

**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 111

Held at :

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

Wednesday, May30, 2007

Tenue à:

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

Mercredi, le 30 mai 2007

Appearances/Comparutions

Mr. Pierre R. Dumais	Commission Counsel
Ms. Janie Laroque	
Ms. Julie Gauthier	Registrar
Ms. Reena Lalji	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Suzanne Costom	
Ms. Diane Lahaie	
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Leslie McIntosh	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. William Carroll	Ontario Provincial Police Association
Ms. Nadya Tymochenko	Upper Canada District School Board

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

2 L'audience débute à 9h37

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

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

8 Please be seated. Veuillez vous asseoir.

9 **MR. DUMAIS:** Good morning, Commissioner.

10 **THE COMMISSIONER:** How are you today?

11 **MR. DUMAIS:** I'm doing fine. Yourself?

12 **THE COMMISSIONER:** Good.

13 **MR. DUMAIS:** We are calling to the stand Ms.
14 Cathy Sutherland today.

15 **THE COMMISSIONER:** Good morning.

16 **MS. SUTHERLAND:** Morning.

17 **THE COMMISSIONER:** How are you today?

18 **MS. SUTHERLAND:** Nervous.

19 **THE COMMISSIONER:** Yes, we're all a little
20 nervous.

21 Could she be sworn in, please?

22 --- **CATHY SUTHERLAND, Affirmed/Sous affirmation solennelle:**

23 **THE COMMISSIONER:** Ms. Sutherland, I want to
24 thank you for coming from Hamilton, is it?

25 **MS. SUTHERLAND:** M'hm, Hamilton.

1 **THE COMMISSIONER:** And people are going to
2 ask you some questions here today, and what I want you to
3 do is be as comfortable as you can in the circumstances.
4 If people ask you long questions or things that just
5 doesn't jive for you, just ask them to repeat the question.

6 **MS. SUTHERLAND:** Okay.

7 **THE COMMISSIONER:** And you're not expected
8 to know all of the answers, so if you don't know the
9 answer, you can say "I don't know."

10 **MS. SUTHERLAND:** Okay.

11 **THE COMMISSIONER:** What's important for me
12 is for you to understand that if you feel uncomfortable, if
13 you need a break or if there's something that is bothering
14 you, I'd like you to tell me right away.

15 **MS. SUTHERLAND:** Okay. Thank you.

16 **THE COMMISSIONER:** All right?

17 **MS. SUTHERLAND:** M'hm.

18 **THE COMMISSIONER:** Do you have any questions
19 of me at this point?

20 **MS. SUTHERLAND:** No.

21 **THE COMMISSIONER:** Thank you.

22 Maître Dumais.

23 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR Me**
24 **DUMAIS:**

25 **MR. DUMAIS:** Good morning, Cathy.

1 MS. SUTHERLAND: Hi.

2 MR. DUMAIS: I understand that you go under
3 the name of Cathy Sutherland, but that is not your maiden
4 name. Is that correct?

5 MS. SUTHERLAND: That's right.

6 MR. DUMAIS: All right.

7 So what is your maiden name?

8 MS. SUTHERLAND: Donnelly.

9 THE COMMISSIONER: I'm sorry?

10 MS. SUTHERLAND: Donnelly.

11 THE COMMISSIONER: Could you just bring the
12 microphone up a little? Just bring it right -- there you
13 go. Good. Thank you very much.

14 MR. DUMAIS: And, Cathy, you were born in
15 this area. Is that correct?

16 MS. SUTHERLAND: Yes, I was, Winchester.

17 MR. DUMAIS: And what is your date of birth,
18 if I can ask?

19 MS. SUTHERLAND: June 28th, '55.

20 MR. DUMAIS: Thank you.

21 And I understand that at different times
22 while you were living in this area, you were living with
23 your mother. Is that correct?

24 MS. SUTHERLAND: That's right.

25 MR. DUMAIS: And your mother's name?

1 **MS. SUTHERLAND:** At the time, it was Joan
2 Donnelly, but it was also Kelly and now it's Casselman.

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

4 At the time between the time you were born,
5 did she go by the name of Donnelly?

6 **MS. SUTHERLAND:** Yes, well, part of the
7 time.

8 **MR. DUMAIS:** So part of the time?

9 **MS. SUTHERLAND:** Yes. She remarried, I
10 think -- I don't know, probably when I was 10. So she
11 would have gone by Kelly, I think.

12 **MR. DUMAIS:** And do you have brothers and
13 sisters?

14 **MS. SUTHERLAND:** Yes, I do.

15 **MR. DUMAIS:** And can you give us an idea
16 about who they are?

17 **MS. SUTHERLAND:** I have two brothers that
18 are still alive and one sister.

19 **MR. DUMAIS:** Okay. And I understand as you
20 were growing up in this area that your family was involved
21 with the Children's Aid Society. Is that correct?

22 **MS. SUTHERLAND:** Yes.

23 **MR. DUMAIS:** And at times you were living at
24 home with your mother and brothers and sister and at times
25 you were living in different foster homes?

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

2 **MR. DUMAIS:** And I understand that as a
3 child you would have suffered from both physical and sexual
4 abuse?

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

6 **MR. DUMAIS:** And at different times you
7 would have disclosed this to a number of different
8 individuals?

9 **MS. SUTHERLAND:** Yes, that's right.

10 **MR. DUMAIS:** And you, as well, would have
11 disclosed this to a police service where you presently
12 live. Is that correct?

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

14 **MR. DUMAIS:** Now -- and I understand that
15 you have some memories of these events and I understand
16 that you have, over the last couple of years, attempted and
17 obtained a copy of your Children's Aid file?

18 **MS. SUTHERLAND:** Yes.

19 **MR. DUMAIS:** And the file, the documents in
20 the file and the reports have assisted you in remembering
21 some of these events?

22 **MS. SUTHERLAND:** I really don't know how to
23 answer that because I think I remembered a lot before I had
24 the CAS file. I think the CAS file cleared up or
25 reaffirmed different things that I had known. I think I've

1 learned a lot from seeing the un-redacted file, but that
2 was just currently. It was just very recently.

3 MR. DUMAIS: All right.

4 So is it fair to say then, Cathy, that some
5 of the events you remember; some of the information you
6 found in the file confirmed what you remembered; some of
7 the information in there filled the holes?

8 MS. SUTHERLAND: Yes, yes.

9 MR. DUMAIS: And is there still some
10 information that you found in the file that you still, to
11 this day, can't remember?

12 MS. SUTHERLAND: Yes.

13 MR. DUMAIS: Is that a fair ---

14 MS. SUTHERLAND: Yes.

15 MR. DUMAIS: Okay. All right.

16 If we can first then ---

17 MS. SUTHERLAND: Can I also add though that
18 there's a lot of stuff I remember, okay, that isn't in the
19 files?

20 MR. DUMAIS: All right.

21 THE COMMISSIONER: M'hm.

22 MR. DUMAIS: That's fair enough.

23 MS. SUTHERLAND: Okay.

24 MR. DUMAIS: So let's look firstly at the
25 different steps you went through to obtain a copy of your

1 Children's Aid file.

2 MS. SUTHERLAND: Okay.

3 MR. DUMAIS: And I believe the first request
4 that you ever made would have been on April 8th, 1995. Do
5 you recall that?

6 MS. SUTHERLAND: Yes.

7 MR. DUMAIS: All right.

8 If we can have a look at Document 738661?

9 THE COMMISSIONER: Thank you. That would be
10 Exhibit 451, which is a letter to the Stormont, Dundas and
11 Glengarry CAS dated April 8th, 1995 from Catherine
12 Sutherland.

13 --- EXHIBIT NO./PIÈCE NO. P-451:

14 (738661) Letter from Catherine Sutherland to
15 Children's Aid Society dated April 8, 1995

16 MR. DUMAIS: So, Cathy, just to assist you,
17 we're going to be referring to a number of documents this
18 morning. Some of these documents -- well, all of these
19 documents will be produced to you in paper form and, as
20 well, you do have a screen in front of you with an exact
21 replica of that document. So you can either follow on the
22 screen or use your paper copy, whichever is easier for you.

23 MS. SUTHERLAND: Okay.

24 MR. DUMAIS: So do you recognize this letter
25 which is dated April 8, '95?

1 **MS. SUTHERLAND:** Yes, I do.

2 **MR. DUMAIS:** So is that the letter that you
3 sent to the Stormont, Dundas, Glengarry CAS back in '95?

4 **MS. SUTHERLAND:** That's correct, yes.

5 **MR. DUMAIS:** And if we can start firstly,
6 Cathy, as to what prompted you to make this request. Why
7 did you want to have a copy of this file in 1995?

8 **MS. SUTHERLAND:** My life was falling apart.
9 It was the first time in my life that I had actually lived
10 alone and I was being flooded by nightmares and flashbacks.
11 My life was just totally falling apart and I needed the
12 file for my own medical reasons to be able to try and
13 reconstruct my life.

14 **MR. DUMAIS:** All right.

15 Now, before you sent this letter in, did you
16 call anyone from the Children's Aid Society?

17 **MS. SUTHERLAND:** I don't recall.

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

19 So you sent this letter in April of '95 and
20 you disclose in this letter the name of your mother and you
21 disclose your date of birth and, as well, you disclose the
22 name of your last worker, Mr. Derry Tenger. Is that right?

23 **MS. SUTHERLAND:** M'hm.

24 **MR. DUMAIS:** So did you have any other
25 workers that you recall at that time?

1 **MS. SUTHERLAND:** Yes, I had a worker by the
2 name of Blaine Grundy.

3 **MR. DUMAIS:** Yes.

4 **MS. SUTHERLAND:** There was another worker
5 that I had for a very brief period. I think her name was
6 Oliver.

7 **MR. DUMAIS:** Okay.

8 **MS. SUTHERLAND:** But those are workers,
9 okay, that I had when I was readmitted into the CAS at 13.
10 I mean, there was other workers that were involved when I
11 was two.

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

13 Now, just towards the end of the letter, and
14 I'll just read it out for you:

15 "I realize and have therefore looked
16 into obtaining a third party who will
17 be taking on the responsibility of
18 ensuring the safekeeping of it."

19 Do you recall what arrangements you had made
20 and what you meant by that statement?

21 **MS. SUTHERLAND:** I think I realized, okay,
22 after a while that they weren't going to just give me my
23 file, so I thought maybe if they sent it to the local
24 Children's Aid office and that office, okay, kept it, then
25 I could read it there.

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

2 So are these arrangements you had made
3 before sending the letter?

4 **MS. SUTHERLAND:** No, it was just something
5 that I thought of and I thought it would pass it along.

6 **MR. DUMAIS:** Yes.

7 Now, I understand that at one point in time
8 that they did receive a letter and they did respond to you,
9 and before sending you a written response, and perhaps we
10 can look at that firstly. That would be Document 73 --
11 sorry, 738660.

12 **THE COMMISSIONER:** Exhibit 452 is a letter
13 dated April 21st, 1995 from Cathy Sutherland addressed to
14 Lise Stanley.

15 **---EXHIBIT NO./PIECE NO P-452:**

16 (738660) Letter from Catherine Sutherland to
17 Children's Aid Society dated April 21, 1995

18 **MR. DUMAIS:** So this letter is dated April
19 21st, '95. Do you recognize it, Cathy?

20 **MS. SUTHERLAND:** Yes, I do.

21 **MR. DUMAIS:** And that's your signature at
22 the bottom here?

23 **MS. SUTHERLAND:** It is.

24 **MR. DUMAIS:** It's addressed to a lady by the
25 name of Lise Stanley and I understand from reading the

1 letter that she would have called you on April 20th, 1995.

2 MS. SUTHERLAND: Yes.

3 MR. DUMAIS: Do you recall the first
4 conversation that you had with her?

5 MS. SUTHERLAND: No, not really. I, you
6 know, I mean, judging from the letter I know they needed
7 information from me. No, I don't recall a conversation.

8 MR. DUMAIS: Okay. Your letter seems to
9 indicate that you're providing them with some
10 identification, so driver's licence, birth certificate?

11 MS. SUTHERLAND: Right.

12 MR. DUMAIS: So do you recall her requesting
13 that you forward those documents?

14 MS. SUTHERLAND: Yes, I do.

15 MR. DUMAIS: Okay. And did you have any
16 conversation with her with respect to sending the file to
17 Hamilton or disclosing the file or not disclosing it? Was
18 there any specific discussion or was she just looking to
19 confirm your I.D.?

20 MS. SUTHERLAND: If I remember correctly, I
21 think it was -- they weren't going to have any discussion
22 at all with me until I proved who I was.

23 MR. DUMAIS: Okay. And can you tell me who
24 she is? Did she identify herself? Do you know if she was
25 a case worker, a supervisor, a director?

1 **MS. SUTHERLAND:** She probably did. I don't
2 recall.

3 **MR. DUMAIS:** You can't recall?

4 **MS. SUTHERLAND:** No.

5 **MR. DUMAIS:** Okay.

6 **MS. SUTHERLAND:** But she probably did.

7 **MR. DUMAIS:** And now, towards the end of the
8 letter -- and I'll just read it out for you:

9 "I have once again forgotten much of
10 its content but I do remember reading
11 that had it not been for the CAS
12 intervention when I was 12 or 13, I
13 would have been dead within a matter of
14 weeks."

15 What are you referring to in this sentence?

16 **MS. SUTHERLAND:** This was -- I was involved
17 -- I had difficulties with my own son and I had requested
18 help from the Children's Aid in another city and they had
19 written to the Cornwall Children's Aid to obtain a
20 information from my time with the CAS there. And there was
21 a page in the document that had said if Cornwall medical
22 staff hadn't intervened at the time they did when I was
23 that age, I would have been dead within six weeks.

24 **MR. DUMAIS:** Okay. And this is information
25 that would have been sent from the CAS office here in

1 Cornwall to Hamilton. Is that correct?

2 **MS. SUTHERLAND:** Yes.

3 **MR. DUMAIS:** And had you been shown -- was
4 it a piece of correspondence? Was it a report or had you
5 just been told what it said?

6 **MS. SUTHERLAND:** I have seen, and I think
7 quite by accident, when this worker was at my house and he
8 was kind of leafing through the stuff, but later on, having
9 remembered it and when I was trying to pursue -- like,
10 trying to obtain more information for myself many years
11 later, I wrote back to them and asked them for anything
12 that they had on file and they gave it to me.

13 **MR. DUMAIS:** All right.

14 Now, I understand you wrote a -- sorry, I
15 understand you received a third letter addressed to Lise
16 Stanley, and that would be document 738659.

17 **THE COMMISSIONER:** Exhibit 453 is a letter
18 dated June 28th, 1995 to Lise from C. Sutherland.

19 **---EXHIBIT NO./PIECE NO 453:**

20 (738659) Letter from Catherine Sutherland to
21 Children's Aid Society dated June 28, 1995

22 **MR. DUMAIS:** So you have a copy of that
23 letter in front of you?

24 **MS. SUTHERLAND:** Yes, I do.

25 **MR. DUMAIS:** It refers again to a telephone

1 conversation which would have occurred on June 20th, 1995
2 and it discusses the medical information in your file. Do
3 you recall that telephone conversation?

4 **MS. SUTHERLAND:** Yes, I do.
5 What did you ask me?

6 **MR. DUMAIS:** Do you recall that telephone
7 conversation with Lise?

8 **MS. SUTHERLAND:** Yes, I do, because I think
9 it was kind of ludicrous. I had already jumped through the
10 hoops requesting the information. I sent in my driver's
11 licence. I sent, you know, whatever else. And when I
12 specifically asked for medical information, which -- and
13 incidentally I think it's all medical information. That's
14 what it looked to me. They asked me to jump through yet
15 another hoop, you know, write a letter and ask specifically
16 for medical information.

17 **MR. DUMAIS:** Right. So they wanted you to
18 request your medical records in writing. Is that fair?

19 **MS. SUTHERLAND:** Yes.

20 **MR. DUMAIS:** Okay. And you did provide them
21 with that?

22 **MS. SUTHERLAND:** Yes, but then they turn
23 around and after this point tell me that they can't release
24 it because it's third-party information. So, you know, why
25 do this to begin with.

1 **MR. DUMAIS:** And at the end of your
2 correspondence of that letter, you do reiterate the fact
3 that this does not negate any previous request.

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

5 **MR. DUMAIS:** So then was your concern that
6 you would only be provided with the medical information and
7 not the other information requested?

8 **MS. SUTHERLAND:** Yes.

9 **MR. DUMAIS:** And what was your expectation
10 at this point, Cathy? What did you expect to receive from
11 the Children's Aid with respect to your file?

12 **MS. SUTHERLAND:** Well, I think I was
13 learning very fast that I wasn't going to get what I
14 wanted. I wasn't going to get, you know, my file. But I
15 did think that they could have provided more information.

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

17 **MS. SUTHERLAND:** They could have filled the
18 gaps.

19 **MR. DUMAIS:** Now, I understand that you
20 received at one point in time some correspondence from a
21 gentleman by the name of Mark Boisvenue, and if I can just
22 take you to document 738628.

23 **THE COMMISSIONER:** Exhibit 454 is a letter
24 to Cathy Sutherland dated August 22nd, 1995 from Mark
25 Boisvenue, a social worker, and William Carriere, a

1 supervisor.

2 ---EXHIBIT NO./PIECE NO P-454:

3 (738628) Letter from Children's Aid Society
4 to Catherine Sutherland dated August 22,
5 1995

6 MR. DUMAIS: Now, there's a covering letter
7 from Mr. Boisvenue and, as well, there was an enclosure
8 with this letter which is a summary of your involvement
9 with the Children's Aid Agency?

10 MS. SUTHERLAND: M'hm.

11 MR. DUMAIS: Now, do you recall receiving
12 this letter?

13 MS. SUTHERLAND: Yes, I do.

14 MR. DUMAIS: All right.

15 So did you receive anything else other than
16 this summary and this covering letter?

17 MS. SUTHERLAND: At that time, no.

18 MR. DUMAIS: All right.

19 And this was the first disclosure that you
20 had received from the Children's Aid?

21 MS. SUTHERLAND: Right.

22 MR. DUMAIS: And this letter is dated August
23 22nd, 1995 and it does indicate -- I'm looking at the end of
24 the first paragraph -- that they do advise you that due to
25 confidentiality they are unable to provide any specific

1 details of individuals other than yourself?

2 **MS. SUTHERLAND:** Right.

3 **MR. DUMAIS:** And the second paragraph makes
4 reference to sexual abuse, and I'll just read you the
5 paragraph, Cathy:

6 "With regards to your concerns about
7 sexual abuse, I can advise you that I
8 was unable to find any information
9 within your files which would
10 indicate this."

11 So Mr. Boisvenue appears to make reference
12 to a discussion about sexual abuse. Do you recall whether
13 or not you had spoken to him specifically before he sent
14 you this letter and this summary?

15 **MS. SUTHERLAND:** I'm not sure if it was a
16 phone call or a letter. I think it was a letter. Then I
17 had told him that I was sexually abused in the foster home
18 they put me in when I was 13 and it had gone on for a year
19 and I told my worker, and I was asking him to look in the
20 files and see what was in there, all right, because I
21 wanted more information. I wanted to know why they didn't
22 do anything, why I was left there. So that's in reference
23 to that. He says there's no -- nothing in my file about
24 sexual abuse.

25 **MR. DUMAIS:** So this would not have been a

1 conversation that you would have had with Lise, it would
2 have been with Mark Boisvenue?

3 MS. SUTHERLAND: Right.

4 MR. DUMAIS: Is that correct?

5 MS. SUTHERLAND: Right.

6 MR. DUMAIS: All right. And this
7 conversation you would have with him shortly before
8 receiving this letter? Is that fair?

9 MS. SUTHERLAND: Yes.

10 MR. DUMAIS: All right. Now if we can just
11 look at the second page which is a chronology of wardship
12 and placement history. When you were provided with these
13 details, did that clarify some of your involvement with the
14 Children's Aid Society?

15 MS. SUTHERLAND: I would say that it just
16 put dates to it. I mean, I knew -- I knew the chronology,
17 I just didn't have dates, so yes.

18 MR. DUMAIS: All right. And what about the
19 location of some of the foster homes, did that assist you
20 as well?

21 MS. SUTHERLAND: No, not really.

22 MR. DUMAIS: All right. So these locations
23 you would have known beforehand?

24 MS. SUTHERLAND: Right.

25 MR. DUMAIS: Okay. Now the summary does

1 provide a brief summary of the medical history.

2 The first paragraph appears to be speaking
3 of seizures you would have suffered. Was that the medical
4 information you were looking for? Was that the condition
5 that prompted you to request a copy of your file?

6 **MS. SUTHERLAND:** Yes, that was part of it.

7 **MR. DUMAIS:** Okay. So they do -- they did
8 confirm that for you?

9 **MS. SUTHERLAND:** M'hm.

10 **MR. DUMAIS:** As well, the second paragraph
11 speaks of you being chronically underweight? Is that
12 something that you knew of yourself growing up as a child
13 or was this confirmed by this summary?

14 **MS. SUTHERLAND:** No, I knew that. Yes, I
15 knew that I was horrifically malnourished.

16 **MR. DUMAIS:** All right. Now it makes
17 reference in the fourth paragraph of this medical history
18 about you suffering third-degree burns on both of your
19 feet, so on March 7th, 1958. Do you have any memory or any
20 recollection of that event?

21 **MS. SUTHERLAND:** Well, I have the scars and
22 I had been told by relatives about it happening. But they
23 didn't give me any information that I did not already know.

24 **MR. DUMAIS:** Okay. So you were looking for
25 more details of what exactly had occurred?

1 **MS. SUTHERLAND:** I think specifically I was,
2 you know, I was wanting to know why the hell they didn't do
3 anything.

4 You know, because at this point we had
5 already been involved since October. They were supposed to
6 be monitoring the family situation. And here like six
7 months later I had third degree burns to my feet and the
8 CAS walks in, walks out, and it's the doctors that remove
9 me from the home. So, yes, it was pissy.

10 **MR. DUMAIS:** But were you looking more
11 specifically to be given some of the details of the
12 occurrence itself?

13 **MS. SUTHERLAND:** I'm sorry, ask me what?

14 **MR. DUMAIS:** Were you looking more
15 specifically for details of the occurrence itself? How it
16 happened? Whether or not it was investigated? Whether or
17 not anyone was responsible?

18 **MS. SUTHERLAND:** Yes. I wanted -- I wanted
19 to know how they interpreted what happened.

20 **MR. DUMAIS:** All right. So then -- and then
21 the last paragraph makes reference to you being bed-ridden
22 for a certain period of time in 1962, having been diagnosed
23 with bronchitis and, as well, makes reference to the fact
24 that you are once again very thin.

25 Do you recall being hospitalized in August

1 of 1962?

2 **MS. SUTHERLAND:** No.

3 **MR. DUMAIS:** Okay. Now if we turn to the
4 next page, it is a social history, so I believe what they
5 were attempting to provide you with is somewhat of a
6 summary of their involvement with you.

7 I am just going to go through the different
8 descriptions in there.

9 So it appears that they first became
10 involved with you on October 25, 1957?

11 **MS. SUTHERLAND:** Right.

12 **MR. DUMAIS:** And you just indicate to us
13 that at that time you were not apprehended.

14 So this is something that you learned from
15 your file. Is that correct?

16 **MS. SUTHERLAND:** Yes, this is much, much
17 later.

18 **MR. DUMAIS:** All right. Now they do make
19 reference to the incident where you are burned in March of
20 1958, where your feet were burned. And that appears to
21 have prompted their apprehension of you into the care of
22 society. Is that your understanding?

23 **MR. DUMAIS:** Well, I think I would have to
24 go back to what I just said, okay. I don't think that it
25 was their doing. I think it was -- the worker actually

1 came to the house and left. You know, it was the doctor
2 who showed up and put me right in the hospital.

3 It wasn't the CAS okay who -- I mean, I did
4 end up in foster care, but it was after a month in the
5 hospital and it was after these letters from the doctor
6 saying that the CAS needed to do something.

7 **MR. DUMAIS:** All right. Again, Cathy, that
8 information you get from your review of the file which you
9 had obtained?

10 **MS. SUTHERLAND:** Oh, okay.

11 **MR. DUMAIS:** Is that right?

12 **MS. SUTHERLAND:** Sorry. Yes, sorry.

13 **MR. DUMAIS:** Okay. That's okay.

14 And then you were placed in the first foster
15 home which is described as a foster home in Mountain and
16 they do indicate that you thrived in that environment.

17 Do you have any specific recollection of
18 your stay in that foster home?

19 **MS. SUTHERLAND:** No.

20 **MR. DUMAIS:** No. All right.

21 Now, then it appears that you were returned
22 with your mother following a psychiatric recommendation,
23 and that you were discharged from foster care on May 26,
24 1960.

25 There is some involvement between 1962 and

1 1965, when I believe is the next time you were apprehended,
2 but we will get to those details shortly.

3 So in 1965, it appears -- they appear to
4 have received a report or a referral from a school about
5 truancy and possible emotional problems.

6 So you would have been around 10 years old
7 at that time?

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

9 **MR. DUMAIS:** Do you recall anything
10 specifically from your school days? Someone from the
11 school contacting the Children's Aid and then you becoming
12 involved or speaking to a social worker?

13 **MS. SUTHERLAND:** I remember the school, like
14 the teachers being involved. I remember being taken to the
15 principal's office, you know, my appearance was very
16 alarming.

17 When I had -- I would have had no knowledge
18 at that that they contacted the CAS.

19 **MR. DUMAIS:** All right. Now in June -- on
20 June 11, 1968, they make reference to a -- and you would
21 have been 13 years old at that time -- that a family member
22 had threatened to kill you and that you had been admitted
23 as a result thereof to the care of the society on June 29,
24 1968.

25 So do you recall that incident when you

1 would have been around 13 years old?

2 **MS. SUTHERLAND:** Yes, I remember that. Yes.

3 **MR. DUMAIS:** All right. So we will get into
4 some of the details a little further on about that
5 apprehension and what led to that.

6 Then they indicate that a psychiatrist
7 indicated to you that you were prone to sexually acting
8 out. Do you recall speaking to a psychiatrist at around
9 that period of time?

10 **MS. SUTHERLAND:** Yes, I do.

11 **MR. DUMAIS:** And who do you recall that
12 psychiatrist being?

13 **MS. SUTHERLAND:** Dr. Burns.

14 **MR. DUMAIS:** Okay. And my understanding,
15 Cathy, is that psychiatrist would also have been the --
16 your mother's psychiatrist? Is that -- is that what you
17 recall?

18 **MS. SUTHERLAND:** Yes. Yes.

19 **MR. DUMAIS:** Okay. Now there is also in --
20 at the end of that paragraph, so that he does indicate
21 there is an earlier -- I will just read it out:

22 "There is an earlier, November 19, '67
23 indication that excessive masturbation
24 may have been a problem but it is
25 unknown whether the psychiatrist was

1 referring to this instance in
2 particular."

3 Do you recall having any type of discussion
4 with the psychiatrist with respect to that? Do you have a
5 specific recollection of that?

6 **MS. SUTHERLAND:** No.

7 **MR. DUMAIS:** No. All right.

8 **MS. SUTHERLAND:** No.

9 **MR. DUMAIS:** And then in the following
10 paragraph does indicate that otherwise your file does not
11 disclose any other evidence of sexual abuse.

12 But it does make reference -- and I am
13 looking at the second last paragraph, Bates page number
14 7173297, so which is page 2 of their report.

15 About the third line from the top, it is
16 stated specifically that there are no sexual problems with
17 Cathy in the foster home. But it does not appear to have
18 any other details other than that statement?

19 **MS. SUTHERLAND:** And it is kind of an odd
20 comment in a home where I've disclosed I was being sexually
21 abused.

22 **MR. DUMAIS:** Now, the next letter that you
23 would have written would have been in September of 1995.
24 You would have written a letter to the Cornwall General
25 Hospital. Do you recall that?

1 **MS. SUTHERLAND:** Yes.

2 **MR. DUMAIS:** And do you recall what you were
3 requesting in that letter? What were the comments of the
4 letter?

5 **MS. SUTHERLAND:** I was looking for any
6 medical records that they have.

7 **MR. DUMAIS:** Okay. And were you -- did you
8 specifically ask them to look into a certain period of
9 time? Did you have the name of a doctor? Were you looking
10 at emergency records?

11 **MS. SUTHERLAND:** I was looking for emergency
12 records. I had recalled an incident that happened and they
13 told me -- they referred me back to the CAS, claiming that
14 CAS would have a copy of that probably. They actually gave
15 me permission for -- the CAS permission to disclose that
16 document.

17 **MR. DUMAIS:** Okay. So, did they provide you
18 with any of those medical records?

19 **THE COMMISSIONER:** Who's "they"?

20 **MR. DUMAIS:** Sorry, the hospital.

21 **MS. SUTHERLAND:** Not for the emergency room
22 treatment.

23 **MR. DUMAIS:** Okay. And did they give you a
24 reason why they couldn't provide you with a copy?

25 **MS. SUTHERLAND:** They couldn't find any

1 emergency room.

2 **MR. DUMAIS:** Pardon me?

3 **MS. SUTHERLAND:** They couldn't provide -- or
4 they couldn't find any emergency room treatment.

5 **MR. DUMAIS:** Okay. Now, I understand that
6 in March of 1996, you did write a further letter to the
7 Children's Aid Society and that's Document Number 738657.

8 **THE COMMISSIONER:** Exhibit 455 is a letter
9 addressed to the Stormont, Dundas and Glengarry CAS March
10 28th, 1996 from Ms. Sutherland.

11 **---EXHIBIT NO./PIÈCE NO P-455:**

12 (738657) Letter from Catherine Sutherland to
13 Children's Aid Society dated March 28, 1996.

14 **MR. DUMAIS:** You recognize the letter,
15 Cathy?

16 **MS. SUTHERLAND:** Yes, I do.

17 **MR. DUMAIS:** All right. So it's a letter
18 that is addressed to Martin Boisvenue ---

19 **MS. SUTHERLAND:** M'hm.

20 **MR. DUMAIS:** --- and in the second paragraph
21 of that letter, it makes reference to medical conditions,
22 so, around the fifth or sixth line of that document. I had
23 been -- the paragraph:

24 "I had been hospitalized with evidence
25 of severe neglect. The Winchester

1 Hospital records state that besides the
2 burns to my feet, they gave a further
3 diagnosis of morbus miserias which is
4 indicative of ongoing malnourishment.
5 That, coupled with bronchitis, pin
6 worms, a protruding stomach in a
7 grossly underweight child could not
8 help but to have at least given the
9 appearance of neglect."

10 So you make reference to some medical terms,
11 some medical conditions, and you make reference to the
12 Winchester Hospital records. So did you make a request
13 from that hospital as well?

14 **MS. SUTHERLAND:** Yes, I did.

15 **MR. DUMAIS:** And you received a copy of
16 those records?

17 **MS. SUTHERLAND:** Yes, I did.

18 **MR. DUMAIS:** Okay. And just so that --
19 where was the Winchester Hospital located?

20 **MS. SUTHERLAND:** In Winchester.

21 **MR. DUMAIS:** And where is Winchester with
22 respect to Cornwall?

23 **MS. SUTHERLAND:** Near Morrisburg.

24 **MR. DUMAIS:** Okay. Thank you.

25 Now on the second page, so Bates page number

1 7173338, you make reference to some instance of abuse that
2 you would have suffered at the hand of your mother.

3 So I'm looking at the top paragraph; you
4 indicate in there that you had been burned by the stove and
5 the iron, and your hand had been held in scalding water.
6 So these are all instances that you remember yourself
7 without having to look at any of your file. Is that
8 correct?

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

10 **MR. DUMAIS:** All right. Now as well, Cathy,
11 and I'm looking at the fourth paragraph on that same page,
12 you make reference to Stephen's death?

13 **MS. SUTHERLAND:** Yes.

14 **MR. DUMAIS:** So Stephen would have been your
15 younger brother. Is that correct?

16 **MS. SUTHERLAND:** Right.

17 **MR. DUMAIS:** And do you recall what his date
18 of birth was?

19 **MS. SUTHERLAND:** July '63.

20 **MR. DUMAIS:** All right. And you make
21 reference in that paragraph where you describe his death.
22 What do you remember about that incident?

23 **MS. SUTHERLAND:** That she murdered him.

24 **MR. DUMAIS:** Pardon me?

25 **MS. SUTHERLAND:** That she murdered him, that

1 she killed him.

2 MR. DUMAIS: Okay. Well, I mean, do you
3 remember any of the details? What are your specific
4 recollections about this incident and Stephen and how it
5 happened?

6 MS. SUTHERLAND: I remember a lot. I
7 remember her throwing him across the room, into the crib.
8 I remember her carrying him around in a suitcase. I just -
9 - I'm sorry, I find that very hard to talk about.

10 MR. DUMAIS: All right. And at that time,
11 or during that period of time, my understanding is Stephen
12 was relatively young when he died. Is that correct?

13 MS. SUTHERLAND: Yes, he died when he was
14 three months old.

15 MR. DUMAIS: Okay. And he died residing at
16 home with your mother. Is that correct?

17 MS. SUTHERLAND: Right.

18 MR. DUMAIS: All right. And you were
19 residing in the home as well during that period of time?

20 MS. SUTHERLAND: Yes, I was.

21 MR. DUMAIS: All right. And was your
22 brother living with you as well?

23 MS. SUTHERLAND: Yes, yes.

24 MR. DUMAIS: All right. And how old would
25 he have been, I mean, in relation with you? Is he older or

1 younger?

2 **MS. SUTHERLAND:** He is about a year-and-a-
3 half older. I have a brother that's a year-and-a-half
4 younger as well.

5 **MR. DUMAIS:** Okay. Now, I understand that
6 you did speak to your grandmother as well with respect to
7 Stephen's death ---

8 **MS. SUTHERLAND:** Yes.

9 **MR. DUMAIS:** --- and her conversation that
10 she would have had with the coroner. Is that correct? Do
11 you recall that?

12 **MS. SUTHERLAND:** The conversation that I had
13 with my grandmother in respect to Stephen's death?

14 **MR. DUMAIS:** Let me see if I am -- perhaps
15 I'm not interpreting it right. So if you look at the third
16 page of your letter, the second paragraph, looking at the
17 second sentence. I'll just read it out for you:

18 "The impressions were pretty evident
19 when, after having questioned my
20 grandmother concerning her daughter,
21 the coroner claimed never to have it in
22 one as evil as Joan."

23 Where do you get that information?

24 **MS. SUTHERLAND:** Probably from my
25 grandmother, but there was other relatives that had -- the

1 coroner knew. And I was told by these other relatives that
2 he had gone to the house after -- he left our house the
3 morning that Stephen was dead and he had told them the same
4 thing that he had never met anyone as evil as Joan.

5 **MR. DUMAIS:** Okay. Who would have said
6 that?

7 **MS. SUTHERLAND:** It's a relative that I
8 don't know very well. You know, it's a relationship to my
9 grandmother.

10 **MR. DUMAIS:** So do you think -- I mean, and
11 I am just trying to understand where you got this
12 information from?

13 **MS. SUTHERLAND:** I am trying to remember her
14 name.

15 I had written a letter that was published in
16 the Morrisburg paper and after that period of time, I was
17 getting calls from very concerned relatives. They
18 recognized me and recognized my mother and all that stuff.

19 And I was getting calls telling me you know
20 that I should be careful and they were worried that she'd
21 come after me. And one of these relatives had known Joan
22 and had known Dr. Lambert -- Robertson and all of those
23 people. And it was her -- it was her house, okay, where my
24 mother had gone after Stephen's death and she was the one
25 who had told me that Lambert told her that he had never met

1 anyone as evil.

2 MR. DUMAIS: Okay. All right.

3 Now, I'm looking at the top of the next
4 page, Cathy, and that's Bates page number 7173340, and you
5 make reference to a psychiatrist in Cornwall, and it's put
6 in some form of question and you seem to remember the name
7 of Burns?

8 MS. SUTHERLAND: M'hm.

9 MR. DUMAIS: So you do identify the
10 psychiatrist's name.

11 And you make reference to an instant which
12 we spoke about briefly when you were 12 or 13 years old,
13 and I'm looking at the second-last paragraph of that same
14 page, and I'll just read out the paragraph:

15 "I had recently run away from home. I
16 had been made to sit outside for the
17 better part of the day and evening with
18 nothing on but a coat and a pair of
19 underwear. I was cold and really
20 pissed off. I guess I finally had
21 enough. I took off into the bush
22 behind the house, where I was
23 discovered by a girl I had known from
24 school. She brought me clothes and
25 food and I was able to survive for a

1 couple of days until I was caught by
2 Joan crossing one of the neighbourhood
3 streets."

4 So do you recall that incident specifically?

5 **MS. SUTHERLAND:** Yes, I do.

6 **MR. DUMAIS:** And you had run away from home
7 and you had been gone for how long; do you recall?

8 **MS. SUTHERLAND:** I think it was only about
9 two days.

10 **MR. DUMAIS:** And then you say you were
11 caught by Joan. Did she bring you back home? Is that
12 correct?

13 **MS. SUTHERLAND:** Yes, she did.

14 **MR. DUMAIS:** All right. And you mentioned
15 there as well that there would have been police
16 involvement. So do you recall who showed up at the house?

17 **MS. SUTHERLAND:** Yes, the police showed up,
18 and I don't know how long after. It was the same day. She
19 did her good mother routine, relieved and what not, and the
20 police didn't bat an eye and left.

21 **MR. DUMAIS:** Okay. So you don't know
22 specifically who showed up at the house, which constable,
23 which ---

24 **MS. SUTHERLAND:** No, I don't.

25 **MR. DUMAIS:** --- police force or which

1 police service?

2 Do you think they were looking for you?

3 **MS. SUTHERLAND:** Yes, it was in the paper
4 that I was missing.

5 **MR. DUMAIS:** Okay. And shortly afterwards
6 you were hospitalized, firstly, and then taken into care.
7 Is that correct?

8 **MS. SUTHERLAND:** Yes. I mean, I weighed
9 something like 60 pounds and I was almost 13 years old.

10 **MR. DUMAIS:** M'hm. So do you recall after
11 the police left on that day what your mother did to punish
12 you?

13 **MS. SUTHERLAND:** Yes, I was taken out back,
14 stripped down and hosed down in the backyard.

15 **MR. DUMAIS:** Was that common for her? Is
16 that something that she would do regularly?

17 **MS. SUTHERLAND:** That wasn't unusual.

18 **MR. DUMAIS:** So that was not the first time
19 this would have happened and ---

20 **MS. SUTHERLAND:** No.

21 **MR. DUMAIS:** --- not the last time either?

22 **MS. SUTHERLAND:** No.

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

24 And now you end up this letter further
25 commenting on the necessity for you to have a copy of the

1 file and indicating that you're looking at filling the hole
2 of your memories. Is that correct?

3 **MS. SUTHERLAND:** That's right, yes.

4 **MR. DUMAIS:** Now, that letter was sent on
5 March 28, 1996, and you received a further -- you received
6 -- you sent a further letter, again to Mark Boisvenue,
7 which is dated June 10th, 1996, and that's Doc Number
8 738656.

9 **THE COMMISSIONER:** Thank you. Exhibit 456,
10 letter to Mark Boisvenue of the Stormont, Dundas, Glengarry
11 CAS, dated June 10th, 1996.

12 **--- EXHIBIT NO./PIÈCE NO. P-456:**

13 (738656) Letter from Catherine Sutherland to
14 Children's Aid Society dated June 10, 1996

15 **MR. DUMAIS:** Do you recognize the letter,
16 Cathy?

17 **MS. SUTHERLAND:** Yes, I do.

18 **MR. DUMAIS:** All right. And do you recall
19 why you had sent the letter?

20 **MS. SUTHERLAND:** Because I never got a
21 response. I had written him March 28th and it was June 10th
22 and I still didn't have a response from him.

23 **MR. DUMAIS:** And then do you recall
24 receiving a response from Mr. Boisvenue? And if I can take
25 you to Document Number 738655?

1 **THE COMMISSIONER:** Exhibit 457, a letter to
2 Ms. Sutherland from Mark Boisvenue.

3 **--- EXHIBIT NO./PIÈCE NO. P-457:**

4 (738655) Letter from Children's Aid Society
5 to Catherine Sutherland dated October 1,
6 1996

7 **MR. DUMAIS:** Do you remember receiving this
8 letter from Mr. Boisvenue, and it is signed by Mr. Bernard
9 Lamarche?

10 **MS. SUTHERLAND:** Yes, I do.

11 **MR. DUMAIS:** All right. So they make
12 reference to your two previous correspondence on March 28th
13 and June 10th, and then they indicate that your file will be
14 reviewed by a second social worker. Is that correct?

15 **MS. SUTHERLAND:** That's right, yes.

16 **MR. DUMAIS:** And they're requesting for a
17 bit of time to go through that process. Is that correct?

18 **MS. SUTHERLAND:** Yes.

19 **MR. DUMAIS:** All right. Now, I understand
20 that sometime in December or January -- December of '96 or
21 January of 1997 -- you spoke to someone named Wenda
22 Hodstons, which is the Program Supervisor for the Ministry
23 of Community and Social Services.

24 Do you recall speaking with her?

25 **MS. SUTHERLAND:** I know I did, yes.

1 MR. DUMAIS: Pardon me?

2 MS. SUTHERLAND: I know I did.

3 MR. DUMAIS: You did?

4 MS. SUTHERLAND: Yes.

5 MR. DUMAIS: You remember you did?

6 MS. SUTHERLAND: M'hm.

7 MR. DUMAIS: You don't recall specifically
8 when you spoke with her?

9 MS. SUTHERLAND: No.

10 MR. DUMAIS: Do you recall the conversation?

11 MS. SUTHERLAND: Not offhand.

12 MR. DUMAIS: Do you recall generally what
13 you were asking from her?

14 MS. SUTHERLAND: Yes, sure, it would have
15 been for help, you know, with the Children's Aid, trying to
16 retrieve my files.

17 MR. DUMAIS: And do you know -- do you
18 remember whether or not she did anything for you?

19 MS. SUTHERLAND: I think she contacted the
20 Children's Aid.

21 MR. DUMAIS: Okay. That's your
22 understanding?

23 MS. SUTHERLAND: Yes.

24 MR. DUMAIS: Do you recall having more than
25 one conversation with her?

1 **MS. SUTHERLAND:** Not offhand, but it
2 wouldn't surprise me.

3 **MR. DUMAIS:** Okay. Do you recall how you
4 got her name, Cathy? How did you know to contact her?

5 **MS. SUTHERLAND:** I don't remember now.

6 **MR. DUMAIS:** You don't know where you got
7 the name from?

8 **MS. SUTHERLAND:** No.

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

10 Now, I understand that in January of 1997,
11 you wrote a further letter to the Children's Aid Society,
12 and that's addressed to Mr. Richard Abell. If you can have
13 a look at Document Number 738623?

14 **THE COMMISSIONER:** Exhibit 458, a letter to
15 Mr. Abell dated January 13th, 1997 from Ms. Sutherland.

16 **--- EXHIBIT NO./PIÈCE NO. P-458:**

17 (738623) Letter from Catherine Sutherland to
18 Children's Aid Society dated January 13,
19 1997

20 **MR. DUMAIS:** So the letter is dated January
21 13, 1997. Would that be a letter that you would have sent?

22 **MS. SUTHERLAND:** Yes.

23 **MR. DUMAIS:** All right. And you start the
24 correspondence by indicating:

25 "I have been advised to write to you as

1 over the last couple of years..."

2 And then you keep going.

3 Do you recall how you got Mr. Abell's name?

4 Did someone call you and tell you ---

5 **MS. SUTHERLAND:** It might have been from
6 Wenda, but I'm not positive.

7 **MR. DUMAIS:** So in that letter you go
8 through some of the chronology of your attempts to obtain a
9 copy of the file and you do make reference as well, towards
10 the end of that first page, that you spoke to someone from
11 the Child and Family Advocacy Office in Toronto?

12 **MS. SUTHERLAND:** Right.

13 **MR. DUMAIS:** And you appear to indicate that
14 she would have driven -- or that person would have driven
15 to Cornwall and met in person with your agency. Do you
16 recall ---

17 **MS. SUTHERLAND:** Yes. Yes, they drove all
18 the way from Toronto to Cornwall.

19 **MR. DUMAIS:** Okay. So, do you recall who
20 that person was? Or was that Wenda or ---

21 **MS. SUTHERLAND:** I'm not positive. I'm not
22 positive.

23 **MR. DUMAIS:** You're not sure if it's her or
24 whether or not it's someone else entirely?

25 **MS. SUTHERLAND:** It could be someone else,

1 I'm not sure.

2 **MR. DUMAIS:** Okay. And then once again
3 you're requesting, towards the end of the second page,
4 you're asking for access to your file and you're asking
5 that your request be adhered to within the two week delay?

6 **MS. SUTHERLAND:** Right.

7 **MR. DUMAIS:** Now, you received a response
8 from a Mr. Abell, which is dated February 11, 1997. And,
9 if I can take you to Document Number 120957.

10 **THE COMMISSIONER:** Exhibit 459, letter
11 addressed to Ms. Sutherland, February 11th, 1997 from a Mr.
12 Abell, the Executive Director of the Children's Aid
13 Society.

14 --- **EXHIBIT NO./PIÈCE NO. P-459:**

15 (120957) Letter from Children's Aid
16 Society to Catherine Sutherland dated
17 February 11, 1997

18 **MR. DUMAIS:** Mr. Abell makes reference to
19 your last correspondence of January 13 and makes reference
20 to attempting to answer some of the questions that you had
21 in your March 28, 1996 letter to Mr. Boisvenue.

22 In his first paragraph, he indicates that
23 arrangements are being made to have you attend the Hamilton
24 Children's Aid Society for you to have access to your file.

25 So, was that the first time that any

1 discussion occurred about having you review your file?

2 **MS. SUTHERLAND:** Yes. Yes.

3 **MR. DUMAIS:** All right. And then Mr. Abell
4 does answer some of the questions that you posed in your
5 correspondence of March 28, 2006.

6 So he does review your file once again and
7 provides an answer that visits had been set up on a weekly
8 basis for the social worker to attend your place of
9 residence. And it does answer some of the other questions
10 that you had posed, or attempts to explain some of the
11 incidents that you made reference to.

12 But, more specifically, and I'm looking at
13 the second last paragraph on the second page, when she
14 makes -- when he makes reference to Stephen's death.

15 So he does indicate in that paragraph and
16 I'll just read it out for you:

17 "We have a notation that the society
18 never received the autopsy report,
19 and there is nothing indicating that
20 your mother had, at any time, said to
21 us or anyone else that she felt you
22 may have been involved in Stephen's
23 death."

24 So, the first thing about that paragraph is,
25 it confirms that no -- they never received a copy of the

1 autopsy report. And you never did receive a report from
2 anywhere else, Cathy, is that right?

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

4 **MR. DUMAIS:** As far as you know, there was
5 no report that was ever prepared?

6 **MS. SUTHERLAND:** No. I have no idea.

7 **MR. DUMAIS:** And it does make reference to
8 that paragraph, about you and your involvement in Stephen's
9 death. What did -- what was Mr. Abell referring to?

10 **MS. SUTHERLAND:** My mother had accused me of
11 killing Stephen.

12 **MR. DUMAIS:** All right. And did you, at any
13 point in time, believe that?

14 **MS. SUTHERLAND:** I had wondered. I had
15 wondered -- she told the Children's Aid that, and that's
16 why, you know, it never went anywhere because I don't think
17 Lambert would have -- the doctors would not have wanted
18 that, I don't think.

19 **MR. DUMAIS:** All right. And then Mr. Abell
20 does confirm for you as well that you would have seen a
21 psychiatrist by the name of Dr. Burns?

22 **MS. SUTHERLAND:** Yes.

23 **MR. DUMAIS:** So that was a confirmation of
24 something you had previously remembered. Now ---

25 **MS. SUTHERLAND:** Yes, but that had nothing

1 to do with Stephen's death, right?

2 MR. DUMAIS: No.

3 MS. SUTHERLAND: No, okay.

4 MR. DUMAIS: No, no. Absolutely not.

5 Now, you do receive a second piece of
6 correspondence from Mr. Abell, shortly afterwards. I
7 believe that letter is dated February 11th of that same
8 year. So if you can have a look at Document Number 120957.

9 THE COMMISSIONER: That is Exhibit 459.

10 MR. DUMAIS: Sorry, Commissioner. It would
11 be document 120956, and that would be dated February 25th
12 1957.

13 THE COMMISSIONER: Okay.

14 Exhibit 460 is a letter to Cathy -- I'm
15 sorry?

16 MS. SUTHERLAND: No, I was wondering if I
17 did that.

18 THE COMMISSIONER: Yes, you did, but it's
19 okay.

20 To Ms. Sutherland from Richard Abell,
21 Executive Director, dated February the 25th, 1997.

22 --- EXHIBIT NO./PIÈCE NO P-460:

23 (120956) Letter from Children's Aid Society
24 to Catherine Sutherland dated February 25,
25 1007

1 **MR. DUMAIS:** So then, the letter starts out,
2 Cathy, by introducing Patricia Garrahan. So, had you
3 previously spoken to her at any point in time?

4 **MS. SUTHERLAND:** No.

5 **MR. DUMAIS:** So she appears to have been
6 designated as the person that would attend in Hamilton to
7 review the file with you. Is that the person that you
8 eventually met there?

9 **MS. SUTHERLAND:** Yes.

10 **MR. DUMAIS:** Okay. Now it does confirm as
11 well that you will be given the opportunity to review your
12 file, but indicates that they are obligated to black out
13 identifying information such as names of foster families,
14 society workers and other professionals identified in your
15 child's file.

16 And, as a matter of fact, when you did
17 attend the Hamilton Children's Aid office, perhaps you can
18 just describe what your file looked like to you?

19 **MS. SUTHERLAND:** Well, it wasn't just names
20 of people. It was so blacked out and there was information
21 there that -- you know, they even say, okay, that they're
22 blacking out things that I might find upsetting, you know,
23 which is to me -- it was ridiculous.

24 The first seven or eight pages of the file
25 was missing. I was given a very limited amount of time to

1 read it into a tape recorder and it was all very rushed. I
2 think at one point she took over and started reading it
3 into the tape machine herself, just to expedite things.

4 I mean, it was the best I had up to that
5 point, but it certainly wasn't complete and it certainly
6 didn't answer all the questions.

7 **MR. DUMAIS:** All right. So in his letter,
8 he does indicate that Patricia could spend approximately
9 three-to-four hours with you. Do you recall how long that
10 meeting was, actually?

11 **MS. SUTHERLAND:** No, I don't. But three
12 hours to go over a file would be that emotionally intense
13 and trying to, you know, just read it, it's going to take a
14 lot more than three hours.

15 **MR. DUMAIS:** Okay. But is that about right?
16 Three-or-four hours? You had spent an afternoon with her
17 or ---

18 **MS. SUTHERLAND:** Yes, yes.

19 **MR. DUMAIS:** Does that make sense?

20 **MS. SUTHERLAND:** Yes, it does.

21 **MR. DUMAIS:** Okay. And do you recall
22 whether or not it would have been a morning or an
23 afternoon?

24 **MS. SUTHERLAND:** I think it was probably
25 morning, like morning, over lunch or something.

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

2 **MS. SUTHERLAND:** I think it was around 10:00
3 in the morning or something.

4 **MR. DUMAIS:** Okay. And how were the
5 arrangements made? Were you contacted by the Hamilton
6 Children's Aid or were other arrangements made through Mr.
7 Abell?

8 **MS. SUTHERLAND:** I think all the
9 arrangements were made through Mr. Abell and I just
10 attended the CAS in Hamilton and met with them.

11 **MR. DUMAIS:** Because the letter does not
12 make reference to a specific date. Do you think you would
13 have had some telephone conversations with him?

14 **MS. SUTHERLAND:** Yes, quite likely.

15 **MR. DUMAIS:** Okay. And they do confirm, as
16 well, that you are not able to photocopy the file. Is that
17 right?

18 **MS. SUTHERLAND:** Right.

19 **MR. DUMAIS:** Right. And so then, you were
20 permitted to -- the use of a Dictaphone?

21 **MS. SUTHERLAND:** Right.

22 **MR. DUMAIS:** So, am I to understand then
23 that you are reading the contents of your file in your
24 dictaphone? Is that correct?

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

1 **MR. DUMAIS:** And after you were done with
2 that you had the document typed up?

3 **MS. SUTHERLAND:** Yes, I typed it up.

4 **MR. DUMAIS:** Pardon me?

5 **MS. SUTHERLAND:** I had to type it up.

6 **MR. DUMAIS:** So you did that yourself?

7 **MS. SUTHERLAND:** Right.

8 **MR. DUMAIS:** And what kind of document did
9 you end up with? How long was the document?

10 **MS. SUTHERLAND:** Oh, I don't recall now. I
11 don't know. I really don't know. Probably about 20 pages.

12 **MR. DUMAIS:** And I think you made reference
13 to this, the last paragraph indicates the style of writing
14 and assessment when you were a child was much different
15 than today. Patricia blacked out some information which is
16 not identifying but which she felt might be upsetting to
17 you. So you indicated that you had a problem with that?

18 **MS. SUTHERLAND:** Well, yes, I think so. I
19 mean, the whole thing is upsetting. You know, I still
20 wanted it. It's my history. I don't think it was up to
21 them to make a decision about what I could or could not
22 see, based on the fact that I would find it upsetting. I
23 was already upset.

24 **MR. DUMAIS:** But did they indicate that if
25 you still wanted that information that that could still be

1 provided to you?

2 **MS. SUTHERLAND:** Yes, they did. And I think
3 it was two years later that they did just that part of it.

4 **MR. DUMAIS:** So did you have that specific
5 discussion with Patricia on that day that whether or not
6 you could have access to what information she would have
7 felt was upsetting to you?

8 **MS. SUTHERLAND:** No, I don't remember. I
9 don't remember doing anything like that. I think I was
10 very scared that if I said anything they would pick it all
11 up and run away with it. So I probably was still jumping
12 the hoops.

13 **MR. DUMAIS:** So that meeting, was it a
14 question and answer session or did you spend the whole time
15 just dictating your file?

16 **MS. SUTHERLAND:** Oh, it took the whole time
17 just to dictate it. It takes a long time to read it out
18 loud and to figure out what was being said and, you know,
19 it took a long time.

20 **MR. DUMAIS:** So did you have -- was there
21 any difficulty in reading the file?

22 **MS. SUTHERLAND:** It was not a pleasant read.

23 **MR. DUMAIS:** I mean, I guess, let me
24 rephrase that. Was it legible?

25 **MS. SUTHERLAND:** I wouldn't say anything

1 that they ever gave me was legible. It really took -- you
2 know, it takes a lot to be able to decipher through their
3 really bad photocopies and that kind of thing.

4 **MR. DUMAIS:** So the file that they had with
5 them on that day was not an original file. It was
6 photocopies. Is that correct?

7 **MS. SUTHERLAND:** I have never seen the
8 original file. It was my understanding that it was all on
9 microfilm anyway, so they may not have the original.

10 **MR. DUMAIS:** Okay. But certainly back then
11 the file that you looked at was on paper form?

12 **MS. SUTHERLAND:** Yes, it was.

13 **MR. DUMAIS:** All right. And that letter was
14 sent to you on February 25th, 1997 and the meeting at the
15 Hamilton-Wentworth office would have occurred at around
16 March 10th, 1997. Does that make sense to you?

17 **MS. SUTHERLAND:** Yes.

18 **MR. DUMAIS:** Now, you indicated earlier as
19 well, Cathy, that you thought seven pages of your file was
20 missing?

21 **MS. SUTHERLAND:** Yes.

22 **MR. DUMAIS:** Do you mean that the seven
23 pages were completely redacted or they were just not there?

24 **MS. SUTHERLAND:** No, they were just not
25 there.

1 **MR. DUMAIS:** Okay. And you knew that -- how
2 did you know that?

3 **MS. SUTHERLAND:** Because of the number. It
4 started at page 8 or whatever it was.

5 **MR. DUMAIS:** Okay.

6 **MS. SUTHERLAND:** I should mention, too, that
7 those first eight pages were very relevant to the time when
8 I was two and CAS was involved at that point. So it was
9 really -- it was a dramatic part to leave out in my life.

10 **MR. DUMAIS:** And you know that because you
11 eventually look at those first seven pages?

12 **MS. SUTHERLAND:** Yes. And I think where it
13 started on the eighth page, it was clear what preceded it
14 was about kind of -- that doesn't make any sense, right?

15 Well, if it starts -- like, I think it
16 started about the Woods' home when I was there about when I
17 was three. So I think it was clear that what was missing
18 was everything before the placement at Woods'.

19 **THE COMMISSIONER:** Did you ask any questions
20 of Patricia that day as to where those pages were?

21 **MS. SUTHERLAND:** I don't think there was
22 time ---

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

24 **MS. SUTHERLAND:** --- to have that kind of
25 conversation.

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

2 **THE COMMISSIONER:** Was there any explanation
3 given to you at any time as to why those seven pages
4 weren't there?

5 **MS. SUTHERLAND:** No. No.

6 **MR. DUMAIS:** Now, you did, following that
7 meeting and a little later that year, send a further
8 correspondence to Mr. Abell, and if you can look at Doc
9 Number 738647.

10 **THE COMMISSIONER:** Exhibit 461 is a letter
11 from Catherine Sutherland to Richard Abell dated November
12 7th, 1997.

13 **---EXHIBIT NO./PIECE NO P-461:**

14 (738647) Letter from Catherine Sutherland to
15 Children's Aid Society dated November 7,
16 1997

17 **MR. DUMAIS:** I'll just read the first part
18 of the second paragraph, Cathy, and I think you mentioned
19 this earlier on:

20 "I've been trying to get information
21 from the Cornwall General Hospital
22 and have spoken with a Pat Lalonde on
23 a couple of occasions. I'm aware
24 that a copy of this particular
25 hospital record was enclosed within

1 the CAS file and refers to June 18th,
2 1968 when I had been hospitalized
3 with the CGH for a period of nine
4 days. The CAS in the past had
5 refused to give me the record as it
6 is a third party document, but I have
7 been advised by Pat Lalonde that she
8 had made a call to the CAS giving
9 permission."

10 So you were in contact with Ms. Lalonde?

11 **MS. SUTHERLAND:** Yes.

12 **MR. DUMAIS:** And how were you made aware
13 that she had given permission to the Children's Aid to
14 release those records?

15 **MS. SUTHERLAND:** I spoke to her on the
16 phone. She told me that she called them. The CAS never
17 released that record though.

18 **MR. DUMAIS:** Okay.

19 **MS. SUTHERLAND:** Can we take a break?

20 **THE COMMISSIONER:** Yes, we can.

21 All right. We'll take our morning break
22 now. Thank you.

23 **THE REGISTRAR:** Order. All rise. A L'ordre.
24 Veuillez vous lever.

25 The hearing will resume at 11:00.

1 --- Upon recessing at 10:45 a.m./

2 L'audience est suspendue à 10h45

3 --- Upon resuming at 11:03 a.m./

4 L'audience est reprise à 11h03

5 **THE REGISTRAR:** The hearing is now resumed.

6 Please be seated. Veuillez vous asseoir.

7 **CATHY SUTHERLAND, Resumed/Sous le même serment:**

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

9 **DUMAIS (Continued/Suite):**

10 **MR. DUMAIS:** So, Cathy, we were just talking
11 about the letter that you had sent to, again, Richard Abell
12 on November 7th, '97, requesting the medical records and
13 confirming that you had been advised by Pat Lalonde that he
14 had granted consent for them to release those third party
15 records, and those records you never received from the
16 Children's Aid Society, or you never received a specific
17 response to that letter. Is that correct?

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

19 **MR. DUMAIS:** Now, I understand shortly
20 afterwards, Cathy, that -- or during that period of time --
21 you were seeing a psychiatrist, Dr. Angie Cornfield. Is
22 that correct?

23 **MS. SUTHERLAND:** That's right.

24 **MR. DUMAIS:** And at one point in time he
25 indicated that he wanted to obtain a copy of your file or

1 you suggested that. Do you remember how that decision was
2 made?

3 **MS. SUTHERLAND:** Well, I think because of
4 the work we did together he felt -- we both felt that it
5 would be beneficial.

6 **MR. DUMAIS:** Okay. So he did make a request
7 to obtain a copy of your file. Is that correct?

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

9 **MR. DUMAIS:** And you did, to permit him to
10 do so, sign a consent?

11 **MS. SUTHERLAND:** That is correct.

12 **MR. DUMAIS:** And if we can just have a look
13 briefly at document Number 738645.

14 Madam Clerk, that's not one of my documents.

15 **THE COMMISSIONER:** Exhibit 462 is a form 14
16 from the *Mental Health Act*, which is a consent to
17 disclosure as signed by Ms. Sutherland, dated September 8,
18 1998.

19 --- **EXHIBIT NO./PIECE NO P-462:**

20 (738645) Catherine Sutherland's signed
21 consent to disclosure, transmittal or
22 examination of a clinical record to
23 Children's Aid Society dated September 8,
24 1998

25 **MR. DUMAIS:** And that consent appears to

1 have been sent to the Children's Aid Society and it does
2 indicate at the bottom, "The full records, please" plus
3 "Between 1958 and 1973".

4 Do you know, Cathy, whether or not Dr.
5 Cornfield did receive a copy of your file from the
6 Children's Aid Society?

7 **MS. SUTHERLAND:** Not at that time, no.

8 He was actually told to read the
9 transcribed copy that I had.

10 **MR. DUMAIS:** So they referred Dr. Cornfield
11 to a transcript and by the transcript you mean the file
12 that you had dictated. Is that correct?

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

14 **MR. DUMAIS:** All right.

15 Court's indulgence for a second.

16 **(SHORT PAUSE/COURTE PAUSE)**

17
18 And I understand that the response was sent
19 directly to Dr. Cornfield? Do you recall seeing a copy of
20 that letter?

21 **MS. SUTHERLAND:** Yes, I did. I saw a copy
22 of it.

23 **MR. DUMAIS:** Now I understand that shortly
24 afterwards you did write a letter to the Honourable
25 Minister Justice and the Attorney General of Canada, Anne

1 McLellan, requesting her assistance. Is that correct?

2 **MS. SUTHERLAND:** That is correct.

3 **MR. DUMAIS:** I do not have a copy of that
4 letter, however, I do have a copy of her response.

5 If you can look at Document Number 120924.

6 **THE COMMISSIONER:** Thank you. Exhibit 463
7 is a letter addressed to Catherine Sutherland dated March
8 25th, 1999 from Anne McLellan.

9 **---EXHIBIT NO./PIECE NO P-463:**

10 (120924) Letter from Anne McLellan (MAG) to
11 Catherine Sutherland dated March 25, 1999

12 **MR. DUMAIS:** So she does make reference to
13 your correspondence which was dated December 10, 1998, and
14 in the third paragraph from the bottom indicates however:

15 "Since I am the government's chief
16 legal advisor, I am not at liberty to
17 give members of the public legal
18 advice. Similarly, neither
19 departmental officials nor members of
20 my staff can provide legal advice to
21 private individuals."

22 So was that -- this correspondence, was that
23 their -- the extent of their involvement in assisting you
24 to obtain a copy of your file?

25 **MS. SUTHERLAND:** Yes.

1 **MR. DUMAIS:** Now shortly after you received
2 this response, I understand that you did send a letter to
3 the Honourable Minister of Community and Social Services,
4 Janet Ecker, requesting, again, her assistance in obtaining
5 a copy of that file.

6 If we can have a look at Document Number
7 120954?

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **THE COMMISSIONER:** Thank you.

10 Exhibit 464 is a letter addressed to the
11 Honourable Janet Ecker, Minister of Community and Social
12 Services, dated April 8th, 1999 from Ms. Sutherland.

13 **---EXHIBIT NO./PIECE NO P-464:**

14 (120954) Letter from Catherine Sutherland to
15 Honourable Janet Ecker dated April 8, 1999

16 **MR. DUMAIS:** So then in your letter to her
17 essentially, Cathy, you outline a summary of what your
18 involvement had been with the Children's Aid Society and
19 you make reference in the last paragraph as to what you are
20 seeking as assistance.

21 I will just read it out for you:

22 "And in conclusion all I can really say
23 is that I hope you can help me to bring
24 this matter and advise me how to
25 proceed. I was sent a copy of the

1 *Child and Family Services Act*, and it
2 has been suggested that I ask for a
3 review procedure under subsection
4 68(1). However, I am not entirely sure
5 what that entails, nor am I certain
6 it's is a route I would want to go to.
7 I would like to thank you in advance
8 for your consideration for that
9 matter."

10 And the section of the Act, *The Child and*
11 *Family Services Act*, do you recall who you received that
12 from? Who gave you a copy of that?

13 **MS. SUTHERLAND:** That would have been from
14 Janet Ecker.

15 **MR. DUMAIS:** Well, this is your ---

16 **MS. SUTHERLAND:** Oh, maybe not, eh?

17 **MR. DUMAIS:** -- your correspondence to her,
18 Cathy?

19 **MS. SUTHERLAND:** No, actually I don't. I
20 don't know who I would have received that from.

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

22 So then you did receive a reply to your
23 correspondence and that is Document Number 120953.

24 **THE COMMISSIONER:** Thank you.

25 Exhibit 465 is a letter dated May 4th, 1999

1 addressed to Ms. Sutherland from Janet Ecker, Minister.

2 ---EXHIBIT NO./PIECE NO P-465:

3 (120953) Letter from Ministry of Community
4 to Catherine Sutherland and Social Services
5 dated May 4, 1999.

6 **MR. DUMAIS:** Now, Cathy, the Minister makes
7 reference to section 68(1), which was the section that you
8 made reference to in your previous letter, and does include
9 a pamphlet which outlines what the complaint procedure was
10 for the CS of Stormont, Dundas & Glengarry and encourages
11 you to contact Pierre Lalonde, the Area Manager, if you are
12 having any difficulty.

13 Now we have a copy of this correspondence,
14 however, we did not have a copy of the enclosure and so I
15 am going to show you a document, Cathy, and I am going to
16 see whether or not you recognize that document.

17 It is a newly disclosed document which is
18 number 200140.

19 I guess firstly, Cathy, do you remember
20 whether or not there was an enclosure with this letter?

21 **MS. SUTHERLAND:** Yes, I believe there was.

22 **THE COMMISSIONER:** Exhibit 466 is a pamphlet
23 called Client Complaint Procedure.

24 ---EXHIBIT NO./PIECE NO P-466:

25 (200140) Client Complaint Procedure from

1 Children's Aid Society

2 (SHORT PAUSE/CAUSE PAUSE)

3 MR. DUMAIS: Do you recognize that document?

4 MS. SUTHERLAND: Yes. Yes.

5 MR. DUMAIS: And do you think that that is
6 the document that had been enclosed with that
7 correspondence?

8 MS. SUTHERLAND: Yes. Yes.

9 MR. DUMAIS: Or something very similar to
10 it?

11 MS. SUTHERLAND: Yes.

12 MR. DUMAIS: So, Commissioner, I mean -- I
13 suggest that the document can and should be filed and I
14 guess my only caveat is I don't know for a fact whether or
15 not it is the exact same document that was enclosed in the
16 correspondence at that time, and I will just leave it at
17 what Mr. -- what Cathy's comments were on it.

18 THE COMMISSIONER: All right. Thank you.

19 MR. DUMAIS: Cathy, is does make reference
20 to a client complaint procedure. So do you recall once you
21 went through this complaint procedure, what you would have
22 done?

23 Did you contact Mr. Lalonde?

24 MS. SUTHERLAND: I wrote a letter to Pierre
25 Lalonde.

1 MR. DUMAIS: Okay.

2 MS. SUTHERLAND: Yes.

3 MR. DUMAIS: So if I can take you then to
4 Document Number 120952.

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

6 **THE COMMISSIONER:** Thank you.

7 Exhibit 467 is a letter to the Area Manager,
8 Mr. Lalonde, dated May 17th, 1999 from Ms. Sutherland.

9 **---EXHIBIT NO./PIÈCE NO P-467:**

10 (120952) Letter from Catherine Sutherland to
11 Ministry of Community and Social Services
12 dated May 17, 1999

13 MR. DUMAIS: So is that the correspondence
14 that you sent to Mr. Lalonde, Cathy?

15 MS. SUTHERLAND: Yes, it is.

16 MR. DUMAIS: So then in that correspondence,
17 you make reference to receiving correspondence from the
18 Honourable Janet Ecker and you do summarize briefly what
19 the issues were, what some of your involvement with the
20 Children's Aid had been.

21 I am looking at the second page of that
22 correspondence. In the top paragraph of the page, you do
23 make reference to Stephen's death in here and your concerns
24 about that.

25 So my question is on the third paragraph.

1 I'll just read it out for you:

2 "I was just a kid and living with a
3 psycho who held my hand on the stove
4 for biting my nails; stuck a knife in
5 my throat because I wasn't looking at
6 her; would boil water to pour over my
7 hand because I had allegedly lied about
8 something; and used me in whatever damn
9 sexual scenario she saw fit. Maybe the
10 CCS was waiting for me to come forward
11 with the accounts but how realistic an
12 expectation was that?"

13 So this -- you're making reference here,
14 Cathy, to a "damn sexual scenario". What did you mean by
15 that?

16 **MS. SUTHERLAND:** There was a lot of sexual
17 abuse at the hands of my mother.

18 **MR. DUMAIS:** Sexual abuse that you had
19 suffered at the hand of Joan. Is that right?

20 **MS. SUTHERLAND:** Yes.

21 **MR. DUMAIS:** All right. Now, the two
22 paragraphs underneath that sentence, the paragraph starts
23 with "My first placement":

24 "My first placement at that age was a
25 foster home in Bainesville with the

1 family by the name of Virgin. It only
2 took a couple of weeks before Carl
3 Virgin began making visits to my
4 bedroom."

5 So, Carl Virgin would have been one of the
6 foster parents. Is that correct?

7 **MS. SUTHERLAND:** Yes, it was the first
8 foster home I had been placed in when I was 13.

9 **MR. DUMAIS:** Okay.

10 **MS. SUTHERLAND:** Well, I went into a
11 receiving home and then into the Virgin home.

12 **MR. DUMAIS:** And you were sexually abused by
13 that foster parent. Is that correct?

14 **MS. SUTHERLAND:** Yes, for a year.

15 **MR. DUMAIS:** And then you make reference to
16 having told a kid at school, Cathy?

17 **MS. SUTHERLAND:** I think I told several
18 people and I had told Dr. Burns. I had told my worker.
19 You know, I told subsequent workers, subsequent foster
20 homes, you know -- but the year I was there, okay, I told
21 my worker and they did nothing.

22 You know, I was left there and then I had
23 told -- I started telling the kids at school. And then it
24 first got around town and it came back to Virgin's and
25 people were talking. And then they wanted me gone because,

1 you know, the situation was uncomfortable for them.

2 **MR. DUMAIS:** So you -- I am just going to
3 readdress that abuse a little later on, Cathy. I'm just
4 looking here at the reference that you told a kid at school
5 and you think that this is what led to you being removed
6 from the home. Is that correct?

7 **MS. SUTHERLAND:** Yes, I believe that, yes.

8 **MR. DUMAIS:** And is that the -- would that
9 friend from school have told someone in authority or told
10 his parents or do you know?

11 **MS. SUTHERLAND:** I think they told --
12 Bainsville is a very small place, so I think that kid told
13 her parents and it got around that way.

14 **MR. DUMAIS:** Do you remember then having any
15 discussion with anyone from the Children's Aid Society,
16 with your social worker, about being removed from the home?

17 **MS. SUTHERLAND:** Yes. Yes.

18 **MR. DUMAIS:** And do you remember being
19 advised as to what was the reason for your being removed
20 from the home, or is that ---

21 **MS. SUTHERLAND:** I was never told that.

22 **MR. DUMAIS:** So all you were told is that
23 you were being removed from the home?

24 **MS. SUTHERLAND:** Well, at the same time, I
25 was supposed to -- like I told my grandmother. My

1 grandmother's going through the procedure to have me live
2 with her. But the day that I was supposed to move in with
3 my grandmother, Grundy showed up and told me, okay, that I
4 could not and that I was being moved out of there and they
5 were going to place me elsewhere.

6 **MR. DUMAIS:** I guess my more specific
7 question, Cathy, is how do you know that this friend from
8 school told the parent that led to you being removed from
9 the home?

10 **MS. SUTHERLAND:** I don't know specifically
11 that this person told their parents. I do know that I came
12 home from school one day and there were sitting around the
13 table and Mrs. Virgin was crying and they were really
14 furious. Okay, it had got back to them. They knew, okay,
15 that I had told somebody what he was doing.

16 **MR. DUMAIS:** So this then is information
17 that you would have obtained through them?

18 **MS. SUTHERLAND:** Yes.

19 **MR. DUMAIS:** Mr. and Mrs. Virgin?

20 **MS. SUTHERLAND:** Right.

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

22 **THE COMMISSIONER:** Will we be getting into
23 who, the name of the worker that she reported this sexual
24 abuse to?

25 **MR. DUMAIS:** Yes, we will, Commissioner.

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

2 **MR. DUMAIS:** Now, Cathy, you received a
3 response from Mr. Lalonde, and if I can take you to
4 Document Number 739647.

5 **THE COMMISSIONER:** Thank you.

6 Exhibit 468 is a letter addressed to
7 Catherine Sutherland dated June 10th, 1999 from Pierre
8 Lalonde, Regional Director, Eastern Regional Office.

9 **---EXHIBIT NO./PIÈCE NO P-468:**

10 (739647) Letter from Ministry of Community
11 and Social Services to Catherine Sutherland
12 dated June 10, 1999

13 **MR. DUMAIS:** Now, this is a letter addressed
14 to you that was copied to Mary Jelinic who is identified in
15 the correspondence as being the Program Supervisor of the
16 Stormont, Dundas and Glengarry CAS, and Mr. Lalonde advises
17 you that your next step in the process is to request a
18 meeting with the board of directors?

19 **MS. SUTHERLAND:** Right.

20 **MR. DUMAIS:** And my understanding, Cathy, is
21 following the receipt of this correspondence, you did, in
22 June of 1999, request such a meeting. Is that correct?

23 **MS. SUTHERLAND:** Yes, I did.

24 **MR. DUMAIS:** And that correspondence was
25 filed or sent to Ms. Jeanette Scrimshaw who was a director

1 of the board of directors of the Children's Aid Society.

2 Is that correct?

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

4 **MR. DUMAIS:** If we could just have a look
5 then at Document Number 120951.

6 **THE COMMISSIONER:** Thank you.

7 Exhibit 469, a letter to the Board of
8 Directors President, Jeanette Scrimshaw, from Cathy
9 Sutherland, June 8th, 1999.

10 **---EXHIBIT NO./PIÈCE NO P-469:**

11 (120951) Letter from Catherine Sutherland to
12 Children's Aid Society dated June 8, 1999.

13 **MR. DUMAIS:** So again, Cathy, in that
14 correspondence, you go through some of the chronology of
15 your involvement with trying to obtain your file from the
16 Children's Aid Society. And you do address some of the
17 concerns that you had, one of which was the response that
18 your psychiatrist, Dr. Cornfield, received from the
19 Children's Aid Society about his request for access to your
20 file?

21 **MS. SUTHERLAND:** Right.

22 **MR. DUMAIS:** And as well, you do indicate in
23 that correspondence that you did have protection issues and
24 you were exercising your right that the situation be
25 brought before the Board of Directors of the Children's Aid

1 Society. Is that correct?

2 **MS. SUTHERLAND:** I think I missed the first
3 part of your question.

4 **MR. DUMAIS:** Essentially, Cathy, the
5 question is you were requesting that the matter be brought
6 before the Board of Directors of the Children's Aid
7 Society?

8 **MS. SUTHERLAND:** Yes.

9 **MR. DUMAIS:** And again, at that time, what
10 did you want to receive from them?

11 **MS. SUTHERLAND:** The same thing as I had
12 been asking for since 1995, my file.

13 **MR. DUMAIS:** All right. Now, as I
14 understand it, you did receive a response to that request,
15 from Jeanette Scrimshaw which is dated June 21st, 1999. If
16 we can look at document 120965.

17 **THE COMMISSIONER:** Thank you.

18 Exhibit 470 is a letter from the Children's
19 Aid Society to Ms. Sutherland dated June 21st, 1999.

20 **---EXHIBIT NO./PIECE NO P-470:**

21 (120965) Letter from Children's Aid Society
22 to Catherine Sutherland dated June 21, 1999

23 **MR. DUMAIS:** Now, Ms. Scrimshaw indicates in
24 her third paragraph to your correspondence that the matter
25 was being referred to Mr. Abell, the executive director,

1 and that he move the matter directly to the coordinator of
2 services level, Mr. Carriere, and that he was asked to
3 respond to your letter, and then afterwards the complaint
4 subcommittee of the Board will then be available to you if
5 you so wish.

6 So I understand that following that
7 correspondence you did receive a letter, a further letter,
8 from the Children's Aid Society and that letter can be
9 found at Doc Number 120959.

10 **THE COMMISSIONER:** Exhibit 471 is the letter
11 from the Children's Aid Society to Ms. Sutherland dated
12 August 12th, 1999.

13 **---EXHIBIT NO./PIECE NO P-471:**

14 (120959) Letter from Children's Aid
15 Society to Catherine Sutherland dated 12
16 August 12, 1999

17 **MR. DUMAIS:** So, Cathy, is this the covering
18 letter that you received that contained a copy of your
19 file?

20 **MS. SUTHERLAND:** Yes.

21 **MR. DUMAIS:** All right. And this letter
22 indicates that this is all of the information that they
23 believe that you were entitled to, and does indicate as
24 well that there were some blacked-out portions to the file
25 and some of the blacked-out portions had been coded to

1 identify third parties, addresses of third party, and then
2 information about third party.

3 MS. SUTHERLAND: Right.

4 MR. DUMAIS: So can you give us an idea,
5 Cathy, of what that file looked at when you received it?

6 MS. SUTHERLAND: Not a lot different than
7 the first one. There was just -- you know, most of it was
8 blacked-out. I mean, I think information about a third
9 party, like, you know, most of it was gone. There was some
10 in it but most of it was blacked out.

11 MR. DUMAIS: And, Cathy, you were able to
12 compare the two versions because you had a transcript, I
13 guess, of your first look at the file?

14 MS. SUTHERLAND: Right.

15 MR. DUMAIS: Was there a lot of difference
16 between the two?

17 MS. SUTHERLAND: No.

18 MR. DUMAIS: Was there ---

19 MS. SUTHERLAND: No.

20 MR. DUMAIS: So you didn't have a whole lot
21 more information than ---

22 MS. SUTHERLAND: No, I didn't.

23 MR. DUMAIS: Okay. So do you think that the
24 redactions from the two different versions were very
25 similar?

1 MS. SUTHERLAND: Yes, I do.

2 MR. DUMAIS: All right.

3 THE COMMISSIONER: But you did have
4 photocopies this time as opposed to just ---

5 MS. SUTHERLAND: Yeah, I had hardcopies.

6 THE COMMISSIONER: Hardcopies. Okay.

7 MR. DUMAIS: So then were you finally
8 satisfied with having received a copy of your file, Cathy?

9 MS. SUTHERLAND: No.

10 MR. DUMAIS: So you still had some concerns?

11 MS. SUTHERLAND: I still had some what?
12 Pardon?

13 MR. DUMAIS: You still had some concerns
14 about ---

15 MS. SUTHERLAND: Yes, I did. Yeah.

16 MR. DUMAIS: So essentially what did you
17 think that you were entitled to or what did you want to
18 receive from them?

19 MS. SUTHERLAND: I think I was entitled to
20 anything that was in my child's file. I mean, I can
21 understand where they might have removed, you know, the
22 names of the foster parents, but by this time I knew who
23 they all were anyway.

24 You know, I guess too I think, you know,
25 they could say my mother is a third party, so anything that

1 related to what she said, or what she thought, or what she
2 did to me, they could blatantly black it out because it
3 falls into that third-party category.

4 I guess I believe that when she began
5 abusing me she gave up her right for privacy and I had a
6 right to that information, I had a right to how she
7 responded in those situations.

8 **MR. DUMAIS:** All right.

9 **THE COMMISSIONER:** What about the medical
10 reports, are you going to address that later or is that
11 part of this?

12 **MR. DUMAIS:** We can address it now,
13 Commissioner.

14 Were the medical reports included in that
15 file that was sent to you?

16 **MS. SUTHERLAND:** No, they weren't.

17 **MR. DUMAIS:** All right.

18 **MS. SUTHERLAND:** They've never been
19 included. Any medical reports I've gotten, I've gotten
20 directly from the hospitals.

21 **THE COMMISSIONER:** I just want to tidy that
22 point up. Ms. Lalonde told you that she had told the
23 Children's Aid Society that they could release some medical
24 reports to you?

25 **MS. SUTHERLAND:** Right, but they never did.

1 **THE COMMISSIONER:** They never did, to this
2 day?

3 **MS. SUTHERLAND:** No.

4 **MR. DUMAIS:** And the only medical
5 information that you actually had from your file was the
6 summary that Mr. Boisvenue sent you initially. Is that
7 correct?

8 **MS. SUTHERLAND:** That is correct.

9 **MR. DUMAIS:** All right. Cathy, we spoke
10 briefly and you mentioned this in some of your
11 correspondence to the different people in the -- I'll start
12 over. You mention in some of the correspondence that
13 you're sending different people to obtain access to your
14 file, that you had been in school at different periods of
15 time and you had alluded to some of the concerns that you
16 had.

17 So if we can start firstly with whether or
18 not you remember each and every school that you would have
19 been in when you were a child. Do you recall that?

20 **MS. SUTHERLAND:** I remember the schools,
21 yes.

22 **MR. DUMAIS:** So you remember the schools.
23 Do you remember the names?

24 **MS. SUTHERLAND:** Yes, I do.

25 **MR. DUMAIS:** Can you just give us an idea of

1 what school you were at at around what time?

2 **MS. SUTHERLAND:** I started at Morrisburg
3 Public School. We moved to Cornwall and I went to Memorial
4 Street Public. We moved down to Front Street Public School
5 and then up to Central Public, I think -- yes, Central
6 Public, the one on Second Street. It's not there anymore.

7 **MR. DUMAIS:** Okay.

8 **MS. SUTHERLAND:** You mean even after that?

9 **MR. DUMAIS:** And then after that was high
10 school. Is that correct?

11 **MS. SUTHERLAND:** I was in foster care so we
12 went to Lancaster.

13 **MR. DUMAIS:** All right.

14 **MS. SUTHERLAND:** Then into Morewood, North
15 Dundas District High and then CCBS.

16 **MR. DUMAIS:** And, Cathy, are all of these
17 schools in the public school system or is it ---

18 **MS. SUTHERLAND:** Yes, they are.

19 **MR. DUMAIS:** And you were always in a public
20 school?

21 **MS. SUTHERLAND:** Right.

22 **MR. DUMAIS:** Now, do you recall an incident,
23 Cathy, where a bus driver would have taken you to the
24 principal's office?

25 **MS. SUTHERLAND:** Yes. Yeah, I ---

1 **MR. DUMAIS:** Just start with how old you
2 thought you were and tell us everything you remember about
3 that incident?

4 **MS. SUTHERLAND:** I remember getting on the
5 bus. I was really upset and he was really concerned. When
6 we got to the school, he asked me to just wait on the bus
7 while all the other kids got off. I was taken by him to
8 the principal's office. I sat outside in the kind of outer
9 office while he went in and talked to the principal and my
10 mother was called in.

11 **MR. DUMAIS:** All right. What happened after
12 that?

13 **MS. SUTHERLAND:** I don't recall.

14 **MR. DUMAIS:** So were you privy to the
15 conversation that the bus driver had with the school
16 principal?

17 **MS. SUTHERLAND:** No, I wasn't.

18 **MR. DUMAIS:** What about the conversation
19 that the school principal had with your mother?

20 **MS. SUTHERLAND:** No.

21 **MR. DUMAIS:** All right. And by that time,
22 had the bus driver left or was he still around?

23 **MS. SUTHERLAND:** I suspect so. He had left,
24 I think he went in and he talked to the principal and then
25 he left.

1 **MR. DUMAIS:** And do you know what he was
2 talking to the principal about? Did he ---

3 **MS. SUTHERLAND:** The condition I was in.

4 **MR. DUMAIS:** Okay. And what would that have
5 been?

6 **MS. SUTHERLAND:** I don't really remember. I
7 remember I was really upset. And I know I was sent to
8 school all the time in you know, outfits that were really
9 bizarre. Like she would send me in pyjamas or you know,
10 pants with the rear out them. And you know, anything,
11 okay, to make it look like I was really disturbed.

12 So I suspect it was one of those occasions
13 where my outfit was just, you know, and I had been hit or
14 something before I got on the bus. I mean it was very
15 obvious, okay, that something was wrong.

16 I was very malnourished, like extremely
17 underweight. My appearance was bizarre, you know. There
18 was always some injury, you know, new and healing stages.

19 And it was obvious that I was abused. And I
20 think it was obvious to any school that I ever went to that
21 something was really wrong.

22 **MR. DUMAIS:** All right. Now, you remember
23 this one incident where the bus driver went to speak to the
24 school principal, do you remember any other school teachers
25 having any discussion with you or having any involvement

1 with the Children's Aid Society?

2 **MS. SUTHERLAND:** I wouldn't have known of
3 them being involved with the CAS. And my memory of being
4 in school is very, very scattery, it's very blank. It's
5 one of the things that I don't have a lot of recall of.

6 **MR. DUMAIS:** Now, do you recall if -- do you
7 know whether or not any correspondence had ever been sent
8 to the Children's Aid Society, or whether or not any of the
9 social workers were coming up to the school and checking up
10 with you?

11 **MS. SUTHERLAND:** I know from having read the
12 file ---

13 **MR. DUMAIS:** All right.

14 **MS. SUTHERLAND:** --- that I don't -- you
15 know, I mean, I have memories that I can't place. They're
16 like flashes and when I read the file, okay, then the two
17 things kind of fit together for me. What was your
18 question, sorry?

19 **MR. DUMAIS:** Whether or not you had any
20 recollection of anyone sending any correspondence to the
21 Children's Aid office or someone from the Children's office
22 visiting you at the school or having any contact with the
23 school?

24 **MS. SUTHERLAND:** I know they did but I think
25 that's information that I have pulled out of the file from

1 having read it. It's not something I recall, okay.

2 MR. DUMAIS: So it's not something you
3 specifically recall yourself?

4 MS. SUTHERLAND: No, not at this moment.

5 MR. DUMAIS: All right. Now, during that
6 instance involving the school bus driver, Cathy, do you
7 recall at that time whether or not your family was involved
8 with the Children's Aid Society?

9 MS. SUTHERLAND: My family was?

10 MR. DUMAIS: Yes. Whether or not it was a
11 period of time where there was no wardship or supervision
12 order, or whether or not it was a period of time where they
13 were involved?

14 MS. SUTHERLAND: I think the CAS closed the
15 file a couple months after Stephen was buried, right, and
16 just essentially walked away until I went back in care at
17 12 or 13. So I would say that, judging from what I've
18 seen, like they would make notes on a closed file, but they
19 wouldn't do anything as far as protective action.

20 THE COMMISSIONER: How old do you think you
21 were when the bus driver took you to the principal's
22 office; any idea?

23 MR. DUMAIS: Somewhere between 10 and 12.

24 THE COMMISSIONER: Okay.

25 MR. DUMAIS: Now, after this meeting at the

1 school, did you go back home with Joan?

2 MS. SUTHERLAND: Yes.

3 MR. DUMAIS: All right. And were there any
4 repercussions from that meeting? What happened afterwards,
5 do you know?

6 MS. SUTHERLAND: Oh, I'm sure there was. I
7 don't recall, but I'm sure there was.

8 MR. DUMAIS: Okay.

9 THE COMMISSIONER: Do you recall who the
10 principal was at that time?

11 MS. SUTHERLAND: I don't remember.

12 THE COMMISSIONER: Man or woman?

13 MS. SUTHERLAND: No.

14 THE COMMISSIONER: No. Thank you.

15 MR. DUMAIS: And do you know which school
16 you would have been attending at that time?

17 MS. SUTHERLAND: It was Central; I can't
18 remember the full name of it; Central Street Public School
19 or something.

20 MR. DUMAIS: Is that the public school
21 that's on Second Street?

22 MS. SUTHERLAND: Yes.

23 MR. DUMAIS: And you don't remember the --
24 so you don't recall the name of the school principal. you
25 wouldn't know the name of the bus driver either, Cathy? Is

1 that something you remember?

2 **MS. SUTHERLAND:** I am a little bit confused
3 because I'd always thought the principal of Front Street
4 Public School, was Mr. Young. But I have learned since
5 then it was someone else. So I am wondering if was Mr.
6 Young, that was principal of the Central Public.

7 **MR. DUMAIS:** All right. Now, we've spoken
8 at different times this morning, Cathy, about the instance
9 when you ran away from home when you were 13 years old, and
10 you indicated already that your mother found you and then
11 that you were returned to the home, and that the police had
12 been called and that they left. And you told us that
13 earlier as well that, after they left, that she would have
14 hosed you down in the backyard naked. Is that correct?

15 **MS. SUTHERLAND:** Right.

16 **MR. DUMAIS:** Right. And what happened after
17 this runaway incident, Cathy?

18 **MS. SUTHERLAND:** It wasn't long after that
19 that I was hospitalized. I don't remember how many days
20 but it was literally days and I was hospitalized at the
21 Cornwall General.

22 I think my stepfather had become involved at
23 that point too. He worked on the shifts. Joan called him
24 to come home and, you know, I guess he made a number of
25 calls to the Children's Aid and, you know, said that they

1 needed to become involved because, you know, for whatever
2 the reason, I guess he was worried about me.

3 And from what I've read, it's like the
4 Children's Aid didn't even want to get involved at that
5 point. And I did, I ended up hospitalized I think for
6 about 9 or 10 days. And again, when I was released,
7 instead of being put in foster care, I was sent back home
8 for more abuse.

9 And then, we had -- Joan and I had an
10 appointment with Dr. Burns, a few days I think it was after
11 my release from the hospital. And there was another blow-
12 up in -- she didn't go, she sent me to go. And I think, at
13 that point, I had just had enough and when I got to see
14 Burns, I told them that she was trying to kill me and she
15 was, right. And then he called the CAS and they did
16 something then.

17 **THE COMMISSIONER:** In one of the letters
18 that you wrote, you said that after the incident, she
19 washed you down and then the real punishment came around?

20 **MS. SUTHERLAND:** Yes. Because it was all
21 physical abuse, there was so much physical abuse with her.
22 There being hosed down outside was really nothing compared
23 to, you know. She was very torturous. I don't remember; I
24 think I blocked that out.

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

1 **MR. DUMAIS:** All right. So then shortly
2 after you disclose this to the doctor that she was trying
3 to kill you, you were once again apprehended. Is that
4 correct?

5 **MS. SUTHERLAND:** Right.

6 **MR. DUMAIS:** And you were placed in a
7 receiving home. Is that correct?

8 **MS. SUTHERLAND:** Right.

9 **MR. DUMAIS:** Do you recall what receiving
10 home that was?

11 **MS. SUTHERLAND:** Yes, Pommesville on
12 Brookdale.

13 **MR. DUMAIS:** And what does that mean, a
14 receiving home?

15 **MS. SUTHERLAND:** I think it's just a
16 temporary place until they find a foster home.

17 **MR. DUMAIS:** And afterwards, you were
18 transferred to your permanent foster home, if I can call it
19 like that?

20 **MS. SUTHERLAND:** I was transferred to
21 Bainesville. I was put in with Virgin's.

22 **MR. DUMAIS:** And that's where you suffered
23 the abuse at the hands of the foster father. Is that
24 correct?

25 **MS. SUTHERLAND:** That's right.

1 **MR. DUMAIS:** All right. Now, you indicated
2 earlier that you would have told this, the fact that you
3 were being sexually abused by him, to a number of people.
4 Is that correct?

5 **MS. SUTHERLAND:** Yes.

6 **MR. DUMAIS:** You alluded to some of the
7 names earlier on. Can you just take them one by one and
8 just indicate who you would have told and at about what
9 time or in what order? Tell us what you remember about
10 disclosing this?

11 **MS. SUTHERLAND:** I remember telling my
12 grandmother, you know, and I think it was one of the
13 reasons why my grandmother was pushing for custody of me.
14 I told Blaine Grundy ---

15 **THE COMMISSIONER:** I am sorry. You told
16 who?

17 **MS. SUTHERLAND:** My social worker's name was
18 Blaine Grundy.

19 **THE COMMISSIONER:** Blaine Grundy, okay.

20 **MS. SUTHERLAND:** I'm trying to think.

21 **THE COMMISSIONER:** Little girl at school?

22 **MS. SUTHERLAND:** Yes, I told her.

23 **THE COMMISSIONER:** What's her name?

24 **MS. SUTHERLAND:** I don't remember her name,
25 okay. I told her toward the end. I think I tried to tell

1 people who would do something about it.

2 I told Dr. Burns, he did nothing about it.
3 But Burns had this idea that -- one part of the file says
4 that Burns refers to the relationship I have with Joan as
5 relishing in the sadomasochistic relationship.

6 So I mean Burns was a bit of a quack I
7 think, you know. So I don't think -- I think when I told
8 Burns the caper I was in he did not believe me. I think
9 that was typical. I just wasn't believed.

10 **MR. DUMAIS:** All right. So then you believe
11 he told Dr. Burns?

12 **MS. SUTHERLAND:** Yes.

13 **MR. DUMAIS:** And you believe he told Blaine
14 Grundy, and he was your social worker is that correct?

15 **MS. SUTHERLAND:** Right. I remember telling
16 him. We would have these -- he would show up at the house
17 and we would sit in the car talking and I remember telling
18 him and it meant nothing. It was like I could have said it
19 was snowing outside. It was just -- it was something that
20 he just kind of ignored and went on talking and -- where it
21 really did not mean anything.

22 **MR. DUMAIS:** All right. And did you get the
23 impression that he was disbelieving you? Is that the
24 impression you got?

25 **MS. SUTHERLAND:** Yes. Yes, I think if a kid

1 tells an adult something like that and they just keep on
2 talking about something else then that's the impression,
3 you know, you're not believed.

4 **MR. DUMAIS:** And certainly after you would
5 have disclosed this to him you would have remained in the
6 foster home -- in that foster home?

7 **MS. SUTHERLAND:** I did, yes.

8 **MR. DUMAIS:** This case worker that you had
9 at that time would that have been the same case worker that
10 followed you through CAS's involvement?

11 **MS. SUTHERLAND:** No. I had a different
12 social worker after that Derry Tenger. And I told Derry
13 Tenger.

14 I also told subsequent foster parents, you
15 know. I know I told Doris Hennis. But I don't -- when I
16 asked her recently whether or not I had told her and she
17 said that I had told her that he wouldn't leave me alone.

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

19 **THE COMMISSIONER:** So, let me get this
20 straight. You had a subsequent conversation with your
21 former social worker?

22 **MS. SUTHERLAND:** No, my foster home.

23 **THE COMMISSIONER:** Oh ,foster home.

24 **MS. SUTHERLAND:** Yes.

25 **THE COMMISSIONER:** And her name is?

1 **MS. SUTHERLAND:** Doris Hennis.

2 **THE COMMISSIONER:** Okay. And she -- you
3 asked her, do you remember that I told you this and she
4 says yes?

5 **MS. SUTHERLAND:** Yes.

6 **THE COMMISSIONER:** And that her response to
7 you then would have been, don't worry, he's not going to do
8 this anymore?

9 **MS. SUTHERLAND:** No. I asked her what I had
10 told her at that time because I left Virgins, went to the
11 receiving home, and then went to Hennis' right after.

12 And she said yes I had told her and that I
13 had told her at the time that he would not leave me alone.

14 **THE COMMISSIONER:** That he would not leave
15 you alone?

16 **MS. SUTHERLAND:** Right.

17 **THE COMMISSIONER:** Right. Okay.

18 And just to come back because -- which
19 doctor did you tell who subsequently reported it to
20 Children's Aid Society and got you out of that home?

21 **MS. SUTHERLAND:** I had told Dr. Burns about
22 the sexual abuse at Virgins, but he didn't do anything
23 about it.

24 **THE COMMISSIONER:** No. Did anybody do
25 anything about it?

1 MS. SUTHERLAND: No.

2 THE COMMISSIONER: Thank you.

3 MR. DUMAIS: So you did indicate as well
4 that you would have told a subsequent case worker as well?

5 MS. SUTHERLAND: Yes, Derry Tenger.

6 MR. DUMAIS: Derry Tenger. And was Derry
7 Tenger your case worker -- one of your case workers while
8 you were still in the home?

9 MS. SUTHERLAND: No.

10 MR. DUMAIS: So you had already left the
11 home at that time?

12 MS. SUTHERLAND: Right.

13 MR. DUMAIS: And do you recall where you
14 were living at that time?

15 MS. SUTHERLAND: He -- I think he was my
16 social worker when I was about 14, right, maybe a little
17 bit older, I'm not sure. But he was my worker all the way
18 through until I left at 18.

19 MR. DUMAIS: Okay. And at one point in time
20 you were removed from this home and we discussed a bit
21 about that this morning. So you believe that you would
22 have told one of your friends and you think that the
23 parents would have found out about it and somehow the
24 foster parents, this got back to them? Is that correct?

25 MS. SUTHERLAND: Right. I mean I had talked

1 to Grundy about it and he did nothing and the only time I
2 was moved out of that house, and I told Grundy because I
3 wanted out.

4 But the only time I was moved out was when
5 it got back to the foster parents and then he wanted us
6 moved.

7 **THE COMMISSIONER:** Can you tell me about --
8 you say you told him about it. Did you tell him in no
9 uncertain terms that you were being abused?

10 **MS. SUTHERLAND:** Yes. Yes.

11 **THE COMMISSIONER:** Can you tell me, what did
12 you tell him?

13 **MS. SUTHERLAND:** I told him, oh, this is
14 going to be hard to do details, but I mean I told him that
15 it only took about -- you know, it was right at the
16 beginning he would come into the room, right?

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

18 **MS. SUTHERLAND:** And his hands would be
19 underneath the sheet and everything and this was two weeks
20 after I got there.

21 He was always asking me to tell him when I
22 started bleeding and stuff like this. I think he was
23 scared I was going to get pregnant.

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

25 **MS. SUTHERLAND:** I don't remember exactly

1 what I told Blaine Grundy, but I told him enough to know I
2 -- that it was sexual abuse.

3 **THE COMMISSIONER:** Okay. Fine, thank you.

4 **MR. DUMAIS:** You indicated as well, Cathy,
5 that you would have told your grandmother. Is that
6 correct?

7 **MS. SUTHERLAND:** Yes.

8 **MR. DUMAIS:** Is it at about that period of
9 time that she was attempting to get custody of you?

10 **MS. SUTHERLAND:** Yes, she was.

11 **THE COMMISSIONER:** And what is your
12 grandmother's name, please?

13 **MS. SUTHERLAND:** Blanche Shaver.

14 **MR. DUMAIS:** And what happened with that, if
15 anything?

16 **MS. SUTHERLAND:** I think from what I have
17 read subsequently to that Joan stepped in and made that not
18 happen. I was pretty close to my grandmother.

19 **MR. DUMAIS:** All right. Now after you are
20 transferred from the Virgin home, you were transferred to
21 subsequent foster homes until at one time you were
22 transferred into a boarding house. Is that correct?

23 **MS. SUTHERLAND:** Yes.

24 **MR. DUMAIS:** So fair to say that you -- from
25 the time you were removed from the home when you were 12 or

1 13 you never actually did go back and live with your
2 mother. Is that correct?

3 **MS. SUTHERLAND:** I think -- well, yes and
4 no. I mean there was a period of time when I was around 16
5 and it is very hard to be a foster kid. You don't fit in
6 with anything. You don't -- you don't really belong
7 anywhere. And I think I thought -- I think I hadn't had --
8 repressed a lot of the memories that I had of being home
9 and I think I thought at 16, okay, the -- my life would be
10 better if I could just go back and be with my own family
11 and, you know. And so I attempted that.

12 **MR. DUMAIS:** Did that work out?

13 **MS. SUTHERLAND:** No. No, it didn't.

14 We showed up at the house. I was told to
15 stay in the car. Brian, my brother, came out to the car
16 and told me to stay in the car, and Blaine Grundy went in
17 the house and I guess he was told that I wasn't wanted
18 there and, you know, all of that stuff.

19 I was left there for the day. I ended up
20 back at Pommesville's that evening. I knew by the end of
21 the day I may be messing this up. I think I might be. I
22 might be ---

23 **MR. DUMAIS:** Do you think you are jumping
24 ahead?

25 **MS. SUTHERLAND:** Yes, I think I am.

1 **MR. DUMAIS:** That's fine. That's fine. You
2 can keep going.

3 So then you return to the Pommerville home?

4 **MS. SUTHERLAND:** Yes.

5 **MR. DUMAIS:** And there is an incident that
6 occurred there. Is that right?

7 **MS. SUTHERLAND:** Yes.

8 **MR. DUMAIS:** All right.

9 **MS. SUTHERLAND:** Yes. I wanted -- she would
10 not return my clothes, right. All my clothes were still at
11 the house, my -- I was very upset. I was on the phone and
12 I think I finally said to her, you know, I know you killed
13 Stephen, right? And she told me that, no, she had not
14 killed Stephen that I had killed Stephen, right? And so it
15 was a really big blow up. I never did get my clothes.

16 But that night, there was a knock on the
17 door and I think it was one of Mr. Pommerville's sons who
18 had answered the door and said it was for me. So I went to
19 the door and as soon as I went to the door somebody grabbed
20 me and I jumped back. I screamed and jumped back. As soon
21 as I jumped back, they jumped off, and went outside. And
22 it was my brother with a friend of his and he had a knife,
23 so ---

24 **MR. DUMAIS:** Do you think -- did he make any
25 attempt to hit with the knife?

1 **MS. SUTHERLAND:** Well, I think because I
2 jumped back, you know? I don't know what would have
3 happened if I hadn't. But they went and cut up all the
4 hose and, you know, the screens and everything.

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

6 **MS. SUTHERLAND:** Derry Tenger was my social
7 worker at that time, because I remember Derry Tenger called
8 Brian and got a confession from Brian. Brian admitted to
9 doing it.

10 **THE COMMISSIONER:** Were there any charges
11 laid? Were the police involved at all?

12 **MS. SUTHERLAND:** No. Well, I don't think
13 Derry called the police. I don't he did it at all. I mean
14 it came up recently again. He had a full confession from
15 my brother. My brother said, okay, that he had been sent
16 there to kill me, right? And that's ---

17 **THE COMMISSIONER:** What do you mean, you
18 said this was reviewed again, or it happened again
19 recently?

20 **MS. SUTHERLAND:** No. It came up in a -- I
21 filed police charges or I talked to the police. Pardon?

22 **MR. DUMAIS:** Right.

23 So following your disclosure to the
24 Hamilton-Wentworth police, the file was transferred for
25 investigation of this area.

1 MS. SUTHERLAND: Right.

2 Mr. DUMAIS: And we're going to deal with
3 that shortly.

4 MS. SUTHERLAND: Yes.

5 MR. DUMAIS: Now, you mention that your
6 sexual abuse by Mr. Virgin, Cathy. What about your foster
7 mother? Was she present in the home? Did she have any
8 knowledge of this?

9 THE COMMISSIONER: Mrs. Virgin.

10 MS. SUTHERLAND: It would have been
11 impossible for her to have not known. The bathroom was
12 right beside my bedroom, he would go into the bathroom,
13 have a shower, come into my bedroom and he would be there
14 for however long. She would be in their bedroom down the
15 hallway ---

16 THE COMMISSIONER: Could you just straighten
17 the mic out? Just bring it closer to your face.

18 MS. SUTHERLAND: All right.

19 THE COMMISSIONER: There you go, good.

20 Thanks.

21 I'm sorry -- your bedroom was next to the
22 washroom, he would take a shower, come into your room, stay
23 for however long ---

24 MS. SUTHERLAND: --- and she would be down
25 the hall, calling him, telling him he had to come to bed.

1 So she knew where he was, you know? And -- I mean, what's
2 he doing in a bedroom, okay, with a, you know, 14 year-old
3 at night?

4 So she knew. Yes.

5 **MR. DUMAIS:** All right. So then, right
6 before you were removed from this foster home, you
7 indicated earlier that the Virgins were concerned when this
8 information got back to them. Why were they concerned?

9 **MS. SUTHERLAND:** I had learned too that they
10 were in the process of adopting. They were trying to adopt
11 a baby girl, and I think -- you know, this probably
12 wouldn't do well to have -- you know, one of their wards
13 accusing them of sexual abuse if they were trying to adopt.

14 **MR. DUMAIS:** All right. So do you think
15 that the decision that you be removed from this home and
16 changed to another home came from them? Or, came from ---

17 **MS. SUTHERLAND:** Oh, it came from them,
18 absolutely.

19 **MR. DUMAIS:** So you think it's a request
20 that they made?

21 **MS. SUTHERLAND:** Well, yeah. I mean, like I
22 said before I wanted out, but they weren't moving me out
23 because I wanted out. The only time I got moved out was
24 when Virgins themselves said, "Let's get her out of here".

25 **MR. DUMAIS:** During the period of time that

1 you were living there, in the Virgin home, were there any
2 other kids living there?

3 **MS. SUTHERLAND:** They had two biological
4 sons.

5 **MR. DUMAIS:** They were older? Younger?

6 **MS. SUTHERLAND:** They were young. Younger.

7 **MR. DUMAIS:** They were younger than you?

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

9 **MR. DUMAIS:** Now, you indicated that you
10 would have told Doris Hennis, subsequent foster mother,
11 about this incident. Would you have told anyone else? Any
12 other -- in any of the other subsequent foster homes?

13 **MS. SUTHERLAND:** You know, I went through a
14 period of time -- like I see, it's like a lot of survivors,
15 where you'd tell anybody, you know, and you keep telling
16 the story over and over and over again, and I think it's to
17 try and find some relief, to try and find some answers, and
18 so, my guess is that I told everybody. I would have told
19 the bus -- you know, somebody sitting on the bus next to
20 me. So, yes, yes, I would have told everybody.

21 **MR. DUMAIS:** So, you're being very vocal
22 about this?

23 **MS. SUTHERLAND:** I was.

24 **MR. DUMAIS:** All right. Now I understand,
25 Cathy, that during the process of trying to obtain your

1 file from the CAS, which started in 1995, you also had some
2 involvement with the Hamilton-Wentworth police. Is that
3 correct?

4 **MS. SUTHERLAND:** Yes, yes.

5 **MR. DUMAIS:** And I believe the -- your
6 involvement with them began in November of 1996.

7 Can you just give us an idea of what was
8 going on in your mind? What did you want to do? Why did
9 you go there? Can you put us back in place?

10 **MS. SUTHERLAND:** I was very angry and I
11 think one of the ways -- I mean, I was also very suicidal
12 and I think one of the ways I tried to deal with my own
13 anger was to be constructive with it, and by going to the
14 police, to me, that felt like something constructive and
15 not something that was ---

16 **MR. DUMAIS:** So, how did you go about doing
17 that?

18 **MS. SUTHERLAND:** I called the Hamilton -
19 Wentworth police, and told them I had an historic case of
20 child abuse -- child sexual abuse, to report.

21 **MR. DUMAIS:** So then you would have just
22 simply called the general line to the police station? Is
23 that ---

24 **MS. SUTHERLAND:** I don't specifically recall
25 that. I think probably.

1 **MR. DUMAIS:** And do you recall who you spoke
2 to?

3 **MS. SUTHERLAND:** Not initially. I know that
4 I dealt with Dave Place.

5 **MR. DUMAIS:** Pardon me?

6 **MS. SUTHERLAND:** I dealt with an officer.
7 His name is Dave Place.

8 **MR. DUMAIS:** All right. And is he one of
9 the officers that would have attended at your house?

10 **MS. SUTHERLAND:** Yes. He was one of them.

11 **MR. DUMAIS:** And was he alone when he
12 attended?

13 **MS. SUTHERLAND:** No, there was another
14 officer by the name of Oshua (phonetic) I think and I don't
15 know how to pronounce his name.

16 **MR. DUMAIS:** All right. So then, they would
17 have come to your house to take a statement from you. Is
18 that correct?

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

20 **MR. DUMAIS:** And did they in fact take a
21 statement from you there?

22 **MS. SUTHERLAND:** I think they did. I think
23 they took the initial statement and then I think -- yes.

24 **MR. DUMAIS:** All right. Well, perhaps I can
25 -- we can -- I can help you with that. Maybe we can look

1 at one of the documents that has set out a chronology of
2 how the statement was taken and you can tell me whether or
3 not that's how you remember it happening. All right?

4 **MS. SUTHERLAND:** M'hm.

5 **MR. DUMAIS:** So, if we can look at document
6 number 123690.

7 And that would not be one of my documents,
8 Madam Clerk.

9 **THE COMMISSIONER:** Thank you.

10 Exhibit Number 472. It looks like a
11 Hamilton-Wentworth Regional Police Occurrence Report and
12 it's dated 97-09-19.

13 **--- EXHIBIT NO./PIÈCE NO P-472:**

14 (123690) 1148946-49 Hamilton-Wentworth
15 Regional Police Occurrence Report re:
16 Catherine Sutherland dated August 19, 1997

17 **MR. DUMAIS:** So the -- this seems to -- the
18 occurrence report seems to indicate, Cathy, that you would
19 have called on the 19th of August, 1997 and the contact with
20 you would have been at the end of November, 19 ---

21 **MS. SUTHERLAND:** I'm not sure where the
22 August comes in.

23 **MR. DUMAIS:** Actually, let's just start with
24 the chronology. Perhaps it'll be easier that way.

25 So, this is an occurrence report. The

1 occurrence report does carry the date 19th day of August,
2 1997. And look at the fourth page of that report, so Bates
3 page number 1148946.

4 It does set out the chronology of your
5 contact with them. So, I'll just read out the first couple
6 of paragraphs, and then you can tell me whether or not this
7 is how you remember it happening.

8 So, on November 29th ---

9 **MS. SUTHERLAND:** I'm not with you here.

10 Okay.

11 **MR. DUMAIS:** Sorry.

12 **THE COMMISSIONER:** I'm sorry, do we have the
13 right document? It's the first page.

14 **MS. SUTHERLAND:** Okay.

15 **MR. DUMAIS:** So, the first paragraphs read
16 as follows:

17 "On November 29th, '96, the writer was
18 assigned to contact Catherine
19 Sutherland in regards to complaints
20 of child abuse she'd suffered at the
21 hands of her mother while growing up
22 in Cornwall area. At 15:05 hours
23 that date, the writer spoke with
24 Sutherland by phone. She indicated the
25 abuse had taken place some 30 years ago

1 and involved the death of an infant
2 brother. She advised she was writing a
3 statement regarding the matter and
4 would have it available for the
5 following day when a meeting was
6 scheduled. And at 16:30 hours on
7 November 30th, Detective Oshua
8 (phonetic) and the writer attends
9 Sutherland's residence. A request to
10 tape record the conversation was denied
11 by Sutherland who explained that ..."

12 --- can't read that word.

13 "... about the matter was stressful
14 enough let alone having it taped."

15 So they did -- does that make sense, Cathy,
16 those dates make sense to you?

17 **MS. SUTHERLAND:** Yes.

18 **MR. DUMAIS:** Had you started writing out
19 your statement then before you were contacted by the
20 police?

21 **MS. SUTHERLAND:** I don't recall, but it is
22 quite likely considering I handed it in the next day.

23 **MR. DUMAIS:** So the police officers did
24 indicate to you that they wished to tape this conversation,
25 but you had problems with that?

1 **MS. SUTHERLAND:** Yes. Go figure.

2 **MR. DUMAIS:** Well, perhaps tell us a bit
3 about that. What concerns did you have or what made it
4 difficult for you to be on tape?

5 **MS. SUTHERLAND:** It was a very big trigger
6 for me to be taped. I mean, I've had other cases where
7 just as part of the therapeutic relationship that that was
8 an option, and I couldn't handle it even in a situation
9 that felt safer.

10 **MR. DUMAIS:** So then at one point in time,
11 they wanted to take copies of the documents that you had.
12 Do you recall that?

13 **MS. SUTHERLAND:** Yes.

14 **MR. DUMAIS:** And do recall attending at the
15 police station so that they could make copies?

16 **MS. SUTHERLAND:** Sort of. Yeah, I know that
17 happened. M'hm.

18 **MR. DUMAIS:** So then they would have taken
19 you to the station with their vehicle. Is that correct?

20 **MS. SUTHERLAND:** Yes, I believe so.

21 **MR. DUMAIS:** Okay. And do you think an
22 interview happened there or occurred there or they just
23 take the copy of the documents and then return you to your
24 house? Do you recall?

25 **MS. SUTHERLAND:** If I remember correctly,

1 they came to the house. We talked at the house and then
2 went to the police station, probably talked some more there
3 and they photocopied the documents and brought me back
4 home.

5 **MR. DUMAIS:** And at one point in time you
6 gave them a copy of a statement you had typed out. Is that
7 correct?

8 **MS. SUTHERLAND:** Yes, I believe so.

9 **MR. DUMAIS:** Okay. So if you can just look
10 then at Document Number 120921.

11 Do you recognize that document, Cathy? Is
12 that ---

13 **THE COMMISSIONER:** Hang on. Exhibit 473 is
14 a document dated November 30th, 1996 which is not signed,
15 but I take it this is the statement you had prepared for
16 the police?

17 **MS. SUTHERLAND:** Yes.

18 ---EXHIBIT NO./PIECE NO P-473:

19 (120921) Catherine Sutherland's statement
20 to the Hamilton-Wentworth Regional Police
21 dated November 30, 1996

22 **MR. DUMAIS:** So do you recognize that
23 document, Cathy?

24 **MS. SUTHERLAND:** Yes, I do.

25 **MR. DUMAIS:** So that is the statement that

1 you gave to police on that day?

2 **MS. SUTHERLAND:** Right.

3 **MR. DUMAIS:** Okay. So I just want --
4 firstly, the date on top is November 30th, 1996, and if you
5 go at the second page from the back, there's a date up
6 there in the left-hand corner, which is January 3rd, '97 and
7 there is something that's written there. Do you recognize
8 that handwriting?

9 **MS. SUTHERLAND:** Yes, that's my handwriting.
10 It says they need more specifics.

11 **MR. DUMAIS:** Okay. So let's just look at
12 what's written on the left-hand corner, firstly.

13 **THE COMMISSIONER:** "Hamilton-Wentworth".

14 **MS. SUTHERLAND:** Yes. "Hamilton-Wentworth.
15 January 3rd, '97."

16 **MR. DUMAIS:** What's written on top? Sorry.

17 **MS. SUTHERLAND:** "Hamilton-Wentworth".

18 **MR. DUMAIS:** All right. So it's written
19 January 3rd, 1997. So was that part of the statement not
20 given to them on November 30th, '96?

21 **MS. SUTHERLAND:** That would be my guess,
22 yes.

23 **MR. DUMAIS:** I guess what I'm wondering is,
24 was there an initial statement that was given to them on
25 November 30th, 1996 and some sort of agreement or

1 arrangement that you would provide a further statement
2 later on on the Carl Virgin incident?

3 **MS. SUTHERLAND:** I need a break.

4 **MR. DUMAIS:** You need a break?

5 **MS. SUTHERLAND:** I need a break.

6 **THE COMMISSIONER:** All right.

7 Why don't we take the lunch break now then
8 and we come back at quarter to two. All right?

9 **MS. SUTHERLAND:** Okay. Thank you.

10 **THE REGISTRAR:** Order. All rise. A

11 L'ordre. Veuillez vous lever.

12 --- Upon recessing at 12:11 p.m./

13 L'audience est suspendue à 12h11

14 --- Upon resuming at 1:47 p.m./

15 L'audience est reprise à 13h47

16 **THE REGISTRAR:** The hearing is now resumed.

17 Please be seated. Veuillez vous asseoir.

18 **CATHY SUTHERLAND, Resumed:**

19 ---EXAMINATION-IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.

20 **DUMAIS (Continued/Suite):**

21 **THE COMMISSIONER:** Good afternoon, everyone.

22 Maître Dumais.

23 **MR. DUMAIS:** Hi Cathy.

24 Right before we broke for lunch, we were
25 discussing the statement that you gave to the Hamilton-

1 Wentworth Police and I was asking you about the different
2 dates that were on the statements. There's a date on the
3 first page which is November 30th, 1996 and then there are
4 two dates on the second last page of the statement, and the
5 first one being January 3rd, 1997.

6 So I guess my more specific question, Cathy,
7 is this is a seven-page statement and my question is, on
8 November 30th, 1996 when you gave a copy of this to
9 Hamilton-Wentworth Police, did you only give them the first
10 five pages and then on January 3rd, 1997 did you write out
11 those two additional pages dealing essentially with the
12 Virgin allegation and then give them that?

13 **MS. SUTHERLAND:** Oh, okay. I was looking at
14 the wrong document. Yes, I would agree with that, that the
15 last two pages were handed in separately from the first.

16 **MR. DUMAIS:** Okay. It's something that was
17 in the afterwards, after the fact, after November 30th?

18 **MS. SUTHERLAND:** Yes.

19 **MR. DUMAIS:** Okay. So then let's look at
20 the first statement, so the one that you gave to the police
21 on November 30th, 1996?

22 **MS. SUTHERLAND:** M'hm.

23 **MR. DUMAIS:** So, Cathy, as I understand it,
24 at that point in time you had received some information
25 about your involvement with the Children's Aid Society and

1 you had a number of different allegations against your
2 mother, and you had decided to draft this statement because
3 you finally wanted the matter investigated. Is that fair?

4 **MS. SUTHERLAND:** Yes, I would say that.

5 **MR. DUMAIS:** Does that make sense?

6 **MS. SUTHERLAND:** I would agree with that.

7 **MR. DUMAIS:** And the reason why you went to
8 the Hamilton-Wentworth Police was because that's where you
9 resided?

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

11 **MR. DUMAIS:** Is that fair?

12 **MS. SUTHERLAND:** Yes.

13 **MR. DUMAIS:** And so you met with these two
14 officers, you prepared the statement, and if we can just go
15 through the statement then.

16 So I'm looking at the first page -- it's
17 Document Number 120921 -- the first page of the statement
18 which is dated November 30th, 1996. And is the handwriting
19 that's at the top left corner your handwriting?

20 **MS. SUTHERLAND:** Yes, it is.

21 **MR. DUMAIS:** Okay. Now, you first started
22 by describing yourself. You give some bibliographic
23 details, who your brothers and sister were, where you
24 resided. And then you go to some of the allegations, some
25 of the specific allegations that you want investigated.

1 So you start by going through some of the
2 involvement that the Children's Aid Society has had with
3 you. So you do some sort of a chronology of their
4 involvement, and part of this chronology was taken from
5 some of the documents that you had received from the
6 Children's Aid Society?

7 **MS. SUTHERLAND:** I would say the majority of
8 the information that was in there was taken from the
9 hospital record.

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

11 **MS. SUTHERLAND:** And what I remembered.

12 **MR. DUMAIS:** Okay.

13 So then, if we turn to the second page when
14 you get into some of the more specific allegations, the
15 first one you talked about is Stephen's death. So, is that
16 something that you wanted investigated by the police
17 officers?

18 **MS. SUTHERLAND:** Absolutely.

19 **MR. DUMAIS:** So you gave a brief description
20 of what your recollection of the events were. Is that
21 right?

22 **MS. SUTHERLAND:** Right.

23 **MR. DUMAIS:** And this first portion of your
24 statement, and you mention that a little further down, is
25 mostly facts that you remember yourself. Is that fair?

1 MS. SUTHERLAND: Yes.

2 MR. DUMAIS: Now, you then go into -- and
3 I'm looking at the second paragraph of your statement,
4 which is Bates pages 1131887, and you go through some of
5 the abuse that you had suffered at the hands of Joan;
6 correct?

7 MS. SUTHERLAND: M'hm.

8 MR. DUMAIS: And some of these examples or
9 some these specifics of the abuse that you suffered are as
10 follows; so she would lay you in a bath of cold water. Is
11 that correct?

12 MS. SUTHERLAND: Yes.

13 MR. DUMAIS: And she would put your hand
14 under scalding water?

15 MS. SUTHERLAND: Yes.

16 MR. DUMAIS: And then she would have you
17 drink some water and prevent you from going to the
18 bathroom. Is that correct?

19 MS. SUTHERLAND: Right.

20 MR. DUMAIS: And then, if you peed on the
21 floor, she would drag you through it. Is that correct?

22 MS. SUTHERLAND: Yes. These weren't
23 isolated incidents; these were things that were continually
24 happening.

25 THE COMMISSIONER: I'm sorry. They were not

1 isolated incidents?

2 **MS. SUTHERLAND:** They were not isolated.
3 They were, you know -- this isn't about something that
4 happened when I was eight and I am complaining about it. I
5 mean this was something that was done habitually.

6 **MR. DUMAIS:** So when you were residing
7 within the home, these are the type of things that would
8 happen on a daily basis. Is that fair?

9 **MS. SUTHERLAND:** Right.

10 **MR. DUMAIS:** All right. And some of the
11 other specific incidents were that you were struck with a
12 broom. Is that correct?

13 **MS. SUTHERLAND:** Right.

14 **MR. DUMAIS:** And that your hand would have
15 been placed on a stove burner. Is that correct?

16 **MS. SUTHERLAND:** Right.

17 **MR. DUMAIS:** And at times as well, she would
18 throw you against the wall?

19 **MS. SUTHERLAND:** M'hm.

20 **MR. DUMAIS:** All right. So some of the --
21 these are some of the examples of the specific physical
22 abuse that you had suffered at her hands?

23 **MS. SUTHERLAND:** Right.

24 **MR. DUMAIS:** And is it fair to say that, in
25 your mind, you wanted these incidents investigated?

1 **MS. SUTHERLAND:** I did, yes.

2 **MR. DUMAIS:** Now, on the next page, you make
3 reference to some of the sexual abuse that you would have
4 suffered at her hands?

5 **MS. SUTHERLAND:** Right.

6 **MR. DUMAIS:** All right. And I am just
7 looking at the mid part of the first paragraph and I'll
8 just read it out for you:

9 "Much of her behaviour was laced with
10 sexual connotations and innuendos. It
11 got downright blatant displays of
12 inappropriate sexual behaviour."

13 And now you list some of the specifics right
14 underneath that sentence. Can you give us just a general
15 idea of the sexual abuse that you hold your mother
16 responsible for?

17 **MS. SUTHERLAND:** You mean other than what's
18 in the file here?

19 **MR. DUMAIS:** No ---

20 **MS. SUTHERLAND:** Or just what's ---

21 **MR. DUMAIS:** --- no, you can make reference
22 to this.

23 **MS. SUTHERLAND:** One of the things that she
24 would do was lay around naked with her -- right? We were,
25 you know, as kids, we were invited to touch her all and,

1 you know. I remember being made to watch them have sex,
2 like I would actually sleep at the foot of their bed like a
3 dog, you know, and they would have sex. She -- I don't
4 know.

5 **MR. DUMAIS:** And would any of these
6 instances of sexual abuse have been disclosed to anyone
7 prior to you disclosing this here?

8 **MS. SUTHERLAND:** In this moment in time, I
9 don't know. I don't know. I think my brothers knew, you
10 know. I don't know.

11 **MR. DUMAIS:** Think everyone in the home
12 knew?

13 **MS. SUTHERLAND:** Yes, yes.

14 **MR. DUMAIS:** And what about anyone outside
15 of the home?

16 **MS. SUTHERLAND:** Well, I think, like I said
17 before, it would have been impossible for you not to have
18 seen things, you know. I mean, if there is a kid being
19 made to stand naked outside, okay, it's obvious to the
20 neighbours, you know. So yes, and you know, did other
21 people know? I would say, yes, yes, they did.

22 **MR. DUMAIS:** M'hm. All right. But
23 certainly ---

24 **MS. SUTHERLAND:** Sorry, I'm sorry. I would
25 also say that my aunt knew because it was my aunt who came

1 forward after and told me of different stories, of what she
2 had heard. But they were very similar to what had
3 happened. So, I would say that she knew.

4 **MR. DUMAIS:** But certainly, Cathy, your
5 intent was to have your mother's involvement in this
6 investigated. Is that correct?

7 **MS. SUTHERLAND:** Absolutely, yes.

8 **MR. DUMAIS:** Now, in your statement, you
9 made reference to the incident when you were -- in the
10 spring of 1968 when you were 13 years old and that you had
11 to run away from home and then that Joan had caught you and
12 brought you back?

13 **MS. SUTHERLAND:** Yes.

14 **MR. DUMAIS:** And then a little later on, you
15 described the abuse you would have suffered at the hands of
16 your foster father, a Mr. Virgin. Did you want that
17 incident investigated?

18 **MS. SUTHERLAND:** I think, initially, yes I
19 did. I had done the police report for it and I had every
20 intention of following through on that.

21 **MR. DUMAIS:** So on November 30th, 1996, you
22 wanted that incident investigated?

23 **MS. SUTHERLAND:** Yes.

24 **MR. DUMAIS:** All right. Now, I'm just going
25 to read to you -- I am looking at the top of page 1131889.

1 It's the second line of that paragraph:

2 "About a year-and-a-half ago, I started
3 having flashback and while I've little
4 doubt about the validity of these
5 memories, I feel that these events must
6 be kept separate from what has been
7 relayed thus far."

8 So anything that was prior to this
9 statement, you had a specific recollection of and you
10 didn't necessarily just find in some of the CAS documents
11 or medical documents that were given to you?

12 **MS. SUTHERLAND:** I would probably agree with
13 that.

14 **MR. DUMAIS:** Then you make -- then you
15 describe the incident where you would have been on the top
16 of your grandmother's roof trying to untangle clothes on a
17 clothesline and you noticed that your mother was watching?

18 **MS. SUTHERLAND:** Yes. I had been sent out
19 on the roof by her.

20 **MR. DUMAIS:** And I mean, as opposed to the
21 prior more specific allegations, this is something that you
22 would call flashback. Is that fair?

23 **MS. SUTHERLAND:** Yes, and I think I tried to
24 be very clear with that in my statement that there was
25 things I had always remembered. Like I'd never forgotten

1 them and then there were other incidents that I -- they
2 were flashbacks.

3 **MR. DUMAIS:** All right. Now, the paragraph
4 following that, you go into the description of -- part of a
5 description of Stephen's death. And what do you recall
6 about that? And you make reference to Stephen's death in a
7 prior page as well.

8 **MS. SUTHERLAND:** Yes.

9 **MR. DUMAIS:** Can you just go through this
10 paragraph; so that would be the fourth paragraph on that
11 page?

12 **MS. SUTHERLAND:** Okay. I'm lost here.

13 **MR. DUMAIS:** Okay, or start from the bottom
14 and second paragraph from the bottom. The paragraph starts
15 with "The worst of these memories".

16 **MS. SUTHERLAND:** I'm sorry, I am still ---

17 **THE COMMISSIONER:** Madam Clerk, could you
18 help?

19 **MR. DUMAIS:** Bates page 1131889.

20 **THE COMMISSIONER:** So you will see it on the
21 screen here, if you want.

22 **MS. SUTHERLAND:** Oh, okay, I see it here.

23 Yes, part of this refers to a flashback that I
24 had the night he was -- he died.

25 **MR. DUMAIS:** Okay. So what you refer prior

1 to this paragraph about Stephen is stuff you remember, but
2 this is part of the flashback?

3 MS. SUTHERLAND: Yes.

4 MR. DUMAIS: Okay. Now the next paragraph
5 deals with the Virgin allegation and we have dealt with
6 that.

7 So the next paragraph after that, and I am
8 looking at pages 1131890.

9 (SHORT PAUSE/COURTE PAUSE)

10 THE COMMISSIONER: What part?

11 MR. DUMAIS: That is the -- well, the entire
12 paragraph deals with the night that -- or the day where
13 Brian would have attended at the Pommesville residence with
14 a knife?

15 MS. SUTHERLAND: Okay.

16 MR. DUMAIS: And we spoke about that earlier
17 today?

18 MS. SUTHERLAND: Yes. M'hm.

19 MR. DUMAIS: Right, so towards the end of
20 that paragraph -- oh sorry, it would be right in the middle
21 of that paragraph. I will just read it out for you, it
22 might be a little easier:

23 "It was so many years later that I
24 learned that she gave him the knife and
25 told him to go and kill me. It was not

1 the last time Brian was told to kill
2 someone. And years later she handed
3 him a gun, telling him to shoot ..."

4 **MS. SUTHERLAND:** It would have been Earl.

5 **MR. DUMAIS:** Pardon me?

6 **MS. SUTHERLAND:** Earl.

7 **MR. DUMAIS:** "... shoot Earl, but he was older
8 and less Joan controlled by then."

9 And so that knowledge you acquired, how?

10 **MS. SUTHERLAND:** From Brian.

11 **MR. DUMAIS:** Okay. So from some discussion
12 that you had with Brian?

13 **MS. SUTHERLAND:** Yes.

14 **MR. DUMAIS:** And this incident you wanted
15 investigated as well. Is that correct?

16 **MS. SUTHERLAND:** Yes, I did.

17 **MR. DUMAIS:** All right. Now my
18 understanding is that you gave them this statement and then
19 you left the statement with them. They had a look at it,
20 and at one point in time they would have called you back
21 and asked you for some additional information on the Carl
22 Virgin incident. Is that correct?

23 **MS. SUTHERLAND:** That's right.

24 **MR. DUMAIS:** And what was the concern that
25 they had or what did they ask of you?

1 MS. SUTHERLAND: They wanted more specifics.

2 MR. DUMAIS: So what did you understand that
3 to mean to you, Cathy?

4 MS. SUTHERLAND: They wanted more details of
5 the sexual abuse with him.

6 MR. DUMAIS: So then you provided this
7 additional statement, which are the last 2 pages of
8 document 120921. Is that correct?

9 MS. SUTHERLAND: Yes.

10 MR. DUMAIS: And then you gave them a copy
11 of that statement ---

12 MS. SUTHERLAND: Right.

13 MR. DUMAIS: --- and then you had an
14 additional conversation with them on January 11, 1997 and
15 that's the date that you find on the top of the right-hand
16 corner of that second last page?

17 MS. SUTHERLAND: Right.

18 MR. DUMAIS: Is that you who would have
19 written that date?

20 MS. SUTHERLAND: That's correct.

21 MR. DUMAIS: Then underneath there is
22 written?

23 MS. SUTHERLAND: Need more specifics.

24 MR. DUMAIS: Okay. And did they require
25 more specifics after this?

1 **MS. SUTHERLAND:** Yes, they did.

2 **MR. DUMAIS:** Okay. And so what happened
3 after that?

4 **MS. SUTHERLAND:** I couldn't handle it. I
5 couldn't -- I knew I couldn't go through with it. At that
6 point I think I asked for an extension of time. I asked
7 him to put on the backburner for a while.

8 But I knew I would have trouble, you know,
9 with the Carl Virgin report.

10 **MR. DUMAIS:** All right. And you had asked
11 them that this be set aside for the moment?

12 **MS. SUTHERLAND:** Yes, they did. Yes.

13 **MR. DUMAIS:** This was a request that had
14 been made specifically on the Carl Virgin incident, but you
15 also provided a further statement, and if you can have a
16 look at document 123693?

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

18 **THE COMMISSIONER:** It is a new document, Ms.
19 Sutherland.

20 **MR. DUMAIS:** It is a new document.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **THE COMMISSIONER:** All right.

23 Exhibit 474 is a Hamilton-Wentworth Regional
24 Police Witness Statement, dated December 10th, 1996.

25 **---EXHIBIT NO./PIECE NO P-474:**

1 (123693) Catherine Sutherland's witness
2 statement to the Hamilton-Wentworth Regional
3 Police dated December 10, 1996.

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. DUMAIS: So you met -- that's fine, so
6 you met on December 10, 1996 and do you recall that
7 meeting, Cathy?

8 MS. SUTHERLAND: Off-hand, no.

9 MR. DUMAIS: If you can look at the last
10 page of this statement; so is that your signature at the
11 bottom left?

12 MS. SUTHERLAND: Yes, it is.

13 MR. DUMAIS: All right. So you don't have a
14 specific recollection of this meeting and giving these
15 details of the allegations?

16 MS. SUTHERLAND: No. Not at the moment.

17 (SHORT PAUSE/COURTE PAUSE)

18 MR. DUMAIS: And actually if I could just
19 point you out to one page in that statement, and that's
20 Bates page number 1148961, lines 12 to 15.

21 So the question is:

22 "So your psychotherapy didn't have any
23 influence on your recollection of these
24 events?

25 Answer: "Definitely not."

1 "Tell me about what happened with Carl
2 Virgin?"

3 And your answer, and it's in print, says:

4 "Catherine will prepare a separate
5 statement".

6 That is where you would have had,
7 presumably, the discussion on the additional statement with
8 respect to Carl Virgin?

9 **MS. SUTHERLAND:** Yes.

10 **MR. DUMAIS:** Does that ring a bell?

11 **MS. SUTHERLAND:** Pardon?

12 **MR. DUMAIS:** Does that ring?

13 **MS. SUTHERLAND:** Yes, that's probably right.

14 Yes.

15 **MR. DUMAIS:** All right. Now at about the
16 same time that you were providing these statements to
17 Hamilton-Wentworth, you in addition made a request for
18 information from the Morrisburg or Iroquois OPP. Is that
19 right?

20 **MS. SUTHERLAND:** That's right. Yes.

21 **MR. DUMAIS:** If you can just have a look at
22 Document Numbers 120922. So this is a -- sorry.

23 **THE COMMISSIONER:** Exhibit 475 is a letter,
24 just to the Morrisburg OPP, from Catherine Sutherland,
25 dated December 11th, 1996.

1 **---EXHIBIT NO./PIECE NO P-475:**

2 (120922) Letter from Catherine Sutherland to
3 Morrisburg OPP dated December 11, 1996

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MR. DUMAIS:** Do you recall sending this
6 letter?

7 **MS. SUTHERLAND:** Yes, I do.

8 **MR. DUMAIS:** And do you recall where you
9 sent it?

10 **MS. SUTHERLAND:** I'm pretty sure I would
11 have sent it to the Morrisburg OPP.

12 **MR. DUMAIS:** Okay. And what were you
13 requesting from them in that correspondence?

14 **MS. SUTHERLAND:** I was asking them to
15 investigate Stephen's death.

16 **MR. DUMAIS:** Okay.

17 **MS. SUTHERLAND:** And to -- to see if they
18 had any information on me, essentially.

19 **MR. DUMAIS:** Okay. So one of the --- things
20 were seeking as whether or not they have any police reports
21 with respect to Stephen's death. Is that right?

22 **MS. SUTHERLAND:** Yes, were the abuse reports
23 from me, like whether or not the police were ever called
24 in.

25 **MR. DUMAIS:** All right. This letter is

1 dated December 11th, 1996. It would have been sent or at
2 least dated and signed on -- following your meeting on
3 December 10th, 1996.

4 Is there any connection between the two?
5 Were you told, "Well, we're not going to look into this,
6 ask someone else to do it" or is there no connection at
7 all?

8 **MS. SUTHERLAND:** I don't think I am
9 following the question at all.

10 **MR. DUMAIS:** So you gave a statement on
11 November 30th, 1996, making reference to Stephen's death.

12 **MS. SUTHERLAND:** Okay, this has nothing to
13 do with the Hamilton-Wentworth Police though. I think this
14 was separate.

15 **MR. DUMAIS:** Yes. I agree with you.

16 **MS. SUTHERLAND:** Okay.

17 **MR. DUMAIS:** So let me just go through the
18 chronology.

19 **MS. SUTHERLAND:** Okay.

20 **MR. DUMAIS:** On November 30th, '96, you meet
21 with the Hamilton-Wentworth Police. You give them a copy
22 of your statement?

23 **MS. SUTHERLAND:** Okay.

24 **MR. DUMAIS:** Your statement makes reference
25 to the death of Stephen?

1 **MS. SUTHERLAND:** Right.

2 **MR. DUMAIS:** You meet again on December 10th,
3 1996. You provide a second statement and provide some of
4 the details that relate back to your initial statement?

5 **MS. SUTHERLAND:** Okay.

6 **MR. DUMAIS:** On the following day, on
7 December 11th, 1996, you send this request about a police
8 report that would have been made on Stephen's death. So my
9 question was, was there any connection between these
10 events?

11 **MS. SUTHERLAND:** No. Because I think this
12 is in response to a letter that I would have received from
13 Dr. Cairns' office.

14 **MR. DUMAIS:** Okay.

15 **MS. SUTHERLAND:** Okay. Telling me that I
16 should go through the OPP, that they had -- the coroner --
17 the chief coroner, was opening infant death cases -- with
18 Stephen's death -- would fall outside of their limit. So I
19 would have written this on their suggestion.

20 **MR. DUMAIS:** So this is something you were
21 doing completely apart from the Hamilton-Wentworth
22 statement and ---

23 **MS. SUTHERLAND:** Yes, I think so.

24 **MR. DUMAIS:** --- and what you expected from
25 them?

1 **MS. SUTHERLAND:** Yes.

2 **MR. DUMAIS:** All right.

3 **MS. SUTHERLAND:** Although that was involved
4 and I think it was, like, in both places.

5 **MR. DUMAIS:** Now, at one point in time, did
6 you have any discussion with the one or two of the officers
7 from Hamilton-Wentworth about having this file transferred
8 to the appropriate jurisdiction for investigation?

9 **MS. SUTHERLAND:** Yes, I think Dave Place
10 told me that -- I think I knew that all along that he was
11 just -- he would take the information but it would have to
12 be forwarded.

13 **MR. DUMAIS:** And do you recall having a
14 conversation with them in the month -- I believe it was in
15 the month of August of that year, requesting that the file
16 be transferred? Were they waiting for your okay for that?

17 **MS. SUTHERLAND:** I think what was happening
18 was I hadn't finished with more specifics for the Carl
19 Virgin file. So everything was being held up by that. So
20 -- what was your question?

21 **THE COMMISSIONER:** Were they waiting for
22 your okay to transfer the file to the appropriate
23 jurisdiction?

24 **MS. SUTHERLAND:** Yes. Yes, I think so.

25 **MR. DUMAIS:** And do you recall speaking to a

1 Detective Sergeant Robert Rankin, or did you always deal
2 with the initial investigating officers?

3 **MS. SUTHERLAND:** I don't recall right now.

4 **MR. DUMAIS:** If I can just take you to
5 Document Number 123688. And, Cathy, I'm not sure if at the
6 time that this correspondence was written, because you
7 don't appear to be copied on it, whether or not you would
8 have seen this or just been advised of this. So we're just
9 going to go through the correspondence.

10 One two three six eight eight (123688).

11 **THE COMMISSIONER:** Thank you. Hamilton-
12 Wentworth Regional Police letter from Robert Rankin,
13 Detective Sergeant, to Morisburg OPP dated August 20th,
14 1997.

15 **---EXHIBIT NO./PIÈCE NO P-476:**

16 (123688) Letter from Hamilton-Wentworth
17 Regional Police to Morisburg OPP dated
18 August 20, 1977

19 **MR. DUMAIS:** If perhaps, Cathy, I could just
20 read it. So it reads:

21 "Dear Sir,

22 In late November 1996, Catherine
23 Sutherland contacted this service to
24 report child abuse she had suffered at
25 the hands of her mother, Joan

1 Casselman, while growing up in the
2 Cornwall area. Over the next several
3 weeks, she provided details surrounding
4 the abuse and also indicated she had
5 been sexually abused at the hands of
6 Carl Virgin while in foster care.
7 Sutherland's brother, Brian Kelly, who
8 was contacted and was able to
9 corroborate portions of Sutherland's
10 information and indicates he too was
11 subject to abuse although he is not
12 interested in coming forward to
13 complain. Sutherland was under a great
14 deal of stress bringing this
15 information to light and as of January,
16 1997, stating she wishes the
17 investigation be placed on hold,
18 pending her decision whether or not she
19 felt emotionally able to proceed.
20 Recently, she advised she is not
21 prepared to deal with the sexual abuse
22 matter but wishes the child abuse
23 investigation to continue, with
24 criminal charges being laid if
25 applicable."

1 And then they attach the package of their
2 investigation. So do you agree with those instructions?

3 **MS. SUTHERLAND:** My understanding was that
4 anything that was in the police report or my statement in
5 respect of Joan would be proceeded on.

6 Anything to do with Carl Virgin would be
7 held; would not be continued on at that point in time.

8 **MR. DUMAIS:** All right. And had you ever
9 seen a copy of the file transfer?

10 **MS. SUTHERLAND:** Not until very recently.

11 **MR. DUMAIS:** Now the file, or the
12 investigation, was transferred to Morrisburg OPP. What
13 happened next? Did anyone communicate with you from that
14 police service?

15 **MS. SUTHERLAND:** Yes, I was in contact with
16 John Ralko from the OPP and with -- I think the file was
17 divided up. Anything that happened in the Cornwall area
18 was being handled by Shawn White and anything that happened
19 in the Morrisburg area was being handled by John Ralko.

20 **MR. DUMAIS:** All right. And in your mind,
21 what was the investigation in the Morrisburg area?

22 **MS. SUTHERLAND:** It would have pertained to
23 anything having to do with Stephen's death. Anything
24 having to do with me and/or the abuse of me at that time,
25 like when we were living there.

1 Cornwall would have dealt with probably the
2 sexual abuse of Joan and any of the physical abuse;
3 anything that happened in the Cornwall area, plus -- yes,
4 anything that happened in the Cornwall area.

5 MR. DUMAIS: All right. Who did you have a
6 first contact with between these two police services?

7 MS. SUTHERLAND: I'm not 100 percent on
8 that. If I had to guess, it would be John Ralko.

9 MR. DUMAIS: And then he would have what,
10 Cathy? He would have given you a call? He would have met
11 with you? He would have asked ---

12 MS. SUTHERLAND: No. I think he called me.
13 I think he called me.

14 MR. DUMAIS: All right. And did he request
15 any further information? Did he advise as to how he was to
16 proceed? How much time it would take? What was the
17 conversation about?

18 MS. SUTHERLAND: I think I feel a little
19 lost. I don't have my own notes. I think just that he was
20 going to proceed with that portion of the investigation and
21 that he was forwarding other stuff on to Shawn White.

22 MR. DUMAIS: M'hm. And had it been
23 disclosed at this point in time that this would be a joint
24 investigation?

25 MS. SUTHERLAND: I don't know if it was --

1 I was told that, you know, but I think I probably suspected
2 it if there was two different police forces involved.

3 MR. DUMAIS: All right.

4 MS. SUTHERLAND: But maybe I just don't know
5 what joint means, you know, because I think they're related
6 but they wouldn't have been doing it together.

7 MR. DUMAIS: M'hm. And did this officer
8 ever travel to Hamilton to meet with you or take a
9 statement from you?

10 MS. SUTHERLAND: I don't think John Ralko
11 did and if I remember correctly; Shawn White certainly did
12 but I'm not sure that John Ralko did.

13 MR. DUMAIS: Okay. And were you being
14 regularly advised on the progress of this investigation?
15 Were you being called on a regular basis or what was the
16 protocol you had agreed on, if any?

17 MS. SUTHERLAND: I think it took a very long
18 time or them to go through it. Off the top of my head I'm
19 thinking a couple of years, a year and a half, something
20 like that ---

21 MR. DUMAIS: M'hm.

22 MS. SUTHERLAND: --- to get through it.

23 I suspect there was periodic calls but I
24 don't think there was anything really illuminating that
25 happened until the very end when I was given the letter

1 saying that they couldn't do anything.

2 MR. DUMAIS: Okay. So they weren't calling
3 you on one day and saying "Well, listen, we've interviewed
4 Joan today and she said this" or "we interviewed your
5 brother". You were just waiting for the final report to
6 come out. Is that fair?

7 MS. SUTHERLAND: Yes. Yes, I think that's
8 true.

9 MR. DUMAIS: Okay. So if we can then have a
10 look at Document Number 120926.

11 THE COMMISSIONER: Thank you. Exhibit 477,
12 a letter dated March 26th, 1999 to Ms. Sutherland from the
13 OPP, John Ralko, R-A-L-K-O.

14 ---EXHIBIT NO./PIECE NO P-477:

15 (120926) Letter from S.D.G. OPP Detachment
16 to Catherine Sutherland dated 26 March 99.

17 MR. DUMAIS: So, Cathy, I'm just going to
18 ask you to read through it.

19 MS. SUTHERLAND: Okay.

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. DUMAIS: So do you recall receiving such
22 a letter, Cathy?

23 MS. SUTHERLAND: Yeah, I do.

24 MR. DUMAIS: So probably shortly after the
25 26th day of March 1999?

1 **MS. SUTHERLAND:** M'hm.

2 **MR. DUMAIS:** All right.

3 So essentially the detective is summarizing
4 his investigation, so first into the death of Stephen,
5 secondly the burning of your feet, and thirdly the general
6 mistreatment of your mother.

7 So then he goes through some of the
8 different steps that he went through to complete his
9 investigation. And also it refers back to a statement that
10 he took together with Detective White from the Cornwall
11 Police Services of your mother.

12 And finally, he indicates as a conclusion
13 towards the end that he had to look at the reasonable and
14 probable grounds that an offence had been committed and if
15 the grounds are there then he had to look at the reasonable
16 prospects of conviction and he concluded that he did not
17 have that and that no charges would be laid.

18 At the time, when you received this report,
19 did you agree with his conclusions or were you satisfied
20 with that?

21 **MS. SUTHERLAND:** I don't know that I could
22 say I was satisfied. I think maybe I was kind of resigned
23 to it. But at that point I didn't have the information
24 that he had. You know, I mean, since then I've seen -- you
25 know, it kind of blows me away that it even says he can't

1 proceed because there was evidence.

2 You know, I think in this letter too he says
3 that there's -- I mean, there was hospital records from
4 Winchester that directly -- you know, they were about the
5 burns, they were about the child abuse and so I mean he
6 would have had that or he would have -- I got it. I can't
7 imagine why he couldn't get it.

8 **MR. DUMAIS:** So you're making reference to
9 the fact that he had access to your Children's Aid file?

10 **MS. SUTHERLAND:** Sure he did, yes. And he
11 even says that in there.

12 **MR. DUMAIS:** Okay. So, now, the last
13 paragraph in this report says:

14 "Should you have any more questions or
15 wish to contact me for any other reason

16 I can be reached..."

17 and writes his number.

18 Do you recall whether or not he did that?

19 **THE COMMISSIONER:** Did you call him back?

20 **MS. SUTHERLAND:** I'm not sure if I did. I
21 probably did but I'm not positive. I mean, he was a very
22 nice man. I mean, you know, I felt treated with a lot of
23 respect and I would say the same of the criminal police,
24 but I think they dropped the ball.

25 **MR. DUMAIS:** And by that, Cathy, you mean

1 that you think charges should have been laid?

2 MS. SUTHERLAND: Yes, I do.

3 MR. DUMAIS: All right. And is it fair to
4 say that ---

5 MS. SUTHERLAND: Can I just add something?
6 Sorry for interrupting.

7 MR. DUMAIS: Yes, certainly.

8 MS. SUTHERLAND: I mean, he has my statement
9 about Stephen's death. He goes to talk to my brother.
10 Brian gives him a statement about Stephen's death. I mean,
11 to me there was evidence of it. She admits to carrying him
12 around in a suitcase.

13 MR. DUMAIS: So according to you, Cathy,
14 after having reviewed all the documents that you had access
15 to, you feel that there was sufficient evidence to lay a
16 charge. Is that a fair statement?

17 MS. SUTHERLAND: I would say so, yes, but
18 I'm not the police or anything.

19 MR. DUMAIS: Now, Cathy, this correspondence
20 would have been written back in 1999. Did you have any
21 further contact with the OPP on these matters specifically
22 or was that the extent of your involvement with Detective
23 Ralko?

24 MS. SUTHERLAND: Yes, I think so. I mean, I
25 would also to you about the incident with like, I mean,

1 that Detective White was handling where, you know, Brian
2 gives him a blow-by-blow description of being handed a
3 knife and sent -- given bus fare to come where I am and
4 told how to lure me out of the house so he could kill me,
5 and I mean, to me that would seem worthy of charging her.

6 **MR. DUMAIS:** Okay. So that's the Cornwall
7 Police investigation.

8 **MS. SUTHERLAND:** Yes.

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

10 **MS. SUTHERLAND:** I'm off track, right?

11 **MR. DUMAIS:** You're not off track at all.
12 You're just a little ahead of me.

13 So then, at one point in time, Constable
14 Shawn White, I think -- as he then was, traveled to
15 Hamilton to meet with you. Is that your recollection?

16 **MS. SUTHERLAND:** Yes. M'hm.

17 **MR. DUMAIS:** And he did take a statement
18 from you?

19 **MR. DUMAIS:** Yes, he did.

20 **MS. SUTHERLAND:** All right. And if we can
21 then just have a look at document number 739168.

22 **THE COMMISSIONER:** Thank you.

23 Witness statements -- oops. Swing it back
24 your way, will you? There you go.

25 So, witness statement of Catherine

1 Sutherland, 1999-03-24. Cornwall Police Service.

2 --- EXHIBIT NO./PIÈCE NO P-478:

3 (739168) Catherine Sutherland's witness
4 statement to the Cornwall Police Service
5 dated 24 Mar 98.

6 MR. DUMAIS: So, do you recall meeting with
7 Constable White on the 24th day of March 1998 to give a
8 statement?

9 MS. SUTHERLAND: Yes.

10 MR. DUMAIS: And you'll agree with me, Cathy
11 that this statement dealt exclusively with the brother's
12 attempt to harm you, or to kill you? Is that right?

13 MS. SUTHERLAND: Yes; but I think that was
14 because that was the most -- I think, if I remember
15 correctly, he told me that that would have been the likely
16 thing that would lead to a charge.

17 MR. DUMAIS: Okay. And he was investigating
18 this incident specifically, then? Right?

19 MS. SUTHERLAND: Yes.

20 MR. DUMAIS: Were you made to understand
21 that this was part of the joint investigation, or was this
22 separate and apart? Or, were they intertwined?

23 MS. SUTHERLAND: See, it's hard to separate,
24 okay, what I know now from what I knew then? Now I
25 realize, okay, it was a joint investigation, and I knew

1 that they were involved together, okay. But did I know
2 that they were doing it together? No, probably not. I
3 mean, I wouldn't ---

4 **MR. DUMAIS:** All right. So then he did take
5 this statement from you and what was the discussion that
6 you had with Constable white at that time as to what would
7 happen then; what was the next step?

8 **MS. SUTHERLAND:** I don't recall.

9 **MR. DUMAIS:** All right. Do you recall at
10 any point in time, receiving a phone call from him,
11 indicating that no charge would be laid, or that a charge -
12 --

13 **MS. SUTHERLAND:** Yes, I remember that.

14 **MR. DUMAIS:** Okay. So tell me about that
15 conversation. What do you remember from it?

16 **MS. SUTHERLAND:** He called me right after
17 they had the interview; he went to interview her with John
18 Ralko and I remember, mostly, because I asked him if he
19 needed a shower after because she's -- and he said "Yes".
20 So I mean, the impression I got that he was not -- he
21 didn't believe her for a lot of what she said. But I
22 remember there was nothing -- he said there wasn't enough
23 evidence to proceed.

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

25 And so he advised you that he would not be

1 laying a charge on -- regarding this investigation either.

2 Is that ---

3 **MS. SUTHERLAND:** --- right.

4 **MR. DUMAIS:** And is that the last
5 communication or involvement that you had with Cornwall
6 Police Services with respect to this specific
7 investigation?

8 **MS. SUTHERLAND:** Yes, I think so. M'hm.

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

10 **MS. SUTHERLAND:** Actually, I should note
11 also, to you that -- you know, this was in the CAS file.
12 So he had me telling him what happened, he had Brian
13 telling him what happened. How many of those knew what
14 happened? It was in the CAS file; he had told the CAS
15 worker. You know, I mean at the time it happened. So I
16 mean, like, there was a lot -- there was a lot of
17 information around this particular incident.

18 **MR. DUMAIS:** All right. So again, your view
19 is that there was suspicious evidence there and that charge
20 should have been laid?

21 **MS. SUTHERLAND:** Yes.

22 **MR. DUMAIS:** All right.

23 Now, in January of 2001, you wrote a letter
24 to the Leeds Grenville Children's Aid Society. Is that
25 correct?

1 MS. SUTHERLAND: Yes.

2 MR. DUMAIS: And what were you writing to
3 them about, or what was your concern?

4 MS. SUTHERLAND: I had heard, okay, that
5 Joan had custody of my sister's child -- a little girl --
6 and I contacted them to tell -- to say, okay, that I was
7 worried about the child. And I wrote to them, or, and I
8 called them, my doctor wrote to them -- or called them.

9 MR. DUMAIS: So, by doctor you mean Dr.
10 Cornfield.

11 MS. SUTHERLAND: Yes.

12 MR. DUMAIS: Right. So you had concerns
13 about the child's safety and you advised them; is that
14 right?

15 MS. SUTHERLAND: Yes, I did.

16 MR. DUMAIS: Right. And did you make any
17 contact, or attempt to make any contact with the local
18 Children's Aid office here to forward any information to
19 them?

20 MS. SUTHERLAND: I don't know that I did. I
21 don't think I did -- I think Brockville tried to do that.
22 But I'm not sure I involved Cornwall. I'm not positive.

23 MR. DUMAIS: All right. What do you mean by
24 Brockville tried to do that?

25 MS. SUTHERLAND: I think -- but again, okay,

1 it's documents that I've seen recently. It seems to me,
2 okay, that the Brockville Children's Aid okay, attempted to
3 get information from the Cornwall CAS; following up, okay,
4 on my call and Mark's call.

5 **MR. DUMAIS:** Okay. And do you know, today,
6 whether or not any information was provided, or forwarded?

7 **MS. SUTHERLAND:** I have no idea.

8 **MR. DUMAIS:** All right.

9 Now Cathy, I understand that in December
10 2004, you did apply to the Criminal Injuries Compensation
11 Board; is that correct?

12 **MS. SUTHERLAND:** Yes.

13 **MR. DUMAIS:** Can you tell us how you got
14 involved in that process -- how you -- which application
15 was prepared and filed and which allegation was the request
16 on?

17 **MS. SUTHERLAND:** There was two separate
18 claims; one was for Joan -- about Joan, and one was about
19 Carl Virgin.

20 **MR. DUMAIS:** And what about the second
21 claim?

22 **MS. SUTHERLAND:** What about the second
23 claim?

24 **MR. DUMAIS:** She said there were two claims.

25 **THE COMMISSIONER:** Yeah, one was from --

1 with respect to the Virgin incident, the other one was
2 respect to her mother.

3 MR. DUMAIS: Sorry, I missed that.

4 THE COMMISSIONER: Is that right?

5 MS. SUTHERLAND: Yes.

6 MR. DUMAIS: Thank you, Commissioner.

7 And did you represent yourself at that Board
8 hearing?

9 MS. SUTHERLAND: My doctor came.

10 MR. DUMAIS: Okay. And who prepared the
11 documents for you? Did anyone assist you in that?

12 MS. SUTHERLAND: My doctor.

13 MR. DUMAIS: Okay. And did -- who provided
14 you with forms or provided you with the address, or the
15 number? Was it all through your doctor?

16 MS. SUTHERLAND: No, I requested that on my
17 own.

18 MR. DUMAIS: Through their office
19 specifically?

20 MS. SUTHERLAND: Yes.

21 MR. DUMAIS: Okay. And the matter proceeded
22 to a hearing, and you received a settlement for that; is
23 that correct?

24 MS. SUTHERLAND: That's correct.

25 MR. DUMAIS: All right. And that matter has

1 been dealt with and is concluded today?

2 **MS. SUTHERLAND:** Right.

3 **MR. DUMAIS:** Okay.

4 **THE COMMISSIONER:** Did Joan attend?

5 **MS. SUTHERLAND:** No.

6 **THE COMMISSIONER:** did the Virgins attend?

7 **MS. SUTHERLAND:** No. No, he -- well,
8 they're both dead.

9 **THE COMMISSIONER:** Who's both dead?

10 **MS. SUTHERLAND:** Virgins.

11 **THE COMMISSIONER:** The Virgins. Okay. And
12 your mom is still alive?

13 **MS. SUTHERLAND:** Yes.

14 **THE COMMISSIONER:** Okay.

15 **MR. DUMAIS:** Commissioner, I wouldn't mind
16 if we took the afternoon break, at this point. I'm at the
17 tail end of my questions. I simply want to review ---

18 **THE COMMISSIONER:** Okay.

19 **MR. DUMAIS:** --- my document before asking
20 the final questions.

21 **THE COMMISSIONER:** Terrific; we'll come back
22 at 3:00 o'clock, then.

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

25 The hearing will resume at 3:00 o'clock.

1 --- Upon recessing at 2:41 p.m. /

2 L'audience est suspendue à 14h41

3 --- Upon resuming at 3:05 p.m. /

4 L'audience est reprise à 15h05

5 **THE REGISTRAR:** The hearing is now resumed.

6 Please be seated. Veuillez vous asseoir.

7 **MR. DUMAIS:** I'm almost done, Commissioner.

8 **CATHY SUTHERLAND, Resumed:**

9 ---EXAMINATION-IN-CHIEF PAR/INTERROGATOIRE EN-CHEF PAR MR.
10 DUMAIS (Continued/Suite)

11 **MR. DUMAIS:** Now, Cathy, we've heard
12 throughout the day your description of some of the
13 allegations of sexual abuse that you would have suffered
14 and the involvement that your mother had. And you've
15 described some of these allegations throughout your
16 correspondence and throughout your different statements to
17 different police services.

18 Did you suffer any sexual abuse by any other
19 than man what you have disclosed here this afternoon?

20 **MS. SUTHERLAND:** Yes.

21 **MR. DUMAIS:** And did your mother -- was your
22 mother involved at all in any of the abuse you suffered --
23 other abuse you had suffered?

24 **MS. SUTHERLAND:** Yes. There was a house in
25 Cornwall that I was dropped off at where there was sexual

1 abuse.

2 MR. DUMAIS: All right.

3 And what was her involvement in that?

4 MS. SUTHERLAND: She collected money for it.

5 THE COMMISSIONER: I'm sorry?

6 MS. SUTHERLAND: She collected money for it.

7 THE COMMISSIONER: M'hm.

8 MR. DUMAIS: So how -- what was the set-up
9 or how was it set-up or what was her involvement? What did
10 she have you do?

11 MS. SUTHERLAND: I was brought there. I was
12 dropped off. I mean, after the first time I knew where to
13 go. I mean, I would go there, there would be sexual abuse,
14 whatever, and then he'd gave me money to give to her.

15 MR. DUMAIS: All right. And so the money
16 would be given to you?

17 MS. SUTHERLAND: Yes.

18 MR. DUMAIS: And then you would take the
19 money and return it and give it to her. Is that correct?

20 MS. SUTHERLAND: Yes.

21 MR. DUMAIS: All right.

22 And so other than the -- and I understand
23 that this has been a recent disclosure that you've made?

24 MS. SUTHERLAND: A recent what?

25 MR. DUMAIS: A recent disclosure that you

1 made?

2 **MS. SUTHERLAND:** Yes.

3 **MR. DUMAIS:** This has not -- you'd not
4 disclosed this I mean, up until your involvement with the
5 OPP investigation and the Cornwall police investigation
6 which you've described for us this afternoon and in any of
7 the events that preceded that, you had never disclosed this
8 to anyone. Is that right?

9 **MS. SUTHERLAND:** I never -- no, not to the
10 police. I mean, I certainly disclosed it to other people
11 and to my therapist and stuff, but I mean, it wasn't new
12 knowledge it was just newly reported.

13 **MR. DUMAIS:** All right.

14 And then the reason for the recent
15 disclosure regarding that incident or those types of
16 incidents, what's the reason for that? Do you have an
17 explanation?

18 **MS. SUTHERLAND:** I think it came up when I
19 first contacted the Inquiry and I had told the initial --
20 Alex Geddes about what had happened and it was his
21 suggestion that it be reported so that's why I reported it.

22 **MR. DUMAIS:** All right.

23 But that was essentially the first time that
24 it had been disclosed to anyone. Is that right?

25 **MS. SUTHERLAND:** It was the first time it

1 was disclosed to anyone legal. It's important for me to
2 make that distinction. I mean, it wasn't stuff -- I don't
3 want to be seen as fabricating stuff to benefit the Inquiry
4 or something.

5 **THE COMMISSIONER:** So how old were you when
6 this happened?

7 **MS. SUTHERLAND:** I was very young. It was
8 right after we moved to Cornwall so I was like nine, eight,
9 nine years old.

10 **THE COMMISSIONER:** How often would this have
11 occurred, ballpark?

12 **MS. SUTHERLAND:** I don't know.

13 **THE COMMISSIONER:** One, five, 10, 20?

14 **MS. SUTHERLAND:** I haven't ---

15 **THE COMMISSIONER:** Don't know. Okay.

16 That's fine.

17 **MR. DUMAIS:** All right.

18 Now, Cathy, as we've indicated to you, you
19 would be given the opportunity to tell us a little about
20 the effect that both the abuse that you suffered as a child
21 later on and you can tell us about whether or not your
22 dealings with the different public institutions with
23 respect to this matter has had on you. And then you can
24 provide us your recommendations if you want, or if you have
25 any. And if you want to, you can break it down by

1 institution if you prefer as well.

2 So I understand that you've prepared a
3 statement or there are some issues that you want to deal
4 with.

5 **MS. SUTHERLAND:** I have things that I think
6 it would benefit. Well, I think for the CAS, that they
7 have a continued responsibility to individuals that have
8 been in their care. And they certainly have a
9 responsibility, in my mind, to the integrity of their
10 actions. So if they make a decision about a child and that
11 child grows up, I think they still have a responsibility to
12 answering to that.

13 So as far as I'm concerned the decisions
14 that they made when I was two years old, they have an
15 obligation to me about why they did what they did or the
16 lack of.

17 I think, again, with the CAS, and maybe it's
18 already in place, I think wards should be offered
19 counselling and I think if it's turned down initially I
20 think it should be something that's continually an option
21 for them. That was not something I was ever offered when I
22 was in care.

23 I think also I have a problem with how --
24 I've gone through a hell of a lot to try and get my
25 records. It was years, and years, and years and I still

1 only saw them as a result of being involved with the
2 Inquiry.

3 And for the CAS to say -- you know, to keep
4 repeating how the confidentiality issues or care are more
5 important than -- in my case, I needed closure. I needed
6 information. It was medical information to me and I really
7 needed it, and for them to say that Joan's identity and
8 stuff like that is much more important than my need. I
9 think CAS records should be akin to medical records, you
10 know, because essentially that's often what -- that's how I
11 would see them.

12 I think also, you know, I hope it's changed.
13 My situation was so extreme that I would hope to God that
14 the CAS behaves differently now then they behaved when I
15 was a child and I needed protection and I needed care. But
16 in the event that they don't always -- I would suggest
17 rather strongly that kids, terrorized kids are not going to
18 come forward. You know, if the Children's Aid is waiting
19 for a child disclose then it's a big mistake. They need to
20 be more on the ball than that.

21 And I think another point is that it's one
22 thing to make a mistake, and they repeatedly made mistakes
23 with me over, and over, and over again. And then to make
24 matters worse it just seemed like they tried to conceal
25 everything after that. And I believe that very strongly.

1 As far as the police, I've had a reasonably
2 good relationship with most of the officers that I've dealt
3 with. I had one problem with an officer in Brockville
4 where I reported, you know, the concerns I had for my
5 niece. And I was told by this police officer that this
6 child was not mine, essentially to mind my own business and
7 that I couldn't "spend the rest of my life punishing my
8 mother".

9 I don't know what else I can say other --
10 you know, I think that's probably it.

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

12 I don't know whether or not you want to do
13 so, do you want to talk about the affects that this has had
14 on your life?

15 **MS. SUTHERLAND:** It's had very dramatic
16 affects on my life. I grew up thinking that -- one of the
17 things that my mother did with me was to drive me to the
18 Brockville Hospital and drive around the grounds pointing
19 out people that I was going to grow up to be like. And for
20 the majority of my early life and my early adulthood, I
21 thought I was retarded. I literally thought I was
22 retarded. And I think I tried very hard not to be
23 retarded.

24 But I think, you know, I would have made
25 different choices about my life if I had been more aware of

1 my abilities. You know, I live a life that's quite
2 dramatically different then what I think it could have been
3 like.

4 **THE COMMISSIONER:** And how are you now?

5 **MS. SUTHERLAND:** How am I now, at this
6 moment?

7 **THE COMMISSIONER:** No. Well, no, not quite,
8 but ---

9 **MS. SUTHERLAND:** I have great kids and have
10 great grandchildren. You know, I go to school. My last
11 mark was 99 per cent. I mean, I do very well now.

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

13 These are my questions, Commissioner.

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

15 So other folks who -- oh, I am sorry, Mr. Lee.

16 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DALLAS LEE:**

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

18 I have a bit of an unusual request. In the
19 normal course, all of the institutions or all of the other
20 parties rather would cross-examine Ms. Sutherland first.

21 And I would have a right to ask her some
22 clarifying questions at the end.

23 **THE COMMISSIONER:** Because you act for her?

24 **MR. LEE:** Yes, I do. There are -- right,
25 sorry I don't think that actually came out today.

1 I do act for Ms. Sutherland. I was retained
2 after she initially met with the Inquiry.

3 There are some questions that I would like
4 to put to Ms. Sutherland that I think in fairness should be
5 put prior to cross-examination.

6 I am not sure whether or not any of my
7 friends object to that including Mr. Dumais, but I don't
8 intend to be particularly long with her. But there are a
9 few things that I, from dealing with Ms. Sutherland, know
10 that she was interested in saying. And things that I think
11 are important and I think in fairness they should be done
12 now.

13 **THE COMMISSIONER:** Okay. Any comments,
14 anyone object to that procedure? No one rising.

15 Go ahead.

16 **(SHORT PAUSE/COURTE PAUSE)**

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

18 **DALLAS LEE:**

19 **MR. LEE:** Good afternoon, Cathy.

20 **MS. SUTHERLAND:** Good afternoon.

21 **MR. LEE:** First thing, you said just a
22 moment ago, I would just like to clarify. You said that
23 you generally had a good relationship with the police other
24 than one officer you dealt with in Brockville.

25 **MS. SUTHERLAND:** Right.

1 **MR. LEE:** Is it your understanding that that
2 police officer was from the Brockville City Police?

3 **MS. SUTHERLAND:** Yes.

4 **MR. LEE:** And not the Ontario Provincial
5 Police.

6 **MS. SUTHERLAND:** I don't think I was clear
7 for a while, but I think seeing things that I have written
8 so far okay, are lately okay, then yes, I think it was the
9 Brockville Police.

10 **MR. LEE:** Okay.

11 **MS. SUTHERLAND:** I think I should add too. I
12 was very irate, okay, about what happened and I actually
13 drafted a letter to the Police Commission.

14 **MR. LEE:** To the Ontario Civilian Commission
15 on Policing, is that right?

16 **MS. SUTHERLAND:** Yes. Because I think it is
17 everybody's job to report child abuse. And for a police
18 officer to behave in that manner, it's just ludicrous.

19 **MR. LEE:** And my understanding is there is
20 some confusion about whether or not you sent that letter.

21 **MS. SUTHERLAND:** Yes.

22 **MR. LEE:** We know you drafted it; we are not
23 sure you sent it.

24 **MS. SUTHERLAND:** Exactly.

25 **MR. LEE:** Okay.

1 One of the questions that I want to ask you
2 at this point is, you -- I mean the entire morning prior to
3 the break was spent with Mr. Dumais going through
4 correspondence in efforts for you to get your CAS file.

5 And your recommendations a moment ago
6 focused on your CAS file. I am interested in you telling
7 the Commission what your understanding is of your dealings
8 with the CAS generally, as a child as opposed to as an
9 adult?

10 **MS. SUTHERLAND:** I think the Children's Aid
11 failed to protect me over and over and over again as a
12 child.

13 I think they walked into a situation that
14 was just horrific. The first time they were called into
15 the house, the worker actually said in her own words that
16 she had never seen a face so badly beaten before.

17 I was left there. They said, okay, they
18 would monitor the family situation for the next six months.
19 But Joan would not let them in the house without a police
20 officer. And each visit, okay, after that there was like
21 continually evidence, okay, of more neglect, more abuse,
22 more -- you know it was just so obvious, okay, that
23 something should be done.

24 And even the day before or the day of the
25 burns, I had a relative, Donald Castleman I think his name

1 was, who showed at the worker's house that night and said
2 that Joan was trying to kill me and that she needed to do
3 something.

4 And this worker did not show up to the
5 house, okay, until later the next day in the afternoon.
6 She goes into the bedroom, she makes a note, okay, about
7 how my feet, I was 2 years old, were encased in huge water
8 blisters.

9 She sends Joan downstairs; okay, to call a
10 doctor and sits up there for an hour; goes downstairs;
11 Joan's ironing; she is not doing anything.

12 So the worker calls the doctor and then
13 leaves the house; leaves me there.

14 So when Dr. Robertson shows up the next day,
15 I am immediately hospitalized and then it is a result of
16 that where I end up, okay, in CAS care.

17 It is not, okay, by the CAS going in and
18 acknowledging that the situation is horrific, okay, and I
19 need to be removed.

20 It is the doctors. The doctors are furious,
21 you know, about the lack of intervention.

22 **MR. LEE:** You mentioned a moment ago to Mr.
23 Dumais when you were discussing recommendations and effects
24 kind of at once that -- you used the words that your
25 situation was so extreme.

1 **MS. SUTHERLAND:** It was off the map.

2 **MR. LEE:** And you understand the part of the
3 reason we are here is -- the whole reason we are here is
4 looking at institutional responses.

5 **MS. SUTHERLAND:** Right.

6 **MR. LEE:** The focus of this Inquiry is to
7 hear about what institutions were told from people like you
8 and then for the Commissioner to hear evidence about how
9 they responded and what they did. And that will form the
10 base of his report. That is your understanding?

11 **MS. SUTHERLAND:** Right.

12 **MR. LEE:** My question to you is, when you
13 look back knowing what you know now, in addition to what
14 you have said, what do you want the CAS to be here to
15 respond to? What is it that -- what questions -- or what
16 answers are you seeking in the Inquiry and what should the
17 Commissioner be looking at?

18 **MS. SUTHERLAND:** I would like to understand,
19 okay, on a personal level, how they did what they did with
20 me, okay.

21 I would also think -- maybe I do not
22 understand the question.

23 I think it is recommendations to the
24 Inquiry, okay; it would be that the CAS needs to lose their
25 grip, okay, on the files.

1 I don't think it should take 12 years, okay,
2 for me to get my records, or anybody else.

3 (SHORT PAUSE/COURTE PAUSE)

4 Some ownership would be nice too.

5 MR. LEE: Sorry, I missed that.

6 MS. SUTHERLAND: I said some ownership would
7 be nice too. I mean never once, okay, have I ever heard an
8 apology from the Children's Aid.

9 MR. LEE: Is that something that is
10 important to you?

11 MS. SUTHERLAND: I think, you know,
12 initially, yes it was. I think if they had called me and
13 said "We really messed up", okay. "And we understand",
14 okay, "what we did, you know -- how you could see what we
15 did as being wrong, and we are really sorry it happened
16 that way".

17 You know, but I never got anything like that
18 from them.

19 MR. LEE: When do you say you got access,
20 real true meaningful access, to the records in the CAS'
21 possession?

22 MS. SUTHERLAND: Not -- not until I was a
23 part of this Inquiry.

24 MR. LEE: So in the last number of months?

25 MS. SUTHERLAND: Six months. Yes.

1 **MR. LEE:** In-chief today, Mr. Dumais
2 discussed with you your efforts to get your CAS file. And
3 there is the first time that you are given a medical and
4 social history drafted by Mark Boisvenue; is that right?

5 **MS. SUTHERLAND:** Yes.

6 **MR. LEE:** And then you are allowed to go to
7 Hamilton. You are allowed to see your file?

8 **MS. SUTHERLAND:** Yes.

9 **MR. LEE:** You dictated and you made a
10 transcript of it?

11 **MS. SUTHERLAND:** Yes.

12 **MR. LEE:** And then you are sent the file,
13 Mr. Dumais took you to that where it says we have removed
14 third party information. There is almost an index to how
15 they number in the redaction. What the redaction meant.
16 Is that correct?

17 **MS. SUTHERLAND:** Right. Right.

18 **MR. LEE:** And now through this Inquiry you
19 have seen. What have you seen as part of your preparation
20 of this Inquiry?

21 **MS. SUTHERLAND:** Oh, just an incredible
22 amount of information compared to what I was led on to
23 believe existed.

24 You know, I mean there is no comparison to
25 what I have seen now compared to what I was shown.

1 I think it is very telling too that what I
2 was shown kind of concealed any kind of culpability on part
3 of the CAS.

4 CAS does not -- I think -- they don't own
5 anything. You know, they don't own their part, you know,
6 in this tragedy.

7 I mean even after Stephen died. Stephen was
8 dead two months or a month and CAS writes in their file
9 that the death is mysterious and then they close their
10 files and walk away.

11 So here is a family situation where one kid
12 is dead. There has been intervention, okay, on behalf of
13 another child, and the CAS walks away from it.

14 **MR. LEE:** And this is information obviously
15 that you have gathered from your review of the CAS files?

16 **MS. SUTHERLAND:** yes.

17 **MR. LEE:** And that would include your file
18 as a child.

19 **MS. SUTHERLAND:** Right.

20 **MR. LEE:** And the family file.

21 **MS. SUTHERLAND:** Right.

22 **MR. LEE:** Dealing primarily with your mother
23 Joan, I suppose.

24 **MS. SUTHERLAND:** Yes. I mean there is one
25 part in the family file okay, where the worker walks in.

1 She makes a statement, okay, about having -- never seen a
2 face so badly banged up or bruised up. And the worker says
3 to Joan "What did you think of your child when you saw her
4 like this"?

5 And Joan says "Well I had myself a good
6 laugh".

7 You know, and CAS, that did not set off any
8 kind of alarm?

9 **MR. LEE:** Mr. Commissioner, there are -- the
10 CAS files in this case as Ms. Sutherland's just indicated.
11 There is her child file from the CAS and then there is the
12 Cyril and Joan Donnelly file.

13 The way these have been organized for
14 disclosure purposes, they are not entered as one document
15 number.

16 So we do not have a 150 page file as an
17 example for Cathy Sutherland, as a child that is Doc.
18 Number 123456. We have a number specifically dealing with
19 her file, documents numbers 738739, all the way to 738775.

20 And similarly for the family file, it
21 is a long sequence of documents. I would like those
22 entered as exhibits, but I'm not sure it's the best use of
23 Ms. Sutherland's time on the stand here today to sit here
24 while we go through 25 or 30 documents identifying each one
25 of them. I am wondering if there is any way around that.

1 Is there anything we can do to have those files ---

2 **THE COMMISSIONER:** Part of the Institutional
3 Response?

4 **MR. LEE:** It's certainly part of the
5 Institutional Response. My concern is that Ms. Sutherland
6 has made repeated mentions of information in these files.

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

8 **MR. LEE:** It informs her testimony today
9 entirely really, from all of her dealings, everything she
10 does is informed by these files. And, in terms of the
11 Institutional Response, there's been a major issue made
12 here today of what she was given access to and what she was
13 not. The way obviously that we are going to determine that
14 is to compare it to the full file.

15 My preference is to have it marked as an
16 exhibit. And in a perfect world, we would have one
17 document. I am not going to ask you that. We don't have
18 that.

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

20 **MR. LEE:** So I guess the first question, I
21 would like them marked if they can be marked, then I am
22 asking for some direction from you on how we go about doing
23 that?

24 **THE COMMISSIONER:** All right. Well, let's
25 hear comments from the other participants.

1 Mr. Manson, do you have any comments with
2 respect to having those file numbers -- those documents --
3 have we been given notice -- has notice being given of
4 this?

5 **MR. LEE:** Yes, both the Children's Aid
6 Society and the Upper Canada District School Board have
7 been given notice of various sections of those.

8 My main concern is part of the case notes
9 and those have been provided notice of, and we may able to
10 narrow it down a number of documents in there. It's just
11 there have been some concerns here with anything other than
12 police notes about excerpts and things like that.

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

14 Mr. Manson?

15 --- **SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ALLAN MANSON:**

16 **MR. MANSON:** Yes, sir, if I could just have
17 one second.

18 If Mr. Lee is referring to the 35-page
19 document ---

20 **THE COMMISSIONER:** He is referring to many
21 documents.

22 **MR. MANSON:** But the 35-page document wasn't
23 marked and I think it would be appropriate to mark as an
24 exhibit the 35-page CAS document with the name Catherine
25 Donnelly on it.

1 I am not sure I know exactly what other
2 documents Mr. Lee is referring to. I think they have to do
3 with the family in general.

4 But certainly, Ms. Donnelly's personal file
5 ought -- it would be quite appropriate that it be marked as
6 an exhibit. It's 35 pages; it's photo -- what I've got is
7 a PDF of a microfiche. It's a bit hard to read in places
8 but it's ---

9 **THE COMMISSIONER:** Can we have a document
10 number for that?

11 **MR. MANSON:** Yes. Just give me one second.
12 It's 738741.

13 **THE COMMISSIONER:** M'hm. What about the
14 rest. Are you taking up position?

15 **MR. MANSON:** I am not exactly sure exactly -
16 - specifically which documents Mr. Lee ---

17 **THE COMMISSIONER:** Well, let's say he wants
18 the family file filed as exhibit.

19 **MR. MANSON:** I think it might be more
20 appropriate to have that go in with the Institutional
21 Response.

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

23 **MR. MANSON:** Whereas Ms. Donnelly's personal
24 file, it seems quite appropriate that it go on the record
25 right now.

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

2 Mr. Chisholm?

3 --- **SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PETER CHISHOLM:**

4 **MR. CHISOLHM:** Good afternoon, sir. I would
5 be putting some of those documents to the witness whenever
6 I cross-examine Ms. Sutherland. I would expect that
7 whatever documents are not put in during the cross-
8 examination of Ms. Sutherland, my friends will certainly
9 have the opportunity during the Institutional Response to
10 put them in, either the institution will put them in or
11 they'll be put to the institutional witnesses at the time
12 that they testify.

13 **THE COMMISSIONER:** And how much time do you
14 think you'll need for the cross-examination of this
15 witness?

16 **MR. CHISOLHM:** I may be a couple of hours,
17 Mr. Commissioner.

18 **THE COMMISSIONER:** Thank you.

19 **MR. CHISOLHM:** Thank you.

20 **THE COMMISSIONER:** Okay.

21 Mr. Neuberger?

22 **MR. ROSE:** No submission on these
23 particulars.

24 **THE COMMISSIONER:** Thank you. Sorry.

25 Mr. Scharbach?

1 **MR. SCHARBACH:** Thank you, Mr. Commissioner.

2 No submission on this issue.

3 **THE COMMISSIONER:** Thank you.

4 Okay. Ms. Lalji?

5 **MS. LALJI:** No submissions on this issue.

6 **THE COMMISSIONER:** Thank you.

7 Ms. Lahaie?

8 **MS. LAHAIE:** No submissions.

9 **THE COMMISSIONER:** All right.

10 Mr. Carroll?

11 **MR. CARROLL:** No submissions, thank you.

12 **THE COMMISSIONER:** All right.

13 Ms. Tymochenko?

14 **MS. TYMOCHENKO:** Two things.

15 There may be a couple of documents that I
16 refer to in my cross-examination. I'm not sure exactly
17 which ones, other than the one that was just discussed ---

18 **THE COMMISSIONER:** Right.

19 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. NADYA

20 **TYMOCHENKO:**

21 **MS. TYMOCHENKO:** --- when Mr. Lee was
22 speaking up. So that may be an opportunity to have one of
23 them marked.

24 I would not disagree with Mr. Manson's
25 submission regarding a particular document he referenced.

1 However, I would suggest that the other documents, to the
2 extent that they are not entered as part of cross-
3 examination, should probably be entered as part of the
4 Institutional Response as well.

5 **THE COMMISSIONER:** Thank you very much.

6 **MS. TYMOCHENKO:** Oh, can I raise another
7 issue?

8 **THE COMMISSIONER:** Yes.

9 **MS. TYMOCHENKO:** I had asked the other
10 parties whether I could go first in the cross-examination
11 and, with your indulgence, I would ask ---

12 **THE COMMISSIONER:** If they are in agreement,
13 so am I.

14 **MS. TYMOCHENKO:** Thank you.

15 **THE COMMISSIONER:** All right.

16 Maître Dumais?

17 --- **SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PIERRE DUMAIS:**

18 **MR. DUMAIS:** I have a big objection,
19 Commissioner.

20 I am always concerned when we're using
21 documents that the witness can't identify, but I mean --
22 and I've take this position from the first witness that
23 we've called here.

24 And I mean, we sometimes use third party
25 documents and we put them to the witnesses when it advances

1 the question or the answer we're seeking. I mean, the
2 difficulty with the CAS file is very similar to a Crown
3 brief.

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

5 **MR. DUMAIS:** I mean, if we have a victim
6 that's part of a prosecution, it would be very similar to
7 just depositing into evidence the Crown brief. I mean,
8 more often than not, the witness has not seen the Crown
9 brief; it can't identify any of the documents in there.

10 I mean, if we're content to put her personal
11 file in, I suggest it simply be put in for purposes of
12 identification. I mean, otherwise it's just if some of
13 these documents are put to Cathy, I mean, it's just -- it's
14 her interpretation on what the file says.

15 So I am always concerned about those
16 documents.

17 **THE COMMISSIONER:** All right. Thank you.

18 I understand that Mr. Lee's concern, in the
19 sense that with respect to this witness's evidence and her
20 -- I'll use the word "story" -- and get the whole story and
21 I don't mean that ---

22 **MS. SUTHERLAND:** No, no.

23 **THE COMMISSIONER:** --- in a derogatory way,
24 it would be helpful for me to see as much as I can with
25 respect to these exhibits. It's clear that when an exhibit

1 is filed that I read that exhibit and so that is part of
2 the evidence.

3 I stated in one of my reasons that what
4 we're doing with having this evidence at this time is that
5 we're hearing what these witnesses have to say about what
6 happened to them and their response -- the Institutional
7 Response vis-à-vis them. But that's not the whole story.

8 Obviously, we're going to hear more when we
9 get to the Institutional Response of things that this
10 witness has no knowledge of that occurred either of
11 discussions between, or correspondence, between members of
12 the Children's Aid Society intra or outside of the citing
13 with other agencies. And I would like to deal with those
14 matters at that time.

15 And I think, Mr. Lee, I am certainly not
16 disagreeing with you, it's just a question of how to
17 properly all of that material in.

18 So at this juncture, I think it would be
19 proper to have Ms. Sutherland's personal file admitted and
20 then we'll deal with the documents that are subject to
21 cross-examination admitted. And then when we get to the
22 Institutional Response, all of the parties will have an
23 opportunity to either cross-examine the institution with
24 the rest of the documents, or make submissions to me that
25 they are relevant, they should be admitted as an exhibit.

1 So, I say keep that in your back pocket and
2 make sure that it's addressed at a different time. All
3 right?

4 **MR. LEE:** Thank you. So we are going to
5 then enter --- from her child's file. Is that correct?

6 **THE COMMISSIONER:** Yes.

7 **MR. LEE:** And the case notes that Mr. Mason
8 was referring to also?

9 **THE COMMISSIONER:** Yes.

10 **MR. LEE:** So, for the record, that is
11 Document Number ---

12 **THE COMMISSIONER:** Wow, wow, just one at a
13 time. All right. So because the Clerk has got to go --
14 and I think it ---

15 **MR. LEE:** Okay. Okay. I was just asking.
16 I was going to provide her with a number or two.

17 **THE COMMISSIONER:** Well, yes. One at a time.
18 How many exhibits -- so how many exhibits?

19 **MR. LEE:** No, sir, this is greatly
20 simplified, thanks. The 35 pages of case notes are one
21 document.

22 **THE COMMISSIONER:** Okay, and so what
23 document that?

24 **MR. LEE:** Seven three eight seven four one
25 (738741).

1 **THE COMMISSIONER:** Thank you.

2 All right, so that will be Exhibit 479 which
3 is what now? A photocopy of Catherine Suth -- Donnelly --
4 well it says Catherine Donnelly -- police notes?

5 **MR. LEE:** I'm told this is properly
6 referred to as a child care file.

7 **--- EXHIBIT NO. /PIÈCE NO P-480:**

8 (738741) Photocopies of Catherine Donnelly's
9 Child Care file.

10 **THE COMMISSIONER:** Child care file. All
11 right. Okay. That's that.

12 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

13 **DALLAS LEE(cont'd/suite):**

14 **MR. LEE:** So, Ms. Sutherland, you've been
15 given this document now?

16 **MS. SUTHERLAND:** Yes, I have.

17 **MR. LEE:** And this is what you've been
18 referring as your child file, your CAS file?

19 **MS. SUTHERLAND:** Yes.

20 **MR. LEE:** And this is the one that you'll
21 see that this is an un-redacted form of it?

22 **MS. SUTHERLAND:** That's right.

23 **MR. LEE:** And this is what you've been able
24 to view through the Inquiry process?

25 **MS. SUTHERLAND:** Exactly.

1 **MR. LEE:** And this is the file you were
2 dealing with getting access through with the CAS. Is that
3 correct?

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

5 **MR. LEE:** So you've seen bits and pieces of
6 this before the Inquiry process?

7 **MS. SUTHERLAND:** Yes.

8 **MR. LEE:** And this is the one, as an
9 example, you would have been allowed to read in part in
10 Hamilton?

11 **MS. SUTHERLAND:** Exactly.

12 **MR. LEE:** And this is the one that you would
13 have been sent copies of with redactions in 1999?

14 **MS. SUTHERLAND:** Exactly. Yes.

15 **MR. LEE:** Okay. Thank you.

16 You testified earlier today that you dealt
17 with both the Cornwall Police and the OPP ---

18 **MS. SUTHERLAND:** Right.

19 **MR. LEE:** --- in relation to different
20 things and you discussed a jurisdictional issue there. And
21 you testified that your opinion now is that charges should
22 have been laid coming out of both of those investigations.
23 Is that correct?

24 **MS. SUTHERLAND:** Yes.

25 **MR. LEE:** I want to be clear on what you

1 believed at the time. When you were contacted by John
2 Ralko via letter with his conclusions; at that time what
3 was your feeling?

4 **MS. SUTHERLAND:** I felt at that time that he
5 did what he could. You know, I -- like, his letter goes on
6 about the different things that he did to get information.

7 **MR. LEE:** And Constable White, you received
8 a telephone call?

9 **MS. SUTHERLAND:** Yes.

10 **MR. LEE:** And he explained that he would not
11 be laying charges?

12 **MS. SUTHERLAND:** Right.

13 **MR. LEE:** And what was your reaction to that
14 at that time?

15 **MS. SUTHERLAND:** Probably very similar. I
16 mean, I think it's ridiculous that she's never really been
17 charged for anything. And I think at that time, I probably
18 just felt like "Here we go; it's just another time where
19 she's gotten off with stuff".

20 **MR. LEE:** Do you recall a discussion with
21 either Ralko or White beyond what you've discussed today?
22 Was there anymore detail given for the problems the police
23 were facing in laying a charge? Did they discuss, as an
24 example, what was a crime and what wasn't a crime?

25 **MS. SUTHERLAND:** What was what?

1 **MR. LEE:** For example, did they discuss with
2 you what the crimes were at the time that they were dealing
3 with as opposed to what wasn't a crime? Did they discuss
4 with you evidentiary concerns other than there wasn't
5 enough evidence? Did they get specific on what the ---

6 **MS. SUTHERLAND:** Yeah, I think they did. I
7 think they probably thought that, you know. That's why it
8 was focused with Shawn White, it was very focused on the
9 incident with the knife because even back then, it would
10 have been criminal. But other incidences, like, say, being
11 hosed down outside, wouldn't have been considered a
12 criminal offence in whatever year it was, '68 or whatever.

13 Is that what you're asking me?

14 **MR. LEE:** It is what I'm asking you.

15 **MS. SUTHERLAND:** Okay.

16 **MR. LEE:** So there was some discussion
17 beyond what we have on paper here?

18 **MS. SUTHERLAND:** Yes, I believe so, yes.

19 **MR. LEE:** And the reference made to help you
20 understand what their decision was?

21 **MS. SUTHERLAND:** Yes.

22 **MR. LEE:** And at that time you thought those
23 decisions were appropriate?

24 **MS. SUTHERLAND:** Yes, I think so, at that
25 time.

1 **MR. LEE:** And now with the benefit of seeing
2 everything you've seen and with hindsight you're
3 questioning whether or not it was appropriate?

4 **MS. SUTHERLAND:** Yes. Well, I mean, there's
5 three different stories about the burn incident, you know,
6 in the files. I think if I was with the police and I had
7 access to all this information and I went and interviewed
8 somebody and they're coming up with like a completely
9 different version than the other two versions they gave
10 then yes, I would be a little suspicious.

11 **MR. LEE:** And you understand that those are
12 some of the issues that we'll get into during the
13 institutional response phase of the Inquiry?

14 **MS. SUTHERLAND:** Yes.

15 **MR. LEE:** Those are my questions.

16 Thank you.

17 **THE COMMISSIONER:** Thank you.

18 Mr. Manson.

19 **MR. MANSON:** Ms. Sutherland, I represent the
20 Citizens for Community Renewal, which is a group of
21 Cornwall citizens who are committed to promoting
22 institutional reform, and on their behalf I want to thank
23 you for coming to the Commission and giving your testimony.

24 **MS. SUTHERLAND:** Thank you.

25 **MR. MANSON:** I have no questions.

1 **THE COMMISSIONER:** Thank you.
2 Mr. Rose -- I'm sorry. I'm sorry. Sorry,
3 Mr. Rose.

4 **MR. ROSE:** Okay.

5 **THE COMMISSIONER:** I'm very sorry.
6 Ms. Tymochenko has the floor.

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

8 **TYMOCHENKO:**

9 **MS. TYMOCHENKO:** Thank you, again.
10 My name is Nadya Tymochenko and with the
11 Upper Canada District School Board.

12 I don't have too many questions for you
13 actually.

14 I understand that you were in the care of
15 CAS as a very young infant and then not again until you
16 were 13, so that when you began school you were in the care
17 of your mother when you would have started school.

18 **MS. SUTHERLAND:** I had just been returned.

19 **MS. TYMOCHENKO:** And I'm going to assume or
20 guess from what I've read and what I've heard today that
21 your mother wasn't a particularly active parent in the
22 school community? She didn't volunteer with school
23 committees and ---

24 **MS. SUTHERLAND:** Oh, I find that hard to
25 believe, yes.

1 **MS. TYMOCHENKO:** So would it be fair to say
2 that she didn't have a lot of interaction with your
3 teachers and your principals?

4 **MS. SUTHERLAND:** I don't know that I could
5 say that.

6 **MS. TYMOCHENKO:** Okay.

7 **MS. SUTHERLAND:** I would imagine as young
8 children that she had to make a presence here and there.

9 **MS. TYMOCHENKO:** And you had provided us
10 with a list of schools that you had attended. I think I
11 got down seven of them but I believe that there were
12 actually nine different schools that you attended. Is that
13 correct?

14 **MS. SUTHERLAND:** I don't know. There was --
15 what do you have?

16 **MS. TYMOCHENKO:** I have them in my other
17 notes. I didn't bring them all. But do you recall seven
18 or nine -- roughly seven or nine different schools that you
19 attended?

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

21 **MS. TYMOCHENKO:** And generally most children
22 attend three maybe four schools, an elementary school, a
23 middle school and a secondary school. So would you agree
24 with me that that's a large number of schools to have
25 attended in your educational career?

1 MS. SUTHERLAND: Yes, I would agree with
2 that.

3 MS. TYMOCHENKO: And some of those were as a
4 result of being moved, I'm assuming, from different foster
5 homes during the time that you were in care?

6 MS. SUTHERLAND: M'hm.

7 MS. TYMOCHENKO: Were any of those schools
8 also part of your family moving while you were with your
9 mother? Were they part of your mother and the rest of your
10 family moving perhaps from a different apartment to ---

11 MS. SUTHERLAND: Yes, several.

12 MS. TYMOCHENKO: Okay. And you needed to
13 change schools as a result of that?

14 MS. SUTHERLAND: Right.

15 MS. TYMOCHENKO: Okay. Thank you.

16 When you were describing the incident
17 involving the bus driver taking you to speak to the
18 principal you had indicated that you thought that it was
19 likely because of your appearance.

20 MS. SUTHERLAND: Yes. I think also my
21 behaviour. You know, at the time I was very upset.

22 MS. TYMOCHENKO: On the school bus?

23 MS. SUTHERLAND: Yes.

24 MS. TYMOCHENKO: Okay. Thank you.

25 I was wondering if you could turn to Exhibit

1 473.

2 **THE COMMISSIONER:** Madam Clerk, can we put
3 that up on the screen, please.

4 So that's a report to the Hamilton-Wentworth
5 -- the statement to Hamilton-Wentworth.

6 **MS. TYMOCHENKO:** Yes. And if we can just
7 turn to Bates number 1131887.

8 Just near the bottom of the page I wanted to
9 refer you to a statement that you made in your police
10 statement to the Hamilton Police.

11 **THE COMMISSIONER:** Are you on that page
12 Madam?

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

14 **THE COMMISSIONER:** Okay. Good.

15 **MS. TYMOCHENKO:** Just at the bottom of the
16 page where it says:

17 "I was sent to school in pyjamas or
18 with clothes inside out or missing an
19 important part of the wardrobe, like
20 shoes. When the school authorities
21 became alarmed, she would show up
22 telling them that I had made my own
23 wardrobe choices and she had difficulty
24 controlling me."

25 **MS. SUTHERLAND:** M'hm. Yes.

1 **MS. TYMOCHENKO:** I imagine that she would
2 have come up with perhaps other excuses as well for your
3 appearance or your upset?

4 **MS. SUTHERLAND:** Yes. You know, I mean --
5 am I allowed to -- I mean, I don't think that that removes
6 -- I think the school should have known. I mean, like a
7 severely malnourished child and send him to school every
8 day, I mean you're at school five, six hours a day.

9 I mean, I guess what I think, if I sat down
10 with a child, I think it would take me about 20 minutes to
11 have kind of a feel about what was going on with that
12 child. So if you take a child that's been in school all
13 day, they're malnourished, they're covered in marks and
14 bruises and everything, I am thinking the school board
15 should have done something; that the teachers had seen
16 that. They couldn't have helped but see that; not to
17 mention the truancy, the lateness, you know.

18 **MS. TYMOCHENKO:** Are you aware that the
19 school did in fact report to CAS?

20 **MS. SUTHERLAND:** Yes, but I don't think they
21 did enough.

22 **MS. TYMOCHENKO:** Okay. If I could just turn
23 you to document 120952.

24 **MS. SUTHERLAND:** I don't know what that is.

25 **THE COMMISSIONER:** No, no. Whenever she

1 mentions document ---

2 MS. SUTHERLAND: Okay.

3 THE COMMISSIONER: --- and we've got a few
4 more to go.

5 MS. TYMOCHENKO: And Bates page 1131956.

6 THE COMMISSIONER: Hold it now. We'll make
7 it an Exhibit to start off with.

8 THE REGISTRAR: Four sixty seven (467).

9 MS. TYMOCHENKO: Oh, it is an exhibit.
10 Sorry about that.

11 THE COMMISSIONER: Oh, it is an exhibit.
12 Okay.

13 MS. TYMOCHENKO: Yeah -- I apologize for
14 that.

15 THE COMMISSIONER: So, it's Exhibit 467,
16 Madam Clerk? Yeah, it should be under that number. And if
17 not, it's on the screen.

18 MS. TYMOCHENKO: Okay. Thank you.
19 You've indicated ---

20 THE COMMISSIONER: So, we're referring to
21 the letter that she would have -- she, Mrs. Sutherland,
22 would have written to Mr. Lalonde, who's the Minister --
23 the area manager for the Ministry of Community and Social
24 Services.

25 MS. TYMOCHENKO: Yes.

1 THE COMMISSIONER: Okay.

2 MS. TYMOCHENKO: And ---

3 MR. DUMAIS: So, what part?

4 MS. TYMOCHENKO: On the second page.

5 THE COMMISSIONER: M'hm.

6 MS. TYMOCHENKO: On -- near the bottom of
7 the page, you refer to knowledge that you had that the
8 school did, in fact, contact CAS.

9 THE COMMISSIONER: Okay. Where are we, now?
10 So where is it?

11 MS. TYMOCHENKO: In the second to last
12 paragraph, in the middle of the paragraph, there's a
13 reference to the fact that she was aware that there were
14 calls from ---

15 THE COMMISSIONER: It says:

16 "They were called by the schools, the
17 doctors, and were even told by an
18 individual who knew the family that she
19 was deliberately trying to kill her
20 little girl."

21 All right. So you mentioned in there that
22 they were called by the schools; is that what you wanted to
23 refer to?

24 MS. TYMOCHENKO: Yes.

25 MS. SUTHERLAND: Yes. I wouldn't dispute,

1 okay, that the schools actually called the CAS.

2 **MS. TYMOCHENKO:** M'hm.

3 **MS. SUTHERLAND:** I mean, I would agree with
4 that.

5 **MS. TYMOCHENKO:** And you talked a little bit
6 about the fact that it's difficult for children who have
7 been terrorized to disclose abuse, and I was assuming from
8 your statement that you were talking not only about sexual
9 abuse, but abuse in general. Is that correct?

10 **MS. SUTHERLAND:** Yes. But again, I would
11 say -- I would reiterate my original point here, okay, that
12 this was so obvious, okay, as far as the physical condition
13 I was in, that I don't think, okay, that the School Board
14 can argue that they called the CAS and that I didn't come
15 up and tell them that I was being abused, so they couldn't
16 see it.

17 I mean, I'm not necessarily -- I don't know
18 what you're getting at, but that's where I figure you're
19 heading and maybe I'm feeling prematurely defensive, you
20 know.

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

22 **MS. TYMOCHENKO:** M'hm. I'm simply trying to
23 establish whether or not you realized that the School Board
24 had made contact with the CAS and principals had reported
25 abuse to the CAS?

1 **MS. SUTHERLAND:** Yes, but why not do more?
2 I mean if there's a child, okay, living next door. And the
3 mother is beating the child off, okay, and I call the CAS.
4 And the child is still there, and every day, okay, I see
5 more bruises on this kid, I would think it was my
6 responsibility, okay, to do more. You know? Like -- but
7 that's my personal opinion.

8 **MS. TYMOCHENKO:** And that will be part of
9 the institutional response, I'm sure. I just wanted to
10 establish the fact that you were aware that there calls
11 made by the school; there was concern on the part of the
12 school and calls were made to CAS.

13 **MS. SUTHERLAND:** Yes. M'hm.

14 **MS. TYMOCHENKO:** Okay. And I'm just going
15 to refer you to one more document.

16 It's Document 738732. I believe it was a
17 reference, but I don't think it was made an exhibit.

18 **THE COMMISSIONER:** Thank you. All right, so
19 Exhibit 480 is a letter -- help me out -- November 26,
20 1965, from the City of Cornwall Public Schools, Mr. Hickey,
21 Principal, to Mr. Bergeron of the Children's Aid Society

22 --- **EXHIBIT NO. /PIÈCE NO P-480:**

23 (738732) Letter from City of Cornwall Public
24 Schools to Children's Aid Society dated 26
25 Nov 65.

1 Okay, what -- well, okay. Maybe on the
2 screen it's easier to read, okay.

3 **(SHORT PAUSE/COURTE PAUSE)**

4 Okay.

5 **MS. TYMOCHENKO:** You would agree with me
6 this is a letter from the school to CAS raising a number of
7 concerns?

8 **MS. SUTHERLAND:** Yes.

9 **MS. TYMOCHENKO:** Yes. I just wanted to
10 bring that to your attention, and to identify that there
11 was that contact between the school and CAS.

12 **MS. SUTHERLAND:** Do you know, okay, if the
13 CAS responded to that or whether there was any kind of
14 follow-up? Or did the school just fire off the letter and
15 dropped it?

16 **MS. TYMOCHENKO:** The only thing that I can
17 link it to, is from the excerpt of the file that was
18 provided to you, and that would be only an assumption on my
19 part of whether that in fact was the response to the
20 statement that's in there would be the response. So, I
21 can't comment on that.

22 **MS. SUTHERLAND:** Okay.

23 **MS. TYMOCHENKO:** Okay.

24 **THE COMMISSIONER:** And that we're going to
25 see in the institutional response down the road. I'm sure

1 that Mr. Lee will be asking questions about that.

2 MS. SUTHERLAND: Okay.

3 THE COMMISSIONER: All right? Just so you
4 know that we're not going to drop the ball and ---

5 MS. SUTHERLAND: Okay.

6 THE COMMISSIONER: And if we do, you can
7 speak to Mr. Lee and remind him.

8 MS. SUTHERLAND: Okay.

9 MS. TYMOCHENKO: I was wondering if there
10 was anything that you believe could have been done by the
11 School Board, your principals or your teachers, in order to
12 make it more comfortable for you to disclose that
13 information? Whether it be the sexual abuse that you
14 suffered or the physical abuse that you suffered.

15 MS. SUTHERLAND: I think there are some
16 cases of abuse that are so extreme, okay, the child is not
17 going to -- I was terrified of my mother. I would have
18 never have done anything, okay to have drawn attention to
19 myself or more abuse. I think schools need to be aware of
20 that and aware of conditions like that. The child is not
21 going to come forward, okay and risk more retaliation. You
22 know -- I -- like, that's my opinion.

23 MS. TYMOCHENKO: Do you think that you would
24 have responded to questions, had they been posed to you?
25 Specific questions? Or do you feel that you would have

1 been too afraid to answer anything or say anything.

2 **MS. SUTHERLAND:** I was just terrified. But
3 I think my parents -- like I said before, my parents spoke
4 for a lot.

5 **MS. TYMOCHENKO:** Do ---

6 **MS. SUTHERLAND:** Okay, sorry.

7 **MS. TYMOCHENKO:** I'm sorry; no.

8 **MS. SUTHERLAND:** I don't think it's up to a
9 child to have to report their own abuse, you know. I think
10 that's what the community's for; I think that's what the
11 adults are for, you know. That I -- I'm just repeating
12 myself.

13 **MS. TYMOCHENKO:** I think I have no further
14 questions.

15 **THE COMMISSIONER:** Thank you.

16 You may have been repeating yourself, but
17 the last time was very well said.

18 **MS. SUTHERLAND:** What was that?

19 **THE COMMISSIONER:** You may have been
20 repeating yourself, but the last time, it was really well
21 said.

22 Who have we been now -- we are going to Ms.
23 Lalji? Mr. ---

24 **MR. MANSON:** I just have a -- was that
25 letter to the CAS marked 480?

1 **THE COMMISSIONER:** Yes it was. Sorry.

2 **MR. MANSON:** Thank you, sir.

3 **THE COMMISSIONER:** Ms. Lalji?

4 **MS. LALJI:** Do you know if Mr. Rose had any
5 questions?

6 **THE COMMISSIONER:** Oh, I'm sorry.

7 **(LAUGHTER/RIRES)**

8 You see, I'm given a list and if it goes out
9 of order, I get lost.

10 Mr. Rose.

11 **MR. ROSE:** Thank you Mr. Commissioner;
12 afternoon ma'am. My name is David Rose. I act for the
13 Ministry of Community Safety and Correctional Services. I
14 have no questions. Thank you for coming and sharing your
15 story with us.

16 **THE COMMISSIONER:** Thank you.

17 Well, Ms. Lalji, now -- oh, Mr. Scharbach,
18 did I miss you too?

19 **MR. SCHARBACH:** I think I'm next on the list
20 after Mr. Rose.

21 **THE COMMISSIONER:** I am sorry.

22 **MR. SCHARBACH:** My name is Stephen Scharbach
23 Ms. Sutherland, and I'm here on behalf of the Ministry of
24 the Attorney General. We have no questions for you. Thank
25 you for your information today.

1 MS. SUTHERLAND: Okay. Thank you.

2 THE COMMISSIONER: Well -- Ms. Lalji.

3 MS. LALJI: Finally.

4 THE COMMISSIONER: Yes.

5 MS. SUTHERLAND: Let me guess; you have
6 questions.

7 MS. LALJI: I have only one question.

8 MS. SUTHERLAND: Sorry.

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

10 LALJI:

11 MS. LALJI: Ms. Sutherland, my name is Reena
12 Lalji and I'm counsel for the Cornwall Police.

13 MS. SUTHERLAND: Okay.

14 MS. LALJI: I just wanted to ask you a
15 question about one particular document that Mr. Dumais put
16 to you this morning and it's Exhibit 472.

17 MS. SUTHERLAND: Okay.

18 MS. LALJI: And if I can get you to turn to
19 page four. The Bates page 1148946. Madam Registrar, did
20 you need the exhibit number again? It's Exhibit 472;
21 1148946.

22 THE COMMISSIONER: Thank you.

23 MS. LALJI: And Ms. Sutherland, just a
24 reminder, this is the occurrence report done by the
25 Hamilton-Wentworth police?

1 **MS. SUTHERLAND:** M'hm.

2 **MS. LALJI:** Okay. I'll just draw your
3 attention to a couple of things.

4 Mr. Dumais was asking you some questions
5 when the Hamilton police came to interview your on November
6 30th, 1996?

7 **MS. SUTHERLAND:** Yes.

8 **MS. LALJI:** And I just wanted to clarify
9 something. If you go towards the bottom of that page, the
10 last paragraph, it indicates in there that the Hamilton-
11 Wentworth police required a signed statement from you. Do
12 you see that?

13 First sentence:

14 "Sutherland was advised that in order
15 for this matter to be investigated, it
16 would be necessary for her to provide a
17 signed statement outlining in as much
18 details as possible the subject
19 incidents ..."

20 --- and going on. Do you see that?

21 **MS. SUTHERLAND:** Yes.

22 **MS. LALJI:** And then it says, continuing on:

23 "She agreed to do so and indicated the
24 statement would be prepared as soon as
25 possible."

1 And I take it, if you turn to the next page,
2 that you did indeed prepare a statement for the police and
3 that the next day they came and picked it up from you? And
4 I'll turn you just towards the bottom of that page, where
5 it says:

6 "Later in the evening on December 1st,
7 1996, Sutherland called to say her
8 statement was done."

9 And then it said at 23:50:

10 "Ralko attended her residence and
11 picked up the five page statements
12 after having Sutherland date and sign
13 it."

14 Do you see that?

15 **MS. SUTHERLAND:** Yes.

16 **MS. LALJI:** So you actually did prepare the
17 statement afterwards and provided it to the police.

18 **MS. SUTHERLAND:** Yes.

19 **MS. LALJI:** And I take it that that would be
20 your statement and at Exhibit 473 which is dated November
21 30th.

22 **MS. SUTHERLAND:** Yes.

23 **MS. LALJI:** Thank you very much.

24 **THE COMMISSIONER:** Thank you.

25 Ms. Lahaie? Or -- yes, Ms. Lahaie?

1 **MS. LAHAIE:** Good afternoon, Ms. Sutherland.
2 My name is Diane Lahaie and I am counsel for the
3 Commissioned Officers of the Ontario Provincial Police.

4 **MS. SUTHERLAND:** Hi.

5 **MS. LAHAIE:** I want to thank you for coming
6 to the Inquiry. It took a lot of courage for you to come
7 here today and I have no questions for you. Mr. Carroll
8 will question you with respect to the non-commissioned
9 officers of the OPP.

10 **MS. SUTHERLAND:** Okay. Thank you.

11 **MS. LAHAIE:** Thank you.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Carroll?

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
15 CARROLL:

16 **MR. CARROLL:** Good afternoon. My name is
17 Bill Carroll and I am the lawyer for the Ontario Provincial
18 Police Association. That's an association that includes
19 members that you dealt with and specifically Constable
20 Ralko; okay?

21 **MS. SUTHERLAND:** Okay.

22 **MR. CARROLL:** And I just wanted to put a
23 couple of thing in sequence; okay?

24 **MS. SUTHERLAND:** M'hm.

25 **MR. CARROLL:** In March of '99, it actually

1 is in already as Exhibit 477, you get the letter from
2 Constable Ralko giving you the results of his investigation
3 and the reasons why charges aren't going to be laid;
4 correct?

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

6 **MR. CARROLL:** Okay. And Ralko is really the
7 officer that you dealt with from the OPP; right?

8 **MS. SUTHERLAND:** Yes.

9 **MR. CARROLL:** Okay. And then I want to move
10 ahead a couple of years to February of 2001 and you were
11 referred to a letter that you composed that may or may not
12 have been sent to OCCOPS, the civilian police review
13 agency?

14 **MS. SUTHERLAND:** Yes.

15 **MR. CARROLL:** And that's Document Number
16 120930. You're going to get a copy of that in a second.

17 **THE COMMISSIONER:** So let me get this
18 straight. This is a letter that you drafted, but you don't
19 know if you sent?

20 **MS. SUTHERLAND:** I don't know if I sent it.
21 It was after dealing with a Constable Morin from
22 Brockville.

23 **MR. CARROLL:** Yes, yes. What it is, sir,
24 just to put it in context -- do you have it now -- the
25 witness?

1 **MS. SUTHERLAND:** Yes.

2 **THE COMMISSIONER:** I'll give it 481. It
3 will become February 8th, 2001. It's addressed to the
4 Ontario Civilian Commission on Police Services and it's
5 signed by Catherine Sutherland.

6 **---EXHIBIT NO./PIÈCE NO P-481:**

7 (120930) Letter from Catherine Sutherland to
8 Ontario Civilian Commission on Police
9 Services dated February 8, 2001.

10 **MR. CARROLL:** Actually, is there a
11 signature?

12 **THE COMMISSIONER:** No, it's not a signature,
13 I am sorry.

14 **MR. CARROLL:** No, that's right. I guess
15 that's part of the confusion as to whether you sent it or
16 not because it's not signed; right? Ms. Sutherland?

17 **MS. SUTHERLAND:** Yes. That's correct.
18 Sorry.

19 **MR. CARROLL:** And this letter, without going
20 into all the details about the letter, it was essentially a
21 letter that you were at least thinking of sending if you
22 didn't send it, to the Commission with concerns you had
23 about the attitude and actions of a Brockville City Police
24 officer; correct?

25 **MS. SUTHERLAND:** It's Constable Morin or

1 something, is he from ---

2 MR. CARROLL: All right. Brockville City I
3 think is the ---

4 MS. SUTHERLAND: Is that who it is?

5 MR. CARROLL: --- as opposed to OPP. He is
6 not a member of the OPP.

7 MS. SUTHERLAND: Okay.

8 MR. CARROLL: And this was in 2001. And I
9 just wanted to direct your attention to the third page of
10 that document.

11 MS. SUTHERLAND: M'hm.

12 MR. CARROLL: And you speak in there -- if I
13 could just ask you a question for a moment -- this was a --
14 as you've alluded to in your evidence -- a tremendous
15 ordeal for you coming forward; going through your personal
16 history; and attempting to getting the documents from CAS;
17 and your dealings with the police. It was a difficult
18 thing for you to do, wasn't it?

19 MS. SUTHERLAND: Yes, it was.

20 MR. CARROLL: And you actually make
21 reference to that, I think, in the second last paragraph on
22 page 3 where you talk about:

23 "The other was going to the police. My
24 experience with the latter was one of
25 respect, compassion and patience and I

1 will be forever grateful for their
2 treatment of me during what was a very
3 difficult ordeal."

4 And I take it, ma'am, you were speaking of
5 Ralko as well as the Cromwell City and perhaps Hamilton-
6 Wentworth?

7 **MS. SUTHERLAND:** Hamilton, yes. It was
8 Dundee police.

9 **MR. CARROLL:** Yes. And you're contrasting
10 that kind of behaviour or treatment that you received from
11 those services with the way in which you were treated by
12 this other officer from Brockville?

13 **MS. SUTHERLAND:** Yes, I had no problem with
14 John Ralko or Shawn White, you know, I mean ---

15 **MR. CARROLL:** Well, it was more than just
16 not having a problem with them, you specifically stated
17 that, in your view, they treated with respect and
18 compassion and patience during this difficult ordeal;
19 correct?

20 **MS. SUTHERLAND:** I think, okay, I would say
21 that of Dave Place ---

22 **MR. CARROLL:** I am sorry?

23 **MS. SUTHERLAND:** I would say that of Dave
24 Place, that he was very compassionate. I don't know that I
25 would say the same thing of John Ralko and Shawn White.

1 I'm not saying they weren't. I just don't remember -- that
2 doesn't stand out for me.

3 **MR. CARROLL:** Well, when you wrote the
4 letter, this was after you'd had your experiences with
5 Ralko; correct?

6 **MS. SUTHERLAND:** Yes.

7 **MR. CARROLL:** And he had reported to you?

8 **MS. SUTHERLAND:** Yes.

9 **MR. CARROLL:** Right. And there was no cause
10 to complain about Ralko's treatment of you?

11 **MS. SUTHERLAND:** No, but -- no.

12 **MR. CARROLL:** You may not have been happy
13 with the results. I understand you were not happy with the
14 results of the investigation, right? You would have
15 preferred -- you wanted charges laid, if possible. Am I
16 correct in that statement?

17 **MS. SUTHERLAND:** Yes. Yes, of course.

18 **MR. CARROLL:** All right. But as you've
19 candidly acknowledged, you don't have police training so
20 you don't know what the test is for laying charges,
21 correct? Is that not a correct statement?

22 **MS. SUTHERLAND:** Well, I mean, you know, I
23 don't know, I guess I could argue that too, but -- I don't
24 have police -- no, I am not trained as a police officer but
25 I think people as a whole have some idea of what to expect.

1 MR. CARROLL: You're certainly entitled to
2 an opinion?

3 MS. SUTHERLAND: Yes.

4 MR. CARROLL: Yes.

5 MS. SUTHERLAND: Yes.

6 MR. CARROLL: And your cause for complaint
7 which you, as I read the letter, is sent the day after you
8 have your conversation with this Brockville officer. Page
9 two at the top, it says:

10 "On February the 7th, I called and spoke
11 with the dispatcher . . ."

12 And then you write this letter on February
13 the 8th; right?

14 MS. SUTHERLAND: Well, he wasn't the
15 dispatcher.

16 MR. CARROLL: No, no. But that's when this
17 contact was made with Brockville City and then you speak to
18 the officer at 8:30 a.m., right? Second paragraph, on
19 February the 7th. It's not a trick, I just really ---

20 MS. SUTHERLAND: No, I think I'm not where
21 you are on it.

22 MR. CARROLL: All right, page 2.

23 MS. SUTHERLAND: Okay.

24 MR. CARROLL: You see, "On February the 7th,
25 I called and spoke with the dispatch"? Top of the page.

1 Do you see that?

2 **MS. SUTHERLAND:** Yes. I think when I spoke
3 to dispatch he was very -- I mean, he was a nice person.

4 **MR. CARROLL:** Well, that's fine. No, then
5 you drop down a paragraph and it said 8:30 that morning
6 that you received a call from the officer.

7 **MS. SUTHERLAND:** Yes, and he was ---

8 **MR. CARROLL:** Okay. And following -- and he
9 was the one that you had cause to complain about; right?

10 **MS. SUTHERLAND:** Yes.

11 **MR. CARROLL:** And you sent off or at least
12 composed the letter that same day, the 8th, or the following
13 day?

14 **MS. SUTHERLAND:** M'hm.

15 **MR. CARROLL:** All right.

16 And you understand that the agency, the
17 Ontario Civilian Commission on Police Services, is a place
18 where you can make complaints about police officers'
19 conduct; right? That's why you sent this letter?

20 **THE COMMISSIONER:** Whoa, whoa, whoa, we
21 don't know if she sent the letter.

22 **MR. CARROLL:** All right. I'm sorry.
23 That's why ---

24 **THE COMMISSIONER:** Where did we get this
25 letter in any event?

1 MR. CARROLL: I beg your pardon?

2 THE COMMISSIONER: Where did this letter
3 come from?

4 MS. SUTHERLAND: It was in my files.

5 THE COMMISSIONER: It was in your files?

6 MS. SUTHERLAND: Yeah.

7 THE COMMISSIONER: Okay. I guess nobody
8 ever thought that -- give the agency a call and have them
9 check the records to see if ---

10 MR. CARROLL: That may well have been done.

11 THE COMMISSIONER: Don't know.

12 MR. CARROLL: May well have been done.
13 You understood that the function of the
14 agency was to receive complaints about police officers?

15 MS. SUTHERLAND: Yes, I believe so, yes.

16 MR. CARROLL: And you certainly had no cause
17 to file a formal complaint about the Cornwall City police
18 or the OPP; correct?

19 MS. SUTHERLAND: No, I've said that
20 repeatedly.

21 MR. CARROLL: All right.

22 Thank you, Madam.

23 MS. SUTHERLAND: Okay.

24 THE COMMISSIONER: All right. Thank you.
25 Mr. Chisholm.

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

2 CHISHOLM:

3 MR. CHISHOLM: Good afternoon Ms.
4 Sutherland.

5 My name is Peter Chisholm. I'm counsel for
6 the CAS.

7 MS. SUTHERLAND: Hi.

8 MR. CHISHOLM: You'll be turning 52 next
9 month, is that -- at the end of next month, Ms. Sutherland?

10 MS. SUTHERLAND: Fifty-three (53).

11 THE COMMISSIONER: Fifty three?

12 MS. SUTHERLAND: No 53, 52, I don't know.
13 Yeah, something like that.

14 THE COMMISSIONER: A gentleman wouldn't ask
15 but ---

16 (LAUGHTER/RIRES)

17 MS. SUTHERLAND: Yeah, really, eh.

18 MS. CHISHOLM: Ms. Sutherland, you would
19 agree with me that the early part of your childhood that
20 you discussed, the matters of importance to you, these
21 events took place as far as 50 years ago?

22 MS. SUTHERLAND: Yes. I would also say
23 though too that the Children's Aid has been around for
24 about what, a 100 years.

25 MS. CHISHOLM: Very close to it.

1 Would you agree with me that, with respect
2 to considering what took place in your situation, that you
3 can't apply today's standards to what took place 35 or 50
4 years ago?

5 **MS. SUTHERLAND:** I would hope not. I would
6 hope not. I hope that they would be better at handling
7 situations like that.

8 **MS. CHISHOLM:** You would hope that the
9 institutional response would be better; right?

10 **MS. SUTHERLAND:** I would hope so, yes.

11 **MS. CHISHOLM:** But with respect to looking
12 at the institutional response from 35 or 50 years ago,
13 you'd agree it would be reasonable to apply the standards
14 that were in place at that time as opposed to today's
15 standards?

16 **MS. SUTHERLAND:** I don't understand your
17 question. I'm kind of losing you here.

18 **MS. CHISHOLM:** Okay. When you're measuring
19 what the CAS did or did not do in your case 50 years ago,
20 or 35 years ago, or whatever point in time you want to
21 examine, would you agree with me that it would be
22 appropriate not to use today's standards in considering the
23 response but the standards that would have been in place --
24 -

25 **MS. SUTHERLAND:** I think you could use

1 today's standards and apply it back then and it would still
2 be messed up.

3 Am I misunderstanding your question?

4 **THE COMMISSIONER:** Yes.

5 **MS. SUTHERLAND:** Okay.

6 **THE COMMISSIONER:** There's two ways of
7 looking at the standards, in the sense that -- I'll give
8 this example. Maybe this will help. In today's standards,
9 parents are severely discouraged from corporal punishment
10 on their children, whereas 50 years ago it might have been
11 more acceptable to hand out corporal punishment. So over
12 the years parents have tended to and society has gone away
13 from corporal punishment on children.

14 And so what he's saying is that -- using
15 that example, what he's saying is -- he's asking you
16 whether it would be proper to use today's standard of
17 corporal punishment on what was going on in society 50
18 years ago, 35 years ago.

19 Is that a fair way ---

20 **MS. CHISHOLM:** Well put, Mr. Commissioner.

21 Thank you.

22 **THE COMMISSIONER:** Do you understand? Well,
23 I don't know if she understands.

24 **MS. SUTHERLAND:** I don't know. I guess I
25 don't know how to answer that question.

1 **MS. CHISHOLM:** Okay. That's fair.

2 If I could take you please to Exhibit 473
3 and ---

4 **THE COMMISSIONER:** Again, just identify so
5 people who are listening in ---

6 **MS. CHISHOLM:** Certainly.

7 **THE COMMISSIONER:** So this is an exhibit
8 dealing with your written statement you gave to the
9 Hamilton-Wentworth Police in November of 1996.

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

11 **THE COMMISSIONER:** Okay.

12 **MS. CHISHOLM:** And it's dated November 30,
13 1996. And if I could take you about halfway down the page,
14 you'll see in the left-hand margin -- right there you can
15 stop, Madam Clerk, -- the word "effectively parent". Do
16 you see that? That's the line I want to take you to. Do
17 you see that, Ms. Sutherland?

18 **MS. SUTHERLAND:** M'hm.

19 **MS. CHISHOLM:** And then the sentence reads:
20 "Some of the instances that will follow
21 are either memories that have never
22 been lost, others that have just
23 recently come back, and still other
24 information is presented as a result of
25 extensive research specifically as it

1 relates to the historical information
2 surrounding my very early years."

3 With respect to memories that you've had,
4 you've indicated that some of your memories recently came
5 back and then recently your -- you have to tie that in to
6 November 30, 1996. Is that right?

7 **MS. SUTHERLAND:** I would say that I had
8 memories, yes, they were more current.

9 **MS. CHISHOLM:** So if we take you back to
10 November 30, '96 when you wrote this document, would it be
11 fair to say that it's some time just prior to you writing
12 that you had some memories that came back into your memory
13 bank?

14 **MS. SUTHERLAND:** Yes.

15 **MS. CHISHOLM:** And prior to those memories
16 coming back into your memory, you had no recollection of
17 those incidences?

18 **MS. SUTHERLAND:** Well, it depends on what
19 the incident was. I mean, not all the incidences are the
20 same.

21 **MS. CHISHOLM:** Right. And what did you mean
22 when you said that some memories just recently came back?
23 What memories were you referring to?

24 **MS. SUTHERLAND:** I think more detailed
25 memories of Stephen's death. I think there was sexual

1 abuse memories with my mother that came back through
2 flashbacks.

3 I mean, I had a set of memories, extreme
4 memories that I had never forgotten, like on a grocery
5 list. There were a set of things that I had never ever
6 forgotten.

7 **MS. CHISHOLM:** But with respect to Stephen's
8 death, you had some memories that came back into your mind?

9 **MS. SUTHERLAND:** With Stephen, yes.

10 **MS. CHISHOLM:** Yes. Okay. And you wrote
11 that on November 30, '96. Can you help us to determine
12 when it was that the memories with respect to Stephen's
13 death came back into your mind?

14 **MS. SUTHERLAND:** Being made to lean in on
15 the pillow. When she put the pillow over on him and made
16 me lean into it.

17 **MS. CHISHOLM:** So you had a recollection of
18 your mother reaching across, grabbing a pillow. Is that --

19 -

20 **MS. SUTHERLAND:** Yes.

21 **MS. CHISHOLM:** And you leaning on the
22 pillow?

23 **MS. SUTHERLAND:** Yes.

24 **MS. CHISHOLM:** Okay. And when did that
25 memory come into your mind?

1 **MS. SUTHERLAND:** Well, I don't have a date
2 for that.

3 **MS. CHISHOLM:** Okay. And you can't help us
4 in terms of -- it's fair to say it was prior to November
5 30, '96?

6 **MS. SUTHERLAND:** Yes, probably. I don't
7 know. If it's the statement then it was before that, yes.

8 **MS. CHISHOLM:** But you can't tell us how
9 much before?

10 **MS. SUTHERLAND:** No.

11 **MS. CHISHOLM:** Okay. And the same would be
12 true with respect to what you told us about your memories
13 of sexual abuse?

14 **MS. SUTHERLAND:** Not all of it, no.

15 **MS. CHISHOLM:** Some of it?

16 **MS. SUTHERLAND:** Yes.

17 **MS. CHISHOLM:** Okay. And again, you can't
18 tell us when those memories came back in your mind?

19 **MS. SUTHERLAND:** I think probably around
20 '95. I was having a lot of flashbacks and it was one of
21 the reasons why I went after the records to try and find
22 out who I was.

23 **THE COMMISSIONER:** Mr. Chisholm, I don't
24 want to interfere really, but if your line of reason -- if
25 your questioning is when did those memories come back, if

1 you want me to assume that they were forgotten right off
2 the bat, you might want to cover that because that does not
3 stand necessarily to reason, that you forgot them.

4 **MR. CHISHOLM:** Thank you.

5 Just to take you back to the memory with
6 respect to Stephen's death, was there a period immediately
7 following his death?

8 **MS. SUTHERLAND:** I blocked out after his
9 death. The last memory I had of Stephen was him being dead
10 in the crib and then the next memory I had I was lost on
11 the streets in Cornwall.

12 **MR. CHISHOLM:** I am sorry, the next memory
13 was what?

14 **MS. SUTHERLAND:** I was lost on the streets
15 in Cornwall. I did not know where I was, but I ---

16 **MR. CHISHOLM:** --- now Stephen passed away
17 in Morrisburg?

18 **MS. SUTHERLAND:** Yes.

19 **MR. CHISHOLM:** Okay.

20 **MS. SUTHERLAND:** And we moved right after.

21 **MR. CHISHOLM:** Okay.

22 **THE COMMISSIONER:** I guess -- no, I am sorry.
23 My question is, if a month after his death, two months
24 after his death, if someone would have asked you about it,
25 would you know if you would have been able to remember and

1 answer the questions, or would that have been memory block?

2 **MS. SUTHERLAND:** I would have known that he
3 was black and blue. I would have known -- there would have
4 been things about the death that I would have known.

5 You know, I would have known her reaction.
6 I never forgot her reaction. You know, how she behaved
7 before the police came. How she behaved after the police
8 came. I knew all of that. I remember her throwing him
9 across the room. I remember the stories, you know, how she
10 could kill him.

11 **MR. CHISHOLM:** So is the introduction of the
12 memory with a pillow -- your mother reaching across to
13 reach for the pillow and you leaning on a pillow, there was
14 a new memory?

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

16 **MR. CHISHOLM:** Okay. And just touching on
17 the -- you raised the issue of some memories with respect
18 to sexual abuse, that dealing sexual abuse by your mother?

19 **MS. SUTHERLAND:** Yes.

20 **MR. CHISHOLM:** And, I don't want to get into
21 the details of that, but, those -- can you help us to
22 determine how long you went in time without having a memory
23 of the sexual abuse by your mother?

24 **MS. SUTHERLAND:** I always knew I was
25 sexually abused by my mother.

1 **MR. CHISHOLM:** Okay. But you told me
2 earlier, some of the memories that you recalled related to
3 your sexual abuse?

4 **MS. SUTHERLAND:** Yes, some memories, okay,
5 that does not mean I had no memories of sexual abuse and
6 all of a sudden one day I had memories or it.

7 It is the same like Stephen. I know Stephen
8 was murdered. I know the circumstances around his death.

9 But to be more specific, I mean the more
10 specific details of it were part of a flashback. Okay, so
11 I remember being sexually abused by my mother. I remember
12 being dropped off at men's houses, but details, specific
13 incidences, there was flashbacks for that, yes.

14 **MR. CHISHOLM:** Okay.

15 **THE COMMISSIONER:** Wait a minute, wait a
16 minute now.

17 I thought I heard in your evidence in-chief
18 that you were dropped off at one man's home. Did you use a
19 plural now?

20 **MS. SUTHERLAND:** Well, there was other men,
21 yes.

22 **THE COMMISSIONER:** At the same house?

23 **MS. SUTHERLAND:** No.

24 **THE COMMISSIONER:** At different houses?

25 **MS. SUTHERLAND:** Well, it wasn't even a

1 house, it was really -- just, you know, just different
2 places. Me being in a car with him, or, you know.

3 **THE COMMISSIONER:** Okay.

4 **MR. CHISHOLM:** And one of those houses was
5 in Cornwall?

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

7 **MR. CHISHOLM:** And I believe in some of your
8 material you had given the address, 303 Second Street.
9 Does that mean anything to you, that date, or that address,
10 I mean?

11 **MS. SUTHERLAND:** Yes. Pardon?

12 **MR. CHISHOLM:** Does that address mean
13 anything to you; 303?

14 **MS. SUTHERLAND:** Yes.

15 **MR. CHISHOLM:** Now, is that East or West on
16 Second Street? There are two 303 -- Second Street in
17 Cornwall is divided. There is a Second Street East and
18 Second Street West.

19 **MS. SUTHERLAND:** I don't know. It's at the
20 corner of Bedford and Second.

21 **MR. CHISHOLM:** Thank you. Which would be
22 west.

23 And just to touch upon -- just to touch upon
24 that point. That residence that you were discussing in
25 your evidence in-chief when you said your mother would drop

1 you off?

2 **MS. SUTHERLAND:** Yes. Yes.

3 **MR. CHISHOLM:** Okay.

4 If I could take you, please, to Exhibit 464.

5 This is a letter dated April 8, 1999

6 addressed to the Honourable Janet Ecker of the Ministry of

7 Community and Social Services. Is that right?

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

9 **MR. CHISHOLM:** Okay. And in the second

10 paragraph of that letter, third line down, you wrote:

11 "The memories of my childhood are very

12 scarce and primarily I had lived the

13 years with that time as a series of

14 blank spaces."

15 See that sentence?

16 **MS. SUTHERLAND:** M'hm.

17 **MR. CHISHOLM:** What did you mean when you

18 said the memories of your childhood are very scarce?

19 **MS. SUTHERLAND:** Well, I have very few

20 memories of my childhood. I mean, I have no memories of

21 really sitting in a classroom ever.

22 **MR. CHISHOLM:** And down into the following

23 paragraph, five lines down, you wrote:

24 "I was returned to my mother at four-

25 and-a-half. I have few memories for

1 the following years but by all accounts
2 the abuse continued on."

3 When you make reference to "by all
4 accounts", whose accounts -- whose accounts are you
5 referring to?

6 **MS. SUTHERLAND:** My grandmother's.

7 **MR. CHISHOLM:** Your Grandmother Shaver?

8 **MS. SUTHERLAND:** Yes.

9 **MR. CHISHOLM:** Is she still alive?

10 **MS. SUTHERLAND:** No, she's not.

11 **MR. CHISHOLM:** She's not.

12 Anyone else apart from your Grandmother
13 Shaver? Any other accounts that you are referring to?

14 **MS. SUTHERLAND:** My brother.

15 **MR. CHISHOLM:** Your brother? Which? Brian?

16 **MS. SUTHERLAND:** Yes.

17 **MR. CHISHOLM:** Okay. What is your
18 relationship like with Brian today?

19 **MS. SUTHERLAND:** It's okay.

20 **MR. CHISHOLM:** Do you still have contact?

21 **MS. SUTHERLAND:** No, not very much, no.

22 **MR. CHISHOLM:** No.

23 And continuing down in that paragraph, four
24 lines from the bottom. You are speaking about Stephen's
25 death and you state:

1 "It was probably the shock and terror
2 of his death that had me blank out the
3 time that followed."

4 **MS. SUTHERLAND:** Yes, I just said that, all
5 right.

6 **MR. CHISHOLM:** Pardon me?

7 **MS. SUTHERLAND:** I just said that. Right
8 after he died. I just -- I blanked out.

9 And you told us that your next recollection
10 was being in Cornwall. How long of a period did you black
11 out -- blank out following Stephen's death?

12 **MS. SUTHERLAND:** I don't really know.

13 **MR. CHISHOLM:** You don't know?

14 **MS. SUTHERLAND:** I don't know.

15 **MR. CHISHOLM:** Then going down to the last
16 paragraph on that page, your first sentence of that
17 paragraph states:

18 "I have no memories of being in school,
19 although I know I must have gone."

20 I take it when you wrote that letter in
21 April of 1999, you would not have been in the position you
22 are in today to tell us about the schools that you
23 attended. Is that right?

24 **MS. SUTHERLAND:** I -- I think I would always
25 have known the schools, I just haven't -- like I said, I

1 have no memories of ever sitting in a classroom or anything
2 like that.

3 MR. CHISHOLM: So you can't -- you can't
4 recall who your teachers would have been?

5 MS. SUTHERLAND: No, nothing like that.

6 MR. CHISHOLM: I am sorry.

7 MS. SUTHERLAND: No, nothing like that.

8 MR. CHISHOLM: Or who your principals were?

9 MS. SUTHERLAND: Ironically, I knew who the
10 principals were.

11 MR. CHISHOLM: You knew who the principals
12 were?

13 MS. SUTHERLAND: Yes, yes.

14 MR. CHISHOLM: Your classmates, would you
15 have any recollection of your classmates?

16 MS. SUTHERLAND: No.

17 THE COMMISSIONER: Just out of interest,
18 recollection, aside from names, like when you close your
19 eyes you can't picture anyone in your class? Or anything
20 like that?

21 MS. SUTHERLAND: No, nothing.

22 MR. CHISHOLM: If I could get you to go to
23 the next page, which is Bates page 1131960.

24 Just stop there, Madam Clerk, the first
25 paragraph, the second last line of that paragraph. It

1 states:

2 "In a strange yet very real way, it is
3 almost like I didn't exist until I was
4 14."

5 Does that sentence, Ms. Sutherland, speak to
6 -- speak to your memories of your childhood?

7 **MS. SUTHERLAND:** I think that was the first
8 point in my life, okay, where I felt safe, you know. It
9 was also ---

10 **MR. CHISHOLM:** That's when ---

11 **MS. SUTHERLAND:** I mean, there was pictures
12 of me. There was people, you know, had an interest in me.

13 **MR. CHISHOLM:** And that's -- you're in
14 foster care at that point?

15 **MS. SUTHERLAND:** Yes, I was, yes.

16 **MR. CHISHOLM:** If I could take you to a new
17 document, Exhibit 467, please?

18 Madam Clerk, that's Document 120952, if that
19 helps you.

20 **THE COMMISSIONER:** Okay. And that's a
21 letter that you would have written on May 19th, 1999 to the
22 Ministry of Community and Social Services, Monsieur
23 Lalonde.

24 **MR. CHISHOLM:** Thank you, Mr. Commissioner.
25 And if I could take you down to about three-

1 quarters of the way down that page, the first page, the
2 line that starts "My goals from the beginning of this were
3 very clear." And then the sentence "I'm interested in" --
4 do you see the line I'm on, Ms. Sutherland?

5 **MS. SUTHERLAND:** Yes, I do.

6 **MR. CHISHOLM:** The sentence "I'm interested
7 in" is:

8 "Most of the first 14 years of my life
9 are blank and I felt that they were
10 covering the information from the
11 available documents. I would be less
12 intruded upon if I had reactions."

13 Does that tell us with respect to the first
14 14 years of your life, you have no memories when you wrote
15 this on May 17th, 1999?

16 **MS. SUTHERLAND:** I don't have -- I think I
17 noticed it more with my daughter and my daughter
18 remembering going to kindergarten, and she remembered all
19 of these different events in her life and I realized, okay,
20 just how much I didn't remember of my life, and what I did
21 remember seemed to be this grocery list of, you know,
22 tortures at the hands of my mother.

23 So yes, okay, compared to my daughter and
24 compared to chronological memory that other people had,
25 yes, it was virtually blank, you know.

1 But I think the problem with that is, like I
2 said in the thing, the applications, the nightmares and
3 flashbacks, the flooding, you know, and that was one of the
4 reasons to try and obtain my history. It was to try and
5 have more control over how that information came back.

6 **MR. CHISHOLM:** Mr. Commissioner, I'm not
7 sure what time you want to break for the day, if you want
8 me to continue on. It's coming on to 4:30.

9 **THE COMMISSIONER:** Would you like to break
10 for the day or would you like to ---

11 **MS. SUTHERLAND:** Yes.

12 **THE COMMISSIONER:** All right.

13 So why don't we break today. How much more
14 do you have, you think?

15 **MR. CHISHOLM:** I'll still be another hour
16 and a half with Ms. Sutherland, I would expect, Mr.
17 Commissioner.

18 **THE COMMISSIONER:** Okay. What I'm concerned
19 about is finishing off the next witness that we have
20 tomorrow. So how about if we start at 9:00? Would people
21 be overly disturbed by that?

22 Would you mind coming back so we can start
23 at 9:00 and get things done?

24 **MS. SUTHERLAND:** M'hm.

25 **THE COMMISSIONER:** All right. Let's start

1 at 9:00 tomorrow morning.

2 MS. SUTHERLAND: Thank you.

3 THE COMMISSIONER: All right.

4 MR. CHISHOLM: Thank you.

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

7 --- Upon adjourning at 4:28 p.m./

8 L'audience est ajournée à 16h28

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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