

**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 199

Held at :

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

Monday, February 25 2008

Tenue à:

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

Lundi, le 25 février 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Mr. Ian Stauffer	Commission Counsel
Mr. Mark Crane Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm Mr. Terry Mazerolle	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Ms. Gisèle Levesque	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
Mr. Peter Huffey	Ms. Heidi Sebalj
Ms. Sue Larivière	Ms. Sue Larivière

Table of Contents / Table des matières

	Page
Opening remarks by Mr. Ian Stauffer	1
Submissions by/Représentations par Mr. Ian Paul	3
Submissions by/Représentations par Mr. Dallas Lee	6
Submissions by/Représentations par Mr. Ian Stauffer	7
Submissions by/Représentations par Mr. Peter Huffey	9
Submissions by/Représentations par Mr. Peter Engelmann	11
Ruling by the Commissioner in relation to the factual Overview of the Ministry of Community Safety and Correctional Service/Décision par le Commissaire en Relation au survol factuel du Ministère de la Sécurité Communautaire et des Services correctionnels	15
SUE LARIVIÈRE, Resumed/Sous le même serment	30
Examination in-Chief by/Interrogatoire en-chef par Mr. Ian Stauffer	31
Cross-Examination by/Contre-interrogatoire par Ms. Helen Daley	50
Cross-Examination by/Contre-interrogatoire par Mr. Ian Paul	75
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	87
Cross-Examination by/Contre-interrogatoire par Mr. Michael Neville	99
Cross-Examination by/Contre-interrogatoire par Ms. Gisèle Levesque	123
Cross-Examination by/Contre-interrogatoire par Mr. Joe Neuberger	139

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
C-1233	Heidi Sebalj - Letter from Dr. Welburn to Ian Stauffer re Medical Report dated 5 February 2008	2
1179	Factual Overview of the Cornwall Probation and Parole Office Institutional Response to Disclosure of Sexual Impropriety (2007)	131

1 --- Upon commencing at 1:05 p.m. /

2 L'audience débute à 13h05

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 **MR. STAUFFER:** Yes, good afternoon, Mr.
12 Commissioner.

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

14 **MR. STAUFFER:** Mr. Commissioner, the first
15 order of business, unless you have some other business, is
16 I need to deal with the matter of the summons ---

17 **THE COMMISSIONER:** Yes.

18 **MR. STAUFFER:** --- that had been served upon
19 Ms. Sebalj.

20 **THE COMMISSIONER:** Yes.

21 **MR. STAUFFER:** Today, you have in the
22 hearing room, Mr. Peter Huffey; he's to my left.

23 **THE COMMISSIONER:** Yes, good afternoon, sir.

24 **MR. STAUFFER:** Mr. Huffey is Ms. Sebalj's
25 husband and he is down here essentially appearing on her

1 behalf as her agent.

2 You have before you, sir, I hope, a report
3 which you should have shortly from a treating psychologist.
4 I won't mention his name, but you'll be able to see the
5 report in a minute and the report, essentially, speaks for
6 itself, but Mr. Huffey will confirm, I believe, if you need
7 to ask him any questions that his wife is receiving active
8 treatment from this individual and that individual's of the
9 opinion that it would be serious to her mental health if
10 she were to appear at the Inquiry.

11 So, Mr. Commissioner, we're in your hands as
12 to what you would like to do here, but I suspect having had
13 many conversations with Mr. Huffey that he would like you
14 to rule that his wife not be required to attend.

15 **THE COMMISSIONER:** All right. I take it all
16 the parties have received this document. All right.

17 **MR. STAUFFER:** It will need to be -- if you
18 will, Mr. Commissioner, it will need to be filed as a
19 confidential document.

20 **THE COMMISSIONER:** Are we all on -- are we
21 all consenting that, given the nature of the report, that
22 it should be a confidential report?

23 All right, thank you. So it will be filed
24 as C-1233.

25 --- **EXHIBIT NO./PIÈCE NO. C-1233:**

1 Heidi Sebalj - Letter from treating
2 psychologist to Ian Stauffer re Medical
3 Report dated February 5, 2008

4 **THE COMMISSIONER:** Now, does anybody wish
5 to make any submissions? I take it on the floor now is a
6 request by Ms. Sebalj's husband and representative here
7 that she be excused from testifying at the Inquiry based on
8 the medical report that we have here.

9 Does anyone have any -- oppose this in any
10 way and if they do, now's the time to make your comments.

11 **THE COMMISSIONER:** Mr. Paul? Oh, I'm sorry,
12 okay. So maybe we'll go -- so CCR, will you be opposing
13 this?

14 **MS. DALEY:** No, no, sir.

15 **THE COMMISSIONER:** Thank you.

16 The Coalition -- well, the Victims Group?
17 You'll have some comments, okay, we'll just go by tour
18 here.

19 Mr. Paul, go ahead. You're first.

20 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PAUL:

21 **MR. PAUL:** We have submissions. I realize
22 that the report is confidential. Mr. Commissioner, if you
23 would wish it in camera and I could attempt to avoid
24 getting into the contents, if that's a concern.

25 **THE COMMISSIONER:** Well, let's give it a

1 try. It's obvious that we can't speak of -- do I have
2 everything here? Oh, yes, the back page is right there.
3 All right, let's just keep it general or if you want to
4 show me to different passages in the -- we'll try it that
5 way and if not, well, then we'll go in camera, but I would
6 prefer to have it on line and for all of the members of the
7 public to hear.

8 **MR. PAUL:** The position of the Coalition
9 would be that there is a legitimate issue being raised, but
10 our issue is whether the proof is sufficient to grant an
11 exemption.

12 Our position would be that perhaps the
13 report should be even more detailed or in the alternative,
14 the doctor could appear in a *voir dire* and appear and be
15 examined in a *voir dire*.

16 The areas of deficiency, I would suggest,
17 would be the -- in terms of the progress of Ms. Sebalj,
18 whether that's sufficiently set out. The diagnosis,
19 whether that's sufficiently set out and the causes and,
20 finally, I think the other area is whether there's
21 reference that's alluded to that the Commission offered
22 some form of a more friendly environment to give the
23 testimony. It's not set out what is meant by that, whether
24 it's something in the nature of closed-circuit television,
25 for example ---

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

2 **MR. PAUL:** --- whether that was offered or
3 what -- what was offered and why it wouldn't be appropriate
4 is not very clear in the correspondence.

5 I would suggest then it would certainly be
6 our position that we would be favourable to such an
7 alternative such as closed-circuit television, as an
8 example, if that could be considered and I would suggest
9 that the reasons why these other possible solutions are not
10 appropriate are not really spelled out even the -- what was
11 offered by the Commission is not, perhaps, very clear.

12 So I suggest that while we're not
13 necessarily saying that Ms. Sebalj doesn't -- at the end of
14 the day, wouldn't have an appropriate reason for an
15 exemption, we're just saying that the correspondence, we
16 would suggest, does not set out enough detail of the
17 difficulties in testifying or why alternative remedies
18 could not be used and for those reasons we would suggest
19 that there really should be a better, more detailed report
20 addressing those issues or, alternatively, the physician
21 attending in person in a *voir dire*.

22 That would be our position.

23 **THE COMMISSIONER:** Thank you.

24 Yes, Mr. Lee?

25 **MR. LEE:** Good afternoon, sir.

1 **THE COMMISSIONER:** Good afternoon, sir.

2 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. LEE:**

3 **MR. LEE:** I think we're in a similar
4 position in the coalition.

5 We're not here to oppose Ms. Sebalj being
6 excused. We're looking, I suppose, down the road at what
7 precedent this might set in terms of the quality of the
8 report and the quality of the information provided to this
9 Commission in a situation where a witness seeks to be
10 excused on medical grounds.

11 We have knowledge of Ms. Sebalj's situation
12 generally outside of this report and we think that, as Mr.
13 Paul put it, at the end of the day, it's likely that -- you
14 would find that -- that she would be excused and we're not
15 going to oppose that. It's the mechanics of the thing.
16 It's the procedure of the thing and it's -- we're very
17 concerned that if this comes in and this is the standard of
18 proof that's permitted in this case, we may not get
19 anything better the next time and that's really our concern
20 on this.

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

22 **MR. LEE:** Thank you.

23 **THE COMMISSIONER:** Mr. Neville, do you wish
24 to make any comments?

25 **MR. NEVILLE:** No, sir.

1 **THE COMMISSIONER:** Thank you.
2 Mr. Chisholm?
3 **MR. CHISHOLM:** No, sir. Thank you.
4 **THE COMMISSIONER:** Mr. Neuberger?
5 **MR. NEUBERGER:** No, thank you very much.
6 **THE COMMISSIONER:** Mr. Kloeze?
7 **MR. KLOEZE:** No, thank you, sir.
8 **THE COMMISSIONER:** Madam Levesque?
9 **MS. LEVESQUE:** No, sir.
10 **THE COMMISSIONER:** Thank you.
11 Mr. Callaghan -- ah, no, Mr. Manderville or
12 Mr. Crane?
13 **MR. MANDERVILLE:** I have nothing to add, Mr.
14 Commissioner.
15 **THE COMMISSIONER:** Thank you.
16 Mr. Kozloff?
17 **MR. KOZLOFF:** Nothing to add, sir.
18 **THE COMMISSIONER:** Mr. Wallace?
19 **MR. WALLACE:** No, thank you, sir.
20 **THE COMMISSIONER:** Thank you. All right.
21 Mr. Stauffer, do you have ---
22 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. STAUFFER:
23 **MR. STAUFFER:** Yes. Well, I certainly take
24 both my friends' comments seriously. There's no question
25 that the report could always be more detailed. This

1 psychologist has been asked to give as detailed a request -
2 - we've -- we've requested a detailed report and this is
3 what we've received.

4 I appreciate Mr. Paul's comment about a more
5 friendly environment. It was suggested something could be
6 done by closed-circuit television, but clearly the
7 psychologist is of the view that even that type of
8 mechanism, even if we could do that, that is, Ms. Sebalj
9 testify off-site, the psychologist is of the view that that
10 is not going to work and it will be harmful to her mental
11 health.

12 I agree with Mr. Lee, of course, that we
13 want to have the very best evidence for the report, but we
14 of course have had at least one other individual excused
15 already with respect to inability to testify due to an
16 impact on his mental health.

17 Again, I appreciate this whole notion of
18 setting a precedent, but we will take every case,
19 obviously, as it comes along.

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

21 **MR. STAUFFER:** I'm certainly not aware of
22 any other individual right now where we're planning to put
23 forward a psychological report, but there may be others in
24 terms of physical health that come along and we'll just
25 have to take them case-by-case.

1 Mr. Commissioner, I'm not sure if you want
2 Mr. Huffey to say anything. He's very -- I can say this
3 having spoken to him at length on many occasions, he's
4 very, very concerned about his wife's mental state and what
5 will happen if she is required to testify, anyway ---

6 **THE COMMISSIONER:** Right.

7 **MR. STAUFFER:** --- but that -- I wanted to
8 pass that on to you because I know Mr. Huffey's very
9 concerned and that's why he's here today.

10 **THE COMMISSIONER:** All right.

11 **MR. STAUFFER:** So I'm not sure if there's
12 anything further that can be said at this point.

13 I'm going to take the position that the
14 psychologist's report, at this point, speaks for itself and
15 unless you have more detailed questions for the
16 psychologist that we could put to him or to have him come
17 down here. I'm not sure if there is much more that can be
18 done at this point.

19 **THE COMMISSIONER:** Thank you.

20 Mr. Huffey, did you wish to say anything at
21 this time? You don't have to but if you wish.

22 You have to go to the microphone.

23 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. HUFFEY:**

24 **MR. HUFFEY:** I just concur with Mr.
25 Stauffer's ---

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

2 **MR. HUFFEY:** --- words and the report of the
3 doctor. You'd have to know Heidi at the present time; she
4 is just not capable.

5 **THE COMMISSIONER:** All right. Well, okay.
6 Thank you.

7 **MR. HUFFEY:** Thank you.

8 **THE COMMISSIONER:** I can say this that, at
9 this point-in-time, I'm going to excuse Ms. Sebalj from
10 testifying at the Inquiry.

11 While the letter itself may be brief, the
12 report from the doctor indicates, and without going through
13 all of the details, that Ms. Sebalj has been under care for
14 10 years; that he declares it a permanent disability; that
15 he has indicated that should she appear here, in this room,
16 that she would have some very adverse effects to her health
17 and her mental health. He is unequivocal when he's talking
18 of the overwhelming anxiety and stress and that when
19 offered to modify the environment that he says she is
20 unable to do so.

21 So he calls -- he speaks of the precarious
22 nature of her mental health. I think it would be a
23 disservice to her and to this Inquiry to add any further
24 stress on this person.

25 As Mr. Stauffer has indicated, we deal with

1 this on a case-by-case basis and I believe that the letter
2 is quite sufficient and has raised sufficient concerns for
3 me to excuse her at this point-in-time.

4 All right. Thank you.

5 **MR. STAUFFER:** Thank you, Mr. Commissioner.
6 May Mr. Huffey be excused then?

7 **THE COMMISSIONER:** Yes, certainly, sir.

8 Sir, I know that we've had -- I'm told that
9 we've had to serve your wife with these documents and -- so
10 you must understand that we did not do that out of malice
11 or anything like that. It was a way of processing in which
12 we could generate this report, and you can wish her on my
13 behalf all the best.

14 All right. Thank you.

15 **MR. HUFFEY:** Thank you.

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

17 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:**

18 **MR. ENGELMANN:** Sir, perhaps I could speak
19 to a couple of matters briefly.

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

21 **MR. ENGELMANN:** This afternoon, my
22 colleague, Mr. Stauffer, intends to complete his
23 examination of Sue Larivière.

24 **THE COMMISSIONER:** Yes.

25 **MR. ENGELMANN:** You note, my friend's

1 counsel for the Ministry of Corrections are here and I'm
2 sure eager to get this witness finished.

3 Before we do so though, we have a couple of
4 matters that need to be resolved. And as I understand it,
5 sir, you have a decision to release based on objections
6 dealing with portions of the Factual Overview which is now,
7 I believe, Exhibit 1179I, 1179, objections that were raised
8 by counsel for the family of Ken Seguin, Mr. Neville.

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

10 **MR. ENGELMANN:** Before you do that, sir,
11 there is, of course, another decision outstanding as well.

12 And that is a decision that arose because of
13 concerns being expressed by counsel after the release of
14 the Court of Appeal decision last month. Concerns
15 expressed by counsel that some of the evidence this Inquiry
16 has already heard was outside of the jurisdiction of the
17 Inquiry and also concerns about some evidence that was
18 going to be led by Commission counsel ---

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

20 **MR. ENGELMANN:** --- in particular, the
21 evidence in the context of the institutional response of
22 the Cornwall Police Service. So I know those two decisions
23 are outstanding.

24 With respect to the second one, that
25 involving the possible impact of the Court of Appeal

1 decision on evidence you have heard or are about to hear,
2 we had a letter from Ms. Herreman who is counsel for André
3 Bissonnette.

4 Despite the fact that Mr. Bissonnette has no
5 independent standing here at this Inquiry, he was
6 represented by counsel. There was notice given. Ms.
7 Herreman had written a letter, hastily, from California
8 where she was on a bereavement-type trip. She had asked
9 last week for an opportunity to make further submissions.

10 She was unavailable this afternoon. The
11 compromise reached was that she would provide written
12 submissions no later than noon today and my understanding
13 is she has provided those submissions. I believe they were
14 distributed to counsel. I hope so. And I believe Madam
15 Clerk has copies for you.

16 Sir, what I'm here to do right now is to ask
17 that you accept these submissions that she is filing on
18 behalf of her client, Mr. Bissonnette. I'm not sure if any
19 party is opposed to that. It really only deals with an
20 objection made by the CAS and I unfortunately didn't have
21 opportunity to speak to Mr. Chisholm before.

22 What I would propose is if he does have
23 concerns that we file this as yet another exhibit on the
24 motion and then if Mr. Chisholm wanted to address it
25 briefly, orally, either this afternoon or first thing

1 tomorrow morning, that could be done.

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

3 **MR. ENGELMANN:** But in fairness to Mr.
4 Bissonnette who came here and testified and testified under
5 difficult circumstances about a very difficult period in
6 his life, I think it would be useful and it would be fair
7 for you to consider these submissions and, of course, any
8 response the CAS has before you might release that
9 particular decision.

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

11 **MR. ENGELMANN:** So, sir, I ask that that be
12 marked as yet another exhibit on the motion. I'm just not
13 sure if any of my colleagues have any comments or
14 submissions with respect to doing that.

15 **THE COMMISSIONER:** Mr. Manderville does.

16 **MR. MANDERVILLE:** Good afternoon, Mr.
17 Commissioner.

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

19 **MR. MANDERVILLE:** This letter was emailed to
20 me about eight minutes before we started. I haven't read
21 it. I may well want to speak to it tomorrow with you. I
22 just don't want be precluded from doing so.

23 **THE COMMISSIONER:** All right.

24 **MR. MANDERVILLE:** That's all.

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

1 **MR. CHISHOLM:** Good afternoon, sir.

2 I'm in the same boat as Mr. Manderville.

3 I'll look at it today and if I have submissions, tomorrow
4 morning ---

5 **THE COMMISSIONER:** Why don't we -- we'll --
6 I'll table this document as A12. I'll read it as well and
7 then tomorrow morning, first thing, we can address whether
8 or not you have any comments.

9 **MR. CHISHOLM:** Thank you, sir.

10 **THE COMMISSIONER:** And then --- okay.

11 **MR. ENGELMANN:** Thank you, Mr. Commissioner.

12 I believe at this time you have a decision
13 on the Factual Overview objection.

14 --- **RULING BY/DÉCISION PAR JUSTICE NORMAND GLAUDE:**

15 **THE COMMISSIONER:** Yes.

16 This is a ruling in relation to the Factual
17 Overview of the Ministry of Community, Safety and
18 Correctional Services. So by way of background, the
19 Factual Overview of the Cornwall Probation and Parole
20 Office.

21 The subject matter of this ruling is a
22 document entitled "Factual Overview of the Cornwall
23 Probation and Parole Office Institutional Response to
24 Disclosures of Sexual Impropriety 2007". So -- and it's
25 marked as Exhibit I1179 for identification purposes.

1 Ms. Sue Larivière, Ms. Carole Cardinal and
2 Monsieur Claude Legault, all persons who have testified
3 here before this Commission and who are or were employees
4 of the Ministry of Community, Safety and Correctional
5 Services which I will refer to as the "Ministry" from here
6 on in, prepared this document. It was developed in
7 conjunction with the Ministry's counsel with some input
8 from Commission counsel and Commission staff.

9 Counsel for the Ministry has explained that
10 the purpose of the Factual Overview was to bring together
11 in one document an inventory of policies and procedures by
12 which the Ministry governs its institutional response to
13 allegations of abuse.

14 As well, it was to provide some very
15 specific instances of how allegations were handled,
16 including when people came forward with allegations, what
17 they said, how they were dealt with, and to whom they were
18 referred.

19 In its current form the Factual Overview is
20 a document of 180 pages, including an executive summary
21 outlining the history of disclosures to the Cornwall
22 Probation and Parole Office and the evolution of the
23 institutional response to the disclosures of the
24 allegations; a description of the protocols developed to
25 address the issues of client disclosures and services

1 offered to disclosing clients; an index of 33 case files
2 reviewed and the individual case file review information,
3 which was from pages 46 to 180, which contained details
4 specific to the institutional response of the Ministry to
5 disclosures of allegations of sexual impropriety.

6 The dates of the 33 disclosures range from
7 April of 1982 until March of 2007.

8 The first two occur in April, 1982, with the
9 remainder commencing in late 1996 and thereafter.

10 THE ISSUES RAISED:

11 On January 22nd, 2008, during the testimony
12 of Ms. Sue Larivière, who was appearing as a witness as
13 part of the institutional response of the Ministry, counsel
14 for the Diocese of Alexandria of Cornwall, supported by
15 counsel for the family of Ken Seguin and the Ministry of
16 the Attorney General, made objections with respect to the
17 filing of the Factual Overview.

18 In a general sense, the basis of the
19 objections largely centred around counsel's interpretation
20 of the Court of Appeal's decision on January 18th, 2008, in
21 the matter of the *Ontario Provincial Police v. The Cornwall*
22 *Public Inquiry*. They submitted that certain areas covered
23 by the Factual Overview of the CPPO were outside of the
24 Commission's mandate. Those areas would include the
25 details surrounding disclosures of allegations of

1 historical abuse made after April 14th, 2005, the date of
2 the Order in Council establishing this Commission, and
3 allegations which they assert were not made against a
4 person in a position of authority or trust.

5 Several parties oppose this objection.

6 Given the objections, the continuation of
7 Ms. Larivière's evidence was suspended until the issue of
8 the Factual Overview of the CPPO was resolved.

9 Since the date of the initial objections,
10 counsel have had ongoing discussions and exchanges of
11 correspondence in an attempt to resolve the issues raised
12 in respect of Factual Overview of the CPPO.

13 Time was set aside on February 14th, 2008,
14 for counsel to provide me with submissions on whether or
15 not it had been possible for them to narrow the
16 disagreement with respect to the content of the Factual
17 Overview and to argue any unresolved issues.

18 On February 14th, 2008, counsel for the
19 Ministry reported that a compromise had been reached
20 between the remaining objecting parties -- Diocese of
21 Alexandria Cornwall and the family of Ken Seguin -- in
22 respect of the Factual Overview and that they had a joint
23 position on how these issues should be resolved.

24 The compromise involved two amendments to
25 the Factual Overview.

1 The first amendment was that pages 127
2 through to 175 be removed.

3 This section of the Factual Overview
4 includes the descriptions of 13 disclosures of allegations
5 of historical abuse made to Cornwall Probation and Parole
6 officers after April 14th, 2005.

7 This would effectively remove from the
8 Factual Overview, any factual details of post-Order in
9 Council disclosures and the Ministry's response to them;
10 charts that reference those disclosures and earlier
11 disclosures in statistical form in other parts of the
12 overview would remain intact.

13 The second amendment involved editing the
14 description contained at page 55, moniker 3, by deleting
15 the first paragraph which includes, among other things,
16 allegations of verbal harassment by Ken Seguin, former
17 Cornwall Probation and Parole officer, as to the client's
18 physical appearance, including his buttocks.

19 The individual referenced in this file
20 testified before this Commission. When he testified, one
21 of the things he discussed was his relationship with Mr.
22 Seguin. Counsel for the family of Ken Seguin had
23 previously objected to the inclusion of this information.

24 There remained one exception to the
25 compromise agreed to by the parties. I was advised by

1 counsel for the family of Ken Seguin that while he was in
2 agreement with the amendments to the Factual Overview, he
3 was of the view that my ruling in respect of another
4 matter, the effect of the decision of the Court of Appeal
5 on evidence already heard and possible evidence to come,
6 may also have some bearing on a number of the monikers, 1
7 through 19, proposed to remain within the Factual Overview.

8 He reserved his right to address this matter
9 and did so on February 19th, 2008, when interested parties
10 made submissions on the Court of Appeal decision and its
11 effect.

12 Counsel for the family of Ken Seguin
13 submitted that monikers 4, 5, 7, 8, 9, 14, 16, 17 and 19
14 should be excluded from the Factual Overview. He noted
15 that each of these case file reviews contain allegations
16 against Ken Seguin.

17 In essence, the basis of his argument was
18 that the Ministry clients described in these file reviews
19 disclosing allegations of abuse against Ken Seguin were not
20 young people; in his view, "young people" does not include
21 people 18 years of age and over.

22 Counsel for the family of Ken Seguin briefly
23 reviewed each of the case files with which he was
24 concerned, submitting that each person making a disclosure
25 of alleged abuse was at least 18 years of age or older, but

1 for one who could have ranged in age from 16 to 24 or even
2 older.

3 He also submitted that in one or two cases,
4 disclosures did not allege sexual abuse.

5 I have already commented on the compromise
6 position agreed by the parties regarding the removal of
7 pages 127 through 175 and the removal of paragraph 1 on
8 page 55. I will not rule on it nor will I interfere with
9 it.

10 Having said this, the Court of Appeal, in
11 its concluding paragraph, paragraph 62, appears to suggest
12 that institutional response evidence postdating the OIC is
13 within the core mandate of this Inquiry.

14 The Court held *inter alia* that, and I quote:

15 "Properly construed, the OIC empowers
16 the Commissioner to look into and
17 report on institutional responses past,
18 present, and future."

19 With respect to the submissions of counsel
20 for the family of Ken Seguin objecting to the inclusion of
21 the factual details concerning monikers 4, 5, 7, 8, 9, 14,
22 16, 17 and 19, for the reasons which follow, I respectfully
23 disagree.

24 YOUNG PEOPLE:

25 In support of his objection, counsel

1 purports to rely on the decision of the Court of Appeal.

2 Neither of the objections he makes to the
3 inclusion of the information in the Factual Overview are
4 determined by the Court of Appeal.

5 Neither the OIC nor the Court of Appeal
6 decisions precisely define the term "young people" or place
7 any age limitation on it, for general application.

8 Counsel, in his objection, attempts to
9 equate "young people" with the term "young persons" in
10 certain Criminal Code provisions; for example, section 153
11 of the Criminal Code defines a "young person" being 14
12 years of age or more but under the age of 18.

13 With respect, I do not think this is a
14 helpful point of reference.

15 While it is necessary for me to address the
16 Court of Appeal decision here in order to determine the
17 limited objection to the introduction of the Factual
18 Overview, my comments on the court decision will be more
19 fully elaborated upon the decision to follow shortly.

20 The second decision deals with the possible
21 impact of the Court decision on evidence I have heard or
22 may hear and thus would involve a more detailed analysis of
23 the Court of Appeal decision.

24 Consistent with principles of statutory
25 interpretation, it is necessary to take a broad and liberal

1 interpretation of the language of the OIC.

2 The Court of Appeal, in its decision, has
3 referenced the preamble of the OIC as being another aid to
4 interpretation with respect to the core mandate of this
5 Inquiry.

6 In reading the preamble, it is reasonable to
7 conclude that the drafters of the OIC were aware of the
8 allegations made against individuals, such as probation
9 officers, and the circumstances of at least some of their
10 alleged victims during Project Truth.

11 These alleged victims, whether less than age
12 14, age 14 to 17 or more than age 17, must have been
13 considered "young people" by the drafters of the OIC, hence
14 their choice of language.

15 Accordingly, it is my view that the OIC does
16 not limit this Commission's work to allegations of persons
17 who are less than 18 years of age.

18 In addition, in the concluding paragraph
19 concerning its interpretation of the Inquiry's core
20 mandate, the Court of Appeal noted that the OIC empowers
21 this Commission to look at allegations investigated in
22 Project Truth, as well as similar such allegations.

23 Further, the OPP Project Truth investigation
24 was tasked to investigate cases of historical sexual abuse
25 against young people and thereby indirectly or directly

1 investigated allegations that Ken Seguin and others
2 perpetrated sexual abuse against young people, some of whom
3 who could be characterized as "young adults." This is
4 further support for my view that the OIC does not limit
5 this Commission's work to allegations of persons who are
6 less than 18 years of age.

7 Concerning counsel's submission that in some
8 cases no allegations of sexual abuse was recorded in the
9 case file information, I note that in one or two cases
10 there is a reference to an allegation of sexual impropriety
11 or an approach for sexual purposes as opposed to sexual
12 abuse.

13 In my view, whether I note that in one or
14 two cases there is a reference to an allegation of sexual
15 impropriety or an approach for sexual purposes as opposed
16 to sexual abuse.

17 In my view, whether the disclosure refers to
18 sexual impropriety, sexual abuse or a subset thereof, these
19 acts are alleged to have happened when Mr. Seguin was in a
20 position of authority and/or trust, with respect to alleged
21 victims and therefore may be considered binding.

22 The Court of Appeal decision does not define
23 what amounts to sexual abuse. It does suggest that
24 historical abuse should have a sexual component but does
25 not appear to restrict what sexual abuse means. This issue

1 will be canvassed more thoroughly in my decision on the
2 broader impact of the Court of Appeal decision.

3 Given all this, it is my view that this
4 Commission's mandate is not limited to examining the
5 response to allegations of individuals under the age of 18
6 or limited to sexual abuse to the exclusion of sexual
7 impropriety.

8 The facts contained in monikers 4, 5, 7, 8,
9 9, 14, 16, 17, and 19 made against Mr. Seguin are within
10 the core mandate of this commission.

11 Also of note is the fact that Mr. Seguin was
12 a co-worker of convicted sex offender Nelson Barque. Some
13 individuals have made allegations solely against Mr. Seguin
14 or Mr. Barque. However some, such as Mr. Albert Roy, had
15 made allegations against both men.

16 Looking at these allegations may illustrate
17 a pattern of breaches of Ministry policies and/or rules on
18 the part of the two probation and parole officers, shed
19 light on whether persons knew or ought to have known about
20 the alleged abuse and breaches of trust, and may illustrate
21 a possibly inappropriate institutional response or
22 collusion, and/or conspiracy.

23 This Commission must look at the
24 institutional response to allegations of historical abuse
25 against young people in the Cornwall area. In doing so a

1 number of individuals, such as Mr. Seguin, had been
2 identified as central figures.

3 Some of these individuals are even more
4 significant as public institutions employed them. Thus, it
5 is important to know how many complaints were made against
6 Mr. Seguin and how the Ministry, a public institution,
7 responded to these complaints.

8 The information contained in the Factual
9 Overview will assist the Commission in measuring the
10 Ministry's institutional response and the nature of the
11 evolution, if any, of its response over time.

12 Information such as this is clearly within
13 the core mandate of this Commission, as is the interaction
14 between public institutions, such as the OPP and the
15 Ministry.

16 It is difficult to fathom how the
17 institutional response to allegations of sexual abuse
18 and/or impropriety by Ken Seguin cannot be within the core
19 mandate of this Inquiry. However, if I am wrong,
20 allegations of sexual abuse made by young people, including
21 those who may have been 18 years or older against Seguin,
22 are reasonably relevant to the subject matter of this
23 Inquiry.

24 This is so for a number of reasons which are
25 set out herein.

1 The consideration of all of the -- I'm sorry
2 -- which are set out in the paragraphs above.

3 The consideration of all of the allegations
4 of former probationers, whether they are under 18, 18 or
5 older, is important to get a more fulsome picture of the
6 extent and nature of the allegations against Mr. Seguin.

7 Surely the Ministry's institutional response
8 to allegations by its probation clients against its former
9 employee would continue to be relevant, even if the
10 complainants were 18 years of age or older.

11 I am also mindful of the purpose for which a
12 Factual Overview is being filed by the Ministry. They
13 inventoried all of the allegations of abuse and detailed
14 how they responded to provide the Commission with examples
15 of the practical application of their policies and
16 protocols to assist me in determining the adequacy of their
17 institutional response.

18 Furthermore, the details of the allegations
19 were not provided for the truth of their content. The
20 Ministry has indicated many times that the truthfulness of
21 the allegations was not a consideration in determining the
22 applicability of their protocols.

23 As stated above, the Factual Overview is
24 being filed by the Ministry for the purpose of providing
25 the Commission with practical examples of the applications

1 of their protocols developed to respond to allegations of
2 historical abuse from probationers.

3 In my view, this fits squarely within the
4 mandate of the Inquiry.

5 Even if one or more of the monikers do not
6 fall within the mandate due to the age of the complainant
7 or the nature of the alleged act, it is my finding that the
8 information is reasonably relevant to the Inquiry for
9 several reasons, including that it provides evidence of the
10 level of reporting being dealt with by the Ministry and the
11 application of the Ministry's protocols developed in
12 response to the allegations of historical abuse of young
13 people in Cornwall.

14 Thank you.

15 So, should we take a short break, Mr.
16 Engelmann?

17 **MR. ENGELMANN:** Yes.

18 **THE COMMISSIONER:** Is there anything else?

19 **MR. ENGELMANN:** If the parties want a few
20 minutes to consider this decision.

21 The only other thing, sir, would be timing,
22 for the release of your second decision. You have
23 submissions from Ms. Herman now ---

24 **THE COMMISSIONER:** Yes.

25 **MR. ENGELMANN:** You may have some oral

1 submissions from Mr. Chisholm and Mr. Manderville in the
2 morning.

3 **THE COMMISSIONER:** So I would say maybe
4 Wednesday morning.

5 **MR. ENGELMANN:** All right, first thing
6 Wednesday morning?

7 **THE COMMISSIONER:** First thing Wednesday
8 morning.

9 **MR. ENGELMANN:** Thank you.

10 **THE COMMISSIONER:** All right, so let's take
11 a short break.

12 How long do you think we'll need, 20
13 minutes?

14 **MR. ENGELMANN:** Could we perhaps come back
15 at two or five after two?

16 **THE COMMISSIONER:** Five after two is fine.

17 **MR. ENGELMANN:** Thank you.

18 **THE COMMISSIONER:** Thank you.

19 **THE REGISTRAR:** Order, all rise. A l'ordre,
20 veuillez vous lever.

21 This hearing will resume at five after two.

22 --- Upon recessing at 1:41 p.m./

23 L'audience est suspendue à 13h41

24 --- Upon resuming at 2:05 p.m./

25 L'audience est reprise à 14h05

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

3 This hearing is now resumed, please be
4 seated; veuillez vous asseoir.

5 **THE COMMISSIONER:** Thank you.

6 **MR. STAUFFER:** Mr. Commissioner, Sue
7 Larivière has returned to continue her testimony.

8 **--- SUE LARIVIÈRE, Resumed/Sous le même serment:**

9 **MS. LARIVIÈRE:** Good afternoon.

10 **MR. STAUFFER:** So, Ms. Larivière, you
11 continue to be under oath. Are there any questions you
12 have before we begin?

13 **MS. LARIVIÈRE:** No, I don't.

14 **MR. STAUFFER:** All right.

15 Mr. Commissioner, if you're ready then, I'll
16 just continue with ---

17 **THE COMMISSIONER:** Well we need to revisit
18 the amended document. Should we not be filing a ---

19 **MR. STAUFFER:** Yes, sir.

20 **THE COMMISSIONER:** --- clean copy or
21 something.

22 **MR. STAUFFER:** Yes. So that Exhibit I-1179,
23 that should be withdrawn and the new document replacing it
24 should be filed.

25 **THE COMMISSIONER:** Yes. Thank you.

1 --- EXHIBIT NO./PIÈCE NO. 1179:

2 Factual Overview of the Cornwall
3 Probation and Parole Office
4 Institutional Response to Disclosure of
5 Sexual Impropriety (2007)

6 MR. STAUFFER: And so, just so we all have
7 the same document, my document -- my copy has 131 pages. I
8 hope that's what you have in front of you, Ms. Larivière.
9 Good, all right.

10 --- EXAMINATIN IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
11 IAN STAUFFER:

12 MR. STAUFFER: So Ms. Larivière, you
13 testified quite some time ago and without going over your
14 previous testimony in any more detail than we have to, you
15 had given us a story of the first time someone had come to
16 you. This would have been a probationer who had come in
17 and expressed a concern that he had with, I think, Mr.
18 Seguin, and that would have been in 1999; is that correct?

19 MS. LARIVIÈRE: That's correct.

20 MR. STAUFFER: All right. And since that
21 date have you had any other disclosures to you, of a
22 similar nature?

23 MS. LARIVIÈRE: Yes, I've had five others.

24 MR. STAUFFER: All right, so six in total.

25 MS. LARIVIÈRE: That's right.

1 **MR. STAUFFER:** Can you tell us, madam, did
2 any of those come after April 2005?

3 **MS. LARIVIÈRE:** No, they did not.

4 **MR. STAUFFER:** All right, so your personal
5 involvement all predates that date; all right.

6 **MS. LARIVIÈRE:** That's right.

7 **MR. STAUFFER:** With respect to the others
8 who came in -- again, of course, we're not going to go
9 through any names and I don't want any details of any
10 alleged abuse but I would like to know from you how it came
11 about that you would get this information from the other
12 five individuals. Can you give us some examples of how
13 this disclosure came about?

14 **MS. LARIVIÈRE:** For the most part it's at
15 the assessment stage of the interview whereby every
16 probationer is asked the questions about abuse, past
17 history of abuse.

18 And in some cases it occurred later on when
19 there was a level of comfort but that question is initially
20 asked of everyone.

21 **MR. STAUFFER:** All right. Did -- there are
22 documents within Exhibit 1179 and this -- there are
23 response criteria with respect to the various cases
24 contained in here. Can you help us out, when did that
25 document come about, the response criteria document?

1 **MS. LARIVIÈRE:** That would be a checklist
2 that I developed, once going through the file so that we'd
3 have kind of a at a glance look at -- if the protocol had
4 been followed.

5 **MR. STAUFFER:** Okay. So am I right in
6 thinking when this Factual Overview was being prepared by
7 yourself and Ms. Cardinal and Mr. Legault, that's when the
8 response criteria checklist, if you will, developed?

9 **MS. LARIVIÈRE:** Yes, it would have been last
10 summer.

11 **MR. STAUFFER:** Okay, but before that, was
12 there a checklist that probation officers used when a
13 probationer would come in to the office and this assessment
14 and so on would take place?

15 **MS. LARIVIÈRE:** No, there was not.

16 **MR. STAUFFER:** Okay. So this is something
17 that you would just do by habit, if you will, from your
18 experience or ---

19 **MS. LARIVIÈRE:** No, it was just to get a
20 general idea of what the institutional response was at a
21 glance.

22 **MR. STAUFFER:** Right.

23 **MS. LARIVIÈRE:** And it's -- since then it's
24 been -- it's being used regularly by the staff at the
25 Cornwall probation office.

1 **MR. STAUFFER:** Okay. I guess what I'm
2 driving at -- and perhaps I'm confusing you -- from 1999
3 let's say onwards, did you personally have some form of
4 checklist yourself that you would keep at your desk or in a
5 file, you know, the inside cover of a file or whatever, so
6 that when a probationer came in you would hit each one of
7 the points that you wanted to ask in terms of the person's
8 past?

9 **MS. LARIVIÈRE:** Well, we did have a protocol
10 but not an actual checklist that we followed.

11 **MR. STAUFFER:** Okay. And so is there some
12 document within Exhibit 1179 that is a protocol? I know
13 there are certain ones called "protocols" in here. Are you
14 talking about the same thing I am then?

15 **MS. LARIVIÈRE:** Yes, there is one.

16 **MR. STAUFFER:** Okay. So could you take us
17 to it?

18 And perhaps to assist you a little bit here,
19 in the exhibit, at -- thank you -- at page 25 to start,
20 there is something called "Protocol for the Disclosure by
21 Male Offenders of Abuse in Relation to Former Probation
22 Officers in Project Truth-related Cases"?

23 **MS. LARIVIÈRE:** Right.

24 **MR. STAUFFER:** Is that the -- one of the
25 protocols you're talking about?

1 **MS. LARIVIÈRE:** Yes, it is.

2 **MR. STAUFFER:** Because I gather if we just
3 continue on to page 28, there is a further protocol called
4 "Protocol for Handling Disclosures by Offenders of Sexual
5 Abuse".

6 **MS. LARIVIÈRE:** That's right.

7 **MR. STAUFFER:** So just dealing with the
8 first one at page 25, do you know when that protocol
9 actually came in to this form that we see here?

10 **MS. LARIVIÈRE:** It was actually being used
11 from 1999 until 2006, but it was codified in 2006.

12 **MR. STAUFFER:** All right. So something
13 similar to this would have been used for those prior years?

14 **MS. LARIVIÈRE:** Right.

15 **MR. STAUFFER:** All right. And, again,
16 without belabouring it too much, but so we all understand
17 what's in this first protocol, I gather -- and Mr.
18 Legault's testified about this already, but I gather when
19 someone came into the office, a probationer, there would be
20 a CPIC run on that person to see what that person's
21 criminal record was and who had been his probation officer?

22 **MS. LARIVIÈRE:** That's correct.

23 **MR. STAUFFER:** And in terms of first of all,
24 if you will, identifying Nelson Barque or Ken Seguin, that
25 would be the first red flag or whatever that the person --

1 that the probation officer would look at?

2 **MS. LARIVIÈRE:** That's right.

3 **MR. STAUFFER:** But beyond those two
4 individuals, what else was done by you or any of the other
5 probation officers in Cornwall to identify if that
6 probationer had allegations of abuse in his past?

7 **MS. LARIVIÈRE:** The -- during the assessment
8 process, the question is asked of everyone if there is a
9 history of sexual abuse in their past.

10 **MR. STAUFFER:** And so would this sexual
11 abuse be alleged to have taken place by others, not just by
12 Mr. Seguin and Mr. Barque ---

13 **MS. LARIVIÈRE:** That's right.

14 **MR. STAUFFER:** --- but by anyone?

15 **MS. LARIVIÈRE:** That's right.

16 **MR. STAUFFER:** So not necessarily a
17 probation officer but any individual?

18 **MS. LARIVIÈRE:** That's right.

19 **MR. STAUFFER:** All right. Paragraph number
20 3 at page 26, that talks about reporting to the police, so
21 I gather just as it's saying there, you as a probation
22 officer would encourage the probationer to report the
23 allegation to the relevant police service?

24 **MS. LARIVIÈRE:** That's right.

25 **MR. STAUFFER:** And if that person said to

1 you point blank, "I'm not going to do it", what were you
2 supposed to do as a probation officer?

3 **MS. LARIVIÈRE:** Well, in the event that we
4 had -- that the person talked about sexual abuse, that it
5 definitely was a sexual abuse by someone, then we would
6 have to report it to the police.

7 **MR. STAUFFER:** All right. Because I gather
8 there's a Ministry policy in existence that has been in
9 existence for quite a while and I -- so I don't have this
10 wrong, at page 15 of Exhibit 1179, the fourth bullet talks
11 about the "Allegations of Serious Criminal Activity
12 Policy". Is that what ---

13 **MS. LARIVIÈRE:** That's right.

14 **MR. STAUFFER:** --- you're talking about?

15 And that's talked about a little bit further
16 in this document as well.

17 **MS. LARIVIÈRE:** Yes.

18 **MR. STAUFFER:** So there had been a Ministry
19 policy developed and that's what you had to do?

20 Yes, sir?

21 **THE COMMISSIONER:** Excuse me.

22 Does that policy apply only to serious
23 criminal activity concerning a Ministry employee or does
24 that encompass anybody?

25 **MS. LARIVIÈRE:** Anybody, Your Honour.

1 **THE COMMISSIONER:** Thank you.

2 **MR. STAUFFER:** All right.

3 Madam, in terms of paragraph -- well, let me
4 just ask you this before we move to paragraph 4.

5 My question to you was, and I think you've
6 answered it, if the person decided on his own that he
7 wasn't going to go to the police, then you would report
8 that. Can you help us out as to how often the probationer
9 would have gone to the police, to the best of your
10 knowledge?

11 **MS. LARIVIÈRE:** With the disclosures?

12 **MR. STAUFFER:** Yes.

13 **MS. LARIVIÈRE:** I would say the majority of
14 the time, unless there was something that was so vague that
15 they didn't want to or they didn't -- they didn't provide
16 enough information for us, you know ---

17 **MR. STAUFFER:** M'hm.

18 **MS. LARIVIÈRE:** --- to believe that there
19 was for sure ---

20 **MR. STAUFFER:** Yes.

21 **MS. LARIVIÈRE:** --- a situation like that.

22 **MR. STAUFFER:** And, again, I gather from
23 what Mr. Legault had said, it wasn't your job -- but please
24 correct me if I'm wrong -- it wasn't your job to verify if
25 the person's ---

1 **MS. LARIVIÈRE:** No.

2 **MR. STAUFFER:** --- allegations were correct
3 or truthful?

4 **MS. LARIVIÈRE:** That's right.

5 **MR. STAUFFER:** It was your job to support
6 that individual and then it would be up to that individual
7 to report to the police and the police to determine if --
8 ultimately if there was enough evidence to lay a charge?

9 **MS. LARIVIÈRE:** That's right.

10 **MR. STAUFFER:** Okay. In paragraph 4 of the
11 first protocol, there's talk about providing information
12 and, again, Mr. Legault's been through this, but could you
13 give us one or two examples from your own experience as to
14 what you would have done with people giving you disclosure?
15 How would you have referred them? What would you have done
16 to follow up?

17 **MS. LARIVIÈRE:** In terms of police or in
18 terms of any kind of follow-up?

19 **MR. STAUFFER:** Anything beyond the police.

20 **MS. LARIVIÈRE:** Okay. Well, we have what's
21 called the Men's Project in Cornwall and so that
22 counselling service would have been offered to anybody that
23 disclosed.

24 If there were other issues in terms of
25 substance abuse, those kinds of things, we would have

1 referred them to the Addiction Services and any other -- if
2 it was mental health or whatever referral agency that we
3 felt.

4 **MR. STAUFFER:** Okay.

5 **MS. LARIVIÈRE:** It's hard -- it's difficult
6 for me to say unless I know the ---

7 **MR. STAUFFER:** Yes.

8 **MS. LARIVIÈRE:** --- what the specifics are.

9 **MR. STAUFFER:** Yeah, but, again, in this
10 document, in Exhibit 1179, there's mention of a number of
11 different services that are out there in terms ---

12 **MS. LARIVIÈRE:** Yes.

13 **MR. STAUFFER:** --- of mental health issues
14 and so on, so we may go through that a little bit more.

15 In terms, madam, of paragraph 5, that may
16 help you a little bit, there's mention of -- for example,
17 I'm reading about halfway through the paragraph. It says:

18 The offender will be made aware of the
19 services available from the Mental
20 Health Crisis Team at the Cornwall
21 Hospital, along with phone numbers."

22 And I gather as well there was some
23 psychologist who was on contract with the probation office
24 and that person could provide some service on some kind of
25 a crisis basis?

1 **MS. LARIVIÈRE:** That's right.

2 **MR. STAUFFER:** All right. The -- and in
3 paragraph 6, you talk about other services in terms of
4 addiction and so on.

5 There's mention in paragraph 7 of a quick
6 follow-up as being urged upon a probation officer. From
7 your experience, was that the case? Is that what you would
8 do personally to ---

9 **MS. LARIVIÈRE:** Generally when people
10 disclosed, we would follow up shortly afterwards to make
11 sure that the person was doing okay and whatever else they
12 needed at that time.

13 **MR. STAUFFER:** All right. In the next
14 paragraph 8, there's talk of this acronym "OTIS", O-T-I-S,
15 and again Mr. Legault had talked about that a bit when he
16 was here. Can you help us out as to what your
17 understanding is with regard to that system? What does it
18 mean for knowledge with regard to a probationer?

19 **MS. LARIVIÈRE:** It's the offender tracking
20 system and every time someone reports, the case notes are
21 now registered into the system, whereas before we would
22 have like just a regular written case note. So now anyone
23 in the province, any probation office, has access to that
24 information. And once that information is logged, it's
25 there.

1 **MR. STAUFFER:** All right. The final
2 paragraph in the first protocol, paragraph 9, talks about
3 the preparation of an incident report. I'd just like to
4 take you through this for a minute because it's quite clear
5 in this protocol, it essentially -- an incident report is
6 always prepared ---

7 **MS. LARIVIÈRE:** That's right.

8 **MR. STAUFFER:** That then goes to the area
9 manager. Is that right?

10 **MS. LARIVIÈRE:** That's right.

11 **MR. STAUFFER:** And do you know from your
12 experience, does it go beyond the area manager to a further
13 authority?

14 **MS. LARIVIÈRE:** Yes, it goes to the regional
15 office and also to North Bay to -- and then to the area
16 manager. So there are three copies.

17 **MR. STAUFFER:** All right. The -- and so
18 this protocol is not dated but the best information you
19 have is that this would be a 2006 document?

20 **MS. LARIVIÈRE:** That's right.

21 **MR. STAUFFER:** The second protocol, if I can
22 call it that, starting at page 28, is a separate document I
23 gather, that is, these documents live side-by-side. The
24 second document doesn't take over from the first and ---

25 **MS. LARIVIÈRE:** That's right.

1 **MR. STAUFFER:** So these are separate
2 documents. Could you tell the Commissioner why that is?
3 What is the difference between these two?

4 **MS. LARIVIÈRE:** This is for handling the
5 disclosures ---

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

7 **MS. LARIVIÈRE:** --- itself and the other one
8 is the protocol.

9 **MR. STAUFFER:** All right. I would like to
10 just take you to paragraph 4 for a moment, which is at page
11 29 of Exhibit 1179, and it states:

12 "If we are aware that children are
13 involved and/or at risk, the PO also
14 has a legislative obligation to report
15 the abuse to the local CAS."

16 Do you have any experience where that has
17 occurred?

18 **MS. LARIVIÈRE:** Yes, I do.

19 **MR. STAUFFER:** Okay. Again, without going
20 into any real details, but help us out as to what type of
21 that -- situation would that be where you'd have to get in
22 touch with the CAS?

23 **MS. LARIVIÈRE:** It's through the *Child and*
24 *Family Services Act* and if we feel that any child is at
25 risk, we have an obligation to report it.

1 And the case for me, it was a disclosure
2 that was given to me by someone while in custody while I
3 was preparing a pre-sentence report and he indicated that
4 he had been abused by a teacher when he was in Grade 7 and
5 that the teacher was still teaching at a local school.

6 And so it was incumbent upon me at that
7 point to contact the police as well as the school board to
8 advise them that there was allegations against this
9 teacher. And the teacher was then removed from the
10 classroom.

11 **MR. STAUFFER:** I see. This protocol, to a
12 great extent I suppose, echoes the prior protocol but if I
13 could take you to page 30, the last paragraph, number 10.
14 This is where I have some confusion in my own mind because
15 now it says:

16 "Discussion with the area manager will
17 determine in which cases an incident
18 report will be required."

19 So it's my impression from reading the
20 earlier protocol that an incident report was always
21 created. Can you help us out as to why this seems to give
22 some discretion or whatever to the area manager?

23 **MS. LARIVIÈRE:** I think the point here is
24 that there has to be a discussion with the area manager.
25 It's always been my impression that an incident report is

1 always sent.

2 MR. STAUFFER: Just give us a moment,
3 please.

4 MR. NEUBERGER: I beg your pardon. I'm
5 sorry.

6 (SHORT PAUSE/COURTE PAUSE)

7 MR. STAUFFER: Ms. Larivière, I gather from
8 looking at the first protocol, the one that starts at page
9 25 and comparing it to the second protocol that starts at
10 page 28, the first one is specific to Project Truth matters
11 where a male essentially is alleging that he's been
12 sexually abused in some fashion.

13 The second protocol is of a more general
14 nature. Am I right in that?

15 MS. LARIVIÈRE: That's correct.

16 MR. STAUFFER: And that may explain why
17 there is some discretion apparently given to the area
18 manager in terms of having an incident report created in
19 the second protocol?

20 MS. LARIVIÈRE: Oh, I think for the most
21 part people err on the side of caution and people will put
22 in an incident report regardless. That's been my
23 experience from what I know.

24 MR. STAUFFER: All right. The methodology
25 then, I just want to be clear. You've talked obviously

1 about your personal involvement in having six people come
2 forward and from your information other probation officers
3 have also received disclosure of a similar nature. So you
4 have that pool to start with.

5 What other sources of information came to be
6 used in the preparation of the overview, the Factual
7 Overview?

8 **MS. LARIVIÈRE:** It would have come from
9 incident reports that we just discussed; case reviews;
10 personal disclosure or collateral contact that may have
11 given information; or it could have come from civil
12 litigation cases.

13 **MR. STAUFFER:** All right. Now, I gather you
14 and your fellow probation officers who prepared the report,
15 you're not privy to the civil litigation documents per se.
16 Is that right?

17 **MS. LARIVIÈRE:** That's right.

18 **MR. STAUFFER:** What information did you
19 receive in order to form -- to write this report?

20 **MS. LARIVIÈRE:** I received files on 33 cases
21 that -- I then chronologically took the information from
22 the time of disclosure and then what the institutional
23 response was after that.

24 **MR. STAUFFER:** All right. The list of the
25 disclosure dates I believe appears at page 45 of the

1 exhibit and if you could just turn to that for one moment.

2 From your work on the overview, do those
3 dates set out the dates of disclosure as accurately as you
4 can determine them?

5 **MS. LARIVIÈRE:** That's right.

6 **MR. STAUFFER:** And I gather the first 19
7 take place, the disclosure take place before April of 2005.
8 The next ones from numbers 20 through 32 take place post-
9 April, 2005 and then the final one, for some reason -- but
10 although it's last in the numbers, it actually -- the
11 disclosure takes place in 1996?

12 **MS. LARIVIÈRE:** That's correct.

13 **MR. STAUFFER:** Okay. Not to leave any
14 stones unturned, I gather that although we are dealing with
15 males predominantly in this report, in this Factual
16 Overview, you would have female probationers come forward
17 from time-to-time, I gather, and complain of having been
18 sexually abused?

19 **MS. LARIVIÈRE:** Yes.

20 **MR. STAUFFER:** And what would be the
21 response there?

22 **MS. LARIVIÈRE:** Response would be similar,
23 other than the Men's Project obviously would not be one of
24 the referrals that we would make, but it would be similar.

25 **MR. STAUFFER:** But there is a victims and

1 witness assistance program as I understand it ---

2 **MS. LARIVIÈRE:** That's right.

3 **MR. STAUFFER:** --- that's in existence and
4 so that would be one of the referral sources?

5 **MS. LARIVIÈRE:** Yes.

6 **MR. STAUFFER:** I'm almost done here, I
7 think, Mr. Commissioner.

8 And I understand from my friend earlier that
9 the various policies that are mentioned at page 15 of this
10 exhibit have been filed in the corporate presentation from
11 the Ministry if those need to be examined at some later
12 date, but I don't intend to refer Ms. Larivière further to
13 them.

14 Now, madam, I know you're not actively
15 working in the probation office in Cornwall right now,
16 you're still obviously with the Ministry and acting as a
17 trainer right now?

18 **MS. LARIVIÈRE:** That's right.

19 **MR. STAUFFER:** But do you have any
20 particular recommendations for Mr. Commissioner from your
21 experience because I guess you've been a probation officer
22 for about 18 years or so?

23 **MS. LARIVIÈRE:** That's right.

24 **MR. STAUFFER:** Yes. If there's anything
25 you'd like to recommend, please feel free.

1 **MS. LARIVIÈRE:** Well, on the basis I guess
2 of being a core program trainer, I certainly feel that
3 there is a lack of training in this regard. We, in
4 Cornwall, have been fortunate in that we have received the
5 training that's been offered on three different occasions
6 for male victims of sexual abuse.

7 Unfortunately, this happens in every city,
8 in every town, and people across the province have not been
9 given that opportunity.

10 So I think that it would be very important
11 for everyone to get trained on how to deal with sexual
12 abuse -- male victims of sexual abuse.

13 **MR. STAUFFER:** All right. Is that your --
14 that's your recommendation, then, with respect to province-
15 wide training?

16 **MS. LARIVIÈRE:** That's right.

17 **MR. STAUFFER:** All right.

18 Mr. Commissioner, those are my questions.
19 Thank you very much, sir.

20 And, madam, you may want to wait there, my
21 friends may have some questions for you.

22 Thank you.

23 **MS. LARIVIÈRE:** Thank you.

24 **THE COMMISSIONER:** Ms. Daley?

25 **MS. DALEY:** Thank you.

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIR PAR MS.

2 **DALEY:**

3 Hello, Ms. Larivière, my name is Helen Daley
4 and I'm counsel for a group called the Citizens for
5 Community Renewal and that is a local citizens group
6 interested in the reform of institutions and I have some
7 questions for you about your evidence.

8 **MS. DALEY:** I think the first topic I wanted
9 to discuss was to take you back to the window between 1990
10 and 1993 when you were new in the Cornwall probation office
11 and Mr. Séguin was still alive. So if I could just ask you
12 think back to that period.

13 And if I'd understood correctly, you spent a
14 lot of that time outside of the Cornwall office. I gather
15 you had assignments that took you elsewhere?

16 **MS. LARIVIÈRE:** That's correct.

17 **MS. DALEY:** But when you were present in the
18 Cornwall office, you had some opportunity to observe Mr.
19 Séguin's interactions with his co-workers?

20 **MS. LARIVIÈRE:** Yes, I did.

21 **MS. DALEY:** And I'm particularly interested
22 in whether or not you saw him play any type of leadership
23 role in the office?

24 **MS. LARIVIÈRE:** He certainly did.

25 **MS. DALEY:** And how would you define that

1 role; can you give us some details about that?

2 **MS. LARIVIÈRE:** He would have been the most
3 senior probation officer. I don't know think he had a
4 specific title that would show that he would be any
5 different than other probation officer, but because of his
6 seniority he was certainly the person that you would go to
7 in terms of asking for advice or mentoring and those kinds
8 of things.

9 **MS. DALEY:** All right. And I think you gave
10 testimony that to your observation, he had a very good
11 relationship with the area manager, Mr. Robert?

12 **MS. LARIVIÈRE:** That's right.

13 **MS. DALEY:** And I take it, would you agree,
14 that that was in contrast to some of the other working
15 relationships in the office amongst probation officers and
16 Mr. Robert?

17 **MS. LARIVIÈRE:** Yes.

18 **MS. DALEY:** So the contrast being that
19 others had poor working relationships but Séguin always
20 seemed to have a good one with his manager, Mr. Robert?

21 **MS. LARIVIÈRE:** That's right.

22 **MS. DALEY:** Did -- Mr. Robert told us here
23 that during that window of time, he was often absent from
24 Cornwall on a project that took him to Toronto. When Mr.
25 Robert was not in the office at Cornwall, was Ken the

1 effective leader?

2 **MS. LARIVIÈRE:** He would have been the
3 person that you would go to.

4 **MS. DALEY:** All right. Do you recall during
5 this window of time, 1990 to 1993 -- and I'll focus you
6 specifically on the beginning months of 1992 -- do you
7 recall ever hearing in the office an incident involving a
8 probationer and a shooting death and Mr. Séguin?

9 **MS. LARIVIÈRE:** Yes, I remember that.

10 **MS. DALEY:** Was that incident discussed in
11 the office?

12 **MS. LARIVIÈRE:** Yes, it was.

13 **MS. DALEY:** Did you have any impression as
14 to how it was being handled?

15 **MS. LARIVIÈRE:** It was certainly bizarre
16 that Mr. Séguin would be involved in that situation prior
17 to the incident happening, so people certainly wondered
18 about it.

19 **MS. DALEY:** I take it you saw no steps being
20 taken to discipline Mr. Séguin or to deal with him in a
21 disciplinary manner, as a result of that incident?

22 **MS. LARIVIÈRE:** No, I think it was -- it was
23 kind of discussed as people that Ken knew, that had stopped
24 by his house and -- he seemed to know a lot of people,
25 that's for sure.

1 MS. DALEY: Yes.

2 MS. LARIVIÈRE: And so, no, there was no
3 discipline involved in it.

4 MS. DALEY: Was there an attitude of concern
5 amongst your co-workers that this would have arisen and
6 that a probationer was involved?

7 MS. LARIVIÈRE: Sure.

8 MS. DALEY: Did you take it upon yourself to
9 talk to Mr. Robert about the incident at all?

10 MS. LARIVIÈRE: I was not directly involved
11 with the case at that point, so, no, I did not.

12 MS. DALEY: Did the probation officer who
13 was directly involved in the case speak to Mr. Robert about
14 Ken's role in the whole occurrence?

15 MS. LARIVIÈRE: I believe she did.

16 MS. DALEY: Was that Ms. Cardinal?

17 MS. LARIVIÈRE: Yes.

18 MS. DALEY: Did you ever learn through
19 discussions with her or otherwise of any feedback or
20 response from Mr. Robert to the occurrence?

21 MS. LARIVIÈRE: I never learned of -- of --
22 that there was one. I don't -- I -- from my understanding,
23 there was no feedback from it.

24 MS. DALEY: All right.

25 (SHORT PAUSE/COURTE PAUSE)

1 **MS. DALEY:** I'm going to skip to another
2 subject.

3 You were speaking just moments ago about the
4 training that you've received in sexual assault matters and
5 I'm just wondering if you could -- can you comment at all
6 on the role of -- that gender plays? For example, we've
7 heard -- and I suspect we'll hear again -- about men who
8 are concerned about making disclosure to a woman, for
9 example. In the probation office situation here, was was
10 that a problem?

11 **MS. LARIVIÈRE:** That -- that men disclosed
12 to women?

13 **MS. DALEY:** Yes.

14 **MS. LARIVIÈRE:** Not in my experience.

15 **MS. DALEY:** I had the impression in fact
16 from what I've looked at here, that it was, in effect, the
17 experience was somewhat opposite, that men felt more
18 comfortable talking to a woman officer about it?

19 **MS. LARIVIÈRE:** I think in our case it was
20 just the fact that a male probation officer had been
21 involved in a situation and, therefore, in order not to
22 compromise any of the male probation officers in the
23 office, Ms. Cardinal and I both volunteered to look after
24 cases like that if they came forward, just so that -- in
25 order not to compromise our colleagues.

1 **MS. DALEY:** Were there circumstances when
2 probationers were requested to speak to a male officer as
3 opposed to yourself or Ms. Cardinal?

4 **MS. LARIVIÈRE:** No.

5 **MS. DALEY:** I assume if they'd done that
6 though, you would have accommodated that request?

7 **MS. LARIVIÈRE:** Sure.

8 **MS. DALEY:** In the training that you
9 received, was there emphasis given to bonding or forming a
10 relationship with the disclosing individual?

11 **MS. LARIVIÈRE:** Yes.

12 **MS. DALEY:** Can you just comment briefly on
13 that aspect. What is it that one is to do?

14 **MS. LARIVIÈRE:** I think to develop a rapport
15 and so that the person feels that they're safe in the
16 environment that they're in and to validate what the person
17 is saying and not to question the validity of what they're
18 saying. Just to validate what they're saying and to
19 support them.

20 **MS. DALEY:** And is it your experience and
21 teaching that if those techniques are employed, the
22 individual is relatively better able to discuss the abuse?

23 **MS. LARIVIÈRE:** Certainly.

24 **MS. DALEY:** And would you accept the notion
25 that some, if not all, of those concepts might apply

1 equally to a police officer who's receiving disclosure from
2 an abuse victim?

3 **MS. LARIVIÈRE:** I don't know the role of a
4 police officer, but I would assume that that would be
5 something that would be similar.

6 **MS. DALEY:** For example, one thing that
7 occurs to me just as a matter of common sense is that
8 developing the rapport and relationship is probably similar
9 in both incidents whether you're a probation officer in
10 your shoes or a police officer?

11 **MS. LARIVIÈRE:** I would assume so.

12 **MS. DALEY:** And did you, in fact, accompany
13 any of your Ministry clients to interviews with police?

14 **MS. LARIVIÈRE:** Yes, I did.

15 **MS. DALEY:** Was that to the OPP?

16 **MS. LARIVIÈRE:** Cornwall Police.

17 **MS. DALEY:** Cornwall ---

18 **MS. LARIVIÈRE:** Sorry, Project Truth ---

19 **MS. DALEY:** All right.

20 **MS. LARIVIÈRE:** --- police.

21 **MS. DALEY:** And were you present during
22 interviews?

23 **MS. LARIVIÈRE:** Yes.

24 **MS. DALEY:** Can you give us any observations
25 about how the interviews were conducted? Did you consider

1 them to be conducted in a manner that accommodated the
2 victim's circumstance?

3 **MS. LARIVIÈRE:** I'm not sure I understand
4 the question.

5 **MS. DALEY:** From the interview that you
6 observed, did you see efforts being made to deal with the
7 victim in a way that you by your training considered
8 appropriate?

9 **MS. LARIVIÈRE:** I don't think it was the
10 same role. This was post-disclosure, so I think that the
11 police officer was trying to ascertain all of the
12 information and facts so that he could proceed.

13 **MS. DALEY:** So that's not a task that you
14 did when you received disclosure ---

15 **MS. LARIVIÈRE:** No.

16 **MS. DALEY:** --- from people?

17 **MS. LARIVIÈRE:** No, it wouldn't have been
18 the same.

19 **MS. DALEY:** All right. Did the interviews
20 though appear effective to you? In other words, did they
21 serve the purpose? Was the individual able to give the
22 information required?

23 **MS. LARIVIÈRE:** Yes.

24 **MS. DALEY:** All right. I have some
25 questions for you now about the event in 1999 when an

1 individual made the first disclosure to you; that's what I
2 want to speak about.

3 And I take it that that person disclosed
4 that he had been sexually abused by Ken at the very premise
5 (sic) of the probation officer -- office, that is, at 502
6 Pitt?

7 **MS. LARIVIÈRE:** That's correct.

8 **MS. DALEY:** And that I think this individual
9 told you he had also been breached by Ken, meaning he had
10 his probation revoked?

11 **MS. LARIVIÈRE:** That's right. Well,
12 breached just means it's a new charge ---

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

14 **MS. LARIVIÈRE:** --- for failing to report.

15 **MS. DALEY:** All right, but that there was --
16 the sexual abuse that occurred at 502 Pitt and then there
17 was something that occurred as a result of failing to
18 report to Ken at 502 Pitt, I'm assuming; correct?

19 **MS. LARIVIÈRE:** Right.

20 **MS. DALEY:** All right. And I have to think
21 that when you received that information, you must have been
22 very concerned and shocked by it?

23 **MS. LARIVIÈRE:** I certainly was.

24 **MS. DALEY:** Is that the first time following
25 Ken's death anyone had ever directly spoken to you about

1 abuse by Ken?

2 MS. LARIVIÈRE: Yes.

3 MS. DALEY: And the step you took was to
4 report the situation to your manager, Mr. Robert?

5 MS. LARIVIÈRE: That's right. It would have
6 been Mr. Legault at that point.

7 THE COMMISSIONER: Yes.

8 MS. DALEY: In 1999?

9 MS. LARIVIÈRE: Yes.

10 THE COMMISSIONER: M'hm.

11 MS. DALEY: And did you tell anyone else in
12 the office about it?

13 MS. LARIVIÈRE: I think I did have a
14 discussion with some of my colleagues, yes.

15 MS. DALEY: Do you recall what Mr. Legault
16 said when you explained what had happened?

17 MS. LARIVIÈRE: He was as surprised as -- as
18 I was at the information that I had received and I think he
19 felt that doing a pre-sentence report or walking around the
20 block was a bit bizarre, but he appreciated the fact that
21 we accommodated him as best we could and did what we could
22 for him, so I think he was -- he was pleased with the way
23 it turned out.

24 MS. DALEY: All right. I took it from your
25 testimony that you believed that this would have generated

1 an incident report that would go to the regional office and
2 also to the Investigation Management Unit?

3 MS. LARIVIÈRE: That's correct.

4 MS. DALEY: But was there ever an
5 investigation as a result of this disclosure at this time?

6 MS. LARIVIÈRE: No. By -- by who? By the
7 Ministry?

8 MS. DALEY: Yes.

9 MS. LARIVIÈRE: I don't believe so.

10 MS. DALEY: Were you expecting that there
11 would be -- that you would hear from the Ministry; there'd
12 be some sort of investigation about what this individual
13 had told you?

14 MS. LARIVIÈRE: I don't know what I was
15 going to expect because it was very new to me.

16 MS. DALEY: Did you ever follow-up with your
17 boss, Mr. Legault, and say, what's happening, no one's
18 looking into this?

19 MS. LARIVIÈRE: Well, I -- I didn't think
20 that it was my responsibility to ask what they were doing
21 with the information. I assumed that that the
22 investigation -- Investigative Management Unit would do
23 what they do so I didn't question any of that.

24 MS. DALEY: But was it part of your
25 understanding that this was the type of circumstance that

1 the Investigation Management Unit was there to investigate?

2 MS. LARIVIÈRE: I wasn't sure what they
3 would do with it.

4 MS. DALEY: All right. I take it, Ms.
5 Larivière, through no fault of your own -- I don't suggest
6 that, it was only by happenstance that you saw this
7 individual again in 2002 because he re-offended and he came
8 back to your office; correct?

9 MS. LARIVIÈRE: That's correct.

10 MS. DALEY: And had that not occurred --
11 sorry, I'll put it differently -- by virtue of that
12 happenstance, you were able to say again, ah, here you are
13 back and I remember what you told me three years ago about
14 being abused by Ken Seguin; correct?

15 MS. LARIVIÈRE: He actually did not get
16 probation in 1999, it was a pre-sentence report, so I
17 didn't see him because of -- by virtue of the fact he did
18 not -- he was not sentenced to probation.

19 MS. DALEY: I understand and so that being
20 the case, he was not on probation in 1999 ---

21 MS. LARIVIÈRE: No.

22 MS. DALEY: --- so, in fact, no one spoke to
23 him between 1999 and '02 about his disclosure of sexual
24 abuse by Ken?

25 MS. LARIVIÈRE: Actually, he did move to

1 Brampton and had a situation there that he dealt with at
2 that office, so would have spoken to them in Brampton.

3 MS. DALEY: About -- about Ken Seguin?

4 MS. LARIVIÈRE: Yes.

5 MS. DALEY: All right, but to your
6 knowledge, nothing was done about his allegation to the
7 Brampton office.

8 MS. LARIVIÈRE: In terms of?

9 MS. DALEY: His claim that Ken Seguin had
10 abused him.

11 MS. LARIVIÈRE: What was done by -- by the
12 Ministry, you mean?

13 MS. DALEY: Well, I guess -- you led me to
14 think that between 1999 and '02, he's living in Brampton --
15 -

16 MS. LARIVIÈRE: Right.

17 MS. DALEY: --- and he's on parole again in
18 Brampton; correct?

19 MS. LARIVIÈRE: On probation, yes.

20 MS. DALEY: And did he disclose to his
21 Brampton probation officer that he'd been abused by Ken
22 Seguin?

23 MS. LARIVIÈRE: Yes.

24 MS. DALEY: And do you know if the Ministry
25 did anything as a result of that disclosure?

1 **MS. LARIVIÈRE:** I don't know.

2 **MS. DALEY:** So the only thing you know is
3 that you see him again back in Cornwall in 2002 and he's a
4 client of your office again at that time?

5 **MS. LARIVIÈRE:** That's right.

6 **MS. DALEY:** And it's only by virtue of that
7 circumstance that you're then able to offer him your
8 services, which is the counselling and the recommendations
9 that you have to offer about going to the police; correct?

10 **MS. LARIVIÈRE:** That's right.

11 **MS. DALEY:** And, of course, I guess it's
12 axiomatic that if you'd been in a position to do that three
13 years earlier, he would have been in a position to seek out
14 treatment if he was interested or go to the police three
15 years earlier?

16 **MS. LARIVIÈRE:** Perhaps.

17 **MS. DALEY:** Do you know if he did either of
18 those things?

19 **MS. LARIVIÈRE:** He did. Yes, he did.

20 **THE COMMISSIONER:** After, in 2002?

21 **MS. LARIVIÈRE:** In 2002.

22 **THE COMMISSIONER:** And which ones did he do
23 or both?

24 **MS. LARIVIÈRE:** Both.

25 **MS. DALEY:** I just want to follow one thread

1 there and the Commissioner's question reminded me of it.

2 You were telling us that in all instances
3 when abuse was disclosed, the strong recommendation was to
4 go to speak to the police and I take it that was during the
5 Project Truth era, but that also is true now ---

6 **MS. LARIVIÈRE:** Right.

7 **MS. DALEY:** --- correct? I take it you
8 appreciate though that the probation office victims are all
9 going to be victims of individuals who are dead because as
10 of 1998 both Nelson Barque and Ken Seguin had died;
11 correct?

12 **MS. LARIVIÈRE:** Right.

13 **MS. DALEY:** Is it your understanding that
14 the police can actively investigate sexual abuse in those
15 circumstances?

16 **MS. LARIVIÈRE:** After the person has died?

17 **MS. DALEY:** Yes.

18 **MS. LARIVIÈRE:** Yes.

19 **MS. DALEY:** So is it your belief then that
20 the people that you've directed to the police services have
21 had an investigation occur even though the alleged
22 perpetrator is dead?

23 **MS. LARIVIÈRE:** Yes.

24 **MS. DALEY:** All right.

25 I want to change topics and I just want to

1 speak to you about your overview report; that's the exhibit
2 we've been looking at.

3 **MS. LARIVIÈRE:** M'hm.

4 **MS. DALEY:** And just so that I can get an
5 accurate understanding of the incidents of abuse and
6 reporting, I'd ask you please to look at page 7 of Exhibit
7 1179 and, Madam Clerk, if you can scroll to the first
8 paragraph just under the chart, that's what I wanted to
9 show this witness.

10 If I've understood this correctly, Ms.
11 Larivière, there are the 33 -- I think that's right ---

12 **MS. LARIVIÈRE:** That's right.

13 **MS. DALEY:** --- the 33 listed disclosures
14 and then, as we see here, there are an additional 19 files
15 for which the Ministry is involved, but the disclosure was
16 not made to a probation officer.

17 Of these files, the person against whom the
18 complaint was made was a former Ministry employee in 16 of
19 the cases. Is that correct?

20 **MS. LARIVIÈRE:** That's right.

21 **MS. DALEY:** So adding those numbers up,
22 would that mean that there's a total then of 49 allegations
23 of abuse by either Mr. Seguin or Mr. Barque? The 33 that
24 you've counted on the chart and the 16 additional ones
25 referred to here?

1 **MS. LARIVIÈRE:** No. There's 33 altogether
2 with some from Mr. Seguin and Mr. Barque, but there are
3 others that are from other sources.

4 **MS. DALEY:** M'hm. Do you know the total
5 that are against the Ministry?

6 **MS. LARIVIÈRE:** Twenty, I believe.

7 **MS. DALEY:** Okay, so help me, 20 from the
8 list of 33?

9 **MS. LARIVIÈRE:** Twenty from the list of 33
10 and then an additional 16.

11 **MS. DALEY:** Sixteen, so the overall total is
12 36?

13 **MS. LARIVIÈRE:** Yes.

14 **MS. DALEY:** Okay. And that's 36 claims of
15 abuse over the timeframe 1982 through to 2007?

16 **MS. LARIVIÈRE:** Yes.

17 **MS. DALEY:** And would I be right that the
18 vast majority of those are in reference to Mr. Seguin as
19 opposed to Mr. Barque?

20 **MS. LARIVIÈRE:** Yes.

21 **MS. DALEY:** With respect to the data in this
22 report, maybe I'll just ask you to look at page 5, the top
23 chart. And I'm just going to steer you towards the date
24 column, the dates of disclosure, because you see there's
25 large gaps in those dates. That's what I want to talk to

1 you about,

2 **MS. LARIVIÈRE:** Okay.

3 I gather you were obviously working in the
4 Cornwall office in 1995, so you were aware that criminal
5 charges were laid against Mr. Barque for abusing Albert
6 Roy?

7 **MS. LARIVIÈRE:** Yes.

8 **MS. DALEY:** Albert Roy though is not a
9 statistic that's picked up in this collection of numbers;
10 is it?

11 **MS. LARIVIÈRE:** No.

12 **MS. DALEY:** Okay. And I take you were aware
13 that Mr. Barque, sorry that Mr. Roy also alleged that Ken
14 Seguin had abused him as well?

15 **MS. LARIVIÈRE:** Yes.

16 **MS. DALEY:** Now, stopping there in 1995,
17 that occurrence was known throughout your office, I am
18 assuming; the -- Mr. Barque's criminal charge and the fact
19 it involved a probationer?

20 **MS. LARIVIÈRE:** Yes.

21 **MS. DALEY:** Were you ever privy to any
22 conversation in the office at that time to the effect that
23 perhaps something should be done to determine if there were
24 other victims of Mr. Barque?

25 **MS. LARIVIÈRE:** No.

1 **MS. DALEY:** Was Mr. Robert the manager at
2 that time?

3 **MS. LARIVIÈRE:** Yes, he was.

4 **MS. DALEY:** Was there ever any discussion
5 amongst your co-workers reflecting the concern that I've
6 just expressed that there could be other victims of Mr.
7 Barque?

8 **MS. LARIVIÈRE:** I think after 1993, people
9 took a long time to digest what had happened and I think it
10 was -- as each case started to unfold, it became clearer to
11 us but it took a while before we got there.

12 **MS. DALEY:** So this was a pattern that
13 developed slowly and you're saying it's not a pattern that
14 you could have -- you saw in 1995?

15 **MS. LARIVIÈRE:** No.

16 **MS. DALEY:** All right.

17 **MS. LARIVIÈRE:** No.

18 **MS. DALEY:** So moving then into 1998, you're
19 aware that there are additional charges that are mounted
20 against Mr. Barque very, very shortly before he commits
21 suicide; you know about that?

22 **MS. LARIVIÈRE:** Yes.

23 **MS. DALEY:** And you know that those charges
24 also involve abuse of probationers, two individuals who are
25 on probation to Mr. Barque; you were aware of that?

1 **MS. LARIVIÈRE:** That right, Yes.

2 **MS. DALEY:** Now, again I have the same
3 thought, at that time is there not some internal discussion
4 in the office about perhaps "we should try to find out
5 whether there were other of our clients who were abused by
6 Barque"?

7 **MS. LARIVIÈRE:** No.

8 **MS. DALEY:** And Mr. Robert was still the
9 manager in 1998?

10 **MS. LARIVIÈRE:** Yes.

11 **MS. DALEY:** Can you offer any explanation
12 for -- I mean, I guess it's easy to stand in hindsight and
13 to say, wow, that must have been alarming. Can you think
14 of any reason why those thoughts weren't thought back in
15 1998?

16 **MS. LARIVIÈRE:** I think there were two
17 allegations at that point and I don't think the patterns
18 had developed yet. So I don't think people were thinking
19 that it was as paramount as it was.

20 **MS. DALEY:** Another case or another instance
21 of alleged abuse that I think is not reflected in the
22 overview if that of David Silmser ---

23 **MS. LARIVIÈRE:** Yes.

24 **MS. DALEY:** --- and you remember that is the
25 case that came to light publicly in 1993, late 1993 and

1 early '94 pertaining to Mr. Seguin; correct?

2 MS. LARIVIÈRE: M'hm.

3 MS. DALEY: So again, Silmser, we've heard a
4 lot about here but his statistic is also not reflected in
5 your document.

6 MS. LARIVIÈRE: That's right.

7 MS. DALEY: All right. I take it one of the
8 themes that I saw in your work or at least in the
9 information you were being given was that the abuse
10 occurred at 502 Pitt in many cases.

11 MS. LARIVIÈRE: That's right.

12 MS. DALEY: Is that correct?

13 MS. LARIVIÈRE: Yes.

14 MS. DALEY: In fact, in the majority of
15 cases, they -- people were telling you it happened in the
16 office?

17 MS. LARIVIÈRE: Yes.

18 MS. DALEY: And of course, that suggests
19 that Ken was involved in this activity in the office at 502
20 Pitt; correct?

21 MS. LARIVIÈRE: Right.

22 MS. DALEY: And we've seen from the
23 statistics that you've presented to us that it's not a
24 small number; it's at least 36 individuals if not more,
25 that are not reflected in the numbers; correct?

1 **MS. LARIVIÈRE:** Yes.

2 **MS. DALEY:** Did you ever see any indication
3 that that type of activity could have been occurring in the
4 Cornwall Probation office when Ken was still alive?

5 **MS. LARIVIÈRE:** Absolutely none.

6 **MS. DALEY:** Did he use the office at night
7 in a different manner than other people did?

8 **MS. LARIVIÈRE:** Not that I knew of.

9 **MS. DALEY:** Did you ever see probationers or
10 ex-probationers coming to visit with Ken in the office?

11 **MS. LARIVIÈRE:** Yes.

12 **MS. DALEY:** And what about Gerald Renshaw;
13 could you recognize Gerald?

14 **MS. LARIVIÈRE:** No, I couldn't.

15 **MS. DALEY:** Would you agree with me, perhaps
16 you wouldn't and that's fine too, but would you not think
17 that the situation that we're talking about here, it's 30
18 individuals let's say and a probation officer who's
19 sexually abusing them on the premise; is that not something
20 that would have been hard to conceal?

21 **MS. LARIVIÈRE:** Well, it did. So I would
22 say that that's the way it happened. Because it's
23 certainly no one -- no one was aware of it.

24 **MS. DALEY:** Okay. I just have a few final
25 questions for you then I'm finished. In terms of Exhibit

1 1179, I just -- if I can recap it with you this way; first
2 of all, it shows us 36 instances of alleged sexual abuse by
3 probation officers ---

4 MS. LARIVIÈRE: Thirty-three (33).

5 MS. DALEY: Thirty-three (33) documented,
6 but you said some of those are others.

7 MS. LARIVIÈRE: Yes.

8 MS. DALEY: So I am backing out anything ---

9 MS. LARIVIÈRE: Okay.

10 MS. DALEY: --- that is not probation. So
11 if I take away any disclosures that are not related either
12 to Ken or Nelson, I've got 36; correct?

13 MS. LARIVIÈRE: As the number of ---

14 MS. DALEY: Right.

15 MS. LARIVIÈRE: --- people, yes.

16 MS. DALEY: And you've acknowledged that
17 that number doesn't reflect all of the cases because, for
18 example, it doesn't reflect Albert Roy; it doesn't
19 necessary reflect Mr. Silmsen.

20 MS. LARIVIÈRE: I don't know who the civil
21 litigation charges are, so it's not fair of me to say that
22 it doesn't ---

23 MS. DALEY: Fair enough.

24 MS. LARIVIÈRE: --- include them. I don't
25 know.

1 **MS. DALEY:** Fair enough. But it might not
2 include them.

3 **MS. LARIVIÈRE:** It might not.

4 **MS. DALEY:** It's possible that there are
5 others that are not included?

6 **MS. LARIVIÈRE:** Yes.

7 **MS. DALEY:** And I take it that the process
8 that your office has adopted and that you're using is still
9 to deal only with people who become repeat offenders, in
10 other words clients who you see a second time; those are
11 the people you ask about their abuse history or experience?

12 **MS. LARIVIÈRE:** No, we ask everyone whether
13 it's their first time on probation or not.

14 **MS. DALEY:** I understand that, but in terms
15 of individuals who were clients in the past of Ken or
16 Nelson ---

17 **MS. LARIVIÈRE:** Yes.

18 **MS. DALEY:** --- the approach has not been to
19 contact or to initiate contact with all of those people and
20 inquire; the approach has simply been to see whether, if
21 any of them are on a subsequent term of probation to ask
22 them at that point if they had been abused; correct?

23 **MS. LARIVIÈRE:** That's right.

24 **MS. DALEY:** So are we agreed that if a
25 different approach were to be taken and an outreach made to

1 all of Ken and Nelson's former clients; do you not consider
2 it possible if not probable that you'd have additional
3 disclosures of abuse?

4 **MS. LARIVIÈRE:** I think that that's a good
5 idea. I think anyone who has been on probation to Ken or
6 Nelson and has a past history of abuse should come forward.

7 **MS. DALEY:** Well, do you think the Ministry
8 should do outreach to them?

9 **MS. LARIVIÈRE:** I'm not sure how that would
10 be done because a lot of the files are no longer in
11 existence. So I don't know how representative that would
12 be in terms of finding all of these people. But I think it
13 certainly would be welcome.

14 **MS. DALEY:** Assuming that you didn't have a
15 logistic problem, and you did have reasonable records and
16 you could find people; I take it your view is that the best
17 case scenario would be for the Ministry to reach out to all
18 of those clients and to make inquiries as to whether there
19 was abused by Ken or Nelson?

20 **MS. LARIVIÈRE:** I don't know what parameters
21 would have to be set to do that. I am not sure.

22 **MS. DALEY:** Was that concept ever discussed
23 in the Cornwall office?

24 **MS. LARIVIÈRE:** No.

25 **MS. DALEY:** Thank you very much.

1 **MS. LARIVIÈRE:** You're welcome.

2 **THE COMMISSIONER:** Thank you.

3 We'll take the afternoon break.

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

6 This hearing will resume at 3:15 p.m.

7 --- Upon recessing at 2:57 p.m. /

8 L'audience est suspendue à 14h57

9 --- Upon resuming at 3:16 p.m. /

10 L'audience est reprise à 15h16

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

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

15 **THE COMMISSIONER:** Mr. Paul?

16 **Sue Larivière, Resumed/Sous le même serment:**

17 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

18 **PAUL:**

19 **MR. PAUL:** Good afternoon Ms. Larivière.

20 **MS. LARIVIÈRE:** Good afternoon.

21 **MR. PAUL:** I am appearing for the Coalition
22 for Action with is a citizens group that was involved in
23 advocating for the Inquiry.

24 I just have a few questions initially on the
25 relationship in the office between Mr. Séguin and Mr. van

1 Diepen.

2 MS. LARIVIÈRE: Yes.

3 MR. PAUL: Now, I understand that you had
4 arrived around 1990?

5 MS. LARIVIÈRE: That's right.

6 MR. PAUL: Can you indicate, when you
7 arrived initially in 1990, is the relationship good between
8 those two individuals at that point?

9 MS. LARIVIÈRE: It seemed to be okay.

10 MR. PAUL: Does it deteriorate over time and
11 become somehow strained?

12 MS. LARIVIÈRE: Yes, it did.

13 MR. PAUL: And can you pinpoint a timeframe?
14 Is it within that three years at some point that that
15 happens?

16 MS. LARIVIÈRE: I don't know the exact
17 timeframe. I think there was a point where Mr. van Diepen
18 took over the Morrisburg area for Mr. Séguin and I think it
19 was at that juncture that things might have -- that things
20 changed.

21 MR. PAUL: Okay. And it was your impression
22 -- was it your impression that Mr. Séguin wasn't happy with
23 that?

24 MS. LARIVIÈRE: I don't know -- I really
25 don't know what happened there, but it seemed to me that

1 that -- things were strained after that.

2 **MR. PAUL:** All right.

3 **MS. LARIVIÈRE:** And I don't know what year
4 that is and I don't know exactly when that is.

5 **MR. PAUL:** So you didn't discuss it with
6 either of them?

7 **MS. LARIVIÈRE:** No.

8 **MR. PAUL:** But your impression is is the
9 relationship seemed to change after that?

10 **MS. LARIVIÈRE:** That's right.

11 **MR. PAUL:** Was there any other incidents
12 such as some kind of verbal argument in the office between
13 Mr. Séguin and Mr. van Diepen?

14 **MS. LARIVIÈRE:** Like I say, I was not in the
15 office that much over those three years, I probably was
16 there one year in total, collectively, over those three
17 years, so I would have not heard that argument or heard
18 about it at that time.

19 **MR. PAUL:** Okay. So you didn't even hear
20 about it?

21 **MS. LARIVIÈRE:** No.

22 **MR. PAUL:** Did you ever hear of any incident
23 where Mr. van Diepen and Mr. Gendron might have followed
24 Mr. Séguin to a shopping mall?

25 **MS. LARIVIÈRE:** I heard about that recently.

1 I had never heard about it then.

2 MR. PAUL: Okay. So you didn't hear it at
3 the time?

4 MS. LARIVIÈRE: No.

5 MR. PAUL: Now, I understand that I think on
6 the last day of your evidence, you did indicate that Mr.
7 Séguin would attend a local restaurant I think for lunch?

8 MS. LARIVIÈRE: That's right.

9 MR. PAUL: And he would often go with
10 Malcolm MacDonald?

11 MS. LARIVIÈRE: Yes.

12 MR. PAUL: Now, initially was he going with
13 Mr. van Diepen as well?

14 MS. LARIVIÈRE: I think Mr. van Diepen went
15 more sporadically. I don't think he went every day like
16 Mr. Séguin did, but until that point, yes, he would have
17 gone.

18 MR. PAUL: Okay. So until the point where
19 it became strained and then he stopped going?

20 MS. LARIVIÈRE: That's right.

21 MR. PAUL: Did you go to those lunches as
22 well at times?

23 MS. LARIVIÈRE: I did go once; that was just
24 on invitation.

25 MR. PAUL: Now, apart from Malcolm

1 MacDonalld, you didn't know who the other people were?

2 MS. LARIVIÈRE: No, I didn't.

3 MR. PAUL: Do you know if Mr. Séguin -- you
4 knew Mr. Séguin would have dealt with police officers
5 professionally, obviously?

6 MS. LARIVIÈRE: Yes.

7 MR. PAUL: Did you know if he socialized
8 with any at lunch or after work?

9 MS. LARIVIÈRE: I don't know.

10 MR. PAUL: Now, later after -- much later,
11 in the year 2000, did you become aware that there was a
12 website about the -- relating to the probation office?

13 MS. LARIVIÈRE: Yes.

14 MR. PAUL: And did you get on the internet
15 and see that yourself?

16 MS. LARIVIÈRE: No.

17 MR. PAUL: But you hear about it?

18 MS. LARIVIÈRE: Yes.

19 MR. PAUL: Now, as far as the office it
20 seems to, as far as the current probation officers at that
21 time, there's some reference somehow to Mr. van Diepen?

22 MS. LARIVIÈRE: Yes.

23 MR. PAUL: And how does the office react to
24 the website and to Mr. van Diepen?

25 MS. LARIVIÈRE: I think people felt badly

1 for him, that this had happened.

2 MR. PAUL: And did you discuss it with Mr.
3 van Diepen?

4 MS. LARIVIÈRE: Not initially, but I did --
5 I did ---

6 MR. PAUL: All right.

7 MS. LARIVIÈRE: --- speak with him about it,
8 yes.

9 MR. PAUL: Initially, does he appear not to
10 respond to it or not say anything?

11 MS. LARIVIÈRE: That's right.

12 MR. PAUL: Initially, are people wondering
13 why he's not saying anything?

14 MS. LARIVIÈRE: I think it was more a
15 concern, wondering, you know, what he's going through.

16 MR. PAUL: Now, just going back to prior to
17 Mr. Séguin's death, you were asked by the last counsel
18 about the incident where Mr. Séguin is accused of having
19 possibly consumed alcohol or having a probation client
20 over, who he was working on his pre-sentence report in
21 relation to, and there was alcohol served?

22 MS. LARIVIÈRE: M'hm.

23 MR. PAUL: You're aware of that incident?

24 MS. LARIVIÈRE: Yes.

25 MR. PAUL: And you're aware that there was

1 some later incident involving some of those parties in
2 which there was a shooting later on in the evening?

3 **MS. LARIVIÈRE:** That's right.

4 **MR. PAUL:** Okay. Now, I just want to
5 pinpoint as far as when you became aware of it. Were you
6 aware of it long before Mr. Séguin's death?

7 **MS. LARIVIÈRE:** I was aware of it shortly
8 thereafter; as soon as it happened.

9 **MR. PAUL:** Shortly after it had occurred?

10 **MS. LARIVIÈRE:** M'hm.

11 **MR. PAUL:** And the whole office seemed to be
12 aware of it?

13 **MS. LARIVIÈRE:** Yes.

14 **MR. PAUL:** At some point, I believe people
15 in the office, perhaps yourself, viewed Mr. Séguin almost
16 as "Mr. Probation"?

17 **MS. LARIVIÈRE:** Yes.

18 **MR. PAUL:** Someone that was admired in the
19 office?

20 **MS. LARIVIÈRE:** Yes.

21 **MR. PAUL:** I wondered, that incident, did
22 that incident in any way shake the confidence that you or
23 others had in Mr. Séguin or did the confidence remain until
24 after his death?

25 **MS. LARIVIÈRE:** I think people were

1 concerned about it. It sounded like it was people from the
2 neighbourhood that had stopped by and really didn't know
3 the whole scope of it.

4 **MR. PAUL:** But you still viewed him as a
5 mentor at that point, up until his death?

6 **MS. LARIVIÈRE:** Yes.

7 **MR. PAUL:** And would it be fair to say that
8 the appearance to you and others in the office was that
9 there didn't appear to be much in the way or if anything in
10 terms of discipline over that incident?

11 **MS. LARIVIÈRE:** Not that I knew of.

12 **MR. PAUL:** Now, as far as maintaining
13 confidence in Mr. Séguin, did you intend to maintain
14 confidence in him by virtue of the lack of apparent
15 discipline? That you were seeing a lack of discipline and,
16 therefore, did you -- your reaction was if management is
17 not concerned about this then I won't be concerned?

18 **MS. LARIVIÈRE:** I don't know that I -- I was
19 aware if there was discipline or not. I think that was
20 probably, in my view, would have been a private matter. I
21 don't think I -- I knew whether he had been disciplined or
22 not.

23 **MR. PAUL:** All right. In terms of more
24 severe discipline such as a suspension, I mean, you would
25 probably be aware of that; correct?

1 MS. LARIVIÈRE: Right.

2 MR. PAUL: So in the absence of any severe
3 discipline, was your impression that it shouldn't be taken
4 seriously because of the management doesn't appear ---

5 MS. LARIVIÈRE: No, I thought ---

6 MR. PAUL: --- to be taking it seriously?

7 MS. LARIVIÈRE: --- I thought it was
8 serious.

9 MR. PAUL: But nevertheless, you viewed him
10 as a mentor up until the time of his death?

11 MS. LARIVIÈRE: I did.

12 MR. PAUL: And he was -- Mr. Séguin was an
13 individual who had been involved personally training you?

14 MS. LARIVIÈRE: Yes.

15 MR. PAUL: Was he someone that you viewed as
16 a probation officer who had a bit different style of acting
17 as a probation officer than, for example, Mr. van Diepen?

18 MS. LARIVIÈRE: Yes.

19 MR. PAUL: Tended to have more of a style of
20 going the extra mile for probation clients?

21 MS. LARIVIÈRE: Yes.

22 MR. PAUL: Doing things other people
23 wouldn't do?

24 MS. LARIVIÈRE: Yes.

25 MR. PAUL: Such as driving clients with his

1 personal car?

2 MS. LARIVIÈRE: Yes.

3 MR. PAUL: Either before or after his death,
4 did any other probation officers or Ministry staff at any
5 point question you about how you were trained by Mr.
6 Séguin?

7 MS. LARIVIÈRE: No.

8 MR. PAUL: So that was never taken up even
9 after his death, how he trained people in the office?

10 MS. LARIVIÈRE: No.

11 MR. PAUL: Now, in addition, after his death
12 -- after Mr. Séguin's death, your impression was that there
13 didn't appear to be any investigation by Ministry staff
14 about his death and what happened in the office?

15 MS. LARIVIÈRE: Investigation?

16 MR. PAUL: In the timeframe just after --
17 just after his death, '93, '94, it appeared to you or
18 didn't appear to you that there was any investigation over
19 the incident?

20 MS. LARIVIÈRE: Well, police were coming
21 into the office and things like that, so I -- I thought
22 there was an investigation.

23 MR. PAUL: All right. My question was that
24 -- my question was about Ministry staff.

25 MS. LARIVIÈRE: Oh.

1 **MR. PAUL:** It didn't appear to you that the
2 Ministry was doing anything in terms of an investigation?

3 **MS. LARIVIÈRE:** No.

4 **MR. PAUL:** And it didn't appear to you that
5 anything was done, such as a file audit?

6 **MS. LARIVIÈRE:** I don't know about that.

7 **MR. PAUL:** Okay. At the time, were you
8 surprised by what would have appeared to be a fairly
9 limited, if any, reaction by the Ministry immediately after
10 his death?

11 **MS. LARIVIÈRE:** I think the Ministry reacted
12 in terms of helping us cope with the situation, in terms of
13 sending psychological services. We had staff -- we had a
14 debriefing within the office and a team was brought in to
15 kind of help us cope with the situation ---

16 **MR. PAUL:** All right.

17 **MS. LARIVIÈRE:** --- if that's what you're
18 referring to.

19 **MR. PAUL:** I'm referring more as
20 investigating wrongdoing -- in terms of investigating
21 wrongdoing.

22 I suggest that there was little, if any,
23 investigation of wrongdoing or attempts to locate other
24 victims by the Ministry around '93, '94?

25 **MS. LARIVIÈRE:** I think the focus at that

1 time was on the Project Truth inquiry through the police
2 and I -- and I remember talking a lot about that, but I
3 don't remember speaking about it from any other level.

4 **MR. PAUL:** All right. And as far as actions
5 of your own Ministry, you're not aware of any
6 investigations ---

7 **MR. NEUBERGER:** I've let this go on a little
8 bit, but she's a probation officer and we've had other
9 people testify about that, so ---

10 **THE COMMISSIONER:** So I don't know that you
11 can get very much out of this witness with respect to
12 investigations. You can get her knowledge, but that would
13 be about it.

14 **MR. PAUL:** Yes.

15 I just wanted to ask if, in conclusion,
16 whether she has any knowledge of any investigations by
17 Ministry staff as opposed to police ---

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

19 **MR. PAUL:** --- around '93, '94.

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

21 **MS. LARIVIÈRE:** And the answer to that is
22 no.

23 **MR. PAUL:** Those are my questions. Thank
24 you.

25 **THE COMMISSIONER:** Thank you.

1 Mr. Lee?

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

3 MR. LEE: Ms. Larivière, my name is Dallas
4 Lee; I'm on for the Victim's Group. I just have a couple
5 of areas I want to canvass with you.

6 Can you turn to the overview, please?

7 Exhibit 1179.

8 THE COMMISSIONER: M'hm.

9 MR. LEE: At page 45. Are you there?

10 MS. LARIVIÈRE: M'hm.

11 MR. LEE: I want to ask you some questions
12 about this report and I want to make it clear at the outset
13 that I'm not criticizing the report, the overview, or the
14 work you put in to it. I want to just make it clear what
15 we're dealing with and what we're not dealing with here.

16 MS. LARIVIÈRE: Okay.

17 MR. LEE: Okay. So in this report we have
18 moniker number 33 at the bottom. There's a little bit --
19 placed a little oddly. So it goes up chronologically to
20 the third in line. So we have a long string from 1996
21 through to 2007?

22 MS. LARIVIÈRE: Right.

23 MR. LEE: And then we have the two --
24 numbers 1 and 2 in 1982. You see that?

25 MS. LARIVIÈRE: Yes.

1 **MR. LEE:** And my understanding is that these
2 reflect disclosures made against any alleged perpetrator?

3 **MS. LARIVIÈRE:** Okay.

4 **MR. LEE:** Be it a probation officer, a
5 priest, a teacher, a family member, whatever it might be --
6 -

7 **MS. LARIVIÈRE:** These are all ---

8 **MR. LEE:** --- that's correct?

9 **MS. LARIVIÈRE:** --- people -- yes. That's
10 right.

11 **MR. LEE:** So if we look at the two
12 disclosures that -- what I'm looking at is the large gap
13 between 1982 and 1996; okay?

14 **MS. LARIVIÈRE:** M'hm.

15 **MR. LEE:** In 1982, I take it you would agree
16 with me, were easy ones to pick out. That had been --
17 these are the ones that resulted in the Sirrs report?

18 **MS. LARIVIÈRE:** That's right.

19 **MR. LEE:** And the McMaster report and Nelson
20 Barque, I mean, this was a big deal?

21 **MS. LARIVIÈRE:** Yeah.

22 **MR. LEE:** And it wasn't very hard when you
23 started putting together this overview, thinking back to
24 the fact that, "Oh, something happened in '82 we'd better
25 look at". Is that right?

1 **MS. LARIVIÈRE:** M'hm.

2 **MR. LEE:** Not so easy dealing with 1986 or
3 1989. Nothing obvious stood out in your mind during those
4 ---

5 **MS. LARIVIÈRE:** No.

6 **MR. LEE:** Can you tell me what efforts were
7 made, if any, to get statistics from those years in terms
8 of disclosures? And let me help you out with where I'm
9 going here.

10 It seems fairly likely to me that between
11 1983 and 1995 somebody at some point at the Cornwall office
12 said, "I was abused by my father" or "A teacher touched me"
13 or something along those lines. It seems hard to believe
14 that in 13 years there wouldn't have been some disclosure
15 of somebody.

16 Were any efforts made to go back through all
17 of the files that existed to figure out if that had ever
18 happened?

19 **MS. LARIVIÈRE:** No, but these are for people
20 in authority, people in positions of authority. There
21 would be other sexual abuse cases by family members or
22 cousins or whatnot that would not be in this overview.

23 **MR. LEE:** What about a situation had -- and
24 let me be clear here -- I don't know of a situation that
25 I'm thinking of in the back of my mind. I'm trying to

1 figure out if there may have been something.

2 Let's say in 1987, somebody came to a
3 probation officer as a 55 year-old and said, "When I was
4 eight my teacher touched me appropriately. He's dead; he's
5 been dead for a long time. Nothing we can do about it now,
6 just thought you should know."

7 How satisfied are you that that would be
8 reflected in this chart?

9 **MS. LARIVIÈRE:** I'm satisfied because there
10 was no case reviews, there were no incident reports, there
11 was nothing to indicate that that would have come forward.

12 **MR. LEE:** So incident reports are one of the
13 documents you would have looked at in preparing this?

14 **MS. LARIVIÈRE:** Yes.

15 **MR. LEE:** How -- can you help us understand
16 what incident reports you would have had access to? Are
17 incident reports ever destroyed? Would you have had full
18 access to every incident report from 1982 forward?

19 **MS. LARIVIÈRE:** I don't know. That's a
20 question I don't know.

21 **MR. LEE:** Okay, but do you know where the
22 incident reports that you reviewed came from? Were they
23 local to the Cornwall office?

24 **MS. LARIVIÈRE:** They come the region.

25 **MR. LEE:** From the ---

1 MS. LARIVIÈRE: --- regional office.

2 MR. LEE: From the regional office. They
3 were provided to you and you worked with what you had?

4 MS. LARIVIÈRE: Yes.

5 MR. LEE: And I take it you're particularly
6 confident that from 1996 forward you have everything
7 dealing with a person in a position of trust and authority?

8 MS. LARIVIERE: Yes.

9 THE COMMISSIONER: Well, were there other
10 disclosures during those years that you haven't reflected
11 here?

12 MS. LARIVIÈRE: Not that I know of.

13 THE COMMISSIONER: M'hm

14 MR. LEE: And I take it that question comes
15 from the fact that you put that caveat on if a person's in
16 position of trust ---

17 MS. LARIVIÈRE: Yes.

18 MR. LEE: --- or authority. So that's what
19 you were focussed on?

20 MS. LARIVIÈRE: Yes.

21 MR. LEE: And so from the October 28, '96
22 disclosure, we end up with 31 disclosures in total, is that
23 right? You take off the 2 from 1982 and you're left with
24 31?

25 MS. LARIVIÈRE: Yes.

1 **MR. LEE:** And am I right that the vast
2 majority of those disclosures were made to a probation
3 officer asking the questions, the general questions set out
4 in the protocols?

5 **MS. LARIVIÈRE:** It could have come from that
6 or it could have come at a later date when the person felt
7 more comfortable disclosing it.

8 **MR. LEE:** Right. And if we look at -- if
9 you turn to page 127, that deals with moniker 33. This
10 relates to a disclosure that you received?

11 **MS. LARIVIÈRE:** Yes.

12 **MR. LEE:** On October 28, '96. So this is
13 the earliest one after the 1982 ---

14 **MS. LARIVIÈRE:** Yes.

15 **MR. LEE:** And it seems like this is perhaps
16 more of a spontaneous disclosure, not necessarily in
17 relation to the protocol question. Is that right?

18 **MS. LARIVIÈRE:** That question, not the
19 protocol question, but that question would have been asked
20 at the pre-sentence report interview level.

21 **MR. LEE:** The general were you sexually
22 abused at any point question?

23 **MS. LARIVIÈRE:** Yes.

24 **MR. LEE:** And so would you agree with me
25 then of those 31 the majority of them would have come from

1 ---

2 MS. LARIVIÈRE: Yes.

3 MR. LEE: --- questioning by the probation
4 officer?

5 MS. LARIVIÈRE: Maybe not that day, but it
6 could have come because of that question.

7 MR. LEE: In other words, you may have
8 planted the seed and ---

9 MS. LARIVIÈRE: Absolutely.

10 MR. LEE: --- and it flowered later.

11 So the protocol that we're dealing with
12 results in disclosures by offenders who are on probation
13 and parole in Cornwall for at least a second time?

14 MS. LARIVIÈRE: I'm sorry, can you repeat --
15 -

16 MR. LEE: According to the protocol ---

17 MS. LARIVIÈRE: Yes.

18 MR. LEE: --- for somebody to have been put
19 through the questions on the protocol they would have had
20 to have been -- had been on probation previously?

21 MS. LARIVIÈRE: The protocol that deals with
22 the Project Truth?

23 MR. LEE: Yes.

24 MS. LARIVIÈRE: Yes. Protocol that deals
25 with anyone other than that, then it could have been

1 anybody.

2 MR. LEE: Because there are a couple of
3 protocols; right?

4 MS. LARIVIÈRE: Right.

5 MR. LEE: One of them deals with -- with the
6 -- anybody who comes in is asked about ---

7 MS. LARIVIÈRE: That's right.

8 MR. LEE: --- a history of sexual abuse, but
9 then there's a more specific, refined protocol dealing with
10 ---

11 MS. LARIVIÈRE: The project ---

12 MR. LEE: Ken Seguin and the Barque issues -
13 --

14 MS. LARIVIÈRE: Right.

15 MR. LEE: --- and expanding out from there a
16 little bit.

17 And those are reflected, I take it, at
18 Appendix 2 and 3 in this ---

19 MS. LARIVIÈRE: That's right.

20 MR. LEE: --- in this document? Appendix 2
21 being the Project Truth specific document?

22 MS. LARIVIÈRE: Yes.

23 MR. LEE: And Appendix 3 being the broader
24 document that applies to all clients?

25 MS. LARIVIÈRE: That's correct.

1 **MR. LEE:** And so the question I ask you,
2 under the Project Truth protocol for somebody to fit
3 squarely under that, they're a second-time offender at
4 least?

5 **MS. LARIVIÈRE:** Yes.

6 **MR. LEE:** To the Cornwall office?

7 **MS. LARIVIÈRE:** Yes.

8 **MR. LEE:** It wouldn't apply if somebody had
9 been on probation in Pembroke and then came to Cornwall for
10 the first time because they wouldn't have had that contact
11 with Barque or Seguin. Is that right?

12 **MS. LARIVIÈRE:** That's right.

13 **THE COMMISSIONER:** I notice under moniker 33
14 that's there's no mention of the Children's Aid being
15 advised or did I miss that?

16 **MS. LARIVIÈRE:** The police were contacted --
17 -

18 **THE COMMISSIONER:** Right.

19 **MS. LARIVIÈRE:** -- and the school board
20 immediately removed the teacher from the classroom.

21 **THE COMMISSIONER:** M'hm. But there's still
22 no -- so you didn't make a phone call to the Children's Aid
23 Society?

24 **MS. LARIVIÈRE:** Well, the man was no longer
25 -- he would have been in his 30s by this point when he

1 disclosed, right?

2 **THE COMMISSIONER:** Right, but was the
3 teacher still teaching?

4 **MS. LARIVIÈRE:** Yes.

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

6 **MR. LEE:** Can you turn to page 5 of the
7 report, or the overview rather, please?

8 Ms. Daley asked you a couple of questions
9 about the total number of allegations against Barque and
10 Seguin and I don't think you referred to the chart when you
11 said that you believed there were 20.

12 If you look at the middle chart on this
13 page, we can see that there are 20 direct disclosures
14 against Seguin?

15 **MS. LARIVIÈRE:** Yeah.

16 **MR. LEE:** Two against Barque and one against
17 Seguin and Barque together?

18 **MS. LARIVIÈRE:** Yes.

19 **MR. LEE:** So I take it the number there
20 should have been 23?

21 **MS. LARIVIÈRE:** For the two combined, yeah.

22 **MR. LEE:** Two combined would be 23?

23 **MS. LARIVIÈRE:** Yeah.

24 **MR. LEE:** And then we have the 16 that came
25 to you via some other route?

1 MS. LARIVIÈRE: Yes.

2 MR. LEE: For a total of 39. Is that right?

3 MS. LARIVIÈRE: Yes.

4 MR. LEE: Okay. Ms. Daley also asked you
5 whether or not you personally would recognize Gerald
6 Renshaw. Do you recall that?

7 MS. LARIVIÈRE: Yes.

8 MR. LEE: And you said that you wouldn't?

9 MS. LARIVIÈRE: No.

10 MR. LEE: You joined the Cornwall probation
11 office in 1990. Is that right?

12 MS. LARIVIÈRE: Yes.

13 MR. LEE: You had no contact with that
14 office before that time?

15 MS. LARIVIÈRE: No.

16 MR. LEE: And from 1990 to '93 you weren't
17 there very often. Is that right?

18 MS. LARIVIÈRE: I was there for a year,
19 collectively.

20 MR. LEE: You figure a year out of the three
21 years about?

22 MS. LARIVIÈRE: Yeah.

23 MR. LEE: Starting in 1990?

24 MS. LARIVIÈRE: M'hm.

25 MR. LEE: During your Examination in-chief

1 by -- or -- sorry, I think it was during the cross-
2 examination with Ms. Daley, you mentioned that -- you
3 essentially expressed the idea that if there were any
4 victims out there, that they should come forward?

5 **MS. LARIVIÈRE:** Yes.

6 **MR. LEE:** Is there anything else you'd like
7 to say about that in terms of who you see them coming --
8 from a Ministry perspective -- who might they come forward
9 to? Where might they come forward? What might they expect
10 when they come forward?

11 **MS. LARIVIÈRE:** Well, I think for victims, I
12 mean, this has been a very difficult situation for
13 everybody concerned but most part -- mostly from the
14 victim's perspective.

15 I mean, I really applaud anyone who's come
16 forward so far, but I do believe that there are still
17 people that would like to come forward. And I say to the
18 people who have come forward so far that they've paved the
19 way for other people to come forward. And I think the Ken
20 Seguin situation was a catalyst for people to come forward
21 and that as you see -- you saw that there weren't very many
22 disclosures up until 1999 and then all of a sudden people
23 started to feel comfortable coming through and disclosing
24 and we're certainly prepared to give, you know,
25 professional -- our professional staff are there to help

1 people if they come to the door, whether due to their own
2 circumstances for the very first time or if it's an
3 historical case. So I would urge anybody to come to the
4 office and talk to a probation officer that would be on
5 hand there, and services in this community are -- there are
6 a lot of great services in this community that referrals
7 could be made that kind of thing and it's -- probation
8 officers are prepared to take those disclosures and to help
9 them as much as they can.

10 **MR. LEE:** Thank you very much. Those are my
11 questions.

12 **MS. LARIVIÈRE:** Thank you.

13 **THE COMMISSIONER:** Thank you.

14 Mr. Neville, do you have any questions?

15 **MR. NEVILLE:** Thank you, sir.

16 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
17 NEVILLE:

18 **MR. NEVILLE:** Good afternoon, Madam
19 Lariviere. My name is Michael Neville and I represent the
20 estate of Ken Seguin and his brother and family and also
21 Father Charles MacDonald, but for purposes of your
22 evidence, obviously, it's Mr. Seguin and his family.

23 Now, we have our Exhibit 1179, the Factual
24 Overview, and you were one of three co-authors?

25 **MS. LARIVIÈRE:** That's right.

1 **MR. NEVILLE:** And as amongst the three, was
2 any one of you more the lead author than the other?

3 **MS. LARIVIÈRE:** I would have gone through
4 most of the files.

5 **MR. NEVILLE:** That's what I was coming to.

6 **MS. LARIVIÈRE:** About a year ago, almost to
7 the day, I was ---

8 **MR. NEVILLE:** I'm sorry? Almost to the day?

9 **MS. LARIVIÈRE:** Yes.

10 **MR. NEVILLE:** Yes, that's right.

11 **MS. LARIVIÈRE:** I was approached by the
12 Region to look over the files and chronologically go
13 through the disclosures and our institutional response to
14 those disclosures.

15 **MR. NEVILLE:** All right, and earlier in the
16 sittings of the Commission prior to the most recent
17 disclosure release, we received a couple of disks on behalf
18 of the Ministry and I take it those are the documents, the
19 source documents you used to compile what we see in the
20 various numbered moniker summaries?

21 **MS. LARIVIÈRE:** That's correct.

22 **MR. NEVILLE:** All right. Because I'm going
23 to go through some of them with you just to confirm certain
24 facts.

25 Now, we've had evidence from yourself and

1 other colleagues including some questions today about what
2 everybody is calling the protocol for dealing with
3 disclosures; right?

4 MS. LARIVIÈRE: M'hm.

5 MR. NEVILLE: And generally speaking, the
6 disclosure was accepted at face value; right?

7 MS. LARIVIÈRE: Yes.

8 MR. NEVILLE: It wasn't challenged or cross-
9 examined upon?

10 MS. LARIVIÈRE: No.

11 MR. NEVILLE: The position taken was that of
12 being supportive, allowing the disclosure to be made as the
13 person saw fit, and then making various referrals, either
14 to police, counselling services, mental health services, or
15 all of the above?

16 MS. LARIVIÈRE: That's right.

17 MR. NEVILLE: And was there ever any
18 discussion or consideration given to at least the
19 possibility that some of these claimants or disclosures by
20 claimants were manipulative?

21 MS. LARIVIÈRE: No.

22 MR. NEVILLE: They were always accepted as
23 valid?

24 MS. LARIVIÈRE: Yes.

25 MR. NEVILLE: When you say that and you've

1 worked through the documents to create these summaries, did
2 you observe facts in the course of that review that were
3 problematic to the validity of the allegation?

4 **MS. LARIVIÈRE:** Well, it wasn't up to me to
5 decide that.

6 **MR. NEVILLE:** No, that's not my question.
7 Did you observe that? I know a policy was not to look for
8 it and not to challenge. Did you observe within the
9 documentation inconsistencies?

10 **MS. LARIVIÈRE:** I just chronologically
11 documented what I found.

12 **MR. NEVILLE:** My question was did you
13 observe them, what were apparent inconsistencies?

14 **MS. LARIVIÈRE:** What do you mean by
15 inconsistencies?

16 **MR. NEVILLE:** Well, I'm going to show you
17 some. Did you notice any yourself before we look at some
18 of them ourselves?

19 **MS. LARIVIÈRE:** Maybe if you give me an
20 example.

21 **MR. NEVILLE:** Yes. I'm going to show you an
22 illustration in one of these summaries where the person
23 claims to have suffered abuse for a period of time of some
24 three to six months while on probation when in fact he was
25 not. Now, that's an example. And I'll show you the ---

1 **MS. LARIVIÈRE:** Okay. So do you know the
2 moniker number?

3 **MR. NEVILLE:** He claims to have been abused
4 -- pardon me?

5 **MS. LARIVIÈRE:** Do you know the moniker
6 number?

7 **MR. NEVILLE:** Yes, I do. Do you want to
8 start with that one?

9 **MS. LARIVIÈRE:** Sure.

10 **MR. NEVILLE:** All right. It's Number 10.

11 **MS. LARIVIÈRE:** Okay.

12 **MR. NEVILLE:** And just for your information,
13 Ms. Larivière, the person, that Number 10, Commissioner, is
14 also our C-48.

15 **MS. LARIVIÈRE:** This is Moniker Number 10?

16 **MR. NEVILLE:** Yes. I'm using your ---

17 **MS. LARIVIÈRE:** It's not -- okay.

18 **MR. NEVILLE:** I'm using your moniker number.

19 **MS. LARIVIÈRE:** Okay.

20 **MR. NEVILLE:** And I believe it's at page 85

21 ---

22 **MS. LARIVIÈRE:** Okay.

23 **MR. NEVILLE:** --- of the report and this
24 person who is your Number 10 is also our monikered person
25 C-48. All right?

1 **MS. LARIVIÈRE:** Okay.

2 **MR. NEVILLE:** Now, if we look, for example,
3 let's start with a document, it's an exhibit, document --
4 the exhibit number, Commissioner, is Exhibit 1089. It was
5 a statement that was entered, Commissioner, through Mr.
6 Downing. The document number is 123492.

7 **THE COMMISSIONER:** Wait a minute, wait a
8 minute. Did you have in your review the interview
9 statement that we're seeing here?

10 **MS. LARIVIÈRE:** No.

11 **THE COMMISSIONER:** Okay. So she didn't have
12 that. So how can you ---

13 **MR. NEVILLE:** Well, that's one of the things
14 I want to determine here, sir, because if we look at the
15 summary -- sorry.

16 **MR. NEUBERGER:** I wonder if I can just pose
17 this question to Mr. Neville and see if can deal with this?
18 I'm not sure what the relevance of this line of questioning
19 is ---

20 **THE COMMISSIONER:** No.

21 **MR. NEUBERGER:** --- because the information
22 which was collated for our purposes was to measure the
23 institutional response.

24 **THE COMMISSIONER:** Yes.

25 **MR. NEUBERGER:** So if the idea is to show

1 that there are inconsistencies possibly in documents that
2 this witness would have never seen, it doesn't assist at
3 all in measuring our institutional response. So I'm not
4 sure how this is relevant if that is the idea, to go
5 through a series of these monikers to establish that type
6 of level of inconsistency. It's not going to be relevant
7 to our institutional response.

8 **THE COMMISSIONER:** No, it's not, and the
9 allegations are not there for the truth of their contents,
10 just for the fact that they were made. So how can that be
11 relevant, sir?

12 **MR. NEVILLE:** Well, my suggestion,
13 Commissioner, is it's a public institution.

14 **THE COMMISSIONER:** Yes.

15 **MR. NEVILLE:** I suspect you will see, if I'm
16 permitted to continue some of my questioning, that
17 virtually without exception each of these individuals has
18 sought payment or compensation from the public purse and
19 that's part of the public response. In fact, my
20 understanding is and I haven't asked the witness that, but
21 other witnesses have been asked and have given that
22 evidence, that many of these claimants were assisted in
23 suing the Ministry, to seek money as part of the protocol.

24 **THE COMMISSIONER:** Right.

25 **MR. NEVILLE:** And I would suggest, sir, it's

1 relevant as to whether that was an appropriate public
2 response without any scrutiny of the bona fides.

3 **THE COMMISSIONER:** Well, no, no, no.

4 **MR. NEVILLE:** No?

5 **THE COMMISSIONER:** No, I'm sorry. You see,
6 the way I see it is this; much like the Children's Aid
7 Society, when they get a complaint, and from this protocol,
8 they take it and they don't assess or -- the Children's Aid
9 Society, they'll accept the child's version, let's say, and
10 cause an investigation to be created. In this case, they
11 weren't assessing because that wasn't their job. Once they
12 got the person to make a complaint, they tell them where to
13 go and they're off and running. It's for somebody else in
14 the Ministry to make an assessment as to the validity of
15 the claim and that is not the purpose, not the focus of
16 this evidence at this time.

17 So this is only here to measure the
18 institutional response of probation officers who are
19 hearing this complaint.

20 **MR. NEVILLE:** Well, Commissioner, my
21 question to the witness that led us down this path was
22 whether she in preparing this document and reviewing the
23 various Ministry source documents that we all received ---

24 **THE COMMISSIONER:** Right.

25 **MR. NEVILLE:** --- observed, on her own,

1 apparent inconsistencies in the allegation and her answer
2 was "no" and asked me in effect, would I care to show her
3 one.

4 **THE COMMISSIONER:** Right, and I think ---

5 **MR. NEVILLE:** And that's where we are.

6 **THE COMMISSIONER:** Right, and I think --
7 have you seen that document?

8 **MS. LARIVIÈRE:** No, sir.

9 **MR. NEVILLE:** Well, may I refer -- may I
10 refer, Commissioner, the witness to page 86 of her moniker
11 summary?

12 **THE COMMISSIONER:** Page 86, okay.

13 **MR. NEVILLE:** Because the document I was
14 about to use ---

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

16 **MR. NEVILLE:** --- our Exhibit 1089 ---

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

18 **MR. NEVILLE:** --- is a statement given to a
19 Mr. McGillis, a staff person of Mr. Downing, on the 25th of
20 May, 2001.

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

22 **MR. NEVILLE:** And indeed, my understanding -
23 - and you will see it on the face of the document -- is
24 that Ms. Cardinal was present for the interview.

25 **THE COMMISSIONER:** Right.

1 **MR. NEVILLE:** And is a co-author of the
2 report.

3 **THE COMMISSIONER:** Right.

4 **MR. NEVILLE:** So I'm taking this to mean --
5 and I have to ask the question -- well, let me refer the
6 witness and you, sir, it says:

7 "PPO C. Cardinal met with investigator
8 Mark McGillis with client number 10.

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

10 **MR. NEVILLE:** "He described incidents of
11 past sexual abuse involving previous
12 PPO, Ken Séguin. PPO C. Cardinal
13 present throughout interview."

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

15 **MR. NEVILLE:** "Attended as per client 10
16 requested, for support. Client 10
17 completed interview and signed
18 statement."

19 **THE COMMISSIONER:** Yes.

20 **MR. NEVILLE:** So I'm taking that and I'm
21 only going to ask the witness whether, in the light of
22 that, it's likely she had the statement?

23 **MS. LARIVIÈRE:** I personally -- this
24 information was given by Ms. Cardinal.

25 **MR. NEVILLE:** Right.

1 **MS. LARIVIÈRE:** So I personally did not see
2 the document.

3 **MR. NEVILLE:** So you've never seen the
4 statement in spite of what it says here; that's all I'm
5 asking.

6 **MS. LARIVIÈRE:** That's right.

7 **MR. NEVILLE:** Okay.

8 **THE COMMISSIONER:** And so, sir, coming back,
9 if you want to go through monikers and look at what's
10 irrelevant and whether there were errors in what happened,
11 I'm going to take up the objection of saying, "Where is the
12 relevance?"

13 **MR. NEVILLE:** Well, my intention,
14 Commissioner, subject to you telling me otherwise, and I
15 suspect that's what you're doing at the moment or about to,
16 ---

17 **THE COMMISSIONER:** Yes.

18 **MR. NEVILLE:** --- is not to bother with any
19 of the questions dealing with these summaries; is that what
20 I take it to be the case?

21 **THE COMMISSIONER:** If you're going to
22 challenge the truth of them, you're wasting your time
23 because I certainly am not looking at them for the truth of
24 them, just for the fact that they were made, which ignited
25 an institutional response.

1 Now, if you're saying at some point that the
2 litigation part of the Ministry was lax in not looking at
3 that, that's a different story altogether.

4 **MR. NEVILLE:** Well, I mean I don't want to
5 discuss in the presence of the witness, Commissioner, but I
6 would have thought that even developing the response as --
7 as not to question in any fashion and to accept anything
8 virtually at face value, is a matter worth exploring in
9 itself, because some of the inconsistencies, sir, are
10 readily apparent.

11 **THE COMMISSIONER:** True.

12 But then I think you're misunderstanding the
13 roles, as the Ministry has explained it to me, at least,
14 that these people are just intake workers on this issue and
15 that was their job -- point, and so I don't see the
16 relevancy.

17 **MR. NEVILLE:** Well, you may recall,
18 Commissioner, I cross-examined Mr. Gendron and Mr. Legault
19 ---

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

21 **MR. NEVILLE:** --- on, in fact, one of the
22 individuals who's in here, by happenstance, but the
23 evidence was also led in chief by counsel.

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

25 **MR. NEVILLE:** By -- and it would relate to

1 using their numbers, number 11.

2 **THE COMMISSIONER:** Right. Moniker 11?

3 **MR. NEVILLE:** Using the Ministry's numbers,
4 not our moniker.

5 **THE COMMISSIONER:** No, no, right, right.

6 **MR. NEVILLE:** Their number 11, sir.

7 **THE COMMISSIONER:** Right, okay.

8 **MR. NEVILLE:** Now this is the individual,
9 sir, you may recall, who was in the process of being
10 breached, made a disclosure and, as a result, was not
11 breached.

12 **THE COMMISSIONER:** Right.

13 **MR. NEVILLE:** And a fairly significant
14 amount of court ordered restitution was effectively
15 forgiven.

16 **THE COMMISSIONER:** Right.

17 **MR. NEVILLE:** And Mr. Legault, for example,
18 in his cross-examination, said he was not even aware that
19 that had been one of the things that was done.

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

21 **MR. NEVILLE:** So I say to you, sir, that's
22 an illustration of an institutional response that I suggest
23 is questionable.

24 **THE COMMISSIONER:** Yes?

25 **MR. NEVILLE:** And that's contained within

1 the very same type of moniker summary.

2 And there are others of a like type, not
3 identical, but ones where I suggest to you it is
4 problematic and I would have thought that as a matter fit
5 for exploration.

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

7 **MR. NEVILLE:** As was done already on -- in
8 that instance, because the evidence was specifically led.

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

10 **MR. NEVILLE:** But there are other ones in
11 here which I understand this witness largely compiled.

12 **THE COMMISSIONER:** Yes.

13 **MR. NEVILLE:** And by way of example, sir,
14 and I was going to deal more specifically with what I
15 understand was the first one that she received personally
16 and I think is number 5, to point out from the material the
17 actual facts.

18 But I think my friend may have a further
19 objection.

20 **THE COMMISSIONER:** Yeah.

21 **MR. NEUBERGER:** Again, just -- I may be
22 repeating myself, but probation officers who are receiving
23 complaints, did not go through a process of or similar to a
24 police officer would, in taking source documents and doing
25 an analysis to determine the veracity of the allegations.

1 They were responding, as they saw
2 appropriate as an institution, but again it doesn't engage
3 in that type of investigation.

4 So if the line of questioning is to go into
5 specific monikers and take source documents and show an
6 inconsistency in a date, an inconsistency in a statement --
7 or what I mean is an assertion about a certain fact, that's
8 of no assistance, at this stage, simply because it doesn't
9 address the institutional response; that is what's
10 relevant, in my respectful submission.

11 If there is a question about a particular
12 moniker, where an individual may have received a
13 forbearance on a particular condition or have -- or forego
14 restitution, that may be something he can ask a question
15 of, because it's specific as to their response; it's
16 different than doing an assessment on facts.

17 **THE COMMISSIONER:** M'hm. And there lies the
18 difference, Mr. Neville, sorry.

19 **MR. NEVILLE:** Yes.

20 **THE COMMISSIONER:** I was thinking that
21 either I was asleep at the switch or that it could be
22 distinguished in some way and I think the difference is
23 between the one where he -- the restitution wasn't followed
24 up is a response from these people.

25 But again coming back to whether or not the

1 thing was true or not has nothing to do with what they were
2 doing in responding to the allegation -- to the reporting
3 to a complaint.

4 So, no, I'm not going to let you go through
5 and point out inconsistencies other than if they directly
6 affect, as Mr. Neuberger has pointed out, their
7 institutional response.

8 So, yes, you've shown us on moniker 11 that
9 as a result of this complaint, this gentleman was not
10 breached for failing to pay his restitution and so it may -
11 - you know, then we would -- somebody, not this Inquiry,
12 would look at whether or not that proper or not.

13 **MR. NEVILLE:** I'm sorry, sir?

14 **THE COMMISSIONER:** Whether or not, you know,
15 he did -- that was an appropriate response.

16 **MR. NEVILLE:** Right.

17 Well, I'll be very brief, then.

18 **THE COMMISSIONER:** Thank you.

19 **MR. NEVILLE:** Ms. Larivière, you testified
20 in cross-examination for my friend, Ms. Daley, about one of
21 your clients I gather that you dealt with directly, and I
22 believe it's Number 5 -- first of all, we're not using,
23 obviously, but looking at your list of moniker numbers, is
24 it Number 5?

25 **MS. LARIVIÈRE:** Yes.

1 **MR. NEVILLE:** All right. And you indicated,
2 for the Commissioner, that he said to you that he had been
3 abused at 502 Pitt Street and that Mr. Séguin had breached
4 him for failure to report?

5 **MS. LARIVIÈRE:** Right.

6 **MR. NEVILLE:** Is that right?

7 **MS. LARIVIÈRE:** Yes.

8 **MR. NEVILLE:** Now, can we just look at your
9 summary for Number 5.

10 **MS. LARIVIÈRE:** Yes.

11 **MR. NEVILLE:** And it's page 65, I think, of
12 our exhibit.

13 **MS. LARIVIÈRE:** Seventy (70).

14 **MR. NEVILLE:** Pardon me?

15 **MS. LARIVIÈRE:** I'm sorry? Seventy (70).

16 **MR. NEVILLE:** I -- I think my Number 5 is, I
17 think, page 65?

18 **THE COMMISSIONER:** Do you have your -- the
19 old ---

20 **MS. LARIVIÈRE:** No, not the old.
21 Are you talking about the summary at the end
22 of the ---

23 **MR. NEVILLE:** The moniker summary for
24 Number 5.

25 **THE COMMISSIONER:** Tab ---

1 MS. LARIVIÈRE: Not the response criteria?

2 MR. NEVILLE: No, no, no.

3 MS. LARIVIÈRE: I'm sorry.

4 MR. NEVILLE: I'm looking at the summaries
5 and I'm giving you the actual page from our exhibit.

6 MS. LARIVIÈRE: Okay, I'm sorry.

7 MR. NEVILLE: And I believe it's page 65.

8 MS. LARIVIÈRE: Yes.

9 MR. NEVILLE: I stand to be corrected.

10 MS. LARIVIÈRE: Sorry, yes.

11 MR. NEVILLE: Correct?

12 MS. LARIVIÈRE: Yes.

13 MR. NEVILLE: All right. So can we just
14 look at a couple of things briefly then?

15 We have near the bottom of the page, there's
16 a date, November the 2nd, 1999?

17 MS. LARIVIÈRE: Yes.

18 MR. NEVILLE: And this would be the incident
19 involving yourself?

20 MS. LARIVIÈRE: That's right.

21 MR. NEVILLE: And you've recorded here and
22 suspect there may be at least one typo in the third line,
23 that he was a client of Mr. Séguin, it says "from 1999".

24 MS. LARIVIÈRE: That is a mistake.

25 MR. NEVILLE: Right. Do you know what that

1 should be?

2 MS. LARIVIÈRE: I think probably '89.

3 MR. NEVILLE: Eighty-nine (89). Is that
4 correct? You think it's probably '89?

5 MS. LARIVIÈRE: Yes.

6 MR. NEVILLE: All right. And it says he was
7 also supervised by Mr. Seguin up to 1994?

8 MS. LARIVIÈRE: Right.

9 MR. NEVILLE: Mr. Seguin was dead in
10 November of '93.

11 MS. LARIVIÈRE: Yeah, those -- they were
12 typos for sure.

13 MR. NEVILLE: That's a typo?

14 MS. LARIVIÈRE: Yes.

15 MR. NEVILLE: So '94 is a typo?

16 MS. LARIVIÈRE: Yes, that was ---

17 MR. NEVILLE: Pardon me?

18 MS. LARIVIÈRE: That line is.

19 MR. NEVILLE: Okay.

20 MS. LARIVIÈRE: So that's an inconsistency
21 for sure.

22 MR. NEVILLE: Well, I didn't want to go
23 there in fear of incurring someone's wrath.

24 THE COMMISSIONER: No wrath, Mr. Neville,
25 we're just ---

1 **MR. NEVILLE:** Just a friendly disagreement,
2 Commissioner.

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

4 **MR. NEVILLE:** Can we look at Document ---

5 **THE COMMISSIONER:** But just to go over that.
6 In your review of the documents, he was under probation ---

7 **MS. LARIVIÈRE:** Yes, he was.

8 **THE COMMISSIONER:** --- he was being overseen
9 by Mr. Seguin?

10 **MS. LARIVIÈRE:** That's right.

11 **THE COMMISSIONER:** Okay.

12 **MR. NEVILLE:** And can we have, Commissioner,
13 as one of the documents on which I gave notice -- it's
14 Document 128092. Now, we should be careful in terms of the
15 screen because it's a print-out of a criminal record and
16 the name is on it. So I don't know how you wish to deal
17 with that, but ---

18 **THE COMMISSIONER:** So ---

19 **MR. NEVILLE:** --- it's just the version in
20 which we got it.

21 **THE COMMISSIONER:** All right. Well ---

22 **MR. NEVILLE:** I don't know how we do that.

23 **THE COMMISSIONER:** Well, the public here
24 have all signed undertakings.

25 **MR. NEVILLE:** Yeah, fair enough.

1 **THE COMMISSIONER:** If I can take judicial
2 notice of that. I think -- you folks have signed -- no,
3 they haven't signed undertakings. Okay. Well, it's okay,
4 we'll keep it off. So we don't need it on the public
5 screens. And the reason for that, it is a criminal record
6 and it shows ---

7 **MR. NEVILLE:** Right.

8 **THE COMMISSIONER:** --- the name of the
9 person and so I don't think anybody objects to that being
10 done.

11 **MR. NEVILLE:** Do you have it there, Ms.
12 Larivière?

13 **MS. LARIVIÈRE:** Yes, I do.

14 **MR. NEVILLE:** All right. So we -- looking
15 at the first page, we can see there was a youth court
16 conviction in 1988?

17 **MS. LARIVIÈRE:** Yes.

18 **MR. NEVILLE:** And then we have a Cornwall
19 conviction which may be consistent with the suggested typo
20 ---

21 **MS. LARIVIÈRE:** Yes.

22 **MR. NEVILLE:** --- in 1989; right?

23 **MS. LARIVIÈRE:** Yes.

24 **MR. NEVILLE:** In which there was a custodial
25 term of about 10 months it would appear, and followed by

1 probation for two years; right?

2 **MS. LARIVIÈRE:** Right.

3 **MR. NEVILLE:** Okay. And if we turn over to
4 the next page, we do see in June of 1991 a conviction at
5 number 4 for fail to comply with probation; right?

6 **MS. LARIVIÈRE:** Right.

7 **MR. NEVILLE:** Right? Now, we also see two
8 convictions for break and enter and a conviction for fail
9 to comply with a recognizance with an 18-month jail term;
10 right?

11 **MS. LARIVIÈRE:** Right.

12 **MR. NEVILLE:** Now, this individual said that
13 he had been breached for not reporting in to the office?

14 **MS. LARIVIÈRE:** Yes.

15 **MR. NEVILLE:** Do you know for a fact whether
16 he was breached for that or because he had all these other
17 convictions?

18 **MS. LARIVIÈRE:** According to the information
19 I received, it was failing to report.

20 **MR. NEVILLE:** Well, that's what he said.

21 **MS. LARIVIÈRE:** Yes.

22 **MR. NEVILLE:** When you look at the criminal
23 record concurrent with the fail to comply charge are other
24 substantive offences; right?

25 **MS. LARIVIÈRE:** Yes.

1 **MR. NEVILLE:** Okay. Now, let me just ask
2 you -- your session with this individual on November 2nd,
3 what you have recorded in the summary is that reflective of
4 what he said to you?

5 **MS. LARIVIÈRE:** I think so.

6 **MR. NEVILLE:** That he alleged that Mr.
7 Seguin displayed -- and I'm quoting -- "Inappropriate
8 sexual behaviour" towards him.

9 **MS. LARIVIÈRE:** Yes.

10 **MR. NEVILLE:** Did he tell you what that was?

11 **MS. LARIVIÈRE:** He didn't go into great
12 detail about it, but he did tell ---

13 **MR. NEVILLE:** Did he give you any detail?

14 **MS. LARIVIÈRE:** Yes.

15 **MR. NEVILLE:** Where did you record that?

16 **MS. LARIVIÈRE:** I talked about it as sexual
17 abuse -- sexual impropriety. In the incident report?

18 **MR. NEVILLE:** In the incident report?

19 **MS. LARIVIÈRE:** Yes.

20 **MR. NEVILLE:** Okay. And where ---

21 **THE COMMISSIONER:** Help me out. Why are we
22 going here again?

23 **MR. NEVILLE:** Well, this was lead and cross-
24 examined upon, Commissioner, by other counsel.

25 **THE COMMISSIONER:** Okay.

1 **MR. NEVILLE:** This individual. If you wish
2 me not to I won't, but it was brought up by others ---

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

4 **MR. NEVILLE:** --- specifically.

5 **THE COMMISSIONER:** Okay.

6 **MR. NEVILLE:** Now, you were asked questions
7 by other counsel about what we have called "The Varley
8 Incident". This was the -- you know which one I'm talking
9 about?

10 **MS. LARIVIÈRE:** Yes.

11 **MR. NEVILLE:** All right. And I'm not sure I
12 quite understood, but to one counsel you said you thought
13 there was no feedback about that incident?

14 **MS. LARIVIÈRE:** By the Ministry.

15 **MR. NEVILLE:** I'm not sure what you meant.
16 Did you know that the matter was looked into by Mr. Robert
17 and by Mr. Hawkins?

18 **MS. LARIVIÈRE:** No.

19 **MR. NEVILLE:** You didn't. Have you followed
20 any of the evidence here at the Inquiry including that of
21 Mr. Hawkins?

22 **MS. LARIVIÈRE:** No, not Mr. Hawkins.

23 **MR. NEVILLE:** Okay. Did you observe or read
24 the evidence of Mr. Robert?

25 **MS. LARIVIÈRE:** I was away; I did not.

1 **MR. NEVILLE:** Fair enough. So you're not
2 aware of what evidence the Commissioner has heard of what
3 steps were taken about that incident?

4 **MS. LARIVIÈRE:** No.

5 **MR. NEVILLE:** Those would be all my
6 questions, Commissioner.

7 **THE COMMISSIONER:** Thank you.

8 Mr. Chisholm?

9 **MR. CHISHOLM:** Good afternoon, Ms.
10 Larivière. You know who I am.

11 **MS. LARIVIÈRE:** Good afternoon.

12 **MR. CHISHOLM:** I act for the CAS.

13 I have no questions for you. Thank you.

14 **MS. LARIVIÈRE:** Thank you.

15 **THE COMMISSIONER:** Thank you.

16 Mr. Kloeze?

17 **MR. KLOEZE:** No questions, thank you.

18 **THE COMMISSIONER:** Thank you.

19 Ms. Levesque? I'm sorry. Yeah, Ms.
20 Levesque first.

21 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

22 **LEVESQUE:**

23 **MS. LEVESQUE:** Good afternoon, Mr.

24 Commissioner. Good afternoon, Ms. Larivière.

25 My name is Gizèle Levesque, I act for the

1 Diocese. You may recall the last time you were here, David
2 Sherriff-Scott ---

3 MS. LARIVIÈRE: Yes.

4 MS. LEVESQUE: --- made submissions.

5 MS. LARIVIÈRE: Yes.

6 MS. LEVESQUE: Okay. I'd like to direct
7 your attention to Exhibit 1179, so your -- the Factual
8 Overview. If you could go to page 5 which consists of four
9 charts?

10 MS. LARIVIÈRE: Yes.

11 MS. LEVESQUE: I'd like to draw your
12 attention in particular to the three bottom charts.

13 MS. LARIVIÈRE: Yes.

14 MS. LEVESQUE: So if we look at the second
15 chart which is the -- the bottom chart would be the first
16 one -- we see that for alleged perpetrators, first of all
17 it's headed "Directs Disclosures to Probation Officers
18 Concerning Alleged Historical Sexual Impropriety"; correct?

19 MS. LARIVIÈRE: Yes.

20 MS. LEVESQUE: There is a row -- the first
21 row is for alleged perpetrators?

22 MS. LARIVIÈRE: Yes.

23 MS. LEVESQUE: And you'll see that there is
24 a category there for priests?

25 MS. LARIVIÈRE: Yes.

1 **MS. LEVESQUE:** Okay. If we look at the next
2 row ---

3 **MS. LARIVIÈRE:** M'hm.

4 **MS. LEVESQUE:** --- which is headed "Direct
5 Disclosures" ---

6 **MS. LARIVIÈRE:** Yes.

7 **MS. LEVESQUE:** --- you'll see then under the
8 column or the category of "priests" the number 4 appears?

9 **MS. LARIVIÈRE:** Yes.

10 **MS. LEVESQUE:** So there were four
11 disclosures with regards to priests?

12 **MS. LARIVIÈRE:** Yes.

13 **MS. LEVESQUE:** Two of those disclosures,
14 Mrs. Larivière, were actually made to the Ministry through
15 the Cornwall Probation and Parole Office after April 14,
16 2005. Is that correct?

17 **MS. LARIVIÈRE:** You'd have to refer me to
18 the proper monikers, please.

19 **MS. LEVESQUE:** My understanding is that
20 those would be moniker numbers 22 and 30 and they ---

21 **THE COMMISSIONER:** I'm sorry? They've been
22 taken out; right?

23 **MS. LEVESQUE:** They have been taken out,
24 yes.

25 **MS. LARIVIÈRE:** Yes.

1 **THE COMMISSIONER:** Wait a minute now; wait a
2 minute now.

3 **MS. LEVESQUE:** The information has been
4 taken out but the statistical data has not been -- has not
5 been changed.

6 **THE COMMISSIONER:** With the consent.

7 **MS. LEVESQUE:** Pardon me?

8 **THE COMMISSIONER:** With the consent of your
9 client; with the agreement of your client. So now you're
10 going to want us to go and look at those monikers when you
11 didn't want them in?

12 **MS. LEVESQUE:** Not look at the monikers.
13 All I wish -- all I want the witness to do is identify
14 which ones were after April 14th, 2005. The removal of
15 those pages was made by agreement ---

16 **THE COMMISSIONER:** Yes.

17 **MS. LEVESQUE:** --- by the parties.

18 **THE COMMISSIONER:** Yes.

19 **MS. LEVESQUE:** Agreement normally entails
20 negotiation and compromise.

21 **THE COMMISSIONER:** Yes.

22 **MS. LEVESQUE:** It was felt at that time that
23 in the interest as well of allowing these proceedings to
24 move as expeditiously as possible ---

25 **THE COMMISSIONER:** Yes.

1 **MS. LEVESQUE:** --- that these issues could
2 be raised or -- could be raised at the time of cross-
3 examination.

4 So the pages have been removed; none of the
5 tables have been changed. They're -- page 45, which
6 contains all of the disclosures remain intact, the tables,
7 the charts with the data, remains intact.

8 **THE COMMISSIONER:** Okay; so what's you
9 question again?

10 **MS. LEVESQUE:** My question is, of the -- if
11 we look at the second table that -- page 5 of the factual
12 review ---

13 **THE COMMISSIONER:** Yeah; but he says there's
14 ---

15 **MS. LEVESQUE:** --- overview.

16 **THE COMMISSIONER:** --- there's four direct
17 disclosures.

18 **MS. LEVESQUE:** Correct.

19 **THE COMMISSIONER:** Okay.

20 **MS. LEVESQUE:** Two of which were made after.

21 **THE COMMISSIONER:** Is that where we see ---

22 **MS. LEVESQUE:** After April 14.

23 Now, that could be done too, by looking at -
24 --

25 **MS. LARIVIÈRE:** If you keep ---

1 MS. LEVESQUE: --- looking at the chart at
2 page 45 ---

3 MS. LARIVIÈRE: --- if you gave me the
4 moniker numbers ---

5 MS. LEVESQUE: Okay.

6 MS. LARIVIÈRE: --- I would tell you they
7 are ---

8 MS. LEVESQUE: Okay; then they would be
9 moniker number 22 ---

10 MS. LARIVIÈRE: Yes.

11 MS. LEVESQUE: So if we look at your -- that
12 ---

13 THE COMMISSIONER: But I can't look at it,
14 now.

15 MS. LEVESQUE: Pardon me?

16 THE COMMISSIONER: I can't look at this.

17 MS. LEVESQUE: It's at page 45.

18 THE COMMISSIONER: It's at page 45.

19 MS. LEVESQUE: Just the chart ---

20 MS. LARIVIÈRE: Just the chart.

21 MS. LEVESQUE: --- Mr. Commissioner.

22 THE COMMISSIONER: Okay. Page 45 ---

23 MS. LEVESQUE: Page 45 if you look at
24 moniker number ---

25 THE COMMISSIONER: Okay, okay, okay.

1 MS. LEVESQUE: --- number 22.

2 THE COMMISSIONER: All right.

3 MS. LARIVIÈRE: Yes?

4 MS. LEVESQUE: So we know that that
5 disclosure was made.

6 MS. LARIVIÈRE: And it's no longer valid for
7 this Inquiry.

8 MS. LEVESQUE: Okay.

9 THE COMMISSIONER: Well, we're not
10 considering it at this point. Okay.

11 So there's that one, and which -- so there
12 are two ---

13 MS. LEVESQUE: That's -- there are two, the
14 other one is number 30.

15 MS. LARIVIÈRE: Okay. I'm with you.

16 MS. LEVESQUE: Correct? And we say that the
17 disclosure was made on January 10, 2007?

18 MS. LARIVIÈRE: Two thousand and seven
19 (2007).

20 MS. LEVESQUE: Right. Okay.

21 So then, if we go back to the -- to your
22 charts ---

23 MS. LARIVIÈRE: Yes?

24 MS. LEVESQUE: --- Mrs. Lariviere. Again,
25 at page 5, there are two -- the two lower charts ---

1 MS. LARIVIÈRE: Yes?

2 MS. LEVESQUE: The -- the left lower chart
3 contains -- well, both charts relates to direct disclosures
4 of historical sexual abuse -- sexual impropriety, I
5 apologize, to PPOs by perpetrator category.

6 The lower left chart ---

7 MS. LARIVIÈRE: Yes.

8 MS. LEVESQUE: --- has, "Relates to alleged
9 perpetrators" correct?

10 MS. LARIVIÈRE: Yes.

11 MS. LEVESQUE: And if we look at the
12 category for "Priest" ---

13 MS. LARIVIÈRE: Yes.

14 MS. LEVESQUE: --- we see the number of
15 disclosures as four, and there's a percentage down there,
16 to the right.

17 MS. LARIVIÈRE: Right.

18 MS. LEVESQUE: And the same thing applies if
19 we look at the chart on the right lower column as well.
20 That's a percentage of allegations by category?

21 MS. LARIVIÈRE: Yes.

22 MS. LEVESQUE: Correct?

23 MS. LARIVIÈRE: Yes.

24 MS. LEVESQUE: And then, if we look it shows
25 a percentage next to percentage of total allegations

1 involving priests.

2 MS. LARIVIÈRE: Right.

3 MS. LEVESQUE: Okay.

4 MS. LARIVIÈRE: But with the 33, those are
5 the percentages.

6 MS. LEVESQUE: Pardon me?

7 MS. LARIVIÈRE: The original 33 ---

8 MS. LEVESQUE: Correct.

9 MS. LARIVIÈRE: --- those are the
10 percentages.

11 MS. LEVESQUE: Correct. Correct.

12 So some of those, the exact number -- what
13 we don't know from looking at that, given that it covers
14 all of the 33, is the exact number of percentages that
15 relate to disclosures with regards to priests after April
16 14, 2005.

17 MS. LARIVIÈRE: So we're saying ---

18 MS. LEVESQUE: But we can't exclude -- those
19 have not been excluded, essentially, is what I'm saying.
20 Correct?

21 MS. LARIVIÈRE: But you're saying there are
22 two, right?

23 MS. LEVESQUE: There are two, yes.

24 MS. LARIVIÈRE: Those two monikers.

25 MS. LEVESQUE: Correct.

1 You agree with me?

2 **MS. LARIVIÈRE:** Not ---

3 **MS. LEVESQUE:** That, from the percentage, I
4 can't -- we cannot determine which ---

5 **MS. LARIVIÈRE:** From the document that we
6 originally put together ---

7 **MS. LEVESQUE:** M'hm.

8 **MS. LARIVIÈRE:** --- these are the
9 percentages.

10 **MS. LEVESQUE:** From ---

11 **MS. LARIVIÈRE:** From before 2005, these
12 percentages have not been changed.

13 **MS. LEVESQUE:** Okay.

14 So if you turn to the next page which is the
15 pie chart ---

16 **MS. LARIVIÈRE:** Yes?

17 **MS. LEVESQUE:** --- essentially, the same
18 thing applies, right? That you have a percentage there,
19 shown, "Percentage of total allegation involving priests."

20 **MS. LARIVIÈRE:** Yes.

21 **MS. LEVESQUE:** Okay. And the same thing; it
22 includes -- we had -- we're unable to distinguish the
23 amount of the percentage which would have been disclosed
24 prior to April 14 2005, or after, because they are
25 combined.

1 MS. LARIVIÈRE: They are combined.

2 MS. LEVESQUE: Correct?

3 MS. LARIVIÈRE: M'hm.

4 MS. LEVESQUE: Okay.

5 I'm going to ask you now to go to Tab 7, in
6 your Factual Overview, and that would be page 55.

7 MS. LARIVIÈRE: Yes.

8 MS. LEVESQUE: So that is a individual case
9 file review information for what you -- what your Ministry
10 has described as Moniker number three.

11 MS. LARIVIÈRE: Yes.

12 MS. LEVESQUE: If we look at the -- if we
13 look at the entry for February 28th on page 55 ---

14 MS. LARIVIÈRE: Yes.

15 MS. LEVESQUE: --- the last sentence, if you
16 want -- if I can direct your attention there, states that:

17 "This individual disclosed sexual
18 abuse..."

19 Or:

20 "...disclosed that he was a victim of
21 Charles MacDonald, which the OPP were
22 investigating."

23 Is that correct?

24 MS. LARIVIÈRE: Right.

25 MS. LEVESQUE: Okay.

1 And then:

2 "For that reason, or as a result of
3 that disclosure, probation officer
4 Billard..."

5 MS. LARIVIÈRE: Billard.

6 MS. LEVESQUE: "...completed an incident
7 report."

8 MS. LARIVIÈRE: Right

9 MS. LEVESQUE: Is that correct?

10 MS. LARIVIÈRE: M'hm

11 MS. LEVESQUE: And then, if we look at the
12 August 11 entry, we also see that this individual on August
13 11 1997 provided to probation officer Billard a Victim
14 Impact Statement with regards to Charles MacDonald; is that
15 correct?

16 MS. LARIVIÈRE: Yeah -- no, he would have
17 indicated that he gave an impact statement to someone, but
18 not to him.

19 MS. LEVESQUE: Not to a probation officer.

20 MS. LARIVIÈRE: No.

21 MS. LEVESQUE: It would have been given to a
22 third party, is that right?

23 MS. LARIVIÈRE: Right.

24 MS. LEVESQUE: But, in any event, he was
25 advised on that date that a Victim Impact Statement had

1 been given?

2 **MS. LARIVIÈRE:** That's right.

3 **MS. LEVESQUE:** Whether he was present when
4 the Victim Impact Statement was given, or whether he
5 coordinated the provision of the Victim Impact Statement
6 are you aware of that?

7 **MS. LARIVIÈRE:** No, I'm not aware.

8 **MS. LEVESQUE:** Whether he contacted the --
9 you're not aware.

10 **MS. LARIVIÈRE:** No.

11 **MS. LEVESQUE:** But you're satisfied, you
12 agree with me, that on that date a Victim Impact Statement
13 was given by this individual.

14 **MS. LARIVIÈRE:** No.

15 **MS. LEVESQUE:** No?

16 **MS. LARIVIÈRE:** What he's saying is that he
17 gave a Victim Impact Statement about those two people.

18 **MS. LEVESQUE:** Okay.

19 **MS. LARIVIÈRE:** I don't know what date that
20 was, that he gave the Impact Statement

21 **MS. LEVESQUE:** Okay, I understand.

22 **MS. LARIVIÈRE:** Yeah.

23 **MS. LEVESQUE:** But, at some point in time,
24 between February 28th and August 11th, a Victim Impact
25 Statement ---

1 **MS. LARIVIÈRE:** Could have been before that.

2 **MS. LEVESQUE:** Could have been before you
3 created ---

4 **MS. LARIVIÈRE:** Yeah, yeah.

5 **MS. LEVESQUE:** Okay.

6 So, if we look at the -- just your -- the
7 individual case file review information ---

8 **MS. LARIVIÈRE:** M'hm.

9 **MS. LEVESQUE:** With -- the last contact with
10 this individual would have been, actually, on August 11
11 1997.

12 **MS. LARIVIÈRE:** That's what I have, yes.

13 **MS. LEVESQUE:** Correct.

14 Were you ever advised by this individual
15 that the allegations he had made were untrue and in fact,
16 he had withdrawn them?

17 **MS. LARIVIÈRE:** Again, we -- we are not to
18 question the validity of what this -- what the people have
19 said, so ---

20 **MS. LEVESQUE:** I appreciate that, but if we
21 look at the ---

22 **THE COMMISSIONER:** Mr. Lee is coming up.

23 **MR. LEE:** Sir, aside from the obvious issue
24 with the relevance of questions, relating to whether or not
25 the allegation was true or not true, I have a concern, in

1 relation to this specific person, in terms of how the
2 evidence is being characterized and we've heard from this
3 person -- I can't discuss his evidence because it was heard
4 *in-camera*, but to say that the allegations were untrue and
5 that he withdrew them, I don't think is quite
6 characterizing things properly and is putting a spin on
7 evidence that maybe shouldn't be. So we need to be very
8 careful in dealing with that.

9 And in general terms, I don't see the
10 relevance of any of this, going back to those same issues
11 we had with Mr. Neville's cross-examination.

12 **THE COMMISSIONER:** This can be dealt with in
13 -- could it not be dealt with in submissions?

14 **MS. LEVESQUE:** In submissions?

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

16 **MS. LEVESQUE:** It could be dealt with in
17 submissions, I just wanted to have the witness' knowledge,
18 because obviously, a range has been provided.

19 **THE COMMISSIONER:** I'm ---

20 **MS. LEVESQUE:** February 28 to June 29th,
21 2007.

22 **THE COMMISSIONER:** Right.

23 **MS. LEVESQUE:** As a result, I submit that I
24 am entitled to ask the witness what occurred in that
25 timeframe.

1 Were they ever contacted by the individual -
2 --

3 **THE COMMISSIONER:** Yeah, but the response
4 was finished.

5 Their response finished on September --
6 well, August 11th was a discussion. September 10th, Billard
7 spoke to a doctor and then spoke to the Cornwall Police,
8 and that's it.

9 That's all; that's all.

10 **MS. LEVESQUE:** The individual was still a
11 probationer during that time, post-August 11 '97, was he
12 not?

13 **THE COMMISSIONER:** All right, so -- no, I
14 don't know. You can ask the question, do you have any
15 notation after this of any contact with this person, and
16 the answer is?

17 **MS. LARIVIÈRE:** Not to my knowledge.

18 **MS. LEVESQUE:** Thank you.

19 So then, if we go back to -- thank you, Mr.
20 Commissioner.

21 If we go back to the tables ---

22 **MS. LARIVIÈRE:** M'hm.

23 **MS. LEVESQUE:** --- at page 5, we know that
24 two of the four disclosures relating to priests were made
25 after April 14 2005, is that correct?

1 MS. LARIVIÈRE: Yes.

2 MS. LEVESQUE: Okay.

3 Those are all my questions, Mrs. Larivière.

4 Thank you.

5 THE COMMISSIONER: Mr. Crane?

6 MR. CRANE: Good afternoon, sir.

7 THE COMMISSIONER: Good afternoon.

8 MR. CRANE: Ms. Larivière, my name is Mark
9 Crane, and I'm one of the counsel representing the Cornwall
10 Police Service and I have no questions for you.

11 MS. LARIVIÈRE: Thank you.

12 THE COMMISSIONER: Thank you.

13 Mr. Kozloff?

14 MR. KOZLOFF: No questions.

15 THE COMMISSIONER: Thank you.

16 Mr. Wallace?

17 MR. WALLACE: No, thank you.

18 THE COMMISSIONER: Thank you.

19 Any reply from any -- yes?

20 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

21 NEUBERGER:

22 MR. NEUBERGER: Good afternoon, Ms.

23 Larivière.

24 I just -- Mr. Lee actually covered this in
25 his questions and I just want to build them up briefly.

1 I just want to refer to the two protocols,
2 Appendix 2 and Appendix 3, which are at page 25 to 27 and
3 then 28 to 30.

4 **MS. LARIVIÈRE:** Yes.

5 **MR. NEUBERGER:** The first protocol for the
6 disclosure by male offenders of abuse in relation to former
7 probation officers and Project Truth-related cases. I'm
8 just simply going over this one more time just because I
9 felt there was a bit of confusion just in the examination
10 in-chief.

11 This protocol, am I right, was developed in
12 1999/2000 and codified, as you said, in 2006?

13 **MS. LARIVIÈRE:** That's right.

14 **MR. NEUBERGER:** And it was in relation to
15 specific allegations against former probation officers and
16 those in relation to Project Truth?

17 **MS. LARIVIÈRE:** Right.

18 **MR. NEUBERGER:** All right. And the protocol
19 which appears as Appendix 3 at page 28, as Mr. Dallas Lee
20 actually clarified, that's a more broad protocol that deals
21 with persons who disclose sexual abuse other than former
22 probation officers and Project Truth-related cases;
23 correct?

24 **MS. LARIVIÈRE:** That's right.

25 **MR. NEUBERGER:** All right. And the idea is

1 that this is something which is in keeping with the
2 assessment phase anyways?

3 **MS. LARIVIÈRE:** Right.

4 **MR. NEUBERGER:** Okay. And when we look at,
5 for example, paragraph 5 on page 29, when we're dealing
6 with a more general protocol, the victim could be a person
7 who is a female as well as a male?

8 **MS. LARIVIÈRE:** That's right.

9 **MR. NEUBERGER:** Right. And so services are
10 available depending upon their particular needs. For
11 example, we see the reference under ---

12 **MS. LARIVIÈRE:** Right.

13 **MR. NEUBERGER:** Okay. All right, that's all
14 I wanted to ask.

15 Thank you very much, Mr. Commissioner.

16 Thank you.

17 **THE COMMISSIONER:** Mr. Stauffer, any
18 questions?

19 **MR. STAUFFER:** No, I have no further
20 questions, thank you, Mr. Commissioner.

21 **THE COMMISSIONER:** Okay. So thank you very
22 much for attending and reattending.

23 I do appreciate your evidence and I will
24 certainly consider it in making my report.

25 **MS. LARIVIÈRE:** Thank you.

1 **THE COMMISSIONER:** Thank you.

2 **MR. STAUFFER:** There is no further business
3 from this end ---

4 **THE COMMISSIONER:** All right.

5 **MR. STAUFFER:** --- this afternoon.

6 **THE COMMISSIONER:** All right. So we come
7 back tomorrow morning at 9:30?

8 **MR. STAUFFER:** Yes, sir.

9 **THE COMMISSIONER:** Thank you.

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

12 This hearing is adjourned until tomorrow
13 morning at 9:30 a.m.

14 --- Upon adjourning at 4:19 p.m.

15 --- L'audience est ajournée à 16h19

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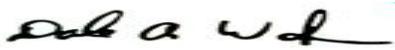
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C E R T I F I C A T I O N

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