

**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 285

Held at :

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

Friday, October 10, 2008

Tenue à:

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

Vendredi, le 10 octobre 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Tilton Donihee	Ontario Provincial Police
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. 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
Mr. Bryan Keough	Witness
Ms. Geraldine Fitzpatrick	Witness

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1 --- Upon commencing at 9:34 a.m./

2 L'audience débute à 9h34

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session. The Honourable Mr.
5 Justice Normand Glaude, Commissioner, presiding.

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you. Good morning.
8 Mr. Keough, could you come forward, please?

9 **MS. DALEY:** Good morning, sir.

10 **THE COMMISSIONER:** Good morning.

11 **BRYAN KEOUGH, Resumed/Sous le même serment:**

12 **THE COMMISSIONER:** You understand you're
13 still under oath, sir?

14 **MR. KEOUGH:** Yes.

15 **THE COMMISSIONER:** Thank you.

16 Go ahead.

17 **---CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MS. DALEY**
18 **(Cont'd/Suite):**

19 **MS. DALEY:** I will confess at the outset
20 that my 15-minute estimate was, to quote George Bush, a
21 "misunderestimation" but it won't be hugely longer than
22 that, sir. All right?

23 One question I had intended to ask you about
24 the group home log -- remember we spoke about that
25 yesterday. Do you know what happened to the group home log

1 when the Board intervened in the operation of the home in
2 March of '76; do you know what became of the log?

3 **MR. KEOUGH:** No, I don't.

4 **MS. DALEY:** Would you be able to tell us
5 whether or not, to your knowledge, the Board or Mr.
6 Towndale would be aware that a log existed?

7 **MR. KEOUGH:** I think so but I'm not -- I
8 would assume so.

9 **MS. DALEY:** And do you know, from your
10 experience at the group home, where the log was kept?

11 **MR. KEOUGH:** I was going to say someplace
12 near the kitchen but ---

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

14 **MR. KEOUGH:** It was in that area, I think.

15 **MS. DALEY:** When you worked the shifts you
16 did at the group home you recorded -- you made your own
17 records in the log ---

18 **MR. KEOUGH:** Yeah.

19 **MS. DALEY:** --- and you remember it being
20 near the kitchen?

21 **MR. KEOUGH:** Yes.

22 **MS. DALEY:** Just a question or two about
23 your brother Mike Keough and his role at the group home.
24 I'm assuming that, as brothers would, you and Mike talked
25 about events at the group home while he was a worker there?

1 **MR. KEOUGH:** I didn't see much of my brother
2 while he was there other than he was there.

3 **MS. DALEY:** Did you talk to him about what
4 was going on in the group home?

5 **MR. KEOUGH:** I can't remember talking to him
6 about specifics, no.

7 **MS. DALEY:** No? All right.
8 Did you talk in generalities about how the
9 group home was being operated by Mr. Tenger with Mike?

10 **MR. KEOUGH:** No.

11 **MS. DALEY:** Did you ever become aware of an
12 incident in which Mike had a physical conflict with a young
13 boy in the home? Did you know about that incident?

14 **MR. KEOUGH:** No.

15 **MS. DALEY:** Did you ever see damage to a
16 wall as a result of your brother having a conflict ---

17 **MR. KEOUGH:** Yes.

18 **MS. DALEY:** --- with a child and pushing him
19 into the wall?

20 **MR. KEOUGH:** No.

21 **MS. DALEY:** You did not see that?

22 **MR. KEOUGH:** No. I know the incident you're
23 referring to from the records but I ---

24 **MS. DALEY:** You weren't aware of it ---

25 **MR. KEOUGH:** No.

1 **MS. DALEY:** --- contemporaneously?

2 **MR. KEOUGH:** I'd never seen a hole in the
3 wall.

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

5 Now, I just have a few further questions to
6 finish up on the Reynen's placement for Jeannette Antoine
7 and her sister Lorraine; just a few further questions
8 there.

9 If you wish to have the exhibit handy it is
10 Number 2356, but I'm -- and if you need to refer to it,
11 I'll take you to the precise page.

12 **MR. KEOUGH:** No problem.

13 **MS. DALEY:** As I've read your recording,
14 though, Mr. Reynen requested on July 19th that Lorraine be
15 moved and she was, in fact, moved on July 20th. That was
16 the immediate following day. Is that your recollection,
17 sir?

18 **MR. KEOUGH:** If that's what the notes say,
19 yes.

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

21 So that was a very quick move for Lorraine?

22 **MR. KEOUGH:** Yes.

23 **MS. DALEY:** And were you the person who
24 explained that move to Lorraine and Jeannette or was it
25 someone else; was it Mr. Reynen's?

1 **MR. KEOUGH:** I think it would be me.

2 **MS. DALEY:** Do you have a memory of doing
3 that?

4 **MR. KEOUGH:** No, I don't.

5 **MS. DALEY:** Do you remember what your
6 explanation was?

7 **MR. KEOUGH:** No, other than if I put
8 something in the file, and I don't.

9 **MS. DALEY:** I didn't see it in the file.

10 **MR. KEOUGH:** Okay.

11 **MS. DALEY:** So that's why I inquired.

12 **MR. KEOUGH:** Okay. I'm sorry.

13 **MS. DALEY:** I had read somewhere that you
14 thought that the Reynens were interfering somewhat with
15 Lorraine's subsequent placement and you were perturbed by
16 that. Is that correct, sir?

17 **MR. KEOUGH:** I remember reading that, yes.

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

19 And the interference was even though Mr.
20 Reynen had asked her to be moved and she was immediately
21 moved the Reynens still maintained contact with her, which
22 you thought was not to her best interest; correct?

23 **MR. KEOUGH:** I'm not sure whether I thought
24 that was not in her best interest. From the recordings it
25 definitely seems to indicate that whatever contact was

1 allowed following became problematic that they were
2 somewhat interfering in the new foster home.

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

4 And was it both Mr. and Mrs. Reynen who were
5 continuing to contact Lorraine after they'd requested she
6 be moved?

7 **MR. KEOUGH:** I can't remember. I would
8 assume it was Mrs.

9 **MS. DALEY:** All right.

10 Again, standing back and looking at the
11 situation, does it strike you as odd that given how anxious
12 Mr. Reynen was to remove Lorraine, they were still
13 contacting her after the move? Did you wonder about why
14 that would be?

15 **MR. KEOUGH:** Well, Mrs. Reynen was very
16 attached to both girls. Even though she had some personal
17 issues there was an attachment there.

18 **MS. DALEY:** So you assumed it was a well-
19 intended contact that was being made?

20 **MR. KEOUGH:** Yes.

21 **MS. DALEY:** All right.

22 Now, we understand from the exhibit, from
23 your casework here, that at the time Lorraine was moved and
24 Jeannette remained there were at least two issues in the
25 home that you recorded as being of concern. And one is the

1 unresolved marital conflict between Mr. and Mrs. Reynen;
2 that was a concern to you. Correct, sir?

3 **MR. KEOUGH:** Yes.

4 **MS. DALEY:** And another concern that you
5 recorded was that Mrs. Reynen's mental health problems were
6 such that it made it difficult for a caseworker to work in
7 that home because she was paranoid; correct?

8 **MR. KEOUGH:** Yes.

9 **MS. DALEY:** And I take it, in your mind, as
10 Jeannette's worker, those were fairly serious impediments
11 to your being able to continue to work with Jeannette while
12 she resided in the Reynen home?

13 **MR. KEOUGH:** I would assume so, yeah.

14 **MS. DALEY:** So my question to you is this --
15 and again, was it the case that there was simply nowhere
16 else to place Jeannette at that time? In other words, you
17 had concerns about leaving her here but was there any
18 alternative placement that you had available?

19 **MR. KEOUGH:** I'm not aware of looking for an
20 alternative placement.

21 **MS. DALEY:** All right.

22 So in that circumstance it wasn't a resource
23 issue it was just that for whatever reason Jeannette
24 remained in the home, notwithstanding some concerns?

25 **MR. KEOUGH:** I don't believe it was a

1 resource issue.

2 MS. DALEY: Thank you.

3 Now, again, I'm taking -- I'm deriving this
4 from the exhibit, but as I understand it, Lorraine leaves
5 in the summer of '73 and in February of '74 an event
6 happens that puzzles you because you make a note of it.
7 And the event is this, sir, the Reynens have planned to
8 take Jeannette to Holland; you have obtained a passport for
9 her; you've made arrangements with the school; it's all
10 been organized through your assistance, and then at the
11 very last minute it's Mr. Reynen tells you, no, she's not
12 going. Do you remember that circumstance, sir?

13 MR. KEOUGH: Vaguely.

14 MS. DALEY: And again, that was another
15 about face, if I can use that term, by the Reynens? In
16 other words, it was a circumstance that you questioned?

17 MR. KEOUGH: Yes, I think Mr. -- I think
18 wasn't there something said at that time that she was to go
19 later with her daughter or something like that?

20 MS. DALEY: There's a reference to that in
21 the note.

22 MR. KEOUGH: Yes.

23 MS. DALEY: There's also a reference though
24 to you thinking that there's something amiss here. Do you
25 recall that, sir?

1 **MR. KEOUGH:** Vaguely.

2 **MS. DALEY:** And you had a short-term plan to
3 visit Jeannette and to try to find out what that was. And
4 let me just help you with that. If you look at page 56 of
5 the exhibit, sir ---

6 **THE COMMISSIONER:** Which exhibit?

7 **MS. DALEY:** Exhibit 2356.

8 **THE COMMISSIONER:** What page, please?

9 **MS. DALEY:** I'm directing him to 56, sir.
10 And let me just find exactly where it is on that page so we
11 can get it on the ---

12 **THE COMMISSIONER:** Page 56.

13 **MS. DALEY:** Yeah.

14 **THE COMMISSIONER:** I don't ---

15 **MS. DALEY:** It would be Bates 128.

16 **THE COMMISSIONER:** So it's near the end?

17 **MS. DALEY:** Yes, sir.

18 **THE COMMISSIONER:** There we go. All right.
19 What portion of 528?

20 **MS. DALEY:** Under "short-term immediate
21 recommendation."

22 As I read that, sir, your intent was to
23 visit Jeannette as soon as you could to try to hear her
24 side about why she didn't go to Holland; correct?

25 **MR. KEOUGH:** Yes, that's right.

1 **MS. DALEY:** And you intended to do that
2 because, as the document shows, you thought there was
3 something amiss here; correct, sir? Do you remember that?

4 **MR. KEOUGH:** Yes.

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

6 Now, I guess the next recording that we have
7 indicates that you did make several, at least two, visits
8 to Jeannette in the months Feb. to June, but there's no
9 reference to ever determining what the source of the change
10 of direction on Holland was. Do you recall that, sir?

11 **MR. KEOUGH:** No, but I'm sure what you're
12 saying is right.

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

14 Did you ever determine what was amiss
15 between Jeannette and the Reynens in this period of time,
16 sir, in the early months of '74?

17 **MR. KEOUGH:** I would assume I did and if
18 there's no reference to it, it's probably because there was
19 no substance to my concern. I'm not sure. If there would
20 have been some substance, I would have made note of it.

21 **MS. DALEY:** All right.

22 And as you testified in-Chief, the next
23 event of significance is the decision that Jeannette should
24 have a different social worker and she's transferred to Ms.
25 Lepage?

1 **MS. KEOUGH:** Yes.

2 **MS. DALEY:** Thank you. All right, so that's
3 all I have for you on Antoine.

4 I have some further questions for you about
5 the Cieslewicz home and your knowledge of what happened
6 there.

7 And, sir, I need you to have Exhibit 2227
8 handy. Do you have that?

9 **MR. KEOUGH:** Yes.

10 **MS. DALEY:** Thank you.

11 I want to make sure I understand, just in
12 some general terms, the usage of this foster home document,
13 in general terms. This is from the foster home file;
14 correct, sir? In other words, this is specific to the
15 Cieslewiczs as foster parents and as a receiving home.

16 **MR. KEOUGH:** This would be the file that was
17 used by the foster home finder.

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

19 Now, what I want to understand is - are you
20 okay? Do you need water or ---

21 **MR. KEOUGH:** No, I've had a cough for the
22 last three weeks. I'm sorry.

23 **MS. DALEY:** Is it the case that each worker
24 who had a child in a particular foster home was required to
25 read the foster home file? Was that a requirement when you

1 were acting as a child care worker?

2 MR. KEOUGH: I can't remember if it was a
3 requirement to read the foster home file. Definitely the
4 foster home finder had input into the decision-making of a
5 child going into a foster home.

6 MS. DALEY: Right.

7 MR. KEOUGH: And we were required at
8 different times, and I forget what the intervals were, to
9 kind of make an assessment of the foster home on that file
10 to kind of just make a note of how it was working with the
11 foster parents and this type of stuff. But I don't recall
12 whether it was a requirement to read the foster home file.

13 MS. DALEY: What I'm just a little bit
14 unclear about is this. Because you and other workers who
15 have girls in this home, you make your own recordings in
16 this file from time-to-time?

17 MR. KEOUGH: Yes.

18 MS. DALEY: Correct?

19 MR. KEOUGH: Yeah.

20 MS. DALEY: And I guess I inferred from that
21 that the workers whose kids were in the specific foster
22 home would have access to the foster home file, would have
23 the ability to make their own recordings and observations
24 on the file. Was that the practice?

25 MR. KEOUGH: If I had access to the file I

1 would have to ask for it specifically from the foster home
2 finder. It wasn't a file in my drawer; it was a file in
3 her office, in her drawer.

4 **MS. DALEY:** So help me with this. Was it an
5 unusual circumstance that you made recordings on a foster
6 home file as you did in this case?

7 **MR. KEOUGH** No. You were required, and I
8 forget again the interval, but you were required to make
9 notations on the file in terms of your impressions of the
10 foster home.

11 **MS. DALEY:** All right.

12 **MR. KEOUGH:** How it was working with the
13 child that you had in that home.

14 **MS. DALEY:** But to the best of your
15 recollection, it wasn't a requirement that each worker read
16 this type of file?

17 **MR. KEOUGH:** It may have been. I can't
18 remember whether it was a requirement.

19 **MS. DALEY:** Now, we heard from Mr. Towndale,
20 and we can see in this exhibit that he does initial from
21 time-to-time the recording, so let me understand this.

22 Would a review of the foster home file form
23 any part of your supervision? So in other words, you're a
24 worker, you have a child in care, you're being supervised
25 weekly, there's a conversation about your child. Would the

1 supervisor pull out the foster home file and have a read of
2 it just to ---

3 **MR. KEOUGH:** Generally not.

4 **MS. DALEY:** --- see what's going on?
5 Generally not?

6 **MR. KEOUGH:** I don't remember that
7 happening. I don't remember being a part of a supervision
8 period with Mr. Towndale where I evaluated a foster home
9 with him. I would think that would usually be done with
10 the foster home finder although we did discuss foster
11 parents.

12 **MS. DALEY:** With respect to Cieslewicz, do
13 you have any recollection, sir, of sitting down in
14 supervision with Mr. Towndale and looking at Exhibit 2227?
15 Reading through the facts that are recorded there?

16 **MR. KEOUGH:** Oh, 227 is the foster -- sorry.
17 No, I don't.

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

19 Now, obviously you've told us the ward that
20 you had there was C-76 and she was a mentally handicapped
21 girl was she not, sir?

22 **MR. KEOUGH:** She was mentally challenged,
23 yes.

24 **MS. DALEY:** All right. And as were a number
25 of the other girls that were placed at the Cieslewicz home?

1 **MR. KEOUGH:** Yes.

2 **MS. DALEY:** Was she able to communicate with
3 you?

4 **MR. KEOUGH:** Yes.

5 **MS. DALEY:** She was able to express things
6 that were happening to her?

7 **MR. KEOUGH:** C-76 we're talking about?

8 **MS. DALEY:** Yes.

9 **MR. KEOUGH:** Yes.

10 **MS. DALEY:** Prior to October 16th, 1978, and
11 that's the day where she discloses abuse by Mr. C., did you
12 ever take C-76' aside or out of the home and ask her about
13 whether Mr. C. had done anything improper with her?

14 **MR. KEOUGH:** I can't remember doing that,
15 no.

16 **MS. DALEY:** Now, I want to put some pieces
17 together for you and see if you will agree with me here.

18 You recall you gave testimony that one kind
19 of -- I assume it's a documented occurrence in the exhibit
20 -- is the fact that Mrs. Cieslewicz leaves the home, takes
21 the wards including your ward with her in October of '73
22 and she refers to a marital conflict. Do you remember that
23 circumstance, sir?

24 **MR. KEOUGH:** I remember that in the file,
25 yeah.

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

2 Now what I want your help with is this. If
3 you'd have a quick look, please, at page 9 of the document?

4 **MR. KEOUGH:** I'm there.

5 **MS. DALEY:** Do you have that?

6 **MR. KEOUGH:** Yes.

7 **MS. DALEY:** And I'd like you to look at the
8 note at the bottom that Ms. Lepage has entered at September
9 22nd, '78?

10 **MR. KEOUGH:** Yes.

11 **MS. DALEY:** And she's referring to the
12 sexual allegations. And in the second sentence what she
13 states is that C-77, who was born in 1958, and she's placed
14 in the home on October 19th, '73. So can you just flag that
15 date in your mind? And then she's removed November 15th.

16 So the date of C-77's placement is October
17 19th and C-77 has complained to Lepage that Mr. C. had
18 fondled her breasts. Do you see that, sir?

19 **MR. KEOUGH:** Yes.

20 **MS. DALEY:** Now I take it, did you know
21 about that complaint at the time from Ms. Lepage?

22 **MR. KEOUGH:** I don't recall.

23 **MS. DALEY:** And then Ms. Lepage notes:
24 "The complaint was not investigated because C-77 was known
25 to lie frequently."

1 Right? So -- but the date is interesting.
2 So her placement is October 19th and the date that Mrs. C.
3 leaves the house with your ward is October 27th. And just
4 to help you with that, sir, you'll find that on page 6 of
5 the document.

6 **MR. KEOUGH:** I've no doubt.

7 **MS. DALEY:** And we know that the leaving of
8 the home is within a number of days of C-77's arrival, and
9 C-77 has alleged fondling by Mr. C.

10 And then she's moved. C-77 gets moved,
11 there's no investigation, she's not believed.

12 Connecting that occurrence, after the fact,
13 would somebody -- is it possible that someone might have,
14 had they read this file, wondered in hindsight whether the
15 October '77 sudden departure from the home had something to
16 do with Mr. C. and one of the wards?

17 **MR. KEOUGH:** Possibly, yes.

18 **MS. DALEY:** It's not a connection that you
19 made at the time?

20 **MR. KEOUGH:** No, I didn't.

21 **MS. DALEY:** And then, again, March '76.
22 That's the second time she leaves the home and you're
23 directly involved in that incident; correct, sir? And you
24 speak to her about that?

25 **THE COMMISSIONER:** Whoa, whoa. What do you

1 mean, second time she leaves the home?

2 MS. DALEY: March, 1976?

3 THE COMMISSIONER: That's C-78 isn't it?

4 MR. KEOUGH: No, I'm sorry. I'm referring
5 to Mrs. Cieslewicz when I say the second time she leaves
6 the home. I'm sorry, sir.

7 Mrs. Cieslewicz leaves the home again with
8 the wards, including your child, in March of '76, and let
9 me just take you to that page, sir. That's what you write
10 about at page 7 and following of the document.

11 See at the very bottom of that page?

12 MR. KEOUGH: Yes, I see that.

13 MS. DALEY: All right.

14 And you weren't taken to this portion of the
15 document, but at page 8 I'd like you to look at the second
16 full paragraph. And what you're doing here, you're
17 recording the office meeting that you have with Dora, who's
18 Mrs. Cieslewicz, and what she's telling you about.

19 MR. KEOUGH: Yes.

20 MS. DALEY: Are you familiar with the
21 content of that section, sir?

22 MR. KEOUGH: I think I read it yesterday,
23 yes.

24 MS. DALEY: What she's telling you about,
25 amongst other things, is that she and her husband have a

1 marital problem and that she has terminated their sexual
2 relationship 18 months before the time you're speaking to
3 her, which is March of '76. Do you see that, sir?

4 **MR. KEOUGH:** Yes, I see that.

5 **MS. DALEY:** So what she's very candidly
6 telling is that from and after September of '76 -- sorry
7 '74, 18 months before March?

8 **MR. KEOUGH:** Yes.

9 **MS. DALEY:** She's not having sexual
10 relations with her husband, she's not allowing him to touch
11 her. She told you that right, sir?

12 **MR. KEOUGH:** That's what the recording says,
13 yes.

14 **MS. DALEY:** And she actually told you that I
15 suspect because she connected that to his behaviour with
16 the girls. She made a connection; correct?

17 **MR. KEOUGH:** I don't know.

18 **MS. DALEY:** Well, what she said was:

19 "Dora felt that such a decision in
20 their marriage could be a part of the
21 cause for Mr. C.'s actions if indeed
22 such had taken place."

23 Do you see that?

24 **MR. KEOUGH:** Okay, I see that, yes.

25 **MS. DALEY:** And it's not an unnatural

1 connection is it, sir?

2 MR. KEOUGH: No.

3 MS. DALEY: It's a connection that has some
4 logic to it ---

5 MR. KEOUGH: Yes.

6 MS. DALEY: --- in human behaviour?

7 MR. KEOUGH: Yes.

8 MS. DALEY: But in the meantime -- sorry,
9 sir, let me ask you.

10 At this point-in-time, are all the wards in
11 this home female, young girls?

12 MR. KEOUGH: I don't know because there were
13 some boys there too.

14 MS. DALEY: I think that at an early time
15 there were, yes.

16 MR. KEOUGH: Okay.

17 MS. DALEY: All right. But in any event,
18 the information she's given you, would you agree it is a
19 fact that increases the likelihood that perhaps Mr. C. has
20 had sexual contact with the girls?

21 MR. KEOUGH: Yes.

22 MS. DALEY: All right. And the plan that
23 you came to was that she would not go back to the home with
24 him until the situation had resolved itself. That was your
25 wish; correct?

1 **MR. KEOUGH:** Yes.

2 **MS. DALEY:** However, I guess contrary to
3 your wishes, it appears she does return to the home with
4 the children but the issue of whether or not Mr. C. has
5 sexually touched C-78 remains unresolved?

6 **MR. KEOUGH:** Yes.

7 **MS. DALEY:** He denies; correct, sir?

8 **MR. KEOUGH:** Yes.

9 **MS. DALEY:** And you're trying to decide what
10 to do about that?

11 **MR. KEOUGH:** Yes.

12 **MS. DALEY:** Now, one element of your
13 evaluation of the situation, I think, is found in the first
14 full paragraph on page 9. And take a moment and review
15 that if you need to, sir.

16 **MR. KEOUGH:** That first large paragraph?

17 **MS. DALEY:** Yes, the one that starts, "It
18 should be noted".

19 **MR. KEOUGH:** Okay.

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **MR. KEOUGH:** Yes, I've read it.

22 **MS. DALEY:** So one element of your
23 evaluation is that you feel that, amongst other things, at
24 least your ward has done well in the home, so that's a
25 positive from your point-of-view; correct, sir?

1 **MR. KEOUGH:** Yes.

2 **MS. DALEY:** And you also say:

3 "They are believers in physical
4 punishment and do not hesitate to use
5 such disciplinary measures when
6 necessary."

7 And I take it, at that time, you considered
8 that a positive thing because you felt it had been
9 beneficial for your child?

10 **MR. KEOUGH:** Yes.

11 **MS. DALEY:** All right.

12 Now, it seems to me reading the document,
13 sir, that Mrs. C. -- and again I'm harping back to the
14 conversation she had with you in the office -- she made it
15 clear to you that she didn't want to have the children
16 removed from her home; correct?

17 **MR. KEOUGH:** I believe so, yes.

18 **MS. DALEY:** She wanted to maintain a foster
19 home ---

20 **MR. KEOUGH:** Yes.

21 **MS. DALEY:** --- even though this problem was
22 in the background, right?

23 **MR. KEOUGH:** Yes.

24 **MS. DALEY:** Did it ever occur to you that
25 there might have been a financial motive for her position?

1 MR. KEOUGH: No.

2 MS. DALEY: All right.

3 Now, this home becomes a receiving home in
4 or about 1977 from my reading of this log. Does that
5 accord with your recollection?

6 MR. KEOUGH: It did become a receiving home,
7 yes.

8 MS. DALEY: All right. And that
9 determination obviously wasn't made by you, that was made
10 by your agency, that it was appropriate for it to be a
11 receiving home?

12 MR. KEOUGH: It was made by the agency.

13 MS. DALEY: And are we in agreement that
14 there was still an unresolved marital problem between the
15 Cieslewiczs at that time and there was no resolution on C-
16 78's complaint?

17 MR. KEOUGH: You're right.

18 MS. DALEY: And as a receiving home, a high
19 volume of children obviously entered the home; correct?

20 MR. KEOUGH: Yes.

21 MS. DALEY: Were they mostly all girls or do
22 you know?

23 MR. KEOUGH: I don't know.

24 MS. DALEY: Do you know anything about how
25 receiving home compensation worked? In other words, was it

1 around a per-child basis that the parent was compensated?

2 MR. KEOUGH: I haven't got a clue how the
3 financial ratio was.

4 MS. DALEY: That's fine.

5 The next occurrence, obviously in terms of
6 allegations concerning Mr. C., is reflected on page 10 of
7 the document, sir, and that's C-79's situation that we also
8 spoke about just to refresh your mind about that
9 occurrence, sir.

10 MR. KEOUGH: That's at the top of the page?

11 MS. DALEY: Yes. Yes, you see ---

12 MR. KEOUGH: Yes.

13 MS. DALEY: And it's Ms. Lepage who's
14 written this information about C-79.

15 And her -- I guess her allegation from a
16 timing point-of-view occurs on September 16th, '78, if I
17 see, because that's the date she is admitted. She's only
18 there for a few days and she says that the sexual event
19 with Mr. C. happens in that window of time; correct?

20 MR. KEOUGH: Yes.

21 MS. DALEY: And this is somewhat different
22 than the other circumstances because there is potentially
23 physical evidence of her allegation; correct?

24 MR. KEOUGH: That's what the recording says,
25 yeah.

1 **MS. DALEY:** Were you -- do you remember
2 being aware of that at the time, sir?

3 **MR. KEOUGH:** I don't recollect it, no.

4 **MS. DALEY:** Notwithstanding that, the
5 recording notes at the very end of that paragraph:

6 "In view of her bad reputation, her
7 allegations were not investigated."

8 Do you see that, sir?

9 **MR. KEOUGH:** I see that, yes.

10 **MS. DALEY:** Do you have any comment on that?

11 **MR. KEOUGH:** My comment on that would be if
12 this same scenario had unpacked itself in the 1980s, it
13 would have had a far different result.

14 **MS. DALEY:** But this is 1978, let's be ---

15 **MR. KEOUGH:** I know. No, let's -- this is -
16 --

17 **MS. DALEY:** This is '78.

18 **MR. KEOUGH:** I know, still the '70s. We had
19 not -- and I'm not excusing; I'm not seeking to excuse
20 anybody.

21 We had not been given any training in child
22 sexual abuse. We had no idea about what indicators to look
23 for. We all had high case loads.

24 And like I said yesterday, we made mistakes,
25 but none of those mistakes were "intentional". We were

1 trying to do the best that we could.

2 **MS. DALEY:** I guess my -- the thing that
3 troubles me about this, sir, is this.

4 It seems to me consistently, in this home,
5 the girls who alleged impropriety by Mr. C. were
6 disbelieved. That's true of C-77 because Ms. Lepage says
7 she's known to lie frequently.

8 With respect to C-78, her allegations are
9 neither proved or disproved but she's removed because of
10 misbehaviour.

11 **MR. KEOUGH:** M'hm.

12 **MS. DALEY:** So that's how that problem is
13 solved.

14 And then in 1978, we have C-79, we have
15 physical evidence but we have a view that this is a bad
16 girl with a bad reputation, so her allegations were not
17 investigated?

18 **MR. KEOUGH:** You're right.

19 **MS. DALEY:** It's not a good thing.

20 **MR. KEOUGH:** No, it's not.

21 **MS. DALEY:** Not even then.

22 **MR. KEOUGH:** No. No. You're right.

23 **MS. DALEY:** Particularly since your child
24 was still in this home; correct?

25 **MR. KEOUGH:** Yes.

1 **MS. DALEY:** A mentally handicapped girl.

2 **MR. KEOUGH:** Well, mentally handicapped, she
3 was mentally challenged and there are degrees of being
4 mentally challenged. C-76 could vocalize her feelings and
5 her opinions and her wants and her needs quite well.

6 **MS. DALEY:** Fair enough. But she would be
7 vulnerable to be taken advantage of, perhaps even more so
8 than another girl of her own age; correct?

9 **MR. KEOUGH:** I agree.

10 **MS. DALEY:** You would agree with that?

11 **MR. KEOUGH:** Yes.

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

13 Now, can you help me with this, sir? I
14 think this name has come up, Bernard Lamarche. Was he a
15 supervisor?

16 **MR. KEOUGH:** He started as a worker and
17 became a supervisor.

18 **MS. DALEY:** All right. So at page 10 or
19 over on to page 11, I guess. I'm sorry, at least on page
20 10 and at the top of page 11, there are some comments that
21 Bernard Lamarche recorded shortly after C-79's allegation.
22 Do you see that, sir?

23 **MR. KEOUGH:** We're on page 11?

24 **MS. DALEY:** I'm sorry, go back on 10 please.

25 **MR. KEOUGH:** Okay.

1 **MS. DALEY:** Yeah, the mid-point of page 10
2 there's a recording by Mr. Lamarche.

3 **MR. KEOUGH:** Yes.

4 **MS. DALEY:** And that just comes right after
5 C-79's experience; correct?

6 **MR. KEOUGH:** That's right, yes.

7 **MS. DALEY:** Would you direct your mind to
8 the sixth indented bullet there, the last paragraph?

9 **MR. KEOUGH:** To the last one, yes.

10 **MS. DALEY:** Have you had a chance to look at
11 that over?

12 **MR. KEOUGH:** No.

13 **MS. DALEY:** Take your time.

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

15 **MR. KEOUGH:** Yes, I've read it.

16 **MS. DALEY:** Now, do you know if Mr. Lamarche
17 was writing this as a supervisor at this point-in-time?
18 Was he a supervisor in late '78?

19 **MR. KEOUGH:** I can't recollect. He came to
20 the agency and worked on his Masters and once he got his
21 masters and a position became available he was hired a
22 supervisor, but I'm not sure of the dates.

23 **MS. DALEY:** The content of these comments
24 seem to be more of a -- how can I put it -- a planning
25 nature. In other words, he's trying to decide, "What am I

1 going to do with this situation? We've got doubts but how
2 do we utilize this home?" Is that the gist of what you're
3 reading here?

4 **MR. KEOUGH:** Yeah, because he talks about
5 providing a support network, et cetera.

6 **MS. DALEY:** All right. And am I right in
7 interpreting his last comment this way.

8 He's saying, "Yes, we've had our doubts but
9 we resolved those doubts in favour of the Cieslewiczs
10 because the kids were very promiscuous and disturbed and
11 they had behaviour problems". In other words, that's why
12 the benefit of the doubt went to the Cieslewiczs.

13 **MR. KEOUGH:** I don't know.

14 **MS. DALEY:** Is that how you interpret his
15 comment?

16 **MR. KEOUGH:** I hesitate to interpret his
17 comment.

18 **MS. DALEY:** Okay, so I won't ask you to do
19 that, but you were present at meetings involving the
20 planning for this home at this point-in-time when it was in
21 this ---

22 **MR. KEOUGH:** Oh, I must have been. I can't
23 recollect any meetings, no. But, yeah, I have no doubt I
24 was.

25 **MS. DALEY:** Well, the reason I think you

1 were, sir -- take a look at page 11.

2 **MR. KEOUGH:** Yes.

3 **MS. DALEY:** And about two-thirds of the way
4 down it says:

5 "A meeting of all social workers
6 involved in this home was called." Do
7 you see that?

8 **MR. KEOUGH:** Yes.

9 **MS. DALEY:** So I assume that you would
10 attend that meeting because C-76 was still in the home,
11 right?

12 **MR. KEOUGH:** I would assume so, yes.

13 **MS. DALEY:** Okay. So what I'm asking is
14 this, sir.

15 From your involvement in the home, after
16 these allegations have surfaced, was it correct that doubts
17 were resolved in favour of the foster parents because the
18 children who made the allegations were very promiscuous,
19 disturbed and had behaviour problems? Was that discussed?

20 **MR. KEOUGH:** It would seem that way. That's
21 the way it was resolved.

22 **MS. DALEY:** Do you remember that?

23 **MR. KEOUGH:** No, I don't.

24 **MS. DALEY:** Isn't that precisely why they're
25 in care?

1 **MR. KEOUGH:** Who?

2 **MS. DALEY:** The children.

3 **MR. KEOUGH:** I don't understand your
4 question.

5 **MS. DALEY:** Well, is it not the nature of
6 the work you do that you're dealing with children who have
7 -- may be disturbed and who have behaviour problems?
8 That's why they've been taken into care.

9 **MR. KEOUGH:** They're in care for a number of
10 reasons.

11 **MS. DALEY:** Those are often some of the
12 reasons, right?

13 **MR. KEOUGH:** Those are some of the reasons,
14 not all of them.

15 **MS. DALEY:** Okay.

16 But the girls in the Cieslewicz home, it
17 strikes me were probably no different than many other kids
18 that were in care.

19 **MR. KEOUGH:** Well, my C-76 came in as a
20 result of neglect.

21 **MS. DALEY:** All right.

22 **MR. KEOUGH:** Not abuse. So there's one of
23 the ---

24 **MS. DALEY:** Sorry, let me help you out.
25 I'm not talking about their backgrounds ---

1 **MR. KEOUGH:** Oh, okay.

2 **MS. DALEY:** --- but I'm talking about the
3 behaviour problems that they present, right? It's not
4 unusual for children -- for girls in care to present these
5 type of behaviour problems. That's all I'm getting at.

6 **MR. KEOUGH:** It's not unusual?

7 **MS. DALEY:** Yes.

8 **MR. KEOUGH:** I wouldn't say that.

9 **MS. DALEY:** You wouldn't say that?

10 **MR. KEOUGH:** Yeah.

11 **MS. DALEY:** Sorry, you're disagreeing with
12 me?

13 **MR. KEOUGH:** No, I wouldn't say that all
14 girls in care presented these behaviour problems.

15 **MS. DALEY:** I didn't say "all".

16 **MR. KEOUGH:** Oh, I'm sorry. I
17 misunderstood.

18 **MS. DALEY:** Okay, let me try again. It's my
19 fault, not yours.

20 In your experience as a worker in the child
21 care system with girls in homes, I take it it wasn't
22 unusual that some of them were promiscuous, some of them
23 were disturbed and some had behaviour problems?

24 **MR. KEOUGH:** Yes, some of them did.

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

1 **MR. KEOUGH:** I don't know what the
2 percentage is.

3 **MS. DALEY:** All right. That's fine.

4 But certainly the girls who are flowing
5 through the Cieslewicz home were not completely unusual in
6 that respect were they, sir?

7 **MR. KEOUGH:** I'm having a real hard time
8 understanding what you're asking, I'm sorry.

9 **MS. DALEY:** All right, let me try it this
10 way. I want you to do a little thought experiment with me
11 if you would.

12 If this circumstance -- in other words,
13 allegations of sexual touching -- if that had existed in a
14 child's natural home by her natural father, right, a
15 complaint of fondling, a denial, some circumstantial
16 evidence ---

17 **MR. KEOUGH:** Yes.

18 **MS. DALEY:** --- would your agency not
19 intervene and investigate that? I'm assuming they would.

20 **MR. KEOUGH:** Yes.

21 **MS. DALEY:** That's their mandate, right?

22 **MR. KEOUGH:** Yes.

23 **MS. DALEY:** And your agency would act
24 accordingly to protect that girl, if necessary, based on
25 its intervention, right?

1 **MR. KEOUGH:** Yes.

2 **MS. DALEY:** But it seems to me that once the
3 girls are on the other side of the agency, so to speak,
4 once they are in care and now they're in foster home and
5 other placements, the onus is reversed. Do you agree with
6 that?

7 **MR. KEOUGH:** I don't know if I agree with
8 that. And I'm not saying that because I'm "defending the
9 agency".

10 If we went into a home and there was
11 allegations like this, back then if it was determined that
12 the child was either lying or couldn't be trusted, I'm not
13 so sure the outcome back then would have not been the same.
14 The difference would have been court, and that would have
15 made a significant difference, I think. But I've never
16 compared the results in a natural home as opposed to a
17 foster home.

18 **MS. DALEY:** You never thought about that?

19 **MR. KEOUGH:** No.

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

21 Now, just carrying on with what
22 Mr. Lamarche, the supervisor, is proposing with respect to
23 the home -- top of page 11, sir.

24 **MR. KEOUGH:** Yes.

25 **MS. DALEY:** He says:

1 "If we are particularly concerned about
2 the female clients who are going to
3 this home, we should not refrain from
4 placing girls elsewhere and offer
5 service to males only in this home."

6 Were you aware that that was considered as a
7 solution there?

8 **MR. KEOUGH:** I can't remember that, no.

9 **MS. DALEY:** All right. But this was a
10 supervisor speaking in 1978.

11 **MR. KEOUGH:** I don't know if he was a
12 supervisor then but he did become a supervisor.

13 **MS. DALEY:** Fair enough.

14 Just moving to the bottom of page 11, and
15 this seems to be the outcome or conversation at the meeting
16 of all social workers that I referred you to where
17 decisions are being taken about what to do, and the
18 positives and the negatives are being canvassed there;
19 correct? Is that right, sir?

20 **MR. KEOUGH:** Yes, that's right.

21 **MS. DALEY:** And if you go over to the very
22 last page of the document as the negatives are being
23 listed, points number 8 and 9 out of 10 refer to the sexual
24 allegations. You see that, sir?

25 **MR. KEOUGH:** Yes, I see that.

1 **MS. DALEY:** So they're way down at the
2 bottom of the list in terms of concerns?

3 **MR. KEOUGH:** Yes.

4 **MS. DALEY:** Is that how workers felt at the
5 time? Does that really reflect the thinking?

6 **MR. KEOUGH:** I don't know if the list is a
7 list where 1 is the most important and 10 is the least
8 important. It's just ---

9 **MS. DALEY:** Do you have a recollection of
10 how much weight was attached to those allegations?

11 **MR. KEOUGH:** No, I don't.

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

13 In any event, finally after these events
14 have occurred, C-76 discloses sexual fondling to you by Mr.
15 C.; correct, sir?

16 **MR. KEOUGH:** Yes.

17 **MS. DALEY:** And tells you that's been
18 happening for a number of years?

19 **MR. KEOUGH:** Yes.

20 **MS. DALEY:** All right. And Mr. C. denies
21 that and he asks that she be removed from his home, right?

22 **MR. KEOUGH:** I remember him denying it. I'm
23 not sure who asked for her to be removed. Does it say he
24 did?

25 **MS. DALEY:** Yes. If you look at the very

1 last page of the document under item -- October 19th, '78.

2 MR. KEOUGH: Yes.

3 MS. DALEY: So, again, there's a denial and
4 the solution is move the child who made the complaint.

5 MR. KEOUGH: Yes.

6 MS. DALEY: Correct, sir?

7 MR. KEOUGH: Yes, that's right.

8 MS. DALEY: All right.

9 So by this time we have five allegations of
10 sexual abuse by Mr. C. We have the prior four and your
11 ward's; correct?

12 MR. KEOUGH: I had always thought my ward
13 was part of the four but if it's five, yes.

14 MS. DALEY: All right.

15 MR. KEOUGH: Okay.

16 MS. DALEY: I may have made a mistake there.
17 I think I read complaints by four but I think we've only
18 seen mention of four including your ward.

19 MR. KEOUGH: Okay.

20 MS. DALEY: So she is the fourth of four,
21 right?

22 MR. KEOUGH: Okay, yeah.

23 MS. DALEY: Now, was Mr. O'Brien aware of
24 this, the Executive Director, do you know, sir?

25 MR. KEOUGH: Was he on sick leave then or

1 was he at the office?

2 MS. DALEY: He was back in ---

3 MR. KEOUGH: Okay. If he was at the office
4 I have no doubt the supervisor would have spoken to him on
5 the matter, I think. I'm not -- I can't say he was or
6 wasn't.

7 MS. DALEY: Did you ever talk to him about
8 it yourself?

9 MR. KEOUGH: No.

10 MS. DALEY: That you can recollect?

11 MR. KEOUGH: No, I don't remember.

12 MS. DALEY: I want you to look at a
13 document, please. It's 114426.

14 THE COMMISSIONER: That's a new one, sir.

15 (SHORT PAUSE/COURTE PAUSE)

16 MS. DALEY: Correct. You'll have it in the
17 original documents, I think, 114426.

18 (SHORT PAUSE/COURTE PAUSE)

19 MS. DALEY: I'm sorry. This is a -- I guess
20 we don't have a physical copy here. It was on the
21 Commission's list but unfortunately there's no physical
22 copy.

23 Can you show it to him on the screen,
24 please, and we'll make sure you have a copy?

25 THE COMMISSIONER: So is this an exhibit?

1 **MS. DALEY:** Not yet.

2 **THE COMMISSIONER:** All right.

3 So a letter dated October 25th, 1978 to Mr.
4 and Mrs. Cieslewicz from Thomas O'Brien will be the next
5 exhibit which will be 2360.

6 **MS. DALEY:** Thank you.

7 **--- EXHIBIT NO./PIECE NO. P-2360:**

8 (114426) Letter from Thomas O'Brien to Mr. &
9 Mrs. Cieslewicz - October 25, 1978

10 **MS. DALEY:** Did you ever see that letter at
11 the time, sir?

12 **MR. KEOUGH:** No, I don't remember it.

13 **MS. DALEY:** So this is -- Exhibit 2360 is a
14 letter that Mr. O'Brien sends the Cieslewiczs'
15 approximately 9, 10 days after the disclosure by your ward
16 of sexual abuse, being the fourth of four such allegations;
17 correct?

18 **MR. KEOUGH:** Yes.

19 **MS. DALEY:** And, in fact, he's thanking them
20 for having operated as foster parents and receiving parents
21 and it is a very kind, well-wishing letter; correct, sir?

22 **MR. KEOUGH:** Yes.

23 **MS. DALEY:** Do you think he knew the
24 situation at the time he wrote that letter?

25 **MR. KEOUGH:** I would assume he did but I

1 don't know.

2 **MS. DALEY:** All right. Just a few final
3 questions on this topic.

4 Setting aside C-76 for a moment, do you have
5 any idea -- sorry -- do you have any knowledge of what
6 happened to the other three girls in later life, the girls
7 who went through this home who alleged abuse?

8 **MR. KEOUGH:** No, I don't.

9 **MS. DALEY:** Do you remember C-75; we talked
10 about her yesterday?

11 **MR. KEOUGH:** Not at all.

12 **MS. DALEY:** She was the girl in the Matte
13 receiving home who then went to ---

14 **MR. KEOUGH:** Oh, sorry, yes.

15 **MS. DALEY:** Do you remember her?

16 **MR. KEOUGH:** Yes, okay. I thought you were
17 referring to -- no, okay.

18 **MS. DALEY:** No, I'm just going to talk about
19 her. My final few questions will relate to C-75, if you
20 can put her back in your mind.

21 **MR. KEOUGH:** Okay.

22 **MS. DALEY:** Now, do you know what happened
23 to her in later life?

24 **MR. KEOUGH:** No, I don't.

25 **MS. DALEY:** You gave some testimony in-chief

1 about the fact that her wardship was terminated in, I
2 believe, March 27th, 1976?

3 MR. KEOUGH: I think it was recorded on file
4 that her wardship was terminated.

5 MS. DALEY: Recorded on file. So the
6 sequence of events is, you pick her up, take her to the
7 Matte receiving home February 28th, and then she enters the
8 group home; correct?

9 MR. KEOUGH: Yes.

10 MS. DALEY: And she runs away from the group
11 home, I take it, with the other kids in March?

12 MR. KEOUGH: Yes.

13 MS. DALEY: And then back at the end of
14 March she's in court and there is a review of her temporary
15 wardship. Have I got it right so far?

16 MR. KEOUGH: Well, I think that was March
17 the 20th and that was a juvenile court hearing.

18 MS. DALEY: All right.

19 MR. KEOUGH: I had thought it was a CAS
20 hearing but ---

21 MS. DALEY: She's in juvenile court.

22 MR. KEOUGH: Well, what you read yesterday
23 it seemed to be a juvenile court hearing.

24 MS. DALEY: All right. But in that court
25 proceeding, the issue of her temporary wardship is up as

1 well. In other words ---

2 MR. KEOUGH: Yeah, I don't know.

3 MS. DALEY: All right. And you're aware
4 that she has told her father about what happened at the
5 Matte receiving home and the Second Street Group Home;
6 you're made aware of that? Is that correct, sir?

7 MR. KEOUGH: Yeah.

8 MS. DALEY: And who tells you that? Is that
9 Towndale?

10 MR. KEOUGH: I forget. I don't recollect
11 who told me that.

12 MS. DALEY: And assuming someone tells you
13 that at the court hearing she or her father intend to
14 reveal to the court what happened in the Matte receiving
15 home and the Second Street Group Home. You were aware of
16 that?

17 MR. KEOUGH: I think I was aware of that
18 following the facts, not prior to them.

19 MS. DALEY: Were you in court with her on
20 that day?

21 MR. KEOUGH: No, no.

22 MS. DALEY: All right.

23 Were you not, in fact, reprimanded by Mr.
24 Towndale because your role in her mistreatment was
25 something that she intended to reveal to the court?

1 **MR. KEOUGH:** I don't think so. I think I
2 was reprimanded by Mr. Towndale because I needed to be not
3 because he was being forced to in any way.

4 **MS. DALEY:** Sir, did the CAS agree to the
5 termination of her temporary wardship so as to avoid her
6 revealing her mistreatment by the CAS in court?

7 **MR. KEOUGH:** I can't speak to that. I don't
8 know.

9 **MS. DALEY:** You don't know anything about
10 that decision?

11 **MR. KEOUGH:** Well, not at all.

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

13 Those are my questions. Thank you.

14 **THE COMMISSIONER:** Thank you.

15 Mr. Horn?

16 Good morning, sir.

17 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. HORN:**

18 **MR. HORN:** Good morning.

19 Mr. Frank Horn, Coalition for Action, and we
20 are a citizens group interested in determining what kind
21 of, basically, collusion was going on in a lot of these
22 things that happened back at the time you were involved.

23 One of the things that I was interested in
24 was the fact that when the girls ran away and then they --
25 this is what really brought everything to light and then in

1 a sense one was, then or shortly thereafter. taken to
2 Minden. Now, were you the individual who took her to
3 Minden?

4 MR. KEOUGH: I don't think so.

5 MR. HORN: Pardon?

6 MR. KEOUGH: I don't think so.

7 MR. HORN: You didn't do that?

8 MR. KEOUGH: I don't ever remember driving
9 her to Minden, no.

10 MR. HORN: Okay. Were you involved in
11 anything to do with making the decision to have her sent to
12 Minden?

13 MR. KEOUGH: No, I wasn't.

14 MR. HORN: Do you have any idea who was
15 involved in making sure that the girls -- she was basically
16 the ringleader of the group that ran away and then shortly
17 thereafter she's sent away to the other side of Toronto,
18 and then the other girls are scattered here and there. So,
19 basically, they broke up the group.

20 Were you involved in any of that, of making
21 those decisions as to where these girls were going to go,
22 or did you have any knowledge of who made those decisions?

23 MR. KEOUGH: I was not involved at all in
24 that.

25 MR. HORN: Pardon?

1 **MR. KEOUGH:** I wasn't involved at all in
2 that.

3 **MR. HORN:** There was a lawsuit that was
4 launched by Ms. Antoine, who's a lawyer, in which there was
5 some suggestions that in the lawsuit that when she was at
6 Minden, which was -- now, do you understand -- Minden, is
7 that a special group home for mentally handicapped people
8 or girls?

9 **MR. KEOUGH:** I thought the Anson home was a
10 group home for acting-out adolescents, but I might be
11 wrong, but I thought it was acting-out adolescents.

12 **MR. HORN:** Her lawyer, in the statement of
13 claim, suggested that it was for handicap.

14 **MR. KEOUGH:** Okay.

15 **MR. HORN:** And one of the things that she
16 alleges is that she was forcibly given drugs against her
17 will.

18 So you're saying that you didn't have
19 anything to do with making sure that she was taken far away
20 from Cornwall and kept out of the this jurisdiction?

21 **MR. KEOUGH:** I had no involvement with her
22 at all following the group home.

23 **MR. HORN:** Now, how many years were you
24 involved with her as her worker and then while she was at
25 the group home? How long were you involved with her?

1 **MR. KEOUGH:** It would be -- the years would
2 be in the recording. I forget how long it was but it would
3 be in the recording.

4 **MR. HORN:** I understand that, but you would
5 have, you know, some recollection of how long you were
6 involved with her. Prior to her going to the Second Street
7 Group Home you were involved with her previously?

8 **MR. KEOUGH:** Yes.

9 **MR. HORN:** In the total time that you were
10 involved with her, how long was it; how many years?

11 **MR. KEOUGH:** I don't know. I'd have to look
12 at the recording to find that out.

13 **MR. HORN:** Okay. Would it be -- well, how
14 old was she when you first became involved with her?

15 **MR. KEOUGH:** How old she was?

16 **MR. HORN:** Yeah, how old was she?

17 **MR. KEOUGH:** I'd have to check the
18 recording. I'm not being difficult. I can't -- I'd have
19 to check the recording.

20 **THE COMMISSIONER:** No, no, I understand.
21 That's okay.

22 **MR. HORN:** So would it be two years, three
23 years, 10 years?

24 **MR. KEOUGH:** If we could pull the file, I'll
25 tell you.

1 **THE COMMISSIONER:** Okay. Well, what's the
2 exhibit number?

3 **MR. HORN:** Pardon?

4 **THE COMMISSIONER:** What exhibit number do
5 you want him to refer to?

6 **MS. DALEY:** It's in 2356 actually. And if
7 you look at -- 2356, third page -- '72 to '74.

8 **MR. HORN:** 1972 to 1974.

9 **MR. KEOUGH:** Two years.

10 **MR. HORN:** That would be, what, about two
11 years?

12 **THE COMMISSIONER:** Could be two years or
13 four years.

14 **MR. HORN:** Two years or four years.

15 **MR. KEOUGH:** Oh -- yeah.

16 **THE COMMISSIONER:** Or three years.

17 **MR. HORN:** Okay. So you were her case
18 worker back then?

19 **MR. KEOUGH:** If that's what the recording
20 says, yes.

21 **MR. HORN:** According to the records.

22 **MR. KEOUGH:** Yes.

23 **MR. HORN:** So you would have a fair bit of
24 knowledge of her case history and where she's coming from
25 and why she was passed in Crown wardship?

1 MR. KEOUGH: Yes.

2 MR. HORN: And she was not in any way
3 mentally handicapped?

4 MR. KEOUGH: I don't ever remember seeing
5 Jeannette as a mentally handicapped child.

6 MR. HORN: Okay. And well did she do -- she
7 did well in school; she did quite well?

8 MR. KEOUGH: Yeah, I think that was -- she
9 was average.

10 MR. HORN: She was an average student?

11 MR. KEOUGH: Yes.

12 MR. HORN: So there's no suggestion that she
13 was in any way handicapped and ---

14 MR. KEOUGH: I don't remember any such
15 suggestion, no.

16 MR. HORN: And she didn't become handicapped
17 after you left her as her worker?

18 MR. KEOUGH: She did?

19 MR. HORN: I said did she?

20 MR. KEOUGH: Oh.

21 MR. HORN: She wouldn't be -- because you
22 saw her later on at the group home. Did she seem to be
23 still pretty ---

24 MR. KEOUGH: Yes.

25 MR. HORN: Pretty, you know ---

1 **MR. KEOUGH:** Average intelligence.

2 **MR. HORN:** Average intelligence?

3 **MR. KEOUGH:** Yes.

4 **MR. HORN:** In fact, maybe she might have
5 been even more than that because she was kind of the
6 ringleader of the girls that took off and she was the
7 negotiator on their behalf, wasn't she?

8 **MR. KEOUGH:** I never seen Jeannette as a
9 mentally handicapped child.

10 **MR. HORN:** So you weren't the author of this
11 strategy to take the ringleader away and put her on the
12 other side of the city -- on the other side of Toronto?

13 **MR. ENGELMANN:** Mr. Horn's asked that
14 question three times. The witness has answered.

15 **THE COMMISSIONER:** That's right. He says he
16 had nothing to do with it.

17 **MR. HORN:** All right.

18 In retrospect, if you're looking back to
19 that, do you think that that was the right thing to have
20 done, for the Agency to place her that way -- that far
21 away?

22 **MR. KEOUGH:** I'm not aware of the
23 circumstances that required that placement and what the
24 reasoning was. I can't comment on that.

25 **MR. HORN:** Now, yesterday when you were

1 testifying, you admitted to one incident in which you had
2 tied a girl to a bedpost.

3 **MR. KEOUGH:** Yes.

4 **MR. HORN:** Now, you're saying that that was
5 a mistake, right, on your part?

6 **MR. KEOUGH:** Definitely.

7 **MR. HORN:** It was a foolish thing to do?

8 **MR. KEOUGH:** Yes.

9 **MR. HORN:** Okay. How long were you involved
10 with that group home prior to that incident taking place?

11 **MR. KEOUGH:** Well, the group home under
12 Derry Tenger I believe ran for about a month and a half two
13 months, max.

14 **MR. HORN:** And ---

15 **MR. KEOUGH:** I'm not sure at what point I
16 became the liaison officer. It was after he became
17 Director. But I don't remember, you know, if it was a week
18 or two weeks or three weeks after.

19 **MR. HORN:** So really the group home under
20 Tenger was not around that long, it was just a very short
21 period of time?

22 **MR. KEOUGH:** It was February and March.

23 **MR. HORN:** And you were closely involved
24 with it at the inception? Your brother was there and ---

25 **MR. KEOUGH:** I wasn't closely involved with

1 it.

2 MR. FILION: Can he answer the question
3 before there's a second question?

4 THE COMMISSIONER: I'm sorry?

5 MR. FILION: If he ---

6 THE COMMISSIONER: No, first of all, sir,
7 you have to come to the microphone. That's rule number
8 one.

9 MR. FILION: I understand there was a
10 question and then before the witness had an opportunity to
11 answer there was a statement. So if he could answer the
12 question first, and then if there's a supplementary
13 question he could deal with that.

14 THE COMMISSIONER: Right. Well, Mr. Horn is
15 a free flow kind of a guy when it comes to his thoughts and
16 so, you know, we adapt to those things.

17 MR. FILION: Oh. Thank you.

18 THE COMMISSIONER: So what is the question?

19 MR. HORN: The group home was around for
20 about a couple of months?

21 MR. KEOUGH: Yes.

22 MR. HORN: Okay. And your brother worked
23 there?

24 MR. KEOUGH: Yes.

25 MR. HORN: And you'd known Mr. Tenger for

1 quite a long time prior to the group home being set up?

2 MR. KEOUGH: Yes.

3 MR. HORN: And, in fact, he was the person
4 who helped get you the job at the Children's Aid Society?

5 MR. KEOUGH: No.

6 MR. HORN: No?

7 MR. KEOUGH: No.

8 MR. HORN: Was he in any way -- he was there
9 before you were though?

10 MR. KEOUGH: Yeah, he was there before. I
11 never knew him until I started at the Agency.

12 MR. HORN: Okay. So you only got to know
13 him at the Agency?

14 MR. KEOUGH: Once I started at the Agency,
15 yes.

16 MR. HORN: And you worked together for a few
17 years?

18 MR. KEOUGH: Yes.

19 MR. HORN: Okay. And, in fact, he was the
20 one that kind of helped you at the beginning of your
21 career?

22 MR. KEOUGH: You're right.

23 MR. HORN: And you became close?

24 MR. KEOUGH: We became friends, yes.

25 MR. HORN: Became friends.

1 And to open up a group home I guess there's
2 be some discussions about, you know, how do we do this; how
3 do we get the financing and set it up and how do we make
4 arrangements for the kids to come there and make sure the
5 beds are filled. I mean, those are the sort of questions
6 that you would be talking to him about, wouldn't you, prior
7 to him opening up?

8 **MR. KEOUGH:** No, because he didn't open up
9 the group home, Rod Rabey did.

10 **MR. HORN:** Okay. So he was -- okay, then,
11 did he go directly from the -- working as a worker at the
12 Children's Aid Society and then just went right in there
13 and took it over?

14 **MR. KEOUGH:** He basically took over from Mr.
15 Rabey after Mr. Rabey died.

16 **MR. HORN:** Okay. And so he would have gone
17 in there and he would have known the working setup, right?

18 **MR. KEOUGH:** I assume so, yes.

19 **MR. HORN:** And how to run a group home.
20 Was there any other group homes in the city?

21 **MR. KEOUGH:** I think Sister Quesnel had a
22 home going at that time. I'm not sure but I think there
23 was another one, yes.

24 **MR. HORN:** Okay. So you would have then
25 been used to dealing with group homes?

1 **MR. KEOUGH:** No.

2 **MR. HORN:** Placing children there?

3 **MR. KEOUGH:** I think the group homes in town
4 here were a new -- a kind of a new ---

5 **THE COMMISSIONER:** Phenomenon.

6 **MR. KEOUGH:** --- initiative of the Agency,
7 yes.

8 **MR. HORN:** Okay. So it's a new phenomenon
9 way back then when you were involved?

10 **MR. KEOUGH:** Yes.

11 **MR. HORN:** So when you were involved with
12 Mr. Tenger your brother got a job. Did you have anything
13 to do with him getting that job with Mr. Tenger?

14 **MR. KEOUGH:** I don't remember -- he didn't
15 get the job with Mr. Tenger, it was Mr. Rabey that hired my
16 brother.

17 **MR. HORN:** Oh, your brother was there prior
18 to that?

19 **MR. KEOUGH:** Yes.

20 **MR. HORN:** And when Mr. Rabey -- when he
21 died then your brother would have been there?

22 **MR. KEOUGH:** Yes.

23 **MR. HORN:** Did he discuss with you about,
24 you know, who should take over?

25 **MR. KEOUGH:** No, I don't remember any such

1 discussion, no.

2 MR. HORN: Okay. And the group home -- now,
3 when Mr. Rabey died -- when he died ---

4 MR. KEOUGH: Yes.

5 MR. HORN: --- is there -- was that due to a
6 heart attack in the group home?

7 MR. KEOUGH: I'm not aware. I'm not even
8 sure it was a heart attack. It was very sudden. I don't
9 know what his cause of death was.

10 MR. HORN: I mean, you're aware that the --
11 Ms. Antoine is suggesting that the heart attack took place
12 at the group home?

13 MR. KEOUGH: I believe I remember reading
14 that, yes.

15 MR. HORN: Okay. And that she alleges that
16 you accused her of causing the heart attack?

17 MR. KEOUGH: I read that, yes.

18 MR. HORN: She said that?

19 MR. KEOUGH: Well, I read that.

20 MR. HORN: Okay. And that somehow you were
21 involved even afterwards at the wake?

22 MR. KEOUGH: I read that, too.

23 MR. HORN: And that somehow you wanted to
24 force her to put her -- touch the body?

25 MR. KEOUGH: Yeah, I read that too.

1 **MR. HORN:** Pardon?

2 **MR. KEOUGH:** I read that too.

3 **MR. HORN:** And that even afterwards she
4 alleges that you had beaten her back at the group home
5 because you blamed her for Mr. Rabey's death?

6 **MR. KEOUGH:** I read that also.

7 **MR. CHISHOLM:** I wonder if there is going to
8 be a question, other than Mr. Horn simply reciting Ms.
9 Antoine's evidence?

10 **THE COMMISSIONER:** Well, I'm hoping.

11 Mr. Horn, there is -- in cross-examination
12 there is setting up a question and there is re-hashing
13 evidence and re-hashing evidence is not part of the
14 equation.

15 **MR. HORN:** Okay.

16 **THE COMMISSIONER:** So what's the question?

17 **MR. HORN:** The question I have is this.

18 Was there ever any investigation ever done
19 as to the cause of the death of Mr. Rabey?

20 **MR. HORN:** I have no idea.

21 **THE COMMISSIONER:** Are we ---

22 **MR. HORN:** If it happened in a group home?

23 **MR. KEOUGH:** I have no idea. I wasn't
24 involved in the group home when he was ---

25 **MR. HORN:** Pardon?

1 **MR. KEOUGH:** When Mr. Rabey passed away, I
2 wasn't ---

3 **MR. HORN:** I understand you may not have
4 been involved but, I mean, you would have known quite a bit
5 about his death if it happened in one of the CAS group
6 homes in the city.

7 **MR. KEOUGH:** I remember hearing that Rod had
8 passed away or was in the hospital and we were all
9 concerned for him. I don't remember, you know, an inquiry
10 in terms of how he died or why he died. I don't know.

11 **MR. HORN:** So you don't know whether there
12 was ever an investigation?

13 **MR. KEOUGH:** No, I don't.

14 **THE COMMISSIONER:** What's the point, Mr.
15 Horn?

16 **MR. HORN:** The point is, was there an
17 investigation done by the Children's Aid Society or anybody
18 or the Coroners as to the death at a group home? I think
19 that would be important.

20 **MR. CHISHOLM:** I object to the question. I
21 don't see the relevance at all to that question.

22 **THE COMMISSIONER:** Mr. Horn, I would see
23 that if there's someone in charge of the Children's Aid
24 Society, like a child dying in a foster home, that would be
25 -- but I'm sure, unless you have evidence. You know,

1 you're cross-examining so you should have some evidence
2 there.

3 **MR. HORN:** Well, in the investigation that
4 was done, it was -- in the interview that was done of
5 Antoine with Sebalj and Fitzpatrick ---

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

7 **MR. HORN:** Yes, and it was Document Number
8 739139.

9 **THE COMMISSIONER:** Is it an exhibit?

10 **MR. HORN:** It's an exhibit, yes.

11 **THE COMMISSIONER:** What's the exhibit
12 number?

13 **MR. HORN:** I just gave it.

14 **THE COMMISSIONER:** No, no, no.

15 **MR. HORN:** Oh, I don't know the exhibit
16 number for that.

17 **THE COMMISSIONER:** Oh.

18 **MR. HORN:** I've got the number. I don't
19 know what the exhibit number is.

20 **MR. ENGELMANN:** Mr. Commissioner, the
21 witness has answered he doesn't know and Mr. Towndale was
22 called who would have been responsible for this. Surely,
23 if there was an issue about this, that question should have
24 been put to him.

25 **THE COMMISSIONER:** Or to whoever was the

1 director; maybe if Mr. O'Brien testifies.

2 MR. ENGELMANN: No, that's true as well, but
3 this witness ---

4 THE COMMISSIONER: Oh, no, no.

5 MR. HORN: You were aware, though, that
6 these were the allegations that were being made by Ms.
7 Antoine?

8 MR. KEOUGH: I was made aware of that, yes.

9 MR. HORN: So you know about that, and that
10 it was during, as she alleges -- they were horsing around
11 and he was supposed to have gotten a heart attack?

12 MR. KEOUGH: I remember reading that, yes.

13 MR. HORN: Yes. And that was supposed to
14 have happened at the group home?

15 THE COMMISSIONER: Okay. So let's assume it
16 did happen at the group home.

17 MR. HORN: If somebody dies in a group home,
18 I would think that there would be quite a bit of interest,
19 wouldn't you?

20 THE COMMISSIONER: Who are you asking, me or
21 ---

22 MR. HORN: I'm saying, you know, I mean,
23 there would be a lot of interest in the community as to
24 somebody dying in a group home while there's interplay
25 between the staff and ---

1 **THE COMMISSIONER:** I suggest, sir, that
2 unless there is evidence to the contrary, from what I
3 understood from the evidence we've heard so far, is that
4 the man running the group home may have had some heart
5 problems while playing with the child, and that he was
6 taken to the hospital and he succumbed to that condition.

7 I don't know, and unless you have evidence
8 to the contrary, I suspect that all -- the Coroner did his
9 work because there was an autopsy and things like that, and
10 that unless you come up with something different, no, there
11 wouldn't be any reason for somebody to be concerned unless
12 you're suggesting foul play on behalf of the children
13 against Mr. Rabey. I don't think so.

14 **MR. HORN:** Okay, all right.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MR. HORN:** The logbook that you were
17 questioned about earlier, did you ever see it yourself?

18 **MR. KEOUGH:** I don't remember seeing it, but
19 I must have because the times I was in there I would have
20 had to mark myself in and mark myself out.

21 **MR. HORN:** Okay. But the logbook regarding
22 not just going in and out, but I'm talking about any
23 incidents that would have taken place.

24 **MR. KEOUGH:** Yes, from my understanding it
25 was all the same book.

1 **MR. HORN:** Okay. And this book, you've seen
2 it. Did you ever look at it to see and to record it?
3 Because you were the liaison officer, right?

4 **MR. KEOUGH:** Yes.

5 **MR. HORN:** So the reportings would be
6 something that would be of interest to you?

7 **MR. KEOUGH:** Not necessarily, no.

8 **MR. HORN:** How often did you go to that
9 house?

10 **MR. KEOUGH:** A couple of times a week.

11 **MR. HORN:** Okay. And how were you going to
12 keep up with what's going on there unless you look at the
13 logbook?

14 **MR. KEOUGH:** My responsibility was not to
15 keep up with what was going on there. My responsibility as
16 liaison officer was simply administrative.

17 It wasn't -- I wasn't involved in any direct
18 way with the care of those children because they had their
19 own workers plus the staff of the home. So I had no reason
20 to go to the logbook other than when, if I took a shift
21 which I did, I would then have to log in that book anything
22 that happened. But other than that, I had no reason to go
23 to that logbook.

24 **MR. HORN:** Okay. Now, did you ever -- was
25 there a copy -- was that just one copy that was kept onsite

1 or was there copies that had to be sent to the CAS office?

2 MR. KEOUGH: I don't know of any copies.

3 MR. HORN: Pardon?

4 MR. KEOUGH: I don't know of any copies.

5 MR. HORN: Now, the group home was located
6 on Second Street?

7 MR. KEOUGH: Yes.

8 MR. HORN: Across from the park?

9 MR. KEOUGH: I don't know if there was a
10 park there.

11 MR. HORN: It was near Bedford, right?

12 MR. KEOUGH: It's been a while since I've
13 been in Cornwall. I don't know the streets. I'm sorry.

14 MR. HORN: Okay, not too far from York?

15 MR. KEOUGH: It wasn't too far from the gas
16 station on the corner of York ---

17 MR. HORN: York and the Second ---

18 MR. KEOUGH: Yeah, it wasn't too far from
19 that gas station that was on the corner there.

20 MR. HORN: Okay. Was the CAS office back
21 then where it used to be on York Street?

22 MR. KEOUGH: Yeah.

23 MR. HORN: So that means that the group home
24 would be just around the corner from the ---

25 MR. KEOUGH: It was close.

1 MR. HORN: --- from the CAS?

2 MR. KEOUGH: It was close, yes.

3 MR. HORN: In fact, maybe about a block
4 away?

5 MR. KEOUGH: Yeah, a block, block-and-a-
6 half. That would probably be two blocks and a half.

7 MR. HORN: And it would be really very easy
8 for somebody from the CAS to go in there on a periodic
9 basis just to check it out?

10 MR. KEOUGH: It wasn't a great distance, no.

11 MR. HORN: Okay. Do you know if they were
12 doing that?

13 MR. KEOUGH: No, I don't.

14 MR. HORN: Were you asked to do that because
15 you were the liaison officer?

16 MR. KEOUGH: No.

17 MR. HORN: Now, your views on corporal
18 punishment were that -- you believed in it, didn't you?

19 MR. KEOUGH: Yes, I did.

20 MR. HORN: And when you'd had the meeting --
21 you discussed -- there was a meeting that took place and
22 there was a lot of arguing back-and-forth about the pros
23 and cons of corporal punishment?

24 MR. KEOUGH: Yes.

25 MR. HORN: Do you know who it was

1 specifically on the Board who were for corporal punishment
2 and those who were against it?

3 MR. KEOUGH: No, I don't.

4 MR. HORN: Do you know the names of the ones
5 that were basically in agreement with you and Mr. Tenger?

6 MR. KEOUGH: No, I don't.

7 MR. HORN: Pardon?

8 MR. KEOUGH: No, I don't.

9 MR. HORN: Did Mr. Adams, who was a lawyer
10 who was on the Board, did he give any advice ---

11 THE COMMISSIONER: Well, first of all --
12 right.

13 MR. CHISHOLM: I'm not sure the evidence
14 disclosed that Mr. Adams was on the Board. I understood
15 him to be counsel to the CAS.

16 THE COMMISSIONER: Right.

17 MR. CHISHOLM: Outside counsel.

18 THE COMMISSIONER: M'hm. But there's some
19 mention that he was there. You're talking about the
20 meeting ---

21 MR. HORN: That's right.

22 THE COMMISSIONER: --- of the committee when
23 the children ran away and that kind of thing, just before
24 the closing of the group home, Mr. Horn?

25 MR. HORN: That's right.

1 **THE COMMISSIONER:** What exhibit, sir?

2 **MR. HORN:** Exhibit Number 123621.

3 **THE COMMISSIONER:** Yeah, well, that's not an
4 exhibit number.

5 **MR. HORN:** Not exhibit number but it's the -
6 - that's the closest I can get to it. I don't know what
7 the exhibit number is but that's the document number.

8 **THE COMMISSIONER:** You should try. You
9 should try. When you're going to cross-examine somebody on
10 it, it might be a nice idea to have the exhibit number.

11 **MR. HORN:** I agree.

12 **MR. ENGELMANN:** Sir, it's Exhibit 2212.

13 **THE COMMISSIONER:** Two-two-one-two (2212).
14 Saves on time, Mr. Horn.

15 **MR. HORN:** Okay. I'm sorry; 2212.

16 **THE COMMISSIONER:** Do I have that? No.

17 **MR. HORN:** Okay, on the ---

18 **THE COMMISSIONER:** No, no, sir. I'm not
19 there yet. I need the document, so does the witness. What
20 page, Mr. Horn? I take it you're looking at page 3?

21 **MR. HORN:** Three (3), yes.

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

23 **MR. KEOUGH:** I'm there.

24 **MR. HORN:** Okay, page 3?

25 **MR. KEOUGH:** Yes.

1 **MR. HORN:** Okay:

2 "Mr. Ron Adams, CAS lawyer, also
3 addressed the meeting to discuss the
4 legal ramifications of corporal
5 punishment."

6 Do you remember that?

7 **MR. KEOUGH:** No, I don't.

8 **THE COMMISSIONER:** Mr. Horn, if you look at
9 the next paragraph, it says:

10 "Mr. Tenger, Michael Keough and Bryan
11 Keough then joined the meeting."

12 So if we're reading that, and I don't know,
13 my small mind would think that that discussion was had in
14 the absence of this witness.

15 **MR. HORN:** Okay.

16 Did you -- okay, it may have been discussed
17 prior to you being there, but were those legal
18 ramifications discussed afterwards when you were there?

19 **MR. KEOUGH:** I don't recollect.

20 **MR. HORN:** Was there anybody that would --
21 did he say that, "Well, Ron Adams said we should go to the
22 police"? Do you remember anybody saying that when you were
23 there?

24 **MR. KEOUGH:** I don't remember that
25 discussion.

1 **MR. HORN:** Pardon?

2 **MR. KEOUGH:** I don't remember the details of
3 those discussions.

4 **MR. HORN:** Discussion was regarding the --
5 basically, the appropriateness of corporal punishment,
6 wasn't it?

7 **MR. KEOUGH:** Our views on corporal
8 punishment, yes.

9 **MR. HORN:** That's right.

10 And your views were being questioned by some
11 people and they didn't think that it was appropriate,
12 right?

13 **MR. KEOUGH:** I gather some did and some
14 didn't, yeah.

15 **MR. HORN:** And some people would suggest
16 that it might even be illegal.

17 **MR. KEOUGH:** I don't recollect that.

18 **MR. HORN:** Pardon?

19 **MR. KEOUGH:** I don't recollect that.

20 **MR. HORN:** You don't recollect that even
21 being suggested that, "Maybe we're stepping into a very
22 dangerous area. Corporal punishment may be an assault"?

23 **MR. KEOUGH:** I don't remember that, no.

24 **MR. HORN:** Pardon?

25 **MR. KEOUGH:** I don't remember that.

1 **MR. HORN:** So prior to you being there there
2 was -- you didn't know about it but there was discussions
3 about the legal ramifications, and the people who were at
4 that meeting, do you know who they were that were talking
5 with the CAS?

6 **MR. KEOUGH:** No, I don't.

7 **MR. HORN:** Did any of the people that were
8 at the meeting when you were there talk about talking to
9 lawyers?

10 **MR. KEOUGH:** I don't remember such
11 discussions, no.

12 **MR. HORN:** Did you know Ron Adams?

13 **MR. KEOUGH:** No. I may have seen him around
14 the office if he was a lawyer ---

15 **MR. HORN:** Pardon?

16 **MR. KEOUGH:** If he was a lawyer attached to
17 the office I may have seen him around the office but I
18 never knew him personally, you know.

19 **MR. HORN:** And would the -- were you aware
20 that he went and became the lawyer on the Police
21 Commission?

22 **MR. KEOUGH:** No.

23 **MR. HORN:** Pardon?

24 **MR. KEOUGH:** No.

25 **(SHORT PAUSE/COURTE PAUSE)**

1 **MR. HORN:** Did you know -- is it Canon Irwin
2 of the Trinity Church?

3 **MR. KEOUGH:** I knew him briefly. I knew him
4 to see him. I didn't know him personally.

5 **MR. HORN:** Was he on the Board?

6 **MR. KEOUGH:** I believe he was.

7 **MR. HORN:** Did you have any dealings with
8 him at any meetings where he would be there?

9 **MR. KEOUGH:** There was a question about a
10 meeting that myself and Derry Tenger possibly had with him
11 at a cottage. Yesterday I was asked about that and I can't
12 recollect that meeting.

13 **MR. HORN:** And were you aware of his views
14 on corporal punishment?

15 **MR. KEOUGH:** From my readings of all these
16 papers, it looks like he was in favour of it. I might be
17 wrong.

18 **MR. HORN:** He was in favour of it, but why
19 would he describe Mr. Tenger as being sadistic?

20 **MR. KEOUGH:** I haven't got a clue.

21 **MR. HORN:** Pardon?

22 **MR. KEOUGH:** I haven't got a clue.

23 **MR. HORN:** There's some mention that you and
24 Mr. Tenger went to some -- to meet him some place.

25 **MR. KEOUGH:** It was a cottage.

1 **THE COMMISSIONER:** A cottage outside of
2 Barrie ---

3 **MR. HORN:** A cottage, yes.

4 **THE COMMISSIONER:** --- which he says he
5 doesn't recall.

6 **MR. HORN:** To try to -- he was just trying
7 to save his job and save his -- what he was doing.

8 **MR. KEOUGH:** That's what was written, yeah.

9 **MR. HORN:** Pardon?

10 **MR. KEOUGH:** That's what I read yesterday,
11 yes.

12 **MR. HORN:** And you're saying that that never
13 happened?

14 **THE COMMISSIONER:** No, no.

15 **MR. KEOUGH:** No, I'm saying I don't remember
16 it.

17 **THE COMMISSIONER:** No, no, no. He said he
18 doesn't recall.

19 **MR. HORN:** Is it possible it did happen?

20 **MR. KEOUGH:** Yes.

21 **MR. HORN:** Did Canon Irwin ever say to you
22 what he felt about Mr. Tenger?

23 **MR. KEOUGH:** No.

24 **MR. HORN:** Pardon?

25 **MR. KEOUGH:** I never had any personal

1 conversations with Mr. Irwin about Mr. Tenger.

2 MR. HORN: And how many different police
3 officers have you spoken to in regards to the investigation
4 of the Antoine allegations?

5 MR. KEOUGH: One.

6 THE COMMISSIONER: That's Officer White?

7 MR. KEOUGH: Yes.

8 MR. HORN: Did Sergeant Derochie ever speak
9 to you when he was doing his investigation?

10 MR. KEOUGH: Was that in 1989 maybe?

11 MR. HORN: It was Sergeant Derochie.

12 MR. KEOUGH: No.

13 MR. HORN: You don't remember him ever
14 coming to you?

15 MR. KEOUGH: What investigation are you
16 referring to?

17 MR. HORN: Well, no, I'm just saying did he
18 ever come to you in regards to an investigation of any
19 kind?

20 MR. KEOUGH: I don't remember that, no.

21 MR. HORN: Did the OPP ever come to you?
22 Anybody from the OPP?

23 MR. KEOUGH: Not that I could recollect, no.

24 MR. HORN: So the only police officer that
25 you spoke to regarding these allegations was Shawn White?

1 **MR. KEOUGH:** That's the only one I remember,
2 yes.

3 **MR. HORN:** Thank you.

4 **MR. KEOUGH:** Thank you.

5 **THE COMMISSIONER:** Thank you.

6 We'll take the morning break. Thank you.

7 **THE REGISTRAR:** Order. All rise.

8 À l'ordre. Veuillez vous lever.

9 This hearing will resume at 11:10 a.m.

10 --- Upon recessing at 10:54 a.m./

11 L'audience est suspendue à 10h54

12 --- Upon resuming at 11:13 a.m./

13 L'audience est reprise à 11h13

14 **THE REGISTRAR:** This hearing is now resumed.

15 Please be seated. Veuillez vous asseoir.

16 **THE COMMISSIONER:** Good morning, Mr. Lee.

17 **BRYAN KEOUGH, Resumed/Sous le même serment**

18 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:**

19 **MR. LEE:** Good morning, Mr. Commissioner.

20 **THE COMMISSIONER:** Mr. Keough?

21 **MR. LEE:** Mr. Keough, my name is Dallas Lee.

22 I'm counsel to the Victims' Group.

23 I have a few areas I'd like to ask you

24 about, and I'd like to start with Derry Tenger.

25 You told Mr. Horn during your cross-

1 examination that you first met Derry Tenger when you joined
2 the CAS. Is that correct?

3 MR. KEOUGH: Yes.

4 MR. LEE: And you told us that you became
5 friends?

6 MR. KEOUGH: Yes, I did.

7 MR. LEE: And is it fair for me to say that,
8 by the time he was managing the Second Street Group Home
9 you would have considered yourself good friends with Mr.
10 Tenger?

11 MR. KEOUGH: Yes.

12 MR. LEE: And we have information that Mr.
13 Tenger began with the CAS in 1965 and that, prior to that
14 he worked with Canada Manpower for about one and a half
15 years. Do you know anything about that?

16 MR. KEOUGH: No, I don't.

17 MR. LEE: Did you ever discuss with Mr.
18 Tenger his prior employment?

19 MR. KEOUGH: No.

20 MR. LEE: He never -- he never spoke to you
21 of his work there?

22 MR. KEOUGH: No.

23 MR. LEE: Do you recall if Mr. Tenger ever
24 spoke to you about dealing with probation and parole? In
25 an official capacity I mean, obviously.

1 **MR. KEOUGH:** In an official capacity?

2 **MR. LEE:** Yeah.

3 **MR. KEOUGH:** No.

4 **MR. LEE:** Did he ever speak to you about
5 helping probation and parole clients find work, as an
6 example?

7 **MR. KEOUGH:** He talked about working with
8 street kids in Cornwall at different times, but not, like
9 not in a professional capacity but just in the course of
10 conversation, that he worked with street kids in Cornwall,
11 but nothing -- nothing specific.

12 **MR. LEE:** Did he expand on what he meant by,
13 "worked with street kids" if it wasn't in an official
14 capacity?

15 **MR. KEOUGH:** No. He talked about kids being
16 on drugs and homeless and every now and then, someone would
17 walk into the Agency to have coffee with him or something
18 like that. And he would say, "That used to be one of the
19 kids that I worked with." But I don't remember anything
20 beyond that.

21 **MR. LEE:** I mean, was it your impression it
22 was some kind of charitable endeavour that he was trying to
23 help these kids?

24 **MR. KEOUGH:** I always thought it was more
25 like a counselling thing.

1 **MR. LEE:** That he was -- do you know if he
2 ever worked as a counsellor?

3 **MR. KEOUGH:** I -- no.

4 **MR. LEE:** It's not something you discussed
5 with him?

6 **MR. KEOUGH:** No.

7 **MR. LEE:** And do you know whether Mr.
8 Tenger's employment with the CAS was continuous or whether
9 there was a break at some point in his CAS career?

10 **MR. KEOUGH:** I think it was continuous.

11 **MR. LEE:** We have some information in the
12 documents we have that he may have left the Agency in 1969
13 and then returned in 1970. Did he ever discuss anything
14 like that with you?

15 **MR. KEOUGH:** No.

16 **MR. LEE:** You have no information about
17 that?

18 **MR. KEOUGH:** I'm not aware of that at all.

19 **MR. LEE:** And you knew that Mr. Tenger was
20 involved with the Trinity Anglican Church?

21 **MR. KEOUGH:** He was Choirmaster there.

22 **MR. LEE:** And did you attend that church?

23 **MR. KEOUGH:** No.

24 **MR. LEE:** No.

25 During the course of your friendship with

1 Mr. Tenger, did you ever hear him speak about a falling out
2 he may have had with that church?

3 MR. KEOUGH: No.

4 MR. LEE: Do you have any knowledge of him
5 having left that church at any time?

6 MR. KEOUGH: Not at all.

7 MR. LEE: Did you remain friends with Mr.
8 Tenger after he resigned from the Cornwall CAS?

9 MR. KEOUGH: For a while.

10 MR. LEE: And do you know what he did for
11 work after he resigned here?

12 MR. KEOUGH: I think after he left the
13 Agency he went back -- I think he went back to the ships.

14 MR. LEE: Sorry? To the ships?

15 MR. KEOUGH: Yeah. He was -- at one point
16 in his past he was a cook, a marine cook on ships, and I
17 think he went back for a period of time on the ships as a
18 cook.

19 MR. LEE: Was he still living in Cornwall at
20 the time? Do you know, or ---

21 MR. KEOUGH: I think it was out of Montreal.
22 Yes, his house was in Dunvegan.

23 MR. LEE: Where's Dunvegan?

24 MR. KEOUGH: Between here and Plantagenet,
25 halfway.

1 **MR. LEE:** Okay.

2 Are you aware that he ever moved from
3 Dunvegan or Cornwall?

4 **MR. KEOUGH:** He did.

5 **MR. LEE:** And do you know where he went?

6 **MR. KEOUGH:** He went to Toronto.

7 **MR. LEE:** And do you know what he was doing
8 there career-wise?

9 **MR. KEOUGH:** Again, I think he was involved
10 maybe in a restaurant as a cook.

11 **MR. LEE:** Do you have any information about
12 whether Mr. Tenger ever worked with children again?

13 **MR. KEOUGH:** No.

14 **MR. LEE:** Do you -- do you know whether Mr.
15 Tenger is still living?

16 **MR. KEOUGH:** No, I don't. We've had -- I've
17 had no contact with Mr. Tenger for quite a long time.

18 **MR. LEE:** I want to turn to a discussion of
19 note keeping.

20 Have you ever heard the term, "goal-oriented
21 recording"?

22 **MR. KEOUGH:** Yes.

23 **MR. LEE:** And did you ever receive training
24 in goal-oriented recording?

25 **MR. KEOUGH:** I can't remember anybody -- if

1 I did it would be logged there, in that thing at the
2 beginning.

3 MR. LEE: We -- what was your understanding
4 of what goal-oriented recording would mean? Do you have
5 any understanding of what that is?

6 MR. KEOUGH: Offhand, you set your goals and
7 you plan accordingly, based upon those goals; if they're
8 systematic, concrete, measurable, things like that.

9 MR. LEE: You told us during Chief that the
10 process at the CAS when you were a caseworker was to take
11 handwritten notes ---

12 MR. KEOUGH: Yes.

13 MR. LEE: --- and to then essentially
14 summarize those in the case recordings.

15 MR. KEOUGH: Yes.

16 MR. LEE: Is that correct? And to then
17 destroy the handwritten notes after the case recordings
18 were approved?

19 MR. KEOUGH: Yes.

20 MR. LEE: Were you diligent about destroying
21 your notes?

22 MR. KEOUGH: I think I was. If I didn't,
23 they would be on file.

24 MR. LEE: Well, let me cut to the chase. Do
25 you have -- is there any chance you have any old notebooks

1 at home?

2 MR. KEOUGH: Oh, no.

3 MR. LEE: Nothing in your possession at all?

4 MR. KEOUGH: None at all.

5 MR. LEE: Nothing in storage?

6 MR. KEOUGH: No.

7 MR. LEE: No chance?

8 MR. KEOUGH: No chance at all.

9 MR. LEE: Do you have any materials relevant
10 to this Inquiry at all in your possession that you know of?

11 MR. KEOUGH: Everything that's been coming
12 to me for the last year or six months.

13 MR. LEE: No, what I'm asking is whether
14 there's any chance you have materials that the Inquiry
15 should be receiving from you rather than from the CAS?

16 MR. KEOUGH: From my time at CAS?

17 MR. LEE: Yes.

18 MR. KEOUGH: No.

19 MR. LEE: So everything you had was left
20 with the CAS?

21 MR. KEOUGH: Oh, yes.

22 MR. LEE: Turning back to the -- to the
23 summary -- what do you call them? Do you call it case
24 recordings, case summaries?

25 MR. KEOUGH: Well, there were transfer

1 summaries and then there were annual summaries ---

2 MR. LEE: Well, what's that document called?

3 MR. KEOUGH: --- and quarterly summaries.

4 MR. LEE: What should I be calling that
5 document, these documents we've been looking at for all of
6 these children and all of these homes?

7 MR. KEOUGH: Well you have the foster home
8 file, you have the childcare file and you have the
9 protection file. So there's three different types of
10 files.

11 MR. LEE: Okay, that's fine.

12 The summaries that you're preparing from
13 your case notes for inclusion in those different kinds of
14 files, would you agree with me that the information that we
15 now have, the permanent record, would represent only some
16 portion of the information that would have been recorded in
17 the notes?

18 MR. KEOUGH: It would be a summary ---

19 MR. LEE: It's a summary.

20 MR. KEOUGH: --- hopefully a thorough
21 summary.

22 MR. LEE: But it's a summary which indicates
23 that there's ---

24 MR. KEOUGH: Yes. Yeah, you're right.

25 MR. LEE: --- you're shrinking down the

1 information ---

2 MR. KEOUGH: Yeah. Yes.

3 MR. LEE: --- you're condensing it. Is that
4 right?

5 MR. KEOUGH: Yeah.

6 MR. LEE: And we take it back a step,
7 obviously then your case notes would have been only a
8 summary of the events that transpired, the information you
9 received.

10 MR. KEOUGH: It would be point-form stuff.

11 MR. LEE: You weren't attempting to make
12 verbatim recordings of conversations or anything like that?

13 MR. KEOUGH: No, although at times there
14 could be a time when you kind of put a quote in there,
15 because it might be relevant, especially if you're planning
16 for court or something like that, but, yeah.

17 MR. LEE: What was your general practice in
18 terms of note keeping in your notebook? I mean, we have a
19 picture of a police officer who, every time he engages in a
20 conversation as a police officer, immediately opens up the
21 notebook and starts taking notes. Was it the same for the
22 CAS worker or could you be a little bit more casual?

23 MR. KEOUGH: No. We were given 24 hours to
24 make the notes. I tried to make the notes the same day and
25 not the day after, even though it could have been within

1 the 24-hour period. So I often stopped the vehicle --
2 well, often -- I would stop the vehicle on the road between
3 homes or houses or investigations and I would take out my
4 book and make some quick notes.

5 MR. LEE: But I take it, particularly for a
6 childcare worker, when you're engaging with a child you're
7 trying to be a little less formal and you're trying to pay
8 attention to the child ---

9 MR. KEOUGH: Yes.

10 MR. LEE: --- and you're trying to engage
11 rather than writing in a notebook, be fair to say?

12 MR. KEOUGH: Yes.

13 MR. LEE: And so to some extent you would
14 have relied on memory when making notes?

15 MR. KEOUGH: Yes.

16 MR. LEE: And the same would go, I take it,
17 when making case recordings? You would have your notes in
18 front of you but you'd also be relying on things stored in
19 your memory at that time?

20 MR. KEOUGH: I would think so. Yes.

21 MR. LEE: I want to ask you about Roberta
22 Archambault, as she's now known, Roberta Judd ---

23 MR. KEOUGH: Yes.

24 MR. LEE: --- at the time that you would
25 have dealt with her. Our information is that she was

1 placed in the Hubert home on September 30th, 1970, and that
2 you became her worker in July of 1973. So by the time you
3 came into the scene, she'd been there three years. Okay?
4 Just to give you some idea of ---

5 MR. KEOUGH: Yes.

6 MR. LEE: --- the history.

7 And I take it that Roberta's -- your
8 management of Roberta's case would have been no different
9 than what you've generally described to me, in the sense
10 that not every single contact and every single bit of
11 information would be recorded in your file?

12 MR. KEOUGH: Yes.

13 MR. LEE: Yes, I'm accurate?

14 MR. KEOUGH: We tried to be as accurate as
15 possible in the recording of phone calls and visits and
16 discussions, stuff like that, yeah.

17 MR. LEE: And one of the things you've
18 talked to us about are the issues that you specifically,
19 but I think you suggested agents more generally, had with
20 workload and the number of cases you had and some of the
21 challenges that you faced there. And that was a real
22 problem I take it in the early 1970s?

23 MR. KEOUGH: That was a major problem.

24 MR. LEE: Throughout your career?

25 MR. KEOUGH: No. It changed in the '80s.

1 It changed when we unionized too. But it definitely
2 changed in the '80s, the case loads got lower; more staff
3 were hired; the workload was lessened; more supervisors.

4 **MR. LEE:** So if we -- let me take you to a
5 document and we'll cut to the chase here. Can we look at
6 Exhibit 2339 please?

7 Mr. Commissioner, these are the case
8 recordings on the Roberta Judd child file and it's a little
9 bit awkward in that Exhibit 2339 is pages 11 forward and
10 2355 are the first 10 pages, but I'm interested in 2339.

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

12 **MR. LEE:** And specifically the Bates page
13 ending in 630, please?

14 **THE COMMISSIONER:** Thank you.

15 **MR. LEE:** So, Mr. Keough, I'm looking at
16 page 17 of the document.

17 **MR. KEOUGH:** I'm there.

18 **MR. LEE:** You're there. And if you look at
19 the annual summary in the middle of the page, we have the
20 date of recording being October 3rd, 1980 and the period
21 covered being October 23, '78 to October 3rd, 1980. You see
22 that?

23 **MR. KEOUGH:** I see that, yes.

24 **MR. LEE:** So we've got about -- we
25 essentially have two years covered in that annual summary.

1 Do you see that?

2 MR. KEOUGH: That's right.

3 MR. LEE: And can I assume that the reason
4 for that would be that there simply wasn't time ---

5 MR. KEOUGH: Yes.

6 MR. LEE: --- before that to get everything
7 done?

8 MR. KEOUGH: Yes.

9 MR. LEE: And that was one of the problems
10 you faced I take it ---

11 MR. KEOUGH: All the time.

12 MR. LEE: --- in terms of if you had to
13 chose, I take it, between going to visit a child or
14 responding to a crisis or note-keeping, the former would
15 win out?

16 MR. KEOUGH: That was often a discussion at
17 supervision, yes.

18 MR. LEE: And I take it, given some of the
19 challenges you were facing, that you would be most diligent
20 about documenting information that you found to be
21 particularly important?

22 MR. KEOUGH: I tried to be, yes.

23 MR. LEE: And would you agree with me that
24 information about a foster child being physically
25 disciplined would likely not have seemed terribly important

1 to you, given your attitudes at the time in relation to the
2 physical discipline of children?

3 MR. KEOUGH: It would depend upon the
4 incident itself.

5 MR. LEE: At the time, we can agree that you
6 supported foster parents physically disciplining the
7 children?

8 MR. KEOUGH: Yes. Yes.

9 MR. LEE: And a foster child complaining
10 about that wasn't necessarily going to make it into your
11 notes I take it?

12 MR. KEOUGH: Well, it would depend again
13 what -- upon what they said to me and whether it needed to
14 be looked into or not.

15 MR. LEE: You were taken to a note by Ms.
16 Daley earlier today in the Cieslewicz family home, where
17 you noted that the Cieslewiczs' were believers in physical
18 punishment and did not hesitate to use such disciplinary
19 measures when necessary, and you agreed with her that that
20 was a note you were making in a positive way?

21 MR. KEOUGH: Yes.

22 MR. LEE: And that was your attitude at the
23 time I take it that when a child misbehaved, physical
24 discipline was appropriate to bring him back into line?

25 MR. KEOUGH: It was one of the means of

1 discipline, yes.

2 MR. LEE: Are you aware that Roberta
3 Archambault testified here in late 2006?

4 MR. KEOUGH: Yes.

5 MR. LEE: And Mr. Dumais touched on this in-
6 chief, but she testified to getting into an altercation
7 with a girl in high school who she described as being much
8 larger than she was.

9 And if I can summarize her evidence, they
10 got into a fight and the other girl started beating her in
11 the face. The next day, she went into a class and her
12 teacher said that he would have expected her to at least
13 have a black eye given the fight that had been witnessed.

14 And she said "I don't bruise that easily.
15 When you've been beaten as many times as I have, you don't
16 bruise that easy." She described a silence coming over the
17 classroom and that she was in Grade 10 at the time.

18 And she says that she told you shortly after
19 the incident about the abuses she was suffering in the
20 Barber home ---

21 MR. KEOUGH: Yes.

22 MR. LEE: --- the physical and the emotional
23 abuse ---

24 MR. KEOUGH: In the Barber home?

25 MR. LEE: Sorry, in the Hubert home.

1 **MR. KEOUGH:** Yes.

2 **MR. LEE:** And she testified that you came to
3 her school and you met with her once or twice a week for
4 almost three months?

5 **MR. KEOUGH:** Yes.

6 **MR. LEE:** That was her evidence here. Did
7 you watch that evidence on the webcast?

8 **MR. KEOUGH:** No, I didn't.

9 **MR. LEE:** Have you read the transcripts?

10 **MR. KEOUGH:** Yes, I have.

11 **MR. LEE:** And -- so what we have Roberta
12 telling us is about a specific incident that triggered a
13 disclosure, about calling you, about you being quite
14 pleasant to her on the telephone, about subsequent meetings
15 with you in your car.

16 And as I've understood your evidence, you
17 have no independent recollection of this file at all. Is
18 that correct? Of your management of this file?

19 **MR. KEOUGH:** Well, my file says that during
20 that interim I visited the school twice. I believe that's
21 what the file says.

22 **MR. LEE:** I'm asking about your recollection
23 as you sit here today of this matter.

24 **MR. KEOUGH:** Yes, you're right.

25 **MR. LEE:** You have no recollection?

1 **MR. KEOUGH:** That's right.

2 **MR. LEE:** Would it be unusual for you to
3 meet with a CAS ward in your car outside of a school?

4 **MR. KEOUGH:** I would think so. I don't
5 remember.

6 **MR. LEE:** Do you recall ever doing it?

7 **MR. KEOUGH:** I can't remember any specific.

8 **MR. LEE:** And you obviously given -- I mean
9 I want to be clear.

10 You have no -- you said you have some
11 recollection of Roberta as being a slight girl, and
12 anything else at all that you can remember sitting here
13 today?

14 **MR. KEOUGH:** Nothing independent from the
15 file. I remember brief things of the foster home.

16 **MR. LEE:** So, essentially, your evidence is
17 that we have the case notes and you can't speak to much
18 else? The case recordings?

19 **MR. KEOUGH:** Yeah.

20 **MR. LEE:** And I want to be clear that --
21 there's been some talk of corporal punishment and of
22 physical punishment.

23 What Roberta told us here was that she was
24 not permitted to speak with her sister who was also in the
25 home. She would be hit in the ear if she spoke to her

1 sister. She would get hit with a cane, a leg brace and
2 steel-toed boots. And this is all at the Hubert home.

3 And she told us that that is the sort of
4 abuse that she relayed to you.

5 Leaving the relaying it to you part aside
6 for a moment, will you agree with me that a child being
7 struck with any one of those items would amount to abuse?

8 **MR. KEOUGH:** Yes.

9 **MR. LEE:** And that answer would have been
10 the same had I asked you in the 1970s I take it?

11 **MR. KEOUGH:** Yes.

12 **MR. LEE:** And none of that has anything to
13 do with corporal punishment, I take it you'll agree?
14 That's abuse.

15 **MR. KEOUGH:** I don't understand what you
16 mean by that.

17 **MR. LEE:** I want to be absolutely clear that
18 in the 1970s had a child told you that she was being beaten
19 with a cane or a leg brace or steel-toed boots, you would
20 have recognized, in the 1970s, that was abuse?

21 **MR. KEOUGH:** Yes.

22 **MR. LEE:** And it was inappropriate?

23 **MR. KEOUGH:** Yes.

24 **MR. LEE:** And it was inexcusable?

25 **MR. KEOUGH:** Yes.

1 **MR. LEE:** You told us that you reviewed the
2 transcripts of Ms. Archambault's testimony. Did you also
3 review her file in some detail before you testified here?

4 **MR. KEOUGH:** I read it.

5 **MR. LEE:** You did?

6 **MR. KEOUGH:** Yes, I think so.

7 **MR. LEE:** And Mr. Dumais took you through
8 some of this, but if we can turn please to page 631 ---

9 **THE COMMISSIONER:** What exhibit?

10 **MR. LEE:** Of 2339 still, sir.

11 **THE COMMISSIONER:** Right. Thank you.

12 **MR. KEOUGH:** What page number again?

13 **MR. LEE:** Page 18 of your ---

14 **MR. KEOUGH:** Oh, okay.

15 **MR. LEE:** Just the next page over.

16 And if you look two thirds of the way down
17 the page, we have a heading "Behaviour"?

18 **MR. KEOUGH:** Yes.

19 **MR. LEE:** And Mr. Dumais took you through
20 the problem areas that are identified; lying, stealing,
21 possible sexual behaviour, manipulative, very selfish and
22 self-centered at times?

23 **MR. KEOUGH:** Yes.

24 **MR. LEE:** You see that?

25 **MR. KEOUGH:** Yes.

1 **MR. LEE:** And Mr. Dumais also took you over
2 at page 20 where there's some talk of severe anger
3 outbursts, mood changes, manipulative, jealous, possessive,
4 smokes heavily, possibly promiscuous. Those seem to be Mr.
5 Hubert's concerns?

6 **MR. KEOUGH:** Yes.

7 **MR. LEE:** You see that.

8 **MR. KEOUGH:** Yes.

9 **MR. LEE:** And back a few pages, at page --
10 Bates page 627, just page 14. Mr. Dumais also took you to
11 the entry about "lying, cruelty to animals, manipulative
12 and outright bull-headed at times"?

13 **MR. KEOUGH:** Yes.

14 **MR. LEE:** And when Mr. Dumais asked you
15 about the "cruelty to animals" comment, did I understand
16 your evidence to be that the note about cruelty to animals
17 really means that Roberta wasn't doing her chores relating
18 to a dog kennel?

19 **MR. KEOUGH:** That's what I'm assuming
20 because I can't remember anything specific in terms of her,
21 for example, torturing an animal or something like that.

22 **THE COMMISSIONER:** Well, first of all, it
23 says "being cruel to the dogs."

24 **MR. LEE:** I'm looking, sir, on page 14
25 under, "Behaviour."

1 **THE COMMISSIONER:** Yes. Okay, well ---

2 **MR. LEE:** The second-last line.

3 **THE COMMISSIONER:** --- under, "Behaviour,"
4 right, but under -- further down on the last paragraph.

5 **MR. LEE:** Right.

6 **THE COMMISSIONER:** "Birdie has caused some
7 concerns at the odd time, however, when
8 the foster mother has caught her being
9 cruel to the dogs."

10 **MR. LEE:** And again, I suppose, uncertain --
11 if the child is being caught being cruel to the dogs it
12 doesn't suggest neglect, does it? It suggests something
13 more active than that?

14 **MR. KEOUGH:** I don't know.

15 **MR. LEE:** You have no recollection on that?

16 **MR. KEOUGH:** I have no recollection of
17 anything of a significant nature in that area.

18 **MR. LEE:** What I don't see in this file
19 anywhere, sir, is any notes or any suggestion of
20 psychological assessment or treatment for Roberta. And my
21 question, given that and given these concerns, is did it
22 not occur to you that something might be wrong in Roberta's
23 life to cause her to behave in all these different ways?

24 **MR. KEOUGH:** No.

25 **MR. LEE:** Sorry?

1 **MR. KEOUGH:** No.

2 **MR. LEE:** It didn't occur to you that a
3 child who was lying, cruel to animals, manipulative,
4 promiscuous might have some issues and need to be looked
5 into by a professional?

6 **MR. KEOUGH:** I think what occurred to me at
7 that time, any child ripped apart from their natural family
8 and in a foster home, not their own home, would experience
9 a tremendous amount of difficulty adjusting and have
10 behaviour problems as a result. I don't think at any time
11 I, at least then, did I have any sense that it could be
12 something else.

13 **MR. LEE:** Well, my next question was going
14 to be whether or not it occurred to you at the time that
15 these symptoms or these behaviours, rather, may have been
16 an indication of underlying physical or sexual abuse.

17 **MR. KEOUGH:** At that time, no. Because
18 again, like I said yesterday, we didn't have any assessment
19 scales. We didn't have the indicators that we have today,
20 so there was no grid by which to assess things.

21 **MR. LEE:** So whether or not you would have
22 turned your mind to the possibility of abuse, I'm still at
23 a loss to understand how you could not have appreciated
24 that something was wrong, whether you could put your finger
25 on it or not, and why you would not have referred this girl

1 to some kind of counselling or help.

2 MR. KEOUGH: Well, to me, sir, something was
3 wrong in the sense that she was in the home and that she
4 wasn't in her own home, and that was in and of itself
5 enough to cause any child some trauma.

6 THE COMMISSIONER: Then I guess the question
7 is so she's in trauma, she's in trouble; so at that point
8 in time did you have access to a psychologist or some
9 counselling?

10 MR. KEOUGH: Yes.

11 THE COMMISSIONER: That's what he's getting,
12 you see.

13 MR. KEOUGH: Okay.

14 THE COMMISSIONER: Why didn't you send her
15 for some counselling so she could talk out her feelings?

16 MR. KEOUGH: I didn't.

17 MR. LEE: Your thinking at the time, sir,
18 I'm going to put to you, could not possibly have been that
19 these types of behaviours are okay or are inevitable, or
20 whatever word you want to use, because she's been taken
21 from her natural home and is in foster care? I mean is
22 your answer "anything goes"?

23 MR. KEOUGH: Pardon?

24 MR. LEE: Your answer seems -- I mean I
25 don't know what to make of your answer. Your answer is,

1 "She's in foster care and therefore what do you expect? Of
2 course she behaves this way and there's nothing we can do
3 about it"?

4 **MR. KEOUGH:** No, that's not what I said.

5 **MR. LEE:** Well, what are you saying? I
6 don't understand.

7 **MR. KEOUGH:** I'm saying most children -- a
8 lot of children in foster care have difficulty being in
9 foster care.

10 **MR. LEE:** So what do you do about it?

11 **MR. KEOUGH:** You deal as best you can.

12 **MR. LEE:** And if we restrict ourselves to
13 Roberta's case, what was the best you could? There's no
14 indication on this file of treatment, of counselling, of
15 help.

16 **MR. KEOUGH:** Well, she was getting -- from
17 my perspective she was getting help from the foster
18 parents, she was getting help from the school and she was
19 getting help from me. That wasn't enough.

20 **MR. LEE:** What was the help from you, sir?

21 **MR. KEOUGH:** I was her worker.

22 **MR. LEE:** Can you turn to page 22, please?

23 This is the point in time where she is removed from the
24 Hubert home, and you see at the top of page 22 the word
25 "plan" underlined.

1 **MR. KEOUGH:** Yes.

2 **MR. LEE:** And there's an acceptance that the
3 present situation is not workable, and in the third line
4 there's some hope that eventually she'll be able to return
5 to the Huberts, and under paragraph (a) you speak of -- or
6 you write of development of a program geared to first of
7 all identifying the major problems, i.e. promiscuity,
8 stealing, manipulation. And it goes on and it says,
9 "...and plan steps or actions to correct such."

10 Do you see that?

11 **MR. KEOUGH:** I see that.

12 **MR. LEE:** So it seems like at this point in
13 the notes there is some recognition that there's a problem
14 and there's some contemplation of doing something about it.
15 Would you agree with me on that?

16 **MR. KEOUGH:** Yes.

17 **MR. LEE:** Did you ever go about developing
18 or implementing that plan?

19 **MR. KEOUGH:** Probably not me because I was
20 at the point where I believed she was either being ---

21 **MR. LEE:** Last ---

22 **MR. KEOUGH:** --- transferred ---

23 **MR. LEE:** Dead centre of that page, sir,
24 "This case may now be transferred to Miss Mary Miller."

25 **MR. KEOUGH:** Yes.

1 **MR. LEE:** So I understand that happened. My
2 question is whether or not you ever went about implementing
3 or developing this plan.

4 **MR. KEOUGH:** No.

5 **MR. LEE:** Do you have any recollection of a
6 conversation or a meeting or a memo to Ms. Miller wherein
7 you advocated for this plan or discussed it?

8 **MR. KEOUGH:** No.

9 **MR. LEE:** Leaving the Archambault case; I
10 don't want to spend very much time at all on the Cieslewicz
11 home, but I'm still confused about your views on how that
12 case was managed, and I'm just going to flatly ask you:
13 Sitting here today looking back on the CAS's management of
14 the Cieslewicz file, do you agree or do you not agree that
15 the CAS response to the allegations of abuse in that home
16 was inadequate and improper?

17 **MR. KEOUGH:** If -- like I -- I think I said
18 it before. If this had happened in the eighties it would
19 not have been handled the same way.

20 **MR. LEE:** It didn't happen in the eighties,
21 sir; it happened in the seventies.

22 **MR. KEOUGH:** I know. I said if it ---

23 **MR. LEE:** And we have a fairly detailed
24 record of it.

25 **MR. KEOUGH:** I said ---

1 **MR. LEE:** And you've had a chance to review
2 it, and you spent 20 years as a CAS worker and you're under
3 oath. And I want to know, looking back on it, judging it
4 by the standard of the seventies when you were a worker,
5 did the CAS drop the ball or did they not, according to
6 you?

7 **MR. KEOUGH:** When I'm looking back at it
8 today, back into the seventies, I'm looking back -- maybe
9 this doesn't answer your question. I'm looking back at it
10 with a whole pile of other knowledge and training that I've
11 had since, and it wouldn't be handled the same way. That
12 doesn't answer your question, does it?

13 **MR. LEE:** It should not -- let me put a
14 proposition to you. The CAS should not have handled that
15 case the way they did in the 1970s. It was improper and it
16 was inappropriate for the 1970s. Do you agree or do you
17 disagree?

18 **MR. KEOUGH:** Do I have to say agree or
19 disagree, or can I answer with a sentence?

20 **THE COMMISSIONER:** You can.

21 **MR. LEE:** You can answer however you wish.

22 **MR. KEOUGH:** We did the best we could.

23 **MR. LEE:** You've spoken about case workers
24 being responsible for the children they were responsible
25 for, and the fact that in a single home you could have five

1 kids with five different workers.

2 MR. KEOUGH: Yeah.

3 MR. LEE: Have I understood that properly?

4 MR. KEOUGH: Yeah.

5 MR. LEE: And Worker A is worried about his
6 file and Worker B is worried about his file, and you're not
7 -- there's no cross-checking going on.

8 MR. KEOUGH: No.

9 MR. LEE: There would be no monthly team
10 meetings amongst all the workers who have children in the
11 home, as an example?

12 MR. KEOUGH: No.

13 MR. LEE: Is that correct?

14 MR. KEOUGH: Yes.

15 MR. LEE: So -- and you've told us there's
16 no case worker responsible for overseeing that home as a
17 whole and ensuring all the children together are okay. Is
18 that right?

19 MR. KEOUGH: That would be the foster home
20 finder's responsibility.

21 MR. LEE: So that's my question for you. So
22 it would have been Mary Gratton back in that period?

23 MR. KEOUGH: I believe so, yes.

24 MR. LEE: Is she a social worker? Would she
25 have had the training and the experience and the knowledge

1 that you as a case worker would have had?

2 **MR. KEOUGH:** Well, I didn't have any
3 training in social work either.

4 **MR. LEE:** What I'm confused about, and I
5 genuinely don't know the answer to it, I don't understand
6 if there are five kids in a home and five workers, it's
7 conceivable that each of those workers, when we look back
8 on it now, had a piece of a puzzle. You know, and when we
9 look on it now we say, "Wow, if all of that had been known
10 to one person things, could have been different".

11 What I'm asking you is, was there one person
12 who should have had the pieces of the puzzle? Is that Mary
13 Gratton? Is that a supervisor?

14 **MR. KEOUGH:** Well, Mary Gratton was the
15 person -- the foster home finder, as I understood it, was
16 the person responsible for the home itself and for ensuring
17 that the workers did their required recordings in that
18 home.

19 And she would consult with the workers every
20 now and then in terms of how it was going in the home and
21 what their impressions were and this type of stuff, and she
22 would remind you if the recording wasn't done.

23 But there was no -- there was no one person
24 who would say -- who would get all the workers together and
25 say okay, now we're all in this room and you have all these

1 kids there, what's your impressions of this home? What are
2 the dynamics and all this type of stuff? No, that never
3 happened.

4 **MR. LEE:** What about the -- would all of the
5 case workers have reported to the same supervisor?

6 **MR. KEOUGH:** No, because you could have a
7 Crown ward in the foster home. You could have a temporary
8 ward in a foster home and a ward that's in on emergency if
9 there was no room in the receiving home.

10 **MR. LEE:** And if we take it above
11 supervisors back in the '70s, is the jump from supervisor
12 to executive director or is there something in between?

13 **MR. KEOUGH:** Yes. There was no in between
14 supervisor. It was straight to executive director.

15 **MR. LEE:** And how hands-on was the executive
16 director in your experience in terms of the details of
17 individual files?

18 **MR. KEOUGH:** Oh, I'm aware that Mr. O'Brien
19 would meet with the supervisors on -- I think it was a
20 weekly basis, as the supervisors met with us on a weekly
21 basis. I was never at any of those meetings so I'm not
22 sure what they discussed. Mr. O'Brien seemed to be fairly
23 aware of what was going on at the agency. It wasn't a
24 large agency at that time, it was relatively small.

25 **MR. LEE:** We heard from another witness

1 here, C-14. Do you recall who that moniker refers to?

2 MR. KEOUGH: No, I don't. I'm sorry.

3 MR. LEE: Madam Clerk, can we show him C-14,
4 please?

5 (SHORT PAUSE/COURTE PAUSE)

6 MR. LEE: Okay. You're aware that C-14
7 testified here in the middle of 2007?

8 MR. KEOUGH: Yes, I am.

9 MR. LEE: And I want to put some of his
10 evidence to you.

11 What he told us was that he was physically
12 abused by Mr. and Mrs. Barber while he was in that home.
13 He told us that he was kicked in the testicles; he was
14 beaten about the head with a brush handle; that Mr. Barber
15 would beat him senseless to the verge of nausea; that Mrs.
16 Barber would punch him in the face or scratch his face with
17 a ring, okay? That's what he told us here.

18 He also told us that you, as his worker,
19 would tell him that the Barbers had every right to
20 discipline him sternly; that you told him not to rock the
21 boat; and that you would tell the Barbers to give him a
22 good slap in the face, and that on one occasion you went so
23 far as to tell Mrs. Barber to "Knock his teeth out" --
24 sorry -- "To knock his teeth down his throat until he
25 learns to shut his mouth", okay? That was his evidence

1 here.

2 MR. KEOUGH: Yes.

3 MR. LEE: Have you read those transcripts?

4 MR. KEOUGH: Yes, I have.

5 MR. LEE: Do you recall telling C-14 that
6 the Barbers had ever right to discipline him sternly?

7 MR. KEOUGH: No.

8 MR. LEE: That's not something you would
9 have said?

10 MR. KEOUGH: I'm not saying that's not
11 something I would have said. I don't remember saying it.

12 MR. LEE: It's possible?

13 MR. KEOUGH: Again, it depends how you
14 define "sternly".

15 MR. LEE: I suppose it would depend on how
16 you ---

17 MR. KEOUGH: Not by what you just said.
18 That's abuse.

19 MR. LEE: What I just -- what he testified
20 here to would amount to abuse?

21 MR. KEOUGH: Yes.

22 MR. LEE: Even in the seventies?

23 MR. KEOUGH: And that's what my finding was
24 when I did the investigation.

25 MR. LEE: We'll get to that.

1 What about telling C-14 not to complain or
2 rock the boat. Is that something you might have said?

3 **MR. KEOUGH:** In the context of this, no.

4 **MR. LEE:** What about telling the Barbers to
5 give him a good slap if he misbehaved?

6 **MR. KEOUGH:** No.

7 **MR. LEE:** Not possible?

8 **MR. KEOUGH:** No. Again, what are you
9 defining by a slap? There's a line in the recording
10 someplace that I read where it says "a good slap" and it's
11 in one of my recordings. That's an expression, in fact,
12 that I used last week that this person needed a good slap
13 and can I define that?

14 **THE COMMISSIONER:** Go ahead.

15 **MR. KEOUGH:** I'm not making fun of this
16 expression when I use this image, but there is a program on
17 TV called NCIS where the guy in-chief every now and then
18 comes up to a subordinate by the name of DiNozzo and gives
19 him a good slap on the back of the head just to wake him
20 up.

21 That's my frame of reference when I say an
22 expression like that. It's not a slap across the face.
23 It's kind of a wake-up call.

24 **MR. LEE:** Let me take you back to the mid-
25 1970s so we're on the same page.

1 What is appropriate discipline, physical
2 discipline, for a foster parent to administer to a foster
3 child?

4 **MR. KEOUGH:** What age?

5 **MR. LEE:** Sorry?

6 **MR. KEOUGH:** What age?

7 **MR. LEE:** Teenager.

8 **MR. KEOUGH:** At that time, I believe the
9 belt was appropriate.

10 **MR. LEE:** On the buttocks?

11 **MR. KEOUGH:** Yes.

12 **MR. LEE:** Over clothing?

13 **MR. KEOUGH:** Yes.

14 **MR. LEE:** So as not to leave a bruise?

15 **MR. KEOUGH:** Yes.

16 **MR. LEE:** What else?

17 **MR. KEOUGH:** That's it.

18 **MR. LEE:** How about a slap to the back of
19 the head as you've just described?

20 **MR. KEOUGH:** Well, yeah, but I wouldn't even
21 call that discipline. To me that's more like, "Hello, are
22 you thinking?"

23 **MR. LEE:** What about telling the Barbers to
24 knock C-14's teeth down his throat?

25 **MR. KEOUGH:** I would never have said that.

1 **MR. LEE:** Not even possible?

2 **MR. KEOUGH:** Impossible.

3 **MR. LEE:** Not in a moment of anger?

4 **MR. KEOUGH:** Not even in a moment of anger.

5 He used an adjective too.

6 **MR. LEE:** He did.

7 **MR. KEOUGH:** I don't use that.

8 **THE COMMISSIONER:** Sorry, what adjective was
9 it?

10 **MR. KEOUGH:** It was the "F" word.

11 **THE COMMISSIONER:** Oh, okay.

12 **MR. LEE:** I believe the exact quote was "to
13 knock his f-ing teeth down his throat" was the way Mr. C-14
14 described it.

15 And you were also asked about -- well, let
16 me take you to a document, Exhibit 528, please.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. KEOUGH:** I've got it.

19 **MR. LEE:** You have that, sir?

20 My understanding is that these are case
21 notes of Lorenzo Murphy, who would have been with the CAS
22 in the early nineties.

23 And if you look just below the middle of the
24 page, you'll see a paragraph that begins, "He feels that
25 Bryan Keough knew"?

1 MR. KEOUGH: Yes.

2 MR. LEE: You see that?

3 MR. KEOUGH: I see that.

4 MR. LEE: "And once came and saw C-14 when
5 he had "blood running from my mouth from a beating" and
6 felt that Bryan always sided with the foster parents,
7 telling C-14 to "shut my mouth and do what I was told", et
8 cetera?

9 MR. KEOUGH: Yes.

10 MR. LEE: You see that, sir?

11 MR. KEOUGH: I see that.

12 MR. LEE: This is from 1991, C-14 saying he
13 was sat down in front of the foster parents to discuss the
14 latest issue, meaning problem, C-14 was causing. Do you
15 see that, sir?

16 MR. KEOUGH: Yes, I see that.

17 MR. LEE: So we have C-14 in 1991 making
18 complaints, and further up on the page he talks about
19 sexual abuse. I'm not going to ask you about that because
20 you weren't around at that time. We then have C-14 coming
21 back in 2007 and testifying here.

22 What I'm confused about, sir, if we can now
23 look at Exhibit 541. These are the notes of Detective
24 Constable Ralko from the OPP and if you can look at the
25 Bates page, sir, it's page 912.

1 MR. KEOUGH: Page number again?

2 MR. LEE: Nine-one-two (912), please.

3 You'll see that the date at the top of the
4 page is the 16th of February, 2001?

5 MR. KEOUGH: Yes.

6 MR. LEE: And at 10:36, "Phone interview
7 with Bryan Keough"?

8 MR. KEOUGH: Yes.

9 MR. LEE: You see that?

10 MR. KEOUGH: Yes.

11 MR. LEE: And that's your address at the
12 time, I take it?

13 MR. KEOUGH: Yes.

14 MR. LEE: And if you look down a couple of
15 lines, you see he doesn't remember C-14 as client. Do you
16 see that?

17 MR. KEOUGH: Yeah, I see that.

18 MR. LEE: And if you look a few more lines
19 down it says:

20 "Keough states he cannot independently
21 recollect the case."

22 MR. KEOUGH: Yes.

23 MR. LEE: And I have to admit, sir, I'm
24 surprised to see that. You were accused by C-14 directly
25 of having failed him. Isn't that right?

1 **MR. KEOUGH:** When?

2 **MR. LEE:** At the time shortly after he left
3 the Barber home and the Hubert home.

4 **MR. KEOUGH:** Yes.

5 **MR. LEE:** You met with him?

6 **MR. KEOUGH:** Yes.

7 **MR. LEE:** He made very serious allegations
8 of abuse while in the Barber home?

9 **MR. KEOUGH:** Yes.

10 **MR. LEE:** He blamed you for not having done
11 anything about it?

12 **MR. KEOUGH:** He blamed me for not picking up
13 on it, yeah.

14 **MR. LEE:** And you had a couple of lengthy
15 meetings with C-14 in the Hubert home?

16 **MR. KEOUGH:** Two one and a half hour
17 meetings as I recollect.

18 **MR. LEE:** And I presume that those were
19 quite emotional?

20 **MR. KEOUGH:** My recording says they were,
21 yes.

22 **MR. LEE:** And you've also talked a little
23 bit about the fact that Mr. Towndale, for one, was told
24 about these allegations before you were?

25 **MR. KEOUGH:** Yes.

1 **MR. LEE:** And that you were upset about
2 that?

3 **MR. KEOUGH:** I was.

4 **MR. LEE:** And that there were some hard
5 feelings because in your mind you would have been better
6 prepared to meet with C-14 had you been advised?

7 **MR. KEOUGH:** You're right.

8 **MR. LEE:** And in the end you recommended
9 closing the home?

10 **MR. KEOUGH:** I did.

11 **MR. LEE:** But in 2001 when the police
12 called, you have no recollection of that?

13 **MR. KEOUGH:** That's right.

14 **MR. LEE:** How do you explain that, sir?

15 **MR. KEOUGH:** Well, you want an explanation?

16 **MR. LEE:** I do.

17 **MR. KEOUGH:** I left an Agency at the age of
18 40 that I had been working with for 20 years under very
19 traumatic experiences. I started at the seminary and had a
20 nervous breakdown. I spent a year in counselling. I went
21 through a number of traumatic experiences while I was at
22 the seminary. And I tried as much as possible to put
23 everything behind me because of the way I left the Agency.

24 Years passed; I'm in the middle of something
25 one day doing something and a police officer phones me and

1 mentions this name and the case and nothing came to mind:
2 Nothing. And when he started talking about a foster home
3 being closed that's when I said "Well, if I was involved in
4 that it had to be serious." But that's -- I can't explain
5 it any other way than that. If I had remembered clearly
6 the details I would have said something. I didn't.

7 **MR. LEE:** Did you intentionally mislead
8 Officer Ralko here, sir?

9 **MR. KEOUGH:** No, I didn't.

10 **MR. LEE:** Another complaint that C-14 had
11 when he testified here was your practice of not meeting
12 with him alone, in the absence of the foster parents, and
13 he was taken to notes in his CAS file made by you that
14 indicate that you met with him alone on several occasions
15 and he flatly told us those were not true and they were not
16 accurate. And you've been taken in-chief to some
17 recordings where you note that Mrs. Barber would give C-14
18 little opportunity to tell his side of the story,
19 constantly interrupting him and assuming the prime role.
20 Do you recall that?

21 **MR. KEOUGH:** M'hm.

22 **MR. LEE:** Given C-14's concerns, I was
23 interested in something you said early on in-chief where
24 you said that your practice would be to try to meet with
25 the foster parents first, then meet with the child, then

1 meet with them all together.

2 MR. KEOUGH: Yes.

3 MR. LEE: And you told us that was the
4 pattern you tried to follow as much as you could.

5 MR. KEOUGH: That's right.

6 MR. LEE: And you said that the child would
7 be met in the parlour or the kitchen, or whatever room they
8 had at the home.

9 MR. KEOUGH: Yes.

10 MR. LEE: And the goal would be to have the
11 foster parents out of earshot.

12 MR. KEOUGH: Yes.

13 MR. LEE: And that was your intent anyways,
14 is what you told us.

15 Will you agree with me that you were not
16 diligent in ensuring that happened in C-14's case at least?

17 MR. KEOUGH: No.

18 MR. LEE: You will not agree with that?

19 MR. KEOUGH: No.

20 MR. LEE: According to your own notes Mrs.
21 Barber was one to assert herself and interrupt C-14
22 constantly. Is that right?

23 MR. KEOUGH: Yes.

24 MR. LEE: She was not the type to be
25 excluded, was she?

1 **MR. KEOUGH:** No, she wasn't.

2 **MR. LEE:** And you told us about Mrs. Barber
3 cutting C-14 off when he was speaking to you?

4 **MR. KEOUGH:** Yes.

5 **MR. LEE:** Do you have a recollection of the
6 Barber home, the actual house?

7 **MR. KEOUGH:** No, I don't.

8 **MR. LEE:** Do you recall that it was a
9 bungalow, that it was not terribly large?

10 **MR. KEOUGH:** I have no recollection at all
11 of what it looked like.

12 **MR. LEE:** Do you recall taking any positive
13 steps to ensure that Mrs. Barber was out of earshot when
14 you were speaking with C-14?

15 **MR. KEOUGH:** There's notes in my recordings
16 that I seen C-14 alone during that time.

17 **MR. LEE:** I asked about her being out of
18 earshot though.

19 **MR. KEOUGH:** If we were alone you should be
20 out of earshot, I would hope.

21 **MR. LEE:** You would hope.

22 Was it your practice to bring Mrs. Barber
23 and C-14 together at the end of the visit to recap and
24 discuss what C-14 had told you?

25 **MR. KEOUGH:** I'm not sure. We were -- we

1 had discussions, as I made note of my recordings, yes. I
2 believe that was in the kitchen. I'm not sure.

3 **MR. LEE:** At the kitchen table?

4 **MR. KEOUGH:** I think it was. I'm not
5 positive.

6 **MR. LEE:** During your testimony at one point
7 you began talking about meeting with foster parents and you
8 quickly changed and started saying foster mothers. And I
9 was wondering whether or not that was some indication that
10 you typically would have more contact with the foster
11 mother than with the foster father?

12 **MR. KEOUGH:** I would say in most cases --
13 well, most cases -- in a lot of cases it was the foster
14 mother.

15 **MR. LEE:** I take it at the time mothers were
16 more likely to stay at home with the children?

17 **MR. KEOUGH:** And fathers were working and in
18 some cases it was the foster mother was more involved in
19 foster care than the foster father.

20 **MR. LEE:** Was it part of your practice or
21 your case plan to ensure that you met with the foster
22 fathers frequently?

23 **MR. KEOUGH:** I can't remember it being
24 something that I kind of isolated as something I needed to
25 do.

1 **MR. LEE:** Can you appreciate now, looking
2 back on it, given the number of these cases where the
3 foster father is the alleged abuser, that that may have
4 caused some problems?

5 **MR. KEOUGH:** Yes.

6 **MR. LEE:** So now you eluded a moment ago to
7 the investigation you undertook of the Barber home once C-
8 14 was out.

9 **MR. KEOUGH:** Yes.

10 **MR. LEE:** And my understanding, according to
11 the notes, is that that was a week long investigation?

12 **MR. KEOUGH:** That's what I said in my notes,
13 yes.

14 **MR. LEE:** Do you recall how much time you
15 spent on that investigation during the week?

16 **MR. KEOUGH:** No.

17 **MR. LEE:** Do you recall what happened to
18 your other work during that time?

19 **MR. KEOUGH:** No.

20 **MR. LEE:** Do you recall asking anybody else
21 to pick up the slack or going to a supervisor about that?

22 **MR. KEOUGH:** I don't think I did.

23 **MR. LEE:** You don't think you did?

24 **MR. KEOUGH:** No.

25 **MR. LEE:** What was the purpose of your

1 investigation?

2 MR. KEOUGH: To resolve the issues that C-14
3 had disclosed to me at that meeting.

4 MR. LEE: What do you mean by, "resolve the
5 issues"?

6 MR. KEOUGH: Well, to find out whether, in
7 fact, what he had said to me was true.

8 MR. LEE: And did you prepare a report
9 outside of what we see in the case recordings?

10 MR. KEOUGH: No.

11 MR. LEE: Looking back on it now, would you
12 agree that it was not appropriate for you to be the one
13 conducting the investigation, given that you had been the
14 worker in that home?

15 MR. KEOUGH: The worker in the homes did the
16 investigations then, as in the -- for example, the
17 Cieslewicz home I did the investigation because I was the
18 worker. This home was no different. Later it was
19 different. They changed that.

20 MR. LEE: Was this case not different
21 because there were allegations of, for lack of a better
22 word, incompetence being made against you, in the sense
23 that all of these things happened and you didn't do
24 anything about it? I mean, that was very directly the
25 allegation from C-14; was it not?

1 **MR. KEOUGH:** When C-14 spoke to me?

2 **MR. LEE:** Yes.

3 **MR. KEOUGH:** Yes.

4 **MR. LEE:** And did you think at that point
5 that it may have been prudent to have the CAS appoint
6 somebody else?

7 **MR. KEOUGH:** I thought at that point after
8 our second meeting that -- and I think it was at that
9 second meeting that he agreed that I would remain his
10 worker.

11 My goal was to find out whether, in fact,
12 what he had said had happened and whether I had failed him
13 or not as a worker. I wasn't aware of his discussions and
14 what he was saying to Mr. Towndale and Mrs. Gratton at the
15 time, although I knew he had talked to them. And when I
16 was doing the investigation I was not only speaking to
17 several workers but undoubtedly to my supervisor, and no
18 one at that point or at that time said to me, "This is
19 inappropriate; you should not be doing this," nor did
20 anybody tell me that after.

21 **MR. LEE:** You understood that when C-14
22 arrived in the Hubert home he had some physical signs of
23 abuse that were seen by Mrs. Hubert?

24 **MR. KEOUGH:** I was made aware of that when I
25 met with -- when C-14 met with me.

1 **MR. LEE:** When you met with C-14?

2 **MR. KEOUGH:** Yes.

3 **MR. LEE:** Bruising, scars, things like that?

4 **MR. KEOUGH:** That's what he talked about,
5 yes.

6 **MR. LEE:** And the nature of the allegations
7 made by C-14 were of vicious beatings. Is that right?

8 **MR. KEOUGH:** Yes.

9 **MR. LEE:** This was not run of the mill
10 discipline, this was serious stuff. You'd agree with that?

11 **MR. KEOUGH:** Yes.

12 **MR. LEE:** And do you recall that C-14 was
13 complaining of headaches at that time?

14 **MR. KEOUGH:** No.

15 **MR. LEE:** You don't recall that?

16 **MR. KEOUGH:** No.

17 **MR. LEE:** Did you, at any point during your
18 investigation, ensure that C-14 was seen by a doctor?

19 **MR. KEOUGH:** I don't remember. I don't
20 think so. I don't remember.

21 **MR. LEE:** What about counselling for C-14;
22 did you take any steps to secure that?

23 **MR. KEOUGH:** No.

24 **MR. LEE:** Can you tell me why not?

25 **MR. KEOUGH:** No.

1 **MR. LEE:** I don't mean to be clever here
2 with this question. Counselling would have been available
3 for wards of the CAS in the 1970s?

4 **MR. KEOUGH:** I think so, yes.

5 **MR. LEE:** Are you aware or did you notice
6 during your review of C-14's transcripts that he alleges
7 that he was sexually abused by two different men during his
8 care with the CAS?

9 **MR. KEOUGH:** I read that, yes.

10 **MR. LEE:** And did you read that when he was
11 asked why he did not report the sexual abuse, he told us
12 that he wasn't believed the first time he spoke of the
13 physical abuse so he was terrified to talk about the sexual
14 abuse for fear of ridicule, disbelief, or punishment.

15 **MR. KEOUGH:** Yes.

16 **MR. LEE:** And I take it you can now
17 appreciate that it would be incredibly important when
18 allegations are received from a child to support the child.

19 **MR. KEOUGH:** Yes.

20 **MR. LEE:** Finally, we have -- C-14 when he
21 was here testified to a phone call that he would have made
22 to you in 1981 or early 1982 where he said that he blamed
23 the CAS for being responsible for many of the problems he
24 was facing in his life.

25 And he says he reported to you during that

1 phone call the sexual abuse he had suffered by Arthur Sypes
2 and by Frank Rolland. He said the phone call lasted 20
3 minutes; that you were unresponsive and that the call ended
4 with C-14 hanging up. And he said that no one from CAS
5 ever followed up on that phone call.

6 Do you recall receiving that phone call,
7 sir?

8 **MR. KEOUGH:** No, I don't.

9 **MR. LEE:** Would you have been working at the
10 CAS in 1981 or early 1982?

11 **MR. KEOUGH:** Yes.

12 **MR. LEE:** And you have no recollection of
13 that call whatsoever?

14 **MR. KEOUGH:** No, I don't.

15 **MR. LEE:** I want to -- I don't have very
16 much longer at all. I want to very briefly ask you about
17 the incident with C-75 at the Matte home. And you
18 suggested that you were reprimanded for that incident.

19 **MR. KEOUGH:** Yes, I was.

20 **MR. LEE:** What does that mean that you were
21 reprimanded?

22 **MR. KEOUGH:** It means I was verbally
23 corrected, spoken to.

24 **MR. LEE:** Was anything in writing given to
25 you at all?

1 **MR. KEOUGH:** I was told at the time -- and
2 I'm not sure whether it was in direct reference to this,
3 but I was told at the time by Mr. Towndale that a reprimand
4 would be put on my file.

5 **MR. LEE:** Did you ever see such a reprimand
6 on your file?

7 **MR. KEOUGH:** No, I didn't.

8 **MR. LEE:** Were you suspended?

9 **MR. KEOUGH:** No, I wasn't.

10 **MR. LEE:** Did this reprimand have any actual
11 effect on your career at all?

12 **MR. KEOUGH:** Yes, it did.

13 **MR. LEE:** How was that?

14 **MR. KEOUGH:** Well, as I said I think
15 yesterday some time, I became a foster parent trainer at
16 the Agency for a number of years. Part of my training was
17 to help the foster parents deal with crisis in the home and
18 discipline and means of communication, and I developed
19 syllabuses that followed the Agency policies and helped
20 others not to make the same mistakes I did.

21 **MR. LEE:** So it impacted your career in the
22 sense that, I take it, you learned from it is what you're
23 telling me.

24 **MR. KEOUGH:** Yes.

25 **MR. LEE:** Did it have any negative impact on

1 your career? Were you turned down for a promotion? Was
2 your pay affected? Were weeks of holidays taken away?

3 MR. KEOUGH: I applied for a supervisor's
4 position and I was turned down.

5 MR. LEE: On the basis of that?

6 MR. KEOUGH: I don't know what -- I wasn't
7 privy to their conversations when they discussed me. But
8 I'm sure that had a bearing on it.

9 MR. LEE: Did you take that reprimand
10 seriously, sir?

11 MR. KEOUGH: Yes.

12 MR. LEE: Can we take a look please at
13 Exhibit 2221? This is the Crown brief.

14 THE COMMISSIONER: Two two one zero (2210).

15 MR. LEE: Page 398, please.

16 Sir, this is your August 28th, 1994 statement
17 given to Shawn White of the Cornwall police. And Bates
18 page 398, if you can turn to that one, let me know when you
19 have it up.

20 MR. KEOUGH: I'm there.

21 MR. LEE: If you look down slightly above
22 halfway on the page. Do you see the sentence, "Due to
23 clear my name" with four questions marks? If you look on
24 the screen, Madam Clerk has a cursor there right now.

25 MR. KEOUGH: Okay.

1 **MR. LEE:** If you go up two lines from that,
2 towards the end of the line, it says:

3 "Other than this and the fact that my
4 record at the CAS is clean in 20 years
5 of service, what else can I do to clear
6 my name?"

7 **MR. KEOUGH:** M'hm.

8 **MR. LEE:** Do you see that, sir?

9 **MR. KEOUGH:** Yes, I do.

10 **MR. LEE:** And would you agree with me that a
11 record is not considered to be clean if one has a
12 reprimand?

13 **MR. KEOUGH:** That's right.

14 **MR. LEE:** And would you agree with me that
15 the complaints about your management of his file by C-75
16 would also suggest perhaps that your record was not totally
17 clean in 20 years in service?

18 **MR. KEOUGH:** Yes.

19 **MR. LEE:** Is there a reason you didn't
20 mention that to Constable White?

21 **MR. KEOUGH:** No.

22 **MR. LEE:** And if we can look ---

23 **MR. KEOUGH:** Oh, I did mention it to
24 Constable White. When I came down and we had the
25 interview, I mentioned that incident to him. So it's not

1 as if I was trying to hide it. I mentioned the details to
2 Constable White when I came down for that interview.

3 MR. LEE: Look at the start of that
4 paragraph, sir.

5 "I don't know how to prove my innocence
6 in this matter. My word against hers,
7 I'd like to undergo a lie detector; I'd
8 like her to undergo a lie detector."

9 MR. KEOUGH: Yes.

10 MR. LEE: "Other than this and the fact
11 that my record at the CAS is clean in
12 20 years of service."

13 This is a portion in the interview where
14 you're making your case; isn't it, sir?

15 MR. KEOUGH: That's right.

16 MR. LEE: You're defending yourself.

17 MR. KEOUGH: That's right.

18 MR. LEE: And part of way to defend yourself
19 is to tell Constable White, "my record is clear in 20 years
20 of service."

21 MR. KEOUGH: That's right.

22 MR. LEE: Antoine is an anomaly. This comes
23 out of nowhere. She's on her own. Nobody's ever had a
24 problem with me; 20 years, clean record. That's what
25 you're telling Constable White here.

1 **MR. KEOUGH:** At that point, but then I told
2 him about the C-75 -- is that it?

3 **MR. LEE:** Can you turn to Exhibit 2359,
4 please?

5 **THE COMMISSIONER:** Two three five nine
6 (2359). No, we don't have it. Merci.

7 **MR. LEE:** Are you there, sir?

8 **MR. KEOUGH:** Yes, I am there.

9 **MR. LEE:** Page 8, please; Bates page 134.
10 This is a testimony of your -- sorry, this is a transcript
11 of your testimony in the Ernest Lapointe trial.

12 **MR. KEOUGH:** What page are you at?

13 **MR. LEE:** Page 8, please.

14 **MR. KEOUGH:** Eight.

15 **MR. LEE:** Line 24, towards the bottom of the
16 page. This is your examination in-chief:

17 "Okay, in any of the 20 years that you
18 worked for the Children's Aid Society,
19 were you aware of any complaints about
20 your conduct?"

21 Answer:

22 "Only at the point of my departure,
23 after I had resigned."

24 Question:

25 "And did Jeannette Antoine have

1 anything to do with that complaint?"

2 Answer:

3 "Yes, she did."

4 **MR. KEOUGH:** Yes.

5 **MR. LEE:** Do you see that, sir?

6 **MR. KEOUGH:** Yes.

7 **MR. LEE:** You neglected to mention C-75
8 there as well; didn't you?

9 **MR. KEOUGH:** Yes, I did.

10 **MR. LEE:** And I believe the question was any
11 complaints about your conduct, I think C-14 would fall in
12 there too; wouldn't he?

13 **MR. KEOUGH:** Yes, it would.

14 **MR. LEE:** Do you have any explanation for
15 why you would have given that answer, sir?

16 **MR. KEOUGH:** No, I don't.

17 **MR. LEE:** I understand your evidence is that
18 your thoughts on physically punishing children have evolved
19 over time? Is that a fair way of putting it?

20 **MR. KEOUGH:** Yes.

21 **MR. LEE:** You don't think the same way on
22 that topic today as you did 30 years ago?

23 **MR. KEOUGH:** That's right.

24 **MR. LEE:** And your position today is that no
25 foster parent should ever lay a hand on a foster child. Is

1 that right?

2 **MR. KEOUGH:** Yes.

3 **MR. LEE:** Natural parents may be different
4 but as far as foster parents go ---

5 **MR. KEOUGH:** Yes.

6 **MR. LEE:** --- you don't touch them. Is that
7 correct?

8 **MR. KEOUGH:** Yes.

9 **MR. LEE:** And I'm not going to take issue
10 with what you do or do not believe today but I need to take
11 some issue with your suggestion that you had moderate or
12 reasonable views on physical punishment of children in the
13 care of the CAS in the 1970s at the time you were handling
14 these cases we're looking at. And what I'm going to
15 suggest to you, sir, is that you're here trying to revise
16 history.

17 The Second Street Group Home had a room that
18 the kids there called "The Beating Room." Do you remember
19 Ms. Daley putting that to you in her cross?

20 **MR. KEOUGH:** Yes.

21 **MR. LEE:** You were the liaison of that home?

22 **MR. KEOUGH:** I was.

23 **MR. LEE:** Your brother worked there?

24 **MR. KEOUGH:** He did.

25 **MR. LEE:** Your good friend Mr. Tenger worked

1 there?

2 **MR. KEOUGH:** Yes.

3 **MR. LEE:** You worked there on occasion?

4 **MR. KEOUGH:** I did a few shifts, yes.

5 **MR. LEE:** You watched a child being strapped
6 at the order of an angry Derry Tenger ---

7 **MR. KEOUGH:** Yes.

8 **MR. LEE:** --- for a reason that you still
9 don't understand. And you did absolutely nothing about it.

10 **MR. KEOUGH:** That's right.

11 **MR. LEE:** We have notes in your case
12 recordings about foster parents believing in physical
13 punishments and the fact that you saw that as a positive.

14 Do you recall that?

15 **MR. KEOUGH:** Yes.

16 **MR. LEE:** You wrote about the Barbers
17 punishing C-14 too severely and about the penalty not
18 fitting the crime?

19 **MR. KEOUGH:** Yes.

20 **MR. LEE:** Sort of matter of factly you noted
21 that?

22 **MR. KEOUGH:** I don't recall whether it was
23 matter of factly or not.

24 **MR. LEE:** We have had witnesses at this
25 Inquiry testify decades after they left the care of the

1 agency and the care of you as a worker, about the abuses
2 they suffered, the disclosures they made to you and the
3 fact that you did nothing about it. You've read those
4 transcripts?

5 MR. KEOUGH: I have.

6 MR. LEE: I'm going to suggest, sir, that
7 you knew exactly what was going on in those homes and you
8 knew very well the physical punishments that were being
9 doled out to these children. Is that true?

10 MR. KEOUGH: It is not.

11 MR. LEE: I'm going to suggest that you
12 supported the actions of the foster parents in that regard?

13 MR. KEOUGH: I did not.

14 MR. LEE: And I'm going to suggest that you
15 went so far as to encourage it?

16 MR. KEOUGH: I did not.

17 MR. LEE: Those are my questions, sir.

18 THE COMMISSIONER: Thank you.

19 Maitre Rouleau?

20 MR. ROULEAU: Not today, sir.

21 THE COMMISSIONER: Thank you.

22 Mr. Kloeze?

23 MR. KLOEZE: No, thank you, sir.

24 THE COMMISSIONER: Thank you.

25 Ms. Lahaie -- oh, Mr. Crane, sorry. Mr.

1 Crane, yeah.

2 MR. CRANE: No questions.

3 THE COMMISSIONER: Who is on for Children's
4 Aid -- I mean for the OPP? Mr. -- is it Donihee?

5 MR. DONIHEE: No questions.

6 THE COMMISSIONER: Mr. Carroll?

7 MR. CARROLL: No questions.

8 THE COMMISSIONER: All right. So now we're
9 back to Mr. Chisholm.

10 How long do you expect to be, sir?

11 MR. CHISHOLM: Half-an-hour or less, sir.

12 THE COMMISSIONER: Okay.

13 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
14 CHISHOLM:

15 MR. CHISHOLM: Good afternoon, Mr. Keough.
16 My name is Peter Chisholm. I'm counsel for the CAS; ask
17 you a few questions if I can.

18 You told Mr. Lee, the man who just cross-
19 examined you, that -- I believe you told him you reviewed
20 Ms. Archambault's evidence, the transcripts of her
21 evidence?

22 MR. KEOUGH: Yes, I did.

23 MR. CHISHOLM: And she testified in or about
24 1980 she told you about the mental and physical abuse that
25 she had suffered while in the care of the CAS?

1 **MR. KEOUGH:** Yes.

2 **MR. CHISHOLM:** And she would have been at
3 least grade 10 when she allegedly made that disclosure to
4 you. Is that your understanding?

5 **MR. KEOUGH:** I believe so, yes.

6 **MR. CHISHOLM:** Pardon me?

7 **MR. KEOUGH:** I believe so, yes.

8 **MR. CHISHOLM:** And what do you say with
9 respect to Ms. Archambault's suggestion that she told you
10 about that abuse?

11 **MR. KEOUGH:** She did not.

12 **MR. CHISHOLM:** Do you recall the name of the
13 school that Ms. Archambault was attending back at the time?

14 **MR. KEOUGH:** I think the high school was
15 Seaway District High.

16 **MR. CHISHOLM:** And where is that situated?

17 **MR. KEOUGH:** Ingleside.

18 **MR. CHISHOLM:** And that's a community to the
19 west of Cornwall. Is that right?

20 **MR. KEOUGH:** Yes.

21 **MR. CHISHOLM:** Do you recall how far of a
22 drive that would be?

23 **MR. KEOUGH:** It was past Long Sioux, so
24 half-an-hour to get there, I guess.

25 **MR. CHISHOLM:** M'hm. And Mr. Lee touched

1 upon this, the suggestion in Ms. Archambault's evidence
2 that for a period of three months you would go and see her
3 at lunchtime at least once or twice a week. Do you recall
4 seeing that in the transcript?

5 **MR. KEOUGH:** Yeah, she didn't say lunchtime.
6 She actually said for the afternoon.

7 **MR. CHISHOLM:** Yes.

8 **MR. KEOUGH:** And until the bus arrived.

9 **MR. CHISHOLM:** That's right, start at lunch
10 and then ---

11 **MR. KEOUGH:** Yeah.

12 **MR. CHISHOLM:** So you saw that?

13 **MR. KEOUGH:** Yes, I have seen that.

14 **MR. CHISHOLM:** What do you say with respect
15 to that evidence?

16 **MR. KEOUGH:** It didn't happen and if it had
17 happened -- if it had happened a couple of times a week for
18 two months she said?

19 **MR. CHISHOLM:** Almost three months.

20 **MR. KEOUGH:** Almost three months, the agency
21 would have got a call from the school because the schools
22 frowned upon you removing children from the classroom and
23 if I removed a child from the classroom for two afternoons
24 a week for three months the agency would have definitely
25 got a call.

1 **MR. CHISHOLM:** Ms. Archambault testified
2 that she told you about her attempt to commit suicide. Do
3 you recall seeing that in her evidence?

4 **MR. KEOUGH:** No, but yes. Okay, I don't
5 recall seeing it in the evidence.

6 **MR. CHISHOLM:** Do you have any recollection
7 of Ms. Archambault saying that to you?

8 **MR. KEOUGH:** No. No, I don't.

9 **MR. CHISHOLM:** Would you have considered
10 that to be a significant event had a child told you that?

11 **MR. KEOUGH:** Yes.

12 **MR. CHISHOLM:** And what if anything would
13 you have done as a result of being told that?

14 **MR. KEOUGH:** I would have checked it out. I
15 would have talked to my supervisor and asked for an
16 assessment.

17 **MR. CHISHOLM:** Ms. Archambault testified
18 that she told you about marks and bruises on her body and
19 that she showed you scars. Do you recall seeing that
20 evidence?

21 **MR. KEOUGH:** No -- yes.

22 **MR. CHISHOLM:** Do you recall seeing the
23 evidence?

24 **MR. KEOUGH:** Yes.

25 **MR. CHISHOLM:** What do you say with respect

1 to it?

2 MR. KEOUGH: She did not.

3 MR. CHISHOLM: Ms. Archambault testified
4 that she told you about a shotgun being placed to her head
5 by Mr. Hubert. Do you recall seeing that evidence?

6 MR. KEOUGH: Yes.

7 MR. CHISHOLM: What do you say with respect
8 to that evidence?

9 MR. KEOUGH: I do not remember any such
10 conversation.

11 MR. CHISHOLM: You do not remember that?

12 MR. KEOUGH: No.

13 MR. CHISHOLM: Had you been told that, what
14 do you think you might have done about it?

15 MR. KEOUGH: Possibly called the police.

16 MR. CHISHOLM: Would you have done anything
17 with respect to the recordings in the CAS file?

18 MR. KEOUGH: That would have been recorded
19 immediately.

20 THE COMMISSIONER: Even if you disbelieved
21 her?

22 MR. KEOUGH: Yes, because something of that
23 serious of a nature, whether I believed her or not, would
24 have to be in the recording. That's not something -- I
25 don't remember the exact training that we got in terms of

1 taking case notes, but it was quite specific that serious
2 allegations you like that, you put down.

3 **MR. CHISHOLM:** Ms. Archambault testified
4 that when she told you about the allegation involving the
5 shotgun, you responded by stating that you would find
6 whether there was a shotgun in the house. Do you recall
7 seeing that evidence?

8 **MR. KEOUGH:** No -- yes.

9 **MR. CHISHOLM:** Do you recall seeing the
10 evidence in the transcripts?

11 **MR. KEOUGH:** Yes.

12 **MR. CHISHOLM:** What do you say with respect
13 to Ms. Archambault's testimony?

14 **MR. KEOUGH:** Didn't happen.

15 **MR. CHISHOLM:** Ms. Archambault testified
16 that she begged you to be removed from the Hubert foster
17 home. What do you say with respect to that evidence?

18 **MR. KEOUGH:** Well, I believe the notes
19 indicate that I gave her the opportunity to stay there --
20 sorry -- to be removed and she chose to stay. Aren't we
21 talking about -- isn't it the Archambault case where we
22 have a placement -- a pre-placement meeting near the end
23 and she was given three options and one of those options
24 was to be removed and she chose not to?

25 **MR. CHISHOLM:** That's my understanding. You

1 stand by your recording?

2 MR. KEOUGH: Yes.

3 MR. CHISHOLM: Ms. Archambault testified
4 that she met with Richard Abell. You know who Mr. Abell
5 is?

6 MR. KEOUGH: He was the director who
7 replaced Mr. O'Brien.

8 MR. CHISHOLM: That's correct. And that she
9 asked Mr. Abell why there was nothing on her file with
10 respect to your visits to her school and she stated that
11 Mr. Abell stated that he would call you to find out; that
12 Mr. Abell reported to her that you did not write anything;
13 that she told you down because as far as you were concerned
14 Ms. Archambault is a liar.

15 Do you recall seeing that in the evidence in
16 the transcript?

17 MR. KEOUGH: No, I don't.

18 MR. CHISHOLM: You don't?

19 MR. KEOUGH: No.

20 MR. CHISHOLM: Do you recall any telephone
21 call that you had from Mr. Abell dealing with Ms.
22 Archambault?

23 MR. KEOUGH: Not really.

24 MR. CHISHOLM: Do you recall ever suggesting
25 to Mr. Abell or anyone that there would be nothing written

1 down because as far as you were concerned Ms. Archambault
2 was a liar?

3 MR. KEOUGH: No.

4 MR. CHISHOLM: Is it a possibility that that
5 could have happened?

6 MR. KEOUGH: Considering those allegations,
7 no.

8 MR. CHISHOLM: Moving on to C-14.

9 Do you recall Mr. Lee spoke to you about C-
10 14 today. You still remember who C-14 is?

11 MR. KEOUGH: Are we talking the Barber
12 foster home?

13 MR. CHISHOLM: Yes.

14 MR. KEOUGH: Yes, okay.

15 MR. CHISHOLM: Mr. Lee took you to a
16 telephone call that C-14 testified that he made to you.
17 You have no recollection of that call. Is that right?

18 MR. KEOUGH: No, it may have happened. I
19 don't remember it.

20 MR. CHISHOLM: And if that call would have
21 happened, what would be your normal practice?

22 MR. KEOUGH: He was no longer a ward of the
23 CAS. I don't know whether there would be any requirement.
24 I'm not sure.

25 MR. CHISHOLM: In terms of the discussion

1 that Mr. Lee had with you concerning the suggestion that
2 you told the Barbers to knock C-14's teeth down his throat.

3 MR. KEOUGH: Yeah.

4 MR. CHISHOLM: Your position on that
5 evidence would be what, sir?

6 MR. KEOUGH: I didn't say that.

7 MR. CHISHOLM: Jeannette Antoine testified
8 at this Public Inquiry. You reviewed her transcript. Is
9 that right, sir?

10 MR. KEOUGH: Yes, I did.

11 MR. CHISHOLM: On June the 5th of 2007
12 Ms. Antoine testified that you showed up at her school one
13 day, grabbed her arm, put her in your car without saying
14 anything and took her back to the Reynen foster home. Do
15 you recall seeing that transcript of that evidence?

16 MR. KEOUGH: I recall reading her file. I
17 don't remember that detail, no.

18 MR. CHISHOLM: You don't recall doing that?
19 Is that -- do I understand your evidence ---

20 THE COMMISSIONER: No, no, that's not what
21 he said.

22 MR. KEOUGH: No, I don't recall reading
23 that.

24 MR. CHISHOLM: Sorry. And you don't recall
25 -- although I'm not sure that would be in the file but it

1 would be in the transcript.

2 MR. KEOUGH: Yeah.

3 MR. CHISHOLM: You don't recall seeing that
4 transcript?

5 MR. KEOUGH: Oh, I recall seeing the
6 transcript and ---

7 MR. CHISHOLM: Does that incident come to
8 mind in terms of what you saw in the transcript?

9 MR. KEOUGH: Yes.

10 MR. CHISHOLM: What do you say with respect
11 to Ms. Antoine's evidence on that point?

12 MR. KEOUGH: I did not.

13 MR. CHISHOLM: Ms. Antoine also testified
14 that you were outside on the sidewalk at the Reynen foster
15 home with Ms. Antoine and her sister, when her sister told
16 you that Mr. Reynen had raped her. Do you recall seeing
17 that in the ---

18 MR. KEOUGH: Yes, I did.

19 MR. CHISHOLM: --- transcript?

20 MR. KEOUGH: Yes, I do.

21 MR. CHISHOLM: What do you say with respect
22 to Ms. Antoine's evidence on that point?

23 MR. KEOUGH: Never happened.

24 MR. CHISHOLM: Ms. Antoine testified that
25 you picked her up at the Looyen foster home to take her

1 back to the Reynen foster home. Do you recall the Looyen
2 foster home?

3 MR. KEOUGH: How do you spell that?

4 MR. CHISHOLM: L-o-o-y-e-n, I believe.

5 MR. KEOUGH: Do you know what year that was
6 in?

7 MR. CHISHOLM: I don't have that in front of
8 me. I could calculate it.

9 MR. KEOUGH: And the reason why I'm asking
10 is I believe that foster home was prior to me starting at
11 the Agency. I started at the Agency in '71 and I think the
12 reference here is to a foster home in 1969-70 and I wasn't
13 even there.

14 MR. CHISHOLM: If that were the case, what
15 would your position be with respect to Ms. Antoine's
16 evidence?

17 MR. KEOUGH: Well, unless ---

18 MR. CHISHOLM: Let me just complete telling
19 you what her evidence was.

20 She suggested that during the -- when you
21 took her back to the Reynen foster home she told you about
22 abuse that she suffered at the Looyen foster home.

23 MR. KEOUGH: I believe that's pre-1971. I
24 wasn't at the agency.

25 MR. CHISHOLM: And what would your position

1 be with respect to Ms. Antoine's evidence on that point?

2 MR. KEOUGH: That we didn't have that
3 discussion.

4 MR. CHISHOLM: Ms. Antoine testified that
5 she told you that her father had sexually assaulted her,
6 and that you responded by saying that she deserved it. Do
7 you recall seeing that in Ms. Antoine's evidence?

8 MR. KEOUGH: Yes.

9 MR. CHISHOLM: You saw that?

10 MR. KEOUGH: Yes.

11 MR. CHISHOLM: What is your position with
12 respect to Ms. Antoine's evidence on that point?

13 MR. KEOUGH: I never told her that.

14 MR. CHISHOLM: Ms. Daley yesterday took you
15 to the transcript in the trial of Ernest Lapointe,
16 Ms. Antoine's father, and I believe Mr. Lee touched upon
17 that today.

18 When Ms. Antoine testified at the Public
19 Inquiry, she was asked questions with respect to your
20 testimony at her father's trial and specifically she was
21 asked if she recalled you testifying at the trial. Her
22 evidence on that point was that she recalled you
23 testifying, that you said nothing happened, that you said
24 Ms. Antoine was lying, and that if anything did happen you
25 deserved it -- she deserved it; excuse me.

1 Do you recall seeing that evidence in
2 Ms. Antoine's transcript?

3 MR. KEOUGH: I do.

4 MR. CHISHOLM: And what do you say with
5 respect to Ms. Antoine's evidence on that point?

6 MR. KEOUGH: I never said that.

7 MR. CHISHOLM: And did you review the
8 transcript, which is Exhibit 2359, in the course of ---

9 MR. KEOUGH: Yes, I did.

10 MR. CHISHOLM: --- preparing for this
11 Inquiry?

12 MR. KEOUGH: Yes, I did.

13 MR. CHISHOLM: And upon the review of that
14 transcript did you see any reference to the points I just
15 put to you?

16 MR. KEOUGH: No.

17 THE COMMISSIONER: Is that all of the
18 evidence that you gave at that ---

19 MR. KEOUGH: Yes, it is.

20 MR. CHISHOLM: Ms. Antoine testified that
21 when she was at the Anson Group Home you said that if an
22 upcoming visit with her father went okay, she was going to
23 go and live with her father and his wife because "they" --
24 which I took to be the CAS -- "was tired of paying for her
25 care." Did you see that in Ms. Antoine's ---

1 MR. KEOUGH: Yes.

2 MR. CHISHOLM: --- evidence?

3 And what do you say with respect to that
4 aspect of her evidence?

5 MR. KEOUGH: I was never -- I was not her
6 worker when she was in the Anson home. I never visited her
7 there.

8 MR. CHISHOLM: And with respect to making
9 that statement, what would your position be?

10 MR. KEOUGH: No.

11 MR. CHISHOLM: No, you did not make it?

12 MR. KEOUGH: I'm sorry?

13 MR. CHISHOLM: Your position is no, you did
14 not make any such statement?

15 MR. KEOUGH: That's right. Okay, sorry.

16 MR. CHISHOLM: Moving on to the Second
17 Street Group Home, and I believe you touched upon the
18 number of group homes that were operating in the City of
19 Cornwall this morning. You spoke about Sister Quesnel
20 operating a group home. Do you recall what street that was
21 on?

22 MR. KEOUGH: No.

23 MR. CHISHOLM: Was that Lisieux Street?

24 MR. KEOUGH: Yes. Yes, it was a French
25 name.

1 **MR. CHISHOLM:** And what was that home, do
2 you recall?

3 **MR. KEOUGH:** I think it was a home for girls
4 who -- unwed mothers.

5 **MR. CHISHOLM:** So it was a girls' home?

6 **MR. KEOUGH:** Yes.

7 **MR. CHISHOLM:** Do you recall your evidence
8 earlier this week was that Ms. Antoine, I believe, went to
9 the Second Street Group Home. Do you recall any stops at
10 the Lisieux Group Home?

11 **MR. KEOUGH:** I'm not aware of any.

12 **MR. CHISHOLM:** Do you recall Ms. Antoine's
13 evidence concerning when she and a number of other children
14 ran from the Second Street Group Home and ended up at a
15 cottage in Summerstown?

16 **MR. KEOUGH:** Yes.

17 **MR. CHISHOLM:** Ms. Antoine testified that
18 the police picked up the children and took the children and
19 her back to the CAS office in Cornwall.

20 **MR. KEOUGH:** Yes.

21 **MR. CHISHOLM:** And that you grabbed her and
22 put her in the trunk of your car. Do you recall that
23 evidence?

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

25 **MR. CHISHOLM:** What do you say with respect

1 to Ms. Antoine's evidence on that point?

2 MR. KEOUGH: I did not.

3 MR. CHISHOLM: Ms. Antoine testified that
4 you and other CAS staff members were present in the CAS
5 conference room and that C-75 -- do you recall who C-75 is?

6 MR. KEOUGH: Yes.

7 MR. CHISHOLM: Showed a bruise on her
8 breast. Ms. Antoine's evidence was you walked behind
9 everybody in the room and smacked her, being C-75, in the
10 back of the head and not one worker did anything with
11 respect to your action. What do you say with respect to
12 Ms. Antoine's evidence?

13 MR. KEOUGH: I wasn't at that meeting.

14 MR. CHISHOLM: You weren't at the meeting?

15 MR. KEOUGH: I wasn't there.

16 MR. CHISHOLM: And what do you say with
17 respect to the allegation that you smacked C-75 in the back
18 of the head?

19 MR. KEOUGH: I'm sure I did not.

20 MR. CHISHOLM: Dealing with C-75, you told
21 us how you received a call to go to the Long Sault OPP
22 detachment to pick her up. That was at the behest of the
23 OPP, I take it?

24 MR. KEOUGH: Yes.

25 MR. CHISHOLM: And you described the ride

1 back in from Long Sault into the City of Cornwall. Is that
2 right?

3 MR. KEOUGH: Yes, I did.

4 MR. CHISHOLM: And how long of a ride would
5 that be, approximately?

6 MR. KEOUGH: You're looking at 15 minutes
7 maybe, I guess.

8 MR. CHISHOLM: And during that ride you
9 mentioned -- I understand your evidence to be that C-75 was
10 unbuckling her seatbelt and opening the door.

11 MR. KEOUGH: She was attempting to unbuckle
12 her seatbelt and open the door, yes.

13 MR. CHISHOLM: And what did you understand
14 her -- what did you understand that she was trying to do,
15 if anything?

16 MR. KEOUGH: I thought she was on something.

17 MR. CHISHOLM: You thought what?

18 MR. KEOUGH: She was on something.

19 MR. CHISHOLM: You thought she was on
20 something?

21 MR. KEOUGH: Yes.

22 MR. CHISHOLM: This, I take it -- what was
23 your -- were you driving the vehicle at this time or were
24 you stationary?

25 MR. KEOUGH: No, I was driving.

1 **MR. CHISHOLM:** You were driving. And did
2 the door actually open?

3 **MR. KEOUGH:** No.

4 **MR. CHISHOLM:** And when you say "she was on
5 something", some type of illicit substance. Is that your
6 understanding?

7 **MR. KEOUGH:** Yes.

8 **MR. CHISHOLM:** And what were you trying to
9 accomplish when you tied C-75 to her bed?

10 **MR. KEOUGH:** To stop her from running.

11 **MR. CHISHOLM:** Was that a concern to you?

12 **MR. KEOUGH:** Yeah, and the other question I
13 was wondering was how would Mrs. Matte handle her.

14 **MR. CHISHOLM:** Why was running a concern for
15 you?

16 **MR. KEOUGH:** Because I had just brought her
17 there and if she ran I'd have to come right back, you know,
18 and nothing would have been resolved.

19 **MR. CHISHOLM:** In 1976 were there any
20 standards that you as a social worker could turn to for
21 some guidance with respect some of the situations that you
22 encountered at that time?

23 **MR. KEOUGH:** No.

24 **MR. CHISHOLM:** Geraldine Fitzpatrick
25 testified at this Inquiry earlier this week I believe.

1 During the course of Ms. Fitzpatrick's evidence we heard
2 reference to the fact or suggestion that the CAS continued
3 to pay you for a two-year period after you left the agency.
4 Have you ever heard that suggestion before?

5 MR. KEOUGH: No, this was totally news to
6 me.

7 MR. CHISHOLM: What do you say with respect
8 to the suggestion?

9 MR. KEOUGH: They did not.

10 MR. CHISHOLM: You worked with the CAS until
11 -- was it 1990. Is that right?

12 MR. KEOUGH: I think it was May-June, 1990,
13 yes.

14 MR. CHISHOLM: During your time with CAS do
15 you recall a worker by the name of Jean Dupuis?

16 MR. KEOUGH: Yes.

17 MR. CHISHOLM: And is that a person that you
18 had worked with?

19 MR. KEOUGH: No.

20 MR. CHISHOLM: No?

21 MR. KEOUGH: No.

22 MR. CHISHOLM: He was a fellow worker within
23 the agency?

24 MR. KEOUGH: No, I think he was a worker
25 attached to the Second Street Group Home when Ian McLean

1 had it.

2 MR. CHISHOLM: Jean Dupuis?

3 MR. KEOUGH: I'm not sure.

4 MR. CHISHOLM: Okay. You may not recall him
5 then. Is that fair?

6 MR. KEOUGH: Yeah. I remember there used to
7 be a little Frenchman called Jean but I'm not sure of his
8 last name. Sorry.

9 MR. CHISHOLM: Do you recall a worker by the
10 name of Carole Leblanc at the CAS?

11 MR. KEOUGH: I remember a Carole. Again, I
12 don't remember ---

13 MR. CHISHOLM: You can't recall the last
14 name?

15 MR. KEOUGH: --- the last name.

16 MR. CHISHOLM: Mr. Keough, those are my
17 questions for you. Thank you very much for your time and
18 patience.

19 MR. KEOUGH: Okay.

20 THE COMMISSIONER: Thank you.

21 Mr. Fillion, you don't have any questions.

22 Mr. Engelmann?

23 ---RE-EXAMINATION BY/RE-INTERROGATOIRE PAR MR. ENGELMANN:

24 MR. ENGELMANN: I just have one question.

25 Mr. Keough, during the time you were a

1 worker for Jeannette Antoine, Roberta Archambault and C-14,
2 did you have any knowledge that these individuals knew each
3 other?

4 MR. KEOUGH: Jeannette Antoine and who else?

5 MR. ENGELMANN: Roberta Archambault and C-
6 14.

7 MR. KEOUGH: And C-14 would be?

8 MR. ENGELMANN: You've just been asked a
9 number of questions about him.

10 MR. KEOUGH: That's the Barber home? I'm
11 sorry.

12 THE COMMISSIONER: Show him who C-14 is.

13 MR. KEOUGH: I'm just ---

14 THE COMMISSIONER: No, no, that's fine.

15 MR. KEOUGH: Okay. That's who I thought you
16 were -- no, I don't think so.

17 MR. ENGELMANN: All right.

18 Thank you. Those are my questions.

19 MR. KEOUGH: Okay.

20 THE COMMISSIONER: Mr. Keough, thank you
21 very much for coming all the way to give us your evidence.
22 I will certainly review your evidence before I make my
23 recommendations. And, again, I thank you for your
24 attendance.

25 MR. KEOUGH: Thank you.

1 **THE COMMISSIONER:** Thank you. Sir, you may
2 step down.

3 Mr. Engelmann, we're going now to ---

4 **MR. ENGELMANN:** Ms. Fitzpatrick is here.

5 **THE COMMISSIONER:** Yes.

6 **MR. ENGELMANN:** And I understand, sir, that
7 there are a number of parties that have not cross-examined
8 her. I don't know if they have questions. So perhaps it
9 would be appropriate to canvass them right now as to time.

10 **THE COMMISSIONER:** Okay. So Mr. Neville was
11 the last one I believe.

12 **MR. ENGELMANN:** Yes, he finished.

13 **THE COMMISSIONER:** So ---

14 **MR. ENGELMANN:** You've got the list, sir.

15 **THE COMMISSIONER:** Yes, I have and ---

16 **MR. ENGELMANN:** But I don't think we've
17 heard from Corrections.

18 **THE COMMISSIONER:** Corrections, any
19 questions of this lady?

20 **MR. ROULEAU:** Mr. Rose, I believe, cross-
21 examined.

22 **THE COMMISSIONER:** Oh, yes, that's right.

23 **MR. ENGELMANN:** Done already.

24 **THE COMMISSIONER:** Okay. Mr. Kloeze?

25 **MR. KLOEZE:** I'll have about 20 or 30

1 minutes, Mr. Commissioner.

2 **THE COMMISSIONER:** All right.

3 And then Mr. Crane?

4 **MR. CRANE:** A similar amount of time, sir.

5 **THE COMMISSIONER:** Thirty (30) minutes. All
6 right.

7 OPP?

8 **MR. DONIHEE:** Nothing anticipated at this
9 time, sir.

10 **THE COMMISSIONER:** All right.

11 And Mr. Carroll and Mr. Wallace are gone.

12 And then Mr. Chisholm?

13 **MR. CHISHOLM:** It could be up to an hour,
14 sir.

15 **THE COMMISSIONER:** One hour. All right.

16 So let's pitter-patter and get at her.

17 Let's take a 10-minute break and we'll continue on.

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

20 This hearing will resume at 12:50 p.m.

21 --- Upon recessing at 12:38 p.m./

22 L'audience est suspendue à 12h38

23 --- Upon resuming at 12:52 p.m./

24 L'audience est reprise à 15h52

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

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

2 KLOEZE:

3 **MR. KLOEZE:** Good afternoon, Ms.
4 Fitzpatrick. My name is Darrell Kloeze. I'm counsel for
5 the Ministry of the Attorney General and the Crown
6 Attorneys I work for, that Ministry. I wanted to bring you
7 back to two points.

8 First of all, I want to bring you back to
9 the first conversation you had with Constable Sebalj.

10 **MS. FITZPATRICK:** Correct.

11 **MR. KLOEZE:** And that was a conversation I
12 guess some time in late October or early November where you
13 went to visit Constable Sebalj unannounced.

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

15 **MR. KLOEZE:** And you had a conversation
16 about her investigation against a priest?

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

18 **MR. KLOEZE:** And two points you made about
19 that conversation, and the first is that Constable Sebalj
20 told you that she went to the Crown Attorney and she told
21 the Crown she wanted to charge the priest?

22 **MS. FITZPATRICK:** That's what she said.

23 **MR. KLOEZE:** Okay. Now, I wanted to ask you
24 sort of your own experience of these matters because you
25 were involved in investigations involving allegations of

1 child sexual abuse?

2 MS. FITZPATRICK: That's correct.

3 MR. KLOEZE: And you've also cooperated with
4 the police in those investigations?

5 MS. FITZPATRICK: On several, yes. M'hm.

6 MR. KLOEZE: And by that point, that was
7 1993 -- by that point you had been working with the
8 Children's Aid Society for about seven years?

9 MS. FITZPATRICK: Seven years.

10 MR. KLOEZE: And you had -- had you been
11 involved in investigations that had gone to the point of
12 charges being laid by that point?

13 MS. FITZPATRICK: In my other
14 investigations?

15 MR. KLOEZE: In your other investigations.

16 MS. FITZPATRICK: Oh, several, yes. M'hm.

17 MR. KLOEZE: And had you been involved in
18 investigations that had gone to prosecution?

19 MS. FITZPATRICK: Yes, I have.

20 MR. KLOEZE: Now, you're aware then that
21 when police finish their investigations and are ready to
22 lay charges, they usually put together all that information
23 in a package and give that package to the Crown? Are you
24 aware of that?

25 MS. FITZPATRICK: I'm not really aware, no.

1 **MR. KLOEZE:** So you're not aware of what
2 police procedures are in terms of investigations?

3 **MS. FITZPATRICK:** Well, not ---

4 **MR. KLOEZE:** Once they complete their
5 investigation?

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

7 **MR. KLOEZE:** What you've been involved with
8 the police then are the matter of interviewing witnesses,
9 for example?

10 **MS. FITZPATRICK:** Children.

11 **MR. KLOEZE:** Okay. And the matter of
12 putting together -- have you ever been involved in putting
13 together witness statements from those interviews?

14 **MS. FITZPATRICK:** I believe that the police
15 take the victim impact statements or the witness
16 statements.

17 **MR. KLOEZE:** So you haven't been involved in
18 taking those interviews and drafting witness statements out
19 of those interviews?

20 **MS. FITZPATRICK:** I'm not quite sure. I've
21 done audiotapes.

22 **MR. KLOEZE:** So you have conducted
23 interviews ---

24 **MS. FITZPATRICK:** Yes.

25 **MR. KLOEZE:** --- is what I'm saying?

1 MS. FITZPATRICK: Yes.

2 MR. KLOEZE: You certainly have that kind of
3 experience.

4 MS. FITZPATRICK: Yes.

5 MR. KLOEZE: But does your involvement in
6 the investigation end at that point?

7 MS. FITZPATRICK: Well, my involvement
8 remains with the family to make sure that the protection of
9 the child is safe within the family, in that investigation.

10 MR. KLOEZE: So you're still doing --
11 exercising your mandate within the Children's Aid Society;
12 so you're assessing the risk to the child. Is that
13 correct?

14 MS. FITZPATRICK: That's correct.

15 MR. KLOEZE: And you're assessing the
16 stability of the family to look after that child. Is that
17 ---

18 MS. FITZPATRICK: Correct. M'hm.

19 MR. KLOEZE: That's correct?

20 MS. FITZPATRICK: Yes.

21 MR. KLOEZE: And those kinds of things. But
22 once you've conducted the interview of the child you don't
23 then sort of continue to cooperate with the police in their
24 investigation?

25 MS. FITZPATRICK: What ---

1 **MR. KLOEZE:** Assist the police?

2 **MS. FITZPATRICK:** We assist them in any way
3 -- you know, I mean they may call me back for something.
4 So it's not always over. I mean we give them whatever they
5 need.

6 **MR. KLOEZE:** Okay. The police may continue
7 to ask you questions ---

8 **MS. FITZPATRICK:** Yes.

9 **MR. KLOEZE:** --- about the child?

10 **MS. FITZPATRICK:** Yes.

11 **MR. KLOEZE:** But you've never been to the
12 point where, or you're not aware of what the police do with
13 all that, with all that information ---

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

15 **MR. KLOEZE:** --- after they compile it?
16 Okay, thank you.

17 So when Constable Sebalj told you that she
18 had gone to the Crown Attorney and told the Crown she
19 wanted to charge the police you didn't ask her ---

20 **THE COMMISSIONER:** To charge the police?

21 **MR. KLOEZE:** I'm sorry, gone to the Crown
22 Attorney and she wanted to charge the priest ---

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

24 **MR. KLOEZE:** --- you didn't ask Constable
25 Sebalj what she had -- sorry -- what the contents of her

1 investigation were?

2 **MS. FITZPATRICK:** All I knew was that it was
3 sexual abuse.

4 **MR. KLOEZE:** Thank you.

5 Now, the second point I wanted to get -- I
6 wanted to ask you about with regard to this conversation
7 you have with Constable Sebalj, you said that Constable
8 Sebalj told you that the Crown Attorney had told her, "If
9 you don't have a victim you don't have a case."

10 **MS. FITZPATRICK:** He said -- she didn't say
11 "if." He said, "You don't have a victim so you don't have
12 a case."

13 **MR. KLOEZE:** Okay. Now, Mr. Neville on
14 Wednesday brought you to a letter that the Crown Attorney
15 had written and showed you that letter. It's Exhibit 301.
16 I was just wondering if you could look at that again.

17 **MS. FITZPATRICK:** Okay.

18 **MR. KLOEZE:** Just briefly.

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

20 (SHORT PAUSE/COURTE PAUSE)

21 **MS. FITZPATRICK:** Okay.

22 **MR. KLOEZE:** I see you have the letter
23 before you but before I ask you the question I just wanted
24 to come back to some of the questions I was asking you
25 before about your involvement in investigations and

1 prosecutions.

2 You have attended trials where ---

3 **MS. FITZPATRICK:** I have.

4 **MR. KLOEZE:** Sorry, go ahead.

5 **MS. FITZPATRICK:** I have.

6 **MR. KLOEZE:** And, sorry, you have attended
7 trials where children have made complaints of sexual abuse
8 and they have been witnesses at those trials?

9 **MS. FITZPATRICK:** Correct.

10 **MR. KLOEZE:** Now, the question I wanted or
11 the point in the letter I wanted to bring you to is the
12 second paragraph, the first sentence there which says --
13 which begins, "It is our policy..."

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

15 **MR. KLOEZE:** And I'll read that for you:

16 "It is our policy not to compel victims
17 of sexual crimes to proceed against
18 their [witnesses]..."

19 Or sorry:

20 "...against their wishes."

21 And that's the sentence I wanted to
22 underline for you. Now, that's essentially -- I guess you
23 can interpret that essentially the same way as saying if
24 you don't have a victim you don't have a case. Would you
25 agree with that or do you ---

1 **MS. FITZPATRICK:** Well, I see this as
2 they're saying we don't compel victims. We don't force
3 them to come forward if they're not willing to.

4 **MR. KLOEZE:** Okay. And you've just stated
5 that you've been involved in prosecutions for witnesses --
6 child witnesses have testified?

7 **MS. FITZPATRICK:** Yes.

8 **MR. KLOEZE:** You yourself have testified in
9 prosecutions?

10 **MS. FITZPATRICK:** At times, yes.

11 **MR. KLOEZE:** And you would testify about the
12 efforts you have made with respect to a child and in
13 protection of a child?

14 **MS. FITZPATRICK:** Yes.

15 **MR. KLOEZE:** And you have observed children
16 having to testify as well?

17 **MS. FITZPATRICK:** I think I wasn't allowed
18 in the courtroom.

19 **MR. KLOEZE:** You weren't allowed in the
20 courtroom?

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

22 **MR. KLOEZE:** But you've -- but you've seen
23 children before and after they've had to testify?

24 **MS. FITZPATRICK:** Oh, yes, yes.

25 **MR. KLOEZE:** And would you agree with me

1 that as a child or even as an adult sometimes it's very
2 difficult to have to testify about matters that are close
3 and personal to you, especially matters of abuse?

4 **MS. FITZPATRICK:** For the victims?

5 **MR. KLOEZE:** Yes.

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

7 **MR. KLOEZE:** You'd agree it's difficult
8 sometimes for victims to have to testify?

9 **MS. FITZPATRICK:** Yes.

10 **MR. KLOEZE:** So ---

11 **THE COMMISSIONER:** Even in children you find
12 that?

13 **MS. FITZPATRICK:** Oh, yes.

14 **THE COMMISSIONER:** Yes?

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

16 **MR. KLOEZE:** So ---

17 **MS. FITZPATRICK:** Sorry, oftentimes they'll
18 recant.

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

20 **MR. KLOEZE:** So when we come back to this
21 letter and the statement -- and the sentence I wanted to
22 bring to you where it says:

23 "It is our policy not to compel victims
24 of sexual crimes to proceed against
25 their wishes."

1 You can understand the merits of such a
2 policy?

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

4 **MR. KLOEZE:** Now, when Constable Sebalj told
5 you that she had been told you don't have a victim;
6 therefore, you don't have a case ---

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

8 **MR. KLOEZE:** --- did you have any
9 conversation with her about what that meant?

10 **MS. FITZPATRICK:** No.

11 **MR. KLOEZE:** Did you have any conversation
12 with Constable Sebalj about this -- you know, sort of this
13 policy point which is that sometimes when victims are
14 unwilling to testify it may be for the better not to force
15 them to do so?

16 **MS. FITZPATRICK:** She didn't say anything
17 about that.

18 **MR. KLOEZE:** You had no conversation about
19 that?

20 **MS. FITZPATRICK:** No.

21 **MR. KLOEZE:** Okay, thank you.

22 The only other question I wanted to ask you
23 about that particular conversation with Constable Sebalj is
24 -- and you may or may not be aware of this, but after
25 receiving this letter, after Staff Sergeant Brunet actually

1 received this letter from the Crown Attorney -- and this
2 was in probably -- sorry, the date of the letter is
3 September 14th, 1993.

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

5 **MR. KLOEZE:** Later on that month Constable
6 Sebalj actually asked the victim, Mr. Silmser, to come back
7 to the police station.

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

9 **MR. KLOEZE:** And she had a conversation with
10 the victim and had the victim actually sign off in her
11 notebook that he was not willing to go ahead with the
12 criminal matter, and she had the victim sign a statement
13 and then sign his name to that in the notebook. Were you
14 aware of that?

15 **MS. FITZPATRICK:** No, she never said that.

16 **MR. KLOEZE:** Constable Sebalj -- she didn't
17 talk to you about that point of the investigation?

18 **MS. FITZPATRICK:** No.

19 **MR. KLOEZE:** All right. Thank you.

20 Now, the second time you met with Constable
21 Sebalj was on November 12th, 1993. And the one thing I
22 wanted to ask you, that was with respect to the interview
23 with Jeannette Antoine and the one thing I did want to ask
24 you is whether or not the investigation against the priest
25 came up again, whether that subject matter came up on

1 November 12th, whether you had any conversation about that
2 at all with Constable Sebalj?

3 **MS. FITZPATRICK:** The only thing that she
4 said to me was when she was wrapping up her tapes, because
5 I was quite surprised. I thought she was going to hand
6 them over to her boss. And that's when she said to me,
7 "No, I'm not going to let them ruin this case on me" but
8 that was the only thing that she said.

9 **MR. KLOEZE:** Okay.

10 **MS. FITZPATRICK:** So that's as far as it
11 went or the closest that it went.

12 **MR. KLOEZE:** Okay. Are you aware that a
13 week before the November 12th interview Mr. Silmsler again
14 phoned Constable Sebalj at the police station? Are you
15 aware of that?

16 **MS. FITZPATRICK:** No.

17 **MR. KLOEZE:** So she didn't tell you about
18 that information at all?

19 **MS. FITZPATRICK:** No.

20 **MR. KLOEZE:** And are you aware that one of
21 the things that Mr. Silmsler phoned her about was the fact
22 that your agency had actually contacted him by that point
23 and he was upset by that contact?

24 **MS. FITZPATRICK:** Okay. No, she didn't tell
25 me that.

1 **MR. KLOEZE:** She didn't tell you that
2 information?

3 **MS. FITZPATRICK:** No.

4 **MR. KLOEZE:** Okay, thank you.

5 Now, I want to move onto another matter, Ms.
6 Fitzpatrick, and that's involving Milton MacDonald.

7 **MS. FITZPATRICK:** Oh, boy.

8 **MR. KLOEZE:** And I just wanted to clarify a
9 couple of things that you testified about on Tuesday and
10 Wednesday. And I don't have a lot of questions about this.

11 **MS. FITZPATRICK:** Okay.

12 **MR. KLOEZE:** But we've heard some evidence
13 when Mr. Carriere was testifying earlier last month that
14 there was a Children's Aid Society file on Mr. MacDonald,
15 Mr. Milton MacDonald in early 1994. And you've also spoken
16 about that, I think, a bit.

17 But what I wanted to ask you is whether or
18 not you were involved in an official capacity in that file.
19 Were you investigating any matter relating to Milton
20 MacDonald?

21 **MS. FITZPATRICK:** No.

22 **MR. KLOEZE:** Okay. But you had heard
23 information about Milton MacDonald, you said, from Patricia
24 Garrahan, for example.

25 **MS. FITZPATRICK:** And I live in the same

1 town.

2 MR. KLOEZE: Okay. I want to focus on early
3 1994 when you were hearing this information.

4 MS. FITZPATRICK: Okay.

5 MR. KLOEZE: And when the CAS file -- when
6 the CAS started hearing information about Milton MacDonald.

7 MS. FITZPATRICK: Okay.

8 MR. KLOEZE: You heard information as well
9 in January of 1994 from Patricia Garrahan?

10 MS. FITZPATRICK: I don't know if it was
11 January but, yes, I did hear information from her.

12 MR. KLOEZE: Can you give us a timeframe as
13 to when you heard this information?

14 MS. DALEY: It just seemed like it all
15 happened at the same time. There was a special assignment
16 going on with Greg and Pina. I had run into Heidi and she
17 tells me this story that I needed time to even process
18 about the Crown Attorney and a priest and, you know, that
19 sounded really absurd to me. And then Patricia is a few
20 doors down and she had gotten wind about what the story was
21 with her husband and that he had been a victim of Mr.
22 MacDonald's. And so she -- as a boy he was a victim.

23 MR. KLOEZE: Sorry, I don't want to get into
24 the details.

25 MS. FITZPATRICK: No.

1 **MR. KLOEZE:** I just wanted to know when you
2 were hearing this information. So we're talking late 1993
3 or early 1994?

4 **MS. FITZPATRICK:** Early 1994.

5 **MR. KLOEZE:** Early 1994, okay.

6 **MS. FITZPATRICK:** Yeah.

7 **MR. KLOEZE:** Now, we know through Mr.
8 Carriere's evidence that Patricia Garrahan told Mr. Abell
9 about what she had heard, in January 1994. So that's about
10 the same time that she was speaking to you about these
11 matters?

12 **MS. FITZPATRICK:** Actually, she told him
13 before that. I guess she had a couple of conversations
14 with him before that and finally he said, well, put in
15 writing. If you want me to be doing something about this,
16 put it in writing.

17 **MR. KLOEZE:** Okay.

18 Now, did you hear this information about
19 Milton MacDonald because you were privy to the
20 conversations between Patricia and Mr. Abell, or did you
21 hear them separately from Ms. Garrahan?

22 **MS. FITZPATRICK:** Oh, I heard it separately,
23 yes, from Ms. Garrahan.

24 **MR. KLOEZE:** So you weren't sitting -- you
25 weren't part of a reporting type of conversation where Ms.

1 Garrahan was telling this information to Mr. Abell?

2 MS. FITZPATRICK: No.

3 MR. KLOEZE: And she was telling you this
4 information separately and apart from any conversation she
5 would have reported to Mr. Abell?

6 MS. FITZPATRICK: But what happened was
7 after she spoke with Mr. Abell, he did come into my office
8 knowing that I lived in the same community, and he wanted
9 to check with me if I had any information or was there
10 anything like that said in the town or -- you know, that
11 sort of thing.

12 MR. KLOEZE: Okay. So Ms. Garrahan was
13 telling you these rumours because -- partly because you
14 were from Lancaster, I guess?

15 MS. FITZPATRICK: Yes.

16 MR. KLOEZE: And Mr. Abell was also
17 communicating with you about these rumours because you were
18 from Lancaster?

19 MS. FITZPATRICK: Yes.

20 MR. KLOEZE: Those are the reasons you were
21 hearing ---

22 MS. FITZPATRICK: I believe so.

23 MR. KLOEZE: Okay. And you already
24 testified you had heard other rumours from other people in
25 Lancaster?

1 **MS. FITZPATRICK:** Yes, but those are
2 rumours.

3 **MR. KLOEZE:** Now, one thing I wanted to
4 clarify is, Ms. Daley, when she was asking you on questions
5 on Wednesday, she asked you whether or not back in October
6 or November of 1993, whether Constable Sebalj had made a
7 connection between the Crown Attorney and his father and
8 the failure to prosecute the priest. And your answer was
9 that you don't know whether she made that connection.

10 **MS. FITZPATRICK:** I don't know how -- she
11 was making connection but I don't know how much her
12 connection was making.

13 **MR. KLOEZE:** Sorry, so that was something
14 that you spoke about with Constable Sebalj in October of
15 1993?

16 **MS. FITZPATRICK:** To a certain extent, yes.

17 **MR. KLOEZE:** Sorry, to a certain extent?

18 **MS. FITZPATRICK:** Okay ---

19 **MR. KLOEZE:** Did Constable Sebalj -- sorry.

20 **MS. FITZPATRICK:** Okay. What is your
21 question, I'm sorry?

22 **THE COMMISSIONER:** Hold on, hold on.
23 Go ahead.

24 **MR. KLOEZE:** I thought you had something
25 extra to add to that.

1 **THE COMMISSIONER:** No.

2 **MR. KLOEZE:** Okay, that's fine.

3 Did Constable Sebalj directly make a
4 connection between the Crown Attorney, his father and the
5 fact that there were no charges laid against the priest in
6 October of ---

7 **MS. FITZPATRICK:** No, I don't think she made
8 that connection. No.

9 **MR. KLOEZE:** Okay, thank you.

10 But you did make that connection later on?

11 **MS. FITZPATRICK:** That came much later,
12 yeah.

13 **MR. KLOEZE:** Sorry, "much later" meaning a
14 number of months later or a number of years later?

15 **MS. FITZPATRICK:** Yes. Months later.

16 **MR. KLOEZE:** A number of months later.

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

18 **MR. KLOEZE:** So we're talking again now
19 early 1994 where you started making that connection?

20 **MS. FITZPATRICK:** Well, I made the
21 connection when I was talking to Wayne Murphy, so that
22 would have been in January, '94.

23 **MR. KLOEZE:** I think you testified that was
24 around New Year's in 1994 that you were talking to Mr.
25 Murphy?

1 **MS. FITZPATRICK:** Yeah, Boxing Day. Yeah.

2 **MR. KLOEZE:** And you were just making that
3 connection in your own head?

4 **MS. FITZPATRICK:** Yes. That day
5 specifically I wanted to know -- because I didn't want to
6 be in any trouble and I didn't want to break the law, and I
7 didn't want to obstruct any investigation.

8 So my question to Wayne Murphy was, "Can I
9 go to my boss" -- well, I said, "As soon as I come back to
10 work I'm going straight to my boss to tell him what
11 happened," because I hadn't heard from Heidi and now I was
12 beginning to wonder what is going on here, "or should I go
13 to a lawyer first?"

14 And so he said to me, "Well, wait. Give me
15 a few days and I'll get back to you", and when he got back
16 to me I thought he was calling to give me advice, "Go to
17 your boss or go to the lawyer". That's what happened.

18 **MR. KLOEZE:** Sorry, but one of the things
19 you told Mr. Murphy, and you've testified about this
20 earlier, one of the things you told Mr. Murphy was that you
21 believed or you thought there might be some sort of
22 connection between the Crown Attorney and the Crown
23 Attorney's father?

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

25 **MR. KLOEZE:** Ms. Daley showed you a document

1 where Mr. Murphy had relayed that information to another
2 police force.

3 **MS. FITZPATRICK:** Yes, well ---

4 **MR. KLOEZE:** And you were the source of that
5 information?

6 **MS. FITZPATRICK:** Yes, because I found out
7 through another co-worker that the Crown Attorney's father
8 used to sing in the choir with Charlie MacDonald, so they
9 would have known each other.

10 **MR. KLOEZE:** And when did you find out that
11 information? In January '94 as well or ---

12 **MS. FITZPATRICK:** Around that time, yeah.

13 **MR. KLOEZE:** And was that from Ms. Garrahan
14 that you learned that information?

15 **MS. FITZPATRICK:** No, no. That would have
16 been through the town.

17 **MR. KLOEZE:** Sorry?

18 **MS. FITZPATRICK:** That would have been
19 through the town, the town stories.

20 **MR. KLOEZE:** Sorry, I thought you said you
21 learned that from a co-worker.

22 **MS. FITZPATRICK:** Yes, but she also lives in
23 the town.

24 **MR. KLOEZE:** Oh, I see. So it was another
25 co-worker who lived in Lancaster?

1 **MS. FITZPATRICK:** Yes, and grew up there.

2 **MR. KLOEZE:** So there were a number of
3 rumours going around the workplace and also the town about
4 Milton MacDonald?

5 **MS. FITZPATRICK:** I don't know if there were
6 -- it was pretty hushed up at work; very hushed up.

7 **MR. KLOEZE:** Okay.

8 Now, Ms. Daley also asked you whether or not
9 you were aware that Milton MacDonald had pleaded guilty in
10 the 1960s to similar type of charges?

11 **MS. FITZPATRICK:** And I was not aware.

12 **MR. KLOEZE:** You were not aware of that in
13 1994?

14 **MS. FITZPATRICK:** I knew that there was an
15 investigation. I was not aware that he pled guilty.

16 **MR. KLOEZE:** Okay. You knew that there had
17 been an earlier investigation. Is that what you're talking
18 about?

19 **MS. FITZPATRICK:** Yes.

20 **MR. KLOEZE:** Okay. And those are part of
21 the rumours as well?

22 **MS. FITZPATRICK:** That there were five boys.

23 **MR. KLOEZE:** Sorry, but that's part of the
24 rumours ---

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

1 MR. KLOEZE: --- that you were hearing ---

2 MS. FITZPATRICK: Yes.

3 MR. KLOEZE: --- either in the community or
4 in your workplace?

5 MS. FITZPATRICK: Right.

6 MR. KLOEZE: Okay.

7 MS. FITZPATRICK: Well, not at the
8 workplace, no.

9 MR. KLOEZE: But you were hearing ---

10 MS. FITZPATRICK: At the workplace all I
11 heard was Patricia sort of talking to Richard and
12 expressing some concern, but that's all I heard at work.
13 There was nothing else.

14 MR. KLOEZE: Okay. But you also just
15 mentioned that you heard from a co-worker at work who was
16 also a resident ---

17 MS. FITZPATRICK: That's completely ---

18 MR. KLOEZE: --- of Lancaster.

19 MS. FITZPATRICK: That's completely separate
20 and independent. This co-worker grew up in the town, went
21 to that church, the mother played the organ for the church.

22 THE COMMISSIONER: Okay, thank you.

23 Question please.

24 MR. KLOEZE: I'll go ahead.

25 Now, when did you become aware that there

1 had been an earlier conviction against Milton MacDonald?
2 Was that just recently when Ms. Daley told you or ---

3 **MS. FITZPATRICK:** Just recently. I never
4 knew.

5 **MR. KLOEZE:** Okay.

6 Now, you were obviously aware of an
7 investigation and subsequent charges and a conviction in
8 1994?

9 **MS. FITZPATRICK:** Correct.

10 **MR. KLOEZE:** Okay. Now, is it your
11 understanding that that investigation started because of
12 the information that Ms. Garrahan had given to Mr. Abell?

13 **MS. FITZPATRICK:** No. There was a new
14 complaint in our community.

15 **MR. KLOEZE:** Okay. And that wasn't a
16 complaint that was made to the Children's Aid Society?

17 **MS. FITZPATRICK:** I believe the complaint --
18 when the father found out he went directly to Milton
19 MacDonald's house and threatened him.

20 **MR. KLOEZE:** Okay. So it's not your
21 understanding that the police became aware of this new
22 complaint through the Children's Aid Society? In fact, are
23 you aware that the police became aware of this complaint
24 because Murray MacDonald and his brother-in-law were the
25 ones who told the police about this new allegation? Are

1 you aware of that information or is ---

2 **MS. FITZPATRICK:** No, I'm not aware of that
3 information. No.

4 **MR. KLOEZE:** Now, I just wanted to turn
5 briefly to a matter that Mr. Horn brought up in his cross-
6 examination on Wednesday, and that is -- arises out of
7 Exhibit 2353.

8 And we might not have to go there because
9 what Mr. Horn was asking you about was an encounter that
10 you had with the Crown Attorney, Murray MacDonald, relating
11 to another case.

12 **MS. FITZPATRICK:** Okay.

13 **MR. KLOEZE:** And I don't want you to name
14 the victim or the ---

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

16 **MR. KLOEZE:** --- or the accused in this, but
17 I just wanted some details about it because I'm having some
18 -- I'm actually having some problems locating the time
19 period about -- of this case.

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

21 **MR. KLOEZE:** This was an investigation,
22 again a child sexual abuse investigation, you participated
23 in with Constable Malloy.

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

25 **MR. KLOEZE:** Do you remember the year?

1 **MS. FITZPATRICK:** Oh jeez, no, I don't.

2 **MR. KLOEZE:** Okay. It would have been
3 before 1993, I take it?

4 **MS. FITZPATRICK:** Yes.

5 **MR. KLOEZE:** Would it have been -- is your
6 memory that it would have been one of the earlier
7 investigations that ---

8 **MS. FITZPATRICK:** Yes. I would think it
9 would be about 1989.

10 **MR. KLOEZE:** 1989?

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

12 **MR. KLOEZE:** Was it the first investigation
13 you participated in?

14 **MS. FITZPATRICK:** No, but this one was quite
15 a successful investigation.

16 **MR. KLOEZE:** Okay. Now, do you -- was it
17 the first time that you met with the Crown Attorney in a
18 professional capacity?

19 **MS. FITZPATRICK:** It is correct, yes.

20 **THE COMMISSIONER:** Was that Crown Attorney
21 Murray MacDonald?

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

23 **MR. KLOEZE:** Now, how often -- how usual was
24 that that you as the CAS worker would go with the constable
25 to visit the Crown Attorney on an investigation?

1 **MS. FITZPATRICK:** Well, this was -- we met
2 together just before the child was going on the stand. So
3 we met in the Crown's office and that was just sort of
4 preparation introducing and "is everybody all set and all
5 right?" So it was that sort of a situation.

6 **MR. KLOEZE:** Okay. So that was one of the
7 other questions I had about it was it wasn't clear from the
8 exhibit whether or not charges were laid in that matter.
9 But I guess the answer is charges were laid in that matter.

10 **MS. FITZPATRICK:** Yes.

11 **MR. KLOEZE:** And there was a trial and a
12 prosecution in that matter.

13 **MS. FITZPATRICK:** And a conviction.

14 **MR. KLOEZE:** And a conviction in that
15 matter.

16 And was Murray MacDonald the Crown who
17 prosecuted that matter?

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

19 **MR. KLOEZE:** He was.

20 Did you testify in that matter?

21 **MS. FITZPATRICK:** I didn't have to. The
22 child did very well.

23 **MR. KLOEZE:** Okay. But there was a question
24 that you may have had to testify?

25 **MS. FITZPATRICK:** Yes.

1 **MR. KLOEZE:** Okay. And was the purpose of
2 your meeting with the Crown, Murray MacDonald, for the
3 preparation of your testimony if it was necessary?

4 **MS. FITZPATRICK:** I think it was just a
5 preparation, the introductions, I don't remember anybody
6 being prepared ---

7 **MR. KLOEZE:** Okay.

8 **MS. FITZPATRICK:** --- for the trial.

9 **MR. KLOEZE:** And the best recollection you
10 have about that is that it happened in 1989?

11 **MS. FITZPATRICK:** Well, it's the early days.
12 I'm a dinosaur now, so I'm losing track.

13 **MR. KLOEZE:** How often after that re-
14 involved in investigations where you met with a Crown
15 attorney who was in charge of the prosecution?

16 **MS. FITZPATRICK:** I had several other cases
17 that went to court. He and I specific -- I mean we didn't
18 meet but the cases went forward. I'm trying to think ---

19 **MR. KLOEZE:** I'm not asking about -- I'm not
20 asking specifically with Murray MacDonald but about any
21 Crown attorney.

22 **MS. FITZPATRICK:** Oh, okay. Several. Yeah,
23 I've been up in front of several Crowns, yeah.

24 **MR. KLOEZE:** Okay. So that was a regular
25 procedure that once the trial went -- once the prosecution

1 went to trial, you would assist -- you would accompany the
2 police officer and meet with the Crown Attorney?

3 **MS. FITZPATRICK:** In most cases, yes.

4 **MR. KLOEZE:** Okay.

5 Those are my questions. Thank you very
6 much.

7 **MS. FITZPATRICK:** Okay. Thank you.

8 **THE COMMISSIONER:** Thank you.

9 Mr. Crane?

10 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

11 **CRANE:**

12 **MR. CRANE:** Good afternoon, Mr.

13 Commissioner.

14 **THE COMMISSIONER:** Good afternoon, sir.

15 **MR. CRANE:** Ms. Fitzpatrick, my name's Mark
16 Crane. I'm a counsel for the Cornwall Police Service.

17 **MS. FITZPATRICK:** Nice to meet you.

18 **MR. CRANE:** Likewise.

19 Ms. Fitzpatrick, you told us, looking back
20 on your evidence, that beginning in 1986, for the following
21 15 years, as I read your evidence, you identified yourself
22 as a front line investigator within the forensic
23 investigative unit. Is that ---

24 **MS. FITZPATRICK:** That was correct.

25 **MR. CRANE:** --- right? And you described

1 your work in this area as crisis work.

2 MS. FITZPATRICK: Front line intervention.

3 MR. CRANE: And in fact you identified it as
4 crisis work?

5 MS. FITZPATRICK: Well, sometimes it's real
6 crisis, yes.

7 MR. CRANE: And amongst other things, your
8 responsibilities included investigating the allegations and
9 verifying the safety of the children.

10 MS. FITZPATRICK: Correct.

11 MR. CRANE: And in your capacity in this
12 role, you would hear some unfortunate life experiences. Is
13 that fair?

14 MS. FITZPATRICK: That's correct.

15 MR. CRANE: All right. Life experiences
16 involving allegations of neglect?

17 MS. FITZPATRICK: Of the children that I'm
18 working with or historical? I'm sorry.

19 THE COMMISSIONER: He's just setting -- so
20 when you went in, you would hear stories of neglect.

21 MS. FITZPATRICK: Oh yes, absolutely.

22 THE COMMISSIONER: Yes.

23 MS. FITZPATRICK: I would see it.

24 THE COMMISSIONER: Okay. He's going to go
25 through a list.

1 MS. FITZPATRICK: Okay.

2 THE COMMISSIONER: Go.

3 MR. CRANE: You're quite right.

4 Sexual abuse?

5 MS. FITZPATRICK: Yes.

6 MR. CRANE: Physical abuse?

7 MS. FITZPATRICK: Yes.

8 MR. CRANE: And you testified that you
9 estimated you had been involved in approximately 50 joint
10 investigations with the police?

11 MS. FITZPATRICK: I really would like
12 someone to do the stats on that but if you're looking at 23
13 years and 15 in front line investigations ---

14 THE COMMISSIONER: Ballpark?

15 MS. FITZPATRICK: Oh, ballpark. Thank you.

16 THE COMMISSIONER: Thank you.

17 MR. CRANE: You're comfortable with that
18 number?

19 MS. FITZPATRICK: Yes.

20 MR. CRANE: And that would involve joint
21 investigations with both the Cornwall Police Service and
22 the OPP or just the OPP?

23 MS. FITZPATRICK: And police departments
24 from other agencies; like I've been out in Barrie; I've
25 been out in Brantford; I've been out in B.C.; with those

1 police officers as well and taking cases to court. So it
2 isn't just this D&G.

3 **MR. CRANE:** Now, on Tuesday afternoon, you
4 told us that up until your experience with the Antoine
5 matter, all of your joint work with the police had been
6 successful.

7 **MS. FITZPATRICK:** Very successful.

8 **MR. CRANE:** And I take it you would agree
9 with me that you worked with capable and competent officers
10 throughout those joint investigations?

11 **MS. FITZPATRICK:** I have to say I've worked
12 with the best.

13 **MR. CRANE:** And in particular, you indicated
14 that you and Constable Sebalj -- former Constable Sebalj
15 had experienced some success in joint investigations?

16 **MS. FITZPATRICK:** That she was new. I had
17 worked with the others -- and yes, so we were successful in
18 our brief work together, yes.

19 **MR. CRANE:** And you did mention you did work
20 with others.

21 **MS. FITZPATRICK:** Yes.

22 **MR. CRANE:** You mentioned you'd worked with
23 Constable Malloy quite a few investigations?

24 **MS. FITZPATRICK:** The best, yeah.

25 **MR. CRANE:** Constable White as he was then?

1 **MS. FITZPATRICK:** Only on one case, it was a
2 manslaughter.

3 **MR. CRANE:** And Constable Bough I believe
4 you mentioned?

5 **MS. FITZPATRICK:** Yes. We broke up a sex
6 ring.

7 **MR. CRANE:** And with respect to Constable
8 Sebalj, you testified that you thought she would have a
9 bright future and she was an honest police officer?

10 **MS. FITZPATRICK:** I did.

11 **MR. CRANE:** I want to turn your attention to
12 the Silmsler matter Ms. Fitzgerald (sic).

13 **MS. FITZPATRICK:** Okay.

14 **MR. CRANE:** And I just want to be clear.
15 You had no direct involvement in that matter either through
16 the Cornwall Police Service or through your own agency?

17 **MS. FITZPATRICK:** I never even knew the
18 name.

19 **MR. CRANE:** And you never spoke to your co-
20 workers about anything related to this matter until the end
21 of 1993 at the earliest?

22 **MS. FITZPATRICK:** End of '94, right. M'hm.
23 I'm sorry, early '94, yes.

24 **MR. CRANE:** Early '94.

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

1 **MR. CRANE:** And you had no involvement with
2 Project Blue?

3 **MS. FITZPATRICK:** No.

4 **MR. CRANE:** Now during your cross-
5 examination with Ms. Daley, you did state that while you're
6 walking down the hallway in your office ---

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

8 **MR. CRANE:** --- you overhead Greg Bell state
9 that -- and you have some recollection of him grappling
10 with whether to identify the name of the project being
11 Project Truth or Project Blue.

12 **MS. FITZPATRICK:** Yes.

13 **MR. CRANE:** Do you recall that?

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

15 **MR. CRANE:** And you actually recall him
16 having that discussion out loud?

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

18 **MR. CRANE:** Are you aware, Ms. Fitzpatrick,
19 that the term "Project Truth" was an OPP initiative that
20 was initiated more than three years after Project Blue
21 began?

22 **MS. FITZPATRICK:** I heard him say Project
23 Truth, Project Blue.

24 **MR. CRANE:** And do you think it's ironic
25 that Mr. Bell was in fact grappling with the same

1 terminology that the OPP ultimately chose?

2 **MS. FITZPATRICK:** So it's ironic or
3 coincidental. I don't know. All I know is what I heard
4 when I walked by the door.

5 **MR. CRANE:** And you heard that in 1994?

6 **MS. FITZPATRICK:** He worked on that case for
7 a long time, so I don't know.

8 **MR. CRANE:** Is it possible you were mistaken
9 and you were just speculating based on ---

10 **MS. FITZPATRICK:** No.

11 **MR. CRANE:** --- what you've heard more
12 recently?

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

14 Because when he said Project Blue, I thought
15 "Well, that's the police, what's he talking about?"

16 **MR. CRANE:** Ms. Antoine, if I can ---

17 **THE COMMISSIONER:** No, she is not Ms.
18 Antoine.

19 **MS. FITZPATRICK:** No, Ms. Fitzpatrick, yes.

20 **MR. CRANE:** Oh, excuse me Ms. Fitzpatrick;
21 my apologies.

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

23 **MR. CRANE:** I wanted to draw your attention
24 to the Antoine investigation.

25 **MS. FITZPATRICK:** Okay.

1 **MR. CRANE:** My error. And you confirmed for
2 the Commission that you met her on one occasion?

3 **MS. FITZPATRICK:** Yes.

4 **MR. CRANE:** And you interviewed her for two
5 and half to three hours in the presence of former Constable
6 Sebalj?

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

8 **MR. CRANE:** And you never followed up with
9 Ms. Antoine after that?

10 **MS. FITZPATRICK:** That wasn't my role. I
11 didn't ---

12 **THE COMMISSIONER:** No, no, no, no.

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

14 **MR. CRANE:** And you never saw her again?

15 **MS. FITZPATRICK:** I never saw her again.

16 **MR. CRANE:** And you never spoke to former
17 Constable Sebalj about the matter again?

18 **MS. FITZPATRICK:** I tried to. No.

19 **MR. CRANE:** So your firsthand knowledge is
20 limited to those -- to that interview experience?

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

22 **MR. CRANE:** And there was a transcript of
23 that interview?

24 **MS. FITZPATRICK:** Yes.

25 **MR. CRANE:** And you told us that Constable

1 Sebalj -- former Constable Sebalj was contemplating taking
2 the audio cassettes to a private lawyer?

3 **MS. FITZPATRICK:** That's what she said.

4 **MR. CRANE:** And she also said that she had
5 full trust in her supervisor, Staff Sergeant Brunet?

6 **MS. FITZPATRICK:** Yes.

7 **MR. CRANE:** This is what you told us.

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

9 **MR. CRANE:** But she couldn't report to him
10 because he sat on the Board of the Children's Aid Society.

11 **MS. FITZPATRICK:** That's correct. So she
12 saw it as a conflict.

13 **MR. CRANE:** And you confirm that on the
14 record twice, that she did have full trust in her
15 supervisor?

16 **MS. FITZPATRICK:** I confirm that, yes. And
17 I wish the newspaper had put that in.

18 **THE COMMISSIONER:** Okay. No, no, no, no.

19 **MS. FITZPATRICK:** Sorry.

20 **THE COMMISSIONER:** No, no. Enough.

21 **MS. FITZPATRICK:** Okay.

22 **THE COMMISSIONER:** Please, just answer his
23 questions.

24 **MS. FITZPATRICK:** Okay.

25 **THE COMMISSIONER:** All right? Thanks.

1 **MR. CRANE:** And thirdly, you testified about
2 that experience that you didn't feel that you were
3 appearing in that interview in your capacity as a worker of
4 the Children's Aid Society?

5 **MS. FITZPATRICK:** No.

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **MR. CRANE:** But you said in that respect you
8 weren't there in your capacity as a Children's Aid Society
9 worker but you identified yourself as people calling you
10 "Digger". Do you recall that?

11 **MS. FITZPATRICK:** That's what the police
12 called me.

13 **MR. CRANE:** People called you because they
14 wanted to get to the bottom of the case.

15 **MS. FITZPATRICK:** That's what they said.

16 **MR. CRANE:** And did you advise Ms. Antoine
17 that you were not interviewing her in your capacity as an
18 employee of the Children's Aid Society but rather as a
19 private citizen?

20 **MS. FITZPATRICK:** I don't think so, no.

21 **MR. CRANE:** Do you think you ought to have,
22 if that's the role you were taking on?

23 **MS. FITZPATRICK:** I think Heidi explained to
24 her before she came in that this was just a follow-up on
25 her report.

1 **MR. CRANE:** Well, let's take a look at the
2 transcript.

3 Madam Clerk, if we can pull up Exhibit 2352?

4 **THE COMMISSIONER:** So that's not a
5 transcript.

6 **MS. FITZPATRICK:** No.

7 **MR. CRANE:** Excuse me, this is 2353, I think
8 -- 2352, sorry. That's my error.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **MR. CRANE:** You recall this is the
11 transcript that you participated in? And if I can draw
12 your attention to -- Madam Clerk, Bates page ending in 911
13 -- the top third of the page. Bates Page ending in 911,
14 Exhibit 2352. I'm sorry, I'm looking at a ---

15 **THE COMMISSIONER:** No, that's not it.

16 **MR. CRANE:** I'm trying to find the ---

17 **THE COMMISSIONER:** Well, first of all you
18 want to go to 2352, right?

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

20 **THE COMMISSIONER:** Which is the transcript
21 of the Antoine Interview Number 2.

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

23 **THE COMMISSIONER:** Okay.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **THE COMMISSIONER:** So Madam Clerk, do you

1 have it? It's 7175559. That's the beginning of it.
2 That's a Bates page number.

3 MR. CRANE: And I have it as Document
4 740722.

5 THE COMMISSIONER: All right.
6 So now we have to go to Bates page 911.

7 MR. CRANE: Which is page 30 of the
8 transcript, if that's easier, Ms. Fitzpatrick.

9 MS. FITZPATRICK: Okay, page 30.

10 MR. CRANE: And I'm trying to put into
11 context your role in this interview -- and I'll wait for it
12 to come up on the screen.

13 MS. FITZPATRICK: Okay.

14 (SHORT PAUSE/COURTE PAUSE)

15 THE COMMISSIONER: There we go.

16 MR. CRANE: Great.

17 And in the first passage where you're
18 speaking, Ms. Fitzpatrick, you state:

19 "Had you voiced that you wanted to come
20 forward or lay charges or see justice
21 done? Is that what you wanted to do?
22 I guess we're here to represent your
23 rights, to make sure that your rights
24 are being looked after."

25 And my question for you is if you're telling

1 her that you're interested in looking after her rights,
2 what rights are you going to protect if not the rights as
3 your role as a member of the Children's Aid Society?

4 **MS. FITZPATRICK:** I happen to advocate for
5 people's rights whether I'm at work or not.

6 **MR. CRANE:** So your evidence is that you
7 were trying to communicate to Ms. Fitzpatrick [sic] that
8 you're not there to protect her as a -- you're not there in
9 the interests of a child care worker, as a member of the
10 CAS, but rather you're there as a private citizen and as a
11 private citizen you're trying to stand up for her rights.

12 Do I have that correctly?

13 **MS. FITZPATRICK:** I'm aiding Heidi but, yes,
14 I saw myself as a private citizen.

15 **MR. CRANE:** And do you think Ms. Antoine saw
16 you as a private citizen?

17 **THE COMMISSIONER:** How does she know?

18 **MS. FITZPATRICK:** I don't know.

19 **MR. CRANE:** Now, you mentioned that former
20 Constable Sebalj was interested in taking the audiotapes to
21 a private lawyer and that she was going to try and keep it
22 away from her police force.

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

24 **MR. CRANE:** You testified to that.

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

1 **MR. CRANE:** And we haven't heard any
2 evidence at this Inquiry outside of your evidence ---

3 **MS. FITZPATRICK:** Right.

4 **MR. CRANE:** --- to support that former
5 Constable Sebalj did in fact take those audiotapes to a
6 private lawyer.

7 But what we have heard evidence is of the
8 following -- and are you aware that she entered an
9 Occurrence Report with respect to this interview, including
10 your involvement in January of 1994?

11 **MS. FITZPATRICK:** No, I'm not.

12 **MR. CRANE:** You're not aware of that?

13 **MS. FITZPATRICK:** No.

14 **THE COMMISSIONER:** Which is a couple of
15 months after the interview itself.

16 **MR. CRANE:** I'm aware of that, sir.

17 **THE COMMISSIONER:** Right.

18 **MR. CRANE:** It's Exhibit -- if we can pull
19 up Exhibit 1285, Madam Clerk?

20 And my understanding from the transcript is
21 that you did see this document in your examination-in-
22 chief, but let me refresh your memory.

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

24 **THE COMMISSIONER:** Twelve-ninety-four (1294)
25 is what page?

1 **MR. CRANE:** Twelve-eighty-five (1285).

2 Sorry.

3 **THE COMMISSIONER:** No, it's my fault.

4 What page?

5 **MR. CRANE:** The first page of the document,
6 Mr. Commissioner.

7 **THE COMMISSIONER:** Okay.

8 **MR. CRANE:** And towards the bottom of the
9 page, the bottom quarter of the page, it references --
10 beginning with the sentence, "On November 12th," which is
11 towards the bottom and this Occurrence Report captures the
12 interview, including your attendance at the interview.

13 Do you see that, Ms. Fitzpatrick?

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

15 **MR. CRANE:** And are you aware that the
16 contents or portions thereof of this report made their way
17 into an internal review of the Antoine allegations that was
18 undertaken by Staff Sergeant Brunet -- or, excuse me, by
19 Staff Sergeant Derochie?

20 **MS. FITZPATRICK:** No.

21 **MR. CRANE:** Madam Clerk, if we can pull up
22 Exhibit 1286?

23 **THE COMMISSIONER:** It's the next one over.

24 **MR. CRANE:** So Ms. Fitzpatrick, this is a
25 report prepared by Staff Sergeant Derochie with respect to

1 the allegations raised by Ms. Antoine.

2 And Madam Clerk, if we can scroll over Bates
3 page ending in 647, and the top half of the page?

4 You'll notice that a portion of Staff
5 Sergeant Derochie's report includes reference to the
6 interview with Ms. Antoine and your attendance thereof. So
7 would you agree with me that it seems, as the Commission
8 noted in January, that Ms. Sebalj does not appear to be in
9 fear of trust of her supervisors or police force; that
10 she's reporting these matters?

11 **MS. FITZPATRICK:** I'm sorry, what's the
12 question?

13 **MR. CRANE:** You'd agree with me that she
14 entered an Occurrence Report and outlined her involvement
15 in meeting with Ms. Antoine and Ms. Fitzpatrick?

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

17 **MR. CRANE:** And would you agree with me
18 that's inconsistent with her having had a lack of trust of
19 her police force?

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

21 **THE COMMISSIONER:** Well, she may have been
22 ordered to do it. We're getting into the old Mr. Neville
23 let's speculate and speculate. So, you know ---

24 **MR. CRANE:** Well, Mr. Commissioner, the
25 evidence out of this witness was that she wasn't going to

1 forward the information to her staff sergeant nor her
2 police service because she was in fear of some sort of
3 ---

4 **THE COMMISSIONER:** Right.

5 **MR. CRANE:** I'm trying to reconcile that
6 evidence.

7 **THE COMMISSIONER:** Well, some things in life
8 can't be reconciled, in the sense that there's one fact
9 here and there's one fact there, and underneath there
10 there's a lot of water that passes.

11 It could have been a lot of things. She may
12 have seen a lawyer and said give it to the thing. There's
13 all kinds of things. She may still have been fearful but
14 she felt she had a duty to do it. There's all kinds of
15 things.

16 So the only thing we're left with is she did
17 it; she told this witness that -- or this witness is
18 telling us that Officer Sebalj said I'm afraid and I'm
19 going to do something about it, and later on we have that
20 it's in the police record. There you go.

21 **MR. CRANE:** Well ---

22 **THE COMMISSIONER:** The conclusions you can
23 keep for submissions.

24 **MR. CRANE:** I'll move on, Mr. Commissioner.

25 **THE COMMISSIONER:** Thank you.

1 **MR. CRANE:** Ms. Fitzpatrick, you've
2 confirmed for this Commission that you've got no notes of
3 your meetings -- your meeting with Ms. Antoine.

4 **MS. FITZPATRICK:** Heidi took the notes. I
5 did the interview.

6 **MR. CRANE:** And so when you were interviewed
7 by Mr. Carriere in February of 2008 the information you
8 provided him was based solely on your unaided memory?

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

10 **MR. CRANE:** Now, with the background I've
11 just gone through, Ms. Fitzpatrick, I'm going to canvass
12 with you some of your evidence that we've heard at this
13 Inquiry as it relates to second- and third-hand information
14 and try and put it into context.

15 **MS. FITZPATRICK:** Okay.

16 **MR. CRANE:** And you've told us about your
17 discussions and dialogue with Wayne Murphy.

18 **MS. FITZPATRICK:** Yes.

19 **MR. CRANE:** And for one point one piece of
20 information that you learned from Mr. Murphy was that Mr.
21 Keough was paid out two years of salary ---

22 **MS. FITZPATRICK:** Yes.

23 **MR. CRANE:** --- when he left the Children's
24 Aid Society?

25 **MS. FITZPATRICK:** Yes.

1 **MR. CRANE:** And are you aware that Mr.
2 Keough testified here and denied being -- denied that.

3 **MS. FITZPATRICK:** No, I'm not.

4 **MR. CRANE:** And so you don't have any direct
5 information as to whether that's true; that's rumour and
6 speculation on your part?

7 **THE COMMISSIONER:** Well, no, it's not
8 speculation. It's not rumour. It's she was told this by
9 someone.

10 **MR. CRANE:** Well ---

11 **THE COMMISSIONER:** Whether it's right or not
12 is a different story.

13 **MR. CRANE:** Fair enough, Mr. Commissioner.
14 I think what I'm trying to develop is a
15 pattern here, and I'm going to go through it, and I think
16 there's ---

17 **THE COMMISSIONER:** Okay. So, Ms.
18 Fitzpatrick, you were told something by Mr. Murphy.

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

20 **THE COMMISSIONER:** All right.

21 Mr. Keough testified that he wasn't paid for
22 two years salary. All right?

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

24 **THE COMMISSIONER:** Thank you.

25 Go ahead.

1 **MR. CRANE:** I've got a few more examples,
2 Ms. Antoine, and I'm going to ---

3 **THE COMMISSIONER:** No, she's not Ms.
4 Antoine.

5 **MR. CRANE:** Excuse me, Ms. Fitzpatrick.
6 Excuse me.

7 Ms. Antoine testified here for three days.

8 **MS. FITZPATRICK:** Okay.

9 **MR. CRANE:** And she gave us no information
10 with respect to a civil settlement that she may have
11 received.

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

13 **MR. CRANE:** And you received information, as
14 you told us, from Mr. Murphy that she had received a large
15 sum from the Children's Aid Society?

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

17 **MR. CRANE:** And Mr. Murphy also told you
18 that Father MacDonald was related to Milton MacDonald, or
19 so you -- is reflected in the notes of Mr. Carriere from
20 your meeting with him from last February?

21 **MS. FITZPATRICK:** Does it say that?

22 **THE COMMISSIONER:** Where does it say that?

23 **MR. CRANE:** If you want to pull it up, Madam
24 Clerk, it's Exhibit 2353, Bates page ending in 398.

25 **THE COMMISSIONER:** Okay, 398.

1 **MR. CRANE:** And it's the second bullet on
2 that page. And if you focus on the last portion of the
3 bullet, in fact the last line -- the last two lines.

4 **THE COMMISSIONER:** Okay.

5 **MR. CRANE:** And it reads, Ms. Fitzpatrick,
6 beginning with the last sentence:

7 "Gerry says she thinks that's how it
8 went initially but then says no, that
9 the third task force is set up to
10 investigate the police because Heidi
11 did not trust the police and the Crown
12 Attorney's father is Milton MacDonald
13 and he is related to the priest."

14 So that's information that Mr. Murphy is
15 relaying to you?

16 **THE COMMISSIONER:** Mr. Crane, Mr. Lee has
17 risen.

18 **MR. LEE:** There was just a little bit of an
19 error with Mr. Crane reading. The sentence reads "...and
20 is he related to the priest," not he is.

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

22 **MS. FITZPATRICK:** Right.

23 **MR. CRANE:** Mr. Lee is quite right in that.
24 It's my error.

25 And Ms. Daley took you through evidence, Ms.

1 Fitzpatrick, about you having been the informant, as far as
2 you're aware, with respect to Mr. Murphy and his
3 discussions with the Ottawa Police Service.

4 MS. FITZPATRICK: Yes.

5 MR. CRANE: And in that capacity you were
6 providing information to Mr. Murphy?

7 MS. FITZPATRICK: I just clarified two
8 pieces of information for him.

9 MR. CRANE: And he was providing you with
10 some information?

11 MS. FITZPATRICK: No, that came later, much
12 later.

13 MR. CRANE: Now, you've told us that former
14 Constable Bough gave you a number of pieces of information.

15 MS. FITZPATRICK: He did.

16 MR. CRANE: He told you that Constable
17 Sebalj was being sued for \$2 million?

18 MS. FITZPATRICK: First he told me she was
19 being disciplined. Then the next time I talked to him,
20 because I was trying to fish, like where is she, what's
21 going on, and he said "Oh," he said, "That's too bad.
22 She's being sued for \$2 million."

23 MR. CRANE: And are you aware that Constable
24 Sebalj never was sued for \$2 million?

25 MS. FITZPATRICK: But the victim, according

1 to Dave Bough, was launching a suit against her.

2 MR. CRANE: And are you aware that Constable
3 Sebalj was never disciplined with respect to her role in
4 the Silmsler investigation?

5 MS. FITZPATRICK: No, I'm not aware.

6 MR. CRANE: Now, Ms. Fitzpatrick, you've
7 told us that you testified here that Constable Sebalj
8 trusted Staff Sergeant Brunet.

9 MS. FITZPATRICK: M'hm.

10 MR. CRANE: And I want to ---

11 THE COMMISSIONER: That's what she said.

12 MR. CRANE: That's what she said, yes.

13 And, Madam Clerk, if we can again pull up --
14 or we're in 2353. Excuse me. And if we can scroll to
15 Bates page -- the fifth page of the document, which is
16 Bates page ending in 396.

17 And Mr. Lee took you to this passage that
18 I'm going to ask you to look at. It's the fifth bullet
19 from the bottom. And if you can read that to yourself, Ms.
20 Fitzpatrick.

21 MS. FITZPATRICK: Yes.

22 MR. CRANE: And I want you to try and
23 reconcile for me how what you've said under oath here
24 today, with what Mr. Carriere's notes seem to reflect in
25 your discussion with him that was not taken under oath.

1 **MS. FITZPATRICK:** "As her supervisor, she
2 trusted her boss. She thought that
3 this might compromise his position too
4 because he grew up in the same town and
5 he would have heard the same stories."

6 **MR. CRANE:** Well, Ms. Antoine, you've said
7 here under oath ---

8 **MS. FITZPATRICK:** Fitzpatrick.

9 **MR. CRANE:** Ms. Fitzpatrick. Excuse me.
10 I'm going to proceed cautiously.

11 You've told us here under oath twice ---

12 **MS. FITZPATRICK:** Yes.

13 **MR. CRANE:** --- that she was in full trust
14 of Staff Sergeant Brunet.

15 **MS. FITZPATRICK:** Correct.

16 **MR. CRANE:** And now you've said here, in the
17 same bullet, something completely different.

18 **MS. FITZPATRICK:** Well, I probably shouldn't
19 have said that she didn't trust. What it really was was
20 she didn't want to take the chance, because he sat on the
21 Board, because he was from Lancaster, because he would have
22 grown up with the Crown Attorney. He would have known the
23 family. So she didn't want to take the chance. But she
24 trusted her boss as her boss in other situations.

25 **MR. CRANE:** So it's fair to say that you'll

1 now resile from the fact that perhaps you went too far in
2 saying that she didn't trust Staff Sergeant Brunet in that
3 last bullet?

4 **MS. FITZPATRICK:** In relation to that
5 investigation because it compromised him too much.

6 **MR. CRANE:** Well, even outside of that
7 investigation you said she had full trust of Staff Sergeant
8 Brunet.

9 **MS. FITZPATRICK:** She does, yes.

10 **THE COMMISSIONER:** But for this
11 investigation, she had complete trust in him.

12 **MS. FITZPATRICK:** Yes.

13 **MR. CRANE:** Ms. Fitzpatrick, those are my
14 questions.

15 **MS. FITZPATRICK:** Thank you.

16 **THE COMMISSIONER:** Thank you very much.

17 **MR. CRANE:** I do apologize for ---

18 **MS. FITZPATRICK:** For calling me

19 Ms. Antoine?

20 **MR. CRANE:** I do.

21 **MS. FITZPATRICK:** Thank you.

22 **THE COMMISSIONER:** All right.

23 **MR. CARROLL:** Good afternoon. I think I'm
24 next.

25 **THE COMMISSIONER:** So Mr. Donihee, you have

1 no questions?

2 MR. DONIHEE: No thank you, sir.

3 THE COMMISSIONER: Okay, thank you.

4 MR. CARROLL: Thank you.

5 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

6 MR. CARROLL:

7 MR. CARROLL: Good afternoon. My name is
8 Carroll and I'm the lawyer for the Ontario Provincial
9 Police Association.

10 MS. FITZPATRICK: Nice to meet you.

11 MR. CARROLL: I have very few questions for
12 you.

13 MS. FITZPATRICK: Okay.

14 MR. CARROLL: Just to set the questions,
15 Madam Clerk, if you could have Exhibit 2353 available,
16 please, and specifically Bates page 412.

17 Nineteen eighty-six (1986) is your start
18 date with the Agency?

19 MS. FITZPATRICK: Correct.

20 MR. CARROLL: And you had lived in the
21 community for a while before that?

22 MS. FITZPATRICK: Yes.

23 MR. CARROLL: All right.

24 And I wanted to ask you just a very few
25 questions about information on Bates page 412, and I think

1 that's probably up on your screen now.

2 MS. FITZPATRICK: Yes.

3 MR. CARROLL: And I'm going to direct you to
4 the middle paragraph. See the one that starts "Gerri
5 says"? Do you see that paragraph?

6 MS. FITZPATRICK: I do.

7 MR. CARROLL: Okay, could you just read that
8 quietly to yourself and then I'll have some -- a few
9 questions for you.

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. CARROLL: You've read it now?

12 MS. FITZPATRICK: I have.

13 MR. CARROLL: Okay.

14 And following up on the Commissioner's
15 observation that there is a difference between rumour and
16 hearsay or what somebody tells you, I would like to ask you
17 -- you say in the middle of that paragraph in relation to
18 the early investigation of Milton MacDonald
19 ---

20 MS. FITZPATRICK: Yes.

21 MR. CARROLL: --- that Terry Seguin and
22 Randy Miller's father were the investigator of those
23 incidents.

24 MS. FITZPATRICK: That's what I was told.

25 MR. CARROLL: What is your source or who is

1 your source for that information?

2 **MS. FITZPATRICK:** That would have been
3 Patricia Garrahan, C-80, which would have been the mother
4 of one of the victims.

5 **MR. CARROLL:** And you -- the last name --
6 I'm sorry -- wait a minute, maybe best not use the last
7 name.

8 **MS. FITZPATRICK:** Oh, I'm sorry.

9 **THE COMMISSIONER:** So ---

10 **MR. CARROLL:** And when were you told this;
11 that these were the two investigators?

12 **THE COMMISSIONER:** Excuse me. For the
13 record we're going to have to do something.

14 There's a moniker?

15 **MR. CARROLL:** I don't know that there is.

16 **THE COMMISSIONER:** I don't think we've
17 updated our list.

18 **MR. ENGELMANN:** Mr. Commissioner, you'll
19 recall these would have come up during the evidence of Bill
20 Carriere and we still haven't gone in camera on that. So
21 there isn't, but we should stay away from that name.

22 **MR. CARROLL:** I certainly will.

23 **THE COMMISSIONER:** I know, but to correct
24 the record now because the reporter is going to have to put
25 something there. So let's give -- okay, black it out.

1 **MR. ENGELMANN:** It would be C-80 but ---

2 **THE COMMISSIONER:** Pardon me?

3 **MR. ENGELMANN:** It would be C-80.

4 **THE COMMISSIONER:** Is that right? So we'll
5 make that C-80 and we'll confirm it.

6 **MR. CARROLL:** And when did you receive this
7 information, Ma'am?

8 **MS. FITZPATRICK:** Actually ---

9 **MR. CARROLL:** What year?

10 **MS. FITZPATRICK:** Oh, the year that I heard
11 this information would have been 1987.

12 **MR. CARROLL:** So after you'd started at the
13 Agency?

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

15 **MR. CARROLL:** I suggest to you, Ma'am, that
16 we're going to hear evidence that officers by the name of
17 Don Prowse -- does that name mean anything to you?

18 **MS. FITZPATRICK:** I know the name.

19 **MR. CARROLL:** And Maurice Villeneuve; do you
20 know that name?

21 **MS. FITZPATRICK:** No.

22 **MR. CARROLL:** That indeed they were the
23 officers involved in the Milton MacDonald investigation,
24 and not ---

25 **MS. FITZPATRICK:** Terry or Randy.

1 **MR. CARROLL:** That's right, or Randy's
2 father. Would that surprise you?

3 **MS. FITZPATRICK:** Yes. It's what the town
4 said.

5 **MR. CARROLL:** So it was rumour within the
6 town that those were the officers involved?

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

8 **MR. CARROLL:** All right.

9 The only matter I wanted to raise with you
10 is there is a reference in that paragraph as well to Chris
11 MacDonnell.

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

13 **MR. CARROLL:** My information is, Ma'am, that
14 you had never done an investigation where Chris MacDonnell
15 was involved directly.

16 **MS. FITZPATRICK:** Well, that's incorrect and
17 I will correct you on that.

18 **MR. CARROLL:** Please do.

19 **MS. FITZPATRICK:** Years ago, it was Jean
20 Dupuis' case. It was a little ---

21 **MR. CARROLL:** Excuse me, just what year?
22 I'm just wanting to keep this ---

23 **MS. FITZPATRICK:** Oh, I'm thinking that it
24 was '86-'87. I was still a new worker.

25 **MR. CARROLL:** Were you beyond your

1 probationary period?

2 **MS. FITZPATRICK:** No, no, I was still under
3 probation.

4 **MR. CARROLL:** On your probationary period,
5 all right.

6 **MS. FITZPATRICK:** And I was with Jean Dupuis
7 and ---

8 **MR. CARROLL:** And he is who?

9 **MS. FITZPATRICK:** A case worker, but he's
10 now in Ottawa as a case worker.

11 **MR. CARROLL:** He's still with the Agency?

12 **MS. FITZPATRICK:** Oh, yeah. At that time,
13 yes, and now he's with the Ottawa CAS.

14 **MR. CARROLL:** Jean Dupuis?

15 **MS. FITZPATRICK:** Yes.

16 **MR. CARROLL:** All right.

17 **MS. FITZPATRICK:** Now, what happened in that
18 case was it was a mother who brought her child in.

19 **THE COMMISSIONER:** No, no. No, no. Just a
20 second.

21 **MS. FITZPATRICK:** Okay, well, we did work
22 the case and Chris MacDonnell was the investigating police
23 officer who had to go to the home with us and find the
24 knife between the bed sheets. I'm sorry he doesn't
25 remember that.

1 **THE COMMISSIONER:** No, no. Okay, okay, just
2 a second.

3 **MS. FITZPATRICK:** Okay.

4 **THE COMMISSIONER:** Just a second.

5 It says Chris -- you had the opinion that
6 Chris MacDonnell never understood a sexual abuse case.
7 What he wants to know is what basis do you have to make
8 that comment?

9 **MS. FITZPATRICK:** Because he didn't believe
10 the little girl.

11 **THE COMMISSIONER:** All right.

12 **MR. CARROLL:** So on the basis of -- and
13 you're on the job how long at this point?

14 **MS. FITZPATRICK:** Wait a minute, let me
15 finish.

16 **MR. CARROLL:** I'd asked you a direct
17 question.

18 **MS. FITZPATRICK:** Okay. I ---

19 **MR. CARROLL:** How long were you on the job -
20 --

21 **MS. FITZPATRICK:** We'd have to pull the
22 file.

23 **MR. CARROLL:** --- as a CAS worker when this
24 ---

25 **MS. FITZPATRICK:** We would have to pull the

1 file so I would know.

2 MR. CARROLL: All we know for sure is it was
3 within that probationary six-month period ---

4 MS. FITZPATRICK: Yes.

5 MR. CARROLL: --- when you'd just started.

6 MS. FITZPATRICK: Yes.

7 MR. CARROLL: And it was your opinion that -
8 - I presume that the person relating the information was
9 telling the truth, and you're telling us MacDonnell didn't
10 share that opinion.

11 MS. FITZPATRICK: He did not believe it
12 until we went to the house, and when the little girl lifted
13 up her mattress and he saw the knife between her sheets
14 that she was going to use against her attacker, then he
15 believed her. Up until then he did not believe her.

16 MR. CARROLL: Okay. So what you're telling
17 us is that he discovered corroborative evidence; evidence
18 that supported the position that the young girl had related
19 to him?

20 MS. FITZPATRICK: But that's not the way it
21 started out.

22 MR. CARROLL: Is that ---

23 THE COMMISSIONER: Okay, okay. No, no, no,
24 no. Let's just cut this off here.

25 MS. FITZPATRICK: Yes.

1 **THE COMMISSIONER:** The bottom line is you're
2 saying your opinion, as put into this note here,

3 ---

4 **MS. FITZPATRICK:** Yes.

5 **THE COMMISSIONER:** --- was based on one case

6 ---

7 **MS. FITZPATRICK:** Yes.

8 **THE COMMISSIONER:** --- and one case only?

9 **MS. FITZPATRICK:** That's right, and ---

10 **THE COMMISSIONER:** Thank you.

11 **MR. CARROLL:** One case where, if I may just
12 follow up on that, once the corroborative evidence was
13 found MacDonnell accepted the version of events given by
14 the girl; correct?

15 **MS. FITZPATRICK:** But up until then ---

16 **THE COMMISSIONER:** No, no. Okay, no, no.

17 **MR. CARROLL:** Am I correct in that
18 statement?

19 **THE COMMISSIONER:** Yes, yes.

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

21 **THE COMMISSIONER:** Yes, thank you.

22 **MR. CARROLL:** Thank you very much.

23 **THE COMMISSIONER:** All right.

24 The next person. Who is next? Mr.
25 Chisholm?

1 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

2 **MR. CHISHOLM:**

3 **MR. CHISHOLM:** Good afternoon,
4 Ms. Fitzpatrick. My name is Peter Chisholm. I'm counsel
5 for the CAS.

6 **MS. FITZPATRICK:** Nice to meet you.

7 **MR. CHISHOLM:** Nice to meet you.

8 You spoke earlier this week and earlier
9 today about you overhearing a conversation, I believe
10 between Greg Bell and Bill Carriere, where Greg Bell was
11 asking aloud whether he should be referring to the project
12 as Project Truth versus Project Blue. Do you recall that?

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

14 **MR. CHISHOLM:** And where was that
15 conversation taking place? Whose office was it?

16 **MS. FITZPATRICK:** It was in Greg's office.
17 Bill was standing at his door and I was leaving. My office
18 was right near Greg's.

19 **MR. CHISHOLM:** So you were in motion?

20 **MS. FITZPATRICK:** Yes, I was in motion and I
21 heard that.

22 **MR. CHISHOLM:** Okay, and did you hear
23 anything else in terms of that conversation?

24 **MS. FITZPATRICK:** No.

25 **MR. CHISHOLM:** And how was it that you were

1 able to attribute that conversation back to ---

2 **MS. FITZPATRICK:** I just wondered what the
3 joke was. Project Blue -- that's police. I didn't know
4 what the joke -- I thought he was making a little joke.

5 **MR. CHISHOLM:** But did you come to
6 understand later that it was attached to a particular
7 investigation within the CAS?

8 **MS. FITZPATRICK:** Not for a long time, no.

9 **MR. CHISHOLM:** And you said Project Blue was
10 attached to the police.

11 How do you come to that conclusion?

12 **MS. FITZPATRICK:** Well, blue police
13 officers, blue uniforms.

14 **MR. CHISHOLM:** Is that the only reason?

15 **MS. FITZPATRICK:** Yeah.

16 **MR. CHISHOLM:** So at that time do I take it
17 you were not able to determine what it was Greg Bell was
18 speaking about?

19 **MS. FITZPATRICK:** No, it was just one of his
20 little jokes; that's all.

21 **THE COMMISSIONER:** Does it really matter?

22 **MR. CHISHOLM:** Ms. Fitzpatrick, you told us
23 about the initial meeting that you had with Constable
24 Sebalj and that was in the fall of 1993. Is that fair to
25 say?

1 **MS. FITZPATRICK:** That's fair, yes.

2 **MR. CHISHOLM:** And your understanding is
3 that Greg Bell had been in the office the same day -- in
4 the Cornwall Police Service Headquarters the same day that
5 you were. Is that right?

6 **MS. FITZPATRICK:** I arrived after, yes.

7 **MR. CHISHOLM:** But you understand it to be
8 the same day that Greg Bell ---

9 **MS. FITZPATRICK:** That's what she told me.
10 Well, she said "Greg was just here." That's what she said.

11 **MR. CHISHOLM:** And if it comes out through
12 Mr. Bell's evidence that he was in attendance on October
13 the 21st of 1993, does that ---

14 **MS. FITZPATRICK:** That may be the day that I
15 went in.

16 **MR. CHISHOLM:** --- that that would fit with
17 your understanding of the situation?

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

19 **MR. CHISHOLM:** And in terms of your
20 evidence, you indicated that you were told by Constable
21 Sebalj that Mr. Bell was not permitted to photocopy the
22 Cornwall Police Service file but he was permitted to
23 photograph it. Do I understand your evidence correctly?

24 **MS. FITZPATRICK:** That isn't how she said
25 it. She just said "Greg was in here and he was taking

1 pictures of my file."

2 MR. CHISHOLM: So you understand her to say
3 -- you understood her to say Mr. Bell took pictures.

4 MS. FITZPATRICK: Yes.

5 MR. CHISHOLM: Did you ever see any evidence
6 of Greg Bell having taken pictures of a file back at the
7 CAS?

8 MS. FITZPATRICK: No.

9 MR. CHISHOLM: And do I understand your
10 evidence correctly that at that meeting that you attended
11 with Constable Sebalj she told you that an unnamed
12 complainant came to the CAS before coming to the Cornwall
13 Police Service ---

14 MS. FITZPATRICK: Yes.

15 MR. CHISHOLM: --- to complain about abuse
16 by an unnamed priest?

17 MS. FITZPATRICK: Correct.

18 MR. CHISHOLM: Did you ever come to an
19 understanding of who the unnamed complainant was?

20 MS. FITZPATRICK: She just said the victim
21 who was abused by the priest.

22 MR. CHISHOLM: But did you ever come to an
23 understanding of who that person was that she was referring
24 to?

25 MS. FITZPATRICK: Not until it's been in the

1 paper and everything, no.

2 MR. CHISHOLM: And who do you understand
3 that person to be today?

4 MS. FITZPATRICK: David Silmser.

5 MR. CHISHOLM: And with respect to the
6 unnamed priest do you have an understanding of who that
7 person is today?

8 MS. FITZPATRICK: Well, it would be Charles
9 MacDonald.

10 MR. CHISHOLM: And it was at that meeting
11 that Constable Sebalj told you that Mr. Silmser had been to
12 the CAS prior to coming to the police service and an intake
13 worker at the CAS had said this does not fit within the CAS
14 mandate. Is that right?

15 MS. FITZPATRICK: That's what she said.

16 MR. CHISHOLM: And at that meeting, were you
17 advised of the identity of the intake worker alleged to
18 have said this to Mr. Silmser?

19 MS. FITZPATRICK: Yes.

20 MR. CHISHOLM: And who were you told it was?

21 MS. FITZPATRICK: I was told it was Carole
22 Leblanc.

23 MR. CHISHOLM: So you knew that in the fall
24 of 1993?

25 MS. FITZPATRICK: Pardon?

1 **MR. CHISHOLM:** You knew that in the fall of
2 1993.

3 **MS. FITZPATRICK:** Nineteen ninety three
4 (1993), yeah.

5 **MR. CHISHOLM:** And if I understand your
6 evidence correctly, Constable Sebalj specifically told you
7 that she did not report the matter to the CAS because Mr.
8 Silmser had already been to the CAS?

9 **MS. FITZPATRICK:** How she put it was it
10 didn't make sense to her the procedure CAS did because she
11 said he already went there; told them a story; they sent
12 him here. Now, I'm investigating the case. Basically, the
13 case is being shutdown and then all of a sudden Greg Bell
14 is in there scrutinizing her work.

15 **MR. CHISHOLM:** But did the issue of whether
16 she should be going to the CAS ever come up in that
17 conversation with you on that day?

18 **MS. FITZPATRICK:** No.

19 **MR. CHISHOLM:** No.

20 And are you aware that Mr. Silmser testified
21 at this Inquiry?

22 **MS. FITZPATRICK:** I haven't read it.

23 **MR. CHISHOLM:** But have you been told by
24 anyone?

25 **THE COMMISSIONER:** Do you know he has been

1 here?

2 **MS. FITZPATRICK:** No.

3 **MR. CHISHOLM:** So you don't know that.

4 **THE COMMISSIONER:** Well, he has.

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

6 **MR. CHISHOLM:** And he testified that he had
7 not initiated contact with the CAS prior to the time that
8 he was contacted by the CAS, Greg Bell and Pina DeBellis,
9 with respect to his November 1993 interview.

10 **MS. FITZPATRICK:** Well, Carole Leblanc told
11 me herself that she met him and interviewed him. She told
12 me that herself.

13 **MR. CHISHOLM:** Does Mr. Silmsers evidence
14 surprise you? What I've just told you about Mr. Silmsers
15 evidence, what do you say with respect to that? Is that a
16 surprise to you?

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

18 **MR. CHISHOLM:** Now, in 1993 -- in the fall
19 of '93 you learn that Carole Leblanc had sent Mr. Silmsers
20 away from the CAS to the Cornwall Police Service and you
21 indicated that -- I believe it was your evidence earlier
22 this week -- that that surprised you?

23 **MS. FITZPATRICK:** Yes.

24 **MR. CHISHOLM:** And it surprised you because
25 you would have thought that such a case would fit within

1 the CAS mandate. Is that fair to say?

2 **MS. FITZPATRICK:** Well, you know what? Last
3 night I remembered something. As a new worker, I did have
4 a case and it was Bob Trottier from the police department
5 and the little children reported a man exposing himself at
6 large. And so, yes, that was reported to Children's Aid
7 and I went out and did the investigation with him.

8 **MR. CHISHOLM:** So you had -- in your
9 experience that was a case that should be reported to the -
10 --

11 **MS. FITZPATRICK:** Yes.

12 **MR. CHISHOLM:** --- CAS by the police?

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

14 **MR. CHISHOLM:** And am I correct that once
15 you left the Cornwall Police Service Headquarters, you did
16 not ever ask Ms. Leblanc why it was she took that position.
17 Is that fair to say?

18 **MS. FITZPATRICK:** I was told not to talk
19 about so I didn't talk about it.

20 **MR. CHISHOLM:** So you never confronted Ms.
21 Leblanc and asked her why it was she took that position?

22 **MS. FITZPATRICK:** Interestingly enough, it
23 was about a year ago and I don't even know how the
24 conversation was brought up but she told me.

25 **MR. CHISHOLM:** Well, where were you about a

1 year ago when you had that conversation?

2 MS. FITZPATRICK: At work.

3 MR. CHISHOLM: So you were at work on
4 Boundary Road?

5 MS. FITZPATRICK: Yeah.

6 MR. CHISHOLM: And whereabouts in the
7 building were you?

8 MS. FITZPATRICK: Oh, that's a good
9 question. I don't remember exactly. It's a big building.
10 I don't know where we were in the building. She just said,
11 "Oh, yeah, I know him. I'm the one who interviewed him".

12 MR. CHISHOLM: Well, let's see. Let's break
13 it down a little.

14 You don't know where you were in the
15 building. Was anyone else present other than you and Ms.
16 Leblanc?

17 MS. FITZPATRICK: There's lots of people in
18 the building.

19 MR. CHISHOLM: Well ---

20 MS. FITZPATRICK: It was just said -- people
21 would have been walking by. I don't know who heard it.

22 MR. CHISHOLM: So in proximity to the
23 conversation you're not sure if anyone else heard it?

24 MS. FITZPATRICK: Could we look up the brief
25 service?

1 **MR. CHISHOLM:** Could we look up a brief?

2 **MS. FITZPATRICK:** The brief service?

3 **MR. CHISHOLM:** Well, let's just -- let me
4 ask my question.

5 **THE COMMISSIONER:** Well, what's a brief
6 service?

7 **MS. FITZPATRICK:** Well, when a person comes
8 in to make a report.

9 **THE COMMISSIONER:** Right.

10 **MS. FITZPATRICK:** And we're not going to
11 action the file, we write up a brief service report and
12 they are filed somewhere. So if Mr. Silmsler really came in
13 and if he really met with Carole Leblanc, she would have
14 written up a brief service report.

15 **THE COMMISSIONER:** If she did.

16 **MS. FITZPATRICK:** If she did -- well, they
17 are supposed to.

18 **THE COMMISSIONER:** They're supposed to.

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

20 **MR. CHISHOLM:** So this conversation, you're
21 not sure where you were in the building; you're not sure if
22 anyone else would have been in a position over here. Is
23 that right?

24 **MS. FITZPATRICK:** There were lots of people
25 in the building. It's quite open concept.

1 **MR. CHISHOLM:** Can you give me an answer one
2 way or the other whether or not people --

3 **MS. FITZPATRICK:** All I said to her was "I
4 know."

5 **MR. CHISHOLM:** Okay.

6 **THE COMMISSIONER:** Wait a minute. Wait a
7 minute.

8 You're cross-examining this lady. Do you
9 have evidence? Are you going to put it to her that Ms.
10 Leblanc is denying it?

11 **MR. CHISHOLM:** I will be.

12 **THE COMMISSIONER:** Okay.

13 **MR. CHISHOLM:** In terms of ---

14 **MS. FITZPATRICK:** Quite interesting.

15 **MR. CHISHOLM:** In terms of who it was -- you
16 can't tell us if anyone else was present. Is that right?

17 **MS. FITZPATRICK:** No, I can't tell you who
18 was present; no.

19 **MR. CHISHOLM:** You can't tell us where in
20 the building it took place. Can you tell me how it was
21 that the conversation came about?

22 **MS. FITZPATRICK:** No. I mean I really don't
23 know how the conversation came about because I've never
24 brought it up. So I don't know how it came up.

25 **MR. CHISHOLM:** Would it have been at the

1 prompting of you? Did you make any inquiry?

2 **MS. FITZPATRICK:** No. You know what? I
3 haven't asked anybody at work anything about this.

4 **MR. CHISHOLM:** So it would be if you did not
5 ask the question; it's your position that this would be
6 something that Carole Leblanc uttered to you of her own
7 volition?

8 **MS. FITZPATRICK:** Yes, she brought it up. I
9 don't know if there was something in the newspaper that
10 sparked it or whatever but she said to me, "I'm the one who
11 interviewed him" and I said, "Yes, I know" and that was the
12 end of the conversation.

13 **MR. CHISHOLM:** You didn't go any further --
14 once Ms. Leblanc said that to you, you didn't go any
15 further and say why didn't you -- why did you take that
16 position when Mr. Silmser came to the CAS and said it was
17 not within the CAS mandate? You didn't make any further
18 inquiries at that point; that's your evidence?

19 **MS. FITZPATRICK:** No, I didn't make any
20 inquiries, no.

21 **MR. CHISHOLM:** In terms of the length of the
22 conversation.

23 Can you tell us how long it lasted?

24 **MS. FITZPATRICK:** Maybe a minute and a half.

25 **MR. CHISHOLM:** So Ms. Leblanc said, "I know

1 that person; I'm the one who interviewed him".

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

3 **MR. CHISHOLM:** Did she say anything else to
4 you?

5 **MS. FITZPATRICK:** No.

6 **MR. CHISHOLM:** And the only thing you said
7 in response to Ms. Leblanc was "I know".

8 **MS. FITZPATRICK:** Right.

9 **MR. CHISHOLM:** Nothing else?

10 **MS. FITZPATRICK:** Nothing else.

11 **MR. CHISHOLM:** Do you know when it was when
12 Ms. Leblanc started her employment with the CAS?

13 **MS. FITZPATRICK:** She came after me but I
14 don't know the year now.

15 **MR. CHISHOLM:** If I suggested January the 3rd
16 of 1990 would that fit within your recollection?

17 **MS. FITZPATRICK:** Sure. M'hm.

18 **MR. CHISHOLM:** And if that is the case and
19 she started her employment in January the 3rd of 1990, would
20 you agree with me that it would not be possible for David
21 Silmsler to come to the CAS prior to that date and make such
22 a complaint to Ms. Leblanc?

23 **MS. FITZPATRICK:** What date do you say?

24 **THE COMMISSIONER:** Nineteen-ninety (1990)?

25 **MR. CHISHOLM:** Nineteen-ninety (1990).

1 **THE COMMISSIONER:** Yeah, well, presumably he
2 went in 1993.

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

4 **MR. CHISHOLM:** I'm ---

5 **MS. FITZPATRICK:** Yes.

6 **THE COMMISSIONER:** Oh, okay. Okay. You're
7 saying it couldn't have been before 1990 obviously because
8 she wasn't there? Okay.

9 **MR. CHISHOLM:** Right. And I'm not sure that
10 I have a date -- I'm not sure that I've heard a date as to
11 when it was that Mr. Silmsler attended at the CAS.

12 Would you agree with me if the date of Ms.
13 Leblanc's commencement of employment is January of 1990 --
14 it could not have been before that?

15 **MS. FITZPATRICK:** I can't agree. I don't
16 know the date.

17 **MR. CHISHOLM:** Well, if ---

18 **MS. FITZPATRICK:** You might have it or the
19 employer would have it, but I don't have the date she came.

20 **MR. CHISHOLM:** But if you accept for a
21 moment that that is the date, would you agree with me that
22 Ms. Silmsler would not have been speaking to Carole Leblanc
23 prior to the commencement of her employment?

24 **MS. FITZPATRICK:** No, she wouldn't be
25 speaking to him prior to her employment, no.

1 **MR. CHISHOLM:** How do you get along with Ms.
2 Leblanc?

3 **MS. FITZPATRICK:** That's between me and her.

4 **MR. CHISHOLM:** Well, it's ---

5 **MS. FITZPATRICK:** Oh, okay. You want an
6 answer. We have our differences. M'hm.

7 **MR. CHISHOLM:** And why do you have
8 differences?

9 **MS. FITZPATRICK:** Do you really want to
10 know? Should I tell the Commission?

11 **MR. CHISHOLM:** Please?

12 **MS. FITZPATRICK:** Okay. She called me up
13 one night drunk and sent me out on a case when I wasn't
14 even supposed to be going on the case. And I was out in a
15 snow storm and the police pulled me off the road and they
16 told me to get off the road. It was too dangerous.

17 So then I'm driving back home and I had to
18 call her up to tell her I couldn't go on the case. And
19 then she was quite put out. And then I spent the weekend
20 thinking I was going to be disciplined because I could not
21 follow through with this order when I wasn't even on the
22 list to be sent out on a case.

23 So anyway, I didn't know until afterwards
24 that she had been drinking on the job. I spoke to the
25 director about it and I also told Jennifer Ray I was going

1 to write a letter to the board of directors about it.

2 MR. CHISHOLM: And you did that, did you?

3 MS. FITZPATRICK: No, I did not because ---

4 MR. CHISHOLM: You did not.

5 MS. FITZPATRICK: --- everybody makes
6 mistakes and I believe internally they dealt with it.

7 MR. CHISHOLM: You've spoken of discipline.
8 You've been disciplined by Ms. Leblanc before, haven't you?

9 MS. FITZPATRICK: I was -- you want --
10 here's a really good one.

11 THE COMMISSIONER: No, no, no. No, no.

12 MS. FITZPATRICK: Okay.

13 THE COMMISSIONER: Were you disciplined by
14 her before?

15 MS. FITZPATRICK: I was disciplined. My
16 husband died. The doctor ---

17 THE COMMISSIONER: No, no. No, no.

18 MS. FITZPATRICK: Oh, it's huge.

19 THE COMMISSIONER: Just a second, please.

20 MS. FITZPATRICK: Okay.

21 THE COMMISSIONER: You have a lawyer, right?

22 MS. FITZPATRICK: Yes, okay. Can you ---

23 THE COMMISSIONER: No, no, no.

24 MS. FITZPATRICK: Okay.

25 THE COMMISSIONER: No, you're not -- no, no,

1 no.

2 MS. FITZPATRICK: Okay.

3 THE COMMISSIONER: The question is ---

4 MS. FITZPATRICK: Yes?

5 THE COMMISSIONER: --- were you ever
6 disciplined by Mrs. Leblanc?

7 MS. FITZPATRICK: I was.

8 THE COMMISSIONER: Thank you.

9 MR. CHISHOLM: That was while she was your
10 employer -- your supervisor; is that right?

11 MS. FITZPATRICK: That's correct.

12 MR. CHISHOLM: And she was your supervisor
13 for approximately three years. Is that right?

14 MS. FITZPATRICK: I would say so.

15 MR. CHISHOLM: And would it be fair to say
16 that you were transferred from Ms. Leblanc's team in
17 November of '90 -- of 2005 -- and that would have been the
18 last time she supervised you?

19 MS. FITZPATRICK: That's correct.

20 MR. CHISHOLM: And you received -- when you
21 were disciplined, you received a -- I'll call it a
22 punishment. Is that fair to say?

23 MS. FITZPATRICK: It's fair to say ---

24 THE COMMISSIONER: No, that's all.

25 MS. FITZPATRICK: Okay.

1 **THE COMMISSIONER:** It's punishment.

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

3 **MR. CHISHOLM:** You weren't happy about it.

4 Is that fair to say?

5 **MS. FITZPATRICK:** Am I to say -- okay ---

6 **THE COMMISSIONER:** Were you happy with the
7 decision?

8 **MS. FITZPATRICK:** I went and I told the
9 whole agency, yes.

10 **THE COMMISSIONER:** That you were happy with
11 the decision?

12 **MS. FITZPATRICK:** That it was a crock.

13 **THE COMMISSIONER:** Okay. So you weren't
14 happy with the decision?

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

16 **THE COMMISSIONER:** That's all you have to
17 tell.

18 **MS. FITZPATRICK:** Okay.

19 **THE COMMISSIONER:** Okay.

20 **MS. FITZPATRICK:** Could I say that I had ---

21 **THE COMMISSIONER:** No, no, no. You see --
22 just a second. I understand that in your mind ---

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

24 **THE COMMISSIONER:** --- there are a lot of
25 things ---

1 MS. FITZPATRICK: Yes.

2 THE COMMISSIONER: --- that go, but if we do
3 that ---

4 MS. FITZPATRICK: Okay.

5 THE COMMISSIONER: --- like I don't want to
6 investigate the Children's Aid Society ---

7 MS. FITZPATRICK: No.

8 THE COMMISSIONER: --- about whether
9 somebody's drinking or not drinking or ---

10 MS. FITZPATRICK: Yes, exactly. Right.

11 THE COMMISSIONER: --- anything like that.
12 So I don't need to hear that.

13 MS. FITZPATRICK: Okay. No, and ---

14 THE COMMISSIONER: Okay. So just answer the
15 questions. Your lawyer's there ---

16 MS. FITZPATRICK: Then excuse me. Could we
17 take a break so I can speak to my lawyer?

18 THE COMMISSIONER: No, no, no, no.

19 MS. FITZPATRICK: Okay.

20 THE COMMISSIONER: Let's go.

21 MR. CHISHOLM: I'm going to suggest to you,
22 Ms. Fitzpatrick, that if asked Ms. Leblanc would testify
23 that she never had any discussions with you with respect to
24 David Silmser coming to the CAS before going to the
25 Cornwall Community Police Service. What would you say with

1 respect to that suggestion?

2 MS. FITZPATRICK: Well, this is what Heidi
3 told me. And this is what Carole told me later.

4 MR. CHISHOLM: So you would disagree with
5 it?

6 MS. FITZPATRICK: Yes, I do.

7 MR. CHISHOLM: I'm going to suggest to you
8 that, if asked, Ms. Leblanc would testify that to the best
9 of her recollection, she's never met David Silmser or taken
10 any information from him. What would you say with respect
11 to that suggestion?

12 MS. FITZPATRICK: That's what she says.

13 THE COMMISSIONER: So you would disagree
14 with that?

15 MS. FITZPATRICK: Yes. That's what --
16 that's different than what she told me.

17 MR. CHISHOLM: You testified that once
18 Constable Sebalj had learned about a settlement involving
19 the Diocese, she told Constable Dunlop about the case as
20 well as one other officer. Do I understand your evidence
21 correctly?

22 MS. FITZPATRICK: Correct.

23 MR. CHISHOLM: Did Constable Sebalj tell you
24 the name of that officer?

25 MS. FITZPATRICK: No.

1 **MR. CHISHOLM:** During that initial meeting
2 that you had with Constable Sebalj, am I correct to
3 understand that Constable Sebalj raised concerns with
4 respect to Jeannette Antoine's mental health issues?

5 **MS. FITZPATRICK:** When she first met me, she
6 said, "I don't know if this lady has mental health issues
7 or if there's some validity of what she was telling me".

8 **MR. CHISHOLM:** So that would be, yes, she
9 raised that as an issue?

10 **MS. FITZPATRICK:** A question.

11 **MR. CHISHOLM:** A question.

12 You told us earlier this week that Constable
13 Sebalj told you that people that you had worked with had
14 made huge errors. Do you recall that?

15 **MS. FITZPATRICK:** That Constable Sebalj
16 said?

17 **MR. CHISHOLM:** That people that you had
18 worked with had made huge errors?

19 **MS. FITZPATRICK:** Where does it say that?

20 **MR. CHISHOLM:** Volume 282, page 31 of the
21 transcript is where it's at.

22 **THE COMMISSIONER:** No, no. You don't have
23 that. Let's get the transcript.

24 So the transcript is a copy of what you
25 said.

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

2 **THE COMMISSIONER:** What page?

3 **MR. CHISHOLM:** Thirty-one (31).

4 **THE COMMISSIONER:** Thirty-one (31).

5 **MR. CHISHOLM:** Lines 11 and 12, I think,
6 would get us to where I'm trying to go.

7 **MR. ENGELMANN:** I think you might just want
8 to start on page 30 of the discussion.

9 **THE COMMISSIONER:** Thank you.

10 So what was your question again?

11 **MR. CHISHOLM:** I was asking the witness
12 whether -- if I'm correct in understanding that Constable
13 Sebalj had told Ms. Fitzpatrick that the people she had
14 worked with had made huge errors.

15 **THE COMMISSIONER:** All right.

16 **MR. CHISHOLM:** And if you look at page 31,
17 lines, 9, 10, 11, 12, it's where I take that from. Is this
18 correct? I mean:

19 "All of sudden you're telling me that
20 people that I've worked with for seven
21 years are not up to par or, you know,
22 have made some huge errors."

23 **MS. FITZPATRICK:** Okay. What I'm doing is
24 I'm relaying back to her. I'm saying, "You mean to tell me
25 the people that I've worked with for seven years in blind

1 faith -- you're trying to tell me that this is what's going
2 on?" That's my question because I couldn't believe it.

3 **MR. CHISHOLM:** And how was it? How did
4 Constable Sebalj answer that question? Did she say -- did
5 she say "Yes" or did she say "No" or something else?

6 **MS. FITZPATRICK:** No, she said this is what
7 happened.

8 **MR. CHISHOLM:** So she's saying that they did
9 make huge errors. Is that what she told you?

10 **MS. FITZPATRICK:** Where does it say "huge
11 errors?"

12 **THE COMMISSIONER:** It's your words I think.

13 **MS. FITZPATRICK:** Yes.

14 **MR. CHISHOLM:** Line 12.

15 **MS. FITZPATRICK:** Yes, when I'm repeating
16 back like have they made these views to me, they would be
17 errors. They couldn't be doing anything corrupt. So if
18 something went wrong it had to have been an error, not
19 corruptness. That's what I mean.

20 **MR. CHISHOLM:** So is that what Constable
21 Sebalj, to the point Constable Sebalj is relaying to you?

22 **MS. FITZPATRICK:** No, I'm relaying this back
23 to the Commissioner like there had to have been errors
24 here. I'm saying that to Heidi.

25 **MR. CHISHOLM:** Okay. So Constable Sebalj

1 did not say that to you?

2 **MS. FITZPATRICK:** I'm saying to her, "You're
3 telling me the people I've worked with for seven years are
4 corrupt and doing things like this" and basically I didn't
5 believe it. And I said if it happened it had to have been
6 some errors. That's what I'm saying.

7 **MR. CHISHOLM:** So you said that. And did
8 Constable Sebalj say anything once you said that?

9 **MS. FITZPATRICK:** Well, she just said,
10 "Believe it. This is what it is." And she reiterated
11 herself.

12 **MR. CHISHOLM:** So she didn't say it was --
13 she said it was something other than huge errors.

14 **THE COMMISSIONER:** The huge errors was this
15 witness' word to Ms. Heidi Sebalj.

16 **MS. FITZPATRICK:** My word.

17 **MR. CHISHOLM:** And did Constable Sebalj
18 agree with you when you used those words?

19 **MS. FITZPATRICK:** Her words were
20 "collusion".

21 **MR. CHISHOLM:** Okay. So that's a no?

22 **MS. FITZPATRICK:** No.

23 **MR. CHISHOLM:** When Mr. Neville cross-
24 examined you earlier this week, you said that Greg Bell
25 told you that he would write his case notes so that people

1 could not understand them.

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

3 **MR. CHISHOLM:** Do you recall giving that
4 evidence?

5 **MS. FITZPATRICK:** He told several workers
6 that.

7 **MR. CHISHOLM:** So you recall giving that
8 evidence?

9 **MS. FITZPATRICK:** I do.

10 **MR. CHISHOLM:** And when did you have that
11 conversation with Mr. Bell? When did Mr. Bell tell you
12 that?

13 **MS. FITZPATRICK:** That was sort of a joke in
14 the agency. He told me that. Nancy Dunning was his
15 secretary; she couldn't transcribe his work. They tried to
16 pass his work. People couldn't read his case notes. And
17 he said he did that on purpose so that he would be the only
18 one to be able to read his notes on the stand.

19 **MR. CHISHOLM:** You're speaking of
20 penmanship? Is that what you understand?

21 **MS. FITZPATRICK:** Yes, yes. The penmanship;
22 you can't read it.

23 **MR. CHISHOLM:** And are you suggesting that
24 Mr. Bell told you that he deliberately changed his
25 penmanship when he was writing case notes versus how his

1 penmanship would be when he was writing other documents?

2 **MS. FITZPATRICK:** No, he didn't say that.

3 He just said, "I write my notes and that way only I'm able
4 to testify to my notes".

5 **THE COMMISSIONER:** Is it possible that he
6 was joking?

7 **MS. FITZPATRICK:** Oh, sure, yes. But nobody
8 could read his writing.

9 **THE COMMISSIONER:** Okay. So there you go.

10 **MR. CHISHOLM:** Thank you.

11 So no one can read his writing at anytime;
12 is that fair to say? It's difficult to read his writing?

13 **MS. FITZPATRICK:** Well ---

14 **THE COMMISSIONER:** It could be a joke. It's
15 okay. Go on, go on.

16 **MR. CHISHOLM:** You told us about Carleen
17 Hickey coming to your house and having a discussion with
18 you.

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

20 **MR. CHISHOLM:** And if I understand your
21 evidence correctly, Carleen Hickey told you about Greg Bell
22 going to his superiors with respect to the Antoine matter?

23 **MS. FITZPATRICK:** Yes.

24 **MR. CHISHOLM:** And saying that if you did
25 not deal with Bryan Keough, you could not deal with

1 Antoine. Do you recall giving that evidence? You saying -
2 --

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

4 **MR. CHISHOLM:** It's my understanding that if
5 asked, Greg Bell would testify that he did not approach his
6 superiors to deal with Mr. Keough. And that he would not
7 have done such a thing if he didn't have the authority to
8 do that. What would you say if that was Mr. Bell's
9 evidence?

10 **MS. FITZPATRICK:** I would be surprised
11 because -- can I answer?

12 **THE COMMISSIONER:** Go ahead, please.

13 **MS. FITZPATRICK:** Okay. I would be
14 surprised because Carleen was pretty clear. And I can't
15 see any reason why she would come out with that
16 information.

17 Greg, I guess his issue was -- now, this is
18 third hand. Supposedly, Greg said to Tom O'Brien, "But you
19 haven't dealt with the issues because Keough is still
20 here". It doesn't mean he has any authority. He is
21 speaking as a worker about his concern.

22 **MR. CHISHOLM:** So you would be surprised if
23 Mr. Bell gave that evidence?

24 **MS. FITZPATRICK:** I don't know what -- this
25 is what Carleen told me Greg Bell told her and that's why

1 it would be great if you had even one of them here.

2 MR. CHISHOLM: So you can't say one way or
3 the other?

4 THE COMMISSIONER: She can't say one way or
5 the other.

6 MR. CHISHOLM: Constable Perry Dunlop, you
7 spoke of him in your evidence and you testified that
8 Constable Dunlop was at the CAS office.

9 MS. FITZPATRICK: M'hm.

10 MR. CHISHOLM: And you indicated that
11 Constable -- Richard Abell was giving Constable Dunlop a
12 lot of assurances. Do you recall giving that evidence?

13 MS. FITZPATRICK: Yes.

14 MR. CHISHOLM: And do you recall, first of
15 all, where were those two individuals situated whenever you
16 overheard that?

17 MS. FITZPATRICK: We were at York Street.

18 MR. CHISHOLM: Yes.

19 MS. FITZPATRICK: And Perry was coming out
20 of Richard's office.

21 MR. CHISHOLM: And where were you at the
22 time?

23 MS. FITZPATRICK: I was one of the people in
24 the hallway; so was Doreen Doth. She heard it too.

25 MR. CHISHOLM: And what did you hear?

1 **MS. FITZPATRICK:** Just that, Richard saying
2 you know, "I'll support you. Don't worry. You know, we'll
3 take care of this". That's the kind ---

4 **MR. CHISHOLM:** And do you recall when in
5 time that conversation took place?

6 **MS. FITZPATRICK:** It's before the news media
7 came in.

8 **MR. CHISHOLM:** And in terms of your first
9 involvement with Constable Sebalj when you attended at the
10 Cornwall Police Service Headquarters in the fall of 1993,
11 in terms of that date, can you tell me?

12 **MS. FITZPATRICK:** Yes, that would have
13 happened before I met with Heidi because when Perry was
14 leaving Richard's office I didn't know what they were
15 talking about, okay? And then when I saw Heidi, she is
16 saying, "Perry stole my file and brought it to Richard
17 Abell and now Children's Aid is very interested in the
18 case".

19 **MR. CHISHOLM:** And when Mr. Abell gave the
20 assurances to Constable Dunlop, do you recall if Constable
21 Dunlop said anything in reply?

22 **MS. FITZPATRICK:** Just basically "Thank
23 you." And, you know, they were parting.

24 **MR. CHISHOLM:** You indicated at the
25 Christmas 1993 break, you told a number of your colleagues

1 at the CAS that you had interviewed Ms. Antoine. Is that
2 right?

3 MS. FITZPATRICK: M'hm. We were out to
4 dinner.

5 MR. CHISHOLM: You were out to dinner?

6 MS. FITZPATRICK: M'hm.

7 MR. CHISHOLM: Who were you out to dinner
8 with?

9 MS. FITZPATRICK: Jennifer Ray, Carleen
10 Hickey, Carol Beamer and Helen Dawkes-Brown.

11 MR. CHISHOLM: And your evidence was that
12 you told Jennifer Ray about the Antoine interview. Is that
13 right?

14 MS. FITZPATRICK: Yes, we were all there.

15 MR. CHISHOLM: And you told Jennifer Ray.
16 Is that your evidence?

17 MS. FITZPATRICK: She was there, yes, m'hm.

18 MR. CHISHOLM: And what restaurant were you
19 at when you were out to dinner? Was it a family
20 restaurant?

21 MS. FITZPATRICK: I know it's now taken over
22 by another one. I'm thinking it's Portobello.

23 MR. CHISHOLM: Portobello?

24 MS. FITZPATRICK: Yes.

25 MR. CHISHOLM: Up on Vincent Massey Drive in

1 Cornwall?

2 MS. FITZPATRICK: Yes, m'hm.

3 MR. CHISHOLM: And did you have a discussion
4 with Ms. Ray?

5 MS. FITZPATRICK: We all sat there and
6 talked about it.

7 MR. CHISHOLM: And what did Ms. Ray say when
8 you told her about the interview with Ms. Antoine?

9 MS. FITZPATRICK: Well, we were all in
10 disbelief.

11 MR. CHISHOLM: I'm going to suggest to you
12 that if asked Jennifer Ray would testify that she did not
13 have a discussion with you concerning the Antoine interview
14 after the 1993 Christmas break. What would you say with
15 respect to that?

16 MS. FITZPATRICK: Well, then I think Ms.
17 Beamer and Carleen Hickey and Helen Dawkes-Brown should be
18 brought in here because they can testify that she was
19 there.

20 MR. CHISHOLM: Let's not confuse the issue
21 of a dinner versus what was discussed at the dinner.

22 MS. FITZPATRICK: It was discussed at the
23 dinner.

24 MR. CHISHOLM: Wayne Murphy -- did Mr.
25 Murphy ever tell you how he came to acquire the information

1 about Mr. Keough and the suggestion that the CAS paid him
2 for two years after Mr. Keough's departure?

3 **MS. FITZPATRICK:** No.

4 **MR. CHISHOLM:** Did Mr. Murphy ever tell you
5 where he obtained the information concerning the suggestion
6 that the CAS entered into a settlement with Ms. Antoine
7 that was so large that the CAS had to pay it over time?

8 **MS. FITZPATRICK:** That's what he told me but
9 he talks to CSIS. I don't ---

10 **THE COMMISSIONER:** No, no.

11 **MS. FITZPATRICK:** Oh, sorry.

12 **THE COMMISSIONER:** Did he tell you where he
13 got that information?

14 **MS. FITZPATRICK:** No, he didn't tell me
15 where he got his information, no.

16 **THE COMMISSIONER:** Thank you.

17 **MR. CHISHOLM:** You testified that following
18 your discussion with Mr. Murphy you did not make any
19 disclosure to the CAS with respect to Ms. Antoine because
20 you were of the view that it was in the hands of law
21 enforcement. Is that right?

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

23 **MR. CHISHOLM:** And what is that you
24 understand the mandate of CSIS to be?

25 **MS. FITZPATRICK:** All I know is that it's

1 security.

2 MR. CHISHOLM: It's the Canadian Security
3 Intelligence Service. Is that what you're referring to
4 when you say CSIS?

5 MS. FITZPATRICK: M'hm. Yes.

6 MR. CHISHOLM: You know nothing beyond that?

7 MS. FITZPATRICK: No.

8 MR. CHISHOLM: Do you know if it's a law
9 enforcement agency?

10 MS. FITZPATRICK: Well, he used to be RCMP.

11 MR. CHISHOLM: I'm not asking that.

12 MS. FITZPATRICK: Oh, I don't know. When I
13 told him I was telling him as an RCMP officer.

14 MR. CHISHOLM: He was an RCMP officer when
15 you told him that?

16 MS. FITZPATRICK: Well, in my mind he was.
17 I didn't know he was CSIS.

18 MR. CHISHOLM: So you never put your mind to
19 the issue of whether or not CSIS would be examining the
20 allegations of Ms. Antoine?

21 MS. FITZPATRICK: Well, I thought they were
22 going to examine everything.

23 MR. CHISHOLM: Was it CSIS or the RCMP? Who
24 did you think you were dealing with in terms of the conduit
25 of Mr. Murphy? Who did you think you were dealing with,

1 the Royal Canadian Mounted Police or the Canadian Security
2 Intelligence Service?

3 **MS. FITZPATRICK:** The day he sat at my table
4 at my house I thought I was talking to an RCMP officer. It
5 was not revealed to the family that he was CSIS, for
6 understandable reasons.

7 **MR. CHISHOLM:** Do you recall back in your --
8 you gave evidence with respect to the time that you were on
9 probation and you had to go and check on a case of Jean
10 Dupuis', and Bill Carriere had sent you out to do that
11 task.

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

13 **MR. CHISHOLM:** Do you recall that?

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

15 **MR. CHISHOLM:** And you spoke to the man that
16 was in the corner of the house?

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

18 **MR. CHISHOLM:** And he alleged that he was
19 sexually abused by Ken Seguin, right?

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

21 **MR. CHISHOLM:** And your evidence is that you
22 told Bill Carriere that. Is that right?

23 **MS. FITZPATRICK:** No, my evidence is not
24 that.

25 **MR. CHISHOLM:** What is ---

1 **MS. FITZPATRICK:** My evidence is that I
2 would have told him about the children; that the home was
3 fine and they were cared for.

4 Now, later in the day -- and this is what I
5 was trying to explain -- at the end of the day, Bill used
6 to stand outside his door and every one of the staff
7 members used to say goodnight to him, and they would give
8 them their little tidbits of the day or their little joke
9 or whatever.

10 And I seem to recall, but I don't recall
11 giving any names or anything, but just saying as I'm going
12 out the door, the irony of it, like the poor guy thinks he
13 wasn't abused because the probation officer didn't beat him
14 as opposed to -- so it was the irony of different levels of
15 abuse people would accept as abuse. But that's what I
16 meant.

17 **MR. CHISHOLM:** So you don't recall giving
18 Mr. Carriere a name?

19 **MS. FITZPATRICK:** No. No.

20 **MR. CHISHOLM:** And you'll recall in, I
21 believe it was February of 2008, Mr. Carriere interviewed
22 you ---

23 **MS. FITZPATRICK:** Yes.

24 **MR. CHISHOLM:** --- and this issue arose.

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

1 **MR. CHISHOLM:** And Mr. Carriere asked you,
2 did you tell anyone at the agency.

3 **MS. FITZPATRICK:** About what?

4 **MR. CHISHOLM:** About the transaction you had
5 with a man disclosed at the house, his alleged abuse.

6 **MS. FITZPATRICK:** Oh, did I tell anyone? I
7 think I explained that before. I had not followed Alfred.
8 I had ---

9 **THE COMMISSIONER:** No, no, no. That's not
10 what he means. What he means is, you know, Mr. Carriere is
11 asking, did you ever tell anybody and you say, "Yeah, I
12 told you".

13 **MS. FITZPATRICK:** Yeah. Yes.

14 **THE COMMISSIONER:** And all you're saying is,
15 I told you on that late night when you were passing by the
16 office. So you didn't really report it to him ---

17 **MS. FITZPATRICK:** No.

18 **THE COMMISSIONER:** --- it was just an off
19 the cuff comment.

20 **MS. FITZPATRICK:** Right.

21 **THE COMMISSIONER:** And in Mr. Carriere's
22 mind it's fair to say that he wasn't taking that as your
23 reporting something.

24 **MS. FITZPATRICK:** No, he probably didn't
25 even catch what I was saying ---

1 THE COMMISSIONER: Exactly.

2 MS. FITZPATRICK: --- because everybody's
3 saying good night to him.

4 MR. CHISHOLM: Yeah, but he was surprised in
5 February of 2008 ---

6 MS. FITZPATRICK: Well, yes, that's fair.

7 THE COMMISSIONER: Let it go, Mr. Chisholm.
8 Let it go.

9 MR. CHISHOLM: Thank you.

10 MS. FITZPATRICK: M'hm.

11 MR. CHISHOLM: Do you recall when it was
12 that Jean Dupuis left the CAS?

13 MS. FITZPATRICK: I don't know the year, no.

14 MR. CHISHOLM: You told us earlier this week
15 of attending a Risk Management Committee meeting?

16 MS. FITZPATRICK: M'hm.

17 MR. CHISHOLM: Where the matter of Marcel
18 Lalonde was discussed?

19 MS. FITZPATRICK: M'hm.

20 MR. CHISHOLM: Do you recall that?

21 MS. FITZPATRICK: Yes, I do.

22 MR. CHISHOLM: And your evidence, if I
23 understand it correctly, was that you presented your
24 information to the committee and Richard Abell immediately
25 got up and called, you said, the superintendent and the

1 police. Do you recall giving that evidence?

2 MS. FITZPATRICK: Yes.

3 MR. CHISHOLM: And when you made reference
4 to the superintendent, is that the superintendent of the
5 Separate School Board or is that the superintendent as
6 holding a commission rank within a police service?

7 MS. FITZPATRICK: I don't know which
8 superintendent he called.

9 MR. CHISHOLM: Well, what did you -- you
10 spoke of the police ---

11 MS. FITZPATRICK: Yes.

12 MR. CHISHOLM: --- and you spoke of a
13 superintendent.

14 MS. FITZPATRICK: That's right. The school.

15 MR. CHISHOLM: So it was a school. You
16 don't know what school board Mr. Abell called?

17 MS. FITZPATRICK: No.

18 MR. CHISHOLM: In terms of the police
19 service that you say Mr. Abell called, do you know what one
20 that was?

21 MS. FITZPATRICK: I'm only conjecturing so
22 it would have to be the Cornwall Police.

23 MR. CHISHOLM: But you don't know?

24 MS. FITZPATRICK: No, I don't. He just got
25 up and left to make the phone calls.

1 **MR. CHISHOLM:** And it's your evidence that
2 on whatever day that meeting took place, you came to
3 understand that Marcel Lalonde was arrested that day?

4 **MS. FITZPATRICK:** That's what I thought.

5 **MR. CHISHOLM:** You testified -- now I'm
6 going to move on to Tom O'Brien. You testified ---

7 **MS. FITZPATRICK:** Okay.

8 **MR. CHISHOLM:** --- to a conversation with
9 Carleen Hickey?

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

11 **MR. CHISHOLM:** And Ms. Hickey told you about
12 during the days of the Alfred trials that Tom O'Brien
13 testified?

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

15 **MR. CHISHOLM:** Do you recall that evidence?

16 **MS. FITZPATRICK:** Yes, but that's her
17 evidence.

18 **MR. CHISHOLM:** You don't have any personal
19 knowledge of that?

20 **MS. FITZPATRICK:** That's what she told me.

21 **MR. CHISHOLM:** Right.

22 **MS. FITZPATRICK:** Right. No.

23 **MR. CHISHOLM:** So if Mr. O'Brien were to
24 come here and testify and say that he never testified at
25 any of the Alfred trials, you would not be surprised by

1 that I take it?

2 **MS. FITZPATRICK:** I wouldn't -- ask Carleen
3 Hickey.

4 **MR. CHISHOLM:** You would not be surprised,
5 would you?

6 **THE COMMISSIONER:** Well, depends. She'd be
7 surprised because Carleen Hickey told her the opposite.

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

9 **MR. CHISHOLM:** Corporate secrets -- you made
10 reference to corporate secrets. Do you recall that in your
11 evidence?

12 **MS. FITZPATRICK:** Yes.

13 **MR. CHISHOLM:** What did you mean by
14 corporate secrets?

15 **MS. FITZPATRICK:** Well, I mean, I call it a
16 corporate secret in the sense that the way that Carleen
17 told me the story with Greg Bell was that here's Jeannette
18 Antoine; she's come to the agency; she's made complaints;
19 it's not really listened to; Greg has it; he wants to do
20 something about it but nobody gets back to the victim.
21 There's no retribution for the victim, no validation for
22 the victim.

23 Then somehow Carleen's involved. Carleen
24 doesn't get back to the victim so the victim is thinking
25 there's a conspiracy, that any time a CAS worker comes to

1 talk to her they don't get back to her, so she thinks that
2 they're being penalized.

3 And then the whole story of what came out
4 through Carleen was that Bryan Keough had to leave the
5 agency; that Tom O'Brien was asked to step down; that ---

6 **MR. CHISHOLM:** So those are the corporate
7 secrets you're referring to?

8 **MS. FITZPATRICK:** Yes.

9 **MR. CHISHOLM:** And corporate secrets, are
10 those your words or did you hear that somewhere else?

11 **MS. FITZPATRICK:** That's my words, corporate
12 secrets. It's not known out among the staff so it's a
13 corporate secret.

14 **MR. CHISHOLM:** I looked at your CV which was
15 filed as Exhibit 2344 on the third page. And I'll just --
16 I don't really wish to pull it up. It talks about your
17 previous employment between 1973 and 1976 being at
18 Diagnostic Electronics in Burlington, Massachusetts.

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

20 **MR. CHISHOLM:** Is that fair to -- am I
21 correct to conclude that you were residing in the
22 Commonwealth of Massachusetts at that time?

23 **MS. FITZPATRICK:** Yes.

24 **MR. CHISHOLM:** And can I conclude from that
25 that you would not have -- being that you were residing in

1 Massachusetts, you were not in a position to have your
2 fingers on the pulse of the lay of the land in Ontario with
3 respect to the issue of corporal punishment. Is that fair
4 to say?

5 **MS. FITZPATRICK:** You know what? I thought
6 we should look at the Geneva Convention.

7 **THE COMMISSIONER:** Oh, yes, I intend to do
8 that.

9 **MS. FITZPATRICK:** Good. And to see --
10 because the way those children were treated ---

11 **MR. CHISHOLM:** Well, ---

12 **THE COMMISSIONER:** No, no. No, no.

13 **MS. FITZPATRICK:** Okay.

14 **THE COMMISSIONER:** All he asked you -- the
15 question again, please?

16 **MR. CHISHOLM:** You're not in a position --
17 being that you were residing in Massachusetts from '73 to
18 '76, you can't tell us what the views were in Ontario on
19 the issue of corporal punishment. Would you agree with me?

20 **MS. FITZPATRICK:** I can only tell you the
21 State of Massachusetts.

22 **THE COMMISSIONER:** Great.

23 **MR. CHISHOLM:** Thank you.

24 You indicated in your evidence that after
25 the Jeannette Antoine matter came to light there was a lot

1 of disruption in the agency and a lot of clamping down. Do
2 you recall giving that evidence?

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

4 **MR. CHISHOLM:** What did you mean by that?

5 **MS. FITZPATRICK:** Well, you see, because
6 there was a question about the leak of files, right, and so
7 we used to have a very open communication with the police.
8 We could go over, we could talk to them.

9 Okay, so then it became much more stringent,
10 you know. We have our records department now, we have
11 somebody who goes -- this in the police force. She goes
12 through all the records before she'll even release what
13 information we need to know. It's very carefully
14 controlled now.

15 **MR. CHISHOLM:** So the clamping down was not
16 at the CAS; it was at the Cornwall Police Service? Is that
17 what you're telling us?

18 **MS. FITZPATRICK:** And we did the same. We
19 were very careful about what we released as well.

20 **MR. CHISHOLM:** I'm going to suggest to you
21 that the CAS has had a records department for quite a
22 number of years. Is that fair to say?

23 **MS. FITZPATRICK:** Yes, but workers used to
24 share a lot of information. There was a lot of interaction
25 between the workers who worked firsthand with the police.

1 **MR. CHISHOLM:** So workers would share --
2 within the CAS would share information. Is that right?

3 **MS. FITZPATRICK:** On a need-to-know basis.
4 They would share information on the case that they're
5 working on with the police officer. I mean, you're working
6 on a case together; you would share the information.

7 **MR. CHISHOLM:** Right. So in terms of -- I
8 don't understand when you're saying there was a lot of
9 clamping down. What changed after the ---

10 **MS. FITZPATRICK:** I found the police were a
11 lot more reluctant to speak with us or to -- that's what
12 I'm talking about clamping down. The relationship sort of
13 -- I'm not talking about in the Agency but I felt that
14 there was sort of a ---

15 **MR. CHISHOLM:** I understood ---

16 **MS. FITZPATRICK:** --- distance with the
17 police and us now.

18 **MR. CHISHOLM:** I understood your evidence to
19 be that the clamping down referred to the clamping down
20 within the CAS. Perhaps I was mistaken in understanding
21 your evidence that way.

22 **MS. FITZPATRICK:** I think so.

23 **MR. CHISHOLM:** Okay. That's not the way you
24 meant it?

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

1 **MR. CHISHOLM:** And you also stated that the
2 staff became very intimidated. Do you recall saying that?

3 **MS. FITZPATRICK:** There's a climate survey
4 that speaks to that.

5 **MR. CHISHOLM:** Do you recall saying that?

6 **MS. FITZPATRICK:** Yes, I did, and there's a
7 90 percent of the staff that filled out that climate
8 survey; in it they say the same thing.

9 **MR. CHISHOLM:** And this survey was
10 conducted?

11 **MS. FITZPATRICK:** This past year.

12 **MR. CHISHOLM:** Well, I ---

13 **MS. FITZPATRICK:** And there was one before
14 that about eight years ago; same results.

15 **MR. CHISHOLM:** I understood you were
16 speaking of your time when the Jeannette Antoine matter
17 came to light. That's how I took your evidence. Was I
18 mistaken to take your evidence in that fashion?

19 **MS. FITZPATRICK:** Well, I know that when
20 Richard became involved with Perry and these cases were
21 coming into the agency, Richard was very careful about
22 staff talking to staff because he didn't want this to get
23 out of control, understandably.

24 **MR. CHISHOLM:** Sensitive information the CAS
25 deals with.

1 MS. FITZPATRICK: Yes.

2 MR. CHISHOLM: Now, in terms of -- you
3 talked about intimidation.

4 MS. FITZPATRICK: Yes.

5 MR. CHISHOLM: The staff became very
6 intimidated.

7 MS. FITZPATRICK: M'hm.

8 MR. CHISHOLM: How did that come to be?
9 What's your understanding of that?

10 MS. FITZPATRICK: I think that you'd have to
11 read the climate survey.

12 MR. CHISHOLM: Well, I'm not interested in
13 the climate survey that was conducted last year or eight
14 years ago. I'm interested in the period of time that you
15 were referring to when you testified earlier this week.

16 MS. FITZPATRICK: About intimidation?

17 MR. CHISHOLM: Yes. That's what I'm
18 interested in learning about.

19 MS. FITZPATRICK: Because Richard was very
20 clear. He'd call you in. He would talk to you, you know,
21 "You're not to talk about this. This is very..."

22 MR. CHISHOLM: You understand why ---

23 MS. FITZPATRICK: Okay, intimidation? Well
24 ---

25 MR. CHISHOLM: No, no, I'm not ---

1 **MS. FITZPATRICK:** Okay.

2 **MR. CHISHOLM:** You understand ---

3 **THE COMMISSIONER:** Go ahead.

4 **MR. CHISHOLM:** You understand why the CAS
5 would have concerns about its employees going and talking
6 about files? You understand that, right?

7 **MS. FITZPATRICK:** Absolutely.

8 **MR. CHISHOLM:** And you would consider that -
9 - if the CAS took the position that it did not want that to
10 be taking place, you see that as intimidation?

11 **MS. FITZPATRICK:** No, I'm not talking of
12 that as being intimidation.

13 **THE COMMISSIONER:** Okay, so what did you
14 mean when you said that the staff was intimidated?

15 **MS. FITZPATRICK:** Listen, we would have
16 staff meetings for years, and staff would not even ask one
17 question -- that's the level of intimidation -- because
18 they were always afraid to cross the Director. They were
19 afraid that if they looked at him the wrong way they were
20 going to be in trouble.

21 **MR. CHISHOLM:** And the Director you're
22 referring to is the Executive Director and that -- are you
23 referring to Richard Abell?

24 **MS. FITZPATRICK:** I am.

25 **MR. CHISHOLM:** Are you referring to any

1 other executive directors?

2 MS. FITZPATRICK: No.

3 MR. CHISHOLM: So just Richard Abell?

4 MS. FITZPATRICK: M'hm.

5 MR. CHISHOLM: And you can't tell us why it
6 was that staff felt intimidated?

7 MS. FITZPATRICK: Some people can have an
8 air about them that can command.

9 THE COMMISSIONER: All we're trying to find
10 out ---

11 MS. FITZPATRICK: Yeah.

12 THE COMMISSIONER: So you're saying his
13 general demeanour?

14 MS. FITZPATRICK: M'hm.

15 THE COMMISSIONER: Okay. And are there any
16 specific things that he did to you that intimidated you?

17 MS. FITZPATRICK: No.

18 THE COMMISSIONER: Okay.

19 MR. CHISHOLM: You stated that you did not
20 feel safe enough to come to the Agency and talk about the
21 Jeannette Antoine case. Do you recall giving that
22 evidence?

23 MS. FITZPATRICK: I did. M'hm.

24 MR. CHISHOLM: And can you tell me the basis
25 for that evidence? Were you concerned about your personal

1 safety?

2 **MS. FITZPATRICK:** You know what, I've had
3 many cases where my personal safety has been in jeopardy,
4 and I did not feel supported or protected by the Agency.

5 **MR. CHISHOLM:** So is that yes, you felt
6 concerned about your personal safety?

7 **MS. FITZPATRICK:** In what part?

8 **THE COMMISSIONER:** No, he's asking you this;
9 you had the Antoine interview.

10 **MS. FITZPATRICK:** Yes.

11 **THE COMMISSIONER:** You didn't go and tell
12 these people.

13 **MS. FITZPATRICK:** Right.

14 **THE COMMISSIONER:** And you said the reason
15 why you didn't is because?

16 **MS. FITZPATRICK:** Because, one, these people
17 already knew the story and there was no retribution for the
18 victim, so I felt that they had not taken care of the
19 situation the way it should have been taken care of.

20 **MR. CHISHOLM:** So the reason for you not
21 bringing this matter forward had nothing to do with your
22 evidence that you gave earlier this week, that you did not
23 feel safe enough to come to the agency. Is that right?

24 **MS. FITZPATRICK:** I was afraid they would
25 discipline me. I was afraid of that, yes. So that's

1 enough to be intimidated.

2 MR. CHISHOLM: Your concerns had nothing to
3 do with personal safety. Can we take that off the table?

4 MS. FITZPATRICK: It had to do with
5 intimidation and discipline.

6 MR. CHISHOLM: You thought you would be
7 disciplined?

8 MS. FITZPATRICK: Yes, I did. There are a
9 lot of workers that are not here today and not here in
10 front of the council that will not come to the council, and
11 they told me not to come to the council, and what their
12 answer was -- there's a woman that knows a lot more
13 information than me and she said, "You don't know anything
14 and I don't know anything." She said, "Look what they did
15 to the victim. Look what they did to Perry Dunlop. Look
16 what they did to Heidi Sebalj. You're putting yourself out
17 there for a hanging," and this is -- I came here to
18 validate Heidi, to advocate on the part of the victim and
19 to see that justice was done. That's why I'm here.

20 MR. CHISHOLM: So you're here to validate
21 Heidi Sebalj?

22 MS. FITZPATRICK: That she wanted to do the
23 right thing; that I did not see her as somebody who had
24 ulterior motives or who was incompetent. I saw somebody
25 who was -- to me this is a very competent officer. When

1 she came onto the force she called all the workers at CAS
2 to introduce herself as the officer who -- she would
3 eventually be working with them.

4 So, you know, I think right from the start
5 she had a good career in front of her.

6 **MR. CHISHOLM:** You spoke in your evidence
7 earlier this week about Perry Dunlop and Richard Abell
8 doing their own joint investigations. Do you recall giving
9 that evidence?

10 **MS. FITZPATRICK:** I don't know if I said
11 joint investigations.

12 **MR. CHISHOLM:** Well ---

13 **THE COMMISSIONER:** Well, you did.

14 **MS. FITZPATRICK:** Did I? Oh, okay. Well,
15 they were ---

16 **THE COMMISSIONER:** Do you want to qualify
17 that or do you want to explain it?

18 **MS. FITZPATRICK:** Okay. They had their own
19 little group because they were providing a support group
20 for the victims.

21 **THE COMMISSIONER:** How do you know that?

22 **MS. FITZPATRICK:** Because I met
23 Mrs. MacDonald when she was in the hospital and she told me
24 all about it.

25 **THE COMMISSIONER:** Who is Mrs. MacDonald?

1 MR. CHISHOLM: Well, perhaps before ---

2 MS. FITZPATRICK: She would be ---

3 THE COMMISSIONER: Oh, sorry.

4 MR. CHISHOLM: If you're going to talk about
5 any of the victims, I don't know what ---

6 THE COMMISSIONER: I didn't know ---

7 MS. FITZPATRICK: Okay.

8 THE COMMISSIONER: We don't know whether
9 that person is a victim or not.

10 MR. CHISHOLM: Right.

11 THE COMMISSIONER: So let's just hold off
12 there.

13 MR. ENGELMANN: If it's John MacDonald it's
14 not an issue.

15 MS. FITZPATRICK: It's his wife that I met.

16 THE COMMISSIONER: Okay.

17 MR. CHISHOLM: So you met ---

18 MS. FITZPATRICK: I did.

19 MR. CHISHOLM: --- Mrs. MacDonald at the
20 hospital?

21 MS. FITZPATRICK: I did.

22 MR. CHISHOLM: And what did she say to you?

23 MS. FITZPATRICK: Well, at that time she was
24 in the hospital for a brief admission on 3rd South.

25 MR. CHISHOLM: Well, I don't ---

1 **THE COMMISSIONER:** Don't, don't.

2 **MS. FITZPATRICK:** Okay, I'm sorry. Sorry.

3 **THE COMMISSIONER:** She's at the hospital.

4 **MS. FITZPATRICK:** She tells me that she's
5 completely overwhelmed, they're also afraid of their own
6 life. She told me that Ken Seguin's brother was harassing
7 them and she even thought that they were going to be
8 physically harmed.

9 **THE COMMISSIONER:** Okay.

10 **MS. FITZPATRICK:** So they were hiding out
11 for their own safety.

12 **THE COMMISSIONER:** Whoa, whoa, whoa.
13 What was the question again?

14 **MS. FITZPATRICK:** So it was ---

15 **THE COMMISSIONER:** No.

16 **MS. FITZPATRICK:** Okay.

17 **MR. CHISHOLM:** I had asked the witness what
18 it was that Ms. MacDonald had said to her.

19 **THE COMMISSIONER:** About what though? Let's
20 try to limit it a little bit.

21 **MR. CHISHOLM:** I was trying to get to the
22 issue of the joint -- my only concern is the issue of the
23 joint investigations and trying to see how this witness
24 came to the conclusion that Perry Dunlop and Richard Abell
25 were conducting joint investigations.

1 Can you shed any light on that,
2 Ms. Fitzpatrick?

3 **THE COMMISSIONER:** When did you speak to
4 Mrs. MacDonald?

5 **MS. FITZPATRICK:** I'd have to see the file.
6 That would have been in the nineties but I don't know.

7 **MR. CHISHOLM:** And if I understand your
8 evidence from earlier this week, you testified that you met
9 -- we now know it was Mrs. Macdonald, and she told you that
10 her husband and Silmser had several meetings with Richard
11 Abell and Perry Dunlop.

12 **MS. FITZPATRICK:** And she said she was
13 there.

14 **MR. CHISHOLM:** So she was there as well?

15 **MS. FITZPATRICK:** Yeah, and Perry would play
16 the guitar. They were a support for each other.

17 **THE COMMISSIONER:** Okay, but was Mr. Abell
18 there?

19 **MS. FITZPATRICK:** She said he was.

20 **THE COMMISSIONER:** Okay.

21 **MR. CHISHOLM:** And in terms of "several,"
22 were you able to qualify that in any fashion?

23 **MS. FITZPATRICK:** I was there for the safety
24 of her own children.

25 **THE COMMISSIONER:** No, no, no, no.

1 MS. FITZPATRICK: Okay.

2 THE COMMISSIONER: No, no, no.

3 MS. FITZPATRICK: He asked a question.

4 Okay, sorry. Go ahead. Your question again?

5 MR. CHISHOLM: In terms of several meetings,
6 were you able to qualify how many several means?

7 MS. FITZPATRICK: No.

8 MR. CHISHOLM: Ms. Fitzpatrick, thank you
9 very much for your time. Those are my questions.

10 MS. FITZPATRICK: Thank you.

11 THE COMMISSIONER: Do you have any
12 questions, sir?

13 MR. KATZ: Yes, Mr. Commissioner.

14 THE COMMISSIONER: I was afraid of that.

15 MR. KATZ: Not too many, 15 minutes or so.

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

17 KATZ:

18 MR. KATZ: Hi, Gerry.

19 MS. FITZPATRICK: How are you?

20 MR. KATZ: I'm good.

21 A couple questions for you. Right off the
22 bat, this idea of being disciplined, you said it was a
23 "crock".

24 MS. FITZPATRICK: Yes.

25 MR. KATZ: Would you like to explain that?

1 **MS. FITZPATRICK:** Yes, I'd be very happy to
2 explain it.

3 I worked at the agency ---

4 **THE COMMISSIONER:** No, just a minute. Where
5 are we going here now?

6 **MR. KATZ:** I think it's been put on the
7 record now that my client was disciplined while in the
8 service of the Children's Aid Society.

9 **THE COMMISSIONER:** Right.

10 **MR. KATZ:** It's on the public record. I
11 think a little bit of opportunity to explain the
12 circumstances of that.

13 **THE COMMISSIONER:** No.

14 **MR. KATZ:** Can I at least delve into the
15 nature of the discipline?

16 **THE COMMISSIONER:** No. She was disciplined.
17 She disagreed with it. It's a collateral issue. It has
18 nothing to do with credibility. It has nothing to do with
19 this Inquiry. It's a matter that's done. It's on the
20 record that she was disciplined and it's on the record that
21 she disagrees with it. That's enough.

22 **MR. KATZ:** Okay. I accept that. I'll move
23 onto my questions.

24 You mentioned this afternoon while Mr.
25 Chisholm was cross-examining you, he called into question

1 the idea that you spoke to a Ms. Ray ---

2 MS. FITZPATRICK: Yes.

3 MR. KATZ: --- regarding the Jeannette
4 Antoine matter -- the interview you had with Jeannette
5 Antoine -- and this took place at the Portobello
6 Restaurant. That's in Cornwall here, isn't it?

7 MS. FITZPATRICK: Yes.

8 MR. KATZ: And according to Mr. Chisholm,
9 Ms. Ray will be denying that.

10 MS. FITZPATRICK: Then we will have to bring
11 in the other witnesses.

12 THE COMMISSIONER: Just ---

13 MS. FITZPATRICK: Okay.

14 MR. KATZ: Just wait for my question,
15 please.

16 MS. FITZPATRICK: Okay.

17 MR. KATZ: What was the nature of this
18 dinner you had that evening with your group of coworkers?

19 MS. FITZPATRICK: Every once in a while we
20 would get together. Jennifer -- because we worked
21 together. We were on the same team.

22 MR. KATZ: You were at dinner for how long
23 approximately with each other?

24 MS. FITZPATRICK: At dinner? Oh, we were
25 there for about four hours.

1 **MR. KATZ:** Four hours. So a lot of things
2 are said?

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

4 **MR. KATZ:** So it wouldn't surprise you then
5 Ms. Ray might not have a recollection?

6 **MS. FITZPATRICK:** That she may not?

7 **MR. KATZ:** That she may not?

8 **MS. FITZPATRICK:** Well, that's okay, because
9 there was also a dinner party at her house and we discussed
10 it again, the same girls.

11 **MR. KATZ:** And when approximately was that?

12 **MS. FITZPATRICK:** It was her housewarming
13 party. So I don't know when she moved into that house, but
14 we had a subsequent -- yeah.

15 **MR. KATZ:** Okay. And ---

16 **MS. FITZPATRICK:** And I can verify that
17 because my sister from Boston showed up and attended.

18 **MR. KATZ:** Okay, Gerry. Thanks.

19 If I could call up Exhibit 2344, which is
20 your resume -- your curriculum vitae.

21 **THE COMMISSIONER:** No, it's okay. I don't
22 need it. What do you want to talk to her about?

23 **MR. KATZ:** Oh, I just want to talk to her
24 about some of the awards and things that -- is that okay,
25 Mr. Commissioner?

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

2 **MR. KATZ:** Okay. Do you have that in front
3 of you?

4 **MS. FITZPATRICK:** No, but it's okay I know.

5 **MR. KATZ:** You typed it up. You know the
6 material.

7 In this -- on your CV you list -- I'm
8 counting five awards ranging from the years 1994 to 2006.
9 Would that be the sum total of awards that you won or have
10 been awarded by the Children's Aid Society during your 23-
11 year career?

12 **MS. FITZPATRICK:** Those are the significant
13 awards.

14 **MR. KATZ:** There would be others?

15 **MS. FITZPATRICK:** Well, they would be minor,
16 like for doing special assignments or whatever, yeah, but
17 these are the major ones.

18 **MR. KATZ:** Okay. Typically, when you win an
19 award from the Children's Aid Society, in this case I'm
20 looking at the first one which is the "Richard Abell,
21 Director of a Children's Aid Society, for Superb Management
22 of a Highly Demanding Potential Dangerous Apprehension"
23 just ---

24 **THE COMMISSIONER:** No. No, I understand. I
25 can read English. The lady has been commended for doing

1 work that is outstanding.

2 MR. KATZ: Okay.

3 THE COMMISSIONER: That's good enough for
4 me.

5 MR. KATZ: Outstanding -- can I add one more
6 point to that?

7 MS. FITZPATRICK: Thank you.

8 THE COMMISSIONER: Try it.

9 MR. KATZ: These awards are given generally
10 for service above and beyond?

11 MS. FITZPATRICK: That's correct.

12 THE COMMISSIONER: Outstanding is usually
13 above and beyond.

14 MR. KATZ: Okay. Thank you, Mr.
15 Commissioner.

16 THE COMMISSIONER: M'hm.

17 MR. KATZ: If we can please call up Exhibit
18 2349? This should be a list. I think you should have this
19 in front of you.

20 It should be a list of a training log from
21 the ministry responsible for children's aid.

22 (SHORT PAUSE/COURTE PAUSE)

23 THE COMMISSIONER: Two-three-four-nine
24 (2349). What page?

25 MR. KATZ: There should be only one page,

1 Mr. Commissioner.

2 That's the document. I have it up on the
3 screen now.

4 **THE COMMISSIONER:** Yes.

5 **MR. KATZ:** We have here what appears to be
6 various training sessions that you've taken over the years
7 spanning, from what I can tell, the years 2000 to the years
8 2007 from the Ontario Association of Children's Aid
9 Societies. Would this be the sum total of training
10 sessions you've taken through the Ontario Association of
11 Children's Aid Societies?

12 **MS. FITZPATRICK:** Within my career of ---

13 **MR. KATZ:** Not within your career, within 23
14 years.

15 **MS. FITZPATRICK:** Well, I would have done
16 more than that.

17 **MR. KATZ:** Okay. So this isn't a complete
18 list then?

19 **MS. FITZPATRICK:** No.

20 **MR. KATZ:** Okay. Just generally on average
21 -- I don't need to bring your attention to it. You had
22 another list which is a log from your file of training
23 sessions.

24 On average how many training sessions would
25 you take -- have you taken per year in your career on

1 average?

2 **MS. FITZPATRICK:** Yeah, on average, maybe
3 three -- five. Some years it was more intense than others.

4 **MR. KATZ:** Okay. Turning to the period of
5 your interview of Jeannette Antoine of November 12th, 1993,
6 prior to this period in your career, how many complainants
7 of abuse or sex abuse had you interviewed?

8 **MS. FITZPATRICK:** Well, we tried to --
9 ballpark figure we said about 50.

10 **MR. KATZ:** Fifty (50).

11 What aspects of your training -- we see in
12 your training log, and of course you were training on the
13 job. What aspects did training prepared you for this time
14 of thing?

15 **THE COMMISSIONER:** What relevance does that
16 got to do -- help me out with the relevance.

17 **MR. KATZ:** Well, I just want to put out
18 there that this is a person completely competent to carry
19 out this interview.

20 **THE COMMISSIONER:** Okay. I don't hear any
21 objection about that.

22 **MR. KATZ:** Okay. I will move on.

23 This interview was done outside of your
24 capacity as a Children's Aid worker?

25 **MS. FITZPATRICK:** Yes.

1 **MR. KATZ:** In doing the interview were you
2 aware of violating any rules or regulations of the
3 Children's Aid Society?

4 **MS. FITZPATRICK:** No.

5 **MR. KATZ:** Prior to this interview,
6 approximately how many similar such interviews or
7 interviews of complainants of child abuse had you taken
8 part in with SACA or with what's called the youth division?

9 **THE COMMISSIONER:** What's the relevance?

10 **MR. KATZ:** Again, it's just her ---

11 **THE COMMISSIONER:** No, her competence is not
12 an issue here.

13 **MR. KATZ:** Okay. I'll move on.

14 **THE COMMISSIONER:** How many others had you
15 done on your days off?

16 **MS. FITZPATRICK:** Only one.

17 **THE COMMISSIONER:** That one?

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

19 **THE COMMISSIONER:** Okay.

20 **MR. KATZ:** Turning to what your testimony
21 has been regarding Ken Seguin -- and remember we can't talk
22 about the alleged victim's name -- you remember clearly
23 from what the alleged victim told you, that he mentioned
24 the Alfred trials?

25 Or let me put it to you this way, the term

1 "Alfred trials" is that your terminology or was that the
2 alleged victim's terminology back at the time?

3 **MS. FITZPATRICK:** It's terminology that I've
4 heard but I don't remember if the victim used that
5 terminology or not.

6 **MR. KATZ:** But in terms of your knowledge of
7 Ken Seguin, that was the first time you'd heard his name?

8 **MS. FITZPATRICK:** That's the very first time
9 I heard his name.

10 **MR. KATZ:** And were you concerned that he
11 was -- well, you didn't know his name. Was there any
12 concern after you left that home that there was a child in
13 need of protection regarding Ken Seguin?

14 **MS. FITZPATRICK:** No, because I thought that
15 was all done with.

16 **THE COMMISSIONER:** No. No.

17 **MS. FITZPATRICK:** No.

18 **MR. KATZ:** Just checking my notes here.

19 The bulk of your testimony the last couple
20 of days has -- concerned what Constable -- what then
21 Constable Heidi Sebalj told you in approximately late 1993.
22 You're not 100 percent certain of the date?

23 **MS. FITZPATRICK:** No.

24 **MR. KATZ:** It's been put to you by various
25 counsel in cross-examination that the date -- for instance,

1 Mr. Neville's cross-examination, that the date could have
2 been the 21st of October 1993.

3 **MS. FITZPATRICK:** I can only give the
4 subjective time which is the day that Greg Bell was in
5 there.

6 **MR. KATZ:** M'hm. Then it's possible it
7 could have been another day besides the 21st -- sorry
8 October of 1993?

9 **MS. FITZPATRICK:** I don't know. It's the
10 day he went in and took a photograph.

11 **MR. KATZ:** Okay. What's your view on the
12 truth and the accuracy of what Constable Sebalj relayed to
13 you in her conversation?

14 **THE COMMISSIONER:** Say that again?

15 **MS. FITZPATRICK:** When ---

16 **MR. KATZ:** I just want her opinion on the
17 truth or accuracy of what Heidi Sebalj told my client in
18 approximately November of 1993.

19 **THE COMMISSIONER:** Okay. What's your
20 opinion?

21 **MS. FITZPATRICK:** I think that she was hurt.
22 She was upset. And she spoke from the heart.

23 **MR. KATZ:** And in terms of your evidence
24 over the last day and a half regarding what Heidi Sebalj
25 told you, you've relayed that to us truthfully and

1 accurately?

2 **MS. FITZPATRICK:** To the best of my
3 knowledge.

4 **MR. KATZ:** Thank you.
5 Those are my questions.

6 **THE COMMISSIONER:** Thank you.
7 Mr. Engelmann?

8 **MR. ENGELMANN:** I have no questions, sir.

9 **THE COMMISSIONER:** Thank you.

10 **MS. FITZPATRICK:** Are we finished?

11 **THE COMMISSIONER:** We're finished.
12 Thank you very much for coming.

13 **MS. FITZPATRICK:** Thank you very much.

14 **THE COMMISSIONER:** I appreciate your
15 evidence and I certainly will take it into consideration in
16 writing up my report.

17 **MS. FITZPATRICK:** And if you'll excuse me, I
18 have one more recommendation.

19 **THE COMMISSIONER:** Ah, recommendation?
20 Okay.

21 **MS. FITZPATRICK:** Is that okay?

22 **THE COMMISSIONER:** Sure.

23 **MS. FITZPATRICK:** Okay. The recommendation
24 that I have is -- I just put it right here, is that you
25 know when we look at this, we're looking at something that

1 happened 30 years ago.

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

3 **MS. FITZPATRICK:** Okay? Or 15 years ago, 30
4 years ago; since that time, the Agency has evolved
5 tremendously.

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

7 **MS. FITZPATRICK:** And the Ministry has
8 implemented all these new programs that are very exciting
9 and they're -- we're hoping for a lot of success with these
10 programs.

11 Now, with that -- with this Inquiry, with
12 the climate survey, the morale of the staff is really low.
13 And I know that Rachel is really giving them a spark, okay,
14 because the staff talk about it.

15 But what my suggestion is, is to help
16 expedite this process is that the Board of Directors of the
17 Children's Aid Society could take a more active role. That
18 how they could help out is that each Board member could be
19 assigned to each unit. They could become familiar with the
20 unit. They could have a unit meeting without the manager
21 there to hear what the staff's issues are, how it
22 functions.

23 And then they'll have a better sense and
24 they can come to the table and strategize and do some
25 planning to help put all of this together.

1 That's my recommendation.

2 **THE COMMISSIONER:** Okay.

3 Thank you very much.

4 **MS. FITZPATRICK:** Thank you.

5 **THE COMMISSIONER:** All right.

6 So we come back next Tuesday at one o'clock.

7 **MR. ENGELMANN:** Yes, sir. And at that time,
8 we'll be continuing with the cross-examination of Mr.
9 Carriere.

10 **THE COMMISSIONER:** All right.

11 **MR. ENGELMANN:** Thank you.

12 **THE COMMISSIONER:** Thank you.

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

15 This hearing is adjourned until Tuesday,
16 October 14th, at 1:00 p.m.

17 --- Upon adjourning at 3:01 p.m. /

18 --- L'audience est ajournée à 15h01

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CVR-CM