

**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 276

Held at :

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

Friday, September 5, 2008

Tenue à:


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

Vendredi, le 5 septembre 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Brigitte Beaulne	
Ms. Maya Hamou	Commission Counsel
Ms. Mary Simms	
Mr. Mark Crane	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
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Michele R.J. Allinotte	
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
Mr. Angelo Towndale	Mr. Angelo Towndale

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1 --- Upon commencing at 9:37 a.m./

2 L'audience débute à 9h37

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Mr. Engelmann.

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

14 **THE COMMISSIONER:** Yes, sir.

15 **MR. ENGELMANN:** I understand this morning,
16 aside from giving us a Commissioner's update, that you also
17 have two decisions to render.

18 **THE COMMISSIONER:** Yes.

19 **MR. ENGELMANN:** The Diocese Supplementary
20 Funding Motion and also the Application for Limited
21 Standing by Detective Inspector Millar.

22 I wish to advise you, sir, that we have
23 contacted Mr. O'Brien, who was counsel for Detective
24 Inspector Millar, yesterday ---

25 **THE COMMISSIONER:** Yes.

1 **MR. ENGELMANN:** --- and advised him that the
2 decision would be rendered shortly after 9:30, and I
3 understand that he'll be following on the website.

4 **THE COMMISSIONER:** Great.

5 **MR. ENGELMANN:** Thank you, sir.

6 **THE COMMISSIONER:** Thank you.

7 **--- STATEMENT BY COMMISSIONER/DÉCLARATION PAR LE**
8 **COMMISSAIRE:**

9 **THE COMMISSIONER:** All right. Let me begin
10 with my statement.

11 As you all know, this week we have moved to
12 evidence related to the Children's Aid Society of Stormont,
13 Dundas and Glengarry. Before we continue with this
14 institution today, I will be taking an opportunity to
15 canvass progress since my last statement and to indicate
16 what you can expect over the coming months in both Phase 1
17 and Phase 2.

18 I continue to firmly believe that it is
19 important in a complex process such as a public inquiry to
20 periodically review the overall roadmap. Updates are also
21 in keeping with the many mechanisms we have in place to
22 ensure this Inquiry is accessible to the public.

23 These include reliable posting of
24 transcripts on an overnight basis and the webcast capacity
25 that lets many of you at home or in your offices listen to

1 the proceedings today.

2 We have had in place for some time a plan to
3 receive evidence relevant to the mandate of this Inquiry in
4 an orderly manner. We have followed that plan, which has
5 been regularly reviewed with you.

6 In proceeding methodically and thoroughly,
7 we have canvassed the following areas of evidence: expert
8 evidence to provide context on key areas of relevance to
9 this Inquiry; evidence related to the evolution of
10 corporate policies of institutional parties before this
11 Inquiry, as well as overviews of organizational structures;
12 evidence from those who reported being sexually abused as a
13 child or a young person and, in some cases, evidence of
14 their family members and community context evidence.

15 In pursuing our goals in respect to
16 community context evidence, we had hoped to hear from Mr.
17 Perry Dunlop. Because he has chosen not to appear, we have
18 brought forward evidence in other ways and have moved on
19 with the work of our mandate.

20 Mr. Dunlop's refusal to appear before this
21 Inquiry was considered by the courts of Ontario and he was
22 found in civil contempt of legitimate orders to appear. He
23 was ordered to serve six months in jail. He was also found
24 guilty of criminal contempt in respect of failure to
25 respond to the orders of the Ontario courts.

1 In terms of sentencing for the criminal
2 contempt, I want to make some brief comments. The Ministry
3 of the Attorney General takes the lead in sentencing
4 matters in all criminal matters. They retained outside
5 counsel who attended and provided a brief on the relevant
6 sentencing factors. Our counsel's role was to speak only
7 if called upon to do so as a courtesy to the Court. We did
8 not take an adversarial role. The Divisional Court decided
9 this week that the sentence would be an extra 30 days in
10 jail.

11 For me, the reality is that we have now
12 moved well into the direct evidence of institutional
13 response to complaints of abuse of young people.

14 To do this, we are hearing from witnesses
15 related to institutional parties who were employees or
16 those carrying out various functions for those
17 institutions. We started with the Ministry of Community
18 Safety and Correctional Services. We followed with
19 Cornwall Community Police Service and the Diocese of
20 Alexandria-Cornwall.

21 Nous commençons cette semaine la réponse
22 institutionnelle de la Société d'aide à l'enfance.

23 À la conclusion des témoignages de cette
24 institution, nous consacrerons un peu de temps aux
25 témoignages sur les deux conseils scolaires.

1 Nous passerons ensuite à la Police
2 provinciale de l'Ontario, dont le Project Truth.

3 Les derniers témoins que nous entendrons
4 dans le cadre de cette étape seront ceux qui se rapportent
5 au ministère du Procureur général.

6 Nous siégerons jusqu'à ce que nous ayons
7 terminé l'audition des témoignages pertinents pour
8 l'enquête, soit vers la fin décembre ou le début janvier au
9 plus tard.

10 Comme nous approchons à la fin des
11 auditions, je vais bientôt fixer un calendrier pour la
12 présentation des mémoires et observations concernant la
13 Phase 1. Les avocats savent, bien entendu, ce que
14 j'entends par mémoires et observations.

15 Mais j'aimerais expliquer en détail au
16 public de ce qu'il s'agit. C'est très important du point
17 de vue de l'objectif d'accessibilité au grand public que
18 s'est fixée l'enquête.

19 All the parties before me will have an
20 opportunity, through their counsel, to express their views
21 on the conclusions they argue are to be found in the
22 extensive evidentiary record before me. They can summarize
23 the key findings and viewpoints that they advocate are most
24 important to my report to the Government of Ontario. I am,
25 of course, independent and will make findings and reach my

1 own conclusions, but there is an opportunity for parties to
2 make their case to me to assist me in arriving at my final
3 determinations.

4 Because I want to ensure public
5 understanding of our processes, I will explain that
6 Commission counsel do not make submissions to me. The
7 special role of Commission counsel is to bring out
8 information in a balanced and fair way. Commission counsel
9 do not advocate for any particular interest but act in the
10 public interest of all citizens of Ontario.

11 In reviewing the record of the past and
12 possible conclusions about that past, parties can also look
13 forward. Phase 1 submissions are a time to suggest changes
14 in policies and practices to improve responses to
15 allegations of abuse.

16 You will recall that many witnesses made
17 suggestions for future changes. The submission process
18 allows parties to clearly put forward their suggestions and
19 to tell me and the public of progressive ideas that could
20 affect public policy across this province.

21 I will now discuss some of the details
22 related to the submission process. Following our last day
23 of hearings, we will have a break of a few weeks for filing
24 of written submissions. Counsel will then be permitted to
25 respond in writing to the submissions of other parties or

1 to adopt submissions of others in whole or in part.

2 Once this process is complete, we will make
3 all initial and reply submissions publicly available by
4 posting them on our website at the beginning of oral
5 submissions.

6 There will be a period of several days set
7 aside for all counsel to orally address their submissions
8 to highlight areas of particular significance to their
9 clients and to stress important Phase 1 recommendations.
10 There will be strict time limits for oral submissions given
11 to each party.

12 The submissions process is an important one
13 for this Inquiry and for many witnesses who have appeared
14 before me. I want to ensure adequate preparation time for
15 those submissions and advance notice of the rules governing
16 Phase 1 submissions.

17 At this time, I anticipate that Phase 1
18 written submissions will be received by me in early 2009
19 and time set aside for oral Phase 1 submissions in March.

20 Cet automne, nous notifierons formellement
21 les parties des dates fixées pour la présentation des
22 mémoires écrits et des observations orales.

23 Toutefois, je vous donne suffisamment
24 d'informations détaillées aujourd'hui pour vous permettre
25 de vous préparer et de planifier votre travail afin de

1 respecter les délais fixés jusqu'à la fin de l'enquête.

2 Tout au long de l'enquête, j'ai insisté à
3 plusieurs reprises auprès du public sur l'importance
4 d'attendre que toutes les preuves soient entendues, et
5 c'est ce que je fais. Ce moment approche, mais je prie
6 instamment tout le monde d'attendre la fin des auditions et
7 des présentations des observations concernant la Phase 1
8 pour atteindre vos conclusions.

9 En parlant des mécanismes de collecte de
10 preuve, de la présentation de conclusions et des
11 suggestions pour l'avenir, je n'oublie jamais ce qui compte
12 le plus, la raison pour laquelle nous sommes là et la
13 mission que nous devons remplir.

14 Public inquiries are particularly suited to
15 the thorough examination of complex and sensitive matters
16 without making findings of civil or criminal liability.
17 There was public demand for a public Inquiry in Cornwall to
18 be thorough and fair minded.

19 Our work has always been directed at this
20 fundamental purpose. We came to do an important job on
21 behalf of the public, carefully, compassionately and
22 completely. It has guided all that I do and will continue
23 to guide all that I do.

24 I will now update you on Phase 2 of the work
25 of this inquiry, the fostering of an improved environment

1 for healing and reconciliation.

2 One aspect of Phase 2 work has been
3 research. We have funded research recommended to me by my
4 advisory panel on a number of practical and relevant
5 topics. This has included matters such as whether a change
6 in the law of apologies is desirable, the possibility of a
7 specialized ombudsman and services for men who have a
8 history of childhood abuse but are also adult abusers.

9 Our research agenda also includes material
10 we hope to post on our website this week called "Survivors
11 helping survivors."

12 And later this year, I also expect a how-to
13 manual on establishing services for men.

14 Both are prepared as party research by the
15 Men's Project.

16 We have also funded local initiatives to
17 look at specific ideas here in Cornwall whether for broader
18 education and awareness, professional education or for
19 specific facilities or services.

20 I want to indicate that as we begin to reach
21 the end of our activities here, that I have decided to
22 leave our doors open just a little longer for any research
23 proposal coming from those in the Cornwall and Stormont,
24 Dundas and Glengarry area.

25 My advisory panel will be open to reviewing

1 any local proposals for possible recommendation to me up to
2 November 14th, 2008. We are now closed for any research
3 proposals outside of the Cornwall area. I urge those of
4 you who may have local research proposals to step forward
5 soon.

6 Les activités de la Phase 2 ont également
7 consisté en des réunions pour discuter de sujets concernant
8 l'avenir. Ces sujets sont souvent ceux que les membres du
9 public nous ont signalés comme étant importants.

10 Par exemple, nous avons tenu une séance sur
11 les risques que pose l'internet et comment protéger nos
12 enfants à la collectivité des dangers de l'internet.
13 C'était un sujet que le public nous avait signalé comme
14 étant d'importance capitale.

15 Un grand nombre de ceux et celles qui ont
16 assisté aux réunions de la Phase 2 ont mentionné la
17 question de la détermination de la peine pour ceux qui ont
18 été reconnus coupables d'infractions sexuelles à l'endroit
19 d'enfants et adolescents.

20 C'est la raison pour laquelle le 22 octobre
21 mon comité consultatif tiendra une réunion le soir sous le
22 thème "Parlons de la peine." Nous y présenterons quelques
23 tendances de recherche en matière de détermination de la
24 peine et inviterons quelques experts pour débattre des
25 nombreux facteurs à prendre en considération pour

1 déterminer la peine.

2 Les membres du public sont invités à
3 exprimer leur point de vue sur les différentes approches
4 possibles sur la détermination de la peine.

5 We are also working on three other policy
6 roundtable discussions of possible relevance to future
7 policy. Phase 2 is forward looking because hope for a
8 better future is part of healing.

9 We ask what would be the best way to address
10 an issue in the future? Is there a better way to prevent
11 abuse, address it when it happens and help those hurt?
12 Policy roundtables could help in answering these questions.

13 There are three topics under consideration
14 for policy roundtables: homophobia and fears about
15 pedophilia; how homophobia can hurt efforts to prevent
16 child sexual abuse or address it when it happens.

17 Second, confidentiality provisions in civil
18 settlements. Are there situations in which such provisions
19 should be lifted in the public interest?

20 Issues in encouraging reporting of child
21 abuse and the mandatory duty to report. All parties and
22 their counsel had the opportunity to contribute to policy
23 discussions in a roundtable format.

24 As we post specific dates on our website, I
25 hope those in the broader community come out or review our

1 meeting summaries online to learn about issues worthy of
2 policy debate and development.

3 We are in the process of setting aside dates
4 for these roundtable discussions during non-hearing weeks
5 this fall or in the evening of hearing weeks. Our first
6 date is October 1st on the topic of homophobia and the harm
7 it may cause in preventing and addressing pedophilia.

8 It appears that the session on
9 confidentiality provisions in civil settlements will be
10 held on December 4th. Other sessions are being scheduled
11 based on the availability of key panel participants.

12 In addition to a busy schedule of policy
13 discussions, I note we are repeating a well regarded series
14 of training workshops for professionals delivered by the
15 Men's Project.

16 Many of these training opportunities reached
17 capacity last time and we had wait lists. Please look on
18 our website at the opportunities offered from September
19 2008 to February 2009 and sign up soon.

20 These sessions are free to participants and
21 offered here in Cornwall. They are available to
22 professionals from this community and outside this
23 community.

24 One of the opportunities in Phase 2 is
25 informal testimony. Anyone affected by this Inquiry who

1 wants to give informal testimony in a private, supportive
2 environment can get in touch with Phase 2 staff to
3 register.

4 Informal testimony before members of my
5 advisory panel is available until November 18th of this
6 year. There is quite a bit of flexibility and choice in
7 the informal testimony process.

8 Those interested can discuss what is
9 involved before committing to come and Phase 2 staff
10 welcome calls to discuss what is involved.

11 While what is said cannot be part of Phase 1
12 findings, I can assure those who participate that I will
13 read each summary with great care and will consider what is
14 said before I complete my Phase 2 report.

15 The healing and reconciliation mandate of
16 this Inquiry continues to have my close and careful
17 attention.

18 Comme pour la Phase 1, nous donnerons aux
19 parties et à leur avocat la possibilité de présenter des
20 observations formelles au sujet de la guérison et de la
21 réconciliation dans le cadre de la Phase 2.

22 Nous commencerons par les observations de la
23 Phase 1, puis nous passerons à celles de la Phase 2 avec
24 une brève pause. Je veux être sûr que les parties ont
25 entièrement terminé les observations de la Phase 1 afin de

1 pouvoir concentrer entièrement à la guérison et à la
2 réconciliation.

3 Je précise que les observations et mémoires
4 de la Phase 2 peuvent porter sur n'importe quels
5 commentaires formulés pour une partie ou n'importe quelles
6 recommandations concernant les services de counselling et
7 le soutien aux témoins.

8 Bien que ces deux programmes aient, dans une
9 certaine mesure, un rapport avec la Phase 1, nous les
10 considérerons comme des sujets qui peuvent faire l'objet
11 d'observations et de mémoires dans le cadre de la Phase 1.

12 Je donnerai des instructions précises sur
13 les observations et mémoires de la Phase 2 lorsque je
14 donnerai celles de la Phase 1. Elles seront semblables à
15 d'autres processus suivis pour la Phase 1.

16 Nous prévoyons également plusieurs jours
17 pour les observations orales sur la Phase 2 en imposant des
18 délais aux avocats qui feront des observations oralement.
19 Les mémoires sur la Phase 2 seront affichés sur le site web
20 ainsi que ceux sur la Phase 1.

21 Nous disposons d'une plus grande marge de
22 manœuvre dans la Phase 2 pour faire participer le public.
23 C'est la raison pour laquelle j'ai demandé à mon comité
24 consultatif de prévoir d'autres occasions pour les
25 personnes intéressées par la guérison et la réconciliation

1 de faire connaître ce qu'elles suggèrent pour accélérer la
2 guérison et la réconciliation.

3 To do this, I want to create opportunities
4 that are public. I also want to give those who are private
5 people private opportunities to talk about their vision for
6 healing and reconciliation.

7 Private opportunities can be accessed
8 through informal testimony this fall. Sessions can be
9 completely about ideas for the future or they can be a
10 mixing of personal experiences and ideas for future change.

11 In terms of a public submissions process, we
12 are working on creating opportunities for the public to
13 make Phase 2 submissions on healing and reconciliation.

14 These sessions are likely to be scheduled in
15 early 2009.

16 This completes my update on the progress and
17 the work of this Inquiry.

18 **THE COMMISSIONER:** Before I turn back to the
19 evidence of the Childrens' Aid Society of Stormont, Dundas
20 and Glengarry, I will provide you with the two decisions
21 that are outstanding.



22 The first one is the Application for Limited
23 Standing for Part 1 by Detective Inspector Randy Millar.

24 On Thursday, August 28th, 2008, I heard an
25 Application for Limited Standing brought by Detective

1 Inspector Randy Millar. I have considered the written
2 submissions filed on his behalf and the oral submissions
3 made by his counsel and counsel for the OPP.

4 For the reasons which follow, I am prepared
5 to grant limited standing but not provide all of the relief
6 sought.

7 By way of background, on November 17th, 2005,
8 I granted full standing to the OPP and the OPPA. At that
9 time, I advised all institutional parties that they should
10 monitor the evidence as it unfolds and identify conflicts
11 and/or potential conflicts as they arise. It is my
12 understanding that as a result of such monitoring, the
13 applicant was advised to retain independent counsel and
14 that this has then led to this application.

15 During the course of oral submissions on
16 this application, I sought some clarification as to why
17 standing is required in this case. I did so because in
18 several other conflict situations, witnesses have retained
19 independent counsel but there has been no application for
20 limited standing. I sought this clarification because this
21 was not clear to me from the written submissions.

22 The answer I received from counsel for the
23 OPP was that the principles of natural justice require that
24 he be able to test the evidence of others who are going to
25 be called during our institutional response to address this

1 conduct. Although I had no evidence before me concerning
2 the nature and extent of this conflict, I can surmise from
3 counsel's submissions that there will be testimony from one
4 or more OPP witnesses that allege some form of misconduct
5 on the part of the applicant.

6 While I am prepared to grant limited
7 standing, the information I have been provided is
8 insufficient to justify the whole of the relief sought.
9 For the time being, I will grant the applicant's limited
10 standing as to the issues pertaining to alleged misconduct
11 that would potentially put him in a conflict with the OPP
12 and/or the members of the OPPA.


13 Commission counsel shall provide all
14 disclosure documents relevant to the applicant's interest
15 to counsel for the applicant upon his/her signing of the
16 proper undertakings.

17 Commission counsel shall also provide
18 anticipated evidence summaries of OPP witnesses that refer
19 to alleged misconduct on the part of the applicant.

20 Counsel for the applicant shall have the
21 opportunity to cross-examine witnesses on matters relevant
22 to the basis upon which this standing is granted.

23 Should the applicant wish to apply for
24 further relief at a later time, he is free to do so. If
25 this takes place, I trust that an evidentiary basis for

1 such further relief, as may be requested, will be provided.

2  Finally, with respect to the decision on the
3 Motion for Supplementary Funding, I say as follows:

4 The Diocese of Alexandria-Cornwall filed a
5 fourth Motion for Supplementary Funding on July 24th, 2008,
6 which I heard orally on Friday, August 29th, 2008.

7 By way of background, I initially
8 recommended funding for the Diocese in December, 2005. The
9 Diocese sought additional funding on June 30th, 2006 and
10 then again on February 20th and December 6th, 2007. In
11 total, I have recommended \$1,075 hours of paralegal time,
12 and I have also recommended second counsel attendance fees
13 up to a maximum of 30 days with the understanding that the
14 junior or intermediate counsel attending with senior
15 counsel would be funding at 75 percent of their rate.

16 When I last recommended supplementary
17 funding for the Diocese in December, 2007, I indicated that
18 I would not recommend any further funding without a full
19 explanation of how the time has been utilised and why
20 additional resources would be required. In her very able
21 written and oral submissions, counsel for the Diocese has
22 fully explained how the allotted paralegal time has been
23 utilised and why and for what purpose additional time is
24 required.

25 I am therefore recommending that an

1 additional 750 hours of paralegal law clerk funding be
2 provided. This recommendation is retroactive to July 24th,
3 2008, if required.

4 In granting the Diocese the request for and
5 recommending supplementary funding, I am mindful of the
6 public expenditure of funds. I agree with counsel that
7 additional funding of a paralegal or a law clerk to do the
8 tasks outlined in the materials may well be more efficient
9 and cost effective than leaving this work with a junior
10 lawyer.

11 As for the request for an additional
12 allocation of days for second counsel funding, I agree with
13 the submission that there are several key witnesses still
14 to come. I am therefore recommending an additional 20 days
15 as requested. The second counsel fee will again be limited
16 to 75 percent recovery.

17 Given the thorough analysis done by the
18 Diocese counsel, barring any unforeseen circumstances, I do
19 not anticipate any further requests for additional funding
20 from this party.

21 Thank you.

22 We will take a short break now before we
23 recommence the hearing of evidence. Thank you.

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

1 The hearing will resume at 10:15 a.m.

2 --- Upon recessing at 10:02 a.m./

3 L'audience est suspendue à 10h02

4 --- Upon resuming at 10:19 a.m./

5 L'audience est reprise à 10h19

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

8 The hearing is now resumed. Please be
9 seated. Veuillez vous asseoir.

10 **THE COMMISSIONER:** Thank you. Good morning.

11 Mr. Towndale, good morning. How are you
12 doing this morning?

13 **MR. TOWNDALE:** Fine.

14 **THE COMMISSIONER:** So you understand you are
15 still under oath, sir?

16 **MR. TOWNDALE:** Yes.

17 **ANGELO TOWNDALE:** Resumed/Sous le même serment

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

19 **SIMMS (cont'd./suite):**

20 **THE COMMISSIONER:** Ms. Simms.

21 **MS. SIMMS:** Good morning.

22 Good morning, Mr. Towndale.

23 **MR. TOWNDALE:** Good morning.

24 **MS. SIMMS:** We finished off yesterday
25 speaking about C-14.

1 **MR. TOWNDALE:** Correct.

2 **MS. SIMMS:** And if I can just ask you to
3 refer back to the last exhibit that we were discussing,
4 which is Exhibit 538.

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **MS. SIMMS:** So we had been discussing the
7 period of time during which C-14 was a ward at the
8 Children's Aid Society, and I understand that C-14 came
9 back into contact with the Children's Aid Society in around
10 1991 seeking access to his file?

11 **MR. TOWNDALE:** Okay.

12 **MS. SIMMS:** Okay? Do you recall -- were you
13 involved at all in the disclosure process to former wards?

14 **MR. TOWNDALE:** I was not involved.

15 **MS. SIMMS:** Okay.

16 One of the concerns that C-14 raised when he
17 testified here was that he felt, with respect to the
18 information that he was given, that the Children's Aid
19 Society was blaming him for the abuse that he had suffered
20 as a ward.

21 And I want to bring you back to the
22 paragraph that we reviewed yesterday on page 13. You
23 recall we were discussing Mr. Keough conducting an
24 investigation, and his assessment and recommendations are
25 recounted on this page.

1 **MR. TOWNDALE:** Okay.

2 **MS. SIMMS:** And one of his conclusions is
3 that:

4 "C-14 did at times receive a treatment
5 that was far too harsh and could be
6 labelled a beating. I further believe
7 that at such time C-14 had driven the
8 foster parents to a point where they
9 lost control and later would regret
10 their actions."

11 **MR. TOWNDALE:** I don't accept that
12 conclusion.

13 **MS. SIMMS:** Okay. What is your concern
14 about that conclusion?

15 **MR. TOWNDALE:** Blaming the -- blaming C-14
16 for the ---

17 **MS. SIMMS:** So you could understand if C-14
18 was provided that information, he might have the perception
19 that he was being blamed for the abuse he suffered?

20 **MR. TOWNDALE:** I understand that.

21 **MS. SIMMS:** Also, when C-14 was again in
22 contact with the Children's Aid Society, he had made a
23 complaint to the Ontario Provincial Police regarding his
24 treatment when he was a ward.

25 **MR. TOWNDALE:** Okay.

1 MS. SIMMS: Were you aware of that?

2 MR. TOWNDALE: No, I was not.

3 MS. SIMMS: Well, let me just ask you to
4 look at a document. It's Exhibit 529.

5 THE COMMISSIONER: It's in here.

6 MR. TOWNDALE: Okay.

7 THE COMMISSIONER: Five-two-nine (529).

8 MR. TOWNDALE: Five-two-nine (529).

9 THE COMMISSIONER: Yes.

10 MS. SIMMS: So, Mr. Towndale, this is a
11 Children's Aid Society termination report.

12 MR. TOWNDALE: Okay.

13 MS. SIMMS: Okay? It is dated -- well, it
14 was signed on May 22nd, 1992, and it notes that the worker
15 assigned, Lorenzo Murphy, had a consultation with -- it
16 says Angelo Towndale, Manager?

17 MR. TOWNDALE: Correct, yeah.

18 MS. SIMMS: On July 25th.

19 MR. TOWNDALE: It says that.

20 MS. SIMMS: Okay. Do you recall consulting
21 with Lorenzo Murphy on this?

22 MR. TOWNDALE: I don't remember that but ---

23 MS. SIMMS: But you don't take any issue
24 that ---

25 MR. TOWNDALE: No, I don't take issue, no.

1 It might have happened. It might have happened.

2 MS. SIMMS: Okay. And this report is
3 regarding the allegations that were made and reviewed with
4 the police. And he notes in his dates a contact with
5 Constable Huffey of the Morrisburg OPP on July 22nd, 1991?

6 MR. TOWNDALE: Okay.

7 MS. SIMMS: And then consultation with
8 yourself and the Children's Aid Society lawyer on July 25th?

9 MR. TOWNDALE: That's correct, yes.

10 MS. SIMMS: Okay. So you don't recall what
11 you would -- may have been advised or consulted about on
12 July 25th?

13 MR. TOWNDALE: I don't remember, no.

14 MS. SIMMS: He also notes in his report that
15 C-14 was seeking assistance for counselling or money for
16 counselling, and was advised that the Children's Aid
17 Society have no resources to assist with adult victims.

18 Do you recall at that time whether CAS would
19 have been in a position to assist adult victims in terms of
20 counselling?

21 MR. TOWNDALE: I don't think Children's Aid
22 had any funds for adult victims, but could have approached
23 maybe the Ministry.

24 MS. SIMMS: I'm going to ask you to look at
25 just one more document from this time period, Mr. Towndale,

1 and it's Document Number 123 ---

2 **THE COMMISSIONER:** No, that's a new one,
3 sir.

4 **MR. TOWNDALE:** Okay.

5 **MS. SIMMS:** --- 684. Mr. Commissioner if
6 this could be entered as an exhibit subject to publication
7 ban with respect to C-14?

8 **THE COMMISSIONER:** Certainly. Thank you.
9 Exhibit 2226 is notes of Senior Constable
10 Huffey and there will be a publication ban.

11 **---EXHIBIT NO./PIÈCE NO. P-2226:**

12 (123684) Notes of Peter Huffey dated July
13 18, 1991 to July 31, 1991

14 **MS. SIMMS:** So, Mr. Towndale, these are Mr.
15 Huffey's notes with respect to his investigation.

16 **MR. TOWNDALE:** Okay.

17 **MS. SIMMS:** And if you can turn to the Bates
18 page ending 879. It starts right at the bottom of that
19 page with an entry dated July 22nd, 1991.

20 **MR. TOWNDALE:** Eight-seven-nine (879), okay.

21 **MS. SIMMS:** Okay?

22 **MR. TOWNDALE:** Yeah.

23 **MS. SIMMS:** So this is the date that Mr.
24 Murphy had noted he had contact with Constable Huffey and
25 these are Constable Huffey's notes, and if you turn to the

1 next page at 880, he notes a meeting with Lorenzo Murphy.

2 THE COMMISSIONER: The writing isn't very
3 good but if you look at the screen ---

4 MR. TOWNDALE: Okay.

5 THE COMMISSIONER: --- you might get a
6 better ---

7 MR. TOWNDALE: Okay. Thank you,
8 Commissioner.

9 THE COMMISSIONER: M'hm.

10 MS. SIMMS: So it notes "Spoke with Lorenzo
11 Murphy..."

12 MR. TOWNDALE: Okay.

13 MS. SIMMS: "...and advised the following."

14 MR. TOWNDALE: Okay.

15 MS. SIMMS: Okay? He discusses some of the
16 background of C-14 with the Children's Aid Society. If you
17 look a little past half-way down the page ---

18 MR. TOWNDALE: Okay.

19 MS. SIMMS: --- we'll move it on the screen
20 for you -- where it starts "Cornwall CAS worker"?

21 MR. TOWNDALE: M'hm.

22 MS. SIMMS: Okay.

23 "Wrote letter to C-14 telling him of
24 his childhood."

25 MR. TOWNDALE: Okay.

1 **MS. SIMMS:** After C-14 moved out of Barbers,
2 he complained to CAS, and there's a date about physical
3 abuse, beatings, kicked, not being taken care of when ill.

4 **MR. TOWNDALE:** Okay.

5 **MS. SIMMS:** "CAS had checked with other
6 kids in home. They stated Barbers were
7 tough on C-14, harder than the other
8 kids."

9 **THE COMMISSIONER:** We'll change the record
10 on that.

11 **MS. SIMMS:** C-14, yes.

12 **THE COMMISSIONER:** Thank you.

13 **MS. SIMMS:** "Workers concluded C-14 was
14 treated abusively, however, consistent
15 with amount he manipulated Barbers."

16 And I wanted to ask you, in terms of your
17 impressions, Mr. Towndale, the statement that:

18 "C-14 was treated abusively, however,
19 consistent with amount he manipulated
20 Barbers."

21 Again, does that give the impression that C-
22 14 is being blamed to some extent for his abuse?

23 **MR. TOWNDALE:** I don't accept that
24 assertion.

25 **MS. SIMMS:** Were you aware -- you were

1 advised, it appears, from the termination report that no
2 charges were laid during this investigation. Were you
3 aware of any charges ---

4 **MR. TOWNDALE:** I don't, I don't.

5 **MS. SIMMS:** Do you recall having any further
6 involvement with respect to C-14?

7 **MR. TOWNDALE:** No, I did not have any
8 contact.

9 **MS. SIMMS:** Mr. Towndale, I'm going to move
10 to a different area. And you'll recall yesterday we were
11 discussing some aspects relating to the atmosphere with
12 respect to abuse allegations in the 1970s ---

13 **MR. TOWNDALE:** Okay.

14 **MS. SIMMS:** --- in a general sense.

15 And what we've discussed thus far with
16 respect to Second Street Group Home and C-14, as I
17 understand your evidence, you were aware at that time of
18 allegations of physical abuse and not sexual abuse?

19 **MR. TOWNDALE:** That's correct.

20 **MS. SIMMS:** And the Commissioner, yesterday,
21 asked you about sexual abuse reporting in the seventies or
22 the eighties. And I'm going to ask you now to look at an
23 investigation, or a foster home -- a file in which there
24 were allegations of sexual abuse made in the 1970s.

25 **MR. TOWNDALE:** Okay.

1 **MS. SIMMS:** And allegations that the CAS
2 were made aware of.

3 **MR. TOWNDALE:** Okay.

4 **MS. SIMMS:** Okay? So I'm going to ask you
5 to look at a document; Document Number 114419.

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

7 **MR. TOWNDALE:** Okay.

8 **THE COMMISSIONER:** It's okay. As I told
9 other witnesses, by the time you get used to where the
10 documents are coming, your testimony will be over.

11 **MS. SIMMS:** So, Mr. Commissioner, this is a
12 foster home file.

13 **THE COMMISSIONER:** Yes.

14 **MS. SIMMS:** It's dated January, 1973.

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

16 **MS. SIMMS:** And it contains in it
17 allegations with respect to four girls.

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

19 **MS. SIMMS:** The girls are named and the
20 allegations of sexual abuse are described in the document.

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

22 **MS. SIMMS:** I would like to ask for a
23 publication ban on the names of those four girls.

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

25 **MS. SIMMS:** With respect to ---

1 **THE COMMISSIONER:** I think the fact that
2 they were wards at the time should bring up a *prima facie*
3 case as far as I'm concerned for some confidentiality
4 measures.

5 So unless there is someone who thinks that
6 it's relevant that the names be published at this time --
7 or be made public, I would propose that we use that as a
8 guide in principle.

9 **MS. SIMMS:** And, as we discussed yesterday,
10 at the conclusion of this we can go in camera and I will --
11 -

12 **THE COMMISSIONER:** Absolutely.

13 **MS. SIMMS:** --- put the names on the record.

14 **THE COMMISSIONER:** I think that list is
15 growing and we'll probably need a day to do all of that.

16 All right. So there is a publication ban on
17 Exhibit 2227, which is a foster home investigation dated
18 January 12th, 1973.

19 So let's please not use any names unless we
20 pre-cleared them.

21 --- **EXHIBIT NO./PIÈCE NO. P-2227:**

22 (114499) Foster Home Investigation dated
23 January 12, 1973

24 **MS. SIMMS:** So, Mr. Towndale, this is a file
25 that covers from 1973 to 1978 and that is during the period

1 of time that you were supervising in child care. Is that
2 correct?

3 **MR. TOWNDALE:** That's correct, yeah.

4 **MS. SIMMS:** And I've noted that in the
5 document, your initials appear as supervisor following a
6 number of the recordings.

7 So let's start at page 6.

8 **MR. TOWNDALE:** Okay.

9 **MS. SIMMS:** So, you know, at the middle of
10 page 6, you have initialled following the heading
11 "Evaluation". Is that your initials?

12 **MR. TOWNDALE:** I see that, okay.

13 **MS. SIMMS:** Okay. And at the end of that
14 subsequent recording by François Lepage, you've also
15 initialled?

16 **MR. TOWNDALE:** Okay.

17 **MS. SIMMS:** So we you aware during the
18 period of this recording, or can you recall being made
19 aware, of any allegations with respect to sexual abuse of
20 one of the wards at this foster home? And we're talking
21 from June, 1973 to November, 1973.

22 **MR. TOWNDALE:** I don't have the independent
23 recollection, but when I read the file ---

24 **MS. SIMMS:** Okay.

25 **MR. TOWNDALE:** --- I have one.

1 **MS. SIMMS:** There's nothing in this
2 recording that relays an allegation being made; this
3 particular recording from June '73 to November '73.
4 There's no mention there of a ward making any allegation of
5 sexual abuse.

6 **MR. TOWNDALE:** Okay, I accept that.

7 **MS. SIMMS:** The next recording starts on
8 April 6th, 1976. It's on the following page, page 7.

9 **MR. TOWNDALE:** Okay. I got it, yeah.

10 **MS. SIMMS:** Have you found that?

11 **MR. TOWNDALE:** Yeah.

12 **MS. SIMMS:** Okay.

13 **MR. TOWNDALE:** Yes.

14 **MS. SIMMS:** And this is a recording made by
15 Bryan Keough?

16 **MR. TOWNDALE:** That's correct, yeah.

17 **MS. SIMMS:** Covering January '74 to March
18 '76, right?

19 **MR. TOWNDALE:** Correct.

20 **MS. SIMMS:** And in this recording it's
21 recounted that there was an allegation of sexual advances
22 made to one of the wards at the home by the foster father,
23 and Mr. Keough is made aware of that allegation in March
24 1976.

25 **MR. TOWNDALE:** Correct, yeah.

1 **MS. SIMMS:** And again this is the same
2 period of time that the Second Street group home is being
3 dealt with by you?

4 **MR. TOWNDALE:** That's correct, yeah.

5 **MS. SIMMS:** Now, in his notes or in his
6 recording Mr. Keough notes receiving the allegation. He
7 notes talking to the foster mother about her plan of action
8 and that the foster mother moved with the wards out of the
9 family home.

10 **MR. TOWNDALE:** That's correct, yeah.

11 **MS. SIMMS:** And the plan was that they would
12 have a meeting with Bryan Keough and determine a plan of
13 action.

14 **MR. TOWNDALE:** That's correct.

15 **MS. SIMMS:** And he notes, in fact, at the
16 bottom on your -- if on you're on page 8 ---

17 **MR. TOWNDALE:** Yeah.

18 **MS. SIMMS:** --- at the bottom of the second
19 paragraph Mr. Keough notes that:

20 "The situation was discussed with Mr.
21 Devlin, Supervisor, and Mr. Towndale,
22 Acting Director, who approved of the
23 manner in which the situation was dealt
24 with, and I was advised to follow
25 through with my plan."

1 See that?

2 MR. TOWNDALE: That's on page 8, second
3 paragraph?

4 MS. SIMMS: Yes.

5 MR. TOWNDALE: All right, yeah.

6 MS. SIMMS: So do you have any recollection
7 of discussing this matter with Bryan Keough?

8 MR. TOWNDALE: It might have happened but I
9 am not disputing that, what is here.

10 MS. SIMMS: Well, do you ---

11 MR. TOWNDALE: I don't remember that because
12 other things was going on ---

13 MS. SIMMS: Okay.

14 MR. TOWNDALE: --- in that period.

15 MS. SIMMS: Well, he describes the situation
16 of the children had been removed from the home and that
17 they were going to meet to discuss it. Would you have any
18 concerns about that plan of action?

19 MR. TOWNDALE: Children removed from the
20 home? As long as the alleged abuser is not -- if the
21 mother is going to protect them, moving from that home,
22 that's okay, yeah.

23 MS. SIMMS: So his notes go on with respect
24 to further contact he has with the foster parents.

25 MR. TOWNDALE: Okay.

1 **MS. SIMMS:** And then he has a numbered note
2 at the bottom of the page, numbered number 5.

3 **MR. TOWNDALE:** Okay.

4 **MS. SIMMS:** And he notes that on March 15th,
5 1976 the foster mother and the wards moved back to the
6 farm.

7 **MR. TOWNDALE:** M'hm. Correct, yeah.

8 **MS. SIMMS:** Okay. And he, according to the
9 recording, informed the foster mother that whatever
10 conclusions she had come to:

11 "It still did not dissolve (sic) from
12 my responsibility of conducting an
13 investigation into the whole matter.
14 This she understood and promised that
15 until the investigation was completed
16 she would not leave the girls alone
17 with her husband."

18 **MR. TOWNDALE:** That's correct, yes.

19 **MS. SIMMS:** And again he states this step
20 was cleared with you, who advised him to continue with his
21 plan. Do you have any recollection of that?

22 **MR. TOWNDALE:** I don't have independent
23 recollection but I accept what is in the recording, yeah.

24 **MS. SIMMS:** So on page 9 it appears that his
25 plan in terms of an investigation is to meet with the

1 foster parents, and on page 9 at the top of the page ---

2 MR. TOWNDALE: Correct, okay.

3 MS. SIMMS: --- the second paragraph, he
4 notes meeting with -- the very last sentence of the second
5 paragraph he notes meeting with the foster parents and
6 their married daughter, presumably to discuss the issue.

7 MR. TOWNDALE: Okay.

8 MS. SIMMS: And his conclusion is at --
9 right below that marked number 1, and his conclusion is:

10 "It is possible that the above may have
11 occurred. However, if so, I doubt if
12 it will ever again. The foster father
13 denies it and they..."

14 He recommends that the home remain open.

15 And that's your initials at the bottom of
16 that?

17 MR. TOWNDALE: That's correct, yes.

18 MS. SIMMS: Okay. So do your initials there
19 indicate that you have reviewed that recording?

20 MR. TOWNDALE: That's correct, yes.

21 MS. SIMMS: Okay. We discussed yesterday,
22 with respect to responding to allegations of physical
23 abuse, that there was a tendency not to believe the
24 children at the time.

25 MR. TOWNDALE: That's correct, yes.

1 **MS. SIMMS:** And that the responses of the
2 Children's Aid Society where they thought there was a
3 possibility of abuse was to remove the children from the
4 home. And I note that this particular ward was removed
5 from the home the following day after that meeting.

6 **MR. TOWNDALE:** Yeah. Would you repeat that
7 question again, please?

8 **MS. SIMMS:** Is this consistent with the
9 response to allegations of physical abuse like we discussed
10 yesterday, where there was -- the response of the CAS,
11 where they thought there was a possibility of abuse, was to
12 remove the ward from the home?

13 **MR. TOWNDALE:** I don't know how to answer
14 that question. For example, it says here the child
15 retracted -- today, child made an allegation, retracted, it
16 is not taken seriously. Child is believed, and go on
17 accepting the child is telling the truth. Times have
18 changed with regard to that one. It was moved maybe the --
19 I don't know the reason it was moved. Was she a temporary
20 one? I have to check into that one.

21 **MS. SIMMS:** I can only tell you there's
22 notes at the bottom on the recording ---

23 **MR. TOWNDALE:** Yeah.

24 **MS. SIMMS:** --- suggesting that that ward
25 was removed the day following that session, and the note

1 states that the ward would have been removed -- at the very
2 bottom of the page, I'm sorry, Mr. Towndale.

3 MR. TOWNDALE: Okay.

4 MS. SIMMS: Very bottom of page 9.

5 MR. TOWNDALE: Page 9, okay.

6 MS. SIMMS: "The ward was removed from the
7 home but it should be noted that, had
8 we not removed her, the foster mother
9 would have requested removal because of
10 her misbehaviour."

11 MR. TOWNDALE: Okay.

12 MS. SIMMS: Mr. Towndale, let me just say --

13 -

14 MR. TOWNDALE: It could be ---

15 MS. SIMMS: --- I understand the response
16 has changed over the years.

17 MR. TOWNDALE: Yeah.

18 MS. SIMMS: Okay, but this is an allegation
19 from 1976.

20 MR. TOWNDALE: Yeah.

21 MS. SIMMS: Does it surprise you that the
22 response of the Children's Aid Society in 1976 was to
23 remove the ward from the home and leave the home open?

24 MR. TOWNDALE: Child should have been moved.
25 Child should have been moved but was it consistent? I

1 couldn't tell you. But in this case we acted properly; the
2 child was moved.

3 **MS. SIMMS:** But at this point in time it
4 seems like the investigation involved was a meeting with
5 the foster parents.

6 **MR. TOWNDALE:** That's correct, yeah.

7 **MS. SIMMS:** There wasn't further meetings
8 with the other wards that might have concerned that home?

9 **MR. TOWNDALE:** I don't think there was an
10 investigation.

11 **MS. SIMMS:** And the matter wasn't reported
12 to the police ---

13 **MR. TOWNDALE:** No.

14 **MS. SIMMS:** --- at this point in time?

15 **MR. TOWNDALE:** Yeah. The foster home should
16 have been closed if I ---

17 **MS. SIMMS:** Well, in fact we'll get to it.

18 **MR. TOWNDALE:** Okay.

19 **MS. SIMMS:** It is eventually closed.

20 **MR. TOWNDALE:** Yeah.

21 **MS. SIMMS:** So the notes -- just following
22 what we were just looking at on page 9 ---

23 **MR. TOWNDALE:** Okay.

24 **MS. SIMMS:** --- with respect to Mr. Keough's
25 discussion with the foster parents, there's a note by Mary

1 Gratton and then there's a note at the bottom by Fran
2 Lepage dated September 22nd, 1978.

3 MR. TOWNDALE: Okay.

4 MS. SIMMS: And is that when -- around the
5 time that Fran Lepage became the home finder?

6 MR. TOWNDALE: I think it is. I think it
7 is, yeah.

8 MS. SIMMS: And she's made a note at the
9 bottom of the page regarding three separate allegations
10 made with respect to abuse in this home.

11 MR. TOWNDALE: That's right, yeah.

12 MS. SIMMS: And the first was from 1973.

13 MR. TOWNDALE: That's correct, yes.

14 MS. SIMMS: And we looked at that foster
15 home recording from 1973 and it wasn't mentioned there.

16 MR. TOWNDALE: Okay.

17 MS. SIMMS: And it appears again that that
18 ward had been removed from the home.

19 MR. TOWNDALE: Okay. If the question is,
20 was it moved because of that allegation, I cannot answer
21 without finding what happened; where did that child go.

22 MS. SIMMS: Sure.

23 MR. TOWNDALE: Was she a temporary ward,
24 went home or moved to another foster home.

25 MS. SIMMS: But if ---

1 **MR. TOWNDALE:** That's why I have it -- yeah,
2 I accept the child was moved but it was consistent with a
3 policy that was existing. I cannot answer.

4 **MS. SIMMS:** And the recording also appears
5 to state that she had complained to her worker about ---

6 **MR. TOWNDALE:** That's correct, yeah.

7 **MS. SIMMS:** --- sexual abuse?

8 **MR. TOWNDALE:** Yeah. Once thing I'd like to
9 mention to you, I think this home was a receiving home.

10 **MS. SIMMS:** M'hm.

11 **MR. TOWNDALE:** So children are placed
12 temporarily.

13 **MS. SIMMS:** Sure.

14 **MR. TOWNDALE:** Then moved out of the home,
15 so that's why I have difficulty to answer where the
16 specific child was moving because of that act or the child
17 found another home.

18 **MS. SIMMS:** Okay.

19 **MR. TOWNDALE:** Or went home. That's what it
20 is.

21 **THE COMMISSIONER:** It was a receiving home
22 and a regular foster home ---

23 **MR. TOWNDALE:** That's correct, yeah.

24 **THE COMMISSIONER:** --- at the same time?

25 **MR. TOWNDALE:** That's correct, yeah.

1 **MS. SIMMS:** In any case, with respect to
2 that first complaint, Ms. Lepage notes the complaint and
3 then states the complaint was not investigated because the
4 ward was known to lie frequently.

5 **MR. TOWNDALE:** Known to be ---

6 **THE COMMISSIONER:** Known to lie.

7 **MS. SIMMS:** Known to lie frequently.

8 **MR. TOWNDALE:** Yeah, yeah.

9 **MS. SIMMS:** Does that surprise you?

10 **MR. TOWNDALE:** I have to go back to the
11 seventies and say the attitude was -- the tendency was to
12 believe the adult. Today when I look back, I don't have an
13 explanation. That was the time.

14 **MS. SIMMS:** Absolutely. Okay. I'm not
15 asking you to comment about today ---

16 **MR. TOWNDALE:** No. Okay, please. Yeah.

17 **MS. SIMMS:** --- Mr. Towndale. This is 1976
18 and we're looking at what happened in 1976.

19 **MR. TOWNDALE:** Okay, yeah.

20 **MS. SIMMS:** So she goes on to refer to the
21 allegation that we just discussed that was made to Bryan
22 Keough.

23 **MR. TOWNDALE:** Okay.

24 **MS. SIMMS:** Okay? And we've noted that that
25 the -- her summary of that is at the last couple of lines

1 where she says:

2 "The case was conferenced at the agency
3 but the accusation could neither be
4 proved nor disproved and the ward was
5 removed from the home."

6 Okay. So we've already discussed that
7 allegation.

8 **MR. TOWNDALE:** Okay.

9 **MS. SIMMS:** And then on page 10, there's a
10 mention of a further ward who had resided at the home for
11 four years and according to the worker responsible at no
12 time suggested any improper advances.

13 **MR. TOWNDALE:** That's correct.

14 **MS. SIMMS:** So that would have been a -- not
15 a receiving home?

16 **MR. TOWNDALE:** No, that's a Crown ward,
17 yeah.

18 **MS. SIMMS:** And then there is a further
19 allegation just below that with respect to another ward who
20 appears may have been placed in the receiving home
21 capacity?

22 **MR. TOWNDALE:** That's correct, yeah.

23 **MS. SIMMS:** And she made an allegation with
24 respect to sexual abuse by the foster father?

25 **MR. TOWNDALE:** That's correct, yeah.

1 **MS. SIMMS:** And this appears to have
2 occurred shortly before Ms. Lepage made her recording here.
3 It's -- she was placed in the home on September 16th, 1978?

4 **MR. TOWNDALE:** That's correct, according to
5 -- yeah.

6 **MS. SIMMS:** And at the very bottom of that
7 recording, it states that her allegations were given some
8 consideration, but in view of her bad reputation her
9 allegations were not investigated. See that?

10 **MR. TOWNDALE:** I see that, yeah.

11 **MS. SIMMS:** So that is the third allegation
12 that had come to ---

13 **MR. TOWNDALE:** That's correct, yeah.

14 **MS. SIMMS:** --- the attention of the CAS?

15 **MR. TOWNDALE:** That's correct, yeah.

16 **THE COMMISSIONER:** Does -- excuse me for a
17 minute -- in this example, though, the young lady says that
18 he ejaculated on her abdomen. She wiped the semen from her
19 abdomen with the sleeve of her blouse which was beside the
20 bed. The workers at the interview did observe that a
21 certain substance had apparently dried on her sleeve.

22 **MR. TOWNDALE:** That's correct.

23 **THE COMMISSIONER:** So this isn't a question
24 of "I say, you say". There's that evidence there, so back
25 in the 1970's -- and again we're looking at the

1 institutional response in the 1970's, would the fact that
2 there was some -- perhaps some physical evidence, should
3 that not have been flagged or looked at more seriously, do
4 you think?

5 MR. TOWNDALE: Should have.

6 THE COMMISSIONER: In -- even in 1976?

7 MR. TOWNDALE: That's correct, yeah.

8 THE COMMISSIONER: Okay. Okay, go ahead.

9 MS. SIMMS: And, Mr. Towndale, it appears to
10 be Ms. Lepage's conclusion of this recording that:

11 "In the future, should another
12 allegation of a sexual nature against
13 the foster parent come to our
14 attention, the matter should be given
15 serious consideration."

16 MR. TOWNDALE: Correct, yeah.

17 MS. SIMMS: The next document is a review of
18 the foster home by -- or the next recording is a review of
19 the foster home by Bernard Lamarche.

20 MR. TOWNDALE: Yes.

21 MS. SIMMS: Was he responsible for the
22 foster homes at that time or what would his involvement
23 have been?

24 MR. TOWNDALE: I don't recall what he was
25 actually doing, you know. He was a worker. Was he -- he's

1 the one who -- his name comes up someplace, hey, picked up
2 the child -- we talked before.

3 MS. SIMMS: He had picked up the -- yes ---

4 MR. TOWNDALE: Yeah.

5 MS. SIMMS: --- one of the wards and brought
6 her to the ---

7 MR. TOWNDALE: Yeah, that's where he got
8 involved. I couldn't answer that one.

9 MS. SIMMS: Okay.

10 Now, we're just mentioning that the home was
11 eventually closed?

12 MR. TOWNDALE: Correct, yes.

13 MS. SIMMS: And the closing summary is on
14 page 11 and dated November 1st, 1978.

15 MR. TOWNDALE: That's correct, yes.

16 MS. SIMMS: Okay. And it appears that there
17 -- Ms. Lepage had said that "If another allegation occurred
18 we should give it serious consideration"?

19 MR. TOWNDALE: Yes.

20 MS. SIMMS: And I note in her closing
21 summary on the last page, she records that on October 16th,
22 1978 a ward confided to Mr. Keough that she'd been sexually
23 involved with the foster father. You see that?

24 MR. TOWNDALE: I see that, yes.

25 MS. SIMMS: Okay. So there is in fact a

1 further allegation?

2 MR. TOWNDALE: Correct, yes.

3 MS. SIMMS: And it appears from the closing
4 summary that a meeting of all social workers -- and this is
5 on page 11 -- a meeting of all social workers involved was
6 called and the outcome was that the home be closed as a
7 receiving home?

8 MR. TOWNDALE: That's right, yes.

9 MS. SIMMS: Now do you recall being involved
10 in that meeting?

11 MR. TOWNDALE: I must have.

12 MS. SIMMS: M'hm?

13 MR. TOWNDALE: I must have but if you ask me
14 I remember that meeting, I cannot.

15 MS. SIMMS: Okay. You don't recall that
16 meeting but given your position you would have ---

17 MR. TOWNDALE: Yeah, I must have, yeah.

18 MS. SIMMS: Okay. And the decision at that
19 time was to close the home ---

20 MR. TOWNDALE: Yes, correct.

21 MS. SIMMS: --- as a receiving home. And I
22 think in fact if you look at the last page of the recording
23 it was closed as both a receiving home and a regular foster
24 home on October 26th, 1978?

25 MR. TOWNDALE: Correct, yes.

1 **MS. SIMMS:** And there's a number of reasons
2 listed for the closure of the home, and one of them is that
3 several wards had been making sexual allegations?

4 **MR. TOWNDALE:** That's correct, yes.

5 **MS. SIMMS:** Now, in this case according to
6 this recording, on October 31st, 1978 a report was forwarded
7 to the Child Welfare Branch?

8 **MR. TOWNDALE:** That's correct, yes.

9 **MS. SIMMS:** And the Child Welfare Branch was
10 the branch of your Ministry?

11 **MR. TOWNDALE:** That's correct, yes.

12 **MS. SIMMS:** Okay. And on the same date a
13 Crown Attorney was informed of the situation:

14 "Insufficient evidence to proceed with
15 any charges."

16 See that?

17 **MR. TOWNDALE:** That's correct, yes.

18 **MS. SIMMS:** Do you -- I think you were
19 involved in speaking to the Ministry. We have a letter
20 that mentions you speaking to the Ministry?

21 **MR. TOWNDALE:** Yeah.

22 **MS. SIMMS:** Do you have any recollection of
23 that?

24 **MR. TOWNDALE:** I don't have a recollection
25 but I -- you showed me that letter the other day.

1 **MS. SIMMS:** Yeah, I'll show you the letter
2 again.

3 **MR. TOWNDALE:** Yeah, that's all.

4 **MS. SIMMS:** Okay.

5 **MR. TOWNDALE:** And I don't dispute I spoke
6 to the Ministry, yeah, but I don't remember that.

7 **MS. SIMMS:** And do you have any recollection
8 of speaking to the Crown Attorney about the situation?

9 **MR. TOWNDALE:** No, I did not. I don't know
10 who spoke to the Crown Attorney.

11 **MS. SIMMS:** So we've discussed before that
12 it wasn't the practice to report matters to the police at
13 the Childrens' Aid Society ---

14 **MR. TOWNDALE:** That's correct.

15 **MS. SIMMS:** --- in the '70s?

16 **MR. TOWNDALE:** That's correct, yes.

17 **MS. SIMMS:** But it appears in this case it
18 was reported to a Crown Attorney?

19 **MR. TOWNDALE:** That was according to that
20 letter I saw, the Ministry's advising us to go to the Crown
21 Attorney.

22 **MS. SIMMS:** Well, it appears the Crown
23 Attorney was reported on October 31st, 1978, and that would
24 have been the same day that you spoke to the Ministry?

25 **MR. TOWNDALE:** Yeah, that's right. Yeah.

1 **MS. SIMMS:** So let me just refer you to that
2 letter.

3 **MR. TOWNDALE:** Okay.

4 **MS. SIMMS:** It's Document Number 114424.

5 **THE COMMISSIONER:** Thank you.

6 Exhibit 2228 is a letter to Mr. Tom O'Brien,
7 October 31st, 1978 from Robert Penny, field consultant.

8 **--- EXHIBIT NO./PIECE NO. P-2228:**

9 (114424) Letter from Robert Penny to T.J.
10 O'Brien dated October 31, 1978

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **MS. SIMMS:** So Mr. Towndale, you have
13 reviewed that letter?

14 **MR. TOWNDALE:** I reviewed that letter, yeah.

15 **MS. SIMMS:** So it refers to a conversation
16 earlier that day with you on ---

17 **MR. TOWNDALE:** That's correct.

18 **MS. SIMMS:** --- October 31st, 1978. And then
19 Mr. Penny states:

20 "I know you will be most concerned as
21 we are about the events, which have
22 apparently taken place. I feel it
23 important to reiterate the feeling of
24 the Branch that because of the nature
25 of the case, the Crown Attorney's

1 office be involved at the earliest
2 possible date."

3 **MR. TOWNDALE:** That's correct, yes.

4 **MS. SIMMS:** And you indicate -- confirming
5 that you had indicated you would forward a report?

6 **MR. TOWNDALE:** Yeah.

7 **MS. SIMMS:** So were you aware of a practice
8 of advising the Crown Attorney of allegations?

9 **MR. TOWNDALE:** No, I don't remember that was
10 the practice.

11 **MS. SIMMS:** Okay. It appears to have
12 occurred in this case?

13 **MR. TOWNDALE:** In this case, the Ministry
14 advised us to contact the Crown Attorney's office.

15 **MS. SIMMS:** And can you help us at all with
16 why you would have been contacting the Crown Attorney's
17 office directly rather than contacting the police?

18 **MR. TOWNDALE:** I think we were following
19 what the -- what we're following were the -- the Ministry
20 is telling us what to do.

21 **MS. SIMMS:** Okay. And so you don't have any
22 recollection of what information was presented to the Crown
23 Attorney?

24 **MR. TOWNDALE:** I don't remember that, yeah.

25 **MS. SIMMS:** Would Mr. O'Brien have been

1 involved in a situation where it was being reported to the
2 Ministry and reported to a Crown Attorney?

3 **MR. TOWNDALE:** Since the letter is -- this
4 letter is to Mr. O'Brien, he might -- even if he was not at
5 that meeting, he would have checked what this is all about.

6 **MS. SIMMS:** Okay. Do you have any
7 recollection of a situation where you met with the Crown
8 Attorney in the '70s regarding ---

9 **MR. TOWNDALE:** I don't have any recollection
10 of meeting with any Crown Attorneys.

11 **THE COMMISSIONER:** Do you remember directing
12 any of your employees to do that?

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

14 **THE COMMISSIONER:** Okay.

15 **MS. SIMMS:** Okay, Mr. Towndale, I am just
16 going to ask you a few very brief questions on a couple of
17 other matters.

18 **MR. TOWNDALE:** Okay.

19 **THE COMMISSIONER:** Before we go away, can we
20 just follow up here? It says:

21 "Mr. Towndale has indicated a full
22 Society report will be forwarded to
23 us."

24 And so do you know if you did that?

25 **MR. TOWNDALE:** I cannot -- I must have done

1 it. It must be ---

2 THE COMMISSIONER: Well, no.

3 MR. TOWNDALE: I don't know again.

4 THE COMMISSIONER: You said you ---

5 MR. TOWNDALE: Yeah.

6 THE COMMISSIONER: He says that you said you
7 were going to do it.

8 MR. TOWNDALE: Yeah.

9 THE COMMISSIONER: But I don't know that it
10 was done, and if there was any follow-up after that.

11 MR. TOWNDALE: Yeah.

12 THE COMMISSIONER: Do we have anything on
13 that?

14 MS. SIMMS: I don't believe we have a
15 Society report in the file.

16 THE COMMISSIONER: Maybe we can make a note
17 to cover that with Mr. O'Brien to see if he has any memory.
18 All right. Thank you.

19 Mr. Chisholm?

20 MR. CHISHOLM: Good morning, sir.

21 It seems I have canvassed that matter
22 before, and I would expect the report would have been in
23 that particular foster home file, but it's apparently not
24 there.

25 THE COMMISSIONER: Okay.

1 MR. CHISHOLM: Thank you.

2 THE COMMISSIONER: Thank you.

3 All right.

4 MS. SIMMS: Mr. Towndale, I am going to move
5 forward about 10 years and ask you some questions regarding
6 a former volunteer at Children's Aid Society, Bernard
7 Campbell.

8 MR. TOWNDALE: Okay.

9 MS. SIMMS: Mr. Commissioner, I am going to
10 ask Mr. Towndale to refer to another document, which
11 contains allegations of sexual abuse. In this case, there
12 were charges laid with respect to four of the alleged
13 victims.

14 THE COMMISSIONER: Yes.

15 MS. SIMMS: And he -- in fact, there was a
16 guilty plea with respect to three. So I expect those names
17 would be subject to confidentiality provisions.

18 THE COMMISSIONER: Yes.

19 MS. SIMMS: There are also two further
20 victims who came forward to the Children's Aid Society.

21 THE COMMISSIONER: M'hm.

22 MS. SIMMS: And it appears did not want to
23 disclose to the police.

24 THE COMMISSIONER: M'hm.

25 MS. SIMMS: And those individuals are all

1 named in this Brief.

2 THE COMMISSIONER: Yes.

3 MS. SIMMS: So again, I would ask for
4 confidentiality measures with respect to those names.

5 THE COMMISSIONER: Thank you. Anyone
6 objecting? No? Thank you.

7 There will be a publication ban on the
8 exhibit.

9 MS. SIMMS: Oh, sorry, did I give you the --

10 -

11 THE COMMISSIONER: No, you didn't give it to
12 me yet.

13 MS. SIMMS: It is Document Number 738450.

14 THE COMMISSIONER: All right.

15 MS. SIMMS: Sorry, Mr. Commissioner. Madam
16 Clerk, can you get that back for a second? I apologise.

17 I meant to file only a portion of this
18 particular document number.

19 THE COMMISSIONER: Yes.

20 MS. SIMMS: And that would be from Bates
21 page 7167440 to 7167471.

22 THE COMMISSIONER: All right.

23 MR. CHISHOLM: Can I just have a moment,
24 sir?

25 THE COMMISSIONER: Sure.

1 (SHORT PAUSE/COURTE PAUSE)

2 MS. SIMMS: Mr. Commissioner?

3 THE COMMISSIONER: Yes.

4 MS. SIMMS: I'm sorry, I have had the
5 assistance of counsel here. The last Bates page that
6 should be included in that excerpt ends 469.

7 THE COMMISSIONER: Okay. So the last
8 letter, you want out? There's only one letter then that
9 you want?

10 MS. SIMMS: Well, the file up 'til four --
11 7167469; if that portion of the document could be filed as
12 an excerpt?

13 THE COMMISSIONER: Okay. So take this back,
14 Madam Clerk.

15 So Exhibit 2229 are -- what do you call
16 this? A case file?

17 MS. SIMMS: It is a -- yeah, a case file
18 would be appropriate, yes.

19 THE COMMISSIONER: Okay, and the first Bates
20 page is 7167441 and it concludes at 7167469. The first
21 date of entry is November 18th, '85. There will be a ban on
22 publication of the names of the victims or alleged victims,
23 and those names will be canvassed at an in camera.

24 MS. SIMMS: Thank you, Mr. Commissioner.

25 THE COMMISSIONER: All right.

1 **---** EXHIBIT NO./PIÈCE NO P-2229:

2 (738450 7167440-69) Case File Notes from CAS

3 **MS. SIMMS:** So Mr. Towndale, the first entry
4 noted on this document is from November of 1985.

5 **MR. TOWNDALE:** Correct, yeah.

6 **MS. SIMMS:** And what was your position with
7 the Children's Aid Society at that time?

8 **MR. TOWNDALE:** Eighty-five ('85) will be
9 Assistant Director.

10 **MS. SIMMS:** Okay. And you mentioned to us
11 before that one of your initiatives in the early '80s was
12 to found a volunteer program?

13 **MR. TOWNDALE:** That's correct, yes.

14 **MS. SIMMS:** Okay. Now, I understand that
15 these notes relate to a follow-up made by the Children's
16 Aid Society with respect to complaints of sexual abuse by
17 Bernard Campbell?

18 **MR. TOWNDALE:** That's correct, yes.

19 **MS. SIMMS:** And Bernard Campbell was also a
20 volunteer at the Children's Aid Society.

21 **MR. TOWNDALE:** That's correct, yes.

22 **MS. SIMMS:** And he was also an employee with
23 the city in Parks and Recreation?

24 **MR. TOWNDALE:** That's correct, yes.

25 **MS. SIMMS:** Now, if you can refer to the

1 Bates page ending 447; are you there?

2 MR. TOWNDALE: I see that, yes.

3 MS. SIMMS: These appear to be notes of Jean
4 Dupuis?

5 MR. TOWNDALE: Correct, yes.

6 MS. SIMMS: You recognise those as Jean
7 Dupuis' notes?

8 MR. TOWNDALE: I don't recognise that. I
9 see it here, my name is there.

10 MS. SIMMS: Okay. And he notes on November
11 21st, 1985 a case discussion with Bill Carriere ---

12 MR. TOWNDALE: Yes, correct. Yes.

13 MS. SIMMS: --- regarding disclosure of
14 information received from the children to the people at the
15 Bob Turner Playing Field.

16 MR. TOWNDALE: Correct, yes.

17 MS. SIMMS: Okay. There's no mention of you
18 being involved in that discussion. He then notes
19 discussing the matter with E. MacLellan, which was the CAS
20 lawyer?

21 MR. TOWNDALE: That's correct, yes.

22 MS. SIMMS: Do you see that note?

23 MR. TOWNDALE: Yeah. Yeah.

24 MS. SIMMS: As to the responsibility of
25 disclosure of information to others, i.e. Parks and

1 Recreation, and the consideration is to prevent access to
2 other children by B. Campbell?

3 MR. TOWNDALE: That's correct, yes.

4 MS. SIMMS: And he notes the lawyer's
5 agreement that the information should be shared?

6 MR. TOWNDALE: Correct, yes.

7 MS. SIMMS: Okay. So the next note on
8 November 22nd is a note of a case discussion with yourself -
9 --

10 MR. TOWNDALE: Yes, correct.

11 MS. SIMMS: --- and Bill Carriere?

12 MR. TOWNDALE: That's correct, yes.

13 MS. SIMMS: And it's regarding disclosure of
14 the information to Parks and Rec?

15 MR. TOWNDALE: That's correct, yes.

16 MS. SIMMS: Do you have any recollection of
17 that meeting?

18 MR. TOWNDALE: I don't have any.

19 MS. SIMMS: He notes in that -- his note is
20 very brief, but it says:

21 "Case discussion with A. Towndale, B.
22 Carriere..."

23 MR. TOWNDALE: Yeah.

24 MS. SIMMS: "...Agreement made to disclose
25 info to Si Miller, Parks and

1 Recreation, in consultation with
2 police."

3 **MR. TOWNDALE:** I accept that.

4 **MS. SIMMS:** Okay. So you don't recall?

5 **MR. TOWNDALE:** I have no independent
6 recollection of that discussion, yes.

7 **MS. SIMMS:** Okay. Do you recall there being
8 an issue or a concern in other cases about notifying
9 employers with respect to allegations of abuse?

10 **MR. TOWNDALE:** That's the right decision
11 made, because there could be other children involved or he
12 could get involved with other children, yeah.

13 **MS. SIMMS:** And it appears from the notes
14 that Mr. Dupuis does in fact contact the police and then
15 contact Parks and Recreation with respect to those
16 allegations? And I'll just ---

17 **MR. TOWNDALE:** If I could see that one, yes.

18 **MS. SIMMS:** That's fine. It's the same day.

19 **MR. TOWNDALE:** Yeah.

20 **MS. SIMMS:** So his notes just continue one.

21 **MR. TOWNDALE:** Yeah.

22 **MS. SIMMS:** And his notes regarding the
23 meeting with Si Miller, Parks and Rec are on the following
24 page, Bates page 448.

25 **MR. TOWNDALE:** Yes.

1 **MS. SIMMS:** And it concludes -- the last
2 paragraph is:

3 "Mr. Miller is to remove key of
4 clubhouse from Bernie and change lock
5 on clubhouse."

6 **MR. TOWNDALE:** Correct, yes.

7 **MS. SIMMS:** Sorry?

8 **MR. TOWNDALE:** I see that, yeah.

9 **MS. SIMMS:** "He will meet with
10 representatives of minor hockey, minor
11 baseball, minor football and recommend
12 to them the removal of Bernie of his
13 responsibilities as a coach."

14 Do you see that?

15 **MR. TOWNDALE:** That's correct, yes.

16 **MS. SIMMS:** Okay. And did you think that
17 was an appropriate response?

18 **MR. TOWNDALE:** That was an appropriate
19 decision, action.

20 **MS. SIMMS:** And I assume -- or I shouldn't
21 say that -- do you recall whether Mr. Campbell was also
22 removed as a volunteer from the Children's Aid Society?

23 **MR. TOWNDALE:** That's correct, yes.

24 **MS. SIMMS:** With respect to Mr. Campbell
25 becoming a volunteer with the Children's Aid Society ---

1 **MR. TOWNDALE:** Correct, yes.

2 **MS. SIMMS:** --- I think you mentioned
3 yesterday that there was a coordinator of the volunteer
4 program?

5 **MR. TOWNDALE:** Yeah, we had a coordinator,
6 yes.

7 **MS. SIMMS:** Okay. And do you recall what
8 screening process was set up for volunteers?

9 **MR. TOWNDALE:** They had to submit an
10 application, three references and police check.

11 **MS. SIMMS:** And I think we do have -- and
12 you would have reviewed -- made the final decision with
13 respect to accepting volunteers?

14 **MR. TOWNDALE:** That's correct, yes.

15 **MS. SIMMS:** Okay. I'm going to ask you to
16 look at Mr. Campbell's volunteer file just briefly. And
17 that's file -- Document Number 118406. And one of the
18 alleged victims is named in this document.

19 **THE COMMISSIONER:** Thank you. All right.
20 Exhibit Number 2230 is a Children's Aid file, and there
21 will be a ban on publication of the names of the alleged
22 victims. So this is a Children's Aid Society Volunteer
23 Record.

24 **--- EXHIBIT NO./PIÈCE NO. P-2230:**

25 (118406) CAS Volunteer Record

1 **MS. SIMMS:** So, Mr. Towndale, I note that
2 there are contained in this file a letter that was sent to
3 the police with respect to Mr. Campbell's application, and
4 that's at Bates page 640.

5 **MR. TOWNDALE:** Okay.

6 **MS. SIMMS:** Okay? And is it Audrey Moores
7 who was your volunteer coordinator?

8 **MR. TOWNDALE:** I think there could have been
9 a change from one to the other.

10 **MS. SIMMS:** Okay.

11 **MR. TOWNDALE:** At that time this letter was
12 sent, it was Audrey Moores.

13 **MS. SIMMS:** Okay. And so there is a letter
14 that seems to be returned by the police.

15 **MR. TOWNDALE:** That's correct, yes.

16 **MS. SIMMS:** And that was confirming that he
17 did not have a record?

18 **MR. TOWNDALE:** That's correct, yes.

19 **MS. SIMMS:** Okay. And there are also two
20 letters with respect to reference letters for Mr. Campbell.
21 And I just -- there's also two notes, and I just wanted to
22 ask you if you had any knowledge about these notes.

23 **MR. TOWNDALE:** Okay.

24 **MS. SIMMS:** There is one at the very last
25 page of the document which ends at Bates page 649.

1 **MR. TOWNDALE:** That's correct, yes.

2 **MS. SIMMS:** And it's -- do you know who made
3 that note?

4 **MR. TOWNDALE:** The only thing I can -- I
5 would be only guessing -- it could be that Tami Gogo, whose
6 name I saw someplace, I think she was doing this
7 temporarily in the summertime.

8 **MS. SIMMS:** So this notes says that Ken
9 Sliter -- and do you know Ken Sliter?

10 **MR. TOWNDALE:** Yeah, he was the Director of
11 Big Brothers at that time.

12 **MS. SIMMS:** So there's a note here dated
13 January 13th, 1984 which says:

14 "Ken Sliter told me that he will be
15 forwarding his reference of Bernie. He
16 did state he would not consider him as
17 a Big Brother for his agency and
18 therefore would not consider him as a
19 volunteer with our agency."

20 **MR. TOWNDALE:** That's correct, yes.

21 **MS. SIMMS:** And then there is a subsequent
22 note with respect to Ken Sliter which is at Bates page
23 number ending 636.

24 **MR. TOWNDALE:** That's correct, yes.

25 **MS. SIMMS:** And it's dated January 10th,

1 1985?

2 MR. TOWNDALE: Yes.

3 MS. SIMMS: And it says:

4 "Was in contact with Mr. Ken Sliter of
5 Big Brothers. He feels Bernie would be
6 dependable for doing driving for
7 Children's Aid. I talked with Angelo
8 and we felt that Bernie would be useful
9 as a driver for us."

10 MR. TOWNDALE: That's correct, yes.

11 MS. SIMMS: So do you recall, in your
12 involvement with screening, approving Mr. Campbell as a
13 volunteer? Were you aware that Mr. Sliter initially
14 suggested that he would not consider him as a volunteer?

15 MR. CHISHOLM: There might be two questions
16 you may want to ask, if he recalls the screening process.

17 MS. SIMMS: Do you recall the screening
18 process with respect to Mr. Campbell?

19 MR. TOWNDALE: For volunteers?

20 MS. SIMMS: Do you -- yeah.

21 MR. TOWNDALE: Yes, yes.

22 MS. SIMMS: Okay. Do you recall reviewing
23 his application and his file?

24 MR. TOWNDALE: That's correct, yes.

25 MS. SIMMS: At that time, did these two

1 notes from Ken Sliter come to your attention?

2 MR. CHISHOLM: Sorry; you said "recall
3 reviewing the file."

4 MS. SIMMS: Do you recall, at the time of
5 this application, reviewing Mr. Campbell's file?

6 MR. TOWNDALE: I don't remember reviewing
7 the file. What I can speculate is ---

8 MS. SIMMS: No.

9 MR. TOWNDALE: --- a year later, coming to
10 us in '85. The other one was in '84, talking about maybe
11 somebody called Mr. Sliter and asked and he's now saying
12 "accepted as a volunteer driver." Maybe he might have
13 misunderstand what we were going to use him for prior to
14 that. I'm only speculating now.

15 MS. SIMMS: Okay. So you don't have
16 recollection at that time ---

17 MR. TOWNDALE: I don't have any
18 recollection.

19 MS. SIMMS: --- of noting ---

20 MR. TOWNDALE: No.

21 MS. SIMMS: --- an initial concern with
22 respect to Mr. Sliter?

23 MR. TOWNDALE: No, I don't have any.

24 MS. SIMMS: Okay. And you don't have any
25 further information about what that concern might have

1 been?

2 **MR. TOWNDALE:** No, I don't.

3 **MS. SIMMS:** Mr. Towndale, this -- I think
4 the allegations with respect to Mr. Campbell arose in
5 October of 1985. Were you aware of any allegations being
6 made with respect to another Parks and Rec worker, Earl
7 Landry, Jr. in the summer of 1985?

8 **MR. TOWNDALE:** I don't remember that.

9 **MS. SIMMS:** Don't remember that? Were you -
10 - I know there was a period of time you were on secondment.
11 Was that in the summer of 1985?

12 **MR. TOWNDALE:** Who's that, Mr. O'Brien?

13 **MS. SIMMS:** When you were seconded to the
14 Ontario Association of the Children's Aid Society.

15 **MR. TOWNDALE:** I was not. Mr. O'Brien was.

16 **MS. SIMMS:** Oh, I'm sorry.

17 **MR. TOWNDALE:** Yeah.

18 **MS. SIMMS:** Thank you. And so, sir, for
19 that period of time you were also Acting Director?

20 **MR. TOWNDALE:** It could be, yeah. I don't
21 know the time period he went but year and date. It was in
22 the eighties; '84, '85.

23 **MS. SIMMS:** Very briefly, Mr. Towndale, one
24 case that we've discussed here at the Inquiry is Jean-Luc
25 Leblanc and we've heard evidence about an investigation

1 that the CAS was involved with in 1986, and that
2 investigation from the CAS side was conducted by Bruce
3 Duncan.

4 MR. TOWNDALE: Okay.

5 MS. SIMMS: And the police officer involved
6 was Brian Payment.

7 MR. TOWNDALE: Okay.

8 MS. SIMMS: Now, we have entered as an
9 exhibit Bruce Duncan's notes. I'm going to ask you to
10 refer to them very briefly.

11 MR. TOWNDALE: Okay.

12 MS. SIMMS: It's Exhibit 1559.

13 (SHORT PAUSE/COURTE PAUSE)

14 THE COMMISSIONER: Can we take a short break
15 after we've finished this?

16 MS. SIMMS: Mr. Towndale, did you review
17 these notes in preparation for the Inquiry?

18 MR. TOWNDALE: I did, yes.

19 MS. SIMMS: Okay. And so did you note that
20 there is mention in Bruce Duncan's notes -- he's responding
21 to a complaint of sexual abuse made in January of 1986.

22 MR. TOWNDALE: That's correct, yes.

23 MS. SIMMS: And in his notes he -- on the
24 first day where he's responding to this complaint he makes
25 references to telephone calls to you; one on Bates page

1 908.

2 MR. TOWNDALE: Okay.

3 MS. SIMMS: Okay, there's one on 908 at
4 2:30, "Call to Angelo," and then he has notes of that call.

5 MR. TOWNDALE: Yes.

6 MS. SIMMS: Do you have any independent
7 recollection of providing advice and direction to Bruce
8 Duncan on this day?

9 MR. TOWNDALE: No.

10 MS. SIMMS: Would that normally be your
11 role, providing advice on an investigation?

12 MR. TOWNDALE: Only if the supervisor was
13 not there in the Protection Department who does that kind
14 of investigation. I might have been consulted because the
15 supervisor was absent or busy.

16 THE COMMISSIONER: Would you remember the
17 issue? I guess the worker is calling you and saying,
18 "Look, they're not going to let us in the school without a
19 warrant."

20 MR. TOWNDALE: You got it, yeah.

21 THE COMMISSIONER: Does that ring a bell at
22 all?

23 MR. TOWNDALE: I don't remember.

24 THE COMMISSIONER: No, that's fine. Okay.

25 MR. TOWNDALE: Yeah. It was '86, 22 years

1 ago.

2 THE COMMISSIONER: Only 22 years.

3 (LAUGHTER/RIRES)

4 MS. SIMMS: That was my question, Mr.
5 Towndale, if you don't recall.

6 MR. CHISHOLM: Just to clarify, Mr.
7 Commissioner, you know, the school's position was it would
8 not allow the Cornwall Police Department in without a ---

9 THE COMMISSIONER: Oh right. Okay, sorry.
10 Thank you very much.

11 MS. SIMMS: Yeah.

12 Okay, well, if you don't have any
13 recollection, you've reviewed the notes regarding your
14 discussions.

15 MR. TOWNDALE: Yeah.

16 MS. SIMMS: And you don't have any reason to
17 believe that wasn't the content of your discussion on that
18 day?

19 MR. TOWNDALE: No, that's correct.

20 MS. SIMMS: Okay. Do you recall there being
21 any ongoing issues with respect to access to schools by the
22 Police Department?

23 MR. TOWNDALE: No.

24 MS. SIMMS: You have no recollection of
25 that?

1 **MR. TOWNDALE:** No. We always liked to do
2 joint investigation in these cases and they would prefer
3 the police working together.

4 **MS. SIMMS:** Right.

5 **MR. TOWNDALE:** By maybe we'll be coming -- I
6 said to Bruce Duncan since they allow the Children's Aid to
7 do the investigation, to go ahead and do that one, rather
8 than waiting for the police.

9 **MS. SIMMS:** Okay.

10 Mr. Commissioner, I didn't have any further
11 questions, if you'd like to break now.

12 **THE COMMISSIONER:** Yes. Let's take a short
13 break, thank you.

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

16 The hearing will resume at 11:35 a.m.

17 --- Upon recessing at 11:18 a.m./

18 L'audience est suspendue à 11h18

19 --- Upon resuming at 11:36 a.m./

20 L'audience est reprise à 11h36

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 **THE COMMISSIONER:** Ms. Simms.

1 **MS. SIMMS:** Mr. Commissioner, Mr. Towndale.

2 **ANGELO TOWNDALE, Resumed/Sous le meme serment:**

3 **---EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

4 **MS. SIMMS (cont'd/suite):**

5 **MS. SIMMS:** I'm going to ask you, Mr.
6 Towndale a few brief questions of events in the fall of
7 1993.

8 **MR. TOWNDALE:** Okay.

9 **MS. SIMMS:** And that's regarding the
10 commencement of Project Blue.

11 **MR. TOWNDALE:** Okay.

12 **MS. SIMMS:** Okay? And I'm going to ask you
13 to refer to a document that's an exhibit; it's Exhibit
14 1441.

15 Just for the assistance of counsel, Mr.
16 Commissioner ---

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

18 **MS. SIMMS:** --- I had previously identified
19 a document that contains the same notes to the parties
20 which is Document 721638. And then realized those notes
21 are contained already in Exhibit 1441.

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

23 **MS. SIMMS:** So I'm just going to ask Mr.
24 Towndale to refer to the document that's already an
25 exhibit.

1 So Mr. Towndale, in the fall of 1993 -- I'll
2 refer you to the page in just a minute.

3 **MR. TOWNDALE:** Okay.

4 **MS. SIMMS:** But in the fall of 1993 you were
5 still with the Childrens' Aid Society as a -- as the
6 manager of human resources?

7 **MR. TOWNDALE:** That's correct, yes.

8 **MS. SIMMS:** And you were also at that time a
9 member of the Cornwall Police Service's Board?

10 **MR. TOWNDALE:** That's correct, yes.

11 **MS. SIMMS:** So the document that I've
12 directed to you is a collection of notes. And I'm going to
13 ask you to refer towards the end of the document to Bates
14 page 7080664.

15 It's right very close to the end of the
16 document.

17 **THE COMMISSIONER:** Zero six six four (0664),
18 yeah.

19 **MR. TOWNDALE:** Okay.

20 **MS. SIMMS:** Well it starts at Bates page, I
21 guess, 663 with a title "Case note, Silmser."

22 **MR. TOWNDALE:** Okay.

23 **MS. SIMMS:** And these are Richard Abell's
24 notes.

25 **MR. TOWNDALE:** That's correct, yes.

1 **MS. SIMMS:** Okay. So starting on 663 he
2 recounts communications he has with Perry Dunlop regarding
3 a statement that the Cornwall Police Services had received
4 from David Silmser.

5 And then on Bates page 664 there's an entry
6 dated Thursday, September 30th at 8:30 a.m.

7 **MR. TOWNDALE:** Okay.

8 **MS. SIMMS:** And he notes:

9 "I picked up the statement from Perry
10 at his home."

11 **MR. TOWNDALE:** Yes.

12 **MS. SIMMS:** "Tell him I'm going to put
13 together a plan and move on it."

14 **MR. TOWNDALE:** Okay.

15 **MS. SIMMS:** "At office. I see Bill
16 Carriere, Angelo Towndale, give them
17 a brief outline of the situation, ask
18 them to read the statement and then
19 meet with me."

20 So do you recall Mr. Abell speaking to you
21 in the fall of 1993 with respect to a statement he'd
22 received from Perry Dunlop?

23 **MR. TOWNDALE:** My recollection is that
24 morning I got a call from Mr. Abell at the office and ask
25 him to meet him at his office.

1 When I went to his office he gave me the
2 statement to read it. What I recall is halfway through he
3 asked me what should we do. And my reply to him was we
4 must investigate. That's my first encounter with the
5 situation as I recall.

6 **MS. SIMMS:** And do you recall why it was
7 your view that you must investigate?

8 **MR. TOWNDALE:** I cannot. I didn't ask him
9 why so I cannot tell why he gave it to me to read.

10 **MS. SIMMS:** But you recall it being your
11 view that the CAS ought to investigate the allegations?

12 **MR. TOWNDALE:** I told him that we must
13 investigate. The word I used was "we must investigate."

14 **THE COMMISSIONER:** So -- and what was the
15 basis for your decision that we -- that you should
16 investigate?

17 **MR. TOWNDALE:** When I read that statement,
18 there was allegation about abuse.

19 **THE COMMISSIONER:** Yes.

20 **MR. TOWNDALE:** And I wanted to investigate
21 that, whether it is true or not.

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

23 **MR. TOWNDALE:** And also the other children
24 also.

25 **THE COMMISSIONER:** M'hm. Okay.

1 **MS. SIMMS:** Mr. Abell refers to a meeting in
2 his office with Elizabeth, and that would be the CAS
3 counsellor.

4 **MR. TOWNDALE:** Lawyer, yeah.

5 **MS. SIMMS:** Okay. Is that the meeting
6 you're referring to or is this a second meeting?

7 **MR. TOWNDALE:** This will be a second
8 meeting. That one -- the first one was Mr. Abell and I
9 alone. He was showing me the document.

10 **MS. SIMMS:** And so his notes of this second
11 meeting which appear to be with Ms. MacLennan, yourself and
12 Bill Carriere.

13 **MR. TOWNDALE:** Yeah.

14 **MS. SIMMS:** Is that the statement appeared
15 credible and that there was a strong consensus that the CAS
16 ought to open an investigation.

17 **MR. TOWNDALE:** That's my recollection.

18 **MS. SIMMS:** That's your recollection.

19 **MR. TOWNDALE:** Yeah.

20 **MS. SIMMS:** And that was consistent with
21 your first impression?

22 **MR. TOWNDALE:** That's right, yes.

23 **MS. SIMMS:** Did you have any concerns at
24 this time given your involvement with the Cornwall Police
25 Services Board, given that this information was received

1 from a police officer?

2 **MR. TOWNDALE:** I didn't have any problem or
3 conflict with that at that time but later on I realized.
4 And I also take the position that we should investigate. I
5 was following what the Childrens' Aid should be doing.

6 **MS. SIMMS:** Okay. And it appears at this
7 meeting that there's been a discussion on how to proceed
8 and it is agreed that Mr. Abell and yourself will start by
9 contacting Chief Shaver.

10 That goes on to the second page at Bates
11 page 665.

12 **MR. TOWNDALE:** That's correct, yes.

13 **MS. SIMMS:** Okay. And do you recall why you
14 were invited to attend the meeting with Chief Shaver?

15 **MR. TOWNDALE:** I don't recall. I did not
16 ask Mr. Abell at any time why he's involving me. I was
17 under him and I just followed his directions to come to the
18 meeting.

19 **MS. SIMMS:** Okay. And Mr. Abell has notes
20 of the meeting he had with Chief Shaver on October 1st,
21 1993.

22 **MR. TOWNDALE:** Okay.

23 **MS. SIMMS:** And those notes start at Bates
24 page 659. It's in reverse chronological order so you have
25 to go backwards. So his notes from October 1st commence:

1 "Chief visits my office. Angelo
2 present."

3 **MR. TOWNDALE:** Yes.

4 **MS. SIMMS:** Were you taking notes of this
5 meeting as well, Mr. Towndale?

6 **MR. TOWNDALE:** No, I did not take notes.

7 **MS. SIMMS:** All right, so, and were you
8 aware that Mr. Abell would be taking notes of the meeting?

9 **MR. TOWNDALE:** Whatever meetings I attended
10 with Mr. Abell, as far as I can remember he always had
11 notes.

12 **MS. SIMMS:** Okay.

13 **MR. TOWNDALE:** Took notes.

14 **MS. SIMMS:** And so can you tell us what you
15 recall of this meeting with Chief Shaver, Mr. Abell and
16 yourself?

17 **MR. TOWNDALE:** I have only a very vague
18 recollection of that meeting with Mr. Abell, but I have not
19 questioned at any time the accuracy of Mr. Abell's notes.

20 **MS. SIMMS:** So you've reviewed these notes -
21 --

22 **MR. TOWNDALE:** Yeah.

23 **MS. SIMMS:** --- with respect to the meeting?

24 **MR. TOWNDALE:** That's correct, yeah.

25 **MS. SIMMS:** And you take issue ---

1 **MR. TOWNDALE:** I don't take issue with
2 anything there.

3 **MS. SIMMS:** Okay. And is there anything in
4 that statement that refreshed your memory about what you
5 heard at that meeting?

6 **MR. TOWNDALE:** I thought about this one
7 several times. When I push, something comes to me, but I
8 don't know whether that is proper or not, you know.

9 **MS. SIMMS:** So you don't have any
10 recollection?

11 **MR. TOWNDALE:** I don't have independent --
12 yeah.

13 **MS. SIMMS:** Okay. There is a further
14 meeting that you were invited to attend, Mr. Towndale?

15 **MR. TOWNDALE:** Yes.

16 **MS. SIMMS:** And we have Mr. Abell's notes of
17 those meetings that start at Bates page 653.

18 **MR. TOWNDALE:** Yes.

19 **MS. SIMMS:** So this is a meeting held on
20 October 12th, 1993.

21 **MR. TOWNDALE:** Correct, yeah.

22 **MS. SIMMS:** Mr. Abell notes:
23 "Visit Bishop in his office with
24 Angelo, Bill Carriere."

25 **MR. TOWNDALE:** That's correct. I remember

1 that meeting.

2 MS. SIMMS: You do remember that?

3 MR. TOWNDALE: Yeah.

4 MS. SIMMS: Okay, so what can you -- what do
5 you recall of that meeting with the Bishop?

6 MR. TOWNDALE: What I remember about it was
7 we visited him. He was reluctant to move the priest at
8 that time, then later he agreed to move him for two weeks.
9 That's my recollection without reading this one.

10 MS. SIMMS: So that is what stands out in
11 your recollection of this meeting?

12 MR. TOWNDALE: That's right. Yes, yes, yes.

13 MS. SIMMS: And when you say at a later time
14 he agreed to move the priest for two weeks, was that a
15 later time in the course of this meeting?

16 MR. TOWNDALE: No, in the same -- the
17 meeting, in that meeting, at the end of the meeting or
18 towards the end of the meeting he agreed to.

19 MS. SIMMS: Okay. And were you -- again, do
20 you know in what capacity or why you were invited to attend
21 this meeting?

22 MR. TOWNDALE: I have no idea.

23 MS. SIMMS: Did you know Bishop LaRocque
24 personally or in other contexts?

25 MR. TOWNDALE: I have known him, yeah.

1 **MS. SIMMS:** And how did you know Bishop
2 LaRocque prior to this meeting?

3 **MR. TOWNDALE:** I have associations with him
4 at Church functions and other functions as well, yeah.

5 **MS. SIMMS:** And did you also communicate
6 with him with respect to the Child Treatment Program?

7 **MR. TOWNDALE:** That's correct, yes. That
8 was later on in '96.

9 **MS. SIMMS:** Oh, in '96.

10 **MR. TOWNDALE:** Ninety-six ('96), three years
11 later.

12 **MS. SIMMS:** All right. And again there's
13 quite thorough notes, or there are a number of notes made
14 by Mr. Abell with respect to this meeting?

15 **MR. TOWNDALE:** That's correct, yes.

16 **MS. SIMMS:** Was there anything that you saw
17 in these notes that you took issue with in terms of ---

18 **MR. TOWNDALE:** No, I ---

19 **MS. SIMMS:** --- what you recall?

20 **MR. TOWNDALE:** I don't take an issue.

21 **MS. SIMMS:** So you were involved when the
22 statement was initially received and you were involved in
23 these two meetings?

24 **MR. TOWNDALE:** That's correct, yes.

25 **MS. SIMMS:** And did you have continuing

1 involvement in the investigation that was then commenced by
2 the Children's Aid Society as it went forward?

3 **MR. TOWNDALE:** The only involvement was
4 there was another meeting which I attended at the office
5 with Mr. Abell, Chief Shaver and Staff Sergeant Brunet, I
6 think.

7 **MS. SIMMS:** Okay.

8 **MR. TOWNDALE:** That was after they went to
9 Ottawa to see the Papal Nuncio.

10 **MS. SIMMS:** Okay, sorry, and I can refer you
11 to Mr. Abell's notes on that.

12 **MR. TOWNDALE:** Okay, okay.

13 **MS. SIMMS:** I missed that one in the
14 chronology.

15 **MR. TOWNDALE:** Okay.

16 **MS. SIMMS:** So that was on October 8th,
17 according to Mr. Abell's notes.

18 **MR. TOWNDALE:** Okay.

19 **MS. SIMMS:** And that's Bates page 656, just
20 a couple of pages in. So he notes a meeting with Chief
21 Shaver, Sergeant Luc Brunet and "Angelo joins us"?

22 **MR. TOWNDALE:** That's right, yes.

23 **MS. SIMMS:** Okay, and you can tell us what
24 you remember from this meeting?

25 **MR. TOWNDALE:** What that was -- I remember

1 the most was they're reporting to us, the Papal Nuncio told
2 them there was a bishops conference just previous to that,
3 and this issue of -- I don't know this particular issue,
4 the issue of sexual abuse was discussed, and the Papal
5 Nuncio was surprised there was a payment.

6 MS. SIMMS: Surprised there was a payment?

7 MR. TOWNDALE: Yeah.

8 MS. SIMMS: Okay.

9 MR. TOWNDALE: That's what I recall, yeah.

10 MS. SIMMS: That's what you independently
11 recall of the meeting?

12 MR. TOWNDALE: Yeah, yeah.

13 MS. SIMMS: And, again, there's a number of
14 notes that -- I assume you have confidence in Rick Abell's
15 notes with respect to this meeting?

16 MR. TOWNDALE: That's correct, yeah.

17 MS. SIMMS: At Bates page 658, it's the
18 conclusion of the meeting with the police members, and Mr.
19 Abell notes after the meeting -- sorry, halfway down the
20 page -- "Angelo and I plan"?

21 MR. TOWNDALE: Yes.

22 MS. SIMMS: And that's regarding further
23 contacts with the Bishop?

24 MR. TOWNDALE: Yes.

25 MS. SIMMS: And that would be the meeting

1 that you attended on October 12th?

2 MR. TOWNDALE: That's correct, yes.

3 MS. SIMMS: So following that meeting with
4 the Bishop on October 12th ---

5 MR. TOWNDALE: Okay.

6 MS. SIMMS: --- did you have further
7 involvement with respect to Project Blue? Were you a
8 member of their team?

9 MR. TOWNDALE: No, I was not. By checking
10 this file, there are a couple of occasions my name comes
11 up. One was a priest giving some names to me. I was in
12 the hallway and he gave the names of some children I ought
13 to service and I gave it to either Mr. Richard Abell or Mr.
14 Carriere. I don't -- I have to check the notes.

15 MS. SIMMS: Was this in the fall of 1993,
16 Mr. Towndale?

17 MR. TOWNDALE: Yeah, it could be. Yeah,
18 yeah.

19 MS. SIMMS: Okay.

20 MR. TOWNDALE: I think I saw some documents
21 that were -- so that happened, yeah.

22 MS. SIMMS: Now, you mentioned that you were
23 a member of the Cornwall Police Services Board during this
24 same time period?

25 MR. TOWNDALE: That's correct, yes.

1 **MS. SIMMS:** And did you -- were you at all
2 concerned, given the -- well, I suppose there was
3 involvement by both the Cornwall Police Service and the
4 Children's Aid Society to some extent ---

5 **MR. TOWNDALE:** Yes.

6 **MS. SIMMS:** --- in the fall of 1993 and then
7 again in 1994, going forward?

8 **MR. TOWNDALE:** Yes.

9 **MS. SIMMS:** Were you concerned at any point
10 that you were -- your joint roles were a conflict of
11 interest?

12 **MR. TOWNDALE:** I declared conflict of
13 interest and I did not participate in any discussions at
14 the Police Services Board level when the issue came up.

15 **MS. SIMMS:** Okay. So in your role as a
16 Police Services Board member ---

17 **MR. TOWNDALE:** As a Police Services Board
18 member, yes.

19 **MS. SIMMS:** --- you recused yourself from
20 meetings dealing with David Silmser's complaint and the
21 subsequent issues?

22 **MR. TOWNDALE:** That's correct, yes. I would
23 like to add one more thing, if I may.

24 **MS. SIMMS:** Sure.

25 **MR. TOWNDALE:** There was an article in the

1 Scuttlebutt at Seaway News -- questioned -- the wording was
2 something to the effect, "How can Angelo Towndale, an
3 employee of the Children's Aid, sit on the Police Services
4 Board when the Children's Aid is involved in a cover-up?"
5 I take issue with that one and I contacted the lawyer for a
6 retraction.

7 **MS. SIMMS:** Okay, and you don't have to
8 discuss, obviously, your conversations with your lawyer but
9 you -- there was an issue -- something reported in the news
10 that suggested you had a conflict of interest?

11 **MR. TOWNDALE:** Yeah.

12 **MS. SIMMS:** And you took action on that
13 issue?

14 **MR. TOWNDALE:** Yeah.

15 **MS. SIMMS:** Okay. And did ---

16 **THE COMMISSIONER:** Was it resolved? Did you
17 ---

18 **MR. TOWNDALE:** I spent \$7,000 and finally I
19 got \$3,000 back and they put a retraction.

20 **THE COMMISSIONER:** And they put in the
21 retraction?

22 **MR. TOWNDALE:** Yes, yes.

23 **THE COMMISSIONER:** All right.

24 **MR. TOWNDALE:** It was a compromise. I
25 didn't want to take it any further, so I thought I just had

1 to let that ---

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

3 **MS. SIMMS:** So I'm going to ask you some
4 questions, Mr. Towndale, about your time on the Cornwall
5 Police Services Board. I understand that the first term of
6 your tenure on the Board was from 1991 to 1995?

7 **MR. TOWNDALE:** That's correct, yes.

8 **MS. SIMMS:** So -- and I think you joined the
9 Board prior to Mr. Courville joining and becoming
10 President. Is that right?

11 **MR. TOWNDALE:** That's correct, yes.

12 **MS. SIMMS:** Okay. And at the time you
13 joined the Board, there would have been events in 1990
14 preceding your joining the Board where there were a number
15 of reports that had been filed with that previous Board and
16 then an inspection conducted. Were you aware of those
17 events when you joined?

18 **MR. TOWNDALE:** I was not aware of it.

19 **MS. SIMMS:** You were not aware of it?

20 **MR. TOWNDALE:** No.

21 **MS. SIMMS:** Okay. So the issues that may
22 have been raised in 1990 with respect to Chief Shaver's
23 style of management; was that an issue that was a concern
24 of the Board when you joined in 1991?

25 **MR. TOWNDALE:** It was not.

1 **MS. SIMMS:** You don't recall that?

2 **MR. TOWNDALE:** I don't recall any concern
3 expressed with regard to his management style.

4 **MS. SIMMS:** And I understand that -- well,
5 do you recall, at that time period when you joined in '91,
6 whether there was discussions on the Board regarding
7 strategic planning for the Cornwall Police Services? And
8 this is 1991.

9 **MR. TOWNDALE:** Ninety one ('91); I don't
10 remember.

11 **MS. SIMMS:** And I understand in July of
12 1992, Mr. Courville joined the Board.

13 **MR. TOWNDALE:** That's correct, yes.

14 **MS. SIMMS:** And Mayor Martelle was also a
15 member of the Board.

16 **MR. TOWNDALE:** That's correct, he is.

17 **MS. SIMMS:** And can you -- was there any
18 conflicts on the Board during that period of time while you
19 were there?

20 **MR. TOWNDALE:** We were five members on that
21 Board at that time. Mayor Martelle had his own views and
22 opinions on certain issues. My recollection is the other
23 four Board members worked together even though there will
24 be disagreements, the four were -- worked together even
25 though the city council member worked -- there were issues.

1 There was opinions and arguments with regards to Mr.
2 Martelle on various issues.

3 **MS. SIMMS:** And you were -- you mentioned
4 city council people on the Board. You were a provincial
5 employee at the time?

6 **MR. TOWNDALE:** That's correct, yeah. I
7 applied to the province, met with a committee of MPs. They
8 interviewed me and I was appointed by the province.

9 **MS. SIMMS:** And now, I understand that
10 another inspection of the Cornwall Police Services was
11 conducted in the summer of 1993?

12 **MR. TOWNDALE:** That's correct, yes.

13 **MS. SIMMS:** And that's during your term on
14 the Board?

15 **MR. TOWNDALE:** That's in my time there.

16 **MS. SIMMS:** And do you recall what led up to
17 that inspection?

18 **MR. TOWNDALE:** What happened at that time
19 was there was a concern expressed by the association with
20 regard to Chief Shaver. What I recall is with regard to
21 his fluctuating priorities, absenteeism and then all that.

22 **MS. SIMMS:** And was that a concern that was
23 raised directly to the Board?

24 **MR. TOWNDALE:** Yeah, they made a
25 presentation to the Board.

1 **MS. SIMMS:** They made a presentation to the
2 Board?

3 **MR. TOWNDALE:** Yeah, that's what I remember,
4 yeah.

5 **MS. SIMMS:** Okay. And when was --
6 approximately when was that?

7 **MR. TOWNDALE:** It was in -- sometimes in May
8 '93.

9 **MS. SIMMS:** May of 1993?

10 **MR. TOWNDALE:** Correct, yes.

11 **MS. SIMMS:** And had those concerns come to
12 your attention prior to May of 1993?

13 **MR. TOWNDALE:** No, I didn't hear anything
14 about that.

15 **MS. SIMMS:** So -- and what was the Board's
16 decision following having been presented with those
17 concerns?

18 **MR. TOWNDALE:** The Board immediately acted
19 with regard to requesting an inspection, contacting a
20 lawyer by the name of Mr. Baldwin and he helped in that
21 area. The inspection team was already -- it came sometime
22 in May. In July, already the inspection team was in
23 Cornwall interviewing people. That's July, I mean.

24 **MS. SIMMS:** And was that decision taken by
25 the Board as a whole or was that some Board members

1 requesting the inspection?

2 **MR. TOWNDALE:** It was a decision made by the
3 Board but if you ask me whether Mr. -- Mayor Martelle was --
4 - I have to check the notes to see where he was on that
5 issue.

6 **MS. SIMMS:** Okay. We heard from Chief
7 Shaver that preceding the inspection, he presented a
8 strategic plan to the Board.

9 **MR. TOWNDALE:** Correct, yes.

10 **MS. SIMMS:** And that would have been in
11 March of 1993?

12 **MR. TOWNDALE:** What I recall was in March
13 '93, we set up a -- what do you call -- a strategic
14 planning committee that was discussed in one of our
15 meetings.

16 **MS. SIMMS:** Okay.

17 **MR. TOWNDALE:** But we put it off to a later
18 meeting and it was supposed to come at the May meeting.
19 That's when this issue of the association ---

20 **MS. SIMMS:** Do you recall being presented
21 with a strategic plan by Chief Shaver?

22 **MR. TOWNDALE:** I remember to that effect and
23 we put it off for further discussion.

24 **MS. SIMMS:** And you deferred discussion of
25 this?

1 **MR. TOWNDALE:** Yes, later, yes, that's my
2 recollection, yes.

3 **MS. SIMMS:** Okay. And you say that you
4 deferred it to the May meeting?

5 **MR. TOWNDALE:** May meeting.

6 **MS. SIMMS:** Okay. And then what happened at
7 the May meeting?

8 **MR. TOWNDALE:** May meeting, this issue about
9 -- concerns about Chief Shaver came up and we thought we'll
10 go for a re-inspection.

11 **MS. SIMMS:** Okay. So you didn't discuss the
12 strategic plan at that time?

13 **MR. TOWNDALE:** No.

14 **MS. SIMMS:** Because there was an inspection
15 scheduled ---

16 **MR. TOWNDALE:** Yeah, I think ---

17 **MS. SIMMS:** --- pointing ---

18 **MR. TOWNDALE:** --- I cannot give you the
19 time line. The thinking at that time was we will put it
20 off until we have the inspection done and see what comes
21 out of that. And then we can put everything together
22 rather than going into two different routes there, you
23 know. Put it off for the time being while the inspection
24 report is going to come out of it and put everything
25 together and go on.

1 **MS. SIMMS:** Were you aware at that time of
2 the possibility that Chief Shaver might be leaving the
3 Cornwall Police Service?

4 **MR. TOWNDALE:** I didn't hear that one. But
5 there was. I think there was -- the city was got involved
6 through a lawyer, to work out a package in the summer of
7 '93.

8 **MS. SIMMS:** So when did you learn that the
9 city was negotiating with ---

10 **MR. TOWNDALE:** I think it was in the summer
11 of June, sometime, I don't think I'll put an exact -- I'm
12 just going by my memory.

13 **MS. SIMMS:** Do you remember how you became
14 aware of that?

15 **MR. TOWNDALE:** Hearing from people. There
16 was no direct notification to us.

17 **MS. SIMMS:** And did you become aware that
18 that process had been initiated by Mayor Martelle?

19 **MR. TOWNDALE:** That's my understanding.

20 **MS. SIMMS:** And do you recall being
21 presented as a Board with the -- an agreement, a proposed
22 agreement?

23 **MR. TOWNDALE:** I remember that, yes.

24 **MS. SIMMS:** Okay. Can you tell us what the
25 Board's position was with respect to that agreement?

1 **MR. TOWNDALE:** The Board has two concerns
2 about that one; one was we felt we should have waited for
3 the inspection report. And then going ahead, giving a
4 package. The second issue was we took the position -- the
5 city didn't have the power or authority to negotiate a
6 settlement with Chief Shaver. It is up to the Board to
7 decide that.

8 **MS. SIMMS:** And so what happened with the
9 agreement? Did the Board take further steps on the
10 agreement with respect to Mr. Shaver -- Chief Shaver?

11 **MR. TOWNDALE:** My understanding later on
12 consulting with the lawyer, I don't know whether I'm
13 divulging privilege information, I don't know.

14 **THE COMMISSIONER:** It's yours to divulge, so
15 it doesn't matter.

16 **MR. TOWNDALE:** The lawyer advised us,
17 "You're not going to get a better deal."

18 **THE COMMISSIONER:** I'm sorry? Oh, okay.

19 **MR. CRANE:** I just want to be clear, Mr.
20 Commissioner, that the witness is clear that perhaps he
21 should be given an opportunity to reflect on whether
22 privilege of ---

23 **THE COMMISSIONER:** No, you're absolutely
24 right. I was a little quick there because I was thinking
25 he is a Children's Aid Society witness but now he's going

1 on to your domain. So yes.

2 MR. CRANE: And that -- just want to give
3 him an opportunity to reflect on whether that's a privilege
4 he does indeed wish to waive. And if he needs a moment to
5 reflect on that or if he needs to discuss with counsel if
6 he needs to understand the consequences or the process of
7 that, then perhaps that should be explored.

8 MR. TOWNDALE: I will answer it this way.

9 THE COMMISSIONER: Just a second. Just a
10 second.

11 MR. CRANE: And as my friend just commented
12 to me, it -- perhaps a moment should be -- thought should
13 be given as to whether Mr. Towndale has, in fact,
14 discretion to disclose that privilege.

15 THE COMMISSIONER: Okay. Okay. Hang on.
16 So what was the question again?

17 MS. SIMMS: I believe the question was what
18 did the -- steps did the Board take following being
19 presented with that ---

20 THE COMMISSIONER: Okay. So ---

21 MS. SIMMS: --- agreement.

22 THE COMMISSIONER: Okay.

23 MS. SIMMS: Something to that effect.

24 THE COMMISSIONER: All right. So you got
25 legal -- the Board got legal advice and according to that

1 legal advice, what did you do? Is that a fair -- is that a
2 way of getting out of that, sir?

3 **MR. CRANE:** Mr. Commissioner, I think it
4 would be appropriate for the witness if the question was
5 answered -- acknowledged that legal advice was sought and
6 that the Board reached a decision.

7 **THE COMMISSIONER:** Yes. Yes. All right.

8 So as a result of -- so we're not going to
9 get into the legal thing unless there's someone else who
10 wants to get involved, and in cross-examination we'll deal
11 with that at that time.

12 So the Board got legal advice. So you don't
13 have to tell me what the legal advice is.

14 **MR. TOWNDALE:** Correct.

15 **THE COMMISSIONER:** And as a result of that
16 legal advice, what did the Board do?

17 **MR. TOWNDALE:** The Board decided to accept
18 the package. One reason was once the package is given, it
19 is very difficult to negotiate a lesser package because the
20 City was paying the money.

21 **THE COMMISSIONER:** Okay.

22 **MS. SIMMS:** So in fact Chief Shaver did
23 resign from his position in late 1993?

24 **MR. TOWNDALE:** That's correct, yes.

25 **MS. SIMMS:** And Chief Johnston commenced

1 with the Cornwall Police Services in January of 1994?

2 MR. TOWNDALE: That's correct, yes.

3 MS. SIMMS: Okay. And do you recall how
4 Chief Johnston became involved with the Cornwall Police
5 Service? Was he ---

6 MR. TOWNDALE: Yeah. Before he came, I did
7 some negotiation with him with regard with his coming to
8 Cornwall. So I was involved with him prior to coming. We
9 interviewed him before too.

10 MS. SIMMS: Okay. And by that time you had
11 received the report -- the inspection report?

12 MR. TOWNDALE: That's correct, yes.

13 MS. SIMMS: And it contained a number of
14 recommendations?

15 MR. TOWNDALE: Yeah. One of the
16 recommendations was -- even before we got the report, the
17 feedback we were getting was we should have a facilitator
18 for the time being -- interim facilitator we should bring.
19 And even his name came from the inspector.

20 MS. SIMMS: Mr. Johnston's name?

21 MR. TOWNDALE: Yeah.

22 MS. SIMMS: Okay. So ---

23 MR. TOWNDALE: Because he was the Assistant
24 Deputy Minister at the Ministry at one time.

25 MS. SIMMS: Okay. So he was involved as a

1 facilitator following the inspection?

2 MR. TOWNDALE: That's correct.

3 MS. SIMMS: And then he became Chief?

4 MR. TOWNDALE: That's correct.

5 MS. SIMMS: Okay. And I believe the
6 inspection report also recommended that Mayor Martelle step
7 down from his position on the Board?

8 MR. TOWNDALE: That's correct, yes.

9 MS. SIMMS: Do you recall if he did so?

10 MR. TOWNDALE: Yes, yes. He stepped down in
11 '94 for a full year. Yes, that's correct.

12 MS. SIMMS: For a full year?

13 MR. TOWNDALE: Yeah.

14 MS. SIMMS: And then he returned the
15 following year?

16 MR. TOWNDALE: After the election, he came
17 back.

18 MS. SIMMS: Okay. Now, this same period,
19 1993, fall of 1993, is when the Children's Aid Society
20 received David Silmsner's statement ---

21 MR. TOWNDALE: That's correct.

22 MS. SIMMS: --- which we've just discussed.

23 MR. TOWNDALE: Yes.

24 MS. SIMMS: And I understand that -- we've
25 heard that in January of 1994, the Cornwall Police Services

1 or Leo Courville was involved in preparing press releases
2 with respect ---

3 MR. TOWNDALE: Yes.

4 MS. SIMMS: --- to the issue of that
5 statement having been released to the media?

6 MR. TOWNDALE: I read in the paper. I don't
7 have any input into that. I didn't participate in that
8 press release.

9 MS. SIMMS: Okay. That's what I wanted to
10 ask you.

11 MR. TOWNDALE: Yeah, that's correct.

12 MS. SIMMS: You weren't involved in
13 preparing those press releases?

14 MR. TOWNDALE: No, I didn't have any part.

15 MS. SIMMS: Okay. Do you recall them being
16 brought to the Board for approval in January of ---

17 MR. TOWNDALE: No, no, I don't remember.

18 MS. SIMMS: You don't remember?

19 MR. TOWNDALE: Yeah.

20 MS. SIMMS: Okay.

21 MR. TOWNDALE: If I had to make a statement,
22 no, it did not come to the Board.

23 MS. SIMMS: Pardon me?

24 MR. TOWNDALE: It did not come to the Board
25 for approval.

1 MS. SIMMS: Okay.

2 MR. TOWNDALE: There was no Board meeting to
3 discuss that.

4 MS. SIMMS: Okay.

5 Now, another investigation or inspection
6 that we've discussed with respect to the Cornwall Police
7 Service was an Ontario Civilian Commission report in 1995?

8 MR. TOWNDALE: That's correct, yes.

9 MS. SIMMS: And so you were still on the
10 Board when that investigation into the Cornwall Police
11 Services Board came about?

12 MR. TOWNDALE: That's correct, yes.

13 MS. SIMMS: Okay. And I'm just going to
14 refer you to the report itself which is Exhibit 1514.

15 THE COMMISSIONER: Still in the same book,
16 sir.

17 MR. TOWNDALE: Same book? Okay.

18 THE COMMISSIONER: If you look at the tabs,
19 it will bring you to the report, 1514.

20 MR. TOWNDALE: Yes.

21 MS. SIMMS: Okay. So this is the report
22 that was eventually issued by the Ontario Civilian
23 Commission on Policing Services?

24 MR. TOWNDALE: Correct.

25 MS. SIMMS: And it is a report of an

1 investigation into the Cornwall Police Services Board?

2 MR. TOWNDALE: Correct, yes.

3 MS. SIMMS: So this was looking at the Board
4 as opposed to looking at the service.

5 MR. TOWNDALE: That's correct, yes.

6 MS. SIMMS: Okay. Can you tell us what led
7 up to this investigation?

8 MR. TOWNDALE: After the election in -- the
9 '94 election, Mayor Martelle came back to the Board and one
10 of the recommendations was he should step down.

11 So my recollection is when he came back,
12 three of the Board members, with the Chief, Acting Chief,
13 went to Toronto to see the Solicitor General and express
14 our concerns about Mayor Martelle coming back on the Board.

15 MS. SIMMS: And you were one of those three
16 Board members?

17 MR. TOWNDALE: One of the three Board
18 members.

19 MS. SIMMS: And who were the other two Board
20 members?

21 MR. TOWNDALE: Leo Courville and Delores
22 Jensen and Acting Chief Johnston.

23 MS. SIMMS: All right.

24 So you went to Toronto to speak to the
25 Solicitor General?

1 **MR. TOWNDALE:** That's correct, yes.

2 **MS. SIMMS:** Okay. And were you involved in
3 that meeting?

4 **MR. TOWNDALE:** The Solicitor General did not
5 want to see me or Delores Jensen, but he saw, with his
6 staff, Leo Courville and Chief Johnston.

7 **MS. SIMMS:** Okay. And what came of that
8 meeting? They ---

9 **MR. TOWNDALE:** After the meeting, the
10 inspection or the investigation started.

11 **MS. SIMMS:** Okay. And the report refers to
12 a number of conflicts on the Board ---

13 **MR. TOWNDALE:** That's right.

14 **MS. SIMMS:** --- in particular between Leo
15 Courville and Mayor Martelle?

16 **MR. TOWNDALE:** That's correct, yes.

17 **MS. SIMMS:** Okay. And do you recall, during
18 this period of time, there being a number of tensions on
19 the Board with respect to divergent views or the
20 relationship between Leo Courville and Mayor Martelle?

21 **MR. TOWNDALE:** That's correct, yes. Some of
22 the issues concerned employment equity, pay equity and all
23 those issues. That's what I remember, yes.

24 **MS. SIMMS:** Do you recall that being a
25 concern in what respect? With respect to ---

1 **MR. TOWNDALE:** For Mr. -- Mayor Martelle it
2 was an issue, yes.

3 **MS. SIMMS:** And did this -- I know you left
4 the Cornwall Police Services Board not too long after this
5 report was issued?

6 **MR. TOWNDALE:** That's correct, yes.

7 **MS. SIMMS:** But was -- I take it you were
8 looking for assistance when you went to Toronto to improve
9 the working relationship of the Board?

10 **MR. TOWNDALE:** I was there, yes.

11 **MS. SIMMS:** And did you notice an
12 improvement following this report?

13 **MR. TOWNDALE:** Mayor Martelle didn't step
14 down even after that. The Board always worked together.
15 We always had the cooperation of the four people.

16 In selecting the new Chief, we used the
17 services or a process developed by the Ontario Police
18 Services Boards. It involved training -- I don't know --
19 three, four days and whatnot. All the four attended those
20 meetings. Mayor Martelle had issue with the training of
21 that. I don't think he attended any meetings with the four
22 people who worked together in selecting the new Chief.

23 **MS. SIMMS:** M'hm. You had a serious concern
24 when you went to Toronto though to speak to the Solicitor
25 General? That's a rather extraordinary step?

1 **MR. TOWNDALE:** That's correct, yes.

2 **MS. SIMMS:** Okay. And I'm asking if those
3 concerns were alleviated by this investigation and this
4 report?

5 **MR. TOWNDALE:** The issue was Mayor Martelle
6 -- in '94 the five of them worked together when Mayor
7 Martelle wasn't there because some -- that's also one of
8 the recommendations of the -- what you call inspection. So
9 we wanted to see all the recommendations are carried out.
10 That's why we went back to the Sol Gen's office asking for
11 help with regard to that issue.

12 **MS. SIMMS:** And so you were asking for help
13 to have Mayor Martelle step down from the Board?

14 **MR. TOWNDALE:** That's right, yeah.

15 **MS. SIMMS:** Okay.

16 **MR. TOWNDALE:** And the recommendation, what
17 I see, they were saying there is no misconduct, so they
18 cannot do anything.

19 **MS. SIMMS:** Okay. So it didn't alleviate
20 your concerns?

21 **MR. TOWNDALE:** No. Later on, Mayor
22 Martelle, if I remember correctly, stepped down from the
23 Police Services Board.

24 **MS. SIMMS:** And that was post your ---

25 **MR. TOWNDALE:** I think he even might have --

1 I don't remember exactly what the date was. He even
2 resigned as the mayor.

3 MS. SIMMS: He was given ---

4 MR. TOWNDALE: Mayor Martelle at one point
5 resigned as the mayor.

6 THE COMMISSIONER: Resigned as the mayor.

7 MS. SIMMS: Okay.

8 MR. TOWNDALE: Mayor of Cornwall, yeah. I
9 don't have the exact date of that.

10 MS. SIMMS: That's fine. I just have a few
11 more questions, Mr. Towndale.

12 We have heard that Perry Dunlop commenced a
13 civil action in June of 1996 ---

14 MR. TOWNDALE: Correct, yes.

15 MS. SIMMS: --- against the Cornwall Police
16 Services Board, among others?

17 MR. TOWNDALE: That's correct, yes.

18 MS. SIMMS: And his claim relates to events
19 that took place, at least in part, during the time period
20 that you were a Board member?

21 MR. TOWNDALE: That's correct, yes.

22 MS. SIMMS: So you were notified of that
23 claim?

24 MR. TOWNDALE: I was delivered a package at
25 my house.

1 **MS. SIMMS:** Okay. And would that package
2 include the claim itself?

3 **MR. TOWNDALE:** That's correct, yes. I was
4 not on the Board at that time, when I got the package.

5 **MS. SIMMS:** Okay. So I understand that you
6 were also provided with a Demand for Particulars and a
7 Response to a Demand for Particulars from the Dunlop civil
8 action in May of 1997. I am just going to refer you to a
9 note in that respect.

10 **MR. TOWNDALE:** Okay. Okay.

11 **MS. SIMMS:** The Document number is 711918.

12 **THE COMMISSIONER:** It's a new one, sir.

13 Thank you, Exhibit No. 2231 is a caseworker
14 note, Richard Abell, Project Blue. The date is 22nd of May
15 1997.

16 **--- EXHIBIT NO./PIÈCE NO P-2231:**

17 (711918) Notes from Richard Abell dated 22
18 May 97

19 **MS. SIMMS:** So again, these are Mr. Abell's
20 notes, Mr. Towndale?

21 **MR. TOWNDALE:** That's correct, yes.

22 **MS. SIMMS:** And he has a note dated May 14th,
23 1997, and at that point in time, you would have been
24 retired from the Children's Aid Society?

25 **MR. TOWNDALE:** I was retired from the

1 Children's Aid.

2 MS. SIMMS: And you were not member of the
3 Board any longer?

4 MR. TOWNDALE: Not at that time.

5 MS. SIMMS: Okay. And his note indicates
6 that you provided him with a Demand for Particulars and a
7 Response to Demand for Particulars?

8 MR. TOWNDALE: I got the document. I opened
9 it and when I read it, my name -- I didn't read all of it,
10 part of it -- I turned it over to Children's Aid.

11 MS. SIMMS: Okay, and why did you do that?

12 MR. TOWNDALE: There were names indicated
13 there and Children's Aid, I thought, need that information
14 for what ---

15 MS. SIMMS: When you say, "names indicated,"
16 were there allegations?

17 MR. TOWNDALE: Names of people being
18 accused.

19 MS. SIMMS: Okay. So you provided that to
20 Mr. Abell?

21 MR. TOWNDALE: That's correct, yes.

22 MS. SIMMS: And he notes:

23 "Passing it on under duty to report"?

24 MR. TOWNDALE: Duty to report, yes.

25 MS. SIMMS: Okay. Did you have any ongoing

1 or follow-up conversations with Mr. Abell about that?

2 MR. TOWNDALE: No, I didn't have -- no
3 conversation at all.

4 MS. SIMMS: So I understand that you
5 subsequently rejoined the Cornwall Police Services Board?

6 MR. TOWNDALE: That's correct.

7 MS. SIMMS: In July of 1998 or approximately
8 in 1998?

9 MR. TOWNDALE: Nineteen ninety-eight (1998),
10 yes.

11 MS. SIMMS: Yes, okay. And at that point in
12 time Project Truth would be ongoing?

13 MR. TOWNDALE: Yes, correct, yes.

14 MS. SIMMS: Yes, okay. And can you -- do
15 you know why you decided to rejoin the Board in 1998?

16 MR. TOWNDALE: I enjoyed myself -- even
17 though there were conflicts at that time with the Mayor
18 Martelle, the other part was a good experience that I had,
19 and I applied the city. At that time, the province changed
20 the appointment that the city could select three people;
21 two from the province and three from the city. Two were
22 elected officials and one was open to the public. People
23 could apply, and I applied and the City Council appointed
24 me.

25 MS. SIMMS: Okay. So that -- you applied as

1 a community member?

2 MR. TOWNDALE: Community member.

3 MS. SIMMS: Okay. I want to ask you about
4 one -- or sorry, some Board minutes relating to your time
5 on the Board's second go round.

6 MR. TOWNDALE: Okay.

7 MS. SIMMS: And I am going to ask you to
8 refer to Exhibit 1823.

9 THE REGISTRAR: Which document?

10 MS. SIMMS: Sorry, 729601 -- sorry, 729801.
11 Do you have that?

12 MR. TOWNDALE: Would you repeat that number,
13 please?

14 MS. SIMMS: Oh, sorry. It's the exhibit
15 number -- do you have the exhibit number there?

16 MR. TOWNDALE: Yeah, 1823?

17 MS. SIMMS: Eighteen twenty-three (1823);
18 that's right.

19 MR. TOWNDALE: Yes, yeah.

20 MS. SIMMS: So you have in front of you the
21 minutes?

22 MR. TOWNDALE: Yes, I have it in front of
23 me, yeah.

24 MS. SIMMS: Okay. It's minutes from a
25 closed-session meeting on April 1st, 1999.

1 MR. TOWNDALE: Correct, yes.

2 MS. SIMMS: And you're mentioned on the
3 third page.

4 MR. TOWNDALE: Okay.

5 MS. SIMMS: There is reference to an Ottawa
6 Sun report.

7 MR. TOWNDALE: Okay.

8 MS. SIMMS: And then the minutes state that:
9 "Mr. Towndale informed that a citizen
10 approached him about Constable Perry
11 Dunlop's involvement with an
12 investigation that Constable Dunlop
13 allegedly completed while he was on
14 long-term disability."

15 MR. TOWNDALE: Yes.

16 MS. SIMMS: "The issue is whether Constable
17 Dunlop was a member of the CPS or was
18 acting on his own behalf while he
19 gathered statements from victims of
20 Project Truth."

21 MR. TOWNDALE: Yes.

22 MS. SIMMS: Okay? Do you recall raising
23 that issue at the Board?

24 MR. TOWNDALE: A person approached me and
25 asked that question and I said, "I don't know that one."

1 I'll pass on."

2 So I thought the appropriate body would take
3 it to the Board, rather than going to the Chief about that
4 case. So I reported to the Board.

5 **MS. SIMMS:** Okay. So what was the issue, as
6 you saw it, that you were reporting to the Board?

7 **MR. TOWNDALE:** Someone is raising an issue
8 and I didn't have an answer to give him. He was asking me
9 as a Board member and I said, "I don't know. I'll pass on
10 the information."

11 **MS. SIMMS:** Okay. So ---

12 **MR. TOWNDALE:** That was the extent of it.
13 I was not looking for an answer myself, no.

14 **MS. SIMMS:** Okay. And sorry, this was
15 someone, was this somebody who had any association with the
16 police?

17 **MR. TOWNDALE:** No, no, no. I do a lot of
18 walking. Somebody met me on the street, raising this
19 issue, and didn't want to put it off. I said to him, "I'll
20 pass on." Then I thought I have an obligation to pass on.

21 **MS. SIMMS:** Okay. And so you didn't
22 personally have any concern with respect to that?

23 **MR. TOWNDALE:** No, no, no, and he didn't
24 either.

25 **MS. SIMMS:** And do you recall ---

1 **MR. TOWNDALE:** I think something came in The
2 Ottawa Sun, something about that one, and he was asking me
3 -- asking for information. I didn't have the information.
4 So I said, "I'll pass on."

5 **MS. SIMMS:** Okay, and there's -- the minutes
6 state that:

7 "Chief Repa said the CPS would make an
8 inquiry"?

9 **MR. TOWNDALE:** Yes.

10 **MS. SIMMS:** And substantiate whether or not

11 ---

12 **MR. TOWNDALE:** Yeah.

13 **MS. SIMMS:** Okay, do you recall the results
14 of that inquiry?

15 **MR. TOWNDALE:** No, I did not. I didn't have
16 any interest in that one. So I didn't follow up with the
17 Chief, and I don't remember he gave me any information, no.

18 **MS. SIMMS:** And I am going to take you to
19 just a couple of minutes from the summer of 2000 during
20 your term.

21 **MR. TOWNDALE:** Okay.

22 **MS. SIMMS:** And they relate to conversations
23 at the Board level about the impending release of the
24 Project Truth report.

25 **MR. TOWNDALE:** Okay.

1 **MS. SIMMS:** And the response of the Board.
2 So the first is Document Number 729829.

3 **THE COMMISSIONER:** It's a new one.
4 Exhibit 2232 are minutes of the special
5 closed session minutes of the Cornwall Police Services
6 Board, Monday, July 17th, 2000.

7 **--- EXHIBIT NO./PIÈCE NO P-2232:**
8 (729829) Special closed session minutes
9 dated 17 Jul 00

10 **MS. SIMMS:** So, Mr. Towndale, these are
11 minutes of the Board discussing -- or Board comments on
12 investigation.

13 **MR. TOWNDALE:** Yes, that's correct. Yes.

14 **MS. SIMMS:** And do you recall providing
15 comments to the Board Chair at that time?

16 **MR. TOWNDALE:** I don't have an independent
17 recollection, but it says I did. Yes, I accept that, yeah.

18 **MS. SIMMS:** And ---

19 **MR. TOWNDALE:** Yes, I accept that, yeah.

20 **MS. SIMMS:** Okay. Do you recall it being a
21 concern to you that the question of "Are the children in
22 the Cornwall community safe" needs to be answered publicly?

23 **MR. TOWNDALE:** Yeah. My recollection of
24 this meeting was from '93 on, the Police Services Board and
25 speaking for Children's Aid, there was -- I don't think

1 there was any public comment about is the community safe
2 for children. There was allegations of cover-up and all
3 that going on.

4 So my expressing a concern; "Should we
5 reassure the community the children are safe?"

6 **MS. SIMMS:** And one of the other suggestions
7 you had noted is -- were you concerned in that respect with
8 respect to media relations and publicity on the issue?

9 **MR. TOWNDALE:** That's correct, yeah, yeah.

10 **MS. SIMMS:** And the last sentence of that
11 page says:

12 "Angelo Towndale wondered if additional
13 expertise within the CPS is required to
14 handle matters like Project Truth."

15 **MR. TOWNDALE:** That's correct, yes.

16 **MS. SIMMS:** And were you referring there to
17 -- what did you mean by to handle matters from Project
18 Truth?

19 **MR. TOWNDALE:** What I was talking about
20 mainly to -- we need -- Police Services Board needs -- the
21 people should have the confidence in the Police Services
22 Board.

23 After this Project Truth, if record comes
24 out, there should be some mechanism about giving the
25 information to the community.

1 **MS. SIMMS:** So that was relating to
2 communications ---

3 **MR. TOWNDALE:** Communication, yes. Because
4 the Police Board has been silent on that issue and ---

5 **MS. SIMMS:** And on the following page of
6 that same document, Mr. Towndale?

7 **MR. TOWNDALE:** Yes.

8 **MS. SIMMS:** It notes that Chief Repa
9 provided two news releases relating to Project Truth dated
10 January 11th, 1994 and February 2nd, 1994 from the former
11 Board Chair?

12 **MR. TOWNDALE:** Yes.

13 **MS. SIMMS:** And those were the press
14 releases I just asked you about earlier and you mentioned
15 you were not involved in preparing them?

16 **MR. TOWNDALE:** That's correct, yes.

17 **MS. SIMMS:** Okay. And it also states that:
18 "Chief Repa reminded members that
19 Project Truth commenced at the request
20 of CPS and not Perry Dunlop and that an
21 outside police force was asked to
22 conduct an investigation."

23 See that?

24 **MR. TOWNDALE:** Yes, I see that one.

25 **MS. SIMMS:** Do you recall that being your

1 understanding as a Board member that Project Truth
2 commenced at the request of the CPS?

3 **MR. TOWNDALE:** That's my understanding, yes.
4 Yes.

5 **MS. SIMMS:** Pardon me?

6 **MR. TOWNDALE:** That's my understanding, CPS
7 requested it, yes.

8 **MS. SIMMS:** I'm going to ask you to look at
9 a further minute from September of 2000 and it's Document
10 Number 729824.

11 **THE COMMISSIONER:** Thank you.

12 Exhibit Number 2233 is the minutes of a
13 special closed meeting of the Cornwall Police Services
14 Board, Thursday, September 7th, 2000.

15 **---EXHIBIT NO./PIECE NO. P-2233:**

16 (729824) Minutes of Special closed Meeting
17 of Cornwall Police Services Board, September
18 7, 2000

19 **MS. SIMMS:** Mr. Towndale, these are minutes
20 when again the Board appears to be discussing issues
21 related to Project Truth?

22 **MR. TOWNDALE:** That's correct, yes.

23 **MS. SIMMS:** And there's a discussion of
24 hiring a public relations firm to deal with current matters
25 before the Board?

1 **MR. TOWNDALE:** That's correct, yes.

2 **MS. SIMMS:** And then there was a discussion
3 -- it appears to be a general discussion about Project
4 Truth. And it appears that one of the Board members raised
5 that the board needs to confirm what the mandate of Project
6 Truth is and the need to get the facts from previous
7 reports. Do you see that?

8 **MR. TOWNDALE:** Could be the second paragraph
9 or ---

10 **MS. SIMMS:** Yes.

11 **MR. TOWNDALE:** Okay.

12 **MS. SIMMS:** Well, the discussion on that
13 page ---

14 **MR. TOWNDALE:** Yeah, that's right.

15 **MS. SIMMS:** --- seems mainly about the Board
16 requesting -- or feeling the need to have further
17 information about Project Truth.

18 **MR. TOWNDALE:** That's correct, yes.

19 **MS. SIMMS:** Okay. And the third paragraph
20 under number 3 ---

21 **MR. TOWNDALE:** Yes.

22 **MS. SIMMS:** --- is a statement that:

23 "The Board does not even know what the
24 mandate of Project Truth is nor do we
25 have the facts relating to Project

1 Truth."

2 Do you recall that becoming an issue in
3 September, 2000 about the Board seeking further information
4 about Project Truth?

5 **MR. TOWNDALE:** Further information with
6 regard to the establishment of starting up Project Truth?

7 **MS. SIMMS:** I -- it seems to be much more
8 general ---

9 **MR. TOWNDALE:** Yeah. Yeah.

10 **MS. SIMMS:** --- than that to me, Mr.
11 Towndale in these minutes.

12 There appears to be a suggestion that they
13 don't have the previous reports or you, as a Board, don't
14 have the previous reports, you don't know the mandate and
15 you don't know the facts relating to Project Truth?

16 **MR. TOWNDALE:** I think the Chair, Bobka, is
17 expressing that concern. I don't think it was the
18 impression of all the committee members. I don't know
19 that.

20 **MS. SIMMS:** Okay. Do you recall what you
21 knew about the mandate or the facts of the investigation?

22 **MR. TOWNDALE:** Mandate was to, as I stated
23 before by Chief Repa, to see the -- asking CPS -- asking
24 Project Truth to see if there was a conspiracy here.

25 **MS. SIMMS:** So what you knew was what was

1 reported to you by ---

2 MR. TOWNDALE: Reported by the Chief.

3 MS. SIMMS: --- Chief Repa?

4 MR. TOWNDALE: That was my understanding,
5 yes.

6 MS. SIMMS: And it appears on this date that
7 the Board passes a motion that:

8 "The completed reports of all
9 investigations carried out by the
10 Ottawa Police Services and the OPP be
11 provided to the members of the Board as
12 soon as possible"?

13 MR. TOWNDALE: Yes.

14 MS. SIMMS: At the very bottom of that page.

15 MR. TOWNDALE: Yeah.

16 MS. SIMMS: And on the following page, it
17 appears you suggest that if -- you suggest that the
18 investigators of Project Truth be invited to the Board for
19 clarification?

20 MR. TOWNDALE: Yes.

21 MS. SIMMS: Do you recall if that happened?

22 MR. TOWNDALE: No. I don't remember anybody
23 coming from Project Truth to update the Board, no.

24 MS. SIMMS: Okay.

25 MR. TOWNDALE: I think that must have been a

1 follow-up of my question. Chair Bobka is asking what is
2 the mandate and whatnot, and I am not saying that invite
3 all those people, they'll come and explain.

4 **MS. SIMMS:** Explain to you.

5 **MR. TOWNDALE:** But maybe it wasn't
6 appropriate on my part.

7 **MS. SIMMS:** Okay.

8 **MR. TOWNDALE:** Maybe it's not proper for
9 them to come to our Board to tell that.

10 **MS. SIMMS:** And there is a further -- so
11 certainly during this Board meeting on September 7th, you're
12 looking for further information?

13 **MR. TOWNDALE:** Okay.

14 **MS. SIMMS:** And I'm going to ask you to look
15 at one further minute of the Board dated ---

16 **MR. TOWNDALE:** Okay.

17 **MS. SIMMS:** --- minutes of the Board dated
18 September 14th. And it's Document Number 729825.

19 **THE COMMISSIONER:** Before we go there, can
20 we have your comments, sir, about you also at that meeting
21 indicated that you were with a group of concerned Catholics
22 who were organizing a campaign against allegations cited on
23 a website?

24 And you were -- this is on Exhibit 2233.

25 **MS. SIMMS:** It should be loose, Mr.

1 Towndale.

2 **THE COMMISSIONER:** So do you recall telling
3 the Board, listen I'm with this -- on this committee?

4 **MR. TOWNDALE:** No, I was not on the
5 committee.

6 **THE COMMISSIONER:** Okay.

7 **MR. TOWNDALE:** But I was -- I'll wait for
8 you, Commissioner.

9 **THE COMMISSIONER:** No, go ahead. Well it
10 says:

11 "He also wondered..."

12 That's you:

13 "...if his association with a group of
14 concerned Catholics who are organizing
15 a campaign against allegations cited on
16 a website could compromise his position
17 on the Board."

18 So what was that all about?

19 **MR. TOWNDALE:** Okay. What happened was the
20 church I go to there was a support group, people were
21 starting it. I was asked to join and I said no, I cannot
22 join because I am on the Police Services Board.

23 **THE COMMISSIONER:** Right.

24 **MR. TOWNDALE:** Then I am coming back and
25 telling the Board this group approached me and this was the

1 answer.

2 **THE COMMISSIONER:** Okay.

3 **MR. TOWNDALE:** That's what it was all about.

4 I was not part of any groups.

5 **THE COMMISSIONER:** Terrific, thank you.

6 **MS. SIMMS:** Yeah, okay.

7 Was Tom O'Brien a member of that group that
8 approached you?

9 **MR. TOWNDALE:** I read a paper clipping
10 somewhere along that he was.

11 **MS. SIMMS:** Okay. So he wasn't the person
12 who approached at that time?

13 **MR. TOWNDALE:** No, it was somebody else.
14 Yeah. Yeah.

15 **MS. SIMMS:** Okay.

16 **THE COMMISSIONER:** All right. Next exhibit?
17 Thank you.

18 Exhibit Number 2234 is closed session, a
19 page saying "Closed Session, September 14th, 2000".

20 **---EXHIBIT NO./PIECE NO. P-2234:**

21 (729825) Minutes of closed Meeting of
22 Cornwall Police Services Board, September
23 14, 2000

24 **MS. SIMMS:** So, Mr. Towndale, this is a week
25 later?

1 MR. TOWNDALE: Yes.

2 MS. SIMMS: And you receive on this date a
3 report regarding allegations of wrongful dismissal towards
4 Perry Dunlop?

5 MR. TOWNDALE: Yes.

6 MS. SIMMS: And you also note "Review of
7 Investigative Reports from OPP and Ottawa Police Service"
8 is noted as a heading?

9 MR. TOWNDALE: Yes, yes.

10 MS. SIMMS: Okay. So the note indicates
11 that:

12 "Chief Repa circulated a letter for
13 each member to read and consider prior
14 to receiving and reviewing the above
15 two reports."

16 And I'm going to ask you to briefly refer to
17 that letter and it is Exhibit 1832.

18 THE COMMISSIONER: So that's in the book
19 that's in front of you, I think.

20 MS. SIMMS: Do you have that?

21 MR. TOWNDALE: Yes, I do.

22 MS. SIMMS: Is that the letter -- this is a
23 letter dated September 14th from Chief Repa to Mrs. Bobka of
24 the Board?

25 MR. TOWNDALE: That's correct, yes.

1 **MS. SIMMS:** Okay. So it was this letter you
2 reviewed at the Board meeting?

3 **MR. TOWNDALE:** Yes, I ---

4 **MR. CRANE:** Sorry, I just ask for the
5 exhibit to be put up on the screen before we proceed?

6 **THE COMMISSIONER:** Sure.

7 **MS. SIMMS:** Sorry, it was Document Number
8 729678.

9 So do you recall if this was the letter that
10 they Board was reviewing on that date, Mr. Towndale?

11 **MR. TOWNDALE:** Yeah, I cannot -- I don't
12 remember.

13 **MS. SIMMS:** Do you recall reviewing, as a
14 Board member, the Ottawa Police Services report?

15 **MR. TOWNDALE:** I don't know. I couldn't
16 answer that.

17 **THE COMMISSIONER:** Well, in fairness, on --
18 -

19 **MS. SIMMS:** The minutes ---

20 **THE COMMISSIONER:** The minutes say that they
21 refused to look at it and wanted an executive summary of
22 it. Does that ring a bell to you?

23 **MR. TOWNDALE:** That's correct, yeah. I read
24 it here.

25 **THE COMMISSIONER:** Yes.

1 **MS. SIMMS:** Oh, you read it here, but you
2 don't recall that at all?

3 **MR. TOWNDALE:** Yeah, I don't recall that.
4 Yeah.

5 **MS. SIMMS:** Okay. And, Mr. Towndale, it's
6 not too long after this, I think, that you leave the
7 Cornwall Police Services Board again?

8 **MR. TOWNDALE:** That's correct, yes.

9 **MS. SIMMS:** And you end your involvement
10 later in 2000?

11 **MR. TOWNDALE:** That's correct, yes.

12 **MS. SIMMS:** Okay.

13 **THE COMMISSIONER:** So without getting -- did
14 you resign or did your term expire?

15 **MR. TOWNDALE:** My term, it goes with the
16 municipal election.

17 **THE COMMISSIONER:** Right.

18 **MR. TOWNDALE:** There was an election and I
19 left.

20 **THE COMMISSIONER:** Okay.

21 **MS. SIMMS:** Okay.

22 Mr. Commissioner, I don't have further
23 questions for Mr. Towndale.

24 Mr. Towndale, you do have the opportunity,
25 if you wish, to suggest any recommendations ---

1 (SHORT PAUSE/COURTE PAUSE)

2 THE COMMISSIONER: Are we still on? I think
3 you may have -- your microphone is dead. Yours is still
4 on, sir. If you wish to make any recommendations, go
5 ahead.

6 MR. TOWNDALE: I don't have any
7 recommendations. The only thing I would like to say is the
8 last three or four weeks I have been getting files about
9 Children's Aid. The impact it had on me is very difficult
10 to describe.

11 THE COMMISSIONER: M'hm.

12 MR. TOWNDALE: Reading those files.

13 THE COMMISSIONER: I understand. We've all
14 ---

15 MR. TOWNDALE: We have to look at the
16 resources we had, 25 staff.

17 THE COMMISSIONER: M'hm.

18 MR. TOWNDALE: Today, 135.

19 THE COMMISSIONER: M'hm.

20 MR. TOWNDALE: At the top level today there
21 is a director, 3 managers; I don't know how many
22 supervisors, 15 or something. At that time, three people
23 at the top.

24 THE COMMISSIONER: M'hm.

25 MR. TOWNDALE: The community's attitude

1 towards physical punishment was different.

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

3 **MR. TOWNDALE:** I apologize to the children
4 for my failures.

5 **THE COMMISSIONER:** Thank you, sir.

6 **MR. TOWNDALE:** It will be with me for ever.
7 My life is different.

8 **THE COMMISSIONER:** Well, sir, you have to
9 remember that those matters were in the 1970s; that I am
10 sure the community and the Children's Aid Society have
11 grown not only in size but in wisdom and knowledge as to
12 what takes place.

13 So I would just simply suggest to you not to
14 be so hard on yourself, and we'll deal with matters as we
15 see fit.

16 **MR. TOWNDALE:** Thank you, Mr. Commissioner.

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

18 So you are to return here on Monday at 9:30
19 and then you'll have to answer some questions from the
20 other lawyers, and then it will all be over for you.

21 **MR. TOWNDALE:** Okay.

22 **THE COMMISSIONER:** All right?

23 **MR. TOWNDALE:** Thank you.

24 **THE COMMISSIONER:** Thank you very much. So
25 you may leave. I think we have some other business to take

1 care of.

2 MR. TOWNDALE: Okay.

3 THE COMMISSIONER: All right?

4 MR. TOWNDALE: Thank you, Mr. Commissioner.

5 THE COMMISSIONER: Have a good weekend, sir.

6 MR. TOWNDALE: Thank you.

7 THE COMMISSIONER: Thank you.

8 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DUMAIS:

9 MR. DUMAIS: Good afternoon, Commissioner.

10 THE COMMISSIONER: Mr. Dumais.

11 MR. DUMAIS: Briefly, we've got one other
12 item that we wanted to deal with this week.

13 It is our intent to file an Overview of
14 Documentary Evidence with respect to Father Charles
15 MacDonald.

16 THE COMMISSIONER: Yes.

17 MR. DUMAIS: I'm looking at the time now.
18 It would take us an hour-and-a-half or two hours to file
19 the documents and read in the ODE if you accept that this
20 should be done.

21 Perhaps if we can just deal with the
22 position that the parties may have, whether or not there's
23 any outstanding objections or comments to be made, and my
24 suggestion would be that we -- if the ODE is to be entered,
25 that it be done after Mr. Towndale's cross-examination on

1 Monday.

2 **THE COMMISSIONER:** All right.

3 So what do you want to do now?

4 **MR. DUMAIS:** Perhaps we can just do a ---

5 **THE COMMISSIONER:** A roll call?

6 **MR. DUMAIS:** Go around and see if there is
7 any comments.

8 **THE COMMISSIONER:** All right.

9 So Ms. Daley is not here. Was Ms. Daley
10 aware of this?

11 **MR. DUMAIS:** She was, and I did speak to her
12 before she left and she indicated that she had no
13 difficulty with the ODE.

14 **THE COMMISSIONER:** All right.

15 So, Mr. Paul?

16 **MR. PAUL:** Mr. Commissioner, we would have
17 no comments other than certainly we have issues surrounding
18 some of the facts that we would deal with at a later point
19 in submissions in terms of weight and ---

20 **THE COMMISSIONER:** Oh, absolutely. No, no,
21 I understand.

22 **MR. PAUL:** Thank you.

23 **THE COMMISSIONER:** All right.

24 Mr. Lee?

25 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. LEE:

1 **MR. LEE:** Mr. Commissioner, I wonder whether
2 it might be more efficient to hear from those opposing the
3 use of the ODE so that I might have an opportunity to
4 respond rather than coming up -- Mr. Neville in particular
5 I think may have something to say.

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

7 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. NEVILLE:

8 **MR. NEVILLE:** I'd say it's good afternoon,
9 sir, at this point.

10 **THE COMMISSIONER:** All right.

11 **MR. NEVILLE:** But who's quibbling?

12 **THE COMMISSIONER:** But it's always morning
13 for me.

14 **MR. NEVILLE:** Commissioner, I may make life
15 easier. My client's position, through myself, sir, is not
16 to oppose at this time the use of an ODE.

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

18 **MR. NEVILLE:** So at least from our
19 standpoint there is no opposition.

20 I have suggested to Mr. Dumais that there
21 may be one or two sentences or clauses that might be worth
22 considering to insert. The Ministry of the Attorney
23 General asked to do that because this came rather late in
24 the day, and that was done. I indicated to Mr. Dumais that
25 I would try to get those direct references to other

1 documents to him by Monday.

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

3 **MR. NEVILLE:** But as a concept, in
4 principle, we are not going to argue an objection.

5 **THE COMMISSIONER:** Thank you.

6 Anyone else in opposition? No? Cornwall
7 Police?

8 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CRANE

9 **MR. CRANE:** A few brief comments, Mr.
10 Commissioner.

11 **THE COMMISSIONER:** Over and above the
12 Manderville comments?

13 **MR. CRANE:** Not over and above, no, sir, but
14 I would request that we put those on the record for the
15 sake of consistency.

16 Our position has been, as you're well aware,
17 that the use of an ODE should not be used for the finding
18 of misconduct at this Public Inquiry.

19 **THE COMMISSIONER:** Nor will it be.

20 **MR. CRANE:** The use of the ODE should not be
21 used to be proffered for the truth of its contents and the
22 ODE should not be bolstered or used to detract or bolster
23 from the credibility of a witness who has testified at this
24 Public Inquiry.

25 **THE COMMISSIONER:** Oh, that's a new one.

1 Okay. Your comments are noted. Thank you.

2 **MR. CRANE:** Thank you.

3 **THE COMMISSIONER:** Anyone else?

4 Mr. Lee, did you want to comment at this
5 point?

6 **MR. LEE:** No comment, sir.

7 **THE COMMISSIONER:** All right.

8 So we can proceed with that on -- whenever
9 you wish.

10 **MR. DUMAIS:** On Monday, after Mr. Towndale
11 has finished his cross, and I'll communicate with Mr.
12 Neville over the weekend.

13 **THE COMMISSIONER:** All right. So I don't
14 know if counsel want to discuss any new case law or
15 anything like that for the afternoon, or maybe we should
16 get on our way?

17 **MR. DUMAIS:** Perhaps we should.

18 **THE COMMISSIONER:** But you're available all
19 afternoon?

20 **MR. DUMAIS:** I certainly am.

21 **THE COMMISSIONER:** All right.

22 So anyone wishing to discuss any relevant
23 case law can see Mr. Dumais. Otherwise, we're on our way
24 home.

25 Thank you. We'll see you Monday morning at

1 9:30.

2 **MR. DUMAIS:** Thank you.

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

5 This hearing is adjourned until Monday,
6 September 8th at 9:30 a.m.

7 --- Upon adjourning at 12:41 p.m./

8 L'audience est ajournée à 12h41

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM