

**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 169

Held at :

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

Thursday, November 29 2007

Tenue à:

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

Jeudi, le 29 novembre 2007

ERRATA

November 28, 2007

Volume 168

Transcript

Page 127 line 3 to page 128 line 10

Speaker was attributed to Mr. Chisholm when it should have been Mr. Crane.

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
M ^e Simon Ruel	Commission Counsel
Ms. Raija Pulkkinen	
Mr. Mark Crane	Cornwall Police Service Board
Mr. Peter Manderville	
Ms. Reena Lalji	
Mr. Neil Kozloff	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Joe Neuberger	
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Mr. Carson Chisholm
Mr. John M. Rosen	Mr. Peter Sirrs

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1 --- Upon commencing at 9:38 a.m./

2 L'audience débute à 9h38

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Mr. Engelmann.

12 **MR. ENGELMANN:** Good morning, Mr.
13 Commissioner.

14 **THE COMMISSIONER:** Good morning.

15 **MR. ENGELMANN:** Mr. Sirrs, if you could take
16 the witness stand again, that would be great. Thank you.

17 **PETER SIRRS, Resumed/Sous le même serment:**

18 **THE COMMISSIONER:** Good morning, Mr. Sirrs.

19 **MR. SIRRS:** Good morning, sir.

20 **THE COMMISSIONER:** How are you doing today?

21 **MR. SIRRS:** Very good, sir.

22 **THE COMMISSIONER:** Great. You understand
23 you're still bound by your promise to tell the truth?

24 **MR. SIRRS:** Yes, I do.

25 **THE COMMISSIONER:** Thank you.

1 Mr. Engelmann.

2 **MR. ENGELMANN:** Thank you.

3 **THE COMMISSIONER:** I should state before we
4 start that if the Inquiry is running as well as it is in
5 this audience room, I think the clerks have been doing a
6 really great job and I really do appreciate it, and I think
7 it should be underlined that they do assist me in many
8 ways.

9 Thank you.

10 **MR. ENGELMANN:** And I would echo that, sir.
11 I know sometimes it's difficult with the great number of
12 documents and trying to follow things, but the assistance
13 on the computer has been very, very helpful.

14 **THE COMMISSIONER:** Thank you.

15 **MR. ENGELMANN:** Sir, before we start, I just
16 wanted to mention that I met briefly with our next witness
17 this morning, and my indication was that he would be
18 testifying in English. If I had thought he would be
19 testifying in French, I would have had one of my colleagues
20 lead that evidence.

21 It was clear to me in my discussion with him
22 that he's more comfortable in French.

23 **THE COMMISSIONER:** Fine.

24 **MR. ENGELMANN:** So I've told him we have
25 simultaneous interpretation here.

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

2 **MR. ENGELMANN:** I told him I would pose my
3 questions in English. I told him he had a choice as to how
4 he answered them.

5 **THE COMMISSIONER:** Fine.

6 **MR. ENGELMANN:** And I hope we have
7 sufficient headsets if ---

8 **THE COMMISSIONER:** We should be equipped.
9 We're equipped to ---

10 **MR. ENGELMANN:** I just want to make sure
11 that he fully understands questions and that he feels
12 comfortable ---

13 **THE COMMISSIONER:** Sure.

14 **MR. ENGELMANN:** --- to express himself or
15 "exprime" in the language of his choice.

16 **THE COMMISSIONER:** All right.

17 **MR. ENGELMANN:** And so we'll see what he
18 chooses to do, but I just wanted to make sure that headsets
19 were available if necessary.

20 **THE COMMISSIONER:** Thank you. We're all
21 set, yes.

22 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
23 **ENGELMANN (Continued/Suite):**

24 **MR. ENGELMANN:** Mr. Sirrs, when we left
25 yesterday, I was asking you about your preliminary

1 investigation. Do you recall?

2 MR. SIRRS: Yes.

3 MR. ENGELMANN: And you should have either
4 just before you in a binder or on the screen a copy of
5 Exhibit 125.

6 MR. SIRRS: What section is that?

7 MR. ENGELMANN: Sorry, that is your
8 confidential report to Mr. Toffelmire. So that's the
9 second part of the exhibit, sir.

10 MR. SIRRS: I'm sorry, I don't think I have
11 that here, face up at least.

12 MR. ENGELMANN: Perhaps, Madam Clerk, you
13 could assist the witness.

14 THE COMMISSIONER: We have a number of
15 binders. There we go.

16 MR. SIRRS: The number again, please?

17 MR. ENGELMANN: It's Exhibit 125.

18 THE COMMISSIONER: Hold on.

19 MR. SIRRS: I've got 1025 here. Okay.
20 Thank you. I have it now.

21 MR. ENGELMANN: All right. And are you in
22 the second part of the exhibit that is your report?

23 MR. SIRRS: I'll get there.

24 MR. ENGELMANN: No problem.

25 MR. SIRRS: Yes.

1 **MR. ENGELMANN:** All right. So just before
2 we go back into the report, I wanted to ask you a couple of
3 questions about direction you may have had about this.

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** Because I recall you saying
6 that when that first call came in to you on the 8th, that
7 you contacted your boss?

8 **MR. SIRRS:** Yes.

9 **MR. ENGELMANN:** And I don't remember, sir,
10 if you said that you then contacted Mr. Teggart as well or
11 whether Mr. Toffelmire did?

12 **MR. SIRRS:** I contacted Mr. Toffelmire -- or
13 Mr. Teggart on Mr. Toffelmire's direction.

14 **MR. ENGELMANN:** All right. And did either
15 of these gentlemen give you terms of reference or
16 parameters for your investigation?

17 **MR. SIRRS:** Yes.

18 **MR. ENGELMANN:** And what do you remember, if
19 you can, about those terms of reference?

20 **MR. SIRRS:** Well, they were very general,
21 but I was told -- it was suggested that I conduct a
22 preliminary investigation and find out whatever information
23 I could from those persons that I deemed to be involved.

24 **MR. ENGELMANN:** All right. So they didn't
25 make suggestions as to who you should talk to. They really

1 left that to you?

2 MR. SIRRS: Well, he suggested the police.

3 MR. ENGELMANN: Yes.

4 MR. SIRRS: In addition to the victim.

5 MR. ENGELMANN: All right. And you were --
6 the person that actually called you wasn't a victim, if I
7 can use the term, but a complainant ---

8 MR. SIRRS: That's correct.

9 MR. ENGELMANN: --- talking about what your
10 probation officer was doing with a probationer or
11 probationers?

12 MR. SIRRS: That's correct.

13 MR. ENGELMANN: All right. And did they
14 give you a deadline for this?

15 MR. SIRRS: No.

16 MR. ENGELMANN: Did they suggest to you that
17 it was urgent?

18 MR. SIRRS: Yes.

19 MR. ENGELMANN: All right. And you had
20 never done anything like this before?

21 MR. SIRRS: That's correct.

22 MR. ENGELMANN: Did they give you any other
23 advice, either Mr. Toffelmire or Teggart, at that point,
24 that you can recall?

25 MR. SIRRS: No.

1 **MR. ENGELMANN:** Now, you told us yesterday -
2 - and I'm going to try not to repeat -- but you told us
3 yesterday about either a phone call or an in-person with
4 Wayne Isbester?

5 **MR. SIRRS:** Yes, Isbester.

6 **MR. ENGELMANN:** From the RCMP?

7 **MR. SIRRS:** That's correct.

8 **MR. ENGELMANN:** And I can't remember, sir,
9 whether you actually met with him or whether it was a phone
10 call?

11 **MR. SIRRS:** I met with him.

12 **MR. ENGELMANN:** All right. And we talked
13 about it yesterday, and I don't want to repeat that, but
14 did you ask him -- after he told you about the rumours
15 about Barque and what he knew, did you ask him if you
16 should have any concerns about any of your other staff?

17 **MR. SIRRS:** Yes.

18 **MR. ENGELMANN:** And do you actually recall
19 asking that?

20 **MR. SIRRS:** Yes.

21 **MR. ENGELMANN:** All right. And why would
22 you have done that?

23 **MR. SIRRS:** It seemed like a logical
24 question to ask.

25 **MR. ENGELMANN:** All right. And you hadn't

1 been told about this one particular officer?

2 **MR. SIRRS:** No.

3 **MR. ENGELMANN:** So you were concerned about
4 not having knowledge about others?

5 **MR. SIRRS:** I wanted to know if there was
6 anything going on in my office that I should know about.

7 **MR. ENGELMANN:** All right. And what did he
8 tell you?

9 **MR. SIRRS:** There was nothing.

10 **MR. ENGELMANN:** All right. And, sir, you
11 talked yesterday about speaking with a couple of officers
12 from the Cornwall Police Service?

13 **MR. SIRRS:** Yes.

14 **MR. ENGELMANN:** And what they had told you -
15 --

16 **MR. SIRRS:** Yes.

17 **MR. ENGELMANN:** --- about Mr. Barque and his
18 interactions?

19 **MR. SIRRS:** That's correct.

20 **MR. ENGELMANN:** Did you ask them as well --
21 -

22 **MR. SIRRS:** Yes.

23 **MR. ENGELMANN:** --- about whether you should
24 be concerned about other employees?

25 **MR. SIRRS:** Yes.

1 **MR. ENGELMANN:** And what did they tell you?

2 **MR. SIRRS:** They didn't give me -- their
3 response was in the negative.

4 **MR. ENGELMANN:** All right. So that was with
5 respect to all of their -- all of your employees?

6 **MR. SIRRS:** That's what I would understand,
7 yes.

8 **MR. ENGELMANN:** All right. So no one said
9 anything to you about Ken Seguin, for example?

10 **MR. SIRRS:** No, sir.

11 **MR. ENGELMANN:** All right. Sir, I believe
12 when we left off yesterday we were looking at the third
13 page of your report, and it's Bates page 1001832.

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** I'm near the bottom of that
16 page, the last two paragraphs.

17 **MR. SIRRS:** Okay.

18 **MR. ENGELMANN:** Your choice, sir, it's going
19 to be blown up a bit on the screen or you can use the text.

20 There's a reference to:

21 "An informal complaint had also been
22 made to police by Mr. Gerald Levert..."

23 **MR. SIRRS:** Yes.

24 **MR. ENGELMANN:** I don't know if I'm
25 pronouncing his name right.

1 "...building superintendent at the
2 Justice building."

3 **MR. SIRRS:** Yes.

4 **MR. ENGELMANN:** And that was where you had
5 been located when you originally arrived?

6 **MR. SIRRS:** That's correct.

7 **MR. ENGELMANN:** And I believe you told us
8 yesterday that you were made aware of this informal
9 complaint by officers from the Cornwall Police Service?

10 **MR. SIRRS:** Yes.

11 **MR. ENGELMANN:** This wasn't from the RCMP?

12 **MR. SIRRS:** No.

13 **MR. ENGELMANN:** All right. And as a
14 consequence of getting this information from the Cornwall
15 Police Service, did you, sir, either telephone or meet with
16 Mr. Levert?

17 **MR. SIRRS:** I can't recall meeting with Mr.
18 Levert, but I did meet with a number of his staff.

19 **MR. ENGELMANN:** All right. Do you recall if
20 you phoned him to ask if you could meet with his staff, or
21 do you remember?

22 **MR. SIRRS:** I don't recall whether it was by
23 phone or in person, but I met with his staff in person.

24 **MR. ENGELMANN:** All right. And you had
25 permission to do that?

1 **MR. SIRRS:** That's correct.

2 **MR. ENGELMANN:** All right. And the staff
3 that you met with, would their names be set out on the next
4 page of your report, sir, Bates page 1001833 or the fourth
5 page?

6 **MR. SIRRS:** Yes.

7 **MR. ENGELMANN:** You see at the top you
8 mention a fellow by the name of John Viau?

9 **MR. SIRRS:** Yes.

10 **MR. ENGELMANN:** He would have been part of
11 the janitorial staff?

12 **MR. SIRRS:** That's correct.

13 **MR. ENGELMANN:** All right. And you mention
14 there's a fellow by the name of Lionel Benoit?

15 **MR. SIRRS:** Yes.

16 **MR. ENGELMANN:** That would have been another
17 member of the janitorial staff?

18 **MR. SIRRS:** That was my understanding.

19 **MR. ENGELMANN:** And then there was one other
20 individual referenced, Gerald Desnoyers?

21 **MR. SIRRS:** Yes.

22 **MR. ENGELMANN:** Again, a member of the
23 janitorial staff?

24 **MR. SIRRS:** Yes.

25 **MR. ENGELMANN:** So would you have met with

1 these individuals in person or would you have called them?

2 **MR. SIRRS:** In person.

3 **MR. ENGELMANN:** All right. And so you set
4 out in your report a summary of what they would have told
5 you?

6 **MR. SIRRS:** Yes.

7 **MR. ENGELMANN:** All right. And there was a
8 fourth person who didn't want to be named who also spoke to
9 you?

10 **MR. SIRRS:** That's correct.

11 **MR. ENGELMANN:** All right. And it said, "He
12 observed the above incident". Would that be the incident
13 in the paragraph just preceding?

14 **MR. SIRRS:** Under Mr. Desnoyers?

15 **MR. ENGELMANN:** Yes.

16 **MR. SIRRS:** Yes, yes.

17 **MR. ENGELMANN:** So that's about seeing Mr.
18 Barque in a state of undress, shirtless and barefoot, et
19 cetera ---

20 **MR. SIRRS:** Yes.

21 **MR. ENGELMANN:** --- and hastening into the
22 probation office. Is that the general probation office, or
23 his own office, or do you remember?

24 **MR. SIRRS:** Into the general office.

25 **MR. ENGELMANN:** All right.

1 **MR. SIRRS:** Which I presume he proceeded
2 then to his own office.

3 **MR. ENGELMANN:** All right. Now, the
4 observations made by the janitorial staff, would they have
5 all been of Mr. Barque in the office after normal business
6 hours; is that your understanding?

7 **MR. SIRRS:** That was my understanding.

8 **MR. ENGELMANN:** All right. And these
9 conversations, this was all related to this informal
10 complaint that had been made to the Cornwall Police
11 Service?

12 **MR. SIRRS:** That was my understanding.

13 **MR. ENGELMANN:** And you reference at the
14 bottom of the first paragraph on that page that Mr. Viau
15 believes he can identify this young male probationer?

16 **MR. SIRRS:** Yes.

17 **MR. ENGELMANN:** Do you know if that was
18 done?

19 **MR. SIRRS:** No.

20 **MR. ENGELMANN:** All right. You didn't do
21 that in your preliminary investigation?

22 **MR. SIRRS:** I didn't do that myself, no.

23 **MR. ENGELMANN:** All right. So if that was
24 done that would have been done by someone investigating
25 after you?

1 **MR. SIRRS:** I would presume so.

2 **MR. ENGELMANN:** You then, on the bottom of
3 that page and onto the next page, talk about other
4 individuals you would have met with. Is that correct?

5 **MR. SIRRS:** Yes.

6 **MR. ENGELMANN:** And you describe on the
7 fifth page, Bates page 1001834, meeting with -- not meeting
8 with -- you describe another probationer who is known as C-
9 44, I believe?

10 Do you have the moniker listings, sir?

11 **MR. SIRRS:** Yes, I have here -- oh, here it
12 is.

13 **MR. ENGELMANN:** I don't have mine but I
14 believe that's the ---

15 **MR. SIRRS:** Yeah, that's another -- yes.

16 **MR. ENGELMANN:** So this was another
17 probationer that Mr. Barque was responsible for?

18 **MR. SIRRS:** That's correct.

19 **MR. ENGELMANN:** And there was some
20 indication to you of his inappropriate behaviour with that
21 probationer as well?

22 **MR. SIRRS:** Yes.

23 **MR. ENGELMANN:** Thank you. And did you in
24 fact have a meeting with that probationer? And I'm just
25 looking at the bottom paragraph on that page, sir,

1 starting, "During the interview"?

2 MR. SIRRS: Yes.

3 MR. ENGELMANN: All right. So just so that
4 we're clear, that paragraph describes what you would have
5 been told in an in-person meeting with that probationer?

6 MR. SIRRS: Yes.

7 MR. ENGELMANN: Okay. And, sir, the note at
8 the bottom of the page, all of these alleged incidents are
9 in direct contravention of conditions on probation orders
10 issued against both C-44 and Sheets?

11 MR. SIRRS: Yes.

12 MR. ENGELMANN: That is your opinion?

13 MR. SIRRS: That's correct.

14 MR. ENGELMANN: What I meant was it's not
15 something someone told you but that was ---

16 MR. SIRRS: No, that ---

17 MR. ENGELMANN: --- your input?

18 MR. SIRRS: I concluded that from the
19 information available.

20 MR. ENGELMANN: Thank you. And then you
21 have a reference in the next paragraph about sexual
22 activity between Mr. Barque and C-44?

23 MR. SIRRS: Yes.

24 MR. ENGELMANN: Sir, the third paragraph
25 that starts, "Following the incident of April 6th", do you

1 see that?

2 MR. SIRRS: Oh, yes. Okay, yes.

3 MR. ENGELMANN: "Which had been reported to
4 the police."

5 MR. SIRRS: Yes.

6 MR. ENGELMANN: Can you help me there; what
7 is meant by "The incident of April 6th"? Because there are
8 a number of things described in the report and I'm just
9 trying to pinpoint which one that is.

10 MR. SIRRS: Well, part of the phone call
11 from Mr. St-Louis referred to a violent incident at his
12 apartment involving this probationer. I believe it was
13 Sheets. I'd have to read more thoroughly, but it was
14 Sheets, and there was a confrontation and he called the
15 police as a result of that. There was some damage done to
16 his apartment is my understanding.

17 MR. ENGELMANN: All right. And that had
18 just happened?

19 MR. SIRRS: That's correct.

20 MR. ENGELMANN: And is that, at least in
21 part, described on the first page of your report, sir, ---

22 MR. SIRRS: Yeah, I believe ---

23 MR. ENGELMANN: --- in the final full
24 paragraph? If you could just take a look.

25 MR. SIRRS: Would that be on page 1?

1 **MR. ENGELMANN:** Yeah, the bottom two
2 paragraphs.

3 **MR. SIRRS:** Yes.

4 **MR. ENGELMANN:** So it's Bates page 1001830
5 pertaining to this incident, right at the bottom, the last
6 two paragraphs.

7 So the incident of April 6th, that's what
8 you're describing there?

9 **MR. SIRRS:** Yes.

10 **MR. ENGELMANN:** And when you say at the
11 bottom paragraph:

12 "The police did not take any action
13 against Sheets at this time but
14 referred St-Louis to Nelson Barque."
15 -- we're talking about the April 6th incident?

16 **MR. SIRRS:** That's correct.

17 **MR. ENGELMANN:** All right. Now, the
18 information in that paragraph, the third paragraph on page
19 6, who is it that tells you this?

20 **MR. SIRRS:** I believe that would have been
21 advised to me by the police.

22 **MR. ENGELMANN:** All right. And do you
23 remember whether that would have been Sergeant Allaire or
24 one of the other two sergeants you've mentioned previously?

25 **MR. SIRRS:** I don't recall meeting with

1 Sergeant Allaire, so it must have been the other two.

2 MR. ENGELMANN: Laroche and Masson?

3 MR. SIRRS: Yes.

4 MR. ENGELMANN: All right. So they would
5 have reported to you about Barque meeting with one of their
6 colleagues?

7 MR. SIRRS: Yes.

8 MR. ENGELMANN: And also with the Justice of
9 the Peace, Mr. Jodoin?

10 MR. SIRRS: Yes.

11 THE COMMISSIONER: Well, Justice of the
12 Peace and Administrator of the Provincial Court.

13 MR. ENGELMANN: Yes.

14 THE COMMISSIONER: He had two hats at that
15 time.

16 I'm looking at the last sentence, Mr.
17 Engelmann. It says:

18 "It was Sergeant Allaire's recall that
19 Mr. Jodoin undertook to caution Mr.
20 Barque."

21 So there must have been some conversation
22 with Sergeant Allaire?

23 MR. SIRRS: There may have been.

24 THE COMMISSIONER: Okay.

25 MR. SIRRS: I don't recall specifically.

1 **MR. ENGELMANN:** All right. So you may have
2 spoken to him directly or this would have been passed on
3 from one of his colleagues?

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** But you're quite certain,
6 sir, that this information about Jodoin and Maurice Allaire
7 would have been passed on to you from a Cornwall police
8 officer?

9 **MR. SIRRS:** Right.

10 **MR. ENGELMANN:** I'm just -- I wanted to ask
11 you a question just about where the Commissioner was going.
12 It says:

13 "It was Sergeant Allaire's recall that
14 Mr. Jodoin undertook to caution Mr.
15 Barque on his supervision of this case,
16 Sheets, and that he should take some
17 specific action in responses to Sheets'
18 unacceptable behaviour."

19 **MR. SIRRS:** Yes.

20 **MR. ENGELMANN:** So I'm wondering, did Mr.
21 Jodoin ever contact you to talk to you about this?

22 **MR. SIRRS:** Not that I recall.

23 **MR. ENGELMANN:** And do you recall, after
24 receiving this information from the Cornwall Police
25 Service, whether you attempted to contact him?

1 **MR. SIRRS:** No, I did not.

2 **MR. ENGELMANN:** All right. What did you
3 think of that, sir, at the time? You're being told that a
4 justice of the peace, court administrator, is cautioning
5 one of your employees?

6 **MR. SIRRS:** I don't recall my thoughts at
7 that particular point, other than that it tended to support
8 the allegations in which I was making a preliminary
9 inquiry.

10 **MR. ENGELMANN:** All right.

11 Did you know if Mr. Barque was acquainted
12 with Mr. Jodoin?

13 **MR. SIRRS:** Oh, yes, he would be.

14 **MR. ENGELMANN:** And why would that be, sir?

15 **MR. SIRRS:** Well he was the justice of peace
16 and, of course, the probation officers would often go to
17 the justice of the peace to get various legal documents
18 signed.

19 **MR. ENGELMANN:** So Mr. Barque would be --
20 would have known Mr. Jodoin?

21 **MR. SIRRS:** Yes.

22 **MR. ENGELMANN:** And that would be true of
23 Mr. Seguin as well?

24 **MR. SIRRS:** Yes.

25 **MR. ENGELMANN:** And did you develop a

1 relationship with Mr. Jodoin as well?

2 MR. SIRRS: Relationship is perhaps too
3 strong a word, but we certainly were familiar with each
4 other.

5 MR. ENGELMANN: Okay, well you had told us
6 earlier that you had wanted to get to know ---

7 MR. SIRRS: That's correct.

8 MR. ENGELMANN: --- both court officials and
9 police officials better?

10 MR. SIRRS: Yes.

11 MR. ENGELMANN: And certainly your officers
12 had regular dealings with ---

13 MR. SIRRS: That's correct.

14 MR. ENGELMANN: All right.

15 MR. SIRRS: Do you know if they had a
16 relationship outside of a professional one, sir?

17 MR. SIRRS: No.

18 MR. ENGELMANN: You don't know or they
19 didn't?

20 MR. SIRRS: Well, I don't know whether they
21 did or not.

22 MR. ENGELMANN: All right. All right.
23 And the description at the bottom of that
24 page, page 6, those are your thoughts and your writings?

25 MR. SIRRS: That's correct.

1 **MR. ENGELMANN:** And, sir, it was during the
2 time of your preliminary investigation that you discovered,
3 for example, the lock on Mr. Barque's door?

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** Did you discover anything
6 else unusual about his office that you can remember?

7 **MR. SIRRS:** Not that I can recall.

8 **MR. ENGELMANN:** All right. So at the bottom
9 of that page you're saying:

10 "Without question these allegations are
11 extremely serious and I've made every
12 attempt to respond in a discreet manner
13 without coming to any conclusions."

14 See that?

15 **MR. SIRRS:** Yes.

16 **MR. ENGELMANN:** And then you also say:

17 "If this were a case where it was
18 suggested that Mr. Barque had only
19 overlooked a probationer violating
20 conditions of probation, then it could
21 be possible to proceed in a supervisory
22 capacity or, at the most, in a
23 preliminary stage of discipline.

24 However, such is not at all possible if
25 the allegations are at all

1 substantiated."

2 Do you see that?

3 **MR. SIRRS:** Yes.

4 **MR. ENGELMANN:** Sir, at that point-in-time,
5 what is the most serious thing? You say "extremely
6 serious". What is the most serious thing to you that
7 you've just uncovered?

8 **MR. SIRRS:** Is his sexual involvement with
9 the clients.

10 **MR. ENGELMANN:** And why would that have been
11 a very serious thing for you, sir?

12 **MR. SIRRS:** Oh dear. It just was.

13 **MR. ENGELMANN:** Okay. Was that because of
14 the position of authority, that a probation officer would
15 be ---

16 **MR. SIRRS:** Position of authority, position
17 of trust. That's correct.

18 It was clearly contrary to Ministry and
19 government policy. I mean, there's -- it's not -- well, it
20 was just the most serious of the issues.

21 **MR. ENGELMANN:** All right. And there were
22 other issues that were serious as well?

23 **MR. SIRRS:** That's correct.

24 **MR. ENGELMANN:** Now, in the report you talk
25 about, in a couple of cases, engaging in homosexual

1 activity?

2 MR. SIRRS: Yes.

3 MR. ENGELMANN: All right. And whether the
4 activity is homosexual or heterosexual, you'd agree with me
5 that it was inappropriate?

6 MR. SIRRS: That's correct.

7 MR. ENGELMANN: And you don't use the term
8 "sexual abuse" or "sexual abuse of young persons" in your
9 report, do you?

10 MR. SIRRS: I don't believe so, no.

11 MR. ENGELMANN: Right. And did you give any
12 thought to whether the relationship was consensual or was
13 that an issue for you?

14 MR. SIRRS: No, that was not an issue for
15 me.

16 MR. ENGELMANN: And why wasn't it an issue
17 for you?

18 MR. SIRRS: Because the participants were
19 considered adult and it was just inappropriate to be so
20 involved with clients.

21 MR. ENGELMANN: Well, were you concerned,
22 sir, that a sexual relationship between one of your
23 officers and a probationer perhaps couldn't be consensual?

24 MR. SIRRS: Yes, that's possible.

25 MR. ENGELMANN: All right. And again that's

1 because of that position of trust ---

2 **MR. SIRRS:** That's correct.

3 **MR. ENGELMANN:** --- position of authority?

4 **MR. SIRRS:** That's correct.

5 **MR. ENGELMANN:** You'd agree that there would
6 be an unbalanced power dynamic in any kind of relationship?

7 **MR. SIRRS:** Clearly.

8 **MR. ENGELMANN:** And, sir, just in a similar
9 vein, you say -- and I'm just looking at the middle of the
10 top paragraph on the last page. And I just want to ask you
11 what you mean. It says:

12 "When it involves clients, probationers
13 or parolees, a distinction cannot be
14 made between the personal and the
15 professional."

16 I just wanted to ask you what you meant by
17 that. If you need to look at the whole paragraph to get
18 the context, please do.

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

20 **MR. SIRRS:** I believe that I was trying to
21 indicate that even though it was, in other situations, a
22 personal kind of relationship, because of his professional
23 status, you can't make that -- you know, you have to make
24 the distinction. It can't be personal because of his
25 professional relationship with the other individuals

1 involved.

2 **MR. ENGELMANN:** Again, that ties back to the
3 position of trust and authority?

4 **MR. SIRRS:** Exactly. Exactly.

5 **MR. ENGELMANN:** All right. Just flipping
6 back, sir, to the first page if I can for a moment, third
7 paragraph. And that's Bates page 1001830.

8 **MR. SIRRS:** Okay.

9 **MR. ENGELMANN:** You say in the third
10 paragraph:

11 "To my knowledge, Mrs. Léger is the
12 only staff member who has direct
13 knowledge of these allegations arising
14 out of this complaint."

15 Do you see that?

16 **MR. SIRRS:** Yes.

17 **MR. ENGELMANN:** And then you say:

18 "While no other staff have been advised
19 or consulted, nonetheless, I sense they
20 are aware that something is amiss."

21 What made you write that? Why did you have
22 that feeling at that time?

23 **MR. SIRRS:** Well, I was certainly upset
24 with this, and then on the occasion of the 8th of April I
25 began to conduct my investigation. So I was in and out of

1 my office and probably very clearly focussed and perhaps
2 not quite so openly friendly or engaging; so I was very
3 focussed and this particular time. I would think that they
4 would have sensed something was going on.

5 MR. ENGELMANN: All right. So it's just
6 because of how you were acting, sir?

7 MR. SIRRS: I believe so.

8 MR. ENGELMANN: All right. You didn't think
9 that some of them knew about Mr. Barque's relationship with
10 these two probationers?

11 MR. SIRRS: I don't believe that occurred to
12 me at the time.

13 MR. ENGELMANN: All right. Did it occur to
14 you later?

15 MR. SIRRS: I thought that that was
16 possible.

17 MR. ENGELMANN: And would it be fair to say
18 that he was closer to some of his colleagues than he was to
19 you?

20 MR. SIRRS: Yes.

21 MR. ENGELMANN: He'd worked with them for a
22 number of years?

23 MR. SIRRS: That's correct.

24 MR. ENGELMANN: Sir, in your final paragraph
25 on the final page, you say in the first sentence:

1 "It is my judgment there is sufficient
2 information upon which to refer this
3 matter to the inspections branch of our
4 Ministry for a thorough investigation."

5 MR. SIRRS: Yes.

6 MR. ENGELMANN: Did you in fact do that,
7 sir?

8 MR. SIRRS: Yes.

9 MR. ENGELMANN: All right. I want to ask
10 you about ---

11 MR. SIRRS: Well, no, pardon me, I -- this
12 report went to Mr. Toffelmire who, in turn, referred the
13 report to Mr. Taylor.

14 MR. ENGELMANN: Yes.

15 MR. SIRRS: And it went up the chain, and
16 because I don't believe the management at the lower levels
17 have the authorities to direct the inspections and ---

18 MR. ENGELMANN: Fair enough. It wasn't your
19 call.

20 MR. SIRRS: But it wasn't my call, no.

21 MR. ENGELMANN: Would you have recommended
22 it though, sir?

23 MR. SIRRS: Oh, certainly.

24 MR. ENGELMANN: Yes.

25 MR. SIRRS: As I did in the report.

1 **MR. ENGELMANN:** Right. And I want to ask
2 you a little bit about your last sentence.

3 You say:

4 "Should Mr. Barque acknowledge that the
5 allegations are indeed founded, then I
6 would further recommend that he be
7 afforded an opportunity to resign..."

8 **MR. SIRRS:** Yes.

9 **MR. ENGELMANN:** "...and that should he
10 resign, no further action be initiated
11 by the Ministry."

12 **MR. SIRRS:** Yes.

13 **MR. ENGELMANN:** That was your
14 recommendation?

15 **MR. SIRRS:** Yes.

16 **MR. ENGELMANN:** I guess at the end of the
17 day, it's not your decision?

18 **MR. SIRRS:** It's not my decision.

19 **MR. ENGELMANN:** That would have been a
20 decision for someone higher up the line?

21 **MR. SIRRS:** Clearly.

22 **MR. ENGELMANN:** All right.

23 Would that have been Mr. Toffelmire's
24 decision?

25 **MR. SIRRS:** No.

1 **MR. ENGELMANN:** Even higher?

2 **MR. SIRRS:** Yes.

3 **MR. ENGELMANN:** All right.

4 And would that involve consultation with
5 Human Resources, or do you know?

6 **MR. SIRRS:** I have no idea what course of
7 action or how it would be proceeded with.

8 **MR. ENGELMANN:** All right.

9 Well, based on your preliminary
10 investigation, if in fact things were confirmed in a
11 further investigation, would you agree with me, sir, that
12 there would have been ample grounds to terminate Mr.
13 Barque's employment?

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** All right.

16 So why is that you suggested that he be
17 allowed to resign and no further action be initiated?

18 **MR. SIRRS:** Well, termination or firing
19 raises some serious issues, both legal and under grievance
20 with the employee association.

21 **MR. ENGELMANN:** Yes?

22 **MR. SIRRS:** Well, that can be very prolonged
23 and it just is a very difficult process and we're not clear
24 whether the witnesses would be prepared to become involved
25 in legal proceedings or even in hearings involving the

1 grievance process and whether we would be able to
2 substantiate the case.

3 **MR. ENGELMANN:** But, sir, you're saying that
4 should Mr. Barque acknowledge ---

5 **MR. SIRRS:** Yes.

6 **MR. ENGELMANN:** --- that the allegations are
7 indeed founded ---

8 **MR. SIRRS:** Yes.

9 **MR. ENGELMANN:** --- then I would further
10 recommend he be ---

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** --- afforded the opportunity
13 to resign.

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** So if he's already
16 acknowledged that they're founded, and you had this
17 investigation, what's the problem? Why wouldn't you
18 recommend that he simply be fired or terminated?

19 **MR. SIRRS:** It's still subject to the
20 grievance procedure. And there's no reason to avoid him
21 going to litigation. Even if he acknowledges -- I mean, he
22 still has available to him the legal process. If he's
23 fired, he can still claim that he was fired without
24 justifiable reason.

25 **MR. ENGELMANN:** Yes. But you had your

1 investigation. You'd have a further investigation, and
2 you're saying if he acknowledges that the allegations are
3 founded.

4 **MR. SIRRS:** That's correct.

5 **MR. ENGELMANN:** And despite all that, you're
6 saying it's just easier to let him resign, essentially?

7 **MR. SIRRS:** Well, we have -- yeah, we have a
8 process to continue in the community, and so I just felt it
9 was best all the way around. Plus I believe that this was
10 -- had been the practice for the Ministry in situations on
11 this kind of thing.

12 **MR. ENGELMANN:** All right.

13 You just said something about process in the
14 community or ---

15 **MR. SIRRS:** Concern for the prestige and the
16 position of Probation in the community.

17 **MR. ENGELMANN:** What, that it might not look
18 good in the community?

19 **MR. SIRRS:** Certainly.

20 **MR. ENGELMANN:** But, sir, you acknowledge
21 early in your report that -- just give me a moment.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. ENGELMANN:** I'm trying to find the
24 reference, but I thought yesterday that you had indicated,
25 either in this report or elsewhere, that it was important

1 that these things be done in an open and transparent way.

2 **MR. SIRRS:** Yes.

3 **MR. ENGELMANN:** And I think you agreed with
4 me yesterday. I just can't remember what the reference
5 was.

6 You'd agree with me that going through a
7 formal discipline process would be much more open and
8 transparent than allowing someone to resign, correct?

9 **MR. SIRRS:** Well, it's certainly more open
10 and ---

11 **MR. ENGELMANN:** Yes.

12 **MR. SIRRS:** Yes. But this would appear to
13 have been the most expeditious route to follow, in
14 everybody's interest.

15 **MR. ENGELMANN:** All right.

16 And that's in fact what your superiors
17 decided to do?

18 **MR. SIRRS:** I must conclude that they did
19 because they didn't choose to pursue any other action.

20 **MR. ENGELMANN:** Right. And in fact, Mr.
21 Barque resigned.

22 **MR. SIRRS:** That's correct.

23 **MR. ENGELMANN:** Now, your report ---

24 **MR. SIRRS:** Well, I would comment, I think,
25 he resigned before we had an opportunity to do any -- take

1 any other course of action.

2 MR. ENGELMANN: All right.

3 But as a result of his resignation, nothing
4 further was pursued with him, to your knowledge, by the
5 Ministry?

6 MR. SIRRS: I've subsequently learned -- I
7 didn't know at the time, but the matter was referred to the
8 Crown Attorney in Cornwall.

9 MR. ENGELMANN: Fair enough.

10 MR. SIRRS: And by letter, his decision was
11 not to pursue any action.

12 MR. ENGELMANN: Fair enough.

13 THE COMMISSIONER: But that's criminal
14 action as opposed to ---

15 MR. ENGELMANN: I meant with the Ministry
16 itself. There's no ---

17 MR. SIRRS: Oh, no.

18 MR. ENGELMANN: Yeah.

19 So your report is finished on April 20th,
20 correct?

21 MR. SIRRS: Yes.

22 MR. ENGELMANN: If the witness could be
23 shown Exhibit 870.

24 MR. SIRRS: Excuse me, am I going to need
25 this book again?

1 MR. ENGELMANN: You might.

2 MR. SIRRS: I might.

3 MR. ENGELMANN: Yeah, you will actually

4 because we'll look at the investigation briefly.

5 MR. SIRRS: Okay.

6 MR. ENGELMANN: I hope you have enough room

7 on the table, sir.

8 MR. SIRRS: It's getting a little cluttered.

9 Yes, okay, I've got it.

10 MR. ENGELMANN: Have you seen this letter

11 before, sir?

12 MR. SIRRS: Well, I'm copied, so I must

13 have.

14 MR. ENGELMANN: All right.

15 Well, were you aware that -- who is Dickson

16 Taylor?

17 MR. SIRRS: He was the Director of Probation

18 and Parole ---

19 MR. ENGELMANN: All right.

20 MR. SIRRS: --- for the Ministry.

21 MR. ENGELMANN: So he'd be above your boss?

22 MR. SIRRS: Yes.

23 MR. ENGELMANN: All right.

24 MR. SIRRS: Immediately above.

25 MR. ENGELMANN: All right.

1 And that would be -- your boss being
2 Toffelmire at that time?

3 **MR. SIRRS:** That's correct.

4 **MR. ENGELMANN:** And he, by letter dated May
5 3rd, suspends Mr. Barque?

6 **MR. SIRRS:** That's correct.

7 **MR. ENGELMANN:** With pay, pending an
8 investigation.

9 **MR. SIRRS:** Yes. I would -- I can't say
10 definitively, but I would assume so.

11 **MR. ENGELMANN:** I'm just reading from the
12 first paragraph, sir, it says:

13 "I am hereby advising you that you are
14 immediately suspended from employment
15 with the Ministry Correctional
16 Services. This suspension with pay will
17 be pending the completion of an
18 investigation."

19 **MR. SIRRS:** Okay. That's fine, okay.

20 **MR. ENGELMANN:** All right.

21 So it appears now there's a decision made to
22 do that formal investigation?

23 **MR. SIRRS:** Yes.

24 **MR. ENGELMANN:** And that Mr. Barque is
25 suspended with pay pending that investigation.

1 MR. SIRRS: That's correct.

2 MR. ENGELMANN: All right.

3 And that, again, is not a decision you made.

4 MR. SIRRS: That's correct.

5 MR. ENGELMANN: So what happened between
6 April 20th when you issue your preliminary investigation
7 report to Mr. Toffelmire, and May the 3rd? Was Mr. Barque
8 working ---

9 MR. SIRRS: Yes.

10 MR. ENGELMANN: --- as far as you know?

11 MR. SIRRS: Yes.

12 MR. ENGELMANN: All right.

13 So no action was taken to suspend him after
14 your preliminary report until May the 3rd?

15 MR. SIRRS: That's correct.

16 MR. ENGELMANN: And is that something that
17 you had the power to decide, sir?

18 MR. SIRRS: No.

19 MR. ENGELMANN: Is that something ---

20 MR. SIRRS: No.

21 MR. ENGELMANN: --- someone else would have
22 to decide?

23 MR. SIRRS: No. I would only be able to do
24 that in consultation with a senior manager.

25 MR. ENGELMANN: All right.

1 And do you recall, sir, at this time whether
2 you recommended that course of action on April 20th or not?

3 **MR. SIRRS:** No. No.

4 **MR. ENGELMANN:** You didn't see that as being
5 something necessary at that time, or do you recall?

6 **MR. SIRRS:** I don't recall.

7 **MR. ENGELMANN:** All right. Fair enough.

8 Now, sir, your report of April 20th, which is
9 in the other binder -- and I think you're still open on it
10 -- the cover page suggests it's a report to Mr. Toffelmire.

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** We're looking at the second
13 document in Exhibit 125.

14 Do you have the cover page? Yes?

15 **MR. SIRRS:** Yes.

16 **MR. ENGELMANN:** All right.

17 And you provided this report to Mr.
18 Toffelmire on or about this date?

19 **MR. SIRRS:** Yes.

20 **MR. ENGELMANN:** All right.

21 And did he contact you after he received the
22 report?

23 **MR. SIRRS:** I don't recall.

24 **MR. ENGELMANN:** All right.

25 I'm not sure if it's in the other book, Mr.

1 Sirrs, but Exhibit 900.

2 THE COMMISSIONER: Yes, it is.

3 MR. ENGELMANN: It should be in that ---

4 MR. SIRRS: Even number, 900?

5 MR. ENGELMANN: Yes.

6 MR. SIRRS: Yes, okay.

7 MR. ENGELMANN: Is this a document that you
8 would have seen before? You're not copied on it, but --
9 and if you've only seen it just recently, sir, that's --
10 indicate that.

11 MR. SIRRS: Yes. Yes, just recently.

12 MR. ENGELMANN: Just recently?

13 MR. SIRRS: Yeah.

14 MR. ENGELMANN: All right.

15 Well, in the middle paragraph he's already
16 talked about -- he's writing to Dixon Taylor, who's his
17 boss?

18 MR. SIRRS: Yes.

19 MR. ENGELMANN: And he says that:

20 "Mr. Sirrs has advised me that he has
21 reached a point beyond which he does
22 not wish to continue the investigation.
23 He feels that any further steps should
24 be left to the professionals in that
25 field."

1 MR. SIRRS: Yes.

2 MR. ENGELMANN: All right.

3 Do you recall having a discussion with Mr.
4 Toffelmire at or about the time you finished your
5 preliminary report?

6 MR. SIRRS: No, but it's not unreasonable to
7 -- that I would have done that.

8 MR. ENGELMANN: All right.

9 MR. SIRRS: He would have called me.

10 MR. ENGELMANN: All right.

11 And do you recall having said anything like
12 that to him ---

13 MR. SIRRS: No.

14 MR. ENGELMANN: --- that others should deal
15 with this?

16 MR. SIRRS: Yeah. Well, that certainly was
17 my feeling and ---

18 MR. ENGELMANN: All right.

19 MR. SIRRS: --- that was suggested in the
20 report.

21 MR. ENGELMANN: Yes. And you wanted others
22 to do a more ---

23 MR. SIRRS: That's correct.

24 MR. ENGELMANN: --- thorough investigation?

25 MR. SIRRS: That's correct.

1 **MR. ENGELMANN:** Fair enough.

2 And he was pleased with your work on the
3 report?

4 **MR. SIRRS:** That's my understanding.

5 **MR. ENGELMANN:** He indicates that in his
6 last paragraph?

7 **MR. SIRRS:** Yes.

8 **MR. ENGELMANN:** And he says that he concurs
9 entirely with your recommendations.

10 **MR. SIRRS:** Yes.

11 **MR. ENGELMANN:** So in other words, he would
12 concur with allowing Mr. Barque to have the opportunity to
13 resign?

14 **MR. SIRRS:** That's what I would understand.

15 **MR. ENGELMANN:** All right.

16 He says:

17 "It's been most trying on him and he
18 now finds it difficult to go any
19 further."

20 Do you have a sense whether that was
21 accurate as well, sir ---

22 **MR. SIRRS:** Yes.

23 **MR. ENGELMANN:** --- that this had been most
24 trying on you?

25 **MR. SIRRS:** Yes.

1 **MR. ENGELMANN:** It wasn't pleasant?

2 **MR. SIRRS:** Not at all.

3 **MR. ENGELMANN:** And when I say "it wasn't
4 pleasant", finding this out, what one of your employees was
5 doing?

6 **MR. SIRRS:** Yes.

7 **MR. ENGELMANN:** And then finding out that
8 others knew and hadn't told you things?

9 **MR. SIRRS:** Yes.

10 **MR. ENGELMANN:** The whole thing was
11 unpleasant?

12 **MR. SIRRS:** The whole thing was unpleasant.

13 **MR. ENGELMANN:** Now, do you know, sir,
14 whether your report or the final report later by Mr.
15 McMaster, do you know if either of those documents were
16 shared with Mr. Barque?

17 **MR. SIRRS:** No.

18 **MR. ENGELMANN:** All right.

19 **THE COMMISSIONER:** No, you don't know?

20 **MR. SIRRS:** I don't know, no.

21 **MR. ENGELMANN:** You don't know?

22 **MR. SIRRS:** I do not know.

23 **MR. ENGELMANN:** Did you give him either of
24 these documents?

25 **MR. SIRRS:** No, I didn't.

1 **MR. ENGELMANN:** Did you have a discussion
2 with him after April 20th, after you've done your
3 preliminary investigation, about your investigation and
4 your recommendations?

5 **MR. SIRRS:** No.

6 **MR. ENGELMANN:** Sir, the other part of
7 Exhibit 125, so to your left, the binder we were in ---

8 **MR. SIRRS:** Yes, okay.

9 **MR. ENGELMANN:** --- the first part of that
10 exhibit, this is the report that was done by Mr. McMaster?

11 **MR. SIRRS:** That's what I would understand,
12 yes.

13 **MR. ENGELMANN:** Would you have been provided
14 with a copy of this report then? It was apparently done --
15 finished -- on the first page it says "May 31st" on it.

16 **MR. SIRRS:** Yes.

17 **MR. ENGELMANN:** And then the investigation
18 report itself, on the next page at the top has a date of
19 May 13th.

20 **MR. SIRRS:** Yes.

21 **MR. ENGELMANN:** So it would appear the
22 investigation report is done in mid-May and then it's sent
23 on, I guess, to someone else at the end of May, and I'm
24 wondering if it would have been sent to you?

25 **MR. SIRRS:** I don't recall.

1 **MR. ENGELMANN:** All right. Fair enough.

2 It's 25 years, so I ---

3 **MR. SIRRS:** That's right.

4 **MR. ENGELMANN:** Yeah. It does indicate in
5 that report, on page 2 of the report, and it's Bates
6 page 1001825, that:

7 "On Thursday, April 29th, as assigned,
8 this writer, in company with Inspector
9 R. Porter, proceeded to Cornwall,
10 Ontario where we met with Mr. Peter
11 Sirrs who gave us a thorough briefing
12 on the whole matter."

13 Do you recall, sir, meeting with Mr. Porter
14 and Mr. McMaster?

15 **MR. SIRRS:** Yes.

16 **MR. ENGELMANN:** And was that a lengthy
17 meeting, sir?

18 **MR. SIRRS:** I wouldn't know. I couldn't be
19 able to say how long it was, but it certainly was a meeting
20 that we shared our information.

21 **MR. ENGELMANN:** Right.

22 **MR. SIRRS:** I explained to them what it was
23 I had found.

24 **MR. ENGELMANN:** All right.

25 And I guess at this point it was more you're

1 sharing information with them, right?

2 MR. SIRRS: I should think, yeah.

3 MR. ENGELMANN: Yeah. Had they started yet
4 or ---

5 MR. SIRRS: I don't recall. I don't believe
6 so.

7 MR. ENGELMANN: All right.

8 And if you'd had notes in addition to your
9 report at that time, I presume you would have shared that
10 with them?

11 MR. SIRRS: Yes.

12 MR. ENGELMANN: And you were eager to have
13 them carry this on?

14 MR. SIRRS: Yes.

15 MR. ENGELMANN: And to be finished with your
16 work?

17 MR. SIRRS: Yes.

18 MR. ENGELMANN: Now, did you know, at that
19 time, sir, that anything had been formally referred either
20 to a police force or the Crown Attorney's Office or is that
21 something you only found out about much later?

22 MR. SIRRS: I found that out much later.

23 MR. ENGELMANN: And when you say "much
24 later", do you mean just recently, reviewing documents?

25 MR. SIRRS: Just recently, reviewing

1 documents.

2 MR. ENGELMANN: All right.

3 Do you remember the first names of those
4 investigators ---

5 MR. SIRRS: yes.

6 MR. ENGELMANN: --- McMaster and Porter?

7 MR. SIRRS: Yes.

8 MR. ENGELMANN: And what were they, sir?

9 MR. SIRRS: Mr. McMaster's first name was
10 Clair.

11 MR. ENGELMANN: Yes.

12 MR. SIRRS: And Mr. Porter's first name was
13 Robert.

14 MR. ENGELMANN: Thank you.

15 MR. SIRRS: He uses the name "Bob".

16 MR. ENGELMANN: All right.

17 And had they both come up through the
18 Ministry, or do you know if either of them had been former
19 police officers?

20 MR. SIRRS: I don't recall any information
21 in that regard for Mr. McMaster, but I knew that Bob Porter
22 had been -- had previously been an area manager.

23 MR. ENGELMANN: All right.

24 Sir, if you could have a look at Exhibit
25 894, which should be in the binder to your right.

1 MR. SIRRS: Yes.

2 MR. ENGELMANN: Is this a document you've
3 seen before?

4 MR. SIRRS: Yes.

5 MR. ENGELMANN: And do you recall how it was
6 you received this document?

7 MR. SIRRS: My recall is that it was
8 initially mailed to the Ministry and then also provided by
9 hand from Mr. Barque.

10 MR. ENGELMANN: To you directly or to
11 someone else in your office?

12 MR. SIRRS: To me.

13 MR. ENGELMANN: All right.

14 So would you have had a discussion with him
15 at or about this time?

16 MR. SIRRS: I don't recall.

17 MR. ENGELMANN: All right.

18 You just recall him handing you ---

19 MR. SIRRS: That's correct.

20 MR. ENGELMANN: And would he have handed you
21 this letter open or would it have been in an envelope, or
22 do you remember?

23 MR. SIRRS: I do not recall.

24 MR. ENGELMANN: All right.

25 Before you would have received this letter -

1 --

2 MR. SIRRS: Yes.

3 MR. ENGELMANN: --- "resignation letter", if
4 I can call it that, and presumably you would have received
5 it on or about the 6th of May?

6 MR. SIRRS: Yes.

7 MR. ENGELMANN: Did you have any discussion
8 with Mr. Barque about your recommendation ---

9 MR. SIRRS: No.

10 MR. ENGELMANN: --- that he be allowed --
11 just wait for the question.

12 MR. SIRRS: Oh, sorry.

13 MR. ENGELMANN: That he be allowed the
14 opportunity to resign?

15 MR. SIRRS: No.

16 MR. ENGELMANN: Sir, I'd like you then to
17 look at Exhibit 905, again in the binder to your right.

18 MR. SIRRS: Yes.

19 MR. ENGELMANN: Can we pull it up on the
20 screen?

21 THE COMMISSIONER: I think we want to go to
22 the bottom, Madam Clerk. There we go.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. ENGELMANN: Mr. Commissioner, there's a
25 better copy of this in the record because I was trying to

1 explain this to Mr. Sirrs the other day, you see on the top
2 right, sir, where it says "Work Performance Record"?

3 **THE COMMISSIONER:** Yeah.

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** I believe if we had a clean
6 copy, it would also say "Employee Separation" just above
7 "Work Performance Record".

8 **MR. SIRRS:** Oh yes, okay. Yeah.

9 **MR. ENGELMANN:** I was going to ask you about
10 what this was about, so ---

11 **MR. SIRRS:** Yeah.

12 **MR. ENGELMANN:** --- perhaps we could just
13 pull up Document Number 734097? It's off the cross list.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **MR. ENGELMANN:** It's a better copy, Mr.
16 Commissioner.

17 Perhaps we could -- we've done this in the
18 past, I know, on occasion -- perhaps we could make it
19 Exhibit 905A.

20 **THE COMMISSIONER:** All right.

21 Thank you. Exhibit 905A is an Employee
22 Separation Work Performance Record for Mr. Nelson Barque
23 and it's dated May 11th, 1982.

24 --- **EXHIBIT NO./PIÈCE NO. P-905A:**

25 (734097) Employee Separation Work

1 Performance Record re: Nelson Barque,
2 dated May 11, 1982

3 **MR. ENGELMANN:** Do you have both documents,
4 Mr. Sirrs?

5 **MR. SIRRS:** Yes.

6 **MR. ENGELMANN:** Would you agree with me that
7 the copy in your hand is a slightly better photocopy of the
8 document?

9 **MR. SIRRS:** Yes.

10 **MR. ENGELMANN:** All right. And, in fact, in
11 905A, which is in your hand, the words "Employee
12 Separation" can be seen above "Work Performance Record"?

13 **MR. SIRRS:** That's correct.

14 **MR. ENGELMANN:** All right. And that's what
15 we have on the screen now as well. We have 905A on the
16 screen.

17 **MR. SIRRS:** Okay.

18 **MR. ENGELMANN:** All right. And, sir, I was
19 going to ask you what the purpose of this form was, and
20 that may become more apparent to you now that you see the
21 words "Employee Separation". But can you tell us what use
22 the Ministry makes of this document or what the document is
23 for, to your knowledge?

24 **MR. SIRRS:** It's a standardized form to
25 denote the circumstances respecting the employee at the

1 time of their separation from employment with the Ministry.

2 MR. ENGELMANN: All right. And I note at
3 the top of the form -- and did you fill this form out, sir?

4 MR. SIRRS: Yes.

5 MR. ENGELMANN: All right. I don't mean did
6 you actually type it, but ---

7 MR. SIRRS: No, no, it's my information,
8 yes.

9 MR. ENGELMANN: Right. Okay.
10 And you would have had one of your support
11 staff ---

12 MR. SIRRS: That's correct.

13 MR. ENGELMANN: --- type it in?
14 So the box that says "Classified", what does
15 that mean?

16 MR. SIRRS: He was a permanent employee.

17 MR. ENGELMANN: Okay. And ---

18 MR. SIRRS: Unclassified employees are
19 initial employees who are on probation.

20 MR. ENGELMANN: All right.

21 MR. SIRRS: Or on contract.

22 MR. ENGELMANN: All right. So that denotes
23 the employee status?

24 MR. SIRRS: That's correct.

25 MR. ENGELMANN: All right. And you've got

1 his employment period there from August of '74 until May of
2 '82?

3 MR. SIRRS: Yes.

4 MR. ENGELMANN: So approximately eight
5 years?

6 MR. SIRRS: Yes.

7 MR. ENGELMANN: We had asked earlier and you
8 weren't sure how long, but you knew he had been there about
9 eight or nine years?

10 MR. SIRRS: Well, that would be determined
11 from his file.

12 MR. ENGELMANN: Right. And you say under
13 the first box, "Reason for Separation" you've got some
14 choices: resigned; retired; dismissed. You say
15 "resigned"?

16 MR. SIRRS: Yes.

17 MR. ENGELMANN: And at this point, sir, you
18 had just received the resignation letter. This would be a
19 few days after?

20 MR. SIRRS: Well, this is dated ---

21 MR. ENGELMANN: May 11th.

22 MR. SIRRS: Yes, May the 11th. So it's
23 certainly a good week after, yes.

24 MR. ENGELMANN: All right. And you make a
25 comment on the quality of the work?

1 MR. SIRRS: Yes.

2 MR. ENGELMANN: You say "Good"?

3 MR. SIRRS: Yes.

4 MR. ENGELMANN: Working relations -- sorry,
5 working relationship, supervisor and coworkers, very good?

6 MR. SIRRS: Yes.

7 MR. ENGELMANN: Attendance and punctuality,
8 very good?

9 MR. SIRRS: Yes.

10 MR. ENGELMANN: So you would agree with me
11 that those are all positive statements?

12 MR. SIRRS: Yes.

13 MR. ENGELMANN: And that was your feeling at
14 the time about ---

15 MR. SIRRS: Yes.

16 MR. ENGELMANN: --- those issues?

17 MR. SIRRS: Yes.

18 MR. ENGELMANN: And I just want to look at
19 the last box. It says:

20 "Would you re-hire this employee, yes
21 or no?"

22 And it says:

23 "If no, state specific reasons."

24 Do you see that?

25 MR. SIRRS: Yes.

1 **MR. ENGELMANN:** And you've said no.

2 **MR. SIRRS:** That's correct.

3 **MR. ENGELMANN:** So you're saying you
4 wouldn't re-hire Mr. Barque?

5 **MR. SIRRS:** Definitely.

6 **MR. ENGELMANN:** All right. Where does this
7 go, this form? Do you know?

8 **MR. SIRRS:** No.

9 **MR. ENGELMANN:** All right.

10 **MR. SIRRS:** I presume it goes on a personnel
11 file in head office.

12 **MR. ENGELMANN:** Yes. All right.

13 **THE COMMISSIONER:** Well, if we look at ---

14 **MR. ENGELMANN:** So ---

15 **THE COMMISSIONER:** I'm sorry, at the bottom
16 of the page it says "Distribution: Institution; Accounts;
17 Regional Personnel; Administrator Personnel; Include with
18 Separation ---"

19 **MR. ENGELMANN:** So it appears it goes to
20 various branches of the Ministry?

21 **MR. SIRRS:** Yes.

22 **MR. ENGELMANN:** All right. And I just want
23 to talk to you a little bit about the reasons you give,
24 because it asks you to be specific; correct?

25 **MR. SIRRS:** Yes.

1 **MR. ENGELMANN:** And what you say is:
2 "Mr. Barque submitted his resignation
3 as a consequence of inquiries into his
4 professional conduct and [other]
5 involvement with clients."
6 **MR. SIRRS:** Yes.
7 **THE COMMISSIONER:** And what? And over-
8 involvement.
9 **MR. ENGELMANN:** I'm very sorry.
10 "...submitted his resignation as a
11 consequence of inquiries into his
12 professional conduct and over-
13 involvement with clients."
14 **MR. SIRRS:** Yes.
15 **MR. ENGELMANN:** And at this point-in-time
16 you knew about the sexual relationships ---
17 **MR. SIRRS:** Yes.
18 **MR. ENGELMANN:** --- with at least two
19 probationers?
20 **MR. SIRRS:** Yes.
21 **MR. ENGELMANN:** You knew about the assisting
22 at least one, possibly two of them, in breaching probation
23 orders?
24 **MR. SIRRS:** Yes.
25 **MR. ENGELMANN:** By providing them with

1 alcohol and-or drugs?

2 MR. SIRRS: Yes.

3 MR. ENGELMANN: And, certainly, by allowing
4 them to use those substances?

5 MR. SIRRS: Yes.

6 MR. ENGELMANN: You would have also known
7 about the interference or obstruction with the police?

8 MR. SIRRS: Yes.

9 MR. ENGELMANN: You didn't write any of that
10 down?

11 MR. SIRRS: No.

12 MR. ENGELMANN: In fact, I'd suggest to you
13 that you were rather vague. Would that be fair?

14 MR. SIRRS: Perhaps.

15 MR. ENGELMANN: All right. Why not be more
16 transparent on the form, sir?

17 MR. SIRRS: I have no explanation. I felt
18 that this answered the question adequately.

19 MR. ENGELMANN: But you would agree that
20 someone picking this up would have no idea how serious the
21 allegations were?

22 MR. SIRRS: In retrospect, yes.

23 MR. ENGELMANN: Do you know if this went to
24 more senior managers above you or not?

25 MR. SIRRS: Well, it would have gone to the

1 regional administrator.

2 MR. ENGELMANN: Do you know if this form was
3 ever changed by anybody?

4 MR. SIRRS: No.

5 MR. ENGELMANN: Now, sir, following the
6 incident with Mr. Barque and your investigation and then
7 this more thorough investigation afterwards, his
8 resignation, did you, in your capacity as the area manager,
9 institute any changes in your office in terms of managerial
10 oversight to eliminate the risk of something similar
11 reoccurring, that you can think of?

12 MR. SIRRS: No.

13 MR. ENGELMANN: Why would you not have done
14 something further at that time?

15 MR. SIRRS: I didn't feel it was necessary.
16 If you've got suggestions as to what I may have done to
17 achieve that which you are suggesting, I'd be open to
18 those.

19 MR. ENGELMANN: All right. Well, I'm just
20 trying to wonder -- you know, this was a serious
21 allegation.

22 MR. SIRRS: Yes.

23 MR. ENGELMANN: And I don't want to repeat
24 all of them again, but the sexual relations ---

25 MR. SIRRS: Yes, right, right, right.

1 **MR. ENGELMANN:** Essentially allowing
2 probationers to break the law and helping them break the
3 law?

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** And there were issues about
6 much of this activity, or at least some of this activity,
7 occurring after hours?

8 **MR. SIRRS:** Yes.

9 **MR. ENGELMANN:** I'm just wondering; you told
10 about how unpleasant this was, how serious it was. Did you
11 have a meeting with your staff and say to them that things
12 were going to change or that you were going to take new
13 steps, anything of that nature?

14 **MR. SIRRS:** Not specifically that I can
15 recall.

16 **MR. ENGELMANN:** All right.

17 **MR. SIRRS:** What you haven't asked me is did
18 I consider making changes. And I reviewed the whole
19 situation and determined that there wasn't anything that I
20 could have done to have uncovered this situation.

21 **MR. ENGELMANN:** All right.

22 **MR. SIRRS:** Apart from being in the office
23 24/7.

24 **MR. ENGELMANN:** And having found this out
25 about one of your probation officers ---

1 MR. SIRRS: Yes.

2 MR. ENGELMANN: --- you're not at all
3 concerned that one or more of his colleagues may have also
4 been doing something similar?

5 MR. SIRRS: Yes.

6 MR. ENGELMANN: And in that sense, why not
7 try and do something, take some measures?

8 MR. SIRRS: Well, I took consideration of
9 Mr. Seguin ---

10 MR. ENGELMANN: Yes.

11 MR. SIRRS: --- because of his situation,
12 and I ---

13 MR. ENGELMANN: Because of the Barque
14 situation?

15 MR. SIRRS: No, no.

16 MR. ENGELMANN: Because of what?

17 MR. SIRRS: Because of his relationship with
18 Mr. MacDonald, and I considered that he may have been in an
19 homosexual relationship with Mr. MacDonald.

20 MR. ENGELMANN: Malcolm MacDonald?

21 MR. SIRRS: Malcolm MacDonald.

22 MR. ENGELMANN: Yes.

23 MR. SIRRS: And knowing that they traveled
24 on holidays together, this sort of thing, it was ---

25 MR. ENGELMANN: You knew they were going to

1 Florida together?

2 MR. SIRRS: That's correct.

3 MR. ENGELMANN: Yes.

4 MR. SIRRS: That's correct.

5 And I considered whether indeed he might be
6 conceivably involved. I had no concrete information, no
7 rumours, no suggestion ---

8 MR. ENGELMANN: But you knew they were good
9 friends?

10 MR. SIRRS: What, Nelson Barque and Ken?

11 MR. ENGELMANN: No, Ken and Malcolm.

12 MR. SIRRS: Yes, yes.

13 MR. ENGELMANN: You knew that they went to
14 Florida together?

15 MR. SIRRS: That's correct.

16 MR. ENGELMANN: You knew that Malcolm
17 MacDonald would have been involved perhaps with a lot of
18 the same probationers?

19 MR. SIRRS: No, I had no knowledge of that
20 at all, other than as a lawyer he may have been ---

21 MR. ENGELMANN: Yes.

22 MR. SIRRS: He may have had that kind of a
23 professional relationship with them, yes.

24 MR. ENGELMANN: Yes.

25 MR. SIRRS: Yes.

1 **MR. ENGELMANN:** But what I meant was, sir,
2 he would have contact with ---

3 **MR. SIRRS:** That's correct.

4 **MR. ENGELMANN:** --- several probationers.

5 **MR. SIRRS:** That's correct.

6 **MR. ENGELMANN:** And Mr. Seguin did as well?

7 **MR. SIRRS:** Yes.

8 **MR. ENGELMANN:** So knowing this, and
9 obviously you thought about this at the time ---

10 **MR. SIRRS:** I did give consideration to it,
11 yes.

12 **MR. ENGELMANN:** All right. Did you tell
13 anybody about this or did you make any inquiries about
14 this?

15 **MR. SIRRS:** I think it was subject to some
16 discussion at our regional managers meeting.

17 **MR. ENGELMANN:** All right. And can you give
18 us a sense as to what kind of discussion you would have had
19 about it?

20 **MR. SIRRS:** Well, I would have shared with
21 them what had occurred, and given that they were more
22 experienced than I ---

23 **MR. ENGELMANN:** Yes.

24 **MR. SIRRS:** --- was there something that I
25 should be doing that I wasn't doing.

1 MR. ENGELMANN: So you asked for assistance?

2 MR. SIRRS: Oh, by all means.

3 MR. ENGELMANN: Did you ask them if you
4 should be taking any preventative measures?

5 MR. SIRRS: I don't recall specifically, no.

6 MR. ENGELMANN: All right. And who would
7 have been at the regional managers meeting?

8 MR. SIRRS: There would have been a
9 gentleman by the name of Gerry Kiessling.

10 MR. ENGELMANN: And who is that?

11 MR. SIRRS: He was an area manager for
12 Ottawa centre.

13 MR. ENGELMANN: Right.

14 MR. SIRRS: Lorraine Braithwaite ---

15 MR. ENGELMANN: Yes.

16 MR. SIRRS: --- was the area manager with
17 considerable experience in Ottawa west.

18 MR. ENGELMANN: Yes.

19 MR. SIRRS: Bill Groten in Kingston.

20 MR. ENGELMANN: Yes. Your predecessor in
21 Cornwall?

22 MR. SIRRS: My predecessor.

23 And a gentleman by the name of Ted Morris.

24 MR. ENGELMANN: Ted Morris?

25 MR. SIRRS: Ted Morris, yes.

1 **MR. ENGELMANN:** Another area manager?

2 **MR. SIRRS:** Yes.

3 **MR. ENGELMANN:** Would there have been
4 anybody senior to you?

5 **MR. SIRRS:** Mr. Toffelmire.

6 **MR. ENGELMANN:** So you shared the concern
7 about Mr. Seguin?

8 **MR. SIRRS:** No -- well, not directly.

9 **MR. ENGELMANN:** Did you mention him by name?

10 **MR. SIRRS:** I can't recall.

11 **MR. ENGELMANN:** Okay. Was your concern a
12 concern about possible sexual relations with clients or was
13 the concern about alcohol and drugs or was it something
14 else?

15 **MR. SIRRS:** Anything.

16 **MR. ENGELMANN:** Okay.

17 **MR. SIRRS:** But I think I was primarily
18 concerned with contact with clients.

19 **MR. ENGELMANN:** All right. And you hadn't
20 observed anything?

21 **MR. SIRRS:** I had not observed anything. I
22 had no concrete or even suggested information; as the
23 police had rumours, I had none of that.

24 **MR. ENGELMANN:** What, if anything, did the
25 police share with you about Mr. Seguin?

1 MR. SIRRS: Nothing.

2 MR. ENGELMANN: Had you asked them
3 specifically about concerns about him ---

4 MR. SIRRS: Not ---

5 MR. ENGELMANN: --- or just concerns about
6 staff generally?

7 MR. SIRRS: Concerns about staff in general.

8 MR. ENGELMANN: So where did these concerns
9 go? Was anything followed up, sir?

10 MR. SIRRS: No, apart from my own
11 consideration for the matter. But Mr. Seguin had an
12 excellent reputation in Cornwall. The courts held him in
13 high esteem and I had -- I came to the conclusion that
14 there would be -- there was no foundation to my concerns.

15 MR. ENGELMANN: And did you investigate them
16 in any way?

17 MR. SIRRS: No. Apart from the information
18 that I just provided.

19 MR. ENGELMANN: Just the conversation with -
20 --

21 MR. SIRRS: That's correct.

22 MR. ENGELMANN: --- some of your colleagues
23 at a meeting?

24 MR. SIRRS: That's -- well, and the response
25 from the police ---

1 MR. ENGELMANN: All right.

2 MR. SIRRS: --- as well as my understanding
3 of his regard with the courts, et cetera, and the community
4 at large.

5 MR. ENGELMANN: All right. So no one
6 indicated to you anything about rumours with respect ---

7 MR. SIRRS: None whatsoever.

8 MR. ENGELMANN: So you didn't engage in any
9 kind of a preliminary investigation like you did for Mr.
10 Barque?

11 MR. SIRRS: I saw no foundation for that.

12 MR. ENGELMANN: And both Mr. Seguin and Mr.
13 Barque had positive performance appraisals?

14 MR. SIRRS: Yes.

15 MR. ENGELMANN: And worked well with their
16 colleagues?

17 MR. SIRRS: Yes, as I ---

18 MR. ENGELMANN: As far as you know ---

19 MR. SIRRS: As far as I knew at that time.

20 MR. ENGELMANN: --- did their jobs
21 correctly?

22 MR. SIRRS: That's correct.

23 MR. ENGELMANN: Now, sir, in or around this
24 time, in 1982, do you recall saying anything to Mr. Seguin
25 about the fact that he should go to Montreal if he had this

1 type -- or those types of tendencies?

2 MR. SIRRS: No.

3 MR. ENGELMANN: You're saying you didn't
4 make a comment like that?

5 MR. SIRRS: No.

6 MR. ENGELMANN: That you can recall?

7 MR. SIRRS: Well, I made a comment like that
8 but that was to Mr. Barque on the Saturday that I gave him
9 access to the office.

10 THE COMMISSIONER: I don't understand.
11 Saturday you gave him the access to, what, to move his
12 things out?

13 MR. SIRRS: To get his personal effects out
14 of the office.

15 THE COMMISSIONER: Oh, okay. Okay.

16 MR. ENGELMANN: When would that have been,
17 sir?

18 MR. SIRRS: That was the Saturday following
19 his resignation and his meeting with the inspectors. So
20 this would have been -- I believe would have been the 7th of
21 May.

22 MR. ENGELMANN: And what do you recall
23 saying to him?

24 MR. SIRRS: Just that.

25 MR. ENGELMANN: That -- I'd just like your

1 words.

2 MR. SIRRS: Well, I think that I felt very
3 badly that the whole situation occurred.

4 MR. ENGELMANN: All right. What did you say
5 about Montreal that you can remember?

6 MR. SIRRS: Well, I said approximately the
7 words that you reiterated.

8 MR. ENGELMANN: Something about if he had
9 these types of tendencies ---

10 MR. SIRRS: That's right.

11 MR. ENGELMANN: --- that he should have done
12 that in Montreal?

13 MR. SIRRS: Right.

14 MR. ENGELMANN: And what were you referring
15 to?

16 MR. SIRRS: Well, employed a professional.

17 MR. ENGELMANN: I'm sorry?

18 MR. SIRRS: Employed a professional.

19 MR. ENGELMANN: Were you referring to
20 drinking and drugs or were you referring to sex?

21 MR. SIRRS: Referring to the sexual
22 activity.

23 MR. ENGELMANN: All right.

24 MR. SIRRS: The sexual activities.

25 MR. ENGELMANN: All right. And what was

1 significant about Montreal, sir?

2 MR. SIRRS: I don't know. It has a
3 reputation. It was probably an inappropriate comment to
4 make, but it was made personally to him and not to anybody
5 else.

6 MR. ENGELMANN: All right. Sir, if the
7 witness could be shown Exhibit 711828.

8 THE COMMISSIONER: That's a new one, sir.
9 It's okay.

10 MR. ENGELMANN: Sorry, not exhibit, document
11 number.

12 THE COMMISSIONER: It's coming up, sir.

13 MR. SIRRS: Okay.

14 MR. ENGELMANN: It's 711828. This would be
15 in the documents that you would have seen before, sir.

16 MR. SIRRS: Okay.

17 MR. ENGELMANN: But it's not an the exhibit
18 yet.

19 It an excerpt, sir, of an OPP interview of
20 Jos van Diepen dated February 14th, 1994, so shortly after
21 Mr. Seguin's death.

22 Perhaps you could just pull it up on the
23 screen, Madam Clerk, I apologize.

24 THE COMMISSIONER: All right.

25 So just to situate yourself, sir, this is a

1 police interview I believe by -- there we go. And it is of
2 -- of who?

3 **MR. ENGELMANN:** Jos van Diepen.

4 **THE COMMISSIONER:** Right. All right.

5 And it's done February 14th, 1994.

6 **MR. ENGELMANN:** All right. And, Mr. Sirrs,
7 you wouldn't have seen this at that time but you've seen it
8 recently.

9 **MR. SIRRS:** I've seen it recently, yes.

10 **MR. ENGELMANN:** Is that fair?

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** I just want to take you to
13 the second page, which is Bates page 7044628, and it's the
14 paragraph that reads ---

15 **MR. SIRRS:** Can I have that enlarged?

16 **THE COMMISSIONER:** It will ---

17 **MR. ENGELMANN:** Absolutely.

18 **MR. SIRRS:** Okay.

19 **MR. ENGELMANN:** Yes.

20 **THE COMMISSIONER:** We have to wait to see
21 what he decides.

22 **MR. ENGELMANN:** It's the second paragraph
23 from the bottom.

24 **THE COMMISSIONER:** The second paragraph from
25 the bottom. All right.

1 **MR. ENGELMANN:** It says:

2 "Once I told Ken he should leave his
3 personal life at home and his work at
4 the office, but he said in some other
5 words to mind my own business."

6 Now, this is ---

7 **MR. SIRRS:** I'm sorry; I don't see that on
8 my ---

9 **MR. ENGELMANN:** Just a little higher. There
10 we go.

11 **MR. SIRRS:** Oh, yes, I see it.

12 **MR. ENGELMANN:** If you could just read that
13 paragraph.

14 **MR. SIRRS:** What, me?

15 **MR. ENGELMANN:** Yes, just to yourself.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. SIRRS:** Yes.

18 **MR. ENGELMANN:** So Mr. van Diepen appears to
19 be relating to the police that Mr. Seguin told him ---

20 **MR. SIRRS:** Yes.

21 **MR. ENGELMANN:** --- that you told Mr.
22 Seguin, around the time Nelson got the boot, to go to
23 Montreal if he got those tendencies.

24 "Ken asked me afterwards what Peter
25 meant by that. I told him if you're

1 **THE COMMISSIONER:** We now have that
2 document, so we should enter it as an exhibit.

3 **MR. ENGELMANN:** Thank you.

4 **THE COMMISSIONER:** Thank you. It will be
5 Exhibit 1063. Again, it's an interview report of Mr. van
6 Diepen on February 14th, 1994 -- OPP interview, I believe --
7 or Cornwall Police.

8 **MR. ENGELMANN:** Sir, that was the Ontario
9 Provincial Police.

10 **THE COMMISSIONER:** Oh, it was OPP?

11 **MR. ENGELMANN:** Yes.

12 **THE COMMISSIONER:** All right. Sorry. Thank
13 you.

14 **MR. ENGELMANN:** This was part of, I believe,
15 the investigation they undertook after Mr. Seguin's death.
16 They were looking at the circumstances surrounding his
17 death. They were also looking at a possible extortion
18 charge.

19 **THE COMMISSIONER:** Thank you.

20 **--- EXHIBIT NO./PIÈCE NO. P-1063:**

21 (711828) Interview Report of Mr. Jos
22 van Diepen dated February 14, 1994 with
23 the OPP

24 **MR. ENGELMANN:** Mr. Sirrs, shortly after
25 -- when you talked about your report, then the

1 investigation report, then you had an area managers'
2 meeting presumably around that time?

3 MR. SIRRS: Around that time, yes.

4 MR. ENGELMANN: And shortly after that was
5 Mr. Toffelmire replaced as your -- did he no longer -- was
6 he no longer your manager?

7 MR. SIRRS: Well, he was replaced. I can't
8 say whether it was shortly after, but he was replaced and
9 there was a period of time where he was still in the office
10 and the new regional administrator was there with him as
11 well.

12 MR. ENGELMANN: Would this have been a
13 fellow by the name of Roy Hawkins?

14 MR. SIRRS: Yes.

15 MR. ENGELMANN: All right.

16 And did Mr. Hawkins meet with you shortly
17 after he would have started as your boss to get a briefing
18 from you about the Cornwall office?

19 MR. SIRRS: Probably, either in his office
20 or in Cornwall.

21 MR. ENGELMANN: That would make sense,
22 wouldn't it?

23 MR. SIRRS: Yes.

24 MR. ENGELMANN: And would you have briefed
25 him about what had just occurred in the Cornwall office?

1 **MR. SIRRS:** Well, as I say, I don't know
2 that it just occurred ---

3 **MR. ENGELMANN:** All right.

4 **MR. SIRRS:** --- with Mr. Hawkins'
5 appointment.

6 **MR. ENGELMANN:** Okay.

7 **MR. SIRRS:** I don't -- I can't recall when -
8 - the date that his appointment took effect.

9 **MR. ENGELMANN:** All right.

10 Would you have briefed him about what had
11 happened with Mr. Barque and some of your concerns?

12 **MR. SIRRS:** I don't recall.

13 **MR. ENGELMANN:** All right.

14 Sir, would you agree with me that it would
15 be important to brief a new manager about an occurrence
16 like this, if it had happened within the last year or so?

17 **MR. SIRRS:** Probably.

18 **MR. ENGELMANN:** Now, you replaced Mr. Barque
19 with another probation officer after he resigned?

20 **MR. SIRRS:** Yes.

21 **MR. ENGELMANN:** That was Carol Cardinal?

22 **MR. SIRRS:** Yes.

23 **MR. ENGELMANN:** Had she worked in your
24 office before then in any capacity?

25 **MR. SIRRS:** I can't recall her involvement

1 with the office. I know that for a period of time she was
2 a volunteer and then she may have been working on what we
3 call an unclassified basis, a contract basis.

4 **MR. ENGELMANN:** All right.

5 You had volunteers working in your office,
6 sir?

7 **MR. SIRRS:** Yes.

8 **MR. ENGELMANN:** Doing what kind of work?

9 **MR. SIRRS:** Assisting probation officers
10 with selected clients.

11 **MR. ENGELMANN:** All right.

12 So actually meeting with clients?

13 **MR. SIRRS:** Yes.

14 **MR. ENGELMANN:** And was she familiar to you
15 and your colleagues before she started working with you?

16 **MR. SIRRS:** Yes.

17 **MR. ENGELMANN:** All right.

18 And you just don't remember how?

19 **MR. SIRRS:** I don't recall how, no.

20 **MR. ENGELMANN:** All right.

21 And would she have known some of your staff
22 for some period of time?

23 **MR. SIRRS:** Yes, yes.

24 **MR. ENGELMANN:** Was she friendly with some
25 of them, that you know of?

1 MR. SIRRS: By all means.

2 MR. ENGELMANN: Okay. And do you know if
3 that friendship extended outside of the office?

4 MR. SIRRS: No.

5 MR. ENGELMANN: You don't know, or ---

6 MR. SIRRS: No, I don't know.

7 MR. ENGELMANN: All right.

8 But you certainly knew your remaining
9 officers?

10 MR. SIRRS: Yes.

11 MR. ENGELMANN: Okay. And did you know her
12 husband was a police officer?

13 MR. SIRRS: I knew that she was seeing a
14 police officer and then subsequently married, yes.

15 MR. ENGELMANN: Okay. So at that time they
16 may not have been married?

17 MR. SIRRS: I believe so.

18 MR. ENGELMANN: Now, after Mr. Barque
19 submitted his resignation in May of 1982, do you recall
20 speaking to him at all about your willingness to act as a
21 referee for him?

22 MR. SIRRS: No.

23 MR. ENGELMANN: You have no recollection of
24 that?

25 MR. SIRRS: No recollection at all.

1 **MR. ENGELMANN:** All right.

2 **THE COMMISSIONER:** I'm sorry; as is their
3 want, the clerk is indicating that 1063 should have a
4 publication ban stamp on it because there are some names
5 that are contained in there that should not be ---

6 **MR. ENGELMANN:** Okay. Just in the short
7 excerpt that -- okay. Thank you.

8 If the witness could be shown Exhibit 910?
9 Sir, this is a curriculum vitae for Nelson
10 Barque. It's written in French.

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** This was used by him in July
13 of 1982.

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** Would you have seen this
16 document at that time?

17 **MR. SIRRS:** No.

18 **MR. ENGELMANN:** Would it be fair then that
19 you would have only seen this document within the last day
20 or two?

21 **MR. SIRRS:** Yes.

22 **MR. ENGELMANN:** All right.

23 In it he lists you as a reference. In
24 French it's "Recommandation" and he lists you and an
25 address.

1 **MR. SIRRS:** Yes.

2 **MR. ENGELMANN:** You have no recollection at
3 all of agreeing to act as his reference?

4 **MR. SIRRS:** No.

5 **MR. ENGELMANN:** All right.

6 Do you recall at or about that time, or
7 shortly thereafter, being called or asked questions about
8 Mr. Barque ---

9 **MR. SIRRS:** Yes.

10 **MR. ENGELMANN:** --- by a prospective
11 employer?

12 **MR. SIRRS:** Well, it was, yeah, several -- I
13 think a couple of weeks or more later.

14 **MR. ENGELMANN:** In August of 1982?

15 **MR. SIRRS:** Yes.

16 **MR. ENGELMANN:** All right.

17 This particular CV is a CV he sent to an
18 agency known as L'Équipe psychosociale, an agency here in
19 Cornwall. And I'm wondering if you can recall having a
20 discussion with anybody from that agency about Mr. Barque?

21 **MR. SIRRS:** I believe that would be a Mr.
22 Landry.

23 **MR. ENGELMANN:** All right.

24 Now, in this CV on the second page, just
25 after you were listed as a referee, we have the caption

1 "Raison du départ" which means, I think, reasons for
2 leaving?

3 MR. SIRRS: Reason for leaving, yes.

4 MR. ENGELMANN: Do you understand a little
5 bit of French?

6 MR. SIRRS: Well, it's close enough to the
7 English ---

8 MR. ENGELMANN: All right.

9 MR. SIRRS: --- to get the message.

10 MR. ENGELMANN: And it says:

11 "J'ai quitté dû à un conflit face aux
12 règlements du ministère."

13 MR. SIRRS: Yes.

14 MR. ENGELMANN: So he's saying essentially
15 that he quit as a result of a conflict with Ministry rules
16 or regulations?

17 MR. SIRRS: Yes.

18 MR. ENGELMANN: That's a loose translation.
19 Would you have been asked, sir, by Mr.
20 Landry in the phone call about the reasons for his leaving?

21 MR. SIRRS: I don't recall he asked that.
22 He did ask me for a recommendation.

23 MR. ENGELMANN: All right.

24 What is it that you recall of the phone
25 conversation?

1 **MR. SIRRS:** Well, I received a call. He
2 advised me that Mr. Barque had applied for a position with
3 his agency. At the time, I didn't really recognize the
4 agency name. And he said he wanted a recommendation.

5 **MR. ENGELMANN:** Did he tell you the type of
6 position that he had applied for?

7 **MR. SIRRS:** I think he said he was going to
8 be working with clients. I understood he was working
9 directly with the school board.

10 **MR. ENGELMANN:** All right.
11 Did he tell you that it was a social worker
12 position?

13 **MR. SIRRS:** I don't recall specifically, no.

14 **MR. ENGELMANN:** Okay. And did he tell you
15 that the work of the agency involved working with mentally
16 challenged children?

17 **MR. SIRRS:** Specifically, I don't recall.

18 **MR. ENGELMANN:** All right.
19 Do you recall if you would have asked?

20 **MR. SIRRS:** No.

21 **MR. ENGELMANN:** You don't recall?

22 **MR. SIRRS:** No. Well, I wouldn't have
23 asked.

24 **MR. ENGELMANN:** You wouldn't have asked
25 about the agency?

1 **MR. SIRRS:** No, no.

2 **MR. ENGELMANN:** All right.

3 Why not?

4 **MR. SIRRS:** That was his responsibility to
5 share, plus I was not prepared to get involved in any way
6 with regard to a reference for Mr. Barque without Mr.
7 Barque's written release.

8 **MR. ENGELMANN:** All right.

9 Do you recall if you would have spoken to
10 him around August the 12th or ---

11 **MR. SIRRS:** I don't recall, but it was
12 sometime in August, yes.

13 **MR. ENGELMANN:** All right.

14 **THE COMMISSIONER:** So did you give him a
15 reference?

16 **MR. SIRRS:** No.

17 **MR. ENGELMANN:** I'm sorry?

18 **THE COMMISSIONER:** I asked him, "Did you
19 give him a reference?" And the answer was no.

20 **MR. ENGELMANN:** What do you mean by that,
21 sir?

22 **MR. SIRRS:** I did not give him a reference.
23 I gave him a letter advising Mr. Landry of Mr. Barque's
24 dates of employment which I did not regard as private
25 information.

1 **MR. ENGELMANN:** All right.

2 **MR. SIRRS:** Relevant of Mr. Barque. But
3 there's no reference in there.

4 **MR. ENGELMANN:** All right. But you spoke to
5 him on the phone?

6 **MR. SIRRS:** Yes.

7 **MR. ENGELMANN:** And you wrote him a letter?

8 **MR. SIRRS:** Yes.

9 **MR. ENGELMANN:** And the letter you wrote to
10 him, sir, if you could look at Exhibit 869?

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** Is this the letter you would
13 have written? "Employment Reference Nelson Barque"?

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** All right. And there's some
16 handwriting on this; that's not your handwriting?

17 **MR. SIRRS:** No.

18 **MR. ENGELMANN:** I understand that's a Mr.
19 Downing's?

20 **MR. SIRRS:** That's my understanding as well.

21 **MR. ENGELMANN:** All right. So in it, it
22 says "Employment Reference Nelson Barque". You talk about
23 when he started; correct?

24 **MR. SIRRS:** Yes.

25 **MR. ENGELMANN:** You talk about that he

1 completed his probationary period satisfactorily?

2 MR. SIRRS: Yes.

3 MR. ENGELMANN: And was confirmed to the
4 classified staff, or permanent, one year later?

5 MR. SIRRS: Right.

6 MR. ENGELMANN: You also say that he was
7 reclassified to probation and parole officer 2.

8 MR. SIRRS: Yes.

9 MR. ENGELMANN: Following his successful
10 completion of the in-service professional development
11 program?

12 MR. SIRRS: Yes.

13 MR. ENGELMANN: And that he remained with
14 the Ministry in this capacity until his resignation,
15 effective May 4th, 1982.

16 MR. SIRRS: Yes.

17 MR. ENGELMANN: So you don't say anything in
18 the letter about the reasons for his resignation?

19 MR. SIRRS: No.

20 MR. ENGELMANN: And you don't say anything
21 about inappropriate behaviour of any sort?

22 MR. SIRRS: No.

23 MR. ENGELMANN: And, sir, if I could have
24 you look at Exhibit 911?

25 MR. SIRRS: Yes.

1 **MR. ENGELMANN:** It's a letter dated August
2 12th, 1982?

3 **MR. SIRRS:** Yes.

4 **MR. ENGELMANN:** From Mr. Landry to yourself.
5 Can you tell us, sir, whether you can recall receiving this
6 letter?

7 **MR. SIRRS:** No, I don't recall receiving
8 this letter.

9 **MR. ENGELMANN:** All right. It isn't date
10 stamped by your Ministry.

11 **MR. SIRRS:** That's correct.

12 **MR. ENGELMANN:** This is a copy that we
13 received from Mr. Landry.

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** All right. The letter
16 references a telephone conversation of the same date and
17 it's asking for:

18 "...recommendations that you can give
19 concerning Nelson Barque, who's applied
20 for the position of social work with
21 our organization."

22 **MR. SIRRS:** Yes.

23 **MR. ENGELMANN:** And he says:

24 "I'd like to take this opportunity to
25 thank you for your cooperation in this

1 matter."

2 It appears, sir -- August 12th -- it appears,
3 sir, he's saying that he's had a conversation with you
4 earlier that day and he's writing to you thanking you for
5 cooperating; providing essentially a reference.

6 **MR. SIRRS:** That's what he says.

7 **MR. ENGELMANN:** Right. And, sir, you just
8 don't remember whether you received this letter?

9 **MR. SIRRS:** That's correct.

10 **MR. ENGELMANN:** All right. Well, you wrote
11 back to him.

12 **MR. SIRRS:** I provided him a -- I did
13 provide him a letter, yes.

14 **MR. ENGELMANN:** So you either wrote back to
15 him because you'd received this letter and you were
16 responding to it or you had received a phone call and the
17 letter and you were responding to it or you'd received a
18 phone call and ---

19 **MR. SIRRS:** --- phone call.

20 **MR. ENGELMANN:** One of the three; right?

21 **MR. SIRRS:** Yeah.

22 **MR. ENGELMANN:** You just don't know which of
23 the three?

24 **MR. SIRRS:** Yes, because of the telephone
25 call.

1 **MR. ENGELMANN:** You know that you had a
2 telephone call?

3 **MR. SIRRS:** That's correct.

4 **MR. ENGELMANN:** You're just not sure whether
5 you received the letter?

6 **MR. SIRRS:** I'm quite clear that I didn't
7 receive the letter.

8 **MR. ENGELMANN:** You are saying that you did
9 not receive it?

10 **MR. SIRRS:** That's correct.

11 **MR. ENGELMANN:** It's addressed to you,
12 "private and confidential"?

13 **MR. SIRRS:** Yes.

14 **MR. ENGELMANN:** All right. Whether you
15 received the letter or not, sir, didn't you think it was
16 important to let this prospective employer know something
17 about what had just happened?

18 **MR. SIRRS:** I'm bound by privacy regulations
19 and I'm responsible not to release information without the
20 individual's consent.

21 **MR. ENGELMANN:** Right. Did you ask Mr.
22 Barque whether you could release this information?

23 **MR. SIRRS:** No, that wasn't my
24 responsibility.

25 **MR. ENGELMANN:** Right. So you didn't say

1 anything at all to Mr. Landry in the phone call or your
2 letter about what had just happened?

3 **MR. SIRRS:** No. And he didn't provide me
4 with a release of information signed by Mr. Barque.

5 I will say one more thing with regard to the
6 phone call. I told him very clearly at the end of our
7 phone conversation, I said, "I would not hire Mr. Barque".

8 **MR. ENGELMANN:** So you said that without
9 giving any reasons?

10 **MR. SIRRS:** That's correct. That wasn't
11 private information, that was my position.

12 **MR. ENGELMANN:** Well, sir, if you said that
13 why wouldn't you put it in your letter?

14 **MR. SIRRS:** That's a good question. I don't
15 ---

16 **MR. ENGELMANN:** You'd agree with me,
17 receiving this letter -- if I received this letter, for
18 example, I mean someone receiving this letter wouldn't know
19 that you were being at all negative. It's a boiler-plate
20 letter, isn't it?

21 **MR. SIRRS:** It's just tombstone data.

22 **MR. ENGELMANN:** Yeah.

23 **MR. SIRRS:** Yeah. There's no recommendation
24 there at all.

25 **THE COMMISSIONER:** Morning break soon, Mr.

1 Engelmann?

2 **MR. ENGELMANN:** Sure.

3 **THE COMMISSIONER:** We'll have a break and
4 we'll come back in fifteen.

5 Thank you.

6 **THE REGISTRAR:** Order; all rise. A l'ordre;
7 veuillez vous lever.

8 This hearing will resume at 11:20 a.m.

9 --- Upon recessing at 11:04 a.m. /

10 L'audience est suspendue à 11h04

11 --- Upon resuming at 11:24 a.m. /

12 L'audience est reprise à 11h24

13 **THE REGISTRAR:** Order; all rise. A l'ordre;
14 veuillez vous lever.

15 The hearing is now resumed. Please be
16 seated. Veuillez vous asseoir.

17 **PETER SIRRS, Resumed/Sous le même serment:**

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

19 **PETER ENGELMANN(cont'd/Suite)**

20 **THE COMMISSIONER:** Mr. Engelmann.

21 **MR. ENGELMANN:** Mr. Sirrs, there's not a
22 whole lot more that I have, so ---

23 **MR. SIRRS:** Oh, okay.

24 **MR. ENGELMANN:** --- home stretch here.

25 I just wanted to go back though for a moment

1 if I could. You talked to us about -- well, we talked
2 about follow-up after ---

3 MR. SIRRS: Yes.

4 MR. ENGELMANN: --- the incident with Nelson
5 Barque. You talked to us about some of your suspicions and
6 your -- with Mr. Seguin and you talked about discussions
7 with area managers?

8 MR. SIRRS: Yes.

9 MR. ENGELMANN: At a meeting. Do you recall
10 if you had any specific discussions with your boss, Mr.
11 Toffelmire?

12 MR. SIRRS: Not specifically, no, but I have
13 to conclude that I did.

14 MR. ENGELMANN: All right.

15 MR. SIRRS: I mean, it made abundant sense.

16 MR. ENGELMANN: All right. And if I could
17 just qualify one of your statements. You talk about
18 suspicions with respect to ---

19 MR. ENGELMANN: Yes.

20 MR. SIRRS: --- Mr. Seguin, that's too
21 strong a word.

22 MR. ENGELMANN: What would you call it then?

23 MR. SIRRS: Well, maybe some concerns or
24 questions.

25 MR. ENGELMANN: All right. Okay.

1 And do you recall either asking Mr.
2 Toffelmire or Mr. Toffelmire suggesting to you that you
3 should take some preventative measures or take some action
4 after Mr. Barque resigned?

5 **MR. SIRRS:** No.

6 **MR. ENGELMANN:** All right. What about with
7 your staff?

8 **MR. SIRRS:** Yes.

9 **MR. ENGELMANN:** Okay. Nelson Barque
10 resigns?

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** They knew something was
13 amiss?

14 **MR. SIRRS:** Yes.

15 **MR. ENGELMANN:** What did you tell them?

16 **MR. SIRRS:** Well, the staff at large, I
17 didn't really tell them anything. I concluded that they
18 would probably find out through the grapevine. But I
19 didn't feel that it was my position to lay out the
20 circumstances of Mr. Barque's resignation. But I did speak
21 to Ms. Cardinal.

22 **MR. ENGELMANN:** Yes.

23 **MR. SIRRS:** Because she was taking over that
24 case load.

25 **MR. ENGELMANN:** Yes.

1 **MR. SIRRS:** And I asked her, quietly, if she
2 found anything there of any concern, that she should bring
3 that concern to me, but I didn't tell her why. Only that
4 if she found a case load -- something in the case load that
5 gave her cause for concern, that she should come and
6 discuss it with me.

7 **MR. ENGELMANN:** All right. So you didn't
8 tell any of your staff at a general meeting or specific
9 meetings the reasons why Mr. Barque left?

10 **MR. SIRRS:** I certainly don't recall doing
11 that, no.

12 **MR. ENGELMANN:** And when you were telling
13 Ms. Cardinal to be -- I don't ---

14 **MR. SIRRS:** Observant, observant.

15 **MR. ENGELMANN:** Observant, you didn't
16 explain to her that he had sexual relations with some of
17 the probationers?

18 **MR. SIRRS:** No, I didn't.

19 **MR. ENGELMANN:** You didn't say anything
20 about his giving them alcohol or drugs ---

21 **MR. SIRRS:** No.

22 **MR. ENGELMANN:** --- or interfering with
23 police?

24 **MR. SIRRS:** No.

25 **MR. ENGELMANN:** And these were very serious

1 concerns you had?

2 MR. SIRRS: They very well were. They very
3 well were.

4 MR. ENGELMANN: Didn't you think it, sir,
5 prudent at that time to have a staff meeting and to outline
6 how serious these concerns were so that it would be very
7 clear that you didn't tolerate this type of behaviour?

8 MR. SIRRS: It didn't occur to me at the
9 time to do that, but in retrospect probably that would have
10 been a good idea.

11 MR. ENGELMANN: Yeah.

12 THE COMMISSIONER: Sir, I'm wondering -- I'm
13 sorry -- was there an audit made of Mr. Barque's files?

14 MR. SIRRS: Well, and that's -- there was
15 ultimately actually because Carol Cardinal would be a
16 probation officer 1, and so every six months the files
17 would be reviewed and so it would have been his files that
18 would have been reviewed.

19 THE COMMISSIONER: No, but I'm -- an audit
20 in the sense of finding out if other probationers had been
21 treated the same way in the sense of provided alcohol, you
22 know, that kind of thing.

23 MR. SIRRS: Well, all files for a probation
24 officer 1 is reviewed every six months.

25 MR. ENGELMANN: But, sir, you'd agree with

1 me that Mr. Barque wouldn't have written in the files for
2 C-44 and Mr. Sheets what he was actually doing with them?

3 MR. SIRRS: I wouldn't think.

4 MR. ENGELMANN: They weren't there?

5 MR. SIRRS: That's right.

6 MR. ENGELMANN: So ---

7 MR. SIRRS: Nothing inappropriate was there.

8 MR. ENGELMANN: Right. So unless you
9 actually spoke to some of those probationers, you wouldn't
10 know about inappropriate behaviour?

11 MR. SIRRS: That's correct.

12 MR. ENGELMANN: And, sir, it's my
13 understanding that there was no follow-up with other
14 potential victims or probationers who may have been
15 recipients of inappropriate behaviour by Mr. Barque?

16 MR. SIRRS: I didn't take that action, no.

17 MR. ENGELMANN: And did anyone in the
18 Ministry suggest that you take that action?

19 MR. SIRRS: No.

20 MR. ENGELMANN: All right.

21 And again, you'd agree with me to uncover
22 something like this, without actually talking to these
23 people, a file review wouldn't give you that information?

24 MR. SIRRS: That's correct. It would be
25 unlikely to.

1 **MR. ENGELMANN:** The person would have to be
2 writing about his illegal acts?

3 **MR. SIRRS:** That's right.

4 **MR. ENGELMANN:** And you certainly didn't see
5 that from Mr. Barque?

6 **MR. SIRRS:** No, but you would find is if he
7 didn't make any notation at all, having seen the person but
8 not made any notations, so there would be gaps in his
9 supervision.

10 **MR. ENGELMANN:** Right.

11 **MR. SIRRS:** That would be apparent.

12 **MR. ENGELMANN:** Well, do you recall if you
13 saw that with C-44 and Mr. Sheets?

14 **MR. SIRRS:** No.

15 **MR. ENGELMANN:** It didn't look any different
16 than ---

17 **MR. SIRRS:** Well, you see, that's way back
18 when and ---

19 **MR. ENGELMANN:** Yes. Fair enough.

20 **MR. SIRRS:** --- I simply don't recall and --
21 -

22 **MR. ENGELMANN:** Nothing stands out?

23 **MR. SIRRS:** Nothing stands out.

24 **MR. ENGELMANN:** Now, sir, in the summer of
25 the year -- well, let's do this chronologically. Do you

1 remember, sir, in or around early 1995 -- and I'm talking
2 about January of 1995 -- receiving a phone call from an OPP
3 officer regarding allegations -- more allegations against
4 Nelson Barque, this time being made by a probation client
5 by the name of Albert Roy?

6 **MR. SIRRS:** I recall receiving information
7 to that effect and I knew that there were criminal charges
8 against Mr. Barque, but I don't recall whether it was an
9 OPP officer that provided me with that information, but it
10 may very well have.

11 **MR. ENGELMANN:** All right.

12 Do you know if any of your former colleagues
13 might have spoken to you about this issue?

14 **MR. SIRRS:** Yes. Oh, yes. I had some
15 contact with Mr. Emile Robert.

16 **MR. ENGELMANN:** Emile Robert?

17 **MR. SIRRS:** Yes. He was the area manager at
18 the time.

19 **MR. ENGELMANN:** Okay. So he was never your
20 direct colleague?

21 **MR. SIRRS:** Well, not direct, but he worked
22 in L'Orignal-Hawkesbury as a probation officer,
23 probation/parole officer when I was the area manager in
24 Cornwall.

25 **MR. ENGELMANN:** Oh, okay, so he was one of

1 your employees?

2 MR. SIRRS: Well, one of the staff.

3 MR. ENGELMANN: Yeah.

4 MR. SIRRS: I prefer not to call them
5 employees.

6 MR. ENGELMANN: Fair enough. A member of
7 your staff?

8 MR. SIRRS: That's correct.

9 MR. ENGELMANN: All right.

10 And so you knew him from the early '80s?

11 MR. SIRRS: Yes.

12 MR. ENGELMANN: And ---

13 MR. SIRRS: No. No, he came a little bit
14 later. He came a little bit later. I don't believe he was
15 there during the period that Nelson Barque -- I'd have to
16 refer to staffing ---

17 MR. ENGELMANN: Sorry.

18 MR. SIRRS: --- to get the dates.

19 MR. ENGELMANN: But you knew him from the
20 period of your tenure as area manager ---

21 MR. SIRRS: That's ---

22 MR. ENGELMANN: --- sometime between '81 and
23 '84?

24 MR. SIRRS: That's correct.

25 MR. ENGELMANN: He was a member of your

1 staff?

2 MR. SIRRS: That's correct.

3 MR. ENGELMANN: And by the mid-'90s was he
4 at that point the area manager ---

5 MR. SIRRS: Yes.

6 MR. ENGELMANN: --- for the Cornwall office?

7 MR. SIRRS: Yes.

8 MR. ENGELMANN: And what do you recall
9 hearing from him about Nelson Barque?

10 MR. SIRRS: Only that there were criminal
11 charges.

12 MR. ENGELMANN: All right.

13 And had he known anything about the previous
14 allegations involving C-44 and Mr. Sheets?

15 MR. SIRRS: I'm not able to say. I don't
16 know.

17 MR. ENGELMANN: All right.

18 But in any event, he was letting you know
19 that ---

20 MR. SIRRS: That's right.

21 MR. ENGELMANN: --- this former staff member
22 of yours was being charged?

23 MR. SIRRS: Right.

24 MR. ENGELMANN: All right.

25 MR. SIRRS: You would need to ask Mr. Robert

1 ---

2 MR. ENGELMANN: We will.

3 MR. SIRRS: --- what it was he knew.

4 MR. ENGELMANN: Okay. We will. Fair
5 enough.

6 And again, that phone call would have been
7 over 10 years ago.

8 MR. SIRRS: That's right, and relatively
9 brief.

10 MR. ENGELMANN: Yeah. But you do remember
11 him contacting you about Nelson Barque?

12 MR. SIRRS: Well, several people have called
13 me in respect of this situation.

14 MR. ENGELMANN: Yes.

15 MR. SIRRS: So I don't specifically recall
16 that it was an OPP officer, but ---

17 MR. ENGELMANN: Sorry, I meant Mr. Robert.

18 MR. SIRRS: Oh, Mr. Robert, yes.

19 MR. ENGELMANN: And do you remember any of
20 the other people who contacted you?

21 MR. SIRRS: Yes, Mr. Downing contacted me.
22 There was a lawyer from Ottawa ---

23 MR. ENGELMANN: Mr. Downing though, that's
24 in the year 2000, right?

25 MR. SIRRS: Two thousand (2000), that's

1 correct.

2 There was a lawyer from Ottawa who called me
3 because he was representing a number of clients in a
4 lawsuit ---

5 MR. ENGELMANN: Okay.

6 MR. SIRRS: --- against the Ministry ---

7 MR. ENGELMANN: All right.

8 MR. SIRRS: --- and I spoke with him.

9 MR. ENGELMANN: When was that, sir?

10 MR. SIRRS: I couldn't give you a date.

11 MR. ENGELMANN: All right.

12 So let's -- Downing was 2000?

13 MR. SIRRS: Two thousand (2000). That's
14 what I'm told.

15 MR. ENGELMANN: The Barque -- okay. Your
16 information about Nelson Barque would have been mid-'90s;
17 is that fair?

18 MR. SIRRS: Well, I can accept that, yes.

19 MR. ENGELMANN: All right.

20 It was before Mr. Downing?

21 MR. SIRRS: That's correct.

22 MR. ENGELMANN: By several years?

23 MR. SIRRS: I would -- yes, I would think.

24 MR. ENGELMANN: All right.

25 I don't know if you have the book with

1 Exhibit 121 in it?

2 THE COMMISSIONER: You should.

3 MR. SIRRS: I think I may.

4 MR. ENGELMANN: And I just want to refer you
5 to a brief snippet of -- these are police officer notes and
6 you would have seen a couple of pages of these notes just
7 recently, sir, but probably never before. And I'm ---

8 MR. SIRRS: Oh, yes, yes, yes.

9 MR. ENGELMANN: Okay. And in particular, if
10 you could have a look at ---

11 THE COMMISSIONER: In the top left-hand
12 corner, sir ---

13 MR. ENGELMANN: Yeah.

14 THE COMMISSIONER: --- there would be a
15 number there.

16 MR. SIRRS: Oh, yes, okay.

17 MR. ENGELMANN: And it's 1078047.

18 MR. SIRRS: I have -- I'm looking at the
19 number 116165 under 121.

20 THE COMMISSIONER: No, no, that's the right-
21 hand side. Look at the other ---

22 MR. ENGELMANN: Just look at the number on
23 the left.

24 MR. SIRRS: Oh, pardon me. Okay.

25 MR. ENGELMANN: I'm about two-thirds of the

1 way through the ---

2 MR. SIRRS: Okay.

3 THE COMMISSIONER: So the last ---

4 MR. SIRRS: The number again, the last two
5 numbers?

6 MR. ENGELMANN: It's 1078047.

7 MR. SIRRS: Oh, okay.

8 MR. ENGELMANN: Just to situate you, sir,
9 these are officer notes of an officer, a detective by the
10 name of Zebruck ---

11 MR. SIRRS: Yes, okay.

12 MR. ENGELMANN: --- who was with the Long
13 Sault Detachment of the Ontario Provincial Police.

14 MR. SIRRS: Okay.

15 MR. ENGELMANN: And about halfway down that
16 page -- and maybe we can make that a little bigger. I'm
17 looking at the bottom half of the page. You'll see there
18 is a caption "Sexual Assault Barque", and you'll see
19 there's a date "04 Jan '95 Wed", and down at "8:15" --
20 you'll see there's a note there "8:15 to 12:00".

21 Do you see that at the bottom, sir?

22 MR. SIRRS: Yes.

23 MR. ENGELMANN: And it says "Contact..." --
24 it's hard to read but I believe that's you "Sirrs, Peter,
25 North Bay".

1 MR. SIRRS: Yes.

2 MR. ENGELMANN: Were you living in North Bay
3 in January of '95?

4 MR. SIRRS: Yes.

5 MR. ENGELMANN: All right.

6 And, sir, I've looked through the next page
7 and a bit and at first I thought maybe it was a very long
8 interview of you, but I think the portion that deals with
9 you is just the top quarter or so of the next page.

10 MR. SIRRS: Yes.

11 MR. ENGELMANN: And that's what I'd like you
12 to look at.

13 MR. SIRRS: Okay.

14 MR. ENGELMANN: It says -- there's a phone
15 number there. Is that phone number familiar to you, sir?

16 MR. SIRRS: That was my office number at the
17 Ministry Head Office.

18 MR. ENGELMANN: All right.

19 So it says:

20 "New on job when investigation
21 conducted; did a preliminary
22 investigation; called in Investigation
23 Branch; did not check with Barque's
24 clients; does not have any records."

25 Right. So there's some brief notes that the

1 officer makes ---

2 MR. SIRRS: Yes.

3 MR. ENGELMANN: --- apparently as a result
4 of talking to you on the phone.

5 MR. SIRRS: Yes.

6 MR. ENGELMANN: All right.
7 You don't remember the call; is that fair?

8 MR. SIRRS: Not specifically.

9 MR. ENGELMANN: No?

10 MR. SIRRS: Not specifically.

11 MR. ENGELMANN: All right.

12 Is there anything there that the officer has
13 noted that would be incorrect?

14 MR. SIRRS: No.

15 MR. ENGELMANN: All right. You may have
16 told him more but you don't take any issue with what he's
17 written about ---

18 MR. SIRRS: That's correct.

19 MR. ENGELMANN: --- what you would have said
20 to him? All right.

21 Sir, do you know if you were contacted again
22 about those allegations?

23 THE COMMISSIONER: By?

24 MR. ENGELMANN: By either the OPP or anyone
25 else in the Crown's office?

1 MR. SIRRS: I don't recall, no.

2 MR. ENGELMANN: And that probationer, as I
3 understand it, those allegations were from before your time
4 as area manager?

5 MR. SIRRS: That's my understanding, yes.

6 MR. ENGELMANN: All right.

7 MR. SIRRS: This is the Roy matter, is it?

8 MR. ENGELMANN: Yes.

9 MR. SIRRS: Yes, okay.

10 MR. ENGELMANN: Yeah. It wasn't familiar to
11 you?

12 MR. SIRRS: No.

13 I just want to make a comment, if I may?

14 MR. ENGELMANN: Yes.

15 MR. SIRRS: Because there's -- there should
16 be a distinction made between my preliminary investigation
17 and the more thorough investigation conducted by the
18 Ministry Inspections and Investigations Branch.

19 MR. ENGELMANN: Yes.

20 MR. SIRRS: And mine was never intended to
21 be a thorough investigation ---

22 MR. ENGELMANN: Yes.

23 MR. SIRRS: --- only a preliminary one.

24 MR. ENGELMANN: Now, their investigation,
25 sir, near the beginning of their investigation, Mr. Barque

1 resigned.

2 **MR. SIRRS:** That's -- no, I think that they
3 had conducted most of their investigation, then called him
4 into the office on the 6th; that's my recall. There may be
5 information to the contrary, but that's my recall. They'd
6 been up earlier in May.

7 **MR. ENGELMANN:** Yes, well they met with you
8 on April 29th?

9 **MR. SIRRS:** Yes.

10 **MR. ENGELMANN:** And their investigation ---

11 **MR. SIRRS:** No, it was earlier in April,
12 yeah, I'm sorry.

13 **MR. ENGELMANN:** It's at Exhibit 125, if you
14 want to take a look at it for a moment.

15 (SHORT PAUSE/COURTE PAUSE)

16 **THE COMMISSIONER:** They were signed on April
17 29th -- oh, no, that's not true.

18 **MR. ENGELMANN:** So that's ---

19 **MR. ROSEN:** (Off mic)

20 **THE COMMISSIONER:** No, sir, sir. If you
21 want to talk, you have to get up, sorry. And I'm not being
22 difficult, it's just that the transcript won't pick it up.

23 You're right, it says "On Thursday, April
24 29th, as assigned".

25 **MR. ENGELMANN:** All right. And, sir,

1 there's a description on that second page about their
2 investigation which rolls onto page 3?

3 **MR. SIRRS:** Yes.

4 **MR. ENGELMANN:** And then they talk about
5 some of the people they interview, on page 3 ---

6 **MR. SIRRS:** Yes.

7 **MR. ENGELMANN:** --- which is Bates
8 page 1001826, and then on page 4, 1001827, the writer --
9 and I'm assuming this is either McMaster or Porter ---

10 **MR. SIRRS:** I believe it was Mr. McMaster.
11 He was the senior investigator, so ---

12 **MR. ENGELMANN:** Okay.

13 **MR. SIRRS:** --- he would have prepared this
14 report.

15 **MR. ENGELMANN:** And you see there, sir, in
16 the fourth paragraph:

17 "At or about 8:00 p.m., May 5th, 1982,
18 the writer was advised by Mr. Sirrs,
19 area manager, that he received word
20 that Mr. Barque had submitted his
21 resignation."

22 **MR. SIRRS:** That's correct.

23 **MR. ENGELMANN:** And arrangements were made
24 to meet with Mr. Barque on the following day?

25 **MR. SIRRS:** That's correct.

1 **MR. ENGELMANN:** And, in fact, they did meet
2 with Mr. Barque?

3 **MR. SIRRS:** Yes.

4 **MR. ENGELMANN:** And it says, about halfway
5 down the page, what he admitted to?

6 **MR. SIRRS:** Yes.

7 **MR. ENGELMANN:** Do you see that?

8 **MR. SIRRS:** Yes.

9 **MR. ENGELMANN:** All right. And, sir, there
10 doesn't appear to be, after meeting with Mr. Barque, aside
11 from one other interview on May 6th, to have been much done
12 after that?

13 **MR. SIRRS:** No.

14 **MR. ENGELMANN:** And in ---

15 **MR. SIRRS:** At least not -- not so much as I
16 know.

17 **MR. ENGELMANN:** Yeah. Well, as much as
18 anyone would not reading this report.

19 **MR. SIRRS:** Yes.

20 **MR. ENGELMANN:** And, then, on the following
21 page, they -- in the last paragraph, in conclusion, they
22 say:

23 "Since Mr. Barque has submitted his
24 resignation effective May 4th, 1982, no
25 further action by this Ministry is

1 deemed necessary."

2 **MR. SIRRS:** Yes.

3 **MR. ENGELMANN:** And that's similar to the
4 recommendation that you had made at the end of your
5 preliminary investigation?

6 **MR. SIRRS:** That's correct.

7 **MR. ENGELMANN:** Now, sir, aside from the
8 discussion with -- about the Albert Roy matter, you had
9 some discussions with a Mr. Paul Downing?

10 **MR. SIRRS:** Yes.

11 **MR. ENGELMANN:** And did he describe to you
12 why it was he was calling you?

13 **MR. SIRRS:** My recall is that he was talking
14 about an inquiry. I don't recall the name of the inquiry,
15 or an investigation of sorts, into the situation in
16 Cornwall.

17 **MR. ENGELMANN:** All right. Did he explain -
18 - do you have any recollection, sir, as to what prompted
19 his investigation?

20 **MR. SIRRS:** No.

21 **MR. ENGELMANN:** He might have explained it
22 to you at the time; you just don't have ---

23 **MR. SIRRS:** He may have, yes, yes.

24 **MR. ENGELMANN:** All right. You were retired
25 by the time that he would have called you?

1 **MR. SIRRS:** That's correct.

2 **MR. ENGELMANN:** You wouldn't have had any
3 notes or anything else to work with at that time?

4 **MR. SIRRS:** None whatsoever.

5 **MR. ENGELMANN:** All right. And did he offer
6 to meet with you or do you recall why this was done on the
7 phone?

8 **MR. SIRRS:** I don't recall him offering to
9 meet with me. I know he invited me to -- to attend
10 somewhere to participate.

11 **MR. ENGELMANN:** All right. And you ended up
12 just doing it on the phone?

13 **MR. SIRRS:** Yes.

14 **MR. ENGELMANN:** All right. And I'd like the
15 witness to be shown, it's exhibit -- sorry, Document Number
16 123486, and these are investigation notes of Paul Downing,
17 and they have a number of -- they're rolling notes, so they
18 have different dates.

19 Sir, there are names of probationers
20 mentioned.

21 **THE COMMISSIONER:** Publication ban.

22 **MR. ENGELMANN:** Thank you.

23 We'll ---

24 **THE COMMISSIONER:** Do the probationers --
25 have they already been identified?

1 **MR. ENGELMANN:** No. The one's that I'm
2 concerned about start on page -- just so the media is aware
3 -- page 29, page 30, page 32, page 33 ---

4 **THE COMMISSIONER:** Are they identified as
5 probationers? No.

6 **MR. ENGELMANN:** I think it's fairly clear if
7 you read it, that ---

8 **THE COMMISSIONER:** Well, I'm not in the
9 business of ---

10 **MR. ENGELMANN:** I'm sorry?

11 **THE COMMISSIONER:** I'm not in the business
12 of letting it grey like that, so what we'll do is act
13 either after the lunch break or after work -- after the
14 hearings today, we'll go in camera and we'll specify so
15 that there is no confusion.

16 **MR. ENGELMANN:** I'm particularly concerned
17 about some of the names that appear between pages 29 ---

18 **THE COMMISSIONER:** Thank you.

19 **MR. ENGELMANN:** --- and 33 of the notes.

20 **THE COMMISSIONER:** All right.

21 So Exhibit 1064 is Project Truth case
22 management notes, investigation file PT-112000.

23 **--- EXHIBIT NO./PIÈCE NO. 1064:**

24 (123486 - publication ban) Notes of
25 Paul Downing dated August 8th, 2000 to

1 September 6th, 2001

2 **THE COMMISSIONER:** Okay, now you want to
3 direct the witness to what?

4 **MR. ENGELMANN:** I'm sorry, sir, I just -- I
5 missed the number, 1068?

6 **THE COMMISSIONER:** Six-four (64).

7 **MR. ENGELMANN:** Six-four (64).

8 **THE COMMISSIONER:** These are notes of Paul
9 Downing. Now which page did you want to refer to?

10 **MR. ENGELMANN:** I'll just be a moment, sir.

11 **THE COMMISSIONER:** All right.

12 **MR. ENGELMANN:** It's page 22.

13 **THE COMMISSIONER:** At the bottom, sir, if
14 you see the page numbers.

15 **MR. ENGELMANN:** Yes. And it's Bates
16 page 1148333.

17 **MR. SIRRS:** You say that's -- oh, this is --
18 oh, okay, the page 22 is a 22 of this ---

19 **MR. ENGELMANN:** Yes.

20 **MR. SIRRS:** --- document but the page number
21 that the ---

22 **MR. ENGELMANN:** If you look at ---

23 **MR. SIRRS:** --- Commission has assigned to
24 it, would you repeat that number again, please?

25 **MR. ENGELMANN:** Yes, that is 1148333.

1 MR. SIRRS: Eight-three-three (833), okay.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. SIRRS: The first item on that is
4 October 24, 2000?

5 MR. ENGELMANN: That would be the following
6 page, sir.

7 MR. SIRRS: Oh, okay.

8 MR. ENGELMANN: You'll note in the second
9 paragraph ---

10 MR. SIRRS: Yes.

11 MR. ENGELMANN: --- it says he telephoned
12 someone, a Midge someone?

13 MR. SIRRS: Ravensdale, yes.

14 MR. ENGELMANN: Yes. And requested
15 assistance in locating Peter Sirrs?

16 MR. SIRRS: Yes.

17 MR. ENGELMANN: And then there's a number
18 given there?

19 MR. SIRRS: That's correct.

20 MR. ENGELMANN: Is that your office number?

21 MR. SIRRS: That's my home number. That's
22 my home number.

23 MR. ENGELMANN: All right. So Midge
24 Ravensdale would have -- she's someone who's known to you?

25 MR. SIRRS: Yes.

1 **MR. ENGELMANN:** All right. And so it
2 appears that, at least from these notes, that Mr. Downing
3 would have called you on November 24th, 2000, at
4 approximately three-ten in the afternoon?

5 **MR. SIRRS:** Yes.

6 **MR. ENGELMANN:** All right. Do you have any
7 reason to dispute that, sir?

8 **MR. SIRRS:** No.

9 **MR. ENGELMANN:** All right. Do you know if
10 you had more than one call with him?

11 **MR. SIRRS:** No.

12 **MR. ENGELMANN:** So it was just one call?

13 **MR. SIRRS:** To the best of my recall, yes.

14 **MR. ENGELMANN:** All right.

15 **MR. SIRRS:** But I don't know why -- whether
16 he called back or not.

17 **MR. ENGELMANN:** All right. And did you ever
18 meet with him in person?

19 **MR. SIRRS:** No.

20 **MR. ENGELMANN:** All right. So these are Mr.
21 Downing's notes. You've had an opportunity to review these
22 before you testified?

23 **MR. SIRRS:** Yes.

24 **MR. ENGELMANN:** And what he says is that he
25 introduced himself. He says:

1 "Introduced myself. Explained to him
2 why I was contacting...",
3 and then it's, "Ref Nelson Barque"?

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** All right.

6 "You confirm that Nelson resigned from
7 the Ministry in 1982 and was later
8 hired by Pierre Landry at the Équipe
9 Psycho-Sociale."

10 **MR. SIRRS:** Yes.

11 **MR. ENGELMANN:** All right.

12 So, so far any concerns about what he's
13 saying he told you or what was discussed?

14 **MR. SIRRS:** No. No.

15 **MR. ENGELMANN:**

16 "When asked as to whether he provided
17 any reference for Nelson Barque to
18 Pierre, he said no."

19 **MR. SIRRS:** That's correct.

20 **MR. ENGELMANN:** All right.

21 Again, any dispute with that?

22 **MR. SIRRS:** No.

23 **MR. ENGELMANN:** All right.

24 "He does recall Pierre contacting him
25 but according to Peter, he informed

1 Pierre that he would require written
2 permission from Nelson Barque."

3 **MR. SIRRS:** That's correct.

4 **MR. ENGELMANN:** All right.

5 Again, you take no issue with that?

6 **MR. SIRRS:** No.

7 **MR. ENGELMANN:** All right.

8 "When informed that I had a reference
9 from him, Peter Sirrs, addressed to
10 Pierre Landry regarding Nelson's
11 employment, he said he was surprised
12 because he did not recall providing
13 one."

14 **MR. SIRRS:** That's correct.

15 **MR. ENGELMANN:**

16 "He wondered if the signature was
17 possibly forged. I offered to forward
18 him a copy but Peter declined."

19 Do you recall this so far? Any issue with
20 this?

21 **MR. SIRRS:** I don't recall that, but that's
22 possible.

23 **MR. ENGELMANN:** All right.

24 So did he show you the August 23rd letter
25 that he had?

1 **MR. SIRRS:** No.

2 **MR. ENGELMANN:** Did he tell you that the
3 letter he's referring to was the August 23rd letter?

4 **MR. SIRRS:** I don't recall the specifics
5 that he provided, but he did indicate to me that he had a
6 letter, or a copy of a letter.

7 **MR. ENGELMANN:** All right.

8 "Peter said that during his telephone
9 conversation with Pierre, he, Pierre,
10 never asked any questions about
11 Nelson's suitability to work with
12 children."

13 Right? That's -- this is apparently ---

14 **MR. SIRRS:** That's his statement, yes.

15 Yeah.

16 **MR. ENGELMANN:** All right.

17 And this is apparently what you would have
18 indicated to Mr. Downing ---

19 **MR. SIRRS:** Yes.

20 **MR. ENGELMANN:** --- about seven years ago?

21 **MR. SIRRS:** And that would have been my
22 recall at the time.

23 **MR. ENGELMANN:** All right.

24 "I said to Peter that was the job that
25 Nelson was applying for, that it would

1 not make sense..."

2 So this would be Downing speaking to you:

3 "...that it would not make sense that

4 Pierre would not ask such a basic

5 question. Peter said he told Pierre he

6 would provide no comments or

7 reference..."

8 I think:

9 "...unless he had a written release

10 from Nelson Barque."

11 **MR. SIRRS:** Yes.

12 **MR. ENGELMANN:** Okay. So, again, you don't

13 take any issue with that?

14 **MR. SIRRS:** No.

15 **MR. ENGELMANN:**

16 "When asked as to whether he would..."

17 I think it should say:

18 "...provide a statement, audio

19 recording, or correspondence confirming

20 our conversation, Peter declined."

21 Do you remember Mr. Downing asking you that,

22 if you would provide him a statement or an audio recording

23 or correspondence?

24 **MR. SIRRS:** Yeah. Yes, something to that

25 effect, yes.

1 **MR. ENGELMANN:** All right.

2 And is it accurate that you would have
3 declined?

4 **MR. SIRRS:** Yes.

5 **MR. ENGELMANN:** And do you remember why at
6 the time?

7 **MR. SIRRS:** I did not want to get involved.

8 **MR. ENGELMANN:** All right. Fair enough.

9 **MR. SIRRS:** I was retired and I didn't want
10 any more to do with it.

11 **MR. ENGELMANN:** Fair enough.

12 **THE COMMISSIONER:** Well, in fairness, I
13 think it goes on. There's another explanation.

14 **MR. ENGELMANN:** Yeah.

15 "Peter has said that unless he could be
16 provided a written promise that no
17 action could be taken against him by
18 anyone, that he did not and would not
19 provide any sort of documentary
20 statement."

21 Remember saying that to Mr. Downing, sir?

22 **MR. SIRRS:** It makes abundant sense.

23 **MR. ENGELMANN:** All right.

24 "And I provided Peter my pager if he
25 wanted to speak to me further..."

1 I think it says:

2 "...and changed his mind regarding my
3 request for him to provide a
4 statement."

5 **MR. ENGELMANN:** All right.

6 So there's no other reference to follow up
7 with you that I'm aware of by Mr. Downing.

8 **MR. SIRRS:** No.

9 **MR. ENGELMANN:** And you can't remember any
10 other call?

11 **MR. SIRRS:** No.

12 **MR. ENGELMANN:** All right.

13 And you did not provide him with a
14 statement?

15 **MR. SIRRS:** No.

16 **MR. ENGELMANN:** And, sir ---

17 **MR. SIRRS:** Other than what I told him on
18 the phone.

19 **MR. ENGELMANN:** All right.

20 And, sir, you clearly didn't tell him, or at
21 least by these notes, that you had said to Mr. Landry,
22 "Don't hire this guy." He certainly hasn't recorded that.

23 **MR. SIRRS:** He hasn't recorded that there,
24 yeah.

25 **MR. ENGELMANN:** Yeah. And you'd agree with

1 me that would have been important to tell him?

2 MR. SIRRS: Yes.

3 MR. ROSEN: May I speak?

4 THE COMMISSIONER: Yes?

5 MR. ROSEN: I think my friend misstated the
6 evidence. I think Mr. Sirrs said, "I told Mr. Landry I
7 wouldn't hire him." He didn't say, "Don't hire him." He
8 said, "I wouldn't hire him."

9 THE COMMISSIONER: Fair enough. Thank you.

10 MR. ENGELMANN: Whether it was one or the
11 other doesn't make any difference, does it, sir?

12 MR. SIRRS: Well, it does ---

13 MR. ENGELMANN: You didn't tell him.

14 MR. SIRRS: --- because -- well, no.

15 MR. ENGELMANN: You didn't tell Mr. Downing?

16 MR. SIRRS: No. It appears that I didn't,
17 at least. He didn't note it.

18 MR. ENGELMANN: All right.

19 And whether it was "Don't hire him" or "I
20 wouldn't hire him," it would be important to tell Mr.
21 Downing that, wouldn't it?

22 MR. SIRRS: Yes.

23 MR. ENGELMANN: Sir, I want to ask you just
24 a couple of questions about Mr. Seguin again, if I can.
25 We've been there before, but you would have done

1 performance appraisals of him, just as you would other
2 staff members?

3 MR. SIRRS: That's correct.

4 MR. ENGELMANN: And just as one example, if
5 you could look at Exhibit 967? I'm not sure if that number
6 will be in the binder you have. Does it go up to 967?

7 MR. SIRRS: Yes.

8 MR. ENGELMANN: All right.

9 And as with the evaluations of Mr. Barque,
10 the ones that I've looked at all say satisfactory for Mr.
11 Seguin as well?

12 MR. SIRRS: Yes.

13 MR. ENGELMANN: And that's how you felt
14 about his performance?

15 MR. SIRRS: Yes.

16 MR. ENGELMANN: The choices are
17 satisfactory, not satisfactory, or satisfactory with some
18 exceptions?

19 MR. SIRRS: Yes. That's the most -- that's
20 the highest.

21 MR. ENGELMANN: Yes.

22 And, sir, there are always summary remarks
23 in your evaluations?

24 MR. SIRRS: Yes.

25 MR. ENGELMANN: That's something you always

1 did?

2 MR. SIRRS: Yes, yes.

3 MR. ENGELMANN: Now, I wanted to ask you
4 about the comment in the second paragraph where you say:

5 "In his approach to clients..."

6 The next page:

7 "...Mr. Seguin is very humanistic, too
8 much so perhaps, although he seems to
9 achieve a rapport with results that are
10 not usually associated with other
11 approaches."

12 MR. SIRRS: Yes.

13 MR. ENGELMANN: Can you -- you have a
14 Masters in Criminology. You're doing these performance
15 appraisals of your officers.

16 MR. SIRRS: Yes.

17 MR. ENGELMANN: Can you tell us what you
18 meant by that?

19 MR. SIRRS: A few years ago, yes.

20 MR. ENGELMANN: No, I know, but ---

21 MR. SIRRS: He tended to -- he tended to
22 approach clients from a counselling and assistance point of
23 view and I would have thought at the time -- because I
24 tended to be myself a little bit more oriented toward
25 enforcement, ensuring that there was full compliance with

1 probation orders. So that was my practice.

2 **MR. ENGELMANN:** So, "too much so," what are
3 you saying?

4 **MR. SIRRS:** More than I would have
5 suggested, yes.

6 **MR. ENGELMANN:** I'm not sure I'm following
7 you, sir.

8 **MR. SIRRS:** Well, I guess I was trying to
9 encourage him to be a little bit more conscious of the
10 enforcement requirements ---

11 **MR. ENGELMANN:** To be a little stricter
12 about ---

13 **MR. SIRRS:** That's right. This
14 recommendation or this assessment is for his benefit as
15 well as that of the Ministry.

16 **MR. ENGELMANN:** Certainly.

17 **MR. SIRRS:** Yeah.

18 **MR. ENGELMANN:** So you're trying to get him
19 ---

20 **MR. SIRRS:** Right.

21 **MR. ENGELMANN:** --- to be stricter?

22 **MR. SIRRS:** Yeah.

23 **MR. ENGELMANN:** More ---

24 **MR. SIRRS:** Well, there's a continuum of
25 probation officer responses to the whole issue of probation

1 and parole. Parole, clearly they're much more strict with
2 parolees.

3 But certainly in terms of probation,
4 depending on the circumstances of the individual and the
5 offences for which they were involved ---

6 **MR. ENGELMANN:** I'll just be a moment, sir.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **MR. ENGELMANN:** Mr. Sirrs, I only have one
9 other question for you. And it's a question that I don't
10 know if you've had an opportunity to think about, but
11 witnesses who have appeared at this Inquiry have all been
12 asked if they have any recommendations or suggestions to
13 make to the Commissioner.

14 We're examining, obviously, the
15 institutional response to allegations of historical abuse
16 against young persons in the Cornwall area. The
17 recommendations that the Commissioner will eventually make
18 not only relate to Cornwall but perhaps to the whole
19 province or even wider use. And I just wanted to let you
20 to have an opportunity as a witness here to tell us if
21 there were any recommendations or suggestions that you
22 might have for the Commission about institutional response
23 to allegations of abuse?

24 **MR. SIRRS:** Well, I wasn't very involved
25 with institutions.

1 **MR. ENGELMANN:** Well, you were in an
2 institution, which was an important one, sir.

3 **MR. SIRRS:** Well, yeah. Well, that was --
4 yeah, the Ottawa Detention Centre. But I ---

5 **THE COMMISSIONER:** No, no, what he means by
6 institution is a more general ---

7 **MR. SIRRS:** Oh, I see, pardon me.

8 **MR. ENGELMANN:** We have several public
9 institutions here, including the Ministry of Corrections.

10 **MR. SIRRS:** Yes.

11 **MR. ENGELMANN:** A couple of police forces,
12 the Ministry of the Attorney General.

13 **MR. SIRRS:** Yes.

14 **MR. ENGELMANN:** The local Diocese.

15 **MR. SIRRS:** Okay.

16 **MR. ENGELMANN:** Children's Aid.

17 I hope I'm not forgetting anybody. A couple
18 of school boards.

19 So we have -- and this can be as a result of
20 your experience either as an area manager ---

21 **MR. SIRRS:** Right.

22 **MR. ENGELMANN:** --- in Cornwall, your
23 experience in dealing with adolescents, at least from 16
24 up, and your experience in the criminal justice system,
25 because we're looking at these institutions that are

1 players in the criminal justice system. So anything you
2 have that you would like to leave?

3 MR. SIRRS: Well, I do know that the
4 Ministry has incorporated a lot of changes in its
5 supervision of probationers and parolees ---

6 MR. ENGELMANN: Yes.

7 MR. SIRRS: --- since I -- since I left the
8 Ministry ---

9 MR. ENGELMANN: Okay.

10 MR. SIRRS: --- there's been a very dramatic
11 emphasis on becoming more directly involved and working
12 more closely with clients.

13 And -- but beyond that, there's nothing I
14 don't think that I can recommend. I've just been out of
15 the scene too long to be able to make anything of any
16 significance.

17 MR. ENGELMANN: Fair enough.

18 Well, thank you very much for your evidence.

19 MR. SIRRS: Okay.

20 MR. ENGELMANN: Sir, perhaps -- I'm just
21 thinking out loud -- I could canvass my colleagues ---

22 THE COMMISSIONER: M'hm.

23 MR. ENGELMANN: --- to see how long they
24 will be.

25 THE COMMISSIONER: M'hm.

1 **MR. ENGELMANN:** I've spoken to the next
2 witness and I have discovered that he could be available at
3 least part of the morning tomorrow.

4 **THE COMMISSIONER:** Right.

5 **MR. ENGELMANN:** So I mean if it's possible
6 to finish Mr. Sirrs ---

7 **THE COMMISSIONER:** Fine.

8 **MR. ENGELMANN:** --- I think, and let him get
9 back to his family, that would be my preference.

10 So perhaps do you mind if we take an early
11 lunch break?

12 **THE COMMISSIONER:** No, no, I thought --
13 that's what I would suggest. Why don't we go for lunch now
14 and come back at 1:30 p.m.

15 **MR. ENGELMANN:** All right. And I'll just
16 canvass my colleagues right now about length of time on the
17 cross, and if it's possible maybe we can just finish Mr.
18 Sirrs today.

19 **MR. SIRRS:** Great.

20 **THE COMMISSIONER:** All right?

21 **MR. SIRRS:** Thank you.

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

24 This hearing will resume at 1:30 p.m.

25 --- Upon recessing at 11:59 a.m./

1 L'audience est suspendue à 11h59

2 --- Upon resuming at 1:35 p.m. /

3 L'audience est reprise à 13h35

4 **THE REGISTRAR:** This hearing is now resumed.
5 Please be seated. Veuillez vous asseoir.

6 **THE COMMISSIONER:** Mr. Sirrs.

7 **PETER SIRRS, Resumed/Sous le meme serment:**

8 **THE COMMISSIONER:** Mr. Engelmann.

9 **MR. ENGELMANN:** Just before my friends
10 cross-examine Mr. Sirrs, I want to just mention a couple of
11 things.

12 One, Mr. Sirrs, before counsel ask you
13 questions, they'll identify themselves and they'll explain
14 to you who they represent; all right?

15 **MR. SIRRS:** Thank you.

16 **MR. ENGELMANN:** And, Mr. Commissioner, I had
17 canvassed counsel this morning. Mr. Horn was not here at
18 the time so I don't have any knowledge of his intentions,
19 but best guess was between two and two-and-a-half hours.

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

21 **MR. ENGELMANN:** So what I would hope we
22 would do is finish Mr. Sirrs and then start the Examination
23 in-chief of Mr. Landry.

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

25 **MR. ENGELMANN:** Having spoken to him

1 briefly, again he will give his evidence en français.

2 **THE COMMISSIONER:** Oui.

3 **MR. ENGELMANN:** And my colleague, Maître
4 Ruel. will lead that evidence.

5 **THE COMMISSIONER:** Terrific. Thank you.

6 **MR. ENGELMANN:** Okay? Thank you.

7 **THE COMMISSIONER:** Thank you.

8 Ms. Daley.

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

10 **DALEY:**

11 **MS. DALEY:** Hi there.

12 **THE COMMISSIONER:** Good afternoon.

13 **MS. DALEY:** Mr. Sirrs, my name is Helen
14 Daley, and I'm here on behalf of a citizens' group called
15 the Citizens for Community Renewal.

16 **MR. SIRRS:** Yes.

17 **MS. DALEY:** And that's a local Cornwall
18 group that is interested in promoting institutional reform;
19 right? So I'm asking you questions on their behalf.

20 There's something I want to you at the
21 outset. I fully appreciate that the events you've spoken
22 about are 25 years old and that the work you did was
23 intended to be preliminary.

24 I want you to understand the intent of my
25 questions about what you did or did not do is not to

1 embarrass you in a personal or professional way, but rather
2 that it's important from my client's perspective that we
3 flesh out somewhat more fully the picture of events in
4 Cornwall during your time; all right?

5 **MR. SIRRS:** Okay.

6 **MS. DALEY:** First of all, I just want to
7 speak about the age of people that were supervised by
8 Messrs. Barque and Seguin, just so that we're all very
9 clear.

10 I gather from 1975 onwards, Messrs. Barque
11 and Seguin would have been supervising people who were
12 either 16 years of age or older; correct?

13 **MR. SIRRS:** That's correct.

14 **MS. DALEY:** So the youngest age under their
15 supervision would have been 16?

16 **MR. SIRRS:** That's correct.

17 **MS. DALEY:** And prior to 1975, we know that
18 Mr. Seguin had been a probation officer prior to '75. Pre-
19 '75, he would have been supervising -- potentially
20 supervising people younger than 16 as well ---

21 **MR. SIRRS:** Yes.

22 **MS. DALEY:** --- is that correct?

23 **MR. SIRRS:** Yes.

24 **MS. DALEY:** Thank you.

25 Now, I understand that before you arrived in

1 Cornwall, that office had been supervised remotely and that
2 is from Kingston?

3 MR. SIRRS: Yes.

4 MS. DALEY: Do you have any understanding as
5 to why that regime changed in October of 1981 when you went
6 there as the area manager?

7 MR. SIRRS: Not specifically, no one
8 mentioned that to me, but I would presume that it was just
9 because of the growth of probation and parole and the
10 number of staff that they decided to make a change in the
11 -- in the number of management staff covering the region.

12 MS. DALEY: What about the concept of having
13 an on-site supervisor versus a remote supervisor for
14 Cornwall?

15 MR. SIRRS: Well, it would always be better
16 that way.

17 MS. DALEY: It would be better to have
18 someone on-site?

19 MR. SIRRS: Definitely.

20 MS. DALEY: And that would always have been
21 the preferred situation from the Ministry's point of view,
22 as you understood it?

23 MR. SIRRS: I would understand that.

24 But there are limitations based on the size
25 of the office and the number of probation officers in any

1 given office.

2 MS. DALEY: I understand that. For example,
3 in L'Original, there was only one individual.

4 MR. SIRRS: That's correct.

5 MS. DALEY: But Cornwall always had at least
6 two or three individuals, as far as you've come to
7 understand?

8 MR. SIRRS: That would be my understanding,
9 yeah.

10 MS. DALEY: All right. Now, you said this
11 morning in response to a question from Mr. Engelmann and
12 I'll try to make the context clear; this was with respect
13 to the thought that if Barque acknowledged his wrongdoing
14 he would be permitted to resign with no further action by
15 the Ministry.

16 And my note of your testimony was --
17 included the following, that it was Ministry practice in
18 situations of this sort to permit that result. Do you
19 recall saying that?

20 MR. SIRRS: Yes.

21 MS. DALEY: I wonder if you can give me a
22 bit more detail about that.

23 You had been a Ministry employee for about
24 seven years at the time this occurrence arose?

25 MR. SIRRS: Yeah, about six.

1 **MS. DALEY:** All right. And what did you
2 know of Ministry practice permitting resignations by people
3 who acknowledged to have misconducted themselves on the
4 job?

5 **MR. SIRRS:** I don't remember anything in
6 specific terms.

7 **MS. DALEY:** Were you aware of any similar
8 situations in which that had occurred?

9 **MR. SIRRS:** No.

10 **MS. DALEY:** How did you form the
11 understanding that it was Ministry practice to allow a
12 resignation and to terminate any further actions by the
13 Ministry?

14 **MR. SIRRS:** I think it was just a general
15 feeling that that would be an acceptable way to go.

16 **MS. DALEY:** All right. It's certainly
17 something that you were aware of because that was, in fact,
18 your recommendation?

19 **MR. SIRRS:** Yes.

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

21 **MR. SIRRS:** Remember, that was back in '82;
22 it was a different climate then than it is today.

23 **MS. DALEY:** I appreciate that.

24 I take it that it was part of your thinking,
25 as well, in you making that recommendation to your

1 superiors, that there was also a concern for the public
2 image of the probation office in Cornwall and that result
3 would minimize damage to the office's reputation. Is that
4 fair?

5 **MR. SIRRS:** That's fair.

6 I -- I thought that this was a very isolated
7 incident and I didn't think that there was any underlying
8 issues that -- so that I felt that this was a satisfactory
9 way to deal with the matter.

10 **MS. DALEY:** And one of the objectives that
11 this approach served was to keep from the public view the
12 Barque situation?

13 **MR. SIRRS:** Perhaps.

14 **MS. DALEY:** And you'll agree that if that
15 situation had been made public, it could be detrimental to
16 the office's image in the City of Cornwall. Is that not
17 fair?

18 **MR. SIRRS:** That was -- that would be my
19 perception, yes.

20 **MS. DALEY:** All right. Now, just to
21 understand the policy or the practice that we've spoken
22 about, when you said that in the face of a resignation
23 there would be no further action by the Ministry, I take it
24 that included, in this instance, no continued investigation
25 by the investigators who had been appointed?

1 **MR. SIRRS:** I -- that's my understanding
2 that they concluded their investigation.

3 **MS. DALEY:** All right. And that was to be
4 the case regardless of the state of completion of their
5 investigation to that point; correct?

6 **MR. SIRRS:** I'm not clear if they, in their
7 own mind, had completed the investigation.

8 **MS. DALEY:** Well, regardless of whether
9 they'd completed it or not, the approach taken was that
10 when Mr. Barque resigned, they were to terminate the
11 investigation. That was your understanding?

12 **MR. SIRRS:** That's my understanding.

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

14 And did that practice of allowing a
15 resignation and taking no further steps, did that encompass
16 the Ministry not being involved in the laying of any
17 criminal charges?

18 **MR. NEUBERGER:** I'm sorry; I don't
19 understand the basis of the question. Is it -- is he
20 answering on his behalf or is he answering on behalf of
21 what his knowledge of the Ministry was in the usual event?

22 Because I understood that -- from his
23 evidence there was no similar situations, so there's no
24 real basis to suggest what the Ministry might have done in
25 prior instances.

1 So if I can just ask that clarification.

2 **MS. DALEY:** I'm just asking this gentleman
3 for his understanding as an employee.

4 **THE COMMISSIONER:** But -- okay, go ahead.
5 You might want to ---

6 **MS. DALEY:** So again, all I'm focusing on is
7 how you understood matters at the time.

8 Did the idea of allowing Barque to resign
9 with no further steps to be taken include the notion that
10 the Ministry would not involve itself in the laying of any
11 criminal charges, should such be warranted?

12 **MR. SIRRS:** Well, my understanding is that
13 the only charges that the Ministry or its employees could
14 lay would be those charges around the supervision of
15 probation or incidents that may have occurred inside an
16 actual jail or institution.

17 Subsequently I learned that this matter was
18 referred to the Crown Attorney here in Cornwall.

19 **MS. DALEY:** Yes.

20 **MR. SIRRS:** And he chose, from what I
21 understand, at his discretion, not to proceed with the
22 matter.

23 **MS. DALEY:** As you understand it, and I'm
24 not asking for a legal conclusion but just your working
25 knowledge, would it be an offence for a Ministry employee

1 to assist a breach of a probation order?

2 MR. SIRRS: Yes.

3 MS. DALEY: And those are the types of
4 charges that might possibly arise from situations such as
5 the one involving Mr. Barque, fair?

6 MR. SIRRS: Yes. But that would be the
7 responsibility of the police. That wouldn't be a charge
8 that we could lay. That would be, I would assume,
9 something in the order of obstructing justice or something
10 of that nature.

11 MS. DALEY: And I appreciate what you've
12 just told me.

13 The notion that Barque could resign and no
14 further action, did that include the notion that the
15 Ministry would not inform the police of information it
16 might have about breach of probation orders?

17 MR. SIRRS: I have no idea what their notion
18 was or what the intention of the Ministry was overall.

19 MS. DALEY: All right.

20 Certainly you didn't take it upon yourself
21 to discuss with the Cornwall police officers information
22 pertaining to that circumstance.

23 MR. SIRRS: No.

24 MS. DALEY: And no one directed you to, I
25 assume.

1 **MR. SIRRS:** That's correct.

2 The police hadn't acted in previous
3 occasions.

4 **MS. DALEY:** And you're referring there to
5 your knowledge that they appeared to be aware that Barque
6 was assisting in breach of probation orders but had taken
7 no steps?

8 **MR. SIRRS:** That's correct.

9 Even in cases of obstruction of justice,
10 when he tried to act on behalf of the probationers over
11 cases where the police were considering laying charges.

12 **MS. DALEY:** Did you ever discuss that with
13 the police officers that you spoke to in the course of your
14 preliminary inquiry?

15 **MR. SIRRS:** Not directly but I did ask them
16 to -- that I wanted to know what was going on, if there was
17 anything going on in my office.

18 **MS. DALEY:** I understand that part of your
19 testimony but I'm just wondering if you put it to them that
20 they had information available to suggest that perhaps
21 Barque had participated in a breach of a probation order
22 and yet not acted. Is that something you put to them in
23 your discussions?

24 **MR. SIRRS:** No.

25 **MS. DALEY:** Is there a reason why not?

1 **MR. SIRRS:** I felt my participation in the
2 investigation and in the dealing with this matter was
3 concluded with my report to Mr. Toffelmire.

4 **MS. DALEY:** So you didn't feel from that
5 point forward that you had any such obligation?

6 **MR. SIRRS:** I had no direction.

7 **MS. DALEY:** All right.

8 Did you seek direction from Mr. Toffelmire
9 on that issue?

10 **MR. SIRRS:** I can't recall.

11 **MS. DALEY:** One of the other things that you
12 said this morning to Mr. Engelmann about the approach, if I
13 can call it that, and I'm referring to allowing Barque's
14 resignation and taking no further steps. You also said
15 that as far as you were concerned, that that was the most
16 expeditious solution.

17 **MR. SIRRS:** Yes.

18 **MS. DALEY:** Is that something you discussed
19 with your superiors, that the most expeditious solution
20 would be the one adopted?

21 **MR. SIRRS:** Not to my knowledge.

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

23 **MR. SIRRS:** It was my consideration and, in
24 that course, made that recommendation.

25 **MS. DALEY:** I assume you did so because -- I

1 assume you did so because you felt that that would be an
2 appropriate way for the Ministry to behave?

3 **MR. SIRRS:** I'm not sure that's quite the
4 way to describe it. It probably was the most expeditious
5 way.

6 **MS. DALEY:** I don't think you have the view
7 that expedience is the highest value here, or do you?

8 **MR. SIRRS:** Not necessarily, no.

9 **MS. DALEY:** All right.

10 But in the circumstance, as you saw it, you
11 considered that to be a value worth promoting, that is to
12 say, an expedient resolution?

13 **MR. SIRRS:** If I'd had any information --
14 because the police only mentioned the two names. I think
15 there was one third name that they had involved, they had -
16 - who had come to them with respect to another occurrence
17 and who confirmed some of the -- or made allegations to
18 some of the issues that were involved in the two
19 probationers under consideration.

20 But there were no other names of
21 probationers. There was no suggestion -- and I would
22 conclude that, from my experience with police having their
23 ear to the ground, they would know much if not most of
24 these things. And there was no suggestion that there was
25 anyone other than these two guys that were so involved and

1 therefore I saw no purpose in going farther with additional
2 investigations.

3 **MS. DALEY:** So if I've understood what
4 you've just said, because the situation appeared to you to
5 involve two probationers, you thought it was acceptable to
6 suggest an expedient solution.

7 **MR. SIRRS:** Yes.

8 **MS. DALEY:** And that was a solution that
9 also, of course, would be outside of the public purview,
10 right?

11 **MR. SIRRS:** Perhaps. But I had no control
12 over what the police might choose to do.

13 **MS. DALEY:** I understand.

14 **MR. SIRRS:** I mean, they would have known
15 some if not much of this incident going on.

16 **MS. DALEY:** I take it certainly you didn't
17 try to influence them not to proceed with any charges ---

18 **MR. SIRRS:** No, no.

19 **MS. DALEY:** --- if they thought they were
20 appropriate?

21 **MR. SIRRS:** That's correct.

22 **MS. DALEY:** Now, as I understood your
23 evidence in-chief, you were not given any -- you were not
24 given much guidance in terms of the preliminary
25 investigation that you were to do?

1 **MR. SIRRS:** What I was advised to do by Mr.
2 Teggart was to interview the various people that I found to
3 be involved or had some information with respect to this
4 situation, which I did.

5 **MS. DALEY:** Understood.

6 You were not told by Mr. Teggart or anyone
7 else that you had to keep this confidential?

8 **MR. SIRRS:** I don't recall. He may have. I
9 wouldn't be surprised if he had.

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

11 I'm just trying to understand whether that
12 was a directive you'd received or was that ---

13 **MR. SIRRS:** Yeah, yeah.

14 **MS. DALEY:** --- your own judgment call? Do
15 you recall which one it is, sir?

16 **MR. SIRRS:** Well, not specifically but I
17 certainly would have felt on my own feeling to keep it
18 confidential, because it was only an allegation at that
19 point.

20 **MS. DALEY:** Understood.

21 Were you told by Mr. Teggart or any other
22 superior of yours to conduct this preliminary investigation
23 without contacting any probationers? In other words, any
24 other probationers that Barque was involved with.

25 **MR. SIRRS:** No.

1 **MS. DALEY:** I take it -- was that also a
2 judgment call which you made?

3 **MR. SIRRS:** It wasn't something that I --
4 quite frankly, it wasn't something that I thought of doing.

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

6 **MR. SIRRS:** Traditionally, probationers come
7 to us on an involuntary basis.

8 **MS. DALEY:** Yes.

9 **MR. SIRRS:** They're not told they don't make
10 any decision as to who is going to supervise them. They
11 come, they're supervised, and generally they can be less
12 than factual about things, and so I would not have had a
13 lot of regard for any complaint that they might have made,
14 not having come forward themselves to initiate the
15 complaint.

16 **MS. DALEY:** All right. So if I understand
17 your reasoning, part of the reason why you wouldn't have
18 contacted other probationers of Barque is that you felt
19 that they would give you unreliable information?

20 **MR. SIRRS:** Yes. Or would respond to the
21 situation and generate, generate, unreliable information.

22 **MS. DALEY:** In other words, I think what
23 you're suggesting is that they take advantage of the
24 situation?

25 **MR. SIRRS:** Thank you.

1 **MS. DALEY:** Now, you spoke in your evidence
2 in-chief today about your feeling that the most serious
3 misconduct that occurred here was the sexual relationship
4 that Mr. Barque had with probationers?

5 **MR. SIRRS:** Yes.

6 **MS. DALEY:** I'm sorry to belabour the
7 obvious, but I want to spell out something and see if you
8 agree with this. Would you agree with the thought that if
9 a male probation officer had sex with a male probationer,
10 that would make the officer vulnerable to threats ---

11 **MR. SIRRS:** Yes.

12 **MS. DALEY:** --- of exposure?

13 **MR. SIRRS:** Yes.

14 **MS. DALEY:** And the probationer in that
15 circumstance, in exchange for that possible threat, could
16 see -- could be in a situation where the officer would turn
17 a blind eye to breaches?

18 **MR. SIRRS:** Yes.

19 **MS. DALEY:** And perhaps permit the use of
20 alcohol and drugs by the probationer?

21 **MR. SIRRS:** That's possible.

22 **MS. DALEY:** And perhaps give money to him or
23 other forms of gratuities, so to speak?

24 **MR. SIRRS:** Very possible.

25 **MS. DALEY:** All right. And that -- I assume

1 in your mind that's another reason why the situation is so
2 very, very concerning to you?

3 MR. SIRRS: After the fact certainly it is,
4 yes.

5 MS. DALEY: Right. And you'll agree with
6 me, I think, that in your discussions with Mr. C -- and
7 with Mr. Sheets, they alluded to that situation; correct?

8 MR. SIRRS: There was a suggestion of that
9 but I think it came from another witness.

10 MS. DALEY: All right.

11 MR. SIRRS: I don't recall that it came from
12 either of those two probationers. I think it was Mr. --
13 the gentlemen that made the original call to me.

14 MS. DALEY: That's Mr. St-Louis.

15 MR. SIRRS: Thank you, yes. Mr. St-Louis.

16 MS. DALEY: All right.

17 MR. SIRRS: And I think also too in one of
18 the interviews, I spoke with one of the parents.

19 MS. DALEY: Yes?

20 MR. SIRRS: Of the other probationer ---

21 MS. DALEY: I think you spoke with C-44's
22 parents?

23 MR. SIRRS: I believe so, yes. And some of
24 that came forward as well. And I guess also the
25 probationers -- now that I think of it -- the probationers

1 said that as well.

2 **MS. DALEY:** Yes. All right.

3 So the problem that we've just talked about
4 hypothetically was a real problem in relation to Mr. Barque
5 and his probationers?

6 **MR. SIRRS:** That's correct.

7 **MS. DALEY:** And looking at this problem from
8 the point of view of the probationer just for a moment, I
9 take it you'd agree that it certainly wouldn't be in the
10 best interests of young men who maybe have a drug or
11 alcohol problem to be dealing with a probation officer that
12 facilitated it?

13 **MR. SIRRS:** No.

14 **MS. DALEY:** And the other dynamic that you
15 spoke about in your testimony in-chief, I take it is
16 equally concerning, which is the fact the probation officer
17 has power over the young probationer and could threaten to
18 breach him unless he cooperated sexually?

19 **MR. SIRRS:** Yes.

20 **MS. DALEY:** So I take it all of these
21 scenarios are very, very serious?

22 **MR. SIRRS:** Yes.

23 **MS. DALEY:** And from your perspective as a
24 probation officer, I'd venture to say it doesn't get any
25 worse than that?

1 **MR. SIRRS:** I can't think of a situation
2 that's any worse than that apart from perhaps taking
3 someone's life.

4 **MS. DALEY:** Right.

5 Okay, I'm going to shift topics just for a
6 second and ask you about your findings concerning the
7 locked door. All right?

8 **MR. SIRRS:** Yes.

9 **MS. DALEY:** If I've understood your evidence
10 correctly, you found out that Mr. Barque's office was
11 locked on the inside, and that was his office at 502 Pitt?

12 **MR. SIRRS:** Yes. I don't know whether that
13 occurred at the other office.

14 **MS. DALEY:** That's what I was going to ask
15 you.

16 **MR. SIRRS:** I have no knowledge of that.

17 **MS. DALEY:** You were in the other office
18 just for a brief time?

19 **MR. SIRRS:** Yes, only up to a month, and
20 during that time I was becoming acclimatized to Cornwall
21 and the area so that I wasn't even in the office all that
22 time.

23 **MS. DALEY:** Did you ever determine, or try
24 to determine, how it occurred that a bathroom-style lock
25 was installed in a probation officer's office at 502 Pitt?

1 **MR. SIRRS:** I didn't pursue it directly. I
2 assumed that Mr. Barque had installed that himself.

3 **MS. DALEY:** Personally?

4 **MR. SIRRS:** Personally.

5 **MS. DALEY:** Did you have that lock removed?

6 **MR. SIRRS:** Yes.

7 **MS. DALEY:** Would you agree, sir, that if --
8 and this is a hypothetical question -- but if there was
9 another probation officer who was inclined to visit with
10 his probationers at night at 502 Pitt, this other
11 individual could equally have used this room and locked the
12 door?

13 **MR. SIRRS:** That's possible.

14 **MS. DALEY:** In other words, it's Mr.
15 Barque's office but it doesn't follow from that he was the
16 only one who might have used it for his purposes?

17 **MR. SIRRS:** Yes.

18 **MS. DALEY:** Now, sir, based on another
19 document that we have received in this Inquiry, it would
20 appear that before you arrived at Cornwall, Ken Seguin was
21 acting in the capacity of an office manager?

22 **MR. SIRRS:** No.

23 **MS. DALEY:** Is that ---

24 **MR. SIRRS:** That's a misnomer. He sometimes
25 was a facilitator of sorts for Mr. Groten in Mr. Groten's

1 absence.

2 MS. DALEY: All right.

3 MR. SIRRS: But he was -- he didn't operate
4 in any other capacity other than probation and parole
5 officer.

6 MS. DALEY: But if I've understood it
7 correctly, Mr. Groten was always absent. He was always in
8 Kingston.

9 MR. SIRRS: Not always, no. He was
10 frequently in Cornwall.

11 MS. DALEY: All right. Twice a month?

12 MR. SIRRS: I would say one to twice a
13 month, yeah, and available on the phone.

14 MS. DALEY: But in his absence you do
15 understand -- forget the words I use -- you do understand
16 that Mr. Seguin functioned as a -- as you said a
17 facilitator for Mr. Groten?

18 MR. SIRRS: I would say -- kind of a -- if
19 you are familiar with the term, as a kind of "lead-hand".

20 MS. DALEY: All right.

21 MR. SIRRS: Whereby some of the other
22 officers might come to him for advice, but on the other
23 hand, they shared information between the officers.

24 MS. DALEY: Well, would it not be so that to
25 the extent that Mr. Seguin was performing that lead-hand

1 role, he was in a superior position to Mr. Barque?

2 **MR. SIRRS:** I don't -- well I wouldn't
3 regard it as a superior position. He was a more senior
4 probation officer.

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

6 **MR. SIRRS:** In terms of longevity.

7 **MS. DALEY:** Understanding that Mr. Seguin
8 was the most senior person there and had worked with Mr.
9 Barque from the inception of Barque's employment, I take it
10 nonetheless when the complaint about Barque arose you did
11 not think it appropriate to speak to Seguin about it?

12 **MR. SIRRS:** No. During the course of the
13 investigation I didn't speak to any of the staff about it.

14 **MS. DALEY:** I understand that.

15 **MR. SIRRS:** Other than Marcelle Léger.

16 **MS. DALEY:** Right. But having regard to
17 Seguin's longevity in the office and his knowledge about
18 Barque, I take it you didn't put him in a slightly
19 different position and consider consulting him about
20 Barque?

21 **MR. SIRRS:** No.

22 **MS. DALEY:** When the complaint of Mr. St-
23 Louis came to you ---

24 **MR. SIRRS:** Yes.

25 **MS. DALEY:** --- and you began to work on it,

1 did you look to Mr. Barque's prior job evaluations for
2 information?

3 MR. SIRRS: No.

4 MS. DALEY: You're -- are you generally
5 aware that all of his prior reviews have been very
6 positive?

7 MR. SIRRS: He was regarded as a
8 satisfactory employee, yes.

9 MS. DALEY: That being the highest level of
10 performance?

11 MR. SIRRS: Well, there's different levels
12 of satisfactory.

13 MS. DALEY: His appraisal -- we have his
14 appraisal ---

15 MR. SIRRS: Yes.

16 MS. DALEY: --- reports in evidence here as
17 you probably know, and for the most part they reflected
18 that he was conducting himself appropriately and that he
19 was an effective officer. And that's consistent with your
20 understanding before ---

21 MR. SIRRS: That's right, yes.

22 MS. DALEY: Did you try in your own mind to
23 reconcile the information that was coming to you from the
24 police with those reports?

25 MR. SIRRS: Those reports were made on the

1 basis of not having any access or any inclination that any
2 of this business was going on. And so it was only based on
3 the standard supervision practices that the assessments
4 were made. And so, no, I didn't relate that to his
5 assessments because it was so inconsistent.

6 **MS. DALEY:** Right.

7 Just to unpack what you said, the appraisal
8 reports for Mr. Barque would have been based upon a review
9 of his files?

10 **MR. SIRRS:** That's correct.

11 **MS. DALEY:** And as you said in-chief, it
12 clearly wouldn't be the case that he'd record his own
13 wrongdoing, right?

14 **MR. SIRRS:** I would not expect him to have
15 done that.

16 **MS. DALEY:** Okay. So did the circumstance
17 then suggest to you that the process by which employees
18 were evaluated could be wanting?

19 **MR. SIRRS:** Certainly in the case of --
20 that's a difficult question to answer, because if you
21 anticipate that there's going to be problems, then I
22 suppose there is one approach to take and be much more
23 assertive or aggressive, but this was not something that
24 was anticipated. These were regarded as professional
25 staff. They may be lacking in some training. They may

1 need some assistance or mentoring in terms of doing their -
2 - performing their role, but there was no anticipation that
3 they were going to be engaged in very inappropriate
4 behaviour.

5 **MS. DALEY:** I take it from what you say
6 because they were a professional staff there would have
7 been a presumption against any such behaviour?

8 **MR. SIRRS:** That's correct.

9 **MS. DALEY:** So that's the presumption you
10 operated on?

11 **MR. SIRRS:** Well, I think people are
12 presumed innocent until proven guilty.

13 **MS. DALEY:** That's quite true. But you made
14 a point of referring to the professional nature of their
15 job. That gave them ---

16 **MR. SIRRS:** Yes.

17 **MS. DALEY:** --- the benefit of an extra
18 presumption, I take it?

19 **MR. SIRRS:** I don't think it was an extra
20 presumption.

21 **MS. DALEY:** All right.

22 **MR. SIRRS:** I mean, this might sound rather
23 facetious, but should I make assumptions about you?
24 Exactly.

25 **MS. DALEY:** Assume away.

1 **MR. SIRRS:** Exactly.

2 **THE COMMISSIONER:** No, but in fairness, the
3 presumption of innocence is a against a charge and that
4 kind of thing, so ---

5 **MR. SIRRS:** Well ---

6 **THE COMMISSIONER:** It's obvious that one
7 expects professionals not to break the law.

8 **MR. SIRRS:** That's correct.

9 **THE COMMISSIONER:** But we -- in the
10 imperfect world that we live in, we also know that
11 professionals do break the law.

12 **MR. SIRRS:** And that's been proven quite --
13 over the history certainly since 1982.

14 **MS. DALEY:** Right.

15 **MR. SIRRS:** I don't mean to -- I'm sorry; I
16 didn't mean to be insulting to you at all.

17 **MS. DALEY:** No offence taken.

18 Did you pull the probation files for Mr.
19 Sheets and C-44 when you received the complaint?

20 **MR. SIRRS:** Well, I don't know exactly when
21 I did it, but I know that I did attach a copy of their
22 probation orders, I believe, with my report.

23 **MS. DALEY:** Right. So it follows you would
24 have looked into their files at some point?

25 **MR. SIRRS:** Yes, to some degree, yes.

1 **MS. DALEY:** I take it their dates of birth
2 were recorded in the file?

3 **MR. SIRRS:** It would be, yeah.

4 **MS. DALEY:** So you would have known the
5 exact ages that they were at at the time of the sexual
6 activity with Mr. Barque?

7 **MR. SIRRS:** Yes.

8 **MS. DALEY:** Sir, let me just unpack
9 something a little bit. The way the Barque situation
10 unfolded, obviously you were directed in a certain manner
11 and you did an investigation and made a recommendation, but
12 was there a more formalized complaint handling process in
13 place at the time, to your knowledge?

14 **MR. SIRRS:** How do you mean?

15 **MS. DALEY:** Pardon me?

16 **MR. SIRRS:** What would you expect in terms
17 of a formalized approach?

18 **MS. DALEY:** Was there an internal policy at
19 the Ministry that dealt with how complaints were to be
20 investigated, as far as you knew?

21 **MR. SIRRS:** Not as far as I know.

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

23 **MR. SIRRS:** Or knew rather.

24 **MS. DALEY:** Were there any rules of thumb or
25 practices concerning when the Ministry's inspection and

1 investigation branch would be involved?

2 MR. SIRRS: That wasn't something that I
3 would be aware of or involved. It was something that would
4 come from my superiors. They would make that decision ---

5 MS. DALEY: All right.

6 MR. SIRRS: --- and would have whatever
7 criteria is necessary.

8 MS. DALEY: But you knew about the existence
9 of that resource at the Ministry?

10 MR. SIRRS: I certainly did. I certainly
11 did.

12 MS. DALEY: And ---

13 MR. SIRRS: And I expected that they would
14 come forth and do an investigation. In fact, I was
15 surprised when they told me -- asked me to do the
16 preliminary.

17 MS. DALEY: Given the seriousness of what
18 was at issue, you would have thought that the inspection
19 and investigation branch would be involved in the first
20 instance?

21 MR. SIRRS: That's correct.

22 But I didn't object to being asked to do
23 that.

24 MS. DALEY: I understand that, but it
25 surprised you?

1 **MR. SIRRS:** Yeah.

2 **MS. DALEY:** I want to follow up on something
3 else you spoke about this morning. If I understood you
4 correctly, you testified that at some time after may of '82
5 when the situation arose, it occurred to you that other
6 staff in the office may indeed have had knowledge about Mr.
7 Barque's relations with probationers. Do you recall that?

8 **MR. SIRRS:** They may have.

9 **MS. DALEY:** Right.

10 **MR. SIRRS:** I had no knowledge of that.

11 **MS. DALEY:** But when did that thought occur
12 to you?

13 **MR. SIRRS:** I can't tell. I can't say when
14 it was.

15 **MS. DALEY:** While you were still at Cornwall
16 though?

17 **MR. SIRRS:** Oh, yes, yeah.

18 **MS. DALEY:** Do you recall the circumstances
19 that triggered that thought?

20 **MR. SIRRS:** It just seemed to make some
21 sense to me at the time that they may have known something
22 about it. I mean, when you work with people over an
23 extended period of time, you observe things that happen,
24 and so that was the basis of my feeling.

25 **MS. DALEY:** It just stands to reason?

1 **MR. SIRRS:** That's my feeling, yes.

2 **MS. DALEY:** All right.

3 **MR. SIRRS:** But that's not to allude that to
4 anyone in particular or even that it was something that
5 other staff knew.

6 **THE COMMISSIONER:** Yeah, but was there a
7 policy at the time, do you now?

8 **MR. SIRRS:** Oh, there was a policy at the
9 time, staff works. If they knew of something that was
10 going on in the office that was inappropriate they were
11 required to advise their management, either directly to
12 their manager or, if that wasn't satisfactory, to a more
13 senior manager.

14 **MS. DALEY:** All right.

15 **THE COMMISSIONER:** So given that you had
16 that thought, would it have been appropriate for you to
17 issue a memo or have a meeting to say "Ladies and
18 Gentlemen, I want to remind you that in the event that you
19 do see or feel that there is something inappropriate you
20 report that to me", something like that?

21 **MR. SIRRS:** That would be a reasonable -- in
22 retrospect probably that would have been a good idea to do.

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

24 You gave some testimony here today about I
25 guess a very brief interview that you had. Let me just

1 help you with this -- in or about -- and I think this was
2 the telephone interview that you had with a police officer
3 in January of 1995.

4 MR. SIRRS: Yes.

5 MS. DALEY: Did you learn that other members
6 of your staff and, in particular, Ms. Leger, Ms. Quinn and
7 Mr. van Diepen were also interviewed at that time?

8 MR. SIRRS: I don't recall if I knew that.

9 MS. DALEY: All right.

10 I'm going to put a few specific little facts
11 to you that they spoke about and see if you ever had any
12 knowledge of these facts, sir.

13 Had you ever heard or had it come to your
14 attention in any way that Mr. Barque made requests to be
15 assigned younger probationers?

16 MR. SIRRS: I wasn't aware of that.

17 MS. DALEY: Had it ever come to your
18 attention that he made requests to be assigned people who
19 had been sentenced on sexual offences?

20 MR. SIRRS: No.

21 Was this prior to my arrival there or ---

22 MS. DALEY: The information I have isn't
23 specific.

24 MR. SIRRS: Yes.

25 MS. DALEY: But this is information that

1 comes from Ms. Leger.

2 MR. SIRRS: I see. Okay.

3 MS. DALEY: I take it it had come to your
4 attention obviously that he had a lock on his door?

5 MR. SIRRS: When the incident -- when the
6 information came to my attention, I did examine his office
7 ---

8 MS. DALEY: Yes.

9 MR. SIRRS: --- and that's when I discovered
10 the lock.

11 MS. DALEY: All right.

12 So someone told you about that and then you
13 verified that there was indeed a lock?

14 MR. SIRRS: No, nobody told me about it. I
15 saw it myself.

16 MS. DALEY: Oh, I see. Okay.

17 And did it come to your attention that
18 certain of his probationers had their appointments
19 scheduled in evening hours?

20 MR. SIRRS: Well, that was not an uncommon
21 practice, but I did not know that they had evening hours at
22 11 o'clock in the evening.

23 MS. DALEY: All right.

24 I wanted to move to your conversations with
25 the three police officers who are referenced in your

1 preliminary report.

2 MR. SIRRS: Yes.

3 MS. DALEY: It may be of some help to you to
4 have the report handy. That is Exhibit 125, the second
5 portion of that exhibit, sir.

6 MR. SIRRS: Yes, okay. Okay. I have it.
7 What page did you want me to?

8 MS. DALEY: You have that? At page 2 and
9 following your report mentions your contacts with the
10 police officers.

11 MR. SIRRS: Yes, okay.

12 MS. DALEY: I take it that the gist of what
13 the gentleman from the RCMP said to you was that he had
14 heard rumours?

15 MR. SIRRS: Yes.

16 MS. DALEY: And did you ask him from whom?

17 MR. SIRRS: No.

18 MS. DALEY: Did you ask him if he had heard
19 rumours about probationers other than Mr. Sheets?

20 MR. SIRRS: I don't believe so.

21 MS. DALEY: All right.

22 MR. SIRRS: I'm not even sure that I
23 mentioned the probation office -- or the probationer's
24 names when I spoke to him.

25 MS. DALEY: All right.

1 He's the only person from the RCMP you spoke
2 to?

3 MR. SIRRS: Yes.

4 MS. DALEY: Did you ask him to put you in
5 contact with any other officers in his detachment who may
6 have information or have heard other rumours?

7 MR. SIRRS: No.

8 MS. DALEY: Did you express to him ---

9 MR. SIRRS: I would have expected him to
10 voluntarily provide that information if there were other
11 people that had information on this matter.

12 MS. DALEY: All right.

13 MR. SIRRS: He's used to doing
14 investigations.

15 MS. DALEY: So you left it to him to tell
16 you?

17 MR. SIRRS: I left him to tell me because
18 that would be a logical outcome.

19 MS. DALEY: Did you express any displeasure
20 to him that he hadn't told you earlier about the rumours he
21 was aware of?

22 MR. SIRRS: Yes.

23 MS. DALEY: Did you let him know that you
24 hoped that changed in the future?

25 MR. SIRRS: You betcha.

1 **MS. DALEY:** Concerning Officers Masson and
2 Laroche of the Cornwall Police Services, I take it that
3 obviously they had also heard rumours?

4 **MR. SIRRS:** That's correct. That's what
5 they said.

6 **MS. DALEY:** Did you ask them the source of
7 that information?

8 **MR. SIRRS:** No, not directly. I took that
9 information to be the result of their just general
10 conversations among themselves and with more junior
11 officers.

12 **MS. DALEY:** I would like you to look,
13 please, at the third page of your report. It's Bates page
14 1001832.

15 **MR. SIRRS:** Yes.

16 **MS. DALEY:** And if I could ask you to look
17 at the top paragraph? Just read the second sentence to
18 yourself.

19 **MR. SIRRS:** This has to do with Sergeant
20 Masson?

21 **MS. DALEY:** Yes.

22 **MR. SIRRS:** Counselling Mr. Barque?

23 **MS. DALEY:** That's the one.

24 **MR. SIRRS:** Yes.

25 **MS. DALEY:** And the way you've written this,

1 you say that what's been discussed between Masson and
2 Barque is his too close association with probationers, and
3 it says particularly Sheets. Does that not suggest that
4 Masson implied to you that there could have been others
5 than Sheets?

6 **MR. SIRRS:** Yes, that would be an
7 interpretation you could take.

8 **MS. DALEY:** If you look at the very next --
9 the next paragraph, first line, Masson is telling you that:
10 "Barque has, on several occasions,
11 intervened with police on behalf of
12 probationers."

13 And again, that suggests that this is more
14 than just Sheets, correct?

15 **MR. SIRRS:** Well, the interventions perhaps,
16 yes.

17 **MS. DALEY:** Okay. So ---

18 **THE COMMISSIONER:** No, no, sorry, but
19 probationers, plural.

20 **MS. DALEY:** Yes.

21 **THE COMMISSIONER:** So on several occasions
22 could be with one probationer. I mean:

23 "Serjeant Masson further stated that
24 Mr. Barque had, on several occasions,
25 intervened with police on behalf of

1 **THE COMMISSIONER:** Of course.

2 **MR. SIRRS:** But also, if there's the
3 suggestion to be made as to how the matter might be dealt
4 with.

5 **MS. DALEY:** That's quite fair in general
6 terms.

7 **MR. SIRRS:** Yes.

8 **MS. DALEY:** But in the circumstances
9 involving Barque, I think we know what happened is ---

10 **MR. SIRRS:** Yeah, I understand.

11 **MS. DALEY:** --- that because he had had a
12 sexual relationship, he was intervening where he shouldn't
13 have.

14 **MR. SIRRS:** That's correct.

15 **MS. DALEY:** Fair?

16 **MR. SIRRS:** That's correct.

17 **MS. DALEY:** And clearly that's what you were
18 concerned about, right?

19 **MR. SIRRS:** Yes.

20 **MS. DALEY:** And this does suggest that
21 perhaps it happened with more than just Mr. Sheets; fair?

22 **MR. SIRRS:** Yes.

23 **MS. DALEY:** There's one other passage here I
24 just want to -- I'm not seeing it. Just give me a second
25 and I'll find it.

1 (SHORT PAUSE/COURTE PAUSE)

2 MS. DALEY: Sorry, just give me one second.

3 I know it's here. It's escaping me. Just one second.

4 (SHORT PAUSE/COURTE PAUSE)

5 MS. DALEY: Did it come up in your
6 discussions with the police officers -- and I will find it
7 -- that they -- I'm sorry; I'm staring right at it, the top
8 of page 3. So that's 1001832.

9 MR. SIRRS: Yes.

10 MS. DALEY: And it's Mr. Masson indicating
11 to you that he was aware of these rumours for some time but
12 had no specific information by which to proceed with
13 criminal charges, particularly since the probationer whose
14 name we're not going to mention had indicated he would not
15 act as a witness.

16 MR. SIRRS: That's correct.

17 MS. DALEY: And just to help you with that
18 piece of it, if you go back to the prior page, the very
19 last paragraph, that particular probationer is also
20 mentioned in the last three lines ---

21 MR. SIRRS: Yes.

22 MS. DALEY: --- and he's the person who had
23 alleged a sexual relationship between Barque and Sheets?

24 MR. SIRRS: Yes.

25 MS. DALEY: All right.

1 So putting those two pieces of information
2 together, did you ask Mr. -- Sergeant Masson what charges
3 he was contemplating or could have been contemplating?

4 **MR. SIRRS:** No.

5 **MS. DALEY:** Do you think it was sexual
6 offences under the *Criminal Code*?

7 **MR. SIRRS:** I have no idea.

8 **MS. DALEY:** Did you at that time, sir,
9 understand -- the *Criminal Code* has obviously changed since
10 then, but at that time did you understand the nature of the
11 sexual offences that were within the *Criminal Code*?

12 **MR. SIRRS:** I had read them at the time but
13 I -- I wouldn't be able to relate what their -- how they
14 were set out right now.

15 **MS. DALEY:** Would you recall enough to know
16 that for the offence of gross indecency, no defence of
17 consent existed if the individuals were under 21 years of
18 age?

19 **MR. SIRRS:** Off the top of my head, I
20 wouldn't recall that, no.

21 **MS. DALEY:** But you knew that -- you would
22 have known that at the time?

23 **MR. SIRRS:** I would have known that at the
24 time and so would the Crown.

25 **MS. DALEY:** Of course. And so would the

1 police officers?

2 MR. SIRRS: That's correct; we would hope.

3 MS. DALEY: I'm just a little curious about
4 the language that you use in the second last paragraph of
5 page 3 of the report, and here you're introducing the
6 informal complaint that the police received from the
7 building superintendent at the Court building. I guess I'm
8 just wondering if you can help us at all. What did you
9 understand by an "informal complaint"?

10 MR. SIRRS: Page 3?

11 MS. DALEY: Yes.

12 MR. SIRRS: Oh, I'm sorry, I'm looking at
13 the wrong ---

14 Would you refer me again to which paragraph
15 you're ---

16 MS. DALEY: Yeah, I'm sorry, sir.

17 So you should be on page 3 and it's the
18 second last paragraph, it starts with the words, "An
19 informal complaint had also been made".

20 MR. SIRRS: Oh, pardon me, I was on the
21 wrong page. Oh yes, okay.

22 MS. DALEY: Do you see that?

23 MR. SIRRS: Yes.

24 MS. DALEY: And then you obviously speak to
25 those people directly; you record what they say. But what

1 I'm curious about is this, in your years in law
2 enforcement, did you have an understanding as to what an
3 "informal complaint" consisted of?

4 MR. SIRRS: I don't think there's anything
5 that's informative in terms of complaint, in retrospect,
6 yeah.

7 MS. DALEY: I didn't either.

8 MR. SIRRS: Yes.

9 MS. DALEY: So if one complains to the
10 police, that's a formal complaint and they should
11 investigate?

12 MR. SIRRS: I would expect so, yeah.

13 MS. DALEY: And did you ever become aware
14 that there had been any investigation of Mr. Levert's
15 complaint?

16 MR. SIRRS: No.

17 MS. DALEY: Is that a circumstance that
18 concerned you?

19 MR. SIRRS: It does now then -- well,
20 actually, it concerned me at the time that the police
21 weren't taking any action.

22 MS. DALEY: Yes.

23 MR. SIRRS: And that they weren't advising
24 me of what was happening. Even if it was only rumour, I
25 should be afforded that information so I could inquire into

1 it.

2 **MS. DALEY:** I accept that.

3 In your conversation with these officers,
4 did you state to them that they had no business not acting
5 on complaints?

6 **MR. SIRRS:** I don't believe that would be my
7 prerogative to tell them that, that would be their
8 supervisor, ut I certainly told them that I was
9 disappointed that I didn't have the information.

10 **MS. DALEY:** Did you ever attempt to speak to
11 their supervisor about this?

12 **MR. SIRRS:** No.

13 **MS. DALEY:** When all is said and done, what
14 had occurred here is that at least three police officers
15 and the building superintendent of the Court building had
16 information to suggest that Barque was sexually involved
17 with probationers and, additionally, there was at least one
18 JP and an additional officer and that's Mr. Allaire?

19 **MR. SIRRS:** Yes.

20 **MS. DALEY:** Who had information to suggest
21 that Barque was letting probationers get away with
22 unacceptable behaviour, and obviously that's a circumstance
23 that concerned you deeply?

24 **MR. SIRRS:** Yes.

25 **MS. DALEY:** And you told us the full extent

1 of which you expressed that concern?

2 MR. SIRRS: Yes.

3 MS. DALEY: Did you ever form any conclusion
4 about why, in truth, these people had taken that approach
5 to Mr. Barque?

6 MR. SIRRS: It was my sense that they
7 regarded probation officers to some degree as colleagues,
8 and in the same way that police have often overlooked
9 behaviour on the part of their colleagues.

10 MS. DALEY: They treated Mr. Barque the same
11 way?

12 MR. SIRRS: Well, that -- that would -- that
13 would be my sense of it; not totally as a colleague but an
14 associate, perhaps.

15 MS. DALEY: Right.

16 MR. SIRRS: He was in the criminal justice
17 system.

18 MS. DALEY: Clearly, the conclusion you drew
19 is that they protected him?

20 MR. SIRRS: Yes. Until such time as
21 inquiries were made and then they talked about the rumours.

22 MS. DALEY: Right. On that basis, would you
23 perhaps not suspect that Ken Seguin, or indeed any other
24 officer in your office, would have been treated the same
25 way by the police?

1 **MR. SIRRS:** Thinking back on it now, yeah,
2 that's a -- that's a conclusion that you can draw.

3 Now, bear in mind that my responsibility or
4 my task at this time was to find if there was any substance
5 to the complaints.

6 **MS. DALEY:** I understand that.

7 **MR. SIRRS:** Not to be doing necessarily a
8 full and thorough investigation, and that was to be left to
9 those who are more adept and -- and experienced at that
10 sort of thing.

11 **MS. DALEY:** By that you mean your internal
12 investigators ---

13 **MR. SIRRS:** Yes.

14 **MS. DALEY:** --- Mr. Clair -- his last name,
15 please?

16 **MR. SIRRS:** McMaster.

17 **MS. DALEY:** Clair McMaster.

18 **MR. SIRRS:** And Robert Porter.

19 **MS. DALEY:** Understood.

20 If I understood you correctly, by May of
21 1982 -- you say "suspicion" was too strong a word, but you
22 did have concerns and questions about Mr. Seguin; correct?

23 **MR. SIRRS:** Well, even that's probably too
24 strong. I considered it.

25 And based on the information that I had that

1 was available to me, it was my conclusion that he was too
2 professional to get involved in something like that.

3 MS. DALEY: All right. But what prompted
4 the consideration was a feeling that he was likely
5 homosexual?

6 MR. SIRRS: Unfortunately, yes.

7 MS. DALEY: I'm not criticizing; it's an
8 assumption.

9 MR. SIRRS: No, it's -- yeah, at that time,
10 you know, that was kind of a possible indicator, I suppose.

11 MS. DALEY: Right.

12 MR. SIRRS: I wouldn't -- I wouldn't take
13 that as an excuse or a rationale for doing it again, at
14 this time.

15 MS. DALEY: I understand that, but in the
16 circumstances that existed, that was part of your thinking,
17 as was the fact that you had another probation officer who
18 was sexually involved with young men on the premises?

19 MR. SIRRS: That's correct.

20 MS. DALEY: And you knew that those two
21 individuals had worked together for a lengthy period of
22 time?

23 MR. SIRRS: Yes.

24 MS. DALEY: Now, did I understand you
25 correctly to say that of the three officers you spoke to,

1 you didn't put Mr. Seguin's name directly to any of them?

2 **MR. SIRRS:** No.

3 **MS. DALEY:** And you didn't sit down with Mr.
4 Seguin and ask him in a heart-to-heart way whether there
5 was anything he needed to tell you?

6 **MR. SIRRS:** No, I did not.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **MS. DALEY:** I take it, sir -- this was
9 touched on briefly at the conclusion of your examination
10 in-chief, but you did become, I guess, re-involved to a
11 certain extent in 1995 with allegations of sexual
12 misconduct emanating from the Cornwall office?

13 **MR. SIRRS:** Well, I was -- yeah, I was
14 questioned by the OPP person, officer.

15 **MS. DALEY:** Yes. And that ---

16 **MR. SIRRS:** When they become involved.

17 **MS. DALEY:** Okay.

18 **MR. SIRRS:** Other than that.

19 **MS. DALEY:** Other than that.

20 And you came to understand that -- or did
21 you come to understand that charges were eventually laid in
22 relation to a probationer named Albert Roy?

23 **MR. SIRRS:** Yes.

24 **MS. DALEY:** And that Mr. Barque pleaded
25 guilty to those charges?

1 **MR. SIRRS:** That's correct. Yeah, I
2 understood that.

3 **MS. DALEY:** And did you come to understand
4 that Mr. Roy also alleged that he had been sexually abused
5 by Ken Seguin?

6 **MR. SIRRS:** No, I didn't. I wasn't aware of
7 that.

8 **MS. DALEY:** Did you come to understand that
9 Mr. Roy alleged and Mr. Barque, by his guilty plea,
10 acknowledged that this sexual activity had occurred when
11 Mr. Roy was 16 years of age?

12 **MR. SIRRS:** I had no knowledge of that. I
13 didn't any -- understand or have any knowledge of the
14 details of the case.

15 **MS. DALEY:** Sir, I take it when Ms. Cardinal
16 took over Barque's caseload ---

17 **MR. SIRRS:** Yes.

18 **MS. DALEY:** --- it was not suggested that
19 there would be an historic review of his probationers. In
20 other words, a look at probationers that he'd dealt with in
21 the past, prior to 1982?

22 **MR. SIRRS:** My suggestion was for her to --
23 if there was any information or any concerns that arose out
24 of clients that were currently on probation, that she
25 should bring them -- bring it to my attention.

1 **MS. DALEY:** So it follows that prior
2 probationers, people whose files were closed by the time
3 Mr. Barque resigned, were not looked at at any point?

4 **MR. SIRRS:** No.

5 **MS. DALEY:** And ---

6 **MR. SIRRS:** At leastwise, not to my
7 knowledge.

8 **MS. DALEY:** Not while you were in Cornwell.

9 **MR. SIRRS:** Well, at least not to my
10 knowledge.

11 **MS. DALEY:** Yes. Well, do you -- you don't
12 have any reason to think anyone higher than you did that
13 type of review?

14 **MR. SIRRS:** No, but it could be that one of
15 those clients was subsequently charged with a criminal
16 offence and got back on probation. And so then another
17 officer would have that file.

18 **MS. DALEY:** Right. Right.

19 And just so that I understand what would
20 have been involved -- because I know that you didn't do
21 this, but would it have been possible to readily determine
22 at the time the names of probationers that had been on
23 probation with Mr. Barque in prior years?

24 **MR. SIRRS:** Yeah, yes.

25 **MS. DALEY:** And would those files have been

1 fairly accessible?

2 MR. SIRRS: Up to a certain period of time.
3 Files were retained for -- there was a retention schedule
4 for three and five years based on summary or indictable
5 offences, and then there was another group of files, and I
6 don't recall but they went by a letter, one letter in the
7 alphabet, that were retained for the archives, and they
8 were sent to Toronto.

9 MS. DALEY: So do I understand that, for
10 example, if someone had been on probation as the result of
11 a summary conviction offence, the file had a three-year
12 retention?

13 MR. SIRRS: Yes.

14 MS. DALEY: And if indictable, it was five
15 years?

16 MR. SIRRS: Yes.

17 MS. DALEY: And then this additional
18 category of files, can you help us any further as to what
19 type of probationers would have been on a more permanent
20 retention schedule?

21 MR. SIRRS: It wouldn't be type of
22 probationer, it would be by alphabet.

23 MS. DALEY: Right.

24 THE COMMISSIONER: Random. A random thing.

25 MR. SIRRS: Well, my recall is we -- the

1 retention schedule, when I was in North Bay, was the letter
2 C.

3 **THE COMMISSIONER:** So everybody with the
4 last name of C would -- I'm ---

5 **MR. SIRRS:** Oh, I'm sorry, yes.

6 **THE COMMISSIONER:** Anybody with the last
7 name of C would ---

8 **MR. SIRRS:** Their files would be retained
9 and boxed and sent to Toronto.

10 **MS. DALEY:** Oh.

11 **MR. SIRRS:** I don't know whether that system
12 has changed in the intervening period but that's my --
13 that's my recall.

14 **MS. DALEY:** Can you explain the logic to the
15 C retention, if there was any logic?

16 **MR. SIRRS:** Random selection, I suppose, but
17 other than that, I can't, no.

18 **MS. DALEY:** All right. All right.

19 But regardless of whether the files were
20 still accessible, it would have been readily determinable
21 who Barque had dealt with?

22 **MR. SIRRS:** Yes, we could go -- the whole
23 file system could have been gone through individually and
24 ascertained which probation officer or probation officers
25 were involved in the supervision of that case.

1 **MS. DALEY:** And presumably you could also
2 have determined which probationers were both -- dealt with
3 both by Ken Seguin and by Mr. Barque ---

4 **MR. SIRRS:** Yes.

5 **MS. DALEY:** --- because there are some that
6 were; right?

7 **MR. SIRRS:** Yes, yes.

8 **MS. DALEY:** Either on the same probation or
9 on different periods of probation.

10 **MR. SIRRS:** That's correct.

11 **MS. DALEY:** I don't know if you'll agree
12 with this proposition or not but hindsight is a wonderful
13 thing and applying hindsight, would it have been prudent
14 given what came to light in 1980 to do an historic review
15 of some of Mr. Barque's probationers?

16 **MR. SIRRS:** Certainly wouldn't have done any
17 harm. It would have taken some time but it could have been
18 done.

19 **MS. DALEY:** The reason I suggest that to
20 you, sir -- and I don't suggest, by the way, it was your
21 responsibility to do that, but the reason I suggest that is
22 had that been done, Mr. Roy's name would have come to light
23 in 1982.

24 **MR. SIRRS:** Yes, that's possible.

25 **MS. DALEY:** And ---

1 **MR. SIRRS:** Although he was -- wasn't his
2 probation back in 1975?

3 **MS. DALEY:** His allegations of sexual abuse
4 are from 1976, that's correct.

5 **MR. SIRRS:** Seventy-six. Yeah, so depending
6 on when his probation would have concluded it may have been
7 that his file would have been destroyed.

8 **MS. DALEY:** All right. But his name could
9 have been available?

10 **MR. SIRRS:** It may have been, yes.

11 **MS. DALEY:** And, again, applying hindsight,
12 if one had talked to Mr Roy, just as an example, in 1982,
13 one could perhaps have learned of his allegations of abuse
14 by both Messrs. Barque and Sequin?

15 **MR. SIRRS:** I suppose it's possible.

16 But pulling the file doesn't necessitate
17 necessarily interviewing.

18 **MS. DALEY:** I appreciate that.

19 **MR. SIRRS:** Yeah.

20 **MS. DALEY:** I know those would be separate
21 stops.

22 **MR. SIRRS:** That's right.

23 **MS. DALEY:** And you're aware -- are you
24 aware, sir, that ultimately in or about 1998 Mr. Barque was
25 charged again ---

1 MR. SIRRS: Yes.

2 MS. DALEY: --- with sexual abuse of
3 probationers?

4 MR. SIRRS: Yes.

5 THE COMMISSIONER: Well, not ---

6 MR. SIRRS: No, I don't believe it was
7 probationers.

8 THE COMMISSIONER: Well ---

9 MR. SIRRS: Ninety-eight?

10 MS. DALEY: I'm sorry.

11 MR. SIRRS: He wasn't in the probation
12 service in '98.

13 MS. DALEY: I appreciate that.

14 THE COMMISSIONER: No, but it could have
15 been relating to ---

16 MS. DALEY: That's correct.

17 THE COMMISSIONER: --- probations, yeah.

18 MS. DALEY: That's right.

19 Charges were brought against him in or about
20 June of 1998. I can help you with some details -- one
21 second.

22 (SHORT PAUSE/COURTE PAUSE)

23 MS. DALEY: Sir, I'm referring to some other
24 evidence that we've had here.

25 MR. SIRRS: Yes, okay.

1 **MS. DALEY:** And just to help you with your
2 recollection, that in or about June of 1998, Mr. Barque was
3 charged with indecent assault on Robert Sheets, that's a
4 name we know, and on another probationer who has a moniker
5 of C-45.

6 **MR. SIRRS:** I see, okay.

7 **MS. DALEY:** Did you know about that?

8 **MR. SIRRS:** No. I knew that he had been
9 charged, but I didn't know the -- any of the circumstances
10 of the charge.

11 **MS. DALEY:** Did you know that he killed
12 himself.

13 **MR. SIRRS:** Yes.

14 **MS. DALEY:** And did you also know after you
15 left Cornwall that Ken Seguin committed suicide?

16 **MR. SIRRS:** I found that out, yes.

17 **MS. DALEY:** Did you know that he did that at
18 a point-in-time after he became aware of an ex-probationer
19 named David Silmser and allegations that Mr. Silmser had to
20 make about sexual abuse by Mr. Seguin?

21 **MR. SIRRS:** I don't know the details, only
22 that he was approached and I believe that there was some
23 attempt to get Mr. Seguin to pay a probationer -- a former
24 probationer some money.

25 **MS. DALEY:** Yes.

1 **MR. SIRRS:** But the names and the other
2 circumstances around it, only that he committed suicide.

3 **MS. DALEY:** Apart from the names, did you
4 understand that the underlying issue between Mr. Seguin and
5 this individual related to an allegation of sexual abuse?

6 **MR. SIRRS:** Yes.

7 **MS. DALEY:** While that individual was a
8 probationer?

9 **MR. SIRRS:** That was my understanding at the
10 time, yeah.

11 **MS. DALEY:** I have a little bit more, sir,
12 but I'm happy to keep going or take the break as you wish.
13 Five, ten ---

14 **THE COMMISSIONER:** Keep going.

15 **MS. DALEY:** Keep going?

16 Mr. Groten in Kingston had supervised Mr.
17 Seguin prior to you?

18 **MR. SIRRS:** That is correct.

19 **MS. DALEY:** And I know that you attended
20 meetings in 1982 where Groten was present; correct?

21 **MR. SIRRS:** Yes.

22 **MS. DALEY:** Sir, did you ever raise any
23 concerns or any questions or any queries you had in your
24 mind about Mr. Seguin with Mr. Groten?

25 **MR. SIRRS:** I can't recall anything

1 specific, but it certainly makes sense that I would speak
2 to Bill to inquire whether he had any understanding or
3 knowledge of either Mr. -- well, particularly Mr. Barque.

4 **MS. DALEY:** Right.

5 **MR. SIRRS:** I don't think I would have
6 inquired about Ken.

7 **MS. DALEY:** All right.

8 **MR. SIRRS:** Although, I may have.

9 **MS. DALEY:** Now, at the same time as you are
10 completing your preliminary inquiry on Barque, obviously
11 you're also completing Ken's annual appraisal report?

12 **MR. SIRRS:** Yes.

13 **MS. DALEY:** And we looked at that briefly
14 this morning; that was Exhibit 967?

15 **MR. SIRRS:** Yes.

16 **MS. DALEY:** And in particular, sir, I'm
17 looking at the second page of that document, which is the
18 content. That's your comments on Mr. Seguin?

19 **MR. SIRRS:** Yes.

20 **MS. DALEY:** And by all means take a moment
21 to review this if you will, if you need to.

22 **MR. SIRRS:** Well, if you've got a particular
23 paragraph that you want to address ---

24 **MS. DALEY:** Well, I took it -- I took it
25 from what you said here, in particular the last paragraph,

1 that notwithstanding the difficulties you had in the office
2 coming from your relationship with Mr. van Diepen ---

3 MR. SIRRS: Yes.

4 MS. DALEY: --- that Ken was receptive and
5 supportive to you as a new manager in the office?

6 MR. SIRRS: Yes.

7 MS. DALEY: And I take it, given the
8 difficult climate in the office, that would have been a
9 real benefit to you to have ---

10 MR. SIRRS: Yes.

11 MS. DALEY: --- somebody like that support
12 you?

13 MR. SIRRS: Yes.

14 MS. DALEY: Particularly since it was
15 someone who was even senior to you in the profession?

16 MR. SIRRS: That's correct.

17 MS. DALEY: And I took it from this that in
18 a very difficult office environment, he was your ally?

19 MR. SIRRS: I wouldn't call him an ally, but
20 he was not -- he did not create any problematic issues for
21 me.

22 MS. DALEY: Beyond that ---

23 MR. SIRRS: He was a good friend of van
24 Diepen, you see, so that -- they were colleagues.

25 MS. DALEY: I understand that, but his

1 behaviour in the office supported your authority and
2 supported positive relations between you and the staff?

3 **MR. SIRRS:** He accepted my authority, yes.

4 **MS. DALEY:** Good.

5 And that would have been pretty important to
6 you at the time?

7 **MR. SIRRS:** Yes.

8 **MS. DALEY:** And I don't need to take you in
9 any great detail to any of the other reports. We have
10 already received them in evidence here, but for the
11 remainder of your time in the Cornwall office, your reports
12 concerning Mr. Seguin were very positive?

13 **MR. SIRRS:** Yes, I can believe that.

14 **MS. DALEY:** And indeed they spoke to
15 leadership abilities on your part?

16 **MR. SIRRS:** Yes, that's correct.

17 **MS. DALEY:** And the very last report, which
18 we have received here as an exhibit, suggested that he was
19 a good role model for other staff, in your view?

20 **MR. SIRRS:** That was my opinion at the time,
21 certainly.

22 **MS. DALEY:** After Mr. Barque left you in May
23 of '82, did you continue to hear rumours about him in the
24 community?

25 **MR. SIRRS:** I only heard that he had found

1 employment sometime later, but not much else.

2 **MS. DALEY:** Did it ever come to your
3 attention that some people in the community were talking
4 about his activities, you know, his sexual involvement with
5 probationers?

6 **MR. SIRRS:** No.

7 **MS. DALEY:** You didn't become aware of that?

8 **MR. SIRRS:** I was not aware of that.

9 **MS. DALEY:** I take it you would have been
10 concerned if it had come to your attention?

11 **MR. SIRRS:** If it was involved with
12 probationers, by all means.

13 **MS. DALEY:** I'm referring now to his past
14 involvement when he was ---

15 **MR. SIRRS:** Oh, his past involvement? Well,
16 if that had come to my attention, I would have pursued it.
17 I would have reported it, as I did his situation in '82.

18 **MR. SIRRS:** All right.

19 **MS. DALEY:** I take it you heard no such
20 rumours?

21 **MR. SIRRS:** I heard no such rumours.

22 **MS. DALEY:** All right. Those are my
23 questions.

24 Thank you, sir.

25 **MR. SIRRS:** Thank you.

1 **THE COMMISSIONER:** Thank you.

2 Mr. Horn.

3 **MR. SIRRS:** Excuse me, Mr. Commissioner,
4 while I'm thinking of it and I -- Peter, I can't remember
5 how to pronounce your last name.

6 **MR. ENGELMANN:** Engelmann.

7 **MR. SIRRS:** Engelmann, yes. He made a
8 request of me as his last question if I would make any
9 suggestions.

10 **THE COMMISSIONER:** Yes.

11 **MR. SIRRS:** And I've had a thought that it
12 would be very advisable for the Ministry, if they haven't
13 done it already, to set out a directive on investigations
14 and probably provide some training to area managers or
15 managers on their appointment to management positions. I
16 think they probably do it for institutions because there's
17 a lot of grievance hearings in that area, but I don't think
18 they do it for -- or hadn't done it for Probation and
19 Parole area managers.

20 **THE COMMISSIONER:** All right. Thank you
21 very much.

22 **MS. DALEY:** Thank you.

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

24 **HORN:**

25 **MR. HORN:** Yes, my name is Frank Horn and

1 I'm representing the Coalition for Action, which is a
2 citizens group that has been in the forefront of agitating
3 for this public inquiry. I just want to ask you a few
4 questions.

5 Now, I understand that when you first came
6 to the office in Cornwall, Bill Groten was -- he was in
7 charge of the office or was he -- he was located in
8 Kingston?

9 MR. SIRRS: He was located in Kingston.

10 MR. HORN: So who was in charge in Cornwall?

11 MR. SIRRS: Prior to my arrival?

12 MR. HORN: When you came in.

13 MR. SIRRS: When I came here, I was in
14 charge of Cornwall.

15 MR. HORN: Okay. So there was nobody there
16 in charge of the office in Cornwall when you came in?

17 MR. SIRRS: Not directly. Not on site.

18 MR. HORN: So who -- so was that a new
19 position that you came into?

20 MR. SIRRS: Yes.

21 MR. HORN: It was created and you were the
22 first one?

23 MR. SIRRS: I will say a qualified yes.
24 Quite a number of years previously there had been an area
25 manager located in Cornwall and he was responsible for a

1 large area of Eastern Ontario, but that position was
2 subsequently moved to Ottawa.

3 MR. HORN: Okay. So, basically, what you
4 had was a satellite office in Cornwall with the management
5 in Kingston and coming down once or twice a month?

6 MR. SIRRS: Once or twice a month or as
7 otherwise required or requested, yes.

8 MR. HORN: So you had an office with four
9 probation officers, three were senior and one was a junior
10 in this office here?

11 MR. SIRRS: Yes.

12 MR. HORN: And was there any situation as to
13 who it was that was the most senior and who was in charge
14 when you came into the situation?

15 MR. SIRRS: It was apparent that Mr. Seguin
16 was the most senior, but he wasn't in charge.

17 MR. HORN: Well, who would you feel
18 everybody would be looking to as basically the one that was
19 in charge, because they had an office there and ---

20 MR. SIRRS: Yeah. Well, I think that's not
21 a fair question because they would look to Mr. Seguin if
22 they wanted advice on supervision of clients, but in terms
23 of being in charge, they would make their phone calls to
24 Kingston.

25 MR. HORN: Okay. So there was really --

1 there was nobody there watching the office and supervising
2 these directly?

3 **MR. SIRRS:** No.

4 **MR. HORN:** And there was nobody there among
5 themselves who was kind of like the senior person watching
6 the others?

7 **MR. SIRRS:** Not watching the others.

8 **MR. HORN:** No. And also, you had satellite
9 offices in Brockville and L'Orignal?

10 **MR. SIRRS:** When I became -- when I came
11 there as area manager, yes.

12 **MR. HORN:** Okay. Now, when you came in
13 there as the manager, did you speak French?

14 **MR. SIRRS:** No.

15 **MR. HORN:** Okay. So you would have gone to
16 L'Orignal and other places where that was required, French,
17 wouldn't you?

18 **MR. SIRRS:** There was a probation officer in
19 L'Orignal that was fluently bilingual.

20 **MR. HORN:** Okay. So they had their own
21 office there?

22 **MR. SIRRS:** Yes.

23 **MR. HORN:** And you were supervising him?

24 **MR. SIRRS:** Yes.

25 **MR. HORN:** And you were also supervising in

1 Brockville?

2 MR. SIRRS: That's correct.

3 MR. HORN: Did you remain under the
4 supervision of Bill Groten?

5 MR. SIRRS: Oh, no, no, Bill Groten and I
6 were on equal level.

7 MR. HORN: You were on equal levels once you
8 were put in here?

9 MR. SIRRS: Yeah, that's right.

10 MR. HORN: Okay. And ---

11 MR. SIRRS: He had similar responsibilities
12 in Kingston.

13 MR. HORN: So when you came into this
14 office, there was four probation officers and two staff
15 that were there. Did you have a feeling that Mr. Groten
16 didn't really have a handle on what was going on in
17 Cornwall?

18 MR. SIRRS: No.

19 MR. HORN: Pardon?

20 MR. SIRRS: No.

21 MR. HORN: He knew everything that was going
22 on there?

23 MR. SIRRS: Well, not on a day-to-day basis,
24 but he made contact and maintained contact with all of his
25 staff on his visits.

1 **MR. HORN:** Okay. So basically what you're
2 saying is you had somebody who was keeping contact with
3 people in Cornwall by telephone, and he'd come once in a
4 while, and you're saying that was enough?

5 **MR. SIRRS:** Once or twice a month, yes.

6 **MR. HORN:** Well, those problems in the
7 office -- and obviously there was; you found that out later
8 -- that couldn't have been uncovered with the setup that
9 was set up before you came there?

10 **MR. SIRRS:** Well, the phone call laying the
11 complaint initially was made to Mrs. Léger, who in turn
12 related that phone call to me. Now, if I hadn't been there
13 or if this had been prior to my arrival, she would have
14 made that complaint, not aware, to Mr. Groten in Kingston
15 and he would have undertaken the same course of action,
16 similar to what I did.

17 **MR. HORN:** So when you came to the office,
18 there was no real chain of command other than Mr. Groten.
19 If there was a problem, what was the procedure that was in
20 place when -- if there was a problem and it was discovered
21 when you first came there?

22 **MR. SIRRS:** I'm sorry, I don't understand --

23 -

24 **MR. HORN:** Okay. All right.

25 Let's say ---

1 MR. SIRRS: --- what you're getting at.

2 MR. HORN: Let's say it was discovered that
3 there was improprieties going on ---

4 MR. SIRRS: Yes.

5 MR. HORN: --- between a probation officer
6 and his client ---

7 MR. SIRRS: Yes.

8 MR. HORN: --- and when you came there --
9 and prior to coming there, Mr. Groten was in Kingston and
10 the office was here?

11 MR. SIRRS: Yes.

12 MR. HORN: If there was a problem, what was
13 the procedure in place at that time?

14 MR. SIRRS: If it became known, you mean?

15 MR. HORN: Yes.

16 MR. SIRRS: By one of the staff in the
17 office?

18 MR. HORN: If they found out and then it
19 flared up and there was a situation that occurred?

20 MR. SIRRS: Similarly to what happened in my
21 situation?

22 MR. HORN: Yes.

23 MR. SIRRS: As I say, Mrs. Léger would have
24 called the area manager in Kingston, Mr. Groten, and
25 advised him of that.

1 **MR. HORN:** And then he would have had to
2 come down and ---

3 **MR. SIRRS:** Well, certainly.

4 **MR. HORN:** --- straighten things up?

5 **MR. SIRRS:** Certainly. Yeah, he would have
6 done the same thing. He would have contacted Mr.
7 Toffelmire and would have been advised to contact the
8 inspectors who, in turn, would have suggested that he come
9 down and do an inquiry, an investigation.

10 **MR. HORN:** Now, would you say that a lot of
11 the problems may have occurred because Mr. Groten wasn't on
12 site?

13 **MR. SIRRS:** I don't believe that to be the
14 case.

15 **MR. HORN:** Pardon?

16 **MR. SIRRS:** I don't believe that to be the
17 case.

18 **MR. HORN:** Well, you had three probation
19 officers who are on basically on even level and two of them
20 were trying to get the area position, weren't they?

21 **MR. SIRRS:** Yes.

22 **MR. HORN:** Mr. Van Diepen and Mr. Seguin?

23 **MR. SIRRS:** Mr. Seguin. Yes.

24 **MR. HORN:** Would there have been any
25 animosity between them because they were fighting for that

1 position?

2 **MR. SIRRS:** Oh that, I have no knowledge.
3 They were colleagues and they were friends and I don't know
4 of any resentment that existed between the two of them.
5 They both came down together when they came to the
6 assessment center, and they were friendly down there.

7 To the best of my knowledge, they went
8 together to dinner, so I don't believe -- now if one had
9 been successful over the other, there may have been, but at
10 best, conjecture.

11 **THE COMMISSIONER:** Just a minute.

12 I've also seen the documents at some point
13 and I don't know if it's related to this time period, a
14 note from Mr. Seguin withdrawing from a competition for an
15 area manager's job. So I don't know if it applies to this
16 time -- period in time or later but, we should check that
17 as well.

18 **MR. HORN:** Yes, so were you aware of that?

19 **MR. SIRRS:** Having read the documents
20 recently, yes.

21 **MR. HORN:** Did that take place before you
22 were there?

23 **MR. SIRRS:** No, no, this was some time
24 later. Quite a bit later.

25 **MR. HORN:** Afterwards?

1 **MR. SIRRS:** Yeah. I think this had to do
2 with the position for which -- actually, the position that
3 became vacant when I left to go to Ottawa.

4 **MR. HORN:** Okay. So really you didn't feel
5 any bad feelings towards you by Ken Seguin when you got the
6 job, but van Diepen didn't take it too well?

7 **MR. SIRRS:** That's correct. That's my --
8 that was my feeling.

9 **MR. HORN:** Okay. Now, in what he was doing
10 in kind of disrupting the office, did you attribute it all
11 to the fact that you got the job or could it have been
12 other reasons?

13 **MR. SIRRS:** I would attribute it to the fact
14 that I was selected for that position, plus it also had to
15 do with Mr. van Diepen's personality.

16 **MR. HORN:** Is it possible that because there
17 was a set up there and you were an outsider being brought
18 in you might discover things that were going on there?

19 **MR. SIRRS:** I don't know that ---

20 **MR. HORN:** You're not part of whatever it
21 was that was going on there?

22 **MR. SIRRS:** I don't think it was necessarily
23 that, at least not of which I would conclude, but I think
24 that Mr. van Diepen had strong feelings about being
25 directly supervised.

1 **MR. HORN:** So you don't believe that it had
2 anything to do with them hiding and you were an outsider
3 who isn't partying, you're suddenly coming -- brought into
4 the situation and you may discover something?

5 **MR. SIRRS:** Well, from what little
6 understanding I have of Mr. van Diepen, I don't believe
7 that he would ever get involved in hiding something like
8 this.

9 **MR. HORN:** Okay. so he would have -- if he
10 would have known about what was going on he would have done
11 something, you think?

12 **MR. SIRRS:** I think he would have advised.
13 If he had known absolutely that something was going on, I
14 think he would have advised somebody.

15 **MR. HORN:** So he was -- when all of this was
16 going on there were two in the office who were involved in
17 -- and having problems and this was hidden ---

18 **MR. SIRRS:** Yes.

19 **MR. HORN:** --- even from him?

20 **MR. SIRRS:** I have no idea what he knew
21 about it really. From my understanding of his personality,
22 he was "Mr. Straight".

23 **MR. HORN:** Okay. Now ---

24 **MR. SIRRS:** Very black and white.

25 **MR. HORN:** This was going on in an office in

1 which everybody's very close. They all -- they are there
2 every day and yet the RCMP knew about it and the city
3 police knew about things going on.

4 Did you ever wonder how it is that the
5 outside people knew and how did they find out about what
6 was going on in the office?

7 **MR. SIRRS:** They say they heard rumours.

8 **MR. HORN:** I know. The rumours must have
9 been going within the office too, wouldn't it?

10 **MR. SIRRS:** I guess it's possible.

11 **MR. HORN:** Pardon?

12 **MR. SIRRS:** It's perhaps is possible.

13 **MR. HORN:** Did they ever mention that it was
14 rumours that they heard from people in the office?

15 **MR. SIRRS:** No.

16 **MR. HORN:** So the rumours would have been
17 people talking on the street?

18 **MR. SIRRS:** I would operate on that
19 presumption that it was just their hearing off the street.

20 **MR. HORN:** Now there's an office there you
21 said, juvenile COMSOC. What was that?

22 **MR. SIRRS:** Well, two officers and a support
23 staff occupied the office in behind us and they supervised
24 clients under 16.

25 **MR. HORN:** Okay. So they were --

1 **MR. SIRRS:** They were physically separate
2 from us.

3 **MR. HORN:** Okay. What did they do?

4 **MR. SIRRS:** How do you mean, what did they
5 do?

6 **MR. HORN:** What was their role, or what was
7 their job?

8 **MR. SIRRS:** The same role as the probation
9 officers in my office except they were working with clients
10 under 16.

11 **MR. HORN:** Okay. So you had -- there were
12 two probation offices in the same building?

13 **MR. SIRRS:** Yes.

14 **MR. HORN:** And Malcolm Macdonald was in the
15 basement?

16 **MR. SIRRS:** That was my -- that was
17 subsequently my understanding, yes.

18 **MR. HORN:** Okay. And you said that Mr.
19 Malcolm MacDonald and Ken Seguin were friends?

20 **MR. SIRRS:** Yes.

21 **MR. HORN:** Was there any -- did you see any
22 of that kind of friendship between the other -- Mr. Barque?

23 **MR. SIRRS:** No.

24 **MR. HORN:** You didn't see that kind of
25 friendliness going on there?

1 **MR. SIRRS:** With Mr. MacDonald?

2 **MR. HORN:** Yeah, with Mr. MacDonald.

3 **MR. SIRRS:** No.

4 **MR. HORN:** Did you find out subsequently or
5 at that time about the allegations against Mr. MacDonald?

6 **MR. SIRRS:** I'm sorry, I don't understand.

7 **MR. HORN:** Okay. Mr. MacDonald.

8 **THE COMMISSIONER:** Malcolm MacDonald?

9 **MR. HORN:** I'm talking about Malcolm
10 MacDonald.

11 **THE COMMISSIONER:** Yes.

12 **MR. HORN:** Malcolm MacDonald was a lawyer in
13 the office -- in the building ---

14 **MR. SIRRS:** Yes.

15 **MR. HORN:** When did you -- did you ever find
16 out if there was any allegations against him about his
17 involvement with young people?

18 **MR. SIRRS:** When I learned of Ken Seguin's
19 death.

20 **MR. HORN:** That was the first time you ---

21 **MR. SIRRS:** Yes.

22 **MR. HORN:** --- found out?

23 **MR. SIRRS:** Yes.

24 **MR. HORN:** So there was -- the rumours that
25 were going around wasn't because Malcolm MacDonald was in

1 the building?

2 MR. SIRRS: Not of which I'm aware.

3 MR. HORN: Okay. Did you see anything
4 improper in the office? Was the office close to you, or --
5 -

6 MR. SIRRS: It was in the basement.

7 MR. HORN: Did you have any ---

8 MR. SIRRS: There's two floors and a
9 basement and there were offices in the basement.

10 THE COMMISSIONER: Did you ever go in the
11 basement?

12 MR. SIRRS: Yes, I did as a matter of fact.
13 There was another office down there, financial outfit, and
14 I dealt with them on one occasion.

15 MR. HORN: And the RCMP were also in the
16 same building?

17 MR. SIRRS: Yes.

18 MR. HORN: Okay. And Malcolm MacDonald was
19 working closely with the RCMP, I guess, because he was the
20 -- he was a prosecutor. Did you know that?

21 MR. SIRRS: I knew that he had been, yes,
22 and had left the office.

23 MR. HORN: So he would be working closely
24 with the RCMP and prosecutions ---

25 MR. SIRRS: No, no, I don't know what ---

1 **MR. HORN:** --- you don't know about that?

2 **MR. SIRRS:** I have no knowledge. That was
3 prior to my arrival.

4 **THE COMMISSIONER:** Okay. Are you saying
5 that Mr. Malcolm MacDonald was a federal prosecutor or ---

6 **MR. HORN:** That's what I understood. He's a
7 federal prosecutor. That's what I understood he was, a
8 federal prosecutor.

9 **THE COMMISSIONER:** Well ---

10 **MR. ENGELMANN:** He was the Crown agent here.

11 **THE COMMISSIONER:** Okay. Was he a
12 Provincial Crown attorney before?

13 **MR. ENGELMANN:** He was a Provincial Crown
14 attorney.

15 **THE COMMISSIONER:** Right.

16 **MR. ENGELMANN:** And then he went back into
17 private practice and then while he was in private practice
18 he was the agent for the federal Crown here.

19 **THE COMMISSIONER:** Okay.

20 **MR. ENGELMANN:** That was for many years. I
21 don't have the exact dates.

22 **THE COMMISSIONER:** That's fine. That's
23 fine.

24 Mr. Horn, how long do you think you are
25 going to be?

1 **MR. HORN:** I won't be that long.

2 **THE COMMISSIONER:** Okay.

3 **MR. HORN:** I won't be that long.

4 So he would have been in private practice at
5 that time?

6 **MR. SIRRS:** That was my understanding, yes.

7 **MR. HORN:** So he wasn't a Crown, the
8 Provincial Crown, at that time?

9 **MR. SIRRS:** I didn't believe -- I didn't
10 understand him to have any relationship there.

11 **MR. HORN:** So he probably at that time was
12 the federal agent?

13 **MR. SIRRS:** Well, he may very well have
14 been.

15 **MR. HORN:** You didn't know that?

16 **MR. SIRRS:** I didn't know that.

17 **MR. HORN:** And the RCMP were in the same
18 building?

19 **MR. SIRRS:** That's correct.

20 **MR. HORN:** So looking back, you didn't see
21 any relationship or close relationship with the RCMP and
22 Malcolm MacDonald?

23 **MR. SIRRS:** No. I don't supervise the RCM
24 Police.

25 **MR. HORN:** Okay. When you first came into

1 the office -- now Bill Groten was in Kingston -- if you
2 want to find out what you're getting yourself into -- your
3 coming -- walking into a new office, a new position, what
4 steps would you immediately take -- you were taught -- I
5 guess you were taught how to take over an office wouldn't
6 you as -- in your training?

7 **MR. SIRRS:** Well, I guess they assume
8 because I was a good probation officer that I would be a
9 good area manager.

10 But in any event, when I arrived initially I
11 went to Kingston and spent a few days with Mr. Groten and
12 his admin clerk because she was going to be doing much of
13 my administration duties for the time being, and then we
14 came to Cornwall for the balance of the week and got --
15 became acclimatized or introduced into the office.

16 So I had a week to spend with Mr. Groten and
17 during that period of time he discussed with me what he
18 felt were the qualities of the staff that were on hand and
19 any issues.

20 So when you took over the office, you were
21 new to this kind of work as an administrator?

22 **MR. SIRRS:** Well, I'd had ample opportunity
23 to observe my own area manager in North Bay.

24 **MR. HORN:** Now -- but what I'm asking is
25 you're suddenly put into this administrative position.

1 **MR. SIRRS:** Yes.

2 **MR. HORN:** And you're given some training;
3 you met with Mr. Groten; you observed situations.

4 **MR. SIRRS:** Yes.

5 **MR. HORN:** Was there ever anybody that told
6 you to watch out for improper conduct between a probation
7 officer and his client?

8 **MR. SIRRS:** Not directly but that would be
9 something that I would know.

10 **MR. HORN:** You would know not by training
11 but just by commonsense?

12 **MR. SIRRS:** Well, commonsense or the
13 Ministry policy tells you that this is inappropriate.

14 **MR. HORN:** Oh, so there is -- was that part
15 of the training program? I mean, when you were being
16 trained.

17 **MR. SIRRS:** Well, probation officers have a
18 two-year training program including some in-class time but
19 certainly a lot of self-study. And part of it has to do
20 with law. And that would be part of it. That would be
21 part of that training. And that would apply to area
22 managers equally as it would to probation officers.

23 **MR. HORN:** There was a problem in the office
24 and you organized a workshop.

25 **MR. SIRRS:** Yes.

1 **MR. HORN:** At that workshop, you didn't
2 touch on anything like this, the problems that could exist
3 between clients and ---

4 **MR. SIRRS:** No, that wasn't ---

5 **MR. HORN:** --- the probation officer?

6 **MR. SIRRS:** No, that wasn't the intent.

7 **MR. HORN:** You didn't want to get into that
8 kind of stuff?

9 **MR. SIRRS:** No, that wasn't the intent of
10 that workshop. It was as one-day -- equivalent of a one-
11 day workshop. And it had to do with relationships in the
12 office; interpersonal relationships in the office.

13 **MR. HORN:** So you didn't go very deep into
14 what was the problem in that office, then. Everything was
15 covered up, because it said afterwards that things seemed
16 to work out a lot better.

17 **MR. SIRRS:** Well, the interpersonal
18 relationships improved, yes.

19 **MR. HORN:** Yes, they did but it didn't
20 uncover the problem that was there.

21 **MR. SIRRS:** The problem -- well, what
22 problem are you referring to?

23 **MR. HORN:** I'm talking about -- you had two
24 men that were working underneath you who were ---

25 **MR. SIRRS:** Well, that workshop ---

1 **THE COMMISSIONER:** Hold it, hold it, hold
2 it. Let him finish his question.

3 **MR. SIRRS:** I'm sorry, pardon me.

4 **MR. HORN:** You had two men working with you
5 who were both involved in improper behaviour with clients
6 that was found out. That workshop didn't do a thing for
7 it, did it, to find that out?

8 **MR. SIRRS:** Well, without prolonging it I
9 will say ---

10 **MR. NEVILLE:** If Mr. Horn could stick to the
11 evidence we've heard up to now, Mr. Commissioner; there's
12 one allegation against one person only.

13 **THE COMMISSIONER:** Well, with respect to
14 this question, yes.

15 First of all, Mr. Horn, I think the point
16 should be taken that when you're referring to Mr. Seguin
17 it's alleged.

18 **MR. HORN:** Okay.

19 **THE COMMISSIONER:** With Mr. Barque, he
20 pleaded guilty so there's that. And so carry on in that
21 regard.

22 **MR. HORN:** Okay, all right.

23 So there were two men that were working for
24 you; one allegedly was involved in improper behaviour.
25 You've heard about it subsequently or at that time?

1 **MR. SIRRS:** Subsequently.

2 **MR. HORN:** And then you found out about Mr.
3 Barque.

4 Now, you had these two men working for you.
5 The problem must have been there. The problem must have
6 been there when you first came into the office, would you
7 think it was there?

8 **MR. SIRRS:** To the best of my knowledge, I
9 subsequently found out that those activities were ongoing,
10 yes.

11 **MR. HORN:** And that was going on when you
12 first came into the office.

13 **MR. SIRRS:** That's correct.

14 **MR. HORN:** And so you saw there was a
15 problem and you put your finger on the fact that you took
16 van Diepen's position, and that was the source of the
17 problem>

18 **MR. SIRRS:** Well, there were two different
19 situations; two different issues.

20 **MR. HORN:** Pardon?

21 **MR. SIRRS:** There were two different issues.
22 One is not related to the other.

23 **MR. HORN:** But it would seem that the
24 problem was there but you never went very deep. All you
25 blamed it on was interpersonal relationships between

1 probation officers and yourself.

2 **THE COMMISSIONER:** Mr. Horn.

3 **MR. HORN:** I'm sorry.

4 **THE COMMISSIONER:** Well, okay.

5 I don't take shots but, Mr. Horn, no.

6 **MR. HORN:** Okay, all right.

7 See, we're -- the concern is that there was
8 a situation that was there; you came in. We don't want
9 that to be repeated in the future.

10 **MR. SIRRS:** I don't think anyone wants to
11 have something like that repeated.

12 **MR. HORN:** All right.

13 So what do you -- in retrospect, what should
14 have been done?

15 **MR. SIRRS:** Where do you want me to begin?

16 **MR. HORN:** You walked into a job; you won
17 the -- and you find out afterwards that there was a big
18 problem that was there.

19 **MR. SIRRS:** Yes.

20 **MR. HORN:** Right?

21 **MR. SIRRS:** Yes.

22 **MR. HORN:** So what do you think the steps
23 that you could have taken to make sure that you would have
24 found out about these things?

25 **MR. SIRRS:** I don't believe there was any

1 way that -- any steps that I could have taken individually
2 to uncover this particular issue. However, I do believe
3 had the police come to my attention -- brought it to my
4 attention, particularly with the named probationers, then
5 we could have then begun an investigation and I would have
6 followed the appropriate course of action, as I did.

7 **MR. HORN:** Okay.

8 **MR. SIRRS:** But that information, it would
9 not be -- come to me by simply reviewing the files or
10 interviewing probationers, or reviewing files that go back
11 three, five years because this kind of information would
12 not be contained in those files. Because who would be
13 foolish enough, engaging in this kind of behaviour, to make
14 a note of it, "Oh, I diddled this client. I diddled him on
15 such and such a night." I mean, let's be reasonable.

16 There was no outward information that I was
17 aware of that would have uncovered this situation until I
18 received this complaint.

19 **MR. HORN:** So you were -- you walked into a
20 job and you were -- had no suspicions whatsoever?

21 **MR. SIRRS:** Well, of course not.

22 **MR. HORN:** And that wasn't part of your
23 training to be suspicious or this kind of behaviour with
24 workers?

25 **MR. SIRRS:** It's not a question of not being

1 suspicious of people but you don't -- with no basis of fact
2 or understanding, you don't proceed upon any course of
3 action. You take people just as the courts do; innocent
4 until proven guilty. And until I had information to the
5 contrary, I accepted these as professional probation
6 officers.

7 **MR. HORN:** Sir, do you believe that the
8 moment you found out there was a problem you immediately
9 did something?

10 **MR. SIRRS:** I did.

11 **MR. HORN:** Okay. Up until then, you didn't
12 have a clue?

13 **MR. SIRRS:** I didn't have no knowledge of
14 that.

15 **MR. HORN:** Not any knowledge at all?

16 **MR. SIRRS:** No knowledge at all.

17 **MR. HORN:** Okay, thank you.

18 **THE COMMISSIONER:** Thank you.

19 Let's take the afternoon break.

20 **THE REGISTRAR:** Order; all rise. A l'ordre;
21 veuillez vous lever.

22 This hearing will resume at 3:30.

23 --- Upon recessing at 3:11 p.m./

24 L'audience est suspendue a 15h11

25 --- Upon resuming at 3:35 p.m./

1 L'audience est reprise a 15h35

2 **THE REGISTRAR:** This hearing is now resumed;
3 please be seated. Veuillez vous asseoir.

4 **THE COMMISSIONER:** Mr. Lee.

5 **MR. LEE:** Good afternoon, sir.

6 **THE COMMISSIONER:** I understand that you had
7 some problems at the light at the bridge last night?

8 **MR. LEE:** I have absolutely no idea what
9 you're talking about, sir.

10 **THE COMMISSIONER:** Oh, okay.

11 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

12 **MR. LEE:** Mr. Sirrs, my name is Dallas Lee.
13 I represent a group here known as the Victims Group.

14 And I should tell you that two of my clients
15 are Robert Sheets and C-44.

16 I don't expect to be terribly long with you
17 but I do have a few areas I'd like to canvass.

18 I don't need you to turn up your report
19 unless you'd like to but the last paragraph reads that:

20 "It is my judgment there is sufficient
21 information upon which to refer this
22 matter to the inspections branch of our
23 Ministry for a thorough investigation."

24 And you've testified a little bit, several
25 times actually, about using the phrase, "a thorough

1 investigation" or "a full and thorough investigation",
2 things along those lines.

3 That was your understanding of what the
4 investigations or the inspections branch would do?

5 MR. SIRRS: Yes.

6 MR. LEE: Can you flesh that out for us a
7 little bit? Did you have a picture in your mind of exactly
8 what you expected from them?

9 MR. SIRRS: No, not really.

10 MR. LEE: You've told us ---

11 MR. SIRRS: Apart from what I had done, I
12 assumed that they would speak with those individuals with
13 whom I had contact but I would have assumed that they would
14 have taken their investigation as far as the situation
15 warranted.

16 MR. LEE: Your investigation was
17 preliminary?

18 MR. SIRRS: Exactly.

19 MR. LEE: And theirs was not going to be?

20 MR. SIRRS: I wouldn't have understood it to
21 be.

22 MR. LEE: As an example, there were certain
23 witnesses you did not interview?

24 MR. SIRRS: Well, I would conclude there
25 were, yes.

1 **MR. LEE:** Robert Sheets as an example?

2 **MR. SIRRS:** Perhaps, yes.

3 **MR. LEE:** And Barque in particular; you
4 intentionally did not speak ---

5 **MR. SIRRS:** I did not speak to Mr. Barque.

6 **MR. LEE:** You left that to the Inspections
7 Branch?

8 **MR. SIRRS:** That's correct.

9 **MR. LEE:** Isn't it likely, sir, as the area
10 manager, you would have received a copy of the McMaster
11 Report after it was done?

12 **MR. SIRRS:** I may well have. I'm not aware
13 that I did. I can't recall that I did.

14 **MR. LEE:** But you have seen it since then?

15 **MR. SIRRS:** I have since seen it since then,
16 yes.

17 **MR. LEE:** Do you recall the first time you
18 saw that, sir?

19 **MR. SIRRS:** My recall was when I read it in
20 the binder that I received in anticipation of this hearing.

21 **MR. LEE:** But you concede you may well have
22 seen it back at the time?

23 **MR. SIRRS:** I may have. I don't think I'm
24 copied on it or anything of that nature. And that may have
25 been exclusively a Deputy Minister's document.

1 **MR. LEE:** One of the statements that's
2 referenced in the McMaster Report is the statement given by
3 Nelson Barque, and it's appended to it.

4 I want to take you to that statement for a
5 minute, if I could. It's Exhibit 902. I'm sorry, 902 is
6 the handwritten version. We have a typed version, which is
7 Exhibit 895. It's a little bit easier to work with.

8 **MR. SIRRS:** Yes, okay.

9 **MR. LEE:** You have that, sir?

10 **MR. SIRRS:** Yes.

11 **MR. LEE:** You'll see up at the top right-
12 hand corner it reads "Attachment No. 4"?

13 **MR. SIRRS:** Yes.

14 **MR. LEE:** And I can tell you that's a
15 reference to the McMaster Report that's referred to, and
16 that report is Attachment Number 4.

17 **MR. SIRRS:** Okay.

18 **MR. LEE:** And you'll see it's dated May 6,
19 1982 ---

20 **MR. SIRRS:** Yes.

21 **MR. LEE:** --- 10:10 a.m.?

22 **MR. SIRRS:** Yes.

23 **MR. LEE:** And if you -- it's only about a
24 page-and-a-half long, and if you scan through it, sir,
25 you'll see that Mr. Barque admits to having had sexual

1 relationships with C-44 and Mr. Sheets?

2 MR. SIRRS: Yes.

3 MR. LEE: And to having provided them with
4 alcohol?

5 MR. SIRRS: Yes.

6 MR. LEE: And he's asked at the top of the
7 second page whether he has anything he wishes to add to the
8 statement?

9 MR. SIRRS: Yes.

10 MR. LEE: Do you see that?

11 Were you surprised when you read this at how
12 short it was, sir?

13 MR. SIRRS: Well, I did recall at the time
14 that at about 10 o'clock or thereabouts, when Mr. Barque
15 had been invited to attend, the inspectors, probably Mr.
16 McMaster suggested I go for a coffee, whereupon I left the
17 office and I don't recall at which time I came back, but I
18 know that they weren't in my office very long.

19 MR. LEE: So to get this straight, the May
20 6, 1982 interview happens in the Cornwall Probation and
21 Parole office?

22 MR. SIRRS: That's correct, in my own -- the
23 area manager's office.

24 MR. LEE: Your personal office?

25 MR. SIRRS: That's correct.

1 **MR. LEE:** The investigators show up and they
2 ask you to leave?

3 **MR. SIRRS:** They suggest that I go for a
4 coffee.

5 **MR. LEE:** And you did that?

6 **MR. SIRRS:** Yes.

7 **MR. LEE:** And they weren't in your office
8 very long, and we know, obviously, that this is the
9 statement that they took while they were in there. Is that
10 right?

11 **MR. SIRRS:** That's what it appears to be,
12 yes.

13 **MR. LEE:** So the question I put to you was
14 when you looked at this, were you a little bit surprised at
15 -- I mean, I think you'll agree with me it's rather
16 superficial, wouldn't you?

17 **MR. SIRRS:** It served their purpose, I
18 guess.

19 **MR. LEE:** And you've told me that you've
20 seen the McMaster Report possibly at the time and, at the
21 very least, in preparation for this hearing.

22 When you looked at the McMaster Report, were
23 you surprised by the scope of it and the depth of it? Did
24 you expect more?

25 **MR. SIRRS:** I really don't know what I

1 expected from them. They came to the same conclusion that
2 I had, and I accepted that as the result of their
3 experience.

4 **MR. LEE:** You deferred to them?

5 **MR. SIRRS:** That's right.

6 **MR. LEE:** Changing topics, sir, you spoke
7 in-chief a little bit about some interactions you would
8 have had with other agencies in your role as area manager.
9 You told us, as an example, you tried to establish a
10 relationship with the courts and the police?

11 **MR. SIRRS:** Yes.

12 **MR. LEE:** Would it have been part of your
13 job to have become familiar with services offered around
14 the region that might assist your clients?

15 **MR. SIRRS:** I didn't have any clients.

16 **MR. LEE:** The clients of your office?

17 **MR. SIRRS:** Clients of my officers? They
18 had, by and large, established those contacts and they
19 dealt with the agencies that were appropriate for whatever
20 services they were looking for to assist their clients.

21 **MR. LEE:** That wasn't something you looked
22 into at all?

23 **MR. SIRRS:** No.

24 **MR. LEE:** There would have been employment
25 services, as an example, in the region. You wouldn't have

1 known anything about that?

2 MR. SIRRS: No more than I would have known
3 about employment services from my own experience as a
4 probation officer.

5 MR. LEE: Can I take you to Exhibit 910,
6 please? That's the curriculum vitae of Nelson Barque.

7 MR. SIRRS: Yes.

8 MR. LEE: And you've looked at this a little
9 bit. This is the document where you're mentioned as a
10 reference of employment ---

11 MR. SIRRS: A referral, yeah.

12 MR. LEE: Can you look at the first page?
13 My French isn't fantastic, sir, and I think you've said
14 you're not fluent in French, but you'll see that the first
15 underlined heading is "Éducation" on the first page?

16 MR. SIRRS: Yes.

17 MR. LEE: And then under that we have
18 "Intérêts et Marottes". My understanding, "Interests and
19 Hobbies".

20 MR. SIRRS: Oh yes, okay.

21 MR. LEE: And the first bullet point there
22 is the rehabilitation of alcoholics and drug addicts. Do
23 you see that?

24 MR. SIRRS: Yes.

25 MR. LEE: When you spoke with Mr. Landry,

1 did he ask you about that at all?

2 MR. SIRRS: I don't believe so.

3 MR. LEE: He didn't ask you whether or not
4 Mr. Barque had any experience working with the
5 rehabilitation of alcoholics and drug addicts?

6 MR. SIRRS: I don't believe so. I don't
7 recall that, no.

8 MR. LEE: Given what we know now about Mr.
9 Barque and some of his dealings in the probation office, I
10 take it you're somewhat surprised to see that he would list
11 that as one of his interests?

12 MR. SIRRS: Yes, I suppose. In some
13 respects, yeah.

14 MR. LEE: Well, he certainly did a rather
15 poor job ---

16 MR. SIRRS: A poor job of working with
17 clients, that's true.

18 MR. LEE: If you turn to page 2 of that
19 document, sir ---

20 MR. SIRRS: This is a full résumé. The
21 other one I just saw was the ---

22 MR. LEE: Right. I think we've had these
23 swapped a little bit. We found a -- Commission counsel
24 found a better version. I'm only interested in the first
25 two pages. The last note on the second page is his reason

1 for leaving.

2 MR. SIRRS: Yes.

3 MR. LEE: And as Mr. Engelmann took you to
4 the notes, he quit because of a conflict with Ministry
5 Regulations. Do you see that there?

6 MR. SIRRS: Yes.

7 MR. LEE: You know that Pierre Landry is
8 going to be called to testify after you. Is that right?

9 MR. SIRRS: That's my understanding.

10 MR. LEE: My understanding of what Mr.
11 Landry is expected to testify to is that that's the same
12 reason that you gave him about why Mr. Barque had left
13 Corrections, a disagreement or conflict over Ministry
14 Regulations.

15 Do you recall that, sir?

16 MR. SIRRS: No.

17 MR. LEE: Do you think it unlikely you would
18 have given that explanation, or is that most likely what
19 you would have said?

20 MR. SIRRS: I wouldn't have said that or any
21 other reason for his departure other than he had resigned.

22 MR. LEE: You wouldn't have discussed it at
23 all?

24 MR. SIRRS: No, for the reasons that I gave.

25 MR. LEE: Upon Mr. Barque being -- at the

1 time Mr. Barque resigned, did you have any discussion with
2 him about what he should tell people when asked why he was
3 leaving?

4 MR. SIRRS: No.

5 MR. LEE: Were you instructed by anybody at
6 the Ministry what you should tell people if asked why Mr.
7 Barque had left?

8 MR. SIRRS: No, I don't recall being
9 particularly instructed.

10 MR. LEE: Can I take you to your report,
11 please, sir, to Exhibit 125?

12 MR. SIRRS: Certainly. Yes, okay.

13 MR. LEE: On the first page of the
14 narrative, you set out what gave rise to the inquiries you
15 were making, being the phone call that Mrs. Leger received
16 from Ronald St-Louis. Is that right?

17 MR. SIRRS: That's correct.

18 MR. LEE: And you then -- as you've told us,
19 you spoke to Mr. St-Louis on April 8th, '82?

20 MR. SIRRS: That's correct.

21 MR. LEE: And if you look at the fourth
22 paragraph on that first page, you detail what the complaint
23 was. Is that right?

24 MR. SIRRS: Yes.

25 MR. LEE: Sorry, Madam Clerk, we're on page

1 -- that's the one there. We're looking at the fourth
2 paragraph.

3 **MR. SIRRS:** I'm looking at the fourth
4 paragraph, yes.

5 **MR. LEE:** Okay. So we have that:

6 "In his telephone of April 8th, Mr. St-
7 Louis was initially complaining in
8 respect of Mr. Barque's supervision of
9 one probationer, Robert Sheets."

10 **MR. SIRRS:** Yes.

11 **MR. LEE:** "Mr. St-Louis said he had
12 previously contacted Mr. Barque in
13 regard to Sheets' behaviour, in
14 particular, to Sheets' flagrant use of
15 alcohol and drugs, as well as an
16 incident which was also reported to the
17 Cornwall City Police."

18 Do you see that?

19 **MR. SIRRS:** Yes.

20 **MR. LEE:** Do you recall that being part of
21 the conversation, the fact that -- particularly, I'm
22 looking at the word "flagrant use of alcohol and drugs"?

23 **MR. SIRRS:** Well, that was my understanding
24 of what he said. That's how I reported it.

25 **MR. LEE:** And he goes on in the next

1 paragraph to talk about how Mr. Sheets would become violent
2 while under the influence?

3 MR. SIRRS: Yes.

4 MR. LEE: He had initiated a fight that
5 caused considerable damage?

6 MR. SIRRS: Yes.

7 MR. LEE: And that Mr. Sheets had threatened
8 Mr. St-Louis with personal injury?

9 MR. SIRRS: Yes.

10 MR. LEE: And then if we go over to the
11 second page, you continue on detailing the complaint. And
12 Mr. St-Louis moves from the specific incident that he's
13 concerned with to his concerns with Mr. Barque, and
14 specifically he writes:

15 "He claimed that Mr. Barque was aware
16 of Sheets' use of alcohol and drugs and
17 had in fact provided alcohol and drugs
18 to Sheets."

19 Do you see that there?

20 MR. SIRRS: Yes.

21 MR. LEE: And then he goes on in the rest of
22 that paragraph and talks about the sexual improprieties.
23 And then you -- that's the end of your chronology of the
24 complaint. And in the second paragraph on page 2, you
25 write that:

1 "Robert Sheets is currently on
2 probation under supervision by Mr.
3 Barque and has conditions that include
4 abstaining from the use of alcohol and
5 drugs."

6 **MR. SIRRS:** Yes.

7 **MR. LEE:** "A copy of this order is
8 attached along with those pertaining to
9 C-44."

10 **MR. SIRRS:** Yes.

11 **MR. LEE:** So you've agreed during your
12 cross-examination that you would have obviously at some
13 point pulled the files of Robert Sheets and of C-44 ---

14 **MR. SIRRS:** Yes.

15 **MR. LEE:** --- because you attach the
16 probation orders. You would have looked at those.

17 Can we take a look please at Exhibit 896?

18 **MR. SIRRS:** Okay.

19 **MR. LEE:** And this is titled "Intake
20 Information" and it's a Ministry of Corrections document?

21 **MR. SIRRS:** That's correct.

22 **MR. LEE:** And if we look in the top right-
23 hand corner, we see a client information number and the
24 officer is listed as N.A. Barque. Is that right?

25 **MR. SIRRS:** Oh, I'm sorry. Yes, yes.

1 MR. LEE: Do you see that?

2 MR. SIRRS: Yes.

3 MR. LEE: And we see that the date the filed
4 was opened was January 14th, '82, which is one day after the
5 pre-sentence report date. Is that right?

6 MR. SIRRS: That could be. I ---

7 MR. LEE: Well, you see up in the right-hand
8 corner "Date file open January 14, '82"?

9 MR. SIRRS: Yes, I see that part, but I
10 don't ---

11 MR. LEE: And then two boxes down, the PSR
12 date, January 13, 1982.

13 MR. SIRRS: Oh, I see. Okay, yes.

14 MR. LEE: And then in the next set of boxes
15 we have the two -- the disposition dates of the two
16 offences being again January 14, '92. Is that right?

17 MR. SIRRS: Yes, that's correct.

18 MR. LEE: And if you turn to the next page
19 there is a description of the offence there being that Mr.
20 Sheets did assault a peace officer engaged in the lawful
21 execution of his duty. Do you see that?

22 MR. SIRRS: Yes.

23 MR. LEE: And if you turn it over again to
24 the next page we have the conditions.

25 MR. SIRRS: Yes.

1 **MR. LEE:** And we have -- at "C" we have --
2 not part of the form but something that's been added, "Not
3 to enter any licensed premises, save restaurant..." ---

4 **MR. SIRRS:** Right.

5 **MR. LEE:** --- "... and not to purchase any
6 alcoholic beverages".

7 **MR. SIRRS:** Right.

8 **MR. LEE:** And then down at bullet "K" we
9 have further conditions as follows:

10 "To refrain from the non-medical use of
11 drugs and the consumption of all
12 alcoholic beverages."

13 Do you see that there?

14 **MR. SIRRS:** Yes.

15 **MR. LEE:** And you would have seen this at
16 the time?

17 **MR. SIRRS:** Yes.

18 **MR. LEE:** So I take it you would have known
19 at the time, you'd agree with me, that the underlying
20 offence for which Mr. Sheets had been charged obviously had
21 something to do with alcohol, given the conditions. Isn't
22 that right?

23 **MR. SIRRS:** Yes.

24 **MR. LEE:** The terms of probation are pretty
25 clear that there's a problem with this man as it relates to

1 alcohol ---

2 MR. SIRRS: Yes.

3 MR. LEE: --- given these conditions?

4 And you even put that in your report at one
5 point?

6 MR. SIRRS: Yes.

7 MR. LEE: And we know that you attached C-
8 44's probation order. We saw that in your report. You
9 attached both of these probation orders.

10 MR. SIRRS: Yes.

11 MR. LEE: Can we take a look at that,
12 please? That is Exhibit 898.

13 Do you have that up, sir?

14 MR. SIRRS: Yes, sorry.

15 MR. LEE: Again, this is referral intake
16 information. Again, we have up in the top right-hand
17 corner that the officer is Nelson Barque and that this file
18 was opened in 1980?

19 MR. SIRRS: Yes.

20 MR. LEE: And we see under the list of the
21 various offences we have:

22 "He must seek employment. He must
23 abstain alcohol. He must abstain drugs
24 and he must..."

25 MR. SIRRS: Oh, you're talking now about the

1 conditions of probation?

2 MR. LEE: I am.

3 MR. SIRRS: Okay. That's over ---

4 MR. LEE: Do you see that in the middle of
5 the first page, there are checkboxes that have two x's
6 through them?

7 MR. SIRRS: I don't -- oh, I see. Yes,
8 sorry. Pardon me.

9 MR. LEE: You see those. And ---

10 MR. SIRRS: It's been a long time since I've
11 seen this form.

12 MR. LEE: No, that's fine.

13 And psychiatric treatment is the last one on
14 there?

15 MR. SIRRS: Yes.

16 MR. LEE: Turn the page over. It's very
17 similar. It has "abstain alcohol, abstain drugs" again.

18 Now if you turn to the -- four pages in,
19 there's a page with C-44's signature at the bottom of it?

20 This one here.

21 MR. SIRRS: Oh, yes. Okay.

22 MR. LEE: And we see the number "D" we have
23 "Abstain from the consumption of alcohol and drugs" added
24 in. Do you see that?

25 MR. SIRRS: Yes.

1 **MR. LEE:** And then the very last page of
2 this document, sir ---

3 **MR. SIRRS:** Yes.

4 **MR. LEE:** --- we have "C" checked, "Refrain
5 from the use of all alcoholic beverages and the non-medical
6 use of drugs"?

7 **MR. SIRRS:** Yes.

8 **MR. LEE:** Paragraph "C". Do you see that?

9 **MR. SIRRS:** Yes.

10 **MR. LEE:** So, again, we know that Mr. Sheets
11 and C-44 both have some issues with drug and alcohol. Is
12 that right?

13 **MR. SIRRS:** Yes, that would be my
14 understanding.

15 **MR. LEE:** And we know from your report that
16 you talked to RCMP Officer Isbester and he tells you of
17 rumours he heard, not only about a sexual relationship
18 between Mr. Barque and Mr. Sheets, but about Mr. Barque
19 overlooking Sheets' use of alcohol and drugs?

20 **MR. SIRRS:** He didn't stipulate that.

21 **MR. LEE:** Can we go to your report please,
22 sir?

23 **MR. SIRRS:** What number is that, please?

24 **MR. LEE:** Your report is at ---

25 **MR. SIRRS:** Oh, I have it out here. I'm

1 sorry.

2 **MR. LEE:** Yes, 125.

3 **MR. SIRRS:** Yeah. Okay.

4 **MR. LEE:** Page 2, the third paragraph.

5 Are you there, sir?

6 **MR. SIRRS:** Yeah. Okay.

7 **MR. LEE:** "Sgt. Isbester acknowledged that
8 he had heard rumours of Mr. Barque's
9 relationship with Sheets and with his
10 overlooking Sheets' use of alcohol and
11 drugs."

12 Do you see that?

13 **MR. SIRRS:** Yes. I missed that.

14 **MR. LEE:** No, that's fine.

15 You acknowledge that that was what the
16 conversation was?

17 **MR. SIRRS:** That's correct, yes.

18 **MR. LEE:** And if you turn to page 4 of your
19 report, this is where you speak on April 14th, 1982 with Mr.
20 St-Louis, C-44 and C-44's father. Do you see that?

21 **MR. SIRRS:** Yes.

22 **MR. LEE:** And if you turn over to page 5
23 where that narrative continues, C-44 tells you in the first
24 paragraph that C-44 has been fearful to return to an
25 apartment because of Mr. Sheets and that he intends to

1 relocate out of the Cornwall area for this reason.

2 Do you see that, sir, in the first
3 paragraph?

4 **MR. SIRRS:** Yes, okay.

5 **MR. LEE:** And in the last paragraph at page
6 5, C-44 tells you about Mr. Sheets' use of alcohol and
7 drugs, and not only about Mr. Sheets, but he tells you that
8 both Mr. Sheets and C-44 reported to Mr. Barque at his
9 office under the influence of alcohol and drugs?

10 **MR. SIRRS:** Yes.

11 **MR. LEE:** Mr. Barque has brought them both
12 homemade wine?

13 **MR. SIRRS:** Yes.

14 **MR. LEE:** On one occasion Mr. Barque invited
15 C-44 to the office for -- as he puts it, refreshments.

16 **MR. SIRRS:** Yes.

17 **MR. LEE:** He's bought them lunch talking
18 about alcohol?

19 **MR. SIRRS:** Yes.

20 **MR. LEE:** Sir, would you agree with me based
21 on the information we've reviewed, that by the time you
22 write this report you have a pretty good picture of the
23 fact that Robert Sheets appears to be completely out of
24 control?

25 **MR. SIRRS:** Yes, I suppose that's a fair

1 assessment.

2 MR. LEE: This man pretty clearly to you has

3 ---

4 MR. SIRRS: Within -- in respective of Mr.
5 Barque, yes.

6 MR. LEE: He has significant issues with
7 substance abuse?

8 MR. SIRRS: That's correct.

9 MR. LEE: It's obvious. The courts
10 recognized that?

11 MR. SIRRS: Yes.

12 MR. LEE: His friends have told you that
13 they're considering leaving the city because they're scared
14 of him?

15 MR. SIRRS: Yes.

16 MR. LEE: And as you've said, this is
17 obviously an extremely serious situation?

18 MR. SIRRS: Yes.

19 MR. LEE: And if we look at Mr. Barque's
20 actions, you'd agree with me that they amount to an
21 incredible failing of his professional duties and
22 responsibilities?

23 MR. SIRRS: That's correct.

24 MR. LEE: And in part that's because, as you
25 put in your report, he's not only turning a blind eye to

1 what's happening with his probationers, he's facilitating
2 their breaches of the probation orders?

3 **MR. SIRRS:** Yes.

4 **MR. LEE:** And that compromises him obviously
5 as a probation officer?

6 **MR. SIRRS:** Very definitely.

7 **MR. LEE:** It compromises your office?

8 **MR. SIRRS:** Yes.

9 **MR. LEE:** It compromises the Ministry as a
10 whole. You would agree with all that?

11 **MR. SIRRS:** Yes.

12 **MR. LEE:** And, sir, if we turn it around and
13 we look at it rather than from the Ministry's position or
14 from Mr. Barque's position, from the position of these two
15 men, it would have been pretty clear to you at this point
16 that the probation system had failed them miserably by this
17 point. Would you agree with that?

18 **MR. SIRRS:** Yes.

19 **MR. LEE:** They had been put on probation by
20 the court -- as I understand one of the purposes of
21 probation, to help them turn their lives around. Do you
22 agree with that?

23 **MR. SIRRS:** That's the objective, yes.

24 **MR. LEE:** And in this case, Mr. Barque had
25 pretty clearly made things worse for them?

1 **MR. SIRRS:** Yes.

2 **MR. LEE:** And you were concerned about that?

3 **MR. SIRRS:** I would be, yes.

4 **MR. LEE:** What I'm hoping you can help me
5 understand then, sir, is why that concern doesn't -- isn't
6 reflected anywhere in your report?

7 **MR. SIRRS:** I think I adopted the focus --
8 that the primary problem was his sexual behaviour with the
9 offenders -- probationers, rather.

10 **MR. LEE:** You'll agree with me that in
11 nowhere in your report do you mention anything about taking
12 care of these two probationers?

13 **MR. SIRRS:** No.

14 **MR. LEE:** Nothing about counselling?

15 **MR. SIRRS:** No.

16 **MR. LEE:** Nothing about treatment?

17 **MR. SIRRS:** No.

18 **MR. LEE:** Nothing about seeing if these men
19 are okay?

20 **MR. SIRRS:** No.

21 **MR. LEE:** And nothing about advising the
22 court about the breaches that you've now learned of and
23 your office's role in that?

24 **MR. SIRRS:** No, not individually myself.

25 **MR. LEE:** Do you have any information that

1 the Ministry, once they received your report, expanded on
2 these issues at all?

3 MR. SIRRS: No.

4 MR. LEE: Can I get you to look at Exhibit
5 870, please? I presume that will be in one of your
6 binders.

7 (SHORT PAUSE/PAUSE COURTE)

8 MR. SIRRS: Yes, I have that.

9 MR. LEE: So this is delivered by -- this is
10 a letter from -- is it Dickson E. Taylor, the Director of
11 Probation and Parole?

12 MR. SIRRS: That's correct.

13 MR. LEE: Just out of curiosity, you'll
14 notice that in the cc line there's a name redacted there?

15 MR. SIRRS: Yes.

16 MR. LEE: Do you have any clue who that
17 would be?

18 MR. SIRRS: I have absolutely none.

19 MR. LEE: It wasn't you who did that
20 redaction?

21 MR. SIRRS: No.

22 MR. LEE: You are copied on this letter
23 though?

24 MR. SIRRS: Yes.

25 MR. LEE: This is delivered by hand to Mr.

1 Barque on May 3rd, 1982, so this is a few days before he
2 resigns. Is that right?

3 MR. SIRRS: Yes.

4 MR. LEE: And he's being advised in this
5 first paragraph that he's being suspended with pay. Is
6 that right?

7 MR. SIRRS: That's right.

8 MR. LEE: If we look at the second
9 paragraph:

10 "Until otherwise notified by the
11 undersigned, you will forthwith not be
12 permitted to enter the Cornwall
13 Probation and Parole office, nor remove
14 any files or papers that are the
15 property of the Ministry of
16 Correctional Services."

17 MR. SIRRS: Yes.

18 MR. LEE: I've read that accurately?

19 MR. SIRRS: Yes.

20 MR. LEE: And then the last point is that:

21 "During the period of suspension, you
22 are required to make yourself available
23 for any interviews as required by the
24 Ministry'.

25 MR. SIRRS: Yes.

1 **MR. LEE:** You'll agree with me that there is
2 nothing in this letter about staying away from clients?

3 **MR. SIRRS:** No.

4 **MR. LEE:** There's nothing about staying away
5 from C-44 and RS, specifically?

6 **MR. SIRRS:** No.

7 **MR. LEE:** Did you issue any such order as
8 his area manager?

9 **MR. SIRRS:** Not that I recall.

10 **MR. LEE:** Were you made aware of any such
11 order being issued by anybody else?

12 **MR. SIRRS:** No.

13 **MR. LEE:** You can appreciate it, I take it,
14 looking back now at how incredibly harmful Mr. Barque's
15 actions were to these man?

16 **MR. SIRRS:** Yes.

17 **MR. LEE:** Leaving the report aside, did you
18 take any steps to assist these men after Mr. Barque
19 resigned?

20 **MR. SIRRS:** Well, a new probation officer
21 was appointed and she was to take over the case load.

22 **MR. LEE:** And that was Carole Cardinal?

23 **MR. SIRRS:** That was Carole Cardinal.

24 **MR. LEE:** She took over all of Mr. Barque's
25 files?

1 **MR. SIRRS:** She took over all of Mr.
2 Barque's case load.

3 **MR. LEE:** Those two files weren't cut out of
4 that?

5 **MR. SIRRS:** No they were not.

6 **MR. LEE:** And you told us that Ms. Cardinal
7 was a new hire?

8 **MR. SIRRS:** Yes.

9 **MR. LEE:** She was a PO1 is the term?

10 **MR. SIRRS:** That's correct.

11 **MR. LEE:** But you told us that she wasn't
12 told anything of what had happened to these men?

13 **MR. SIRRS:** Not with Mr. Barque, no.

14 **MR. LEE:** And so, sir, can you today
15 appreciate the fact that Ms. Cardinal wasn't in a
16 particularly good position to assist these men, given she
17 had no information about what had happened to them?

18 **MR. SIRRS:** Yes.

19 **MR. LEE:** Ms. Cardinal would have come in
20 and would have looked at the file like anybody else could
21 have looked at the file and would have conducted herself
22 accordingly?

23 **MR. SIRRS:** Yes.

24 **MR. LEE:** There was some pretty significant
25 information she wasn't advised of. Would you agree with

1 that?

2 **MR. SIRRS:** Yes. I'd accept that.

3 **MR. LEE:** Sir, again I'm asking you to use
4 hindsight, but would you agree with me with respect to
5 these two men, and those are the only ones that I'm
6 interested in at this point, respect to these two men that
7 the Ministry of Corrections failed them rather miserably?

8 **MR. SIRRS:** In the name of Mr. Barque, yes.

9 **MR. LEE:** Not only in the name of Mr.
10 Barque. Mr. Barque was out of the picture on May 6th and
11 the Ministry didn't step up then either.

12 **MR. SIRRS:** Yes.

13 **MR. LEE:** And you acknowledge that, sir?

14 **MR. SIRRS:** Yes.

15 **MR. LEE:** Those are my questions.

16 Thank you.

17 **THE COMMISSIONER:** Thank you.

18 Mr. Bennett is not here.

19 Mr. Neville? Thank you.

20 Mr. Chisholm?

21 **MR. CHISHOLM:** Good afternoon, sir.

22 My name is Peter Chisholm, counsel for the
23 local CAS. I have no questions.

24 Thank you.

25 **THE COMMISSIONER:** Mr. Thompson?

1 **MR. THOMPSON:** No questions, thank you.

2 **THE COMMISSIONER:** Ms. Lalji?

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

4 **LALJI:**

5 **MS. LALJI:** Good afternoon, Mr.

6 Commissioner. Good afternoon, Mr. Sirrs.

7 My name is Reena Lalji. I'm counsel for the
8 Cornwall Police Service. I just have a few questions for
9 you.

10 **MR. SIRRS:** Yes.

11 **MS. LALJI:** The Probation and Parole office
12 had it's own premises on the fourth floor when it was
13 located at 340 Pitt Street. Is that correct?

14 **MR. SIRRS:** Yes.

15 **MS. LALJI:** And the Cornwall Police was not
16 on that fourth floor; correct?

17 **MR. SIRRS:** I'm not sure who was on the
18 other part of the floor, but not to my knowledge.

19 **MS. LALJI:** In fact, the Probation and
20 Parole office had a separate entrance from the entrance
21 into the police station. Is that right?

22 **MR. SIRRS:** I think people came up on the
23 elevator, off the main entrance of the building.

24 **MS. LALJI:** So there was a common entrance.
25 There was not a separate entrance?

1 **MR. SIRRS:** I don't know how -- I don't
2 recall the entrance to the police department.

3 **MS. LALJI:** You were area manager for one
4 month before the Probations and Parole office moved to 502
5 Pitt Street?

6 **MR. SIRRS:** Yes.

7 **MS. LALJI:** And that was in October, 1981
8 when it moved?

9 **MR. SIRRS:** That's correct?

10 **MS. LALJI:** The various information that you
11 got from the janitorial staff, that information there was
12 no indication of criminal activity by Barque was there?
13 The information that you got from the janitorial staff, it
14 wasn't in relation to criminal activity?

15 **MR. SIRRS:** Well, having regard to the
16 information that I received that any sexual impropriety of
17 offenders under -- or anyone under 21 was a criminal
18 offence.

19 **MS. LALJI:** Right, but the information that
20 you got from the janitorial staff?

21 **MR. SIRRS:** Yes.

22 **MS. LALJI:** Was that they saw individuals
23 after hours; correct?

24 **MR. SIRRS:** Yes.

25 **MS. LALJI:** Okay. And Barque's activity,

1 Mr. Barque's activity, that was confined to the probation
2 and parole portion of the building on the fourth floor,
3 wasn't it?

4 MR. SIRRS: And their own home residence,
5 yes.

6 MS. LALJI: Right. But in terms of the
7 actual building ---

8 MR. SIRRS: The building ---

9 MS. LALJI: --- at 340 Pitt Street?

10 MR. SIRRS: --- that's my understanding,
11 yes.

12 MS. LALJI: Right. So it was confined to
13 the probation side?

14 MR. SIRRS: Well, yeah, but there was one
15 incident where they were found exiting the bathroom and
16 coming outside the probation office.

17 MS. LALJI: But that was -- that bathroom
18 was on the probation side of the floor, on the fourth
19 floor?

20 MR. SIRRS: Well, it was in the hall -- off
21 the hallway on the fourth floor.

22 MS. LALJI: On the fourth floor.

23 And it's likely that Barque's behaviour
24 occurred before you became area manager in September 1981;
25 correct?

1 **MR. SIRRS:** That certainly appears to be the
2 case.

3 **MS. LALJI:** Now, janitorial staff was
4 reporting on activity in your premises rather than the
5 actual police premises. Again, it was the fourth floor
6 activity that they were reporting upon; right?

7 **MR. SIRRS:** That's my understanding, yeah.

8 **MS. LALJI:** Do you know if Mr. Groten was
9 advised of this?

10 **MR. SIRRS:** No.

11 **MS. LALJI:** No, that you don't know or no,
12 he was not advised?

13 **MR. SIRRS:** I don't know that he was
14 advised.

15 **MS. LALJI:** Now, in October 1981 as you
16 said, the Probation and Parole office moved to 502 Pitt
17 Street?

18 **MR. SIRRS:** Yes.

19 **MS. LALJI:** Had that premises been renovated
20 for your move?

21 **MR. SIRRS:** Yes.

22 **MS. LALJI:** Were there locks on the door
23 when you arrived at that new location?

24 **MR. SIRRS:** There were locks on the exterior
25 door to the whole office.

1 **MS. LALJI:** And do you know whether there
2 were locks on the individual office doors?

3 **MR. SIRRS:** No.

4 **MS. LALJI:** No, you don't know or no, there
5 weren't?

6 **MR. SIRRS:** There shouldn't have been, no.

7 **MS. LALJI:** So you believe that Mr. Barque
8 changed the lock on his door after the Probation and Parole
9 office moved in?

10 **MR. SIRRS:** Yes, that would be my suspicion.

11 **MS. LALJI:** And this would have been while
12 you were his area manager at that same office?

13 **MR. SIRRS:** Yes.

14 **MS. LALJI:** Do you believe that Mr. Barque
15 did that surreptitiously or had a locksmith attend after
16 hours while no one was there?

17 **MR. SIRRS:** I don't know how he did it, but
18 it was done.

19 **MS. LALJI:** Now, Mr. Barque had engaged in
20 sexual relationships with two of his clients, both of whom
21 were adults?

22 **MR. SIRRS:** Yes.

23 **MS. LALJI:** Both relationships were
24 consensual, so while inappropriate ---

25 **THE COMMISSIONER:** No. No. No. Not quite.

1 Mr. Engelmann?

2 **MR. ENGELMANN:** We should stick to the
3 facts. There is no evidence that they were consensual.

4 **THE COMMISSIONER:** Well ---

5 **MR. ENGELMANN:** And there's an issue about
6 whether they could be consensual, so, I think we should be
7 careful.

8 **THE COMMISSIONER:** Well, I ---

9 **MR. ENGELMANN:** He engaged in sexual
10 relations with clients.

11 **THE COMMISSIONER:** Right. And the other
12 thing is that I understand from what I've heard so far, and
13 I stand to be corrected, one was 21, the other one at the
14 time denied that there was any sexual contact, but -- so I
15 don't -- I think that the second one may have been under
16 21.

17 **MS. LALJI:** Well, if we look at the
18 birthdates of both of them.

19 **THE COMMISSIONER:** Good, okay.

20 **MS. LALJI:** Okay?

21 **THE COMMISSIONER:** Yes.

22 **MS. LALJI:** So based on the birth dates
23 there could be an argument but, okay, let's just go with
24 the one that we do know of that was consensual.

25 **THE COMMISSIONER:** Oh, oh, Mr. Lee?

1 **MR. LEE:** I think we should stay away from
2 assuming that we have all the facts anywhere at this
3 Inquiry of what the allegations by Mr. Sheets may be.

4 **THE COMMISSIONER:** Right.

5 **MR. LEE:** Those allegations are out there.
6 There's litigation out there.

7 **THE COMMISSIONER:** Right.

8 **MR. LEE:** I mean, I can tell you there's an
9 issue with him being under 21 ---

10 **THE COMMISSIONER:** Okay.

11 **MR. LEE:** --- most certainly.

12 **THE COMMISSIONER:** All right.

13 **MS. LALJI:** Okay. You know what, I'll just
14 leave that because there seems to be some issues then.

15 So just moving on to another question, Mr.
16 Sirrs, Mr. Barque may have also permitted them to drink
17 alcohol and-or may have provided them with alcohol, which
18 was contrary to what you believed to be a term of their
19 probation; correct?

20 **MR. SIRRS:** Yes.

21 **MS. LALJI:** And as you told Ms. Daley
22 earlier today, probationers providing unreliable
23 information concerning their probation officer is not
24 unheard of is it?

25 **MR. SIRRS:** No.

1 **MS. LALJI:** And, in fact, it is not
2 particularly uncommon either is it?

3 **MR. SIRRS:** I --I've not received a lot of
4 complaints by probationers about their probation officer,
5 but I know that probationers don't tend -- well, have on
6 occasion been unreliable. Their veracity is at question.

7 **MS. LALJI:** Right, so it does happen, as
8 you've indicated to Ms. Daley?

9 **MR. SIRRS:** Yeah.

10 **MS. LALJI:** You understood that the Cornwall
11 police heard rumours about Mr. Barque having relationships
12 with Mr. Sheets and C-44?

13 **MR. SIRRS:** That's what they told me.

14 **MS. LALJI:** And that the Cornwall police
15 officers spoke to Mr. Barque about those rumours, didn't
16 they?

17 **MR. SIRRS:** One of them did, yes.

18 **MS. LALJI:** You understood that the police
19 cannot -- or let me ask you -- you understand that the
20 police cannot press charges based on rumours; they do need
21 to have a complaint? They need to have facts?

22 **MR. SIRRS:** I don't understand -- I don't --
23 yeah, they need to have facts.

24 **MS. LALJI:** They need to have facts?

25 **MR. SIRRS:** But they don't need to have

1 facts necessarily to proceed in an investigation.

2 MS. LALJI: Well, are you suggesting that
3 they should base it on rumours as well?

4 MR. SIRRS: Perhaps their investigation,
5 yes.

6 MS. LALJI: Now, do you feel that -- now,
7 you feel that the Cornwall police should have come to you
8 and advised you of those rumours that Mr. Barque was
9 engaged in sexual relationships?

10 MR. SIRRS: Yes.

11 MS. LALJI: So are you suggesting that the
12 police should engage in spreading these types of rumours?

13 MR. SIRRS: That I wouldn't constitute as
14 spreading a rumour.

15 MS. LALJI: Well, if they don't have facts
16 and if what they have are rumours that they're basing it
17 upon, which is what is written in your report, that they've
18 heard rumours; that's what I'm asking you?

19 MR. SIRRS: They had no difficulty telling
20 me that when I went to speak to them.

21 MS. LALJI: Right. They said that they had
22 rumours?

23 MR. SIRRS: That's correct.

24 MS. LALJI: Okay.

25 MR. ENGELMANN: I have another objection, if

1 I may?

2 I think it might be helpful -- again, it's
3 important we stick to the facts.

4 **THE COMMISSIONER:** M'hm

5 **MR. ENGELMANN:** Mr. Sirrs' report clearly
6 talks about more than rumours. It talks about the
7 conversations he had, he talks about the fact that there
8 was an informal complaint that had been lodged with the
9 police, so ---

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

11 **MR. ENGELMANN:** --- it's more than just
12 rumours.

13 So if -- sorry?

14 **UNIDENTIFIED SPEAKER:** (Off mic)

15 **MR. ENGELMANN:** Yeah, the occurrence
16 reports.

17 So I think, you know, if Ms. Lalji is going
18 to do this, perhaps she should have the report in front of
19 her so she can be accurate and Mr. Sirrs can have it as
20 well.

21 **MS. LALJI:** Well, I do have it in front of
22 me and, in fact, the report is dealing with Mr. Sheets;
23 correct?

24 **THE COMMISSIONER:** Well, okay, so be
25 careful, please.

1 **MS. LALJI:** Okay. So let me just back up
2 then.

3 So the report is dealing with the complaints
4 with Mr. Sheets and Mr. Sheets had indicated it was
5 consensual; correct?

6 **MR. SIRRS:** Which report are you referring
7 to?

8 **MS. LALJI:** Your ---

9 **MR. SIRRS:** Is that my report to Mr.
10 Toffelmire?

11 **MS. LALJI:** Yeah.

12 **MR. ENGELMANN:** It refers to both Mr. Sheets
13 and C-44.

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

15 **MS. LALJI:** If I can just have one moment,
16 please?

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MS. LALJI:** I have no further questions.
19 Thank you.

20 **MR. SIRRS:** Thank you.

21 **THE COMMISSIONER:** Thank you.

22 Mr. Kozloff, do you have any questions?

23 Thank you.

24 Mr. Carroll?

25 Mr. Neuberger?

1 **MR. NEUBERGER:** Very briefly.

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

3 **NEUBERGER:**

4 **MR. NEUBERGER:** Good afternoon, Mr. Sirrs.

5 **MR. SIRRS:** Good afternoon.

6 **MR. NEUBERGER:** We've met.

7 **MR. SIRRS:** Yes, we have.

8 **MR. NEUBERGER:** I act for your former
9 employer.

10 I just have two brief areas.

11 First of all, if I can just talk at a macro
12 level about ---

13 **THE COMMISSIONER:** Sorry, "macro" or
14 "micro"?

15 **MR. NEUBERGER:** Macro.

16 **THE COMMISSIONER:** Macro.

17 **MR. NEUBERGER:** Macro level about policies.

18 In your mind back in 1982 as an area manager
19 there was no ambiguity, I guess, about what policies were
20 in place that should have sufficiently explained to
21 probation officers that the type of behaviour that's
22 described in your report is wholly inappropriate?

23 **MR. SIRRS:** Yes.

24 **MR. NEUBERGER:** And those are policies like
25 conflict of interest and criminal conduct and similar

1 policy ---

2 MR. SIRRS: Yes.

3 MR. NEUBERGER: All right. And I take it --
4 what I understand from your evidence is that you felt that
5 when Ms. Daley was asking you about presumptions,
6 generally, what you were going on is that you are now
7 elevated from being a probation officer, a professional
8 who's entrusted with the care of individuals, and you
9 expected other probation officers, I assume, to comport
10 themselves in a similar manner?

11 MR. SIRRS: Yes.

12 MR. NEUBERGER: Okay. Now, if I can just
13 ask you in a more micro level about Pierre Landry -- sort
14 of discourse?

15 MR. SIRRS: Yes.

16 MR. NEUBERGER: Could you tell us -- first
17 of all, do you have a recollection of your conversation
18 with Mr. Landry in August of 1982?

19 MR. SIRRS: Yes.

20 MR. NEUBERGER: Could you tell us what you
21 remember of that conversation, please?

22 MR. SIRRS: Well, my recall is that he
23 telephoned me and made inquiries with respect to Mr. Barque
24 for purposes of employment, that Mr. Barque had applied to
25 him for employment, and he wanted a recommendation --

1 excuse me ---

2 **MR. NEUBERGER:** Do you have water, Mr.
3 Sirrs?

4 **MR. SIRRS:** Yeah, I do. I've got a little
5 droplet in my mouth as well.

6 And I indicated to him that I needed a
7 release of information, a written release of information.

8 **MR. NEUBERGER:** And why did you feel you
9 needed that?

10 **MR. SIRRS:** Well, privacy primarily.

11 **MR. NEUBERGER:** Okay. And you informed him
12 then that you would need some consent to release the
13 information from Mr. Barque?

14 **MR. SIRRS:** That's correct. That's right.

15 **MR. NEUBERGER:** How did the conversation
16 carry on after that?

17 **MR. SIRRS:** Well, he continued to press a
18 little bit, I think, for information. He may have told me
19 some other aspects of the potential job. I -- I don't
20 recall specifically. And -- but the conversation did not
21 last very long and, in conclusion, I advised him that I
22 would not employ Mr. Barque.

23 **MR. NEUBERGER:** Okay. And we've seen -- I
24 believe it's Exhibit 911 if I'm correct. I think there's
25 the letter from Mr. Landry, which was provided by Mr.

1 Landry, but you don't have any recollection of that letter
2 arriving at your office ---

3 MR. SIRRS: No.

4 MR. NEUBERGER: --- and therefore not -- you
5 never had the opportunity to read it?

6 MR. SIRRS: No.

7 MR. NEUBERGER: All right. Your
8 recollection then of your conversation is that you did not
9 -- thank you very much, Madam Clerk -- well, let's take a
10 look at it for a moment.

11 It says:

12 "Following our telephone conversation
13 of this date, I would appreciate
14 receiving any recommendations that you
15 can give me concerning Mr. Nelson A.
16 Barque, who has applied for the
17 position of social worker with our
18 organization."

19 I'm going to pause there for a moment.

20 If this is a letter that he sent out on the
21 day of, or subsequent to, the conversation you had with
22 him, it seems to request any recommendations?

23 MR. SIRRS: Yes.

24 MR. NEUBERGER: Okay. And your recollection
25 of the conversation is that you didn't provide any

1 recommendations?

2 MR. SIRRS: No.

3 MR. NEUBERGER: All right. And in reply to
4 that conversation, you produced the letter which we have
5 marked as an exhibit, which is -- you've described as sort
6 of "tombstone information"?

7 MR. SIRRS: Yes.

8 MR. NEUBERGER: Okay. And your position
9 with respect to that letter is that it is simply reciting a
10 chronology of his employment with no actual reference?

11 MR. SIRRS: Yes.

12 MR. NEUBERGER: Did you ever -- I think
13 you've indicated this, there was no other contact you had
14 with Mr. Landry after sending out that letter?

15 MR. SIRRS: No.

16 MR. NEUBERGER: No consent from Mr. Barque?

17 MR. SIRRS: No.

18 MR. NEUBERGER: And no further communication
19 at all?

20 MR. SIRRS: No. No.

21 MR. NEUBERGER: Okay.

22 Just your indulgence for a moment, Mr.
23 Commissioner?

24 THE COMMISSIONER: M'hm.

25 MR. NEUBERGER: If I could transition to

1 another topic.

2 After having completed your preliminary
3 investigation, you indicated that you had just some
4 questions about Ken Seguin, and just to be clear for the
5 record for our purposes -- and I really get it from your --
6 from the way you testified about it that it's -- you know,
7 you're almost apologetic for thinking that way, but sexual
8 orientation of a particular probation officer ---

9 MR. SIRRS: Yeah.

10 MR. NEUBERGER: --- is not a ground for any
11 sort of concerns or necessarily inquiry into their
12 behaviours?

13 MR. SIRRS: That's correct.

14 MR. NEUBERGER: Is that fair?

15 MR. SIRRS: Yeah, that's fair.

16 MR. NEUBERGER: But back in 1982, faced with
17 what was a fairly shocking experience for you, it was a
18 question that came into your mind?

19 MR. SIRRS: That's correct. That's a nice
20 way to put it.

21 MR. NEUBERGER: All right. And I think what
22 happened is that you -- I take it from your evidence that
23 you essentially searched your own mind and what
24 observations you would have made, what knowledge you had
25 about Ken Seguin in his professional capacity, and there

1 was nothing you came up with to give you any further
2 information to ground an inquiry or an investigation of Mr.
3 Seguin at that time?

4 **MR. SIRRS:** There was nothing.

5 **MR. NEUBERGER:** Mr. Sirrs, thank you very
6 much for your time.

7 **MR. SIRRS:** Thank you.

8 **THE COMMISSIONER:** Mr. Engelmann?

9 **MR. ENGELMANN:** I don't know if Mr. Rosen
10 had any questions for his client.

11 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:

12 **MR. ENGELMANN:** I just wanted to cover one
13 area, if I just find my note.

14 It had to do with a question from Ms. Daley,
15 the first lawyer who asked you on cross-examination, and it
16 was with respect to -- and just for clarification, because
17 when I asked you some questions about the issue of going
18 back and looking at files of other probationers ---

19 **MR. SIRRS:** Yes.

20 **MR. ENGELMANN:** --- or checking about other
21 probationers, you said -- I thought you had said it didn't
22 cross your mind. And in answer to Ms. Daley, you suggested
23 that you would not have done that because -- I believe you
24 said you presumed that they might make false complaints or,
25 essentially, words to that effect?

1 MR. SIRRS: Yeah.

2 MR. ENGELMANN: So ---

3 MR. SIRRS: Well, I think the answers vary
4 because of the context of the question.

5 MR. ENGELMANN: All right. So let me ask
6 you this; you were doing a preliminary investigation?

7 MR. SIRRS: Yes.

8 MR. ENGELMANN: Did you think at that time
9 that you were to -- that part of your mandate was to look
10 to see if there had been other allegations against Mr.
11 Barque?

12 MR. SIRRS: Oh.

13 MR. ENGELMANN: Other behaviour of this
14 type.

15 MR. SIRRS: Yes. I wasn't aware of any
16 other behaviour and no information came to my attention
17 that there was other behaviour.

18 MR. ENGELMANN: Well, did you make -- did
19 you make, at that time, a conscious decision not to look at
20 other probationers, not to talk to other probationers,
21 because of some presumption on your part that what they
22 told you wouldn't be truthful?

23 MR. SIRRS: That would be one of the reasons
24 but it wasn't something that occurred to me to do.

25 MR. ENGELMANN: I'm not sure I understand

1 your answer.

2 Did you make a conscious decision not to
3 investigate ---

4 **MR. SIRRS:** Not a conscious decision, no.

5 **MR. ENGELMANN:** All right. Did you expect
6 that was something that the inspectors doing the more
7 thorough investigation might do?

8 **MR. SIRRS:** It never occurred to me.

9 **MR. ENGELMANN:** You just didn't give it any
10 thought at the time?

11 **MR. SIRRS:** I didn't think of that at all.

12 **MR. ENGELMANN:** All right. Just be a
13 moment, sir.

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

15 **MR. ENGELMANN:** Thank you very much, Mr.
16 Sirrs, for testifying.

17 **MR. SIRRS:** Okay.

18 **MR. ENGELMANN:** Those are all my questions.
19 I don't know if the Commissioner has any.

20 **THE COMMISSIONER:** No.

21 I want to thank you, sir, for coming out and
22 answering in such a clear and concise fashion.

23 Thank you very much, sir.

24 **MR. SIRRS:** Thank you.

25 **THE COMMISSIONER:** Let's go.

1 **MR. ENGELMANN:** Yes. Sir, if we could just
2 have -- I think we'll be ready in about six or seven
3 minutes. Or do you want to start right now?

4 **THE COMMISSIONER:** Right now. Let's go.

5 **MR. ENGELMANN:** I have to go get Mr. ---

6 **THE COMMISSIONER:** Okay.

7 I suggest everyone gets headphones.

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **LE COMMISSAIRE:** Monsieur Landry, bonjour.

10 **M. LANDRY:** Bonjour; bonjour.

11 **LE COMMISSAIRE:** Ça va bien?

12 **M. LANDRY:** Très bien, merci.

13 **LE COMMISSAIRE:** Si vous voulez vous
14 asseoir.

15 Madame la Greffière, si vous voulez ---

16 **M. HORN:** Je voulais juste dire que Maître
17 Ruel est en train de venir tout de suite.

18 **LE COMMISSAIRE:** Correct. On peut ---

19 **M. HORN:** Il le sait qu'on commence.

20 **LE COMMISSAIRE:** On peut commencer sans lui.
21 Merci.

22 **PIERRE LANDRY, Sworn/Assermenté:**

23 **M. LANDRY:** Bonjour. Si vous voulez vous
24 asseoir, Monsieur Landry.

25 Bon, Monsieur Landry, on va vous poser des

1 questions aujourd'hui -- c'est moi qui vous parle ici là.

2 **M. LANDRY:** O.k.

3 **LE COMMISSAIRE:** O.k. Et puis, j'aimerais
4 que vous vous assoyiez de façon que vous soyez devant le
5 microphone. Bon. Amenez-le devant vous. C'est ça. Et
6 puis, Maître Ruel va vous poser des questions.

7 J'aimerais que vous preniez le temps et
8 écouter comme il faut la question, et puis, nous donner la
9 meilleure réponse que vous pouvez, sachant que si vous ne
10 comprenez pas la question, qu'on demande des
11 éclaircissements.

12 Vous allez avoir sans doute de l'eau à votre
13 droite. Il y a un écran devant vous qui -- on va mettre
14 des documents, il se peut, puis, on peut vous donner des
15 documents ou vous référer dans ces documents là.

16 Si en aucun temps vous semblez que vous être
17 un peu perdu là, dans tout ça, faite simplement vous
18 adresser à moi, et puis, on règlera les problèmes.

19 On me dit que qu'est-ce qu'on va faire
20 aujourd'hui c'est qu'on va faire votre interrogatoire en
21 chef, et puis, demain vous aurez à revenir brièvement pour
22 le contre-interrogatoire.

23 D'accord?

24 **M. LANDRY:** Merci.

25 **LE COMMISSAIRE:** Puis, il faut vocaliser

1 toutes les réponses dans une belle voix claire, et puis,
2 toutes choses là.

3 D'accord?

4 M. LANDRY: O.k.

5 LE COMMISSAIRE: Maître Ruel?

6 M. RUEL: Bonjour, Monsieur le Commissaire.

7 LE COMMISSAIRE: Bonjour.

8 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR Me
9 RUEL:

10 M. RUEL: Monsieur Landry, bonjour; bonne
11 fin de journée.

12 M. LANDRY: Bonjour.

13 M. RUEL: Et le témoin a été assermenté?

14 LE COMMISSAIRE: Absolument.

15 M. RUEL: Monsieur Landry, peut-être vous
16 pourriez commencer par nous donner quelques informations
17 sur votre parcours professionnel.

18 M. LANDRY: Bien, j'ai gradué en service
19 social de l'Université de Montréal en '63 et j'ai pratiqué
20 à l'Aide à l'enfance jusqu'en '71. Après ça à l'Hôpital --
21 -

22 M. RUEL: Pardon. Après vos études ---

23 M. LANDRY: Oui.

24 M. RUEL: --- en service social vous avez
25 été à l'Aide à l'enfance ici à Cornwall?

1 M. LANDRY: À Cornwall, oui, jusqu'en '71.

2 M. RUEL: Comme travailleur social?

3 M. LANDRY: Comme travailleur social. Et
4 après ça à l'Hôpital général au département de psychiatrie,
5 comme travailleur social psychiatrique. Et après, en 1980,
6 à un établissement de l'équipe psychosocial, qui est un
7 centre de santé mentale pour enfants.

8 M. RUEL: Donc, juste reprendre là. À
9 partir de 1971, vous avez travaillé comme travailleur
10 social en psychiatrie.

11 M. LANDRY: Oui.

12 M. RUEL: Et ça c'était à quel endroit?

13 M. LANDRY: À l'Hôpital général de Cornwall.

14 M. RUEL: Donc, en 1980, vous êtes devenu --
15 vous avez travaillé à l'équipe psychosociale.

16 Et ça c'était à quel endroit?

17 M. LANDRY: À l'Hôpital général de Cornwall.

18 M. RUEL: Donc, en 1980 vous êtes devenu --
19 vous avez travaillé à l'Équipe psycho-sociale?

20 M. LANDRY: Directeur général de l'Équipe
21 psycho-sociale ici à Cornwall.

22 M. RUEL: Donc, est-ce que c'était un
23 organisme qui existait déjà ça?

24 M. LANDRY: Non, c'est un organisme qu'on a
25 fondé.

1 **M. RUEL:** Pouvez-vous expliquer les
2 circonstances qui ont mené à la création de cet organisme-
3 là?

4 **M. LANDRY:** Ce qui est arrivé, dans le
5 temps, il y avait un département -- ce qu'ils appelaient le
6 "Child Development" à l'Hôpital général et il n'y avait pas
7 de composante francophone. Il n'y avait pas de composante
8 francophone. Alors, à ce moment-là le Département de -- le
9 Centre de développement pour enfants à l'hôpital s'est
10 divisé en deux et il y a une partie francophone et une
11 partie anglophone. La partie anglophone est demeurée à
12 l'hôpital et la partie francophone s'est en allée au niveau
13 communautaire. Alors, c'est ce qui est arrivé.

14 **M. RUEL:** Donc, la partie francophone
15 c'était ---

16 **M. LANDRY:** L'Équipe psycho-sociale.

17 **M. RUEL:** C'est devenu l'Équipe psycho-
18 sociale?

19 **M. LANDRY:** C'est ça.

20 **M. RUEL:** Et vous en êtes devenu le
21 directeur?

22 **M. LANDRY:** C'est ça.

23 **M. RUEL:** Pouvez-vous expliquer -- donc,
24 vous avez été directeur de l'Équipe psycho-sociale jusqu'à
25 tout récemment, n'est-ce pas?

1 **M. LANDRY:** Jusqu'en septembre, oui. En
2 septembre cette année, oui.

3 **M. RUEL:** Est-ce que vous pouvez expliquer à
4 monsieur le Commissaire qu'est-ce que c'est l'Équipe
5 psycho-sociale?

6 **M. LANDRY:** L'Équipe psycho-sociale, grosso
7 modo, en fin de compte, pour résumer, c'est un centre de
8 santé mentale pour enfants et adolescents qui dessert les
9 trois comtés de Stormont, Dundas et Glengarry avec un pied
10 à terre à Alexandria.

11 **M. RUEL:** Est-ce que c'est pour les
12 francophones seulement ou vous aviez une clientèle aussi
13 anglophone?

14 **M. LANDRY:** Au tout début, oui, c'était pour
15 les francophones et aussi on a des ententes avec les
16 conseils scolaires, les deux conseils scolaires catholiques
17 français et publics français dans lesquels on a des
18 ententes de service avec eux autres par achat de services.

19 L'autre gamme de service représente très
20 bien la population de Cornwall.

21 **M. RUEL:** Donc, anglophone aussi?

22 **M. LANDRY:** C'est ça.

23 **M. RUEL:** Mais majoritairement francophone?

24 **M. LANDRY:** C'est ça.

25 **M. RUEL:** Cet organisme-là, est-ce que c'est

1 un organisme communautaire? Est-ce que c'est un organisme
2 gouvernemental? Quelle est la nature de cet organisme-là?

3 **M. LANDRY:** C'est un organisme qui
4 fonctionne avec un conseil d'administration, comme tous les
5 organismes à but non lucratif, et aussi qui a des ententes
6 avec le ministère des Services sociaux et communautaires et
7 des contrats de service avec le ministère d'Éducation ou
8 les conseils d'éducation et aussi on avait une partie qui
9 était relatée avec la santé.

10 **M. RUEL:** Donc, est-ce que c'est une agence
11 gouvernementale?

12 **M. LANDRY:** C'est une agence.

13 **M. RUEL:** Donc ---

14 **M. LANDRY:** C'est pas une agence
15 gouvernementale. C'est une agence qui est régie par un
16 conseil d'administration local.

17 **LE COMMISSAIRE:** Indépendant, mais financé
18 par le gouvernement?

19 **M. LANDRY:** C'est ça, exactement.

20 **M. RUEL:** Donc, vous, vous étiez le
21 directeur?

22 **M. LANDRY:** Oui.

23 **M. RUEL:** Et qui étaient vos patrons?

24 **M. LANDRY:** Conseil d'administration.

25 **M. RUEL:** Qui était composé de qui?

1 **M. LANDRY:** Dix (10) membres. J'avais 10
2 patrons. Des fois c'est mieux d'en avoir rien qu'un, mais
3 moi j'en avais 10.

4 **M. RUEL:** Vous avez parlé du travail de
5 l'Équipe psycho-sociale. Pouvez-vous donner plus de
6 détails sur les programmes que l'Équipe psycho-sociale a à
7 faire à travers les années?

8 **M. LANDRY:** L'Équipe psycho-sociale a
9 différents programmes. Avec les années, on a développé
10 différents programmes, dont un programme clinique, qui veut
11 dire un programme dans lequel les travailleurs sociaux,
12 psychologues, psychiatres, consultants, éducateurs aussi,
13 et ça, ça fait partie de la composante clinique. On a un
14 programme aussi pour les handicapés du développement adulte
15 ou on a un programme aussi qui s'appelle de prévention,
16 "Partir d'un bon bas", en anglais connu sous le nom de
17 "Better Beginning for a Better Future", qui est un
18 programme de prévention pour enfants de quatre à huit ans.
19 On a un programme aussi d'abus et un programme de violence
20 familiale.

21 **M. RUEL:** Donc, les enfants qui étaient
22 référés avec lesquels vous traitiez, est-ce que ces gens-là
23 étaient référés par d'autres organismes comme les hôpitaux
24 ou d'autres organismes dans la région de Cornwall?

25 **M. LANDRY:** Les gens peuvent se référer eux

1 autres mêmes, peuvent être référés par soit leur médecin de
2 famille, soit par d'autres organismes, aussi par les
3 conseils scolaires.

4 J'ai oublié de mentionner qu'on a deux
5 sections aussi, Jean XXIII, qu'ils appellent, qui est un
6 centre pour les mésadaptés sociaux affectifs, qui ont
7 certaines difficultés d'adaptation dans un modèle d'école
8 régulier et à ce moment-là viennent au centre de jour pour
9 traitement et aussi pour réintégration dans un programme
10 régulier.

11 M. RUEL: Combien d'employés avez-vous eu --
12 -

13 M. LANDRY: En tout et partout, nous sommes
14 à peu près 42 -- entre 42 et 45 employés.

15 M. RUEL: Et quel type d'employés?

16 M. LANDRY: Vous avez psychologues,
17 travailleurs sociaux, éducateurs, éducateurs spécialisés,
18 psychologues, psychiatres consultants, pas mal toute la
19 gamme de services qu'on retrouve dans n'importe quels
20 autres services sociaux.

21 M. RUEL: Donc, en gros, pour résumer, on
22 parle d'un organisme communautaire qui fournissait des
23 services spécialisés pour des jeunes de 0 à 18 ans ayant
24 des problèmes ou des questions reliées à la santé mentale?

25 M. LANDRY: M'hm.

1 **M. RUEL:** Essentiellement, c'est ça?

2 **M. LANDRY:** C'est ça.

3 **M. RUEL:** Le bureau de l'Équipe psycho-
4 sociale a été situé à quel endroit à travers -- disons, à
5 partir de 1980, au moment de sa création, jusqu'à ce que
6 vous avez pris votre retraite?

7 **M. LANDRY:** En 1980, on avait loué les
8 bureaux sur la Quatrième rue au coin de McConnell -- je ne
9 sais pas si ça vous situe -- qui était à ce moment-là
10 l'ancienne résidence des gardes-malades dans lequel le
11 Collège St-Laurent avait pris une partie de la bâtisse et
12 on avait loué nos bureaux sur le deuxième plancher de la
13 résidence -- l'ancienne résidence des gardes-malades.

14 En 1982, à ce moment-là il est arrivé une
15 entente avec les conseils scolaires. Dû à une population
16 scolaire qui diminuait, il y avait de l'espace dans leurs
17 écoles et étant donné qu'on avait un programme d'éducation,
18 ils ont demandé si on ne louerait pas une partie des
19 facilités de Jean XXIII.

20 **M. RUEL:** L'École Jean XXIII ici à Cornwall?

21 **M. LANDRY:** L'École Jean XXIII, à ce moment-
22 là -- pas à ce moment -- au moment où elle a été
23 construite, c'était pour environ 900-950 étudiants de
24 niveau 7 et 8 et a changé de vocation à ce moment-là pour
25 se ramasser avec 300 ou 350 étudiants. Il y avait beaucoup

1 de place dans la bâtisse.

2 Et étant donné qu'on avait un programme pour
3 les mésadaptés sociaux affectifs qui pouvait être intégré
4 directement dans une école qui se voulait, à ce moment-là,
5 hautement communautaire, on a décidé de déménager dans le
6 corps de l'édifice de Jean XXIII, mais chacun autonome de
7 leur côté. L'École était d'un bord; nous autres on était
8 de l'autre côté.

9 **M. RUEL:** Donc, l'Équipe psycho-sociale ne
10 faisait pas partie de l'école au plan administratif, c'est
11 ça?

12 **M. LANDRY:** Non, on était locataire.

13 **M. RUEL:** Et par la suite, vous êtes restés
14 dans cet édifice-là jusqu'à quand?

15 **M. LANDRY:** On est encore dans cet édifice-
16 là et présentement, ce qu'ils sont après faire c'est que la
17 nouvelle direction, on a pris toute la bâtisse de Jean
18 XXIII pour re-patrier tous les services qu'on avait un peu
19 ailleurs dans d'autres endroits. Alors, tous les services
20 devraient être re-pâtriés dans Jean XXIII par peut-être la
21 fin de juin 2008 parce qu'il y avait des ententes aussi de
22 location dans lesquelles il faut respecter.

23 **M. RUEL:** Je voulais, monsieur le
24 Commissaire, exhiber au témoin le document 124029.

25 **LE COMMISSAIRE:** C'est un nouveau document

1 qu'on va vous donner dans un instant.

2 **M. RUEL:** Tant qu'à y être, madame la
3 Greffière, 124028, qui est le même document, mais la
4 version anglaise.

5 **LE COMMISSAIRE:** Donc, 1065 sera pièce en
6 preuve, qui est les Services et programmes de l'Équipe
7 psycho-sociale.

8 --- **EXHIBIT NO./PIÈCE NO. P-1065:**

9 (124029) Services et programmes de
10 l'Équipe psycho-sociale

11 **LE COMMISSAIRE:** Et 1066 sera le même
12 document mais en anglais.

13 --- **EXHIBIT NO./PIÈCE NO. P-1066:**

14 (124028) Programs and Services of
15 Équipe psycho-sociale

16 **M. RUEL:** Monsieur Landry, est-ce que vous
17 avez ce document-là avec vous?

18 **M. LANDRY:** Cent vingt-quatre, vous dites?

19 **LE COMMISSAIRE:** Non, non, 1065?

20 **M. LANDRY:** Oui, oui.

21 **M. RUEL:** Pardon, monsieur le Commissaire,
22 il s'agit d'un document d'information sur l'Équipe
23 psychosociale et ses services essentiellement.

24 **M. LANDRY:** C'est ça; c'est ça.

25 **M. RUEL:** Et à la table des matières -- vous

1 avez expliqué, je pense, assez bien de quoi il s'agissait,
2 mais dans la table des matières, à la troisième page du
3 document ---

4 **M. LANDRY:** M'hm.

5 **M. RUEL:** --- on voit ici les services
6 cliniques ---

7 **M. LANDRY:** C'est ça.

8 **M. RUEL:** --- intervention en milieu
9 scolaire ---

10 **M. LANDRY:** Oui.

11 **M. RUEL:** --- programme pour enfants abusés,
12 donc vous avez parlé de ça ---

13 **M. LANDRY:** M'hm.

14 **M. RUEL:** --- et certains autres programmes
15 que vous offriez ou que -- oui, que vous offriez à ce
16 moment-là?

17 **M. LANDRY:** C'est ça.

18 **M. RUEL:** Ça, ça a été préparé à quel
19 moment?

20 **M. LANDRY:** Ça, ça doit avoir été --
21 attendez un peu, je vais -- ça doit avoir été révisé
22 environ deux ans passés.

23 **M. RUEL:** Et le document suivant est la
24 version anglaise de ce document -- de ce ---

25 **M. LANDRY:** Exactement; exactement.

1 **M. RUEL:** Maintenant, M. Landry, je voulais
2 parler -- aborder avec vous le sujet d'un de vos anciens
3 employés, monsieur Nelson Barque.

4 **M. LANDRY:** M'hm.

5 **M. RUEL:** Vous connaissez Monsieur Barque?

6 **M. LANDRY:** M'hm.

7 **M. RUEL:** Il a travaillé pour vous.

8 **M. LANDRY:** Oui. Il a travaillé de '82 à
9 '86.

10 **M. RUEL:** Comme travailleur social?

11 **M. LANDRY:** Comme travailleur social, oui.

12 **M. RUEL:** Pouvez-vous expliquer à Monsieur
13 le Commissaire les circonstances où vous avez été -- dans
14 lesquelles vous avez rencontré Monsieur Barque?

15 **M. LANDRY:** À ce moment-là, on avait un
16 expansion des services et on avait besoin de personnel, et
17 suite ---

18 **M. RUEL:** Quand vous dites, "À ce moment-
19 là," on parle de quelle période?

20 **M. LANDRY:** Quatre vingt-deux ('82) à peu
21 près; à peu près deux ans après la formation de l'Équipe.
22 Et on a placé des annonces dans les journaux locaux et
23 ailleurs, et on a eu à peu près -- mettons 10 ou 15
24 applicants suite à ces annonces-là.

25 Sur les 10 ou 15 on a retenu à peu près

1 trois ou quatre références -- candidatures, que j'ai
2 interviewées, et dont, Monsieur Barque.

3 **M. RUEL:** Donc, vous avez reçu une demande
4 d'emploi; c'est exact?

5 **M. LANDRY:** De Monsieur Barque.

6 **M. RUEL:** Monsieur Barque. Et vous avez
7 interviewé Monsieur Barque ainsi que d'autres personnes;
8 c'est ça?

9 **M. LANDRY:** Il y avait trois -- si ma
10 mémoire est bonne, peut-être trois autres personnes.

11 **M. RUEL:** Madame la Greffière, si -- je
12 voudrais montrer au témoin le document, la Pièce 909.

13 **LE COMMISSAIRE:** C'est une pièce. Donc, si
14 vous voulez regarder dans les cartables, Maître, peut-être
15 la greffière va vous aider, trouver le numéro 909.

16 **M. LANDRY:** O.k.

17 **M. RUEL:** O.k. Est-ce qu'il s'agit d'après
18 ce qu'on peut voir d'une lettre datée du 12 juillet '82,
19 signée par monsieur Nelson Barque, par laquelle il postule
20 pour un poste chez vous suite à une demande d'emploi dans
21 le journal de Cornwall; c'est exact?

22 **M. LANDRY:** C'est ça.

23 **M. RUEL:** Est-ce que vous connaissiez
24 Monsieur Barque avant de recevoir ce document-là?

25 **M. LANDRY:** Non. Je savais qui il était,

1 mais je le connaissais pas. Je savais que c'était un
2 officier de probation, mais je le connaissais pas.

3 **M. RUEL:** Est-ce que vous aviez entendu
4 quelques commentaires à son sujet, positifs ou négatifs,
5 avant de rencontrer Monsieur Barque?

6 **M. LANDRY:** Absolument rien, non.

7 **M. RUEL:** Le document suivant a été -- et le
8 document 124031 ---

9 **LE COMMISSAIRE:** Qui est la prochaine page,
10 le 910 pour vous, Monsieur Landry. Tournez, vous allez
11 voir le CV.

12 **M. LANDRY:** O.k., o.k. Oui, oui.

13 **M. RUEL:** Est-ce qu'il a été déposé en
14 preuve, Madame la Greffière?

15 **LE COMMISSAIRE:** Oui, oui, 910. Preuve à
16 pièce 910.

17 **M. RUEL:** Neuf cent dix (910)?

18 **LE COMMISSAIRE:** C'est ça.

19 **M. RUEL:** Monsieur le Commissaire, vous me
20 permettez un commentaire. Ce document-là, et je vais
21 clarifier le point avec le témoin, nous avons reçu de la
22 part du témoin cet été, deux pages de curriculum vitae et
23 en rencontrant le témoin aujourd'hui, nous avons reçu des
24 pages additionnelles qui étaient manquantes.

25 **LE COMMISSAIRE:** Oui.

1 **M. RUEL:** Donc, ce que je vous suggère c'est
2 d'inclure à la Pièce 910 les pages manquantes.

3 **LE COMMISSAIRE:** C'est drôle. À 910 j'ai
4 toutes les pages, bien je ---

5 **M. RUEL:** On vous les a remises, je pense,
6 aujourd'hui justement pour compléter le document.

7 **LE COMMISSAIRE:** Correct.

8 **M. RUEL:** Et l'autre point c'est qu'à la
9 page -- la deuxième page du document, en révisant
10 l'original ce matin, il apparaît ou il apparaissait sur le
11 document qu'il y avait des notes manuscrites qui avaient
12 été, semble-t-il, effacées. Je vais poser la question au
13 témoin.

14 **LE COMMISSAIRE:** Oui.

15 **M. RUEL:** Et donc, j'inclurais à ce
16 document-là une copie foncée ---

17 **LE COMMISSAIRE:** C'est ça.

18 **M. RUEL:** --- de la deuxième page. Donc, on
19 aurait première page, la page couverture du curriculum
20 vitae; la deuxième page serait la deuxième du curriculum
21 vitae; la troisième page du document serait la page foncée;
22 et le reste des pages serait le reste du curriculum vitae.

23 **LE COMMISSAIRE:** O.k., merci. Donc, cette
24 page sera 910A.

25 --- **EXHIBIT NO./PIÈCE No P-910A:**

1 P-910A: (124031) Addendum au CV de
2 Nelson Barque

3 **LA GREFFIÈRE:** (Imperceptible; trop loin du
4 microphone.)

5 **LE COMMISSAIRE:** Bien, non. On devrait
6 mettre 910A.

7 **M. RUEL:** Neuf cent dix (910)A serait le
8 document additionnel, Monsieur le Commissaire.

9 **LE COMMISSAIRE:** Oui. La page.

10 **M. RUEL:** Monsieur Landry, vous nous avez
11 remis cette été un ---

12 **M. LANDRY:** M'hm.

13 **M. RUEL:** -- deux page de curriculum vitae;
14 c'est exact?

15 **M. LANDRY:** M'hm.

16 **M. RUEL:** Une copie?

17 **M. LANDRY:** Oui.

18 **M. RUEL:** Et ce matin vous aviez avec vous
19 l'original ---

20 **M. LANDRY:** Oui.

21 **M. RUEL:** --- contenait des pages
22 additionnelles?

23 **M. LANDRY:** Oui.

24 **M. RUEL:** Donc, les pages additionnelles ont
25 été -- sont celles que vous aviez au dossier?

1 M. LANDRY: C'est ça.

2 M. RUEL: Et est-ce que c'est bien le
3 curriculum vitae que vous avez reçu de Monsieur Barque qui
4 était annexé à sa lettre du 12 juillet '82?

5 M. LANDRY: C'est ça.

6 M. RUEL: J'aimerais attirer votre
7 attention; donc, on voit à la première page du curriculum
8 vitae, Nelson Barque est le -- donc, c'est le curriculum
9 vitae de Nelson Barque. On voit "Éducation." Donc,
10 l'individu avait une maîtrise en travail social?

11 M. LANDRY: Il complétait sa maîtrise en
12 travail social, oui.

13 LE COMMISSAIRE: Il était étudiant à
14 l'Université Carleton, maîtrise en travailleur social.

15 M. LANDRY: C'est ça.

16 LE COMMISSAIRE: C'est ça.

17 M. RUEL: À la deuxième page Monsieur Barque
18 incluait des informations sur son emploi précédent; c'est
19 exact?

20 M. LANDRY: Oui.

21 M. RUEL: Donc, il était agent de probation
22 et de libération conditionnelle ici à Cornwall?

23 M. LANDRY: Oui.

24 M. RUEL: Donc, il expliquait dans son
25 curriculum vitae ses fonctions, et il indiquait ici comme

1 recommandation monsieur Peter Sirrs?

2 **M. LANDRY:** Oui.

3 **M. RUEL:** Vous vous souvenez de ça?

4 **M. LANDRY:** Oui, oui.

5 **M. RUEL:** La raison du départ ici qui est
6 indiquée:

7 "J'ai quitté dû à un conflit face aux
8 règlements du ministère."

9 **M. LANDRY:** M'hm.

10 **M. RUEL:** Vous avez vu ça aussi?

11 **M. LANDRY:** Oui.

12 **M. RUEL:** Et au bas de la page, donc, c'est
13 la page foncée qui est la Pièce 910A. Il y a des notes
14 manuscrites qui semblaient effacées sur le document; est-ce
15 que c'est exact?

16 **M. LANDRY:** Oui. Oui.

17 **M. RUEL:** Qu'est-ce qui a -- on a fait une
18 photocopie de ce document-là ---

19 **M. LANDRY:** M'hm.

20 **M. RUEL:** --- et on peut lire de façon --
21 c'est pas très clair, mais on peut voir quelque chose.
22 Est-ce que vous êtes capable de lire qu'est-ce qui est
23 écrit sur le document?

24 **M. LANDRY:** Disons, moi, ce que je peux
25 regarder ici, ça devait être des notes qui ont été prises

1 au cours de l'entrevue ou quoi là. "Disponible à
2 travailler l'équipe, période de probation..." qui était à ce
3 moment-là, je pense six mois de période de probation pour
4 le travail. D'après ce que je peux voir c'est ce qui
5 m'apparaît avoir été écrit.

6 **M. RUEL:** Juste pour clarifier "Disponible..."
7 et en dessous "Travailler équipe..." ---

8 **M. LANDRY:** "Équipe..."

9 **M. RUEL:** --- c'est ça?

10 **M. LANDRY:** Oui.

11 **M. RUEL:** Et vous croyez qu'à droite c'est
12 inscrit "Période probation..."; c'est ça?

13 **M. LANDRY:** Bien, c'est ce qui m'apparaît à
14 moi. Je vois pas d'autre chose.

15 **M. RUEL:** Et dans ses expériences
16 précédentes Monsieur Barque avait été travailleur social à
17 la Cité de Cornwall; c'est ça?

18 **M. LANDRY:** M'hm.

19 **M. RUEL:** Il avait été remplaçant professeur
20 à l'école secondaire La Citadelle?

21 **M. LANDRY:** C'est ça.

22 **M. RUEL:** Et à la dernière page du
23 curriculum vitae "Autres intérêts et activités." Monsieur
24 Barque avait été membre de divers organismes et conseils?

25 **M. LANDRY:** Oui, plusieurs. Peut-être une

1 quinzaine de différents organismes communautaires et en
2 conseils.

3 **M. RUEL:** Donc, qu'est-ce qui vous
4 intéressait dans la -- vous avez retenu Monsieur Barque en
5 entrevue; exact?

6 Qu'est-ce qui vous intéressait dans sa
7 candidature?

8 **M. LANDRY:** Ben, chose certaine, c'est son
9 expérience qu'il avait, ses qualifications, d'autre chose
10 aussi, c'est y semblait être impliqué au niveau
11 communautaire, y semblait connaître, définitivement, la
12 communauté de Cornwall et les environs.

13 C'est peut-être, disons, ce qu'y a joué le
14 plus dans la sélection de Monsieur Barque. Parce que, à ce
15 moment-là, c'était très difficile aussi de trouver les gens
16 de Cornwall avec un background professionnel. Les gens
17 venaient de l'extérieur la plupart. Alors, si je regarde
18 ses activités, il était très impliqué au niveau de la
19 communauté de Cornwall.

20 **Me RUEL:** Donc, vous avez rencontré Monsieur
21 Barque en entrevue?

22 **M. LANDRY:** C'est ça.

23 **Me RUEL:** Pouvez-vous nous expliquer comment
24 l'entrevue s'est déroulée?

25 Si vous pouvez me permettre de préciser la

1 question. Quelles questions avez-vous posées et quelles
2 réponses avez-vous reçues?

3 **M. LANDRY:** Tout d'abord, je l'ai remercié
4 d'avoir envoyé son C.V. à l'équipe, puis, l'autre chose, on
5 a parlé du travail, du fonctionnement de l'équipe, de sa --
6 de la -- des responsabilités qu'il aurait ---

7 **LE COMMISSAIRE:** Étiez-vous seul?

8 **M. LANDRY:** Oui.

9 **LE COMMISSAIRE:** Étiez-vous seul avec lui?

10 **M. LANDRY:** Oui, oui.

11 Salaire, période de vacances, tout ce qui se
12 dit. Et aussi j'avais demandé pourquoi qu'il avait laissé
13 Probation, officier de -- en tant qu'officier de Probation
14 et la réponse c'était ce que la réponse était là; dû à un
15 conflit entre une politique, je pense. Et aussi je pense,
16 si ma mémoire est bonne, c'est qu'y avait eu une nouvelle
17 administration ou une nouvelle direction en terme de
18 superviseur, je pense. et à ce moment-là, il semblait avoir
19 un conflit. C'était un peu la raison qui m'a été donnée.
20 Et aussi il m'avait donné comme référence le Père Dubé,
21 lequel j'ai contacté.

22 **Me RUEL:** Donc pour -- juste avant de se
23 rendre là.

24 **M. LANDRY:** O.k.

25 **Me RUEL:** Donc, pour l'entrevue, c'est

1 essentiellement ce qui a été discuté sur les raisons de son
2 départ?

3 **M. LANDRY:** Oui, puis sa disponibilité,
4 quand est-ce qu'il pourrait commencer, et cetera, et
5 cetera. C'est ça.

6 **Me RUEL:** Donc, avez-vous posé des questions
7 additionnelles sur la -- au sujet du conflit-là dont il
8 faisait état?

9 **M. LANDRY:** Non, parce que je me suis dit
10 « Ben, en vérifiant les références, j'avais en savoir
11 plus. » Et c'est pour ça que ça resté comme ça.

12 **Me RUEL:** Donc, vous avez parlé d'une
13 référence du Père Dubé, c'est ça?

14 **M. LANDRY:** Y avait eu deux références, le
15 Père Dubé, oui.

16 **Me RUEL:** Il vous l'a donné, c'est pas
17 inscrit dans le Curriculum Vitae, il vous l'avait donné ---

18 **M. LANDRY:** Verbalement.

19 **Me RUEL:** --- verbalement.

20 **M. LANDRY:** Verbalement, oui.

21 **Me RUEL:** Vous avez contacté le Père Dubé?

22 **M. LANDRY:** C'est ça.

23 **Me RUEL:** Et qui était le Père Dubé?

24 **M. LANDRY:** Père Dubé était le curé de la
25 paroisse Christ-Roi et Nelson faisait partie du Comité de

1 paroisse à ce moment-là et semblait connaître ou être
2 impliqué dans le développement parce que je pense que
3 c'était une nouvelle paroisse aussi qui commençait. Il
4 était impliqué dans cette nouvelle paroisse-là.

5 **Me RUEL:** Donc, qu'est-ce qu'on vous a donné
6 comme référence?

7 **M. LANDRY:** Père Dubé l'a hautement
8 recommandé.

9 **Me RUEL:** Et vous avez appelé une autre
10 personne pour une référence?

11 **M. LANDRY:** La personne j'ai appelée c'était
12 la personne qu'il m'avait donnée, Mr. Steer?

13 **LE COMMISSAIRE:** Sirrs.

14 **M. LANDRY:** Sirrs. Et -- Peter Sirrs -- et
15 j'ai dit que monsieur -- j'avais eu un Curriculum Vitae de
16 Monsieur Barque et qu'il a donné son nom comme référence et
17 que j'aimerais avoir des références à son sujet dû à son
18 travail.

19 Et monsieur -- la conversation n'a pas été
20 tellement longue peut-être trois, quatre, cinq minutes
21 maximum là. Je me souviens pas. Et il m'a demandé de lui
22 faire parvenir une lettre par écrit de ce que je demandais.

23 Alors -- les jours qui suivent, une journée
24 ou deux ou trois après, j'ai fait parvenir une lettre à
25 Monsieur Sirrs faisant suite à notre conversation

1 téléphonique, et cetera, et cetera, et j'aimerais avoir des
2 références.

3 **Me RUEL:** Laissez-moi revenir sur cette
4 discussion-là avec Monsieur Sirrs. Donc qui était -- est-
5 ce que vous avez mentionné qui était Monsieur Sirrs?

6 **M. LANDRY:** Il était, selon Monsieur Barque,
7 il était son officier supérieur ou son superviseur ou
8 quelque chose dans ce genre-là.

9 **Me RUEL:** À quelle date s'est déroulée cette
10 conversation-là?

11 **M. LANDRY:** Avec Monsieur Sirrs? Je dirais
12 au mois d'août '82, ces alentours-là.

13 **Me RUEL:** Donc, comment vous vous êtes
14 présenté à Monsieur Sirrs lors de cette conversation-là?

15 **M. LANDRY:** Que j'étais directeur général de
16 l'Équipe psychosociale qui est un centre de santé mentale
17 et qu'on avait mis une annonce dans le journal et que
18 Monsieur Barque avait fait son application.

19 **Me RUEL:** Est-ce que vous avez expliqué à
20 Monsieur Sirrs qu'est-ce était l'Équipe psychosociale?

21 **M. LANDRY:** Non, j'ai pas rentré en détail,
22 non.

23 **Me RUEL:** Est-ce que vous avez expliqué que
24 c'est une agence qui travaillait avec des enfants ou vous
25 l'avez pas mentionné?

1 **M. LANDRY:** Je m'en souviens pas. À ce
2 moment-là, l'Équipe psychosociale, pas mal tout le monde
3 savait qu'est-ce que c'était, mais non, j'ai pas spécifié
4 qu'est-ce que c'était, non.

5 **Me RUEL:** Est-ce que vous avez parlé du type
6 d'emploi qui serait occupé par monsieur ---

7 **M. LANDRY:** Oui, que ce serait un rôle de
8 travailleur social, oui.

9 **Me RUEL:** Est-ce que vous avez fourni des
10 détails sur le type de clientèle avec laquelle Monsieur
11 Barque serait appelé à travailler?

12 **M. LANDRY:** Non, pas plus que ça. Que
13 l'Équipe psychosociale -- il serait travailleur social
14 affecté à des ententes qu'on avait avec les conseils
15 scolaires, mais j'me souviens pas si je lui ai mentionné ça
16 là, mais c'était pour travailler avec des enfants au niveau
17 des écoles.

18 **Me RUEL:** Est-ce que vous avez mentionné ça
19 ou vous pensez avoir mentionné ça?

20 **M. LANDRY:** Je me souviens pas. Je me
21 souviens pas du tout.

22 **Me RUEL:** Dans quelle langue s'est déroulée
23 cette conversation-là?

24 **M. LANDRY:** En anglais.

25 **Me RUEL:** Est-ce que vous êtes bilingue?

1 Est-ce que vous parlez anglais?

2 M. LANDRY: Oui, je parle, oui. Je peux me
3 déprendre, oui.

4 Me RUEL: Est-ce que vous avez travaillé en
5 anglais au cours de votre carrière?

6 M. LANDRY: Oui, oui. Oui, oui.

7 Me RUEL: À cette période-là?

8 M. LANDRY: Oui, oui. J'avais travaillé à
9 l'hôpital en anglais. Mais je me sens plus à l'aise en
10 français.

11 Me RUEL: Mais à cette période-là, en 1982,
12 si quelqu'un vous parlait en anglais, est-ce que vous
13 compreniez ce qui était dit?

14 M. LANDRY: Ben oui, ben oui.

15 Me RUEL: Est-ce que Monsieur Sirrs vous a
16 fait des -- qu'est-ce que Monsieur Sirrs a indiqué au sujet
17 de Monsieur Barque?

18 M. LANDRY: Dans la conversation
19 téléphonique vous dites?

20 Me RUEL: Oui. Dans la conversation
21 téléphonique, oui.

22 M. LANDRY: Y'a rien indiqué et tout ce
23 qu'il m'a demandé c'est de lui envoyer ça par écrit.

24 Me RUEL: Est-ce qu'il a fait des
25 commentaires positifs sur le travail de Monsieur Barque?

1 **M. LANDRY:** Absolument pas. Il m'a envoyé
2 ça par écrit.

3 **Me RUEL:** Est-ce qu'il a fait des
4 commentaires négatifs?

5 **M. LANDRY:** Non.

6 **Me RUEL:** Est-ce qu'il vous a mentionné
7 qu'il ne pouvait pas divulguer des informations au sujet de
8 Monsieur Barque sans son autorisation -- sans
9 l'autorisation de Monsieur Barque?

10 **M. LANDRY:** Non, non.

11 **Me RUEL:** Est-ce qu'il vous a dit qu'il
12 n'emploierait pas Monsieur Barque s'il était dans votre
13 position?

14 **M. LANDRY:** Non. La conversation était
15 assez courte au téléphone. Comme je vous dis, y a peut-
16 être trois, quatre minutes et quand il m'a demandé de lui
17 faire parvenir par écrit, ben c'est ce que j'ai fait, j'lui
18 ai fait parvenir par écrit.

19 **Me RUEL:** Je vais vous montrer un document
20 qui est la Pièce 911.

21 **LE COMMISSAIRE:** Vous la connaissez cette
22 lettre, Monsieur?

23 **M. LANDRY:** Oui.

24 **Me RUEL:** Donc, qu'est-ce que -- pouvez-vous
25 -- une lettre, qui est datée du 12 août 1982 ---

1 M. LANDRY: C'est ça.

2 Me RUEL: --- signée par vous ---

3 M. LANDRY: Oui.

4 Me RUEL: --- à l'attention de Monsieur
5 Sirrs.

6 M. LANDRY: M'hm.

7 Me RUEL: Puis, est-ce que vous vous
8 souvenez -- vous vous souvenez donc d'avoir -- est-ce que
9 vous vous souvenez d'avoir rédigé cette lettre-là?

10 M. LANDRY: Ben oui, ben oui.

11 Me RUEL: Oui. Pouvez-vous nous expliquer
12 le contexte-là de la préparation et de l'envoi de cette
13 lettre-là?

14 M. LANDRY: Ben, cette lettre-là est suite à
15 la conversation téléphonique:

16 « Following our telephone conversation
17 of this date, I will appreciate
18 receiving any recommendation that you
19 can give me concerning Mr. Nelson
20 Barque who has applied for the position
21 of social worker in our organization.
22 I would like to take this opportunity
23 to thank you for your cooperation. »

24 That's the letter I sent.

25 Me RUEL: Donc, selon cette lettre-là, si on

1 se réfère à cette lettre-là, la conversation -- ou la
2 conversation téléphonique avec Monsieur Sirrs aurait eu
3 lieu le 12 août 1982?

4 **M. LANDRY:** Oui. Bien, d'après ce que je
5 peux voir ici là, oui.

6 **Me RUEL:** Donc, comment ça a fonctionné pour
7 l'envoi de cette lettre-là? D'abord est-ce que vous l'avez
8 envoyé à Monsieur Sirrs?

9 **M. LANDRY:** Bien oui, naturellement. Je
10 l'ai envoyée par la malle régulière. J'ai pas envoyé de
11 fax, y avait pas de fax dans ce temps-là. Je ne l'ai pas
12 envoyée par malle enregistrée ou je l'ai envoyée comme on
13 envoie n'importe quel courrier régulier.

14 **Me RUEL:** Et comment ça fonctionnait
15 l'envoi de correspondance à ce moment-là? Est-ce que vous
16 aviez une assistante ou un assistant, qui traitait votre
17 correspondance, qui s'occupait des envois postaux?

18 **M. LANDRY:** Oui, c'est ça, oui. Oui.

19 **Me RUEL:** Et donc, vous avez envoyé
20 l'original, je présume; c'est exact?

21 **M. LANDRY:** Oui, oui.

22 **Me RUEL:** Et vous avez gardé une copie?

23 **M. LANDRY:** C'est ça.

24 **Me RUEL:** Je crois comprendre que Monsieur
25 Sirrs a indiqué soit ne pas se souvenir d'avoir reçu cette

1 lettre-là ou ne pas l'avoir reçue. Je n'étais pas là
2 aujourd'hui. Je ne sais pas si vous avez un commentaire à
3 faire à cet égard-là.

4 **M. LANDRY:** Je le sais pas moi non plus;
5 j'étais pas là. Mais la lettre a bel et bien été envoyée.
6 J'ai eu une réponse d'ailleurs de Monsieur Sirrs.

7 **Me RUEL:** Donc, sur cette lettre-là, on peut
8 voir le logo de votre organisation.

9 **M. LANDRY:** M'hm.

10 **Me RUEL:** Qui -- ainsi que le nom de
11 l'organisation en français et -- en français, en fait,
12 Équipe psychosociale pour enfants et adolescents
13 francophones de Stormont, Dundas et Glengarry?

14 **M. LANDRY:** M'hm.

15 **Me RUEL:** Donc, c'était votre entête de
16 lettre?

17 **M. LANDRY:** C'est ça.

18 **Me RUEL:** Vous avez reçu une réponse de
19 Monsieur Sirrs?

20 **M. LANDRY:** Oui, j'ai eu une réponse ---

21 **LE COMMISSAIRE:** On a la pièce là. Quelle
22 pièce?

23 **Me RUEL:** C'est la Pièce 869.

24 **LE COMMISSAIRE:** Huit cent soixante-neuf
25 (869). Donc, si vous voulez reculer. C'est ça.

1 M. LANDRY: Huit cent soixante-neuf (869).

2 LE COMMISSAIRE: L'avez-vous, monsieur?

3 M. LANDRY: Oui, je l'ai ici. Non, excuse,
4 je l'ai.

5 LE COMMISSAIRE: Est-ce bien la lettre que
6 vous avez reçue de Monsieur Sirrs?

7 M. LANDRY: C'est ça.

8 Me RUEL: Est-ce que vous avez pris le temps
9 de lire cette lettre-là, Monsieur Landry, maintenant? Vous
10 avez jeté un coup d'œil?

11 M. LANDRY: Oui.

12 Me RUEL: Pour avoir vos commentaires, la
13 lettre s'intitule "Employment Reference, Nelson Barque";
14 n'est-ce pas?

15 M. LANDRY: M'hm.

16 Me RUEL: Et dans le texte de la lettre, on
17 peut constater qu'il n'y a pas de -- si vous me permettez
18 d'interpréter la lettre, il n'y a pas de recommandation
19 positive ou négative. Il s'agit essentiellement, je vous
20 soumettrai, d'une confirmation d'emploi. Est-ce c'est
21 votre interprétation également de cette lettre-là?

22 M. LANDRY: M'hm. Oui, définitivement.

23 C'est un peu ce que la lettre dit, qu'il a été à l'emploi
24 pendant telle période de temps et il n'y a pas de négatif,
25 pas de positif, rien. M'hm.

1 **Me RUEL:** Donc, je comprends que vous avez
2 embauché Monsieur Barque après avoir parlé à Monsieur Sirrs
3 et après avoir reçu cette lettre-là?

4 **M. LANDRY:** Oui.

5 **Me RUEL:** Donc, compte tenu qu'il ne semble
6 pas y avoir eu de commentaires positifs ou négatifs, ni
7 lors de la conversation, ni par le biais de cette lettre-
8 là, est-ce que vous avez jugé que c'était suffisant pour
9 embaucher Monsieur Barque? Est-ce que la référence était
10 suffisante?

11 **M. LANDRY:** Si je me rapporte dans le temps
12 de 1982, aujourd'hui on sait tout ce qui est arrivé, mais
13 dans le temps on savait rien. Je pense que pour moi,
14 c'était suffisant de -- surtout quand on m'a parlé de
15 conflit et ces choses-là, peut-être personne ne voulait
16 s'embarquer là-dedans. Alors, sachant ça aussi, bon, oui.
17 Pour ce moment-là, je dirais que c'était approprié, oui.

18 **Me RUEL:** Est-ce que vous avez eu d'autres
19 contacts avec Monsieur Sirrs?

20 **M. LANDRY:** Non.

21 **Me RUEL:** Par la suite?

22 **M. LANDRY:** Non.

23 **Me RUEL:** Est-ce que vous avez déjà eu des
24 contacts avec les services -- le Bureau des services de
25 probation de Cornwall?

1 M. LANDRY: Non.

2 Me RUEL: Donc, vous avez embauché Monsieur
3 Sirrs (sic) à partir de quelle date à peu près?

4 M. LANDRY: Monsieur Barque?

5 Me RUEL: Pardon, oui, monsieur -- pardon,
6 Monsieur Barque.

7 M. LANDRY: Je pense si ma mémoire est
8 bonne, c'était la fin août pour commencer en septembre.

9 Me RUEL: Donc, Monsieur Barque a été
10 embauché comme travailleur social, comme vous l'avez
11 indiqué.

12 M. LANDRY: Oui, oui.

13 Me RUEL: Pouvez-vous indiquer à Monsieur le
14 Commissaire quelle était la nature des fonctions de
15 Monsieur Barque au cours de son emploi pour l'équipe
16 psychosociale?

17 M. LANDRY: Une -- la fonction majeure de
18 Monsieur Barque c'était on avait des ententes avec les
19 conseils scolaires à ce moment-là pour donner des services
20 cliniques à la clientèle, leur clientèle, la clientèle
21 scolaire. Et à ce moment-là, passait par l'équipe pour
22 avoir une gamme de support. Autrement dit, pas juste un
23 employé mais une gamme. Autrement dit, psychologue,
24 travailleurs sociaux, et cetera, de consultation et de
25 supervision. Alors, à ce moment-là, sa fonction première

1 était de travailler auprès des deux écoles élémentaires ici
2 à Cornwall et aussi il travaille au Bureau central de
3 l'équipe.

4 **Me RUEL:** Les écoles élémentaires, est-ce
5 que vous avez -- est-ce que vous vous souvenez des noms de
6 ces écoles-là?

7 **M. LANDRY:** Il y avait à ce moment-là
8 l'école Nativité et si -- l'École Saint François de Salles.

9 **Me RUEL:** Qui étaient des écoles primaires?

10 **M. LANDRY:** Des écoles primaires, oui.

11 **Me RUEL:** Donc, en Ontario, l'école
12 primaire, on termine à quel âge?

13 **M. LANDRY:** Septième année, si ma mémoire
14 est bonne là. À c't'heure, c'est changé, parce qu'ils les
15 commencent au secondaire en sept et huit là.

16 **Me RUEL:** Donc, combien d'heures par semaine
17 Monsieur Barque travaillait? D'abord est-ce qu'il
18 travaillait sur les lieux mêmes de ces ---

19 **M. LANDRY:** De l'école, oui. Il travaillait
20 sur les lieux de l'école, oui.

21 **Me RUEL:** Est-ce qu'il avait un bureau sur
22 les lieux des écoles?

23 **M. LANDRY:** Oui, bien, les écoles faisaient
24 des arrangements à ce moment-là pour lui donner une place,
25 oui.

1 **Me RUEL:** Combien d'heures par semaine
2 pouvait-il travailler sur les lieux des deux écoles en
3 question?

4 **M. LANDRY:** Je dirais peut-être à peu près -
5 - c'était des écoles ciblées, des écoles à risque là.
6 C'était des écoles ciblées, peut-être 10 à 15 heures par
7 école.

8 **Me RUEL:** Et le reste du temps?

9 **M. LANDRY:** Le reste du temps, il était au
10 bureau central.

11 **Me RUEL:** Donc, par la nature de ses
12 fonctions, est-ce que Monsieur Barque était appelé à inter-
13 agir directement avec des enfants de ces écoles-là?

14 **M. LANDRY:** Les enfants et les familles,
15 oui.

16 **Me RUEL:** Donc, comment ça se passait? Est-
17 ce que vous pouvez donner plus de détails? Est-ce qu'il
18 rencontrait les enfants individuellement?

19 **M. LANDRY:** Oui.

20 **Me RUEL:** Est-ce qu'il rencontrait les
21 enfants avec les parents ou est-ce que ça pouvait se faire
22 selon les cas, l'un ou l'autre?

23 **M. LANDRY:** Il rencontrait les enfants
24 individuellement. Il rencontrait les parents. Il pouvait
25 rencontrer les parents individuellement; aussi les

1 enseignants et enseignantes de ces élèves-là. Aussi, y
2 avait des rencontres de groupes entre parents, enfants et
3 enseignants.

4 **Me RUEL:** Donc, vous, vous étiez -- donc,
5 monsieur -- d'abord Monsieur Barque a occupé ces fonctions-
6 là tout le temps qu'il a travaillé pour l'équipe
7 psychosociale; c'est exact?

8 **M. LANDRY:** Exactement.

9 **Me RUEL:** Donc, vous étiez son superviseur
10 direct?

11 **M. LANDRY:** C'est ça.

12 **Me RUEL:** Est-ce que vous faisiez des
13 évaluations annuelles ou plus fréquentes?

14 **M. LANDRY:** À tous les deux ans, on faisait
15 les évaluations du personnel et je demandais à ce moment-là
16 la collaboration des endroits où il travaillait de me faire
17 un rapport sur son travail et sa -- son assiduité, et
18 cetera. Et les écoles m'envoyaient un rapport à ce moment-
19 là.

20 **Me RUEL:** Est-ce que vous le rencontriez
21 fréquemment?

22 **M. LANDRY:** On se rencontrait, je dirais, à
23 toutes les deux semaines. Après ça, on avait une réunion
24 clinique -- à toutes les deux semaines, je rencontrais
25 Monsieur Barque et aussi on avait une rencontre clinique

1 aux deux semaines qui durait à peu près une heure.

2 **Me RUEL:** Qu'est-ce que vous pouvez dire sur
3 votre évaluation du travail de Monsieur Barque comme
4 travailleur social auprès de l'équipe psychosociale?

5 **M. LANDRY:** J'vais dire que les commentaires
6 que j'ai eus étaient tous des commentaires très positifs de
7 son travail, autant de ses collègues que des gens avec qui
8 il a eu affaire à travailler avec.

9 Je pense qu'il avait un bon background
10 d'expérience et ça paraissait dans son travail. Moi,
11 personnellement, en termes de supervision, je n'ai rien à
12 dire contre -- contre son travail qu'il faisait à l'équipe.

13 **Me RUEL:** J'aimerais vous montrer le
14 document 124036.

15 **LE COMMISSAIRE:** C'est un nouveau document,
16 monsieur.

17 Merci. Pièce No 1067, c'est une lettre
18 adressée à monsieur Pierre Landry en date du 4 juillet 198
19 -- le 30 juin 1983 de Mariette Grenier.

20 **---EXHIBIT NO./PIÈCE No. P-1067**

21 (124036) Letter from Mariette Grenier
22 to Pierre Landry dated June 30th, 1983

23 **Me RUEL:** Madame la Greffière, c'est la
24 Pièce No.

25 **LE COMMISSAIRE:** Un zéro six sept (1067).

1 **Me RUEL:** Monsieur Landry, est-ce que vous
2 reconnaissez ce document-là?

3 **M. LANDRY:** Oui.

4 **Me RUEL:** Pouvez-vous nous expliquer de quoi
5 il s'agit?

6 **M. LANDRY:** Ben, c'est un peu comme j'ai
7 expliqué avant. Je demandais aux endroits où il était
8 assigné de me donner une certaine évaluation de son travail
9 dans le milieu qu'il était.

10 Et ça c'est une des lettres qui dit que les
11 gens semblaient être très satisfaits de son travail comme
12 travailleur social et qu'y était très disponible, et puis
13 c'est vrai. C'était une lettre que j'ai trouvée très
14 positive.

15 **Me RUEL:** Donc au mois de -- ou en 1986,
16 Monsieur Barque a quitté vos services. C'est exact?

17 **M. LANDRY:** Oui.

18 **Me RUEL:** Pouvez-vous expliquer comment
19 Monsieur Barque a été -- a quitté? Pourquoi Monsieur
20 Barque a-t-il quitté l'équipe psychosociale?

21 **M. LANDRY:** Encore une fois, je vas aller de
22 mémoire mais ça se peut que je me trompe mais aux
23 alentours, mai ou juin '86, je me souviens pas exactement
24 là de la journée, l'heure, et cetera. Mais c'était dans
25 cette période de temps-là, peut-être plus près de juin que

1 mai, j'ai eu deux ou trois appels anonymes. Et d'habitude
2 on ne réagit pas aux appels anonymes, mais ça avait éveillé
3 un petit peu ma curiosité.

4 Et à ce moment-là, j'ai cru bon prendre ça
5 au sérieux et de dire, "Je vas emmener ça un petit peu plus
6 loin" parce que ça me semblait pas avoir de malice.
7 C'était simplement comme un avertissement de dire, "Écoute
8 là, André, t'es peut-être pas au courant de tout ce qui se
9 passe".

10 **LE COMMISSAIRE:** Et qu'est-ce qu'ils ont
11 dit? Les trois appels anonymes, c'était quoi?

12 **M. LANDRY:** Une des personnes anonymes me
13 demandait si j'étais au courant pourquoi Nelson avait
14 laissé, officier de probation. J'ai mentionné que oui,
15 jusqu'à un certain point, il y avait certains conflits.
16 Ils ont dit, "Non, c'est plus sérieux que ça. Et on te
17 demanderait peut-être de regarder là-dedans." Et ça a
18 raccroché, ça a resté de même.

19 Une couple de jours après, deux ou trois
20 jours peut-être là, j'ai eu un autre appel me disant à ce
21 moment-là que Nelson, la raison qu'y avait été parti de
22 l'officier de probation, c'est que apparemment il y aurait
23 eu des abus sexuels et que c'était très sérieux. Bon. Ça
24 a resté comme ça.

25 **Me RUEL:** Est-ce que vous avez dit des abus

1 sexuels sur ---

2 **M. LANDRY:** Sur des clients qu'il voyait
3 comme officier de probation. Et aussi, là je me souviens
4 pas si c'était dans cette conversation-là ou une autre,
5 mais en tous les cas, peu importe, que il se tenait au
6 Cornwall Square et qu'il y avait un groupe de jeunes
7 adolescents, et cetera, qui se tenait là.

8 **Me RUEL:** Pour les gens qui ne connaissent
9 pas Cornwall, qu'est-ce que c'est le Cornwall Square?

10 **M. LANDRY:** Le Cornwall Square, c'est un
11 centre d'achat qui est bâti sur la rue Water dans lequel, à
12 ce moment-là, était peut-être nouveau, je me souviens pas
13 ça fait combien de temps que c'est bâti, mais assez récent
14 dans le temps. Et c'était un peu un genre de, comme tous
15 les centres d'achat où les jeunes se ramassent puis « hang
16 out. »

17 Et ça, ça a éveillé un peu plus ma curiosité
18 et j'ai décidé de me rendre -- ben, j'y allais parce que je
19 faisais mes groceries là; il y avait je pense Steinberg
20 dans le temps. Je faisais mes groceries aussi là et j'ai -
21 --

22 **Me RUEL:** Vous voulez dire votre épicerie?

23 **M. LANDRY:** Mon épicerie.

24 **Me RUEL:** En français.

25 **LE COMMISSAIRE:** Non, non, non, des

1 groceries.

2 **Me RUEL:** Des groceries.

3 **M. LANDRY:** C'est en français ça, des
4 groceries.

5 **LE COMMISSAIRE:** C'est ça.

6 **M. LANDRY:** Des groceries, c'est en
7 français; épiceries ça on ne le sait pas.

8 **(LAUGHTER/RIRES)**

9 Alors à ce moment-là, j'ai vérifié et
10 j't'allé et je l'ai rencontré à deux ou trois reprises. Et
11 ça c'était le soir, je sais pas cinq, six, sept heures à
12 peu près, et il a resté surpris les fois qu'y m'a vu.
13 Comprenez-vous? Et moi, je l'ai juste salué, j'ai pas
14 établi aucune conversation. Et je pense que le lendemain
15 ou le surlendemain, j'ai demandé de le voir et ---

16 **Me RUEL:** Pardon, M. Landry, est-ce que vous
17 avez observé quelque chose?

18 **M. LANDRY:** J'ai observé qu'y avait -- oui,
19 réellement, il y avait des jeunes et cetera et Nelson s'en
20 allait comme en salle de bain; moi aussi j't'allé.

21 **Me RUEL:** Est-ce qu'il y allait seul?

22 **M. LANDRY:** Il était seul, oui. Et ---

23 **Me RUEL:** Est-ce que vous avez observé des
24 interactions particulières avec les jeunes qui étaient là?

25 **M. LANDRY:** Non, pas plus que ça. Je vas

1 vous dire pas plus que ça. J'ai pas observé rien de
2 particulier mais j'ai observé qu'il était là et puis il y
3 avait plusieurs jeunes.

4 **Me RUEL:** Avec lui? Est-ce que ces jeunes-
5 là étaient avec lui?

6 **M. LANDRY:** Il se mêlait avec eux, oui. Il
7 se mêlait avec eux. Et ---

8 **Me RUEL:** Des jeunes de quel âge?

9 **M. LANDRY:** Des jeunes je dirais de pré --
10 non, des jeunes adolescents, peut-être 16, 17, 18 ans ou
11 quelque chose comme ça. Pas des pré, des jeunes
12 adolescents, oui.

13 **Me RUEL:** C'était des jeunes garçons ou des
14 jeunes filles?

15 **M. LANDRY:** Des jeunes garçons.

16 **Me RUEL:** Donc par la suite vous avez parlé
17 d'une rencontre avec Monsieur Barque?

18 **M. LANDRY:** Je sais pas si c'est le
19 lendemain ou le surlendemain, j'ai eu une rencontre avec
20 Monsieur Barque et je lui ai confié que j'avais eu des
21 appels anonymes et pour moi, ces appels-là étaient très
22 sérieux et je vais vous les présenter.

23 Donc une entre autres qui dit
24 qu'apparemment, vous avez laissé votre travail comme
25 officier de probation parce que y'aurait eu des

1 attouchements ou des approches sexuelles qui auraient été
2 faits. Et je lui ai mentionné à ce moment-là, "Ben écoute,
3 si c'est vrai, tu décolles ou tu pars; ou si c'est pas
4 vrai, ben à ce moment-là, on va corriger. Mais je trouve
5 ça étrange pareil."

6 Et il m'est arrivé dans l'après-midi, vers
7 quatre heures je pense, ou si c'était le matin, et il m'a
8 donné une lettre de résignation à ce moment-là. Ça c'était
9 quelque temps après que sa lettre de résignation.

10 **Me RUEL:** Donc Monsieur Barque -- est-ce que
11 je dois comprendre qu'il n'a pas acquiescé là à l'existence
12 de ces rumeurs-là?

13 **M. LANDRY:** C'est ça. Alors moi, à ce
14 moment-là, j'en ai conclu que les informations qui
15 m'avaient été données étaient concluantes. Et c'est ce que
16 j'ai conclu.

17 **Me RUEL:** Donc, si vous pouvez -- j'aimerais
18 vous montrer la Pièce 912.

19 **LE COMMISSAIRE:** Dans ce cartable-là ça
20 Monsieur Ruel? Celui à votre droite, il devrait y avoir
21 912.

22 **M. LANDRY:** Ah, o.k.

23 **Me RUEL:** Est-ce que vous reconnaissez ce
24 document-là, Monsieur Landry?

25 **M. LANDRY:** Oui.

1 **LE COMMISSAIRE:** C'est bien la lettre qu'il
2 vous a donné, Monsieur Landry?

3 **M. LANDRY:** Oui.

4 **Me RUEL:** La lettre de démission.
5 J'aimerais attirer votre attention sur le deuxième
6 paragraphe et je vais vous le lire:

7 "Je quitterais mon poste effectif le 18
8 août 1986. Je prendrais mes vacances
9 pour l'année 1986 à partir du 21
10 juillet '86 au 15 août '86
11 inclusivement."

12 Donc, il semble, vous me corrigerez si j'ai
13 tort, que Monsieur Barque, d'après cette lettre est resté à
14 tout le moins à l'emploi de l'Équipe psychosociale jusqu'au
15 18 août et qu'il serait resté en fonction jusqu'au 21
16 juillet avant ses vacances. Est-ce que c'est ce qu'on doit
17 comprendre de cette lettre-là?

18 **M. LANDRY:** C'est ce que ça donne à
19 comprendre, oui, vous avez raison. On devait des vacances
20 à Monsieur Barque et, quand il a donné sa lettre de
21 résignation, on a réglé ses vacances.

22 Monsieur Barque n'était pas là jusqu'en
23 juillet. Ce qui est arrivé c'est qu'il m'a demandé du
24 temps pour informer sa femme. Alors, c'était un peu ça
25 pourquoi que la lettre elle a été écrite, « quitté mon

1 poste effectif le 18 août, » mais effectivement il était
2 parti avant.

3 **LE COMMISSAIRE:** Excusez-moi, je n'ai pas
4 compris?

5 **M. LANDRY:** Oui, effectivement, il était
6 parti avant.

7 **LE COMMISSAIRE:** À quelle date, le 11?

8 **M. LANDRY:** Avant peut-être le 11 juillet ou
9 le 11 juillet, dans ces alentours-là. Parce que, pour
10 commencer, les écoles étaient fermées à ce moment-là aussi.

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

12 **M. LANDRY:** Alors, il n'y avait rien
13 d'urgent ou de pressant à ce niveau-là.

14 **LE COMMISSAIRE:** O.k.

15 **Me RUEL:** Donc, est-ce qu'il est entré au --
16 il n'est pas entré au travail donc?

17 **M. LANDRY:** C'est ça.

18 **Me RUEL:** D'après ce que vous dites, il
19 n'est pas entré au travail le 12 juillet.

20 **M. LANDRY:** Non, non. Non.

21 **Me RUEL:** Mais il serait resté -- l'Équipe
22 psychosociale l'aurait payé jusqu'au 18 août?

23 **M. LANDRY:** Ben oui, parce qu'on lui devait
24 des vacances à ce moment-là, ça a été inclus dans la
25 question de vacances à ce moment-là.

1 **Me RUEL:** Est-ce qu'il y a eu considération,
2 est-ce que vous avez considéré le congédier carrément au
3 lieu de -- avant qu'il remette sa lettre de démission?

4 **M. LANDRY:** En ce qui concerne le
5 congédiement, selon -- sur des évidences qui ont été -- qui
6 étaient pas plus solides que des téléphones anonymes, je
7 pense ça aurait été un peu difficile parce que si on se
8 rapporte aujourd'hui et on regarde avec ce qu'on sait, oui,
9 ça aurait été possible, mais dans ce temps-là, tout était
10 nébuleux.

11 Pour commencer, chose certaine, c'est que de
12 '82 à '86, j'ai jamais entendu parler de rien. Et croyez-
13 moi j'étais impliqué moi aussi dans la communauté et jamais
14 personne m'a parlé de rien. Alors, ça me semblait être un
15 secret bien gardé. Je sais pas, mais chose certaine,
16 personne m'a parlé de rien.

17 Et tout d'un coup, pop, ça a sorti et --
18 alors, congédié, j'avais pas non plus de -- comment je
19 dirais de ---

20 **LE COMMISSAIRE:** Raison probable.

21 **M. LANDRY:** --- raison probable, d'évidence
22 pour le congédier.

23 **Me RUEL:** De toute façon, il a donné sa
24 démission le lendemain essentiellement, c'est ce que vous
25 avez indiqué?

1 M. LANDRY: C'est ça, oui.

2 Me RUEL: J'aimerais maintenant vous exhiber
3 le document suivant, qui n'est pas encore en preuve,
4 monsieur le Commissaire, 115507.

5 LE COMMISSAIRE: Pensez-vous achever bientôt
6 Maître Ruel?

7 Me RUEL: Bien il me resterait une quinzaine
8 de minutes à peu près.

9 M. LANDRY: Good.

10 LE COMMISSAIRE: C'est bien, oui, mais nous
11 ça fait depuis 9h30 qu'on oeuvre là.

12 M. LANDRY: Excusez.

13 LE COMMISSAIRE: Je pense qu'on ira jusqu'à
14 5h30, Maître Ruel, et puis après cela, on continuera
15 demain.

16 Me RUEL: Cinq, zéro, sept (507).

17 LE COMMISSAIRE: Bon, voilà. Donc la Pièce
18 numéro 1068, c'est un document qui s'appelle Bulletin, le
19 Conseil de prévention des enfants maltraités de Stormont,
20 Dundas et Glengarry, volume 1, numéro 1, octobre 1985.

21 --- EXHIBIT NO./PIÈCE No. P-1068:

22 (115507) Bulletin - Le conseil de
23 prévention des enfants maltraités de
24 SDG - octobre 1985

25 Me RUEL: Monsieur Landry, est-ce que vous

1 avez déjà vu ce document. Évidemment, à part la
2 préparation que j'ai eue avec vous; est-ce que vous avez vu
3 ce document-là avant que les avocats de la Commission
4 préparent votre témoignage?

5 **M. LANDRY:** Non, j'avais jamais vu ce
6 document-là jusqu'au moment où vous me le montrez, oui.

7 **Me RUEL:** Le Conseil de prévention des
8 enfants maltraités de Stormont, Dundas et Glengarry; est-ce
9 que vous connaissez l'existence de cet organisme-là?

10 **M. LANDRY:** Je ne me souviens pas. J'me
11 souviens pas de ça du tout. Je me souviens, je reconnais
12 des noms là-dessus, mais j'me souviens pas de ça.

13 **Me RUEL:** J'aimerais attirer votre attention
14 à la page 5 du document. Il semble, Monsieur Landry, qu'il
15 s'agisse d'un bulletin d'information de cet organisme-là.
16 Donc, à la page 5, « Activités des sous-comités » et c'est
17 « Comité info documentation ». Et c'est indiqué ici,
18 « Président, Nelson Barque, Équipe psychosociale; Bill
19 Carrière, Aide à l'enfance; Bernard Bouchard, Aide à
20 l'enfance. »

21 Est-ce que vous êtes au courant si Monsieur
22 Barque était à cette époque-là, en 1985, représentant de
23 l'Équipe psychosociale auprès du Conseil de prévention des
24 enfants maltraités de Stormont, Dundas et Glengarry?

25 **M. LANDRY:** Non.

1 **Me RUEL:** Vous n'étiez pas au courant?

2 **M. LANDRY:** Non.

3 **Me RUEL:** Vous l'avez pas mandaté pour
4 occuper ces fonctions-là?

5 **M. LANDRY:** J'me -- j'me souviens même pas
6 de ça et ---

7 **Me RUEL:** À la page 6 et nous sommes
8 toujours sous la rubrique « Rapport des sous-comités,
9 sensibilisation publique; Présidente, Helen O'Connell,
10 conseil d'éducation Stormont, Dundas et Glengarry; Rita
11 Pilon, Bloc Parent Association; Nelson Barque, Équipe
12 psychosociale » et il y a d'autres personnes.

13 Donc, que Monsieur Barque ait été membre de
14 ce comité-là de l'organisme le Conseil de prévention des
15 enfants maltraités de Stormont, Dundas and Glengarry. Est-
16 ce que vous êtes au courant?

17 **M. LANDRY:** Non.

18 **Me RUEL:** Est-ce que ça vous surprend?

19 **M. LANDRY:** Ça me surprend parce qu'il y a
20 beaucoup de gens là-dedans que je connais très bien et ça
21 avait d'l'air des gens qui étaient des responsables de
22 services et alors, c'est ce qui me « puzzle » un petit peu.

23 Et ça c'était en '85. Alors, Nelson était
24 avec nous en '82; '85 sur un comité de même, secret très
25 bien gardé.

1 **Me RUEL:** Est-ce que vous avez conduit une
2 enquête, j'emploie le mot « enquête », ça pourrait être un
3 autre terme, mais disons une enquête, suite au départ de
4 Monsieur Barque pour vérifier si Monsieur Barque avait créé
5 des dommages auprès de votre clientèle?

6 **M. LANDRY:** Oui, on a rencontré -- j'ai
7 rencontré le personnel pour les informer et à ce moment-là
8 ---

9 **Me RUEL:** Vous parlez, excusez-moi, du
10 personnel de l'Équipe psychosociale?

11 **M. LANDRY:** Le personnel de l'Équipe
12 psychosociale, à tous les membres cliniques.

13 Et à ce moment-là je les ai informé de ce
14 qui est arrivé à Monsieur Barque et j'ai été entre
15 parenthèses très prudent en disant que ce n'était pas des
16 accusations, mais des -- comment je dirais, des ---

17 **LE COMMISSAIRE:** Des sources anonymes?

18 **M. LANDRY:** Sources anonymes et que je me
19 devais de réagir pour le bien-être de l'équipe. Et c'est
20 ce qui est arrivé. Les gens -- le personnel a été ---

21 **LE COMMISSAIRE:** Donc, qu'est-ce que vous
22 avez dit au personnel; faut qu'on le sache?

23 **M. LANDRY:** Qu'il y a eu des -- apparemment
24 qu'il y aurait eu certains gestes que Monsieur Barque
25 aurait commis au moment où il était officier de probation.

1 J'ai pas mentionné quels gestes -- certains gestes.

2 **LE COMMISSAIRE:** Bon.

3 **M. LANDRY:** Et à ce moment-là, s'il y avait
4 des parents qui étaient au courant ou ces choses-là, que
5 j'aimerais qu'on les rencontre ensemble. Mais ça s'est pas
6 produit.

7 **Me RUEL:** Donc, vous vous attendiez à quoi
8 en faisant ces commentaires-là?

9 **M. LANDRY:** Bien, tout d'abord, Nelson était
10 avec nous autres depuis quatre ans. Alors, c'est important
11 d'informer les gens que quelqu'un part quasiment subito
12 presto. Et aussi pour essayer de nettoyer l'air un peu
13 parce que je voulais pas qu'il y ait un champ de rumeurs
14 qui parte chez nous non plus. Et tout le monde se demander
15 qu'est-ce qui se produit.

16 Alors, la meilleure façon, je les ai
17 rencontré, le personnel clinique et j'ai informé de
18 certaines rumeurs qui avaient courues et à ce moment-là que
19 s'il y avait des gens qui avaient été affectés ou quoi que
20 ce soit, qu'on était pour les rencontrer.

21 **Me RUEL:** Alors vous vouliez les
22 sensibiliser au fait que des plaintes pourraient
23 éventuellement être portées ou qu'elles devraient être
24 traitées éventuellement. C'est ça?

25 **M. LANDRY:** C'est ça, exactement.

1 **Me RUEL:** Est-ce que vous avez reçu des
2 plaintes au sujet de la conduite de Monsieur Barque alors
3 qu'il était à l'emploi de l'Équipe psychosociale?

4 **M. LANDRY:** Jamais. Jamais.

5 **LE COMMISSAIRE:** Puis après son départ, est-
6 ce que vous avez ---

7 **M. LANDRY:** Jamais. Jamais.

8 **Me RUEL:** Est-ce que vous avez eu des
9 discussions au sujet de Monsieur Barque après son départ
10 avec les -- soit les parents ou les responsables des deux
11 écoles pour lesquelles il travaillait?

12 **M. LANDRY:** Ce qui est arrivé, c'est que au
13 moment où les écoles concernées on a placé un nouveau
14 travailleur social dans ces écoles-là en septembre. J'ai
15 simplement informé ces écoles-là que Monsieur Barque
16 n'était plus au service de l'équipe, point.

17 **Me RUEL:** Donc vous avez pas -- ce que vous
18 dites c'est que vous avez pas eu de discussions avec les
19 parents ou avec les ---

20 **M. LANDRY:** Non.

21 **Me RUEL:** --- responsables des écoles.

22 Est-ce que vous avez, par la suite, entendu
23 parler de Monsieur Barque après son départ de l'équipe
24 psychosociale?

25 **M. LANDRY:** Ça c'est vague aussi. Mais je

1 me souviens d'avoir eu un appel téléphonique, je me
2 souviens pas si c'était d'Ottawa ou ailleurs demandant des
3 références sur Monsieur Barque en ce qui concerne -- je
4 pense qu'il avait appliqué pour un poste en travail social
5 en quelque part, là je me souviens pas.

6 Et j'avais dit au bonhomme à ce moment-là,
7 "Pose-moi rien qu'une question pis je vais te répondre une
8 réponse." Puis y'a dit, "Quoi? Pose-moi une question."
9 Est-ce que je le réengagerais? Je vas te dire, non. Pis
10 là lui, y m'a demandé pourquoi. J'ai dit, "Ben, y'a des
11 soupçons qui ont plané, je peux pas me permettre de faire
12 ça." Et ça été fini.

13 Et après, ce que j'ai su c'est que Monsieur
14 Barque, je pense, s'était recyclé comme agent d'immeubles
15 ou quelque chose dans ce genre-là.

16 **LE COMMISSAIRE:** Bon, sur cette note, Maître
17 Ruel, on va conclure demain à 9h30. Correct?

18 **M. LANDRY:** Merci.

19 **LE COMMISSAIRE:** Merci.

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

22 This hearing is adjourned until tomorrow
23 morning at 9:30 a.m.

24 --- Upon adjourning at 5:29 p.m. /


25 --- L'audience est ajournée à 17h29

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM