

**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 283

Held at :

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

Wednesday, October 8, 2008

Tenue à:

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

Mercredi, le 8 octobre 2008

Appearances/Comparutions

Ms. Brigitte Beaulne	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose M ^e Claude Rouleau	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
Mr. A. Lawrence Filion	Mr. Bryan Keough
Ms. Geraldine Fitzpatrick	Witness
Mr. Bryan Keough	Witness

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1 --- Upon commencing at 9:33 a.m./

2 L'audience débute à 9h33

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.

10 Good morning all.

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

12 We left off yesterday with your decision that Document
13 Number 740602 be filed as the next exhibit.

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

15 I'm sorry, just a second, just let me --
16 that will be Exhibit 2353.

17 ---EXHIBIT NO./PIÈCE NO P-2353:

18 (740602) Interview Summary - 20 Feb, 08

19 **THE COMMISSIONER:** So we had to deal with
20 some issues on publication ban, Mister ---

21 **MR. DUMAIS:** Right, Mr. Commissioner. And I
22 think we're going to have to go into an in camera hearing.
23 My suggestion is that we do it when we start the hearing
24 after the morning break. We're going to try to do this --
25 identify the areas that the parties have advised me of, Mr.

1 Commissioner.

2 The first one is at pages 14 ---

3 **THE COMMISSIONER:** So this is to assist the
4 media in dealing with -- until we get into the publication
5 ban as to what should not be published.

6 So on page 14 you say?

7 **MR. DUMAIS:** Correct, Mr. Commissioner,
8 fourth bullet from the bottom. There's a number of names
9 advised there that was Mr. Rose's argument yesterday. So
10 this individual is potentially a probationer for one and,
11 secondly, is a victim of child sexual abuse.

12 **THE COMMISSIONER:** Well, suspected.

13 **MR. DUMAIS:** Suspected. Certainly he's
14 making the allegation in this document.

15 **THE COMMISSIONER:** Exactly. Okay.

16 **MR. DUMAIS:** And the name -- that specific
17 name comes up a number of times in the document.

18 **THE COMMISSIONER:** It matters not, as long
19 as we have one incident so that the media can be alerted to
20 it.

21 **MR. DUMAIS:** At page 16, ---

22 **THE COMMISSIONER:** Yes?

23 **MR. DUMAIS:** --- bullet 10.

24 **THE COMMISSIONER:** Yes?

25 **MR. DUMAIS:** That is one of the

1 investigations that the witness was conducting. Again
2 she's alluding to allegations of sexual abuse.

3 **THE COMMISSIONER:** Yes, that name also will
4 be protected and any identifiers leading to that, that may
5 identify that person.

6 Page 16, 10th bullet.

7 **MR. DUMAIS:** So fourth from the bottom.

8 **THE COMMISSIONER:** All right.

9 Mr. Lee?

10 **MR. LEE:** There's a bullet, sir, that
11 begins, "Gerry proceeds to explain her involvement in
12 the..."

13 **THE COMMISSIONER:** Yeah, that's the one.

14 **MR. LEE:** --- there's a name of a female and
15 in the last line, there is a name of a male.

16 **THE COMMISSIONER:** Yes?

17 **MR. LEE:** Are we banning publication on both
18 of these names?

19 **THE COMMISSIONER:** Yes.

20 **MR. LEE:** Okay. Thank you.

21 **MR. DUMAIS:** At page 18, fifth bullet from
22 the bottom, and I guess, it should be read in conjunction
23 with the last bullet in the bottom, so a female person
24 that's married to someone who allegedly was sexually
25 abused.

1 **THE COMMISSIONER:** Yes.

2 **MR. DUMAIS:** And then at page 20, bullet 15,
3 so the last bullet on that page, there's only the first
4 name, Mr. Commissioner, here; their family name is not
5 identified but again that's someone who is part of the
6 investigation that ---

7 **THE COMMISSIONER:** Matters not, okay, thank
8 you. Next?

9 **MR. DUMAIS:** And there is one which is at
10 page 15, bullet five. And I'm going to ask Mr. Chisholm to
11 speak to this matter. I'm not exactly sure which name he
12 wants to protect and for what reason.

13 **MR. CHISHOLM:** Good morning, sir.

14 **THE COMMISSIONER:** Good morning.

15 **MR. CHISHOLM:** The -- I can't tell you the
16 relationship -- who that person is, other than there was a
17 CAS case, I'm not sure that anything turns on the identity
18 of that person; that's why I proposed to Mr. Dumais that it
19 be protected.

20 **THE COMMISSIONER:** Fine. Thank you.

21 **MR. DUMAIS:** And I think I've identified all
22 of them, Mr. Commissioner; if we can recall, then, Ms.
23 Fitzpatrick for the cross?

24 **THE COMMISSIONER:** All right. Thank you.

25 Now ---

1 **MR. CHISHOLM:** Did you get page 21?

2 **THE COMMISSIONER:** Okay then, we've got to
3 deal with this in a faster, more efficient way, I mean, it
4 should have just been a list, bang, bang, bang, let's go.
5 It's simple. It's not any ---

6 **MR. CHISHOLM:** We provided a list to Mr.
7 Dumais, I'm just ---

8 **MR. DUMAIS:** As identified yesterday by Mr.
9 Chisholm, there is also page 21, bullet seven. My
10 understanding is these are some of the victims in the
11 Milton MacDonald investigation; charges were laid ---

12 **THE COMMISSIONER:** All of the names in
13 paragraph 7 of that page will be banned of publication
14 until such time as -- at the break, then we'll actually
15 name them and then we'll get them -- I hope at the break,
16 that we can just name these people and get this thing done.

17 **MR. DUMAIS:** Yes. Thank you.

18 **THE COMMISSIONER:** Thank you.

19 **GERALDINE FITZPATRICK, Resumed/Sous le même serment:**

20 **THE COMMISSIONER:** Ms. Fitzgerald(sic), do
21 you understand you're still under oath?

22 **MS. FITZPATRICK:** I do, sir.

23 **THE COMMISSIONER:** Thank you.

24 With respect to Exhibit 2353, I made a
25 ruling that we could use it as cross-examination. One of

1 the things that I should have mentioned is that, given the
2 fact that it is simply a summary of a transcript, given
3 that it's taken in February of 2008, years later, that all
4 of those things go to weight. And that I would urge people
5 not to jump to any conclusions; that everything has to be
6 taken as a whole and in the spirit in which Ms. Daley is
7 going to cross-examine.

8 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

9 **DALEY (Cont'd/suite):**

10 **MS. DALEY:** Good morning, Ms. Fitzpatrick.

11 When we left off yesterday, we had just
12 commenced looking at what's now Exhibit 2353; do you have
13 that handy?

14 **MS. FITZPATRICK:** Yes, I do.

15 **MS. DALEY:** And I understand from some
16 comments that your counsel made yesterday when you were
17 absent that you have had a chance to look at this document
18 recently and review it in preparation for your testimony?

19 **MS. FITZPATRICK:** Yes, I have.

20 **MS. DALEY:** And Ms. Fitzpatrick, February of
21 2008; am I right that this is the first time that you have
22 discussed your presence at Ms. Antoine's interview back in
23 '93 with a senior person at the Children's Aid Society,
24 that being Mr. Carriere?

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

1 **MS. DALEY:** Correct. All right.

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

3 **MS. DALEY:** And before we go on, Anne
4 McKinnon, was she a co-worker of yours at the CAS?

5 **MS. FITZPATRICK:** She is a supervisor. She
6 felt that she should be present for possible support.

7 **MS. DALEY:** All right. And was she your
8 supervisor? You worked on her team?

9 **MS. FITZPATRICK:** I'm on her team now.

10 **MS. DALEY:** All right. So let me try to
11 determine then what gave rise to your being interviewed by
12 Mr. Carriere and Ms. McKinnon in February of this year?
13 How was that initiated?

14 **MS. FITZPATRICK:** Well, I had returned from
15 a week's holiday and Anne announced me that Bill wanted to
16 meet with me that afternoon. And I asked her what it was
17 about and she was very vague.

18 And then at one o'clock, when I met with
19 Bill, he introduced that he was here to ask me some
20 questions. I asked if I needed to have a union rep or a
21 lawyer present and they said no. And so I consented and
22 went through the interview with him.

23 **MS. DALEY:** Before you sat down with Mr.
24 Carriere and Ms. McKinnon, did you know that the subject
25 matter was your presence at the Antoine interview?

1 **MS. FITZPATRICK:** I'm not really sure. I
2 mean, I think he said that my name was on the list for the
3 Inquiry.

4 **MS. DALEY:** All right. M'hm.

5 **MS. FITZPATRICK:** And he did have like about
6 five pages prepared of questions to ask me and an
7 audiotape.

8 **MS. DALEY:** All right. So someone actually
9 audiotaped this interview?

10 **MS. FITZPATRICK:** Yes, Bill did, yes.

11 **MS. DALEY:** Bill did. Let me ask you this.
12 Between November of '93 ---

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

14 **MS. DALEY:** --- when you were present and
15 you conducted the interview of Ms. Antoine and February of
16 '08 when you're discussing it with Mr. Carriere, had you
17 had a -- had you seen at all any written transcript of your
18 interview with Ms. Antoine between those two events?

19 **MS. FITZPATRICK:** Never, no.

20 **MS. DALEY:** So you are relying upon memory
21 as to what she had said?

22 **MS. FITZPATRICK:** Yes.

23 **MS. DALEY:** And having reviewed this
24 document, Exhibit 2353 ---

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

1 **MS. DALEY:** --- can you give us any comments
2 on its accuracy? Does it accurately reflect many of the
3 comments that you made?

4 **MS. FITZPATRICK:** Yes.

5 **MS. DALEY:** Are there any aspects of it that
6 you think are an inaccurate reflection of the comments or
7 statements that you made?

8 **MS. FITZPATRICK:** I would have to review. I
9 didn't look at it that way. I looked at it -- this was
10 more free flowing, and then after this they found the tapes
11 and then I saw the interview that I did of Jeannette 15
12 years ago and that brought back, so there were a few
13 things. I got it mixed up about who was the girl that had
14 to sit in the chair in front of all her peers.

15 **MS. DALEY:** Understood.

16 **MS. FITZPATRICK:** Okay.

17 **MS. DALEY:** The interview we have here
18 consists of your statements based on recollection of a 15
19 year-old interview?

20 **MS. FITZPATRICK:** Yes. Correct.

21 **MS. DALEY:** And you've acknowledged that
22 your memory was perhaps incorrect in some aspects, but ---

23 **MS. FITZPATRICK:** The general is correct.

24 **MS. DALEY:** The general content of what has
25 been recorded is accurate in terms of the information you

1 were providing back in February?

2 MS. FITZPATRICK: Yes.

3 MS. DALEY: All right.

4 Now, I want then to -- I may refer you again
5 to passages of this document in the questions I am going to
6 ask.

7 MS. FITZPATRICK: Could I say one thing,
8 please?

9 MS. DALEY: Certainly.

10 MS. FITZPATRICK: I really anguished over
11 this disclosure because I'm not here for any character
12 assassinations and I really think that this is going to
13 hurt a lot of people. That's where I have trouble with
14 this.

15 MS. DALEY: All right.

16 MS. FITZPATRICK: A lot of innocent people,
17 too.

18 MS. DALEY: We're going to be careful that
19 we don't do that.

20 MS. FITZPATRICK: Okay.

21 MS. DALEY: What I'm interested in at the
22 moment is this, and that is your impressions of the
23 situation that Heidi Sebalj found herself in in November of
24 '93, right?

25 MS. FITZPATRICK: Yes.

1 **MS. DALEY:** That's what I want to talk to
2 you about.

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

4 **MS. DALEY:** And you've commented on --
5 you've given testimony here about that and there's some
6 comments on it to the same effect in Exhibit 2353. So I'm
7 trying to see if you can help us understand what you
8 perceived Heidi's concerns to be at that time.

9 **MS. FITZPATRICK:** Okay. M'hm.

10 **MS. DALEY:** And let's start with the case
11 involving the priest. All right?

12 **MS. FITZPATRICK:** Yes.

13 **MS. DALEY:** She talked to you about --

14 **MS. FITZPATRICK:** Yes.

15 **MS. DALEY:** --- the first time you came in
16 in November.

17 **MS. FITZPATRICK:** That's right.

18 **MS. DALEY:** And amongst other things, do I
19 have it that Heidi reported to you ---

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

21 **MS. DALEY:** --- that the CAS, in particular,
22 Mr. Bell, one of your co-workers ---

23 **MS. FITZPATRICK:** Yes.

24 **MS. DALEY:** --- was looking at her
25 investigation file at that time?

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

2 **MS. DALEY:** All right. And she thought you
3 knew that but, in fact, you didn't know that?

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

5 **MS. DALEY:** Now, did you -- back in this
6 timeframe, in '93, '94, '95, did you ever have any
7 understanding as to why the CAS was looking at the police
8 investigation file concerning the priest?

9 **MS. FITZPATRICK:** No, M'hm.

10 **MS. DALEY:** Did you have any understanding
11 about an investigation that the CAS was doing called
12 Project Blue?

13 **MS. FITZPATRICK:** I remember hearing Bill
14 and Greg -- I just happened to be going by the office. And
15 I just heard Greg say, "Do we call it Project Truth or
16 Project Blue". But that's all I heard. I didn't ---

17 **MS. DALEY:** Did you know anything about what
18 Project Blue related to? Did you know that it related to
19 these allegations concerning the priest?

20 **MS. FITZPATRICK:** Not until Terry Seguin
21 committed suicide.

22 Oh, sorry, I'm not to give that name?

23 **THE COMMISSIONER:** No, no. Well, which
24 Seguin?

25 **MS. FITZPATRICK:** I'm sorry. Ken Seguin.

1 **THE COMMISSIONER:** Ken Seguin.

2 **MS. FITZPATRICK:** I mean Ken Seguin. Yes.

3 Yes.

4 **MS. DALEY:** All right. So we know, to help
5 you out, that that's on or about November 25th, 1993, right?

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

7 **MS. DALEY:** So at that point, you have some
8 knowledge that your agency is looking at the allegations
9 concerning the priest?

10 **MS. FITZPATRICK:** Yes. It's sort of among
11 the staff. They've picked up bits and pieces of
12 information here and in the staff room.

13 **MS. DALEY:** What I'm trying to understand
14 about the internal workings at CAS is this, because you
15 made the point as well about confidentiality in the work
16 you do?

17 **MS. FITZPATRICK:** Yes.

18 **MS. DALEY:** Was Project Blue confidential,
19 in the sense that ---

20 **MS. FITZPATRICK:** Extremely.

21 **THE COMMISSIONER:** Just a second. Just a
22 minute. Let her finish the question. Then you can answer.

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

24 **MS. DALEY:** Confidential in this sense; in
25 the sense that unless one was directly involved in it, like

1 Mr. Bell, it wasn't generally known to CAS workers that
2 Project Blue was occurring or what its focus was?

3 MS. FITZPATRICK: No.

4 MS. DALEY: Does that mean ---

5 MS. FITZPATRICK: Oh, I'm sorry.

6 MS. DALEY: Are you agreeing with ---

7 MS. FITZPATRICK: No. I'm agreeing with
8 you. Workers did not know.

9 MS. DALEY: All right.

10 MS. FITZPATRICK: M'hm.

11 MS. DALEY: The fact that it was named a
12 project, Project Blue, was that in some ways meant to
13 enable it to be kept confidential internally? In other
14 words, we weren't referring to a victim, we weren't
15 referring to a priest, but we had a project name for it?

16 MS. FITZPATRICK: In a unit meeting, we were
17 just told that Greg and Pina were on a special assignment
18 that was extremely confidential, that it could not be
19 discussed within the agency or in the community if you
20 heard anything. Then we were back to do our duties.

21 MS. DALEY: Okay. So I take it that you
22 never at any time acquired a detailed understanding about
23 what Project Blue was about or that it was, in fact, aimed
24 at the very priest that Heidi had talked to you about?

25 MS. FITZPATRICK: Well, you see, no. I

1 didn't -- it came in bits and pieces because what happened
2 was there were some cases that came into the agency that I
3 investigated along with another co-worker, and in that came
4 out the disclosure of an offender who disclosed that he had
5 been abused by the priest. And then we had an RMC meeting
6 ---

7 **THE COMMISSIONER:** RMC?

8 **MS. FITZPATRICK:** Which means a risk
9 management committee meeting.

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

11 **MS. FITZPATRICK:** And that was reported.
12 And it was also reported about the school teacher. There
13 was allegations against a school teacher as well. That was
14 reported in the meeting.

15 So with that, there was some understanding
16 that there is an investigation going on. Any kind of
17 information like that, brought to a worker, is to be
18 brought to the risk management committee. That would be
19 Richard, Bill, Elizabeth.

20 More in the investigations unit -- the other
21 units had no idea, but in investigations, we were a small
22 unit and so there's only so many workers and you would get
23 bits and pieces of information because they would cross
24 over.

25 **MS. DALEY:** All right.

1 If we kind of try to scroll back to probably
2 early November of '93 when Heidi is sitting you down for
3 the first time and saying, "What's going on? Why is the
4 CAS looking at my file?" At that time, you would have no
5 knowledge ---

6 **MS. FITZPATRICK:** Absolutely not.

7 **MS. DALEY:** --- about Project Blue? You
8 didn't know that your agency was in fact looking at the
9 potential that the priest was an ongoing risk to the
10 community? You didn't know any of that, so you couldn't
11 tell Heidi that, right?

12 **MS. FITZPATRICK:** No.

13 **MS. DALEY:** As you've mentioned in Exhibit
14 2353, and as you stated here in your testimony, I gather
15 Heidi told you that she was beginning to wonder about your
16 agency, that being the CAS.

17 **MS. FITZPATRICK:** Well, she thought that --
18 her word was "collusion" between CAS and the police.

19 **MS. DALEY:** Did she tell you what that
20 collusion was?

21 **MS. FITZPATRICK:** Well, her suspicion --
22 because she didn't understand the reaction over the priest
23 case. She thought this was a done deal; the man should be
24 charged just like any other alleged offender.

25 **MS. DALEY:** Correct.

1 **MS. FITZPATRICK:** And this time the process
2 was different. And she said, you know, the victim came to
3 her, you know, quite discouraged and saying, "I went to
4 CAS, they turned me away", you know, go to the police. She
5 believed the victim. She wanted to charge the victim. She
6 said she ---

7 **THE COMMISSIONER:** She wanted to charge the
8 victim?

9 **MS. FITZPATRICK:** I'm sorry. She wanted to
10 charge the accused.

11 So she said that she went to the Crown
12 Attorney and that her word was, he squashed her case, and
13 so she was quite frustrated. So she said that she told two
14 of her fellow police officers about how upset she was.

15 **MS. DALEY:** Let me take you to some comments
16 from the exhibit and let's just see if I can help put
17 things together for you.

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

19 **MS. DALEY:** If you look at page number 2 of
20 Exhibit 2353 from about the seventh bullet to about the
21 eleventh or twelfth. Just have a quick look at that.

22 "Heidi was really beginning to wonder about
23 our agency."

24 Right? And you have some other statements
25 there which you can see?

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

2 **MS. DALEY:** Now, let me see if this makes
3 sense to you and if this is what you were understanding
4 Heidi's concern to be.

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

6 **MS. DALEY:** She has presented to you that
7 Mr. Silmsler initially went to the Children's Aid Society
8 and was not dealt with; correct?

9 **MS. FITZPATRICK:** Correct.

10 **MS. DALEY:** And she then presented to you
11 that she had investigated his allegations. She had not
12 been able to lay charges, but the next thing she knew, your
13 agency was once again interested in his allegations because
14 Mr. Bell was photographing her file and Mr. Abell, your
15 Executive Director, was expressing interest. So Heidi then
16 presents to you that initially your agency is not
17 interested; now all of a sudden it is?

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

19 **MS. DALEY:** And that was mystifying to her.
20 She didn't understand that?

21 **MS. FITZPATRICK:** No.

22 **MS. DALEY:** Now, do you agree with this
23 premise, Ms. Fitzpatrick? Heidi's concern hinges on the
24 fact that she believes that Silmsler first went to your
25 agency ---

1 MS. FITZPATRICK: M'hm.

2 MS. DALEY: --- and was not dealt with;
3 correct?

4 MS. FITZPATRICK: Correct.

5 MS. DALEY: Because that's what makes the
6 CAS's later concern unusual and outside the norm.

7 MS. FITZPATRICK: That's why she was
8 perplexed ---

9 MS. DALEY: Okay.

10 MS. FITZPATRICK: --- and was trying to come
11 up with her own.

12 MS. DALEY: And I take it you were a bit
13 perplexed too, because as you told us here, if Silmsen had
14 gone to your agency in the first place ---

15 MS. FITZPATRICK: M'hm.

16 MS. DALEY: --- he should have been received
17 and his allegations investigated; correct?

18 MS. FITZPATRICK: That's my opinion.

19 MS. DALEY: All right.

20 And is your opinion representative of the
21 agency? Was that a widely held view? If someone came to
22 you in '92, alleged past abuse by a person in authority,
23 you would take an interest?

24 MS. FITZPATRICK: Well, I can only refer the
25 RMC case that I attended when I learned about historical

1 sexual abuse of children by a schoolteacher, and when I
2 presented that to the committee, Richard immediately got up
3 on -- got up, made a call to the Superintendent and to the
4 police and the teacher was arrested that day.

5 **MS. DALEY:** Okay. So if -- on your
6 understanding, if Silmsler had come to your agency, your
7 agency would and should have taken an interest at that
8 time?

9 **THE COMMISSIONER:** In your view.

10 **MS. FITZPATRICK:** In my view it makes sense
11 to have an interest in it, yes.

12 **MS. DALEY:** All right.

13 And so now we're in November of '93. Heidi
14 is in a state of perplexedness, if you will, and so are you
15 ---

16 **MS. FITZPATRICK:** Yes.

17 **MS. DALEY:** Because you both believed that
18 that happened and that he wasn't in fact dealt with by the
19 CAS initially?

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

21 **MS. DALEY:** Okay. Now, if he had gone to
22 CAS intake and had been told that they couldn't help out,
23 go to the police instead, would there be any written record
24 of that fact?

25 **MS. FITZPATRICK:** That should go under a

1 brief contact. We have files that are listed under "brief
2 contact". That would be a brief service.

3 **MS. DALEY:** And can you refresh my mind
4 about the lady who you believe was on intake and took his
5 complaint? Was that Carole Leblanc?

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

7 **MS. DALEY:** And she's still with the agency?

8 **MS. FITZPATRICK:** Yes, she is.

9 **MS. DALEY:** And you're satisfied, are you,
10 Ms. Fitzpatrick, that fairly recently she acknowledged to
11 you that this in fact occurred, that Silmsler had come to
12 her?

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

14 **MS. DALEY:** All right. Thank you.

15 Now, I'm going to move to a slightly
16 different subject but still in the same zone, if you will.

17 **MS. FITZPATRICK:** Sure.

18 **MS. DALEY:** And that has to do with
19 reporting of an allegation of this sort to the Children's
20 Aid Society.

21 So again, thinking about the Silmsler matter,
22 let's assume that he went to the Cornwall Police Service
23 first. It's his first point of complaint.

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

25 **MS. DALEY:** It's his first point of

1 complaint.

2 MS. FITZPATRICK: M'hm.

3 MS. DALEY: Just assume that with me for a
4 second ---

5 MS. FITZPATRICK: Okay.

6 MS. DALEY: --- that he hadn't first gone to
7 your agency, that he goes to the police and he makes his
8 disclosure. In your mind and from your perspective, is
9 this something that ought to have been disclosed by the CPS
10 to your agency, his allegations?

11 MS. FITZPATRICK: That's normally the
12 procedure.

13 MS. DALEY: Correct.

14 And in this instance it was Heidi who was
15 investigating Mr. Silmsers' allegations; correct?

16 MS. FITZPATRICK: That's correct.

17 THE COMMISSIONER: Now, just to make sure
18 now, that was the procedure as you saw it in 1993?

19 MS. FITZPATRICK: Yes.

20 THE COMMISSIONER: Okay.

21 MS. DALEY: And you had worked with Heidi on
22 a joint investigation previously to this?

23 MS. FITZPATRICK: M'hm.

24 MS. DALEY: So in relation to the Silmsers
25 matter, which was not a joint investigation ---

1 **MS. FITZPATRICK:** Right.

2 **MS. DALEY:** But you would have expected that
3 Heidi would report that to the Children's Aid Society
4 because she'd have the same understanding you do that it's
5 reportable?

6 **MS. FITZPATRICK:** Except -- well, yes,
7 except he had already been there.

8 **MS. DALEY:** I understand that.

9 **MS. FITZPATRICK:** So that's why she didn't
10 report back.

11 **MS. DALEY:** I understand that.

12 **MS. FITZPATRICK:** Oh, okay. M'hm.

13 **MS. DALEY:** I understand.

14 But let's just for a moment assume that
15 perhaps that information is incorrect. He hasn't first
16 gone to your agency. He's going first to the police.

17 **MS. FITZPATRICK:** Yes.

18 **MS. DALEY:** And in that scenario,
19 hypothetical as it may be, police officers should have
20 contacted your agency right then and there and said, "We
21 have an allegation that you should know about." Correct?

22 **MS. FITZPATRICK:** Yes.

23 **MS. DALEY:** Okay. Do you have a memory that
24 Heidi specifically told you that she did not report to your
25 agency because she understood that Mr. Silmsler had already

1 been there?

2 **MS. FITZPATRICK:** Report back to the agency?

3 **MS. DALEY:** Yes.

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

5 **MS. DALEY:** Okay. All right.

6 Now, I want to talk about then some other
7 things that she mentioned to you.

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

9 **MS. DALEY:** You learned through Heidi at
10 your first session with her that in fact what's happened is
11 that a fellow officer of hers, Perry Dunlop, she says has
12 taken her file and given it directly to Mr. Abell.

13 **MS. FITZPATRICK:** She said he stole her file
14 ---

15 **MS. DALEY:** Right.

16 **MS. FITZPATRICK:** --- and gave it to Richard
17 Abell.

18 **MS. DALEY:** Right.

19 And clearly that is not communicating
20 information in a normal way or through normal channels?

21 **MS. FITZPATRICK:** Absolutely.

22 **MS. DALEY:** And so Heidi was -- as you heard
23 her speak, Heidi was perturbed that that had occurred?

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

25 **MS. DALEY:** And did you become aware that

1 what Abell had received from Dunlop was in fact a copy of
2 Mr. Silmser's handwritten statement disclosing the abuse?
3 Did you learn that?

4 **MS. FITZPATRICK:** She didn't tell me what
5 was in the file.

6 **MS. DALEY:** All right.

7 But in any event, this file is now with your
8 Executive Director, Mr. Abell, and it has come to him
9 through Mr. Dunlop. That's your understanding?

10 **MS. FITZPATRICK:** Correct.

11 **MS. DALEY:** You saw some interaction between
12 Dunlop and Abell in the office?

13 **MS. FITZPATRICK:** Yes.

14 **MS. DALEY:** You talked about that.

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

16 **MS. DALEY:** So you knew they were dealing
17 with each other around this instance?

18 **MS. FITZPATRICK:** Quite -- they got very
19 involved.

20 **MS. DALEY:** All right.

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

22 **MS. DALEY:** Now, I want to just -- it's
23 going to seem like a sidestep to you for a second ---

24 **MS. FITZPATRICK:** Sure.

25 **MS. DALEY:** --- but just bear with me.

1 Patricia Garrahan ---

2 MS. FITZPATRICK: M'hm.

3 MS. DALEY: --- she's the lady who said to
4 you that she was having -- she was dating the reporter Mr.
5 Greenwell?

6 MS. FITZPATRICK: She told lots of people at
7 the agency she was dating him.

8 MS. DALEY: Okay. All I want to know is,
9 back in the fall or early -- fall of '93 or early months of
10 '94, what was her job and her role at the CAS; do you know?

11 MS. FITZPATRICK: I believe she was in the
12 Records Department, Adoption Disclosures. In '93 -- no, I
13 think she was probably in Family Services then.

14 MS. DALEY: Do you have any information as
15 to whether she might have had access to the information or
16 the documents that Dunlop had given Mr. Abell?

17 MS. FITZPATRICK: I wouldn't know that, but
18 she had access to the vaults because she did adoption
19 disclosures. So she would have had -- I don't know what
20 her -- I don't know if she had to sign in the way that we
21 did or, you know.

22 MS. DALEY: That's fine.

23 I just wondered if you could help us at all
24 as to whether she might have been able to access the
25 materials that were handed over to Mr. Abell.

1 **MS. FITZPATRICK:** She had different
2 privilege rights than we did, but I don't know what they
3 were.

4 **MS. DALEY:** That's fine. Thank you.
5 Just stopping here for a second and trying
6 to contrast what was actually occurring with what normal
7 business operations would be ---

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

9 **MS. DALEY:** --- normal business would have
10 been, I take it, that if Mr. Silmsner came to your agency,
11 as far as you're concerned your agency would have perhaps
12 opened a file and taken some steps to investigate his
13 allegations; correct?

14 **MS. FITZPATRICK:** Yes. They would -- it
15 would have been written up as a brief service.

16 **MS. DALEY:** All right.

17 **MS. FITZPATRICK:** "We have this report, but
18 we didn't action a file" and it would have been closed off,
19 signed by the worker and possibly the supervisor. I'm not
20 sure.

21 **MS. DALEY:** That's what you would have
22 expected Carole Leblanc to record ---

23 **MS. FITZPATRICK:** Yes.

24 **MS. DALEY:** --- on the encounter she did
25 have with Mr. Silmsner; correct?

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

2 **MS. DALEY:** And I suppose another thing that
3 one might have expected is instead of doing that, you might
4 expect the CAS to take an interest, to open a file and to
5 consider whether it should be investigating what Mr.
6 Silmsler has to say?

7 **MS. FITZPATRICK:** But that's a decision made
8 by the worker and the supervisor. But you know, I'm in a
9 different part. That's ---

10 **MS. DALEY:** I understand.

11 **MS. FITZPATRICK:** Okay.

12 **MS. DALEY:** But what ought to have happened,
13 or in a normal business way what might have happened is
14 that the Silmsler allegations would go to a supervisor who
15 could make that assessment as to whether the CAS should
16 investigate?

17 **MS. FITZPATRICK:** Yes.

18 **MS. DALEY:** As far as you're aware though,
19 that didn't happen here?

20 **MS. FITZPATRICK:** Oh, I don't know.

21 **MS. DALEY:** And another normal practice
22 would have been that the police who received this
23 allegation would have contacted the CAS as well, just as
24 part of their normal disclosure ---

25 **MS. FITZPATRICK:** Protocol, yes.

1 MS. DALEY: --- to make sure the agency is
2 aware, right?

3 MS. FITZPATRICK: Yes.

4 MS. DALEY: Okay.

5 So moving now back to Heidi and what your
6 impressions are about what she's doing and why ---

7 MS. FITZPATRICK: M'hm.

8 MS. DALEY: --- back in November of '93. I
9 take it after she's told you all about this circumstance
10 she then transitions to talking about Jeannette Antoine;
11 correct?

12 MS. FITZPATRICK: Correct.

13 MS. DALEY: And did you develop any
14 impression about why she was -- or if she was connecting
15 those two matters? Was she connecting the Silmsner matter
16 to Antoine?

17 MS. FITZPATRICK: Yes, she was.

18 MS. DALEY: What was the connection that ---

19 MS. FITZPATRICK: Well ---

20 MS. DALEY: --- you believe she was making?

21 MS. FITZPATRICK: Okay. She thought there
22 was conflict of interest.

23 Now, with respect to her own supervisor, she
24 said she had full trust in him, but that she couldn't
25 report to him because he sat on our Board and she thought

1 that that would be a conflict. And --- what was the rest
2 of the question?

3 **MS. DALEY:** I guess I'm just trying to
4 understand the transition.

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

6 **MS. DALEY:** First we're talking about
7 Silmsen which is an alarming thing that's gone wrong ---

8 **MS. FITZPATRICK:** Yes.

9 **MS. DALEY:** --- and then she wants you to
10 know about Antoine. What connection is she making between
11 them?

12 **MS. FITZPATRICK:** Because -- okay, because
13 she said, in her mind, she has a very serious investigation
14 and this is somebody that she wants to charge and she wants
15 to follow it right through the way the system is set up.

16 **MS. DALEY:** Referring to the priest?

17 **MS. FITZPATRICK:** Yes.

18 She ran into many obstacles and she didn't
19 understand why these obstacles were in her way and she's
20 saying, "Wait a minute here, I wanted to charge this priest
21 and they wouldn't let me. Now CAS, who had sent this
22 alleged victim away -- Perry steals my file and he brings
23 it to Richard and now they're interested in the case. Now,
24 Perry's getting all the credit for my work that I did" --
25 that's what she was saying, and she was upset for her and

1 the victim.

2 MS. DALEY: She worried that the Antoine
3 case might not be handled appropriately either?

4 MS. FITZPATRICK: Yes, yes. Once she heard
5 the disclosure, that's when she started wrapping up the
6 tapes. And I asked her, you know, what are you doing with
7 the tapes and she said I'm taking these and I'm going to
8 take them to a lawyer to put them in a secure place while I
9 go within the legal system, but she wanted to seek advice
10 because she said that she wasn't going to let them ruin
11 this case on her like they did the other.

12 MS. DALEY: Now, again, taking you back to
13 the conversation with her and what you recall her saying.

14 MS. FITZPATRICK: M'hm.

15 MS. DALEY: Is the message she was giving to
16 you that she thought that the Crown had let her down on the
17 priest case?

18 MS. FITZPATRICK: Absolutely.

19 MS. DALEY: And she didn't want to risk
20 another situation where, from her point of view, the Crown
21 would let her down?

22 MS. FITZPATRICK: Yes.

23 MS. DALEY: Is that the gist of it?

24 MS. FITZPATRICK: That's it, m'hm.

25 MS. DALEY: And did she give you any reasons

1 that you can remember about why she thought the Crown had
2 let her down?

3 **MS. FITZPATRICK:** On the priest case?

4 **MS. DALEY:** Yes.

5 **MS. FITZPATRICK:** Because she wanted to
6 charge the priest and she said that she had spoken to the
7 Crown and then she's getting word back from the victim --
8 the alleged victim -- saying that now he's making a deal
9 with the Diocese and so Heidi's upset about this and then
10 the Crown tells her, well you don't have a victim, you
11 don't have a case. So she's very upset because she feels
12 that this man is walking free in the community and that her
13 work was basically completely discredited.

14 **MS. DALEY:** Right.

15 **THE COMMISSIONER:** Are those her words or
16 you're attributing her ---

17 **MS. FITZPATRICK:** That's how she was
18 feeling, that they let her down, but now ---

19 **THE COMMISSIONER:** Did she say that?

20 **MS. FITZPATRICK:** Yes.

21 **MS. DALEY:** All right. So this isn't your
22 interpretation. Obviously people interpret what we hear
23 when ---

24 **MS. FITZPATRICK:** Oh, no, no.

25 **MS. DALEY:** --- but this is what she said to

1 you directly?

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

3 **MS. DALEY:** All right.

4 Just one second, please, Ms. Fitzpatrick.

5 I want to take you to some comments on page
6 5 of the exhibit, if you could, at the very bottom of the
7 page.

8 Maybe what you might do -- just read the
9 last half of that page from about the mid-point down. This
10 has to do with what Heidi is saying to you about her
11 intentions.

12 **THE COMMISSIONER:** Page 5?

13 **MS. DALEY:** Yes.

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

15 **MS. DALEY:** Now, in the second last bullet,
16 that's what I want to talk to you about.

17 Did Officer Sebalj actually suggest to you
18 that she thought that the Crown had turned her down because
19 he was trying to silence her or protect someone, or is that
20 an interpretation that you came to?

21 **MS. FITZPATRICK:** No.

22 **MS. DALEY:** Is that something she said to
23 you?

24 **MS. FITZPATRICK:** No, she thought -- she
25 thought they were protecting someone. That's what she

1 said, "they".

2 **MS. DALEY:** Who?

3 **MS. FITZPATRICK:** Well, she didn't say who
4 "they" were.

5 **MS. DALEY:** All right.

6 **MS. FITZPATRICK:** She just said they were
7 protecting -- they ---

8 **MS. DALEY:** All right. But that extended to
9 the Crown ---

10 **MS. FITZPATRICK:** Yes.

11 **MS. DALEY:** --- in terms of what she
12 actually said to you?

13 **MS. FITZPATRICK:** Yes.

14 **MS. DALEY:** This was her belief?

15 **MS. FITZPATRICK:** Yes.

16 **MS. DALEY:** All right. She has expressed to
17 you has she, Miss Fitzpatrick, directly, the thought that
18 what occurred here was unusual because she was expecting a
19 different reaction from the Crown than the one she got?

20 **MS. FITZPATRICK:** She was expecting the case
21 would go right through ---

22 **MS. DALEY:** All right.

23 **MS. FITZPATRICK:** --- the way another other
24 ---

25 **MS. DALEY:** All right. Now, so it's after

1 she has given you that entire story ---

2 MS. FITZPATRICK: M'hm.

3 MS. DALEY: --- and you have tried to absorb
4 it, that she starts talking to you about Miss Antoine and
5 whether or not you'll be involved in an interview with Miss
6 Antoine?

7 MS. FITZPATRICK: Right.

8 MS. DALEY: Just a few questions about that.

9 Again, and I'll come back later in a few
10 moments with you about the actual substance of what Miss
11 Antoine says to you, but right now I just want to talk to
12 you about the conclusion of the interview, tapes switched
13 off, and you and Miss Sebalj are having some discussion
14 about what to do next, right?

15 MS. FITZPATRICK: That's correct.

16 MS. DALEY: And it's at that point, as
17 you've just mentioned to me that Miss Sebalj tells you she
18 is going to keep this information outside of the Cornwall
19 Police Service for the moment; correct?

20 MS. FITZPATRICK: Yes, she's going to place
21 them with a lawyer.

22 MS. DALEY: M'hm. So from your perspective,
23 I ---

24 MS. FITZPATRICK: M'hm.

25 MS. DALEY: --- suppose, receiving this

1 information, that would not be business as usual at all?

2 MS. FITZPATRICK: No, not at all. I was
3 quite stunned.

4 MS. DALEY: But I take it that you took that
5 as a reflection of the fact that she didn't trust her force
6 to deal with it?

7 MS. FITZPATRICK: That's correct, m'hm.

8 MS. DALEY: That's a pretty extreme position
9 to be in. Is that fair?

10 MS. FITZPATRICK: For her or for me?

11 MS. DALEY: For her.

12 MS. FITZPATRICK: For her, well, extreme
13 position; she was an honest police officer wanting to do
14 her job the best way that she could and some things didn't
15 fit right with her ---

16 MS. DALEY: Yes.

17 MS. FITZPATRICK: --- and she wanted to
18 understand why. And so that, as a good officer, led her to
19 further investigations asking further questions ---

20 MS. DALEY: Yes.

21 MS. FITZPATRICK: --- and this is what it
22 opened up.

23 MS. DALEY: And it led further to her
24 protecting the evidence by, in essence, keeping the
25 evidence away from her own police force?

1 **MS. FITZPATRICK:** Correct.

2 **MS. DALEY:** That's what she did, as you
3 understood it?

4 **MS. FITZPATRICK:** Yes.

5 **MS. DALEY:** All right.

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

7 **MS. DALEY:** And I took it from your evidence
8 in-chief that she also asked you to do something that was
9 not in keeping with the ordinary course of your business,
10 which was keep quiet about Antoine's interview and not to
11 tell anyone at the CAS?

12 **MS. FITZPATRICK:** Well, I had been through
13 many police investigations and I know that when there's an
14 alleged allegation of a perpetrator, I can't go and alert
15 the mother that the allegations are being made against her
16 husband. I mean, the police have to do their job. And
17 that's what she said, I would be obstructing a criminal
18 investigation. I told her I wanted to tell Bill, you know,
19 that's who I wanted to go tell because I felt that ---

20 **MS. DALEY:** Yes.

21 **MS. FITZPATRICK:** --- he would know what to
22 do but then she said that and then I thought, well, okay,
23 that makes sense because, you know, it has to be. With all
24 of this information about cases being turned down and her
25 view of conflict of interests and enmeshment, it had to go

1 through the proper procedures; the proper channels.

2 MS. DALEY: I take it what you're saying, a
3 part, is this thought, Ms. Fitzpatrick; that in essence the
4 CAS was being investigated, or certainly CAS employees were
5 being investigated for potential misconduct in the past,
6 right?

7 MS. FITZPATRICK: I don't know about that.
8 What do you mean?

9 MS. DALEY: Well, Jeannette Antoine named
10 names of CAS individuals ---

11 MS. FITZPATRICK: Yes, yes.

12 MS. DALEY: --- who she said had done things
13 ---

14 MS. FITZPATRICK: That's right.

15 MS. DALEY: --- that could be criminal;
16 right?

17 MS. FITZPATRICK: Yes.

18 MS. DALEY: So in that respect it was the
19 CAS's own employees that were potentially the subject of a
20 police investigation.

21 MS. FITZPATRICK: Absolutely, yes.

22 MS. DALEY: And so in your mind it wouldn't
23 have been appropriate to disclose that back at the office
24 because someone might say that, knowing that, they'd try to
25 control the investigation?

1 **MS. FITZPATRICK:** Absolutely.

2 **MS. DALEY:** So that's why it seemed prudent
3 or sensible to you to keep your mouth shut about what you'd
4 learned from Ms. Antoine ---

5 **MS. FITZPATRICK:** Yes.

6 **MS. DALEY:** --- in November of '93?

7 **MS. FITZPATRICK:** I was expecting -- after
8 that interview I thought the police were coming in on
9 Monday to arrest people.

10 **MS. DALEY:** All right. All right.

11 I've got a -- I think I know what your
12 answer will be, but let me ask you this question about your
13 frame of mind here, and again there's a comment that you've
14 made at the top of page 12 of the exhibit, and this is what
15 I want to explore; the second bullet on page 12.

16 And to put this in context, this is the
17 timeframe where you're waiting to hear back from Heidi
18 about what's going on.

19 **MS. FITZPATRICK:** Yes.

20 **MS. DALEY:** The very timeframe we're talking
21 about.

22 **MS. FITZPATRICK:** Right.

23 **MS. DALEY:** And you say that you didn't know
24 who to believe, CAS or the police.

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

1 **MS. DALEY:** I wasn't sure what you meant by
2 that. I mean, what was your frame of mind at that point as
3 you're waiting to hear from Heidi? You're not hearing from
4 Heidi ---

5 **MS. FITZPATRICK:** So I'm beginning to wonder
6 ---

7 **MS. DALEY:** --- so what's your struggle?

8 **MS. FITZPATRICK:** What is my struggle?
9 Well, I'm sitting there with information of possible
10 criminal charges, possible corruption, and I have
11 information of a woman who was abused in our care. That's
12 not acceptable.

13 **MS. DALEY:** All right.

14 Now, after the interview was completed and
15 you waited and waited and waited to hear from Officer
16 Sebalj and you never did ---

17 **MS. FITZPATRICK:** Right.

18 **MS. DALEY:** --- did you feel used at all?

19 **MS. FITZPATRICK:** No. I felt that there was
20 something wrong, and I spoke -- I had called her office a
21 couple of times.

22 **THE COMMISSIONER:** You had called?

23 **MS. FITZPATRICK:** Pardon?

24 **THE COMMISSIONER:** You had called who?

25 **MS. FITZPATRICK:** I called Heidi's office a

1 couple of times.

2 **THE COMMISSIONER:** Right.

3 **MS. FITZPATRICK:** And I didn't hear from
4 her, and then one time I got a hold of Dave Bough, who was
5 -- he would have been her co-worker, partner. He was in
6 the same department. And he just said to me, "Oh, it's
7 terrible what they're doing to Heidi," and I said, "What
8 are you talking about?" And he said, "Well, they're
9 disciplining her and they're blaming her for the news leak
10 of the victim," and that she was in trouble, and that's all
11 I knew. So I knew they were coming down on her.

12 **MS. DALEY:** Did you ever work again with
13 Heidi on a joint investigation?

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

15 **MS. DALEY:** Do you know if she remained on
16 the Force after that period of time?

17 **MS. FITZPATRICK:** No. I don't know what
18 happened to her.

19 **MS. DALEY:** All right.

20 All right, so now let me just turn to the
21 last area I want to canvass, and that is the Antoine
22 interview and what you learn, and what you make of it.
23 Now, I take it -- just a second.

24 I gather from the way this unfolded that
25 Officer Sebalj had a little bit of advance knowledge about

1 what Ms. Antoine was going to reveal, because Ms. Antoine
2 had revealed it to her previously; correct?

3 **MS. FITZPATRICK:** Correct, but Heidi didn't
4 tell me that.

5 **MS. DALEY:** Heidi didn't tell you that.

6 **MS. FITZPATRICK:** No.

7 **MS. DALEY:** But in the aftermath you would
8 have realized that Heidi knew a little bit about what you
9 were going to hear when the tape was turned on and
10 Ms. Antoine started talking; correct?

11 **MS. FITZPATRICK:** Correct.

12 **MS. DALEY:** Because Heidi had heard some of
13 that already herself.

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

15 **MS. DALEY:** Right.

16 But you had no idea what you were going to
17 hear because, as you said, you went in cold and did not
18 know who this woman was and what she was going to talk
19 about?

20 **MS. DALEY:** That's correct.

21 **MS. FITZPATRICK:** You then proceeded to --
22 what then happened, of course, is that over a period of
23 almost two hours, I think ---

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

25 **MS. DALEY:** --- you heard in spades, from

1 Ms. Antoine, stories of abuse while she was in care;
2 correct?

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

4 **MS. DALEY:** And your personal response to
5 all of that is set out in the exhibit we've look at. But
6 just to paraphrase some of it, I believe what you said was
7 that those stories were very demoralizing if they were
8 true; correct?

9 **MS. FITZPATRICK:** Correct.

10 **MS. DALEY:** And that what you had heard was
11 so upsetting to you that you stayed home for a few days and
12 you were very deeply distraught over it; correct?

13 **MS. FITZPATRICK:** Correct, yeah.

14 **MS. DALEY:** And you used language to the
15 effect that you were in shock?

16 **MS. FITZPATRICK:** I was so upset I wasn't
17 going back to work.

18 **MS. DALEY:** And is that because what you had
19 heard shook your faith in your own agency?

20 **MS. FITZPATRICK:** Not my agency, but it's
21 not acceptable in any agency or any profession that
22 somebody abuses their power like that. I still had faith
23 in the agency but I wasn't sure who the players were.

24 **MS. DALEY:** All right. You thought that
25 someone employed by the agency in the past may have abused

1 authority and power, and may have abused children in care?

2 MS. FITZPATRICK: Correct.

3 MS. DALEY: And that's what you found
4 shocking?

5 MS. FITZPATRICK: Despicable.

6 MS. DALEY: Forgive me for one second
7 because I want to go back to something and then I want to
8 carry forward with Ms. Antoine, so please forgive me. This
9 is my fault.

10 MS. FITZPATRICK: Okay.

11 MS. DALEY: But I want to take you back just
12 for a few moments to what Heidi was telling you about the
13 other circumstance and her disappointment that there were
14 no charges laid. Okay?

15 MS. FITZPATRICK: M'hm.

16 MS. DALEY: If I've understood it correctly,
17 your frame of mind from what she's expressed is that
18 charges should have been laid. Crown didn't lay the
19 charges. She felt let down by her own service and the
20 Crown as a result.

21 MS. FITZPATRICK: And the fact that the
22 Church was making a buy-out.

23 MS. DALEY: And the Church was making a buy-
24 out?

25 MS. FITZPATRICK: M'hm.

1 **MS. DALEY:** And did Heidi -- or do you
2 recall that Heidi attributed a motive to the Crown? In
3 other words, a personal motive?

4 **MS. FITZPATRICK:** Her words were after she -
5 - when she was speaking about the Crown then she said that
6 she felt they were protecting somebody, and I didn't ask
7 her who "they" are.

8 **MS. DALEY:** Did you develop some
9 understanding or did she ever tell you who she thought was
10 being protected?

11 **MS. FITZPATRICK:** At that time I'm not sure
12 if she told me.

13 **MS. DALEY:** Okay.

14 Now, I want to focus you for a few moments
15 then on Wayne Murphy and the information you gave him ---

16 **MS. FITZPATRICK:** Yes.

17 **MS. DALEY:** --- and what he may or may not
18 have done with it.

19 **MS. FITZPATRICK:** Yes.

20 **MS. DALEY:** I'm going to ask you to look at
21 a document.

22 It's Exhibit 1208. I gave late notice but
23 it should be available to the witness in the binder. I
24 have extra copies for anyone else who wants it.

25 Twelve zero eight (1208) is or are the notes

1 that Officer Blake of the Ottawa Police Service took in
2 '94. They were testified about here by Officer Skinner.

3 Sorry, this is going to seem foreign to you.
4 These are handwritten notes that an Ottawa police officer
5 has taken in January of 1994, and if you could just please
6 look to the Bates page that ends "775 front," you should
7 have a note of January 12th, '94.

8 MS. FITZPATRICK: Front, okay, and now Wayne
9 Murphy.

10 MS. DALEY: That's it. On the face of it
11 this seems to be a note of a contact that Officer Blake of
12 Ottawa is having with your stepson-in-law ---

13 MS. FITZPATRICK: M'hm.

14 MS. DALEY: --- on January 12th, '94. Do you
15 want to just take a moment and read that over?

16 (SHORT PAUSE/COURTE PAUSE)

17 MS. DALEY: The following page doesn't seem
18 to be relevant. I think Mr. Murphy's information is on
19 that one page.

20 MS. FITZPATRICK: M'hm.

21 MS. DALEY: Just to put you back in the
22 picture, Ms. Fitzpatrick, by January 12th of '94, I take it
23 you'd had the Boxing Day conversation with Mr. Murphy and
24 you'd had maybe a couple of telephone calls with him about
25 the situation?

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

2 **MS. DALEY:** Now, the way this is recorded,
3 he's stating to a fellow -- another police officer, that he
4 has an informant close to the situation in Cornwall. I'm
5 assuming that would be you?

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

7 **MS. DALEY:** I take it, you were not aware --
8 or were you, that Wayne had spoken with the Ottawa Police
9 Service? Did you know about this?

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

11 Well, he said in one of the conversations
12 that they set up three task forces.

13 **MS. DALEY:** All right. In any event, it
14 would appear that Wayne Murphy is telling Officer Blake a
15 number of things about the group home in Cornwall and then
16 he mentions Ken Seguin, Father -- it looks like Tingers,
17 but I'm thinking that is Tenger ---

18 **MS. FITZPATRICK:** Tenger.

19 **MS. DALEY:** --- and Tom O'Brien, former CAS
20 director, et cetera. Now, had you given Wayne Murphy any
21 information about Ken Seguin?

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

23 **MS. DALEY:** Do you recall what information
24 you had given him?

25 **MS. FITZPATRICK:** About the story about the

1 male that I met who had told me as a young man he was
2 abused by Ken Seguin.

3 **MS. DALEY:** All right. So you had mentioned
4 that to Mr. Murphy and he would have passed that on. The
5 document would suggest he passes that on to Ottawa?

6 **MS. FITZPATRICK:** Right.

7 **MS. DALEY:** And there's other information
8 here about Jeannette Antoine.

9 "I spoke to Rick Abell, CAS Director,
10 allegations of compensation. Offer
11 overheard by Antoine's friends."

12 Is that a piece of information that Wayne
13 Murphy got from you?

14 **MS. FITZPATRICK:** What was that information
15 again?

16 **MS. DALEY:** Well, I'm looking at about two-
17 thirds of the way down.

18 There's an indication that there has been
19 someone speaking to Rick Abell, CAS Director:

20 "...allegations of compensation. Offer
21 overheard by Antoine's friends, sitting
22 in next cubicle."

23 I think he's referring to a meeting that
24 Antoine has with Abell?

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

1 **MS. DALEY:** Is that something you knew about
2 and you had told Mr. Murphy about?

3 **MS. FITZPATRICK:** No. I don't remember
4 that.

5 **MS. DALEY:** Okay.

6 **MS. FITZPATRICK:** I don't think I knew that.

7 **MS. DALEY:** So he's got that from elsewhere,
8 not you?

9 **MS. FITZPATRICK:** As far as I know.

10 **MS. DALEY:** All right.

11 In any event, what he's communicating is
12 that Ms. Sebalj knows these allegations and should have
13 tapes of interviews, and that's something you told him
14 because you knew there were tapes?

15 **MS. FITZPATRICK:** Yes.

16 **MS. DALEY:** Okay.

17 It then says at the bottom:

18 "CAS has conducted an investigation."

19 Is that something you told Wayne Murphy?

20 **MS. FITZPATRICK:** Conducted an investigation
21 of what? Which investigation?

22 And I didn't know anything about this offer
23 of compensation. I never heard anything about that.

24 **MS. DALEY:** All right. Okay.

25 I'm just wondering whether or not you said

1 to Wayne -- Wayne Murphy, that CAS had conducted an
2 investigation of some sort?

3 **MS. FITZPATRICK:** I may have said that twice
4 they looked into -- or that twice they were aware of
5 Jeannette Antoine's situation. I'm not sure what
6 investigation ---

7 **MS. DALEY:** Okay. That's fine.

8 **MS. FITZPATRICK:** It's not clear enough,
9 yeah.

10 **MS. DALEY:** As far as you were aware, you
11 did tell your stepson-in-law that CAS had known about this
12 ---

13 **MS. FITZPATRICK:** Yes.

14 **MS. DALEY:** --- a few times in the past?

15 **MS. FITZPATRICK:** Yes.

16 **MS. DALEY:** Let me just take you to one
17 other conversation that Mr. Murphy apparently has with
18 Officer Blake and it's the 17th of January note, 778 Front.

19 And it looks to me like from the fourth line
20 down he's reflecting something that he hears in a phone
21 call with Wayne Murphy. So if you could just look at that.

22 **THE COMMISSIONER:** Seven-eight-zero (780)?

23 **MS. DALEY:** Sorry. I have 778 Front. It
24 should be ---

25 **THE COMMISSIONER:** Seven-seven-eight (778).

1 Sorry.

2 **MS. DALEY:** Eight (8), yes.

3 It should be Jan. 17th.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MS. DALEY:** I'm just wondering whether any
6 of this information that he's passing on comes from you.

7 He seems to be saying that his informant --
8 which I took to be you, but it might be someone else -- has
9 made reference to a CAS investigation involving Crown's
10 father, Milton MacDonald, 20 years ago. And then there's
11 some further information about Bob Pelletier, who was a
12 Crown at the time.

13 Did you discuss with Wayne Murphy, a CAS
14 investigation involving Milton MacDonald?

15 **MS. FITZPATRICK:** That I had been told that
16 there was a prior investigation on him. Yes.

17 **MS. DALEY:** All right.

18 Here's what I'm trying to see if you can
19 help me with ---

20 **MS. FITZPATRICK:** Okay.

21 **MS. DALEY:** --- and if you can't, that's
22 fine too.

23 **MS. FITZPATRICK:** Okay.

24 **MS. DALEY:** In your discussions with Heidi
25 Sebalj, did she make a connection between Murray and his

1 father? And did she connect that to the failure of her
2 case against the priest?

3 MS. FITZPATRICK: I don't know.

4 MS. DALEY: All right.

5 Did you make a connection between Murray and
6 Milton MacDonald and connect that to the fact there were no
7 charges against the priest?

8 MS. FITZPATRICK: Later I did.

9 MS. DALEY: Is that something that you said
10 to Wayne Murphy in or about mid-January of '94?

11 MS. FITZPATRICK: Well ---

12 MS. DALEY: Did you make that connection and
13 give that information to Mr. Murphy?

14 MS. FITZPATRICK: That many years earlier
15 there had been an investigation on Milton MacDonald?

16 MS. DALEY: Yes.

17 MS. FITZPATRICK: M'hm.

18 MS. DALEY: All right. So that information
19 comes from you?

20 MS. FITZPATRICK: Yes.

21 MS. DALEY: The last few lines, Bob
22 Pelletier -- sorry, I'm not even sure that this is part of
23 what Wayne Murphy is talking to Officer Blake about. That
24 could be a separate conversation with someone else.

25 In any event, the information about the

1 Crown and his father -- the father being subject to child
2 abuse charges in the past. That's something you connected
3 and you told Wayne about?

4 MS. FITZPATRICK: Well, that's what many
5 people in the town told me.

6 MS. DALEY: Many people in Lancaster?

7 MS. FITZPATRICK: M'hm.

8 MS. DALEY: That's a very small town?

9 MS. FITZPATRICK: It's a very small town.

10 MS. DALEY: And how far away from Cornwall
11 is that?

12 MS. FITZPATRICK: About a 15 minute ride.

13 MS. DALEY: Okay. It's a very small and
14 somewhat intense community in the sense that -- is it
15 isolated from the rest of the surroundings?

16 MS. FITZPATRICK: Well, it's a little
17 village surrounded by dairy farms. So there's lots of cows
18 and ---

19 MS. DALEY: And what you were hearing out in
20 that village was this connection, that maybe the Crown
21 didn't do his job because of his father's situation?

22 MS. FITZPATRICK: No, no. I had heard
23 stories when I first came to Canada about people saying --
24 telling their children to stay away from a certain man in
25 the town and that sort of thing. He had a couple of

1 generations of abusing children and that's what people in
2 town had told me.

3 **MS. DALEY:** All right.

4 Did you ever know that there had, in fact,
5 been charges that he had pled to back in the 1960s? Did
6 you know about that?

7 **MS. FITZPATRICK:** No.

8 **MS. DALEY:** Did you know that in 1994,
9 Milton MacDonald, the older fellow, was on the CAS's radar
10 for potential current abuse? Did you know that?

11 **MS. FITZPATRICK:** Well, once it came out
12 because Patricia notified the agency.

13 **MS. DALEY:** And I take it, as a member of
14 this community, you knew that eventually there were
15 subsequent charges that Milton MacDonald faced in the mid-
16 90s?

17 **MS. FITZPATRICK:** Oh, yes. M'hm.

18 **MS. DALEY:** All right.

19 All right, I'm sorry. That was a sidetrack
20 back to the DS matter, the Silmsen matter.

21 I now want to stay and complete our
22 discussion about Ms. Antoine, if that's all right?

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

24 **MS. DALEY:** And you have told us exactly the
25 reaction you had to the information she gave you.

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

2 **MS. DALEY:** In terms of validation, and
3 that's a word that you use in your profession, were you
4 satisfied that Ms. Antoine was indeed a damaged person and
5 a person who was very likely the victim of abuse?

6 **MS. FITZPATRICK:** She fit the profile.

7 **MS. DALEY:** All right. And I thought you
8 said in-chief that you thought she fit the profile of a
9 person who had been abused multiple times, more than once?

10 **MS. FITZPATRICK:** That's right, a multi-
11 victim.

12 **MS. DALEY:** A multi-victim. And you knew
13 that she had spent essentially her life ---

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

15 **MS. DALEY:** --- up to about the age 18 or 19
16 as a CAS ward; correct?

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

18 **MS. DALEY:** So to the extent that she was a
19 victim of multiple abuse ---

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

21 **MS. DALEY:** --- it didn't occur in her own
22 family or at least she wasn't raised by her parents, it had
23 to have been something that occurred while she was a CAS
24 ward.

25 **MS. FITZPATRICK:** I had no privy to her

1 file, I wouldn't know.

2 MS. DALEY: All right. Did you know though
3 from talking to her she'd been in care from a very, very
4 young age?

5 MS. FITZPATRICK: Yes.

6 MS. DALEY: And she'd been in foster home
7 placements before the group home situation?

8 MS. FITZPATRICK: I believe she is a multi-
9 placed child.

10 MS. DALEY: Yes.

11 MS. FITZPATRICK: M'hm.

12 MS. DALEY: All right. In your mind, wholly
13 apart from the specific things she was telling you about
14 the group home, did it occur to you that this person was
15 very likely to also have been abused in a different
16 placement as well in her past or did that thought occur?

17 MS. FITZPATRICK: The day that I met her, in
18 the two-hour interview, I was so overwhelmed with -- and
19 that was just the first layer of her life -- I knew that
20 there were layers and layers after that. But it would take
21 a long process and some therapy. I knew she had lots more.

22 MS. DALEY: All right. So the group home
23 story was a bit of a tip of an iceberg occurrence in your
24 mind?

25 MS. FITZPATRICK: M'hm.

1 **MS. DALEY:** Hearing about that from
2 Jeannette. And you knew that there was probably a lot of
3 other abusive situations that she had faced in her life
4 that she wasn't yet speaking about.

5 **MS. FITZPATRICK:** Correct.

6 **MS. DALEY:** All right. Did you know, Ms.
7 Antoine, (sic) that in 1994 Shawn White did in fact
8 investigate Ms. Antoine's allegations?

9 **MS. FITZPATRICK:** No.

10 **MS. DALEY:** You didn't know that?

11 **MS. FITZPATRICK:** No.

12 **MS. DALEY:** All right. Did you know that
13 anybody at CPS was investigating her allegations in 1994?

14 **MS. FITZPATRICK:** No.

15 **MS. DALEY:** I assume if you'd known that,
16 you would have said something about the interview?

17 **MS. FITZPATRICK:** Yes, absolutely.

18 **MS. DALEY:** All right. Because obviously
19 the interview that you conducted was relevant to police
20 investigation of Ms. Antoine's allegations.

21 **MS. FITZPATRICK:** Yes.

22 **MS. DALEY:** But you had no knowledge of any
23 police investigation in the following year?

24 **MS. FITZPATRICK:** No.

25 **MS. DALEY:** Okay. Apart from a police

1 investigation, to your knowledge, Ms. Fitzpatrick, was
2 there ever any form of internal review conducted at the CAS
3 that you knew about concerning Ms. Antoine's complaint and
4 how it had been handled?

5 MS. FITZPATRICK: No.

6 MS. DALEY: All right. Just a few final
7 questions about Antoine -- the Antoine situation.

8 MS. FITZPATRICK: M'hm.

9 MS. DALEY: And if I can, I'm going to
10 suggest that there were two aspects of what you were
11 discovering that were very concerning to you, one is, of
12 course, the conduct itself.

13 MS. FITZPATRICK: Yes.

14 MS. DALEY: And I'll come back to that.

15 MS. FITZPATRICK: M'hm.

16 MS. DALEY: And the second was the fact that
17 she had spoken about this conduct to members of your
18 organization ---

19 MS. FITZPATRICK: M'hm.

20 MS. DALEY: --- on two prior occasions and
21 nothing had happened as far as you understood?

22 MS. FITZPATRICK: That's correct.

23 MS. DALEY: And that was an equally
24 concerning thing for you to learn about?

25 MS. FITZPATRICK: Yes.

1 **MS. DALEY:** Because it suggested that the
2 agency wasn't taking her seriously perhaps or wasn't trying
3 to examine whether her allegations were correct or not.

4 **MS. FITZPATRICK:** Well, you see, after that
5 what happened was more information came to me by Carleen
6 Hickey; and I would suggest that Carleen Hickey testify on
7 the stand.

8 **MS. DALEY:** More information about what?

9 **MS. FITZPATRICK:** About the whole -- our
10 involvement with Jeannette Antoine; how things were
11 responded to in the past; how they were responded to now;
12 that sort of situation.

13 **MS. DALEY:** Did you learn information from
14 Carleen Hickey about that subject that would be relevant to
15 the Inquiry?

16 **MS. FITZPATRICK:** Yes.

17 **MS. DALEY:** Can you tell us what you
18 learned?

19 **THE COMMISSIONER:** First off, who's Carleen
20 Hickey?

21 **MS. DALEY:** Carleen Hickey is Carleen
22 Cummings who was the co-worker and friend of Ms.
23 Fitzpatrick.

24 **THE COMMISSIONER:** Right, right, right.
25 Okay.

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

2 Well, I don't know if she's going to be
3 testifying or not. Is she going to be testifying?

4 **THE COMMISSIONER:** Don't know but you can
5 answer the question anyways.

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

7 **MS. DALEY:** The question is simply what did
8 you learn from her that we should know about how the agency
9 handled Ms. Antoine's allegations?

10 **MS. FITZPATRICK:** Okay. This isn't pleasant
11 and that's why I was hoping she would be the one to tell the
12 story.

13 When Carleen came to my house and I told her
14 the situation I was in -- and I didn't understand what her
15 role was because she was aware of this information and Ms.
16 Antoine was expecting some kind of validation and she
17 didn't receive that validation so basically, what is the
18 story here? What is going on?

19 And Carleen said that she felt very bad
20 about that. That she had gone out and she met Ms. Antoine
21 and she heard her story and she believed her story. And I
22 guess she reported it back to Richard Abell.

23 She said then she went and had a
24 conversation with Greg Bell and I guess they did have a
25 conversation because they both had Ms. Antoine in common.

1 And so, I guess, Greg disclosed information to Carleen that
2 sort of fit more into the story.

3 Greg told Carleen that he had been out on an
4 investigation with Suzie Robinson.

5 **MS. DALEY:** Yes.

6 **MS. FITZPATRICK:** And that during that
7 situation, they found out -- they heard Jeannette Antoine's
8 story. And so they were very upset; they were very
9 concerned. They went back to the agency. I believe that
10 Bob Smith was the supervisor covering at the time because I
11 believe it happened in the summer. They reported the
12 situation to Bob Smith and he reported it to the Ministry.

13 So the Ministry had to do something about
14 it. The next thing we heard was that our director was
15 retiring.

16 **THE COMMISSIONER:** Director? Mr. O'Brien?

17 **MS. DALEY:** O'Brien.

18 **MS. FITZPATRICK:** O'Brien.

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

20 **MS. FITZPATRICK:** So then Greg said, you
21 know, well, he went back to his superiors and said "Well,
22 this isn't good enough, you know, I wanted this Jeannette
23 Antoine situation dealt with." And they said that they did
24 deal with it. And he said "Well, no." He says "You still
25 have Bryan Keough working here. So you haven't dealt with

1 it." So then ---

2 **MS. DALEY:** Sorry, let me just stop you for
3 one second.

4 **MS. FITZPATRICK:** Okay.

5 **MS. DALEY:** Who is the "he" in that last
6 thing you ---

7 **MS. FITZPATRICK:** So they still hadn't dealt
8 with it. Greg had gone to upper management.

9 **MS. DALEY:** Greg is confronting upper
10 management ---

11 **MS. FITZPATRICK:** Yeah.

12 **MS. DALEY:** --- and saying "If you haven't
13 dealt with Mr. Keough yet then you haven't dealt with Ms.
14 Antoine's complaint."

15 **MS. FITZPATRICK:** Yes.

16 **MS. DALEY:** Thank you.

17 **MS. FITZPATRICK:** That's right.

18 So the agency basically made changes and
19 Bryan Keough was leaving the agency and apparently he was
20 adopting a child at the time but they refused to let him
21 adopt a child based on Jeannette Antoine's allegations.

22 And so he and his family left the area. And
23 then she told me ---

24 **THE COMMISSIONER:** Who is "she"?

25 **MS. DALEY:** Carleen ---

1 **MS. FITZPATRICK:** Carleen.

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

3 **MS. DALEY:** --- Hickey.

4 **MS. FITZPATRICK:** --- told me that, in the
5 days of the Alfred trials, it was Ken Seguin and Tom
6 O'Brien who got on the stand and said that -- they were
7 asked, "Did any of these wards or these children that were
8 running away from Alfred, did they ever tell you that they
9 were being abused in the Alfred group home?"

10 And Carleen told me that both Ken Seguin and
11 Tom O'Brien testified that they were never told by these
12 children that they were being abused.

13 And here I had met a client who told me that
14 he used to run away to the probation officer's house and he
15 did tell his probation officer about the abuse.

16 So when Carleen told me that, where do you
17 go from there?

18 **MS. DALEY:** Your conclusion from that is
19 that your agency hadn't really been forthcoming about what
20 it knew back in 1989?

21 **MS. FITZPATRICK:** Well, my impression is
22 that they had corporate secrets.

23 **MS. DALEY:** All right.

24 Let me ask you this question, Ms.
25 Fitzpatrick, about the conduct that Ms. Antoine is

1 describing. Okay?

2 MS. FITZPATRICK: M'hm.

3 MS. DALEY: And I don't need to go into
4 graphic detail about it but you remember the nature of what
5 she was describing.

6 MS. FITZPATRICK: M'hm.

7 MS. DALEY: And if I could put one label on
8 it, one aspect of what she was describing would be a
9 degrading sexual-type of punishment in which a teenage girl
10 had to strip down to underwear and scrub a floor all night
11 in front of men?

12 MS. FITZPATRICK: You're talking about a
13 sexual abuse victim whose already been traumatized, now
14 being put in protective care and in that situation she is
15 degraded, she is humiliated, she is ranked down to the
16 lowest that you can rank somebody down, according to her,
17 by Bryan Keough.

18 And that, yes, they were made to strip down
19 in their underwear and, not only were they made to scrub
20 the floors but they were being mocked about their bodies
21 while they were doing this.

22 MS. DALEY: And I take it, drawing on your
23 experience in this field, obviously that type of activity
24 would be very harmful and detrimental to the development of
25 the girl that's subjected to that?

1 **MS. FITZPATRICK:** She was being revictimized
2 all over again.

3 **MS. DALEY:** All right. Another aspect of
4 what Antoine told you, that caused you great concern, was
5 that there were some direct sexual touching by CAS workers,
6 and again ---

7 **MS. FITZPATRICK:** Well, she talks about one
8 worker.

9 **MS. DALEY:** One worker, and that's
10 Mr. Keough ---

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

12 **MS. DALEY:** --- right? And, again, that's a
13 very concerning thing because if that's true that's also
14 very detrimental to that girl?

15 **MS. FITZPATRICK:** If that's true, he needs
16 to be charged.

17 **MS. DALEY:** All right. And, additionally,
18 she told you about harsh punishment and she called them
19 physical beatings with an object?

20 **MS. FITZPATRICK:** Yes, m'hm.

21 **MS. DALEY:** All right. Now, I think you'll
22 agree with me, but I want you to put your mind or try to
23 put your mind into the timeframe of the mid-seventies and
24 that's when these events occurred -- 1976?

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

1 **MS. DALEY:** Is it clear to you that those
2 allegations should have been reported to the police in
3 1976, if someone in authority at CAS were to have been
4 aware of them?

5 **MS. FITZPATRICK:** You know, there's a
6 difference between discipline and abuse, and that was
7 abuse, and, so, yes, it should have been reported.

8 **MS. DALEY:** And I'd ask you to think
9 specifically about the standards of the day, the standards
10 of the mid-seventies. Is it clear to you that that
11 behaviour was not condoned in society, in general, in the
12 mid-seventies, let alone at a Children's Aid Society?

13 **MS. FITZPATRICK:** In society alone that
14 wasn't condoned ---

15 **MS. DALEY:** All right.

16 **MS. FITZPATRICK:** --- no.

17 **THE COMMISSIONER:** You started with the
18 Children's Aid Society in 1986?

19 **MS. FITZPATRICK:** Correct.

20 **THE COMMISSIONER:** All right. And so on
21 what basis do you come to that conclusion, that in the
22 1970s that would have been over and above the norms
23 expected by society?

24 **MS. FITZPATRICK:** Because in 1970 and in
25 1960 and in 1950, the community has trusted the agency to

1 take care of our children, okay ---

2 THE COMMISSIONER: M'hm.

3 MS. FITZPATRICK: -- and so that's the job.

4 And so these children don't have people that love them,
5 nurture them, make them safe; that's our job.

6 THE COMMISSIONER: Right.

7 MS. FITZPATRICK: Okay? So -- you know,
8 that's not acceptable anywhere.

9 THE COMMISSIONER: Well, some people might
10 argue that corporal punishment has evolved over the years,
11 but in the 1970s, for example, that it was permissible for
12 teachers to give the strap, for example?

13 MS. FITZPATRICK: M'hm. My understanding is
14 you're allowed to use force but you're not allowed to
15 injure; and she had bruises and that's injury.

16 THE COMMISSIONER: And where do you get
17 that ---

18 MS. FITZPATRICK: Because she talks about
19 her bruises.

20 THE COMMISSIONER: Oh, no, no, that ---

21 MS. FITZPATRICK: Oh.

22 THE COMMISSIONER: I understand that, but
23 your standard of ---

24 MS. FITZPATRICK: Because that's our
25 standard, is that -- you know, when people want to

1 discipline their children, we don't condone it at all. I
2 mean we really stress not to use any type of physical
3 discipline, but for those that do or have we tell them,
4 "Listen, the minute there's a bruise on the child, that's
5 abuse; that's not discipline."

6 **THE COMMISSIONER:** Right, but ---

7 **MS. FITZPATRICK:** Okay, so you're going back
8 to the seventies ---

9 **THE COMMISSIONER:** Going back to the
10 seventies.

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

12 **THE COMMISSIONER:** The strap is in use in
13 schools, I think.

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

15 **THE COMMISSIONER:** People, I guess -- I
16 don't know where you get the basis to make the
17 assertion ---

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

19 **THE COMMISSIONER:** --- that that was the
20 standard in 1970s, when ---

21 **MS. FITZPATRICK:** Well, look it --
22 okay ---

23 **THE COMMISSIONER:** How old were you in the
24 seventies? I mean, it's ---

25 **MS. FITZPATRICK:** You really want to know?

1 THE COMMISSIONER: Well ---

2 MS. FITZPATRICK: I was in my twenties.

3 THE COMMISSIONER: Okay.

4 MS. FITZPATRICK: M'hm.

5 THE COMMISSIONER: And so do you
6 have -- have you made any studies or -- about discipline in
7 the seventies? I mean, do you know?

8 MS. FITZPATRICK: Yes, in school.

9 THE COMMISSIONER: Yes?

10 MS. FITZPATRICK: Yes, when I was in school,
11 but, this is what I wanted to say ---

12 THE COMMISSIONER: Okay.

13 MS. FITZPATRICK: --- Jeannette Antoine came
14 into care under a child in need of protection ---

15 THE COMMISSIONER: Right.

16 MS. FITZPATRICK: --- because she was being
17 abused.

18 THE COMMISSIONER: M'hm.

19 MS. FITZPATRICK: Now she's in a group
20 home ---

21 THE COMMISSIONER: Right.

22 MS. FITZPATRICK: --- and she's saying she's
23 being abused ---

24 THE COMMISSIONER: Right.

25 MS. FITZPATRICK: --- okay? Why didn't that

1 case go back to court as a child in need of protection?

2 THE COMMISSIONER: All right. All I want to
3 know is on what basis do you form your opinion ---

4 MS. FITZPATRICK: M'hm.

5 THE COMMISSIONER: --- and I'm not
6 saying ---

7 MS. FITZPATRICK: Yes.

8 THE COMMISSIONER: --- I agree or
9 disagree ---

10 MS. FITZPATRICK: Yes.

11 THE COMMISSIONER: --- with it, that in the
12 1970s ---

13 MS. FITZPATRICK: M'hm.

14 THE COMMISSIONER: --- that corporal
15 punishment -- where corporal punishment was on the screen,
16 as what is acceptable and what's not?

17 MS. FITZPATRICK: That's correct, where do
18 you draw the line?

19 THE COMMISSIONER: M'hm, in the 1970s.

20 MS. FITZPATRICK: Well, I believe that
21 corporal punishment is to, sort of, maintain order or
22 control again.

23 THE COMMISSIONER: M'hm.

24 MS. FITZPATRICK: But this exceeds corporal
25 punishment.

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

2 **MS. FITZPATRICK:** This is degradation. This
3 is humiliation. How are you teaching somebody something by
4 stripping them down to their underwear ---

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

6 **MS. FITZPATRICK:** --- making them scrub
7 floors with a toothbrush ---

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

9 **MS. FITZPATRICK:** --- and mocking them and
10 humiliating them? How does that teach them anything? Is
11 that going to make them a better person?

12 **THE COMMISSIONER:** Excuse me.

13 **MS. DALEY:** The final area I want to ask you
14 about is this, okay, and let's put this in perspective: As
15 we said a moment ago, the fact that Ms. Antoine had alleged
16 this to your agency on two prior occasions with no action
17 was concerning to you, right?

18 **MS. FITZPATRICK:** Well, the way that she
19 presented it, because there may have been action but she
20 didn't know about it ---

21 **MS. DALEY:** But she assumed ---

22 **MS. FITZPATRICK:** --- because nobody got
23 back to her.

24 **MS. DALEY:** There was no feedback to her ---

25 **MS. FITZPATRICK:** That's right.

1 **MS. DALEY:** --- if anything happened? So
2 what I want to understand from you is this, and I confess,
3 I'm puzzled: You spoke in your testimony here about the
4 dedication of Children's Aid society workers ---

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

6 **MS. DALEY:** --- about the personal
7 sacrifices ---

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

9 **MS. DALEY:** --- that you folks make ---

10 **MS. FITZPATRICK:** Yes.

11 **MS. DALEY:** --- and I have no doubt about
12 that.

13 **MS. FITZPATRICK:** That's right.

14 **MS. DALEY:** But you, yourself, had
15 learned -- and you were a CAS employee in November of '93 -
16 - about these allegations of being harmed when she was
17 in ---

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

19 **MS. DALEY:** --- care.

20 **MS. FITZPATRICK:** Yes.

21 **MS. DALEY:** And you're hurt to learn that
22 your agency knew but ---

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

24 **MS. DALEY:** --- seemingly didn't act, or, if
25 it did, didn't, you know ---

1 **MS. FITZPATRICK:** Right.

2 **MS. DALEY:** --- connect back with her, and,
3 yet, you did not bring her allegations or your involvement
4 in the interview to anyone in authority at the agency until
5 this year? A long, long time has passed, and what I want
6 you to explain is, why not? Like, why not at a sooner time
7 take a step, based on what she's told you?

8 **MS. FITZPATRICK:** Because I knew that CSIS
9 had the case, and I knew that they were doing the
10 investigation, and I was waiting and -- and I knew the
11 Inquiry was coming. So I was -- I felt that I had done my
12 part, I had handed over the information where it needed to
13 go.

14 **THE COMMISSIONER:** And where was that?

15 **MS. FITZPATRICK:** Well, when -- to CSIS.

16 **THE COMMISSIONER:** Okay.

17 **MS. DALEY:** That's to Mr. Murphy?

18 **MS. FITZPATRICK:** Yes. And they had set up
19 taskforce, so now it has gone bigger. It was -- you know,
20 it was their job to come in and take a look.

21 **MS. DALEY:** Apart from an external policing
22 service looking at it from the perspective of a criminal
23 charge, shift focus with me just for a second.

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

25 **MS. DALEY:** What about the agency looking at

1 itself, looking at how it handled Ms. Antoine's complaint,
2 how it responded to it or didn't respond ---

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

4 **MS. DALEY:** --- how it managed the -- like,
5 an internal review.

6 **MS. FITZPATRICK:** Yes.

7 **MS. DALEY:** Did it ever -- did you ever
8 think that it was worthwhile raising it for that purpose,
9 to someone in authority?

10 **MS. FITZPATRICK:** I guess, to raise
11 that -- I wasn't in a position to raise that with the
12 agency.

13 **THE COMMISSIONER:** What do you mean?

14 **MS. FITZPATRICK:** Well, after Jeannette
15 Antoine, there was a lot of disruption in the agency.

16 **THE COMMISSIONER:** M'hm?

17 **MS. FITZPATRICK:** And a lot of
18 clamping-down. Actually, the staff became very
19 intimidated. The -- I think the director was very worried
20 about this thing getting way out of control.

21 **THE COMMISSIONER:** The director being?

22 **MS. FITZPATRICK:** Richard Abell.

23 **THE COMMISSIONER:** M'hm?

24 **MS. FITZPATRICK:** So he became very hard on
25 the staff, and then the atmosphere with the agency changed,

1 and it took on a different life. So you're asking did I
2 think that I could go forward to the agency and say, "Let's
3 sit down and talk about Jeannette, because I don't think
4 you guys did the right thing"? No, I did not.

5 **MS. DALEY:** You didn't feel you could do
6 that?

7 **MS. FITZPATRICK:** I didn't feel safe enough
8 to do that.

9 **MS. DALEY:** Did you ever attempt to raise
10 the Antoine matter with Mr. Abell?

11 **MS. FITZPATRICK:** No.

12 **MS. DALEY:** Thank you very much.

13 **MS. FITZPATRICK:** You're welcome.

14 **THE COMMISSIONER:** Thank you. Let's take
15 the morning break, knowing that after the break we'll go
16 into the in-camera session, which will take two or three
17 minutes, but then it will take another 15 to get back, so,
18 members of the public who are watching on the web cam,
19 we'll probably be about 20, 25 minutes, all right? Thank
20 you.

21 ---Upon recessing at 10:53am

22 L'audience est suspendue à 10h53

23 --- Upon resuming in Public Session at 11:23 a.m./

24 L'audience publique est reprise à 11h23

25 **THE REGISTRAR:** Order; all rise. À l'ordre;

1 veuillez vous lever.

2 This hearing is now resumed. Please be
3 seated. Veuillez vous asseoir.

4 **THE COMMISSIONER:** Thank you.

5 Mr. Rose?

6 **MR. ROSE:** Mr. Commissioner, we're going to
7 go out of order, with your leave. I have to make a one
8 o'clock train.

9 **THE COMMISSIONER:** Sure.

10 **GERALDINE FITZPATRICK:** Resumed/Sous le même serment

11 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

12 **ROSE:**

13 **MR. ROSE:** Good morning, Ms. Fitzpatrick.
14 My name is David Rose. I represent the Ministry of
15 Community Safety and Correctional Services.

16 **MS. FITZPATRICK:** Okay.

17 **MR. ROSE:** We provide probation services.

18 **MS. FITZPATRICK:** Good. Could I just say
19 one thing in relation to your question about corporal
20 punishment?

21 I had the nuns when I went to school and
22 corporal punishment was maybe the strap on your hand;
23 that's corporal punishment. In the 1970s, I went to school
24 in the State of Massachusetts and there was no corporal
25 punishment in the schools in the State of Massachusetts in

1 the 1970s.

2 THE COMMISSIONER: All right.

3 MS. FITZPATRICK: Okay.

4 THE COMMISSIONER: Thank you.

5 MS. FITZPATRICK: M'hm.

6 MR. ROSE: Miss Fitzpatrick, I have some
7 questions for you about the incident you testified about
8 yesterday in 1986 where you learned about Ken Seguin.

9 MS. FITZPATRICK: Oh, yes, m'hm.

10 MR. ROSE: And I take it that in 1986 -- and
11 I think your evidence yesterday was that it happened in
12 1986 or 1987?

13 MS. FITZPATRICK: In that period, yes.

14 MR. ROSE: Okay, because you were, as I
15 understand it, a fairly new hire ---

16 MS. FITZPATRICK: M'hm.

17 MR. ROSE: --- in 1986.

18 MS. FITZPATRICK: Yes.

19 MR. ROSE: In fact, you were hired at the
20 end of 1986?

21 MS. FITZPATRICK: Yes, December, m'hm.

22 MR. ROSE: Right. And I take it that you
23 would have completed some training before starting out in
24 your job as a -- I guess it's a child protection worker.

25 MS. FITZPATRICK: Protection worker, yes.

1 **MR. ROSE:** Okay.

2 And so in 1986, I take it, according to our
3 evidence, you go into the home of someone for, is it called
4 a home scan?

5 **MS. FITZPATRICK:** No, it's called -- well,
6 back then it was just to assess a community placement, but
7 now we would term that a safety assessment.

8 **MR. ROSE:** A safety assessment?

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

10 **MR. ROSE:** Okay, but the idea is that you're
11 going into someone's home to assess whether or not the
12 children that are there are safe?

13 **MS. FITZPATRICK:** Correct.

14 **MR. ROSE:** Okay. And when you go into this
15 home ---

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

17 **MR. ROSE:** --- I take it that you yourself
18 are going alone aren't you?

19 **MS. FITZPATRICK:** Yes.

20 **MR. ROSE:** Normally, at the beginning of
21 your career, you would have had -- been a shadow, I think
22 is the phrase you used?

23 **MS. FITZPATRICK:** I would shadow the
24 workers, yes, m'hm.

25 **MR. ROSE:** And this time you're going in

1 alone yourself?

2 **MS. FITZPATRICK:** But this is not my case.
3 I'm just following up on a piece for a worker while he
4 wasn't there.

5 **MR. ROSE:** Okay. And that meant going in
6 alone, right?

7 **MS. FITZPATRICK:** Correct.

8 **MR. ROSE:** Okay. And I take it that would
9 have been something that you would handle or able to handle
10 alone as opposed to as a shadow at that time. Would that
11 be fair?

12 **MS. FITZPATRICK:** Yes, m'hm.

13 **MR. ROSE:** So no one was sending you in to
14 do something that you weren't qualified of capable of
15 doing?

16 **MS. FITZPATRICK:** I would hope not.

17 **MR. ROSE:** And when you visited this house,
18 I take it from your evidence yesterday that you concluded
19 that the family that had care and custody of these children
20 was safe and it was a good family? I took that from your
21 evidence yesterday.

22 **MS. FITZPATRICK:** What are you referring to
23 as a good family?

24 **MR. ROSE:** Well, I'm not a child protection
25 worker, but you came to the conclusion that this was an

1 appropriate family to have children in?

2 **MS. FITZPATRICK:** My assessment was to see
3 the condition of the children while they were in this
4 temporary community placement -- not a long-term placement,
5 temporary -- and to see that these children were okay.

6 And when I went into the home, it was a very
7 clean home, children were bathed, they were groomed, they
8 were playing with the other children who they were quite
9 familiar with in the home. It was a very comfortable
10 situation for these children.

11 **MR. ROSE:** All of which is to say that you
12 would have concluded that it is an appropriate home for
13 those children?

14 **MS. FITZPATRICK:** Temporarily.

15 **MR. ROSE:** At that moment?

16 **MS. FITZPATRICK:** Yes, at that moment.

17 **MR. ROSE:** Okay.

18 But you did notice that there was someone in
19 the home ---

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

21 **MR. ROSE:** --- who was visibly upset?

22 **MS. FITZPATRICK:** He's medicated.

23 **MR. ROSE:** He's medicated?

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

25 **MR. ROSE:** I think you had said that he had

1 been -- he talked about his inability to get treatment
2 through ---

3 **MS. FITZPATRICK:** No, he's had treatment.
4 It wasn't successful.

5 **MR. ROSE:** Okay. So he has had a number of
6 unsuccessful attempts at treatment, but at that point ---

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

8 **MR. ROSE:** --- he was medicated?

9 **MS. FITZPATRICK:** Yes.

10 **MR. ROSE:** Okay. And I'm just curious, did
11 it -- just as an aside -- did it worry you or was it a
12 cause of concern to you that this family that was otherwise
13 appropriate had someone in their home who had -- was upset,
14 was under medication and had psychiatric issues? Did that
15 cause you any concern?

16 **MS. FITZPATRICK:** No. He was her husband
17 and this seemed to be something that was under control at
18 that time. His health was under control at that time,
19 under psychiatric care, and he was docile in the home.
20 There was no fear by the children demonstrated so, no, I
21 was not concerned.

22 **MR. ROSE:** Because in your statement in
23 2008, earlier in February, I think you called him -- he was
24 a bag of nerves?

25 **MS. FITZPATRICK:** Yes, m'hm. Well, even

1 though he's medicated, his hands and his legs are shaking.

2 **MR. ROSE:** Okay, but not to the extent that
3 it would have caused you concern about the appropriateness
4 of the family?

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

6 **MR. ROSE:** Okay.

7 **MS. FITZPATRICK:** These children were intact
8 children. His children, they were intact children.

9 **MR. ROSE:** Okay, they weren't his children;
10 they were someone else's children?

11 **MS. FITZPATRICK:** No, when I went into the
12 home, they had their own children. They had two of their
13 own children and those children were intact, and they were
14 taking care of the other two children temporarily while the
15 mother was incarcerated.

16 **MR. ROSE:** Okay.

17 Well, this person -- this individual -- and
18 we don't need to name him ---

19 **MS. FITZPATRICK:** No.

20 **MR. ROSE:** --- at this point, he discloses a
21 few things to you and I just want to list them as I
22 understand them.

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

24 **MR. ROSE:** He tells you, one, that he had
25 been on probation in the past?

1 **MS. FITZPATRICK:** Yes.

2 **MR. ROSE:** Second, that he had been abused
3 when he was on probation?

4 **MS. FITZPATRICK:** He didn't say probation.
5 He said that he had been in Alfred, the Alfred Group Homes
6 ---

7 **MR. ROSE:** Okay.

8 **MS. FITZPATRICK:** --- so he would have been
9 a young man.

10 **MR. ROSE:** He would have been subject to
11 some form of court order. Is ---

12 **MS. FITZPATRICK:** Yes ---

13 **MR. ROSE:** --- that what he told you?

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

15 **MR. ROSE:** Okay. And the third thing that
16 you understood from him that his abuser was, in fact, a
17 probation officer?

18 **MS. FITZPATRICK:** Correct.

19 **MR. ROSE:** Okay.

20 And all of these things, they're very
21 serious allegations aren't they?

22 **MS. FITZPATRICK:** Yes.

23 **MR. ROSE:** Even in 1986, I mean, there's
24 nothing about the time that renders this okay. It's a
25 serious allegation even in 1986?

1 **MS. FITZPATRICK:** Yes, it is.

2 **MR. ROSE:** If our views of corporal
3 discipline may have changed over time, at no time is it
4 appropriate for a probation officer to abuse a child in
5 this fashion ---

6 **MS. FITZPATRICK:** Absolutely.

7 **MR. ROSE:** --- anywhere?

8 **MS. FITZPATRICK:** Absolutely.

9 **MR. ROSE:** And did you get the name of the
10 probation officer in 1986 when you met this man and are
11 having this conversation with him?

12 **MS. FITZPATRICK:** The problem is is that the
13 man told me it had all been dealt with; the Alfred trials
14 and the probation officer.

15 **THE COMMISSIONER:** The question was ---

16 **MS. FITZPATRICK:** Oh, yes, he did say the
17 name of the probation officer.

18 **MR. ROSE:** Did he tell you that the name was
19 Ken Seguin?

20 **MS. FITZPATRICK:** Yes, he did.

21 **MR. ROSE:** Did you tell anyone at that time
22 the name Ken Seguin?

23 **MS. FITZPATRICK:** Not the name, no.

24 **MR. ROSE:** Okay. So let's just stop here.
25 You had no concerns at that time in 1986 about who the

1 identity of the probation officer was who had abused this
2 man?

3 **MS. FITZPATRICK:** It's not that I didn't
4 have a concern. This man told me that it all had been
5 dealt with through the Alfred trials, and the Alfred trials
6 happened before I even came to this country. So I thought
7 this was a done-and-over deal.

8 **MR. ROSE:** Okay. Well, I just want to deal
9 with the question of identity.

10 You knew who the person was, the probation
11 officer?

12 **MS. FITZPATRICK:** Yes.

13 **MR. ROSE:** It's Ken Seguin.

14 **MS. FITZPATRICK:** Yes.

15 **MR. ROSE:** Okay. And did you consider the
16 possibility that Ken Seguin, in 1986, was still a probation
17 officer in the community of Cornwall? Did you consider
18 that possibility?

19 **MS. FITZPATRICK:** No. And as a matter of
20 fact, when he talked about Alfred, I mean, to me the
21 probation officer was out in Alfred. You know, I didn't
22 have enough information to know who these people were.

23 **MR. ROSE:** Okay.

24 **MS. FITZPATRICK:** And no, I was not aware
25 that he was a probation officer in Cornwall.

1 **MR. ROSE:** Did your duties as a Children's
2 Aid child protection worker take you up to Alfred, into
3 that area?

4 **MS. FITZPATRICK:** No, I wasn't there.

5 **MR. ROSE:** You're in Cornwall?

6 **MS. FITZPATRICK:** Yes.

7 **MR. ROSE:** Okay. And when you got back to
8 the office did you make any efforts to find out whether Ken
9 Seguin was still on the job?

10 **MS. FITZPATRICK:** I thought the man didn't
11 exist anymore.

12 **MR. ROSE:** What led you to believe that?

13 **MS. FITZPATRICK:** Because what he said was
14 that it all went into the Alfred trials and it was all
15 dealt with.

16 **MR. ROSE:** What did he say about what that
17 meant, "dealt with"?

18 **MS. FITZPATRICK:** I didn't go into it too
19 much. I was assessing the home of the children, okay.
20 This man was a side issue and he's reporting historical
21 abuse that he told me was dealt with in the Alfred trials.
22 I don't even know what year the Alfred trials were.

23 **MR. ROSE:** Well ---

24 **MS. FITZPATRICK:** And to tell you the truth,
25 I didn't know where Alfred was.

1 **MR. ROSE:** Fair enough.

2 The reason I'm asking this question, Ma'am,
3 is because it appears, from where I'm standing, that in
4 1986 you found out about a probation officer who had been
5 abusing an adolescent or a child under the care of the
6 courts.

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

8 **MR. ROSE:** And as I understand it, you don't
9 do anything to find out -- to follow it up, to take the
10 next step to find out is this probation officer alive or
11 dead? Is he still a probation officer? Is there still a
12 possibility that he is dealing with children? Most
13 importantly, does he pose a risk presently to children in
14 Cornwall?

15 Did you do anything to follow up on that
16 issue?

17 **MS. FITZPATRICK:** If I was aware of all of
18 that information that you just passed to me, I certainly
19 would have gone straight to the top until it was dealt
20 with. What I did, as a naive, innocent worker who was
21 still shadowing at the time, was I went to my supervisor.
22 He asked how the children were, and I told him the children
23 were fine. And as a side issue I said, "You know, the
24 husband told me that he had been to Alfred and that he had
25 been abused in Alfred, and that he'd been through 11

1 treatment centres and nothing seemed to work." And I think
2 he also told me he'd been in the ROH.

3 And then I said that he used to run away to
4 his probation officer, basically the same story, but no
5 name because it didn't register to me that this was an
6 active probation officer. My point was can you imagine
7 people's tolerance? This victim, who's being abused by the
8 priest, runs to the probation officer and he thinks the
9 probation officer is a good guy because he feeds him and he
10 lets him take a shower, and he has sex with him and then he
11 takes him back to the same place, even though he's told him
12 what's happened. But he thinks the probation officer is a
13 good man because he does not beat him.

14 Now, when I came to this country, the Alfred
15 case was over and done with. I didn't even know the
16 circumstances of that. I didn't know where Alfred was. So
17 this was -- I reported what I knew.

18 **MR. ROSE:** Did you fill out a written
19 report?

20 **MS. FITZPATRICK:** Okay. Things would have
21 been in the case note. The problem is that the file -- I
22 can't remember the woman's name, and it was Jean Dupuis'
23 file. So the agency would have to go through all of his
24 files and then they would have to look for a section where
25 a subsequent report would have come in and that another

1 worker went out on the case. So it is somewhere in the
2 agency.

3 **MR. ROSE:** Ma'am, I understood from your
4 evidence today that in 1994 you had mentioned this to Wayne
5 Murphy.

6 **MS. FITZPATRICK:** Murphy.

7 **MR. ROSE:** And I take it that in the eight
8 years that passed between 1986 and 1994, this would have
9 been in your memory. It must have left an impression on
10 you?

11 **MS. FITZPATRICK:** It went back into the back
12 files of my memory, yes.

13 **MR. ROSE:** In other words, in 1994 you're
14 sufficiently alert to this ---

15 **MS. FITZPATRICK:** Now I'm alert ---

16 **MR. ROSE:** --- that you could tell ---

17 **MS. FITZPATRICK:** Yes.

18 **MR. ROSE:** --- Wayne Murphy.

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

20 **MR. ROSE:** And I'm just curious, Ma'am, as
21 to why, if it left that impression with you, you didn't do
22 anything by way of a formal separate follow-up to say,
23 "Over and above the appropriateness of this family" -- and,
24 to be fair, Ken Seguin has nothing to do with the
25 appropriateness of the family that you're visiting, does

1 he?

2 **MS. FITZPATRICK:** No.

3 **MR. ROSE:** So Ken Seguin abusing a young
4 person is really quite separate, isn't it?

5 **MS. FITZPATRICK:** Yes, and I thought the
6 authorities had already dealt with it. I thought it was a
7 done-and-over deal.

8 **MR. ROSE:** And I take it what you're
9 agreeing with me is that you didn't do anything to confirm
10 whether that was true or not.

11 **MS. FITZPATRICK:** To confirm if Ken -- well,
12 I guess I didn't.

13 **THE COMMISSIONER:** So in 1990, did you ever
14 become aware of a guy by the name of Ken Seguin who was a
15 probation officer in Cornwall?

16 **MS. FITZPATRICK:** Not until I had one case
17 come up, and that would have been -- oh, let's see, maybe
18 in the nineties sometime.

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

20 **MS. FITZPATRICK:** And it was a case where it
21 would have been intrafamilial sexual abuse. The parents
22 were sharing their children with other parents.

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

24 **MS. FITZPATRICK:** In that case, when I was
25 investigating it, I was able to get consents signed. One

1 of them was to speak to one of the offender's probation
2 officer, not knowing. And my supervisor came in to tell me
3 that Ken Seguin had called him up and said that the person
4 who had signed the consent wanted to retract the consent.

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

6 **MS. FITZPATRICK:** And I remember sort of
7 being dumbfounded when he said the name Ken Seguin because
8 then the name came back up into my mind and I'm thinking is
9 this the same person? Do you know about this person? But
10 no. You know, I wasn't even sure we were talking about the
11 same person.

12 **THE COMMISSIONER:** Okay. So when did it
13 click to you that ---

14 **MS. FITZPATRICK:** When he committed suicide.

15 **THE COMMISSIONER:** Right.

16 **MS. FITZPATRICK:** Because I was in the staff
17 room and one of the girls in the staff room said Ken Seguin
18 used to be a youth probation officer, but then there were
19 rumours that he was molesting boys and so they put him in
20 adult probation, and that's when it clicked.

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

22 **MR. ROSE:** Okay. Well, I want to go just
23 before that click.

24 **MS. FITZPATRICK:** Okay.

25 **MR. ROSE:** As Mr. Commissioner asked you

1 about, one of your co-workers relayed something to you
2 about a consent and the probation officer, Ken Seguin,
3 talking about withdrawing the consent.

4 **MS. FITZPATRICK:** Yes.

5 **MR. ROSE:** Okay. So that would have been
6 while Ken Seguin is still alive, right?

7 **MS. FITZPATRICK:** Yes, but I wasn't sure we
8 were -- you know, there's so many similar names in this
9 town, Seguins, Poiriers. So I wasn't sure he was talking
10 about the same person.

11 **MR. ROSE:** Okay.

12 **MS. FITZPATRICK:** Because this man talked to
13 me about a probation officer -- it's just like -- he's told
14 me the Alfred trials were done and dealt with and over
15 with. Why would I try to go back and investigate that?

16 **MR. ROSE:** Because a probation officer was
17 alleged of abusing a child.

18 **MS. FITZPATRICK:** But because he told me it
19 was dealt with in the Alfred trials.

20 **MR. ROSE:** Okay.

21 **MS. FITZPATRICK:** So I thought it had
22 already been to the courts and everything.

23 **MR. ROSE:** I just want to come back to this
24 incident. Before Ken Seguin dies you now find out that
25 there is a live Ken Seguin, a probation officer in

1 Cornwall; right?

2 **MS. FITZPATRICK:** Well, he didn't even say
3 Cornwall. He just said, "Ken Seguin called me," and I
4 wasn't even sure who he was and that this man wanted to
5 revoke his consent.

6 **MR. ROSE:** Right. Even if he's not in
7 Cornwall, we now find out -- or you find out at the time --
8 that there's a live Ken Seguin who's a probation officer,
9 which is presumably within a few years perhaps of you
10 finding out that a Ken Seguin who's a probation officer has
11 been abusing kids; right?

12 **MS. FITZPATRICK:** I did not make the
13 connection.

14 **MR. ROSE:** Okay. And is your evidence that
15 you told your supervisor, Bill Carriere, in 1986?

16 **MS. FITZPATRICK:** Yes.

17 **MR. ROSE:** Because it -- if we could have
18 Exhibit 2353 on the screen? Turn to Bates page, please,
19 7181406.

20 **THE COMMISSIONER:** Sorry?

21 **MR. ROSE:** Page 15, sir.

22 **THE COMMISSIONER:** Thank you.

23 **MR. ROSE:** Do you have that in front of you,
24 Ms. Fitzpatrick, page 15 of the interview of February 20th,
25 2008?

1 **MS. FITZPATRICK:** M'hm. Yeah.

2 **MR. ROSE:** And you'll see at the bottom of
3 page 15, there's some highlighted portions, and to
4 paraphrase here, it says, "Geraldine, God," this is you,
5 "maybe the first year, that would have been '86, I remember
6 the little woman, two children, she was an alcoholic. I
7 met them just as a community placement. Bill..." I take
8 it this is Bill Carriere, "did you talk to anybody about
9 that?"

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

11 **MR. ROSE:** And it says:
12 "It should be noted in response to this question, Geraldine
13 pointed her finger at Bill. Bill, 'Me?' with some emphasis
14 and questioning in a tone of voice."

15 And then the next page, second line, Bill
16 says:

17 "Okay, it's not ringing a bell at all."

18 In other words, I take it that when you
19 discussed this with Bill Carriere ---

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

21 **MR. ROSE:** --- Bill Carriere had no
22 recollection of you telling him about this incident?

23 Have I got that right?

24 **MS. FITZPATRICK:** He says he doesn't
25 remember.

1 **MR. ROSE:** Okay. I mean, is it possible,
2 Ms. Fitzpatrick, that you never told ---

3 **MS. FITZPATRICK:** Yes I did.

4 **MR. ROSE:** --- Bill Carriere?

5 **MS. FITZPATRICK:** No, it's not possible. I
6 did tell him.

7 **MR. ROSE:** Because my other question was
8 going to be, is it possible that in fact that you never
9 were in this at the time, in 1986, which is why there was
10 no follow-up investigation at the time?

11 **MS. FITZPATRICK:** Well, I have the name of
12 the victim, I don't know why he wasn't brought in and he
13 can tell you that this is what he told me.

14 **MR. ROSE:** Thank you, ma'am. Those are my
15 questions.

16 **THE COMMISSIONER:** Thank you.
17 Anybody else in -- oh, Mr. Horn? Okay, go ahead.

18 --- **CROSS-EXAMINATION BY MR. HORN/CONTRE-INTERROGATION PAR**
19 **MR. HORN**

20 **MR. HORN:** My name is Frank Horn and the
21 Coalition for Action, and -- a citizen's group interested
22 in helping individuals and some people in your position who
23 find themselves in difficult situations because of their
24 position and pressure that can be put on them.

25 **THE COMMISSIONER:** Oh, come on now, Mr.

1 Horn.

2 Mr. Horn, by your comments you're saying
3 that there was some pressure put on this lady, and/or other
4 people. That you can keep for submissions, all right? You
5 can say that your group that believes there was a
6 conspiracy and that you want to point that out as -- in the
7 evidence; that's fine, but you don't have to go and --
8 unless you want to have some evidence called, you know? I
9 don't know if that's fair.

10 MR. HORN: Okay. Thank you. The area that
11 I wish to canvass is -- there was -- you've been involved
12 in a number of joint investigations with the Cornwall
13 Police Services?

14 MS. FITZPATRICK: That's correct.

15 MR. HORN: And now, when you become involved
16 in these kinds of situations, who is the lead person that's
17 in the investigation? Is it a Children's Aid Society
18 investigation being helped by the police or are you helping
19 the police lay criminal charges?

20 MS. FITZPATRICK: I guess -- well, we have -
21 - it's a dual role. My job is to protect the child, so
22 that's my job. The job of the police is if I can help them
23 in any way with a child to pursue charges, well then that's
24 their role and I do help them.

25 MR. HORN: Because I found it interesting

1 that Heidi Sebalj was doing an investigation ---

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

3 **MR. HORN:** --- and the Children's Aid
4 Society go over and they just seem to into the file and
5 start to either take photographs or photocopies of the file
6 ---

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

8 **MR. HORN:** --- and it just seemed like they
9 had open access to police files. Is that the usual
10 situation?

11 **MS. FITZPATRICK:** Not that I'm aware of, no.

12 **MR. HORN:** So this was kind of an unusual
13 situation then, that a CAS worker could walk into the
14 police department and just go over to an investigator and
15 just take the file and say, "I'm now going to look into
16 this file."

17 **THE COMMISSIONER:** You're talking about Mr.
18 Bell, now?

19 **MR. HORN:** That's right; Greg Bell, yes.
20 And when he would be doing that, it seemed like it was
21 accepted?

22 **MS. FITZPATRICK:** Well, I can't answer to
23 that. I'm just speculating -- Greg wouldn't have done
24 something like that without his supervisor's consent.

25 **MR. HORN:** Okay, but is this the -- you've

1 been involved in a number of investigations.

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

3 **MR. HORN:** Is this the way it usually works?

4 **MS. FITZPATRICK:** No, it does not.

5 **MR. HORN:** If you want information, you just
6 walk over to the Cornwall Police Department and just pull a
7 file and, "I want to look at it." Is this the way it
8 usually works?

9 **MS. FITZPATRICK:** No. Absolutely not.

10 **MR. HORN:** Well, how are these things done?

11 **MS. FITZPATRICK:** Well, what the practice
12 is, there's all types of stipulations. If we've met a
13 family ---

14 **THE COMMISSIONER:** Just a second. Let's
15 situate ourselves now ---

16 **MS. FITZPATRICK:** Okay.

17 **THE COMMISSIONER:** --- as to what the
18 protocol or the practice was at the time. So, we're
19 talking back in 1993 ---

20 **MR. HORN:** Ninety two ('92), '93; that
21 period of time.

22 **MS. FITZPATRICK:** M'hm. I never had a
23 police officer open up their file and show me their file;
24 never.

25 **MR. HORN:** So did you see this happen or you

1 just heard about it happening?

2 **MS. FITZPATRICK:** She told me it happened.

3 **MR. HORN:** Okay, she told you it happened.

4 What did it make you think, that this was an unusual
5 situation?

6 **MS. FITZPATRICK:** Yes.

7 **MR. HORN:** And did you ever find out if
8 there had been any authorization ---

9 **MS. FITZPATRICK:** No.

10 **MR. HORN:** --- by anybody, either somebody
11 in your department or somebody at the police department
12 regarding this kind of access to be available on this
13 particular file?

14 **MS. FITZPATRICK:** No, I didn't speak with
15 anyone. I mean, that was her confiding in me and I'm just
16 assuming that that type of thing wouldn't have happened
17 without their superiors saying, "let this happen."

18 **MR. HORN:** Okay. So in this situation, did
19 it look like it was a police investigation and that all you
20 were doing, the CAS was doing, was helping in that
21 investigation?

22 **THE COMMISSIONER:** Hold it, hold it.
23 You want her to characterize what Mr. Bell was doing?

24 **MR. HORN:** Yes, did it look like he was just
25 ---

1 **THE COMMISSIONER:** Well he ---

2 **MR. HORN:** --- or was he, was he actually
3 doing an internal investigation for the CAS?

4 **THE COMMISSIONER:** Okay, no, just a second.
5 I don't know that you're -- we're going far afield there.

6 You can ask her, from what Heidi Sebalj told
7 you were you able to come to any conclusions as to what
8 this gentleman is asking you?

9 **MS. FITZPATRICK:** From what she told me your
10 question is -- again please, phrase that?

11 **MR. HORN:** Was there an ongoing CAS
12 investigation that you were not aware of, and as a result
13 when you heard this, you thought that this was part of
14 gathering information for it.

15 **MR. CHISHOLM:** I'm not sure how this witness
16 could answer a question as to whether or not there was an
17 investigation that she was not aware of.

18 **MR. HORN:** Okay, well. Were you aware of an
19 investigation going on at the time?

20 **MS. FITZPATRICK:** No.

21 **MR. HORN:** Okay. So when you heard this,
22 did you believe at that time there must be an investigation
23 going on?

24 **THE COMMISSIONER:** What did you think at the
25 time when she told you, if anything?

1 **MS. FITZPATRICK:** About the priest, what did
2 I say? Well, it did -- I had to process everything she
3 said, it didn't make sense. Everything that, you know, it
4 was, like, all of a sudden we're going to be looking at our
5 superiors? We're going to be looking at people that we
6 work with as suspects? It just didn't make sense to me
7 when she -- when she first told me all of this. I had -- I
8 needed time to digest it.

9 **MR. HORN:** There was a comment made by Heidi
10 Sebalj about a charge that was crushed ---

11 **MS. FITZPATRICK:** Yes.

12 **MR. HORN:** --- by the Crown's office.

13 **MS. FITZPATRICK:** Yes.

14 **MR. HORN:** Now, was it the Crown's office or
15 was it an individual within the Crown's office?

16 **MS. FITZPATRICK:** She said it was Murray
17 MacDonald.

18 **MR. HORN:** And were you involved in anything
19 regards that particular case?

20 **MS. FITZPATRICK:** No.

21 **MR. HORN:** Okay. And now, you did -- in the
22 statements you've made in February 2008, you mentioned some
23 interaction between you and Murray MacDonald.

24 **MS. FITZPATRICK:** But you know that could be
25 interpreted in a lot of ways. M'hm.

1 **MR. HORN:** I know. It could be interpreted
2 a lot of ways, but you had an ---

3 **MS. FITZPATRICK:** --- an encounter.

4 **MR. HORN:** --- an encounter.

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

6 **MR. HORN:** That's right.

7 And at that time, did you reflect back onto
8 what Heidi had told you, that she had the same kind of a
9 problem?

10 **THE COMMISSIONER:** Whoa, whoa, whoa. Where
11 is it?

12 **MS. FITZPATRICK:** I don't ---

13 **THE COMMISSIONER:** What are we looking for?
14 The same kind of problem?

15 **MR. HORN:** I'm saying that ---

16 **THE COMMISSIONER:** Where is it in the
17 transcript?

18 **MR. HORN:** It would be page 17 of the ---

19 **THE COMMISSIONER:** Okay.

20 **MR. HORN:** --- interview with Geraldine
21 Fitzpatrick.

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

23 **MR. HORN:** In February 2008.

24 **THE COMMISSIONER:** Okay.

25 **MR. HORN:** Okay. When you were treated this

1 way -- in that way, did that make you think about how Heidi
2 must have been treated when she said that she -- her
3 investigation was crushed?

4 **MS. FITZPATRICK:** When I was treated this
5 way, I was ready to leave my career, I was so upset. He
6 had me thinking that I was not competent to be doing my
7 job.

8 **MR. HORN:** Okay.

9 When the -- there was a reinvestigation of
10 the Silmsler allegation by Shawn White. Were you ever
11 interviewed?

12 **THE COMMISSIONER:** Just a second.

13 **MR. MANDERVILLE:** That's not accurate.
14 Officer White never investigated the Silmsler allegation.
15 You may have misspoken.

16 **MR. HORN:** Pardon?

17 **MR. MANDERVILLE:** Officer White did not
18 conduct an investigation into the Silmsler allegation.

19 It was the Antoine ---

20 **MR. HORN:** The Antoine allegation. I'm
21 sorry. The Antoine allegations; Shawn White, when he
22 reinvestigated those allegations did he interview you?

23 **MS. FITZPATRICK:** No.

24 **MR. HORN:** Do you know -- do you have any
25 idea if he was aware of any of the work that you had done?

1 **MS. FITZPATRICK:** I didn't even know he was
2 doing an investigation.

3 **MR. HORN:** Were there any notes that were
4 available that he could have looked at, in the Society?

5 **MS. FITZPATRICK:** Well, I didn't take any
6 notes. It was Heidi who took the notes.

7 **MR. HORN:** And the notes, would they
8 indicate that you were involved in the interview?

9 **MS. FITZPATRICK:** Yes.

10 **MR. HORN:** So they would be available ---

11 **MS. FITZPATRICK:** --- with the police,
12 somewhere.

13 **MR. HORN:** --- with the police.

14 **THE COMMISSIONER:** I don't know that she
15 could answer whether they were available, but ---

16 **MR. HORN:** Okay.

17 **MS. FITZPATRICK:** Okay.

18 **MR. HORN:** The investigation that you and
19 Heidi conducted together, ---

20 **MS. FITZPATRICK:** Yes.

21 **MR. HORN:** --- if it was done properly,
22 would your name have been mentioned in there?

23 **MS. FITZPATRICK:** Yes.

24 **MR. HORN:** And that would be part of the
25 notes that Heidi would have?

1 **MS. FITZPATRICK:** Yes.

2 **MR. HORN:** And did you expect, if there was
3 an investigation, that you would be questioned?

4 **MS. FITZPATRICK:** Yes.

5 **MR. MANDERVILLE:** I'm not sure how this is
6 helpful, Mr. Commissioner. I mean, we know from Exhibit
7 1285, that a Supplementary Occurrence Report was created in
8 January of '94 that mentions the interview that Ms.
9 Fitzpatrick carried out. So clearly it was known within
10 the police service by January of '94.

11 **MR. HORN:** I'm just saying, did you expect
12 to be interviewed on that?

13 **MS. FITZPATRICK:** Yes. Well, I didn't know.
14 I was waiting for the matter to be investigated. I never
15 heard from anybody.

16 **MR. HORN:** Ms. Antoine's -- were you aware
17 that Ken Seguin was her probation officer in the past?

18 **MS. FITZPATRICK:** No.

19 **MR. HORN:** You never knew that at all?

20 **MS. FITZPATRICK:** No.

21 **MR. HORN:** When would you have gotten any
22 knowledge of that?

23 **MS. FITZPATRICK:** I believe at the very end
24 of the interview, when we finished with Jeannette, Heidi
25 asked Jeannette, "Do you know Ken Seguin?" And I remember

1 Jeannette sort of just taking a -- stopping dead in her
2 tracks -- physical appearance changed, her face looked
3 shocked, and she didn't want to talk about it, so I guess
4 Heidi said we'll talk about it later. So that's all I
5 know. I don't even know if she said he had been her
6 officer. She just stopped dead in her tracks and she -- so
7 it wasn't time to hear any more stories, you know?

8 **MR. HORN:** So that's as far as you saw; her
9 reaction, when his name came up?

10 **MS. FITZPATRICK:** Yes.

11 **MR. HORN:** And you never went further than
12 that?

13 **MS. FITZPATRICK:** Because Heidi had closed
14 the interview and was planning on getting back with
15 Jeannette to follow up. A two-hour interview is exhausting
16 and it's emotionally exhausting when you're hearing a
17 victim pour out all this pain. And you need to have time
18 to absorb it, so that you can go through it and then pick
19 up the other pieces. Well, this was just a flooding of
20 information that she gave us that day.

21 **MR. HORN:** I understand, but from what I
22 understand you were called in by Heidi to do the
23 investigation because you were trained in that sort of
24 investigation.

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

1 **MR. HORN:** So you were actually the
2 interviewer?

3 **MS. FITZPATRICK:** Yes, I was.

4 **MR. HORN:** So you could have gone deeper
5 into that area?

6 **MS. FITZPATRICK:** Which I planned that we
7 were going to in the next meeting.

8 **MR. HORN:** Okay. You did plan to do that?

9 **MS. FITZPATRICK:** Yes, I thought we were
10 going to have a subsequent to continue the interviews, yes.

11 **MR. HORN:** But you never got back with
12 Heidi. That was the end of your involvement?

13 **MS. FITZPATRICK:** I tried to get back with
14 Heidi. Heidi didn't get back to me.

15 **MR. HORN:** Okay. I want to get back to when
16 Greg Bell went over to the police ---

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

18 **MR. HORN:** --- and was asking for the file.
19 You suggest -- you said that Heidi told you that you
20 couldn't do anything or say anything because you would be
21 obstructing justice.

22 **MS. FITZPATRICK:** A police investigation.

23 **MR. HORN:** That's right; a police
24 investigation.

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

1 **MR. HORN:** What about Greg Bell and what he
2 was doing; him going ---

3 **MS. FITZPATRICK:** I don't know what he was
4 doing.

5 **MR. HORN:** I know. But he was doing
6 something like what you were being told not to do. Don't
7 get involved.

8 **MR. KATZ:** I don't think Ms. Fitzpatrick is
9 qualified to answer on whether a police investigation is
10 being obstructed by this other person. It's not her --
11 that's not her expertise.

12 **THE COMMISSIONER:** Well, I don't know about
13 expertise but ---

14 **MR. KATZ:** Pardon?

15 **THE COMMISSIONER:** Excuse me. Her testimony
16 was that Ms. Sebalj -- Officer Sebalj told her not to go to
17 her employer to talk about the Antoine matter. So now you
18 want to compare what Mr. Bell was doing in taking
19 photographs of a file. That's all she knows, is that he
20 was taking photographs of a file. So what's the question?

21 **MR. HORN:** Well, the question is; she was
22 told by Heidi, "Don't get involved." And yet, here's
23 another worker from CAS, walks in and goes right into the
24 file and it seems like he's doing something where it could
25 be interpreted as being obstructing. And he's not told the

1 same thing as she was.

2 **THE COMMISSIONER:** He's not told. We can't
3 go there, Mr. Horn. We've just got this witness saying
4 what Ms. Sebalj told her.

5 So we don't know why Mr. Bell -- first of
6 all, we only have what Heidi Sebalj told us that she says
7 Mr. Bell was doing. We don't know anything further than
8 that.

9 **MR. HORN:** Did it make you think that maybe
10 you were being treated differently than some other worker
11 from CAS in the fact that you were told to stay out and
12 others can walk in and do whatever they want to? Did that
13 make you think that you were being treated very
14 differently?

15 **MS. FITZPATRICK:** Well, first of all, I
16 wasn't told to stay away from it. Heidi told me, "Give me
17 two weeks. I'm taking these tapes to a lawyer to secure
18 them, and then I'm going to get back to you and we'll know
19 what to do," because she will have had a lawyer's advice.
20 And she also planned to go to the police, but in another
21 division, to ask their opinion and their support.

22 So first of all, I wasn't told to -- what
23 was your line? You said that -- to not be involved or
24 something like that?

25 **MR. HORN:** No, I'm just saying did you think

1 that you were being treated differently than another worker
2 from the same agency, and he had access and you were told
3 to butt out?

4 **MS. FITZPATRICK:** Well, I never asked to see
5 the file, so I wasn't told to butt out. I was just told to
6 wait.

7 **MR. HORN:** And to stay -- and don't get
8 involved any more.

9 **THE COMMISSIONER:** No, no.

10 **MR. HORN:** Because you would be -- you could
11 be charged with obstruct justice.

12 **MS. FITZPATRICK:** Okay, that's -- yes, I
13 told her I wanted to tell my supervisor, I had to tell my
14 supervisor, and she said, "No, you can't." And I said,
15 "Why not?" and she said, "Because that -- you will be
16 obstructing a criminal investigation." And then I said,
17 "Well, then you have to tell your boss," who was Luc
18 Brunet, and she said she couldn't. She said she wanted to,
19 she trusted her supervisor, but it was a conflict of
20 interest that he was sitting on the Board.

21 **MR. HORN:** What were your thoughts when
22 Mr. Abell was beaten?

23 **THE COMMISSIONER:** Well, first of all, are
24 you aware that Mr. Abell was the victim of an assault?

25 **MS. FITZPATRICK:** Yes.

1 **MR. HORN:** An assault.

2 **MS. FITZPATRICK:** Yes.

3 **MR. HORN:** And what was your reaction to
4 that?

5 **MS. FITZPATRICK:** Well, we were all shocked.
6 We were all concerned for Richard Abell.

7 **MR. HORN:** Did you interpret that as being
8 part of an attempt to intimidate him?

9 **MS. FITZPATRICK:** No, no. I wouldn't have
10 known. I didn't know all of this -- all the arms. This
11 thing has many arms. All I can say is that when he was
12 assaulted I thought the man was commendable. Instead of
13 saying, "Go out and find those people and arrest them," he
14 showed empathy to them, saying that, you know, these people
15 must have a lot of pain to do something like that.
16 Unfortunately in Cornwall a lot of people do get jumped and
17 they do get mugged and they -- you know.

18 **MR. HORN:** Thank you.

19 **THE COMMISSIONER:** All right. Mr. Lee?

20 **MR. LEE:** Good afternoon, Mr. Commissioner.

21 **THE COMMISSIONER:** Good afternoon, sir.

22 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

23 **MR. LEE:**

24 **MR. LEE:** Ms. Fitzpatrick, my name is Dallas
25 Lee. I act for the Victims' Group.

1 **MS. FITZPATRICK:** Oh good.

2 **MR. LEE:** I have a few questions I'd like to
3 ask you, please.

4 **MS. FITZPATRICK:** Okay.

5 **MR. LEE:** You've given us a fair bit of
6 detail about your first meeting with Ms. Sebalj concerning
7 these matters and I guess we've narrowed the timeframe to
8 very late October or very early November of 1993.

9 **MS. FITZPATRICK:** Yes.

10 **MR. LEE:** Is that right? Because we know
11 the Antoine interview is November 12th and you think it's in
12 a couple of weeks before that.

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

14 **MR. LEE:** Now, you've confirmed for us that
15 you did not take any notes of that conversation with Ms.
16 Sebalj. Is that correct?

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

18 **MR. LEE:** I'm wondering how you prepared for
19 your testimony here. What documents did you review, as an
20 example?

21 **MS. FITZPATRICK:** Actually I didn't prepare
22 myself very well at all. When I found out I was going to
23 be in this testimony I started leaving town, taking breaks.

24 **THE COMMISSIONER:** Oh.

25 **MS. FITZPATRICK:** Yeah. That's how I

1 prepared myself for the testimony.

2 MR. LEE: So you were sort of focused on
3 emotionally preparing yourself. Is that a fair way of
4 putting it?

5 MS. FITZPATRICK: Well, I had to remove
6 myself from the situation.

7 MR. LEE: And you told Ms. Daley that one of
8 the things you reviewed was the summary of the interview
9 with Bill Carriere.

10 MS. FITZPATRICK: Yes.

11 MR. LEE: Is that right?

12 MS. FITZPATRICK: M'hm.

13 MR. LEE: Did you listen to the audiotape of
14 that interview ---

15 MS. FITZPATRICK: No.

16 MR. LEE: --- in preparation for this?
17 Have you ever heard that audiotape?

18 MS. FITZPATRICK: No.

19 MR. LEE: Okay.

20 Now, certainly you wouldn't have reviewed
21 notes that Heidi would have made of that initial
22 conversation?

23 MS. FITZPATRICK: No.

24 MR. LEE: Nothing -- you haven't seen
25 anything like that?

1 MS. FITZPATRICK: No.

2 MR. LEE: Is that correct?

3 MS. FITZPATRICK: M'hm.

4 MR. LEE: So what you've told us here, I
5 take it, you're relying on your memory?

6 MS. FITZPATRICK: Of ---

7 MR. LEE: Of that initial meeting.

8 MS. FITZPATRICK: With Heidi?

9 MR. LEE: Yes.

10 MS. FITZPATRICK: Yes.

11 MR. LEE: And can you explain to me -- let
12 me put it this way.

13 Are you telling us that as you sit here
14 today you have in your mind a memory of that meeting?

15 MS. FITZPATRICK: I certainly do.

16 MR. LEE: And one of the things you told us
17 that you remember is that it was a meeting at the end of
18 the day.

19 MS. FITZPATRICK: Yes.

20 MR. LEE: Is that correct?

21 And you described to us how Ms. Sebalj was
22 different than usual, and you said she was guarded and
23 defensive.

24 MS. FITZPATRICK: Her demeanour was
25 different, yes; guarded and defensive.

1 **MR. LEE:** And you have an actual
2 recollection of that as you sit here today?

3 **MS. FITZPATRICK:** Yes, yeah.

4 **MR. LEE:** And something else you told us was
5 that Ms. Sebalj told you that she believed the complainant.

6 **MS. FITZPATRICK:** Yes.

7 **MR. LEE:** Meaning the complainant who had
8 made an allegation against the priest.

9 **MS. FITZPATRICK:** Yes.

10 **MR. LEE:** And you recall her saying that?

11 **MS. FITZPATRICK:** Yes.

12 **MR. LEE:** And another thing you've talked a
13 fair bit about was the fact that the victim -- according to
14 Ms. Sebalj, the alleged victim had gone to the CAS and had
15 been told to report to the police instead.

16 **MS. FITZPATRICK:** Yes.

17 **MR. LEE:** And you've told us that you've
18 since confirmed that with one of your colleagues ---

19 **MS. FITZPATRICK:** Yes.

20 **MR. LEE:** --- Ms. Leblanc.

21 Now, one of the things you've repeated a
22 number of times is that Ms. Sebalj told you that she
23 believed the complainant and that she wanted to charge the
24 priest.

25 **MS. FITZPATRICK:** Yes.

1 **MR. LEE:** I'm going to ask you to take a
2 moment and think very clearly on this.

3 **MS. FITZPATRICK:** Okay.

4 **MR. LEE:** Can you tell me that you have an
5 actual memory of Ms. Sebalj saying that she wanted to
6 charge the priest?

7 **MS. FITZPATRICK:** Yes.

8 **MR. LEE:** That's a memory that you have in
9 your mind right now?

10 **MS. FITZPATRICK:** It's very clear, yes.

11 **MR. LEE:** Now, something else you told us
12 was that Ms. Sebalj told you that Perry Dunlop -- and the
13 words you used, according to my notes:

14 "Perry Dunlop stole my file and brought
15 it to Richard Abell."

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

17 **MR. LEE:** Do you recall the use of the word
18 "stole"?

19 **MS. FITZPATRICK:** That was her word. She
20 said, "He stole my file."

21 **MR. LEE:** And I'm not concerned at all about
22 how that actually went down and how Mr. Dunlop -- I don't
23 need your evidence on that.

24 **MS. FITZPATRICK:** Right.

25 **MR. LEE:** What I want to know is what

1 Ms. Sebalj said to you, and you recall her using the word
2 that he had "stole" the file.

3 **MS. FITZPATRICK:** Yes.

4 **MR. LEE:** Something else that you told us
5 about was your thoughts on the complainant being told that
6 he couldn't report to the CAS and he should go to the
7 police instead.

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

9 **MR. LEE:** And you told us that as far as you
10 were concerned you would have done things differently.

11 **MS. FITZPATRICK:** Well, I had cases that
12 were differently -- and we did deal with it.

13 **MR. LEE:** And that's something you told
14 Ms Daley about today, about being at an RMC -- I can't
15 remember what that stands for.

16 **MS. FITZPATRICK:** Risk Management Committee.

17 **MR. LEE:** Risk Management Committee, and
18 what you told us, it was an allegation of historical sexual
19 abuse.

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

21 **MR. LEE:** And what is your definition of
22 "historical"? What do you mean when you say that?

23 **MS. FITZPATRICK:** Well, that it was
24 something that had happened a number of years ago.

25 **MR. LEE:** So it wasn't a child saying, "I

1 was abused yesterday"?

2 **MS. FITZPATRICK:** No, no, of course not.

3 **MR. LEE:** It was somebody saying, "I was
4 abused ---"

5 **MS. FITZPATRICK:** It's an adult who's saying
6 -- yeah.

7 **MR. LEE:** And that's the case you're talking
8 about at this Risk Management Committee?

9 **MS. FITZPATRICK:** Yes.

10 **MR. LEE:** It's an adult coming forward to
11 say he or she was abused as a child by a teacher?

12 **MS. FITZPATRICK:** Well, there's a -- hold
13 on. It led into that. The story was an uncle had sexually
14 abused his niece, so the worker that was investigating that
15 needed some assistance because she felt that -- she wasn't
16 sure she could leave the child in the home because the
17 mother was angry at the child for disclosing the sexual
18 abuse of the uncle.

19 **MR. LEE:** Okay.

20 **MS. FITZPATRICK:** So I went to the home with
21 the worker and in her defence the mother came out with --
22 and said, "Well, what do you expect? My brother used to be
23 an altar boy." And she said, "The day that we buried my
24 father, the altar boy," who was her brother, "and Charlie
25 MacDonald were in the back room, and Charlie MacDonald

1 sexually abused him there."

2 And so then when she came out with that --
3 and she said he had also been abused by a school teacher,
4 and she gave the name of the school teacher. So the next
5 day we're sitting in the RMC committee discussing the case
6 about the girl, what we're going to do with her to set up
7 her protection, and the reason why this happened is this is
8 her uncle, and look what happened to the uncle.

9 And I remember saying -- and the school
10 teacher, and this is what he did, and Richard was sitting
11 there and I said, "So what are you going to do about it?"

12 And he looked at me and I said, "Well, right
13 now as we're sitting in this meeting, there's a school
14 teacher in a classroom with children and we have these
15 allegations of historical sexual abuse." So that's when
16 Richard got up and left and he made some phone calls.

17 **MR. LEE:** Richard being Richard Abell?

18 **MS. FITZPATRICK:** Yes.

19 **MR. LEE:** Who was the Executive Director at
20 the time.

21 **MS. FITZPATRICK:** Yes.

22 **MR. LEE:** If we break that down a little
23 bit, it sounds that obviously you had no -- the uncle by
24 this point was an adult?

25 **MS. FITZPATRICK:** Yes.

1 **MR. LEE:** So as a CAS worker, you're not
2 concerned about protecting him from an abuse -- from this
3 school teacher abuser at that point?

4 **MS. FITZPATRICK:** No, but there's a school -
5 - that same school teacher is in a classroom with children
6 as we speak.

7 **MR. LEE:** What year would this have been
8 when you had that conversation at the meeting with Richard
9 Abell?

10 **MS. FITZPATRICK:** Oh, God, when everything
11 else was coming out, so what year would that be, 1994, '95,
12 in there.

13 **MR. LEE:** Do you recall this being after
14 your involvement with Heidi Sebalj and Jeannette Antoine?

15 **MS. FITZPATRICK:** Oh, it was definitely
16 after that.

17 **MR. LEE:** Okay. And by that point, 1994,
18 1995, you at least appreciated that when you receive an
19 allegation of historical abuse, ---

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

21 **MR. LEE:** --- the abuser is still in the
22 community and in this case, had access to children, you
23 have to do something.

24 **MS. FITZPATRICK:** Yes.

25 **MR. LEE:** And Richard Abell seemingly agreed

1 with you by this point?

2 MS. FITZPATRICK: Yes.

3 MR. LEE: Okay.

4 You gave us an example yesterday of the work
5 environment at the CAS and you said that you sat next to
6 Greg Bell for 10 years.

7 MS. FITZPATRICK: M'hm.

8 MR. LEE: And despite that fact, you didn't
9 know what files he was working on and he didn't know what
10 files you were working on. And you said it was on a need-
11 to-know basis and it's confidential.

12 MS. FITZPATRICK: Yes.

13 MR. LEE: And I was a little bit confused by
14 that comment. Would you be free as a CAS worker to discuss
15 one of your files with another CAS worker if you had
16 questions or you wanted a second opinion or you had
17 problems?

18 MS. FITZPATRICK: Actually, you're directed
19 to go to the supervisor these days and not to the worker.

20 THE COMMISSIONER: We're back then.

21 MS. FITZPATRICK: Oh, back then, we would go
22 to another worker and discuss. But Greg was under full
23 confidentiality. And I guess if anybody could keep a
24 secret in that agency, it was Greg.

25 MR. LEE: And you told us, as an example,

1 that during your friendship with Carleen Cummings,
2 sometimes on a Friday night, you would discuss your
3 respective caseloads, things like that.

4 **MS. FITZPATRICK:** Spend hours on the phone
5 debriefing, yeah.

6 **MR. LEE:** And so, should I have understood
7 you then to mean that it would not be typical practice for
8 you to be fully immersed in your colleagues' caseloads but
9 there would be time when there'd be sharing of information
10 and bouncing around of ideas and things like that?

11 **MS. FITZPATRICK:** Oh, we would talk about
12 sort of the scenarios, not so much the names but the
13 scenarios about what it's like having somebody chase you
14 with a butcher knife, you know, that kind of thing.

15 **MR. LEE:** Okay.

16 You -- shifting focus a little bit, you were
17 asked some questions about the interview -- well, you've
18 been asked many questions about the interview on November
19 12th, '93 with Jeannette Antoine.

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

21 **MR. LEE:** And one of the things you told us
22 yesterday was that you were not there as a CAS worker.

23 **MS. FITZPATRICK:** No.

24 **MR. LEE:** You said "I was there for support
25 to Heidi to help her validate or substantiate or rule out

1 what this woman was telling her."

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

3 **MR. LEE:** Okay. And that's how you felt at
4 the time?

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

6 **MR. LEE:** And ---

7 **MS. FITZPATRICK:** I wasn't working, it was
8 my day off.

9 **MR. LEE:** In another context here, we've
10 been -- it's been suggested by some that a police officer,
11 for example, is a police officer 24/7.

12 **MS. FITZPATRICK:** Okay.

13 **MR. LEE:** That's been a suggestion. So what
14 I want to ask you is, did you feel the same way as a CAS
15 worker? I'm wondering how you can sit here and tell us
16 that you're a CAS worker at one moment and then you're not
17 a CAS worker at another?

18 **MS. FITZPATRICK:** Well, that's an
19 interesting point because I'm always a CAS worker. And
20 I've made many calls to the agency after hours and I've
21 gone to other jurisdictions to protect children. So I'm
22 always a CAS worker. I get myself in trouble sometimes for
23 it.

24 **MR. LEE:** But this specific case was
25 different. When you were at that interview, ---

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

2 **MR. LEE:** --- you told us you didn't -- you
3 weren't there ---

4 **MS. FITZPATRICK:** Well, because I wasn't
5 investigating a case of child abuse of a child.

6 **MR. LEE:** Can you turn up Exhibit 2353?
7 That's the summary of the interview you did with Bill
8 Carriere.

9 **THE COMMISSIONER:** That's that document
10 right there, yes. And what page, sir?

11 **MR. LEE:** Page 5 please; Bates page 396 --
12 I'm sorry, page 398, so page 7.

13 And if you look right in the middle of the
14 page, you'll see two bullets. And one of them reads:

15 "Gerry says that she did not think that
16 what she did with Jeannette was part of
17 her job at CAS. It was not an
18 assignment."

19 The bullet below that reads:

20 "Gerry says that she felt like she was
21 doing this job under the authority of
22 the police."

23 Do you see that?

24 **MS. FITZPATRICK:** You know, I wouldn't even
25 say that it was under the authority of the police. This

1 was a situation where Heidi -- when Heidi first came to the
2 police department, she called me up and she introduced
3 herself as Heidi Sebalj.

4 She is the first woman who's ever worked in
5 the SACA unit. She was not well received by the males in
6 the unit and she didn't feel supported. They sort of
7 resented having a female first time in their unit.

8 So she was asking me for some support so she
9 could basically measure up to the other people in her unit.
10 I mean, they should have been sitting down doing the joint
11 interviews with her, not me.

12 But she asked that I would do the interview.
13 I didn't see any harm in doing it. As a matter of fact, I
14 told my husband, I said "Listen, I'm going" -- I left him
15 at the Sears shopping mall, I said, "I'm going in, I'll be
16 back in 20 minutes." Because I didn't think there was
17 going to be anything to the interview.

18 **MR. LEE:** When did you first meet Heidi
19 Sebalj?

20 **MS. FITZPATRICK:** Well, the first time I
21 ever saw her, she was in front page newspaper, the Standard
22 Freeholder, being -- receiving an award for saving a life.
23 And she was a young promising police officer. That's the
24 first time.

25 **MR. LEE:** This would have been before she

1 joined SACA?

2 **MS. FITZPATRICK:** Yes.

3 **MR. LEE:** And when would you have first
4 dealt with her in an official capacity?

5 **MS. FITZPATRICK:** I don't know what year she
6 came to SACA. So, okay, so if we're talking '93, I guess
7 in '93 because we'd already done an investigation.

8 **MR. LEE:** So by the time she calls you
9 asking, as you described it, for your support and talking
10 about some of the challenges of being a woman working in
11 that unit ---

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

13 **MR. LEE:** --- you have some relationship
14 with her?

15 **MS. FITZPATRICK:** Well, I was flattered by
16 what she said. Let's put it this way, I'm vulnerable.

17 **MR. LEE:** Would you have considered yourself
18 friends by that point?

19 **MS. FITZPATRICK:** No, we're -- you know
20 what? I don't know where the woman lives or where she ever
21 lived. I knew nothing about her personal life so I can't
22 say where ---

23 **MR. LEE:** Didn't socialize?

24 **MS. FITZPATRICK:** No, we didn't socialize,
25 no.

1 **MR. LEE:** Didn't socialize together?

2 **MS. FITZPATRICK:** No.

3 **MR. LEE:** Didn't -- you weren't at her home
4 for dinner; she wasn't at your home for dinner; nothing
5 like that?

6 **MS. FITZPATRICK:** Never, no.

7 **MR. LEE:** But obviously, by the time this
8 Antoine situation comes up, you would agree with me that
9 you seemed to have a fairly good relationship?

10 **MS. FITZPATRICK:** With Heidi?

11 **MR. LEE:** Yes.

12 **MS. FITZPATRICK:** Yes.

13 **MR. LEE:** She's calling you to ask for ---

14 **MS. FITZPATRICK:** Yes.

15 **MR. LEE:** --- assistance. She's bringing
16 you in. I noticed in the -- on the tape that -- of the
17 November 12th interview, she begins things by turning it
18 over to you by calling you "Ger."

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

20 **MR. LEE:** Not Geraldine, not Gerry, Ger,
21 sort of a familiarity there.

22 **MS. FITZPATRICK:** At work, everybody calls
23 me Gerry, m'hm.

24 **MR. LEE:** Right.

25 **MS. FITZPATRICK:** And I have to say I've

1 worked with the other police officers just as much. So
2 this wasn't any preferential treatment or friends, I mean
3 ---

4 **MR. LEE:** No, I'm not suggesting
5 preferential treatment. I'm trying to get some feel for
6 what the relationship between you and Ms. Sebalj. I mean -
7 --

8 **MS. FITZPATRICK:** It was professional.

9 **MR. LEE:** --- I have a bit of a picture here
10 of her taking you into her confidence, ---

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

12 **MR. LEE:** --- her venting a little with you.

13 **MS. FITZPATRICK:** Yes.

14 **MR. LEE:** Her inviting you along to this
15 interview that's sort of off the books.

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

17 **MR. LEE:** You didn't know it at the time but
18 it ends up being off the books. She's sharing these things
19 with you. So I'm wondering if sitting here today, you know
20 why that was and why she would have been comfortable
21 choosing you to do that and so I was asking a little bit
22 about the past relationship.

23 **MS. FITZPATRICK:** Oh, the reason why she
24 asked me to do this, and this is where she flattered me, is
25 that she said that when she came into the unit, the -- her

1 fellow officers praised my work, they used to call me
2 "Digger." And they said "If you want to get to the bottom
3 of a case, that's who you want to work with."

4 **MR. LEE:** Can you turn -- do you still have
5 that exhibit up?

6 **MS. FITZPATRICK:** Yes.

7 **MR. LEE:** If you can turn to page 5, please?

8 And Ms. Daley had you read essentially the
9 bottom half of this page. And I'd like you to look at the
10 fifth-last bullet if you could. It begins "She said that
11 she didn't trust..." Can you just read that to yourself
12 please?

13 **MS. FITZPATRICK:** Yes.

14 Well, she felt that things were too enmeshed
15 ---

16 **MR. LEE:** Hold on, I haven't asked my
17 question yet.

18 **MS. FITZPATRICK:** Okay.

19 **MR. LEE:** I want you to read that bullet and
20 I want you to tell me; are you paraphrasing here, are you
21 drawing an assumption from something she said or do you
22 have a memory of her saying something very similar to this?

23 **MS. FITZPATRICK:** I have memory of her
24 saying something very similar to this.

25 **MR. LEE:** So this, at the very least, is the

1 gist of what you remember her telling you?

2 **MS. FITZPATRICK:** M'hm, yeah.

3 **MR. LEE:** Okay.

4 You also told us a little bit about your
5 efforts to contact Ms. Sebalj after November 12th, '93 and
6 being unsuccessful.

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

8 **MR. LEE:** And you told us that eventually
9 you do manage to speak with Dave Bough who is another
10 officer with the Cornwall police. Is that right?

11 **MS. FITZPATRICK:** Yes, he shared an office
12 with her. He was in the same unit.

13 **MR. LEE:** And you've told us a little
14 bit -- you said yesterday that it's terrible -- he told you
15 that it was terrible what they were doing to her, and that
16 they were disciplining her and making her the scapegoat.
17 You said today that he told you that they were blaming her
18 for the news leak.

19 Do you have any other information about your
20 conversation with Dave Bough? Is there anything else you
21 can tell us that you haven't already told us about that?

22 **MS. FITZPATRICK:** No. But, he didn't say
23 she was the scapegoat. He didn't say they were making her
24 a scapegoat. What he said was, "It's terrible what they're
25 doing to her. They're disciplining her."

1 That's what he said, and he was -- he was
2 careful about what he had to say, too, because he -- there
3 were a lot of internal things going on.

4 **MR. LEE:** And did that conversation with
5 Dave Bough go any further, as it ---

6 **MS. FITZPATRICK:** No.

7 **MR. LEE:** --- related to Sebalj?

8 **MS. FITZPATRICK:** No.

9 **MR. LEE:** And did you ever have another
10 conversation with Dave Bough about Heidi Sebalj?

11 **MS. FITZPATRICK:** No.

12 **MR. LEE:** Okay.

13 I'd like to ask you briefly about Wayne
14 Murphy.

15 **MS. FITZPATRICK:** Yes.

16 **MR. LEE:** You originally during your
17 testimony mentioned that you knew that he had been with the
18 RCMP ---

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

20 **MR. LEE:** --- and you told us that you
21 subsequently learned that he was with CSIS?

22 **MS. FITZPATRICK:** Yes.

23 **MR. LEE:** Is that right?

24 **MS. FITZPATRICK:** Yes.

25 **MR. LEE:** At the time that you took him into

1 your confidence ---

2 MS. FITZPATRICK: Yes.

3 MR. LEE: --- at that meeting over Christmas
4 of 1993, what did you understand his profession to be?

5 MS. FITZPATRICK: I understood that he was
6 an RCMP officer.

7 MR. LEE: So you thought at that point he
8 was still an RCMP officer?

9 MS. FITZPATRICK: Yes.

10 MR. LEE: And do you have information to the
11 contrary now?

12 MS. FITZPATRICK: Yes.

13 MR. LEE: And what do you know now that he
14 was doing for a career at that point?

15 MS. FITZPATRICK: I understand he was CSIS,
16 working international affairs.

17 MR. LEE: And that was true as of Christmas,
18 1993? That's your understanding?

19 MS. FITZPATRICK: I don't know when he left
20 CSIS. I don't know what year.

21 MR. LEE: Okay -- no, but what I'm asking
22 is, is it your belief sitting here today that when you took
23 him into your confidence for the first time in Christmas of
24 1993, that he was a CSIS officer at that point?

25 MS. FITZPATRICK: No. He was an RCMP

1 officer.

2 MR. LEE: Okay.

3 MS. FITZPATRICK: In my understanding. He
4 didn't tell us he was CSIS.

5 MR. LEE: Okay, I understand.

6 And you told us that after some back and
7 forth with Wayne Murphy that he told you that you had done
8 a good job and that your role was now done?

9 MS. FITZPATRICK: M'hm.

10 MR. LEE: And he told you that they were
11 taking over?

12 MS. FITZPATRICK: Yes.

13 MR. LEE: Who did you understand "they" to
14 be?

15 MS. FITZPATRICK: He said it so fast, so I
16 don't remember. All I know is that he was with the task
17 force, and he said that they set up three task force, and I
18 know he was with law enforcement, m'hm.

19 MR. LEE: Can we go back to Exhibit 2353, to
20 page 7 this time, please? I want to look at the second
21 bullet on that page.

22 MS. FITZPATRICK: M'hm.

23 MR. LEE: The summary begins:

24 "Gerry says that Murphy said that he
25 had gone to the Attorney General and

1 that they had set up three task
2 forces."

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

4 **MR. LEE:** Do you see that?

5 **MS. FITZPATRICK:** Yes.

6 **MR. LEE:** Do you recall Wayne Murphy telling
7 you anything about his contacts with the Attorney General?

8 **MS. FITZPATRICK:** That's what I thought he
9 said, but I -- you know, when he called me up, and he was
10 saying things -- when he told me this is bigger than what I
11 realized and that it was in their hands now, I felt relief.
12 I felt like I wanted to pull away, you know, this is too
13 scary, let me just do my casework, you know, and this is
14 like a movie, you know?

15 And so do I remember that it was the
16 Attorney General's office, you're asking me fifteen years
17 later?

18 **MR. LEE:** Sitting here today.

19 **MS. FITZPATRICK:** I don't know.

20 **MR. LEE:** Okay.

21 **MS. FITZPATRICK:** I thought it was the
22 Attorney General's office. I know that he went internal
23 and he's CSIS, so I don't know who CSIS goes to.

24 **MR. LEE:** Nor do I.

25 **MS. FITZPATRICK:** Okay.

1 **MR. LEE:** That, at least, isn't something
2 you have a clear memory of sitting here today, exactly who
3 he said "they" were and everything else?

4 **MS. FITZPATRICK:** No.

5 **MR. LEE:** Okay. Now, just briefly, you
6 mentioned that Murphy gave you two distinct pieces of
7 information, and I just want to know whether or not you
8 have any other information about that.

9 One was he said that Bryan Keough had left
10 the agency and that the CAS continued to pay him for two
11 years anyway?

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

13 **MR. LEE:** You recall Wayne Murphy telling
14 you that?

15 **MS. FITZPATRICK:** Yes.

16 **MR. LEE:** Do you have any further
17 information on that whatsoever?

18 **MS. FITZPATRICK:** No.

19 **MR. LEE:** Okay.

20 **MS. FITZPATRICK:** But that was one of the
21 discoveries they made while they were investigating; that's
22 what he said.

23 **MR. LEE:** Do you have any personal knowledge
24 of that though? You've never followed up on that with the
25 agency or anything else?

1 **MS. FITZPATRICK:** Well, I can't go to ask
2 them. That's their corporate secret.

3 **MR. LEE:** If the answer is no, that's ---

4 **MS. FITZPATRICK:** Oh -- no.

5 **MR. LEE:** --- absolutely fine.

6 **MS. FITZPATRICK:** No.

7 **MR. LEE:** I just -- I want to confirm you
8 don't have any more information?

9 **MS. FITZPATRICK:** No.

10 **MR. LEE:** So you have no more information on
11 that?

12 **MS. FITZPATRICK:** No.

13 **MR. LEE:** You just have what Wayne Murphy
14 told you?

15 **MS. FITZPATRICK:** Yes.

16 **MR. LEE:** Okay, and the second thing that
17 I'm interested in is that Wayne Murphy told you that
18 Jeannette Antoine got a settlement so big that the CAS
19 couldn't pay her all in one year. That's how I took your
20 evidence?

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

22 **MR. LEE:** Do you have any further
23 information about that?

24 **MS. FITZPATRICK:** No.

25 **MR. LEE:** Are you still in touch with Wayne

1 Murphy?

2 **MS. FITZPATRICK:** No.

3 **MR. LEE:** Do you know whether he's still
4 working?

5 **MS. FITZPATRICK:** No.

6 **MR. LEE:** Do you know whether he's still
7 alive? Do you know anything about him at all?

8 **MS. FITZPATRICK:** I know that he's alive; I
9 know that he's building another house. When my husband
10 died, there was a falling-out in the family and I haven't
11 had contact since.

12 **MR. LEE:** Do you know if he lives in
13 Ontario?

14 **MS. FITZPATRICK:** Yes, he does, yes.

15 **MR. LEE:** If I can have just a few minutes,
16 I should be able to finish.

17 You told us a little bit about one of your
18 co-workers, Patricia Garrahan, and her telling you that she
19 was dating Charlie Greenwell at a certain period of time.
20 You recall that?

21 **MS. FITZPATRICK:** Yes, I do.

22 **MR. LEE:** And I'm still a little bit
23 confused about the timing of that conversation ---

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

25 **MR. LEE:** --- where you learn that

1 information. You told us yesterday that what initiated the
2 conversation that you had with Patricia Garrahan were the
3 allegations against Milton MacDonald?

4 **MS. FITZPATRICK:** Yes.

5 **MR. LEE:** Is that right?

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

7 **MR. LEE:** And I don't want to talk about why
8 Patricia Garrahan was interested in the Milton MacDonald
9 situation, I just want to confirm that your using the
10 Milton MacDonald situation is sort of a post in time that
11 you can tie that event to?

12 **MS. FITZPATRICK:** Yes.

13 **MR. LEE:** Is that correct?

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

15 **MR. LEE:** And you also said it would have
16 been around the time that the Antoine allegations hit the
17 media?

18 **MS. FITZPATRICK:** Yes.

19 **MR. LEE:** And so we know that was
20 January, '94?

21 **MS. FITZPATRICK:** Okay, yes.

22 **MR. LEE:** And you told us that it was also
23 around the time that the Charles MacDonald matter was in
24 the media as well?

25 **MS. FITZPATRICK:** To me, it's all at the

1 same time, yes, m'hm.

2 MR. LEE: There were a lot of things
3 happening ---

4 MS. FITZPATRICK: Yes.

5 MR. LEE: --- when this happened, and we
6 know that the -- what we now know as the Silmsers statement
7 was shown on the news January 6th, '94.

8 MS. FITZPATRICK: M'hm.

9 MR. LEE: So that puts us in that time frame
10 as well, so given that ---

11 MS. FITZPATRICK: Oh, excuse me, I remember
12 one more thing that Dave Bough said. Because that had been
13 on the news, Heidi ---

14 MR. LEE: The Silmsers statement?

15 MS. FITZPATRICK: Yes -- Heidi was being
16 sued for \$2 million.

17 MR. LEE: Okay. So we have the Antoine
18 allegations in the media in January, '94; we have the
19 Silmsers statement on Greenwell's newscast, January 6th, '94;
20 we have the Milton MacDonald things coming up which we know
21 from other sources is early '94. Based on that, are you
22 fairly confident that your conversation with Garrahan would
23 have been early '94?

24 MS. FITZPATRICK: Yes.

25 MR. LEE: Okay.

1 Now, at the time that Ms. Garrahan told you
2 that she was dating or had dated ---

3 **MS. FITZPATRICK:** Charlie Greenwell.

4 **MR. LEE:** --- Mr. Greenwell ---

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

6 **MR. LEE:** --- do you recall what her
7 language was? That she had dated him in the past or that
8 she was currently dating him?

9 **MS. FITZPATRICK:** She was dating him, and
10 I'm not the only one she told. She was announcing it to
11 all the girls at work.

12 **MR. LEE:** Do you have any information,
13 either from that conversation or from further conversations
14 with her, about when they started dating?

15 **MS. FITZPATRICK:** No, I didn't ask her when
16 they started dating, no.

17 **MR. LEE:** That's fine, or when they met? Do
18 you have any information about that?

19 **MS. FITZPATRICK:** No. I don't even know how
20 they met, no.

21 **MR. LEE:** Okay. And you told that story in-
22 chief a couple of times, of exactly how that went along
23 with the Milton MacDonald thing, and at one point you sort
24 of started over and you said, "She then announced to me and
25 other co-workers a couple of days later that she's dating

1 Greenwell. I got the impression she may have been a bit of
2 a loose cannon."

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

4 **MR. LEE:** What did you mean by "a loose
5 cannon"?

6 **MS. FITZPATRICK:** She -- okay. She could
7 get over-excited and sort of see things -- okay. I don't
8 know if I should be saying this. She had a health problem
9 and so there would have been some brain activity, brain
10 damage, from the health problem.

11 And so, you know, sometimes she was right on
12 board and other times she could be a loose cannon and
13 threaten all kinds of people, and she's going to call
14 everybody up, and, you know, that kind of thing. I guess
15 that's what I mean by a "loose cannon."

16 **MR. LEE:** Did you know her as the type to
17 take action on her own when she felt something wasn't
18 right?

19 **MS. FITZPATRICK:** Do I personally know that
20 she would do something like that? I mean, I -- I would
21 think she did, but I can't say for sure.

22 **MR. LEE:** Okay.

23 And, finally, you've told us that you
24 have -- and still to this day, I understand -- never been
25 interviewed by any police officer from any police force in

1 relation to the Jeannette Antoine situation?

2 MS. FITZPATRICK: No.

3 MR. LEE: And that would include your
4 dealings with Heidi Sebalj? In all of this matter, you've
5 never been interviewed by any police force ---

6 MS. FITZPATRICK: No.

7 MR. LEE: --- is that correct?

8 And my understanding is you were never
9 interviewed by the CAS prior to the interview with Bill
10 Carriere in February of '08?

11 MS. FITZPATRICK: Correct.

12 MR. LEE: Is that right?

13 MS. FITZPATRICK: M'hm.

14 MR. LEE: Have you ever been interviewed in
15 relation to these matters by any other agency?

16 MS. FITZPATRICK: No.

17 MR. LEE: You've never spoken to the
18 Attorney General; never spoken to the governing ministry of
19 the CAS or anything like that?

20 MS. FITZPATRICK: Well, there's one thing
21 that happened after that.

22 After -- you know, it was in the newspaper,
23 all these people were charged, then, you know, it's in the
24 newspaper that everything gets abolished, because of the
25 time frames or whatever.

1 Now, my mother had a very good friend named
2 Victoria Stewart and she's with the Macdonald Stewart
3 Foundation. And so Victoria invited me over to the house
4 one day and she wanted to hear -- to put pieces together,
5 as curious seeing all -- you know, how could this happen,
6 blah, blah, blah. Anyway, Victoria told me that she was
7 friends with Garry Guzzo.

8 **MR. LEE:** Okay. Let me stop you there for a
9 second. I don't know what the Macdonald Stewart Foundation
10 is.

11 **MS. FITZPATRICK:** It's in Montreal. I
12 believe -- well, the Macdonalds -- it was a tobacco
13 company.

14 **MR. LEE:** Does it have anything to do with
15 law enforcement in any way, or investigation or anything
16 like that?

17 **MS. FITZPATRICK:** No.

18 **MR. LEE:** Okay.

19 **MS. FITZPATRICK:** No.

20 **MR. LEE:** So you have this woman who's a
21 family friend and she wants to hear the story.

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

23 **MR. LEE:** You tell her the story,
24 presumably, or you tell her much of -- some of what's gone
25 on?

1 **MS. FITZPATRICK:** Yeah. I bring some ---

2 **MR. LEE:** You find out she's a friend of
3 Garry Guzzo.

4 **MS. FITZPATRICK:** Yeah.

5 **MR. LEE:** A friend of Garry Guzzo? An
6 acquaintance, a colleague, do you know?

7 **MS. FITZPATRICK:** Friend.

8 **MR. LEE:** Friend of Garry Guzzo, okay.

9 **MS. FITZPATRICK:** And he was the one who
10 wanted to pursue the Inquiry.

11 **MR. LEE:** Okay. Did you ever meet with
12 Garry Guzzo?

13 **MS. FITZPATRICK:** No.

14 **MR. LEE:** Were you ever questioned by him?

15 **MS. FITZPATRICK:** No.

16 **MR. LEE:** Ever correspond with him?

17 **MS. FITZPATRICK:** No.

18 **MR. LEE:** Okay.

19 And going back to the interview conducted by
20 Bill Carriere earlier this year, were you provided with any
21 documents in advance of that to review?

22 **MS. FITZPATRICK:** No.

23 **MR. LEE:** Were you shown any documents at
24 the interview?

25 **MS. FITZPATRICK:** No.

1 **MR. LEE:** Okay. And so I take it this
2 Inquiry is the first time you've ever been questioned in
3 any detail on these events?

4 **MS. FITZPATRICK:** Yes.

5 **MR. LEE:** Thank you very much. Those are my
6 questions.

7 **MS. FITZPATRICK:** Thank you.

8 **THE COMMISSIONER:** Thank you.

9 We'll break for lunch now. I understand
10 that because tomorrow is a Jewish holiday some people might
11 want to leave early, or whatever, so I'd like to get some
12 comments as to how we're going to complete this cross-
13 examination and when. All right? Thank you. We'll see
14 you at 2:00.

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

17 This hearing will resume at 2:00 p.m.

18 --- Upon recessing at 12:33 p.m./

19 L'audience est suspendue à 12h33

20 --- Upon resuming at 2:03 p.m./

21 L'audience est reprise à 14h03

22 **THE REGISTRAR:** Order; all rise. À l'ordre;
23 veuillez vous lever. This hearing is now resumed. Please
24 be seated. Veuillez vous asseoir.

25 **THE COMMISSIONER:** Thank you.

1 I thought maybe I'd changed your mind, Mr.
2 Neville.

3 **MR. NEVILLE:** Wishful thinking,
4 Commissioner.

5 **THE COMMISSIONER:** Sorry?

6 **MR. NEVILLE:** Wishful thinking.

7 **GERALDINE FITZPATRICK Resumed/Sous le même serment:**

8 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

9 **MR. NEVILLE:**

10 **MR. NEVILLE:** Good afternoon,
11 Ms. Fitzpatrick. My name is Michael Neville. I represent
12 Father Charles MacDonald, I represent the Estate of Ken
13 Seguin and Mr. Seguin's family.

14 **MS. FITZPATRICK:** Okay.

15 **MR. NEVILLE:** Just bear with me for a
16 moment, please.

17 Now, Ms. Fitzpatrick, can I start with this;
18 have you had occasion over the last couple of years to
19 follow the Inquiry?

20 **MS. FITZPATRICK:** Not too much of it. I
21 really -- but we've been -- you know what? We know of it
22 at work but we've been so busy with work that we don't
23 follow up on the Inquiry.

24 **MR. NEVILLE:** Have you watched any
25 testimony?

1 **MS. FITZPATRICK:** I watched Bill Carriere's
2 testimony recently.

3 **MR. NEVILLE:** All right. And all of his
4 testimony up to now?

5 **MS. FITZPATRICK:** No, not all of his
6 testimony. And I saw Angelo Townville's testimony.

7 **MR. NEVILLE:** All right. All or most of
8 his?

9 **MS. FITZPATRICK:** Most of his.

10 **MR. NEVILLE:** All right. And are there any
11 other witnesses whose testimony you watched in whole or in
12 part?

13 **MS. FITZPATRICK:** No.

14 **MR. NEVILLE:** Have you read any transcripts?

15 **MS. FITZPATRICK:** There's a section there of
16 the victims -- who said that they were victims, and one of
17 the names I recognized. I called the Commission because
18 that person committed a murder, which is a cold-case file.

19 **MR. NEVILLE:** I don't think it was
20 responsive to the question, Commissioner. I'll move on.

21 **THE COMMISSIONER:** Thank you.

22 **MR. NEVILLE:** Now, do you know either of
23 Helen Dunlop or Perry Dunlop?

24 **MS. FITZPATRICK:** No.

25 **MR. NEVILLE:** Are you aware that in the fall

1 of 1993, and more through 1994 and following, there was
2 controversy here about Mr. Dunlop and things he did?

3 **MS. FITZPATRICK:** It was pretty much well --
4 -

5 **MR. NEVILLE:** The question is did you know
6 about it.

7 **MS. FITZPATRICK:** Well, it was in the news.

8 **MR. NEVILLE:** Right. So your knowledge was
9 at least in part through the media?

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

11 **MR. NEVILLE:** Did you gain knowledge by
12 talking to others?

13 **MS. FITZPATRICK:** The only thing I knew
14 about Perry Dunlop after was that he and Richard were doing
15 sort of their own joint investigations.

16 **MR. NEVILLE:** How did you find that out?

17 **MS. FITZPATRICK:** Well, because they were in
18 the agency and ---

19 **MR. NEVILLE:** I'm sorry, they were what?

20 **MS. FITZPATRICK:** In the agency.

21 **MR. NEVILLE:** Who's "they"?

22 **MS. FITZPATRICK:** Well, Perry Dunlop and
23 Richard.

24 **MR. NEVILLE:** Oh, he was in the agency?

25 **MS. FITZPATRICK:** Yes.

1 **MR. NEVILLE:** I'm sorry. I recall you did
2 tell the Commissioner that at some point you saw him there.

3 **MS. FITZPATRICK:** Yes, as well as other
4 workers. But there was a case that I handled, and in that
5 case I met the mother -- she was the wife of one of the
6 victims and she told me that they -- her, her husband, and
7 Silmsler and whoever else had several meetings with Richard
8 Abell and Perry Dunlop for support. And she said that
9 Perry Dunlop would play his guitar. She also told me she
10 was developing a crush on Perry Dunlop.

11 **MR. NEVILLE:** Could I -- I'll let you go
12 ahead, Commissioner.

13 **THE COMMISSIONER:** Just answer his
14 questions, all right?

15 **MS. FITZPATRICK:** Okay.

16 **THE COMMISSIONER:** He'll now how to get to
17 where he wants to go.

18 **MS. FITZPATRICK:** Okay.

19 **MR. NEVILLE:** Just to pick up on
20 Mr. Commissioner, Ms. Fitzpatrick, if you just carefully
21 listen to my question and answer it as best you could,
22 concisely, if there's a follow-up by me I'll ask it. If
23 you feel there's something you need to add, all right,
24 okay?

25 **MS. FITZPATRICK:** Okay.

1 **MR. NEVILLE:** But just try to focus on the
2 question. All right?

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

4 **MR. NEVILLE:** Thanks. All right.

5 So -- and one of the other lawyers this
6 morning touched on this. You were interviewed in the
7 presence -- or by Mr. Carriere on February 20th of this
8 year, 2008.

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

10 **MR. NEVILLE:** And you said a great number of
11 things, and there's a typed version of that interview which
12 you've looked at ---

13 **THE COMMISSIONER:** Sorry, it's not a typed
14 version. It's just ---

15 **MR. NEVILLE:** Of the notes.

16 **MS. FITZPATRICK:** A synopsis.

17 **MR. NEVILLE:** It's Mr. Carriere's notes,
18 Commissioner, which I understand are made -- and I may
19 stand to be corrected; he'll be back with us -- made from
20 the tape, but I'm not 100 percent sure he used the tape.

21 **THE COMMISSIONER:** Okay.

22 **MR. NEVILLE:** In any event, it's our Exhibit
23 2353.

24 Now, in giving that interview you gave it
25 from your unaided memory?

1 **MS. FITZPATRICK:** Unaided memory, yes.

2 **MR. NEVILLE:** All right.

3 And is it possible, Ms. Fitzpatrick, that on
4 any particular details that we see there, many of which
5 you've given here, you could be mistaken?

6 **MS. FITZPATRICK:** Such as what one?

7 **MR. NEVILLE:** Well, you've said a lot of
8 things about what Officer Sebalj said to you.

9 **MS. FITZPATRICK:** Yes.

10 **MR. NEVILLE:** And is it possible you're
11 mistaken on any of those things?

12 **MS. FITZPATRICK:** No.

13 **MR. NEVILLE:** And you told the Commissioner
14 about an event where you went to a home on a child
15 protection issue and had a conversation with a man who was
16 not in very good health, and he told you certain things.

17 **MS. FITZPATRICK:** Yes.

18 **MR. NEVILLE:** Is it possible you're mistaken
19 about any of those details?

20 **MS. FITZPATRICK:** No, I'm not.

21 **MR. NEVILLE:** All right. Well, we'll come
22 back to some of that in a minute.

23 When did you come to Canada?

24 **MS. FITZPATRICK:** Oh jeez, 19 -- late
25 seventies, early eighties.

1 **MR. NEVILLE:** All right. And in relation to
2 coming to Canada -- let's say it's into the early eighties
3 perhaps, even -- you did not actually join CAS, I
4 understand it, until sometime in 1986?

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

6 **MR. NEVILLE:** And were you employed before
7 that?

8 **MS. FITZPATRICK:** Yes.

9 **MR. NEVILLE:** And doing what?

10 **MS. FITZPATRICK:** I worked for Unemployment
11 Canada.

12 **MR. NEVILLE:** Yes. Here in the Cornwall
13 area?

14 **MS. FITZPATRICK:** Yes.

15 **MR. NEVILLE:** All right.

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

17 **MR. NEVILLE:** Go ahead. Anything else?

18 **MS. FITZPATRICK:** And then sometimes I took
19 part-time jobs waitressing -- not waitressing but my
20 girlfriend's father owned a pub and I would fill in shifts
21 for her. What else did I do? That's basically it.

22 **MR. NEVILLE:** Well, I don't want a whole
23 litany, but eventually after various temporary or part-time
24 jobs, including Unemployment Insurance, you joined CAS?

25 **MS. FITZPATRICK:** Yes.

1 **MR. NEVILLE:** And we understand in late
2 1986?

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

4 **MR. NEVILLE:** And that answer is "yes"?

5 **MS. FITZPATRICK:** Yes.

6 **MR. NEVILLE:** And there was a probationary
7 or mentoring period, I think you told the Commissioner, of
8 about a year?

9 **MS. FITZPATRICK:** Six months of ---

10 **MR. NEVILLE:** Six months?

11 **MS. FITZPATRICK:** Yeah.

12 **MR. NEVILLE:** And would it be fair to say
13 that this experience with this gentleman who tells you
14 about Mr. Seguin was in that mentoring stage, the six-month
15 period?

16 **MS. FITZPATRICK:** I would think so.

17 **MR. NEVILLE:** All right. So that would put
18 us in the first portion of 1987, if you joined in December
19 '86?

20 **MS. FITZPATRICK:** You know, without the file
21 I can't say the date.

22 **THE COMMISSIONER:** But in ---

23 **MS. FITZPATRICK:** Okay, I know -- yes, let's
24 put it in that period of time.

25 **MR. NEVILLE:** Now, let me just -- what I'm

1 going to do is set up here some of the things you've said
2 about Ms. Sebalj and what she said to you.

3 MS. FITZPATRICK: Okay.

4 MR. NEVILLE: And then I'm going to refer
5 you to certain of our other evidence and exhibits and ask
6 what your position is.

7 MS. FITZPATRICK: Okay.

8 MR. NEVILLE: And what you told the ---

9 MS. FITZPATRICK: Can I get my glasses?

10 MR. NEVILLE: Pardon me?

11 THE COMMISSIONER: I'm sorry?

12 MS. FITZPATRICK: I'd like to get my
13 glasses.

14 THE COMMISSIONER: Sure.

15 MR. NEVILLE: Oh, by all means.

16 (SHORT PAUSE/COURTE PAUSE)

17 MS. FITZPATRICK: Okay.

18 MR. NEVILLE: All set?

19 MS. FITZPATRICK: M'hm.

20 MR. NEVILLE: So you told the Commissioner
21 near the end of a particular day, you went to Heidi's
22 office; there was a difference in her demeanour; you asked
23 her if something was wrong; she let down her guard and told
24 you certain things. And what you told us was, that she'd
25 had a case involving a priest; ---

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

2 **MR. NEVILLE:** --- that she felt you knew
3 about it for some reason; that Mr. Bell of your agency had
4 been in her office; that he was, I think you said
5 yesterday, photographing her file ---

6 **MS. FITZPATRICK:** Correct.

7 **MR. NEVILLE:** --- and that he wanted to
8 investigate her case or her file.

9 **MS. FITZPATRICK:** Well, I don't know if he
10 wanted to investigate her.

11 **MR. NEVILLE:** No, I'm talking about what she
12 told you.

13 **MS. FITZPATRICK:** Oh, okay. Yes.

14 **MR. NEVILLE:** Focus on now is what she told
15 you ---

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

17 **MR. NEVILLE:** --- as you've told us. All
18 right?

19 She told you that -- I think you used the
20 word a boy had gone to CAS, before going to the Cornwall
21 Police; that he complained of abuse to an intake worker,
22 who told him it was not the mandate of the CAS, that he
23 should go to the police. She told you -- this is all Heidi
24 -- that she believed this person and wanted to charge the
25 priest. She told the Crown -- in fact, I'll come to what

1 you added today -- and she said that there was no victim
2 and therefore no case and yesterday said, "the Crown would
3 not let me charge the priest and she felt there was
4 collusion going on."

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

6 **MR. NEVILLE:** Today, you added:
7 "I wanted to charge the priest and they
8 wouldn't let me."

9 **MS. FITZPATRICK:** M'hm. Right.

10 **MR. NEVILLE:** And "they let her down."

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

12 **MR. NEVILLE:** All right.

13 Now, ---

14 **MS. FITZPATRICK:** But I could excuse -- if I
15 said a boy went to the Children's Aid Society, that's a
16 mistake, because it was a man. So that's my error if I
17 said a boy.

18 **MR. NEVILLE:** Well, I thought it was a man,
19 but ---

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

21 **MR. NEVILLE:** Now, you're obviously familiar
22 with Officer Sebalj. She was, as you've described it, an
23 up and coming police officer.

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

25 **MR. NEVILLE:** And by 1993, the fall when you

1 have these conversations that you've described, as you
2 recall it, how long had she been a police officer?

3 **MS. FITZPATRICK:** Well, I wouldn't know how
4 long she's been a police officer. How long she had been in
5 the SACA unit is another situation.

6 **MR. NEVILLE:** Well, you'd seen her, I think
7 you said to the Commissioner, being photographed getting a
8 hero's medal.

9 **MS. FITZPATRICK:** But that was quite some
10 years ago. I don't even think I ---

11 **MR. NEVILLE:** Well, that's my point.

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

13 **MR. NEVILLE:** So as of the fall of '93, how
14 long before had you seen the photograph?

15 **MS. FITZPATRICK:** Oh, a couple of years
16 before.

17 **MR. NEVILLE:** All right. So you knew she'd
18 been on the police force at least a couple of years, right?

19 **MS. FITZPATRICK:** I guess, yes.

20 **MR. NEVILLE:** Is that fair?

21 **MS. FITZPATRICK:** I never thought about it.

22 **MR. NEVILLE:** All right.

23 And you know that police officers keep
24 notes.

25 **MS. FITZPATRICK:** Yes.

1 **MR. NEVILLE:** Right. And they keep them
2 normally as they go along, from day to day, as they do
3 things to refresh their memory on a later occasion, right?

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

5 **MR. NEVILLE:** And are you aware that Officer
6 Sebalj, throughout her conduct of the Silmser
7 investigation, kept notes?

8 **MS. FITZPATRICK:** No, I'm not aware.

9 **MR. NEVILLE:** Would you expect her to?

10 **MS. FITZPATRICK:** Well, that's the
11 expectation of any worker.

12 **MR. NEVILLE:** Right.

13 Now Commissioner, I can do it by referring
14 the witness or I can simply read from the documents. I'm
15 in your hands. I was going to refer to her notes, but if
16 you think it's better that I show the witness, I'll do
17 that.

18 **THE COMMISSIONER:** Yes. Show her the notes.

19 **MR. NEVILLE:** Okay. Could the witness
20 please see Exhibit 295?

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **THE COMMISSIONER:** What page?

23 **MR. NEVILLE:** The Bates page, Commissioner,
24 would be 835.

25 Do you know what Bates pages are, Ms.

1 Fitzpatrick?

2 MS. FITZPATRICK: Pardon?

3 MR. NEVILLE: Do you know what Bates pages
4 are?

5 MS. FITZPATRICK: Yes.

6 MR. NEVILLE: The little numbers at the top.
7 Have you found one that the last three numbers are 835?
8 The date at the top of the page is the 23rd of August, 1993.
9 It should be right near the back of the exhibit.

10 MS. FITZPATRICK: I'm almost there.

11 MR. NEVILLE: There's also, Commissioner,
12 black numbers on there as well. I don't know if they're
13 helpful.

14 Are there black numbers in the top corner?

15 THE COMMISSIONER: Just a second.

16 Madam Clerk, could you just show her where
17 we're going at here?

18 MR. NEVILLE: There's a black 41,
19 Commissioner, on the page.

20 THE COMMISSIONER: Well, let's start showing
21 her where Bates pages are.

22 MS. FITZPATRICK: Okay.

23 THE COMMISSIONER: When we say Bates pages,
24 that's what we mean, those numbers there.

25 So we're looking at -- the last number is

1 835, you said?

2 MR. NEVILLE: Yes, sir.

3 Have you found it?

4 MS. FITZPATRICK: Yes, I have.

5 MR. NEVILLE: And you see two dates, one at
6 the top and one below it?

7 MS. FITZPATRICK: I do.

8 MR. NEVILLE: Let's look at the second one
9 down.

10 This is the 24th of August, 1993. Now these
11 are, so you understand, Ms. Fitzpatrick, Constable Sebalj's
12 contemporary notes, made as she went along in the Silmsers
13 case.

14 MS. FITZPATRICK: M'hm.

15 THE COMMISSIONER: We don't really know if
16 they're contemporary notes.

17 MR. NEVILLE: Fair enough.

18 THE COMMISSIONER: You know -- so, they're
19 notes. We don't know how valid they are. We have seen
20 mistakes in notes throughout this Inquiry, so let's be
21 fair.

22 MR. NEVILLE: These are what we've been told
23 are her notes, Ms. Fitzpatrick, all right?

24 The 24th of August, she has a time entry of
25 12:09 noon and I'll read them to you:

1 "Returned telephone call to Dave Silmser
2 requesting progress report."

3 That's he is.

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

5 **MR. NEVILLE:** "Advise..." That means she
6 advises him.

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

8 **MR. NEVILLE:** "...simply awaiting meeting
9 with out of town Crown to review."

10 So she's telling him that she's waiting --
11 Sebalj -- to meet with an out of town Crown to review the
12 case. All right?

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

14 **MR. NEVILLE:** "I asked him if he had
15 pursued counselling. Stated, 'No
16 money. Church won't help and Royal
17 Ottawa is a bunch of idiots.' Asked
18 for his school marks again. Stated he
19 would check on progress. Silmser very
20 good mood. Advised he was not in any
21 hurry. 'Don't care if it takes another
22 four months.'"

23 Right?

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

25 **MR. NEVILLE:** You follow that?

1 **MS. FITZPATRICK:** I see that.

2 **MR. NEVILLE:** Now, you see the next entry?

3 **THE COMMISSIONER:** Changing -- turning the
4 page?

5 **MR. NEVILLE:** Yes, Commissioner. I had read
6 onto the top of the next page, to be accurate.

7 The next entry you'll see, Ms. Fitzpatrick,
8 is the 7th of September, 1999.

9 **MS. FITZPATRICK:** Right.

10 **MR. NEVILLE:** It says, at eight o'clock in
11 the morning:

12 "0800, met with Staff Sergeant Brunet.
13 Handed a letter from Malcolm MacDonald's
14 office in which is enclosed a direction
15 signed by Silmsers on 3 September '93 to stop
16 any further proceedings."

17 **MS. FITZPATRICK:** I see that.

18 **MR. NEVILLE:** All right.

19 Now, did Ms. Sebalj, when you were talking
20 to her in the fall of 1993 tell you that she was told of a
21 settlement?

22 **MS. FITZPATRICK:** Not in this context, not
23 that way. She said that the Diocese was offering him
24 money, something along that line.

25 **MR. NEVILLE:** M'hm.

1 Well, what you told us was that Ms. Sebalj
2 said to you, and I've read out from yesterday and today,
3 the things she said that she did; one of which was that she
4 went to see Murray MacDonald, the Crown, and he, to use
5 today's phrase, squashed the case.

6 MS. FITZPATRICK: That is correct.

7 MR. NEVILLE: All right.

8 Can we refer the witness, Commissioner, to
9 Exhibit 1242, please?

10 THE COMMISSIONER: Twelve-forty-two (1242).

11 MS. FITZPATRICK: Way back here. Oh.

12 (SHORT PAUSE/COURTE PAUSE)

13 MR. NEVILLE: Do you have it there?

14 MS. FITZPATRICK: Yes.

15 MR. NEVILLE: Now, this is a statement by
16 Heidi Sebalj to the Ontario Provincial Police on the 14th of
17 June, 1994. Now let me just put this in context to see if
18 it fits your recollection.

19 MS. FITZPATRICK: M'hm.

20 MR. NEVILLE: We've talked about media
21 coverage in Cornwall and other counsel talked about a great
22 deal of coverage early in '94.

23 MS. FITZPATRICK: M'hm.

24 MR. NEVILLE: Did you become aware, through
25 the media coverage or perhaps otherwise, that the OPP came

1 back into -- or came into Cornwall and throughout '94
2 reinvestigated the entire matter?

3 MS. FITZPATRICK: All I know, and I -- no.
4 I did not know that.

5 MR. NEVILLE: All right, that's the answer,
6 you didn't know, right?

7 MS. FITZPATRICK: Okay.

8 MR. NEVILLE: All right. So, just so you
9 know, this statement is part of that reinvestigation by
10 them, all right?

11 MS. FITZPATRICK: Okay.

12 MR. NEVILLE: Let's look at it. She's
13 asked, in the first introductory paragraph:

14 "During your sexual assault
15 investigation involving David Silmser,
16 you spoke with Crown attorney Murray
17 MacDonald."

18 And this is her answer:

19 "Yes. He is the Crown attorney in
20 Cornwall and I kept him up to speed on
21 the investigation. I never had any
22 formal meeting, but we would talk in
23 the hallway at work."

24 When I was getting close to the end
25 of the investigation, I spoke with

1 Crown MacDonald. He told me he had a
2 conflict, but did not expand upon it.
3 He wanted to be kept up to speed and
4 indicated, when it came down to a final
5 review and decision, an outside Crown
6 would be contacted, but I never spoke
7 to an outside Crown."

8 And then she goes on about a call that she
9 got from Officer Brunet that she might be speaking to a
10 Crown by the name of Pelletier.

11 Now, do you agree with me, Ms. Fitzpatrick,
12 that this statement by Ms. Sebalj is inconsistent with what
13 she told you in the fall of '93?

14 **MS. FITZPATRICK:** Absolutely, because this
15 is not what she told me.

16 **MR. NEVILLE:** Can we next have the witness,
17 Commissioner, look at exhibits 300 and 301?

18 **MS. FITZPATRICK:** Is it the same book?

19 **MR. NEVILLE:** The same book, yes.

20 **MS. FITZPATRICK:** Okay.

21 **MR. NEVILLE:** Do you have them?

22 **MS. FITZPATRICK:** I have it. What number
23 are you looking at?

24 **THE COMMISSIONER:** Three hundred (300).

25 **MR. NEVILLE:** Let's start with ---

1 MS. FITZPATRICK: Okay, yes.

2 MR. NEVILLE: Let's start with 300.

3 MS. FITZPATRICK: Okay.

4 MR. NEVILLE: Now, you've heard mention, and
5 we've heard mention through your testimony and as reflected
6 in your statement with Mr. Carriere, about Staff Sergeant
7 Brunet ---

8 MS. FITZPATRICK: M'hm.

9 MR. NEVILLE: --- her supervisor?

10 MS. FITZPATRICK: Yes.

11 MR. NEVILLE: All right. And you see that
12 Exhibit 300 is a letter by Staff Sergeant Brunet to
13 Mr. MacDonald? Right?

14 MS. FITZPATRICK: M'hm.

15 MR. NEVILLE: And the date on it is the 9th
16 of September, 1993?

17 MS. FITZPATRICK: Correct.

18 MR. NEVILLE: And you understand, do you,
19 that Staff Sergeant Brunet has testified here? Did you
20 know that?

21 MS. FITZPATRICK: Yes, I do.

22 MR. NEVILLE: Okay.

23 MS. FITZPATRICK: M'hm.

24 MR. NEVILLE: And how did you know that?

25 MS. FITZPATRICK: Was it in the paper? I

1 mean, how would ---

2 MR. NEVILLE: So you may have read about his
3 testimony?

4 MS. FITZPATRICK: Yes, m'hm.

5 MR. NEVILLE: Would you look at the letter,
6 please? It appears to indicate that the Staff Sergeant was
7 in conversation by telephone with Mr. MacDonald.

8 MS. FITZPATRICK: M'hm.

9 MR. NEVILLE: Right?

10 MS. FITZPATRICK: Yes.

11 MR. NEVILLE: And then in the next
12 paragraph, he talks about a letter from Angus Malcolm
13 MacDonald that refers to a civil settlement and not wanting
14 the criminal charges to go any further, right?

15 MS. FITZPATRICK: Correct.

16 MR. NEVILLE: Now, you agree with me,
17 Ms. Fitzpatrick, that that appears to correspond precisely
18 to what I had you read from the notes of Officer Sebalj on
19 the 7th of September?

20 MS. FITZPATRICK: Yes.

21 MR. NEVILLE: Is that not correct?

22 MS. FITZPATRICK: M'hm, that's correct; they
23 correspond.

24 MR. NEVILLE: Right.

25 MS. FITZPATRICK: M'hm.

1 **MR. NEVILLE:** Look at the next exhibit, 301?
2 This appears to be a reply letter by the Crown, Mr.
3 MacDonald, to the Staff Sergeant, five days later; correct?

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

5 **MR. NEVILLE:** Correct?

6 **MS. FITZPATRICK:** Yes. I'm reading the
7 letter.

8 **MR. NEVILLE:** I couldn't hear you.

9 **MS. FITZPATRICK:** Yes.

10 **MR. NEVILLE:** We just need to hear your
11 response.

12 **MS. FITZPATRICK:** Okay.

13 **MR. NEVILLE:** In fact, he talks about the
14 response to the other letter, right? Now, let's look at
15 the first paragraph of the main body.

16 **MS. FITZPATRICK:** Okay.

17 **MR. NEVILLE:** "It is our policy not to
18 compel victims of sexual crimes to
19 proceed against their wishes. Also,
20 the officer..."

21 And that's Officer Sebalj:

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

23 **MR. NEVILLE:** "...the officer was
24 tentative on the issue of R&PG before
25 this so-called settlement."

1 Do you know what "R&PG" means?

2 MS. FITZPATRICK: No.

3 MR. NEVILLE: Do you know what the term
4 "reasonable and probable grounds" means?

5 MS. FITZPATRICK: Okay, yes. Okay.

6 MR. NEVILLE: That is what that is referring
7 to, right?

8 MS. FITZPATRICK: M'hm.

9 MR. NEVILLE: Now, what Mr. MacDonald is
10 saying to the Staff Sergeant is that just prior -- or prior
11 to the settlement coming forward, in early September as
12 we've seen, Officer Sebalj was tentative as to whether she
13 had grounds to lay a charge. Did you know that?

14 MS. FITZPATRICK: That isn't what she told
15 me.

16 MR. NEVILLE: Exactly. Do you agree with me
17 that that is inconsistent with what she tells you?

18 MS. FITZPATRICK: It is inconsistent, yes.

19 MR. NEVILLE: All right. Were you aware
20 that -- one of the things you say Ms. Sebalj told you, is
21 that she said that Perry Dunlop stole her file and took it
22 to CAS?

23 MS. FITZPATRICK: That's correct.

24 MR. NEVILLE: You understood her to mean the
25 entire investigation file, obviously, her file?

1 **MS. FITZPATRICK:** I didn't interpret what
2 she said; she just said he stole her file.

3 **MR. NEVILLE:** Did you, in your mind, take it
4 to mean her investigation file?

5 **MS. FITZPATRICK:** Yes.

6 **MR. NEVILLE:** Did you know, Ms. Fitzpatrick,
7 that the Commissioner's heard considerable evidence that
8 what Mr. Dunlop did was he took a copy, and only a copy of
9 Mr. Silmsers's statement to Richard Abell of CAS?

10 **MS. FITZPATRICK:** I wouldn't know that. She
11 just said he stole her file.

12 **MR. NEVILLE:** Did you know that the facts,
13 as we've had them to date are that Mr. Dunlop took only the
14 Silmsers statement?

15 **MS. FITZPATRICK:** Well, that's what you're
16 telling me.

17 **MR. NEVILLE:** No, that's what we've heard
18 here.

19 **MS. FITZPATRICK:** Okay. Well, I haven't
20 heard that.

21 **MR. NEVILLE:** All right. Did you know that
22 after that happened there was a fairly detailed internal
23 investigation by the police department?

24 **MS. FITZPATRICK:** All I heard was that Heidi
25 was being disciplined.

1 MR. NEVILLE: Being disciplined?

2 MS. FITZPATRICK: Being disciplined.

3 MR. NEVILLE: And it's Mr. Bough told you
4 that?

5 MS. FITZPATRICK: Yes.

6 MR. NEVILLE: All right. Can we next have
7 the witness look, Commissioner, at Exhibit 1293?

8 MS. FITZPATRICK: I don't have it.

9 THE COMMISSIONER: Oh, it's a new book.
10 It's the other book.

11 MS. FITZPATRICK: Oh.

12 MR. NEVILLE: This, Commissioner, is Officer
13 Derochie's notes ---

14 THE COMMISSIONER: M'hm.

15 MR. NEVILLE: --- of the internal
16 investigation.

17 THE COMMISSIONER: What page, please?

18 MR. NEVILLE: Yes, Commissioner, I was going
19 to start, if I may -- it might be easier for all, including
20 the witness, if I use his numbers. Number 8, sir?

21 MS. FITZPATRICK: All right.

22 MR. NEVILLE: Madam Clerk, I'm using --
23 page 8, using the officer's numbers.

24 MS. FITZPATRICK: Okay.

25 MR. NEVILLE: Do you have it,

1 Ms. Fitzpatrick?

2 MS. FITZPATRICK: I do.

3 MR. NEVILLE: All right. At the bottom
4 there's -- four lines from the bottom there's a sentence
5 that starts, "Later I spoke briefly with Constable
6 Sebalj...?" Have you found that?

7 MS. FITZPATRICK: I have.

8 MR. NEVILLE: Four lines from the bottom.

9 MS. FITZPATRICK: Yes.

10 MR. NEVILLE: I'm sorry, you do have it?

11 MS. FITZPATRICK: I do have it.

12 MR. NEVILLE: All right, thank you. I'm
13 sorry, I just couldn't hear your answer.

14 MS. FITZPATRICK: M'hm.

15 MR. NEVILLE: Now, just so you again know in
16 context, these are the day-to-day notes of Staff Sergeant
17 Derochie, who was assigned by the administration of the
18 police department to investigate the whole matter of the
19 disclosure of the statement by Mr. Dunlop to Richard Abell
20 and the conduct of the investigation. All right?

21 MS. FITZPATRICK: Why didn't they use the
22 outside police force?

23 MR. NEVILLE: Well, if you don't mind I'll
24 ask the questions.

25 MS. FITZPATRICK: Okay.

1 **MR. NEVILLE:** And, just to answer your
2 question, ma'am ---

3 **THE COMMISSIONER:** No, you don't answer
4 questions, Mr. ---

5 **MR. NEVILLE:** Thank you, sir. So, page 8,
6 this is where, on the first occasion, the Staff Sergeant
7 speaks to Ms. Sebalj, all right?

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

9 **MR. NEVILLE:** Let's look at it together:

10 "Later I spoke briefly with Constable
11 Sebalj. She informed me that Constable
12 Dunlop had approached, sometime towards
13 the end of September [next page] and
14 had asked to see the victim's
15 statement. She had allowed him to take
16 it with him as reading material (she
17 assumed that he wanted to read it while
18 in the washroom).

19 "He returned the 'original' statement
20 to her and she thought no more of it
21 until September 29th when Silmsen came
22 in to HQ and mentioned receiving a
23 telephone call from Mrs. Dunlop. On
24 hearing this, alarm bells went off and
25 she suspected that Constable Dunlop's

1 interest in the statement went beyond
2 bathroom reading material."
3 "She took her concerns to Staff
4 Sergeant Brunet. Constable Sebalj gave
5 me the impression that she felt
6 betrayed by Constable Dunlop's actions
7 and that she was extremely
8 uncomfortable of having been put in the
9 position of having to report Dunlop's
10 actions to Brunet."

11 Now, stopping there, there's no suggestion
12 by her to her Staff Sergeant that Officer Dunlop stole her
13 file?

14 **MS. FITZPATRICK:** Her words to me were ---

15 **MR. NEVILLE:** My question is, is there
16 anything there that suggests that Officer Dunlop stole her
17 file?

18 **MS. FITZPATRICK:** Not in this statement.

19 **MR. NEVILLE:** Thank you.

20 **MS. FITZPATRICK:** On the other hand, if you
21 interpreted it, he misled her. He was taking it to the
22 washroom but he really took her to somewhere else, so maybe
23 in her interpretation that was stealing.

24 **MR. NEVILLE:** Let's go on. Page 48 --
25 sorry, page 49. And again for context, Commissioner, this

1 is the 4th of November, '93.

2 This is a further conversation,
3 Ms. Fitzpatrick, between Staff Sergeant Derochie and Heidi
4 Sebalj. All right? Do you have his page 49?

5 **MS. FITZPATRICK:** No, not yet.

6 **MR. NEVILLE:** The number is in the top
7 centre of the page.

8 **MS. FITZPATRICK:** I realize where it is. I
9 just haven't ---

10 **MR. NEVILLE:** You can tell it's a spiral
11 notebook.

12 **MS. FITZPATRICK:** Yes. Forty nine (49).
13 Thank you.

14 **MR. NEVILLE:** You have it?

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

16 **MR. NEVILLE:** "Sebalj feels" -- middle of
17 page, if you would, please. This is November 4th. Now,
18 this would be almost at exactly the time that you'd be
19 speaking with her, right? The fall of '93.

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

21 **MR. NEVILLE:** Right around the time you and
22 she investigate or question Ms. Antoine.

23 **THE COMMISSIONER:** Well, the questioning was
24 on November 12th.

25 **MR. NEVILLE:** Correct, sir.

1 MS. FITZPATRICK: This is November ---
2 MR. NEVILLE: Fourth.
3 MS. FITZPATRICK: Okay, I haven't got ---
4 MR. NEVILLE: So it's around that ---
5 MS. FITZPATRICK: --- to it yet.
6 MR. NEVILLE: --- same time, all right?
7 MS. FITZPATRICK: Yes. M'hm.
8 MR. NEVILLE: All right. So she starts ---
9 THE COMMISSIONER: Page 50.
10 MR. NEVILLE: Mid-page.
11 MS. FITZPATRICK: Page 50, okay.
12 MR. NEVILLE: "Sebalj feels that Silmser
13 is very volatile right now, and if he's
14 pushed any further he's capable of
15 anything."
16 THE COMMISSIONER: Sorry, page 49 really.
17 MS. FITZPATRICK: Okay.
18 THE COMMISSIONER: Hang on a second.
19 MR. NEVILLE: Did I say 48?
20 THE COMMISSIONER: No, I said 50 because I'd
21 already read and switched the page.
22 MR. NEVILLE: Oh, sorry.
23 THE COMMISSIONER: No, no.
24 "Sebalj" right in the middle of the page.
25 MR. NEVILLE: "Feels that Silmser is very --

1 -"

2 MS. FITZPATRICK: "...feels that Silmser
3 is very volatile."

4 MR. NEVILLE: See that?

5 MS. FITZPATRICK: Yeah.

6 MR. NEVILLE: All right. Now, if you just
7 turn over to the top of page 50, the next page, Staff
8 Sergeant says, speaking for himself -- third, fourth line
9 from the top:

10 "I [meaning Derochie] brought up the
11 idea of reinvestigating the complaint.
12 Sebalj told me that despite all the in-
13 house gossip, she was comfortable with
14 her investigation and again reminded me
15 that Silmser wanted/insisted that we
16 stop the investigation."

17 MS. FITZPATRICK: M'hm. Sure.

18 MR. NEVILLE: Now, is that inconsistent with
19 her suggestion to you that Mr. MacDonald squashed her
20 investigation?

21 MS. FITZPATRICK: It's not in here, what she
22 told me.

23 MR. NEVILLE: Is it inconsistent?

24 MS. FITZPATRICK: It's inconsistent.

25 MR. NEVILLE: Thank you.

1 Page 62. Have you found it?

2 MS. FITZPATRICK: I have.

3 MR. NEVILLE: This is now the 9th of
4 November.

5 MS. FITZPATRICK: M'hm.

6 MR. NEVILLE: All right? Sorry, the 10th.
7 The date is right at the bottom. See at the bottom,
8 "November 10th, Wednesday"?

9 MS. FITZPATRICK: Yes.

10 THE COMMISSIONER: On page 62.

11 MS. FITZPATRICK: M'hm.

12 THE COMMISSIONER: It's on the left-hand --
13 no, page 62.

14 MS. FITZPATRICK: Sixty-two (62), okay.
15 Yes. Oh here, yes.

16 THE COMMISSIONER: It's at the bottom there.
17 It says, "November 10th, Wednesday. I interviewed Constable
18 Sebalj this morning." All right, Mr. Neville, take it from
19 there.

20 MR. NEVILLE: Thank you, Commissioner.

21 You will see it starts -- now, this is two
22 days before you interview Antoine, right?

23 MS. FITZPATRICK: Two days. Okay.

24 MR. NEVILLE: So this is about as close in
25 time as we could get to this conversation you say you had

1 with her. Right?

2 **MS. FITZPATRICK:** Correct.

3 **MR. NEVILLE:** So he starts off, "I
4 interviewed Constable Sebalj..." and if you turn over,
5 "this morning." Please carry on with me to the top of the
6 next page:

7 "I wanted to get specific information
8 on how she had managed this case."
9 Right?

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

11 **MR. NEVILLE:** Now, I'm going to take
12 everybody's time reading the next couple of pages because
13 he reviews with her the various steps she had taken. All
14 right?

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

16 **MR. NEVILLE:** Now, if you just go over with
17 me to page 66. Have you got it?

18 **MS. FITZPATRICK:** I have.

19 **MR. NEVILLE:** Count five lines from the top.
20 Let me read it:

21 "Sebalj continued to look for witnesses
22 but was unsuccessful. Sebalj was not
23 comfortable that she had R&PG to lay a
24 charge and had been trying to locate at
25 least one more victim. She had a good

1 statement from Silmsers but his
2 behaviour was such that she had nagging
3 doubts. He appeared to run hot and
4 cold on the level of cooperation he was
5 providing her..."

6 Et cetera et cetera.

7 Now, do you agree with me, Ms. Fitzpatrick,
8 that all of those words from Ms. Sebalj, as recorded by
9 Staff Sergeant Derochie, are utterly inconsistent with what
10 you say she told you at almost the exact same time? Yes or
11 no?

12 **MS. FITZPATRICK:** Yes, yes.

13 **MR. NEVILLE:** Thank you.

14 Page 72. Have you found it?

15 **MS. FITZPATRICK:** I have.

16 **MR. NEVILLE:** This is Staff Sergeant
17 Derochie speaking with the Crown Attorney, Murray
18 MacDonald.

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

20 **MR. NEVILLE:** About 10 lines from the bottom
21 do you see the sentence starting, "The Crown told me"?

22 **MS. FITZPATRICK:** Yes, I do.

23 **MR. NEVILLE:** "The Crown told me that he
24 [the Crown] had spoken to Sebalj on
25 more than one occasion about this

1 matter. He acknowledged that the case
2 was a strange one and that Sebalj
3 appeared to be having trouble forming
4 R&PG."

5 Do you agree with me that that is
6 inconsistent with the things you say you were told?

7 **MS. FITZPATRICK:** Reasonable and probable
8 grounds?

9 **MR. NEVILLE:** Right.

10 **MS. FITZPATRICK:** She told me she wanted to
11 charge the priest.

12 **MR. NEVILLE:** Is it inconsistent with what
13 you said she told you?

14 **MS. FITZPATRICK:** Yes, it is.

15 **MR. NEVILLE:** Thank you.

16 **MS. FITZPATRICK:** Now could I mention
17 something?

18 **THE COMMISSIONER:** Well, what about?

19 **MS. FITZPATRICK:** The day that I walked in
20 her office is the same day that Greg Bell walked in her
21 office, and when Greg Bell walked in her office and
22 basically was reopening up her investigation, this is where
23 all of this poured out.

24 **THE COMMISSIONER:** Okay.

25 Go ahead, sir.

1 **MR. NEVILLE:** Can I just interrupt where I
2 am, Commissioner, and refer the witness, if I could, to Mr.
3 Bell's notes filed during Mr. Carriere's testimony. It's
4 Exhibit 2324.

5 **THE COMMISSIONER:** Twenty-three twenty-four
6 (2324). We'll need a new book. What page?

7 **MR. NEVILLE:** Using his numbers,
8 Commissioner, it would be 18.

9 Have you found it?

10 **MS. FITZPATRICK:** Which page do you want?

11 **MR. NEVILLE:** Page 18, Ms. Fitzpatrick.

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

13 **MR. NEVILLE:** There are little numbers in
14 the top right from Mr. Bell. Do you recognize his writing,
15 by the way?

16 **MS. FITZPATRICK:** I certainly do.

17 **MR. NEVILLE:** All right.

18 **THE COMMISSIONER:** So go to page 18.

19 **MR. NEVILLE:** And we're using -- in the top
20 right of his text you'll see numbers: 17, 18 et cetera.

21 **MS. FITZPATRICK:** Okay, hold on.

22 **MR. NEVILLE:** The top right on this page.

23 **MS. FITZPATRICK:** On his case notes?

24 **MR. NEVILLE:** Yes.

25 **MS. FITZPATRICK:** Okay, 18. Here we are.

1 **MR. NEVILLE:** Now, Mr. Bell, we've heard --
2 and you've said today or yesterday and elsewhere ---

3 **MR. KATZ:** Sorry, I don't have copies of
4 those exhibits in front of me.

5 **MR. NEVILLE:** Twenty-three twenty-four
6 (2324).

7 **MR. KATZ:** They haven't come up on the
8 screen yet.

9 **MR. NEVILLE:** Twenty-three twenty-four
10 (2324).

11 **MR. KATZ:** If we can just wait for that I'd
12 appreciate it.

13 **THE COMMISSIONER:** Is it on the screen?
14 It's not on my screen.

15 **MR. NEVILLE:** It's not on this one, sir.

16 **THE COMMISSIONER:** There is it.

17 **MR. NEVILLE:** There we are.

18 **THE COMMISSIONER:** Let's go to page 18,
19 Madam Clerk.

20 **MR. NEVILLE:** Using Mr. Bell's numbers,
21 Madam Clerk.

22 Now, Mr. Bell was a very meticulous, careful
23 note-taker?

24 **THE COMMISSIONER:** One eight, Madam Clerk.

25 **MR. NEVILLE:** Sorry, Commissioner.

1 **THE COMMISSIONER:** No, no, sorry, I
2 apologize.

3 **MR. NEVILLE:** Not at all.

4 **THE COMMISSIONER:** You're going the wrong --
5 -

6 **MR. NEVILLE:** Page -- you're going the wrong
7 way. Keep going. Eighteen.

8 **THE COMMISSIONER:** Okay. Now, we're going
9 to be the middle of the page. Is that what you want?

10 **MR. NEVILLE:** Yes, sir.

11 Mr. Bell was a very careful person,
12 Ms. Fitzpatrick?

13 **MS. FITZPATRICK:** Oh, absolutely. M'hm.

14 **MR. NEVILLE:** A very meticulous person?

15 **MS. FITZPATRICK:** He told me he would write
16 his case notes so that people could not understand them.

17 **MR. NEVILLE:** Could what?

18 **MS. FITZPATRICK:** Not understand them.

19 **MR. NEVILLE:** He wrote his notes so people
20 could not understand them; you mean the writing?

21 **MS. FITZPATRICK:** Yes.

22 **MR. NEVILLE:** Oh. But did he attempt, to
23 your knowledge, to be accurate and careful and ---

24 **MS. FITZPATRICK:** Oh, yes.

25 **MR. NEVILLE:** All right.

1 **MS. FITZPATRICK:** Absolutely.

2 **MR. NEVILLE:** All right.

3 Let's look at what we can see that he wrote.

4 All right?

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

6 **MR. NEVILLE:** You'll note in the margin the
7 date is the 21st of October '93.

8 **MS. FITZPATRICK:** Okay.

9 **MR. NEVILLE:** So this is actually some
10 period before this last interview with Sergeant Derochie,
11 right? Here's what it says:

12 "Meeting at CPS with Staff Sergeant Luc
13 Brunet, Constable Heidi Sebalj and W.
14 Carriere."

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

16 **MR. NEVILLE:** Right?

17 "Purpose: Obtain info for our
18 investigation."

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

20 **MR. NEVILLE:** "Staff Sergeant Brunet
21 Related the following..."

22 And I'm turning ---

23 **THE COMMISSIONER:** Just a second.

24 **MS. FITZPATRICK:** Go ahead. I'm sorry.

25 **MR. NEVILLE:** Are you with me?

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

2 **MR. NEVILLE:** Would you look at the text for
3 me. Just -- you see it on the screen? Fine.

4 **MS. FITZPATRICK:** I see it.

5 **MR. NEVILLE:** Thank you very much.

6 I'm going -- he's got short forms. I'll put
7 it into long type if I could.

8 "Staff Sergeant Brunet rel'd the
9 following: One, that we can look at the
10 material he has but cannot have or make
11 copies of them because they are police
12 records; two, that we could read and
13 make notes from the material.
14 Ultimately at my suggestion/request
15 [that's Bell] he provided an audiotape
16 recorder and we read material onto [or
17 into] the tape."

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

19 **MR. NEVILLE:** Now, to my understanding, I
20 believe our understanding here, this is the meeting by Mr.
21 Bell with Ms. Sebalj. He's not alone with her.

22 **MS. FITZPATRICK:** Okay.

23 **MR. NEVILLE:** He's with Mr. Carriere and
24 he's with Staff Sergeant Brunet. And he is not making
25 copies because they were not allowed to make copies. And

1 Mr. Carriere, whose evidence you told us you watched, gave
2 us that evidence; that they couldn't make copies because
3 they were confidential police records.

4 **MS. FITZPATRICK:** So that's why he's
5 photographed this.

6 **MR. NEVILLE:** But they were allowed to read
7 onto a tape what was on the records.

8 **MS. FITZPATRICK:** And your point is?

9 **MR. NEVILLE:** My point is you said that Ms.
10 Sebalj told you that Mr. ---

11 **MS. FITZPATRICK:** Bell ---

12 **MR. NEVILLE:** --- Bell was in the office
13 photographing her file.

14 **MS. FITZPATRICK:** Correct. Correct, that's
15 what she told me.

16 **MR. NEVILLE:** Well, I can tell you, Ms.
17 Fitzpatrick, that you can look high and low through these
18 dozens and dozens of pages of Mr. Bells records and there
19 is no such event.

20 **MS. FITZPATRICK:** There's no such event of
21 Greg Bell going in and taking photographs of Heidi Sebalj's
22 file?

23 **MR. NEVILLE:** That's right. There's one
24 visit and this is it.

25 **MS. FITZPATRICK:** I can't explain what she

1 told me. This is what she told me.

2 MR. NEVILLE: So again you would agree with
3 me that these notes are inconsistent with what she told
4 you, yes or no?

5 THE COMMISSIONER: Well, no, not just yes or
6 no.

7 MS. FITZPATRICK: No, no.

8 THE COMMISSIONER: She can explain.

9 MS. FITZPATRICK: No.

10 MR. NEVILLE: Well, absolutely.

11 MS. FITZPATRICK: It doesn't say whether or
12 not Greg was in the room by himself with Heidi or if Bill -
13 - and it doesn't say where they are. Are they at the
14 police station? Is Bill in Heidi's office?

15 MR. NEVILLE: They're at the police station.

16 MS. FITZPATRICK: Okay. Are they all in
17 Heidi's office together?

18 MR. NEVILLE: Well, it says "Meeting at CPS"
19 and there's four people, including her supervisor.

20 MS. FITZPATRICK: But Bill and Luc could
21 have been sitting in another office.

22 MR. NEVILLE: Ms. Fitzpatrick, let's not
23 speculate. Anything is possible.

24 MS. FITZPATRICK: Well, you're speculating.

25 THE COMMISSIONER: Well, just ---

1 **MS. FITZPATRICK:** You're speculating.
2 **THE COMMISSIONER:** Mr. Neville ---
3 **MR. NEVILLE:** Let me put it this way,
4 Commissioner. Do you agree with me, Ms. Fitzpatrick, that
5 the notes are inconsistent with what she told you?
6 **MS. FITZPATRICK:** Yes, it is.
7 **MR. NEVILLE:** Thank you.
8 **MS. FITZPATRICK:** M'hm.
9 **MR. NEVILLE:** Let's go back to Staff
10 Sergeant Derochie then, page 81.
11 **MS. FITZPATRICK:** Which book?
12 **THE COMMISSIONER:** Same book.
13 **MR. NEVILLE:** It's ---
14 **THE COMMISSIONER:** No, no, sorry.
15 **MR. NEVILLE:** --- Exhibit 1293. Exhibit
16 1293, Ms. Fitzpatrick.
17 **THE COMMISSIONER:** So a different book.
18 **MR. NEVILLE:** The Derochie notes.
19 **THE COMMISSIONER:** What page?
20 **MR. NEVILLE:** Yes, 81, sir, December 6th,
21 '93.
22 Have you found page 81, ma'am?
23 **MS. FITZPATRICK:** I'm reading it.
24 **MR. NEVILLE:** December 6th. All right.
25 **MS. FITZPATRICK:** I'm reading it.

1 **MR. NEVILLE:** Let's look at it. This is yet
2 another meeting by the Staff Sergeant with Mr. MacDonald.
3 All right?

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

5 **MR. NEVILLE:** Look four -- five lines from
6 the date entry:

7 "He [meaning Mr. MacDonald] wanted to
8 go on record as saying that with the
9 information he had on the case that he
10 had no problem with the way Constable
11 Sebalj and Staff Sergeant Brunet had
12 handled the investigation. He had been
13 consulted by Sebalj on several
14 occasions, as well as Staff Sergeant
15 Brunet. He said that he was aware that
16 Sebalj was having difficulty with the
17 investigation. She was unable to get
18 corroboration. The Crown was not
19 concerned because he was aware of the
20 issues Sebalj was dealing with. He
21 confirmed the need to proceed with
22 caution under the circumstances."

23 You follow that?

24 **MS. FITZPATRICK:** Yes, I do.

25 **MR. NEVILLE:** Again you'd agree with me, it

1 is inconsistent with what you tell us she said to you?

2 MS. FITZPATRICK: Correct.

3 MR. NEVILLE: Now, I just want to turn
4 briefly, Ms. Fitzpatrick, to this event that involved Mr.
5 Seguin, right?

6 MS. FITZPATRICK: M'hm.

7 MR. NEVILLE: So you told us earlier that
8 you came to Canada in the late 1970s or early 1981.

9 MS. FITZPATRICK: No, I said early '80s.

10 MR. NEVILLE: Okay. Sorry. I thought you
11 told us late '70s or early '80s.

12 MS. FITZPATRICK: Yes.

13 MR. NEVILLE: All right.

14 MS. FITZPATRICK: You said '81.

15 MR. NEVILLE: Oh, I apologize.

16 MS. FITZPATRICK: Okay.

17 MR. NEVILLE: I didn't mean to hold you to a
18 date.

19 MS. FITZPATRICK: Okay. Well, we've got to
20 be accurate.

21 MR. NEVILLE: Let's be accurate. I couldn't
22 agree more.

23 MS. FITZPATRICK: Right.

24 MR. NEVILLE: So you are here by the early
25 '80s. Is that fair?

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

2 **MR. NEVILLE:** All right.

3 And you've given some evidence here for the
4 Commissioner about the Alfred cases.

5 **MS. FITZPATRICK:** Correct.

6 **MR. NEVILLE:** How did you learn about the
7 Alfred cases?

8 **MS. FITZPATRICK:** I learned about it through
9 rumours in the community, in the sense that there were men
10 in the town who had received money as a payout from the
11 Alfred and so I asked what was Alfred, you know, and this
12 was the story that I got.

13 **MR. NEVILLE:** Right. And you heard that
14 there had been Alfred trials?

15 **MS. FITZPATRICK:** I don't know if I heard it
16 then or later, the Alfred trials. That's what ---

17 **MR. NEVILLE:** Well, when did you hear about
18 the Alfred trials?

19 **MS. FITZPATRICK:** Well, we're talking 15
20 years ago. I'm not sure.

21 **MR. NEVILLE:** When did you hear about them?

22 **MS. FITZPATRICK:** I don't remember.

23 **MR. NEVILLE:** Well, let's look at what you
24 said yesterday and today in-chief. All right? Because
25 here's what you said -- and I'm referring, Commissioner, to

1 pages 118, 119 from yesterday.

2 First of all, you didn't know who Ken Seguin
3 was.

4 **MS. FITZPATRICK:** Correct.

5 **MR. NEVILLE:** It was near the end of a day;
6 it was an idle chitchat at the end of a day with Bill
7 Carriere.

8 **MS. FITZPATRICK:** No, not ---

9 **MR. NEVILLE:** And you said ---

10 **MS. FITZPATRICK:** Not the end of a day with
11 -- oh, that -- sorry. Yes, okay, I see where you're going.

12 **MR. NEVILLE:** This is the day that you had
13 this conversation with the alleged victim, right?

14 **MS. FITZPATRICK:** Yes, correct.

15 **MR. NEVILLE:** All right.

16 And here's what you said, I think this is
17 virtually verbatim:

18 "I didn't connect that Ken Seguin was a
19 current probation officer. I thought
20 he had been dealt with, with the Alfred
21 trials, in my mind."

22 **MS. FITZPATRICK:** Yes.

23 **MR. NEVILLE:** So this is as of this event,
24 this interview with this gentleman ---

25 **MS. FITZPATRICK:** Yes.

1 **MR. NEVILLE:** --- which took place sometime
2 in the first half of '87.

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

4 **MR. NEVILLE:** You thought a person named
5 Seguin had been dealt with, with the Alfred trials.

6 **MS. FITZPATRICK:** Correct.

7 **MR. NEVILLE:** So you were aware of the
8 Alfred trials?

9 **MS. FITZPATRICK:** Around that time because
10 that's what the man talked about ---

11 **MR. NEVILLE:** Fine.

12 **MS. FITZPATRICK:** --- the Alfred trials.

13 **MR. NEVILLE:** Well I'm coming to that.

14 "I thought this was..."

15 I'm quoting you:

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

17 **MR. NEVILLE:** "I thought this was all
18 dealt with at the same time. You know,
19 I thought this man had been dealt with,
20 with all the others."

21 **MS. FITZPATRICK:** Yes.

22 **MR. NEVILLE:** And then today you said, "The
23 man" -- we won't use the name:

24 "...told me it had all been dealt with
25 in the Alfred trials. The Alfred

1 trials all took place before I came to
2 this country."

3 **MS. FITZPATRICK:** That I was aware of. I
4 don't know when the Alfred trials happened.

5 **MR. NEVILLE:** Well, let me ask you this; you
6 told me earlier in my cross-examination that you had a
7 clear recollection and were not mistaken on what Ms. Sebalj
8 told you.

9 **MS. FITZPATRICK:** Correct.

10 **MR. NEVILLE:** You told me you had a clear
11 recollection and were not mistaken in what this person, the
12 alleged victim, told you.

13 **MS. FITZPATRICK:** Yes.

14 **MR. NEVILLE:** And one of the things he told
15 you was it had all been dealt with in the Alfred trials,
16 right?

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

18 **MR. NEVILLE:** Well, can you explain this to
19 me, Ms. Fitzpatrick; can you tell me how he was able to say
20 that to you when the OPP didn't commence their
21 investigation of Alfred until 1990?

22 **MS. FITZPATRICK:** Well, people were being
23 paid out. He was one of them.

24 **MR. NEVILLE:** There could not be trials
25 until after the investigation.

1 **THE COMMISSIONER:** Criminal trials, you
2 mean?

3 **MR. NEVILLE:** Yes, sir.

4 **MS. FITZPATRICK:** Criminal trials.

5 **MR. NEVILLE:** And the investigation, I
6 expect the Commission will learn, started in 1990.

7 **MS. FITZPATRICK:** What about the previous
8 investigations?

9 **MR. NEVILLE:** What previous investigation?
10 What previous trials?

11 **MS. FITZPATRICK:** The -- well, I wouldn't
12 say trials, but the Ministry knew twice before that about
13 what was going on in Alfred.

14 **MR. NEVILLE:** Ms. Fitzpatrick, these are
15 your words I'm reading to you.

16 **MS. FITZPATRICK:** Yes, exactly.

17 **MR. NEVILLE:** You're talking about the
18 Alfred trials. You're saying that this man had matters all
19 dealt with; that Seguin had been dealt with at the Alfred -
20 --

21 **MS. FITZPATRICK:** Yes.

22 **MR. NEVILLE:** --- trials.

23 **MS. FITZPATRICK:** Yes.

24 **MR. NEVILLE:** Those trials, therefore, had
25 to have taken place before the early part of '87 for you to

1 have that conversation, right?

2 MS. FITZPATRICK: That's correct, but ---

3 MR. NEVILLE: The trials could ---

4 MS. FITZPATRICK: --- this is what he told
5 me.

6 MR. NEVILLE: --- not be -- madam, the
7 trials could not be until after 1990. There was no
8 investigation until 1990. I'm suggesting you're making
9 this up.

10 MS. FITZPATRICK: Well, I'm suggesting that
11 we pull the victim in here and he'll give you the
12 testimony.

13 MR. NEVILLE: You told the Commissioner that
14 Mr. O'Brien and Seguin testified at the Alfred trials.

15 MS. FITZPATRICK: This is what ---

16 MR. NEVILLE: You told us that.

17 MS. FITZPATRICK: --- I was told.

18 MR. NEVILLE: Who told you?

19 MS. FITZPATRICK: I told you who told me.

20 MR. NEVILLE: Who told you they testified at
21 the trials?

22 MS. FITZPATRICK: Carleen Hickey.

23 MR. NEVILLE: When did she tell you they
24 testified?

25 MS. FITZPATRICK: When I announced to her in

1 '93 what was going on. Or was it '94? When I announced to
2 her in '94 what was going on.

3 MR. NEVILLE: One final matter, Ms.
4 Fitzpatrick.

5 MS. FITZPATRICK: M'hm.

6 MR. NEVILLE: You gave evidence to Mr. Lee
7 about a child abuse case involving a young woman who had
8 been abused by her uncle.

9 MS. FITZPATRICK: Yes.

10 MR. NEVILLE: And you indicated that at some
11 point in the course of the investigation it became known
12 that the uncle had been abused by Father MacDonald and by a
13 teacher.

14 MS. FITZPATRICK: Yes.

15 MR. NEVILLE: Is the teacher Marcel Lalonde?

16 MS. FITZPATRICK: Yes.

17 MR. NEVILLE: Do you know the name of the
18 uncle?

19 THE COMMISSIONER: Just answer.

20 MR. NEVILLE: Yes.

21 THE COMMISSIONER: Just answer. Do you know
22 the name ---

23 MS. FITZPATRICK: Yes, I do.

24 MR. NEVILLE: All right.

25 Could we -- Commissioner, I'd like her to

1 see C-8 please.

2 THE COMMISSIONER: Sure.

3 MR. NEVILLE: Madam Registrar is going to
4 show you the name of somebody we here are calling C-8.

5 MS. FITZPATRICK: Okay.

6 That's correct; that's him.

7 MR. NEVILLE: So how did you learn that C-8
8 had been abused by Father MacDonald?

9 MS. FITZPATRICK: His sister told us.

10 MR. NEVILLE: And she told you this as part
11 of your looking into the abuse of the niece?

12 MS. FITZPATRICK: Yes, she was trying to
13 defend her brother.

14 MR. NEVILLE: And she was trying to defend
15 him by saying, look, he's not that bad; he was abused ---

16 MS. FITZPATRICK: Correct.

17 MR. NEVILLE: --- by two people; one of them
18 my client, Father Charles MacDonald?

19 MS. FITZPATRICK: Yes.

20 MR. NEVILLE: Did you believe that story?

21 MS. FITZPATRICK: Yes.

22 MR. NEVILLE: Did you know that this
23 gentleman admitted that his entire story against my client
24 was a fabrication?

25 MS. FITZPATRICK: No.

1 **MR. NEVILLE:** Those are my questions.

2 **THE COMMISSIONER:** Thank you.

3 So it's time for the break. I understand
4 that your lawyer needs to leave to observe his religious
5 functions ---

6 **MS. FITZPATRICK:** Yes.

7 **THE COMMISSIONER:** --- so you are to come
8 back here Friday morning?

9 **MR. DUMAIS:** Perhaps what we'll do is we'll
10 be in contact with Mr. Katz.

11 We'll see how it goes with Mr. Keough, who
12 is from Saskatchewan. I'd like to get him done.

13 **THE COMMISSIONER:** All right.

14 **MR. NEVILLE:** When we're done with Mr.
15 Keough, we'll bring Ms. Fitzpatrick ---

16 **THE COMMISSIONER:** But it will be on Friday,
17 hopefully?

18 **MR. NEVILLE:** On Friday.

19 **THE COMMISSIONER:** All right.

20 So you'll be on standby on Friday.

21 **MS. FITZPATRICK:** Okay. Thank you.

22 **THE COMMISSIONER:** In the meantime, just a
23 reminder; you're not to discuss your evidence with anyone
24 at this point.

25 **MS. FITZPATRICK:** No.

1 **THE COMMISSIONER:** All right?

2 **MS. FITZPATRICK:** I understand.

3 **THE COMMISSIONER:** Thank you.

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

5 **THE COMMISSIONER:** All right. Let's take a
6 break.

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

9 This hearing will resume at 3:10 p.m.

10 --- Upon recessing at 2:55 p.m./

11 L'audience est suspendue à 14h55

12 --- Upon resuming at 3:16 p.m./

13 L'audience est reprise à 15h16

14 **THE REGISTRAR:** This hearing is now resumed.
15 Please be seated. Veuillez vous asseoir.

16 **MR. DUMAIS:** We call our next witness, Mr.
17 Commissioner, Bryan Keough.

18 **THE COMMISSIONER:** Mr. Keough, come forward
19 please.

20 --- **BRYAN KEOUGH, Sworn/Assermenté:**

21 **THE COMMISSIONER:** Thank you.

22 Good afternoon, Mr. Keough. Just by way of
23 introduction, there is the microphone. I'd ask you to
24 speak into it. You have a fresh glass of water. There's
25 extra water in the jug. There's a speaker here in front of

1 you if you wish to increase the volume. There's a screen.

2 When we're going to show you documents, you
3 can either look at the hard copy or on the screen depending
4 on which one is the more legible, I guess. I'd ask you to
5 answer the questions as best you can and if you don't
6 understand the question, please have it rephrased for you.
7 And if at any time, you feel uncomfortable or you want a
8 break, please address me; all right?

9 **MR. KEOUGH:** Thank you.

10 **THE COMMISSIONER:** Go ahead, Maître Dumais.

11 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
12 **DUMAIS:**

13 **MR. DUMAIS:** Good afternoon, Bryan.

14 **MR. KEOUGH:** Hi.

15 **MR. DUMAIS:** I understand that you were born
16 in August of 1949 in Plantagenet, Ontario. Is that
17 correct?

18 **MR. KEOUGH:** Yes, I was.

19 **MR. DUMAIS:** And I understand that from 1971
20 to 1990, you were employed by the Children's Aid Society.
21 Is that correct?

22 **MR. KEOUGH:** I was, yes.

23 **MR. DUMAIS:** And perhaps, just before I go
24 any further, Mr. Commissioner, like Mr. Keough is
25 represented by his solicitor, Larry Filion, to my right.

1 **THE COMMISSIONER:** Good afternoon, sir.

2 Welcome aboard.

3 **MR. DUMAIS:** I apologize for that.

4 And perhaps before I go any further, I
5 understand that your counsel, with the assistance of
6 counsel for the Children's Aid Society, has prepared a CV
7 and I'm just going to ask that that be filed and perhaps a
8 copy can be put to you.

9 **THE COMMISSIONER:** Thank you. Exhibit
10 Number 2354 is a CV of Mr. Bryan Keough.

11 --- **EXHIBIT NO./PIÈCE NO. P-2354:**

12 CV of Bryan Keough

13 **MR. DUMAIS:** That is, Bryan, a copy of your
14 CV and it is accurate?

15 **MR. KEOUGH:** Yes, it is.

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

17 So I understand in 1971, you would obtain a
18 Bachelor of Arts majoring with languages and with a minor
19 in psychology. Is that correct?

20 **MR. KEOUGH:** Yes, I did.

21 **MR. DUMAIS:** And that was from Carleton
22 University?

23 **MR. KEOUGH:** St. Patrick's College, Carleton
24 University, yes.

25 **MR. DUMAIS:** All right.

1 And as I indicated, you were employed by the
2 Children's Aid Society from 1971 to 1990. My understanding
3 is then you left the agency and you commenced studies at
4 the Canadian Theological Seminary.

5 **MR. KEOUGH:** Yes, I did.

6 **MR. DUMAIS:** And I understand that you
7 obtained a Masters in Divinity at the Theological Seminary
8 in Regina, Saskatchewan in 1994.

9 **MR. KEOUGH:** Yes.

10 **MR. DUMAIS:** And I understand that you are
11 now a pastor. Is that correct?

12 **MR. KEOUGH:** Yes.

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

14 Now, if we can start with when you were
15 first employed by the Children's Aid Society, my
16 understanding is that you came in as a child protection
17 worker. Is that correct?

18 **MR. KEOUGH:** Yes, I did.

19 **MR. DUMAIS:** And can you just give us a
20 general idea of what your responsibilities and duties as a
21 child protection worker were at that time?

22 **MR. KEOUGH:** When I started, I was given a
23 full caseload because the worker I was replacing, I think,
24 had left a month prior to my arrival.

25 I think I spent the first week in training

1 going through different policy manuals; stuff like that,
2 but I did assume a full caseload immediately.

3 MR. DUMAIS: Okay.

4 And my understanding is that the child
5 protection worker is essentially a first-response type of a
6 worker so are you ---

7 MR. KEOUGH: Yes.

8 MR. DUMAIS: --- involved in apprehensions.

9 MR. KEOUGH: Yes.

10 MR. DUMAIS: So it's been described as being
11 front-line work. Is that ---

12 MR. KEOUGH: Yes.

13 MR. DUMAIS: Okay. And I understand that
14 you did that for a period of two years.

15 MR. KEOUGH: Yeah, I think so.

16 Approximately two years, yes.

17 MR. DUMAIS: And then you became a childcare
18 worker. Is that correct?

19 MR. KEOUGH: Yes, I did.

20 MR. DUMAIS: And my understanding is that
21 the distinction between the two is after the child -- if
22 the child becomes a ward, he is then placed in a foster
23 home or in a group home and the childcare worker then takes
24 up the responsibility of supervising that child. Is that
25 correct?

1 **MR. KEOUGH:** Yes.

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

3 And at the time that you were first employed
4 by The Children's Aid Society, do you recall who was
5 responsible for visiting foster homes, assessing foster
6 homes and deciding whether or not this was an appropriate
7 home?

8 **MR. KEOUGH:** I believe it was Mary Gratton,
9 Mrs. Gratton.

10 **MR. DUMAIS:** And was she the sole person at
11 the agency doing that job?

12 **MR. KEOUGH:** Yes.

13 **MR. DUMAIS:** And so as a childcare worker,
14 you did not ever make that determination -- that initial
15 determination?

16 **MR. KEOUGH:** Of a foster home, no.

17 **MR. DUMAIS:** Right.

18 **MR. KEOUGH:** No.

19 **MR. DUMAIS:** And what about the process of
20 selecting which foster home a child would go to. Was that
21 your decision or was that someone else's decision?

22 **MR. KEOUGH:** I think, ultimately, the final
23 decision was mine in terms of whatever foster parents were
24 presented to me. I would take the matter to my supervisor
25 who would then consult with Mrs. Gratton or she'd be

1 brought into the meeting. We would discuss the child in
2 question and she would put forth foster parents or foster
3 homes that were available and possibly appropriate for the
4 child.

5 **MR. DUMAIS:** Okay.

6 And if we're looking at childcare workers,
7 vis-à-vis foster homes, is there one specific worker
8 assigned to a foster home or is the worker assigned to a
9 child?

10 **MR. KEOUGH:** The worker was assigned to a
11 child.

12 **MR. DUMAIS:** All right. So if there is more
13 than one child in a foster home, there could be more than
14 one care worker going into this foster home; correct?

15 **MR. KEOUGH:** That often was the case. Yes.

16 **MR. DUMAIS:** Okay. And was the situation
17 different when you're dealing with a group home?

18 **MR. KEOUGH:** No. Well, I was an outside
19 paid institution worker for a while, which means if there
20 was a group home outside the area and the agency had
21 possibly two or three children in the home, I would be the
22 sole worker that would go visit that home, outside the
23 city.

24 **MR. DUMAIS:** Okay. But would there be one
25 specific childcare worker assigned to a group home?

1 **MR. KEOUGH:** No, I don't remember that being
2 the case.

3 **MR. DUMAIS:** We're going to get into the --
4 one of the group homes we're going to get into, Bryan, as
5 you know, is what happened at the Second Street Group Home,
6 but I guess if I can ask a more specific question, was
7 there a specific childcare worker assigned to this home?

8 **MR. KEOUGH:** Each child in that home, to my
9 understanding, retained their own worker.

10 **MR. DUMAIS:** Okay.

11 So whether they were placed in foster homes
12 or group homes, the worker would follow the child?

13 **MR. KEOUGH:** Yes.

14 **MR. DUMAIS:** Now, I understand you were a
15 childcare worker for a period of nine years, up until 1982?

16 **MR. KEOUGH:** Yes.

17 **MR. DUMAIS:** And then you became involved
18 with the community family care program?

19 **MR. KEOUGH:** Yes.

20 **MR. DUMAIS:** And can you just explain to us
21 what that program was?

22 **MR. KEOUGH:** The community family care
23 program was a program set up -- I think the agency made
24 application to the Ministry to start up this program -- as
25 an alternative to sending children outside our area to

1 outside paid institutions.

2 The initial proposal to the Ministry was
3 accepted and the funds were received and we developed, I
4 think initially, six or eight specialized foster parents --
5 foster homes, to take one child each.

6 And I was given that responsibility to find
7 the homes, to train them, and then to provide treatment to
8 the teenagers that were placed in those homes.

9 **MR. DUMAIS:** My understanding is that you
10 were being supervised by Mr. Ian McLean. Is that correct?

11 **MR. KEOUGH:** Yes, I was.

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

13 Does that mean that prior to 1982, there
14 were no specialized training -- there was no specialized
15 foster homes in Cornwall?

16 **MR. KEOUGH:** Not to my knowledge, not of
17 this calibre.

18 **MR. DUMAIS:** Because not only were these
19 foster homes being designated as such, the society provided
20 some specialized training. Is that ---

21 **MR. KEOUGH:** Yes, and the expectation level
22 was far greater than an average foster home.

23 **MR. DUMAIS:** All right. So I understand you
24 did that for a period of two years?

25 **MR. KEOUGH:** Yes.

1 **MR. DUMAIS:** And then you became involved,
2 as you just indicated, with the outside paid institution
3 program from 1984 to 1985 ---

4 **MR. KEOUGH:** M'hm.

5 **MR. DUMAIS:** --- which essentially meant
6 that you were responsible for foster homes outside of the
7 jurisdiction of the agency?

8 **MR. KEOUGH:** Yes.

9 **MR. DUMAIS:** All right. But even with those
10 responsibilities, you continued to have your own case load.
11 Is that correct?

12 **MR. KEOUGH:** Yes. Yes, I did.

13 **MR. DUMAIS:** So you were doing both?

14 **MR. KEOUGH:** Yes.

15 **MR. DUMAIS:** Now, you briefly mentioned some
16 of the training that you had when you first -- when you
17 were first retained by the agency, and I think you made
18 reference to a one week session. So do you recall exactly
19 what the agency offered at that time?

20 **MR. KEOUGH:** It was more along the line of
21 an awareness of the policies and procedures of the agency;
22 how to take case notes; how to prepare for court and give
23 evidence; things of that nature.

24 **MR. DUMAIS:** Okay.

25 Throughout your career, did the agency or

1 other agencies offer continued training to child protection
2 workers?

3 MR. KEOUGH: The training became much better
4 in the eighties. I don't remember much training in the
5 seventies.

6 MR. DUMAIS: Okay. Fair to say that there
7 was more training after the implementation of the 1984
8 *Child and Family Services Act*?

9 MR. KEOUGH: Definitely.

10 MR. DUMAIS: Okay. Is this something that
11 sparked some of the training? Do you recall it like that?

12 MR. KEOUGH: The training that I received or
13 I provided?

14 MR. DUMAIS: The training that you received,
15 sorry.

16 MR. KEOUGH: Oh, yes. No doubt. No doubt
17 at all. There was tremendous changes that took place.

18 MR. DUMAIS: All right.

19 And my understanding is that at one point-
20 in-time you, yourself, provided training workshops. Is
21 that correct?

22 MR. KEOUGH: Yes, I did.

23 MR. DUMAIS: So you did -- and you would
24 have done so towards the end of your career with the
25 agency, in 1989 and 1990?

1 **MR. KEOUGH:** Yes. M'hm.

2 **MR. DUMAIS:** And some of the training you
3 were providing was training with respect to training foster
4 parents. Is that correct?

5 **MR. KEOUGH:** Yes. I immediately started
6 training foster parents when I took over the community
7 family care program.

8 **MR. DUMAIS:** Okay. Now, I understand -- I
9 want to talk to you about the supervision a bit.

10 I understand when you first started at the
11 agency, you were being supervised by a gentleman by the
12 name of Ray Michael?

13 **MR. KEOUGH:** Yes.

14 **MR. DUMAIS:** And that was for a short period
15 of time. I think the supervisor that followed Mr. Michael
16 was Mr. Angelo Towndale ---

17 **MR. KEOUGH:** Yes.

18 **MR. DUMAIS:** --- from 1971 to 1980?

19 **MR. KEOUGH:** Yes.

20 **MR. DUMAIS:** And Mr. McLean, and then Mr.
21 McLean followed from 1980 to essentially when you left the
22 agency in 1990?

23 **MR. KEOUGH:** That's right.

24 **MR. DUMAIS:** Can you just give us a sense
25 of, as supervisors, what their role was vis-à-vis the day-

1 to-day work that you had to do?

2 **MR. KEOUGH:** When I started with Mr.
3 Michael, I think for the first week to two weeks anyway,
4 whenever I would go out on a call, upon my return I would
5 have to report to him and he would kind of follow along
6 with how I had proceeded and everything like that.

7 After you're kind of broken-in somewhat to
8 the agency, you had supervision on a weekly basis, at which
9 point you would bring the files that you were working on,
10 the recordings that you had done, the summaries, and you'd
11 go through that with your supervisor. He would initial the
12 recordings that were done. You would look at problematic
13 cases where you were not sure what to do and provide you
14 counsel.

15 He was kind of all inclusive. You covered a
16 lot of areas.

17 **MR. DUMAIS:** Okay.

18 And was there -- you made reference to
19 completing your notes -- was there any expectation as to
20 how thorough or how quickly these notes need to be
21 completed?

22 **MR. KEOUGH:** They had to be done within 24
23 hours of the incident and the reason for that was when you
24 gave evidence in court, the judge would usually ask you
25 when you referred to your notes, you know, were these notes

1 taken within 24 hours of the incident?

2 MR. DUMAIS: Okay.

3 MR. KEOUGH: And if they were not, I gather
4 they would not have been accepted. So, yes, you had to be
5 disciplined.

6 MR. DUMAIS: All right.

7 Do you know whether or not the society or
8 the agency had a specific policy on note-taking?

9 MR. KEOUGH: If they did, I can't remember.

10 MR. DUMAIS: Okay. But certainly you recall
11 that this was the expectation?

12 MR. KEOUGH: Oh, yes.

13 MR. DUMAIS: All right.

14 MR. KEOUGH: Definitely.

15 MR. DUMAIS: And can you just briefly
16 explain to us what the distinction is between case notes
17 and recorded summaries?

18 MR. KEOUGH: The case notes would be written
19 notes that you would take in a small loose-leaf binder
20 following or during an investigation or an interview or
21 whatever contact you had with either child or family.

22 On a quarterly basis, you took those notes
23 and summarized them and that summary was then presented to
24 your supervisor who would initial them. And once that was
25 done, you usually tore up your case notes.

1 **MR. DUMAIS:** So then the case notes were not
2 kept in the file?

3 **MR. KEOUGH:** No.

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

5 **MR. KEOUGH:** Unless -- there were times with
6 the case notes -- were used exclusive -- like, if they were
7 used, for example, in court and referred to. I think
8 sometimes those notes were just left in the file because
9 they were referenced in court or something but usually, no.
10 After the summary, I would destroy the notes.

11 **MR. DUMAIS:** All right. That was your
12 practice?

13 **MR. KEOUGH:** I think that was the common
14 practice.

15 **MR. DUMAIS:** Okay. And do the recorded
16 summaries reflect everything that was found in your case
17 notes?

18 **MR. KEOUGH:** They were too, yes.

19 **MR. DUMAIS:** All right. But, certainly, it
20 was meant to be a summary?

21 **MR. KEOUGH:** Yes.

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

23 **MR. KEOUGH:** Yes.

24 **MR. DUMAIS:** Now, we've previously heard
25 evidence that supervisors would not necessarily review case

1 notes of workers. Do you agree with that, Bryan?

2 **THE COMMISSIONER:** What time period?

3 **MR. DUMAIS:** When you first started at the
4 agency, so in 1971, and perhaps you can advise us if the
5 practice changed over time?

6 **MR. KEOUGH:** I don't remember ever a
7 supervisor taking my case book and reading it. I remember
8 reading from my case book to my supervisor. Does that
9 answer the question?

10 **MR. DUMAIS:** Perhaps. So am I understanding
11 this correctly that your case notes are transferred in
12 summary recordings and your -- it is your summary
13 recordings which are reviewed by the supervisor and
14 initialled by the supervisor?

15 **MR. KEOUGH:** Yes, you're right.

16 **MR. DUMAIS:** And do I understand as well
17 that recordings are only done over a long period of time?

18 **MR. KEOUGH:** They were meant to be done
19 quarterly and then annually.

20 **MR. DUMAIS:** Okay. So if case notes are
21 transferred in recordings and if you're satisfied with the
22 transfer of the information, it could be that you'd throw
23 away those case notes and rely entirely on the recordings?

24 **MR. KEOUGH:** Yes.

25 **MR. DUMAIS:** Okay.

1 And was there a specific set time for
2 meetings with supervisors?

3 **MR. KEOUGH:** Yes, there was. I forget what
4 day I was scheduled but it was -- because sometimes you
5 needed to seek them out that morning or that day and try to
6 reschedule because an emergency came in or something like
7 that.

8 But there was a slated time every week -- a
9 slotted time every week when you would meet with the
10 supervisor.

11 **MR. DUMAIS:** All right. And if your
12 supervisor was not there or away on holidays or anything
13 like that, were you assigned a different supervisor?

14 **MR. KEOUGH:** You usually went to the
15 protection supervisor or vice versa. We only had, when I
16 started, two supervisors.

17 **MR. DUMAIS:** And my understanding was that
18 during your entire work at the agency that the director was
19 Mr. Tom O'Brien. Is that correct?

20 **MR. KEOUGH:** Yes, he was.

21 **MR. DUMAIS:** And was he involved at all in
22 any type of supervisory role?

23 **MR. KEOUGH:** Yes, he was.

24 **MR. DUMAIS:** And what was he doing or what
25 was his involvement?

1 **MR. KEOUGH:** Mr. O'Brien was, in a sense, a
2 very hands-on director.

3 **MR. DUMAIS:** M'hm.

4 **MR. KEOUGH:** He took a personal interest in
5 you as a worker.

6 **MR. DUMAIS:** M'hm.

7 **MR. KEOUGH:** And would often ask, "How's
8 everything going?" And sometimes he would be involved in
9 my supervisions, my supervision times. Not so much, I
10 think, out of necessity but just out of a desire to be a
11 part of the process and to see how the workers were doing.

12 **MR. DUMAIS:** Okay. And I understand that
13 from time-to-time files were transferred from one child
14 protection worker to another. Is that correct?

15 **MR. KEOUGH:** Yes.

16 **MR. DUMAIS:** And would the supervisor have
17 the -- is it the supervisor that would be making this
18 decision?

19 **MR. KEOUGH:** It could either be the
20 supervisor or the circumstances ---

21 **MR. DUMAIS:** Okay.

22 **MR. KEOUGH:** --- that can make that
23 decision.

24 **MR. DUMAIS:** Like, for example, if something
25 comes up and you could make a request to your supervisor to

1 have one specific file transferred to another?

2 MR. KEOUGH: Yes.

3 MR. DUMAIS: And when this happened, Bryan,
4 you would be, as a child care worker, you would be
5 responsible to prepare some sort of a transfer summary. Is
6 that correct?

7 MR. KEOUGH: Yes.

8 MR. DUMAIS: And can you just give us an
9 idea of what a transfer summary is?

10 MR. KEOUGH: A transfer summary would be a
11 summary outlining basically the reasons for the transfer.

12 MR. DUMAIS: Okay.

13 MR. KEOUGH: Be it a decision on the part of
14 a worker or a decision based upon circumstances that have
15 arisen in the home; a number of variables. But it would be
16 a short summary, not necessarily a long summary, but a
17 short summary outlining the reasons for the transfer.

18 MR. DUMAIS: Okay. And when a file is being
19 transferred from one worker or another and a transfer
20 summary is prepared, is there some sort of a meeting that
21 occurs between old worker/new worker and supervisor?

22 MR. KEOUGH: That would be the -- that would
23 have been the goal, yes.

24 MR. DUMAIS: Didn't always happen?

25 MR. KEOUGH: No, not always.

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

2 So did it ever occur that you would be
3 advised that you were now responsible for this child or
4 this file. There wouldn't be a meeting, therefore, you'd
5 be relying entirely on the recordings and the transfer
6 summaries. Is that correct?

7 **MR. KEOUGH:** Yeah, you would read that
8 information, yes.

9 **MR. DUMAIS:** Okay. And, typically, when you
10 get a new file transferred to you, you would go back and
11 read through all of the annual summaries, if there are any,
12 the transfer summaries, and the different recordings. Is
13 that correct?

14 **MR. KEOUGH:** Yes.

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

16 Now, can you just give us a sense of the
17 workload when you first -- let's use 1981 when you first
18 became a child care worker. How many files were you
19 responsible for?

20 **MR. KEOUGH:** Off hand, I can't remember. I
21 do know our case loads were high. They were 40 plus. As I
22 said, when I started, I started with a full case load which
23 means I was anywhere from 35 up. They were high and very
24 demanding in terms of time constraints.

25 **MR. DUMAIS:** And did you have any resource

1 constraints within the agency?

2 **MR. KEOUGH:** We had a -- the agency at that
3 time rented vehicles; we didn't use our own. So we had a
4 fleet of cars and I was assigned -- every worker I believe
5 was assigned a car twice a week. You had two car days to
6 go out and visit your clients and do what was necessary in
7 the road.

8 So those restraints were difficult because
9 everybody would try to get a third car day if it was
10 possible from someone else who wasn't using their car. And
11 that was very common.

12 **MR. DUMAIS:** So then, typically, if you have
13 to visit, there's no way you can visit 35 children in two
14 car days each and every week. Is that correct?

15 **MR. KEOUGH:** Oh, impossible. There were
16 three united counties. The foster homes were spread all
17 over.

18 **MR. DUMAIS:** Okay. Can then -- can you just
19 give us a sense of how often you were able to visit the
20 children in foster homes or group homes?

21 **MR. KEOUGH:** You were responsible to kind of
22 set your own priorities in discussion with the supervisor
23 and some foster homes foster homes if the need required
24 that you be there, let's say weekly or bi-weekly, they
25 would go to the top of the list. And as you went down, the

1 foster kids that presented fewer problems or no problems,
2 they got visited far less frequently.

3 MR. DUMAIS: So am I correct then that if a
4 child was doing well in a foster home, he was doing well in
5 school, you weren't hearing of any problems, you would
6 sometimes not meet with him for months?

7 MR. KEOUGH: Yeah.

8 MR. DUMAIS: All right.

9 MR. KEOUGH: Yes.

10 MR. DUMAIS: And if a problem developed or
11 there was a need for you to be more involved with the
12 foster parents, you could see him as often as every week?

13 MR. KEOUGH: That's right.

14 MR. DUMAIS: Okay.

15 And my understanding, Bryan, is that the
16 computerized record system was not implemented at the
17 agency until after you left. Is that ---

18 MR. KEOUGH: That's right.

19 MR. DUMAIS: I see you're smiling.

20 MR. KEOUGH: It would have been nice to have
21 a computer.

22 MR. DUMAIS: Yes.

23 Now, can you just give us a bit of a sense,
24 as a childcare worker, what type of relationship you would
25 have with other institutions within the city, like for

1 example, would you ever attend schools?

2 MR. KEOUGH: Yes.

3 MR. DUMAIS: All right. So you would visit
4 the kids at their school?

5 MR. KEOUGH: Yes, that was done, but that
6 wasn't a common practice. The schools frowned upon you
7 removing a child from the classroom, so it's not something
8 that you would -- you exercised often; only on a need
9 basis.

10 Sometimes we'd try to get hold of them
11 during a spare, you know, and take them off for a coffee or
12 something like that, but that had to be on your car day,
13 you know, because ---

14 MR. DUMAIS: Sitting in the car.

15 MR. KEOUGH: There was contact with the
16 schools but not as frequent as the foster homes by any
17 means.

18 MR. DUMAIS: What about your involvement
19 with either the Cornwall Police Services or the Ontario
20 Provincial Police? Did you conduct any joint investigation
21 throughout your career?

22 MR. KEOUGH: I was involved with them quite
23 a bit when I was on call; 24-hour duty call. I can't
24 remember any joint investigation that I was involved in
25 with the police force.

1 **MR. DUMAIS:** Okay.

2 What about training with police officers?

3 Do you recall ever being involved in joint training?

4 **MR. KEOUGH:** No, none.

5 **MR. DUMAIS:** Now, I'm going to ask you some
6 questions now, Bryan, about some of your specific cases,
7 and we're going to start with the Roberta Archambault case
8 and I'm going to put some documents to you, the first one
9 being Document Number 738529.

10 My understanding, Commissioner, is that
11 excerpts of that document were previously filed, and that's
12 Exhibit 2339, but I would like to file a few other pages
13 and I'm unsure if Madam Clerk has the entire document or
14 only the new pages.

15 So Madam Clerk, do you have Bates pages 614
16 to 623? All right.

17 So then, Mr. Commissioner, perhaps we can
18 file this document as the next exhibit.

19 **THE COMMISSIONER:** Thank you. Exhibit 2355
20 is an excerpt of Document 738529 and it is a document with
21 a date of 31st of December, 1970, Initial Report.

22 **--- EXHIBIT NO./PIÈCE NO. P-2355:**

23 (7385293) Initial Recording of Roberta
24 Judd - 31 Dec 70

25 **MR. DUMAIS:** So Bryan, when we look at this

1 document in conjunction with Exhibit 2339, which is the
2 remainder of the file recordings ---

3 **THE COMMISSIONER:** Should there be -- is
4 there any confidentiality measures here we should be
5 concerned about?

6 **MR. DUMAIS:** I don't expect that there is,
7 Mr. Commissioner. I did ask Mr. Lee, because this is one
8 of his clients, whether or not he'd be making that request,
9 and he did advise me that Ms. Archambault had testified in
10 open court here and some of these documents had already
11 been filed through her.

12 **THE COMMISSIONER:** All right, fair enough.

13 **MR. DUMAIS:** So Madam Clerk, does the
14 witness also have Exhibit 2339?

15 So Bryan, we've been talking about
16 recordings and annual summaries, and this -- in-transfer
17 summaries and we see these documents that form part of this
18 file, so is that essentially the recordings for the Roberta
19 Judd, as she then was?

20 **MR. KEOUGH:** Yes.

21 **MR. DUMAIS:** That's her file essentially?

22 **MR. KEOUGH:** Yes.

23 **MR. DUMAIS:** And that essentially summarizes
24 her involvement with the agency?

25 **MR. KEOUGH:** That's right.

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

2 And so if we look at the first page of
3 Exhibit 2355, we see the initial recording, which I assume
4 is when the file is opened, and we see her name there and
5 we find out who is the initial childcare worker that's
6 given the case, which would be either Mr. or Mrs. Peden
7 here.

8 **MR. KEOUGH:** M'hm.

9 **MR. DUMAIS:** And we find out the date that
10 the child was admitted into care. Do I have that right?

11 **MR. KEOUGH:** That's right.

12 **MR. DUMAIS:** All right. So this would have
13 been September 3rd, 1970.

14 And just so that we can put everything in
15 context, I believe Ms. Judd -- or Ms. Archambault; perhaps
16 we can call her that way -- was born in 1965, so she would
17 have been around the age of five at that time. And at one
18 point in time she would have received -- she would have
19 been -- her file would have been transferred to a Mr. Willy
20 -- and I'm just looking at Bates pages 623.

21 **THE COMMISSIONER:** Sir, when we're looking
22 at numbers we have to look at the top left-hand corner.

23 **MR. KEOUGH:** Okay.

24 **THE COMMISSIONER:** We call that the Bates
25 page number.

1 **MR. KEOUGH:** Okay.

2 **THE COMMISSIONER:** And we usually refer to
3 the last three numbers.

4 So you wanted to go to where?

5 **MR. DUMAIS:** Bates pages 623.

6 **THE COMMISSIONER:** All right, which is the
7 back, which is the last page of this.

8 **MR. KEOUGH:** Thank you.

9 **THE COMMISSIONER:** All right.

10 **MR. DUMAIS:** Which is the last page of the
11 exhibit. We see there -- and my understanding is that that
12 childcare worker eventually would have transferred that
13 file to you. Is that correct?

14 **MR. KEOUGH:** That's right.

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

16 So then if we look at the first page of
17 Exhibit 2339, we see here that your name is indicated
18 there, Bryan Keough, and then there's a block recording for
19 the period summarizing July 28th, 1972 to February 6th, 1973.

20 **MR. KEOUGH:** That's right.

21 **MR. DUMAIS:** And essentially what you're
22 doing here is you're summarizing some of the events, the
23 significant events, that would have occurred during that
24 period of time.

25 **MR. KEOUGH:** Yes.

1 **MR. DUMAIS:** And unless I'm mistaken, there
2 does not appear here to be a transfer summary. Am I right
3 about this?

4 **MR. KEOUGH:** There's one at the bottom of
5 Bates page 623 by James Wylie.

6 **MR. DUMAIS:** Okay. So a couple of lines
7 there. Perhaps we can just read that, transfer summary,
8 see summary, page 9:

9 "Since this time Roberta has become a
10 Crown ward with good possibilities for
11 adoption. She has some problems with
12 the school setting and can be very
13 manipulative. Roberta has a strong
14 attachment to the Huberts and although
15 they have considered adoption, they're
16 leery as they have been turned down
17 previously."

18 So putting your mind back to that time,
19 Bryan, do you recall whether or not you would have had a
20 meeting with Mr. or Mrs. Wylie?

21 **MR. KEOUGH:** I may have. I don't remember
22 having a meeting but I may have, yeah.

23 **MR. DUMAIS:** Okay. So you don't recall
24 specifically whether or not you would have had a discussion
25 with -- do you know if it says it's Mr. or Mrs. Wylie?

1 **MR. KEOUGH:** It's Wylie.

2 **MR. DUMAIS:** Wylie.

3 **MR. KEOUGH:** James Wylie.

4 **MR. DUMAIS:** Mr. Wylie?

5 **MR. KEOUGH:** Yes.

6 **MR. DUMAIS:** Thank you.

7 So do you recall whether or not there had
8 been any discussions with respect to placing Roberta at
9 that time for adoption?

10 **MR. KEOUGH:** I have no independent
11 recollection, no.

12 **MR. DUMAIS:** Okay. And you couldn't help us
13 to explain why the Huberts would have been -- the adoption
14 process with them would have failed?

15 **MR. KEOUGH:** No.

16 **MR. DUMAIS:** Okay.

17 **THE COMMISSIONER:** I'm sorry; did you say
18 why the Hubert adoption would have failed?

19 **MR. DUMAIS:** Correct, the Huberts.

20 **THE COMMISSIONER:** The previous adoption or
21 of Roberta and her sister?

22 **MR. DUMAIS:** Well, I don't know that the
23 Huberts -- I don't think the summary specifically tells us
24 that the Huberts were intending on adopting Roberta.

25 **THE COMMISSIONER:** Well, Exhibit 2339, it --

1 the Huberts, it says, after factual developments and
2 relationships in foster home; the second paragraph says:

3 "Mr. and Mrs. Hubert were informed that
4 both Jennifer and Roberta were now
5 available for adoption. They expressed
6 some desire to adopt these children in
7 the past and it was agreed they'd have
8 until January '73 to decide and they
9 decided they couldn't."

10 Are we -- Mr. Lee?

11 **MR. LEE:** Well, I can assist. You're
12 correct on that part of the story, Mr. Commissioner. And
13 you'll recall when Ms. Archambault testified here much
14 later on in time there were issues with her sister possibly
15 being adopted and refusing to leave the home and the issues
16 that caused.

17 **THE COMMISSIONER:** Yes, yes.

18 **MR. LEE:** So it was kind of a lengthy
19 process where adoption was considered at various points
20 past the time when the Huberts declined.

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

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

23 So my understanding then that you would have
24 prepared an annual summary on April 14th, 1976 -- and I am
25 looking here at Exhibit 2339. We would find this annual

1 summary at Bates pages 627 through to 628.

2 And this annual summary essentially covers a
3 period of time from February 13th, 1974 to April 14th, 1976;
4 correct?

5 MR. KEOUGH: Yes.

6 MR. DUMAIS: There's one entry that was
7 made, it's the third paragraph from the bottom, the last
8 three lines, and I'm going to read it out to you. It's
9 under the heading of "Behaviour":

10 "Short attention span [and you're
11 talking here about Roberta] with
12 possible problem areas as follows:
13 Lying, cruelty to animals, manipulative
14 and outright bull-headed at times."

15 MR. KEOUGH: Yes.

16 MR. DUMAIS: So do you recall what your
17 thought were about Roberta at that time and whether or not
18 -- I guess the specific question is whether you had any
19 concerns about the -- your entry about cruelty to animals?

20 MR. KEOUGH: I think Mr. Hubert had a
21 kennel.

22 MR. DUMAIS: Yes.

23 MR. KEOUGH: He took care of -- he raced
24 dogs. And part of Roberta's responsibilities was to help
25 him in the kennel and I think the problem centred around

1 her not taking care of the animals the way she had
2 committed to. I don't remember anything specific. I don't
3 remember any -- like, I don't remember Mr. Hubert ever
4 saying to me that she would have hurt a dog, you know what
5 I mean, by ---

6 MR. DUMAIS: All right.

7 THE COMMISSIONER: But you do use the words,
8 "cruelty to animals."

9 MR. KEOUGH: Yes.

10 THE COMMISSIONER: Okay.

11 MR. DUMAIS: And in most of these recordings
12 it is fair to say that a lot of the information that's
13 found in there comes from your interviews with the foster
14 parents? Is that a fair statement?

15 MR. KEOUGH: Interviews with the foster
16 parents and their children, yeah.

17 MR. DUMAIS: All right.

18 MR. KEOUGH: But basically the foster
19 parents, yes.

20 MR. DUMAIS: And just generally speaking,
21 Bryan, can you give us a sense of when you go into a home
22 and you're meeting with a foster child, what was your
23 practice; would you meet the child alone, with the foster
24 parents; would you meet the foster parents alone; is there
25 a practice that you had?

1 **MR. KEOUGH:** I had a pattern that I
2 attempted to follow as much as possible. I would visit the
3 foster home and meet with the foster parents or foster
4 mother, and following that I would meet with the child
5 alone and then I would meet with them both together. That
6 was the pattern I tried to follow as much as I could.

7 **MR. DUMAIS:** And when you were meeting with
8 the foster child, where would those meetings occur?

9 **MR. KEOUGH:** In the parlour, in the kitchen,
10 in a room -- whatever room I met the foster mother in. You
11 know, the foster mother would leave and then the foster
12 child would come in and then we'd talk and then the foster
13 mother would come back.

14 **MR. DUMAIS:** All right.

15 And is it fair to say that when you were
16 having these meetings with the foster children that they
17 were out of earshot of the foster parents? Is that ---

18 **MR. KEOUGH:** That would be the goal.

19 **MR. DUMAIS:** That would be the intent?

20 **MR. KEOUGH:** Yes.

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

22 Now, if we look then at the recordings, the
23 block recordings at Bates pages 624 and 626, these are the
24 recordings that you would have made in Roberta's file
25 between July 1972 and February 1974.

1 **MR. KEOUGH:** Yes.

2 **MR. DUMAIS:** So these are your summaries
3 covering the period that -- the period of time that is
4 covered by your annual summary. Is that correct?

5 **MR. KEOUGH:** Yes.

6 **MR. DUMAIS:** And I'm looking at these
7 recordings and I don't find an entry for something that you
8 have noted in your behaviour section of the annual summary.
9 Does that mean that you're relying on information in your
10 case notes or you're relying on your memory of these
11 things?

12 **MR. KEOUGH:** I'm not sure.

13 **MR. DUMAIS:** Okay. But you understand what
14 my question ---

15 **MR. KEOUGH:** Yes, I understand.

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

17 So do you recall during those first few
18 years when you were the childcare worker for Roberta, just
19 generally speaking, whether or not she was doing well in
20 this foster home? What's your recollection?

21 **MR. KEOUGH:** I have no independent
22 recollection apart from my notes.

23 **MR. DUMAIS:** Okay. Well, perhaps I can just
24 take you to one of your recordings then, Bryan, and I'm
25 looking at Bates pages 625, the heading that reads,

1 "Factual Developments and Relationships in the Foster
2 Home."

3 MR. KEOUGH: Yes.

4 MR. DUMAIS: So I'm reading here:

5 "The situation continues to be quite
6 stable in this home. Roberta presents
7 no problem and has adjusted very well
8 to this home setting."

9 MR. KEOUGH: Yes.

10 MR. DUMAIS: So is it fair to say that she
11 appears to be doing fairly well at the period of time in
12 the foster home?

13 MR. KEOUGH: M'hm.

14 MR. DUMAIS: And that's between 1972 and
15 1973, and then I'm looking at the last paragraph under that
16 heading:

17 "On my visit of June 25th, 1973, Mr. and
18 Mrs. Hubert and myself discussed
19 visiting. It was felt by all concerned
20 that I should visit once every three
21 months as there was no need for regular
22 monthly visits."

23 So, essentially, she appears to be doing
24 well and you're ---

25 MR. KEOUGH: Yes.

1 **MR. DUMAIS:** Would you qualify visiting a
2 foster child in a home every three months as not someone
3 requiring very much involvement on your part?

4 **MR. KEOUGH:** That's right.

5 **MR. DUMAIS:** What's the longest period of
6 time that you would go without seeing one of the children?

7 **MR. KEOUGH:** I'm not sure. Four or five
8 months would be rare, but with a child in a home where
9 there's no problems, there would have been phone calls in
10 the interim but it could happen it could have went that
11 long.

12 **MR. DUMAIS:** Okay. So then my question,
13 Bryan, is I'm looking at some of your recordings and some
14 of your findings in 1972-1973. You don't appear to have
15 recorded any concerns.

16 I'm looking at your annual summary, which
17 period ends on April 14th, 1976, and you're certainly noting
18 some concerns, not only the concern about cruelty to
19 animals but concern about her lying and her being
20 manipulative. So it certainly appears to have been a
21 change from '72-'73 to '76. Agree with me?

22 **MR. KEOUGH:** Yes.

23 **MR. DUMAIS:** Do you know -- do you have any
24 knowledge of anything specific that would have occurred
25 between those two periods of time that could explain that?

1 **MR. KEOUGH:** No.

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

3 Now, as we've indicated earlier, Bryan,
4 Roberta did testify at this Inquiry, and one of the things
5 she testified to is that she would have attempted to commit
6 suicide in 1976.

7 Were you aware, Bryan, of any suicide
8 attempts by Roberta during the time that you were her
9 childcare worker?

10 **MR. KEOUGH:** Not that I can remember.

11 **MR. DUMAIS:** Okay.

12 If we can then just look at one entry,
13 Bryan, and that's -- I'm looking here at Bates page 630.

14 **MR. KEOUGH:** Six-three-zero (630)?

15 **MR. DUMAIS:** Yes.

16 So, again, I guess just to put everything in
17 context, Roberta, who was born in 1965, would be around 10
18 or 11 years old in 1976.

19 So I'm just going to read out -- it's the
20 first paragraph, the note up there, so:

21 "On October 6th, 1976, Bertie was
22 admitted..."

23 And they use "Bertie" but, of course, Bertie is -- refers
24 to Roberta, right?

25 **MR. KEOUGH:** Yes.

1 **MR. DUMAIS:** All right.
2 "...was admitted to the Winchester
3 Memorial Hospital with what was thought
4 of as convulsions. She was kept
5 overnight for observation and referred
6 to Dr. Gourley on October 12, 1976,
7 whose impressions were as follows.
8 Probable syncope following cheerleading
9 and handstanding due to excitement
10 outdoors."

11 Does that ring a bell? Do you recall that
12 incident?

13 **MR. KEOUGH:** No, I don't.

14 **MR. DUMAIS:** But certainly, Bryan, you would
15 be the one that would have made this entry, right?

16 **MR. KEOUGH:** Yes, that's my recording.

17 **MR. DUMAIS:** And you can't provide any
18 assistance as to whether or not you were concerned about
19 that or whether or not you had spoken to the doctor, or
20 whether or not you spoke to Roberta?

21 **MR. KEOUGH:** No.

22 **MR. DUMAIS:** Perhaps I can just take you to
23 Bates page 638.

24 **THE COMMISSIONER:** I do note that in your
25 plan is "continue to visit every six months"?

1 **MR. KEOUGH:** Yes.

2 **THE COMMISSIONER:** So twice a year?

3 **MR. KEOUGH:** Yeah.

4 **THE COMMISSIONER:** I'm sorry, now going to?

5 **MR. DUMAIS:** Bates page 638.

6 And this is a recording -- actually, I think
7 it's an annual summary. These are the summary recordings
8 when the file was transferred to Mary Miller, and it covers
9 a period of time of between January, 1981 and June, 1983.
10 So certainly, Bryan, that's after your involvement?

11 **MR. KEOUGH:** Yes.

12 **MR. DUMAIS:** But when she's meeting with
13 Mary Miller she's indicating the following, and I'm looking
14 at Bates page 638 under "Behaviour", the second paragraph.

15 So it reads as follows:

16 "Bertie reports that the aspirin
17 overdose in April..."

18 **THE COMMISSIONER:** "Eighty-three ('83)."

19 **MR. DUMAIS:** "...in April of 1983 was not
20 her first suicide attempt. She says
21 she also took an overdose in October
22 1976, at which time she was examined by
23 Dr. Gourley. Apparently, when she told
24 the Huberts what she had done, they
25 accused her of both lying and acting to

1 get attention."

2 So that appears to be -- well, that's the
3 recording that Mrs. Miller is making and that's presumably
4 what Roberta is telling her. Does that ring a bell? Does
5 that ---

6 **MR. KEOUGH:** Not at all.

7 **MR. DUMAIS:** Okay.

8 I'm going back now, Bryan, to Bates page
9 630. So just under 17, so right under the incident at
10 Winchester Memorial Hospital, there's a Placement Resource
11 heading and you're describing the foster home of Mr. and
12 Mrs. Hubert as follows:

13 "Mr. and Mrs. Hubert are truly an asset
14 to this agency in the foster home
15 field."

16 So certainly at that period of time, Bryan,
17 that was your view?

18 **MR. KEOUGH:** Yes, it was.

19 **MR. DUMAIS:** That the Huberts' foster home -
20 --

21 **MR. KEOUGH:** Yes.

22 **MR. DUMAIS:** And then if we can just follow
23 then, you prepare an annual summary, and the date of the
24 recording is on October 3rd, 1980, and it covers the period
25 between October 23rd, 1978 and the date which I just

1 mentioned. Is that correct?

2 **MR. KEOUGH:** Yes.

3 **MR. DUMAIS:** I'm looking at the second page
4 of that summary, so Bates page 631 and, again, just under
5 Behaviour. And I'm just going to take you to the last
6 three lines of that paragraph, so it reads as follows:

7 "She has a fair attention span with
8 problem areas as follows: lying,
9 stealing..."

10 Which you had noted, I believe, in your last annual summary

11 --

12 "...and possible sexual behaviour.
13 Manipulative, very selfish and self-
14 centred at times."

15 So you noted here possible sexual
16 misbehaviour, Bryan. Do you recall what that referred to?

17 **MR. KEOUGH:** No, I don't.

18 **MR. DUMAIS:** Do you recall whether or not
19 you -- that would have been taken up with the Huberts or --

20 -

21 **MR. KEOUGH:** It would have probably been
22 something as a result of the Huberts telling me that or
23 referencing that.

24 **MR. DUMAIS:** Now, when Ms. Archambault
25 testified at the Inquiry, she said that -- oh, sorry.

1 If I can perhaps just take you to Bates
2 pages 632?

3 I'm still looking at your annual summary
4 here. I'm looking at the top of the page, last line of the
5 second paragraph there, which reads as follows:

6 "She's respectful of her teachers and
7 is experiencing problems in the area of
8 peer relationships and pressure."

9 So do you have any recollection, Bryan, of
10 Roberta having some difficulties at school or any specific
11 incidents that would have occurred in the school setting?

12 **MR. KEOUGH:** Nothing specific, no.

13 **MR. DUMAIS:** Okay. Because when Ms.
14 Archambault testified here at the Inquiry, she indicated or
15 gave evidence that she would have been beaten up while she
16 was in Grade 10. Does that mean anything to you? Do you
17 recall that at all?

18 **MR. KEOUGH:** I don't believe I've referenced
19 that anywhere in my records.

20 **MR. DUMAIS:** I don't think -- I couldn't
21 find it either, so I think you're correct about that. But
22 what she also indicated when she testified at the Inquiry
23 is that following that incident at school that she would
24 have met with you at the school and then indicated to you
25 that she had suffered abuse at the Hubert foster home. And

1 that would have been, in time, shortly after this school
2 incident in Grade 10. So do you recall Roberta ever
3 telling you anything about the -- being abused in the
4 Hubert home?

5 MR. KEOUGH: If she had, I would have --
6 that would have been in the report.

7 MR. DUMAIS: That would have been in the
8 report. All right.

9 And then just on the following page, you're
10 noting that ---

11 MR. KEOUGH: What page? What page is that,
12 please?

13 MR. DUMAIS: Sorry. Bates pages 632.

14 MR. KEOUGH: Okay.

15 MR. DUMAIS: I'm looking at -- still in the
16 annual summary, so I'm looking at Bates pages 632 under
17 Placement Resources.

18 MR. KEOUGH: Yes.

19 MR. DUMAIS: So the first line of the second
20 paragraph reads as follows:

21 "Throughout the past year, we have had
22 major problems with Roberta in this
23 home."

24 And then you note some of these same
25 problems that you've noted previously. But then if we look

1 at the second paragraph. It says:

2 "On April 14th, 1980 Roberta requested
3 that she..."

4 Actually, I think at one point in time a
5 request had been made. Sorry. That's on April 12th, 1980.
6 That's the last line of the second paragraph. I skipped
7 one part. So if I read the last three lines:

8 "This happened on April 12th, 1980 at
9 which time I brought Roberta's case
10 before our admission and placement
11 committee."

12 **THE COMMISSIONER:** So the foster parents are
13 asking her to be removed.

14 **MR. DUMAIS:** Correct.

15 So do you recall that?

16 **MR. KEOUGH:** Do I recall specifically now,
17 do you mean?

18 **MR. DUMAIS:** Yes.

19 **MR. KEOUGH:** No.

20 **MR. DUMAIS:** You don't have any independent
21 recollection of it?

22 **MR. KEOUGH:** No.

23 **MR. DUMAIS:** But certainly it appears that
24 after the meeting of this committee, she would have been
25 provided with three different alternatives. I'm just

1 looking at the bottom of that page. The first one being
2 staying until the end of July, if she behaved. Number two;
3 will move immediately if situation breaks down. And number
4 three; if she runs again, the OPP would be contacted to
5 pick her up.

6 Now just at the last reference there, under
7 number three; do you recall whether or not Roberta had ever
8 run away before?

9 MR. KEOUGH: No.

10 MR. DUMAIS: And my understanding is that
11 for the next little while the situation had improved, and
12 as a matter of fact during that summer -- and I'm looking
13 at the top of page 633 -- she had requested to stay in the
14 foster home.

15 MR. KEOUGH: Yes.

16 MR. DUMAIS: All right.

17 Now on that same page, so basically just
18 633, there is a transfer summary that's prepared. So the
19 top paragraph, you noted on October 23rd, 1980 that you
20 would have had a session with Birdie and Mrs. Hubert
21 individually and then together and Birdie was causing some
22 problems in the home; acting out, lying, stealing, running,
23 et cetera:

24 "She has severe anger outbursts, mood
25 changes, manipulative, jealous,

1 possessive, smokes heavily but always
2 has money and possibly promiscuous."

3 Do you recall why you would have indicated
4 that she was possibly promiscuous?

5 **MR. KEOUGH:** I think I make note later on in
6 the recording that that's Mrs. Hubert's fear, that she was
7 promiscuous, under (c) of November 3rd, 1980. I think that
8 was something that Mrs. ---

9 **THE COMMISSIONER:** "Mrs. H's fear of
10 promiscuity."

11 **MR. KEOUGH:** Yes.

12 **MR. DUMAIS:** So she would have indicated
13 that she was concerned with her -- with Roberta's quick
14 mood changes and Mrs. Hubert's fear of promiscuity. Is
15 that ---

16 **MR. KEOUGH:** Yes.

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

18 **MR. KEOUGH:** I think that was something that
19 Mrs. Hubert kept talking about.

20 **MR. DUMAIS:** Okay. And do you recall
21 whether or not this would have been something that you
22 would have taken up with Roberta?

23 **MR. KEOUGH:** Yes, probably.

24 **MR. DUMAIS:** But you can't tell us today
25 what that would be?

1 **MR. KEOUGH:** No.

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

3 And then if you look at the following page
4 on December 12th, 1980 so just about one month later ---

5 **THE COMMISSIONER:** December 12th? What page?

6 **MR. DUMAIS:** December 12th, 1980. Bates
7 pages 6 through 4:

8 "Received a call from Mrs. Hubert.
9 Situation has greatly deteriorated.
10 Birdie just not willing to put forth
11 any effort to retain placement."

12 Then my understanding is that Mrs. Hubert
13 was requesting that she be moved?

14 **MR. KEOUGH:** Yes.

15 **MR. DUMAIS:** And on the following page at
16 Bates pages 635 -- I'm looking at the top of the page there
17 -- and that appears to be a plan from the placement
18 committee meeting. And so the plan is as follows:

19 "Acceptance that presently situation in
20 foster home is not workable.
21 Acceptance that the security and love
22 provided by this home are positive to
23 work upon."

24 And then:

25 "Eventual return to the Huberts."

1 And then the next recording is:

2 "Placement in a group home. Time span
3 from six months to a year. Development
4 of a program geared to first of all
5 identifying the major problems, i.e.
6 promiscuity, stealing and
7 manipulative."

8 So do I understand this recording correctly
9 that she appears to have been placed in a group home for a
10 period of six months to a year or the plan was to place her
11 for six months to a year?

12 **MR. KEOUGH:** Yes.

13 **MR. DUMAIS:** And then consider her returning
14 her to the Hubert home, is that ---

15 **MR. KEOUGH:** Yes.

16 **MR. DUMAIS:** All right. And my
17 understanding is that this is essentially a transfer
18 summary that you've prepared and I'm assuming that this is
19 because the file was then transferred to Mary Miller. Is
20 that correct?

21 **MR. KEOUGH:** Yes.

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

23 **MR. DUMAIS:** This would then terminate your
24 involvement with this -- with Roberta. Is that correct?

25 **MR. KEOUGH:** Yes.

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

2 Now, Mr. Commissioner, I'm moving away now
3 from -- and I'm going into another area which requires me
4 to get a copy of the new documents. So if we could just
5 take a five-minute break?

6 And I don't know until what time you want to
7 sit tonight, Mr. Commissioner.

8 **THE COMMISSIONER:** What time would you like
9 to go to Mr. Dumais?

10 **MR. DUMAIS:** If we can take a short break
11 and perhaps -- I'd like to start this next section so that
12 -- because I know Mr. Keough came from out West and I'd
13 like to make sure he's done this week.

14 **THE COMMISSIONER:** All right.

15 **MR. DUMAIS:** Thank you.

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

18 This hearing will resume at 4:30 p.m.

19 --- Upon recessing at 4:23 p.m. /

20 L'audience est suspendue à 16h23

21 --- Upon resuming at 4:33 p.m. /

22 L'audience est reprise à 16h33

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 **BRYAN KEOUGH:** Resumed/Sous le même serment

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

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

5 **MR. DUMAIS:** So, Bryan, perhaps one last
6 question before I move on.

7 If I can just take you back to the same
8 document, so 2355; I'm looking at Bates page 635. And we
9 were looking at the placement committee meeting recordings
10 and they were essentially indicating that Bertie was
11 accepted in the Lapensée group home and we had actually
12 looked at the reference I want us to look at again. And
13 I'll read it out again:

14 "Placement in a group home, time span
15 from six months to a year."

16 Then you're looking at identifying the major
17 problems and i.e. -- and there's three things noted there,
18 first one being "Promiscuity"; second one "Stealing" and
19 "Manipulation".

20 The only distinction with first one is
21 there's a question mark I guess after "Promiscuity". Is
22 there any significance to that? Is that -- do you remember
23 anything?

24 **MR. KEOUGH:** That would probably mean that I
25 was unsure about this being a problem or being a very

1 serious problem.

2 MR. DUMAIS: Okay. But you don't recall
3 exactly why you would have thought that, but certainly
4 you're looking at this and you're thinking, "Well, maybe I
5 had some concerns about whether or not that was a problem".
6 You don't recall specifically something that would ---

7 MR. KEOUGH: No, I just -- the question mark
8 just -- I spotted it and I said to myself, just shortly a
9 little while ago, that probably it means I wasn't sure
10 about it. I had some doubts that it was a real issue.

11 THE COMMISSIONER: Do you have any memory of
12 this gal at all?

13 MR. KEOUGH: Oh yes, but not -- the things I
14 can't remember I don't remember.

15 THE COMMISSIONER: No, no. I'm not -- no.
16 Do you remember ever interacting with her?
17 Do you have any independent recollection of what she looked
18 like?

19 MR. KEOUGH: I remember she was a small girl
20 and her older sister was -- she was a very petite girl. I
21 remember that.

22 THE COMMISSIONER: M'hm.

23 MR. KEOUGH: I remember some vague memories
24 about the foster home itself.

25 THE COMMISSIONER: M'hm. Okay.

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

2 So if we can just move on then and we're
3 going to look at your involvement with Ms. Cieslewicz's
4 foster home. And I'm going to take you -- we're going to
5 use principally one document again, Bryan, and that would
6 be Document -- Exhibit Number 2227.

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

8 **MR. DUMAIS:** And as I indicated before we
9 started, Bryan, some of these -- there is a publication ban
10 on this document and there are monikers. Perhaps Moniker
11 C-76 could be shown to him.

12 **THE COMMISSIONER:** So if you have to refer
13 to, or you wish to refer to that name, I'd rather that --
14 well ---

15 **MR. KEOUGH:** C-76.

16 **THE COMMISSIONER:** C-76.

17 **MR. DUMAIS:** And the others don't have a
18 moniker; I'll see if I can get away with it, but they are
19 protected by a publication ban as well, Bryan.

20 So, essentially, the first couple of pages
21 in this file appear to be a foster home investigation.

22 Am I correct in understanding that there
23 would be this type of investigation before a couple is --
24 or a foster home is accepted within the ---

25 **MR. KEOUGH:** Yes.

1 **MR. DUMAIS:** All right. And I think you
2 indicated to us earlier on that Ms. Gratton had the
3 responsibility at the agency for doing that?

4 **MR. KEOUGH:** Yes.

5 **MR. DUMAIS:** And it appears that the
6 application would have been filed on November 12th, 1972 and
7 the applicants were Mr. and Mrs. Cieslewicz. Is that
8 correct?

9 **MR. KEOUGH:** Yes.

10 **MR. DUMAIS:** And I'm looking now at Bates
11 page 404, under "Initial interview", and that's a
12 description -- there's a description at the second
13 paragraph of the home. So that's the first four lines, so:

14 "They were living in a large brick
15 older home which was a farmhouse, a
16 farm home, which is situated at the end
17 of a long laneway off a road which let
18 from Highway 43 to Maxville. There was
19 a number of swings and playthings for
20 children in the yard and the home was
21 very neat and attractive on the
22 outside."

23 The next line is the question I have for
24 you:

25 "Worker went over our policy concerning

1 foster homes and our requirements for a
2 receiving home, in particular."

3 So do know what the policy was that Ms.
4 Gratton is referring to about foster homes and what the
5 Cieslewicz's are being shown here?

6 **MR. KEOUGH:** No, I don't.

7 **MR. DUMAIS:** Okay. And what about the
8 notation about the requirements for a receiving home?

9 **MR. KEOUGH:** Well, the agency was always on
10 the lookout for receiving homes because they were hard to
11 come by and when we did get them, they usually didn't last
12 that long just because of the huge turnover of children and
13 the high demand placed upon them.

14 So I would read from that that maybe Mrs.
15 Gratton was also looking at the possibilities to whether at
16 some point in the future they could be a receiving home.

17 **MR. DUMAIS:** Okay. Perhaps if I can ask you
18 this.

19 If you can just explain to us the
20 distinction between just a regular foster home and a
21 receiving home?

22 **MR. KEOUGH:** A regular foster home would
23 receive a child through the agency in a planned manner.
24 And what I mean by that is the foster parents would be
25 contacted, the case would be discussed with the foster

1 parents prior to the foster -- the child coming to the
2 home.

3 The foster parents may, you know, see that
4 child prior to making a decision as to whether the child
5 comes to their home or not. It's a very -- it would be a
6 very systematic process of bringing the child into the
7 home.

8 A receiving home was a totally different
9 matter. If I was like, for example, a 24-hour duty worker,
10 someone had to be on call from the time the office closed
11 until the time the office opened.

12 If you were called out on an emergency, and
13 you picked up -- you have to pick up a family of three
14 children, for example, and it was two o'clock in the
15 morning, you phoned the receiving home mother and said,
16 "I'll be there in half an hour with three kids," and ---

17 **MR. DUMAIS:** Typically, the children would
18 stay there for a very short period of time, until an actual
19 foster home is found?

20 **MR. KEOUGH:** Yeah, and that would be
21 determined probably at the next court date. Like if the
22 children came into care there was a time span whereby you
23 had to appear in front of the Judge and explain the reasons
24 for them coming into care, and provide some type of plan,

25 **MR. DUMAIS:** All right. And then can you

1 explain to us how the requirements differ from the two
2 different homes?

3 **MR. KEOUGH:** The stress level upon receiving
4 home parents would be far greater. The degree of
5 flexibility required of receiving home parents would be far
6 greater. The disruption to their own home and family would
7 be far greater.

8 **MR. DUMAIS:** Because typically you're
9 dropping children off there, taken out of a situation of
10 crisis. Is that ---

11 **MR. KEOUGH:** Yeah.

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

13 **THE COMMISSIONER:** At all times of the day,
14 night ---

15 **MR. KEOUGH:** Yes.

16 **THE COMMISSIONER:** --- without very much
17 warning; that kind of thing?

18 **MR. KEOUGH:** That's right.

19 **THE COMMISSIONER:** All right.

20 **MR. DUMAIS:** Which would mean then that the
21 receiving home, or persons in the receiving home, would
22 have to be particularly adept at being foster parents.
23 Have I got that right?

24 **MR. KEOUGH:** Yes. It's a kind of
25 specialized type of foster parents, because they're -- the

1 care they provided was not only immediate, but short term.

2 MR. DUMAIS: Okay. And is the requirement
3 level higher for a receiving home than a foster home?

4 MR. KEOUGH: I would think so.

5 MR. DUMAIS: Okay.

6 MR. KEOUGH: That would be my expectation,
7 yes.

8 MR. DUMAIS: But certainly it appears, from
9 what Ms. Gratton is indicating here, that there appears to
10 be some interest, since she appears to be discussing ---

11 MR. KEOUGH: Yes.

12 MR. DUMAIS: --- with the Cieslewicz;
13 correct? All right. And then, if you look at the last
14 page of her assessment, Bates pages 204, Motivation at the
15 second-last paragraph -- well, actually, it's the only
16 paragraph under that heading:

17 "An express desire to provide affection
18 and care and understanding, as well as a
19 reasonable amount of discipline for one
20 or more children who are in need of a
21 good home environment."

22 And then the second sentence:

23 "The Cieslewicz assured worker that
24 they are not interested particularly in
25 any monetary gains for fostering, since

1 they are quite comfortably off
2 themselves, but they have a very large
3 home and they feel that they would like
4 to share it with some children who have
5 been deprived of a good home life."

6 So do you know, Bryan, whether or not this
7 was a particular concern for the agency whether or not
8 foster parents were applying to be foster homes and taking
9 on children for the money?

10 **MR. KEOUGH:** I am not aware of that being a
11 concern.

12 **MR. DUMAIS:** Okay. And my understanding is
13 that the Cieslewicz home was not a receiving home at the
14 time that you had ---

15 **MR. KEOUGH:** No.

16 **MR. DUMAIS:** --- children placed there;
17 correct?

18 **MR. KEOUGH:** No, they were a foster home.

19 **MR. DUMAIS:** And my understanding ---

20 **THE COMMISSIONER:** Mr. Carroll, if you'd
21 like to discuss matters with somebody, could you just go
22 outside, please?

23 **MR. CARROLL:** Yes, Your Honour.

24 **THE COMMISSIONER:** It's too much now;
25 enough.

1 Okay, go ahead, sorry.

2 **MR. DUMAIS:** And my understanding is that in
3 this particular home there would have been more than one
4 child residing there? Is that correct?

5 **MR. KEOUGH:** Yes.

6 **MR. DUMAIS:** And, I mean, there were some
7 fluctuations, so that changed over time?

8 **MR. KEOUGH:** Yes.

9 **MR. DUMAIS:** And my understanding, that your
10 specific involvement with this home was with one particular
11 child, which is C-76? Is that correct?

12 **MR. KEOUGH:** Yes.

13 **THE COMMISSIONER:** Do you have any
14 independent recollection of that?

15 **MR. KEOUGH:** Of this home and this child?

16 **THE COMMISSIONER:** Yes.

17 **MR. DUMAIS:** Yes.

18 **MR. KEOUGH:** Yes, I do.

19 **THE COMMISSIONER:** Okay.

20 **MR. DUMAIS:** Now, if we look, firstly, at
21 Bates pages 405, we see recordings that appear to have been
22 made by Françoise Lepage, which is I think known by "Fran
23 Lepage." Is that correct?

24 **MR. KEOUGH:** Yes.

25 **MR. DUMAIS:** And she would have been a

1 fellow child protection worker, working with you at the
2 agency?

3 **MR. KEOUGH:** Yes, she was.

4 **MR. DUMAIS:** And she's making recordings
5 about one particular child under her care in the home, and
6 I'm just -- well, if we can firstly look under Factual
7 Data, under the first bigger paragraph, if I can put it
8 that way, so the paragraph that has about eight or nine
9 lines.

10 **MR. KEOUGH:** Yes.

11 **MR. DUMAIS:** It starts with "Relationships."

12 So:

13 "Relationship between worker and foster
14 parent is good."

15 And then this is the second line:

16 "However, Mrs. C. seems uneasy about
17 worker visiting without a specific
18 reason."

19 So do you recall whether or not that's a
20 concern that you would have noted with these foster
21 parents?

22 **MR. KEOUGH:** It wasn't, no.

23 **MR. DUMAIS:** Okay. And do recall whether
24 you would have revived this file, so both the foster home
25 investigation and the recordings of Fran Lepage, before you

1 would have decided to place C-76 in this home?

2 MR. KEOUGH: I don't know if I would have
3 read the foster home file. I can't remember doing that,
4 although the foster home finder would talk to you about the
5 foster home ---

6 MR. DUMAIS: Okay.

7 MR. KEOUGH: --- and probably have the file
8 with her while she did that.

9 MR. DUMAIS: And is it the foster home
10 finder that would essentially know how many children could
11 be placed in that home?

12 MR. KEOUGH: Yes.

13 MR. DUMAIS: And is it the foster home
14 finder that has the responsibility of monitoring when a
15 child is taken out of a home or placed into a particular
16 home?

17 MR. KEOUGH: Yes.

18 MR. DUMAIS: Okay.

19 So then, if we can just look at the second
20 paragraph, and I'm looking at about the third line, and
21 here -- I'll just read it out:

22 "Unfortunately Lori surprised one of
23 the children placed in the home and her
24 husband, Pepi, necking in the C's
25 living room at 4:30 a.m. in the

1 morning."

2 So this appears to be one of the foster
3 children that had been placed in the home, which is being
4 supervised by Fran Lepage, that was surprised at 4:30 in
5 the morning kissing the -- a relative of Mr. and
6 Mrs. Cieslewicz. Do you recall noting that prior to having
7 C-76 placed in that ---

8 **MR. KEOUGH:** No.

9 **MR. DUMAIS:** Would this be something that
10 would have concerned you back then, noting this?

11 **MR. KEOUGH:** A husband and wife kissing ---

12 **MR. DUMAIS:** No.

13 **MR. KEOUGH:** --- at 4:30 in the -- no?

14 **MR. DUMAIS:** No, I believe it's the husband
15 of one of the relatives of the Cieslewiczs kissing one
16 -- engaged in kissing one of the foster children that's
17 placed in the home.

18 **MR. KEOUGH:** Oh. Okay, I'm sorry. Yeah.
19 That would have concerned me, yes.

20 **MR. DUMAIS:** Okay. But do you remember at
21 the time whether or not you have noted this or read this
22 prior to your involvement ---

23 **MR. KEOUGH:** No.

24 **MR. DUMAIS:** --- in this home? Okay. So
25 then we are -- if you can just flip the page and if we can

1 look at Bates pages 405, and again this is a recording that
2 was made by Françoise Lepage, but I think it later becomes
3 relevant.

4 So first, if we can look at the -- right
5 under Factual Data there's a description of the different
6 children that are in the home and, in my understanding that
7 everyone that's in the home, that's presently in the home,
8 are girls and that some of the boys have been removed. Do
9 you see where I'm getting that?

10 **MR. KEOUGH:** You're in that large paragraph?

11 **MR. DUMAIS:** I'm at -- yes, right in the
12 first paragraph.

13 So I'm just trying to set this up.

14 And certainly C-76 is mentioned there, so
15 I'm assuming that on June 25th, 1973 she would have been
16 placed in that home?

17 **MR. KEOUGH:** Yes.

18 **MR. DUMAIS:** And then my understanding is
19 that there are three child protection workers involved, one
20 being the one making the recordings, Ms. Lepage, yourself,
21 and then Mr. Copeland.

22 **MR. KEOUGH:** Yes.

23 **MR. DUMAIS:** So the recording I want to put
24 your attention to is the top of that first paragraph I'm
25 going to start reading from the dates on October 27th, 1973.

1 You have that, Bryan?

2 **MR. KEOUGH:** Oh, yes. Okay.

3 **MR. DUMAIS:** Okay:

4 "On October 27th, '73 Mrs. C telephoned
5 24-hour duty worker, Mr. D. Devlin,
6 stating that she had a disagreement
7 with her husband and had left the home
8 with the children, i.e. the three
9 foster children and her own daughter,
10 and had gone to her best friend's in
11 Alexandria. Mr. C felt that the
12 children should return home and
13 therefore went to pick them up."

14 So do you recall this incident, Bryan?

15 **MR. KEOUGH:** No, I don't.

16 **MR. DUMAIS:** Do you think -- like, perhaps
17 you can just explain, when something like this happens --
18 so it appears that someone who is on duty is being called,
19 so she would have called the 24-hour duty worker, Mr.
20 Devlin, indicating that the foster mother has left the home
21 with the children and then the foster father would have
22 picked up the children and returned them to the home.

23 I mean, would the duty worker then turn
24 around and give you a call and tell you "Well, listen, this
25 is happening"?

1 **MR. KEOUGH:** Probably not at the moment but
2 something would have been said the day after, you know, at
3 least to the supervisor.

4 **MR. DUMAIS:** But you have no recollection of
5 this incident where ---

6 **MR. KEOUGH:** No, I don't.

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

8 And if we look at the -- if we can just look
9 at the evaluation. So, again, this is something that's
10 noted by Fran Lepage, and that's right prior to your
11 recording. So I'm looking at the evaluation, the second
12 line.

13 **MR. KEOUGH:** Yes.

14 **MR. DUMAIS:** So it reads:

15 "Financially it seems that this family
16 can barely get by and therefore
17 sometimes requests assistance to clothe
18 the children."

19 And if you remember I had asked you
20 previously whether or not you had noted the fact -- well,
21 they had assured Ms. Gratton that there is no difficulty
22 with money. Certainly a short while later it appears that
23 -- or at least it's noted that Mr. and Mrs. Hubert appear
24 to have some financial difficulty. Is that something that
25 you would have noted back then or do you recall that, that

1 they were -- they had financial difficulties?

2 **MR. KEOUGH:** It was never reflected in the
3 care they provided the girl I had there.

4 **MR. DUMAIS:** Okay. And you don't recall
5 having any discussion with Mr. and Mrs. Hubert about --
6 sorry -- about financial matters?

7 **MR. KEOUGH:** Vaguely. They were -- it was
8 an old farmhouse and I vaguely remember discussions about
9 them struggling financially. I don't remember the
10 specifics.

11 **MR. DUMAIS:** Okay.

12 **MR. KEOUGH:** I don't remember how serious
13 their struggles were. But it was a run -- not a rundown
14 house but it was an older house and a big one. But I never
15 -- I don't ever remember my child not being properly
16 dressed or not properly fed, you know.

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

18 And the last recommendations she makes is
19 right in the next paragraph:

20 "It's a good foster home at this time.
21 No other child shall be placed in this
22 home since recently foster mother has
23 been showing signs of stress."

24 So do you recall being made aware of that?

25 **MR. KEOUGH:** Mrs. Cieslewicz at different

1 times it would manifest some real tensions. She was a type
2 of woman that just kept on giving. She was a very giving
3 woman, a very passionate woman in terms of the care she
4 provided the kids, and she would tire out.

5 **MR. DUMAIS:** All right.

6 And certainly Ms. Lepage appears to be
7 making reference here to the earlier incident in October
8 1973 where when she would have left with the foster
9 children and her own daughter from the home; correct?

10 **MR. KEOUGH:** Yes.

11 **MR. DUMAIS:** Now, if we can then look at the
12 recordings that you would have made on this file, Bryan,
13 and I'm looking at the bottom of that same page, 406. So
14 it's for a period of time covering January 22nd, 1974 to
15 March 19th, 1976. So it reads as follows:

16 "It is quite difficult for me at this
17 time to do this recording as there has
18 been a great emotional upset in the
19 family. On March 9th, 1976 Ms. Dora
20 Cieslewicz and the children, namely her
21 daughter and the other children named
22 here, moved out of the home to her
23 daughter's house, Ms. Lori Preda."

24 And the address and the telephone is
25 indicated here.

1 **MR. KEOUGH:** M'hm.

2 **MR. DUMAIS:** So do you recall this instance,
3 Bryan?

4 **MR. KEOUGH:** Yes.

5 **MR. DUMAIS:** Okay. Because you were
6 specifically involved?

7 **MR. KEOUGH:** Yes, I was.

8 **MR. DUMAIS:** And you'd agree with me, Bryan,
9 that this instance is strangely familiar to the earlier
10 incident in October of 1973 that we just looked at; agree?

11 **MR. KEOUGH:** Yes.

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

13 Now, if we look at the next page, Bryan,
14 that's Bates page 406, top of the page, the first two
15 lines. So prior to this move Mrs. Cieslewicz discovered
16 that her husband had supposedly made -- and been accused of
17 what one might call sexual advances to one of the foster
18 children in the home; that foster child not being C-76?

19 **MR. KEOUGH:** Right.

20 **MR. DUMAIS:** So, Bryan, can you just tell us
21 what you recall of the incident, what the allegations were,
22 what you remember that you would have done or the Agency
23 would have done or the other child protection workers would
24 have done?

25 **MR. KEOUGH:** My recollection is that the --

1 and I don't know -- I can't remember who it came from,
2 like, whether it was this child that made the complaint or
3 someone else observed it. But this child had been asked to
4 remove her sweater and her bra I believe, and the
5 allegation was that Mr. C -- Mr. Cieslewicz -- had asked
6 her to do that.

7 **MR. DUMAIS:** Okay. And so -- and that -- am
8 I correct in understanding that that allegation would have
9 been made by one of the children in the home other than C-
10 76?

11 **MR. KEOUGH:** I believe so, yes.

12 **MR. DUMAIS:** And you were not the specific
13 child protection worker for that child making the
14 allegation?

15 **MR. KEOUGH:** I was not, no.

16 **MR. DUMAIS:** Okay. Do you recall what you
17 would have done, what your involvement was?

18 **MR. KEOUGH:** My specific involvement I have
19 no recollection, but there's quite a bit of information
20 under my recording concerning this.

21 **MR. DUMAIS:** Well, perhaps we'll look at
22 those recordings.

23 So do you recall whether or not you would
24 have met with any of these foster children to interview
25 them?

1 **MR. KEOUGH:** No, I don't remember.

2 **MR. DUMAIS:** You don't remember?

3 **MR. KEOUGH:** No.

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

5 Well, perhaps then if I can take you to some
6 of your recordings. So if we're looking at the top of the
7 second paragraph:

8 "Dora was extremely upset. She came to
9 the office in the afternoon of March 9th
10 and requested my advice."

11 And by "advice" she's referring to you here,
12 Bryan.

13 **MR. KEOUGH:** Yes.

14 **MR. DUMAIS:** "I first asked what she was
15 to do and her plan of action, in my
16 eyes, was very feasible; namely, to
17 immediately move to her daughter's home
18 with the children, informing them that
19 she and her husband were experiencing
20 marital problems and were giving each
21 other time to think things out."

22 So do you recall whether or not Mrs.
23 Cieslewicz was concerned with providing some sort of
24 feasible explanation or believable explanation to the
25 children?

1 **MR. KEOUGH:** I think her immediate concern
2 was the care of the kids and how to proceed with that.

3 **MR. DUMAIS:** Okay.

4 And then if we look at the last seven or
5 eight lines of the sentence that starts with "Having been":

6 "Having been reassured that we would
7 not remove the children from the home
8 on condition she remains apart from her
9 husband until the situation could be
10 resolved, Dora left the office in a
11 more relaxed frame of mind. The
12 situation was discussed with Mr.
13 Devlin, Supervisor, and Mr. Towndale,
14 Acting Director, who approved of the
15 manner in which the situation was dealt
16 with, and I was advised to follow
17 through with my plans."

18 **MR. KEOUGH:** Yes.

19 **MR. DUMAIS:** So do you recall that meeting
20 where Mr. Towndale was present and Mr. Devlin as well?

21 **MR. KEOUGH:** Do I recall it now?

22 **MR. DUMAIS:** Yeah.

23 **MR. KEOUGH:** No.

24 **MR. DUMAIS:** You don't recall at all what
25 would have been discussed?

1 **MR. KEOUGH:** Nothing other than this.

2 **MR. DUMAIS:** Okay.

3 So then I'm looking at -- but certainly,
4 Bryan, you have no reason for contradicting what you would
5 have noted back then?

6 **MR. KEOUGH:** Oh, none at all.

7 **MR. DUMAIS:** Okay.

8 **MR. KEOUGH:** None at all.

9 **MR. DUMAIS:** So if I'm then looking at the
10 Item Number 5 which reads as follows:

11 "So then on March 15th, 1976 Dora and the
12 three girls moved back to the farm with
13 Mr. Cieslewicz. This was after..."

14 And the initial name of the person having
15 made the complaint is crossed off here, and the name of C-
16 76 is replaced up there. And I believe the initials that
17 we see there are the initials of Mr. O'Brien.

18 **MR. KEOUGH:** Yes.

19 **MR. DUMAIS:** Do you know why that is?

20 **MR. KEOUGH:** No, and that was one of my
21 questions when I first read this file, because it seemed to
22 me -- it didn't seem to follow that the name of the child
23 should have been removed and my child included, because up
24 until this point my child hadn't been discussed.

25 **MR. DUMAIS:** Okay. And certainly you can't

1 provide us with an explanation for that?

2 MR. KEOUGH: No. I've asked for one myself.

3 MR. DUMAIS: Okay. All right. Perhaps Mr.
4 O'Brien can assist us.

5 MR. KEOUGH: Maybe.

6 MR. DUMAIS: All right, so I'm going to keep
7 reading. So this was after the child retracted her stories
8 and stated that she had lied:

9 "Since I had only become aware of the
10 facts, I informed Dora that whatever
11 conclusion she had come to, it still
12 did not dissolve me from my
13 responsibility of conducting an
14 investigation of the whole matter.
15 This she understood and promised that
16 until the investigation was complete
17 she would not leave the girls alone
18 with her husband. The session was
19 planned for March 25th, 1976."

20 MR. KEOUGH: Yes.

21 MR. DUMAIS: So then this recording appears
22 to indicate that although the child appears to have been
23 retracting, you're not satisfied with that and you're
24 undertaking to complete an investigation. Is that correct?

25 MR. KEOUGH: Yes.

1 **MR. DUMAIS:** And is that your recollection
2 as well, that you would have completed this investigation?

3 **MR. KEOUGH:** I would have followed through
4 on what was said in the notes.

5 **MR. DUMAIS:** Okay. But do you recall what
6 you would have done, who you would have spoken to?

7 **MR. KEOUGH:** Concerning my child's
8 allegations or this child?

9 **MR. DUMAIS:** Well, I guess you appear to be
10 indicating in your recording that you're going to conduct
11 this investigation. So I guess I'm asking whether or not
12 you recall speaking to the children. Do you recall that,
13 speaking to the children?

14 **MR. KEOUGH:** I remember conducting an
15 investigation on Mr. Cieslewicz as a result of my child
16 making some allegations.

17 **MR. DUMAIS:** So your recollection is that
18 your investigation would have occurred later on. Is that
19 correct?

20 **MR. KEOUGH:** This would be what year?
21 Seventy six ('76)?

22 **MR. DUMAIS:** This is March 15th, 1976, and if
23 I can just read to you the relevant passage once again:

24 "I informed Dora that whatever conclusion
25 she had come to, it still did not

1 dissolve me from my responsibility of
2 conducting an investigation of the whole
3 matter."

4 **MR. KEOUGH:** Yes, I realize that.

5 **MR. DUMAIS:** And if we look at the next
6 page, you appear to be indicating that you had cleared this
7 with the Acting Director, Mr. Towndale, "who advised me to
8 continue along with my plans." Is that correct?

9 **MR. KEOUGH:** Yes.

10 **MR. DUMAIS:** If we can just put this
11 situation in perspective, it's indicating here that the
12 Acting Director was Mr. Towndale at that time. Is that
13 right?

14 **MR. KEOUGH:** Yes.

15 **MR. DUMAIS:** And that's because Mr. O'Brien
16 was away on sick leave. Is that right?

17 **MR. KEOUGH:** He was, yes.

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

19 And as a matter of fact, March -- during
20 that same period of time, and we'll look at that in more
21 detail tomorrow -- was at the same time that the
22 allegations in the Second Street Group Home were coming
23 out. Is that correct?

24 **MR. KEOUGH:** M'hm.

25 **MR. DUMAIS:** And March '76 was the time that

1 you guys were meeting back at the office and speaking to
2 some of the kids there. Correct?

3 **MR. KEOUGH:** Yes.

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

5 **MR. KEOUGH:** What kids?

6 **MR. DUMAIS:** The kids from the Second Street
7 Group Home.

8 **MR. KEOUGH:** I was never in those meetings
9 when they interviewed the kids.

10 **MR. DUMAIS:** Fair enough. You were never
11 present when the kids were interviewed.

12 **MR. KEOUGH:** That's right.

13 **MR. DUMAIS:** But you were certainly -- all
14 right. And we'll get into that in detail tomorrow.

15 But I mean both occurrences are happening in
16 the ---

17 **MR. KEOUGH:** At the same time, yeah.

18 **MR. DUMAIS:** --- same time?

19 **MR. KEOUGH:** Yes.

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

21 **THE COMMISSIONER:** The way I look at this,
22 reading through it, you have a girl who's saying that
23 there's an accusation. It's not your girl. There seems to
24 be -- you're saying in the notes here -- it says you're
25 going to go through with the investigation. It says you

1 spoke to Towndale; he agrees with your plans.

2 Then you come up and you say:

3 "It should be noted throughout all of
4 this that the family was approved long
5 ago in a specialized foster home; one
6 capable of coping, indeed helping out
7 harder to handle adolescents."

8 This girl has been in a home since '73,
9 she's come a long way, she's doing all these things, and
10 then you say from your session:

11 "I conclude the following. It's
12 possible that the above has occurred.
13 However, if so, I doubt if it ever will
14 happen again. Mr. ...denies it right
15 down the line and because of the
16 tremendous asset this home has been to
17 our agency in the past, I believe the
18 man should be given the benefit of the
19 doubt."

20 So what do you think of that kind of
21 equation?

22 **MR. KEOUGH:** What do you mean?

23 **THE COMMISSIONER:** Well, what you're saying
24 is the cost-benefit is they're a great foster home and
25 because they have helped other children it should stay

1 open. You know, when I'm reading that it's okay if he
2 sexually did this because it's too valuable for the
3 Children's Aid Society to leave it go at this time. Do you
4 see what I mean?

5 MR. KEOUGH: I don't believe I was saying
6 that.

7 THE COMMISSIONER: No, but in reading that -
8 --

9 MR. KEOUGH: Yes.

10 THE COMMISSIONER: --- do you not -- how do
11 -- you tell me.

12 MR. KEOUGH: I don't know what to say on
13 that, I really don't, other than what I wrote.

14 THE COMMISSIONER: Okay.

15 MR. KEOUGH: It was initialled by my
16 supervisor.

17 MR. DUMAIS: And certainly, Bryan, it was on
18 your recommendation that this home would remain open. Is
19 that correct?

20 MR. KEOUGH: Yes.

21 MR. DUMAIS: The Commissioner just took you
22 to the above paragraph and you would have had the occasion
23 to interview both Mr. and Mrs. Cieslewicz while conducting
24 your investigation. Is that correct?

25 MR. KEOUGH: I would think so, yes.

1 **MR. DUMAIS:** And ---

2 **THE COMMISSIONER:** Well, it says:

3 "I met with Mr. and Mrs. and their
4 married daughter, Lori, on March 25th,
5 '76 in the evening. From our session,
6 I conclude the following."

7 **MR. DUMAIS:** Now, do you recall that
8 interview, Bryan?

9 **MR. KEOUGH:** I recall an interview in the
10 evening with Mr. and Mrs. C. concerning allegations against
11 Mr. C. but in my mind I relate that to my child, not this
12 other one.

13 **MR. DUMAIS:** Okay, all right.

14 And am I correct in understanding that some
15 of the girls that had been placed in this home were
16 challenged?

17 **MR. KEOUGH:** Yes.

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

19 And did at any point in time, when these
20 allegations came out -- was consideration given to
21 referring the matter to the Cornwall Police Service or to
22 the OPP? I'm not sure what the jurisdiction is here.

23 **MR. KEOUGH:** I don't remember any
24 discussion, at least with me, concerning that.

25 **MR. DUMAIS:** And certainly you don't

1 remember the involvement with any police services in ---

2 MR. KEOUGH: No, I don't.

3 MR. DUMAIS: All right.

4 And in hindsight, Bryan, would it have been
5 a good idea to perhaps refer the matter to a police service
6 to have an investigation conducted?

7 MR. KEOUGH: I have no doubt that's what
8 would be done today, yes.

9 MR. DUMAIS: Yes, all right.

10 And is there any specific reason that you're
11 aware of why this would not have been done?

12 MR. KEOUGH: No.

13 MR. DUMAIS: No? Okay.

14 Now it's 15 after 5, Mr. Commissioner.

15 THE COMMISSIONER: Time to go home.

16 MR. DUMAIS: Yes.

17 THE COMMISSIONER: See you tomorrow morning
18 at 9:30, sir.

19 MR. KEOUGH: Okay.

20 THE COMMISSIONER: Thank you.

21 THE REGISTRAR: Order; all rise. À l'ordre;
22 veuillez vous lever.

23 This hearing is adjourned until tomorrow
24 morning at 9:30 a.m.

25 --- Upon adjourning at 5:15 p.m./

1 L'audience est ajournée à 17h15
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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter inthe Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CVR-CM