

**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 282

Held at :

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

Tuesday, October 7, 2008

Tenue à:

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

Mardi, le 7 octobre 2008

ERRATA
August 29, 2008
Volume 272

Transcript

Page 76, line 15

BISHOP DUROCHER: No, I consulted with -- I consulted with the priests' counsel. I consulted with Chris Bideral (ph), counsel -- the priests' counsel.

Should have read:

BISHOP DUROCHER: No, I consulted with -- I consulted with the priests' counsel. I consulted with **presbyteral** counsel -- the priests' counsel.

Appearances/Comparutions

Ms. Brigitte Beaulne	Registrar
M ^e Pierre R. Dumais Ms. Jamie Liew	Commission Counsel
Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. David Rose	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. James O. Katz	Ms. Geraldine Fitzpatrick
Ms. Geraldine Fitzpatrick	CAS

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1 --- Upon commencing at 1:03 p.m. /

2 L'audience débute à 13h03

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

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

8 Please be seated. Veuillez vous asseoir.

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

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

13 **THE COMMISSIONER:** Good afternoon, Maître
14 Dumais.

15 **MR. DUMAIS:** Just one matter before I call
16 our next witness. Mr. Bryan Keough was served with a
17 summons, returnable today. He is present with his counsel,
18 Mr. Larry Fillion; both standing.

19 **THE COMMISSIONER:** Thank you. Good
20 afternoon.

21 **MR. DUMAIS:** After discussion, we've decided
22 to postpone Mr. Keough's evidence to tomorrow morning at
23 9:30. If we can just ask him to return at that time, Mr.
24 Commissioner.

25 **THE COMMISSIONER:** All right. Mr. Keough,

1 if you could return tomorrow morning at 9:30, sir? Thank
2 you. You are excused. You're free to stay if you wish,
3 but you are free to go as well. Thank you.

4 **MR. DUMAIS:** Then if we could call our next
5 witness, Ms. Geraldine Fitzpatrick.

6 **THE COMMISSIONER:** Thank you. Mrs.
7 Fitzpatrick. Can the witness be affirmed or sworn in?

8 **GERALDINE FITZPATRICK, Sworn/Assermentée:**

9 **THE COMMISSIONER:** Thank you. Have a seat,
10 please.

11 So I don't know if you've watched some of
12 this on television but, in any event, with respect to all
13 witnesses, I want you to get familiar with your
14 surroundings a little bit.

15 **MS. FITZPATRICK:** Okay, if I can pour my
16 water.

17 **THE COMMISSIONER:** Pour your water. There
18 is a speaker in front of you if you wish to increase the
19 volume. When you get old like me, you want to do that
20 sometimes.

21 **MS. FITZPATRICK:** Okay.

22 **THE COMMISSIONER:** There is a screen there,
23 that will be for documents. You'll either see a hard copy
24 or something on the screen. I would like you to speak into
25 the microphone as much as possible. You can move it

1 around, yes, closer to you.

2 MS. FITZPATRICK: Okay.

3 THE COMMISSIONER: And if there are any
4 questions that you don't understand, please let me know.
5 Otherwise, I would like you to give me the best answer you
6 can. If at any time you feel uncomfortable or you need a
7 break, please let me know.

8 MS. FITZPATRICK: I will. Thank you.

9 --- EXAMINATION IN-CHIEF/INTERROGATOIRE EN CHEF PAR MR.

10 DUMAIS:

11 MR. DUMAIS: Good afternoon, Geraldine.

12 MS. FITZPATRICK: Good afternoon.

13 MR. DUMAIS: I understand that you are
14 presently in the employ of the Children's Aid Society of
15 Stormont/Dundas/Glengarry. Is that correct?

16 MS. FITZPATRICK: That's correct.

17 MR. DUMAIS: And you are a Child protection
18 worker with them?

19 MS. FITZPATRICK: That's correct.

20 MR. DUMAIS: And I understand that you have
21 been a Child protection worker since December 6th, 1986?

22 MS. FITZPATRICK: This December 6th, 2008, it
23 will be 23 years.

24 MR. DUMAIS: Now, I understand that through
25 your counsel you have prepared a CV and I'm just going to

1 ask that the CV, the document, be put to you.

2 **THE COMMISSIONER:** Thank you.

3 Exhibit 2344 is a CV of Geraldine
4 Fitzpatrick.

5 --- **EXHIBIT NO./PIÈCE NO. P-2344:**

6 CV of Ms. Geraldine Fitzpatrick

7 **MR. DUMAIS:** So I am going to go from back
8 to front, Geraldine.

9 **MS. FITZPATRICK:** Sure.

10 **MR. DUMAIS:** So I'm just looking at page 3
11 here and I'm looking at your education.

12 **MS. FITZPATRICK:** Yes.

13 **MR. DUMAIS:** I understand that you completed
14 some studies in Early Childhood Education at Middlesex
15 College in the States. Is that correct?

16 **MS. FITZPATRICK:** Yes, I did. That's
17 correct.

18 **MR. DUMAIS:** And you completed that program?

19 **MS. FITZPATRICK:** Yes.

20 **MR. DUMAIS:** And you have a certificate. Is
21 that correct?

22 **MS. FITZPATRICK:** Yes. There would be a
23 certificate.

24 **MR. DUMAIS:** And I understand that you did
25 complete some undergraduate studies in Psychology at the

1 University of Ottawa as well?

2 **MS. FITZPATRICK:** That's correct. Yes.

3 **MR. DUMAIS:** And my understanding is you
4 completed some courses but never completed?

5 **MS. FITZPATRICK:** No. I haven't finished an
6 undergraduate degree. No.

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

8 And if we are looking at the previous page,
9 there are three sections. One deals with recognitions; the
10 second at mid-page deals with a number of awards; and the
11 third deals with a list of committees.

12 So these are recognitions that you received
13 as a Child protection worker with the CAS, as well as
14 awards you received and committees that you participated
15 on. Is that correct?

16 **MS. FITZPATRICK:** That is correct, yes.

17 **MR. DUMAIS:** So then turning to the first
18 page in your professional profile, you indicate there that
19 you have been employed since the 6th day of December 1986,
20 and that you spent the first 15 years with the Children's
21 Aid Society as with the Forensic Investigative Unit. Is
22 that correct?

23 **MS. FITZPATRICK:** That is correct.

24 **MR. DUMAIS:** And you were a Child protection
25 worker with that Unit?

1 **MS. FITZPATRICK:** Yes, frontline
2 investigations.

3 **MR. DUMAIS:** Okay. Can you just explain to
4 us -- or perhaps I can ask you this firstly; and after
5 that, you were a Child protection worker with the Family
6 Services Unit?

7 **MS. FITZPATRICK:** That's correct.

8 **MR. DUMAIS:** All right. Can you just
9 briefly explain to us what the distinction is between the
10 two types of workers?

11 **MS. FITZPATRICK:** Okay. In forensics, or
12 what we used to call frontline investigations back then, we
13 were the ones that responded to the calls, the first
14 contact following up on a report.

15 And so we would do -- investigate the
16 allegations and do the assessment and check the safety of
17 the children and then determine, you know, the risk to the
18 child and if the child is safe there, what does the family
19 need to have in place so that the child can stay there, or
20 is it a situation where we can't leave the child there.

21 So it was a lot crisis work. When a file
22 goes to ongoing services, there's a period -- you know, the
23 file is transferred because there's some stability and now
24 there's a plan and it gives a period of working long-term
25 with the family to support them, to support the child.

1 Some of the cases, there's a lot of court work involved.
2 So it's long term in child protection. It's still a
3 protection file, but it has a longer duration.

4 MR. DUMAIS: All right. And you are still
5 involved with the Family Services Unit today. Is that
6 correct?

7 MS. FITZPATRICK: That's correct, yes.

8 MR. DUMAIS: Now, when you first started
9 working at the Children's Aid Society, do you recall who
10 your supervisor was?

11 MS. FITZPATRICK: Yes. It was Bill
12 Carriere.

13 MR. DUMAIS: And what type of supervisor was
14 he?

15 MS. FITZPATRICK: Outstanding. Yes, more
16 than outstanding. He should be training the other
17 supervisors.

18 MR. DUMAIS: All right. And my
19 understanding is that Mr. Carriere would have been your
20 supervisor from 1986 through 1996; correct?

21 MS. FITZPATRICK: I had the good fortune of
22 10 years with Mr. Carriere.

23 MR. DUMAIS: And who was your supervisor
24 after Mr. Carriere?

25 MS. FITZPATRICK: Oh, then, I believe that

1 Mr. -- I think that's when Bill moved to being the clinical
2 director and so I had Bernard Lamarche.

3 **MR. DUMAIS:** And is Mr. Lamarche still your
4 supervisor today?

5 **MS. FITZPATRICK:** No, no. He's now with
6 another agency and so there was some reshuffling of
7 supervisors, and now I have a supervisor that I've had for
8 close to three years.

9 **MR. DUMAIS:** All right. But we are going to
10 be looking at your involvement in the Jeannette Antoine
11 interview that you conducted and that would be in 1993, but
12 certainly at that time Mr. Carriere was still your
13 supervisor; correct?

14 **MS. FITZPATRICK:** Yes, he was.

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

16 Now, I want to talk about your training a
17 bit and, firstly, if you could just give us a sense of what
18 type of training a child protection worker would receive
19 when they are first hired at the agency?

20 **MS. FITZPATRICK:** Okay. Well, when I
21 arrived at the agency, I have to say I shadowed the other
22 workers in the Unit for at least six months. As well, you
23 know, then they had Phase 1 and Phase 2 of Ministry
24 training that we were sent into. And then there were a lot
25 of subsequent trainings after that.

1 So, you know, I would say it takes a good
2 year to learn and understand the whole process and dynamics
3 of how the agency operates and it takes a good year of
4 training.

5 **MR. DUMAIS:** And was there anything specific
6 for new workers? Were there modules being presented to new
7 workers? Do you recall that?

8 **MS. FITZPATRICK:** When I was a new worker?

9 **MR. DUMAIS:** Yes.

10 **MS. FITZPATRICK:** More modules came later,
11 but at that time, no, we had an old recording system.
12 Well, I have to say maybe the Ministry hadn't endorsed
13 this, but Bill brought it to our agency himself. And he
14 brought one of the first risk assessments to our agency and
15 so as a practice in our Unit, we would do those risk
16 assessments.

17 **MR. DUMAIS:** Is it fair to say that back in
18 1986, most of the training was done through the shadowing
19 of other child protection workers?

20 **MS. FITZPATRICK:** And supervision.

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

22 **MS. FITZPATRICK:** There was a lot of
23 guidance and supervision by Bill.

24 **MR. DUMAIS:** Okay.

25 **MS. FITZPATRICK:** M'hm.

1 **MR. DUMAIS:** Now, I'm just going to put a
2 couple of documents to you as well, Geraldine. There are
3 essentially two documents; the first one is Document Number
4 741014.

5 Perhaps, Madam Clerk, I'm going to be
6 dealing with another document as well, so 741015. Thank
7 you.

8 **THE COMMISSIONER:** Thank you.

9 Exhibit Number 2349 is a Participant
10 History, Ontario Association of Children's Aid Societies.

11 **---EXHIBIT NO./PIÈCE NO. P-2349:**

12 (741014) Ontario Association of Children's
13 Aid Societies - Participant History of
14 Geraldine Fitzpatrick

15 **THE COMMISSIONER:** And then Exhibit 2350 is
16 a training log of Geraldine Fitzpatrick's and agency
17 training log for the years 1992 through to -- well,
18 different years from 1992 through to 2005.

19 **---EXHIBIT NO./PIÈCE NO. P-2350:**

20 (741015) Training Log of Geraldine
21 Fitzpatrick and Agency Training Log

22 **MR. DUMAIS:** So these documents were
23 produced to us by the agency, Geraldine, and if we can just
24 look at Exhibit 2350 firstly which is the training log.
25 I'm just wondering whether or not you can have just a quick

1 look at it and just confirm that these are all of the
2 training sessions that you would have completed with the
3 agency?

4 **MS. FITZPATRICK:** Well, there would have
5 been more but this is what we had available. There was --
6 I guess with the shuffling and the moving in the new
7 building or whatever, there was more training, but I
8 thought it was put on the personal file and -- so we had to
9 scramble looking for all the training that I underwent.

10 **MR. DUMAIS:** Okay. And. I mean, certainly,
11 if we look at the start date of the training sessions, they
12 start in 1992. There's nothing between 1986 and 92, do you
13 ---

14 **MS. FITZPATRICK:** Well, that's the problem.
15 I mean, in those days, after we went to the training
16 seminar, we would take our certificate and give it to the
17 executive secretary to put in our personal files. So it
18 was just recently I discovered that that information wasn't
19 in my file.

20 **MR. DUMAIS:** Okay. So then I guess the
21 specific question is whether or not you would have
22 completed some training sessions between '86 and '92 or
23 whether or not they were non-existent?

24 **MS. FITZPATRICK:** Oh, no, I went to
25 training, yes.

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

2 So then, I note as well, that there appears
3 to be a gap between 1994 and 2001.

4 **MS. FITZPATRICK:** Again, that's a systematic
5 problem, you know, it -- the information wasn't put on the
6 file, I don't know why.

7 **MR. DUMAIS:** Okay. So what you're saying
8 then is that it's not that you had not completed any
9 training sessions between those years ---

10 **MS. FITZPATRICK:** Right.

11 **MR. DUMAIS:** --- there's just no log of it.
12 Is that correct?

13 **MS. FITZPATRICK:** Well, it was submitted,
14 but I guess it's still being researched as to wherever it
15 is.

16 **MR. DUMAIS:** Okay. Now, if we look at the
17 other document, which is Exhibit 2349, which appears to be
18 a printout from the Ontario Association of Children's Aid
19 Societies ---

20 **MS. FITZPATRICK:** M'hm.

21 **MR. DUMAIS:** --- and these are training
22 sessions that you would have completed with them?

23 **MS. FITZPATRICK:** Yes.

24 **THE COMMISSIONER:** Excuse me, Mr. Dumais,
25 can I stop you for a second?

1 **MR. DUMAIS:** Yes, you may.

2 **THE COMMISSIONER:** Madam Clerk, we put the -
3 - I'm just noticing it now -- that the exhibit for the CV
4 was 2344 and then we went to 49 and 50? That's not --
5 okay, what's in between then?

6 **THE REGISTRAR:** All the motions et cetera.

7 **THE COMMISSIONER:** Okay, fine. Thank you
8 very much.

9 Go ahead.

10 **MR. DUMAIS:** So these are the training
11 sessions that you would have completed with the OACAS. Is
12 that correct?

13 **MS. FITZPATRICK:** That is correct.

14 **MR. DUMAIS:** All right. And do you recall,
15 Geraldine, whether or not you would have completed any
16 training sessions with the Institute for the Prevention of
17 Child Abuse (IPCA)?

18 **MS. FITZPATRICK:** Yes, yes, m'hm.

19 **MR. DUMAIS:** Okay. And would that have been
20 early on?

21 **MS. FITZPATRICK:** They would have been the
22 training material that we started under, at least that I
23 was introduced to.

24 **MR. DUMAIS:** Okay.

25 Now, we're going to be looking at some of

1 the joint investigations that you would have done with
2 members from the Cornwall Police Service. Do you recall
3 throughout your career ever receiving any training for
4 these ---

5 **MS. FITZPATRICK:** Joint interviews, yes.

6 **MR. DUMAIS:** --- joint investigations?

7 **MS. FITZPATRICK:** M'hm. It was the ISOC
8 training.

9 **MR. DUMAIS:** And do you recall when you
10 would have completed this training?

11 **MS. FITZPATRICK:** Oh, I was one of the first
12 ones -- our team was one of the first ones that went when
13 it came out. I don't know what year that was but it would
14 have been, I don't know, 1990 when the training came out,
15 maybe earlier? Well, earlier, because John Yuille came
16 out. See, there's where Bill was ahead again. Okay.
17 Before ISOC came out, Bill Carriere heard about John Yuille
18 and introduced us to John Yuille and his whole method of
19 interviewing and analysis. So -- and basically that's what
20 the ISOC training is.

21 **MR. DUMAIS:** Okay. And do you recall,
22 Geraldine, whether or not some of these training sessions
23 involved both police officers and social workers?

24 **MS. FITZPATRICK:** Yes.

25 **MR. DUMAIS:** Okay. And do you recall when -

1 - if these training sessions stopped?

2 MS. FITZPATRICK: When did it stop? With
3 the police?

4 MR. DUMAIS: Well, whether they stopped I
5 guess, firstly, and if you recall, if it did, when it did?

6 MS. FITZPATRICK: With the police, is that
7 what you mean?

8 MR. DUMAIS: Yes.

9 MS. FITZPATRICK: Okay. You know what, I
10 would say that it seemed to stop in 1993.

11 MR. DUMAIS: All right. And were these --
12 the specific training, did it occur locally? Were the
13 training sessions here?

14 MS. FITZPATRICK: Well, okay, before we had
15 the ISOC training, Bill did some training here for the
16 agency and for the police, the OPP and the Cornwall Police.
17 Subsequent to that, there was the ISOC training and that
18 was in Brockville.

19 MR. DUMAIS: And what was the office in
20 Brockville; was it the Children's Aid Society office in
21 Brockville?

22 MS. FITZPATRICK: Yes, it was.

23 MR. DUMAIS: Okay. Now ---

24 MS. FITZPATRICK: I'm sorry, well, it was
25 off site. I believe they put it on but it was off site.

1 It wasn't in their building.

2 **MR. DUMAIS:** Okay. I see.

3 Now, we've been talking a bit about joint
4 investigations with the Cornwall Police Service, and I
5 understand that throughout your career as a Child
6 protection worker you would have conducted these
7 investigations with different members of the Cornwall
8 Police Service. Is that correct?

9 **MS. FITZPATRICK:** That's correct.

10 **MR. DUMAIS:** And were you the -- was there a
11 protocol in place as to who would set up these joint
12 investigations?

13 **MS. FITZPATRICK:** Let's see, how would this
14 work? Okay, well, yes, there was a protocol in place.
15 Let's see, but -- or that was developed between CAS and the
16 police. So, yes, there was a protocol in place.

17 **MR. DUMAIS:** I guess a more specific
18 question is, is there someone that's acting as a liaison
19 between the CAS and the Cornwall Police Service? And, I
20 mean, more specifically, I'm talking when you first started
21 with the CAS in 1986.

22 **MS. FITZPATRICK:** I don't know who that
23 would have been. The people that I dealt with were mainly
24 the people in the SACA Unit, plus I would also work with
25 the road officers, the patrol officers. So that would be

1 duty -- sergeant duty.

2 **MR. DUMAIS:** All right. Well, just
3 generally speaking, when someone from Cornwall Police
4 Service wanted the assistance of a child protection worker
5 to conduct an interview or an investigation, who would be
6 contacting your agency?

7 **MS. FITZPATRICK:** Well, I would believe it
8 would be the investigating officer who would be reporting
9 it. It would come through our intake system. At that
10 time, Bill was the supervisor, so he would have assigned
11 the worker for that case.

12 **MR. DUMAIS:** Okay. And, again, just -- I'm
13 just trying to get a general sense.

14 **MS. FITZPATRICK:** Okay.

15 **MR. DUMAIS:** What if yourself, as a child
16 protection worker, required the assistance of a police
17 officer, the Cornwall Police Service or the OPP for that
18 matter ---

19 **MS. FITZPATRICK:** Yes?

20 **MR. DUMAIS:** --- to assist in an interview
21 or an investigation, how was that set up?

22 **MS. FITZPATRICK:** Let's see. Well, first we
23 -- I, as a worker, would call in and report to -- oh, what
24 is it called -- their dispatch unit or the sergeant on duty
25 that this is the situation. They usually would send over a

1 uniform officer to take the report and then that file, if
2 it's child abuse or sexual abuse, would be assigned to the
3 SACA Unit and the police officer assigned would contact the
4 worker.

5 **MR. DUMAIS:** Okay. And more often than not,
6 it was one of the officers that had -- that was working
7 within the SACA Unit that would be communicating with you?

8 **MS. FITZPATRICK:** Yes.

9 **MR. DUMAIS:** And if I asked you between 1986
10 and today, how many of these joint investigations would you
11 have participated in?

12 **MS. FITZPATRICK:** You know what? It's 23
13 years we're talking about, so I tried to figure that out
14 and without the stats, but I would think at least 50.

15 **MR. DUMAIS:** And my understanding is that at
16 different points in time you would have worked with
17 different officers from the SACA Unit?

18 **MS. FITZPATRICK:** That's correct.

19 **MR. DUMAIS:** And would you have worked with
20 Constable Bough?

21 **MS. FITZPATRICK:** Oh, yes, m'hm.

22 **MR. DUMAIS:** And you would have worked with
23 Constable White as well as he then was?

24 **MS. FITZPATRICK:** Not too much. We did one
25 investigation together.

1 **MR. DUMAIS:** Okay. And what about Constable
2 Malloy. Would you have conducted ---

3 **MS. FITZPATRICK:** Yes. We had quite a few
4 investigations together.

5 **MR. DUMAIS:** All right. And I understand
6 that at one point-in-time in early 1993, Constable Malloy
7 would have been moved out of the SACA Unit, and Constable
8 Sebalj would have been effected to that Unit. Is that
9 correct?

10 **MS. FITZPATRICK:** That's correct.

11 **MR. DUMAIS:** All right. And I understand
12 that in early 1993, you would have conducted your first
13 inter-agency investigation that involved Constable Sebalj.
14 Is that correct?

15 **MS. FITZPATRICK:** In 1993, I would have
16 worked with her on an investigation. Is that what your
17 question is?

18 **MR. DUMAIS:** Yes.

19 **MS. FITZPATRICK:** Yes.

20 **MR. DUMAIS:** In the early part of 1993 ---

21 **MS. FITZPATRICK:** Yes.

22 **MR. DUMAIS:** --- you were involved with a
23 joint investigation with Constable Sebalj?

24 **MS. FITZPATRICK:** That's correct. Well,
25 one, two, and then, okay.

1 **MR. DUMAIS:** Okay. You were involved in
2 more than one but ---

3 **MS. FITZPATRICK:** Okay. Yes.

4 **MR. DUMAIS:** --- I guess the first one that
5 you were involved with was sometime early 1990. Is that
6 correct?

7 **MS. FITZPATRICK:** Yes. M'hm.

8 **MR. DUMAIS:** And do you recall what that
9 investigation was just generally?

10 **MS. FITZPATRICK:** Well, it was a sexual
11 abuse investigation of a young girl who reported she was
12 being sexually abused by her stepfather.

13 **MR. DUMAIS:** Okay. So you are both involved
14 in that?

15 **MS. FITZPATRICK:** That's correct.

16 **MR. DUMAIS:** And you are both involved in
17 interviewing the complainant; correct?

18 **MS. FITZPATRICK:** No. In that first one, I
19 did the interview, and it was sometime around then that the
20 police had set up their own interview room. So once she
21 had my interview, we did follow up with a videotape
22 interview.

23 **MR. DUMAIS:** Okay. And do you recall
24 whether or not this was an historical allegation or whether
25 it's current?

1 **MS. FITZPATRICK:** Well, my first
2 investigation with Heidi, that was a current investigation.

3 **MR. DUMAIS:** Okay. And just generally
4 speaking, what were your impressions of Constable Sebalj at
5 that time?

6 **MS. FITZPATRICK:** She had a great future
7 ahead of her. That was my impression.

8 **MR. DUMAIS:** And I understand that as a
9 result of a follow-up on this first investigation, that you
10 would have attended at the Cornwall Police Service sometime
11 in the fall of 1993?

12 **MS. FITZPATRICK:** That's correct.

13 **MR. DUMAIS:** And do you recall you going to
14 the Cornwall Police Service detachment?

15 **MS. FITZPATRICK:** I do.

16 **MR. DUMAIS:** Do you recall the reason why
17 you went there?

18 **MS. FITZPATRICK:** Yes, because Heidi and I
19 were assigned to a second case because the first case was
20 successful. It was a textbook case.

21 **MR. DUMAIS:** Okay.

22 **MS. FITZPATRICK:** The second case was very
23 similar to the first one and so I had tried contacting
24 Heidi from the office a couple of times, leaving her
25 messages, because I needed her to pick up her part of the

1 investigation. And I wasn't hearing back from her and I
2 was becoming a little ambivalent because the weekend was
3 coming up. And without the alleged perpetrator being
4 addressed, there was always the potential that he could
5 persuade the mother that this didn't happen and then you've
6 got people recanting; that sort of thing. So I was
7 concerned. I wanted to know when she was going to take
8 action on her part of the case.

9 MR. DUMAIS: All right. So you did attend?

10 MS. FITZPATRICK: Yes.

11 MR. DUMAIS: And this was not a planned
12 meeting?

13 MS. FITZPATRICK: No.

14 MR. DUMAIS: And tell us what happened at
15 that meeting.

16 MS. FITZPATRICK: Okay. Well, what I can
17 recall is that it was the end of the day and I stopped in
18 to see Heidi, as I said, to find out, you know, when she
19 was going to pick up her piece of the case. When I went
20 into her office, I noticed her demeanour was different than
21 the other contacts I had had with her. And she was
22 somewhat guarded and defensive and I didn't know why, and
23 I, you know, take everything personally, so I had to -- I
24 couldn't let it go. I had to ask her, you know, "Have I
25 done something wrong?" You know, "What's the problem

1 here?"

2 When she let down her guard, she made a
3 disclosure to me and told me what she was upset about.

4 **MR. DUMAIS:** Okay. And what was that?

5 **MS. FITZPATRICK:** Okay. Heidi told me that
6 she had been assigned a case of a priest who had molested a
7 young man many years ago, and she believed the victim, and
8 she wanted to charge the ---

9 **THE COMMISSIONER:** So, just a second, just a
10 minute.

11 **MS. FITZPATRICK:** Okay.

12 **THE COMMISSIONER:** She told you about an
13 allegation of molestation?

14 **MS. FITZPATRICK:** Yes. Yes. Okay, okay,
15 sorry, back up. Excuse me.

16 Well, her first thing, you know, I just --
17 I'll tell it straight out the way that she did it.

18 She was very upset and she said to me -- she
19 seemed to think that I knew what she was about to tell me,
20 which I didn't know anything about this. And she told me
21 that my co-worker, Greg Bell, had just been in the office
22 and that he had been photographing her file.

23 And so I said to her, "He photographed your
24 file? There's a Xerox machine right out in the hall. Why
25 would he photograph your file?"

1 And so she said that there was -- that he
2 wanted to investigate a case that she had. She said, "I
3 did this investigation. I had a victim who alleged that he
4 had been abused by a priest as a young boy." She said, "He
5 had been to the Children's Aid before he came to me and he
6 told the Children's Aid Society that he had been abused by
7 a priest". And that the intake reception worker had
8 basically said, "Well, that's not our mandate. You can go
9 to the police and tell your story, but that's not something
10 that we would address here".

11 So Heidi said he came forward and, you know,
12 he followed the advice and he went to the police station
13 and he reported the abuse. Heidi believed him. She wanted
14 to charge the priest.

15 She said she went to the Crown Attorney and
16 told the Crown Attorney that she wanted to charge the
17 priest and that in the meantime, she said, the Diocese had
18 contact with the victim, and they were offering him a deal.
19 And she said she told the Crown Attorney that, and he said,
20 "Well, you don't have a victim; you don't have a case".

21 So she said, "Now, Perry Dunlop went and he
22 stole..." -- I'm sorry, I'll back up a little.

23 So she said, "I was upset, so I told Perry
24 Dunlop and another police officer how upset I was because I
25 wanted to charge the priest and the Crown Attorney wouldn't

1 let me". And so she said, "Perry Dunlop went and stole my
2 file and he brought it to Richard Abell".

3 And she said, "And now he's being made the
4 big hero for the work that I did".

5 And so she felt really upset about that.
6 And then she told me that she thought there was some
7 collusion going on. And I'm saying "Collusion, what are
8 you talking about?"

9 And so she said that when she had been a
10 beat officer, she had responded to a neighbourhood
11 complaint and when she went there, the woman that she
12 interviewed spent her time focusing on reporting that she
13 was abused as a child while she was in care, as opposed to
14 dealing with the issues why the police officer is there.
15 She said, "So, Geraldine," she said, "I don't know if this
16 woman had mental health issues or if there was really
17 something to it".

18 And so she asked me if I ever heard of a
19 group home on Second Street.

20 At first I said "No, we don't have any group
21 homes in Cornwall". And then -

22 **MR. DUMAIS:** Sorry, sorry, Geraldine.

23 **MS. FITZPATRICK:** Okay. Okay.

24 **MR. DUMAIS:** Just before we get into the
25 second investigation ---

1 **MS. FITZPATRICK:** M'hm, m'hm. Okay.

2 **MR. DUMAIS:** And, of course, you're
3 referring here to the Jeannette Antoine interview here;
4 correct?

5 **MS. FITZPATRICK:** Yes.

6 **MR. DUMAIS:** All right. So, if I can just
7 take you back a bit there.

8 **MS. FITZPATRICK:** Okay.

9 **MR. DUMAIS:** So you indicated that -- well,
10 I guess, firstly, did she ever provide you with the name of
11 the complainant here?

12 **MS. FITZPATRICK:** No.

13 **MR. DUMAIS:** And did she -- or did she ever
14 advise you of the name of the alleged perpetrator, the
15 priest, here?

16 **MS. FITZPATRICK:** No. She just kept calling
17 him "the priest".

18 **MR. DUMAIS:** Okay.

19 And you indicated that the complainant
20 initially had gone to the Children's Aid Society. Is that
21 correct?

22 **MS. FITZPATRICK:** That's correct.

23 **MR. DUMAIS:** And did she indicate to you
24 whom he would have spoken to there?

25 **MS. FITZPATRICK:** Yes. She said to me that

1 he spoke to Carole Leblanc.

2 MR. DUMAIS: Okay. And do you know -- did
3 you know Carole Leblanc?

4 MS. FITZPATRICK: Yes. M'hm

5 MR. DUMAIS: And what was her job at the
6 CAS?

7 MS. FITZPATRICK: Well, at that time she was
8 an intake reception worker.

9 MR. DUMAIS: Which means what, Geraldine?

10 MS. FITZPATRICK: When somebody comes in and
11 they want to make a report, we do have some social workers
12 that are in the office and, you know, will take walk-in
13 clients and take their reports while the others are taking
14 the reports through the telephone or, you know?

15 MR. DUMAIS: Right.

16 MS. FITZPATRICK: So this was a walk-in
17 intake, my understanding.

18 MR. DUMAIS: But she would have told you.
19 Is that correct?

20 MS. FITZPATRICK: That's what Heidi told me,
21 yes.

22 MR. DUMAIS: Okay. Were you ever -- did you
23 ever try to verify that, Geraldine?

24 MS. FITZPATRICK: No. No.

25 MR. DUMAIS: All right.

1 And did you ever speak to Carole Leblanc
2 about this at any point-in-time?

3 **MS. FITZPATRICK:** You know what? About a
4 year ago, for some reason she told me that she was the
5 worker who took the report when the victim came in. And I
6 don't really know why that conversation came up.

7 **MR. DUMAIS:** Okay. And is she still
8 employed at the Children's Aid office?

9 **MS. FITZPATRICK:** Yes. She's a supervisor.

10 **MR. DUMAIS:** Okay. Now ---

11 **THE COMMISSIONER:** Before we go, I don't
12 know if you're going to cover this, but -- so, when you
13 heard that from Heidi ---

14 **MS. FITZPATRICK:** Yes.

15 **THE COMMISSIONER:** --- that this fellow had
16 walked in ---

17 **MS. FITZPATRICK:** Yeah.

18 **THE COMMISSIONER:** --- and talked with
19 Carole ---

20 **MS. FITZPATRICK:** Yeah.

21 **THE COMMISSIONER:** --- and she would have
22 told him that this isn't within the mandate of the
23 Children's Aid Society?

24 **MS. FITZPATRICK:** Right.

25 **THE COMMISSIONER:** At that time in 1993,

1 would you have agreed with that? Is that -

2 MS. FITZPATRICK: No.

3 THE COMMISSIONER: And why not?

4 MS. FITZPATRICK: Because he was still
5 active in the community. So, if -- in my -- let's put it
6 this way.

7 In my résumé, in my history, I have quite a
8 history of working with offenders or uncovering offenders
9 and so to me this was a potential pedophile.

10 THE COMMISSIONER: M'hm, but would that fall
11 within the mandate as it was seen by the Children's Aid
12 Society in 1993?

13 MS. FITZPATRICK: I guess you'd have to ask
14 -- oh, you're asking me?

15 THE COMMISSIONER: I'm asking you.

16 MS. FITZPATRICK: Okay. No, I would have
17 responded differently.

18 THE COMMISSIONER: So were you surprised
19 when ---

20 MS. FITZPATRICK: Yes, I was very surprised.
21 Yes.

22 THE COMMISSIONER: What was your reaction?

23 MS. FITZPATRICK: I was very surprised.

24 THE COMMISSIONER: So Heidi tells you this,
25 that this guy went and saw who you now know is Carole

1 Leblanc?

2 **MS. FITZPATRICK:** Yeah.

3 **THE COMMISSIONER:** And she says, "No, you go
4 to the police"?

5 **MS. FITZPATRICK:** Yes. M'hm.

6 **THE COMMISSIONER:** Did you respond to Heidi
7 by saying anything about that issue?

8 **MS. FITZPATRICK:** M'hm, let's see. Well, I
9 just said -- I said it didn't make sense to me, that this
10 isn't the way it's supposed to go.

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

12 Go ahead.

13 **MR. DUMAIS:** Now, you indicated as well
14 earlier on that she was upset because ---

15 **THE COMMISSIONER:** "She" being Sebalj?

16 **MS. FITZPATRICK:** Yes. Heidi.

17 **MR. DUMAIS:** Constable Sebalj was upset
18 because one of your co-workers, Greg Bell, had been at the
19 detachment. Is that correct?

20 **MS. FITZPATRICK:** Yes, that's correct.

21 **MR. DUMAIS:** And after this day, did you
22 ever have any conversation with Greg Bell regarding this?

23 **MS. FITZPATRICK:** Never. No.

24 **MR. DUMAIS:** So you never raised it with
25 him?

1 MS. FITZPATRICK: No.

2 MR. DUMAIS: Okay.

3 THE COMMISSIONER: Is there a reason why you
4 didn't raise it with him?

5 MS. FITZPATRICK: Well, a lot of reasons why
6 I didn't raise it.

7 One, because she was telling me this in her
8 confidence. Two, I wasn't really sure, I had to process it
9 myself, you know? Is this correct? I mean, all of a
10 sudden you're telling me the people that I've worked with
11 for seven years are not up to par, or, you know, have made
12 some huge errors, so -

13 THE COMMISSIONER: Well, what was the huge
14 error? Of photographing a ---

15 MS. FITZPATRICK: Well, that doesn't make
16 any sense. Why would you go in and photograph a file when
17 the Zerox machine is there? Why, you know, why would you
18 send someone away and say it's not our mandate but now all
19 of a sudden you're interested in the case. That's what
20 didn't make sense. And that's what didn't make sense to
21 her.

22 THE COMMISSIONER: M'hm.

23 MR. DUMAIS: But I guess you get the same
24 result from a photograph than you would from a Zerox
25 machine, right?

1 **MS. FITZPATRICK:** Well, it's the first time
2 I've heard of photographing a file.

3 **MR. DUMAIS:** Yeah. Fair enough.

4 So you never took that up with Greg, I mean,
5 I'm talking after you left the detachment on that day?

6 **MS. FITZPATRICK:** No, because she was
7 telling -- I mean, the information she gave me was huge.

8 **MR. DUMAIS:** All right. And, you were --
9 well, were you aware that Greg was attending the Cornwall
10 Police Service office for that purpose?

11 **MS. FITZPATRICK:** No. No.

12 **MR. DUMAIS:** Prior to that?

13 **MS. FITZPATRICK:** No. In fact, Heidi seemed
14 to think that I knew because I came in the same day as he
15 had been there, and so she thought this was just some sort
16 of -- another person saying what are you doing about the
17 case, you know?

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

19 And were you aware on that day whether or
20 not Perry Dunlop had attended the Children's Aid office and
21 given a statement of a Mr. David Silmser?

22 **MS. FITZPATRICK:** Perry -- we had -- all the
23 staff saw Perry Dunlop at the agency. Now, I happened to
24 be going down the hall. I don't know what he was there
25 for, but when he was leaving Richard's office, Richard was

1 giving him a lot of assurances that he was on his side and
2 he supported him.

3 That's all I know, so, we knew something was
4 going on but we didn't know what.

5 **MR. DUMAIS:** So as a child protection worker
6 at the CAS, you weren't privy to the specifics?

7 **MS. FITZPATRICK:** You know what? Greg Bell
8 sat next to me for 10 years and I can't tell you what cases
9 he had, and that's the way it is in the agency. So, no,
10 we're not privy, we're only -- it's on a need-to-know
11 basis. You will have your caseload, your supervisor knows,
12 but it's confidential.

13 **MR. DUMAIS:** Okay.

14 **THE COMMISSIONER:** Do you know about what
15 time in '93 you would have had that conversation with
16 Constable Sebalj?

17 **MS. FITZPATRICK:** It was the end of the day,
18 it was about four o'clock.

19 **THE COMMISSIONER:** That's good. That's a
20 day, but how about a week, a month?

21 **MS. FITZPATRICK:** Oh, sorry. The week-
22 month?

23 See, that's what I asked the agency to get
24 because it would be in Greg Bell's -- you see, I can give
25 the subjective time, but Greg Bell was there earlier that

1 day for them, so it would be in his case note.

2 THE COMMISSIONER: Okay, but other than
3 that, in your independent recollection, can you give me
4 some ballpark as to when that was in 1993?

5 MS. FITZPATRICK: Well, it was January --
6 no, I'm sorry, November, right? No? It was in November
7 that this would have taken place.

8 THE COMMISSIONER: November?

9 MS. FITZPATRICK: Yeah.

10 MR. DUMAIS: All right.

11 Now you had mentioned, Geraldine, that you
12 got into speaking about another case where Heidi had asked
13 for your assistance to conduct an interview. Is that
14 correct?

15 MS. FITZPATRICK: That's correct.

16 MR. DUMAIS: Okay. So if you can just take
17 us there, Geraldine.

18 So she required your assistance to conduct
19 an interview and, again, this appears to have been an
20 historical allegation?

21 MS. FITZPATRICK: Yes. M'hm.

22 MR. DUMAIS: And what did she tell you at
23 that time? Did she give you any details about the
24 allegations?

25 MS. FITZPATRICK: Well, not really, no.

1 This is in the same conversation. When she
2 finished telling me about how disappointed she was about
3 the case with the priest, she said that she had some
4 suspicions, and I said what are you talking about?

5 And that's when she told me about her
6 encounter, with meeting this woman in the community who
7 alleged that she had abused in a group home ---

8 **THE COMMISSIONER:** That she was abused in a
9 group home?

10 **MS. FITZPATRICK:** Yes.

11 **THE COMMISSIONER:** You said that she had
12 abused in a group home.

13 **MS. FITZPATRICK:** No, oh, I'm sorry. That
14 she alleged ---

15 **THE COMMISSIONER:** So you're talking here of
16 Ms. Antoine?

17 **MS. FITZPATRICK:** Okay.

18 **MR. DUMAIS:** Yes. Correct.

19 **MS. FITZPATRICK:** Okay. So she had alleged
20 she was abused in the group home.

21 So Heidi asked me if I knew anything about a
22 group home and my first response was, no, we don't have any
23 group homes in Cornwall. And then I remembered --- that
24 one of the first children I ever brought into care, when I
25 was driving down Second Street, this little girl told

1 me -- she pointed to a yellow house and she said, "My mummy
2 used to live there", and she told me that it was a group
3 home, that her mother used to live there and it was a home
4 for teenagers. So I remembered that when Heidi asked me
5 and I told her that piece.

6 **MR. DUMAIS:** M'hm. And was she referring to
7 the group home as the Second Street Group Home? Is
8 that what ---

9 **MS. FITZPATRICK:** Well, at that time she
10 didn't say anything, you know.

11 **MR. DUMAIS:** Yes.

12 **MS. FITZPATRICK:** She just said did I know
13 about a group home, yes.

14 **MR. DUMAIS:** What about the name of the
15 complainant? Did she make you aware of what her name was
16 at that time?

17 **MS. FITZPATRICK:** I'm not sure if she gave
18 me the woman's name at the time. She just said that this
19 woman -- and she wasn't -- she wanted me to help determine,
20 you know, was there really a group home; is this woman
21 well; or it this all mental health issues. You know, was
22 there anything to this.

23 **MR. DUMAIS:** And so did she ask you to check
24 anything at the office?

25 **MS. FITZPATRICK:** No.

1 **MR. DUMAIS:** All right. Did she request
2 your assistance in conducting an interview?

3 **MS. FITZPATRICK:** Yes, she did. She said if
4 I find this woman again, she said, would you interview this
5 woman for me, because Heidi hadn't been through the ISOC
6 training yet.

7 So, I said sure, but it was sort of laissez-
8 faire. I never thought that she would find the woman
9 or -- you know, because she made it sound so minute that I
10 didn't think it was such a big deal.

11 **MR. DUMAIS:** Okay. So is that the extent of
12 your discussion on that day?

13 **MS. FITZPATRICK:** On that day, yes.

14 **MR. DUMAIS:** Okay.

15 So you leave the Cornwall Police office ---

16 **MS. FITZPATRICK:** M'hm.

17 **MR. DUMAIS:** --- you go back to your office?

18 **MS. FITZPATRICK:** No, it was Friday and I
19 went home.

20 **MR. DUMAIS:** Okay. The following week you
21 go back to the office. Do you do any checking up -- if
22 we're talking about the first thing she told you, do you
23 check up with anyone at the office about Greg Bell going
24 over and taking pictures of her file?

25 **MS. FITZPATRICK:** No. No.

1 **MR. DUMAIS:** Did you take down notes of that
2 meeting with some of the details?

3 **MS. FITZPATRICK:** No.

4 **MR. DUMAIS:** Okay. And what about talking
5 to your supervisors, reporting back to your supervisor
6 about what she had told you?

7 **MS. FITZPATRICK:** What Jeannette Antoine had
8 told me?

9 **MR. DUMAIS:** No, we're dealing strictly with
10 the first ---

11 **MS. FITZPATRICK:** Okay, the first? No, I
12 didn't.

13 **MR. DUMAIS:** Okay. What about the group
14 home allegation ---

15 **MS. FITZPATRICK:** Yes.

16 **MR. DUMAIS:** --- did you do anything with
17 that?

18 **MS. FITZPATRICK:** Okay. Well, then, that's
19 when -- I don't know if it was two weeks after that that
20 Heidi called me up and -- I had actually booked some time
21 off to go Christmas shopping, and she called me up and she
22 said that she found this woman and, you know, could I give
23 her a time to be available. And I said, well, I'm off
24 today and I'm off tomorrow and that's it.

25 So then she called me back and she asked me

1 if I would come -- I believe it was a Friday morning -- for
2 the interview, and I said, sure, yes.

3 **MR. DUMAIS:** Okay. So then just prior to
4 the interview, do you check up at the office whether or not
5 there's -- this group home existed?

6 **MS. FITZPATRICK:** No.

7 **MR. DUMAIS:** You don't talk to anyone about
8 this group home, this allegation?

9 **MS. FITZPATRICK:** No.

10 **MR. DUMAIS:** So I'm going to refer you to a
11 document, Geraldine, hopefully that can give us a bit of
12 context as to the dates, and it's Exhibit 1285.

13 You've seen this document before, Geraldine?

14 **MS. FITZPATRICK:** Yes, I have, m'hm.

15 **MR. DUMAIS:** Just if I can put the document
16 in context.

17 This is a supplementary occurrence report
18 that appears to have been prepared by Constable Heidi
19 Sebalj. You see the author's name at the top left and the
20 reporting time, that's right -- this side, towards the
21 right -- appears to be the 13th day of January, 1994 at
22 14:05.

23 **MS. FITZPATRICK:** M'hm?

24 **MR. DUMAIS:** And this is the report that
25 presumably was prepared by Heidi and was filed in the

1 Cornwall Police Service OMPPAC system, which is their
2 reporting system.

3 So I want to take you, firstly, to the
4 seventh line -- no, sorry, the tenth line, Geraldine. So
5 it starts with, "Of the victim seen, being Jeannette
6 Antoine." So Heidi appears to be describing how the
7 allegation came to her, and says:

8 "On July 3rd, 1992, Constable Sebalj and
9 Jeannette discussed the outcome of the
10 investigation at her residence. Upon
11 completion of said discussion,
12 conversation between the two shifted to
13 Jeannette's life experience. Jeannette
14 recalled being sexually abused and
15 physically abused by both her father
16 and by representatives of the
17 Children's Aid Society."

18 And then it goes on.

19 So the first question is, she appears to
20 have made first contact -- or Jeannette appears to have
21 made first contact with Constable Sebalj in 1992. Were you
22 involved at that period of time?

23 **MS. FITZPATRICK:** No, I was not.

24 **MR. DUMAIS:** And it goes on to say, right
25 where I left off, Geraldine:

1 "Jeannette explained that CAS and
2 Constable Kevin Malloy of the Cornwall
3 Police Service had been apprised of the
4 allegations."

5 Did you ever have any conversation about the
6 Jeannette Antoine case with Constable Malloy?

7 **MS. FITZPATRICK:** Absolutely not ---

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

9 **MS. FITZPATRICK:** --- no.

10 **THE COMMISSIONER:** But by that time in 1993,
11 you knew who Constable Malloy was?

12 **MS. FITZPATRICK:** Oh, I had several
13 investigations with him, yes.

14 **THE COMMISSIONER:** Okay.

15 **MR. DUMAIS:** Now, just a little further down
16 this first page, and about 20 lines from the bottom, it
17 starts with Constable Sebalj's interest?

18 **MS. FITZPATRICK:** M'hm?

19 **MR. DUMAIS:** Do you have that line?

20 **MS. FITZPATRICK:** Yes.

21 **MR. DUMAIS:** I'm just going to read that.

22 "Constable Sebalj's interest in
23 Jeannette Antoine's history surfaced
24 again in November of 1993. Constable
25 Sebalj had been advised that the

1 Children's Aid Society would not
2 investigate allegations made against a
3 Cornwall probation officer, suggesting
4 that Probation was not within the
5 Children's Aid Ministry."

6 So do you recall whether or not
7 Constable Sebalj would have mentioned anything to you about
8 this?

9 MS. FITZPATRICK: She's talking about the
10 probation officer here?

11 MR. DUMAIS: Yes.

12 MS. FITZPATRICK: It was Jeannette?

13 MR. DUMAIS: Sorry, this is
14 Constable Sebalj ---

15 MS. FITZPATRICK: Yes.

16 MR. DUMAIS: --- recounting of her
17 involvement with Jeannette Antoine.

18 MS. FITZPATRICK: Okay.

19 MR. DUMAIS: So this is her views on this or
20 what she was told.

21 MS. FITZPATRICK: Yes, okay.

22 MR. DUMAIS: Now, you mentioned that she
23 would have talked to you about a file involving a priest?

24 MS. FITZPATRICK: Yes.

25 MR. DUMAIS: So my question to you then is,

1 would she have mentioned anything about allegations against
2 a probation officer?

3 **MS. FITZPATRICK:** In the second meeting,
4 when Jeannette was there -- I'm trying to think how
5 he -- his name even came up because at the end of the
6 view -- interview, she asked Jeannette if she knew
7 Ken Seguin and I thought, why is she asking that question?
8 But ---

9 **MR. DUMAIS:** Okay.

10 **THE COMMISSIONER:** So, just a minute.

11 **MS. FITZPATRICK:** Okay. I'm sorry.

12 **THE COMMISSIONER:** I'm a little confused
13 here.

14 **MS. FITZPATRICK:** Yes.

15 **THE COMMISSIONER:** It says that, "...had
16 been advised that the Children's Aid Society would not
17 investigate allegations" -- not the police?

18 **MR. DUMAIS:** Correct.

19 **THE COMMISSIONER:** Okay.

20 **MR. DUMAIS:** Right. Right.

21 **MS. FITZPATRICK:** I don't know anything
22 about that.

23 **MR. DUMAIS:** Okay. And perhaps I'm not
24 being clear, and it's my fault.

25 **MS. FITZPATRICK:** M'hm.

1 **MR. DUMAIS:** When you first meet with ---

2 **MS. FITZPATRICK:** Heidi.

3 **MR. DUMAIS:** --- with Heidi, the meeting
4 that we just discussed?

5 **MS. FITZPATRICK:** Yes.

6 **MR. DUMAIS:** Did she bring the matter of a
7 probation officer up?

8 **MS. FITZPATRICK:** No.

9 **MR. DUMAIS:** Okay. Now, just continuing on
10 where we left off, so then it says:

11 "On November 12th, 1993, Constable
12 Sebalj met with Jeannette Antoine in
13 the Youth Bureau of the Cornwall Police
14 Service. Constable Sebalj summonsed
15 Antoine personally. Also present
16 during this interview was Geraldine
17 Fitzpatrick, a child protection worker
18 with the Children's Aid Society of
19 SD&G. This interview was audiotaped
20 requiring one 90-minute and one 60-
21 minute cassette."

22 **MS. FITZPATRICK:** That's correct.

23 **MR. DUMAIS:** Okay. So you recall that, that
24 the meeting was at the Cornwall Police Service?

25 **MS. FITZPATRICK:** Yes.

1 **MR. DUMAIS:** The date makes sense to you as
2 well, November 12th, 1993?

3 **MS. FITZPATRICK:** Yeah.

4 **MR. DUMAIS:** So your initial meeting with
5 Heidi would have been prior to November 12th, 1993?

6 **MS. FITZPATRICK:** That is correct.

7 **MR. DUMAIS:** And I think you just indicated
8 to us that it would have been approximately two weeks prior
9 to the interview. Is that fair?

10 **MS. FITZPATRICK:** To the best of my recall,
11 yeah.

12 **MR. DUMAIS:** Okay. And the fact that this
13 audiotape -- or this interview required two audiotapes,
14 that's your recollection as well?

15 **MS. FITZPATRICK:** M'hm, yes, it is.

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

17 Now, my understanding is that you did attend
18 on November 12th, 1993 and you did conduct this interview of
19 Jeannette Antoine. Is that correct?

20 **MS. FITZPATRICK:** That is correct.

21 **MR. DUMAIS:** And just in terms of getting
22 ready for this interview, just background preparation, were
23 you provided with any further details by Constable Sebalj?

24 **MS. FITZPATRICK:** No. So this was really
25 going into an interview cold and not really knowing what

1 I'm looking for.

2 MR. DUMAIS: Okay.

3 If we can then just ask that a number of
4 documents be put to you, Geraldine.

5 MS. FITZPATRICK: Okay.

6 MR. DUMAIS: The document is Document Number
7 740721.

8 THE COMMISSIONER: Thank you.

9 Exhibit 2351 is a -- appears to be a
10 transcript of an interview with Heidi Sebalj on November
11 12th, 1993 and Jeannette Antoine and Geraldine Fitzpatrick.

12 MR. DUMAIS: And, Mr. Commissioner, the
13 interview's actually broken down in two separate documents.
14 So the other document is 740722.

15 THE COMMISSIONER: M'hm.

16 MR. DUMAIS: And I'm also going to be filing
17 the audiotapes ---

18 THE COMMISSIONER: Yes.

19 MR. DUMAIS: --- to these transcripts, Mr.
20 Commissioner.

21 THE COMMISSIONER: Fine.

22 MR. DUMAIS: As Exhibits A and B, so on.

23 THE COMMISSIONER: Yes.

24 So 2352 is the second part of the interview
25 between Heidi Sebalj, Geraldine Fitzpatrick and Jeannette

1 Antoine. And A and B will -- A and A, 2351A will be the
2 cassette and 2352 will be the corresponding cassette.

3 **MR. DUMAIS:** And just for greater certainty,
4 Mr. Commissioner, the cassette number is Document Number
5 740601 -- sorry, 739084 -- Ms. Daley inspired me -- and
6 739085.

7 **THE COMMISSIONER:** Thank you.

8 **---EXHIBIT NO./PIÈCE NO. P-2351A:**

9 (739084) Audiotape of Interview with
10 Antoine, Sebalj and Fitzpatrick, Part 1,
11 dated November 12, 1993

12 **---EXHIBIT NO./PIÈCE NO. P-2351B:**

13 (740721) Transcription (Unofficial) of
14 Interview with Antoine, Sebalj and
15 Fitzpatrick, Part 1, dated November 12, 1993

16 **---EXHIBIT NO./PIÈCE NO. P-2352A:**

17 (739085) Audiotape of Interview with
18 Antoine, Sebalj and Fitzpatrick, Part 2,
19 dated November 12, 1993

20 **---EXHIBIT NO./PIÈCE NO. P-2352B:**

21 (740722) Transcription (Unofficial) of
22 Interview with Antoine, Sebalj and
23 Fitzpatrick, Part 2, dated November 12, 1993

24 **MR. DUMAIS:** So ---

25 **THE COMMISSIONER:** Thank you.

1 Go ahead, sir.

2 **MR. DUMAIS:** So you've seen -- and just so
3 that we're clear, Mr. Commissioner, this is not an official
4 transcription.

5 **THE COMMISSIONER:** No.

6 **MR. DUMAIS:** It's just to provide us with
7 assistance.

8 **THE COMMISSIONER:** I noticed that. At the
9 bottom, it says it's an unofficial document and in case of
10 a discrepancy, it should go to the audio which is the
11 normal rule in these ---

12 **MR. DUMAIS:** Thank you.

13 Now, Geraldine, you've looked at this
14 document which is now Exhibit 2352?

15 **MS. FITZPATRICK:** M'hm.

16 **MR. DUMAIS:** And that is the interview that
17 you conducted of Jeannette Antoine on November 12th, 1993
18 with Constable Sebalj; correct?

19 **MS. FITZPATRICK:** That is correct.

20 **MR. DUMAIS:** Okay. And just before we go
21 there, before going to this interview, would you have
22 advised anyone at your office that you were conducting this
23 interview?

24 **MS. FITZPATRICK:** No, I did not.

25 **MR. DUMAIS:** Would you have opened a file?

1 MS. FITZPATRICK: No.

2 MR. DUMAIS: Advised your supervisor?

3 MS. FITZPATRICK: No.

4 MR. DUMAIS: Okay.

5 THE COMMISSIONER: Were you supposed to?

6 MS. FITZPATRICK: Not that I know of.

7 THE COMMISSIONER: Okay.

8 MR. DUMAIS: And you indicated to us earlier
9 that you had actually booked these two days off. Is that
10 correct?

11 MS. FITZPATRICK: Pardon?

12 MR. DUMAIS: That you had booked these two
13 days off from work?

14 MS. FITZPATRICK: Yes.

15 MR. DUMAIS: So, in your mind, were you --
16 did you -- were you off on that day? I guess ---

17 MS. FITZPATRICK: Yes, I was going -- you
18 have to understand. Every Christmas that I worked at the
19 agency, I never got my Christmas shopping done so I made it
20 a point in November, I was getting the Christmas shopping
21 done so we were going to have a real Christmas. So I had
22 booked it off for shopping.

23 MR. DUMAIS: Okay.

24 MS. FITZPATRICK: M'hm.

25 MR. DUMAIS: But I guess my question is, in

1 your mind, were you there in an official capacity? Were
2 you there as a child protection worker for the ---

3 **MS. FITZPATRICK:** No, no.

4 **MR. DUMAIS:** What were you there for?

5 **MS. FITZPATRICK:** For support of Heidi and
6 to help her validate or substantiate or rule out if there
7 was anything to what this woman was telling her.

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

9 So before starting the interview, Geraldine,
10 you're introduced to Jeannette. Is that correct?

11 **MS. FITZPATRICK:** That is correct.

12 **MR. DUMAIS:** And did you -- do you strike up
13 a conversation with her?

14 **MS. FITZPATRICK:** Not really, no.

15 **MR. DUMAIS:** Okay.

16 **MS. FITZPATRICK:** No. Heidi, you know, it
17 was, "This is Jeannette" and the audiotape was going on.
18 Yeah.

19 **MR. DUMAIS:** So there's no discussion before
20 the tape starts about what you're going to be talking
21 about. Is that correct?

22 **MS. FITZPATRICK:** No, as a matter of fact, I
23 think it opens up in that, that I want to talk to her about
24 the group home or somewhere it's in there.

25 **MR. DUMAIS:** Okay.

1 **MS. FITZPATRICK:** Heidi may have told her on
2 the telephone, I wouldn't know.

3 **MR. DUMAIS:** All right. So is it fair to
4 say that when you first get there, you're introduced to
5 Jeannette and you almost immediately get into the
6 interview. Is that fair?

7 **MS. FITZPATRICK:** Yes. M'hm.

8 **MR. DUMAIS:** Okay. Now, I'm going to take
9 you through the statement that you took and I guess the
10 first question is, you were conducting this interview;
11 correct?

12 **MS. FITZPATRICK:** Yes, that's correct.

13 **MR. DUMAIS:** And you asked most questions
14 from Jeannette Antoine. Is that correct?

15 **MS. FITZPATRICK:** That is correct.

16 **MR. DUMAIS:** And Heidi would have intervened
17 here and there, but it was very limited. Is that correct?

18 **MS. FITZPATRICK:** That's correct. She was
19 taking the notes.

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

21 So we're just starting at the first page of
22 the statement, so if I can just take you to Exhibit 2352,
23 so it starts off where Jeannette is describing this group
24 home. Is that correct?

25 **MS. FITZPATRICK:** Now, hold on, my screen

1 went off.

2 **THE COMMISSIONER:** Two-three-five-one (2351)
3 perhaps? Is that what you're -- the first transcript or
4 the second?

5 **MR. DUMAIS:** The first transcript.

6 **THE COMMISSIONER:** So it's 2351.

7 **MS. FITZPATRICK:** Yeah.

8 **MR. DUMAIS:** Correct.

9 So she starts off by providing a description
10 of her initial involvement with the group home. Is that
11 correct?

12 **MS. FITZPATRICK:** That's correct.

13 **MR. DUMAIS:** And she mentioned there that
14 initially the person that was in charge there was a
15 gentleman by the name of Rod Rabey. Is that correct?

16 **MS. FITZPATRICK:** That is correct.

17 **MR. DUMAIS:** And did you know who Rod Rabey
18 was at that time?

19 **MS. FITZPATRICK:** No, I did not.

20 **MR. DUMAIS:** Okay. So had -- do you know
21 whether or not you had worked with Mr. Rabey?

22 **MS. FITZPATRICK:** If who had worked with Mr.
23 Rabey?

24 **MR. DUMAIS:** If you had worked with him?

25 **MS. FITZPATRICK:** No, no.

1 **MR. DUMAIS:** Okay. And you had -- you
2 hadn't heard his name around at the office either?

3 **MS. FITZPATRICK:** No, I had not.

4 **MR. DUMAIS:** And certainly Ms. Antoine did
5 not appear to have any concerns about Mr. Rabey. Is that
6 correct?

7 **MS. FITZPATRICK:** No. She was quite fond --
8 they were very kind to her. That's how she described it.

9 **MR. DUMAIS:** Okay.

10 And as you get into her description of her
11 experience at the group home, she gets into identifying
12 some of the other children that were placed there?

13 **MS. FITZPATRICK:** Correct.

14 **MR. DUMAIS:** And as I'm asking that
15 question, Mr. Commissioner, I just realised that this
16 document should be identified -- should be stamped with a
17 publication ban.

18 The names of the children that were placed
19 in the group home were previously identified by a request,
20 I believe Miss Simms made that request in the Towndale
21 evidence, it's the same names. This document had not been
22 filed but certainly all of the names have been identified.

23 **THE COMMISSIONER:** All right.

24 **MR. DUMAIS:** So just on that note,
25 Geraldine, we should be careful about -- and I think two of

1 these children do have monikers but I don't think there's
2 any need to refer specifically to their name.

3 So I'm looking here at Bates page 843 or
4 page 4 of the transcript, Geraldine.

5 So you're essentially asking her whether or
6 not she can recall -- at the top of the page -- the names
7 of other kids that were in the group home at the same time
8 that she was. Is that correct?

9 **MS. FITZPATRICK:** That is correct.

10 **MR. DUMAIS:** And she is able to identify a
11 number of these children both by first and last name. Is
12 that correct?

13 **MS. FITZPATRICK:** Yes, that's correct.

14 **MR. DUMAIS:** And when she's mentioning these
15 names to you, do they mean anything to you? Do you
16 recognise any of these names?

17 **MS. FITZPATRICK:** One name I recognised.

18 **MR. DUMAIS:** Okay. And had you been a child
19 protection worker for one of these specific ---

20 **MS. FITZPATRICK:** No.

21 **MR. DUMAIS:** --- child, no?

22 **MS. FITZPATRICK:** No.

23 **MR. DUMAIS:** But you said you recognised the
24 name as being someone involved with the agency?

25 **MS. FITZPATRICK:** Well, I would have met one

1 of his offspring, I guess, or relatives, yes.

2 **MR. DUMAIS:** Okay.

3 Now, at the bottom of that page, and I'm
4 just going to read it out to you, it's the last paragraph.
5 Ms. Antoine is indicating:

6 "I went. I didn't want to go back
7 to the group home, but I did. I
8 remember walking in the door and I
9 seen this man that I seen, I'd
10 seen before, but I couldn't
11 picture him until he said that.
12 His comments was 'Oh, brother'.
13 And I knew right off the bat that
14 it had been Bryan Keough. And
15 Brian and I had never hit it off
16 from the time I can remember
17 speaking. He used to be my worker
18 when I was in the foster care."

19 So that's -- she identifies Mr. Keough;
20 correct?

21 **MS. FITZPATRICK:** Correct.

22 **MR. DUMAIS:** And did you know who Bryan
23 Keough was at that time?

24 **MS. FITZPATRICK:** Yes I did, m'hm.

25 **MR. DUMAIS:** And do you recall whether or

1 not -- at this particular time, whether or not he was still
2 working at the agency?

3 **MS. FITZPATRICK:** No. He had left to become
4 a minister, I believe.

5 **MR. DUMAIS:** Okay. So do you recall when
6 that was or?

7 **MS. FITZPATRICK:** Oh, gee. We had the going
8 away party but I don't remember when -- okay, hold on,
9 let's see. No, I just remember that he was leaving and so
10 it was before this for sure. I don't know what year he had
11 left.

12 **MR. DUMAIS:** Okay.

13 Now, I'm looking at Bates page 850.

14 **THE COMMISSIONER:** So the Bates pages are in
15 the top left corner.

16 **MS. FITZPATRICK:** Okay.

17 **MR. DUMAIS:** Or page 11 of the transcript if
18 that's easier.

19 She's describing some of the staff that was
20 involved at the Second Street Group Home; correct?

21 **MS. FITZPATRICK:** That's correct.

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

23 And just towards the bottom of the page
24 there, her second last answer:

25 "I remember going home. We were

1 all at home and Brian was there
2 and this man in black, totally had
3 black on. I asked him if he was -
4 - this thing had anything to do
5 with morbid because he was always
6 wore black right down to socks and
7 shoes. We used to make fun of him
8 because he always wore black and
9 he was really tall. And then
10 there was this other girl."

11 And then you asked him to identify this
12 person and she indicates in her last response on that page,
13 "Derry Tenger".

14 **MS. FITZPATRICK:** M'hm.

15 **MR. DUMAIS:** So did you know Derry Tenger at
16 that period of time?

17 **MS. FITZPATRICK:** No, I did not.

18 **MR. DUMAIS:** Okay. And you hadn't heard
19 anything from him at the Children's Aid office?

20 **MS. FITZPATRICK:** Not a word.

21 **MR. DUMAIS:** And you -- in 1993, you
22 couldn't have said whether or not he had ever worked there?
23 Is that fair?

24 **MS. FITZPATRICK:** I wouldn't have known
25 because I never saw his name on any files or ---

1 **MR. DUMAIS:** Okay.

2 Now, if you flip on to the next page, which
3 is Bates page 851, about mid-page there, she's identifying
4 someone else, and she's giving you the name of Ms. Gratton.
5 Do you see this?

6 **MS. FITZPATRICK:** Yes, I do, m'hm.

7 **MR. DUMAIS:** So did you know Miss Gratton at
8 that period of time?

9 **MS. FITZPATRICK:** No, I did not.

10 **MR. DUMAIS:** Okay. And a little further
11 down she identifies a lady by name, she indicates initially
12 Ms. Lepage and then you indicate to her Fran Lepage. Is
13 that correct?

14 **MS. FITZPATRICK:** That is correct.

15 **MR. DUMAIS:** And did Jeannette indicate that
16 she would have had some involvement in the Second Street
17 affair? Put it that way.

18 **MS. FITZPATRICK:** Did Fran have some
19 involvement?

20 **MR. DUMAIS:** Yes. Did she identify her?

21 **MS. FITZPATRICK:** I know that she had some
22 kind of an encounter with her, with Fran.

23 **MR. DUMAIS:** And was Fran, in 1993, still
24 employed by the Children's Aid Society?

25 **MS. FITZPATRICK:** That is correct. Yes.

1 **MR. DUMAIS:** She was? All right.

2 And then on the next page, at page 13, she
3 identifies the name of Heather Tenger. Did that name mean
4 anything to you at that time?

5 **MS. FITZPATRICK:** No, it did not.

6 **MR. DUMAIS:** It did not? All right.

7 Now, in the next 14 or 15 pages, Geraldine,
8 and that's pages 853 through 867. I'm not going to take
9 you through each and every one of her allegations ---

10 **MS. FITZPATRICK:** Right.

11 **MR. DUMAIS:** --- but, essentially, Jeannette
12 was indicating to you that while she was placed in the
13 group home, that she would have suffered both physical and
14 sexual abuse. Is that correct?

15 **MS. FITZPATRICK:** That's correct.

16 **MR. DUMAIS:** And some of the incidents that
17 she was explaining to you was that both her and some of the
18 other kids that had been in the group home had been hit by
19 a belt. Is that correct?

20 **MS. FITZPATRICK:** Had been hit by what?

21 Well, she described it as some kind of a
22 black rubber thing like this, not a belt.

23 **MR. DUMAIS:** Okay, not a belt specifically.

24 **MS. FITZPATRICK:** It was some kind of a
25 rubber ---

1 **MR. DUMAIS:** And she had recounted incidents
2 of where kids were punished and, more specifically, girls
3 had been punished, asked to strip down to their bras and
4 underwear and made to clean up with a toothbrush. Do you
5 recall that?

6 **MS. FITZPATRICK:** I certainly do. By male
7 staff.

8 **MR. DUMAIS:** By male staff, yes.

9 **MS. FITZPATRICK:** M'hm. When I look at it
10 clinically, you're looking at sexually abused children and
11 male staff watching them in their underwear.

12 **MR. DUMAIS:** And she went on to describe
13 different occurrences that happened over her stay, during
14 the long -- the time she was there at the Second Street
15 Group Home. Is that correct?

16 **MS. FITZPATRICK:** Yes.

17 **MR. DUMAIS:** All right. And certainly she
18 was making specific allegations against Bryan Keough who
19 had been a child protection worker with the agency. Is
20 that correct?

21 **MS. FITZPATRICK:** That is correct.

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

23 And, as a matter of fact, at one point-in-
24 time would even have indicated to you that she suspected
25 that he had -- that is, she thought that he was perhaps was

1 the father of her niece. Is that correct?

2 **MS. FITZPATRICK:** She believed that he was
3 having sexual relationships with her sister, that the
4 sister gave birth to a baby, and that the sister named the
5 baby, Brian.

6 **MR. DUMAIS:** At that time, Geraldine, she
7 was not indicating that her sister had confirmed that to
8 her. Is that correct?

9 **MS. FITZPATRICK:** I believe geographically
10 they were separated and she had very little contact with
11 her.

12 **MR. DUMAIS:** All right. But she didn't
13 indicate that her sister had told that?

14 **MS. FITZPATRICK:** Oh, okay.

15 **MR. DUMAIS:** Is that right?

16 **MS. FITZPATRICK:** Yes. Yes.

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

18 **MS. FITZPATRICK:** M'hm.

19 **MR. DUMAIS:** Now, if I can just take you to
20 Bates page 869 which is page 30 of the transcript. And if
21 I can just take you to about the middle of the second
22 paragraph, Geraldine, and the line starts with the words
23 "And I said no. Why did you ever think that."

24 Do you have that line?

25 **THE COMMISSIONER:** So this is her sister --

1 is that her sister, Heather?

2 MS. FITZPATRICK: Yes, that's correct.

3 MR. DUMAIS: So you have the line, Geraldine?

4 MS. FITZPATRICK: Yes, I do.

5 MR. DUMAIS: Okay, so I'm just going to read
6 out the relevant portion:

7 "I've never had other than being raped
8 or sexually assaulted when I was in
9 foster care, I was never involved with
10 anybody."

11 So certainly Jeannette Antoine appears to be
12 indicating here that she would have been raped or sexually
13 assaulted while in foster care?

14 MS. FITZPATRICK: M'hm.

15 MR. DUMAIS: And these incidents that would
16 have preceded her involvement with this group home. Is
17 that correct?

18 MS. FITZPATRICK: That I don't know. I
19 don't know -- I think she's a multi-victim.

20 MR. DUMAIS: Okay. And I guess specifically
21 about the reference to being sexually assaulted in foster
22 care ---

23 MS. FITZPATRICK: M'hm.

24 MR. DUMAIS: --- would she have provided you
25 with any of those details?

1 **MS. FITZPATRICK:** No.

2 **MR. DUMAIS:** Did you ask her for those
3 details?

4 **MS. FITZPATRICK:** No, because I thought I
5 would be doing a subsequent interview. That day she
6 provided so much information, I was overwhelmed.

7 **MR. DUMAIS:** Okay.

8 **MS. FITZPATRICK:** And I couldn't absorb any
9 more of what she had to say. So I thought that that type
10 of thing would come later in a subsequent interview.

11 **MR. DUMAIS:** Okay.

12 And then she goes to explain that at one
13 point-in-time the children that were in the group home
14 would have ran away. Is that correct?

15 **MS. FITZPATRICK:** That is correct.

16 **MR. DUMAIS:** And some sort of contact had
17 been made with the Children's Aid office and there had been
18 a number of meetings. Is that correct?

19 **MS. FITZPATRICK:** Well, the way, you know --
20 and I just hear this from the heart -- the way she
21 described that running away, this was out of fear. And the
22 children were running away from a group home.

23 And I believe she said it was at night time
24 and I can't imagine, they ended up in Summerstown, these
25 children. They broke into a cottage because they were cold

1 and they were hungry.

2 They tried to make a plan who was going to
3 come help them. She told me that they called Tom O'Brien
4 hoping that he would come and see them and that they could
5 tell him their story.

6 But what happened instead was some police
7 cruisers showed up instead and picked the children up and
8 brought them to the agency. And then she tells the rest of
9 the story of what happened.

10 **MR. DUMAIS:** All right. And, again, as
11 she's telling you some of the details of the 2nd Street
12 Group Home. That doesn't trigger any memory for you?
13 You're no more aware of any of the incidents that would
14 have occurred at the group home; correct?

15 **MS. FITZPATRICK:** I had never heard these
16 stories before, no.

17 **MR. DUMAIS:** I'm now at the Exhibit 2352,
18 Geraldine, which is the second part of the transcript, and
19 I'm just looking at Bates page 887 or page 6 of that
20 transcript.

21 Now, some of the questions in the next few
22 pages, Geraldine, deal with who Jeannette would have told
23 of these allegations prior to speaking with you.

24 **MS. FITZPATRICK:** M'hm.

25 **MR. DUMAIS:** And -- sorry, I'm looking at

1 rather Bates page 888 which is page 7. So she's indicating
2 towards the bottom of the page that she would have told
3 Bill McNally.

4 **MS. FITZPATRICK:** M'hm.

5 **MR. DUMAIS:** Did you know Bill McNally?

6 **MS. FITZPATRICK:** I've met him as I ended up
7 replacing his office. So he was -- when I met him he had
8 left the agency but he was often in the office because he
9 was an attendance counsellor.

10 **MR. DUMAIS:** Okay. But he was no longer
11 working there in 1993. Is that correct?

12 **MS. FITZPATRICK:** That's correct.

13 **MR. DUMAIS:** And she also mentions the name
14 of Dawn Osler, that she would have told this lady. Do you
15 know who she was?

16 **MS. FITZPATRICK:** Dawn Osler currently is a
17 foster parent. She used to be a crown ward worker at our
18 agency and then she shifted over to Children's Mental
19 Health, and so she's a mental health counsellor for
20 children.

21 **MR. DUMAIS:** So she -- if you can just then
22 turn to Bates page 890, which is page 9, and I'm looking at
23 the third paragraph on that page and perhaps I can just
24 read it out:

25 "He said to me that he couldn't work in

1 the situation if Bryan Keough were
2 still there. And I asked Greg Bell if
3 Bryan was there and he said yeah. I
4 said what's he doing. He said that he
5 was working with children to be placed
6 in foster care."

7 So certainly it appears that at one point-
8 in-time Jeannette would have disclosed this to Greg Bell.
9 Is that correct?

10 **MS. FITZPATRICK:** That is correct.

11 **MR. DUMAIS:** And I forget now whether or not
12 I asked you this earlier, but is -- was Mr. Bell still
13 working at the agency in 1993?

14 **MS. FITZPATRICK:** Yes, he was.

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

16 And he appears to indicate here or Greg
17 appears to be -- or Jeannette indicates that Greg would
18 have told her that he was taking this to the Board.

19 **MS. FITZPATRICK:** Yeah.

20 **MR. DUMAIS:** And, again, you would not have
21 been made aware. either then or now, whether or not this
22 matter went to the Board?

23 **MS. FITZPATRICK:** No.

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

25 **MS. FITZPATRICK:** Well, there's a piece I

1 was told by another worker that Greg had pursued some
2 things on this matter.

3 MR. DUMAIS: That he had been involved with
4 Jeannette Antoine?

5 MS. FITZPATRICK: But I found this out from
6 Carleen Hickey after I had done my part.

7 MR. DUMAIS: Okay.

8 MS. FITZPATRICK: M'hm.

9 MR. DUMAIS: All right. And perhaps we'll
10 just leave those questions for when we deal ---

11 MS. FITZPATRICK: Later.

12 MR. DUMAIS: --- Carleen's involvement in a
13 short while.

14 MS. FITZPATRICK: Okay.

15 MR. DUMAIS: And at one point she advises
16 that she would have recounted the story to Rick Abell. Is
17 that correct?

18 MS. FITZPATRICK: That's correct.

19 MR. DUMAIS: All right. And he had actually
20 at one point-in-time met with her; correct?

21 MS. FITZPATRICK: He met her in a
22 restaurant.

23 MR. DUMAIS: Okay. And as she was following
24 up on her involvement with the Children's Aid Society,
25 Jeannette Antoine described to you on how she attempted to

1 get a copy of her file. Is that correct?

2 MS. FITZPATRICK: Yes.

3 MR. DUMAIS: And, essentially, she had been
4 dealing with Carleen Cummings to get a copy of her file.
5 Is that correct?

6 MS. FITZPATRICK: M'hm. I don't know how
7 Carleen would get a copy but I'd have to re-read this part.
8 I guess.

9 MR. DUMAIS: Perhaps if I can just take you
10 then to Bates page 894, page 13.

11 So it's a question that you're asking in
12 about mid-page.

13 "How did Carleen Cummings come into the
14 picture? Was that after you met with
15 Richard Abell or before?"

16 And her answer:

17 "Oh, Carleen. The first time; you talk
18 about the first time I seen her; the
19 first time I've seen here was because
20 I'd been having some flashbacks, they
21 were scary flashbacks. There is this
22 man and this thing that is hurting me
23 and I don't know who it is. And I
24 really want to know who it is. And I
25 want to know my past. I want to know

1 who my mom was, who my dad was. How
2 many kids were in my family. Why was I
3 taken away from the Children's Aid.
4 Was I -- did I have any -- did I have
5 these diseases, normal disease that
6 kids have, chicken pox, you know? I
7 want a birth certificate."

8 And then you answer:

9 "So you want to know what your social
10 history was?"

11 **MS. FITZPATRICK:** M'hm.

12 **MR. DUMAIS:** And then the last two lines on
13 that page, she indicates:

14 "And then when I talked to Richard
15 about it, he said that Carleen Cummings
16 would give me what I needed. So I --
17 Carleen called me and asked me what I
18 wanted and I told her basically..."

19 And then she provided a one-sheet disclosure about her
20 file. Do you recall that now?

21 **MS. FITZPATRICK:** Well, I do now reading
22 this, but I don't, you know.

23 **MR. DUMAIS:** Okay. And my understanding,
24 Geraldine, is you had a personal relationship with Carleen
25 at that time back then?

1 **MS. FITZPATRICK:** That's true.

2 **MR. DUMAIS:** Okay. And, I mean, certainly -
3 - and would she have discussed with you at any point-in-
4 time this disclosure?

5 **MS. FITZPATRICK:** That's what surprised me.
6 When I -- no, she never said a word to me about this.

7 **MR. DUMAIS:** Okay.

8 **MS. FITZPATRICK:** Not until a later time.

9 **MR. DUMAIS:** Yes.

10 **MS. FITZPATRICK:** Yes, okay.

11 **MR. DUMAIS:** And we'll get to that ---

12 **MS. FITZPATRICK:** Yes.

13 **MR. DUMAIS:** --- a little later on.

14 **MS. FITZPATRICK:** M'hm.

15 **MR. DUMAIS:** And at Bates page 901 --
16 perhaps, Mr. Commissioner, if I can just finish with the
17 interview, I just have a few more questions then perhaps we
18 can take the afternoon break?

19 **THE COMMISSIONER:** If you want to.

20 I thought usually three o'clock was the
21 afternoon break.

22 **MR. DUMAIS:** Fair enough.

23 **THE COMMISSIONER:** Whatever you want.

24 **MR. DUMAIS:** Yeah.

25 **THE COMMISSIONER:** That's fine.

1 **THE COMMISSIONER:** So we're at 293 -- 893,
2 is that where ---

3 **MR. DUMAIS:** Nine-zero-one (901).

4 **THE COMMISSIONER:** Nine-zero-one (901),
5 sorry.

6 **MR. DUMAIS:** So this is a question that's
7 coming from Constable Sebalj towards the end of that page.
8 She's essentially asking Jeannette whether or not she's
9 identified everyone that she would have told about these
10 incidents and at the end of that page, the bottom of that
11 page, she identifies the name of Ms. Sammass.

12 **MS. FITZPATRICK:** M'hm.

13 **MR. DUMAIS:** I don't know if I'm pronouncing
14 that right but does that ---

15 **MS. FITZPATRICK:** M'hm. Yes.

16 **MR. DUMAIS:** Does that name mean anything to
17 you?

18 **MS. FITZPATRICK:** No, it doesn't.

19 **MR. DUMAIS:** Okay. And I think she goes on
20 to describe her as being a Board member.

21 **MS. FITZPATRICK:** Yes, that's right.
22 Correct.

23 **MR. DUMAIS:** But that doesn't -- the name
24 doesn't mean anything to you, either at that time or now?

25 **MS. FITZPATRICK:** No.

1 **MR. DUMAIS:** Okay.

2 And then if we're looking at the second last
3 page, Geraldine, so Bates page 911, page 30.

4 I just need to find the reference, Mr.
5 Commissioner.

6 **THE COMMISSIONER:** Certainly.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **MR. DUMAIS:** I'm sorry, it's actually -- I
9 believe at, yeah, it's at Bates page 901 again.

10 **MS. FITZPATRICK:** Zero-one (01).

11 **MR. DUMAIS:** It's about mid-page, Geraldine,
12 and I'll read it out for you.

13 **MS. FITZPATRICK:** M'hm.

14 **MR. DUMAIS:** So then you're -- this is you
15 speaking:

16 "Are you prepared to let Constable
17 Sebalj have all the information to
18 Xerox it so she can have that
19 information for her?"

20 And then Jeannette answers:

21 "Sorry, yeah. If she wants a copy of
22 it."

23 And then you ask:

24 "The letters, the correspondence,
25 anything like that."

1 "Yeah."

2 Do you recall whether or not Jeannette had
3 any documents with her at that time?

4 **MS. FITZPATRICK:** No, not that I saw.

5 **MR. DUMAIS:** Okay. And did she indicate to
6 you and Constable Sebalj that she did have documents at her
7 home? That she was in possession of that?

8 **MS. FITZPATRICK:** Not that I remember.

9 **MR. DUMAIS:** Okay. And do you recall -- do
10 you know whether or not you would have followed up with
11 that? Obtained at any point-in-time any documents from
12 Jeannette Antoine yourself personally?

13 **MS. FITZPATRICK:** No.

14 **MR. DUMAIS:** Okay. Now, the recording ends
15 -- or the statement, you're finished taking the statement
16 from Jeannette Antoine. How did you leave things with her?

17 **MS. FITZPATRICK:** Okay. Well, it was Heidi
18 that sort of left things with her. She said that she would
19 be getting back to her; that she would want to speak with
20 her again. And then, you know, took her to the door,
21 exited her out. Then she came back in to see me and back
22 into the room.

23 **MR. DUMAIS:** All right. And was that the
24 extent of the discussion with Jeannette. It was Constable
25 Sebalj that was to get back to her?

1 MS. FITZPATRICK: Yes.

2 MR. DUMAIS: Okay. And you were not
3 provided with any contact information?

4 MS. FITZPATRICK: Of who?

5 MR. DUMAIS: Of Jeannette Antoine?

6 MS. FITZPATRICK: No, no.

7 MR. DUMAIS: And during this interview,
8 Geraldine, are you taking down notes?

9 MS. FITZPATRICK: No.

10 MR. DUMAIS: You're not taking any notes at
11 all?

12 MS. FITZPATRICK: No. Heidi was taking the
13 notes.

14 MR. DUMAIS: Okay. All right.

15 So then, Jeannette Antoine leaves the
16 interview ---

17 MS. FITZPATRICK: M'hm.

18 MR. DUMAIS: --- and I take it you would
19 have had a discussion with ---

20 MS. FITZPATRICK: With Heidi.

21 MR. DUMAIS: --- Heidi. Is that correct?

22 MS. FITZPATRICK: M'hm, that's correct.

23 MR. DUMAIS: All right. So tell us about
24 that discussion. What did ---

25 MS. FITZPATRICK: Well, after we finished

1 with Jeannette, I have to say I was more than disappointed
2 to say the least. And I said, "Oh my God, Heidi, what are
3 we going to do?" And she was taking the audiotapes and she
4 was wrapping them up.

5 And she said, "Well, I'm going to take these
6 tapes to a lawyer". And I said, "What do you mean a
7 lawyer? You know I have to tell my boss".

8 And so she said, "No", she said, "You'll be
9 obstructing a criminal investigation if you do". And I
10 said, "Well, aren't you going to tell your boss, Luc?" And
11 so she said, "Well, I can't". And I said, "Why not?" And
12 she said, "Well, he sits on the Board of the Children's Aid
13 Society".

14 And it's not that she -- the only -- she saw
15 it as a conflict of interest because he sat on the Board;
16 the allegations were made; very serious allegations were
17 made against Children's Aid.

18 And so what Heidi wanted to do -- oh, I'm
19 sorry -- she said to me that she was taking this to the
20 lawyers and when I realized that she told me I can't tell
21 my boss, and that she's not going to tell her boss, that
22 made me really nervous.

23 And she was going to take it to a lawyer;
24 put it in his care because she said that she wasn't going
25 to let the Crown Attorney get a hold of this case the way

1 he ruined the last case on her.

2 And she said her plan was, she was going
3 within the legal department but to another law enforcement
4 or whoever, to find out what she should do about this. So
5 she told me -- I thought people were going to get arrested
6 right away.

7 And she told me that she would be back in
8 touch with me in two weeks because by then she will have
9 known what to do and the process will be in place.

10 **MR. DUMAIS:** Now, Geraldine, you indicated
11 that she would be taking the tapes to a lawyer. Did she
12 provide you with a name? Did she ---

13 **MS. FITZPATRICK:** No, she did not.

14 **MR. DUMAIS:** And did you get the impression
15 that by "lawyer" she meant the Crown Attorney or ---

16 **MS. FITZPATRICK:** No, she was going to a
17 private lawyer to secure the tapes until she could find out
18 what to do.

19 **MR. DUMAIS:** And were you ever made aware of
20 that fact that she would have seen a lawyer to do with the
21 tapes?

22 **MS. FITZPATRICK:** After that day, I waited
23 the two weeks for Heidi and I never heard from her. And
24 every day I sat at work wondering when they were coming in
25 to arrest people and it was a horrible situation to be in.

1 And I never heard from her and then I tried to call over to
2 her office to sort of fish out like what is going on, and I
3 would leave messages and I didn't hear from her. And I
4 remember one time speaking with Dave Bough, just trying to
5 get a sense of where's Heidi, you know, and he said
6 something like, "Oh, it's terrible what they're doing to
7 her."

8 MR. DUMAIS: Did he elaborate; provide
9 details?

10 MS. FITZPATRICK: Well, he didn't that day,
11 but then another day he told me that they were disciplining
12 her and they were making her the scapegoat.

13 MR. DUMAIS: Okay.

14 Do you know what he was talking about?

15 MS. FITZPATRICK: He was talking about the
16 whole priest investigation.

17 MR. DUMAIS: All right.

18 MS. FITZPATRICK: M'hm.

19 MR. DUMAIS: Now, after -- so ---

20 MS. FITZPATRICK: Okay.

21 MR. DUMAIS: --- you had left things with
22 Heidi saying that -- by her saying that she would contact
23 you in two weeks; is that correct?

24 MS. FITZPATRICK: Yes, correct.

25 MR. DUMAIS: At one point in time you go

1 back to your office after this interview ---

2 MS. FITZPATRICK: M'hm.

3 MR. DUMAIS: --- when you're next at work.

4 Do you speak to anyone about this?

5 MS. FITZPATRICK: I told three of my
6 colleagues.

7 MR. DUMAIS: Who would you have told?

8 MS. FITZPATRICK: I would have told Carol
9 Beamer, Jennifer Ray, Carleen Cummings, and later Patricia
10 Garrahan.

11 MR. DUMAIS: Okay.

12 And perhaps I'll be a little more specific
13 with my question, but do you tell them this shortly after
14 this interview in 1993?

15 MS. FITZPATRICK: No, no, I waited until
16 after. It would have been after the Christmas break, yeah.

17 MR. DUMAIS: Okay, all right.

18 So if we can just use, I guess, the
19 Christmas break as ---

20 MS. FITZPATRICK: Yeah.

21 MR. DUMAIS: Do you speak to anyone at the
22 agency about this from the day of the interview, so
23 November 12th, '93 ---

24 MS. FITZPATRICK: Oh, yeah.

25 MR. DUMAIS: --- to the end of the year?

1 **MS. FITZPATRICK:** No.

2 **MR. DUMAIS:** And when you get back to the
3 office, do you take down notes of what went on and who said
4 what, and do you write anything down?

5 **MS. FITZPATRICK:** No, because you know what,
6 I was leaving this in Heidi's hands and part of me was
7 hoping that this stuff wasn't true and so there was a part
8 of me that wanted to dismiss it, but I knew that we
9 couldn't but I knew she had the notes. I didn't take
10 notes.

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

12 And you don't open a file at your office?

13 **MS. FITZPATRICK:** For what?

14 **MR. DUMAIS:** A file about the Jeannette
15 Antoine allegation.

16 **MS. FITZPATRICK:** No, because that's Heidi's
17 job.

18 **MR. DUMAIS:** Okay.

19 **MS. FITZPATRICK:** She's going to do an
20 investigation.

21 **MR. DUMAIS:** Okay.

22 **MS. FITZPATRICK:** She would open up the
23 file; not me.

24 **MR. DUMAIS:** And Jeannette Antoine would
25 have provided you with the name of a number of children

1 that had stayed at the Second Street group home.

2 MS. FITZPATRICK: Correct.

3 MR. DUMAIS: Do you do any checking up at
4 the office? Do you go back and look at those files?

5 MS. FITZPATRICK: No.

6 MR. DUMAIS: So you don't follow up on any
7 of these names?

8 MS. FITZPATRICK: No.

9 MR. DUMAIS: And again, Jeannette would have
10 identified a number of people that she would have told ---

11 MS. FITZPATRICK: Yes.

12 MR. DUMAIS: --- about this at the agency.

13 MS. FITZPATRICK: M'hm, but the way that she
14 explained it was when Greg Bell interviewed her, she said -
15 --

16 THE COMMISSIONER: When Greg Bell
17 interviewed who?

18 MS. FITZPATRICK: Jeannette Antoine.

19 THE COMMISSIONER: Yes.

20 MS. FITZPATRICK: She felt that he believed
21 her and that he was going to do something about it. And
22 she said but after that she didn't hear from him and so she
23 felt it was her impression that he had been called off.

24 THE COMMISSIONER: M'hm.

25 MS. FITZPATRICK: That's how she interpreted

1 it. And then she said that Carleen Cummings interviewed
2 her and she said the same thing happened, you know, where
3 they wanted to help her but then she felt that upper
4 management had pressured them. So there was no retribution
5 for the victim; no validation; no -- she was left hanging.

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

7 And what about the Second Street group home;
8 do you try to find out anything about that group home,
9 whether it actually existed, whether there's a file at the
10 office?

11 **MS. FITZPATRICK:** You see, in that period,
12 from the day that I interview Jeannette Antoine until the
13 event where I meet Wayne Murphy, I'm basically at home and
14 no, I'm not in the agency reading their files; I'm only
15 doing my work.

16 **MR. DUMAIS:** And as a matter of fact, did
17 Heidi ever call you back on this file?

18 **MS. FITZPATRICK:** No, she never did.

19 **MR. DUMAIS:** And did Jeannette Antoine ever
20 attempt to communicate with you?

21 **MS. FITZPATRICK:** I don't think -- you know
22 what, I never knew where she lived and she certainly didn't
23 know anything personal about me other than my name.

24 **MR. DUMAIS:** And you had indicated that
25 there would be a follow-up interview about some of the

1 allegations that ---

2 **MS. FITZPATRICK:** That's what I thought
3 would happen.

4 **MR. DUMAIS:** And this certainly didn't
5 happen, Geraldine?

6 **MS. FITZPATRICK:** No, it did not happen.

7 **THE COMMISSIONER:** I'm wondering -- you said
8 at the beginning that in the case of an historical
9 allegation against the priest ---

10 **MS. FITZPATRICK:** Yes.

11 **THE COMMISSIONER:** --- that you thought the
12 Children's Aid Society should be involved because there
13 would be children at risk.

14 **MS. FITZPATRICK:** Absolutely.

15 **THE COMMISSIONER:** Okay, so now you know
16 through this interview that Mr. Keough, who is now a
17 minister ---

18 **MS. FITZPATRICK:** Yes.

19 **THE COMMISSIONER:** --- for all you know, is
20 still alive and well ---

21 **MS. FITZPATRICK:** Yeah.

22 **THE COMMISSIONER:** --- and there's an
23 allegation of ---

24 **MS. FITZPATRICK:** Yeah.

25 **THE COMMISSIONER:** I guess similar to what

1 the priest is ---

2 MS. FITZPATRICK: Yes.

3 THE COMMISSIONER: So do you not think that
4 the Children's Aid ought to have been involved?

5 MS. FITZPATRICK: Absolutely.

6 THE COMMISSIONER: Okay.

7 MS. FITZPATRICK: Absolutely, yes.

8 THE COMMISSIONER: Okay.

9 MS. FITZPATRICK: And you mean involved in
10 what way, I'm sorry?

11 THE COMMISSIONER: Open a file. Start an
12 investigation.

13 MS. FITZPATRICK: They needed to investigate
14 him but, according to Jeannette Antoine, twice this report
15 went to the agency.

16 THE COMMISSIONER: M'hm.

17 MS. FITZPATRICK: So I'm the third person
18 and if the agency is going to respond, somebody is
19 accountable for what happened here and that's how I saw it.

20 THE COMMISSIONER: Right.

21 MS. FITZPATRICK: And that this -- she's a
22 victim.

23 THE COMMISSIONER: M'hm.

24 MS. FITZPATRICK: And she needs to be
25 validated.

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

2 **MS. FITZPATRICK:** So because of the
3 information that I'd been given, that (1) my co-worker has
4 already addressed the whole thing but hasn't gotten back to
5 her, and then I'm hearing another co-worker -- and these
6 are people I worked with side by side, you know, so to hear
7 this was very shocking to me and I was very disappointed in
8 them too. Not knowing the other piece, though, I don't
9 know what their side of the story was and I couldn't find
10 out what their side of the story was but I didn't
11 understand why, after she made those allegations -- where
12 was her retribution?

13 **THE COMMISSIONER:** So my question to you is
14 -- and maybe it's coming.

15 **MS. FITZPATRICK:** Yeah, it is coming.

16 **MR. DUMAIS:** Well, you can ask the question,
17 Commissioner.

18 **MS. FITZPATRICK:** Okay, yeah.

19 **MR. DUMAIS:** It's my next question.

20 **MS. FITZPATRICK:** M'hm.

21 **THE COMMISSIONER:** Why didn't you do
22 something about it with the Children's Aid Society?

23 **MS. FITZPATRICK:** Because she's making the
24 allegations against the Children's Aid Society and because
25 she's saying they already know and they've been told in the

1 eighties and they were told later in the eighties. This
2 was already news to them. They already knew this, so why
3 would I go back and tell them when Heidi said to me,
4 "You'll be obstructing an investigation"?

5 **THE COMMISSIONER:** I can see that.

6 **MS. FITZPATRICK:** M'hm.

7 **THE COMMISSIONER:** But that's two weeks
8 later.

9 **MS. FITZPATRICK:** Oh, no, because the first
10 time I didn't know about this. All I knew about ---

11 **THE COMMISSIONER:** No, I'm sorry ---

12 **MS. FITZPATRICK:** Okay.

13 **THE COMMISSIONER:** --- I'm sorry. Let me go
14 again.

15 **MS. FITZPATRICK:** Okay.

16 **THE COMMISSIONER:** You find out about it.
17 She says, "Give me two weeks."

18 **MS. FITZPATRICK:** Yes.

19 **THE COMMISSIONER:** Two weeks passes.

20 **MS. FITZPATRICK:** M'hm.

21 **THE COMMISSIONER:** Three weeks passes.

22 **MS. FITZPATRICK:** M'hm.

23 **THE COMMISSIONER:** A month passes. We're
24 into the new year.

25 **MS. FITZPATRICK:** And something happened

1 during the Christmas break ---

2 THE COMMISSIONER: Okay.

3 MS. FITZPATRICK: --- that helped me address
4 it.

5 MR. DUMAIS: All right.

6 MS. FITZPATRICK: M'hm.

7 THE COMMISSIONER: Time for a break or ---

8 MR. DUMAIS: Sure, last question.

9 MS. FITZPATRICK: M'hm.

10 THE COMMISSIONER: Thank you.

11 MS. FITZPATRICK: Okay.

12 THE REGISTRAR: Order; all rise. À l'ordre;
13 veuillez vous lever.

14 This hearing will resume at 3:00 p.m.

15 --- Upon recessing at 2:42 p.m./

16 L'audience est suspendue à 14h42

17 --- Upon resuming at 3:04 p.m./

18 L'audience est reprise la 15h04

19 THE REGISTRAR: This hearing is now resumed.

20 Please be seated. Veuillez vous asseoir.

21 GERALDINE FITZGERALD, Resumed/Sous le même serment

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

23 DUMAIS (cont'd/suite):

24 MR. DUMAIS: Mr. Commissioner, I should have
25 identified my co-counsel today, which is a new Commission

1 counsel, Jamie Liew.

2 **THE COMMISSIONER:** Pleased to meet you.

3 Welcome aboard.

4 **MR. DUMAIS:** Now, Geraldine, right before we
5 took the break, we were just about to talk -- I was just
6 going to ask you about a gentleman by the name of Wayne
7 Murphy, and my understanding is that you would have spoken
8 to him on Boxing Day in 1993. Is that correct?

9 **MS. FITZPATRICK:** That is correct, m'hm.

10 **MR. DUMAIS:** Perhaps you can just give us a
11 bit of background. Who is Wayne Murphy, Geraldine?

12 **MS. FITZPATRICK:** Wayne Murphy would be my
13 step-daughter's husband and, let's see -- they would come
14 to our house on the holidays, and they came to our house on
15 Boxing Day, m'hm.

16 **MR. DUMAIS:** And it's my understanding that
17 at one point-in-time during the evening of the day, you
18 would have struck a conversation with him ---

19 **MS. FITZPATRICK:** Yes.

20 **MR. DUMAIS:** --- about the Jeannette Antoine
21 allegation. Is that correct?

22 **MS. FITZPATRICK:** That is correct. Let's
23 see, during the Christmas holidays I had made up my mind
24 that I, myself, was going to either go to a lawyer or go
25 tell my boss about this.

1 And so what happened was, when Wayne Murphy
2 was at the house -- I knew that he had been an RCMP
3 officer. He used to talk about the Miramichi and Nova
4 Scotia, and so I ran it by him and I said, "What should I
5 do, you know, should I go see a lawyer; should I tell my
6 boss? You know, it's such a precarious situation to be
7 in." And so he said to me, "Well, let me check a few
8 things out and I'll get back to you and let you know which
9 way you should go".

10 So a few days pass and he called me and he
11 asked me a few more tidbits of information about Jeannette
12 Antoine's disclosure, sort of clarifying names, like who
13 was -- the man that dressed in black, the kids used to call
14 him "the black priest", and that would have been Mr.
15 Tenger, I guess, if I'm saying his name correctly. And so
16 he wanted clarification on that. He wanted clarification
17 on Bryan Keough's name.

18 And then he called back another time with
19 one two other questions, and then the third time he called
20 back he said to me, "This is a lot bigger than you know".
21 He said, "I just want you to know you've done a really good
22 job, but now your part is over. We're taking over. We're
23 going to keep your name out of this, but we're setting up
24 three task forces."

25 And one task force was to investigate the

1 group home, one task force was to investigate the police,
2 and one task force was to -- okay, so what was -- was the
3 priest situation, m'hm.

4 **MR. DUMAIS:** And who is he talking to,
5 Geraldine?

6 **MS. FITZPATRICK:** Who's -- oh, okay. Well,
7 Wayne Murphy is talking to the people that he knows inside
8 the legal system.

9 **MR. DUMAIS:** But I guess my question is,
10 does he ever identify these people to you? Does he every
11 say ---

12 **MS. FITZPATRICK:** No.

13 **MR. DUMAIS:** --- well, listen, I spoke to
14 the ---

15 **MS. FITZPATRICK:** No, never, no.

16 Now, I was told later that Wayne Murphy
17 works for CSIS.

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

19 And after this last telephone conversation,
20 is this the last dealing that you have with ---

21 **MS. FITZPATRICK:** Wayne Murphy?

22 **MR. DUMAIS:** --- Mr. Murphy?

23 **MS. FITZPATRICK:** There was one more
24 conversation, and it was some time after that.

25 I guess he assumed that I knew this

1 information and he just said, "Well, that was quite
2 interesting. Bryan Keough left the agency and for two
3 years we continued to pay him on our books" -- the agency -
4 - and then he said that Jeannette Antoine got a civil
5 settlement that was so big the agency couldn't pay her in
6 one year.

7 MR. DUMAIS: Okay.

8 MS. FITZPATRICK: That's all he told me.

9 MR. DUMAIS: Who is telling you this?

10 MS. FITZPATRICK: Wayne Murphy.

11 MR. DUMAIS: Okay. Is he telling you where
12 this information is coming from?

13 MS. FITZPATRICK: No.

14 MR. DUMAIS: And is this something that you
15 were otherwise able to verify?

16 MS. FITZPATRICK: No. How -- how would I
17 know? I mean ---

18 MR. DUMAIS: Okay.

19 MS. FITZPATRICK: There's gag orders signed.
20 I wouldn't know.

21 MR. DUMAIS: Okay. And if you can just give
22 us an idea of the amount of time between these telephone
23 conversations -- or are they all telephone conversations?

24 MS. FITZPATRICK: Yes. I think the last one
25 was another visit to the house, but that was much later,

1 you know, when he told me about basically the outcome, or
2 at least the outcome that he knew about.

3 **MR. DUMAIS:** M'hm.

4 **MS. FITZPATRICK:** M'hm.

5 **MR. DUMAIS:** What do you mean by "that much
6 later"? What's that mean?

7 **MS. FITZPATRICK:** Oh, it could have been a
8 year later, yes.

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

10 Now, following your initial conversation
11 with Wayne Murphy, do you then disclose anything to the
12 agency, anyone at the agency?

13 **MS. FITZPATRICK:** No.

14 **MR. DUMAIS:** Okay.

15 **MR. DUMAIS:** Because it's in -- it's in the
16 law enforcement's hand.

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

18 **MS. FITZPATRICK:** That's their job.

19 **MR. DUMAIS:** And we've spoken earlier on
20 about your involvement with Carleen Cummings. Is that
21 correct?

22 **MS. FITZPATRICK:** Yes. M'hm.

23 **MR. DUMAIS:** And perhaps you can just
24 explain what her involvement in this was? Perhaps start
25 with who she is?

1 **MS. FITZPATRICK:** Okay. Well, to me,
2 Carleen Cummings used to be one of my best friends ---

3 **MR. DUMAIS:** Okay.

4 **MS. FITZPATRICK:** --- for several years. We
5 met at the agency. She was also a child protection worker.
6 We were both pregnant at the same time, so we shared a lot.
7 We did a lot of investigations together.

8 **MR. DUMAIS:** Okay. And in 1993 was she
9 still working at the agency? Do you recall?

10 **MS. FITZPATRICK:** I'm not sure because
11 sometimes she was with a program called the Children's
12 First program, so she came in and out.

13 I can't -- so she had several contracts with
14 us at different times, so I don't know what she was doing
15 in '93 but, I mean, we still would have been hearing from
16 her because she was working with children in the school
17 board.

18 **MR. DUMAIS:** Okay. And at one point-in-time
19 did you discuss the Jeannette Antoine allegation with her?

20 **MS. FITZPATRICK:** Absolutely. I mean, this
21 is the kind of situation that it put me into because when
22 Jeannette made her disclosure, she talked about my friends.
23 She talked about people that I worked with for seven years,
24 that I had the most -- utmost respect for. And up until
25 then, all of my work and my work with the police had been

1 very successful.

2 So to hear these kind of allegations really
3 threw me off the rails, that's for sure. And so your
4 question to that was?

5 **MR. DUMAIS:** Perhaps I can ask you this.

6 **MS. FITZPATRICK:** Okay.

7 **MR. DUMAIS:** At one point-in-time you would
8 have spoken to Carleen ---

9 **MS. FITZPATRICK:** Okay, yes.

10 **MR. DUMAIS:** --- about this.

11 **MS. FITZPATRICK:** So what happened was in
12 all that time, since the day that Jeannette Antoine told me
13 that Carleen had been involved, I didn't talk to Carleen.

14 We used to spend every Sunday going to the
15 movies with our little boys, every Friday night we'd be on
16 the phone debriefing each other on our casework, and the
17 contact stopped. And, at first, I guess she assumed that
18 it was because of holidays and that sort of thing. She
19 called; I wouldn't answer her calls.

20 One day she showed up at my house and so
21 that's when the conversation took place. She showed up at
22 my house to find out why I was not responding to her calls,
23 why we weren't together, that sort of thing.

24 **MR. DUMAIS:** And ---

25 **MS. FITZPATRICK:** And I told her that it was

1 very -- I had -- I avoided seeing her because I was afraid
2 I would break down and tell her what I was telling her that
3 day.

4 But, see, I had already met with Wayne
5 Murphy so I knew it was in their hands, and so then I spoke
6 with Carleen and I asked her, I said, "Jeannette told me
7 you knew this information. What did you do? I can't
8 believe..." you know, I thought that -- she would have gone
9 further with it. And then that's when she broke down and
10 told me her feelings about the whole thing.

11 **MR. DUMAIS:** Well, had Jeannette Antoine
12 made allegations to her? Did she make her aware of
13 these allegations?

14 **MS. FITZPATRICK:** Yes. Yes.

15 **MR. DUMAIS:** Okay, so she was aware of that?

16 **MS. FITZPATRICK:** Carleen told me that
17 Richard Abell sent her to see Jeannette to find
18 out -- because previously Jeannette had called Richard and
19 was saying things like, "Compensation; I'm going to go to
20 the news; I'm going to be on a talk show", so ---

21 **MR. DUMAIS:** Jeannette was saying this?

22 **MS. FITZPATRICK:** Yes.

23 **MR. DUMAIS:** Yes.

24 **MS. FITZPATRICK:** So Richard -- my
25 understanding, sent Carleen to see Jeannette to find out

1 how far she planned to go with this, or that's how she
2 explained it to me.

3 When Carleen -- Carleen told me that when
4 she heard the story she was quite sickened by the whole
5 thing, basically wanted to dissociate herself, and had lost
6 faith in the agency, based on the interview with Jeannette.

7 **MR. DUMAIS:** But Carleen, at that time, was
8 providing some sort of services to Jeannette. Is that
9 correct?

10 **MS. FITZPATRICK:** Well, that's why I'm
11 wondering if she was with the Children's First project
12 because they would go into the schools and if children have
13 behavioural problems, well then they were the support
14 system that would work with the school and the home to
15 service the child. So, I'm just speculating that may where
16 she was working at the time.

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

18 Now, if I can just take you to Exhibit 1286.
19 So Geraldine, you've seen this document before?

20 **MS. FITZPATRICK:** I am not sure. No, I'm
21 not sure.

22 **MR. DUMAIS:** All right. So perhaps I can
23 just give you a bit of context. So this is a report, if
24 you look at the last page, that is signed by Staff Sergeant
25 Garry Derochie of the Cornwall Police Services.

1 And if you look at the first page it
2 essentially describes what the document is. So it's a
3 report to Acting Chief Carl Johnston on the media
4 allegations of misconduct by the Cornwall Police Services
5 in the 1989-1990 investigation of the Jeannette Antoine
6 complaint against the Cornwall Children's Aid Society.

7 **MS. FITZPATRICK:** Okay. M'hm. Yes.

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

9 **MS. FITZPATRICK:** M'hm.

10 **MR. DUMAIS:** And that's dated April 1995.

11 **MS. FITZPATRICK:** Yes.

12 **MR. DUMAIS:** And so that's an investigation
13 that Staff Sergeant Derochie would have conducted.

14 **MS. FITZPATRICK:** M'hm.

15 **MR. DUMAIS:** So if I can then just take you
16 to Bates pages 640.

17 **MS. FITZPATRICK:** 640.

18 **MR. DUMAIS:** It's just actually the first
19 written page of the report.

20 **MS. FITZPATRICK:** Okay.

21 **MR. DUMAIS:** I'm looking at the first
22 paragraph and let me just read it out to you:

23 "On January 10th, 1994 the Cornwall
24 Police Services received information
25 that the media was looking into a

1 reported police cover-up of a child
2 abuse case. These allegations came on
3 the heels of extensive media coverage
4 of the Silmsler investigation where
5 again police were accused of working
6 with the Roman Catholic Diocese to
7 cover up an allegation of sexual
8 misconduct by one of its priests."

9 So early in January of 1994, so right after
10 you would have spoken to Mr. Murphy, Jeannette Antoine
11 would have gone to the media; correct?

12 **MS. FITZPATRICK:** A whole -- oh, yeah. Did
13 she go to the media or did someone find her?

14 **THE COMMISSIONER:** In any event it came out
15 in the media.

16 **MS. FITZPATRICK:** It came out in the media,
17 okay.

18 **MR. DUMAIS:** Right. So you recall that?

19 **MS. FITZPATRICK:** Yeah. I heard about it,
20 yes.

21 **MR. DUMAIS:** Okay. And she -- it would have
22 been on the news and she would have been indicating what --
23 her concerns about the investigation of this allegation;
24 correct?

25 **MS. FITZPATRICK:** Yes.

1 **MR. DUMAIS:** And if we look at the second
2 paragraph, so the first three lines, firstly:

3 "The new allegation involved a 1989-
4 1990 investigation into a complaint
5 made by a former ward of the CAS. She
6 was a resident of a group home in 1975-
7 '76."

8 And now the last three lines of that same --
9 well, I'll just keep going:

10 "Jeannette Antoine complained to
11 Constable Kevin Malloy in 1989 that she
12 had been sexually and physically abused
13 by staff at the CAS-operated group
14 home. Ms. Antoine is now alleging
15 through the media that her 1989
16 complaint to Constable Kevin Malloy was
17 hushed up because he was a member of
18 the Board of Directors of the
19 Children's Aid Society of SD&G at that
20 time."

21 So is this something that you had been made
22 aware of when you interviewed Jeannette in 1993?

23 **MS. FITZPATRICK:** She said something about
24 Kevin Malloy. I don't recall her saying that he was on the
25 Board of the Children's Aid Society, but I believe she said

1 that she had met with Kevin Malloy and he didn't believe
2 her.

3 **MR. DUMAIS:** All right. And so this is all
4 coming out in the media, so obviously at that time everyone
5 knows about it; correct?

6 **MS. FITZPATRICK:** Right.

7 **MR. DUMAIS:** And you have this information
8 that you would have conducted this investigation with
9 Constable Sebalj back in November of 1993; correct?

10 **MS. FITZPATRICK:** Correct.

11 **MR. DUMAIS:** Now, when the events come out
12 in the media do you then go to your supervisors and tell
13 them something to the effect, "Well, listen, you guys
14 should know I did this interview with Jeannette Antoine
15 last year"?

16 **MS. FITZPATRICK:** No, I do not.

17 **MR. DUMAIS:** Okay.

18 **MS. FITZPATRICK:** I wanted it to be a pure
19 investigation.

20 **MR. DUMAIS:** Okay. And you were not
21 concerned by the fact that the only reason the media found
22 out about this was that Jeannette Antoine would have gone
23 to them?

24 **MS. FITZPATRICK:** No -- I'm sorry what,
25 again?

1 **MR. DUMAIS:** I mean what the media are
2 reporting ---

3 **MS. FITZPATRICK:** Yeah.

4 **MR. DUMAIS:** --- is Jeannette Antoine's
5 statement to them that nothing -- that she had disclosed
6 these allegations and nothing had been done about them.

7 **MS. FITZPATRICK:** M'hm.

8 **MR. DUMAIS:** So you had no concerns about
9 that, that that was coming out?

10 **MS. FITZPATRICK:** I didn't hear or see that
11 at the time that nothing was being done about it. I mean I
12 saw a very brief caption on the news of the group home and
13 Charlie Greenwell saying something about Jeannette Antoine.
14 I didn't catch what she said or -- and I didn't get this
15 information until I was put in the Inquiry.

16 **MR. DUMAIS:** Okay. And shortly after this
17 media coverage of the Antoine allegation were people at the
18 agency talking about this?

19 **MS. FITZPATRICK:** Jeez, let's see. Back
20 then in '94, not really. You got to -- it's amazing, just
21 like the Inquiry right now. I mean workers are doing their
22 work. They're absorbed in their case loads and they have
23 little time for anything else.

24 **MR. DUMAIS:** Okay. So no one is having any
25 discussion with you to the effect of, "Well, did you hear

1 what Jeannette ---"

2 **MS. FITZPATRICK:** No.

3 **MR. DUMAIS:** "--- Antoine said on the news
4 last night?" So no one is having any ---

5 **MS. FITZPATRICK:** Oh, I can remember sort of
6 Patricia Garrahan saying to me, "Oh, did you see the news
7 last night? You know, Jeannette Antoine was on," but that
8 was just a co-worker.

9 **MR. DUMAIS:** Okay. But certainly you would
10 not have disclosed to her at that time that you had prior
11 knowledge of these allegations?

12 **MS. FITZPATRICK:** Of Jeannette?

13 **MR. DUMAIS:** Yes.

14 **MS. FITZPATRICK:** I think that's probably
15 when I did talk to Patricia, yes.

16 **MR. DUMAIS:** Oh, you talked to her about the
17 fact that you had done this prior interview with Jeannette?

18 **THE COMMISSIONER:** Yeah, I believe at the
19 beginning of your testimony you said you mentioned it to
20 two or three or four people.

21 **MS. FITZPATRICK:** Yeah, right.

22 **THE COMMISSIONER:** So now we're getting
23 closer to when you told your friend who came to see you ---

24 **MS. FITZPATRICK:** Yeah, Carleen. That would
25 have been after Wayne Murphy saying -- calling me and

1 saying, "You've done a good job," and so that would have
2 been February, March -- maybe March or April he called me
3 and gave me that.

4 So then Carleen comes to the house and I
5 tell Carleen how upset I am, you know, what kind of friend
6 is she, blah, blah, blah. Then -- see, a couple of things
7 came out at the same time that's why I really don't know
8 the sequence with Patricia.

9 You were asking did I talk to somebody about
10 it and I did, yeah.

11 **MR. DUMAIS:** Okay, but I guess if I could
12 just go back ---

13 **MS. FITZPATRICK:** Yeah.

14 **MR. DUMAIS:** --- to my original question
15 firstly, I mean when everything is coming out, when the
16 news story has just come out about Jeannette Antoine, do
17 you speak to anyone at the agency about this?

18 **MS. FITZPATRICK:** Not really, no.

19 **MR. DUMAIS:** Okay. And I guess my question
20 is shortly afterwards, so within the next couple of days.

21 **MS. FITZPATRICK:** Well, there's little bits
22 of rumbling in the staff room but not much, you know,
23 because it seemed to all come out at the same time about
24 Milton MacDonald, the group home, and there was a third
25 thing. But they all seemed to come out at the same time.

1 MR. DUMAIS: Yes.

2 MS. FITZPATRICK: So all of a sudden havoc
3 was loose.

4 MR. DUMAIS: All right. Now ---

5 MS. FITZPATRICK: The priest, yeah.

6 MR. DUMAIS: Okay. So you indicated that at
7 one point in time, sometime in 1994 ---

8 MS. FITZPATRICK: Yeah.

9 MR. DUMAIS: --- you would have spoken to
10 Patricia Garrahan; is that correct?

11 MS. FITZPATRICK: Yes.

12 MR. DUMAIS: Okay. And you spoke to her
13 about what?

14 MS. FITZPATRICK: Well, actually she called
15 me into her office. See, I think that the MacDonald case
16 was on the news first and then Jeannette was second. I
17 think that's how it happened because when she called me in
18 her office it was to talk about the MacDonald case.

19 MR. DUMAIS: What MacDonald case?

20 MS. FITZPATRICK: That would be Milton
21 MacDonald.

22 MR. DUMAIS: Okay, the investigation against
23 allegations for Milton MacDonald?

24 MS. FITZPATRICK: Yes.

25 MR. DUMAIS: Okay.

1 **MS. FITZPATRICK:** Okay, so that's why she
2 called me in, okay. Leading into that, because she knew
3 people in Cornwall, she knew people in Lancaster, she knew
4 -- she grew up in this area, so she was making her own
5 deductions; let's put it this way.

6 I talked to Patricia about it but, yes, I
7 talked a little bit to her about the group home, saying did
8 she ever hear about this group home and this is what this
9 woman is saying. Yeah. M'hm.

10 **MR. DUMAIS:** Okay. She didn't give you any
11 information? You just had a discussion with her about the
12 Antoine allegation, generally?

13 **MS. FITZPATRICK:** Yes. M'hm. But, Patricia
14 was dating Charlie Greenwell at the time.

15 **MR. DUMAIS:** And what's the significance of
16 that?

17 **MS. FITZPATRICK:** Well he was the one who
18 was doing the newscast.

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

20 **MS. FITZPATRICK:** Just coincidental, but ---

21 **MR. DUMAIS:** All right. And I mean is this
22 something that she may be aware of?

23 **MS. FITZPATRICK:** Well she told me she was
24 dating him and I asked her:

25 "How did that ever happen? How in the world did you ever

1 meet Charlie Greenwell?"

2 And she didn't answer and then I tried to
3 get a little more information from her like, well what do
4 you do or whatever, and -- they had a few dates and that
5 was it. It was over shortly after. That's all I know.

6 **MR. DUMAIS:** Okay.

7 And Geraldine, just so that I'm clear,
8 you're getting this information from Patricia; right?

9 **MS. FITZPATRICK:** Yes.

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

11 She's telling you this?

12 **MS. FITZPATRICK:** Yes.

13 **MR. DUMAIS:** And are you at the same time
14 discussing the Antoine media reports?

15 **MS. FITZPATRICK:** Well I told her I thought
16 it was quite coincidental that -- no, the media report ---

17 **MR. DUMAIS:** Fair enough.

18 **MS. FITZPATRICK:** Okay I mean ---

19 **MR. DUMAIS:** I mean, is that a conclusion
20 that you're drawing, Geraldine or is that something that
21 Patricia is telling you?

22 **MS. FITZPATRICK:** The conclusion being? I'm
23 sorry.

24 **MR. DUMAIS:** Well that Charlie Greenwell is
25 involved with the media report on the Antoine allegation,

1 and the fact that she's dating Charlie Greenwell.

2 MS. FITZPATRICK: All I'm just saying is
3 that it's coincidental.

4 MR.DUMAIS: Fair enough.

5 MS. FITZPATRICK: Okay.

6 MR.DUMAIS: I mean I just want to know what
7 Patricia is telling you in this conversation.

8 MS. FITZPATRICK: Okay. What Patricia is
9 telling me ---

10 MR.DUMAIS: Is she telling you that she
11 disclosed anything to Charlie Greenwell?

12 MS. FITZPATRICK: No, she's smarter than
13 that. She didn't tell me that she was telling Charlie
14 Greenwell anything.

15 MR.DUMAIS: Okay. During this conversation,
16 is she telling you that she's dating Charlie Greenwell ---

17 MS. FITZPATRICK: Yes.

18 MR. DUMAIS: --- do you have that specific
19 discussion?

20 MS. FITZPATRICK: I don't know if it's that
21 or the next discussion where she tells me she's dating
22 Charlie Greenwell. M'hm.

23 MR. DUMAIS: And I mean is she telling you
24 that after you begun discussing the Jeannette Antoine
25 allegation?

1 **MS. FITZPATRICK:** See, I'm trying to
2 remember. She called me in because her news was her
3 husband -- who she was divorced from -- was a sexual abuse
4 victim from one of these people and she had an issue with
5 that, big time.

6 And then it was like a few days later, she
7 announces to me and two of our other coworkers that she's
8 dating Charlie Greenwell.

9 So basically I had the impression that she
10 might be a loose cannon.

11 So I don't remember discussing Jeannette
12 with her. I don't.

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

14 **MS. FITZPATRICK:** I don't remember
15 discussing Jeannette with her, Jeannette Antoine.

16 **MR. DUMAIS:** Okay.

17 So you don't think you had any discussion
18 with her?

19 **MS. FITZPATRICK:** Well ---

20 **MR. DUMAIS:** With respect to -- I mean ---

21 **MS. FITZPATRICK:** Yeah, I'm just trying to
22 think because it was all coming at the same time. And yes,
23 there probably was discussion about her but I knew very
24 little about Jeannette. I didn't know where she lived or -
25 - and I don't even know if I would recognise her.

1 **MR. DUMAIS:** M'hm.

2 **MS. FITZPATRICK:** I told her, you know, that
3 Heidi and I did this interview and this woman made
4 complaints against the group home. And I asked her, was
5 there a group home when you were here -- because Patricia
6 was there before me -- did she know anything about that.

7 **MR. DUMAIS:** Right. Let me ask you again,
8 Geraldine.

9 **MS. FITZPATRICK:** Okay. I guess I'm not
10 getting the question.

11 **MR. DUMAIS:** Well, I mean I'm just wondering
12 what was the discussion that you were having with Patricia?
13 What are you telling her specifically ---

14 **MS. FITZPATRICK:** Yeah.

15 **MR. DUMAIS:** --- and what is she telling
16 you?

17 **MS. FITZPATRICK:** Okay. She called me in
18 the office because she had learned that her husband was a
19 victim ---

20 **THE COMMISSIONER:** No, no, no, I don't know
21 that we ---

22 **MS. FITZPATRICK:** Okay, so she called me, so
23 that's that conversation; okay?

24 **THE COMMISSIONER:** Okay.

25 **MS. FITZPATRICK:** And then basically she's
trying to find out had I heard anything in my community

1 about this person; the same person who was alleged to have
2 molested her husband. Okay.

3 MR. DUMAIS: Well ---

4 MS. FITZPATRICK: I know, I know.

5 So then you want to know what I told her.

6 No, I did not know ---

7 MR. DUMAIS: Our only concern, Geraldine, is
8 we're on the public record.

9 MS. FITZPATRICK: Yes.

10 MR. DUMAIS: So she calls you in to her
11 office, she has some discussions with you ---

12 MS. FITZPATRICK: Yeah.

13 MR. DUMAIS: --- does the conversation ever
14 go to the allegation that Jeannette Antoine made?

15 MS. FITZPATRICK: Yes.

16 MR. DUMAIS: So you're having a specific
17 discussion about the Second Street Group Home?

18 MS. FITZPATRICK: Yes.

19 MR. DUMAIS: Okay. And you're asking her
20 what her involvement or ---

21 MS. FITZPATRICK: Did she have any
22 knowledge.

23 MR. DUMAIS: -- you're asking her what
24 knowledge she had of it?

25 MS. FITZPATRICK: Yeah. Right.

1 **MR. DUMAIS:** And what did she tell you?

2 **MS. FITZPATRICK:** She said she had heard
3 about the group home but it was all hushed up.

4 **MR. DUMAIS:** Period or does she elaborate?

5 **MS. FITZPATRICK:** Period. Well she said
6 there were some funny things that went on, it was hushed
7 up, she didn't really know. That's all she knew.

8 **MR. DUMAIS:** Okay. So then you go -- do you
9 tell her, "Well listen, I know Jeannette Antoine and --
10 because I met with her back in November with Constable
11 Sebalj and I took a statement from her"?

12 **MS. FITZPATRICK:** I didn't go into that
13 detail, no. I just said -- I told her, I said well, she's
14 alleging that she was abused by Bryan Keough and what does
15 Patricia know about Bryan Keough?

16 **MR. DUMAIS:** M'hm.

17 **MS. FITZPATRICK:** You know, because he was a
18 worker and he was a worker when she was there. He left
19 shortly after I was there. So it's quite concerning to
20 hear that a worker, possibly ---

21 **THE COMMISSIONER:** So what did she say to
22 you about ---

23 **MS. FITZPATRICK:** Oh, what did she -- well,
24 he was a trainer. She said that when she was at the
25 agency, he was a trainer and she thought that he had some

1 kind of special status at the agency. That's all.

2 MR. DUMAIS: But was she aware of the
3 allegations?

4 MS. FITZPATRICK: No.

5 MR. DUMAIS: Okay. Now, a certain while
6 ago, Geraldine, I referred you to the report of Staff
7 Sergeant Derochie.

8 MS. FITZPATRICK: M'hm.

9 MR. DUMAIS: Did he ever contact you or
10 communicate with you regarding your interview with
11 Jeannette Antoine?

12 MS. FITZPATRICK: No.

13 MR. DUMAIS: Okay. Now after all the events
14 came out in the media did you ever discuss the Jeannette
15 Antoine case with Heidi Sebalj?

16 MS. FITZPATRICK: No, we never had another
17 conversation. I don't know what happened to her and I even
18 asked around; "Where's Heidi, what happened to her?"

19 MR. DUMAIS: And did you ever conduct any
20 other type of investigation with Constable Sebalj following
21 this?

22 MS. FITZPATRICK: I saw her once. I
23 wouldn't say that it was an investigation between her and I
24 but I had reported something to the police department and -
25 - because there was a dangerous person on our site that the

1 police were looking for, she attended the office undercover
2 with several other undercover police officers. That was
3 it. There was no conversation.

4 **MR. DUMAIS:** Okay. So you were never
5 involved in any other investigation with Constable Sebalj?

6 **MS. FITZPATRICK:** No.

7 **MR. DUMAIS:** Am I correct in understanding
8 that you never spoke to her, ever again after November 12th
9 ---

10 **MS. FITZPATRICK:** That's correct.

11 **MR. DUMAIS:** --- 1993?

12 **MS. FITZPATRICK:** Yeah, that's correct.

13 **MR. DUMAIS:** Now, at one point in time, in
14 1994, the Ottawa Police Service would have conducted an
15 investigation regarding the David Silmser matter and his
16 allegations in the release of the statement to the
17 Children's Aid Society. Were you aware of that?

18 **MS. FITZPATRICK:** No, I was not.

19 **MR. DUMAIS:** Okay. And then no one from
20 that Service would have contacted you in the course of
21 their investigation, am I correct?

22 **MS. FITZPATRICK:** No.

23 **MR. DUMAIS:** Okay. What about in 1994,
24 Geraldine, when the OPP were investigating, conducting a
25 number of investigations in Cornwall, did anyone ever

1 communicate with you or have any discussion with you?

2 **MS. FITZPATRICK:** No.

3 **MR. DUMAIS:** And what about later on, when
4 Project Truth was established in 1997, did anyone ever
5 contact you ---

6 **MS. FITZPATRICK:** No.

7 **MR. DUMAIS:** --- communicate with you then?

8 **MS. FITZPATRICK:** No.

9 **THE COMMISSIONER:** Were you expecting
10 someone to call you or did you have any idea ---

11 **MS. FITZPATRICK:** I knew that eventually
12 something would happen. I mean because after I met with
13 Wayne Murphy when I can remember returning from summer
14 holidays and staff telling me that the police had been in
15 with warrants and had been, you know, pulling files. So I
16 knew that there were some results.

17 **MR. DUMAIS:** Fair to say that you never
18 spoke to anyone officially about these -- your interview
19 with Jeannette Antoine with Constable Sebalj until most
20 recently?

21 **MS. FITZPATRICK:** That's correct.

22 **MR. DUMAIS:** Now, earlier on, Geraldine, I
23 took you to the Supplementary Occurrence Report that
24 Constable Sebalj had prepared; do you recall?

25 **MS. FITZPATRICK:** M'hm.

1 **MR. DUMAIS:** Perhaps we can just take you to
2 it. It's Exhibit 1285.

3 **MS. FITZPATRICK:** Okay.

4 **MR. DUMAIS:** And I took you to a passage --
5 it's towards -- about three-quarters down, where Heidi was
6 indicating that the Society would not investigate
7 allegations made against a Cornwall probation officer,
8 suggesting that probation was not within the Children's
9 Aid's ministry. And I believe Constable Sebalj was
10 referring here to Ken Seguin, who's a probation officer
11 here.

12 **MS. FITZPATRICK:** That's correct.

13 **MR. DUMAIS:** All right. So were you -- did
14 you know Ken Seguin?

15 **MS. FITZPATRICK:** No, I did not.

16 **MR. DUMAIS:** Okay. So you had no
17 professional dealings with him?

18 **MS. FITZPATRICK:** Well, I did, but they were
19 indirectly. I had never seen him before, no.

20 **MR. DUMAIS:** Okay. And were you ever made
21 aware by anyone in your line of work about allegations
22 against Ken Seguin?

23 **MS. FITZPATRICK:** Yes.

24 **MR. DUMAIS:** And just before we get into
25 that, if you can just keep the -- if these are allegations

1 of abuse by some of your clients or otherwise, perhaps if
2 you can just not mention the name and ---

3 MS. FITZPATRICK: Yes.

4 MR. DUMAIS: All right.

5 MS. FITZPATRICK: So do you want me to talk
6 about the case that I went out on?

7 MR. DUMAIS: Yes. Well, perhaps just give
8 us the circumstances.

9 MS. FITZPATRICK: Of the case or shortly
10 after his suicide?

11 THE COMMISSIONER: Were the -- before his
12 suicide ---

13 MS. FITZPATRICK: Okay, yes.

14 THE COMMISSIONER: --- had you heard any
15 allegations of him abusing children or boys?

16 MS. FITZPATRICK: Yes, I did.

17 THE COMMISSIONER: You did? When?

18 MS. FITZPATRICK: I was a new worker and I
19 was still shadowing in those days.

20 THE COMMISSIONER: So '86?

21 MS. FITZPATRICK: Yes. '86-'87, in there.

22 THE COMMISSIONER: Yeah.

23 MS. FITZPATRICK: And what happened was I
24 had a co-worker named Jean Dupuis and he was not in the
25 office that day or maybe out on another case, I don't know,

1 so Bill was our supervisor and ---

2 **THE COMMISSIONER:** Bill Carriere?

3 **MS. FITZPATRICK:** Bill Carriere, yes. He
4 asked me to go out and check in on a situation on Jean's
5 case.

6 Apparently, what I recall about the case,
7 was that mother was an alcoholic, had gotten into some kind
8 of a community situation. She was being detained at the
9 police department but her -- she had placed her children in
10 a community placement.

11 So Bill asked that I go check in on the
12 children to make sure that this is a suitable placement for
13 the children until Jean gets back to pick up his case.

14 So I did, and I went to the home and I saw a
15 very suitable home, met all the safety standards, good
16 quality care. Family was aware of the mother and her
17 problems and they often rescued her children, so that was
18 pretty good. I had done the home scan.

19 What surprised me was when I was leaving I
20 caught, out of the corner of my eye, a man sitting in the
21 corner of the house who I didn't spot all the time that I
22 was there. There was no conversation from him, nothing,
23 and I had been there for at least 40 minutes.

24 Anyway, to make a long story short, I went
25 over to talk to him to find out, you know, who he was and

1 what his situation was because he presented as having some
2 mental health -- you know, he was very nervous, withdrawn,
3 physical body jitters and shakes. So I introduced myself
4 and I asked him basically what his story was and he told me
5 that he had been seeing psychiatrists, he had been in 11
6 different treatment centres, and he was saying nothing was
7 working for him.

8 And so then I started asking, "Well, what is
9 the root of all this? Like what is this problem? You
10 know, you've been to every psychiatrist, treatment centres,
11 and nothing is being effective".

12 And so what he said to me was that he used
13 to be a young man -- when he was a young man he was placed
14 in the Alfred group homes, and he said that in the Alfred
15 group homes he was being physically and sexually abused.
16 So he used to run away and when he ran away he used to run
17 away to his probation officer's home, who was Ken Seguin.
18 And he said that Ken was a great guy and that he would help
19 him a lot.

20 And I said, "Well, did you tell Ken what was
21 going on in Alfred, what they were doing to you?" And he
22 said, "Oh, yeah, he knew what they were doing to me," and
23 he said, "But he said that he was sorry but that he had to
24 take me back there."

25 And he said -- I said, "Well, then what

1 happened?" And he says, "Well," he said, "we had lunch, he
2 let me have a shower, and then we had sex together." And
3 he said, "And then he drove me back to the Alfred group
4 home."

5 And so I said, "You're telling me he was a
6 good guy?" And he said, "Yeah." And I said, "Well, you're
7 telling me he sexually abused you." And he said, "Yeah,
8 well, at least he didn't physically -- at least he didn't
9 beat me."

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

11 **MS. FITZPATRICK:** So that was the story that
12 I heard of about Ken Seguin.

13 **MR. DUMAIS:** All right, so in 1986 did you
14 know who Ken Seguin was?

15 **MS. FITZPATRICK:** No.

16 **MR. DUMAIS:** All right. And did you relay
17 this -- did you ever relay this information to anyone at
18 your office?

19 **MS. FITZPATRICK:** Well, what happened was I
20 did go back to the agency and I reported to Bill that I saw
21 the children, this is where they were, this was the care.
22 I didn't have any concerns. I may have told -- and see
23 this is the problem. I don't have the file and unless we
24 track down Jean Dupuis' file, the notes would be in there
25 so I don't -- and here's the other thing. It's open-door

1 policy there. I worked with Bill for 10 years, so I know
2 at the end of the evening he used to stand outside his door
3 and say good night to each and every one of us, and we
4 would always have some little tidbit of a joke or some
5 little event in the evening to say to him before we went
6 out the door.

7 My comment was -- but I didn't connect that
8 Ken Seguin was a current probation officer. I thought he
9 had been dealt with with the Alfred trials, in my mind. I
10 thought this was all dealt with at the same time. So at
11 the end of the evening, when I was walking out the door, I
12 said to Bill, "Can you imagine this man thinks that -- here
13 he is being beaten by the brothers and sexually abused by
14 them, and he runs away to his probation officer and he
15 thinks the probation officer's a good guy because he
16 doesn't beat him. He only has sex with him."

17 But that was -- I wasn't making an official
18 report. I didn't even know. You know, I thought this man
19 had been dealt with with all the others.

20 **MR. DUMAIS:** All right. And did you ever
21 identify the name of Ken Seguin?

22 **MS. FITZPATRICK:** Not that I recall because
23 I -- you know.

24 **MR. DUMAIS:** Right. These are my questions,
25 Geraldine. I did indicate to you that at the end of my

1 questions you would be given the opportunity to give the
2 Commissioner your recommendations before I turn it over to
3 my friends for cross-examination.

4 Do you wish to do that at this time?

5 **MS. FITZPATRICK:** Yes, I do,
6 Mr. Commissioner.

7 **THE COMMISSIONER:** Sure.

8 **MS. FITZPATRICK:** And I know this Inquiry is
9 to look at the system and what went wrong and how can we
10 improve the situation, and in 23 years I've seen the agency
11 evolve, I've seen the community evolve, so I do have a few
12 recommendations I would like to make.

13 The first one that I would like to make
14 basically involves the Province and it has to do with our
15 infants. And I know that in the State of Massachusetts, as
16 well as in many other states, they have what is called the
17 safe drop-off law.

18 And this is -- I'll just get that
19 information out. But what that is, it's a law that's put
20 into place that has designated sites in the community. And
21 so when women have babies, and they're in the first
22 seventy-two hours, and we know that's when babies can be at
23 the highest risk, well, rather than putting the baby at a
24 door step or putting the baby in a trash can they can take
25 the baby to a school, to a church, to a police station

1 without any questions being asked, okay? And so that makes
2 them secure enough to get their baby to a safe site.

3 And the research shows that this has been
4 quite effective, according to the State of Massachusetts;
5 they endorsed this in legislation in 2004.

6 **MR. DUMAIS:** M'hm.

7 **MS. FITZPATRICK:** Now, another
8 recommendation that I have, that I've noticed in
9 my 23 years, is that, you know, it has to be preventative,
10 and so there has to be community awareness. I mean, it's
11 not Children's Aid that just protects the children; it has
12 to be the community.

13 And one of the things I've come across is
14 that a lot of the families that I work with, the parents
15 are illiterate, so they're not getting the information of
16 the resources that are out there for them.

17 So I know that in the State of Alabama they
18 have a program called the Pal Program, and it's a
19 public -- a public service, and it's a radio show, and it's
20 every evening they have a one-hour radio talk show where
21 professionals come in and parents can call in ask
22 questions, you know, and this gives them a support.

23 Added to that, there's a hot line from this
24 Pal line where these people can call in and speak with
25 social workers, because, you know, the situation, one may

1 just be a simple one like, "Hello. You know, I have a
2 teenager that knows more than me, so who should live in the
3 house?" compared to, "Hello. I'm in crisis, I have a baby,
4 you know, and I don't love my child, what do I do?"

5 So that's public and that is very safe and
6 un-intrusive to these people, okay, because they will call
7 in. They'll ask questions that they won't ask people
8 directly. So -- and a lot of spin-offs can come from that.

9 The third -- and here's another situation
10 that is really bothering me. Within the last three years I
11 have come across numerous children in this community that
12 do not have doctors, and they don't have doctors, not
13 because the parents aren't trying to get them doctors but
14 because we don't have them here. So how can we follow
15 these children? We need their medical histories. We need
16 to know that these children are being seen and getting
17 their medical care. So, you know, I'm putting a plug in
18 there. We need community doctors for these -- and these
19 children need to be followed. So that's it.

20 Now, as far as the infrastructure of the
21 Agency, okay, I have to tell you, in my 23 years experience
22 as a worker I have never come across a worker who
23 would -- who was not compassionate, who did not care about
24 the children, okay? Who spent countless nights not
25 sleeping.

1 Most of them have eating disorders at the
2 Agency because we can't even hold -- we're just on the run
3 all the time. And they take their job and their commitment
4 to the children very seriously. And, you know, there's a
5 whole untold story about the life of a CAS worker, and
6 until you get in the trenches you have no idea what it's
7 about.

8 And our workers are out there and they've
9 gone into very dangerous situations getting children out.
10 I can speak for them. I've been there. And we have relied
11 on the police to help us and we have had great success.

12 So the recommendation that I do have, for
13 the infrastructure of the Agency, is that
14 historically -- and it's not just our Agency, it's with the
15 hospitals as well. Historically the Ministry will do
16 audits but they alert us ahead of time and they alert us to
17 what files they want to read.

18 Well, you know, I don't consider that a pure
19 audit. I think our audits should be pure. I think the
20 Ministry should come in, without notification, and read the
21 files, because then you get a true sense of how we're
22 really functioning. It gives the clear picture; workload,
23 paperwork, and children, okay?

24 I know our workers want to be out there with
25 the children. They don't want to be sitting in the office

1 for hours doing paperwork; they want to be out there in the
2 field.

3 So I think that the Ministry should come in
4 and do pure audits. By doing pre-planned audits that's
5 only self-serving for the Ministry, because if they come in
6 and all these workers have gone home the night before and
7 stayed up burning the candle to get these files done then
8 the Ministry is saying, "Well, look, everything's fine.
9 Look at this, this, and this file. They're all up to date.
10 They're doing great work." And the Agency is doing great
11 work, but that is self-serving to the Ministry.

12 What the real story here is, they need to
13 see the real picture, because workers have enormous
14 caseloads. This summer one of the workers called me up and
15 said "I have 35 cases" and the worker next to me told me
16 she lost count. Well, how can one worker manage 35 cases?
17 And if you do an average of one to three children per
18 family, you're looking at one worker responsible for a
19 hundred children at a time. Now, imagine how many children
20 the supervisor is responsible for and then bring it up
21 another level, and how many children is the clinical
22 directors, you know, responsible for?

23 So the Ministry -- and you know what, if you
24 look at the minutes from 23 years ago, or 40 years ago, the
25 minutes are going to be the same. It's going to be

1 workload and not enough staff. And those workers, I tell
2 you, they work at night time, they are not declaring
3 overtime, they work in the daytime, and this is why our
4 workers are burning out.

5 So I think that you have to have true, clear
6 audits so that the Ministry can tow the line and put the
7 services and the money where it needs to be.

8 **THE COMMISSIONER:** Thank you.

9 **MS. FITZPATRICK:** Those are my
10 recommendations.

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

12 **THE COMMISSIONER:** Thank you.

13 **MR. DUMAIS:** Thank you.

14 **THE COMMISSIONER:** Thank you.

15 Ms. Daley.

16 **MS. FITZPATRICK:** Oh, sorry.

17 **THE COMMISSIONER:** It's called cross-
18 examination now.

19 **MS. FITZPATRICK:** Oh, okay.

20 **MS. DALEY:** I have that effect on people.

21 **MS. FITZPATRICK:** What, that they want to
22 leave the room?

23 **MS. DALEY:** Yeah, they want to leave the
24 room.

25 **MS. FITZPATRICK:** Okay.

1 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

2 DALEY:

3 **MS. DALEY:** Ms. Fitzpatrick, my name is
4 Helen Daley and I am counsel for a group called The
5 Citizens for Community Renewal.

6 **MS. FITZPATRICK:** Yes.

7 **MS. DALEY:** That's a local organization,
8 with standing at the inquiry, whose interest centres on the
9 protection of children.

10 **MS. FITZPATRICK:** Perfect.

11 **MS. DALEY:** There's a number of items I just
12 want to review with you. Do you need water or are you all
13 right for ---

14 **MS. FITZPATRICK:** I'll just take a little.

15 **MS. DALEY:** --- what you've got?

16 **MS. FITZPATRICK:** Yes. Okay.

17 **MS. DALEY:** Okay. Now, you made a point in
18 your opening evidence about Mr. Carriere and what an
19 outstanding supervisor you found him to be. I take it you
20 had a very open and trusting relationship with him?

21 **MS. FITZPATRICK:** Absolutely.

22 **MS. DALEY:** All right.

23 And you were asked on several occasions here
24 by my friend, Mr. Dumais, about after having conducted the
25 Antoine interview whether or not you disclosed to your co-

1 workers or to your supervisor back at the CAS about the
2 occurrence, and you said, for a variety of reasons, that,
3 no, you didn't do that.

4 **MS. FITZPATRICK:** That's correct.

5 **MS. DALEY:** Do you recall that?

6 I understand that you did, however, disclose
7 this occurrence to Mr. Carriere back in February of this
8 year?

9 **MS. FITZPATRICK:** That is correct.

10 **MS. DALEY:** And, Madam Clerk, if the witness
11 could be shown Document 740602 please?

12 **MR. MANDERVILLE:** We object to this document
13 going in, Mr. Commissioner, and we'll have a host of
14 objections that perhaps should be heard in the absence of
15 the witness.

16 **THE COMMISSIONER:** Certainly.

17 Ms. Fitzpatrick ---

18 **MS. FITZPATRICK:** M'hm?

19 **THE COMMISSIONER:** --- we're going to ask
20 you to step out ---

21 **MS. FITZPATRICK:** Sure.

22 **THE COMMISSIONER:** --- and it has nothing to
23 do with your evidence or the quality of it, it's an
24 administrative matter that we should be dealing with in
25 your absence.

1 **MS. FITZPATRICK:** Okay.

2 **MR. MANDERVILLE:** I apologize,
3 Mr. Commissioner. I should also have added, in my view, it
4 should probably be heard in camera.

5 **THE COMMISSIONER:** Okay, well, you can go.
6 And now we need to know why it should be
7 held in camera. Is there any value in me looking at this?

8 **MR. MANDERVILLE:** Value? It might be
9 informative to you. So I don't object to you looking at
10 it.

11 **THE COMMISSIONER:** Okay. I'm always
12 interested in looking at it and seeing ---

13 **MS. DALEY:** All right.

14 **THE COMMISSIONER:** --- what's up.

15 **MS. DALEY:** It's a fairly lengthy document,
16 sir, and it purports to be an interview with Ms. Fitzgerald
17 that was done by Mr. Carriere, and Anne McKinnon, whom I'm
18 assuming is a CAS employee.

19 **THE COMMISSIONER:** Okay. And you say -- no,
20 not yet. Just give it to me and we'll see.

21 **MS. DALEY:** Okay.

22 **THE COMMISSIONER:** Okay. So why should we
23 do it in camera?

24 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR **MR. MANDERVILLE:**

25 **MR. MANDERVILLE:** There are references in

1 the document to what I believe might raise medical issues
2 or health issues and I believe that submissions I make on
3 that front should be dealt with in camera, sir.

4 **THE COMMISSIONER:** All right.

5 Does anybody -- I guess everybody knows
6 about this document? Does anybody want to participate in
7 this discussion as to whether it should ---

8 **MR. DUMAIS:** It's been disclosed, Mr.
9 Commissioner.

10 **THE COMMISSIONER:** Okay.

11 **MR. MANDERVILLE:** Subject to your thoughts
12 on it, Mr. Commissioner, I was going to suggest we read
13 through it ---

14 **THE COMMISSIONER:** Yes.

15 **MR. MANDERVILLE:** --- and then I'll make my
16 ---

17 **THE COMMISSIONER:** Sure.

18 **MR. MANDERVILLE:** --- submissions ---

19 **THE COMMISSIONER:** Yes.

20 **MR. MANDERVILLE:** --- to you.

21 **THE COMMISSIONER:** Mr. Neville?

22 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. NEVILLE:

23 **MR. NEVILLE:** I share my friend's concerns
24 and would have some comments at the appropriate time,
25 Commissioner.

1 **THE COMMISSIONER:** All right.

2 **MR. NEVILLE:** I think it might help if you
3 see it because you'll see the issues that perhaps ought to
4 be vetted carefully first.

5 **THE COMMISSIONER:** Okay. Yes, sir, Mr.
6 Rose?

7 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ROSE:**

8 **MR. ROSE:** Mr. Commissioner, to the extent
9 that the document refers to a probationer who is suffering
10 from, it would appear, some medical issues which are
11 inferentially disclosed in that document, I agree with Mr.
12 Manderville, but I invite you to take a look at it. That
13 will be my position.

14 **THE COMMISSIONER:** Well, let's take a break
15 and we'll come back in 15.

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

18 This hearing will resume at 4:15 p.m.

19 --- Upon recessing at 3:56 p.m./

20 L'audience est suspendue à 15h56

21 --- Upon resuming at 4:23 p.m./

22 L'audience est reprise à 16h23

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

25 This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 **THE COMMISSIONER:** Thank you.

3 Mr. Manderville?

4 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. MANDERVILLE:

5 **MR. MANDERVILLE:** Mr. Commissioner, I take
6 it you've reviewed this document?

7 **THE COMMISSIONER:** Yes, I have.

8 **MR. MANDERVILLE:** First, I would submit that
9 the document is full of speculation and second-and- third-
10 hand hearsay, some of which is scandalous.

11 We have already heard from this witness
12 about every aspect that she has to tell this Inquiry of
13 what is relevant and of what is first-hand and we've heard
14 more than that, and I submit this document adds nothing to
15 what you need to look into and what this Inquiry is charged
16 with looking into and merely serves to foster additional
17 rumour and innuendo and speculation within the community of
18 which this witness has no first-hand knowledge.

19 She speaks in terms of some of my clients
20 being involved in a conspiracy because of where they live
21 and a conspiracy with the Crown; again, none of which is
22 first-hand.

23 In addition, she makes allegations against
24 Luc Brunet in this document; again, not first-hand.

25 We have this document. We were provided

1 with this document back in March 2008 prior to Mr. Brunet
2 testifying. None of these matters were raised with Mr.
3 Brunet by counsel.

4 **THE COMMISSIONER:** Just a minute. Just a
5 minute. This isn't Commission counsel. This is Ms. Daley
6 who wants to introduce this as cross-examination, right?

7 **MR. MANDERVILLE:** Mr. Commissioner, I am
8 advised we are not in camera at the moment?

9 **THE COMMISSIONER:** No, we're not.

10 **MR. MANDERVILLE:** Oh, I was under the
11 impression that we were, so ---

12 **THE COMMISSIONER:** No, no, no. Remember the
13 idea was for me to read this ---

14 **MR. MANDERVILLE:** Yes.

15 **THE COMMISSIONER:** --- and you to come back
16 and I thought you had abandoned it, or I don't know what,
17 but so ---

18 **MR. MANDERVILLE:** My apologies, Mr.
19 Commissioner.

20 **THE COMMISSIONER:** So now we're going back.
21 You want to apply to have it heard in camera?

22 **MR. MANDERVILLE:** Portions of it, in my
23 submission, should definitely be heard in camera. Portions
24 of what I'm going to submit should definitely be heard in
25 camera and you've reviewed this document and the last two

1 pages of it raise some issues that I suggest should be
2 dealt with in camera.

3 **THE COMMISSIONER:** Okay. Well ---

4 **MR. MANDERVILLE:** And I don't know if my
5 friends object to that proposal. I've spoken with them and
6 I didn't hear an objection based on what I told them I was
7 going to suggest, but if you want to deal with that now,
8 I'll step aside and let Mr. Lee and Ms. Daley set out their
9 position.

10 **THE COMMISSIONER:** Well, okay. First of
11 all, I see Mr. Rose; he's ready to go. I don't think
12 there's any question that with respect to a probation
13 person, that he should be given that protection because he
14 has nothing to do with this. I don't know if that is
15 really relevant and I don't know -- subject to any
16 objections to anybody, I think that that measure should be
17 given.

18 So, Mr. Rose, you can sit tight there for a
19 moment unless you have other things to say.

20 In the last two pages, it would seem that
21 that would go back to the witness and her interests; would
22 it not?

23 **MR. MANDERVILLE:** Yes, it would.

24 **THE COMMISSIONER:** Okay. And she's
25 represented here by counsel?

1 **MR. MANDERVILLE:** She is.

2 **THE COMMISSIONER:** All right.

3 So do you have any -- and first of all, we
4 should identify you for the record, sir.

5 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. KATZ:**

6 **MR. KATZ:** James Katz, Mr. Commissioner.

7 **THE COMMISSIONER:** All right.

8 So Mr. Manderville is saying that we should
9 go in camera to discuss the effect of those two last pages.
10 What's your position on it?

11 **MR. KATZ:** I think, depending on what areas
12 Mr. Manderville would like to discuss, if he can give me
13 some idea, it could help make my decision. I'd also like
14 to be able to -- we are in cross-examination now. This is
15 a new issue that hasn't been brought to my attention and
16 I'd like to be able to discuss that with my client and
17 check her views on this.

18 **THE COMMISSIONER:** All right.

19 **MR. KATZ:** I've been broadsided. No one's
20 provided me any indication this was going to occur before
21 this hearing today. This document has been in circulation
22 since March's. It's referenced.

23 **THE COMMISSIONER:** Well, Mr. Manderville, do
24 you want to tell him?

25 **MR. MANDERVILLE:** Yes, and can we break for

1 30 seconds or a minute?

2 **THE COMMISSIONER:** Okay.

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

5 This hearing will resume at 4:35.

6 --- Upon recessing at 4:28 p.m./

7 L'audience est suspendue à 16h28

8 --- Upon resuming at 4:31 p.m./

9 L'audience est reprise à 16h31

10 **THE REGISTRAR:** This hearing is now resumed.
11 Please be seated. Veuillez vous asseoir.

12 **THE COMMISSIONER:** Thank you.

13 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. MANDERVILLE:**

14 **MR. MANDERVILLE:** I apologize for the delay,
15 Mr. Commissioner.

16 **THE COMMISSIONER:** Yes.

17 **MR. MANDERVILLE:** I've spoken with my
18 friend. As I understand it, he'll certainly correct me if
19 I'm misstating things. He understands why I think it
20 appropriate to go in camera and he has no objection to
21 going in camera to deal with things. He will certainly be
22 objecting to what I'm going to request, but insofar as
23 going in camera is concerned, he agrees.

24 Mr. Lee or Ms. Daley may have some points to
25 make on whether or not we do that.

1 **THE COMMISSIONER:** All right.

2 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DALEY:**

3 **MS. DALEY:** I have no objection to us
4 proceeding in camera at this time.

5 **THE COMMISSIONER:** Well, it's not the
6 objection. I'm wondering whether or not we've satisfied
7 the test.

8 **MS. DALEY:** I'm satisfied that where we're
9 going would satisfy the test, that it touches on a personal
10 interest and it should not be exposed publicly.

11 **THE COMMISSIONER:** Thank you.

12 Mr. Lee?

13 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. LEE:**

14 **MR. LEE:** Mr. Manderville has outlined for
15 me what he intends to request and briefly the submissions
16 he intends to make.

17 He's in an awkward position because it seems
18 to me that in order to fully inform you of that, it defeats
19 the purpose of going in camera.

20 The best I can tell you is that I'm
21 satisfied that we probably do need to go in camera --- to
22 protect the witness' interests here.

23 **(SHORT PAUSE)**

24 **THE COMMISSIONER:** Excuse me. I have a
25 cold.

1 Well, I've read the document and, given that
2 there seems to be an avenue for some -- for some need for
3 confidentiality, I will at this point agree to hear the
4 matter in camera.

5 And if, at the end of the day, it shouldn't
6 have been in camera, well then, I will advise the public as
7 to what went on.

8 In any event, I will advise them what went
9 on, leaving out certain details but, we'll go in camera.

10 Mr. Dumais?

11 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DUMAIS:

12 MR. DUMAIS: Well, the only thing I'm
13 thinking, Mr. Commissioner, is if after the argument you
14 feel that this matter should be a public matter, I mean, we
15 still have a transcript with the in camera hearing ---

16 THE COMMISSIONER: Sure.

17 MR. DUMAIS: --- and we can simply convert
18 that into a public transcript.

19 THE COMMISSIONER: Okay.

20 MR. DUMAIS: If that's okay.

21 THE COMMISSIONER: So then, I am always
22 anxious to have the matter dealt with in the public forum.
23 When officers of the court, as we all are, indicate to me
24 that there may be some personal interests at hand, then
25 that will satisfy me at this point.

1 So we need 15 minutes and then we'll go in
2 camera?

3 **MR. DUMAIS:** Yes.

4 **THE COMMISSIONER:** Thank you.

5 **THE REGISTRAR:** Order. All rise.

6 À l'ordre. Veuillez vous lever.

7 This hearing will resume at 4:50 p.m.

8 --- Upon recessing at 16:34/

9 L'audience est suspendue à 16h34

10 --- Upon resuming in public at 5:47 p.m. /

11 L'audience est reprise en public à 17h47

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

14 This hearing is now resumed. Please be
15 seated. Veuillez vous asseoir.

16 ---**RULING BY THE COMMISSIONER/DÉCISION PAR LE COMMISSAIRE :**

17 **THE COMMISSIONER:** Thank you.

18 We are in the midst of -- or the beginning
19 of the cross-examination of Geraldine Fitzpatrick, and, Ms.
20 Daley, counsel for the Citizens for Community Renewal, has
21 wanted to introduce a document for the purposes of cross-
22 examination.

23 It is an interview with Geraldine -- well,
24 first of all, it's a summary in point form of an interview
25 with Geraldine Fitzpatrick, dated February 20th, 2008, where

1 Geraldine Fitzpatrick was audio-recorded in a conversation
2 with Anne McKinnon and Bill Carriere, who are members of
3 the Children's Aid Society, and who, of course, were
4 interviewing Geraldine Fitzpatrick who is also a member of
5 the Children's Aid Society.

6 And, it refers back, generally speaking, to
7 a discussion of an interview she would have had, Geraldine
8 Fitzpatrick, with Jeannette Antoine in the mid-1990s. It
9 is clear that the Children's Aid Society and the police
10 eventually knew of that interview, back in 1994.

11 Ms. Daley says that she wants to use the
12 document to establish or to find out what was going on in
13 Ms. Fitzpatrick's mind as to why she said certain of the
14 comments that she would have attributed and conclusions
15 that she would have made with respect to some certain
16 linkages and matters of that nature.

17 It is clear that in weighing that view, the
18 cross-examination and what she has indicated,
19 Ms. Daley, is quite proper and inasmuch as -- is proper
20 questions to the witness.

21 The parties objecting have indicated that
22 while -- that there are portions in this document that
23 fueled the fans of innuendo, distrust, lies and non-facts
24 that have plagued this community, and that the prejudicial
25 value far outweighs that of the probative value.

1 Others have said that, in order to have this
2 document entered, that we should be -- I should be ordering
3 a certain disclosure of medical reports and the like.

4 Others have indicated that it is double hearsay, and
5 sometimes triple hearsay, and is not the subject matter of
6 proper cross-examination.

7 I have considered all of these matters and I
8 find that, first of all, I will permit the matter -- the
9 document to be entered, subject to the conditions that will
10 protect -- a publication ban and whatever other steps need
11 to be taken to deal with protecting the identity and any
12 facts that might tend to identify a person that is -- that
13 at least this witness thought was a probationer at the time
14 of her visiting a foster home, or, a prospective foster
15 home, or a placement for someone.

16 And I find that -- I will err on the side of
17 caution in that regard and -- because I don't know that
18 anyone really objected, but, secondly, the name of that
19 person, unless otherwise provided, has no relevance to the
20 Inquiry and it should be a matter of protection.

21 With respect to -- and I will not order, at
22 this point in time, in any event, the production of any
23 medical reports.

24 I think that at this point in time, in this
25 Inquiry, in this community, the community has, in my view,

1 accepted that any final determinations will be made when
2 the final determination is made; that if some of the
3 allegations or conclusions that this witness comes to will
4 have to be aired in the full public light and that the
5 slings and arrows may well be -- and I'm not
6 prejudging -- but may well be rubber ones.

7 And so I think it's time for the community
8 and the members of -- that we should sit back and look for
9 what the document is worth.

10 And what we're doing is simply a matter of
11 cross-examination, that we have dealt with people
12 sympathetically, consistently, throughout this Inquiry, and
13 if there are any questions at the end about the emotional
14 state of a witness when giving a statement, I think that
15 that can be canvassed in a proper, sensitive way, and if
16 the answers are such that it means that we'll have to re-
17 examine the issue of whether or not medical records are
18 sought, well, then so be it.

19 I find that at this point-in-time it's
20 probably premature to talk about all of these things. I
21 found that in the end, after everyone has made their cross-
22 examination that it was all for naught. The objections and
23 the caution that we've -- that we had to protect all of
24 these people.

25 So all in all, I think that we'll see at the

1 end of the cross-examination, Ms. Daley and Mr. Lee,
2 whether or not we have to deal with it in any further
3 matter.

4 As for Mr. Horn's comments that these
5 conclusions prove that what the Coalition has been
6 advocating or saying, that there has been collusion, et
7 cetera, that, of course, remains to be seen.

8 It remains my decision to make with respect
9 to how the institutions responded; if they responded in the
10 proper way. And that, of course, will be determined when
11 we've finished the evidence.

12 So I'm going to leave with that. It's six
13 o'clock now, so we will continue tomorrow, subject to Mr.
14 Chisholm's comments.

15 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CHISHOLM:

16 MR. CHISHOLM: Sorry, sir. Just looking at
17 this document quickly, the names that you want to have
18 included in the publication ban may go beyond the
19 probationer's name. If you look at Bates page 7181412 ---

20 THE COMMISSIONER: M'hm.

21 MR. CHISHOLM: --- which is page 21 of the -
22 --

23 THE COMMISSIONER: Yes.

24 MR. CHISHOLM: Seven paragraphs, and you'll
25 see there a couple of boys that are referenced there.

1 And also if I take you back to page 16 of
2 the document, which is Bates page 7181407, seventh bullet
3 from the bottom, there's a reference to another person that
4 ---

5 **THE COMMISSIONER:** All right.

6 Well, in any event, what we'll do is
7 tomorrow morning before we start, you can speak to Monsieur
8 Dumais or Mr. Rose can speak to Monsieur Dumais, so we can
9 craft something that will permit the newspapers and the
10 media to fully understand exactly what we mean by the
11 publication ban.

12 And so the document will not be entered as
13 an exhibit tonight in order that we may be in a position to
14 do it all at the same time so that the media knows exactly
15 what we're talking about.

16 **MR. CHISHOLM:** Thank you, sir.

17 **THE COMMISSIONER:** All right. Thank you.

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

20 This hearing is adjourned until tomorrow
21 morning at 9:30 a.m.

22 --- Upon adjourning at 5:56 p.m. /

23 L'audience est ajournée à 17h56

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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