

**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 38

Held at :

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

Thursday, June 1, 2006

Tenue à:

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

Jeudi, le 1 juin 2006

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Mr. Pierre R. Dumais	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. John E. Callaghan	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Actg.Det.Supt.Colleen McQuade	
Ms. Diane Lahaie	
M ^e Claude Rouleau	Ontario Ministry of Community
Mr. Mike Lawless	and Correctional Services and
Mr. Lorenzo D. Policelli	Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Jose Hannah-Suarez	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Pierre R. Dumais	Ms. Irene Barath

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1 --- Upon commencing at 10:06 a.m./

2 L'audience débute à 10h06

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 presiding.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning.

10 I would like to take a few moments this
11 morning to speak with you with respect to the progress that
12 we have made since we began hearing evidence, to explain a
13 bit where we are and to outline the plans that we have for
14 the summer and fall.

15 You will recall that three or four months
16 ago we started the evidence and when we first started this
17 inquiry, I found that there was a lot of rumours, swirling
18 around a lot of innuendo, a lot of things that, well, were
19 just not factual, I suppose. And one of the things that I
20 wanted to do, one of the principles that I wanted to set
21 right at the beginning was that we would deal here with
22 facts.

23 The other principle that I wanted to
24 establish early on was respect. I know that in coming into
25 this community and dealing with this matter, we will hear

1 things that will not be very pretty, that will be hurtful
2 and that if we are to establish the work and complete the
3 work that I've been mandated to do, that we would have to
4 deal with facts and with respect.

5 And in large part, I think that the inquiry,
6 the Commission, has earned a bit of respect. I think that
7 people have started to listen, and while I'm sure that
8 there are still some critics and people are doubtful of the
9 mandate of the inquiry, I think that we are on the right
10 track and I am hopeful that as we continue this process,
11 that people will earn and gain more of an appreciation for
12 this situation here in Cornwall and for the healing and the
13 progress that I hope to make.

14 In order to begin with dealing with facts, I
15 thought it was important to begin by setting a context, and
16 so for the last three or four months we have been hearing
17 what I call contextual evidence. What that was and as
18 we've heard is evidence from Drs. Jaffe and Wolfe to start
19 off and to talk to us about what really is sexual abuse and
20 how historically, as a society, we've viewed that and what
21 the ramifications were for both, to a lesser extent that
22 we've heard so far about the abusers, alleged abusers, and
23 the effect on alleged victims and on the community.

24 As well, we heard what we called corporate
25 policies or presentations from various institutions. And I

1 think that's important because it let us understand the
2 history of, let's say for example, the Children's Aid
3 Society, its evolution and its policies. And we've done
4 that for a great many of the institutions.

5 Now, we still have to do the Crowns -- the
6 Crown Attorney's Office or MAG, the Ministry of the
7 Attorney General, and as you've seen, as we go through
8 these things, things pop up. And so, for example, for the
9 OPP, we will be coming back and I will want to hear
10 evidence about what their policies were back in time
11 because I think it's important that we look at what the
12 policies and what things were like for the police back at
13 the time that we are studying.

14 As well, the Diocese has now been found to
15 be a public institution, and I will want to hear from them
16 with respect to their policies and their corporate history
17 and a little bit of context with respect to that
18 institution.

19 All that to say that given that this is such
20 a fluid and a monumental task, that it's impossible for us
21 to track down from day to day or from month to month
22 exactly what we will be doing. Accordingly, we have come
23 to two important steps or thresholds in this inquiry. The
24 first is, as I've indicated, is that of the Diocese and,
25 accordingly, we will be permitting them, giving them some

1 time to prepare their corporate policy. And I am hopeful
2 that we will be able to hear from them in the last two
3 weeks -- in one of the last two weeks of June.

4 As well, we have now been given to
5 understand that the solicitors or lawyers for Father
6 MacDonald will be planning to institute a judicial review
7 of my decision dealing with my decision to call alleged
8 victims or to hear evidence from alleged victims, as it
9 pertains to the complaints that they made to the
10 institutions.

11 I am happy to say that four months ago, I
12 would suspect that the headlines would read, "Another
13 delay" or words to the fact that this inquiry is not going
14 to progress, and I am hopeful that today, knowing what we
15 know, that people will be able to assess it in a different
16 light in the sense that it is a fact that Father MacDonald
17 has a right to appeal, and I think we have to respect that.
18 And what we have to do then is when we are structuring our
19 inquiry, is to be able to move around that and continue the
20 progress that I have begun.

21 And so in saying that, I can tell you that
22 with respect to the month of June, we had thought of
23 calling alleged victims. Given the uncertainty of the
24 appeal -- or the review rather -- I decided not to do that.
25 And the reason for that is very simple.

1 First of all, we've learned from Dr. Jaffe
2 and Dr. Wolfe that when we propose to call alleged victims,
3 that we have to be careful not to revictimize them, and
4 given the uncertainty as to whether or not we would be
5 calling them, I thought it best to put that off somewhat so
6 that we can let the appeal review run its course and then
7 prepare the witnesses so that they can come here once,
8 testify and be done.

9 I can tell you that I have instructed Mr.
10 Engelmann to proceed and deal with the judicial review as
11 quickly as possible; to seek out the earliest dates and,
12 hopefully, to have this matter dealt with by summer's end.

13 With respect to the month of June and in
14 respect for the lawyers who have other things and other
15 commitments, so that they can use their time effectively,
16 the week of June 12th will be vacated, and we will be
17 advising you as soon as possible as to which week we will
18 use to complete the matters that we have before us before
19 the summer break.

20 I understand that the counsel for the
21 Diocese have been speaking with Mr. Engelmann and they will
22 decide when the experts can be available and when the
23 corporate policy will continue.

24 During that one week that we will use for
25 that, we will also be dealing with any other matters that

1 arise, and I understand that one of the things that we will
2 be dealing with is an application by one or two parties to
3 review the funding issue with respect to lawyers and extra
4 staff.

5 That's not to say that while we are in the
6 summer recess that the work of the Commission will stop.
7 On the contrary, I think that there is so much work to do,
8 that all we are going to do is continue our process and
9 perhaps re-shift our focus.

10 One of the things that is important to me is
11 that of disclosure. As I have indicated to you before, a
12 disclosure has been massive in the sense that parties have
13 given us disclosure. That is, of course, an ongoing
14 responsibility and as we dig into these matters, there are
15 constant requests going back and forth, mostly going to the
16 institution, asking them to respond to certain items that
17 Commission counsel have found.

18 I can tell you that by and large and for the
19 most part, almost without exception, so that we cover all
20 of the bases, the cooperation has been very good. There
21 will be during that week that I've mentioned the motion
22 being to hear from the Cornwall Police Services and
23 endorsed by the Diocese with respect to the issue of
24 privilege. And that is a matter that has to be dealt with
25 in the course of the inquiry, and it is something that is

1 normal in its course.

2 With respect to disclosure, as I've
3 indicated, the parties that have had to give us disclosure,
4 well, the Commission, the Inquiry, also has to give back to
5 all of the parties that massive disclosure. And so I can
6 tell you that the block disclosure or the bulk of
7 disclosure of what we received will be provided to the
8 parties during the month of July. That will not be all of
9 the disclosure because as we receive our disclosure from
10 different issues, we put that onto our Super Text computer
11 data system, and we will be providing that to the parties
12 in a timely fashion.

13 Some of you might think that the context
14 evidence was not necessary in that you people or people in
15 this community have been dealing with this matter for some
16 years. The fact of the matter is that we haven't and that
17 in order that we be apprised of this situation, we have to
18 dig and we have to learn and so that is the primary reason
19 for those context hearings.

20 As we head into the month of August, it is
21 my intention to have evidence called with respect to the
22 alleged victims. When and how that will be done remains to
23 be seen. What I want to undertake and to advise the
24 parties is that as soon as we have made a determination
25 with respect to those reviews and how we can function

1 within the terms of the review, we will advise all parties,
2 but it is my intention to continue with the evidence in the
3 month of August.

4 As well, I can tell you that I'm very
5 pleased with the progress that we've made with respect to
6 counselling. As of yesterday's date, we've had 65
7 individuals who have been approved for counselling. Now,
8 I'd like to remind everyone that counselling support is
9 available to everyone affected by this inquiry and that
10 includes alleged perpetrators and their families, alleged
11 victims and their families, community professionals, staff
12 of the inquiry and counsel appearing before this inquiry.

13 As well, as the parties are aware, I have
14 sought their advice as to who should be members of the
15 Advisory Panel, and that panel is there to advise me with
16 respect of Phase 2 of this inquiry. And I appreciate the
17 input that I've received from the parties and I will be
18 making an announcement as to who I've selected for that
19 Advisory Panel.

20 As well, parties have received recently a
21 letter indicating that I will be commissioning research
22 papers for Phase 1 and that the Advisory Panel will be
23 recommending research to be done with respect to Phase 2.
24 Once again, I am counting on the assistance of the parties
25 and of the lawyers in providing innovative and constructive

1 suggestions in this area. The initial Phase 1 research
2 papers will deal with best practices and standards for
3 different institutions. Again, Mr. Engelmann has
4 communicated with the parties and provided them with our
5 initial plan for Phase 1 research, and we are looking
6 forward to their feedback as quickly as possible so that we
7 can commission those research papers so that they can be
8 available at strategic times in Phase 1 when we are dealing
9 with the particular institution in question.

10 With respect to June 6th, we will be
11 resuming after today our hearings on June 6th. At that
12 time, we will be hearing with respect to, again, the
13 privilege issues but also with respect to Father
14 MacDonald's request to clarify or amend the funding issue
15 with respect to whether or not the judicial review will be
16 -- the cost of the judicial review would be covered under
17 the Commission's funding.

18 All in all, we have a very full summer
19 planned and again I would like to be able to advise you as
20 to when we will reconvene in August, but at this point that
21 is up in the air. Accordingly, I will ask the parties to
22 communicate with Commission counsel on a regular basis, and
23 I can advise you and undertake that as soon as the picture
24 is clear, that we will be advising both the public, through
25 the media and our website, as to our plans for the month of

1 August.

2 Subject to any comments anyone may have, I
3 am prepared to continue with the evidence at this time.

4 Yes.

5 **MR. MANSON:** I have a question, Mr.
6 Commissioner.

7 **THE COMMISSIONER:** Yes.

8 **MR. MANSON:** I take it the funding -- the
9 general funding issues, you want to deal with during the
10 week of June 12th.

11 **THE COMMISSIONER:** No, June 12th is vacated.

12 **MR. MANSON:** Yes.

13 **THE COMMISSIONER:** So we're not going to be
14 dealing with those -- anything on June 12th. We will be
15 dealing with the issues of -- the general funding issues
16 during the week of either the 19th or the 27th, whatever week
17 we can arrange for the context evidence of the Diocese to
18 be heard.

19 **MR. MANSON:** I can just tell you, on behalf
20 of the CCR, we sent a letter to Mr. Engelmann yesterday,
21 and our submission with respect to funding would be
22 essentially what's in that letter and would take about two
23 minutes to explain.

24 **THE COMMISSIONER:** Yes.

25 **MR. MANSON:** I can only speak for our

1 clients, but it's a very brief matter to put in front of
2 you.

3 **THE COMMISSIONER:** Thank you. I appreciate
4 that.

5 The reason why I want to have it set for a
6 certain date is so that it can be aired publicly and that
7 they can understand -- the public can understand what the
8 reasoning is and that kind of thing.

9 Any other questions?

10 Thank you.

11 Finally, I think I can say that we have
12 established a certain rapport with all of the parties and
13 with the lawyers and I think that it's a healthy one and
14 I'm quite pleased with the way the presentations have gone
15 and the professionalism with which the cross-examination
16 has been dealt with. And I thank you for that.

17 Maître Dumais.

18 **MR. DUMAIS:** Next witness I'd like to call,
19 Ms. Irene Barath.

20 **THE REGISTRAR:** Place your right hand on the
21 bible. Your name, please.

22 **MS. BARATH:** Irene Barath.

23 **THE REGISTRAR:** Can you please spell your
24 last name?

25 **MS. BARATH:** B-A-R-A-T-H.

1 IRENE BARATH, Sworn/Assermenté:

2 --- EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.
3 DUMAIS:

4 MR. DUMAIS : Good morning, Ms. Barath.

5 MS. BARATH: Good morning.

6 THE COMMISSIONER: Good morning, ma'am.

7 MS. BARATH: Good morning, sir.

8 MR. DUMAIS: You should have in front of
9 you, three volumes of documents, which are identified as
10 Exhibit 40, Ontario Police College Volumes, and they should
11 be to your right.

12 MS. BARATH: Yes.

13 MR. DUMAIS: If you can just take in your
14 hands Volume 1, I'll ask you to identify some of the
15 documents contained in that volume.

16 If you can turn your attention to Tab 5 of
17 that volume and perhaps just identify that document for us.

18 MS. BARATH: It's a biography -- my
19 biography.

20 MR. DUMAIS: It is a current biography that
21 was supplied by you?

22 MS. BARATH: Yes, that's correct.

23 MR. DUMAIS: And at Tab 6, if you can
24 identify that document.

25 MS. BARATH: It's a Curriculum Vitae, my

1 own.

2 MR. DUMAIS: And again, your Résumé is
3 current?

4 MS. BARATH: Yes.

5 MR. DUMAIS: Then if you can turn to Tab 10
6 and if you can identify that document.

7 MS. BARATH: It's a PowerPoint presentation.

8 MR. DUMAIS: And this PowerPoint
9 presentation will be presented today and is essentially a
10 summary of the evidence -- of your evidence.

11 MS. BARATH: Yes, that's correct.

12 MR. DUMAIS: Now, Commissioner, I do have
13 two additional documents to file this morning and they were
14 provided to the parties shortly before we started today.

15 The first document is a course standard for
16 the Sexual Assault Investigations Course and that's the
17 most recent standard and it was adopted in 2006. So it did
18 not form part of the Book of Documents.

19 I'd like to file that document as Exhibit
20 43.

21 --- EXHIBIT NO./PIÈCE NO P-43:

22 Ontario Police College Course Training
23 Standard - Sexual Assault
24 Investigations Course

25 MR. DUMAIS: The second exhibit consists of

1 a number of correspondence or exchange of correspondence
2 between the Ontario Association of Children's Aid Societies
3 and the Ontario Police College. There are three pieces of
4 correspondence; one is dated August 14, 2002 and that is a
5 stand-alone letter. The second one is dated August 26,
6 2002 and it contains two addendums; one is identified as
7 Proposed ISOAC Revision Project, June, 2002 and that is a
8 two-page document and the other one is titled An Evaluative
9 Report on the Ontario Child Protection Training Program
10 Curricula and that is dated August 2002. And they go with
11 that piece of correspondence.

12 And finally, the last letter is dated
13 February 7, 2003 and again it is a letter from the OACAS or
14 sorry -- addressed to the OACAS forwarded by the Ontario
15 Police College.

16 My suggestion would be to file these three
17 pieces of correspondence as a collective Exhibit 44.

18 **THE COMMISSIONER:** All right. So ordered.

19 **MR. DUMAIS:** Thank you, Commissioner.

20 In fairness to my friends, what I propose to
21 do is to finish up with the Examination In-Chief of Ms.
22 Barath before we take the break. That will give the
23 parties an opportunity to review the documents before
24 proceeding to the Cross-Examination. If there is any
25 difficulty as to the amount of time, I can address yourself

1 on the issue of timing.

2 **THE COMMISSIONER:** Thank you.

3 **---EXHIBIT NO./PIÈCE NO P-44:**

4 OPC - Correspondence

5 **MR. DUMAIS:** Ms. Barath, if you can firstly
6 turn to Tab 6 of Volume 1 of Exhibit 40, which is your
7 Résumé. I understand that you are a full-time instructor
8 with the Ontario Police College and have occupied that
9 position since September of 1998. Is that correct?

10 **MS. BARATH:** Yes, that's correct.

11 **MR. DUMAIS:** Perhaps you can just give us an
12 idea of your work experience and if you can start firstly,
13 when you were first hired in 1983 by Peel Police Service.

14 **MS. BARATH:** Yes, I was hired as a sworn
15 officer in January of 1983 after completing my education
16 and held several positions with that organization before
17 becoming a permanent instructor at the Police College.

18 Basically, the breakdown of my assignments
19 were a very brief stint in the Communications and Support
20 office and then I did several years with the Criminal
21 Investigations Training Unit at several divisions. That
22 was a general investigative unit at that time. I know some
23 of the police departments now are very structured in that
24 they have a child abuse, robbery, break and enter type
25 units. At this time, those were all encompassed within the

1 Criminal Investigations Training Unit. So I had various
2 responsibilities. I was part of a break and enter unit. I
3 did some work with the robbery squad. I was seconded
4 several times to Homicide and did some work with the
5 Intelligence Bureau on a couple of projects.

6 But primarily my work was in the areas of
7 sexual assault and child abuse.

8 Then in '95 to '97, I was seconded to the
9 Ontario Police College from the Peel Regional Police as an
10 instructor. My first year -- first three intakes that I
11 was there, I was responsible for instructing basic
12 constables in the areas of federal statutes and arrest,
13 because of my criminal investigative background.

14 The second year that I was there, for
15 basically the remaining three intakes, I was responsible
16 for instructing them in the areas of firearms training.

17 My secondment finished and I returned to
18 uniformed patrol with the Peel Regional Police and I did
19 that for some time. I was also part of the public order
20 unit there.

21 Then the intakes at the Police College got
22 very large. So what happened was they needed somebody to
23 come back and assist with the firearms training program;
24 someone who already knew the program. So Peel Regional
25 Police was good enough to contract me back to the College

1 on an intake-by-intake basis to assist with the firearms
2 training program.

3 While I was there, a full-time position
4 became available. I competed for that position and was
5 successful and then was hired on full-time at the college.

6 **MR. DUMAIS:** That would have been sometime
7 in September of 1998?

8 **MS. BARATH:** I believe it was the first of
9 September 1998.

10 **MR. DUMAIS:** All right.

11 And from September 1998 to the present day,
12 can you give us an idea of what your involvement at the
13 College has been?

14 **MS. BARATH:** I had several areas of
15 responsibility at the College. When I first was hired on
16 there, again I was hired on as a firearms instructor. I
17 took on that role for approximately two and a half years on
18 a full-time basis. I was responsible for delivering that
19 program and helping design some of the components of that
20 program.

21 Then I took on, for approximately a six
22 month period, I took on the responsibilities of the
23 evidence coordinator position for the basic constable
24 program. I was responsible for revisiting the lesson plans
25 and trying to update the material that was available to the

1 trainers for the recruits.

2 And then, subsequent to that, I moved into
3 the area where I am right now, with the Criminal
4 Investigations Training area and that was September of
5 2001, where I took over the -- investigating offences,
6 well, it was ISOAC at that time -- the Investigating Sexual
7 Offences Against Children and the Sexual Assault Training
8 Program.

9 **MR. DUMAIS:** You started doing that in 2001?

10 **MS. BARATH:** September of 2001, yes.

11 **MR. DUMAIS:** So then, are you the one that
12 would have been responsible for revising the latest
13 standards for those two courses?

14 **MS. BARATH:** I am responsible for the design
15 of the current sexual assault course and the Investigating
16 Offences Against Children course, as it currently stands.
17 We no longer host the ISOAC training.

18 **MR. DUMAIS:** Now, I note that at the third
19 bullet of your present responsibilities, it's indicated
20 that you're assigned to the Criminal Investigations and you
21 are the team leader and you have been since October 2002.
22 What does that mean; team leader?

23 **MS. BARATH:** There's five instructors that
24 are part of the Criminal Investigations Training Unit and
25 our training takes us literally all over not only Ontario

1 but Canada as well. So the idea with the team leader
2 position is to have one contact person so as far as
3 administrative functions, I just assist with the budget,
4 make sure that the other five members of my team have the
5 money and the resources that they need in order to be able
6 to do their job, and we also sit down as a team together
7 and discuss our scheduling because we all teach on each
8 other's training programs. So we can assist each other as
9 much as possible.

10 The five members of the team are myself; I
11 coordinate the sexual assault and child abuse training.
12 There's Michael Lenehan, who looks after the search
13 warrants and the fraud course; John O'Reilly is responsible
14 for coordinating the general investigation techniques and
15 drug investigation techniques course; Dale Jenkins looks
16 after major case management and power case and then Randy
17 Close is the instructor who looks after the interviewing
18 and interrogation piece as well as the homicide
19 investigator's course. So that's the five people that
20 comprise those responsibilities.

21 **MR. DUMAIS:** Now, if you can look at your
22 current academic standing as well, which is page 2 of your
23 résumé and we'll -- if we can start chronologically, and
24 I'm looking at the second last bullet on that page. I
25 understand that you completed a Bachelor of Arts degree in

1 Psychology and Law with concentration in both Criminology
2 and Corrections at Carleton University. Is that correct?

3 MS. BARATH: That's correct.

4 MR. DUMAIS: And that was in 1982?

5 MS. BARATH: Yes.

6 MR. DUMAIS: Then you completed level 1 and
7 level 2 of the Continuing Education Certification and we've
8 heard about that certificate by your colleague. That is
9 the same certificate?

10 MS. BARATH: Yes, I believe that's the same
11 certificate that Mr. DeBruyne alluded to yesterday.

12 MR. DUMAIS: All right.

13 So some courses out of Western and some
14 courses out of the Ontario Police College; is that correct?

15 MS. BARATH: Yes.

16 MR. DUMAIS: All right.

17 And then you did complete as well a
18 management studies certificate and that was at Sheridan
19 College in 1995?

20 MS. BARATH: Yes, and also in 1996 I
21 completed the second piece of that, which is the
22 supervisory studies certificate.

23 MR. DUMAIS: All right.

24 And I understand that you also obtained a
25 certificate in police leadership from Dalhousie University.

1 Can you explain to us what that is?

2 **MS. BARATH:** Yes, it's a correspondence
3 based program and it addresses areas specific to -- there's
4 several programs that are available, but the particular
5 stream that I looked at was police leadership and
6 administration issues, and it was just a matter of picking
7 courses and then trying to fit them in as scheduling would
8 allow. So the correspondence thing worked very well and
9 they were very, very challenging courses. I've often
10 recommended those courses to other people as well and I
11 found them very helpful in doing the responsibilities that
12 I have in my position as well.

13 **MR. DUMAIS:** And in 2005 you completed the
14 advanced certificate in police leadership?

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

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

17 If we can then have a look at the police-
18 related courses and seminars that you completed. And
19 again, I will start from the end. You did allude to the
20 fact that you completed your probationary constable
21 training in 1983 at the College, both Parts A and B of the
22 course.

23 You then completed a seminar which is
24 entitled "Working Together for Victims of Sexual Assault".
25 And I'm looking at the fifth bullet from the end in 1989.

1 Can you explain to us what that was?

2 **MS. BARATH:** It was a joint effort. I was
3 attending only as a participant. To my recollection, it
4 was a one-day seminar between -- a cooperative effort
5 between the -- it was at the Peel Board of Education
6 between the CAS workers and police officers within the Peel
7 organization. I'm sorry, I don't remember if there were
8 other police organizations involved or not, but the idea
9 was to again address the victims issues of sexual assault.
10 Anything more particular, I'm sorry, it was some time ago.

11 **MR. DUMAIS:** Now, the next course or the
12 next bullet up is the child sexual abuse investigations and
13 assessment training, and that's the course that was being
14 offered by IPCA which we've heard about yesterday. Is that
15 correct?

16 **MS. BARATH:** That's correct. I attended as
17 a participant on the IPCA training course.

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

19 And at that time it was still the Institute
20 and the College that was delivering that course?

21 **MS. BARATH:** I'm sorry, I was a participant.
22 So I'm not sure how the organizational structure behind
23 that course was in place. I presume -- I think Mr.
24 DeBruyne alluded to that, but basically my job was to show
25 up and participate. So I'm not really sure how the

1 administration part of it worked, but there were CAS
2 workers and police officers attending that joint training.

3 **MR. DUMAIS:** Fair enough.

4 And in 1990 you completed the sexual assault
5 module which was one of the four courses that you could
6 complete to obtain the criminal investigations training
7 certificate. Is that correct?

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

9 **MR. DUMAIS:** I am now looking at page 3 of
10 your résumé and, again, I'm starting from the bottom, the
11 sixth bullet from the bottom, Sexual Assault Investigations
12 Course which you took in 2001.

13 **MS. BARATH:** M'hm.

14 **MR. DUMAIS:** Can you explain to us what that
15 is?

16 **MS. BARATH:** Yes. In September of 2001 I
17 took over the responsibilities for coordinating the Sexual
18 Assault Course. Now, my predecessor, Catherine Nanton had
19 already instituted some scheduling that was to occur during
20 2001. One of those was this course that was scheduled to
21 go for November.

22 Now, having been new to the area and it had
23 been some time since I had in fact taken any of the
24 training myself, I ran the course, coordinated the course
25 as she had it set up, but I also thought it was prudent to

1 sit in as a participant to see how the course unfolded and
2 the type of feedback that was available from the people
3 that were on the course just to see how the course flowed
4 and what the structure of it was.

5 Clearly, if you're looking at continuing
6 with a program or making some changes to a program, it's a
7 good idea to know what you're working with to start, and
8 that was the philosophy behind that.

9 **MR. DUMAIS:** And then I see that you did
10 complete your Major Case Management Courses as well?

11 **MS. BARATH:** Yes, I've completed the two
12 courses, the Hardcopy File Management Course as well as the
13 Major Case Management Course.

14 **MR. DUMAIS:** And then in 2002 you completed
15 the Investigating Sexual Offences Against Children Course?

16 **MS. BARATH:** Again, yes, it was one of those
17 -- the situation where having taken over the course, I had
18 put myself in a position where I had -- when I took over in
19 September of 2001, the very first course was offered, that
20 I was aware of, was actually at the College in October of
21 that year. So I had an opportunity to kind of get a feel
22 for how things were going. Up until that point, I was not
23 familiar with the protocol or how things worked or the
24 structure of the course.

25 So again, having assisted, sort of observing

1 from the outside, of watching the course and then, again,
2 sort of sitting in and watching other people facilitate the
3 training, I decided that at that point I should go in again
4 and participate in the course as a participant and get a
5 real sense as to how the course unfolded and how things
6 went.

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

8 And you did participate as well in the
9 Niagara Regional Police Annual Child Abuse Conference in
10 2004?

11 **MS. BARATH:** Yes, as an attendee.

12 **MR. DUMAIS:** And you did complete as well
13 the Risk Assessment Tools for Sexual Offenders Training in
14 2004?

15 **MS. BARATH:** Yes.

16 **MR. DUMAIS:** And in 2004 as well, you
17 attended at the annual Sex Crimes Investigators' Conference
18 hosted by Toronto Police Services?

19 **MS. BARATH:** Yes. Niagara and Toronto
20 Police Services both host those conferences annually, and I
21 find them to be an excellent opportunity to network and
22 also to receive updated information.

23 **MR. DUMAIS:** And then you did participate as
24 well in 2005 at the International Law Enforcement Training
25 Seminar. What was your involvement with that?

1 **MS. BARATH:** I attended as a participant and
2 as a presenter. I co-facilitated a training session with
3 Michael Lenehan and myself on scenario-based training for
4 criminal investigators. So it was a presentation on
5 assisting other police services who do design training for
6 criminal investigators and how to use scenario-based
7 training to facilitate that training, make it more
8 effective.

9 **MR. DUMAIS:** And that is the paper that's
10 identified in your Publications section of your résumé?

11 **MS. BARATH:** Yes. As a result of that
12 conference, Michael Lenehan and I co-authored an article
13 and we had it published in the American Society of Law
14 Enforcement Trainers Magazine.

15 **MR. DUMAIS:** And you did as well, in 2005,
16 participate in the annual Crimes Against Children
17 Conference hosted by the Dallas Children's Advocacy Centre?

18 **MS. BARATH:** Yes, that's correct.

19 **MR. DUMAIS:** And you have as well provided
20 us with additional information, and I'm looking now at page
21 6 of your résumé. I'll just briefly go through the
22 different seminars.

23 In 2002, you hosted a Child Abuse and Sexual
24 Assault Seminar at the Ontario Police College?

25 **MS. BARATH:** Yes, that was an attempt to try

1 to bring people together at the College to discuss some of
2 the current issues as they had been identified around
3 sexual assault.

4 **MR. DUMAIS:** And in 2004 you attended a one-
5 day presentation at the Early Childhood Development and
6 Maltreatment -- is that a centre or a ---

7 **MS. BARATH:** It was -- the Children's Aid
8 Society, I believe, was one of the host agencies for this
9 with -- now, I'm not sure whether the Niagara Police
10 Department was also involved with this as well, but there
11 was a large presence of police officers and CAS workers and
12 it was a one-day presentation by Dr. Perry who addresses
13 some very particular issues on how early childhood
14 maltreatment can affect childhood development.

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

16 And did the training address joint training
17 issues or joint training investigations?

18 **MS. BARATH:** No. No, it was just that it
19 wasn't an event that was attended ---

20 **MR. DUMAIS:** Both police officers and social
21 workers were present?

22 **MS. BARATH:** Yes, that's correct.

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

24 And you did attend sessions as well at the
25 Crown Law School relating to child abuse investigations?

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

2 **MR. DUMAIS:** And you did attend as well the
3 Professional Standards Conference hosted again by the
4 Toronto Police Services?

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

6 **MR. DUMAIS:** And perhaps you can explain the
7 next bullet, "Presentation made regarding the joint
8 training initiative between International Justice Mission
9 and the Ontario Police College."

10 **MS. BARATH:** Yes, I was invited by the
11 Ontario coordinator for the International Justice Mission
12 to attend a function that they had on the date that's
13 indicated there, in December 2005 just to discuss with his
14 representatives or the people that were affiliated with
15 their organization, how and why we had them do
16 presentations on our Investigating Offences Against
17 Children Course. A representative from the International
18 Justice Mission comes to the Police College as part of the
19 Investigating Offences Against Children Course to do a
20 half-day presentation and speaks to child exploitation
21 issues and sex tourism and exploitation of children
22 basically on an international level, but it also deals
23 nationally or locally as well. This organization was very
24 much involved with the successful prosecution of Mr. Baker,
25 which was a case out in Vancouver, and I believe that was

1 the first case where a Canadian citizen was successfully
2 prosecuted and he pled guilty for having traveled abroad to
3 have sex with children.

4 **MR. DUMAIS:** Thank you.

5 Madam Clerk, if we can start up the
6 PowerPoint presentation of Ms. Barath. And again, that
7 hardcopy presentation is located at Tab 10 of Volume 1 of
8 Exhibit 40.

9 **MS. BARATH:** Okay.

10 **MR. DUMAIS:** Ms. Barath, if we can start off
11 firstly by looking at the General Investigation Training.
12 We've heard historical evidence from your colleague
13 yesterday as to how that course has evolved. If you can
14 just take us through the course as it looks like today and
15 just give us a general idea of what's being offered?

16 **MS. BARATH:** It is a 10-day course and the
17 optimum number of students that we try to get on each
18 course is 24. It is a scenario-based course when it's at
19 the Ontario Police College in that we provide the
20 opportunity for the students to apply what they're learning
21 in a scenario training event.

22 I can explain that a little bit more when we
23 get into the actual subject matter and it will make some
24 sense there.

25 Primarily, for 2006 we're offering two

1 courses at the Ontario Police College, and other than that,
2 it's offered on an outreach basis, where course
3 coordinators or training coordinators with the various
4 police services, with the cooperation and the material from
5 the Ontario Police College, deliver that training to people
6 at local sites throughout the province.

7 **MR. DUMAIS:** Now, is that common for all of
8 the courses being delivered at the OPC, that there be such
9 a number that is delivered off-site?

10 **MS. BARATH:** The General Investigation
11 Training Course is unique in that regard, in particular
12 with the Criminal Investigations Training Unit. We do
13 offer some off-site training, a limited number. I offer
14 some on the Sexual Assault Course. Mr. Lenehan, I believe,
15 is in Saskatchewan this week and next week providing fraud
16 training. He moves around with his Search Warrant Course
17 as well. Maybe one or two courses on the outreach, but
18 there are some like the Investigating Offences Against
19 Children Course which does not leave the College and the
20 Homicide Course which again stays at the College.

21 **MR. DUMAIS:** Now, if you can just give us a
22 general idea of what the context of that course is, just in
23 general?

24 **MS. BARATH:** All right.

25 The core topics, the subject area of the

1 course is based on core competencies that were identified
2 for criminal investigators, and the intention is to provide
3 new people who are taking on general investigative
4 responsibilities with a baseline skill set in order to be
5 able to perform the tasks that will be expected of them.

6 So that's the way the course is laid out to
7 make sure that they address those core competencies.

8 So as you can -- it's indicated they start
9 with the theory. We'll be looking at what in fact is
10 involved with a criminal investigation and looking at the
11 complexity behind something a little bit more involved than
12 what they might normally deal with on the street, where you
13 do an arrest and you release somebody at the scene or
14 whatever. It's a more involved process.

15 A lot of the first line officers when they
16 come in their initial experience is with having taken the
17 report and then passing it on to a criminal investigator.
18 So they're not really familiar with what happens after they
19 complete the report. So this is starting to take them
20 through that next step.

21 The case management is basic in document
22 management and looking at how to handle reports and time
23 management in a good part of that as well.

24 There's a quite extensive piece on evidence
25 and notebooks, which is also I believe Mr. DeBruyne, in

1 fact, facilitates that, and also looking at eye witness
2 memory, photo identification and photo lineups, the process
3 for doing those types of things.

4 Canvassing; how to do a canvas, what areas
5 to canvas and when it's appropriate to do a canvas.

6 Crime scene security; clearly issues of
7 evidence and contamination; who gets into crime scenes,
8 who does not get into crime scene.

9 Death investigation is, again, just a very
10 brief introduction, in that in many instances when there is
11 a sudden death the police -- the criminal investigators are
12 the ones that need to respond to sort of have an idea of
13 you know, do we need to take this investigation further or
14 is it a natural cause type situation involving the coroner
15 and that type of process.

16 This is where I guess it would be
17 appropriate to mention the fact that -- or how the scenario
18 is built into the training. What happens is around the
19 first or I believe it's the second day of the course they
20 stage an event and we use people that volunteer from the
21 College, other instructors that are available, seconded
22 instructors, and sometimes we bring actors in, professional
23 actors, and we have the dynamic simulation area, which I
24 believe the director would have referred to that facility
25 that we have available.

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

2 **MS. BARATH:** We stage a robbery event,
3 either a bank robbery or we have a variety store that's
4 there, and we don't necessarily tell all the people that
5 are involved in it we just explain to them that there is
6 going to be a robbery and clearly they know that they're
7 there for a simulation event. Then the students or
8 participants on this training course are then dispatched to
9 that dynamic simulation area to begin the investigation as
10 though they were the second responders. That process
11 carries on throughout the two weeks of the course.

12 So in fact, they do identify a suspect.
13 They have to do a photo lineup. So that we're ensuring
14 that not only do they understand the principle behind the
15 training, in that okay, here's an academic lesson, we're
16 telling you how to do it, but we make them apply the
17 process and see that that information has been transferred.

18 **MR. DUMAIS:** Does that scenario based
19 training fairly recent for that course?

20 **MS. BARATH:** Mr. Lenehan -- excuse me, I
21 just -- I think Mr. Lenehan took over the course in 2000,
22 the general investigation training, as the coordinator, and
23 his response to taking that over was to build in this
24 scenario based training. So I would -- 2001 through 2002
25 is when it really started to be implemented strongly in the

1 process, as opposed to just people talking about doing
2 things.

3 **MR. DUMAIS:** Are you aware if that practical
4 application to the training occurs offsite as well?

5 **MS. BARATH:** It is one of the options that's
6 identified offsite and we really do try to encourage that
7 happening. So sometimes it does and sometimes it doesn't.

8 **MR. DUMAIS:** Now, we've enclosed as part of
9 the Book of Documents, the general investigation training
10 standard and that's dated 1999. As far as you know, that
11 is the last standard for that course?

12 **MS. BARATH:** As far as I'm aware, yes.

13 **MR. DUMAIS:** Now, at Slide 4 you've listed
14 some of the other core topics which are covered in this
15 course.

16 **MS. BARATH:** Yes, that's correct. And
17 again, it's you know, basic skill set, the core
18 competencies that the police officers should have if
19 they're taking on criminal investigations, understanding
20 what their search and seizure authorities are. You know,
21 if they're having to do an operational plan and then speak
22 to members of the media, being able to be comfortable with
23 that. Handling physical evidence deals with crime scene
24 and crime scene management but more particularly just
25 contamination issues.

1 The other parts of that are interviewing and
2 interrogation techniques. Some of them -- there is an
3 independent standalone interviewing and interrogation
4 course which lasts for one week. So this is not intended
5 to replace that but it's just intended to give officers an
6 ---

7 **MR. DUMAIS:** Introduction?

8 **MS. BARATH:** A very basic introduction, yes.
9 And then again, an introduction to major
10 case management and just some of the formal accountability
11 structures that fall into place as a result of that.

12 **MR. DUMAIS:** I understand as well that the
13 students have some elective topics that they can choose
14 from; is that correct?

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

16 When the training is run offsite, in order
17 to be able to cater it or cater the facilitation to the
18 policing organization, there are several elective topics
19 that are made available so that if there's something that's
20 of particular interest to people that are in that area,
21 investigators that are in that area, or if there's
22 something else that -- again, they have some -- a time
23 based on how they do they're scheduling, if there's a time
24 opportunity that allows then they can include that in
25 amongst the core curriculum as well.

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

2 Now, we've enclosed at Tab 63 the 2000 -- or
3 one of the 2006 general investigations training schedule,
4 and that's typically what a general investigations training
5 course looks like?

6 **MS. BARATH:** Yes, that's correct.

7 This particular one was hosted at the
8 Ontario Police College, and as a result of that we were
9 able to utilize the instructional expertise of the people
10 that are the full-time instructors there to facilitate most
11 of the training.

12 **MR. DUMAIS:** Just perhaps one clarification.
13 I'm looking at Friday March 31st and there is two entries
14 there at both 8:30 and 10:30, interviewing young persons.

15 What does that consist of?

16 **MS. BARATH:** That deals with interviewing
17 young persons who are suspects and addresses that.

18 **MR. DUMAIS:** So certainly not -- it's not
19 training to interview young victims?

20 **MS. BARATH:** No.

21 **MR. DUMAIS:** Now, if we can look at your
22 next topic which is the Sexual Assault Investigation
23 Course. Can you give us an idea of what the course
24 presently looks like and what your involvement has been in
25 updating that training standard?

1 **MS. BARATH:** Yes, the course, as it
2 currently exists, is a nine-day course. I have 24 students
3 that participate in the course. That's the optimum number
4 that I like to work with as far as the -- sometimes we have
5 more, sometimes we -- one or two more or less. About 24 is
6 ideal. What I do is I break the investigators into --
7 there's four investigative teams of six people each and
8 that's why that number works very well.

9 I offer five courses for this year, 2006.
10 Three of those will be offered at the Ontario Police
11 College itself. Two of those are offsite. One is in
12 Halton and the other one is in North Bay. The Halton
13 course has already been completed and North Bay is
14 scheduled for September.

15 I did the same thing last year in 2005. It
16 was the same thing. I had five courses and I had three of
17 them onsite, two of them offsite. And those offsite
18 courses are selected based on a needs assessment that goes
19 out. This is -- we try to create an opportunity where it's
20 advantageous for police services. I've been to Thunder Bay
21 and other locations as well to take the training there
22 because it's more cost effective for me to go there and
23 train multiple officers if they identify a need that in
24 fact we can address that.

25 **MR. DUMAIS:** Now, the Exhibit 43, which I

1 filed this morning, the Sexual Assault Investigations
2 Course Training Standard, that was revised in 2006; is that
3 correct?

4 **MS. BARATH:** Yes, that's correct.

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

6 Perhaps you can just take us through the
7 standard and point out how that document was modified and
8 what changes have occurred since your involvement in that
9 section.

10 **MS. BARATH:** As indicated, I took over the
11 sexual assault coordination responsibilities in September
12 of 2001 and if the -- on page 2 of the document where it
13 looks at the -- where the initial publications and
14 revisions are, those address the areas where I have looked
15 at the course training standard and reviewed it and made
16 sure that it had been updated.

17 Now, just underneath that area it talks
18 about revisions to be made, and for this particular course
19 in January of 2006 I reviewed this curriculum with the
20 investigating offences against children in order to ensure
21 that we didn't have any redundancies. That's a complaint
22 that we sometimes get from students who would attend the
23 general investigations training course perhaps and then
24 they would attend a sexual assault course and they would
25 say "Well, you know, the interviewing piece that I had for

1 sexual assault was exactly the same." It was a repeat of,
2 and so we wanted to be very particular in addressing those
3 issues and be very conscientious about that. So we make
4 sure that any areas where there may be redundancy we
5 eliminate them and structure the course accordingly.

6 The other part of it is that I used to have
7 a pre-course exam. So when the students would come into
8 the course -- because general investigation training was a
9 prerequisite for sexual assault, what was happening,
10 because of Adequacy, was that some of the police services
11 were assigning, rightly so, investigators who had many,
12 many years of investigative experience, were assigning
13 those officers to have met the core competencies of a
14 general investigator. So they were allocated spots on the
15 course.

16 Now, in order to make sure that they did
17 meet those standards, to have a baseline to work from, I
18 administered a pre-course exam offered up for two reasons.
19 First of all, because if there were certain areas on the
20 exam that were problematic for the participants -- say,
21 there were three or four questions on search and there were
22 things that they should be expected to know from their
23 general investigation training, then what that indicated to
24 me was that as we started going through this program that
25 we needed to spend a little bit more time upgrading the

1 search to the point where we had everybody on the same
2 level and then we could start again. So it allowed us to -
3 - or allowed me to address problem areas or to direct
4 people that would be facilitating in those areas to address
5 those problem areas.

6 And because of the -- when Adequacy came in
7 and police services were so good at making sure that their
8 officers had general investigation training because of the
9 outreach it just was not a problem anymore, it wasn't a
10 consideration so I eliminated the pre-course exam.

11 The other part of it is that we had a new
12 piece of legislation and one of those areas of legislation
13 spoke to production orders and we wanted to look at the use
14 of production orders as they relate to sexual assault
15 investigations, and the other part is about Bill C-2 where
16 there was again some legislative changes and we wanted to
17 make sure that that information was covered off in the
18 training.

19 **MR. DUMAIS:** And as you've indicated, the
20 General Investigative Training Course is a prerequisite to
21 this course.

22 **MS. BARATH:** Yes, that's correct.

23 **MR. DUMAIS:** And the Sexual Assault
24 Investigation Course is a prerequisite to the Investigating
25 Offences Against Children Course?

1 **MS. BARATH:** Yes, that's correct.

2 **MR. DUMAIS:** And I believe you've indicated
3 earlier on that this course is only being delivered at the
4 College; is that correct?

5 **MS. BARATH:** The Sexual Assault
6 Investigation Course is delivered -- there will be three
7 this year at the Police College and two offsite, but the
8 Investigating Offences Against Children Course is delivered
9 only at the College and it's offered three times per year.

10 **MR. DUMAIS:** All right.

11 Now, I'm looking at Slide 9, "Sexual Assault
12 Investigation Course", the title of that slide, and there
13 is a -- the second last bullet on that page deals with
14 historical sexual assaults?

15 **MS. BARATH:** Yes, that's correct.

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

17 So is that a topic that's covered in the
18 course?

19 **MS. BARATH:** Yes, it is.

20 In fact, we spend half a day on historical
21 sexual assault investigations. There is some resource
22 material that is provided for the students in the form of
23 previous charges, what the legislation used to look like,
24 how it used to read in the event that some of the police
25 services have access to criminal codes for many, many years

1 back. Others have more limited resources in terms of what
2 is available to them.

3 So we provide that document and then we also
4 -- I also arrange to have someone come in, an operational
5 police officer, and speak to historical sexual assault
6 investigations, some of the issues that they present, some
7 of the unique aspects of those types of issues. And I like
8 to use operational people in that regard because first of
9 all it's been a long time since I did any sexual assault
10 investigations and was operational myself. So it allows a
11 really current look at some of the operational issues that
12 the police officers are dealing with.

13 Second of all, it provides an opportunity
14 for a case study. I ask them to bring in an investigation
15 that they would be willing to discuss, a historical
16 investigation that created perhaps some issues for them,
17 that they could talk about and again then we get to start
18 to look back again on how do we decide what charges to lay
19 and how do those types of things work and the fact that my
20 understanding is now that prior to laying charges on
21 historical sexual assaults, operational people are
22 consulting with their Crowns and presenting that material.
23 That's my understanding.

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

25 Do you recall when that topic became a

1 component of that course?

2 **MS. BARATH:** The topic was always a
3 component of the course right from the time that I took the
4 training over in 2001.

5 The way that it's kind of manifested itself
6 and the training has changed because it didn't seem to be
7 one of those kinds of issues initially in 2001, that was
8 looking for a really focused amount of attention. So it
9 was primarily dealt with by way of handout material,
10 resource material and in that way to make sure that people
11 had the documents that they needed to be able to lay the
12 charges and to be able to sort of -- more documentation
13 resource.

14 I am trying to remember, I believe it's in
15 the last, I would say two, two and a half years, where it's
16 become more -- it was identified through our feedback. At
17 the end of each course, we do a course evaluation and it
18 was becoming identified as more of a topic that people
19 would like to hear more about. So we incorporated it -- or
20 I incorporated it as more of an academic session where we
21 could analyze a case and talk to people who were
22 operational, and I believe that's been like that for the
23 last two years.

24 **MR. DUMAIS:** Now, there's also a component
25 of the course that deals with major case management;

1 that's, I take it, a new addition to the course as well?

2 **MS. BARATH:** The major case management piece
3 is, oh gosh, I'm trying to recall -- when we started doing
4 the case study, which is I believe around 2002-2003, we
5 were looking at -- because I do a case study, a sexual
6 assault scenario, this is a scenario base training as well.
7 And the event is a -- that we stage -- is a threshold major
8 case. It meets that criteria.

9 So each one of the investigative groups
10 that's involved is provided with an accordion file and a
11 copy of the Major Case Management Manual, and we expect
12 them to file the documents and deal with the material as
13 though they were handling an actual investigation, which
14 was a threshold major case. So it's been some time that
15 it's been a fairly significant part of the training.

16 **MR. DUMAIS:** Now, the last course that we
17 will be looking at is the investigating offences against
18 children. And I think perhaps it makes a little more sense
19 if we can move ahead to Slide 17, which deals firstly with
20 the Ontario Association of Children's Aid Society
21 partnership with the OPC and ---

22 **MS. BARATH:** Oops, I'm sorry, I went too
23 far. Excuse me.

24 **MR. DUMAIS:** Sorry, it is slide 15, my
25 mistake.

1 **MS. BARATH:** Thank you.

2 **MR. DUMAIS:** Perhaps, Ms. Barath, you can
3 just give us an idea of what your knowledge is of the
4 Ontario Police College relationship with the OACAS as it
5 relates to their delivery of a joint training course.

6 **MS. BARATH:** My understanding is that -- and
7 this is from my predecessor who was involved in the
8 development of this partnership and was very instrumental
9 in making sure that this kind of training got off the
10 ground from our perspective, from the Police College
11 initiative, but this protocol underwent some changes, but
12 it was established in 1996.

13 Now, I was at the Police College in 1996 but
14 I was a seconded instructor from the Peel police service,
15 so I was not involved in the administrative development of
16 this process, and I didn't take over until September of
17 2001. So I know that this did exist, but I've never seen
18 this document or protocol. It didn't affect how I -- the
19 course looked when I took it over, I guess.

20 **MR. DUMAIS:** I understand that that protocol
21 was updated sometime in 2000 and again, did that precede
22 your taking over those two courses?

23 **MS. BARATH:** Yes, it was -- I believe, in
24 November of 2000 when there was a review of the protocol to
25 look at it and just to sort of re-examine the status of it

1 and again that predated my involvement with the training.

2 MR. DUMAIS: Now, what was your first
3 involvement then with the partnership with OACAS?

4 MS. BARATH: I took over the responsibility
5 for coordinating the training from the Ontario Police
6 College perspective in September, and I was involved with
7 -- in several aspects of that -- I was involved with the
8 scheduling of the courses and, you know, identifying who
9 the trainers were. When I took over, I was given a list of
10 police officers who were identified as trainers who were
11 qualified to facilitate this training and had been doing so
12 for some time from what my understanding was.

13 So my involvement basically at that point
14 was to continue along with the protocol, and I was not
15 familiar with the course. I was trying to learn about what
16 the course entailed, what was involved, what was being
17 taught. And then what happened also was there was some
18 discussion around revising the material that was currently
19 being used; some of the videos and things like that were a
20 little bit dated and the quality was not necessarily as
21 high as we would have liked. So there was some discussion
22 around trying to access some resource material and make
23 sure that the training was updated.

24 So I was involved in a committee that was
25 looking at trying to update that material and I pretty much

1 was involved in that from the time that I took over. So I
2 would say the beginning of -- once I got my feet wet in
3 September -- so basically, the beginning of 2002.

4 **MR. DUMAIS:** Do you recall who was part of
5 that committee?

6 **MS. BARATH:** There was a chairperson who was
7 a representative of the OACAS, Ms. Reilly, and then there
8 was two CAS representatives, one from Toronto and one from
9 London; and there was a detective from York Regional Police
10 who had been facilitating the training for a significant
11 time and then myself.

12 **MR. DUMAIS:** Now, I understand that this
13 specific course was delivered a number of times between
14 April 2000 and June 2002?

15 **MS. BARATH:** Yes, that's correct.

16 And there's a couple of different formats
17 there. There was shared Police College and OACAS training,
18 so there was joint delivery, which we facilitated according
19 to the protocol for financing and all that type of thing.
20 And our budgetary restrictions allowed us to participate in
21 about 10 of those per year.

22 Then aside from that, the OACAS, because of
23 their need, they ran what we called "brokered courses" was
24 the terminology that we used, in that they would run the
25 courses themselves; they would pay all of the expenses that

1 were involved with that, and they would basically contract
2 out the police trainers who had been identified as being
3 qualified to present that training to facilitate that
4 program.

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

6 And what was the Ontario Police College's
7 involvement in that, if any?

8 **MS. BARATH:** I'm just trying to recall. I
9 believe what happened, because there were -- the attempt
10 again was to maintain the integrity of that training, so
11 there were police officers that were on those training
12 courses but not necessarily to the 50/50 ratio that was the
13 objective of the protocol. And the police officers who
14 were facilitating that training -- because it was the ISOAC
15 course, and it was the course that was being delivered as
16 it was otherwise, the course hadn't changed, I believe we
17 were involved in issuing certificates at that point to the
18 police officers who had attended that training.

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

20 And was the committee the one responsible
21 for updating all materials or preparing the lesson plans or
22 was it the OACAS that was responsible for that?

23 **MS. BARATH:** There was components of -- the
24 committee was primarily responsible for looking at, in
25 particular, the ISOAC material.

1 Now, I know that there were other training
2 courses and training opportunities that were offered by the
3 OACAS to CAS workers, but the Police College didn't get
4 involved with that type of training because we weren't --
5 it was not our client group, I guess, as far as dealing
6 with police officers, and it wasn't -- those training units
7 were not intended for police officers.

8 So the only one that we were really involved
9 in, and particularly I was involved in, was the revamping
10 of the ISOAC and that was primarily the function of that
11 committee, that group of people, and again, a large input
12 from the CAS representatives, and everybody sort of tried
13 to deal around their areas of expertise.

14 I have some -- you know, my university
15 education involves some, you know, early childhood
16 development, but that was -- I'm sorry to say -- back in
17 1980 some odd, which is some time ago. And so there are
18 other people that are more current, and so I defer to those
19 people who have a significant level of expertise along
20 those areas, and I try to generate more input or be more
21 valuable along those areas of criminal law and how I could
22 affect those updates.

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

24 In June 2002, the ISOAC was approved by the
25 Ministry of Community Family and Children Services

1 currently delivered to the Child Protection Sector through
2 the Ontario Child Protection Training Program. What's the
3 relevance of that?

4 **MS. BARATH:** My understanding is that it was
5 just -- the idea was that the training was being -- was
6 well received. It was basically more of a formalized
7 acceptance of that particular training program.

8 Now, I don't know what the dynamics of the
9 Ministry around the financing and funding of those -- of
10 course, that was independent of us, and I'm sorry I'm not
11 able to comment on that.

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

13 Now, on August 14, 2002, a letter was sent
14 by the Director of the OPC, Rudy Gheysen to the Ontario
15 Association of Children's Aid Societies addressed to
16 Jeannette Lewis, which I understand was the Executive
17 Director, and we've enclosed a copy of that letter as
18 Exhibit 44.

19 Can you just give us a general idea of the
20 contents of that correspondence? And I see that your name
21 is mentioned in there as well. Perhaps you can explain
22 what your involvement in that process was.

23 **MS. BARATH:** Yes, there was some discussion
24 around -- the protocol had been reviewed in, again,
25 November of 2000 after the initial 1996 establishment and

1 then the review. And when I took over there were some
2 things that I was concerned about and also was very
3 involved in updating the program.

4 So what we were trying to do at that point
5 was just to ensure that the course that we were presenting
6 was the best possible course that was available. So what
7 we wanted to do was to look at that -- to have a look at
8 that course and ensure that we were doing the best possible
9 work around making sure that course was available.

10 And although it says that I was being
11 assigned full-time to that task, I had already been on the
12 committee for some time and involved in the committee work.
13 This was just more of a formal assignment of my
14 responsibility to upgrade that material.

15 **MR. DUMAIS:** Now, on August 26th 2002, Ms.
16 Jeannette Lewis appears to have responded to Mr. Gheysen's
17 August 14th letter, and she does include in her
18 correspondence the OCPTP review summary as well as an ISOAC
19 committee proposal, which was being forwarded to the
20 Ministry.

21 Can you just have a look at those documents
22 and tell us what was your knowledge of those documents or
23 how did you participate, if at all, in the preparation of
24 these two documents?

25 **MS. BARATH:** My recollection is in relation

1 to the document that is headed up the Proposed ISOAC
2 Revision Project, June 2002, is that that's a summary of
3 the Revisions Committee's discussions around how we could
4 address the issue of upgrading the ISOAC training. There
5 had been some discussions amongst the committee members
6 about how we could, again, update the material, improve the
7 material, make sure that we were bringing to that training
8 the best possible and most updated material that was
9 available.

10 So there is a list of some things in that
11 document that talk to some areas that were potentially
12 problematic with the ISOAC training, as it currently
13 existed in some areas that we thought we needed to address.

14 The other part of that is the Evaluative
15 Report. Now that, I had no part in the delivery of this
16 document or preparation of this document other than -- it's
17 a summary of -- from the OACAS of an internal review that
18 they did of several of their courses, from what I
19 understand. Now, the part that we received was the part
20 that specifically dealt with the ISOAC training because, of
21 course, that is the part of the training that was OPC co-
22 facilitated or working in a partnership because of the way
23 the protocol had been established.

24 So you know, the recommendations were there
25 to speak to the fact that we have a four-day course here,

1 but on the last line of the first page where the paragraph
2 under "Recommendation", it speaks that we were not meeting
3 the needs of the CAS in terms of the number of people that
4 they were looking to train. So they had already looked at
5 doing some broker courses and there are still long waiting
6 lists. So there was some real issues around us as a police
7 college, as an organization being unable to meet their
8 training needs through that partnership.

9 **MR. DUMAIS:** Were there any discussions at
10 those meetings in 2002 about canceling the course?

11 **MS. BARATH:** I don't think so, because at
12 that particular time we were really working hard. Like, I
13 was part of the committee to revise the material and
14 upgrade the material. I think the discussion was that
15 something had to change and the structure of the course had
16 to change, the format and content of the course needed to
17 change. So it couldn't continue on in its existing
18 appearance or in its existing structure, but there was no
19 discussion really at that point about whether to replace it
20 or to modify it, or what we could do with it at that point.

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

22 And was that the shared view of the Ontario
23 Police College and the OACAS or were you -- was that just
24 the view of the Ontario Police College?

25 **MS. BARATH:** I hate to speak for the other

1 organization and what was in their minds, but I believe
2 that when we were sitting down as a committee of the CAS
3 workers, myself and the chairperson, who was an OACAS
4 representative, I believe that when we sat down and were
5 talking about these revisions that we were doing it with
6 the idea that it was in a productive manner towards
7 something that would potentially evolve that would serve
8 the purposes of both our organizations.

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

10 It appears from the contents of the Revision
11 Project that the plan was to leave and then come back in
12 early 2003 after two committee members were to attend a
13 conference in San Diego in January of 2003 and then come
14 back.

15 Do you recall if that ever happened, if
16 those board members did attend and whether or not you met
17 back after they returned from their trip?

18 **MS. BARATH:** I know that they did go. They
19 did go on the trip, and I believe that was the CAS worker -
20 - one of the CAS workers for sure, and I'm not sure whether
21 the other police officer intended to go or not. I can't
22 recall.

23 I have a recollection of discussing some of
24 the material that came back from that, but when that took
25 place I'm not sure. But I do have a recollection of us

1 discussing some of the material that had come back from
2 that, and the reason I have a recollection is because they
3 were very excited about having brought back some material
4 from San Diego that they thought would be helpful.

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

6 **MS. BARATH:** Particulars, I'm sorry, but
7 that's my recollection.

8 **MR. DUMAIS:** How did you find out that the
9 delivery of this training was being suspended in 2003? Did
10 you find out through the committee or did you find out
11 through the OPC?

12 **MS. BARATH:** No, it was -- we had some
13 discussions at the Ontario Police College. We had some
14 discussions about the fiscal year, which was something I've
15 had to get used to. It's not January. It's April. So
16 what was happening was that we had made a commitment to the
17 OACAS, my understanding was a fiscal commitment, up until
18 2003.

19 Now, I had some concerns about the way that
20 the Revision Committee -- and we were looking at revising
21 the program as it was. But I had some very serious
22 concerns about some of the processes that were going on
23 through the training and I had expressed those concerns to
24 the director, I believe, and to the -- mostly I spoke to
25 the person that was the deputy -- I think she was a chief

1 instructor at that time, who was a member of our Research
2 and Evaluation Unit, Janice Mokanski -- and I believe her
3 name appears on some correspondence as well -- around some
4 of the ways that we were conducting the course and some
5 concerns that I had.

6 So when we started talking about
7 recommitting financially to the next year, which would be
8 the next fiscal year, there was some discussions about that
9 time about, "Well, we need to stop where we are right now
10 and before we go on and just continue to present while
11 we're revising, we need to stop and really take a look at
12 what we're doing and seeing if this is the best possible
13 way of doing business".

14 And we discussed several options around
15 that, which we were open for discussion and those
16 discussions were continuing. But we decided -- and
17 obviously, I'm not in a position to make that decision. I
18 make recommendations and voice my concerns around those
19 issues and I was heard on those things and, as a result of
20 that, the director was able to initiate the procedure to
21 have the "All Chiefs" put out there to have the course
22 cancelled.

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

24 So then the All Chiefs Memo goes out, and we
25 did file that yesterday, advising that the course was under

1 suspension.

2 Commissioner, I figure I have about 20 or 25
3 minutes of evidence left.

4 **THE COMMISSIONER:** Then we should take the
5 morning break.

6 **MR. DUMAIS:** Yes.

7 **THE COMMISSIONER:** Thank you.

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

10 The hearing will reconvene at 11:45.

11 --- Upon recessing at 11:30 a.m./

12 L'audience est suspendue à 11h30

13 --- Upon resuming at 11:48 a.m.

14 L'audience est reprise à 11h48

15 **THE REGISTRAR:** This hearing of the Cornwall
16 Public Inquiry is now in session. Please be seated.

17 Veuillez vous asseoir.

18 **Irene Barath, Resumed/Sous le même serment:**

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

21 **THE COMMISSIONER:** Before we continue, I
22 should advise you that I don't have a train, but I have a
23 plane to catch, and I'd really like to go home this
24 weekend, and I would have to leave by 2:00. So I
25 understand that there will be some questions, so what I

1 propose, unless anyone has any dietary or health reasons or
2 other commitments, that we just forge on and we try to
3 finish this. I apologize for doing that, but unless there
4 are any grave objections, I would like to proceed in that
5 regard.

6 And Maître Dumais will pay for coffee
7 afterwards.

8 (LAUGHTER/RIRE)

9 MR. DUMAIS: Certainly.

10 THE COMMISSIONER: There you go.

11 Thank you very much.

12 MR. DUMAIS: So we are just at the point
13 where the All Chiefs Memo goes out in 2003 advising
14 everyone that the training is being suspended.

15 What was your involvement with the OACAS
16 from that point on? Was there any involvement at all to
17 rework the training? Were there any meetings? Did your
18 committee continue to meet or did everything stop from that
19 All Chiefs Memo on?

20 MS. BARATH: Everything pretty much stopped
21 as far as the committee redesign and redevelopment at that
22 point, but there was still training.

23 The last paragraph of that -- the second
24 last paragraph of the memo -- that All Chiefs -- speaks to
25 the fact that there were some ISOAC courses that had

1 already been slated to be delivered and that obviously we
2 wanted to continue on and honour those commitments and that
3 we would continue to fulfill our obligations, and the date
4 that's indicated is up unto July of 2003.

5 So we would still, for brokered courses,
6 courses that were offered by the OACAS that involved police
7 officers in that ISOAC training, we were still issuing
8 certificates up to July, and then after that time, we were
9 not involved in those training initiatives pretty much at
10 all.

11 **MR. DUMAIS:** Now, you've indicated -- I'm
12 looking at Slide 20 -- "Collaboration Continued at the
13 Local Level". What do you mean by that?

14 **MS. BARATH:** The process was encouraging
15 police officers and police organizations at the local
16 levels to continue to build on their protocols that they
17 had in place. Those were police service issues, police
18 service operational procedures and protocols and the
19 intention was not to have any influence on those types of
20 things and, in fact, to encourage those types of
21 relationships to continue amongst the police services and
22 the OACAS. And in the development of the course the ISOAC
23 -- sorry -- in the development of the new course, the
24 Investigating Offences Against Children Course, clearly it
25 would be imprudent to have a course investigating offences

1 against children that did not involve the CAS in some
2 capacity. So I was liaising with the various people whose
3 expertise that I was calling on to assist me in areas that
4 they thought would be -- you know, we could focus on, and
5 in fact who were able to provide their expertise in
6 presenting on the course.

7 **MR. DUMAIS:** Now, Slide 21 makes reference
8 to two new courses that apparently the OACAS was
9 delivering. Were you familiar with that or were you aware
10 of that at the time?

11 **MS. BARATH:** I knew that there was -- they
12 had identified a need around forensic interviewing and I
13 believe that it's indicated in the correspondence. I'd
14 have to check back more clearly. But the interviewing was
15 -- forensic interviewing was something that was clearly
16 identified as a concern for the OACAS in getting their
17 people trained.

18 So I knew that they had this process in
19 place and had designed -- were designing on it and working
20 on it, and I believe one of the committee members was
21 involved in the design of this two-day forensic
22 interviewing course as well.

23 **MR. DUMAIS:** Now, is it about then at that
24 time that you started redesigning the new IOAC(sic) course?

25 **MS. BARATH:** Yes, that's correct.

1 **MR. DUMAIS:** If then, I can just take you
2 back to Slides 10 through 14. Can you just give us an idea
3 of what the new course consisted of and if you can take us
4 as well to the training standard for that new course and
5 explain to us what your involvement was in the design of
6 that new course?

7 **MS. BARATH:** The process of deciding what to
8 include in this course, or what this course should involve
9 was fairly multi-faceted. It involved first of all,
10 research into the Adequacy Standards and looking at child
11 abuse protocols, what was the expectation for the Police
12 Services as far as what their investigators should have.
13 We also brought together a group of detective-sergeants who
14 were responsible for the supervision of sexual assault
15 child abuse investigators and we did a focus group with
16 them to ask them, "What do you want your people to have
17 when they show up at your door?" right. "When somebody is
18 assigned to your unit, what skill set; what resource bases;
19 what kind of information do you want them to have access
20 to?" So because there were some operational issues,
21 clearly that we wanted to make sure that we were
22 addressing, that may not have necessarily been as
23 relatively apparent through the adequacy. So we looked at
24 the multi-stage approach. And then we also looked at some
25 of the feedback that we had from the ISOAC course and what

1 parts of that training that the students found particularly
2 valuable and how we could apply that as well.

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

4 I understand that the latest version of the
5 investigating offences against children standard was issued
6 in January of 2006 and it appears that the first version
7 came out in January, 2005. Perhaps if you can just take us
8 through the course training standard which is found at Tab
9 66 of Volume 3 and just give us an idea of what the present
10 course standard contains and if you can just point out what
11 changes were brought about from 2005 to 2006?

12 **MS. BARATH:** Okay. The original course that
13 was offered in 2005 was a pilot course. There were three
14 courses offered during that year and the idea was again,
15 this is a brand new course. It's a new course design and
16 we looked at all the various aspects that we thought we
17 would need to bring in place and the resources that we
18 needed to do that. During each one of the sessions in
19 2005, we identified through the end of course evaluations
20 and we do very comprehensive end of course evaluations on
21 each individual session, the material and the presenter and
22 then we also provide an area on those evaluations for
23 general feedback, around the course and the facilities and
24 all of those types of things.

25 Now, I took the feedback from those courses

1 and I believe that even the first one that we ran initially
2 in January of -- February of 2005 -- I'm sorry, it was
3 right at the beginning of 2005 when we ran the very first
4 course. We even had one of the members of our research
5 evaluation unit come in personally and I exited myself from
6 the room and let people provide some verbal feedback in
7 addition to the written feedback because we really
8 seriously wanted to find out how we could make this course
9 the very best possible. So that course continued to evolve
10 from 2005 to its current, as it stands in 2006.

11 The changes that we made were based on that
12 feedback and they particularly dealt with the amounts of
13 time that were allotted to particular things. Some people
14 felt that more time was needed for one thing, less time for
15 another thing and again, some other types of issues that
16 they thought -- they were current things, they were things
17 that were starting to reveal themselves more in their
18 investigations. And again, I guess for the current course
19 training standards what we were looking at was how the
20 course outline -- we wanted to include people like
21 International Justice Mission, make sure that they had
22 time. We also had some other involvement as well.

23 A big component of that was, there was one
24 of the ladies that comes in, she speaks to -- it's a half-
25 day session on the offender cycle -- but she was at the

1 time, in 2005, initially employed by the CAS in London, but
2 now she does private clinical work and provides some very
3 unique insight because she dealt with offenders, non-
4 offending parents and with victims. So she was able to
5 provide the officers with some feedback and some structure
6 around those things.

7 In addition to that, we also have a joint
8 training component, where we have a CAS worker and a police
9 officer come in and they do a 90 minute presentation and
10 they speak to a case study that they were involved in and
11 some of the dynamics of their relationship and the dynamic
12 nature of the relationship within the organizations and how
13 they have to work at maintaining that relationship and
14 encouraging other people within the class to speak about
15 how these current things are for their organization.

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

17 Was that component of the course included in
18 the 2005 standard as well?

19 **MS. BARATH:** We talked about joint
20 investigative protocols ---

21 **MR. DUMAIS:** Yes.

22 **MS. BARATH:** --- in a more formalized way of
23 saying, "Okay; make sure you go back to your organization;
24 understand what your protocols are." We had discussions
25 around, "What's your current status of your protocol and

1 training and those types of things?" But we really --
2 after the first pilot, I believe we started it in 2005, to
3 incorporate that, because it seemed to be an opportunity.
4 There was some real dynamics around those relationships and
5 some of the discussions around those relationships really
6 came out. So we decided that that was something, based on
7 the feedback, that we should have a little more structure
8 around. So that's definitely part of it now.

9 **MR. DUMAIS:** During that period of time, was
10 there any consultation with the OACAS or was the design of
11 this course mainly done by yourself or other people at the
12 Ontario Police College?

13 **MS. BARATH:** It was mainly done by myself
14 and the input from the Research and Evaluation Unit,
15 feedback from the detective-sergeants as I previously
16 indicated, feedback from the participants on the pilot. I
17 did get input from particular CAS people who were trainers
18 and practitioners in how we could address some of these
19 issues around, you know, child -- dealing with the non-
20 offending parents and the offender cycle and those types of
21 things as well as the joint protocol and how we could best
22 approach raising those discussions.

23 **MR. DUMAIS:** Perhaps then if you can just
24 slowly take us through your standard as it now appears in
25 2006 and give us an idea of the contents of the course. So

1 I understand that it is a prerequisite that both the
2 General Investigative Technique Course and the Sexual
3 Assault Investigation Course be completed. Is that
4 correct?

5 **MS. BARATH:** Yes, that's correct.

6 The sole purpose is to avoid redundancies
7 and to ensure that when the officers come in that they have
8 a fairly good foundation around the sexual offences that
9 relate to children and then we can address those and then
10 build on those as well.

11 **MR. DUMAIS:** All right.

12 **MS. BARATH:** The course outline -- it's
13 easier to work through the syllabus or through the actual
14 course training standards, whichever is easier. But we
15 speak to issues that are identified or areas that are
16 identified in the Adequacy Standards and there's several
17 Adequacy Standards that we look to. Particularly we focus
18 initially on legal issues and how those -- in order to
19 create the foundation, it's very hard to discuss an
20 investigative process without first having a legal
21 foundation to do that. We look at also, drug-endangered
22 children and that's another critical operational issue
23 that's becoming more of a current-type of a problem area.

24 We also look at -- we spend two full days on
25 child development and child interviewing. So it's how

1 children's memory works, how child language develops,
2 different developmental stages that children go through and
3 then protocols as well, for interviewing.

4 **MR. DUMAIS:** Who are delivering those
5 modules?

6 **MS. BARATH:** The two-day module is delivered
7 by Dr. Kim Roberts. She is a child psychologist specialist
8 from Wilfrid Laurier University. She comes in and does two
9 full days with the police officers on that subject.

10 The legal issues component is a piece that I
11 look after myself. I also have another -- he's a retired
12 police officer and a polygraph operator, who comes in and
13 speaks to the issues of children as suspects. Just again,
14 it's a very small part of that, because they should have
15 already had that on, you know, GIT and other areas, so it's
16 just more of a very brief refresher for them.

17 Is it easier to refer to the syllabus? Is
18 that okay to do that? It's more helpful for me, if that's
19 ---

20 **MR. DUMAIS:** That's fine. Either is fine.

21 **THE COMMISSIONER:** Go ahead.

22 **MS. BARATH:** And I think it's at Tab 61, if
23 that's okay. Sorry about that.

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

25 **MS. BARATH:** Then of course, on the Tuesday

1 there we have the International Justice Mission. That's a
2 fellow that is the Canadian head of that organization comes
3 in and he speaks to, as I indicated already, some child
4 exploitation issues and international.

5 The Friday is the joint investigations and
6 then we speak to the provincial offences, which is the
7 *Child and Family Services Act* as well as other provincial
8 statutes that would affect dealing with children.

9 Forensic identification is very particular
10 to child abuse and investigations involving children.
11 Luring and child pornography is obviously something that's
12 in the forefront of everybody's mind now, as far as the
13 investigators. It's a very difficult investigation. It's
14 not only that but it's a product of child abuse
15 investigations.

16 The computer handling and search warrants
17 and production orders are all on the Tuesday morning and we
18 actually look at modems and ways of storing data and how
19 collections are retained. So it gets investigators out of
20 that mindset of, you know, the floppy, or whatever. So we
21 look at different types of technology and how data can be
22 stored.

23 The offender cycle, again that's the lady
24 that I mentioned who was formerly employed with the CAS and
25 does clinical work independently, as well. She speaks to,

1 not only the offender cycle, but she also talks about non-
2 offending parents and she has done work with children who
3 were victims of abuse situations and how police have
4 impacted on those children; to provide the officers with
5 some feedback on that.

6 I have a video that I show that is -- speaks
7 mostly to victim's issues. It's a very professional
8 production. It features Sheldon Kennedy as one of the
9 persons who speaks on the video, as well as several others
10 and identifies many different areas of abuse, including an
11 excerpt where it speaks to, you know, different types of
12 disclosure, when timing around disclosures and that type of
13 thing.

14 The remainder of that day is all taken up by
15 a representative of the SCAN Team, Suspected Child Abuse
16 and Neglect Team from the Toronto Sick Kids Hospital. And
17 they speak to all the pathologies of burns, breaks,
18 bruises, any other types of trauma, sexual abuse, that type
19 of thing. And they touch on Munchausen, given the
20 opportunity. I also have some resource material. It's not
21 something that's a very common -- Munchausen Syndrome by
22 Proxy -- it's not a common event, but I have resource
23 material that's available for the students.

24 Then we speak to emotional abuse and how
25 that can affect children who witness domestic violence and

1 how that can affect them as well and also preparing
2 children for court.

3 Dr. Cairns, he's the coroner; he's been
4 marvellous. He's made himself available for facilitating
5 the training around SIDS/SUDS, deaths of children under
6 two. Also we have another fellow from the Teachers
7 Association and he comes in, Chris Anderson. He is, again,
8 as a resource for investigators who are investigating those
9 types of allegations where teachers are involved. It's
10 very, very helpful.

11 Then we have a course debriefing where we do
12 a review and look at some feedback and then they do a
13 written exam.

14 **MR. DUMAIS:** And that course is being
15 delivered -- it was delivered three times at the College
16 this year -- or is being delivered three times?

17 **MS. BARATH:** Yes. Three times at the
18 College in 2005 and three times at the College in 2006 and
19 I have already delivered one, just finished last month.

20 **MR. DUMAIS:** Will the course only be offered
21 at the College itself or is there any plans to deliver it
22 offsite?

23 **MS. BARATH:** No, what I've done in order to
24 try to have as many officers available to attend the course
25 as possible, as I've extended the class size from 24 to 30

1 students, so we try to incorporate 30 students in each
2 class, so to train as many as 90 police officers in a year.
3 But as you can tell by looking at the syllabus, it's very
4 resource heavy because we depend on the expertise of
5 outside people. We are not the only people that calls on
6 those resources; people like Dr. Cairns and doctors from
7 the SCAN Team, they have very busy schedules and a lot of
8 commitments, and we try to draw on their expertise without
9 alienating them by over-using them.

10 **MR. DUMAIS:** These are my questions, Ms.
11 Barath.

12 Thank you.

13 **THE COMMISSIONER:** Thank you.

14 **MS. BARATH:** Thank you.

15 **THE COMMISSIONER:** Mr. Manson.

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

17 **MANSON:**

18 **MR. MANSON:** Ms. Barath, you were present
19 yesterday, when I put some questions to your colleague, Mr.
20 DeBruyne.

21 **MS. BARATH:** Yes, I was here yesterday.

22 **MR. MANSON:** And you heard the questions I
23 put to Mr. DeBruyne?

24 **MS. BARATH:** I did hear your questions, but
25 I don't -- if you asked me to repeat them, I couldn't

1 attribute them directly to you.

2 MR. MANSON: No, no, no.

3 You did hear the questions then?

4 MS. BARATH: Yes, I heard the questions from
5 you, yes.

6 MR. MANSON: Thank you.

7 You would agree with me that the
8 investigation of historical sexual allegations is different
9 from the investigation of other old defences; correct?

10 MS. BARATH: Yes, there are some different
11 aspects to it, yes.

12 MR. MANSON: One of those different aspects
13 would be the potential for special emotional responses from
14 the alleged victims that you wouldn't see if you were
15 investigating a 15 year-old fraud?

16 MS. BARATH: Okay. Are we distinguishing
17 fraud offences from sex assault or are we distinguishing
18 historical sexual assaults from current sexual assaults?

19 MR. MANSON: Historical fraud.

20 Historical sexual assaults from historical
21 fraud.

22 MS. BARATH: Okay. I would agree, yes, that
23 the emotional attachment to crimes against persons is
24 somewhat different from the emotional attachment to crimes
25 against property.

1 **MR. MANSON:** And that would be compounded if
2 the crime against the person is an alleged assault against
3 someone when they were a child?

4 **MS. BARATH:** I'm sorry, I'm not
5 understanding ---

6 **MR. MANSON:** Well ---

7 **MS. BARATH:** --- the significance of the
8 difference between being assaulted as a -- it would be
9 traumatic to be assaulted as a child and to recall that as
10 an adult would be equally traumatic.

11 **MR. MANSON:** No, no, no, you missed my
12 question. Let me -- let's slow down.

13 **MS. BARATH:** Okay.

14 **MR. MANSON:** There's no tricks here, Ms.
15 Barath.

16 **MS. BARATH:** Oh, I'm not looking for tricks.

17 **MR. MANSON:** So just slow down.

18 **MS. BARATH:** I just want to make sure I'm
19 answering your question.

20 **MR. MANSON:** One of the reasons that there
21 is a distinction with respect to interviewing an alleged
22 victim of an old sexual assault, what we would call the
23 historical sexual assaults that this Commission is looking
24 at ---

25 **MS. BARATH:** M'hm.

1 **MR. MANSON:** --- is not just that it's a
2 crime against the person, a violated sexual assault, but we
3 are looking at assaults that occurred when the person was
4 quite young.

5 **MS. BARATH:** Right.

6 **MR. MANSON:** And so this creates for the
7 investigator an added concern that you wouldn't see if you
8 were investigating an old fraud. Agreed?

9 **MS. BARATH:** Yes, there's some dynamics that
10 are quite different.

11 **MR. MANSON:** Now what dynamics would you
12 suggest there are?

13 **MS. BARATH:** In the difference between ---

14 **MR. MANSON:** Forget about the fraud, just
15 tell me the important -- the distinctive dynamics with
16 respect to investigating an old sexual assault that
17 occurred when the alleged victim was very young.

18 **MS. BARATH:** Well, I would think that a
19 person who had been carrying something like that around for
20 a significant amount of time, there must have been maybe a
21 precipitating event or something that caused them to
22 disclose in the first place and feel the need to come
23 forward and -- those are some of the dynamics that I would
24 be thinking about as well as dealing with the memory and
25 carrying those memories around for some time. I would

1 think that would be difficult for someone.

2 MR. MANSON: And this would be the added
3 emotional dimension that you were referring to, for those
4 reasons?

5 MS. BARATH: Yes.

6 MR. MANSON: Would you also agree with me
7 that perhaps for the reasons you've just described, some of
8 the people who come forward with allegations of old sexual
9 assaults haven't always led the most exemplary lives since
10 then? They're not necessarily the most -- sometimes not
11 the most presentable interview subjects?

12 MS. BARATH: There's not really a
13 generalization on how people handle trauma. I'm not an
14 expert to speak to how people manifest itself -- themselves
15 -- around their success in dealing with those types of
16 things. I'm sorry.

17 MR. MANSON: Okay. Would you agree with me
18 that if we go through all the OPC material going back to
19 the early 1980s; we don't see any course that specifically
20 deals with historical sexual assaults?

21 MS. BARATH: Yes, I would agree that's true.

22 MR. MANSON: Can you point to any elements
23 of courses during that period that deal with historical
24 sexual assaults?

25 MS. BARATH: No I can't but I also --

1 because Mr. DeBruyne was focusing on concentrating his
2 efforts on providing that information, I did not review his
3 material either, but from what I recall from yesterday, no.

4 **MR. MANSON:** But you don't know of any?

5 **MS. BARATH:** No, I don't know of any.

6 **MR. MANSON:** You teach criminal profiling in
7 your courses?

8 **MS. BARATH:** We have a representative from
9 the Ontario Provincial Police Behavioural Sciences Unit
10 come and do some teaching on the sexual assault course,
11 yes.

12 **MR. MANSON:** Does that apply to the sexual
13 assaults of young people? Do you do any profiling with
14 respect to sexual assaults of young people?

15 **MS. BARATH:** We look at offender cycles as
16 it relates to sexual offenders who prefer children as their
17 intended victims on the Investigating Offences Against
18 Children Course, but that's not material that is -- that's
19 a different subject area than the persons from the
20 Behavioural Sciences Unit who -- they deal with ---

21 **MR. MANSON:** So you can't tell me, for
22 example, the typical profile of an adult who sexually
23 abuses young children?

24 **MS. BARATH:** I don't believe there is one.

25 **MR. MANSON:** Okay.

1 Within the courses that you are responsible
2 for; sexual assaults, sexual assaults against children; the
3 whole group of courses, you have investigative and
4 interrogation elements, do you not, in those courses?

5 **MS. BARATH:** Yes, we do.

6 **MR. MANSON:** And you also have a special
7 course dealing with investigation and interrogation?

8 **MS. BARATH:** Yes, we do.

9 **MR. MANSON:** Looking at your materials, do
10 you teach the Reed technique?

11 **MS. BARATH:** The person ---

12 **THE COMMISSIONER:** I am sorry? The what?

13 **MR. MANSON:** The Reed technique.

14 **MS. BARATH:** The person that facilitates
15 that section, Mr. Close is the one that's responsible for
16 the interviewing and interrogation section, I know that he
17 does make reference to the Reed technique.

18 **MR. MANSON:** And the book, Reed
19 Investigation Techniques is one of the resources that you
20 use?

21 **MS. BARATH:** That's one of his resources,
22 yes.

23 **MR. MANSON:** And you know that courts are
24 becoming increasingly concerned about the effect of the
25 Reed technique on voluntariness?

1 **MS. BARATH:** That area -- he is the training
2 coordinator for that, and I would leave that ---

3 **MR. MANSON:** No, I'm asking, do you -- if
4 you don't know that ---

5 **MS. BARATH:** No, I don't know that. I don't
6 know that, personally, no.

7 **MR. MANSON:** In document No. 66, the OPC
8 course training standards for 2006, there is at page 31 a
9 special section on investigations involving teachers;
10 correct?

11 **MS. BARATH:** Just one second. Yes.

12 **THE COMMISSIONER:** It's up on the screen.

13 **MS. BARATH:** Oh, it's up on the screen,
14 excuse me.

15 **THE COMMISSIONER:** Yes.

16 **MS. BARATH:** I'm the old school hard copy,
17 excuse me.

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

19 **MS. BARATH:** Yes, it is. Yes, there is.

20 **MR. MANSON:** Is this the only specialized
21 group of adult offenders that you look at?

22 **MS. BARATH:** Let me think. Yes, I believe
23 so, as a resource, yes.

24 **MR. MANSON:** As a -- I'm ---

25 **MS. BARATH:** To provide -- the intent is to

1 provide a resource for the investigators, and for this
2 particular group, yes, this is the one. And I believe it's
3 the only one.

4 MR. MANSON: But I mean as subject matter --
5 -

6 MS. BARATH: Yes.

7 MR. MANSON: -- this is the only specialized
8 group?

9 MS. BARATH: Yes, I believe, that's -- yes.

10 MR. MANSON: Can you explain to me why
11 you've left out coaches, for example? Athletic coaches as
12 a specialized group?

13 MS. BARATH: Because they are not
14 particularly registered. Like, coaches are volunteers to
15 organizations for the most part. And they are persons in
16 authority, they are persons of influence and so we do
17 address that part of it in the legal aspects. Who is a
18 person of authority and we look at some of the case law
19 around that. We don't address coaches in particular
20 because there's not one resource location where we could
21 direct the police officers to, to get information if they
22 had a complaint against a coach.

23 In this particular case, there is ---

24 MR. MANSON: That's okay.

25 MS. BARATH: --- an organization.

1 **MR. MANSON:** I mean, I don't want to
2 interrupt you, but that's ---

3 **MS. BARATH:** Okay.

4 **MR. MANSON:** You answered my question.
5 I take it you don't address other
6 specialized groups like priests for example?

7 **MS. BARATH:** No.

8 **MR. MANSON:** So I'm assuming that the
9 current teaching curricula, is very well developed, very
10 sophisticated. If something is missing from the current
11 curricula, we certainly couldn't go back to the 1980s and
12 find it there.

13 The difference between now and the 1980s is
14 the expansion not the omission of the material, correct?

15 **MS. BARATH:** "The expansion of the omission
16 of material".

17 **MR. MANSON:** No. The expansion and not the
18 omission of material.

19 **MS. BARATH:** Okay. Yes, it's expanded and
20 developed.

21 **MR. MANSON:** If I could just have one quick
22 second.

23 **THE COMMISSIONER:** Sure.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. MANSON:** If the Commission required it,

1 could you make available the interview and interrogation
2 course materials?

3 **MS. BARATH:** Certainly.

4 **MR. MANSON:** Thank you.

5 And also the materials for investigations
6 involving teachers?

7 **MS. BARATH:** And I'm sorry, also the?

8 **MR. MANSON:** Materials for the
9 investigations involving teachers?

10 **MS. BARATH:** Certainly.

11 **MR. MANSON:** I will just be one second, Mr.
12 Commissioner.

13 **THE COMMISSIONER:** That's fine.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **MR. MANSON:** Those are my questions. Thank
16 you.

17 **THE COMMISSIONER:** Thank you, Mr. Manson.

18 **MS. BARATH:** Thank you.

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

20 **MR. LEE:** I have no questions, Mr.
21 Commissioner.

22 **THE COMMISSIONER:** Thank you.

23 Mr. Chisholm?

24 **MR. CHISHOLM:** Good afternoon, Mr.
25 Commissioner.

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

2 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
3 **CHISHOLM:**

4 **MR. CHISHOLM:** Good afternoon, Ms. Barath.
5 My name is Peter Chisholm. I am counsel for
6 the Children's Aid Society of the United Counties of
7 Stormont-Dundas and Glengarry.

8 You told us today that you took an IPCA
9 training course in 1990; is that right?

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

11 **MR. CHISHOLM:** And that was a joint training
12 course involving CAS workers; is that right?

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

14 **MR. CHISHOLM:** And you also told us you took
15 an ISOAC course in 2002; is that right?

16 **MS. BARATH:** Sorry, I'm not sure if it was
17 2002 or 2003; I'm sorry, without my résumé in front of me.
18 It was in ---

19 **MR. CHISHOLM:** In one of those years?

20 **MS. BARATH:** Yes.

21 **MR. CHISHOLM:** We know in April 2003, word
22 went out that that ISOAC training was going to be
23 suspended; so it may have been 2003-2004.

24 **MS. BARATH:** Yes, sorry, yes, that makes
25 sense.

1 **MR. CHISHOLM:** In any event, that was a
2 joint training course; is that right?

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

4 **MR. CHISHOLM:** If I could take you please to
5 Exhibit 44.

6 Madam Clerk, it is six pages into that
7 exhibit I would like to take the witness to please.

8 There it is, thank you.

9 This, as I understand it, is a document that
10 was prepared by the Ontario Association of Children's Aid
11 Societies; is that right?

12 **MS. BARATH:** That's my understanding, yes.

13 **MR. CHISHOLM:** And it was sent to the
14 Director of the OPC at some point. Is that your
15 understanding?

16 **MS. BARATH:** Yes.

17 **MR. CHISHOLM:** If I could get you to turn
18 one more page, Madam Clerk.

19 This is a -- this report is an evaluative
20 report with respect to the ISOAC Training Program; is that
21 right? Is that your understanding of what this document
22 represents?

23 **MS. BARATH:** Yes.

24 **MR. CHISHOLM:** If I could take you to the
25 second paragraph, under "Summary of Feedback". I will read

1 the sentence I want to direct your attention to:
2 "Overall, participants find this to be a very positive
3 learning opportunity. They value working with colleagues
4 from another discipline, in preparation for their
5 collaborative work conducting sexual abuse investigations
6 in the community."

7 Would you agree or disagree with that
8 statement?

9 **MS. BARATH:** I would agree that there is
10 some benefit to having people that worked together when
11 that was in place, but one of the concerns that I had with
12 ISOAC was, in fact, that that was not always happening.

13 **MR. CHISHOLM:** You've had people tell you
14 that -- did you have participants in the course tell you
15 they weren't happy with the joint training?

16 **MS. BARATH:** No, I had participants in
17 courses who were on the course with police officers where
18 we had CAS and police officers on the training to fill
19 positions that were never going to be working with each
20 other again. They had come from different jurisdictions,
21 so any relationship that they had created during that four-
22 day training was not going onward. It was -- they were
23 returning to their various jurisdictions and not working
24 together as a group.

25 **MR. CHISHOLM:** So ideally the joint training

1 would bring together people from the Children's Aid Society
2 and people from police services who were going to be
3 trained together and who would be working together in the
4 future. Is that right?

5 **MS. BARATH:** That was the ideal. It did not
6 always happen.

7 **MR. CHISHOLM:** If I could direct you to the
8 last sentence again in that paragraph.

9 "Participants have also commented very
10 positively about the opportunity to
11 learn from experienced trainers from
12 each professional discipline, to share
13 unique perspectives and to reduce
14 misconceptions or barriers to working
15 together effectively."

16 Would you agree or disagree with that
17 statement?

18 **MS. BARATH:** Yes, I would agree with that
19 statement?

20 **MR. CHISHOLM:** If I could take you to the
21 second paragraph under the heading "Recommendations" and
22 the -- I'll read from the end of the fourth line,

23 "... the curriculum also focuses on the
24 sectors working together to conduct
25 investigations. The two services

1 educate each other about their
2 respective job responsibilities, etc, a
3 key feature in establishing
4 collaboration."

5 Would you agree or disagree with that
6 statement?

7 **MS. BARATH:** Just one second please.

8 I would agree that that's true.

9 **MR. CHISHOLM:** If I could take you to the
10 last paragraph on that page under the heading
11 "Recommendations",

12 "It is abundantly clear that the number
13 of times the ISOAC can be delivered in
14 the parameters of the OPC/OACS Protocol
15 and budgets does not meet the need."

16 Can I take that -- would you agree with me
17 that what that is saying is, the budgeted resources don't
18 meet the need for the program, the training program?

19 **MS. BARATH:** Yes, the budget that's being
20 required for the delivery of the shared, cost-shared
21 courses was not sufficient to handle the number of people
22 that needed to be trained and I think that just to continue
23 that, at the beginning of the next page, it talks about the
24 fact that there was many Children's Aid Society workers who
25 needed to be trained because of the number of waiting lists

1 and turnover and that type of thing and that was the
2 concern.

3 **MR. CHISHOLM:** So the need wasn't being met
4 because the budget was too small. Is that fair to say?

5 **MS. BARATH:** That would seem to be. I
6 wasn't party to these discussions. Clearly they were held
7 at a level above me, but that would appear to be what they
8 are indicating. Yes.

9 **MR. CHISHOLM:** You participated in a review
10 of the ISOAC program. Is that right?

11 **MS. BARATH:** Yes. That's correct.

12 **MR. CHISHOLM:** During your review of the
13 ISOAC program, did anyone ever say to you it was a bad idea
14 to have joint training?

15 **MS. BARATH:** No.

16 **MR. CHISHOLM:** Would you agree with me that
17 it would have been possible -- you've identified certain
18 changes in the curriculum material, updating the video
19 tapes for instance, focussing on other aspects. Would you
20 agree with me that those changes to the curriculum could
21 have been made without eliminating joint training?

22 **MS. BARATH:** There was a significant number
23 of changes that needed to be made above the video taping
24 and one of the biggest components of that was the
25 interviewing of children and the ethics of including that

1 as part of the training protocol. So there was many things
2 that needed to be addressed, so in order for the course to
3 be -- if money had have been provided to run a joint
4 training course it would have looked much differently than
5 the ISOAC course looked at the time that it was put on
6 hold.

7 MR. CHISHOLM: If money had been provided?

8 MS. BARATH: If -- the determination was
9 that we had redesigned a course ---

10 MR. CHISHOLM: Right.

11 MS. BARATH: Right. A course, that was a
12 joint course for police and CAS, it would look
13 significantly different than what the ISOAC course looked.
14 And if that had been the determination to continue to do
15 that, but it could not go on the way that it was without
16 some significant changes.

17 MR. CHISHOLM: To the curriculum material?

18 MS. BARATH: To the curriculum material,
19 yes.

20 I also believe that there was more CAS
21 workers that needed to be trained than police officers, so
22 we were stepping away from our protocol significantly, in
23 that there was not 12 police officers and 12 CAS workers in
24 a class. In some cases, on the brokered courses, there
25 would be 20 CAS workers in a class and four police

1 officers. Again, the protocol and what the intention is,
2 was being -- we were stepping away from that and so if
3 you're going to discuss an opportunity where you're setting
4 up protocol for joint training then it has to fall within
5 the guidelines of what the protocol, what the intention is.

6 **MR. CHISHOLM:** I take your answer -- you're
7 telling us the numbers of CAS personnel that needed
8 training may have been greater than police personnel. Is
9 that right?

10 **MS. BARATH:** The number of police -- yes. I
11 believe -- that was my understanding of the situation.

12 **MR. CHISHOLM:** You'd agree with me that the
13 need of the fewer police officers, from your perspective
14 that required the training would be just as important as
15 the need of the child protection workers who required that
16 training?

17 **MS. BARATH:** Certainly.

18 **MR. CHISHOLM:** You were here yesterday when
19 Mr. DeBruyne gave his evidence. Were you here whenever he
20 was speaking to me with respect to my questions?

21 **MS. BARATH:** Yes, I was.

22 **MR. CHISHOLM:** Do you recall Mr. DeBruyne
23 speaking about the issue of localized training versus
24 standardized training, joint training across the province?

25 **MS. BARATH:** I believe he expressed a

1 personal opinion about the usefulness and the productivity
2 around joint training, about the issues around that. Is
3 that what you're referring to?

4 **MR. CHISHOLM:** Yes. I understood his
5 evidence to be that, from his perspective he was of the
6 view that it was important to have standardized training at
7 one place where the training is developed as opposed to
8 allowing different locations to develop their own training.
9 Do you recall him giving evidence to that effect?

10 **MS. BARATH:** Is his opinion around that?
11 Although -- I vaguely do, I'm sorry. But I do know that
12 there are police services within this province, such as the
13 OPP and the Toronto Police Service who have their own
14 training academies and do provide sexual assault training
15 and child abuse training to their investigators outside the
16 parameters of the college. I don't have any input on their
17 curriculum whatsoever, so ---

18 **MR. CHISHOLM:** But, going back to what Mr.
19 DeBruyne said, he said he was of the view it was important
20 to have standardized joint training developed in one
21 location in the province rather than having a number of --
22 potentially a number of different curricula being
23 developed. Would you agree or disagree with that
24 statement?

25 **MS. BARATH:** I would agree that that's his

1 opinion.

2 **MR. CHISHOLM:** Would you agree or disagree
3 with that statement?

4 **MS. BARATH:** I would agree that there are
5 some good opportunities for conferences and that for
6 information to get out to a mass group of people, but I
7 also believe that the protocols are established on a local
8 level and that the opportunity to build relationships --
9 there's a difference between information building and
10 relationship building and the relationship building needs
11 to be done on a local level. The police services and the
12 CAS have an opportunity to do that. Whether that occurs
13 through training or whether that occurs through some type
14 of social event is ---

15 **MR. CHISHOLM:** But I'm not speaking of the
16 relationship building. I'm talking about the development
17 of the training material. Mr. DeBruyne indicated it had to
18 be done, from his perspective, and it had to be
19 standardized across the province.

20 Do you agree or disagree with that
21 statement?

22 **MS. BARATH:** I don't agree that that's
23 necessary.

24 **MR. CHISHOLM:** So you disagree with that?

25 **MS. BARATH:** I would disagree with it.

1 **MR. CHISHOLM:** Thank you. Those are my
2 questions.

3 Thank you, Mr. Commissioner.

4 **THE COMMISSIONER:** Thank you.
5 Probation and Corrections?

6 **MR. ROULEAU:** No questions.

7 **THE COMMISSIONER:** Thank you.
8 Mr. Scharbach?

9 **MR. SCHARBACH:** No questions. Thank you.

10 **THE COMMISSIONER:** Thank you.
11 Mr. Hannah-Suarez?

12 **MR. HANNAH-SUAREZ:** No questions. Thank
13 you.

14 **THE COMMISSIONER:** Thank you.
15 Mr. Callaghan?

16 **MR. CALLAGHAN:** Thank you, Mr. Commissioner.

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

18 **CALLAGHAN:**

19 **MR. CALLAGHAN:** My name is John Callaghan
20 and I'm here on behalf of the Cornwall Police.

21 Could we, Madam Clerk, take a look at
22 Exhibit 6, which I believe is the Curriculum Vitae of the
23 witness.

24 **THE REGISTRAR:** Tab 6?

25 **MR. CALLAGHAN:** Tab 6. Sorry.

1 Now, I gather part of your responsibilities
2 at Peel was to conduct sexual assault investigations?

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

4 **MR. CALLAGHAN:** All right.

5 Did you do that up until 1995?

6 **MS. BARATH:** Yes.

7 **MR. CALLAGHAN:** All right.

8 If I look at your courses and if I could go
9 to page 5, you appear to take your first course and it's
10 actually a seminar you talked about, in 1989. Do you see
11 that?

12 **MS. BARATH:** Yes.

13 **MR. CALLAGHAN:** I take it you had no
14 specific training regarding sexual assault aside from your
15 basic training prior to that?

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

17 **MR. CALLAGHAN:** All right.

18 Then you take another course in 1990, the
19 IPCA course; correct?

20 **MS. BARATH:** Yes.

21 **MR. CALLAGHAN:** Then the sexual assault
22 module at the CIT training in 1990 as well. Do you see
23 that?

24 **MS. BARATH:** Yes.

25 **MR. CALLAGHAN:** All right.

1 The CIT training, is that the advanced
2 course -- if I could ask Madam Clerk to turn up Tab 27,
3 that we saw yesterday -- or is that just the general
4 course?

5 **MS. BARATH:** I believe it was the general
6 course.

7 **MR. CALLAGHAN:** So there was still the
8 advanced course out there. Correct?

9 **MS. BARATH:** I hate to comment on that
10 because I basically, at that stage, a course offered up and
11 I was sent. So what other offerings may have been
12 available, I'm not certain. And my recollection from 1990
13 was that it was just the basic level course.

14 **MR. CALLAGHAN:** All right.
15 So you took the module in the basic level
16 course?

17 **MS. BARATH:** Yes, that's my recollection.

18 **MR. CALLAGHAN:** If we could go back to Tab
19 6.

20 And then -- now, I take it at Peel, there
21 was a budget available for courses; correct?

22 **MS. BARATH:** I would believe so. Yes.

23 **MR. CALLAGHAN:** I guess what I'm trying to
24 figure out -- I take it, it was customary, you didn't take
25 another sexual assault course until 2001; correct?

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

2 **MR. CALLAGHAN:** All right.

3 So is that pretty much the standard of that
4 day that you would take the initial course, continue to
5 investigate the sexual assault cases that come your way, or
6 was there a requirement -- I'm talking at that period of
7 time, to go and get more training?

8 **MS. BARATH:** There was no requirement to get
9 more training. I was not offered -- basically, you
10 performed your role until such time as training was offered
11 to you and if it was offered to you, then you took it and
12 other than that, other people got courses; you got courses.
13 But I didn't get anything.

14 **MR. CALLAGHAN:** All I'm trying to get is,
15 that's the standard that was applied in that era?

16 **MS. BARATH:** That was general practice.

17 **MR. CALLAGHAN:** Okay.

18 So you were involved in the sexual assault
19 investigations and then you took the course. Correct?

20 **MS. BARATH:** M'hm.

21 **MR. CALLAGHAN:** Did you say yes?

22 **MS. BARATH:** Yes. I'm sorry. Excuse me.

23 **MR. CALLAGHAN:** In terms of today, I'm a
24 little confused where we are in the evidence, in the sense
25 of, when and where historic sexual assaults are being

1 taught. So can you be absolutely clear as to where the OPC
2 is teaching historic sexual assaults today?

3 **MS. BARATH:** Today it's being taught in the
4 sexual assault course.

5 **MR. CALLAGHAN:** Right.

6 **MS. BARATH:** It's part of the training
7 curriculum and it is a half-day.

8 **MR. CALLAGHAN:** And that started in 2004,
9 did you say?

10 **MS. BARATH:** I believe it was around 2004
11 where it took -- it manifested itself as an actual
12 standalone component. Yes.

13 **MR. CALLAGHAN:** Now, we were presented today
14 with Sexual Assault Investigation Course. It was on my
15 table -- the training. I'm not sure if it's an exhibit at
16 the moment or ---

17 **THE COMMISSIONER:** Which one now?

18 **MR. CALLAGHAN:** Is it 43?

19 Exhibit 43.

20 **THE COMMISSIONER:** Ontario Police College
21 Course Training Standards.

22 **MR. CALLAGHAN:** Sexual Assault Investigation
23 Course.

24 **THE COMMISSIONER:** Yes.

25 **MR. CALLAGHAN:** Right.

1 So this is -- is this the course to which
2 you refer?

3 **MS. BARATH:** Yes.

4 **MR. CALLAGHAN:** All right.

5 Just so we're clear, when we go to the
6 course description and this is the general course
7 description, I understand. It says -- and I'm at page --
8 they're double-sided so I don't know where it shows up,
9 probably page 4?

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

11 **MR. CALLAGHAN:** Thank you.

12 It says:

13 "A sexual assault investigation course
14 is designed for police officers whose
15 area of responsibility include the
16 investigation of sexual offences
17 against persons of all ages."

18 Do you see that?

19 **MS. BARATH:** Yes.

20 **MR. CALLAGHAN:** So this is a general course
21 regarding sexual assault. It's not geared towards
22 children. Correct?

23 **MS. BARATH:** That's correct.

24 **MR. CALLAGHAN:** When I reviewed the course
25 involving children that was at Tab 66 -- no need to turn it

1 up -- there's nothing regarding historic sexual assaults in
2 that course, it's in this course.

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

4 **MR. CALLAGHAN:** So I take it that really
5 what we're focussing on is the investigation of a sexual
6 assault that just has a historic component. Correct?

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

8 **MR. CALLAGHAN:** And a historic component
9 might well be a historic component that involves an adult
10 who reports a sexual assault five years after the assault
11 happened or it might be a child who reports it 15 years
12 after it happens; correct?

13 **MS. BARATH:** Where the event occurred as a
14 child and an adult is reporting, yes.

15 **MR. CALLAGHAN:** Or maybe an adult who
16 reports it years after the event happened, who was sexually
17 assaulted when she was 21 and reports it when she's 28?

18 **MS. BARATH:** Correct.

19 **MR. CALLAGHAN:** Okay.

20 Now, I must say, when I look through this,
21 and maybe I'm not reading very clearly, under the subjects,
22 I don't see historic sexual assaults in this précis of the
23 courses, and nor frankly do I see it mentioned anywhere in
24 the précis.

25 **MS. BARATH:** Yes, and that's an oversight.

1 I don't know -- because we do -- it is a component of the -
2 - it's reflected in the course calendar, and I'm sorry, I
3 have no explanation for that. I was responsible for
4 preparing it, so it should be there.

5 **MR. CALLAGHAN:** But I'm taking that in a
6 course -- I'm sorry, you'll have to forgive me, but how
7 many days is this course?

8 **MS. BARATH:** The sexual assault course is a
9 nine-day course.

10 **MR. CALLAGHAN:** So two and a half --
11 basically, a half-day out of that course is devoted
12 strictly to historic sexual assaults?

13 **MS. BARATH:** Yes.

14 **MR. CALLAGHAN:** All right.

15 And I take it that you added that because of
16 an awareness that historic sexual assaults have unique
17 components to their investigation?

18 **MS. BARATH:** Unique component and also
19 because of the -- my information was coming from the
20 operational area that they were becoming more prevalent.

21 **MR. CALLAGHAN:** In other words, people were
22 reporting more historic sexual assaults?

23 **MS. BARATH:** Correct.

24 **MR. CALLAGHAN:** And just briefly, do you
25 know the elements of the two-and-a-half-hour course? What

1 do they cover?

2 **MS. BARATH:** Oh, in that piece?

3 **MR. CALLAGHAN:** Yes.

4 **MS. BARATH:** The historic sexual assault
5 piece.

6 Yes. We talk about the offences as they
7 relate to laying a charge, and there's some resources that
8 are provided for them around the different wordings,
9 information wordings. Also talk about the dynamics of an
10 investigation in some of the very particular problematic
11 areas around trying to locate locations, lack of physical
12 evidence potentially, locating other witnesses who may have
13 been, you know -- disclosure may have been at some time
14 previous. They may have told somebody a long time ago.
15 And just the residences where people were living; the
16 place, the location where the events took place; just the
17 resources of locating those places; trying to track down
18 evidence to help to determine the fact finding around the
19 allegation.

20 **MR. CALLAGHAN:** And I take it that in 2004,
21 whenever the process started, you get this in a curriculum,
22 it became apparent that officers on the ground needed more
23 training to sort of hone these skills that you began to
24 teach in 2004. Is that fair?

25 **MS. BARATH:** I would think that's fair, yes.

1 **MR. CALLAGHAN:** And we've heard earlier that
2 sexual assaults, particularly involving young people,
3 children, are difficult situations because they often
4 happen outside the view of third party witnesses for
5 example. They're happening in basements. They're
6 happening at homes and that there is always an issue about
7 a child's reluctance to come forward.

8 Do you teach that stuff in say the young
9 sexual assault course that we saw at Tab 66, those
10 difficulties?

11 **MS. BARATH:** We talk about offender cycles
12 and the grooming behaviours, why sometimes it's difficult
13 for children to disclose, why they recant sometimes.

14 **MR. CALLAGHAN:** Right.

15 **MS. BARATH:** We do touch on those issues.

16 **MR. CALLAGHAN:** So I take it then, you know,
17 and often in those cases the lack of physical evidence, the
18 lack of third party witnesses compounds the officer's
19 investigation; correct?

20 **MS. BARATH:** Certainly.

21 **MR. CALLAGHAN:** And I take it that's
22 compounded even further in historic cases where, as you
23 say, if you're reporting these 15 to 20 years later, say,
24 location is changed, a house that might have been the place
25 of residence is changed interiorly, exteriorly, those types

1 of things. There are these added compounds, finding
2 witnesses; correct?

3 **MS. BARATH:** Certainly.

4 **MR. CALLAGHAN:** And is there -- you say that
5 the prevalence of historic sexual assaults became more
6 noticed. Was there any triggering event, do you know, or
7 is that just sort of a rumbling that you began to hear?

8 **MS. BARATH:** It was just through some
9 feedback. It was more of a rumbling than a particular
10 incident.

11 **MR. CALLAGHAN:** Okay.

12 And if I can -- the last thing I'd just like
13 to ask you about was a slide in your material, and it said,
14 "General Investigation Training" -- and Madam Clerk, once
15 again, I can't tell you which page it is.

16 **THE REGISTRAR:** What slide number?

17 **MR. CALLAGHAN:** It says "General
18 Investigation Training Police Services Delivered GIT
19 Training."

20 I don't know if you're familiar with that
21 slide.

22 **MS. BARATH:** I am, yes.

23 **MR. CALLAGHAN:** What were you conveying by
24 that slide?

25 **MS. BARATH:** These are the offsite locations

1 who -- and the various police services that deliver the GIT
2 training as their offsite delivery locations. They're
3 coordinated by training people, personnel from those
4 various police services, with our material and with our
5 training coordinator, Mr. O'Reilly. He works with these
6 agencies to provide the GIT training.

7 **MR. CALLAGHAN:** So they've trained the
8 trainers and now they're training their forces with the
9 assistance of the OPC?

10 **MS. BARATH:** Yes.

11 **MR. CALLAGHAN:** And that would include
12 Cornwall, as I just see in the ---

13 **MS. BARATH:** I believe, yes. Yes, it's
14 right there.

15 **MR. CALLAGHAN:** If I could have a minute,
16 Mr. Commissioner.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. CALLAGHAN:** Just to put the training in
19 perspective. You said something quite interesting. You
20 said in the GI training that you taught interview
21 techniques and that there was a feeling that there was
22 overlap in the sexual assault training.

23 Did I get that right or was that just an
24 example without substance?

25 **MS. BARATH:** That was an example. That was

1 just an example that I used because what we've really done
2 in order to avoid redundancies is when we speak to the
3 interviewing piece on the sexual assault course, they focus
4 particularly as it relates to sexual offences; same with
5 search warrants; same with anything else. There is a one-
6 week Search Warrants Course, but we still have a search
7 warrant component on the sexual assault course. We deal
8 with specifically issues around DNA warrants and warrants
9 that would be used for sexual assault investigations and,
10 in fact, the investigators on the sexual assault course
11 write a DNA warrant and they write a 487 warrant as part of
12 their practical exercise.

13 **MR. CALLAGHAN:** And so is it fair to say the
14 GI course is a general course to be applied to a host of
15 different investigations, whether it's a fraud case,
16 whether it's an assault case, you're learning general
17 skills rather than specific skills?

18 **MS. BARATH:** Yes.

19 **MR. CALLAGHAN:** All right.

20 And the last area of questioning, we heard
21 from Mr. DeBruyne yesterday saying -- and you were here I
22 think when he talked about -- and I put to him that there
23 were perhaps a number of errors in training, particularly
24 when it came to sexual assault that sort of -- I'll put it
25 this way, I recognize he said something slightly different

1 than what I'm about to say. So that's sort of the pre-
2 Bernardo period; the post-Bernardo period; and then the
3 post-Adequacy Standards.

4 And the point I was trying to articulate was
5 that training has changed and we've become probably more
6 sophisticated in our training today than we were 14 years
7 ago.

8 **MS. BARATH:** M'hm.

9 **MR. CALLAGHAN:** For example, you never got
10 training in historic sexual assaults but people taking the
11 sexual assault courses are now trained. Do you agree with
12 that, that we've had an evolution?

13 **MS. BARATH:** I would agree, yes, there has
14 been an evolution in training. It's becoming more
15 sophisticated and it's addressing current operational
16 issues on current legal issues, as the law changes, as
17 policies change, then the training changes.

18 **MR. CALLAGHAN:** Even as your training
19 techniques change. I mean --- correct?

20 **MS. BARATH:** I would agree, yes.

21 **MR. CALLAGHAN:** And I take it you're going
22 to be following this inquiry to see what changes might come
23 out from our exploration of the facts that might assist
24 future investigators?

25 **MS. BARATH:** Absolutely.

1 **MR. CALLAGHAN:** Thank you.

2 Those are my questions.

3 **THE COMMISSIONER:** Thank you.

4 And from the OPP; Madame Lahaie.

5 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

6 **LAHAIE:**

7 **MS. LAHAIE:** Good afternoon, Ms. Barath. My
8 name is Diane Lahaie, and I'm here for the OPP.

9 **MS. BARATH:** Hello.

10 **MS. LAHAIE:** Hello.

11 I want to return to the ISOAC course, if I
12 may, for just a moment. You indicated that the intent of
13 the protocols that existed between the police and the OACAS
14 was to have the course composition maintain a ratio of
15 50/50 between police officers and CAS workers; is that
16 correct?

17 **MS. BARATH:** The funding was jointly funded;
18 so the idea was we're both paying half of it then we would
19 have partners up. And the other part, the practical part
20 of it was when they paired off to do the interviewing
21 component, that we would pair a police officer with a CAS
22 worker for the purposes of the practical interview. So
23 clearly that made it easier if we had half and half. So
24 ideally that was the makeup.

25 **MS. LAHAIE:** And I understand that although

1 it probably began that way and with 24 members in a class,
2 it being initially 12 and 12, what you saw as a trend was
3 that the CAS workers were taking up a disproportionate
4 number of seats within those classes?

5 **MS. BARATH:** On the ones that we were
6 involved with, the ones that were cost-shared, no, that
7 wasn't something that was going on, but clearly the
8 brokered ones where the OACAS was paying for everything,
9 then there was some areas there where they were taking up
10 more seats.

11 **MS. LAHAIE:** And so the ratio that you spoke
12 of when you were saying there were situations of 20 CAS
13 workers and four police officers, these were just in the
14 brokered courses?

15 **MS. BARATH:** They were in the brokered
16 courses particularly and there were instances where we had
17 trouble filling seats where we would have -- I guess the
18 easiest way to say it is we didn't always have 12 and 12.
19 That would be the ideal. Primarily, if the ratio was
20 skewed one way or the other, then we would have a couple
21 more of the CAS people that were available to take the
22 course than we had police.

23 **MS. LAHAIE:** And that was so, even at the
24 Ontario Police College as well?

25 **MS. BARATH:** Yes.

1 **MS. LAHAIE:** Okay.

2 I wanted to take you to Slide 18.

3 **MS. BARATH:** It appears to be empty.

4 **MS. LAHAIE:** The very last line. I see that
5 on February 7th, 2003, this is when Mr. Gheysen sends the
6 letter to the OACAS and that would have been the letter
7 that we received this morning as Exhibit 44, the very last
8 page.

9 **MS. BARATH:** Yes.

10 **MS. LAHAIE:** And I take it that what is
11 prompting this meeting that is being spoken of in this
12 letter is a preparation of the 2003-2004 fiscal budget?

13 **MS. BARATH:** I'm sorry, the 2003 ---

14 **MS. LAHAIE:** The 2003-2004 budget; the
15 allocation for the programs.

16 **MS. BARATH:** Yes, that's correct.

17 **MS. LAHAIE:** Okay.

18 And the cost of delivery for this course per
19 individual, would it be somewhat consistent with what we
20 would see in the new investigations of the IOAC course, the
21 investigation of offences against children? I note at Tab
22 18 the price for that course is \$1,165. Would that be
23 consistent, to your recollection, as to what it would cost
24 to have a member go into the ISOAC course?

25 **MS. BARATH:** I'm sorry, I don't recall. And

1 the ISOAC was only a four-day course. This is a 10-day
2 course. And I'm not sure. I'm sorry, I can't even comment
3 what the costing per person would have been for those
4 courses.

5 **MS. LAHAIE:** You have no idea? You can't
6 give us a ballpark?

7 **MS. BARATH:** I have no idea whatsoever. I'm
8 sorry.

9 **MS. LAHAIE:** I'd just like to go to Slide
10 19. The third bullet indicates that the training demand
11 had grown to 115 personnel per month and your projections
12 were that it would be approximately 2000 persons from CAS
13 who would require this training.

14 **MS. BARATH:** That's my understanding from
15 the feedback that was received as a result of this meeting
16 between the management personnel from the police college
17 and the OACAS, and I was not a party to that meeting, so I
18 can't comment about how that came about, but that's the
19 feedback that came from the director.

20 **MS. LAHAIE:** But certainly there weren't
21 2000 officers looking for this training on a per-year
22 basis?

23 **MS. BARATH:** No.

24 **MS. LAHAIE:** Okay.

25 And my point would have been, if the cost

1 were, to use round numbers, \$1,000 per person, \$1,000 per
2 person times 2000 CAS workers who require the training is
3 \$2 million. Even if you're only bearing half the cost of
4 the course, it's still \$1 million of your budget that's
5 going towards training of CAS workers.

6 **THE COMMISSIONER:** Well, \$1 million of the
7 College's money going to a joint program where presumably
8 police officers would be attending.

9 **MS. LAHAIE:** I think my point is that the
10 ratios were not what you had projected and so a
11 disproportionate amount of money, of the OPC's money is
12 being spent on training of CAS workers. Is that fair?

13 **MS. BARATH:** That would be ---

14 **MS. LAHAIE:** It's not a 50/50 ratio anymore.

15 **MS. BARATH:** That would be totally
16 hypothetical. Like, depending on how we ---

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

18 **MS. LAHAIE:** Well, you indicated that the
19 ratios weren't in line. It wasn't 50/50. There were more
20 CAS workers in the courses even delivered at the OPC.
21 Isn't that correct?

22 **THE COMMISSIONER:** No.

23 **MS. BARATH:** I believe that I indicated that
24 the courses that were being offered at the OPC, if there
25 was a disparity, it would be like one or two people at the

1 very most.

2 **THE COMMISSIONER:** Yes.

3 **MS. BARATH:** It was the courses that were
4 brokered that were being paid for by the OACAS that because
5 they're paying for it, then clearly their people would have
6 priority.

7 In order to maintain the integrity of the
8 protocol, the idea being to have some police officers there
9 to provide that policing feedback, they like to have a
10 minimum, and sometimes there was a minimum of four police
11 officers involved in that training, so that there would be
12 one police officer in each group to provide the CAS workers
13 with some feedback around those policing issues.

14 **MS. LAHAIE:** And so it wasn't a budgetary
15 concern? It was not a financial -- a viewing of an
16 ineffective use of resources, which resulted in the
17 cancellation of this course?

18 **THE COMMISSIONER:** Do you know?

19 **MS. BARATH:** I don't know.

20 **THE COMMISSIONER:** She doesn't know.

21 **MS. LAHAIE:** And so the letter that we
22 received this morning as Exhibit 44 where Mr. Gheysen is
23 saying that in preparation of budget allocations for the
24 2003-2004 budget, this meeting is required to be called,
25 there's no correlation there between financial

1 considerations and the cancellation of this course that
2 you're aware?

3 **MS. BARATH:** There may have been a component
4 of that. Each year, the fiscal obligations had to be
5 reviewed each year. I was not a -- you know, it was an
6 ongoing process with every budget, every year, we review
7 each item. So that was a part of that, but I believe the
8 other memo reflects some of the concerns from the August
9 memo of 2002 around some of the curriculum items that were
10 also of concern that we wanted to address and revise the
11 training as it currently existed.

12 **MS. LAHAIE:** And so the cancellation of the
13 course was not a financial issue? The cancellation of the
14 course ---

15 **MS. BARATH:** I can't comment on that. I'm
16 sorry. I don't know.

17 **MS. LAHAIE:** Thank you.

18 **THE COMMISSIONER:** Is that everything?

19 Thank you.

20 Mr. Carroll?

21 **MR. CARROLL:** No, thank you.

22 **THE COMMISSIONER:** Thank you.

23 Maître Dumais, do you have any further
24 questions?

25 **MR. DUMAIS:** I have none, Commissioner.

1 Thank you.

2 **THE COMMISSIONER:** All right.

3 Well, I'd like to thank you for taking the
4 time to come out and we appreciate your testimony.

5 Thank you.

6 **THE REGISTRAR:** Order. All rise. À
7 l'ordre. Veuillez vous lever.

8 This hearing is now adjourned. L'audience
9 est ajournée.

10 --- Upon adjourning at 12:56 p.m./

11 L'audience est ajournée à 12h56

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C E R T I F I C A T I O N

I, Sean Prouse 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, Sean Prouse, 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.



Sean Prouse, CVR-CM