we have
24 gone -- we're going to go through the new protocol that the
25 committee suggested -- the new guidelines that the

1 committee suggested in 2003, but they did not address this
2 specific protocol for priests who are the subject matter of
3 criminal proceeding and civil litigation.

4 **BISHOP DUROCHER:** That's correct.

5 **MR. DUMAIS:** As far as you know, is this
6 protocol still in place in this Diocese?

7 **BISHOP DUROCHER:** It's the protocol that is
8 in force right now, yes.

9 **MR. DUMAIS:** All right.

10 **THE COMMISSIONER:** The 1996 one?

11 **BISHOP DUROCHER:** That's right.

12 **THE COMMISSIONER:** Okay.

13 **BISHOP DUROCHER:** Concerning the matter of
14 the priests, yes.

15 **THE COMMISSIONER:** Okay.

16 **MR. DUMAIS:** Because the 2003 guidelines
17 would have replaced the June 21st, 1996 guidelines but not
18 this protocol.

19 **BISHOP DUROCHER:** That's correct. If I can
20 perhaps just add here that it has been my intention to
21 review this protocol from the start but we felt that it was
22 more important to start with the procedures dealing with
23 allegations, and once we had that in place, put into place
24 the screening initiatives, and once the screening
25 initiatives were put in place, then to restudy this.

1 But then this Inquiry was started so I
2 decide we'll wait for the Inquiry to run its course and
3 then receive any recommendations before making any further
4 amendments or updates of various protocols. So that's why
5 this is still in force.

6 **MR. DUMAIS:** Right. But certainly if you
7 were to make a recommendation you'd certainly recommend
8 that this paragraph would be varied. Is that correct?

9 **BISHOP DUROCHER:** I have very strong
10 opinions about some of the issues that are raised here,
11 yes, and they would have to be studied.

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

13 All right, so then if we can look at the
14 fourth paragraph, and -- which reads as follows:

15 "The personnel board, in consultation
16 with the priest against whom
17 allegations have been made, shall
18 ensure that the accused priest have
19 reasonable lodging and the necessary
20 funds to provide such lodging and
21 food."

22 I guess my first question is what is or who
23 is the personnel board?

24 **BISHOP DUROCHER:** At the time there was a
25 personnel board that was made up of a few priests, the

1 Bishop, and that personnel board would basically have the
2 responsibility of naming priests or of advising, rather,
3 the Bishop on the naming of priests to positions of
4 responsibility within the Diocese.

5 MR. DUMAIS: All right.

6 THE COMMISSIONER: Does the board still
7 exist?

8 BISHOP DUROCHER: No. I have -- there are
9 two priests that I consult when it comes time to make those
10 nominations.

11 THE COMMISSIONER: Okay. So let's assume
12 that tomorrow you have cause to look at this protocol ---

13 BISHOP DUROCHER: Yes.

14 THE COMMISSIONER: --- for some unfortunate
15 ---

16 BISHOP DUROCHER: Yes.

17 THE COMMISSIONER: Who would be the
18 personnel board? Would it be those two people?

19 BISHOP DUROCHER: They could stand as the
20 personnel board. There is also an organisation in the
21 Diocese called the Ecclesiastical Mutual Benefit Society,
22 which is a longstanding association of the priests where
23 they kind of care for those who are in difficulty, so I
24 would imagine that they would be called to look at this
25 also.

1 **MR. DUMAIS:** So at the time this personnel
2 board would have had some sort of human resource function
3 as well?

4 **BISHOP DUROCHER:** Yes, like -- yes.

5 **MR. DUMAIS:** All right. And if we look, for
6 a second, at paragraph 7, so it reads as follows:

7 "All statements pertaining to
8 accusations, criminal charges or civil
9 law suits should be made by legal
10 counsel to avoid all misunderstanding."

11 So do you understand that to read legal
12 counsel for the Diocese or for the priests themselves?

13 **BISHOP DUROCHER:** That's not clear.

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

15 **BISHOP DUROCHER:** That's not clear.

16 **MR. DUMAIS:** Okay, all right. And then in
17 the next paragraph there is again a reference to the
18 personnel board, and it reads as follows:

19 "The personnel board shall recommend
20 restrictions on the jurisdiction of the
21 priest being investigated or the
22 removal of his jurisdiction."

23 Does "jurisdiction" stand for "faculties"
24 here? Is that ---

25 **BISHOP DUROCHER:** Well, it's very loose

1 canonical language. The jurisdiction has -- how can I say
2 it? It's a loose term, so I would imply it to involve
3 either faculties or eventually more than the removal of
4 faculties, possibly penalties or even suspension. That's -
5 --

6 **MR. DUMAIS:** But certainly that decision
7 lies with the Bishop. Is that correct?

8 **BISHOP DUROCHER:** There are -- yes, in most
9 cases. There are cases where canon law provides for a
10 canonical process, a penal process where it would be the
11 judge of the process who would -- who could apply a
12 penalty, but penal processes are extremely rare.

13 So for all intents and purposes, yes, it is
14 the Bishop who makes those decisions, or the superior of a
15 religious priest.

16 **MR. DUMAIS:** Right. But certainly, if we
17 look at the guidelines that were in place and the Phase 4
18 paragraph that we looked at, the last sentence certainly
19 does provide that the Bishop removes the suspected
20 aggressor from Church duties.

21 **BISHOP DUROCHER:** That's right.

22 **MR. DUMAIS:** Is there any significance,
23 Bishop, with the language used in the type of document that
24 this is? So, more specifically, the first document dealing
25 with Phase 1, 2, 3, 4 and 5 is called a guideline, and the

1 second document that we've looked at is called a protocol.
2 Any significance with the language? Does one have
3 precedence over the other?

4 **BISHOP DUROCHER:** No. Neither expression is
5 used in canon law. They have no legal meaning.

6 **MR. DUMAIS:** All right. And is it your view
7 that you are bound by this protocol or is there a certain
8 amount of discretion that you can exercise as the Bishop?

9 **BISHOP DUROCHER:** When a bishop establishes
10 law for a diocese he is the lawmaker and, as the lawmaker,
11 he can adjust that law at will. So in a sense whatever
12 local law is made, what we call a particular law in canon
13 law -- particular law which is established by a bishop, the
14 Bishop is bound to it until he changes it, you know, but he
15 can change it at will.

16 **MR. DUMAIS:** Okay. So does this mean,
17 Bishop, then if you don't -- if the Bishop doesn't intend
18 on following the guideline or the protocols, he has the
19 power to change a protocol, that he should do so? Is that
20 ---

21 **BISHOP DUROCHER:** That's correct.

22 **MR. DUMAIS:** Okay.

23 **THE COMMISSIONER:** So, for example, if
24 you're faced with the Father Dubé situation ---

25 **BISHOP DUROCHER:** Yes.

1 **THE COMMISSIONER:** --- right, you would have
2 the power to say, "I know this is what the protocol says
3 but I'm not going to remove ---"

4 **BISHOP DUROCHER:** The Bishop has that power.
5 In canon law the Bishop has that power.

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

7 **BISHOP DUROCHER:** Personally I feel that
8 it's too great a power for bishops but that's an issue to
9 be debated within canon law.

10 But the way canon law is set up right now
11 the Bishop does have that power, yes.

12 **MR. DUMAIS:** And would he have that power
13 then without necessarily adopting a new guideline or a new
14 protocol?

15 **BISHOP DUROCHER:** Well, yes.

16 **MR. DUMAIS:** All right. So then when you --
17 when you're first installed as Bishop here, you would have
18 at one point in time looked at these guidelines and
19 protocols and you would have had some concerns with that,
20 is that correct?

21 **BISHOP DUROCHER:** My concerns did not arise
22 from studying the protocols as they stood. My concerns
23 arose from a feeling that I got from a lot of people when I
24 arrived in this Diocese that all this issue -- all these
25 issues had to be looked at again.

1 I only became aware of these protocols much
2 later down the road. I simply decided to start afresh and
3 bring together a new group of people, bring in some experts
4 and let's write up something new that will respond to the
5 needs of this area.

6 MR. DUMAIS: All right.

7 BISHOP DUROCHER: So it wasn't a study of
8 these texts that made me want to review them.

9 MR. DUMAIS: But certainly it would have
10 been one of the tasks of your committee to review the
11 protocols that were presently in place to determine whether
12 or not they had to be modified. Is that fair?

13 BISHOP DUROCHER: I don't remember doing it,
14 quite honestly. We -- it would be normal that we should
15 have. I don't remember if we did.

16 MR. DUMAIS: All right. So perhaps we'll
17 leave the committee issues aside for a second. In 2002
18 were you familiar at all with the report that had been
19 published that's commonly known as the Pain To Hope report?

20 BISHOP DUROCHER: I was aware of it.

21 MR. DUMAIS: All right. And were you aware
22 of the recommendations that had been made in this report?

23 BISHOP DUROCHER: I was aware that there
24 were recommendations.

25 MR. DUMAIS: But you didn't specifically

1 know, I guess when you were first installed in 2002 what
2 the specifics of these recommendations were?

3 **BISHOP DUROCHER:** No, I had no -- I had not
4 studied the document until I was named Bishop here.

5 **MR. DUMAIS:** Okay. If we can put the
6 following document to the witness; Document 720654.

7 **THE COMMISSIONER:** Okay. Exhibit Number
8 2183 contains a number of newspaper clippings from the
9 Freeholder. The first one has a date of Friday, June 14th,
10 2002.

11 ---EXHIBIT NO./PIECE NO. P-2183:

12 (720654) Standard Freeholder articles
13 "Church needs to deal with abuse
14 allegations" and "Citizens coalition plans
15 rally outside Bishop's installation"

16 **MR. DUMAIS:** All right. So this -- these
17 are two articles, one was published on June 13th, 2002 and
18 the top one, June 14th, 2002. So essentially if we read the
19 headlines it says, "Citizens coalition plans rally outside
20 Bishop's installation."

21 So these articles would have been published
22 on the Thursday and the Friday prior to your installation.
23 And if then you can have a look at Document Number 730283.

24 **THE COMMISSIONER:** Exhibit 2184 is an Ottawa
25 Citizen news clipping dated June 18th, 2002.

1 **---EXHIBIT NO./PIECE NO. P-2184:**

2 (730283) Ottawa-Sun article "Last case
3 dismissed" - 18 June 02

4 **MR. DUMAIS:** If you can just look at the --
5 towards the right of that exhibit so right under "Kids will
6 be safe," Bishop, and it's small print so maybe I can just
7 read it:

8 "The new Bishop of the troubled
9 Cornwall-Alexandria Diocese began his
10 first day on the job yesterday bound to
11 ensure that no child would be at risk
12 of sexual abuse in this new community
13 as about 50 people protested outside
14 his cathedral."

15 First question: So do you recall that, that
16 during your installation that there were a number of people
17 demonstrating outside?

18 **BISHOP DUROCHER:** Yes, vividly.

19 **MR. DUMAIS:** Right. So certainly the mood
20 of the community was that they wanted these matters
21 addressed by the Diocese. Is that correct?

22 **BISHOP DUROCHER:** The mood of some people in
23 the community was very ugly, yes.

24 **MR. DUMAIS:** All right. And if I can then
25 just continue:

1 "So Bishop Paul-Andre Durocher said
2 that he would be meeting with the
3 protest group, the Coalition for Action
4 on Child Sexual Abuse which was formed
5 last month after a judge stayed charges
6 against Cornwall priest Father Charles
7 MacDonald."

8 So -- and as a matter of fact, so did you
9 meet with any of these protest group -- and I guess more
10 specifically the coalition for action?

11 **BISHOP DUROCHER:** That evening I went out
12 and met the protestors before the installation. I went and
13 spoke with the leaders of that group, particularly Mr.
14 Roth. I invited them to get ahold of me within the next
15 week so we could set up a meeting.

16 Mr. Roth never called me back. I tried
17 contacting him. He was no longer interested in the meeting
18 and so no meeting ever occurred with Mr. Roth.

19 **MR. DUMAIS:** And would that have been your
20 last dealing then with Mr. Roth?

21 **BISHOP DUROCHER:** On this issue, yes.

22 **MR. DUMAIS:** Okay. And then if you can just
23 have a look at Document 720656.

24 **THE COMMISSIONER:** Thank you. Exhibit 2185
25 is a newspaper clipping of the Standard Freeholder dated

1 June 15th, 2002.

2 ---EXHIBIT NO./PIECE NO. P-2185

3 (720656) Standard Freeholder article

4 "Eager to address abuse issue" - 15 June

5 02

6 **MR. DUMAIS:** So the headline reads, "Eager
7 to address abuse issue." And I'm just going to read the
8 last paragraph of the fourth column. And I believe they're
9 quoting:

10 "One of the things I want to do as a
11 Bishop here is to set up some kind of
12 committee to reflect on what happened
13 in this Diocese and how we can move
14 forward and ensure the most vulnerable
15 are safe within the Church."

16 And so -- and this is an article that was
17 published on June 15th, 2002 so a couple of days before your
18 installation.

19 So certainly it was in your mind at that
20 point in time to set up this committee, is that correct?

21 **BISHOP DUROCHER:** That's correct.

22 **MR. DUMAIS:** So do you recall how you came
23 to make that decision to set up a committee?

24 **BISHOP DUROCHER:** That's the way we work in
25 the Church; when you have a problem you bring people

1 together, talk about it, try to see how to move forward
2 with it.

3 **MR. DUMAIS:** All right. Now if you can just
4 turn Exhibit 58 to Tab 33.

5 So then you had made a decision and you
6 actually did set up this committee, and my understanding is
7 that in one point in time you would have drafted up a
8 mandate for the committee. So is this the document that
9 you would have drafted?

10 **BISHOP DUROCHER:** That's right.

11 **MR. DUMAIS:** And did you draft that yourself
12 or were you consulting with other people?

13 **BISHOP DUROCHER:** No, I consulted with -- I
14 consulted with the priests' counsel. I consulted with
15 Chris Bideral (ph), counsel -- the priests' counsel. I
16 consulted with Father MacNeil, Everett, that I mentioned
17 before.

18 We also decided to approach a specialist in
19 facilitation who worked with us closely and helped us to
20 come up with a final mandate. The -- if I remember
21 correctly, the committee itself also worked on specifying
22 the language of the mandate.

23 **MR. DUMAIS:** Okay. All right.

24 So if I look at the last sentence, so --
25 you're talking about the committee, so it will be composed

1 of a dozen members representing a mix of ages, genders,
2 professions and backgrounds and will deal with who actually
3 form part of the committee.

4 If you look just underneath that, there are
5 a number of goals -- number of -- there's a list of
6 suggested ways of how the committee is to attain its goal,
7 if I can put it that way?

8 So the first one is as follows -- reads as
9 follows:

10 "Learning from the history of the
11 church's response to allegations of
12 sexual abuse by members of the clergy."

13 So do you recall what you had intended by
14 that?

15 **BISHOP DUROCHER:** That the committee reflect
16 on the history of the church's response to allegations.

17 As a committee, the first session I think we
18 spent a lot of time just talking about the history of the
19 Diocese -- when I say "the church's", it's the Diocese --
20 of the Diocese response to allegations and how that was
21 perceived and what experiences came out of that.

22 **MR. DUMAIS:** All right. So that was the
23 intent to look specifically how this Diocese had responded
24 to some of the allegations?

25 **BISHOP DUROCHER:** To look at our local

1 history, yes.

2 MR. DUMAIS: All right. And do you recall
3 whether or not the committee actually looked at specific
4 responses that the Diocese had?

5 BISHOP DUROCHER: No, it did not.

6 MR. DUMAIS: All right. So it was more of a
7 general discussion on what had -- what was perceived by the
8 committee members?

9 BISHOP DUROCHER: That's right, yes. That's
10 right.

11 MR. DUMAIS: Okay.

12 Now the second suggestion as to how the
13 committee can attain it's goal is becoming familiar with
14 the recommendations contained in "From Pain to Hope"?

15 BISHOP DUROCHER: That's correct.

16 MR. DUMAIS: All right. So that document
17 formed part of the discussion at a certain period of time.
18 Is that correct?

19 BISHOP DUROCHER: Yes. All the committee
20 members were given copies of the document and we studied it
21 together.

22 MR. DUMAIS: Okay.

23 And any -- the third suggestion that
24 studying "Recent Development in the Field"?

25 BISHOP DUROCHER: Yes.

1 **MR. DUMAIS:** And then the other suggestion
2 was "Receiving Suggestions from Concerned Groups and
3 Individuals Relating to the Mandate of the Committee". Is
4 that ---

5 **BISHOP DUROCHER:** Yes. That's correct.

6 **MR. DUMAIS:** All right.

7 And as a matter of fact, I understand that
8 at one point-in-time you did print something in the
9 Standard Freeholder inviting people of the community to
10 make comments to committee members or to the committee
11 itself?

12 **BISHOP DUROCHER:** That's correct. We really
13 tried to reach out to the community and to any group who
14 wanted to have input into developing these guidelines.

15 **MR. DUMAIS:** And my understanding is that
16 you would have received a number of these inputs or
17 suggestions in response to the request that you had made?

18 **BISHOP DUROCHER:** That's correct.

19 **MR. DUMAIS:** And just briefly, if you could
20 just have a look at -- it's the same exhibit at Tab 39. So
21 is that the publication that would have gone out?

22 **BISHOP DUROCHER:** Tab 39 is what was
23 published in the Freeholder, that's correct.

24 **MR. DUMAIS:** All right.

25 **BISHOP DUROCHER:** And it also reminds me, in

1 response to your earlier question that we indeed did study
2 the existing protocol.

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

4 In part of the ad you have enclosed the two
5 protocols which we've discussed earlier as part of this ad,
6 and if you look at the back page you do have there, firstly
7 on top, the Diocese guidelines on sexual abuse and then at
8 the bottom there, the protocol for priests, further subject
9 matter, of criminal proceedings and civil litigation.

10 **BISHOP DUROCHER:** That's correct.

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

12 **BISHOP DUROCHER:** We had them printed in the
13 Standard Freeholder here, in the Glengarry Journal in
14 Alexandria and in French in the Journal de Cornwall, so
15 that all the citizens would be made aware of this.

16 **THE COMMISSIONER:** How was the response?

17 **BISHOP DUROCHER:** The response was -- there
18 was some response, it wasn't overwhelming. There were some
19 groups who addressed their concerns; some individuals who
20 wrote to me.

21 **THE COMMISSIONER:** So did Mr. Roth, for
22 example, participate in this?

23 **BISHOP DUROCHER:** I don't believe Mr. Roth
24 did, no.

25 **THE COMMISSIONER:** Okay.

1 Did anybody from an organization that was
2 critical, you know, of the church and who was actively
3 voicing their concerns with respect to sexual abuse in the
4 community? Did any of those committees or individuals come
5 forward to work on this?

6 **BISHOP DUROCHER:** Well, I remember meeting
7 with various groups at different times.

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

9 **BISHOP DUROCHER:** I met with agencies that
10 deal with victims of sexual abuse. I met with
11 representatives of the Men's Project. I met with Mr. Paul
12 Scott.

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

14 **BISHOP DUROCHER:** So I met with those
15 different groups.

16 It's not clear for me now if we spent a lot
17 of time speaking about the guidelines themselves. You know
18 what I'm saying? Because they had other issues that they
19 also wanted to discuss.

20 **THE COMMISSIONER:** Right.

21 **BISHOP DUROCHER:** But I remember meeting
22 with them at that time and making myself available to
23 receive any recommendations they might have.

24 **THE COMMISSIONER:** But -- I'm sorry. If I
25 recall the evidence, they were at -- some protestors were

1 out at your ---

2 **BISHOP DUROCHER:** Oh yes, that group? That
3 group I don't know what happened to that group. It -- I
4 don't know the whole history of these groups and some of
5 them splintered and so some of them branched off and I met
6 with some of those people, but ---

7 **THE COMMISSIONER:** All right.

8 **BISHOP DUROCHER:** --- Mr. Roth never
9 followed up with me on these issues.

10 **THE COMMISSIONER:** And what about -- I'm
11 going to use -- like Carson Chisholm. Did he ever
12 participate in any of this?

13 **BISHOP DUROCHER:** No, he didn't.

14 **THE COMMISSIONER:** Okay. Have you ever
15 discussed these matters with him? His concerns about ---

16 **BISHOP DUROCHER:** Mr. Chisholm had words for
17 me in a grocery store one day; let's leave it at that.

18 No, there never was any opportunity to do
19 that. I think the group that I had the most discussion
20 with was Mr. Scott and Mr. Seguin's group.

21 **THE COMMISSIONER:** Okay. Thank you.

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

23 So, Bishop, at the same time as this public
24 consultation is occurring, you are also asking for input
25 from your council of senate. Is that correct?

1 **BISHOP DUROCHER:** The Senate of Priests.

2 Eventually, all the parishes were involved
3 in input. All the -- I don't think it's at this point; I
4 think it was more when we brought out a first draft that we
5 invited all the parish councils to respond to that. Make
6 comments on the ---

7 **MR. DUMAIS:** Make comments, suggestions,
8 improvements. All right.

9 If I can just ask you to refer to Tab 34 of
10 Exhibit 58. Or sorry -- just hang on for a second. I
11 believe it's -- no, rather, if you could just look at
12 Document Number 129781.

13 **THE COMMISSIONER:** Thank you.

14 Exhibit Number 2186 is a document addressed
15 to the Council of Priests dated Thursday, August 22nd, 2002
16 from Denis Vaillancourt.

17 --- **EXHIBIT NO./PIECE NO. 2186:**

18 (129781) Minutes of Meeting of
19 Council of Priests - August 22, 2002

20 **MR. DUMAIS:** So this appears to be minutes
21 of a meeting which would have occurred on August 22nd, --
22 2001 is marked off in there. It certainly appears that it
23 would have been 2002, and if you look at item 5, the second
24 item of the plan of action for the year; so the Committee
25 on Safeguarding Against Abuse. Then the point is developed

1 on the following page, so point number 2, "Safeguarding
2 against abuse."

3 So the mandate of the ad hoc committee and a
4 press release were circulated to members of the Senate.
5 Other names were suggested for the French group: Gérald
6 Samson, Lucie Lévesque, Dr. Ghislain Marleau:

7 "How can we do something to have some
8 sort of a healing process? Let's look
9 at this down the road."

10 Certainly, it would appear that some
11 suggestion was made as to who should be a member of this
12 new committee?

13 **BISHOP DUROCHER:** That's right. It was part
14 of my consultation with the priests' counsel around this
15 committee.

16 **MR. DUMAIS:** So then if you can just go to
17 Tab 34 of Exhibit 58.

18 So, Bishop, would this have been a press
19 release that you would have authored and released? I think
20 the date at the bottom should be August 19th, 2002. Do you
21 recall this press release?

22 **BISHOP DUROCHER:** Well, now that I see it,
23 yes.

24 **MR. DUMAIS:** Okay. So you would have
25 identified to the public, I guess, the members of this

1 committee, and if we could just go through them. So there
2 would have been Mr. Richard Abell, Ms. Frances Lafave, Ms.
3 Lucie Lévesque, Mr. Chris McDonell, Reverend Kelvin
4 Maloney, Mr. McClelland, Ms. Johneen Rennie, Ms. Judy
5 Schaeffer, Mr. Gérald Samson, Mr. Robert Smith. And then
6 there is Reverend MacNeil that was acting as a consultant,
7 as you have indicated previously and, as well, Mr. Ronald
8 Bisson is identified as being a facilitator.

9 So out of all of this group of people,
10 Bishop, were any one of these a victim of sexual abuse?

11 **BISHOP DUROCHER:** Not that I'm aware.

12 **MR. DUMAIS:** All right. And do you recall
13 having attempted to get victims of child sexual abuse on
14 this committee to get their perspective?

15 **BISHOP DUROCHER:** I recall wanting to get
16 their perspective not necessarily with having them as
17 members of the committee.

18 **MR. DUMAIS:** Okay. So then, at one point in
19 time, committee members would have heard from victims; is
20 that correct?

21 **BISHOP DUROCHER:** There was actually a
22 listening session where we listened to three victims tell
23 us their stories.

24 **MR. DUMAIS:** So is there a reason why you
25 did not want any victim on the committee?

1 **BISHOP DUROCHER:** This was debated within
2 the committee itself and the consensus was that it would --
3 the committee would work better without one person being
4 identified as a victim sitting on the committee.

5 **MR. DUMAIS:** So you believe that this was a
6 committee decision?

7 **BISHOP DUROCHER:** It was.

8 **MR. DUMAIS:** All right. And I understand
9 that over the fall of 2002, the committee would have met on
10 a number of occasions. I believe they met on six separate
11 occasions, so on August 19th, on September 5th, on October
12 3rd, on October 23rd, on November 14th, and on November 27th.
13 And you would have participated in most of those meetings.
14 Is that correct?

15 **BISHOP DUROCHER:** I believe I participated
16 in all of them. I might have missed one.

17 **MR. DUMAIS:** And you would have acted as a
18 chairperson; is that ---

19 **BISHOP DUROCHER:** No, no. The facilitator
20 acted as the chair.

21 **MR. DUMAIS:** All right. And was there any
22 sort of agenda being prepared and were you responsible for
23 that or was it the committee members?

24 **BISHOP DUROCHER:** The whole process was in
25 the hands of the facilitator. So the facilitator prepared

1 the agenda, prepared the reports, the notes, and led the
2 process.

3 **MR. DUMAIS:** So would you have participated
4 in the discussion or were you just there to listen?

5 **BISHOP DUROCHER:** Oh, no. I participated in
6 the discussion also.

7 **MR. DUMAIS:** All right.

8 **THE COMMISSIONER:** It seems it might be a
9 little hard to keep you silent for a day.

10 **BISHOP DUROCHER:** I do have an extrovert
11 side.

12 **MR. DUMAIS:** So then, if we can just look at
13 the minutes of the second meeting, which would be at Tab 37
14 of Exhibit 58.

15 So the minutes appear to indicate that, I
16 guess, the work was broken down in six separate sessions;
17 so meeting one, two, three, four, five, and six.

18 These appear to be minutes of the first
19 meeting, which is the September 5th, 2002. And if we can
20 just look at the second page of that document, so Item
21 number three, "Reflections on our history," there are a
22 number of points that have been recorded in this item.

23 So was this essentially committee members
24 giving their perception as to what had occurred in the past
25 year in the Diocese of Cornwall?

1 **BISHOP DUROCHER:** Yes, that's my
2 recollection.

3 **MR. DUMAIS:** And certainly, if we look at
4 the second-last bullet point, and I'll read it out for you:

5 "Innocent priests have lived a sense of
6 betrayal of having been painted with
7 the same brush. There is fear among
8 the clergy as to who is next on the
9 list. The stress and the pain level is
10 high."

11 So was that a common feeling among the
12 priests here in the Diocese when you first arrived here?

13 **BISHOP DUROCHER:** I think there was a lot of
14 stress among the priests in the Diocese, yes.

15 **MR. DUMAIS:** And was there a lot of concern
16 amongst the priests about false accusations?

17 **BISHOP DUROCHER:** There -- yes, there was.

18 **MR. DUMAIS:** And was this something that you
19 wanted to address as well?

20 **BISHOP DUROCHER:** I -- I don't know that it
21 was something that I wanted to address. I don't know how
22 to address that issue. How do you stop false accusations?
23 More -- I think what I wanted to address more was how to
24 help the clergy live with issues of false allegations.

25 **MR. DUMAIS:** So then if we look at the next

1 page ---

2 **THE COMMISSIONER:** Sorry, can we just go
3 back to the first page?

4 **MR. DUMAIS:** Yes.

5 **THE COMMISSIONER:** Can you -- well, there's
6 something about it's not a good idea to give victims money?
7 Do you know what that was all about?

8 **BISHOP DUROCHER:** Well, I think it referred
9 to the Silmsler settlement. I think that what they were
10 saying is that these kinds of settlements are not the best
11 way of dealing with the issues, I suppose.

12 This was a comment that was made by somebody
13 and it's written down, so ---

14 **THE COMMISSIONER:** Okay. I just don't -- I
15 don't want to interpret it as necessarily meaning that if a
16 priest abuses a parishioner or a young person, and it's
17 proven in a court or whatever, that the Church would not
18 want to "dédommager", compensate.

19 **BISHOP DUROCHER:** Yes. No, I -- and I
20 wouldn't interpret it that way either.

21 **THE COMMISSIONER:** Good.

22 **MR. DUMAIS:** and I think on the following
23 page, so on page 3, there are a number of bullets there.
24 There are four bullets and I think you would have spoken
25 about your views on the current Diocesan policy.

1 I'm just reading from the -- it starts at
2 the end of the second line of that paragraph:

3 "The current Diocesan policy is
4 deficient. The committee is to
5 recommend actions that will in effect
6 apply From Pain to Hope in the Diocese,
7 follow up on issues that may arise and
8 cannot be dealt with, in extensions
9 could also be part of the
10 recommendations. He will receive and
11 transmit the committee comments from
12 people related to this committee
13 mandate."

14 **BISHOP DUROCHER:** Yes.

15 **MR. DUMAIS:** All right. So do you think
16 that at this point in time you'd become more familiar with
17 the Pain to Hope recommendations or at least that ---

18 **BISHOP DUROCHER:** Yes, yes, absolutely.

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

20 **BISHOP DUROCHER:** Yes.

21 **MR. DUMAIS:** And my understanding is at the
22 end of all of these sessions, a number of outstanding
23 matters would have been -- form part of a list, and if you
24 look at page 5 of these minutes, a number of items have
25 been noted down here, so right under September 5th, "Priests

1 guilty of abuse cannot be transferred," was one of the
2 items.

3 The second was:

4 "We need to look at how the situation
5 where priests are publicly accused
6 (websites and so on) without
7 foundation."

8 And then thirdly:

9 "We need to look at the morale of the
10 good priests."

11 I'm going to ask you question about items 1
12 and 2 a little later on, but if you can just explain what
13 you understood the last bullet to mean:

14 "We need to look at the morale of the
15 good priests."

16 **BISHOP DUROCHER:** I've just mentioned that
17 the stress level among the priests was very high and the
18 committee members felt that this needed to be addressed.

19 **MR. DUMAIS:** All right, so it's not making,
20 necessarily, reference to priests who had been falsely
21 accused but just the morale of other priests within the
22 Diocese.

23 **BISHOP DUROCHER:** That's correct.

24 **MR. DUMAIS:** Is that correct?

25 **BISHOP DUROCHER:** The morale of the priests

1 of the Diocese; that's right. Can I make a ---

2 **MR. DUMAIS:** Certainly.

3 **BISHOP DUROCHER:** --- comment also? I mean,
4 these are notes that are taken and jotted down on big pages
5 of paper.

6 **THE COMMISSIONER:** Right.

7 **BISHOP DUROCHER:** We shouldn't be trying to
8 read into them more than a shorthand resumé.

9 **THE COMMISSIONER:** It's a brainstorming
10 session.

11 **BISHOP DUROCHER:** That's right.

12 **THE COMMISSIONER:** They were throwing things
13 on and then ---

14 **BISHOP DUROCHER:** That's right. That's
15 right, exactly.

16 **THE COMMISSIONER:** --- that's the evolution
17 to the final product.

18 **BISHOP DUROCHER:** Yeah, yeah. Thank you.

19 **MR. DUMAIS:** Yeah, and actually when we look
20 at some of these points that were brought up at different
21 meetings, your committee comes up with a report and a
22 recommendation which finally leads to a guideline which
23 we'll look at.

24 **BISHOP DUROCHER:** That's right.

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

1 **THE COMMISSIONER:** I guess you weren't
2 getting too many applications for priests to transfer into
3 Cornwall then?

4 **(LAUGHTER/RIRES)**

5 **BISHOP DUROCHER:** You'd be surprised. Every
6 week.

7 **THE COMMISSIONER:** Really?

8 **BISHOP DUROCHER:** Actually -- well, this
9 doesn't have anything to do with this but actually a lot of
10 priests from Third World countries are always trying to get
11 into Canadian dioceses and so are applying continually to
12 come into Canada.

13 **THE COMMISSIONER:** All right.

14 **MR. DUMAIS:** So if you can just turn Exhibit
15 58 to Tab 42. And so this would have been, I believe, the
16 last meeting of the committee members, which is dated
17 November 13th, 2002.

18 So I think this is the final meeting, so the
19 final list, and I take it that these are issues that still
20 had not been addressed by the committee members, so if we
21 can deal with the first bullet first:

22 "A priest guilty of abuse cannot be
23 transferred."

24 Do you recall whether or not there was any
25 suggestion to add that within the guideline or the

1 protocol?

2 **BISHOP DUROCHER:** Can you clarify what your
3 question is, sorry?

4 **MR. DUMAIS:** "A priest guilty of abuse
5 cannot be transferred."

6 **BISHOP DUROCHER:** Yes.

7 **MR. DUMAIS:** Does the current guideline deal
8 with this issue?

9 **BISHOP DUROCHER:** No, it doesn't.

10 **MR. DUMAIS:** All right, and what are your
11 views on whether or not priests, guilty priests, be
12 transferred or not?

13 **BISHOP DUROCHER:** Well, what do you mean by
14 transferred? Transferred from diocese to diocese or -- for
15 example, if a priest was found guilty of abuse and was in a
16 parish and he was given a job working in the Chancery
17 Office taking care of records, would -- I would consider
18 something like that.

19 I wouldn't consider transferring a guilty
20 priest from one situation of risk to another situation of
21 risk, no, that's true.

22 **MR. DUMAIS:** Okay. So you would prefer to
23 deal with the matter by having the priest remain
24 incardinated in your Diocese, rather than transferring him
25 out to another Diocese?

1 **BISHOP DUROCHER:** The only reason I would
2 excardinate a priest who was found guilty of sexual abuse
3 would be because another Diocese had better facilities or
4 expertise to deal with the situation, but I'm not aware of
5 any Diocese that has such facilities right now, or
6 expertise.

7 **THE COMMISSIONER:** And in any event, with
8 full disclosure to the ---

9 **BISHOP DUROCHER:** Absolutely, absolutely. I
10 have excardinated, since I've been here, two priests who
11 have moved to -- one to a religious order and one to
12 another Diocese, and there has been absolute and total full
13 disclosure of their personnel files and their history.

14 **MR. DUMAIS:** Now, sorry, I think I misled
15 you. This would have been at that second-last meeting, so
16 the November 13th meeting. There was a further meeting on
17 November 27th, 2002.

18 But I understand that at one point in time a
19 report was prepared, and if you can just look at Tab 44 of
20 that same exhibit.

21 So is that the report that was produced?

22 **BISHOP DUROCHER:** Yes, it was.

23 **MR. DUMAIS:** All right. And did you
24 participate at all in drafting this report, Bishop?

25 **BISHOP DUROCHER:** I think I participated in

1 the formatting of it.

2 **MR. DUMAIS:** Okay. And essentially this is
3 a compilation of different suggestions that committee
4 members had received and which eventually led to a draft
5 proposal for a guideline, and if you can just look at page
6 5. Is that the reporting guideline that was suggested by
7 the committee?

8 **BISHOP DUROCHER:** That's correct.

9 **MR. DUMAIS:** All right. So once you
10 received the report from the committee, you would have
11 circulated this proposal to the parishes. Is that correct?

12 **BISHOP DUROCHER:** That's correct.

13 **MR. DUMAIS:** And the intent was to have them
14 review this guideline, provide you with comments before you
15 made this proposal official?

16 **BISHOP DUROCHER:** That's right.

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

18 **BISHOP DUROCHER:** And if I remember
19 correctly, we also sent a copy of these guidelines to
20 everybody who had responded to the first publication in the
21 newspaper, to give them the chance also to respond to this.

22 **MR. DUMAIS:** Right, so everyone who made a
23 comment on the guideline would have been ---

24 **BISHOP DUROCHER:** I'm pretty sure that that
25 was done, yes. That's my recollection.

1 **MR. DUMAIS:** Okay, so do you recall whether
2 or not the entire report had been sent to everyone or was
3 it just the specific guideline?

4 **BISHOP DUROCHER:** Well, the guidelines
5 themselves, I think, but I'm not sure.

6 **MR. DUMAIS:** All right.

7 **THE COMMISSIONER:** You may notice it's close
8 to 12:30. I understand some people want to take some
9 trains or get home, so if you can pick a spot in the next
10 five, 10, 15 minutes ---

11 **MR. DUMAIS:** Okay.

12 **THE COMMISSIONER:** --- to permit that, thank
13 you.

14 **MR. DUMAIS:** And if you can just look at Tab
15 45.

16 **THE COMMISSIONER:** The press release.

17 **MR. DUMAIS:** So am I to understand, Bishop,
18 then, that as well as forwarding a copy of the guidelines
19 to the parish priests and to different people who would
20 have contributed to the committee, you would have issued
21 this press release?

22 **BISHOP DUROCHER:** That's correct.

23 **MR. DUMAIS:** And in this press release, you
24 would have, I guess, summarise the work of the committee.
25 And I think if you look at the fourth paragraph, the first

1 line, it says:

2 "In preparing the recommendations, the
3 committee received 30 submissions from
4 groups and individuals."

5 **BISHOP DUROCHER:** That's right.

6 **MR. DUMAIS:** And of course it confirms or it
7 indicates what your course action for the next little while
8 will be and it does describe in there that you're
9 circulating these guidelines to all parish pastoral
10 counsels; is that correct?

11 **BISHOP DUROCHER:** Yes, and to all those who
12 submitted suggestions and comments to the committee.

13 **MR. DUMAIS:** And I understand that you would
14 have received some comments from some of the parish
15 counsel; is that correct?

16 **BISHOP DUROCHER:** Yes.

17 **MR. DUMAIS:** And if we can just look at a
18 specific response, and it's already been made an exhibit.
19 It is 1943.

20 And perhaps you can look as well at Exhibit
21 1944 because one is a correspondence, which is forwarded to
22 you and the other is your response.

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

24 **THE COMMISSIONER:** So bottom line is --
25 paragraph 5, Monsignor, is really a recognition of the

1 point we had discussed earlier that whether or not the
2 police become involved or anything like that, there is
3 still a determination to be made by the sub-committee
4 applying its own tests to determine whether or not within
5 the Church, as an employer, there is some question as to
6 the employees' actions. Is that a fair comment?

7 **BISHOP DUROCHER:** Yes.

8 **THE COMMISSIONER:** Thank you.

9 **MR. DUMAIS:** And the concern that Father
10 Lebrun had expressed here in this paragraph 5 of the
11 Guidelines was -- and I'm not necessarily saying that this
12 comes specifically from him, but at least it appears to
13 come from him or someone from his parish -- that they were
14 concerned when there had been adjudication of the criminal
15 matter, whether or not there should be a follow-up
16 investigation. Is that correct?

17 **BISHOP DUROCHER:** Actually, the response is
18 -- there was a mistake in translation there, and the French
19 document was saying, if no accusation has been made, the
20 committee will decide if it will study.

21 And they said, well, how can you study if no
22 accusation has been made?

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

24 **BISHOP DUROCHER:** And that in my response I
25 said, I just realised that it's if no charges are laid.

1 It is a mistake in translation.

2 **MR. DUMAIS:** All right.

3 **BISHOP DUROCHER:** So they seemed to be at
4 ease with paragraph 5. It didn't make sense in French;
5 that was the problem.

6 **MR. DUMAIS:** So and then the other two
7 comments that Father Lebrun had made and that's at the last
8 two or three lines of that first page. I'll just read in
9 French:

10 "Il faudra entreprendre les démarches
11 nécessaires pour réparer le tort fait à
12 la bonne réputation de la personne
13 faussement accusée."

14 And the last comment on the same theme I
15 guess, if you look at the last two lines of that piece of
16 correspondence:

17 "Il faudrait prévenir d'avance que
18 toute accusation fausse serait suivie
19 d'une poursuite en justice."

20 And your response to Father Lebrun is found
21 at Exhibit 1944, the last two lines of your letter. And
22 I'll try to translate:

23 Concerning paragraph 6, I took note of your
24 suggestions. Other similar suggestions had already been
25 made.

1 And this is not part of your guideline or
2 protocol, this suggestion; is that correct?

3 **BISHOP DUROCHER:** That was not held. No, it
4 was not retained as part of the protocol, no.

5 **MR. DUMAIS:** And was this suggestion ever
6 considered or put in effect by the Diocese to -- what
7 Father Lebrun seems to suggest here is that you -- the
8 Diocese should be ---

9 **THE COMMISSIONER:** Suing.

10 **MR. DUMAIS:** --- suing people making false
11 accusations. Was that ever considered by you?

12 **BISHOP DUROCHER:** As a policy?

13 **MR. DUMAIS:** Yes.

14 **BISHOP DUROCHER:** No. No, no. Not at all.

15 **MR. DUMAIS:** All right. And it was never
16 readdressed ---

17 **BISHOP DUROCHER:** No.

18 **MR. DUMAIS:** --- other than in your
19 response?

20 **BISHOP DUROCHER:** I simply made note of it
21 and told them others had said the same thing, but no, it
22 was not a consideration at all for me.

23 **MR. DUMAIS:** All right. So then after
24 having received all these comments, suggestions, you
25 drafted a protocol, and if we can simply identify the

1 protocol, which is at Tab 46.

2 And the title is The Diocesan Guidelines on
3 Managing Allegations of Sexual Abuse of Children and of
4 Sexual Assault of Adults by Clergy, Religious, Lay
5 Employees, and Volunteers, and it is dated April 2003.

6 If we look at the last page of the
7 Guidelines, I believe it became effective on July 1st, 2003.

8 **BISHOP DUROCHER:** Yes.

9 **MR. DUMAIS:** So this is the protocol that
10 you would have decreed in 2003 following the consultations
11 and work of your committee, which replace the guidelines
12 that are dated 1996?

13 **BISHOP DUROCHER:** That's right.

14 **MR. DUMAIS:** All right. So perhaps we can
15 end here for the week.

16 **BISHOP DUROCHER:** Great.

17 **THE COMMISSIONER:** Okay, thank you.

18 **LE COMMISSAIRE:** Monseigneur, on se reverra
19 mardi matin à 9h30.

20 **Me DUMAIS:** Pardon, monsieur le Commissaire,
21 je crois que c'est 1h00.

22 **LE COMMISSAIRE:** C'est à 1h00?

23 **MR. DUMAIS:** We can go back at 9:30 if you
24 wish.

25 **THE COMMISSIONER:** No, no, that's fine. Two

1 o'clock is fine. Thank you very much.

2 **MR. DUMAIS:** Actually, it's one o'clock, I
3 think, Commissioner.

4 **THE COMMISSIONER:** Someone will tell me when
5 to come. All right.

6 **MR. SHERRIFF-SCOTT:** So long as someone
7 tells me and him.

8 **THE COMMISSIONER:** Okay, one o'clock.

9 **BISHOP DUROCHER:** One o'clock. Thank you.

10 **THE COMMISSIONER:** Thank you very much.

11 **MR. DUMAIS:** Thank you, Mr. Commissioner.

12 **THE REGISTRAR:** Order; all rise. À

13 l'ordre; veuillez vous lever.

14 This hearing is adjourned until September 2nd
15 at 1:00 p.m.

16 --- Upon adjourning at 12:38 p.m./

17 L'audience est ajournée à 12h38

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter inthe Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CM