

**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 290

Held at :

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

Monday, October 20, 2008

Tenue à:

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

Lundi, le 20 octobre 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Karen Jones	Commission Counsel
Ms. Kelly Doctor	
Mr. Peter Manderville	Cornwall Community Police
Ms. Reena Lalji	Service and Cornwall Police Service Board
Mr. Diane Lahaie	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of
Ms. Michele R.J. Allinotte	the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	
Mr. Greg Bell	CAS
Mr. Shawn White	CAS

Table of Contents / Table des matières

	Page
List of Exhibits :	v
Opening Remarks by/Remarques d'ouverture par Mr. Peter Engelmann	1
Written reasons by the Commissioner re Motion by Msgr. Donald McDougald to be excused as a witness/ Raisons écrites par le Commissaire concernant la Requête par Msg. Donald McDougald d'être excusé Comme témoin	2
Submissions by/Représentations par Mr. Peter Manderville	5
SGT. SHAWN WHITE, Sworn/Assermenté	8
Examination in-Chief by/Interrogatoire en-chef par Ms. Karen Jones	9
Cross-Examination by/Contre-interrogatoire par Mr. Ian Paul	75
Cross-Examination by/Contre-interrogatoire par Ms. Helen Daley	117
Submissions by/Représentations par Mr. Dallas Lee	179
SGT. SHAWN WHITE, Resumed/Sous le même serment	181
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	181
Cross-Examination by/Contre-interrogatoire par Mr. Christopher Thompson	223
Cross-Examination by/Contre-interrogatoire par Mr. Peter Chisholm	228
Cross-Examination by/Contre-interrogatoire par Mr. Peter Manderville	234
Submissions by/Représentations par Mr. Peter Engelmann	236

Table of Contents / Table des matières

	Page
GREG BELL, Sworn/Assermenté	241
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann	242

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-2214A	(742499) - Notes of Shawn White dated 07 Feb 94	12
P-2409	(200200) - Career Profile of Shawn White	9
P-2410	(739094) - Letter from Garry Derochie to Suzanne Lapointe dated 27 Jan 94	189
P-2411	(739648) - Notes of Sergeant Shawn White Incident Number 158199-1 re Catherine Sutherland	195
P-2412	(739170) - Witness Statement of Brian Kelly dated 23 Mar 98	200
P-2413	(739162) - Supplementary Occurrence Report dated 29 Jan 99	210
C-2414	Medical Letters re Gregory Bell dated 30 Jul 08 & 11 Sep 08 & 14 Oct 08	238
P-2415	CV of Gregory Bell	243

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

2 L'audience débute à 9h38

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning, Mr.
10 Engelmann.

11 ---OPENING REMARKS BY/REMARQUES D'OUVERTURE PAR MR.

12 **ENGELMANN:**

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

15 I am just here for a brief appearance this
16 morning to talk about the week's schedule and I will also
17 talk about a couple of decisions.

18 Sir, as you know, this morning we have
19 Officer Shawn White from the Cornwall Police Service. We
20 hope that his evidence will be concluded later today in
21 order that we can then start with Greg Bell, who is a
22 witness -- a former employee of the local CAS. Mr. Bell,
23 of course, will still be on the witness stand tomorrow.

24 Then we have Tom O'Brien, also retired CAS
25 employee, former Executive Director.

1 Then we anticipate putting into evidence an
2 Overview of Documentary Evidence for Monsignor McDougald.

3 And I understand, sir, you have your reasons
4 to deliver this morning dealing with the motion to excuse
5 him as a witness, and after the ODE is finished, we will
6 then turn to the last witness for the CAS, or probably the
7 last witness for the CAS, that's Rick Abell.

8 There's still a possibility that we may have
9 one further brief witness for the Children's Aid Society.

10 Sir, I have also advised Mr. Manderville
11 that after you deliver your reasons on the McDougald motion
12 that you will be asking him for a status report on the
13 Lefebvre motion and the work they've been doing trying to
14 get further medical evidence for the Commission.

15 Those are my brief comments, sir.

16 ---WRITTEN REASONS BY THE COMMISSIONER re MOTION BY MSGR.
17 DONALD McDOUGALD TO BE EXCUSED AS A WITNESS/RAISONS ÉCRITES
18 PAR LE COMMISSAIRE CONCERNANT LA REQUÊTE PAR MSG. DONALD
19 McDOUGALD D'ÊTRE EXCUSÉ COMME TÉMOIN :

20 **THE COMMISSIONER:** Okay, thank you.

21 So I'll begin with the written reasons for
22 the motion by Monsignor Donald McDougald to be excused as a
23 witness at the Cornwall Public Inquiry.

24 So on Friday, September 12th, 2008, I heard
25 the motion brought by Counsel for the Diocese of

1 Alexandria-Cornwall for an order excusing Monsignor Donald
2 McDougald as a witness at the Cornwall Public Inquiry.

3 After having reviewed the motion record of
4 the Diocese and hearing brief oral arguments on the motion,
5 I granted the motion requested and indicated that written
6 reasons would follow in due course. The evidence on the
7 motion is set out in the motion record of the Diocese,
8 Exhibit M16-A1 with Exhibits A and B of the enclosed
9 affidavit marked as confidential.

10 In this exhibit, I reviewed the affidavit of
11 Paul Taylor sworn September 4th, 2008 and Exhibits A through
12 D, which were correspondence from counsel to Dr. Quan and
13 vice versa.

14 Exhibit E of the affidavit was struck as
15 after arguments on its propriety, I determined it would not
16 be appropriate for it to be considered in the motion.

17 Correspondence between counsel and Dr. Quan
18 addresses the issues I elaborated upon in the motion -- in
19 the Lefebvre motion dated July 2nd, 2008. In particular,
20 the reports addressed Monsignor McDougald's current medical
21 condition, a history of the treatments he has received and
22 is continuing to receive, and a prognosis of the medical
23 concern in the short term and in the future. In addition,
24 the reports address memory deficiencies and also set out
25 some indication of the harm that could arise should he

1 testify at the Inquiry.

2 It is clear from the correspondence sent to
3 Dr. Quan by counsel that he was well aware of the
4 circumstances of witnesses and, in particular, what this
5 witness would face while testifying at the Inquiry. Dr.
6 Quan was provided, among other things, with information
7 about the set up of the Inquiry and its rules, the
8 anticipated evidence of Monsignor McDougald, types of
9 questions he would face, the number of counsel involved, my
10 decision on Lefebvre and a number of other actual
11 considerations.

12 After having reviewed the written
13 submissions, I was satisfied that it was appropriate in the
14 circumstances to excuse Monsignor McDougald from testifying
15 unless convinced otherwise by counsel in oral submissions.

16 I heard brief oral submissions from counsel
17 for the Coalition who asked me to consider the possibility
18 of accommodative measures. I then heard from counsel for
19 the Diocese who submitted that on the basis of the medical
20 evidence provided, accommodation was not possible in this
21 case. I agree with the submission of counsel for the
22 Diocese that in the circumstances of Monsignor McDougald,
23 accommodation is simply not possible. This issue was well
24 canvassed in the medical reports file.

25 Having now heard from a number of Diocese

1 witnesses, it is indeed unfortunate that Monsignor
2 McDougald is unable to testify. He was clearly involved in
3 the Diocese institutional response to the Silmsler complaint
4 and others as the Bishop's delegate under the protocol in
5 place at the time.

6 I trust that Commission Counsel, through the
7 use of an Overview of Documentary Evidence or through some
8 other means, will attempt to fill in the gaps left as a
9 result of Monsignor McDougald's non-attendance.

10 In closing, I wish to thank counsel for the
11 high quality of the written material and, in particular,
12 the correspondence to and from his office and that of the
13 medical professional.

14 Dated this date in October, 2008.

15 Thank you.

16 **MR. ENGELMANN:** Sir, I believe Mr.
17 Manderville has a brief status report to give.

18 **THE COMMISSIONER:** Yes, Mr. Manderville?

19 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. MANDERVILLE:**

20 **MR. MANDERVILLE:** Good morning, Mr.
21 Commissioner.

22 **THE COMMISSIONER:** Good morning, sir.

23 **MR. MANDERVILLE:** Concerning Officer
24 Lefebvre, when you and I last spoke about this, we
25 anticipated receiving a follow-up report concerning his

1 status. That report was received and circulated to
2 Commission counsel and to counsel for all parties.

3 We were concerned that the report does not
4 address some of the issues that you wished to have
5 addressed and, as such, we have referred -- arranged for
6 Officer Lefebvre to go for an independent assessment later
7 this month with the hope that that will address all of the
8 issues for you, one way or the other, to make your ultimate
9 decision an easier one to make or to make it clear from a
10 medical perspective.

11 We anticipate receiving that report by the
12 end of this month and we'll obviously circulate it promptly
13 to all parties.

14 **THE COMMISSIONER:** So can we set a return
15 date then? When shall we next speak to this man?

16 **MR. MANDERVILLE:** I believe -- a return date
17 to speak to it or a return date to argue the motion?

18 **THE COMMISSIONER:** Well, a return date
19 either to address or to argue.

20 **MR. MANDERVILLE:** Okay. We are not sitting
21 the week of November 3rd I believe.

22 **THE COMMISSIONER:** No, not yet.

23 **MR. MANDERVILLE:** So in the week of November
24 10th, I would anticipate ---

25 **THE COMMISSIONER:** Mr. Engelmann, is that

1 satisfactory to you?

2 **MR. ENGELMANN:** Yes, sir, it is.

3 Perhaps assuming Mr. Manderville gets the
4 report to all parties right at the end of October, we may
5 be able to have some discussions the week of the 3rd and
6 actually pick a date the week of the 10th, perhaps to even
7 have the motion heard.

8 **THE COMMISSIONER:** Okay, so you don't want
9 to pick a date now, like the 12th or the 13th?

10 **MR. ENGELMANN:** If I could have a moment?

11 **THE COMMISSIONER:** Sure.

12 **MR. ENGELMANN:** Sir, perhaps we could set it
13 for 9:30 in the morning on Thursday, the 13th of November?

14 **THE COMMISSIONER:** Thank you.

15 **MR. ENGELMANN:** And that will be to
16 hopefully resolve the issue once and for all.

17 **THE COMMISSIONER:** Terrific.

18 **MR. ENGELMANN:** Thank you.

19 **THE COMMISSIONER:** Thank you very much.

20 **MR. MANDERVILLE:** In the meantime, Mr.
21 Commissioner, once the report has been received, it may
22 well be that counsel who had previously opposed the motion
23 may decide they do not wish to. So we may be able to
24 truncate the process a little bit.

25 **THE COMMISSIONER:** Or you may wish to

1 withdraw your motion?

2 **MR. MANDERVILLE:** That's a possibility too.

3 **THE COMMISSIONER:** Thank you.

4 **MR. MANDERVILLE:** Thank you, Mr.

5 Commissioner.

6 **THE COMMISSIONER:** All right.

7 **MR. ENGELMANN:** So those are my matters this
8 morning. I'll turn the matter over to Ms. Jones who will
9 be leading the evidence of the next witness.

10 **THE COMMISSIONER:** Thank you.

11 Can you swear in the witness, Madam Clerk?

12 Come on forward, sir.

13 **SGT. SHAWN WHITE, Sworn/Assermenté:**

14 **THE COMMISSIONER:** Thank you.

15 Sir, I don't know if you have watched any of
16 the proceedings, but in any event, there are fresh cups and
17 fresh water for you there. The microphone, please speak
18 into it. There is a speaker, but I think it's on full
19 course right now. And you will be given documents, no
20 doubt, either in hard copy or on the screen. You're free
21 to use whichever one you wish.

22 What's important to remember is answer the
23 questions to the best of your ability and if there's
24 something you don't understand, let me know. And if you
25 feel at any time uncomfortable or you wish to take a break,

1 just let me know.

2 **SGT. WHITE:** Thank you.

3 **THE COMMISSIONER:** All right, thank you.

4 Good morning.

5 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MS.

6 **JONES:**

7 **MS. JONES:** Good morning, Mr. Commissioner.

8 Good morning, Officer White.

9 The evidence that we're going to be hearing
10 today is concerning your one investigation that you were
11 tasked with, to look into the matters involving one,
12 Jeannette Antoine, and that's basically where the questions
13 are going to be focussed on today and, hopefully, will not
14 take too, too long.

15 But before I start there, I did want to go
16 over your background with Cornwall Police and the career
17 profile can be filed as Document Number 200200.

18 **THE COMMISSIONER:** Thank you.

19 Exhibit 2409 is a rank and position within
20 the Cornwall Police Service for Sergeant Shawn White.

21 --- EXHIBIT NO./PIÈCE NO. P-2409:

22 (200200) - Career Profile of Shawn White

23 **MS. JONES:** Officer White, I'm just going to
24 go over the more significant points rather than going into
25 everything in detail.

1 But it would appear that you joined the
2 Cornwall Police on January 14, 1985 as a cadet in Field
3 Operations?

4 **SGT. WHITE:** That's correct.

5 **MS. JONES:** And on May 16, 1990, you were
6 assigned to work in Criminal Investigations Bureau, or CIB,
7 as a First Class Constable and you were promoted to Senior
8 on January 12, 1997?

9 **SGT. WHITE:** That's correct.

10 **MS. JONES:** You were promoted to the rank of
11 Sergeant, February 28, 2005, and served in this capacity
12 until June, 2005.

13 From June 24, 2005 to March 6, 2006, you
14 were reassigned from Field Operations to CIB and from
15 October to May, 2008, you worked at CIB as a Sergeant.

16 As of May, 2008, you've been acting Staff
17 Sergeant in CIB?

18 **SGT. WHITE:** That's correct.

19 **MS. JONES:** I understand you've also
20 successfully completed a variety of inservice training
21 programs. I'll just highlight a couple of those as well.

22 In 1989, you attended a family violence
23 seminar; the general investigative techniques course in
24 1991; the advanced criminal investigations course in 1993.
25 You also completed an interviewing course in '97; Ontario

1 major case management course in 2000; domestic violence
2 investigators course in 2002; and police supervision and
3 leadership in 2003?

4 **SGT. WHITE:** That's correct.

5 **MS. JONES:** I see from your background -- I
6 believe that you had also stated that you have not had any
7 specific training on sexually based offences?

8 **SGT. WHITE:** There was a portion of the
9 major crime course that I took that dealt with sexual
10 assault cases.

11 **MS. JONES:** Okay.

12 **SGT. WHITE:** And also sexual assault cases
13 are covered in the general investigative techniques course,
14 but non -- no specific courses dealing only with sexual
15 assaults.

16 **MS. JONES:** Okay. Now, moving right on to
17 the Jeannette Antoine investigation.

18 The first thing I'd like to do is actually
19 refer you to a document that we're going to be referring to
20 a lot here; those are your notes that were taken at the
21 salient times. It's Document Number 739156 which is
22 Exhibit 2214.

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **MS. JONES:** I'd also like to enter in
25 another exhibit, Mr. Commissioner.

1 These are three pages of notes that are
2 contained within Officer White's notes, but for one reason
3 or another were not included in the original bundle. And
4 these will be Document 742499 and there are three pages;
5 pages 7193220, 7193221 and 7193222 and I would ask that
6 this be filed, please, as Exhibit 2214A.

7 **THE COMMISSIONER:** Thank you, so ordered.

8 **--- EXHIBIT NO./PIÈCE NO. P-2214A**

9 (742499) - Notes of Shawn White - dated
10 February 7, 1994

11 **MS. JONES:** I can alert, Mr. Commissioner,
12 that these pages are actually not consecutive. One of the
13 pages was inserted -- I believe the first page was inserted
14 because it's just a better scanned copy. If you looked at
15 the original bundle, there was some distortion to the
16 scanning, so that's been scanned. The other two pages were
17 just inadvertently missed in the scanning process and there
18 were gaps that were later on filled.

19 **THE COMMISSIONER:** Okay, thank you.

20 **MS. JONES:** So if we do need to refer to
21 those pages, Officer White, these are the separate little
22 pages that we'll have to insert ---

23 **SGT. WHITE:** Thank you.

24 **MS. JONES:** --- as we go along.

25 I would also like to remind you, Officer

1 White, that the notes that have been entered as Exhibit
2 2214 are subject to a publication ban. I would ask that
3 2214A also be subject to that as well. There are names
4 that are mentioned.

5 **THE COMMISSIONER:** All right.

6 **MS. JONES:** What that means, Officer, is
7 that the names contained within these notes should not be
8 mentioned by any counsel or by yourself and we'll just
9 manage and try to identify people as best as we can.

10 There's one person that's actually got a
11 moniker attached and if that person's name is mentioned,
12 I'll mention the moniker and the moniker list can be given
13 to you or I can just show you in the notes which person it
14 is that has a moniker attached, but none of the other
15 people do have monikers, so we'll just try to keep the
16 names confidential as we go along.

17 **SGT. WHITE:** Thank you.

18 **MS. JONES:** On January 18, 1994, I
19 understand that you were assigned to look at the Jeannette
20 Antoine case with specific reference to allegations of
21 sexual and physical abuse that happened at the Second
22 Street Group Home?

23 **SGT. WHITE:** Initially that complaint dealt
24 with physical abuse.

25 **MS. JONES:** I'm sorry, could you please

1 speak up?

2 **SGT. WHITE:** Initially, my understanding was
3 that the complaint dealt with physical abuse at the Second
4 Street Group Home.

5 **MS. JONES:** And that was your understanding
6 when you first took it on?

7 **SGT. WHITE:** I believe so.

8 **MS. JONES:** I understand you were assigned
9 this case by your supervisor, Staff Sergeant Brunet, and
10 you also met with Staff Sergeant Derochie, and it was at
11 that point that you learned that Antoine was a former ward
12 of the CAS and what some of the parameters were that you
13 were supposed to be looking at. Is that ---

14 **SGT. WHITE:** That's correct.

15 **MS. JONES:** Okay.

16 I also understand you were fully briefed by
17 Staff Sergeant Derochie on the details of the complaint and
18 provided with the investigative file that had already been
19 started on the Antoine matter.

20 You were also told by Officer Derochie that
21 he would be your immediate supervisor on the investigation?

22 **SGT. WHITE:** That's correct.

23 **MS. JONES:** And we've already heard evidence
24 at the Inquiry that this had been investigated earlier by
25 another officer, Officer Malloy, but you were basically

1 taking this on as a fresh investigation, starting from
2 scratch?

3 **SGT. WHITE:** That's correct.

4 **MS. JONES:** And you didn't use the previous
5 file as anything more than maybe just a starting point, but
6 you just conducted yourself as you would in any sort of
7 investigation and took it on ---

8 **SGT. WHITE:** That's correct.

9 **MS. JONES:** The one comment that was made by
10 Officer Brunet was that Jeannette Antoine may have had a
11 certain uneasiness with men in talking about what had
12 happened to her. Do you recall that?

13 **SGT. WHITE:** Yes, I do.

14 **MS. JONES:** And for that reason, Constable
15 Heidi Sebalj was initially paired up with you to deal with
16 her until this -- or if this uneasiness ever left then you
17 could deal with her on your own?

18 **SGT. WHITE:** That's correct.

19 **MS. JONES:** So after you familiarized
20 yourself with the background of the complaint, you met with
21 Ms. Antoine on January 26, 1994 and I understand that
22 Officer Sebalj did accompany you at that time?

23 **SGT. WHITE:** Correct.

24 **MS. JONES:** I also understand that the
25 purpose of the meeting was to introduce yourself to Ms.

1 Antoine as the officer that was now going to be conducting
2 this investigation and, at that point, you had
3 approximately six or seven residents of the Second Street
4 Group Home already in the file that you'd been given by the
5 former Malloy investigation?

6 SGT. WHITE: That's correct.

7 MS. JONES: And that was your starting
8 point?

9 SGT. WHITE: That's right.

10 MS. JONES: On February 1st, 1994 you met
11 with Officer Sebalj and talked with Jeannette Antoine but
12 you finished the statement on February 7th, 1994?

13 SGT. WHITE: That's right.

14 MS. JONES: Now, in that interview, February
15 7th, 1994, at that time Jeannette Antoine disclosed both
16 physical and sexual abuse while she was at the Second
17 Street Group Home. Do you recall that?

18 SGT. WHITE: No, no sexual abuse. Only ---

19 MS. JONES: No sexual abuse?

20 SGT. WHITE: Only physical abuse.

21 MS. JONES: Did Officer Sebalj accompany you
22 on every interview that you had with Ms. Antoine?

23 SGT. WHITE: During the entire
24 investigation?

25 MS. JONES: Yes.

1 **SGT. WHITE:** No.

2 **MS. JONES:** When you looked at this
3 investigation, through January, 1994 through to September,
4 1994, at some point you were assisted by Sergeant Lefebvre
5 but, other than that, you started off this investigation
6 and you were basically working on your own?

7 **SGT. WHITE:** That's correct.

8 **MS. JONES:** And what was your understanding
9 with regards to the scope of the investigation and what
10 sort of time you were being asked to commit to it?

11 **SGT. WHITE:** Initially my mandate was to
12 focus on strictly the Second Street Group Home, and the
13 investigation was to be done expeditiously but there was no
14 timeframe in which I had to have it completed by.

15 **MS. JONES:** There was no pressure put on you
16 by CPS? In fact, it was quite the opposite, they said take
17 your time and make sure you do a thorough investigation?

18 **SGT. WHITE:** I'm not sure I understand your
19 question.

20 **MS. JONES:** Were you basically given an
21 opportunity to do as thorough an investigation as you
22 wanted to on this matter?

23 **SGT. WHITE:** Yes, I was.

24 **MS. JONES:** At the end of the investigation,
25 you had actually prepared quite a lengthy brief which was

1 submitted to the Crown, and no charges were actually laid
2 as a result of your investigation?

3 **SGT. WHITE:** No charges were laid.

4 **MS. JONES:** Now, there's one individual that
5 I wanted to ask you about and, again, I'm not looking into
6 the nitty-gritty or the details of your investigation, I'm
7 looking at it in a more broader sense.

8 And there was an allegation made by a woman
9 against a certain person, and I want to refer you, please,
10 to Bates page 5921.

11 **THE COMMISSIONER:** So Bates pages are on the
12 top left-hand corner, sir. See there's a -- it starts with
13 717?

14 **SGT. WHITE:** Yes.

15 **THE COMMISSIONER:** All right. So what she's
16 giving you is the last three numbers, which are 921. Do
17 you have that? It says, "Four counts of discipline for"?

18 **SGT. WHITE:** Yes, sir.

19 **THE COMMISSIONER:** All right.

20 **MS. JONES:** So I brought you to that page so
21 you could identify the person I'm talking about. At 1635
22 it said that you met with this woman?

23 **SGT. WHITE:** Yes.

24 **MS. JONES:** You spoke with her, okay. So
25 we're going to talk about this individual for the moment.

1 You'll agree with me -- and I can refer you, actually, to
2 Bates page 5924.

3 **THE COMMISSIONER:** Again, if you look in the
4 top left-hand corner.

5 **SGT. WHITE:** Yes.

6 **MS. JONES:** And about midway down the page,
7 she stated that there was a sexual assault committed by a
8 person that was a worker in the home there. Do you see
9 that?

10 **SGT. WHITE:** Yes, I do.

11 **MS. JONES:** At that point she gave the first
12 name only.

13 **SGT. WHITE:** Yes.

14 **MS. JONES:** But it was later on determined
15 that you learned what the second name of this person was?

16 **SGT. WHITE:** That's correct.

17 **MS. JONES:** Okay. And that's the person
18 that I just want to focus on.

19 When you were told that information, at that
20 particular point I believe that was the first time that
21 you'd been told that person's name might have been involved
22 in something?

23 **SGT. WHITE:** Yes.

24 **MS. JONES:** And then you talked to another
25 woman, and I'm going to refer you, please, to Bates

1 page 6086.

2 SGT. WHITE: Yes.

3 MS. JONES: Just a moment. You're faster
4 than I am.

5 And at the top of the page it gives the name
6 of the woman that was making the complaint?

7 SGT. WHITE: Yes.

8 MS. JONES: And, again, there was an
9 allegation of sexual abuse with that same gentleman that I
10 just referred to earlier?

11 SGT. WHITE: That's correct.

12 MS. JONES: So now we have two women that
13 have made similar sorts of complaints of sexual abuse by
14 this worker?

15 SGT. WHITE: That's correct.

16 MS. JONES: And I'd like to refer you,
17 please, to Bates page 6028.

18 SGT. WHITE: Yes.

19 MS. JONES: And do you -- can you identify
20 the woman that is being referred to here?

21 SGT. WHITE: Yes.

22 MS. JONES: Okay. Again, she was also
23 alleging the sexual abuse by the same worker ---

24 SGT. WHITE: Yes.

25 MS. JONES: --- that the other two women had

1 identified?

2 **SGT. WHITE:** Yes.

3 **MS. JONES:** And, in fact, there was a family
4 connection there. He had married her sister, so there was
5 a family connection there somehow.

6 **SGT. WHITE:** Yes.

7 **MS. JONES:** Now, it would appear that there
8 was also concern even by other people that worked at the
9 CAS, and I might refer you, please, to Bates page 6154 and
10 I'll refer you to the bottom of the page.

11 The date of the interview -- meeting
12 actually with Ian MacLean, 23rd of June, 1994, and it
13 referred to -- I'm sorry, I'll take you to that page.

14 Have you got that page?

15 **SGT. WHITE:** Yes, I do. Thank you.

16 **MS. JONES:** Just at the bottom of the page
17 there, 23rd of June, 1994, you're meeting with Ian MacLean
18 and discussing this same individual, this worker, and
19 Mr. MacLean actually says that sometimes he would take
20 girls home alone, even though he'd been told not to?

21 **THE COMMISSIONER:** He would take the girls
22 from the home alone.

23 **MS. JONES:** Yes.

24 **THE COMMISSIONER:** As opposed to taking the
25 children to his home.

1 **MS. JONES:** To his home, yeah. I'm sorry.

2 **SGT. WHITE:** I'm just -- I agree with that
3 statement other than I don't see or I don't recall where it
4 says that he's told not to do this.

5 **MS. JONES:** Told not to do that? I'm just
6 looking for that myself. I've read it, I think, somewhere
7 but I can't find the reference right now.

8 **THE COMMISSIONER:** "He had told John not to
9 do it", so he ---

10 **MS. JONES:** There it is, okay. It's the
11 next line.

12 **THE COMMISSIONER:** So if you're back to 154?

13 **SGT. WHITE:** Yes.

14 **THE COMMISSIONER:** All right. At the bottom
15 go up three lines.

16 **SGT. WHITE:** Yes.

17 **THE COMMISSIONER:** "He had told John not to
18 do it."

19 **SGT. WHITE:** Thank you, sir.

20 **THE COMMISSIONER:** Okay.

21 **MS. JONES:** Okay.

22 On the next Bates page, 6155, it said that
23 this particular worker, to use Mr. MacLean's words, "Was a
24 bad worker and the other workers didn't take the residents
25 alone". So there was a concern there by Mr. MacLean.

1 **SGT. WHITE:** Yes.

2 **MS. JONES:** So it would appear that you had
3 three different women on three -- separate from each other
4 making very similar allegations against this worker. It'd
5 be fair to say that you had reasonable and probable grounds
6 to certainly investigate him and possibly charge him with
7 sexual abuse at this point?

8 **SGT. WHITE:** No.

9 **MS. JONES:** And why is that?

10 **SGT. WHITE:** There was information that I
11 received at this point and obviously I wanted to
12 investigate him further, but I don't agree that I had
13 reasonable and probable grounds as far as laying charges
14 against this individual at this particular time.

15 One of the main reasons for that was that
16 when I spoke to each one of these victims, it was made
17 clear from the very beginning that any information that
18 they would provide me in regards to a sexual complaint is
19 that they would have some say as to whether or not the
20 police would lay charges, and each one of these three
21 victims made it very clear to me from the beginning that in
22 regards to this individual, they weren't prepared for
23 criminal charges.

24 **MS. JONES:** Well, certainly you had enough
25 to go on at least to try to find this person and talk with

1 him?

2 **SGT. WHITE:** Yes.

3 **MS. JONES:** How about that?

4 **THE COMMISSIONER:** But for their reluctance

5 ---

6 **SGT. WHITE:** Yes.

7 **THE COMMISSIONER:** All right. You had

8 sufficient information to continue the investigation?

9 **SGT. WHITE:** Yes, and I did, Commissioner.

10 **THE COMMISSIONER:** Yes, okay.

11 **MS. JONES:** Now, there were times that when
12 these women were interviewed, they used the words they were
13 embarrassed, they were not sure about wanting to come
14 forward as you said just a moment ago about these sexual
15 incidences, had it occurred to you at any time that
16 possibly bringing in a female constable to talk to them
17 might assist ---

18 **SGT. WHITE:** No.

19 **MS. JONES:** --- in getting them to grips
20 with what criminal charges were about and maybe overcome
21 some of that reluctance?

22 **SGT. WHITE:** No, that was never really an
23 issue on that because in each case the victims made it
24 clear that the reason they were reluctant to discuss these
25 issues was that they had long since dealt with the abuse

1 and they had buried it, and they wanted to keep it buried.
2 And it was only with the understanding of trying to help me
3 understand what happened in the group home that they were -
4 - and with Children's Aid in general -- that they were
5 willing to talk about that. It was clear that it wasn't an
6 issue that the fact that I was a man that they were
7 reluctant to talk to me.

8 **MS. JONES:** So after you had this
9 information against this individual that these allegations
10 had been made, what did you do then to try to meet with
11 this person?

12 **SGT. WHITE:** I went to great lengths to try
13 and track him down. I checked files for potential phone
14 numbers. I tried to contact family members to see if they
15 had an address. I used all the police resources, like CPIC
16 and Ontario Driver's Licence, to try and locate this
17 individual. I used the telephone directory. I started
18 calling people -- I was basically able to establish that he
19 was probably, likely, somewhere in the Toronto area. I
20 started going through the Toronto phone book, calling
21 everyone by that name trying to establish whether or not
22 this was the same individual.

23 **MS. JONES:** When you did a CPIC check, you
24 discovered he was actually due for a trial wasn't he on
25 fraud charges?

1 **SGT. WHITE:** Eventually. I continued to
2 check and, at one point, I found that he had outstanding
3 charges against him for fraud and that he was due to appear
4 in court in Cornwall to answer those charges and, as a
5 result, I attended court when he was scheduled to appear on
6 those charges. He failed to appear.

7 I had conversation with his lawyer advising
8 him that I was looking to speak to him in regards to
9 another investigation, and I tried to solicit the
10 assistance of his attorney to put me in contact with him in
11 order that I can continue with my investigation.

12 **MS. JONES:** After that day in court and he
13 didn't show up for his trial, did you make any other
14 efforts to contact him or to find him?

15 **SGT. WHITE:** I'm not sure.

16 **MS. JONES:** Okay. I don't see anything in
17 your notes after that date.

18 **SGT. WHITE:** Okay. Well, what I do
19 remember, it wasn't long after -- long after that point
20 that I had sought the advice and been given the advice from
21 the Regional Crown Attorney as to whether or not I had a
22 *prima facie* case in this particular incident.

23 **MS. JONES:** Is that when you met with him in
24 October?

25 **SGT. WHITE:** Yes.

1 **MS. JONES:** Okay. This, of course, is June
2 21st, 1994. So in between June and October though, were
3 there any efforts on your part to try to track him down?

4 **SGT. WHITE:** I don't recall.

5 **THE COMMISSIONER:** So you don't know if he
6 ever was picked up on those warrants or ---

7 **SGT. WHITE:** No, I don't, Your Honour.

8 **THE COMMISSIONER:** And did you, you know,
9 flag it with somebody that if ever this guy gets arrested
10 for non --- to flag it to you?

11 **SGT. WHITE:** I don't believe I did, Mr.
12 Commissioner.

13 **THE COMMISSIONER:** Okay.

14 **MS. JONES:** Did you try to make any contact,
15 knowing that one of the alleged victims was the sister-in-
16 law to this person. Why was there no attempt through that
17 route to try to track him down?

18 **SGT. WHITE:** I did.

19 **MS. JONES:** After June 21st?

20 **SGT. WHITE:** Oh, I'm not sure. I believe it
21 was before then but like at that particular point, they had
22 no information as to where he was and I saw no reason why
23 that would change.

24 During -- you know, at that particular
25 point, even though I'm still looking for him, I'd had no

1 complainants that were willing to come forward and bring --
2 to support it, a complaint of sexual assault against him.
3 So there wasn't, at that particular point, there wasn't a
4 great urgency for me to try and find him either. I mean, I
5 had no victims that were willing to file a complaint.

6 **MS. JONES:** Would you agree with me, if you
7 had put some sort of a tag or such on the warrant that if
8 he was picked up -- or for instance, if he turned himself
9 in the next day because he got the dates wrong in his
10 trial, that you could have been alerted to that?

11 **SGT. WHITE:** It's hard for me to answer that
12 question because I'm not sure what steps I would have taken
13 to try to keep finding him when the investigation was going
14 on. So I can't really answer that question.

15 **MS. JONES:** Well, just putting your name
16 though attached to the warrant, that if this person is
17 picked up, to contact you; that doesn't really require any
18 further work or follow-up from you. It just stays on the
19 system does it not?

20 **SGT. WHITE:** But how do you do that? Like,
21 I'm not sure there was such a mechanism in place where I
22 could associate my name to that particular search warrant
23 for him to contact me.

24 **MS. JONES:** You're not aware that if
25 somebody's picked up on a warrant and there's another

1 jurisdiction that's looking for that person or even the
2 same jurisdiction, that the officer is not notified; you
3 don't know that?

4 **SGT. WHITE:** When the -- according to CPIC
5 and that, someone could only be entered on CPIC in regards
6 to specific categories and that, whether they were wanted,
7 missing person, that kind of scenario and that there was a
8 possibility that -- I guess there is a category called
9 "Special interest to the police" and he could have been
10 entered onto that, but at this particular time, I didn't do
11 that.

12 **MS. JONES:** Okay.

13 **THE COMMISSIONER:** Had he been available,
14 what was your plan?

15 **SGT. WHITE:** I mean, the only thing I could
16 have done, Mr. Commissioner, is I would have interviewed
17 him to get his comments on the allegations and whatever --
18 you know, he was under no obligation to speak to me, and I
19 would have -- you know, he would have been under caution.
20 So the results of me speaking to him may or may not have
21 changed.

22 **THE COMMISSIONER:** There are people that
23 admit right off the bat?

24 **SGT. WHITE:** Yes, sir.

25 **THE COMMISSIONER:** And some don't?

1 **SGT. WHITE:** That's correct.

2 **MS. JONES:** Now, we are going to talk about
3 another individual that worked in another home actually.

4 If I could refer you to another Document,
5 which is 739043, but please keep your police notes there.
6 Sir, it is going to be another exhibit.

7 **THE COMMISSIONER:** It's a new one, so no,
8 just leave that there.

9 **MS. JONES:** Just keep your officer notes
10 there, if you would please; 739043.

11 Exhibit 2210, okay.

12 **THE COMMISSIONER:** So if you can go back,
13 sir, to 2210. It's in the same book, so keep -- well,
14 we'll just flip back and forth.

15 **MS. JONES:** And I'm looking specifically at
16 Bates page 5342.

17 **THE COMMISSIONER:** So this is the Crown
18 brief.

19 **MS. JONES:** Perhaps I should identify this
20 document a little bit better. It is a Crown brief.

21 This is something you prepared. Is that
22 right, Officer?

23 **SGT. WHITE:** Yes.

24 **MS. JONES:** Okay. And it contains pretty
25 well all the statements that you took, and any sort of

1 occurrence report was filed in there?

2 **SGT. WHITE:** The majority.

3 **MS. JONES:** Okay. So if you look at Bates
4 page 5342, can you see the person that -- if you start down
5 the page on "Friday, March 18th, 1994". Do you see the
6 paragraph?

7 **SGT. WHITE:** Yes.

8 **MS. JONES:** And you talked to an individual
9 that lived in Vancouver?

10 **SGT. WHITE:** Yes.

11 **MS. JONES:** Okay.

12 Now, he made an allegation of sexual abuse
13 against another worker and, again, I don't want to say the
14 name. This is not the same worker that we talked about
15 previously?

16 **SGT. WHITE:** That's correct.

17 **MS. JONES:** And he gave a ---

18 **THE COMMISSIONER:** Just a second. Mr. Lee?

19 **MR. LEE:** Mr. Commissioner, I'm having a bit
20 of a difficult time following along. I understand the
21 issues with confidentiality relating to alleged victims of
22 abuse. I don't understand the issues of confidentiality
23 relating to the names of these workers.

24 We are going to deal with this witness with
25 a number of workers. I intend to name them when I put my

1 questions to him and perhaps if Ms. Jones could just be a
2 little more explicit so we all know who we're talking about
3 and we can follow along a little easier.

4 If somebody is going to make a pitch for
5 confidentiality, that's fine, but at this point I don't
6 understand that that's going to happen. There are
7 allegations made. Charges aren't laid but, you know, I
8 don't see any grounds for confidentiality based on the
9 names of these workers.

10 **THE COMMISSIONER:** Mr. Chisholm?

11 **MR. CHISHOLM:** Sir, I have no instructions
12 to seek confidentiality with respect to those names and I
13 believe some of those names have already been mentioned in
14 the past.

15 **THE COMMISSIONER:** All right.

16 Have you had -- have you been in
17 communication with the people that might be named now?

18 **MR. CHISHOLM:** I have not.

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

20 Anybody else on the matter of
21 confidentiality at this point?

22 Well, I don't agree with Mr. Lee that the
23 victims get preferential treatment on these kinds of
24 things. I think there's always a test to be made in the
25 sense that -- certainly I made rulings with respect to

1 people from the Diocese and other people that were not
2 involved, that were not dealt with, that the name wasn't
3 publicized, but I don't have any -- you know, the onus is
4 on those wanting to have that confidentiality to come
5 forward.

6 **MS. JONES:** Okay.

7 Perhaps, Mr. Commissioner, you can defer the
8 ruling just in the event that CCR may have some
9 instructions from their client?

10 **THE COMMISSIONER:** Oh. They're not here
11 yet?

12 **MS. JONES:** No.

13 **THE COMMISSIONER:** Okay. Let's defer. You
14 keep going and when we get to Mr. Lee, we'll see where
15 we're go.

16 **MS. JONES:** Okay. Thank you.

17 So we're talking ---

18 **THE COMMISSIONER:** So just a minute.

19 Maybe what we could do, though, is give
20 monikers at this point, so that we know who is who and who
21 we're talking about.

22 Mr. Lee is coming up again?

23 **MR. LEE:** Do I understand correctly that
24 we're waiting for submissions that may come from a party
25 not currently in attendance in relation to people they

1 don't represent?

2 I mean, there's a -- you're absolutely
3 right, there's a test to be met, so if somebody wants to
4 give it a -- make the pitch and try to meet the test, then
5 I propose we do that, otherwise the default is openness. I
6 mean the general principle -- we argued this a lot at the
7 beginning of this Inquiry in terms of who should be named
8 and who should not.

9 The general argument I recall at that time
10 for myself -- I'll limit it to myself -- was that there are
11 connections to be drawn here, there are people who come
12 together, there are -- we haven't yet found an issue at
13 this Inquiry that is isolated. Everything seems to tie to
14 something else and we end up with a CPS investigation and
15 the OPP gets involved later on and the CAS is involved.

16 I mean, it's just -- I'm not seeing any
17 rationale here, and I certainly don't see how it's met
18 under the Dagenais/Mentuk test too.

19 I mean, these people aren't being convicted
20 here. There are allegations made. They were investigated.
21 This officer will speak to his investigation. We have a
22 Crown brief, we end up with charges not being laid but, you
23 know, this is -- this is a bit of a tangled web when we get
24 into the Second Street story, and it makes it extremely
25 difficult when we're jumping around trying not to name

1 names.

2 And, you know, not the default position --
3 and you've heard a lot of argument on victims of abuse and
4 why they're entitled to a certain level of protection and
5 it goes an extra step when we have Crown wards who were
6 minors at the time.

7 And we've got this long history at this
8 Inquiry of arguing that and eventually getting to the point
9 where it's recognized that for a victim, an alleged victim,
10 of abuse and a Crown ward, there are policy reasons and the
11 Dagenais/Mentuk test is met. We haven't had those
12 arguments as often, certainly not recently, on alleged
13 perpetrators and on alleged abusers, and in the absence of
14 somebody making a pitch and somebody having instructions to
15 do that, I'm not exactly sure why we have the hesitance we
16 do.

17 If your decision is to wait for CCR and see
18 if they may object, that's fine. I'm just here to say
19 that, at this point, I don't see how the Dagenais/Mentuk
20 test can possibly be satisfied, given that nobody's
21 advancing any kind of argument on that point.

22 **THE COMMISSIONER:** Thank you.

23 Any thoughts?

24 **MS. JONES:** No, I mean, but the primary
25 concern here of these people, they are alleged perpetrators

1 and, no, this is not a situation where somebody is
2 convicted, however, once somebody's name is affiliated with
3 any sort of allegation of sexual abuse, I think that that
4 person's name should be protected as well.

5 **THE COMMISSIONER:** Well, it depends, you
6 know. We've had to balance everything in the sense that --
7 it depends. Has the name been made public before? Was it
8 in the news? Was the person advised, you know? For
9 example -- if for example Mr. Chisholm were to say, "Yeah,
10 I talked to the guy and he says he doesn't have any
11 concerns", well then, that's that, but it might come as a
12 shock to them.

13 Do I know whether or not these people were
14 ever interviewed by the police? Were they ever aware that
15 they were being investigated? Mr. White?

16 **SGT. WHITE:** The individual she's talking
17 about right now, no.

18 **THE COMMISSIONER:** So he never even knew he
19 was being investigated?

20 **SGT. WHITE:** No. Not that I'm aware of, Mr.
21 Commissioner.

22 **MS. JONES:** And I don't believe that Officer
23 White made contact with the first individual, so it's
24 possible that he may not also have been aware of it
25 directly.

1 **THE COMMISSIONER:** Mr. Lee?

2 **MR. LEE:** The only thing I can add is that
3 the first individual who went unnamed through the
4 questioning has been named at this Inquiry.

5 **THE COMMISSIONER:** Oh, yes. Yes, I was
6 wondering about that.

7 **MR. LEE:** Yeah. So -- and I have no
8 information to contradict what Officer White has just said
9 about the second name. I have no clue if he's been
10 contacted subsequently by the police.

11 **THE COMMISSIONER:** So do you not agree that
12 if a guy doesn't even know that he was under investigation,
13 that his privacy interests increase or my concerns over
14 that should increase?

15 **MR. LEE:** I appreciate your concerns and I
16 appreciate the concerns of Ms. Jones, but I don't think it
17 satisfies the test.

18 You can imagine what my position on this is
19 going to be. My position is always openness, unless a
20 victim or alleged victim of abuse is involved, in which
21 case they're entitled to confidentiality. I haven't been
22 satisfied yet, in any of these cases, that an alleged
23 perpetrator deserves confidentiality and I'm certainly not
24 satisfied on this one. But that will hardly come as a
25 surprise to you, and you have a decision to make.

1 **THE COMMISSIONER:** No, no, but the ironic
2 thing is that the person -- first of all, Mr. Primeau, his
3 name has been named ---

4 **MR. LEE:** Yes.

5 **THE COMMISSIONER:** --- and there's no
6 confidentiality, so that should be there.

7 With respect to the second individual, he
8 doesn't even know that he needs to come here to claim
9 confidentiality because he never knew he was being
10 investigated, so ---

11 **MR. LEE:** I would have thought it incumbent
12 on the Commission and/or the CAS to notify him, frankly. I
13 mean, my understanding has always been, if somebody's name
14 is going to come up here as an alleged perpetrator, they
15 would be notified. I mean, I'm not going to notify them,
16 certainly. That was my understanding that at least efforts
17 would be made and I have no idea whether that's happened or
18 not.

19 We have Mr. Chisholm saying he's not
20 communicated with him, but I don't know whether there have
21 been efforts and I have no clue what efforts the Commission
22 has made. I don't know whether this person is dead or
23 alive. I know nothing of it. I simply know that there's a
24 test to be met and my submission is that there hasn't been
25 an argument on the test, let along having the test met.

1 But I'm not sure frankly that a party coming
2 forward precludes you from being able to use your
3 discretion to -- to shield the name if you wish. I mean, I
4 think you have a gate-keeping role here as the
5 Commissioner, and you don't necessarily need a party
6 advocating a position. And in any event, it seems that
7 Commission counsel is advocating a position.

8 **THE COMMISSIONER:** Well, we'll hold off
9 until the CCR comes in and then we'll see what they say.
10 So in the meantime, don't mention the second name but
11 you're free to name Mr. Primeau.

12 **MS. JONES:** With regards to the second
13 individual then that we're dealing with, we've already
14 looked at the Bates page and you know the complainant in
15 that matter ---

16 **SGT. WHITE:** Yes.

17 **MS. JONES:** --- and I understand that was
18 the only complainant in this particular situation. It's
19 not like the previous one where there were three. This is
20 the only complainant?

21 **SGT. WHITE:** That's right.

22 **MS. JONES:** Okay.

23 And this allegation came about from his time
24 when he was resident at the Laurencrest Group Home, not the
25 Second Street but Laurencrest?

1 **SGT. WHITE:** That's correct.

2 **MS. JONES:** And on Bates page 5342, it would
3 appear that this complainant remembered the person's first
4 name and he also gave a physical description.

5 **SGT. WHITE:** Which document are we referring
6 to now?

7 **MS. JONES:** Still Bates page 5342 ---

8 **SGT. WHITE:** Yes.

9 **MS. JONES:** --- and I'm at the paragraph
10 that starts, "On Friday, March 18th, 1994".

11 **SGT. WHITE:** Yes.

12 **MS. JONES:** Okay. And he describes this
13 person, gives a physical description of him?

14 **SGT. WHITE:** Yes.

15 **MS. JONES:** I don't want to actually use the
16 physical description, it's not actually relevant to the
17 proceedings, but just in case it would identify that
18 person, I don't want to use that. But he makes a physical
19 description of him?

20 **SGT. WHITE:** Yes. He gives a basic physical
21 description.

22 **MS. JONES:** Would it be fair to say that
23 this particular complainant did not have hesitations about
24 going forward with his complaint at this stage when you
25 were talking to him?

1 **SGT. WHITE:** He did have some reservations.
2 He was willing to have the police investigate the matter
3 and, if charges warranted, that he would contemplate
4 cooperating as a victim to have those charges done.

5 **MS. JONES:** He was willing?

6 **SGT. WHITE:** Initially when I spoke to him,
7 yes.

8 **MS. JONES:** Okay.

9 I'll refer you to in the same document -- I
10 was going to refer you to another Bates pages which is
11 actually his witness statement, which is Bates page 5459.

12 Mr. Commissioner, the names in this Crown
13 brief, it's -- I didn't actually check and verify this, but
14 I would assume there's a publication ban on that because
15 it's the same names as in the police notes?

16 **THE COMMISSIONER:** I suspect so. I don't
17 know.

18 **MS. JONES:** Just wanted to verify that on
19 the record. Okay.

20 **THE COMMISSIONER:** So okay. So we're on
21 459.

22 **MS. JONES:** At 5459, and again there's a
23 further description of this person -- further physical
24 description of him in addition to what he said earlier;
25 about halfway down the page.

1 **THE COMMISSIONER:** Okay, so ---

2 **MS. JONES:** Can you see -- if you look on
3 the screen ---

4 **SGT. WHITE:** Yes.

5 **MS. JONES:** --- can you see that? Okay.

6 **SGT. WHITE:** Yes, I have it.

7 **MS. JONES:** Sometimes on the screen it's
8 useful -- the Clerk will sometimes put the cursor by the
9 point that I'm referring to.

10 **SGT. WHITE:** Okay, thank you.

11 **MS. JONES:** So that does help.

12 But that was a more fulsome, say, physical
13 description as well, describing facial hair and more about
14 the colouring in addition to the build that he provided
15 earlier?

16 **SGT. WHITE:** Yes.

17 **MS. JONES:** So there wasn't an issue when
18 you left that and did your investigation -- there really
19 wasn't an issue who he was talking about. Is that fair to
20 say?

21 **SGT. WHITE:** I had a suspect in mind. The
22 identity of that suspect was not absolute at that point but
23 I did have a suspect in mind.

24 **MS. JONES:** And I understand that you
25 actually spoke to Inspector Trew about this suspect?

1 **SGT. WHITE:** Yes.

2 **MS. JONES:** And Inspector Trew directed you
3 actually to Officer Kevin Malloy?

4 **SGT. WHITE:** That's correct.

5 **MS. JONES:** And if I could please refer you
6 to the same document that you're at, Bates page 5353?

7 **SGT. WHITE:** Yes.

8 **MS. JONES:** I'm sorry, just a moment,
9 please. Could you scroll down a bit further, please, Madam
10 Clerk?

11 If you look at the hard copy, can you see
12 "Inquiries with Constable Kevin Malloy"?

13 **SGT. WHITE:** Yes.

14 **MS. JONES:** Can you see that point? So
15 based on Inspector Trew telling you about Officer Kevin
16 Malloy, you then contacted him?

17 **SGT. WHITE:** Did I contact Constable Malloy?

18 **MS. JONES:** Yes.

19 **SGT. WHITE:** Yes, I did.

20 **MS. JONES:** Okay. And according to your
21 synopsis here, it turns out that the reason why Officer
22 Malloy was contacted was because he was also a group home
23 worker at Laurencrest in the seventies -- before he became
24 a police officer, presumably?

25 **SGT. WHITE:** I'm not aware of that and I

1 think the reason -- my understanding as to why I was
2 referred to Constable Malloy was that Constable Malloy was
3 a youth worker investigator for the Cornwall Police and, as
4 a result, he had -- he worked with Children's Aid but in
5 particular Laurencrest on a regular basis and, therefore,
6 he was familiar with who all their employees were. That's
7 my understanding.

8 **MS. JONES:** Okay. I'm just going by your
9 notes here:

10 "Inquiries to Constable Kevin Malloy
11 who was a group home worker at
12 Laurencrest in the 1970s."

13 **SGT. WHITE:** The suspect was a group home
14 worker. There should be a comma or something in that. The
15 way I have it written is ambiguous, I guess.

16 Well, what I mean by that is that the
17 suspect was a worker at the group home in the seventies,
18 not that Constable Malloy was a worker at the group home in
19 the seventies.

20 **THE COMMISSIONER:** Okay, so we ---

21 **MS. JONES:** Oh, okay.

22 **THE COMMISSIONER:** It doesn't matter. You
23 spoke to him, he gave you a name ---

24 **SGT. WHITE:** That's correct.

25 **THE COMMISSIONER:** --- and also an opinion?

1 **SGT. WHITE:** Yes.

2 **THE COMMISSIONER:** And he said that he --
3 and he described the individual as:

4 "...a very outgoing individual who he
5 finds difficult to believe would engage
6 in such deviant sexual behaviour.
7 Writer will investigate this matter
8 further at such time as the complainant
9 files a formal complaint with police."

10 **SGT. WHITE:** That's correct.

11 **MS. JONES:** Okay.

12 Also, too, in the earlier notes -- I can
13 refer you to it if you want -- but in your handwritten
14 notes when you talked to Malloy you had added, in your
15 handwritten notes, that he found that this worker was a
16 very nice fellow. So, obviously, Officer Malloy had good
17 things to say about this guy?

18 **SGT. WHITE:** Well, he made that comment and
19 I just noted it in my notes and I didn't take anything from
20 it.

21 **MS. JONES:** No, I understand that, but it
22 seems that Officer Malloy though is giving you a very
23 positive sort of description of this fellow?

24 **SGT. WHITE:** That's correct.

25 **MS. JONES:** He was involved in Sea Cadets

1 and things like that?

2 **SGT. WHITE:** That's correct.

3 **MS. JONES:** So the phrase here saying that
4 you:

5 "...will investigate this matter
6 further at such time as the complainant
7 makes a formal complaint with the
8 police."

9 Had he not already done that with his
10 statement that I referred you to just a moment ago, which
11 is actually dated April 7th, 1994?

12 **SGT. WHITE:** And when were my notes made on
13 the issue?

14 **MS. JONES:** On this particular issue, May
15 5th, 1994.

16 **SGT. WHITE:** Well, if I understand your
17 question correctly on that, the difficulty I had with this
18 particular case was the statement that the victim had
19 provided police in Vancouver was lacking in a lot of areas
20 of detail and lacking in a lot of specifics as to the
21 nature of the sexual assault that he was a victim of.

22 And, as a result, I would have to strengthen
23 -- follow up on those areas before I would be in a position
24 to go forward with that complaint.

25 **MS. JONES:** Well, let me just refer you

1 back. We've already looked at it briefly.

2 It's at Bates page 5459, still in the same
3 document, and that's the statement I'd referred you to
4 earlier, which I believe is the statement given to you by
5 the complainant?

6 **SGT. WHITE:** No. I never met the
7 complainant. That's a statement that was forwarded to me
8 by an officer with the Vancouver Police Service ---

9 **MS. JONES:** Okay.

10 **SGT. WHITE:** --- who took a statement from
11 the victim on my behalf.

12 **THE COMMISSIONER:** Okay, just on 5459, the
13 witness statement says the statement taker is Badge Number
14 101, White. That's you?

15 **SGT. WHITE:** Yes. It says that,
16 Mr. Commissioner, only because I forwarded the statement
17 under my name. It was entered under my name into our
18 system.

19 **THE COMMISSIONER:** Okay, but for us --
20 anybody reading this, you're the taker of the statement?

21 **SGT. WHITE:** I understand your point.

22 **THE COMMISSIONER:** Okay.

23 **MS. JONES:** Would this not, though, have
24 been considered a formal complaint to police, even if it
25 was Vancouver Police and not personally yourself?

1 **SGT. WHITE:** Yes.

2 **MS. JONES:** Okay. So if you could just
3 explain that then, that you will investigate it further
4 once he files a formal complaint. The date of this
5 statement is actually April 7th, 1994 ---

6 **THE COMMISSIONER:** Well, we'd better ask him
7 about that.

8 Was that the time the statement was taken or
9 when you put it in?

10 **SGT. WHITE:** I'd have to look this point up
11 in my notes to be certain, Mr. Commissioner. My notes
12 would have the time when I received the statement from
13 Vancouver Police if I research that.

14 **THE COMMISSIONER:** Well, your notes are in
15 2214?

16 **MS. JONES:** Yes.

17 How about instead of knowing the exact date,
18 would you agree with me, at least, that the statement is
19 dated April 7th, '94?

20 **THE COMMISSIONER:** Okay, okay. Right, so
21 when you put it in the system -- let's assume that you had
22 to have it when you put it in the system. And when you put
23 it in the system it was in the month of April?

24 **SGT. WHITE:** No. My understanding is by
25 looking at this -- the date goes in reverse, so my

1 understanding is that this was entered on the 4th of July,
2 '94.

3 **THE COMMISSIONER:** Okay.

4 **SGT. WHITE:** And that would make more sense
5 to me, Mr. Commissioner, because ---

6 **THE COMMISSIONER:** Okay. So that would mean
7 then that when you wrote in the case note that you're going
8 to wait for a formal complaint, and if that was written in
9 May, you didn't have this statement yet?

10 **SGT. WHITE:** That's correct.

11 **MS. JONES:** So this is inputted July 4th?

12 **SGT. WHITE:** That's correct.

13 **MS. JONES:** So maybe we'd better go to your
14 ---

15 **SGT. WHITE:** By the way ---

16 **MS. JONES:** Because, you see, you spoke to
17 this person before speaking to Officer Malloy because you
18 wouldn't have known to ask Officer Malloy -- that's right.

19 **SGT. WHITE:** No, that's right, but what
20 happened with this particular victim was I had a tremendous
21 time -- difficult time finding him, and it took quite a
22 long period of time before I was actually able to make
23 contact with him to arrange for a statement to be taken
24 with him, and that was months.

25 **MS. JONES:** Okay, but just to get the order

1 though.

2 I would like to verify exactly what date he
3 would given the statement to Vancouver, but he was the only
4 complainant against this particular worker, so it's logical
5 you talked to him or had spoken to him or had spoken to
6 Vancouver Police before May 5th, 1994 because you wouldn't
7 have known to speak to Officer Malloy about it. That's the
8 point I'm trying to make; that there had already been
9 contact?

10 **SGT. WHITE:** No. I know clearly my memory
11 on this and that was I spoke to him on the phone. It's
12 only afterwards that I made arrangements with Vancouver
13 Police to try and track him down for the purposes of taking
14 a statement, and that was sometime after an initial
15 contact.

16 **MS. JONES:** So then at this particular
17 point, at least, you know there's an allegation because,
18 again, he's the only complainant for this particular person
19 and you had to have known that there was a complaint so
20 that you would talk to Officer Malloy?

21 **SGT. WHITE:** Yes.

22 **MS. JONES:** Okay. But you're saying you
23 didn't get the formal written statement until after May?

24 **SGT. WHITE:** No, again, my memory on this
25 point is that he made me aware ---

1 **THE COMMISSIONER:** Who is "he"?

2 **SGT. WHITE:** The victim in Vancouver made me
3 aware that there was an incident at Laurencrest of sexual
4 abuse that he may be willing to talk to me about ---

5 **THE COMMISSIONER:** All right.

6 **SGT. WHITE:** --- at that particular point.
7 He describes -- he gives me some details that -- as to
8 description of who the perpetrator is but no real details
9 as to what the sexual act was.

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

11 **SGT. WHITE:** And later on I make -- try and
12 track him down, make arrangements through Vancouver Police
13 to get an actual statement from him in order that I can
14 start a complaint.

15 **THE COMMISSIONER:** Okay, so you did get a
16 statement?

17 **SGT. WHITE:** I do, in July.

18 **THE COMMISSIONER:** All right.

19 **MS. JONES:** So it would appear though
20 through your notes and in the Crown brief synopsis though,
21 when you spoke to Officer Malloy, this statement arrives in
22 July but there doesn't seem to be any further
23 investigation. You said that you would do further
24 investigation once you had a formal complaint, but there
25 didn't appear to be any further investigation once you

1 spoke to Officer Malloy?

2 **SGT. WHITE:** I don't understand your
3 question.

4 **THE COMMISSIONER:** Okay.
5 When you spoke to Malloy ---

6 **SGT. WHITE:** Yes.

7 **THE COMMISSIONER:** --- all right. Did you
8 do any further investigating after that?

9 **SGT. WHITE:** What I was trying to do was get
10 in contact with the victim again because he had moved ---

11 **THE COMMISSIONER:** Okay.

12 **SGT. WHITE:** --- and I lost contact with
13 him.

14 **THE COMMISSIONER:** Fine. Okay. So then you
15 get contact?

16 **SGT. WHITE:** Yes.

17 **THE COMMISSIONER:** And you get the statement
18 taken?

19 **SGT. WHITE:** That's right.

20 **THE COMMISSIONER:** Okay, so once you get the
21 statement taken, what do you do?

22 **SGT. WHITE:** I get a -- I consult the Crown
23 on it and I'm looking to get in contact with the victim
24 again myself because the statement is very vague and I need
25 further information in order that I have an understanding -

1 --

2 THE COMMISSIONER: M'hm.

3 SGT. WHITE: --- as to all the elements of
4 the offence that occurred, in order that I may be in a
5 position to lay a criminal charge.

6 THE COMMISSIONER: Okay.

7 MS. JONES: Did you do any further
8 investigation on this alleged perpetrator to see if there
9 were other people that were making similar complaints?

10 SGT. WHITE: What I did on that particular
11 point was -- all I did was I checked into what kind of
12 information and what kind of background information I could
13 find on the individual and ---

14 THE COMMISSIONER: Complainant, you mean?

15 SGT. WHITE: --- yeah, Well, no, on the
16 potential suspect.

17 THE COMMISSIONER: Right.

18 SGT. WHITE: And that was basically the
19 extent of how far I went with that particular individual at
20 that time.

21 THE COMMISSIONER: Was it customary -- why
22 would you go to the Crown with this file? Do you always go
23 to the Crown with files?

24 SGT. WHITE: No, there -- because of the
25 limited information that was provided by victims, there was

1 a lot of legal issues as to whether or not we'd be in a
2 position -- first of all, get to the point where we had a
3 *prima facie* case and whether or not we would be able to
4 lay a criminal charge. Where there was -- there was a
5 policy back then that, among other things and that with
6 this case, but there had to be a reasonable expectation or
7 ---

8 **THE COMMISSIONER:** Reasonable prospect of
9 conviction?

10 **SGT. WHITE:** Yes. And there had to be a
11 likelihood that there was a reasonable prospect of
12 conviction.

13 **THE COMMISSIONER:** In 1994?

14 **SGT. WHITE:** Yes, before the Crown would
15 initiate a prosecution into historical sexual assaults.

16 **THE COMMISSIONER:** Okay, so what you're --
17 whoa, wait a minute, wait a minute now.

18 So you're saying that with respect to
19 historical sexual assaults, your view was that the Crown
20 had a policy in 1994 that there had to be a reasonable
21 prospect of conviction before they would take the charge,
22 but that has nothing to do with you laying the charge?

23 **SGT. WHITE:** No -- but yes, in a way, it
24 does because the police force were not independent of the
25 Crown Attorney's office ---

1 **THE COMMISSIONER:** Right.

2 **SGT. WHITE:** --- and it was understood that
3 if there was no -- that the police had a situation where it
4 was unlikely that the Crown would be willing to prosecute,
5 is that it was important that the police consult with the
6 Crown before, perhaps, laying charges in those types of
7 circumstances and that was policy and that was understood
8 back then.

9 **THE COMMISSIONER:** And when you say
10 "policy", is there something written about that?

11 **SGT. WHITE:** There was, and the exact date
12 as to when those correspondence would have gone by, I can't
13 give you that but, yes, there was a written policy from the
14 Crown's office to the Chief of the Police that in cases of
15 that nature is that the Crown will not prosecute where
16 there's no reasonable expectation of a conviction.

17 **THE COMMISSIONER:** Okay.

18 **MS. JONES:** I'm going to move on to now
19 allegations that came to your attention about other group
20 homes that were involved.

21 I know that when you started off this
22 situation that your focus was Second Street, but you'll
23 agree with me that in that investigation out came all of
24 these other people that made other allegations at other
25 group homes and foster homes?

1 **SGT. WHITE:** That's correct.

2 **MS. JONES:** And the other homes that -- I've
3 listed all the complaints that came to these other homes.
4 I can refer you to the specific Bates page. Maybe you can
5 just agree with me that this is accurate.

6 With regards to Second Street Group Home, in
7 addition to Jeannette Antoine's situation, there were two
8 other people that made complaints and I've mentioned those
9 two other people already here today?

10 **SGT. WHITE:** There's actually three.

11 **MS. JONES:** Three total?

12 **SGT. WHITE:** Yes.

13 **MS. JONES:** Okay.

14 And then there was a foster home that I
15 called the Cumberland home?

16 **SGT. WHITE:** Yes.

17 **MS. JONES:** And there were several
18 complaints of abuse that came out of that?

19 **SGT. WHITE:** There's a couple of complaints
20 that I'm aware of, yes.

21 **MS. JONES:** I had actually counted four. I
22 can refer you to the Bates pages if that's helpful.

23 **SGT. WHITE:** My memory was three, but it
24 could be four.

25 **MS. JONES:** Okay.

1 Also, too, there were a lot of complaints
2 about Laurencrest. We've got the person we just finished
3 talking about here.

4 **SGT. WHITE:** No, the only complaint that I
5 recall was the one we just mentioned. That's the only
6 complaint that I can remember about Laurencrest.

7 **MS. JONES:** If I could refer you to Bates
8 page 6064 of your notes, not the Crown brief synopsis?

9 **THE COMMISSIONER:** I'm sorry, of his notes?

10 **MS. JONES:** Of his notes which is Exhibit
11 2214.

12 If I could just speak to Mr. Chisholm for
13 just a moment?

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

15 **MS. JONES:** There seems to be a host of
16 complaints about an individual called Derry Tenger?

17 **SGT. WHITE:** I'm sorry, you've lost me.

18 **MS. JONES:** I'm pointing one person, Derry
19 Tenger. I think that's how you pronounce his name. I'm at
20 Bates page 6064, but can you recall that there were many
21 complaints about his treatment of the children?

22 **SGT. WHITE:** At the group home on Second
23 Street?

24 **MS. JONES:** Right.

25 **SGT. WHITE:** I don't -- I don't remember

1 anything in connection with Laurencrest.

2 MS. JONES: Were you aware he moved on to
3 Laurencrest?

4 SGT. WHITE: No, I don't believe I was.

5 MS. JONES: You weren't aware of that, okay.
6 There was also -- I call it a farm-based
7 foster home. It's referred to in your notes at Bates page
8 6159. And, Madam Clerk, you should scroll down just a
9 little bit, please?

10 This is actually your conversation with the
11 person we just spoke about, the victim in Vancouver. And
12 towards the bottom of the page, it starts, "The second was
13 by a farmhand in a foster home"?

14 SGT. WHITE: Yes.

15 MS. JONES: I'm just calling that "the farm-
16 based foster home". I don't know what the name of it is.
17 It's never been revealed by that person. Do you know if
18 that's a separate foster home that this complainant was
19 talking about?

20 SGT. WHITE: Yes.

21 MS. JONES: So he was making allegations
22 that there was sexual abuse at this farm foster home as
23 well?

24 SGT. WHITE: Yes.

25 MS. JONES: Okay.

1 **SGT. WHITE:** While you have that page up
2 and, Mr. Commissioner, it outlines that I received a
3 statement in regards to this individual in Vancouver on the
4 5th of July in '94 ---

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

6 **SGT. WHITE:** --- or sorry on the 12th of July
7 '94.

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

9 **MS. JONES:** And then we also have a
10 complaint that's made against a person with a moniker, C-
11 14.

12 **THE COMMISSIONER:** We'll show you that
13 individual's name.

14 **MS. JONES:** And I refer you to Bates page
15 6148. If Madam Clerk could scroll down, please?

16 Actually, you can see this is where C-14
17 makes the initial complaint. If we could just go to the
18 next page please, Madam Clerk, at the very top on page
19 6149. There was another foster home that was mentioned
20 there as well.

21 **SGT. WHITE:** That's correct.

22 **MS. JONES:** Okay.

23 So if we do the math, there are five -- I'm
24 sorry, there's one more that I missed actually. At 5959,
25 Bates page, and if we just go to -- this is -- can you see

1 in the middle of the page who you're talking to?

2 **SGT. WHITE:** Yes, I can.

3 **MS. JONES:** If you just go to the next page,
4 5960, you'll see at the very top there's actually the name
5 of the foster home there.

6 **SGT. WHITE:** Yes.

7 **MS. JONES:** So as I say, if we do the math,
8 that's six different group homes or foster homes that have
9 been brought to your attention?

10 **SGT. WHITE:** I'd agree with that.

11 **MS. JONES:** Yes.

12 And it would appear that -- if I'm looking
13 at the contact that you had with your senior officers
14 apparently on May 26th, it's at Bates page 6132. Just
15 scroll down a bit please, Madam Clerk -- at 11:10. I'm
16 sorry, right at the top actually. Thanks, it's perfect.

17 At 11:10, you have met with Inspector Trew,
18 "Gave a full briefing"?

19 **SGT. WHITE:** That's correct.

20 **MS. JONES:** And it also says in that same
21 meeting:

22 "Continue interviews of any directly or
23 indirectly evolved(sic) with group
24 home."

25 It doesn't say "group homes", but was there

1 a general understanding, certainly at that point, when
2 you're having these various meetings with Inspector Trew,
3 that there are other group homes involved?

4 **SGT. WHITE:** Yes.

5 **MS. JONES:** Okay. You didn't specifically
6 state that there, but would this have been something you
7 talked about with him?

8 **SGT. WHITE:** Yes, it was.

9 **MS. JONES:** Then we have a situation a
10 little bit later on, Bates page 6152 at the bottom.

11 You'll see there on the 14th of June, 1994
12 you met with the then Regional Crown, Peter Griffiths, and
13 if you go to the next Bates page, please:

14 "Advised on how investigation was
15 conducted. Advised briefly on three
16 incidents of sexual abuse."

17 Do you have any recollection which three you
18 were talking about there?

19 **SGT. WHITE:** Yes.

20 **MS. JONES:** Which ones were those? Were
21 those ones we've discussed here earlier today?

22 **SGT. WHITE:** Yes.

23 **MS. JONES:** Against the first individual?

24 **SGT. WHITE:** Yes.

25 **MS. JONES:** Okay. And you also said ---

1 **THE COMMISSIONER:** Against Mr. Primeau?

2 **MS. JONES:** Oh, I can use Mr. Primeau?

3 **THE COMMISSIONER:** Yes.

4 **MS. JONES:** Okay.

5 "Advised that you have received
6 information of sexual abuse in other
7 foster homes. Advised that may be a
8 problem in how complaints of sexual
9 abuse as against employees of CAS and
10 foster parents and possible need to
11 develop protocol in this area."

12 **SGT. WHITE:** That's correct.

13 **MS. JONES:** Was this something you also
14 advised Inspector Trew about?

15 **SGT. WHITE:** Yes.

16 **MS. JONES:** And what was the response first
17 of all from Officer Trew and Crown Griffiths?

18 **SGT. WHITE:** Well, different responses from
19 different people, Mr. Commissioner, in that my supervisors,
20 Inspector Trew but more so Staff Sergeant Derochie who had
21 a direct overseeing in the case and that, were that I would
22 document any information I had in regards to that and that
23 that information would be shared with the OPP who, at that
24 particular time, I was under the impression were possibly
25 going to take over to look at all the allegations of sexual

1 abuse in public institutions forthcoming.

2 That was the first part of that. In
3 regards, I made the -- I discussed these issues with Crown,
4 Mr. Griffiths at the time; made it aware; sought advice
5 from him as to whether or not he thought there was anything
6 criminal against the agency based on what I turned up at
7 this point. He indicated that there wasn't, and I'm not
8 sure if there's anything else I can help you with.

9 MS. JONES: Okay. And the last one I refer
10 you to is Document 739150, it's Exhibit 1339.

11 THE COMMISSIONER: I'm sorry, what exhibit?
12 One-three-three-nine (1339).

13 MS. JONES: Now, this is a letter that's
14 written to you from Peter Griffiths, Crown Attorney,
15 Regional Crown at that time, and the date is October 24th,
16 1994.

17 Now, the first paragraph makes reference to
18 the entire investigative brief that you provided him, and
19 that brief we've referred to here today, that's Exhibit
20 2210?

21 SGT. WHITE: That's correct.

22 MS. JONES: And he says that he had reviewed
23 the brief and was now having a legal opinion on to what
24 should happen.

25 In reading this particular letter, this

1 three-page letter, there doesn't seem to be a reference to
2 any issue concerning a larger problem perhaps within the
3 foster home or group homes?

4 **SGT. WHITE:** It doesn't refer to it in the
5 letter because when it's in the meeting that I had with him
6 a month prior to the letter coming out, I mean, it was a
7 two-hour meeting, and we discussed that topic particularly
8 then.

9 I mean it was -- that was not the main crux
10 of the dilemma I was facing because it was very -- there
11 was no -- there was no information to suggest that there
12 was anything criminal by CAS or any other institution. So
13 he didn't have to give me a formal response, but he did
14 answer my question as to, is there anything of a criminal
15 nature at this point that I should be concerned of; is
16 there anything that he thought I should do as far as
17 further investigation, and his answer was no.

18 **MS. JONES:** Okay. So Mr. Griffiths is
19 actually doing his job then, providing the legal opinion on
20 criminal possible charges that would flow as a result of
21 your investigation?

22 **SGT. WHITE:** That's correct.

23 **MS. JONES:** And that's what he's restricted
24 himself to, quite rightly. He's the Crown Attorney and
25 that's what he's supposed to do.

1 **SGT. WHITE:** That's correct.

2 **MS. JONES:** Now, that being aside, that's
3 sort of one part of the investigation, shall we say.

4 Is it fair to say that you had concerns
5 about what was going on? Even if it wasn't a criminal
6 problem necessarily, but there seemed to be a lot of people
7 that were saying similar things happening in six group
8 homes or foster homes. That must have caused you some
9 concern?

10 **SGT. WHITE:** Yes, it did.

11 **MS. JONES:** Yet, it would appear that you
12 did not contact the CAS?

13 **SGT. WHITE:** No, I did contact CAS, and what
14 -- at the end of my investigation, I had a meeting with Mr.
15 Towndale and I made -- I sat down with him and I went over
16 some of the things that my investigation had uncovered
17 about sexual abuse that happened in other foster homes that
18 were under the direction 20 years ago in Children's Aid.

19 **MS. JONES:** Can you refer me to the place in
20 your notes where it says that, sir?

21 **SGT. WHITE:** Yeah, I can.

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

23 **SGT. WHITE:** If I understand this process
24 right, I think it's Bates page 6176.

25 **MS. JONES:** All right. And what was it that

1 you discussed with Mr. Towndale?

2 **SGT. WHITE:** Why there was this breakdown in
3 foster homes back in the eighties or seventies, and we
4 discussed how things had changed with the Children's Aid
5 Society since the time that these problems occurred.

6 In particularly, one of the issues I raised
7 with him was the fact that back initially, when wards of
8 CAS were complaining about sexual abuse by their caregivers
9 while in the care of Children's Aid, it didn't seem that
10 these cases were being reported to the police.

11 And he acknowledged that that was the case
12 back then, but since then that they had totally changed
13 that policy, and he gave me specific examples since that
14 time period where there were complaints made against either
15 workers or foster parents and these matters had been
16 referred to the police and investigated.

17 We also went through other policies about
18 how people were selected to be foster parents and work in
19 group homes, and he indicated, first of all, back when I
20 was looking at the Second Street West Group Home, they
21 didn't have policies on how group homes should operate;
22 what kind of discipline should be administered; who should
23 oversee this. There were no policies in place.

24 And he indicated that they -- they redid --
25 redid all those policies and now my policies in place,

1 there was a hierarchy of authority that oversaw these
2 institutions. So all that had changed compared to what I
3 was looking at when I was dealing in -- in the time period
4 where these allegations were made.

5 And other things like that, we reviewed
6 those things and he showed me that, yeah, we've since taken
7 steps to improve on this; to make -- wherever there were
8 problems, we've made those changes and things were not like
9 they were 20 years ago.

10 **MS. JONES:** When I read the notes of that
11 meeting, I didn't get the feeling that you were going to
12 him raising your concerns about what had happened in this
13 sort of methodical research that you'd done.

14 It seemed to me, from reading these notes,
15 that you were there just to discuss policy. He gave you
16 copies of documents, but it was not actually a discussion
17 of, "Gee, I'm really concerned about what's happening here
18 and have these problems been addressed? Have these foster
19 homes ever been shut down just to do some sort of follow-
20 up..." ---

21 **SGT. WHITE:** Yes.

22 **MS. JONES:** --- as to what was happening
23 with these"?

24 **SGT. WHITE:** No, it's not. No, my meeting
25 with Mr. Towndale was in October '94, but in the event of

1 that, my investigation is basically done, all right? So
2 it's at the end of the investigation. I'm not going to him
3 at that point looking for new material and that's already
4 been done. It's clearly that's what I'm doing.

5 I'm sitting down with him. I'm going
6 through some of the concerns that I uncovered. I'm asking
7 him for his input on those things and, I mean, that's what
8 we're talking about. And what he -- what I remember is he
9 is showing me, yeah, policies have changed since then.
10 Wherever there were problems, those things have been
11 corrected now and we now have systems in place to deal with
12 those issues.

13 **MS. JONES:** I just want to go back -- I just
14 want to be clear on what your testimony is. So you gave
15 him a copy of your investigation?

16 **SGT. WHITE:** No, that's not what I did.

17 **MS. JONES:** Oh.

18 **SGT. WHITE:** I raised some of the elements -
19 --

20 **MS. JONES:** What elements did you raise? As
21 I say, it doesn't say that here. It seems very one sided
22 that Mr. Towndale gave you ---

23 **SGT. WHITE:** No ---

24 **MS. JONES:** --- all the information.

25 **SGT. WHITE:** --- not at all.

1 **MS. JONES:** That you had not actually shared
2 that information with him.

3 **SGT. WHITE:** No, I made inquiries like I've
4 already indicated about how group workers were selected in
5 group homes; that was a concern.

6 Another issue was they're dealing with about
7 when people under the care of Children's Aid report sexual
8 or alleged sexual abuse, why it was not being reported to
9 the police to be investigated. To me, that was a major
10 component, kind of thing, and we discussed that and he
11 showed me -- he gave me examples where that wasn't the
12 case. It wasn't that he offered that material and that.
13 It was a response to my questions as to how the policy was
14 back in -- back then in CAS and how it compared to what it
15 was now. That was -- that was the response to that.

16 **MS. JONES:** But just to be clear, the
17 critical point that I'm trying to get here though, you did
18 not tell him the results or your investigation with
19 specific names and specific concerns about specific workers
20 and the specific allegations that remained?

21 **SGT. WHITE:** I was guarded about -- I was
22 guarded about not giving all the information of my -- of my
23 investigation with Children's Aid.

24 At that particular point in October '94 and
25 that, we were only -- this whole idea about institutional

1 sexual abuse was very much just starting to get
2 investigated and was the OPP were going to be initiating,
3 probably, a bigger investigation so I was led to believe,
4 at that particular time, dealing with institutional
5 response to sexual abuse allegations.

6 And as a result, at some point, I was
7 thinking hypothetically that the worst case scenario, if it
8 came true that it's shown that somebody was criminally
9 negligent that resulted in this, that may possibly result
10 in someone with Children's Aid being accountable with
11 criminal charges, whether it was an investigation that the
12 Cornwall Police would do further on or that the OPP would
13 do, that was a possibility.

14 So I didn't go there and say, look, we
15 discovered all these things and that because it would have
16 been improper to share all the elements in the
17 investigation. But the basic themes about some of what I
18 did -- some of the specific homes I inquired about to
19 understand -- to confirm that they were not in operation
20 anymore or that the particular workers were not employees
21 at CAS, that kind of material was part of our conversation.

22 **MS. JONES:** Okay, that's not noted here.

23 **SGT. WHITE:** No, it's not.

24 **MS. JONES:** Okay.

25 Perhaps this is a good time to take a break,

1 please?

2 **THE COMMISSIONER:** Certainly, let's take the
3 morning break.

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

6 This hearing will resume at 11:15 a.m.

7 --- Upon recessing at 11:02 a.m./

8 L'audience est suspendue à 11h02

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

10 L'audience est reprise à 11h23

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

13 This hearing is now resumed. Please be
14 seated. Veuillez vous asseoir.

15 **THE COMMISSIONER:** Ms. Jones?

16 **SGT. SHAWN WHITE:** Resumed/Sous le même serment

17 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MS.

18 **JONES (cont'd/suite):**

19 **THE COMMISSIONER:** Ms. Jones?

20 **MS. JONES:** Thank you.

21 I've actually finished my questions on these
22 incidents, Officer White.

23 At this particular stage, I always ask if
24 there's any sort of recommendations or suggestions that you
25 would have and any sort of impact that this Inquiry has had

1 on you and this is your opportunity to tell the
2 Commissioner your thoughts and to share, at this point, if
3 you so desire.

4 **SGT. WHITE:** I don't believe I have
5 anything, Mr. Commissioner ---

6 **THE COMMISSIONER:** All right.

7 **SGT. WHITE:** --- that would be of
8 assistance.

9 **THE COMMISSIONER:** Thank you.

10 Before we start the cross then, I have a
11 couple of questions.

12 When you started your investigation, Officer
13 Sebalj gave you a couple of audiotapes?

14 **SGT. WHITE:** That's correct.

15 **THE COMMISSIONER:** All right. Did she make
16 any comments about them, like how she got them and ---

17 **SGT. WHITE:** I don't recall, Mr.
18 Commissioner, what, if any, comments she might have made
19 with that material.

20 **THE COMMISSIONER:** Okay. Did you view these
21 audiotapes?

22 **SGT. WHITE:** Yes, I did.

23 **THE COMMISSIONER:** Did you notice that it
24 was a Children's Aid Society member who was asking most of
25 the questions?

1 **SGT. WHITE:** I don't recall that specific
2 aspect.

3 **THE COMMISSIONER:** Okay, so that didn't mark
4 you in any way that ---

5 **SGT. WHITE:** No.

6 **THE COMMISSIONER:** --- that you can recall?
7 Okay.

8 So you don't have an explanation? We have
9 heard that Constable Sebalj and -- the name of ---

10 **MR. CHISHOLM:** Ms. Fitzpatrick?

11 **THE COMMISSIONER:** --- Ms. Fitzpatrick did
12 this without Ms. Fitzpatrick, you know, noting it in her
13 book as it -- she was doing it off-duty as volunteer, I
14 suppose or something like that, and that Constable Sebalj
15 took this statement and wasn't really going to report it
16 and give it to the Cornwall Police until she got some
17 independent legal advice or things like that.

18 **SGT. WHITE:** I wasn't aware of that, Mr.
19 Commissioner.

20 **THE COMMISSIONER:** Not aware of anything
21 like that?

22 **SGT. WHITE:** Not at all.

23 **THE COMMISSIONER:** Did you make note that
24 the statement or the audiotape was done in November and you
25 were just getting it in January?

1 **SGT. WHITE:** Yes, I did know when the
2 statement was done and I did know that I was getting it in
3 January.

4 **THE COMMISSIONER:** Okay, and did that ring
5 any bells or not ---

6 **SGT. WHITE:** Well ---

7 **THE COMMISSIONER:** --- that it should, but
8 I'm just wondering. Did ---

9 **SGT. WHITE:** I was told initially at the
10 onset of my investigation that there had been some problems
11 with the initial investigations ---

12 **THE COMMISSIONER:** Yes.

13 **SGT. WHITE:** --- into this and that's about
14 all I was told.

15 **THE COMMISSIONER:** Okay, fair enough.

16 Okay, I see that -- did Mr. Lee go
17 someplace? Oh, Mr. Lee, looks like we are going to call on
18 you to cross-examine.

19 **MR. LEE:** I think, typically, Mr. Paul would
20 precede me.

21 **THE COMMISSIONER:** Oh, I'm sorry. You're
22 absolutely right. I'm sorry.

23 **MR. LEE:** I know that Ms. Daley is on the
24 train and will be here to conduct.

25 **MR. CHISHOLM:** She's here now.

1 **MR. LEE:** She may not be prepared to cross-
2 examine at this point.

3 **THE COMMISSIONER:** Okay. Well, no, I ---

4 **MR. LEE:** Are you ready yet?

5 **THE COMMISSIONER:** Mr. Horn? Ah, Mr. Horn,
6 I'm sorry.

7 Mr. Paul?

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

10 **PAUL:**

11 **MR. PAUL:** Good morning, Sergeant White.

12 **SGT. WHITE:** Morning.

13 **MR. PAUL:** I appear for a group called
14 Coalition for Action which is a citizen's group and I have
15 a number of questions on the matter.

16 I'd like to focus your attention, first of
17 all, to the interaction that you had with the then Regional
18 Crown Attorney, which would be Peter Griffiths.

19 **SGT. WHITE:** Yes.

20 **MR. PAUL:** And I did hear your evidence
21 indicating that the police brief was sent to the Regional
22 Crown?

23 **SGT. WHITE:** Yes.

24 **MR. PAUL:** And I believe as entered as an
25 exhibit here, the police brief you understand to be a

1 fairly long, typed document?

2 **SGT. WHITE:** Yes.

3 **MR. PAUL:** And so the first question I have
4 is, we've heard from your evidence various references to
5 why there would be over 200 pages of written notes and what
6 I wondered is, did the written notes get sent with the
7 typed brief to the Regional Crown or does he only have the
8 typed brief?

9 **SGT. WHITE:** No, my notes would have been
10 part of the brief, along with the actual hardcopy of the
11 written statements that were taken, and that's not part of
12 the brief that I've seen in these proceedings.

13 **MR. PAUL:** So the notes wouldn't go to the
14 Regional Crown?

15 **SGT. WHITE:** Yes, they would have.

16 **MR. PAUL:** Oh, they would have. Okay.

17 Now, I understand that eventually after the
18 crown reviews the matter, your notes indicate that there's
19 a meeting with yourself, Murray MacDonald and the Regional
20 Crown, Peter Griffiths?

21 **SGT. WHITE:** That's correct.

22 **MR. PAUL:** And I'm just wondering, the
23 brief, before you embark on the investigation of the
24 Antoine matter, you know some information about the
25 background, about it having been investigated in the past?

1 **SGT. WHITE:** A little bit.

2 **MR. PAUL:** You are at least familiar that it
3 arose -- events arose without a police investigation back
4 in the 1970s; correct?

5 **SGT. WHITE:** I'm not sure I understand your
6 question.

7 **MR. PAUL:** You are aware that the matter
8 deals with issues surrounding mid-seventies, around 1976,
9 arising with the Children's Aid?

10 **SGT. WHITE:** Yes.

11 **MR. PAUL:** And then you would have been
12 aware it first arises with the police investigation of
13 Constable Malloy back around 1989 to '90?

14 **SGT. WHITE:** I knew there was an
15 investigation, but I didn't know a lot of the specifics.

16 **MR. PAUL:** You were aware that there was an
17 investigation, for example, that had some interaction
18 between Constable Malloy and Miss Antoine, such as a
19 statement? You were aware that there was that aspect?

20 **SGT. WHITE:** Yes. Yes.

21 **MR. PAUL:** And you were aware that at some
22 points, there was media coverage in relation to Miss
23 Antoine's complaints?

24 **SGT. WHITE:** Yes.

25 **MR. PAUL:** And she was making complaints

1 that it wasn't being handled properly to the media;
2 correct?

3 **SGT. WHITE:** That's correct.

4 **MR. PAUL:** So with the background, I take it
5 that it would have been important to you, first of all, to
6 get -- to do an exhaustive investigation?

7 **SGT. WHITE:** Yes.

8 **MR. PAUL:** And it would have also been
9 important to provide all the relevant information that you
10 would have had to the Regional Crown when he makes his
11 ultimate opinion?

12 **SGT. WHITE:** That's correct.

13 **MR. PAUL:** Now, I want to ask you something
14 in relation to the opinion. I believe the opinion of the
15 Regional Crown is 1339, I believe?

16 **THE COMMISSIONER:** Exhibit 1339?

17 **MR. PAUL:** It's Document 739150, Exhibit
18 1339.

19 **THE COMMISSIONER:** So do you have that, sir,
20 or you want to wait. Okay, fine.

21 **MR. PAUL:** You have that document?

22 **SGT. WHITE:** No.

23 **THE COMMISSIONER:** No, he's going on the
24 screen. So what page on the document would you like?

25 **MR. PAUL:** Looking at page 2.

1 **THE COMMISSIONER:** There you go. Yes, yes.

2 **MR. PAUL:** Now, I believe on page 2, the
3 first paragraph focuses on the common assault aspect, and
4 it's in paragraph 2 I believe that there's some reference
5 to allegations of sexual assault by Ms. Antoine?

6 **SGT. WHITE:** Yes.

7 **MR. PAUL:** It talks about pinching of
8 breasts; correct?

9 **SGT. WHITE:** Yes.

10 **MR. PAUL:** And is that the extent of what is
11 discussed in the opinion letter of the Regional Crown in
12 terms of the allegations of sexual assault by Miss Antoine?

13 **SGT. WHITE:** In regards to Miss Antoine,
14 yes.

15 **MR. PAUL:** Yes. Was that your understanding
16 of the extent of her allegations of sexual assault?

17 **SGT. WHITE:** Yes.

18 **MR. PAUL:** And the pinching of breasts, was
19 it your understanding that that aspect of her allegation
20 was in a sexual context or in a discipline context?

21 **SGT. WHITE:** I'm not really clear because in
22 the actual statement that she provides me at the onset of
23 the investigation, I don't believe it mentions that
24 specific episode.

25 **MR. PAUL:** All right.

1 **SGT. WHITE:** That's information that I
2 learned from her during the course of the investigation.

3 **MR. PAUL:** All right.

4 Now, I want to refer you to another
5 document. It's Document 739081, and I believe it is
6 Exhibit 514.

7 **THE COMMISSIONER:** We'll need the book,
8 Madam Clerk. Thank you.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **MR. PAUL:** And I'm sorry, it's 504.

11 **THE COMMISSIONER:** Five-zero-four (504),
12 okay.

13 **MR. PAUL:** Yes, and I was looking at Bates
14 page 7175548.

15 You see towards the top of the page, there's
16 a reference to an allegation, I believe it appears to be
17 from Miss Antoine in relation to rubbing over breasts in
18 the bedroom, and there's a reference to dirty talk to an
19 individual by the name of Sandy?

20 **SGT. WHITE:** Yes.

21 **MR. PAUL:** I'm wondering in your
22 investigation, were you ever aware of anything raised by
23 Miss Antoine along those lines of a sexual nature?

24 **SGT. WHITE:** No, she didn't raise anything
25 along those lines during my investigation.

1 **MR. PAUL:** Okay. Perhaps I could refer you
2 back to the first page of the statement. I was waiting for
3 the first page, yes. I was looking for Bates page 5545, I
4 think.

5 **THE COMMISSIONER:** That's the first page
6 again.

7 **MR. PAUL:** That would be the first page of
8 the witness statement.

9 **THE COMMISSIONER:** Exhibit 504.

10 **MR. PAUL:** I believe it's 7175545 would be
11 the first page.

12 You see that this is a witness statement
13 indicating the taker of it was Kevin Malloy?

14 **SGT. WHITE:** That's correct.

15 **MR. PAUL:** And it appears to have been a
16 statement that was entered onto the OMPPAC system. Would
17 that be correct?

18 **SGT. WHITE:** That's correct.

19 **MR. PAUL:** And the reference to 1994-01-21,
20 is that possibly that that's not the date the statement is
21 taken? Could that be the date it's entered on OMPPAC?

22 **SGT. WHITE:** That's correct.

23 **MR. PAUL:** So what I wanted to ask you is,
24 is this entered -- given the timeframe of your
25 investigation, you come on I believe in late January, I

1 take it?

2 **SGT. WHITE:** The middle of January.

3 **MR. PAUL:** All right. Is this statement not
4 entered in the context of your investigation and not
5 Constable Malloy's investigation?

6 **SGT. WHITE:** No, it may have been entered as
7 a result of Staff Sergeant Derochie's investigation into
8 Constable Malloy's matter.

9 **MR. MANDERVILLE:** We've heard from Constable
10 Malloy, Mr. Commissioner. He did not enter things on
11 OMPPAC in this investigation.

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

13 **MR. MANDERVILLE:** That was made clear by
14 him.

15 **THE COMMISSIONER:** Yes.

16 **MR. PAUL:** Now, would you not have had
17 access at some point during your investigation to this
18 statement, given it's on OMPPAC?

19 **SGT. WHITE:** Yes.

20 **MR. PAUL:** And I'm just wondering, do you
21 have any recollection of why it wouldn't be included in the
22 Crown brief? Is that an oversight or is it a deliberate
23 decision only to include your investigation as opposed to
24 Constable Malloy's?

25 **SGT. WHITE:** It was understood that my

1 investigation would be totally separate, that it would be
2 independent, and I would start from the beginning. And
3 when I met with the victim in this particular case, it was
4 clear that when I took a statement from her, that any
5 allegations of impropriety that she experienced, that she
6 should tell me those and include them in her statement.

7 **MR. PAUL:** All right. So in terms of -- do
8 you agree that perhaps there may be a tendency of
9 complainants to have a better recollection of events closer
10 in time to when they occur?

11 **SGT. WHITE:** Sometimes that's the case.

12 **MR. PAUL:** So for investigative purposes, a
13 statement taken by Constable Malloy in '89 to '90, might
14 potentially have some investigative value for your
15 investigation?

16 **SGT. WHITE:** Yes.

17 **MR. PAUL:** But in this case, it wasn't used,
18 for example, to refresh Miss Antoine's memory in your
19 investigation?

20 **SGT. WHITE:** I don't believe it was.

21 **MR. PAUL:** And to your knowledge it was
22 never put to the Regional Crown?

23 **SGT. WHITE:** No, it wasn't.

24 **MR. PAUL:** And in terms of the particular
25 aspect I made reference to, the aspect that dealt with a

1 rubbing in the bedroom in the context of some form of dirty
2 talk or possibly sexual talk made to another occupant of
3 the bedroom, that aspect wasn't put to the Regional Crown?

4 **SGT. WHITE:** That's correct.

5 **MR. PAUL:** Would you think that that
6 information might have been of some value to the Regional
7 Crown in assessing the grounds?

8 **SGT. WHITE:** No, I don't.

9 **MR. PAUL:** I'm just wondering if there had
10 been any doubt whether pinching was sexual in context or
11 whether it was in discipline in nature, would not -- this
12 1990, either 1989 or '90 statement, perhaps have assisted
13 in terms of the context of the allegations, whether they're
14 sexual?

15 **SGT. WHITE:** I'm not sure whether I
16 understand your question.

17 **MR. PAUL:** Would you not agree that the --
18 the statement of -- taken by Constable Malloy seemed to
19 make reference to a sexual context of the touching of the
20 breasts? It was somewhat clearer than your statement.

21 **SGT. WHITE:** Well, I mean, that's in the
22 statement and that date. I don't understand how it
23 involves my investigation.

24 **MR. PAUL:** I'm just wondering, wouldn't you
25 want to give all the statements and all the information to

1 the Regional Crown so you can have a complete assessment of
2 every statement Miss Antoine has ever made?

3 **SGT. WHITE:** Well, I believe that when I met
4 with Miss Antoine, I made it clear to her that I needed all
5 the information from her that she remembered as to what had
6 transpired to her while she was in the care of Children's
7 Aid. And anything, whether it's sexual or physical, that
8 she wanted investigated by the police and needed to be
9 incorporated, she needed to tell me about it in order that
10 I could document it.

11 **MR. PAUL:** All right.

12 **SGT. WHITE:** So I told her, if she made
13 statements in the past and that -- she made statements
14 about things that she didn't agree with or didn't remember
15 now, is that those were not things that she should tell me
16 about, but that she should tell me everything that she
17 could remember that happened to her while she was in
18 Children's Aid.

19 **MR. PAUL:** All right. And, essentially, any
20 of her other statements were not considered of any value?

21 **SGT. WHITE:** Well, other than for me, the
22 investigator, give me an idea about what some of the things
23 she said now compared to what some of the things she said -
24 --

25 **MR. PAUL:** All right.

1 **SGT. WHITE:** --- then, because one of the
2 things I noticed in some of the previous statements, is
3 that her recollection or her story conflicted with what she
4 was telling me now in the statement that I took. So there
5 was a discrepancy about what had happened ---

6 **MR. PAUL:** Right.

7 **SGT. WHITE:** --- which could mean a lot of
8 different things.

9 **MR. PAUL:** So in terms of Miss Antoine's
10 statement, it might be of value to show grounds or it might
11 be of value to show that there aren't grounds if the
12 statement's different; correct?

13 **SGT. WHITE:** I'm sorry. I just don't follow
14 what you're asking me.

15 **MR. PAUL:** I mean, a prior statement for
16 purposes of a Crown Attorney could be of value also to
17 discount grounds if the statement is different?

18 **SGT. WHITE:** Well, they could go -- I mean,
19 a Crown I guess could look at it and perhaps have issues of
20 credibility where you'd have one person saying one thing in
21 one statement and saying something totally different in
22 another statement.

23 **MR. PAUL:** I just want to clarify. I didn't
24 understand something about one of your responses.

25 Are you saying that you didn't consider

1 Constable Malloy's statement or are you saying that you did
2 review it and you did consider it as part of your
3 investigation?

4 **SGT. WHITE:** I did review the statement. I
5 did get -- I did get some information from his statement.

6 **MR. PAUL:** So, essentially, what you'd be
7 saying is that Kevin Malloy's statement was of value for
8 you for investigative purposes but was not of value for the
9 Crown. That's what you're saying?

10 **SGT. WHITE:** Yes.

11 **THE COMMISSIONER:** Did you consider speaking
12 with Ms. Antoine and asking her about these discrepancies?

13 **SGT. WHITE:** I remember talking to her when
14 I was taking the statement and throwing some ideas out
15 there, kind of thing. I don't remember the specific points
16 that I talked to her about and I don't know if I went in to
17 any great detail about things that she would have said
18 then. What I do remember is, "Okay, this is what you're
19 telling me now and this is what I'm going to look into",
20 and started from there and let the evidence take me where
21 it took me.

22 **MR. PAUL:** I'd like to go to another aspect
23 of the interaction between yourself and the Crown and
24 that's not the aspect of sexual assault but the aspect of
25 common assault.

1 And I would understand that one of the main
2 concerns was a belief that there had been common assaults,
3 potentially may or may not have been, but there was a six-
4 month limitation period back in a period in the seventies
5 that doesn't exist today but existed then; correct?

6 **SGT. WHITE:** You mean the six months doesn't
7 exist today but existed then?

8 **MR. PAUL:** Well, today, is it your
9 understanding that a common assault can be proceeded by
10 summary conviction or by indictment -- today?

11 **SGT. WHITE:** My understanding is that the
12 law was the same back then as it is today in regards to
13 common assault. My recollection of the explanation was
14 that assaults of that nature are always proceeded, almost
15 always anyway, proceeded summarily and that the Crown,
16 based on the evidence that they reviewed, would have to
17 consider those assaults to be the ones that would fall
18 under the summarial category.

19 And as a result, from the opinion that they
20 gave me, there would be that six-month statute of
21 limitations.

22 **MR. PAUL:** All right. So your understanding
23 was that whatever the allegations were, they did not appear
24 to go beyond common assault to assault, bodily harm, or
25 some more serious assault?

1 **SGT. WHITE:** Yes.

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

3 I think what he's saying is that, and
4 correct me if I'm wrong, that he understands that the state
5 of the law was that it was a hybrid offence and that, on
6 looking at it, it should be treated as a summary conviction
7 offence and therefore the six-month limitation applies.

8 **SGT. WHITE:** Yes. Yes.

9 **THE COMMISSIONER:** Okay.

10 **MR. PAUL:** So if there had been evidence of
11 a more serious assault, it would take it beyond common
12 assault. Would you have approached it -- obviously you
13 would have given that information to the Crown Attorney as
14 being relevant?

15 **SGT. WHITE:** Well, I gave the Crown Attorney
16 all the information that I had ---

17 **MR. PAUL:** Okay.

18 **SGT. WHITE:** --- and he determined that the
19 best I had is a common assault. That was his own opinion.

20 **MR. PAUL:** I wanted to ask you one piece of
21 information that I believe was in the Crown brief that you
22 gave to the Regional Crown, and that I believe is Exhibit
23 2210 at Bates page 7175388.

24 **THE COMMISSIONER:** Three-eight-eight (388).

25 **MR. PAUL:** And you see towards the top of

1 the page, do you see a reference to an allegation of a
2 knife being swung?

3 **SGT. WHITE:** Yes.

4 **MR. PAUL:** Do you recall that factual
5 allegation?

6 **SGT. WHITE:** To a certain degree.

7 **MR. PAUL:** And there appears to be a
8 suggestion that a knife was swung. And would you agree
9 that, arguably, that would go beyond common assault, might
10 well be an allegation of an assault with a weapon?

11 **SGT. WHITE:** It could possibly.

12 **MR. PAUL:** Now, would that not be something
13 different ---

14 **MR. MANDERVILLE:** If my friend wants to go
15 behind the Crown opinion that -- these questions are best
16 addressed to Mr. Griffith when he comes.

17 **THE COMMISSIONER:** Mr. Paul, what do say?

18 **MR. PAUL:** Mr. Commissioner, the difficulty
19 with that is twofold.

20 One is, I'll be arguing some of the facts,
21 not this one, but some of the facts were not necessarily
22 put to the Regional Crown, and I want to inquire about --
23 I've always -- have I inquired about Constable Malloy's
24 document and there were some other ones.

25 And the other aspect is is that it's not

1 just a brief going to the Regional Crown and a letter
2 coming back. It's a brief and a meeting and I wanted to
3 ask him if that topic was discussed verbally at the
4 meeting.

5 **THE COMMISSIONER:** All right. If you -- I'm
6 sorry. Mr. Manderville?

7 **MR. MANDERVILLE:** Then I think my friend
8 should simply ask if that was discussed at the meeting. I
9 mean, he now knows what material was sent to the Crown.

10 **MR. PAUL:** That was going to be my next
11 question.

12 **MR. MANDERVILLE:** Okay.

13 **MR. PAUL:** Now, in terms of the ultimate
14 meeting with the Regional Crown, Murray MacDonald, do you
15 have any recollection of the aspect of the knife being
16 discussed at the meeting?

17 **SGT. WHITE:** Specifically?

18 **MR. PAUL:** Yes?

19 **SGT. WHITE:** No.

20 **MR. PAUL:** Did you not consider when the
21 topic of common assaults and limitation periods was brought
22 up that that would be an appropriate time to raise that,
23 that there was a knife involved in one allegation?

24 **SGT. WHITE:** I was, but the problem -- part
25 of the problem with that allegation from Mrs. Antoine was

1 that those kinds of allegations made by her were not
2 supported with any supporting evidence.

3 In some cases, the testimony of the other
4 residents conflicted with the evidence that Miss Antoine
5 gave.

6 **MR. PAUL:** Right, but given that the letter
7 of the Regional Crown doesn't refer to the knife, is it
8 fair to conclude that it was not discussed verbally at the
9 meeting?

10 **SGT. WHITE:** It wasn't discussed, but I got
11 the impression from meeting with the Crown that he had a
12 good comprehension about all the aspects that were outlined
13 in the Crown in this particular episode and knowing -- him
14 knowing that the focus complainant, the primary complainant
15 in this allegation was Miss Antoine, was that he was aware
16 of all these subtleties in regards to the nature of the
17 assaults.

18 **MR. PAUL:** Do you recall at some point Miss
19 Antoine ever mentioning reference to a broken arm or an
20 injured arm?

21 **SGT. WHITE:** Yes, I do.

22 **MR. PAUL:** And what I understand, there's a
23 reference to that in your notes?

24 **SGT. WHITE:** Yes.

25 **MR. PAUL:** Now -- and you're certain those

1 notes went to the Regional Crown?

2 **SGT. WHITE:** Yes, I am.

3 **MR. PAUL:** And was the topic of broken arm
4 or how the arm was broken, was that raised at the meeting
5 with the Regional Crown?

6 **SGT. WHITE:** I can't say specifically but
7 what I do remember is my investigation never established
8 how that arm was broken.

9 The closest information that I could find
10 from looking at records is that it may have been broken
11 during an episode when Ms. Antoine was running away and
12 jumped out of a window from the group home.

13 **MR. PAUL:** I want to make reference to
14 Exhibit 1285 ---

15 **THE COMMISSIONER:** Sir, but you have her
16 evidence saying how she says it was broken?

17 **SGT. WHITE:** But she doesn't allude, I don't
18 believe -- she didn't allude in my investigation that her
19 arm was broken as a result of an assault.

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

21 **MR. PAUL:** I'm just going to ask you about
22 Document 739082, which is Exhibit 1285. Now, the front
23 page refers to the author being Constable Sebalj?

24 **SGT. WHITE:** Yes.

25 **MR. PAUL:** But it's entered by Staff

1 Sergeant Derochie?

2 SGT. WHITE: Yes.

3 MR. PAUL: And it would have been entered
4 February 14th of 1994?

5 SGT. WHITE: Yes.

6 MR. PAUL: Would you have had access to this
7 document?

8 SGT. WHITE: I'm not sure. I may have. I
9 probably did. Staff Sergeant Derochie's investigation was
10 separate from mine.

11 MR. PAUL: Pardon me?

12 SGT. WHITE: Staff Sergeant Derochie's
13 investigation focused on how the initial complaints had
14 been investigated And his investigation was separate of
15 mine. I'm not sure whether I had access to all his
16 documentation.

17 MR. PAUL: Did the two of you share
18 information?

19 SGT. WHITE: Yes.

20 MR. PAUL: And were you also assisting him
21 at times? I noted there were a number of times when you
22 met directors of the Children's Aid from back in 1976 and
23 you asked them why they didn't report the matter to the
24 police.

25 SGT. WHITE: Sorry, I missed the last part.

1 **MR. PAUL:** I noted there were a number of
2 times when you interviewed directors of the -- former
3 directors of the Children's Aid and you'd asked them why
4 they didn't report the matter to the police?

5 **SGT. WHITE:** Yes.

6 **MR. PAUL:** So it didn't appear to be a
7 criminal aspect to that, those questions; correct?

8 **SGT. WHITE:** That's correct.

9 **MR. PAUL:** Were those type of questions
10 there to assist Staff Sergeant Derochie?

11 **SGT. WHITE:** No. My investigation was
12 totally separate from his. Of course, as my supervisor, I
13 kept him totally up-to-date as to the progress of my
14 investigation, but it wasn't reciprocal. He wasn't
15 updating to me as to -- the steps, the information that he
16 was receiving in regards to his investigation.

17 **MR. PAUL:** Now on this particular document,
18 on page 3, which is Bates page ending 555, towards the
19 middle, there's a reference to:

20 "Antoine states that once in Minden, a
21 routine pre-entrance medical exam was
22 conducted and same discovered a broken
23 wrist and numerous bruises."

24 Were you aware of that aspect of an
25 allegation of a broken wrist on a routine entrance exam in

1 Minden when she leaves the Cornwall area?

2 **SGT. WHITE:** I don't recall.

3 **MR. PAUL:** Okay. So you don't know if you
4 ever received this document that was entered by Staff
5 Sergeant Derochie?

6 **SGT. WHITE:** That's correct.

7 **MR. MANDERVILLE:** Mr. Commissioner,
8 Constable White -- Sergeant White did testify moments ago
9 that he did receive the audiotapes from which this
10 occurrence report was generated.

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

12 **MR. PAUL:** Those audiotapes that you refer
13 to, did you review those in total?

14 **SGT. WHITE:** I believe I did.

15 **MR. PAUL:** Okay. Do you have any memory of
16 hearing the part about a broken wrist?

17 **SGT. WHITE:** Yes. I indicated that earlier
18 that I do remember her mentioning a broken wrist at some
19 point.

20 **MR. PAUL:** Okay. And is that your
21 understanding, the reference to a broken wrist versus
22 broken arm, are those the same or are those different
23 instances?

24 **SGT. WHITE:** No, the same.

25 **MR. PAUL:** Okay. So your reference to not

1 knowing how that occurred ---

2 **SGT. WHITE:** Well, I still -- I don't have
3 any recollection how it incurred. What I do recall is that
4 when I -- in the course of my investigation, I didn't find
5 any evidence that would support that it resulted as the
6 result of a criminal act.

7 **MR. PAUL:** Now, as per Constable Sebalj, I
8 understand that she had been dealing with Ms. Antoine
9 shortly before you became involved?

10 **SGT. WHITE:** Yes.

11 **MR. PAUL:** And the investigation was
12 essentially taken over by you towards the middle of
13 January? Was it around the 18th of January?

14 **SGT. WHITE:** That's correct.

15 **MR. PAUL:** And at that point, Constable
16 Sebalj was not the investigator but she was available to
17 assist you?

18 **SGT. WHITE:** Yes.

19 **MR. PAUL:** And you had worked with Constable
20 Sebalj on previous cases before that?

21 **SGT. WHITE:** Very few.

22 **MR. PAUL:** But you were familiar with
23 Constable Sebalj?

24 **SGT. WHITE:** Well, I knew her.

25 **MR. PAUL:** And she was in a separate unit, I

1 take it, than you?

2 **SGT. WHITE:** That's correct.

3 **MR. PAUL:** Now, as far as when she assisted
4 you in terms of the Antoine case, that was to the extent of
5 coming and being a female officer present during the
6 interviews. Is that right?

7 **SGT. WHITE:** Yes.

8 **MR. PAUL:** And you didn't have any
9 difficulty with Constable Sebalj participating?

10 **SGT. WHITE:** She was there; she didn't
11 really participate.

12 **MR. PAUL:** Now, did you have any knowledge
13 of why you were taking over the matter and Constable Sebalj
14 was no longer going to be dealing with Ms. Antoine?

15 **SGT. WHITE:** Not really. All I knew that
16 there was -- there were some issues, some difficulties with
17 the previous investigation. I didn't know exactly what
18 they were and that's it.

19 **MR. PAUL:** Was it ever suggested to you that
20 Constable Sebalj should not continue on the matter with Ms.
21 Antoine because of being personally involved somehow and
22 not being impartial?

23 **SGT. WHITE:** No.

24 **MR. PAUL:** And you didn't have that feeling
25 yourself?

1 **SGT. WHITE:** No.

2 **MR. PAUL:** You had no problem working with
3 her on the matter?

4 **SGT. WHITE:** Yeah, I had no problem.

5 **MR. PAUL:** And you felt that she was
6 motivated by the idea of getting to the truth of the matter
7 not by any personal reasons?

8 **SGT. WHITE:** Yes.

9 **MR. PAUL:** And was not -- it wasn't any
10 evidence to you that she was motivated in terms of the
11 Antoine matter by some purpose such as getting even with
12 Mr. Abell or some grudge with the Children's Aid?

13 **SGT. WHITE:** No. I saw no evidence of that.

14 **MR. PAUL:** I want to ask you about a portion
15 of Exhibit 1285, 739082. I believe it's the last document.

16 **THE COMMISSIONER:** Twelve-eighty-five
17 (1285), yes. What page?

18 **MR. PAUL:** I believe -- page 1 at the
19 beginning.

20 **THE COMMISSIONER:** Do you have it on the
21 screen?

22 **THE REGISTRAR:** What page?

23 **THE COMMISSIONER:** Page 1.

24 **MR. PAUL:** There's a portion towards the
25 bottom I wanted to ask you about. It's a reference to:

1 "Constable Sebalj's interest in
2 Jeannette Antoine's history surfaced
3 again in November of 1993. Constable
4 Sebalj had been advised that the
5 Children's Aid Society would not
6 investigate allegations made against a
7 Cornwall probation officer, suggesting
8 that Probation was not within the
9 Children's Aid Ministry."

10 Were you aware of any suggestion at any
11 point that there was not going to be an investigation by
12 Children's Aid of Ken Seguin because he was not in their
13 Ministry? Did that kind of comment ever come to your
14 attention?

15 **SGT. WHITE:** I don't believe so.

16 **MR. PAUL:** But you were aware that -- of
17 course, you would have been aware that Constable Sebalj at
18 some point was the lead investigator in the case of Mr.
19 Silmsler; correct?

20 **SGT. WHITE:** Yes.

21 **MR. PAUL:** And you would obviously have been
22 aware at some point -- likely back then, you would have
23 been aware that the Silmsler case dealt with two individuals
24 including one being Ken Seguin; correct?

25 **SGT. WHITE:** At some point.

1 **MR. PAUL:** Would you have been aware of that
2 back in early '94?

3 **SGT. WHITE:** I'm not sure.

4 **MR. PAUL:** Now, towards the end of this
5 document, page 4, which is Bates page 556, there's a
6 reference towards the middle of the paragraph:

7 "At no time in Constable Sebalj's
8 meeting with Antoine did Ken
9 Seguin's name surface. At the end
10 of the audiotaped interview,
11 Constable Sebalj asked Antoine if
12 his name meant anything to her.
13 Constable Sebalj observed
14 Antoine's colour fade, however,
15 Antoine could not explain it nor
16 did she provide any information on
17 the male."

18 I understand that you may not have had this
19 document, but you indicated that you did at some point
20 review the tapes?

21 **SGT. WHITE:** Yes.

22 **MR. PAUL:** Do you have a recollection -- and
23 I would assume that you would have listened to the whole
24 tape, including the part where there's some question about
25 Ken Seguin?

1 **SGT. WHITE:** I don't remember that part.

2 **MR. PAUL:** Now, you yourself are a fairly
3 experienced investigator?

4 **SGT. WHITE:** I am now.

5 **MR. PAUL:** Even at that point, you would
6 have been -- you had some experience in criminal
7 investigations?

8 **SGT. WHITE:** Yes.

9 **MR. PAUL:** And to your understanding,
10 normally, a police officer normally doesn't ask questions
11 unless they have some purpose in your experience?

12 **SGT. WHITE:** No, that's not always the case.

13 **MR. PAUL:** Did it strike you as unusual
14 there was some question about Ken Seguin?

15 **SGT. WHITE:** I'm not sure I can answer that
16 question. I don't know what you're asking me and that ---

17 **THE COMMISSIONER:** Well, do you have any
18 recollection during your travels in this investigation of
19 the name Ken Seguin coming up?

20 **SGT. WHITE:** Yes, I do.

21 **THE COMMISSIONER:** And that he was -- there
22 was allegations of wrongdoing against him?

23 **SGT. WHITE:** Yes.

24 **THE COMMISSIONER:** All right. Did you know
25 Ken Seguin at the time?

1 **SGT. WHITE:** I knew he was probation
2 officer, but more than that, I didn't know.

3 **THE COMMISSIONER:** Okay. But would that not
4 -- did that surprise you that there's an allegation against
5 the probation officer?

6 **SGT. WHITE:** Yes.

7 **MR. PAUL:** I just want to ask you, was it
8 your impression when you took over the investigation in
9 early 1994, was it your impression that Constable Sebalj
10 was embarking on some theory by approaching Miss Antoine --
11 was it your impression she was embarking on some theory
12 that the Antoine cases and Silmsler case were connected and
13 that that connection was Mr. Seguin, and that was what she
14 was pursuing?

15 **SGT. WHITE:** No.

16 **MR. PAUL:** Did you have any knowledge of
17 that?

18 **SGT. WHITE:** No, I didn't.

19 **MR. PAUL:** Did you have any knowledge back
20 then as to whether Constable Sebalj was pursuing some
21 theory that the Children's Aid or other authorities were
22 reluctant to pursue Mr. Seguin because of his knowledge of
23 the Antoine case ---

24 **SGT. WHITE:** No.

25 **MR. PAUL:** --- or the group home case?

1 Did you have any knowledge of any fear by
2 authorities to pursue Mr. Seguin because of some connection
3 or knowledge he had with the Antoine group home case?

4 **SGT. WHITE:** None.

5 **MR. PAUL:** And now I'm asking, any fear or
6 reluctance to pursue the Silmsler matter because of fear
7 that that individual, Mr. Ken Seguin, had some knowledge of
8 the group home case?

9 **SGT. WHITE:** No.

10 **MR. PAUL:** No knowledge of that.

11 Now, this -- would your understanding be
12 that Miss Sebalj was on this matter -- as you look at the
13 OMPPAC report, it makes reference to the 6th of January
14 1994. It indicates:

15 "On Thursday, January 6th, 1994,
16 Constable Sebalj met with Antoine at
17 her residence on which date Antoine
18 advised that Ken Seguin had been her
19 probation officer."

20 Is that consistent with your knowledge being
21 that Miss Sebalj or Constable Sebalj was on the case up
22 until about the 6th of January, 1994?

23 **SGT. WHITE:** I don't recall.

24 **MR. PAUL:** Okay. Was it your recollection
25 that she was still doing something with respect to that

1 case up until early 1994?

2 **SGT. WHITE:** My memory is that I had
3 knowledge she was involved with an investigation concerning
4 Mrs. Antoine until the end of '93. Whether it would have
5 spilled over until '94, I can't say.

6 **MR. PAUL:** Okay.

7 And you would have taken over the case
8 somewhere around the 18th of January?

9 **SGT. WHITE:** That's correct.

10 **MR. PAUL:** Okay. And were you given any
11 specific reasons why you were taking over the case?

12 **SGT. WHITE:** Yeah, I was told that the
13 matter had been investigated before and that there were
14 some problems and, as a result, they wanted the matter
15 reinvestigated from scratch.

16 **MR. PAUL:** And what I want to ask you is to
17 your knowledge, was the takeover of the case from Miss
18 Sebalj, did it have anything to do with inquiries?

19 **MR. MANDERVILLE:** Mr. Commissioner, what Mr.
20 Paul just suggested is inaccurate; that the takeover, if
21 you will, was to reinvestigate what had happened in '89-'90
22 and reopen the entire investigation.

23 **THE COMMISSIONER:** Mr. Paul?

24 **MR. PAUL:** Well, I would suggest that that's
25 a matter of semantics or arguments.

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

2 **MR. PAUL:** I realise that Miss Sebalj is not
3 necessarily doing a formal investigation, but it is an
4 investigation. So if I can rephrase the question?

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

6 **MR. PAUL:** What I wanted to ask you is, in
7 terms of your involvement around January 18, 1994 in
8 becoming involved, did that have anything to do with any
9 concern by authorities or police that Miss Sebalj was
10 directing questions about Mr. Seguin that were making
11 people or authorities uncomfortable?

12 **SGT. WHITE:** No, not at all. I had no
13 knowledge of anything like that.

14 **MR. PAUL:** I wanted to ask you a couple of
15 questions with respect to Exhibit 2214.

16 **THE COMMISSIONER:** It may be in the other
17 volume, I don't know. It's your Officer's Notes. What
18 page, sir?

19 **MR. PAUL:** The first page I believe would be
20 7176026.

21 **THE COMMISSIONER:** Right. Okay, we're
22 there.

23 **MR. PAUL:** Now, there's reference to Mr.
24 Seguin towards the middle of the page?

25 **SGT. WHITE:** Yes.

1 **MR. PAUL:** And I want to ask -- and there's
2 a reference to a discussion of a letter and there are other
3 references in your notes, but this may be -- does this
4 refresh your memory as to there being an individual who I
5 believe may have been a resident at the group home?

6 **SGT. WHITE:** Yes.

7 **MR. PAUL:** And she makes reference to some
8 issue surrounding a letter from Ken Seguin almost in the
9 nature -- did you have the impression, although there
10 seemed to be a lack of details, it was almost the nature of
11 an attempt to blackmail this individual?

12 **SGT. WHITE:** I got that impression, yes.

13 **MR. PAUL:** But she was reluctant to give
14 details about the event?

15 **SGT. WHITE:** Yes.

16 **MR. PAUL:** So in terms of your state of
17 knowledge, there was someone from -- and is this resident,
18 another lady who was a resident in the same group home as
19 Miss Antoine?

20 **SGT. WHITE:** Yes.

21 **MR. PAUL:** But not necessarily at the same
22 time?

23 **SGT. WHITE:** Sorry, do you mean was she a
24 resident at the same time as Miss Antoine was?

25 **MR. PAUL:** Yes.

1 **SGT. WHITE:** Yes, she was.

2 **MR. PAUL:** Oh, she was. Okay.

3 And she, at some point, not necessarily as a
4 probation client but she is introduced through other
5 probation clients to Mr. Seguin somehow?

6 **SGT. WHITE:** This victim you are speaking of
7 in the group home?

8 **MR. PAUL:** Yes. Yes.

9 **SGT. WHITE:** Yes, she is.

10 **MR. PAUL:** And the details of what their
11 relationship are left unclear, I understand, because does
12 not want to give information to you?

13 **SGT. WHITE:** That's correct.

14 **MR. PAUL:** She indicates, I think, it's
15 somewhat painful to get into the details?

16 **SGT. WHITE:** That's correct.

17 **MR. PAUL:** But you are left with the
18 impression that there's some information somehow that Mr.
19 Seguin has that has the potential to embarrass this lady?

20 **SGT. WHITE:** That's correct.

21 **MR. PAUL:** And at some point, there's a
22 letter that's sent to her husband that she intercepts?

23 **SGT. WHITE:** According to the victim, yes.

24 **MR. PAUL:** And the contents of this letter
25 or the actual letter the lady won't produce to you?

1 **SGT. WHITE:** That's correct.

2 **MR. PAUL:** So in terms of the extent or the
3 details of it, you are not able to establish the exact
4 details of what the events are about?

5 **SGT. WHITE:** That's correct.

6 **MR. PAUL:** One other question about Mr.
7 Seguin.

8 There's a Document 100191. Thank you. And
9 I'll be looking at, I believe, it's Bates page 582.

10 **THE COMMISSIONER:** What exhibit again?

11 **MR. PAUL:** Nine-twenty-four (924).

12 **THE COMMISSIONER:** Thank you.

13 **(SHORT PAUSE/COUTTE PAUSE)**

14 **MR. PAUL:** I believe it's page 16 of the
15 document, towards the end.

16 **THE COMMISSIONER:** We don't -- is it like
17 196 do you mean?

18 **MR. PAUL:** I believe it's towards the bottom
19 of the page. It's at the last page of the document.

20 So, Mr. Commissioner, I can't find the
21 reference, but I believe in the document there's a
22 reference to Mr. Seguin being well received within the law
23 enforcement and judicial community.

24 The only question I wanted to ask you is,
25 are you aware of any individuals -- was Mr. Seguin, was he

1 -- did he work only on a professional basis with the Police
2 Department or were there any personal friendships that
3 you're aware of?

4 **SGT. WHITE:** Strictly professional.

5 **MR. PAUL:** The particular file, the Antoine
6 file, is it your understanding that that file was placed in
7 what's called a "project file"?

8 **SGT. WHITE:** Yes, it was definitely a
9 project file.

10 **MR. PAUL:** And what's the purpose of it
11 being a project file in this case?

12 **SGT. WHITE:** It had sensitive material in
13 it.

14 **MR. PAUL:** As far as sensitive material,
15 even beyond OMPPAC, it's restricted generally to law
16 enforcement officials. Would it not be the case?

17 **SGT. WHITE:** Well, it's restricted to
18 strictly the investigating team.

19 **MR. PAUL:** All right, but in this particular
20 case, why would you want to investigate -- limit it to the
21 investigative team as opposed to police officers in
22 general?

23 **SGT. WHITE:** That was done by Staff Sergeant
24 Derochie. I mean, that's a question that he can better
25 answer than I can.

1 **MR. PAUL:** So in terms of -- just, I
2 understand that, but just in terms of how your
3 investigation proceeded, locating certain people, getting
4 information on certain people, would it have been
5 potentially of value to have it out within the law
6 enforcement community generally, in case perhaps there were
7 other sources of information that might surface?

8 **SGT. WHITE:** Well, if someone had a similar
9 investigation involving, say, similar people, if the
10 queried our in-house database, OMPPAC, it would show that
11 there was a file involving those individuals but that it's
12 restricted.

13 So if anyone had a similar investigation,
14 they could merely go to whoever had access to the file and
15 see whether or not they could gain that information.

16 **MR. PAUL:** I wanted to ask you a couple of
17 questions in relation to this Children's Aid Society Board.

18 I would understand that you made inquiries
19 to a number of former Board members?

20 **SGT. WHITE:** Yes.

21 **MR. PAUL:** Individuals including Ms. Follon
22 as one?

23 **SGT. WHITE:** Yes.

24 **MR. PAUL:** And there was someone by the name
25 of Dave Dearborn (sic)?

1 **SGT. WHITE:** I don't remember that
2 individual.

3 **MR. PAUL:** Okay.

4 **SGT. WHITE:** But I do remember others.

5 **MR. PAUL:** Guy Demarco would be one?

6 **SGT. WHITE:** Yes.

7 **MR. PAUL:** And I believe a Miss Labekovski?

8 **SGT. WHITE:** Labekovski?

9 **MR. PAUL:** Labekovski?

10 **SGT. WHITE:** Yes.

11 **MR. PAUL:** And Miss Stiles was another?

12 **SGT. WHITE:** Yes.

13 **MR. PAUL:** And was it fairly -- one
14 consistent question is you enquired about whether it was
15 reported to the police?

16 **SGT. WHITE:** That was one.

17 **MR. PAUL:** Okay, and would the answer have
18 been consistent? There had been different explanations
19 perhaps, but it would be consistent that you never find any
20 information that it was reported to the police?

21 **SGT. WHITE:** That's right.

22 **MR. PAUL:** So obviously your conclusion was
23 that there was no reporting to the police back when it
24 originally arose in 1976?

25 **SGT. WHITE:** That's my understanding.

1 **MR. PAUL:** I wanted to ask you about a
2 portion of your notes, getting back to Exhibit 2214, and
3 it's Bates page ending 6174.

4 **THE COMMISSIONER:** Six-zero-one-four (6014)?

5 **MR. PAUL:** Six-one-seven-four (6174), Mr.
6 Commissioner.

7 **THE COMMISSIONER:** Six-one-seven-four
8 (6174), m'hm.

9 **MR. PAUL:** I believe it's towards the end of
10 the page.

11 I understand that you did some inquiries,
12 investigations, in relation to the documents, such as the
13 Board minutes?

14 **SGT. WHITE:** That's correct.

15 **MR. PAUL:** And what you were able to find in
16 terms of the issue of corporal punishment, the first time
17 you found it arising in any Board minutes that you looked
18 at was 24th of March, 1976?

19 **SGT. WHITE:** Yes.

20 **MR. PAUL:** And the next page indicates that
21 there were a panel of various individuals, including
22 Reverend Villeneuve, Fred Chafe, John McKee, Gordon Bryan
23 and Cam Copeland?

24 **SGT. WHITE:** Yes.

25 **MR. PAUL:** And I take it that was a panel

1 that were dealing with the corporal punishment issue?

2 SGT. WHITE: I believe so, but I'm not sure.

3 MR. PAUL: Then it goes on to indicate that
4 an actual report on the abuse was read to the Board on the
5 1st of April, 1976?

6 SGT. WHITE: Yes.

7 MR. PAUL: Read by Miss Follon who authored
8 the report?

9 SGT. WHITE: That's correct.

10 MR. PAUL: There's another portion of your
11 notes at -- I'm going to refer you to it, Bates page ending
12 6078.

13 Now, this portion, is this an interview of
14 Mr. McGillis? I would have to go back prior to that -- a
15 worker by the name of McGillis?

16 SGT. WHITE: Yes.

17 MR. PAUL: Now, there's some reference here
18 I didn't fully understand. There's a reference in the
19 discussion of Mr. McGillis to something about:

20 "CAS knew the ground rules in the home,
21 but when things didn't work out, then
22 CAS didn't want to support the Tenger
23 way."

24 I want to ask you, I understand that the
25 Board members tended to say that they weren't -- the Board

1 members tending to say that they weren't aware of it until
2 it surfaced?

3 **SGT. WHITE:** What Mr. McGillis is telling me
4 there is that he's saying, "Look, Chidren's Aid Board and
5 Children's Aid knew that we were administering corporal
6 punishment, but when people started to complain, then they
7 weren't supporting the workers".

8 **MR. PAUL:** All right. And in terms of the
9 Board, the other side of it, were they denying the earlier
10 knowledge?

11 **SGT. WHITE:** Yeah, the Board members were
12 quite clear that they didn't have knowledge that this kind
13 of punishment was going on.

14 **MR. PAUL:** Okay. And this other side of it,
15 did you follow that up with anybody else or any other
16 investigations?

17 **SGT. WHITE:** By anybody else, who do you
18 mean?

19 **MR. PAUL:** Any other individuals who worked
20 at the home. For example, was there anybody else taking
21 this similar view of Mr. McGillis?

22 **SGT. WHITE:** That the Board knew what was
23 going on?

24 **MR. PAUL:** Yes.

25 **SGT. WHITE:** Not that the Board knew what

1 was going on, but that CAS knew what was going on as far as
2 them using corporal punishment and ---

3 **MR. PAUL:** So there's a distinction between
4 the Board and the CAS workers?

5 **SGT. WHITE:** Yes.

6 **MR. PAUL:** And at least some of the
7 employees in the home, such as Mr. McGillis, were
8 suggesting that there was some awareness at the Children's
9 Aid prior to it blowing up in the Board?

10 **SGT. WHITE:** Yeah, there was more than one
11 worker that I remember speaking to that they were of the
12 opinion that we were only doing what we thought we were
13 entitled to do and that, you know, Children's Aid knew what
14 we were doing, and they were okay with that.

15 **MR. PAUL:** Those are my questions, Mr.
16 Commissioner.

17 **THE COMMISSIONER:** Thank you.

18 Can we get a tally now?

19 Mr. Lee, how long do you think you are going
20 to be?

21 **MR. LEE:** I don't know, sir. I need the
22 lunch hour.

23 **THE COMMISSIONER:** All right. Ms. Daley do
24 you have any -- well ---

25 **MS. DALEY:** I do apologize for my late

1 arrival.

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

3 **MS. DALEY:** I'm sorry if it inconvenienced
4 anyone including the witness. I will be probably 45
5 minutes to an hour.

6 **THE COMMISSIONER:** All right.

7 Mr. Neuberger is zero.

8 Mr. Thompson?

9 **MR. THOMPSON:** Approximately 10 minutes, Mr.
10 Commissioner.

11 **THE COMMISSIONER:** So that will leave the
12 Children's Aid?

13 **MR. CHISHOLM:** Not more than 10, sir.

14 **THE COMMISSIONER:** OPP and OPPA?

15 **MS. LAHAIE:** Not anticipating anything at
16 this time, Mr. Commissioner.

17 **THE COMMISSIONER:** Same with you, Mr.
18 Carroll?

19 **MR. CARROLL:** Yes.

20 **THE COMMISSIONER:** Okay. Well, let's take
21 the -- oh, it's still early. So ---

22 **MS. DALEY:** I'm happy to start.

23 **THE COMMISSIONER:** Go ahead, please.

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

25 **DALEY:**

1 **MS. DALEY:** Good afternoon, sir. My name is
2 Helen Daley. I am counsel to Citizens for Community
3 Renewal. That's a local group who's principally interested
4 in institutional reform in the protection of children.

5 And let me start by just asking you some
6 questions about your perception of the relationship between
7 your organization, the Cornwall Police Service, and the
8 Children's Aid Society if that's all right. Okay?

9 **SGT. WHITE:** Sure.

10 **MS. DALEY:** Now, I gather you were never a
11 member of the SACA Unit at the CPS?

12 **SGT. WHITE:** That's correct.

13 **MS. DALEY:** That's the unit that's
14 specifically devoted towards children issues be they of a
15 sexual or a physical abuse nature?

16 **SGT. WHITE:** That's correct.

17 **MS. DALEY:** As a member of the Service
18 though, I take it, sir, you would understand the importance
19 of the Service's relationship with the Children's Aid
20 Society?

21 **SGT. WHITE:** Yes.

22 **MS. DALEY:** And their relationship is
23 important with respect to allegations pertaining to the
24 abuse of children; correct?

25 **SGT. WHITE:** Yes.

1 **MS. DALEY:** Because the two organizations
2 often work together on those?

3 **SGT. WHITE:** That's correct.

4 **MS. DALEY:** And I take it you would agree
5 with the notion that the Children's Aid Society is an
6 important partner with the Police Force in that they will
7 contribute their expertise to interviewing children, for
8 example?

9 **SGT. WHITE:** Yes.

10 **MS. DALEY:** And they also report suspected
11 abuse situations to your Service. Likewise, your Service
12 reports suspected abuse to them; correct?

13 **SGT. WHITE:** Yes.

14 **MS. DALEY:** And I don't know if you know
15 this detail but there are also cross-board appointments in
16 the sense that members of your Service will sit on the
17 Children's Aid Society Board from time-to-time and vice
18 versa?

19 **SGT. WHITE:** Yes.

20 **MS. DALEY:** So, generally, they'd be one of
21 your employer's most important community partners. Would
22 you agree with that?

23 **SGT. WHITE:** Yes.

24 **MS. DALEY:** Okay.

25 A few questions now about Officer Sebalj,

1 who is with the SACA Unit at the time you work with her on
2 the Antoine matter. That is correct is it, sir?

3 **SGT. WHITE:** Sorry?

4 **MS. DALEY:** Is Ms. -- Constable Sebalj is a
5 member of the SACA team when you work with her on the
6 Antoine matter?

7 **SGT. WHITE:** Yes.

8 **MS. DALEY:** Did she ever explain to you why
9 she had become previously involved with Jeannette Antoine?

10 **SGT. WHITE:** No.

11 **MS. DALEY:** Did she ever tell you that in
12 November of 1993, she and a Children's Aid Society employee
13 named Geraldine Fitzpatrick had conducted a lengthy
14 interview of Ms. Antoine?

15 **SGT. WHITE:** No.

16 **MS. DALEY:** Did she advise you that on that
17 occasion, it was Ms. Fitzpatrick who was questioning
18 Antoine and leading the interview?

19 **SGT. WHITE:** Well, I had occasion to review
20 her audiotapes. So I had some knowledge from that but not
21 from Detective Sebalj.

22 **MS. DALEY:** Did you have any discussion that
23 you can recall, sir, with Officer Sebalj about that aspect
24 of what had happened? That is to say why she had involved
25 a Children's Aid Society worker in interviewing Ms.

1 Antoine?

2 SGT. WHITE: No.

3 MS. DALEY: Now, in terms of the actual
4 tapes, you just alluded to the fact that there were two
5 audiotapes of that interview?

6 SGT. WHITE: Yes.

7 MS. DALEY: And where were they located and
8 how did they come into your hands? Do you recall that?

9 SGT. WHITE: Yes, I do.

10 MS. DALEY: Can you explain that for us?

11 SGT. WHITE: Yes. When I was initially
12 assigned the case on January 18th, 1994, on the 19th of
13 January 1994, the following day, Staff Sergeant Derochie
14 turned over to me a file that had information pertaining to
15 the complainant, Ms. Antoine.

16 MS. DALEY: Yes.

17 SGT. WHITE: And among those items he
18 delivered to me were those two audiotapes.

19 MS. DALEY: Had the tapes at that point been
20 transcribed or did you just have the physical tapes?

21 SGT. WHITE: I just had the physical tapes.
22 There was no transcription.

23 MS. DALEY: Did you obtain a transcription?

24 SGT. WHITE: No.

25 MS. DALEY: At no time?

1 **SGT. WHITE:** At no time.

2 **MS. DALEY:** What would the reason for that
3 be, sir?

4 **SGT. WHITE:** My investigation was to be
5 started anew.

6 **MS. DALEY:** Yes.

7 **SGT. WHITE:** And that stuff that was given
8 to me in a file was merely background information. But my
9 investigation would be from scratch and I would consider
10 the evidence that I gathered during the course of my
11 investigation.

12 **MS. DALEY:** So did you understand that your
13 task was such that you were specifically not to inform
14 yourself about the content of those tapes?

15 **SGT. WHITE:** No, not that I was prohibited
16 from informing myself, but merely I should go in with a
17 fresh view. Start from scratch ---

18 **MS. DALEY:** Right.

19 **SGT. WHITE:** --- and see where the evidence
20 took me.

21 **MS. DALEY:** Let me see if I can help you
22 with one detail. I don't know if this will help.

23 But you knew that what Staff Sergeant
24 Derochie was looking at was an internal look at the 1989-
25 1990 investigation that Kevin Malloy had been involved in?

1 **SGT. WHITE:** That's right.

2 **MS. DALEY:** That was your understanding.

3 All right.

4 So there's a gap of three or more years
5 between that investigation and Ms. Sebalj's interview with
6 Ms. Fitzpatrick of Antoine in November of '93 -- just
7 follow the timeframe.

8 **SGT. WHITE:** Okay.

9 **MS. DALEY:** So would you agree that what
10 Sebalj and Fitzpatrick had done with Ms. Antoine in the
11 fall of '93 was separate and apart from the prior work done
12 by Officer Malloy?

13 **SGT. WHITE:** Yes.

14 **MS. DALEY:** Did you understand that at the
15 time?

16 **SGT. WHITE:** I knew that -- my understanding
17 was that Constable Malloy did an investigation aspect and
18 that Constable Sebalj had done something different.

19 **MS. DALEY:** Yes.

20 **SGT. WHITE:** And whether there was overlap
21 between the two or not, I'm not really sure on that, wasn't
22 clear on that issue.

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

24 But it was never clear to you what had
25 triggered Constable Sebalj to do her different

1 investigation in the fall of '93?

2 **SGT. WHITE:** That's right.

3 **MS. DALEY:** All right. It's not something
4 that she talked to you about?

5 **SGT. WHITE:** Yeah. I wasn't aware of what
6 her motivation was.

7 **MS. DALEY:** All right. Moving to another
8 topic just before we break.

9 It has to do with the fact that Ms. Antoine
10 ultimately gives multiple statements to the Cornwall
11 Police. Let me just outline for you the ones we know
12 about.

13 There's the statement that she gives to
14 Officer Malloy, her handwritten statement which she dates
15 January 21st, 1990. You recall that document, sir?

16 **SGT. WHITE:** Not in detail but I'm aware
17 that there was such a document.

18 **MS. DALEY:** That's something that I believe
19 you were likely told about at the very outset. I think
20 there's reference to you receiving it in your notes.

21 **SGT. WHITE:** Yes.

22 **MS. DALEY:** So you knew that she had given a
23 statement at that time in her words about the allegations
24 that you were to investigate? Are you with me there?

25 **SGT. WHITE:** I was aware that she had made

1 previous allegations, but not any previous allegations that
2 she made would not necessarily going to be the mandate of
3 my investigation.

4 **MS. DALEY:** I understand. I have a slightly
5 different focus. Apart from allegations, I'm just
6 directing you to the actual physical statements that she
7 has given.

8 **SGT. WHITE:** Yes.

9 **MS. DALEY:** So one of her first statements
10 about her complaint is her handwritten statement of January
11 21, 1990 which I think she gives to Officer Malloy. Are
12 you with me on that?

13 **SGT. WHITE:** Yes, I believe I agree with
14 that.

15 **MS. DALEY:** Okay.

16 And then there is the interview that I just
17 referred you to. That was the November, '93 interview that
18 Sebalj and Fitzpatrick conducted with her. So that's a
19 second occasion, although you didn't know the content,
20 that's a second occasion where Ms. Antoine is speaking
21 about these allegations; correct, sir?

22 **SGT. WHITE:** Yes.

23 **MS. DALEY:** All right. And then -- bear
24 with me one second. There appears to be potentially -- was
25 there an additional statement that you became aware of at

1 the outset, sir, when Staff Sergeant Derochie assigned this
2 to you?

3 **SGT. WHITE:** Well, I'm -- the statements I'm
4 made aware are documented in my notes on Bates page 5903.

5 **MS. DALEY:** That's -- 5903, thank you. All
6 right.

7 So I've missed one actually because your
8 note -- your point number 4 on that page refers to an 8-
9 page statement dated August 18th, '89, so there's a third
10 one to add to the list?

11 **SGT. WHITE:** That's right.

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

13 And then there is a statement that you,
14 yourself, take from Ms. Antoine. And that's referred to --
15 I'm just going to use your hand-numbered ---

16 **SGT. WHITE:** Sure.

17 **MS. DALEY:** --- numbering. That's referred
18 to at page 46 of your notes.

19 **SGT. WHITE:** Okay.

20 **MS. DALEY:** So, by my count, that's at least
21 four occasions where Ms. Antoine has recounted details of
22 her allegations. Is that fair, sir?

23 **SGT. WHITE:** Yes.

24 **MS. DALEY:** And would you agree with me that
25 proceeding in that fashion is probably not optimal from a

1 police practice point of view?

2 **SGT. WHITE:** In what context? Can you help
3 me out?

4 **MS. DALEY:** The thought I have in mind, sir,
5 is that, if a victim gives comments on the same set of
6 events multiple times, there's a substantial probability
7 that she'll say different things on different occasions and
8 should there ever be criminal charges, the cross-examiner
9 would exploit those differences.

10 **SGT. WHITE:** It's a possibility but normally
11 what we see -- or what you'll see where you have multiple
12 statements, is the main issue of the allegations remains
13 consistent and it's usually peripheral details that change
14 ---

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

16 **SGT. WHITE:** --- which may or may not be
17 important. But normally the main issues remain constant
18 and, from an investigation point in point -- from an
19 investigation point of view, that's the main importance.

20 **MS. DALEY:** I understand you, but your
21 experience obviously would include observing trials and
22 would -- that would include watching how victims who are
23 testifying at trials are being challenged on peripheral
24 details ---

25 **SGT. WHITE:** Right.

1 **MS. DALEY:** --- fair, enough?

2 And oftentimes, the cross-examiner will be
3 able to impugn the witness' recollection of the main detail
4 by challenging the peripheral ones?

5 **SGT. WHITE:** Definitely.

6 **MS. DALEY:** That's something that happens.

7 And that's why, generally, as a matter of
8 good policing, one would want to avoid the giving of
9 multiple statements?

10 **SGT. WHITE:** Generally yes, but not always.

11 **MS. DALEY:** All right

12 Was that a factor that weighed with you at
13 all in the Antoine matter, the fact that she'd made
14 numerous different statements at different times?

15 **SGT. WHITE:** Well one of the problems, one
16 of the dilemmas that I addressed my mind to right from the
17 beginning was that these statements I was given, that she
18 had given previously, there was some very strong
19 differences in what she was saying in those already.

20 **MS. DALEY:** Right.

21 **SGT. WHITE:** So which one of those
22 statements was true? You know, which one do I -- what
23 statement would I pick to rely upon as being accurate,
24 because there was some -- some major differences in those
25 statements.

1 **MS. DALEY:** And I presume, not to cut you
2 off but, that would be one of the reasons why you had some
3 difficulty accepting Ms. Antoine as a credible reporter of
4 what had happened?

5 **SGT. WHITE:** To a certain degree, but what
6 made it apparently clear for me was I needed to get from
7 her as to what she remembers now.

8 **MS. DALEY:** Yes.

9 **SGT. WHITE:** What her views on abuse were
10 now, and how strong her recollections were now. And that's
11 why despite having been numerous statements before, if a
12 proper investigation was going to be done by me, it would
13 require another statement.

14 **MS. DALEY:** Understood.

15 But had you been able to mount charges, you
16 would have been obliged to disclose all those prior
17 statements?

18 **SGT. WHITE:** Yes, I would have.

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

20 I'm about to head to a different topic.

21 **THE COMMISSIONER:** Thank you.

22 We'll come back at 2:00. Thank you.

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

24 À l'ordre. Veuillez vous lever.

25 This hearing will resume at 2:00 p.m.

1 --- Upon recessing at 12:31 p.m./L'audience est suspendue à
2 12h31

3 --- Upon resuming at 14:04 p.m. / L'audience est reprise à
4 14h04

5 **THE REGISTRAR:** Order. All rise. Veuillez
6 vous lever.

7 This hearing is now resumed. Please be
8 seated. Veuillez vous asseoir.

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

11 **SGT. SHAWN SMITH:** Resumed/Sous le même serment

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

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

14

15 **MS. DALEY:** Sir, I'm going to be asking you
16 some questions about the investigation you did in 1994. So
17 if you have Exhibit 2214 handy? Those are your notes.
18 I'll probably be taking you to various passages of your
19 notes.

20 Just give me one second, sir.

21 Now, I take it that, fairly early on, in an
22 effort to verify or corroborate what Ms. Antoine was
23 telling you about the Second Street Group Home, you spoke
24 with other adults who were children and were residents of
25 the group home at the same time as she was. Correct?

1 **SGT. WHITE:** That's correct.

2 **MS. DALEY:** And some of them may have been
3 able to corroborate her information to you, but they gave
4 you information of their own, about their own experiences
5 which you recorded. Is that correct sir?

6 **SGT. WHITE:** That's correct.

7 **MS. DALEY:** And one of the first people I
8 want to talk to you about, or at least in your notes, it
9 appears one of the first people that you came across is an
10 individual who is named on page 20 of your notes, sir, at
11 the very bottom?

12 It might just expedite matters, sir, if I
13 could have a moniker assigned to that name? It will make
14 life easier for us.

15 **THE COMMISSIONER:** Let me see where we are.

16 I was following on the screen so it's not on
17 yet, so I don't know.

18 **MS. DALEY:** It's Bates 921, Madam Clerk.

19 **THE COMMISSIONER:** What Exhibit are we at?

20 **MS. DALEY:** Two-two-one-four (2214); it's
21 his notes.

22 **THE COMMISSIONER:** Two-two-one-four (2214).

23 Two-two (22) ---

24 **MS. DALEY:** One-four (14), sir.

25 **THE COMMISSIONER:** This is Exhibit -- no.

1 What Bates page, I'm sorry?

2 **MS. DALEY:** The Bates is 921.

3 **THE COMMISSIONER:** Nine-two-one (921).

4 Nine-two-one (921)?

5 **MS. DALEY:** Five-nine-two-one (5921) would
6 be the last four digits.

7 In his handwritten numbering, it's number
8 20, top right.

9 **THE COMMISSIONER:** Okay. There I am.

10 **MS. DALEY:** Madam Clerk, the entry at time
11 16:35 indicates a name that he's met with on that day.

12 **THE COMMISSIONER:** Yeah, sure.

13 Okay, we'll give that person a moniker.

14 **THE REGISTRAR:** C-83.

15 **THE COMMISSIONER:** I'm sorry?

16 **THE REGISTRAR:** C-83.

17 **MS. DALEY:** Thank you.

18 **THE COMMISSIONER:** Okay, so that person on
19 Bates page 7175921, that is on the entry of 16:35 hours:
20 "I met with --- at her residence", that person will now
21 have that moniker.

22 **MS. DALEY:** Thank you. It will just make it
23 easier for us to talk about it, sir.

24 So I'll be referring to her by C-83. All
25 right?

1 **SGT. WHITE:** Yes.

2 **MS. DALEY:** And I'm going to perhaps try to
3 do this in a telescoped way. I know that you met with C-83
4 and you spoke to her on a number of occasions during your
5 work on this project; correct?

6 **SGT. WHITE:** Yes, I did.

7 **MS. DALEY:** And my impression from what I've
8 read, sir, perhaps I'm wrong, my impression from what I've
9 read was that you felt that her story was very likely true.

10 **SGT. WHITE:** Yes, I did.

11 **MS. DALEY:** And you felt that, for a number
12 of reasons, including the manner in which she conveyed the
13 story to you ---

14 **SGT. WHITE:** Yes?

15 **MS. DALEY:** --- and the extent of her
16 detailed recollection about it ---

17 **SGT. WHITE:** Yes?

18 **MS. DALEY:** --- and I take it, sir, from
19 your notes, she also impressed you as a person who was
20 really struggling in order to be able to articulate what
21 had happened?

22 **SGT. WHITE:** Yes.

23 **MS. DALEY:** She was psychologically damaged
24 by what had happened?

25 **SGT. WHITE:** Yes.

1 **MS. DALEY:** Is that fair?

2 **SGT. WHITE:** Yes.

3 **MS. DALEY:** And what she discloses to you,
4 and the reference is page 23 of your notes, but amongst
5 other things, one of the early things she disclosed to you
6 is that she has been fondled and sexually touched by a
7 worker in that home named John Primeau.

8 Is that correct, sir?

9 **SGT. WHITE:** She doesn't use the name John
10 Primeau. She uses the name John, I believe.

11 **MS. DALEY:** Ultimately, you become aware
12 that John Primeau is the person that she is referring to?

13 **SGT. WHITE:** Well, that's the conclusion
14 I've come to eventually, based on all the information I
15 received.

16 **MS. DALEY:** Right.

17 Based on the fruits of your investigation,
18 you know that there was a worker there named John, you
19 investigate further, you eventually learn that his full
20 name was John Primeau; correct?

21 **SGT. WHITE:** Yes.

22 **MS. DALEY:** And that individual corresponds
23 to the man that C-83 has described to you?

24 **SGT. WHITE:** Yes.

25 **MS. DALEY:** Right?

1 So you know that's the person that she's
2 speaking about ultimately?

3 **SGT. WHITE:** I believe that to be true.

4 **MS. DALEY:** Okay.

5 And she also goes on in the course of
6 talking to you; she gives further details about abuse by
7 this child care worker, Mr. Primeau, in a later interview
8 with you as well. If you recall, I think you take her to
9 the home for her to have a look?

10 **SGT. WHITE:** Yes.

11 **MS. DALEY:** Do you remember that event?

12 **SGT. WHITE:** Yes, I do.

13 **MS. DALEY:** And as a result of her having a
14 look at the premise, she's able to give you further detail
15 and she corroborates that he abused her in two ways. He
16 sat on her and he touched her sexually?

17 **SGT. WHITE:** That's true.

18 **MS. DALEY:** All right. And I take it, sir,
19 based on your investigation, you considered that those were
20 credible allegations, that they were likely true?

21 **SGT. WHITE:** Yes.

22 **MS. DALEY:** She also talks to you about some
23 abuse that has occurred in a foster home. Do you remember
24 that?

25 **SGT. WHITE:** Yes, I do.

1 **MS. DALEY:** That's referred to at page 59 of
2 this exhibit, and she's actually referring to something
3 that you have written down as -- is it Shaft foster home or
4 Skafte?

5 **SGT. WHITE:** Skafte.

6 **MS. DALEY:** And was that home also operated
7 by the CAS? Is that something that you learned, sir?

8 **SGT. WHITE:** Yes, I believe so.

9 **MS. DALEY:** And that was in St. Andrews?

10 **SGT. WHITE:** Yes.

11 **MS. DALEY:** Were you able to further
12 investigate that allegation? In other words, were you able
13 to locate the person who she alleged abused her in that
14 home?

15 **SGT. WHITE:** No.

16 **MS. DALEY:** Were there any steps that you
17 took or efforts you made to probe further on that ---

18 **SGT. WHITE:** Yes.

19 **MS. DALEY:** --- allegation?

20 **SGT. WHITE:** Yes.

21 **MS. DALEY:** Can you tell me just a little
22 bit about that?

23 **SGT. WHITE:** What I did, I went -- when I
24 went -- did my search of the files at the Children's Aid
25 Society, I searched for details in regards to that

1 particular home. I also searched her file ---

2 MS. DALEY: Yes.

3 SGT. WHITE: --- with the Children's Aid
4 Society to see what notations they had about her time in
5 that home and who it was operated by and when it was in
6 existence and so forth.

7 MS. DALEY: So by that means you were able
8 to verify that she was in the Skafte foster home?

9 SGT. WHITE: Yes.

10 MS. DALEY: And was there anything in the
11 recording on her file that would suggest that she might
12 have been sexually fondled by their son?

13 SGT. WHITE: No.

14 MS. DALEY: Was the son still alive? Did
15 you know his name?

16 SGT. WHITE: Yes, I believe I did know his
17 name at one time.

18 MS. DALEY: Were you able to locate him?

19 SGT. WHITE: No.

20 MS. DALEY: Was there anything else you were
21 able to do to verify her allegation about Mr. Skafte?

22 SGT. WHITE: No.

23 MS. DALEY: Again, though, based on your
24 work with this victim, did you believe that that was a
25 credible allegation that she made?

1 **SGT. WHITE:** Well, it was a very limited
2 allegation as to what her memory was about the sexual abuse
3 and that, so we didn't have a lot to work with. And she
4 made it quite clear to me about these types of allegations
5 that she telling about the sexual abuse in these other
6 group homes and that ---

7 **MS. DALEY:** Yes.

8 **SGT. WHITE:** --- is that they were very
9 painful memories for her ---

10 **MS. DALEY:** Yes.

11 **SGT. WHITE:** --- and that she was not
12 comfortable really dabbing into them and she makes it clear
13 to me, fairly soon in my investigation, that although she's
14 willing to discuss what she remembers about those
15 incidences that she doesn't want them investigated by the
16 police.

17 **MS. DALEY:** Were you ever able to determine
18 whether she'd been abused at the Skafte foster home before
19 she was sent to the Second Street Group Home?

20 **SGT. WHITE:** No.

21 **MS. DALEY:** It came afterwards?

22 **SGT. WHITE:** It came from her. I mean, the
23 only knowledge I got to the possible abuse was from her.

24 **MS. DALEY:** Did she tell you it occurred
25 before she was a resident at the Second Street home or

1 afterwards? Do you remember?

2 **SGT. WHITE:** I don't recall.

3 **MS. DALEY:** All right. But, again, that
4 allegation, if it were true, would implicate at least the
5 son of a foster parent in sexually abusing a ward; correct?

6 **SGT. WHITE:** Yes.

7 **MS. DALEY:** And I take it that was fairly
8 disturbing to you?

9 **SGT. WHITE:** Yes.

10 **MS. DALEY:** Now, in terms of C-83 and her
11 intentions, there are two passages in your notes in which
12 she indicates that although she is experiencing the
13 difficulties you've just mentioned, she is going to
14 consider very carefully whether she will come forward and
15 pursue her allegations publicly. And just to help you, the
16 last such reference is at page 189 of your notes.

17 If you can find it that, your second entry
18 from the top says:

19 "Still not sure if she wants to have
20 the police pursue any of these things.
21 She will consider the matter carefully
22 before making any decision."

23 And on my reading of your notes, that's
24 something that happens on April 29th, '94. So certainly, at
25 that point-in-time, she was prepared to consider pursuing

1 charges?

2 **SGT. WHITE:** Mr. Commissioner, is there --
3 my screen's not on and ---

4 **THE COMMISSIONER:** I know, I know.

5 **MS. DALEY:** Oh, I'm sorry.

6 **THE COMMISSIONER:** Madam Clerk, we've got to
7 try to keep up to it there.

8 **SGT. WHITE:** Thank you, sir.

9 **MS. DALEY:** That's -- yes, that's where I
10 was taking you to.

11 She is considering it and just to help you
12 put a date to that event, at page 186 of the notes your
13 entry indicates that this is April 29th of '94 where she's
14 telling you that?

15 **SGT. WHITE:** Yes.

16 **MS. DALEY:** Okay.

17 Now, I took it from that that
18 notwithstanding the difficulties that it would present to
19 her, she was at least, at this point-in-time, considering -
20 - excuse me -- coming forward publicly with these
21 allegations. Is that correct, sir?

22 **SGT. WHITE:** Well, a lot -- a lot of that
23 was from me. I was trying to encourage her to ---

24 **MS. DALEY:** Yes.

25 **SGT. WHITE:** --- to, you know, if possible,

1 if the police were in such a position where we could lay
2 charges, I was trying to encourage her to -- to give me
3 consent to lay charges if I had sufficient evidence to do
4 so.

5 MS. DALEY: And she was telling you, at this
6 point, she's not sure about it, but she wants to consider
7 it carefully and ---

8 SGT. WHITE: At that point, yes.

9 MS. DALEY: All right.

10 Now, I didn't see an entry in your notes
11 subsequent to this date where she had definitively told you
12 her answer was no.

13 SGT. WHITE: There is.

14 MS. DALEY: Then it's my fault and I've --
15 and I've missed it.

16 On the point you just made, your attempt to
17 encourage her to come forward with these allegations, I
18 noticed that early on in your discussions with her, you
19 actually suggested that perhaps counselling could be made
20 available/

21 SGT. WHITE: Yes.

22 MS. DALEY: Do you know if she pursued that?

23 SGT. WHITE: I'm not sure at this point.

24 MS. DALEY: All right.

25 I take it you had a similar problem with

1 another of the people that you spoke to and I'm just going
2 to take you to the page where his name is first mentioned,
3 and I think I'll ask that he receive a moniker too. Just
4 one second, please.

5 If you just quickly look at page 31 of this
6 same exhibit.

7 **THE REGISTRAR:** May I please have the Bates
8 page?

9 **MS. DALEY:** Sorry, the Bates is 932.

10 **SGT. WHITE:** Yes.

11 **MS. DALEY:** Under the 16:02hr's entry,
12 you're speaking with someone?

13 **SGT. WHITE:** That's correct.

14 **MS. DALEY:** He was also a group home
15 resident concurrently with Ms. Antoine?

16 **SGT. WHITE:** That's right.

17 **MS. DALEY:** Mr. Commissioner, I wonder if we
18 could assign him moniker C-84 just so it's easier to speak
19 about him?

20 **THE COMMISSIONER:** So on Bates page 7175932,
21 at the point where it's at 14:02, or 16:02 -- sorry --
22 hours, "I called somebody at his residence"? It seems to
23 be the same sentence for everybody, but that will be C-84
24 you say, Madam Clerk?

25 **THE REGISTRAR:** Okay.

1 **THE COMMISSIONER:** All right, thank you.

2 **MS. DALEY:** Thank you.

3 Now, again, to try and telescope some of
4 your dealings with this witness, Mr. C-84. I take it that
5 initially he was fairly clear to you that he wanted the
6 police to investigate his physical abuse; correct?

7 **SGT. WHITE:** That's right.

8 **MS. DALEY:** And he certainly wanted the
9 police, if appropriate, to lay charges. He told you that
10 at the outset ---

11 **SGT. WHITE:** That's right.

12 **MS. DALEY:** --- correct?

13 Now, the difficulty or the phenomena that
14 then occurred is that he went on to tell you about sexual
15 abuse that he had suffered at two group homes; one in
16 Iroquois, Ontario and one in Cornwall. And this is
17 detailed at page 32 or the exhibit, sir; correct?

18 **SGT. WHITE:** He's hinting -- he hinted to me
19 without being specific that he's been the victim of sexual
20 abuse at those two locations.

21 **MS. DALEY:** Right. And he's forthcoming
22 enough to say he thinks he needs some counselling before he
23 can go further and talk to you about that?

24 **SGT. WHITE:** That's correct.

25 **MS. DALEY:** At a somewhat later point in

1 time, sir, and I think you're going to find this at page 90
2 of the exhibit.

3 **THE COMMISSIONER:** And that is ---

4 **MS. DALEY:** Nine-nine-one (991), Madam
5 Clerk.

6 So this is still C-84 that we're speaking
7 about here in your notes and what you'll see about a third
8 of the way down:

9 "I asked him about other problem in
10 foster home in Cornwall."

11 And then he talks about the Cumberland
12 Street foster home and a man and a lady who ran it. He
13 says that the grown-ups and the kids would walk around in
14 the nude.

15 And then he also talks about him and another
16 resident, who was mentally and physically challenged, being
17 made to perform a sex act in front of the foster parents.
18 Do you see that, sir?

19 **SGT. WHITE:** I don't know if I'd
20 characterize it exactly the way you phrased it. I mean, my
21 notes indicate that the information he is indicating that
22 the couple would scare him and another boy to engage in
23 some kind of sexual activity.

24 **MS. DALEY:** Right. Which he didn't
25 elaborate details, but he said that what was happening was

1 sexual and that the couple who were running the home were
2 instigating it somehow.

3 Was that the impression that you got of what
4 he said?

5 **SGT. WHITE:** That's the impression I got,
6 yes.

7 **MS. DALEY:** Okay. So obviously if that were
8 true, that would also be a concerning thing; correct?

9 **SGT. WHITE:** Yes.

10 **MS. DALEY:** Now, just let me just ask you
11 this question, sir.

12 So you have both C-83 and C-84. They are
13 disclosing allegations of a sexual abuse nature. It's very
14 difficult for them to do that and your perception is they
15 might not be able to be witnesses in a case or in a trial
16 if one were brought. Is that a fair summary of it?

17 **SGT. WHITE:** Yes, it is.

18 **MS. DALEY:** What I'm wondering is this. Was
19 there any thought given to getting some additional
20 expertise involved at this point to help those people come
21 forward as witnesses to what had occurred to them? For
22 example, outside psychological assistance?

23 **SGT. WHITE:** Yeah, the last gentleman you
24 referred to in that.

25 **MS. DALEY:** Yes.

1 **SGT. WHITE:** We did get -- we did work it
2 where he was working with a therapist, a counsellor, at the
3 time to deal with those memories that I brought out.

4 **MS. DALEY:** Right.

5 **SGT. WHITE:** And they were working with him
6 to try and deal with all that trauma, all that anxiety,
7 that my questioning had brought out and about these
8 specific memories.

9 **MS. DALEY:** In terms of how you worked with
10 these victims or witnesses throughout your investigation,
11 again, hindsight is a terrific thing.

12 I'm not criticizing you for anything you
13 did, but did it ever occur to you or perhaps Officer
14 Derochie or your supervisors that perhaps you could have
15 gone for some help to another CAS? In other words, if
16 you'd perhaps gone to a CAS out of the province for some
17 guidance in terms of talking to adults who had been in care
18 and who were having difficulty disclosing events in care?

19 **SGT. WHITE:** If I understand your question
20 correctly, I don't think so. Like, I mean, I've dealt with
21 victims of traumatic crime and especially sexual assaults
22 over a number of years and, I mean, my belief is that they
23 have the power. You know, I have to respect their
24 decisions as to whether or not they come forward.

25 As an investigator, I'm in a dilemma between

1 respecting that, which I do, their right to empower them to
2 make decisions as to whether or not they want to engage in
3 a criminal justice process, which I think is very important
4 to the victims. As a police officer I think I have to
5 respect that right of them, and I do.

6 At the same time, certain dilemmas in this
7 case pose that question is, is that I have to look at the
8 greater good of society and try and gather as much
9 information and sometimes try and take that information to
10 hold people accountable if the evidence supports that.

11 And this is one of those situations and I --
12 but with this particular individual -- and I made it clear
13 to him when he agreed to talk to me about any kind of
14 sexual abuse that he had, that he had the power to make
15 those decisions and I wasn't going to manipulate them into
16 coming forward to try and serve another purpose.

17 The ultimate decision rested with them and I
18 respected that and I think they respected the fact that I
19 told them upfront that that's the way it was going to be
20 and that's the way it was.

21 **MS. DALEY:** Clearly for C-84, he had no
22 reluctance about coming forward about the physical abuse?

23 **SGT. WHITE:** That's right.

24 **MS. DALEY:** But the wall that he put up or
25 the difficulty he had was the sexual content?

1 **SGT. WHITE:** That's right.

2 **MS. DALEY:** And he did give you some
3 information about that but is it the case you didn't have
4 enough information or his consent to go forward with that
5 allegation?

6 **SGT. WHITE:** It was both points.

7 **MS. DALEY:** Did you feel that you required
8 his consent to work with what he told you on page 90? Let
9 me give you an example.

10 On page 90, he's talking about a foster
11 home. You could have asked the CAS if there was a foster
12 home on Cumberland; if Mr. C-84 was a resident there. You
13 could have at least ---

14 **SGT. WHITE:** I did.

15 **MS. DALEY:** --- verified that?

16 **SGT. WHITE:** I did and I actually looked
17 into that group home and I interviewed people and I
18 searched the files on that group home and I got some
19 information pertaining to that group home.

20 So I identified who the people were that
21 operated that home. I knew the time that it was in
22 existence and the potential suspects, in that case, my
23 investigation would reveal were dead.

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

25 **SGT. WHITE:** All right. One died in 1979

1 and the other one died in 1989.

2 **MS. DALEY:** So that would have been the end
3 of the road even if C-84 was willing to come forward?

4 **SGT. WHITE:** Exactly.

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

6 One other thing that C-84 told you about,
7 and I'll take you to a passage if it helps, but I'm
8 expecting that your memory may help you here as well. And
9 this is back in the group home context, the Second Street
10 Group Home context. He told you that he was pushed through
11 a wall?

12 **SGT. WHITE:** Yes.

13 **MS. DALEY:** You recall that? He said that
14 it was Mike Keough who had done that?

15 **SGT. WHITE:** That's correct.

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

17 Now, I take it that was a fairly extreme
18 example of physical interaction between a staff and a child
19 at this group home?

20 **SGT. WHITE:** It was, but there was
21 extenuating circumstances that led to that particular
22 incident as well.

23 **MS. DALEY:** Well, let me ask you this, and
24 I'm asking you just to imagine a slightly different
25 context.

1 If a man had pushed a boy into a wall or
2 through a wall in a different context, say at home, right?

3 **SGT. WHITE:** Yes.

4 **MS. DALEY:** Would common assault charges
5 then have been available back in 1976?

6 **SGT. WHITE:** Yes.

7 **MS. DALEY:** And in 1976 when -- let's just
8 assume that the allegation is correct. So if C-84's
9 allegation is correct, he's pushed through a wall, would
10 common assault charges have been available then in 1976 had
11 it been reported to the police at the time?

12 **SGT. WHITE:** Possibly.

13 **MS. DALEY:** Did you form any view as to the
14 veracity of that part of his report? Did you believe that
15 it was likely true?

16 **SGT. WHITE:** I did, but the circumstances
17 were described to me in that were -- and a lot of this came
18 from the victim himself.

19 He indicated that he was a very hyper and
20 sometimes violent individual, and on that particular
21 occasion he was in a heated argument with the worker within
22 the home. And he had taken a swing at the worker and the
23 worker grabbed him under the pretext of perhaps trying to
24 control him and, as a result, got caught up in the moment
25 and pushed him against the wall harder than he should have,

1 perhaps, where it caused indentation into the wall to the
2 gyprock.

3 I mean, so you have a resident who was
4 highly emotional, sometimes violent, who was highly
5 agitated. He's assaulted the worker and the worker gets
6 caught up in the moment trying to restrain him and perhaps
7 a little more force was used than was necessary. I mean --
8 -

9 MS. DALEY: Did you come to understand from
10 C-84 that he required medication to control hyperactivity?

11 SGT. WHITE: Yes.

12 MS. DALEY: And that there were times when
13 he wasn't receiving that medication from the group home
14 staff?

15 SGT. WHITE: That's the information I
16 received.

17 MS. DALEY: And some of his behaviour was a
18 consequence of their failure to provide the medication?

19 SGT. WHITE: I can't comment on that.

20 MS. DALEY: That's fair enough, but at least
21 he told you that his medication had been withheld?

22 SGT. WHITE: Yes.

23 MS. DALEY: All right.

24 Now, just very briefly, I want to touch upon
25 another person who you worked with during this

1 investigation. I'm also going to ask for a moniker. Let
2 me just take you to a page where she's mentioned.

3 Madam Clerk, Bates page 935 should be page
4 34 of his notes.

5 "At 11:10 hours..."

6 **THE COMMISSIONER:** "...called someone in
7 Alberta."

8 **MS. DALEY:** Yes.

9 **THE COMMISSIONER:** And that person will be
10 referred to as C-85.

11 **MS. DALEY:** Thank you. Do you have that
12 person in mind, sir?

13 **SGT. WHITE:** Yes, I do.

14 **MS. DALEY:** Do you have a memory of these
15 people?

16 **SGT. WHITE:** Yes, I do.

17 **MS. DALEY:** All right, because you spoke to
18 C-85 on the phone. Then you later visited her in person in
19 Alberta?

20 **SGT. WHITE:** Yes.

21 **MS. DALEY:** And just to again try to
22 telescope it down, I take it that what you learned from her
23 ultimately was that she was -- I think the word she used
24 and you recorded was "whipped" with a belt in the home?

25 **SGT. WHITE:** I know she received the belt on

1 one occasion.

2 **MS. DALEY:** Well, let me just -- sorry,
3 maybe let me help you. At Bates 998 she's telling you
4 about this incident and she's saying that she's whipped
5 approximately 20 times and she's bleeding from the cut. Do
6 you recall that, sir?

7 **SGT. WHITE:** Yes, I remember -- yes, I do.

8 **MS. DALEY:** So what she's describing is --
9 my word, you may disagree, but a fairly vicious attack.

10 **SGT. WHITE:** Oh, I agree.

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

12 And she also tells you about an occurrence
13 that other folks that you speak to also corroborate. And
14 she talks about being made to scrub the floor in her
15 underwear.

16 **SGT. WHITE:** Yes.

17 **MS. DALEY:** And in fact that's confirmed by
18 Mike Keough.

19 **SGT. WHITE:** Yes.

20 **MS. DALEY:** She also tells you of sexual
21 events in the home and she tells you that workers are
22 saying to her that -- I'll put quotes around it -- "you
23 have to love me" and she talks about having sex with one of
24 the workers. Do you recall that, sir?

25 **SGT. WHITE:** The worker -- my understanding

1 is that her complaint about the worker that said "you have
2 to love me" is not the same worker that she would later
3 have sex with.

4 MS. DALEY: I understand. Some male worker
5 said that "you have to love me". This is at the bottom of
6 ---

7 SGT. WHITE: Yes.

8 MS. DALEY: --- of 001.

9 SGT. WHITE: Yes, I remember that.

10 MS. DALEY: And she said, "No, I'm not going
11 to say that to you," and he hit her.

12 SGT. WHITE: Yes.

13 MS. DALEY: And then another worker actually
14 had sex with her when she was 13 to 15.

15 SGT. WHITE: That's correct.

16 MS. DALEY: All right.

17 And again all of those, both the physical
18 and the sexual, I take it you would find deeply disturbing
19 allegations to hear about employees of a children's group
20 home?

21 SGT. WHITE: They were concerning.

22 MS. DALEY: And sir, again, I maybe don't
23 want to read too much into your notes but I took from your
24 notes that you had empathy for C-85 and that you felt her
25 story was credible?

1 **SGT. WHITE:** Yes.

2 **MS. DALEY:** Including these details?

3 **SGT. WHITE:** Yes.

4 **MS. DALEY:** And is it not correct that some
5 of these details were corroborated by other residents of
6 the home?

7 **SGT. WHITE:** In regards to the physical,
8 receiving the belt, that was corroborated.

9 **MS. DALEY:** Right.

10 **SGT. WHITE:** The sexual stuff that went on
11 was difficult to corroborate since there were no witnesses
12 to the event.

13 **MS. DALEY:** In terms of the scrubbing the
14 floors in underwear, that was corroborated by others;
15 correct?

16 **SGT. WHITE:** Yes, it was.

17 **MS. DALEY:** Now, I take it then at a certain
18 point in time your work takes on a critical mass and I
19 think you appreciate that what you're looking at is not
20 just Ms. Antoine's allegations about Mr. Keough but, in
21 your words, "an investigation into the CAS group home".

22 **SGT. WHITE:** That's correct.

23 **MS. DALEY:** And indeed you come across
24 witnesses to whom you offer to investigate any additional
25 allegations that they may have.

1 **SGT. WHITE:** That's correct.

2 **MS. DALEY:** And one such person is
3 Ms. Antoine's own sister; correct?

4 **SGT. WHITE:** Yes.

5 **THE COMMISSIONER:** Which? Is that Lorraine?

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

7 And that reference is at 957 of your notes,
8 if I have that right. I'm sorry, it should be 956 of the
9 notes. This is after Lorraine has given you some
10 information, and then about a third of the way down, you
11 ask her about her experience and you ask if there's
12 anything else that she would like you to investigate.

13 So again you're opening the door to
14 allegations that go beyond the Second Street Group Home;
15 right?

16 **SGT. WHITE:** Yes, I am.

17 **MS. DALEY:** Because Lorraine was not a
18 resident there.

19 **SGT. WHITE:** That's right.

20 **MS. DALEY:** She was telling you about sexual
21 abuse by a foster father.

22 **SGT. WHITE:** That's right.

23 **MS. DALEY:** And again that was a fairly
24 concerning thing to hear about, I would imagine.

25 **SGT. WHITE:** Well, it was something I was

1 interested in receiving more information on.

2 **MS. DALEY:** Did you know if that man was
3 still alive at this time?

4 **SGT. WHITE:** I don't know for sure. What I
5 do remember about that particular person she was
6 complaining ---

7 **MS. DALEY:** Yes?

8 **SGT. WHITE:** --- it was a resident outside
9 the City of Cornwall, so it would have been outside my
10 jurisdiction.

11 **MS. DALEY:** All right. Is that Ingleside?
12 Is that where they lived, do you think?

13 **SGT. WHITE:** I believe so, but I'm not a
14 hundred percent sure.

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

16 In the ordinary course, I suppose you could
17 have referred her to the OPP and they could have gone
18 further?

19 **SGT. WHITE:** I believe, if you read my
20 notes, that notation is in there.

21 **MS. DALEY:** Is that what you did?

22 **SGT. WHITE:** Yeah, I offered to put her in
23 touch with the OPP.

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

25 **MR. MANDERVILLE:** Mr. Commissioner, that's

1 confirmed on the Bates page ending 956.

2 **THE COMMISSIONER:** Thank you.

3 **MS. DALEY:** I don't doubt you.

4 Again, the point I'm coming to with you is
5 that you have opened your mind to a much broader
6 investigation than simply Bryan Keough and Jeannette
7 Antoine at this point; correct?

8 **SGT. WHITE:** That's correct.

9 **MS. DALEY:** And I take it you did that
10 because you were receiving information that was somewhat
11 systemic in nature. It seemed that everyone you spoke to
12 had an allegation of physical abuse or some sort of sexual
13 misconduct.

14 **SGT. WHITE:** That's fair.

15 **MS. DALEY:** And that was concerning?

16 **SGT. WHITE:** Yes, it was.

17 **SGT. WHITE:** Now, at some point, sir, you
18 spoke to the fellow who was the Executive Director of the
19 CAS at the time. That was Mr. O'Brien.

20 **SGT. WHITE:** Yes.

21 **MS. DALEY:** And having heard from all these
22 residents of the group home -- set aside Ms. Antoine,
23 because I appreciate you have some difficulties with her
24 credibility, but we've now seen three other residents who
25 are in some way corroborating one another independently and

1 whom you believe.

2 So I take it that prompted you to want to
3 speak to Mr. O'Brien at the CAS?

4 **SGT. WHITE:** Well, I ended up speaking to
5 Mr. Towndale, who was Acting Director during the course of
6 my investigation, and I spoke to him about those concerns.

7 **MS. DALEY:** Yes. Well, let me ask you this
8 question, sir.

9 Were you concerned at all about why, back in
10 1976 when at least some of this activity came to light, the
11 CAS had not reported it to the police?

12 **SGT. WHITE:** Yes, I raised that issue with
13 him and we talked about that in this morning's evidence.

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

15 If I could take you, please, to Bates 083
16 from the exhibit. And just to help you, sir, this is a
17 meeting that you have with Tom O'Brien on April 27th, '94.

18 I'm in Exhibit 2214.

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

20 **MS. DALEY:** Sir, you might want to just read
21 around this so that you can refresh your mind about the
22 context of what you're discussing, but you're talking to
23 Mr. O'Brien about how things operated in 1976. He explains
24 that he has been on a sick leave et cetera; that Dave
25 Devlin was a supervisor. And then over on the Bates page

1 I've taken you to, 083, please. Thank you.

2 I think what you're noting is the following
3 comment from him that:

4 "Complaints about physical abuse or
5 sexual would be investigated himself,
6 which consisted of speaking to the
7 child, then speaking to the worker or
8 the foster parent. If there were
9 possibility, then the child was simply
10 moved out of the home. CAS was under
11 no obligation to report to police by
12 law the act."

13 And then you've written down *Child Welfare*
14 *Act* and some question marks.

15 I take it what you're doing here is you are
16 recording what Mr. O'Brien is giving you by way of
17 explanation because I'm presuming you've asked him, "Why
18 didn't you folks come to the police in 1976?"

19 **SGT. WHITE:** You're right.

20 **MS. DALEY:** And this is his explanation?

21 **SGT. WHITE:** You're right.

22 **MS. DALEY:** And can you help me at all with
23 that explanation? What was he saying to you? He thought
24 that under the *Child Welfare Act* he didn't have to go to
25 the police?

1 **SGT. WHITE:** That's right.

2 **MS. DALEY:** Did that explanation make any
3 sense to you?

4 **SGT. WHITE:** That's why I have question
5 marks; because I wasn't sure if that was, in fact, the law
6 under the *Child Welfare Act* back then.

7 **MS. DALEY:** Would you as a police officer
8 not know in your own mind, regardless of the *Child Welfare*
9 *Act*, if a criminal offence under the Code had occurred, any
10 citizen should be reporting that to the police?

11 **SGT. WHITE:** Well, there's no obligation
12 under the Code for a citizen to report a criminal act.

13 **MS. DALEY:** That's obviously fair but we're
14 dealing with the Children's Aid Society and people who are
15 employed by a Children's Aid Society.

16 **SGT. WHITE:** I understand that, but I'm
17 aware of no Act. Like the Criminal Code doesn't say that
18 at that particular time. The Acts that would govern that
19 kind of thing would be the *Child Welfare Act* and the child
20 today -- in today's world, the *Child and Family Services*
21 *Act* would mandate those requirements.

22 **THE COMMISSIONER:** Well, that would be
23 mandate the requirements to report abuse of a child under
24 the age of 16.

25 **SGT. WHITE:** Yes.

1 **THE COMMISSIONER:** Okay.

2 But there's no duty to report, if you see a
3 murderer down the street.

4 **SGT. WHITE:** That's my point.

5 **THE COMMISSIONER:** Okay.

6 **MS. DALEY:** I understand that point, but
7 coming back to the context here, we're talking about a
8 Children's Aid Society and children that are in treatment.
9 Were you not rather stunned to hear Mr. O'Brien say:

10 "We may have seen a criminal offence but I
11 didn't think I had to talk to the police
12 about it"?

13 **SGT. WHITE:** Well, I was to a certain degree
14 and this -- what that reminds me of is when I met with Mr.
15 Towndale in October of '94 to -- to discuss these concerns
16 and that -- I made a big point of this, the saying about
17 you got these allegations of abuse; you got these
18 allegations of abuse against workers and are not being
19 reported to the police.

20 And Mr. Towndale's answer to me was:

21 "Yes, that's the way it was in 1976,
22 but that's changed now. We now have
23 policies in place and any allegations
24 of sexual misconduct by a worker or a
25 foster home parent are reported to the

1 police."

2 And then he started giving me examples where
3 that was the case. And I knew that to be true. So what he
4 was saying was that things were like this in 1976, but we
5 changed them and they weren't like that any more. So any
6 allegations now, in 1994 in particular, it comes.

7 And he shows me policy changes within the
8 agency in 1972 -- sorry not 1972, but later on, I believe
9 it was 1976 is the date that he shows me in documentation,
10 showing these are now our policies now where we're -- we're
11 -- we are now required to report these allegations when
12 they -- when they come to our attention.

13 **MS. DALEY:** Let me just switch topics for a
14 moment and talk about the physical allegations, all right?
15 Set aside the sexuality. But in terms of the physical
16 allegations that you've heard about ---

17 **SGT. WHITE:** Yes.

18 **MS. DALEY:** --- the whipping, the pushing
19 into the wall, the excessive physical interactions for want
20 of a better word. Did you take Mr. O'Brien also to be
21 saying that he didn't see that as something that should be
22 reported to the police back in 1976?

23 **SGT. WHITE:** Well, what -- what he was
24 saying and what a lot of people were saying that I was
25 interviewing in 1976 and that, there was a big question

1 mark as to whether or not these types of activities and the
2 whole idea of corporal punishment whether or not that was -
3 - there was anything wrong with that. And there was a lot
4 of different opinions as to whether or not that was an
5 appropriate form of punishing.

6 MS. DALEY: Certainly, sir, the beating that
7 was described to you by C-85 that left marks and blood ---

8 SGT. WHITE: Yes.

9 MS. DALEY: --- was an assault; was it not?

10 SGT. WHITE: Well, I mean the -- it was
11 given the belt as a part of a disciplinary measure that
12 resulted in some blistering. And was that excessive or
13 not? In my mind, yeah, it was excessive. And this is
14 where I eventually seek the advice of the Regional Crown
15 Attorney to get his opinion as to whether or not I'm
16 correct that this may constitute an assault more than just
17 a common assault.

18 MS. DALEY: I think one thing we can agree
19 upon, if the Children's Aid Society or the children
20 themselves -- if C-85 had come into a police station back
21 in 1976 and said "The worker hit me; I've got bruises and
22 marks", it's possible, it's not inevitable, but it's
23 possible that common assault charges could have been laid
24 at that time. You certainly would have been within the
25 six-month limitation; correct?

1 **SGT. WHITE:** It's possible, but it's very
2 difficult for me to comment on that without having all the
3 circumstances. Each case would be -- would be specific and
4 ---

5 **MR. MANDERVILLE:** Mr. Commissioner that was
6 nine years before Officer White joined the Cornwall Police.
7 It's a speculative thing. Some of us in this room might
8 have received the strap from our principal at one point in
9 our lives.

10 **THE COMMISSIONER:** Is that an admission Mr.
11 Manderville?

12 **(LAUGHTER/RIRES)**

13 **MR. MANDERVILLE:** Regrettably, yes.

14 **(LAUGHTER/RIRES)**

15 **THE COMMISSIONER:** How much longer do you
16 have Ms. Daley?

17 **MS. DALEY:** Not very. Would you like a
18 break or should ---

19 **THE COMMISSIONER:** No.

20 **MS. DALEY:** --- I just go until I finish?

21 **THE COMMISSIONER:** No.

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

23 I wasn't trying to take you outside of your
24 area of expertise, but certainly, you came to know, as a
25 result of your investigation, about a six-month limitation

1 on common assault back in '76?

2 SGT. WHITE: Yes.

3 MS. DALEY: All right.

4 And my only point was if it had been current
5 right before the police in '76, at least that limitation
6 issue wouldn't have existed.

7 SGT. WHITE: That's fair.

8 MS. DALEY: Right? Okay.

9 Just a few more questions about this
10 investigation. I take it as it morphed into a bigger
11 investigation, it became more complex?

12 SGT. WHITE: Yes.

13 MS. DALEY: And you and your supervisor --
14 well, I guess you went to Officer Derochie and you pointed
15 that out to him and I take it you obtained some advice from
16 the OPP?

17 SGT. WHITE: Yes.

18 MS. DALEY: I can take you to the reference
19 in your notes about that event. Just give me one second,
20 I'm sorry.

21 It's referred to at Bates page 035 and the
22 date would be March 22nd, '94. And piecing this together
23 from your notes, sir, I think what happened is you spoke to
24 Derochie about the fact that this was evolving into a very
25 complex investigation. It was taking you to Alberta, other

1 provinces and the suggestion was that you would get some
2 advice from the OPP.

3 **SGT. WHITE:** Yes.

4 **MS. DALEY:** And your notes indicate you
5 discussed some of the techniques that they used when they
6 investigated the Alfred situation. They shared the wisdom.
7 Can you just help me at all with any details of that? What
8 did you -- what advice did they give you that you were able
9 to apply?

10 **SGT. WHITE:** That these investigations were
11 extremely complex in nature and very, very difficult to
12 prosecute was the bottom line of the advice I received from
13 the OPP.

14 **MS. DALEY:** Did that leave you somewhat
15 discouraged?

16 **SGT. WHITE:** Yes.

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

18 Did they offer you any pointers to get you
19 over the difficulties that were inherent in the situation?

20 **SGT. WHITE:** Other than to try and gather as
21 much information as possible in each case, to document any
22 findings that I find thoroughly. I mean that's the gist of
23 what I remember about the conversation.

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

25 Did they give you any advice or guidance

1 about working with the victims, the people who were the
2 abused and had difficulties coming forward? Did they touch
3 on that that you can recall at all?

4 **SGT. WHITE:** Not that I can recall.

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

6 But were you left with overall a feeling
7 that this was a very, very difficult task?

8 **SGT. WHITE:** Well, I mean the -- the
9 difficulty is something I've seen before and I've seen n
10 since ---

11 **MS. DALEY:** Yes.

12 **SGT. WHITE:** --- was that -- that often
13 victims and that don't have full recollection, you know,
14 and -- and that's difficult -- that's a difficult issue
15 when you're dealing, contemplating a criminal
16 investigation.

17 **MS. DALEY:** Understood. I take it, sir,
18 that at about this time in the investigation and again, I'm
19 taking a phrase from your notes so I'm sure you'll agree, I
20 think you were seeing this as a systematic breakdown in CAS
21 foster homes ---

22 **SGT. WHITE:** I was ---

23 **MS. DALEY:** --- dating back to the '70s.

24 **SGT. WHITE:** --- I was asking myself if that
25 was a possibility.

1 **MS. DALEY:** Right.

2 And the reference there is at Bates 017.

3 And I think this is something that's coming up in a
4 conversation you're having with your Staff Sergeant, at
5 10:45 hours.

6 **SGT. WHITE:** Yes.

7 **MS. DALEY:** And what you're deciding is, do
8 we have a situation of systematic breakdown in CAS and
9 foster homes back to the '70s and, if so, what do we do
10 about it?

11 **SGT. WHITE:** Yeah. That's something I'm
12 considering at that point, yes.

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

14 And what ultimate guidance did you get from
15 your force on that point?

16 **SGT. WHITE:** To just continue as I was
17 doing, to collect as much information as possible and to
18 see where it took me.

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

20 So I take it -- well, was there any
21 suggesting that perhaps Staff Sergeant Derochie or even a
22 person in higher authority at the service would speak to
23 the Children's Aid Society about this?

24 **SGT. WHITE:** There was some discussion that
25 the OPP who were -- at that time, there was discussion that

1 they would be looking at institutional investigations or
2 rather the OPP would investigate allegations of sexual
3 abuse in public institutions.

4 And there was possibly that either, at some
5 point, they would start an investigation into these kind of
6 facilities or that information that I might uncover during
7 the course of my investigation would be turned over to them
8 to assist them in their investigations.

9 **MS. DALEY:** How did that -- how was that
10 communicated to you?

11 **SGT. WHITE:** Well, from speaking to Staff
12 Sergeant Derochie. And two times during the course of my
13 investigation, my investigation was put on hold. And both
14 times, it was under the -- under the pretext that, you
15 know, there's talk that the OPP are going to come in and
16 they're going to start looking at our investigations into
17 these homes because we've had problems in the Silmsler
18 matter and one or two other matters. And they're going to
19 come in and they're going to start looking into these
20 homes.

21 **MS. DALEY:** I take it, though, the way I
22 understood that resolved itself, was, in 1994, the OPP did
23 indeed look at the Silmsler matter but they didn't look at
24 the Antoine case. Is that right?

25 **SGT. WHITE:** What happened was that they

1 made a decision that they were strictly going -- during the
2 course of my investigation there's a phase where, okay -- I
3 was told: "Continue with your investigation. The OPP at
4 this stage are only going to look at the Silmsner matter."

5 MS. DALEY: Right.

6 SGT. WHITE: All right? But there was,
7 there was talk and there was discussion about whether or
8 not they were going to come in at some later point and look
9 at this possibility of a systemic breakdown in Children's
10 Aid Society, generally.

11 MS. DALEY: Were you ever directed to
12 provide your investigative fruits to the OPP to that end?

13 SGT. WHITE: What I did was, that it was
14 Staff Sergeant Derochie that was in contact with the OPP
15 and their stuff and what I did was I made sure my stuff was
16 all available to Staff Sergeant Derochie.

17 MS. DALEY: Did you ever learn whether or
18 not the OPP took up any part of your CAS investigation?

19 SGT. WHITE: No. But what happened
20 afterwards was, I was told that there was going to be this
21 Project Truth come about to look into this kind of thing.
22 The scope of their mandate was not something that was
23 really discussed -- discussed with me, but I mean that's
24 where I thought it was going. Was it this Project Truth
25 thing that was being formed, I thought it was going to be

1 looking into some of this stuff.

2 MS. DALEY: Can you help me with this, sir?

3 Did you have a notion that Project Truth was coming as
4 early as 1994? Did you have information about that?

5 SGT. WHITE: Not -- not that specific
6 inquiry, name, that project, ---

7 MS. DALEY: Yes.

8 SGT. WHITE: --- but that the OPP were going
9 to do some kind of investigation of that nature that was
10 going to touch on these phenomena that were coming up in my
11 investigation.

12 MS. DALEY: So you were expecting that to
13 happen ---

14 SGT. WHITE: At some point.

15 MS. DALEY: --- back in '94, possibly '95?

16 SGT. WHITE: Yes.

17 MS. DALEY: All right.

18 Now, having interviewed the many, many
19 people that you did, and having listened to their stories
20 and, I take it, discounted some but believed many others,
21 did you come to a conclusion that there was a bit of a
22 systemic breakdown?

23 SGT. WHITE: Yes.

24 MS. DALEY: And did you share that thought
25 with Staff Sergeant Derochie?

1 **SGT. WHITE:** Yes.

2 **MS. DALEY:** And I take it that's what
3 triggered your subsequent meetings with the Children's Aid
4 folks?

5 **SGT. WHITE:** That's right.

6 **MS. DALEY:** All right.
7 Just one further area and I think I'm done.
8 I want to take you to some allegations that
9 arose about the Laurencrest Group Home.

10 **SGT. WHITE:** Okay.

11 **MS. DALEY:** If you recall?

12 **SGT. WHITE:** Yes.

13 **MS. DALEY:** Let me just find a page
14 reference where you can hang your hat. One second.

15 If you look at page 033 of your notes sir.

16 And Madam Clerk, if you could show him the
17 entry at 11:35? I'm going to ask for a moniker for this
18 complainant as well.

19 **THE COMMISSIONER:** Is this the one on 1135?

20 **MS. DALEY:** Yes sir.

21 **THE COMMISSIONER:** All right.

22 So on page number 7176033, the indication is
23 on the notes: "Friday, 18th of March '94, 11:35, called
24 somebody." That someone will have the 86?

25 **MS. DALEY:** Eighty-six (86).

1 **THE COMMISSIONER:** C-86.

2 **MS. DALEY:** Thank you.

3 You recall this part of your investigation?

4 You recall talking to C-86 about his allegations?

5 **SGT. WHITE:** Yes, I do.

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

7 Now, he was making an allegation about
8 abuse, but not at the Second Street home, at another home
9 in Cornwall called Laurencrest? Correct?

10 **SGT. WHITE:** That's correct.

11 **MS. DALEY:** And firstly, let's just see if
12 you can help me with something.

13 Was Laurencrest associated with the
14 Children's Aid Society, or was it a separate operation? Do
15 you know?

16 **SGT. WHITE:** I think it was separate.

17 **MS. DALEY:** And in terms of the allegations
18 made by C-86, I'm not intending to mention a name, but he
19 was making an allegation of sexual abuse by an employee of
20 Laurencrest; correct?

21 **SGT. WHITE:** Yes.

22 **MS. DALEY:** So my question, sir, is this;
23 did you ever get to the point of contacting Laurencrest to
24 verify whether C-86 was a resident there at the same time
25 as the alleged perpetrator worked there?

1 **SGT. WHITE:** I didn't contact Laurencrest
2 but I think I came about that information in another way.

3 **MS. DALEY:** Do you remember how?

4 **SGT. WHITE:** Yeah. The victim's file
5 indicated when he was in that group home, at Laurencrest,
6 so I had the time period.

7 **MS. DALEY:** Ah! So C-86 would have had a
8 file with the Children's Aid Society, obviously, because he
9 was a ward; right?

10 **SGT. WHITE:** That's right.

11 **MS. DALEY:** And they placed him in
12 Laurencrest?

13 **SGT. WHITE:** That's right.

14 **MS. DALEY:** But Laurencrest was not a home
15 operated by the CAS. It was an outside resource?

16 **SGT. WHITE:** As far as I know. I'm not one
17 hundred percent sure on that now, but I think that's the
18 way it was.

19 **MS. DALEY:** So were you able to determine
20 from Laurencrest that the alleged perpetrator was in fact
21 an employee there, at the time of C-86's residence?

22 **SGT. WHITE:** No. My information on that
23 came from another police officer, Constable Malloy.

24 **MS. DALEY:** But you were able to connect
25 them; at least the two of them were in the same place at

1 the same time, based on the information that you had?

2 **SGT. WHITE:** Yes.

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

4 And I take it that C-86 -- although C-86 had
5 some rather serious health issues; did he not?

6 **SGT. WHITE:** Yes, he did.

7 **MS. DALEY:** And he also lived in Vancouver?

8 **SGT. WHITE:** Yes.

9 **MS. DALEY:** And notwithstanding those
10 circumstances, he did ultimately give a statement to the
11 Vancouver Police Department?

12 **SGT. WHITE:** Yes, he did.

13 **MS. DALEY:** And setting aside that you found
14 his statements somewhat un-detailed, he was demonstrating a
15 willingness to cooperate?

16 **SGT. WHITE:** Yes.

17 **MS. DALEY:** Is there a reason why his
18 allegations weren't further pursued?

19 **SGT. WHITE:** Yes.

20 **MS. DALEY:** What's the reason?

21 **SGT. WHITE:** The statement was lacking
22 detail and I needed more detail from him, or try to get
23 more detail about the specific -- criminal allegation. And
24 what happened was, he moved and all efforts to try to
25 relocate him again fell through. I could never find him

1 again.

2 **MS. DALEY:** So when you went back to him for
3 further details; he couldn't be located?

4 **SGT. WHITE:** That's right.

5 **MS. DALEY:** And you tried all the means
6 available ---

7 **SGT. WHITE:** Yes, I did.

8 **MS. DALEY:** ---to do that?

9 Thank you, sir.

10 Those are my questions.

11 **THE COMMISSIONER:** Thank you.

12 Let's take the afternoon break.

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

14 À l'ordre. Veuillez vous lever.

15 This hearing will resume at 3:15 p.m.

16 --- Upon recessing at 2:48 p.m. / L'audience est suspendue
17 à 14h58.

18 --- Upon resuming at 3:16 p.m. / L'audience est reprise à
19 15h16

20 **THE REGISTRAR:** Order. All rise. Veuillez
21 vous lever.

22 This hearing is now resumed. Please be
23 seated. Veuillez vous asseoir.

24 **SGT. SHAWN WHITE:** Resumed/Sous le même serment

25 **THE COMMISSIONER:** Mr. Lee?

1 **MR. LEE:** Good afternoon, sir.

2 Officer White, my name is Dallas Lee.

3 I'm counsel for the Victims' Group.

4 **SGT. WHITE:** Yes.

5 **MR. LEE:** I have just a few areas that I'd
6 like to ask you about.

7 The first one is going to draw an objection
8 from your counsel, so we'll start with that.

9 Mr. Commissioner, I would like to take
10 Officer White to Exhibit 1389, which is the morale report.
11 You would have heard a fair bit about that during the
12 evidence of the Cornwall police, and I believe that Mr.
13 White is the author of that and Mr. Manderville will object
14 to me going there, so we'll start with that.

15 **MR. MANDERVILLE:** Mr. Commissioner, our
16 objection is that Sergeant White is being called as part of
17 the CAS institutional response.

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

19 **MR. MANDERVILLE:** He was interviewed by the
20 Commission at least once in connection with the planned
21 Cornwall police institutional response. An A.E. was
22 circulated; the Commission elected not to call him. You
23 heard extensive testimony about the morale report in the
24 context of that institutional response.

25 And if Mr. Lee wished to have Officer White

1 called at that time, he could have made that request of
2 Commission counsel or brought a rule 17 motion. None of
3 which was done.

4 So I submit that this is not a relevant line
5 of inquiry to what you're here looking at now.

6 **THE COMMISSIONER:** Thank you.

7 Mr. Lee?

8 **MR. LEE:** Can we ask the witness to step
9 down, please, before submissions?

10 **THE COMMISSIONER:** Sure.

11 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. LEE:

12 **MR. LEE:** Can start by saying ---

13 **THE COMMISSIONER:** Well, just a ---

14 **MR. LEE:** The --- Mr. Manderville has it
15 partly right. I did not bring a Rule 17 Motion, and I have
16 never been in my right to do that in relation to this
17 witness. I did, however, repeatedly write to Commission
18 counsel asking them to call Officer White and we had a
19 disagreement on that and eventually they've called him, as
20 Mr. Manderville says, during the CAS institutional
21 response.

22 I don't wish to go into the document in any
23 great detail with Officer White, but I think we have a hole
24 in the record when it comes to the evidence of the CPS in
25 terms of the origins of this document.

1 We had a number of witnesses who were asked
2 about it. Everybody seemed to know that Shawn White was
3 the author, but nobody seemed to be able to tell us how
4 that came about, who essentially assigned that task to him,
5 the exact purpose of the document, what the methodology
6 was, things along those lines. And that's what I would
7 like to explore with him just in terms of who asked him to
8 put this together, what he did to put it together, what the
9 purpose of it was, and that's essentially it, I think.

10 But I think that's important evidence
11 because there have been some suggestions either explicitly
12 or less explicitly that this, as an example, may have been
13 a bit of a bargaining ploy; the conclusions and
14 recommendations and the whole purpose of the morale report
15 was not really to effect change or to point out problems
16 within the Cornwall Police but rather to shake things up a
17 little bit and stick it to management.

18 So I'd like to ask him just a few questions
19 about that process and what the purpose of the document
20 was.

21 **THE COMMISSIONER:** Unfortunately, I don't
22 think I can do that at this point.

23 **MR. LEE:** Sorry, I ---

24 **THE COMMISSIONER:** I don't think I can do
25 that at this point. We have to -- if we start doing that,

1 then we're not going to finish at the time that I've
2 indicated we should be finished. If you want to bring Rule
3 17, bring Rule 17.

4 As far as I'm concerned, whether or not the
5 morale report was for union purposes or whatever, I think
6 at this point we have to cut it off at some place and that
7 some place is that there was a morale report prepared, that
8 there were a lot of things happening in the Cornwall Police
9 Services at that time which, of course, will be subject
10 matter of much discussion in my report.

11 **MR. LEE:** Okay.

12 **THE COMMISSIONER:** Thank you. So can we get
13 Mr. White back in?

14 **SHAWN WHITE, Resumed/Sous le même serment:**

15 **THE COMMISSIONER:** I will ask one question
16 though. I will.

17 Did you author that report on the morale
18 report?

19 **SGT. WHITE:** Yes, I did.

20 **THE COMMISSIONER:** Thank you. Go ahead.

21 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
22 LEE

23 **MR. LEE:** Thank you.

24 You were asked during your examination --
25 we're done with the morale report. We'll move on to your

1 investigation of the allegations against John Primeau. And
2 you were taken through that in-chief and you told us of Mr.
3 Primeau having a court appearance that he didn't show up
4 for?

5 **SGT. WHITE:** That's right.

6 **MR. LEE:** And as I understood, you never
7 made contact with him at any point?

8 **SGT. WHITE:** That's correct.

9 **MR. LEE:** Is that the end of the story?
10 There's a court date that he doesn't appear for and the
11 trail goes cold and that's the end of that story?

12 **SGT. WHITE:** In what context?

13 **MR. LEE:** Do you ever make any further
14 efforts to find him after that? Is there any further
15 investigation? Does anything on that file, on the
16 allegations against Mr. Primeau happen at all after that
17 point?

18 **SGT. WHITE:** No, not really.

19 **MR. LEE:** You were also asked about
20 allegations made against the worker at Laurencrest; do you
21 recall that?

22 **SGT. WHITE:** Yes.

23 **MR. LEE:** These were the allegations made by
24 C-86?

25 **SGT. WHITE:** Yes.

1 **MR. LEE:** Do you recall who that is?

2 **SGT. WHITE:** Yes, I do.

3 **MR. LEE:** Okay. And you would agree with me
4 that the allegations made by C-86 were serious?

5 **SGT. WHITE:** Yes.

6 **MR. LEE:** They included -- he alleged
7 essentially that while a ward of the CAS, he engaged in
8 oral and anal intercourse with this worker from
9 Laurencrest; is that your recollection?

10 **SGT. WHITE:** I remember oral. It's possible
11 it was anal, I just don't remember right at the moment.

12 **MR. LEE:** If you look at Exhibit 2210,
13 that's the Crown brief.

14 **THE COMMISSIONER:** What page?

15 **MR. LEE:** Page 342.

16 Do you have that, Officer?

17 **SGT. WHITE:** Yes, I do.

18 **MR. LEE:** If you see below the middle of the
19 page, the paragraph beginning "On Friday, March 18, 1994."

20 **SGT. WHITE:** Yes.

21 **MR. LEE:** "I located C-86 by phone in
22 Vancouver."

23 And he goes along and if you see several
24 lines down he indicates that he was sexually abused during
25 the 1970s while he was a ward of CAS and was staying at

1 Laurencrest?

2 **SGT. WHITE:** Yes.

3 **MR. LEE:** And it says that the perpetrator -
4 - the alleged perpetrator would take C-86 in what was known
5 as the isolation room, which was in the basement of the
6 home. There he performed fellatio on that person and vice
7 versa. Eventually, this led to anal intercourse.

8 Do you see that?

9 **SGT. WHITE:** Yes, I do.

10 **MR. LEE:** So again you would agree with me,
11 serious allegations?

12 **SGT. WHITE:** Yes, I would.

13 **MR. LEE:** Is your evidence that this
14 investigation was ultimately derailed because you lost
15 touch with C-86?

16 **SGT. WHITE:** Yes.

17 **MR. LEE:** And had you not lost touch with C-
18 86, you would have continued the efforts of your
19 investigation?

20 **SGT. WHITE:** Yes, I would have.

21 **MR. LEE:** You would have spoken to him
22 again?

23 **SGT. WHITE:** Yes.

24 **MR. LEE:** You would have sought more
25 details?

1 **SGT. WHITE:** Yes.

2 **MR. LEE:** More specifics?

3 **SGT. WHITE:** Yes.

4 **MR. LEE:** And that's where you thought the
5 problem arose with C-86 is that you simply did not have the
6 specifics you needed to be able to continue any further?

7 **SGT. WHITE:** That's correct.

8 **MR. LEE:** One of the -- can we go back to
9 Exhibit 2216, to your notes?

10 **THE COMMISSIONER:** Two-two-one-six (2216)?

11 **MR. LEE:** Yes.

12 **THE COMMISSIONER:** Is The Trinity Church,
13 2216?

14 **MR. LEE:** Two-two-one-four (2214), I'm
15 sorry.

16 **THE COMMISSIONER:** Sorry. I'm sorry. Okay.

17 **MR. LEE:** Yes. Do you have that, sir, at
18 Bates page 110, please?

19 Are you there?

20 **SGT. WHITE:** No, I'm sorry. The Bates page
21 is 110?

22 **MR. LEE:** If we can see -- yes. Madam Clerk
23 has it on the screen here. So Exhibit 2214, Bates page
24 110.

25 **SGT. WHITE:** Okay.

1 **MR. LEE:** Madam Clerk, I'm interested below
2 the middle of the page.

3 This is where you have your conversation
4 with Constable Malloy.

5 **SGT. WHITE:** Yes.

6 **MR. LEE:** About this person and he tells you
7 two things. He tells you that he's a very nice fellow and
8 that he's very heavily involved in what I'll call a youth
9 organization. Do you see that there on the page?

10 **SGT. WHITE:** Yes, I do.

11 **MR. LEE:** Did you question Constable Malloy
12 at all about what he meant by heavily involved in that
13 organization?

14 **SGT. WHITE:** No.

15 **MR. LEE:** Would it have been your
16 understanding at that time that that is a youth
17 organization?

18 **SGT. WHITE:** Yes.

19 **MR. LEE:** That kids are involved in that?

20 **SGT. WHITE:** Yes.

21 **MR. LEE:** Did you follow up at all to see
22 whether or not this alleged perpetrator was still involved
23 with that organization?

24 **SGT. WHITE:** To a certain degree.

25 **MR. LEE:** What do you mean by that?

1 **SGT. WHITE:** Well, I made enquiries as to
2 what he did, and I remember learning that he wasn't
3 involved with any such institutions and that he was now
4 retired, that he didn't work in -- that he didn't work in a
5 facility either that had access to children, and ---

6 **MR. LEE:** So you took some steps to
7 determine whether he had access to children?

8 **SGT. WHITE:** Yes, I did.

9 **MR. LEE:** And your finding was that he did
10 not?

11 **SGT. WHITE:** Yes.

12 **MR. LEE:** And what you told Ms. Daley a
13 moment ago during her cross-examination was that you made
14 use of all means available to attempt to contact C-86?

15 **SGT. WHITE:** Yes.

16 **MR. LEE:** What do you mean by "all means
17 available"?

18 **SGT. WHITE:** Well, you saw the computer --
19 the police computer data resources that I had available to
20 me; like I was communicating with the police officer in
21 Vancouver that had last spoke to him and had an address and
22 phone number for him. I ran DL checks and ---

23 **THE COMMISSIONER:** DL?

24 **SGT. WHITE:** Driver's licence, sorry.
25 Driver's licence checks and to see if he was

1 registered anywhere with a driver's licence, with an
2 address.

3 MR. LEE: Did you ever hear back from C-86?

4 SGT. WHITE: No, I didn't.

5 MR. LEE: Do you know whether the Service
6 did at all?

7 SGT. WHITE: Sorry?

8 MR. LEE: Do you know whether the Cornwall
9 Police ever heard back?

10 SGT. WHITE: Not that I'm aware of.

11 MR. LEE: Moving on to a different area,
12 we've -- you're aware that both, Kevin Malloy and Garry
13 Derochie, have testified here?

14 SGT. WHITE: Yes.

15 MR. LEE: And we heard some evidence from
16 Officer Malloy that on August 13, 1992, he had a telephone
17 conversation with one of Jeannette Antoine's sisters, a
18 woman named Suzanne Lapointe?

19 SGT. WHITE: Okay, I'm not aware of that.

20 MR. LEE: Does that name mean anything to
21 you, Suzanne Lapointe?

22 SGT. WHITE: Yes.

23 MR. LEE: And he told us, Constable Malloy
24 told us that he ended up on sick leave at one point and he
25 told either Luc Brunet or Garry Derochie about a letter

1 that was in his office somewhere from Miss Lapointe that
2 needed to be followed up on; okay?

3 So what we have then is -- Mr. Commissioner,
4 if we can look at document 739094.

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

6 **MR. LEE:** Thank you.

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

8 **THE COMMISSIONER:** Thank you. Exhibit
9 Number 2410 is a letter to Ms. Suzanne Lapointe dated
10 January 27, 1994 from Staff Sergeant Garry Derochie.

11 **--- EXHIBIT NO./PIÈCE NO. P-2410:**

12 (739094) - Letter from Garry Derochie
13 to Suzanne Lapointe dated 27 Jan 94

14 **MR. LEE:** So Officer White, we had had an
15 earlier -- I don't need you to turn it up, but Exhibit 1456
16 is a letter to Constable Malloy from Suzanne Lapointe dated
17 February 19th, 1993.

18 We then have about 11 months later, Staff
19 Sergeant Derochie writing back to Ms. Lapointe and if you
20 look in the fourth paragraph -- well, in the second
21 paragraph, Staff Sergeant Derochie explains that Constable
22 Malloy suffered an injury and that he's off work. And a
23 couple of paragraphs lower, it says that Constable Shawn
24 White will be taking over for Constable Malloy, apologizes
25 for the delay in responding and asks Ms. Lapointe to

1 contact the CPS to provide contact information. Did you
2 ever follow-up with Suzanne Lapointe on this matter at all?

3 **SGT. WHITE:** No.

4 **MR. LEE:** Were you aware that you were
5 assigned the task of ---?

6 **SGT. WHITE:** Not for sure. This was part of
7 the documents that are reviewed and prepped for today's
8 testimony and I looked at the -- the file for -- the police
9 report in regards to this and from what I can gather from
10 the report that was submitted by Staff Sergeant Derochie
11 was that he had spoken to her and indicated to her that
12 someone, probably myself, would be following up with her
13 complaint. And what -- there comes a point in time where
14 he's trying to contact her to advise her that I will now be
15 taking over her complaint and the phone number that he had
16 for her is no longer valid and as a result, he writes this
17 letter to inform her that I will be taking over her case.
18 Whether or not she ever got this letter, I have no idea.
19 She never contacted the police and I was never in touch
20 with her. So I never did initiate an investigation into
21 her complaint.

22 **MR. LEE:** Do you know of any further contact
23 with this woman at all at any point ---

24 **SGT. WHITE:** No, I don't.

25 **MR. LEE:** --- by the Cornwall Police?

1 **SGT. WHITE:** No.

2 **MR. LEE:** And did you -- did you, at any
3 point, make any efforts to contact her through any other
4 means?

5 **SGT. WHITE:** I don't even have any
6 recollection of being assigned this case to do anything
7 with it.

8 **MR. LEE:** During your review of materials
9 and preparation for today, did you see any indication that
10 anyone else at the CPS attempted to locate Ms. Lapointe
11 after this letter?

12 **SGT. WHITE:** No.

13 **MR. LEE:** I want to ask you about Cathy
14 Sutherland. Do you recognize that name?

15 **SGT. WHITE:** Yes, I do.

16 **MR. LEE:** As I understand it, in late 1998,
17 you became involved in a joint investigation with the OPP?

18 **SGT. WHITE:** Yes.

19 **MR. LEE:** Into allegations made by Ms.
20 Sutherland at the hands of -- she alleged abuse at the
21 hands of her mother, Joan Casselman?

22 **SGT. WHITE:** Yes.

23 **MR. LEE:** Is that your recollection?

24 And the officer you would have dealt with
25 from the OPP would have been Officer Ralko?

1 **SGT. WHITE:** Yes.

2 **MR. LEE:** And as I understand it, the reason
3 that both the CPS and the OPP were involved had to do with
4 geographical areas where the offences allegedly took place?

5 **SGT. WHITE:** That's correct.

6 **MR. LEE:** She alleged some abuse outside of
7 Cornwall and she alleged some abuse within the city of
8 Cornwall?

9 **SGT. WHITE:** Yes.

10 **MR. LEE:** And can you tell me what you
11 understood your investigation -- or which allegations you
12 would be looking at as opposed to which allegations
13 Constable Ralko would be looking at?

14 **SGT. WHITE:** Well, the most serious
15 allegation they found -- it fell within the jurisdiction of
16 Cornwall -- was an allegation that her brother -- her
17 mother, Joan Casselman, had solicited her brother to kill
18 her one night while she was staying in a foster home.

19 **MR. LEE:** So essentially, Cathy's mother
20 sent her brother to kill Cathy?

21 **SGT. WHITE:** That's right.

22 **MR. LEE:** That was the allegation?

23 **SGT. WHITE:** That's right.

24 **MR. LEE:** That foster home was within the
25 city of Cornwall.

1 **SGT. WHITE:** Yes.

2 **MR. LEE:** And so that fell to the Cornwall
3 Police. Is that right?

4 **SGT. WHITE:** Yes.

5 **MR. LEE:** And you would have received a --
6 you would have received a number of files from Officer
7 Ralko. Is that correct?

8 **SGT. WHITE:** Yes.

9 **MR. LEE:** And that would have included CAS
10 files?

11 **SGT. WHITE:** Well, I didn't receive them,
12 but I had occasion to view them in his possession, yes.

13 **MR. LEE:** He was involved in this matter
14 before you were?

15 **SGT. WHITE:** Yes, he was.

16 **MR. LEE:** So he had an opportunity to do
17 some investigating before you came on board.

18 **SGT. WHITE:** That's right.

19 **MR. LEE:** And he shared the fruits of his
20 investigation with you?

21 **SGT. WHITE:** Yes, he did.

22 **MR. LEE:** And you were able to get up to
23 speed so that you could go and do your part of the
24 investigation. Is that right?

25 **SGT. WHITE:** Yes.

1 **MR. LEE:** And so you told us about the one
2 incident where the mother is allegedly conspiring to kill
3 Cathy. Anything else that you understood was within the
4 purview of your investigation?

5 **SGT. WHITE:** Yes, she was complaining of
6 physical abuse at the hands of her mother when she was a
7 small child and some of that would have occurred in
8 Cornwall and some of it would have occurred outside of
9 Cornwall.

10 **MR. LEE:** You -- how many times would you
11 have met with Cathy Sutherland; do you recall?

12 **SGT. WHITE:** I only met her in person once.

13 **MR. LEE:** And you conducted an interview on
14 that date?

15 **SGT. WHITE:** Yes, I did.

16 **MR. LEE:** And is it your recollection that
17 that -- the purpose of that interview was to get additional
18 facts relating to the conspiracy to commit murder
19 allegation?

20 **SGT. WHITE:** And the physical abuse. And I
21 inquired whether or not she had any other -- other
22 complaints of criminal allegations that she wanted to call
23 the Cornwall Police Force to investigate.

24 **MR. LEE:** Do you recall, at any point, in
25 asking Cathy to clearly set out for you what she alleged --

1 leave the conspiracy to commit murder aside for a second
2 and we'll deal with that, and deal with the other
3 allegations in terms of physical and emotional abuse. Did
4 you ever ask Cathy, at any point, to clearly set out for
5 you or clearly explain to you what she alleged happened
6 within Cornwall in relation to those allegations or were
7 you relying more on the global statement given to Constable
8 ---

9 **SGT. WHITE:** No ---

10 **MR. LEE:** --- or Officer Ralko?

11 **SGT. WHITE:** --- my recollection is that
12 when we met in Hamilton, I was making inquiries and I
13 believe I took a statement from her. I took my own
14 statement from her as to what information she could provide
15 in reference to those -- those allegations from her on that
16 occasion.

17 **MR. LEE:** If we can go, please, to -- well,
18 let's start with Document Number 739648.

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

20 **THE COMMISSIONER:** Thank you. Exhibit 2411
21 is the notes of Sergeant Shawn White, Incident Number
22 158199-1, Catherine Sutherland.

23 **--- EXHIBIT NO./PIÈCE NO. P-2411:**

24 (739648) - Notes of Sergeant Shawn
25 White Incident Number 158199-1 re

1 Catherine Sutherland

2 **MR. LEE:** Do you have that document, sir?

3 **SGT. WHITE:** Yes, I do.

4 **MR. LEE:** And these are your notes relating
5 to the Cathy Sutherland investigation?

6 **SGT. WHITE:** Yes, they are.

7 **MR. LEE:** Now, if we look at the first page,
8 page 333, it notes that you have a meeting with Detective
9 Ralko of the OPP Morrisburg and that he's providing you
10 with some information?

11 **SGT. WHITE:** Yes.

12 **MR. LEE:** And you have -- you have on the
13 next page, page 334, a notation that:

14 "Advised victim of my assignment to the
15 case. Discuss some of the difficulties
16 that we might encounter."

17 She went through some of the difficulties
18 that the abuses inflicted on her, gave you an email address
19 and you told her that first day that you would be
20 consulting the Crown for a legal opinion. Do you see that?

21 **SGT. WHITE:** Yes.

22 **MR. LEE:** And if you go down to Friday, the
23 6th of March, 1998, it indicates a meeting with Murray
24 MacDonald at the Crown's office. Do you see that?

25 **SGT. WHITE:** Yes, I do.

1 **MR. LEE:** And the second last bullet on the
2 page reads:

3 "Crown confirmed policy with historical
4 investigations not to prosecute simple
5 assaults."

6 Do you see that?

7 **SGT. WHITE:** Yes, I do.

8 **MR. LEE:** And if you look over the page at
9 335, we have another bullet:

10 "Discuss the possibility of a
11 conspiracy charge if the facts warrant
12 it re Casselman conspiring with
13 victim's brother to shoot victim..."

14 And at the end

15 "...agree that further investigation
16 was necessary."

17 Do you see that?

18 **SGT. WHITE:** Yes, I do.

19 **MR. LEE:** Why are you consulting with the
20 Crown attorney at this point?

21 **SGT. WHITE:** Two reasons; first of all, if I
22 took the -- the statement that was provided in the brief
23 that was forwarded to me by the Hamilton-Wentworth Police
24 Force, they'd have a statement as to what Mrs. Sutherland's
25 investigations were. If that evidence was taken in its

1 best light, there was a couple of legal issues that arose.

2 The first of it dealt with a lot of -- some
3 similar common assault issues that were historical like
4 they were in the Antoine case and so I needed to clarify
5 with the Crown as to what their policy was at that point in
6 time; if it was still the same, that they weren't
7 interested in prosecuting simple assaults that were
8 historical and beyond the 6-month limitation period.

9 And the second issue was that if I looked at
10 her complaint in a statement in its best light as it stood
11 with Hamilton Police, the very best in relation to this
12 allegation that her mother got her brother to try and kill
13 her is at best all I could prove there against the mother
14 is a conspiracy to commit murder. And I wanted a legal
15 opinion on a Crown that -- whether I was correct about that
16 and what would I need to prove a conspiracy; in particular,
17 the agreement.

18 **MR. LEE:** Particularly the?

19 **SGT. WHITE:** The agreement.

20 **MR. LEE:** Okay.

21 And the end result of the meeting with the
22 Crown is that you're given some direction and you're
23 advised to investigate further; is that right?

24 **SGT. WHITE:** That's right.

25 **MR. LEE:** Following the meeting with the

1 Crown, is your investigation limited to the conspiracy
2 angle or are you looking at ---

3 **SGT. WHITE:** No, I ---

4 **MR. LEE:** --- other possible charges as
5 well?

6 **SGT. WHITE:** Well, I looked at other
7 possible charges and especially in relation to the possible
8 assaults that she may have suffered.

9 **MR. LEE:** But what I'm asking you
10 essentially is whether or not this meeting with the Crown
11 killed that part of the investigation.

12 **SGT. WHITE:** Well, it didn't kill it but, I
13 mean, if I could find nothing more than common assault is
14 that the Crown was not going to be in a position where they
15 were going to prosecute.

16 **MR. LEE:** What did you understand a common
17 assault to be at that point? And what would have crossed
18 the threshold into something more serious that you might be
19 able to proceed on?

20 **SGT. WHITE:** Well, it would have to be
21 assault that resulted in serious bodily harm.

22 **MR. LEE:** So a slap across the face, for
23 example?

24 **SGT. WHITE:** That would be a common assault.

25 **MR. LEE:** Common assault. Her being struck

1 with something that caused a break?

2 SGT. WHITE: A broken arm or something?

3 MR. LEE: Yeah.

4 SGT. WHITE: That may go beyond that ---

5 MR. LEE: Might go beyond called assault.

6 One of the steps that you took during your
7 investigation was to interview Brian Kelly ---

8 SGT. WHITE: Yes.

9 MR. LEE: --- who was Ms. Sutherland's
10 brother; do you recall that?

11 SGT. WHITE: Yes, I do.

12 MR. LEE: And you put together a witness
13 statement relating to that. It's Document 739170.

14 THE COMMISSIONER: Thank you. Exhibit 2412
15 is a witness statement of -- can we use this name?

16 MR. LEE: Yes.

17 THE COMMISSIONER: Brian Kelly; the date,
18 the 23rd of March, 1998.

19 ---EXHIBIT NO./PIÈCE NO P-2412:

20 (739170) - Witness Statement of Brian Kelly
21 dated 23 Mar 98

22 MR. LEE: You have that, sir?

23 SGT. WHITE: Yes, I do.

24 MR. LEE: And so we have a question from you
25 to begin the document and then a very long answer from Mr.

1 Kelly. And you asked generally about any abuse that he may
2 have suffered at the hands of his mother and then you tell
3 him you're particularly interested in the conspiracy
4 allegation. Do you see that?

5 **SGT. WHITE:** Yes.

6 **MR. LEE:** And the second sentence that he
7 writes is:

8 "I am writing this to acknowledge the
9 abuse Cathy and myself underwent at the
10 hands of Joan, our mother, during our
11 childhoods. Life at the hands of our
12 mother was a constant bombardment of
13 physical, emotional and mental
14 torment."

15 Do you see that?

16 **SGT. WHITE:** Yes.

17 **MR. LEE:** And if you look down at the second
18 paragraph that begins:

19 "Joan would force us to sleep in the
20 same bed and try to encourage sexual
21 experimentation."

22 He then turns to Cathy specifically and he
23 says:

24 "Cathy's life was filled with constant
25 torture. She'd have boiling water

1 poured over her hands; was made to
2 stand in the snow, bare feet, for a
3 half-hour at a time. She was struck in
4 the head with a light globe, causing a
5 cut bad enough to need stitches. And
6 all this is punishment for not taking
7 out the garbage or failing to tie her
8 shoelaces or any number of trivial
9 occurrences that Joan felt needed
10 discipline action."

11 Do you see that?

12 **SGT. WHITE:** Yes.

13 **MR. LEE:** So if we break that paragraph
14 down, Mr. Kelly alleges that his sister, Cathy Sutherland,
15 would have had boiling water poured over her hands.

16 **SGT. WHITE:** Yes.

17 **MR. LEE:** Does that go beyond common
18 assault?

19 **SGT. WHITE:** Yes.

20 **MR. LEE:** Then he further alleges she was
21 made to stand in the snow barefoot for half an hour at a
22 time; what about that?

23 **SGT. WHITE:** Probably not.

24 **MR. LEE:** Probably not.

25 She was struck in the head with a light

1 globe, causing a cut bad enough to need stitches. What
2 about that?

3 **SGT. WHITE:** It could but in this particular
4 case there was a different explanation for that that was
5 given.

6 **MR. LEE:** Offered by ---

7 **SGT. WHITE:** Why ---

8 **MR. LEE:** --- Ms. Casselman, you mean?

9 **SGT. WHITE:** Yes.

10 **MR. LEE:** And so at the very least, during
11 this the initial part of the statement, you're getting some
12 corroboration ---

13 **SGT. WHITE:** Yes.

14 **MR. LEE:** --- from Brian Kelly relating to
15 the allegations of physical abuse that Cathy has made. Is
16 that correct?

17 **SGT. WHITE:** That's correct.

18 **MR. LEE:** What did you make of Mr. Kelly at
19 this time in terms of this credibility?

20 **SGT. WHITE:** I felt that he was trying to
21 assist with the investigation.

22 **MR. LEE:** Did you disbelieve him?

23 **SGT. WHITE:** No.

24 **MR. LEE:** If we continue on, the next
25 paragraph Mr. Kelly speaks of Cathy being taken into foster

1 care and about Joan's negative reaction to that. If you
2 look at the fourth-last line of that page, it reads:

3 "As far as I can remember, it was that
4 night that Joan gave me a hunting knife
5 and directed me to kill Cathy. I was
6 to take someone else with me and have
7 him knock on the door, ask for Cathy on
8 the pretence that he was calling on her
9 for a date. When she stepped outside I
10 was to stab her to death."

11 Do you see that?

12 **SGT. WHITE:** No, I -- you've lost me. If
13 you can just refer me?

14 **MR. LEE:** I began at the very bottom of the
15 first page and moved over onto the top of the second page.

16 **SGT. WHITE:** Yes, okay.

17 **MR. LEE:** "We took a city bus to Brookdale
18 Avenue and then walked the rest of the
19 way to the house where Cathy was."

20 **SGT. WHITE:** Yes.

21 **MR. LEE:** "I knew that if I did not make
22 some attempt at fulfilling Joan's wish
23 I would be punished in some way. So
24 when Cathy came to the door I didn't
25 have this other person lure her outside

1 as I was told to do. Instead I saw
2 this as an opportunity to scare the
3 heck out of her and failed to carry out
4 what Joan ordered me to do. So I
5 stepped into the doorway. I can't
6 remember if I had the knife in my hand
7 or not. I likely did have it. Cathy
8 screamed and receded into the room.."

9 And he tells a story. Do you see that?

10 **SGT. WHITE:** Yeah.

11 **MR. LEE:** And then he talks about going home
12 to Joan and saying, "Sorry about that, mom." And that was
13 a good enough excuse.

14 **SGT. WHITE:** Yeah.

15 **MR. LEE:** Do you see that?

16 So a fair amount of detail, would you agree?

17 **SGT. WHITE:** Yes, but there is a problem in
18 a statement in regards to what I'm investigating.

19 **MR. LEE:** What's that?

20 **SGT. WHITE:** Well, you remember earlier on I
21 said the best case scenario in this circumstance I'm
22 looking at is conspiracy. And in his statement he's
23 outlined it. Although his mother has told him to go do
24 these things, and he's human here and he's going to make a
25 feeble attempt, he's not agreed that he's ever determined

1 that, "Yes, I'm going to go kill her." That's not his
2 state of mind and he makes it clear in there.

3 In order for it to have a conspiracy, there
4 has to be a full agreement on the act, the criminal act
5 that's going to be committed. In Mr. Kelly's statement he
6 makes it clear that he's not in agreement. "I'm going to
7 go through the motions of doing this but it's not my
8 intention to kill my sister."

9 **MR. LEE:** So let's break this down. We have
10 two actors here. We have the mother, Joan, and her son,
11 Brian.

12 **SGT. WHITE:** Right.

13 **MR. LEE:** And what you're looking at -- am I
14 phrasing it properly -- conspiracy to commit murder?

15 **SGT. WHITE:** Yes.

16 **MR. LEE:** And who potentially would be
17 charged with conspiracy to commit murder?

18 **SGT. WHITE:** Well, the conspirators in this
19 case would be Joan Casselman and her son, Brian Kelly.

20 **MR. LEE:** Must they both be charged under
21 that offence?

22 **SGT. WHITE:** No, you don't have -- you can
23 unindict -- you can charge and unindicted co-conspirator.
24 But in order for it to be a conspiracy there has to be an
25 agreement -- has to do the criminal act.

1 Where one of the co-conspirators tell you
2 "Yeah, okay, I said was going to go along with it but I
3 didn't have the heart -- it wasn't in my heart that I was
4 actually going to fulfil that crime," then you have no
5 conspiracy because the actual -- and that's part of the
6 advice I had gotten from the Crown on the definition of
7 conspiracy -- is in order to have conspiracy, you have to
8 have true agreement by both parties involved in the
9 conspiracy.

10 If one party is not in a true agreement, you
11 have no conspiracy.

12 **THE COMMISSIONER:** So which Crown Attorney
13 did you get that advice from?

14 **(LAUGHTER/RIRES)**

15 **SGT. WHITE:** It was from Murray MacDonald.

16 **MR. LEE:** Was there a written opinion? I
17 can't -- I don't recall seeing a written opinion. I just
18 recall your notes. Is that right?

19 **SGT. WHITE:** No, it is. But the thing was -
20 --

21 **THE COMMISSIONER:** Whoa, whoa, no, it isn't.
22 I'm sorry. Is it in the notes some place?

23 **MR. LEE:** No, no. I'm asking whether aside
24 from the notes there was a formal written opinion or not.

25 **THE COMMISSIONER:** Right. Okay.

1 **MR. LEE:** And I don't believe there is.

2 **SGT. WHITE:** And I'm saying no, but at the
3 same time I had just received my training on this issue at
4 -- in my detective course and I was up to date. But I
5 wanted to confirm that my opinion as to the law being that
6 -- that's why I met with the Crown.

7 **MR. LEE:** So that was your opinion as to the
8 state of the law at the time?

9 **SGT. WHITE:** Yes.

10 **MR. LEE:** You confirmed it with the Crown?

11 **SGT. WHITE:** Yes.

12 **MR. LEE:** And your investigation was
13 conducted with that understanding in mind?

14 **SGT. WHITE:** That's right.

15 So once I had that statement from Mr. Kelly
16 and he says -- he says that, "Look, I was never in real
17 agreement where I was actually going to kill my sister. I
18 was just going to go out and pretend to kill her and tell
19 my mom an excuse as to why it didn't happen," is I have no
20 conspiracy.

21 **MR. LEE:** So it's essentially dead at that
22 point?

23 **SGT. WHITE:** That's right.

24 **MR. LEE:** Did you consider -- was there
25 offence at the time that had something to do with

1 counselling another to commit an offence?

2 **SGT. WHITE:** Yes.

3 **MR. LEE:** Did that run through your mind at
4 all?

5 **SGT. WHITE:** I considered that charge and
6 the difficulty with that is the only evidence I had -- the
7 victim in this particular case would have no information at
8 all, that being Ms. Sutherland. She could provide me no
9 information about that because she never heard any of the
10 conversation.

11 So the only person that could give me any
12 information on that would have been Brian Kelly. And this
13 is the only -- this, on the other hand, I had to consider
14 whether or not Brian Kelly went and assaulted his sister on
15 his own and just made up the story about saying that his
16 mother told him to do this to try and cover that up.

17 **MR. LEE:** No, eventually, there's -- you'll
18 agree there's a delay in the investigation as the OPP and
19 the CPS are both trying to ---

20 **SGT. WHITE:** Yes.

21 **MR. LEE:** --- do their own thing so that you
22 can come together at the end and then review Joan Casselman
23 together?

24 **SGT. WHITE:** That's right.

25 **MR. LEE:** Was that the main cause for the

1 delay as you saw it?

2 **SGT. WHITE:** Well, it's the cause of my
3 delay. It's the only -- it didn't take me very long to get
4 to where I had to get though -- to get to. But the only
5 thing that was outstanding in my mind investigation was the
6 final interview with the suspect Joan Casselman. And it
7 was agreed early in the investigation that it would be
8 beneficial for both our investigations that Detective Ralko
9 and I interviewed her together.

10 **MR. LEE:** And so we have the Supplementary
11 Occurrence Report relating to that interview, Mr.
12 Commissioner, Document Number 739162.

13 **THE COMMISSIONER:** Thank you. Exhibit
14 Number 2413 is a Supplementary Occurrence Report. Report
15 time was the 29th of January 1999.

16 --- EXHIBIT NO./PIÈCE No P-2413:

17 (739162) - Supplementary Occurrence
18 Report dated 29 Jan 99

19 **MR. LEE:** Do you have that sir?

20 **SGT. WHITE:** Yes, I do.

21 **MR. LEE:** Who conducted this interview in
22 the main?

23 **SGT. WHITE:** It was a joint interview.

24 **MR. LEE:** You both asked questions?

25 **SGT. WHITE:** Yes. The interview started

1 where I asked my questions first and then Detective Ralko
2 followed up with his questions.

3 **MR. LEE:** Do you recall this interview?

4 **SGT. WHITE:** Bits and pieces.

5 **MR. LEE:** Do you recall what your impression
6 of Ms. Casselman was?

7 **SGT. WHITE:** Yes.

8 **MR. LEE:** In terms of her credibility
9 specifically?

10 **SGT. WHITE:** Yes.

11 **MR. LEE:** And what did you make of her
12 credibility?

13 **SGT. WHITE:** I felt in regards to the
14 allegations concerning her abuse to the victim in Cornwall,
15 physical abuse, I felt she was not being totally truthful.

16 **MR. LEE:** You write at the top of page 2 of
17 this document:

18 "When she was challenged about the
19 claim that the child accidentally
20 stepped in hot water in the bathtub,
21 Mrs. Casselman showed obvious physical
22 as well as linguistic signs of
23 deception."

24 **SGT. WHITE:** That's right.

25 **MR. LEE:** And I take it, as a police

1 officer, you would have been trained to recognise those
2 signs?

3 SGT. WHITE: Yes.

4 MR. LEE: And you did in this case?

5 SGT. WHITE: Yes.

6 MR. LEE: Was it your belief at the end of
7 this interview that Cathy Sutherland had been abused by her
8 mother?

9 SGT. WHITE: Yes.

10 MR. LEE: And I take it your belief at the
11 end of this interview was that those were limited to common
12 assaults?

13 SGT. WHITE: To a certain degree. My
14 bigger, bigger difficulty was not that. The bigger
15 difficulty was that I couldn't prove it. At the end of the
16 investigation, there was insufficient evidence to prove all
17 the elements of the offences.

18 MR. LEE: At the end of the investigation
19 essentially, you had Cathy's allegations ---

20 SGT. WHITE: Yes.

21 MR. LEE: --- willing to testify?

22 SGT. WHITE: Yes, but very limited memory as
23 to the events and all the elements required in order for
24 there to be a *prima facie* case.

25 MR. LEE: You had Brian Kelly's recollection

1 of some of these events?

2 SGT. WHITE: Again, lacking detail as to
3 time, location, place and the actual incidents that
4 occurred.

5 MR. LEE: Do you recall whether he was
6 willing to testify?

7 SGT. WHITE: Yes, I believe he would have.

8 MR. LEE: And he told you that; did he not?

9 SGT. WHITE: Well, I don't recall that
10 specifically, but the impression I got from him was that if
11 I subpoenaed him, he would testify.

12 MR. LEE: It's actually in your notes, I
13 believe, that he had agreed to testify.

14 SGT. WHITE: Okay.

15 MR. LEE: And you had obviously, as a result
16 of Officer Ralko's initial work, access to CAS files,
17 medical reports, whatever was in the CAS files; is that
18 correct?

19 SGT. WHITE: Yes, I did.

20 MR. LEE: And then you had Miss Kelly
21 denying that any of these things had ever happened. Is
22 that correct? You didn't have an admission here?

23 SGT. WHITE: Miss ---

24 MR. LEE: Miss Casselman rather.

25 SGT. WHITE: Yes, she denied.

1 **MR. LEE:** And then you didn't believe the
2 denial?

3 **SGT. WHITE:** Not totally.

4 **MR. LEE:** Might this have been a case where
5 you lay the charges and you let a trier of fact to sort out
6 what happened?

7 **SGT. WHITE:** No. Because there's -- I mean
8 you have to have the basic elements to establish a *prima*
9 *facie* case. And some of that includes time, location and a
10 description to meet the elements of the particular offence.
11 And that was lacking in this particular case just because
12 the memory of the victim was so poor. And the courts --
13 like even though I had access to the Children Aid file, the
14 document, there was no documentation in there that would
15 help support her allegation.

16 **THE COMMISSIONER:** That her feet were burnt
17 in the tub?

18 **SGT. WHITE:** Yes, there was no medical
19 reports as to what was done; when that happened, what
20 treatment she would have had; it wasn't in the CAS file.

21 **THE COMMISSIONER:** That's funny.

22 **MR. LEE:** We get into a little bit of
23 trouble, given that you have to keep in mind, Mr.
24 Commissioner, it's a joint investigation.

25 **THE COMMISSIONER:** Right.

1 **MR. LEE:** And there are issues that occurred
2 in OPP jurisdiction that we'll be able to ask Officer Ralko
3 about and other incidents that occurred in Cornwall. And I
4 think the early part of her life where I've taken you
5 through some of the things in the file would have been in
6 OPP jurisdiction.

7 **THE COMMISSIONER:** Right. I know that. Oh,
8 okay.

9 **MR. LEE:** So there's -- I'm on the same page
10 as you, I think, Mr. Commissioner, in terms of information
11 about the burning in the tub and things along those lines,
12 but that's in the OPP jurisdiction, I believe, not in the
13 CPS jurisdiction.

14 **THE COMMISSIONER:** I know, but in looking
15 over the file, were you doing that "Oh, burnt feet is not
16 in my jurisdiction" or were you just looking at generally?
17 Because if I recall the file correctly, I mean the child
18 was apprehended because of the burnt feet. So you'd have a
19 date.

20 **SGT. WHITE:** Right.

21 **THE COMMISSIONER:** You would have that they
22 saw a doctor; that she went to hospital. So we have
23 independent evidence that she was burnt.

24 **SGT. WHITE:** Well, what I remember from the
25 file wasn't clear as to who she was in the care of when

1 that occurred.

2 **THE COMMISSIONER:** Okay.

3 **SGT. WHITE:** And I only considered for the
4 most part, addressed my mind to the issues that were with
5 inside my jurisdiction.

6 **THE COMMISSIONER:** Did you actually make
7 that division when you were doing that? You said "Oh,
8 burnt feet is not in my daily wick?"

9 **SGT. WHITE:** I don't remember ---

10 **THE COMMISSIONER:** Well ---

11 **SGT. WHITE:** No. What I don't remember, Mr.
12 Commissioner, is whether or not burnt feet in Morrisburg,
13 if there was documentation in there, whether I saw that.

14 I remember some of the stuff I saw in
15 relation to Cornwall.

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

17 **MR. LEE:** There was an issue with one of
18 Cathy's young siblings having died as a baby. Do you
19 recall that?

20 **SGT. WHITE:** Yes, I do.

21 **MR. LEE:** That was Officer Ralko's?

22 **SGT. WHITE:** Yes.

23 **MR. LEE:** You didn't touch that? You didn't
24 look into that? That was clearly his investigation; is
25 that right?

1 **SGT. WHITE:** That's right.

2 **MR. LEE:** And the conspiracy allegation was
3 clearly yours?

4 **SGT. WHITE:** Yes.

5 **MR. LEE:** No doubt that happened in
6 Cornwall?

7 **SGT. WHITE:** Yes.

8 **MR. LEE:** And then we have more globally
9 allegations of mistreatment?

10 **SGT. WHITE:** Yes.

11 **MR. LEE:** Physical abuse, emotional abuse;
12 do you recall that?

13 **SGT. WHITE:** Yes, I do.

14 **MR. LEE:** And there were even some
15 allegations of sexual abuse, but Cathy at the time did not
16 want to proceed on that?

17 **SGT. WHITE:** That's right.

18 **MR. LEE:** Do you recall that?

19 **SGT. WHITE:** Yes, I do.

20 **MR. LEE:** So sexual was off the table at her
21 request?

22 **SGT. WHITE:** That's right.

23 **MR. LEE:** And then we had physical and
24 emotional to be dealt with. Do you recall there being a
25 strict division of labour between you and Officer Ralko in

1 terms of you would try to pin down where that -- each of
2 those individual acts complained of occurred, and you would
3 go by jurisdiction?

4 Or is it possible that one or the other of
5 you was assigned all of that together regardless of
6 jurisdiction?

7 **SGT. WHITE:** No, we went by jurisdiction.

8 **MR. LEE:** So your recollection in the way
9 you were running this thing is unless it happened in
10 Cornwall, Officer Ralko was doing it?

11 **SGT. WHITE:** That's right.

12 **MR. LEE:** And was it your understanding that
13 Officer Ralko would be dealing with issues other than the
14 baby death?

15 **SGT. WHITE:** Yes.

16 **MR. LEE:** Okay. Do you recall specific
17 discussions with him about that or that was just your
18 understanding?

19 **SGT. WHITE:** Well, it's my general
20 recollection of the conversations we had.

21 **MR. LEE:** Okay.

22 You've told us about -- I've asked you about
23 the conspiracy to commit murder investigation and you've
24 told us about the elements of the crime as you understood
25 them. Were there any other problems with that as you saw

1 it? I mean you found Brian Kelly to be credible?

2 **SGT. WHITE:** To a certain degree.

3 **MR. LEE:** And you had this person
4 essentially admitting that his mother put him up to this;
5 he got on the bus. He went there. He had a knife. He
6 knocked on the door?

7 **SGT. WHITE:** Well all this comes from him
8 because the difficulty I had with his statement was that he
9 names that there was another gentleman who was a witness --
10 -

11 **MR. LEE:** Yes.

12 **SGT. WHITE:** --- Larry Elderbroom.

13 **MR. LEE:** Yes.

14 **SGT. WHITE:** And he says that he was part of
15 that night and he went with him with that purpose in mind.

16 **MR. LEE:** Yes.

17 **SGT. WHITE:** And the difficulty I had is I
18 interviewed Mr. Elderbroom and he -- he had no recollection
19 which supported Mr. Kelly's recollection as to what
20 transpired that night.

21 **MR. LEE:** Well, I'll show you the -- if you
22 give me one moment to find the reference here. You
23 actually do speak to Mr. Elderbroom. Is that right?

24 **SGT. WHITE:** Yes.

25 **MR. LEE:** And -- sorry, give me one moment

1 to find a reference please in your notes.

2 If you can look at Bates page -- Exhibit
3 2411, Bates page 347.

4 **MR. LEE:** Are you there, sir?

5 **SGT. WHITE:** Yes, I am.

6 **MR. LEE:** And you have "Saturday, the 28th of
7 March, 1998" and you have "10:21, Larry Elderbroom". You
8 see that?

9 **SGT. WHITE:** Yes.

10 **MR. LEE:** And then, on 20 March '98:

11 "Tried numerous times with
12 negative results."

13 And then, finally, at 11:15 hours, you set
14 an appointment for half an hour later and finally you meet
15 with him at 11:45; is that right?

16 **SGT. WHITE:** Yes. That's right.

17 **MR. LEE:** And as I read your notes:

18 "Subject can't remember what he did
19 yesterday".

20 **SGT. WHITE:** Yes.

21 **MR. LEE:**

22 "Couldn't remember a Brian Kelly."

23 **SGT. WHITE:** Yes.

24 **MR. LEE:**

25 "Subject would think about it and

1 call if he remembered." "Subject's
2 well-known to the police, has limited
3 mental capacity."

4 **SGT. WHITE:** Yes.

5 **MR. LEE:** So this isn't a case where this
6 gentleman is denying what happened?

7 He has no recollection of Mr. Kelly at all?

8 **SGT. WHITE:** That's right.

9 **MR. LEE:** He has no recollection of
10 yesterday?

11 **SGT. WHITE:** That's right.

12 **MR. LEE:** He has limited mental capacity.

13 **SGT. WHITE:** Yes.

14 **MR. LEE:** This was hardly fatal to the
15 investigation; was it?

16 **SGT. WHITE:** No, but it would have been a
17 nice piece of corroborating evidence that -- to have and,
18 unfortunately, he wasn't able to provide it.

19 **MR. LEE:** Did you suspect some kind of
20 ulterior motive on the part of Brian Kelly?

21 **SGT. WHITE:** Well, I considered the
22 possibility that maybe he did this of his own volition and
23 that, really, he had -- for whatever unknown reason, he
24 wanted to assault his sister and he just blamed it on his
25 mother.

1 That was a possibility, but I didn't have
2 any more evidence to support that theory than I did the
3 other hypothesis, that it was his mother that put him up to
4 it.

5 **MR. LEE:** Did you ask him that question?
6 Did you put that theory to him, essentially?

7 **SGT. WHITE:** No, I don't believe I put that
8 to him.

9 **MR. LEE:** Was a -- in relation to the -- we
10 know that you met, initially, with Murray MacDonald.
11 Following the rest of your investigation, was there a
12 further meeting with Mr. MacDonald?

13 **SGT. WHITE:** I don't believe so.

14 **MR. LEE:** Was a Crown brief ever prepared;
15 do you know?

16 I haven't seen one but I don't ---

17 **SGT. WHITE:** I don't believe there was.

18 **MR. LEE:** Okay.

19 **SGT. WHITE:** But I'm not sure.

20 **MR. LEE:** Thank you, those are my questions.

21 **THE COMMISSIONER:** Very well, Mr. Lee.

22 Mr. Newburger?

23 **MR. NEWBURGER:** No, thank you, Your Honour.

24 **THE COMMISSIONER:** Thank you.

25 Mr. Thompson?

1 **MR. THOMPSON:** I just have a few questions.

2 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
3 **THOMPSON:**

4 **MR. THOMPSON:** Good afternoon, my name is
5 Christopher Thompson. I'm counsel for the Ministry of the
6 Attorney General, and I just have a few questions for you
7 today.

8 I just want to talk a little bit about the
9 investigation, your re-investigation in 1994 of the
10 allegations of Jeannette Antoine?

11 **SGT. WHITE:** Yes.

12 **MR. THOMPSON:** And my understanding is you
13 investigated those allegations between January and
14 September of 1994?

15 **SGT. WHITE:** I believe it's January and
16 October ---

17 **MR. THOMPSON:** Okay.

18 **SGT. WHITE:** --- of '94.

19 **MR. THOMPSON:** Okay.

20 And did you work exclusively on -- on that
21 case?

22 **SGT. WHITE:** No.

23 **MR. THOMPSON:** Primarily on that case?

24 **SGT. WHITE:** No.

25 **MR. THOMPSON:** Okay.

1 And would you say -- my count from looking
2 at the Crown brief is that you interviewed approximately 37
3 witnesses. Is that correct?

4 **SGT. WHITE:** That sounds accurate.

5 **MR. THOMPSON:** And would you say your
6 investigation was a thorough investigation?

7 **SGT. WHITE:** Yes, I would.

8 **MR. THOMPSON:** And you worked with Staff
9 Sergeant Derochie?

10 **SGT. WHITE:** He was my supervisor on this
11 case.

12 **MR. THOMPSON:** And Inspector Trew?

13 **SGT. WHITE:** He was also a supervisor.

14 **MR. THOMPSON:** And fair to say that Staff
15 Sergeant Derochie was in agreement with you, that it was a
16 thorough investigation?

17 **SGT. WHITE:** Yes, he was.

18 **MR. THOMPSON:** Can I ask you to please turn
19 to Exhibit 2214? Those are your notes.

20 In particular, Bates page 7176177.

21 At the bottom of the page, under the date
22 "Wednesday, 19th October, 1994".

23 **SGT. WHITE:** Yes.

24 **MR. THOMPSON:** This was your meeting with
25 Murray MacDonald and the Regional Crown, Peter Griffiths?

1 **SGT. WHITE:** Yes, it was.

2 **MR. THOMPSON:** At the time.

3 And you've got down here:

4 "He indicated he read the brief ..."

5 and that was a brief that you had provided to the Regional
6 Crown?

7 **SGT. WHITE:** Yes.

8 **MR. THOMPSON:** And, at the time you provided
9 that brief, I take it that it was your complete
10 investigation?

11 **SGT. WHITE:** Yes, it was.

12 **MR. THOMPSON:** Okay.

13 "... and he indicated he read the brief
14 and was in agreement with us that
15 there was no evidence to support
16 Miss Antoine's allegations against
17 Bryan Keough?"

18 **SGT. WHITE:** Yes.

19 **MR. THOMPSON:** And when you say, when it's
20 written here:

21 ... he was in agreement with us ..."
22 is that yourself and Staff Sergeant Derochie?

23 **SGT. WHITE:** No.

24 It was Mr. MacDonald and I had discussed the
25 matter prior to meeting with Mr. Griffiths.

1 **MR. THOMPSON:** Okay.

2 And so would it be fair to say that, when
3 you provided that brief, you weren't clear whether you had
4 -- you didn't have reasonable and probable grounds when you
5 provided the brief to the Crown?

6 **SGT. WHITE:** That's correct.

7 **MR. THOMPSON:** Right.

8 Otherwise, you would have laid the charges
9 yourself?

10 **SGT. WHITE:** Yes.

11 **MR. THOMPSON:** Right.

12 I just want to go on to the rest of the note
13 here. It says:

14 "In regard to other sexual misconduct
15 by other workers after March '76, it
16 was felt that, given the fact that
17 none of the complainants were willing
18 to make a formal complaint, and
19 because in each their own cases,
20 there was problems in memory to
21 establish, to obtain the facts in
22 issue to proceed with a ..."

23 I can't read that last word ---

24 **SGT. WHITE:** 'Criminal prosecution'.

25 **MR. THOMPSON:** Thank you.

1 "... that will withstand court
2 scrutiny."

3 So fair to say, again, if you had have
4 reasonable and probable grounds in that case, out of those
5 other -- with respect to those other allegations, you would
6 have laid a charge on your own?

7 **SGT. WHITE:** Yes, I would.

8 **MR. THOMPSON:** Right.

9 And you didn't have those and you sought
10 some legal advice from the Crown?

11 **SGT. WHITE:** That's right.

12 **MR. THOMPSON:** And the legal advice you got
13 from the Crown, I think it didn't change your views on
14 whether you had reasonable and probable grounds?

15 **SGT. WHITE:** That's correct.

16 **MR. THOMPSON:** Okay.

17 Those are all my questions.

18 **THE COMMISSIONER:** Thank you.

19 Ms. Lahaie? Any questions?

20 **MS. LAHAIE:** No questions, thank you.

21 **THE COMMISSIONER:** Mr. Carroll?

22 **MR. CARROLL:** No questions.

23 **THE COMMISSIONER:** Thank you.

24 So who goes next between -- technically,
25 it's your response, Mr. Chisholm, but ---

1 **MR. CHISHOLM:** My response with
2 Mr. Manderville's ---

3 **THE COMMISSIONER:** Yes.

4 **MR. CHISHOLM:** --- so I don't mind going
5 now.

6 **THE COMMISSIONER:** All right. Go ahead.
7 How long do you expect to be, sir?

8 **MR. CHISHOLM:** Less than 10 minutes, sir.

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

10 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
11 **CHISHOLM.**

12 **MR. CHISHOLM:** Good afternoon, Acting Staff
13 Sergeant White. We know each other?

14 **SGT. WHITE:** Yes, sir.

15 **MR. CHISHOLM:** I act for the CAS. Just a
16 few questions if I can.

17 If I could take you, please, to Exhibit 2214
18 and Bates page 5914.

19 Do you have that?

20 **SGT. WHITE:** Yes, sir.

21 **MR. CHISHOLM:** That's the note you made with
22 respect to your January 26, 1994 meeting at the CAS office
23 with Richard Abell. Is that right?

24 **SGT. WHITE:** Yes, it is.

25 **MR. CHISHOLM:** And do I understand that you

1 were advised by Mr. Abell that you would have access to CAS
2 files and that you could see anything in relation to this
3 that you wanted to see?

4 **SGT. WHITE:** That was correct.

5 **MR. CHISHOLM:** And would you agree with me
6 if I suggested to you that the CAS cooperated with you with
7 respect to this investigation?

8 **SGT. WHITE:** Yes, I would.

9 **MR. CHISHOLM:** You've spoken today about the
10 various statements that Miss Antoine gave with respect to
11 the Second Street Group Home?

12 **SGT. WHITE:** Yes.

13 **MR. CHISHOLM:** Is it fair for me to suggest
14 to you that you had -- at the end of this investigation,
15 you had concerns with respect to Miss Antoine's
16 credibility?

17 **SGT. WHITE:** To a certain part, but they
18 were minor.

19 I mean, I came to my conclusions based on
20 the evidence that -- the totality of my investigation
21 resulted in and, really, her credibility issues were not a
22 big factor in my determination as to what course of action
23 I had to take.

24 **MR. CHISHOLM:** But, at the end of the day,
25 you concluded that you did not have reasonable and probable

1 grounds to lay any charges with respect to
2 Bryan Keough?

3 **SGT. WHITE:** That's right.

4 **MR. CHISHOLM:** Still in Exhibit 2214, if I
5 could bring you to Bates page 6170?

6 **(SHORT PAUSE / COURTE PAUSE)**

7 **MR. CHISHOLM:** About one third of the way
8 down that page.

9 **SGT. WHITE:** Yes.

10 **MR. CHISHOLM:** Do I take it that this
11 relates to a note that you made on September the 10th, 1994,
12 when you met with Bryan Keough?

13 And you might have to go back -- I may bring
14 you back to Bates page 6167, you'll see the September 10th,
15 '94 entry there at the bottom, last three lines on that
16 page.

17 **SGT. WHITE:** Yes.

18 **MR. CHISHOLM:** And then, back to 6170. So
19 you're still dealing with Bryan Keough?

20 Is that right?

21 **SGT. WHITE:** Yes.

22 **MR. CHISHOLM:** And you indicated he
23 volunteered to take a polygraph; is that right?

24 **SGT. WHITE:** Yes.

25 **MR. CHISHOLM:** And then you wrote the next

1 bullet:

2 "Writer had a clear impression that Mr.
3 Keough was open and sincere."

4 Is that right?

5 **SGT. WHITE:** Yes.

6 **MR. CHISHOLM:** And further you stated,
7 "Could detect no indications that he
8 felt guilty of any wrongdoing."

9 Is that right?

10 **SGT. WHITE:** Yes.

11 **MR. CHISHOLM:** And do I take it that you
12 could detect no indications that Mr. Keough was trying to
13 be deceitful?

14 **SGT. WHITE:** That's correct.

15 **MR. CHISHOLM:** And then still on that
16 exhibit, if I can take you please to Bates page 6176, half
17 way down the page.

18 **SGT. WHITE:** Yes.

19 **MR. CHISHOLM:** That's the meeting that you
20 described to us this morning of October the 18th of 1994
21 that you had with Mr. Towndale; is that right?

22 **SGT. WHITE:** Yes, it is.

23 **MR. CHISHOLM:** And I've looked at these
24 notes and I don't see any indication that you told Mr.
25 Towndale about any allegations concerning foster parents or

1 CAS staff members; is that right?

2 SGT. WHITE: It's not in my notes.

3 MR. CHISHOLM: And just so I'm clear on your
4 evidence this morning or your evidence today, you did not
5 tell Mr. Towndale anything of that sort, you discussed
6 policy; is that right?

7 SGT. WHITE: No, I believe that during the
8 discussion about what the policy was today, I would have
9 indicated to him that during the course of my
10 investigation, I had found problems in certain group homes.

11 MR. CHISHOLM: Okay. You talked about
12 Second Street Group Home?

13 SGT. WHITE: Yes.

14 MR. CHISHOLM: And did you mention names of
15 employees?

16 SGT. WHITE: No. My recollection -- I'm not
17 sure. My recollection is that I would have -- that I did
18 discuss with him that my investigation was showing me that
19 some of these kids went to other foster homes.

20 MR. CHISHOLM: Yes.

21 SGT. WHITE: And that they had indicated to
22 me that there was allegations of sexual abuse in those
23 foster homes. And I was trying to understand how this
24 could happen in those institutions.

25 And as a result he gave me an explanation

1 that, you know, that that's the way it was at one time but
2 it was no longer like that. It wasn't like that today,
3 that there had been changes in policy and things were
4 different now. And he went on to explain to me what some
5 of those changes were.

6 **MR. CHISHOLM:** Today do you have a clear
7 indication of, first of all, did you tell Mr. Towndale
8 about which foster homes were of concern to you?

9 **SGT. WHITE:** I don't believe I was specific,
10 not knowing which way the investigations were going to go.
11 So I may not have given him the specific foster homes.

12 **MR. CHISHOLM:** And you touched upon that
13 this morning. You were concerned about potential future
14 criminal charges against CAS officials?

15 **SGT. WHITE:** Yes, in case things ever
16 progressed to that stage I wanted not to taint the
17 investigation by releasing that information prematurely.

18 **MR. CHISHOLM:** So as far as you know Mr.
19 Towndale was not advised by you of any specific foster
20 homes that were an issue?

21 **SGT. WHITE:** Not that I can remember.

22 **MR. CHISHOLM:** And none that you noted?

23 **SGT. WHITE:** Sorry?

24 **MR. CHISHOLM:** None that ---

25 **SGT. WHITE:** Yes, that's right.

1 **MR. CHISHOLM:** Thank you, Acting Staff
2 Sergeant. Those are my questions.

3 **THE COMMISSIONER:** Thank you.

4 Mr. Manderville, do you have any questions?

5 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
6 **MANDERVILLE:**

7 **MR. MANDERVILLE:** I wanted to take him
8 through the morale report.

9 **(LAUGHTER/RIRES)**

10 **THE COMMISSIONER:** I thought I'd do that.

11 **MR. MANDERVILLE:** Good afternoon, Sergeant
12 White.

13 Earlier today you were talking about an
14 individual who has now been identified as C-83; do you
15 remember who that person is?

16 **SGT. WHITE:** I believe so.

17 **THE COMMISSIONER:** Now let's not -- Madam
18 Clerk, can you show him who C-83 is?

19 **MR. MANDERVILLE:** C-83 made certain
20 allegations against Mr. Primeau?

21 **SGT. WHITE:** Yes.

22 **MR. MANDERVILLE:** And Ms. Jones earlier on
23 today asked if you gave consideration to the notion that C-
24 83 and others like her may not have been comfortable with a
25 male officer; do you recall that?

1 **SGT. WHITE:** Yes, I do.

2 **MR. MANDERVILLE:** Do you feel you developed
3 a good rapport with C-83?

4 **SGT. WHITE:** Yes, I do.

5 **MR. MANDERVILLE:** She ultimately determined
6 she did not want to proceed; correct?

7 **SGT. WHITE:** That's right.

8 **MR. MANDERVILLE:** I understand that even now
9 she still contacts you from time to time?

10 **SGT. WHITE:** Yes, she does.

11 **MR. MANDERVILLE:** What sort of contacts are
12 those?

13 **SGT. WHITE:** She'll call me occasionally to
14 seek advice on personal matters in her life and whatnot. I
15 see her occasionally in public and she'll -- we'll have a
16 conversation about how things are going and stuff like
17 that. We still have communication from time to time.

18 **MR. MANDERVILLE:** You continue to have a
19 good rapport with her?

20 **SGT. WHITE:** Yes, very much so.

21 **MR. MANDERVILLE:** Thank you very much,
22 Sergeant White.

23 Thank you, Mr. Commissioner.

24 **THE COMMISSIONER:** Thank you.

25 Ms. Jones?

1 **MS. JONES:** I have no questions. Thank you.

2 **THE COMMISSIONER:** Thank you.

3 Thank you very much, Officer White. Your
4 testimony was clear and concise and I appreciate that.

5 **SGT. WHITE:** Thank you, sir.

6 **THE COMMISSIONER:** Thank you.

7 Let's take a short break and we'll get ready
8 for the next witness.

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

11 This hearing will resume at 4:30 p.m.

12 --- Upon recessing at 4:13 p.m. /

13 L'audience est suspendue à 16h13

14 --- Upon resuming at 4:21 p.m. /

15 L'audience est reprise à 16h21

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

18 This hearing is now resumed. Please be
19 seated. Veuillez vous asseoir.

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

21 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:**

22 **MR. ENGELMANN:** Good afternoon, Mr.
23 Commissioner.

24 Just before the witness comes in and the
25 next witness for the Commission is Mr. Greg Bell. He's a

1 former employee at the Children's Aid Society.

2 **THE COMMISSIONER:** Yes.

3 **MR. ENGELMANN:** Sir, we have received a
4 number of letters from counsel with respect to medical
5 issues. I don't want to go into the detail of the medical
6 issues. I just simply want to advise you that what I'd
7 like to do is file a package of letters.

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

9 **MR. ENGELMANN:** I'll just describe them if I
10 may. There is a letter dated July 30th, 2008 from a Dr.
11 Leonard with two attachments, a consultation letter of
12 April 26th, 2008 and a further letter attached dated July
13 7th, 2008. And then, sir, as well in the package is a
14 letter dated September 11th, 2008 from Mr. Bell's personal
15 physician and then a second letter dated October 14th, 2008
16 again from his personal physician.

17 These letters, of course, contain personal
18 intimate issues about his health and for those reasons, I
19 would ask that they be entered as a confidential exhibit.
20 What I was intending to do, sir, was just enter all of the
21 letters I've just described as one exhibit.

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

23 **MR. ENGELMANN:** If you have no objection to
24 that and if there are no counsel that have any objection to
25 it being marked confidential, that's how I'd like to deal

1 with this.

2 **THE COMMISSIONER:** There's no one jumping to
3 their feet at this time, so I take that as acquiescence.

4 **MR. ENGELMANN:** Then if that could be the
5 next exhibit, sir, and if it could be marked with a "C"?

6 **THE COMMISSIONER:** Thank you. Exhibit
7 Number C-2414 will be documentation with regard to Gregory
8 Bell consisting of certain medical reports.

9 **---EXHIBIT NO./PIÈCE NO C-2414:**

10 Medical Letters re Gregory Bell dated 30 Jul
11 08 & 11 Sep 08 & 14 Oct 08

12 **MR. ENGELMANN:** Sir, if I could just
13 describe a few things to you without getting into much of
14 the content.

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

16 **MR. ENGELMANN:** You will note in the very
17 first letter, the letter dated July 30th, the doctor
18 indicates "During this time it would be very difficult for
19 Mr. Bell to prepare to testify at the Cornwall Public
20 Inquiry" and as I've indicated to counsel and counsel have
21 received these letters as we've received.

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

23 **MR. ENGELMANN:** Mr. Bell has difficulty
24 reading and counsel have been advised of that. What we
25 attempted to do here, sir, as you know, is lead much of the

1 Project Blue evidence, for example, through Mr. Carriere --
2 -

3 THE COMMISSIONER: M'hm.

4 MR. ENGELMANN: --- who was, of course, in
5 charge of that investigation. And I have advised counsel
6 when putting questions to Mr. Bell that they should, if
7 they can, read the passage to him. He can read. It's just
8 there are some difficulties if he does too much reading and
9 if he tries to read too quickly.

10 THE COMMISSIONER: M'hm.

11 MR. ENGELMANN: You'll see in the two
12 letters from his family physician, first of all, the letter
13 dated September 11th that the issues go beyond difficulty
14 reading. And that is spelled out in even more detail in
15 the second letter, the letter dated October 14th, 2008.

16 THE COMMISSIONER: M'hm.

17 MR. ENGELMANN: Sir, the letter ends with a
18 concern on the part of the physician. I have spoken to CAS
19 counsel. I have spoken to the witness.

20 The witness is here. The witness does want
21 to testify. The witness does not want these issues,
22 medical issues, dealt with in any detail.

23 All I'm doing, sir, by putting this in is
24 just confirming why it is that Commission counsel has asked
25 other parties and I will be taking the same approach, not

1 to ask the witness to read much and to try and limit the
2 length and the nature of the cross-examination wherever
3 possible, given that other witnesses have been testifying
4 to much of this and given some of the medical issues that
5 are set out in those letters.

6 That's my reason for filing it before we
7 start.

8 **THE COMMISSIONER:** Anyone objecting to that
9 kind of procedure? Thank you.

10 I have read the material. I think that this
11 gentleman is worthy of some accommodation and I'm mindful on
12 the part of the persons asking the questions to respect his
13 health.

14 **MR. ENGELMANN:** Thank you, sir. I am
15 wondering then if the new witness could be shown ---

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

17 **MR. ENGELMANN:** Sir, I have indicated to
18 counsel just while we are waiting for the witness that I
19 will be less than two hours in my chief. I know the
20 witness does have a medical appointment on Wednesday. I'm
21 quite confident that he'll be able to make that.

22 **THE COMMISSIONER:** Oh, yes. And we are
23 going to sit until what, five o'clock tonight?

24 **MR. ENGELMANN:** If that's acceptable, sir.

25 **THE COMMISSIONER:** Fine.

1 (SHORT PAUSE/COURTE PAUSE)

2 THE COMMISSIONER: Good afternoon, Mr. Bell.

3 Thank you for coming.

4 MR. BELL: Good afternoon, Your Honour.

5 THE COMMISSIONER: Before you sit down,
6 we'll have you swear on the Bible, if you wish, or affirm?

7 MR. BELL: Okay.

8 GREGORY BELL, Sworn/Assermenté:

9 THE COMMISSIONER: Thank you. Have a seat,
10 Mr. Bell.

11 I think you've been here and you've seen a
12 little bit how it works but, in any event, there should be
13 some clean glasses around there, plastic glasses, yes, for
14 water, and the water is reasonably fresh.

15 MR. BELL: Thank you.

16 THE COMMISSIONER: And so while you are
17 doing that, I would ask you to speak into the microphone
18 when you are answering questions. If there's something you
19 don't understand about the question, just ask them to
20 change it around for you. If you don't know the answer,
21 that's fine. If at any time you feel uncomfortable or you
22 need a break or anything like that, let me know.

23 MR. BELL: Thank you.

24 THE COMMISSIONER: So what we plan on doing
25 is sitting until 5 o'clock today and then coming back at

1 9:30.

2 MR. BELL: Okay.

3 THE COMMISSIONER: All right. And you
4 should be done easily by noon, I would hope. All right?

5 MR. BELL: Thank you, Your Honour.

6 THE COMMISSIONER: Thank you.

7 --- EXAMINATION IN-CHIEF BY/INTERROGTOIRE EN CHEF PAR MR.
8 ENGELMANN:

9 MR. ENGELMANN: Mr. Bell, we've met before.
10 I want to tell you again that I will be showing you some
11 documents. You'll be getting a hard copy of the document.
12 You'll also be able to see the document on the screen. I'm
13 not going to ask you to read much; we've talked about that.

14 If you have some difficulty -- I will be
15 reading to you from time-to-time what something says. If I
16 make a mistake, someone will correct me, but that's how we
17 are going to be dealing with some of this. All right?

18 MR. BELL: Okay.

19 MR. ENGELMANN: So let's just start, sir, I
20 just want to ask you a few questions about your employment
21 background.

22 I understand that you are retired?

23 MR. BELL: Correct.

24 MR. LEE: And I understand that in
25 consultation with your counsel, counsel for the CAS, a

1 biography, just a short background of your employment
2 history was prepared?

3 MR. BELL: Correct.

4 MR. LEE: All right. If that could be shown
5 to the witness. It is a page-and-a-half biography just
6 entitled "Greg Bell".

7 Mr. Commissioner, I would be asking that
8 that be made the next exhibit.

9 THE COMMISSIONER: It will. Do we have a
10 hard copy? You don't have one? All right.

11 So what's the exhibit number then?

12 THE REGISTRAR: It's 2415.

13 THE COMMISSIONER: Exhibit 2415 will be the
14 Biography of Greg Bell.

15 --- EXHIBIT NO./PIÈCE NO. P-2415:

16 CV of Gregory Bell

17 MR. ENGELMANN: Sir, you've had a chance to
18 review this before you came today?

19 MR. BELL: I have.

20 MR. ENGELMANN: And it's a short but
21 accurate summary of your work background?

22 MR. BELL: It is.

23 MR. ENGELMANN: All right. And it also sets
24 out some of the educational background you have?

25 MR. BELL: Correct.

1 **MR. ENGELMANN:** And, sir, I understand that
2 you worked for the CAS here in Stormont, Dundas, Glengarry
3 for 20 years?

4 **MR. BELL:** Correct.

5 **MR. ENGELMANN:** Between 1982 and 2002?

6 **MR. BELL:** Correct.

7 **MR. ENGELMANN:** And, sir, I understand while
8 you were employed with the CAS, you were employed in a
9 social worker position and that you had experience working
10 in both the intake and protection sections of the CAS?

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

12 **MR. ENGELMANN:** And during the 20 years that
13 you were employed by the CAS, you took some training
14 courses?

15 **MR. BELL:** I did.

16 **MR. ENGELMANN:** And some of those training
17 courses are set out in your bio, right?

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

19 **MR. ENGELMANN:** And I understand that there
20 would be other inservice or informal training that might
21 not be set out in the biography?

22 **MR. BELL:** Yes, plus Ministry training.

23 **MR. ENGELMANN:** All right. And did some of
24 that training include training on investigative techniques?

25 **MR. BELL:** Yes, it did.

1 **MR. ENGELMANN:** After your employment with
2 the CAS, sir -- and I note that on the first page of your
3 bio there's a reference to 2002 to 2005 being a contract
4 position with the CAS?

5 **MR. BELL:** Not continuous but contracts.

6 **MR. ENGELMANN:** Right.

7 **MR. BELL:** Short-term.

8 **MR. ENGELMANN:** All right. So you weren't
9 an employee. You were doing some work as a contractor?

10 **MR. BELL:** Correct.

11 **MR. ENGELMANN:** Can you just tell us
12 generally speaking what you did over those three years from
13 time-to-time?

14 **MR. BELL:** I was hired back to cover off
15 what we called "intake reception", which is the -- taking
16 the initial report, typically over the phone or walk-in or
17 by letter.

18 **MR. ENGELMANN:** All right. And, sir, you
19 haven't worked for the CAS since 2005?

20 **MR. BELL:** No, I haven't.

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

22 And, sir, have you from time-to-time
23 listened to the Inquiry or had an opportunity to review any
24 of the evidence that's been given here at the Inquiry?

25 **MR. BELL:** Not listened to any of it, but

1 I've reviewed some of the documents I was provided.

2 MR. ENGELMANN: And you spent approximately
3 45 minutes here the other day when you came to testify and
4 you stayed for a few minutes?

5 MR. BELL: Yes, that's correct.

6 MR. ENGELMANN: All right.

7 Now, sir, during the course of your work --
8 we don't need to look at that document anymore -- during
9 the course of your work with the CAS, were you required to
10 take notes, particularly when you did investigative work?

11 MR. BELL: Yes.

12 MR. ENGELMANN: And did you -- when you took
13 notes, were they handwritten or typed?

14 MR. BELL: Handwritten.

15 MR. ENGELMANN: And did you attempt to make
16 your notes as detailed as possible?

17 MR. BELL: I did.

18 MR. ENGELMANN: All right.

19 And I just want to ask you about your
20 practice with respect to when you would have reported
21 factual information in your notes. For example, did you
22 take notes during the course of an interview, shortly after
23 the interview or sometime later, typically speaking?

24 MR. BELL: Mostly during the interview or
25 shortly after and occasionally sometime later.

1 **MR. ENGELMANN:** All right. If you took them
2 later, and let's say it was more than a day later, would
3 you make a note of that fact in your notes.

4 **MR. BELL:** I would.

5 **MR. ENGELMANN:** All right. So if it was
6 three or four days later, you would actually write down
7 that this occurred three or four days ago?

8 **MR. BELL:** Correct.

9 **MR. ENGELMANN:** And, sir, generally
10 speaking, did you attempt to have your notes accurately
11 reflect what you were told in either a conversation or in
12 an interview?

13 **MR. BELL:** Yes.

14 **MR. ENGELMANN:** If you were to describe your
15 notes, would you say that you attempted to capture factual
16 references, opinions or both?

17 **MR. BELL:** Both, but opinions clearly
18 identified as such.

19 **MR. ENGELMANN:** So if it was an opinion, you
20 would have set it out as such?

21 **MR. BELL:** Correct.

22 **MR. ENGELMANN:** I am going to be asking you
23 about some of the investigative work you did when you were
24 a CAS employee. Do you understand that?

25 **MR. BELL:** Yes.

1 **MR. ENGELMANN:** And you worked on a number
2 of investigations?

3 **MR. BELL:** Correct.

4 **MR. ENGELMANN:** And one of them was called
5 Project Blue?

6 **MR. BELL:** Correct.

7 **MR. ENGELMANN:** One of them involved
8 allegations made by Jeannette Antoine?

9 **MR. BELL:** Correct.

10 **MR. ENGELMANN:** And I believe you worked
11 with a few other individuals who were alleged perpetrators;
12 in fact, confirmed perpetrators of sexual abuse of youths -
13 --

14 **MR. BELL:** Correct.

15 **MR. ENGELMANN:** --- including Earl Landry
16 Jr. ---

17 **MR. BELL:** Correct.

18 **MR. ENGELMANN:** --- Nelson Barque ---

19 **MR. BELL:** Correct.

20 **MR. ENGELMANN:** --- Milton MacDonald?

21 **MR. BELL:** Correct.

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

23 **MR. BELL:** Can I ---

24 **MR. ENGELMANN:** Now, all of -- sorry?

25 **MR. BELL:** I can just correct -- regarding

1 Antoine, I didn't investigate her allegations but I
2 investigated allegations concerning her and her children.

3 MR. ENGELMANN: Right.

4 And as I understand it, during the course of
5 your investigation of allegations against her, she brought
6 up the fact that she alleged that she was abused while in
7 the care of the CAS.

8 MR. BELL: Correct.

9 MR. ENGELMANN: And you had some involvement
10 with that, sir; not extensive, but some.

11 MR. BELL: Initially, yes.

12 MR. ENGELMANN: Yes, all right. We will
13 come to that.

14 Now, all of these investigations took place
15 many years ago?

16 MR. BELL: Correct.

17 MR. ENGELMANN: And what I'd like to know
18 from you, sir, is if you've had an opportunity over the
19 last few months, at some point in time, to review your
20 notes of the investigations I've just talked about?

21 MR. BELL: Yes, I have.

22 MR. ENGELMANN: And do you recall when you
23 would have done that?

24 MR. BELL: Initially back in February of
25 this year I reviewed Project Blue and Antoine and Barque --

1 Nelson Barque.

2 MR. ENGELMANN: All right.

3 MR. BELL: And more recently, to a lesser
4 degree, I've reviewed those.

5 MR. ENGELMANN: All right.

6 And when you reviewed them back in February
7 did you have any difficulty reading at that time?

8 MR. BELL: No.

9 MR. ENGELMANN: And when you reviewed your
10 notes at that time, did you comment or make notes about any
11 errors and omissions that you might have noted in your --
12 in your notes ---

13 MR. BELL: No.

14 MR. ENGELMANN: --- from the time?

15 MR. BELL: No.

16 MR. ENGELMANN: So does that mean, sir, that
17 you didn't find anything that you thought was an error or
18 omission?

19 MR. BELL: Correct.

20 MR. ENGELMANN: And as I go through some of
21 these investigations, sir -- and I'll list them
22 individually -- I'm just going to ask you about independent
23 recollection that you might have and whether you have any
24 at all or, you know, if we go through it, if that refreshes
25 anything; all right?

1 MR. BELL: Correct. Good, okay, I mean.

2 MR. ENGELMANN: When we get there.

3 So I want to ask you just a little bit about
4 investigations of physical and sexual abuse of children.
5 Those were things that you would investigate on a fairly
6 regular basis?

7 MR. BELL: Yes.

8 MR. ENGELMANN: And do you have some sense
9 as to the number of those investigations you might have
10 done?

11 MR. BELL: I guess in the hundreds.

12 MR. ENGELMANN: Okay.

13 So this would be -- you would investigate
14 physical abuse of children?

15 MR. BELL: Yes.

16 MR. ENGELMANN: Sexual abuse of children?

17 MR. BELL: Yes.

18 MR. ENGELMANN: Neglect of children?

19 MR. BELL: Yes.

20 MR. ENGELMANN: Things of that nature?

21 MR. BELL: Yes.

22 MR. ENGELMANN: All right.

23 And did some of those investigations involve
24 forms of institutional abuse, and what I mean by that is
25 either abuse of someone who's a resident or a patient in a

1 facility, or abuse by someone who's an employee of an
2 institution but might have children in their care from time
3 to time?

4 MR. BELL: Yes.

5 MR. ENGELMANN: All right.

6 And upon receipt of allegations of physical
7 or sexual abuse would you have occasion to then deal with
8 officials at police departments?

9 MR. BELL: Yes.

10 MR. ENGELMANN: And would you have dealt
11 with officials at both the Cornwall Police Service and the
12 OPP?

13 MR. BELL: As well as Alexandria.

14 MR. ENGELMANN: Okay.

15 And those would involve cases of alleged
16 abuse against children, whether it's physical or sexual?

17 MR. BELL: Yes.

18 MR. ENGELMANN: And would you provide your
19 counterparts at those agencies with some information about
20 the allegation that had been received by the Children's Aid
21 Society?

22 MR. BELL: Yes, we would.

23 MR. ENGELMANN: All right.

24 And do you know if you would ever discuss
25 the possibility of joint investigations?

1 MR. BELL: Yes, we did.

2 MR. ENGELMANN: And did you do those from
3 time to time?

4 MR. BELL: Yes.

5 MR. ENGELMANN: Would you have also done
6 investigations where you would investigate separately but
7 you would share information with the other agency?

8 MR. BELL: Yes.

9 MR. ENGELMANN: And did you, during the
10 course of your investigative work, investigate both abuse
11 within families and abuse from outside families by third
12 parties?

13 MR. BELL: Yes.

14 MR. ENGELMANN: And the procedures and
15 protocols that were in place at the CAS when you were
16 investigating, did you find them better equipped to deal
17 with one type or the other?

18 MR. BELL: Better set up for family
19 situations rather than institutions, in terms of keeping
20 records.

21 MR. ENGELMANN: And why was that, sir, just
22 from your experience?

23 MR. BELL: Structurally it gets difficult
24 with an institution because you can't open a file,
25 practically, for each child. It becomes impossible to

1 maintain it that way.

2 MR. ENGELMANN: All right.

3 MR. BELL: So it's maintained in a single
4 file.

5 MR. ENGELMANN: When you were dealing with
6 extrafamilial abuse, if I can call it that, did you have
7 documents or procedures in place for dealing with that?

8 MR. BELL: I developed some documents for
9 institutional-type cases that were helpful in tracking
10 information.

11 MR. ENGELMANN: Can you give us some
12 examples, sir?

13 MR. BELL: Well, I think a school case I did
14 might have been the first time I used it. There were about
15 14 or 15 children from a class to be interviewed, based on
16 allegations of mistreatment by their teacher. And in order
17 to track how to reach all their parents and the stage of
18 progress with each potential victim, I developed a form I
19 called a "potential victim data sheet" and they turned out
20 to be quite useful for tracking how to reach their parent's
21 phone numbers, their school and then progress in each
22 interview.

23 MR. ENGELMANN: All right.

24 And did you develop similar forms to that as
25 you worked on a variety of different investigations?

1 **MR. BELL:** Yes.

2 **MR. ENGELMANN:** Okay.

3 Sir, when you were investigating an alleged
4 abuse by an employee in the course of their employment,
5 particularly someone with access to children, was there a
6 policy in place for notifying the employer of that
7 particular alleged abuser?

8 **MR. BELL:** Yes, which included making such
9 decisions on an individual basis.

10 **MR. ENGELMANN:** All right, I was just going
11 to ask you that; whether that was something that you did
12 routinely or whether that was something that was decided on
13 a case-by-case basis.

14 **MR. BELL:** Definitely on a case-by-case
15 basis.

16 **MR. ENGELMANN:** And when you did those -- or
17 when you made those decisions, were those decisions you
18 made on your own or did you consult with colleagues?

19 **MR. BELL:** No, that was in risk management
20 committee at least or with a supervisor.

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

22 And would you, from time to time, ask for
23 the assistance of the in-house lawyer, Ms. McLennan?

24 **MR. BELL:** Yes.

25 **MR. ENGELMANN:** Now, when you and others

1 would make decisions of that nature at a risk management
2 conference about notifying an employer, would you first
3 seek the consent of the employee or the alleged abuser
4 before doing that?

5 MR. BELL: Yes.

6 MR. ENGELMANN: And what would you do if the
7 employee failed to consent?

8 MR. BELL: One course of action was to see
9 if his employer could obtain a consent and, again, if it
10 was obtained then we'd be at liberty to disclose the
11 outcome of the investigation.

12 MR. ENGELMANN: So how would you get the
13 consent through the employer? What would you do to get
14 that?

15 MR. BELL: It might -- in some instance I
16 would prepare one and send it or give it to the employer
17 and say, "Would you get your employee to sign this and, if
18 so, return it to us and we're then in a position to share
19 with you."

20 MR. ENGELMANN: And what would the letter or
21 note to the employer say about why you were seeking that
22 consent?

23 MR. BELL: Typically, in an institutional
24 investigation the employer would be aware. If necessary to
25 reach school children we would have to have a list of their

1 parents so generally I think the employer would have to be
2 notified of an investigation but -- sorry, I've lost track
3 of the ---

4 MR. ENGELMANN: All right.

5 MR. BELL: --- original question.

6 MR. ENGELMANN: What I'm wondering, sir, is
7 if you're trying to get the consent from the employee first
8 before notifying the employer, how do you go about trying
9 to get that consent through the employer without actually
10 telling the employer everything about what you're doing?

11 MR. BELL: Well, we would simply say, we
12 would like -- we have reason to believe you may need to
13 know the outcome of our investigation, without saying
14 anything about what that outcome is.

15 MR. ENGELMANN: All right.

16 MR. BELL: And would you get a consent from
17 your employee and provide it to us to facilitate that?

18 MR. ENGELMANN: And did you have to do that
19 from time to time?

20 MR. BELL: Yes.

21 MR. ENGELMANN: And sir, notifying the
22 employer, was that typically done when the alleged abuser
23 had regular access to children?

24 MR. BELL: Yes.

25 MR. ENGELMANN: And would that be because of

1 a concern about a present risk to children?

2 MR. BELL: Correct.

3 MR. ENGELMANN: Mr. Bell, I would like to
4 ask you about the Jeannette Antoine matter.

5 MR. BELL: Okay.

6 MR. ENGELMANN: And you have told us you
7 would have reviewed your notes about that investigation
8 back in February of this year?

9 MR. BELL: Yes.

10 MR. ENGELMANN: And to the best of your
11 knowledge, you didn't notice any errors or omissions in
12 those notes?

13 MR. BELL: Correct.

14 MR. ENGELMANN: And I'm just going to ask
15 you a few questions about this to see what you can recall,
16 and if there's something that you can recall independently
17 from the notes, please let me know.

18 But as I understand it, sir, when the matter
19 was originally assigned to you, you were assigned to
20 actually investigate her?

21 MR. BELL: Correct.

22 MR. ENGELMANN: And that was to deal with
23 allegations of physical abuse against one of her children?

24 MR. BELL: Correct.

25 MR. ENGELMANN: All right. And sir, did you

1 work with a colleague on that matter?

2 MR. BELL: Yes.

3 MR. ENGELMANN: And was her name Suzie
4 Robinson?

5 MR. BELL: Correct.

6 MR. ENGELMANN: And sir, you were
7 investigating her, but at the same time she's telling you,
8 "I was a ward at the CAS, and I was abused when I was a
9 ward."

10 MR. BELL: That's correct.

11 MR. ENGELMANN: And in that circumstance,
12 sir, I am wondering do you keep those notes all on one file
13 or do you create a separate file, given that you're doing
14 two different things?

15 MR. BELL: I kept those notes separate from
16 the case that related to her and her children.

17 MR. ENGELMANN: All right. Sir, I want to
18 just refer you to a couple of instances in those notes, if
19 I may. Mr. Commissioner, it's Exhibit 2306.

20 THE COMMISSIONER: M'hm.

21 MR. ENGELMANN: Counsel, it's Document
22 number 739304.

23 THE COMMISSIONER: It's the last exhibit in
24 the book, in one of the books. We will also be putting it
25 on this screen, sir. We'll also be putting it on the

1 screen if you like to see it there.

2 MR. BELL: Thank you.

3 MR. ENGELMANN: So if we can look at the
4 very bottom of that page, the first page. That's Bates
5 page 7177201. These are your notes; correct sir?

6 MR. BELL: Correct.

7 MR. ENGELMANN: And if I'm reading
8 correctly, it says:

9 "Greg and Suzie meet with Bob Smith."

10 MR. BELL: Correct.

11 MR. ENGELMANN: And I just -- as I
12 understand it Bob Smith was a supervisor at the Children's
13 Aid Society at the time?

14 MR. BELL: That's correct.

15 MR. ENGELMANN: And was he your supervisor?
16 Was he Miss Robinson's supervisor? Can you help us there?

17 MR. BELL: I know he wasn't mine, but he --
18 I believe he was Suzie Robinson's supervisor.

19 MR. ENGELMANN: All right. As I understand
20 it, for the bulk of the time, Bill Carriere was your
21 supervisor?

22 MR. BELL: Yes, however not at that moment.

23 MR. ENGELMANN: All right, but you were
24 reporting to Mr. Smith because he's Ms. Robinson's
25 supervisor?

1 **MR. BELL:** Correct.

2 **MR. ENGELMANN:** All right. Now, there's
3 also a reference on Bates page 203, so that's two pages
4 further. You will be able to see it at the top of the
5 screen, the word "Antoine" appears.

6 **MR. BELL:** Yes.

7 **MR. ENGELMANN:** And it's dated August 16th,
8 1989, and it says, "Check with CPD."

9 **MR. BELL:** Correct.

10 **MR. ENGELMANN:** All right. And do you
11 recall, sir, in the course of this short time you were
12 involved in this matter in 1989, whether you would have had
13 some contact with the Cornwall Police Service?

14 **MR. BELL:** I did in relation to this case.

15 **MR. ENGELMANN:** All right. Okay. Now, the
16 following page, which has the numbers 7177204 at the top
17 left where the cursor is, it indicates:

18 "Interviewed Jeannette Antoine with S.
19 Robinson."

20 Do you see that?

21 **MR. BELL:** Yes.

22 **MR. ENGELMANN:** All right, and it indicates
23 that you took a statement from her, and it also indicates
24 that she's completing her own version of events or her own
25 account of events, which she's already started in her own

1 handwriting and she's going to be providing a copy of that
2 to you?

3 MR. BELL: Yes.

4 MR. ENGELMANN: Do you remember actually the
5 fact that she was providing something on her own? She was
6 writing up her story?

7 MR. BELL: Yes, I remember that.

8 MR. ENGELMANN: Okay, you have some ---

9 MR. BELL: I recollect that, yes, yeah.

10 MR. ENGELMANN: All right, okay.

11 If the witness could be shown, it's Exhibit
12 514.

13 THE COMMISSIONER: Five-one-four (514).

14 No, you might need that one again.

15 MR. BELL: Okay, I've got it.

16 MR. ENGELMANN: Sir, this one starts with
17 the words:

18 "I, Jeannette Antoine, (Lapointe)
19 writes this letter on my own..."

20 THE COMMISSIONER: "...with no pressure from
21 anyone..."

22 MR. ENGELMANN: "...with no pressure from
23 anyone and is the whole truth, nothing
24 but the truth, so help me God."

25 MR. BELL: Okay.

1 **MR. ENGELMANN:** All right? And then if you
2 turn to the very last page at the bottom, it appears that
3 she is signing it and dating it August 18th, 1989.

4 **MR. BELL:** Yes.

5 **MR. ENGELMANN:** So this is within a couple
6 of days of your starting your investigation of her, you're
7 actually getting this handwritten statement ---

8 **MR. BELL:** Correct.

9 **MR. ENGELMANN:** --- from her in addition to
10 the interview you take?

11 **MR. BELL:** Correct.

12 **MR. ENGELMANN:** All right. And sir, I have
13 reviewed your notes. You understand, sir, that she was
14 making allegations against a colleague of yours?

15 **MR. BELL:** Yes.

16 **MR. ENGELMANN:** Among other people?

17 **MR. BELL:** Yes. Yes.

18 **MR. ENGELMANN:** A Mr. Keough?

19 **MR. BELL:** Correct.

20 **MR. ENGELMANN:** And it doesn't appear from
21 your notes that you were actively investigating either Mr.
22 Keough or others from the CAS?

23 **MR. BELL:** I wasn't; that's correct.

24 **MR. ENGELMANN:** All right. And you were not
25 asked to do that; is that correct?

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

2 **MR. ENGELMANN:** And do you recall why that
3 was?

4 **MR. BELL:** I never would have expected to be
5 anyway -- I never questioned it. I would have been very
6 surprised if a worker would have been asked to do that of
7 their own staff.

8 **MR. ENGELMANN:** All right because these were
9 your own staff, colleagues?

10 **MR. BELL:** Correct.

11 **MR. ENGELMANN:** And this was a historical
12 allegation as well?

13 **MR. BELL:** Correct.

14 **MR. ENGELMANN:** And who, to your knowledge,
15 was investigating the matter?

16 **MR. BELL:** I don't really know, ultimately,
17 after I turned the material over.

18 **MR. ENGELMANN:** All right. Well, you did
19 speak to people from the Cornwall Police Service right from
20 the get-go or within a few days of looking into this?

21 **MR. BELL:** I did, and I don't know how it
22 progressed with CPS.

23 **MR. ENGELMANN:** All right, but at least
24 initially, they were made aware of this?

25 **MR. BELL:** Yes.

1 **MR. ENGELMANN:** You're not sure how their
2 investigation progressed?

3 **MR. BELL:** Correct.

4 **MR. ENGELMANN:** All right. I want to just
5 refer you briefly sir, if I can, to Exhibit 1505. These
6 are some typewritten notes of Tom O'Brien, and he was the
7 Executive Director of the CAS at the time just before Mr.
8 Abell in 1989?

9 **THE COMMISSIONER:** It's another book, sir.

10 **MR. BELL:** Okay.

11 **THE COMMISSIONER:** We have no shortage of
12 books.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MR. ENGELMANN:** Sir, do you have -- yes?
15 Okay.

16 It's Exhibit 1505.

17 **MR. BELL:** I've got it.

18 **MR. ENGELMANN:** And sir, there's a reference
19 at the bottom of the second page, which is Bates page
20 7177233.

21 And this is Tom O'Brien talking about the
22 fact that he's meeting with the Crown Attorney and the city
23 police. Now, it doesn't indicate that you're involved at
24 all in that meeting, Mr. Bell, but I'm just wondering if
25 you remember being advised by Mr. O'Brien that he's meeting

1 with the Crown and the city police about Jeannette
2 Antoine's allegations against CAS workers?

3 **MR. BELL:** My only recollection is I was
4 called in to -- I believe it was Rick's office and there
5 were two CPS Officers there and they had asked me for some
6 thing, or a question, and I can't remember what it was. It
7 was a very brief meeting.

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

9 Well, I note on the next page, sir, at Bates
10 page 234 there's a reference to a meeting on September 28th,
11 '89. Now, this is, again, probably about six weeks after
12 you're asked to look into the allegations against her in
13 mid-August. It says:

14 "Today I met with Bill Carriere, Angelo Towndale, Greg Bell
15 and Suzie Robinson to try to clarify what Jeannette really
16 wants, since in a written statement she's not suggesting
17 any action for us to take. Greg and Suzie are not clear of
18 anything specific Jeannette wants us to do, except that she
19 seems convinced that Bryan Keough ought to be fired."

20 I'm just wondering, sir, if you have any
21 recollection at all about that, that one of Ms. Antoine's
22 concerns was that this fellow, Mr. Keough, was still
23 working for the agency?

24 **MR. BELL:** Yeah, I don't have an independent
25 recollection of that meeting but I definitely remember her

1 being concerned about Bryan still being in the employ of
2 the agency.

3 **MR. ENGELMANN:** Okay.

4 Sir, at the following page, Mr. O'Brien --
5 this is 7177235. He notes meetings with officials from the
6 Cornwall Police and the fact that a Constable Malloy is
7 being assigned to investigate this matter.

8 And were you familiar with a constable by
9 the name of Kevin Malloy?

10 **MR. BELL:** Yes.

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

12 And sir, thinking back, do you recall being
13 advised that it was Constable Malloy who was going to be
14 handling this matter? If you don't, that's fine.

15 **MR. BELL:** I know I went to the house, to
16 Jeannette's house, specifically with him for that purpose.

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

18 So you recall an actual interview or meeting
19 you would have had with Jeannette Antoine and Kevin Malloy?

20 **MR. BELL:** Correct.

21 **MR. ENGELMANN:** And that the purpose was for
22 him essentially to start his investigation of her
23 allegations?

24 **MR. BELL:** As well as to address a man who
25 had exposed himself to her daughter. We were going for

1 those two specific purposes.

2 MR. ENGELMANN: All right.

3 So there were two issues that he was going
4 to be investigating?

5 MR. BELL: Correct.

6 MR. ENGELMANN: And he was going to be
7 leading that investigation, sir; you were not?

8 MR. BELL: Correct.

9 MR. ENGELMANN: All right.

10 So would it be fair to say, sir, that once
11 the Cornwall Police Service got involved, in particular
12 Constable Malloy, that this was not really a joint
13 investigation, this was their investigation?

14 MR. BELL: Certainly not joint with me.

15 MR. ENGELMANN: Now, sir, you don't recall
16 any form of updates as to progress on their investigation
17 that you would have been given?

18 MR. BELL: No.

19 MR. ENGELMANN: All right.

20 I just note if you turn to 7177237, it's
21 page 6 of these typewritten notes, the second-last page?

22 MR. BELL: Okay.

23 MR. ENGELMANN: We look towards the bottom.
24 There's a note under the caption February 13th, 1990, says:
25 "I met with Bryan today and advised him of all events since

1 last August and also told him that Suzie Robinson, Greg
2 Bell, Bob Smith, Ian MacLean, Angelo Towndale and Rick
3 Abell, as well as Bill Carriere, had some details of the
4 present situation."

5 Okay? It says:

6 "I also went over with him all events and meetings since
7 last August. Told him I expect to receive a letter from
8 the Crown Attorney or a copy of a letter which he would
9 send to the police, indicating that there were no current
10 plans for the police to proceed."

11 "Bryan" being Bryan Keough, by the way.

12 **MR. BELL:** Okay.

13 **MR. ENGELMANN:** "Bryan was upset for a
14 number of reasons, including a possibility of a charge by
15 Jeannette at a future date."

16 Sir, do you remember meetings with your
17 colleagues, and at any time being informed essentially that
18 there was something pending from the Crown's office and
19 that the police weren't likely to be proceeding with this?

20 **MR. BELL:** No.

21 **MR. ENGELMANN:** Okay. That's fine.

22 And just looking at the bottom of the page,
23 at the very bottom -- and this is talking about Mr. Keough,
24 who at the time had an adoption application in place with
25 the agency.

1 Were you aware of that, sir?

2 **MR. BELL:** Yes.

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

4 And he's referring to Mr. Keough, saying,
5 "He told me he would not be proceeding with the adoption
6 and would be resigning from the agency, whether or not he
7 went to the theological college." There's a reference to
8 that, and then the next sentence, sir, at the top of the
9 next page, it says, "This week I brought Suzie and Greg up
10 to date on the police decision and the fact that I had met
11 with Bryan."

12 So it would appear that at least Mr. O'Brien
13 is indicating in his notes that he's having some
14 discussions with you about this matter, even though you're
15 not actively involved?

16 **MR. BELL:** Correct.

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

18 And you don't dispute this in any way do
19 you, sir? You just don't remember.

20 **MR. BELL:** Yeah. Just to clarify, I became
21 aware of Bryan's adoption plan only because Suzie Robinson
22 was involved in that, and hearing her allegations.

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

24 Now, sir, I understand -- I just have a
25 couple more questions on the Antoine matter -- that

1 sometime in the fall of 1991, so this is now a couple of
2 years later, there's a note that you're contacted by
3 Jeannette Antoine and this matter had been transferred to
4 one of your colleagues, a woman by the name of Debra
5 Clarey, and it appears from the notes that she wants to see
6 her file. And this is an issue about access to her file.

7 Do you recall anything about a disclosure
8 request on the part of Ms. Antoine to get her file?

9 **MR. BELL:** I have a -- I read the notes and
10 I would stand by them. I don't have a direct recollection
11 of that.

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

13 Well that's Exhibit 2307.

14 **THE COMMISSIONER:** Twenty-three zero seven
15 (2307).

16 **MR. ENGELMANN:** Document number is 739311

17 **THE COMMISSIONER:** It's the first exhibit,
18 sir. It's the first one.

19 **MR. ENGELMANN:** If you just wait a second,
20 Mr. Bell, I think you're going to get some help.

21 **THE COMMISSIONER:** It's the first number on
22 the -- you don't have it, sir; it's still ---

23 **MR. ENGELMANN:** I just want to give it to
24 you with respect to timing. On the very first page it
25 talks about the fact that you're getting a call from

1 Jeannette Antoine, October 7th, 1991.

2 MR. BELL: Okay.

3 MR. ENGELMANN: And I note these notes are
4 typed, sir. On occasion would your notes actually get
5 typed up by someone?

6 MR. BELL: My handwriting is pretty bad and
7 that did happen sometimes.

8 MR. ENGELMANN: All right, well I didn't
9 want to comment on your handwriting but I've been
10 struggling with it ---

11 MR. BELL: I mean there would be a
12 handwritten version but someone might have typed it for
13 someone else.

14 MR. ENGELMANN: All right.

15 Well, it indicates, sir, that there's a call
16 from Jeannette Antoine that you're telling her that you've
17 transferred the case to Debbie Clarey. And was she a
18 colleague of yours?

19 MR. BELL: Correct.

20 MR. ENGELMANN: And it indicates as well
21 that she wants some information about her past. She wants
22 some information from her files at the CAS?

23 MR. BELL: Yes.

24 MR. ENGELMANN: And there's -- the notes
25 indicate discussions you have with Bill Carriere who was

1 your supervisor?

2 MR. BELL: Correct.

3 MR. ENGELMANN: Also notes a discussion with
4 Cam Copeland. Was he also a colleague or supervisor?

5 MR. BELL: He was a supervisor too.

6 MR. ENGELMANN: All right.

7 A discussion with Angelo Towndale and then
8 another discussion with Bill Carriere, all in the same day,
9 and then you're calling back Ms. Antoine on the 8th and
10 you're explaining to her a little bit about file
11 disclosure, but you're not -- that's not something you're
12 actually going to handle.

13 MR. BELL: Okay.

14 MR. ENGELMANN: All right?

15 And you're telling her at least from the
16 note that:

17 "I discussed her request and plans
18 with respect to a lawsuit".

19 Apparently she is advising you that she
20 might be proceeding with a lawsuit.

21 "I suggested that if she's wanting
22 things such as dates of various
23 placements she was in and what homes,
24 she should make a list of questions
25 because this could speed up the work of

1 someone having to look over years of
2 microfilm if they knew what information
3 to look for."

4 All right?

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

6 **MR. ENGELMANN:** So do I have it, sir, that
7 you were not involved in file disclosure issues?

8 **MR. BELL:** Not normally.

9 **MR. ENGELMANN:** No. Just looking at these
10 notes quickly, sir, it would appear that this request comes
11 in; you get some information about file disclosure issues
12 and you call her back the next day?

13 **MR. BELL:** Correct.

14 **MR. ENGELMANN:** But you don't actually take
15 part in disclosing her file or subsequent requests with
16 her; is that fair?

17 **MR. BELL:** Yes.

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

19 And, sir, approximately three years after
20 this, in 1994, the Cornwall Police are investigating this
21 matter once again. And it's my understanding that during
22 the course of their re-investigation -- and some of this is
23 investigating their own work and some of it is
24 investigating Ms. Antoine's allegations -- would you have
25 had -- would you have been interviewed or had discussions

1 with a Staff Sergeant by the name of Garry Derochie, or can
2 you remember?

3 MR. BELL: There was an interview of me --
4 yes, I believe that's it -- in connection with the work I
5 think Kevin did on the case, Kevin Malloy.

6 MR. ENGELMANN: All right.

7 MR. BELL: I'm not clear on the date and
8 it's not fresh in my mind when.

9 MR. ENGELMANN: All right.

10 Do you recall if you would have been
11 interviewed by either Staff Sergeant Derochie or a sergeant
12 by the name of Brian Snyder?

13 MR. BELL: I was interviewed but I ---

14 MR. ENGELMANN: About the Antoine matter?

15 MR. BELL: Yes. It sounds to me like it was
16 Staff Sergeant Derochie, but I'm not sure of that.

17 MR. ENGELMANN: All right. That's fine.

18 MR. BELL: A CPS officer for sure.

19 MR. ENGELMANN: Okay. And that would have
20 been just about your involvement in the Antoine matter back
21 in 1989, or do you remember?

22 MR. BELL: About the little bit I had in
23 connection with her allegations.

24 MR. ENGELMANN: All right. All right.

25 Mr. Commissioner, maybe we can end it there.

1 I was about to turn to another topic.

2 **THE COMMISSIONER:** All right.

3 So we'll see you tomorrow morning at 9:30,
4 sir.

5 **MR. BELL:** Fine, Your Honour.

6 **THE COMMISSIONER:** Thank you.

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

9 This hearing is adjourned until tomorrow
10 morning at 9:30 a.m.

11 --- Upon adjourning at 5:08 p.m.

12 L'audience est ajournée à 15h08

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM