

**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 190

Held at :

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

Tuesday, February 5 2008

Tenue à:

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

Mardi, le 5 février 2008

ERRATA

**January 23, 2008
Volume 188**

**Transcript
Page 167, Line 7**

MR. ZBAR: Well, over time, you know, Emile was moved -- Emile Robert was moved to the Ottawa office. We put a new manager in place, Father Legault.

Should have read:

MR. ZBAR: Well, over time, you know, Emile was moved -- Emile Robert was moved to the Ottawa office. We put a new manager in place, **Claude Legault**.

**January 24, 2008
Volume 189**

**Transcript
Page 139, Line 14 and 15**

THE COMMISSIONER: Thank you.

Mr. Robert?

MR. ROBERT: No questions.

Should have read:

THE COMMISSIONER: Thank you.

Mr. Ruel?

MR. RUEL: No questions.

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Raija Pulkkinen	Commission Counsel
Mr. Mark Crane	Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action

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

2 L'audience débute à 9h34

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you.

10 Good morning all.

11 Mr. Engelmann?

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

13 Commissioner.

14 **THE COMMISSIONER:** Good morning.

15 **MR. ENGELMANN:** Good morning Ms. Newman.

16 Next witness for the Commission is Deborah
17 Newman. She can be sworn.

18 **THE COMMISSIONER:** Thank you.

19 --- **DEBORAH NEWMAN:** Sworn/Assermentée

20 **THE COMMISSIONER:** Good morning, Mrs.

21 Newman.

22 **MS. NEWMAN:** Good morning Mr. Commissioner.

23 **THE COMMISSIONER:** My apologies for
24 yesterday, travel was a little bit difficult yesterday.

25 In any event, you have fresh water for you.

1 Microphone, you have to vocalize your answers. There is a
2 speaker in front of you if you want to adjust the sound.
3 If there are any documents that we will be looking at,
4 you'll be given a hard copy and it will also be shown on
5 the screen.

6 So, if you have any questions, let me know,
7 otherwise, give me the best answer you can and if you don't
8 know the answer, that's all right as well. All right?

9 **MS. NEWMAN:** Okay. Thank you Mr.
10 Commissioner.

11 **THE COMMISSIONER:** Go ahead.

12 --- **EXAMINATION IN CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**
13 **ENGELMANN:**

14 **MR. ENGELMANN:** Thank you sir.

15 Ms. Newman, actually, the first off I want
16 to start with is a copy of what I believe is a Curriculum
17 Vitae, and Madam Clerk, if you could give the witness a
18 copy. It's a document entitled "Deborah Newman," the first
19 caption is "Executive Profile."

20 **THE COMMISSIONER:** All right. So that will
21 be Exhibit number 1182.

22 ---**EXHIBIT NO./PIÈCE NO P-1182:**

23 CV of Deborah Newman

24 **MR. ENGELMANN:** I'm sorry sir, I missed the
25 number?

1 **THE COMMISSIONER:** One one eight two (1182).

2 **MR. ENGELMANN:** Ms. Newman, the document
3 you've just been given which has just been marked as
4 Exhibit 1182; would that be a fairly recent copy of a
5 Curriculum Vitae?

6 **MS. NEWMAN:** Yes, it would Mr. Engelmann.

7 **MR. ENGELMANN:** Thank you. And that's
8 something although may not be fully complete is as accurate
9 as can be?

10 **MS. NEWMAN:** That's correct.

11 **MR. ENGELMANN:** And it outlines some of your
12 work experience?

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

14 **MR. ENGELMANN:** Both with the current
15 Ministry but also other jobs you've held?

16 **MS. NEWMAN:** That's correct.

17 **MR. ENGELMANN:** And your educational
18 background and professional development?

19 **MS. NEWMAN:** That's right.

20 **MR. ENGELMANN:** All right. Let's just talk
21 a little bit about that if we can to start. You obtained a
22 Bachelor of Arts degree in 1977 from the University of
23 Ottawa?

24 **MS. NEWMAN:** I did.

25 **MR. ENGELMANN:** And then, in 1979, a Masters

1 degree in Criminology from the University of Ottawa?

2 MS. NEWMAN: That's correct.

3 MR. ENGELMANN: And I understand that you
4 went on with further education after that, in fact, courses
5 at the University of Alberta?

6 MS. NEWMAN: That's right.

7 MR. ENGELMANN: And as well, there was some
8 work at Queen's University in a Public Executive Program,
9 in or around 2002?

10 MS. NEWMAN: That's right.

11 MR. ENGELMANN: So if we could just talk a
12 little bit about your work background then. I understand
13 that after you completed your B.A. and your Masters degree,
14 you began your work in Alberta?

15 MS. NEWMAN: That's right.

16 MR. ENGELMANN: And that was as a probation
17 officer?

18 MS. NEWMAN: Correct.

19 MR. ENGELMANN: And that would have been
20 with the ministry there, the Alberta Correctional Services?

21 MS. NEWMAN: That's right; it was then
22 called the Alberta Solicitor General.

23 MR. ENGELMANN: All right. And that was in
24 or about 1979?

25 MS. NEWMAN: That's right. I began my

1 career as a probation officer.

2 MR. ENGELMANN: All right. And did you have
3 some experience working with young persons?

4 MS. NEWMAN: Yes, I did, in the course of my
5 career in different positions, have experienced working
6 with young people ---

7 MR. ENGELMANN: Right.

8 MS. NEWMAN: --- as well as with adults.

9 MR. ENGELMANN: Okay. So when I say young
10 persons, I am assuming these are people who were teenagers;
11 could be younger or older than 16?

12 MS. NEWMAN: That's right, from ages 12
13 through 17.

14 MR. ENGELMANN: All right. And I understand
15 after several promotions, by 1985 you were the Assistant
16 Regional Director for the Edmonton North Region for the
17 Ministry?

18 MS. NEWMAN: That's correct. So in the
19 intervening years, I had experience in both community
20 corrections as well as in institutional corrections working
21 at three different correctional facilities, culminating in
22 a promotion to the Assistant Regional Director's position.

23 MR. ENGELMANN: So you experienced both
24 sides of the correctional world, if I can call it that,
25 institutions and also dealing with probationers?

1 **MS. NEWMAN:** That's right.

2 **MR. ENGELMANN:** And a number of years later,
3 you moved to Ontario?

4 **MS. NEWMAN:** That's correct.

5 **MR. ENGELMANN:** And in or around 1987 would
6 have joined the Public Service of this province?

7 **MS. NEWMAN:** That's correct.

8 **MR. ENGELMANN:** All right. And what
9 position did you hold originally?

10 **MS. NEWMAN:** When I first arrived in
11 Ontario, I entered the Ontario Public Service in a position
12 as Operational Review Analyst conducting operational
13 reviews, audits and investigations as part of that
14 particular branch.

15 **MR. ENGELMANN:** Can you just give us a sense
16 as to what an operational review was at that time?

17 **MS. NEWMAN:** An operational review was a
18 review of a correctional institution primarily, although
19 there were some reviews of probation and parole conducted
20 as well, that essentially looked at the operation and
21 management of an office including its financial status,
22 budget management, safety and security issues, compliance
23 with Ministry policies and procedures.

24 **MR. ENGELMANN:** Just a form of in-depth
25 audit so to speak, or would that be a poor description?

1 **MS. NEWMAN:** I would say that it was --
2 essentially it was a review of compliance with Ministry
3 policies and procedures in a particular institution or
4 office.

5 **MR. ENGELMANN:** Would they take a certain
6 amount of time or would that really depend on the situation
7 you were reviewing?

8 **MS. NEWMAN:** It would depend on the size of
9 the operation. So if you were doing a smaller operation,
10 it might take a day or two days. If you were doing a large
11 correctional facility, it might take a week.

12 **MR. ENGELMANN:** Okay. And would this
13 involve not just a paper review but also interviewing staff
14 and getting information from them?

15 **MS. NEWMAN:** That's correct.

16 **MR. ENGELMANN:** Would it also include
17 possibly interviewing either probationers or inmates in
18 institutions?

19 **MS. NEWMAN:** No, it did not.

20 **MR. ENGELMANN:** Okay. It was just your
21 staff then?

22 **MS. NEWMAN:** That's right. It was
23 essentially ensuring that our staff were complying with
24 policies and procedures; that the operation was being
25 effectively managed in that respect; that there was fiscal

1 control and accountability; that the security procedures
2 were being adhered to; and involved some examination of
3 labour relations as well.

4 **MR. ENGELMANN:** Okay. Now that was work you
5 did in the late '80s? Is that work still done in your
6 Ministry today?

7 **MS. NEWMAN:** Yes, it is. It's done within
8 existing resources. There are spot audits or operational
9 reviews conducted of a selected number of institutions or
10 probation and parole offices every year.

11 **MR. ENGELMANN:** All right. So are they --
12 are some of those random in nature?

13 **MS. NEWMAN:** No, they tend to be selected
14 operational reviews or audits.

15 **MR. ENGELMANN:** Okay. Now shortly after
16 your work as an operational review analyst, I understand
17 you became a deputy superintendent for a correctional
18 centre?

19 **MS. NEWMAN:** That's correct. I moved on to
20 the Maplehurst Correctional Centre where I was responsible
21 to the superintendent deputising for the superintendent in
22 the operation of that medium security 432-bed facility.

23 **MR. ENGELMANN:** Okay. And that was from
24 approximately 1988 to 1990?

25 **MS. NEWMAN:** That's correct.

1 **MR. ENGELMANN:** What did you do after that?

2 **MS. NEWMAN:** After that, I was promoted to
3 the position of Superintendent of the Ontario Correctional
4 Institute which was at that time really the flag ship for
5 the Ministry. In terms of our institutions, it was the
6 treatment facility for the Ministry and housed offenders
7 that were undergoing treatment; sex offenders, offenders
8 suffering from addictions and anger management problems for
9 example.

10 So it was -- had a provincial catchment and
11 offenders were referred from all over the province for
12 treatment at Ontario Correctional Institute.

13 **MR. ENGELMANN:** Where was it located or
14 where is it located?

15 **MS. NEWMAN:** It is located in Brampton.

16 **MR. ENGELMANN:** Okay. And then you were
17 there for approximately two years?

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

19 **MR. ENGELMANN:** And what happened then?

20 **MS. NEWMAN:** I was then asked to come in to
21 be the executive assistant to the then-Deputy Solicitor
22 General and Deputy Minister of Correctional Services in
23 Toronto.

24 **MR. ENGELMANN:** And that was for
25 approximately one year from '92 to '93?

1 **MS. NEWMAN:** It was actually 14 or 15
2 months.

3 **MR. ENGELMANN:** Okay.

4 **MS. NEWMAN:** So essentially it was the key
5 advisor to the Deputy Minister, the Deputy's executive
6 assistant, provided support, operationally, legislatively,
7 policy.

8 **MR. ENGELMANN:** So that work was quite
9 different than the work you'd been doing?

10 **MS. NEWMAN:** It was very different. It
11 really had a very operationally focussed career to that
12 point-in-time and then moved into more of the support on
13 the government's legislative and policy agenda and
14 supporting the Minister and political staff on critical
15 issues of the day.

16 **MR. ENGELMANN:** All right. Then that takes
17 us to sometime in 1993.

18 Can you tell us what happens to your career
19 then, and approximately when in 1993?

20 **MS. NEWMAN:** So in the fall of 1993, as I
21 recall, it was November of 1993, I was transferred to the
22 Eastern Regional Office which was located in Kingston and
23 appointed as a Regional Manager, at that time responsible
24 for 13 correctional institutions. I had the
25 superintendents of all of the correctional facilities in

1 the eastern region reporting to me and provided oversight
2 and supervision of the correctional institutions in the
3 region.

4 **MR. ENGELMANN:** And that was for
5 approximately three years?

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

7 **MR. ENGELMANN:** We've had -- we've had
8 another witness here, a fellow by the name of Bill Roy, and
9 I understand that he was also a Regional Manager in the
10 Eastern Regional Office at that time?

11 **MS. NEWMAN:** That's correct. Bill was my
12 regional manager colleague. There were two regional
13 managers. I was one, responsible for institutional
14 services, and Bill was responsible for community services
15 or probation and parole.

16 **MR. ENGELMANN:** Now, was there some overlap
17 in your responsibilities?

18 **MS. NEWMAN:** Between Bill and myself?

19 **MR. ENGELMANN:** Yes.

20 **MS. NEWMAN:** No. I was distinctly
21 responsible for institutional services and Bill was
22 responsible for the community probation and parole
23 services.

24 **MR. ENGELMANN:** Do you recall ever having to
25 be on call, to be responsible for his side of the fence and

1 vice versa, him having to do that for you?

2 MS. NEWMAN: We -- through different
3 restructuring initiatives over a period of time that's
4 entirely possible. I don't recall specifically being on-
5 call but certainly the time I spent in the eastern region
6 I, at various times, had responsibility for community
7 corrections, adult institutions, young offender operations,
8 and certainly at one point or another would have been --
9 had on-call responsibilities.

10 MR. ENGELMANN: All right. You both
11 reported to a regional director?

12 MS. NEWMAN: That's correct. John O'Brian
13 was the Regional Director at the time.

14 MR. ENGELMANN: All right. And were you all
15 new to your positions in 1993?

16 MS. NEWMAN: Yes, we were. So Bill had
17 arrived shortly before me and John shortly before him but
18 within a couple of months.

19 MR. ENGELMANN: All right. And would there
20 have been some training for you and others at that time?

21 MS. NEWMAN: Not specific training -- role-
22 specific training I think. Throughout the course of my
23 career I've received management training.

24 MR. ENGELMANN: Yes.

25 MS. NEWMAN: And so the way the Ministry

1 approaches training tends to be supervisory and management
2 training and development opportunities as opposed to role-
3 specific training.

4 **MR. ENGELMANN:** And who was your predecessor
5 in the position you took in '93?

6 **MS. NEWMAN:** My predecessor was Al Roberts.

7 **MR. ENGELMANN:** And Mr. O'Brian replaced Mr.
8 Hawkins?

9 **MS. NEWMAN:** Mr. O'Brian replaced Mr. Shoom
10 so Mr. Shoom was the Regional Director preceding him. Mr.
11 Roberts was the Regional Manager responsible for
12 institutions preceding me and Roy Hawkins was the Regional
13 Manager preceding Bill Roy on the community side.

14 **MR. ENGELMANN:** And would the three of you
15 have management meetings from time-to-time to discuss areas
16 of concern or interest?

17 **MS. NEWMAN:** We did meet, yes, periodically,
18 the three of us, to talk about overarching ministry
19 policies, new policies that were being issued from
20 corporate offices in Toronto for example. So, yes, we did.

21 **MR. ENGELMANN:** Now, did -- in 1996, you
22 became responsible for -- you became District
23 Administrator?

24 **MS. NEWMAN:** That's correct.

25 **MR. ENGELMANN:** Do I have that right?

1 **MS. NEWMAN:** You're right, Mr. Engelmann.

2 There was ---

3 **MR. ENGELMANN:** Is that a change in title at
4 that point?

5 **MS. NEWMAN:** It's a Ministry restructuring.
6 The Ministry has reinvented itself a number of times in
7 terms of the structure and this was a restructuring to
8 districts rather than regions and so what was the Eastern
9 Region, the same geographical area, was then divided into
10 two districts and there was no longer a regional management
11 structure. There were two district administrators
12 appointed who essentially performed a combined regional
13 direction/regional manager role and with a geographic
14 split.

15 So I was responsible for the eastern half of
16 the Eastern Region and for all types of operations then,
17 including institutions and probation and parole, from
18 Kingston east extending out to Ottawa, L'Orignal, Pembroke,
19 Cornwall and so on.

20 **MR. ENGELMANN:** Let me just understand what
21 happened.

22 From '93 to '96, you were responsible
23 throughout the Eastern Region for the institutional side of
24 things; Mr. Roy for the probation offices?

25 **MS. NEWMAN:** Correct.

1 **MR. ENGELMANN:** In '96, you became
2 responsible for both sides but only for half of the
3 geographical area?

4 **MS. NEWMAN:** Very good, perfect.

5 **MR. ENGELMANN:** Okay. What about Mr. Roy,
6 did he have any ongoing responsibilities at that point-in-
7 time?

8 **MS. NEWMAN:** It was at that point-in-time,
9 when the restructuring occurred, that Mr. Roy decided to
10 retire.

11 **MR. ENGELMANN:** All right. Now -- so from
12 '96 to '98, you would have had some supervisory
13 responsibilities over the Cornwall Probation and Parole
14 Office?

15 **MS. NEWMAN:** Yes, I did.

16 **MR. ENGELMANN:** And the area manager from
17 that office would be reporting directly to you?

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

19 **MR. ENGELMANN:** And I'm assuming from time-
20 to-time you would visit the office?

21 **MS. NEWMAN:** Yes, I did. I did visit the
22 office. I did visit all of the facilities and the
23 probation and parole offices, including young offender
24 facilities that I was responsible for and, certainly, I did
25 visit the Cornwall Probation and Parole Office with a fair

1 degree of frequency and probably more than others.

2 MR. ENGELMANN: All right. And we'll get
3 into some of the reasons for that a bit later.

4 Had you had any responsibility for that
5 office before 1996?

6 MS. NEWMAN: Not that I can recall, no.

7 MR. ENGELMANN: Had you visited the office
8 before '96?

9 MS. NEWMAN: I don't believe so.

10 MR. ENGELMANN: All right. And if you had
11 any responsibility it would have been some kind of a back-
12 up for Mr. Roy?

13 MS. NEWMAN: That's correct, if there was
14 any responsibility it would have been, as you'd suggested
15 earlier, perhaps on an on-call basis for after hours
16 incident reporting or if he was on vacation and asked me to
17 cover for him.

18 MR. ENGELMANN: And would you have had some
19 kind of transition with him when you took on the probation
20 side of things for the eastern half of the Eastern Region?
21 Would you have had some transition with Mr. Roy, some
22 discussions about issues in the various offices you were
23 taking over?

24 MS. NEWMAN: I expect that I would have. I
25 don't have a clear recollection of a handover conversation,

1 but I would expect that would have occurred.

2 **MR. ENGELMANN:** Now, just following your
3 career then, I understand in late 1998 you were seconded to
4 the federal government for about a year?

5 **MS. NEWMAN:** That's correct.

6 **MR. ENGELMANN:** And that was to be the
7 director -- well it was a director's position within Human
8 Resource Development Canada?

9 **MS. NEWMAN:** That's right. It was initially
10 established as a two-year Interchange Canada assignment
11 under provisions to exchange services between the federal
12 and provincial governments. And so I went to operate the
13 Employment Insurance system and Human Resources Investment
14 Programs and Income Security Programs and so on, in the
15 eastern region.

16 **MR. ENGELMANN:** So that was a completely new
17 area?

18 **MS. NEWMAN:** It was a complete change from
19 Corrections.

20 **MR. ENGELMANN:** All right, but you didn't
21 stay there for two years?

22 **MS. NEWMAN:** No, after one year the Ministry
23 undertook another restructuring and I was asked to return
24 by my Assistant Deputy Minister Mr. Zbar.

25 **MR. ENGELMANN:** And did you have a role to

1 play in that restructuring?

2 MS. NEWMAN: No.

3 MR. ENGELMANN: Okay.

4 MS. NEWMAN: Essentially ---

5 MR. ENGELMANN: Can you tell us just very
6 briefly the significance of that restructuring for perhaps
7 the Eastern Region?

8 MS. NEWMAN: That restructuring then split
9 responsibility within the Ministry along functional lines.
10 So for the first time there were two Assistant Deputy
11 Ministers, one responsible at the Assistant Deputy Minister
12 level for Community and Young Offender Services, and that
13 was more Zbar, and a second Assistant Deputy Minister
14 responsible for Adult Institutional Services, and then the
15 structure that was created below that was to mirror that
16 responsibility.

17 So there were then two regional directors
18 established, one for Community and Young Offender Services,
19 which is what I was asked to undertake, and one for adult
20 institutions.

21 MR. ENGELMANN: All right.

22 The one dealing with Young Offender Services
23 would also have probation offices?

24 MS. NEWMAN: That's right, so ---

25 MR. ENGELMANN: But it would have the, I

1 think, Phase 2 young offenders, the 16 and 17 year olds,
2 and adult probationers?

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

4 **MR. ENGELMANN:** All right.

5 So it's split between the institutional work
6 and the non-institutional work?

7 **MS. NEWMAN:** That's right.

8 There was an emphasis and a recognition in
9 the Ministry of the need to ensure there was dedicated
10 focus and support for Probation Parole and Young Offender
11 Services on the one hand and Adult Institutional Services
12 on the other, and it's been the tendency historically to
13 provide more focus on the institutional aspects of our
14 services.

15 So for the first time I think there was a
16 recognition of the equal importance of Community and Young
17 Offender Services in the Ministry.

18 **MR. ENGELMANN:** And that is the part of the
19 Ministry you were asked to come back into?

20 **MS. NEWMAN:** I was given my choice actually

21 ---

22 **MR. ENGELMANN:** All right.

23 **MS. NEWMAN:** --- and I chose Community and
24 Young Offender Services.

25 **MR. ENGELMANN:** And you came back as the

1 Regional Director for the Eastern Region?

2 MS. NEWMAN: That's correct.

3 MR. ENGELMANN: And at this point in time
4 you're not just dealing with the eastern half ---

5 MS. NEWMAN: No.

6 MR. ENGELMANN: --- you would be dealing
7 with the whole Eastern Region?

8 MS. NEWMAN: That's correct; the entirety of
9 the geography from Oshawa out to Ottawa.

10 MR. ENGELMANN: All right.

11 And, therefore, again, you would be
12 responsible for oversight of the work of the area manager
13 here in Kingston -- sorry, Cornwall?

14 MS. NEWMAN: Both would be correct.

15 MR. ENGELMANN: Okay. Fair enough.

16 And then I understand you were there for
17 approximately one year in that position?

18 I'm just looking at your CV.

19 MS. NEWMAN: Yes, it was ---

20 MR. ENGELMANN: It's on the second page.

21 MS. NEWMAN: --- I think from November of
22 1999 until September of 2000.

23 MR. ENGELMANN: And in September of 2000 you
24 became the Assistant Deputy Minister for Community and
25 Young Offender Services?

1 MS. NEWMAN: That's correct.

2 MR. ENGELMANN: So that's the position that
3 you had been reporting to?

4 MS. NEWMAN: That's right.

5 MR. ENGELMANN: And it's my understanding
6 you were in that position for approximately four years?

7 MS. NEWMAN: Yes, I was.

8 MR. ENGELMANN: Until the spring of 2004?

9 MS. NEWMAN: That's correct.

10 MR. ENGELMANN: And then in the spring of
11 2004 you became the Assistant Deputy Minister for Youth
12 Justice Services?

13 MS. NEWMAN: That's right.

14 MR. ENGELMANN: And that was in a different
15 ministry. Am I correct?

16 MS. NEWMAN: Yes, we transferred --
17 disentangled Young Offender Services or Youth Justice
18 Services from the adult ministry and transferred to a newly
19 created ministry called the Ministry of Children and Youth
20 Services. So the new ministry encompassed Youth Justice as
21 well as Child Welfare and Children's Mental Health.

22 MR. ENGELMANN: And so that restructuring or
23 reorganization would have left all young offenders from the
24 age -- up to age 17 with that ministry, no longer with your
25 former ministry?

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

2 There was an initiative preceding that to
3 disentangle the 12 to 15 year old youth called "Phase 1
4 Youth" who were under the supervision of the Ministry of
5 Community and Social Services at that time.

6 We had a split jurisdiction where 12 to 15
7 year old youth were under that ministry's supervision and
8 16 and 17 year old youth were under the Correctional
9 Services Ministry, and there was a government policy
10 decision taken to integrate services for young people from
11 ages 12 through 17 inclusive. So that we no longer had a
12 split jurisdiction for young people in Ontario, as we were
13 the only province in Canada that had such a split in
14 jurisdiction.

15 So I was responsible for the integration of
16 the two formerly separate systems for youth and then
17 following that transferred the entire integrated system
18 over to the new Ministry of Children and Youth Services.

19 **MR. ENGELMANN:** When did that take place
20 approximately?

21 **MS. NEWMAN:** I wonder if, on the screen, if
22 my CV could be rolled up a little bit, it would help me.
23 Thank you.

24 So I'm recalling that the integration of the
25 Phase 1 and Phase 2 Youth happened in -- from the spring to

1 the fall of 2003 and then the transfer of -- I'm sorry;
2 2002. The integration happened, I think, in 2002 and the
3 transfer then to the Ministry of Children and Youth
4 Services happened in the spring of 2003.

5 **MR. ENGELMANN:** So since that time the
6 Ministry of Corrections has not had responsibility for
7 probationers under the age of 18?

8 **MS. NEWMAN:** That's correct.

9 **THE COMMISSIONER:** I'm sorry; say that
10 again.

11 **MR. ENGELMANN:** Since 2003 the Ministry of
12 Corrections has not had responsibility for probationers
13 under the age of 18.

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

15 **MS. NEWMAN:** That's correct.

16 The new Ministry of Children and Youth
17 Services has had that responsibility for all young people
18 under the age of 18.

19 **MR. ENGELMANN:** All right.

20 So on your work background that brings us to
21 the fall of 2005. I understand that at that point you were
22 appointed the Deputy Minister of Corrections Community
23 Safety.

24 **MS. NEWMAN:** Just a small distinction. In
25 September of 2005 I was appointed Deputy Minister of

1 Community Safety, which encompassed responsibility for the
2 Ontario Provincial Police, oversight of Municipal Policing
3 Services, the Office of the Chief Coroner, the Fire
4 Marshall, the Centre of Forensic Sciences, private
5 investigators and security guards, Criminal Intelligence
6 Services, Counterterrorism.

7 And in December I was asked to assume
8 responsibility -- with the retirement of the Deputy
9 Minister of Correctional Services, I was asked to assume
10 responsibility for Correctional Services also. So I then
11 became the single Deputy responsible for Community Safety
12 and Correctional Services.

13 **MR. ENGELMANN:** So there had been two Deputy
14 Ministers and they were merged into one. So your workload
15 increased a bit in December of 2005?

16 **MS. NEWMAN:** I guess the Secretary to
17 Cabinet thought I wasn't busy enough.

18 **MR. ENGELMANN:** All right.

19 So that wasn't just a change in name; you
20 had broader responsibilities?

21 **MS. NEWMAN:** That's right.

22 Essentially doubled the size of my
23 responsibility.

24 **MR. ENGELMANN:** Can you give us a sense as
25 to the number of staff in your combined -- in the Ministry

1 of Community Safety and Correctional Services?

2 **MS. NEWMAN:** We have approximately 17,000
3 staff in the Ministry. We're the largest Ministry by staff
4 strength in the Ontario Public Service, comprising about 25
5 percent of the Ontario Public Service.

6 **MR. ENGELMANN:** All right.
7 And I understand you have three
8 commissioners who report directly to you?

9 **MS. NEWMAN:** Until January 7th -- just a
10 recent change of this year -- I had three commissioners
11 reporting to me; the Commissioner of the Ontario Provincial
12 Police, the Commissioner of Correctional Services and the
13 Commissioner of Community Safety. Effective January 7th,
14 2008 my Commissioner of Community Safety was promoted to
15 Deputy Minister status. So there is now another Deputy
16 Minister colleague of mine in this Ministry who is
17 responsible for emergency management and the Coroner and
18 the Fire Marshall.

19 **MR. ENGELMANN:** All right. So that part has
20 been hived out and there's a Deputy Minister of Community
21 Safety now?

22 **MS. NEWMAN:** It's called Emergency Planning
23 and -- Emergency Planning and Management.

24 **MR. ENGELMANN:** So let's go back in time to
25 your experience back in the early to mid-90s, when you

1 first have some responsibility here in the Eastern Region.

2 I want to get a sense whether you would have
3 had any contact with the Area Manager. I realise you had
4 responsibility for institutions between '93 and '96 --
5 correctional institutions. Would you have had any contact,
6 either directly or indirectly, with the Area Manager here
7 for the Probation and Parole office? And at that time, it
8 would have been Emile Robert. This is between '93 and '96;
9 or any of this staff? Do you have recollection?

10 **MS. NEWMAN:** I had -- no, I did not have
11 responsibility for their Cornwall Probation and Parole
12 office in the years that you've cited, Mr. Engelmann. I
13 probably would have had peripheral or passing contacts
14 certainly with any managers in a region. So from time to
15 time, we would, for example, have the institutional
16 superintendents meet together with the area managers
17 responsible for Probation and Parole to deal with broader
18 Ministry policy issues and then break off into separate
19 meetings by functional area of responsibility.

20 So I did not have responsibility for
21 supervising Mr. Robert, but I probably would have had
22 contact in some fashion with him.

23 **MR. ENGELMANN:** At meetings probably in your
24 regional office in Kingston?

25 **MS. NEWMAN:** That's correct.

1 **MR. ENGELMANN:** All right. Now, Bill Roy
2 was your colleague?

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

4 **MR. ENGELMANN:** Did you work in relatively
5 close proximity; do you recall?

6 **MS. NEWMAN:** We were on the same floor. We
7 had a co-location, in terms of our office structure.

8 **MR. ENGELMANN:** Did you have occasion to
9 communicate with him either formally or informally about
10 some of what was happening in the Cornwall Probation and
11 Parole office? This is again '93 through '96, and there
12 were some events that happened, and I'll take you to them,
13 but I'm just wondering if you have some recollection of
14 communicating with him about that office from time to time.

15 **MS. NEWMAN:** Certainly, you know, as we
16 would, any colleague passing in the hallway, say, you know,
17 "This is a tough day, and this is the kind of issue I'm
18 dealing with today."

19 So I certainly had some peripheral knowledge
20 that he was dealing with some very difficult issues in 1993
21 that would ---

22 **MR. ENGELMANN:** And in particular, he would
23 have made you aware of the death of one of the officers in
24 that office in late 1993?

25 **MS. NEWMAN:** He did.

1 **MR. ENGELMANN:** Mr. Seguin.

2 **MS. NEWMAN:** He did, yes, he did mention to
3 me, he and Mr. O'Brian I know were managing and conversing
4 and meeting in relation to that particular death.

5 **MR. ENGELMANN:** And you became aware of it
6 through meeting with them or ---

7 **MS. NEWMAN:** No.

8 **MR. ENGELMANN:** --- through some other way?

9 **MS. NEWMAN:** I was never involved in any
10 meetings with them in terms of the management of the
11 situation or the particulars, frankly. So I had some
12 fairly superficial knowledge that there was an issue in
13 relation to the death of a probation officer that was being
14 managed.

15 **MR. ENGELMANN:** Would you recall how you
16 became aware of it?

17 **MS. NEWMAN:** Just being in proximity in the
18 same office, in the same way that probably everyone in the
19 office had some knowledge that something was happening and
20 being managed by Mr. Roy and Mr. O'Brian.

21 **MR. ENGELMANN:** All right. I mean, you'd
22 agree it was an unusual experience?

23 **MS. NEWMAN:** Yes.

24 **MR. ENGELMANN:** And no doubt a traumatic one
25 for the staff in that office?

1 MS. NEWMAN: In the Cornwall office?

2 MR. ENGELMANN: Yes.

3 MS. NEWMAN: Absolutely.

4 MR. ENGELMANN: Were you aware of requests
5 that were made at the time by the Area Manager for
6 counselling or debriefing services for his staff?

7 MS. NEWMAN: I wasn't aware.

8 MR. ENGELMANN: All right. We also have
9 heard -- well, Mr. Roy talked to us a little bit about Mr.
10 Seguin's death and things that were going on in Cornwall at
11 the time. He also told us about a disclosure that was made
12 to him by a fellow by the name of David Silmsler in mid-
13 December of 1993 alleging that he had been sexually abused
14 by Mr. Seguin when he was on probation to him. Would Mr.
15 Roy have made you aware of that at or about that time?

16 MS. NEWMAN: Yes. He did mention that as
17 well. I was aware that that had happened.

18 MR. ENGELMANN: All right. And you would
19 have been made aware of that through Mr. Roy?

20 MS. NEWMAN: Yes.

21 MR. ENGELMANN: All right. And again that
22 was an unusual circumstance; you would agree?

23 MS. NEWMAN: Yes, it was.

24 MR. ENGELMANN: Do you know what steps Mr.
25 Roy might have made to inform Mr. O'Brian and/or other

1 managers up the line?

2 MS. NEWMAN: I was certainly aware that he
3 was discussing the management of the situation with the
4 Regional Director, Mr. O'Brian. Beyond that, I wasn't
5 aware of what steps Mr. Roy took at that time, bearing in
6 mind that I was preoccupied with the issues of 13
7 correctional institutions and this wasn't my area of
8 responsibility.

9 MR. ENGELMANN: Fair enough. It did become
10 your area of responsibility sometime later in '96, and I'm
11 just -- I assume you would have expected someone like Mr.
12 Roy in that position to follow this up with other Ministry
13 officials?

14 MS. NEWMAN: Yes, I would.

15 MR. ENGELMANN: Given the seriousness of the
16 matter?

17 MS. NEWMAN: Yes, that's right.

18 MR. ENGELMANN: In fact, he told us about
19 several efforts he made to contact Mr. Nanciville who, I
20 understand, prepares issue notes or briefing notes; someone
21 who is familiar to you?

22 MS. NEWMAN: Yes, Geoff Nanciville.

23 MR. ENGELMANN: A Loretta Eley, who was then
24 the Executive Assistant to the Deputy Minister?

25 MS. NEWMAN: She was.

1 **MR. ENGELMANN:** A Lenna Bradburn who was in
2 charge of the IIU?

3 **MS. NEWMAN:** Yes, she was.

4 **MR. ENGELMANN:** Clair McMaster who was an
5 in-house investigator?

6 **MS. NEWMAN:** Correct.

7 **MR. ENGELMANN:** A Tom O'Connell, an
8 Executive Assistant to an Assistant Deputy Minister at the
9 time?

10 **MS. NEWMAN:** That's correct.

11 **MR. ENGELMANN:** And he also told us about
12 efforts he made to contact the police. I'm assuming that
13 making efforts like that, contacting people of that nature,
14 is something you would have expected of him?

15 **MS. NEWMAN:** Yes, it would be expected that
16 he would do -- he would undertake the steps that you've
17 just outlined.

18 **MR. ENGELMANN:** All right. Because of the
19 seriousness of the allegation?

20 **MS. NEWMAN:** That's right.

21 **MR. ENGELMANN:** Mr. Roy had asked for an IIU
22 investigation at the time and didn't get one and, when he
23 testified here, expressed some disappointment about that.
24 Would he have shared that with you at the time?

25 **MS. NEWMAN:** No, he did not.

1 **MR. ENGELMANN:** You would agree, would you
2 not, that allegations of this nature, that a probation and
3 parole officer was sexually abusing probationers and then
4 committing suicide, that would be an extremely rare
5 circumstance?

6 **MS. NEWMAN:** It would be very rare and very
7 serious.

8 **MR. ENGELMANN:** Okay. And serious because
9 of the position of trust that probation officers are in
10 with probationers, for example?

11 **MS. NEWMAN:** Absolutely. I mean, very
12 clearly a tragic, horrific situation involving damage and
13 harm and suffering being alleged and the death of a
14 probation officer, altogether a very concerning, very
15 serious and rare situation.

16 **MR. ENGELMANN:** To your knowledge, had there
17 been examples like this in the province before?

18 **MS. NEWMAN:** I was not aware of those.

19 **MR. ENGELMANN:** All right. And I'm just
20 wondering, given how serious this was, if Mr. Roy would not
21 have confided in you or talked to you from time to time
22 about this?

23 **MS. NEWMAN:** I have no recollection of him
24 confiding in me. As I say, I was certainly peripherally
25 aware as his colleague. He and Mr. O'Brian were attending

1 to the situation and taking, I assumed, the necessary steps
2 to deal with what had arisen but he didn't have ongoing
3 conversations with me in relation to that.

4 **MR. ENGELMANN:** Would he have talked to you
5 at all about similar allegations that had been made against
6 another probation officer much earlier? And what I'm
7 saying, would he have talked to you -- I'm talking about
8 that time frame '94ish; do you recall if Mr. Roy would have
9 told you about another probation officer, a fellow by the
10 name of Nelson Barque who'd had similar allegations made
11 against him back in the early '80s while he was an officer
12 at that office?

13 **MS. NEWMAN:** No, he did not.

14 **MR. ENGELMANN:** That's something you only
15 became aware of lately?

16 **MS. NEWMAN:** That's correct.

17 In fact, my knowledge of these events came
18 about in 2000 with the review that -- that Paul Downing
19 conducted.

20 **MR. ENGELMANN:** Right.

21 I'd like to -- Mr. Roy talked to us about
22 contacting the IIU and understand it would have been a
23 relatively new entity when he would have done that because
24 that was in late 1993, and it's our understanding that this
25 unit was started up in sometime in or around the fall of

1 1992?

2 MS. NEWMAN: That's correct.

3 MR. ENGELMANN: And would that -- would the
4 IIU investigate both sides of the Ministry, the
5 institutional side and the community side?

6 MS. NEWMAN: Within their mandate, yes.

7 MR. ENGELMANN: Okay. And do you recall
8 what the rationale was for creating the IIU back in '92?

9 MS. NEWMAN: The -- the rationale for
10 creating the IIU, at that time, was that there were
11 emerging issues in relation to workplace discrimination and
12 harassment and human rights issues in the Ministry coming
13 to the fore, and concerns about the capacity to
14 independently investigate those -- those incidents that
15 were surfacing in relation to staff. So these were
16 allegations of inappropriate conduct, staff against staff,
17 in relation to harassment and discrimination based on
18 ground -- grounds under the *Human Rights Code*, whether
19 sexual harassment or racial discrimination.

20 Primarily it was, at that time, sexual and
21 gender harassment that was surfacing in the Ministry, and
22 so the IIU was created to -- to provide that independent
23 investigative capacity to -- to look into the very
24 sensitive areas of human rights and alleged human rights
25 violations.

1 And in addition, in terms of structuring the
2 mandate in terms of reference of the IIU at that time, the
3 investigation of alleged sexual improprieties, staff on
4 offenders, was also incorporated into their mandate with
5 the rationale that the development of -- of sensitivity and
6 expertise around matters such as this could be developed in
7 a -- in a single investigative unit.

8 **MR. ENGELMANN:** I was just going to ask
9 about that second part of it, the sexual impropriety by
10 staff perhaps against inmates or probationers; there must
11 have been some allegations, then, before the fall of '92,
12 that that was taking place?

13 **MS. NEWMAN:** On a very rare occasion, I
14 would say, there emerged allegations of improprieties.

15 It tended to be in the nature of staff
16 conducting themselves inappropriately in terms of
17 inappropriate comments or inappropriate gestures.

18 And generally -- well, I don't recall
19 incidents of a sexual assault nature, but certainly
20 impropriety, which is why it was termed "sexual
21 impropriety."

22 **MR. ENGELMANN:** Did you know how these
23 issues were investigated before then, the issues -- whether
24 they're dealing with workplace harassemetn, workplace
25 discrimination or the sexual impropriety by -- by staff

1 against non-staff?

2 MS. NEWMAN: The Ministry has always had
3 some form of investigative capacity which has evolved and
4 taken different shapes over the years historically and so
5 whatever the existing investigative body of the day was --
6 were, they were tasked with investigating everything from
7 inmate disturbances, suicides, fires, escapes to these very
8 sensitive issues involving sexual misconduct.

9 MR. ENGELMANN: Was the -- and I just -- if
10 the witness could be given Exhibit 1106?

11 This is an exhibit, Ms. Newman, that is
12 entitled "Ministry of Correctional Services Independent
13 Investigations Unit Terms of Reference."

14 MS. NEWMAN: Thank you.

15 MR. ENGELMANN: I just note the term
16 "independent" in the title; was the -- was the effort by
17 the Ministry to make these investigations more independent
18 than they'd been in the past?

19 MS. NEWMAN: I think there was the -- the
20 interest was in creating not only independence, but the
21 development of some expertise ---

22 MR. ENGELMANN: Fair enough.

23 MS. NEWMAN: --- in relation to these
24 particular areas.

25 I think recognizing that -- that the

1 correctional investigation unit that investigates escapes
2 and disturbances may not have the kinds of skills,
3 sensitivities or training to deal with delicate human
4 rights issues.

5 **MR. ENGELMANN:** Okay. And this we've heard
6 from other witnesses on this and I understand that these
7 terms of reference in the IIU commenced sometime in the
8 fall of 1992; is that approximately your recollection?

9 **MS. NEWMAN:** That's correct.

10 **MR. ENGELMANN:** All right. And we've got
11 the purpose set out on the first page and I think the first
12 three bullets talk about the issues you raised: workplace
13 discrimination, workplace harassment, and also the
14 complaints of sexual impropriety?

15 **MS. NEWMAN:** That's correct.

16 **MR. ENGELMANN:** And I note under
17 "membership," there appeared to be an effort to ensure that
18 the investigators that were -- were hired or appointed
19 would not be chosen from existing staff?

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

21 **MR. ENGELMANN:** M'hm.

22 **MS. NEWMAN:** So the notion of independence
23 and investigative body that would be arm's length from the
24 Ministry in the sense it would not be comprised of Ministry
25 employees and, in fact, it was staffed with a variety of

1 individuals, including lawyers and police officers and --
2 and so on from outside of the Ministry.

3 **MR. ENGELMANN:** And just under "scope,"
4 because it brings a little bit out, it suggests that --
5 well, first of all, it talks about sexual impropriety,
6 including gestures, oral or written remarks; I think you've
7 talked to us about that in the sense of human rights
8 issues, but it says:

9 "The unit will be expected to give
10 primary focus to any allegations of a
11 sexual nature."

12 So is it fair to say that sensitivity and
13 training to deal with offences of a sexual nature would
14 have been key?

15 **MS. NEWMAN:** Yes, it was.

16 And the unit was created coming out of some
17 very difficult events that occurred and allegations of
18 sexual assault by employees on other employees at our staff
19 training college in 1992 was the genesis of the formation
20 of the Independent Investigations Unit. So there was a
21 recognition of a need for expertise and building capacity
22 in the area of allegations of a sexual nature.

23 **MR. ENGELMANN:** All right. And I'm just --
24 under the "purpose" section, when we have the third bullet
25 about sexual impropriety alleged to have been committed by

1 employees there's no distinction or exclusion, at this
2 time, of former employees, at least explicitly; is that
3 fair?

4 **MS. NEWMAN:** That's correct. It's speaking
5 of current employees in this terms of reference.

6 **MR. ENGELMANN:** All right. So I'm wondering
7 if we could then look very briefly at Exhibit 1091. I'm
8 hoping it might be in the same binder that you have there.

9 **THE COMMISSIONER:** It is.

10 **MR. ENGELMANN:** Do you have that document?

11 **MS. NEWMAN:** Yes, I have it, thank you.

12 **MR. ENGELMANN:** It's dated January of 1994;
13 it's hard to read, but I believe that's what it says at the
14 bottom left.

15 **THE COMMISSIONER:** It does.

16 **MR. ENGELMANN:** And there are some minor
17 amendments to this document, Ms. Newman, that I just wanted
18 to ask you about.

19 It appears under the "purpose" section that,
20 for example, the bullet dealing with sexual impropriety,
21 that now employees of agencies or companies with which the
22 Ministry is contracting for services can also be
23 investigated; it's not simply allegations against Ministry
24 employees.

25 **MS. NEWMAN:** That's correct. I see that

1 expansion to the terms of reference.

2 **MR. ENGELMANN:** And I just wanted to turn
3 you to the second page for a minute; under the caption
4 "sexual impropriety," that's what we're dealing with here.
5 We're not dealing with the workplace discrimination and
6 harassment.

7 The sexual impropriety section, again, it
8 appears to be somewhat more broadly set out or defined. Is
9 that fair?

10 **MS. NEWMAN:** Yes.

11 **MR. ENGELMANN:** And, again, it would include
12 staff of contractors of the Ministry, not just Ministry
13 staff?

14 **MS. NEWMAN:** That's correct. Clearly this
15 is a broadening of the scope of the responsibility of the
16 unit.

17 **MR. ENGELMANN:** Now, it also says in the
18 second paragraph:

19 "In the event that the respondent is no
20 longer a Ministry employee, the IIU
21 will not conduct an investigation
22 unless the Ministry can provide
23 redress."

24 Do you see that?

25 **MS. NEWMAN:** Yes, I see that.

1 **MR. ENGELMANN:** I'm just wondering,
2 obviously that would still leave open investigations of
3 former employees if the Ministry could provide redress?

4 **MS. NEWMAN:** I would agree with that.

5 **MR. ENGELMANN:** All right. And you would
6 agree that redress could include some form of monetary
7 compensation?

8 **MS. NEWMAN:** Potentially.

9 **MR. ENGELMANN:** Yes, or it could certainly
10 include some form of support like counselling or other
11 forms of assistance?

12 **MS. NEWMAN:** That's correct.

13 **MR. ENGELMANN:** Can you actually think of a
14 circumstance where the Ministry would not be able to
15 provide some form of redress to a victim or alleged victim
16 of sexual impropriety by a former employee?

17 **MS. NEWMAN:** I don't -- I wasn't involved in
18 ---

19 **MR. ENGELMANN:** All right.

20 **MS. NEWMAN:** If I can just preface this ---

21 **MR. ENGELMANN:** Sure.

22 **MS. NEWMAN:** --- by saying I wasn't involved
23 in the creation of this Terms of Reference, so I'm not sure
24 what was envisioned here.

25 **MR. ENGELMANN:** Well, I guess the point

1 would be that it appears that former employees can
2 certainly be investigated for sexual impropriety?

3 MS. NEWMAN: That's correct. I would agree
4 with that.

5 MR. ENGELMANN: Now, it's my understanding
6 that the IIU, as it was known, no longer exists?

7 MS. NEWMAN: That's right.

8 MR. ENGELMANN: Can you tell us
9 approximately when it was disbanded?

10 MS. NEWMAN: It was disbanded in 2006.

11 MR. ENGELMANN: And can you tell us why it
12 was disbanded?

13 MS. NEWMAN: It was an order of the Human
14 Rights Tribunal that the IIU be disbanded. This was
15 pursuant to an earlier review that the Ministry had
16 conducted of its workplace discrimination and harassment
17 policies and practices and the consultant who had been
18 retained to conduct that review had recommended that the
19 IIU be disbanded because of staff perceptions in the case
20 of workplace discrimination and harassment.

21 Complaints that -- in fact, there was a
22 perception that they were not independent and that there
23 was some significant delay in the completion of workplace
24 discrimination and harassment -- human rights, if you like
25 -- investigations; they were taking too long.

1 And so because of the concerns in relation
2 to the perceptions of independence, as well as the concern
3 about delay, and as I say, these were about -- the concerns
4 expressed by staff interviewed by the consultant at the
5 time were specifically in relation to the discrimination
6 and harassment mandate of the IIU, not in relation to the
7 sexual impropriety investigations.

8 **MR. ENGELMANN:** I was going to ask you that,
9 yes.

10 **MS. NEWMAN:** Yes. So because of that staff
11 feedback -- whether in reality there was a lack of
12 independence, there existed a perception among staff
13 interviewed that caused the consultant to recommend to the
14 Ministry that the IIU be disbanded. And that was
15 subsequently endorsed by the chair of the Human Rights
16 Tribunal.

17 **MR. ENGELMANN:** So it then became an order
18 of the Tribunal?

19 **MS. NEWMAN:** It did.

20 **MR. ENGELMANN:** All right. Now, prior to
21 the disbanding of the IIU, my understanding is another
22 investigative unit had been created known as -- and I may
23 get -- the acronym is CISU?

24 **MS. NEWMAN:** That's correct. The
25 Correctional Investigation and Security Unit.

1 **MR. ENGELMANN:** And it's my understanding
2 that that unit was set up in the spring of 2001?

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

4 **MR. ENGELMANN:** And Mr. Downing, who we'll
5 come to shortly, as a result of his work in this matter,
6 was he the first head of that unit?

7 **MS. NEWMAN:** Yes, he was.

8 **MR. ENGELMANN:** All right. And that unit --
9 we'll come to it a bit later -- but my understanding is
10 could also investigate issues involving sexual impropriety?

11 **MS. NEWMAN:** They could. Normally those
12 matters were deferred to the IIU ---

13 **MR. ENGELMANN:** Okay.

14 **MS. NEWMAN:** --- the Independent
15 Investigations Unit, but from time-to-time they did and so
16 it was a matter of consultation sometimes between the two
17 investigative bodies because we, for that period of time,
18 had both of those. So we had -- we had the capacity to do
19 such investigations.

20 **MR. ENGELMANN:** What about investigations of
21 workplace discrimination and/or harassment? Would the CISU
22 have been involved in those at all or would that have
23 really just been the IIU?

24 **MS. NEWMAN:** Just the IIU.

25 **MR. ENGELMANN:** All right. But sexual

1 impropriety involving staff and an inmate or staff and a
2 probationer, it could have been either unit?

3 **MS. NEWMAN:** It could have been, yes.

4 **MR. ENGELMANN:** All right, thank you.

5 Ms. Newman, I want to change tracks and I
6 want to ask you about Exhibit 1104. I'm not sure if that
7 would be in your ---

8 **THE COMMISSIONER:** Yes, it is.

9 **MR. ENGELMANN:** And just to situate
10 yourself, these are a series of documents known as "MSGCS
11 House Notes".

12 **MS. NEWMAN:** I have it, thank you.

13 **MR. ENGELMANN:** And just so that we all
14 understand what these documents are, and there's several of
15 them, and I'll ask you in a bit about which ones you may
16 have seen before or at least before the last few weeks.

17 "House" means legislature in this sense. Is
18 that correct?

19 **MS. NEWMAN:** That's correct.

20 **MR. ENGELMANN:** And are these a form of
21 briefing note, if I can use the term?

22 **MS. NEWMAN:** Yes, they are.

23 **MR. ENGELMANN:** All right. And can you give
24 us a sense as to who prepares documents of this nature?

25 **MS. NEWMAN:** The Ministry has a unit called

1 the Information Management Unit, located in North Bay. In
2 fact, you referred to it, Mr. Engelmann, earlier, Geoff
3 Nanciville the manager of that unit, and part of their
4 responsibility was to -- the accumulation of information
5 that was reported in from the field in the form of incident
6 reports.

7 So when there was an incident in any
8 probation office or correctional facility, an incident
9 report would be sent in to the Information Management Unit
10 and they would maintain a running record, if you like, and
11 add to the record which formed this "House Note" or
12 briefing note in relation to any particular incident that
13 happened.

14 So it was -- it was essentially a
15 compilation of information as it came in over time by the
16 Information Management Unit.

17 These issues notes are variously called
18 "issues notes", "House notes", "briefing notes", would be
19 then sent to the Assistant Deputy minister's office and
20 reviewed, generally, by the Assistant Deputy minister's
21 executive assistant and signed off at the ADMs office
22 level.

23 There were many, many -- or have been and
24 continue to be many, many of these notes generated on a
25 daily basis in relation to incident reports coming in from

1 the field, so there was a centralized capacity in the
2 Information Management Unit to receive and screen this
3 information. Some made it into House notes and some did
4 not.

5 As I say, many of these are generated, as
6 you can imagine, in a ministry of this size; Corrections
7 alone has in excess of 7,000 employees. We have 65,000
8 offenders under our supervision on any given day in the
9 Province of Ontario, 56,000 of which are under community
10 supervision and almost 9,000 in our correctional
11 institutions.

12 That number of people generate a significant
13 number of incidents and issues on a daily basis.

14 So the management of information becomes
15 quite challenging and the Deputy Minister and the Minister
16 are briefed on only the handful of issues that are most
17 likely to generate questions in the legislature for which
18 the Minister needs to be prepared to knowledgeably respond
19 or to inquiries from the media or others.

20 So there's a process by which the
21 information is filtered and the Deputy and the Minister are
22 briefed on only the most pressing matters of the day.

23 **MR. ENGELMANN:** All right. So they're
24 signed off in the ADM's office, they're sent up to the
25 Deputy Minister's office and some of them would be reviewed

1 at that level. Some of them would then be referred on to
2 politicians, in particular the Minister responsible and
3 possibly others, or just the Minister?

4 **MS. NEWMAN:** The Minister and political
5 staff. And those are judgements that are essentially made
6 normally by the Communications Branch of the Ministry.

7 **MR. ENGELMANN:** Would it be fair to say that
8 those that are perhaps looked at more closely may not
9 necessarily be the more serious incidents but certainly the
10 incidents that are out in the media and that politicians
11 are likely to face questions on?

12 **MS. NEWMAN:** Usually the two coincide ---

13 **MR. ENGELMANN:** Fair enough.

14 **MS. NEWMAN:** --- but not always.

15 **MR. ENGELMANN:** But when there is media
16 attention to an incident at an institution or at a
17 probation and parole office, you would expect the
18 Minister's office to get an issue note or a briefing note?

19 **MS. NEWMAN:** In the judgement of the
20 Communications Branch if it's an issue that is likely to
21 generate questions in the legislature then the Minister, of
22 course, through the democratic process is answerable to the
23 public through the legislature. He would need to be
24 knowledgeable and briefed on the issue so that he could
25 speak in such a fashion to the issue. So that's how that

1 happens.

2 MR. ENGELMANN: All right. And if ministers
3 aren't briefed, they're upset?

4 MS. NEWMAN: Yes, they are.

5 MR. ENGELMANN: So it is important to ensure
6 that those issues that have media attention or that they
7 may face in the House on a daily basis are brought to their
8 attention?

9 MS. NEWMAN: That's correct.

10 MR. ENGELMANN: All right. So these House
11 notes, you say are prepared by this unit in North Bay.
12 Sorry. Would they just be prepared from incident reports
13 or are they prepared from other documents as well?

14 MS. NEWMAN: Generally from incident
15 reports. They may have other sources of information.
16 Someone in the field may call the Information Management
17 Unit to provide information. The usual form is an incident
18 report, but it certainly wouldn't preclude phone calls
19 coming in, correspondence as well.

20 This unit is also responsible for reviewing
21 incoming correspondence and drafting replies to incoming
22 correspondence, so issues may be identified as they come in
23 from individuals or organizations who are writing in also.

24 MR. ENGELMANN: Or information could come
25 from articles in the media?

1 MS. NEWMAN: Yes.

2 MR. ENGELMANN: Or television programs, et
3 cetera?

4 MS. NEWMAN: It certainly could, yes.

5 MR. ENGELMANN: Yeah. So this particular
6 one we're looking at first which is set out on the first
7 two pages of the exhibit -- Bates pages, for the record,
8 1114998 and 4999 -- sets out some facts that I understand
9 you only became aware of in or around the year 2000?

10 For example, the last bullet on the second
11 page talks about the fact that in late 1981, a similar
12 allegation was made about another probation officer in his
13 office, and this is the Nelson Barque issue.

14 It's my understanding from your evidence
15 earlier that you only became aware of that in or around the
16 time of the Downing report?

17 MS. NEWMAN: If I can just make a small
18 addition ---

19 MR. ENGELMANN: Sure.

20 MS. NEWMAN: --- to that. I did become
21 aware through the Paul Downing report in 2000, for example,
22 what steps Mr. Roy had taken in 1993 ---

23 MR. ENGELMANN: All right.

24 MS. NEWMAN: --- and more -- having a more
25 complete understanding of historical issues. The issues in

1 relation to Mr. Barque, well, I became more aware of them
2 through that process of the Downing review.

3 I had become aware of those in 1999 when I
4 came back from my federal assignment and was engaged in
5 '99-2000 with the manager and staff of the Cornwall office
6 who were then very concerned about what was transpiring.

7 **MR. ENGELMANN:** Fair enough. My question is
8 going to be, I'm assuming you didn't see this issue note at
9 the time it was issued?

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

11 **MR. ENGELMANN:** All right. Because it's
12 issued in February 4th, '94 and I just want to perhaps
13 highlight a few facts from it.

14 First of all, these are standard are they
15 not? There's always an issue that's set out at the
16 beginning?

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

18 **MR. ENGELMANN:** So that people know what the
19 whole note's about. The response is a suggested response
20 presumably to either a politician or senior public servant?

21 **MS. NEWMAN:** That's correct.

22 **MR. ENGELMANN:** So, for example, when it
23 says:

24 "All allegations of sexual assault made
25 by a client are taken seriously about

1 the Ministry and referred to the
2 appropriate authorities for
3 investigation. This incident is
4 currently under investigation and I'm
5 unable to comment further at this
6 time."

7 That's the suggested response either to a
8 senior public servant or a politician. Is that fair?

9 **MS. NEWMAN:** It is the suggested response
10 for the Minister of the day. And so this is based on
11 advice that the Minister ought never to intervene in the
12 proper carriage of justice, including not commenting on
13 anything that's subject of investigation; is before the
14 courts; is subject of a public inquiry and so on. So that
15 there is utmost care and attention taken to not prejudice
16 the carriage of justice.

17 **MR. ENGELMANN:** You're not surprised by that
18 form of a response?

19 **MS. NEWMAN:** Not at all.

20 **MR. ENGELMANN:** And just some points that
21 are highlighted here at the time; this is early '94.
22 There's the reference to the call that Mr. Roy received in
23 the first bullet, in the allegation by the probationer?

24 **MS. NEWMAN:** That's correct.

25 **MR. ENGELMANN:** In the second bullet, the

1 issue of Mr. Seguin's suicide?

2 MS. NEWMAN: Correct.

3 MR. ENGELMANN: In the fourth bullet, a
4 reference to the complainant, and this would have been Mr.
5 Silmsen saying, "Lots of others out there". And his view
6 that support of counselling should be provided; correct?

7 MS. NEWMAN: That's correct.

8 MR. ENGELMANN: And there is a reference
9 that -- and this would Mr. Roy, the Regional Manager,
10 advising the IIU and appropriate police forces ---

11 MS. NEWMAN: Yes.

12 MR. ENGELMANN: --- at the time he receives
13 the call?

14 MS. NEWMAN: That's correct.

15 MR. ENGELMANN: And then a couple bullets
16 down:

17 "The OPP are investigating [the IIU
18 manager]. Although the IIU is not
19 investigating, is coordinating the
20 Ministry's communication with the
21 complainant."

22 MS. NEWMAN: I see that, yes.

23 MR. ENGELMANN: All right. And then just a
24 couple of other points that are set out, the fact -- the
25 second last bullet:

1 "On February 3rd, a member of the
2 Cornwall probation and parole staff was
3 interviewed ..."

4 And it says:

5 "... by the Lancaster OPP who have
6 reopened their investigation into the
7 suicide."

8 Now, this is Mr. van Diepen.

9 Again you weren't aware of this at the time,
10 but you became aware of this much later, in or around the
11 year 2000, that he'd been interviewed at the time by the
12 OPP?

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

14 **MR. ENGELMANN:** And, lastly, the similar
15 allegation about Mr. Barque that I think you told us you
16 became of in or around 1999?

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

18 **MR. ENGELMANN:** All right. And you've
19 talked about how these -- how there's some flow to these
20 issue notes, so that when one's issued later sometimes we
21 see a lot of the same information set out, just some
22 additions or deletions depending on what happens?

23 **MS. NEWMAN:** That's right. It's essentially
24 a running record, and the distribution is to the Assistant
25 Deputy Minister and Deputy Minister's offices.

1 **MR. ENGELMANN:** So all of these facts that
2 are in the briefing note are known to at least some
3 officials in the Ministry as at February of 1994?

4 **MS. NEWMAN:** That's right.

5 **MR. ENGELMANN:** Not to you personally, but
6 certainly some people, at least at the ADM's office,
7 possibly the Deputy Minister's office, are aware of these
8 facts that I've just set out for you; that I've drawn from
9 this document?

10 **MS. NEWMAN:** They ought to be in the normal
11 course of events assuming that their executive assistant
12 exercises judgement to draw it to their attention.

13 Again, because, as I mentioned, of the
14 volume of clients and offenders, the Ministry has the
15 generation of vast amounts of information; there is a
16 filtering process.

17 This would come in, it would be reviewed by
18 the Assistant Deputy Minister's executive assistant who
19 would draw key issues to their attention and similarly up
20 to the Deputy and then up to the Minister.

21 So that the most pressing issue, as I say,
22 or issues of the day would be brought, ultimately, to the
23 Minister's attention.

24 So it is a judgement call. I don't know who
25 saw this note specifically but that's the process.

1 **MR. ENGELMANN:** But in addition to people
2 who have seen the briefing note, the information that's
3 contained in the note was, presumably, in the knowledge of
4 people like Mr. Roy, possibly Mr. O'Brian; people at the
5 IIU et cetera?

6 You'd agree, it wouldn't just be the people
7 putting together the briefing note that would have this
8 type of information?

9 **MS. NEWMAN:** No, it should -- you're right,
10 it should certainly be known to the area manager, the
11 regional manager, the regional director.

12 **MR. ENGELMANN:** All right. And aside from
13 that, I'm going to suggest to you that there would be other
14 information that would be available.

15 Just -- in just given your role -- I realize
16 you didn't know at the time but at least at this point in
17 time, 1994, Ministry officials would know that -- that Mr.
18 Barque, Mr. Seguin and Mr. van Diepen were coworkers at the
19 Cornwall office, which was a three-person or three-officer
20 office, from this mid-'70s until 1982; fair enough?

21 **MS. NEWMAN:** Sorry, can you repeat that
22 question?

23 **MR. ENGELMANN:** I'm just going to suggest to
24 you some other facts that would have been known by Ministry
25 officials for any number of reasons; incident reports,

1 letters of guidance, other similar documents in local
2 and/or regional files, people would know that Nelson
3 Barque, Ken Seguin and Jos van Diepen were coworkers at the
4 Cornwall office from about 1975 until 1982; fair enough?

5 **MS. NEWMAN:** That would be part of the
6 historical record.

7 **MR. ENGELMANN:** Yes. And would know, for
8 example, that there were only three probation and parole
9 officers, during the vast majority of that time, there was
10 another fellow who came towards the end.

11 **MS. NEWMAN:** That's right.

12 **MR. ENGELMANN:** All right. People would
13 know that while employed at the Cornwall office, Mr. Barque
14 sexually abused clients under the Ministry's care and
15 supervision, similar to what we see in that last point in
16 the briefing notes?

17 **MS. NEWMAN:** That would certainly be known
18 to the area manager and the regional manager of the day,
19 whether that ---

20 **MR. ENGELMANN:** Because he was allowed to
21 resign?

22 **MS. NEWMAN:** He was, as I understand it,
23 allowed to resign and that was with the full knowledge of
24 the area manager and the regional manager at that time.

25 **MR. ENGELMANN:** All right. And at this

1 point in time, in 1994, Ministry officials, at least an
2 area manager and a regional manager, would have known that
3 Mr. Seguin, who is recently deceased, had been granted
4 permission to have a former Ministry client reside with him
5 in the late '80s; correct?

6 **MS. NEWMAN:** Yes. I think if I could just
7 speak to the reality that there's turnover of area
8 managers, there's turnover of regional managers -- in other
9 words, we don't have a static situation where there's one
10 incumbent in a position for the entirety of their career
11 and so with the transition of incumbents in and out of a
12 position, one would need to rely on appropriate full
13 transmission and sharing of information, and briefing and
14 handover of information in order to have the full
15 historical perspective.

16 **MR. ENGELMANN:** Well, with respect to that
17 issue, the area manager would have been the same. It would
18 have been a fellow by the name of Emile Robert because he
19 was there in the late '80s, he was also there in '94; fair?

20 **MS. NEWMAN:** Yes, so he would certainly have
21 had knowledge for some significant period of time of
22 events.

23 **MR. ENGELMANN:** And Mr. Hawkins, who
24 apparently approved that living arrangement would have
25 known and he may or may not have told his successor, Mr.

1 Roy?

2 MS. NEWMAN: Correct.

3 MR. ENGELMANN: All right. But there would
4 be some -- we've found out through this Inquiry that there
5 was some paper record of that as well, at the Ministry,
6 this living arrangement and the approval for it; right?

7 MS. NEWMAN: Okay.

8 MR. ENGELMANN: And ---

9 MS. NEWMAN: I'm not aware of that but ---

10 MR. ENGELMANN: All right, fair enough.

11 MS. NEWMAN: Thank you.

12 MR. ENGELMANN: And there was also knowledge
13 of an incident involving, shall we say, inappropriate
14 contact between Mr. Seguin and four young adults, the
15 evening before someone is killed?

16 MS. NEWMAN: I'm aware of that through Paul
17 Downing's report.

18 MR. ENGELMANN: Okay. And you became aware
19 of that fact, as I said, in or around 2000, but Ministry
20 officials, at least some Ministry officials were aware of
21 that by February of 1994?

22 MS. NEWMAN: That's right.

23 MR. ENGELMANN: This happened in or around
24 1992?

25 MS. NEWMAN: Correct.

1 **MR. ENGELMANN:** All right. And we know that
2 the call from Mr. Silmser to Mr. Roy was in December of
3 1993, so that was -- and that really forms several of the
4 issues that are raised in this briefing note?

5 **MS. NEWMAN:** That's right.

6 **MR. ENGELMANN:** So, this knowledge is known,
7 not by you, some of it may have been but the bulk of it,
8 but by some Ministry officials.

9 I just want to put a few propositions to
10 you. You left the Ministry in late 1998?

11 **MS. NEWMAN:** That's correct.

12 **MR. ENGELMANN:** For about a year?

13 **MS. NEWMAN:** A year.

14 **MR. ENGELMANN:** And before then there was no
15 investigation of the Silmser complaint by the IIU; correct?

16 **MS. NEWMAN:** That's my understanding, yes.

17 **MR. ENGELMANN:** Or by any other Ministry
18 officials?

19 **MS. NEWMAN:** Correct.

20 **MR. NEUBERGER:** Good morning.

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

22 **MR. NEUBERGER:** I understand my friend's
23 like of questioning, I just think we have to be careful in
24 pinpointing the time ---

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

1 **MR. NEUBERGER:** --- of when it came into the
2 Deputy Minister's knowledge. I understand he's putting
3 facts that are in our record and we're trying to put it
4 into some sequence but just to be clear on the record, I
5 think we have to determine at one point, that these facts
6 come to the Deputy Minister's knowledge, because I think a
7 number of times she's mentioned the historical record came
8 to her knowledge through the Downing review.

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

10 **MR. NEUBERGER:** Thank you.

11 **THE COMMISSIONER:** Thank you.

12 **MR. ENGELMANN:** I think Ms. Newman has been
13 quite clear.

14 Some facts came to your knowledge in '93,
15 for example, Mr. Roy telling you about the suicide and
16 about the allegations and the call; that some facts came to
17 your attention much later; the issue about Nelson Barque in
18 or around '99; other issues that come up in the Downing
19 report.

20 So by all means, if I suggest you knew
21 something earlier, please correct me; I think you will but
22 I just -- I'm trying to get this perspective of what the
23 Ministry knew and what the Ministry did and then I want to
24 ask you, as the current Deputy Minister, perhaps in
25 hindsight, what might have been done; all right?

1 **MS. NEWMAN:** Fair enough.

2 **MR. ENGELMANN:** So we know that there was no
3 IIU or other investigation, despite all of these facts
4 being known, at least to some people in the Ministry at
5 various levels.

6 As I understand it, there was no follow-up
7 with any of Mr. Seguin's colleagues at the time, regarding
8 their knowledge of the allegations made against him. In
9 other words, none of the staff was interviewed during this
10 period of time, from '94 right through to when you left in
11 '98; is that fair?

12 **MS. NEWMAN:** Yes, I believe so.

13 **MR. ENGELMANN:** And it's also my
14 understanding that there was no staff meeting with Mr.
15 Seguin's peers, either to ask questions of them or to
16 inform them of the allegations made against him by the then
17 area manager?

18 **MS. NEWMAN:** I have no knowledge of that; it
19 did predate my time.

20 **MR. ENGELMANN:** Fair enough.

21 And we heard from a previous area manager
22 who was there when Mr. Barque was allowed to resign, that
23 at that time there was no staff meeting or informing the
24 staff either.

25 You may not know that, that was a fellow by

1 the name of Mr. Sirrs.

2 And we also are led to understand that there
3 was no follow-up with either current or former probationers
4 of Mr. Seguin to inquire of them as to whether or not they
5 were abused by him or whether they had any knowledge
6 pertaining to alleged abuse and/or inappropriate contact
7 with probationers.

8 **MS. NEWMAN:** Not until year 2000.

9 **MR. ENGELMANN:** All right.

10 Would you agree with me that pursuing any of
11 those lines of investigation or questioning might have
12 resulted in more information being available earlier to the
13 Ministry and to the public?

14 **MS. NEWMAN:** I think it's possible and the
15 time to have done that would have been at the time that
16 this happened.

17 So in 1993 I think it's -- I think it's a
18 reasonable point that had there been further steps taken
19 it's possible that additional victims may have come
20 forward. So I think at the time that this occurred, in
21 hindsight, certainly having the area manager conduct a file
22 review to see if any irregularities emerged from a file
23 review of other cases under Mr. Seguin's supervision, I
24 don't know what that would have yielded. I rather doubt he
25 wrote about improprieties in his case notes. Nevertheless,

1 I think it could have been an additional step taken by the
2 Ministry at the time to have conducted that file review and
3 then to have potentially either conducted interviews or
4 referred the matter to the police.

5 **MR. ENGELMANN:** If the IIU had investigated
6 or if there had been discussions with colleagues or if
7 there had been a staff meeting or if there had been follow-
8 up of probationers, all of those steps may have resulted in
9 more alleged victims coming forward; correct?

10 **MS. NEWMAN:** I think that's fair to say, and
11 I think I would certainly acknowledge that, in hindsight, I
12 think that could have been potentially helpful; certainly
13 an investigation ---

14 **MR. ENGELMANN:** Of some sort?

15 **MS. NEWMAN:** --- of some sort could have
16 been very helpful.

17 **MR. ENGELMANN:** And then, in late '94 and
18 into '95, this other former probation officer, Mr. Barque,
19 is investigated by the OPP and he is charged with forms of
20 sexual abuse against a former probationer. Now, there were
21 some news about that, Ms. Newman. Were you aware of that
22 at the time?

23 **MS. NEWMAN:** No, I was not.

24 **MR. ENGELMANN:** Okay, because you were -- I
25 know you were responsible for institutions. Mr. Roy was

1 responsible for that side of things, and he certainly
2 became aware of the Barque issue. That was never discussed
3 with you at the time?

4 **MS. NEWMAN:** Not to my recollection, no.

5 **MR. ENGELMANN:** When did you become aware of
6 these allegations by the former probationer, the name
7 Albert Roy, Mr. Barque having pled guilty to this in the
8 summer of '95? Do you recall?

9 **MS. NEWMAN:** That came to my attention in
10 1999 -- '99, 2000. I came back from the federal assignment
11 in November of 1999 and from then until September of 2000,
12 I was very engaged with the staff and manager of the
13 Cornwall office in relation to disclosures of sexual abuse,
14 and that's when that was brought to my attention.

15 **MR. ENGELMANN:** All right. So you learned
16 about the Barque issues all at the same time; the matter
17 from the early '80s, the guilty plea in or about '95. and
18 presumably the new charges and his suicide in 1998?

19 **MS. NEWMAN:** That's correct.

20 **MR. ENGELMANN:** All right. And that, you
21 all became aware of when you came back from the federal
22 government assignment in the fall of '99?

23 **MS. NEWMAN:** Correct.

24 **MR. ENGELMANN:** Now, even though you weren't
25 aware of what happened with Nelson Barque in late 1994 into

1 1995, did you subsequently become aware that many members
2 of your Cornwall office were interviewed by the OPP in
3 relation to those criminal charges; the criminal charges
4 that he was investigated for in late '94 and then pled
5 guilty to in mid-'95?

6 **MS. NEWMAN:** That probably was -- like I
7 can't specifically recall that, but I imagine when I was
8 made aware that there was a history here and that there
9 were disclosures made to probation officers in 1999 of
10 sexual abuse, then the historical trend, if you like, was
11 brought to my attention. I don't recall a specific mention
12 of the OPP interviewing staff members, but I was made aware
13 of the Nelson Barque history.

14 **MR. ENGELMANN:** In fairness, some of them
15 didn't remember the interview themselves when they came
16 here to give evidence. So they may not have communicated
17 that to you in 1999.

18 You became aware that he was sentenced to
19 four months incarceration and 18 months probation as a
20 result of the matters involving Mr. Roy?

21 **MS. NEWMAN:** That sounds correct.

22 **MR. ENGELMANN:** All right. And were you
23 aware that Mr. Roy was approximately 16 at the time of this
24 abuse, and on probation?

25 **MS. NEWMAN:** I understood that the victims

1 we're speaking of, and I assume Mr. Roy, although I don't
2 know that specifically, were adolescents.

3 **MR. ENGELMANN:** All right. Did you become
4 aware that Mr. Roy actually sued the Ministry for abuse he
5 suffered from Mr. Barque and alleged abuse he suffered from
6 Mr. Seguin?

7 **MS. NEWMAN:** I am aware there are a number
8 of civil suits and I would -- I'm not surprised if you're
9 telling me that his is one of them.

10 **MR. ENGELMANN:** Okay. You don't have any
11 specific recollection of that one?

12 **MS. NEWMAN:** No.

13 **MR. ENGELMANN:** Fair enough. And then just
14 to follow up with Exhibit 1104, if we can, the next house
15 note, which again is dated September 29th, 1994, the only
16 real new fact in this one is the bullet that talks about a
17 story in the Cornwall Standard Freeholder and The Ottawa
18 Citizen, and that's at the bottom of the first page of that
19 note, which is 1115000. So this again is something you
20 wouldn't have seen until recently, presumably?

21 **MS. NEWMAN:** That's correct.

22 **MR. ENGELMANN:** All right. And again this
23 appears to be what you've said, we have sort of a running
24 background of events from the previous briefing note and
25 just a new reference to something that's appeared in the

1 media?

2 **MS. NEWMAN:** That's correct. So this is
3 probably something that would have been reported by the
4 Cornwall office to the Information Management Unit and
5 added to the record.

6 **MR. ENGELMANN:** All right. Then the next
7 house note, which starts at Bates page 1115003, and it's
8 dated December 16th, 1994 -- again, this is something you
9 wouldn't have seen until recently?

10 **MS. NEWMAN:** That's correct.

11 **MR. ENGELMANN:** All right. And the issue
12 here is Mr. Barque being charged. So again, that would be
13 a reason to generate a house note or briefing note?

14 **MS. NEWMAN:** That's right.

15 **MR. ENGELMANN:** And again:

16 "...the position hardly surprising, I'm
17 aware that a former probation and
18 parole officer has been charged with
19 indecent assault, gross indecency in
20 relation to a former probationer. As
21 this incident is currently under
22 investigation, I am unable to comment
23 further."

24 And you've told us about that policy or
25 procedure; fair enough?

1 **MS. NEWMAN:** That's correct, m'hm.

2 **MR. ENGELMANN:** All right. So now, we have
3 -- and I'm not going to go through this in any great
4 detail, but we have incidents relating to these charges in
5 the first bullet, just the fact that he was charged, two,
6 that the offences occurred 17 years ago, and there is a
7 reference to, in the "Background" on the last page of this
8 briefing note, Cornwall Police confirming these charges are
9 not the same as those involved in the '81 complaint. And
10 the '81 complaint, you know, was in the previous briefing
11 note about Mr. Seguin.

12 **MS. NEWMAN:** I'm just trying to situate
13 myself in the note. Can you repeat that bullet point,
14 please?

15 **MR. ENGELMANN:** Yes. Under "Background" on
16 the last page, there is a reference to the local police
17 confirming that these charges are different than the ones
18 involved in the '81 complaint.

19 **MS. NEWMAN:** I see, yes.

20 **MR. ENGELMANN:** So if the reader of this
21 note had the previous notes, that might mean something to
22 them; fair? Because the previous notes about Mr. Seguin
23 talk about a similar allegation about another officer in
24 '81.

25 **MS. NEWMAN:** So one would piece together the

1 note on Mr. Seguin and the note of two separate incidents
2 historically with Mr. Barque.

3 **MR. ENGELMANN:** I just noticed that we don't
4 have that running detail about Mr. Seguin, so if there's a
5 turnover, and you say there is turnover from time to time,
6 the Deputy or Assistant Deputy or even the politicians
7 might not know about the Seguin matter just looking at this
8 note?

9 **MS. NEWMAN:** You're right.

10 **MR. ENGELMANN:** So it's not as thorough a
11 note perhaps as it should have been?

12 **MS. NEWMAN:** Well, it's being treated as a
13 discrete incident and not linked to any other incident.

14 **MR. ENGELMANN:** And if you don't have any
15 linkage, then linkage can't be investigated; at least by
16 people receiving this note?

17 **MS. NEWMAN:** You wouldn't be able to discern
18 any pattern.

19 **THE COMMISSIONER:** Anytime you want to take
20 a break there, Mr. Engelmann.

21 **MR. ENGELMANN:** Certainly; it would be a
22 good time.

23 **THE COMMISSIONER:** All right, good, let's
24 take the morning break.

25 **MS. NEWMAN:** Thank you, Mr. Commissioner.

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

3 This hearing will resume at 11:20 a.m.

4 --- Upon recessing at 11:04 a.m./

5 L'audience est suspendue à 11h04

6 --- Upon resuming at 11:24 a.m./

7 L'audience est reprise à 11h24

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

10 This hearing is now resumed. Please be
11 seated; veuillez vous asseoir.

12 **THE COMMISSIONER:** Mr. Engelmann?

13 **DEBORAH NEWMAN:** Resumed/Sous le même serment

14 --- **EXAMINATION IN CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
15 **ENGELMANN (Continued/Suite):**

16 **MR. ENGELMANN:** Ms. Newman, when we left off
17 I was just bringing to your attention some material from
18 the mid-90s and we'll shortly be going to the '96 to '98
19 period, but I still want to ask you a couple more questions
20 about the period before you take over any supervisory
21 responsibilities at the Cornwall office.

22 So we've got -- by the summer of '95 and I
23 realize that you don't know this but -- or some of the
24 facts -- but by the summer of '95 we have -- we have the
25 suicide of Mr. Seguin; we have the report to Mr. Roy by Mr.

1 Silmser; we have information about inappropriate contacts
2 with probationers; we have more allegations of a similar
3 nature from another former probation officer, Mr. Barque;
4 we have his charges; we have his conviction or his guilty
5 plea.

6 With all of that information by the middle
7 of '95, would you agree that some form of investigation
8 should have been done at that point, whether it's an IIU
9 investigation, whether it's an operational audit or review
10 or some form of administrative review?

11 I know it's hindsight for you, but ---

12 **MS. NEWMAN:** Well, certainly I think in
13 hindsight, any area manager or regional manager putting
14 together all of the incidents that you've just mentioned
15 and being able to discern a pattern of conduct or a trend
16 in relation to concerns from the Cornwall office, I think
17 it's reasonable to assume that it might have been helpful
18 to conduct some form of review to try to get at whether
19 these events were linked in some way, whether there was a
20 prevalent concern in the Cornwall office, and a
21 relationship of one of these events to another.

22 I think anyone who linked all of those
23 incidents in a position of responsibility at the local
24 level or the regional level, probably would have benefited
25 from some kind of a review.

1 **MR. ENGELMANN:** And, of course, that could
2 have led to action being taken earlier than, say, the
3 action that was started in or about the year 2000 with
4 respect to the disclosure protocols, et cetera?

5 **MS. NEWMAN:** It would have, certainly for
6 some of those events, been much more contemporary and
7 current in terms of the dates of their occurrence and
8 probably provided a better capacity to look at events
9 without all of the practical difficulties associated with
10 doing that decades later.

11 I think if -- and this assumes that one
12 linked all of those events -- discerned a trend or pattern
13 and said there's something going on here that we need to
14 get to the bottom of and asked for some form of a review or
15 investigation.

16 So I think, in hindsight, if one knew all of
17 those things that would have been a reasonable course of
18 action.

19 **MR. ENGELMANN:** But many people must have
20 known many of those facts. Fair enough?

21 **MS. NEWMAN:** I guess what I'm wondering is
22 whether there were many different people who had different
23 pieces of information and whether any single person had
24 woven together all of those different pieces of
25 information.

1 **MR. ENGELMANN:** Okay. Well, we have the
2 House notes, plus we have knowledge of the area manager,
3 the regional manager, and we have that untapped area of
4 knowledge, those being the colleagues that are never asked
5 questions.

6 **MS. NEWMAN:** I think that's fair.

7 **MR. ENGELMANN:** So I don't know if you know
8 this but in disclosures to the OPP, when the OPP were
9 investigating the Nelson Barque charges in late '94, early
10 '95, members of the Cornwall staff disclosed information to
11 the OPP about Nelson Barque. For example, that he liked
12 younger male probationers, liked to be assigned to them;
13 that he wanted to be assigned to those charged with sexual
14 offences; that he had bisexual pornography in his
15 possession at the office; that he'd made inappropriate
16 referrals of young male probationers to stay with the local
17 priest.

18 That kind of information came out and you'd
19 agree that if there had been some kind of an internal
20 review that may have come out -- that further information
21 may have come out to some of your own officials. Fair
22 enough?

23 **MS. NEWMAN:** So if I understand you
24 correctly, Mr. Engelmann, it came out as part of the OPP
25 investigation. Your point is perhaps it may have come out

1 sooner had the staff been interviewed?

2 **MR. ENGELMANN:** Well, for example -- yes.

3 **MS. NEWMAN:** It may have.

4 **MR. ENGELMANN:** Yeah. And that information
5 that was given to the OPP then would have been available to
6 an area manager, a regional manager, and people within your
7 Ministry, because I don't think that information ever
8 became available to them until this hearing, what was told
9 to the OPP by some of your staff members. You would have
10 had that knowledge much earlier.

11 **MS. NEWMAN:** Yes, I think that's fair to
12 say.

13 **MR. ENGELMANN:** And, in addition, the OPP
14 interviewed one of your staff in February of 1994 and that
15 -- we saw a reference to that in one of the House notes,
16 but at that time Mr. van Diepen told the OPP -- and this is
17 in February of '94 -- about male probationers being dropped
18 at Mr. Seguin's house for overnight visits by the local
19 police; about socializing with probationers tavern -- or
20 local taverns and the office; the fact that Mr. Seguin had
21 lived with a probationer for at least a year; and the issue
22 about -- with the Varley incident. And that was all
23 information provided by Mr. van Diepen to the OPP in
24 February of '94.

25 And, again, if he'd been interviewed by Mr.

1 Robert, Mr. Roy or by the IIU in early February of '94,
2 that information would have been available to people within
3 the Ministry as well or could have; fair?

4 **MS. NEWMAN:** I think there's another point
5 here and that is that if staff have information such as
6 you've described, I think it's incumbent upon them to bring
7 that information forward to Ministry officials, to their
8 area manager or to their regional manager, to have that
9 information known and dealt with accordingly.

10 And I would certainly hope that staff, with
11 knowledge like that, wouldn't wait for a police
12 investigation, that they would bring that information
13 forward and disclose that information to their manager so
14 that it could be properly dealt with.

15 **MR. ENGELMANN:** Fair enough. And they're
16 professionals and you would think that would happen, but
17 having a staff meeting to talk about what just happened or
18 having someone internally investigate might draw that
19 information out as well?

20 **MS. NEWMAN:** It's possible.

21 **MR. ENGELMANN:** And just one last thing
22 before turning to your supervision, there's a House note
23 dated January 8, 1996, and that's that same exhibit we were
24 looking at before, 1104, it's Bates page 1115005. And, Ms.
25 Newman, it's the one that's dated January 8th, 1996 at 1:00

1 p.m.

2 Do you have that?

3 **MS. NEWMAN:** Yes, I do. Thank you.

4 **MR. ENGELMANN:** Now, again, that's before
5 you take on your supervision because that doesn't happen
6 until the fall of '96?

7 **MS. NEWMAN:** That's correct.

8 **MR. ENGELMANN:** And can I assume since you
9 didn't see the previous ones you wouldn't have seen this
10 one yet either or not until recently?

11 **MS. NEWMAN:** That's right.

12 **MR. ENGELMANN:** All right. And there
13 appears to be a follow-up here because of a documentary
14 that was done by The Fifth Estate in December of 1995, and
15 in that documentary there was reference to not just a
16 divided Cornwall, not just allegations involving a priest,
17 but also allegations involving a probation officer.

18 For example, on the first page, second
19 bullet:

20 "Communications Branch verified the
21 deceased PO's employment with the
22 Ministry and disavowed that the PO had
23 supervised a former employee PO
24 recently convicted of sexual assault."

25 And this is -- this is a documentary done by

1 The Fifth Estate. Were you -- were you familiar with this
2 at the time, at least the fact of the documentary and the
3 reference to some of your employees here?

4 **MS. NEWMAN:** I have no recollection of that.

5 **MR. ENGELMANN:** Fair enough. And I'm just
6 looking at the bottom of the third page of the note and it
7 notes:

8 "The Fifth Estate program aired
9 December 12th, '95. It portrayed
10 Cornwall as a town divided between the
11 supporters of the police officer and
12 the supporters of the priest and
13 included a brief interview with the
14 brother of the deceased PO. It's a
15 fellow by the name of Doug Seguin who
16 was Ken Seguin's brother."

17 All right. So you weren't familiar at all
18 with the contents of this House note and/or the airing of
19 that show at the time?

20 **MS. NEWMAN:** No, I was not.

21 **MR. ENGELMANN:** All right. So let's talk
22 about your ---

23 **THE COMMISSIONER:** Sorry, before we leave
24 that?

25 I'm just looking at one of the bullets that

1 seems to be recurring in all of them and on page 2 of the
2 last one you're looking at, the fourth bullet, it says:

3 "Police subsequently confirmed that the
4 complainant had advised..."

5 I guess ---

6 "...them of the alleged sexual assault
7 in the fall of 1992 and they had
8 investigated at that time."

9 Then this is where:

10 "The complainant later withdrew his
11 allegation before any charge was laid."

12 And I don't know that "withdraw" is the --
13 you know, it leads to different conclusions, perhaps?

14 **MR. ENGELMANN:** Absolutely. And even --
15 well, the comment that the police, "Investigated at the
16 time", so I'm not sure if they're referring to the
17 MacDonald investigation or the Seguin investigation.

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

19 **MR. ENGELMANN:** You have no idea who wrote
20 or who was the source for that information, do you, Ms.
21 Newman?

22 **MS. NEWMAN:** No, I don't.

23 I think it's important to note that the
24 information contained in these Information Management notes
25 is not validated or verified information, it's simply

1 information as reported by different field sources to the
2 Information Management Unit.

3 MR. ENGELMANN: M'hm.

4 MS. NEWMAN: So it's not independently
5 verified. It's possible from time-to-time there may be
6 inaccuracies in fact.

7 MR. ENGELMANN: All right. This one though
8 appears to have -- and we looked at this earlier, but this
9 appears to have some of the background from the Seguin
10 issues and also Barque issues combined?

11 MS. NEWMAN: Right.

12 MR. ENGELMANN: So there's no disconnected
13 with -- with this particular note. Fair enough?

14 MS. NEWMAN: Yes, that's fair.

15 MR. ENGELMANN: All right. Now, let's go to
16 later in 1996. You become the District Administrator and
17 you become responsible for the eastern half of the Eastern
18 Region, not just the institutions but probation offices?

19 MS. NEWMAN: That's correct.

20 MR. ENGELMANN: And it's at this point that
21 you then visit, presumably, some of those parole and
22 probation offices that are under your supervision. How
23 many were there?

24 MS. NEWMAN: Oh, I can't recall. I'd
25 actually have to check the record in terms of -- there were

1 many. There were many probation and parole offices in that
2 geographic area and, in addition, several institutions as
3 well.

4 **MR. ENGELMANN:** All right. The probation
5 and parole offices, you indicated that you would have
6 attended the Cornwall office more than the others?

7 **MS. NEWMAN:** I did so.

8 **MR. ENGELMANN:** And I wanted to ask you why?

9 **MS. NEWMAN:** Because very early in my tenure
10 as District Administrator, I became aware that there were
11 very poor workplace relationships between the area manager,
12 Emile Robert, and the staff of the Cornwall Probation and
13 Parole Office, so I undertook to determine what the nature
14 of the concerns was and, in fact, attended the office on a
15 number of occasions to try to understand what the
16 underlying issues were in terms of the relationship
17 difficulties.

18 And, in fact, I did interview each employee
19 individually in the Cornwall Probation and Parole Office
20 myself.

21 **MR. ENGELMANN:** So that would have been no
22 just the probation and parole officers but also the
23 administrative staff?

24 **MS. NEWMAN:** Yes, all of the current staff
25 in the Probation and Parole Office I undertook to speak

1 with in an attempt to determine how to best improve the
2 relationship between the manager and his staff.

3 **MR. ENGELMANN:** All right. Now, those
4 interviews with each of the staff members, they would not
5 have gotten into allegations of sexual abuse involving
6 either Mr. Seguin or Mr. Barque?

7 **MS. NEWMAN:** No, they did not.

8 When I met with the staff, the overriding
9 concern in the office in those days was the poor
10 relationship between the manager and the staff, the very
11 poor workplace morale in the office as a result of the
12 relationship difficulties and that was the -- the prevalent
13 concern.

14 And as I interviewed staff, nobody brought
15 to my attention issues in relation to Mr. Seguin or Mr.
16 Barque.

17 **MR. ENGELMANN:** Well, did people bring up
18 the fact that they felt there was differential treatment
19 that the area manager favoured some employees over others?

20 **MS. NEWMAN:** Yes, that was one of their
21 concerns.

22 **MR. ENGELMANN:** All right. And as part of
23 that, did they get into the history and the fact that many
24 of them felt he favoured Mr. Seguin?

25 **MS. NEWMAN:** I don't recall that

1 specifically. I recall the nature of the concerns they had
2 with their manager and certainly differential treatment,
3 different standards for different staff was one; poor
4 interpersonal skills; personal sensitivity and
5 defensiveness on the part of the area manager; his tendency
6 not to accept responsibility for things and to blame
7 others; a sense that they were undervalued and
8 underappreciated as employees. Those were the nature of
9 the concerns.

10 **MR. ENGELMANN:** When were these concerns
11 raised with you by staff? When did you do your interviews,
12 for example?

13 **MS. NEWMAN:** Well, I -- I'm assuming it was
14 the fall of 1996.

15 I became quite immediately aware of the --
16 the nature of the difficulties and -- and certainly was
17 also aware -- keenly aware -- that we'd been through a
18 very, very difficult public service strike in 1996 and that
19 there had been a number of incidents in the Cornwall office
20 and, indeed, across many, many of the institutions, CAW
21 centres, between bargaining unit staff on strike and their
22 managers.

23 And certainly the relationship between Mr.
24 Robert and his staff had been damaged during the strike
25 and, in fact, it was -- had long-lasting effects in terms

1 of the damage done to relationships.

2 MR. ENGELMANN: All right. So you had
3 concerns expressed by staff about issues that arose in the
4 strike. Presumably, you would have interviewed Mr. Robert
5 and had some of his concerns about things that arose during
6 the strike as well?

7 MS. NEWMAN: That's correct.

8 MR. ENGELMANN: And you're thinking this was
9 fairly early on in your -- your tenure as being directly
10 responsible for that office, so it was some time in '96
11 when you would have interviewed people and ---

12 MS. NEWMAN: Probably in the fall of 1996.

13 MR. ENGELMANN: And did -- you would have
14 interviewed everybody? Did you -- did you also, at some
15 point later, retain the services of either a facilitator or
16 a mediator?

17 MS. NEWMAN: Yes, I did. So, initially, I
18 was interviewing the staff and Mr. Robert was trying to
19 suggest avenues by which they may -- they could improve
20 their relationship. I was trying to counsel Mr. Robert as
21 to different courses of action and approaches with his
22 staff.

23 Ultimately, it became evident to me that
24 some kind of a mediation might be of assistance. I
25 broached that idea with the staff and with -- with Mr.

1 Robert and they were amenable to a mediation.

2 And so I engaged the services of Roger
3 Newell who was a staff development officer at our training
4 centre and someone also skilled and experienced in
5 conducting mediations.

6 **MR. ENGELMANN:** All right. And if you -- I
7 don't know if you have this in your binder, it's Exhibit
8 1121.

9 **THE COMMISSIONER:** Yes.

10 **MS. NEWMAN:** I have it, thank you.

11 **MR. ENGELMANN:** Yeah. And is this a
12 document you recall ever receiving from your staff or
13 reviewing at or about that time?

14 **MS. NEWMAN:** Yes, it certainly looks
15 familiar. It looks like an articulation of the concerns
16 in the relationship and which were subject of the mediation
17 process.

18 **MR. ENGELMANN:** And I note the last two
19 pages appear to be something produced by Mr. Newell?

20 **MS. NEWMAN:** Yes, certainly from his setting
21 the stage for mediation and canvassing both the staff and
22 the manager about what their key issues and concerns were.

23 **MR. ENGELMANN:** All right.

24 So it would appear that he had at least one
25 meeting with your staff in or around late February of '98?

1 **MS. NEWMAN:** As I recall he had more than
2 one, he had a number of meetings with them.

3 **MR. ENGELMANN:** All right.

4 Had you spoken to your predecessor, Mr. Roy,
5 about some of the issues in the Cornwall office?

6 **MS. NEWMAN:** Mr. Roy had indicated to me
7 that there was a relationship difficulty between the
8 manager and his staff at the time I took over. So I was
9 aware that there were pre-existing concerns in relation to
10 that, even going into the Public Service strike, which were
11 then exacerbated by the strike.

12 **MR. ENGELMANN:** And did he suggest to you
13 the concerns were just with the manager or that some of the
14 concerns were also with some of the staff?

15 **MS. NEWMAN:** I think it was his view that
16 there were probably issues on both sides of the
17 relationship. It wasn't necessarily a totally one sided
18 situation; that there were some difficult to manage staff
19 as well in the office.

20 **MR. ENGELMANN:** We certainly heard from Mr.
21 Sirrs and Mr. Roy and also Mr. Hawkins about Mr. van Diepen
22 and some of the difficulties that managers had dealing with
23 him. That would have been expressed to you?

24 **MS. NEWMAN:** Yes, it was.

25 **MR. ENGELMANN:** Either by Mr. Robert or

1 others?

2 **MS. NEWMAN:** Certainly by Mr. Robert. I
3 think by Mr. Roy as well at the time of transition that
4 there were some historical difficulties in the
5 relationship, and I think it was attributed to a sense that
6 Mr. van Diepen was disappointed that he had not been
7 appointed the area manager and there was a professional
8 jealousy, if you will.

9 **MR. ENGELMANN:** And were you aware that he
10 had tried on several occasions to obtain that position?

11 **MS. NEWMAN:** I was aware that he had at
12 least once tried to obtain the position.

13 **MR. ENGELMANN:** And some of what you would
14 have uncovered we've heard from some that it was a poisoned
15 work environment or a dysfunctional work environment?

16 **MS. NEWMAN:** I think I would certainly
17 describe it as a dysfunctional work environment.

18 **MR. ENGELMANN:** Would it be fair to say that
19 there might be communication difficulties between staff
20 and/or staff and the manager and vice versa?

21 **MS. NEWMAN:** I would characterize it that
22 way, generally speaking. There were some exceptions.
23 There were some positive relationships, they weren't all
24 negative, but there was an overriding concern on the part
25 of most of the staff with the manager and vice versa.

1 **MR. ENGELMANN:** Would you say that staff
2 might have difficulty in confiding in the manager about
3 things that they'd become aware of? Did you get that
4 sense?

5 **MS. NEWMAN:** I think that's possible. I
6 think the extent to which you don't have a good
7 relationship may impact your sense that you can come
8 forward with information or that that relationship might
9 dominate your sense of professionalism and responsibility
10 to report.

11 **MR. ENGELMANN:** Did you know that Mr. Sirrs
12 actually brought in a mediator many years earlier back in
13 '83 or '84 because of difficulties he had dealing with Mr.
14 van Diepen and/or other staff?

15 **MS. NEWMAN:** No, I did not. In fact I
16 thought I was doing something very innovative.

17 **MR. ENGELMANN:** Well, there's something
18 about passing on information.

19 And you talked to us about sometimes that
20 difficulty when you have managers who turn over, and I'm
21 wondering, it appears that there was information that
22 perhaps wasn't shared with you when you came over and
23 perhaps information that wasn't shared by Mr. Hawkins with
24 Mr. Roy.

25 Is that something you've thought about in

1 thinking back on what's happened in the Cornwall office?

2 MS. NEWMAN: Yes, I think you raise a very
3 legitimate concern in relation to information management
4 and so that is on my radar. That has come to my attention
5 through looking at this and at the gaps that I think you've
6 pointed out quite aptly, that we need to consider how
7 better to capture institutional memory as people transition
8 from positions and we have a long history that goes back a
9 number of decades. I think that's very challenging.

10 We don't have a work environment where
11 people spend their entire careers in a single position so
12 we don't have that continuity. So I've certainly begun to
13 think about how we can better ensure the transmission of
14 information, and particularly at the area manager and
15 regional manager level, who have direct responsibility for
16 managing our operations; that they need some way of
17 ensuring that that institutional memory of events is
18 captured and that it can be easily retrieved and accessed.
19 And I think that's very challenging but it's certainly
20 something that I'm committed to undertaking to try to do
21 better.

22 I think some of our challenges are simply
23 the size of the organization, the volume of information and
24 incidents and issues that come forward on any given day, as
25 I mentioned in the context of 65,000 offenders and 7,000

1 staff. Nevertheless, we'll find a way, I think, to do a
2 better job of ensuring we have a way of managing this
3 information and using the technology that's available to
4 us.

5 I, in fact, have spoken with one of our
6 regional directors to talk about some preliminary ideas
7 about how this might happen, and I have tasked our regional
8 directors and others to meet to come forward with some
9 proposals as to how we could do a better job of information
10 management.

11 **MR. ENGELMANN:** I certainly want to -- I'm
12 sure your counsel has mentioned this to you. You'll have
13 an opportunity at the end of my questions to give us some
14 recommendations. And I am particularly interested in this
15 issue about corporate memory and passing on information and
16 also some of the comments that you made earlier about
17 employees having some obligation to come forward with some
18 of this information, given the type of information that we
19 were discussing.

20 So there will be an opportunity for that at
21 the end of this examination.

22 **MS. NEWMAN:** Thank you. I look forward to
23 that.

24 **MR. ENGELMANN:** All right.

25 So I wanted to ask, you have these

1 interviews with staff, you call in a facilitator and at
2 some point Mr. Robert is transferred. And he had been
3 there for -- well, he'd been there since the mid-'80s, so
4 12 or 13 years. Is that fair?

5 **MS. NEWMAN:** That's right.

6 I think he'd been there about 12 years.

7 **MR. ENGELMANN:** All right.

8 And was he also looking for a change?

9 **MS. NEWMAN:** Yes, he was looking for a
10 change. I think he had -- he had expressed an interest in
11 different experiences and potentially different locations.
12 And in fact at one point between '96 and 1998 I was able to
13 establish a six month temporary assignment for him to
14 Rideau Correctional and Treatment Centre where he could
15 obtain some institutional experience and a different
16 experience in terms of trying to help him develop and
17 understand how others might interact and have exposure to
18 other models of management.

19 So that had been done. And ultimately when
20 this mediation concluded it became evident to me that that
21 had not repaired the damage done to the relationship.
22 Essentially the damage was irreparable. Despite the best
23 efforts of all of the parties in mediation it was not
24 successful.

25 And so it was at that point in time that I

1 engaged Mr. Robert in a transfer to the Ottawa -- one of
2 the Ottawa Probation and Parole offices under close
3 supervision.

4 **MR. ENGELMANN:** All right.

5 So let's just run through this with respect
6 to what happens in '97 and what happens in '98.

7 And if the witness could be shown -- it's
8 document number 126509.

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

10 **MR. ENGELMANN:** It's a memorandum to Deborah
11 Newman, District Administrator, from Emile S. Robert, Area
12 Manager, re: relocation to Ottawa, dated January 9th, 1997.

13 If that could be the next exhibit.

14 **THE COMMISSIONER:** Thank you.

15 **MS. NEWMAN:** Thank you.

16 **THE COMMISSIONER:** Exhibit number 1183 is a
17 memo dated January 9th, 1997 addressed to Deborah Newman
18 from Emile Robert.

19 **---EXHIBIT NO./PIÈCE NO P-1183:**

20 (126509) Memo from Emile Robert to Deborah
21 Newman re Relocation to Ottawa, dated
22 January 9, 1997

23 **MR. ENGELMANN:** So Ms. Newman, would this be
24 the first secondment, if I can call the term, the six-month
25 arrangement?

1 **MS. NEWMAN:** This was Emile's first
2 expression of interest in an assignment to Ottawa. And at
3 that time, there was no opportunity available in Ottawa but
4 as indicated, I noted his interest and supported his
5 interest and saw this as probably a good thing for
6 everyone.

7 **MR. ENGELMANN:** Perhaps a win/win?

8 **MS. NEWMAN:** Absolutely.

9 **MR. ENGELMANN:** All right. So let's look at
10 Document 126503, it's a letter dated October 14th, 1997 from
11 Deborah Newman to Emile Robert.

12 **THE COMMISSIONER:** Exhibit 1184.

13 **MS. NEWMAN:** Thank you.

14 **---EXHIBIT NO./PIÈCE NO P-1184:**

15 (126503) Memo from Deborah Newman to Emile
16 Robert re: Relocation to Ottawa dated
17 October 14, 1997

18 **MS. NEWMAN:** Thank you.

19 **MR. ENGELMANN:** So by the fall of '97, there
20 is something available, and is this the temporary assignment
21 that you referred to?

22 **MS. NEWMAN:** Yes, it is. This was a
23 temporary assignment of six months' duration to Rideau
24 Correctional and Treatment Centre

25 **THE COMMISSIONER:** So he was going to

1 essentially a lower paying job and a lower classifica --
2 well classification?

3 **MS. NEWMAN:** Actually, as the second
4 paragraph, Mr. Commissioner, in the letter, indicates that
5 his present salary and classification would remain
6 unchanged ---

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

8 **MS. NEWMAN:** --- so you're correct in --
9 they're different job classifications ---

10 **THE COMMISSIONER:** Right.

11 **MS. NEWMAN:** --- he was in the AM-series and
12 the job at Rideau was in the PM-series. I'm not sure how
13 they equated but in any event, from a human resource
14 practice perspective, his current classification and salary
15 was protected.

16 **THE COMMISSIONER:** Right.

17 **MR. ENGELMANN:** And then if we look at
18 Document 126445 which is a form entitled "Authority to
19 Appoint to Probationary Staff and/or Assign to a Position
20 in CSC 303." It's regarding Mr. Robert, signed by Ms.
21 Newman, December 15th, '97.

22 **THE COMMISSIONER:** Thank you, Exhibit 1185.

23 **---EXHIBIT NO./PIÈCE NO P-1185:**

24 (126445) Form entitled Authority to Appoint
25 to Probationary Staff and/or Assign to a

1 Position - CSC 303 re Emile Robert dated
2 December 15, 1997

3 **MS. NEWMAN:** Thank you.

4 **MR. ENGELMANN:** So I'm wondering if, for the
5 record, the personal information set out at the top right
6 of the document ---

7 **THE COMMISSIONER:** Right, social ---

8 **MR. ENGELMANN:** --- could be edited or just
9 blacked out? It's the social insurance number. That's not
10 relevant to anything we're doing here and I'd like that
11 blacked out.

12 **THE COMMISSIONER:** Thank you. It shall be
13 done.

14 **MR. ENGELMANN:** Ms. Newman, this is a
15 document that you apparently signed on December 15th, '97?

16 **MS. NEWMAN:** That's correct, noting that the
17 conclusion of the assignment and return to home position.

18 **MR. ENGELMANN:** Do you know why that ended
19 early? Because I think the last document we looked at --
20 or, it said "for a period of up to six months" I'm sorry,
21 "effective October 20th." And this is, you know, less than
22 two months later, he is being reassigned to his position as
23 area manager.

24 **MS. NEWMAN:** I really have no recollection
25 of that.

1 **MR. ENGELMANN:** That's fine. In any event,
2 he would have come back to his area manager position at the
3 Cornwall office in late '97; is that your understanding?

4 **MS. NEWMAN:** According to this record, yes.

5 **MR. ENGELMANN:** All right. And you know he
6 was there at least fairly early in '98 before these
7 meetings with Mr. Newell and the staff in February?

8 **MS. NEWMAN:** That's right.

9 **MR. ENGELMANN:** And it's some time later
10 that he is transferred to Ottawa and that's late in '98; is
11 it not?

12 **MS. NEWMAN:** Yes, as I recall, it was on or
13 around the beginning of November 1998 because I had made
14 all of the arrangements for the transfer and he and I left,
15 I think ---

16 **MR. ENGELMANN:** About the same time.

17 **MS. NEWMAN:** --- around the same time.

18 **MR. ENGELMANN:** All right. So if the
19 witness could be shown -- I've now found the document, it's
20 Document 126500, it's a letter dated October 27th, 1998 --
21 sorry a memorandum from Deborah Newman to various people
22 dealing with the temporary assignment of Emile Robert.

23 **THE COMMISSIONER:** One one eight six (1186).

24 **---EXHIBIT NO./PIÈCE NO P-1186:**

25 (126500) Memo from Deborah Newman to

1 Superintendents/Area Managers St. Lawrence-
2 Ottawa Valley & Oshawa-Kawartha Districts re
3 Temporary Assignment of Emile Robert dated
4 October 27, 1998

5 **MS. NEWMAN:** Thank you.

6 **MR. ENGELMANN:** Ms. Newman, this would be
7 about the time that you recall having arranged a transfer
8 for him?

9 **MS. NEWMAN:** That's right.

10 **MR. ENGELMANN:** And it mentions again a
11 temporary assignment, did that turn into something more
12 permanent?

13 **MS. NEWMAN:** Yes, it did.

14 **MR. ENGELMANN:** All right. So Mr. Robert
15 didn't come back to the Cornwall office after this
16 transfer?

17 **MS. NEWMAN:** No, he did not.

18 **MR. ENGELMANN:** And again, this transfer was
19 something that you wanted at that time?

20 **MS. NEWMAN:** Yes, it was. And as you noted,
21 it was something that he had expressed interest in
22 previously, and certainly as you indicated, I saw this as a
23 win/win situation.

24 **MR. ENGELMANN:** So he wanted to go as well
25 even in late '98?

1 **MS. NEWMAN:** It's my recollection that he
2 did. He was amenable to this.

3 **MR. ENGELMANN:** Yes. All right. And in
4 1997, I believe, you would have had evaluated Mr. Robert in
5 an employee performance appraisal?

6 **MS. NEWMAN:** Yes, I did. Sorry, can you
7 repeat the date, please?

8 **MR. ENGELMANN:** In 1997. And I'll show you
9 the document in a minute just to help, Document 126446.

10 **THE COMMISSIONER:** Thank you.

11 **MS. NEWMAN:** Thank you. Yes, you're correct
12 Mr. Engelmann. So I appraised Mr. Robert on February 21st,
13 1997.

14 **MR. ENGELMANN:** All right. Could this
15 document be the next exhibit sir?

16 **THE COMMISSIONER:** I'm sorry, yes, 1187.

17 **---EXHIBIT NO./PIÈCE NO P-1187:**

18 (126446) Ministry of Solicitor General and
19 Correctional Services Employee Performance
20 Appraisal re: Emile Robert dated February
21 21, 1997

22 **MR. ENGELMANN:** Do you know, Ms. Newman, if
23 this was the only time you would have appraised him?

24 **MS. NEWMAN:** It probably would have been in
25 that appraisals were conducted -- or by policy, to be

1 conducted annually. And so this would have been the first
2 annual appraisal that I conducted. And I'm not sure if
3 there would have been another before I left but there may
4 not have been.

5 **MR. ENGELMANN:** Do you know why there have
6 been no annual appraisals since 1993, according to this
7 document?

8 **MS. NEWMAN:** No, I don't. They are supposed
9 to be conducted annually and so I'm assuming by the last
10 appraisal date that they either had not been done or could
11 not be located.

12 **MR. ENGELMANN:** All right. So in any event,
13 at the first appraisal date that you're to appraise him,
14 you do.

15 **MS. NEWMAN:** That's correct.

16 **MR. ENGELMANN:** And I don't want to spend a
17 lot of time on this document but it appears that, with one
18 notable exception, that it's a fairly favourable appraisal,
19 for example, the higher the number, the better the
20 performance if I've read the front of the form right.

21 **MS. NEWMAN:** You're correct. So the
22 performance can range from one which is a low rating to
23 five which is an exceptional reading.

24 **MR. ENGELMANN:** And it would appear that
25 three is fully satisfactory whereas four and five are

1 exceeds and one or two would be below.

2 **MS. NEWMAN:** That's correct.

3 **MR. ENGELMANN:** All right. So the only area
4 that appears to be below -- and I'm looking at the fourth
5 page in, that's Bates page 1160638 -- would be the
6 "Achieving People Strength" caption?

7 **MS. NEWMAN:** That was, yes, absolutely Mr.
8 Robert's Achilles' heel.

9 **MR. ENGELMANN:** But at least at that point-
10 in-time, when it came to the other aspects of the job, he
11 was fully satisfactory or better?

12 **MS. NEWMAN:** Yes, he was. In all other
13 aspects, he was a very competent manager in the sense that
14 he ensured full compliance with Ministry policies and
15 procedures; he conducted caseload audits; he managed in a
16 fiscally responsible manner; and he ensured that
17 appropriate services were delivered in the community.

18 As I mentioned, his difficulty was around
19 relationships and interpersonal skills, the category called
20 "Achieving People Strength".

21 **MR. ENGELMANN:** Okay. One of the things
22 that struck me as a little strange, and I just want to put
23 the question to you, he gets a rating of four for providing
24 leadership, and you have some comments under that,
25 "Examples of performance measures expectations", but then,

1 "Clearly underachieving people strength" he gets a two?

2 **MS. NEWMAN:** There was a specific reason he
3 got a higher rating in leadership than I would say he would
4 otherwise have received and that was in recognition for a
5 very significant corporate contribution that he had made to
6 the Ministry as a member of the Employment Systems Review
7 Team for which he had not been previously recognized. And
8 so in recognition of his achievement on that very important
9 initiative, he got a higher rating than he otherwise would
10 have received and, in fact, I remember considering this and
11 considering where best to comment on the concerns I had in
12 relation to his performance and chose the People Strength
13 category.

14 **MR. ENGELMANN:** Okay.

15 **MS. NEWMAN:** You may also note in the first
16 category of "Effective Delivery of Core Businesses", I
17 recognized his thoroughness in completing caseload audits
18 and noted that they were detailed and thorough, but the
19 caveat there was that probation officers found them to be
20 intimidating and somewhat overwhelming.

21 **MR. ENGELMANN:** Where are you reading from,
22 Ms. Newman? I'm sorry.

23 **MS. NEWMAN:** Sorry. So on page 2 of the
24 Appraisal.

25 **MR. ENGELMANN:** Yes, under the Leadership or

1 above?

2 MS. NEWMAN: Above the Leadership.

3 MR. ENGELMANN: Yes.

4 MS. NEWMAN: Under the Comments, it says:
5 "Comments, Appraiser/Employee".

6 MR. ENGELMANN: Yes?

7 MS. NEWMAN: In the first paragraph, I'm
8 noting that he conducted consistently caseload audits for
9 each probation officer and that the audits were extremely
10 thorough and detailed.

11 MR. ENGELMANN: Oh, yes, m'hm?

12 MS. NEWMAN: Then I go on to say:

13 "While the audits are meticulous and
14 convey a very high standard in
15 auditing, the probation staff find them
16 to be intimidating and somewhat
17 overwhelming. Their experience of the
18 process is negative and they do not
19 feel that there is sufficient positive
20 recognition afforded through this audit
21 tool. Mr. Robert has agreed to review
22 this and make some adjustments to the
23 audit process."

24 So in other words, the staff were feeling
25 that his approach was a critical approach without any

1 balance in terms of positive recognition. I think it's
2 very important when one conducts a performance appraisal to
3 be balanced in feedback ---

4 **MR. ENGELMANN:** Yes.

5 **MS. NEWMAN:** --- and to recognize the good
6 things that are being very well done and to also point out
7 those areas that need to be improved upon.

8 **MR. ENGELMANN:** And the caseload audit area
9 is an opportunity when you would expect an area manager to
10 have that kind of exchange with a staff member?

11 **MS. NEWMAN:** Yes, you would.

12 **MR. ENGELMANN:** That's the annual or
13 sometimes semi-annual review of cases or a random set of
14 cases that a probation officer may be working on?

15 **MS. NEWMAN:** That's right. So the area
16 manager, by Ministry policy, selects a minimum of 10
17 percent of the caseload, audits those cases to ensure that
18 the probation officer is complying with Ministry standards
19 in the supervision of the offender.

20 He did those very routinely and in a very
21 thorough way.

22 **MR. ENGELMANN:** All right. Now, I think
23 you've told us that at or about the time that he transfers
24 out of the Cornwall Office, you leave your responsibilities
25 as District Administrator and go to the federal government

1 for about a period of a year?

2 MS. NEWMAN: That's right.

3 MR. ENGELMANN: And before you go, and I
4 just want to -- I may have asked you these questions before
5 and I apologize if I have -- but before you go, you were
6 not aware -- this is the fall of '98 -- about The Fifth
7 Estate program, for example, that it had been rebroadcast?
8 Do you recall that?

9 MS. NEWMAN: No, I don't.

10 MR. ENGELMANN: All right. Were you at all
11 aware of lawsuits that had been commenced dealing with the
12 Cornwall office in '96 and '97?

13 MS. NEWMAN: I have no recollection of that.
14 My overriding memory from '96 to '98 is the focus on the
15 relationship issues and the morale in the office.

16 MR. ENGELMANN: And what about the issue
17 that there would have been some publicity on, I would
18 think, in the summer of '98, this is new charges involving
19 Mr. Barque and his suicide. Do you think that only came to
20 you attention when you came back?

21 MS. NEWMAN: That's right. I think during
22 that -- it's worth noting during that tenure, I think we
23 were consumed with the public service strike and planning
24 for contingency plans to deliver services to offenders
25 during the withdrawal of services in the strike; planning

1 for essential service agreements; negotiating those issues;
2 bargaining; the strike itself; the aftermath and the
3 recovery from the strike; the morale and relationship
4 issues in the office; the mediation. That's what was
5 consuming my attention during that period of time.

6 **MR. ENGELMANN:** But, again, just towards the
7 end of that period, the suicide of yet a second former
8 probation officer and further charges, maybe it's not
9 extraordinary anymore because of what's happening, but
10 that's something that one would typically notice. It's
11 fairly serious allegations again?

12 **MS. NEWMAN:** I would agree, and I have no
13 recollection of that being reported to me.

14 **MR. ENGELMANN:** All right. And do you have
15 any recollection of, prior to going to the federal
16 government, interaction or work that your Cornwall office
17 may have started with a group called The Men's Project?

18 **MS. NEWMAN:** I became aware of The Men's
19 Project when I came back in 1999.

20 **MR. ENGELMANN:** So you return in 1999 and
21 when you return, you return as the Regional Director?

22 **MS. NEWMAN:** For Community and Young
23 Offender Services, yes.

24 **MR. ENGELMANN:** Right. I was going to get
25 the title wrong so I'm glad you gave it to me.

1 And you would have continued to have
2 responsibility for supervision of the area manager here in
3 Cornwall?

4 **MS. NEWMAN:** Yes, I did.

5 **MR. ENGELMANN:** Now, many other probation
6 offices as well, but I'm particularly concerned with the
7 one here.

8 **MS. NEWMAN:** That's right.

9 **MR. ENGELMANN:** And by this point-in-time
10 you come back, is there a new area manager?

11 **MS. NEWMAN:** Yes. I had been involved in
12 the selection of the new area manager before I had left,
13 Claude Legault, and, in fact, had handpicked Claude and
14 selected Claude because he had, I felt, precisely the kinds
15 of skills that would ensure an appropriate workplace
16 restoration in Cornwall.

17 **MR. ENGELMANN:** Where had he worked
18 previously? How did you know him?

19 **MS. NEWMAN:** Claude was working in the
20 Hawkesbury and L'Orignal area in Probation and Parole.

21 **MR. ENGELMANN:** Was that a satellite office
22 of the Cornwall office or was it separate?

23 **MS. NEWMAN:** It was, as I recall, a
24 satellite of the Ottawa office.

25 **MR. ENGELMANN:** Okay. And was he an rea

1 manager there or was there an area manager?

2 **MS. NEWMAN:** Again, I can't recall
3 specifically if he was a probation officer or an area
4 manager at that time, but he had certainly come to my
5 attention as someone that was very strong interpersonally,
6 a very supportive, compassionate individual with a very
7 high degree of what we would call emotional intelligence.

8 **MR. ENGELMANN:** All right. And he was in
9 place when you returned to supervise him and others?

10 **MS. NEWMAN:** That's correct.

11 **MR. ENGELMANN:** Can you give us a sense when
12 you returned to your duties with the Ministry whether you
13 became aware, either immediately or shortly thereafter, of
14 further disclosures involving either Messrs. Barque or
15 Sequin?

16 **MS. NEWMAN:** Yes, I did. So when I came
17 back, I returned in November of 1999, and without being
18 able to pinpoint specific dates during that period from
19 November of 1999 through August of 2000, in my capacity as
20 regional director the overriding concern then became
21 disclosures of sexual abuse. And there were then, as I
22 recall, two new disclosures that had been made either while
23 I was away or shortly after I came back, that were brought
24 to my attention and were the pre-eminent concern of the
25 Cornwall probation office, and they took care to draw those

1 to my attention and I was involved in many conversations in
2 relation to that.

3 MR. ENGELMANN: These were disclosures
4 involving Mr. Seguin?

5 MS. NEWMAN: Yes, they were.

6 MR. ENGELMANN: All right. And you were
7 informed about them from Mr. Legault or from the staff
8 members themselves?

9 MS. NEWMAN: Both.

10 MR. ENGELMANN: Both.

11 MS. NEWMAN: Again, my management style is
12 to be as visible as I possibly can be in the region. I
13 have a very hands-on style and I visited the cost centres I
14 was responsible for as often as I could.

15 So that staff felt -- I think it was quite
16 clear they felt that I was approachable, that they could
17 come and talk to me, as they did. And the manager, of
18 course, as well, was very engaged and showing very strong
19 leadership and support of the staff and the very difficult
20 situation that emerged during that period of time.

21 MR. ENGELMANN: All right. So you would
22 have met with both Mr. Legault and staff members to discuss
23 these new disclosures and how they should be responding to
24 them?

25 MS. NEWMAN: Yes, I did.

1 **MR. ENGELMANN:** And were there other
2 disclosures at this time as well or just the two that you
3 were dealing with, that you can recall?

4 **MS. NEWMAN:** I don't recall specifics. I do
5 recall that there were disclosures and it became then, I
6 think, evident that there was a very serious situation.
7 There were at least two disclosures that I recall, although
8 I don't recall the specifics of them.

9 **MR. ENGELMANN:** M'hm.

10 **MS. NEWMAN:** And then, you know, that's when
11 I think the -- you begin to see some of the patterns,
12 that's when I become more aware of the fact that there's a
13 history here and that these are not the first disclosures.
14 It's when I become aware of Mr. Barque and the events
15 surrounding him and his death and Mr. Seguin.

16 And so the staff were very concerned. I met
17 with ---

18 **MR. ENGELMANN:** What were the staff
19 concerned about? What do you recall the staff being
20 concerned about?

21 **MS. NEWMAN:** The staff were very concerned
22 about not feeling that they had been trained and that they
23 weren't skilled in taking disclosures of male sexual abuse
24 and the trauma that's associated with that.

25 So they were concerned that -- obviously

1 were concerned about the events themselves and the
2 suffering of individuals and their clients, but they were
3 also concerned that they felt ill-equipped to provide a
4 safe and supportive environment for offenders coming
5 forward to make such disclosures and this is an area of
6 particular expertise that very few people have.

7 **MR. ENGELMANN:** So what -- what was your
8 idea or what was the idea of people in the local office
9 about how some of that training could be provided to the
10 staff?

11 **MS. NEWMAN:** So I did -- I did meet with the
12 manager on a number of occasions and with the staff as well
13 and I recall an all-staff meeting where we had a lengthy
14 discussion about how best to approach the situation and the
15 skill staff -- that the staff felt existed, and agreed that
16 we ought to pursue training for the staff so that they
17 could be appropriately supported and skilled in taking such
18 disclosures and supporting clients.

19 And I agreed to provide the funding
20 necessary to ensure that that training occurred
21 expeditiously and, in fact, was supportive of all of the
22 work that they were doing, which was an iterative process.
23 This had not been experienced, to our memory, before.

24 And so they were -- I was involved in
25 supporting them, ensuring that training was provided,

1 funding was provided, and I'll talk about other things
2 presently.

3 **MR. ENGELMANN:** Well, who was spearheading
4 that effort locally?

5 **MS. NEWMAN:** The training effort?

6 **MR. ENGELMANN:** Just -- yeah, getting
7 training, getting support, wanting to learn how to help,
8 how to take these disclosures properly.

9 **MS. NEWMAN:** My recollection is that it was
10 the Manager, Claude Legault, as well as probation officers.
11 Sue Larivière and Carole Cardinal were front and centre in
12 terms of flagging, you know, the need for training and the
13 need for support.

14 **MR. ENGELMANN:** Did you bring in some form
15 of training for them that spring, the spring of 2000?

16 **MS. NEWMAN:** Yes.

17 **MR. ENGELMANN:** Do you recall what that was?

18 **MS. NEWMAN:** It was The Men's Project in
19 Cornwall. So we had some experience with The Men's Project
20 because the Ministry had made funding available through the
21 Victims Services Unit then in the Ministry in 1999, is my
22 recollection, to provide support to male victims of sexual
23 abuse.

24 There was a need to provide that kind of
25 support. The Ministry stepped in and provided that kind of

1 -- contracted, in fact, with The Men's Project to provide
2 support to victims. And because of their accumulated
3 expertise in dealing with male sexual abuse trauma, we felt
4 that certainly the staff's recommendation was that The
5 Men's Project would be probably the best service provider
6 to also provide support and training for the staff.

7 **MR. ENGELMANN:** And when you say support and
8 training for the staff, would that have included the area
9 manager?

10 **MS. NEWMAN:** Yes.

11 **MR. ENGELMANN:** And would that have included
12 both your professional and your admin staff?

13 **MS. NEWMAN:** I didn't make any distinction.
14 I was certainly prepared to support all of them in feeling
15 that they were equipped ---

16 **MR. ENGELMANN:** To your knowledge ---

17 **MS. NEWMAN:** --- to support clients.

18 **MR. ENGELMANN:** Sorry. To your knowledge,
19 did they all take that training?

20 **MS. NEWMAN:** I'm not certain. I'd have a
21 checklist.

22 **MR. ENGELMANN:** It was available to all of
23 them?

24 **MS. NEWMAN:** It was available to all.

25 **MR. ENGELMANN:** Now, I understand that

1 during 1999 and 2000, the Cornwall Probation and Parole
2 Office developed guiding principles and also a protocol for
3 dealing with disclosures of male sexual abuse?

4 **MS. NEWMAN:** Yes, they did and I was very
5 supportive of their efforts in developing a protocol for
6 receiving such disclosures and, in fact, for setting the
7 environment that would encourage those disclosures and
8 those individuals to come forward.

9 **MR. ENGELMANN:** Were those initiatives their
10 own initiatives?

11 **MS. NEWMAN:** Yes, they were. As I say, it
12 was a bit of an iterative process as they tried to
13 determine how best to provide this support as they received
14 training and understanding of the trauma and the dynamics
15 of abuse.

16 **MR. ENGELMANN:** I wanted to ask the witness
17 a couple of questions from a document that I believe has
18 only been marked for identification purposes.

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

20 **MR. ENGELMANN:** I understand there's some
21 concerns about part of the document. I have no intention
22 of going to areas where I believe there's a concern.

23 **THE COMMISSIONER:** All right, any objections
24 anyone?

25 No, okay. Go ahead.

1 **MR. ENGELMANN:** I honestly can't say, sir,
2 what the exhibit number is. It's the factual overview ---

3 **THE COMMISSIONER:** Yeah.

4 **MR. ENGELMANN:** --- that was prepared by
5 Ministry of Corrections.

6 Perhaps one of my colleagues can ---

7 **THE COMMISSIONER:** It's I -- oh, no -- yes,
8 I-1179.

9 **MR. ENGELMANN:** I'm sorry, 11?

10 **THE COMMISSIONER:** I-1179.

11 **MR. ENGELMANN:** Ms. Newman, I'm not sure if
12 you've seen this document before?

13 **MS. NEWMAN:** Yes, I have.

14 **MR. ENGELMANN:** Oh, okay. Certainly
15 prepared by members of your staff here in Cornwall.

16 I'm particularly interested in -- on page 8,
17 there's a reference to "Evolution of Response to
18 Disclosures". I'm looking at the bottom paragraph.

19 The information in that bottom paragraph,
20 would that be your understanding of what was happening when
21 you were having discussions with staff in late '99 or early
22 2000?

23 **MS. NEWMAN:** Absolutely.

24 **MR. ENGELMANN:** And I believe the guiding
25 principles are set out at the top of page 9, including:

1 "...support and encourage disclosures
2 through a transparent and consistent
3 process and asking the right questions,
4 providing support services for the
5 offenders who disclosed and
6 documentation of all disclosures and
7 measures taken."

8 **MS. NEWMAN:** Yes, I'm familiar with those
9 guiding principles.

10 **MR. ENGELMANN:** So they developed those
11 principles. And my understanding is, from your evidence,
12 that you encouraged and supported them in that effort?

13 **MS. NEWMAN:** Yes, I did.

14 **MR. ENGELMANN:** All right.

15 And then below that we have "Training for
16 Staff" and just in that first paragraph -- and I think
17 you've spoken to some of this, Ms. Newman, that the concern
18 that some of the staff didn't have sufficient knowledge
19 with respect to male sexual victimization and how to handle
20 that disclosure effectively?

21 **MS. NEWMAN:** That's correct.

22 **MR. ENGELMANN:** And just so we're clear,
23 they hadn't had that training before?

24 **MS. NEWMAN:** That's my understanding. No,
25 they had not.

1 **MR. ENGELMANN:** And they were concerned
2 about, for example, people shutting down or people not
3 feeling comfortable in giving them the disclosure and they
4 wanted to look at ways to make them more comfortable to do
5 so?

6 **MS. NEWMAN:** That's right.

7 **MR. ENGELMANN:** I'm paraphrasing but ---

8 **MS. NEWMAN:** Yes. No, that's correct.

9 **MR. ENGELMANN:** All right.

10 **MS. NEWMAN:** I think it was -- again, it was
11 to create a safe and supportive environment for clients to
12 come forward, and make disclosures, and for probation
13 officers to receive those in a way that was supportive,
14 non-judgmental and effective for clients.

15 **MR. ENGELMANN:** All right.

16 And the reference to the Men's Project is a
17 bit later in that paragraph and it says:

18 "This provided three days of mandatory
19 training to all probation officers on
20 male sexual victimization and how to
21 receive disclosures, as well as when to
22 refer the client to other specialized
23 services."

24 So it references mandatory training to
25 probation officers, but you've told us it was available to

1 the manager and upper staff as well. That's your
2 understanding?

3 **MS. NEWMAN:** There was no distinction made
4 when I had those discussions and authorized the development
5 of a training contract. Certainly we know that disclosures
6 were made to probation officers.

7 **MR. ENGELMANN:** And, Ms. Newman, again, on
8 page 15 of the document we have the reference to the
9 development of local protocols to respond to allegations of
10 sexual abuse, and they list some of the documents or some
11 of the background policies that they relied upon.

12 Is that what we're seeing in those first
13 four bullets?

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

15 **MR. ENGELMANN:** And, again, we appear to
16 have, at page 25 of the document -- again, it's my
17 understanding there is no issue with this appendix --
18 protocol for the disclosure by male offenders of abuse in
19 relation to former probation officers in Project Truth
20 related cases.

21 So that's the protocol to deal with
22 allegations coming forward with respect to either Mr.
23 Barque or Mr. Seguin, for example?

24 **MS. NEWMAN:** That's correct.

25 Or any ---

1 **MR. ENGELMANN:** Or anything related to
2 Project Truth?

3 **MS. NEWMAN:** Presumably if there any others.

4 **MR. ENGELMANN:** Yes.

5 And then there was a second protocol
6 developed, I believe, at page 28, to deal with handling
7 disclosure by offenders of sexual abuse?

8 **MS. NEWMAN:** Yes, so more broadly
9 disclosures not limited to disclosures involving former
10 probation officers.

11 **MR. ENGELMANN:** I just want to come to that.
12 The protocols and the training wasn't simply to accept
13 disclosure vis-à-vis abuse or alleged abuse by your former
14 employees, it was to accept the disclosure that might have
15 happened -- or the abuse that might have happened to a
16 probationer generally?

17 **MS. NEWMAN:** Absolutely.

18 **MR. ENGELMANN:** All right.

19 Mr. Commissioner, maybe it's an appropriate
20 time to have lunch.

21 **THE COMMISSIONER:** Thank you.

22 We'll take lunch. Come back at 2:00.

23 **MS. NEWMAN:** Thank you.

24 **THE REGISTRAR:** Order. All rise. À
25 L'ordre. Veuillez vous lever.

1 This hearing will resume at 2:00 p.m.

2 ---Upon recessing at 12:29 p.m./

3 L'audience est suspendue à 12h29

4 ---Upon resuming at 2:01 p.m./

5 L'audience est reprise à 14h01

6 **THE REGISTRAR:** Order. All rise. À

7 L'ordre. Veuillez vous lever.

8 The hearing is now resumed. Please be

9 seated. Veuillez vous asseoir.

10 **DEBORAH NEWMAN, Resumed/Sous le même serment:**

11 **THE COMMISSIONER:** Mr. Engelmann, you're all

12 smiles this afternoon.

13 **MR. ENGELMANN:** Mr. Neuberger was cracking

14 jokes before we get started so I'm just responding in a

15 friendly way.

16 **---EXAMINATION-IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**

17 **ENGELMANN (Con't/Suite):**

18 **MR. ENGELMANN:** Good afternoon, Mr.

19 Commissioner. Good afternoon, Ms. Newman.

20 We left off in '99-2000; you were back as

21 the Regional Director. I want to go back very briefly in

22 time. I expect I know the answers I'll get but I just -- I

23 want to take you back to a couple of house notes from 1999,

24 just very briefly if I can, and those are found at Exhibit

25 1104.

1 And I think really it's more about what
2 might have been in the minds at least of some of your
3 colleagues if it was not yet in yours, and this is dealing
4 with Nelson Barque.

5 It's, Mr. Commissioner, 1104, Bates page
6 1115009.

7 Ms. Newman, it is a document dated April
8 28th, 1999. I think it's about the sixth one in. The issue
9 is:

10 "Cornwall Probation and Parole; former
11 employee convicted of sexual assault,
12 1995, named in civil action against the
13 Ministry..." (As read)

14 And then in brackets:

15 "...(deceased 1998)" (As read)

16 Do you see that?

17 **MS. NEWMAN:** Yes, I do.

18 Thank you.

19 **MR. ENGELMANN:** And this is a house note
20 from the spring of 1999.

21 You would be with the federal government at
22 that time. So unlikely you would have seen this?

23 **MS. NEWMAN:** That's correct.

24 **MR. ENGELMANN:** And you indicated you found
25 out about Barque in this disclosure process and these

1 meetings with staff in either late '99, early 2000.

2 But the point I'm making here is there
3 appears to be another house note, at least from the spring
4 of '99, that -- in the third bullet -- refers to a former
5 probation officer -- and this is Nelson Barque -- "dead of a
6 suspected self-inflicted gunshot wound."

7 There are stories about -- in the next
8 bullet coverage reference 1993 suicide of another Cornwall
9 probation parole officer. We know that to be Mr. Seguin.

10 There's an indication of publicity in a
11 magazine called Chatelaine in March of '99. Two deceased
12 probation officers were named in the article.

13 And turning over the page to the final page
14 of the briefing note, again, there seems to be further
15 references to that -- the one, two, three, four, fifth
16 bullet from the end, there is information listed about --
17 and in that paragraph midway through:

18 "When the victim met with the PPO
19 acting as a supervisor to complain of
20 sexual assault by his supervising PPO
21 the victim contended that he was
22 sexually assaulted by the supervisor
23 now deceased."

24 Now, this is a bit of the Albert Roy story
25 that's being set out there. And again, a reference to the

1 two suicides, et cetera.

2 So at least some individuals in the Ministry
3 in the spring of '99 are aware of the suicide and further
4 publicity surrounding these matters. Is that fair?

5 **MS. NEWMAN:** Yes.

6 **MR. ENGELMANN:** All right.

7 **MS. NEWMAN:** Some officials would have been.

8 **MR. ENGELMANN:** Yeah. And then the next one
9 is actually -- you're back. This is -- I believe it's
10 January 10th if I've got the month -- date right. And it
11 says "Version 5". I don't know if that means it's the
12 fifth iteration or not.

13 Do you have that handy?

14 It's:

15 "Civil Litigation: Cornwall Probation
16 and Parole Issue. How will the
17 Ministry respond to allegations by
18 former clients that they were sexually
19 abused by their former probation and
20 parole officers?" (As read)

21 Do you see that?

22 **MS. NEWMAN:** I'm sorry; I don't have it yet
23 on the screen.

24 **THE COMMISSIONER:** Okay. First of all,
25 maybe we can look at the -- hold on. What's the Bates page

1 number?

2 **MR. ENGELMANN:** Bates page is 1115012.

3 **THE COMMISSIONER:** All right.

4 So if you look right on the top right-hand
5 corner there is a number there, on your hardcopy on the
6 right-hand side.

7 **MR. ENGELMANN:** It's actually -- I think
8 it's the left, sir.

9 **THE COMMISSIONER:** The left side. The other
10 right.

11 (LAUGHTER/RIRES)

12 **MS. NEWMAN:** Thank you, Mr. Commissioner.

13 **THE COMMISSIONER:** Stick with me and you'll
14 get to places.

15 (LAUGHTER/RIRES)

16 **THE COMMISSIONER:** So you see that there are
17 small numbers, but 1115012 is the number we want you to go
18 to. It's on the left-hand side.

19 **MR. ENGELMANN:** And it's now up on the
20 screen.

21 **MS. NEWMAN:** Okay, if it's on the screen,
22 that's terrific. Thank you.

23 **THE COMMISSIONER:** Okay.

24 **MR. ENGELMANN:** Now, I'm not sure, this is
25 one where the staff contacts -- it would be helpful if you

1 had the hard copy though, Ms. Newman, because you can flip
2 the page easily.

3 **THE COMMISSIONER:** Madam Clerk, could you go
4 and help? So 1115012.

5 **MS. NEWMAN:** Thank you very much.

6 **MR. ENGELMANN:** If you could have a minute
7 just to take a look at this, and I would think this might
8 be one that you would have seen at or about the time, but
9 you can let me know.

10 **MS. NEWMAN:** Can you clarify the date on
11 this? It's not legible here.

12 **MR. ENGELMANN:** The date, as I understand
13 it, is January 10th, 2000.

14 **THE COMMISSIONER:** Now, you see that just
15 below the heading on the right-hand side "01-10-2000".

16 **MS. NEWMAN:** Yes, I see that. Thank you.

17 **MR. ENGELMANN:** I think the Ministry, the
18 first number is usually the month; that's ---

19 **THE COMMISSIONER:** Oh.

20 **MR. ENGELMANN:** --- how it's been when I've
21 been looking at these. So I believe that to be January 10th
22 not October 1st.

23 So you see in the first reference in the
24 background, the first paragraph, there is a reference to
25 disclosure, and this may or may not be the disclosure that

1 you were informed of by your staff?

2 **MS. NEWMAN:** So, sorry, Mr. Engelmann, which
3 bullet point are you referring me to?

4 **MR. ENGELMANN:** The first one under
5 "Background" right on the first page.

6 **MS. NEWMAN:** Yes.

7 **MR. ENGELMANN:** There's an arrow there as
8 well.

9 **MS. NEWMAN:** M'hm. Okay, I see that. Thank
10 you.

11 **MR. ENGELMANN:** I'm not sure if this is the
12 same thing you told us about before the lunch break, that
13 there were a couple of disclosures that you were made aware
14 of?

15 **MS. NEWMAN:** This -- it's possible that
16 these are the disclosures.

17 **MR. ENGELMANN:** Right. And then on the next
18 page, there's a reference, the second last bullet, to the
19 Victim Services Unit:

20 "...contracting with the Men's Project to
21 provide limited community intervention
22 and support for Project Truth victims."

23 It says in July, 1999 -- this is, I think,
24 another disclosure, to current probationers -- alleged the
25 Probation and Parole Officer deceased '93, being Seguin,

1 had made sexual advances to them. They were advised of
2 available counselling services.

3 And there's a reference to November 2nd, '99,
4 an offender attending a pre-sentence report interview and
5 he's talking as well about some kind of sexual impropriety
6 on the part of Mr. Seguin.

7 So I guess the first question is, is this
8 one that you would have seen perhaps?

9 **MS. NEWMAN:** Yes, I would think this is one
10 I would have seen. There were disclosures beginning to be
11 made.

12 **MR. ENGELMANN:** Okay. All right. And this
13 is the kind of information that you were hearing from your
14 Cornwall staff and why they wanted to set up some kind of
15 protocol for dealing with new disclosures from
16 probationers?

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

18 **MR. ENGELMANN:** Now, you're back. You're
19 the -- I've forgotten the title, I apologize -- Regional
20 Director?

21 **MS. NEWMAN:** I've forgotten the title myself
22 -- Regional Director of Community and Young Offender
23 Services.

24 **MR. ENGELMANN:** Thank you. And you are
25 working with your staff in Cornwall. You are working with

1 an area manager. You're pleased with the initiative
2 they're showing, the guiding principles, the work on
3 disclosures. You're getting more disclosures, however.

4 Is it your view at this time that there are
5 any public safety risks or other risks at that point-in-
6 time?

7 **MS. NEWMAN:** I think the focus then was
8 disclosures were being made; victims were coming forward;
9 the staff were working very diligently to create the safe,
10 supportive environment for those disclosures. I was
11 supporting the staff. The staff were being trained.

12 So that essentially occurred over that
13 timeframe from November '99 through the spring and into the
14 summer of 2000.

15 So certainly these were of concern. We were
16 taking steps to try to deal with them and to try to
17 determine what the best approach was during that period of
18 time.

19 **MR. ENGELMANN:** Did you think about the
20 possibility of some form of administrative review or other
21 form of review during that period of time?

22 **MS. NEWMAN:** No. I would say that wasn't
23 the focus at that time. As I said, the focus was on
24 supporting the staff, making sure that they became skilled
25 in receiving disclosures and supporting clients. The focus

1 was very much on the victims that were coming forward and
2 making very difficult disclosures, and appropriately
3 supporting them.

4 **MR. ENGELMANN:** Did something change that
5 summer that suggested to you that something else needed to
6 be done? And I'm talking about the summer of the year
7 2000.

8 **MS. NEWMAN:** Yes. In August of 2000, it was
9 brought to my attention that an anonymous website had
10 appeared and that there were allegations being made in the
11 context of these disclosures and on the website.

12 **MR. ENGELMANN:** If you could have a look,
13 and I don't know if it will be in your binder, it's Exhibit
14 1074.

15 **THE COMMISSIONER:** Yes, it will.

16 **MR. ENGELMANN:** Madam Clerk, is that in the
17 same binder?

18 **THE COMMISSIONER:** Barely, but it is. It's
19 the third or fourth in.

20 **MS. NEWMAN:** Ten-seventy-four (1074).

21 **MR. ENGELMANN:** Ms. Newman, I'm just trying
22 to situate you in time and also the method by which you
23 might have become aware of this website.

24 There is a document that was Exhibit 1 to
25 Mr. Downing's report, and it's an excerpt from the website,

1 and that's 1074. And if you flip over to the second page,
2 which is Bates page 1001550, there appears to be a note
3 dated August 3rd, 2000, from someone by the name of Kristen,
4 saying that -- I think she's writing to the regional
5 director saying she's made a copy of this for Deborah and
6 Lori. His former PPO's are named and they are working on
7 something related to the civil suit. Can you ---

8 **MS. NEWMAN:** Yes, I see that.

9 **MR. ENGELMANN:** --- does that refresh your
10 memory as to when you would have become aware of this?

11 **MS. NEWMAN:** I think it was contemporaneous.
12 This was coming in -- this is coming in on the
13 institutional -- adult institutional side of our regional
14 office.

15 **MR. ENGELMANN:** All right.

16 **MS. NEWMAN:** And within days, I was being
17 made aware at virtually the same time by the community
18 side, which I was responsible for, through the area manager
19 similarly of the emergence of the website.

20 **MR. ENGELMANN:** And this excerpt has at
21 least one reference to someone employed in the Cornwall
22 office.

23 If you turn to the very last page of the
24 tab, there is a reference to Mr. Jos van Diepen. It says:

25 "So did Jos van Diepen know as he was

1 Ken's co-worker, and he too did
2 nothing."

3 MS. NEWMAN: Yes, I see that reference.

4 MR. ENGELMANN: All right. So that would
5 have been a concern to you and your colleagues?

6 MS. NEWMAN: Yes, it was.

7 MR. ENGELMANN: And was this -- this was
8 only one of the excerpts. There were other excerpts that
9 referred to Mr. van Diepen and references to the former
10 probation officers both Mr. Seguin and Mr. Barque.

11 How significant was the publication of this
12 website and just this issue coming forward at that time for
13 you and your staff in Cornwall?

14 MS. NEWMAN: Well, it was of significant
15 concern. So we'd had a period of a few months over which
16 disclosures were increasingly coming to the forefront being
17 made. We were trying to make sure that the staff were
18 equipped and to be able to support individuals coming
19 forward and -- and then the website appeared, making
20 references to -- to the entire matter and certainly a
21 reference to one of our current employees. So it was a
22 very significant concern.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. ENGELMANN: All right.

25 We've -- we've heard from a number of former

1 and some current staff at the Cornwall office, all of whom
2 talked about the relationship between Mr. van Diepen and
3 Mr. Seguin, many of whom talked about how close they were,
4 at least earlier in time and perhaps not towards the end.
5 So allegations to Jos may have known something about Ken;
6 do you recall if that came as a surprise to people at that
7 time?

8 MS. NEWMAN: I don't.

9 MR. ENGELMANN: All right.

10 MS. NEWMAN: I don't recall and I, at that
11 point, had very little, if any, knowledge of the nature of
12 the relationship formerly between ---

13 MR. ENGELMANN: Fair enough.

14 MS. NEWMAN: --- between Jos and Ken.

15 MR. ENGELMANN: There were other
16 allegations, though, about Mr. van Diepen being present
17 during the sexual acts at -- at parties and things of that
18 nature that certainly have been a concern to you and others
19 in the Ministry.

20 MS. NEWMAN: I was briefed on the website
21 ---

22 MR. ENGELMANN: Yes.

23 MS. NEWMAN: --- and essentially understood
24 that there were a number of allegations of improprieties of
25 one form or another in relation to Ministry employees,

1 either deceased or ---

2 MR. ENGELMANN: All right.

3 MS. NEWMAN: --- current in the sense that
4 there was an allegation that Mr. van Diepen knew something.

5 MR. ENGELMANN: Right.

6 MS. NEWMAN: And so I was sufficiently
7 concerned that I determined that we needed to do a review
8 to find out more about what the allegations were, what the
9 contents of the websites were ---

10 MR. ENGELMANN: M'hm.

11 MS. NEWMAN: --- what, if any, allegations
12 were being made in relation to improprieties involving
13 Ministry employees or Ministry clients.

14 MR. ENGELMANN: Mr. van Diepen was quite
15 concerned about what appeared about him on this website?

16 MS. NEWMAN: Yes, he was.

17 MR. ENGELMANN: You became aware of that
18 later?

19 MS. NEWMAN: Yes, he was -- he was very
20 concerned. The staff in the office were very concerned.

21 MR. ENGELMANN: All right.

22 (SHORT PAUSE/COURTE PAUSE)

23 MR. ENGELMANN: Now, at that point in time,
24 in August of 2000, Mr. Commeford was a -- was working with
25 you?

1 **MS. NEWMAN:** Yes, he was. He reported
2 jointly -- I should back up. At that point, I was still
3 Regional Director, Community and Young Offenders Services.

4 When I moved in, in September 2000, into the
5 role of Assistant Deputy Minister, Mr. Commeford then
6 reported jointly to myself and the Assistant Deputy
7 Minister of Institutional Services.

8 **MR. ENGELMANN:** M'hm.

9 **MS. NEWMAN:** In any event, Mr. Commeford was
10 the director responsible for investigations in the
11 Ministry.

12 **MR. ENGELMANN:** And, therefore, the decision
13 to involve Mr. Downing and -- and actually having him
14 investigate, would that have been made by you, by you and
15 Mr. Commeford, or by others?

16 **MS. NEWMAN:** That decision would have been
17 made by Mr. Commeford and myself.

18 **MR. ENGELMANN:** All right.

19 Now, at/or about this time, with these
20 allegations up on the website, did you start to take some
21 notes of matters that were taking place?

22 **MS. NEWMAN:** Yes, I -- I did. I kept a --
23 it's been my practice to keep a notebook in which I record
24 any significant events that are ongoing in relation to my
25 responsibilities, the entire scope of my responsibilities

1 everyday.

2 **MR. ENGELMANN:** So the notes would include
3 perhaps many different things on a given day?

4 **MS. NEWMAN:** Many different things, yes.

5 **MR. ENGELMANN:** All right.

6 I'd just like you to have a look at document
7 number 126440.

8 **THE COMMISSIONER:** It's a new one.

9 **MS. NEWMAN:** Thank you.

10 **MR. ENGELMANN:** These are some of those
11 notes, Ms. Newman. This is the first book we have from
12 August 8th of 2000, until September 8th of 2000.

13 **MS. NEWMAN:** Thank you.

14 (SHORT PAUSE/COURTE PAUSE)

15 **MR. ENGELMANN:** Sir, if that might be the
16 next exhibit?

17 **THE COMMISSIONER:** I'm sorry. I'm sorry,
18 1188.

19 --- **EXHIBIT NO./PIÈCE No. P-1188:**

20 (126440) Handwritten Notes of Deborah Newman
21 dated 08 Aug 00 to 02 Oct 00.

22 **MR. ENGELMANN:** So, Ms. Newman, in this
23 particular exhibit, we see several pages that have some
24 references blacked out; as I understand it, those would be
25 references that are unrelated to the Cornwall Probation and

1 Parole Office and the issues that we're dealing with here;
2 is that correct?

3 **THE COMMISSIONER:** I don't see any
4 blackouts.

5 **MS. NEWMAN:** Actually, the -- the copy that
6 Mr. Commissioner and I ---

7 **MR. ENGELMANN:** Oh.

8 **MS. NEWMAN:** --- apparently have does not
9 have anything blacked out. So I would ask that references
10 to Brookside Youth Centre and other matters please be
11 disregarded.

12 **THE COMMISSIONER:** They certainly will, but
13 how do we do that?

14 **MR. ENGELMANN:** Can I just have a minute,
15 sir?

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. ENGELMANN:** Ms. Newman, perhaps I would
18 just ask you to look at the copy on the screen and I'll
19 have the exhibit fixed.

20 **THE COMMISSIONER:** You wouldn't want me to
21 start another ---

22 **MR. ENGELMANN:** No, we received ---

23 **THE COMMISSIONER:** --- part of the Inquiry
24 going into some others ---

25 **MR. ENGELMANN:** Just so we're clear, sir,

1 we've received an unedited version of the notes ---

2 **THE COMMISSIONER:** Yes.

3 **MR. ENGELMANN:** --- from Corrections in
4 their disclosure. There was some work done by Mr.
5 Neuberger and his colleagues, and Mr. Ruel from our office,
6 and matters that were irrelevant and unrelated were -- were
7 edited.

8 So unfortunately, the document I've handed
9 up to you has not been edited and we'll make sure that it
10 is.

11 **THE COMMISSIONER:** Thank you.

12 **MS. NEWMAN:** If I might just comment that
13 there are a number of sensitive labour relations and
14 security matters in my notes that ---

15 **THE COMMISSIONER:** You can rest assured that
16 your lawyers and Commission counsel will ensure that the
17 exhibit that is filed is the proper copy.

18 Now for purposes of the screen, we do have
19 the -- and so there's no problem with the public seeing it?

20 **MR. ENGELMANN:** Not at all.

21 **THE COMMISSIONER:** So we're okay.

22 **MS. NEWMAN:** Thank you, Mr. Commissioner.

23 **THE COMMISSIONER:** We have the technology.

24 **MS. NEWMAN:** I appreciate it.

25 **MR. ENGELMANN:** And, Ms. Newman, that will

1 be done. It will just -- it will look very similar to the
2 document you're seeing on the screen.

3 So I'd ask that you keep your -- the written
4 copy, as well, just to aid you in -- in reviewing it, but
5 you can check and make sure what's on the screen.

6 So that the first page in, it deals with
7 this issue; is that fair?

8 **MS. NEWMAN:** Yes, it is.

9 **MR. ENGELMANN:** And the notes are
10 contemporaneous, shall we say? They're -- they're made the
11 day that this happens?

12 **MS. NEWMAN:** That's right. That's correct.

13 **MR. ENGELMANN:** And that's the process you
14 would use on a daily basis; if there was something
15 important you would write it down?

16 **MS. NEWMAN:** That's right. I would write it
17 right at the time.

18 **MR. ENGELMANN:** So we see a reference to
19 August 8th, and there appears to be a telephone call with
20 Mr. Downing?

21 **MS. NEWMAN:** That's correct.

22 **MR. ENGELMANN:** And am I correct that you're
23 on that call with a fellow by the name of Mickey and
24 someone by the name of Lori?

25 **MS. NEWMAN:** That's correct. So Mickey

1 Stevenson was the -- my colleague, Regional Director on the
2 adult institutional side of the Ministry and Lori Potter
3 was a Deputy Regional Director.

4 **MR. ENGELMANN:** Why is it that your
5 counterpart responsible for institutions would be involved?

6 **MS. NEWMAN:** Initially, one of the
7 individuals, as I understand it, mentioned in the website
8 was an institutional contracted chaplain at the Cornwall
9 jail.

10 **MR. ENGELMANN:** All right. Now, the issues
11 that appear to be discussed; there was an issue about lack
12 of case management from MCS perspective? Do you recall
13 what that -- what the reference to that is, what that
14 means?

15 **MS. NEWMAN:** Well, we had a website that was
16 alleging improprieties on the part of our staff and the
17 need that was identified in this conversation with Mr.
18 Downing was to have essentially a lead person to inquire
19 into the contents of the website and to assess the
20 information contained therein, if you like, and to look at
21 whether or not there was any risk to either current clients
22 or to public safety; whether there were any current
23 employees against whom allegations were being made.

24 We asked Mr. Downing to liaise with the OPP
25 and the Crown in this case and simply to gather information

1 in relation to the contents of the website, so that we
2 could be better informed about what next steps to take.

3 **MR. ENGELMANN:** Okay. I just want to go
4 back to that original question if I can. You seem to have
5 summarized the page for us. Do you know what is meant by
6 "lack of case management"?

7 **MS. NEWMAN:** It means we have no individual
8 identified to take a lead on this and to look into it.

9 **MR. ENGELMANN:** All right. And that -- is
10 that essentially why you're calling Mr. Downing?

11 **MS. NEWMAN:** That's correct.

12 **MR. ENGELMANN:** All right. And "R.D. needs
13 to be"; is that a number of steps away from investigation?

14 **MS. NEWMAN:** That's right.

15 **MR. ENGELMANN:** Was it important to you at
16 the time that you were not seen to be involved in
17 investigating this issue?

18 **MS. NEWMAN:** Yes. At the end of the day,
19 the regional director would be a decision-maker in terms of
20 any discipline that may or may not be imposed as a result
21 of looking into the matter, and it's important not to taint
22 any kind of an investigation.

23 We were also keenly aware that Project Truth
24 was ongoing at that time and that the OPP were continuing
25 to conduct an investigation into these matters; so a

1 critically important principle that we not impede the
2 criminal investigation of the police.

3 **MR. ENGELMANN:** And you said:

4 "Need official Ministry representative
5 with police agency."

6 **MS. NEWMAN:** That would be Mr. Downing.

7 **MR. ENGELMANN:** All right. And I guess
8 you're asking the question, "What responsibility as a
9 ministry if suspect staff involved?"

10 **MS. NEWMAN:** That's right.

11 **MR. ENGELMANN:** And the issue about
12 protecting the interests of Ministry and clients?

13 **MS. NEWMAN:** That's right. So, again, that
14 speaks to the concern about any current risk to Ministry
15 clients and to ensure that the Ministry is conducting
16 itself appropriately in relation to its clients.

17 **MR. ENGELMANN:** All right.

18 **MS. NEWMAN:** So this simply reflects the
19 contents of a first conversation between two regional
20 directors and an investigator, Mr. Downing, and seeking
21 some advice and recording some considerations that
22 comprised part of the conversation that resulted in
23 ultimately Mr. Downing being appointed to conduct a review.

24 **MR. ENGELMANN:** All right. And it says,
25 "Current staff the priority" and then, "Retired, deceased

1 former employees." Does that mean that he's to investigate
2 their actions first before looking at former employees?

3 **MS. NEWMAN:** Yes, our overriding concern and
4 need-to-know was whether or not there were any current
5 individuals at risk from current employees.

6 At this stage, I was aware, as you know,
7 that we had deceased employees and I was aware that further
8 disclosures were coming forward in relation to those
9 deceased probation officers, but there had never been an
10 allegation about anyone, other than from a Ministry
11 perspective, those two deceased probation officers.

12 So our first concern was to determine
13 whether there was any current and ongoing risk being
14 presented by any current employees.

15 **MR. ENGELMANN:** All right. And there's a
16 reference to Terry Mroz and I think that's Susan Freeborn.
17 Were they to be involved and who are they?

18 **MS. NEWMAN:** Terry Mroz and Susan Freeborn
19 were individuals that were handling the civil suits that
20 were coming in in relation to Project Truth in the Crown
21 law office civil of the Ministry of the Attorney General.

22 **MR. ENGELMANN:** All right. And if I
23 understand the next note:

24 "The other regional director is going
25 to leave contact numbers to Mr. Downing

1 for Project Truth and Crown prosecutor
2 officials".

3 **MS. NEWMAN:** That's right.

4 **MR. ENGELMANN:** And then the mandate for Mr.
5 Downing, at least at that time, in that first call:

6 "Case manager; open communication lines
7 with other parties, police, Crown."

8 And, three, presumably to prepare some kind of a written
9 report?

10 **MS. NEWMAN:** That's correct.

11 **MR. ENGELMANN:** Now, why was it that Mr.
12 Downing was selected to investigate this matter?

13 **MS. NEWMAN:** Mr. Downing was selected
14 because we had a high level of confidence in his abilities
15 to conduct investigations because he had significant
16 experience on both the community side of Corrections as
17 well as the institutional side of Corrections. He
18 understood and had good working knowledge of both divisions
19 of the Ministry.

20 He'd been formally a police officer as well.
21 So he brought breath of experience and expertise to this
22 review that made him the best candidate in our view to
23 conduct a review.

24 **MR. ENGELMANN:** Was there any thought given
25 at that time to having the IIU look at this?

1 **MS. NEWMAN:** No. I think our preferred
2 choice from among the investigative options was Mr. Downing
3 for the reasons I've cited.

4 **MR. ENGELMANN:** All right.

5 **MS. NEWMAN:** Remembering that the
6 allegations as we understood them in the website bridged
7 both the institutional and community sides of our business.

8 **MR. ENGELMANN:** Now, the notes continue on
9 the following page. We have some blackouts on the screen.
10 I'm looking at 1160602. This appears to still be August
11 8th, 2000. Am I correct?

12 **MS. NEWMAN:** That's correct.

13 **MR. ENGELMANN:** And there's some follow-up -
14 - there's a call to Gary Commeford?

15 **MS. NEWMAN:** That's correct. I'm assigning
16 that task to myself to call Gary Commeford.

17 **MR. ENGELMANN:** Okay. And "Brief Morris".
18 You're assigning that task to yourself as well?

19 **MS. NEWMAN:** I did.

20 **MR. ENGELMANN:** And he would have been your
21 boss at the time?

22 **MS. NEWMAN:** Yes, he was the Assistant
23 Deputy Minister at the time.

24 **MR. ENGELMANN:** All right. And then on to
25 the next page, there is a reference to "Claude, Project

1 Truth", and are we still on August 8th? Are you able to
2 tell us that from your more complete copy?

3 Do you see from the screen ---

4 **MS. NEWMAN:** M'hm.

5 **MR. ENGELMANN:** --- we have the reference in
6 the middle?

7 **MS. NEWMAN:** It's difficult to say. I don't
8 appear to have dated that page. It would have been
9 proximate to that date.

10 **MR. ENGELMANN:** There appears to have been
11 some contact between you and Claude Legault?

12 **MS. NEWMAN:** Yes.

13 **MR. ENGELMANN:** And he would -- the
14 reporting relationship, he reported to you?

15 **MS. NEWMAN:** He did.

16 **MR. ENGELMANN:** All right.

17 **MS. NEWMAN:** So there's a reference here
18 that would have been Claude bringing to my attention that
19 there were letters to the editor concerning Project Truth
20 that were addressing this and that one of the probation
21 officers, Don Billard, apparently had a copy of the website
22 because the website went up and then it came down ---

23 **MR. ENGELMANN:** Yeah.

24 **MS. NEWMAN:** --- very quickly.

25 **MR. ENGELMANN:** Yeah. Okay. Then on the

1 following page in your notes, and it's Bates page 1160604.
2 Do you know if there is a date for that page?

3 **MS. NEWMAN:** No, there does not appear to be
4 a date.

5 **MR. ENGELMANN:** All right. My copy's edited
6 even more than this one. Perhaps we can just scroll up the
7 screen ---

8 **THE COMMISSIONER:** Just a second.

9 **MR. ENGELMANN:** I just want to see two,
10 three and four. No, the other way. Let's just -- yeah.
11 No, I don't want the part about two.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 I want two, three and four only.

14 All right.

15 I guess it can't be done. My copy is
16 blacked out more than the copy on the screen.

17 **THE COMMISSIONER:** Right.

18 **MR. ENGELMANN:** There's a reference to a
19 woman there and a salary increase that shouldn't be there;
20 it's not relevant. Anyway. I'll carry on.

21 **MS. NEWMAN:** If I ---

22 **MR. ENGELMANN:** Can you tell us, is this
23 still the same date, Ms. Newman; is this still August 8th,
24 to your knowledge?

25 **MS. NEWMAN:** I don't know.

1 **MR. ENGELMANN:** All right.

2 **MS. NEWMAN:** It may have been within a few
3 days of August 8th.

4 **MR. ENGELMANN:** All right.

5 **MS. NEWMAN:** I, obviously, wasn't meticulous
6 in dating every page.

7 **MR. ENGELMANN:** That's fine.

8 **MS. NEWMAN:** What I would say to you about
9 this is that this was a list of items that I wanted to
10 address with my supervisor, Morris Zbar, the Assistant
11 Deputy Minister, and about which I discussed with him. So
12 of the four action items, only one of those, Item No. 2,
13 concerns the Cornwall probation and parole office.

14 **MR. ENGELMANN:** And there's something there
15 about -- is that the regional office relocation?

16 **MS. NEWMAN:** Yes. The reference here is to
17 -- actually, to the relocation of the Cornwall probation
18 and parole office and I had been trying, for some time, to
19 have the office relocated, again, as part of the response
20 to the concerns of clients coming forward, identifying to
21 their probation officers that it was difficult for them to
22 come back into the same office because it triggered
23 flashbacks and memories of abuse, and was creating
24 difficulty and trauma for them.

25 I had been working assiduously with the area

1 manager, Claude Legault, to try and have the office moved
2 and, unfortunately, office relocations, facilities issues
3 are among the most challenging things we have to manage.

4 So this is a reference to enlisting the
5 support of my assistant deputy minister to try to -- to try
6 to move the office more expeditiously.

7 **MR. ENGELMANN:** I understand that some of
8 the disclosures that were being made were that abuse took
9 place in the office itself.

10 **MS. NEWMAN:** I understand that, yes. Either
11 took place in the office or the office caused an
12 association and a link to the memory.

13 **MR. ENGELMANN:** All right.

14 If we could just take a quick look at
15 Exhibit 1072.

16 **THE COMMISSIONER:** That's in the binder?

17 **MR. ENGELMANN:** Yes, it's an email from Mr.
18 Commeford to Mr. Downing, with a copy to yourself.

19 **THE COMMISSIONER:** It's right at the
20 beginning.

21 **MS. NEWMAN:** Thank you.

22 **MR. ENGELMANN:** This would be -- appear to
23 be re-enforcing some of what Mr. Downing is being asked to
24 do?

25 **MS. NEWMAN:** That's correct. So we had had

1 a conversation with Mr. Downing. I had followed up with
2 Mr. Commeford to request Mr. Downing's services, and this
3 is confirmation from Mr. Commeford to Mr. Downing,
4 confirming that they had had a conversation on Friday,
5 August the 11th, where he was tasked with, in fact,
6 contacting the authorities involved in this investigation,
7 establishing a liaison and providing a report.
8 Essentially, consistent with the preliminary conversation
9 we'd had with Mr. Downing.

10 **MR. ENGELMANN:** All right.

11 And is that report -- I think it's deemed or
12 termed somewhere to be an administrative review?

13 **MS. NEWMAN:** That's right. That's what we
14 were calling it.

15 **MR. ENGELMANN:** Do that mean anything in
16 particular, that term? We've heard about operational
17 reviews, and operational audits, and administrative review.
18 Does that have any special significance within the
19 Ministry?

20 **MS. NEWMAN:** The concept of an
21 administrative review is that it's not an investigation per
22 se; it's to look into something and to provide a report; to
23 inquire into a matter which we were asking him to do to
24 find out what this was all about; what the website was all
25 about; what allegations of impropriety were being made to

1 liaise with the Crown and the police. Essentially, gather
2 information and report back to us, to assist us in forming
3 our next steps.

4 **MR. ENGELMANN:** Whether it's an actual
5 investigation or not, would it be fair to say that it
6 wouldn't involve investigating criminal allegations but
7 rather potential breaches of your Ministry's rules and/or
8 policies?

9 **MS. NEWMAN:** Absolutely, a fine distinction.
10 I think we were wanting to be very careful not to in any
11 way impede the police investigation.

12 **MR. ENGELMANN:** But he was to let you know
13 if you had staff that were breaching your own policies or
14 procedures?

15 **MS. NEWMAN:** Yes, we would need to consider
16 their employment status pending the investigation.

17 **MR. ENGELMANN:** And I recall, we looked at
18 this with Mr. Downing. It's section 22 and I'm going to
19 forget the name of the Act.

20 **MS. NEWMAN:** The *Ministry of Correctional*
21 *Services Act*.

22 **MR. ENGELMANN:** I knew you'd know.

23 But there are issues there when someone like
24 Mr. Downing is assigned as an investigator with respect to
25 how people respond to the fact that they can't withhold or

1 not disclose issues of that nature; because that can be a
2 breach of Section 22?

3 MS. NEWMAN: That's correct.

4 MR. ENGELMANN: And can lead to some
5 disciplinary action?

6 MS. NEWMAN: Yes.

7 MR. ENGELMANN: All right.

8 THE COMMISSIONER: In the same vein though,
9 don't you think -- while we're holding back because of
10 perhaps the criminal investigation that there's some merit
11 in looking very narrowly into your organization for the
12 benefit of the clients?

13 I mean you know that criminal investigations
14 can take a long time and in the meantime your most
15 vulnerable, who are your clients, may be suffering.

16 There doesn't seem to be any thought in
17 there about that side of it. Can you help me out?

18 MS. NEWMAN: That came in very short order.
19 I think in at -- you're absolutely right, Mr. Commissioner,
20 and I think we're always concerned about the potential
21 actions of our employees impacting on our clients and so we
22 would do whatever was necessary to determine and to
23 safeguard our clients.

24 And that would -- apart from the criminal
25 investigation, determine whether our staff were conducting

1 themselves appropriately or inappropriately or whether any
2 Ministry policies were being breached in order to protect
3 the interests of our clients, definitely.

4 At this stage this was the who, what, when,
5 where, why, what's going on stage.

6 **THE COMMISSIONER:** Right.

7 **MR. ENGELMANN:** So would you have had
8 communications, either directly or through Mr. Legault with
9 the staff at the Cornwall office about what Mr. Downing was
10 about to start doing?

11 **MS. NEWMAN:** Yes, I did. I had ongoing and
12 regular communication with Mr. Legault.

13 **MR. ENGELMANN:** And if you could then look
14 at Exhibit 1093; it's an email exchange, first of all,
15 between yourself and Mr. Legault, and then as well, an
16 email from yourself to Mr. Downing.

17 And I note, Mr. Commissioner, this is an
18 exhibit without a publication ban.

19 **THE COMMISSIONER:** Which one now?

20 **MR. ENGELMANN:** Ten ninety-three (1093).

21 **THE COMMISSIONER:** Yes.

22 **MR. ENGELMANN:** But in reviewing this, it's
23 become apparent that in the original email ---

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

25 **MR. ENGELMANN:** --- from Mr. Legault ---

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

2 **MR. ENGELMANN:** --- to Ms. Newman, there's a
3 reference to a former probationer who's alleged abuse. The
4 name appears in the penultimate paragraph; that large --
5 the second-last paragraph on the last page. See in the
6 third line where it says:

7 "PSR a few years ago on an offender
8 named..."

9 **THE COMMISSIONER:** Right.

10 **MR. ENGELMANN:** I think there should be a
11 publication ban on this document. I don't know if he's
12 listed as a moniker or not.

13 **THE COMMISSIONER:** No, he's not.

14 **MR. ENGELMANN:** So that's something that
15 we'll have to address.

16 **THE COMMISSIONER:** Yes, very well. So for
17 the purposes of -- for now, until we get into an in camera
18 session, which I understand is long overdue for a number of
19 these things, we'll have to do that.

20 **MR. ENGELMANN:** Ms. Newman, I'm going to
21 refer to this individual by name and I'd ask that you not
22 as well. I don't think there will be a need.

23 **MS. NEWMAN:** Thank you.

24 **THE COMMISSIONER:** So in any event, that
25 name, for the purposes of the press, there will be a

1 publication ban on the name contained in the before-last
2 paragraph on page 1001613, shown on the last line as a
3 former probationer, and we'll name that -- articulate that
4 name in camera just to make sure.

5 **MR. ENGELMANN:** All right. So, Ms. Newman,
6 apparently on Friday, August 11th, Mr. Legault sends you an
7 email entitled "Briefing Note", and this is a follow-up
8 after you've already spoken to him on the telephone on
9 August 8th, and he's telling you a little bit about some of
10 the concerns in the Cornwall office?

11 **MS. NEWMAN:** That's correct.

12 **MR. ENGELMANN:** And do you recall either by
13 refreshing your memory from the bottom of the page here or
14 just from your own memory, about some of those concerns at
15 the time?

16 **MS. NEWMAN:** Yes, I do. I recall the
17 situation and the concerns that were being expressed. The
18 staff in the office were very concerned and demoralized by
19 the contents of the website, the allegations that were
20 being made.

21 I think their sense was, you know, one of a
22 setback, in the sense that they had worked very hard to
23 create a safe, supportive environment for clients. victims
24 to come forward; that they felt that they were making
25 headway; that they were receiving disclosures, and then

1 sort of a pall was cast on the good work of the office as a
2 result of the website.

3 And I would say that the staff, in
4 particular Claude Legault, Sue Larivière and Carole
5 Cardinal were doing exceptional work in trying to create
6 that kind of an environment that was supportive of victims
7 and clients. They had an overriding deep and abiding
8 concern for their clients.

9 And so when this appeared it was a very
10 significant -- it had a significant impact on all of the
11 staff in the office and they felt that they had lost some
12 of the progress they had made.

13 It caused them to start to question their
14 colleague, Jos van Diepen, because there were references or
15 allegations that he may have known more than he had ever
16 disclosed. So that caused them to start to question
17 colleagues, to second guess and so on -- very difficult.

18 **MR. ENGELMANN:** Now, there are references to
19 staff concerns at the bottom of that page and onto the
20 following page. Those were things that would have been
21 brought to your attention, not only by email, but
22 presumably by Mr. Legault in person and by staff?

23 **MS. NEWMAN:** That's correct.

24 **MR. ENGELMANN:** There's a reference in this
25 email to Mr. van Diepen being on IJ training, and we've

1 heard that refers to "Integrated Justice".

2 Had there been a decision made about his
3 status and where he should be working at this time?

4 **MS. NEWMAN:** It's my recollection that that
5 decision that he would be assigned to and work for the
6 Integrated Justice Project came shortly thereafter. So he
7 may have been involved in some training related to
8 Integrated Justice.

9 If you could refer me to the paragraph I
10 might be able to provide more clarity around that.

11 **MR. ENGELMANN:** I think you're right that
12 something happens later in September, but it's in the
13 fourth paragraph:

14 "To make matters worse, Jos will be
15 absent all week as he will be in
16 Toronto for IJ training. Since his
17 return to work, Jos has not discussed
18 this website with staff, thus
19 increasing their doubt."

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

21 **MR. ENGELMANN:** All right.

22 **MS. NEWMAN:** So at that time he was still
23 working as a probation officer in the Cornwall office.

24 **MR. ENGELMANN:** Now, we see then your
25 response to Mr. Legault's message, and that starts on the

1 first page. And you talk about the fact that -- in the
2 fourth paragraph down -- that you've spoken to Paul Downing
3 and asked that he case manages from the Ministry's
4 perspective. So you're relating this to Claude Legault?

5 MS. NEWMAN: That's right. So I'm
6 confirming.

7 MR. ENGELMANN: And, again, you talk a
8 little bit about what he'll be doing?

9 MS. NEWMAN: That's correct.

10 MR. ENGELMANN: And then just as a follow-up
11 to that, Exhibit 1079 is an email from you to Paul Downing
12 on Monday August 21st, and it appears by this point-in-time
13 you've had an opportunity to review the full contents of
14 the website.

15 MS. NEWMAN: I don't recall reviewing the
16 full contents but having seen excerpts of the website.

17 MR. ENGELMANN: All right. Well, more than
18 the excerpt we looked at earlier. Is that fair?

19 MS. NEWMAN: Probably. I have not a clear
20 recollection of exactly what part of the website I did
21 review.

22 MR. ENGELMANN: Well, this email suggests
23 that at least you've read enough to have some concerns.

24 MS. NEWMAN: Absolutely.

25 MR. ENGELMANN: What were they then?

1 **MS. NEWMAN:** Well, the concerns then were in
2 relation to -- well, the only current employee that I was
3 aware of at that time who was identified in the website was
4 Jos van Diepen, and so my concern was that we look into
5 those allegations in relation to Jos as soon as we could.

6 **MR. ENGELMANN:** Is it fair to say that you
7 wanted Mr. Downing to interview him?

8 **MS. NEWMAN:** I think at that stage Mr.
9 Downing was tasked with looking into this, talking to the
10 Crown and the police and coming back with a plan to us in
11 relation to how he thought it would be best to approach
12 looking into the matter.

13 In the meantime, I didn't want to lose any
14 time in terms of asking Mr. van Diepen what his response
15 was to the allegations in the website.

16 **MR. ENGELMANN:** I think you've mentioned
17 there was a concern about not interfering with the police
18 investigation or words to that effect?

19 **MS. NEWMAN:** That's correct.

20 **MR. ENGELMANN:** Did you know whether the
21 police -- and the police being the OPP -- were actually
22 interviewing any of your staff at this time?

23 **MS. NEWMAN:** I didn't have specific
24 knowledge of the details of the Project Truth
25 investigation. I was certainly aware that it was ongoing

1 and was still an active police investigation.

2 **MR. ENGELMANN:** But were you -- did you
3 become aware that, in fact, they hadn't interviewed Mr. van
4 Diepen since, I guess, it was August of 1998 was the last
5 time they would have interviewed one of your employees, and
6 that they weren't actively interviewing your employees at
7 this time?

8 **MS. NEWMAN:** No, I wasn't aware of that and
9 I didn't become aware that they hadn't talked to Jos or
10 that they had talked to Jos, in fact, until Mr. Downing
11 interviewed Jos.

12 **MR. ENGELMANN:** All right. Now, you -- I'll
13 just be a moment.

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

15 **MR. ENGELMANN:** I just want to refer you
16 briefly to Mr. Downing's notes and they're at 1064 --
17 Exhibit 1064.

18 **THE COMMISSIONER:** We'll need the new book.

19 **MS. NEWMAN:** Thank you. I have 1064.

20 **MR. ENGELMANN:** The second page in, and it
21 actually has a "page 2" at the bottom. These are his
22 notes. It says:

23 "August 18th, 2000 at nine o'clock
24 Deborah Newman telephoned, briefed her
25 regarding my contacts with Pat Hall,

1 OPP, and Shelley Hallett, Crown
2 Attorney's office. Will provide her
3 with a briefing following my meeting
4 with Pat Hall and discussions with
5 Shelley." (As read)

6 So is it fair to say that -- do you recall -
7 - not the date, I don't expect you to -- but do you recall
8 Mr. Downing briefing you from time-to-time on his contacts
9 with either the OPP or with the Crown's office?

10 **MS. NEWMAN:** Yes, he did provide
11 periodically progress reports in relation to this.

12 **MR. ENGELMANN:** All right. And just by way
13 of example, if we look through these notes a bit further,
14 on August 24th, at the bottom of the next page:

15 "Telephoned Deborah Newman, left
16 voicemail."

17 Onto the page after that:

18 "September 3rd: Email to Deborah Newman.

19 September 5th: Call with Deborah Newman
20 and Lori Potter" -- et cetera.

21 So there at least from his notes, appears to
22 be some regular contact with you?

23 **MS. NEWMAN:** That's correct.

24 **MR. ENGELMANN:** And as I understand it, at
25 least during the first part of his mandate in the summer

1 and fall 2000, there would have been more contact between
2 the two of you than in 2001 when he finishes off his
3 mandate.

4 **MS. NEWMAN:** Yes.

5 **MR. ENGELMANN:** Is that fair?

6 **MS. NEWMAN:** Very much so. My involvement
7 diminished after December of 2000 and Mr. Downing's
8 continued activities were under the direction of Mr.
9 Commeford quite directly, and I would have been briefed
10 from time to time.

11 As we discuss this matter, the reasons for
12 that will become evident ---

13 **MR. ENGELMANN:** All right.

14 **MS. NEWMAN:** --- unless you'd like me to
15 talk about that now?

16 **MR. ENGELMANN:** Certainly.

17 **MS. NEWMAN:** So initially, I was the
18 Regional Director in August when this was -- first appeared
19 and engaged the services of Mr. Downing to look into this,
20 with Mr. Commeford's agreement, as his supervisor.

21 In September, I moved into the role of the
22 Assistant Deputy Minister, as I recall, mid-September, and
23 continued to play an active role as the Assistant Deputy
24 Minister together with other officials, including my Deputy
25 Minister, Morris Zbar; my colleague ADM, John Rabeau, on

1 the institutional side; and Gary Commeford.

2 So there were a number of opportunities for
3 us to consult as the senior leadership of the Ministry in
4 relation to this. I continued, as I say, to play a very
5 active role until such time as Mr. Downing submitted his
6 report to us. There were a number of follow-up interviews
7 that he was -- agreed to conduct following receipt of his
8 initial report.

9 By the end of December, I had certainly
10 satisfied myself that there was no current risk to current
11 Ministry clients as a result of Mr. Downing's work; that we
12 were talking about historical allegations of abuse
13 concerning two deceased probation officers and not any
14 current employees.

15 A number of other steps had been taken, as I
16 say, in relation to the protocol for taking disclosures
17 from clients, and there was the ongoing police
18 investigation still on the part of the OPP. And so at that
19 point, my involvement was not as extensive following
20 December of 2000. I'm sure you'll take me through, we had
21 also taken other steps as well, including seeking legal
22 opinions and advice in relation to what we ought to or
23 ought not to do by way of the information that had come to
24 our attention through Mr. Downing's report.

25 **MR. ENGELMANN:** And that was possible

1 discipline of some employees as a result of some of his
2 findings?

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

4 **MR. ENGELMANN:** All right.

5 And his report, as I understand it, was --
6 his first report, if I can call it that, was provided to
7 you and others on October 10th and then there was follow-up
8 interviews in October and November that he undertook?

9 **MS. NEWMAN:** That's correct.

10 **MR. ENGELMANN:** All right.

11 So just to go back through some of that, if
12 I may -- sorry, it's document number 100517.

13 **THE COMMISSIONER:** It's a new one.

14 **MS. NEWMAN:** Thank you.

15 **MR. ENGELMANN:** And this is an email from
16 Mr. Downing to Pat Hall with a copy to Ms. Newman.

17 **THE COMMISSIONER:** Whenever you would like
18 to take a break, Mr. Engelmann.

19 So this is Exhibit 1189.

20 **MS. NEWMAN:** Thank you.

21 **---EXHIBIT NO./PIÈCE No. P-1189:**

22 (100517) Email from Paul Downing to Pat Hall
23 re Project Truth dated August 15, 2000

24 **MR. ENGELMANN:** Would it be fair, Ms.
25 Newman, that you would just be cc'd on this so that Mr.

1 Downing is keeping you informed that he's getting in touch
2 with the OPP and taking matters on, as he's been asked?

3 **MS. NEWMAN:** Yes, that's right.

4 **MR. ENGELMANN:** All right.

5 Did he, in fact, brief you on his contact
6 with Pat Hall or do you have a recollection of that?

7 **MS. NEWMAN:** I don't have a specific
8 recollection other than at some point, he was clear that,
9 based on his conversations with Pat Hall as well as with
10 the Crown, that there were no current employees against
11 whom there was an investigation being conducted.

12 **MR. ENGELMANN:** And just to help with that,
13 Exhibit 1188, we just made it an exhibit; it's your
14 handwritten notes. I'm not sure if they're handy. It is
15 Bates page 1160605, Madam Clerk; 1160605.

16 Do you see about the middle of the page, Ms.
17 Newman, there is a reference to Paul Downing?

18 **MS. NEWMAN:** Yes.

19 **MR. ENGELMANN:** And if you scroll down to
20 where it says "Project Truth" it says:

21 "Assigned last Friday, Detective
22 Inspector Pat Hall, Project Truth, will
23 meet with Paul and share any
24 information he has re any employees
25 under investigation. Didn't think

1 there was anything our staff did that
2 was criminal/compromise employer.
3 Nothing to implicate Jos according to
4 police."

5 **MS. NEWMAN:** That's correct.

6 **MR. STAUFFER:** All right.

7 So you're getting some information fairly
8 early on about his contacts with the OPP and what he's
9 learned?

10 **MS. NEWMAN:** That's right.

11 **MR. ENGELMANN:** All right.

12 I'll just be a moment, sir.

13 **THE COMMISSIONER:** Certainly.

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

15 **MR. ENGELMANN:** And it's about this time,
16 and we've looked at it already, Exhibit 1079, that you are
17 reviewing the contents of the Project Truth website, and
18 you're concerned about the references to Mr. van Diepen and
19 exploring that further.

20 **MS. NEWMAN:** That's right.

21 **MR. ENGELMANN:** Okay. And you had met with
22 him before; correct?

23 **MS. NEWMAN:** Mr. van Diepen?

24 **MR. ENGELMANN:** Yes.

25 **MS. NEWMAN:** Yes, I had.

1 **MR. ENGELMANN:** Years earlier when you were
2 interviewing all the staff about issues with Mr. Robert,
3 you knew he had worked with both, Mr. Barque and Mr.
4 Seguin?

5 **MS. NEWMAN:** Yes.

6 **MR. ENGELMANN:** All right.

7 And so the fact that people are saying he's
8 got some knowledge, you want this looked into?

9 **MS. NEWMAN:** Yes, that's correct.

10 **MR. ENGELMANN:** All right.

11 Did he ever express any concerns about
12 either of his former colleagues to you when he would have
13 met with you at any time?

14 **MS. NEWMAN:** No, he did not.

15 **MR. ENGELMANN:** All right.

16 And so if he'd had any difficulty in
17 communicating with his director -- his manager at least
18 from '96 to '98 and '99 to 2000, if he wanted to go over
19 his manager's head, it would have been to you that he would
20 have reported?

21 **MS. NEWMAN:** That's correct.

22 **MR. ENGELMANN:** All right.

23 Perhaps we could take the break then, sir.

24 **THE COMMISSIONER:** Sure. Thank you.

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

1 veuillez vous lever.

2 This hearing will resume at 3:20.

3 --- Upon recessing at 3:05 p.m./

4 L'audience est suspendue à 15h05

5 --- Upon resuming at 3:24 p.m./

6 L'audience est reprise à 15h24

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

9 This hearing is now resumed. Please be
10 seated. Veuillez vous asseoir.

11 **THE COMMISSIONER:** I see Maître Dumais was
12 holding court in our absence.

13 **(LAUGHTER/RIRES)**

14 **THE COMMISSIONER:** Or courting disaster; I
15 don't know which one.

16 All right.

17 We are back.

18 **MS. NEWMAN:** Thank you.

19 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
20 **ENGELMANN (Cont'd/Suite):**

21 **MR. ENGELMANN:** Ms. Newman, I would like to
22 refer you to exhibit 770 and I'm quite sure that binder is
23 not in front of you.

24 **THE COMMISSIONER:** Mr. Engelmann has a habit
25 of having us go through three-ring binders.

1 **MS. NEWMAN:** So far you've ably met the
2 challenges in finding documents, so.

3 **MR. ENGELMANN:** There are lots of documents
4 in this case.

5 **MS. NEWMAN:** Thank you.

6 **THE COMMISSIONER:** Okay, we're there.

7 **MR. ENGELMANN:** Ms. Newman, this is an email
8 exchange that was attached to Mr. Downing's report as
9 Exhibit 9, but what it does is it -- there's an email that
10 apparently Mr. Legault is sending to you and Lori Potter --
11 and who is Lori Potter by the way?

12 **MS. NEWMAN:** Lori Potter was the Deputy
13 Regional Director in the Eastern Region.

14 **MR. ENGELMANN:** And you're both getting a
15 copy from Mr. Legault of an incident report that Mr. Nadeau
16 -- sorry, that Mr. van Diepen fills out concerning a
17 dealing he had with a Richard Nadeau?

18 **MS. NEWMAN:** That's right.

19 **MR. ENGELMANN:** Do you recall receiving
20 information about this?

21 **MS. NEWMAN:** Yes, I do.

22 **MR. ENGELMANN:** And were you made aware --
23 were you made aware of the fact that -- of who Mr. Nadeau
24 was and his involvement with this website?

25 **MS. NEWMAN:** My recollection is that he

1 indicated he was a private investigator. I can't recall
2 his association to the website.

3 **MR. ENGELMANN:** All right. He did indicate,
4 as he was trying to get information from Mr. van Diepen, as
5 we understand it, that he was a private investigator, that
6 he was assisting some victims who were suing, I believe,
7 the Ministry and others.

8 But as you can see from the email exchange,
9 from Mr. Legault to yourself, he's referring to a Mr. Keith
10 Ouellette; talked about the Project Truth website being
11 operational again within a short period of time. He also
12 referred to Dick (Richard) Nadeau from Casselman, as a
13 former victim who's actively assisting the victims get
14 organized, et cetera.

15 There's no reference in here to Mr. Nadeau
16 actually being the website operator but did you find out at
17 some point that in fact he was?

18 **MS. NEWMAN:** That does sound familiar.

19 **MR. ENGELMANN:** All right. And this
20 incident report was provided by Mr. van Diepen to Mr.
21 Legault and then on to you?

22 **MS. NEWMAN:** That's right.

23 **MR. ENGELMANN:** Was this of some
24 significance at this time, looking back?

25 **MS. NEWMAN:** We had been -- we were aware

1 that there were allegations being made against Mr. van
2 Diepen on the website that had briefly been in existence
3 and taken down and this was a short time later I think, a
4 renewal of these concerns and these allegations and Mr.
5 Nadeau presenting himself and making himself known to Mr.
6 van Diepen and to the area manager, Claude Legault.

7 So it was essentially, I suppose, an
8 acceleration of the activity.

9 **MR. ENGELMANN:** Just a couple of items
10 further in the binder; 773, Exhibit 773. There's another
11 email from -- or it's a memorandum from Mr. Legault to
12 yourself, enclosing yet another incident report from Mr.
13 van Diepen?

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

15 **MR. ENGELMANN:** Again, this is another
16 contact that Mr. Nadeau has with him?

17 **MS. NEWMAN:** Yes, I recall that. I recall
18 Mr. van Diepen being very upset that Mr. Nadeau had
19 presented himself at Mr. van Diepen's residence ---

20 **MR. ENGELMANN:** Yes.

21 **MS. NEWMAN:** --- and upset his daughter.

22 **MR. ENGELMANN:** Yes. And Mr. Legault is
23 reporting to you that:

24 "I spoke to Jos a few minutes ago. He
25 stated that he's not seeing clients

1 today. All his scheduled clients are
2 being asked to fill reporting forms, et
3 cetera." (As read)

4 It says:

5 "I know that he spoke to the local
6 Crown attorney about this, that he also
7 spoke to someone at Project Truth.
8 This is understandably a very stressful
9 episode for him. He does not want to
10 put himself in a position where his
11 comments could be misreported and is
12 quoted or used against him."

13 So you're getting another incident report.
14 He's been visited again by Mr. Nadeau, this time at his
15 home. He's visibly upset and he's speaking, apparently,
16 directly with the local Crown prosecutor and people from
17 the Project Truth team and that's being reported to you?

18 **MS. NEWMAN:** It is, yes.

19 **MR. ENGELMANN:** All right. And in the same
20 vein, he's writing to Mr. Legault about his concerns and
21 this is now early September. Again, I believe this would
22 have been shared with you but if you can have a look at
23 Exhibit 1177.

24 **THE COMMISSIONER:** It's the previous binder.

25 **MS. NEWMAN:** Okay. Which of the three

1 binders?

2 **THE COMMISSIONER:** If only there were three.
3 I'm sorry, 1177?

4 **MR. ENGELMANN:** Yes, 1177, sir, and I'm
5 particularly interested in the exchange that starts with
6 Mr. van Diepen's email to Mr. Legault dated September 7,
7 2000.

8 **MS. NEWMAN:** Sorry, could I clarify, Mr.
9 Engelmann?

10 **MR. ENGELMANN:** Yes.

11 **MS. NEWMAN:** Are you referring to the email
12 from Mr. van Diepen to Ms. McChesney copying Mr. Legault?

13 **MR. ENGELMANN:** I'm sorry, you're absolutely
14 correct.

15 **MS. NEWMAN:** Okay, thank you.

16 **THE COMMISSIONER:** I'm sorry, we're at 1177?

17 **MR. ENGELMANN:** Yes, but then leads to an
18 exchange of emails that includes yourself.

19 **THE COMMISSIONER:** Right.

20 **MR. ENGELMANN:** Do you know who Anne
21 McChesney is?

22 **MS. NEWMAN:** Yes, Anne McChesney is the
23 Legal Branch Director for the Ministry.

24 **MR. ENGELMANN:** All right. So we went
25 through this with Mr. van Diepen, but he's talking about

1 the website and on the second page of his email he sets out
2 two issues. He says:

3 "First of all, the Ministry is sending
4 someone from SIU to investigate me and
5 contact the task force. While I've
6 been advised to obtain legal counsel
7 that would be subject to reimbursement
8 by the government, I've also been
9 advised that there are specific
10 limitations on what is and is not
11 compensated..." (As read)

12 -- et cetera.

13 So the first issue appears to be he's
14 concerned about the fact that he's going to be interviewed
15 and concerned about not having his own lawyer.

16 And then the second issue he says -- can be
17 described as both a perceptual and ethical obligation on
18 the part of the Ministry. He says:

19 "I've complained to the local Crown
20 about the slandering of my name, that
21 it must violate some criminal statute.
22 While supportive, he has been told to
23 mind his own business since anything to
24 do with Project Truth is being handled
25 by a special prosecutor. They in turn

1 tell me that no offence has been
2 committed; that my best course of
3 action is to sue civilly. A
4 representative from the Attorney
5 General's Office in Toronto tells me
6 they will look into it further. Good
7 luck. Meanwhile, the Catholic Diocese
8 has retained legal counsel to sue on
9 behalf of the slandered clergy..." (As
10 read)

11 -- et cetera, et cetera.

12 So the second issue appears to be that he
13 wants a lawyer, either from the Ministry itself or paid by
14 the Ministry, to take some kind of action against this
15 website.

16 Those are two issues that he sets out in his
17 email to Claude Legault, and Legault then writes -- sorry,
18 to Anne McChesney and Claude Legault.

19 He then writes to you, and you'll see this
20 just above it.

21 "Greetings. I have read Jos's
22 comments. He certainly raises a few
23 valid points. Because of the
24 complexity, uniqueness and implications
25 of this case, the legal proceedings

1 could drag on for a long time, fees
2 could be staggering. Jos should not be
3 in a position of not having counsel..."

4 (As read)

5 -- et cetera.

6 So he appears to be passing this on to you
7 and asking for some assistance for van Diepen; correct?

8 **MS. NEWMAN:** That's correct.

9 **MR. ENGELMANN:** And you say:

10 "This is a very delicate situation. I
11 agree that Jos raises some valid
12 concerns. I would appreciate some
13 legal advice concerning this matter."

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

15 **MR. ENGELMANN:** Right?

16 **MS. NEWMAN:** That's right.

17 **MR. ENGELMANN:** And so -- and Mr. van Diepen
18 has been here and he certainly expressed a concern about
19 what he perceived as a lack of support from the Ministry.
20 He had a number of concerns, but one of them really seemed
21 to focus on not having a lawyer and not having support.

22 I just wanted to know if you could comment
23 on that from your recollection of what was going on at the
24 time?

25 **MS. NEWMAN:** Certainly.

1 I understand that this was a very stressful
2 time for Mr. van Diepen.

3 At the same time, the Ministry certainly, in
4 my view, had a duty to look into the allegations that were
5 being made against him, in the interests of ensuring that
6 our clients were appropriately protected and safeguarded in
7 any -- any respect.

8 I want to be clear that at no time were any
9 allegations being made against Mr. van Diepen that he, in
10 fact, had perpetrated any sexual abuse; the allegations
11 were that he had known and not disclosed his knowledge in
12 relation to this.

13 And -- so the Ministry, as I say -- I
14 understand he felt -- this was very stressful. He was a
15 contemporary, as you mentioned earlier, of Nelson Barque
16 and Ken Seguin in a three-person office. So there was a
17 reasonable question to be asked about what he did know or
18 didn't know.

19 And we needed to look into this; indeed, as
20 I say, we had a duty to look into this, in my view; so we
21 were -- we were determined that we needed to do that.

22 In relation ---

23 **MR. ENGELMANN:** Sorry, I just wanted to
24 interrupt for a second.

25 He certainly -- he was asked about that.

1 And I suggested to him that there was a need for the
2 Ministry to have an investigator asking him questions and
3 then he sort of fell back on, "Well, I should have had a
4 lawyer."

5 **MS. NEWMAN:** I see.

6 **MR. ENGELMANN:** And then there was still the
7 outstanding concern of -- of taking action against the
8 website.

9 **MS. NEWMAN:** That's -- that's correct.
10 So I think -- so on the first matter, I
11 think we had a duty to look into this.

12 On the second issue of legal representation,
13 I was seeking legal advice from our legal director in
14 relation to indemnifying or reimbursing Mr. van Diepen for
15 legal costs in the event that, as he expressed, he wished
16 to take action, potentially sue, launch a civil suit
17 himself and so on. And it's my recollection that, indeed,
18 that the Legal Branch did ultimately recommend that we
19 provide the cost within the Ministry's parameters of
20 expenses for legal representation, that we would provide
21 legal support or reimbursement of legal cost to Mr. van
22 Diepen.

23 **MR. ENGELMANN:** Was he advised of that?

24 **MS. NEWMAN:** Yes, he was.

25 **MR. ENGELMANN:** So he was aware that the

1 Ministry was prepared to pay for a lawyer for him?

2 **MS. NEWMAN:** That's correct.

3 There was a legal -- that was written up and
4 -- and he was sent a copy of that.

5 **MR. ENGELMANN:** All right.

6 But that seemed to be one of his concerns,
7 even to this day, that -- that the Ministry didn't provide
8 him counsel.

9 **THE COMMISSIONER:** Well, I think in his
10 memo, on page 1001817, he says -- and that's his memo to
11 Claude Legault and to Anne McChesney, it says:

12 "While I have been advised to obtain
13 legal counsel that would be subject to
14 reimbursement by the government, I've
15 also been advised that there is
16 specific limitations on what is and is
17 not compensated. I have asked but have
18 not received any clarification on this
19 other than no reimbursement if I am
20 found guilty."

21 So ---

22 **MR. ENGELMANN:** Sir, where are you reading
23 from; I apologize.

24 **MR. ENGELMANN:** Oh, I'm sorry.

25 Exhibit ---

1 **MR. ENGELMANN:** I know -- I've got the
2 exhibit.

3 **THE COMMISSIONER:** --- 1177.

4 **MR. ENGELMANN:** Yes.

5 **THE COMMISSIONER:** Page ---

6 **MR. ENGELMANN:** Eight one seven (817, which
7 paragraph?

8 **THE COMMISSIONER:** I'm sorry, yeah, the
9 middle paragraph, first of all, and it's the third line --
10 or the first line:

11 "While I have been advised to obtain
12 legal counsel..."

13 So he's aware that he can and will be
14 reimbursed, but nobody went -- from what I can understand
15 from him was, he would have liked to have known and be
16 reassured that he would be reimbursed for "this, this, that
17 and that".

18 And that was -- and, of course, there's the
19 retainer ---

20 **MR. ENGELMANN:** Sir, if you see the
21 reference here, it says:

22 "What I am concerned about is the fact
23 that I'm expected to pay for a lawyer,
24 including providing a retainer for
25 those services."

1 THE COMMISSIONER: M'hm.

2 MS. NEWMAN: M'hm.

3 MR. ENGELMANN: Do you know what that was --
4 he was told to do, essentially to come up with the money
5 and then send in the bill for reimbursement or do you
6 recall?

7 MS. NEWMAN: It's my recollection that he
8 was advised that he could retain legal counsel, within
9 parameters.

10 MR. ENGELMANN: Yes.

11 MS. NEWMAN: So the Ministry has particular
12 rates that they would authorize, and not Julian Falconer,
13 for example.

14 THE COMMISSIONER: What, does he charge less
15 than the ---

16 MS. NEWMAN: Somehow I rather doubt it, Mr.
17 Commissioner.

18 So within parameters he could certainly
19 retain legal counsel. He could submit invoices for
20 reimbursement to the Ministry on an ongoing basis in
21 relation to legal counsel.

22 So, in other words, when the Ministry
23 authorizes reimbursement, it's not *carte blanche*; there are
24 some parameters around the -- the provision of legal
25 services and that would have been made known to him, I

1 assume, by the Legal Branch.

2 **MR. ENGELMANN:** All right.

3 That's something -- that's not something you
4 dealt with him directly on?

5 **MS. NEWMAN:** No, I didn't.

6 **MR. ENGELMANN:** All right.

7 In that last full paragraph that we were
8 looking at on -- in this Exhibit 1177, the one that starts
9 "The second issue", further down he says and this is close
10 to the bottom,

11 "In a novel defence to a breach of
12 probation, one client has already
13 argued that he was afraid to report to
14 me because I was a pedophile."

15 Do you see that?

16 **MS. NEWMAN:** Yes, I do.

17 **MR. ENGELMANN:** "On that occasion, I again
18 asked for legal counsel and that
19 was..."

20 **THE COMMISSIONER:** "Poo-hoo'd".

21 **MR. ENGELMANN:** "...poo-hoo'd..."

22 I think, is what he says.

23 "...although the client was
24 convicted..."

25 et cetera.

1 "...and I feel like an enigma within a
2 riddle."

3 So he -- I'm not sure what he meant by that.

4 But in any event, was there some thought, at
5 that time, to his ongoing situation in your office and his
6 ongoing work as an active probation officer?

7 **MS. NEWMAN:** Yes, there was. I think that
8 indicated to me upon receipt, and review of his email, and
9 his concerns that he was finding it difficult to perform
10 his duties as a probation officer, and that as a -- as a
11 professional, he was essentially feeling somewhat
12 compromised, and being cast in a particular light or
13 perceptions and allegations were swirling around him

14 And as a result of that, I did go and meet
15 with him and his area manager, with Claude Legault, and
16 discussed his ability to continue in his current capacity
17 until this matter was resolved.

18 And I concluded that, in fact, his ability
19 to do his job was compromised.

20 And so a decision was made to offer him
21 alternative employment away from active client supervision
22 and the preparation of presentence reports so that he could
23 continue to perform some duties that -- that didn't
24 compromise him or his ability or clients in the office.

25 So I did, as I say, meet with him; I did

1 offer him an assignment to Integrated Justice Project, at
2 that time.

3 So I believe this was in very early
4 September ---

5 **MR. ENGELMANN:** Yes, you have some reference
6 to this in your notes; I just want to take you there
7 briefly: Exhibit 1188; the Bates page is 1160607. It's
8 about halfway in.

9 **MS. NEWMAN:** Did you say 1188, Mr.
10 Engelmann?

11 **MR. ENGELMANN:** Yes, I did.

12 **MS. NEWMAN:** I have nothing in this binder
13 at tab ---

14 **MR. ENGELMANN:** Oh, that's -- that's the new
15 -- one today?

16 **THE COMMISSIONER:** We're good, but not that
17 good.

18 It's notes like this?

19 **MR. ENGELMANN:** Yes.

20 They're handwritten notes.

21 **MS. NEWMAN:** Perhaps if we bring them up on
22 ---

23 **MR. ENGELMANN:** Yeah.

24 **MS. NEWMAN:** --- the screen, that would be
25 fine.

1 Thank you.

2 **MR. ENGELMANN:** Maybe you -- actually, you
3 may be able to read to them a bit better on the screen
4 because we can blow them up a bit.

5 It's just two quick references I wanted to
6 make; Bates page 1160607. There's a -- it says "Claude
7 Legault" and I'm assuming that's either in person or
8 telephone:

9 "August 29th, update re Project Truth
10 and Jos IR..."

11 I'm not sure what "IR" means.

12 **MS. NEWMAN:** Incident report.

13 **MR. ENGELMANN:** Okay, yes.

14 "...re private investigation (sic)
15 Nadeau, showing up at his residence,
16 reassignment to IJ."

17 So this is what you're talking about with
18 Mr. van Diepen?

19 **MS. NEWMAN:** That's correct.

20 **MR. ENGELMANN:** And then if we go to --
21 further down, just a couple further references in your
22 notes at page 612, so 1160612.

23 Just I note that there is a reimbursement
24 issue.

25 "Jos van Diepen, forward copy of

1 **MR. ENGELMANN:** But let's go there as well.
2 It's item three. I think this is all about Jos van Diepen.

3 **MS. NEWMAN:** It is.

4 **MR. ENGELMANN:** "Satisfied with answer re
5 legal fees".

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

7 **MR. ENGELMANN:** And did you actually meet
8 with him?

9 **MS. NEWMAN:** My recollection is I did meet
10 with him and Claude in the Cornwall office to discuss this
11 opportunity. In fact, there were two or three options
12 under consideration for his reassignment and the one that
13 he preferred was the Integrated Justice assignment.

14 **MR. ENGELMANN:** All right. And the next
15 note is a reference to Paul Downing to interview him last
16 week of September?

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

18 **MR. ENGELMANN:** All right. And we don't
19 have a date on this page, but these notes run through
20 September 8th apparently of the year 2000.

21 Okay. So Mr. van Diepen is transferred or
22 seconded to this other unit. Was that your suggestion?
23 Was that also his idea? Can you give us a sense as to
24 whether that was a mutual thing or not?

25 **MS. NEWMAN:** Yes. It was a mutual thing, as

1 you say. I did offer him, as I recall, a reassignment to
2 another probation office. I offered him an assignment to
3 the Cornwall jail and Integrated Justice was the third
4 option that had been identified.

5 He had a strong interest in technology. In
6 fact, he was very skilled and ended up doing a very good
7 job on the Integrated Justice assignment. And it was
8 something that was of significant interest to him.

9 **MR. ENGELMANN:** All right. I'd now like
10 then to take you to Exhibit 1080. This is an exhibit from
11 Mr. Downing's report; it's Exhibit Number 10 from his
12 report. It's an e-mail that he sends to you on September
13 3rd.

14 **THE COMMISSIONER:** You say 1080?

15 **MR. ENGELMANN:** Yes.

16 **MS. NEWMAN:** I'm getting better at this.

17 **MR. ENGELMANN:** If you could just have a
18 quick look at that e-mail?

19 We talked earlier about the original
20 discussion you had had with him in his original functions
21 and case management was one of them. He appears to be
22 saying it this time, this is now about three or four weeks
23 later, that a more formal and structured approach should be
24 implemented?

25 **MS. NEWMAN:** That's correct.

1 **MR. ENGELMANN:** And it's going to involve
2 some investigation on his part?

3 **MS. NEWMAN:** That's right. He had now done
4 the information-gathering phase of his review and was
5 proposing to submit a more formal plan for next steps, and
6 we endorsed that.

7 **MR. ENGELMANN:** All right. You were in
8 agreement with that?

9 **MS. NEWMAN:** Yes.

10 **MR. ENGELMANN:** All right. And, in fact,
11 yes, your response is on the following page where you say,
12 among other things:

13 "I now feel that a formal investigation
14 is required in light of all the
15 information that has come to life in
16 the past couple of weeks." (As read)

17 **MS. NEWMAN:** That's right. There was
18 certainly sufficient concern based on the information-
19 gathering; that we wanted him to now proceed to conduct
20 some interviews and take this further.

21 **MR. ENGELMANN:** And, in fact, as part of
22 that, if I can take you back to your notes for a minute,
23 that's Exhibit 1188 and if we go on the screen, it's Bates
24 page 1160611.

25 **THE COMMISSIONER:** Did you say 1088 or 1188?

1 **MR. ENGELMANN:** Eleven-eighty-eight (1188).

2 It's the notes.

3 **THE COMMISSIONER:** Yeah, they would be ---

4 **MR. ENGELMANN:** They're not a ---

5 **THE COMMISSIONER:** --- loose, these are the
6 ones you saw this morning.

7 **MS. NEWMAN:** Oh, those elusive notes.

8 **THE COMMISSIONER:** Yeah. So there on what
9 page now?

10 **MR. ENGELMANN:** It's Bates page 1160611.

11 **THE COMMISSIONER:** Zero-six-one-one (0611).

12 **MS. NEWMAN:** Thank you.

13 **MR. ENGELMANN:** This is just after you've
14 agreed that something more formal needs to be done and
15 there appears to be a telephone call. I'm not sure if it's
16 you, Mr. Downing and Mr. Commeford or if it's just you and
17 Mr. Downing. It's unclear when I'm looking at the note?

18 **MS. NEWMAN:** This would have been a
19 telephone contact that I had with Mr. Downing during which
20 he debriefed me on his conversation with Gary Commeford.

21 **MR. ENGELMANN:** All right. And it appears
22 he's saying what action was taken by area manager and ---

23 **MS. NEWMAN:** Regional office.

24 **MR. ENGELMANN:** As -- is it ---

25 **MS. NEWMAN:** As well.

1 **MR. ENGELMANN:** Okay.

2 "... interview Jos to get his version of
3 events last week of September. Doesn't
4 see need to interview me because I'm
5 the one who brought this forward." (As
6 read)

7 Was there some contemplation that you might
8 be interviewed?

9 **MS. NEWMAN:** Apparently. Between Mr.
10 Commeford and Mr. Downing and Mr. Downing reported out
11 their conversation to me.

12 **MR. ENGELMANN:** Is that just because of your
13 direct supervision over the Cornwall office from '96 to
14 '98?

15 **MS. NEWMAN:** That's right.

16 **MR. ENGELMANN:** All right. And then there
17 was a decision made that that wouldn't be necessary?

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

19 **MR. ENGELMANN:** All right. Now on September
20 9th, I understand you received a document from Mr. Downing
21 and I'm just going to find it. I'll just be a moment.
22 Yes, Exhibit 1082.

23 **MS. NEWMAN:** Yes, I have that, thank you.

24 **MR. ENGELMANN:** And this is a document that
25 Mr. Downing prepares. Am I correct?

1 MS. NEWMAN: That's correct.

2 MR. ENGELMANN: And he is forwarding it to
3 you for comment? Well, forwarding it to Mr. Commeford and
4 to you?

5 MS. NEWMAN: That's correct. Myself, Mr.
6 Commeford and, as I recall, Mr. Rabeau and Mr. Zbar as
7 well.

8 MR. ENGELMANN: All right. So in the first
9 few pages, he sets out some of the source documents from
10 the website. Is that correct?

11 MS. NEWMAN: That's right.

12 MR. ENGELMANN: And then on page 7 of the
13 document, he sets out some recommendations?

14 MS. NEWMAN: That's correct.

15 MR. ENGELMANN: And some are listed under
16 the title "Stage 1" and some under "Stage 2"?

17 MS. NEWMAN: Oddly enough I don't -- oh,
18 yes, I do see that.

19 MR. ENGELMANN: All right.

20 MS. NEWMAN: You're correct. Thank you.

21 MR. ENGELMANN: So under Stage 1, he's
22 suggesting that he interview 4 individuals?

23 MS. NEWMAN: That's right.

24 MR. ENGELMANN: And I just want to make sure
25 I understand who he is talking about here. The area

1 manager being -- that would be Mr. Robert?

2 MS. NEWMAN: That's correct.

3 MR. ENGELMANN: And the interview District
4 Administrator was that you or was that Mr. Roy?

5 MS. NEWMAN: I believe that might have
6 bridged Mr. Hawkins and Mr. Roy.

7 MR. ENGELMANN: All right.

8 Because the title was different then wasn't
9 it? It was Regional Manager?

10 MS. NEWMAN: Yes, it was. So it probably
11 was Mr. Roy.

12 MR. ENGELMANN: All right.

13 So as a result of conversations you would
14 have had, you decided to agree with the Stage One suggested
15 action. Am I right?

16 MS. NEWMAN: Yes, we did.

17 MR. ENGELMANN: And, for example, you're
18 going to interview Mr. van Diepen to see if he contravened
19 any Ministry policies?

20 MS. NEWMAN: That's correct.

21 MR. ENGELMANN: Reverend Maloney for the
22 same reason?

23 MS. NEWMAN: That's right.

24 MR. ENGELMANN: And the area manager and the
25 district manager or regional manager to determine what, if

1 any, action was taken by management?

2 MS. NEWMAN: That's right.

3 MR. ENGELMANN: All right.

4 And what about Stage Two; what, if any,
5 decisions were made about whether or not to proceed with
6 Stage Two?

7 MS. NEWMAN: Well, certainly in part, in
8 terms of the Stage Two contacts, he'd already been not only
9 authorized but requested to interview and speak with Pat
10 Hall of the OPP, number 5 on his list ---

11 MR. ENGELMANN: Yes.

12 MS. NEWMAN: --- in Stage Two, as well as
13 Shelley Hallett, the Crown Prosecutor.

14 MR. ENGELMANN: Yes.

15 MS. NEWMAN: And ---

16 MR. ENGELMANN: And he was already doing
17 that, was he not?

18 MS. NEWMAN: That's right, he was.

19 So in terms of the others on the Stage Two
20 list, the determination was that he ought to proceed with
21 his Stage One interviews, maintain contact with the Crown
22 and the police and then come back so that we could
23 reassess.

24 MR. ENGELMANN: All right.

25 Now, was there a concern expressed, either

1 then or later, that some of what he had suggested in Stage
2 Two might interfere with police investigations?

3 **MS. NEWMAN:** Yes, there was an overriding
4 concern that whatever he did would not interfere with the
5 police investigation. There was a sense that, you know,
6 going off to interview Perry Dunlop, for example, might
7 well taint the police investigation.

8 So at this time, when we met and received
9 his report, we authorized him to proceed with interviews
10 and to begin with the individuals named in one through four
11 while maintaining the Crown and police contact.

12 **MR. ENGELMANN:** All right.

13 Now, some of the other issues cited there to
14 obtain and review the W5 documentary, that wouldn't
15 interfere with a police investigation presumably?

16 **MS. NEWMAN:** No.

17 **MR. ENGELMANN:** Do you know if that was ever
18 done?

19 **MS. NEWMAN:** I don't know.

20 **MR. ENGELMANN:** All right.

21 And three sources identified in the website;
22 to your knowledge, was there follow-up by Mr. Downing to
23 interview further sources later on in the fall?

24 **MS. NEWMAN:** I'm not sure. The way it went
25 was something like this. Mr. Downing came forward with

1 this report. We wanted him to proceed to conduct
2 interviews. We asked him to proceed with the individuals
3 that he had named as Stage One. And the investigation --
4 his review proceeded from that -- on that basis.

5 And when he came back, having conducted
6 those interviews, we reassessed. We actually talked about
7 and asked him if he would undertake some follow-up
8 interviews that were indicated as a result of the initial
9 set that he had done.

10 At no point was there no Stage Two decision.
11 It was simply the overriding issue being: "Don't interfere
12 with the police investigation; do these interviews." He
13 came back; as I say, it naturally indicated follow-up
14 interviews that we felt needed to be conducted to provide
15 further information.

16 **MR. ENGELMANN:** All right.

17 And the decision about Stage One, et cetera,
18 I think it's set out in a brief email, Exhibit 1081. It's
19 a note from Paul Downing to Gary Commeford with a copy to
20 you.

21 He says, for example:

22 "Per our conversation, Stage One was
23 endorsed. One Stage One is completed I
24 will brief you and Deborah Newman
25 regarding information I may have

1 gathered."

2 **MS. NEWMAN:** That's correct.

3 **MR. ENGELMANN:** All right.

4 Now, it's my understanding, at least,
5 whether we're talking about Stage One or Stage Two, that
6 Mr. van Diepen was the only non-management Ministry
7 employee who was ever interviewed by Mr. Downing?

8 **MS. NEWMAN:** I believe that's so.

9 **MR. ENGELMANN:** All right.

10 And I realize that he's the only one living
11 who's mentioned on the website -- I think you told us that
12 earlier -- and that he had worked directly with both
13 Messrs. Barque and Seguin.

14 But we've heard from many witnesses,
15 including members of your staff, about Cornwall being a
16 small town, and in a small town one hears about things
17 through a variety of sources. And it talked about the
18 water cooler in your office. Some of them couldn't
19 remember who told them but they said they heard things
20 around the water cooler.

21 Given the serious nature of these
22 allegations, I'm just wondering why you or Mr. Commeford or
23 perhaps Mr. Downing himself didn't think more people should
24 have been spoken to, those people who were staff members,
25 other than Mr. van Diepen.

1 **MS. NEWMAN:** I think there was an
2 assumption, based on confidence in the Ontario Provincial
3 Police, that they were conducting a police investigation
4 and that as part of that investigation they would interview
5 whomever they felt might have information.

6 Our interest was a bit different. What we
7 were trying to look into was whether there were any current
8 employees who were under suspicion or against whom
9 allegations had been made and whether they had, in fact,
10 conducted themselves inappropriately.

11 **MR. ENGELMANN:** But I thought we'd agreed
12 already that your interest would be more on whether your
13 employees breached Ministry policies and directives. And
14 if you're concerned about whether Mr. van Diepen did or did
15 not, wouldn't you also have that concern for your other
16 employees?

17 **MS. NEWMAN:** There were no allegations being
18 made against any other employees, current employees.

19 **MR. ENGELMANN:** Well, not on a website, but
20 if the website says he knew things and he should have said
21 something about it, well what about the other employees who
22 also may have known things? It just wasn't put up on a
23 website. Wasn't there any thought given to asking them
24 questions about what they knew or ought to have known?

25 **MS. NEWMAN:** Mr. Downing was a skilled and

1 experienced investigator. We authorized him to start
2 interviews. If those interviews led to other interviews
3 that would assist him in his investigation, that would be
4 entirely up to him.

5 **MR. ENGELMANN:** When Mr. ---

6 **MS. NEWMAN:** In other words, we weren't
7 conducting the investigation. We authorized an
8 investigation and a scope. Within that he was free to do
9 whatever he felt was indicated as long as he didn't impede
10 a police investigation, and he was used to making those
11 judgments all the time.

12 **MR. ENGELMANN:** Okay. But I think the thing
13 that bothers me about the police investigation is the last
14 employee that the OPP talked to, that we're aware of at
15 least, was Mr. van Diepen himself back in August of 1998,
16 and we're talking about Mr. Downing doing a form of
17 investigation in the fall of 2000.

18 So I don't understand what the issue is
19 about the police. Just talking to your own employees about
20 what they knew, what they ought to have known or what they
21 might have suspected.

22 **MS. NEWMAN:** And if Mr. Downing had said "I
23 think I need to go further in these interviews" in order to
24 determine that then he would have been perfectly within his
25 rights as an investigator to do so. We set general

1 parameters for an investigation. After that -- again, it's
2 an important principle; we don't interfere in the
3 independence of an investigation either. If he had felt
4 that further interviews were required in order to establish
5 what was known, he could have done so.

6 **MR. ENGELMANN:** Because one of the things
7 that Mr. van Diepen testified here is he indicated to us
8 that he is the one who gave a statement to the police, and
9 his colleagues didn't; that some of them knew as much or
10 more as he did but they weren't asked about it. He seemed
11 to be concerned or upset about that. And that was
12 something that he suggested that others knew things and why
13 weren't they asked.

14 And that's one of the reasons I'm asking
15 you. You know, he came here and he said others knew
16 things, and we certainly had others from the staff testify
17 about hearing about things, never quite sure where, but ---

18 **MS. NEWMAN:** So I guess the question is:
19 Did they have any firsthand knowledge or was it rumour and
20 innuendo?

21 **MR. ENGELMANN:** Were they ever asked?

22 **MS. NEWMAN:** Well, Mr. Downing could
23 certainly have done that if he felt it was appropriate to
24 do so, and as we mentioned earlier, Mr. van Diepen was
25 identified because he was a contemporary in a three-person

1 office with the two probation officers who perpetrated this
2 vicious abuse. If there was an indication that others knew
3 something, they ought to have come forward, number one; and
4 they ought to have had more to offer than rumour and
5 innuendo, and if Mr. Downing felt indicated, he could have
6 conducted further interviews.

7 **MR. ENGELMANN:** But you certainly had long-
8 serving employees. You had Marcelle Leger, Louise Quinn
9 certainly both who worked with both, Messrs. Barque and
10 Seguin. You had Carole Cardinal who worked with Mr. Seguin
11 from 1982 to 1993. You had Mr. Rousseau who worked with
12 both, a former employee.

13 So there were a lot of people who -- and Mr.
14 Gendron certainly worked with Mr. Seguin for a while.
15 There were a lot of people in the office that would have
16 worked with one or both of these individuals. It wasn't
17 just Mr. van Diepen, and I'm just wondering why it just
18 didn't go further. And I'm not talking about police
19 investigation. I'm talking about Mr. Downing and/or some
20 internal investigation.

21 **MS. NEWMAN:** I can't speak on behalf of
22 either the police investigator or the Ministry
23 investigator. They conduct their investigations
24 independently and go where the trail leads them.

25 **MR. ENGELMANN:** All right.

1 But in at least with Mr. Downing, he's
2 reporting to you, to Mr. Commeford and possibly someone
3 else about his investigation.

4 **MS. NEWMAN:** Let me be clear. We set the
5 scope and the parameters for the investigation. We did
6 not, at any point, say -- if he had said, "I'm going to
7 conduct further interviews because it's leading me
8 somewhere," he would have been perfectly free to do that.

9 **MR. ENGELMANN:** All right.

10 But when he gave you his recommendations for
11 Stage One or Stage Two, you endorsed Stage One?

12 **MS. NEWMAN:** He said, "Let's start with
13 Stage One and then you come back and we'll see where this
14 goes" ---

15 **MR. ENGELMANN:** All right.

16 But ---

17 **MS. NEWMAN:** And at no point, did he come
18 back to say, "I need to interview anyone else,"
19 essentially.

20 And when he came back, then further
21 interviews were, in fact, conducted.

22 **MR. ENGELMANN:** All right.

23 But none of those further interviews were
24 with non-management staff?

25 **MS. NEWMAN:** I never made that distinction.

1 **MR. ENGELMANN:** All right.

2 Well, in fact, I don't think any of the
3 further interviews, with the exception of Peter Sirrs, were
4 with staff. There was an interview of a fellow by the name
5 of Pierre Landry at Équipe Psychosociale here in Cornwall.
6 There was a follow-up with three unnamed sources who were
7 alleged victims. I don't think there was any staff other
8 than Mr. Robert and Mr. Roy as managers, and Mr. van Diepen
9 as non-management.

10 **THE COMMISSIONER:** Mr. Sirrs.

11 **MR. ENGELMANN:** Oh, Mr. Sirrs, I mentioned.
12 Yes, he was a follow-up as a manager.

13 **MS. NEWMAN:** I'm not following your point,
14 I'm sorry.

15 **MR. ENGELMANN:** I guess my point is when you
16 said, well, non-management, they didn't follow-up with any
17 managers afterwards either, the follow-up, other than Mr.
18 Sirrs.

19 **MS. NEWMAN:** So now we are talking about the
20 follow-up interviews ---

21 **MR. ENGELMANN:** Yes.

22 **MS. NEWMAN:** --- that were conducted. So
23 when Mr. Downing came back after having completed these
24 interviews identified in his plan, there were some clear
25 gaps in information and questions about -- that we wanted

1 to find out more about in relation to what happened when
2 Mr. Silmsler came forward in 1993, because that was sketchy
3 information at that point for us at best.

4 **MR. ENGELMANN:** All right.

5 **MS. NEWMAN:** So we wanted to get a better
6 sense of what had happened in 1993. So a number of follow-
7 up interviews were necessary in order to determine that.
8 It was an area of concern obviously in terms of had the
9 Ministry handled this appropriately.

10 Secondly, we had questions about the letter
11 of reference that Mr. Sirrs had provided for Mr. Barque and
12 so Mr. Downing was asked to please fill in the information
13 by way of interview in relation to that.

14 So there were some clear gaps in knowledge
15 and information that caused us -- without any contemplation
16 of whether someone was a manager or a bargaining unit
17 member, they were the sources of required information to go
18 back and advise us on areas that were clearly of concern.

19 **MR. ENGELMANN:** And those decisions were
20 made by all of you after he submits his report?

21 **MS. NEWMAN:** That's right.

22 **MR. ENGELMANN:** And his report is Exhibit
23 958-A. We could go there for a minute.

24 **THE COMMISSIONER:** That's another binder.

25 **MS. NEWMAN:** Thank you.

1 **THE COMMISSIONER:** That's another binder.

2 **MS. NEWMAN:** Oh, another one.

3 Thank you.

4 **THE COMMISSIONER:** No, thank Mr. Engelmann;
5 958?

6 **MR. ENGELMANN:** Yes, 958-A. I'm not sure
7 what 958 is; so it's 958-A.

8 **THE COMMISSIONER:** Okay. So we are at the
9 administrative review prepared by Mr. Downing on October
10 2000. Do you have a page number?

11 **MR. ENGELMANN:** Well, let's just run through
12 it quickly if we can.

13 **THE COMMISSIONER:** All right.

14 **MR. ENGELMANN:** On the first page, there is
15 reference -- a caption, "Mr. Barque" and then a reference
16 to Mr. Sirrs.

17 **THE COMMISSIONER:** Oh, you are looking at
18 the Executive Summary?

19 **MR. ENGELMANN:** I am. That -- the report is
20 really an Executive Summary and then a number of appendices
21 and exhibits.

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

23 **MR. ENGELMANN:** There is no written report
24 other than these five or so pages.

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

1 **MR. ENGELMANN:** It's on page 6, he talks
2 about who he interviews.

3 So you received this report. As I
4 understand it, you have a -- either it's a meeting or
5 telephone conversations about it?

6 **MS. NEWMAN:** Yes.

7 **MR. ENGELMANN:** And about what you are going
8 to do for follow-up?

9 **MS. NEWMAN:** Yes, we had a meeting with Mr.
10 Downing, including Mr. Commeford, Mr. Zbar, the Deputy
11 Minister, myself and my colleague ADM, John Rabeau.

12 **MR. ENGELMANN:** And I was trying to find
13 that in your notes and perhaps -- so let's keep 958-A out
14 for a minute. We'll come back to it.

15 Document 126441.

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

17 **MS. NEWMAN:** Okay.

18 **MR. ENGELMANN:** It's -- I think we're beyond
19 that set of notes. We're onto the next one. These notes
20 are dated September 11th, 2000 to October 19th, 2000.

21 And at least from Mr. Downing's notes, it
22 appears the report was presented on October 10th -- or
23 October 10th, and a discussion took place about it, I think,
24 on October 16th.

25 **THE COMMISSIONER:** Exhibit 1190 is the

1 continuation of the notes.

2 --- EXHIBIT NO./PIÈCE No. P-1190:

3 (126441) Handwritten notes of Deborah Newman
4 dated 11 Sep 00 to 19 Oct 00

5 MR. ENGELMANN: Ms. Newman, on the -- it's
6 the fourth page and it's Bates page 1160618. You've got
7 the term "Roundtable" at the top. Perhaps you could just
8 help us there and decipher what's being indicated.

9 MS. NEWMAN: This is a Senior Management
10 Committee meeting of the Ministry attended by -- it has
11 nothing to do essentially with this specifically.

12 MR. ENGELMANN: All right.

13 MS. NEWMAN: So it's all of the members of
14 the Senior Management Team of the Ministry providing
15 roundtable updates to colleagues.

16 MR. ENGELMANN: So what about the next page
17 then?

18 MS. NEWMAN: That's a continuation of the
19 same meeting of the Senior Management Committee.

20 MR. ENGELMANN: There is some reference to
21 Project Truth here?

22 MS. NEWMAN: That's right. I would assume
23 that's why that's been included. So in other words, I
24 provided brief updates to Senior Management colleagues on a
25 variety of subjects, including Project Truth.

1 **MR. ENGELMANN:** All right.

2 And then we have three pages of notes. I'm
3 not sure of the date, but you've got "Project Truth" and
4 then you've got "Emile Robert" and quite a description.

5 Would these be as a result of your review of
6 Mr. Downing's report or your review of Mr. Downing's report
7 in discussions with him and others?

8 **MS. NEWMAN:** The latter.

9 **MR. ENGELMANN:** Okay. So this was -- you
10 have the report and you're having a discussion about it?

11 **MS. NEWMAN:** That's right.

12 **MR. ENGELMANN:** And you make some notes.

13 **MS. NEWMAN:** And I'm making some notes ---

14 **MR. ENGELMANN:** All right.

15 **MS. NEWMAN:** --- about what Mr. Downing's
16 view of this was.

17 **MR. ENGELMANN:** All right.

18 So when you write:

19 "1985: Been in Cornwall, new
20 circumstances of N. Barque..."

21 Downing is telling you that he thought Emile Robert knew
22 the circumstances of Nelson Barque?

23 **MS. NEWMAN:** That's right.

24 **MR. ENGELMANN:** All right.

25 And we've got issues about the permission to

1 live with ex-offender?

2 MS. NEWMAN: That's right. That Roy Hawkins
3 had provided permission to live with an ex-offender.

4 MR. ENGELMANN: "Observed Ken with four
5 youths; questioned Jos, the end of it".

6 Then the 1992, that's the Varley incident
7 we've heard about.

8 MS. NEWMAN: That's right.

9 MR. ENGELMANN: And then -- I'm just not
10 sure of your last reference, "Pattern of?"

11 MS. NEWMAN: "Nelson Barque, male young
12 offender living with single male."

13 MR. ENGELMANN: All right.

14 MS. NEWMAN: So Mr. Downing, as a result of
15 his review to date was expressing his views, his concerns
16 in relation to Emile Robert, which you've just outlined.

17 MR. ENGELMANN: All right. And things that
18 he knew?

19 MS. NEWMAN: That Mr. Downing felt that he
20 knew in any event.

21 MR. ENGELMANN: Fair enough, yes. Yes.
22 And then he's doing the same with Jos van
23 Diepen?

24 MS. NEWMAN: That's right.

25 MR. ENGELMANN: So it's his view that he did

1 know?

2 **MS. NEWMAN:** He felt that Mr. van Diepen did
3 know and ---

4 **MR. ENGELMANN:** And that would be know about
5 inappropriate contacts with clients, whether they're sexual
6 or otherwise, it's not clear.

7 **MS. NEWMAN:** It's goes on to clarify that.

8 "Suspected he was homosexual, admits he
9 knew clients interacted with him
10 socially at his house and at a tavern."

11 So he's saying what he believed Mr. van
12 Diepen knew.

13 **MR. ENGELMANN:** Does it carry on to the next
14 page?

15 **MS. NEWMAN:** Yes, it does.

16 **MR. ENGELMANN:** So when he says there:

17 "In a three-person office they had to
18 know something was wrong." (As read)

19 This is Mr. Downing's view?

20 **MS. NEWMAN:** That's right. This is all Mr.
21 Downing's view.

22 **MR. ENGELMANN:** For example, when he says:
23 "Says he told Emile and no action was taken,
24 follow-up." (As read)

25 Would that have been something that you would agree he

1 should follow-up with Mr. Robert?

2 MS. NEWMAN: Yes.

3 MR. ENGELMANN: And he apparently revealed
4 something about porno books in Nelson's office, went to
5 Ken, his PPO-3?

6 MS. NEWMAN: That's right.

7 MR. ENGELMANN: All right. And under "Next
8 Steps":

9 "Paul to follow-up three issues, Emile,
10 Gilbert Tayles ..."

11 -- I guess it is?

12 MS. NEWMAN: That's right.

13 MR. ENGELMANN: And that had to do with
14 another matter with Mr. van Diepen?

15 MS. NEWMAN: Yes. These follow-ups were
16 follow-up interviews to try and, again, address concerns
17 that had been raised in questions, so that he was to
18 follow-up with Emile Robert. He was to also interview
19 Gilbert Tayles, who had supervised Mr. Robert for a period
20 of time.

21 And I've got the Deputy's direction,
22 Morris's direction, in addition to interview Loretta Eley
23 to try and find out what had happened in 1993.

24 MR. ENGELMANN: This is with respect to why
25 there wasn't an IIU investigation. Is that correct?

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

2 **MR. ENGELMANN:** All right. And then two and
3 three, is that advice to yourself, that you're to brief
4 Morris.

5 **MS. NEWMAN:** It is. Brief Morris, get his
6 direction, possibly refer to legal and staff relations as
7 well as Crown law office, which he subsequently directed.

8 **MR. ENGELMANN:** All right. So back to 958A.

9 The reference under Peter Sirrs and the
10 concern, as I understand it, was with respect to the
11 favourable written and verbal references given by area
12 manager. It's the first page.

13 **MS. NEWMAN:** I didn't know it was a
14 favourable reference. My understanding was he did give a
15 written reference that confirmed the facts in relation to
16 Mr. Barque's employment, but there was a concern that he
17 had indeed provided a letter of reference under the
18 circumstances.

19 **MR. ENGELMANN:** No, I'm -- I'm not
20 suggesting he did one thing or another, I'm just reading
21 from the page.

22 **MS. NEWMAN:** Yes.

23 **MR. ENGELMANN:** The concern that arose and
24 the reason you wanted to follow-up was what Mr. Downing has
25 written here?

1 **MS. NEWMAN:** That's right.

2 **MR. ENGELMANN:** All right. And, in fact,
3 that's why Mr. Sirrs and then a Mr. Landry were interviewed
4 by Mr. Downing; correct?

5 **MS. NEWMAN:** That's correct.

6 **MR. ENGELMANN:** All right. And you would
7 have agreed that he should follow up?

8 **MS. NEWMAN:** Yes, I did. We had some
9 serious concerns in a number of areas which are detailed
10 here, which resulted in Mr. Downing continuing to conduct
11 interviews and follow-up.

12 **MR. ENGELMANN:** Right. No, he didn't stop
13 on October 10th?

14 **MS. NEWMAN:** No, he did not.

15 **MR. ENGELMANN:** And, in fact, in your next
16 set of notes -- so we'll just keep 958A aside -- but your
17 next set of notes, 1094; it's already an exhibit, Ms.
18 Newman. These are your notes from October 23rd to January
19 16th. I'm not sure if you have the binder for that. It's
20 Exhibit Number 1094. It's unfortunate they weren't -- we
21 don't have them altogether.

22 **THE COMMISSIONER:** They're in a -- it's in
23 one of the three.

24 **MS. NEWMAN:** In one of the binders? Thank
25 you, Mr. Commissioner.

1 **THE COMMISSIONER:** One-zero-nine-four
2 (1094).

3 Madam Clerk, can you give a hand?

4 **MS. NEWMAN:** Not that binder.

5 Thank you, I have the reference.

6 **MR. ENGELMANN:** Okay, so you might want to
7 try and keep that open and also keep 958A open.

8 **MS. NEWMAN:** Okay.

9 **MR. ENGELMANN:** So in 1094, it's the third
10 page; the Bates page is 1160625. It's a reference to
11 Project Truth, November 14th, M. Zbar and I can't read the
12 second name.

13 **MS. NEWMAN:** J. Rabeau.

14 **MR. ENGELMANN:** Okay and G. Commeford and D.
15 Dwyer and self?

16 **MS. NEWMAN:** That's correct.

17 **MR. ENGELMANN:** So there's a number of you
18 meeting about follow-up with Mr. Downing?

19 **MS. NEWMAN:** That's right.

20 **MR. ENGELMANN:** And you've got some kind of
21 a preliminary legal opinion, presumably?

22 **MS. NEWMAN:** That's right. We were
23 requesting a preliminary legal opinion on the matters that
24 are set out in my notes.

25 **MR. ENGELMANN:** All right. And the first

1 concern is Peter Sirrs', I guess, positive reference issue
2 of liability?

3 MS. NEWMAN: That's correct.

4 MR. ENGELMANN: All right. So he still
5 hadn't been interviewed yet. That was coming though;
6 right?

7 MS. NEWMAN: I can't recall the dates.

8 MR. ENGELMANN: All right, fair enough.

9 Now, then with respect to Mr. Robert, there
10 were issues that we looked at in your previous notes about
11 some of what he had said and what he had done and what he
12 had known and you've got a note here, "Wilful blindness"?

13 MS. NEWMAN: Yes, that was the question, was
14 this a case of wilful blindness, turning a blind eye to
15 what was going on.

16 MR. ENGELMANN: All right. And can you tell
17 me what the rest of this means under Emile Robert?

18 MS. NEWMAN: Yes. The fact that there was a
19 10-month delay in the Travis Varley incident and the
20 subsequent manslaughter, the fact that there was a 10-month
21 delay between the time that that occurred and the reporting
22 to the regional office was of concern.

23 That was a question, why did it take Mr.
24 Robert 10 months to send something in writing to the
25 regional director, his supervisor.

1 **THE COMMISSIONER:** That was a black and
2 white issue, is that what you've written here?

3 **MS. NEWMAN:** Black and white issue, yes.

4 **MR. ENGELMANN:** You mean it should have been
5 obvious that something should have done immediately?

6 **MS. NEWMAN:** I'm not sure what the reference
7 to black and white issue means.

8 **MR. ENGELMANN:** All right.

9 **MS. NEWMAN:** The issue though was why did it
10 take 10 months to report.

11 Another concern was that it was reported
12 that he saw Ken with "rough looking kids" and when was that
13 and how did it play into his understanding of what was
14 happening?

15 The granting of permission to live with an
16 ex-offender was another area of concern and the fact that
17 there appeared to be no level of inquiry until the police
18 were involved. This is all in relation to the Varley
19 incident and visitation to Ken Seguin's residence together
20 with other young people.

21 **MR. ENGELMANN:** All right. So these are
22 still -- these are still issues that you're discussing as a
23 result of the original interviews that Mr. Downing would
24 have done with them and how he's related it in his report
25 at 958A, where he summarizes what they would have told him;

1 Robert, Roy, others?

2 MS. NEWMAN: Those were the summary of the
3 concerns that Mr. Downing raised, whether or not he had by
4 then conducted follow-up interviews, I'm not certain.

5 MR. ENGELMANN: Okay. And then the "3" is
6 Jos?

7 MS. NEWMAN: That's correct.

8 MR. ENGELMANN: Is that "contradicted
9 himself"?

10 MS. NEWMAN: We understood that there was
11 some contradiction in terms of the interview he gave to the
12 OPP and the interview he gave to Mr. Downing. So that
13 interview had occurred and whether or not in fact he was a
14 close friend of Ken Seguin's or whether he was trying to
15 distance himself at this juncture.

16 MR. ENGELMANN: All right. So Mr. Downing
17 would have reported that there were some contradictions in
18 what Mr. van Diepen told the OPP and what he was told by
19 Mr. van Diepen?

20 MS. NEWMAN: I understand they weren't
21 entirely consistent.

22 MR. ENGELMANN: Now, we -- we went through
23 some of that here, as well.

24 All right, and there's some indication of
25 work to be done?

1 **MS. NEWMAN:** That's right. So the follow-up
2 actions were -- we wanted to have a -- a Project Truth
3 chronology put together to see the -- the whole picture; we
4 wanted to have, number one, the notation that Denise Dwyer,
5 lawyer from the Legal Branch, would prepare her legal
6 advice to us within a week in writing.

7 And point number two refers to a referral to
8 Management Board Secretariat where we have labour lawyers
9 in government to assess any potential discipline or advice
10 in relation to the -- the concerns that had been raised.

11 **MR. ENGELMANN:** These are concerns about Mr.
12 van Diepen, Mr. Robert, Mr. Sirrs?

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

14 **MR. ENGELMANN:** Okay.

15 **MS. NEWMAN:** Third, deputy minister was to
16 brief the minister once the Management Board Secretariat
17 advice had been received.

18 And four, Paul Downing was to interview
19 Peter Sirrs.

20 **MR. ENGELMANN:** And what about the last
21 comment, the issue?

22 **MS. NEWMAN:** There's a notation that if
23 they're disciplined in terms of next steps, that they would
24 -- there would be a strong possibility that they would
25 grieve and this would be made public through the grievance

1 process; so it's a simple statement of fact.

2 **MR. ENGELMANN:** That's "E and J", being
3 Emile and Jos?

4 **MS. NEWMAN:** That's correct.

5 So the current employees against whom we
6 were contemplating the possibility of taking disciplinary
7 action, in our experience people tend to grieve that
8 disciplinary action, so that's the next step, preparation.

9 **MR. ENGELMANN:** All right. Well, we did
10 hear earlier from Mr. Sirrs, a concern expressed that at
11 least back in the early eighties, allowing an employee like
12 Mr. Barque to resign was a way to deal with something
13 quietly, that there's not a grievance, it's not publicized.

14 We seem to be getting a note here or
15 suggesting as well, that if they grieve, this could be made
16 public; is that -- was that a concern of yours and ---

17 **MS. NEWMAN:** Not at all.

18 **MR. ENGELMANN:** --- of others at that time?

19 **MS. NEWMAN:** Not at all.

20 I have never, in my 29-year career, not
21 taken action because I was concerned that someone would
22 grieve and something would go public I can assure you.

23 This is a notation of a fact, essentially,
24 that we would need to be prepared for, which we prepare for
25 every day.

1 We, unfortunately, have thousands of
2 grievances. We work in a very litigious environment and a
3 difficult labour relations environment and we would simply
4 need to be prepared and to prepare the minister to answer
5 any questions with confidence in the House.

6 **MR. ENGELMANN:** So more House notes?

7 **MS. NEWMAN:** Yes, more House notes.

8 **MR. ENGELMANN:** Okay. All right. So there
9 was going to be follow-up with Mr. Sirrs and Mr. Downing
10 was asked to follow that up and he did?

11 **MS. NEWMAN:** That's correct.

12 **MR. ENGELMANN:** And, in fact -- and this is
13 one of the exhibits to his document; it's document number
14 100584.

15 **THE COMMISSIONER:** It's a new document.

16 **MR. ENGELMANN:** It's an email from Mr.
17 Downing to Mr. Commeford, with a copy to Ms. Newman and Ms.
18 Dwyer.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **THE COMMISSIONER:** Thank you.

21 Exhibit No. 1191.

22 **--- EXHIBIT NO./PIÈCE NO. P-1191:**

23 (100584) Email from Paul Downing to Gary
24 Commefford dated November 24, 2000

25 **MS. NEWMAN:** Thank you.

1 (SHORT PAUSE/COURTE PAUSE)

2 MS. NEWMAN: I've reviewed that, thank you.

3 MR. ENGELMANN: All right. So that -- that
4 just confirms that Mr. Downing did go ahead and at least
5 attempt to get some information from Mr. Sirrs?

6 MS. NEWMAN: Yes, he did.

7 MR. ENGELMANN: And I recall we went through
8 this earlier, the notation, "positive reference issue of
9 liability", that had been a concern; as a result of this
10 report back, was there any disciplinary action contemplated
11 against Mr. Sirrs or was that even a relevant
12 consideration?

13 THE COMMISSIONER: He was retired by then.

14 MR. ENGELMANN: Because I think -- I think
15 he was already retires.

16 MS. NEWMAN: As Mr. Commissioner points out,
17 he was retired at that time. Nevertheless, we were very
18 concerned about it but certainly not in a position to take
19 any action in relation to Mr. Sirrs.

20 We also, however, did seek legal advice as
21 to whether there was anything else we could contemplate
22 doing as a result ---

23 MR. ENGELMANN: With respect to that
24 reference issue?

25 MS. NEWMAN: That's right.

1 **MR. ENGELMANN:** All right. And now with Mr.
2 van Diepen ---

3 **THE COMMISSIONER:** Well ---

4 **MR. ENGELMANN:** Sorry?

5 **THE COMMISSIONER:** Did you develop a policy
6 on letters of recommendation?

7 **MS. NEWMAN:** We don't have a policy on
8 letters of recommendation.

9 Without knowing all of the circumstances, I
10 would suggest it probably was inappropriate to have
11 provided a letter of reference; that may be an
12 understatement. We were significantly concerned about
13 that.

14 No, we haven't -- I don't believe we have a
15 policy that says "if someone has perpetrated criminal
16 conduct or an abuse that you shall not provide". One would
17 think one's judgment would tell you that you -- you ought
18 not to provide a letter of reference.

19 **MR. ENGELMANN:** All right. We talked about
20 Mr. van Diepen and he's referenced, obviously, in the
21 report, 958A.

22 **THE COMMISSIONER:** I'm sorry, I'm sorry; you
23 said that if somebody perpetrated a crime, well with Mr.
24 Barque, I don't know if it was a crime as opposed to
25 breaching a policy of conflict of interest with your

1 Ministry.

2 **MR. ENGELMANN:** The original?

3 **THE COMMISSIONER:** The original one, yes.

4 When he resigned, I believe the person was
5 an adult and there was an issue of consent and I don't
6 think there were ever any criminal charges laid; were they?

7 No.

8 So it's not as easy as that, now.

9 I just want to make sure you understand,
10 though, but it was clearly a breach of your standards which
11 would have, had he not resigned, maybe gone to that
12 disciplinary action where there's a grieving process, all
13 right? So what would you do then?

14 **MS. NEWMAN:** Well, you make a very important
15 distinction and you're absolutely correct, Mr.
16 Commissioner.

17 The 1982 situation was not criminal conduct;
18 the subsequent one was, later in '94.

19 In -- in '82, it was -- it would have been a
20 breach of Ministry policies and -- and considered to be
21 sexual impropriety.

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

23 **MS. NEWMAN:** And so I would -- my comment
24 would be the same; that one surely would exercise the same
25 judgment in either case and not provide a letter of

1 reference under those circumstances.

2 **THE COMMISSIONER:** For a position of social
3 work with handicapped children?

4 **MS. NEWMAN:** Absolutely.

5 **THE COMMISSIONER:** Or people -- people;
6 maybe adults would, you know, be ---

7 **MR. ENGELMANN:** They were, yeah.

8 **MS. NEWMAN:** Any situation that involves
9 work that's related in any way and that might pose a risk.

10 **MR. ENGELMANN:** The allegation that you were
11 aware of in the admission of the sexual relationship, Mr.
12 Barque was in a position of trust?

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

14 **MR. ENGELMANN:** There could be a question as
15 to whether the individual was of age or not, if the
16 individual was 18 or 19, whether or not there could be a
17 consensual sexual relationship, given Mr. Barque's position
18 and a probationer?

19 **MS. NEWMAN:** That would be highly debatable.
20 I would argue that he was in a position of trust and one
21 cannot assume consent when you're in a -- you have a power
22 differential in a relationship like that.

23 **MR. ENGELMANN:** Right. And therefore
24 whether the action, criminal or not, the action would be
25 the subject of discipline?

1 **MS. NEWMAN:** Absolutely.

2 **MR. ENGELMANN:** And no doubt a decision to
3 terminate?

4 **MS. NEWMAN:** Potentially. Those decisions
5 and in relation to discipline are made in contemplation of
6 the seriousness of the circumstances, which in that case
7 was extremely serious; the length of service of the
8 employee; their employment record; labour law and case law
9 in essence; is considered in making a decision on
10 discipline.

11 However, I think that particular situation,
12 if you were asking me if I was making the disciplinary
13 decision, I would say I would terminate the individual.

14 **MR. ENGELMANN:** All right. You've mentioned
15 some of the concerns that Mr. Downing shared with you and
16 others about Mr. van Diepen?

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

18 **MR. ENGELMANN:** About the fact that he
19 thought he knew about various things?

20 **MS. NEWMAN:** That's right.

21 **MR. ENGELMANN:** Concerns about
22 contradictions and statements, et cetera; correct?

23 **MS. NEWMAN:** That was Mr. Downing's view,
24 yes.

25 **MR. ENGELMANN:** Yes, and he was the one

1 taking the statement and reviewing the other statements?

2 **MS. NEWMAN:** That's right.

3 **MR. ENGELMANN:** And as a result was there
4 any decision made -- oh, we talked about knowledge,
5 knowledge of various -- what he calls inappropriate
6 contacts between Mr. Seguin and probationers -- and there
7 were issues involving, I guess, Mr. Barque early on as
8 well, but did -- was there any decision made to discipline
9 Mr. van Diepen as a result of any of this?

10 **MS. NEWMAN:** I think there was a sense that
11 -- in relation to Mr. van Diepen, that the information
12 provided was inconclusive as to what he did or did not
13 know.

14 I think Mr. Downing was drawing conclusions
15 but it wasn't necessarily based on solid evidence of what
16 Mr. van Diepen knew or did know. I think Mr. Downing was
17 applying his own standard of what he ought reasonably to
18 have known.

19 **MR. ENGELMANN:** Yes.

20 **MS. NEWMAN:** And in any event, we referred
21 that for legal advice prior to taking any action and as a
22 result of that legal advice we did not take action in
23 relation to Mr. van Diepen.

24 **MR. ENGELMANN:** Section 22 does talk about
25 issues of knowing, suspecting or reasonably ought to have

1 known if we're talking about breaches of Ministry policies
2 or rules and non-reporting, there are issues that arise?

3 MS. NEWMAN: I'm sorry, can you refer me to
4 what you're referencing?

5 MR. ENGELMANN: Section 22 that we discussed
6 earlier.

7 MS. NEWMAN: Section 22 of the *Ministry of*
8 *Correctional Services Act*?

9 MR. ENGELMANN: Yes.

10 MS. NEWMAN: I don't know it off by heart.

11 MR. ENGELMANN: Okay. Maybe I can help.

12 (SHORT PAUSE/COURTE PAUSE)

13 MR. ENGELMANN: It's Exhibit 1178.

14 MS. NEWMAN: Thank you.

15 MR. ENGELMANN: The third page in, Ms.
16 Newman, there's a reference to the section.

17 I guess my question to you is, was that
18 section discussed at all when you were discussing what, if
19 anything, might be done with Mr. van Diepen?

20 MS. NEWMAN: Section 22 -- no, section 22 of
21 the *Ministry of Correctional Services Act* is the section
22 that provides the authority for the designation of an
23 inspector and what the inspector then has the authority to
24 do.

25 THE COMMISSIONER: M'hm.

1 **MS. NEWMAN:** And ---

2 **MR. ENGELMANN:** I'm just -- I'm concerned
3 with the second half of that sentence -- of the paragraph.

4 **THE COMMISSIONER:** So:

5 "Anyone who obstructs an inspection or
6 investigation or withholds, destroys,
7 conceals or refuses to furnish any
8 information or thing required by an
9 inspector for the purposes of this
10 investigation."

11 **MR. ENGELMANN:** I was just wondering if that
12 was discussed when you were discussing whether or not there
13 would be any further action with respect to Mr. van Diepen?

14 **MS. NEWMAN:** Not to my recollection.
15 Essentially, this is the section that empowers Ministry
16 investigators to require employees not to withhold
17 information or obstruct an investigation. It requires them
18 to essentially provide information if they're requested to
19 do so by the Ministry inspector.

20 **MR. ENGELMANN:** Yes.

21 **MS. NEWMAN:** So in this case Mr. Downing, in
22 conducting interviews, would have expected those he
23 interviewed to have been forthcoming with information, not
24 to have obstructed his investigation or withheld
25 information.

1 As I say, with respect to Mr. van Diepen,
2 that was really quite inconclusive.

3 **MR. ENGELMANN:** All right.

4 **THE COMMISSIONER:** But it also refers to the
5 investigation. So I don't know if it really is the -- I
6 mean, for example, Mr. van Diepen could have known of
7 everything and if in his interview he would have said that,
8 well then he would not have been subject to a section 22
9 problem because ---

10 **MR. ENGELMANN:** That's correct, if he didn't
11 withhold or conceal.

12 **THE COMMISSIONER:** Right. I think the issue
13 really is whether Mr. van Diepen knew or ought to have
14 known that these things were going on and what did he do or
15 not do as a result of that.

16 **MR. ENGELMANN:** And then we'd be dealing
17 with a different policy or different rules.

18 **THE COMMISSIONER:** Exactly.

19 **MR. ENGELMANN:** Fair enough?

20 **MS. NEWMAN:** You're entirely correct. I
21 think this confers the power on an inspector to have people
22 cooperate with him.

23 **MR. ENGELMANN:** Yes.

24 **MS. NEWMAN:** So if you were interviewing an
25 employee who said, "I have all kinds of relevant

1 information but I'm not going to tell you" then section 22
2 is relevant.

3 **MR. ENGELMANN:** Now, there were some
4 concerns that were raised about Mr. Robert and some of them
5 were set out in your notes about wilful blindness, about
6 what he knew, and tardiness in taking action, et cetera.

7 What was done to address those issues? This
8 of course comes out in 2000. He's been transferred a year
9 or two earlier.

10 **MS. NEWMAN:** That's correct. So he's now
11 working in Ottawa Probation and Parole. These issues were
12 raised and were very serious concerns, as I've articulated.

13 And so we sought legal advice as to what we
14 ought to do in relation to potentially disciplining Mr.
15 Robert related to those concerns and, as a result of the
16 receipt of that legal advice, we did not discipline Mr.
17 Robert.

18 **THE COMMISSIONER:** Okay, but short of
19 disciplining him, did anybody go and see him and say, "You
20 know, Mr. Robert, look at this, all right, in the future a
21 letter of counsel", like you know, nobody would grieve that
22 if grievance is a problem, but don't you think somebody
23 should have at least -- if the man was ignorant -- ignored
24 or didn't have a clue about this whole thing, shouldn't
25 somebody as a colleague or as a mentor go up and say, "Look

1 it, you just can't do this anymore"?

2 **MS. NEWMAN:** I think that in relation to
3 those events that transpired some decade earlier, we acted
4 on the basis of the legal advice that we got.

5 Was I happy with that advice? No.
6 Nevertheless, we employ our lawyers to give us advice and
7 we consider that advice and we did so in this case.

8 **MR. ENGELMANN:** So none of these
9 individuals, Sirrs, who had left, van Diepen and Robert who
10 are still employees, but none of them were disciplined as a
11 result of anything that Mr. Downing uncovered?

12 **MS. NEWMAN:** That's correct.

13 **MR. ENGELMANN:** And you told us that there
14 were some unanswered questions regarding the Silmsers
15 complaint ---

16 **MS. NEWMAN:** Yes.

17 **MR. ENGELMANN:** --- and the follow-up.

18 **MS. NEWMAN:** Yes, there were.

19 **MR. ENGELMANN:** And if you still have 958A
20 open, the reference to the Silmsers issues is the bottom
21 part of page 4.

22 But if you could just tell me, if you can,
23 what some of those concerns were, those unanswered
24 questions, and why you asked Mr. Downing to do some follow-
25 up interviews?

1 For example, you asked him to follow-up with
2 Loretta Eley?

3 **MS. NEWMAN:** That's right.

4 We asked him to follow-up with Loretta Eley,
5 as well as with Lena Bradburn who was then -- Loretta Eley
6 was then the Deputy Minister's Executive Assistant and Lena
7 Bradburn was the Manager of the Independent Investigation
8 Unit -- because Mr. Roy, in effect, had set out a number of
9 steps that he had taken. It then became unclear at that
10 stage, without conducting further interviews, as to what
11 had actually happened and why, in fact, there wasn't a
12 Ministry investigation.

13 **MR. ENGELMANN:** And that was a concern, was
14 it not?

15 **MS. NEWMAN:** Yes, it was.

16 **MR. ENGELMANN:** And did it remain a concern
17 for you after these follow-up investigations were done by
18 Mr. Downing?

19 **MS. NEWMAN:** I think we had a much clearer
20 picture about what happened after Mr. Downing went back to
21 conduct further interviews.

22 And so the understanding was essentially
23 that Mr. Roy had followed Ministry policy; he had contacted
24 the Independent Investigation Unit when Mr. Silmsler had
25 made his allegations. Mr. Roy had also contacted the

1 police because there was alleged criminal conduct.

2 And subsequently, the manager of the IIU,
3 Ms. Bradburn, had followed up and made contacts with both
4 the Lancaster OPP and the Cornwall City Police and had
5 determined that they were indeed aware of Mr. Silmsers
6 allegations and that Mr. Silmsers was represented by
7 counsel. And that Ms. Bradburn had requested Mr. Roy to
8 get back in touch with Mr. Silmsers to say, in any event, if
9 he wished to put his complaint forward in writing the IIU
10 would review his complaint and determine whether or not to
11 conduct an investigation into his allegations.

12 Unfortunately it appears, through the
13 interviews and piecing these pieces of the puzzle together,
14 some years later, that Mr. Silmsers never did put his
15 complaint in writing and so essentially no investigation
16 took place on the understanding that it rested with the
17 police.

18 And as I understand also, Mr. Silmsers had
19 indicated an interest in pursuing the matter civilly. So I
20 think there was an assumption that he was going to file
21 through his counsel a civil suit.

22 So my understanding, again, is that in
23 addition to the IIU saying Mr. Silmsers could submit his
24 complaint and we'll review it, that Ms. Eley also notified
25 the Legal Branch that they might expect to receive a civil

1 suit filed by Mr. Silmsler and that there was information
2 related to such a civil suit, if indeed it was filed.

3 So that essentially is my understanding
4 based on the subsequent interviews that Mr. Downing
5 conducted.

6 So it did take some piecing together and
7 unfortunately there were some records and there were also
8 some areas where the steps taken could have been better
9 recorded. And certainly, looking back eight years later,
10 would have been more easy to understand what had
11 transpired.

12 **MR. ENGELMANN:** Well, Mr. Roy indicated to
13 us that he didn't think he should have been asked to ask
14 Mr. Silmsler to put something in writing; that that
15 shouldn't have been required; asking a victim to -- an
16 alleged victim to do that. He'd already made the complaint
17 on the phone.

18 Did you really think that was necessary?

19 **MS. NEWMAN:** That was the Ministry's
20 customary practice, was to receive a complaint in writing
21 before assessing the complaint and proceeding to look into
22 it.

23 In retrospect, certainly that's a fairly
24 rigid approach and I don't see why we couldn't, for
25 example, have had an investigator or Mr. Roy contact Mr.

1 Silmsers and take his complaint, write it down and forward
2 it to the IIU. So it was a fairly -- fairly rigid
3 approach.

4 **MR. ENGELMANN:** And I think at the time --
5 well, I don't want to get into whether Mr. Silmsers was
6 represented or not. There's an issue about whether he had
7 representation for a settlement and whether or not there
8 was much representation thereafter. But that was the
9 information you were receiving, that he had a lawyer?

10 **MS. NEWMAN:** That's correct.

11 **MR. ENGELMANN:** All right.

12 And Mr. Downing did follow-up with Ms. Eley
13 at the time; right?

14 **MS. NEWMAN:** Yes, he did.

15 **MR. ENGELMANN:** About that same issue, why
16 there wasn't an IIU investigation?

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

18 **MR. ENGELMANN:** And were you aware of the
19 fact that she was surprised that the matter wasn't
20 investigated by the IIU at that time, given what was known?

21 **MS. NEWMAN:** I think it would have been
22 customary to do an investigation when an allegation like
23 that was made. So I'm not surprised that she was
24 surprised.

25 **MR. ENGELMANN:** Well, in particular, when

1 there would have been other knowledge in the Ministry at
2 the time.

3 And I went through some of this with you
4 before, the death of Mr. Seguin, the issues involving
5 Barque, van Diepen and Seguin being coworkers, issues about
6 Barque sexually abusing clients under the Ministry's care
7 and supervision, the four young adults at Seguin's
8 residence in '92, Seguin living with Gerry Renshaw, et
9 cetera. When she was asked about that by Mr. Downing she's
10 surprised that there wasn't an investigation at the time,
11 back in '94 by the IIU.

12 **MS. NEWMAN:** That makes sense.

13 **THE COMMISSIONER:** Should we take a short
14 break, Mr. Engelmann?

15 **MR. ENGELMANN:** Sure.

16 I'm not sure how late you'd like to sit.

17 **THE COMMISSIONER:** Until 5:30 I guess.

18 **MR. ENGELMANN:** Okay. I can try and finish.

19 **THE COMMISSIONER:** Okay. Why don't we take
20 five minutes and we'll try to finish.

21 **MS. NEWMAN:** Thank you.

22 **THE REGISTRAR:** Order. All rise. A
23 L'ordre. Veuillez vous lever.

24 This hearing will resume at 5:05.

25 ---Upon recessing at 4:53 p.m./

1 L'audience est suspendue à 16h53

2 ---Upon resuming at 5:02 p.m.

3 L'audience est reprise à 17h02

4 **THE REGISTRAR:** The hearing is now resumed.
5 Please be seated. Veuillez vous asseoir.

6 **DEBORAH NEWMAN, Resumed/Sous le même serment:**

7 **THE COMMISSIONER:** So we'll go on until 5:30
8 or so and then we'll call it quits.

9 **MS. NEWMAN:** Thank you.

10 **MR. ENGELMANN:** Mr. Commissioner, I just
11 wanted to alert you and Ms. Newman that my friend Mr.
12 Neuberger's done some of my job for me; he's done an
13 informal poll of clients, with their clients counsel ---

14 **THE COMMISSIONER:** Yes.

15 **MR. ENGELMANN:** --- with respect to
16 anticipated length of cross-examination.

17 So I'm quite confident if we go until 5:30,
18 and even if I'm an hour in the morning, that we'll have
19 more than enough time to finish Ms. Newman well in advance
20 of the end of the day.

21 **THE COMMISSIONER:** Terrific.

22 **MR. ENGELMANN:** And unfortunately I don't
23 believe we have our next witness until Thursday morning,
24 but we certainly have things that we can do tomorrow
25 afternoon.

1 **THE COMMISSIONER:** Tomorrow's Tuesday.

2 **MR. ENGELMANN:** Tomorrow's Wednesday.

3 **THE COMMISSIONER:** Oh, yeah, that's right.

4 Yes, yes.

5 **MR. ENGELMANN:** With Mr. Robert coming on
6 Thursday morning.

7 **THE COMMISSIONER:** Yes.

8 **MR. ENGELMANN:** I can check with my
9 colleague, Mr. Ruel, to see if that can be moved up.

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

11 **MR. ENGELMANN:** If not, we may want to deal
12 with some other issues.

13 **THE COMMISSIONER:** Yes. Yes, very good.
14 Thank you.

15 ---EXAMINATION-IN-CHIEF BY/INTERROGATOIRE EN-CHEF BY MR.
16 **ENGELMANN (Con't/Suite):**

17 **MR. ENGELMANN:** I know there's going to be
18 more time past 5:30. Ms. Newman, I want to ask you about
19 recommendations at the end. I also want to ask you about a
20 couple of other things that I know will take longer than we
21 have and so, I will be done by an hour, an hour and a
22 quarter in the morning, that's my guesstimate.

23 **THE COMMISSIONER:** Okay.

24 **MR. ENGELMANN:** But if we want to be
25 absolutely sure, we could start at 9:00. I leave that to

1 you, sir. About -- just making sure there is plenty of
2 time.

3 **THE COMMISSIONER:** Any objections starting
4 at 9:00?

5 **MR. ENGELMANN:** Mr. Carroll's offer -- I'll
6 -- I've certainly wanted to start hearings at 8:30 before
7 but I've never had much concurrence with counsel, so I'm
8 not even going to suggest it.

9 **THE COMMISSIONER:** No, no, 9:00 o'clock ---

10 **MR. ENGELMANN:** Yeah, Mr. Neuberger thinks
11 we'll be fine at 9:30, I do as well, sir.

12 **THE COMMISSIONER:** All right, 9:30 it is.

13 **MR. ENGELMANN:** All right.

14 **THE COMMISSIONER:** Okay. So let's -- next
15 area Mr. Engelmann?

16 **MR. ENGELMANN:** All right. So the last
17 thing I want to cover on the Downing report and we -- and
18 this is the report 958A.

19 And we've confirmed that it's dated October
20 of 2000. And as I said, from Mr. Downing's notes, it
21 appears that it was delivered on or about the 10th. And
22 we've determined, of course, that you met with Mr. Downing
23 and with others, to determine where you were going and
24 follow-up.

25 And we've looked at the follow-up for Mr.

1 Robert; the Silmsler allegations, there was some concern;
2 Mr. van Diepen; Mr. Sirrs. All of those follow-ups have
3 been talked about.

4 And I want to ask you about something else
5 because I don't know if it was followed-up and I'd like to
6 -- I'd like you to turn to page 6.

7 **THE COMMISSIONER:** What's the exhibit number
8 again?

9 **MR. ENGELMANN:** Nine fifty-eight A (958A).

10 **THE COMMISSIONER:** Right. Great, thank you;
11 958 and you want to go to page 5?

12 **MR. ENGELMANN:** I'm sorry, page 6.

13 **THE COMMISSIONER:** Page 6, all right.

14 **MR. ENGELMANN:** Oh sorry, page 5, I
15 apologize.

16 **THE COMMISSIONER:** No, page 5 Madam Clerk.
17 There we go in a ---

18 **MR. ENGELMANN:** There's a conclusion.

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

20 **MR. ENGELMANN:** Now, in the conclusion,
21 first paragraph, it says:

22 "Information gathered during the
23 administrative review revealed that for
24 some time prior to PPO Seguin's death
25 in 1993, a number of Cornwall probation

1 and parole staff suspected, while other
2 staff ought reasonably to have known,
3 that PPO Seguin was contravening
4 Ministry rules and policies governing
5 employee contact with offenders/ex-
6 offenders."

7 So in the conclusion he's saying a number of
8 Cornwall probation and parole staff suspected, while others
9 ought reasonably to have known. And in fact, in his
10 conversations with you, as documented in your notes, it's
11 his view anyway that Jos knew. But here, he's saying a
12 number of staff suspected while others ought reasonable to
13 have known.

14 And I'm wondering if you would have had some
15 discussion about that paragraph? You certainly did about
16 the next paragraph. The no investigation about Silmsier and
17 of course, there was follow-up about that.

18 **MS. NEWMAN:** There was general discussion
19 about what staff knew or didn't know. Mr. Downing had no
20 conclusive evidence that any staff knew anything.

21 What he is saying is that there was rumour
22 swirling around and that people may have suspected. This
23 is the "water cooler" conversation, that something untoward
24 was happening. And in his view, his judgment, people ought
25 reasonably to have known.

1 In any event, you know, the evidence was
2 inconclusive with respect to Mr. van Diepen. And certainly
3 there were no indication that any other staff knew and that
4 there was a standard of proof to indicate that they know
5 what he's saying. He thinks they suspected and if they
6 didn't, they probably should have.

7 **MR. ENGELMANN:** All right. But, again,
8 we're not saying just Mr. van Diepen any more; we're saying
9 a number of staff. And I guess, I come back to my earlier
10 question, why not interview some of the staff?

11 And here Mr. Downing is clearly saying, at
12 least in his view, they suspected or others ought
13 reasonably to have known that Seguin was contravening
14 Ministry rules and policies.

15 Wouldn't that have been of interest to you
16 and Mr. Commeford and others?

17 **MS. NEWMAN:** I think our state of mind at
18 that time was that we were talking about something that had
19 happened some eight years previous; that both probation
20 officers against whom allegations were being made were
21 deceased.

22 The focus of our attention was on skilling
23 up the probation officers in Cornwall at the current time
24 and to create a welcoming environment, a safe environment
25 for people to come forward and to make allegations.

1 I don't think there was any sense that,
2 particularly after we received the legal advice, that there
3 was any utility in going back any further to conduct
4 further interviews in that respect.

5 **MR. ENGELMANN:** Well, let's forget about
6 disciplining staff for knowing or suspecting. What about
7 the fact that staff might be able to give you some
8 information about allegations or they might be able to tell
9 you what they knew about Mr. Barque and/or Mr. Seguin or
10 suspected? Wouldn't you want to know that?

11 **MS. NEWMAN:** I think that we had taken Mr.
12 Downing's work essentially to the point that it was and
13 that he did continue to do work under the direction of Mr.
14 Commeford which, in fact, did result in further individuals
15 coming forward with disclosures.

16 So what happened at that point, I assume you
17 probably had asked Mr. Commeford, my involvement diminished
18 following the receipt of the legal advice and Mr. Commeford
19 was -- had primacy in terms of working with Mr. Downing
20 subsequent.

21 **MR. ENGELMANN:** Okay, but this is October,
22 this report.

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

24 **MR. ENGELMANN:** You're involved until some
25 time in December.

1 **MS. NEWMAN:** Until the legal advice was
2 received, yes.

3 **MR. ENGELMANN:** Right. And whether we're
4 talking about disciplining staff, whether we're talking
5 about simply counselling them, I mean these are serious
6 allegations against two former probation officers. And
7 he's saying he suspects or he's saying the staff suspected
8 or others ought reasonably to have known that one of them,
9 Mr. Seguin, was contravening Ministry rules and policies
10 governing employee contact with offenders/ex-offenders. I
11 mean even a staff meeting about this to say, you know,
12 "We're not going to go after you, or you, or you but this
13 wrong. We have to know about these things. Look at the
14 damage that's been done here."

15 **MS. NEWMAN:** I think it was abundantly clear
16 that this was wrong and there was not a single employee in
17 the Cornwall office that would have argued with that.

18 They were completely onboard and concerned
19 and being supportive of victims. And so if the concern is
20 was there a clear message that this was inappropriate, I
21 don't think we need to be concerned; there was a clear
22 message.

23 **MR. ENGELMANN:** A clear message that what
24 was inappropriate?

25 **MS. NEWMAN:** That the conduct that had been

1 experienced, the victimization that had been experienced,
2 was clearly inappropriate.

3 Staff in the office were expressing concerns
4 and suspicions about what Mr. van Diepen knew, so they were
5 already expressing concerns about that. Surely if they had
6 any information, they would have come forward.

7 MR. ENGELMANN: Well -- but Mr. Downing is
8 suggesting to you that they have information.

9 MS. NEWMAN: He is saying suspicions.

10 MR. ENGELMANN: Yes.

11 MS. NEWMAN: They suspected.

12 MR. ENGELMANN: Yes.

13 MS. NEWMAN: That doesn't suggest to me they
14 had information or evidence; they suspected.

15 MR. ENGELMANN: He's also saying they ought
16 reasonably to have known. And it's almost a wilful
17 blindness type test.

18 MS. NEWMAN: We'd already ---

19 MR. ENGELMANN: Why not go further?

20 MS. NEWMAN: We'd already had a legal
21 opinion on that and I think we'd taken it as far as was
22 reasonably possible. I think in a -- it's fair to say that
23 in a unionized labour relations environment, such as we
24 have, that these things have to be managed in a timely way.

25 There is a loss of jurisdiction after a

1 period of time. That the conduct of the Ministry has to
2 occur necessarily within that environment and within the
3 kind of legal advice that we received; we had received that
4 legal advice which suggested any further action in that
5 respect would be contra-indicated.

6 **MR. ENGELMANN:** But that was legal advice
7 about disciplining or not discipline; correct?

8 **MS. NEWMAN:** The principles upon which that
9 legal advice was premised applied to the situation you're -
10 - you're outlining.

11 **MR. ENGELMANN:** I'm simply suggesting that
12 even if you don't want to discipline, you can counsel or
13 you can use it to obtain more information to find out more
14 about other victims or alleged victims who might be out
15 there because that seemed to be a concern at least of some
16 of your staff at the time?

17 **MS. NEWMAN:** All of our staff were trained
18 in taking disclosures from other alleged victims and
19 encouraging people to come forward; they were trained to do
20 that.

21 **MR. ENGELMANN:** But the only people that
22 they would get that information from, through your new
23 process, are people who reoffended and were on probation
24 with them again?

25 **MS. NEWMAN:** That's right. If your client

1 came through the door, they were asked if they had ever
2 been supervised in the past by either of those probation
3 officers and there was some gentle probing as to whether
4 they had any concerns in relation to their supervision ---

5 **MR. ENGELMANN:** Right.

6 **MS. NEWMAN:** --- so we weren't ---

7 **MR. ENGELMANN:** It was subtly questioned?

8 **MS. NEWMAN:** Yes.

9 **MR. ENGELMANN:** But, Ms. Newman, you would
10 agree with me that in issues of sexual abuse of children or
11 sexual abuse of young persons, victims -- alleged victims
12 have difficulty coming forward; correct?

13 **MS. NEWMAN:** Yes.

14 **MR. ENGELMANN:** And often the incidents of
15 this type of allegation are under-reported because people
16 don't come forward. Is that fair?

17 **MS. NEWMAN:** I think that's fair.

18 **MR. ENGELMANN:** And the only people you're
19 going to capture with your new disclosure policy -- and I'm
20 not criticizing the policy -- but are people who reoffend
21 and come back on probation?

22 **THE COMMISSIONER:** In Cornwall?

23 **MR. ENGELMANN:** That's right.

24 **MS. NEWMAN:** That's correct.

25 **MR. ENGELMANN:** So there may be many other

1 people out there, whether they're in Cornwall or elsewhere,
2 that you're not going to be able to capture?

3 MS. NEWMAN: I think the supposition was
4 that essentially what -- and you're right, we were in a
5 position to provide a safe, supportive environment that
6 people could come forward, our mandate necessarily involves
7 people in conflict with the law and for whom they've been
8 placed under our supervision.

9 More broadly, again, I would remind you that
10 there was an ongoing police investigation, that the OPP, in
11 fact, were clearly in a very public way appealing for
12 people to come forward. Victims, or anyone who had any
13 information in relation to this matter, were being asked to
14 come forward. I recall that there was a press release to
15 that effect and that they were clearly conducting a highly
16 public investigation.

17 And I would suggest also in the last couple
18 of years that one of the key benefits of this Inquiry, if I
19 may be so bold, is that the Inquiry has been very public
20 and very clear in encouraging victims to come forward.

21 So I think that this is so well-known
22 publicly that you could certainly not live in Cornwall or
23 probably anywhere else in the province and not know that
24 there's an environment where people are being encouraged to
25 come forward if, indeed, they were victimized or they had

1 any knowledge that was relevant to this.

2 **MR. ENGELMANN:** But some of these people may
3 not want to go to the police. They may not want to pursue
4 criminal charges; correct?

5 **MS. NEWMAN:** That's always -- and one has to
6 respect the decision that a victim makes, that's true.

7 **MR. ENGELMANN:** But they may want support or
8 they may want some compensation for what happened without
9 having to go through a criminal process?

10 I just -- I mean any opportunity you have to
11 make that easier, I would have thought your Ministry would
12 want to do.

13 **MS. NEWMAN:** I'm open to suggestions.

14 **MR. ENGELMANN:** Well, I mean you've had over
15 20 disclosures based on your disclosure policy or protocol.
16 You've had lawsuits involving at least a couple of dozen
17 individuals. I know there's some overlap, so we're not
18 talking about over 40 but maybe 35 altogether, people
19 who've come forward with respect to these two probation
20 officers. If you suspect there are more out there, have
21 you talked about other ways to try and find them, try and
22 discover if they're there?

23 **MS. NEWMAN:** As I say, I think the fact that
24 there have been that many disclosures is a credit to the
25 probation office and to the kind of environment that

1 they've provided for people to come forward.

2 Even ex-clients who are out there would be
3 able to come forward if they wanted to, to the probation
4 office. They would be supportive and they would assist
5 them if that was the concern and, as I say, this is so
6 public, that anybody who wants to come forward.

7 I think there are also terrific advocacy --
8 victim advocacy groups in this community who could be
9 approached by victims.

10 So there are a number of avenues that a
11 victim may choose to come forward which he would feel more
12 comfortable with. It may be to an advocacy group, it may
13 be to a probation office, it may be to the police or any --
14 to the Inquiry. There may be -- there are, in fact, any
15 number of ways in which a victim could come forward in
16 accordance with what they're comfortable with.

17 **MR. ENGELMANN:** The process to date though
18 has been complaints-based. Fair enough?

19 **MS. NEWMAN:** I -- yes, I'd say it has been
20 ---

21 **MR. ENGELMANN:** And you could say ---

22 **MS. NEWMAN:** --- complaints-based. And I
23 would add further to that, that our probation officers have
24 encouraged people to come forward. They have encouraged
25 people if they wish to take action, they've given them ---

1 MR. ENGELMANN: Under the new disclosure ---

2 MS. NEWMAN: --- the names of lawyers ---

3 MR. ENGELMANN: Sorry.

4 MS. NEWMAN: --- that they could use to sue
5 the Ministry.

6 MR. ENGELMANN: Under the new disclosure ---

7 MS. NEWMAN: It's been a very open and
8 transparent process.

9 MR. ENGELMANN: Under -- under the new
10 disclosure protocol; correct?

11 MS. NEWMAN: Since 1999/2000, yes.

12 MR. ENGELMANN: But there was no effort
13 then, nor at any time, to go back and review some of those
14 case files to try and locate people or contact them?

15 MS. NEWMAN: That's right. And I think, you
16 know, quite frankly it wasn't something that we
17 deliberately turned our minds to in 2000.

18 MR. ENGELMANN: Fair enough.

19 MS. NEWMAN: I think, you know, it's a good
20 point if -- if there was anyone who came forward through
21 that process, that might have been an additional step that
22 we could have taken, notwithstanding the practical
23 difficulties of trying to source people out eight years
24 later or ---

25 MR. ENGELMANN: Yes.

1 **MS. NEWMAN:** --- or 10 or 20, 30 years
2 later.

3 **MR. ENGELMANN:** No. And some people may not
4 want you to source them out either.

5 **MS. NEWMAN:** That's right.

6 **MR. ENGELMANN:** There's some practical
7 difficulty there. I just -- you asked if there were other
8 ideas and ---

9 **MS. NEWMAN:** And -- and I accept that.

10 **MR. ENGELMANN:** All right.

11 **THE COMMISSIONER:** You know, putting an ad
12 in a newspaper, saying, "Anybody who was on probation and
13 has some complaints about", you know, "sexual
14 improprieties, come forward".

15 Information night, hosted by the ---

16 **MR. ENGELMANN:** The Ministry never did
17 anything like that?

18 **MS. NEWMAN:** No, that's generally not the
19 Ministry's practice to advertise for people to come
20 forward.

21 As I say, nevertheless I think your -- your
22 point is -- is a good one, that we could have attempted to
23 go back and that was an additional step that we -- we could
24 have tried, as I say, notwithstanding some of the
25 logistical and practical difficulties.

1 Otherwise, I think as I say, the Inquiry and
2 the profile of the Inquiry is such that one would hope
3 people would feel that they could come forward.

4 **MR. ENGELMANN:** I think what you told us --
5 and I've jumped around a bit with the Downing report -- but
6 in January of 2001, Mr. Downing is really supervised by Mr.
7 Commeford from then on?

8 **MS. NEWMAN:** That's correct.

9 **MR. ENGELMANN:** And you would have had --
10 you would have been involved, but more indirect?

11 **MS. NEWMAN:** That's right.

12 **MR. ENGELMANN:** And at this point-in-time
13 the protocol was in place and you believe that the protocol
14 -- well, the protocol has resulted in a number of people
15 coming forward who were -- found themselves on probation
16 again and disclosed alleged sexual abuse?

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

18 **MR. ENGELMANN:** And there has been a concern
19 expressed by you on a few occasions about interfering with
20 police investigations. I have noted, however -- I'm just
21 trying to find the document quickly -- the reference to the
22 CISU and its mandate. It's exhibit -- sorry, it's Document
23 Number 600195.

24 **MS. NEWMAN:** I don't believe I have that one
25 do I?

1 **MR. ENGELMANN:** No. No, you don't.

2 **MS. NEWMAN:** Thank you.

3 **MR. ENGELMANN:** I just have a couple of very
4 quick questions on this.

5 I guess I don't. Perhaps we should leave it
6 there, sir.

7 **THE COMMISSIONER:** Why don't we end it all
8 for tonight. Come back at 9:30.

9 **MS. NEWMAN:** Thank you.

10 **THE COMMISSIONER:** Thank you.

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

13 This hearing is adjourned until tomorrow
14 morning at 9:30 a.m.

15 --- Upon adjourning at 5:24 p.m. /

16 L'audience est ajournée à 17h24

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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