

**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 273

Held at :

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

Tuesday, September 2, 2008

Tenue à:

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

Mardi, le 2 septembre 2008

Appearances/Comparutions

Ms. Julie Gauthier Ms. Brigitte Beaulne	Registrar
M ^e Pierre R. Dumais Ms. Maya Hamou	Commission Counsel
Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Kevin Hille	Attorney General for Ontario
Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. David Bennett	The Men's Project
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Bishop Paul-André Durocher	Bishop Paul-André Durocher

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1 --- Upon commencing at 1:08 p.m./

2 L'audience débute à 13h08

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 **LE COMMISSAIRE:** Bonjour, Maître Dumais.

10 **MR. DUMAIS:** Commissioner, if we could call
11 back Bishop Durocher?

12 **THE COMMISSIONER:** Yes, thank you.

13 Good afternoon, sir. So you understand
14 you're still under oath, sir?

15 **BISHOP DUROCHER:** I do.

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

17 **BISHOP PAUL-ANDRÉ DUROCHER, Resumed/Sous le même serment:**

18 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
19 **DUMAIS (cont'd./suite):**

20 **MR. DUMAIS:** All right, Bishop, we left off
21 on Friday; we had just filed the guidelines which are dated
22 April, 2003. I believe you had told us or confirmed that
23 these guidelines came into effect or the decree was
24 effective on July 1st, 2003, and that was the extent of our
25 examination of that document.

1 So if we can just take a bit of time and
2 just go through it? So, firstly, if we can put Exhibit 58,
3 Tab 46 to you.

4 **THE COMMISSIONER:** I'm sorry, Tab 28?

5 **MR. DUMAIS:** Forty-six (46).

6 **THE COMMISSIONER:** Forty-six (46).

7 **MR. DUMAIS:** And just before I ask my first
8 question, I forgot to introduce -- Mr. Kevin Hille is here
9 from the Ministry of the Attorney General.

10 **THE COMMISSIONER:** Welcome aboard, sir.

11 **MR. DUMAIS:** Sorry, Bishop.

12 So I'm just looking at the first page of the
13 guideline, and the last sentence in that guideline reads as
14 follows:

15 "They replaced the Diocesan policy
16 which had previously been published on
17 June 21st, 1995."

18 So as of July 1st of this year, this is a new
19 guideline. Is that correct?

20 **BISHOP DUROCHER:** That's correct.

21 **MR. DUMAIS:** So does that mean, Bishop,
22 then, that any ongoing case at that period of time is now
23 subject to this guideline?

24 **BISHOP DUROCHER:** No, it means that any new
25 cases are subject to this guideline.

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

2 So the guideline would then not apply to
3 other cases that the Diocese had ongoing?

4 **BISHOP DUROCHER:** That's correct.

5 **MR. DUMAIS:** All right.

6 Now, if we then turn to the second page of
7 the guideline, and I'm just looking at the definition of
8 the advisory committee. So essentially it describes the
9 role of the advisory committee, firstly indicating that
10 there's five persons on this advisory committee which is
11 named by yourself. Is that correct?

12 **BISHOP DUROCHER:** At least five persons.

13 **MR. DUMAIS:** Pardon me?

14 **BISHOP DUROCHER:** At least.

15 **MR. DUMAIS:** At least five persons. Okay.

16 And essentially the advisory committee is
17 asked to attend to every complaint received by the
18 delegate. Is that correct?

19 **BISHOP DUROCHER:** That's right.

20 **MR. DUMAIS:** And then there's a definition,
21 and this matter has been brought up before in the Inquiry,
22 and I'll just read you a sentence -- the section. It's
23 about the fourth or fifth line:

24 "Whether there are reasonable and
25 probable grounds to determine that an

1 offence has been committed, its nature
2 and circumstances, and to see that the
3 guidelines are followed until the case
4 is closed."

5 So the first question is with respect to the
6 meaning of "reasonable and probable grounds to determine
7 that an offence has been committed". How do you understand
8 that or what do you understand that standard to be?

9 **BISHOP DUROCHER:** Well, I guess the best way
10 to understand it would be in the negative. If -- it would
11 be unreasonable, for example, if somebody said they had
12 been abused by a priest who was dead on the date that the
13 alleged abuse took care(sic). That would be unreasonable
14 to consider those grounds, you know, so improbable, same
15 kind of thing.

16 So the meaning of reasonable and probable is
17 not defined. It's not a canonical term. It simply refers
18 to the fact that the delegate has to meet the person and
19 ascertain whether, you know, there's reasonableness and
20 probability in this complaint.

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

22 And my understanding is that there has been
23 some discussion about changing that definition or that
24 standard. Is that correct? Do you recall?

25 **BISHOP DUROCHER:** Well, I understand that

1 some people have pointed out that the expression can be
2 interpreted in different ways or might have some meaning in
3 civil law that was not intended, so we could look at
4 changing that language.

5 **MR. DUMAIS:** All right.

6 And I believe Dr. Legault would have
7 testified to the effect that perhaps it should be changed
8 to "inquired effectively". Do you recall having a
9 discussion with him regarding the change of that ---

10 **BISHOP DUROCHER:** It's not clear for me, but
11 it would correspond to my understanding, yes.

12 **MR. DUMAIS:** All right.

13 But that standard or that definition still
14 remains in the policy today. Is that correct?

15 **BISHOP DUROCHER:** It does, yes.

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

17 Now, at the end of that -- of the
18 definition, it indicates that the committee members are to
19 receive training. Is that correct?

20 **BISHOP DUROCHER:** That's right.

21 **MR. DUMAIS:** And, as well, it does mention
22 the issue of confidentiality and that all members of the
23 committee are to keep the information confidential. Is
24 that correct?

25 **BISHOP DUROCHER:** Yes. I must say that re-

1 reading this right now, they are sworn to confidentiality.
2 I'm not aware that there's been any oath taken by the
3 committee members. I think the understanding is basically
4 that the material is confidential and it is to be treated
5 with the due respect, but for me it's very important that
6 the members of the advisory committee do not feel
7 themselves bound by an oath of secrecy.

8 As I was saying the other day, one of the
9 problems I consider within the Catholic Church is a lack of
10 accountability structures for the leadership.

11 **MR. DUMAIS:** Right.

12 **BISHOP DUROCHER:** And so one of the points
13 of setting up an advisory committee is to put into place a
14 structure of accountability. So it's important that if at
15 any time the Bishop were to ignore the advice of the
16 advisory committee in a blatant way, that the advisory
17 committee members would be able to feel free to bring that
18 to the attention of the public or to whoever they felt
19 should be advised.

20 So that's another -- that's other language,
21 I could say, that in a future iteration of this document
22 we'll be looking at.

23 **MR. DUMAIS:** All right.

24 So if then you can just turn to the last
25 page of the definition, and I'm just looking at the

1 definition for Victims' Care Committee. I'm just going to
2 start reading from the third line:

3 "If charges have been laid or an
4 investigation by the Children's Aid
5 Society or the police is ongoing, no
6 meeting would be held with the victim
7 unless proper authorization is obtained
8 from the police or judicial
9 authorities."

10 So perhaps you can just explain how -- what
11 is meant by that?

12 **BISHOP DUROCHER:** Well, the committee felt -
13 - the committee members felt that if, as it said, charges
14 or laid or investigation by the Children's Aid Society or
15 the police is ongoing that the Diocese should not be seen
16 as interfering with that procedure. And so in order not to
17 interfere with the procedure, no meeting would be held with
18 the victim unless it was authorized by the people who are
19 doing the investigation.

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

21 And perhaps you can just -- how would the
22 mechanics of that work? So is it the Victim Care Committee
23 that goes to the police, that goes to the Crown's office?
24 Do you do that? Who has that responsibility?

25 **BISHOP DUROCHER:** There's no regulations

1 stipulating the mechanics of it. We've never been faced
2 with this case. I would imagine -- a lot of this -- a lot
3 of the policy is written in language that leaves space for
4 adaptation to the particular case.

5 And so the committee members felt -- you
6 know, we debated often about what would this -- what if
7 this happened; what if that happened? And we realized that
8 there are so many variations that can arise, that it was
9 better simply to lay out general guidelines and then allow
10 the delegate and the committees to function within those
11 guidelines on an ad hoc basis.

12 **MR. DUMAIS:** All right.

13 Then I'm looking at the next page, which is
14 the reporting guidelines. So if we can just perhaps take
15 them point by point. So the first one being:

16 "Anyone that's working within the
17 church that receives an allegation of
18 child sexual abuse has an obligation to
19 report it to the Children's Aid
20 Society."

21 Is that correct?

22 **BISHOP DUROCHER:** That's correct.

23 **MR. DUMAIS:** And that obligation would
24 extend to the Bishop's delegate as well; correct?

25 **BISHOP DUROCHER:** That's right.

1 **MR. DUMAIS:** And in the second section or
2 the paragraph at number 2, you're dealing here with
3 allegations of sexual abuse against an adult. Is that
4 correct?

5 **BISHOP DUROCHER:** That's right.

6 **MR. DUMAIS:** And so then obviously if the
7 victim is an adult, there's no obligation to the person
8 receiving the complaint within the church to report it to
9 the Children's Aid. Is that correct?

10 **BISHOP DUROCHER:** That's correct.

11 **MR. DUMAIS:** Although that paragraph does
12 provide that if the delegate in confirming the complaint
13 finds out that this is an historical allegation, that your
14 delegate would then have the obligation to report it to the
15 Children's Aid Society. Is that correct?

16 **BISHOP DUROCHER:** Yes, we debated that at
17 length within the committee. It wasn't clear for us in
18 which situation allegations of historical abuse had to be
19 reported to the Children's Aid Society and, finally, the
20 committee unanimously decided that it would be best to err
21 on the side of transparency, so any allegation of
22 historical abuse would be brought to the Children's Aid.

23 **MR. DUMAIS:** Okay. But your policy would
24 not have extended this obligation to the initial person
25 receiving the complaint; correct?

1 **BISHOP DUROCHER:** The initial person
2 receiving the complaint has no such obligation and we
3 cannot oblige that person.

4 **MR. DUMAIS:** Right. Okay, let me, perhaps,
5 rephrase my question.

6 So what if the initial person working within
7 the church receives an historical allegation. They don't
8 have the same obligation to report to the Children's Aid
9 Society. Is it dealt ---

10 **BISHOP DUROCHER:** No, but it will be
11 reported to the Society because they have to report it to
12 the delegate who has to report it to the Children's ---

13 **MR. DUMAIS:** Okay, fair enough.

14 Now, if we look at the third paragraph of
15 the policy, "The Delegate then Verifies the Allegations".
16 So if we can just start then with that term "verifies the
17 allegation". What is expected from the delegate at this
18 stage?

19 **BISHOP DUROCHER:** Well, again, there's no
20 stipulation as to the mechanics of this procedure. The
21 delegate has to see how he can verify those allegations.
22 The obvious first step is to contact the complainant and
23 speak with the complainant if that is possible and if the
24 complainant will speak to the delegate; that would be the
25 first step.

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

2 But, I mean, certainly at this point-in-
3 time, if the alleged victim indicates, "Well, I have an
4 allegation versus this particular priest; it happened on
5 such and such a date", is that enough to verify the
6 allegation?

7 **BISHOP DUROCHER:** Well, I think the word
8 "verify" there is simply that the delegate has to inform
9 himself personally of the allegation. If it's coming from
10 somebody else, all the delegate knows is information
11 through a third party.

12 **MR. DUMAIS:** All right.

13 **BISHOP DUROCHER:** This implies that the
14 delegate has to get first-hand information from the person
15 who's bringing forward to the complaint. That's the sense
16 of "verify the complaint".

17 **MR. DUMAIS:** Okay.

18 And if we're looking at the bottom of that
19 page, there's two *nota benes*; the first one being the same
20 obligation applies even if the complaint that is made is
21 anonymous. Is that correct?

22 **BISHOP DUROCHER:** That's right.

23 **MR. DUMAIS:** And then there's a reference
24 there to the sacramental seal so certainly you're
25 reiterating the policy that it can be broken. Is that

1 correct?

2 **BISHOP DUROCHER:** It's not a policy, it's
3 canon law.

4 **MR. DUMAIS:** You're repeating -- you're
5 simply re-stating the fact?

6 **BISHOP DUROCHER:** That's right.

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

8 Now, if we look at the next page -- so
9 that's the guidelines for dealing with an allegation -- and
10 the first section deals with what happens if charges are
11 laid.

12 Now, the first thing is that the bishop will
13 immediately place the accused on a leave of absence from
14 parish ministry. The second is that the delegate and the
15 diocesan spokesperson are briefed and then there is a
16 meeting to advise the parish and the community. Is that
17 correct?

18 **BISHOP DUROCHER:** That's right.

19 **MR. DUMAIS:** And these are all obligations
20 that would extend to yourself?

21 **BISHOP DUROCHER:** That's right.

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

23 And then under paragraph 1, it deals with
24 what is the role of the delegate in these circumstances and
25 then a little further down, it deals with what is the role

1 of the advisory committee.

2 **BISHOP DUROCHER:** Excuse me, you say, what
3 is the role of the delegate in these circumstances?

4 **MR. DUMAIS:** If charges are laid.

5 **BISHOP DUROCHER:** No, that's incorrect. If
6 you notice, these are the guidelines -- what's being
7 written here is guidelines for dealing with an allegation.
8 So whether charges are laid or not, number 1 and number 2
9 and number 3 apply.

10 **MR. DUMAIS:** Okay.

11 **BISHOP DUROCHER:** The introductory paragraph
12 says at any time during the process if a charge is laid,
13 the bishop will do this. So in a sense, whether charges
14 are laid or not, the delegate proceeds with number 1,
15 number 2, number 3 and that introductory paragraph kicks in
16 if charges are laid at any time.

17 **MR. DUMAIS:** All right, fair enough.

18 Then if we look at the bottom of the page
19 where we're dealing with the investigative phase, so then
20 if either the Children's Aid Society and/or the police
21 pursue the matter, these are the obligations of the
22 delegate. Firstly, does not undertake an investigation;
23 two, remains vigilant; and three, maintains appropriate
24 ongoing communications with the civil authorities.

25 And then at 3.2, it deals with what occurs

1 if no charges are laid. Is that correct?

2 BISHOP DUROCHER: That's right.

3 MR. DUMAIS: And at the top of the page, so
4 at the top of page 7:

5 "If no charges are laid, and if the
6 advisory committee deems the innocence
7 of the accused remains in question, can
8 at this point-in-time direct that the
9 delegate investigate the matter."

10 But that is not a mandatory section; correct?

11 BISHOP DUROCHER: No.

12 MR. DUMAIS: All right. So ---

13 BISHOP DUROCHER: Well, the section's
14 mandatory, but what's not mandatory is that the committee
15 must not delegate -- direct the delegate every time to do
16 an investigation.

17 MR. DUMAIS: All right. So essentially then
18 it would work out this way so the -- let's assume for a
19 second that the police is investigating the matter, decides
20 not to lay the charge, then it becomes the role of the
21 advisory committee to direct the delegate. Is that
22 correct?

23 BISHOP DUROCHER: That's correct.

24 MR. DUMAIS: And, certainly, at this point-
25 in-time, the advisory committee would have very little

1 information?

2 **BISHOP DUROCHER:** Well, what we've said
3 earlier is that the delegate is to keep -- maintain
4 appropriate ongoing communication with the civil
5 authorities; that ongoing communication would reveal some
6 information possibly about the state of an investigation or
7 of a search or whatever is being done, so that information
8 would come back to the advisory committee.

9 **MR. DUMAIS:** All right. But certainly the
10 discretion rests with the advisory committee?

11 **BISHOP DUROCHER:** That's correct.

12 **MR. DUMAIS:** All right. And, clearly, the
13 intent of this action is that if they had any concern that
14 they would direct the delegate to investigate?

15 **BISHOP DUROCHER:** That's right.

16 **MR. DUMAIS:** Is that fair enough?

17 **BISHOP DUROCHER:** That's right.

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

19 The next section would deal with an
20 investigation into an allegation versus where the victim
21 would be an adult. Is that correct?

22 **BISHOP DUROCHER:** That's right.

23 **MR. DUMAIS:** And in that section, the
24 investigation is not discretionary. Is that correct?

25 **BISHOP DUROCHER:** That's correct.

1 **MR. DUMAIS:** So if there's no police
2 investigation, it's not a discretionary power. The
3 delegate is mandated to investigate. Is that ---

4 **BISHOP DUROCHER:** That's right.

5 **MR. DUMAIS:** All right.

6 Is there any explanation for the distinction
7 between the two here?

8 **BISHOP DUROCHER:** Yes, because we're taking
9 for granted that in the case of a child there will be some
10 investigation done by civil authorities. But in the case
11 of an adult, the adult might come to the delegate and say,
12 "Look, I don't want to go to the police with this. I just
13 want to make you aware of this situation that happened to
14 me and I think you need to take appropriate acts", you
15 know.

16 So in that situation then, there's a
17 mandate. The delegate must investigate any allegations of
18 sexual abuse of an adult -- assault against an adult where
19 the police are not involved.

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

21 So then if we look at the next section which
22 deals with the outcome, and that is the outcome of either a
23 judicial process or the advisory committee. So if the
24 matter is investigated, charges are laid, it goes through
25 the judicial process and that they determine that no

1 offence has been committed, that closes the file. Is that
2 correct?

3 **BISHOP DUROCHER:** That's right. According
4 to this protocol, yes.

5 **MR. DUMAIS:** All right. And so if I ask you
6 then, Bishop, what would the meaning of that "no offence
7 has been committed" -- what does that mean to you?

8 **BISHOP DUROCHER:** Well, it means that they
9 have determined that the allegation is groundless.

10 **MR. DUMAIS:** Okay. So would it include as
11 well whether or not charges would be stayed? Let me
12 rephrase the question. Is there a distinction between
13 charges being -- the accused being acquitted, charges being
14 dismissed by the Crown prior to a finding being made by the
15 Court, or the matter dealt with by way of a stay of
16 proceedings or some other sort of ---

17 **BISHOP DUROCHER:** In some of those processes
18 I believe that you've named, the judicial process has
19 determined that no offence has been committed. In other of
20 those examples there is no determination. So if there is
21 no determination then the case cannot be brought to a
22 close.

23 **MR. DUMAIS:** Okay. So in your mind this
24 specifically deals with an acquittal?

25 **BISHOP DUROCHER:** That's right.

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

2 **THE COMMISSIONER:** Just a minute now. Where
3 are we? Where were we with the acquittal?

4 **MR. DUMAIS:** Sorry, I was just asking the
5 Bishop a question about the meaning of "the offence has
6 been committed," and that's the third line at 4.1.

7 **THE COMMISSIONER:** Yes.

8 **MR. DUMAIS:** All right. And then 4.2 takes
9 again the same language and determines that no offence has
10 been committed, and again you believe that to mean that
11 there is an acquittal?

12 **BISHOP DUROCHER:** I thought that's what we
13 were talking about, 4.2.

14 **MR. DUMAIS:** Well, the same definition in
15 both -- same words being used in both sections.

16 **BISHOP DUROCHER:** See I think fundamentally
17 the point is this; the advisory committee has to be -- feel
18 sure that no offence has been committed. So if the court
19 process ends up with an acquittal that's clear and that is
20 unambiguous, then they will take that as saying that no
21 offence has been committed.

22 If the court process doesn't end up with a
23 clear unequivocal statement, then they have to continue
24 working with this case.

25 **MR. DUMAIS:** All right. So then is there --

1 is the delegate tasked with following up with the judicial
2 processes? And by that I mean does the Bishop's delegate
3 attend at preliminary inquiries, at trials? Is he present
4 when the judgment is read?

5 **BISHOP DUROCHER:** It wouldn't necessarily be
6 the Bishop's delegate himself, but the Bishop's delegate
7 has the responsibility to making sure that contact is
8 maintained with the institutions and following up with
9 what's going on.

10 **MR. DUMAIS:** Right, and the idea is to find
11 out what the reasons for the decisions were?

12 **BISHOP DUROCHER:** Exactly.

13 **MR. DUMAIS:** All right. And I'm just
14 looking at 4.3 now. That's on page 8 and I'll just read it
15 out:

16 "In situations where the advisory
17 committee can reach no conclusion, the
18 committee will advise the Bishop
19 through the delegate."

20 So am I to understand by that then that the
21 decision rests with you as to what is to happen?

22 **BISHOP DUROCHER:** Not necessarily. At this
23 point the advisory committee simply informs the Bishop,
24 through the delegate, that they can't reach a conclusion.
25 After that the Bishop has to determine how he's going to

1 move forward with the issue.

2 He can go back to the advisory committee to
3 invite them to study different aspects of the issue. It
4 doesn't necessarily mean that the advisory committee is
5 precluded from working on this.

6 The whole point of this process is that the
7 Bishop does not end up making decisions alone, so it would
8 be normal for the Bishop to continue involving the advisory
9 committee in this process.

10 **MR. DUMAIS:** All right. And then you've
11 mentioned the issue of accountability earlier on this
12 afternoon, and I'll address it with you again but certainly
13 the guideline at that period of time, so in 2003, provided
14 that the delegate is to keep a written record of all the
15 allegations received, meetings of the advisory committee
16 and outcome of proceedings. Is that correct?

17 **BISHOP DUROCHER:** That's correct.

18 **MR. DUMAIS:** Now, the Guideline 2003 doesn't
19 indicate anything specifically with respect to civil
20 proceedings and ongoing civil proceedings.

21 **BISHOP DUROCHER:** That's right.

22 **MR. DUMAIS:** Is there any reason for that?

23 **THE COMMISSIONER:** Okay, what do we mean by
24 "civil"? As opposed to criminal?

25 **BISHOP DUROCHER:** Lawsuits.

1 **MR. DUMAIS:** Yes.

2 **THE COMMISSIONER:** Okay.

3 **MR. DUMAIS:** Correct.

4 **BISHOP DUROCHER:** That's what I understand.

5 **MR. DUMAIS:** And so what -- let's assume for
6 a second that an allegation is not made to your delegate;
7 there's not an ongoing CS investigation or a criminal
8 investigation. No charges are laid but you receive a
9 Statement of Claim and clearly in the Statement of Claim
10 there's an allegation of -- let's assume it's historical
11 sexual abuse.

12 Does that prevent the advisory committee
13 then to look into this matter?

14 **BISHOP DUROCHER:** It does not prevent the
15 advisory committee from looking into this matter but the
16 protocol does not address it. I think it's an area that
17 needs to be revisited when we will update this protocol.

18 **MR. DUMAIS:** All right. And do you have an
19 opinion on this, whether or not the protocol should apply
20 or how it should apply?

21 **BISHOP DUROCHER:** I think the advisory
22 committee needs to be involved in those kinds of situations
23 also.

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

25 Now, my understanding, Bishop, is that

1 sometime in 2005, and I guess more specifically on January
2 26 and 27, the Catholic Mutual would have attended and met
3 with members of your advisory committee with the purpose of
4 reviewing your guidelines. Is that correct?

5 **BISHOP DUROCHER:** Yes. If you look under
6 Accountability, number 1, "The Bishop will annually
7 establish a review committee." I'd started setting up this
8 review committee at the end of the first year; finding it
9 difficult to find the people with experience who could do
10 this kind of work.

11 What happened at the same time is that our
12 general insurance brokers, Catholic Mutual, announced that
13 they were ready to offer this kind of service to our
14 Diocese, to any diocese that wants to use this service.
15 They are not involved in insuring us in issues dealing with
16 sexual abuse, so it is simply a management service that
17 they provide as brokers, and so I decided that it would be
18 better to work through them than to set up another review
19 committee within the Diocese, and so we basically hired
20 them to do the work of the review committee.

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

22 So if I can just take you then to Tab 47 of
23 Exhibit 58. Am I correct in understanding that this would
24 have been the first audit or review of the 2003 guidelines?

25 **BISHOP DUROCHER:** That's correct.

1 **MR. DUMAIS:** All right. Sorry, do you have
2 the document in front of you?

3 **BISHOP DUROCHER:** I do.

4 **MR. DUMAIS:** All right, so if we just look
5 at the first page, this appears to be the introduction of
6 the report and essentially it's the introduction from Dale
7 Ricker and John Gorski. Is that correct?

8 **BISHOP DUROCHER:** I believe that's right.

9 **MR. DUMAIS:** All right. And my
10 understanding is that the three who would have participated
11 in this audit would have been yourself, Dr. Legault, and
12 Mr. Gérald Samson. Is that correct?

13 **BISHOP DUROCHER:** That's right.

14 **MR. DUMAIS:** And essentially they would have
15 looked at the guidelines that you had in place. They would
16 have looked at some of the minutes from the advisory
17 committee meeting, how the Diocese had responded to some of
18 the allegations recently and provided you with some
19 recommendations?

20 **BISHOP DUROCHER:** That's right.

21 **MR. DUMAIS:** Is that fair? Now, Dr. Legault
22 went through the -- explaining to us the process of going
23 through the audit and looking specifically at what type of
24 things that the two advisors, if I can call them that, were
25 looking at. So I don't propose to do that again but if we

1 can just have a look quickly at the recommendations that
2 they made, and that would be page 16 of the report or Bates
3 pages 920.

4 And I believe there's about seven or eight
5 recommendations that were made, Bishop. And if we can take
6 them one by one and you can advise us whether or not that
7 recommendation was implemented and if not, for what reason.

8 So I'm looking at the -- page 16 under item

9 A:

10 "It is recommended that the Diocese
11 document..."

12 Sorry:

13 "It is recommended the Diocese document
14 this practice in writing and include
15 within the global protocol document."

16 And that dealt essentially with providing
17 outreach to the global faith community. Do you recall what
18 the advisors were suggesting that ---

19 **BISHOP DUROCHER:** It's not fair for me but I
20 think in the revision of it in the 2005 version that there
21 was some explicitation of what that would mean.

22 **MR. DUMAIS:** Do you recall whether or not
23 they were concerned with the -- your obligation to advise
24 the parish or the community of ongoing investigations or
25 charges?

1 **BISHOP DUROCHER:** I can't remember.

2 **MR. DUMAIS:** Fair enough. So if we look
3 under item B then, the last, well, letters in bold:

4 "It is recommended that the protocol be
5 modified to include verbiage which
6 documents how third-party allegations
7 should be administered."

8 So my understanding is that the guideline
9 now provides that if there's a third-party allegation that
10 comes in it is treated as if it is a first-hand allegation,
11 is that right?

12 **BISHOP DUROCHER:** That's right.

13 **THE CHAIRPERSON:** So a third-party
14 allegation would be someone coming forward and saying my
15 brother was abused? Is that what you're talking about?

16 **BISHOP DUROCHER:** That's right, yeah.

17 **MR. DUMAIS:** Now if we look then under item
18 C and I'll just read starting after the date there, April
19 2003:

20 "...be amended to include a protocol to
21 be followed when an allegation of
22 sexual abuse of an adult or a
23 vulnerable person on the part of
24 clergy, religious, lay employees or
25 volunteer is raised by the victim

1 Is it necessary to develop a written
2 communication policy? It's debatable. This is such a
3 small Diocese and the communication networks, you could
4 say, with the mass media are relatively limited and I think
5 the people around the table felt that everything was fine.

6 It's something we could look at again, yeah.

7 **MR. DUMAIS:** But clearly if there's -- let's
8 assume there was an ongoing investigation about an
9 allegation, the Bishop's delegate would be -- or sorry the
10 spokesperson would be responsible for addressing the media,
11 is that correct?

12 **BISHOP DUROCHER:** That's correct, yes.

13 **MR. DUMAIS:** And does the spokesperson also
14 have the responsibility of drafting any media releases or
15 does that rest with you?

16 **BISHOP DUROCHER:** We would do that together
17 probably.

18 **MR. DUMAIS:** Okay. But certainly if you're
19 looking at establishing a communication policy, these are
20 the types of ---

21 **BISHOP DUROCHER:** Yes.

22 **MR. DUMAIS:** --- things that could be
23 included. All right. Now, under F essentially deals with
24 the screening policy. So the recommendation reads as
25 follows:

1 "That any employee who has a role which
2 falls within the definition of a high
3 level volunteer should be subject to
4 police check and detailed employment
5 application process."

6 My understanding is that at one point in
7 time there was a screening policy in the Diocese. I think
8 in 2000. And that was later changed by yourself, and I
9 think you spoke a bit about that last Friday. Do you
10 recall ---

11 **BISHOP DUROCHER:** That's right.

12 **MR. DUMAIS:** Do you recall the amendments to
13 the screening policy and the process ---

14 **BISHOP DUROCHER:** Oh, the amendments of the
15 screening policy were radical. We didn't amend it; we re-
16 wrote the whole screening policy in the Diocese.

17 But the screening policy was originally
18 addressed for volunteers. If you recall, I was speaking
19 about a volunteer screening initiative at the provincial
20 level.

21 **MR. DUMAIS:** Right.

22 **BISHOP DUROCHER:** And so what we were
23 working on within that provincial initiative was focused on
24 volunteers within the Diocese. We have very few employees
25 in high-risk positions. I can't think of any right now who

1 are in high-risk positions outside of clergy.

2 MR. DUMAIS: All right.

3 BISHOP DUROCHER: But if it should happen,
4 then those same criteria should apply to those employees,
5 so not just the volunteers, but the employees also. And
6 what this recommendation is that we should amend our policy
7 for volunteers to make clear that it is -- it also
8 addresses employees.

9 MR. DUMAIS: And so certainly that was done,
10 is that correct?

11 BISHOP DUROCHER: It's something that is
12 still needing to be done.

13 MR. DUMAIS: I see.

14 BISHOP DUROCHER: We're doing it in fact.
15 If it has to be done, we're doing it in fact. But it's not
16 written in yet.

17 MR. DUMAIS: All right. But certainly
18 members of the clergy would fall within the category of
19 employees, is that correct?

20 BISHOP DUROCHER: Well, what can I say?
21 Yes, the difference is that the members of the clergy have
22 been screened from the -- well, now at any rate they are
23 screened from the beginning ---

24 MR. DUMAIS: I see.

25 BISHOP DUROCHER: --- of their entrance into

1 the ministry.

2 **MR. DUMAIS:** And then I think the next
3 paragraph essentially deals with some sort of an audit
4 process for the screening policy and its application for
5 volunteers, is that correct?

6 **BISHOP DUROCHER:** Where are you, sir?

7 **MR. DUMAIS:** I'm looking at item G. Perhaps
8 I can just read it out:

9 "It is recommended that a protocol be
10 established to audit all facets of the
11 volunteer management process and
12 include any Diocesan employees who have
13 interactions with any vulnerable
14 persons designated as high in
15 relationship to volunteer grading."

16 **BISHOP DUROCHER:** Right. What they were
17 suggesting here is we had implemented this screening
18 initiative across the Diocese. But the question is, is the
19 screening process being maintained in the parishes.

20 **MR. DUMAIS:** Right.

21 **BISHOP DUROCHER:** And how do we check up on
22 that, and we had not established a process to do that. So
23 since then we have established a process so we have annual
24 audits of the parish screening processes.

25 **MR. DUMAIS:** Right. So very similar to the

1 audit process that you set up to review these guidelines
2 and the way it's being applied?

3 **BISHOP DUROCHER:** Well, it's -- no, it's not
4 similar. We don't have people going in ---

5 **MR. DUMAIS:** Less intensive I ---

6 **BISHOP DUROCHER:** We don't have people going
7 in to the parishes to do interviews. What we're doing is
8 we've developed a -- similar I guess to the annual
9 financial reports the parishes have to hand in so it's a
10 list of questions that the people are responsible for the
11 implementing the process in the parishes, check off to say
12 yes, this has been done, this has been done, this has been
13 done, or this is pending. So that then we can see if there
14 are areas that are in abeyance and we can address those
15 specifically with the parish.

16 **MR. DUMAIS:** All right. So then finally the
17 last recommendation:

18 "It is recommended that the Diocese
19 create a written policy which requires
20 the Bishop or religious peer to
21 disclose all information concerning
22 sexual misconduct of any priests
23 seeking to be transferred to the
24 Diocese or seeking faculties in the
25 Diocese."

1 **BISHOP DUROCHER:** That's correct.

2 **MR. DUMAIS:** And do you recall whether or
3 not this recommendation was implemented?

4 **BISHOP DUROCHER:** We discussed this two
5 years ago when I was here. I remember that. No written
6 policy is written -- there is no written policy. It is
7 certainly my practice; there's no doubt about that.

8 The question that is kind of strange here is
9 that the Bishop is writing a policy for himself to follow.
10 I think that one of the things that has come out, and maybe
11 we'll get around to this later on in this presentation, the
12 most recent review of From Pain to Hope at the national
13 level from the CCCB is recommending that the policy
14 document of a diocese be much broader in a sense than what
15 we've been doing up to now.

16 This policy that we have, for example, is
17 simply about how do we deal with an allegation.

18 **MR. DUMAIS:** M'hm.

19 **BISHOP DUROCHER:** And so what the CCCB is
20 recommending is that a policy be a broader document that
21 includes how you deal with allegations but also involves
22 issues such as screening, such as prevention, such as this
23 kind of issue.

24 So I see ourselves, once this Inquiry is
25 done and we've received recommendations, sitting down --

1 we're going to have a lot of work to do in the Diocese to
2 develop that kind of broad set of -- a broader document,
3 you could say, which would include this kind of statement.

4 **MR. DUMAIS:** And I think certainly the last
5 recommendations that came -- and you're correct; we will
6 look at them from either the 2005 taskforce or the most
7 recent document in 2007 -- were more concerned with
8 prevention and creating and educating rather than simply
9 responding to allegations.

10 **BISHOP DUROCHER:** That's correct.

11 **THE COMMISSIONER:** But in this
12 recommendation, you're undertaking to disclose all
13 information concerning sexual misconduct of any priests
14 seeking to be transferred to another diocese?

15 **BISHOP DUROCHER:** That's right. For
16 example, I excommunicated one priest of our Diocese a couple
17 of years ago. I sent his whole file on to the diocese
18 that's incardinating him.

19 **THE COMMISSIONER:** All right.

20 But that doesn't mean that other bishops
21 will reciprocate?

22 **BISHOP DUROCHER:** I would expect them to.
23 If I was incardinating a priest, I would demand receiving
24 his whole personnel file. I think it's -- how can you say
25 -- it is now an established way of doing things in the

1 Catholic Church. There's no diocese that will take on a
2 priest in the diocese without being completely aware of
3 that priest's background; not anymore. I think that lesson
4 has been learned seriously.

5 **THE COMMISSIONER:** Okay.

6 **MR. DUMAIS:** So perhaps just one follow-up
7 question on that. We heard evidence from Bishop LaRocque
8 that he had some difficulties in excommunicating and having
9 Father Deslauriers incardinated in the Diocese of Gatineau-
10 Hull, and part of the difficulty is he wanted to include
11 some of the details of the allegations to make sure that
12 Bishop Proulx, I believe, at that time was aware of the
13 allegations, and essentially he had a difficult time.

14 But is it your view now that the entire file
15 of the priest that seeks incardination in another diocese
16 should follow with him?

17 **BISHOP DUROCHER:** Yes, absolutely.

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

19 If we have a quick look then at the changes
20 that were made to the guidelines in May, 2005, and that's
21 at Tab 49?

22 So I think you've alluded to some of these
23 changes already, and I think in the definition of the
24 advisory committee there is now the mention of the name of
25 the diocesan spokesperson in the advisory committee and, as

1 well, I believe that an alternate spokesperson had been --
2 or the definition had been changed to include an alternate
3 spokesperson?

4 **BISHOP DUROCHER:** That's correct.

5 **MR. DUMAIS:** And I'm then looking at the
6 second page, so in the definition of the diocesan
7 spokesperson and alternate. So an alternate had been added
8 just to make sure that there was always someone available
9 and, again, his role is amended to provide that it also
10 applies to the diocesan alternate spokesperson?

11 **BISHOP DUROCHER:** That's right.

12 **MR. DUMAIS:** And then this is something that
13 came from one of the -- I believe the recommendation from
14 the audit. I'm looking at the bottom of the page in the
15 definition of sexual assault. The definition, I believe,
16 was changed and it now reads:

17 "Contacts or interactions of a sexual
18 nature between adults with or without
19 mutual consent..."

20 And I believe this was added:

21 "...where a person deems himself or
22 herself to have been victimized."

23 **BISHOP DUROCHER:** That's right.

24 **MR. DUMAIS:** Okay.

25 And then the next change would have been

1 made in the reporting guidelines under numbers 4 and 5.
2 And, again, I think that came from the audit. And number 4
3 reads as follows:

4 "In the case of a third-party
5 allegation, even should it be
6 anonymous, the delegate attempts to
7 contact the presumed victim in order to
8 advise him or her of his or her rights
9 to contact the police and to verify the
10 allegation."

11 And then number 5:

12 "The delegate informs the accused of
13 the allegation and receives and records
14 his or her response."

15 **BISHOP DUROCHER:** That's right.

16 **MR. DUMAIS:** Correct?

17 **BISHOP DUROCHER:** Excuse me; we're looking
18 at Tab 49 right now?

19 **THE COMMISSIONER:** Yes, we are.

20 **BISHOP DUROCHER:** So Tab 49, just to make it
21 clear, that's -- that was a draft. This document that you
22 have is a draft. What was established was Document 50.

23 **MR. DUMAIS:** Okay. So are you saying this
24 one was never decreed?

25 **BISHOP DUROCHER:** That's right.

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

2 So then if we can have a look at Tab 50? So
3 that is dated -- it's indicated under the title, "Amended
4 August, 2005".

5 **THE COMMISSIONER:** "Effective September 1st,
6 2005". It's at the back.

7 **MR. DUMAIS:** Correct. It is dated August,
8 2005 and the decree becomes effective on September 1st,
9 2005?

10 **BISHOP DUROCHER:** That's right.

11 **MR. DUMAIS:** So then if we can just -- other
12 than the modifications that we've just looked at which were
13 part of the initial draft, I think paragraph 7 in the
14 reporting guidelines was added. And if I can just read it:

15 "In the case of the sexual abuse of a
16 minor by a priest or deacon, if the
17 presumed victim is under the age of 28
18 years old at the moment the complaint
19 is made, the Bishop will also initiate
20 a canonical investigation according to
21 Canon 1717 of the Code of Canon Law and
22 eventually refer the case to the
23 Congregation of the Doctrine of the
24 Faith."

25 Perhaps you can just explain the addition of

1 this paragraph and what it means?

2 **BISHOP DUROCHER:** Well, as I explained two
3 years ago, this is -- this has to do with a stipulation.
4 Particular law -- not particular law; that's not the right
5 word. Additional law was established by the Congregation
6 of the Doctrine of the Faith reserving to itself cases of
7 sexual abuse of minors.

8 When there's a sexual abuse of a minor, it
9 triggers a canonical process and there's a 10-year time of
10 prescription in canon law that starts running from the
11 moment the person is no longer a minor, so 18 years old.

12 So if the complaint is made when the person
13 is not yet 28 years old, then that triggers the obligation
14 of a canonical investigation. And since the Congregation
15 of the Doctrine of the Faith reserves to itself the
16 adjudication of those cases, then we must advise the
17 Congregation of the Doctrine of the Faith.

18 Typically, what the Congregation of the
19 Doctrine of the Faith will then do is specify to the
20 diocese how they are to go about doing the canonical
21 investigation.

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

23 **BISHOP DUROCHER:** Not the investigation, the
24 penal process, if there is to be one.

25 **MR. DUMAIS:** All right.

1 **THE COMMISSIONER:** Well, who determines --
2 who is the decision-maker?

3 **BISHOP DUROCHER:** The Congregation of the
4 Doctrine of the Faith.

5 **THE COMMISSIONER:** All right.
6 And then they leave it to the ---

7 **BISHOP DUROCHER:** Well, they would specify -
8 - they would tell the diocese, "This is what you will do
9 now."

10 **THE COMMISSIONER:** Okay.

11 **BISHOP DUROCHER:** Okay? They might -- for
12 example, our Diocese being so small, they might say, "You
13 will not set up your own tribunal. We will direct the
14 Archdiocese of Toronto to set up the tribunal that will
15 adjudicate this case", or things like that.

16 **THE COMMISSIONER:** And when was that? When
17 did that come into ---

18 **BISHOP DUROCHER:** I think we're talking
19 about 2002 or 2003, if I'm not mistaken.

20 **THE COMMISSIONER:** And I guess that they
21 don't go retroactively?

22 **BISHOP DUROCHER:** No. It's a principle of
23 canon law in the church that law does not apply
24 retroactively.

25 **THE COMMISSIONER:** It seems I heard that

1 before some place else.

2 BISHOP DUROCHER: Yes. Was it a civil --
3 yes?

4 THE COMMISSIONER: On a lot of things.

5 BISHOP DUROCHER: Okay.

6 MR. DUMAIS: All right.

7 And then finally, if we're looking at the
8 accountability section, so essentially that was changed to
9 provide that the guidelines are reviewed by an independent
10 audit every second year. Is that correct?

11 BISHOP DUROCHER: Yes, that's correct. Yes.

12 MR. DUMAIS: So that essentially abolishes
13 the review committee?

14 BISHOP DUROCHER: It abolishes the review
15 committee and simply replaces its work with an independent
16 audit.

17 MR. DUMAIS: All right.

18 So then these guidelines were adopted or the
19 decree was effected in September of 2005. Was there a
20 further audit that was conducted in 2007?

21 BISHOP DUROCHER: No. Again, I've been
22 holding back on all of this.

23 MR. DUMAIS: We're conducting the audit now;
24 correct?

25 BISHOP DUROCHER: Well, that's right.

1 That's right.

2 There are a number of things that need to be
3 addressed, and once all this process is done we're going to
4 be able to take all of the recommendations from the
5 different groups and work with this.

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

7 So if we can, Bishop, if I can take you to
8 Exhibit 632, Tab 14. I think that's right.

9 **THE COMMISSIONER:** What tab?

10 **MR. DUMAIS:** Fourteen (14).

11 **THE COMMISSIONER:** Fourteen (14).

12 **MR. DUMAIS:** Now, Bishop, are you familiar
13 with this document?

14 **BISHOP DUROCHER:** I am.

15 **MR. DUMAIS:** And it is essentially the
16 report from the task force that had been asked to review
17 the 1992 report that is commonly known as Pain to Hope. Is
18 that correct?

19 **BISHOP DUROCHER:** That's correct.

20 **MR. DUMAIS:** And my understanding is that a
21 committee was set up and they reviewed the report that had
22 been made in 1992, and as well they would have met a number
23 of people, including a number of victims, to find out what
24 they thought of protocols and the recommendations that had
25 been made by Pain to Hope and how -- in their experience,

1 how that had been applied. Is that fair?

2 **BISHOP DUROCHER:** That's right. Actually, I
3 sat in on one of those sessions.

4 **MR. DUMAIS:** All right. You sat in as part
5 of the -- as a committee member or meeting with a victim?

6 **BISHOP DUROCHER:** I was asked to represent
7 the committee, to sit down and listen to a group of
8 victims, yes.

9 **MR. DUMAIS:** Okay.

10 So essentially I think what they did here,
11 they assembled some of the comments and if we can just look
12 at some of them, and I'm looking here at pages 5 -- number
13 1. So I'll just read the title, "Reactions of Victims to
14 the Review of Pain of Hope: Initial Reaction to the
15 Process".

16 I'm going to read the last three lines of
17 the first paragraph:

18 "So there's a hope that the
19 institutional church would direct its
20 activities in this area as a priority
21 towards greater protection for children
22 and the prevention of sexual abuse
23 within..."

24 I don't know if I should read that --

25 "...ecclesial(sic) environments".

1 Is that ---

2 **BISHOP DUROCHER:** That's right.

3 **MR. DUMAIS:** So essentially then we
4 commented on that earlier on, so there appear to have been
5 comments that came from victims indicating that they were
6 concerned with protection and prevention rather than the
7 reporting and the investigation of these allegations?

8 **BISHOP DUROCHER:** I think they're concerned
9 about the reporting also of the allegations. The reality
10 is that when the first From Pain to Hope was written, the
11 urgent situation that needed to be addressed was how do we
12 respond to allegations?

13 Once that has been clarified and things have
14 been pretty well settled, then we look at the broader issue
15 and this is the issue that came up. It's the issue of
16 protection and of prevention.

17 **MR. DUMAIS:** Before we keep going through
18 looking through the report, do you know whether or not this
19 report was ever adopted at a plenary session?

20 **BISHOP DUROCHER:** No, it was received.

21 **MR. DUMAIS:** It was received? So it was
22 just simply filed and then the report was looked at again
23 in 2006?

24 **BISHOP DUROCHER:** It was used to establish a
25 -- how can you say -- an addendum to From Pain to Hope.

1 **MR. DUMAIS:** Okay, and then again in 2007
2 and they produced some sort of a document with orientations
3 in it?

4 **BISHOP DUROCHER:** That's correct, yes.

5 **MR. DUMAIS:** Right.

6 **BISHOP DUROCHER:** If I can also -- just
7 further to this.

8 You have to realise when I speak about the
9 screening initiative, for example, in Ontario, which is all
10 about prevention, that's an Ontario -- it was really an
11 initiative of the Ontario Government, so the Ontario
12 dioceses were indeed involved in starting initiatives to
13 foster prevention and education around these issues.

14 But this was a provincial initiative and
15 here we're talking about the CCCB, so other provinces have
16 not done that kind of work and, in a sense, the Ontario
17 dioceses were ahead of the ballgame on this issue as
18 compared to the other dioceses in Canada.

19 **MR. DUMAIS:** All right.

20 So then if we can look at the second comment
21 that the victims made, and that's at page 6, and I'm just
22 reading from the second paragraph. I'm going to start at
23 the second line, so their perception is:

24 "That the church's action and the
25 measures it implements are aimed more

1 at preserving the financial and
2 pastoral integrity of the institution,
3 protecting priests, even known abusers,
4 and the systematic challenging of
5 victims, rather than their protection."

6 So essentially concerns that the victims
7 were expressing is that they didn't feel that the actions
8 of the church was responsive to the victims' needs but
9 rather were trying to protect themselves. Was that ---

10 **BISHOP DUROCHER:** This is what some of the
11 victims we met told us, yes.

12 **MR. DUMAIS:** All right. And did you hear
13 some of these comments yourself?

14 **BISHOP DUROCHER:** Yes, I did.

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

16 The next paragraph has the following title,
17 "Avoiding Double Victimization", and I'm just going to read
18 from the bottom four or five lines of the first paragraph.

19 **BISHOP DUROCHER:** I'm sorry, where are you?

20 **MR. DUMAIS:** I'm looking at -- under 3, the
21 first paragraph. I'm going to start at the fifth or sixth
22 line, so it starts with "The expectations".

23 **BISHOP DUROCHER:** Yes.

24 **MR. DUMAIS:** "The expectations of the
25 victims towards the institutional

1 church and the diocesan bishop are
2 twofold. On the one hand, they expect
3 the bishop to take the necessary
4 measures and to assume his
5 responsibility with sincerity and
6 transparency. At the same time, they
7 expect him to act as a pastor of his
8 flock and to consider the victim as a
9 suffering person who must be fully
10 integrated at the pastoral level."

11 And then the next paragraph after that
12 indicates as follows:

13 "They were especially critical of the
14 legal relentless(sic) of some dioceses
15 towards victim seeking reparation."

16 So at least some of the comments that were
17 coming from the victims is that these dioceses were
18 defending these actions and they were displeased with that
19 fact. Is that correct?

20 **BISHOP DUROCHER:** Yes.

21 **MR. DUMAIS:** And again at the last two lines
22 of that page:

23 "Certain dioceses persist in prolonging
24 the legal process, thereby giving an
25 impression of contempt for the

1 victims."

2 **BISHOP DUROCHER:** Sorry, where is this?

3 **MR. DUMAIS:** The last two lines on page 6.

4 **BISHOP DUROCHER:** Yes.

5 **MR. DUMAIS:** So:

6 "Certain dioceses persist in prolonging
7 the legal process, thereby giving an
8 impression of contempts for the
9 victims."

10 **BISHOP DUROCHER:** That's the perception.

11 **MR. DUMAIS:** That's the perception that the
12 victims had?

13 **BISHOP DUROCHER:** That's right.

14 **MR. DUMAIS:** So then the next paragraph I
15 think is well summarized in its title, so "Making the
16 Protection of Children a Priority as a Means of Preserving
17 the Integrity of the Church".

18 So certainly the suggestion was that the
19 protection of children should be a pivotal element within
20 the Church. Is that fair?

21 **BISHOP DUROCHER:** That's correct.

22 **MR. DUMAIS:** And under Number 5, one of the
23 impressions that the victims had was that reintegration of
24 abuser priests into active ministry should not be
25 permitted. Is that correct?

1 **BISHOP DUROCHER:** That was their comments,
2 yes.

3 **MR. DUMAIS:** All right.

4 And under Number 6, they had expressed
5 concerns that the -- about the reliability of the
6 implementation and recommendations that had been made in
7 the 1992 Pain to Hope document?

8 **BISHOP DUROCHER:** That's correct.

9 **MR. DUMAIS:** So essentially they wanted to
10 make sure that there was some sort of accountability
11 mechanism or something ensuring that the different dioceses
12 would implement a protocol?

13 **BISHOP DUROCHER:** That's right.

14 **MR. DUMAIS:** All right.

15 And if we can then just look at the last
16 item, so "greater transparency, improve accessibility and
17 communication." So essentially they wanted to make sure
18 that the information was made available and published to
19 the parishioners. Is that fair?

20 **BISHOP DUROCHER:** That's correct.

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

22 Now, the next section deals with the work
23 that the taskforce undertook. The first item appears to
24 have been a review of the Pain to Hope document. If we can
25 just then look at the second item, which is the examination

1 of very specific elements, and the first one being creating
2 safe environments for pastoral activities.

3 Essentially, they were looking at screening
4 initiatives?

5 **BISHOP DUROCHER:** That's correct.

6 **MR. DUMAIS:** And if I can just read -- and
7 we've discussed that already, but if I can just read in the
8 third paragraph, I think it's the fifth line:

9 "In some Canadian provinces, screening
10 is now a standard practice in order to
11 exclude persons with a criminal history
12 of sexual abuse. Moreover, in a number
13 of Catholic dioceses of Ontario, all
14 persons working with children, whether
15 priests, religious, or laity must
16 undergo a security clearance
17 administered by the police."

18 **BISHOP DUROCHER:** Yeah. The only change I'd
19 make there is that in all the dioceses of Ontario, not just
20 a number of them.

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

22 And that was the case back in 2005?

23 **BISHOP DUROCHER:** In 2005, yes. Yes.

24 **MR. DUMAIS:** Now, the next item deals with
25 improving transparency, and I think they set out or

1 summarize their discussions in three different needs or
2 requirements. So the first one appears to have been:

3 "Need to provide adequate information
4 to the faithful."

5 So ---

6 **BISHOP DUROCHER:** I'm sorry; I don't know
7 where you are.

8 **MR. DUMAIS:** I'm looking at page 11 under
9 (b), Improving Transparency.

10 **BISHOP DUROCHER:** Yes.

11 **MR. DUMAIS:** And they were -- there was a
12 discussion as to how this should be -- this could be
13 achieved, and I think the first item can be summarized by
14 providing information to the faithful.

15 **BISHOP DUROCHER:** Okay. Yes, I see where
16 you are. Yeah.

17 **MR. DUMAIS:** And then if you look at the
18 second paragraph, so the second suggestion was -- or the
19 second subject of discussion was the necessity to preserve
20 the confidentiality of personal information.
21 And the third is the statistics on situations, so
22 statistics on allegations that were being made and how they
23 were being dealt with and how the allegations ended?

24 **BISHOP DUROCHER:** That's right.

25 **MR. DUMAIS:** So -- and I think they discuss

1 the issue of statistics on the following page as well in
2 the second paragraph. So I'm looking at page 2. So if I
3 can just read the last four lines:

4 "Statistics on the global situation of
5 sexual abuse committed in the church
6 environment ought to be compiled and
7 eventually published to inform the
8 faithful and society about the true
9 state of the situation, the progress
10 made, and the effectiveness of
11 preventative measures implemented."

12 Do you know whether or not these statistics
13 have ever been published by the Canadian Conference of
14 Catholic Bishops?

15 **BISHOP DUROCHER:** I know that no statistics
16 have been published.

17 **MR. DUMAIS:** They have been published?

18 **BISHOP DUROCHER:** No, I said I know that no
19 statistics have been published.

20 **MR. DUMAIS:** Okay.

21 **BISHOP DUROCHER:** So ---

22 **MR. DUMAIS:** And I think Monsignor
23 Schonenbach had spoken a bit about these statistics and how
24 I think at a certain point in time they had been compiled,
25 and there was some issue with the publication of them.

1 Are you aware what the issue was?

2 **BISHOP DUROCHER:** I am aware that there was
3 some research done in terms of statistics, but it has not
4 been published.

5 **MR. DUMAIS:** Okay. Do you recall -- do you
6 know why they have not been published?

7 **BISHOP DUROCHER:** That would have been a
8 decision at the level of the Permanent Council, I imagine,
9 of the Conference. I was not involved in those decisions.

10 **MR. DUMAIS:** Okay. So you have no personal
11 knowledge?

12 **BISHOP DUROCHER:** No.

13 **MR. DUMAIS:** All right.

14 **THE COMMISSIONER:** Well, I read in the
15 material that wasn't it that they didn't have all of the
16 stats from the religious orders and that reflection -- that
17 would severely decrease the incidence of sexual abuse, and
18 the last thing the Church wanted to do was to have it
19 underscore or under-report.

20 **BISHOP DUROCHER:** My understanding -- like,
21 I have no direct knowledge. It was just discussions that I
22 heard. There was a general feeling that the statistics
23 were not "fiable."

24 **MR. DUMAIS:** Accurate?

25 **THE COMMISSIONER:** Reliable?

1 **BISHOP DUROCHER:** Reliable. And they didn't
2 know how to go about doing that.

3 **MR. DUMAIS:** Okay.

4 **BISHOP DUROCHER:** That was what I perceived,
5 but I knew they couldn't get statistics from the religious
6 orders.

7 **MR. DUMAIS:** Okay. Are you aware whether or
8 not they're still looking at those statistics?

9 **BISHOP DUROCHER:** There is no process right
10 now.

11 **MR. DUMAIS:** Okay. Now, the next point of
12 discussion is under (c), "Instituting Accountability to all
13 Levels." And I'm just looking at the last line of that
14 page:

15 "The taskforce has reached the
16 following conclusions on
17 accountability:..."

18 And I'm looking at the second bullet there:

19 "Each bishop is formally and publicly
20 to make a commitment to implement
21 measures for the management and
22 prevention of sexual abuse of minors by
23 his clergy and personnel."

24 And then the next bullet:

25 "This decision respects the autonomy of

1 each diocesan bishop, but the decision
2 of whether or not to make this
3 commitment must be made known to the
4 faithful in the diocese and to the
5 public in general."

6 **THE COMMISSIONER:** So I take it you've --
7 have you formally and publicly made a commitment, sir?

8 **BISHOP DUROCHER:** Absolutely. Not just me,
9 but all the priests of the Diocese, we signed a collective
10 letter and published it in the local newspapers when we set
11 up this new policy. We all made that public commitment.

12 **MR. DUMAIS:** And I think we had -- we
13 briefly touched on that, I think, when you sent out the
14 guidelines to the different parish councils, if I have that
15 term correctly. I think a statement had been prepared and
16 all of the priests incardinated in these dioceses did sign
17 that statement. Is that correct?

18 **BISHOP DUROCHER:** Yeah. It wasn't at the
19 moment that we -- well, maybe we're not talking about the
20 same moment. There was a process in the process of
21 formally -- there was a moment where we sent the draft to
22 the parishes for their input.

23 **MR. DUMAIS:** Right.

24 **BISHOP DUROCHER:** But when we finally set up
25 the final document and we published it, at that moment then

1 we set up a document where all the priests of the -- a
2 statement where all the priests committed themselves, with
3 me, towards the full implementation of this, so that, yes,
4 we did take that public stance.

5 **MR. DUMAIS:** All right.

6 **BISHOP DUROCHER:** And in terms of making it
7 public, the policy is on our Diocesan website and is
8 available to anybody who wants to have a copy of it.

9 **MR. DUMAIS:** All right.

10 So the second part in this taskforce report
11 deals with the proposed direction for the taskforce, and
12 the first item being the commitment of Bishops of Canada,
13 and I think what they were suggesting was that the CCCB
14 adopt a national protocol and then the Conference of
15 bishops would invite each diocese or each bishop to adopt
16 this protocol so that each diocese would have the same
17 protocol. Is that -- and as a matter of fact, the task
18 force eventually set up their proposal for a national
19 protocol?

20 **BISHOP DUROCHER:** Yes, the task force was
21 trying to figure out how to canonically develop a national
22 approach that would respect the canonical autonomy of each
23 diocese.

24 **MR. DUMAIS:** Right.

25 **BISHOP DUROCHER:** And let's just say that

1 the proposal that they came up with did not meet with the
2 approval of the bishops. It's a difficult -- it's a
3 problem within the Catholic Church that dioceses are
4 completely autonomous and -- except in response to Rome.
5 At the conference -- Canadian Conference of Catholic
6 Bishops made some legislation but only in areas that are
7 determined by Rome, and this is not one of those areas. So
8 it is -- how can you say -- a canonical conundrum.

9 And the task force's proposal -- they
10 brought forth a proposal. It was, as I said, eventually it
11 was received, then was discussed and it came out in terms
12 of the document -- the next document that you'll probably
13 want to bring me to.

14 But it was not a -- how can you say -- a
15 hybrid national protocol.

16 **MR. DUMAIS:** All right. So if -- are these
17 matters put to a vote to the Conference?

18 **BISHOP DUROCHER:** Well, sometimes it's not a
19 question of votes, sometimes it's a question of somebody
20 getting up and saying, "I'd like to draw your attention to
21 this canon that says this" and everybody goes, "Oh, that's
22 right, we can't do that". So you can't vote on it.
23 Sometimes it's -- there are issues like that.

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

25 If there is a unanimous decision at the

1 Canadian Conference of Bishops, can then -- can there be a
2 decree that's ---

3 **BISHOP DUROCHER:** Not in areas that are not
4 determined by canon law.

5 **MR. DUMAIS:** Right. So it makes no
6 difference then?

7 **BISHOP DUROCHER:** The powers of the
8 Conference are very limited and they cannot move beyond
9 those powers that are described by canon law. Basically,
10 what it is, those powers that I'm speaking of, are the
11 powers of the Pope as a universal legislative for the
12 Catholic Church.

13 And what the Pope does is he delegates
14 Conferences to exercise some of his power. That's what he
15 does through canon law. The conference itself cannot take
16 upon itself powers that belong to the Pope.

17 **MR. DUMAIS:** I see. All right.

18 So I'm looking now at the second item in the
19 proposed direction of the task force. It's an item dealing
20 with the priority protecting children and I'm just looking
21 at the first three lines of the second paragraph. So:

22 "The task force agreed it was important
23 to recommend a series of measures for
24 the prevention of sexual abuse, at the
25 minimum including banning from all

1 public ministry, any member of the
2 clergy or pastoral staff found guilty
3 of sexual assault."

4 Do you agree with that, Bishop, that anyone
5 found guilty should be banned?

6 **BISHOP DUROCHER:** You're asking me? This is
7 a personal opinion?

8 **MR. DUMAIS:** Yes.

9 **BISHOP DUROCHER:** Not automatically, no.

10 **MR. DUMAIS:** All right. And it would depend
11 on what?

12 **BISHOP DUROCHER:** It would depend on the
13 situation of the person. It would depend on the type of
14 ministry. It would depend on the history. I am not a
15 partisan of one strike, you're out.

16 **MR. DUMAIS:** Okay.

17 **BISHOP DUROCHER:** I find it's too broad a
18 sweep and it doesn't take into account concrete situations.

19 **MR. DUMAIS:** All right.

20 **BISHOP DUROCHER:** I agree with it as a
21 general principal.

22 **MR. DUMAIS:** But that you should be looking
23 at circumstances on a case-by-case basis?

24 **BISHOP DUROCHER:** Correct.

25 **MR. DUMAIS:** All right.

1 So then the task force essentially set out a
2 draft and if we can just have a -- just a quick look at
3 what their proposal was, and I'm looking at page 21. And
4 it's split-up between articles, and if I can move quickly
5 through the first part, essentially Article 2.2 deals --
6 sorry, the first Article 2.1 deals with the bishop's
7 delegate and that's similar to what is included in your
8 protocol; correct?

9 **BISHOP DUROCHER:** Yes.

10 **MR. DUMAIS:** Two-point-two (2.2) deals with
11 the advisory committee and again that's provided for in
12 your protocol?

13 **BISHOP DUROCHER:** That's right.

14 **MR. DUMAIS:** And the same situation for 2.3,
15 which is the mandate of the advisory committee?

16 **BISHOP DUROCHER:** Yes. Maybe one of the
17 differences here is that in 2.3 they say that part of the
18 mandate is to also keep the protocol up-to-date. I don't
19 think that's written down as -- in our policy presently,
20 though that is -- I've met with the members of the
21 committee to speak with them about how we could bring this
22 up-to-date, but it's not part of the mandate if I'm not
23 mistaken.

24 **MR. DUMAIS:** Okay. But -- sorry, maybe I'm
25 not -- I'm misunderstanding here, but certainly there is

1 some sort of an audit every two years. Is that correct?

2 **BISHOP DUROCHER:** Yes, the audit, but the
3 audit is made to me, it's not made to the advisory
4 committee.

5 **MR. DUMAIS:** All right.

6 And 2.4 deals with communication of the
7 protocol.

8 **BISHOP DUROCHER:** And we've implemented
9 that.

10 **MR. DUMAIS:** You've implemented that. As
11 well, 2.5 deals with a contact person for victims and ---

12 **BISHOP DUROCHER:** This is a change that we
13 will have to study. They were recommending that instead of
14 having a victims' care committee that it be a contact
15 person instead, a kind of an ombudsman for victims within
16 the Diocese. This is something we'll have to study.

17 **MR. DUMAIS:** All right.

18 And under Article 2.6, it deals with some
19 sort of a media person, I think that's your media
20 spokesperson in those two lines?

21 **BISHOP DUROCHER:** That's right, yes.

22 **MR. DUMAIS:** And then at 2.7, that deals
23 with the canonical inquiry. Is that your new -- the new
24 paragraph that is found in your August, 2005 protocol?

25 **BISHOP DUROCHER:** That's correct.

1 **MR. DUMAIS:** And 2.8 deals with pastoral
2 support -- "fulfill its obligation to provide maximum
3 pastoral support". I think, to a certain extent, you do
4 have that in your guidelines and protocol as well?

5 **BISHOP DUROCHER:** Yeah, that's right.

6 **MR. DUMAIS:** And, I mean, what's not in the
7 guidelines can be found in the 1996 protocol; right?

8 **BISHOP DUROCHER:** That's right.

9 **MR. DUMAIS:** All right.

10 **THE COMMISSIONER:** Monsignor, do you know if
11 -- I don't think -- referring back to Article 2.7, you
12 haven't instituted any -- or there hasn't been any
13 canonical inquiry here?

14 **BISHOP DUROCHER:** No, there's never been,
15 no.

16 **THE COMMISSIONER:** Okay. Are they springing
17 up now? Do you hear of other inquiries in ---

18 **BISHOP DUROCHER:** No. I think the reality
19 is most allegations now are not coming to dioceses any
20 more. People are either going to the police ---

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

22 **BISHOP DUROCHER:** --- or they're deciding to
23 launch a lawsuit.

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

25 **BISHOP DUROCHER:** So my understanding is

1 less and less allegations are coming directly to dioceses.
2 So dioceses are, in a sense, boxed out of the response to
3 the allegation in many ways. That's another issue that
4 needs to be studied.

5 **THE COMMISSIONER:** Yeah.

6 **MR. DUMAIS:** And I'm looking at 2.10 and
7 that deals with the prohibition for a priest who's found
8 guilty and I think we've had your comments on that already.

9 Two-point-eleven (2.11) deals with the
10 initial recommendations that had been set out in the 1992
11 Pain to Hope document at Recommendations 34 to 42 and
12 essentially dealt with providing support for the clergy,
13 mentorship programs for new clergy being incardinated in
14 the Diocese, et cetera, et cetera, and I mean that is still
15 not part of your guidelines here; correct?

16 **BISHOP DUROCHER:** That's correct. As I was
17 saying, our guidelines are focussed solely with responding
18 to allegations. These issues will have to be addressed in
19 a broader and new protocol.

20 **MR. DUMAIS:** But you generally agree with
21 that?

22 **BISHOP DUROCHER:** Absolutely.

23 **MR. DUMAIS:** All right.

24 And I guess to a certain extent, in similar
25 fashion, the next article deals with recommendations with

1 respect to the formation of future priests going through a
2 screening process. A gain, some sort of a mentorship
3 program?

4 **BISHOP DUROCHER:** Those are things we are
5 doing now.

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

7 Now, the next article; I'm not sure if
8 you're familiar with. It talks about the Responsibility in
9 Ministry, a book that had been published by the CCCB. I'm
10 not sure if you're aware of that. I certainly don't have
11 that document.

12 **BISHOP DUROCHER:** No, it was an effort to
13 establish -- how do you say that in English? A code de
14 déontologie. Professional bodies ---

15 **MR. DUMAIS:** Professional conduct.

16 **BISHOP DUROCHER:** Professional conduct,
17 thank you.

18 It was a first effort to establish a code of
19 professional conduct for clergy and diocesan employees in
20 pastoral ministry. It's not a document that is well known.
21 I don't think when it was -- I think it was published
22 before I was made a Bishop. I know that as a priest we had
23 never studied it in my own Diocese. It is something we'll
24 have to go back to study.

25 I know that there are some dioceses that are

1 doing some interesting work in this field, trying to flesh
2 it out, particularly the Archdiocese of Winnipeg, so I'm
3 going to be looking forward to hearing some of their -- you
4 know, the results of some of their work.

5 **MR. DUMAIS:** All right.

6 **BISHOP DUROCHER:** It's a whole area that is
7 relatively new within the Catholic Church and I think we
8 need to be working on this.

9 **MR. DUMAIS:** So the next section deals with
10 accountability, and I think what was being proposed here --
11 and perhaps I can just have your comments on it -- is that
12 just to guarantee the implementation of the norms, that the
13 Bishop would submit to the Regional Episcopal Assembly a
14 report every two years on matters covering Article 2?

15 **BISHOP DUROCHER:** Yes.

16 **MR. DUMAIS:** And then at Article 3:

17 "Each of the four regional episcopal
18 assemblies would report every four
19 years to the CCCB."

20 What are your views on that as ---

21 **BISHOP DUROCHER:** This is specifically the
22 canonical problems I was addressing, explaining, before.

23 **MR. DUMAIS:** Okay. And the concern was that
24 bishops wanted to maintain their autonomy to a certain
25 extent?

1 **BISHOP DUROCHER:** It's not a question of
2 bishops wanting to maintain their autonomy. It's a
3 question of respecting canon law and the structure of the
4 church as it stands.

5 **MR. DUMAIS:** Okay.

6 **BISHOP DUROCHER:** It continues to be an
7 issue that is debated within the church. I think it needs
8 to be debated at a broader level than a national level.
9 The law in Church is codified, as opposed to the common law
10 which evolves with time, and codification has advantages
11 but one of the disadvantages is that it adapts very slowly
12 to new realities and so we need to be working at this at
13 the level of the universal church.

14 **MR. DUMAIS:** Right.

15 And then I think the two appendices --
16 appendix to this document were taken directly from the
17 recommendations in From Pain to Hope?

18 **BISHOP DUROCHER:** M'hm.

19 **MR. DUMAIS:** Mr. Commissioner, perhaps this
20 is an appropriate time for a break.

21 **THE COMMISSIONER:** Yes.

22 **MR. DUMAIS:** And if I can make this request,
23 Mr. Commissioner.

24 I need to speak to my friends about
25 something that's come up with respect to the schedule --

1 nothing to do with you, Bishop -- and if we can take an
2 half-hour break, please?

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

4 So you can go and enjoy the sun, sir, and
5 these gentlemen and ladies will be working. Thank you.

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

8 The hearing will resume at 3:05 p.m.

9 --- Upon recessing at 2:33 p.m./

10 L'audience est suspendue à 14h33

11 --- Upon resuming at 3:15 p.m./

12 L'audience est reprise à 15h15

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

15 The hearing is now resumed. Please be
16 seated. Veuillez vous asseoir.

17 **BISHOP PAUL-ANDRÉ DUROCHER, Resumed/Sous le même serment:**

18 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

19 **MR. DUMAIS (cont'd/suite):**

20 **THE COMMISSIONER:** Okay.

21 **MR. DUMAIS:** Commissioner, I'm going to ask
22 that the following document be put to you, Document Number
23 200300.

24 **THE COMMISSIONER:** Thank you.

25 Exhibit 2187 is a document entitled Agenda

1 No. 23 and it's of a plenary meeting dated 15th to the 19th
2 of October, 2007.

3 --- EXHIBIT NO./PIÈCE NO. P-2187:

4 (200300) Ordre Du Jour - Agenda No. 23
5 Assemblée Plénière - 15-19 Oct, 07

6 MR. DUMAIS: So Bishop, do you recognise
7 this document?

8 BISHOP DUROCHER: I do.

9 MR. DUMAIS: These are orientations that
10 were published by the CCCB in 2007, and am I correct in
11 understanding that this is sort of a follow-up or a process
12 that followed the 2005 work of a task force?

13 BISHOP DUROCHER: That's correct.

14 MR. DUMAIS: So I'm looking then at page 2,
15 Orientation 1.2 and 1.3, which reads as follows,
16 "Responsibility of the Individual Bishop," so essentially -
17 - we're looking at the first paragraph. It appears to
18 reaffirm the responsibility of every bishop in every
19 diocese for the adoption and putting in place a protocol.
20 Is that correct?

21 BISHOP DUROCHER: That's correct.

22 MR. DUMAIS: Was this some sort of -- well,
23 perhaps before I ask that, if you look at Orientation 1.3,
24 "Policies Appropriate to the Particular Diocese". So
25 essentially they appear to be saying that different

1 protocols should be adopted in different dioceses,
2 depending on the circumstances of each.

3 So was this a willingness on the part of the
4 Conference to give back the authority of the bishop within
5 the diocese, so attempting not to breach canon law as the
6 2005 proposal from the task force was doing?

7 **BISHOP DUROCHER:** This corresponds to the
8 will of the bishops in Canada.

9 **MR. DUMAIS:** All right. But was that the
10 intent, to have some sort of a document that was --
11 conformed with canon law?

12 **BISHOP DUROCHER:** Yes, absolutely.

13 **MR. DUMAIS:** Okay. And this is the document
14 that the Conference first started working on in 2006 and
15 this was the product that came out in 2007?

16 **BISHOP DUROCHER:** That's correct.

17 **MR. DUMAIS:** All right. And do you know
18 where we're at with this document; whether or not it's been
19 adopted at a plenary session or not?

20 **BISHOP DUROCHER:** This document was adopted
21 at the plenary session 2007.

22 **MR. DUMAIS:** Okay.

23 **BISHOP DUROCHER:** There might be minor
24 amendments, I can't remember, but basically this is it.

25 **MR. DUMAIS:** Okay. So, essentially, if we

1 were to compare it to the previous version, the 2005
2 proposal, it deals with much of the same thing. It deals
3 with the bishop's delegate, it deals with a media
4 spokesperson, it deals with the pastoral care of the
5 Christian community, so the responsibility towards the
6 parishioners. It deals with the section with canonical
7 measures as well that we've discussed previously; that's
8 part of your protocol.

9 If we look at sections that are different or
10 new that were not previously there, if we can look at
11 element 2.7 which deals with insurance? So I'm reading
12 from -- I'm starting at the top of the paragraph:

13 "So the protocol should recognize that
14 the responsibility of the Diocese is
15 primarily pastoral and that under no
16 circumstances are its pastoral
17 responsibilities to be overcome by its
18 concerns about the possibility of
19 forfeiting insurance coverage."

20 So do you recall what the discussion was
21 about the insurance coverage?

22 **BISHOP DUROCHER:** No, I can't remember there
23 being much discussion about this.

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

25 So what do you understand this orientation

1 to mean?

2 **BISHOP DUROCHER:** Basically that the fact
3 that a diocese is being sued should not impede the diocese
4 from trying to reach out pastorally to the person who is in
5 need.

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

7 And did you have concerns at any point in
8 time that if there were outstanding civil proceedings that
9 involve both someone from the clergy and the Diocese, that
10 you could be forfeiting your insurance if your advisory
11 committee or your Bishop's delegate became involved?

12 **BISHOP DUROCHER:** I've never had that
13 concern.

14 **MR. DUMAIS:** All right.

15 So then what is the net effect of these
16 orientations for your guidelines or your Diocese?

17 **BISHOP DUROCHER:** They're not huge,
18 actually, because a lot of this has already been
19 implemented in the Diocese here. We -- part of the process
20 that is to come in the Diocese will be taking this
21 document, taking whatever recommendations might come from
22 this Inquiry, also taking recommendations from -- the
23 Ontario Conference of Catholic Bishops also has a committee
24 that studies these issues, and so taking their
25 recommendations, and we will have to review our own

1 documentation.

2 I think as in the committee's report, one of
3 the, I guess, novelties vis-à-vis From Pain to Hope was the
4 area of prevention and care. As I said, we've already
5 started work on that with our policies around screening.
6 So we will have to integrate all of that into a kind of
7 revamped, renewed policy, broader in scope.

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

9 There were a number of recommendations that
10 were made regarding seminarians in all three reports, so
11 the 1992, 2005, and 2007.

12 Does the Diocese play an active role with
13 seminarians and seminaries and the screening process?

14 **BISHOP DUROCHER:** Absolutely. We
15 collaborate with the seminaries. When we have a candidate
16 to propose to the seminary, we collaborate with the
17 seminarian -- with the seminary in screening the
18 candidates.

19 The question of screening, it's a question
20 also of kind of getting to knowing the candidate well
21 enough that you can see where the candidate has to perhaps
22 develop certain competencies that he might not have at that
23 time, and so to gear the formation more specifically to the
24 candidate.

25 I think one of the great changes over the

1 past decades has been a greater attentiveness to the
2 variety of the candidates who come to us. One of the big
3 differences, I think, is that, say, 25-30 years ago, most
4 of the candidates would have come straight from high school
5 into the minor seminary setting and into the major seminary
6 after that. Today, each person's journey is quite
7 different.

8 And so in order to better respond to the
9 needs of that candidate, then more screening is needed in
10 terms of getting to know that candidate well.

11 **MR. DUMAIS:** Is it fair to say that a while
12 back, just to follow up on your thought, that many of the
13 seminarians that became priests and were incardinated in
14 your Diocese were local people?

15 **BISHOP DUROCHER:** In this Diocese it's
16 remarkable the number of candidates that came from outside
17 of the Diocese, actually.

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

19 And if we look at seminarians today, do they
20 have a pretty good idea, as they're going through the
21 seminary process, where they will be incardinated, if and
22 when they are ---

23 **BISHOP DUROCHER:** Absolutely. And I'm not
24 saying that wasn't the case in the past. Typically, when
25 you go -- not only typically; when you go to seminary, you

1 must be sponsored ---

2 MR. DUMAIS: I see.

3 BISHOP DUROCHER: --- by a bishop. It is
4 normally the Bishop who will be incardinating you into the
5 diocese at the end of the process.

6 MR. DUMAIS: All right.

7 So that's still the case today ---

8 BISHOP DUROCHER: Yes.

9 MR. DUMAIS: --- that the Bishop sponsors --
10 -

11 BISHOP DUROCHER: Yes. Obviously it's
12 different for religious candidates, but they're not going
13 to seminary. Usually they go to the religious community's
14 house of formation.

15 MR. DUMAIS: All right.

16 Now, if I can just ask you a couple of
17 questions now on the guideline and its application before
18 looking at specific cases. So firstly, priests that are
19 incardinated in this Diocese but who reside elsewhere than
20 the Diocese, the geographical boundaries of this Diocese,
21 would they still be bound by your guidelines?

22 BISHOP DUROCHER: In the sense that if
23 somebody came to them with a complaint, they would have to
24 advise our -- if it dealt with a complaint dealing with our
25 Diocese, obviously they would have to divulge that

1 complaint to the Bishop's delegate, yes.

2 **MR. DUMAIS:** Okay. So I guess my question
3 is if there's an allegation that's made to someone in the
4 Diocese, it is then given to the Bishop's delegate. The
5 priest is incardinated here, but for a reason or another is
6 working in another diocese. Would your delegate and the
7 committee still investigate this allegation?

8 **BISHOP DUROCHER:** Oh, you're talking about
9 if the -- if an allegation comes about a priest who is no
10 longer living in the Diocese? That's what you're saying --
11 asking?

12 **MR. DUMAIS:** Correct.

13 **BISHOP DUROCHER:** Yes. Obviously, yes.

14 **MR. DUMAIS:** All right.

15 And would there be -- let's assume then that
16 the allegation is investigated and is verified. What would
17 be the process then for meeting with this priest?

18 **BISHOP DUROCHER:** It would depend on -- it
19 would depend on where the priest lives, who can go and see
20 him. Again, hypothetical cases I can't answer. I think
21 the guidelines are clear; the delegate must go verify. The
22 person needs to be advised of the complaint. The delegate
23 is to determine how that is to be done.

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

25 Now, what about a priest who's incardinated

1 in some other diocese that works in this Diocese?

2 BISHOP DUROCHER: Yes.

3 MR. DUMAIS: So would they investigate that
4 type of allegation?

5 BISHOP DUROCHER: Yes, and obviously we
6 would have advised the other diocese -- the diocese to
7 which that priest belongs.

8 MR. DUMAIS: Okay. So there's a process for
9 advising that diocese, the other diocese?

10 BISHOP DUROCHER: There's no -- there is no
11 process. There is a mentality.

12 MR. DUMAIS: M'hm.

13 BISHOP DUROCHER: We have not -- as I
14 continue to repeat, we did not try to address each
15 hypothetical situation.

16 MR. DUMAIS: M'hm.

17 BISHOP DUROCHER: We put out guidelines.
18 That's why they're called guidelines. The guidelines are
19 about transparency. They're about protection of people.
20 They're about accountability.

21 So obviously if a priest from another
22 diocese or a religious order was working here; a complaint
23 comes against that priest, their superiors would be
24 advised.

25 MR. DUMAIS: All right.

1 So then if there is not a formal complaint
2 that's made to anyone working at the Diocese or to your
3 Bishop's delegate, and by that I mean an allegation is made
4 either in the news media or on a website, would then your
5 delegate and the advisory committee investigate this type
6 of allegation?

7 **BISHOP DUROCHER:** I don't know. It would be
8 probably brought to the advisory committee to discuss.

9 **MR. DUMAIS:** Okay. But I mean, in your mind
10 they should be looking at that type of allegation?

11 **BISHOP DUROCHER:** The advisory committee is
12 meant to advise with the delegate, the Bishop, on matters
13 dealing with allegations of sexual abuse.

14 The way the document has been set up is to
15 deal specifically with allegations that are brought to the
16 attention of the Diocese by someone. The document does not
17 specify what to do in the case of generalized allegations -
18 - somebody wrote something on a website, no allegations
19 have been brought to anybody -- but personally, as a
20 Bishop, I would bring that to the committee to say, what do
21 you think we should do with this. That's the whole point
22 of this committee.

23 **MR. DUMAIS:** Okay. So then you would not
24 take the position, well, there has not been a formal
25 complaint that's been brought to the committee, therefore,

1 we're not investigating?

2 **BISHOP DUROCHER:** I'm not taking that
3 position, no, not at all.

4 **MR. DUMAIS:** Okay, all right. You appear to
5 be saying there's more discretion. There's a lot of
6 discretion within the guidelines?

7 **BISHOP DUROCHER:** Yes, absolutely.

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

9 And I think you've answered this previously
10 so if -- and any allegation that had been made previous to
11 its adoption -- so I'm talking about the 2003 guideline --
12 would not be investigated by the delegate nor the advisory
13 committee?

14 **BISHOP DUROCHER:** No.

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

16 And as your guideline now stands, if there's
17 no allegation that's been brought to the delegate but
18 there's a civil proceeding that's been filed and served on
19 the Diocese, would then the committee or the delegate
20 investigate that type of an allegation?

21 **BISHOP DUROCHER:** No, that's not part of the
22 policy.

23 **MR. DUMAIS:** All right.

24 And if a new allegation is made, if the
25 allegation is against a priest that's deceased, would the

1 delegate and the advisory committee and/or investigate this
2 allegation?

3 **BISHOP DUROCHER:** We haven't come across
4 that situation. I imagine so, yes.

5 **MR. DUMAIS:** Bishop, if we can talk a bit
6 about the allegations -- different allegations -- that had
7 been made.

8 If we deal firstly with Father Paul
9 Lapierre, and I think we spoke about this briefly last
10 Friday, and I think when you were installed in this
11 Diocese, the matter -- the Ontario charges had been dealt
12 with. Father Lapierre had been acquitted of the charges.
13 Those were the 2001 charges and I think when you were
14 installed in 2002 there were outstanding charges in Québec
15 involving Father Lapierre.

16 Do you recall -- if we can deal firstly then
17 with the 2001 allegations and that judicial process, how
18 did you become aware of what had occurred at that trial?

19 **BISHOP DUROCHER:** I can't remember how I
20 became aware of it.

21 **MR. DUMAIS:** Okay.

22 **BISHOP DUROCHER:** I -- at one point, I found
23 out that there were -- there had been a number of cases
24 with -- involved that had stemmed from Project Truth and
25 that the priests had either been acquitted or the trials

1 stayed, but how I found that out, I can't remember.

2 **MR. DUMAIS:** All right. And this was an
3 allegation that had been made prior to your 2003 guideline
4 so, therefore, once your guideline is adopted, you wouldn't
5 go back and look at these matters?

6 **BISHOP DUROCHER:** That's correct.

7 **MR. DUMAIS:** Am I correct in that?

8 **BISHOP DUROCHER:** That's correct.

9 **MR. DUMAIS:** Which also means that once a
10 guideline is adopted, you wouldn't provide any type of --
11 you would refer the matter -- any of the alleged victim or
12 victims to your victim care committee. Is that correct?

13 **BISHOP DUROCHER:** If somebody had come
14 forward requesting help, I would have -- I would have
15 referred to the victims' care committee, certainly.

16 **MR. DUMAIS:** All right. But certainly you
17 wouldn't have gone out and found out who the victims were
18 and asked them whether or not they required counselling?

19 **BISHOP DUROCHER:** We didn't do that. No, we
20 didn't do that.

21 **MR. DUMAIS:** Okay. And I guess the
22 rationale with that is that these allegations pre-date your
23 guidelines?

24 **BISHOP DUROCHER:** That's correct.

25 **MR. DUMAIS:** And certainly after you were

1 installed as Bishop, you would not have gone back and
2 reviewed some of the transcripts of the proceedings?

3 BISHOP DUROCHER: No, I did not.

4 MR. DUMAIS: The 2001 proceedings?

5 BISHOP DUROCHER: I did not.

6 MR. DUMAIS: Okay. Did you at any point-in-
7 time before preparing for your evidence here at the
8 Inquiry?

9 BISHOP DUROCHER: Did I ---

10 MR. DUMAIS: Review these transcripts?

11 BISHOP DUROCHER: No, I didn't.

12 MR. DUMAIS: And no-one would have made you
13 aware of what had been said during that trial?

14 BISHOP DUROCHER: I remember there being
15 some people complaining about the fact that Father Lapierre
16 had said things that were outrageous, possibly, but not
17 more than that.

18 MR. DUMAIS: All right.

19 Well, perhaps, we can just have a quick look
20 at the transcript which is Exhibit 163.

21 (SHORT PAUSE/COURTE PAUSE)

22 THE COMMISSIONER: We don't have the hard
23 copy, so we'll put it on the screen for us all.

24 Monsieur Dumais, I understand it's your
25 intent to finish your examination in-chief today if

1 possible?

2 **MR. DUMAIS:** That's my intent, Mr.
3 Commissioner.

4 **THE COMMISSIONER:** And how much time do you
5 think you'll need?

6 **MR. DUMAIS:** I should be done by five, Mr.
7 Commissioner.

8 **THE COMMISSIONER:** Are you okay with that?

9 **BISHOP DUROCHER:** Yes.

10 **THE COMMISSIONER:** Thank you.

11 **MR. DUMAIS:** So, Bishop, if I can just then
12 take you to some of the comments that were made and if you
13 can look firstly then at Bates pages 946.

14 **THE COMMISSIONER:** What page number on the
15 transcript, Mr. ---

16 **MR. DUMAIS:** One-hundred (100).

17 So I'm looking at about line 22 or 23. So
18 this -- just if I can put you in context, Bishop -- this is
19 Father Lapierre being cross-examined in the 2001 trial.

20 So essentially at the bottom of the page,
21 he's saying -- question put to him:

22 "Tell us about that, please?" Answer:

23 "All right, Father Donald Scott, yes,
24 shared with me."

25 "What did he share with you about

1 Father Hollis Lapierre's relationship
2 with Claude Marleau?"

3 "Yes. How expensive it was, how much
4 money was involved and how much Father
5 Lapierre was really scared after the
6 incident of the Polaroid picture when
7 he was kicked in the shower and he was
8 bleeding."

9 And then if I can just skip a few lines, I'm
10 going down to about line 12. So the question is:

11 "I'm asking you, sir, to tell me about
12 what the Polaroid pictures were about."

13 The answer:

14 "I never saw them. I was told by
15 Father Don Scott and it was also
16 mentioned here by Mr. Marleau that
17 Father Hollis Lapierre kept Polaroid
18 pictures of naked boys and of him, also
19 with the penis showing, but not the
20 face."

21 And if I can just take you to the further
22 passage before I ask you the question, and that's at Bates
23 pages 953 or page 107 of the transcript.

24 I'm looking at the top of the page, so the
25 question:

1 "Okay, when would they have occurred?"
2 The answer: " oh, mon Dieu, Father Hollis
3 Lapierre died in '75 so it was after
4 his death because Father Donald Scott
5 was the executor of the will and of the
6 -- of Father Hollis Lapierre.
7 And he had been asked to destroy those
8 pictures and all of the magazines
9 behind his bed in that kind of a -- in
10 the little wall."

11 So certainly it appears that Father Lapierre
12 is discussing in court some of the knowledge that he had
13 about Father Hollis Lapierre and requests he had made from
14 Father Donald Scott and what Donald Scott had recounted to
15 Father Paul Lapierre.

16 And then if I can just then take you to the
17 next Bates page which is Bates pages 954, page 108. Again
18 it's at around line 12. So the question is:

19 "You had no reason to doubt about M.
20 Marleau?"

21 The answer is, "No."

22 Question:

23 "You have information that he possibly
24 had been abused, correct?" "Yes."

25 "Did you ever report it to anybody,

1 sir?"

2 "No, sir."

3 So certainly again Father Lapierre appears
4 to be indicating that he had information that Mr. Marleau
5 had been abused and had not reported it to anyone.

6 And I've asked you this question a number of
7 times, Bishop, whether or not the delegate has any --
8 whether or not one of the responsibilities or the tasks of
9 the delegate is to follow up on these criminal proceedings
10 and -- just to find out what was being -- what is being
11 said and what findings the judge -- are made.

12 Would you agree with me that there would
13 have been some real value in having someone from the
14 Diocese monitoring some of these cases? Or this particular
15 case?

16 **BISHOP DUROCHER:** Yes, I think you're right.

17 **MR. DUMAIS:** And in between your
18 installation in 2002 and the actual trial of the Quebec
19 matter in 2004, did you have the occasion to speak to
20 Father Lapierre at all about his criminal matters?

21 **BISHOP DUROCHER:** I met with Father Lapierre
22 -- I met with him once as the matter was before the Courts
23 I believe and once after he had served his jail time.

24 **MR. DUMAIS:** And what was the discussion
25 about?

1 **BISHOP DUROCHER:** The discussion was about,
2 the first time limiting his faculties ---

3 **MR. DUMAIS:** Yes.

4 **BISHOP DUROCHER:** --- to exercise ministry.
5 So I guess that first time was after he had been found
6 guilty then at the time he was appealing. It's not clear
7 for me there.

8 But at any rate, the first time was about
9 limiting his faculties and the second time basically was to
10 advise him that that limiting was now permanent.

11 **MR. DUMAIS:** Okay. Do you recall in -- do
12 you recall whether or not the charges had been laid in 2003
13 when your guidelines were adopted and whether or not this
14 case was won?

15 **BISHOP DUROCHER:** That case was before the
16 courts when I was named here. It had already started, I
17 believe.

18 **MR. DUMAIS:** The Quebec matters?

19 **BISHOP DUROCHER:** That's right.

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

21 **THE COMMISSIONER:** Sir, we've heard from
22 Monsignor LaRocque that he would have had a discussion with
23 Father Lapierre where Father Lapierre had indicated that it
24 wasn't Father Dubé but it was really Father Scott that had
25 abused Mr. Marleau.

1 Did you have any knowledge of that -- of
2 those facts?

3 **BISHOP DUROCHER:** No, I did not.

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

5 **MR. DUMAIS:** And these are -- yeah, and
6 these are facts that came out in the 2004 criminal
7 proceedings in Quebec.

8 **BISHOP DUROCHER:** The facts that the
9 Commissioner has just mentioned?

10 **THE COMMISSIONER:** Not that the Bishop knew
11 but that Father Lapierre was ---

12 **MR. DUMAIS:** Sorry, no that never came out
13 there. Sorry. Yes, sorry. It didn't come out there.

14 If we can just have a look then at the
15 transcript of the judgment of the 2004 proceeding, and
16 that's Exhibit 178.

17 **THE COMMISSIONER:** So is Father Lapierre
18 still receiving the benefits of being a priest? Salary,
19 that kind of thing?

20 **BISHOP DUROCHER:** No, he's retired. He's
21 living in assisted care centre as a layperson.

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

23 **BISHOP DUROCHER:** I can't remember. I
24 believe he might have a small part of the pension plan that
25 he's receiving. That would be it.

1 **THE COMMISSIONER:** Any -- and I take it
2 because of his age there's -- or maybe not -- are there any
3 movement afoot to, what's the expression, well, defrock him
4 or ---

5 **BISHOP DUROCHER:** No, no.

6 **THE COMMISSIONER:** And is there a reason for
7 that?

8 **BISHOP DUROCHER:** There's no point in doing
9 it. The man is incapable of exercising any kind of
10 ministry whatsoever. He hasn't been exercising ministry
11 for a number of years.

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

13 **MR. DUMAIS:** And just so that we're clear,
14 Bishop, when you came -- when you were installed in the
15 Diocese in 2002 and I think you told us that last Friday,
16 the criminal -- the legal expenses for the criminal trials
17 were being paid by the Diocese, correct?

18 **BISHOP DUROCHER:** That's correct.

19 **MR. DUMAIS:** All right. And if I can just
20 ask one further question and do you -- were you referring
21 to the criminal expenses for both the Ontario and the
22 Quebec trial?

23 **BISHOP DUROCHER:** That's correct.

24 **MR. DUMAIS:** All right. And just to follow
25 up on a comment made by the Commissioner, at that period of

1 time was -- Father Lapierre had -- was no longer living in
2 this Diocese, correct?

3 **BISHOP DUROCHER:** Father Lapierre hasn't
4 been living in this Diocese for close to 40 years.

5 **MR. DUMAIS:** All right. So do you know
6 whether or not he was receiving any type of a salary or
7 benefit from the Diocese other than the payment of his
8 legal expenses?

9 **BISHOP DUROCHER:** He gained his living as a
10 priest, as a preacher. He would, I imagine when he would
11 go and preach a parish retreat, charge so much to the
12 parish and that's how he made his living for the years of
13 his ministry.

14 **MR. DUMAIS:** All right.

15 **THE COMMISSIONER:** I just want to go back to
16 the question about, is it defrocking? Is that a ---

17 **BISHOP DUROCHER:** It's a popular term.

18 **THE COMMISSIONER:** What's the word, la ---

19 **BISHOP DUROCHER:** La laicisation we would
20 say in French, the canonical term is -- the old canonical
21 term was reduction to the lay state. And that was changed
22 in 1983.

23 **THE COMMISSIONER:** I would hope so.

24 **BISHOP DUROCHER:** Yes.

25 **THE COMMISSIONER:** For us lay people.

1 **BISHOP DUROCHER:** To -- I can't remember the
2 correct term but something like the loss of priestly -- no,
3 I -- the state -- the clerical state -- the loss of the
4 clerical state, something like that.

5 **THE COMMISSIONER:** So as we go back to the
6 loss of the clerical state, I'm wondering if folks had
7 considered when you're looking at the aggressor you're
8 saying well he's old and he can't do this but from the
9 victim's point of view -- and without seeking revenge or
10 anything like that they may well want to say no, no, no,
11 whether he's old or not, the fact of the matter is that
12 Rome should take steps to take it away from him.

13 **BISHOP DUROCHER:** M'hm.

14 **THE COMMISSIONER:** Does that come into the
15 equation at some point in time about when the decision to
16 do that -- and I know it's a big step but I know that some
17 victims may well be wanting to do that. So is there any
18 discussions or thoughts about that?

19 **BISHOP DUROCHER:** Well, the reduction -- the
20 loss of the clerical state can only be imposed by a penal
21 process.

22 **THE COMMISSIONER:** Right.

23 **BISHOP DUROCHER:** And the penal process --
24 for example there's that ten year, that -- just one example
25 ---

1 **THE COMMISSIONER:** Yeah.

2 **BISHOP DUROCHER:** --- there's the ten year
3 statute of limitations.

4 **THE COMMISSIONER:** Right.

5 **BISHOP DUROCHER:** So in this case, for
6 example, or in Father Lapierre's case, the complaint came
7 out much later than the 10-year mandate.

8 **THE COMMISSIONER:** Okay.

9 **BISHOP DUROCHER:** So you couldn't even start
10 the canonical process.

11 **THE COMMISSIONER:** Okay.

12 **BISHOP DUROCHER:** So you can't even envisage
13 it in that case.

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

15 **BISHOP DUROCHER:** So there are legal
16 considerations that have to be abided by.

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

18 **BISHOP DUROCHER:** There are levels of
19 dealing with situations like this. Removal of faculties;
20 penal sanctions; suspension of capacity of exercising
21 ministry; and the ultimate one is the loss of the clerical
22 state. I think that in most of these cases, we can deal
23 with the situation without going to that last step.

24 But that last step, I think, is called for
25 in cases for example where a priest who's obviously --

1 clearly has been found guilty of having abused young
2 persons, refuses, for example, to go for treatment; refuses
3 to obey any sanction that is given by the bishop. That, I
4 think, that's a case where you have to start that process
5 then.

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

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

8 If I can just take you then to Bates page
9 562 or page 16 of the transcript, lines 12 through 15. So
10 this ---

11 **THE COMMISSIONER:** Just a second. Wait a
12 minute. Where -- okay, do you have something I don't,
13 Monsignor? Is this a transcript? Oh, what ---

14 **MR. DUMAIS:** That's the transcript of the
15 judgement.

16 **THE COMMISSIONER:** Okay, okay, I got it now.
17 It's Tuesday.

18 **MR. DUMAIS:** This is the transcript of the
19 judgement which is dated June 8th, 2004 and this is the
20 Honourable Justice Gilles Garneau speaking and firstly he
21 deals with the charges with respect to Father Dubé and --
22 it's in French so I'll just:

23 « Le tribunal a écouté attentivement
24 l'accusé Dubé et il le croit. Donc il
25 l'acquitte des deux chefs d'accusation.

1 Cependant, la défense de Dubé n'aide en
2 rien l'accusé Lapierre dans
3 l'évaluation des motives. »

4 So he essentially there acquits Father Dubé
5 and then goes on with the passing of judgment for Father
6 Lapierre. And that's at the following page, Bates page
7 563, the last four lines and again it's in French, Bishop:

8 « En ce qui concerne les éléments
9 essentiels, les infractions, la
10 fellation que l'accusé Lapierre a faite
11 de façon alternative avec une autre
12 personne sur l'accusé est un acte de
13 grossière indécence et aussi que le
14 plaignant avait moins de 14 ans lors de
15 ce geste. »

16 So essentially he finds Father Lapierre
17 guilty. Certainly it appears from that passage that
18 indicates that he believes that a third party would have
19 been involved in the offence as well. And we spoke a bit
20 about Father Dubé last Friday and following the statement
21 that Bishop LaRocque had made.

22 But were you aware that the judge had made
23 this finding -- had made -- and by that I mean, the finding
24 that a third party had been -- that is, not Father Dubé,
25 had been involved in this offence?

1 **BISHOP DUROCHER:** No, I wasn't aware of it.

2 **MR. DUMAIS:** Okay.

3 Now, if I can just take you to Document
4 Number 108985.

5 **THE COMMISSIONER:** That's a new one,
6 Monsignor.

7 Thank you. Exhibit 2188 is a letter dated
8 le 18 octobre 2004, addressed to Monseigneur Durocher from
9 Benoît-Marc Boyer, Vice-Chancelier. So Exhibit 2188.

10 **---EXHIBIT NO./PIÈCE NO P-2188:**

11 (108985) Lettre de Benoît-Marc Boyer à Paul-
12 André Durocher - 18 oct, 04

13 **MR. DUMAIS:** It's my understanding, Bishop,
14 you would have received this piece of correspondence from
15 the Archdiocese in Montreal that was confirming that Father
16 Lapierre was not exercising his ministry over there. Do
17 you recall why you received this correspondence? Had you
18 made the request previously?

19 **BISHOP DUROCHER:** I had, yes.

20 **MR. DUMAIS:** Okay. And why were you making
21 this request?

22 **BISHOP DUROCHER:** Because I had met with
23 Father Lapierre by this time to speak to him about the fact
24 that he was not to exercise any public ministry. I had
25 asked him if he had been at all and he told me that he had

1 been occasionally going to St. Pierre Apôtre to celebrate
2 weekend masses. And I told him he was to stop doing this.

3 And I called the Chancery Office to advise
4 them of this and to verify for me the fact that he was not
5 celebrating mass there anymore. And so the Chancellor sent
6 -- Vice-Chancellor sent me a note to tell me that that was
7 indeed the situation.

8 **MR. DUMAIS:** All right. Because essentially
9 although there had been a conviction, they were still going
10 through the appeal process while you had this exchange of
11 correspondence; correct?

12 **BISHOP DUROCHER:** That's correct, yes.

13 **MR. DUMAIS:** All right.

14 **BISHOP DUROCHER:** So once he was found
15 guilty, that's when I kind of intervened to tell him, "From
16 now on, you're not to exercise any more ministry".

17 **MR. DUMAIS:** Okay.

18 **BISHOP DUROCHER:** According to the protocol,
19 that should have happened -- our new protocol, that would
20 have happened at the moment that he was charged.

21 **MR. DUMAIS:** Right.

22 **BISHOP DUROCHER:** But since that had not
23 been done, I decided to wait. I arrived at the status quo;
24 I decided to wait as the trial was ongoing to wait for the
25 end of the trial and to see what the outcome was.

1 **MR. DUMAIS:** Okay. If I can then just take
2 you to Exhibit 1777 ---

3 **THE COMMISSIONER:** That's in your book.

4 **MR. DUMAIS:** --- which would be a letter
5 from yourself and Father Vaillancourt, dated November 3rd,
6 2004 addressed to Father Paul Lapierre.

7 So this is sort of in line with the comment
8 that you've just made. So I think, at the -- and I'll just
9 read you the fourth paragraph:

10 « Par la présente, je vous relève de
11 toutes facultés habituelles pour
12 l'exercice du ministère dans le Diocèse
13 d'Alexandria-Cornwall qui vous auraient
14 été octroyées par un de mes
15 prédécesseurs, incluant la faculté de
16 confesser. »

17 So, I guess the first question, and I think
18 you've answered already, is that had not been previously
19 done; correct?

20 **BISHOP DUROCHER:** Not that I'm aware of, no.

21 **MR. DUMAIS:** All right. But certainly, am I
22 correct in understanding that some of the comments that
23 Father Lapierre would have made to you about him being in
24 certain parishes, had you concerned enough that ---

25 **THE COMMISSIONER:** That you followed up.

1 **MR. DUMAIS:** --- that you followed up with
2 the removing of his faculties?

3 **BISHOP DUROCHER:** No, I decided that if he
4 was found guilty, I would remove his faculties.

5 **MR. DUMAIS:** Okay.

6 **BISHOP DUROCHER:** I can remove them for the
7 Diocese -- if I can explain something here -- I can remove
8 them for the Diocese without making this a penal procedure,
9 okay. This is an administrative decree.

10 **MR. DUMAIS:** Right.

11 **BISHOP DUROCHER:** Simply make it an
12 administrative decree. The faculties that I give for
13 exercise of ministry in the Diocese to any priest who comes
14 and works here, I take them away.

15 **MR. DUMAIS:** Okay.

16 **BISHOP DUROCHER:** On top of that, I take
17 away the faculty of confessing and by taking it away --
18 this is a special faculty -- by taking it away here, it's
19 taken away from him across the world. He cannot confess
20 anywhere in the world by doing this. I also took away the
21 faculty of preaching in this Diocese or anywhere in the
22 world. That's another thing the canon law allows me to do
23 without invoking a penal process, okay?

24 So basically what I've done is I've taken
25 away his ability to hear confession and to preach anywhere

1 in the world. I've also advised, by this time, the Diocese
2 of Montreal. Ultimately, what I'm telling Montreal is this
3 guy has no faculties to exercise ministry in this Diocese;
4 don't give him faculties to exercise ministry in your
5 diocese for God's sake.

6 **MR. DUMAIS:** Right.

7 **BISHOP DUROCHER:** Which is obviously their
8 intent also.

9 **MR. DUMAIS:** Okay.

10 **BISHOP DUROCHER:** So in this way, what we're
11 making sure, once he's found guilty is that he cannot
12 exercise public ministry anywhere in Montreal.

13 **MR. DUMAIS:** Okay. So then when you remove
14 faculties as such, I mean, you're not limited to the
15 geographical limits of the Diocese of Alexandria-Cornwall?

16 **BISHOP DUROCHER:** I'm removing the faculties
17 for exercise of ministry in the Diocese.

18 **MR. DUMAIS:** Yes.

19 **BISHOP DUROCHER:** If the Bishop of Montreal
20 decides to give him faculties, the Bishop of Montreal can
21 go ahead and do that.

22 **MR. DUMAIS:** Okay.

23 **BISHOP DUROCHER:** It's only by invoking a
24 penal process that I can stop another bishop from giving
25 him faculties.

1 **MR. DUMAIS:** And what about ordering him
2 back in this Diocese; do you have the power to do that?

3 **BISHOP DUROCHER:** I can make -- I can write
4 the rule. I can't enforce it. I have no power to enforce
5 a rule like that.

6 **MR. DUMAIS:** M'hm.

7 **BISHOP DUROCHER:** I could have told him,
8 yeah. I don't know why I would have done it, but I guess I
9 have the power to indicate -- canon law gives me the power
10 to indicate to a priest where he is to live.

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

12 **BISHOP DUROCHER:** But the other question is
13 canon law does not give me the power to enforce that.

14 **MR. DUMAIS:** All right.

15 And then if we look at the second-last
16 paragraph in this correspondence, so this decree
17 essentially was in place until such time as the Court of
18 Appeal from the Province of Quebec made a decision and then
19 it would be re-evaluated at that point?

20 **BISHOP DUROCHER:** That's correct.

21 Actually, I made a mistake in writing this.
22 In my mind, I was implying that this decree would become
23 permanent if he lost the appeal.

24 **MR. DUMAIS:** Right.

25 **BISHOP DUROCHER:** I didn't write it that

1 way. I recognized that quite a while after, so then I
2 wrote a second decree when I became aware of that.

3 **MR. DUMAIS:** Okay.

4 **BISHOP DUROCHER:** Once he had lost the
5 appeal.

6 **MR. DUMAIS:** Okay. And you essentially made
7 it final at that point?

8 **BISHOP DUROCHER:** Yes, that's right.

9 **MR. DUMAIS:** If Document Number 108986 can
10 be put to you?

11 **THE COMMISSIONER:** All right. Exhibit 2189
12 is a letter to l'Abbé Paul Lapierre from l'Évêque Paul-
13 André Durocher en date du 23 juillet 2005. Exhibit 2189.

14 **--- EXHIBIT NO./PIÈCE NO. P-2189:**

15 (108986) Letter to Paul Lapierre from Paul-
16 André Durocher dated July 23, 2005

17 **MR. DUMAIS:** So essentially this
18 correspondence would confirm two things, Bishop. The first
19 one is the conversation that you would have had with Father
20 Lapierre, which you've alluded to earlier in your evidence.
21 The second is it appears that the decree would not have
22 been served on Father Lapierre. Is that correct?

23 **BISHOP DUROCHER:** Not until that date.

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

25 **BISHOP DUROCHER:** It's my mistake.

1 **MR. DUMAIS:** But certainly Father Lapierre
2 would have been advised of your decision ---

3 **BISHOP DUROCHER:** Absolutely. I went and
4 spoke to him personally and advised him orally and checked
5 to make sure, as the previous piece of correspondence
6 showed, that he was abiding by that.

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

8 **BISHOP DUROCHER:** So it's kind of a
9 technicality. It should be followed.

10 **MR. DUMAIS:** Yeah.

11 **BISHOP DUROCHER:** My organizational skills
12 leave something to be desired once in a while.

13 **MR. DUMAIS:** So I understand that on the
14 same date, you would have sent a letter to Cardinal Jean-
15 Claude Turcotte. And if we can bring Document Number
16 108987?

17 **THE COMMISSIONER:** Thank you. Exhibit 2190
18 is a letter from Monsignor Durocher to Cardinal Jean-Claude
19 Turcotte en date du 23 juillet 2005

20 --- **EXHIBIT NO./PIÈCE NO. P-2190:**

21 (108987) Letter to Jean-Claude Turcotte from
22 Paul-André Durocher dated July 23, 2005

23 **MR. DUMAIS:** So I guess in the first
24 paragraph you're just advising him that you're enclosing
25 the decree which you forgot to forward.

1 My question pertains to the second
2 paragraph, and if I can just read the relevant section:
3 "L'Abbé Lapierre continue à accompagner
4 des familles endeuillées au cimetière
5 de la Côte Sainte-Catherine mais il ne
6 le fait pas à titre de prêtre ni au
7 cours d'une liturgie spécifiquement
8 catholique. Il m'assure que les
9 responsables sont au courant de sa
10 situation et apprécient son travail au
11 centre. Si vous tenez à ce qu'il
12 arrête même cet accompagnement, il me
13 semble qu'il faudrait que vous
14 interveniez auprès du responsable en
15 lieu."

16 So was this correspondence following a
17 discussion that you would have had with the Cardinal?

18 **BISHOP DUROCHER:** With the Cardinal. Yes, I
19 had an oral conversation with him, yes.

20 **MR. DUMAIS:** So had he expressed some
21 concerns that Father Lapierre apparently was accompanying
22 people to the cemetery?

23 **BISHOP DUROCHER:** No, he was not aware of
24 that. I was making him aware of it in this letter.

25 **MR. DUMAIS:** Okay. And how had you become

1 aware of that?

2 **BISHOP DUROCHER:** I had spoken with Father
3 Lapierre. He had told me that, that he was -- basically,
4 la Côte Sainte-Catherine -- le Cimetière de la Côte Sainte-
5 Catherine is a huge cemetery. He was living across the
6 street from there and sometimes families who are not --
7 they're not Christian; they're not Catholic, but they want
8 some kind of little non-denominational ceremony, and
9 priests would not go to that. And so the -- he offered
10 his -- he hired himself out for those kinds of services.
11 So it was not as a priest; it was not in a liturgy, a
12 Christian liturgy. So I was just making the Cardinal aware
13 of that. I knew that the Cardinal had contacts with the
14 person who ran that cemetery and I was just telling him,
15 "If you're ill at ease with that, I think the best way
16 would be for you to contact the person who is running that
17 place and tell him to not hire Father Lapierre anymore."

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

19 But certainly working in that capacity was
20 not breaching your decree; is that correct?

21 **BISHOP DUROCHER:** No, because it's not a
22 ministry. It's -- he was doing this completely as a
23 layperson. It had nothing to do with the fact that he was
24 a priest.

25 **MR. DUMAIS:** All right.

1 **BISHOP DUROCHER:** This kind of work.

2 **THE COMMISSIONER:** Well, was he using -- was
3 he called Father Lapierre?

4 **BISHOP DUROCHER:** No, he was not. He was
5 not wearing a Roman collar. He was not called Father
6 Lapierre, so Monsieur Lapierre.

7 **THE COMMISSIONER:** And how do you know this?

8 **BISHOP DUROCHER:** Well, from speaking with
9 him but also from the style of Sainte-Catherine. It's kind
10 of Quebec. If he would have been called Father Lapierre,
11 they wouldn't have wanted him.

12 **THE COMMISSIONER:** Oh right. Okay. I see
13 what you're saying.

14 **BISHOP DUROCHER:** You know, they did not
15 want to have a church event.

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

17 **MR. DUMAIS:** All right.

18 And do you know whether or not the Cardinal
19 ever did anything with this?

20 **BISHOP DUROCHER:** No, I don't.

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

22 So it appears that ---

23 **BISHOP DUROCHER:** But within a few months he
24 was in jail.

25 **MR. DUMAIS:** He was sentenced to 12 months

1 incarceration?

2 **BISHOP DUROCHER:** That's correct.

3 **MR. DUMAIS:** All right.

4 In -- again, with respect to Father René
5 Dubé, it's the same scenario. Charges had been laid prior
6 to the implementation or the adoption of your 2003
7 protocol. Is that correct?

8 **BISHOP DUROCHER:** Yes. When I arrived here,
9 he had been acquitted from the charges.

10 **MR. DUMAIS:** All right.

11 And with respect to the Father MacDonald
12 proceedings, I think we spoke about that a bit last Friday
13 and I believe your evidence was that shortly before you
14 were installed in this Diocese, that the -- all proceedings
15 against Father MacDonald had been stayed. Is that correct?

16 **BISHOP DUROCHER:** That's correct.

17 **MR. DUMAIS:** And do you recall whether or
18 not in 2002 there were any outstanding civil proceedings,
19 outstanding lawsuits at that time?

20 **BISHOP DUROCHER:** I can't; I'm sorry.

21 **MR. DUMAIS:** And so then in 2002 the
22 criminal proceedings regarding Father MacDonald had been
23 completed. And I think you indicated last Friday that the
24 Diocese had paid for those proceedings. Is that -- for
25 those legal expenses, sorry.

1 **BISHOP DUROCHER:** That's correct.

2 **MR. DUMAIS:** And whether or not there were
3 outstanding civil proceedings at this point in time there
4 eventually were statement of claims that were issued
5 against both Father MacDonald and the Diocese. Is that
6 correct?

7 **BISHOP DUROCHER:** That's right.

8 **MR. DUMAIS:** And these -- and some of these
9 civil proceedings are still outstanding today?

10 **BISHOP DUROCHER:** There were a number of
11 civil proceedings launched against the Diocese all at once
12 and some have been settled and others haven't and it's
13 difficult for me just sitting here to remember which ones
14 have been settled and which ones are outstanding; I'm
15 sorry.

16 **MR. DUMAIS:** Okay. So you can't tell us
17 whether or not there's any outstanding proceeding with
18 respect to allegations versus Father MacDonald?

19 **BISHOP DUROCHER:** Right now, sitting here,
20 no. I'd have to go to my office and check it. Check it
21 out.

22 **MR. SHERRIFF-SCOTT:** There's one,
23 Commissioner. There's one outstanding proceeding.

24 **THE COMMISSIONER:** Thank you.

25 **MR. DUMAIS:** And the legal expenses, again,

1 for the civil proceedings are paid by the Diocese, is that
2 correct?

3 **BISHOP DUROCHER:** Pardon?

4 **MR. DUMAIS:** The legal expenses for
5 defending the civil proceedings both for the Diocese ---

6 **BISHOP DUROCHER:** No, our insurance
7 companies are involved in that.

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

9 **BISHOP DUROCHER:** The Diocese has a share in
10 the legal expenses.

11 **MR. DUMAIS:** Okay. And my -- following the
12 adoption of your guidelines in 2003, neither the delegate
13 or the advisory committee would have gone back and spoken
14 to any of these alleged victims of Father MacDonald, is
15 that correct?

16 **BISHOP DUROCHER:** No, they did not approach
17 us and we did not approach them.

18 **MR. DUMAIS:** Okay. And my understanding is
19 that some civil proceedings that followed the stay of
20 proceedings disclose new victims of -- or new alleged
21 victims of Father MacDonald. None -- this victim has not
22 been interviewed by the Bishop's delegate or the advisory
23 committee. Is that correct?

24 **BISHOP DUROCHER:** As part of a lawsuit?

25 **MR. DUMAIS:** Yeah. I don't mean to be

1 cryptical. We've discussed this matter before the Inquiry
2 before. It's the matter of Albert Lalonde.

3 So Mr. Lalonde was not part of the initial -
4 - of the charges that resulted in a stay of proceedings in
5 2002.

6 **BISHOP DUROCHER:** Yes.

7 **MR. DUMAIS:** Correct? You're aware of that?

8 **BISHOP DUROCHER:** Yeah.

9 **MR. DUMAIS:** All right. So the only -- you
10 became aware of these allegations through a Statement of
11 Claim that was ---

12 **BISHOP DUROCHER:** That's correct.

13 **MR. DUMAIS:** So -- and -- so this matter --
14 so you're -- the Bishop's delegate or the advisory
15 committee never spoke to Mr. Lalonde? Is that ---

16 **BISHOP DUROCHER:** That's right. The
17 lawsuits do not trigger the protocol.

18 **MR. DUMAIS:** Okay. If you can just have a
19 look at Exhibit 58, Tab 47.

20 **THE COMMISSIONER:** So blue book Volume 2.
21 Forty-seven (47), that's the note from the operations
22 manager of the Catholic Mutual?

23 **MR. DUMAIS:** Sorry, that's the wrong
24 reference. It's a document that's already been made an
25 exhibit. It's just not identified.

1 **THE COMMISSIONER:** What ---

2 **MR. DUMAIS:** Exhibit 2031. Sorry.

3 **THE COMMISSIONER:** Two zero three one
4 (2031). So we're looking at the Diocesan committee on
5 managing allegations of sexual abuse of children and of
6 sexual assault of adults by clergy, religious, lay
7 employees, and volunteers. I'll get it. Okay. Is that
8 the one?

9 **MR. DUMAIS:** That's the one. Before we get
10 into this, Bishop, one last question regarding Father
11 Lapierre.

12 The Diocese would have funded the expense of
13 the criminal trial but not of the appeal, correct?

14 **BISHOP DUROCHER:** Not of the appeal. I told
15 him that I would not be funding -- the Diocese would not be
16 funding his ---

17 **MR. DUMAIS:** Okay. Now, Madam Clerk, before
18 we get into this document and this is a matter that was
19 discussed during the evidence of Dr. Legault. There's a
20 number of monikers that were given to a number of people.

21 **BISHOP DUROCHER:** M'hm.

22 **MR. DUMAIS:** And if we can just identify for
23 the Bishop monikers number 70, 71, 72 and 73.

24 **THE COMMISSIONER:** So that's what it is.
25 We're going to show you numbers besides people's names so

1 you don't mention -- if you want to mention the person you
2 don't, you mention the number.

3 **MR. DUMAIS:** So while we're waiting, Bishop,
4 my understanding is that this document was put together by
5 Dr. Legault for the audit process by the insurance company,
6 is that correct?

7 **BISHOP DUROCHER:** I wasn't involved in that.

8 **MR. DUMAIS:** All right. Then I'll just wait
9 till the monikers are given to you. Seven three eight four
10 three six (738436).

11 If you could then just turn to Bates pages
12 296.

13 **THE COMMISSIONER:** And what we're doing is
14 we're going through the cases that the committee would have
15 ---

16 **BISHOP DUROCHER:** Correct.

17 **THE COMMISSIONER:** --- gone through. Okay.

18 **MR. DUMAIS:** So if you can just look at the
19 first case, Bishop. So this is --- they are reviewing
20 cases that would have been handled by either the delegate
21 or the Diocese or the committee, and so do you recall these
22 facts, Bishop, because ---

23 **BISHOP DUROCHER:** Yes.

24 **MR. DUMAIS:** --- you appear to have been
25 involved.

1 **BISHOP DUROCHER:** The first case, yes, I do.

2 **MR. DUMAIS:** Yes, the first case. So
3 without using the name of the person, use the moniker if
4 you need to, can you tell us what your involvement in this
5 case was?

6 **BISHOP DUROCHER:** It was a person who came
7 with a number of complaints about a priest. I met this
8 person, verified the complaints with the priest. These
9 complaints were not of a sexual nature; they had to do with
10 other issues.

11 **MR. DUMAIS:** My understanding, Bishop, just
12 from the summary here, is that you would have exchanged a
13 number of correspondence with her back-and-forth, and in
14 most of these correspondence she did not disclose the fact
15 that she had been sexually abused, although you had
16 requested that or asked her the question. But in the last
17 piece of correspondence or at one point-in-time she would
18 have indicated that she had been fondled. Is that correct?

19 **BISHOP DUROCHER:** She used that word and I
20 asked her to clarify what she meant by it, and she told me
21 that it had no sexual connotation.

22 **MR. DUMAIS:** But certainly the delegate at
23 one point-in-time, and/or the advisory committee, looked at
24 these facts because the matter had been referred to them.

25 **BISHOP DUROCHER:** When she used that word, I

1 called Dr. Legault right away to inform him of this and I
2 explained the whole case to him. I believe I had briefed
3 him about the case because it was a very complicated case
4 and I just made him aware of it. But when she used that
5 expression, then I said there might be some sexual
6 component to this, and that's when I advised him.

7 It's at that point that he brought it back
8 to the committee. They wanted me to clarify and I
9 approached her again. This was all done through email.
10 She seemed to prefer that way of communicating and I asked
11 her to clarify that and she did.

12 **MR. DUMAIS:** Okay. So this is not a case
13 where your delegate would have met with the alleged victim
14 here?

15 **BISHOP DUROCHER:** There was no alleged
16 victim. That's what I'm saying. There was no allegation
17 of sexual abuse at any time. At one point, she used a word
18 that I interpreted as possibly connoting sexual abuse. I
19 clarified it with her and she said no, it was not.

20 **MR. DUMAIS:** I thought I understood, Bishop,
21 that you would have called the delegate at one point-in-
22 time because you were concerned that there may have been
23 some sexual connotation?

24 **BISHOP DUROCHER:** When she used that word.

25 **MR. DUMAIS:** All right.

1 **BISHOP DUROCHER:** But she gave to that word
2 a sense that -- she used the word "fondle". For me -- I
3 don't know if I'm wrong; for me it implies sexual contact,
4 but it did not for her.

5 **MR. DUMAIS:** Okay.

6 **BISHOP DUROCHER:** She meant that he had
7 simply consoled her.

8 **MR. DUMAIS:** And I guess my question is
9 simply that your delegate did not investigate to make that
10 determination. You were the one that was asked to do that;
11 correct?

12 **BISHOP DUROCHER:** They felt that since she
13 was communicating with me it was better for me to clarify
14 that with her.

15 **MR. DUMAIS:** All right. And I think we saw
16 your response to your delegate. If you can just turn the
17 page and look at Bates page 298. So I'm looking at your
18 response which is about mid-page, as you indicated, by
19 email on July 14th, 2003 at 11.35 a.m. and it's written in
20 French:

21 « Cher Docteur Legault, voici la
22 réponse que m'a fait C-70, je crois
23 donc qu'il ne sera pas nécessaire de
24 faire référence au comité aviseur. Ça
25 demeure mon problème à moi tout seul.

1 Merci pour ta disponibilité, il serait
2 bon que je remette le dossier en
3 filière dès que possible. Veux-tu que
4 je passe le prendre? »

5 So certainly it appears that at one point-
6 in-time the matter would have been referred to the
7 committee, including the file. Then you had an exchange
8 with C-70 and then took the file back from the committee or
9 the delegate. Do I have that correct?

10 **BISHOP DUROCHER:** Yes. The question here
11 seems that I -- this was not a situation of sexual abuse,
12 but it's just that I was concerned that it might -- there
13 might be at one point an allegation, so I decided to
14 involve my delegate in it.

15 **MR. DUMAIS:** Yes, all right.

16 And I think we see -- and I guess she had
17 been communicating with you by email as well. Was that
18 correct?

19 **BISHOP DUROCHER:** Yes.

20 **MR. DUMAIS:** And perhaps we can just have a
21 look at her response here, which is dated July 11th, couple
22 days I guess before you advised -- you sent your email.
23 She is essentially saying:

24 "I told you the truth from the
25 beginning but I can't get through to

1 you. I'm not a liar. No, he did not
2 touch my breasts but he rubbed my back
3 and chest. I felt very uncomfortable
4 and because I have a problem I froze
5 up. But no, Father..."

6 not reading that right:

7 "No, Father, your priest is
8 innocent..."

9 Okay, she's calling you "Father".

10 "...your priest is innocent in your
11 eyes and that's all that counts. I
12 don't know if he meant anything by
13 doing it at the time. I felt he was
14 comforting me but it doesn't matter, I
15 never accused him to you. I am not a
16 liar, so don't worry. I don't know for
17 sure what his intentions were, so maybe
18 it was innocence, maybe not. Only he
19 knows and it doesn't matter because
20 you've already judged me. I'm not
21 going to tell the Pope or press
22 anything about the fondling because,
23 like you say, it's not an offence, is
24 it? It's okay for him to do what he
25 wants."

1 So certainly C-70 still appears to be
2 concerned. If you go through this email, she still appears
3 to be concerned by the actions of the priest and the
4 subsequent decision that was made.

5 **BISHOP DUROCHER:** C-70 is a woman that has
6 been through a lot of hard times and a lot of difficulty.
7 I feel very uncomfortable having her material read here
8 because of the impact it can have on her.

9 **MR. DUMAIS:** M'hm.

10 **THE COMMISSIONER:** In a way ---

11 **BISHOP DUROCHER:** She ---

12 **THE COMMISSIONER:** I'm sorry, go ahead.

13 **BISHOP DUROCHER:** I tried to do my best to
14 try to understand exactly what was going on. I encouraged
15 her numerous times to find help and to seek therapy with a
16 specialist. This kind of correspondence went on for a
17 year, sometimes daily, sometimes two times, three times a
18 day. I did everything I could to reach out and to be
19 available to this woman.

20 I really believe there was nothing sexual
21 involved here. There are many other problems, though, and
22 ---

23 **MR. DUMAIS:** Okay. So, Bishop, then your
24 involvement continued past this exchange in July ---

25 **BISHOP DUROCHER:** Absolutely.

1 **MR. DUMAIS:** --- two thousand and ---

2 **BISHOP DUROCHER:** It went on for a long,
3 long time and it's, in a sense, still going on.

4 **MR. DUMAIS:** All right. And at no point-in-
5 time did your delegate become involved, other than what
6 you've discussed here?

7 **BISHOP DUROCHER:** That's correct.

8 **MR. DUMAIS:** So you essentially handled this
9 matter?

10 **BISHOP DUROCHER:** That's correct. If I can
11 just add ---

12 **MR. DUMAIS:** Yes.

13 **BISHOP DUROCHER:** I've met with this woman
14 again with specialists and this issue has never come back
15 up again.

16 **MR. DUMAIS:** Okay.

17 If you can then just turn to page -- Bates
18 page 308, the same document.

19 And just -- and again, this -- I think we
20 briefly spoke of this case earlier on. So is this the
21 unanimous third -- anonymous third-party allegation that
22 had been made?

23 **BISHOP DUROCHER:** Well, it's not anonymous.
24 The person who made the third-party allegations is known.

25 **THE COMMISSIONER:** Yeah, the third party ---

1 **BISHOP DUROCHER:** That's right.

2 **MR. DUMAIS:** Not the third party but the
3 complainant; correct?

4 **BISHOP DUROCHER:** But the complainant is not
5 known.

6 **MR. DUMAIS:** All right. And so the
7 complainant was never -- this had been an allegation that
8 had been made against a priest that was incardinated here
9 in the Diocese?

10 **BISHOP DUROCHER:** That's correct.

11 **MR. DUMAIS:** And the matter had been
12 referred to the delegate. The delegate had advised C-72 to
13 refer the matter to the Children's Aid Society. My
14 understanding is that was done. But the matter was never -
15 - the complainant was never identified; is that correct?

16 **BISHOP DUROCHER:** That's my understanding,
17 yes.

18 **MR. DUMAIS:** And am I correct that you are
19 the one that had initially referred the matter to the
20 delegate; is that correct?

21 **BISHOP DUROCHER:** She came to me first.

22 **MR. DUMAIS:** She came to you first. All
23 right.

24 Now, I understand that the Diocese or
25 priests form the Diocese were involved in another civil

1 proceeding. And if I can just ask Madam Clerk to put to
2 you Exhibit 799?

3 Now, my understanding, Bishop, is this was
4 an outstanding civil proceeding, date of issue of this
5 document is on September 19th, 2000 so everything started
6 before you first came to this Diocese but my understanding
7 is that it was still ongoing while you were here.

8 **BISHOP DUROCHER:** I was under the impression
9 it was dropped before I arrived. What was ongoing was the
10 settlement of expenses on the part of parties that had been
11 named.

12 **MR. DUMAIS:** All right. And my
13 understanding is that at one point in time Mr. Guzzo, who
14 testified here at the Inquiry, would have made some
15 comments regarding the settlement or the cost issue. Do
16 you recall that?

17 **BISHOP DUROCHER:** Who would have made the
18 comments?

19 **MR. DUMAIS:** Mr. Garry Guzzo.

20 **BISHOP DUROCHER:** Yes, he did.

21 **MR. DUMAIS:** And do you recall what those
22 comments were?

23 **BISHOP DUROCHER:** Yes.

24 **THE COMMISSIONER:** Go ahead.

25 **BISHOP DUROCHER:** Well, I didn't realize he

1 was referring to this. At one point, he publicly announced
2 that the Diocese -- I'd been here a couple of months and he
3 publicly announced that the Diocese -- he had information
4 saying the Diocese had paid out \$100,000 in, he called it
5 "hush" money, to stop complainants from telling others
6 about sexual abuse in the Diocese.

7 **MR. DUMAIS:** Right. And you took offence to
8 his public comments and would have set up a meeting with
9 him; is that correct?

10 **BISHOP DUROCHER:** Absolutely.

11 **MR. DUMAIS:** To discuss ---

12 **BISHOP DUROCHER:** I mean, the newspaper
13 called me and I said, "Look, I have no idea what Mr.
14 Guzzo's talking about. I have no information at all about
15 \$100,000 leaving the Diocese. If he is right, there's
16 embezzlement going on in the Diocese and I want to get to
17 the bottom of this."

18 And so I called him. I asked him if he had
19 any documentation to back up what he was saying. He
20 assured me he did. And so I went to see him at his office.

21 **MR. DUMAIS:** Okay. And if I can just refer
22 you to Exhibit 1942.

23 **THE COMMISSIONER:** One nine four two (1942).

24 **MR. DUMAIS:** So is this, and I am not sure
25 what the answer is, but is this the document that he would

1 have shown you?

2 **BISHOP DUROCHER:** Yes, except that the
3 document had a sum -- it's close to the document he showed
4 me, except that the document he showed me had a sum written
5 on it.

6 **THE COMMISSIONER:** On page 2?

7 **BISHOP DUROCHER:** On page 2, the plaintiff
8 will pay these defendants ---

9 **THE COMMISSIONER:** So somebody had penned in
10 or ---

11 **BISHOP DUROCHER:** I can't remember if it was
12 penned in or typed in but there was the sum, I believe it
13 was 60,000 USD that was written in there.

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

15 **MR. DUMAIS:** And the document that had been
16 shown to you, Bishop, was not signed?

17 **BISHOP DUROCHER:** It was not signed.

18 **MR. DUMAIS:** All right. And what was the --
19 how did the meeting end or how did your discussion end?

20 **BISHOP DUROCHER:** Well, I asked him where he
21 was getting this -- who he was talking about. And he told
22 me "Well, you're paying money to these people in this
23 lawsuit that was launched to get them to shut up." And I
24 didn't understand what he was speaking about.

25 And then, when he showed me the document,

1 and he said 60,000 and I said "Well, do you see a signature
2 on there?" And he said "No." And I said "Well, then, what
3 you have is a draft." And the draft was obviously written
4 up by someone, not by us, and sent to us and we probably
5 took it and threw it away. Because there was no way we
6 were going to settle these expenses for \$60,000.

7 And then I looked at him and I said "So, how
8 do get \$100,000 out of this?" And he said "Well, I told
9 myself that if you settled for 60,000 with him, you must
10 have settled for a lot of money with others and so you
11 probably paid all this money." I couldn't believe the
12 reasoning of this man. I was frankly quite astounded at
13 the conclusions he was jumping to.

14 And then I asked him "What gives you -- what
15 makes you think that we paid this?" And he said "Well,
16 I've been calling this newspaper and they're not returning
17 my calls so I took it for granted that obviously you are
18 commanding them not to talk to me anymore." It was just
19 beyond me ---

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

21 **BISHOP DUROCHER:** --- that a man in his
22 position would make that kind of judgment.

23 **MR. DUMAIS:** And the conversation that you
24 had with him, Bishop, preceded the actual settlement of
25 costs; is that correct?

1 **BISHOP DUROCHER:** It did, yes.

2 **MR. DUMAIS:** And eventually, the matter was
3 resolved and my understanding is that -- or perhaps we can
4 put the documents to you, it's 129951 and 129952, that's
5 two different documents.

6 **THE COMMISSIONER:** Thank you. Exhibit 2191
7 is a letter addressed to Mandy Moore of Borden, Ladner,
8 Gervais from David Elliott dated March 14th, 2003 and
9 Exhibit 2192 is minutes of settlement dated the 19th day of
10 June, 2003.

11 **--- EXHIBIT NO./PIÈCE NO. P-2191:**

12 (129951) Letter from David Elliott to Mandy
13 Moore - March 14, 2003

14 **--- EXHIBIT NO./PIÈCE NO. P-2192:**

15 (129952) Minutes of Settlement - June 19,
16 2003

17 **MR. DUMAIS:** So essentially, Bishop, the
18 first document is a letter, but if you turn to the second
19 page, it's a certificate of assessment of costs confirming
20 that on consent, the cost payable totalled 11,500. Is that
21 correct?

22 **BISHOP DUROCHER:** That's correct.

23 **MR. DUMAIS:** And then if we look at the
24 second document, that the Diocese would have paid costs to
25 Mr. James Bateman in the amount of \$5,000?

1 **BISHOP DUROCHER:** That's correct.

2 **MR. DUMAIS:** And your understanding, Bishop,
3 is that the total amount of costs paid by the Diocese in
4 this matter was 16,500; correct?

5 **BISHOP DUROCHER:** That's correct.

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

7 I think I have one other area, Mr.
8 Commissioner. If we can just take a five-minute break ---

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

10 **MR. DUMAIS:** --- and ---

11 **THE COMMISSIONER:** Sure.

12 **MR. DUMAIS:** --- I can get back into the ---

13 **THE COMMISSIONER:** Can I just ask one
14 question before I forget?

15 Speaking of money, did you ever track down
16 or can you comment any further about the Deslauriers cheque
17 or is that -- Father Deslauriers supposedly had \$150,000 in
18 a bank account. Monsignor Larocque wrote back. He'd got
19 back a cheque and it seems the cheque -- we don't even know
20 the amount, but was never cashed or deposited into any
21 accounts in the Diocese and they say it may have gone to a
22 parish.

23 Do you have any information about it?

24 **BISHOP DUROCHER:** I have no information
25 whatsoever. Our financial records don't go back there ---

1 **THE COMMISSIONER:** Yes.

2 **BISHOP DUROCHER:** --- to that date.

3 **THE COMMISSIONER:** Okay.

4 **MR. SHERRIFF-SCOTT:** Just so you know, when
5 this issue arose, we asked the Caisse Populaire to search
6 and they told us that it basically was impossible to search
7 given the volume of material, since it was allegedly 1986
8 as we asked them to see if they could find anything and
9 they, basically, declined the request.

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

11 Let's take a short break and let me know
12 when you're ready to go.

13 **MR. DUMAIS:** Thank you.

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

16 The hearing will resume at 4:55 p.m.

17 --- Upon recessing at 4:42 p.m./

18 L'audience est suspendue à 16h42

19 --- Upon resuming at 4:55 p.m./

20 L'audience est reprise à 16h55

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

23 The hearing is now resumed. Please be
24 seated. Veuillez vous asseoir.

25 **BISHOP PAUL-ANDRÉ DUROCHER, Resumed/Sous le même serment :**

1 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.
2 DUMAIS (cont'd/suite):

3 **MR. DUMAIS:** So just to finish off your
4 involvement with -- or some of your involvement with Mr.
5 Guzzo, if you can refer to Exhibit 1069.

6 **THE COMMISSIONER:** And it's the last
7 exhibit; there we go.

8 **MR. DUMAIS:** It's my understanding, Bishop,
9 you had received this correspondence from Mr. Guzzo some
10 time after the 3rd day of July, 2002?

11 **BISHOP DUROCHER:** That's right.

12 **MR. DUMAIS:** So do you recall whether or not
13 you would have received this correspondence before or after
14 your conversation with him?

15 **BISHOP DUROCHER:** Oh, this was before --
16 this was within a few weeks of my installation as a Bishop
17 on June 14th.

18 **MR. DUMAIS:** Okay.

19 **BISHOP DUROCHER:** So the issue with the
20 payments was, I believe, later in September or October if
21 I'm not mistaken.

22 **MR. DUMAIS:** Okay. It certainly came after
23 this?

24 **BISHOP DUROCHER:** Yes.

25 **MR. DUMAIS:** All right. So before receiving

1 this letter, did you know Mr. Guzzo at all?

2 **BISHOP DUROCHER:** No.

3 **MR. DUMAIS:** All right. And he talks about
4 a number of things, but if I can just take you to the
5 second page of that correspondence in the second paragraph,
6 and I'll just read it out to you:

7 "When one reviews the admissions that
8 came in the evidence in the Lapierre
9 trial and Martin trial, one cannot help
10 but expect an explanation from the
11 church and the Diocese. None has been
12 forthcoming."

13 Do you recall any discussion with him with
14 respect to what he meant by that?

15 **BISHOP DUROCHER:** None, whatsoever. He
16 didn't bring it up in our conversation.

17 **MR. DUMAIS:** All right. And did you respond
18 to this correspondence?

19 **BISHOP DUROCHER:** I did not.

20 **MR. DUMAIS:** You did not; all right.

21 Now, at the end of that same paragraph, it
22 reads:

23 "Similarly, one would have expected
24 Father Desilets to rush back to the
25 United States to clear his name. The

1 optics of the church fighting an
2 extradition hearing is exceedingly
3 alarming."

4 Do you know what he's referring to here?

5 **BISHOP DUROCHER:** Well, I believe Father
6 Desilets, who was a Clercs St-Viateur who was charged with
7 sexual activities in the United States ---

8 **MR. DUMAIS:** M'hm.

9 **BISHOP DUROCHER:** --- and the rest of it I
10 don't know because it has nothing at all to do with the
11 Diocese, so I wasn't aware of the ins and outs of this case
12 or extradition or anything like that.

13 **MR. DUMAIS:** All right. So you believe that
14 Father Desilets would have been part of this religious
15 order?

16 **BISHOP DUROCHER:** Father Desilets was a
17 Clercs St-Viateur.

18 **MR. DUMAIS:** Oh, you know that for a fact.
19 And was he, at any point-in-time, in this Diocese; do you
20 know?

21 **BISHOP DUROCHER:** I believe he was here for
22 a year and that when the police were doing their
23 investigation, they asked to come and see his file and his
24 file was given to the police here at the Diocese, but there
25 was, I don't think, anything in the file indicating any

1 complaints here in the Diocese. So it a completely
2 American issue.

3 **MR. DUMAIS:** And do you recall whether or
4 not the Diocese had involved itself in the extradition
5 hearing?

6 **BISHOP DUROCHER:** No, I'm not aware if it
7 was. I'm sure it wasn't.

8 **MR. DUMAIS:** If I can take you then to
9 Document Number 737886.

10 So the last area, Bishop, is essentially
11 exchange of correspondence you would have had with the
12 group that was then called the Coalition for Action.

13 **THE COMMISSIONER:** All right.

14 So this is a letter dated March 15th, 2004 to
15 Bishop Paul-André Durocher from Alain Séguin, Steve
16 Parisien and Paul Scott. One was the Coalition for Action
17 Cornwall and Mr. Scott for Citizens for Renewal.

18 Okay, Exhibit 2193.

19 **--- EXHIBIT NO./PIÈCE NO. P-2193:**

20 (737886) Letter from Alain Sèguin, Steve
21 Parisien, Paul Scott to Paul-André Durocher
22 - March 15, 2004

23 **MR. DUMAIS:** All right.

24 Sorry -- and actually I didn't want to
25 mislead you. Two of the signatories to the letters are

1 from the Coalition for Action Cornwall, one. Mr. Scott is
2 from the Citizens for Renewal.

3 So do you recall receiving this piece of
4 correspondence?

5 **BISHOP DUROCHER:** Yes.

6 **MR. DUMAIS:** So was this your first
7 introduction to those two groups?

8 **BISHOP DUROCHER:** I don't believe it was,
9 no.

10 **MR. DUMAIS:** So you think you would have had
11 prior ---

12 **BISHOP DUROCHER:** It's unclear for me the --
13 how can I say -- the chronology of my relationship with
14 these people, but as far as I remember, I had met with Mr.
15 Scott earlier to discuss some issues particularly -- well,
16 I wanted to discuss the issue of the protocol that we were
17 developing and he wanted to discuss more my support for Mr.
18 Guzzo's Bill calling for an inquiry.

19 **MR. DUMAIS:** Yes.

20 **BISHOP DUROCHER:** I remember that as being a
21 very friendly exchange and a very respectful exchange, but
22 somehow, at one point, he became frustrated and so this is
23 why I think this was afterwards because this letter
24 expresses some of that frustration.

25 **MR. DUMAIS:** All right.

1 So some of the -- he was requesting for some
2 information from you on a number of matters. And I think -
3 - and I'm just looking at the fourth paragraph, and I'll
4 just read it out:

5 "For this Diocese will you release
6 statistics regarding allegations of
7 abuse against Church personnel
8 including historical data on the
9 settlement made similar to those
10 released in the U.S?"

11 So he's essentially looking for statistics,
12 is that correct?

13 **BISHOP DUROCHER:** That's correct.

14 **MR. DUMAIS:** All right. And one of the
15 other things he wanted you to provide information on,
16 that's the third-last paragraph from the bottom, was on a
17 different settlement that the Diocese had been involved
18 with and one of those settlements had been with the
19 Cornwall Classical College, correct?

20 **BISHOP DUROCHER:** Yes.

21 **MR. DUMAIS:** And is that the settlement that
22 involved Les Clercs de Saint-Viateur?

23 **BISHOP DUROCHER:** It was a settlement that
24 involved Les Clercs de Saint-Viateur, yes.

25 **MR. DUMAIS:** And I think as you've indicated

1 in the last page, the third-last paragraph, want to know
2 whether or not you're -- you'd be supporting a bill calling
3 for an inquiry.

4 If we can put Document Number 737888 to the
5 Bishop?

6 **THE COMMISSIONER:** Thank. Exhibit 2194 is a
7 letter addressed to Mr. Alain Sequin and Paul Scott from
8 Monsignor Durocher dated ---

9 **MR. DUMAIS:** There's no date, Mr.
10 Commissioner, but I believe it's May 10th, 2004.

11 **THE COMMISSIONER:** That's what it -- well,
12 May 10th letter is on -- is handwritten. So we'll say it's
13 May 10th, 2004.

14 --- **EXHIBIT NO./PIECE NO. P-2194:**

15 (737888) Letter from Paul-Andre Durocher
16 to Alain Sequin, Paul Scott dated 10 May 94

17 **MR. DUMAIS:** The following exhibit actually
18 will identify that fact.

19 So, Bishop, is this the response to the
20 March 15th correspondence?

21 **BISHOP DUROCHER:** No the -- this is a
22 response to a meeting, the -- again, I can't remember the
23 chronology clearly. These people wanted to have a meeting.
24 We did have a meeting and they brought these questions to
25 me.

1 I responded to some of them, not all of
2 them. Then they insisted that I respond somehow so I spoke
3 with a few people people at the Diocesan Centre, my Vicar
4 General particularly if I remember correctly. And I didn't
5 know and nobody knew who these people really were and what
6 groups they represented or anything like that.

7 So the advice that was given to me was that
8 before moving further into any serious discussion let's say
9 who we are here and so this was my response, can you tell
10 me who your organization is and who you're representing?
11 Are you just kind of individuals that are speaking for
12 yourselves, or do you really have a mandate or -- so I
13 wanted to understand who I was dialoguing with.

14 **MR. DUMAIS:** And you spoke about a meeting
15 that you would have had the previous March. Do you recall
16 whether or not there was any difficulty during that
17 meeting?

18 **BISHOP DUROCHER:** Well, it was -- no, I
19 can't remember dates. I think it was around March. There
20 was a lot of difficulty around this issue with the Cornwall
21 Classical College settlement.

22 **MR. DUMAIS:** M'hm.

23 **BISHOP DUROCHER:** They would not accept at
24 all that the Diocese was not involved with that settlement.
25 It led to a lot of animosity. It led to some letters to

1 the newspaper in which I was accused of basically being a
2 liar. So yes, there was a lot of tension around the issues
3 that arose around that meeting.

4 **THE COMMISSIONER:** So what you're telling me
5 is that with respect to any action with respect to Cornwall
6 Classical College, you're saying that the order of -- the
7 religious order that was involved in that was the ---

8 **BISHOP DUROCHER:** Les Clercs de Saint-
9 Viateur.

10 **THE COMMISSIONER:** Right. And so there were
11 none of your priests that had anything to do with that
12 lawsuit?

13 **BISHOP DUROCHER:** That's correct. Well,
14 what the Diocese had been named originally in the lawsuit
15 but at one point they realized that we were not involved so
16 they dropped us from the lawsuit.

17 **THE COMMISSIONER:** Okay.

18 **BISHOP DUROCHER:** And this is what these
19 people had difficulty understanding and when the lawsuit
20 was finally settled, I had no information about it. I had
21 no information about confidentiality clauses within it and
22 everything, they were -- they seemed to imply that I should
23 have known, that it was my responsibility to know, that I
24 should have been involved with the discussions and
25 everything.

1 I tried to explain to them the structure of
2 the Church but they really had difficulty understanding
3 that. And that's why that stayed as a serious bone of
4 contention.

5 MR. DUMAIS: It strained your relationship,
6 to say the least.

7 BISHOP DUROCHER: Yeah. Yes, yes.

8 MR. DUMAIS: All right.

9 BISHOP DUROCHER: So it made dialogue very
10 difficult. You know, they would come and say, "Well,
11 explain this," and I would explain it. And then they said,
12 "Well, that doesn't make any sense." I said, "Well, that's
13 how it works," but they just had difficulty with that.

14 MR. DUMAIS: All right. And I believe they
15 would have responded to you and -- on May 14th, if Document
16 737889 can be shown to you.

17 THE COMMISSIONER: Exhibit Number 2195 is a
18 letter dated May 4th, 2004 addressed to Bishop Paul-Andre
19 Durocher signed by Mr. Alain Seguin and Paul Scott.

20 --- EXHIBIT NO./PIECE NO. P-2195:

21 (737889) Letter from Alain Seguin, Paul
22 Scott to Paul-Andre Durocher, dated 14 May
23 04

24 MR. DUMAIS: So I'm just looking at the
25 second paragraph and I'll read it:

1 "It seems to us that what you're doing
2 is raising the bar higher than your
3 public pronouncement of wanting anyone
4 from the community regardless of
5 credentials to come forward with their
6 suggestion of how to change the
7 situation regarding the sexual abuse of
8 minors in the Church, i.e., you really
9 don't want the dialogue you have said
10 publicly you dearly want."

11 Was that what you were alluding to when you
12 indicated that they were accusing you of lying?

13 **BISHOP DUROCHER:** Well, I'm -- that's part
14 of it I think, yes.

15 **MR. DUMAIS:** All right. And in that
16 correspondence as well they provided essentially an
17 explanation for their inability to divulge any name of the
18 committees. I'm just looking at the fifth paragraph.

19 **BISHOP DUROCHER:** Well, basically they're
20 telling me that they won't give me any information about
21 their group. Kind of left us at a standstill.

22 **MR. DUMAIS:** And -- yeah. And your concern
23 -- you were concerned about identifying group members for
24 what reason?

25 **BISHOP DUROCHER:** I just wanted to know who

1 -- where their mandate was coming from. Are they just --
2 are these just three individuals who have given themselves
3 a fancy name and claim to speak for everyone or is there
4 really a group that they're representing? I didn't know
5 this information. And I would ask around the town, for
6 example, to know and nobody seemed to know either.

7 So it was just -- it was -- I guess what I
8 was trying to do was to try to figure out who my
9 interlocutories were in this dialogue that was already
10 strained. And obviously they -- this just made it more
11 strained.

12 **MR. DUMAIS:** All right. Now ---

13 **BISHOP DUROCHER:** Which is -- I just want to
14 say which is really too bad because I believe Mr. Scott
15 particularly is well-intentioned, you know, but it's just
16 that this dialogue, which had started it seemed to me on
17 the right foot, really didn't work after awhile.

18 **MR. DUMAIS:** All right. Had you been made
19 aware at any point in time whether or not one of these
20 three individuals had been a victim of sexual abuse?

21 **BISHOP DUROCHER:** Yes, quite early as a
22 matter of fact. Both Mr. Seguin and Mr. Parisien
23 identified themselves to me as victims of sexual abuse.
24 Not of clergy but of sexual abuse, and another bone of
25 contention is that they absolutely wanted representation on

1 the committee -- for the committee that was setting up the
2 protocol, and so they were the ones that were calling to --
3 they were demanding to have representation to sit on this
4 committee, so they were not happy to be told no, so all of
5 that made it difficult, yes.

6 **MR. DUMAIS:** And I think -- I believe you
7 told us on Friday at one point in time a decision had been
8 made not to have anyone -- any victim sitting on the
9 committee. Is that right?

10 **BISHOP DUROCHER:** That was a decision of the
11 committee, yes.

12 **MR. DUMAIS:** Now, if we can have a look at
13 Document Number 737890. Actually, Mr. Commissioner, I've
14 got four pieces of correspondence. Maybe I can identify
15 them all right now. So 737890, 737892, 737895 -- actually
16 I lied, there's more than four -- 737896, 737899, 737900,
17 737903 and 737904.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **THE COMMISSIONER:** Okay, thank you. I'm
20 just going to identify all of the exhibits. So Exhibit
21 2196 is a letter dated November 15th, 2004, addressed to
22 Bishop Paul-André Durocher from Paul Scott and Alain
23 Séguin; 2197 is a letter dated December 2nd, 2004, addressed
24 to Mr. Scott and Monsieur Séguin from Monsignor Durocher.

25 Exhibit 2198 is a letter dated January 20th,

1 2005, addressed to Monsignor Durocher, signed Paul Scott;
2 2199 is a letter dated January 24th, 2005, addressed to Mr.
3 Scott from Monsignor Durocher; Exhibit 2200 is a letter
4 dated July 7th, 2005, to Monsignor Durocher from Paul Scott.

5 Exhibit 2201 is a letter dated August 9th,
6 2005, from Monsignor Durocher to Mr. Paul Scott; 2202 is a
7 letter dated September 20th, 2005, addressed to Monsignor
8 Durocher, signed by Paul Scott; and finally, 2203 is a
9 letter dated November 4th, 2005, addressed to Mr. Paul Scott
10 to Monsignor Durocher.

11 --- EXHIBIT NO./PIÈCE NO. P-2196:

12 (737890) Letter from Alain Séguin and Paul
13 Scott to Paul-André Durocher dated 15 Nov 04

14 --- EXHIBIT NO./PIÈCE NO. P-2197:

15 (737892) Letter from Paul-André Durocher to
16 Paul Scott and Alain Séguin dated 02 Dec 04

17 --- EXHIBIT NO./PIÈCE NO. P-2198:

18 (737895) Letter from Paul Scott to Paul-
19 André Durocher-André Durocher dated 20 Jan
20 05

21 --- EXHIBIT NO./PIÈCE NO. P-2199:

22 (737896) Letter from Paul-André Durocher to
23 Paul Scott dated 24 Jan 05

24 --- EXHIBIT NO./PIÈCE NO. P-2200:

25 (737899) Letter from Paul Scott to Paul-

1 André Durocher dated 07 Jul 05

2 --- EXHIBIT NO./PIÈCE NO. P-2201:

3 (737900) Letter from Paul-André Durocher to
4 Paul Scott dated 09 Aug 05

5 --- EXHIBIT NO./PIÈCE NO. P-2202:

6 (737903) Letter from Paul Scott to Paul-
7 André Durocher dated 20 Sep 05

8 --- EXHIBIT NO./PIÈCE NO. P-2203:

9 (737904) Letter from Paul-André Durocher to
10 Paul Scott dated 04 Nov 05

11 **MR. DUMAIS:** Thank you.

12 So, Bishop, just generally is this -- do all
13 these letters -- do they represent the exchange of
14 correspondence that you would have had in the coalition or
15 the citizens for -- Coalition of Action for Cornwall or the
16 Citizens for Renewal on these issues?

17 **BISHOP DUROCHER:** You have everything that
18 was in the file.

19 **MR. DUMAIS:** Okay, so it's essentially a
20 chronology of the exchanges between you and them?

21 **BISHOP DUROCHER:** Yes.

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

23 Now, if we can look at the first one, which
24 is 2196 -- Exhibit 2196, the letter dated November 15th,
25 2004. Actually sorry, Bishop, if we can look at the second

1 exhibit, 2197, which is dated December 2nd, 2004, which is
2 your response to the previous correspondence, and I'm
3 looking at the last couple of lines of the second
4 paragraph:

5 "I also felt ambushed by the presence
6 of the media that you had invited
7 without consulting me or informing me."

8 Do you recall what that meeting was about?

9 **BISHOP DUROCHER:** Oh yes.

10 **MR. DUMAIS:** Okay, can you tell us about the
11 meeting?

12 **BISHOP DUROCHER:** That's the meeting I was
13 referring to earlier.

14 **MR. DUMAIS:** They had invited you to a
15 meeting and ---

16 **BISHOP DUROCHER:** Well, they had asked to
17 meet with me, so I had suggested we meet at the Diocesan
18 Centre and all of a sudden there were press there that I
19 didn't know about. They had, I understood, sent out a
20 press release announcing this meeting was taking place and
21 saying that they would be making statements to the press
22 afterwards.

23 **MR. DUMAIS:** All right. And in the
24 correspondence that follows this one, the subjects of
25 publication of statistics, the settlement of the Classical

1 College and the involvement of les Clercs de Saint-Viateur,
2 and the issue of confidentiality agreements and whether or
3 not you would waive confidentiality for the settlements
4 came up a number of times during those exchanges.

5 **BISHOP DUROCHER:** Well, see, this was one of
6 the issues. I told them that there is only -- apart from
7 the David Silmsler agreement there was only one other
8 lawsuit where there had been a confidentiality clause and
9 that I publicly announced that if that person wants that
10 confidentiality clause lifted, let them come to me; I'm
11 open to lifting it.

12 They had difficulty believing there was only
13 one more. They were convinced that there were a number of
14 settlements that had involved payouts this way, and when I
15 told them no, they wouldn't accept that as an answer.

16 **MR. DUMAIS:** All right. And at one point in
17 time a public announcement was made about the public
18 inquiry ---

19 **BISHOP DUROCHER:** Yes.

20 **MR. DUMAIS:** --- and essentially you
21 adjourned all of the outstanding questions or matters to
22 the Inquiry. Is that fair?

23 **BISHOP DUROCHER:** Well, like I wrote to them
24 the public inquiry will be looking at all these issues and
25 perhaps this will satisfy you ultimately in your search for

1 information because obviously they weren't taking my word
2 for what I was telling them on some of the issues.

3 **MR. DUMAIS:** All right. These are my
4 questions, Bishop.

5 As I've indicated, and as some of the
6 witnesses that were called from the Diocese have indicated
7 previously that they did not want to make a statement or
8 make recommendations, deferring to the statement of
9 recommendations that you may have. So I invite you to make
10 that statement; indicate what those recommendations could
11 be.

12 **BISHOP DUROCHER:** Thank you.

13 Monsieur le Commissaire, I would have four
14 recommendations.

15 The first, as you know, our Diocese has
16 endeavored to participate fully in this Inquiry and in that
17 vein, I would want to invite you to make recommendations to
18 our Diocese. Though I realize your recommendations are
19 really meant for the government in a public inquiry, I
20 would be open to receive any suggestions you might have to
21 help us do a better job than was done in the past in the
22 Diocese.

23 You might even consider making similar
24 suggestions to all the bishops of Canada and address them
25 to our National Episcopal Conference if you so wish, but I

1 can tell you that I will take seriously any recommendations
2 you have to make to us.

3 My second recommendation is that you
4 encourage our provincial government to commit itself as
5 much to the follow-up to this Inquiry as it has to the
6 Inquiry itself and particularly to Phase 2 projects. It's
7 going to take serious investment in time, resources,
8 personnel and programs to allow this community to move
9 forward. You're aware that I've been involved in the works
10 of PrévAction for example.

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

12 **BISHOP DUROCHER:** A work of community
13 leaders that is trying to develop a five-year plan for
14 public education, prevention and renewal around these
15 issues. And I know that there are a number of other groups
16 who have been developing proposals that bear great promise.

17 It's important that the government
18 understand that to leave these groups in the lurch would be
19 a betrayal of our community, and I hope you will emphasize
20 this in your recommendations to the government.

21 My third recommendation is that the
22 government set up a local panel or name an ombudsman for
23 our area for the next five-year period; a person or a group
24 of people who would be available to receive complaints
25 dealing with sexual abuse and act as advocates for victims

1 in dealing with various organizations in our area. Such a
2 panel or an individual could also act in an advisory
3 capacity for these organizations; for example, for our
4 Diocese.

5 That person or that panel's neutrality would
6 make it easier for people to come forward in the coming
7 years and would allow trust to be built up again between
8 the members of our community and the organizations that
9 work for it. I don't see this as being a long term. I see
10 this as being a medium-term step that could bear much fruit
11 in our area.

12 One final issue is I would suggest that you
13 invite the government to clarify the duty to report to the
14 Children's Aid Society and how that duty is triggered by
15 complaints of historical sexual abuse.

16 I know that this Inquiry has been faced with
17 this issue a number of times. Does the simple fact that a
18 person might have abused a minor in the past trigger the
19 duty to report? I suggest to you, Mr. Commissioner, that
20 this is not clear.

21 Obviously, in our Diocese, we've decided to
22 take a broad interpretation as of now, but I think either a
23 binding interpretation of the present law or an amendment
24 to the present law needs to be considered by our
25 government.

1 I thank you.

2 **THE COMMISSIONER:** Thank you.

3 **MR. DUMAIS:** Thank you.

4 **THE COMMISSIONER:** Right. So I take it we
5 will wait for the cross-examination for tomorrow.

6 All right. So why don't we break and we'll
7 come back tomorrow morning at 9:30?

8 **MR. DUMAIS:** Thank you.

9 **THE COMMISSIONER:** Thank you.

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

12 This hearing is adjourned until tomorrow
13 morning at 9:30 a.m.

14 --- Upon adjourning at 5:26 p.m. /

15 L'audience est ajournée à 17h26

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter inthe Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CM