

**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 117

Held at :

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

Tuesday, June 19, 2007

Tenue à:

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

Mardi, le 19 juin 2007

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Janie Larocque	Commission Counsel
Ms. Julie Gauthier	Registrar
Mr. Mark Crane Mr. Peter Manderville	Cornwall Police Service Board
Ms. Suzanne Costom Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Steven Canto Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene Larocque
Mr. William Carroll	Ontario Provincial Police Association

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1 --- Upon commencing at 9:31 a.m./L'audience débute a 09h31

2 **THE REGISTRAR:** This hearing of the Cornwall
3 Public Inquiry is now in session. The Honourable Mr.
4 Justice Norman Glaude, Commissioner, presiding. Please be
5 seated. Veuillez vous asseoir.

6 **THE COMMISSIONER:** Thank you. Good morning
7 all.

8 Mr. Engelmann, Mr. C-14, how are you doing
9 today?

10 **C-14:** A little nervous.

11 **THE COMMISSIONER:** M'hm. We'll get you
12 through this you'll see.

13 **C-14:** Thank you.

14 **THE COMMISSIONER:** Thank you.

15 Mr. Engelmann.

16 **MR. ENGELMANN:** Good morning, Mr.
17 Commissioner.

18 **THE COMMISSIONER:** Good morning, sir.

19 **MR. ENGELMANN:** Good morning, sir.

20 **C-14:** Good morning.

21 **C-14: Resumed/Sous le même serment**

22 **--- EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**

23 **ENGELMANN (Continued/Suite):**

24 **MR. ENGELMANN:** I have some questions to go
25 through from sort of the mid-90s on, sir.

1 C-14: Yes.

2 MR. ENGELMANN: And I estimate that my
3 questions will be done within the next 40 to 45 minutes and
4 then you're going to have some questions from some other
5 lawyers.

6 C-14: Thank you, I appreciate that.

7 MR. ENGELMANN: But before I start, I want
8 to just go back to something that occurred yesterday.

9 C-14: Yes.

10 MR. ENGELMANN: I had asked you about how
11 you knew that Mr. Rollands had sexually assaulted you on
12 the first occasion.

13 C-14: Well, as I had been explaining
14 yesterday, I had been admitted to hospital; I was having
15 difficulty sleeping and I was administered a very powerful
16 sedative and in the course of sleeping, I had flashbacks
17 and in those flashbacks I actually saw Mr. Rollands
18 standing over me.

19 I was in the bed in his den, off the
20 kitchen, in Montreal -- his home in Montreal rather, and I
21 was naked. I was obviously drugged and he had a long white
22 shoelace and he was dangling it about my face, tickling me,
23 trying to coax a smile from me.

24 He was then taking pictures of me as he did.
25 I was naked, as I said, and he'd do the same to the rest of

1 my body, to get me to move into compromising positions and
2 then he'd take more pictures of me once I was in the
3 position he wanted me.

4 **MR. ENGELMANN:** And this was a flashback you
5 had about the sexual assault, many years after the fact?

6 **C-14:** Absolutely.

7 **MR. ENGELMANN:** And did you advise -- when
8 you spoke to individuals about this, after the fact, did
9 you advise them about this flashback in the ---

10 **C-14:** Oh, absolutely. Every time I spoke
11 of Mr. Rollands I referred to this flashback.

12 **MR. ENGELMANN:** So when you would have met
13 with the OPP -- had you had the flashback already by 1991?

14 **C-14:** Yes, I believe so.

15 **MR. ENGELMANN:** When you met with Constable
16 Huffy?

17 **C-14:** I don't believe when I met with
18 Constable Huffy, but shortly thereafter.

19 **MR. ENGELMANN:** All right, so it wouldn't
20 have been till later?

21 **C-14:** Yes.

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

23 Thank you and I apologize for cutting you
24 off.

25 **C-14:** That's quite all right.

1 **MR. ENGELMANN:** Now, sir, I understand that
2 in approximately 1994 you again -- we had gone through 1991
3 where you had attempted to gain some access to materials
4 from CAS?

5 **C-14:** Yes.

6 **MR. ENGELMANN:** You received a short summary
7 that you were dissatisfied with?

8 **C-14:** Yes, that's correct.

9 **MR. ENGELMANN:** You indicated to them that
10 you were going to retain counsel?

11 **C-14:** That's correct.

12 **MR. ENGELMANN:** And did you in fact retain
13 counsel in or about 1994 to gain access to your files with
14 the CAS?

15 **C-14:** Yes, I did.

16 **MR. ENGELMANN:** I'm going to show you just a
17 series of letters. I don't have a whole lot of questions
18 but I think it sets out some of what you were trying to do.

19 **C-14:** Yes.

20 **MR. ENGELMANN:** If the witness could be
21 shown -- it's Document No. 115400.

22 Mr. Commissioner, this is a letter dated May
23 25th, 1994 to Mr. Rick Abell at the Children's Aid Society,
24 Cornwall, written by a lawyer named Michel Mazerolle.

25 **C-14:** Michel Mazerolle.

1 **MR. ENGELMANN:** Thank you. Mazerolle,
2 pardon me, and Mr. Mazerolle was presumably your lawyer at
3 this time?

4 **C-14:** That's correct.

5 **MR. ENGELMANN:** Might that be the next
6 exhibit, sir.

7 **THE COMMISSIONER:** Yes, I'm sorry, 530,
8 Exhibit 530.

9 **--- EXHIBIT NO./PIÈCE No.530:**

10 (11540) Letter from J.M. Mazerolle to CAS -
11 dated May 25th, 1994

12 **THE COMMISSIONER:** Now there's a photocopy
13 of a post-it on there, are you going to cover that or -- I
14 take it that would have been a post-it that someone from
15 the Children's Aid Society would have got?

16 **MR. ENGELMANN:** That's correct.

17 My presumption is, and Mr. Chisholm can
18 correct me, that that's a note from Mr. Abell to their in-
19 house lawyer, Elizabeth, and that's also Mr. Chisholm's
20 understanding.

21 So, sir, this would've been a first effort
22 to ask for materials through counsel now?

23 **C-14:** Through counsel, yes, that's correct.

24 **MR. ENGELMANN:** Then I'd like you to look at
25 exhibit -- sorry, Document No. 115399, which is a letter

1 dated June 17th, 1994 from Mr. Abell to Mr. Mazerolle. If
2 that could be the next exhibit.

3 **THE COMMISSIONER:** Five hundred and thirty-
4 one (531).

5 **--- EXHIBIT NO./PIÈCE No. 531:**

6 (115399) Letter from CAS Executive Director
7 R. Abell to J. M. Mazerolle - dated June
8 17th, 1994

9 **C-14:** I've never seen this letter before.

10 **MR. ENGELMANN:** Okay.

11 **C-14:** It's possible that my lawyer received
12 it but I don't recall reading it.

13 **MR. ENGELMANN:** All right. Well, let me ask
14 you this, sir, were you aware that there was some
15 correspondence being exchanged between your counsel and
16 CAS?

17 **C-14:** Oh, much more than -- sorry, I'm
18 sorry to cut you off.

19 Much more than just correspondence. Mr.
20 Mazerolle and I met with Mr. Richard Abell in his office,
21 at the York Street office, in person.

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

23 **C-14:** And we had requested these things.

24 **MR. ENGELMANN:** I think -- I think we're
25 going to get there.

1 C-14: Very well.

2 MR. ENGELMANN: I just want to show you a
3 series of letters I think that take place before you get
4 there.

5 C-14: Okay.

6 MR. ENGELMANN: Well, let me ask you this.
7 From the time your lawyer first requested access to the
8 time you actually met with Mr. Abell and reviewed things,
9 was there some passage of time?

10 C-14: Oh, yes.

11 MR. ENGELMANN: So let's just take a look at
12 a series of letters and maybe this will become clearer.

13 C-14: Okay.

14 MR. ENGELMANN: But there -- apparently in
15 this letter, Mr. Abell is saying that there are some
16 constraints, given the Act, with respect to your access to
17 records.

18 C-14: Yes.

19 MR. ENGELMANN: All right. Then there's a
20 letter that I'd like the witness to be shown. It's
21 Document No. 115398.

22 C-14: May I raise an objection right now,
23 if I may?

24 MR. ENGELMANN: I don't know if you can
25 raise an objection but I'll listen.

1 C-14: Well, I object to what's in this
2 letter, first of all.

3 MR. ENGELMANN: You can express a concern,
4 certainly, sir.

5 C-14: Yes, it does, but it says that I was
6 given an opportunity to review the contents of our service
7 file. I was never given an opportunity to do that.

8 MR. ENGELMANN: All right. So you take
9 issue with that statement?

10 C-14: Yes, I do.

11 MR. ENGELMANN: Okay, well we've seen what
12 you did get; you got a summary?

13 C-14: Yes.

14 MR. ENGELMANN: And that you had some
15 concerns about?

16 C-14: Yes.

17 MR. ENGELMANN: So let's take a look at
18 another letter then?

19 C-14: Okay.

20 MR. ENGELMANN: One-one-five-three-nine-
21 eight (115398), letter dated August 12th, 1994, from Mr.
22 Mazerolle to Mr. Abell, and it appears he's trying to
23 schedule a meeting that summer.

24 THE COMMISSIONER: Exhibit 532.

25 --- EXHIBIT NO./PIÈCE No. 532:

1 (115398) Letter from CAS Executive Director
2 R. Abell to J. M. Mazerolle - dated August
3 12th, 1994

4 **MR. ENGELMANN:** Thank you.

5 **C-14:** Yes, that's correct, yes. I recall
6 this.

7 **MR. ENGELMANN:** Sir, I'd like you to look at
8 Document No. 115396, which is apparently a response from
9 Mr. Abell to your counsel, Mr. Mazerolle, dated August 30,
10 1994.

11 We just have the internal ---

12 **C-14:** Okay.

13 **MR. ENGELMANN:** --- record from the CAS
14 because these documents came to us from the CAS.

15 **THE COMMISSIONER:** Exhibit 533.

16 --- EXHIBIT NO./PIÈCE No. 533:

17 (115396) Letter from CAS Executive Director
18 R. Abell to J. M. Mazerolle - dated August
19 30th, 1994

20 **C-14:** I think you have to appreciate that
21 Mr. Mazerolle was acting rather on my behalf.

22 **MR. ENGELMANN:** Yes.

23 **C-14:** And it's possible that he was in much
24 more communication than I was aware of.

25 **MR. ENGELMANN:** Okay. Well, you could

1 assume that the original of this letter might have been on
2 CAS letterhead for example?

3 **C-14:** Yes.

4 **MR. ENGELMANN:** The one you're looking at
5 now?

6 **C-14:** Yes.

7 **MR. ENGELMANN:** Do you want to just take a
8 look at that?

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **C-14:** Yes, I recall this.

11 **MR. ENGELMANN:** All right.

12 So you recall your lawyer communicating
13 something to this effect with you?

14 **C-14:** Yes.

15 **MR. ENGELMANN:** And indicating you wouldn't
16 be reviewing your whole file that summer?

17 **C-14:** Yes.

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

19 Sir, then if you'd look at Document Number
20 115394, this would appear to be a letter dated September
21 12th, 1994, from Mr. Mazerolle to Mr. Abell.

22 **THE COMMISSIONER:** Thank you.

23 Exhibit 534.

24 **--- EXHIBIT NO./PIÈCE NO. P-534:**

25 (115394) Letter from J. M. Mazerolle to CAS

1 - Dated September 12th, 1994

2 (SHORT PAUSE/COURTE PAUSE)

3 C-14: Yes, I recall this.

4 MR. ENGELMANN: All right.

5 So it appears your lawyer is again taking
6 the position that simply having a summary of the files is
7 just not acceptable to you?

8 C-14: That's correct.

9 MR. ENGELMANN: All right.

10 Then there appears to have been a letter --
11 sorry, Document Number 115392 appears to be a letter from
12 Richard Abell to Mr. Mazerolle dated September 20, 1994.
13 If that could be the next exhibit?

14 THE COMMISSIONER: Thank you.

15 Exhibit 535.

16 --- EXHIBIT NO./PIÈCE NO. P-535:

17 (115392) Letter from CAS Executive Director,
18 R. Abell, to J. M. Mazerolle - Dated
19 September 20th, 1994

20 C-14: Yes, I remember this quite well.

21 MR. ENGELMANN: Okay. So the Children's Aid
22 Society is saying they're not subject to the *Freedom of*
23 *Information and Protection of Privacy Act*?

24 C-14: That's correct.

25 MR. ENGELMANN: You wanted to meet, but you

1 wanted to meet to review your whole file, as I understand?

2 C-14: That's correct.

3 MR. ENGELMANN: All right.

4 I'd like you to then look at 115391, which
5 is a letter dated January 18th, 1995 from Mr. Mazerolle to
6 Mr. Abell. If that could be the next exhibit?

7 THE COMMISSIONER: Thank you.

8 Exhibit 536.

9 --- EXHIBIT NO./PIÈCE NO. P-536:

10 (115391) Letter from J. M. Mazerolle to CAS

11 - Dated January 18th, 1995

12 C-14: Yes, I recall this.

13 MR. ENGELMANN: All right.

14 So you were given some information that the
15 CAS was changing its position?

16 C-14: Yes.

17 MR. ENGELMANN: All right.

18 But you're expressing a concern about making
19 sure that you're making the drive that they come through?

20 C-14: Yes.

21 MR. ENGELMANN: You recall your lawyer
22 talking about that?

23 C-14: Yes, I do.

24 MR. ENGELMANN: Or words to that effect?

25 THE COMMISSIONER: So, is it your

1 understanding that you had been here before in Cornwall
2 with your lawyer at a meeting and it had fallen through or
3 something? It says here:

4 "Although we are pleased with the
5 change in position, we would hope that,
6 contrary to our last meeting, we are
7 not forced to drive to Cornwall and
8 then be unable to review the file as
9 promised."

10 **C-14:** We had come to Cornwall to speak to
11 Mr. Richard Abell.

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

13 **C-14:** I didn't get to see the file, but we
14 spoke to Mr. Richard Abell.

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

16 **MR. ENGELMANN:** And then, sir, if we could
17 take a look at Document Number 115389. It's a letter from
18 Mr. Abell to Mr. Mazerolle.

19 **THE COMMISSIONER:** Thank you.

20 Exhibit 537.

21 **--- EXHIBIT NO./PIÈCE NO. P-537:**

22 (115389) Letter from CAS Executive Director
23 to J. M. Mazerolle - Dated
24 March 30th, 1995

25 **C-14:** Yes, I recall this.

1 MR. ENGELMANN: All right.

2 Sir, did the meeting actually take place?

3 C-14: I'm sorry?

4 MR. ENGELMANN: Did the meeting actually
5 take place?

6 C-14: Yes, it did.

7 MR. ENGELMANN: All right.

8 And were you given full access to your file?

9 C-14: Absolutely not.

10 MR. ENGELMANN: How so?

11 C-14: Well, it was a very summarized
12 version of it.

13 MR. ENGELMANN: Okay. And do you recall
14 what you looked at?

15 C-14: Yes, I do.

16 MR. ENGELMANN: Can you give us some
17 examples of what you would have seen?

18 C-14: There was a lot of information about
19 my birth family. The file seemed to be padded with
20 information regarding me and how I came into care, but not
21 a lot specifically as to what had happened while I was in
22 care.

23 I might add, as well, that I do recall the
24 original copy, or what seemed to be the original copy, of
25 Mr. Bryan Keough's report -- investigation into the Barber

1 residence following my departure from it.

2 MR. ENGELMANN: There was an investigation
3 report there?

4 C-14: Yes.

5 MR. ENGELMANN: All right.

6 And were you able to review some case
7 history notes?

8 C-14: What do you mean by case history?

9 MR. ENGELMANN: Just notes from various
10 social workers in typed form ---

11 C-14: Yes.

12 MR. ENGELMANN: --- of your case history?

13 C-14: Yes.

14 MR. ENGELMANN: And was your lawyer present
15 when you were doing that?

16 C-14: Yes, he was.

17 MR. ENGELMANN: All right.

18 Were you allowed to make any photocopies of
19 your file at that time?

20 C-14: That was expressly forbidden.

21 MR. ENGELMANN: Okay. And did you have any
22 concerns with the content of some of what you reviewed?

23 C-14: Oh, absolutely. The first concern
24 that I raised was that Bryan Keough be allowed to
25 investigate the abuse at the Barber residence when he had

1 in fact been involved in it, and it appeared that he was
2 the sole investigator into this.

3 **MR. ENGELMANN:** Okay. That wouldn't, sir,
4 be a concern about the content of the file; that would be a
5 concern about action they had taken.

6 **C-14:** Okay.

7 **MR. ENGELMANN:** Is that fair?

8 **C-14:** Well, the documents themselves, there
9 appeared to be a document in the file that was completely
10 anachronistic.

11 **MR. ENGELMANN:** In what sense?

12 **C-14:** Well, I was dealing with a file, and
13 for what there was there, you could tell that they were 30-
14 year old documents. This document looked like it came
15 fresh off the printer. It used a computer-generated type
16 font on it.

17 **MR. ENGELMANN:** What was it about?

18 **C-14:** Completely out of place.

19 **MR. ENGELMANN:** Why do you remember this
20 particular document? What was it about?

21 **C-14:** Well, it was a document stating --
22 apparently it had been reported to the Children's Aid
23 Society that I had been engaging in sexually inappropriate
24 behaviour and it stated that, in particular, I had been
25 doing this with Mr. Frank Rolland.

1 **MR. ENGELMANN:** And had you -- had anything
2 like that ever been brought to your attention before?

3 **C-14:** Absolutely not. It was the first
4 time I had ever, ever heard of this and I was completely
5 incensed over it, especially considering what Mr. Frank
6 Rolland had done to me.

7 **MR. ENGELMANN:** Sir, if you could have a
8 look at Document Number 114549? It's a document entitled
9 "Initial Recording on Child Care Case" and it starts with
10 the reference "July 24th, '72" and works right through until
11 the wardship is terminated in June of 1980.

12 **THE COMMISSIONER:** All right.

13 So this is Exhibit 538.

14 **--- EXHIBIT NO./PIÈCE NO. P-538:**

15 (114549) Initial Recording on Child Care
16 Case - Dated from 1972 to 1980

17 **MR. ENGELMANN:** Sir, do you recall seeing a
18 document of this nature? I'm going to direct you to a
19 particular page in a moment.

20 **C-14:** Okay. Yes, I do.

21 **MR. ENGELMANN:** All right.

22 **C-14:** This, in fact, looks like the
23 document that I was presented with at the time.

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

25 And I would like you to turn to page 16.

1 It's Bates page 1072610.

2 C-14: Page 16?

3 MR. ENGELMANN: Yes.

4 C-14: What was that reference number again?

5 MR. ENGELMANN: The important document
6 number for you is 16.

7 C-14: Okay.

8 MR. ENGELMANN: You see it in the middle of
9 the page?

10 C-14: Oh, I see, yes.

11 MR. ENGELMANN: We have some computer
12 references for the clerk.

13 C-14: Okay.

14 MR. ENGELMANN: There is a caption that says
15 "Present situation". Do you see that? Do you see the
16 caption "Present situation"?

17 C-14: Yes, I do.

18 MR. ENGELMANN: The third paragraph
19 underneath that, if you could have a look at that
20 paragraph?

21 C-14: Yes.

22 MR. ENGELMANN: Is this the type or nature
23 of the allegation that you saw in your file?

24 C-14: Well, it was the nature of the
25 allegation but I didn't see this at all.

1 **MR. ENGELMANN:** What do you mean, you didn't
2 see this?

3 **C-14:** Well, it's possible that it could
4 have been transmogrified. There were some parts of this
5 file ---

6 **THE COMMISSIONER:** I'm sorry? Trans ---

7 **C-14:** Transmogrified.

8 **THE COMMISSIONER:** What do you mean by that?

9 **C-14:** That some parts of the file had been
10 struck out; blackened.

11 **MR. ENGELMANN:** Do you actually recall when
12 you reviewed your files like 12 years ago now, but do you
13 recall whether there were any redactions, any black outs or
14 white outs on the file when you looked at it?

15 **C-14:** Yes, there were some.

16 **MR. ENGELMANN:** All right. And you
17 mentioned a piece of paper that seemed to be out of place?

18 **C-14:** Yes, it would appear that in the
19 stead of this, there had been a separate -- completely
20 separate document that contained much of this information
21 but had been separate from the documents you provided me.

22 **MR. ENGELMANN:** All right. Like a separate
23 sheet of paper that talked about what's talked about in
24 this paragraph?

25 **C-14:** That's correct.

1 **MR. ENGELMANN:** Do you know if this
2 paragraph was also there though in this form?

3 **C-14:** No, it was not.

4 **MR. ENGELMANN:** Might it have been there
5 and, you know, you're looking at a lot of documents, you
6 might not have seen it?

7 **C-14:** I think I would have known if I came
8 across that.

9 **MR. ENGELMANN:** And do you know how this
10 found its way into your file?

11 **C-14:** I have absolutely no idea. This was
12 the very first time that anyone ever presented me with
13 this. At the time that I knew Mr. Rollands, no one ever
14 approached me; no one asked me questions about this; no one
15 interviewed it; no one brought it to my attention in any
16 way whatsoever.

17 And that's one of the reasons that I was so
18 incensed. I was under the impression that this is
19 something that the Children's Aid Society had fabricated in
20 an effort to dissuade me from pursuing civil litigation
21 against them.

22 **MR. ENGELMANN:** Were you in fact pursuing
23 some civil litigation with them in the mid-'90s?

24 **C-14:** At the point, we were just concerned
25 about acquiring the file.

1 **MR. ENGELMANN:** All right. So you hadn't
2 started any action at that time?

3 **C-14:** I don't believe so, no.

4 **MR. ENGELMANN:** Did you suggest to them,
5 either then or later, that this was inaccurate and it
6 should be modified or omitted?

7 **C-14:** I brought this to my lawyer's
8 attention. They knew that I was visibly upset and they
9 knew that it was over this statement that had been made.

10 **MR. ENGELMANN:** Now, sir, in fact, in the
11 late 1990s, I believe the date might have been in 1999, you
12 did in fact file a civil claim against the Children's Aid
13 Society?

14 **C-14:** That's correct.

15 **MR. ENGELMANN:** Did you also file a claim
16 against the Barbers and Mr. Sypes?

17 **C-14:** Yes, I did, I believe so.

18 **MR. ENGELMANN:** And did that matter ever go
19 to trial?

20 **C-14:** No, it did not. I'm under the
21 understanding that it was dismissed on a technicality.

22 **MR. ENGELMANN:** Was it dismissed for delay?

23 **C-14:** I believe that the lawyer had
24 neglected to file a settlement conference brief.

25 **MR. ENGELMANN:** Okay. I understand that in

1 or about the year 2000, you found out about an
2 investigation that was being done by the OPP here in the
3 Cornwall area known as Project Truth.

4 C-14: That's correct. I believe ---

5 MR. ENGELMANN: Can you tell us -- sorry.

6 C-14: I believe I was watching a television
7 program and something about Gary Guzzo brought my attention
8 to it.

9 MR. ENGELMANN: Would that have been a
10 debate from the provincial Parliament or do you recall?

11 C-14: Yes, I believe that was so.

12 MR. ENGELMANN: All right. Mr. Guzzo was
13 speaking to this issue?

14 C-14: Yes, it was being addressed in
15 Parliament at the time.

16 MR. ENGELMANN: All right. And so what did
17 you do after you heard this on your television?

18 C-14: I made arrangements and contacted
19 Gary Guzzo's office.

20 MR. ENGELMANN: And did you speak with
21 someone there?

22 C-14: Yes, I didn't contact Mr. Guzzo
23 himself, but I spoke with one his assistants or one of his
24 aides who, in turn, put me in touch with Project Truth.

25 MR. ENGELMANN: All right. And do you

1 recall who at Project Truth you were put in touch with?

2 C-14: I think a Mr. Pat Hall.

3 MR. ENGELMANN: All right. And Mr. Hall was
4 an inspector with the OPP?

5 C-14: That's how he identified himself,
6 yes.

7 MR. ENGELMANN: And did you meet with him in
8 person or did you speak with him on the telephone?

9 C-14: I spoke with him on the telephone.

10 MR. ENGELMANN: If I suggested to you you
11 did so sometime in October of the year 2000, does that seem
12 about right?

13 C-14: That seems correct, yes.

14 MR. ENGELMANN: All right. And in that
15 telephone call with Inspector Hall, would you have reported
16 the allegations that you've spoken about here?

17 C-14: Oh, most assuredly.

18 MR. ENGELMANN: All right. And when I say
19 the allegations, both the allegations of physical and
20 sexual abuse?

21 C-14: Oh yes, definitely.

22 MR. ENGELMANN: And you would have
23 identified all of the alleged perpetrators?

24 C-14: Oh, definitely.

25 MR. ENGELMANN: Would you also have

1 indicated to Inspector Hall your earlier contact with the
2 OPP in Morrisburg?

3 C-14: Yes, I in fact did.

4 MR. ENGELMANN: All right. And do you
5 recall how the call ended?

6 C-14: I recall that he was going to have
7 someone look into it.

8 MR. ENGELMANN: So he was going to have
9 someone get back to you?

10 C-14: That's correct.

11 MR. ENGELMANN: All right. And, in fact,
12 did someone get back to you?

13 C-14: Yes, they did.

14 MR. ENGELMANN: All right. Do you recall
15 who that was?

16 C-14: I believe that was a Constable Rico
17 or Roco. I'm sorry, I don't know the pronunciation of his
18 name.

19 MR. ENGELMANN: R-A-L-K-O.

20 C-14: That sounds correct, yes.

21 MR. ENGELMANN: Did you meet with Constable
22 Ralko?

23 C-14: Yes, I met with Constable Ralko as
24 well as one of his associates, I guess, in my home.

25 MR. ENGELMANN: All right. So there were

1 two police officers who came to visit?

2 C-14: That's correct.

3 MR. ENGELMANN: And they came to see you in
4 Ottawa?

5 C-14: That's correct.

6 MR. ENGELMANN: And was the other officer a
7 male or a female, do you remember?

8 C-14: It was a male.

9 MR. ENGELMANN: My understanding, sir, is
10 they came to see you on or about December 6th of the year
11 2000.

12 C-14: That sounds correct.

13 MR. ENGELMANN: And can you give us a sense,
14 sir, as to how long your meeting was with these two
15 officers?

16 C-14: It went on for hours, and I was very
17 explicit and extremely detailed as to the abuse that had
18 gone on and the whole process that had brought me to this
19 point, or to that point, rather.

20 MR. ENGELMANN: So it was a long and
21 thorough interview?

22 C-14: Yes, to say the least.

23 MR. ENGELMANN: Did either Constable Ralko
24 or his colleague take notes to your knowledge?

25 C-14: Yes, they did. I believe they did,

1 yes.

2 **MR. ENGELMANN:** And do you recall, sir, if
3 you were asked to initial or sign a statement at that time?

4 **C-14:** I believe I was, yes.

5 **MR. ENGELMANN:** Do you know if you were
6 given a copy of that at the time?

7 **C-14:** No, I wasn't given a copy.

8 **MR. ENGELMANN:** So you recall that this
9 first meeting took several hours. Is that fair?

10 **C-14:** Oh, yes, several hours.

11 **MR. ENGELMANN:** Do you remember the time of
12 day it might have started?

13 **C-14:** Well, it went right into the
14 afternoon. It just seemed to continue on and on.

15 **MR. ENGELMANN:** So you told your full story?

16 **C-14:** Oh yes, I did.

17 **MR. ENGELMANN:** And when I say your full
18 story, I mean allegations of both physical and sexual
19 abuse?

20 **C-14:** Yes. I also raised issues about this
21 document that I had seen in the Children's Aid Society file
22 as well.

23 **MR. ENGELMANN:** Okay. You raised concerns
24 about what they had alleged that you had done with Mr.
25 Rollands.

1 **C-14:** That's absolutely correct.

2 **MR. ENGELMANN:** All right. And do you
3 recall how things ended? What was going to happen next?
4 What were you told?

5 **C-14:** Well, we had spoken about Mr.
6 Rollands and Mr. Ralko told me that Mr. Rollands was dead
7 so that he wouldn't be pursuing an investigation into it.

8 He was not interested in pursuing
9 investigation into the Children's Aid Society or looking
10 into that at all, and he was not interested and was not
11 within the mandate of the Project Truth to press charges
12 against Mr. Barber for the physical abuse.

13 The only thing that he was willing to look
14 into was my allegation against Mr. Arthur Sypes.

15 **MR. ENGELMANN:** So let me just run through
16 that again. No, to Mr. Rollands because he is dead?

17 **C-14:** That's correct.

18 **MR. ENGELMANN:** No, to Mr. Barber and the
19 physical because it's not within the mandate of Project
20 Truth?

21 **C-14:** That's correct.

22 **MR. ENGELMANN:** That's how you remember it?

23 **C-14:** Yes, that's exactly how I remember
24 it.

25 **MR. ENGELMANN:** Was the mandate of Project

1 Truth explained to you?

2 C-14: No, it was not.

3 MR. ENGELMANN: And, I'm sorry, no to the
4 Children's Aid Society?

5 C-14: He was not interested in pursuing any
6 investigation into the Children's Aid Society at all. At
7 the time I had raised issues about Mr. Keough and other
8 things, and especially this document.

9 MR. ENGELMANN: Okay. So you had raised
10 issues about the document. You raised some issues about
11 Mr. Keough.

12 C-14: That's correct.

13 MR. ENGELMANN: And did they explain to you
14 why that wouldn't be investigated?

15 C-14: That wasn't within the mandate of
16 Project Truth either.

17 MR. ENGELMANN: And what was going to happen
18 with Mr. Sypes?

19 C-14: Well, we had talked about that and I
20 had known from correspondence with my attorney that
21 Mr. Arthur Sypes had chosen to represent himself, and I
22 suggested to Constable Ralko that he ask Mr. Sypes to
23 accompany him into his office and proposed that they give
24 him a polygraph examination.

25 MR. ENGELMANN: And when you say "represent

1 himself" do you mean in the civil action you had going at
2 that time?

3 **C-14:** That's correct.

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

5 So you suggested that they have him in for a
6 polygraph?

7 **C-14:** In fact, I told Constable Ralko if he
8 thought that there was any inconsistency in what I was
9 telling him that that's exactly what he should do.

10 **MR. ENGELMANN:** Did you suggest that would
11 be appropriate for yourself?

12 **C-14:** Yes. Yes, I do believe so.

13 **MR. ENGELMANN:** Did you ever suggest that he
14 should take a polygraph of Mr. Barber?

15 **C-14:** No, he wasn't interested in pursuing
16 any abuse charges against Mr. Barber, the physical abuse,
17 and he was told outright that Mr. Barber didn't engage in
18 the sexual abuse. I don't know why he would have even
19 brought that up with Mr. Barber.

20 **MR. ENGELMANN:** Well, why not?

21 **C-14:** Well, I came to an understanding
22 later that he had asked Mr. Barber to take a polygraph
23 test. I couldn't understand why.

24 **MR. ENGELMANN:** You're aware that today
25 because of a review of some of these documents?

1 C-14: That's correct.

2 MR. ENGELMANN: So what ended up happening
3 then? Did Constable Ralko follow-up with you about his
4 investigation of Mr. Sypes?

5 C-14: Yes, he did.

6 MR. ENGELMANN: All right.
7 And did he get in touch with you sometime in
8 2001 to let you know where that was going?

9 C-14: Yes, I believe he did.

10 MR. ENGELMANN: All right.
11 And do you recall if he got in touch with
12 you on more than one occasion?

13 C-14: I believe he first got in touch with
14 me to tell me that he had interviewed some of the witnesses
15 or that some of the witnesses couldn't be located, and then
16 he got in touch with me one more time after that.

17 MR. ENGELMANN: Okay. And the second time
18 when he got in touch with you -- and, by the way, were
19 these in person or by phone?

20 C-14: No, these were by telephone.

21 MR. ENGELMANN: All right.
22 And the second time what were you told?

23 C-14: I was told that they weren't going to
24 pursue any charges against Mr. Arthur Sypes and he
25 reaffirmed the fact that none of the other was within the

1 mandate of Project Truth.

2 He told me also that he had spoken with Mr.
3 Bryan Keough considering my concerns about the
4 investigation into the Barber home. He told me that he had
5 thoroughly reviewed my file and when talking to
6 Mr. Bryan Keough, Mr. Keough couldn't remember who I was.

7 At that point I lost interest in the
8 conversation because it became blatantly apparent that Mr.
9 Keough should have known full well who I was, considering
10 what had happened in the Barber home.

11 **MR. ENGELMANN:** Well, did you explain that
12 to Constable Ralko -- that given your extensive dealings
13 with Mr. Keough he should have known, or do you remember?

14 **C-14:** I most assuredly did.

15 **MR. ENGELMANN:** Did he explain to you why
16 they wouldn't pursue the charges?

17 **C-14:** Again, it was said that it wasn't
18 within the mandate of Project Truth to pursue any charges
19 outside of Mr. Sypes and that there wasn't enough
20 information to press charges against Mr. Sypes.

21 **MR. ENGELMANN:** Did he suggest to you that
22 they didn't have evidence to corroborate your story against
23 Mr. Sypes?

24 **C-14:** That's correct.

25 **MR. ENGELMANN:** And that as a result they

1 didn't have reasonable or probable grounds?

2 C-14: That's correct.

3 MR. ENGELMANN: Sir, you've come here to
4 give evidence at this inquiry. You know what we're dealing
5 with, institutional response to allegations of child sexual
6 abuse. Do you -- I just want to end with a couple of
7 questions, and I understand you've done some work on this.

8 C-14: Yes.

9 MR. ENGELMANN: About the effect of the
10 abuse.

11 C-14: Yes.

12 MR. ENGELMANN: That you allege you suffered
13 as a child?

14 C-14: Yes.

15 MR. ENGELMANN: Concerns, if any, about
16 institutions and how they've responded?

17 C-14: Yes.

18 MR. ENGELMANN: And any recommendations that
19 you may have for us?

20 C-14: I've prepared a statement I'd like to
21 read if I may.

22 THE COMMISSIONER: Certainly.

23 MR. ENGELMANN: That's fine.

24 C-14: If it please the Inquiry, may I
25 begin?

1 **THE COMMISSIONER:** Sure.

2 **C-14:** Thank you.

3 "There can be no doubt that the effect
4 of the abuse has had a profound impact
5 on me. It has caused extreme
6 psychological trauma and I continue to
7 suffer many of the symptoms of post-
8 traumatic stress syndrome.
9 My time in Cornwall played such a
10 pivotal role that it has eclipsed all
11 else. The events that took place there
12 constantly invade my thoughts, both
13 while I am asleep and while I'm awake.
14 Frequently they become the topic of
15 many heated conversations. In short,
16 they have usurped my life.
17 Although I receive therapy to deal with
18 this, the anxiety and depression that
19 accompanies the trauma persists. Often
20 I have trouble finding the energy to
21 perform even the most menial of tasks.
22 In my darkest moments I have self-
23 mutilated and on several occasions have
24 attempted suicide. I have problems
25 concentrating and find it difficult to

1 sustain a prolonged interest in
2 anything I do. I suffer from sleep
3 disturbances and insomnia, and the
4 debilitating migraine headaches that
5 started during my stay in the Barber
6 residence still remain. Regardless of
7 whom I meet I am always guarded and
8 view them with great suspicion and
9 mistrust.

10 Given these problems it is little
11 wonder why I've not been able to
12 maintain gainful employment. Despite
13 the fact that I've always done well in
14 school, I've had to abandon my
15 educational pursuits and now subsist on
16 a small disability pension. Any hope
17 of a promising career and self-
18 sufficiency have long since passed.

19 While I would very much have wanted
20 otherwise, my inability to form long-
21 term trust relationships has prevented
22 me from ever marrying, and as a result
23 I have no children. My dreams of
24 normalcy, owning a home and raising a
25 family have all vanished.

1 Although I tried to reconnect with my
2 birth family following my stay in
3 foster care the stress that the abuse
4 has created in my life has proven too
5 much for them to bear. Consequently,
6 we are now estranged. Now, alone, I am
7 disconnected from society. Lost and
8 unsure I question my place in this
9 world. Everything that I have ever
10 hoped to accomplish, all of my dreams,
11 all of my aspirations have been
12 destroyed.

13 It is an understatement to say that the
14 abuse has been devastating. For over
15 35 years I have wondered through life
16 as though I am already dead. I have
17 lost my faith in humanity, my faith in
18 society, and even more tragically, my
19 faith in myself. For me there has been
20 no justice.

21 The initial trauma of the abuse was
22 only compounded by the way police
23 officers and CAS officials responded to
24 my allegations. Their dismissive
25 attitude only added to the injury of

1 what had already been a harrowing
2 experience. It was as though, rather,
3 CAS officials were more concerned with
4 protecting themselves from possible
5 legal action then dealing with the pain
6 that I suffer. Given the manner in
7 which I have been treated I cannot help
8 but feel that both police and CAS
9 viewed my complaints as inconsequential
10 and unimportant.
11 Upon notification, both CAS workers and
12 law enforcement officials should have
13 thoroughly investigated my claims.
14 Although the situation warranted the
15 attention they made little effort to do
16 so. Consequently, charges have never
17 been laid, and the abusers still remain
18 at large. Perhaps if police officials
19 had been better trained and understood
20 the devastating effect that abuse has
21 on a victim they might have been more
22 inclined to take action. As it was,
23 more effort was expended on burying the
24 incident then dealing with it.
25 The abuse itself might have been

1 completely averted had CAS officials
2 only better done their job in the first
3 place. A better screening process for
4 both social workers and guardians might
5 have helped prevent many, if not all of
6 the incidents. Social workers should
7 never have been allowed to investigate
8 abuse claims that they had a personal
9 involvement in, let alone be allowed to
10 write the definitive report on them.
11 Even if they did not intend to do so,
12 the personal bias will inevitably
13 always affect the investigation's
14 outcome. In the future, these
15 conflicts of interest should be made
16 bear better scrutiny.
17 In abuse cases within the foster care
18 system a social worker not affiliated
19 with the agency should be appointed to
20 conduct an impartial assessment of the
21 incident. It should have been
22 mandatory that I be interviewed by
23 police, psychologists and physicians
24 following my initial complaints to
25 social workers. Not only would this

1 have properly documented the
2 experience, it would have also
3 encouraged the disclosure of the sexual
4 abuse and ensured that I received the
5 necessary help to deal with it. Even
6 if a child refuses, the CAS should
7 insist on this.

8 In the wake of abuse it is difficult,
9 if not impossible, for anyone to
10 accurately predict the long-term
11 effects that such trauma will have by
12 their very nature, children are
13 incapable of making these assessments
14 and definitely not in a position to
15 make such important decisions regarding
16 their care."

17 There is no doubt in my mind that had I
18 received proper attention, my life would have turned out
19 much differently.

20 In reviewing my CAS case file, it has become
21 blatantly apparent that social workers place little
22 significance on my opinion. Many times, information was
23 recorded without consulting me and other people's opinions
24 were accepted as fact without verification. Often, I was
25 blamed for things that had never even happened.

1 This process, coupled with poor file-
2 keeping procedures, resulted in false reports that may
3 explain some of law enforcement's reluctance to pursue my
4 claim.

5 Had I ever been approached about these
6 incidents or had my file been made available to me through
7 the *Freedom of Information Act*, I would have been given the
8 opportunity to comment on these mistakes.

9 Consequently, police agencies, as well as
10 social workers, would have had a better understanding of
11 what had actually happened and not had to rely on the
12 version of events recorded in CAS documents.

13 As an abuse survivor, I cannot over-
14 emphasize the need to have our complaints validated. We
15 need to know that the sacrifices that we have made have not
16 gone unrecognized. It is an essential process in healing,
17 and without it, we will never truly achieve closure.

18 What happened in Cornwall was very wrong.
19 It was not our fault, nor should we be expected to continue
20 to suffer in silence.

21 While there might be much deliberation as to
22 how things went so terribly awry, I think it important that
23 we not lose track of this fact in our attempt to explain
24 the failure.

25 That being said, the provincial government

1 should accept some responsibility for what has happened.
2 Provisions should be made to ensure that victims receive
3 sufficient funding for their continued medical care and we,
4 the victims of this tragedy, should be provided some form
5 of compensation for the lives that we have lost.

6 **MR. ENGELMANN:** Thank you very much, sir.
7 Thank you for appearing and giving your evidence.

8 I ask that you please answer the questions
9 that several of my colleagues here, as lawyers, will have
10 for you. They will identify themselves and tell you who
11 they are acting for before they ask you questions.

12 **C-14:** You're welcome.

13 **THE COMMISSIONER:** Thank you.

14 Ms. Daley.

15 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

16 **DALEY:**

17 **MS. DALEY:** Sir, my name is Helen Daley and
18 I'm a lawyer for the Citizens for Community Renewal.
19 That's a Cornwall group. It's an organization of local
20 people who have standing at this Inquiry and whose prime
21 mandate is to promote the institutional reforms necessary
22 to ensure that children are protected, and that's the
23 nature of their mandate. So that's the perspective that
24 I'm going to bring to this.

25 I have a few questions for you. Before I

1 embark, my clients would like to thank you very much for
2 your participation -- we know it's difficult -- and to
3 thank you as well for the very thoughtful statement that
4 you have just read to us.

5 If it's all right, I have a few questions
6 for you about the Barber home and about other children that
7 were CAS wards that would have been at that home perhaps at
8 the same time as you were?

9 **C-14:** Yes.

10 **MS. DALEY:** Now, I gather from your
11 testimony that when you were in the Barber home, you
12 witnessed another foster child named Ronnie being
13 physically abused by Ken Barber?

14 **C-14:** Yes, I did.

15 **MS. DALEY:** You recall that?

16 **C-14:** Yes, I did.

17 **MS. DALEY:** Looking through the file, I saw
18 the name Ronnie Billings. Is that Ronnie's last name?

19 **C-14:** That's correct.

20 **MS. DALEY:** All right. And as far as you
21 knew, Ronnie was also a CAS ward?

22 **C-14:** Yes, he was.

23 **MS. DALEY:** Was his CAS worker the same as
24 yours when you were in the Barber home together?

25 **C-14:** I believe he was, yes.

1 **MS. DALEY:** And I take it you saw Ronnie
2 being abused. Did Ronnie ever see you being physically
3 abused by Mr. Barber?

4 **C-14:** I can't answer that. I would imagine
5 he did.

6 **MS. DALEY:** All right. When Mr. Barber was
7 abusing you, did he do it in a secret manner or did he do
8 it openly, in front of the other ---

9 **C-14:** He did it openly.

10 **MS. DALEY:** All right. Would Ronnie or
11 other children have seen physical marks and bruises on you
12 resulting from what Mr. Barber did?

13 **C-14:** Oh yes, they would have. I think that
14 you have to understand that the abuse was progressive and
15 it got worse, much worse, later on. So it's possible that
16 Ronnie would have seen something. I know that he was
17 beaten as well and I know he knows about much of what I've
18 spoken about, but there is no doubt in my mind that other
19 children would have seen what happened later on.

20 **MS. DALEY:** There's two other names from
21 your file that seem to have witnessed your abuse, and I
22 just wonder if you can help us with these names at all?

23 Do you remember another child in the Barber
24 home named Louise Lewis?

25 **C-14:** Yes, I do.

1 **MS. DALEY:** Did you ever see Louise Lewis
2 being physically abused by the Barbers?

3 **C-14:** No, she wasn't, not to my knowledge.

4 **MS. DALEY:** Do you believe she was in a
5 position to observe what Mr. Barber did to you?

6 **C-14:** Oh yes. Mr. Barber was very open
7 about what he did to me.

8 **MS. DALEY:** What about a child named William
9 Waters. Do you recall him being in the Barber home?

10 **C-14:** Yes, I do, for a very short period of
11 time.

12 **MS. DALEY:** Do you have any recollection as
13 to whether William Waters was in a position to observe what
14 Mr. Barber did to you?

15 **C-14:** Perhaps some of it, but Wilson Waters
16 also went to stay with another family ---

17 **MS. DALEY:** Yes.

18 **C-14:** --- while he was staying at the
19 Barber residence. He was working for a farmer, I believe,
20 and was receiving payment for that. The Barbers were being
21 paid for him staying in the home, but he wasn't physically
22 there.

23 **MS. DALEY:** Apart from those names I've
24 mentioned, were there other children in the home that you
25 believe saw what occurred between yourself and Mr. Barber?

1 **C-14:** Well, most definitely Arthur Sypes
2 would have seen this.

3 **MS. DALEY:** Yes.

4 I just want to leap over a number of years
5 now and talk to you just briefly about the year 1991, when
6 you came to talk to the OPP about these occurrences.

7 Did you make the OPP officer aware that
8 other children were in a position to have seen what
9 happened to you?

10 **C-14:** Oh, absolutely, I did so. In fact, I
11 had seen part of the file. I explained that I had seen
12 excerpts in the file from Mr. Bryan Keough regarding the
13 abuse that had gone on there, and the abuse had been
14 confirmed by Louise Lewis ---

15 **MS. DALEY:** Yes.

16 **C-14:** --- which is why I was very upset
17 afterwards that no charges were laid against Mr. Barber
18 since there was actually corroborating evidence.

19 **MS. DALEY:** To the best of your knowledge,
20 sir -- I'm just trying to recall the name -- it was
21 Constable Huffy that you talked about -- you talked to in
22 1991.

23 To the best of your recollection, did you
24 make him aware of these other individuals who had seen what
25 occurred?

1 **C-14:** Yes, I did.

2 **MS. DALEY:** And I wonder if you can help me
3 with a timeframe here. Between the time you were
4 interviewed by Mr. Huffy -- or Constable Huffy -- and the
5 time you learned that there would be no action taken, how
6 much time passed?

7 **C-14:** I'm sorry, I didn't hear your
8 question.

9 **MS. DALEY:** I'm trying to get a sense of
10 your dealings with Mr. Huffy, Constable Huffy in 1991. You
11 had an interview with him and you gave him information, and
12 then you learned from him that there were going to be no
13 charges laid or steps taken.

14 **C-14:** That's correct.

15 **MS. DALEY:** How much time between those two
16 events?

17 **C-14:** Constable Huffy and Project Truth, is
18 that what you're asking?

19 **MS. DALEY:** No.

20 **C-14:** I'm sorry, I'm having difficulty
21 hearing you.

22 **MS. DALEY:** Sorry.

23 **THE COMMISSIONER:** There's a speaker if you
24 want.

25 **C-14:** Oh, sorry.

1 **THE COMMISSIONER:** No, that's the on and off
2 button.

3 **MS. DALEY:** I feel like I'm very loud in my
4 ---

5 **C-14:** That's better.

6 **MS. DALEY:** Can you hear better?

7 **C-14:** Yes.

8 **MS. DALEY:** I'm just trying to get a sense
9 of how long Constable Huffy might have spent on his
10 investigation?

11 **C-14:** Oh, his investigation?

12 **MS. DALEY:** Yes. So between the time you
13 first met and the time he told you there would be no action
14 taken, do you recall how much time passed?

15 **C-14:** I believe it was a few days.

16 **MS. DALEY:** It was that short?

17 **C-14:** Yes.

18 **MS. DALEY:** Sir, is it your information that
19 another CAS ward in the Barber home was also physically
20 abused by Arthur Sypes?

21 **C-14:** Sexually molested.

22 **MS. DALEY:** Yes. Is it your belief that
23 that happened?

24 **C-14:** Oh yes, it is.

25 **MS. DALEY:** Is that something that you

1 discussed when you first began to talk about the sexual
2 incidents with Arthur Sypes?

3 C-14: Oh yes, absolutely.

4 MS. DALEY: Did you make Bryan Keough aware
5 of that when you spoke to him in 1981 or 1982?

6 C-14: Oh yes, I did.

7 MS. DALEY: Did you identify the other ward
8 who ---

9 C-14: Oh yes, I did.

10 MS. DALEY: Was that Ronnie Billings?

11 C-14: Yes, it was.

12 MS. DALEY: Sir, when you were in the Barber
13 home were there -- was there ever an occasion where Mr.
14 Keough was able to see the signs of abuse on your person?

15 C-14: I don't know about the signs of
16 abuse, but he was well aware of the volatile nature of that
17 home. He was informed of this on a regular basis.

18 In fact, Bryan Keough -- Mr. Bryan Keough
19 encouraged the foster parents to engage in physical abuse.

20 MS. DALEY: And it's primarily -- that's
21 what you mean when you say to us that you felt that Bryan
22 Keough was involved in the problem at the Barber residence?

23 C-14: That's absolutely correct.

24 MS. DALEY: All right.

25 I just have a few questions now for you

1 about the November 1977 timeframe when you're out of the
2 Barber home; and with Mrs. Herbert you're talking to Bryan
3 Keough and others about what had occurred there?

4 C-14: Yes.

5 MS. DALEY: Was it ever acknowledged to you,
6 at that time, by anyone, that indeed you had been
7 inappropriately dealt with at the Barber's; that is to say
8 they've been too physically rough with you?

9 C-14: Mr. Keough made that admission, yes.

10 MS. DALEY: You mentioned other individuals
11 at the CAS, that's Mr. Townly?

12 C-14: Townsdale I believe it was.

13 MS. DALEY: Townsdale, thank you. And Mrs.
14 Gratton.

15 C-14: Yes.

16 MS. DALEY: Did either of them ever
17 acknowledge they were aware that the Barbers had been too
18 physically rough with you?

19 C-14: I don't recall.

20 MS. DALEY: I was interested in what you
21 said about the role that Mrs. Herbert played ---

22 C-14: Hubert.

23 MS. DALEY: --- and I think you said she was
24 your advocate?

25 C-14: Yes, she was.

1 **MS. DALEY:** And I presume that's because she
2 believed what you said?

3 **C-14:** Initially she didn't. I think that
4 she viewed much of what I said with guarded scepticism, but
5 eventually she had questioned me so many times about these
6 things and seen the marks on my back; I had knuckle marks
7 up and down my spine from a recent beating that
8 Mr. Barber had given me, and there was no way, whatsoever,
9 that I could have induced those myself.

10 **MS. DALEY:** So Mrs. Hubert came to believe
11 the truth of what you were saying?

12 **C-14:** Oh, absolutely.

13 **MS. DALEY:** I'm wondering this; as you sit
14 here today as an adult, would it have been at all helpful
15 to you when you were a child back in care with the Barbers
16 to have someone that you could go to, independent of the
17 Barbers, independent of the CAS, to discuss what was
18 happening to you?

19 **C-14:** Oh, absolutely. I had a lot of
20 trouble even afterwards talking to anyone affiliated with
21 the Children's Aid Society.

22 If I would have had an ombudsman that I
23 could contact or some group that I knew was separate from
24 them and who were looking in -- or looking after my well-
25 being or my interests, I would have contacted them, yes.

1 **MS. DALEY:** You made a point of telling us
2 yesterday how difficult it was to disclose the sexual
3 abuse, even to Mrs. Hubert.

4 As an adult now, can you think of anything
5 that would make it easier for a child in your position to
6 disclose that to an adult?

7 **C-14:** Well again, I think it was the
8 attitude at the time that children were not to be believed.
9 And if someone would have taken the interest to actually
10 listen to what I had to say; I felt as though I had to
11 literally cram the truth down Mr. Keough's throat, and even
12 still he was regurgitating it; he just didn't want to
13 accept it.

14 So if someone would have been more
15 in-tuned with my needs -- yes, that would have been much
16 better.

17 **MS. DALEY:** You think it might have been
18 possible for you to talk about the sexual abuse at an
19 earlier time if those conditions existed?

20 **C-14:** Oh, absolutely. If someone would
21 have listened to what I was saying about the physical
22 abuse, it was only a matter of time before the sexual abuse
23 would have been disclosed.

24 **MS. DALEY:** I was a little confused about
25 when, if ever, you learned an outcome from the Barber

1 investigation.

2 You mentioned Mr. Keough acknowledged that
3 you had been -- there had been inappropriate physical
4 discipline, but did you ever learn about an outcome of the
5 Barber investigation or what happened to that residence?

6 **C-14:** I recall receiving one telephone call
7 from Mr. Townsdale. I didn't know much about the
8 investigation itself, but I was told that the home had been
9 blacklisted. From that I assumed that maybe charges might
10 be laid or -- I wasn't sure, but I was told that the home
11 was no longer in service.

12 **MS. DALEY:** Did Mr. Townsdale tell you that
13 way back in 1977, or at a later time? Do you remember?

14 **C-14:** I believe that this would have been
15 supposedly after they had finished conducting their
16 investigation, or Mr. Keough finished conducting the
17 investigation.

18 **MS. DALEY:** Now I'm assuming from your
19 testimony that as a child, when you went to school, there
20 could have -- there would have been bruises or other marks
21 visible on your body?

22 **C-14:** Yes. A lot of them were on my back
23 though. Because what would happen was -- especially if I
24 was being beaten in the house I would run -- try and make
25 it to my bedroom and climb up on the bed and curl up in a

1 ball, and Mr. Barber would beat me but my back would take
2 the brunt of it.

3 So it's possible that people didn't really
4 see the bruises. There were people who did.

5 **MS. DALEY:** I just wondered if any teachers,
6 when you were in school, asked you questions about bruising
7 or marks that you had.

8 **C-14:** Oh, absolutely not. They were well
9 aware of the fact that something was drastically wrong with
10 me. There was no one at that time and even thereafter that
11 I came in contact with that couldn't honestly admit that
12 they knew something was wrong.

13 I was treated very much like a social
14 pariah; I was ignored; I was shunned at some points.

15 **MS. DALEY:** I want to move to a different
16 topic. This is just -- a few brief questions.

17 You talked about being on probation for a
18 period of time. Do you recall who your probation officer
19 was?

20 **C-14:** I believe his name was Nelson Barque,
21 if I'm not mistaken.

22 **MS. DALEY:** And can you recall anything
23 about your dealings with Nelson Barque, how frequently
24 would you see him, what role did he play with you?

25 **C-14:** I had very, very limited dealings

1 with him because my wardship was soon to be terminated and
2 I subsequently, thereafter, moved to Ottawa.

3 **MS. DALEY:** So I assume Mr. Barque ceased
4 being your probation officer when you moved to Ottawa?

5 **C-14:** That's correct.

6 **MS. DALEY:** Did you meet with him -- when he
7 was your officer? Did you meet with him in his offices
8 here in Cornwall?

9 **C-14:** Yes, I did.

10 **MS. DALEY:** Over what period of time do you
11 think that happened, sir?

12 **C-14:** I'm sorry? I'm sorry, you were
13 saying?

14 **MS. DALEY:** I'm just wondering if you dealt
15 with him over a matter of months or was it as much as a
16 year; do you have any sense of the timeframe?

17 **C-14:** Oh, no, it wasn't very long at all.
18 If at all, it was months.

19 **MS. DALEY:** Did you ever encounter a
20 probation officer named Ken Seguin?

21 **C-14:** No, I did not.

22 **MS. DALEY:** Just a few more questions about
23 Mr. Keough and then I have another topic to talk about.

24 But you mentioned a conversation that you
25 had with Mr. Keough back in 1981 or 1982.

1 C-14: That's correct.

2 MS. DALEY: And in that conversation, in
3 addition to talking about the physical abuse at Barbers,
4 you also spoke about the encounter with Mr. Sypes and
5 Mr. Rolland, do you recall that?

6 C-14: That's correct.

7 MS. DALEY: Did Mr. Keough suggest you
8 contact the police?

9 C-14: No, Mr. Keough was unresponsive. I
10 think the extent of the telephone conversation lasted maybe
11 about 20 minutes, and it was mostly me informing him of all
12 of this. I was extremely upset at the time.

13 MS. DALEY: You don't recall that he gave
14 you any suggestions or ---

15 C-14: No, he did not.

16 MS. DALEY: --- offered any guidance about
17 what to do?

18 C-14: No, he did not; he was unresponsive.

19 MS. DALEY: Okay. Just a few final
20 questions about your later dealings with it and bringing
21 the matter up in 1991 and the year 2000.

22 Now you mentioned to my friend that you were
23 involved in a civil suit against the Children's Aid
24 Society; before that suit was terminated did you receive
25 documentation from them that was relevant to your claim?

1 C-14: Yes, I believe I did.

2 MS. DALEY: Did you receive the file that we
3 now see, the file that my friend showed you?

4 C-14: Well, I can't say if what I received
5 is the same thing. I haven't had the opportunity to
6 compare the documents.

7 MS. DALEY: Is it your belief that CAS
8 documents were altered?

9 C-14: I didn't know what to believe at the
10 time. When I saw that page I became so upset because what
11 Mr. Rolland -- or apparently what Mr. Rolland was
12 commenting on just absolutely did not happen.

13 MS. DALEY: All right.

14 C-14: And, again, it was very
15 anachronistic. It had been deliberately put in there. I
16 mean, you look through files that are 35 years old and you
17 see something like that it sticks out like a sore thumb.
18 To me, that was a subtle threat on the part of the
19 Children's Aid Society to try and dissuade me from pursuing
20 civil litigation or pursuing the matter. I don't believe I
21 was engaged in litigation at the time but I was very
22 adamant that I wanted access to these files.

23 MS. DALEY: All right. In the course of
24 your dealings with the Children's Aid Society, whether
25 before or during the lawsuit, were you ever told that the

1 CAS had implemented a policy against the physical
2 discipline of children in care?

3 C-14: No, I don't recall that.

4 MS. DALEY: I want to take you now to the
5 year 2000 when you hear about Project Truth and you come
6 forward and speak to some officers about that. Did Officer
7 Hall, who was the first person you spoke to -- did he tell
8 you that the information you were giving him was not inside
9 the mandate of Project Truth?

10 C-14: I don't recall that, no.

11 MS. DALEY: Okay.

12 C-14: I was told that he would look into
13 the matter.

14 MS. DALEY: Were you aware that Officer
15 Ralko was not associated with Project Truth?

16 C-14: No, absolutely not; to the contrary.
17 I thought he was. He presented himself as though he was
18 and never gave me any indication contrary to that.

19 MS. DALEY: You said that Officer Ralko told
20 you, amongst other things, that you had raised issues about
21 Bryan Keough and that that was not within the mandate of
22 Project Truth.

23 C-14: That's correct.

24

25 MS. DALEY: The issues you raised about

1 Bryan Keough were the ones you told us about here today.

2 Were there any other issues?

3 C-14: Well, Bryan Keough had advocated the
4 physical violence actually.

5 MS. DALEY: Yes.

6 C-14: And I think that I spoke about times
7 when Bryan Keough encouraged the foster mother to give me a
8 good slap or to knock my teeth down my throat, expletive.

9 MS. DALEY: Yes.

10 C-14: He also threatened me on occasions --
11 threatened me with placements in group homes, and told me
12 that if I thought I had it bad there it would be worse
13 elsewhere.

14 There were times when the home would be in
15 complete disruption and Mr. Barber was not around, so Mrs.
16 Barber would pick up the telephone -- I don't know if I've
17 covered this already. But she would call
18 Mr. Keough, and Mr. Keough would lecture me and chide me on
19 the other end.

20 So I was concerned about the way that I was
21 being treated, yes. I thought it very unfair and very
22 unprofessional on the part of Mr. Keough.

23 MS. DALEY: And you brought those facts to
24 the attention of Officer Ralko and were told that's not
25 part of Project Truth?

1 C-14: Yes, those and more.

2 MS. DALEY: All right.

3 Those are my questions for you. Thank you
4 kindly.

5 C-14: Thank you.

6 THE COMMISSIONER: Thank you.

7 Mr. Lee, you'll be coming up further down.

8 Mr. Chisholm, the same I take it.

9 Mr. Rose.

10 MR. ROSE: Good morning, sir.

11 My name is David Rose. I act for the
12 Ministry of Community Safety and Correctional Services.

13 I have no questions for you. Thank you for
14 coming today.

15 C-14: Thank you.

16 THE COMMISSIONER: Thank you.

17 For the Ministry of the Attorney General,
18 Mr. Kloeze.

19 MR. KLOEZE: Good morning,

20 Mr. Commissioner.

21 I have no questions.

22 THE COMMISSIONER: Thank you.

23 Mr. Crane.

24 MR. CRANE: Good morning, sir.

25 My name is Mark Crane. I am counsel for the

1 Cornwall Police Service and I have no questions for you
2 this morning, sir.

3 **THE COMMISSIONER:** All right.

4 Ms. Lahaie.

5 **MR. CHISHOLM:** Mr. Commissioner, I'll go
6 before the OPP contingent just to keep it chronologically
7 sound.

8 **THE COMMISSIONER:** Fine.

9 Thank you.

10 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

11 **MR. PETER CHISHOLM**

12 **MR. CHISHOLM:** Good morning, sir.

13 My name is Peter Chisholm. I am counsel for
14 the Children's Aid Society of the United Counties of
15 Stormont Dundas & Glengarry.

16 **C-14:** Good morning.

17 **MR. CHISHOLM:** I would like to, first of
18 all, thank you for coming to testify today and yesterday,
19 and also to thank you for the recommendations that you've
20 given us. My client would want you to know that some of
21 those recommendations have already been implemented and
22 it's clear from my listening of your recommendations that
23 you certainly put a lot of thought and consideration into
24 it, so thanks very much for that.

25 **C-14:** Thank you.

1 **MR. CHISHOLM:** If I could just take you back
2 to the time before you came into the care of the Children's
3 Aid Society of the United Counties of Stormont Dundas &
4 Glengarry. Prior to that I understand that you were in the
5 care of the Ottawa CAS. Is that right?

6 **C-14:** That's correct.

7 **MR. CHISHOLM:** And do you recall how old you
8 would have been when you first came into the care of the
9 Ottawa CAS?

10 **C-14:** Not when I first came into care, no,
11 but I believe the last placement there was when I was --
12 oh, nine years of age.

13 **MR. CHISHOLM:** Okay. And could you have
14 been as young as five years old when you went into the care
15 of the Ottawa CAS?

16 **C-14:** Yes, I could have been placed prior
17 to that. I don't recall it.

18 **MR. CHISHOLM:** Okay. Do you recall how many
19 placements that you had with the Ottawa CAS?

20 **C-14:** No, not exactly.

21 **MR. CHISHOLM:** And are you aware of the
22 reasons as to your placement into care with the Ottawa CAS?
23 Why you and your siblings went into care.

24 **C-14:** My father was physically ill and it
25 was all my mother could do to care for my father; and she

1 was showing signs of emotional strain because of it, and I
2 was being neglected as a result of that. So I and my
3 siblings were brought into foster care, sometimes on a
4 temporary basis.

5 **MR. CHISHOLM:** So it would have been
6 generally because of your father's physical condition and
7 to some extent your mother's mental health concerns?

8 **C-14:** That's correct.

9 **MR. CHISHOLM:** Is it fair to say? And is it
10 fair to say that that would have been the reason behind you
11 coming into the care of the Children's Aid Society of the
12 United Counties of Stormont Dundas & Glengarry?

13 **C-14:** Oh, absolutely. My father had taken
14 a series of strokes and was paralyzed. He was bedridden.

15 **MR. CHISHOLM:** And he had been hospitalized?

16 **C-14:** Yes, that's correct.

17 **MR. CHISHOLM:** And you told us of the time
18 you went into the care and your first foster home was the
19 Barber foster home. Is that right?

20 **C-14:** Under the ---

21 **MR. CHISHOLM:** Sorry, under the care of the
22 CAS of SD&G?

23 **C-14:** Yes, that's correct.

24 **MR. CHISHOLM:** And that would have been just
25 about one month prior to you attaining the age of 10 years

1 old. Is that right?

2 C-14: I believe that's correct.

3 MR. CHISHOLM: And you told us yesterday,
4 and you told Mr. Wardle this morning about you witnessing
5 the abuse of Ronny in the Barber foster home?

6 C-14: That's correct.

7 MR. CHISHOLM: Was that a regular occurrence
8 in terms of the abuse being suffered by Ronny?

9 C-14: Yes. Initially when I went into the
10 home I was actually viewed as a very pleasant child.

11 MR. CHISHOLM: Sorry, you made reference to
12 the phrase "icing on the cake" yesterday.

13 C-14: That's correct.

14 Ronny was a very troubled child when I'd
15 gotten there; and yes, he underwent abuse.

16 MR. CHISHOLM: You witnessed that on a
17 number of occasions. Is that fair to say?

18 C-14: Yes, I did.

19 MR. CHISHOLM: And you told us yesterday
20 that the physical abuse that you suffered in the Barber
21 home started about one month after your arrival there. Is
22 that right?

23 C-14: That's correct.

24 MR. CHISHOLM: So you would have been just
25 turning 10 or thereabouts?

1 C-14: That's correct.

2 MR. CHISHOLM: Okay. And you told us
3 yesterday about an incident involving a garden hoe.

4 C-14: Yes.

5 MR. CHISHOLM: Could you ---

6 C-14: Would you like me to elaborate on
7 that?

8 MR. CHISHOLM: Please, if you could. Was
9 someone chasing you?

10 C-14: Yes. I had been left in the care of
11 Mr. Arthur Sypes. As I explained earlier, Mr. Arthur Sypes
12 was living in the Barber home and had been released into
13 the care of Mr. and Mrs. Barber from a long-term care
14 facility in Smiths Falls. It was on one of these occasions
15 that -- I don't know what it was that was said but he flew
16 into a rage over the most inconsequential of things. He
17 chased me down the road with the garden hoe trying to imbed
18 it in my skull.

19 MR. CHISHOLM: So that was Mr. Sypes and not
20 Mr. Barber or Mrs. Barber?

21 C-14: That's correct.

22 MR. CHISHOLM: Okay.

23 C-14: But I'd like to point out that all
24 three of them were engaged in abuse.

25 MR. CHISHOLM: And you told us yesterday and

1 today about marks on your body. Ms. Wardle -- I'm sorry,
2 Ms. ---

3 **THE COMMISSIONER:** Ms. Daley.

4 **MR. CHISHOLM:** Ms. Daley, I'm sorry. If I
5 called Ms. Daley Ms. Wardle earlier, I apologize.

6 Ms. Daley asked you about your observations.

7 **C-14:** I'm sorry, I didn't hear that.

8 **MR. CHISHOLM:** Ms. Daley asked you earlier
9 about whether or not you thought it would have been
10 possible for teachers to view the marks of bruises on your
11 body when you were going to school?

12 **C-14:** Yes.

13 **MR. CHISHOLM:** And you indicated that many
14 of your markings or bruises were on your back. is that
15 right?

16 **C-14:** Yes, that's correct. On my legs as
17 well.

18 **MR. CHISHOLM:** Your legs.
19 Would you have taken gym class at school?

20 **C-14:** Yes, but I was a very shy child and I
21 always changed by myself, so I can't imagine people seeing
22 that.

23 **MR. CHISHOLM:** Would you wear shorts in gym
24 class?

25 **C-14:** Yes, I imagine I would have.

1 **MR. CHISHOLM:** Do you believe that the
2 teachers in the schools that you would have attended while
3 at the Barber home would have had the opportunity to ---

4 **C-14:** They may have. They may have
5 actually seen it and not said anything as well.

6 **MR. CHISHOLM:** But you don't recall ever
7 being questioned ---

8 **C-14:** I ---

9 **THE COMMISSIONER:** Okay. Hang on a second.
10 Just a second.

11 **C-14:** Sorry.

12 **THE COMMISSIONER:** You have to let him
13 finish giving you the question because everything is being
14 recorded and then it's going to get mashed up.

15 **C-14:** Okay.

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

17 **C-14:** All right.

18 **MR. CHISHOLM:** So you don't recall ever
19 being questioned by a teacher as to how it was that you
20 acquired any marks on your body?

21 **C-14:** No. No, I wasn't.

22 **MR. CHISHOLM:** And you told us yesterday in
23 19 -- you told us you were attending Dixon's Corners Public
24 School at one point when you were attending -- living at
25 the Barber residence. Is that right?

1 C-14: That's correct.

2 MR. CHISHOLM: What other schools would you
3 have attended while at the Barber residence, do you recall?

4 C-14: I went to the South Mountain Public
5 School ---

6 MR. CHISHOLM: Yes.

7 C-14: --- for Grade 7 and Grade 8, and then
8 I went to Seaway District High School.

9 MR. CHISHOLM: That's in Iroquois, Ontario?

10 C-14: Yes, I believe so.

11 MR. CHISHOLM: You told us about Rod Rabey
12 being one of your social workers yesterday. Is that right?

13 C-14: Yes, he was.

14 MR. CHISHOLM: If I could take you, please,
15 to Exhibit 528?

16 THE COMMISSIONER: That would have been --
17 yes, there you go, in the three-ring binder.

18 C-14: Thank you.

19 THE COMMISSIONER: Can you put it up on the
20 screen, Madam Clerk?

21 MR. CHISHOLM: Exhibit 528 are case notes
22 with respect to your file, and I'm interested in the third-
23 last paragraph on the page.

24 C-14: Yes.

25 MR. CHISHOLM: "The one worker did feel he

1 was able to trust was Rod Rabey, but he
2 passed away."

3 **C-14:** That's correct.

4 **MR. CHISHOLM:** You told -- these are the
5 notes signed by Lorenzo Murphy. You told that to Mr.
6 Murphy. is that right?

7 **C-14:** I believe so. Yes, I might have said
8 something to the effect, yes.

9 **MR. CHISHOLM:** Okay. You felt comfortable
10 with Mr. Rabey. Is that fair to say?

11 **C-14:** Up until the point where he started
12 taking the foster mother's side, yes.

13 **MR. CHISHOLM:** But in 1991, you indicated to
14 Mr. -- it's accurate that you told Mr. Murphy that you
15 trusted Rod Rabey?

16 **C-14:** Yes, at the time prior to that, yes.

17 **MR. CHISHOLM:** Do you recall ever attending
18 summer camp through the CAS?

19 **C-14:** Yes, I do.

20 **MR. CHISHOLM:** And do you recall what years
21 you would have attended?

22 **C-14:** I don't recall what years, no.

23 **MR. CHISHOLM:** Do you recall where you would
24 have been residing in terms of which foster home you would
25 have been in when you were attending this summer camp?

1 C-14: That would have been the Barber
2 residence.

3 MR. CHISHOLM: And was Mr. Rabey in
4 attendance at the summer camps when you were there?

5 C-14: Yes, he was.

6 MR. CHISHOLM: Those summer camps, where
7 were they held. do you recall?

8 C-14: I believe they were held on Morrison
9 Island.

10 MR. CHISHOLM: I'm sorry?

11 C-14: Morrison Island.

12 MR. CHISHOLM: Morrison Island.

13 And where is that situated, do you know?

14 C-14: I'm not certain. I think it's in the
15 Iroquois area, if I'm not mistaken.

16 MR. CHISHOLM: Camp Kagama, have you heard -
17 --

18 C-14: Yes.

19 MR. CHISHOLM: Is that one and the same
20 place as Morrison Island?

21 C-14: Yes.

22 MR. CHISHOLM: And it was suggested to you
23 that you would have attended summer camps in 1972, '73 and
24 '74. Would that fit with your recollection?

25 C-14: Oh, absolutely.

1 **MR. CHISHOLM:** You told us yesterday of a
2 time when Mr. and Mrs. Barber left the residence and you
3 discovered a drawer with letters from your mother in it.
4 Do you recall that?

5 **C-14:** Yes, I do.

6 **MR. CHISHOLM:** Okay. How old would you have
7 been when you made that discovery, sir?

8 **C-14:** Oh, I can't say.

9 **MR. CHISHOLM:** No.

10 **C-14:** I don't recall.

11 **MR. CHISHOLM:** And in terms of the number of
12 letters that you would have found, do you have any
13 recollection as to how many?

14 **C-14:** Quite a few. There were -- it was a
15 pile of letters, a heap of letters.

16 **MR. CHISHOLM:** Five (5), 10, 20, more?

17 **C-14:** More than 20.

18 **MR. CHISHOLM:** More than 20?

19 **C-14:** Yes.

20 **MR. CHISHOLM:** You told us yesterday that
21 you reviewed those letters and noted that some of them
22 contained references to enclosures of money orders. Is
23 that right?

24 **C-14:** That's correct.

25 **MR. CHISHOLM:** Did you ever tell your mother

1 about the discovery that you made about discovering her
2 letters and the fact that the money orders were missing?

3 C-14: Absolutely not.

4 MR. CHISHOLM: You didn't?

5 C-14: I was terrified that if I would have
6 done something, they would have received a letter from my
7 mother. Again, I had spoken to Mr. Rod Rabey about the
8 strap issue and nothing was done about it, and they found
9 out about it, and I received punishment for that. So I was
10 fearful.

11 MR. CHISHOLM: Did you ever tell -- you
12 didn't tell your mother. Did you ever tell any of your
13 social workers about the fact that you discovered these
14 letters and the missing money orders?

15 C-14: Absolutely not.

16 MR. CHISHOLM: No.

17 Did Mr. Rabey or Mr. Keough ever have
18 discussions with you with respect to answering your
19 mother's letters that she would have sent to you or sending
20 her thank you notes?

21 C-14: No, I don't recall that at all.

22 THE COMMISSIONER: Hold on. Again ---

23 C-14: I'm sorry.

24 THE COMMISSIONER: Hold on a little bit.

25 C-14: I apologize.

1 **THE COMMISSIONER:** No, that's fine. That's
2 fine.

3 **MR. CHISHOLM:** You don't recall either the
4 social workers asking or speaking to you about sending
5 responding letters to your mother or about sending thank
6 you notes to your mother?

7 **C-14:** No, I was never approached about
8 that.

9 **MR. CHISHOLM:** You don't recall being
10 approached about that?

11 **C-14:** No, I don't.

12 **MR. CHISHOLM:** Is it possible that you were?

13 **C-14:** I don't think so, no. I think I
14 would have remembered it.

15 **MR. CHISHOLM:** If I could take you, please,
16 to Exhibit 538? Just bear with me a second, please.

17 **C-14:** I don't believe I have that.

18 **THE COMMISSIONER:** Yes, you do. Those are
19 the exhibits that were given today.

20 **C-14:** Okay.

21 **MR. CHISHOLM:** That was this morning's --
22 one of this morning's exhibits and it's entitled "Initial
23 Recording of Child Care Case".

24 **THE COMMISSIONER:** It's a thicker document.
25 It's got about 20 pages in it.

1 **MR. CHISHOLM:** And the third ---

2 **THE COMMISSIONER:** Hold it, hold it. He's
3 not there yet.

4 **MR. CHISHOLM:** I'm sorry.

5 **THE COMMISSIONER:** Madam Clerk ---

6 **C-14:** I'm having difficulty locating this.
7 Oh, I'm sorry. Thank you.

8 **MR. CHISHOLM:** And if I could take you to
9 page 3 of the document, and that would be Bates page
10 1072604 front. I just want to take you to -- there are
11 three areas in the recording that I want to take you to,
12 sir.

13 On this particular page, if I take you to
14 the third -- the first paragraph under "Relationships,
15 focus and movement".

16 **C-14:** Yes.

17 **MR. CHISHOLM:** Okay. And Madam Clerk is
18 zooming in on that paragraph, the last sentence of the
19 first paragraph and that heading states:

20 "Letters from his mother go unanswered
21 and unread according to Mrs. Barber."

22 And what I want to do, sir, is read two you
23 other excerpts, then I'll ask ---

24 **C-14:** May I comment on this first?

25 **MR. CHISHOLM:** Certainly.

1 **C-14:** Okay. I noticed that it states that
2 my relationship with -- but he says I am ambivalent towards
3 my natural parents. That's not true at all. This was
4 always an area of contention with Mrs. Barber and one of
5 the things that I never was going to do was give up my
6 natural parents. We actually had fights about that and
7 Mrs. Barber would call my parents all kinds of --
8 derogatory comments were used on them; all kinds of names.
9 That's not true at all.

10 **MR. CHISHOLM:** If I could take you on to the
11 next page, sir; about four paragraphs from the bottom under
12 the sub-heading "Own family". I'll just read that
13 paragraph to you:

14 "C-14..."
15 You see that, do you see where I am, sir,
16 under ---

17 **C-14:** Yes, yes I do.

18 **MR. CHISHOLM:** "C-14 will often state that
19 he does not know whether his parents
20 are alive or not. This is also part of
21 his game. The mother writes regularly
22 and is always sending something in the
23 mail such as clothing items or money,
24 and it's interesting to note that C-14,
25 despite his concern, never writes or

1 even sends a thank you note."

2 Then, if I can just take you to ---

3 **C-14:** May I respond to that?

4 **MR. CHISHOLM:** Certainly sir.

5 **C-14:** Well, that's because I wasn't
6 receiving any of it. And no, it wasn't a game.

7 **MR. CHISHOLM:** And I'm just going to read
8 one more passage to you if I may, sir.

9 If I could take you to page 7 of this report
10 and it's Bates page 1072606 front, and it's the third
11 paragraph from the top of the page, and I'll just read it
12 to you, sir.

13 Do you see that, sir, the third paragraph?

14 **C-14:** Yes.

15 **MR. CHISHOLM:** "C-14's natural mother
16 writes on a regular basis often sending
17 little things for the children such as
18 girls mitts or hats, et cetera. Mrs.
19 Barber, it should be noted, has to
20 remind C-14 to write or send a thank
21 you note even when C-14's mother sends
22 a return envelope addressed and
23 stamped."

24 Would you agree that the passages that I've
25 just put to you ---

1 **C-14:** That's completely untrue.

2 **MR. CHISHOLM:** Just let me finish my
3 question, sir.

4 **C-14:** Sorry.

5 **MR. CHISHOLM:** Would agree with me that the
6 passages that I've put to you had suggested that the
7 workers were aware that your mother was sending letters to
8 you?

9 **C-14:** They may have been aware of it, yes.

10 **MR. CHISHOLM:** You're not -- I take it you
11 would have had no knowledge as to how they would become
12 aware of that fact?

13 **C-14:** No. As far as I was concerned, sir,
14 I didn't know what became of my mother. I wasn't receiving
15 this mail. So I was under the impression that my mother
16 might be dead for all I know.

17 **MR. CHISHOLM:** You did have some contact
18 with your mother though at some point did you not, sir?

19 **C-14:** Yes, later on, yes.

20 **MR. CHISHOLM:** You did tell us earlier about
21 telephone conversations that you had with your mother with
22 Mrs. Barber watching over you. Is that ---

23 **C-14:** That's correct.

24 **MR. CHISHOLM:** --- your evidence?

25 **C-14:** But that was later on, yes.

1 **MR. CHISHOLM:** That was later on.

2 **C-14:** That was not within the context of
3 this timeframe.

4 **MR. CHISHOLM:** Yesterday, if I understand
5 your evidence correctly, you indicated that the one and
6 only time that Mr. Rabey saw you outside of the presence of
7 your foster mother was at the nursing station at Dixon's
8 Corners Public School. Do you recall stating that?

9 **C-14:** Yes, I do.

10 **MR. CHISHOLM:** And yesterday you also said
11 that Mr. Keough would never see you alone. Is that right?

12 **C-14:** That's correct.

13 **MR. CHISHOLM:** Is it not correct, sir, that
14 Mr. Rabey would have met with you privately at the Barber
15 home as well as other places?

16 **C-14:** Yes, Mr. Rabey came to the Barber
17 residence but he was more concerned with talking to Mrs.
18 Barber. I was off playing in the distance. Very few times
19 would I meet with him and if I did, it was for an extremely
20 short period of time.

21 **MR. CHISHOLM:** So when you say very few
22 times, you're speaking of in the plural. Is that right?

23 **C-14:** That's correct.

24 **MR. CHISHOLM:** So, in terms of what you said
25 yesterday about the one and only instance of meeting Mr.

1 Rabey in private, being at school, that's not accurate, is
2 it?

3 C-14: I'm afraid I don't follow your
4 question, sir.

5 MR. CHISHOLM: Well, yesterday you told us
6 there was only one time that Mr. Rabey met with you in
7 private?

8 C-14: That's correct.

9 MR. CHISHOLM: And that was at the school,
10 in the nursing station?

11 C-14: That's correct.

12 MR. CHISHOLM: Now, today, you're saying, if
13 I understand your evidence, you're saying that ---

14 C-14: I think you're misinterpreting it.
15 I'm talking about Mr. Rabey visiting the home when Mrs.
16 Barber was there ---

17 MR. CHISHOLM: Yes.

18 C-14: --- and when he would visit the home,
19 he would converse with Mrs. Barber. I wouldn't be around.
20 I would be in my room. I would be off playing.

21 MR. CHISHOLM: So you never spoke with Mr.
22 Rabey at the Barber home in private?

23 C-14: Not in private, no. There was only
24 one incident where I spoke with Mr. Rabey in private.
25 Every other time, Mrs. Barber was present.

1 **MR. CHISHOLM:** And I take it when you
2 attended the summer camps that you spoke of earlier, Mrs.
3 Barber was not present at those summer camps. Is that
4 right?

5 **C-14:** That's correct.

6 **MR. CHISHOLM:** Mr. Rabey was though. Is
7 that right?

8 **C-14:** That's correct.

9 **MR. CHISHOLM:** And would you agree with me
10 that you would have had the opportunity to see Mr. Rabey in
11 private at the summer camps without Mrs. Barber being
12 present?

13 **C-14:** I agree with that, but there was an
14 incident that precluded me talking to Mr. Rabey.

15 **THE COMMISSIONER:** So what was the incident?

16 **C-14:** Oh, I'm sorry. I didn't know you
17 wanted me to elaborate on that.

18 **THE COMMISSIONER:** Not much, but just what
19 was the incident?

20 **C-14:** There was another boy in the camp who
21 had gone through, I guess, a kind of beating initiation.
22 The other boys had held him down on one of the top bunks in
23 the cabin and he had a terrible sunburn and they had
24 slapped him until he was in tears.

25 I found him sitting in front of one of the

1 cabins crying and I was trying to console him about it. I
2 had told him that I had been beaten by the foster father
3 and that I had been strapped as well. I guess one of the
4 counsellors had overheard this and brought it to Mr.
5 Rabey's attention.

6 Mr. Rabey dismissed it and told the
7 counsellor that I exaggerated about things. I was teased
8 about the whole incident afterwards. After that, I didn't
9 talk to Mr. Rabey at all.

10 **MR. CHISHOLM:** At that camping session or
11 ever again?

12 **C-14:** I'm afraid I don't follow, sir.

13 **MR. CHISHOLM:** You said after that you had
14 never spoken with Mr. Rabey again and I'm trying to
15 determine if you're speaking of that attendance at the
16 summer camp or from that point-in-time forward?

17 **C-14:** I would speak with him in brief when
18 he visited the foster mother's home. But I meant confide
19 in him; perhaps I should have said that.

20 **MR. CHISHOLM:** If I could take you to page 3
21 of the exhibit that's on the screen now?

22 **C-14:** Excuse me, what page is that?

23 **THE COMMISSIONER:** Page 3.

24 **MR. CHISHOLM:** And the fourth paragraph on
25 that page, starting with "Subsequent visits". Do you see

1 that paragraph, sir?

2 C-14: Yes.

3 MR. CHISHOLM: And I'll just read it:

4 "Subsequent visits with C-14 has been
5 monthly and both at home and school."

6 And this is a recording of Mr. Rabey, sir.

7 Is that accurate in terms of visits being ---

8 C-14: I don't believe so, no.

9 MR. CHISHOLM: You don't believe that.

10 C-14: He may have -- sorry, he may have
11 been referring to the fact that he spoke with my teachers
12 but there was only one incident where he ever visited me at
13 school.

14 He did, as I said, he did visit me at the
15 foster home.

16 MR. CHISHOLM: But you'd agree with me this
17 paragraph states the visits he's referring to are not to
18 teachers but to you. Is that right, sir?

19 C-14: Yes, that's what it says but it's
20 inaccurate.

21 MR. CHISHOLM: And would you agree with me
22 that if visits had taken place at the school, they would
23 not have been in the presence of Mrs. Barber?

24 C-14: That's correct.

25 MR. CHISHOLM: If I could get you to go to

1 page 4, please, turn the page over, the first paragraph.

2 Again, this is -- I'm reading from the
3 recording of Rod Rabey, "Regular visits to the FH ..."
4 which I take to be foster home, "the school and the child
5 have been made, in addition C-14 attended summer camp in
6 1973 and '74."

7 **C-14:** Yes.

8 **MR. CHISHOLM:** This suggests -- I would
9 suggest, sir, that this statement indicates that regular
10 visits were taking place with you, you being the child?

11 **C-14:** Once again I think you're
12 misinterpreting this. I state emphatically, Mr. Rabey
13 never saw me at school, outside of that one visit at
14 Dixon's Corners Public School.

15 I believe that the way that this should be
16 interpreted is that he spoke with my teachers.

17 **THE COMMISSIONER:** Let me know when you want
18 to take a break, sir.

19 **MR. CHISHOLM:** Now is -- we can take a break
20 now, sir.

21 **THE COMMISSIONER:** So how much time do you
22 think you're going to be?

23 **MR. CHISHOLM:** I'm probably 30 to 40 percent
24 through, sir.

25 **THE COMMISSIONER:** All right, then we might

1 want to canvass the others, Mr. Engelmann, to let me know
2 much time we'll be needing.

3 Thank you.

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

6 The hearing will resume at 11:15.

7 --- Upon recessing at 11:03 a.m./L'audience est suspendue à
8 11h03

9 --- Upon resuming at 11:19 a.m./L'audience est reprise à
10 11h19

11 **C-14: Resumed**

12 --- **CROSS-EXAMINATION/CONTRE-INTERROGATOIRE PAR MR. PETER**
13 **CHISHOLM (Continued/Suite)**

14 **THE REGISTRAR:** The hearing is now resumed,
15 please be seated. Veuillez vous asseoir.

16 **MR. CHISHOLM:** Sir, just before the break we
17 were -- I was going to take you to page 6 of Exhibit 538;
18 and that's Bates page 1072605 back. If I could take you to
19 the bottom of the page, the second last paragraph under the
20 subheading "Frequency of Contact".

21 I'll just read this paragraph. Do you see
22 where we are, sir? The paragraph starts. "The foster
23 parents ..."

24 **C-14:** Yes, I do.

25 **MR. CHISHOLM:** "The foster parents and young

1 lad have been visited approximately
2 every month during the above period on
3 a ..."

4 I believe the word should be "number of these occasion",
5 "occasions", in the plural:

6 "I saw both the foster mother and C-14
7 together and then separately."

8 This appears to be the reporting, if you
9 look right above that paragraph, it appears to be the
10 recording of Bryan Keough. And would you agree with me,
11 sir, that this paragraph I just read, he suggested Mr.
12 Keough saw you separately from Mrs. Barber?

13 **C-14:** Yes, it suggests that but it's not
14 true.

15 **MR. CHISHOLM:** That's inaccurate. Your
16 position is that would be inaccurate?

17 **C-14:** That's correct.

18 **MR. CHISHOLM:** If I could take you on to
19 page 10 of the document, sir; the last paragraph on that
20 page 10. And I'll start the sentence four lines into that
21 paragraph. You have that paragraph, sir?

22 **C-14:** Yes.

23 **MR. CHISHOLM:** This is in reference to a
24 meeting of Tuesday, November 22, 1977 and the paragraph
25 reads:

1 "On the basis of what he had told me, I
2 apologized for not ---"

3 **THE COMMISSIONER:** Wait a minute. Wait a
4 minute, where are you now?

5 **MR. CHISHOLM:** Sorry. The last paragraph,
6 sir ---

7 **THE COMMISSIONER:** Oh yes.

8 **MR. CHISHOLM:** --- where the cursor is now.

9 **THE COMMISSIONER:** Four lines up from the
10 bottom of that paragraph?

11 **MR. CHISHOLM:** Correct.

12 **THE COMMISSIONER:** So do you have that, Mr.
13 C-14? It's right where the cursor is?

14 **C-14:** Yes, I do.

15 **THE COMMISSIONER:** Okay, thank you.

16 **MR. CHISHOLM:** So it reads:

17 "On the basis of what he had told me, I
18 apologized for not having picked up on
19 the dangers and for not having spoke
20 with him alone more often. I did
21 remind C-14, however, that we had
22 spoken several times alone and that if
23 only he had said something to me or to
24 any of his past workers or to any other
25 worker who had other children in the

1 home."

2 Do you recall Mr. Keough reminding you, sir,
3 on November the 22nd, 1977 that in the past you'd spoken
4 alone with him on several occasions?

5 **C-14:** No, I don't remember any of this.

6 **MR. CHISHOLM:** And I take it you would
7 disagree with this recording if it suggested Mr. Keough met
8 with you alone on several occasions?

9 **C-14:** I most certainly do. I think that
10 that's something that I would remember very clearly.

11 **MR. CHISHOLM:** Now, if I could take you back
12 to what you told us yesterday about Mr. Rabey coming to
13 your classroom at Dixon's Corners Public School?

14 **C-14:** Yes.

15 **MR. CHISHOLM:** Am I understanding your
16 evidence that he came to the classroom and took you out of
17 the class?

18 **C-14:** I was taken out of the class by a
19 teacher and I was escorted down the hall where Mr. Rabey
20 was waiting for me.

21 **MR. CHISHOLM:** In the nursing station?

22 **C-14:** That's correct, yes.

23 **MR. CHISHOLM:** And do you know how old you
24 would have been when this event took place?

25 **C-14:** I presume I was in grade 4 at the

1 time. So however old I would have been at that time.

2 **MR. CHISHOLM:** But you believe you were in
3 grade 4?

4 **C-14:** That's correct.

5 **MR. CHISHOLM:** And if I understood your
6 evidence yesterday, Mr. Rabey asked if Mr. Barber had
7 struck you with the strap?

8 **C-14:** Yes, but first he had asked whether I
9 had seen the strap and I told him yes.

10 **MR. CHISHOLM:** If you'd seen the strap in
11 the home?

12 **C-14:** Yes. He asked me to describe it as
13 well.

14 **MR. CHISHOLM:** And yesterday you indicated
15 you told Mr. Rabey that you had been strapped?

16 **C-14:** He asked me if I was ever hit with it
17 and I told him, yes, sometimes I was.

18 **MR. CHISHOLM:** Did you tell Mr. Rabey
19 anything else with respect to what happened to you in the
20 Barber home, apart from being strapped?

21 **C-14:** No, nothing else was asked.

22 **MR. CHISHOLM:** And you didn't volunteer any
23 information?

24 **C-14:** No, I did not.

25 **MR. CHISHOLM:** And yesterday you indicated

1 that you told us of an incident, the result and your
2 hospitalization, where you had to recover from a case of
3 pneumonia?

4 **C-14:** That's correct.

5 **MR. CHISHOLM:** Do I understand your evidence
6 from yesterday to be that Mr. Barber chased you out the
7 back door and that you ended up ingesting cow urine?

8 **C-14:** The back door of the barn, yes.

9 **MR. CHISHOLM:** Okay. And do you know how
10 old you would have been when you would have been
11 hospitalized?

12 **C-14:** I don't recall.

13 **MR. CHISHOLM:** Am I right that you were only
14 hospitalized once for pneumonia?

15 **C-14:** That's correct.

16 **MR. CHISHOLM:** If I could take you please to
17 Exhibit 524; and the third page in, Madam Clerk. Bates
18 page 1072602 front.

19 Do you see, sir, the -- on the top quarter
20 of that page, the medical examinations and treatment
21 heading?

22 **C-14:** I'm sorry, I'm still trying to locate
23 it.

24 **MR. CHISHOLM:** Okay. You have the third
25 page of that document in front -- are you looking on the

1 screen, sir?

2 C-14: Well it's very difficult, I wear
3 bifocals. I'm sorry, I apologize.

4 MR. CHISHOLM: Oh, it's not your fault, sir.
5 It's on the screen, if you can see the -- if
6 you look at the top portion of the screen you'll see
7 "medical examinations and treatment"?

8 C-14: Yes.

9 MR. CHISHOLM: And then you'll see dates,
10 physician.

11 C-14: Yes, I see that.

12 MR. CHISHOLM: If I take you down three
13 lines to "August 29 - September 7, '75, Winchester Memorial
14 Hospital, Pneumonia". Does that stand in terms of the
15 dates; would that be accurate in terms of the period?

16 C-14: Yes, I believe that would be
17 accurate, yes.

18 MR. CHISHOLM: Okay. So you may have been
19 13 years old when that hospitalization took place.

20 C-14: Yes. I was placed in the child's
21 ward of the hospital, so yes, that's consistent.

22 MR. CHISHOLM: Okay. And did the doctor or
23 nurse ever tell you that your pneumonia was related to the
24 ingestion of the cow urine?

25 C-14: No, they could not have known that.

1 I never spoke to anyone about the beating at all.

2 MR. CHISHOLM: So it's your -- no medical
3 professional has ever told you that there was a cause or
4 link between your case of pneumonia and what happened to
5 you at the Barber home with respect to the cow urine; is
6 that fair to say?

7 C-14: I've never brought it up.

8 MR. CHISHOLM: Okay. But in your mind, you
9 believe there is a link.

10 C-14: Yes, I do.

11 MR. CHISHOLM: Okay. In terms of any
12 markings on your body at that time, would there have been
13 any?

14 C-14: I can't recall.

15 MR. CHISHOLM: Okay. And certainly you
16 don't recall any doctors or nurses asking you about any
17 marks on your body?

18 C-14: No, I think I would have remembered
19 that if they would have saw them.

20 MR. CHISHOLM: And you told us yesterday
21 about before you attended the Winchester Memorial Hospital
22 that you went to a clinic; is that right?

23 C-14: That's correct.

24 MR. CHISHOLM: Do you recall where that
25 clinic was?

1 **C-14:** I believe that it was in Iroquois.
2 I'm not certain though.

3 **MR. CHISHOLM:** Do you recall the name of
4 that clinic?

5 **C-14:** No. But I think it was located in
6 proximity to the Seaway District High School.

7 **MR. CHISHOLM:** Okay. Yesterday, you
8 indicated that Mr. Keough did not visit at the Barber home
9 as often as Mr. Rabey had; did I understand that to be your
10 evidence?

11 **C-14:** That's correct.

12 **MR. CHISHOLM:** Okay. How often was
13 Mr. Keough visiting at the Barber home; do you recall?

14 **C-14:** No; sometimes it was sporadic.

15 **MR. CHISHOLM:** If I could take you back to
16 Exhibit 538 please, and page 9 of the exhibit. This is the
17 initial recording on child care case. And at page 9 under
18 the heading "Factual Data" -- that's the paragraph I would
19 be interested in. Do you see that first paragraph sir
20 beside the heading "Factual Data"?

21 **C-14:** Yes, I do.

22 **MR. CHISHOLM:** Okay. And this appears to be
23 the annual summary of -- sorry, it's a little higher up on
24 the screen, Madam Clerk, could I get you to keep that
25 "Factual Data" paragraph in and also zoom up to get the

1 heading on the top -- a little higher up. Okay, there you
2 go.

3 This appears to be the annual summary from
4 March 1, 1976 through to December of 1977; do you see that
5 sir?

6 **C-14:** Yes, I see that.

7 **MR. CHISHOLM:** And the worker appears to be
8 Bryan Keough on the ---

9 **C-14:** Yes, it does.

10 **MR. CHISHOLM:** Okay. And this paragraph
11 that I was taking you to under "Factual Data", I'll read
12 that to you:

13 "During the above noted interim period
14 of time, I have visited this home on an
15 average of once a month. There have
16 been many problems in this home both
17 with C-14 and the foster parents.

18 There were times that I was visiting if
19 not weekly, every second week."

20 Would you agree with that?

21 **C-14:** That is inaccurate.

22 **MR. CHISHOLM:** That is inaccurate?

23 **C-14:** There were times, and I think maybe I
24 should add this, that Mr. Keough called me on the telephone
25 when he should have visited and told me that he wasn't

1 going to be able to make it. So -- And I don't ever
2 recall Mr. Keough visiting me on a weekly or a
3 bi-monthly basis.

4 **MR. CHISHOLM:** You'd agree this period of
5 time is some 30 years ago that we're speaking --- Right?

6 **C-14:** Yes. But still, I believe I would
7 have remembered that. I suffer from chronic anxiety and
8 every time I saw Mr. Keough's car in the lane way, I had
9 panic attacks over it.

10 **MR. CHISHOLM:** Yesterday, you told us about
11 Mr. Keough telling Mrs. Barber to knock your teeth down in
12 your throat until you learned to be quiet; do you recall?

13 **C-14:** I believe it was "shut my mouth",
14 yes.

15 **MR. CHISHOLM:** How hold would you have been,
16 sir, when you allege Mr. Keough made that statement?

17 **C-14:** Fourteen or 15.

18 **MR. CHISHOLM:** And in terms of the
19 accurateness of the statement, does that -- in your view,
20 that's a verbatim statement of Mr. Keough.

21 **C-14:** Very close, yes.

22 **MR. CHISHOLM:** Once you left the Barber
23 foster home you went on to the Hubert foster home; is that
24 right?

25 **C-14:** That's correct.

1 **MR. CHISHOLM:** And if I suggested to you
2 that you arrived there in August 29th of 1977; would that
3 fit with your understanding?

4 **C-14:** Yes.

5 **MR. CHISHOLM:** And you told us that shortly
6 after your arrival, you told Mrs. Hubert the physical abuse
7 you suffered in the Barber home; is that right?

8 **C-14:** That's correct.

9 **MR. CHISHOLM:** Am I correct in understanding
10 your evidence to be that Mrs. Hubert was sympathetic and
11 listened to you whenever you told her your story?

12 **C-14:** I think initially she was sceptical,
13 because it didn't come out quite like that -- May I
14 continue?

15 **MR. CHISHOLM:** Certainly.

16 **C-14:** What would happen is I would relate
17 different instances that had happened and she would
18 question me about it.

19 **MR. CHISHOLM:** And she continued to question
20 you over a period of time?

21 **C-14:** That's correct.

22 **MR. CHISHOLM:** And you're of the view that
23 Mrs. Hubert came to believe you; is that right?

24 **C-14:** I'm sorry, I didn't hear that.

25 **MR. CHISHOLM:** You're of the view that Mrs.

1 Hubert came to believe you over time, in terms of what
2 you'd told her as to your experience in the Barber foster
3 home.

4 C-14: Yes, that's correct. I had actually
5 at one point lifted my shirt and showed her bruises on my
6 back.

7 MR. CHISHOLM: Mrs. Hubert spoke on your
8 behalf to Mr. Keough and Mrs. Gratton; did I understand
9 that to be your evidence yesterday?

10 C-14: That's correct.

11 MR. CHISHOLM: And when you moved in at the
12 Hubert home, were there other foster children in that home?

13 C-14: Yes, there were.

14 MR. CHISHOLM: Female foster children?

15 C-14: Yes, there were.

16 MR. CHISHOLM: And you told us yesterday,
17 you had no issues with respect to physical abuse or sexual
18 abuse in the Hubert foster home; is that right?

19 C-14: I'm sorry. I'm having a little
20 difficulty hearing you.

21 MR. CHISHOLM: I'm sorry. Yesterday you
22 told us that you had no issues in the Hubert foster home
23 with respect to any physical abuse or sexual abuse; is that
24 right?

25 C-14: Absolutely not, they were a very nice

1 family.

2 **MR. CHISHOLM:** I take it you never witnessed
3 any other foster children being subjected to any type of
4 abuse in that home; is that fair to say?

5 **C-14:** I never witnessed it, no.

6 **MR. CHISHOLM:** How did you get along with
7 the other foster children in the Hubert foster home?

8 **C-14:** Not very well, unfortunately. There
9 was a lot of friction between us.

10 **MR. CHISHOLM:** Do you recall how many foster
11 children there were in that home when you were there?

12 **C-14:** Foster children -- there were two
13 girls.

14 **MR. CHISHOLM:** Two girls. Do you know who
15 they were?

16 **C-14:** I can't recall their names, I think
17 one was named Rudy, Roberta, but I don't recall her -- I
18 think they were two sisters actually.

19 **MR. CHISHOLM:** Roberta Judd, is that a
20 possibility?

21 **C-14:** That sounds possible, yes.

22 **MR. CHISHOLM:** And your relationship with
23 Ms. Judd, how would you describe that?

24 **C-14:** I didn't really have much of a
25 relationship with her. She didn't take very kindly to me

1 being there. I was looked upon as being an intruder.

2 **MR. CHISHOLM:** Yesterday, you indicated that
3 some six weeks after you arrived at the Hubert's foster
4 home, you overheard Mrs. Hubert speaking with
5 Mr. Keough; is that right?

6 **C-14:** That's correct.

7 **MR. CHISHOLM:** Was that a telephone
8 conversation?

9 **C-14:** Yes, it was.

10 **MR. CHISHOLM:** And I take it something was
11 said by Mrs. Hubert to -- did she tell you she was speaking
12 to Mr. Keough? How did you come to realize ---

13 **C-14:** No, she was speaking to him in the
14 kitchen and I overheard it.

15 **MR. CHISHOLM:** Speaking?

16 **C-14:** On the telephone, in the kit -- I'm
17 sorry; I should have elaborated on that.

18 **MR. CHISHOLM:** That's all right sir. So
19 it's a telephone call; she was on the telephone in the
20 kitchen speaking to Mr. Keough; you overheard what
21 Mrs. Hubert was saying; is that right?

22 **C-14:** That's correct.

23 **MR. CHISHOLM:** Okay. If I understand the
24 chronology of what you told us yesterday, following that
25 telephone conversation between Mrs. Hubert and

1 Mr. Keough, Mr. Keough attended at the Hubert foster home.
2 Is that right?

3 C-14: Yes, following that, yes.

4 MR. CHISHOLM: And he met with you and Mrs.
5 Hubert?

6 C-14: That's correct.

7 MR. CHISHOLM: And do you know -- in terms
8 of a date, do you know when it was that Mr. Keough ---

9 C-14: No, I don't recall off hand.

10 MR. CHISHOLM: And during that meeting --
11 you indicated yesterday that you described all of the
12 physical abuse that you suffered at the Barber home. Is
13 that right?

14 C-14: Yes. I also brought it to Mr.
15 Keough's attention that he had told Mrs. Barber to knock my
16 teeth down my throat.

17 MR. CHISHOLM: So you told -- you put that
18 allegation to him at that meeting?

19 C-14: That's correct. I was very upset.

20 MR. CHISHOLM: And do I understand your
21 evidence from yesterday to be that Mr. Keough indicated
22 that he would look into the matter?

23 C-14: Yes.

24 MR. CHISHOLM: And that matter being the
25 abuse that you allege took place at the Barber foster home?

1 C-14: That's correct.

2 MR. CHISHOLM: And then following that
3 meeting that you describe with Mr. Keough, do I have the
4 chronology right, that you overheard Mrs. Hubert speaking
5 or placing a telephone call to Mrs. Gratton?

6 C-14: I believe that's correct, yes.

7 MR. CHISHOLM: In terms of the timing
8 between the meeting with Mr. Keough and the placement of
9 that telephone call to Mrs. Gratton, can you help us in
10 terms of the period of time that elapsed?

11 C-14: I'm not certain.

12 MR. CHISHOLM: It could be days, hours, or
13 do you have any idea?

14 C-14: No, I can't recall.

15 MR. CHISHOLM: Okay. And if I understand
16 your evidence from yesterday, you indicated that you
17 overheard Mrs. Hubert tell Mrs. Gratton about the physical
18 abuse that you suffered at the Barber home. Is that right?

19 C-14: I don't believe she got into detail
20 about it, but she was concerned over what I would have been
21 telling her. And the telephone was handed to me and I
22 explained it to Mrs. Gratton.

23 MR. CHISHOLM: In detail?

24 C-14: In great detail, yes.

25 MR. CHISHOLM: And you told Mrs. Gratton

1 about what you've told us concerning when Mr. Keough said
2 to Mrs. Barber with respect to knocking your teeth down
3 your throat?

4 C-14: I don't believe I mentioned that to
5 her, no.

6 MR. CHISHOLM: You don't believe you said
7 that?

8 C-14: No.

9 MR. CHISHOLM: You told us yesterday that
10 you received a telephone call from Angelo Towndale. Is
11 that right?

12 C-14: That's correct.

13 MR. CHISHOLM: In terms of the chronology of
14 events, can you help us in terms of when that would have
15 taken place?

16 C-14: I believe that followed a few days
17 afterwards.

18 MR. CHISHOLM: After the telephone call with
19 Mrs. Gratton or the meeting with Mr. Keough?

20 C-14: After both of them.

21 MR. CHISHOLM: Okay. So you believe that
22 the telephone call with Mrs. Gratton would have taken place
23 within a few days of the meeting?

24 C-14: Yes, it's possible.

25 MR. CHISHOLM: And in terms of your thought

1 process with respect to why Mr. Towndale was calling you,
2 you took it to be that Mrs. Gratton had told Mr. Towndale
3 about what you had told her?

4 C-14: Yes, that's correct.

5 MR. CHISHOLM: And you told us that Mr.
6 Towndale, during that telephone conversation, told you that
7 the matter would be investigated thoroughly. Is that
8 right?

9 C-14: That's correct. I was very adamant
10 about that.

11 MR. CHISHOLM: And this telephone call, I
12 take it, was placed to the Hubert home, is that right, by
13 Mr. Towndale?

14 C-14: That's correct.

15 MR. CHISHOLM: Did you tell Mr. Towndale
16 about what you've told us about Mr. Keough suggesting that
17 Mrs. Barber knock your teeth down your throat?

18 C-14: Yes, I was very upset about
19 everything.

20 MR. CHISHOLM: And what was Mr. Towndale's
21 response whenever you told him that?

22 C-14: He was going to look into the matter.

23 MR. CHISHOLM: Did he say anything else to
24 you?

25 C-14: Not really. He was going to just

1 look into the matter.

2 **MR. CHISHOLM:** And how long would you
3 estimate the conversation with Mr. Towndale lasting?

4 **C-14:** I'm not certain. Maybe 20 minutes.

5 **MR. CHISHOLM:** Twenty minutes. And did he
6 say anything else to you during that twenty minutes, other
7 than he was going to look into the matter?

8 **C-14:** I don't rightly recall.

9 **MR. CHISHOLM:** And the telephone
10 conversation with Mrs. Gratton that was initiated by Mrs.
11 Hubert, do you recall how long that telephone conversation
12 would have lasted?

13 **C-14:** No.

14 **MR. CHISHOLM:** Yesterday, you told us that
15 you had a follow-up meeting with Mr. Keough following --
16 follow-up meeting to the first meeting that you had with
17 Mr. Keough. Do you recall saying that?

18 **C-14:** Yes, I do.

19 **MR. CHISHOLM:** And you indicated that lasted
20 about one hour. Is that right?

21 **C-14:** If not longer, yes.

22 **MR. CHISHOLM:** In terms of the date of that
23 meeting or the timing, can you give us any help with
24 respect to when that meeting would have taken place?

25 **C-14:** Only that it followed these other

1 events.

2 **MR. CHISHOLM:** Can you help us in terms of
3 how long after the other events?

4 **C-14:** I'm sorry, no.

5 **MR. CHISHOLM:** And you told us yesterday
6 that Mr. Keough had been quite upset at that follow-up
7 meeting because you had gone over his head and made a call
8 to Mrs. Gratton and had spoken with Mr. Towndale. Is that
9 right?

10 **C-14:** That's correct.

11 **MR. CHISHOLM:** And what did Mr. Keough say
12 to you in terms of ---

13 **C-14:** Mr. Keough was apologetic. He had
14 said that he had failed me as a social worker.

15 **MR. CHISHOLM:** But that's not being -- that
16 doesn't sound like it's being -- expressing any fact that
17 he's upset. How did you come to conclude that Mr. Keough
18 was upset that you had gone over his head?

19 **C-14:** He was visually agitated.

20 **MR. CHISHOLM:** So he said nothing to you in
21 terms of being upset?

22 **C-14:** I don't recall.

23 **MR. CHISHOLM:** And in terms of being
24 visually agitated, can you tell us what his appearance was
25 like at the time?

1 **C-14:** Nothing other than to say he was
2 visually agitated.

3 **MR. CHISHOLM:** And you took it to be that
4 the agitation was a result of you going over his head and
5 speaking to Mrs. Gratton and Mr. Towndale. Is that right?

6 **C-14:** Yes, that's correct.

7 **MR. CHISHOLM:** Could it have been -- could
8 his reaction have been as a result of any other reasons,
9 such as the fact that your disclosing these things to him
10 and he's quite concerned about it?

11 **C-14:** I don't believe so. There was a
12 marked difference the second time he had spoken to me in
13 the home, as compared to the first time.

14 **MR. CHISHOLM:** You told us yesterday, sir,
15 that you went from the Hubert home to the Lapensee Group
16 Home. Is that right?

17 **C-14:** That's correct.

18 **MR. CHISHOLM:** And you said that things were
19 not working out at the Hubert home. Is that right?

20 **C-14:** I'm sorry?

21 **MR. CHISHOLM:** You said the reason for the
22 move was because things were not working out at the Hubert
23 home?

24 **C-14:** That's correct. I wasn't getting
25 along well with the other children in the home.

1 **MR. CHISHOLM:** And you spoke of attention
2 with the girls in the home. Is that right?

3 **C-14:** That's correct.

4 **MR. CHISHOLM:** If I could take you to a new
5 document, please? It's document number 116169. It would
6 be a cross-document, Madam ---

7 **THE COMMISSIONER:** It's not in there yet,
8 sir.

9 **C-14:** Oh, I'm sorry.

10 **THE COMMISSIONER:** No, no, that's fine.
11 Exhibit 539 is a psychology department
12 report.

13 **MR. CHISHOLM:** Completed by Dianne
14 Latreille, Psychometrisd, dated July 13, 1978.

15 **---EXHIBIT NO./PIÉCE NO P-539:**

16 (116169) Cornwall General Hospital
17 Psychological Evaluation - Dated July 13th,
18 1978

19 **MR. CHISHOLM:** Sir, have you seen this
20 document before?

21 **C-14:** Yes, I have.

22 **MR. CHISHOLM:** Do you recall -- you spoke
23 yesterday of Ian MacLean, one of your workers. Do you
24 recall Mr. MacLean arranging for you to meet with Ms.
25 Latreille at the Cornwall General Hospital, Psychology

1 Department?

2 C-14: Yes.

3 MR. CHISHOLM: And if I could take you to
4 the second page of the document; the last sentence. It
5 reads:

6 "C-14 was told to feel free to contact
7 me at any time should he want to
8 discuss anything."

9 Do you recall being told by Ms. Latreille
10 that you could contact her if you wanted to discuss
11 anything?

12 C-14: Yes.

13 MR. CHISHOLM: And did you have any further
14 dealings with Ms. Latreille after the completion of this
15 report?

16 C-14: I saw Ms. Latreille twice and they
17 were very brief. I don't know if this report was the first
18 time that I saw her or the second time.

19 MR. CHISHOLM: In terms of -- do you know if
20 you saw Ms. Latreille after this report had been prepared?
21 It's dated July 13, 1978. Is it possible that you met Ms.
22 Latreille twice before the preparation of this report?

23 C-14: It's possible that this report could
24 include two of those visits, yes, but I'm not certain.

25 MR. CHISHOLM: And did you follow-up on

1 Ms. Latreille's invitation to contact her if you want to
2 discuss anything?

3 C-14: No, I didn't.

4 MR. CHISHOLM: And then from the Lapensée
5 home you went to the Cieslewitz home?

6 C-14: Cieslewitz.

7 MR. CHISHOLM: Excuse my pronunciation.

8 And that would have been in June of 1978,
9 does that sound about right?

10 C-14: That sounds correct.

11 MR. CHISHOLM: And then from there you went
12 to the MacIntosh home; is that right, sir?

13 C-14: That's correct.

14 MR. CHISHOLM: Things were not working out
15 at the MacIntosh home; you told us that yesterday; is that
16 right?

17 C-14: That's correct.

18 MR. CHISHOLM: And you went from there to
19 the Chretien Boarding Home?

20 C-14: That's correct.

21 MR. CHISHOLM: And what was it that was not
22 working out at the MacIntosh home?

23 C-14: I suffered from chronic anxiety and I
24 was very, very impulsive and anxious, and with these girls
25 that were living there -- the natural family of the foster

1 parents, I'd attended the same school with them, and once
2 again I was viewed as somewhat of an embarrassment. I was
3 viewed as a social pariah and, in particular, the youngest
4 girl really didn't want me living there so there was a lot
5 of tension between us.

6 **MR. CHISHOLM:** Then from the Chretien home
7 you went to the St. Lawrence's College Residence; is that
8 right?

9 **C-14:** That's correct.

10 **MR. CHISHOLM:** Is that residence on the
11 corner of McConnell Avenue and Fourth Street in Cornwall;
12 the southeast intersection?

13 **C-14:** I don't -- I couldn't answer that;
14 I'm sorry, I don't know.

15 **MR. CHISHOLM:** It is a high rise building?

16 **C-14:** Yes, it was.

17 **MR. CHISHOLM:** And you spoke of the Barlow
18 home yesterday. You went to the Barlow home in August of
19 1979; is that right?

20 **C-14:** That's correct.

21 **MR. CHISHOLM:** And you told us yesterday
22 that the foster mother kicked you out of the house and you
23 were living in your car?

24 **C-14:** That's correct.

25 **MR. CHISHOLM:** Do you recall the date, in

1 terms of when it was that you were kicked out of the house?

2 C-14: No.

3 MR. CHISHOLM: The season?

4 C-14: It was -- I remember that it was very
5 cold outside.

6 MR. CHISHOLM: And you spoke of Bill -- Mr.
7 McNally, yesterday; is that right; Bill McNally?

8 C-14: That's correct.

9 MR. CHISHOLM: He was your worker at the
10 time; is that right?

11 C-14: That's correct.

12 MR. CHISHOLM: And you told us yesterday he
13 cut all ties with you; is that right?

14 C-14: That's correct.

15 MR. CHISHOLM: If I could take you back
16 please to Exhibit 538; page 17 of that document, and that's
17 Bates page 1072611, front. And I'm interested in taking
18 you down about three-quarters of the way -- down that page
19 to the November 18, '79 heading -- that paragraph.

20 Do you see that paragraph, sir,
21 November 18, 1979?

22 C-14: Yes, I do.

23 MR. CHISHOLM: I'll read it.

24 "C-14 left this boarding home after a
25 dispute with Carol Barlow. He left

1 without informing worker and his
2 whereabouts were unknown until November
3 26, '79. At that time he contacted a
4 worker and informed me that he was
5 quitting school and that he no longer
6 wanted our assistance."

7 Do you agree, sir that ---

8 **C-14:** That's inaccurate.

9 **MR. CHISHOLM:** That's inaccurate, as well?

10 **C-14:** Yes, it is.

11 **MR. CHISHOLM:** Do you recall contacting Mr.
12 McNally, at all, in the month of November of 1979?

13 **C-14:** Well it's my understanding that Bill
14 McNally was trying to get in touch with me and had
15 contacted the foster mother looking for me. And the foster
16 mother told him that she had no idea where I was.

17 In fact, the car that we speak of was parked
18 in her front parking lot and she would almost have to trip
19 over it everyday after she left her home.

20 Mr. Bill McNally finally tracked me down at
21 a restaurant where I had been working. In the mornings I
22 would wake up from the cold and walk about a quarter of a
23 mile down the road to the restaurant.

24 There I would work for a while, so I would
25 get a bite to eat, maybe a pack of cigarettes.

1 **MR. CHISHOLM:** And that restaurant was
2 located where, sir?

3 **C-14:** I believe that's Amers Corners, if
4 I'm not mistaken.

5 **MR. CHISHOLM:** The north end of Cornwall?

6 **C-14:** I believe so, yes.

7 **MR. CHISHOLM:** Do you recall speaking to Mr.
8 McNally at all in November of '79?

9 **C-14:** Yes, I had a conversation with him.
10 Again, he had phoned the restaurant and tracked me down
11 there, and I was talking to him on the telephone.

12 **MR. CHISHOLM:** But you would disagree with
13 the fact that you told him that you no longer wanted the
14 assistance of the CAS?

15 **C-14:** No, it was the other way around, I
16 believe. He told me he was cutting ties with me because I
17 wasn't attending school.

18 I told him under the circumstances there was
19 very little I could do to attend school.

20 **MR. CHISHOLM:** And you told us yesterday
21 about being charged with the offence of break and entry.

22 **C-14:** That's correct.

23 **MR. CHISHOLM:** And if you look at the bottom
24 of the page; we're on page 17, the last -- paragraph on
25 that page. I'll read it to you.

1 "At the end of December of '79, C-14
2 was charged with break and entry at a
3 store in St. Andrews."

4 Does that date sound about right, sir, in
5 terms of ---

6 **C-14:** I'm not sure, but it could be, yes.

7 **MR. CHISHOLM:** Okay. If I could get you to
8 turn the page, sir. On to page 18, the first paragraph.

9 **C-14:** Yes.

10 **MR. CHISHOLM:** And that reads:

11 "On March 25, '80, C-14 was placed on
12 probation for two years. As part of C-
13 14's probation he has been ordered to
14 attend school regularly and he must
15 seek psychiatric assistance. Ken's
16 probation officer is Mr. Nelson
17 Barque."

18 Does that date, sir, seem accurate in terms
19 of when you would have been placed on probation?

20 **C-14:** Yes.

21 **MR. CHISHOLM:** And yesterday you told us it
22 was the CAS that was ordered to ensure that you receive
23 psychiatric counselling, do you recall saying that?

24 **C-14:** Yes, that's correct.

25 **MR. CHISHOLM:** And are you certain that it

1 was the CAS that was charged with that obligation under the
2 probation order and not -- a condition that you had to
3 comply with?

4 **C-14:** Relatively certain. I mean I was
5 accompanied by, I believe, Bill McNally in the courtroom
6 when this was issued.

7 **MR. CHISHOLM:** You told us about a call that
8 you placed to Bryan Keough in 1981 or 1982; you're not
9 certain of the date I take it; is that right?

10 **C-14:** That's correct.

11 **MR. CHISHOLM:** And you told us you had a 20
12 minute conversation with Mr. Keough and during that
13 conversation you told Mr. Keough that you were sexually
14 abused by Arthur Sypes and Frank Rolland; is that right?

15 **C-14:** That's correct.

16 **MR. CHISHOLM:** And you told us that
17 Mr. Keough was -- unresponsive because you were more or
18 less in a rant at the time; is that right?

19 **C-14:** I was very upset; yes.

20 **MR. CHISHOLM:** So do I understand that you
21 didn't give Mr. Keough a chance to speak because you were
22 always speaking; is that what you mean?

23 **C-14:** Well, at the end I gave him an
24 opportunity to respond, but he didn't. The phone was dead,
25 so I hung up.

1 **MR. CHISHOLM:** You placed this call from
2 Ottawa; is that right, sir? You were living in Ottawa at
3 the time?

4 **C-14:** I believe so, yes.

5 **MR. CHISHOLM:** If I take you just to
6 page 20 of the exhibit that you have before us -- You'll
7 see the first line, on the right hand side:

8 "June 18, '80, Crown wardship
9 terminated. Ken's present whereabouts
10 is unknown."

11 Is that accurate in terms of when the Crown
12 wardship would have terminated; June of 1980?

13 **C-14:** Yes.

14 **MR. CHISHOLM:** And prior to that time you
15 were living at the King George Hotel in Cornwall; is that
16 right?

17 **C-14:** That's correct.

18 **MR. CHISHOLM:** And that was on the corner of
19 Second and Pitt Street; is that right?

20 **C-14:** That's correct.

21 **MR. CHISHOLM:** And at some point you left
22 the King George Hotel and went to live in Ottawa; is that
23 right?

24 **C-14:** After they terminated wardship; yes.

25 **MR. CHISHOLM:** I take it you didn't leave

1 any forwarding address or any contact information with the
2 CAS when you moved to Ottawa; is that right?

3 C-14: No, Bill McNally was pushing me to go
4 on welfare and actually get off or terminate the wardship
5 on my own.

6 MR. CHISHOLM: If I could take you, please,
7 to Exhibit 528? Sir, this is the case note prepared by Mr.
8 Murphy. And if I can take you to the first page, first
9 paragraph, you'll see this appears to make reference to a
10 July 23, 1991 telephone call from Fran McIninch, a
11 supervisor at the Ottawa CAS, indicating that she had been
12 speaking to C-14?

13 C-14: I'm sorry, I'm just trying to locate
14 myself.

15 MR. CHISHOLM: Okay. The very first
16 paragraph.

17 C-14: Okay. Yes.

18 MR. CHISHOLM: I'll let you read the
19 paragraph, sir.

20 (SHORT PAUSE/COURTE PAUSE)

21 C-14: Yes.

22 MR. CHISHOLM: Do you recall speaking with
23 Fran McIninch?

24 C-14: No, I don't recall, but I know that I
25 have contacted so many people at the Cornwall CAS that ---

1 **MR. CHISHOLM:** This appears to be someone at
2 the Ottawa CAS. You understand that?

3 **C-14:** I've contacted people at the Ottawa
4 CAS as well.

5 **MR. CHISHOLM:** Is it fair to say it's
6 possible you spoke to that person?

7 **C-14:** It's possible, yes.

8 **THE COMMISSIONER:** Okay. Hold on now. This
9 is a recording of a phone call the case worker would have
10 had with Ms. McIninch?

11 **MR. CHISHOLM:** Right.

12 **THE COMMISSIONER:** And in there she says she
13 had been speaking to C-14. Okay.

14 **MR. CHISHOLM:** Right.

15 **THE COMMISSIONER:** Okay.

16 **MR. CHISHOLM:** That's a possibility, sir Is
17 that right?

18 **C-14:** What case worker are -- I'm sorry,
19 I'm lost.

20 **MR. CHISHOLM:** Mr. Murphy, in his case note,
21 has indicated that on July the 23rd he had a telephone
22 conversation with Fran McIninch.

23 **C-14:** Okay.

24 **MR. CHISHOLM:** And Fran McIninch told Mr.
25 Murphy that she had been speaking with you?

1 C-14: That's possible, yes.

2 MR. CHISHOLM: That's a possibility?

3 C-14: Yes.

4 MR. CHISHOLM: And she also told, according
5 to this case note, told Mr. Murphy that she had recommended
6 two different psychiatrists to you, a Dr. Harry Fyfe and a
7 Dr. Gary Powell.

8 C-14: I don't know why she would have done
9 that, and I don't rightly recall her doing so. I was
10 already under a physician's care at the time.

11 MR. CHISHOLM: But is it possible, sir, that
12 she did refer -- she did recommend those names to you?

13 C-14: I don't recall that, no.

14 MR. CHISHOLM: But it's possible?

15 C-14: It's possible.

16 MR. CHISHOLM: Okay. And then you'll see in
17 the next paragraph "July 23, 1991, telephone call C-14".
18 Does that date fit in terms of your recollection of
19 speaking with Mr. Murphy?

20 C-14: I'm sorry, I'm just reviewing it.

21 MR. CHISHOLM: Certainly.

22 C-14: Yes, it's something I might have
23 said.

24 MR. CHISHOLM: Okay. But in terms of the
25 date of the conversation?

1 C-14: I don't rightly recall, no.

2 MR. CHISHOLM: If I could take you down to
3 the third paragraph, I'll just get you to read that
4 paragraph to yourself, sir.

5 C-14: Yes.

6 MR. CHISHOLM: In this case, the notes
7 suggest that you never reported sexual abuse by Mr. Sypes.
8 Would you have said that to Mr. Murphy?

9 C-14: I don't believe so, no. I believe
10 that's inaccurate.

11 MR. CHISHOLM: With respect to the second
12 sentence in that paragraph:

13 "He is only now beginning to talk about
14 it; finds it very hard."

15 Would you have said that to Mr. Murphy?

16 C-14: No, because there were other people
17 that I had spoken to about it prior to talking to him and I
18 had spoken to Colleen Anderson at Adoption Disclosures. I
19 had also recalled calling Mr. Bryan Keough about it too.

20 MR. CHISHOLM: So you would not have said
21 that to Mr. Murphy?

22 C-14: No, I don't believe so.

23 MR. CHISHOLM: And would you have told Mr.
24 Murphy that there were at least six incidents with respect
25 to incidents involving Mr. Sypes?

1 C-14: Yes.

2 MR. CHISHOLM: And would you have told Mr.
3 Murphy that you and Mr. Sypes shared the same bedroom?

4 C-14: Yes.

5 MR. CHISHOLM: Would you have told Mr.
6 Murphy that you felt charges could not be laid as Mr. Sypes
7 was developmentally handicapped?

8 C-14: No, no. I believe that what did
9 happen was I told Mr. Murphy that Arthur was mentally
10 handicapped and that I wasn't certain, because of his
11 condition, as to whether or not charges could be laid, but
12 I in no way indicated whatsoever that he shouldn't have the
13 individual charged.

14 MR. CHISHOLM: If I could take you down two
15 more paragraphs, starting:

16 "He feels that Bryan Keough knew some
17 of what was going on."

18 Did you tell Mr. Murphy that you felt Mr.
19 Keough knew some of what was going on?

20 C-14: I told him definitely Mr. Keough knew
21 what was going on.

22 MR. CHISHOLM: And reading the second
23 sentence:

24 "Once came and saw C-14 when he had
25 'blood running from my mouth' from a

1 beating."

2 Did you say that to Mr. Murphy?

3 **C-14:** Yes, I believe I did.

4 As I explained previously, Mrs. Barber used
5 to back me into the corner, step on my feet and punch me
6 straight in the mouth. She would usually wear a variety of
7 rings on her right hand, and when she would connect with
8 me, she would cut my face at times. So yeah, this is
9 something that sounds very familiar.

10 **MR. CHISHOLM:** In respect to the last
11 sentence in that paragraph:

12 "C-14 feels that his behaviour and his
13 growing problems..."

14 **C-14:** I'm sorry, I'm a little lost here.

15 **MR. CHISHOLM:** I'm sorry. The paragraph
16 that reads:

17 "He feels that Bryan Keough knew some
18 of what was going on..."

19 And I can bring you back down to the second-last line,
20 right-hand side of that second-last line:

21 "C-14 feels that his behaviour and his
22 growing problems should have been a
23 dead giveaway."

24 Did you say that to Mr. Murphy?

25 **C-14:** Absolutely.

1 **MR. CHISHOLM:** If I could take you on to the
2 next page, the last sentence:

3 "I have agreed to meet further with
4 him and to explore counselling
5 options."

6 Do you recall having a discussion with Mr.
7 Murphy about ---

8 **C-14:** No.

9 **MR. CHISHOLM:** --- meeting further?

10 **C-14:** No, no. And if what you say about
11 that timeframe is true, I would have already been receiving
12 counselling elsewhere.

13 I'm sorry, could we break for maybe 10
14 minutes?

15 **THE COMMISSIONER:** We certainly can. Thank
16 you.

17 Let's break for 10 minutes.

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

20 --- Upon recessing at 12:06 p.m./L'audience est suspendue à
21 12h06

22 --- Upon resuming at 12:15 p.m./L'audience est reprise à
23 12h15

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

1 The hearing is now resumed. Please be
2 seated. Veuillez vous asseoir.

3 **THE COMMISSIONER:** Thank you.

4 Yes, sir.

5 **C-14 Resumed/Sous le même serment:**

6 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
7 **CHISHOLM, (continued/suite):**

8 **MR. CHISHOLM:** Mr. C-14, I only have a few
9 questions left, and then we'll be finished.

10 If I could bring you back, please, to
11 Exhibit 539. That's the Cornwall General Hospital
12 Psychology Department Report of July the 13, 1978.

13 **C-14:** Yes.

14 **MR. CHISHOLM:** Under the second page,
15 please.

16 **C-14:** Yes.

17 **MR. CHISHOLM:** And the first sentence in
18 that paragraph states:

19 "He discussed his own family and said
20 that he did not feel close to his
21 mother any longer."

22 During the visit that you had with Ms.
23 Latreille, would you have indicated that to Ms. Latreille?

24 **C-14:** No, I would not have.

25 **MR. CHISHOLM:** That's incorrect what's

1 contained in that document?

2 C-14: That's correct.

3 MR. CHISHOLM: Okay. And with respect to --
4 do you recall discussing the letters that you discovered,
5 the missing letters from your mother, at all with Ms.
6 Latreille?

7 C-14: No. Ms. Latreille, when I first met
8 her, had told me that she had been actually referred to by
9 the Cornwall Children's Aid Society.

10 MR. CHISHOLM: Yes.

11 C-14: And I was very guarded with her
12 throughout both of our visits and, in fact, that's why she
13 had said, "Well, if there's something more, you can come
14 back and talk to me".

15 MR. CHISHOLM: And just one last area that I
16 want to cover with you, sir.

17 If I could bring you, please, to Exhibit
18 538? Again, this is the Initial Recording on Child Care
19 Case, and at page 16 of that document.

20 THE COMMISSIONER: One-six (16).

21 MR. CHISHOLM: One-six (16), and it's Bates
22 page 1072610 back.

23 C-14: I'm sorry, you confuse me with all of
24 these numbers.

25 MR. CHISHOLM: Sorry. The page number you

1 need to know, sir, is page 16.

2 C-14: Yes.

3 MR. CHISHOLM: And I'm interested in the
4 third paragraph. Perhaps I'll just get you to read that to
5 yourself -- the third paragraph from the bottom, excuse me.

6 THE COMMISSIONER: The one with the
7 beekeeper, Mr. Rolland.

8 (SHORT PAUSE/COURTE PAUSE)

9 C-14: Yes.

10 MR. CHISHOLM: Now, earlier this morning you
11 were speaking about finding a document at the CAS office
12 that was in a different type font than the surrounding
13 text, as I understand your evidence?

14 C-14: That's correct. It was on a separate
15 sheet of paper.

16 MR. CHISHOLM: A separate sheet of paper.
17 And the subject matter of that different
18 text that you discovered, was it dealing with Mr. Rolland?

19 C-14: That's correct.

20 MR. CHISHOLM: And the subject matter
21 contained in that paragraph that you see that I asked you
22 to read, it's the same subject matter that you saw in this
23 different text document?

24 C-14: That's correct. I don't believe the
25 wording was the same, but more or less, yes.

1 **MR. CHISHOLM:** Just so I'm clear, you're not
2 suggesting that the document that you have up on the screen
3 -- you're suggesting that the document on the screen now,
4 that's not the document you're discussing as having the
5 separate text?

6 **C-14:** I'm sorry; I'm confused.

7 **MR. CHISHOLM:** Well, I don't blame you.
8 That wasn't a very good question.

9 **(LAUGHTER/RIRES)**

10 **THE COMMISSIONER:** There's an admission.

11 **MR. CHISHOLM:** The document that you saw at
12 the Children's Aid Society Office, it's not this document?

13 **C-14:** That's correct.

14 **MR. CHISHOLM:** Sir, those are my questions.
15 I'd like to thank you very much for coming here again today
16 and I'd like to wish you all the best of luck in your
17 future.

18 **C-14:** Thank you.

19 **MR. CHISHOLM:** Thank you very much.

20 **THE COMMISSIONER:** Thank you.

21 Mr. Carroll.

22 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

23 **WILLIAM CARROLL:**

24 **MR. CARROLL:** Good afternoon. My name is
25 Bill Carroll and I'm a lawyer for the Ontario Provincial

1 Police Association. That's the non-commissioned officers
2 that were involved in this investigation.

3 C-14: Yes.

4 MR. CARROLL: I have some questions to ask
5 you, sir.

6 My understanding from your evidence to date
7 is that because you were unsatisfied with the first
8 investigation conducted by a member of the OPP, you
9 contacted Mr. Guzzo's office and ultimately heard from an
10 officer from Project Truth. Have I got that right?

11 C-14: That's correct.

12 MR. CARROLL: All right. And that officer,
13 you recall being someone who identified himself as
14 Inspector Pat Hall?

15 C-14: Yes, I believe so.

16 MR. CARROLL: All right. And in the course
17 of that conversation that you had with him, you gave him
18 information to the effect that you've been physically and
19 sexually abused at a group home or at a foster home?

20 C-14: I covered all of the abuse.

21 MR. CARROLL: Yes, I was going to go through
22 what I understand.

23 C-14: I'm sorry, yes.

24 MR. CARROLL: No, that's okay. That's okay.
25 Actually, perhaps the witness could be

1 referred, sir, to Document 733430.

2 This, sir, is a ---

3 **THE COMMISSIONER:** Hold on a second.

4 **MR. CARROLL:** You're going to be provided
5 with it.

6 **THE COMMISSIONER:** Okay. So what is this
7 document, Mr. Carroll?

8 **MR. CARROLL:** This is a document, sir, it's
9 a copy of an email that was sent from Hall to SD&G region
10 after the conversation with the witness.

11 **THE COMMISSIONER:** All right. So this is
12 Exhibit 540. It's an email dated Wednesday, October 18th,
13 2000 at 2:20 p.m.

14 **MR. CARROLL:** Thank you.

15 --- **EXHIBIT NO/PIÈCE NO. P-540:**

16 (733430) Email sent from Patrick Hall to
17 Bruce MacKinnon - dated October 18th, 2000

18 **MR. CARROLL:** Now, I just wanted, sir, to
19 see if this memo essentially captures the information that
20 you gave to Inspector Hall, okay?

21 **C-14:** Very well.

22 **MR. CARROLL:** And it's indicated that there
23 was a conversation ---

24 **C-14:** May I ---

25 **MR. CARROLL:** Sorry?

1 C-14: Excuse me. May I review the document
2 first?

3 MR. CARROLL: Certainly.

4 (SHORT PAUSE/COURTE PAUSE)

5 C-14: Yes.

6 MR. CARROLL: Okay. And does that
7 reasonably reflect, sir, the information that you provided
8 to the inspector, as best you can recall now?

9 C-14: I provided a lot more information to
10 him over the telephone, a lot more detail.

11 MR. CARROLL: But detail concerning these
12 allegations?

13 C-14: Concerning many more allegations as
14 well.

15 MR. CARROLL: I'm sorry?

16 C-14: Concerning many more allegations as
17 well.

18 MR. CARROLL: No, I'm sorry, maybe I should
19 have said topics. The abuse at the Barber home was one
20 topic?

21 C-14: I covered my time in foster care.

22 MR. CARROLL: How long was the conversation
23 then, sir?

24 C-14: I can't recall.

25 MR. CARROLL: You certainly asked that the

1 matters that are contained in this memo be investigated?

2 C-14: Absolutely.

3 MR. CARROLL: All right. And you see that -
4 - I think that conversation concluded with Inspector Hall
5 advising you that someone would be in touch with you?

6 C-14: Yes.

7 MR. CARROLL: And in fact, that came to
8 pass; correct?

9 C-14: That's correct.

10 MR. CARROLL: All right. And that would
11 have been when you were first exposed to Constable Ralko.
12 He was the one who contacted you; right? Constable Ralko?

13 C-14: I believe I received a telephone
14 call, yes.

15 MR. CARROLL: And then as a result of that
16 telephone call ---

17 C-14: There was a meeting ---

18 MR. CARROLL: --- there was a meeting
19 arranged?

20 C-14: --- set-up with Constable Ralko and
21 another officer.

22 MR. CARROLL: Right. And I'll be making
23 reference to Constable Ralko's notes and you're going to
24 get a copy of the document, sir. It's 123686, and it's a
25 set of notes from Constable Ralko as they relate to this

1 investigation, sir.

2 **THE COMMISSIONER:** Thank you. Exhibit 541
3 are notes -- handwritten notes of John Ralko, Detective
4 Constable, and well, there is a date of Monday, the 4th of
5 December 2000 on the first page. Okay.

6 **---EXHIBIT NO./PIÈCE NO. P-541:**

7 (123686) Det. Const. John Ralko's notes re:
8 C-14 - Dated from December 6th, 2000 and May
9 30th, 2001.

10 **MR. CARROLL:** Thank you. Sir, just before
11 getting into the Ralko notes, did you advise Inspector Hall
12 as his memo indicates about the lawsuit with CAS; that you
13 had filed a lawsuit against the CAS?

14 **C-14:** That may be possible, I don't recall.

15 **MR. CARROLL:** Because the lawsuit had been
16 dismissed by October; had it not? By October 18th?

17 **C-14:** What time frame are we talking about
18 sir, what year?

19 **MR. CARROLL:** Well, 2000 was when you spoke
20 to Inspector Hall. October 17th, 2000; right?

21 **C-14:** Well, no. You see I didn't learn
22 that it had been dismissed, I believe, until much later.

23 **MR. CARROLL:** I see. So regardless of the
24 date that's on the document showing that the lawsuit was
25 dismissed, you didn't find out until much after that?

1 C-14: I don't believe so, no.

2 MR. CARROLL: And I assume you found out
3 from your lawyer?

4 C-14: Well, there were circumstances
5 involved, and I am not certain of the dates there. So --

6 MR. CARROLL: I'm not sure what you mean by
7 circumstances, sir.

8 C-14: Well, my lawyer had left practice
9 very quickly, and when he left practice he did not inform
10 me that the lawsuit had been actually dismissed, because he
11 failed to file a Settlement Conference Brief. It took some
12 time to get in touch with the lawyer, again, to acquire the
13 documents that he had on file.

14 MR. CARROLL: Okay. So at the time that you
15 spoke to Inspector Hall or even Ralko for that matter, you
16 may not have been aware that the lawsuit had been
17 dismissed.

18 C-14: I may not have been. I am not
19 certain.

20 MR. CARROLL: Okay. Fair enough. On
21 December the 6th, you've told us you had your interview with
22 Constable Ralko.

23 C-14: And there was another individual
24 present; yes. But I don't recall their name.

25 MR. CARROLL: He would have been the primary

1 officer involved in questioning you though; correct?

2 C-14: That's correct.

3 MR. CARROLL: All right. And, I think you
4 fairly described the interview as a very thorough and wide
5 ranging one.

6 C-14: Yes, it was.

7 MR. CARROLL: And if you look to the exhibit
8 that you've just been handed, sir. I'm going to go by page
9 numbers in his notebook, okay? So you can see, for
10 example, the first page of the document that you were
11 handed, it says page 55? See at top right?

12 C-14: Yes, I do.

13 MR. CARROLL: Okay. Then if you can flip
14 over to page 58 of the notes, you'll see that's where the
15 interview with you is first mentioned.

16 C-14: Yes.

17 MR. CARROLL: All right. And it would seem
18 that that interview started at 13:03 or 08 hours according
19 to the officer; would that accord with your recollection
20 that that's approximately when it started?

21 C-14: Yes, that's possible, yeah.

22 MR. CARROLL: And it would seem that the
23 interview went -- now the times are cut off, but if you
24 look at page 59 -- you see -- have you got that sir? You
25 can see the last time there -- it looks like 18:23.

1 C-14: I'm sorry.

2 MR. CARROLL: On the left-hand side of the
3 page, sir.

4 C-14: That's cut off.

5 MR. CARROLL: Yes, but if you flip over one
6 page further, you'll see the next entry is 18:40.

7 C-14: Oh, I see.

8 MR. CARROLL:

9 "Return to detachment".

10 C-14: Yes. That's correct.

11 MR. CARROLL: Okay. And you did say that it
12 was quite a lengthy interview. That timeframe, if I'm
13 right about the 18:00 hours, would make it some -- in
14 excess of five hours.

15 C-14: Oh, yes.

16 MR. CARROLL: And there was, according to
17 the officer's note, a break in there. But it was a pretty
18 continuous stream of information you were providing.

19 C-14: There was a lot of detail; yes.

20 MR. CARROLL: All right. And in addition to
21 receiving that detail from you, one of the things he said
22 that he needed was a consent from you to obtain the CAS
23 files; correct?

24 C-14: Yes, I believe that's correct.

25 MR. CARROLL: Right. You can see that at

1 page 59, just towards the bottom of the page where it says
2 "Consent to Serve CAS files, signed by C-14". Do you see
3 that -- opposite 18:23.

4 C-14: Okay. Yes.

5 MR. CARROLL: So that was an indication to
6 you, sir, that I suppose -- first of all, you had provided
7 him information not only about your CAS involvement, but
8 about a file that you knew existed.

9 C-14: Yes.

10 MR. CARROLL: And this was an effort by the
11 officer to look at the file and first, of course, he had to
12 have your permission to do so; correct?

13 C-14: That's correct.

14 MR. CARROLL: Okay. According to the notes,
15 sir -- again, staying with page 59 for a moment -- at the
16 bottom of the page, it says:

17 "After this very lengthy interview, I
18 explained to C-14 the steps I would be
19 taking, and it would probably be
20 January before I got back to him."

21 I'm not asking you to remember the timeframe
22 specifically, but he did indicate that he would take some
23 steps and then get back to you; correct?

24 C-14: That's correct.

25 MR. CARROLL: And we know that he did do

1 that from time to time, get back to you.

2 C-14: Yes, he did.

3 MR. CARROLL: As a starting point, I suppose
4 -- You are aware that the officer was going to contact the
5 Children's Aid Society?

6 C-14: Yes, I believe I requested it,
7 actually.

8 MR. CARROLL: I'm sorry?

9 C-14: I believe I requested that he do
10 that.

11 MR. CARROLL: To further the investigation
12 and get a documentary background of what you were talking
13 about?

14 C-14: Yes, I was very concerned about this
15 document that had been placed in a previous file that we
16 spoke of that was anachronistic.

17 MR. CARROLL: Just so I understand that
18 term, I take it what you mean is that a document was
19 generated long after the timeframe it refers to, and then
20 inserted and made to appear as being the ---

21 C-14: Absolutely.

22 MR. CARROLL: --- an original document; am I
23 right?

24 C-14: Absolutely.

25 MR. CARROLL: That's what you mean by that

1 term?

2 C-14: That's exactly what I mean.

3 MR. CARROLL: All right. If you turn to
4 page 60 then, in furtherance of that investigation, just
5 for the date sir, you can see it says Thursday,
6 December the 7th, '00, so that would have been the day after
7 you were interviewed?

8 C-14: Just a moment.

9 MR. CARROLL: Sorry.

10 C-14: You're talking about page 60; there
11 are two entries.

12 MR. CARROLL: Yeah. I know there are. It
13 says "Return to detachment" and then it says "Off duty" and
14 then the next entry is Thursday, December 7th, 2000.

15 C-14: Yes.

16 MR. CARROLL: Okay. Then you flip over the
17 page -- Just so you understand sir, maybe I'll explain
18 something about these notes. Where something is done and
19 referred to in the notes that has nothing to do with your
20 investigation, it's been taken out. Okay that's why we
21 sometimes have to flip back and forth to get dates; okay?

22 C-14: Okay, I see. I understand.

23 MR. CARROLL: Okay. And so we go to then --
24 knowing that we are on December the 7th, we go to the next
25 page and you can see there that there is a contact with the

1 Children's Aid Society about reviewing the file, and a
2 message left. You can see that as an entry at 15:35 in the
3 officer's notebook.

4 C-14: Yes.

5 MR. CARROLL: Okay.

6 C-14: I don't know who the message refers
7 to, however.

8 MR. CARROLL: No, and there is -- that's
9 reasonable, because there is nobody named there; right?

10 C-14: Exactly.

11 MR. CARROLL: But if you look to the next
12 entry, on January the 9th, so a couple of days after that --
13 We've got a contact, and there is a person named there from
14 the CAS.

15 C-14: I'm sorry, I'm just trying to locate
16 this.

17 MR. CARROLL: Sorry; page 108, sir. If you
18 flip to page 108 in the notes.

19 C-14: Yes.

20 MR. CARROLL: Okay. And you can see there
21 it says "Tuesday the 9th of January"; now we're into 2001.

22 C-14: Yes.

23 MR. CARROLL: And there is a contact with a
24 Patricia G-A-R-R-A-H-A-N; Garrahan.

25 C-14: Yes, I see that.

1 **MR. CARROLL:** All right. And there is a
2 discussion there in that conversation, as recorded by the
3 officer, about the first officer you dealt with; right?
4 Officer Huffy? He is the OPP officer you first dealt with
5 -- ?

6 **C-14:** I'm sorry. I'm kind of having a
7 little difficulty reading the handwriting here.

8 **MR. CARROLL:** I don't disagree with that.

9 **C-14:** I think he should have been a doctor.

10 **MR. CARROLL:** So does his mother.

11 **(LAUGHTER/RIRES)**

12 You can just see the reference there to PC;
13 that's Police Constable Huffy, Provincial Constable Huffy;
14 you see that?

15 **C-14:** Yes.

16 **MR. CARROLL:** Okay. And he indicates --
17 that is, the writer Ralko indicates that he's going to re-
18 contact her if he needs to access the file. Do you see
19 that?

20 **C-14:** Yes.

21 **MR. CARROLL:** All right. Thereafter, if you
22 follow the next page, and we don't need to go into a lot of
23 detail about that, other than to say it's obvious that from
24 this page -- and this would be page 120, sir -- there's an
25 interview between Ralko and Huffy?

1 **C-14:** I'll have to take your word for it,
2 sir, because I was never privy to any of this information.

3 **MR. CARROLL:** No, I understand that and
4 that's why I'm trying to inform you because I didn't know
5 if you've seen these documents through Commission counsel
6 or not.

7 **C-14:** Well, I was presented with it but I
8 did not have the opportunity -- I believe I was presented
9 with it but I don't -- I didn't have the opportunity to
10 look at it at great length.

11 **MR. CARROLL:** All right. Well, suffice it
12 to say, sir, the document -- you're not -- no dispute that
13 the Officer Ralko actually spoke with Huffy as part of his
14 investigation?

15 **C-14:** No, in fact I told him about
16 Constable Huffy.

17 **MR. CARROLL:** You did?

18 **C-14:** Yes, I did.

19 **MR. CARROLL:** All right and you were able to
20 recall his name?

21 **C-14:** I don't recall -- I didn't recall his
22 name I don't believe, but I told him that I had contacted
23 the Morrisburg department of the OPP and together with
24 another individual I'd actually driven down there to meet
25 with this individual in person.

1 **MR. CARROLL:** All right. In furtherance of
2 your request to review the CAS file, if you turn to page
3 122, you'll see there -- have you got that, sir?

4 **C-14:** Yes, I do.

5 **MR. CARROLL:** And under "Monday, January
6 29th" about halfway down the page?

7 **C-14:** Yes.

8 **MR. CARROLL:** Just have a look at that entry
9 there, sir.

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **C-14:** I'm sorry, I'm just having difficulty
12 reading this. Some of the words are difficult to make out.
13 I apologize.

14 **MR. CARROLL:** Sure, maybe I can assist. It
15 simply indicates, sir, that he went to the CAS in Cornwall,
16 he reviewed your file. And it says at the entry opposite
17 at around 10:01, there, received edited copies from Mrs.
18 Garrahan?

19 **C-14:** Yes.

20 **MR. CARROLL:** And then there's a further
21 mention of the sexual assault by Sypes?

22 **C-14:** Yes.

23 **MR. CARROLL:** And there's further document
24 reference to documentation about physical abuse?

25 **C-14:** Yes.

1 **MR. CARROLL:** And the entry by the officer,
2 and I think you made reference to this earlier, that the
3 officer says:

4 "Review of CAS files indicate no
5 criminal wrongdoing on their part."

6 Now this goes back to one of the suggestions
7 or complaints you had about CAS; that you felt that CAS had
8 somehow acted in a criminal manner. Correct?

9 **C-14:** Yes.

10 **MR. CARROLL:** And you can see -- I'm not
11 asking you to agree with it, but the officer did direct his
12 mind to that issue and came to the conclusion -- his
13 conclusion at least, that CAS has engaged in no criminal
14 wrongdoing?

15 **C-14:** I see that here but I disagree with
16 this conclusion.

17 **MR. CARROLL:** I'm not -- you have the
18 perfect right to disagree with it, but the point is he did
19 direct his mind to it and he came to a conclusion different
20 than yours?

21 **C-14:** Well again, I wasn't there to know
22 this but I'll take your word for it.

23 **MR. CARROLL:** In the interview that you had
24 with the officer, you provided him with a number of persons
25 that you thought would be of assistance to him in examining

1 the allegations you were making; correct?

2 C-14: That's correct.

3 MR. CARROLL: And one of the persons that
4 you asked the officer, or suggested the officer might have
5 -- might benefit from interviewing, was a Hubert Boselaw?

6 C-14: That's possible.

7 MR. CARROLL: All right, if you could -- is
8 that not a name that comes to mind?

9 C-14: I think it's Boselaw Hubert and we
10 were talking about the Hubert resident previously. I
11 believe that was his first name.

12 MR. CARROLL: I see. I see, Boselaw Hubert?

13 C-14: Boselaw, yes.

14 MR. CARROLL: Okay, all right. He lived in
15 Morrisburg?

16 C-14: Riverside Heights, I believe, yes.

17 MR. CARROLL: All right. And if you turn to
18 page 129 of the officer's notes -- do you have that
19 located?

20 C-14: Yes, I do, yes.

21 MR. CARROLL: All right. And, again, I'm
22 just pointing out to you that this was a person that the
23 officer interviewed with respect to your allegations and he
24 takes a statement from him. Okay?

25 There's a reference there to something

1 that's not to do with your investigation. Okay?

2 C-14: I'm sorry, I don't follow this.

3 Again, the handwriting is atrocious.

4 MR. CARROLL: All it does, sir, is it simply
5 says that he interviewed and took a statement from him,
6 that's the only point ---

7 C-14: Yes, I'll take your word for it, yes.

8 THE COMMISSIONER: Number one, I find that
9 if you look at the screen sometimes the handwriting is a
10 little clearer.

11 Number two, all he wants to do is show to
12 you that the notes show at least that this officer would
13 have spoken to Mr. Hubert.

14 C-14: Yes, I agree with that.

15 MR. CARROLL: Okay.

16 C-14: I'm just having -- as I explained
17 before, a little difficulty, I wear bifocals and the screen
18 is hard to -- hard to view.

19 THE COMMISSIONER: It's halfway, I know.

20 MR. CARROLL: I can understand that, so
21 perhaps if you don't mind, I'll read the relevant portion
22 of the note to you?

23 C-14: I would actually appreciate that,
24 yes.

25 MR. CARROLL: Okay, fine, and I don't wear

1 bifocals but the next thing to it.

2 Sir, you talked earlier about the updates
3 the officer was giving you and I'd like to now turn to page
4 152, which is an entry on February the 12th, '01 in the
5 officer's notes.

6 Let me know when you've located that or are
7 you going to wait for the screen?

8 **C-14:** I'm waiting for the screen, actually.

9 **MR. CARROLL:** Okay, well all right.

10 **THE COMMISSIONER:** Right at the bottom,
11 Madam Clerk.

12 **MR. CARROLL:** At the bottom, please.

13 **THE COMMISSIONER:** There you go.

14 **MR. CARROLL:** And you can see there, sir, an
15 entry at 15h36 where it says, "contacted C-14, update him
16 re status of investigation".

17 **C-14:** Yes, I see that.

18 **MR. CARROLL:** This would have been, I take
19 it, one of the updates you were talking about, the periodic
20 updates that the officer was giving you?

21 **C-14:** Yes, that's sounds reasonable.

22 **MR. CARROLL:** All right. And on the same --
23 if you could turn the page please, to 155 of the officer's
24 notes. You can see there that there's an interview with a
25 Wilson Waters, is it? Is that a name familiar to you, sir?

1 C-14: Yes, it is.

2 MR. CARROLL: All right, and this is a
3 person that you asked to be interviewed in connection with
4 your allegations?

5 C-14: Yes. He was one of the foster
6 children that resided, or was supposed to have resided, in
7 the Barber residence.

8 MR. CARROLL: I'm sorry, resided or what?

9 C-14: Was supposed to have resided.

10 MR. CARROLL: Oh.

11 C-14: There were times when he wasn't
12 present; he was absent from the residence.

13 THE COMMISSIONER: That's because he's
14 working on the other farm?

15 C-14: Yes, that's correct.

16 MR. CARROLL: And one of the -- another
17 person of interest, if you will, that you wanted the police
18 to investigate and to interview was Bryan Keough?

19 C-14: That's correct.

20 MR. CARROLL: And if you could turn to page
21 -- wait till it comes up on the screen, it's page 163 of
22 the officer's notes; 163, that's it.

23 And you can see there, sir, that there is a
24 recording of an interview with Mr. Keough by the officer
25 and it's an interview by telephone. You can see that?

1 Opposite 16h36, phone interview with Bryan
2 Keough?

3 **C-14:** Yes, yes I see that.

4 **MR. CARROLL:** And you can see that -- and he
5 apparently lived -- at the time of the interview in
6 Weyburn, Saskatchewan, according to the officer's note at
7 least. Can you see that?

8 **C-14:** I'll take your word for it.

9 **MR. CARROLL:** Well, no. Can you not see
10 that on the screen?

11 **C-14:** Again, I'm having difficulty here. I
12 apologize.

13 **MR. CARROLL:** All right.

14 Well, my reading of it says Weyburn,
15 Saskatchewan, and there's a phone number.

16 And he goes on to record -- write down, I
17 should say, the substance of the interview that he had with
18 Mr. Keough. Now, this is -- I'm not saying that this is
19 accurate information from Keough, but this is what the
20 officer says he told him. Okay? Do you understand the
21 point?

22 **C-14:** Yes, I understand.

23 **MR. CARROLL:** All right.

24 He advises -- and I'm reading from the
25 document:

1 "He advises the Barber residence
2 vaguely comes to mind. He doesn't
3 remember C-14 as a client. Reviewed
4 some of file with him, re: C-14's
5 complaints, and his removal from Barber
6 home to Boselaw's, and closing of
7 Barber home on consent. Keough states
8 he cannot independently recollect case,
9 but if he felt that at least to some
10 degree that the home should be closed
11 that he must have had some good
12 reasons, as he did not take closing a
13 home lightly."

14 So that's what the officer has recorded as
15 the substance of the information he got from Keough.

16 **C-14:** Yes, I understand.

17 **MR. CARROLL:** All right.

18 Now, if you turn to page 177 of the notes,
19 please. This, sir, is an interview that the officer
20 conducted -- at least notations of an interview he
21 conducted ---

22 **THE COMMISSIONER:** Lower down, Madam Clerk.

23 **MR. CARROLL:** Do you have it?

24 **THE COMMISSIONER:** Yes, there it is.

25 **MR. CARROLL:** Okay. With Ron Billings. And

1 this is the Ronny you were speaking of before?

2 **C-14:** Yes. Yes, I believe so.

3 **MR. CARROLL:** Looking at the name in
4 brackets, apparently Mr. Billings -- my information is he's
5 changed his name to the other name.

6 **C-14:** Well, I had informed the officer,
7 Constable Ralko, that Ronny Billings had at one point been
8 removed from the home and had been taken, from what the
9 Barbers' had told me, to live with another family where he
10 was to be adopted and where he had agreed to change his
11 name.

12 **MR. CARROLL:** All right.

13 Well, that then gives an explanation I guess
14 for the two names there.

15 **C-14:** Yes.

16 **MR. CARROLL:** Okay. In any event, pursuant
17 to your information, the officer records that he spoke with
18 Mr. Billings. And I'm just going -- because of the
19 difficulty you have reading, I'll read it to you. At the
20 bottom of that page 177:

21 "He advises he was living at the
22 Barbers..."

23 And then flip over to 178:

24 "...when he was around eight or nine
25 years old. He never had any problem

1 with the Barbers, nor with the other
2 foster children living there: Ken and
3 Arthur. States he was never physically
4 or emotionally abused by the Barbers
5 or..." ---

6 C-14: I'm sorry.

7 MR. CARROLL: Sorry?

8 C-14: I'm sorry; I'm a little lost.

9 MR. CARROLL: Okay.

10 C-14: You ---

11 MR. CARROLL: I'm reading too fast?

12 C-14: Yes. Well, you went from ---

13 MR. CARROLL: Just tell me where you want me
14 to start over.

15 C-14: I'd appreciate it if you'd start that
16 over again, please.

17 THE COMMISSIONER: So just to situate you,
18 these are police officers notes.

19 C-14: Yes.

20 THE COMMISSIONER: He records -- the police
21 officer records his activities and some comments. So he
22 has phoned Ron Billings.

23 C-14: Yes.

24 THE COMMISSIONER: Okay. And now he's --
25 this gentleman is reading to you what the police officer

1 put in his notes. All right?

2 C-14: Yes.

3 THE COMMISSIONER: So, Mr. Carroll, go
4 ahead.

5 MR. CARROLL: Thank you.

6 So shall I just carry on, please?

7 THE COMMISSIONER: No; start from the
8 beginning, I think is what he wanted you to do.

9 MR. CARROLL: Yes, that's the wrong
10 expression.

11 All right. If we flip back to page 177
12 there's just one line there, and I'll read it slower.
13 Okay?

14 C-14: Yes.

15 MR. CARROLL: "He advises..." -- and this is
16 now the officer speaking of what Billings tells him.

17 C-14: Yes.

18 MR. CARROLL: "He advises he was living at
19 the Barbers..."

20 Page 178:

21 "...when he was around eight or nine
22 years old. He never had any problem
23 with the Barbers, nor with the other
24 foster children living there: Ken and
25 Arthur."

1 C-14: Okay. I see. That's part of the
2 same sentence. All right.

3 MR. CARROLL: "States..." -- Sypes first
4 name was Arthur?

5 C-14: Yes.

6 MR. CARROLL: "States he was never
7 physically or emotionally abused by the
8 Barbers or by the other foster
9 children. He states he used to run
10 away a lot. Went to the Wingfield
11 Group Home, back to Barbers, and back
12 to the group home. Can't remember how
13 long he lived at Barbers. He heard one
14 of the Barbers had died and the other
15 was in a hospital or a home for the
16 aged."

17 So you were able to follow that as I read it
18 to you, sir?

19 C-14: Yes. Yes, I was.

20 MR. CARROLL: It would seem, at least from
21 the officers recording of the information from Billings,
22 that he was -- did not suffer any abuse himself, nor does
23 he seem to be aware of any that he observed at least.

24 C-14: Although I completely disagree with
25 what Mr. Billings had told him in the way of the abuse. It

1 appears that the officer did record what Mr. Billings had
2 told him.

3 **MR. CARROLL:** Sure. And I'm not, again,
4 disputing your right to disagree, but that's the
5 information the officer was given, according to the notes.

6 And then after that interview is conducted
7 or completed, if you just turn over the page -- because
8 this was somebody that you had told the officer could
9 provide valuable information, right?

10 **C-14:** That's correct.

11 **MR. CARROLL:** Okay. If you look at page 179
12 -- is that up on the ---

13 **C-14:** Yes, it is.

14 **MR. CARROLL:** And you can see, according to
15 the notes, within less than an hour, maybe two at the most,
16 he, the officer, is on the phone to you again with a
17 further update and telling you that he has only two
18 witnesses left to interview; being Sypes and Barber.

19 Are you able to read those, or do you want
20 me to ---

21 **C-14:** Yes.

22 **MR. CARROLL:** Okay. And then further he
23 indicates:

24 "Advised him I found no criminal
25 negligence on the part of CAS. I

1 explained to him the threshold for
2 criminal negligence. C-14 advises he
3 is trying to obtain closure, re: this
4 part of his life, and hopes that they
5 admit their wrongdoings; that no young
6 child deserves to be put through that;
7 doesn't deserve to be beaten."

8 You can see there, just dealing with the
9 latter part of the entries, I take it, sir, those are
10 sentiments that you expressed to the officer?

11 **C-14:** Well, I'd like to comment on that. I
12 don't recall at all about being told about threshold of
13 criminal negligence. I was very adamant that charges be
14 laid against Mr. Ken Barber, given the fact that I knew at
15 the time that there was corroborating evidence from a ward
16 in the home that had actually witnessed the abuse. That
17 the Children's Aid Society -- and I brought this to
18 Constable Ralko's attention at the time -- had actually
19 admitted that I had been beaten, but had more or less
20 blamed me for the incidents. I would have thought that it
21 warranted further investigation, and that charges would be
22 laid because of that.

23 **MR. CARROLL:** Are you finished?

24 **C-14:** Yes.

25 **MR. CARROLL:** Okay. What I wanted -- what I

1 was asking you, sir, was about the last three or four lines
2 there. Is that an accurate reflection of the sentiments
3 that you expressed to the officer saying that you hoped
4 that Barber and/or Sypes would admit their wrongdoing,
5 because young children don't deserve this kind of
6 treatment?

7 **C-14:** Yes. I believe he had also made
8 mention of speaking with Mr. Ronny Billings. And my take
9 on that situation was that Mr. Billings was in a state of
10 denial or that he was embarrassed about the whole situation
11 and didn't want to come forward.

12 **MR. CARROLL:** You mean your take on the
13 information that Billings provided to ---

14 **C-14:** That's right.

15 **MR. CARROLL:** Because in this conversation
16 when he talked -- at the top of the note it says "Advised
17 him all witnesses interviewed." In there somewhere he told
18 you "Hey, look, I've just spoken with Billings and he's not
19 backing you up."

20 **C-14:** Yes.

21 **MR. CARROLL:** Words to that effect.

22 **C-14:** Yes.

23 **MR. CARROLL:** And you understand that as an
24 investigator he has to take the information that's given to
25 him and put it in the context of the rest of the

1 information ---

2 C-14: Yes.

3 MR. CARROLL: --- in the investigation?

4 C-14: Yes, I do understand that.

5 MR. CARROLL: And the information, although
6 you have just given your reasons why you think Billings was
7 not being truthful, the information from Billings was I
8 didn't see anything of what C-14 is saying.

9 C-14: But the point that I was trying to
10 make earlier was that there was evidence within the file
11 itself, and that there was an admission by Mr. Bryan Keough
12 within the file that I thought he should take into account,
13 and that's why I thought that Mr. Barber should be charged.

14 MR. CARROLL: Well, I don't -- I expect -- I
15 was just speaking with my friend, and I am going to do my
16 best to get through this in the next 15 to 20 minutes.
17 It's your call.

18 THE COMMISSIONER: Well, we need lunch.

19 MR. CARROLL: I appreciate that, and I am --
20 if the witness needs a break now, that's okay.

21 THE COMMISSIONER: Let's come back -- can we
22 leave now sir and ---

23 C-14: Sure, I'll stop now.

24 THE COMMISSIONER: Okay. Why don't we come
25 back at 2:15? All right?

1 MR. CARROLL: All right.

2 THE COMMISSIONER: So you've got how much
3 time?

4 MR. CARROLL: I wouldn't think I've got more
5 than 20 minutes.

6 THE COMMISSIONER: All right.

7 MR. CARROLL: I'm hoping that.

8 THE COMMISSIONER: Okay. Thank you.

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

11 --- Upon recessing at 12:56 p.m. /L'audience est suspendue
12 à 12h56

13 THE REGISTRAR: The hearing is now resumed.
14 Please be seated. Veuillez vous asseoir.

15 --- Upon resuming at 2:15 p.m. /L'audience est reprise à
16 14h15

17 THE COMMISSIONER: All right.

18 Mr. Carroll.

19 C-14, Resumed/Sous le même serment:

20 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
21 CARROLL (Cont'd/suite)

22 MR. CARROLL: Thank you sir. Close to done.

23 C-14: Thank you.

24 MR. CARROLL: When we left off sir, we were
25 discussing the update that Ralko had given you after

1 interviewing Mr. Billings; you remember we were talking
2 about that?

3 C-14: Well, actually we were discussing the
4 fact that he had recorded that, yes.

5 MR. CARROLL: I'm not sure I see the
6 distinction, but I'll press on.

7 C-14: Okay.

8 MR. CARROLL: You agree, looking at -- could
9 you put up page 17D, you may have it, yes 17, on the screen
10 in front of you sir, and I'll just read it to you. All
11 right. It says, four lines down:

12 "Advised him I found no criminal
13 negligence on the part of CAS."

14 It was one of the things you had asked him
15 to investigate; correct?

16 C-14: Yes.

17 MR. CARROLL: It's clear he disagrees with
18 your opinion; right?

19 C-14: I want to make something clear
20 though. Okay?

21 MR. CARROLL: Okay.

22 C-14: The evidence that you're presenting
23 here is very confusing for me. Okay? In the manner in
24 which it's being presented, and some of what's being
25 presented now actually came in a final conversation with

1 Mr. Ralko, and I want to make that abundantly clear.

2 **MR. CARROLL:** Well, I want to make it
3 abundantly clear to you, sir, that my information is that
4 these notes are made contemporaneous with the times and
5 dates that are recorded. You disagree with that?

6 **C-14:** I disagree with the fact that he
7 contacted me at these times.

8 **MR. CARROLL:** So, when I suggest to you, and
9 I thought you said that he contacted you from time to time
10 for updates, and you -- we started -- and I'll just go over
11 the contacts I have from the notes.

12 **C-14:** Very well.

13 **MR. CARROLL:** We started with the
14 December 6, 2000 major interview; right?

15 **C-14:** Yes.

16 **MR. CARROLL:** And then on February the 12th,
17 the officer has it recorded that he contacted you with an
18 update, and we went over that.

19 **C-14:** Well, my understanding of this is the
20 fact that you wanted to present this -- that Constable
21 Ralko had actually recorded this, and I agree with that.

22 **MR. CARROLL:** Right. He has recorded that
23 he had these contacts with you.

24 **C-14:** I'm sorry. Yes, he did.

25 **MR. CARROLL:** Are you suggesting -- for

1 example, let's go back to December the 6th; you agree that
2 December the 6th, 2000, he had an extensive five hour plus
3 interview with you where you were allowed to tell him
4 everything that was on your mind in relation to this
5 matter.

6 **C-14:** That's correct.

7 **MR. CARROLL:** And then the next item in
8 terms of contacts with you, was on February the 12th, ---

9 **C-14:** Well, this is where I think it's
10 getting a bit confusing, because I wouldn't want you to
11 present this evidence as if he actually did contact me.

12 **MR. CARROLL:** Are you suggesting, sir, that
13 he didn't contact you?

14 **C-14:** I don't believe he did, not at that
15 time.

16 **MR. CARROLL:** Well, when do you recollect
17 the next -- were you making notes, sir, of the contacts
18 with the officer?

19 **C-14:** No, I don't believe I was.

20 **MR. CARROLL:** Okay. When do you next
21 recollect then, after December 6th ---

22 **C-14:** I recall -- I believe it was a final
23 conversation with him, and much of what you're talking
24 about now was discussed in that final conversation. And
25 this is why this is extremely confusing for me. Appreciate

1 the fact that I'm looking at these, and I'm only looking at
2 parts of them; that they're kind of out of context here.

3 **MR. CARROLL:** Well, sir, they're being
4 presented to you in chronological order of the contacts
5 that the officer has recorded in his notes.

6 **C-14:** That's correct, sir, but I'm trying
7 to make you understand that all I have in front of my
8 screen are times and not dates.

9 **MR. CARROLL:** Well, that -- sir, that's why
10 I've been reading out the times and dates and you recalled
11 it on one occasion. I asked you to flip back a page, so
12 that you could look at the date and then go ahead a page so
13 you could get the times.

14 **C-14:** Yes, that's correct sir.

15 **MR. CARROLL:** For example, let's just deal
16 with the ---

17 **C-14:** But I may add sir -- okay, I thought
18 your intent was to present this evidence, rather, as that
19 Mr. Ralko did in fact record this. I have no dispute that
20 he may have recorded it.

21 **MR. CARROLL:** And in some -- no small number
22 of instances, you confirmed the information there. That is
23 to say you confirmed that you told the officer these
24 things, and you believe it was ---

25 **C-14:** Yes.

1 MR. CARROLL: --- on that date.

2 C-14: No.

3 MR. CARROLL: What?

4 C-14: Not on the date. The fact that I had
5 told the officer these things. Some of the things that
6 you're talking about were discussed in our initial meeting
7 sir.

8 MR. CARROLL: All of them, were they not?

9 C-14: Yes, but ---

10 MR. CARROLL: All of your concerns ---

11 C-14: In particular, you're talking about
12 things like comments about Ronny Billings, okay; and
13 whether or not Ronny would be willing to come forward about
14 abuse that had happened to him.

15 MR. CARROLL: What I put to you, sir, was
16 that the officer has it recorded that he interviewed
17 Mr. Billings on February the 26th, I believe; and as he
18 recorded in his notebook, what he says Mr. Billings told
19 him.

20 C-14: Well, he may have recorded that sir,
21 but my understanding was something quite different. In
22 fact, Constable Ralko, I believe, told me that it was very
23 difficult to contact Ronny Billings, and I had told him
24 that the last known address for Ronny Billings, I believe,
25 was in Belleville.

1 **MR. CARROLL:** What has that got to do with
2 the substance of what he had to record?

3 **C-14:** Well, it's the way that the
4 information is being presented here that I -- it's giving
5 me the impression this officer contacted me on this day and
6 said these things, and that I'm agreeing that he contacted
7 me on these days and said these things.

8 **MR. CARROLL:** I believe sir ---

9 **THE COMMISSIONER:** Well, okay; but he is
10 giving you the option. He is saying "Look it. These notes
11 are not here for the truth of them". They're here, and the
12 officer will come to testify perhaps, but we'll see. In
13 any event, it's like an aide-mémoire, it's to help you. He
14 saying "Well, look it, I have this note in here, and it
15 says that on this day, he phoned you".

16 **C-14:** Yes.

17 **THE COMMISSIONER:** And so, he is asking you
18 "Are you able to confirm whether or not he phoned you on
19 that day?" And so, if you say "Yeah, I remember that phone
20 call". Okay. And if you say no, you don't remember that
21 phone call, well, then it's a different matter.

22 **C-14:** Well the thing being is that I have
23 two distinct memories of conversations with Detective
24 Constable Ralko, and that was the initial meeting ---

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

1 **C-14:** --- and the final conversation that I
2 had with him over the telephone. And the point that I want
3 to make -- okay -- is many of the things that you're
4 talking about now -- and one of the reasons that I agree
5 with him -- Some of these things were brought up at the
6 final meeting and some of them were brought up at the
7 initial conversations with him.

8 **MR. CARROLL:** I don't disagree, sir, that
9 there may have been some discussions. In fact, it's
10 logical that there would have been discussions at the
11 outset of a number of things. And then in the final
12 interview with you he would have tied it all together and
13 told you why he was or was not doing certain things. It
14 just makes sense.

15 **C-14:** Yes.

16 **MR. CARROLL:** Okay. And if you disagree --
17 I'm trying to be as fair as I can in asking you if, where
18 appropriate, this accords with your recollection. If it
19 doesn't, just tell me. Okay?

20 **C-14:** Well, okay. I will say for the
21 record right now that I have no recollection other than the
22 two conversations that I had with Constable Ralko; the
23 final conversation and the initial conversation.

24 **MR. CARROLL:** Well, that's fine; and it was
25 six years ago, so I have sent written materials made

1 contemporaneous with the events. It's very difficult to
2 recall. I understand that. And you don't have the benefit
3 of your own generated written materials; do you?

4 **C-14:** Well, the thing being is that these
5 documents were presented to me ---

6 **MR. CARROLL:** Which documents?

7 **C-14:** The documents that you're talking
8 about -- Constable Ralko's notes ---

9 **MR. CARROLL:** His notes, yes.

10 **C-14:** --- perhaps I should have taken more
11 time to peruse them. There was one time when I contacted
12 the OPP in Orillia to acquire these notes from Constable
13 Ralko, himself.

14 And maybe if I had acquired them then I
15 could have reviewed them better.

16 **MR. CARROLL:** Well, sir, our obligation is
17 to advise of documents that we intend to use to examine
18 witnesses and we provided the documentation.

19 **THE COMMISSIONER:** Can we just get on with
20 it?

21 **MR. CARROLL:** Well, I would try ---

22 **C-14:** I understand that, I apologize. It's
23 very difficult for me.

24 **THE COMMISSIONER:** No need to apologize.
25 Question please.

1 MR. CARROLL: Thank you.

2 Are you tell -- you said that you see times
3 and not dates. Could you turn to page 177, please?

4 C-14: Yes.

5 MR. CARROLL: Do you see that?

6 C-14: Yes, I do.

7 MR. CARROLL: And the date there --
8 corrected is Monday, February the 26th, '01; do you see that?

9 C-14: Yes.

10 MR. CARROLL: All right, now, that's 177.

11 Flip to 178, and then 179.

12 C-14: Yes.

13 MR. CARROLL: And you see an entry at 20h33
14 at the top?

15 C-14: That's correct.

16 MR. CARROLL: Can you now agree with me,
17 sir, that that is an entry from February the 26th?

18 C-14: I don't know.

19 MR. CARROLL: You don't know.

20 Do you disagree that he has it recorded --
21 or no, you know he did record that he told you about the
22 criminal negligence issue. Are you saying you were not
23 told that ---

24 C-14: I'm sorry, could you repeat that
25 please?

1 **MR. CARROLL:** Yes. It appeared from page
2 179 that the officer maintains he spoke to you about not
3 finding any criminal negligence on the part of CAS; do you
4 see that?

5 **C-14:** I'm sorry, where is that?

6 **MR. CARROLL:** Fourth line into the
7 notations; "Advised him ..."

8 **THE COMMISSIONER:** "I found no criminal
9 negligence on part of ..."

10 **C-14:** I'm having difficulty locating this.

11 **MR. CARROLL:** Fourth line.

12 **THE COMMISSIONER:** See it's right there.
13 Advised -- if you look on the screen, see where the cursor
14 is, it says: "Advised him I found no criminal negligence on
15 part of CAS."

16 **C-14:** Yes, that seems to be recorded in the
17 notes; yes.

18 **MR. CARROLL:** It is recorded there, sir.

19 **C-14:** Yes.

20 **MR. CARROLL:** And you had asked him to
21 investigate what you alleged was criminal negligence on the
22 part of CAS; correct?

23 **C-14:** Well the thing about that is -- I'd
24 like to try and comment on that, if I may.

25 **MR. CARROLL:** Well -- all right, well, I'm

1 just asking if it's correct that you'd asked him to
2 investigate.

3 **C-14:** Yes it's correct, but I think that
4 this is germane to the conversation.

5 I had a very lengthy conversation with these
6 two officers, and during our initial conversation I was
7 told not to put too much faith in -- in investigations into
8 Mr. Barber, because it was not within the mandate of
9 Project Truth to press criminal charges against Mr. Barber.

10 I was also told that they would not
11 investigate Mr. Frank Rollands because he was dead, and I
12 was also told that it was not within the mandate of Project
13 Truth to investigate the Cornwall Children's Aid Society.

14 So by the time that conversation was
15 finished the only thing -- the only avenue that was really
16 left to me, that I put any faith in at all, was them
17 investigating Mr. Arthur Sypes.

18 **MR. CARROLL:** Well I'm glad you actually
19 raised that matter, sir, about their mandate, because I was
20 remiss in not pointing out to you something at page 58 of
21 the notes, if I may, and that's the very first interview
22 you have with Detective Rolko.

23 **C-14:** Yes.

24 **MR. CARROLL:** Page 58, Wednesday,
25 December the 6th, 2000, interview with C-14, and your date

1 of birth. And I'll read you the notation at the bottom of
2 the page.

3 C-14: Yes.

4 MR. CARROLL:

5 "I explained matter turned over to me
6 not under Project Truth mandate." So
7 the officer, in fact, told you that he
8 was investigating these matters because
9 they did not ---

10 C-14: I'd like to respond to that please.

11 MR. CARROLL: When I'm finished.

12 C-14: Okay.

13 MR. CARROLL: --- because they did not come
14 within the mandate of Project Truth.

15 C-14: No, what he told me was that the
16 matter was turned over to him. I was not told that he was
17 not with Project Truth.

18 MR. CARROLL: Well, that's your
19 recollection, and he apparently has ---

20 C-14: That's correct.

21 MR. CARROLL: --- a different recollection
22 as reported in his notes.

23 C-14: He gave me no other cause to think
24 otherwise. I mean why would someone tell me that it was
25 not within the mandate of Project Truth to press criminal

1 charges against Mr. Ken Barber, if in fact this officer had
2 the power to do so.

3 **MR. CARROLL:** He told you, sir, that it was
4 not within the mandate of Truth, and that's why he was
5 doing it.

6 **C-14:** No.

7 **MR. CARROLL:** That's the logic behind it.

8 **C-14:** I'm sorry, sir, I don't recall that.

9 **MR. CARROLL:** Well we can -- as we go
10 through, we've seen that he interviewed Bryan Keough; that
11 was at your request.

12 **C-14:** Yes, it was.

13 **MR. CARROLL:** And that was in relation to
14 his condoning abuse at the house, amongst other things.

15 **C-14:** And I was very upset about that, but
16 again, that conversation came with the last conversation
17 that I had with Mr. Rolko. And --

18 **MR. CARROLL:** He interviewed Mr. Barber --
19 we're going to get to the details of the interview in a
20 moment -- that was at your request, since you were alleging
21 abuse against Mr. Barber; correct?

22 **C-14:** Well, I was alleging abuse against
23 everyone, but he was focused on investigating Mr. Arthur
24 Sypes. Mr. Arthur Sypes lives with Mr. Ken Barber. There
25 is no doubt in my mind that as a result of the abuse of Mr.

1 Sypes he would have spoken to Mr. Barber as well.

2 MR. CARROLL: I'm not -- I'm not going to
3 follow that up, I just -- do you agree with me; and you
4 were aware that Officer Rolko interviewed Mr. Barber?

5 C-14: Yes, I agree with that.

6 MR. CARROLL: And he interviewed ---

7 C-14: But excuse me, sir. I -- I disagree
8 with why Mr. Barber was interviewed.

9 MR. CARROLL: You disagree with why he was
10 interviewed?

11 C-14: That's correct.

12 MR. CARROLL: Why is it that you think he
13 was interviewed, sir?

14 C-14: As I explained earlier, Mr. Arthur
15 Sypes lives with Mr. Barber. Mr. Barber may have been
16 interviewed to ascertain whether or not he had seen any
17 wrongdoing on the part of Arthur Sypes.

18 MR. CARROLL: May have been.

19 C-14: Yes.

20 MR. CARROLL: But the officer told you that
21 he was met -- he did interview Barber, and was met with a
22 denial about the abuse you say occurred.

23 C-14: No.

24 MR. CARROLL: Whether it's true or not ---

25 C-14: I don't recall that, sir.

1 MR. CARROLL: You don't recall that?

2 C-14: I don't recall that.

3 MR. CARROLL: All right, that's fine; you
4 don't recall it.

5 You did suggest a polygraph for Mr. -- you
6 agreed that he interviewed Mr. Sypes.

7 C-14: Yes.

8 MR. CARROLL: And that's at your request.

9 C-14: Yes.

10 MR. CARROLL: And you suggested something
11 about a polygraph?

12 C-14: Yes, that's correct.

13 MR. CARROLL: You were -- that you -- what,
14 did you tell the officer to conduct the polygraph or how
15 was the contents --- ?

16 C-14: No, we were talking about
17 Mr. Arthur Sypes, and I told the officer that if he didn't
18 believe what I was telling him maybe he should suggest that
19 Mr. Arthur Sypes take a polygraph examination.

20 At the time I knew that Mr. Sypes was
21 representing himself. I had learned this through the civil
22 matter, in the civil pursuit that I was engaged in, and I
23 thought that if Mr. Arthur Sypes had been taken in to the -
24 - into the police station and interviewed thoroughly about
25 this the truth would come out.

1 And I think that there's some comment in
2 these notes about the fact that I thought that, you know,
3 the truth would come out in that manner.

4 **MR. CARROLL:** You hoped that Barber and
5 Sypes would admit the wrongdoing?

6 **C-14:** That's -- I hoped that Mr. Arthur
7 Sypes would. That's why I say I find these confusing, and
8 the way that this is being presented is extremely
9 confusing, as well. You're mixing and matching, and things
10 are being taken out of context.

11 **MR. CARROLL:** Page 179, same page we've been
12 on, and I'll read it to you again. This is Ralko speaking:

13 "I explained to him the threshold for
14 criminal negligence. C-14 advised he
15 is trying to obtain closure, re: this
16 part of his life and hopes that they
17 admit to their wrongdoings; that no
18 young child deserves to be put through
19 that -- doesn't deserve to be beaten."

20 **C-14:** Sir, with all due respect, I had that
21 conversation with Mr. Ralko upon our first meeting.

22 **MR. CARROLL:** But you also had it and made
23 that comment ---

24 **C-14:** No, I don't recall that.

25 **MR. CARROLL:** Well you may not recall it.

1 Are you saying, I didn't make it or I don't remember making
2 it on that date?

3 C-14: I don't ever remember being contacted
4 about that, at all.

5 MR. CARROLL: Do these words express your
6 sentiment with respect to Mr. Sypes and Mr. Barber, as it's
7 recorded, that you hope they will come through and tell the
8 truth?

9 C-14: No, this was explained during this
10 four hour or five hour meeting that we had. This went on
11 for a great -- a great length of time, sir. I covered many
12 things. And many of the things, again, that you're talking
13 about were spoken about in that initial meeting.

14 MR. CARROLL: All right, well I think we've
15 exhausted that point.

16 We'll move to page 184, please. I want to
17 ask you a few things about the notations concerning the
18 interview with Mr. Sypes; 184.

19 If you could just move it up a bit please --
20 on the screen. Sorry, the other way.

21 THE COMMISSIONER: Down.

22 MR. CARROLL: Down a bit, I guess.

23 THE COMMISSIONER: Keep going. Keep going.

24 MR. CARROLL: Keep going. Okay. And I'm
25 just going to read to you, sir, and I hope I read it

1 accurately. It says:

2 "Notes made on paper. Denies any
3 physical abuse by Barbers or any sexual
4 abuse by him (being Sypes). Advised he
5 was sexually abused..."

6 And goes on to talk about how he was a victim of sexual
7 abuse in Smiths Falls. So he has categorically denied your
8 allegations both as they relate to him and the Barbers?

9 **C-14:** May I comment on that, sir?

10 **MR. CARROLL:** Of course. That's why I put
11 it to you.

12 **C-14:** Okay. I had spoken to Detective
13 Ralko because one of the things that Mr. Arthur Sypes did
14 when I was in that foster home was regale us with stories
15 about what had gone on in this long-term care facility in
16 Smiths Falls.

17 And why Detective Ralko wouldn't have
18 followed up on my suggestion and taken Mr. Arthur Sypes
19 into custody and proposed that a polygraph be done, I don't
20 know.

21 **MR. CARROLL:** Well, let me just suggest to
22 you this, sir. Do you understand that before somebody can
23 be arrested and taken into custody, an officer has to have
24 reasonable and probable grounds to believe they have
25 committed an offence? Do you understand that?

1 C-14: Yes.

2 MR. CARROLL: Do you understand that taking
3 a polygraph is strictly voluntary and that if a person
4 says, "I'm not interested in doing it" that is their right?

5 C-14: I do.

6 MR. CARROLL: Thank you.

7 C-14: May I comment further?

8 MR. CARROLL: If it's of assistance to you,
9 sir, go right ahead.

10 C-14: Yes. You have an instance where an
11 individual tells Constable Ralko that they were engaged
12 themselves in sexual abuse previously ---

13 MR. CARROLL: Victim of.

14 C-14: Victim of. Still, why didn't
15 Detective or Constable Ralko take him up on that and
16 further investigate that matter as well?

17 MR. CARROLL: I can't stand here and say
18 that he didn't. I don't know. I can tell you this though;
19 that in reading the notes, the officer provided him with
20 information on counselling and victim assistance.

21 C-14: The impression that I got from
22 Detective Ralko -- and again, I go back to the original
23 meeting that we had -- I was told not to put too much stake
24 in any of this, that people would probably be following
25 their own agendas. I got the impression, when I finally

1 talked to Detective Ralko the final time, that this was
2 just being passed over and this was being dealt with
3 extremely superficially.

4 **MR. CARROLL:** You mean it wasn't dealt with
5 to your satisfaction?

6 **C-14:** Absolutely not.

7 **MR. CARROLL:** But the persons that were
8 suggested that he interview, you would agree the names that
9 I've given you so far are persons you said, "Go and
10 interview them"?

11 **C-14:** Absolutely.

12 **MR. CARROLL:** Mr. Billings being one of the
13 primary ones?

14 **C-14:** Absolutely.

15 **MR. CARROLL:** And contrary to what you
16 expected Mr. Billings to say, he says, "I didn't see
17 anything".

18 **C-14:** Well, that's what it says in the
19 notes.

20 **MR. CARROLL:** Right.

21 **C-14:** I can't say that Mr. Billings
22 actually said that. I wasn't there.

23 **MR. CARROLL:** No, you weren't there. That's
24 true.

25 Who is Rusty Link?

1 **C-14:** Rusty Link? There was an incident.
2 I had told Constable Ralko -- Constable Ralko asked me if
3 I've ever ran away from the home while I was in the Barber
4 residence. I did, in fact, do so and I ran to a home that
5 was about -- oh, I would say half a mile down the road.
6 There was a young boy who was attending the same school
7 that I was by the name of Rusty Link. His father owned and
8 operated a heavy equipment firm, I guess you would say, and
9 Rusty had been in the barn finishing up the chores before
10 dinner. Rusty allowed me to stay in the barn while he went
11 inside for dinner. I told Rusty that I had run away.

12 So that was germane to the investigation.
13 That's one of the reasons that I gave Rusty Link's name to
14 Constable Ralko.

15 **MR. CARROLL:** Did you suggest that Link was
16 aware of or had firsthand knowledge of abuse of you?

17 **C-14:** No, no, it wasn't the case at all.

18 **MR. CARROLL:** All right.

19 **C:14:** I told them that I had ran away, and
20 this was an investigation for that.

21 **MR. CARROLL:** Right. And again, at page 185
22 onto 186, just to confirm, the officer did interview Mr.
23 Link as you requested, 185?

24 **C-14:** Well, your papers do say so.

25 **THE COMMISSIONER:** It's not proof, Mr.

1 Carroll.

2 MR. CARROLL: I'm not suggesting it is, sir.

3 C-14: Sir, please appreciate ---

4 MR. CARROLL: I'm saying the officer is
5 stating that this is what he did pursuant -- the name had
6 to come from somewhere. The name had to come from
7 somewhere. I suppose one could conjure up that he put the
8 name in and then made up the interview, but the fact is the
9 name came from you, did it not?

10 C-14: Yes, I gave Constable Ralko a list of
11 names, and of all the incidences that had gone on in that
12 foster home, of all those atrocities, there were so many
13 things that he probably took note of many of the names.

14 MR. CARROLL: He probably -- I'm sorry?

15 C-14: Took note of many of the names.

16 MR. CARROLL: And it would seem he had
17 interviews with him?

18 C-14: I'm sorry?

19 MR. CARROLL: At least on the face of the
20 notes, it would seem he interviewed these people.

21 C-14: It says that he interviewed these
22 people.

23 MR. CARROLL: Okay. And you don't have any
24 reason or proof to suggest that he didn't, do you?

25 C-14: I don't have any reason or proof to

1 suggest he did either.

2 **MR. CARROLL:** At the conclusion of the
3 investigation, sir, do you recall there was a final
4 interview with you?

5 **C-14:** Yes.

6 **MR. CARROLL:** And that was an interview that
7 was conducted in person or on the telephone?

8 **C-14:** It was conducted on the telephone.

9 **MR. CARROLL:** And that would have been in
10 May of '01?

11 **C-14:** I believe so. It was -- I believe it
12 was in May, but I'm not sure of the date.

13 **MR. CARROLL:** Okay. I'm going to give you
14 the Bates page number, Madam Clerk. It's 1148935, towards
15 the bottom of the page.

16 Do you have that in front of you, sir?

17 **C-14:** Yes, I do.

18 **MR. CARROLL:** And just, again, to assist
19 you, I'm going to read it for you. It says:

20 "Contact C-14 regarding seeing him to
21 explain the results of my
22 investigation. He states he is on new
23 meds, is sleeping 22 hours a day and
24 would prefer to do it..."

25 **THE COMMISSIONER:** "Now".

1 **MR. CARROLL:** "...now over the phone."

2 Was that in fact true, sir, that you were on
3 new meds back then?

4 **C-14:** Well, no, they actually have that a
5 bit wrong. As I had explained to Constable Ralko at the
6 time, and as I should probably explain to the Inquiry,
7 along with post-traumatic stress disorder, I also suffer
8 from Crohn's Disease, and at the time it hadn't been
9 thoroughly diagnosed and I had been bleeding internally,
10 and I was anaemic. So I was sleeping constantly. This
11 gives the impression that I was on some sort of sedation,
12 and that wasn't the case at all.

13 **MR. CARROLL:** Well, that's not what I took
14 from it, but I'm glad you clarified it in any event.

15 **THE COMMISSIONER:** Okay. So do you recall
16 that telephone conversation?

17 **C-14:** Yes, I recall a similar telephone
18 conversation, yes.

19 **MR. CARROLL:** All right.

20 And the officer goes on to say:

21 "I advised him of the extent of my
22 investigation, the people
23 interviewed, and despite the
24 opportunity for some of them, no
25 one could provide any

1 he was operating for Project Truth.

2 MR. CARROLL: Well, there may well have been
3 a misunderstanding in your mind about that, sir?

4 C-14: Yes.

5 MR. CARROLL: That's quite possible?

6 C-14: Yes.

7 MR. CARROLL: At the end ---

8 C-14: I don't recall any cause to make me
9 think otherwise.

10 THE COMMISSIONER: We've gone around the
11 tree on that one.

12 MR. CARROLL: Yes. And you made mention of
13 people having their own agendas. These would be people the
14 officer interviewed?

15 C-14: Yes.

16 MR. CARROLL: Okay. And you would agree
17 with me, at least on the basis of what has been recorded
18 here, that the people that you asked to be interviewed did
19 not appear, according to the officer's notes, to
20 corroborate your version of events?

21 C-14: Well, this is something that was
22 discussed initially by Constable Ralko, that I shouldn't
23 expect too much from people because they would probably be
24 pursuing their own interests.

25 MR. CARROLL: Okay. And what we end up with

1 is a series of interviews where people are either
2 contradicting you or have no information to offer; correct?

3 C-14: I'm afraid I don't understand your
4 question, sir.

5 MR. CARROLL: Okay. The interviews that
6 I've reviewed with you ---

7 C-14: Yes.

8 MR. CARROLL: --- of the people that you
9 asked to be interviewed, it would appear, as recorded by
10 the officer, they do not support your allegations, the
11 person's interview. That's a fair statement?

12 C-14: I don't know.

13 MR. CARROLL: According to the notes.

14 C-14: Well, according to what he's written
15 ---

16 MR. CARROLL: Right.

17 C-14: --- that's the way that it appears.
18 But I don't know who he interviewed so ---

19 MR. CARROLL: Right. And it would also
20 appear that Ralko concluded, just as Constable Huffy did,
21 that there were no reasonable and probable grounds to
22 proceed with charges; right?

23 C-14: Well, again, he reaffirmed in our
24 final conversation -- some of the last things that
25 Constable Ralko said to me was that he had contacted Mr.

1 Bryan Keough and Mr. Bryan Keough, in Constable Ralko's
2 words, had absolutely no knowledge of me whatsoever.

3 **MR. CARROLL:** He didn't ---

4 **C-14:** So at that point, I more or less gave
5 up on Constable Ralko. Anybody that had supposedly
6 thoroughly reviewed my file -- and I had pointed Constable
7 Ralko to the report that had been written by Mr. Keough
8 regarding the physical abuse, regarding the other things,
9 and maybe he didn't want to investigate the physical abuse,
10 but this would corroborate the fact that indeed I was
11 telling the truth and that in fact things had been going on
12 in that home.

13 **MR. CARROLL:** You were advised, sir -- since
14 you've raised the matter of physical abuse -- that Mr.
15 Barber, in fact, was asked to take a polygraph, weren't
16 you?

17 **C-14:** I don't recall that.

18 **MR. CARROLL:** You don't recall being
19 advised?

20 **C-14:** No. No. This is kind of strange.
21 Because when I had the conversation with Constable Ralko, I
22 had asked him to ask Mr. Sypes to take the polygraph, and I
23 had told Constable Ralko that Mr. Barber did not engage in
24 any of the sexual abuse -- excuse me. May I finish,
25 please?

1 **THE COMMISSIONER:** Certainly.

2 **MR. CARROLL:** I'm just ---

3 **C-14:** Okay. As I was saying, Mr. Barber
4 was not even in the home, and this was made very clear to
5 Constable Ralko that it was Arthur Sypes that was to be
6 asked about the polygraph. Why Constable Ralko went to ask
7 Mr. Barber about a polygraph test, when in fact he had
8 nothing to do with the sexual abuse, is beyond me.

9 **MR. CARROLL:** But he did have something to
10 do with your allegations of physical abuse and the officer
11 was offering him an opportunity to take a polygraph in
12 relation to that?

13 **C-14:** I don't know.

14 **MR. CARROLL:** No, you don't?

15 **C-14:** No.

16 **MR. CARROLL:** Thank you, sir.

17 **THE COMMISSIONER:** Thank you.

18 Ms. Lahaie.

19 **MS. LAHAIE:** Good afternoon, sir.

20 My name is Diane Lahaie and I am counsel for
21 the Ontario Provincial Police, the commissioned officers of
22 that police force.

23 I have no questions for you this afternoon.

24 **THE COMMISSIONER:** Thank you.

25 Mr. Lee.

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

2 DALLAS LEE:

3 MR. LEE: Just a few questions, sir.

4 C-14: Certainly.

5 MR. LEE: I just want to show you one
6 document, sir. It's Exhibit 529. Do you have that in
7 front of you, sir?

8 C-14: Yes, I do.

9 MR. LEE: This is a termination report
10 created by the Children's Aid Society. It appears to be an
11 internal document that they use. You reviewed this briefly
12 with Mr. Engelmann in-chief. There is one part of the file
13 that you weren't brought to, however.

14 On the first page, about three-quarters of
15 the way down, under the heading "Plans from last
16 family/case service" there are a number of points there.

17 And number 3 reads -- again, for context,
18 this is a report generated by Lorenzo Murphy, who you've
19 told us was a CAS worker you were dealing with at the time
20 trying to get access to your CAS file. Is that correct?

21 C-14: That's correct.

22 MR. LEE: Number 3 reads:

23 "I spoke with C-14 over the phone and
24 invited him to the office to meet with
25 me. He did not come in. See comments

1 below."

2 And number 4 reads:

3 "Client did not come to review file."

4 Do you have any comment on that, sir?

5 **C-14:** Well, yes, I do. It appears that
6 this individual is asking me to come in and review my file.
7 This is erroneous. I mean, I enlisted the assistance of
8 two separate lawyers. I sat with Mr. Richard Abell in his
9 office, the head of the Cornwall Children's Aid Society,
10 after continuous correspondence, after telephone calls with
11 Mr. Abell, after seeing with him in person, it was like
12 pulling teeth to get what we did.

13 Now, if I had that much problem getting my
14 file from Mr. Richard Abell, who was in charge of the
15 Children's Aid Society and who openly admitted to me that
16 he was responsible for the policy and the enactment of the
17 policy in the Children's Aid Society, there is no way that
18 I was ever going to get it from one of his subordinates.

19 This is erroneous, sir.

20 **MR. LEE:** You spoke, both with Mr. Engelmann
21 and with Mr. Chisholm about two meetings you had with
22 Dianne Latreille. She was a psychometrist. Is that
23 correct?

24 **C-14:** That's correct.

25 **MR. LEE:** Did you understand at the time why

1 you were being sent to see her?

2 **C-14:** Not really.

3 **MR. LEE:** Did you understand what her role
4 was, what her job was, what her training was, anything?

5 **C-14:** Well, when I first met her she said
6 she was affiliated with the Children's Aid Society and that
7 she was there to speak with me.

8 **MR. LEE:** Did you understand she was some
9 kind of healthcare professional?

10 **C-14:** Yes.

11 **MR. LEE:** Can you just briefly explain to us
12 the nature -- you told us you had very brief meetings with
13 her but you didn't get into detail of what those meetings
14 were about. Can you explain that to us?

15 **C-14:** I'm sorry; could you ask the question
16 again?

17 **MR. LEE:** You told us earlier today that you
18 had two very brief meetings with Ms. Latreille?

19 **C-14:** That's right.

20 **MR. LEE:** But you haven't told us what the
21 nature of those meetings were. What did you discuss? Do
22 you recall that at all?

23 **C-14:** Barely anything, if that, at all. I
24 was very guarded against Ms. or Miss Dianne Latreille.

25 I had been in a group home prior to that and

1 I don't know if I've raised this issue but I was very
2 troubled and I had been sleepwalking, and I suppose that
3 Mr. Ian MacLean, who was the social worker in charge of
4 that group home at the time, had contacted her in regards
5 to that and wanted her to speak to me.

6 **MR. LEE:** I think you've been over that.
7 What I want to get to, when you're in the
8 room with Ms. Latreille ---

9 **C-14:** Yes.

10 **MR. LEE:** --- what is the conversation like?

11 **C-14:** Not much of anything.

12 **MR. LEE:** And why is that?

13 **C-14:** Well, I didn't trust her.

14 **MR. LEE:** And why didn't you trust her?

15 **C-14:** Because she introduced herself as
16 being affiliated with the Children's Aid Society and the
17 Children's Aid Society didn't listen to anything I said,
18 and I knew that Mrs. Latreille was being fed information
19 from the CAS.

20 **MR. LEE:** Did you open up to this woman at
21 all?

22 **C-14:** Absolutely not.

23 **MR. LEE:** A moment ago with Mr. Carroll, the
24 last lawyer to ask you questions, he was talking to you
25 about Constable Ralko, and there's just one small point of

1 clarification that I'd like you to help me with. You
2 explained to Mr. Carroll that Constable Ralko had told you
3 that he thoroughly reviewed your CAS file?

4 **C-14:** Yes.

5 **MR. LEE:** And you made a comment about, as I
6 took it, you didn't think that was true?

7 **C-14:** Well, it was kind of hard to believe
8 because, as I was saying, the final conversation that I had
9 with Constable Ralko he had mentioned that he had spoken to
10 Mr. Bryan Keough and that Mr. Keough disavowed even knowing
11 me.

12 Now, if he would have reviewed my file he
13 would have known full well that Mr. Keough was well
14 involved in an abuse -- an earlier instance of abuse. To
15 me that was rather strange.

16 **MR. LEE:** So, sir, do you disagree that
17 Constable Ralko thoroughly reviewed your file, or do you
18 disagree with what Mr. Ralko took out of your file and how
19 he interpreted it? Did you have any other conversation
20 with Constable Ralko that led you to believe he hadn't
21 reviewed it at all?

22 **C-14:** Well, I just got the impression from
23 Constable Ralko that this was being treated very
24 superficially; that he really hadn't looked into the matter
25 at all.

1 **MR. LEE:** The final issue I want to deal
2 with is your probation order.

3 **C-14:** Yes.

4 **MR. LEE:** As I understand it, you committed
5 an offence in December of 1979. Is that correct?

6 **C-14:** Yes.

7 **MR. LEE:** And the probation order was made
8 on March 25th, 1980. Is that correct?

9 **C-14:** I believe so.

10 **MR. LEE:** About three months later. So
11 March 25th, 1980, how old would you have been at that time?

12 **C-14:** I believe about 18 years of age.

13 **MR. LEE:** My understanding, you were born
14 July 20, '62?

15 **C-14:** Yes.

16 **MR. LEE:** So you would have been a few
17 months shy of your 18th birthday?

18 **C-14:** That would be correct.

19 **MR. LEE:** Were you a ward of the CAS at that
20 time?

21 **C-14:** When I was ---

22 **MR. LEE:** When the probation order was made.

23 **C-14:** Yes, I was.

24 **MR. LEE:** And for a few months there you
25 were a ward of the CAS?

1 **C-14:** Yes.

2 **MR. LEE:** Sir, those are my questions.

3 Thank you very much.

4 **THE COMMISSIONER:** Thank you.

5 Mr. Engelmann, do you have any questions?

6 **MR. ENGELMANN:** I do not.

7 **THE COMMISSIONER:** Thank you.

8 **MR. ENGELMANN:** Thank you very much for
9 coming, Mr. C-14.

10 Thank you, sir.

11 **C-14:** Thank you.

12 **THE COMMISSIONER:** Sir, I also want to thank
13 you. It's not easy to come forward like this and to
14 discuss these matters, but they will be a great assistance
15 to me, so I thank you again.

16 **C-14:** Thank you.

17 **THE COMMISSIONER:** There you go.

18 **MR. ENGELMANN:** Mr. Commissioner, it is now
19 ten to three. We have a witness who's waiting to testify -
20 --

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

22 **MR. ENGELMANN:** --- Mr. Renshaw. I spoke
23 briefly with one counsel before lunch just to ask if -- I
24 had some correspondence last week, and I wasn't sure there
25 were going to be any submissions today or not about this

1 witness before he testifies.

2 Mr. Rose indicated to me that he would like
3 to make some brief submissions. So perhaps that would be
4 appropriate now.

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

6 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DAVID ROSE

7 **MR. ROSE:** Good afternoon, Mr. Commissioner.

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

9 **MR. ROSE:** As Mr. Engelmann said, the
10 anticipated next witness is Mr. Gerald Renshaw.

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

12 **MR. ROSE:** And Mr. Engelmann puts it fairly
13 to you that there is a disclosure issue with respect to --
14 or, there is a disclosure issue with respect to Mr.
15 Renshaw, and what I'm asking you to do is to intervene, I
16 suppose, because Mr. Engelmann and I -- I think I'm putting
17 it fairly by saying don't agree about the import of the
18 disclosure issues.

19 **THE COMMISSIONER:** M'hm

20 **MR. ROSE:** It's my position that the
21 outstanding disclosure issue is highly relevant for the
22 next witness, and it would be unfair to my client and
23 perhaps to other parties, to have the witness testify
24 without this disclosure. So, if I can just briefly -- I
25 don't want to go on at length, I want to briefly give your

1 -- Mr. Commissioner, you a sense as to why I'm making this
2 submission.

3 You may have heard through the course of
4 these proceedings the name Charles Bourgeois ---

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

6 **MR. ROSE:** --- who was the lawyer for Mr.
7 Perry Dunlop at the time Mr. Dunlop had outstanding legal
8 issues. Mr. Bourgeois interviewed many witnesses,
9 including Gerald Renshaw.

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

11 **MR. ROSE:** And I think I'm putting it fairly
12 by saying in the next series of witnesses that you're going
13 to be hearing from, Mr. Bourgeois' statements factor into
14 their evidence and the narrative.

15 **THE COMMISSIONER:** His statements?

16 **MR. ROSE:** The statements of the witnesses.
17 Mr. Bourgeois takes statements.

18 **THE COMMISSIONER:** Right, okay.

19 **MR. ROSE:** And in the course of -- it would
20 seem -- and I don't want to place too much weight on that,
21 but it seems during the course of the Perry Dunlop
22 litigation ---

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

24 **MR. ROSE:** In other words, affidavits are
25 taken, statements are taken at the same time the statements

1 are being taken relatively by police forces.

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

3 **MR. ROSE:** Now, these statements that Mr.
4 Bourgeois takes are at times at variance with the police
5 statements in a material way as it would affect my client,
6 perhaps others.

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

8 **MR. ROSE:** And ---

9 **THE COMMISSIONER:** Yeah, okay.

10 **MR. ROSE:** --- Mr. Bourgeois's put it
11 bluntly. Mr. Bourgeois' influence in taking those
12 statements was we believed and now I believe even more
13 strongly, is of, if not central importance, of a high
14 degree of importance for you, Mr. Commissioner.

15 So, for instance, we have -- pardon me, just
16 received an anticipated evidence for the next witness who's
17 going to come up ---

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

19 **MR. ROSE:** --- who speaks in the anticipated
20 evidence -- this is something that we received yesterday --
21 about Mr. Bourgeois' role in taking statements and
22 affidavits.

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

24 **MR. ROSE:** And talks about them in fairly
25 strong terms, in terms of Mr. Bourgeois' influence and the

1 resulting erroneous statements. That not only affects the
2 next witness who's going to come up, Mr. Renshaw, but
3 others except that Mr. Renshaw hasn't given any equivalent
4 discussion about Mr. Bourgeois' role.

5 **THE COMMISSIONER:** Right.

6 **MR. ROSE:** We have asked for -- there was an
7 all-counsel meeting in April where counsel raised the issue
8 of Mr. Bourgeois' file.

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

10 **MR. ROSE:** Mr. Bourgeois, again, was a
11 lawyer for Mr. Dunlop. I understand that litigation is
12 over.

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

14 **MR. ROSE:** As I think we're all aware, it's
15 unlikely that Mr. Dunlop will be testifying at this
16 Inquiry, I think fairly. However, Mr. Bourgeois' file I
17 would think is still available and his notes for
18 litigation, which has now ended.

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

20 **MR. ROSE:** And it's my respectful submission
21 that that file is now of heightened importance. We always
22 thought it was important because the role that Mr.
23 Bourgeois played in taking these affidavits and these
24 statements was we were alert to it, but now it's of
25 heightened importance because I'm aware there is another

1 upcoming witness who has discussed Mr. Bourgeois' role in
2 unflattering terms.

3 So, it's my respectful submission that Mr.
4 Bourgeois' file is important for the next witness, Mr.
5 Renshaw, because the reason why this witness will have
6 given sworn statements to Mr. Bourgeois, it's my respectful
7 submission Mr. Bourgeois' role is central. We don't have
8 anything on the other side of the equation, as it were. We
9 don't have Mr. Bourgeois' file which says when they met and
10 his notes and so forth and the things that were said. We
11 simply have the work product in the end.

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

13 **MR. ROSE:** So in my respectful submission,
14 Mr. Bourgeois -- Mr. Bourgeois' file is important for us in
15 an ability to cross-examination this witness and other
16 witnesses.

17 We've raised it with Mr. Engelmann, and I
18 understand Mr. Engelmann's position from late last week was
19 that he does not believe that this is relevant and he's not
20 prepared to issue summons or ask for summons or ask Mr.
21 Bourgeois for the file. We disagree.

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

23 **MR. ROSE:** And I'm asking, Mr.
24 Commissioner, for you effectively to intervene and adjourn
25 Mr. Renshaw either for cross-examination or fully, so that

1 we can obtain the Bourgeois file in order to fully cross-
2 examine him.

3 That's my request.

4 **THE COMMISSIONER:** M'hm. Thank you.

5 **MR. ROSE:** So, subject to any other
6 questions -- I don't know whether other people have
7 arguments or can add anything, but that's my ---

8 **THE COMMISSIONER:** I see the Cornwall Police
9 Service is coming up here, so ---

10 **MR. ROSE:** Thank you.

11 **THE COMMISSIONER:** Thank you.

12 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PETER

13 **MANDERVILLE:**

14 **MR. MANDERVILLE:** Good afternoon, Mr.
15 Commissioner, sir.

16 I would echo what Mr. Rose has said thus
17 far. In addition to Mr. Bourgeois' file, we requested the
18 transcript of the examination for discovery evidence of Mr.
19 Renshaw in a civil proceeding he initiated against Her
20 Majesty the Queen.

21 As I understand -- and this is a request
22 that was made some months ago.

23 **THE COMMISSIONER:** Right.

24 **MR. MANDERVILLE:** In general along the lines
25 of, we know a number of these witnesses have commenced

1 belated civil proceedings against certain of the public
2 institutions, decrying their response or lack thereof, and
3 they've been examined under oath at a discovery and we say
4 the evidence they've given under oath on this issue cannot
5 help but be relevant.

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

7 So, okay, so you're saying you want
8 transcripts of an examination for discovery?

9 **MR. MANDERVILLE:** Correct.

10 **THE COMMISSIONER:** Of what now?

11 **MR. MANDERVILLE:** Sorry?

12 **THE COMMISSIONER:** Of what?

13 **MR. MANDERVILLE:** The examination transcript
14 of Mr. Renshaw's action against Her Majesty the Queen,
15 alleging failures ---

16 **THE COMMISSIONER:** Her majesty the Queen for
17 Ministry of Corrections?

18 **MR. MANDERVILLE:** Correct.

19 **THE COMMISSIONER:** Okay, well don't they
20 have the transcript?

21 **MR. MANDERVILLE:** It has not been produced
22 to the Commission ---

23 **THE COMMISSIONER:** Mr. Rose, do you have the
24 transcript?

25 **MR. ROSE:** I don't have it and I think Mr.

1 Kloeze can probably more properly address that.

2 **MR. KLOEZE:** I can speak to that issue but -
3 --

4 **THE COMMISSIONER:** Oh, you can continue, go
5 ahead, go ahead. I mean, I guess, does it exist? Does the
6 transcript exist?

7 **MR. MANDERVILLE:** He was examined for
8 discovery. The fact that a transcript is or is not printed
9 is by no means an obstacle, let alone an insurmountable
10 obstacle.

11 **THE COMMISSIONER:** No. Well, what's the
12 obligation to produce? I mean ---

13 **MR. MANDERVILLE:** You mean on the part of
14 the Commission?

15 **THE COMMISSIONER:** No, no, no, no, no.
16 Okay, well, who has this transcript?

17 **MR. MANDERVILLE:** As I understand it, Mr.
18 Renshaw was examined for discovery.

19 **THE COMMISSIONER:** Right.

20 **MR. MANDERVILLE:** I'm not certain whether a
21 transcript has in fact been generated.

22 **THE COMMISSIONER:** Bon, okay.

23 **MR. MANDERVILLE:** It could -- let's assume
24 for the moment it has not been. Obviously, it could be
25 ordered and generated within you know a certain number of

1 business days.

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

3 **MR. MANDERVILLE:** The claim by Mr. Renshaw
4 and others is against -- Her Majesty the Queen is
5 represented by the Ministry of Corrections.

6 **THE COMMISSIONER:** Right.

7 **MR. MANDERVILLE:** It's my understanding that
8 there was an anonymity order put in place so that the
9 plaintiffs, including the impending witness, go by
10 initials.

11 **THE COMMISSIONER:** M'hm

12 **MR. MANDERVILLE:** It's also my understanding
13 that -- give me a moment, please, sir, I lost my train of
14 thought.

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

16 **MR. MANDERVILLE:** The claim is an insured
17 claim. The province or the ministry is represented by
18 counsel chosen by the insurer. That, in my submission,
19 does not in any way shape or form put it beyond the reach
20 of the ministry to obtain it nor for the Commission to
21 obtain it.

22 It is, in my submission, patently obvious it
23 will contain relevant information because it's the very
24 claim that we're concerned with.

25 We've asked for discovery transcripts going

1 back several months now and with the exception of Robert
2 Renshaw, have generally not received them. I'm not casting
3 aspersions. I don't think the Commission has them either;
4 I think they should get them.

5 They have the power to get them, I submit,
6 and similarly with respect to Mr. Bourgeois' file, Section
7 7 of the *Public Inquiries Act*, as you know, grants the
8 Commission the power to summons any person for him or her
9 to come and testify or to deliver any documents the
10 Commission wishes to obtain from that person.

11 That can certainly be done with Mr.
12 Bourgeois. I submit it should be done, and I submit that
13 Mr. Renshaw should either have his testimony delayed or at
14 least the cross-examination be adjourned until we receive
15 the information from Mr. Bourgeois' file that's relevant.

16 This issue became rather more significant
17 last night as Mr. Rose alluded to, when we received the
18 Statement of Anticipated Evidence of an upcoming witness
19 who maintains that he was intimidated by Mr. Bourgeois and
20 his client into saying things that weren't true or into
21 making erroneous statements.

22 Therefore, we submit it's clearly important
23 that at least the Commission see what's in Mr. Bourgeois'
24 file to tell us there is nothing relevant there. That step
25 has not been taken; we submit it should.

1 I know you know the law quite well in this
2 area, in your other role as a criminal court judge.

3 **THE COMMISSIONER:** Don't assume too much
4 now, come on.

5 **MR. MANDERVILLE:** You are no doubt familiar
6 with the *Stinchcombe* case?

7 **THE COMMISSIONER:** Here and there.

8 **MR. MANDERVILLE:** Once in a while it might
9 have come up in your professional activities.

10 *Stinchcombe* has been applied in the
11 administrative context as well as the criminal context,
12 more recently in the Divisional Court of Ontario, in
13 *Ontario Human Rights Commission v. Ontario Board of Inquiry*
14 *for Northwestern Hospital*. The court applied *Stinchcombe*
15 directly to say it's a denial of procedural fairness to
16 require parties to go forward with respect to a witness for
17 whom all relevant information has not been produced.

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

19 **MR. MANDERVILLE:** And what I don't get,
20 frankly, Mr. Commissioner, is why there would be any
21 reluctance to get this information. Why there would be any
22 reluctance on the part of the Commission to obtain all
23 relevant information to assist the Commission in preparing
24 a witness and in my case, of course, to assist parties
25 withstanding to prepare to cross-examine a witness.

1 Frankly, I don't understand why there would be reluctance
2 in this regard.

3 Thank you.

4 **THE COMMISSIONER:** Thank you.

5 Mr. Kloeze.

6 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DARRELL KLOEZE:**

7 **MR. KLOEZE:** Thank you, Mr. Commissioner.

8 I want to speak to both aspects but before I
9 lose the part about the civil litigation file, I want to
10 echo Mr. Rose's and Mr. Manderville's request that the
11 Bourgeois file be obtained. And, as they say, because of
12 information that came to our attention last night in the
13 form of a witness statement, of an upcoming witness,
14 indicating that he had felt intimidated by Mr. Bourgeois in
15 the context of Mr. Bourgeois taking statements and drafting
16 ---

17 **THE COMMISSIONER:** Okay ---

18 **MR. KLOEZE:** Taking statements from the
19 witness.

20 **THE COMMISSIONER:** Are you saying that some
21 witness that's coming down and saying he was intimidated by
22 Mr. Bourgeois, or by Mr. Bourgeois and his client or by the
23 client?

24 **MR. KLOEZE:** By both.

25 **THE COMMISSIONER:** By both, okay.

1 **MR. KLOEZE:** And intimidated in the context
2 of Mr. Bourgeois and his client taking statements and also
3 drafting affidavits for that witness.

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

5 **MR. KLOEZE:** On the matter of the civil
6 litigation, Mr. Manderville has characterized the issue
7 accurately.

8 The transcripts that he is seeking arise out
9 of a civil lawsuit brought against the Crown, Her Majesty
10 the Queen, by several individuals. This actually was
11 commenced in the year 2000, not by the current counsel for
12 the plaintiff who is Mr. Lee's firm, but by former counsel.

13 And at the outset of that litigation, the
14 former counsel obtained an anonymity order requiring that -
15 - in the context of that civil litigation the -- and in any
16 court documents that the plaintiffs be identified by
17 initials.

18 And also, an order in the nature of a
19 publication ban requiring that -- or preventing the
20 identity of the plaintiffs or any information that could
21 disclose their identity would be banned from publication in
22 any document or on any broadcast, and that was an order
23 obtained by the Superior Court in December 2000, and to my
24 knowledge it has not been lifted with respect to any of the
25 witnesses.

1 As Mr. Manderville said, this is an insured
2 file and the action -- carriage of the matter has been
3 undertaken by private counsel chosen by the insurers, by
4 Her Majesty's insurers.

5 Private counsel have taken instructions from
6 Her Majesty's insurers as to the carriage and conduct of
7 this matter but there is counsel in my office at the
8 Attorney General who maintains a watch brief over the file.
9 We do not have care and conduct of the file. We do not
10 have any possession or custody of the documents that arise
11 out of the civil litigation.

12 Because of this request that came up on
13 Friday -- or on Thursday, we did request insurers counsel
14 and I found that a transcript of the examination for
15 discovery of Mr. Renshaw does exist.

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

17 **MR. KLOEZE:** There was obviously an
18 examination for discovery of the witness in question and a
19 transcript was ordered.

20 I can say this did arise with respect to Mr.
21 Robert Renshaw as well. A similar request was made and the
22 transcript was produced, not by our office but by Mr. Lee's
23 office, be as it turned out that they had also ordered a
24 copy of the transcript, so it is available.

25 We have advised that before -- and the

1 insurers have advised as well -- that before the transcript
2 is produced, and we've advised this of Commission counsel
3 and of other parties, that an order should be taken out
4 lifting the anonymity order and lifting the publication ban
5 for the protection of the insurers, and that we will
6 consent to any such order taken out.

7 And we're making no submissions as to the
8 relevance of the transcript itself but if parties want to
9 see the transcript, then we will consent to an order
10 lifting the anonymity order and I assume that a request for
11 consent would have to be made of Mr. Lee's client as well.

12 **THE COMMISSIONER:** So why wasn't this done a
13 long time ago then? It seems to me if you know where the
14 transcript is and if they were talking about this months
15 and months ago, why did we wait till today to do all this?

16 **MR. KLOEZE:** I'm not aware of that. I can
17 say that we have told Commission counsel of the existence -
18 - they certainly were aware of the civil litigation file
19 and we've told them all along and -- I'm not sure of other
20 parties -- if we've expressed this as directly to other
21 parties but -- that we will consent to the lifting of the
22 order, but that an order has to be taken out. And we've
23 given, I believe, also drafts -- draft proceedings, like a
24 notice of motion, that would be necessary.

25 **THE COMMISSIONER:** To who?

1 **MR. KLOEZE:** To Commission counsel; I
2 believe that's been provided.

3 **THE COMMISSIONER:** Mr. Engelmann -- well
4 first of all, Mr. Sheriff-Scott is going to come forward.
5 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DAVID SHERRIFF-**
6 **SCOTT:**

7 **MR. SHERRIFF-SCOTT:** Good afternoon, sir.

8 **THE COMMISSIONER:** Good afternoon.

9 **MR. SHERRIFF-SCOTT:** With respect to the
10 transcript, the Attorney General will be represented by
11 private counsel who would act in a collaborative and joint
12 retainer for the insurer and the insured.

13 I do insurance law and have for many years
14 and that's what you do. So there's no impediment there.

15 I submit there's no need for motions. You
16 have anonymity provisions, publication bans; we can all
17 work within that. Let's get the thing produced. It's
18 apparently sitting somewhere and we can get access to it.

19 The fact that these broadcast restrictions
20 are there doesn't impede our work because we have the same
21 remedies through you. If that's warranted it can be
22 waived, it cannot be waived. It doesn't matter, you have
23 the same techniques available to you to either uphold,
24 remain -- it's no impediment to the immediate production
25 under the covenant and promises made by counsel.

1 So I submit that that should be produced.
2 I'm aware and privy to some of the information in that
3 because I was counsel in a parallel action which ended up
4 moving at the same pace and sharing some of the same
5 proceedings and we did request this information in April at
6 counsel meetings.

7 With respect to the Bourgeois file, the
8 intermediate ground, I suppose, just to come back to this
9 issue of what happens. I don't see any impediment to the
10 witness testifying and then let's get our cross done when
11 we get this paper, as I submit, as the intermediate
12 solution.

13 **THE COMMISSIONER:** What paper?

14 **MR. SHERRIFF-SCOTT:** The transcript and the
15 Bourgeois file, as I'll describe it.

16 So my sort-of divide the baby solution is,
17 let's do the cross-examination when we get the documents.

18 But pertaining to the Bourgeois file, I'd
19 just try and synthesize for you why this is germane to the
20 proceeding.

21 You'll recall -- and just bear with me, I
22 just want to make sure that I don't run afoul of our
23 monikers. Thank you.

24 You'll recall Robert Renshaw was the brother
25 of the witness who will testify this afternoon, testified a

1 number of weeks ago and stated that his younger brother,
2 who is the intended witness had a number of meetings in
3 contacts with both Mr. Dunlop and his lawyer, Bourgeois.

4 That resulted in information and statements
5 being taken from this witness, as well as his brother
6 laterally. It was at the urging, in fact, of
7 Mr. Dunlop/Bourgeois, if I can use that expression, that
8 Gerald Renshaw got in touch with Robert Renshaw and
9 stimulated those meetings which is the testimony of
10 Mr. Renshaw.

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

12 **MR. SHERRIFF-SCOTT:** Third, both Gerald
13 Renshaw and Robert Renshaw met with Mr. Bourgeois and
14 Mr. Dunlop, and Mr. Bourgeois prepared statements in his
15 office, commissioned affidavits, and the -- I submit
16 Mr. Bourgeois' role, and the documents in his file are
17 germane to the testimony of the witness. Some of these
18 affidavits are proposed to be filed by your counsel.

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

20 **MR. SHERRIFF-SCOTT:** Next week, we are going
21 to hear about a witness -- pardon me for the diagram --
22 named Ron Leroux, and in his anticipated evidence, we now
23 know that he had extensive contacts with both Mr. Bourgeois
24 and Mr. Dunlop.

25 We anticipate from the statements given to

1 us in disclosure that he will say not only that he was
2 intimidated by both Mr. Bourgeois and the other, but that
3 his statements may have even been manipulated. We
4 understand that he'll go so far as to say that his
5 statements were prepared and he expressed concerns about
6 their content, but that the concerns were either brushed
7 aside, ignored or minimized by these individuals driving
8 for their theory.

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

10 **MR. SHERRIFF-SCOTT:** Mr. Bourgeois, as you
11 know Commissioner, probably from ancillary and previous
12 proceedings, as a fifth point was Mr. Dunlop's lawyer and,
13 therefore, Mr. Dunlop's role and all of the information
14 pertaining to Mr. Bourgeois is obviously important as the
15 thing unfolds.

16 Next, there will be a witness down the line
17 and he will testify in August either by overview or *viva*
18 *voce*; that's up in the air. We've asked that he testify
19 *viva voce*. We're not sure if this witness is going to
20 request confidentiality, so I won't identify his name,
21 but he is a person that was intimately connected with Mr.
22 Leroux and Mr. Seguin. Mr. Leroux is the witness next week
23 that I described. This individual is actually represented
24 by Mr. Bourgeois.

25 Mr. Bourgeois took extensive statements and

1 acted on his behalf. Not only with respect to all of the
2 issues you'll hear about, but with respect to an individual
3 proceeding that this individual who's unnamed will talk
4 about. Yes, thank you. He, too, has stated in his
5 anticipated evidence that his statements were at least
6 influenced and/or manipulated by these two individuals,
7 including Mr. Bourgeois.

8 And so I submit for those reasons that this
9 information is germane to what is going on with respect to
10 the next witness, Mr. Gerald Renshaw, the witness Mr.
11 Leroux and the witness who may have a moniker testifying in
12 August by way of overview or either viva voce.

13 This is not criticism but background. There
14 were a number of all counsel meetings. I submit that it
15 would be an understatement to describe insistence to be the
16 tone of the request for this information, and then letters
17 were sent a week or so ago reiterating a request.

18 Mr. Engelmann has taken a position and I am
19 not criticizing his position. He has decided in his wisdom
20 he has taken the position that he has taken. I submit I
21 disagree with it and support the request of my friend.

22 And those are my submissions in support of
23 at least an intermediate solution which CSIS is pressing
24 on. Thank you.

25 **THE COMMISSIONER:** Thank you. Anyone else?

1 Mr. Lee? Oh, I'm sorry. I take it -- let's
2 hear from one side first. I take it, Mr. Lee, you're not
3 totally in favour of what's being said.

4 **MR. LEE:** That's a very wise guess.

5 **THE COMMISSIONER:** Mr. Carroll?

6 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. WILLIAM CARROLL

7 **MR. CARROLL:** I address you only to support
8 Mr. Rose in his application. It occurs to me that if we
9 have information from a witness coming next week that
10 persons that he materially interacted with potentially
11 intimidated him or manipulated his evidence and those very
12 same persons dealt with the witness we're about to hear, it
13 only makes sense and in our abundance of caution to have
14 all material that is in existence and available before
15 cross-examination of this witness proceeds. If Mr.
16 Engelmann is prepared to do an examination-in-chief without
17 that material, I would be quite content to defer cross-
18 examination until such time as we have the documents.
19 Thank you.

20 **THE COMMISSIONER:** Thank you.

21 Anyone else? Yes.

22 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. SUZANNE COSTOM

23 **MS. COSTOM:** Good afternoon

24 Mr. Commissioner. I am not going to repeat what my friends
25 have all said. I think that they've all made the point,

1 very clearly, as to the relevance of both sets of documents
2 that we're talking about, namely the Bourgeois file and the
3 examination on discovery of Mr. Renshaw. The OPP certainly
4 believes that disclosure of all relevant documents should
5 be made certainly at the very least before cross-
6 examination of this witness.

7 **THE COMMISSIONER:** Thank you.

8 Anyone else?

9 Mr. Lee?

10 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR.DALLAS LEE**

11 **MR. LEE:** As was pointed out, I am on for
12 Mr. Renshaw, the next witness. I'd like to address a few
13 issues.

14 The first one I think I need to address is
15 the timeliness of this request, and specifically how that
16 impacts on my client. To give you some idea of dates, the
17 applications for standing and funding at this Inquiry were
18 made in October of 2005, at which time Mr. Renshaw swore an
19 affidavit indicating he was part of the Victims Group.
20 Shortly thereafter, we were granted standing and funding to
21 the Inquiry, so all parties here have known since at least
22 then that Mr. Renshaw was a member of the Victims Group.

23 I would submit to you that they've known
24 since long before then that he would very likely be a
25 witness at this Inquiry based on his status and where he

1 fits in to the story. And I don't think any of my friends
2 would disagree with that, and that they are quite
3 interested in hearing from Mr. Renshaw; it's a matter of
4 when they're going to hear from him, I suppose.

5 It's been known for many years that
6 Mr. Renshaw met both with Perry Dunlop and with Charles
7 Bourgeois. The examination for discovery we're talking
8 about began -- was conducted over two days, and began in
9 December of '03. It was completed on a different day in
10 January of '04.

11 And the action we're speaking of, as you
12 worked out was with -- as a result of abuse by the hands of
13 Ken Seguin, and therefore the actions against the Ministry
14 of Corrections. The main defendant in that is Her Majesty
15 the Queen in the Right of Ontario, represented by the
16 Attorney General. Corrections and the Attorney General
17 obviously are both parties here and have known of the
18 lawsuit since its inception.

19 The litigation that we're talking about that
20 concerns -- well, let me explain -- the affidavits and the
21 statements as they've been called that you're hearing about
22 that Mr. Bourgeois was involved with relate to Mr. Dunlop's
23 personal action against a large number of defendants, and
24 the affidavits were essentially sworn in support of those.
25 You heard evidence on that from

1 Mr. Bob Renshaw, whether he knew that's why he was swearing
2 in or not, that was the purpose it was determined.

3 Named defendants in that action were various
4 members of the Cornwall Police Services, the Cornwall
5 Police Services Board, and the Service itself, as well as
6 the Diocese of Alexandria-Cornwall, formally -- I think --
7 the Episcopal Corporation of the Diocese of Alexandria-
8 Cornwall. All of those then obviously knew not only about
9 the litigation, but about Gerry Renshaw's involvement in
10 it, and then the fact that he had sworn an affidavit.

11 And all this occurred long before the
12 Inquiry started. Mr. Renshaw's statements, many of them
13 have been on the Internet for years; they continue to be
14 posted on the Internet, and obviously well outside of the
15 context of the Inquiry. They're not on the Inquiry
16 website, they're just on the web -- the Internet generally.

17 My concern obviously, then, with timeliness
18 is that days ago, we're hearing formally that -- well, days
19 ago, but first time we're hearing that
20 Mr. Renshaw shouldn't be called until more documents can be
21 produced. And now I suppose this is our formal notice that
22 requests for those documents have been made. There have
23 been discussions, there have been comments made of the fact
24 that document A or document B should be produced. I, off
25 the top of my head, admittedly don't recall a formal

1 request; obviously it hasn't been addressed before you,
2 before now.

3 My concern obviously for my client is the
4 effect it would have on him. Mr. Renshaw has been told for
5 some time now he would testify at the end of June. We
6 thought maybe this week, maybe next week. He has prepared
7 himself. He has taken time off work to meet with me. He
8 has taken time off work to meet with Commission counsel.
9 He lives outside of Cornwall. He has travelled several
10 times, he has travelled today and he is waiting in the
11 wings somewhere. He has arranged for a support person to
12 be with him. He has arranged for day care for that support
13 person's children. He has reviewed documents. He has had
14 multiple meetings; he has prepared himself, and is ready to
15 go now. Mr. Renshaw is here to help this Inquiry. Mr.
16 Renshaw is here to tell his story. Mr. Renshaw is here to
17 answer questions.

18 And in return, Mr. Renshaw has asked that he
19 gets in and he gets out and this phase of his life is over.
20 That's Mr. Renshaw's interest here. It's a new beginning
21 for him. He's told me when this is done, much like his
22 brother told us -- this is it.

23 It's not fair at this point to have him
24 strung along or to have him come back or anything along
25 those ideas. In my opinion, let's get it done.

1 There's been a suggestion that I'd like to
2 briefly address that we can do the examination-in-chief now
3 and the cross-examination later. It's my position that
4 that's much too much to ask of any witness probably, but in
5 particular of a victim of abuse who's here to testify.

6 I think a professional witness would have
7 difficulty giving his examination-in-chief and coming back
8 in weeks or months or whatever it might be to give his
9 cross-examination. He is here to testify about emotional
10 issues obviously.

11 It makes it harder, and I think we need to
12 focus at least a little bit on the effect of something like
13 that, that long break in between the two could have, not
14 only on Mr. Renshaw, psychologically or emotionally or
15 whatever you want to call it, but also on his ability to
16 give meaningful answers in cross-examination when he mostly
17 likely won't be able to recall what he testified to in-
18 chief specifically. Because as cross-examination goes, it
19 typically says, "You'll recall when you were here talking
20 to Mr. Engelmann". It's a lot easier when it's the day
21 before and not months before.

22 Turning to the documents themselves, as was
23 noted, Mr. Renshaw began the claim that led to the
24 discovery with other counsel. The examination for
25 discovery was undertaken while represented by that other

1 counsel. My firm took over in 2004. The action was
2 settled this year while with my firm and Mr. Renshaw
3 obviously remains to be my client here.

4 This is the first I've heard that a
5 transcript exists. Prior counsel for the plaintiff didn't
6 order it, and we didn't order it, and this is the first
7 confirmation I've heard moments ago that Corrections or the
8 Attorney General or an insurer -- whoever it was, that the
9 defendant has it.

10 This is the first I've heard that there are
11 transcripts that exist that haven't been produced. There
12 was an issue, you'll recall, with Mr. Renshaw's brother,
13 Robert Renshaw; I was asked to produce the document. I
14 hadn't done it before then I produced it. There may well
15 be an argument then, or there may have been and there may
16 be in the future whether or not what use we can make of it
17 here. But in terms of production, it was produced.

18 So one thing that, aside from Mr. Renshaw, I
19 think we need to figure out what other transcripts are out
20 there from any of these parties and what we can do about
21 getting them.

22 So, that's obviously one issue that now we
23 learn it exists, and I have no problem with it being
24 disclosed here, and I'll get to that in a moment.

25 There's been a lot made about a statement of

1 anticipated evidence that was released last night. I was
2 actually meeting with your counsel and Mr. Renshaw last
3 night and hadn't reviewed that, and I'm just learning for
4 the first time that apparently there are statements in
5 there about Charles Bourgeois' enhanced role in
6 intimidation and these other things.

7 We shouldn't lose track of the fact that
8 this is not Mr. Renshaw that has anything to say about
9 anything like that. When Mr. Rose came up today, what
10 immediately struck me is that he kept on talking about Mr.
11 Bourgeois taking statements from people, and I jotted down
12 the note. He didn't take statements, he took affidavits
13 because that's my understanding of his contact with Gerry
14 Renshaw. He commissioned an affidavit for him.

15 If Mr. Leroux is going to allege that there
16 was more than that, that's for Mr. Leroux. Perhaps Mr.
17 Leroux's testimony will have to be considered in that
18 regard, but it doesn't justify in my opinion holding Mr.
19 Renshaw off to wait for that file.

20 And, in terms of Mr. Bourgeois' file as
21 relates to Mr. Renshaw, I would suggest it's much more of a
22 Perry Dunlop issue than it is a Gerry Renshaw issue. If
23 Mr. Dunlop is going to be called, I think we probably want
24 the Bourgeois file. If there's going to be an ode that
25 goes in instead for Mr. Dunlop, we probably want the

1 Bourgeois file.

2 I'm perfectly fine with getting the
3 Bourgeois file. I don't want to hold up Gerry Renshaw
4 while we wait for it when I don't have any particular
5 reason to believe there's going to be anything of relevance
6 in there, if there's anything of relevance in the entire
7 file. We're speculating, at this point.

8 The other point I wanted to make was that
9 we've had other witnesses, and Robert Renshaw is the most
10 obvious example of somebody who met with Perry Dunlop and
11 somebody who met with Charles Bourgeois and somebody who
12 had an affidavit commissioned by Charles Bourgeois, and who
13 testified here without the Bourgeois file. It's happened
14 before. I don't understand the difference, necessarily. I
15 don't get the distinction between the two and I don't know
16 why it's critical that this happen now and why we can't
17 wait to see the Bourgeois file when it comes, and deal with
18 that at the time if it's -- if there's anything relevant in
19 there.

20 My point, obviously -- and the big point is
21 -- I think it's important to Mr. Renshaw and it's important
22 to me, therefore, that his evidence be allowed to proceed.
23 I don't in any way favour a system that would have him
24 testify in-chief and come back at an unknown date to
25 complete his cross-examination. I really do believe that's

1 unfair to the witness.

2 But I think for now, that's probably all I
3 have to say, subject to questions.

4 **THE COMMISSIONER:** It's enough.

5 **MR. LEE:** Thank you.

6 **THE COMMISSIONER:** Thank you.

7 **MS. DALEY:** May I make some comments?

8 **THE COMMISSIONER:** Certainly, sure.

9 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. HELEN DALEY

10 **MS. DALEY:** Mr. Commissioner, my clients
11 certainly want to see this Inquiry proceed if it can do so
12 in a fair way, obviously.

13 I have two thoughts to offer on the
14 situation we find ourselves in. Learning that the
15 transcript does exist, and that's obviously a sworn
16 statement about matters which Mr. Renshaw will testify
17 about here, clearly it's relevant. I would want it if I
18 were going to cross-examine him, but knowing that it does
19 exist, I would have thought all that needs to be done is
20 someone who has that document can put it in the hands of
21 Mr. Renshaw. He's the litigant, he's the deponent, he has
22 every right to then turn it around and hand it to my
23 friend, Commission counsel, and it can thereby be produced
24 in that fashion. So I would have thought that's a fairly
25 simplistic solution on the transcript that wouldn't require

1 any sort of lengthy adjournment.

2 Now, if there are other issues that I'm not
3 cognizant of that, you know, that require rulings or
4 modifications of an order that already exists, I would have
5 thought you had the capacity to do that. But since it's
6 Mr. Renshaw's right as that litigant to do with that
7 transcript as he wishes, once he has possession of it he
8 can make it available to us, I would have thought.

9 **THE COMMISSIONER:** Okay, that's fine.

10 **MS. DALEY:** In terms of the involvement of
11 Mr. Bourgeois, my comments on that are there seems to be a
12 little bit of bootstrapping. We have a witness down the
13 road who's alleging that maybe Mr. Bourgeois played an
14 inappropriate role. Mr. Bourgeois' file may or may not
15 contain evidence that supports that assertion but the
16 witness to be called now, Mr. Renshaw, as far as we know is
17 not making that assertion.

18 Now, if there is a genuine concern that
19 Bourgeois played a role, then what I would suggest is that
20 when Renshaw's evidence is led by my friend, he tables that
21 evidence or reduces that evidence for you to hear. In
22 other words, he can ask Mr. Renshaw about the role played
23 by Bourgeois and whether Bourgeois in any manner
24 intimidated or put words in his mouth. And I think that
25 puts you in a much better position to evaluate whether the

1 Bourgeois file is at all potentially relevant to Mr.
2 Renshaw's testimony.

3 So those are my comments.

4 **THE COMMISSIONER:** Thank you.

5 Mr. Engelmann?

6 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PETER ENGELMANN

7

8 **MR. ENGELMANN:** I must say, it's unfortunate
9 to find out about things for the first time in the hearing
10 room and just before you're calling a witness.

11 We have attempted to do things as much as
12 possible in advance, be as fair as we can, so I'm happy to
13 hear that a transcript of Mr. Renshaw's evidence exists. I
14 found out about that minutes ago.

15 I want to just put a couple of things into
16 perspective. There have been discussions at all-counsel
17 meetings. In fact, I recall a discussion at an all-
18 counsel meeting in April where a counsel for the Cornwall
19 Police Service -- and they were the people who brought up
20 the issue about possibly talking to Mr. Bourgeois and we
21 said we'd take it under consideration. They have also
22 brought up the issue about transcripts from Corrections and
23 informally at an all-counsel meeting by Cornwall Police
24 Service and they've said it's inconsistent; other people
25 are providing transcripts; Corrections should provide

1 transcripts.

2 The whole thing that's very unfortunate here
3 is we have certainly many lawyers, many parties, and
4 certainly when parties want to contact me or my colleagues,
5 they pick up the phone and they do this often. They write
6 letters and they let us know what they want and they're not
7 shy about that and that's fine. They're representing their
8 clients.

9 Parties have known since October of last
10 year that Gerry Renshaw was on our witness list. This has
11 been confirmed two or three times since. There was some
12 difficulty in us locating Mr. Renshaw, we weren't certain
13 whether we'd have him for a witness, but we've indicated he
14 was to be a witness. And now we've known for some time
15 that he was going to be a witness in June.

16 On June 14th, that's Thursday of last week,
17 for the first time, Commission counsel received a formal
18 request for "The Bourgeois file". Mr. Rose's letter. It
19 was followed by a letter from Mr. Sherriff-Scott and
20 followed by a letter from Mr. Manderville. I may have got
21 the order wrong, but these letters were all received on
22 Thursday of last week.

23 On Friday of last week, we get a "Me too"
24 letter from Neil Kozloff. So, I'm not ---

25 **THE COMMISSIONER:** A what letter?

1 MR. ENGELMANN: I'm sorry?

2 THE COMMISSIONER: A what letter?

3 MR. ENGELMANN: A "Me too."

4 THE COMMISSIONER: Yes. A "Me too."

5 MR. ENGELMANN: So, I'm not suggesting for a
6 minute that Mr. Bourgeois is not a person of interest to
7 this Inquiry. And I'm not suggesting for a minute that
8 we're not prepared to take some action if and when it's
9 appropriate to deal with Mr. Bourgeois.

10 What I was concerned about and the reason I
11 responded on Friday with a letter to say, "No, not now,
12 we've got this witness, the witness has been ready for some
13 time", is the impact on the witness and the fact that all
14 of these counsel have known for a long time that this
15 witness was coming.

16 So, with respect to the Bourgeois file if I
17 can comment on it for a minute, I think a couple of counsel
18 said, "Well, Mr. Bourgeois took statements, and Mr.
19 Bourgeois did this, Mr. Bourgeois did that". With respect
20 to Gerry Renshaw, Mr. Bourgeois commissioned an affidavit.

21 I'm not saying that the witness didn't have
22 a meeting or meetings with Mr. Bourgeois in the presence of
23 Mr. Dunlop; and we'll hear from several witnesses about Mr.
24 Dunlop having meetings with witnesses. And we have heard
25 from several -- and we'll hear from more witnesses. And

1 Mr. Dunlop had meetings with victims or alleged victims in
2 the company of either Mr. Bourgeois, Mr. Carson Chisholm,
3 his wife -- I'm not sure if there were others.

4 But in any event, I believe we will hear
5 from Mr. Renshaw that he had only one meeting alone with
6 Mr. Bourgeois, and I believe that was the meeting when he
7 commissioned the affidavit. And Mr. Dunlop was just
8 outside of the room that this was done in. So, with
9 respect to this witness, if a file exists, and if notes
10 exist from Mr. Bourgeois dealing with this witness, I don't
11 really think they're going to be all that helpful. There
12 is an argument to be made with respect to the next witness,
13 that in fact there may be more information that would be
14 useful.

15 With respect to the transcript -- Commission
16 counsel served summons on all the public institutions. We
17 were advised by the Ministry of Corrections early on in
18 this process that the transcripts in question -- we had
19 asked for transcripts from all of the alleged victims of
20 Ken Seguin and Nelson Barque. All of those people who sued
21 -- and we know there are an awful lot that have sued. We
22 were told that those transcripts were beyond the scope of
23 our summons. That those transcripts were with a private
24 insurer, with that insurer's counsel.

25 We had subsequent discussions with the

1 Ministry of the Attorney General, we had issues raised with
2 us about relevance and, as you know, sir, we've had issues
3 about relevance and people are to produce relevant
4 documents in accordance with the summons. And we haven't
5 been going beyond that. If, to some extent, been relying
6 on counsel to determine relevance.

7 And what's interesting about this issue is
8 we're in the process of discussing -- or having interviews
9 with the Ministry of correction officials as we speak; and
10 you know this issue has arisen again about -- well, maybe
11 we should revisit that. Shouldn't we have these
12 transcripts? And we were met with a, "Well, you know,
13 we've decided this already, transcript's not available."

14 This is not going to be a piecemeal
15 situation for the Commission. Either we're going to get
16 the transcripts and we're going to get them all, and we're
17 going to look at them; and then we're going to determine
18 whether or not there are issues on relevance and they
19 should be put in through witnesses or not. We're not going
20 to do this piecemeal.

21 I mean, isn't it interesting that today,
22 we're notified that a transcript exists? After we were
23 provided with notice on Thursday and I wrote on Friday
24 saying, "No, this witness is ready to go. We want to go."
25 I'm meeting inquiries of counsel for the plaintiff in this

1 particular case, to see if a transcript existed.

2 I know Mr. Lee made efforts to find out, and
3 he advised me that no transcript had ever been ordered.
4 And, you know, given our last correspondence with the
5 Ministry of Corrections and those officials -- even though
6 it was informal, we've had a situation where a summons that
7 was issued some time ago -- we were told was not full and
8 broad enough to cover the delivery or production of
9 transcripts.

10 All that to say we've had several witnesses
11 that have come forward. Several witnesses have come
12 forward without the benefit of those transcripts. All of a
13 sudden, this is an issue for counsel. And I just -- I'm
14 extremely disappointed that this issue was raised on June
15 14th, on Thursday. As I said, we have this witness; the
16 witness is ready to go.

17 I certainly agree with Mr. Lee that it would
18 be unfair to Mr. Renshaw to hear his evidence and then have
19 him come back some time in the month of August or whenever
20 -- you know, after -- the parties know how long it takes us
21 to turn around documents. We've got to take the documents
22 in, we've got to scan them, we've got to get them to our
23 service provider. We've got to get them out again to the
24 parties.

25 So it isn't a one-day turnaround, given the

1 type of operation we're running here with our electronic
2 database. So, I mean, asking for something, you know, two
3 business days or three business days before a witness is
4 going to come on disclosure, when you've known about the
5 existence of a particular document is just in my respectful
6 submission, not on. And it is extremely unfortunate that
7 if these documents are of such concern to counsel, for this
8 inquiry, that that type of request is made at the last
9 minute.

10 So ---

11 **THE COMMISSIONER:** So Mr. Kloeze says he's
12 got the transcript, so we'll get him to fax it to everybody
13 tonight; they can read it over the midnight -- burning
14 midnight oil, and then we'll have a copy for the witness.
15 How would that work?

16 **MR. ENGELMANN:** And proceed in that fashion?

17 **THE COMMISSIONER:** Absolutely.

18 **MR. ENGELMANN:** Well -- prepared to do that.

19 **THE COMMISSIONER:** There we go. So that's
20 one out of the way --

21 **MR. ENGELMANN:** But I must say, sir, if
22 we're doing that with this witness, we want full
23 production. And we will be asking for full production.
24 I'm going to put the parties on notice right now; we're not
25 going to accept piecemeal transcripts. We want them all.

1 **THE COMMISSIONER:** There you go.

2 **MR. ENGELMANN:** If some of them are
3 irrelevant, all of them are irrelevant. We will look at
4 it, and we will determine what we're doing.

5 **THE COMMISSIONER:** There you go.

6 All right, ladies and gentleman. Mr. Kloeze
7 wants to address us.

8 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DARRELL KLOEZE:**

9 **MR. KLOEZE:** I just want to make one further
10 comment in response to something that Commission counsel
11 has said. Throughout the course of the inquiry, he's
12 correct that the Attorney General's taken the position that
13 any information from the civil litigation that's in the
14 hands of the insurers, was beyond the scope of this inquiry
15 and not relevant to the terms of reference of this inquiry.
16 And to my knowledge, Commission counsel had not disputed
17 that position.

18 **THE COMMISSIONER:** But now you're changing -

19 --

20 **MR. KLOEZE:** I understand now, he's ---

21 **THE COMMISSIONER:** No, no. But you're
22 changing as well. You're willing to produce the
23 transcript.

24 **MR. KLOEZE:** I said -- as I said, we're
25 willing to consent to an order lifting the publication ban

1 in the civil litigation matter.

2 **THE COMMISSIONER:** Okay but -- okay, sure,
3 that's fine. But you know that there's a transcript; how
4 do you know that?

5 **MR. KLOEZE:** I found out yesterday.

6 **THE COMMISSIONER:** From whom?

7 **MR. KLOEZE:** From the insurer's counsel. We
8 contacted them directly and asked them whether a transcript
9 existed. Everybody's known that an examination for
10 discovery had taken place.

11 **THE COMMISSIONER:** Sure. But how many times
12 do discovery transcripts get ordered? I mean --

13 **MR. KLOEZE:** Well, in this case we requested
14 yesterday. We asked for that information yesterday and
15 found out that a transcript had been ordered.

16 **THE COMMISSIONER:** Well, what's your
17 position? Are you saying that you don't want to produce
18 that?

19 **MR. KLOEZE:** No, I'm saying that we're happy
20 to produce it.

21 **THE COMMISSIONER:** But at the beginning, you
22 just told me that you took the position that litigation
23 documents were not relevant to this inquiry. Now are you
24 saying it is?

25 **MR. KLOEZE:** I'm saying, if somebody wants a

1 copy of the transcript and believes it's relevant -- we had
2 taken the position it's not relevant.

3 **THE COMMISSIONER:** Right. Now you've -- now
4 you're changing as well. You're saying, "Well, if you want
5 it, we'll give it to you."

6 **MR. KLOEZE:** I said I'm not taking a
7 position on the relevance of it. Nobody's ever
8 specifically, as Mr. Engelmann may have said, requested it
9 from him, I believe, or requested it from us.

10 **THE COMMISSIONER:** No, but you, the Attorney
11 General and the other ministries have taken the position,
12 "No, you can't have it."

13 **MR. KLOEZE:** We're taking -- we took the
14 position at the time that civil litigation files involving
15 allegations -- civil litigation files and information and
16 materials from those civil litigation files were not
17 relevant.

18 **THE COMMISSIONER:** Right.

19 **MR. KLOEZE:** That's the position we took at
20 the time.

21 The transcript which contained statements
22 made by a witness that were never put to the institution,
23 would never have informed an institutional response; and if
24 they're relevant for the -- you know, for purposes of
25 establishing or acquiring consistent statement, you

1 yourself have said that we're not examining the truth of
2 the allegation. And so, for those reasons, we had taken
3 the position that they weren't relevant.

4 But, as I said, if somebody wants to see a
5 copy of the transcript, we had said, well over a year ago,
6 that all we would require is an order lifting the
7 publication ban.

8 As defendants in that matter, I felt that
9 the insurers and Her Majesty would require that to protect
10 itself. And when this issue arose with a prior witness,
11 Robert Renshaw, it again arose the day before -- the
12 witness was to be called; and at that time Mr. Lee and his
13 firm located the copy of the transcript because it had been
14 ordered by them.

15 **THE COMMISSIONER:** So you have -- you've
16 located a copy?

17 **MR. KLOEZE:** A copy does exist.

18 **THE COMMISSIONER:** All right.

19 **MR. KLOEZE:** And it's in the hands of the
20 private counsel for the insurer.

21 **THE COMMISSIONER:** And if you call them and
22 say "Fax me a copy", they will.

23 **MR. KLOEZE:** Yes, they will.

24 **THE COMMISSIONER:** Then you'll send us all a
25 copy overnight?

1 **MR. KLOEZE:** I think that to protect again
2 the insurer, I would require an order from yourself, Mr.
3 Commissioner, requiring us to do that.

4 **THE COMMISSIONER:** Okay. It's ordered.

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

6 **THE COMMISSIONER:** Let's see -- now what are
7 you doing Mr. Engelmann?

8 **MR. ENGELMANN:** I'm sorry?

9 **THE COMMISSIONER:** You're responding to his
10 ---

11 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PETER ENGELMANN:**

12 **MR. ENGELMANN:** I just want to point out, I
13 mean, this is one of the problems we had where we had
14 information and we had submissions from MAG that the
15 documents weren't relevant. And as I said, we place a lot
16 of weight on the parties ---

17 **THE COMMISSIONER:** Of course.

18 **MR. ENGELMANN:** --- view on relevance, given
19 that the parties are interpreting our summons. Therefore
20 in the course of informal discussions, we expected parties
21 that were actually seeking transcripts to put forward
22 arguments as to why they were relevant so that we could
23 convince the ministries that in fact they were. So that's
24 the situation we find ourselves in.

25 But as I said, whether MAG's now taking a

1 position on relevance or not, many of the other
2 institutions are arguing that these transcripts are
3 relevant, you know. I guess we'll have to determine that
4 when we see them.

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

6 **MR. ENGELMANN:** The problem is I really
7 don't want this done in a piecemeal fashion.

8 **THE COMMISSIONER:** It's not going to be done
9 in a piecemeal fashion.

10 Are we -- second round, Mr. Manderville?

11 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PETER

12 **MANDERVILLE:**

13 **MR. MANDERVILLE:** A brief reply Mr.
14 Commissioner.

15 Your order, if you will, that all
16 transcripts be produced forthwith and, in this case,
17 ideally one that everyone receives tonight, the only
18 observation I'd make, and I'm pleased with that, is that it
19 may actually be of assistance to Mr. Renshaw to see ---

20 **THE COMMISSIONER:** May well be.

21 **MR. MANDERVILLE:** --- it and hypothetically
22 speaking, "Mr. Renshaw, do you see what you're saying at
23 page 85 to 88? Does that change your anticipated
24 evidence?"

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

1 **MR. MANDERVILLE:** "Well, yes it does."

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

3 **MR. MANDERVILLE:** That is something that
4 could happen.

5 Turning to the Bourgeois file in a similar
6 vein as we understand it, and we don't know yet really,
7 there has been some speculation about what Mr. Renshaw's
8 evidence might be on this issue.

9 As we understand it, at the very least Mr.
10 Bourgeois sat in on interviews with Mr. Renshaw; he may
11 have conducted them. The information that could be very
12 useful to all from Mr. Bourgeois may not just pertain to
13 whether Mr. Bourgeois was intimidating but whether he made
14 notes to, for example, "Perry putting words in this
15 witness' mouth and I cautioned Perry about that".

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

17 **MR. MANDERVILLE:** Things like that which
18 could be very germane to us certainly, also to this witness
19 in terms of, "M'hm, maybe my AE should be a little
20 different because I now recall that".

21 Those are the points I wish to make.

22 **THE COMMISSIONER:** Thank you.

23 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR **MR. SHERRIFF-SCOTT:**

24 **MR. SHERRIFF-SCOTT:** Thank you, sir. I
25 don't want to try your patience; I sense some exasperation.

1 **THE COMMISSIONER:** Not at all. It's all
2 pensionable time.

3 **(LAUGHTER/RIRES)**

4 **MR. SHERRIFF-SCOTT:** My observations are as
5 follows and I'll try and make them succinct.

6 First, I would suggest that the all- counsel
7 meetings we've designed and have been following, are
8 designed to deal informally with production and other
9 issues and counsel are free to speak, and I submit we spoke
10 on this issue and requests.

11 With respect to the witness, we were advised
12 until a very short time ago that the witness couldn't be
13 located. In fact, I exchanged emails with my friend
14 sitting opposite here on the right asking, "Is he coming?"
15 because he couldn't be located.

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

17 **MR. SHERRIFF-SCOTT:** This brought us up. My
18 submission is very close in time and I appreciate my
19 friend's frustrations but I was not getting confirmation
20 this witness was coming here other than Mr. Engelmann
21 putting him on a list, but last we heard from the
22 Commission is that he could not be located. There is a
23 large, large list of people, some of whom aren't going to
24 come, some are.

25 And I would submit that counsel acted in

1 accordance with their duties and responsibilities to
2 articulate their need for this information, including Mr.
3 Bourgeois' files at some time ago. And that deals with
4 that.

5 Just one point though about this issue is as
6 the evidence unfolds, Mr. Bourgeois' file, he acted for
7 some of these people. He interfaced with them and Mr.
8 Dunlop and his file may well contain information bearing on
9 the cross-examination of this witness, not just out of the
10 mouth of the witness. There may be a lot of other material
11 on the file given what he did and who he acted for and what
12 went on. And just so you know, this witness lived with Ken
13 Seguin who's anticipated to testify for almost two years.
14 They live next door to Mr. Leroux who will testify next
15 week.

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

17 **MR. SHERRIFF-SCOTT:** Mr. Leroux lived with
18 the witness who may have a moniker that I discussed with my
19 friend, who will testify in August. These three
20 individuals and their evidence all interlinks and overlaps;
21 extensively overlaps.

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

23 **MR. SHERRIFF-SCOTT:** They all interfaced
24 with this individual and I submit his file is germane and
25 should be produced.

1 Thank you, sir.

2 **THE COMMISSIONER:** Thank you.

3 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DALLAS LEE:

4 **MR. LEE:** Extremely briefly, the only point
5 I want to make is that if the transcript is going to roll
6 in and I am going to burn the midnight oil, my client needs
7 time to review it. My only concern is when is that going
8 to happen? If this is, of course ---

9 **THE COMMISSIONER:** No, no. No, no.

10 **MR. LEE:** That's my only comment.

11 **MR. ENGELMANN:** I'm just expecting some
12 information and I don't know if I'll have it. I'm just
13 wondering if we could have a short break?

14 **THE COMMISSIONER:** What for?

15 **MR. ENGELMANN:** I'm just asking for five or
16 ten minutes.

17 **THE COMMISSIONER:** All right. Five or ten
18 minutes.

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

21 --- Upon recessing at 3:49 p.m./L'audience est suspendue à
22 15h49

23 --- Upon resuming at 4:06 p.m./L'audience est reprise à
24 16h06

25 **THE REGISTRAR:** The hearing is now resumed.

1 Please be seated. Veuillez vous asseoir.

2 ---RULING BY THE COMMISSIONER /DÉCISION PAR LE COMMISSAIRE

3 THE COMMISSIONER: Thank you. We are about
4 to hear the evidence of Mr. Renshaw, and there has been an
5 application brought orally for the production of certain
6 transcripts of an examination for discovery in the file of
7 a lawyer, Charles Bourgeois, who may or may not have the
8 file and that may or may not affect the testimony of this
9 witness and other witnesses to be produced.

10 As I will be stating before summer break
11 discussion with the public about how the Inquiry is
12 progressing, it's important that we get on with matters in
13 an orderly and expeditious fashion.

14 In this regard, I am loath to interfere with
15 the presentation of evidence of victims, or alleged
16 victims, that have come forward without very good reason.

17 In this case, with respect to the issue of
18 the transcript of the examination for discovery, I must say
19 that I'm not overly -- let's put it this way, I am a little
20 saddened and disappointed that everybody's throwing up the
21 ball and pointing fingers at each other and in the end,
22 this matter could have been dealt with a long time ago and
23 a lot easier.

24 In any event, I am not going to delay the
25 Inquiry because of an examination for discovery, that

1 document that was out there for that long. I am going to
2 indicate that if people want to have it, then it be faxed
3 or electronically delivered to everyone including
4 Commission counsel forthwith.

5 And I see Mr. Kloeze's gone but he is
6 probably on the phone now, but in any event, I want that
7 and I want it done now.

8 Getting things done is an expression that we
9 are going to have to implement a lot more now. And I say
10 that because, yes, it's going to mean that we might not
11 have it on the screens for tomorrow if it is at all
12 relevant. But what I want to do is I'm instructing
13 Commission counsel that when it comes in that lawyers in
14 the Inquiry be assigned so they can read through it and
15 then at the lunch time, Mr. Lee, they can speak with the
16 witness and address any sections of that discovery document
17 that might deal with this apparent relevant topic.

18 With respect to the Bourgeois file, I think
19 that the parties know, through the anticipated evidence I
20 think it's called, what this witness will generally state.
21 And I think it will be open for them to explore all of the
22 relevant discussions that we've had today with respect to
23 any input any other persons may have had with respect to
24 his affidavits or transcripts.

25 If, if, on the odd chance that there is

1 something that is relevant that might be put to this
2 witness, I will hear applications to have the gentleman in
3 question come back if there is a very relevant reason for
4 so doing.

5 In that way, I guess I am compromising and
6 balancing all of the interests. And so, I've also -- from
7 what I can understand from Commission counsel, Mr.
8 Bourgeois' input in this, that he remains a person of
9 interest, that there will be inquiries made of him with
10 respect to a file, and that discussions will be held very
11 quickly as to ascertain the status of that file; and
12 Commission counsel will be advising parties as to the
13 status of that matter.

14 So I understand that this witness will begin
15 testifying now and that -- I suppose he will be
16 in-chief for the better part of the morning?

17 **MR. ENGELMANN:** That is correct, sir. I am
18 wondering how late you might be willing to sit.

19 **THE COMMISSIONER:** We'll sit till 5:30
20 tonight. I can tell you that as my end of spring speech
21 will be, that it is my intent to have the alleged victims
22 and victims finish testifying this summer and, accordingly,
23 I am loath to grant any adjournments, unless there's a very
24 great reason for so doing.

25 As well, before the July break I intend on

1 having the witnesses finished completely -- those who are
2 scheduled to testify next week, and accordingly you may
3 want to keep your Friday open in the event that we're not
4 completed with the -- finished with the last witness.

5 **MR. ENGELMANN:** That's next Friday?

6 **THE COMMISSIONER:** Next Friday, yes.

7 **MR. ENGELMANN:** Mr. Commissioner, I did want
8 to tell you when you made the comment about keeping counsel
9 informed, a colleague of mine is attempting to reach -- has
10 been attempting to reach Mr. Bourgeois now for some time,
11 and I will keep the parties apprised.

12 **THE COMMISSIONER:** Thank you.

13 **MR. ENGELMANN:** As it certainly relates to
14 the next witness.

15 **THE COMMISSIONER:** Thank you.

16 **MR. ENGELMANN:** Is Mr. Renshaw ---

17 **THE COMMISSIONER:** Yes he is.

18 Mr. Renshaw, could you come forward please.

19 **MR. ENGELMANN:** The next witness for the
20 Commission is Mr. Gerald Renshaw.

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

22 Hang on a second.

23 **MR. ENGELMANN:** Affirm.

24 **THE COMMISSIONER:** Are we going to swear in
25 the witness?

1 **GERALD RENSCHAW:** Affirmed/Sous affirmation solennelle

2 **THE COMMISSIONER:** Mr. Renshaw, have a seat.
3 Could you pull up the chair because we're going to want you
4 to speak right into the microphone; all right?

5 Now Mr. Renshaw, I want to start off by
6 thanking you for being very patient with us and accepting
7 to come here today.

8 Mr. Engelmann is going to ask you some
9 questions. I'd ask you to wait until he's finished asking
10 the question and give me your best answer in a loud clear
11 voice, if you can, because I've noticed you're pretty soft
12 spoken.

13 If there's anything at any time that bothers
14 you, if you're not sure about something, just turn over and
15 speak with me; I'm open to that type of thing.

16 If you don't understand the question ask him
17 to repeat it. If you don't know the answer to something,
18 and we don't know everything, although some people might
19 think so -- just say you don't know the answer to the
20 question.

21 Is that fair enough?

22 **MR. RENSCHAW:** Yes.

23 **THE COMMISSIONER:** All right, so what we're
24 planning on doing today is hopefully sitting until 5:30 and
25 get some of your testimony in, and then we'll ask you to

1 come back tomorrow to finish it off; all right? Thank you
2 very much.

3 Mr. Engelmann.

4 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
5 **PETER ENGELMANN**

6 **MR. ENGELMANN:** Good afternoon, Mr. Renshaw.
7 Thank you for coming. I know you're very busy with your
8 work and I appreciate you being here.

9 Sir, you have -- just so you're clear, you
10 have a speaker just next to your computer screen so if you
11 can't hear me ---

12 **MR. RENSRAW:** Yeah, that's the little box
13 right there?

14 **MR. ENGELMANN:** Yes.

15 **MR. RENSRAW:** Yes, I can hear you.

16 **MR. ENGELMANN:** Okay, all right. Just make
17 sure you're comfortable with the microphone; and there's
18 water there for you.

19 Sir, I understand that you're a member of
20 the Victims' Group and as such represented by Mr. Lee; is
21 that correct?

22 **MR. RENSRAW:** Yes.

23 **MR. ENGELMANN:** And, sir, I think we've
24 spoken a little bit about the mandate of this Inquiry. You
25 know what we're doing here, we're examining the

1 institutional response to allegations of historical abuse
2 against young people here in the Cornwall area?

3 MR. RENSCHAW: Yes.

4 MR. ENGELMANN: In addition to that we're
5 looking at some allegations in the community of collusion
6 or conspiracy or cover-up as they relate to public
7 institutions and how, if at all that might have affected
8 the institutional response.

9 MR. RENSCHAW: Yes.

10 MR. ENGELMANN: Are you aware of that as
11 well?

12 MR. RENSCHAW: Yes.

13 MR. ENGELMANN: So, Mr. Renschaw, I'd like to
14 start by just asking you a few background questions. Could
15 you just give us your date of birth please?

16 MR. RENSCHAW: December 6, '65.

17 MR. ENGELMANN: So you're presently 41 years
18 of age?

19 MR. RENSCHAW: Yes.

20 MR. ENGELMANN: And where were you born?

21 MR. RENSCHAW: Winchester, Ontario.

22 MR. ENGELMANN: And for my benefit,
23 Winchester is not too far from here?

24 MR. RENSCHAW: Forty minutes.

25 MR. ENGELMANN: Okay. Sir, I understand you

1 have a number of siblings?

2 MR. RENSCHAW: Yes.

3 MR. ENGELMANN: And, in fact, there were
4 nine children in the family?

5 MR. RENSCHAW: Yes.

6 MR. ENGELMANN: And as I understand it, sir,
7 it was essentially two families; you were the youngest of
8 six from the first family?

9 MR. RENSCHAW: Yes.

10 MR. ENGELMANN: And then there are three
11 other siblings; one who is now deceased?

12 MR. RENSCHAW: Yes.

13 MR. ENGELMANN: And, sir, you have a
14 brother, Robert Renschaw; is that correct?

15 MR. RENSCHAW: Yes.

16 MR. ENGELMANN: And are you aware of the
17 fact that he's come to this Inquiry to give evidence?

18 MR. RENSCHAW: Yes.

19 MR. ENGELMANN: And, sir, did you either
20 listen to or watch him when he gave his evidence?

21 MR. RENSCHAW: No.

22 MR. ENGELMANN: Have you spoken to him about
23 the evidence he gave at this Inquiry?

24 MR. RENSCHAW: No.

25 MR. ENGELMANN: Have you spoken to him at

1 all about actually coming here, in any way?

2 MR. RENSCHAW: Yes.

3 MR. ENGELMANN: And what did that discussion
4 entail; what was involved?

5 MR. RENSCHAW: Basically what to expect when
6 I got here.

7 MR. ENGELMANN: And how the experience was
8 for him?

9 MR. RENSCHAW: Yes.

10 MR. ENGELMANN: But did he get into any of
11 the evidence that he gave when he was here?

12 MR. RENSCHAW: No.

13 MR. ENGELMANN: And any of the questions
14 that he received from lawyers?

15 MR. RENSCHAW: No.

16 MR. ENGELMANN: Sir, I understand in your
17 family background that your parents separated when you were
18 quite young?

19 MR. RENSCHAW: Yes.

20 MR. ENGELMANN: And that your father raised
21 you until he passed away in 1981?

22 MR. RENSCHAW: Yes.

23 MR. ENGELMANN: And you would have been
24 about 15 years of age when he died?

25 MR. RENSCHAW: Yes.

1 MR. ENGELMANN: And were you placed in
2 foster care at that time?

3 MR. RENSCHAW: Yes.

4 MR. ENGELMANN: And can you tell us for how
5 long?

6 MR. RENSCHAW: From September '81, I believe,
7 till December of '81.

8 MR. ENGELMANN: So about two or three
9 months?

10 MR. RENSCHAW: Yes.

11 MR. ENGELMANN: And you would have then
12 turned 16?

13 MR. RENSCHAW: Yes.

14 MR. ENGELMANN: Where did you live after
15 that, sir?

16 MR. RENSCHAW: With my brother, Bob.

17 MR. ENGELMANN: Was that here in Cornwall or
18 in the Cornwall area?

19 MR. RENSCHAW: In Cornwall.

20 MR. ENGELMANN: Sir, can you tell us a
21 little bit about your schooling? For example, I understand
22 that until you were about age 7 your family lived in
23 Ingleside; is that correct?

24 MR. RENSCHAW: Yes.

25 MR. ENGELMANN: Where did you start school

1 then?

2 MR. RENSRAW: Osnabruck District.

3 MR. ENGELMANN: I'm sorry?

4 MR. RENSRAW: Osnabruck District.

5 MR. ENGELMANN: Is that a public school?

6 MR. RENSRAW: Yes.

7 MR. ENGELMANN: And then were you -- when
8 you were in grade 2 did you move into the City of Cornwall?

9 MR. RENSRAW: Yes.

10 MR. ENGELMANN: And which school did you
11 attend?

12 MR. RENSRAW: Sidney Street Public.

13 MR. ENGELMANN: Is that an elementary
14 school?

15 MR. RENSRAW: Was.

16 MR. ENGELMANN: All right; and what about
17 for junior high or middle school?

18 MR. RENSRAW: Central Public.

19 MR. ENGELMANN: And that would have been
20 grade 7 and 8?

21 MR. RENSRAW: Yes.

22 MR. ENGELMANN: And what did you do after
23 grade 8?

24 MR. RENSRAW: CCVS.

25 MR. ENGELMANN: And, sir, did you complete

1 high school at CCVS?

2 MR. RENSCHAW: No.

3 MR. ENGELMANN: How far did you get?

4 MR. RENSCHAW: Grade 11.

5 MR. ENGELMANN: Did you do part of grade 12?

6 MR. RENSCHAW: Yes.

7 MR. ENGELMANN: And Mr. Renschaw, did you go
8 back to school after that, later in life?

9 MR. RENSCHAW: College.

10 MR. ENGELMANN: Where did you go to college?

11 MR. RENSCHAW: Loyalist, Belleville.

12 MR. ENGELMANN: And what did you study
13 there?

14 MR. RENSCHAW: Architecture.

15 MR. ENGELMANN: And did you finish that
16 program sir?

17 MR. RENSCHAW: No.

18 MR. ENGELMANN: Can tell us how far into it
19 you got?

20 MR. RENSCHAW: One -- one year of the three
21 years.

22 MR. ENGELMANN: And sir, you haven't just
23 lived in the Cornwall area all your life?

24 MR. RENSCHAW: No.

25 MR. ENGELMANN: Can you give us a sense as

1 to where else you've lived and when -- approximately?

2 MR. RENSCHAW: Vancouver Island, Walkerton
3 area, Toronto.

4 MR. ENGELMANN: When were you living in
5 Vancouver Island approximately?

6 MR. RENSCHAW: Mid to late-nineties.

7 MR. ENGELMANN: Did you move to Walkerton
8 after you were out west?

9 MR. RENSCHAW: Yes.

10 MR. ENGELMANN: Walkerton was still late
11 nineties. Is that fair?

12 MR. RENSCHAW: Yes.

13 MR. ENGELMANN: What about since then?

14 MR. RENSCHAW: I moved to Trenton to go to
15 college ---

16 MR. ENGELMANN: That was when you were going
17 to college in Bellville.

18 MR. RENSCHAW: Yes.

19 MR. ENGELMANN: And since then...?

20 MR. RENSCHAW: Cardinal, Ontario.

21 MR. ENGELMANN: Are you living there today?

22 MR. RENSCHAW: Yes.

23 MR. ENGELMANN: I understand Cardinal is
24 about half way from here to Brockville.

25 MR. RENSCHAW: More or less, yeah.

1 **MR. ENGELMANN:** Mr. Renshaw, can you give us
2 just a short summary of the type of work you have done and
3 are doing?

4 **MR. RENSCHAW:** I work construction. I don't
5 know, anything residential, some commercial.

6 **MR. ENGELMANN:** How long have you been doing
7 that, sir?

8 **MR. RENSCHAW:** On and off most of my life.

9 **MR. ENGELMANN:** I understand you are still
10 doing that today.

11 **MR. RENSCHAW:** Yes.

12 **MR. ENGELMANN:** Up on a roof this morning.

13 **MR. RENSCHAW:** I had someone else go up.

14 **MR. ENGELMANN:** Okay.

15 **MR. RENSCHAW:** Smart move.

16 **MR. ENGELMANN:** Sir, what about children?
17 Do you have children of your own?

18 **MR. RENSCHAW:** One son.

19 **MR. ENGELMANN:** How old is your son?

20 **MR. RENSCHAW:** Twenty.

21 **MR. ENGELMANN:** You were previously in a
22 relationship with his mother.

23 **MR. RENSCHAW:** Yes.

24 **MR. ENGELMANN:** When did that end?

25 **MR. RENSCHAW:** Mid-nineties.

1 **MR. ENGELMANN:** Who would have raised your
2 son after that?

3 **MR. RENSCHAW:** Me.

4 **MR. ENGELMANN:** Were there any other
5 children from that relationship that she had?

6 **MR. RENSCHAW:** She had two children of her
7 own before.

8 **MR. ENGELMANN:** What if any responsibility
9 did you take on for those children after the break-up?

10 **MR. RENSCHAW:** Right now I have one living
11 with me.

12 **MR. ENGELMANN:** Still today.

13 Sir, are you currently in a relationship?

14 **MR. RENSCHAW:** Yes.

15 **MR. ENGELMANN:** And your partner is with you
16 today for support.

17 **MR. RENSCHAW:** Yes.

18 **MR. ENGELMANN:** Mr. Renschaw, I understand
19 that when you were about 12 or 13 you would have been
20 living here in the city of Cornwall.

21 **MR. RENSCHAW:** Yes.

22 **MR. ENGELMANN:** At or about that time, did
23 you have any trouble with the law?

24 **MR. RENSCHAW:** Minor, yes.

25 **MR. ENGELMANN:** Can you give us a sense of

1 what you mean by minor?

2 MR. RENSCHAW: Busting locks on the railway
3 track, switching tracks.

4 MR. ENGELMANN: Did you have some kind of
5 a ---

6 MR. RENSCHAW: I had to pay restitution and I
7 believe I got six months probation or something like that.

8 MR. ENGELMANN: That would have been when
9 you were around 12 or 13?

10 MR. RENSCHAW: Yes.

11 MR. ENGELMANN: You have three older
12 brothers.

13 MR. RENSCHAW: Four.

14 MR. ENGELMANN: Four older brothers, I'm
15 sorry.

16 Did any of them have any trouble with the
17 law?

18 MR. RENSCHAW: Three of them.

19 MR. ENGELMANN: Do you know if any or all of
20 those three were placed on probation as a result of that?

21 MR. RENSCHAW: Yes, all three.

22 MR. ENGELMANN: Do you know who their
23 probation officer was?

24 MR. RENSCHAW: Ken Seguin.

25 MR. ENGELMANN: How did you know that Ken

1 Seguin was the probation officer for your three older
2 brothers?

3 MR. RENSRAW: He had been to my home when I
4 was a kid.

5 MR. ENGELMANN: Did he know your parents or
6 your father?

7 MR. RENSRAW: Yes.

8 MR. ENGELMANN: Your father.

9 MR. RENSRAW: Yes.

10 MR. ENGELMANN: He would come over to visit
11 one of your brothers who was on probation.

12 MR. RENSRAW: One or the other, yeah.

13 MR. ENGELMANN: So how old would you have
14 been when you first met him?

15 MR. RENSRAW: About 12, I imagine.

16 MR. ENGELMANN: I'm sorry...?

17 MR. RENSRAW: About 12, I imagine.

18 MR. ENGELMANN: Did you have any contact
19 with him at that time outside of your home or would it have
20 just been at the house?

21 MR. RENSRAW: Just at the house.

22 MR. ENGELMANN: In approximately March of
23 1983 were you convicted of possession of stolen property?

24 MR. RENSRAW: I believe so, yes.

25 MR. ENGELMANN: Was that here in the city of

1 Cornwall?

2 MR. RENSCHAW: Yes.

3 MR. ENGELMANN: It involved some speakers or
4 something like that.

5 MR. RENSCHAW: Yes. Yes.

6 MR. ENGELMANN: Were you convicted of that
7 offence? I'm sorry.

8 MR. RENSCHAW: Yes.

9 MR. ENGELMANN: You would have been 17 at
10 the time.

11 MR. RENSCHAW: I believe so, yes.

12 MR. ENGELMANN: Sir, did you have a lawyer
13 represent you for that particular charge?

14 MR. RENSCHAW: Yes.

15 MR. ENGELMANN: Who was that?

16 MR. RENSCHAW: Malcolm MacDonald.

17 MR. ENGELMANN: Was he familiar to you?

18 MR. RENSCHAW: Through friends of mine, yes.

19 MR. ENGELMANN: Do you know if he had acted
20 for your brothers?

21 MR. RENSCHAW: I don't believe so.

22 MR. ENGELMANN: Do you remember what your
23 sentence was, sir, at the time?

24 MR. RENSCHAW: I think it was six months
25 probation.

1 MR. ENGELMANN: A suspended sentence and six
2 months probation.

3 MR. RENSRAW: Yes.

4 MR. ENGELMANN: Sound about right.

5 MR. RENSRAW: Yes.

6 MR. ENGELMANN: Do you know who was assigned
7 to be your probation officer?

8 MR. RENSRAW: Ken Seguin.

9 MR. ENGELMANN: Do you know why he was
10 assigned to be your probation officer?

11 MR. RENSRAW: I assume it's because my
12 brothers were assigned to him before me so he knew the
13 family.

14 MR. ENGELMANN: Sir, did you at some point
15 ever do work for Ken Seguin?

16 MR. RENSRAW: Yes.

17 MR. ENGELMANN: Can you tell us what kind of
18 work you would have done?

19 MR. RENSRAW: Minor renovations, gardening,
20 stuff of that nature.

21 MR. ENGELMANN: All right.

22 Where would you have done that work? We
23 have heard that he had at least two residences here in the
24 area.

25 MR. RENSRAW: At both residences.

1 **MR. ENGELMANN:** So his residence on Alguire
2 Street in the city of Cornwall.

3 **MR. RENSCHAW:** Yes.

4 **MR. ENGELMANN:** Did you also do some work
5 for him at his home in Summerstown?

6 **MR. RENSCHAW:** Yes.

7 **MR. ENGELMANN:** Do you recall, sir, you say
8 gardening, some renovation or minor renovation work, did
9 you start working for Mr. Seguin before he was your
10 probation officer or during the time you were on probation
11 or was it after? Do you remember?

12 **MR. RENSCHAW:** I couldn't be positive. It
13 was about the same time.

14 **MR. ENGELMANN:** Okay.

15 So you are convicted of a property offence,
16 March of '83. You would be about 17 years and three months
17 at the time.

18 **MR. RENSCHAW:** Yes.

19 **MR. ENGELMANN:** You have six months
20 probation with Mr. Seguin.

21 **MR. RENSCHAW:** Yes.

22 **MR. ENGELMANN:** How often were you supposed
23 to see him?

24 **MR. RENSCHAW:** Once a month, I believe.

25 **MR. ENGELMANN:** How often did you see him?

1 MR. RENSCHAW: Once every other month.

2 MR. ENGELMANN: So you didn't see him every
3 month.

4 MR. RENSCHAW: No.

5 MR. ENGELMANN: Was that an issue for him?

6 MR. RENSCHAW: No.

7 MR. ENGELMANN: Did he ever say that he was
8 going to breach your probation because you missed some
9 appointments?

10 MR. RENSCHAW: No.

11 MR. ENGELMANN: Where did you see him for
12 the probation appointments?

13 MR. RENSCHAW: His office, Cornwall.

14 MR. ENGELMANN: Where was that office
15 located?

16 MR. RENSCHAW: First and Pitt.

17 MR. ENGELMANN: Were there other offices in
18 that building?

19 MR. RENSCHAW: Yes.

20 MR. ENGELMANN: Do you know some of them,
21 sir?

22 MR. RENSCHAW: Malcolm MacDonald was there
23 and I believe the RCMP were also there at the time.

24 MR. ENGELMANN: So all of those official
25 appointments were at his office at probation.

1 MR. RENSCHAW: Yes.

2 MR. ENGELMANN: During the time you were on
3 that first six months of probation, did you ever see Ken
4 Seguin elsewhere?

5 MR. RENSCHAW: Yes.

6 MR. ENGELMANN: Where would you see him?

7 MR. RENSCHAW: At his home, whichever one he
8 was at at the time?

9 THE COMMISSIONER: Excuse me. Is this when
10 you are 12 years old or 17?

11 MR. ENGELMANN: No. Seventeen.

12 MR. RENSCHAW: Seventeen.

13 MR. ENGELMANN: When you were 12, sir,
14 Mr. Seguin wasn't your probation officer, was he?

15 MR. RENSCHAW: No.

16 THE COMMISSIONER: Okay.

17 MR. ENGELMANN: So would you see -- you
18 would see Mr. Seguin at his home?

19 MR. RANSCHAW: Yes.

20 MR. ENGELMANN: That wasn't for probation,
21 is it?

22 MR. RENSCHAW: No.

23 MR. ENGELMANN: Why did you see him there?
24 What did you do there?

25 MR. RENSCHAW: Renovations, like I said, or

1 gardening work or ...

2 MR. ENGELMANN: Did you ever go there during
3 that first period of probation for social reasons?

4 MR. RENSCHAW: Yes.

5 MR. ENGELMANN: And what would you do?

6 MR. RENSCHAW: Drink beer.

7 THE COMMISSIONER: I'm sorry?

8 MR. RENSCHAW: Drink beer.

9 THE COMMISSIONER: Drink beer, okay.

10 MR. ENGELMANN: And where would you drink
11 beer?

12 MR. RENSCHAW: On his patio.

13 MR. ENGELMANN: Okay. Did you ever do it
14 elsewhere with him?

15 MR. RENSCHAW: Different bars.

16 MR. ENGELMANN: And whose beer were you
17 drinking?

18 MR. RENSCHAW: It was his at his home.

19 MR. ENGELMANN: Okay, and when you went out
20 to a bar who paid for the beer?

21 MR. RENSCHAW: Him mostly.

22 MR. ENGELMANN: Okay, and he knew your age?

23 MR. RENSCHAW: Yes.

24 MR. ENGELMANN: You would have been 17 at
25 the time?

1 MR. RENSCHAW: Yes.

2 MR. ENGELMANN: So you would have been in
3 some public places with him and you would have been in his
4 home. In 1983 he was living where sir?

5 MR. RENSCHAW: Alguire Street, Cornwall.

6 MR. ENGELMANN: Sir, were you convicted of
7 another offence in August of 1984?

8 MR. RENSCHAW: I believe so, yes.

9 MR. ENGELMANN: Do you remember what that
10 was for?

11 MR. RENSCHAW: Break and enter.

12 MR. ENGELMANN: And did you also get a
13 suspended sentence with probation, or did you have to serve
14 -- you had to serve some jail time?

15 MR. RENSCHAW: Yes, 89 days.

16 MR. ENGELMANN: Did you also have a term of
17 probation?

18 MR. RENSCHAW: Yes.

19 MR. ENGELMANN: Sir, it's my understanding
20 it was 18 months.

21 MR. RENSCHAW: Yes.

22 MR. ENGELMANN: Do you recall that?
23 Would you have been finished your first
24 probation at that time, or was it still going?

25 MR. RENSCHAW: Finished.

1 **MR. ENGELMANN:** And do you recall who was
2 assigned to be your probation officer for your second
3 period of probation?

4 **MR. RENSCHAW:** Ken Seguin, again.

5 **MR. ENGELMANN:** Sir, between the first
6 probation and the start of the second one we have several
7 months. Would you have seen Ken Seguin between the first
8 probation and the start of the second probation?

9 **MR. RENSCHAW:** Yes.

10 **MR. ENGELMANN:** Socially?

11 **MR. RENSCHAW:** Yes.

12 **MR. ENGELMANN:** Would you have also done
13 some work for him?

14 **MR. RENSCHAW:** Yes.

15 **MR. ENGELMANN:** And the second time you were
16 being supervised for him on probation did you have official
17 probation visits with him?

18 **MR. RENSCHAW:** Yes.

19 **MR. ENGELMANN:** And where would those visits
20 be?

21 **MR. RENSCHAW:** His office.

22 **MR. ENGELMANN:** Were the official visits
23 always in his office, or were they elsewhere?

24 **MR. RENSCHAW:** His office.

25 **MR. ENGELMANN:** So you met Mr. Seguin when

1 you were around 12?

2 **MR. RENSCHAW:** Yes.

3 **MR. ENGELMANN:** You've told us how; through
4 your brothers?

5 **MR. RENSCHAW:** Yes.

6 **MR. ENGELMANN:** You've told us about him
7 being your probation officer the first time; he was your
8 probation officer the second time.

9 **MR. RENSCHAW:** Yes.

10 **MR. ENGELMANN:** You did some work at his
11 home.

12 **MR. RENSCHAW:** Yes.

13 **MR. ENGELMANN:** You socialized with him?

14 **MR. RENSCHAW:** Yes.

15 **MR. ENGELMANN:** He served you alcohol?

16 **MR. RENSCHAW:** Yes.

17 **MR. ENGELMANN:** Sir, do you allege at some
18 point in time that he sexually abused you?

19 **MR. RENSCHAW:** Yes.

20 **MR. ENGELMANN:** And can you tell us, sir,
21 when that first happened?

22 **MR. RENSCHAW:** I believe it was around the
23 beginning of my first time on probation.

24 **MR. ENGELMANN:** So he would have been living
25 on Alguire Street?

1 MR. RENSCHAW: Yes.

2 MR. ENGELMANN: And you were on the first
3 set of probation?

4 MR. RENSCHAW: Yes.

5 MR. ENGELMANN: Do you know, sir, if you had
6 been to his house -- where did it occur?

7 MR. RENSCHAW: At his home on Alguire.

8 MR. ENGELMANN: Was it the first time you'd
9 been there for a visit, or was it a subsequent time, or do
10 you remember?

11 MR. RENSCHAW: Subsequent.

12 MR. ENGELMANN: And were you there for a
13 probation visit, for a social visit, or for work?

14 MR. RENSCHAW: Social.

15 MR. ENGELMANN: Do you remember any of the
16 circumstances leading up to the abuse?

17 MR. RENSCHAW: Can you explain that better?

18 MR. ENGELMANN: I'm sorry?

19 MR. RENSCHAW: Could you explain that better?

20 MR. ENGELMANN: Sure. Do you remember the
21 time of day that this would have happened?

22 MR. RENSCHAW: Very early in the morning.

23 MR. ENGELMANN: Okay; and do you remember if
24 there'd been any alcohol involved?

25 MR. RENSCHAW: Yes.

1 MR. ENGELMANN: You had been drinking?

2 MR. RENSCHAW: Yes.

3 MR. ENGELMANN: And do you remember where
4 you were in the house when this happened to you?

5 MR. RENSCHAW: On his couch.

6 MR. ENGELMANN: What were you doing on his
7 couch?

8 MR. RENSCHAW: Sleeping.

9 MR. ENGELMANN: And how did this occur? You
10 don't have to go into the details, but how did this occur?

11 MR. RENSCHAW: I was woken up by it.

12 MR. ENGELMANN: You were woken up by ---

13 MR. RENSCHAW: Seguin.

14 MR. ENGELMANN: Him and what was he doing to
15 you? Was he sexually abusing you?

16 MR. RENSCHAW: Yes.

17 MR. ENGELMANN: And it caused you to wake
18 up?

19 MR. RENSCHAW: Yes.

20 MR. ENGELMANN: What happened after that,
21 sir? How did you react at the time, do you recall?

22 MR. RENSCHAW: Not clearly. I know I just
23 wanted out of there.

24 MR. ENGELMANN: Did you leave shortly
25 thereafter, or do you remember what happened?

1 MR. RENSCHAW: Yes, I did.

2 MR. ENGELMANN: Had anything like that ever
3 happened to you before?

4 MR. RENSCHAW: Never.

5 MR. ENGELMANN: Did he ever do anything
6 similar to that again?

7 MR. RENSCHAW: Yes.

8 MR. ENGELMANN: Where did it happen
9 subsequently?

10 MR. RENSCHAW: Summerstown; his place.

11 MR. ENGELMANN: Was there again alcohol
12 involved?

13 MR. RENSCHAW: Yes.

14 MR. ENGELMANN: This happened to you once,
15 it happened to you again, did it happen more times?

16 MR. RENSCHAW: Yes.

17 MR. ENGELMANN: Do you recall, did it happen
18 over months or years?

19 MR. RENSCHAW: Pardon?

20 MR. ENGELMANN: Did it happen over several
21 months; did it happen over several years?

22 MR. RENSCHAW: Years.

23 MR. ENGELMANN: Sir, after it happened the
24 first time, did you want to go back to his house again?

25 MR. RENSCHAW: I don't remember totally -- my

1 feelings at the time; it was weird.

2 MR. ENGELMANN: Did he ever say anything to
3 you about what he did or what he might do?

4 MR. RENSCHAW: Yes. It was always that
5 threat of my girlfriend at the time knowing.

6 MR. ENGELMANN: I'm sorry?

7 MR. RENSCHAW: There was always that threat
8 of my girlfriend at the time knowing.

9 MR. ENGELMANN: Was this ---

10 MR. RENSCHAW: And also ---

11 MR. ENGELMANN: Sorry.

12 MR. RENSCHAW: And also the fact that he
13 could send me back to jail instead of my reduced sentence.

14 MR. ENGELMANN: So did he tell you that?

15 MR. RENSCHAW: Yes.

16 MR. ENGELMANN: And when would he tell you
17 that, sir?

18 MR. RENSCHAW: At different times.

19 MR. ENGELMANN: So he told you he could send
20 you to jail?

21 MR. RENSCHAW: Yes.

22 MR. ENGELMANN: What did he tell you about
23 your girlfriend?

24 MR. RENSCHAW: It was basically that I didn't
25 want her to know, and there was always that threat that he

1 would tell her.

2 MR. ENGELMANN: Is that like you were afraid
3 that he'd tell her?

4 MR. RENSCHAW: Yes and there was always that
5 threat that he would tell her.

6 THE COMMISSIONER: Is that like you were
7 afraid that he would tell her?

8 MR. RENSCHAW: Yes.

9 THE COMMISSIONER: Did he ever tell you
10 that, "I'll tell your girlfriend"?

11 MR. RENSCHAW: Yes.

12 THE COMMISSIONER: He did.

13 MR. ENGELMANN: Would he say things like
14 that to you before ---

15 MR. RENSCHAW: More and more frequently.

16 MR. ENGELMANN: Would this happen each and
17 every time he did something to you?

18 MR. RENSCHAW: Pretty much, yes.

19 MR. ENGELMANN: You talked about him
20 supplying you with alcohol. What about drugs?

21 MR. RENSCHAW: Pot.

22 MR. ENGELMANN: I'm sorry...?

23 MR. RENSCHAW: Pot.

24 MR. ENGELMANN: Would you smoke it at his
25 house?

1 MR. RENSCHAW: Yes.

2 MR. ENGELMANN: Was it provided to you or
3 did you buy it?

4 MR. RENSCHAW: I'd supply my own.

5 MR. ENGELMANN: How would you get the money?

6 MR. RENSCHAW: From him.

7 MR. ENGELMANN: I'm sorry...?

8 MR. RENSCHAW: From Ken.

9 MR. ENGELMANN: Just getting back to those
10 two periods of time you were on probation.

11 When you would have the meetings at his
12 office would they be during regular office hours?

13 MR. RENSCHAW: Yes.

14 MR. ENGELMANN: So it was always between
15 8:00 or 8:30 and 4:30, 5:00.

16 MR. RENSCHAW: Yes.

17 MR. ENGELMANN: Never any meetings in the
18 evening at his office.

19 MR. RENSCHAW: No.

20 MR. ENGELMANN: Never anything of a sexual
21 nature at his office.

22 MR. RENSCHAW: No.

23 MR. ENGELMANN: So this started at his home
24 in Alguire and it continued when he was living in
25 Summerstown.

1 MR. RENSCHAW: Yes.

2 MR. ENGELMANN: Sir, do you recall if - did
3 you have a vehicle when you first got to know Mr. Seguin?

4 MR. RENSCHAW: Motorcycle.

5 MR. ENGELMANN: Did you have a car?

6 MR. RENSCHAW: Not at that time.

7 MR. ENGELMANN: Did he have a car?

8 MR. RENSCHAW: Yes.

9 MR. ENGELMANN: Do you know if you and your
10 other probationers were allowed the use of his car?

11 MR. RENSCHAW: Yes.

12 MR. ENGELMANN: Would that be infrequently
13 or frequently? Do you recall?

14 MR. RENSCHAW: Frequently.

15 MR. ENGELMANN: Do you know if Mr. Seguin
16 would, and I'll just use the word "socialize" for now,
17 socialize with other young men who were on probation or
18 teenage boys who were on probation?

19 MR. RENSCHAW: Often.

20 MR. ENGELMANN: How did you know that, sir?

21 MR. RENSCHAW: I knew most of them.

22 MR. ENGELMANN: Would other people know that
23 he was doing this as well, to your knowledge?

24 MR. RENSCHAW: Yes.

25 MR. ENGELMANN: How would they know?

1 MR. RENSCHAW: By seeing who he's with, where
2 he is with them.

3 MR. ENGELMANN: What about people he worked
4 with?

5 MR. RENSCHAW: I've been to some of their
6 homes with him.

7 MR. ENGELMANN: With Ken.

8 MR. RENSCHAW: Yes.

9 MR. ENGELMANN: Some of his colleagues.

10 MR. RENSCHAW: Yes.

11 MR. ENGELMANN: Like...?

12 MR. RENSCHAW: Ross van Deepen.

13 MR. ENGELMANN: Yes.

14 MR. RENSCHAW: And I believe I was at Carol
15 Cardinal's once.

16 MR. ENGELMANN: Do you know if other
17 probationers he would socialize would also be at his
18 colleagues' homes?

19 MR. RENSCHAW: Not for sure.

20 MR. ENGELMANN: What about in their office,
21 when you would be in the probation office, to your
22 knowledge, would people know about Mr. Seguin socializing
23 with probationers?

24 MR. RENSCHAW: They would know that, yes, in
25 his office.

1 **MR. ENGELMANN:** How would they know?

2 **MR. RENSCHAW:** Well, for instance, I could be
3 standing in the lobby of his office making plans to meet
4 him somewhere in the evening or on the weekend or something
5 and others would do the same.

6 **MR. ENGELMANN:** So he'd be there at the time
7 and there were staff there when this was happening.

8 **MR. RENSCHAW:** Yes.

9 **MR. ENGELMANN:** Did anyone ever say anything
10 about you socializing with him, to your knowledge?

11 **MR. RENSCHAW:** Do you know if people knew
12 that you were working for him as well?

13 **MR. ENGELMANN:** Ross van Deepen.

14 **MR. RENSCHAW:** Do you know if other
15 probationers were working for him as well?

16 **MR. ENGELMANN:** Yes, several others were
17 periodically.

18 **THE COMMISSIONER:** Help me out a little bit.
19 When you went to let's say Mr. van Deepen's home was it for
20 a party or supper?

21 **MR. RENSCHAW:** No. The first time I don't
22 remember why I was there, but I also bricked his home.

23 **THE COMMISSIONER:** You bricked Mr. van
24 Deepen's home.

25 **MR. RENSCHAW:** Yes. I worked on -- I was

1 with the crew that bricked his house.

2 THE COMMISSIONER: Right. But when you went
3 over with Mr. Seguin, was it to have a drink?

4 MR. RENSCHAW: I think it was to prepare the
5 yard and stuff for the bricklaying.

6 MR. ENGELMANN: Were you still on probation
7 then, sir? Do you recall?

8 MR. RENSCHAW: Not positively, no.

9 MR. ENGELMANN: Sir, during the course of
10 the several years that you told us that Ken Seguin is
11 allegedly sexually abusing you, were you involved in
12 relationships with others?

13 MR. RENSCHAW: My girlfriend, yes.

14 MR. ENGELMANN: Okay. Throughout that
15 period of time.

16 MR. RENSCHAW: Yes.

17 MR. ENGELMANN: This was the long-term
18 relationship. Is this the woman that you had a child with?

19 MR. RENSCHAW: Yes.

20 MR. ENGELMANN: Aside from what Mr. Seguin
21 did to you, do you ever have any relationships with men ---

22 MR. RENSCHAW: No.

23 MR. ENGELMANN: --- of a sexual nature?

24 MR. RENSCHAW: No.

25 MR. ENGELMANN: Sir, do you recall when you

1 would have first ever told anybody about the alleged abuse?

2 MR. RENSCHAW: More or less, yes.

3 MR. ENGELMANN: Do you remember who it was
4 that you first told?

5 MR. RENSCHAW: Perry Dunlop.

6 MR. ENGELMANN: We will come to him a bit
7 later, but would it be fair to say that that was -- do you
8 recall the year that was, sir?

9 MR. RENSCHAW: Ninety-six, I believe.

10 MR. ENGELMANN: Would that have been shortly
11 before you gave him a statement?

12 MR. RENSCHAW: Yes.

13 MR. ENGELMANN: Had you known him before
14 then?

15 MR. RENSCHAW: Just knew of him.

16 MR. ENGELMANN: Okay. You never met him.

17 MR. RENSCHAW: Informally.

18 THE COMMISSIONER: What do you mean by
19 informally?

20 MR. RENSCHAW: Well, he was a Cornwall cop
21 so, yes, I would have met him.

22 MR. ENGELMANN: Had you met some Cornwall
23 police officers informally in your youth?

24 MR. RENSCHAW: Yeah.

25 MR. ENGELMANN: So you were familiar to some

1 of them.

2 MR. RENSCHAW: Yes.

3 MR. ENGELMANN: And some of them were
4 familiar to you.

5 MR. RENSCHAW: Yes.

6 MR. ENGELMANN: But it wasn't any kind of
7 acquaintanceship or friendship.

8 MR. RENSCHAW: No.

9 MR. ENGELMANN: We talked about alleged
10 sexual abuse starting in about 1983, running for several
11 years. You don't tell Mr. Dunlop until sometime in 1996.

12 MR. RENSCHAW: Yes.

13 MR. ENGELMANN: Can you tell us why it was
14 you didn't tell anybody before then?

15 MR. RENSCHAW: Fear. Shame. Didn't want
16 anyone to know.

17 MR. ENGELMANN: You didn't tell your common-
18 law spouse at the time.

19 MR. RENSCHAW: No.

20 MR. ENGELMANN: Did he ever tell her?

21 Mr. RENSCHAW: No.

22 MR. ENGELMANN: He threatened to but he
23 never did?

24 MR. RENSCHAW: No.

25 MR. ENGELMANN: You told us earlier that

1 your older brothers -- there were three of them -- had been
2 on probation with Ken Seguin.

3 MR. RENSCHAW: Three of the four, yes.

4 MR. ENGELMANN: Yes.

5 At the time they were on probation ---

6 MR. RENSCHAW: Actually, I don't believe --
7 one of those three I don't think was on probation with
8 Seguin.

9 MR. ENGELMANN: Two of them were.

10 MR. RENSCHAW: Yes, that I know for sure.

11 MR. ENGELMANN: Right.

12 Did you know if -- at the time -- they were
13 on probation with him -- whether or not he was sexually
14 abusing them?

15 MR. RENSCHAW: No, I didn't.

16 MR. ENGELMANN: Did you later find that out?

17 MR. RENSCHAW: Yes.

18 MR. ENGELMANN: How did you find that out?

19 And when?

20 MR. RENSCHAW: Through Perry Dunlop. Same
21 time I met him; about the same time.

22 MR. ENGELMANN: So, in 1996 you're 30 years
23 old?

24 MR. RENSCHAW: Yes.

25 MR. ENGELMANN: And you have two older

1 brothers, also on probation earlier; also allegedly
2 sexually abused by Ken Seguin?

3 MR. RENSCHAW: Yes.

4 MR. ENGELMANN: And you didn't talk about
5 this between you?

6 MR. RENSCHAW: Still haven't.

7 MR. ENGELMANN: Okay. What do you mean you
8 still haven't?

9 MR. RENSCHAW: I haven't really talked to my
10 brothers about what's happened to them; they haven't talked
11 to me about what's happened to me. It's just not something
12 we talk about.

13 MR. ENGELMANN: So you didn't find out until
14 you're 30 that they'd even been allegedly sexually abused
15 by Ken Seguin?

16 MR. RENSCHAW: Yes.

17 MR. ENGELMANN: Mr. Renschaw, at some point
18 Mr. Seguin moved to Summerstown.

19 MR. ENGELMANN: Yes.

20 MR. RENSCHAW: And do you recall if -- I'm
21 just trying to pin down a time, as far as you know. First
22 time you're on probation he's living on Alguire. What
23 about the second time you're on probation? Do you remember
24 where he's living?

25 MR. RENSCHAW: Second time I was on

1 probation, what year was it?

2 **MR. ENGELMANN:** '84 (eighty four) to '86.

3 **MR. RENSCHAW:** Then I would have been on
4 probation when he moved.

5 **MR. ENGELMANN:** Okay. Maybe it's just to
6 the end of '85, but it certainly started in '84, and I
7 think it ran into early '86. So, during that second
8 probation he moved?

9 **MR. RENSCHAW:** I believe so; yes.

10 **MR. ENGELMANN:** I understand at some point
11 you lived in his residence.

12 **MR. RENSCHAW:** Yes.

13 **MR. ENGELMANN:** And can you tell us
14 approximately when that was?

15 **MR. RENSCHAW:** Late '88 to 1990.

16 **MR. ENGELMANN:** Okay; so in the late 1980s?

17 **MR. RENSCHAW:** Yes.

18 **MR. ENGELMANN:** Do you know for
19 approximately how long?

20 **MR. RENSCHAW:** A year and a half.

21 **MR. ENGELMANN:** What was going on in your
22 life then that he moved in there? This was after your
23 probation.

24 **MR. RENSCHAW:** I wasn't getting along with my
25 girlfriend at the time and he had a place to live. I was

1 working up the road from his house; not far from there.

2 MR. ENGELMANN: Where were you working?

3 MR. RENSCHAW: Richmond Dye Cast.

4 MR. ENGELMANN: I'm sorry?

5 MR. RENSCHAW: Richmond Dye Cast.

6 MR. ENGELMANN: That was close to

7 Summerstown?

8 MR. RENSCHAW: In Summerstown.

9 MR. ENGELMANN: This sexual abuse you've
10 talked about -- did that continue when you were there?

11 MR. RENSCHAW: Yes.

12 MR. ENGELMANN: Do you know, sir, if
13 Mr. Seguin needed some kind of permission to allow you to
14 live there?

15 MR. RENSCHAW: He did.

16 MR. ENGELMANN: And what did you know about
17 that?

18 MR. RENSCHAW: There was a paper I had to
19 sign at his office with him and his boss.

20 MR. ENGELMANN: Do you remember who his boss
21 was?

22 MR. RENSCHAW: Emile something.

23 MR. ENGELMANN: Emile?

24 MR. RENSCHAW: Yes.

25 MR. ENGELMANN: Could it have been Emile

1 Robert?

2 MR. RENSCHAW: Quite possible; I know he was
3 French.

4 MR. ENGELMANN: First name was Emile?

5 MR. RENSCHAW: Yes.

6 MR. ENGELMANN: And you had to go into the
7 probation office and sign a piece of paper, you said?

8 MR. RENSCHAW: Yes.

9 MR. ENGELMANN: Who else signed it?

10 MR. RENSCHAW: Seguin and Emile.

11 MR. ENGELMANN: Were you already living
12 there when you signed that piece of paper, or did you do
13 that before you moved in?

14 MR. RENSCHAW: I was already there.

15 MR. ENGELMANN: And this was all after your
16 second period of probation ended?

17 MR. RENSCHAW: Yes.

18 MR. ENGELMANN: Some time in the late '80's?

19 MR. RENSCHAW: Yes.

20 MR. ENGELMANN: You thought it was late '88,
21 perhaps.

22 I just want to show you a document, again to
23 try and situate time, if we can. If the witness could be
24 shown document 721841?

25 (SHORT PAUSE/COURTE PAUSE)

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

2 This is Exhibit number 542, which is a
3 personal loan insurance application from Canada Life. All
4 of that.

5 **--- EXHIBIT NO./PIÈCE No. P-542:**

6 (721841) Gerald Renshaw - Personal Loan
7 Insurance Application - Dated February
8 27th, 1989

9 **MR. ENGELMANN:** Mr. Renshaw, I have -- have
10 you see this document before?

11 **MR. RENSCHAW:** I'm sure I have; yeah.

12 **MR. ENGELMANN:** I know the signatures are a
13 bit hard to read, but is that your signature on the first
14 page? It's very faint.

15 **MR. RENSCHAW:** Yes.

16 **MR. ENGELMANN:** And we also see it on the
17 third page.

18 **MR. RENSCHAW:** Yes.

19 **MR. ENGELMANN:** And who's the co--signer of
20 the loan?

21 **MR. RENSCHAW:** Ken Seguin.

22 **MR. ENGELMANN:** And is that another Seguin
23 that's signing for the bank?

24 **MR. RENSCHAW:** Pardon?

25 **MR. ENGELMANN:** There seems to be another

1 Seguin there, as well. On the third page.

2 THE COMMISSIONER: Who signed for the bank?

3 MR. RENSCHAW: Wouldn't know.

4 MR. ENGELMANN: Okay.

5 This appears to -- so, Mr. Seguin
6 co-signed a loan for you, at the bank?

7 MR. RENSCHAW: Yes.

8 MR. ENGELMANN: And the date appears to be
9 February 27th, 1989.

10 MR. RENSCHAW: Yes.

11 MR. ENGELMANN: Do you recall what this loan
12 was for?

13 MR. RENSCHAW: A pickup truck.

14 MR. ENGELMANN: Okay. And do you recall
15 whether you were -- if this was after you were already
16 living with Ken Seguin or before you moved in?

17 MR. RENSCHAW: After.

18 MR. ENGELMANN: When did the sexual abuse
19 stop?

20 MR. RENSCHAW: When I moved out of Seguin's.

21 MR. ENGELMANN: So, after 1990?

22 MR. RENSCHAW: Yes.

23 MR. ENGELMANN: He never tried anything
24 after that?

25 MR. RENSCHAW: He tried.

1 MR. ENGELMANN: It just didn't happen.

2 MR. RENSCHAW: Yes.

3 MR. ENGELMANN: Did you continue to see him
4 in some fashion, after that?

5 MR. RENSCHAW: Less and less; yes.

6 MR. ENGELMANN: After you moved out from his
7 residence, where did you go? Where did you live?

8 MR. RENSCHAW: Laughlin Street Apartments,
9 Cornwall.

10 MR. ENGELMANN: And were you back together
11 with your common law spouse at that point?

12 MR. RENSCHAW: Not at first; no.

13 MR. ENGELMANN: Mr. Renschaw, I want to ask
14 you about Mr. Seguin's place in Summerstown. Can you
15 describe for us -- and you'll have to excuse my ignorance
16 of the area. Is that close to water?

17 MR. RENSCHAW: On the water.

18 MR. ENGELMANN: On the water in Summerstown
19 -- Would that be the St. Lawrence River?

20 MR. RENSCHAW: Yes.

21 MR. ENGELMANN: And did Mr. Seguin live
22 right on the river?

23 MR. RENSCHAW: Yes.

24 MR. ENGELMANN: And were you familiar with
25 some of his neighbours?

1 MR. RENSCHAW: Most of them.

2 MR. ENGELMANN: And you had been there
3 before you lived there?

4 MR. RENSCHAW: Yes.

5 MR. ENGELMANN: During the time you lived
6 there?

7 MR. RENSCHAW: Yes.

8 MR. ENGELMANN: And perhaps certainly a few
9 times afterwards as well?

10 MR. RENSCHAW: Yes.

11 MR. ENGELMANN: And he lived there, to your
12 knowledge, from about the mid 80s?

13 MR. RENSCHAW: Yes.

14 MR. ENGELMANN: And you know that he died in
15 late November of 1993?

16 MR. RENSCHAW: Yes.

17 MR. ENGELMANN: So in those eight years or
18 so, would you have come to know some of his neighbours?

19 MR. RENSCHAW: Yes.

20 MR. ENGELMANN: So who do you remember
21 living in close proximity to Mr. Seguin in Summerstown?

22 MR. RENSCHAW: Fern Touchette would have
23 lived to the east of him and Ron Leroux would have lived to
24 the west of him.

25 MR. ENGELMANN: And Mr. Touchette, was he on

1 his own or was he living with someone?

2 MR. RENSCHAW: His wife.

3 MR. ENGELMANN: And Mr. Leroux, was he
4 living with someone at that time as well?

5 MR. RENSCHAW: Yes.

6 MR. ENGELMANN: And that person that he was
7 living with, was that a man of about your age?

8 MR. RENSCHAW: Yes.

9 MR. ENGELMANN: I just -- maybe I'll just
10 show Mr. Renschaw a list. This individual has a moniker and
11 I just want to confirm if that's the person, if no one
12 minds, somebody who has been identified with the moniker C-
13 8 in these proceedings?

14 THE COMMISSIONER: Sure, go ahead.

15 MR. RENSCHAW: Yes.

16 THE COMMISSIONER: So the person's name that
17 you say was living with Mr. Leroux is beside the number
18 that we've indicated C-8. Is that correct?

19 MR. RENSCHAW: Yes.

20 THE COMMISSIONER: Thank you.

21 MR. RENSCHAW: Could I have 10 minutes for a
22 washroom break?

23 THE COMMISSIONER: Sure can.

24 MR. RENSCHAW: Please?

25 THE COMMISSIONER: Yes, let's take 10

1 minutes. Thank you.

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

4 The hearing will resume at 5:10.

5 --- Upon recessing at 5:03 p.m./L'audience est suspendue à
6 17h03

7 --- Upon resuming at 5:14 p.m./L'audience est reprise à
8 17h14

9 **THE REGISTRAR:** The hearing is now resumed.
10 Please be seated. Veuillez vous asseoir.

11 **THE COMMISSIONER:** We'll just go on for a
12 bit more then we'll call it a day, how's that? Thank you.

13 **MR. RENSRAW:** Good.

14 **GERALD RENSRAW:** Resumed/Sous le même serment

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

17 **MR. ENGELMANN:** Mr. Renshaw, just before the
18 break we were talking about neighbours ---

19 **MR. RENSRAW:** Yes.

20 **MR. ENGELMANN:** --- of Mr. Seguin in
21 Summerstown?

22 **MR. RENSRAW:** Yes.

23 **MR. ENGELMANN:** And you told us that the
24 neighbours on either side -- and you also told us that
25 presumably these homes were all on the water?

1 MR. RENSRAW: Yes.

2 MR. ENGELMANN: You had Mr. Touchette to the
3 east, Mr. Leroux to the west?

4 MR. RENSRAW: Yes.

5 MR. ENGELMANN: And Mr. Seguin in between?

6 MR. RENSRAW: Yes.

7 MR. ENGELMANN: Were there other cottages
8 near there as well or other homes?

9 MR. RENSRAW: There was a little shacky one
10 between Leroux and Seguin but I forget the people that live
11 there.

12 MR. ENGELMANN: Was there someone actually
13 living there?

14 MR. RENSRAW: Yes.

15 MR. ENGELMANN: Was there a thin strip of
16 land between ---

17 MR. RENSRAW: Yes.

18 MR. ENGELMANN: --- Mr. Seguin's place and
19 Mr. Leroux's?

20 MR. RENSRAW: One small cottage.

21 MR. ENGELMANN: Sir, were there any islands
22 close to where Mr. Seguin had his home or cottage?

23 MR. RENSRAW: Several.

24 MR. ENGELMANN: Okay. And how far away
25 would they be?

1 MR. RENSRAW: Quarter-mile, half-mile; not
2 that far.

3 MR. ENGELMANN: Do you remember the name of
4 some of the closer islands?

5 MR. RENSRAW: Stanley is the one that comes
6 to my mind.

7 MR. ENGELMANN: Okay. Could you see across
8 to Stanley Island?

9 MR. RENSRAW: Yes.

10 MR. ENGELMANN: When you looked across from
11 Mr. Seguin's house to Stanley Island, could you see a
12 cottage or cottages?

13 MR. RENSRAW: Cottages.

14 MR. ENGELMANN: Back then, you know I'm
15 talking about mid 80s to 1993?

16 MR. RENSRAW: Yes.

17 MR. ENGELMANN: And whose cottage could you
18 see?

19 MR. ENGELMANN: Malcolm MacDonald's.

20 MR. ENGELMANN: This is Malcolm MacDonald
21 who was a lawyer here in the City of Cornwall?

22 MR. RENSRAW: Yes.

23 MR. ENGELMANN: Mr. Renshaw, you gave
24 several statements and interviews to both the -- to Perry
25 Dunlop and to the OPP in the months and years following the

1 death of Ken Seguin?

2 MR. RENSRAW: Yes.

3 MR. ENGELMANN: Is that fair?

4 MR. RENSRAW: Yes.

5 MR. ENGELMANN: Couple of minutes I'd like
6 to ask you about first one of those interviews, an
7 interview that you would have had with the OPP in early
8 February of 1994?

9 MR. RENSRAW: Yes.

10 MR. ENGELMANN: I don't know if you remember
11 it but it would have been a couple of months after Mr.
12 Seguin died?

13 MR. RENSRAW: I know the one you're speaking
14 about.

15 MR. ENGELMANN: Okay. So let's just go back
16 to November of '93 for a minute. Do you remember some of
17 the circumstances surrounding the death of Mr. Seguin?

18 MR. RENSRAW: He seemed really nervous
19 leading up to that.

20 MR. ENGELMANN: Okay.

21 THE COMMISSIONER: So you would have seen
22 him in the days before his demise?

23 MR. RENSRAW: I saw him that day.

24 THE COMMISSIONER: You saw him that day, all
25 right.

1 MR. ENGELMANN: That day or -- how did you -

2 --

3 MR. RENSCHAW: Sorry, I guess it would be the
4 day before.

5 MR. ENGELMANN: How did you find out about
6 his death?

7 MR. RENSCHAW: Ron Leroux.

8 MR. ENGELMANN: Ron Leroux?

9 MR. RENSCHAW: Yes.

10 MR. ENGELMANN: And did he come over and see
11 you or did he call you?

12 MR. RENSCHAW: He called me.

13 MR. ENGELMANN: What did he tell you?

14 MR. RENSCHAW: That Ken was dead.

15 MR. ENGELMANN: And did he ask you to attend
16 at the scene?

17 MR. RENSCHAW: Yes.

18 MR. ENGELMANN: And did you in fact do that?

19 MR. RENSCHAW: Yes.

20 MR. ENGELMANN: And you had seen him the day
21 before?

22 MR. RENSCHAW: Yes.

23 MR. ENGELMANN: And where was that?

24 MR. RENSCHAW: In my residence.

25 MR. ENGELMANN: And who was living at your

1 residence at that time?

2 MR. RENSCHAW: My girlfriend and three
3 children.

4 MR. ENGELMANN: And Mr. Seguin came to
5 visit?

6 MR. RENSCHAW: With Leroux.

7 MR. ENGELMANN: Mr. Seguin, Mr. Leroux came
8 to visit?

9 MR. RENSCHAW: Yes.

10 MR. ENGELMANN: You said he seemed nervous?

11 MR. RENSCHAW: Very.

12 MR. ENGELMANN: And had he seemed nervous
13 for some time before then or do you remember?

14 MR. RENSCHAW: Months before.

15 MR. ENGELMANN: Did he ever talk to you then
16 about why he was nervous or troubled?

17 MR. RENSCHAW: Yes. He had been receiving
18 phone calls. I don't know if I can use that other person's
19 name or ---

20 MR. ENGELMANN: You can use that other
21 person's name.

22 MR. RENSCHAW: I know him as DS usually.

23 MR. ENGELMANN: As DS?

24 MR. RENSCHAW: Because you people all use it?

25 (LAUGHTER/RIRES)

1 THE COMMISSIONER: So you mean ---

2 MR. ENGELMANN: By DS you mean David
3 Silmsler?

4 MR. RENSCHAW: Yes. And he had been
5 receiving phone calls from him.

6 MR. ENGELMANN: And who told you that?

7 MR. RENSCHAW: Seguin.

8 MR. ENGELMANN: Okay. Did he tell you what
9 those phone calls were about?

10 MR. RENSCHAW: Simlser was trying to get --
11 supposedly trying to get money out of Seguin.

12 MR. ENGELMANN: And do you know why or
13 because of what?

14 MR. RENSCHAW: Not at the time, no.

15 MR. ENGELMANN: Mr. Seguin didn't tell you?

16 MR. RENSCHAW: No, not in any detail.

17 MR. ENGELMANN: And how did you find out?

18 MR. RENSCHAW: Through all this stuff.

19 MR. ENGELMANN: All right. So Mr. Seguin
20 would have told you he'd had several calls from Mr. Simlser
21 or just a call?

22 MR. RENSCHAW: Yes, several.

23 MR. ENGELMANN: Now you say you recall an
24 interview that you had with the Ontario Provincial Police -

25 --

1 MR. Yes.

2 MR. ENGELMANN: A couple months after he
3 died?

4 MR. RENSCHAW: Yes.

5 MR. ENGELMANN: Do you remember where that
6 interview took place?

7 MR. RENSCHAW: My kitchen.

8 MR. ENGELMANN: Your kitchen?

9 MR. RENSCHAW: Yes.

10 MR. ENGELMANN: And do you remember how many
11 officers there were?

12 MR. RENSCHAW: Two.

13 MR. ENGELMANN: Do you remember if they were
14 male officers or female officers?

15 MR. RENSCHAW: Both male.

16 MR. ENGELMANN: And how did they get in
17 touch with you?

18 MR. RENSCHAW: Banged on my door.

19 MR. ENGELMANN: They didn't call first?

20 MR. RENSCHAW: No.

21 MR. ENGELMANN: Did you have a telephone
22 then?

23 MR. RENSCHAW: No.

24 MR. ENGELMANN: So they knocked on your
25 door. Did they tell you why they wanted to talk to you?

1 **MR. RENSRAW:** Part of the first Project
2 Truth.

3 **MR. ENGELMANN:** Did they tell you what they
4 were investigating at that time.

5 **MR. RENSRAW:** I can only assume now that,
6 yeah, they would have told me why they were there.

7 **MR. ENGELMANN:** All right. I will show you
8 the statement and maybe that will refresh your memory.

9 The document No. 715442; if that could be
10 the next exhibit.

11 **THE COMMISSIONER:** Yes. Exhibit No. 543 is
12 an Interview Report of Gerald Renshaw, dated February 9,
13 1994.

14 --- **EXHIBIT NO./PIÈCE NO. P-543:**

15 (715442) OPP Interview Report of Gerald
16 Renshaw, February 9, 1994

17 **MR. ENGELMANN:** To your knowledge,
18 Mr. Renshaw, did this have anything to do with Mr. Seguin's
19 death?

20 **MR. RENSRAW:** I'm sorry? Say that again.

21 **MR. ENGELMANN:** Did this statement, the
22 reason they were visiting you, have anything to do with
23 Mr. Seguin's death?

24 **MR. RENSRAW:** I believe so.

25 **MR. ENGELMANN:** Do you remember if they

1 would have told you that?

2 MR. RENSCHAW: Not for sure.

3 MR. ENGELMANN: It's 13 years ago.

4 There were two officers. Were either of
5 them known to you?

6 MR. RENSCHAW: One.

7 MR. ENGELMANN: Who was that?

8 MR. RENSCHAW: Chris MacDonnell.

9 MR. ENGELMANN: All right.

10 The other officer, did you know him,
11 Detective Constable Génier?

12 MR. RENSCHAW: No.

13 MR. ENGELMANN: How did you know Chris
14 MacDonnell?

15 MR. RENSCHAW: Through some of my friends and
16 being in the district that he policed.

17 MR. ENGELMANN: Was he an acquaintance or a
18 friend?

19 MR. RENSCHAW: No.

20 MR. ENGELMANN: Can you describe the
21 relationship you had with him and when that would have
22 been?

23 MR. RENSCHAW: I got in trouble; he chased
24 me.

25 MR. ENGELMANN: Okay.

1 MR. RENSCHAW: That was the relationship.

2 MR. ENGELMANN: Did that happen more than
3 once?

4 MR. RENSCHAW: Yes.

5 MR. ENGELMANN: Happen more than twice?

6 MR. RENSCHAW: Yes.

7 MR. ENGELMANN: I'm not sure how many to go
8 to here, but it happened several times.

9 MR. RENSCHAW: Yes.

10 MR. ENGELMANN: He chased you and your
11 friends.

12 MR. RENSCHAW: Yes.

13 MR. ENGELMANN: How would you describe your
14 relationship with him?

15 MR. RENSCHAW: Not good.

16 MR. ENGELMANN: You knew him. Do you think
17 he knew you?

18 MR. RENSCHAW: Not at first because the first
19 time I talked to him he thought I was somebody else.

20 MR. ENGELMANN: He thought you were somebody
21 else ---

22 MR. RENSCHAW: One of my friends.

23 MR. ENGELMANN: Okay. So he was chasing you
24 because he thought you were one of your friends.

25 MR. RENSCHAW: Yes.

1 MR. ENGELMANN: All right.

2 But by the time he came and knocked on your
3 door ---

4 MR. RENSCHAW: He knew who I was.

5 MR. ENGELMANN: On February 9, 1994.

6 MR. RENSCHAW: Yes.

7 MR. ENGELMANN: How many years earlier had
8 it been since he had chased you last?

9 MR. RENSCHAW: Chased me last. I don't know.
10 When was I last on probation?

11 MR. ENGELMANN: You were on probation in
12 1983 and then you were on probation again in 1984 and '85.

13 MR. RENSCHAW: It would have been about '85
14 then.

15 MR. ENGELMANN: Okay.
16 Did he ever arrest you?

17 MR. RENSCHAW: No.

18 MR. ENGELMANN: Just chased.

19 MR. RENSCHAW: Hassle.

20 MR. ENGELMANN: Hassle. Okay.

21 Do you know how it is these officers came to
22 find you?

23 MR. RENSCHAW: I don't recall. I'm thinking
24 right now that they probably would have talked to Leroux.
25 Leroux knew where I lived.

1 **MR. ENGELMANN:** At that time, Ken Seguin had
2 died a couple of months earlier.

3 **MR. RENSCHAW:** Yes.

4 **MR. ENGELMANN:** I'm just wondering if you
5 member questions surrounding his death or questions
6 surrounding these phone calls he had been getting, whether
7 the police were looking into that.

8 **MR. RENSCHAW:** I believe they were.

9 **MR. ENGELMANN:** Okay.

10 Do you know at that time if they were
11 investigating him at all for alleged child sexual abuse?

12 **MR. RENSCHAW:** Yes.

13 **MR. ENGELMANN:** He was dead. Do you know if

14 ---

15 **MR. RENSCHAW:** Up to that point they were.

16 **MR. ENGELMANN:** Before then, before he died?

17 **MR. RENSCHAW:** Yes.

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

19 How would you have known that?

20 **MR. RENSCHAW:** Through him and Malcolm.

21 **MR. ENGELMANN:** Okay.

22 So he would have discussed the fact that he
23 was either the subject of a police investigation or he
24 might be.

25 **MR. RENSCHAW:** Yes.

1 **MR. ENGELMANN:** He would have discussed that
2 with you directly or with Malcolm in your presence.

3 **MR. RENSCHAW:** Both.

4 **MR. ENGELMANN:** Incidentally,
5 Mr. Commissioner, I just wanted to make note of the fact
6 that Exhibit 543 has the name of C-8 in it.

7 **THE COMMISSIONER:** All right. So it should
8 be marked with the publication ban just to alert those who
9 will be looking at it that there is a ban.

10 **MR. ENGELMANN:** Sir, you didn't have the
11 best of relationships with Constable MacDonnell.

12 **MR. RENSCHAW:** No.

13 **MR. ENGELMANN:** I just want you to think
14 back, this is a long time ago, but did that affect in any
15 way what you told him or didn't tell him on that day?

16 **MR. RENSCHAW:** Yes.

17 **MR. ENGELMANN:** How so?

18 **MR. RENSCHAW:** I didn't really want to talk
19 to him.

20 **MR. ENGELMANN:** Did you trust him?

21 **MR. RENSCHAW:** No.

22 **MR. ENGELMANN:** Why not?

23 **MR. RENSCHAW:** Because he had always been
24 hassling me. I felt he was looking for ways to put me in
25 jail.

1 **MR. ENGELMANN:** We are looking at a
2 statement that is handwritten. Did you write it out?

3 **MR. RENSCHAW:** No.

4 **MR. ENGELMANN:** Do you remember who did?

5 **MR. RENSCHAW:** One of them two. MacDonnell,
6 I think.

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

8 It seems to be primarily answers to
9 questions but the questions aren't there. Do you mind just
10 taking a look?

11 **MR. RENSCHAW:** Yes.

12 **MR. ENGELMANN:** So they are writing down
13 some of the answers you give them to some of their
14 questions.

15 **MR. RENSCHAW:** That's what it looks like.

16 **MR. ENGELMANN:** Was there any formal
17 statement they asked you for at that time? Did they ask
18 you to write out a document?

19 **MR. RENSCHAW:** No. I believe this was it.

20 **MR. ENGELMANN:** Did they ask you if they
21 could audiotape the interview?

22 **MR. RENSCHAW:** Well, I know they didn't.

23 **MR. ENGELMANN:** All right. So they took
24 some notes of your answers.

25 **MR. RENSCHAW:** Yes.

1 **MR. ENGELMANN:** Did they ask you to sign or
2 initial the pages?

3 **MR. RENSCHAW:** Looking at this I'd have to
4 say yes.

5 **MR. ENGELMANN:** Did they ask you to sign on
6 the last page? Can you take a look at it?

7 **MR. RENSCHAW:** Yes.

8 **MR. ENGELMANN:** There appears to be a D.C.
9 Génier who also signed it. That was the police officer you
10 didn't know.

11 **MR. RENSCHAW:** Yes.

12 **THE COMMISSIONER:** Mr. Engelmann, whenever
13 you can wrap up there for the day.

14 **MR. ENGELMANN:** Mr. Renschaw the time of the
15 interview suggests it was about mid morning to just after
16 noon, 10:35 to 12:15. Does that seem about right?

17 **MR. RENSCHAW:** It seems longer than I
18 remember.

19 **MR. ENGELMANN:** All right. You don't
20 remember it being that long.

21 **MR. RENSCHAW:** Correct.

22 **MR. ENGELMANN:** We can do this in the
23 morning. I was going to go through a few things from the
24 statement but we can do that in the morning.

25 **THE COMMISSIONER:** We can leave it until the

1 morning.

2 **MR. ENGELMANN:** Before we break, I know that
3 Mr. Renshaw and his partner have a child, a young child,
4 and they have to make some arrangements. She is here for
5 support for him. I'm wondering about our hours tomorrow.
6 I also understand from his counsel that he's willing to sit
7 extended hours.

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

9 **MR. ENGELMANN:** And to start earlier. I'm
10 available. I have not canvassed counsel.

11 **THE COMMISSIONER:** Would you be willing to
12 start at 9:00, sir?

13 **MR. RENSRAW:** Yes, sir, seven if you want.

14 **THE COMMISSIONER:** Well, maybe not. But
15 nine in the morning would be fine and then we can go on for
16 later. Does anyone have any pressing plans tomorrow? All
17 right. Well, we'll see how it goes. Thank you and we'll
18 see you tomorrow morning at nine.

19 **MR. RENSRAW:** Thank you.

20 **THE COMMISSIONER:** Thank you.

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

23 --- Upon adjourning at 5:32 p.m./L'audience est ajournée à
24 17h32

25

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

I, Marc Demers 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, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CVR-CM