

**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 287

Held at :

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

Wednesday, October 15, 2008

Tenue à:

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

Mercredi, le 15 octobre 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Suzanne Sinnamon	Commission Counsel
Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Jodie-Lynn Waddilove	Attorney General for Ontario
Mr. Peter Chisholm Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Mr. Juda Stawczynski	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. William Carriere	CAS
Mr. Ian MacLean	CAS

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

2 L'audience débute à 9h34

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you. Good morning
10 all.

11 **MR. CARRIERE:** Good morning.

12 **THE COMMISSIONER:** Good morning, Mr.
13 Carriere.

14 **WILLIAM CARRIERE:** Resumed/Sous le même serment

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

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

18 **MR. ENGELMANN:** Good morning, Mr. Carriere.

19 **MR. CARRIERE:** Good morning, Mr. Engelmann.

20 **MR. ENGELMANN:** Just before my friends
21 continue with the cross-examination, and Mr. Neville is up
22 first thing this morning, just a couple housekeeping
23 matters, if I may, Mr. Commissioner.

24 **THE COMMISSIONER:** Yes.

25 **MR. ENGELMANN:** Greg Bell is present. He

1 had been given a summons for today.

2 **THE COMMISSIONER:** Good morning, sir. Yes.

3 **MR. ENGELMANN:** It's clear we're not
4 reaching him. The earliest we could reach him would be
5 Friday, but I think realistically it's going to be Monday.

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

7 **MR. ENGELMANN:** So what I'd suggest is that
8 he be put over until Monday. He's available then and as he
9 is here on a summons, I just wanted to bring that up to
10 your attention.

11 **THE COMMISSIONER:** Thank you.

12 **MR. ENGELMANN:** If that's satisfactory, we
13 could ask Mr. Bell to return on Monday, the 20th of October.

14 **THE COMMISSIONER:** Thank you.

15 Sir, could you be so kind as to come back on
16 Monday, October 20th at 9:30, sir?

17 **MR. BELL:** I will, Your Honour.

18 **THE COMMISSIONER:** Thank you very much, sir.

19 You are free to go or you can stay if you
20 wish. It's up to you.

21 **MR. ENGELMANN:** Sir, one other matter that I
22 still haven't done and I'd like to do today and that is
23 during the course of my chief of Mr. Carriere, there were a
24 number of documents that would have been stamped with a
25 publication ban. There are some names that need to be put

1 on the record in an in-camera session.

2 To save time, I'm wondering if we could do
3 that immediately after the morning break so that when we
4 come back from the morning break, we could speak to those
5 matters in camera.

6 **THE COMMISSIONER:** Very well, we'll do that.

7 **MR. ENGELMANN:** Thank you.

8 **THE COMMISSIONER:** Thank you.

9 Mr. Neville? Good morning, sir.

10 **MR. NEVILLE:** Good morning, Commissioner.

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

12 **NEVILLE:**

13 **MR. NEVILLE:** Good morning, Mr. Carriere.

14 As you know, I represent Father MacDonald and the Estate of
15 Ken Seguin and his family.

16 What I'd like to do to start, if I could,
17 Mr. Carriere, I'm going to start essentially with the
18 Project Blue and the Commissioner and everyone knows that
19 the start of it from the point of view of your Agency was
20 the delivery of the Silmsler statement to Mr. Abell and then
21 events flowed from there.

22 So what I'd like to do just to lay somewhat
23 of a foundation is just refer you, if I could, to some
24 previous testimony you gave and then we'll go from there.
25 And the first reference, Commissioner, is -- and this was

1 in my Note of Service -- is the Volume 14 of 3rd April of
2 '06.

3 **THE COMMISSIONER:** We have to go to the
4 vault.

5 **MR. NEVILLE:** Oh.

6 **THE COMMISSIONER:** It will take but a
7 moment.

8 (SHORT PAUSE/COURTE PAUSE)

9 **MR. NEVILLE:** I hope I said 14,
10 Commissioner, did I not?

11 **THE COMMISSIONER:** No, you said -- well,
12 I've got Volume 5.

13 **MR. NEVILLE:** Mine is Volume 14, April 3rd,
14 2006.

15 Pardon me. Yes, page 93.

16 Do you have a hard copy, Mr. Carriere, or do
17 you have just the ---

18 **MR. CARRIERE:** Not yet.

19 **MR. NEVILLE:** Nothing? Okay.

20 **THE COMMISSIONER:** No. We'll have to go
21 back again.

22 (SHORT PAUSE/COURTE PAUSE)

23 **THE COMMISSIONER:** Thank you.

24 What page, Mr. Neville?

25 **MR. NEVILLE:** Yes, Commissioner, page 93.

1 I'm using the page numbers at the top that actually belong
2 to the transcripts.

3 **THE COMMISSIONER:** No, that's fine. That's
4 fine.

5 **MR. NEVILLE:** Do you have it, Mr. Carriere?

6 **MR. CARRIERE:** Yes, I do.

7 **MR. NEVILLE:** All right. We're starting at
8 line 22 where Mr. Dumais asks you about the assessment of
9 allegations or the substantiation of them.

10 **MR. CARRIERE:** M'hm.

11 **MR. NEVILLE:** And you go on to say the
12 following, and there's two portions I want to ask you
13 about. First you say:

14 "We function in the Agency on a balance
15 of probabilities test..."

16 Now, can I just stop there? What do you
17 mean when you say a "balance of probabilities test"?

18 **MR. CARRIERE:** That something more likely
19 happened rather than not happened; so 51 percent.

20 **MR. NEVILLE:** All right. So really what
21 you're using is effectively the civil standard. I know
22 you're not legally trained per se.

23 **MR. CARRIERE:** Yeah, I'm not.

24 **MR. NEVILLE:** But you know in criminal law,
25 the ultimate standard is beyond a reasonable doubt and the

1 civil standard is balance of probabilities, ---

2 MR. CARRIERE: Yes.

3 MR. NEVILLE: --- which you just put
4 mathematically is often said in the terms of 51 percent.

5 MR. CARRIERE: Yes.

6 MR. NEVILLE: So you would define that term
7 in that fashion?

8 MR. CARRIERE: Yes.

9 MR. NEVILLE: All right.

10 MR. CARRIERE: I'm not sure that I would
11 look at it in terms of percentage but in terms of trying to
12 explain it to you, it's more likely than not.

13 MR. NEVILLE: All right.

14 And then further down, Mr. Carriere, at line
15 20, and just for context, you see in those next several
16 lines down to line 20, you talk about the various matters
17 you review as part of the process.

18 And then you say the following at line 20:

19 "My final bullet talks about the
20 statement validity analysis...it's a
21 tool that is available. We've had some
22 training on it. I [meaning yourself]
23 did a fair amount of training,
24 actually, with Dr. John Yuille from the
25 University of British Columbia and I

1 did, back in the early '90s, did
2 training with staff on it."

3 Carrying on to 95:

4 "It's used in some instances to look at
5 statements that children have made to
6 determine if there are elements of..."

7 And then obviously you meant validity or
8 credibility. And Mr. Dumais confirms that you've enclosed
9 it at Tab 26. And for the record, Commissioner, that's the
10 document that I passed out to everybody today and which we
11 had given a notice. So you should have it now. It's
12 Exhibit 25, Tab 26, Document 600111.

13 **THE COMMISSIONER:** But it's already an
14 exhibit, Madam Clerk.

15 **MR. NEVILLE:** It is, sir, under -- during
16 Mr. Carriere's corporate presentation.

17 **THE COMMISSIONER:** Yeah. So we don't have
18 to put it in as a new exhibit.

19 **MR. NEVILLE:** No, in case you wanted hard
20 copies for the witness, I have provided those, sir.

21 **THE COMMISSIONER:** Yes.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. CARRIERE:** Thank you.

24 **THE COMMISSIONER:** Thank you.

25 Go ahead, sir.

1 **MR. NEVILLE:** Thank you, Commissioner.

2 Now, next if we could -- and you were asked
3 evidence in-chief, Mr. Carriere, about the meeting of
4 September 30th, 1993 that was convened by Mr. Abell?

5 **MR. CARRIERE:** Yes.

6 **MR. NEVILLE:** All right.

7 And the reference for that, Commissioner, is
8 Exhibit 2322, Document 721638.

9 **(SHORT PAUSE/COURT PAUSE)**

10 **THE COMMISSIONER:** And what page?

11 **MR. NEVILLE:** Yes, sir. Bates page 068.

12 **THE COMMISSIONER:** Okay.

13 **MR. NEVILLE:** Have you found it, Mr.
14 Carriere?

15 **MR. CARRIERE:** Yes, I have.

16 **MR. NEVILLE:** All right. So you can see in
17 the second paragraph from the date that he sees yourself --
18 Mr. Towndale outlined the situation to you and asked you to
19 read Mr. Silmsen's statement, right?

20 **MR. CARRIERE:** Yes.

21 **MR. NEVILLE:** And then he asks for a meeting
22 at 1:15 which takes place. At that point, I presume at or
23 near the start, Ms. MacLennan, counsel for the CAS, reads
24 it. I presume you and Mr. Towndale had already read it?

25 **MR. CARRIERE:** I'm assuming that we had,

1 yes.

2 MR. NEVILLE: All right.

3 And in the transcript portion I've referred
4 you to, was Mr. Towndale one of the persons to whom you had
5 given training on Dr. Yuille's statement of validity
6 analysis?

7 MR. CARRIERE: I'm fairly certain that he
8 was not.

9 MR. NEVILLE: Not?

10 MR. CARRIERE: Not.

11 MR. NEVILLE: Okay. And what about Ms.
12 MacLennan?

13 MR. CARRIERE: I suspect not either.

14 MR. NEVILLE: All right. And do you know if
15 Mr. Abell had training such as you had?

16 MR. CARRIERE: I don't believe so.

17 MR. NEVILLE: All right. So of the group in
18 the room, of the four, it is yourself who had the Yuille
19 training that we've referred to in a previous transcript?

20 MR. CARRIERE: Yes.

21 MR. NEVILLE: All right. So what Mr. Abell

22 ---

23 MR. CARRIERE: Excuse me, Mr. Neville. I'm
24 realizing that Mr. Abell did attend part of the training
25 that I offered on statement validity analysis. I don't

1 believe he was there for the full day but I know that he
2 was there for part of it.

3 **MR. NEVILLE:** All right. And just picking
4 up on what you've just said, did you provide a training
5 session in a formal sense to staff?

6 **MR. CARRIERE:** Yes.

7 **MR. NEVILLE:** For a day because ---

8 **MR. CARRIERE:** Yes.

9 **MR. NEVILLE:** Okay. And do you know when
10 that was in relation to the events of, let's say, September
11 or the fall of 1993?

12 **MR. CARRIERE:** It would have been in 1990
13 and I believe in July, 1990.

14 **MR. NEVILLE:** All right.

15 Now, he records in his notes "Elizabeth" --
16 that's Ms. MacLennan reads the statement:

17 "The three of them..."

18 So that would be yourself, Ms. MacLennan and
19 Mr. Towndale:

20 "...each agree it presents as a highly
21 creditable statement."

22 So I take it Ms. MacLennan read it in
23 everybody's presence and enunciated this position?

24 **MR. CARRIERE:** I don't recall specifically
25 the meeting, Mr. Neville, but possibly yes.

1 **MR. NEVILLE:** All right. And from what
2 you've told us, Mr. Abell had part of a day's training, you
3 had quite extensive training in the Yuille method, right?

4 **MR. CARRIERE:** Yes.

5 **MR. NEVILLE:** Okay.

6 Now, if we can look then at Exhibit 25, Tab
7 26. Do you have it there?

8 **MR. CARRIERE:** I think that's the new ---

9 **MR. NEVILLE:** It's the new one, sir,
10 provided to Madam Clerk today.

11 **THE COMMISSIONER:** It's the new one we got
12 today.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MR. CARRIERE:** Okay.

15 **MR. NEVILLE:** Do you have it there, sir?

16 **MR. CARRIERE:** Yes, I do.

17 **MR. NEVILLE:** Okay.

18 Is this the document that is in essence the
19 Yuille statement of validity analysis?

20 **MR. CARRIERE:** I would say yes.

21 **MR. NEVILLE:** All right.

22 Can you confirm for me, sir, because I've
23 looked through it and referring to paragraph 1 for example,
24 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17 and 18 -- can
25 you confirm for us that this statement of validity analysis

1 pertains to the statements of children?

2 **MR. CARRIERE:** Is this used with children or
3 was it developed for children?

4 **MR. NEVILLE:** Well, let's look at it.

5 Paragraph 1:

6 "The content of the entire statement
7 must be examined in terms of the logic
8 of the structure of events the child
9 has described."

10 **MR. CARRIERE:** Yes.

11 **MR. NEVILLE:** Item 2:

12 "Unstructured production: The manner in
13 which the child provides the statement
14 is a clue to credibility."

15 **MR. CARRIERE:** Yes, yes.

16 **MR. NEVILLE:** Paragraph 3, Quantity of
17 Details, sentence 2:

18 "False statements used are impoverished
19 in specific details and prompting the
20 child who is providing the false
21 account will usually list a few
22 additional details..."

23 And we see the word child or children
24 throughout the paragraph?

25 **MR. CARRIERE:** Yes.

1 **MR. NEVILLE:** Paragraph 5, Descriptions of
2 Interactions:

3 "Credibility is enhanced if the child's
4 statement includes a description of a
5 set of actions and reactions between
6 the victim and perpetrator."

7 Right?

8 **MR. CARRIERE:** Yes, I see that.

9 **MR. NEVILLE:** In paragraph 6, fourth line
10 from the bottom it talks about the report of a child.

11 Paragraph 7, fourth line, talks about a
12 child reporting.

13 Paragraph 8, second sentence:

14 "If the child provides a description of
15 an unusual piece of clothing..."

16 -- et cetera.

17 Paragraph 10, the second sentence:

18 "It is clear that the child is
19 misunderstood or misinterpreted."

20 The third line from the bottom:

21 "For example, the child might say..."

22 -- et cetera.

23 Paragraph 11:

24 "In the course of a statement, a child
25 may describe references to events or

1 relationships."

2 Paragraph 12, line 2:

3 "If the child reports fear..."

4 -- et cetera, and on an on.

5 **MR. CARRIERE:** M'hm.

6 **MR. NEVILLE:** The entire document relates to
7 the validity analysis of a child's statement, right?

8 **MR. CARRIERE:** Yes. I don't know that it
9 doesn't have a use beyond that, but you're right in terms
10 of the references to child or children in here.

11 **MR. NEVILLE:** Was Mr. Silmsen when he gave
12 his statement, to your knowledge, a child?

13 **MR. CARRIERE:** No.

14 **MR. NEVILLE:** And when we look through, as
15 we will, some of the criteria used to arrive at a position
16 about Mr. Silmsen, the first item always cited is his
17 statement as being credible or, to use your phrase, with
18 elements of credibility. And the analysis used was the
19 analysis by Dr. Yuille.

20 **THE COMMISSIONER:** Well, just a minute, Mr.
21 Neville.

22 We've established that Mr. Towndale and
23 Elizabeth ---

24 **MR. NEVILLE:** Right.

25 **THE COMMISSIONER:** --- MacLennan haven't

1 used it.

2 MR. NEVILLE: Exactly.

3 THE COMMISSIONER: So they haven't ---

4 MR. NEVILLE: I meant to cover that, sir.

5 THE COMMISSIONER: And you haven't asked him
6 if he has used it the analysis of a statement.

7 MR. NEVILLE: I will.

8 THE COMMISSIONER: Okay.

9 MR. NEVILLE: When you did your analysis, I
10 took you to tell us that you used elements of this
11 document?

12 MR. CARRIERE: Yes, but I didn't strictly
13 use the document. I didn't have the statement and use this
14 document to go through it.

15 MR. NEVILLE: Well, let me just refer you if
16 I could then to Volume 279 of your testimony in-chief
17 September 10th.

18 (SHORT PAUSE/COURTE PAUSE)

19 THE COMMISSIONER: What page, please?

20 MR. NEVILLE: It starts, Commissioner, just
21 for context purposes, at page 233.

22 Have you found it, sir, 233?

23 MR. CARRIERE: I've got 233, yes.

24 MR. NEVILLE: All right.

25 If you look at line 13, Mr. Engelmann is

1 referring you to the same page of the exhibit, the meeting
2 of September 30th. Do you see that, Bates page 68?

3 **MR. CARRIERE:** I'm sorry.

4 **MR. NEVILLE:** Line -- page 233, line 13.

5 Mr. Engelmann says:

6 "Okay. There is a reference going back
7 to Bates page 68 of Exhibit..."

8 **MR. CARRIERE:** I don't have that.

9 **MR. NEVILLE:** Page 233, Volume 279,
10 September 10th?

11 **THE COMMISSIONER:** Madam Clerk -- Madam
12 Clerk?

13 **MR. CARRIERE:** I've got something of a
14 probation officer ---

15 **MR. NEVILLE:** It may not be the right
16 volume.

17 **MR. CARRIERE:** I've got Volume 279.

18 **MR. NEVILLE:** Yes.

19 **MR. CARRIERE:** Page 233.

20 **MR. NEVILLE:** Yes.

21 **THE COMMISSIONER:** Page 233 at the top is
22 Mr. Engelmann:

23 "Did you know at the time whether
24 probation officers had access to the
25 Child Abuse Registry?"

1 **MR. CARRIERE:** That's what I've got.

2 **THE COMMISSIONER:** Well, that's where we're
3 at.

4 **MR. NEVILLE:** And I'm referring you just ---

5 **MR. CARRIERE:** Okay. I'm sorry.

6 **MR. NEVILLE:** No, that's all right.

7 **THE COMMISSIONER:** No. You see, sir, and I
8 don't know on that copy, there are numbers on the left-hand
9 side of the columns, are there not?

10 **MR. CARRIERE:** Yes, yes.

11 **THE COMMISSIONER:** Okay. And so those are
12 the lines he's referring to.

13 **MR. CARRIERE:** Yes.

14 **THE COMMISSIONER:** So he's bringing you down
15 to line 13 where Mr. Engelmann says "Okay". Do you have
16 that?

17 **MR. CARRIERE:** On line 13 on the left hand
18 side, I've got the word "register".

19 **THE COMMISSIONER:** Can I see the document,
20 please?

21 **MR. CARRIERE:** I've got Mr. Engelmann
22 saying. "Okay. There's a reference..." ---

23 **THE COMMISSIONER:** That's right.

24 **MR. CARRIERE:** "...on line 23."

25 **THE COMMISSIONER:** That's right. Now, where

1 is that on your page?

2 MR. CARRIERE: On page 233.

3 THE COMMISSIONER: Yes.

4 MR. CARRIERE: But I thought Mr. Neville had
5 said line 13.

6 THE COMMISSIONER: Yes.

7 MR. CARRIERE: I've got -- the only word on
8 line 13, sir, is "register".

9 THE COMMISSIONER: Can I see the document?

10 (SHORT PAUSE/COURTE PAUSE)

11 THE COMMISSIONER: There's a difference in
12 the numbers on the left-hand side, so we're going to have
13 to -- so you're both right.

14 (LAUGHTER/RIRES)

15 MR. NEVILLE: What a fortunate position,
16 sir.

17 MR. CARRIERE: Maybe we should stop now.

18 (LAUGHTER/RIRES)

19 THE COMMISSIONER: Okay. Sir, so we'll
20 disregard that but -- so our pages will be a little
21 different, but at the bottom of 233 at line 23 is where Mr.
22 Engelmann says "Okay. There's a reference" and I think
23 that's where we'll start there.

24 MR. CARRIERE: That's fine. Sure.

25 MR. NEVILLE: And I'm just trying to get in

1 context for where I'm going in a moment, sir.

2 So are you with me now?

3 **MR. CARRIERE:** The line -- what I've got is
4 "Okay. There's a reference".

5 **MR. NEVILLE:** Correct.

6 **MR. CARRIERE:** Yes. Okay. I see that.

7 **MR. NEVILLE:** Just to cue you, we're on the
8 same document, the same exhibit, Mr. Abell's notes for the
9 meeting of September 30th. All right?

10 **MR. CARRIERE:** Okay.

11 **MR. NEVILLE:** And you see what he refers to,
12 he reads out essentially part of what I read out, right?

13 **MR. CARRIERE:** Yes.

14 **MR. NEVILLE:** All right.

15 Then we go over to the next page, 234, -- do
16 you have it?

17 **MR. CARRIERE:** Yes, I do.

18 **MR. NEVILLE:** All right.

19 You say to Mr. Engelmann:

20 "I don't dispute any of this because it
21 all makes sense, it just doesn't bring
22 back any memory of a discussion."

23 Right?

24 **MR. CARRIERE:** That's correct.

25 **MR. NEVILLE:** All right.

1 So let's go down to the bottom. And the
2 view that he's asking you about was the view we read out
3 about the statement being credible or creditable. All
4 right?

5 **MR. CARRIERE:** M'hm.

6 **MR. NEVILLE:** And Mr. Engelmann says to you
7 -- last question at the bottom:

8 "Did you share that view at that time?"

9 You say:

10 "In reading most of it, in reading the
11 statement, overall my sense was that
12 there were elements of credibility in
13 that statement."

14 If you turn over, the Commissioner says to
15 you, at page 235:

16 "And you had taken courses about?"

17 And you say:

18 "Statement of validity analysis."

19 Commissioner:

20 "Exactly."

21 Carriere:

22 "Yes, I have. Yes.

23 Engelmann:

24 "And were you ---"

25 Mr. Carriere:

1 "But I don't consider myself to be an
2 expert, sir."

3 Commissioner:

4 "Oh, no, no, no, I know, but you read
5 it with the knowledge that you inquired
6 (sic) in those courses?"

7 Answer:

8 "Yes."

9 Do you recall those questions and answers?

10 **MR. CARRIERE:** Yes, I do.

11 **MR. NEVILLE:** So it would appear, in
12 response to the Commissioner, that you confirmed applying
13 some of this knowledge from the Yuille method to your
14 analysis of the Silmsers statement. Is that fair?

15 **MR. CARRIERE:** I think that's fair.

16 **MR. NEVILLE:** Now, could I refer you, again
17 for foundation, a context to your testimony on September
18 11th, Volume 280, Commissioner, page 11.

19 Have you found it, Mr. Carriere?

20 **MR. CARRIERE:** Yes, I have.

21 **MR. NEVILLE:** Page 11, and I'm going -- it's
22 in the middle of the page. I'm hesitant to use a number,
23 but on my copy it's line 10.

24 **MR. CARRIERE:** Yes.

25 **MR. NEVILLE:** You say:

1 "These are Greg's notes."

2 And we're talking, of course, of Exhibit

3 2324:

4 "It's possible, in terms of the second
5 point that we believe his
6 allegations..."

7 Now, just stopping there, sir, what you're
8 being asked about is Mr. Bell reporting back to you after
9 the Silmsler interview in November.

10 **MR. CARRIERE:** Yes. M'hm.

11 **MR. NEVILLE:** Okay. Thank you.

12 So I'll just pick up where I was:

13 "The second point, that we believe his
14 allegations. My tendency is to say
15 that his allegations have elements of
16 credibility. I don't know whether Greg
17 translated that into terms of believing
18 him. I think there's a difference
19 between believing someone and seeing
20 elements of credibility."

21 Now, if I can just stop there.

22 Was it your position, perhaps as opposed to
23 Mr. Bell, that you saw elements of credibility as opposed
24 to believing? Is that what you're saying?

25 **MR. CARRIERE:** I think that's correct.

1 **MR. NEVILLE:** All right.

2 If we can look over on page 12, in the
3 middle of the page, again, line 10, the Commissioner says:

4 "And I think it's important to also
5 understand that when you say you're
6 going to take the child's word for it,
7 that isn't the same thing. It's a far
8 cry from the criminal standard."

9 Mr. Carriere:

10 "Yes, yes."

11 The Commissioner:

12 "And the purpose, the window from which
13 you're looking at, is protection of a
14 child?"

15 Mr. Carriere:

16 "Yes."

17 The Commissioner:

18 "And therefore the standard should be
19 lower at the beginning, in any event,
20 until you get to the bottom of the
21 story."

22 Then you say:

23 "Yes, I've always tried in my practice
24 to have an open mind about situations
25 and certainly that was the training

1 that Dr. John Yuille would. He would
2 say 'You really should be looking at
3 these situations... --

4 Page 13:

5 "...with various possibilities. That
6 it's happened as it's described..."

7 That's one possibility, right?

8 **MR. CARRIERE:** Yes.

9 **MR. NEVILLE:** "...it hasn't happened..."

10 That's another one.

11 "...or it's happened and it could involve
12 another person."

13 Commissioner says:

14 "M'hm."

15 And then you go on as follows:

16 "He would be -- you know, that was one
17 of the things that he..." ---

18 That's Dr. Yuille I take it?

19 **MR. CARRIERE:** Yes.

20 **MR. NEVILLE:** "...really felt was really
21 important, is the people come to it
22 with an open mind."

23 Right?

24 **MR. CARRIERE:** Yes.

25 **MR. NEVILLE:** Now, what I want to do at this

1 point, Mr. Carriere, is I'm going to take you to various
2 portions of your evidence in-chief, or more importantly Mr.
3 Bell's notes, and I'm going to suggest to you, Mr.
4 Carriere, that really almost from September 30th on there
5 really wasn't an open mind about Mr. Silmser's allegation;
6 that the decision was made that it was either highly
7 credible or credible and that never changed. Do you agree
8 with that?

9 **MR. CARRIERE:** No, I don't.

10 **MR. NEVILLE:** All right.

11 Well, are you going to suggest to me then at
12 some point along the way we see that view of him changing?

13 **MR. CARRIERE:** I think what we would say,
14 Mr. Neville, is other information -- in the long run other
15 information, combined with Mr. Silmser's statement, led us
16 to the conclusion that we reached with respect to Father
17 Charles.

18 **MR. NEVILLE:** All right.

19 Now, in terms of Project Blue, which is what
20 we're talking about here eventually, although we're just at
21 the early stage there but that's what it became, who
22 ultimately -- and if I can put it in the vernacular --
23 called the shots on Project Blue? Was it Mr. Abell?

24 **MR. CARRIERE:** No, I think probably more
25 than anyone it probably was me.

1 **MR. NEVILLE:** You. Okay.

2 All right. Let's -- if we can just look at
3 Exhibit 2324, Commissioner. That's the Bell notes.

4 **THE COMMISSIONER:** M'hm. So 2324 you said?

5 **MR. NEVILLE:** Yes, sir.

6 **THE COMMISSIONER:** It should be in the same
7 big binder.

8 **MR. CARRIERE:** Okay.

9 **MR. NEVILLE:** And the document number,
10 Commissioner ---

11 **MR. CARRIERE:** Oh, yes, right.

12 **MR. NEVILLE:** --- for others is 721672.

13 And if it's acceptable, sir, just because
14 it's easier, I was going to use Mr. Bell's numbers in the
15 top.

16 **THE COMMISSIONER:** Sure. So what page are
17 we going to?

18 **MR. NEVILLE:** I was going to start,
19 Commissioner, at page 10.

20 You've already confirmed for us with
21 references to the notes which we can touch on if we need
22 to, Mr. Carriere but, generally speaking, as Mr. Bell would
23 go along he would keep you informed?

24 **MR. CARRIERE:** Yes.

25 **MR. NEVILLE:** "In the know" I think was one

1 of the phrases used?

2 MR. CARRIERE: Yes.

3 MR. NEVILLE: All right.

4 MR. CARRIERE: Yes.

5 MR. NEVILLE: So here we have a reference in
6 his notes to a telephone call from Staff Sergeant Brunet on
7 the 18th of November, '93?

8 MR. CARRIERE: Yes.

9 MR. NEVILLE: All right. And one of the
10 things -- if we can look at page 11 -- if I said November
11 I'm in error, Commissioner. It's 18 October, '93.

12 THE COMMISSIONER: Yes. Thank you.

13 MR. NEVILLE: If we look at the top of the
14 page -- actually it starts at the bottom of the previous
15 page, I apologize. It's item 2 and that's from Brunet to
16 Bell:

17 "But he..."

18 -- that is Brunet:

19 "...has a problem releasing the names
20 and telephone numbers for the other two
21 alleged victims, as CPS had made a
22 commitment to them not to do so and
23 both were over 16 years-old at the time
24 of the incidents and were reluctant to
25 discuss the issue."

1 Now, you knew from the allegations in the
2 Silmsler statement that he was alleging abuse of himself at
3 an age well under 16?

4 **MR. CARRIERE:** Yes.

5 **MR. NEVILLE:** And your advice, as we can see
6 at the top of the next page by Mr. Bell of this report from
7 the staff sergeant at the CPS who supervised Ms. Sebalj,
8 that according to their investigation the other two alleged
9 victims were over 16.

10 Now, you eventually came -- and we'll look
11 at it briefly in a moment -- to review the CPS file, right?

12 **MR. CARRIERE:** Some material from the CPS
13 file.

14 **MR. NEVILLE:** Well, you went to the station
15 and you read the file and in fact were able to dictate into
16 a tape what you were reading. Is that fair?

17 **MR. CARRIERE:** I think I need to qualify
18 that. I'm not sure that we saw -- I'm fairly certain that
19 we did not see all of the file. I think we saw statements.

20 **MR. NEVILLE:** Well ---

21 **MR. CARRIERE:** Some statements.

22 **MR. NEVILLE:** The other two people that
23 we're talking about here ---

24 **MR. CARRIERE:** Yes, yes.

25 **MR. NEVILLE:** --- we know them as C-56 and

1 C-3.

2 MR. CARRIERE: Okay.

3 MR. NEVILLE: Without using names, of
4 course.

5 MR. CARRIERE: Sure.

6 MR. NEVILLE: I'm going to use C-56 and C-3.
7 Do you need to refresh your memory as to who those two are?

8 MR. CARRIERE: I think I know who they are.

9 THE COMMISSIONER: Let's just make sure.

10 MR. NEVILLE: I think we should, yes.

11 THE COMMISSIONER: Fifty-six and ---

12 MR. NEVILLE: Three, sir. C-3 and C-56.

13 THE COMMISSIONER: Yes.

14 MR. CARRIERE: Yes, yes.

15 MR. NEVILLE: Do you have them there?

16 MR. CARRIERE: They've shown me them.

17 MR. NEVILLE: Pardon?

18 MR. CARRIERE: Yes, they've shown me the
19 names.

20 MR. NEVILLE: All right, so you know who C-
21 56 is?

22 MR. CARRIERE: Yes.

23 MR. NEVILLE: And you know who C-3 is?

24 MR. CARRIERE: Yes.

25 MR. NEVILLE: All right. And am I correct

1 that you would have read interview reports or statements by
2 these two persons?

3 **MR. CARRIERE:** Yes.

4 **MR. NEVILLE:** And you would know the -- what
5 they are alleging in those statements?

6 **MR. CARRIERE:** Yes.

7 **MR. NEVILLE:** You know, for example, that C-
8 56's allegation was of Father Charles placing his hand on
9 his thigh near the groin?

10 **MR. CARRIERE:** Yes.

11 **MR. NEVILLE:** And removing it when asked.
12 Is that right?

13 **MR. CARRIERE:** I think so.

14 **MR. NEVILLE:** Right. And C-3 alleges an act
15 at the rectory in Apple Hill?

16 **MR. CARRIERE:** Yes.

17 **MR. NEVILLE:** And, in fact, is it not
18 correct that not only were these two persons at the times
19 in question over 16, they were over 18?

20 **MR. CARRIERE:** I can't remember.

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

22 **MR. ENGELMANN:** Sir, we've been through this
23 a number of times and Mr. Neville is well aware of it.
24 There were other allegations with respect to C-3 when he
25 was under 18.

1 **MR. NEVILLE:** Well, I'm not going to make
2 the speech I've made before, Commissioner.

3 Mr. Engelmann knows full well what that
4 man's evidence was about the so-called other acts and, in
5 any event, the police, as you can see from the material,
6 took the essence of his allegation to be the event in Apple
7 Hill.

8 **THE COMMISSIONER:** True enough, except that
9 we have to look at what knowledge these people had at the
10 time. At the time, they had what was in the statement ---

11 **MR. NEVILLE:** Yes.

12 **THE COMMISSIONER:** --- which would include
13 allegations where the person was under 16.

14 **MR. ENGELMANN:** And he was an altar boy at
15 the time. Obviously it's important and I don't know why my
16 friend keeps leaving that out. This has happened
17 repeatedly. You know, the statement is in; the Overview of
18 Documentary Evidence is in. I don't know why we keep
19 trying to change things.

20 **MR. NEVILLE:** Well, I could go to that and
21 I'll go to it if I have to, and I will read out what the
22 man said about the other matters.

23 If you want me to do it now, Commissioner,
24 I'll do it. I'd like to keep going. I can tell you, sir,
25 that the gentleman had a characterization of those events

1 that is quite inconsistent with him being a victim of
2 anything.

3 And I know for a fact -- and the notes
4 reflect it, sir -- that the police took his complaint to be
5 about Apple Hill. That may have changed in approach later
6 but that's how they saw it and that's what's reflected in
7 Brunet's quote, sir.

8 **THE COMMISSIONER:** Well, let's ---

9 **MR. NEVILLE:** And I'm not trying to misstate
10 or misquote the evidence. If anybody knows his evidence, I
11 do.

12 **THE COMMISSIONER:** Is there any evidence
13 that when this gentleman went in and read it that somebody
14 was standing over him and saying, "Oh, by the way, we're
15 going to disregard that. This is really what we mean"?

16 **MR. NEVILLE:** Well, Commissioner, I'm only
17 going by what Mr. Bell is told, as recorded in the notes.

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

19 **MR. NEVILLE:** And he's recording this as
20 told to him by Officer Brunet; that they saw the event as
21 one happening over the age of 16 from their point-of-view.
22 They may have taken a different one later, sir, and I can
23 get there and ask that question.

24 **THE COMMISSIONER:** Well, Mr. Bell is going
25 to testify.

1 **MR. NEVILLE:** Well, yes.

2 **THE COMMISSIONER:** Is he not?

3 **MR. ENGELMANN:** He is, sir, but the bottom
4 line is we have his statement, and this is the statement he
5 would have read, and we also have the ODE which sets it
6 out.

7 So I think -- I just want to make sure the
8 witness is aware of that because Mr. Neville has his view
9 of those allegations and, you know, we have the Overview of
10 Documentary Evidence and we have the statement.

11 **THE COMMISSIONER:** M'hm. So where ---

12 **MR. NEVILLE:** Well, I can tell you -- I'm
13 sorry, I apologize for interrupting.

14 **THE COMMISSIONER:** We're looking at the
15 institutional response ---

16 **MR. NEVILLE:** Yes.

17 **THE COMMISSIONER:** --- of the Children's Aid
18 Society.

19 So I think what's important -- and notes are
20 notes, and as a defence lawyer in a criminal matter, it's
21 interesting that, you know, the way we use notes, but they
22 are hearsay kind of things. They're not -- we can't go in
23 and get in the mind of what word he used and the likes, and
24 so I think we have to have some flexibility here. And
25 what's most important is what was in this gentleman's mind

1 at the time that he read this.

2 MR. NEVILLE: And I was going to get there
3 very shortly, sir.

4 THE COMMISSIONER: So with the proviso that
5 Mr. Engelmann has given, we have to look at what was in his
6 mind. So let's try to do that.

7 MR. NEVILLE: That's what I'm going to hope
8 to do, sir.

9 THE COMMISSIONER: Okay.

10 MR. NEVILLE: Let me just follow up on this
11 discussion you've been listening to, Mr. Carriere.

12 You have indicated for the Commissioner that
13 it's quite certain, I would suggest, that you read over the
14 interview statements, such as they were, of C-3 and C-56/

15 MR. CARRIERE: I believe so, yes.

16 MR. NEVILLE: And you know from then and
17 perhaps from sitting here for many months that C-3 would
18 not give a formal statement nor would he testify in the
19 first two investigations. That is to say CPS ---

20 MR. CARRIERE: Yes, I think I'm aware of
21 that.

22 MR. NEVILLE: What I mean by that is CPS in
23 '93 and OPP in '94.

24 MR. CARRIERE: I think I'm aware of that.

25 MR. NEVILLE: All right.

1 **MR. CARRIERE:** Well, I should qualify. I
2 think I'm aware of it with respect to CPS.

3 **MR. NEVILLE:** Okay. You're not aware that
4 he took the same position with the OPP? We're going to
5 hear that eventually but you're not sure about that?

6 **MR. CARRIERE:** I'm ---

7 **MR. NEVILLE:** That's fine.

8 **MR. CARRIERE:** --- definitely not sure about
9 that.

10 **MR. NEVILLE:** That's fine. That's fine.

11 Let me ask you this.

12 You learn from Mr. Bell, as we see at the
13 top of the next page, what he's been told by Officer
14 Brunet, right? That the other two are over 16. That was
15 at the top ---

16 **MR. CARRIERE:** Yes, it would appear ---

17 **MR. NEVILLE:** And if you look at the top of
18 page 12 ---

19 **MR. CARRIERE:** --- that Greg Bell spoke with
20 me after a discussion with ---

21 **MR. NEVILLE:** Yes.

22 **MR. CARRIERE:** Yes.

23 **MR. NEVILLE:** He briefs you, at the top of
24 the next page. In fact, he briefs you about an hour-and-a-
25 half after the conversation?

1 MR. CARRIERE: Yes.

2 MR. NEVILLE: All right.

3 MR. CARRIERE: I don't recall that
4 interaction ---

5 MR. NEVILLE: Fair enough.

6 MR. CARRIERE: But ---

7 MR. NEVILLE: All right.

8 And when we look briefly in a moment at the
9 21st of October, that's when you, Bell -- Mr. Bell -- meet
10 with the staff sergeant and the constable, Ms. Sebalj, and
11 go over the CPS material?

12 MR. CARRIERE: Yes.

13 MR. NEVILLE: And that's when you likely
14 would have read these two statements?

15 MR. CARRIERE: Yes.

16 MR. NEVILLE: All right. Now, let me ask
17 you this.

18 In your mind, when you read those
19 statements, did you draw any distinction -- because when we
20 look at them, as we've done with other witnesses -- I
21 assume you were present, for example, when I cross-examined
22 Officer Derochie and Officer Brunet -- that the events, the
23 principal events they talked about, they're over 18.

24 Did you, in your mind, draw any distinction
25 from that age factor between that and Mr. Silmsler at age 12

1 to 14 or thereabouts?

2 MR. CARRIERE: I can't remember, Mr.
3 Neville, at the time.

4 MR. NEVILLE: All right.
5 Now, can we next look briefly at page 19,
6 Commissioner?

7 THE COMMISSIONER: Yeah.

8 MR. NEVILLE: Do you have it, sir?

9 MR. CARRIERE: Yes, I do.

10 MR. NEVILLE: All right. This is a meeting
11 on the 22nd of October of '93 involving -- at the CAS, with
12 yourself, Ms. McClennan and Mr. Leduc.

13 MR. CARRIERE: Yes.

14 MR. NEVILLE: And it appears that he
15 provides you with, among other things, you see items 3 and
16 4, two letters.

17 MR. CARRIERE: Yes.

18 MR. NEVILLE: And you would have read those
19 letters?

20 MR. CARRIERE: Yes. Well, I'm fairly
21 certain that I read those letters, Mr. Neville.

22 MR. NEVILLE: All right.

23 MR. CARRIERE: I've certainly seen the
24 letters more recently.

25 MR. NEVILLE: You have?

1 MR. CARRIERE: Yes.

2 MR. NEVILLE: All right. Let's deal with
3 number three, that of Mr. Sauv .

4 MR. CARRIERE: M'hm.

5 MR. NEVILLE: This was a gentleman, if this
6 refreshes your memory, who, in his late teens, early
7 twenties, lived at the Apple Hill Rectory for some
8 considerable time.

9 MR. CARRIERE: Yes.

10 MR. NEVILLE: And nothing untoward happened.

11 MR. CARRIERE: That's what he reported.

12 MR. NEVILLE: He became a senior homicide
13 detective in Edmonton.

14 MR. CARRIERE: As I understand it from the
15 letter, yes.

16 MR. NEVILLE: Right. And gave in his
17 statement a description of a retreat at St. Andrew's.

18 MR. CARRIERE: I'll take your word for it,
19 sir. I just don't remember that detail on hand but -- oh
20 yes, I do, yes, yes.

21 MR. NEVILLE: Right.

22 MR. CARRIERE: Yes, I do remember.

23 MR. NEVILLE: And he was very clear that the
24 notion that Father MacDonald was going around with no
25 clothes on was absurd.

1 **MR. CARRIERE:** Yes, sir, I remember that.

2 **MR. NEVILLE:** That was part of Mr. Silmsers
3 allegation.

4 **MR. CARRIERE:** Yes.

5 **MR. NEVILLE:** Well, when you got that
6 version; did that affect your thinking?

7 **MR. CARRIERE:** I certainly considered that
8 information but I would say, Mr. Neville, that I've seen
9 over the years, people have different interpretations of
10 "no clothes on."

11 **MR. NEVILLE:** Well, "buck naked" is the
12 word.

13 **MR. CARRIERE:** And there's a great -- well,
14 there's been a great variation in "no clothes on."

15 **MR. NEVILLE:** All right.

16 Let's look briefly then ---

17 **THE COMMISSIONER:** Mr. Neville, are you
18 saying that the letter is saying that there was only one
19 retreat and therefore this gentleman is saying that this
20 retreat was the same one that Silmsers was in?

21 **MR. NEVILLE:** Well, Commissioner, part of
22 the difficulty -- and I don't want to take up your time up
23 here unduly -- there were considerable difficulties
24 identifying what retreat, if at all, there was, ---

25 **THE COMMISSIONER:** Right. No, but I don't -

1 --

2 MR. NEVILLE: --- involving anybody ---

3 THE COMMISSIONER: M'hm.

4 MR. NEVILLE: --- including Mr. Silmser.

5 THE COMMISSIONER: M'hm.

6 MR. NEVILLE: And there are various
7 statements given about a purported retreat. One of which
8 is, in Father MacDonald's own statement, that there was
9 only one.

10 THE COMMISSIONER: M'hm.

11 MR. NEVILLE: So it's a problem, sir. I
12 won't put it higher or lower than that; it's a problem.

13 THE COMMISSIONER: Okay.

14 No, I don't want -- I didn't want the
15 intimation being that there was only one and this was proof
16 positive that -- I think, it stands ---

17 MR. NEVILLE: Right.

18 THE COMMISSIONER: --- for the proposition
19 that this young man ---

20 MR. NEVILLE: Right.

21 THE COMMISSIONER: --- went to a retreat and
22 he didn't see anything untoward.

23 MR. NEVILLE: Correct.

24 THE COMMISSIONER: Okay.

25 MR. NEVILLE: Now if we just look briefly at

1 page 18, Mr. Carriere, this is the actual meeting at the
2 Cornwall Police Service.

3 MR. CARRIERE: Yes.

4 MR. NEVILLE: Which you actually
5 participated in.

6 MR. CARRIERE: Yes.

7 MR. NEVILLE: All right. And we know that
8 item number 2, it was made clear, and we've covered this
9 with a previous witness, that copies could not be made or
10 provided but at Mr. Bell's suggestion, an audiotape
11 recorder is given and if he -- and I'll quote him:

12 "We read material into the tape."

13 MR. CARRIERE: Yes.

14 MR. NEVILLE: So this likely would have
15 included among other things the statements of C-56 and C-3
16 or the essence of them?

17 MR. CARRIERE: I believe so.

18 MR. NEVILLE: All right.

19 Let's look next then at page 42.

20 MR. CARRIERE: I've got it.

21 MR. NEVILLE: At the top of the page, this
22 is Mr. Bell reporting to you the results of his interview
23 of Mr. Silmsen?

24 MR. CARRIERE: Yes.

25 MR. NEVILLE: Where he describes him as

1 seeming incredible?

2 **MR. CARRIERE:** Yes.

3 **MR. NEVILLE:** Although unwilling to provide
4 complete details. Now it's fair to say I take it that ---

5 **THE COMMISSIONER:** I'm sorry. What page
6 now?

7 **MR. NEVILLE:** I'm on page 42, Commissioner.

8 **THE COMMISSIONER:** Oh, okay. Sorry. Yeah.

9 **MR. NEVILLE:** Top right-hand corner is what
10 I'm using.

11 **THE COMMISSIONER:** Yeah. Yeah.

12 **MR. NEVILLE:** Now you, yourself, at no time
13 throughout Project Blue, Mr. Carriere, spoke directly to
14 Mr. Silmser?

15 **MR. CARRIERE:** No, I never spoke to him.

16 **MR. NEVILLE:** Neither in person nor on the
17 phone?

18 **MR. CARRIERE:** No.

19 **MR. NEVILLE:** Okay.

20 Can we look then at -- let's look at page
21 71. I'm just going to touch on it. Page 71 is the
22 attendance by Mrs. Dunlop.

23 **MR. CARRIERE:** Yes.

24 **MR. NEVILLE:** And if we look to the next
25 page, page 72, at the bottom on the 16th of November, we

1 have the attendance of Mr. Dunlop.

2 MR. CARRIERE: Yes.

3 MR. NEVILLE: And you, of course, would have
4 been briefed of these attendances by Mr. Bell?

5 MR. CARRIERE: I'm just looking for his
6 notation.

7 THE COMMISSIONER: It's at the bottom ---

8 MR. CARRIERE: Yes.

9 THE COMMISSIONER: --- of page 72.

10 MR. CARRIERE: Yes. No, I'm -- yes, I'm
11 trying to see where Greg spoke to me after.

12 MR. NEVILLE: Well, it's at the bottom of
13 page 74. But it's not clear on what he's briefing you.

14 MR. CARRIERE: Yes, okay. Yes.

15 MR. NEVILLE: You'll agree with me that it's
16 virtually certain that, given the context of Mr. Dunlop in
17 particular, that he would have spoken to you about it?

18 MR. CARRIERE: It makes sense that he would
19 but, also, Greg is very meticulous about noting conference
20 -- discussions with me. And I don't see that so ---

21 MR. NEVILLE: Let's look at what he learned;
22 all right?

23 MR. CARRIERE: Okay.

24 MR. NEVILLE: Sixteenth (16th) of November at
25 3:30 or 1530; right?

1 **MR. CARRIERE:** Yes, I see it.

2 **MR. NEVILLE:** "He [this is Dunlop being
3 quoted] indicated pieces of knowledge
4 that would likely provide leads to
5 people who should be interviewed. He
6 related he [and I can't read the next
7 word] St. Andrew's, west community, has
8 numerous people who want to talk to
9 CAS. We agreed to meet."

10 And then there's a date.

11 **MR. CARRIERE:** Yes.

12 **MR. NEVILLE:** "Will bring his notes and we
13 can go over them together."

14 **MR. CARRIERE:** Yes.

15 **MR. NEVILLE:** Isn't it likely you were told
16 of this visit that Mr. Dunlop reported to have notes of
17 relevance to the CAS?

18 **MR. CARRIERE:** Well, as I said a minute ago,
19 I think it's likely but again, I don't see any notation of
20 it. Is it possible that I was away during that period of
21 time or that day? I don't know Mr. Neville. I think, you
22 know, given the content of it, I'm not going to dispute
23 what you're saying.

24 **MR. NEVILLE:** All right.

25 **MR. CARRIERE:** I just don't see where he

1 says I spoke to Bill about this.

2 **MR. NEVILLE:** Well, let's look at page 119
3 then, 119, 120. This is Mr. Dunlop's next visit. And I
4 can tell you, sir, that if we look at the top of page 121,
5 there's a supervision by yourself directly related to this
6 visit by Mr. Dunlop.

7 **MR. CARRIERE:** Yes.

8 **MR. NEVILLE:** All right?

9 **MR. CARRIERE:** Yes.

10 **MR. NEVILLE:** So let's look of what is
11 learned by the CAS on that occasion. Page 119, bullet or
12 item 2:

13 "In the next few weeks, further
14 information will come to light
15 regarding other perpetrators."

16 Item 3 on page 120:

17 "He indicated that Randy Millar and
18 Chris McDonell of OPP are investigating
19 the matter of Ken Seguin's suicide and
20 possibly the issue of whether there was
21 extortion."

22 Item 4 -- 5:

23 "There are other perpetrators involved
24 in a ring and we will be hearing about
25 them, that includes, or that..."

1 **MR. CARRIERE:** Disincludes.

2 **MR. NEVILLE:** "...disincludes Malcolm
3 MacDonald."

4 **MR. CARRIERE:** Yes.

5 **MR. NEVILLE:** Item 6:
6 "He will still come in to review his
7 notes with us but suggested we had a
8 couple of weeks 'til we've spoken to
9 Randy Millar who can tell us more about
10 what we need to know."

11 Right?

12 **MR. CARRIERE:** Yes.

13 **MR. NEVILLE:** So Mr. Dunlop is telling the
14 CAS of a ring of perpetrators and appears to suggest that
15 to some extent at least he has notes?

16 **MR. CARRIERE:** Yes.

17 **MR. NEVILLE:** And we know that eventually
18 after various stops and starts and attempts to get him in,
19 there's a team meeting in January of '94 and the decision
20 is made to not pursue the Dunlop angle at all, right?

21 **MR. CARRIERE:** That's correct.

22 **MR. NEVILLE:** And he's repeated his
23 allegation of a ring in a subsequent contact by phone,
24 right?

25 **MR. CARRIERE:** He may have, Mr. Neville.

1 **MR. NEVILLE:** And he had to be -- he had to
2 be informed, somewhat ironically, of his duty to report?

3 **MR. CARRIERE:** Yes, I recall that.

4 **MR. NEVILLE:** Now, can you tell me why, with
5 all of that information and the connection between Dunlop
6 and Abell, why the CAS would abandon this whole topic?

7 **MR. CARRIERE:** I think we felt that we had
8 gone as far as we could go with Mr. Dunlop in saying to him
9 that we wanted his information. We had numerous contacts
10 with him. I think one of the final ones was my instructing
11 Greg Bell to advise him of his duty to report and also the
12 protections that he had and that that was as far as we
13 could go with him.

14 **MR. NEVILLE:** Well, was an attempt made to
15 speak to his superiors, to your knowledge?

16 **MR. CARRIERE:** No, no.

17 **MR. NEVILLE:** And to tell them, "You've got
18 a police officer here who claims to have knowledge of a
19 ring of child abusers, and notes", right?

20 **MR. CARRIERE:** Yes, yes.

21 **MR. NEVILLE:** Isn't it because there was a
22 healthy degree of scepticism about it?

23 **MR. CARRIERE:** I can't dispute part of that.
24 I think we wondered -- I think I would prefer to say that
25 we wondered what was going on. He was saying that he had

1 something but nothing was forthcoming.

2 **MR. NEVILLE:** And he who relied upon and
3 criticised others for not reporting things required by law
4 was doing the exact same thing, if we accept his claim of
5 what he knew.

6 **MR. CARRIERE:** I think that's ---

7 **MR. NEVILLE:** Isn't that accurate?

8 **MR. CARRIERE:** Well, I think that that's
9 fair, yes.

10 **MR. NEVILLE:** All right.

11 Let's look if we could, briefly, at page
12 128, 129. This is a visit by Malcolm MacDonald, then
13 counsel to Father Charles.

14 Now, one of the factors when we see the
15 itemized list in terms of the underpinning of the CAS
16 position about Father Charles, was the settlement.

17 **MR. CARRIERE:** Yes.

18 **MR. NEVILLE:** Right, and the fact that
19 Father Charles had made some contribution to it according
20 to your information, right?

21 **MR. CARRIERE:** Yes.

22 **MR. NEVILLE:** All right.

23 So let's look at the bottom of page 128. He
24 provides the release and undertaking that we've had so much
25 evidence about, right?

1 **MR. CARRIERE:** Yes.

2 **MR. NEVILLE:** Top of the next page, line 3,
3 he explained the sequence of events, right?

4 **MR. CARRIERE:** Yes.

5 **MR. NEVILLE:** Okay. He makes the reference
6 about being able to defend Father Charles in his sleep,
7 right?

8 **MR. CARRIERE:** Yes.

9 **MR. NEVILLE:** And then he says in terms of
10 the settlement and the what and the why of it:

11 "Because it would ruin his reputation,
12 the church ultimately decided to settle
13 on compensation and pay 'nuisance
14 money'."

15 Were you familiar with the term "nuisance
16 settlement"?

17 **MR. CARRIERE:** In this context or just
18 generally?

19 **MR. NEVILLE:** Generally.

20 **MR. CARRIERE:** Yes, I'm familiar with it.

21 **MR. NEVILLE:** Were you familiar then, in
22 '93, that there was such a thing in the legal jargon as a
23 nuisance settlement?

24 **MR. CARRIERE:** I probably was, Mr. Neville.

25 **MR. NEVILLE:** And what did you understand it

1 to mean?

2 **MR. CARRIERE:** That one would make a payment
3 for something without admitting guilt or responsibility,
4 simply because going through the exercise of defending
5 oneself is more trouble than paying someone and having the
6 thing go away.

7 **MR. NEVILLE:** Fairly good -- if I may say,
8 quite a good definition; not just trouble. Maybe you've
9 included it within the phrase trouble or word trouble;
10 cost. It's often more expensive, right?

11 **MR. CARRIERE:** Yes, yes.

12 **MR. NEVILLE:** Now, you had access to Mr.
13 Leduc and his explanation about the settlement. You had
14 access to Mr. MacDonald and his involvement in the
15 settlement, right?

16 **MR. CARRIERE:** Yes.

17 **MR. NEVILLE:** And his describing it to you
18 and your colleagues as nuisance settlement or nuisance
19 money, right?

20 **MR. CARRIERE:** M'hm.

21 **MR. NEVILLE:** Did that factor into your
22 assessment that it was a nuisance settlement?

23 **MR. CARRIERE:** I believe, Mr. Neville, that
24 in terms of the important factors that led us to our
25 conclusion, the settlement was very low on the list.

1 **MR. NEVILLE:** Well, when we look later at
2 the list, it's number 4 in the 4 items listed.

3 **MR. CARRIERE:** Okay.

4 **MR. NEVILLE:** My question to you was, did
5 the notion of a nuisance settlement -- and that's what it
6 was described as -- did that play a role in the assessment?

7 **MR. CARRIERE:** I don't recall, Mr. Neville,
8 the specific deliberation about it.

9 **THE COMMISSIONER:** I'm sorry, Mr. Neville.
10 When was the four list, the consideration for coming to the
11 conclusion?

12 **MR. NEVILLE:** I believe we'll see those,
13 Commissioner, early in '94 and again in the fall of '94.
14 It's in the notes.

15 **THE COMMISSIONER:** Yeah. So, you see, and I
16 understand what you're doing. It's just it's an evolving
17 kind of a thing. I mean, at this point when Solicitor
18 MacDonald comes in and says this, we don't know that it's
19 an illegal settlement.

20 **MR. NEVILLE:** Well, I was going to touch on
21 that, sir, because of -- you'll see in a moment.

22 **THE COMMISSIONER:** Yeah, fine.

23 **MR. NEVILLE:** But I'll -- maybe if I just
24 touch on it. It's in the materials for your own reading
25 anyway, sir.

1 It appears that one of the persons who
2 received and looked at the document was counsel for the
3 CAS.

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

5 **MR. NEVILLE:** And there does not appear to
6 be any twiggling, if I can use that, to the fact that it
7 might be illegal. I'm not saying it doesn't become obvious
8 later, I'm just saying at that point it doesn't appear to.

9 **THE COMMISSIONER:** No, no, that's not what
10 I'm saying. I just want to make it clear that at this
11 point ---

12 **MR. NEVILLE:** Right.

13 **THE COMMISSIONER:** --- this gentleman
14 doesn't know that the settlement is illegal.

15 **MR. NEVILLE:** Right.

16 **THE COMMISSIONER:** And so you're putting to
17 him, well, you decided back then and you put it as number 4
18 that the settlement is a factor in coming to your
19 conclusion.

20 **MR. NEVILLE:** When we see some of the lists,
21 sir, you'll see that it's well after the publicizing of it
22 and the illegality.

23 **THE COMMISSIONER:** Right. What I'm saying
24 though is, at this point, he might say something but things
25 change as we go along.

1 **MR. NEVILLE:** Right.

2 **THE COMMISSIONER:** And at the end, he may
3 want to comment about that is all I'm saying; but you're
4 going to go through it then that's fair.

5 **MR. CARRIERE:** Mr. Neville, there's another
6 thing, if I could say with respect to the settlement. One
7 of the things that -- as being a factor, one of the things
8 I remember at the time was Mr. Malcolm MacDonald saying
9 that he could have defended ---

10 **MR. NEVILLE:** Charles.

11 **MR. CARRIERE:** --- Charles in his sleep.

12 **MR. NEVILLE:** Right.

13 **MR. CARRIERE:** And I remember thinking at
14 the time that I didn't see David Silmser as being a
15 particularly powerful person, someone who was particularly
16 well at the time, and Father Charles' lawyer saying in so
17 many words, "I could have crushed this guy in my sleep",
18 and I remember thinking at the time, "Why would you settle?
19 This doesn't even seem like it's going to be a fair fight."

20 **MR. NEVILLE:** Right.

21 **MR. CARRIERE:** So that was one of the things
22 that, you know, I remember at the time.

23 **MR. NEVILLE:** Right. But isn't that what a
24 nuisance settlement is about? You avoid the embarrassment.
25 You avoid publicity and you avoid undue costs. Isn't that

1 the essence of it?

2 **MR. CARRIERE:** Well, yes, but if you're
3 asking me what I was thinking at the time, I was thinking
4 about that other aspect as well. It is that they could
5 have -- if they had gone to court, they could have defeated
6 him quite easily.

7 **MR. NEVILLE:** At potentially great cost?

8 **MR. CARRIERE:** I'm not going to dispute
9 that. I'm just telling you the other factor that was in my
10 mind, Mr. Neville.

11 **MR. NEVILLE:** I know. Fair enough.

12 Let's look if we could, Commissioner, at
13 page 171. Do you have it, sir?

14 **MR. CARRIERE:** I have page 171, yes.

15 **MR. NEVILLE:** Sorry. I'm not trying to rush
16 you. Do you have that?

17 **MR. CARRIERE:** Yes, I do, sir.

18 **MR. NEVILLE:** This is a call from Detective
19 or Constable Wilson of the OPP and I just want to refer you
20 to Item 4 and ask you a couple of brief questions.

21 **MR. CARRIERE:** Yes.

22 **MR. NEVILLE:** Mr. Bell records:

23 "There is a statement by D. Silmser
24 with CPS that gives details about the
25 abuse by Ken Seguin and that it

1 basically indicates D. Silmsers did
2 nothing and Ken Seguin did everything.
3 It also indicates D. Silmsers had his
4 own room...."

5 **MR. CARRIERE:** Room.

6 **MR. NEVILLE:** "...at Ken Seguin's home."

7 Now the officer refers, in speaking to Mr.
8 Bell, that there are details of alleged abuse by Seguin of
9 Silmsers, right?

10 **MR. CARRIERE:** Yes.

11 **MR. NEVILLE:** You agree with me that
12 certainly when we looked at the written Silmsers statement
13 that Mr. Abell received, there aren't details?

14 **MR. CARRIERE:** Not many, no.

15 **MR. NEVILLE:** No. But we know there are
16 significant details alleged by him in the police interview
17 notes.

18 **MR. CARRIERE:** I now know that.

19 **MR. NEVILLE:** Right, of Officers Sebalj,
20 Lefebvre and Malloy.

21 **MR. CARRIERE:** Yes.

22 **MR. NEVILLE:** Did you folks have those notes
23 or a copy of them?

24 **MR. CARRIERE:** No.

25 **MR. NEVILLE:** And I take it you didn't seek

1 them, as far as you know?

2 **MR. CARRIERE:** I think we didn't know that
3 they existed.

4 **MR. NEVILLE:** Well, it was certainly known
5 as of here.

6 **MR. CARRIERE:** Yes. I think, Mr. Neville --

7 -

8 **MR. NEVILLE:** Yes.

9 **MR. CARRIERE:** I think we -- I have to speak
10 for myself here. I can't speak for Greg, obviously.

11 I think I misunderstood this particular item
12 number four. I thought that the statement that they had,
13 the police had, was in fact the Silmsler statement. I
14 didn't realize that there was an interview as well.

15 **MR. NEVILLE:** Okay.

16 **MR. CARRIERE:** It didn't twig in my mind at
17 the time that there was something more.

18 **MR. NEVILLE:** Well, all right. I just want
19 to touch on something else.

20 You were part of the meeting on the 21st of
21 October --- we looked at it briefly ---

22 **MR. CARRIERE:** Yes.

23 **MR. NEVILLE:** --- with Officer Sebalj and
24 the staff sergeant.

25 **MR. CARRIERE:** Yes.

1 **MR. NEVILLE:** And obviously must have
2 reviewed with them the history of the Silmser
3 investigation.

4 **MR. CARRIERE:** I don't recall much of that
5 meeting, Mr. Neville, but I recall some discussion,
6 particularly with Constable Sebalj.

7 **MR. NEVILLE:** Exactly.

8 **MR. CARRIERE:** I don't think that Sergeant
9 Brunet was in the room the whole time but ---

10 **MR. NEVILLE:** Let me ask you this. You've
11 mentioned in particular Officer Sebalj.

12 **MR. CARRIERE:** Yes.

13 **MR. NEVILLE:** Didn't Officer Sebalj indicate
14 to you that by the end of her investigation she didn't feel
15 she had reasonable probable grounds to lay a charge?

16 **MR. CARRIERE:** I think in essence she did
17 say something to that effect, yes.

18 **MR. NEVILLE:** And didn't she or she and
19 Officer Brunet advise you of the correspondence between
20 Brunet and Murray MacDonald that we've seen so many times,
21 that's our Exhibits 300 -- I'm not saying you saw it.

22 **MR. CARRIERE:** Yeah.

23 **MR. NEVILLE:** It's our Exhibits 300 and 301.
24 Didn't they advise you that the Crown Attorney had
25 confirmed the appropriateness of closing the file, among

1 other things, because the officer lacked RPG.

2 MR. CARRIERE: They may have, Mr. Neville,
3 but I don't specifically recall that. I'm not -- I just
4 don't recall it.

5 MR. NEVILLE: So when you're told that the
6 police officer who ran the case did not feel she had
7 reasonable probable grounds, that didn't affect your
8 thinking in coming to your own view about Mr. Silmsler
9 versus Father Charles?

10 MR. CARRIERE: I think the thing that
11 impacted on me the most at the time was her repeating on a
12 number of occasions that Mr. Silmsler didn't want to proceed
13 with this. That they didn't have -- they no longer had a
14 victim that was willing to pursue this.

15 MR. NEVILLE: When she indicated to you, as
16 you seem to recall, that she herself did not feel she had
17 RPG, did that mean something to you, the significance of
18 that?

19 MR. CARRIERE: I don't recall her saying
20 that, Mr. Neville.

21 MR. NEVILLE: Well, you just said a moment
22 ago she probably did.

23 MR. CARRIERE: Well, she probably did but,
24 you know ---

25 MR. NEVILLE: Okay.

1 **MR. CARRIERE:** --- it would make sense that
2 she would but do I have a specific recollection of her
3 saying that, I don't.

4 **MR. NEVILLE:** I'm suggesting, Mr. Carriere,
5 it's almost inconceivable she would not have said, "Look,
6 here's where I ended up."

7 **MR. CARRIERE:** Mr. Neville, I just don't
8 remember it.

9 **MR. NEVILLE:** Do you feel that at that time
10 the officer is saying to you, "I lacked in my mind
11 reasonable probable grounds," do you feel you would have
12 understood the significance of that?

13 **MR. CARRIERE:** If she had said that I would
14 understand it, yes.

15 **MR. NEVILLE:** And what would it have meant
16 to you?

17 **MR. CARRIERE:** It would mean to me that she
18 didn't feel that she had the evidence, the information to
19 have -- proceed with a prosecution that would lead to the
20 laying of charges that would ultimately be successful.

21 **MR. NEVILLE:** And it was a prosecution that
22 was based on Mr. Silmser, right?

23 **MR. CARRIERE:** Yes.

24 **MR. NEVILLE:** And maybe, maybe not, maybe
25 the other two alleged victims, right?

1 **MR. CARRIERE:** I don't know, Mr. Neville.

2 **MR. NEVILLE:** Because she had those
3 statements.

4 **MR. CARRIERE:** Sure, she did, yes.

5 **MR. NEVILLE:** And was still saying to you,
6 in all likelihood she lacked R&PG, right?

7 **MR. CARRIERE:** Mr. Neville, my recollection
8 of the conversation with Constable Sebalj that day was that
9 largely we've got one word and very brief answers.

10 **MR. NEVILLE:** All right. I'll leave it at
11 that.

12 Just going back just for a moment to page
13 129, the visit by Malcolm MacDonald, one of the things he
14 advises your agency -- and it's item number one in the
15 numbered items on that page -- is that Father MacDonald is
16 at Southdown and will be there for four to six months.

17 **MR. CARRIERE:** Yes.

18 **MR. NEVILLE:** Do you agree with this, Mr.
19 Carriere, that throughout -- in fact, right through till
20 the fall of '94 -- well, let's break it down a bit -- that
21 from this point right through to the spring of '94 Mr.
22 MacDonald is consistently saying to you or to members of
23 your Agency that Father MacDonald is at Southdown, that
24 he's there for a number of months, as reflected here, and
25 he eventually also tells your Agency that he's not free to

1 leave, right?

2 **MR. CARRIERE:** Yes, that's our
3 understanding, yes.

4 **MR. NEVILLE:** Now, can you help me with
5 this? One of the steps, I gather, in what's called a
6 validation process, is an interview with the alleged
7 perpetrator?

8 **MR. CARRIERE:** Yes.

9 **MR. NEVILLE:** And the position taken by the
10 CAS was that he would not come in, right?

11 **MR. CARRIERE:** Yes.

12 **MR. NEVILLE:** Isn't it a fact that he
13 couldn't come in?

14 **MR. CARRIERE:** I think that we understood
15 that. Well, we understood that he was not available, Mr.
16 Neville.

17 **MR. NEVILLE:** Well, why didn't somebody go
18 and interview him there?

19 **MR. CARRIERE:** I think we interpreted it
20 that he was not available whether it was here or there,
21 that he was in treatment and that he was not available. It
22 certainly wasn't suggested to us by his lawyer that we go
23 there.

24 **MR. NEVILLE:** Well, was there anything, to
25 your knowledge, preventing you from it?

1 **MR. CARRIERE:** Nothing prevented us from
2 raising the issue with his lawyer but, again, it wasn't
3 suggested to us that, you know, we can go there -- you can
4 go there and see him.

5 **MR. NEVILLE:** What inquiries do you know
6 were made of whether you could go there and interview him?

7 **MR. CARRIERE:** I'm not aware, Mr. Neville.
8 I'm not aware if we asked him.

9 **MR. NEVILLE:** You see what I'm getting at,
10 Mr. Carriere, is that a letter is eventually sent to my
11 client in March of '94 putting it bluntly to him you think
12 he did it, right?

13 **MR. CARRIERE:** No, it's a question. It's an
14 open question and he provided an answer.

15 **MR. NEVILLE:** No, it's not an open question.
16 You sent him a letter in March saying you've come to the
17 conclusion he did it.

18 **MR. CARRIERE:** Oh, sorry, yes.

19 **MR. NEVILLE:** I know the earlier one ---

20 **MR. CARRIERE:** Yes, sorry. No, you're
21 correct. I'm ---

22 **MR. NEVILLE:** He said an emphatic "no."

23 **MR. CARRIERE:** Yes, okay. That's what I
24 thought you were referring to. Excuse me.

25 **MR. NEVILLE:** No, no, I'm talking about

1 where you end up in March of '94.

2 MR. CARRIERE: Okay.

3 MR. NEVILLE: And not only do you send him
4 that letter, you send it to the CPS and the OPP.

5 MR. CARRIERE: Yes.

6 MR. NEVILLE: But you had never spoken to
7 him.

8 MR. CARRIERE: No.

9 MR. NEVILLE: Why would you come to a
10 conclusion and disseminate it in that fashion without never
11 hearing from him? Was there a rush?

12 MR. CARRIERE: Well, one wants to move along
13 with an investigation and this one did take a considerable
14 period of time. Again, Mr. Neville, I can only repeat what
15 I said earlier: We were of the impression that he was not
16 available. There was no information provided by his lawyer
17 to suggest that we could go and see him.

18 MR. NEVILLE: Well, first of all, you were
19 told where he was.

20 MR. CARRIERE: Yes.

21 MR. NEVILLE: And he'd be there for four to
22 six months.

23 MR. CARRIERE: Right.

24 MR. NEVILLE: You were also told that he was
25 being removed from the parish and not being reassigned.

1 **MR. CARRIERE:** Right.

2 **MR. NEVILLE:** So there was no risk to
3 children. If there was one at all there's certainly not
4 one at the moment, right?

5 **MR. CARRIERE:** Yes, that's correct.

6 **MR. NEVILLE:** So why close the file and send
7 out those letters? He wasn't going to be there forever.
8 We know he's out of there by May, right?

9 **MR. CARRIERE:** Yes.

10 **MR. NEVILLE:** In fact, your Agency ---

11 **MR. CARRIERE:** Well, we didn't know, Mr.
12 Neville, whether or not at the end of four to six months
13 what was going to happen.

14 **MR. NEVILLE:** Except you'd made a decision,
15 right?

16 **MR. CARRIERE:** Right, right.

17 **MR. NEVILLE:** And in fact, it's the same
18 decision that ultimately you conveyed to the Bishop.

19 **MR. CARRIERE:** Yes.

20 **MR. NEVILLE:** And during that period of
21 time, we'll see from the notes, Mr. MacDonald asked you to
22 keep it open more than once, right?

23 **MR. CARRIERE:** He may have. Yes, he may
24 have.

25 **MR. NEVILLE:** But you didn't.

1 **MR. CARRIERE:** Mr. Neville, I don't
2 specifically recall that piece. I'm not going to dispute
3 it but I just don't specifically recall it.

4 **MR. NEVILLE:** All right.
5 Let's look, if we can then, at page 189.

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **MR. NEVILLE:** Do you have it?

8 **MR. CARRIERE:** Yes, I have it.

9 **MR. NEVILLE:** Okay. We see at the middle of
10 the page, 25/01/94.

11 **MR. CARRIERE:** Yes.

12 **MR. NEVILLE:** And just for the record, so to
13 speak, the top half of the page is the attempt to advise
14 Mr. Dunlop of his duty to report?

15 **MR. CARRIERE:** Yes.

16 **MR. NEVILLE:** Okay. And in fact that item
17 ended as follows:

18 "He related he will have to make some
19 inquiries before getting back to me..."
20 Meaning to Mr. Bell.

21 **MR. CARRIERE:** Right.

22 **MR. NEVILLE:** Now, looking at Father
23 MacDonald, this is the letter to him asking for his input;
24 right?

25 **MR. CARRIERE:** Yes.

1 **MR. NEVILLE:** Okay.

2 And here's what Mr. Bell records on the 25th
3 of January:

4 "Letter notes Society needs to conduct
5 verification."

6 And then:

7 "Malcolm MacDonald has indicated he
8 will not attend at CAS."

9 Okay?

10 **MR. CARRIERE:** M'hm.

11 **MR. NEVILLE:** Now, it wasn't a question of
12 not attend; it was a question of couldn't attend.

13 **THE COMMISSIONER:** Well, wait a minute now.
14 Wait a minute now. That's what the note says.

15 **MR. NEVILLE:** Right.

16 **THE COMMISSIONER:** All right, so now if --
17 you can't have it always both ways, Mr. Neville.

18 **MR. NEVILLE:** Well, there's a subsequent
19 note.

20 **THE COMMISSIONER:** Okay.

21 **MR. CARRIERE:** Mr. Neville, I would think
22 that if Father Charles decided that he wanted to leave
23 Southdown and come to the Children's Aid and meet with us,
24 I don't think Southdown could prevent him.

25 **MR. NEVILLE:** Do you know that?

1 **MR. CARRIERE:** No, I don't know that, but it
2 seems to me that they ---

3 **MR. NEVILLE:** Do you know that there are
4 treatment institutions that are once admitted, if you leave
5 you're forever gone; you can't get back in. Did you know
6 that?

7 **MR. CARRIERE:** No, I didn't know that.

8 **MR. NEVILLE:** All right.
9 Let's look at ---

10 **THE COMMISSIONER:** Is that the case with
11 Southdown and was that the case with Father MacDonald?

12 **MR. NEVILLE:** Well, that's what they were
13 told, sir. We'll see further on that that's exactly what
14 Father MacDonald's counsel told them; that he was not
15 permitted to leave by Southdown. And in any event, sir, my
16 point earlier was why not interview him there, but we've
17 dealt with that.

18 **THE COMMISSIONER:** Wait a minute now,
19 Mr. Neville. I mean they send out a letter. They send a
20 letter to his counsel; right?

21 **MR. NEVILLE:** No, they sent it to him.

22 **THE COMMISSIONER:** Yeah, but didn't they
23 send -- I see, "Letter to Malcolm MacDonald. Copy of above
24 letter to Reverend Charles MacDonald."

25 **MR. NEVILLE:** I'm looking at page 189, sir,

1 "Letter to Reverend Charles MacDonald at Southdown."

2 THE COMMISSIONER: Yes.

3 MR. NEVILLE: Right.

4 THE COMMISSIONER: But then further down
5 don't they send a copy of it to Malcolm MacDonald?

6 MR. NEVILLE: Oh yes, his counsel gets a
7 copy.

8 THE COMMISSIONER: Right.

9 MR. NEVILLE: And as you know, sir, Father
10 MacDonald got his and sent back an answer saying,
11 "Emphatically no," written on it.

12 THE COMMISSIONER: Right.

13 MR. NEVILLE: So he got it.

14 THE COMMISSIONER: M'hm

15 MR. NEVILLE: And sent an answer to the --
16 as you yourself pointed out -- the rather open-ended
17 questions, "Have you ever abused anybody?" And the answer
18 he wrote on his own handwriting is, "Emphatically no."

19 THE COMMISSIONER: Right.

20 MR. NEVILLE: And that comes back directly
21 from him or through his counsel.

22 THE COMMISSIONER: Okay.

23 MR. NEVILLE: But he clearly got it and
24 wrote it on himself.

25 THE COMMISSIONER: No, that's not the point.

1 The point I think you were making was that, "CAS, you never
2 did anything to go and see this fellow." Now they write a
3 letter and a copy to the lawyer and send it out. Well,
4 that might have been the flag to say -- from the other side
5 and from Mr. MacDonald, Malcolm, "Wait a minute here.
6 Before we go any further why don't you go and see him?"

7 **MR. NEVILLE:** Well, as you'll see in a
8 moment, Commissioner, Mr. MacDonald in fact on a couple of
9 occasions asked the Society to keep their file open and
10 wait.

11 **THE COMMISSIONER:** Okay, let's see that.

12 **MR. NEVILLE:** All right, we'll get to that.

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

14 **MR. NEVILLE:** I was trying to move through
15 it chronologically.

16 **THE COMMISSIONER:** Sure. No, that's fine.
17 Sorry.

18 **MR. NEVILLE:** All right.

19 Can we look then, Mr. Carriere, at page 193?
20 Do you have that?

21 **MR. CARRIERE:** Yes, I do.

22 **MR. NEVILLE:** This is a meeting on the 9th of
23 February with Mr. MacDonald.

24 **MR. CARRIERE:** Yes.

25 **MR. NEVILLE:** And you see the purpose was

1 for Mr. MacDonald to hand over Father MacDonald's reply?

2 MR. CARRIERE: M'hm.

3 MR. NEVILLE: Right?

4 MR. CARRIERE: Yes.

5 MR. NEVILLE: And that's the emphatic "no"
6 written on the letter?

7 MR. CARRIERE: Yes.

8 MR. NEVILLE: In fact that's recorded two
9 entries down. Next item:

10 "A covering letter from Malcolm
11 MacDonald indicates his client could
12 not leave Southdown to attend a meeting
13 at CAS."

14 You see that?

15 MR. CARRIERE: Sorry, no, I'm not finding
16 it.

17 MR. NEVILLE: Yes, it's page 193.

18 MR. CARRIERE: Yes.

19 MR. NEVILLE: Just below the entry in
20 quotation marks, "My answer ---"

21 MR. CARRIERE: Yes, okay.

22 MR. NEVILLE: Next entry.

23 MR. CARRIERE: Yes, I see it, yes.

24 MR. NEVILLE: "Could not leave ---"

25 MR. CARRIERE: No, I've found it. Thank

1 you.

2 **MR. NEVILLE:** Right. Look at the bottom
3 four lines -- five lines:

4 "Malcolm MacDonald indicated he thinks
5 his client will be at Southdown till
6 March or April '94 and that there will
7 be a final report then."

8 And a request is asked for the report --
9 made for the report; right?

10 **MR. CARRIERE:** Okay.

11 **MR. NEVILLE:** So it appears that the Agency
12 is being advised (a) he couldn't leave, and (b) he will be
13 there till March or April, which is about another month if
14 it's March; two if it's April. Right?

15 **MR. CARRIERE:** Yes.

16 **MR. NEVILLE:** Okay.

17 If you look at 194, there's a meeting of
18 yourself with Mr. Abell about Father Charles's reply
19 delivered by Malcolm; right?

20 **MR. CARRIERE:** Yes.

21 **MR. NEVILLE:** All right.

22 **MR. CARRIERE:** Yes.

23 **MR. NEVILLE:** Let's look at page 200.

24 Right?

25 **MR. CARRIERE:** M'hm.

1 **MR. NEVILLE:** It's the 17th of February?

2 **MR. CARRIERE:** Yes.

3 **MR. NEVILLE:** Described as the last
4 anticipated team meeting at item number 1?

5 **MR. CARRIERE:** Yes.

6 **MR. NEVILLE:** And the correspondence is
7 ready for Father Charles. This is the final decision;
8 right? Because it says:

9 "Correspondence to Father Charles,
10 Diocese, OPP, and CPS with regards to
11 outcome of findings to be drafted."

12 **MR. CARRIERE:** I have a ---

13 **THE COMMISSIONER:** A sticky?

14 **MR. CARRIERE:** Yeah.

15 **THE COMMISSIONER:** Yeah, on the page there
16 was a -- okay.

17 **MR. NEVILLE:** Yes, there's two page 200s,
18 sir. It's the next -- go one more. You're right,
19 Commissioner, there was a sticky that was ---

20 **MR. CARRIERE:** Okay. Yes, okay.

21 **MR. NEVILLE:** They put it in twice, sir.
22 Just once with the sticky, I take it, and once without.

23 **MR. CARRIERE:** Okay.

24 **MR. NEVILLE:** Do you have it now?

25 **MR. CARRIERE:** I have it now.

1 **MR. NEVILLE:** All right. Item 2 is the
2 correspondence with the final outcome.

3 **MR. CARRIERE:** Right.

4 **MR. NEVILLE:** And it's going to be going to
5 Father Charles, the Diocese, the OPP, and the CPS. Right?

6 **MR. CARRIERE:** Yes.

7 **MR. NEVILLE:** And it says at item 4 -- that
8 says "verification"?

9 **MR. CARRIERE:** Yes.

10 **MR. NEVILLE:** "Verify that Father Charles
11 MacDonald sexually assaulted David
12 Silmser and sexually assaulted two
13 other adolescents."

14 **MR. CARRIERE:** Yes.

15 **MR. NEVILLE:** Is that the conclusion that
16 you yourself had come to?

17 **MR. CARRIERE:** Well, I was at the meeting.
18 I'm assuming that I was part of that decision.

19 **MR. NEVILLE:** Now, let me ask you this,
20 because we know the letters went out ---

21 **MR. CARRIERE:** Yes, yes, I was part --
22 definitely part of that decision. Sorry.

23 **MR. NEVILLE:** We know the letters ---

24 **MR. CARRIERE:** I'm just reading it,
25 Mr. Neville.

1 **MR. NEVILLE:** We know the letters went out,
2 and we know that by that date in February the OPP were here
3 doing the reinvestigation; right?

4 **MR. CARRIERE:** Yes.

5 **MR. NEVILLE:** Why was a letter saying Father
6 MacDonald, in the view of the CAS, is guilty -- why was
7 that sent to the ---

8 **THE COMMISSIONER:** No, sir. No, sir. No,
9 sir. I don't know that the word "guilty" should be applied
10 here because ---

11 **MR. NEVILLE:** I will use the word to the
12 letter, that he "sexually assaulted" Mr. Silmser.

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

14 **MR. ENGELMANN:** The letters all say slightly
15 different things, so his note says that; the letters are
16 slightly different. It depends on who is written to. I
17 notice there are some nuances, but my friend should be
18 careful in -- if he should refer to a letter, he really
19 wants to do that unless he has it verbatim.

20 **MR. NEVILLE:** Well, let me ask this.
21 Why was a letter saying anything about your
22 findings about Father MacDonald, in whatever wording -- why
23 was it sent to the OPP?

24 **MR. CARRIERE:** Because we were aware that
25 the OPP were doing an investigation and felt that they

1 should be aware of our involvement and our conclusions with
2 respect to that.

3 **MR. NEVILLE:** Why?

4 **MR. CARRIERE:** Because we work with the
5 police.

6 **MR. NEVILLE:** Weren't they to be conducting
7 -- to use a phrase we've looked at -- an open-minded new
8 investigation?

9 **MR. CARRIERE:** Oh, I'm sure that they did.

10 **MR. NEVILLE:** Why would they need the
11 opinion of the CAS? Were you trying to influence their
12 opinion?

13 **MR. CARRIERE:** Not at all.

14 **MR. NEVILLE:** Why was it sent to the CPS?

15 **MR. CARRIERE:** Because we knew that they had
16 been involved with the matter and obviously had conducted
17 an investigation, and felt that they should know what we
18 concluded.

19 **MR. NEVILLE:** And had not laid a charge?

20 **MR. CARRIERE:** That's right.

21 **MR. NEVILLE:** All right, let's look at ---

22 **THE COMMISSIONER:** Just a minute, just a
23 minute. Can I go?

24 Is there a protocol to do that?

25 **MR. CARRIERE:** I don't think there's a

1 protocol to do that, no.

2 **THE COMMISSIONER:** Have you ever -- had you
3 done it in the past?

4 **MR. CARRIERE:** I'm sure we must have, sir,
5 but I can't think of specific cases. I can't think that we
6 wouldn't have communicated with other police departments.

7 I think the other thing -- the reality is
8 that as we treated this case as a project case, we realized
9 that this was a serious matter, and I believe that was one
10 of the reasons why we communicated with the parties that we
11 communicated with.

12 **THE COMMISSIONER:** Well, once you've made
13 that finding, all right, do you send -- does that start the
14 process with the Sex Abuse Registry?

15 **MR. CARRIERE:** It can. Once there is a
16 verification, the next step would be to contact the
17 Register if you felt that it was something that should be
18 registered.

19 **THE COMMISSIONER:** And was this registered?

20 **MR. CARRIERE:** No, it wasn't.

21 **THE COMMISSIONER:** Okay. I'm just -- I just
22 want to be clear now.

23 Since this investigation, have you made
24 similar findings and given copies of your letter to
25 different police authorities?

1 **MR. CARRIERE:** I don't -- I can't think of
2 specific examples offhand, sir.

3 **THE COMMISSIONER:** So it's not a common
4 practice?

5 **MR. CARRIERE:** I wouldn't say that it's a
6 common practice. No, I wouldn't say that it's a common
7 practice.

8 **THE COMMISSIONER:** So, again, is there an
9 explanation why you would have done it in this case? You
10 said the two police agencies were investigating.

11 **MR. CARRIERE:** I have to say probably
12 because of the importance that we gave to this particular
13 case, that we felt that we should communicate with both the
14 OPP and the city police on this matter.

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

16 **MR. NEVILLE:** Thank you, Commissioner.
17 Can we look, Mr. Carriere, at page 203?

18 **MR. CARRIERE:** Two hundred and three (203)?

19 **MR. NEVILLE:** Two-zero-three (203), yes.

20 This is the letter of Father Charles dated
21 1st of March, '94, right, and it had three purposes. To
22 indicate the outcome ---

23 **THE COMMISSIONER:** I'm sorry?

24 **MR. NEVILLE:** Two-oh-three (203),
25 Commissioner.

1 THE COMMISSIONER: Yes. Yeah.

2 MR. NEVILLE: At the bottom.

3 THE COMMISSIONER: At the bottom, oh, yes.

4 MR. NEVILLE: Three purposes:

5 "...indicating outcome of our
6 investigation;

7 (2) offer a meeting if you would like
8 to discuss our findings."

9 Right?

10 MR. CARRIERE: Yes.

11 MR. NEVILLE: Was that to allow him to
12 protest or rebut them?

13 MR. CARRIERE: Yes.

14 MR. NEVILLE: Okay.

15 MR. CARRIERE: Well, more to agree to them
16 or to ask us if we could help him in any way.

17 MR. NEVILLE: All right.

18 MR. CARRIERE: It's an open-ended
19 invitation.

20 MR. NEVILLE: Well, that's the third one:

21 "Offer recommendations or any treatment
22 needs."

23 MR. CARRIERE: Yes.

24 MR. NEVILLE: All right.

25 Now, let's look at 204. Do you have it?

1 **MR. CARRIERE:** Yes, I do.

2 **MR. NEVILLE:** Bottom of the page:

3 "Call from Malcolm MacDonald."

4 Do you see that?

5 **MR. CARRIERE:** Yes, I do.

6 **MR. NEVILLE:** Number:

7 "(1) Father Charles MacDonald called
8 him to say he had received our letter
9 and that he has mailed it to him,
10 Malcolm MacDonald."

11 **MR. CARRIERE:** Yes.

12 **MR. NEVILLE:** Next page:

13 "(2) He has not yet received the letter
14 yet."

15 Number:

16 "(3) That he is asking we not terminate
17 file as per our letter to Father
18 Charles until we hear from him. I
19 indicated we'd wait to hear from him."

20 Right?

21 **MR. CARRIERE:** Yes.

22 **MR. NEVILLE:** Now, did you take his lawyer
23 to be asking you, "Hold on a minute now about these
24 findings till you hear from my client"? Is that what you
25 took him to be saying?

1 **THE COMMISSIONER:** I don't know that this --
2 this is Bell's note.

3 **MR. NEVILLE:** Yes, sir.

4 **THE COMMISSIONER:** So do we know that this
5 was communicated to him?

6 **MR. NEVILLE:** I should ask that question,
7 sir.

8 This is a note of Mr. Bell's. Given what
9 Mr. MacDonald is requesting, that the file not be
10 terminated and kept open, so to speak, until your agency
11 heard from Father Charles, isn't it likely he would have
12 conveyed this request on behalf of Father Charles to
13 yourself as the head of the team?

14 **MR. CARRIERE:** It would make sense, Mr.
15 Neville, but I don't see a notation from Greg.

16 **MR. NEVILLE:** No, you're right.

17 **MR. CARRIERE:** Until the 21st of March.

18 **MR. NEVILLE:** M'hm. My question was, do you
19 not think it likely Mr. Bell would have come to you as a
20 supervisor, as the Director of Project Blue, to say, "We've
21 had this request to keep it open 'til we hear from Father
22 Charles"?

23 **MR. CARRIERE:** Well, as I said, it would
24 make sense, but I don't see a notation and Greg is quite
25 good at noting when he's had contact with a supervisor.

1 **MR. NEVILLE:** All right.

2 Let's look at page 205. This is a direct
3 contact by the OPP, in particular Detective Inspector
4 Smith?

5 **MR. CARRIERE:** Yes.

6 **MR. NEVILLE:** And he clearly has received
7 the letter which actually went to Carson Fougere, but he
8 obviously has the letter because if we look at the fourth
9 line from the bottom:

10 "He was interested in our conclusion
11 that David Silmser was molested by
12 Father Charles MacDonald."

13 Right?

14 **MR. CARRIERE:** Yes.

15 **MR. NEVILLE:** So he clearly has the letter,
16 right?

17 **MR. CARRIERE:** Yes.

18 **MR. NEVILLE:** Now, if we look at the next
19 page, we have a series of -- if we look at the top of page
20 6 -- we have a series of points being conveyed to Mr. Bell
21 by Inspector Smith?

22 **MR. CARRIERE:** Yes.

23 **MR. NEVILLE:** About where he's at?

24 **MR. CARRIERE:** Yes.

25 **MR. NEVILLE:** All right.

1 Number 8 at the bottom:

2 "David Silmser appears to have gone
3 back to Father Charles MacDonald as an
4 adult."

5 Right?

6 **MR. CARRIERE:** Yes, m'hm.

7 **MR. NEVILLE:** Now, do you recall Mr. Bell
8 bringing these related points from the OPP to your
9 attention?

10 **MR. CARRIERE:** I don't recall, Mr. Neville.

11 **MR. NEVILLE:** Okay. Let's look at page 209.
12 We now know the OPP is underway. There has
13 been a direct communication that we've just touched on from
14 Inspector Smith, right?

15 **MR. CARRIERE:** M'hm.

16 **MR. NEVILLE:** Let's look at 209, date 21st of
17 March '94, time 1405. This is a meeting, or a supervision
18 I guess it's called, with yourself?

19 **MR. CARRIERE:** Yes.

20 **MR. NEVILLE:** Let's look at it:

21 "In the light of the current OPP
22 investigation of David Silmser's
23 allegations against Father Charles
24 MacDonald, we will not be closing our
25 file yet and will not give details of

1 our investigation."

2 Right?

3 **MR. CARRIERE:** Yes.

4 **MR. NEVILLE:** Next paragraph at the bottom,

5 I should say:

6 "We will advise Malcolm MacDonald that
7 in the light of recent developments
8 which we cannot discuss, we would have
9 to delay meeting with him or Father
10 Charles MacDonald re. investigation
11 outcome. We can indicate that our
12 position regarding the investigation is
13 the same."

14 **MR. ENGELMANN:** I believe the word is "on"
15 sir.

16 **MR. NEVILLE:** Oh, sorry.

17 **THE COMMISSIONER:** Where is that?

18 **MR. NEVILLE:** I'm not sure which line my
19 friend is referring to, Commissioner.

20 **THE COMMISSIONER:** Me neither.

21 "He can indicate that on position..."?

22 **MR. ENGELMANN:** Yeah.

23 **THE COMMISSIONER:** "...regarding the
24 investigation is..." ---

25 **MR. ENGELMANN:** Malcolm MacDonald, at the

1 bottom third line, "On Father Charles", I believe.

2 **MR. NEVILLE:** "We would have to delay
3 meeting with him..."

4 Hold on, "or" ---

5 **THE COMMISSIONER:** "Or".

6 **MR. NEVILLE:** I take it as "or".

7 **THE COMMISSIONER:** "Or" or "on" Father
8 Charles.

9 **MR. NEVILLE:** It could be either.

10 **THE COMMISSIONER:** Yeah, it doesn't matter.

11 **MR. NEVILLE:** Now, first of all, and then
12 the last sentence I think we should come back to:

13 "We can indicate that our position
14 regarding the investigation is the
15 same."

16 Right?

17 **MR. CARRIERE:** Yes.

18 **MR. NEVILLE:** Okay. So first of all,
19 looking at the first paragraph that I read out just under
20 your name at the time, what was the purpose of keeping the
21 file open?

22 **MR. CARRIERE:** I'm not really sure, Mr.
23 Neville.

24 **MR. NEVILLE:** Well, if the file is open does
25 that mean that implicitly, at least, the decision might be

1 different based on what the OPP learn?

2 **MR. CARRIERE:** I suppose that that's a
3 possibility but it's probably more in terms of anticipating
4 either an exchange of information; that if we close the
5 file it would mean that we would have to reopen the file if
6 there was any discussion, any dialogue, any information
7 that came back and forth. It just didn't make sense to
8 keep opening and closing it constantly.

9 **MR. NEVILLE:** So that does not mean that the
10 CAS was keeping an open mind at that point?

11 **MR. CARRIERE:** I think we always have an
12 open mind, Mr. Neville.

13 **MR. NEVILLE:** So can you relate that what
14 you just said to the last sentence, that you were going to
15 be indicating to Malcolm MacDonald:

16 "...our position regarding the
17 investigation is the same"?

18 **MR. CARRIERE:** Well, we had no information
19 to suggest that we should change our position.

20 **MR. NEVILLE:** Well, he'd been asking you, as
21 recorded in Bell's notes, to hold on, to meet with Father
22 Charles, right?

23 **MR. CARRIERE:** Yes.

24 **MR. NEVILLE:** And you're now saying, "Well,
25 in the light" ---

1 **MR. CARRIERE:** I'm not sure that he is
2 saying to meet with Father Charles. I think he's -I don't
3 know that he specifically says that.

4 **MR. NEVILLE:** Until we hear from him.

5 **MR. CARRIERE:** Yes.

6 **MR. NEVILLE:** Okay.

7 **MR. CARRIERE:** Okay. All right.

8 **MR. NEVILLE:** Either way.

9 **MR. CARRIERE:** Okay.

10 **THE COMMISSIONER:** Mr. Neville, I'm going to
11 have to break shortly. Is this ---

12 **MR. NEVILLE:** Yes, that's fine.

13 **THE COMMISSIONER:** Thank you.

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

16 The hearing will resume at 11:20 a.m. in
17 camera.

18 --- Upon recessing at 11:27 a.m./

19 L'audience est suspendue à 11h27

20 --- Upon resuming at 11:44 a.m./

21 L'audience est reprise à 11h44

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

24 This hearing is now resumed. Please be
25 seated. Veuillez vous asseoir.

1 **THE COMMISSIONER:** Yes, Mr. Neville.

2 **MR. NEVILLE:** Thank you, Commissioner.

3 **--- WILLIAM CARRIERE, Resumed/Sous le même serment:**

4 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

5 **MR. NEVILLE (cont'd/suite):**

6 **MR. NEVILLE:** Can we look briefly next, Mr.
7 Carriere, at page 215.

8 **MR. CARRIERE:** I have it.

9 **MR. NEVILLE:** This is now the 26th of May,
10 1994. Oh sorry, there was one other reference I meant to
11 go to before that. I apologize. Page 212.

12 **MR. CARRIERE:** Yes, I have it.

13 **MR. NEVILLE:** All right. This is a contact
14 by phone, I gather, between Mr. Bell and Inspector Smith,
15 and let's look at what the purpose -- this is on the 12th of
16 May, '94:

17 "Discuss possible request by Father
18 Charles MacDonald or his lawyer,
19 Malcolm MacDonald, for outcome
20 discussions on this case and possibly
21 delaying this because..."

22 **THE COMMISSIONER:** Normal?

23 **MR. NEVILLE:** "...because criminal
24 investigation by OPP in progress."

25 **MR. CARRIERE:** Criminal investigation.

1 **MR. NEVILLE:** So according to this purpose,
2 the notion of an interview for Father MacDonald is still,
3 on the face of it at least, an open question; right?

4 **MR. CARRIERE:** Yes.

5 **MR. NEVILLE:** And here's the response from
6 the detective:

7 "He has no problem if we discuss our
8 findings with Father Charles MacDonald
9 and would be interested in hearing
10 'where they are coming from'. He is
11 still involved in investigation."

12 Was this position of the OPP -- and just to
13 put it in context, I take it the concern would have been
14 that you not interfere in some fashion with how the police
15 wanted to do things?

16 **MR. CARRIERE:** Right.

17 **MR. NEVILLE:** All right. And he's saying
18 quite the opposite; it might be a good idea to see where it
19 leads.

20 **MR. CARRIERE:** He doesn't seem to have a
21 problem with it, for sure.

22 **MR. NEVILLE:** Right. Now this, I take it,
23 would have been brought to your attention. And just to
24 confirm it, if you would look at the top of page 214 ---

25 **MR. CARRIERE:** Yes.

1 **MR. NEVILLE:** --- is the next reference I
2 can see to a supervision; right? And then ---

3 **MR. CARRIERE:** Yes.

4 **MR. NEVILLE:** --- in the middle of that page
5 214, 16th of May, '94 there's a meeting with you and Mr.
6 Abell with Mr. Bell.

7 **MR. CARRIERE:** M'hm.

8 **MR. NEVILLE:** And it says:

9 "Contact Inspector Smith and see if any
10 further activity on his part."

11 **MR. CARRIERE:** Right.

12 **MR. NEVILLE:** "indicate we expect to close
13 our file soon."

14 **MR. CARRIERE:** Right.

15 **MR. NEVILLE:** So it appears that between the
16 12th of May when you have the green light, so to speak, from
17 the OPP to proceed with the Charles MacDonald interview ---

18 **MR. CARRIERE:** I think that's the 12th of
19 April, by the way, Mr. Neville.

20 **MR. NEVILLE:** Sorry, I meant April.

21 **MR. CARRIERE:** Yes.

22 **MR. NEVILLE:** Thank you. I misspoke. Thank
23 you very much.

24 About a month later, the interview clearly
25 has not happened and there is a suggestion now of possibly

1 closing the file?

2 MR. CARRIERE: Yes.

3 MR. NEVILLE: All right.

4 Now, let's look at page 215.

5 MR. CARRIERE: I've got it.

6 MR. NEVILLE: Do you have it?

7 MR. CARRIERE: Yes, I do.

8 MR. NEVILLE: All right.

9 This is, again, a telephone attendance by
10 Mr. Bell on the 26th of May with Inspector Smith. He learns
11 in itemized points no charges yet laid or a decision made
12 about charges that he was going to be -- he, Smith, would
13 meet with what he calls -- Mr. Bell calls the district
14 Crown to discuss it. And then he advises Mr. Bell as
15 follows:

16 "Believes D. Silmser may have gone back
17 to Father Charles MacDonald as an
18 adult."

19 Was this brought to your attention?

20 MR. CARRIERE: I don't recall, Mr. Neville.

21 I don't know if there is a subsequent notation by Greg
22 indicating that he did bring it to my attention. I don't -
23 - I simply don't recall.

24 MR. NEVILLE: All right.

25 Number 5 is Mr. Bell was asked by the

1 inspector to contact him in about a month, right?

2 MR. CARRIERE: Right.

3 MR. NEVILLE: All right.

4 Now, let's look at the 7th of June on page
5 217.

6 MR. CARRIERE: Yes, I've got it.

7 MR. NEVILLE: It's a telephone attendance by
8 Mr. Bell with Detective Constable Fagan.

9 MR. CARRIERE: Yes.

10 MR. NEVILLE: Who we know was assisting
11 Inspector Smith.

12 If you look at the bottom of that entry, the
13 fifth line, "He" meaning Fagan:

14 "He will interview Father Charles this
15 p.m., this afternoon. He's out of
16 Southdown and in Glen Walter."

17 MR. CARRIERE: M'hm.

18 MR. NEVILLE: And it would appear, if you
19 look at the entry (2) down, half an hour later you were
20 advised of this by Mr. Bell?

21 MR. CARRIERE: Well, it appears that I have
22 a discussion but if I could just read what ---

23 MR. NEVILLE: Yes.

24 (SHORT PAUSE/COURTE PAUSE)

25 MR. CARRIERE: Well, it doesn't -- which

1 part am I advised ---

2 **MR. NEVILLE:** Well, first of all, I am going
3 to suggest that in all likelihood Mr. Bell would have
4 advised you, number one, Father MacDonald is not in
5 Southdown he's in Glen Walter, close at hand. Isn't it
6 likely he told you that?

7 **MR. CARRIERE:** It would make sense that he
8 would but I don't have any recollection of it, Mr. Neville.

9 **MR. NEVILLE:** And perhaps as importantly,
10 the OPP are going to be interviewing Father MacDonald that
11 day.

12 Now, isn't that something that might be of
13 significance if he's going to be interviewed?

14 **MR. CARRIERE:** Yes, it would be but I don't
15 recall ---

16 **MR. NEVILLE:** Your agency, up to this date,
17 had not attempted to interview him?

18 **MR. CARRIERE:** That's right.

19 **MR. NEVILLE:** In spite of offers to that
20 effect.

21 **MR. CARRIERE:** Well, we had tried to -- we
22 wanted to interview him but we were advised that he was not
23 able to leave Southdown.

24 **MR. NEVILLE:** Fine.

25 **MR. CARRIERE:** Would not leave Southdown.

1 **MR. NEVILLE:** As of the 7th of June, he's in
2 Glen Walter.

3 **MR. CARRIERE:** Yes.

4 **MR. NEVILLE:** We can look through this
5 document from start to finish of what's left in it and
6 there's no attempt made, in spite of a further offer, to
7 interview Father MacDonald. Do you agree with that?

8 **THE COMMISSIONER:** In spite of another
9 offer?

10 **MR. NEVILLE:** To see Father MacDonald, to
11 meet with him, interview him. We'll get to it later,
12 Commissioner.

13 **THE COMMISSIONER:** Okay.

14 **MR. CARRIERE:** I don't see any effort on our
15 part to set up another interview with him if that's what
16 you're asking.

17 **MR. NEVILLE:** All right.

18 Let's look at page 219. This is now about
19 three weeks later. This is Detective Inspector Smith
20 that's contacting Mr. Bell, and you will see if you turn
21 the page ---

22 **MR. CARRIERE:** To 220 you mean?

23 **MR. NEVILLE:** It's 220.

24 **MR. CARRIERE:** Yes.

25 **MR. NEVILLE:** You'll see that Mr. Bell

1 briefs Mr. Abell at 11:45 and briefs you at noon.

2 There is a reference to yourself at the
3 bottom, sir ---

4 **MR. CARRIERE:** Yes.

5 **MR. NEVILLE:** --- at 1200 hours:

6 "Indicated I discussed my above phone
7 call of 27/6/54 at 1450 (sic) with
8 Inspector Smith with Rick Abell and
9 that we can expect to hold another team
10 meeting."

11 Right?

12 **MR. CARRIERE:** Yes.

13 **MR. NEVILLE:** So let's go back to what
14 Inspector Smith tells them or tells your agency through Mr.
15 Bell.

16 Item 1 in the list of related information:

17 "No charges yet laid."

18 Right?

19 **MR. CARRIERE:** M'hm.

20 **MR. NEVILLE:** Item 3:

21 "Mike Fagan interviewed Father Charles
22 MacDonald who denied Silmser's
23 allegations. There was written
24 material between D. Silmser and Father
25 Charles MacDonald exchanged after the

1 abuse took place."

2 I see no attempt in the balance of this
3 Project Blue notes to obtain Father MacDonald's statement.
4 Do you agree?

5 **MR. CARRIERE:** I would agree with that.

6 **MR. NEVILLE:** I see no attempt to obtain
7 knowledge or copies even of what this written material was.

8 **MR. CARRIERE:** No, we didn't attempt to get
9 it.

10 **MR. NEVILLE:** You know now, do you not, from
11 either reading for the Inquiry or at the Inquiry, Mr.
12 Carriere, that Mr. Silmsen communicated with Father Charles
13 in prison?

14 **MR. CARRIERE:** I've seen one letter.

15 **MR. NEVILLE:** Yes, a very friendly letter.

16 **MR. CARRIERE:** Yes.

17 **MR. NEVILLE:** Addressed to "Dear Chuck"?

18 **MR. CARRIERE:** I can't remember how it
19 starts.

20 **MR. NEVILLE:** No?

21 **MR. CARRIERE:** But I'm not going to dispute
22 that, Mr. Neville.

23 **MR. NEVILLE:** For the record, Commissioner,
24 it's our Exhibit 309, sir.

25 **THE COMMISSIONER:** Thank you.

1 **MR. NEVILLE:** And it was sent, Commissioner,
2 according to Exhibit 3 -- sorry, it may not be an exhibit
3 yet. It's Document -- maybe I should just do this
4 properly, Commissioner, and have the witness confirm
5 Exhibit 309?

6 **THE COMMISSIONER:** All right. Let's see
7 309, Madam Clerk.

8 **MR. NEVILLE:** And also, Commissioner,
9 Document -- I don't think it's an exhibit but I wasn't sure
10 from the Exhibit List -- 714805 is the envelope, sir.

11 And the statement, Commissioner, by Father
12 MacDonald on the 7th of June is an exhibit before you. It
13 is 2251 on the 7th of June. The participants, some of whom
14 I'm sure you will hear from, sir, are Detective Constable
15 Fagan, Constable Hurtubise, Father MacDonald and Malcolm
16 MacDonald.

17 I suspect you may not have had a chance to
18 see it or look at it, sir, but the letter in question was
19 in fact turned over or shown and provided as part of that
20 interview. It's reflected in the interview, including that
21 it was sent in 1975, which the stamp on the envelope would
22 show.

23 So the exhibit, Commissioner, is 309 ---

24 **THE COMMISSIONER:** Hold on now. Madam Clerk
25 is still trying to find ---

1 **MR. NEVILLE:** Oh, I apologize.

2 **(SHORT PAUSE/COURTE PAUSE)**

3 **MR. NEVILLE:** What I wasn't sure,
4 Commissioner, from our Exhibit List was whether Document
5 714805, the accompanying envelope, became part of it. It
6 didn't appear to be, sir.

7 **THE COMMISSIONER:** I don't know. We'd have
8 to check that.

9 Is it? It's there -- no.

10 **MR. NEVILLE:** It is there?

11 **THE COMMISSIONER:** It's not an exhibit.

12 **MR. NEVILLE:** All right.

13 **THE COMMISSIONER:** We'll make it an exhibit
14 now.

15 **MR. NEVILLE:** I had given notice of this,
16 sir.

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

18 **MR. NEVILLE:** Seven-one-four-eight-zero-five
19 (714805), which can be seen to bear the date 1975 as the
20 postmark.

21 **THE COMMISSIONER:** Just a second.

22 **MR. NEVILLE:** Oh, sorry.

23 **THE COMMISSIONER:** Exhibit Number 2382 will
24 be a photocopy of an envelope addressed to Father Charles
25 MacDonald, St. Columban's Church, Cornwall, Ontario.

1 **--- EXHIBIT NO./PIÈCE NO. P-2382:**

2 (714805) - Copy of envelope addressed to
3 Father Charles MacDonald - dated 1975

4 **THE COMMISSIONER:** Okay, go ahead.

5 **MR. NEVILLE:** I won't take up time with the
6 actual statement, sir. We'll deal with it when Officer
7 Fagan comes rather than take up your time with Mr.
8 Carriere.

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

10 **MR. NEVILLE:** You have the document there,
11 the letter, Mr. Carriere?

12 **MR. CARRIERE:** Yes. Yes, I do.

13 **MR. NEVILLE:** This is the one you were
14 thinking of?

15 **MR. CARRIERE:** Yes, it is.

16 **MR. NEVILLE:** Addressed to "Dear Chuck"?

17 **MR. CARRIERE:** Yes.

18 **MR. NEVILLE:** A very friendly letter?

19 **MR. CARRIERE:** I would say it is, yes.

20 **MR. NEVILLE:** Including with:

21 "...anyways, bye for now, and take it
22 easy. Sincerely, Dave".

23 **MR. CARRIERE:** Yes.

24 **MR. NEVILLE:** Now, it would appear to me,
25 sir, when I look through Mr. Bell's notes which is in

1 effect the history of Project Blue:

2 "No attempt is made to obtain this
3 document let alone to analyze it and
4 see what its significance is."

5 Right?

6 **MR. CARRIERE:** I can't dispute that.

7 **MR. NEVILLE:** Can we next look briefly at
8 page 228? Do you have it there?

9 **MR. CARRIERE:** Yes, I do.

10 **MR. NEVILLE:** All right. This now brings us
11 to the 22nd of September, and I won't go through page by
12 page to save time, Mr. Carriere, but I can advise you --
13 and the Commissioner has the document -- that throughout
14 the summer months from the last contact with Mr. Smith
15 through to this date, there appears to be no liaising going
16 on between your agency and the OPP. All right?

17 So that brings us to the 22nd of September
18 and this is Mr. MacDonald calling again. All right?

19 **MR. CARRIERE:** M'hm.

20 **MR. NEVILLE:** Item 3.

21 **MR. CARRIERE:** Yes.

22 **MR. NEVILLE:** "He felt there would be no
23 problem if we wanted to speak to Father
24 MacDonald now. That he is out at
25 Southdown and that it was the Southdown

1 people who would not allow him out
2 during his stay. I indicated we sought
3 his impact..." ---

4 **MR. CARRIERE:** "His input".

5 **MR. NEVILLE:** --- "...his input for the
6 verification review but had to proceed
7 without it as he declined."

8 Now, we've spent a lot of time on this and
9 we now come to this passage. When did Father MacDonald
10 decline?

11 **MR. CARRIERE:** I didn't write this, Mr.
12 Neville ---

13 **MR. NEVILLE:** I know you didn't.

14 **MR. CARRIERE:** Okay.

15 **MR. NEVILLE:** Do you know at any point when
16 he actually declined?

17 **MR. CARRIERE:** No, I don't know that that's
18 exact.

19 **MR. NEVILLE:** No, no. And, in fact, when we
20 look through the balance of this document, this offered
21 interview never occurs does it?

22 **MR. CARRIERE:** I'm sorry?

23 **MR. NEVILLE:** Never occurs, this offered
24 interview?

25 **MR. CARRIERE:** No, it doesn't.

1 **MR. NEVILLE:** No.

2 **MR. CARRIERE:** You mean from this point on,
3 Mr. Neville?

4 **MR. NEVILLE:** Right.

5 **MR. CARRIERE:** Yes. And it reads like if we
6 are interested and it doesn't read like he's ---

7 **MR. NEVILLE:** Oh, I know that.

8 **MR. CARRIERE:** --- insisting on having an
9 interview.

10 **MR. NEVILLE:** I know that, Mr. Carriere, but
11 we've gone through it perhaps undue detail. But Mr.
12 MacDonald, on behalf of his client, is explaining where he
13 is; why he can't come out of there ---

14 **MR. CARRIERE:** Yes.

15 **MR. NEVILLE:** --- and that he does want to
16 give a statement or say something, be interviewed, right?

17 **MR. CARRIERE:** Well, he's saying that if we
18 ---

19 **MR. NEVILLE:** He's consistent.

20 **MR. CARRIERE:** --- if we, I think the exact
21 wording is if we wanted to speak to Father Charles.

22 **MR. NEVILLE:** Yes, right.

23 **MR. CARRIERE:** I think that's different than
24 him -- it's not stated that he wants to speak to us.

25 **MR. NEVILLE:** But the answer he's given, sir

1 ---

2 MR. CARRIERE: Yeah.

3 MR. NEVILLE: --- for his client, is "We
4 sought his input but he declined".

5 MR. CARRIERE: Yes.

6 MR. NEVILLE: Let's look at page 233. This
7 is now the 7th of November '94 at 1333hrs. Have you found
8 that?

9 MR. CARRIERE: Yes, I found it, yes.

10 MR. NEVILLE: This is a meeting with Mr.
11 Bell, Mr. Abell and yourself, right?

12 MR. CARRIERE: Yes, m'hm.

13 MR. NEVILLE: And the purpose is to have Mr.
14 MacDonald come to CAS to be briefed as to what the CAS
15 intended to convey to the Bishop about the investigation
16 outcome?

17 MR. CARRIERE: Right.

18 MR. NEVILLE: Which, for the record up at
19 this point, had not been conveyed because Father MacDonald
20 would not consent to the wording, right?

21 MR. CARRIERE: M'hm.

22 MR. NEVILLE: And you itemize as follows in
23 point 2:

24 "We will provide some background info
25 as to why we conclude statement..." --

1 I think it says "statement":

2 "...of David Silmser verified such as
3 ..."

4 Did I read that right?

5 **MR. CARRIERE:** No, it's actually SA, sexual
6 abuse.

7 **MR. NEVILLE:** Oh, sorry, you're quite right.
8 You're right.

9 "Conclude a sexual assault of David
10 Silmser verified such as..."

11 And there's four items, right?

12 **MR. CARRIERE:** Yes.

13 **MR. NEVILLE:** His credible police statement,
14 right?

15 **MR. CARRIERE:** M'hm.

16 **MR. NEVILLE:** We've talked about that and
17 the validity analysis. The credible interview, that's the
18 one in November by Mr. Bell.

19 **MR. CARRIERE:** M'hm.

20 **THE COMMISSIONER:** And Ms. DeBellis.

21 **MR. NEVILLE:** Yes, and Ms. DeBellis, thank
22 you, sir. By Ms. DeBellis and he, Greg Bell. The
23 allegations of the other two, right?

24 **MR. CARRIERE:** Yes.

25 **MR. NEVILLE:** And the settlement?

1 **MR. CARRIERE:** Yes.

2 **MR. NEVILLE:** Now, let's look next at page
3 243.

4 **MR. CARRIERE:** Yes.

5 **MR. NEVILLE:** This is a contact by Mr. Bell
6 with Inspector Smith on September -- sorry -- December 16th,
7 1994 at 1:38 p.m., right?

8 And he relates to Mr. Bell that they have
9 not yet heard from the regional Crown. All right?

10 **MR. CARRIERE:** M'hm.

11 **MR. NEVILLE:** Item number 2:

12 "Regarding the third portion of the
13 money paid to D. Silmsler, he indicated
14 there was not a third party; 27,000 was
15 paid by the Diocese and 5,000 by Father
16 Charles MacDonald."

17 Was that an issue that you knew was
18 outstanding at some point as to where the money came from?

19 **MR. CARRIERE:** I don't think it's an issue
20 that I gave it much thought, Mr. Neville.

21 **MR. NEVILLE:** I was talking about yourself.

22 **MR. CARRIERE:** Yeah, I know. I don't think
23 it's an issue that I have it very much thought.

24 **MR. NEVILLE:** It appears that for some
25 reason, Mr. Smith -- Inspector Smith felt he should convey

1 that knowledge to Mr. Bell.

2 Fair enough. All right.

3 Now, that brings us to the 16th of December,
4 1994. We know that on or about the 8th of January, 1995,
5 your agency sent the investigation result letter to the
6 Bishop, right?

7 **MR. CARRIERE:** Yes.

8 **MR. NEVILLE:** And I didn't go to it in the
9 notes, Commissioner, but Father MacDonald eventually does
10 consent to your doing that and it's sent in early January
11 of '95.

12 **MR. CARRIERE:** I don't know the exact date,
13 Mr. Neville.

14 **MR. NEVILLE:** All right. Well, we have it
15 as an exhibit.

16 **MR. CARRIERE:** Okay.

17 **MR. NEVILLE:** Now, can I ask, Commissioner,
18 that the witness be shown Exhibit 1000?

19 **THE COMMISSIONER:** Sure.

20 Do you think you can wrap it up before
21 lunch, sir?

22 **MR. NEVILLE:** Oh, I will, sir. I'm almost
23 done.

24 **THE COMMISSIONER:** Thank you.

25 (SHORT PAUSE/COURTE PAUSE)

1 **MR. CARRIERE:** I have it, Mr. Neville.

2 **MR. NEVILLE:** All right. You recognize this
3 document?

4 **MR. CARRIERE:** Yes, I do.

5 **MR. NEVILLE:** For the record, the Document
6 Number is 720738, Exhibit 1000, and this you would agree,
7 Mr. Carriere, is the public press release by the OPP at the
8 end of their 1994 review of, among other things, the
9 Silmsler allegations against Father Charles?

10 **MR. CARRIERE:** Yes, I understand it to be
11 that.

12 **MR. NEVILLE:** Pardon me?

13 **MR. CARRIERE:** Yes, I understand it to be
14 that, yes.

15 **MR. NEVILLE:** And, in paragraph 2, they say:
16 "Following the nine-month investigation
17 and consultation with the Regional
18 Director of Crown Attorneys, it has
19 been decided that there are no grounds
20 to lay criminal charges against the
21 Cornwall priest in the alleged assault
22 nor lay charges in the alleged improper
23 relationship in the Diocese and the
24 Cornwall Police."

25 Now, that was highly publicized here in this

1 community?

2 MR. CARRIERE: I think it was, yes.

3 MR. NEVILLE: It was in the newspaper?

4 MR. CARRIERE: Yes.

5 MR. NEVILLE: It was on television?

6 MR. CARRIERE: Yes.

7 MR. NEVILLE: And it is a different
8 conclusion than had been arrived at by your agency?

9 MR. CARRIERE: I think the test is
10 different.

11 MR. NEVILLE: Is it?

12 MR. CARRIERE: Well ---

13 MR. NEVILLE: I thought yours was reasonable
14 -- was reasonable and probable grounds -- balanced
15 probability, sorry, right?

16 MR. CARRIERE: Yes, I think ---

17 MR. NEVILLE: Yours is balanced
18 probabilities?

19 MR. CARRIERE: Yes.

20 MR. NEVILLE: This is not even grounds to
21 lay charges; it's even lower.

22 THE COMMISSIONER: Well, that's -- you're
23 telling him that, I don't know, we'll keep that for
24 argument.

25 MR. NEVILLE: All right.

1 **MR. CARRIERE:** I read that, Mr. Neville, but
2 I think the test is higher for laying criminal charges. At
3 least, that was my understanding and is my understanding.

4 **MR. NEVILLE:** Fine. Fine. Let's put it
5 this way.

6 You and your agency, up to and including Mr.
7 Abell, were aware of this press release given its
8 publicity. It was a major development.

9 **MR. CARRIERE:** I'm sure I was aware of it,
10 Mr. Neville.

11 **MR. NEVILLE:** Sure. And yet the letter is
12 sent to the Bishop in any event, right?

13 **MR. CARRIERE:** Yes, a letter is sent to the
14 Bishop.

15 **MR. NEVILLE:** So that the OPP conclusion, as
16 so stated, which included an interview of Father MacDonald
17 and the document authored by Silmsner, none of which you
18 people had or had done -- no interview, never even obtained
19 the document, right?

20 **MR. CARRIERE:** That's right.

21 **MR. NEVILLE:** Sent the letter to the Bishop;
22 we find the following about Father MacDonald, right?

23 **MR. CARRIERE:** Yes.

24 **MR. NEVILLE:** So your position, as sent to
25 the Bishop, which it duplicated what had been sent to

1 police forces and to Father MacDonald, right?

2 MR. CARRIERE: Yes.

3 MR. NEVILLE: Was not influenced at all by
4 the conclusion of the OPP?

5 MR. CARRIERE: Mr. Neville, I've been
6 involved in many child abuse cases where we've verified
7 abuse but the police don't have grounds to lay charges. So
8 this wouldn't come as a major shock to me.

9 MR. NEVILLE: My question, Mr. Carriere, was
10 this release by the OPP had no impact on the position your
11 agency took?

12 MR. CARRIERE: I don't recall, Mr. Neville,
13 whether it was considered. It clearly didn't seem to
14 change the course that we followed.

15 MR. NEVILLE: Can we look at page -- to
16 close, page 245.

17 THE COMMISSIONER: I'm sorry?

18 MR. NEVILLE: Page 245, sir.

19 MR. CARRIERE: I'm sorry -- okay, back to
20 the other. I've got page 245.

21 MR. NEVILLE: It's a team meeting that
22 included yourself, on the 27th of March, 1995?

23 MR. CARRIERE: Yes.

24 MR. NEVILLE: About two months or so -- two
25 months and a bit after the letter to the Bishop?

1 MR. CARRIERE: Right.

2 MR. NEVILLE: And about three months after
3 the press release?

4 MR. CARRIERE: Right.

5 MR. NEVILLE: And it says:

6 "Reviewed activities since 7 July,
7 '94."

8 Right?

9 MR. CARRIERE: Yes.

10 MR. NEVILLE: Which includes some of the
11 notebook entries that I've taken you through in the fall of
12 '94.

13 MR. CARRIERE: It could have, yes.

14 MR. NEVILLE: There's no reference here to
15 the decision arrived at by the OPP?

16 MR. CARRIERE: No, there isn't.

17 MR. NEVILLE: Mr. Carriere, I'm going to
18 suggest to you that the agency position arrived at about
19 Father MacDonald was essentially arrived at by the start of
20 November after the Silmsler interview and never changed?

21 MR. CARRIERE: I don't think that that's
22 correct, Mr. Neville.

23 MR. NEVILLE: No? You had ---

24 MR. CARRIERE: We had a lot of information
25 by then, yes, there's no question about that.

1 **MR. NEVILLE:** You had the statement. You
2 had the interview. That's Item 2.

3 **MR. CARRIERE:** Yes.

4 **MR. NEVILLE:** You had the alleged two others
5 and you had the settlement?

6 **MR. CARRIERE:** Okay.

7 **MR. NEVILLE:** Right?

8 **MR. CARRIERE:** Yes.

9 **MR. NEVILLE:** You had all of that by the 3rd
10 of November '93.

11 I'm going to suggest that, in fact, Mr.
12 Carriere, Father MacDonald's fate, so to speak, with your
13 agency was sealed when Mr. Abell brought the statement to
14 the first meeting.

15 **MR. CARRIERE:** I can't agree with you, Mr.
16 Neville.

17 **MR. NEVILLE:** And it never changed after
18 that?

19 **MR. CARRIERE:** I don't agree with you.

20 **MR. NEVILLE:** Those are my questions.

21 **THE COMMISSIONER:** Thank you.

22 Mr. Rose, any questions?

23 Oh, I'm sorry, did I miss somebody again?

24 **MR. ROSE:** We're going to try to do it in
25 order now.

1 **THE COMMISSIONER:** It matters not to me.

2 I'm sorry, I didn't know ---

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

4 **MR. ROSE:** Good afternoon, Mr. Carriere.

5 We know each other ---

6 **MR. CARRIERE:** We do. Good afternoon, Mr.

7 Rose.

8 **MR. ROSE:** --- over the course of the last
9 few years.

10 **MR. CARRIERE:** Yes.

11 **MR. ROSE:** And it turns out that I've been
12 mispronouncing your name last week as Carriere when, in
13 fact, I should be saying Carriere, so I apologize.

14 **MR. CARRIERE:** No problem.

15 **MR. ROSE:** Mr. Carriere, I take it you were
16 here last week for the evidence of Ms. Fitzpatrick?

17 **MR. CARRIERE:** Yes.

18 **MR. ROSE:** And I want to ask you some
19 questions about a narrow point of that evidence.

20 **MR. CARRIERE:** Yes.

21 **MR. ROSE:** I take it you heard Ms.
22 Fitzpatrick say that in 1986 or 1987 she came to learn,
23 according to her evidence, that an individual gave her
24 information that he had been abused by a probation officer
25 ---

1 MR. CARRIERE: Yes.

2 MR. ROSE: --- and it had something to do
3 with Alfred.

4 MR. CARRIERE: Yes.

5 MR. ROSE: And from her evidence, she said
6 that she told you at some point about that.

7 MR. CARRIERE: I heard her say that.

8 MR. ROSE: Now, did she tell you that?

9 MR. CARRIERE: I have no knowledge of that
10 at all.

11 MR. ROSE: Okay.

12 MR. CARRIERE: The first time I heard about
13 Ken Seguin was in 1993.

14 MR. ROSE: Okay.

15 MR. CARRIERE: And I want to ---

16 THE COMMISSIONER: Well, I don't want to --
17 you know, you're saying that she told him that. I think we
18 should put that in context.

19 She mentioned something on the way out of
20 the office and her testimony was she didn't mention the
21 name, she didn't think, so maybe "alluded"?

22 MR. ROSE: I was going to go through it in
23 some more detail, sir.

24 THE COMMISSIONER: I'm sorry.

25 MR. CARRIERE: So, as I understood from her

1 evidence, she learns that -- she was unclear in her
2 testimony whether it was Ken Seguin or a probation officer
3 -- but what she seemed to be confident of, at least, was
4 that she learned that an individual was abused while he was
5 on probation by a probation officer.

6 **MR. CARRIERE:** Yes.

7 **MR. ROSE:** And I took her evidence to mean
8 that she learned that in about 1986 or 1987.

9 **MR. CARRIERE:** That's my understanding from
10 her evidence, yes.

11 **MR. ROSE:** And if it matters, she had been
12 hired as a child protection worker late in 1986, around
13 December of 1986.

14 **MR. CARRIERE:** Yes, in December of 1986.

15 **MR. ROSE:** I mean, is it possible that as
16 someone who was a child protection worker with only --
17 effectively brand new on the job, she would have been sent
18 out to do this type of investigation or meeting with no
19 supervision, all on her own, brand new on the job?

20 **MR. CARRIERE:** In 1986, like days after?

21 **MR. ROSE:** There's only two weeks in 1986
22 where she would have been on the job.

23 **MR. CARRIERE:** I think it's highly unlikely
24 that it would happen in 1986.

25 **MR. ROSE:** It sounded to me, in other words,

1 it's probably more likely that it happened in 1987 if she
2 would have had to have some experience in order to perform
3 that type of investigation?

4 **MR. CARRIERE:** Yes.

5 **MR. ROSE:** So if that's the case then in
6 1987, according to her evidence, she learns that a
7 probation officer is abusing an individual at some time in
8 the past?

9 **MR. CARRIERE:** Yes.

10 **MR. ROSE:** Now, whether or not she knows the
11 name of the probation officer or not or the time, is that
12 something that if she had learned that, that would have
13 prompted some elevated level of concern?

14 **MR. CARRIERE:** If I had heard it or on her
15 part?

16 **MR. ROSE:** Any child protection worker.

17 **MR. CARRIERE:** I would say yes. Yes, it
18 should have, yes.

19 **MR. ROSE:** And would I be fair in suggesting
20 that if she did learn that, in around 1987, then her
21 training would have told her that this is subject to
22 something more formal than passing comments in a hallway?

23 **MR. CARRIERE:** I think that most -- my
24 experience with most new workers is that there's an urgency
25 to share that information fairly quickly with managers or

1 supervisors. I wouldn't expect it to be shared informally
2 in a hallway discussion.

3 **MR. ROSE:** And that's to say that if you did
4 learn that, yourself, from Ms. Fitzpatrick, in that
5 timeframe, I take it from your perspective you would have
6 taken that very seriously?

7 **MR. CARRIERE:** Yes.

8 **MR. ROSE:** In other words, this is not
9 something that you would have said, "Oh, there's a
10 probation officer out there abusing children in the
11 community or young adults in the community. I don't need
12 to do anything more than say have a nice night"?

13 **MR. CARRIERE:** Yeah. No, I wouldn't have
14 left it at that.

15 I think, Mr. Rose, just -- I think Ms.
16 Fitzpatrick gave different -- I don't mean this to sound as
17 it's going to sound -- but different versions of what might
18 have happened, and I think one of the versions that she
19 said was that she thought this had all been all wrapped up;
20 that they had dealt with the probation officer. That's
21 very different than a probation officer at large, I guess.

22 **MR. ROSE:** Right. And what I suggested to
23 her when I asked her questions was that even if she had
24 learned from this individual that it had been all wrapped
25 up -- because we don't really know what that means.

1 **MR. CARRIERE:** Yes.

2 **MR. ROSE:** That's not a term of law.

3 **MR. CARRIERE:** Right. Yes.

4 **MR. ROSE:** It's not a term of policy.

5 **MR. CARRIERE:** M'hm.

6 **MR. ROSE:** All wrapped up could mean
7 different things to just about anyone.

8 **MR. CARRIERE:** Right. Yes.

9 **MR. ROSE:** But she, as a child protection
10 worker, would have taken something, some step, in order to
11 investigate it in some manner?

12 **MR. CARRIERE:** Certainly it should have been
13 brought forward for a proper discussion. There's no
14 question about that. I mean, it's alleged to not have
15 happened in our jurisdiction, so it's not our agency that
16 would investigate it unless that person functioned in our
17 area, but it would require -- it should have a formal
18 discussion. It's a serious situation she's talking about.

19 **MR. ROSE:** Then I take it that if you had
20 learned that in 1987, it would have been subject to
21 something more formal?

22 **MR. CARRIERE:** Yes.

23 **MR. ROSE:** And I take it your evidence is
24 you have absolutely no documentation or recollection of
25 anything of that nature happening in that timeframe?

1 **MR. CARRIERE:** I have a recollection of
2 information with respect to Nelson Barque in 1986. I think
3 if I had heard about another probation officer in 1986 or
4 1987, I'd remember that. It would be significant enough --
5 it would be so significant, I would remember it.

6 **MR. ROSE:** And the first time you learned
7 about Ken Seguin, I take it, is into the nineties, really
8 in the fall of 1993?

9 **MR. CARRIERE:** That's right.

10 **MR. ROSE:** Just in the weeks before he dies?

11 **MR. CARRIERE:** That's right.

12 **MR. ROSE:** Thank you, Mr. Commissioner.

13 Those are my questions.

14 **THE COMMISSIONER:** Thank you.

15 Ms. Waddilove?

16 **MS. WADDILOVE:** I just have a few questions,
17 sir.

18 **THE COMMISSIONER:** Sure.

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

20 **MS. WADDILOVE:**

21 **MS. WADDILOVE:** Good morning, Mr. Carriere.
22 My name is Jodie-Lynn Waddilove. I'm counsel for the
23 Ministry of the Attorney-General for the Province of
24 Ontario.

25 **MR. CARRIERE:** Hello.

1 **MS. WADDILOVE:** I just have a few questions
2 for you this morning. In particular I want to ask you
3 about the Child Abuse Register.

4 **MR. CARRIERE:** M'hm.

5 **MS. WADDILOVE:** And you'll recall that in
6 your testimony with Mr. Engelmann you described the
7 Register as both mandatory and discretionary?

8 **MR. CARRIERE:** Yes.

9 **MS. WADDILOVE:** Do you recall that?

10 **MR. CARRIERE:** Yes.

11 **MS. WADDILOVE:** Okay.

12 Now, you'll agree with me that a Children's
13 Aid Society must take action when it receives a report of
14 child abuse?

15 **MR. CARRIERE:** It's compelled to look at the
16 referral, yes, and to make a decision as to whether or not
17 it should be investigated.

18 **MS. WADDILOVE:** Okay.

19 **MR. CARRIERE:** A child -- something that
20 would fit into the eligibility spectrum of abuse would be
21 investigated.

22 **MS. WADDILOVE:** And you'll agree with me
23 then that the CAS ultimately decides whether the report is
24 verified or not?

25 **MR. CARRIERE:** Yes.

1 **MS. WADDILOVE:** Okay. And you'll agree with
2 me then that if the CAS verifies the reported abuse ---

3 **MR. CARRIERE:** Yes.

4 **MS. WADDILOVE:** --- that the CAS has a duty
5 to report that information concerning the abuse to the
6 director of the Register. Is that fair?

7 **MR. CARRIERE:** I think part of that is
8 correct. I think if one reads the guidelines for reporting
9 to the Register, the word "discretionary" comes into
10 effect.

11 And if I could give you an example which I
12 think is something that's talked about in the report --
13 guidelines for reporting to the Child Abuse Register.

14 You can have a situation where you verify
15 that a parent has caused a bruise, let's say a minor
16 bruise, on a child. First time it's ever happened, the
17 parent is remorseful, the parent on their own has gone and
18 sought treatment. The parent has taken the child to the
19 hospital.

20 I think it says in the guidelines to
21 reporting to the Register that that kind of situation, the
22 Register doesn't see to be one that they expect a report to
23 be made. You verified abuse; you verified that harm has
24 happened, but there isn't a pattern of that.

25 **MS. WADDILOVE:** Okay.

1 **MR. CARRIERE:** So in that case, that's where
2 the "discretionary" comes in.

3 **MS. WADDILOVE:** Okay.

4 **MR. CARRIERE:** If it were to happen again, I
5 think the Children's Aid would likely register then.

6 **MS. WADDILOVE:** Okay.

7 So if the CAS verifies a report of abuse ---

8 **MR. CARRIERE:** Yes.

9 **MS. WADDILOVE:** --- okay, so after the
10 discretion in terms of distinguishing whether or not it was
11 a one-time incident versus the pattern, as you just
12 described ---

13 **MR. CARRIERE:** Yes.

14 **MS. WADDILOVE:** --- or, in other words, if
15 they would verify the reported abuse, there is a mandatory
16 obligation to report it to the Register. Is that fair?

17 **MR. CARRIERE:** I would think, yes, I would
18 agree with that.

19 **MS. WADDILOVE:** And am I correct in saying
20 that the CAS is required to contact or report this
21 information to the registrar within three working days of
22 receiving the complaint?

23 **MR. CARRIERE:** No, I don't think you -- I
24 don't think you're correct.

25 **MS. WADDILOVE:** Okay.

1 **MR. CARRIERE:** The Children's Aid Society is
2 to contact the Register within three days of receiving a
3 report of abuse. It's not filing a verified abuse.

4 **MS. WADDILOVE:** Okay. I believe that's what
5 ---

6 **MR. CARRIERE:** That's within 14 days.

7 **MS. WADDILOVE:** Okay. I believe that's what
8 I said, but thank you for your ---

9 **MR. CARRIERE:** No, you said three days.
10 Excuse me, unless I'm wrong, I thought you said three days.

11 **MS. WADDILOVE:** Okay. But once the CAS has
12 that verified report, they're required to contact the
13 registrar within 3 days? No? Or is it 14?

14 **MR. CARRIERE:** Let me go back.

15 **MS. WADDILOVE:** Okay.

16 **MR. CARRIERE:** When a referral is received
17 by the Children's Aid Society that alleges abuse, within
18 three days of receiving that referral, the Children's Aid
19 Society has to contact the Child Abuse Register to see if
20 they have any information.

21 **MS. WADDILOVE:** Okay.

22 **MR. CARRIERE:** At the end of the
23 investigation when the Children's Aid Society -- if the
24 Children's Aid Society verifies abuse and determines that
25 it's reportable, they are required to file that report

1 within 14 days.

2 MS. WADDILOVE: Okay.

3 MR. CARRIERE: Or, in some instances, with
4 the permission of the executive director of the agency,
5 that can be extended.

6 MS. WADDILOVE: Okay, good. Thank you for
7 clarifying that.

8 And so by contacting the registrar the CAS
9 then would be able to determine whether the person that was
10 named in the report or identified in the report to the
11 Society had been previously identified or placed on the
12 Register. Is that correct?

13 MR. CARRIERE: That's right.

14 MS. WADDILOVE: And so you agree with me
15 then that the CAS use and reporting obligation is not
16 discretionary but it's mandatory?

17 MR. CARRIERE: Well, I think I've talked
18 about the discretionary part. Setting that aside, I
19 believe that there is a mandatory responsibility.

20 MS. WADDILOVE: Okay.

21 THE COMMISSIONER: But at the front end?

22 MR. CARRIERE: Yeah.

23 THE COMMISSIONER: That's what you're
24 talking about. Once you've received it, you don't have any
25 discretion, you must advise them within three days that

1 you've received this complaint?

2 **MR. CARRIERE:** You have to contact them
3 within three days to see if that person is on the register.

4 **THE COMMISSIONER:** Okay.

5 **MR. CARRIERE:** Yes, that's correct.

6 **MS. WADDILOVE:** And then if that abuse is
7 verified at the end of the investigation, within 14 days --
8 -

9 **MR. CARRIERE:** You have to file a report.

10 **MS. WADDILOVE:** --- you have to file that
11 report with the registrar?

12 **MR. CARRIERE:** Yes, that's correct.

13 **MS. WADDILOVE:** And that's mandatory?

14 **MR. CARRIERE:** Yes.

15 **MS. WADDILOVE:** Now, also in your testimony
16 with Mr. Engelmann, you were asked about the description
17 that appears to be on -- that appears on the form that's
18 required by victims and their families.

19 **MR. CARRIERE:** Yes.

20 **MS. WADDILOVE:** And do you recall that?

21 **MR. CARRIERE:** Yes, I do.

22 **MS. WADDILOVE:** Okay. And you had explained
23 that it was your practice to ask or advise families that
24 you would normally register and ask their feelings about
25 that. Is that fair?

1 **MR. CARRIERE:** Yes, their position on that.

2 Yes.

3 **MS. WADDILOVE:** Okay. And you'll agree with
4 me then that the CAS societies use the Register, not the
5 families or the victims?

6 **MR. CARRIERE:** I'm sorry, I don't understand
7 your question.

8 **THE COMMISSIONER:** Who has access?

9 **MS. WADDILOVE:** In other words ---

10 **THE COMMISSIONER:** Who has access to the
11 Register?

12 **MS. WADDILOVE:** Yes. In other words,
13 families or victims don't have access to the Register?

14 **MR. CARRIERE:** I believe that they do. If
15 their name is on it, I believe that they have a right to
16 see that, yes.

17 **MS. WADDILOVE:** Okay.

18 **MR. CARRIERE:** As would be the person -- the
19 verified offender would have a right.

20 **MS. WADDILOVE:** Sorry?

21 **MR. CARRIERE:** As would the verified
22 offender have the right.

23 **MS. WADDILOVE:** Okay.

24 **MR. CARRIERE:** Certainly in some
25 communication that I had with the Child Abuse Register, I

1 would say at least two decades ago, I had some discussion
2 with them as to whether the family should be advised that
3 their names would be placed on a form that would be on the
4 Child Abuse Register. And the correspondence that came
5 back indicated that, yes, they should be advised and that
6 they would have access to -- I think they said that -- yes,
7 they would have access.

8 **MS. WADDILOVE:** And are you aware of the
9 Child Abuse Register regulations and legislation that
10 dictate the use of the Register?

11 **MR. CARRIERE:** I think I've read them, but
12 I'd have to see them to be familiar with them.

13 **MS. WADDILOVE:** That's fine.

14 You'll agree with me then that the
15 information in the Register is to be kept strictly
16 confidential, except for the uses set out in those
17 regulations and guidelines?

18 **MR. CARRIERE:** I understand that, yes.

19 **MS. WADDILOVE:** Okay.

20 Then just so that I'm clear, would the names
21 of the children and their families not be disclosed except
22 to the CAS to confirm whether or not their name appears to
23 be on the Register?

24 **MR. CARRIERE:** That would be my
25 understanding.

1 **MS. WADDILOVE:** Now, you may recall that
2 during your testimony with Mr. Engelmann, you were asked
3 whether the Register was used frequently. Do you recall
4 that?

5 **MR. CARRIERE:** Yes.

6 **MS. WADDILOVE:** Okay. And you replied then
7 that you thought that the Child Abuse Register is used
8 infrequently across the province and the numbers may have
9 dropped off. Is that fair?

10 **MR. CARRIERE:** That's my impression simply
11 from talking to colleagues in other agencies who expressed
12 to me that they were reporting fewer cases, yes, but in
13 terms of actual statistics, I frankly don't know.

14 **MS. WADDILOVE:** Okay. So you wouldn't have
15 access to information about the use of the Registrar by
16 CASes across the province?

17 **MR. CARRIERE:** No. No, my knowledge is sort
18 of anecdotal. So it may not have been a fair statement on
19 my part.

20 **MS. WADDILOVE:** That's fair. I'm going to
21 ask you a few questions about a Crown, Murray MacDonald.

22 **MR. CARRIERE:** Yes.

23 **MS. WADDILOVE:** Do you know Mr. MacDonald?

24 **MR. CARRIERE:** Yes, I do.

25 **MS. WADDILOVE:** And what was your

1 professional experience with him?

2 THE COMMISSIONER: As to when?

3 MS. WADDILOVE: Sorry?

4 THE COMMISSIONER: Historic, from now
5 backwards or ---

6 MS. WADDILOVE: At the time.

7 THE COMMISSIONER: At the time.

8 MS. WADDILOVE: Yes.

9 THE COMMISSIONER: In 1993.

10 MS. WADDILOVE: Yeah, the working
11 relationship with him.

12 MR. CARRIERE: I've always felt that the
13 Children's Aid Society and myself had an excellent working
14 relationship with Murray MacDonald.

15 MS. WADDILOVE: Okay.

16 MR. CARRIERE: I've always found him very
17 approachable, someone who would take the time to discuss
18 the situations and seemed to have a lot of commonsense in
19 terms of -- I found that he had a victim focus, which I
20 appreciated.

21 I can't -- I have no instances where I've
22 had any problems with Murray MacDonald.

23 MS. WADDILOVE: Okay. Were you aware if he
24 provided any the training to the CAS?

25 MR. CARRIERE: He did.

1 **MS. WADDILOVE:** Okay. Can you tell me more
2 about that; like what kind of training did he provide?

3 **MR. CARRIERE:** I recall -- and I can't
4 recall the specific date. I'm going to say it's definitely
5 sometime -- fairly certain it would be in the nineties,
6 perhaps early 2000 where I recall the location. It was at
7 the Public Health Unit and Murray did a presentation and he
8 may have done it with our lawyer as well, and I think he
9 talked about legal proceedings and also about note taking.
10 And yes, that's my recollection about that.

11 **MS. WADDILOVE:** Okay. Sir, those are all my
12 questions. Thank you for your time.

13 **MR. CARRIERE:** Thank you.

14 **THE COMMISSIONER:** Thank you. We'll take
15 the lunch break and come back at 2:00.

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

18 This hearing will resume at 2:00 p.m.

19 --- Upon recessing at 12:30 p.m. /

20 L'audience est suspendue à 12h30

21 --- Upon resuming at 2:02 p.m. /

22 L'audience est reprise à 14h02

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

25 This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 **THE COMMISSIONER:** Thank you.

3 Mr. Sherriff-Scott?

4 **MR. SHERRIFF-SCOTT:** Yes, sir.

5 **WILLIAM CARRIERE, Resumed/Sous le même serment:**

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

7 **SHERRIFF-SCOTT:**

8 **MR. SHERRIFF-SCOTT:** Good afternoon, sir.

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

10 **MR. SHERRIFF-SCOTT:** Mr. Carriere, how are
11 you today?

12 **MR. CARRIERE:** I'm fine; thank you.

13 **MR. SHERRIFF-SCOTT:** So what I thought we do
14 is just chat about the Project Blue matter and then I'll
15 finish by touching on the disclosure by some of the
16 Diocesan priests in 1997 in relation to the materials that
17 came out of the Dunlop lawsuit. Okay?

18 **MR. CARRIERE:** Yes.

19 **MR. SHERRIFF-SCOTT:** But before we do that,
20 can you tell me what's the threshold for you to open a file
21 when you get some complaint or some information about a
22 child?

23 **MR. CARRIERE:** Are you talking currently or
24 historically?

25 **MR. SHERRIFF-SCOTT:** Historically, back in

1 say -- let's say starting around 1993. Assuming it didn't
2 change throughout the 1990s, what would it have been?

3 **MR. CARRIERE:** You would have had to have I
4 think sort of, well, two components for sure. One is that
5 it had to refer to a child being under the age of 16 or in
6 the care of the Society.

7 It had to be within the jurisdiction of the
8 Children's Aid Society geographically and it had to be a
9 matter that would fit into the definition of a child in
10 need of -- the information would have to fit in within the
11 definition of a child in need of protection.

12 **MR. SHERRIFF-SCOTT:** The information would
13 have to cause you to conclude that there's potentially a
14 child in need of protection?

15 **MR. CARRIERE:** Yes, yes.

16 **MR. SHERRIFF-SCOTT:** Okay. And in 1993, as
17 we know, you investigated in the Charles MacDonald case.

18 **MR. CARRIERE:** Yes.

19 **MR. SHERRIFF-SCOTT:** And so from the CAS'
20 point of view, his case fit that profile?

21 **MR. CARRIERE:** In terms of the potential
22 risk, yes, to other children, yes.

23 **MR. SHERRIFF-SCOTT:** And so why was that?
24 Just tell me why the CAS decided to investigate?

25 **MR. CARRIERE:** Well, because he was an

1 active priest.

2 MR. SHERRIFF-SCOTT: Right.

3 MR. CARRIERE: Had altar servers. The
4 allegation was that he had molested children, a child who
5 was an altar server. I think that's the main reason.

6 MR. SHERRIFF-SCOTT: Okay. So
7 notwithstanding it was a historical case, you had a
8 situation where you had a priest ---

9 MR. CARRIERE: Yes.

10 MR. SHERRIFF-SCOTT: --- who as part of his
11 job function came in touch with children ---

12 MR. CARRIERE: Yes.

13 MR. SHERRIFF-SCOTT: --- in the usual
14 course.

15 MR. CARRIERE: Yes.

16 MR. SHERRIFF-SCOTT: And therefore, that
17 stimulated the CAS to conclude that it ought to investigate
18 the question of whether there were children potentially at
19 risk.

20 MR. CARRIERE: Yes.

21 MR. SHERRIFF-SCOTT: That disposition, if I
22 can use that expression, wouldn't have changed throughout
23 the 1990s?

24 MR. CARRIERE: No.

25 MR. SHERRIFF-SCOTT: Okay.

1 **MR. CARRIERE:** In fact, it probably became -
2 - with the introduction of the eligibility spectrum, it
3 probably became more clearly articulated.

4 **MR. SHERRIFF-SCOTT:** Or entrenched?

5 **MR. CARRIERE:** Yes.

6 **MR. SHERRIFF-SCOTT:** Okay. And that
7 wouldn't necessarily change just because there was a
8 parallel police investigation for example, because they're
9 probably looking at different questions, aren't they?

10 **MR. CARRIERE:** Yes.

11 **MR. SHERRIFF-SCOTT:** They're looking at the
12 question of culpability: Did it happen and is there
13 intent? Right?

14 **MR. CARRIERE:** M'hm.

15 **MR. SHERRIFF-SCOTT:** And you're looking at
16 the question -- that's a yes, sir?

17 **MR. CARRIERE:** Yes, it is.

18 **MR. SHERRIFF-SCOTT:** Sorry, with the record
19 as you know.

20 **MR. CARRIERE:** Yes, yes.

21 **MR. SHERRIFF-SCOTT:** And then you're looking
22 at the question as whether or not the circumstances and the
23 little matrix that evolves presents risks to children?

24 **MR. CARRIERE:** Yes, or actual harm.

25 **MR. SHERRIFF-SCOTT:** Or actual harm.

1 **MR. CARRIERE:** Yes.

2 **MR. SHERRIFF-SCOTT:** So the fact of that
3 parallel investigation wouldn't necessarily lead you to
4 conclude you ought not to do these things and investigate.

5 **MR. CARRIERE:** Not necessarily.

6 **MR. SHERRIFF-SCOTT:** Okay. In fact, did the
7 CAS consider at the time it would have had a duty in the
8 circumstances of disclosure of that type of information to
9 investigate?

10 **MR. CARRIERE:** We did with that particular
11 case, yes.

12 **MR. SHERRIFF-SCOTT:** So if you have a priest
13 in active ministry and there's an allegation against him,
14 he's in touch with children, would it not be the CAS' view
15 in the 1990s they ought to investigate?

16 **MR. CARRIERE:** Yes.

17 **MR. SHERRIFF-SCOTT:** Okay. That's what I
18 wanted to establish.

19 **MR. CARRIERE:** Yes.

20 **MR. SHERRIFF-SCOTT:** Okay. So now coming to
21 Project Blue, if we can start briefly with ---

22 **MR. CARRIERE:** Mr. Sherriff-Scott, if I
23 could just qualify that, if arrangements can be made for
24 the priest to not be in active duty and not have access to
25 children, that may change the circumstance.

1 **MR. SHERRIFF-SCOTT:** And in the absence of
2 that arrangement having been made to your satisfaction and
3 as an entity, you would feel it incumbent on you to
4 investigate.

5 **MR. CARRIERE:** Yes.

6 **MR. SHERRIFF-SCOTT:** Okay. So we're clear.

7 **MR. CARRIERE:** Okay.

8 **MR. SHERRIFF-SCOTT:** All right.

9 Now, coming then to Project Blue, and if we
10 can start with Exhibit 1441 at Bates page 656.

11 **THE COMMISSIONER:** Fourteen forty-one
12 (1441), sorry, what page?

13 **MR. SHERRIFF-SCOTT:** Six five six (656),
14 sir.

15 **THE COMMISSIONER:** Yes.

16 **MR. SHERRIFF-SCOTT:** These are Mr. Abell's
17 notes, Mr. Carriere.

18 **MR. CARRIERE:** I'm sorry. What page did you
19 say?

20 **MR. SHERRIFF-SCOTT:** Six five six (656) the
21 October 8th, 1993 entry under the heading "Silmser."

22 **MR. CARRIERE:** I see that.

23 **MR. SHERRIFF-SCOTT:** I'm sure you've seen
24 these before.

25 **MR. CARRIERE:** I have.

1 **MR. SHERRIFF-SCOTT:** Okay. These are Mr.
2 Abell's notes, to your knowledge?

3 **MR. CARRIERE:** They are.

4 **MR. SHERRIFF-SCOTT:** And you know now and I
5 suspect you knew then that as events unfolded, Mr. Abell
6 and Mr. Towndale had met with Chief Shaver and Mr. Brunet?

7 **MR. CARRIERE:** Yes, I understand they did.

8 **MR. SHERRIFF-SCOTT:** And you know that
9 meeting was in October, a short time before the meeting you
10 had where you were in attendance with the Bishop?

11 **MR. CARRIERE:** Yes.

12 **MR. SHERRIFF-SCOTT:** Okay. And if I can
13 suggest, and perhaps you know this, that at least in part
14 this meeting between Chief Shaver, Officer Brunet and
15 Richard Abell was one of the things that stimulated the
16 meeting to happen with the Bishop a few days later.

17 **MR. CARRIERE:** I believe so, yes.

18 **MR. SHERRIFF-SCOTT:** Is that fair?

19 **MR. CARRIERE:** Yes.

20 **MR. SHERRIFF-SCOTT:** And you sat here
21 through the evidence of Chief Shaver when he testified, did
22 you not?

23 **MR. CARRIERE:** Yes.

24 **MR. SHERRIFF-SCOTT:** Okay.

25 **MR. CARRIERE:** I think all of it but yes.

1 **MR. SHERRIFF-SCOTT:** Okay. And then you
2 would know that Chief Shaver allegedly spoke to the Bishop
3 the night before this in the evening on the telephone
4 regarding Charles MacDonald?

5 **MR. CARRIERE:** I think I heard that, yes.

6 **MR. SHERRIFF-SCOTT:** Okay. And you know
7 that the meeting then in connection with this matter was
8 the very next day, as it turns out; the 8th of October.

9 **MR. CARRIERE:** Okay. I'll take your word
10 for it.

11 **MR. SHERRIFF-SCOTT:** Okay. Thanks.

12 And we know from these notes at least, and
13 perhaps you can clarify if Mr. Abell has told you
14 differently, that what is recorded here in his notes is
15 that he was told at the top of the next page, 657, and
16 you'll see the third line in the handwritten entry towards
17 the margin, "Charlie denied."

18 That is the Silmsers allegations were denied.

19 **MR. CARRIERE:** Yes.

20 **MR. SHERRIFF-SCOTT:** That was the
21 information purportedly conveyed through Chief Shaver to
22 Richard Abell on this day, as recorded by Richard Abell.

23 **MR. CARRIERE:** That's what I read.

24 **MR. SHERRIFF-SCOTT:** Okay.

25 Now, towards the bottom of the page, early

1 on even before you met with Bishop LaRocque, it appears to
2 me -- correct me if I'm wrong -- the CAS had decided that
3 it wanted to interview the altar boys in St. Andrew's West.
4 If you look down ---

5 **MR. CARRIERE:** Yes, yes.

6 **MR. SHERRIFF-SCOTT:** That was -- you
7 fastened onto this as a strategy for your investigation to
8 determine whether there was going to be, or is, harm to
9 children potentially or in reality?

10 **MR. CARRIERE:** Yes.

11 **MR. SHERRIFF-SCOTT:** Okay.

12 Now, if we can flip over to the entry of the
13 12th of October, which is the date of the meeting where you
14 were in attendance; Bates page 653.

15 **THE COMMISSIONER:** Six-five-three (653)?

16 **MR. SHERRIFF-SCOTT:** Yes. Unfortunately
17 they run backwards for some reason.

18 **THE COMMISSIONER:** Okay.

19 **MR. CARRIERE:** Okay, I've got it.

20 **MR. SHERRIFF-SCOTT:** Okay. Now, I know
21 you're familiar with this and that you've been questioned
22 at least somewhat in connection with this.

23 **MR. CARRIERE:** Okay.

24 **MR. SHERRIFF-SCOTT:** I have a slightly
25 different angle I want to approach it from with you.

1 If you look at the page, you'll see about
2 five, six lines down -- this is Richard Abell's note again,
3 sir.

4 **MR. CARRIERE:** Yes.

5 **MR. SHERRIFF-SCOTT:** He says here:

6 "I tell him our issue is present recent
7 abuse of children. He says he
8 understands our role, 'What can I do to
9 help?'"

10 So at least initially the disposition is to
11 be helpful.

12 **MR. CARRIERE:** Yes.

13 **MR. SHERRIFF-SCOTT:** All right.

14 Then the information is conveyed that you
15 intend to investigate by interviewing all the altar boys
16 out at St. Andrew's; potentially their families, I suspect,
17 as well. Is that right?

18 **MR. CARRIERE:** Yes.

19 **MR. SHERRIFF-SCOTT:** So the words are then
20 that appear on the page, "He's taken aback," when that was
21 presented to him.

22 **MR. CARRIERE:** Yes.

23 **MR. SHERRIFF-SCOTT:** Okay, so you don't
24 contend or suggest that he knew before you got there that
25 was your action plan?

1 **MR. CARRIERE:** Oh, I don't think he did.

2 **MR. SHERRIFF-SCOTT:** He didn't have a clue -

3 --

4 **MR. CARRIERE:** That wasn't my impression.

5 **MR. SHERRIFF-SCOTT:** Okay, and so it was a
6 big surprise to him.

7 **MR. CARRIERE:** I think he was surprised.

8 **MR. SHERRIFF-SCOTT:** Okay, and your
9 perception was that he was probably a bit overwhelmed by
10 what you're telling him your game plan was?

11 **MR. CARRIERE:** I think that that's fair.

12 **MR. SHERRIFF-SCOTT:** All right.

13 And he was presented, as you sat there, with
14 the spectre of you people going out and interviewing all
15 these people and their children in one of his parishes.
16 And from his point of view, at least from your read, that
17 was a pretty big management issue that he was facing?

18 **MR. CARRIERE:** I agree.

19 **MR. SHERRIFF-SCOTT:** Okay.

20 And he expressed some concerns about what
21 you were proposing to do, didn't he?

22 **MR. CARRIERE:** Yes.

23 **MR. SHERRIFF-SCOTT:** And I suggest at least
24 one concern was shared by you and Mr. Abell, at least, and
25 that was that no matter what the outcome of your

1 investigation was, Charles MacDonald might well be tarred
2 with the perception of being an offender.

3 **MR. CARRIERE:** I think that's a possibility,
4 yes.

5 **MR. SHERRIFF-SCOTT:** Okay, and that's what I
6 took from the entry which says, towards the middle of the
7 page, "We acknowledge some of this is inevitable," in
8 response to him articulating this very concern.

9 In other words ---

10 **MR. CARRIERE:** May I just have a second?

11 **MR. SHERRIFF-SCOTT:** Sure. You'll see it
12 starts:

13 "He says everyone will know once we
14 starting talking to the altar boys
15 et cetera."

16 And after et cetera:

17 "We acknowledge some of this is
18 inevitable."

19 **MR. CARRIERE:** The sense that I had,
20 Mr. Sherriff-Scott, was the -- how -- not just with respect
21 to Father Charles MacDonald but the whole phenomena would
22 be out there.

23 **MR. SHERRIFF-SCOTT:** Yeah, it would hurt the
24 Church.

25 **MR. CARRIERE:** Yes.

1 **MR. SHERRIFF-SCOTT:** It would potentially
2 harm Charles MacDonald. This was a big deal.

3 **MR. CARRIERE:** Yes.

4 **MR. SHERRIFF-SCOTT:** Right?

5 **MR. CARRIERE:** Yes.

6 **MR. SHERRIFF-SCOTT:** And you acknowledged
7 the inevitability of some of this ---

8 **MR. CARRIERE:** Sure.

9 **MR. SHERRIFF-SCOTT:** --- as a legitimate
10 concern for him to express.

11 **MR. CARRIERE:** I would agree with that.

12 **MR. SHERRIFF-SCOTT:** Okay, fair enough.

13 And that concern, I suggest, would have
14 naturally led him to have probed with you things like,
15 "Gee, is this really necessary for you to do? Is this
16 really your mandate? Is this really something that you
17 need to do?"

18 **MR. CARRIERE:** Yes.

19 **MR. SHERRIFF-SCOTT:** Isn't that fair?

20 **MR. CARRIERE:** I'd say it is fair.

21 **MR. SHERRIFF-SCOTT:** And you wouldn't
22 criticize him for asking those kinds of questions, would
23 you?

24 **MR. CARRIERE:** No. I mean I think he was
25 wanting to be -- my sense was that he was wanting to be

1 sure that we were sure about what it is we were going to be
2 doing.

3 **MR. SHERRIFF-SCOTT:** Fair enough.

4 **MR. CARRIERE:** Yeah.

5 **MR. SHERRIFF-SCOTT:** A perfectly legitimate
6 point of view for a manager to be taking.

7 **MR. CARRIERE:** Yes.

8 **MR. SHERRIFF-SCOTT:** Okay?

9 **MR. CARRIERE:** Yes.

10 **MR. SHERRIFF-SCOTT:** All right.

11 Now, the next point is down at the bottom of
12 the page of this first page of the notes of the 12th it
13 says:

14 "Charlie sent to treatment/assessment
15 facility last Sunday. Coming back
16 Friday. He's to hear treatment results
17 on Friday. We say we want him out of
18 the parish to allow us to investigate.
19 Bishop very reluctant. Finally agreed
20 to two weeks."

21 So may I take it that notwithstanding his
22 initial reluctance he agreed to an interval of time?

23 **MR. CARRIERE:** Yes.

24 **MR. SHERRIFF-SCOTT:** And you didn't push the
25 interval of time at that moment, did you?

1 **MR. CARRIERE:** No, we didn't.

2 **MR. SHERRIFF-SCOTT:** You didn't think that
3 was a prudent course to ---

4 **MR. CARRIERE:** No.

5 **MR. SHERRIFF-SCOTT:** --- really hammer the
6 debate on that subject.

7 **MR. CARRIERE:** That's right, I didn't.

8 **MR. SHERRIFF-SCOTT:** And you wouldn't
9 conclude at the time that he was some experienced
10 investigator that would really know how long your
11 investigation would take?

12 **MR. CARRIERE:** No, I couldn't have.

13 **MR. SHERRIFF-SCOTT:** In fact you didn't know
14 how long it would take, did you?

15 **MR. CARRIERE:** No.

16 **MR. SHERRIFF-SCOTT:** I don't think you
17 anticipated it would take you over five months, as it did
18 in the end; right?

19 **MR. CARRIERE:** I knew it was going to be
20 longer than two weeks but I didn't know how long it would
21 be.

22 **MR. SHERRIFF-SCOTT:** And you didn't engage
23 him in that debate at the time?

24 **MR. CARRIERE:** I didn't ---

25 **MR. SHERRIFF-SCOTT:** One bridge at a time is

1 the philosophy, I expect.

2 MR. CARRIERE: I think I may have used those
3 words actually when I testified in my examination in-chief,
4 that it was a bridge we would cross later.

5 MR. SHERRIFF-SCOTT: Right. And when you
6 did cross it later he agreed to let you have all the time
7 you needed?

8 MR. CARRIERE: He did.

9 MR. SHERRIFF-SCOTT: Okay, fair enough.
10 Now, down towards the bottom of the page it
11 says here:

12 "Silmser spoke to someone in Ottawa
13 originally."

14 Now, this information is emanating from the
15 Bishop to you people, isn't it?

16 MR. CARRIERE: I'm sorry, would you say that
17 again, please?

18 MR. SHERRIFF-SCOTT: The very bottom of the
19 page, sir.

20 MR. CARRIERE: Yes.

21 MR. SHERRIFF-SCOTT: "Silmser spoke to
22 Someone in Ottawa originally. Matter
23 was referred on to this Bishop."

24 MR. CARRIERE: Yes.

25 MR. SHERRIFF-SCOTT: "I ask for" -- over to

1 the next page ---

2 MR. CARRIERE: Yeah.

3 MR. SHERRIFF-SCOTT: --- "the report".

4 MR. CARRIERE: Right.

5 MR. SHERRIFF-SCOTT: "Bill" -- looks like
6 "and I" but I'm not sure ---

7 MR. CARRIERE: Yes.

8 MR. SHERRIFF-SCOTT: --- "read the letter."
9 Now, this is the letter of Monsignor Schonenbach.

10 MR. CARRIERE: Yes, I believe it ---

11 MR. SHERRIFF-SCOTT: Correct?

12 MR. CARRIERE: Yes, it is.

13 MR. SHERRIFF-SCOTT: So although it says
14 here that he didn't give it to you at that meeting, he put
15 it in front of you and let you read it.

16 MR. CARRIERE: He did let us read it.

17 MR. SHERRIFF-SCOTT: Okay, and a short time
18 thereafter we know it was delivered to the CAS.

19 MR. CARRIERE: Sometime later, yes, it was.

20 MR. SHERRIFF-SCOTT: Okay. Well, within
21 10 days in fact.

22 MR. CARRIERE: I'm not going to dispute it.

23 MR. SHERRIFF-SCOTT: All right, fair enough.

24 Now, down towards the bottom of the page we
25 come back to the subject that was at least referred to

1 partially on the notes of the 8th, but this time you're in
2 attendance, and it says:

3 "Bishop saying Charlie strongly denied
4 Silmser allegation."

5 And to your recollection that was the
6 position conveyed through the Bishop in terms of what
7 Charles MacDonald's position was?

8 **MR. CARRIERE:** I'm not going to dispute that
9 but I don't recall that specifically.

10 **MR. SHERRIFF-SCOTT:** You have no reason to
11 sort of task ---

12 **MR. CARRIERE:** No, no, no.

13 **MR. SHERRIFF-SCOTT:** --- the conclusion in
14 this note?

15 **MR. CARRIERE:** I don't.

16 **MR. SHERRIFF-SCOTT:** Okay. Now, if we can
17 flip over to 655.

18 There are a number of points that emerge
19 from the meeting in terms of action, and I want to just get
20 your reaction to them. The second full paragraph starting
21 with "- I say we need a protocol."

22 **MR. CARRIERE:** Yes.

23 **MR. SHERRIFF-SCOTT:** "He agrees we need to
24 get to work with the police."

25 So there's agreement.

1 MR. CARRIERE: Yes, there is.

2 MR. SHERRIFF-SCOTT: From his point of view
3 this is a good plan.

4 MR. CARRIERE: There is.

5 MR. SHERRIFF-SCOTT: He's not opposed to it.

6 MR. CARRIERE: He's not.

7 MR. SHERRIFF-SCOTT: He's expressing
8 willingness to cooperate.

9 MR. CARRIERE: He is.

10 MR. SHERRIFF-SCOTT: Okay. Second, "Bill
11 will take over the investigation" -- that is to say you.

12 MR. CARRIERE: Yes.

13 MR. SHERRIFF-SCOTT: "...and deal with
14 Father McDougald of St. Raphael's.
15 Bishop step back."

16 And he agreed to that?

17 MR. CARRIERE: Yes.

18 MR. SHERRIFF-SCOTT: Okay. "We agree..."
19 and I take it that means all of the above people at the
20 meeting:

21 "...he will get names of altar boys to
22 us. We speculate on how far back to
23 go."

24 MR. CARRIERE: Yes.

25 MR. SHERRIFF-SCOTT: And as we do know, he

1 did give you those names.

2 MR. CARRIERE: Yes, he did.

3 MR. SHERRIFF-SCOTT: And if we can just
4 confirm that, sir, at Exhibit 2322, Bates page 1085.

5 MR. CARRIERE: I'm sorry, Mr. Sherriff-
6 Scott.

7 MR. SHERRIFF-SCOTT: I'm sorry, sir.
8 Exhibit 2322, Bates page -- the last four digits are 1085.

9 MR. CARRIERE: I'm still -- I'm not finding
10 it, I'm sorry. I'm drawing a blank.

11 THE COMMISSIONER: Is it the 11 o'clock
12 note?

13 MR. SHERRIFF-SCOTT: Yes, sir, it is the
14 11:00 a.m. entry.

15 THE COMMISSIONER: All right.

16 MR. CARRIERE: And, sorry, what was the
17 Bates page, please?

18 MR. SHERRIFF-SCOTT: The last four digits
19 are 1085.

20 MR. CARRIERE: Yes, I've got it.

21 MR. SHERRIFF-SCOTT: Okay, the 11:00 a.m.
22 entry, "Father McDougald" -- and I take it these are
23 Mr. Abell's notes again.

24 MR. CARRIERE: Yes.

25 MR. SHERRIFF-SCOTT: "...comes to office

1 to see Angelo T."

2 That's Mr. Towndale?

3 **MR. CARRIERE:** Right.

4 **MR. SHERRIFF-SCOTT:** "Drop off list of
5 names of present altar boys in St.
6 Andrew's."

7 **MR. CARRIERE:** Yes.

8 **MR. SHERRIFF-SCOTT:** Correct?

9 **MR. CARRIERE:** Yes.

10 **MR. SHERRIFF-SCOTT:** Okay. And, sir, sorry
11 to task you and have you flipping around a bit, but just to
12 confirm the document in fact that was delivered, Exhibit
13 2341. Now, this is a larger exhibit. I'll give you the
14 Bates pages.

15 **MR. CARRIERE:** Yes.

16 **MR. SHERRIFF-SCOTT:** The Bates pages are 224
17 to 226.

18 **MR. CARRIERE:** This is the list of the altar
19 servers?

20 **MR. SHERRIFF-SCOTT:** Yes, sir.

21 **MR. CARRIERE:** Yes, I've got it.

22 **MR. SHERRIFF-SCOTT:** Now, if you look over
23 to the second page, it has a handwritten note. Those are
24 Mr. Bell's notes, are they, at the top of the page, or are
25 they yours?

1 **MR. CARRIERE:** Now, sorry, the Bates page
2 number again?

3 **MR. CARRIERE:** Now, sorry, the Bates page
4 number again?

5 **MR. SHERRIFF-SCOTT:** I'm on the second page
6 which is the actual list.

7 **MR. CARRIERE:** Yes. Yes, it is.

8 **MR. SHERRIFF-SCOTT:** And it says, "Received
9 by G.B.M. 14/10/93"?

10 **MR. CARRIERE:** You're right.

11 **MR. SHERRIFF-SCOTT:** Okay. So this is the
12 material received from Father McDougall on that day?

13 **MR. CARRIERE:** Yes.

14 **MR. SHERRIFF-SCOTT:** Correct?

15 **MR. CARRIERE:** M'hm.

16 **MR. SHERRIFF-SCOTT:** Okay. So this is two
17 days after the meeting?

18 **MR. CARRIERE:** Yes.

19 **MR. SHERRIFF-SCOTT:** All right.

20 If we can go back -- sorry -- to the last
21 page of the notes that we were on, which was the first
22 Exhibit 1441 at Bates page 655?

23 **MR. CARRIERE:** I have it.

24 **MR. SHERRIFF-SCOTT:** Okay. May I say that
25 at the bottom of the barrel here at the end of this meeting

1 you got cooperation from Bishop Larocque?

2 **MR. CARRIERE:** We did.

3 **MR. SHERRIFF-SCOTT:** And I suggest that you
4 got cooperation in the following investigation that you
5 conducted as well?

6 **MR. CARRIERE:** Yes.

7 **MR. SHERRIFF-SCOTT:** And if later, say in
8 December, he called Mr. Abell and said, "Gee, why is this
9 taking so long?" you wouldn't fault him for asking
10 questions as a manager, would you?

11 **MR. CARRIERE:** It's not unheard of.

12 **MR. SHERRIFF-SCOTT:** And, certainly, you
13 didn't do anything differently because he phoned you to ask
14 what you were doing and why it was taking a long time?

15 **MR. CARRIERE:** No.

16 **MR. SHERRIFF-SCOTT:** And you didn't expect
17 it to take you the time it in fact did, did you?

18 **MR. CARRIERE:** Well, I think I was pressing
19 for it to get finished as well.

20 **MR. SHERRIFF-SCOTT:** Okay, fair enough.

21 And so down at the bottom of the page,
22 "Bishop looked worried". I don't think you'd attach
23 anything negative in terms of significance to that either,
24 would you?

25 **MR. CARRIERE:** No, I think I said that if he

1 had looked otherwise I probably would have been more
2 concerned.

3 **MR. SHERRIFF-SCOTT:** Okay, thank you.

4 Now, the next document I want to refer you
5 to is Exhibit 2322, Bates page 1091.

6 **THE COMMISSIONER:** It's in the other book.

7 **MR. CARRIERE:** Two-three (23)?

8 **THE COMMISSIONER:** Two-three-two-two (2322)?

9 **MR. SHERRIFF-SCOTT:** Two-three-two-two
10 (2322), sir.

11 **THE COMMISSIONER:** Yeah, and what Bates
12 page?

13 **MR. SHERRIFF-SCOTT:** One-zero-nine-one
14 (1091) are the last four digits.

15 **THE COMMISSIONER:** Yeah, right.

16 **MR. CARRIERE:** I'm sorry, the Bates page of
17 this one, sir?

18 **MR. SHERRIFF-SCOTT:** One-zero-nine-one
19 (1091).

20 **MR. CARRIERE:** I have it.

21 **MR. SHERRIFF-SCOTT:** This is your
22 handwriting, is it not?

23 **MR. CARRIERE:** No, this is Elizabeth
24 MacLennan's handwriting.

25 **MR. SHERRIFF-SCOTT:** Oh, I'm sorry. That's

1 a stylistic "e" at the bottom of the page, not a "c"?

2 MR. CARRIERE: That's right.

3 MR. SHERRIFF-SCOTT: Okay, so these are her
4 notes, recording Jacques Leduc calling.

5 MR. CARRIERE: Yes.

6 MR. SHERRIFF-SCOTT: Correct?

7 MR. CARRIERE: Yes.

8 MR. SHERRIFF-SCOTT: This was transmitted to
9 you that the Bishop wants to give full cooperation?

10 MR. CARRIERE: Likely was, yes.

11 MR. SHERRIFF-SCOTT: Right.

12 "Instructed McDougald to talk to us..."

13 -- et cetera?

14 MR. CARRIERE: Yes.

15 MR. SHERRIFF-SCOTT: And then he advises her
16 about other possible information regarding complaints about
17 Charles MacDonald in the past, doesn't he?

18 MR. CARRIERE: Yes, yes.

19 MR. SHERRIFF-SCOTT: Okay. So that
20 information would have come into the Project Blue hopper
21 from Jacques Leduc acting on behalf of the Diocese?

22 MR. CARRIERE: Yes.

23 MR. SHERRIFF-SCOTT: Okay. And then at the
24 bottom "Greg" -- that's Mr. Bell?

25 MR. CARRIERE: Yes.

1 **MR. SHERRIFF-SCOTT:**

2 "...is to call Jacques to set up
3 meeting with McDougald and
4 Vaillancourt."

5 **MR. CARRIERE:** Yes.

6 **MR. SHERRIFF-SCOTT:** And we do know now,
7 sir, and you concede that there were meetings ---

8 **MR. CARRIERE:** Yes.

9 **MR. SHERRIFF-SCOTT:** --- between your staff,
10 Monsignor McDougald and Denis Vaillancourt where they
11 provided information by way of interview and questions
12 asked and to which they responded?

13 **MR. CARRIERE:** That's correct.

14 **MR. SHERRIFF-SCOTT:** Okay.

15 Now, there followed from your agency some
16 documentary requests, and if we can look at Exhibit 1966?

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

18 **MR. CARRIERE:** I have it.

19 **MR. SHERRIFF-SCOTT:** And that's a letter
20 from your organization, signed by you, to Gordon Bryan?

21 **MR. CARRIERE:** Yes.

22 **MR. SHERRIFF-SCOTT:** And you were asking for
23 structural information about the layout at St. Andrew's?

24 **MR. CARRIERE:** Yes.

25 **MR. SHERRIFF-SCOTT:** And if you then can

1 turn to Exhibit 1967.

2 MR. CARRIERE: I have it.

3 MR. SHERRIFF-SCOTT: You'll see that
4 Reverend Bryan responds and your agency stamp is on the
5 receipt of the material over his card?

6 MR. CARRIERE: Yes.

7 MR. SHERRIFF-SCOTT: And he provides the
8 information requested in the absence of formal
9 architectural drawings?

10 MR. CARRIERE: That's right.

11 MR. SHERRIFF-SCOTT: Okay. And as well on
12 this point, if I may, turn up Mr. Bell's notes at Exhibit
13 2324, and this is page 59 of his notes. Those page numbers
14 are in the upper right.

15 MR. CARRIERE: On page 9 of his ---

16 MR. SHERRIFF-SCOTT: Fifty-nine (59).

17 MR. CARRIERE: Fifty-nine (59)?

18 MR. SHERRIFF-SCOTT: Yes.

19 MR. CARRIERE: Sorry.

20 I have it.

21 MR. SHERRIFF-SCOTT: You'll see there that
22 there are interactions with Monsignor McDougald about this
23 information relating to St. Andrew's including the
24 structure, and from 59 to 63 there are calls with him,
25 Jacques Leduc, Gordon Bryan and Father Robert MacDonald who

1 was then the pastor at St. Andrew's, having replaced Father
2 MacDonald -- Charles MacDonald?

3 **MR. CARRIERE:** I'm sorry, 59 and 60 you're
4 saying?

5 **MR. SHERRIFF-SCOTT:** Right up to 63.

6 **MR. CARRIERE:** Sixty-three (63).

7 **MR. SHERRIFF-SCOTT:** Just have a scan
8 through those.

9 **MR. CARRIERE:** Okay, yes. Yes, I see. I
10 see those names.

11 **MR. SHERRIFF-SCOTT:** So they were providing
12 information requested by your agency through oral
13 interviews and documents?

14 **MR. CARRIERE:** They were.

15 **MR. SHERRIFF-SCOTT:** Okay.

16 Now, then there was a letter that was sent
17 to Monsignor McDougald on the 18th of October, and that is
18 Document 721641 and it's Bates pages 1221 and following.

19 **THE COMMISSIONER:** This is a new exhibit?

20 **MR. SHERRIFF-SCOTT:** I couldn't find this
21 marked. There are so many copies of this, sir, I'm sorry,
22 I couldn't determine whether it was a -- the document is
23 partly marked from one of the examinations. You know, some
24 of the pages got marked. It's a very long document and not
25 all of it, I don't think, was marked -- 721641, Bates page

1 1221.

2 Do you have that?

3 **MR. CARRIERE:** Do I have that?

4 **THE COMMISSIONER:** I have no idea.

5 **MR. SHERRIFF-SCOTT:** I gave notice. It
6 should be there.

7 (SHORT PAUSE/COURTE PAUSE)

8 **MR. SHERRIFF-SCOTT:** Pardon me, sir. Your
9 friend is just trying to see if it's in the correspondence.

10 **THE COMMISSIONER:** So, Madam Clerk, can you
11 help out? What's the status now? I can't hear you.

12 **MR. ENGELMANN:** It might be part of Exhibit
13 277.

14 (SHORT PAUSE/COURTE PAUSE)

15 **THE COMMISSIONER:** No, 277 is a letter.

16 **MR. SHERRIFF-SCOTT:** Found it, Exhibit 277,
17 Bates page 1221.

18 **THE COMMISSIONER:** Exhibit 277 is just a
19 letter.

20 **MR. SHERRIFF-SCOTT:** Yes, October 18th.

21 **THE COMMISSIONER:** No, March 1st, 1994.

22 **MR. SHERRIFF-SCOTT:** Okay. Well, then Mr.
23 Engelmann was wrong.

24 (LAUGHTER/RIRES)

25 **THE COMMISSIONER:** It happens from time to

1 time I'm told.

2 What date are you looking at?

3 **MR. SHERRIFF-SCOTT:** October 18th. It's a
4 letter to McDougald from Bill Carriere and Greg Bell.

5 **MR. ENGELMANN:** Yeah, what must have
6 happened is Exhibit 277 is just a small excerpt, perhaps,
7 of ---

8 **THE COMMISSIONER:** Yeah.

9 **MR. ENGELMANN:** --- Document 721641. Mr.
10 Sherriff-Scott is now referring to another excerpt of the
11 same document.

12 **THE COMMISSIONER:** Okay.

13 **MR. ENGELMANN:** I had hoped that the whole
14 document ---

15 **THE COMMISSIONER:** So, Madam Clerk, is it --
16 can you put it on the screen and we'll give it a number and
17 we'll go on with that?

18 **MR. SHERRIFF-SCOTT:** It's 7081221.

19 **THE COMMISSIONER:** And you say it's a three-
20 page document -- well ---

21 **MR. SHERRIFF-SCOTT:** It's a two-page letter,
22 Commissioner.

23 **THE COMMISSIONER:** Okay. So can we put it
24 on the screen, please?

25 **MR. SHERRIFF-SCOTT:** And I don't believe it

1 is marked.

2 **THE COMMISSIONER:** No, I don't -- Madam
3 Clerk? Okay.

4 So the letter dated October 18th, 1993 to
5 Monsignor Donald McDougald from Greg Bell, Social Worker,
6 will be Exhibit Number?

7 **THE REGISTRAR:** Two-three-eight-three
8 (2383).

9 **THE COMMISSIONER:** So 2383.

10 **---EXHIBIT NO./PIÈCE NO. P-2383:**

11 (7081221) Letter to Monsignor Donald
12 McDougald from Greg Bell, Social Worker -
13 dated October 18, 1993

14 **MR. SHERRIFF-SCOTT:** And, Mr. Carriere, your
15 signature appears at the second page of that letter?

16 **MR. CARRIERE:** Yes.

17 **MR. SHERRIFF-SCOTT:** Okay.

18 And coming back to the first page, there are
19 more information requests given to Father McDougald --
20 Monsignor McDougald?

21 **MR. CARRIERE:** Yes.

22 **MR. SHERRIFF-SCOTT:** And, I mean, I can take
23 you through all the notes and all the responses, they're
24 all here, but they're all answered aren't they?

25 **MR. CARRIERE:** Yes.

1 **MR. SHERRIFF-SCOTT:** Okay. That helps.

2 **THE COMMISSIONER:** That it does.

3 **MR. SHERRIFF-SCOTT:** There's only one thing,
4 Commissioner, I need then to mark as an exhibit which is in
5 terms of information provided in response to these
6 requests, and that is 721650 and that's Bates pages 1295 to
7 1300.

8 **THE COMMISSIONER:** Thank you.

9 Exhibit 2384 is notes ---

10 **---EXHIBIT NO./PIÈCE NO. P-2384:**

11 (721650) - Notes of Greg Bell re: Project
12 Blue - dated October 26, 1993

13 **MR. SHERRIFF-SCOTT:** There's a document
14 attached which is the then existing protocol.

15 **THE COMMISSIONER:** Right.

16 **MR. SHERRIFF-SCOTT:** And at the bottom of
17 the second page of those -- that strip of notes,
18 Commissioner, on the first page of the guideline, I believe
19 those are Mr. Bell's notes subject to the witness
20 confirming that.

21 **MR. CARRIERE:** It certainly looks like his
22 handwriting.

23 **MR. SHERRIFF-SCOTT:** And the date is not a
24 coincidence. It's the 26th of October which is, in fact, in
25 his notes the date he met with Monsignor McDougald. Is

1 that fair?

2 MR. CARRIERE: I won't dispute it.

3 THE COMMISSIONER: Well, there is -- it's --

4 -

5 MR. SHERRIFF-SCOTT: Yeah.

6 THE COMMISSIONER: Well, there's a 28th there
7 not the 26th, but ---

8 MR. SHERRIFF-SCOTT: Material furnished by
9 McDougald on the 26th.

10 THE COMMISSIONER: Right. Okay.

11 MR. SHERRIFF-SCOTT: Okay.

12 And there were other materials furnished,
13 for example, by Jacques Leduc, the letter from Schonenbach?

14 MR. CARRIERE: Yes.

15 MR. SHERRIFF-SCOTT: The letters that Ms.
16 Sebalj had?

17 MR. CARRIERE: Yes.

18 MR. SHERRIFF-SCOTT: Correct?

19 MR. CARRIERE: Yes.

20 MR. SHERRIFF-SCOTT: Okay.

21 And do you recall -- and I can take you to
22 Mr. Bell's notes -- for example, you tasked Mr. Bell with
23 going out and actually looking and inspecting St. Andrew's
24 West and he did that?

25 MR. CARRIERE: I remember him doing that,

1 yes.

2 **MR. SHERRIFF-SCOTT:** That was facilitated by
3 Father Robert MacDonald?

4 **MR. CARRIERE:** Yes, it was.

5 **MR. SHERRIFF-SCOTT:** And there was
6 additional clarification requests made in connection with
7 further altar servers that were made, then those names were
8 forwarded through Robert MacDonald as well as St. Andrew's
9 West?

10 **MR. CARRIERE:** I don't recall.

11 **MR. SHERRIFF-SCOTT:** If it's in Mr. Bell's
12 notes, you wouldn't dispute that?

13 **MR. CARRIERE:** If it's in his notes, I'm not
14 going to dispute it.

15 **MR. SHERRIFF-SCOTT:** Okay.

16 Now, the other thing that happened, as you
17 know, in the piece was Father MacDonald had gone to
18 Southdown, as you know?

19 **MR. CARRIERE:** M'hm.

20 **MR. SHERRIFF-SCOTT:** And there were request
21 made from your agency for production of the Southdown
22 materials?

23 **MR. CARRIERE:** Yes.

24 **MR. SHERRIFF-SCOTT:** And you'll recall, sir,
25 that those -- the issue relating to that was put forth

1 whether his consent to disclosure would be forthcoming?

2 **MR. CARRIERE:** Yes.

3 **MR. SHERRIFF-SCOTT:** And that was the
4 initial assessment report; correct?

5 **MR. CARRIERE:** M'hm.

6 **MR. SHERRIFF-SCOTT:** And eventually that was
7 forthcoming in December?

8 **MR. CARRIERE:** Yes.

9 **MR. SHERRIFF-SCOTT:** And that was provided
10 from Bishop LaRocque to your agency?

11 **MR. CARRIERE:** Yes.

12 **MR. SHERRIFF-SCOTT:** And if we can just mark
13 that document package which is not yet an exhibit.

14 It is Document 721642 at Bates page 1228
15 inclusive to 1239. That is received -- or the
16 correspondence -- that's the document, and you'll see if
17 you flip two pages forward, sir ---

18 **THE COMMISSIONER:** Hold it, we haven't made
19 it an exhibit yet.

20 **MR. SHERRIFF-SCOTT:** Okay. Fair enough.
21 Thank you.

22 There's, Commissioner, just so you know,
23 there are cover pages of material received list, noting
24 materials received from Bishop LaRocque which include a
25 number of pieces of correspondence.

1 **THE COMMISSIONER:** Okay.

2 **MR. SHERRIFF-SCOTT:** Yeah. And I'd like to
3 mark from 1228 to the last page of that package, which is
4 1239, Bates page 7081228. You have -- it's up on the
5 screen.

6 **THE COMMISSIONER:** No ---

7 **MR. SHERRIFF-SCOTT:** Sorry, should try and
8 get it to the witness, thank you.

9 **THE COMMISSIONER:** So, Madam Clerk, do you
10 have the document?

11 So we don't have the document sir, so what
12 we're going to do is, I'm going to call the next exhibit
13 "Project Blue 12168 Correspondence" and it will be Exhibit
14 2385.

15 **---EXHIBIT NO./PIÈCE NO P-2385:**

16 (721642) - Materials from Bishop LaRocque to
17 Richard Abell - dated 1993

18 **MR. SHERRIFF-SCOTT:** Thank you.

19 And maybe we can just show the third page,
20 Madam Clerk, to the witness.

21 **MR. CARRIERE:** Thank you.

22 **MR. SHERRIFF-SCOTT:** You'll see there if you
23 look at the little package, sir, it's a cover note from the
24 Bishop to Mr. Abell saying what he is enclosing, including
25 correspondence and Southdown material.

1 MR. CARRIERE: M'hm.

2 MR. SHERRIFF-SCOTT: Yes?

3 MR. CARRIERE: Yes, I do.

4 MR. SHERRIFF-SCOTT: And that was received
5 by your agency?

6 MR. CARRIERE: Yes.

7 MR. SHERRIFF-SCOTT: Pursuant to the request
8 you made?

9 MR. CARRIERE: Yes.

10 MR. SHERRIFF-SCOTT: Okay. Thank you.

11 Now, just leaving the subject of production
12 request in the context of Project Blue, you'll recall that
13 at your very first meeting, you raised the subject of a
14 protocol with the Bishop and he was receptive to that
15 happening.

16 MR. CARRIERE: Yes.

17 MR. SHERRIFF-SCOTT: Are you -- would you --
18 I didn't take the flavour of your evidence, which I watched
19 on the webcast, to suggest that it was the fault of the
20 Diocese that it took some time for this protocol to
21 develop?

22 MR. CARRIERE: No, I don't think so.

23 MR. SHERRIFF-SCOTT: All right.

24 There was, in fact, your investigation which
25 was ongoing; correct?

1 **MR. CARRIERE:** Right.

2 **MR. SHERRIFF-SCOTT:** And the results of that
3 investigation as a result of Charles MacDonald not
4 consenting to the disclosure of the results weren't given
5 to Bishop LaRocque until January of 1995. Do you remember
6 that?

7 **MR. CARRIERE:** I don't remember the specific
8 date, but I'm not going to dispute it if that's what the
9 record says.

10 **MR. SHERRIFF-SCOTT:** All right.

11 Just if we can turn to that letter, well,
12 I'm happy with your ---

13 **MR. CARRIERE:** Yeah, I think it was one of
14 those things that we both agreed that it would a good idea
15 and both sides are busy, and it happens when it happens.

16 **MR. SHERRIFF-SCOTT:** The letter of January
17 6th that I can take to if necessary, having conveyed the
18 results of the investigation, says, "We can now move on to
19 the protocol".

20 **MR. CARRIERE:** Yes.

21 **MR. SHERRIFF-SCOTT:** And did you feel some
22 impediment to sort of dialoguing with the Diocese because
23 of the ongoing investigation in the circumstances?

24 **MR. CARRIERE:** No, not really, no.

25 **MR. SHERRIFF-SCOTT:** Is that investigation

1 really what sort of got in the way in terms of the work
2 getting done?

3 MR. CARRIERE: No.

4 MR. SHERRIFF-SCOTT: And when the parties
5 turned their minds to that in January and following, there
6 was corroboration from my client, was there not?

7 MR. CARRIERE: Very much so.

8 MR. SHERRIFF-SCOTT: And I think you had
9 suggested at one point in your first testimony that the
10 lion's share of the drafting was by Denis Vaillancourt?

11 MR. CARRIERE: Yes.

12 MR. SHERRIFF-SCOTT: And that the results
13 were signed off on by your agency and others?

14 MR. CARRIERE: Yes.

15 MR. SHERRIFF-SCOTT: And it was published in
16 the newspaper.

17 And I am right that there was some
18 information session from the CAS to the Diocese?

19 MR. CARRIERE: Yes, there was.

20 MR. SHERRIFF-SCOTT: And can you tell us
21 about that?

22 MR. CARRIERE: It happened in St. Raphael's.

23 MR. SHERRIFF-SCOTT: Yes.

24 MR. CARRIERE: I can't give you the specific
25 date. I know that I was in attendance. I know that -- and

1 I'm not sure of his rank with the OPP, but I'm going to say
2 Staff Sergeant; I know that his name was Ian Grant -- was
3 definitely in attendance. I believe, although I don't have
4 a specific recollection, that Inspector Trew was also
5 present.

6 And we basically walked through the protocol
7 and entertained questions. And there were many priests in
8 attendance at that time.

9 **MR. SHERRIFF-SCOTT:** All right. Thank you.

10 Now, I want to leave that subject and move
11 to the last area of questions which relate to the May, 1997
12 disclosure information that emanated from the Dunlop
13 lawsuit.

14 **MR. CARRIERE:** Yes.

15 **MR. SHERRIFF-SCOTT:** Just sort of a high-
16 level overview. You'll recall that eventually Kevin
17 Maloney and Father McDougald came in and disclosed a
18 package of information that they had received?

19 **MR. CARRIERE:** Yes, they did.

20 **MR. SHERRIFF-SCOTT:** Including the Leroux
21 materials?

22 **MR. CARRIERE:** Yes.

23 **MR. SHERRIFF-SCOTT:** And other materials?

24 **MR. CARRIERE:** Yes.

25 **MR. SHERRIFF-SCOTT:** And if we can just go

1 to that subject. And this is, Madam Clerk, part of the
2 package I gave you the other day.

3 This is Document Number 721620, Bates pages
4 0505 -- or 505 to 516.

5 **THE COMMISSIONER:** Thank you.

6 Exhibit Number 2386 is part of the Case
7 Documentation System Service Record of Project Blue. The
8 first date on the first page is the 22nd of May, 1997.

9 **--- EXHIBIT NO./PIÈCE NO. P-2386:**

10 (721620 - 7080505-16) - Case Documentation
11 System Service Record, 'Project Blue' -
12 dated May 22, 1997

13 **MR. SHERRIFF-SCOTT:** Do you have that, Mr.
14 Carriere?

15 **MR. CARRIERE:** Yes, I do.

16 **MR. SHERRIFF-SCOTT:** These are Mr. Abell's
17 notes again.

18 **MR. CARRIERE:** They are.

19 **MR. SHERRIFF-SCOTT:** Can you go to the sixth
20 page?

21 **MR. CARRIERE:** Yes.

22 **MR. SHERRIFF-SCOTT:** It talks -- you know
23 about this disclosure from Diocesan priests because you
24 were involved in the process, weren't you?

25 **MR. CARRIERE:** I believe so.

1 **MR. SHERRIFF-SCOTT:** Okay.

2 **MR. CARRIERE:** I don't have a specific
3 recollection of it but ---

4 **MR. SHERRIFF-SCOTT:** Well, let's look at the
5 note and see if it refreshes any recollection.

6 On May 15th Richard Abell writes:

7 "Office visit from Father Kevin
8 Maloney, Monsignor Donald McDougald.
9 They have material..."

10 **THE COMMISSIONER:** No, no, no. Sorry.

11 **MR. SHERRIFF-SCOTT:** Sorry. This is Bates
12 page 511.

13 **THE COMMISSIONER:** All right.

14 Next page -- well, -- okay, 511.

15 **MR. SHERRIFF-SCOTT:** There we are.

16 **THE COMMISSIONER:** There we go.

17 **MR. SHERRIFF-SCOTT:** May 15th entry. Do you
18 have that?

19 **MR. CARRIERE:** M'hm, I do.

20 **MR. SHERRIFF-SCOTT:** They come in:

21 "They have material arising from the
22 civil suit. It contains allegations
23 against numerous clergy, including
24 themselves. They want to cooperate;
25 will make the material available if we

1 want it. Told them I'd get back to
2 them."

3 And then it says:

4 "I suggested he consulted with you."

5 And this is the CAS lawyer, Elizabeth?

6 **MR. CARRIERE:** Yes.

7 **MR. SHERRIFF-SCOTT:** "Agreed we'd ask for
8 what they have."

9 And then down -- it says:

10 "May 20th: Father Kevin brings in his
11 material."

12 **MR. CARRIERE:** Yes.

13 **MR. SHERRIFF-SCOTT:** Do you see that?

14 **MR. CARRIERE:** Yes, and I do have a
15 recollection of a discussion with Richard Abell about this.

16 **MR. SHERRIFF-SCOTT:** Okay. And if we can go
17 over to the document package that was delivered and mark
18 it? It is Document 721626.

19 **MR. CARRIERE:** At this point ---

20 **MR. SHERRIFF-SCOTT:** We just have to be
21 patient. Sorry ---

22 **MR. CARRIERE:** No, I'm not sure what I have
23 and what I don't have at this point.

24 (SHORT PAUSE/COURTE PAUSE)

25 **MR. SHERRIFF-SCOTT:** And the Bates pages are

1 791 to 836. The cover page, Madam Clerk, is an address
2 addressed to the Children's Aid Society.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. SHERRIFF-SCOTT: Well, that's the cover
5 page. I think she has it.

6 THE COMMISSIONER: All right.

7 So four pages?

8 MR. SHERRIFF-SCOTT: I'd intended to mark
9 791 to 836, Commissioner.

10 THE COMMISSIONER: Seven-nine-one (791)

11 ---

12 MR. SHERRIFF-SCOTT: To 836. It's all of
13 the disclosure package that was provided.

14 THE COMMISSIONER: No, all we have is a
15 couple of letters and a response to -- you want to file the
16 Response and Demand for Particulars. Is that the idea?

17 MR. SHERRIFF-SCOTT: Well, it's already
18 otherwise in the record. Just maybe if we can get the
19 witness to acknowledge that ---

20 THE COMMISSIONER: So what is Exhibit 2387?

21 I've got the cover page. I've got a letter from

22 ---

23 --- EXHIBIT NO./PIÈCE No. P-2387:

24 (721626 - "7080783-85, 7080786-89, 7080791,
25 7080836") - Various correspondence from DAC

1 to Richard Abell dated 21 May, 97

2 **MR. SHERRIFF-SCOTT:** Kevin Maloney?

3 **THE COMMISSIONER:** No, I've got a letter to
4 Mr. Bourgeois ---

5 **MR. SHERRIFF-SCOTT:** Okay.

6 **THE COMMISSIONER:** --- from Patrick Rudden.

7 **MR. SHERRIFF-SCOTT:** Let me come at this
8 another way, sir. It's too difficult.

9 You would have received a package of
10 information on May 20th, as Mr. Abell's notes indicate;
11 correct?

12 **MR. CARRIERE:** When you say "we", you mean
13 Richard Abell received? Yes.

14 **MR. SHERRIFF-SCOTT:** I mean the CAS.

15 **MR. CARRIERE:** Yes, the CAS, yes.

16 **MR. SHERRIFF-SCOTT:** Okay. And that would
17 have included correspondence from Kevin Maloney as well as
18 the documents that he had?

19 **MR. CARRIERE:** Yes.

20 **MR. SHERRIFF-SCOTT:** The Leroux affidavit;
21 correct?

22 **MR. CARRIERE:** I don't remember the specific
23 package ---

24 **MR. SHERRIFF-SCOTT:** But certainly there was
25 ---

1 **MR. CARRIERE:** --- but I'm not going to
2 dispute it if that's ---

3 **MR. SHERRIFF-SCOTT:** --- the Demand for
4 Particulars ---

5 **MR. CARRIERE:** Yes.

6 **MR. SHERRIFF-SCOTT:** --- and all that kind
7 of stuff?

8 **MR. CARRIERE:** Yes.

9 **MR. SHERRIFF-SCOTT:** Kevin Maloney testified
10 about all this. It's otherwise in the record, I think.

11 **MR. CARRIERE:** Okay. Yes, I'm not going to
12 dispute that.

13 **MR. SHERRIFF-SCOTT:** All right.

14 **MR. CARRIERE:** I know that we received
15 material from him.

16 **MR. SHERRIFF-SCOTT:** All right.

17 And there is a note in Exhibit 1862 that the
18 Children's Aid Society then interviewed Thomas Swabey --
19 who was counsel for one of the priests -- on June 20th?

20 **MR. CARRIERE:** Was that the meeting where
21 Father Kevin and Father McDougald were present?

22 **THE COMMISSIONER:** Hang on.

23 **MR. SHERRIFF-SCOTT:** Well, they came in and
24 then there was another meeting with Tom Swabey when he
25 provided you with more documentation, but you'll see the

1 document here.

2 MR. CARRIERE: Okay.

3 MR. SHERRIFF-SCOTT: It's a letter of June
4 27th, 1997 to your agency from Tom Swabey.

5 MR. CARRIERE: Yes, okay, I see that. Yes.
6 M'hm.

7 MR. SHERRIFF-SCOTT: You see he's providing
8 Father McDougald's response, the amended statement of claim
9 and letters ---

10 MR. CARRIERE: Yes.

11 MR. SHERRIFF-SCOTT: --- and various
12 correspondence?

13 MR. CARRIERE: You're right. Yes, I see
14 that.

15 MR. SHERRIFF-SCOTT: And he refers to a
16 meeting at your agency on the 20th where he was, I guess,
17 interviewed.

18 MR. CARRIERE: I think the meeting was in
19 his agency, wasn't it?

20 MR. SHERRIFF-SCOTT: His office, you mean?

21 MR. CARRIERE: Yes.

22 MR. SHERRIFF-SCOTT: Okay. I'm not sure of
23 that but, in any event, you met with him?

24 MR. CARRIERE: Yes.

25 MR. SHERRIFF-SCOTT: And he was acting as

1 counsel for the priests?

2 MR. CARRIERE: Yes.

3 MR. SHERRIFF-SCOTT: Okay. And they were
4 providing further disclosure pursuant to the materials they
5 had already given you; correct?

6 MR. CARRIERE: Yes.

7 MR. SHERRIFF-SCOTT: Okay.

8 And I promise you there are only three more
9 documents I'm going to do this to you about and then we'll
10 be finished with the documents.

11 The next one is -- this is another one,
12 Madam Clerk, that I gave you the other day, 721706. It's a
13 single-page document, and following it as part of the same
14 package, is 721707.

15 THE REGISTRAR: Can you give me the Bates
16 page, please?

17 MR. SHERRIFF-SCOTT: Yes, Bates page
18 7083052, and they run consecutively to the end of the other
19 document. So it goes to 7083055.

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. SHERRIFF-SCOTT: It's the last page of
22 the response. It should be there, stapled. It's this
23 document that's attached to the first document. That's the
24 one. Thank you.

25 THE COMMISSIONER: Thank you.

1 Exhibit 2388 is the letter to ---

2 **MR. SHERRIFF-SCOTT:** I think it's a memo to
3 Bill Carriere from Richard Abell but the witness can
4 confirm that.

5 **THE COMMISSIONER:** Thank you, and 2389 is?

6 **MR. SHERRIFF-SCOTT:** The response to Demand
7 for Particulars of Kevin Maloney.

8 **THE COMMISSIONER:** Thank you.

9 --- **EXHIBIT NO./PIÈCE No. P-2388:**

10 (721706) - CAS notes from Richard Abell to
11 Bill Carriere

12 --- **EXHIBIT NO./PIÈCE No. P-2389:**

13 (721707) - Response to Demand for
14 Particulars

15 **MR. SHERRIFF-SCOTT:** See those documents,
16 sir?

17 **MR. CARRIERE:** I do.

18 **MR. SHERRIFF-SCOTT:** And this is Mr. Abell
19 writing to you a memo on the first page?

20 **MR. CARRIERE:** It certainly appears to be,
21 yes.

22 **MR. SHERRIFF-SCOTT:** It's directing you to
23 give this to the OPP.

24 **MR. CARRIERE:** Yes.

25 **MR. SHERRIFF-SCOTT:** And when I say "this" I

1 mean the attached document which is Kevin Maloney's
2 material. That's how it appeared in your file; they were
3 one document.

4 **MR. CARRIERE:** I'm not going to dispute it.

5 **MR. SHERRIFF-SCOTT:** All right, fine.

6 In any event you would have got Kevin
7 Maloney's response and position through his solicitors and
8 forwarded it to the OPP?

9 **MR. CARRIERE:** Yes.

10 **MR. SHERRIFF-SCOTT:** Okay.

11 Now, my read of the file on this issue --
12 just coming back; the Diocese people contacted you
13 presumably when they met you pursuant to the protocol that
14 had been in place then for a bit of time.

15 **MR. CARRIERE:** Yes.

16 **MR. SHERRIFF-SCOTT:** They gave you
17 disclosure of all the material they contended that they had
18 been given.

19 **MR. CARRIERE:** Yes.

20 **MR. SHERRIFF-SCOTT:** They provided their
21 responses through their solicitors.

22 **MR. CARRIERE:** Yes.

23 **MR. SHERRIFF-SCOTT:** You interviewed them
24 and/or their solicitors?

25 **MR. CARRIERE:** Yes.

1 **MR. SHERRIFF-SCOTT:** And what I don't see in
2 the file is that you did a detailed investigation of this
3 stuff.

4 **MR. CARRIERE:** We didn't.

5 **MR. SHERRIFF-SCOTT:** You didn't. And you
6 certainly didn't apply the same level of scrutiny to the
7 allegations as you did, say, in the Charles MacDonald
8 matter.

9 **MR. CARRIERE:** No, we didn't.

10 **MR. SHERRIFF-SCOTT:** And no altar boys were
11 interviewed, notwithstanding that a number of these priests
12 were in active ministry and were not being removed from
13 ministry?

14 **MR. CARRIERE:** That's right.

15 **MR. SHERRIFF-SCOTT:** Isn't that right?
16 Remember we talked about this at the very beginning?

17 **MR. CARRIERE:** Yes, I do.

18 **MR. SHERRIFF-SCOTT:** Okay. And I suspect
19 there were reasons why you didn't do this and I would just
20 like to explore those briefly with you.

21 **MR. CARRIERE:** Okay.

22 **MR. SHERRIFF-SCOTT:** Am I right that, first
23 of all, this material emanated from Mr. Dunlop and his
24 lawsuit and perhaps there was a concern in your Agency
25 about that?

1 MR. CARRIERE: Yes.

2 MR. SHERRIFF-SCOTT: And was the concern
3 that you didn't want to get drawn into this dispute?

4 MR. CARRIERE: I think that's fair.

5 MR. SHERRIFF-SCOTT: And perhaps you didn't
6 want to be used as a pawn or manipulated in this context?

7 MR. CARRIERE: I think that's correct.

8 MR. SHERRIFF-SCOTT: May I say that you were
9 concerned about the credibility of the material?

10 MR. CARRIERE: I think in light of the
11 context of it, yes, we wondered about it.

12 MR. SHERRIFF-SCOTT: Well, I think you
13 probably did more than wonder about it, didn't you, based
14 on our discussion at the outset, if you had real concerns
15 about the safety and risk to children you would have done
16 something about it?

17 MR. CARRIERE: I think combined with that,
18 Mr. Sherriff-Scott, is the fact that we knew that the OPP
19 Project Truth team would be doing work at that time.

20 MR. SHERRIFF-SCOTT: And that's why I
21 covered that point at the beginning, that even though there
22 may be a parallel police investigation your Agency is
23 really looking at different things. Fair enough?

24 MR. CARRIERE: Yes, but there's some
25 overlap, of course.

1 **MR. SHERRIFF-SCOTT:** Okay. And the -- well,
2 there may be some overlap but in reality you're looking at
3 the question of safety of children?

4 **MR. CARRIERE:** Yes.

5 **MR. SHERRIFF-SCOTT:** They're looking at
6 culpability.

7 **MR. CARRIERE:** Yes, but I think they're also
8 concerned about safety of children.

9 **MR. SHERRIFF-SCOTT:** Oh, I'm not saying
10 they're not concerned.

11 **MR. CARRIERE:** Yes.

12 **MR. SHERRIFF-SCOTT:** What they're
13 investigating is the commission of a crime.

14 **MR. CARRIERE:** Yes, I won't argue.

15 **MR. SHERRIFF-SCOTT:** All right.

16 And one of the factors that perhaps led you
17 not to investigate were concerns about context and
18 credibility. Is that fair?

19 **MR. CARRIERE:** M'hm.

20 **MR. SHERRIFF-SCOTT:** Some of the factors?

21 **MR. CARRIERE:** Yes, I agree. I agree with
22 that.

23 **MR. SHERRIFF-SCOTT:** Those are my questions.
24 Thank you, sir.

25 **MR. CARRIERE:** Thank you.

1 **THE COMMISSIONER:** Thank you.
2 Who is next, Mr. Manderville?

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
5 **MANDERVILLE:**

6 **MR. MANDERVILLE:** Good afternoon, Mr.
7 Carriere.

8 Good afternoon, Mr. Commissioner.

9 **MR. CARRIERE:** Good afternoon.

10 **MR. MANDERVILLE:** Mr. Carriere, you know who
11 I am?

12 **MR. CARRIERE:** Yes.

13 **MR. MANDERVILLE:** Cornwall police.

14 I'm going to be referring to three exhibits
15 during my examination of you and the first one may require
16 a little bit of digging. It's Exhibit 25, Tab 5.

17 **THE COMMISSIONER:** Volume 2.

18 Next?

19 **MR. MANDERVILLE:** Sorry?

20 **THE COMMISSIONER:** Are you going to give us
21 the three exhibits?

22 **MR. MANDERVILLE:** Oh, the other two I
23 suspect are much more readily at hand. The second is Mr.
24 Bell's notes from the Project Blue investigation that we've
25 been looking at, which is Exhibit 2324.

1 **THE COMMISSIONER:** Yeah, okay.

2 **MR. MANDERVILLE:** And lastly would be
3 Exhibit 2370 which Mr. Lee introduced yesterday, being the
4 Act to amend the *Child and Family Services Act* assented to
5 in May 1999. That is likely a loose document, Mr.
6 Commissioner.

7 **THE COMMISSIONER:** No, no. Okay.
8 How long do you think you're going to be,
9 sir?

10 **MR. MANDERVILLE:** Perhaps 15 minutes, Mr.
11 Commissioner.

12 Mr. Carriere, you were with the CAS from
13 1973 until your retirement ---

14 **MR. CARRIERE:** Yes.

15 **MR. MANDERVILLE:** --- in 2006; am I right?

16 **MR. CARRIERE:** Yes.

17 **MR. MANDERVILLE:** During that time I take it
18 the Children's Aid Society's policies and practices for
19 investigating complaints of child sexual abuse have
20 evolved?

21 **MR. CARRIERE:** Yes.

22 **MR. MANDERVILLE:** In an effort to get better
23 at doing so; correct?

24 **MR. CARRIERE:** Yes.

25 **MR. MANDERVILLE:** And the standards of

1 practice in effect in the 1980s are different than the
2 standards of practice at the time of your retirement?

3 MR. CARRIERE: Oh, very much so.

4 MR. MANDERVILLE: Similarly, the CAS and
5 other agencies such as my client, Cornwall Police, have
6 developed protocols and practices over the years ---

7 MR. CARRIERE: Yes.

8 MR. MANDERVILLE: --- to better cooperate
9 with one another.

10 MR. CARRIERE: Yes.

11 MR. MANDERVILLE: To encourage much more
12 sharing of information?

13 MR. CARRIERE: Yes.

14 MR. MANDERVILLE: More joint investigations?

15 MR. CARRIERE: Yes.

16 MR. MANDERVILLE: Similarly, during your
17 tenure with the CAS I take it the *Child and Family Services*
18 *Act* has been amended from time to time in an effort to
19 strengthen it.

20 MR. CARRIERE: Yes.

21 MR. MANDERVILLE: And I would ask you to
22 refer to Exhibit 25, Tab 25. That would be Document 60090
23 for those of you scoring at home.

24 This is the Revised Standards for
25 Investigation and Management of Child Abuse Cases by

1 Children's Aid Societies under the *Child and Family*
2 *Services Act*; correct?

3 MR. CARRIERE: Yes.

4 MR. MANDERVILLE: And if you look at page 3
5 of the document, which will be Bates page 6001962 ---

6 THE COMMISSIONER: You might have struck out
7 there because there's no Bates pages in this document.

8 MR. MANDERVILLE: Okay.

9 THE COMMISSIONER: So page?

10 MR. MANDERVILLE: The third page in, Mr.
11 Commissioner.

12 THE COMMISSIONER: Table of Contents?

13 MR. MANDERVILLE: Just before the Table of
14 Contents.

15 THE COMMISSIONER: The letter?

16 MR. MANDERVILLE: Yeah, a letter dated
17 August 1992 from Minister Marian Boyd, who was at the time
18 the Minister of Com Soc.

19 Do you have that in front of you?

20 MR. CARRIERE: I do, yes.

21 MR. MANDERVILLE: So I take it, Mr.
22 Carriere, in 1993 which is a timeframe we're interested in
23 here, the relevant standard of practice was this 1992
24 standard.

25 MR. CARRIERE: Yes.

1 **MR. MANDERVILLE:** And if you turn to page 9
2 of the document that would be Bates ending 1968 -- sorry,
3 page 10 of the document.

4 **THE COMMISSIONER:** Page ---

5 **MR. MANDERVILLE:** Page 9, Mr. Commissioner,
6 should have at the top of it "Definition of Abuse."

7 **THE COMMISSIONER:** Yes.

8 **MR. MANDERVILLE:** And then the next page
9 would have Roman Numeral III, "Response to Reports of Child
10 Abuse."

11 Do you have that, Mr. Carriere?

12 **MR. CARRIERE:** Is this the one that says
13 standard one? Yes, what's on the screen is what I have.

14 **MR. MANDERVILLE:** Yes.

15 Do you have that, Mr. Commissioner?

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

17 **MR. MANDERVILLE:** And you'll see under the
18 heading "Past Abuse" it states:

19 "Children's Aid Societies receive
20 complaints from the victims of child
21 abuse concerning abuse alleged to have
22 occurred in the past when they were
23 under the age of 16. In some instances
24 the abuse was alleged to have taken
25 place many years ago. The person over

1 the age of 16 who reports past abuse
2 should be encouraged to report the
3 abuse to the police and should be
4 helped to take advantage of whatever
5 victim assistance, therapy, and legal
6 assistance resources exist in the
7 community. The Society will initiate a
8 further investigation only if there is
9 an allegation or evidence that a child
10 under the age of 16 may be at risk or
11 may have been abused."

12 Do you see that, Mr. Carriere?

13 **MR. CARRIERE:** I do.

14 **MR. MANDERVILLE:** Okay. And that was the
15 standard in effect when Mr. Silmsner made his complaint at
16 the end of 1992; correct?

17 **MR. CARRIERE:** That's correct.

18 **MR. MANDERVILLE:** And given that Mr. Silmsner
19 was an adult reporting abuse that had happened many years
20 previously, I take it under this standard the CAS would not
21 get involved in Mr. Silmsner's situation unless there was
22 also an allegation or evidence that a child under 16 may be
23 at risk; correct?

24 **MR. CARRIERE:** That's right; that's right.

25 **MR. MANDERVILLE:** Child under 16 may be at

1 risk; correct?

2 **MR. CARRIERE:** That's right.

3 **MR. MANDERVILLE:** And would I be correct in
4 suggesting that until Constable Dunlop gave the Silmsner
5 statement to Mr. Abell in the fall of 1993, that the CAS
6 was not aware of any allegation or evidence that a child
7 under 16 may be at some risk at the hands of Father
8 MacDonald; correct?

9 **MR. CARRIERE:** No, we weren't.

10 **MR. MANDERVILLE:** Now, the *Child and Family*
11 *Services Act* at the time indicated that a professional had
12 a duty to report which was triggered if the professional
13 believed on reasonable grounds that there was a child in
14 need of protection; correct?

15 **MR. CARRIERE:** Yes.

16 **MR. MANDERVILLE:** We saw from Mr. Lee's
17 examination of you yesterday -- and in this I'm going to be
18 looking at Exhibit 2370. We saw yesterday ---

19 **THE COMMISSIONER:** Hold it. Hold on now.
20 Twenty-three seventy (2370). You should have that book
21 there, Madam Clerk. Could you help out?

22 If you look in the back on the spine ---

23 **MR. CARRIERE:** Yes, okay.

24 **THE COMMISSIONER:** So 2370 is where he wants
25 you to go.

1 MR. CARRIERE: I have one that says 2351.

2 THE COMMISSIONER: That should do it.

3 MR. CARRIERE: Okay, yes, then I have it.

4 MR. MANDERVILLE: Just a moment,
5 Mr. Commissioner.

6 THE COMMISSIONER: All right.

7 (SHORT PAUSE/COURTE PAUSE)

8 MR. MANDERVILLE: I'm sorry,
9 Mr. Commissioner. I believe I'm mistaken. This was the
10 statute Mr. Lee referred to yesterday and it looks like it
11 may be Exhibit 25, Tab 21. This would be Document Number
12 600106.

13 (SHORT PAUSE/COURTE PAUSE)

14 MR. MANDERVILLE: Mr. Carriere, if you have
15 Exhibit 25, Tab 21 in front of you ---

16 MR. CARRIERE: I do.

17 MR. MANDERVILLE: --- it should say at the
18 top, "Chapter 2, an Act to amend the *Child and Family*
19 *Services Act.*"

20 MR. CARRIERE: I have that.

21 MR. MANDERVILLE: Do you have that,
22 Mr. Commissioner?

23 THE COMMISSIONER: "An Act to amend..."

24 MR. MANDERVILLE: Yes, right here.

25 Page 2 of that document, Mr. Carriere, it

1 indicates that subsections -- Section 22 it indicates that
2 Subsections 72(i),(ii) and (iii) of the Act are repealed
3 and a new wording is substituted, and the upshot of that
4 wording is that a professional has a duty to report to the
5 Children's Aid Society where he or she has a mere
6 suspicion, as opposed to a belief, that there might be a
7 child in need of protection; correct?

8 **MR. CARRIERE:** Yes.

9 **MR. MANDERVILLE:** And I believe you
10 discussed with Mr. Lee a mere suspicion is a somewhat lower
11 standard or a lower threshold to report.

12 **MR. CARRIERE:** I would say it is, yes.

13 **MR. MANDERVILLE:** And back in 1993 a
14 professional needed something more than a mere suspicion?

15 **MR. CARRIERE:** I would agree with that.

16 **MR. MANDERVILLE:** Now, I want to turn your
17 attention to Project Blue for a little bit, and I'll be
18 referring to Mr. Bell's notes in Exhibit 2324.

19 I take it, Mr. Carriere, you would agree
20 that in your Project Blue investigation the CAS received
21 considerable cooperation from the Cornwall Police?

22 **MR. CARRIERE:** I'm sorry, could you say that
23 again? I was looking through my materials.

24 **MR. MANDERVILLE:** I take it that you would
25 agree with me that during your Project Blue or the CAS's

1 Project Blue investigation, the CAS received considerable
2 cooperation from my client, the Cornwall Police.

3 MR. CARRIERE: We received cooperation, yes.

4 MR. MANDERVILLE: And provided access to
5 information as you felt you needed it?

6 MR. CARRIERE: Yes. Some, yes.

7 MR. MANDERVILLE: In the circumstances where
8 they didn't, it was because they had given an individual an
9 assurance that his or her name would not be disclosed?

10 MR. CARRIERE: With respect to those
11 individuals that's correct.

12 MR. MANDERVILLE: I'd ask -- do you have Mr.
13 Bell's notes in front of you? Exhibit 2324. That's
14 Document Number 721672.

15 MR. CARRIERE: I have it.

16 MR. MANDERVILLE: Beginning at Bates page
17 7081927, Mr. Bell makes notes of the CAS visit with Helen
18 Dunlop on November 15, 1993.

19 MR. CARRIERE: Yes.

20 MR. MANDERVILLE: And if you turn to Bates
21 page ending 929, this continues the notes taken from the
22 visit with Mrs. Dunlop.

23 MR. CARRIERE: Okay.

24 MR. MANDERVILLE: At the top of that page
25 she advises her brother is Chris Chisholm and that he is a

1 deacon and once lived with Father Charlie MacDonald.

2 **MR. CARRIERE:** M'hm.

3 **MR. MANDERVILLE:** Did the CAS seek to
4 interview Chris Chisholm, being the brother of Helen Dunlop
5 and Carson Chisholm, given that he had lived with Charlie
6 MacDonald, according to Mrs. Dunlop?

7 **MR. CARRIERE:** I don't think we did but I
8 would stand to be corrected if Mr. Bell's record suggests
9 otherwise. That name doesn't seem to be one that we
10 followed up on.

11 **MR. MANDERVILLE:** So you're unaware as to
12 whether or not he was ever interviewed?

13 **MR. CARRIERE:** I don't believe that he was,
14 but ---

15 **MR. MANDERVILLE:** And also on that page
16 towards the bottom, Mrs. Dunlop urges the CAS to seek out
17 and interview Perry Dunlop, doesn't she?

18 **MR. CARRIERE:** Yes.

19 **MR. MANDERVILLE:** Beginning at Bates page
20 7081983, we have the beginnings of the notes concerning the
21 CAS visit with Perry Dunlop on November 29, 1993, don't we?

22 **MR. CARRIERE:** Yes.

23 **MR. MANDERVILLE:** Mr. Neville took you to
24 this but I again want to take you to the next page, ending
25 984 and item 5 on that page, using Mr. Bell's enumeration,

1 suggests that Mr. Bell is being told by Mr. Dunlop that
2 there are other perpetrators involved in a ring and we will
3 be hearing about them; the CAS will be hearing about them.

4 **MR. CARRIERE:** Yes, that's what that says.

5 **MR. MANDERVILLE:** And at item 6 Mr. Dunlop
6 wants to review his notes and get back to the CAS; correct?

7 **MR. CARRIERE:** Right.

8 **MR. MANDERVILLE:** So as of November 1993
9 Perry Dunlop is starting to advance the story of a ring or
10 clan of paedophiles operating in the Cornwall area;
11 correct?

12 **MR. CARRIERE:** I'm sorry, you said November
13 19th?

14 **MR. MANDERVILLE:** As of November 1993.

15 **MR. CARRIERE:** Yes. Okay, yes.

16 **MR. MANDERVILLE:** Okay.

17 As you looked at in your examination in-
18 chief and discussed with Mr. Neville, back in January of
19 1994 the CAS didn't put much stock in Mr. Dunlop's story,
20 did it?

21 **MR. CARRIERE:** I think we were questioning
22 at that point in time. He had said he had something for
23 us, he would provide us with that, and then nothing was
24 forthcoming. And we felt that we had made every reasonable
25 effort to encourage him to provide that information.

1 **MR. MANDERVILLE:** That's right. He wouldn't
2 provide any notes that he said he had.

3 **MR. CARRIERE:** No.

4 **MR. MANDERVILLE:** And he wouldn't provide
5 any additional information or names about an alleged ring,
6 other than his bald assertion that one existed; right?

7 **MR. CARRIERE:** That's right.

8 **MR. MANDERVILLE:** And so at the end of
9 January 1994 the CAS concluded that they would not pursue
10 him any further?

11 **MR. CARRIERE:** That's right.

12 **MR. MANDERVILLE:** And I'm going to suggest
13 to you you concluded that he was blowing smoke.

14 **MR. CARRIERE:** I don't recall at that time,
15 Mr. Manderville, whether or not that's what we said or
16 that's what we concluded. We ---

17 **MR. MANDERVILLE:** That's my terminology.

18 **MR. CARRIERE:** Yes, okay. And I understand
19 your terminology.

20 I think we concluded at the time that we had
21 made every reasonable effort; made it clear to him that if
22 he had information he had an obligation to report; that
23 there were protections under the Act to provide that
24 information, and that we didn't need to go further.

25 **MR. MANDERVILLE:** Okay. Well, let me put

1 this to you another way, Mr. Carriere, and see if you agree
2 with me. Is it customary for the CAS to abandon an attempt
3 to obtain information from an individual who says he knows
4 of a ring of perpetrators of abuse against children and has
5 additional names of victims or perpetrators, if they
6 believe the story is credible?

7 **MR. CARRIERE:** No, it wouldn't be customary.

8 **MR. MANDERVILLE:** So it would only happen if
9 you felt the story wasn't credible; correct?

10 **MR. CARRIERE:** I don't know how to answer
11 that question, Mr. Manderville.

12 **MR. MANDERVILLE:** And we know ---

13 **MR. CARRIERE:** I think it's fair to say that
14 we definitely had questions about that information and felt
15 that if this was true why wasn't it being provided.

16 **MR. MANDERVILLE:** And this is a story Mr.
17 Dunlop is advancing in November 1993.

18 **MR. CARRIERE:** Yes.

19 **MR. MANDERVILLE:** And we know that that is
20 almost three years before Mr. Dunlop meets Ron Leroux;
21 correct?

22 **MR. CARRIERE:** I believe so.

23 **MR. MANDERVILLE:** And according to Mr.
24 Leroux that is when Mr. Dunlop gets to make use of Mr.
25 Leroux to advance Mr. Dunlop's story, isn't it?

1 **MR. CARRIERE:** I'm sorry; could you say that
2 again, please?

3 **MR. MANDERVILLE:** According to Mr. Leroux
4 that is when Mr. Dunlop gets to make use of Mr. Leroux to
5 advance Perry Dunlop's story, isn't it?

6 **MR. CHISHOLM:** My friend referring to Mr.
7 Leroux's evidence that he gave here, perhaps he can narrow
8 in as to ---

9 **MR. MANDERVILLE:** According to Mr. Leroux's
10 evidence here at this Inquiry, sir.

11 **MR. CARRIERE:** I think you would have to
12 refresh my memory with respect to his evidence because it's
13 quite some time ago and I'd hesitate to say one way or the
14 other.

15 I think I recall him saying that he was --
16 even these are my terms -- kind of put up to things by Mr.
17 Dunlop.

18 **MR. MANDERVILLE:** Mr. Leroux suggested under
19 oath that he was pressured or coerced into making
20 statements in his affidavits by Mr. Dunlop, didn't he?

21 **MR. CARRIERE:** I believe that I heard that,
22 yes.

23 **MR. MANDERVILLE:** Thank you very much, Mr.
24 Carriere.

25 **MR. CARRIERE:** Thank you.

1 **THE COMMISSIONER:** Thank you.

2 Let's take the afternoon break.

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

5 This hearing will resume at 3:30 p.m.

6 ---Upon recessing at 3:13 p.m./

7 L'audience est suspendue à 15h13

8 ---Upon resuming at 3:36 p.m./

9 L'audience est reprise à 15h36

10 **THE REGISTRAR:** This hearing is now resumed.

11 Please be seated. Veuillez vous asseoir.

12 **THE COMMISSIONER:** Mr. Kozloff.

13 **MR. KOZLOFF:** Good afternoon, sir.

14 ---**CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

15 **KOZLOFF:**

16 **MR. KOZLOFF:** Good afternoon, Mr. Carriere.

17 **MR. CARRIERE:** Good afternoon.

18 **MR. KOZLOFF:** You and I know each other.

19 **MR. CARRIERE:** We do.

20 **MR. KOZLOFF:** For the record, I act for the
21 Ontario Provincial Police.

22 I want to talk to you about Jean-Luc
23 Leblanc.

24 **THE COMMISSIONER:** I'm sorry; you have to
25 speak into the microphone.

1 **MR. KOZLOFF:** I beg your pardon.

2 I want to talk to you about Jean-Luc Leblanc
3 and I want to begin very briefly with 1986. This CPS does
4 an investigation; Mr. Leblanc is prosecuted. I take it at
5 that time that the CAS opened a file on Jean-Luc Leblanc?

6 **MR. CARRIERE:** We didn't open a separate
7 file on Jean-Luc Leblanc. We opened up a file on his
8 victims.

9 **MR. KOZLOFF:** Okay. There was no separate
10 perpetrator file, in the sense that that term is used later
11 on in the '90s?

12 **MR. CARRIERE:** That's right.

13 **MR. KOZLOFF:** Okay. So in 1994, which is
14 when the information comes from the school principal in
15 relation to a family, ---

16 **MR. CARRIERE:** Yes.

17 **MR. KOZLOFF:** --- the only information that
18 you have regarding the person you now know as Mr. Leblanc
19 is a first name?

20 **MR. CARRIERE:** That's right.

21 **MR. KOZLOFF:** And there's not sufficient
22 information to open a file on the individual if you don't
23 have a last name?

24 **MR. CARRIERE:** That's right.

25 **MR. KOZLOFF:** And so there's no connection

1 made between the information received in 1994 and the
2 information you have on file, albeit in the Burgess file
3 from 1986?

4 **MR. CARRIERE:** You're correct.

5 **MR. KOZLOFF:** In 1995 there's information
6 received from Valerie Nadon?

7 **MR. CARRIERE:** Yes.

8 **MR. KOZLOFF:** And initially that
9 information, ironically, is in relation to a first name,
10 but some further checks are done and it's Mrs. Nadon who
11 provides the last name?

12 **MR. CARRIERE:** That's correct.

13 **MR. KOZLOFF:** And there's a follow-up done
14 at that point with, amongst others, the Cornwall police?

15 **MR. CARRIERE:** Yes.

16 **MR. KOZLOFF:** And there's a file opened, I
17 take it, File Number 12902?

18 **MR. CARRIERE:** I don't know the file number
19 but there was a file opened at that time.

20 **MR. KOZLOFF:** I'll just direct you -- I'm
21 sorry; I'm sure it's an exhibit, Mr. Commissioner. I just
22 have the document number. It's 115420.

23 **THE REGISTRAR:** It's 2301.

24 **MR. KOZLOFF:** Thank you.

25 If you can just pull that up and provide it

1 to Mr. Carriere.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. CARRIERE: I have it.

4 MR. KOZLOFF: All right.

5 Exhibit 2301 at the first page, it's a case
6 documentation system service record.

7 MR. CARRIERE: Yes.

8 MR. KOZLOFF: And the worker is Fran Lepage.

9 MR. CARRIERE: That's right.

10 MR. KOZLOFF: And the case name is Leblanc.

11 MR. CARRIERE: That's right.

12 MR. KOZLOFF: And below that is a case
13 service and it's number 12902.

14 MR. CARRIERE: You're right.

15 MR. KOZLOFF: To your knowledge, sir, is
16 that the time that File Number 12902 is opened?

17 MR. CARRIERE: Yes, it is.

18 MR. KOZLOFF: All right.

19 And does that represent a different system
20 of record keeping than was in existence in the 1980s?

21 MR. CARRIERE: No, I don't think it does.

22 In this case we have no names of children. Children are
23 not identified who are allegedly in the company of Mr.
24 Leblanc ---

25 MR. KOZLOFF: Fair enough.

1 **MR. CARRIERE:** --- so the file is opened
2 under his name.

3 **MR. KOZLOFF:** So the 1994 information you
4 have a child identified but no alleged perpetrator and in
5 1995 you have an alleged perpetrator but no child.

6 **MR. CARRIERE:** That's right.

7 **MR. KOZLOFF:** Okay. And ---

8 **MR. CARRIERE:** And no address. And no
9 address.

10 **MR. KOZLOFF:** And no address. All right.

11 Would it be fair to say that with a full
12 name and a date of birth you had sufficient information to
13 get an address if you needed one?

14 **MR. CARRIERE:** I don't know that -- I stand
15 to be corrected, but I'm not sure whether we would have had
16 his date of birth but perhaps we did.

17 I think some -- as I said in my examination
18 in-chief, I think some additional steps could have been
19 taken.

20 **MR. KOZLOFF:** In any event, the next
21 information comes in 1998.

22 **MR. CARRIERE:** Yes.

23 **THE COMMISSIONER:** Well, excuse me ---

24 **MR. KOZLOFF:** And that's ---

25 **THE COMMISSIONER:** Can I just stop you?

1 **MR. KOZLOFF:** Yes, sir.

2 **THE COMMISSIONER:** I must still be on the
3 coffee break. When this file is opened there is the last
4 name of Leblanc on top there. How did that get there?

5 **MR. KOZLOFF:** That's Valerie Nadon, sir,
6 initially providing a first name and then she gets back to
7 the CAS very soon thereafter and provides the full name.

8 **THE COMMISSIONER:** Sorry. Okay. Good.

9 **MR. KOZLOFF:** Am I correct about that, sir?

10 **MR. CARRIERE:** You're right.

11 **MR. KOZLOFF:** All right.

12 Now, we get to 1998 -- and if we could pull
13 Exhibit 2361 up.

14 **THE COMMISSIONER:** Twenty-three sixty-one
15 (2361)? It's in Module Number 2?

16 **MR. CARRIERE:** Yes.

17 **MR. KOZLOFF:** Twenty-three sixty-one (2361),
18 I believe.

19 **MR. CARRIERE:** Yes, this is the one we have
20 the moniker just today.

21 **MR. KOZLOFF:** Yes, yes.

22 **MR. CARRIERE:** Okay.

23 **MR. KOZLOFF:** If I'm not mistaken, 2361 is
24 Document 742173.

25 **THE COMMISSIONER:** Yes, and the moniker is

1 C-81.

2 MR. KOZLOFF: Yes. And once again, we're
3 beginning with the name of family as opposed to the name of
4 an alleged perpetrator.

5 MR. CARRIERE: That's right.

6 MR. KOZLOFF: And so the file number 9501 is
7 in the name of the family of the child.

8 MR. CARRIERE: That's right.

9 MR. KOZLOFF: And if we could just scroll
10 down on that page, it demonstrates that the -- this is the
11 intake worker Gilles Groulx?

12 MR. CARRIERE: Yes, he was the intake
13 worker.

14 MR. KOZLOFF: All right. And what the
15 information is, is to the effect that C-81 has been living
16 in Newington for the past five days in a backyard in a
17 tent.

18 MR. CARRIERE: Yes.

19 MR. KOZLOFF: And if you go to Bates page
20 7192436 ---

21 MR. CARRIERE: Yes.

22 MR. KOZLOFF: --- I'm just waiting for it to
23 scroll up -- this is the investigation plan.

24 MR. CARRIERE: Yes.

25 MR. KOZLOFF: And it indicates you're the

1 supervisor. The date of the consultation is the 3rd of the
2 9th month, '98.

3 MR. CARRIERE: I am the supervisor who is
4 consulting with the intake worker to develop the plan, yes.

5 MR. KOZLOFF: Fair enough. And the second
6 line there is "Contact police."

7 MR. CARRIERE: They're motioning in the ---

8 THE COMMISSIONER: Mr. Kozloff ---

9 MR. KOZLOFF: Pas assez profonde.
10 Speak up; I'm going to move that. How is
11 that?

12 THE COMMISSIONER: Just the top of it you
13 can ---

14 MR. KOZLOFF: Thank you.

15 THE COMMISSIONER: A rock concert person you
16 are not I guess.

17 MR. KOZLOFF: No.

18 (LAUGHTER/RIRES)

19 MR. KOZLOFF: I'm an opera guy myself.

20 THE COMMISSIONER: Oh.

21 MR. KOZLOFF: The second line is "Contact
22 police."

23 MR. CARRIERE: Yes.

24 MR. KOZLOFF: All right. And can you assist
25 me with what that means to you?

1 **MR. CARRIERE:** Why it was there or ---

2 **MR. KOZLOFF:** Yes, why is "Contact police"
3 there?

4 **MR. CARRIERE:** Yeah. I believe that it
5 relates to on the previous page, Bates 7192435, there is
6 reference to the mother's boyfriend being very violent and
7 when we get that kind of information, typically we would
8 ask the worker to get in touch with the police to get some
9 information on it.

10 **MR. KOZLOFF:** So what you're saying to me is
11 that it doesn't relate to the fact that this 13-year-old
12 boy is residing in a tent in the backyard of somebody to
13 whom he is not related?

14 **MR. CARRIERE:** No, that wouldn't be the
15 reason.

16 **MR. KOZLOFF:** All right.

17 And then the next document, Exhibit 2362,
18 which is Document 742174, ---

19 **MR. CARRIERE:** M'hm.

20 **MR. KOZLOFF:** --- that's the investigative
21 service log?

22 **MR. CARRIERE:** That's right.

23 **MR. KOZLOFF:** And that is the initial
24 involvement of Mr. MacIntosh; correct?

25 **MR. CARRIERE:** It's a log that's to be

1 completed as the investigation moves along so that one can
2 have a quick reference as to what's been done or not done.

3 MR. KOZLOFF: And is that handwriting Mr.
4 MacIntosh's?

5 MR. CARRIERE: I believe it is.

6 MR. KOZLOFF: All right.

7 And again, it's file number 9501 referring
8 to the family of C-81?

9 MR. CARRIERE: Yes.

10 MR. KOZLOFF: Indicating that the date of
11 the referral is September the 3rd, '98?

12 MR. CARRIERE: That's right.

13 MR. KOZLOFF: The date the investigation was
14 started is the same day?

15 MR. CARRIERE: Yes.

16 MR. KOZLOFF: And the date of the assignment
17 to Mr. MacIntosh would be the same day?

18 MR. CARRIERE: Yes.

19 MR. KOZLOFF: All right.

20 And I think your evidence was that his
21 supervisor was Mr. Lamarche?

22 MR. CARRIERE: That's correct.

23 MR. KOZLOFF: And there is no mention of
24 Jean-Luc Leblanc in this document; am I right?

25 MR. CARRIERE: That's correct.

1 **MR. KOZLOFF:** And then the next document,
2 Exhibit 2363, that's Document 742200.

3 **MR. CARRIERE:** Yes.

4 **MR. KOZLOFF:** I'm trying to read my own
5 handwriting for the title of the document but it's a Case
6 Documentation System service record?

7 **MR. CARRIERE:** That's right.

8 **MR. KOZLOFF:** And that again would be in the
9 handwriting of Mr. MacIntosh?

10 **MR. CARRIERE:** I believe it is, yes.

11 **MR. KOZLOFF:** And that document indicates
12 that C-81 has been staying with Jean-Luc Leblanc.

13 **MR. CARRIERE:** Yes.

14 **MR. KOZLOFF:** And that his parents know he
15 is there.

16 **MR. CARRIERE:** Yes.

17 **MR. KOZLOFF:** And so at this point, there is
18 the first information in the 1998 documents concerning
19 Jean-Luc Leblanc.

20 **MR. CARRIERE:** Yes.

21 **MR. KOZLOFF:** And we know by that point
22 there is a file 12902 which has been opened in relation to
23 Mr. Leblanc?

24 **MR. CARRIERE:** That's right.

25 **MR. KOZLOFF:** All right.

1 Now, at that point in time, was there a
2 protocol for a worker to crosscheck a name such as Mr.
3 Leblanc's with your records?

4 **MR. CARRIERE:** There wouldn't have been a
5 protocol.

6 **MR. KOZLOFF:** Is there one now?

7 **MR. CARRIERE:** There is a -- I don't think
8 that there is a specific policy or procedure or protocol
9 with respect to that because it's a discretionary thing.
10 As I think I was saying yesterday, I think one has to look
11 at the circumstances to decide whether or not they feel
12 that a record check is done.

13 For example, like many names would be given
14 to a worker with children in care. They would, for
15 instance, get the report card that would have all of the
16 teachers and you wouldn't expect and it doesn't happen
17 where those names are cross-referenced.

18 **MR. KOZLOFF:** It would appear as of the 3rd
19 of the 9th, 1998 that Brian MacIntosh knows nothing about
20 Jean-Luc Leblanc in terms of the record -- the records of
21 the Children's Aid Society of Stormont, Dundas and
22 Glengarry.

23 Is that fair?

24 **MR. CARRIERE:** I think that that's correct,
25 yes.

1 **MR. KOZLOFF:** And then the next document,
2 Exhibit 2364, that's Document 742199.

3 This is a Case Documentation System service
4 record typed and that indicates that on the 3rd of September
5 1998 at 1633 hours, Gordon Lanctôt who is a prime duty
6 worker ---

7 **MR. CARRIERE:** Yes.

8 **MR. KOZLOFF:** --- receives a telephone call
9 from Jean-Luc Leblanc.

10 **MR. CARRIERE:** Yes.

11 **MR. KOZLOFF:** In which he advises that he's
12 apparently aware that Mr. MacIntosh has been talking to C-
13 81.

14 **MR. CARRIERE:** Yes.

15 **MR. KOZLOFF:** And that C-81 and his friend,
16 who is the family name and the individual in question in
17 the 1994 information from the school ---

18 **MR. CARRIERE:** Yes, right.

19 **MR. KOZLOFF:** --- had permission to camp in
20 his yard.

21 **MR. CARRIERE:** Yes.

22 **MR. KOZLOFF:** All right.

23 And that other -- stated other, "the
24 children are together." Do you know what that means?

25 **MR. CARRIERE:** I don't know what it means.

1 I would assume that there's an extra word in there but I
2 don't know.

3 **MR. KOZLOFF:** And then it says:

4 "Stated Brian MacIntosh was going to
5 the family home."

6 Do you know whether that's Mr. Leblanc
7 telling that to Mr. Lanctôt or Mr. Lanctôt telling that to
8 Mr. Leblanc?

9 **MR. CARRIERE:** I suspect that it's Mr.
10 Leblanc telling that to Mr. Lanctôt.

11 **MR. KOZLOFF:** All right.

12 The next document, Exhibit 2366, which is
13 Document 742201, this indicates that on the 11th of
14 September 1998, Brian MacIntosh talked with the mother of
15 C-81 ---

16 **MR. CARRIERE:** Yes.

17 **MR. KOZLOFF:** --- who indicated that she was
18 upset about anyone suggesting that her son had been
19 abandoned.

20 **MR. CARRIERE:** Yes.

21 **MR. KOZLOFF:** And ironically that's the same
22 day that Constable Tyo of the Cornwall Police contacted the
23 CAS regarding information that he'd received from the
24 Burgess family.

25 **MR. CARRIERE:** I think I heard that

1 yesterday.

2 MR. KOZLOFF: All right.

3 So again, apparently nobody put those two --

4 -

5 MR. CARRIERE: They didn't.

6 MR. KOZLOFF: Exhibit 2367, Case Document
7 System services record for the 14th of September ---

8 MR. CARRIERE: Twenty-three (23)? Sorry.

9 MR. KOZLOFF: Twenty-three sixty-seven
10 (2367), Exhibit 742177.

11 MR. CARRIERE: Mine is blank.

12 THE COMMISSIONER: Madam Clerk, let's put it
13 on the screen and we'll make sure to put an extra copy
14 there.

15 All right.

16 MR. KOZLOFF: This is the 14th of September
17 and Mr. MacIntosh is recording that C-81 is staying with
18 the family friend, Jean-Luc Leblanc, with his mother's
19 permission.

20 MR. CARRIERE: Yes.

21 MR. KOZLOFF: The plan again is to close the
22 file?

23 MR. CARRIERE: I think it probably says that
24 lower but ---

25 MR. KOZLOFF: All right. In any event,

1 there's no indication of any cross-reference by
2 Mr. MacIntosh; right?

3 **MR. CARRIERE:** No, no.

4 **MR. KOZLOFF:** All right.

5 And just to finish with those documents,
6 Exhibit 2368 is the Change of Circumstances document,
7 Document 742179?

8 **MR. CARRIERE:** Yes.

9 **MR. KOZLOFF:** And that's dated the 7th of
10 January 1999.

11 **MR. CARRIERE:** Yes.

12 **MR. KOZLOFF:** And we have assumed here,
13 probably with very good reason, that Mr. MacIntosh has
14 recognized the name Jean-Luc Leblanc, having read it in the
15 Cornwall Standard Freeholder as somebody who has just been
16 arrested for sexually abusing children?

17 **MR. CARRIERE:** Yes.

18 **MR. KOZLOFF:** You and I are aware that he
19 contacted Constable Seguin of the Ontario Provincial Police
20 that day, the 7th of January, 1999.

21 **MR. CARRIERE:** Yes.

22 **MR. KOZLOFF:** And would it be fair to say,
23 sir, that that is the first occasion on which somebody from
24 the Children's Aid Society contacted the Ontario Provincial
25 Police with regard to Jean-Luc Leblanc?

1 **MR. CARRIERE:** I'm hesitating -- you could
2 very well be correct. I know that Pina DeBellis had some
3 contact and so it's more in terms of ---

4 **MR. KOZLOFF:** Well, I think -- I looked at -
5 --

6 **MR. CARRIERE:** --- you know, which one
7 happened first. But I'm not going to dispute it if the
8 record ---

9 **MR. KOZLOFF:** I don't believe Pina DeBellis'
10 involvement in this file begins until late January.

11 **MR. CARRIERE:** Okay, all right. Then I'm
12 not going to dispute it.

13 **MR. KOZLOFF:** I want to take you now to
14 Exhibit 2302. It's Document 115409.

15 **THE COMMISSIONER:** Do you have the binder?

16 **MR. CARRIERE:** I'm sorry, 23 ---

17 **THE COMMISSIONER:** Zero two.

18 **MR. KOZLOFF:** Zero two. This is the Module
19 Number 1 People Profile. The file number is 12902. Am I
20 right?

21 **MR. CARRIERE:** Excuse me just one second.
22 People Profile, yes.

23 **MR. KOZLOFF:** All right. Do you see the
24 file opening name in the top right-hand corner?

25 **MR. CARRIERE:** I do.

1 MR. KOZLOFF: Leblanc.

2 MR. CARRIERE: M'hm.

3 MR. KOZLOFF: File Number 12902; correct?

4 MR. CARRIERE: Yes, that's correct.

5 MR. KOZLOFF: That's the same file number as
6 the one we referred to earlier that ---

7 MR. CARRIERE: Yes.

8 MR. KOZLOFF: --- was opened as a result of
9 the information received from Mrs. Nadeau?

10 MR. CARRIERE: That's correct.

11 MR. KOZLOFF: So on the 11th of September,
12 1998 Lise Stanley made the connection between the
13 information she received from Constable Tyo ---

14 MR. CARRIERE: Yes.

15 MR. KOZLOFF: --- and the fact that there
16 was a record, a file opened by the CAS back in 1995.

17 MR. CARRIERE: Yes.

18 MR. KOZLOFF: Because she put it in the same
19 file.

20 MR. CARRIERE: Yes, yes, that's right.

21 MR. KOZLOFF: And if you go to Bates page
22 1074131, in that document ---

23 MR. CARRIERE: Yes.

24 MR. KOZLOFF: --- under Family Constellation
25 she's written some things.

1 MR. CARRIERE: Yes.

2 MR. KOZLOFF: And the last sentence is:

3 "Unknown if Mr. Leblanc is currently
4 living with children."

5 MR. CARRIERE: That's right.

6 MR. KOZLOFF: I take it that we can conclude
7 it was unknown to Lise Stanley whether Mr. Leblanc was
8 living with children.

9 MR. CARRIERE: That's right.

10 MR. KOZLOFF: It was known to Brian
11 MacIntosh that C-81 was living in Jean-Luc Leblanc's ---

12 MR. CARRIERE: Yes. Yes, yes.

13 MR. KOZLOFF: --- backyard. Okay.

14 And then if you go to the Intake Report,
15 which is at Bates page 1074133.

16 MR. CARRIERE: Yes.

17 MR. KOZLOFF: That summarizes the
18 information received from Cornwall Police Service's
19 Constable George Tyo.

20 MR. CARRIERE: Yes.

21 MR. KOZLOFF: It identifies the source of
22 the information, the subject of the information, some
23 background on that individual, Mr Leblanc.

24 MR. CARRIERE: Yes.

25 MR. KOZLOFF: And finally, where he is

1 living and the fact that the information has been passed on
2 to OPP Randy Millar.

3 MR. CARRIERE: Yes.

4 MR. KOZLOFF: And the following page, which
5 is Bates page 1074134, you have Outline of Plan for
6 Investigation. This is under you?

7 MR. CARRIERE: Yes.

8 MR. KOZLOFF: And the first entry is "CAS
9 record check."

10 MR. CARRIERE: Yes.

11 MR. KOZLOFF: Can you help me with that?
12 What is a CAS record check?

13 MR. CARRIERE: It's just basically putting
14 the names in that we would know, to see if anything comes
15 up, in which case -- in this case it brought up the name of
16 Jean-Luc Leblanc.

17 MR. KOZLOFF: All right, so it brought up
18 that file?

19 MR. CARRIERE: Yes, it did.

20 MR. KOZLOFF: But it didn't bring up the
21 other information ---

22 MR. CARRIERE: That's right.

23 MR. KOZLOFF: --- that you'd received?

24 MR. CARRIERE: Yes, because no-one knew the
25 connection.

1 **MR. KOZLOFF:** All right. And is there some
2 change in the record-keeping of the CAS which would obviate
3 that difficulty today?

4 **MR. CARRIERE:** Systems are only as good as
5 the people that use them, but certainly with us being
6 automated in a way that we weren't at the time, it's much
7 easier to do record checks.

8 **MR. KOZLOFF:** Under Rationale for Response
9 Time the first entry, "No identifying information on
10 victims;" correct?

11 **MR. CARRIERE:** That's right.

12 **MR. KOZLOFF:** And indeed the nature of the
13 information received from Constable Tyo did not identify
14 any victims?

15 **MR. CARRIERE:** No, that's right. We had no
16 names of children.

17 **MR. KOZLOFF:** And if you go to Exhibit 2302.

18 **THE COMMISSIONER:** That's where we are now.

19 **MR. KOZLOFF:** Okay. That's Document Number
20 115410.

21 **THE COMMISSIONER:** No, that's Exhibit 2303.

22 **MR. KOZLOFF:** I believe it -- I'm sorry, I
23 have 2302.

24 **THE COMMISSIONER:** The 21-day report?

25 **MR. KOZLOFF:** You're right, so it's 2303.

1 **THE COMMISSIONER:** It happens.

2 **MR. KOZLOFF:** Thank you, sir.

3 This is the documentation system ---

4 **MR. CARRIERE:** Yes.

5 **MR. KOZLOFF:** --- 21-day report. This
6 report is dated the 2nd of October, 1998.

7 **MR. CARRIERE:** Yes.

8 **MR. KOZLOFF:** And this initially -- there's
9 a brief summary under number 1:

10 "The matter has been discussed in
11 supervision with Supervisor Bill
12 Carriere to review the situation and to
13 determine how we plan to proceed. Our
14 Agency has decided that we will contact
15 Mr. Leblanc and offer that [he] come
16 into the agency to..."

17 I've added the word "he."

18 **MR. CARRIERE:** Yes.

19 **MR. KOZLOFF:** "...that [he] come into
20 the agency to discuss the concerns that
21 we have regarding him associating with
22 young children."

23 **MR. CARRIERE:** Yes.

24 **MR. KOZLOFF:** Was that done?

25 **MR. CARRIERE:** No, it didn't happen.

1 **MR. KOZLOFF:** Notwithstanding Mr. MacIntosh
2 had direct contact from Mr. Leblanc.

3 **MR. CARRIERE:** That's right.

4 **MR. KOZLOFF:** Or ultimately ---

5 **MR. CARRIERE:** Yes, that's right.

6 **MR. KOZLOFF:** --- Mr. Lanctôt.

7 **MR. CARRIERE:** Yes.

8 **MR. KOZLOFF:** And plans to address
9 protection concerns, number 2:

10 "There has not been any follow-up on
11 this matter as of yet. Worker would
12 also like to follow up further with the
13 main source of referral, as well as
14 Ontario Provincial Police, who may be
15 able to provide us with further
16 information."

17 Was that done?

18 **MR. CARRIERE:** No, no, it wasn't.

19 **MR. KOZLOFF:** Can you assist us, Mr.
20 Carriere, with regard to your understanding of why
21 Constable Tyo would have provided the information he did to
22 the Children's Aid Society on the 11th of September, 1998?
23 Was that pursuant to a protocol that involved sharing
24 information between agencies?

25 **MR. CARRIERE:** I think at that point in time

1 they would definitely -- I think he was reporting under the
2 duty to report. He had received information from the
3 family. Obviously, that family had experienced firsthand
4 harm from Mr. Leblanc.

5 **MR. KOZLOFF:** Right.

6 **MR. CARRIERE:** He receives that information
7 and as a duty to report he contacts us.

8 **MR. KOZLOFF:** Was there any policy in place
9 or had there been, if there wasn't, regarding the
10 information that the CAS received regarding Jean-Luc
11 Leblanc over the period between 1986 and 1998?

12 **MR. CARRIERE:** Can you be more specific in
13 your question?

14 **MR. KOZLOFF:** Well, you had information that
15 in 1995 from Valerie Nadon regarding Mr. Leblanc?

16 **MR. CARRIERE:** Yes.

17 **MR. KOZLOFF:** Was there any reason why that
18 information should have been forwarded to the police? In
19 fact, it was shared with the police but only in terms of
20 the CAS getting further information. Is that fair?

21 **MR. CARRIERE:** Yes, trying to get an
22 address, yes.

23 **MR. KOZLOFF:** Right. There is a record that
24 indicates ---

25 **MR. CARRIERE:** Yes.

1 **MR. KOZLOFF:** --- that somebody at the CAS
2 contacted Sergeant Brunet at the Cornwall Police with
3 further information.

4 **MR. CARRIERE:** Yes, that's right.

5 **MR. KOZLOFF:** All right.

6 Was there any reason why Mr. MacIntosh, even
7 if he was unaware of the information in your own records,
8 was there any reason why he should have been notifying the
9 authorities regarding Mr. Leblanc, in your mind?

10 **MR. CARRIERE:** He didn't receive any
11 information that would suggest -- now, I'm looking at it
12 from Mr. MacIntosh's perspective ---

13 **MR. KOZLOFF:** Right.

14 **MR. CARRIERE:** --- who knows nothing about
15 Jean-Luc Leblanc. He doesn't receive any information that
16 suggests that Mr. Leblanc is causing any harm. In fact, he
17 is receiving information that he is helping out the family.

18 I don't know if that answers the question. I
19 mean, if somebody phoned up the Children's Aid -- I guess
20 I'm thinking today -- if somebody phoned up the Children's
21 Aid and said, "There is a family on the street that's
22 having some difficulty." Let's say the plumbing isn't
23 working in their house and they're staying with a couple of
24 people a few houses down the road or on the next street.
25 That isn't something that we would investigate.

1 Now, part of our intake process, if they
2 gave the names of all of the -- present day all of the
3 names would be checked. So if the name Jean-Luc Leblanc
4 came up we'd go, "Wait a second. There is a problem here."
5 Present day that's detected.

6 **MR. KOZLOFF:** Right.

7 **MR. CARRIERE:** But in terms of a protection
8 concern on its own, setting aside Mr. Leblanc, that isn't
9 something the Children's Aid Society would involve
10 themselves with.

11 **MR. KOZLOFF:** You've indicated present day.
12 When was that implemented?

13 **MR. CARRIERE:** The information system, I
14 think, became fully operational I'm going to say late 1999-
15 2000 when I think it was more reliable.

16 **MR. KOZLOFF:** Okay. Was that in any way
17 related as a response to what happened in this case?

18 **MR. CARRIERE:** No, it's a provincial system.
19 It was across the province.

20 **MR. KOZLOFF:** Thank you, sir.

21 **THE COMMISSIONER:** Mr. Carroll has left.

22 **MR. CARROLL:** No, thank you, sir.

23 **THE COMMISSIONER:** All right.

24 So Mr. Chisholm, do you have any questions?

25 **MR. CARRIERE:** Sir, may I say something in

1 response to something Mr. Kozloff -- a question that Mr.
2 Kozloff ---

3 **THE COMMISSIONER:** Now, that he's sitting
4 down go ahead.

5 **MR. CARRIERE:** I guess what I want to do,
6 because I want to be consistent because I believe this in
7 terms of what I said in the examination in-chief, when I
8 talked about the worker not following up with the OPP and
9 getting Mr. Leblanc in, I don't believe that it's the
10 worker's fault. I left that assignment with someone who
11 was doing phone intake and that worker was too busy to
12 follow up on things like this.

13 In retrospect, what I should have done with
14 that situation is assigned it to someone in investigations
15 who was in a better position to respond to it more rapidly.
16 It's not a worker problem. It's a problem with my
17 assignment.

18 **THE COMMISSIONER:** All right, thank you.
19 Mr. Chisholm.

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

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

22 **CHISHOLM:**

23 **MR. CHISHOLM:** Good afternoon, Mr. Carriere.

24 **MR. CARRIERE:** Good afternoon.

25 **MR. CHISHOLM:** We know each other.

1 **MR. CARRIERE:** We do.

2 **MR. CHISHOLM:** If I could take you back to
3 yesterday's evidence when Mr. Lee was cross-examining you
4 with respect to the Catherine Sutherland disclosure issues
5 ---

6 **MR. CARRIERE:** Yes.

7 **MR. CHISHOLM:** --- I wonder if you could
8 have Exhibit 485 brought up before you, please?

9 It's Exhibit 485 and I'm interested in Bates
10 page 205.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **MR. CARRIERE:** I have it.

13 **MR. CHISHOLM:** You have it. We'll just wait
14 for it to come up on the screen.

15 Bates page 205, Madam Clerk.

16 Yesterday you told Mr. Lee that you thought
17 there had been a telephone call between Mr. Boisvenue and
18 Ms. Sutherland. Do you recall that evidence?

19 **MR. CARRIERE:** Yes, I do.

20 **MR. CHISHOLM:** And what do you understand
21 this page to be?

22 **MR. CARRIERE:** I believe, in reading it, I
23 see it to be a summary that Marc Boisvenue completed of
24 that -- a case note that he completed with respect to that
25 telephone conversation with Ms. Sutherland.

1 **MR. CHISHOLM:** And is that the telephone
2 conversation that you would have been referencing
3 yesterday?

4 **MR. CARRIERE:** Yes.

5 **MR. CHISHOLM:** And the date of the note
6 appears to be August the 16th of 1995; is that right?

7 **MR. CARRIERE:** That's correct.

8 **MR. CHISHOLM:** And that would have been a
9 few days before the August 22, 1995 letter that was sent to
10 Ms. Sutherland containing the summary of information; is
11 that right?

12 **MR. CARRIERE:** That's correct.

13 **MR. CHISHOLM:** And if I look at the first --
14 the first bullet point after, "telephone call to Cathy
15 Sutherland," it reads:

16 "Purpose of the call was to determine
17 exactly what information Ms. Sutherland
18 specifically required. She responded
19 that her memory of childhood was so
20 vague she had no specific requests.
21 She did indicate two concerns; one, why
22 was she returned to her family given
23 the abusive situation she was taken out
24 of; and two, was there any information
25 related to sexual abuse perpetrated

1 upon her by a foster parent named Mr.
2 Virgin."

3 I've got that right?

4 **MR. CARRIERE:** Yes, that's correct.

5 **MR. CHISHOLM:** And in terms of the answer
6 you gave yesterday does that fit with ---

7 **MR. CARRIERE:** Yes.

8 **MR. CHISHOLM:** That fits within the answer
9 you gave me in terms of it was a rather specific request?

10 **MR. CARRIERE:** Yes. Yes, I'd guess that
11 definitely fits.

12 **MR. CHISHOLM:** If I could take you next,
13 please, to Exhibit 2278?

14 **THE COMMISSIONER:** Two-two-seven-eight
15 (2278).

16 **MR. CHISHOLM:** That's the Dawson Report.

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

18 **MR. CHISHOLM:** The Dawson Report.

19 **THE COMMISSIONER:** The Dawson Report.

20 **MR. CHISHOLM:** Madam Clerk, it's Bates page
21 938 which is page 23 of the report.

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

23 **MR. CARRIERE:** I have it.

24 **MR. CHISHOLM:** Do you have that, sir?

25 **MR. CARRIERE:** I have it.

1 **MR. CHISHOLM:** If I can just read the first
2 paragraph on that page:

3 "The management group all have
4 extensive welfare experience as
5 supervisors supervising child abuse
6 cases. All have extensive experience
7 in child protection. The experience
8 level is, on average, higher than their
9 management counterparts in other
10 Children's Aid Societies. Their
11 education level is at par with other
12 management groups, with all but two
13 having post-graduate degrees, with the
14 exception of one newly appointed
15 supervisor. All of the management
16 group have had over three years
17 experience at their management level.
18 Several had over eight years experience
19 in their position. In addition, from
20 interviews undertaken with management,
21 staff, and from direct observation, the
22 management team is hard working. All
23 spend many extra hours each week
24 attempting to fulfill their
25 responsibilities. All make themselves

1 readily available to staff for support
2 and assistance. Until this fall, the
3 workload for supervisors has been
4 impossibly high."

5 What are your comments respecting Mr.
6 Dawson's conclusion, sir, that I read to you there?

7 **MR. CARRIERE:** I -- that's how it felt.
8 That's my view of the management team and, frankly, that's
9 my recollection of how it felt working during that period
10 of time.

11 **MR. CHISHOLM:** You disagree with anything
12 I've put to you?

13 **MR. CARRIERE:** Nothing.

14 **MR. CHISHOLM:** If I can take you, again, in
15 the same exhibit to the Bates page 924 which is the ninth
16 page in the report.

17 **MR. CARRIERE:** I have it.

18 **MR. CHISHOLM:** I'll just wait for it to come
19 up on the screen. It's the first paragraph I'm interested
20 in.

21 Yes, sorry, It's Bates page -- do you want
22 the full Bates page -- 7181924.

23 There we go. I'll just read the first few
24 lines:

25 "In addition to being higher than the

1 provincial CAS average, the staff-to-
2 supervisor ratio was also well above
3 generally accepted social work
4 standards which advocate an ideal
5 ration of 1-6 and a maximum ratio of 1-
6 8. The supervisor-to-staff ratio,
7 particularly at the point of intake,
8 which is a high-risk, crisis-oriented
9 service, placed excessive demands on
10 supervisors."

11 What would you say with respect to that
12 statement in the Dawson report?

13 **MR. CARRIERE:** I would agree with it.

14 **MR. CHISHOLM:** And do I understand your
15 evidence that you gave in your evidence in-chief that you
16 were supervising at one point 10 people?

17 **MR. CARRIERE:** Yes.

18 **MR. CHISHOLM:** And that would exceed the
19 maximum ratio of 1-8 as referred to in the Dawson report.
20 Is that right?

21 **MR. CARRIERE:** Yes, that's correct.

22 **MR. CHISHOLM:** If I can take you back a page
23 to page 8 of the report and it's Bates page 7181923. And
24 you'll see a number 1 circled in the left hand margin, I'll
25 take you there first.

1 Do you have that Mr. Carriere?

2 **MR. CARRIERE:** Yes, I see it.

3 **MR. CHISHOLM:** Mr. Commissioner, are you
4 there?

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

6 **MR. CHISHOLM:** The page 8 of that numbered
7 paragraph reads:

8 "Firstly, it should be noted that from a
9 review of the case files, the experience of
10 the reviewers, the Children's Aid Society of
11 Stormont, Dundas and Glengarry provides
12 service to a significant number of severely
13 troubled families."

14 What would you say with respect to Mr.
15 Dawson's statement in that part of the paragraph?

16 **MR. CARRIERE:** I would agree with it. And
17 it's quite consistent with Crown ward reviews that have
18 been done in the past in terms of the Crown wards that we
19 have in care.

20 They consistently say that when they --
21 provincially we have -- looking at across the province,
22 many of the children we have in care have come from very
23 challenging families.

24 **MR. CHISHOLM:** And if I take you in about
25 the middle of the page -- well, I'll take your down four

1 lines. It reads:

2 "The level of pathology exhibited in
3 these cases is very high. This, in
4 turn, necessitates that effective
5 intervention will be difficult and time
6 consuming. It is not possible to
7 provide a high level of service to
8 child protection case and, in
9 particular, cases with severe psycho-
10 social pathology if case loads exceed
11 20 cases per social worker. The
12 benchmark of 20 child protection cases
13 per social worker has been established
14 by the American Child Protection
15 Association."

16 Then if I take you down to the -- you'll see
17 the number 2 in the left margin?

18 **MR. CARRIERE:** Yes.

19 **MR. CHISHOLM:** And I'll take you up three
20 lines. There's a sentence that reads:

21 "Although a detailed workload analysis
22 was not completed, it is reasonable to
23 conclude from the review of caseloads
24 that during the past two years child
25 protection caseloads exceeded 20 cases

1 per social worker. Secondly, until
2 August, 1988, the Society had four
3 casework supervisors. As a result,
4 these supervisors' social work ratio is
5 significantly above the provincial
6 average for Children's Aid Societies."

7 What do you say with respect to Mr. Dawson's
8 conclusions on that point?

9 **MR. CARRIERE:** I would support them.

10 **MR. CHISHOLM:** And have you heard of the
11 benchmark, the 20 cases per worker benchmark before?

12 **MR. CARRIERE:** I'd heard it around that time
13 but I know that it's been lowered since then.

14 **MR. CHISHOLM:** Okay. You spoke during your
15 evidence of accreditation?

16 **MR. CARRIERE:** Yes.

17 **MR. CHISHOLM:** Can you tell us a little bit
18 about that in terms of what the accreditation process was?

19 **MR. CARRIERE:** Yes, it's -- I think for our
20 agency, it's a process that began in 2001. It operates
21 through the Ontario Association of Children's Aid Societies
22 and there are -- I don't know the exact number of
23 standards, but I think it may be 400 some standards that
24 the agency is measured by. It covers a full spectrum from
25 management of protection cases to children in care to

1 financial aspects. And the agency is measured against
2 those standards.

3 And at the end, a report is filed as to
4 whether or not you meet the standards of accreditation or
5 whether or not you have work to do to achieve that.

6 **MR. CHISHOLM:** And that process was started
7 in 2001?

8 **MR. CARRIERE:** I believe that was the first
9 time, yes.

10 **MR. CHISHOLM:** And what was the result of
11 that process?

12 **MR. CARRIERE:** We were successful in being
13 accredited.

14 **MR. CHISHOLM:** And was that in 2001 or
15 thereafter, do you know?

16 **MR. CARRIERE:** I'm going to say 2001 because
17 we were re-accredited in 2005. I think we were one or four
18 Children's Aid Societies in the province at that time that
19 had gone for re-accreditation.

20 **MR. CHISHOLM:** And there are about 52 or 53
21 CAS's in the province?

22 **MR. CARRIERE:** I think there are 53.

23 **MR. CHISHOLM:** And how many would have gone
24 for the initial accreditation, do you know?

25 **MR. CARRIERE:** I don't know. I think it's

1 fairly high, but I think the number of agencies that went
2 for re-accreditation was reasonably low.

3 **MR. CHISHOLM:** And you understand there were
4 four of them, this CAS being one of them?

5 **MR. CARRIERE:** Yes, that's right.

6 **MR. CHISHOLM:** During your evidence in-chief
7 with Mr. Engelmann, you spoke of the King George Park and
8 it was suggested to you there was an arena at the King
9 George Park and you, from looking at the transcript ---

10 **MR. CARRIERE:** Yes.

11 **MR. CHISHOLM:** --- you agreed with Mr.
12 Engelmann?

13 **MR. CARRIERE:** There is no arena at the King
14 George Park that I'm aware of or ever aware of, that there
15 was an arena there.

16 **MR. CHISHOLM:** So as far as you know, there
17 is no arena at the King George Park?

18 **MR. CARRIERE:** No, there is no arena at the
19 King George Park.

20 **MR. CHISHOLM:** During your evidence in-
21 chief, you made reference to C-54 participating in a family
22 sexual assault program. Can you tell us about that program
23 briefly?

24 **MR. CARRIERE:** Yes. It's a program that
25 came into operation, I believe, in 1986 under the

1 leadership -- under, well, I was the supervisor and Bob
2 Smith who is currently the Director of the Children's
3 Treatment Centre who deserves a great deal of credit for
4 starting the program.

5 It was a program that covered and assisted
6 many families and had many different components to it. We
7 ran quite a number of groups. We ran groups for very young
8 children. We ran groups for teens. We ran groups for mums
9 of victims. Many of the staff of the agency, in addition
10 to carrying caseloads, participated in that and I think
11 that they made a good contribution and learned a lot as
12 well from the clients that they served.

13 So I would see it as quite a successful
14 program.

15 **MR. CHISHOLM:** And that program was
16 eventually terminated within the CAS. Is that right?

17 **MR. CARRIERE:** Yes.

18 **MR. CHISHOLM:** Do you recall the year of
19 that happening?

20 **MR. CARRIERE:** I think when it finally
21 ended, we had -- we downsized it considerably for a variety
22 of reasons and I think the final chapter of that program
23 might have been in 1995. But the main program itself, I
24 think it likely finished off by 1990.

25 **MR. CHISHOLM:** Moving onto another topic,

1 back in your evidence in-chief, you spoke of offering Jason
2 Tyo counselling support and that he did not participate in
3 counselling. I say you ---

4 MR. CARRIERE: Yes.

5 MR. CHISHOLM: I mean the CAS not you
6 specifically.

7 MR. CARRIERE: Yes. Right.

8 MR. CHISHOLM: Do you recall that evidence?

9 MR. CARRIERE: Yes, I do.

10 MR. CHISHOLM: And during your evidence in-
11 chief, you indicated you'd be very concerned about forcing
12 a victim into counselling.

13 MR. CARRIERE: Yes.

14 MR. CHISHOLM: And why would that be a
15 concern to you?

16 MR. CARRIERE: Well, largely because I don't
17 believe that they -- well, first of all they don't -- if
18 you're forcing them they're not going into it willingly.
19 When people go into something against their will, I'm not
20 sure how much they absorb. I'm not sure how much they
21 participate. Particularly -- and we were running groups at
22 the time. Having someone there who was opposed to being
23 there would likely be very disruptive to the rest of the
24 group and that would have diminished the experience for the
25 other people.

1 I think beyond that as well is that you
2 possibly can poison the well in that if their first
3 experience is one where they don't want to go, they may
4 never ever go to counselling even though they need it
5 because their first experience with it has been so
6 negative.

7 MR. CHISHOLM: You spoke of a number --
8 during your evidence in-chief of a number of cases
9 involving CAS making disclosure of information contained in
10 its files to former wards.

11 MR. CARRIERE: Yes.

12 MR. CHISHOLM: Do you recall ---

13 MR. CARRIERE: Yes.

14 MR. CHISHOLM: --- generally your evidence?

15 MR. CARRIERE: Yes.

16 MR. CHISHOLM: Why is it that the CAS can't
17 give it the entire contents of its files to former wards in
18 your view?

19 MR. CARRIERE: Because there is information
20 concerning other people in those files that I don't believe
21 the wards are entitled to.

22 MR. CHISHOLM: And why is that?

23 MR. CARRIERE: Well, we don't have the
24 consent of the other people and we're not -- some -- I
25 think all of us realize here through the Inquiry that

1 Children's Aid Society files typically have a lot of
2 information which people would consider highly personal.
3 At times it's very painful. It can be very revealing.
4 People reveal information which I think they wouldn't want
5 generally circulated; in fact, may not even want their
6 closest members of their family to know about it.

7 So we're pretty careful about how that
8 information can be accessed.

9 **MR. CHISHOLM:** Moving onto Project Blue if I
10 can, am I correct in my understanding, you attended the CPS
11 headquarters with Greg Bell on October the 21st, 1993?

12 **MR. CARRIERE:** Yes.

13 **MR. CHISHOLM:** And did you take any
14 photographs of CPS files that day?

15 **MR. CARRIERE:** No.

16 **MR. CHISHOLM:** Do you recall Mr. Bell taking
17 any photographs?

18 **MR. CARRIERE:** He didn't.

19 **MR. CHISHOLM:** Did not?

20 **MR. CARRIERE:** He was with me the whole time
21 and he did not take photographs.

22 **MR. CHISHOLM:** The name Project Blue, how
23 did that come about?

24 **MR. CARRIERE:** At the time of the -- when we
25 were initiating that investigation the World Series was on

1 and the Blue Jays were competing in the World Series and we
2 picked the name "Blue", tied in with Blue Jay.

3 **MR. CHISHOLM:** Who was it specifically that
4 made that decision to call it Project Blue; can you recall?

5 **MR. CARRIERE:** I don't recall specifically.
6 I can tell you the people who were involved but I'm not
7 sure who made the suggestion.

8 **MR. CHISHOLM:** If I could take you, please,
9 to Exhibit 2324; those are Greg Bell's case notes.

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **THE COMMISSIONER:** I don't know that we have
12 that book, Madam Clerk, 2324.

13 Thank you.

14 Okay, what page?

15 **MR. CHISHOLM:** Bates page 1889 which is page
16 32 of the notes in Mr. Bell's handwriting.

17 Do you have that, Mr. Carriere?

18 **MR. CARRIERE:** I do.

19 **MR. CHISHOLM:** I'm interested in the 16:12
20 entry on October 28th ---

21 **MR. CARRIERE:** I'm sorry, what page is it,
22 Mr. Chisholm?

23 **MR. CHISHOLM:** I'm sorry, page 32 which is
24 Bates page 1889.

25 **MR. CARRIERE:** Okay, I have it.

1 **MR. CHISHOLM:** It's on the screen if that
2 can assist you.

3 **MR. CARRIERE:** Okay.

4 **MR. CHISHOLM:** You were taken to this page
5 during your evidence in-chief. And you'll see -- I
6 understand this to be a note that Mr. Bell made with
7 respect to calling David Silmsler at 16:12 hours on October
8 the 28th, 1993. Is that your understanding ---

9 **MR. CARRIERE:** Yes.

10 **MR. CHISHOLM:** --- Mr. Carriere?

11 **MR. CARRIERE:** Yes, it is.

12 **MR. CHISHOLM:** And the purpose was to
13 arrange to meet with Mr. Silmsler to hold an interview; is
14 that your understanding?

15 **MR. CARRIERE:** That's correct.

16 **MR. CHISHOLM:** And you'll see the reference:
17 "His immediate concern was how we knew
18 about his abuse."

19 **MR. CARRIERE:** Yes.

20 **MR. CHISHOLM:** Would it be fair that --
21 would you be of the view, looking at this note, that Mr.
22 Silmsler was somewhat surprised when Mr. Bell called?

23 **MR. CARRIERE:** I would agree with that.

24 **MR. CHISHOLM:** Are you aware of any contact
25 the CAS had with Mr. Silmsler prior to Mr. Bell making

1 contact with Mr. Silmsler in October of 1993?

2 MR. CARRIERE: I'm not.

3 MR. CHISHOLM: Last week, Geraldine
4 Fitzpatrick testified. You were present, I believe, in the
5 hearing room during her evidence?

6 MR. CARRIERE: Yes, I was.

7 MR. CHISHOLM: Ms. Fitzpatrick testified
8 that she was told by Constable Sebalj that Mr. Silmsler had
9 been to the CAS prior to going to the Cornwall Police
10 Service. Do you recall that evidence from Ms. Fitzpatrick?

11 MR. CARRIERE: I do.

12 MR. CHISHOLM: Have you seen any evidence in
13 your review of material to suggest that Mr. Silmsler first
14 went to the CAS before going to the Cornwall Police
15 Service?

16 MR. CARRIERE: No, I looked at all of -- I
17 think Ms. Fitzpatrick referred to brief service reports and
18 I looked at all the brief service reports beginning in 1990
19 up till the time that this referral was made to the
20 Children's Aid Society and I found nothing.

21 MR. CHISHOLM: In the ---

22 MR. CARRIERE: I have seen no other
23 documentation to suggest he had contact with the Children's
24 Aid before 1993.

25 MR. CHISHOLM: And you would expect -- the

1 brief service report, what can you tell us about that,
2 please?

3 **MR. CARRIERE:** Yes, basically it's a report
4 that is completed when the agency is not going to accept a
5 case for investigation or if they are involved for a very
6 brief period of time. For example, delivering court
7 documents to someone would generate a brief service report
8 or directing someone to a service in the community.

9 **MR. CHISHOLM:** Would you expect a telephone
10 call to the telephone intake worker that was -- wherein the
11 caller was redirected to the Cornwall Police Service to
12 generate a record, a brief service's record?

13 **MR. CARRIERE:** Yes.

14 **THE COMMISSIONER:** Is every call to that
15 service report -- not the call recorded but is there a
16 written confirmation of the call and the details?

17 **MR. CARRIERE:** Every call of that nature, it
18 would be. There are calls that aren't necessarily
19 documented but they would be situations like someone
20 phoning up for information that really was not remotely
21 connected to the Children's Aid Society.

22 For instance, if somebody phoned up and
23 said, "Is there an arena in Cornwall", we don't expect
24 workers to complete reports on that.

25 If somebody phoned up and said, "I'm having

1 problems with my children, managing their behaviour. Can
2 you suggest services in the community that would be
3 helpful", that kind of thing would be written up.

4 **THE COMMISSIONER:** So if someone said, "I
5 was abused as a child and now I'm old and what should I
6 do?"

7 **MR. CARRIERE:** I would say that report would
8 be written up because it fits into the realm, into the
9 mandate of the Children's Aid Society.

10 **THE COMMISSIONER:** All right.

11 **MR. CHISHOLM:** Jean Dupuis was a worker who
12 worked at the CAS in the past. Is that right?

13 **MR. CARRIERE:** That's correct.

14 **MR. CHISHOLM:** Do I understand that you
15 supervised him?

16 **MR. CARRIERE:** I did.

17 **MR. CHISHOLM:** Do you recall when it was
18 that Mr. Dupuis left the Children's Aid Society of
19 Stormont, Dundas and Glengarry?

20 **MR. CARRIERE:** I believe that Mr. Dupuis
21 left the Children's Aid Society -- he certainly left prior
22 to Richard Abell's arrival at the Children's Aid. So I'm
23 going to say in 1989 or perhaps in 1988.

24 **MR. CHISHOLM:** And you recall Mr. Abell
25 arriving at the CAS in 1989?

1 **MR. CARRIERE:** Yes, I do. November of 1989
2 I believe he came to the agency, yes.

3 **MR. CHISHOLM:** Your understanding is Mr.
4 Dupuis was gone by that point?

5 **MR. CARRIERE:** Yes, yes.

6 **MR. CHISHOLM:** Ms. Fitzpatrick testified
7 that she attended a risk management -- risk management
8 conference when the issue of Marcel Lalonde was discussed
9 by her. Do you recall that evidence that she gave?

10 **MR. CARRIERE:** I do. I do.

11 **MR. CHISHOLM:** Do you recall being in
12 attendance at any such meeting, any risk management
13 conference meeting where that was discussed?

14 **MR. CARRIERE:** I recall that Ms. Fitzpatrick
15 was involved with another worker on a case where Marcel
16 Lalonde's name came up and I have this from the reading of
17 material.

18 I don't specifically recall the risk
19 management conference, but I know -- I'm fairly confident
20 that a risk management conference was held but I don't know
21 -- I don't recall it.

22 **MR. CHISHOLM:** Do you have any knowledge
23 with respect to Mr. Abell contacting a superintendent at
24 the school board and the police as a result of Ms.
25 Fitzpatrick's information that she provided at a risk

1 management conference?

2 **MR. CARRIERE:** I certainly don't have any
3 recollection of Mr. Abell, as described by Ms. Fitzpatrick.
4 I don't have any recollection of -- I'm fairly confident in
5 saying I've never experienced Mr. Abell getting up and
6 going to the phone at such a conference and making a phone
7 call.

8 **MR. CHISHOLM:** At any risk management
9 conference that you've attended with him?

10 **MR. CARRIERE:** I've never recalled him doing
11 that.

12 **MR. CHISHOLM:** You've been with the CAS
13 since 1973. Is that right?

14 **MR. CARRIERE:** That's correct.

15 **MR. CHISHOLM:** If I can get you to think
16 back to the early 1970s, do you have a recollection as to
17 the views dealing with corporal punishment that would have
18 existed in the -- in this community in the 1970s?

19 **MR. CARRIERE:** I think within the community,
20 and I would say within the Children's Aid Society, corporal
21 punishment was still something that was seen as being an
22 acceptable form of discipline for children, yes.

23 **MR. CHISHOLM:** And would that have been the
24 case in 1976?

25 **MR. CARRIERE:** Yes, I believe so.

1 **MR. CHISHOLM:** The Child Sexual Abuse
2 Protocol 1992.

3 **MR. CARRIERE:** Yes.

4 **MR. CHISHOLM:** Whose idea was it to create
5 that protocol?

6 **MR. CARRIERE:** I think the idea came from
7 me.

8 **MR. CHISHOLM:** Were you tasked by the
9 Children's Aid Society to prepare that protocol?

10 **MR. CARRIERE:** No.

11 **MR. CHISHOLM:** Were you the chairperson of
12 the Protocol Subcommittee of the Child Abuse Prevention
13 Council when it was determined that a protocol would be
14 developed?

15 **MR. CARRIERE:** Not initially I wasn't but I
16 subsequently inherited that position.

17 **MR. CHISHOLM:** And who was the chairperson
18 at that time, do you recall?

19 **MR. CARRIERE:** A fellow by the name of Bill
20 Sanowar who worked out of the Social Work Department of the
21 then Cornwall General Hospital.

22 **MR. CHISHOLM:** And the final version of the
23 protocol was created in 1992. Is that right?

24 **MR. CARRIERE:** Yes.

25 **MR. CHISHOLM:** Did you see any benefits

1 prior to that time from the parties, the various
2 stakeholders, coming together to discuss the protocol?

3 **MR. CARRIERE:** Definitely. I think as we
4 began our discussions, we began to implement the things
5 that we saw to be good practice and I think if one looks at
6 the statistics for the child abuse registrations during
7 that period, I think there's a jump which I think reflects
8 that.

9 **MR. CHISHOLM:** And when you say the
10 statistics in the child abuse registrations, is that the
11 Child Abuse Registry you're speaking of?

12 **MR. CARRIERE:** Yes. I think this was -- the
13 statistics were part of my -- part of the CAS -- my piece
14 of the corporate presentation.

15 **MR. CHISHOLM:** So when we go back to look at
16 that, we will find the statistics there?

17 **MR. CARRIERE:** I believe so.

18 **MR. CHISHOLM:** When the protocol was being
19 developed, what other responsibilities did you have in the
20 course of your employment with the CAS?

21 **MR. CARRIERE:** Well, I was an intake
22 supervisor, which meant that I was responsible for the
23 receipt of -- supervising workers who were receiving
24 referrals. I was also responsible for a team of people who
25 would investigate.

1 I was the chairperson for the Child Abuse
2 Review Team within the agency.

3 I was the supervisor responsible for the
4 Family Sexual Abuse Treatment Program and I also did a lot
5 of community public speaking for the agency.

6 **MR. CHISHOLM:** You spoke about that earlier.
7 You've spoken about that in the past, today and with Ms.
8 Daley's cross-examination. You spoke about St. Raphael's.

9 **MR. CARRIERE:** Yes.

10 **MR. CHISHOLM:** Was that part of your public
11 speaking?

12 **MR. CARRIERE:** Yes, yes.

13 **MR. CHISHOLM:** And generally your topics on
14 public speaking would have been the duty to report?

15 **MR. CARRIERE:** Things related to the
16 legislation, related to duty to report a child in need of
17 protection, but also general things in terms of identifying
18 abuse and indicators of abuse.

19 **MR. CHISHOLM:** We've heard evidence of David
20 Silmsler coming to the Children's Aid Society in November of
21 1993 to attend an interview with Mr. Bell and Ms. DeBellis?

22 **MR. CARRIERE:** Yes.

23 **MR. CHISHOLM:** And you've testified that in
24 the statement that Mr. -- the written statement Mr. Silmsler
25 provided, he touched upon Ken Seguin?

1 **MR. CARRIERE:** Yes.

2 **MR. CHISHOLM:** And if I understand your
3 evidence correctly, he said he was -- I don't have the
4 exact phraseology but half a sentence or a sentence devoted
5 to Mr. Seguin wherein Mr. Silmsner alleged abuse?

6 **MR. CARRIERE:** I think that refers to Marcel
7 Lalonde.

8 **MR. CHISHOLM:** Sorry, is that Marcel
9 Lalonde?

10 **MR. CARRIERE:** Yes. It was a bit more
11 information with respect to Mr. Seguin.

12 **MR. CHISHOLM:** Okay. And what position did
13 the CAS take with respect to after the initial interview
14 that it had or Mr. Bell and Ms. DeBellis had with Mr.
15 Silmsner?

16 **MR. CARRIERE:** We felt that there was
17 sufficient information with respect to Father Charles
18 MacDonald, but we needed additional information with
19 respect to Ken Seguin and Marcel Lalonde.

20 **MR. CHISHOLM:** And what efforts, if any,
21 were made with respect to obtaining that additional
22 information?

23 **MR. CARRIERE:** Many efforts were made on the
24 part of Mr. Bell to get Mr. Silmsner back in for an
25 interview. Letters were also written to his lawyer.

1 Options were given to Mr. Silmsler to contact other people
2 with this information if he didn't want to contact the
3 Children's Aid Society.

4 **MR. CHISHOLM:** And do you have any knowledge
5 of Mr. Silmsler returning at any point after the initial
6 interview he provided to the CAS?

7 **MR. CARRIERE:** No, I don't believe he did.
8 I'm fairly certain he didn't.

9 **MR. CHISHOLM:** What influence did Ross
10 Dawson have on your efforts to obtain information before
11 determining if an investigation should be conducted?

12 **MR. CARRIERE:** Ross, in his review of files
13 in the agency, felt that insufficient effort was being made
14 on the part of the agency to consider referrals before
15 launching investigations. So he encouraged us -- and
16 "directed" us may be a stronger word -- to get more
17 detailed information before going and setting out on
18 investigations.

19 **MR. CHISHOLM:** So there was an impact?

20 **MR. CARRIERE:** Oh there definitely was an
21 impact. Clearly there was an impact. I think in his
22 report, he actually indicates that in some instances he
23 felt that we didn't have the grounds to investigate -- on
24 matters that we had already investigated.

25 **MR. CHISHOLM:** In his review of those

1 matters?

2 **MR. CARRIERE:** That's right.

3 **MR. CHISHOLM:** What was your understanding
4 with respect to the clientele that Ken Seguin worked with
5 at the probation office in Cornwall in 1993; if you had an
6 understanding?

7 **MR. CARRIERE:** I believe that they were over
8 the age of 16.

9 **THE COMMISSIONER:** Is that in retrospect or
10 was there an actual question put with respect to when you
11 received the information that Ken Seguin was a potential
12 abuser?

13 **MR. CARRIERE:** I remembered discussions at
14 that time, Mr. Commissioner, with various people within the
15 organization, and that was the understanding then.

16 **THE COMMISSIONER:** Fair enough.

17 **MR. CHISHOLM:** What information did you have
18 with respect to Malcolm MacDonald in terms of being a
19 potential abuser, if any?

20 **MR. CARRIERE:** None. The only information
21 was what Mr. Dunlop had said.

22 **MR. CHISHOLM:** And what was your
23 understanding with respect to what Mr. Dunlop had said?

24 **MR. CARRIERE:** That Mr. MacDonald was part
25 of a ring of paedophiles.

1 **MR. CHISHOLM:** Did Constable Dunlop ever
2 provide you with any details concerning the suggestion that
3 Mr. MacDonald was part of a ring of paedophiles?

4 **MR. CARRIERE:** No.

5 **MR. CHISHOLM:** And do I understand ---

6 **THE COMMISSIONER:** Well, at a certain period
7 of time. I mean then there was the statement of claim and
8 all of that.

9 **MR. CARRIERE:** Yes, yes. That's correct.

10 **THE COMMISSIONER:** Back in 1993 -- November
11 of 1993 ---

12 **MR. CARRIERE:** No, there was nothing.

13 **THE COMMISSIONER:** Except for the statement?

14 **MR. CARRIERE:** That's right.

15 **THE COMMISSIONER:** What he told you at ---

16 **MR. CARRIERE:** That's right. That's right.

17 **MR. CHISHOLM:** And you've touched upon -- do
18 I understand the evidence correctly, that you touched upon
19 the efforts made to get Constable Dunlop to provide further
20 information? You touched upon that today and it concluded
21 with Mr. Bell advising -- you instructing Mr. Bell to
22 advise Constable Dunlop of his duty to report and the
23 protection that the legislation provides to those who
24 report pursuant to the duty?

25 **MR. CARRIERE:** That's correct.

1 **THE COMMISSIONER:** Well, I think his
2 evidence was that he instructed Mr. Bell to tell him about
3 his duty and that Mr. Bell completed the circle by also
4 offering the fact that there was some protection.

5 **MR. CARRIERE:** Yes, I think -- yeah, I think
6 credit is due to Mr. Bell on that one.

7 **MR. CHISHOLM:** And to the Commissioner for
8 recalling the evidence.

9 Going back to the Jean-Luc Leblanc matter,
10 did Scott Burgess attend counselling to your knowledge?

11 **MR. CARRIERE:** I believe he attended
12 counselling with Dr. David Kaufman.

13 **MR. CHISHOLM:** And do you know if during
14 that counselling if Mr. Scott Burgess ever disclosed the
15 fact that Cindy Burgess was also abused by Jean-Luc
16 Leblanc? Do you have any knowledge of that?

17 **MR. CARRIERE:** I've no knowledge of that.

18 **THE COMMISSIONER:** Whoa, whoa. Hang on.

19 **MR. LEE:** I'm not sure I understand the
20 question of what Scott Burgess may have disclosed to a
21 counsellor, and I certainly don't understand how
22 Mr. Carriere could possibly have any knowledge of that.
23 And if he does, I'm not sure it should be disclosed in this
24 forum.

25 **MR. CHISHOLM:** Well, I was exploring whether

1 he had knowledge of that and I believed his answer
2 foreclosed me going any further. He has no knowledge.

3 **THE COMMISSIONER:** Okay.

4 **MR. CHISHOLM:** You're aware that Scott
5 Burgess went to live with Dawn Raymond. Is that right?

6 **MR. CARRIERE:** Yes, I am.

7 **MR. CHISHOLM:** Do you know if Scott Burgess
8 ever disclosed to Dawn Raymond whether his -- whether Cindy
9 Burgess was abused by Jean-Luc Leblanc?

10 **MR. CARRIERE:** I have no knowledge that he
11 did.

12 **MR. CHISHOLM:** Did Cindy Burgess ever advise
13 the CAS that she had been victimized by Jean-Luc Leblanc?

14 **MR. CARRIERE:** I have no knowledge that she
15 did.

16 **THE COMMISSIONER:** Well, was she ever asked?

17 **MR. CARRIERE:** I don't believe she was ever
18 interviewed.

19 **MR. CHISHOLM:** Do you know who the first
20 recipient would have been with respect to Cindy Lebrun's --
21 - Cindy Burgess' disclosure of abuse?

22 **MR. CARRIERE:** My understanding was that it
23 was the OPP.

24 **MR. CHISHOLM:** Do I understand your evidence
25 correctly that the names of other victims outside the

1 Burgess family were given to the CAS by the Burgess boys?

2 MR. CARRIERE: I believe they gave us four
3 or five names; at least four or five names.

4 MR. CHISHOLM: Were those individuals
5 interviewed by the CAS?

6 MR. CARRIERE: Either by us or by the
7 Cornwall Police Service.

8 MR. CHISHOLM: Taking you back to the time
9 when the CAS was conducting its investigation, what would
10 the CAS have done had Cindy Burgess disclosed -- or had
11 Cindy Burgess's name been given to the CAS?

12 MR. CARRIERE: Well, we would have
13 investigated her situation in the same manner that we
14 investigated her brother's. And we operated a group for
15 girls Cindy's age at that time and, as was offered to
16 Scott, we would have offered her the opportunity to
17 participate in that group as well.

18 MR. CHISHOLM: You were a supervisor with
19 respect to the Burgess file whenever the investigation was
20 commenced. Is that right?

21 MR. CARRIERE: That's correct.

22 MR. CHISHOLM: At what point did your
23 supervision end with respect to the Burgess file?

24 MR. CARRIERE: When Mr. Duncan completed the
25 investigation and the file was transferred to another

1 department, and I believe that may have been in March of
2 1986 or early April.

3 **MR. CHISHOLM:** With respect to Scott
4 Burgess, and we've spoken of the Family Sexual Abuse
5 Programme, was Scott Burgess and Dawn Raymond offered any
6 other counselling?

7 **MR. CARRIERE:** They were offered counselling
8 through the Family Action Programme, which is -- yes, yes,
9 through the Family Action Programme.

10 **MR. CHISHOLM:** And can you briefly describe
11 for us what that is?

12 **MR. CARRIERE:** Yes. It's a very intensive
13 programme involving -- it starts off with the children who
14 are participating in it going on a canoe trip that lasts a
15 number of days. It's sort of a bonding, getting to know
16 you experience. From there, there are weekly -- there were
17 weekly sessions that involved the children and the parents
18 in the programme to -- the idea was to build and strengthen
19 relationships. We offered that programme to them because
20 they were a new family.

21 I don't believe that Mrs. Raymond had any
22 other children, so this was her -- I believe her first --
23 although she had extensive experience as a teacher, I think
24 this was her first experience as a parent, so we offered
25 that programme in addition to the Family Sexual Abuse

1 Treatment Programme.

2 MR. CHISHOLM: You spoke of Bernie Campbell
3 in your evidence.

4 MR. CARRIERE: I did.

5 MR. CHISHOLM: The victims of Mr. Campbell,
6 were they offered counselling ---

7 MR. CARRIERE: They were.

8 MR. CHISHOLM: --- to your knowledge?

9 MR. CARRIERE: Yeah, they were, and I
10 believe that all of them participated, to the best of my
11 knowledge.

12 MR. CHISHOLM: With respect to David
13 Silmsler, was he ever offered counselling, to your
14 knowledge?

15 MR. CARRIERE: He was. He was offered
16 assistance in finding counselling, yes.

17 MR. CHISHOLM: With respect to Milton
18 MacDonald, the victims of Milton MacDonald, do you know --
19 do you have any knowledge with respect to whether they were
20 offered counselling?

21 MR. CARRIERE: I believe they were.

22 MR. CHISHOLM: Mr. Neville during his cross-
23 examination today took you through the various portions of
24 the Project Blue investigation.

25 If I could take you, please, to Exhibit 309.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. CARRIERE: I have it.

3 MR. CHISHOLM: That's the Dear Chuck letter,
4 is that right; that you have in front of you?

5 MR. CARRIERE: Yes.

6 MR. CHISHOLM: We understand and believe
7 that that letter was delivered in 1975, if I understand the
8 evidence correctly. Is that your understanding?

9 MR. CARRIERE: That's my understanding.

10 MR. CHISHOLM: Have you reviewed this letter
11 before?

12 MR. CARRIERE: I've seen it before, yes.

13 MR. CHISHOLM: In terms of this letter, do I
14 understand that Malcolm MacDonald, in his capacity as
15 lawyer for Father Charles MacDonald, provided the CAS with
16 various documentation during the course of the Project Blue
17 investigation; am I correct?

18 MR. CARRIERE: That's correct.

19 MR. CHISHOLM: Was this letter part of that
20 documentation, to your knowledge?

21 MR. CARRIERE: No.

22 MR. CHISHOLM: If I could get you to look at
23 this letter just to refresh your memory with this question
24 in mind, had this letter been shown to you back during the
25 course of the Project Blue investigation, can you comment

1 as to whether or not it would have changed your conclusion
2 that you reached at the end of the day?

3 **MR. CARRIERE:** I don't -- on its own it
4 wouldn't have changed my conclusion. I think it would have
5 told me that there was definitely a connection between
6 Father Charles and David Silmser.

7 My experience is that it's not unusual for
8 people to reconnect later on in life and that doesn't
9 necessarily mean that their prior experience was a positive
10 one. It's not unusual -- in my experience it's not unusual
11 for victims to contact offenders later in life. So on its
12 own this letter wouldn't have changed my opinion.

13 **MR. CHISHOLM:** Mr. ---

14 **MR. CARRIERE:** Mr. Chisholm, if I could add
15 something to this.

16 **MR. CHISHOLM:** Certainly.

17 **MR. CARRIERE:** One of the things that --
18 again, I'm relating this to my experience. Is that
19 sometimes when children have been victimized they don't
20 understand why they've been victimized and particularly
21 with people that they respect, and what I think sometimes
22 happens to them in adult -- when they become an adult, is
23 that they try to make some sense of that, and that one of
24 the ways they make sense of it is that rather than feeling
25 like they've been used by the person they want to feel like

1 there was some connection, that that person was in fact
2 important to them.

3 So I don't know if that helps amplify what I
4 might have been thinking about a letter of this nature.

5 **MR. CHISHOLM:** At the end of the Project
6 Blue investigation you and the others involved in the
7 investigation come to a conclusion that the alleged abuse
8 was verified with respect to Father Charles MacDonald. Is
9 that right?

10 **MR. CARRIERE:** That's correct.

11 **MR. CHISHOLM:** And just thinking off the top
12 of your head can you recall the items or the points that
13 would have led you to that conclusion?

14 **MR. CARRIERE:** Yes. The statement that was
15 made by David Silmser and also the subsequent interview;
16 the material; the other victims of -- alleged victims of
17 Father Charles; the report from Monsignor Schonenbach
18 saying that he viewed Mr. Silmser as being a credible
19 individual; the report from the Bishop indicating that
20 Father Charles had admitted to him that he'd had sexual
21 involvement with teens and adults.

22 Some of the elements -- touching on some --
23 there were elements again I would say of credibility in the
24 statements that Mr. Silmser made. We also have the report
25 from -- that was told to us by the Diocese about an alleged

1 incident in Williamstown.

2 One of the items -- and I know that I
3 mentioned this in the examination in-chief -- was what I
4 viewed to be a -- what was intended to be a letter of
5 support for Father Charles and I remember that impacting on
6 me and that letter of support basically saying he was a
7 good guy and he was a good priest and then went on to talk
8 about how they were shown soft pornographic material in
9 Father Charles' bedroom and the individuals at the time
10 were about -- I can't remember whether 11 or 12 or 13 but
11 certainly well under the age of 16. And definitely in my
12 mind that was unacceptable behaviour and I would say it
13 could very well be a strong indicator of grooming
14 behaviour.

15 We also looked at the factors that would
16 argue against Father Charles doing this; certainly his
17 denial, which was emphatic. We didn't determine that any
18 other altar servers were harmed, any current altar servers
19 were harmed. And also we saw a number of reports of
20 individuals that the Cornwall Police Service had
21 interviewed and had said that Father Charles had not harmed
22 them. But on the balance of probabilities we felt that we
23 had sufficient evidence to determine that he had sexually
24 harmed David Silmser.

25 **MR. CHISHOLM:** And you came to that

1 conclusion after putting the elements you've just described
2 into the hopper?

3 MR. CARRIERE: That's right.

4 MR. CHISHOLM: Mr. Neville took you to a
5 media release from the OPP today indicating that the OPP
6 was of the view that there were no grounds to proceed with
7 charges against Father Charles. Do you recall that part of
8 the cross-examination?

9 MR. CARRIERE: I do.

10 MR. CHISHOLM: Can you tell us what your
11 view is with respect to the mandate of the CAS versus the
12 Ontario Provincial Police? Are they same, are there
13 differences, and if so what are they?

14 MR. CARRIERE: There are differences. Ours
15 is to protect children and the mandate of the police is to
16 determine whether or not a criminal act has taken place and
17 to proceed with laying of charges and -- yes.

18 MR. CHISHOLM: In a ---

19 MR. CARRIERE: They're concerned about
20 safety as well.

21 MR. CHISHOLM: Safety with respect to --
22 who's concerned about safety?

23 MR. CARRIERE: Well, I don't want to suggest
24 that the police are not concerned about safety.

25 MR. CHISHOLM: The police are concerned

1 about safety?

2 MR. CARRIERE: Yes.

3 MR. CHISHOLM: In a case where -- and you've
4 told us -- I believe in your evidence today you told us
5 about cases where the CAS verified abuse and whatever
6 police agency would have had jurisdiction in the matter,
7 that police service did not lay criminal charges and you
8 said you would not -- you said that wouldn't surprise you
9 necessarily. Is that right?

10 MR. CARRIERE: That's right.

11 MR. CHISHOLM: Do I understand your evidence
12 correctly?

13 MR. CARRIERE: That's correct.

14 MR. CHISHOLM: Why would that be?

15 MR. CARRIERE: There could be instances
16 where they felt that a child would not be able to -- would
17 not be a particularly good witness in a criminal
18 prosecution. Those are the kinds -- generally that's the
19 kind of situation that most often comes to mind, and the
20 absence of any other information that to their mind that
21 would corroborate what the child was saying.

22 Child abuse, as I think we've heard from the
23 various experts, is typically done privately.

24 MR. CHISHOLM: And thus no corroboration in
25 terms of other witness?

1 **MR. CARRIERE:** That's right.

2 **MR. CHISHOLM:** In a situation in a
3 hypothetical field, if you will, where a police service
4 decides it will not, for whatever reason, proceed with an
5 investigation of an allegation of sexual abuse, is there
6 anything that would prevent the CAS from proceeding with an
7 investigation?

8 **MR. CARRIERE:** No.

9 **MR. CHISHOLM:** One final point if I can. If
10 I could get you to look back over the course of your career
11 from 1973 up until the time that you retired in 2006, and
12 tell us what changes you've witnessed over the course of
13 your career that would touch upon the matters of concern to
14 this Inquiry? What would you tell us?

15 **MR. CARRIERE:** I would say that the biggest
16 change is the development of frameworks in which the work
17 is done. When I started off as a child protection worker
18 in 1973, I had the child and family -- it was called the
19 *Child Welfare Act*.

20 **MR. CHISHOLM:** M'hm.

21 **MR. CARRIERE:** I don't even remember
22 Ministry policies. I know that the agency had some
23 policies and procedures. But things like risk assessment,
24 safety assessment, statement validity analysis, formats for
25 recording and probing particular areas; those were kinds of

1 things that bounced -- well, they didn't exist.

2 And I think if one looks back at the early
3 recordings of the agency, and when I say early recordings
4 I'm talking about like the time that I arrived in '73,
5 you're going to find very different recordings.

6 Now, recordings are very structured by the
7 formats that have been developed. And those formats have
8 been developed over sort of years of experience and wisdom
9 in terms of, you know, what's necessary to -- as being part
10 of an investigation and what's necessary to document it.

11 So today's child protection worker is, I
12 would say, compared to when I started, has great
13 advantages. It's very -- it still continues to be an
14 exceedingly difficult job and I've great admiration for the
15 people that do it presently but there are structures that
16 didn't exist before. There was no framework to assess
17 risk, for instance.

18 **MR. CHISHOLM:** And that would be the -- one
19 of the biggest areas of change that you've seen over the
20 course of your career?

21 **MR. CARRIERE:** Definitely. The frameworks,
22 I'd say, is the biggest thing, yeah.

23 **MR. CHISHOLM:** Thank you very much for your
24 time, Mr. Carriere.

25 **MR. CARRIERE:** Thank you.

1 THE COMMISSIONER: Mr. Engelmann?

2 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:

3 MR. ENGELMANN: I have very few questions,
4 sir, but there are couple.

5 MR. CARRIERE: M'hm.

6 MR. ENGELMANN: You indicated in answer to
7 my friend, Mr. Chisholm, that you were -- you, the Project
8 Blue team, were unable to have Mr. Silmser back in for an
9 interview.

10 MR. CARRIERE: Yes.

11 MR. ENGELMANN: After the interview that was
12 scheduled on November 2nd, '93.

13 MR. CARRIERE: Yes.

14 MR. ENGELMANN: You would agree with me,
15 would you not, sir, that there were several calls that Greg
16 Bell had with Mr. Silmser?

17 MR. CARRIERE: Yes.

18 MR. ENGELMANN: And that, in those calls,
19 for example, you know of at least three in the month of
20 November, there were discussions about Ken Seguin, about
21 some of the issues surrounding the case?

22 MR. CARRIERE: Yes.

23 MR. ENGELMANN: And that is one way that
24 information can be gleaned ---

25 MR. CARRIERE: Yes.

1 MR. ENGELMANN: --- from a person.

2 MR. CARRIERE: That's right.

3 MR. ENGELMANN: All right.

4 Sir, I just want to make sure I understand
5 something and this again was my friend, Mr. Chisholm, near
6 the beginning of his questions of you. He asked you a
7 question about an extract from Exhibit 45 and these were --
8 -

9 MR. CARRIERE: Yes.

10 MR. ENGELMANN: --- notes of a worker by the
11 name of Boisvenue ---

12 MR. CARRIERE: Yes.

13 MR. ENGELMANN: --- and there was a one-page
14 ---

15 MR. CARRIERE: Yes.

16 MR. ENGELMANN: --- document that he had.

17 MR. CARRIERE: I recall it.

18 MR. ENGELMANN: And it talked about a
19 telephone call from Cathy Sutherland. And this was ---

20 MR. CARRIERE: Telephone call to Cathy
21 Sutherland.

22 MR. ENGELMANN: Oh, I'm sorry, telephone
23 call to Cathy Sutherland in August of 1985.

24 MR. CARRIERE: Yes.

25 MR. ENGELMANN: And he's asking her about

1 what it is she wants.

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: And she's again saying,
4 because this isn't the first time -- she's again saying she
5 doesn't really know because she needs the file to know;
6 right?

7 MR. CARRIERE: Yes.

8 MR. ENGELMANN: She is setting out a couple
9 of specific incidents ---

10 MR. CARRIERE: Yes.

11 MR. ENGELMANN: --- she has inquiries about.

12 MR. CARRIERE: Yes.

13 MR. ENGELMANN: But the purpose of the
14 summary that is then written to her, which is Exhibit 454,
15 it's not just -- it's not simply to answer these two
16 inquiries.

17 MR. CARRIERE: No, it's not.

18 MR. ENGELMANN: It's to provide her a
19 summary of her CAS history.

20 MR. CARRIERE: It's broader than the two
21 questions. That's correct.

22 MR. ENGELMANN: Right. Because -- and I
23 know this was another exhibit we've looked at; it's Exhibit
24 452. I don't know if you need to turn to it, sir. It's
25 just a letter to Lise Stanley back in April of '95 where

1 Ms. Sutherland is again saying:

2 "I've had a great deal of difficulty
3 remembering certain aspects of my
4 childhood and it's therefore difficult
5 to pinpoint specific times and
6 episodes. In essence, that's why I'm
7 trying to obtain the file."

8 **MR. CARRIERE:** Yes.

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

10 **MR. CARRIERE:** Yes.

11 **MR. ENGELMANN:** So again, in August, during
12 the phone call, she is again saying she has this problem
13 and that's why she wants a broad summary of her history.

14 **MR. CARRIERE:** Yes, I'm not going to dispute
15 that.

16 **MR. ENGELMANN:** All right.

17 And, sir, my friend, Mr. Sherriff-Scott,
18 took you through a number of interactions between diocesan
19 officials and CAS officials ---

20 **MR. CARRIERE:** Yes.

21 **MR. ENGELMANN:** --- during the course of the
22 Project Blue investigation. And I think you agreed with
23 him that in each and -- well, what I heard was essentially
24 that with each and every request they received from you,
25 they responded and provided you with information.

1 **MR. CARRIERE:** Yes.

2 **MR. ENGELMANN:** Okay. And I just want to
3 point out one thing, and you may not remember this. But
4 this is in Greg Bell's notes. It's Exhibit 2324. If we
5 could turn very briefly to -- it's Bates page 7081891.

6 **THE COMMISSIONER:** I'm sorry, what page?

7 **MR. ENGELMANN:** I'm sorry, sir, it's
8 7081891; it's page 34, if that helps.

9 **THE COMMISSIONER:** Okay.

10 **MR. CARRIERE:** Yes, I have it.

11 **MR. ENGELMANN:** And, sir, just to put this
12 into context, there are -- this is a call from Jacques
13 Leduc.

14 **MR. CARRIERE:** Yes.

15 **MR. ENGELMANN:** And he is responding to an
16 earlier request for some documents and some information.

17 **MR. CARRIERE:** Yes.

18 **MR. ENGELMANN:** And one of the things that
19 he says is at point 4; he will not give CAS a copy of the
20 Agreement of Settlement between D. Silmsler and the
21 Alexandria-Cornwall Diocese. He related "It's
22 confidential."

23 **MR. CARRIERE:** Yes, that's correct.

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

25 **MR. CARRIERE:** Yes.

1 **MR. ENGELMANN:** And you were unable to get
2 the release and undertaking, that we find out later is an
3 illegal settlement, from Mr. Leduc or from the Diocese.

4 **MR. CARRIERE:** That's correct.

5 **MR. ENGELMANN:** You had to get that through
6 Malcolm MacDonald, who was the lawyer for Father Charlie.

7 **MR. CARRIERE:** That's correct, yes.

8 **MR. ENGELMANN:** If I could just have a
9 moment, sir.

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

11 **MR. ENGELMANN:** Those are all my questions.
12 Thanks very much Mr. Carriere.

13 **MR. CARRIERE:** Thank you.

14 **THE COMMISSIONER:** Mr. Carriere, thank you
15 very much for your assistance in this regard and I would be
16 remiss, regardless of what comments I may have with respect
17 to your organization, I think that you've given evidence in
18 a way that is complimentary to this community and a
19 reflection of your caring for this community. So I want to
20 wish you a happy retirement whenever that might be.

21 **MR. CARRIERE:** Thank you so much.

22 **THE COMMISSIONER:** You're welcome.

23 **MR. ENGELMANN:** I suspect that he may be
24 going for some time while this Inquiry is on but I too wish
25 you ---

1 **MR. CARRIERE:** This is a nice chapter
2 finished.

3 **MR. ENGELMANN:** Thank you.

4 **MR. CARRIERE:** Thank you.

5 **THE COMMISSIONER:** Thank you.

6 **MR. ENGELMANN:** Sir, a former colleague of
7 Mr. Carriere is here.

8 Mr. Carriere, you can stand down, sir.

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

10 **MR. CARRIERE:** I created quite a mess here.

11 **MR. ENGELMANN:** Oh, that's okay. That's
12 okay.

13 Mr. Ian MacLean.

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

15 **MR. ENGELMANN:** If you'd like, I can start
16 him this afternoon. I would need about five minutes just
17 to organize my desk and get started.

18 **THE COMMISSIONER:** All right.

19 So I thought we'd wet our feet with this
20 next witness.

21 **MR. ENGELMANN:** Sure.

22 **THE COMMISSIONER:** Get half an hour in, in
23 any event, to see what we can do.

24 **MR. ENGELMANN:** Very well. Thank you, sir.

25 **THE REGISTRAR:** Order; all rise. À l'ordre;

1 veuillez vous lever.

2 The hearing will resume at 5:20 p.m.

3 --- Upon recessing at 5:11 p.m. /

4 L'audience est suspendue à 17h11

5 --- Upon resuming at 5:20 p.m. /

6 L'audience est reprise à 17h20

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

9 This hearing is now resumed. Please be
10 seated. Veuillez vous asseoir.

11 **THE COMMISSIONER:** Thank you.

12 Welcome to the night shift, sir.

13 Oh, Madam Clerk, can you swear in the
14 witness please?

15 **MR. ENGELMANN:** Next witness for the
16 Commission is Ian MacLean.

17 **THE COMMISSIONER:** Thank you.

18 **MR. ENGELMANN:** And, sir, you may remember
19 this. You saw Mr. MacLean a couple of years ago.

20 **THE COMMISSIONER:** Yes, I did.

21 ---**IAN MacLEAN:** Sworn/Assermenté

22 **THE COMMISSIONER:** Sir, you're familiar with
23 the seat?

24 **MR. MacLEAN:** Yes.

25 **THE COMMISSIONER:** All right.

1 **MR. MacLEAN:** It feels good.

2 **THE COMMISSIONER:** All right.

3 Microphone is there, water is there. And
4 we'll deal with documents probably -- more tomorrow than
5 today. We're just going to do the introductions.

6 **MR. MacLEAN:** Thank you.

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

9 **MR. ENGELMANN:** I'll say, sir, it's been a
10 long time since someone's told me that seat feels good.

11 So I'm happy to hear that.

12 As I indicated earlier, you gave evidence at
13 the Inquiry ---

14 **MR. MacCLEAN:** Yes, I did.

15 **MR. ENGELMANN:** --- during the corporate
16 policy presentation phase?

17 **MR. MacLEAN:** That's correct.

18 **MR. ENGELMANN:** And that would have been in
19 the year 2006?

20 **MR. MacLEAN:** I believe it was April, 2006.

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

22 And I know that there was -- you had a
23 number of questions about your background then but I just
24 want to ask you a few more, if I may, very quickly?

25 **MR. MacLEAN:** Certainly.

1 **MR. ENGELMANN:** I understand that a resumé
2 has been prepared since. I hope Madam Clerk has a copy.
3 It does not have a document number, Mr. Commissioner, but I
4 would like to enter it as an exhibit.

5 **THE COMMISSIONER:** Certainly.

6 **MR. ENGELMANN:** It's entitled Resumé 2007,
7 Ian N. MacLean. If that could be the next exhibit for the
8 Commission?

9 **THE COMMISSIONER:** Thank you.

10 Exhibit 239 is a resumé of Ian N. MacLean.

11 **MR. ENGELMANN:** Sorry, sir, 239?

12 **THE COMMISSIONER:** Zero.

13 **MR. ENGELMANN:** Zero.

14 **--- EXHIBIT NO./PIÈCE NO. P-2390:**

15 CV of Ian N. MacLean

16 **MR. ENGELMANN:** Sir, this resumé was
17 prepared by yourself in the past year?

18 **MR. MacLEAN:** Yes, it was.

19 **MR. ENGELMANN:** And to the best -- it is
20 accurate to the best of your ability?

21 **MR. MacLEAN:** Yes.

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

23 I just want to talk a little bit about your
24 background. You joined the Metro Toronto CAS in
25 approximately 1968?

1 **MR. MacLEAN:** That's correct.

2 **MR. ENGELMANN:** In 1970, you joined the
3 Hastings County Family and Children's Services at
4 Belleville?

5 **MR. MacLEAN:** Yes.

6 **MR. ENGELMANN:** And then you joined the CAS
7 of Stormont, Dundas and Glengarry in 1976?

8 **MR. MacLEAN:** That's correct.

9 **MR. ENGELMANN:** And you held a number of
10 jobs, as I understand it, with the local CAS. Initially,
11 you worked as a liaison between the agency and a group home
12 known as the Second Street Group Home?

13 **MR. MacLEAN:** I did, yes.

14 **MR. ENGELMANN:** And that would have been
15 from 1976 until when, sir?

16 **MR. MacLEAN:** From June '76, the end of June
17 '76 until February '77. I believe the home was closed.

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

19 And then from '77 till '80?

20 **MR. MacLEAN:** From '77 till '80 I worked as
21 I -- I was a -- I developed parent-model group homes and
22 specialized foster homes and I was a caseworker as well.

23 **MR. ENGELMANN:** And I understand, sir, that
24 in 1980 you became a supervisor.

25 **MR. MacLEAN:** Yes, in November, I believe of

1 1980.

2 MR. ENGELMANN: Right.

3 MR. MacLEAN: I was Supervisor of Special
4 Resources Development and Foster Care.

5 MR. ENGELMANN: And, sir, in 1982, after it
6 opened, you supervised the Community Family Care Program?

7 MR. MacLEAN: That's correct.

8 MR. ENGELMANN: Right. And you would have
9 supervised parent-model group homes and specialized foster
10 homes for approximately 10 years?

11 MR. MacLEAN: Yes.

12 MR. ENGELMANN: In 2001, were you appointed
13 the Director of Residential Services?

14 MR. MacLEAN: That's correct, and that was -
15 --

16 MR. ENGELMANN: And you held that position
17 for about five or six years?

18 MR. MacLEAN: Yes, until my retirement in
19 April.

20 MR. ENGELMANN: And what did that involve,
21 sir?

22 MR. MacLEAN: That involved the development
23 -- overseeing and the development of the child-in-care
24 programs, the foster care programs, adoption -- all the
25 residential part outside paid resources. That was the

1 entire case.

2 MR. ENGELMANN: All right.

3 And I understand for your last three or four
4 months of employment with the agency, you were a special
5 assistant to the Executive Director from approximately
6 January of 2006 until April of 2006?

7 MR. MacLEAN: Yes, that's correct.

8 MR. ENGELMANN: And what did you do in that
9 capacity?

10 MR. MacLEAN: For that period of time, I was
11 involved in just passing over the reins to those who
12 replaced me and orienting them to the tasks of the programs
13 that I supervised.

14 At the same time, I prepared the testimony
15 for the corporate presentation for this Inquiry.

16 MR. ENGELMANN: All right.

17 And, sir, you've been involved or you were
18 involved in child welfare work for approximately 38 years?

19 MR. MacLEAN: Yes, that's correct.

20 MR. ENGELMANN: All right.

21 Sir, I want to ask you just a little bit
22 about work you -- by the way, aside from your work in child
23 welfare, I understand you also have some personal
24 experience with foster care?

25 MR. MacLEAN: Yes. I was a foster parent in

1 Toronto, with the Salvation Army, with my wife, for two
2 years, and then for a period of six or seven years I was a
3 foster parent of two boys for Hastings County CAS.

4 **MR. ENGELMANN:** That would be in Belleville?

5 **MR. MacLEAN:** In Belleville, yes.

6 **MR. ENGELMANN:** And during your time with
7 the CAS, would you have had interactions with a number of
8 other agencies in the community?

9 **MR. MacLEAN:** With the CAS? Yes, indeed I
10 did.

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

12 **MR. MacLEAN:** Yes.

13 **MR. ENGELMANN:** And would you have had
14 occasion to work with either the Cornwall Police Service or
15 the Ontario Provincial Police?

16 **MR. MacLEAN:** Yes. From time-to-time we
17 would have youth that possibly had run or were on probation
18 through the courts, had broken the law or whatever, and we
19 would have been involved with the -- both OPP and Cornwall
20 City Police.

21 **MR. ENGELMANN:** And would you have also
22 worked with school boards in the course of your employment?

23 **MR. MacLEAN:** Yes, I have. Yes.

24 **MR. ENGELMANN:** And so therefore worked with
25 a number of officials from various schools in the area?

1 MR. MacLEAN: That's correct.

2 MR. ENGELMANN: All right.

3 MR. MacLEAN: Yes.

4 MR. ENGELMANN: And how would you describe
5 those working relationships generally?

6 MR. MacLEAN: Very workable and very strong
7 relationships; cooperative.

8 MR. ENGELMANN: Sir, in your corporate
9 presentation evidence you spoke about the recruitment and
10 training of foster parents and the policies governing same;
11 correct?

12 MR. MacLEAN: Yes.

13 MR. ENGELMANN: And I don't want to revisit
14 those areas in any detail, but I do want to just talk to
15 you a little bit about some of the practices that existed
16 and the implementation of some of those policies that you
17 testified about previously.

18 I want to look at the period before 1985, if
19 we can, because I understand that that's a -- that's an
20 important year.

21 MR. MacLEAN: Yes.

22 MR. ENGELMANN: Pre-1985 and then post-1985

23 ---

24 MR. MacLEAN: That's right.

25 MR. ENGELMANN: --- with respect to foster

1 parents.

2 MR. MacLEAN: Yes.

3 MR. ENGELMANN: All right.

4 So prior to 1985, would you agree that there
5 were very few policies and/or regulations that would have
6 governed the recruitment or screening of foster parents?

7 MR. MacLEAN: Yes, I would.

8 MR. ENGELMANN: All right. And that
9 recruitment was often done by word of mouth and/or
10 newspaper articles alone?

11 MR. MacLEAN: Yes. The recruitment for new
12 foster homes was usually through the word of mouth of other
13 foster parents. Occasionally, there would be a newspaper
14 article about a featured foster parent. They would come
15 and speak to us and ask for a story, and we would refer
16 them to a foster home. That in turn would bring in more
17 applications.

18 MR. ENGELMANN: All right.

19 MR. MacLEAN: We would publish that not only
20 in the local Standard Freeholder but in the county papers
21 as well.

22 MR. ENGELMANN: Okay.

23 And in terms of screening, sir, once an
24 application came in there was an internal cross-reference
25 check of some sort to see ---

1 MR. MacLEAN: Yes.

2 MR. ENGELMANN: --- to see if there was a
3 protection file?

4 MR. MacLEAN: Yes, and ---

5 MR. ENGELMANN: Was there anything else
6 done, to your knowledge?

7 MR. MacLEAN: Prior to '85 that cross-
8 reference -- or prior to the nineties when we became
9 computerized, that cross-reference would involve an index
10 card system. We would also ask for references as there
11 were no police checks done until about 1984.

12 MR. ENGELMANN: And did the cross-reference
13 system only alert the CAS to issues within families?

14 MR. MacLEAN: That's correct. It would be
15 if a family had a file open in the agency or a previous
16 opening; it could be closed at that point. It would come
17 up and we would see that there had been prior involvement.

18 MR. ENGELMANN: All right, but that would
19 have been ---

20 MR. MacLEAN: And the protection ---

21 MR. ENGELMANN: --- problems within
22 families?

23 MR. MacLEAN: Yes, that's right.

24 MR. ENGELMANN: It didn't necessarily deal
25 with extra-familial issues?

1 **MR. MacLEAN:** No, no.

2 **MR. ENGELMANN:** And what about home studies,
3 sir? Were home studies done back then?

4 **MR. MacLEAN:** Yes. Compared to today, the
5 home studies were a few pages. The home study -- the home
6 finder -- we had one at that point -- would go and make a
7 home visit. They would review the references. They would
8 have an interview with the husband and the wife; the father
9 and the mother in the family.

10 They would have an interview with both the
11 couple as a couple and, other than that, along with a home
12 visit -- but there was no structure to that home visit as
13 well. There was no -- we would look for a bed and a
14 bedroom that would fit the norms of the day.

15 **MR. ENGELMANN:** Right. The home finder did
16 not ask any questions of children in that potential foster
17 family; correct?

18 **MR. MacLEAN:** They would note that there
19 were children in the family but they would not be
20 interviewed, no.

21 **MR. ENGELMANN:** Right. It's only people
22 over the age of majority; correct?

23 **MR. MacLEAN:** That's correct.

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

25 And it's my understanding that there was no

1 mandatory training at that point for foster parents?

2 MR. MacLEAN: There was no training. There
3 was periodic training. There was possibly -- that would be
4 coupled with annual meetings or things like that. We would
5 have a speaker come into the area or someone even within
6 the agency might put on an evening of training, but nothing
7 organized and very sporadic.

8 MR. ENGELMANN: All right.

9 So after 1985 or in 1985, there were new
10 regulations that were adopted with respect to foster homes?

11 MR. MacLEAN: That's correct. The whole
12 foster care system became the -- the agency had to apply
13 for a licence to operate its system. And there were a
14 whole series of standards and guidelines that we had to
15 meet in order to ---

16 MR. ENGELMANN: All right. The home studies
17 became much more involved?

18 MR. MacLEAN: Very much so.

19 MR. ENGELMANN: Everybody in the home was
20 interviewed?

21 MR. MacLEAN: Everybody in the home was
22 interviewed, especially the -- well, including the
23 children.

24 MR. ENGELMANN: Right.

25 MR. MacLEAN: There was private interviews

1 away from the parents of the children.

2 MR. ENGELMANN: And there were minimum times
3 set for when visits had to occur from a worker?

4 MR. MacLEAN: That's correct. We had to
5 visit within -- I believe it was every -- within every 90
6 days. So there had to be a support visit.

7 MR. ENGELMANN: And my understanding is it's
8 become even more ---

9 MR. MacLEAN: Frequent.

10 MR. ENGELMANN: --- regular, if I can use
11 that term, since about 2005.

12 MR. MacLEAN: Yes, that has changed again I
13 know and I haven't got that right in my mind at this point.

14 MR. ENGELMANN: All right. That's fine.

15 Do you recall, sir, whether there were
16 requirements as to where private visits would take place?
17 And I say private visits, visits with children in foster
18 care.

19 MR. MacLEAN: Workers -- and this is my own
20 practice and I'm sure the practice of my peers. In the
21 '70s, would normally visit with the -- with the foster
22 parent. Often when I would visit, I would meet with the
23 foster parent prior to the school bus coming home. Then
24 when the bus arrived, I would -- and the children arrived
25 from school, I would meet with them, sometimes with the

1 parents and often separately, away from the parents.

2 MR. ENGELMANN: We've heard from several
3 individuals come forward here that the foster parents were
4 almost always there when they were interviewed by the
5 worker or at least the parents were very close by.

6 MR. MacLEAN: That's correct, and that has
7 been corrected now. It used ---

8 MR. ENGELMANN: Do you know when that would
9 have happened, sir?

10 MR. MacLEAN: I believe that would have
11 happened in '85 with the new regulations. Because it was
12 new childcare standards as well that required 90-day
13 private visits. And private visits meant away and we --
14 you know, we had the discussion of, you know, in earshot,
15 out of earshot.

16 MR. ENGELMANN: Would you agree with me,
17 sir, that children in foster care may feel restrained if
18 those visits were in front of their foster parents or in
19 earshot of them?

20 MR. MacLEAN: Indeed, yes.

21 MR. ENGELMANN: And you might not always get
22 the full facts from them as to what's going on in the home.

23 MR. MacLEAN: We certainly recognize that
24 today in hindsight.

25 MR. ENGELMANN: So with the policy in '85,

1 where do the private visits take place? Do they still take
2 place in the family home?

3 **MR. MacLEAN:** Workers are encouraged to take
4 the child out and in training of the foster parents, they
5 were asked to provide a private space within the home.

6 **MR. ENGELMANN:** All right.

7 **MR. MacLEAN:** Sometimes, depending on the
8 sex of the child and the worker, that could be in the
9 bedroom or in a separate part of the home and the parent
10 went out, or we had ability to take the child out on the
11 property, or we would take the child -- meet the child at
12 school and have a private interview there.

13 **MR. ENGELMANN:** Do you know, sir, given
14 concerns about abuse allegations generally, whether there
15 have been some measures put in place to have two adults
16 present now when these interviews take place or do these
17 interviews in some form of public place? Has that been an
18 issue at all?

19 **MR. MacLEAN:** It's certainly -- workers are
20 very mindful of the fact that it needs to be -- it can't be
21 in a totally private place. If it was in a bedroom, the
22 door would be open and it would be same sex. If it was in
23 a bedroom or in another part of the home, it would be in
24 openness but the parents are conscious that they need to be
25 away. So there's been some training done with the foster

1 parent as well with -- as with the worker and they're very
2 sensitive to that.

3 MR. ENGELMANN: All right.

4 MR. MacLEAN: It's also a requirement I
5 believe, the youth today receive a little pamphlet and they
6 -- when they come into care and that's reviewed with them
7 and one of their rights -- it's called "The rights of
8 children in care" and one of those rights are to private
9 interviews with their worker.

10 MR. ENGELMANN: All right. Fair enough.

11 MR. MacLEAN: So if they're not getting one
12 that is private enough in their feeling, they can request
13 it. But the workers are much sensitive to that.

14 MR. ENGELMANN: And I understand, sir, that
15 -- and you've talked about it briefly -- that since 1985,
16 there has been pre-service training that's been required
17 for new foster parents.

18 MR. MacLEAN: That's correct. With the
19 introduction of the '85 standards for licensing, training
20 is mandatory and there's a pre -- we developed a pre-
21 service training, as well as a core training. There were
22 six sessions for pre-service and six sessions of core. And
23 the pre-service had to be completed prior to a child being
24 admitted. Again, this is post-'85.

25 MR. ENGELMANN: All right.

1 **MR. MacLEAN:** And a core -- the core had to
2 be completed before we -- before they can get a
3 certificate. So that would serve their -- but that core
4 program was local training.

5 **MR. ENGELMANN:** Okay.

6 **MR. MacLEAN:** It wasn't provincial.

7 **MR. ENGELMANN:** Sir, we've heard here issues
8 about corporal or physical punishment of children in foster
9 homes.

10 **MR. MacLEAN:** Yes.

11 **MR. ENGELMANN:** And it's my understanding
12 that since 1985, there is a policy in place that there is
13 to be no physical or corporal punishment ---

14 **MR. MacLEAN:** That's correct.

15 **MR. ENGELMANN:** --- administered by foster
16 parents to wards?

17 **MR. MacLEAN:** Yes.

18 **MR. ENGELMANN:** All right. And do you know,
19 sir, if there is a policy dealing with restraints and what
20 might be acceptable by way of restraining in foster homes
21 since 1985?

22 **MR. MacLEAN:** Restraints are approved but
23 with their own condition. Number one, if a restraint is
24 going to be used on a child, it has to be in their plan of
25 care and the foster parent has to be trained in the

1 restraint procedure. Now, this is for therapeutic
2 restraints, okay.

3 It still doesn't prohibit a parent from
4 being responsible when a child runs out in traffic and
5 grabbing the child and keeping the child back. But for a
6 child that is totally out of control, that is about to do
7 harm to himself or others, then there has to be a plan of
8 care in place that says restraint is approved and the
9 foster parent has to be trained in that respect.

10 **MR. ENGELMANN:** Presumably, that plan of
11 care would have to be agreed to and discussed with a CAS
12 worker.

13 **MR. MacLEAN:** The worker and the parent does
14 that plan of care.

15 **MR. ENGELMANN:** Right. Sir, one more
16 question on this. We've heard here about the Dawson
17 Review.

18 **MR. MacLEAN:** Yes.

19 **MR. ENGELMANN:** Review that took place in
20 the late '80s after concerns had been expressed and the
21 ministry came in and investigated and then a number of
22 recommendations were made as a result of the Dawson Review
23 or Report.

24 **MR. MacLEAN:** Right.

25 **MR. ENGELMANN:** One of those was a

1 requirement that foster parents maintain case notes with
2 respect to children in their care.

3 Do you know, sir, if that would have been
4 implemented shortly after the Dawson Report was done?

5 **MR. MacLEAN:** The Dawson Report came out in,
6 I think, '89 or so.

7 **MR. ENGELMANN:** Yes.

8 **MR. MacLEAN:** From '85, we were training our
9 foster parents to take and to keep notes. I don't recall
10 myself the Dawson Report and that specific item coming up,
11 but at the same time, in '89, I was launching my masters'
12 studies. So I had another agenda at that point and at the
13 same time, I was away quite a bit because of illness in the
14 family.

15 So I'm not saying that I didn't see that
16 report and it wasn't there, and I certainly was there. I
17 know that. I've seen that.

18 **MR. ENGELMANN:** Sir, from your experience in
19 dealing with foster homes and in dealing with workers who
20 would work with foster parents, was there some kind of a
21 review to ensure that these notes were in fact being
22 recorded by foster parents?

23 **MR. MacLEAN:** Our agency has it embedded in
24 their policy, in the foster care policy that in certain
25 circumstances, foster parents are required to take notes.

1 It's not a provincial standard. So we
2 hesitated to make it a mandatory-across-the-board thing.
3 There's great discussion in the foster care and the foster
4 care field as to the professionalization of foster parents
5 and a great debate of whether we want our foster parents to
6 have to sit down at the end of a very busy day and write an
7 hour of notes, or half an hour of notes even, after they're
8 busy.

9 However, we do ask foster parents, and
10 foster parents in their own way keep a log of activity that
11 are in the home. I know when we have had allegations
12 against foster parents, foster parents inevitably come
13 forward with their log and their notes and we'll produce
14 them.

15 **MR. ENGELMANN:** All right, so you've seen
16 actual ---

17 **MR. MacLEAN:** I have seen it.

18 **MR. ENGELMANN:** --- evidence of the practice
19 ---

20 **MR. MacLEAN:** Yes, that's correct.

21 **MR. ENGELMANN:** --- being undertaken.

22 Sir, some foster parents had foster homes or
23 ran foster homes. Some of them then became involved in
24 running what were called group homes. Am I correct?

25 **MR. MacLEAN:** Yes. Following the closure of

1 the Second Street Group Home the Board and Agency went on a
2 -- I was approved and asked to develop parent-model group
3 homes and specialized foster homes, and the specialized
4 foster homes were folks that could take up to four
5 children, usually only two, but they were children that had
6 a high degree of needs ---

7 MR. ENGELMANN: All right.

8 MR. MacLEAN: --- and were quite complex
9 children.

10 MR. ENGELMANN: So given the fact that there
11 are going to be more children, and children with special
12 needs, is there presumably a higher degree of training and
13 experience required for those foster parents?

14 MR. MacLEAN: Well, at that time, and that
15 started in '77, I met with them myself. I was the worker
16 that was responsible for it, so after the selection of the
17 homes we selected -- there were four group homes, I
18 believe, and there were as many or possibly more
19 specialized foster homes.

20 I had a group of eight or nine families that
21 met with me on a regular basis every month for a full day.
22 In the morning there would be a training that I would
23 produce, or I would bring in someone from Family Services
24 or from Probation, or various individuals from the
25 community. At one point the family judge that was sitting

1 at that time attended, and we would have a training session
2 in the morning. In the afternoon it was a support session
3 for the foster parents.

4 MR. ENGELMANN: And these were for foster
5 parents that were transitioning between a foster home and
6 then a group home?

7 MR. MacLEAN: They were -- no, they were for
8 the nine specialized foster parents and group home parents
9 ---

10 MR. ENGELMANN: All right.

11 MR. MacLEAN: --- that had been selected at
12 that time in '77.

13 MR. ENGELMANN: Well, just before we get
14 there ---

15 MR. MacLEAN: Yes.

16 MR. ENGELMANN: --- can we talk a little bit
17 about that home that closed ---

18 MR. MacLEAN: Yes.

19 MR. ENGELMANN: --- before you then had
20 foster parents do this? And that was known as the Second
21 Street Group Home?

22 MR. MacLEAN: That's correct.

23 MR. ENGELMANN: And as I understand it, when
24 you started in 1976 you initially worked as a liaison
25 between the Agency and the Second Street Group Home.

1 MR. MacLEAN: Yes.

2 MR. ENGELMANN: Is that correct?

3 MR. MacLEAN: Yes.

4 MR. ENGELMANN: That would have been your
5 first task, working for the CAS here in Stormont, Dundas --
6 -

7 MR. MacLEAN: That's correct. I was hired
8 through a phone call in March of '76.

9 MR. ENGELMANN: Right.

10 And you would have been advised, sir, at
11 that time or shortly thereafter, that there had been a
12 number of issues that had arisen at the Second Street Group
13 Home the year before?

14 MR. MacLEAN: The same year.

15 MR. ENGELMANN: All right, the same year.

16 MR. MacLEAN: Yes.

17 MR. ENGELMANN: Sorry.

18 So very shortly before you arrived?

19 MR. MacLEAN: That's correct.

20 MR. ENGELMANN: All right.

21 MR. MacLEAN: I was not given the detail of
22 that. I was only told that there were issues, staff were
23 fired or let go, and that they had a skeleton staff there
24 at that point that I was to move in.

25 MR. ENGELMANN: You weren't told why the

1 staff was let go, sir?

2 MR. MacLEAN: No, I wasn't.

3 MR. ENGELMANN: Did you ask?

4 MR. MacLEAN: I asked, and it was a closed
5 deal.

6 MR. ENGELMANN: All right.

7 MR. MacLEAN: Yes.

8 MR. ENGELMANN: So no supervisor who ---

9 MR. MacLEAN: They told me that there were
10 issues of discipline. I knew that. I figured that out.

11 MR. ENGELMANN: Yes.

12 MR. MacLEAN: Okay, because my views on
13 discipline were very important to them.

14 MR. ENGELMANN: Yes.

15 MR. MacLEAN: And so I was questioned about
16 that, but the detail I didn't learn until I saw the ---

17 MR. ENGELMANN: All right, so ---

18 MR. MacLEAN: --- police investigation.

19 MR. ENGELMANN: All right. Sorry.

20 So you didn't learn about those details
21 until a police investigation that took place many, many
22 years later?

23 MR. MacLEAN: That would be in 1990.

24 MR. ENGELMANN: In the 1990s?

25 MR. MacLEAN: Yes.

1 **MR. ENGELMANN:** And, sir, I just want to
2 make sure I understand what your role was as liaison then?

3 **MR. MacLEAN:** As liaison I was asked to go
4 in and develop the routines that -- when I went in there
5 were three male staff and there were, I believe, five or
6 six young adolescents, male and female but mostly female in
7 that home. There was no routine. There was no set
8 routine. It was up to the individual worker that was on
9 duty to decide what they were going to do that day -- the
10 programme, that kind of thing.

11 There were no policies. There was a system,
12 a behaviour mod system -- I believe it was a ticket system
13 -- that Dr. Langford was involved in. But beyond that
14 there was very little structure in the home, so I was more
15 or less -- I was liaison and I was asked to go in and
16 develop routine, develop a programme, develop a behaviour
17 management programme, carry that through, and develop a
18 team approach to working with these youth.

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

20 Would you agree, sir, that when you started
21 part of your tasks were, in effect, to manage the Second
22 Street Group Home?

23 **MR. MacLEAN:** Not exactly manage, because I
24 wasn't given the responsibility of hiring and firing. I
25 was a liaison worker and I reported to Mr. Devlin and to

1 Mr. Towndale initially, and then later after I was there
2 for about a month I was asked to report directly to Mr.
3 Devlin.

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

5 Perhaps we could just take a quick look at -
6 - it's Exhibit 2210. It's the Crown Brief prepared by the
7 Cornwall Police Service, and this is of course many years
8 later, sir, but there's a statement that you give there and
9 I just wanted to ask you about that. So it's Exhibit 2210.
10 It's Document Number 739043 and the Bates page in question
11 is 7175441. And your witness statement, Mr. MacLean, is at
12 441 and 442.

13 **THE COMMISSIONER:** Then we'll call it a day,
14 Mr. Engelmann.

15 **MR. ENGELMANN:** Okay.

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

17 **MR. ENGELMANN:** Sir, do you recall giving a
18 statement to an officer by the name of Shawn White at the
19 Cornwall Police Service ---

20 **MR. MacLEAN:** Yes, I do.

21 **MR. ENGELMANN:** --- who was investigating
22 allegations involving a fellow by the name of Bryan Keough
23 ---

24 **MR. MacLEAN:** That's correct.

25 **MR. ENGELMANN:** --- who was a colleague of

1 yours at the CAS?

2 **MR. MacLEAN:** Yes.

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

4 And we're looking at the statement you would
5 have given at the time; and I say "at the time," January
6 of 1994?

7 **MR. MacLEAN:** Yes.

8 **MR. ENGELMANN:** All right.

9 **MR. MacLEAN:** And you say at about halfway
10 down the page, first page:

11 "When I started my responsibilities
12 included the managing of the Second
13 Street West Group Home. I had the case
14 files for all the children in the
15 facility at the time. That would have
16 been approximately eight or so. I was
17 also responsible for the development of
18 policies that the agency would adopt in
19 relation to the group homes."

20 So, sir, whether or not you had the power to
21 hire and fire, you had other management responsibilities.
22 Is that ---

23 **MR. MacLEAN:** Yes, yes.

24 **MR. ENGELMANN:** Would you agree you were in
25 form a supervisor there?

1 **MR. MacLEAN:** Pardon me?

2 **MR. ENGELMANN:** A supervisor perhaps?

3 **MR. MacLEAN:** I wasn't labelled a
4 supervisor.

5 **MR. ENGELMANN:** What did you mean, sir, when
6 you used the term "managing" in your statement?

7 **MR. MacLEAN:** Managing -- I guess developing
8 the programmes. I developed the schedules. I had -- I was
9 asked to do the team-building, the development of the
10 programme, and I guess in the -- the difference -- what I'm
11 just drawing to your attention today was that I didn't have
12 the power to hire and fire. I was reporting to the -- to
13 Mr. Devlin.

14 **MR. ENGELMANN:** All right, so who was
15 actually supervising the work of the individuals? Because
16 you say, just a little further down, you reported to David
17 Devlin, who was the supervisor with the Agency, and to
18 Angelo Towndale, who was the Assistant Director.

19 **MR. MacLEAN:** That's correct.

20 **MR. ENGELMANN:** And you say:

21 "When I started there were three group
22 home workers, Al Herrington, John
23 Primeau and Raymonde Houde..."

24 **MR. MacLEAN:** Yes.

25 **MR. ENGELMANN:** "...and a cook..."

1 MR. MacLEAN: That's correct.

2 MR. ENGELMANN: So who did they report to?

3 MR. MacLEAN: We all reported to Mr. Devlin.

4 MR. ENGELMANN: All right.

5 MR. MacLEAN: Yes.

6 MR. ENGELMANN: Okay. And he was not on
7 site?

8 MR. MacLEAN: No.

9 MR. ENGELMANN: All right.

10 So you were, on effect, his eyes and ears,
11 were you not?

12 MR. MacLEAN: Yes, I was the go between.

13 MR. ENGELMANN: All right.

14 MR. MacLEAN: Part of the managing issue was
15 that -- and I drew it to Mr. Devlin's attention, was that I
16 didn't have much power in that home other than I would go
17 in, I'd have my meetings, we'd develop programme, protocol,
18 that kind of thing, but to have the teeth to say that this
19 was going to happen and I was going to be on site to do
20 that; didn't happen.

21 MR. ENGELMANN: All right.

22 And the three individuals in question, they
23 were already there when you started; you had nothing to do
24 with their hiring?

25 MR. MacLEAN: That's correct.

1 **MR. ENGELMANN:** And would that staff have
2 changed while you were there?

3 **MR. MacLEAN:** Very quickly into the -- I
4 believe it was by the end of August I was going to Mr.
5 Devlin and Mr. Towndale and Mr. O'Brien. Mr. O'Brien in
6 particular because he knew the budget and saying to them
7 that we needed female staff in that home; that I felt very
8 uncomfortable -- that it was very unwise for them to have
9 three male staff and the adolescent girls that were in that
10 home.

11 **MR. ENGELMANN:** Because the majority of the
12 six residents were female?

13 **MR. MacLEAN:** That's right, yes.

14 **MR. ENGELMANN:** All right.

15 And you said that you were responsible for
16 developing policies for use in group homes at that time?

17 **MR. MacLEAN:** The developing of the policies
18 for that home, yes.

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

20 And again you knew there were discipline
21 problems before. Did you realize that there were
22 allegations of either physical or sexual abuse of any sort?

23 **MR. MacLEAN:** No, I did not know.

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

25 **MR. MacLEAN:** That was not shared with me.

1 **MR. ENGELMANN:** So you would not -- not
2 having that information you would not have put in place
3 special preventative measures to ensure that this type of
4 abuse wouldn't happen again. It hadn't been brought to
5 your attention.

6 **MR. MacLEAN:** I was a childcare worker.

7 **MR. ENGELMANN:** Yes.

8 **MR. MacLEAN:** I supervised a home in
9 Belleville where we had staff. We managed the risk there.
10 I knew that I should have female workers there on duty,
11 especially in the evenings when the female residents were
12 there. And so I was quite alert to the fact that this was
13 wise management.

14 **MR. ENGELMANN:** Fair enough. But you didn't
15 have any special knowledge of what had taken place there --
16 -

17 **MR. MacLEAN:** No. No, I didn't.

18 **MR. ENGELMANN:** --- so that you could adapt
19 perhaps special techniques or policies or practices.

20 All right. Perhaps we should leave it there
21 then, sir. I certainly have some more questions
22 ---

23 **MR. MacLEAN:** Obviously.

24 **MR. ENGELMANN:** --- on the Second Street
25 Group Home and then on other matters.

1 **MR. MacLEAN:** Sure.

2 **THE COMMISSIONER:** All right.

3 We'll see tomorrow morning at 9:30, sir.

4 **MR. MacLEAN:** Thank you.

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

7 This hearing is adjourned until tomorrow
8 morning at 9:30 a.m.

9 ---Upon adjourning at 5:55 p.m./

10 L'audience est ajournée à 17h55

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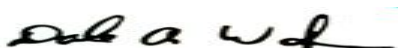
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM