

**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 277

Held at :

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

Monday, September 8, 2008

Tenue à:

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

Lundi, le 8 septembre 2008

ERRATA

April 28th, 2008
Volume 221

Page 156, Line 22

MR. TREW: Staff Sergeant Lewis.

Should have read:

MR. TREW: Staff Sergeant **Willis**.

September 5th, 2008
Volume 276

Omitted to include rulings on Table of Content page and titles in transcript.

Page 15, line 22

Ruling on application for limited standing for Randy Millar by the Commissioner/Décision sur l'application de participation limitée pour Randy Millar par le Commissaire

Page 18, line 2

Ruling on application for supplementary funding by the Diocese of Alexandria-Cornwall by the Commissioner/Décision sur l'application pour financement supplémentaire pour le Diocese d'Alexandria-Cornwall par le Commissaire

September 5th, 2008
Volume 276

Page 18, line 11

"total, I have recommended \$1,075 hours of paralegal time,"

Should have read:

"total, I have recommended **1,075** hours of paralegal time,"

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Maya Hamou	Commission Counsel
Ms. Mary Simms	
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
Mr. Vito Scavetta	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of
Ms. Michele R.J. Allinotte	the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Me Gisèle Levesque	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Angelo Towndale	CAS

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1 --- Upon commencing at 9:45 a.m./

2 L'audience débute à 9h45

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Mr. Towndale, Mr. Engelmann, good morning.

12 **MR. ENGELMANN:** Good morning, Mr.
13 Commissioner.

14 Good morning, Mr. Towndale.

15 **THE COMMISSIONER:** Have a seat, sir.

16 ---OPENING REMARKS BY/REMARQUES D'OUVERTURE PAR MR.

17 **ENGELMANN:**

18 **MR. ENGELMANN:** Please have a seat, sir.

19 I'm just going to be a minute talking about
20 some housekeeping matters before your questions continue.

21 Sir, to start with I just wanted to speak
22 briefly to the schedule for this week.

23 **THE COMMISSIONER:** Right.

24 **MR. ENGELMANN:** We have the cross-
25 examination of Mr. Towndale.

1 **THE COMMISSIONER:** Yes.

2 **MR. ENGELMANN:** At some point today my
3 colleague, Ms. Simms, will want to go in camera with you.
4 There are some names from documents that need to be read
5 into the record in an in-camera manner due to publication
6 ban issues.

7 Sir, we received news this morning that Mr.
8 Lee was unable to attend today ---

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

10 **MR. ENGELMANN:** --- due to illness, so I
11 have spoken to my friends and what Commission counsel is
12 proposing is that everyone go through their cross-
13 examination of Mr. Towndale. There are two institutions
14 who have indicated they would like an opportunity to ask
15 questions of Mr. Towndale after Mr. Lee. That is obviously
16 the CAS and Mr. Crane for the Cornwall Police has said he
17 would have a few brief questions but wanted to maintain a
18 right to go after because of the issues involving Mr.
19 Towndale's role on the Police Services Board.

20 **THE COMMISSIONER:** Right.

21 **MR. ENGELMANN:** So with those two
22 exceptions, sir, what we propose is we'll carry through
23 with the cross-examination until it's completed.

24 Mr. Towndale, I apologize. This may mean
25 you have to come back for a short time because of Mr. Lee's

1 unavailability today.

2 **THE COMMISSIONER:** How much time are we
3 going to have for cross-examination today?

4 **MR. ENGELMANN:** I just canvassed the parties
5 who would proceed before Mr. Lee. I understand from Ms.
6 Daley that it could be as much as 90 minutes to two hours.
7 And Mr. Horn advised me that he would be no more than half
8 an hour.

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

10 **MR. ENGELMANN:** I don't expect any of the
11 other parties to have either any questions or perhaps just
12 short questions, other than Mr. Lee and a few from Mr.
13 Crane and then obviously some from CAS counsel.

14 So sir, what I propose we do after we get
15 through that is we then deal with the Father MacDonald ODE
16 which you heard briefly about last Friday.

17 **THE COMMISSIONER:** Yes.

18 **MR. ENGELMANN:** My understanding is that
19 will be ready to be filed today and read in. Then, sir,
20 Commission counsel could proceed with the chief of Mr.
21 Carriere and we'll get a progress report from Mr. Lee and
22 his colleagues either later today or first thing tomorrow.

23 **THE COMMISSIONER:** All right.

24 **MR. ENGELMANN:** So we'll see where that
25 goes.

1 **MR. ENGELMANN:** Well, just before I turn it
2 over I just wanted to mention we have two motions that we
3 want to schedule for this week.

4 **THE COMMISSIONER:** Yes.

5 **MR. ENGELMANN:** We've received one in
6 writing already and this is from the Diocese of Alexandria-
7 Cornwall.

8 **THE COMMISSIONER:** Yes.

9 **MR. ENGELMANN:** It's with respect to
10 Monsignor McDougald.

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

12 **MR. ENGELMANN:** It's a motion to excuse him
13 from testifying.

14 We also have or I hope to have a motion --
15 further evidence on the Ron Lefebvre matter because we've
16 been waiting for that now for some time.

17 And sir, I did want to say one other thing
18 and that was with respect to the Diocese, a motion for
19 supplementary funding.

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

21 **MR. ENGELMANN:** I was advised by counsel for
22 the Diocese that there may have been an oversight with the
23 retroactivity date which should have been March of this
24 year, not July as indicated, and I believe the date was
25 March 27th of 2008.

1 So I just wanted to bring that to your
2 attention.

3 **THE COMMISSIONER:** So for the record my
4 order will be amended to reflect the earlier date. It's
5 simply an oversight and certainly they are entitled to my
6 recommendation that they be paid retroactive to the date
7 that they have suggested.

8 **MR. ENGELMANN:** And that was the date that
9 was indicated in their written materials.

10 **THE COMMISSIONER:** Exactly.

11 **MR. ENGELMANN:** So I'll turn it over to Mr.
12 Wallace. Thank you.

13 **THE COMMISSIONER:** Mr. Wallace, good
14 morning, sir.

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

17 As things stand right now I don't have any
18 questions for Mr. Towndale but I'd like to reserve the
19 right if something comes up in Mr. Lee's cross-examination
20 to ask some questions.

21 **THE COMMISSIONER:** Fair enough. Thank you.
22 Okay. So Ms. Daley; the floor is yours.

23 **MS. DALEY:** Thank you.

24 **ANGELO TOWNDALE, Resumed/Sous le même serment:**

25 **THE COMMISSIONER:** Mr. Towndale, you

1 understand you are still under oath, sir?

2 MR. TOWNDALE: I understand, sir.

3 THE COMMISSIONER: Okay. So the water --
4 the glasses are behind the water jug.

5 MR. TOWNDALE: Okay.

6 THE COMMISSIONER: No, water jug behind
7 there if you need water.

8 MR. TOWNDALE: Okay.

9 THE COMMISSIONER: And the same conditions
10 apply, all right?

11 MR. TOWNDALE: Thank you, sir.

12 THE COMMISSIONER: Thank you.

13 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
14 DALEY :

15 MS. DALEY: Good morning, Mr. Towndale. How
16 are you today?

17 MR. TOWNDALE: I'm fine. How are you?

18 MS. DALEY: Good, thank you.

19 My name is Helen Daley and I'm counsel for
20 the Citizens for Community Renewal, and that is a local
21 citizens group whose mandate is institutional reform,
22 principally directed to the better protection of children.

23 And let me start by asking you some
24 questions. And my general theme is to explore with you how
25 the CAS was governed during the time you were an employee,

1 during that roughly 30-year span of time between the '60s
2 and the mid-'90s, all right?

3 MR. TOWNDALE: Okay.

4 MS. DALEY: And sir, I take it that
5 throughout that time the actual running of the agency's
6 operation was done by the executive director and that was
7 his responsibility?

8 MR. TOWNDALE: That's correct, yes.

9 MS. DALEY: And just to attach names,
10 initially that was Mr. O'Brien and latterly Mr. Abell.
11 Correct?

12 MR. TOWNDALE: When I started in '65 it was
13 Mr. René Charbonneau.

14 MS. DALEY: So he preceded Mr. O'Brien?

15 MR. TOWNDALE: That's correct, yes.

16 MS. DALEY: And then it was Mr. O'Brien?

17 MR. TOWNDALE: That's correct.

18 MS. DALEY: And then Mr. Abell?

19 MR. TOWNDALE: That's correct, yes.

20 MS. DALEY: And obviously there was a board
21 of directors associated with your Children's Aid Society.
22 Correct, sir?

23 MR. TOWNDALE: That's correct, yes.

24 MS. DALEY: And in terms of who had
25 authority to hire or fire employees that was the executive

1 director's responsibility; was it not, sir?

2 MR. TOWNDALE: That's the executive
3 director's, yeah.

4 MS. DALEY: All right.

5 So as with most non-profit boards the way
6 this worked is that the day-to-day decisions, including
7 hiring and firing, were within the authority of the
8 executive director. Correct?

9 MR. TOWNDALE: That's correct, yes.

10 MS. DALEY: And the executive director was
11 supervised by the board; is that correct, sir?

12 MR. TOWNDALE: The board of directors sets
13 policy.

14 MS. DALEY: Yes.

15 MR. TOWNDALE: And the executive director
16 has to carry out that policy and the board sets the policy
17 under the *Child Welfare Act*.

18 MS. DALEY: Yes.

19 MR. TOWNDALE: It cannot deviate from the
20 Act.

21 MS. DALEY: All right.

22 So the core function of the board is to
23 generate policies that are consistent with the statute.
24 Correct?

25 MR. TOWNDALE: That's correct, yeah.

1 **MS. DALEY:** And the core function of the
2 executive director is to manage the organization on a day-
3 to-day basis?

4 **MR. TOWNDALE:** That's correct, yeah.

5 **MS. DALEY:** Including hiring and firing of
6 employees, right?

7 **MR. TOWNDALE:** That's correct, yes.

8 **MS. DALEY:** Now, at the time you were an
9 employee of the CAS I take it the ministry that had overall
10 responsibility was for the most part Ministry of Consumer -
11 - sorry, Ministry of -- I've forgotten ---

12 **MR. TOWNDALE:** Community and Social
13 Services.

14 **MS. DALEY:** Thank you -- Community and
15 Social Services.

16 And did the Ministry of Community and Social
17 Services ever have any of its personnel on your board?

18 **MR. TOWNDALE:** No, no.

19 **MS. DALEY:** Did the Ministry in any fashion
20 contribute to the setting of policy for the local CAS that
21 you were a part of?

22 **MR. TOWNDALE:** I cannot recall the Ministry
23 sending any directives. I was not -- the only time I dealt
24 with the board is a three-month period when I was the
25 acting director.

1 **MS. DALEY:** All right.

2 That's helpful, sir. So in that window of
3 time when you were assuming Mr. O'Brien's responsibilities
4 ---

5 **MR. TOWNDALE:** That's correct, yes.

6 **MS. DALEY:** --- you didn't go to the
7 Ministry or receive any input from the Ministry to help you
8 through that situation?

9 **MR. TOWNDALE:** That's correct, yes.

10 **MS. DALEY:** Thank you.

11 **MR. TOWNDALE:** I would also like to say
12 during that three-month period, I was the Acting Director
13 with that responsibility, as well as I had the
14 responsibility I was carrying as a supervisor.

15 **MS. DALEY:** I understand.

16 **MR. TOWNDALE:** In other words, I was doing
17 two jobs at the same time.

18 **MS. DALEY:** At least two jobs.

19 **MR. TOWNDALE:** At least two jobs.

20 **MS. DALEY:** Because a large part of the
21 Acting Director's role, obviously, as you said, was
22 budgeting and preparing for your annual general meeting as
23 well?

24 **MR. TOWNDALE:** The three-month period
25 between January and March 31st.

1 **MS. DALEY:** Yes.

2 **MR. TOWNDALE:** It is setting the budget,
3 which means meeting through the services committee, finance
4 committee, personnel committee and whatnot. Then set a
5 budget, then we -- at that time, the funding was -- 80
6 percent of the funding came from the Province and 20
7 percent came from City and the counties, so we had to
8 submit the budgets not only to the Province but at the City
9 and counties as well. Then we have to meet with them,
10 negotiate with them and whatnot.

11 **MS. DALEY:** And you're personally involved
12 in all of that activity, in addition to trying to deal with
13 the problem at the Second Street Group Home?

14 **MR. TOWNDALE:** If I may -- if you allow me
15 to add one more thing.

16 During that period, we have -- according to
17 the statutes, we have to have an annual meeting ---

18 **MS. DALEY:** Yes.

19 **MR. TOWNDALE:** --- March -- before March
20 31st, so I had to work on the annual meeting which is a
21 requirement ---

22 **MS. DALEY:** Yes.

23 **MR. TOWNDALE:** --- as well as, the audit --
24 the auditing has to be done before the annual meeting so we
25 had to work with the auditors as well at the same time.

1 **MS. DALEY:** So we would be right to take
2 away the impression that you had a lot of responsibilities
3 on your plate, in addition to trying to manage the problem
4 at the Second Street Group Home?

5 **MR. TOWNDALE:** That's correct.

6 **MS. DALEY:** Is that fair?

7 **MR. TOWNDALE:** That's correct, yes.

8 **MS. DALEY:** Now, let me just ask you this
9 question about the Board and Board policies.

10 Were you aware that the Board had set any
11 policies in the 1970s? Did you know of any Board policies
12 that existed?

13 **MR. TOWNDALE:** There might have been
14 policies with regard to child care and foster care and
15 whatnot, you know, but to go back to specifically say there
16 was a policy; there must have been policies.

17 **MS. DALEY:** All right.

18 **MR. TOWNDALE:** Yes.

19 **MS. DALEY:** I take it, though, the policies
20 that existed were not directed at the operations of the
21 organization, but at a higher level?

22 **MR. TOWNDALE:** That's correct.

23 **MS. DALEY:** Is that fair?

24 **MR. TOWNDALE:** Yeah, with regard to -- if it
25 was child care, it would be in regard to children, you

1 know.

2 MS. DALEY: Yes.

3 MR. TOWNDALE: Yeah, how to deal with foster
4 homes and children ---

5 MS. DALEY: All right.

6 MR. TOWNDALE: --- but I'm speculating at
7 that -- at this time because I cannot go back to the
8 seventies and say what was there. Anyhow, it -- the Board
9 had that responsibility to set policy.

10 MS. DALEY: Yes, and the policies which the
11 Board generated were not operational or detailed. In other
12 words, the Board never created policies about how to run a
13 group home for example?

14 MR. TOWNDALE: That's correct, yes.

15 MS. DALEY: Understood, thank you.

16 All right. Let's move to another topic, and
17 I'm trying to see if you can help us with some background
18 information about the Second Street home and the people
19 that worked there and how this all came about. That's
20 generally what I wanted to find out from you.

21 I understand that one of your Board members
22 at that time was Canon Irwin?

23 MR. TOWNDALE: That's correct.

24 MS. DALEY: Now, he was the Deacon of the
25 Trinity Anglican Church?

1 **MR. TOWNDALE:** I think he was called the
2 Rector, I think ---

3 **MS. DALEY:** The Rector?

4 **MR. TOWNDALE:** --- I could be wrong, but my
5 -- my recollection is he was called the Rector.

6 **MS. DALEY:** He presided at Sunday services
7 at the church?

8 **MR. TOWNDALE:** I don't know that. I don't -
9 - I don't go to that church, but I think that's what ---

10 **MS. DALEY:** All right.

11 **MR. TOWNDALE:** Yeah, okay.

12 **MS. DALEY:** And I understand that Mr.
13 Tenger, who became the head of the group home initially,
14 was also associated with that church. Is that correct,
15 sir?

16 **MR. TOWNDALE:** That's correct, yes.

17 **MS. DALEY:** Was he the organist in Mr. ---

18 **MR. TOWNDALE:** Yes.

19 **MS. DALEY:** --- sorry, Canon Irwin's church?

20 **MR. TOWNDALE:** That's right. That's right,
21 yes.

22 **MS. DALEY:** All right.

23 So Canon Irwin obviously knew Mr. Tenger
24 through that relationship ---

25 **MR. TOWNDALE:** That's right.

1 MS. DALEY: --- correct?

2 MR. TOWNDALE: Yeah.

3 MS. DALEY: And had Canon Irwin been a long-
4 standing member of the Board in the mid-seventies; do you
5 know, sir?

6 MR. TOWNDALE: I cannot answer that one
7 because I didn't go to Board meetings.

8 MS. DALEY: All right, that's fine.

9 MR. TOWNDALE: Yeah, okay.

10 MS. DALEY: In any event, we know that Mr.
11 Tenger is the organist at the church. Was that a paid
12 position or would you know?

13 MR. TOWNDALE: I wouldn't know that.

14 MS. DALEY: In any event, I understand that
15 Mr. Tenger would be present on Sundays during church
16 services because he would play the organ for the service.
17 You understood that as well?

18 MR. TOWNDALE: Yeah, that's what I ---

19 MS. DALEY: And did you understand that the
20 children in the group home were taken to those services
21 every Sunday?

22 MR. TOWNDALE: I didn't know that.

23 MS. DALEY: All right.

24 Now, I did understand from you that Mr.
25 Keough, who was another staff at the group home, had a

1 close personal friendship with Mr. Tenger. You understood
2 that as well?

3 MR. TOWNDALE: I understood that. They were
4 close friends.

5 MS. DALEY: They socialized together?

6 MR. TOWNDALE: They were close friends, but
7 how much socialization -- I'll be speculating if I say, but
8 they were -- Mr. Keough -- Mr. Tenger had a great influence
9 on Bryan Keough.

10 MS. DALEY: I'm sorry, he had?

11 MR. TOWNDALE: Mr. Tenger had a great
12 influence on ---

13 MS. DALEY: All right.

14 MR. TOWNDALE: --- Bryan Keough.

15 MS. DALEY: You could see in their
16 performance of the job that Keough and Tenger were very
17 closely associated?

18 MR. TOWNDALE: That's right, yes.

19 MS. DALEY: Thank you. And let me ask about
20 Mr. Tenger first.

21 Did he have a Bachelor or a Masters of
22 Social Work? Did he have a degree?

23 MR. TOWNDALE: I don't think so, no.

24 MS. DALEY: And do you know how long he'd
25 been with the agency?

1 **MR. TOWNDALE:** When I joined the agency in
2 1965, he was there.

3 **MS. DALEY:** He was there?

4 **MR. TOWNDALE:** Yeah.

5 **MS. DALEY:** And you mentioned there was a
6 period when he was away and he was asked to ---

7 **MR. TOWNDALE:** Yeah ---

8 **MS. DALEY:** --- come back.

9 **MR. TOWNDALE:** --- he left and then he was
10 asked to come back.

11 **MS. DALEY:** All right. But as far as you
12 know he didn't have formal training to do the job. He
13 learned the job on the job?

14 **MR. TOWNDALE:** That's correct, yes.

15 **MS. DALEY:** And what about Mr. Keogh. Did
16 he have any formal training in social work or child care?

17 **MR. TOWNDALE:** He came with a BA from either
18 Carleton or University of Ottawa. He had a BA; general BA.

19 **MS. DALEY:** A BA?

20 **MR. TOWNDALE:** Yeah.

21 **MS. DALEY:** So nothing specific to child
22 care or social work?

23 **MR. TOWNDALE:** That's -- that's right, yeah.

24 **MS. DALEY:** And ---

25 **MR. TOWNDALE:** If I may say, most of the

1 staff during that period of time didn't have social work
2 degrees.

3 **MS. DALEY:** So, again, like Mr. Tenger, Mr.
4 Keough just learned on the job; he learned by doing the
5 job?

6 **MR. TOWNDALE:** That's right.

7 **MS. DALEY:** And does it follow when
8 employees of that sort were brought into the agency, did
9 the agency give them any formal child care training or just
10 allowed them to learn on the job?

11 **MR. TOWNDALE:** There was some training, but
12 it was not any detailed training.

13 **MS. DALEY:** It was not?

14 **MR. TOWNDALE:** It was not any detailed
15 training. If I could explain a little bit the situation in
16 the seventies and sixties.

17 Children's Aid Society covered three
18 counties; Stormont, Dundas and Glengarry, the City of
19 Cornwall and the community of Akwesasne. The population
20 hasn't much changed since then; my understanding it's the
21 same population. Most of the foster homes were in the
22 counties. There were very few in the City of Cornwall.

23 We take children into care and place in
24 foster homes and this was for parents didn't have any
25 training or anything except they are ordinary people. The

1 experience they had only what they raising their own
2 children.

3 MS. DALEY: Yes.

4 MR. TOWNDALE: And one foster home finder at
5 that time has to recruit foster parents, screen them and
6 place children.

7 So if, for example, if a child is placed in
8 Dundas County in Winchester and the worker at that time had
9 two car days, lease cars and two car days, 14 hours a week,
10 if you drive to Winchester to see a child it takes an hour,
11 to come back an hour. So if you go see a child, three
12 hours is gone and workers carried, I don't know, 40 or 50
13 cases. That's the time period we are talking about.

14 MS. DALEY: I understand ---

15 MR. TOWNDALE: Just to get a picture of it.

16 MS. DALEY: I'm going to allow ---

17 MR. TOWNDALE: Yeah.

18 MS. DALEY: --- you to elaborate on that in
19 some detail because I'm going to have some questions ---

20 MR. TOWNDALE: Yeah, okay.

21 MS. DALEY: --- about how the CCWs were
22 operating.

23 MR. TOWNDALE: Okay.

24 MS. DALEY: But I understand, and I think
25 from what you're saying is the expectation, at that time,

1 was that just ordinary, human decency would inform what
2 people did with children. In other words, you could trust
3 a foster parent because you knew they had raised their own
4 children and their humanity would allow them to do the
5 right thing by a foster child. Is that what you're trying
6 to say?

7 **MR. TOWNDALE:** That's correct, yeah.

8 **MS. DALEY:** And did some of the same
9 attitude also apply to the child care workers that were in
10 the home?

11 **MR. TOWNDALE:** That's correct, yes.

12 **MS. DALEY:** So what was happening is that
13 the Children's Aid Society was bringing people in and was
14 operating on the basis that their integrity, common sense
15 as human beings would allow them to do a good job.

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

17 **MS. DALEY:** Is that fair?

18 **MR. TOWNDALE:** That's right.

19 **MS. DALEY:** All right. Now, just going back
20 then to how this group home was organized and who was in
21 place.

22 I take it that the first person that Tenger
23 reached out to to be a part of the new group home would be
24 his friend and co-worker, Mr. Keough?

25 **MR. TOWNDALE:** I presume so, yeah.

1 **MS. DALEY:** All right.

2 And just help me; do you have a sense of
3 their relative ages? In other words, would Mr. Tenger have
4 been a little bit older than Mr. Keough?

5 **MR. TOWNDALE:** Oh yeah, much older than him.

6 **MS. DALEY:** Much older?

7 **MR. TOWNDALE:** Yeah, yeah. Bryan -- Mr.
8 Keough, when he started, he must have been 21.

9 **MS. DALEY:** All right.

10 **MR. TOWNDALE:** And Derry Tenger must have
11 been in his fifties or something.

12 **MS. DALEY:** All right. So there was almost
13 a generation separating them?

14 **MR. TOWNDALE:** Yeah.

15 **MS. DALEY:** All right.

16 **MR. TOWNDALE:** Almost like a father-son age
17 group, yeah.

18 **MS. DALEY:** You indicated to us that Mr.
19 Tenger had discretion as to who he was going to hire for
20 the group home; correct?

21 **MR. TOWNDALE:** That's correct, yes.

22 **MS. DALEY:** And he exercised that discretion
23 by hiring his daughter and bringing in Mr. Keough and Mr.
24 Keough's brother? That's Mike Keough?

25 **MR. TOWNDALE:** Mike Keough. Bryan Keough -

1 - I have to clarify -- Bryan Keough ---

2 MS. DALEY: Yes.

3 MR. TOWNDALE: --- he had a caseload at the
4 agency.

5 MS. DALEY: I understand.

6 MR. TOWNDALE: He was going there to help.
7 So in other words, he was not a full-time worker at the
8 group home.

9 THE COMMISSIONER: Was he getting any
10 remuneration?

11 MR. TOWNDALE: No.

12 THE COMMISSIONER: None at all?

13 MR. TOWNDALE: We never gave any
14 remuneration.

15 MS. DALEY: All right.

16 I hope you can clarify that because that's
17 left some confusion in my mind. I understand he was a case
18 worker and he had children who were in the home, right?

19 MR. TOWNDALE: Yeah.

20 MS. DALEY: Jeannette Antoine was one of
21 them, right?

22 MR. TOWNDALE: Yeah, I think so. Yeah.

23 MS. DALEY: All right.

24 But was he -- did he not also do shifts at
25 the group home?

1 **MR. TOWNDALE:** That's what -- that's what I
2 understand he did. When some workers were tired or didn't
3 show up, he went and helped.

4 **MS. DALEY:** He would ---

5 **MR. TOWNDALE:** To replace.

6 **MS. DALEY:** He would do shifts?

7 **MR. TOWNDALE:** Yeah.

8 **MS. DALEY:** And did you ever know that he
9 did overnight shifts in the group home?

10 **MR. TOWNDALE:** I couldn't tell you that.

11 **MS. DALEY:** And in response to the
12 Commissioner's question, was he compensated at all for
13 working those shifts?

14 **MR. TOWNDALE:** No, he was not. As far as I
15 know, he was not compensated.

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

17 **MR. TOWNDALE:** He had his regular caseload.
18 He was paid to look after that work.

19 **MS. DALEY:** Yes.

20 **MR. TOWNDALE:** But when he went there, I
21 don't -- I don't remember he was paid for that.

22 **MS. DALEY:** All right.

23 So to the best of your information, he was
24 just volunteering?

25 **MR. TOWNDALE:** That's correct, yeah, to help

1 his friend who was running the group home.

2 MS. DALEY: And he was doing that, I take
3 it, because of his friend Mr. Tenger and because his
4 brother was employed there?

5 MR. TOWNDALE: That's correct, yeah.

6 MS. DALEY: All right.

7 Did you ever turn your mind to this concept,
8 sir -- and I'm not blaming you if you didn't -- but, you
9 know, he's the primary worker for some residents of the
10 home and yet he's also in the home doing shifts. Did there
11 appear to be any kind of conflict in that role or any
12 aspect of playing those two roles that might have been at
13 all concerning?

14 MR. TOWNDALE: He was volunteering there and
15 I took it as -- it didn't come to mind there was any
16 conflict.

17 MS. DALEY: Let me put something forward
18 then. It may be hypothetical, but assuming that he's
19 working in the group home and one of his wards needs
20 discipline and he physically discipline one of his wards,
21 would that -- that wouldn't be consistent with the role you
22 wanted to have as a childcare worker or the worker for that
23 child. Would you agree?

24 MR. TOWNDALE: That's correct, yes.

25 MS. DALEY: All right. So at least that's

1 an example in which him playing this dual role could cause
2 a problem?

3 MR. TOWNDALE: I don't know whether we heard
4 about him physically -- corporal punishment was used -- he
5 was using corporal punishment.

6 MS. DALEY: Sorry, you said you don't know
7 that you cared about that?

8 MR. TOWNDALE: No, I didn't know that.

9 MS. DALEY: You didn't know.
10 But I was putting a hypothetical question to
11 you, sir.

12 MR. TOWNDALE: Yeah.

13 MS. DALEY: I don't say it happened either.

14 MR. TOWNDALE: Yeah.

15 MS. DALEY: I'm just saying if he was a
16 child's worker, he's also working in the home and has to
17 discipline that child. Is there a conflict in that role?

18 MR. TOWNDALE: There will be a conflict. I
19 was not for physical punishment. So there is a conflict.
20 There is a problem with anybody applying physical
21 punishment.

22 MS. DALEY: I understand that.

23 MR. TOWNDALE: Yeah.

24 MS. DALEY: All right.

25 THE COMMISSIONER: Well, I guess the point

1 is the worker, as a social worker for the ward is -- the
2 avenue of escape for this child over any problem so that if
3 she's having a problem, any child, with the home, she can't
4 go to the worker to report it because he's part of the
5 situation.

6 **MR. TOWNDALE:** Yeah. Yes, okay, there is a
7 conflict there.

8 **MS. DALEY:** Can you spend a few moments and
9 help us understand the relationship between a ward of the
10 Children's Aid Society, be it permanent or temporary, and
11 his or her worker? I take it, to start off with, that's a
12 relationship of some dependency because the worker is the
13 child's contact -- prime contact point with the agency. Is
14 that fair?

15 **MR. TOWNDALE:** The worker is the prime
16 contact, yeah.

17 **MS. DALEY:** Yes. So the child obviously
18 depends on the worker to look after his or her best
19 interests in terms of a placement setting or dealing with
20 the agency?

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

22 **MS. DALEY:** Is that how it works?

23 **MR. TOWNDALE:** Yeah.

24 **MS. DALEY:** And so if a child who was a ward
25 was in a foster home as well, the child also obviously has

1 a relationship with the foster parents; correct?

2 MR. TOWNDALE: That's right, yeah.

3 MS. DALEY: But the child can look to the
4 worker as another adult to go to if there's problems with
5 the foster parents or just problems in their life
6 generally. Is that correct?

7 MR. TOWNDALE: That's right, yes.

8 MS. DALEY: And I take it the Children's Aid
9 Society expects or hopes that their wards will have that
10 level of trust in the social workers?

11 MR. TOWNDALE: Would you repeat that?

12 MS. DALEY: Yes. The Society thinks it's a
13 good thing or wants to foster a relationship in which the
14 child can trust his or her worker and confide if there's a
15 problem?

16 MR. TOWNDALE: That's right, yes.

17 MS. DALEY: And what is the worker then
18 supposed to do if a child raises a problem -- a child in a
19 placement raises a problem with the placement, be it a
20 problem with physical abuse or sexual behaviour and talks
21 to the worker, what's the worker supposed to do with that?

22 MR. TOWNDALE: The worker has to deal with
23 that issue, what is the problem.

24 MS. DALEY: Okay. So the worker should
25 bring the child's issue back to the agency ---

1 **MR. TOWNDALE:** That's correct, and talk to
2 the supervisor.

3 **MS. DALEY:** --- and there should be a
4 resolution?

5 **MR. TOWNDALE:** Yeah.

6 **MS. DALEY:** All right.

7 And you obviously supervised Mr. Keough for
8 some period of time, sir?

9 **MR. TOWNDALE:** I did, yes.

10 **MS. DALEY:** Did he ever bring to you
11 difficulties or problems that his children were having in
12 any placements?

13 **MR. TOWNDALE:** He must have. I cannot -- we
14 had supervisions and he must have brought difficulties
15 children were having in foster care.

16 **MS. DALEY:** Do you remember any incident,
17 sir -- and obviously I don't need details or names -- but
18 do you remember any incident where you were concerned
19 enough to move a child as a result of Mr. Keough providing
20 you with information about their placement?

21 **MR. TOWNDALE:** Where children moved from a
22 foster home to another foster home?

23 **MS. DALEY:** Yes.

24 **MR. TOWNDALE:** Oh yeah, that was -- we have
25 moved many children.

1 **MS. DALEY:** I'm sorry; could you just ---

2 **MR. TOWNDALE:** We have moved children, yeah.

3 **MS. DALEY:** All right. Did you move
4 children because -- did you ever have occasion to move a
5 child because Mr. Keough thought a foster parent had abused
6 a child?

7 **MR. TOWNDALE:** No, no.

8 **MS. DALEY:** Okay. Did you ever have
9 occasion to move a child because Mr. Keough brought to you
10 that there had been some inappropriate sexual behaviour
11 pertaining to a child?

12 **MR. TOWNDALE:** I don't remember that. We
13 moved children because the foster parents must have
14 requested it or the child says "I want to be moved".

15 **MS. DALEY:** All right.

16 Would a child be enabled to ask for a
17 different social worker if he or she ---

18 **MR. TOWNDALE:** Oh yeah, definitely.

19 **MS. DALEY:** --- had a problem with the one
20 assigned?

21 **MR. TOWNDALE:** Definitely, yeah.

22 **MS. DALEY:** And did any of Mr. Keough's
23 children ever ask for that?

24 **MR. TOWNDALE:** I don't remember that, no.

25 **MS. DALEY:** All right.

1 Now, I want to move into the area that you
2 spoke about, and that's the policy around dealing with
3 children in group home care. And I have a few propositions
4 here which I think I'm fairly sure you will agree with
5 given the nature of the evidence you've given so far.

6 I take it, sir, that -- well, let me ask you
7 this question. Was there a direct CAS policy against a
8 worker having sex with a child in care?

9 **MR. TOWNDALE:** No, I don't remember any
10 policy to that, yeah.

11 **MS. DALEY:** And is that because it was so
12 obvious that it was wrong that a policy was unnecessary?

13 **MR. TOWNDALE:** We -- it is naïve when I say
14 this statement -- it never got into our mindset that this
15 could happen.

16 **MS. DALEY:** Right.

17 **MR. TOWNDALE:** The worker will have ---

18 **MS. DALEY:** Because it was so extremely
19 wrong ---

20 **MR. TOWNDALE:** Yes.

21 **MS. DALEY:** --- it could never be right and
22 you wouldn't need a policy to tell you that. Is that fair?

23 **MR. TOWNDALE:** That's what -- yes.

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

25 And, sir, I don't want to upset you, but are

1 you aware that at least one female resident of the Second
2 Street home asserted that she had had sex on more than one
3 occasion with a worker there?

4 **MR. TOWNDALE:** We did not -- I did not hear
5 that in the seventies. I heard it only actually when I
6 read the statements taken by Constable Shawn White.

7 **MS. DALEY:** And you appreciate that one
8 female resident of the home told Constable White ---

9 **MR. TOWNDALE:** Yeah.

10 **MS. DALEY:** --- that between the ages of 13
11 and 15 she'd had sex at least twice with a worker in the
12 home, right?

13 **MR. TOWNDALE:** Never I heard that until I
14 read that, yeah.

15 **MS. DALEY:** And I take it that had you --
16 you would have been appalled to know such a thing in the
17 seventies?

18 **MR. TOWNDALE:** Definitely, yes.

19 **MS. DALEY:** And there would have been no
20 question in your mind that that individual worker should be
21 fired?

22 **MR. TOWNDALE:** That's correct, yes.

23 **MS. DALEY:** Now, I take it, sir, again --
24 was there a direct policy that the Children's Aid Society
25 had against a physical assault of a child? In other words,

1 was there a policy said to the effect that, "Do not assault
2 children"?

3 **MR. TOWNDALE:** That's why in '76 I went to
4 the Personnel Committee and tried to develop a policy. I
5 wasn't successful.

6 **MS. DALEY:** But walk with me a little bit
7 down this ---

8 **MR. TOWNDALE:** Yeah.

9 **MS. DALEY:** --- down this path.

10 I understood that what you were concerned
11 about or what you thought was an issue at the time was the
12 use of corporal punishment and strapping a child. That was
13 the activity that you knew about at the time that caused
14 you concerns?

15 **MR. TOWNDALE:** Corporal punishment, yeah.

16 **MS. DALEY:** All right. Now, what I asked
17 you about was -- and I used a different phrase. I mean,
18 clearly regardless of whether there was a policy or not
19 about corporal punishment, it would never have been
20 acceptable to the Children's Aid Society for a worker to
21 physically assault a child? In other words, to cause an
22 injury to a child.

23 **MR. TOWNDALE:** Definitely not, yeah.

24 **MS. DALEY:** All right. So regardless that
25 it was 1976, that would never have been appropriate?

1 **MR. TOWNDALE:** No, not physical harm. No.

2 **MS. DALEY:** All right. So, again, is that
3 not a situation where, given the very mandate of the CAS to
4 protect children, you didn't need a policy. It was obvious
5 you couldn't do that. Would you agree?

6 **MR. TOWNDALE:** Yeah. That's right, yes.

7 **MS. DALEY:** And in terms of some of the
8 other behaviour, unfortunately, that you learned about at
9 the home, I just want to -- again, I want to just take you
10 to a document that contains some detail about what the
11 children were saying. One moment, please.

12 Sorry, sir, I just need to find the exhibit.
13 Give me a sec. My apologies. I don't have a hard copy of
14 the document with me but I'm just going to direct you to
15 the exhibit number, and Madam Clerk can show it to you.
16 One second.

17 It was the report of the Personnel
18 Committee. It was Exhibit 2212 you marked last time. At
19 the document where you said you contributed some
20 information and it outlined some of the details about what
21 had been happening at the home.

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

23 **THE COMMISSIONER:** One of the concerns I
24 have, since you've raised the point, is in this Exhibit
25 2212 it starts off by saying that Mr. Towndale met with

1 Dave Devlin and Board member Canon Irwin; met with Derry
2 Tenger, director of the group home, and Mike Keough and
3 Bryan Keough, "staff at the group home". So how come he's
4 referred to as a staff member?

5 **MR. TOWNDALE:** I don't know that one. The
6 only explanation I have, you know, there was a case we
7 discussed last week and Mr. Keough was the worker in that
8 home, in a foster home, and he comes and -- it says he came
9 and talked to me and Mr. Devlin with regard to an issue.
10 So if he was the group home staff, then how can he have a
11 case some place else? That's the only explanation I have.

12 **MS. DALEY:** Well, when you say how could he,
13 you mean how would he find the time to do all those jobs?
14 Is that what you mean?

15 **MR. TOWNDALE:** No. He cannot be a staff
16 member in a group home at the same time -- in other words,
17 he would have two full-time jobs.

18 **MS. DALEY:** Right.

19 **MR. TOWNDALE:** Yeah, but in this case it
20 says here "staff member". I read that one but I don't
21 think he was a staff member. It could be a mistake.

22 **MS. DALEY:** Well, I guess we should take it
23 that certainly the Personnel Committee, rightly or wrongly,
24 thought he was a staff at the home. They thought he was
25 associated with the home.

1 **MR. TOWNDALE:** Yeah, that could be.

2 **MS. DALEY:** All right.

3 So, sir, again, I just wanted to take you to
4 some of the information here about how one of the young
5 girls is treated. Obviously, we're not going to raise her
6 name. She received a moniker here; it was C-75 last time.

7 **MR. TOWNDALE:** Okay.

8 **MS. DALEY:** But the information here at the
9 bottom of the first page, and then in the balance of the
10 document, suggests a number of things to me and I just want
11 to know if it suggests the same things to you.

12 Let me just pause for a minute to talk about
13 this particular person and what you would have known about
14 her from your files; all right?

15 **MR. TOWNDALE:** Yeah.

16 **MS. DALEY:** So, sir, Exhibit -- you might
17 want to have Exhibit 2213 handy as well, just so that you
18 can look at that. And I just picked up some information
19 from the second page of Exhibit 2213 that I take you to.

20 And, Madam Clerk, if you can go further down
21 the page I'll tell you where to stop. "How child impresses
22 others". Have a look there.

23 So, sir, what I took from this is the
24 following. C-75 was a physically very developed 15 year-
25 old child who actually appeared to be 18; correct?

1 **MR. TOWNDALE:** Correct, yes. Yes.

2 **MS. DALEY:** And she was sexually active?
3 She was sexually mature?

4 **MR. TOWNDALE:** Yes, yes.

5 **MS. DALEY:** And she was slightly below
6 average mentally?

7 **MR. TOWNDALE:** Yes.

8 **MS. DALEY:** This isn't suggesting that she
9 has a mental disability but it's clear that she's not
10 developed mentally; she's overdeveloped physically, right?

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

12 **MS. DALEY:** All right. So this young girl -
13 - and if I could then take you back to 2122, which outlines
14 some details ---

15 **MR. TOWNDALE:** Okay.

16 **MS. DALEY:** --- about what occurred with
17 her.

18 **MR. TOWNDALE:** Yes.

19 **MS. DALEY:** On the first page what we have
20 here is information -- and I take it Mr. Keough, by the
21 way, acknowledged to you that this was correct; that in
22 fact he had done what's written down here?

23 **MR. TOWNDALE:** Yes.

24 **MS. DALEY:** Correct? He had bodily stripped
25 her clothes off down to her underpants and she'd been tied

1 and left for the night at the receiving home; correct?

2 MR. TOWNDALE: That's correct.

3 MS. DALEY: So that's one thing that
4 happened to C-75, but looking on down the page it's an --
5 there's an indication that she's:

6 "...forced to do housework all night in
7 bra and panties in front of staff, and
8 staff take turns."

9 Do you see that, sir?

10 MR. TOWNDALE: Yeah, I saw that.

11 MS. DALEY: And that would be male staff for
12 the most part, would it not?

13 MR. TOWNDALE: There were -- there was one
14 female there, Heather Tenger there, but ---

15 MS. DALEY: Everybody else was male?

16 MR. TOWNDALE: Yeah, that's right. Yes.

17 MS. DALEY: And do you know if Mr. Keough
18 took turns watching her do housework at night?

19 MR. TOWNDALE: I don't know. Bryan Keough?

20 MS. DALEY: Yes, Bryan.

21 MR. TOWNDALE: I don't know.

22 MS. DALEY: Possibly his brother did. We're
23 not sure though.

24 MR. TOWNDALE: That's right, yes.

25 MS. DALEY: She's also told to take cold

1 showers every hour during the night.

2 Now, sir, let me take that -- stopping there
3 just for a second, did it ever come to your attention
4 during this period of time, when the children were talking
5 to you, that staff would insist upon the door being open in
6 the bathroom when the girls were having showers?

7 **MR. TOWNDALE:** I didn't know that.

8 **MS. DALEY:** In the discussions you had with
9 Tenger and Bryan Keough and perhaps others, did they ever
10 rationalize the need to do such a thing? In other words,
11 were they saying, "Listen, these girls are so bad they will
12 run away at the drop of a hat. We have to watch them even
13 in when they're in the bathroom"?

14 **MR. TOWNDALE:** No, never. No discussions
15 like that.

16 **MS. DALEY:** They never said that?

17 **MR. TOWNDALE:** No, no.

18 **MS. DALEY:** All right.

19 Now, sir, just stopping there with what
20 we've learned about C-45 do you not agree with me that
21 treating a 15 year-old girl with her particular issues and
22 problems in this fashion has a sexual dimension to it?

23 **MR. TOWNDALE:** Yes, yes. Only one thing I
24 should say. I'm not trying -- not taking my responsibility
25 on this one. This child was a temporary ward ---

1 MS. DALEY: Yes.

2 MR. TOWNDALE: --- supervised by another
3 supervisor. Okay. That's why we had to go to court to get
4 extension of a ward ship and whatnot. So I was not
5 supervising this child or the worker at that time. This
6 worker belonged to another supervisor at that time.

7 MS. DALEY: Do you recall who her worker
8 was?

9 MR. TOWNDALE: It's Blaine, Mr. Grundy.

10 MS. DALEY: Grundy, thank you.

11 MR. TOWNDALE: If you read that thing that I
12 just read, it's Mr. Blaine Grundy.

13 MS. DALEY: All right. Okay. Fair enough.

14 MR. TOWNDALE: And the supervisor was Dave
15 Devlin who was also looking after the group home at that
16 time.

17 MS. DALEY: All right. So you never
18 directly supervised C-75's worker?

19 MR. TOWNDALE: No.

20 MS. DALEY: I understand.

21 MR. TOWNDALE: No.

22 MS. DALEY: All right. But you do
23 acknowledge now that we're looking at this information
24 which, you know, I -- you would have had the time, t has a
25 sexual dimension to it.?

1 **MR. TOWNDALE:** That's right, yes.

2 **MS. DALEY:** And it would be -- well, I don't
3 know if you'll agree with this, this is my own personal
4 view. Is that kind of a treatment of a girl with a mental
5 challenge appalling by the standards of the 1870s, let
6 alone the 1970s?

7 **MR. TOWNDALE:** I agree with that.

8 **MS. DALEY:** And, again, is that not conduct
9 that is so obviously wrong, it doesn't need a policy to
10 tell you it's wrong?

11 **MR. TOWNDALE:** That's right. The only
12 problem I can tell you is, at that time, I am the Acting
13 Director.

14 **MS. DALEY:** Yes.

15 **MR. TOWNDALE:** I go to the Board to give
16 some direction. If I fired somebody, there could be
17 lawsuits and whatnot. That's what's going through my mind.

18 **MS. DALEY:** I understand.

19 **MR. TOWNDALE:** So I'm getting to get some
20 kind of a confirmation from the Board. They are -- they
21 have the governing authority of the Children's Aid Society
22 even though I make the decisions. If I go -- and I got the
23 feeling discussing with them, they all knew what was going
24 on in that home. So I went there to get some direction,
25 and I didn't get it.

1 And if I went and -- I had different options
2 at that time. I could have left and said this is not the
3 way I want to handle it. I could have fired everybody and
4 take the consequences of that. These are the options I
5 had.

6 **MS. DALEY:** I understand that, sir.

7 **MR. TOWNDALE:** So I went with the option, I
8 took it, but right or wrong at that time my mind was set.
9 I go for direction and I didn't get it. So I left it that
10 way. That's all the explanation I can give it to you.

11 **MS. DALEY:** I take it, for a variety of
12 reasons, you felt you needed the Board's support ---

13 **MR. TOWNDALE:** That's correct, yes.

14 **MS. DALEY:** --- to act in this situation?

15 **MR. TOWNDALE:** Yeah. Children's Aid was
16 under immense financial pressure at that time. We never --
17 Community and Social Services of the Ministry has a very
18 low profile because children has no voice; they have not a
19 power block to get votes; there are no lobbies. I don't
20 have to tell. So this was the least agency which got the
21 money. So if I went and fired somebody -- I was not
22 experienced at that time to make that kind of decision.

23 I didn't seek for that job at that time. It
24 was forced upon me -- not forced upon me -- I was asked to
25 take it and I took it. If you ask me, I didn't apply for

1 that job, I was not paid for that job. I did the best I
2 can at that time.

3 So I went to the governing body and said
4 there is a problem and what do we do? And people were all
5 divided on that issue. So how do I go ahead and fire
6 somebody and -- on principle, maybe I should have done that
7 at that time, but I didn't do it.

8 **MS. DALEY:** I guess the bottom line would be
9 this, sir. Since you were in an acting capacity ---

10 **MR. TOWNDALE:** Yeah.

11 **MS. DALEY:** --- you were seven or eight
12 years at the organization. I mean, perhaps you felt that
13 your own job was at risk if you'd fired these people?

14 **MR. TOWNDALE:** I was there from '65 to '76,
15 that's 11 years. I was away two years, so you can say I
16 was there 9 years.

17 **MS. DALEY:** You'd been there about 11 years.

18 **MR. TOWNDALE:** Nine years, yeah.

19 **MS. DALEY:** But did you not feel that if you
20 -- or did it occur to you that you needed to have some
21 regard to your own job if you took a radical step?

22 **MR. TOWNDALE:** Okay. I'm going to say
23 something which I don't know if it's appropriate to say. I
24 came to this country as an immigrant.

25 **MS. DALEY:** Yes.

1 **MR. TOWNDALE:** And I didn't you what
2 opportunities I will have, so maybe I might have looked at
3 my own self interest, I don't know that. And I went to the
4 people who were in charge of this governing authority and
5 asked to give me some directions. So I could have fired
6 those people and that may be -- in retrospect, that's what
7 I should have done. That's why my life is traced different
8 because I have to face those issues now; how I failed these
9 kids and it will never be the same for me.

10 **MS. DALEY:** Should we take a break?

11 **MR. TOWNDALE:** Thank you.

12 **THE COMMISSIONER:** We'll take the morning
13 break.

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

16 This hearing will resume at 10:45 a.m.

17 --- Upon recessing at 10:31 a.m./

18 L'audience est suspendue à 10h31

19 --- Upon resuming at 10:49 a.m./

20 L'audience est reprise à 10h49

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

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

25 **ANGELO TOWNDALE:** Resumed/Sous le même serment

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

2 DALEY (cont'd./suite):

3 THE COMMISSIONER: Thank you, Mr. Towndale.

4 MS. DALEY: Thanks, Mr. Towndale.

5 And my intent is not to make you feel badly
6 for anything that happened.

7 MR. TOWNDALE: Not at all.

8 MS. DALEY: I hope you understand that.

9 MR. TOWNDALE: I understand where you are
10 coming from.

11 MS. DALEY: All right.

12 MR. TOWNDALE: The only thing that I want to
13 say to you is, when the issue came up, I involve the
14 Personnel Committee, some Board -- Personnel Committee
15 members who are very supportive of me be -- involve them in
16 the investigation of that situation.

17 MS. DALEY: Yes.

18 MR. TOWNDALE: --- consulted with the
19 President of the Board, the issue went to the Personnel
20 Committee; Personnel Committee made a recommendation to the
21 Board. Twenty-one Board members from this community sat on
22 that Board. A single person never said to me, I should
23 have done something different.

24 And today, 32 years later, I was confronted
25 with the situation. I should have done something

1 different. That's the issue I am facing now. How come 21
2 Board members, all distinguished members of this community,
3 couldn't tell me it was wrong? I should be firing. Not a
4 single person ever say that to me.

5 **THE COMMISSIONER:** All right.

6 **MR. TOWNDALE:** I had to make that comment.

7 **THE COMMISSIONER:** I understand that. And I
8 think Ms. Daley wants to go on to other ---

9 **MR. TOWNDALE:** Yeah.

10 **THE COMMISSIONER:** All right?

11 **MR. TOWNDALE:** Yeah.

12 **THE COMMISSIONER:** Thank you.

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

14 Yes, I do and I shall, but you did receive
15 certainly some support from some Board members for your
16 position?

17 **MR. TOWNDALE:** Definitely.

18 **MS. DALEY:** There were several that were in
19 agreement?

20 **MR. TOWNDALE:** Several, I admit that one.
21 There were several of them ready to support you all the way
22 through; stood with me.

23 **MS. DALEY:** And I take it those who
24 supported you did so for the same reason that you felt the
25 way you did, that is to say it offended their sense of

1 humanity to treat children this way; correct?

2 **MR. TOWNDALE:** That's correct. That's
3 correct, yeah.

4 **MS. DALEY:** And the persons that you recall
5 who supported you in that view included Mrs. Follon?

6 **MR. TOWNDALE:** That's correct, yeah.

7 **MS. DALEY:** Who's presently Mrs. Parker of -
8 --

9 **MR. TOWNDALE:** Most support is she was
10 behind me 100 percent; I couldn't expect anything better
11 than from her.

12 **MS. DALEY:** All right. And that's Mrs.
13 Follon, as she then was, is now Mrs. Parker who is
14 associated with my client who's here today?

15 **MR. TOWNDALE:** That's right, yes.

16 **MS. DALEY:** And another female supported you
17 as well, that was Mrs. -- is it Labekovski?

18 **MR. TOWNDALE:** Labekovski.

19 **MS. DALEY:** Labekovski.

20 **MR. TOWNDALE:** Yeah.

21 **MS. DALEY:** And I'm assuming, sir, that
22 there were others as well who felt the same way as those
23 two?

24 **MR. TOWNDALE:** There were others but I
25 cannot -- these were with me from the very beginning.

1 MS. DALEY: Yes.

2 MR. TOWNDALE: That's why I appreciated the
3 support and the help they gave. They have no role --
4 that's the only time I can think of Board members getting
5 involved in an investigation.

6 MS. DALEY: Yes.

7 MR. TOWNDALE: No other time in my 30 years
8 at the Children's Aid, there was occasion for using Board
9 members in a situation.

10 MS. DALEY: One of the other aspects of this
11 whole situation that strikes me as unusual is persons in
12 authority at CAS went directly to children and let the
13 children talk about what was happening in the treatment
14 setting. Correct?

15 MR. TOWNDALE: That's correct, yes.

16 MS. DALEY: And that's an unusual thing to
17 have occurred as well, correct?

18 MR. TOWNDALE: That's right, yes.

19 MS. DALEY: And, as you just pointed out,
20 there was never any occasion where the Board was involved
21 in that type of activity.

22 MR. TOWNDALE: That's right, yes.

23 MS. DALEY: And what was happening there is
24 that the Board was reaching over the worker, the group
25 home, the head of the group home, and was going directly to

1 the source to try to find out what had happened. Correct?

2 MR. TOWNDALE: That's right, yes, yes.

3 MS. DALEY: And in this instance the Board
4 members who did that work, and you, you believed what the
5 children said was correct?

6 MR. TOWNDALE: That's right, yeah.

7 MS. DALEY: In part the Board members and
8 you could see evidence of it. You could see bruising,
9 correct?

10 MR. TOWNDALE: I didn't -- I did not examine
11 -- I interviewed only the boys.

12 MS. DALEY: Yes.

13 MR. TOWNDALE: And I didn't see any bruises
14 there, but Mrs. Peggy -- Mrs. Follon and another person, I
15 don't know, could have been Sister Therese Quesnel who
16 interviewed -- said they have seen it, yes.

17 MS. DALEY: So those ladies saw bruising ---

18 MR. TOWNDALE: Yeah, that's right.

19 MS. DALEY: --- on the girls in the group
20 home?

21 MR. TOWNDALE: Yeah.

22 MS. DALEY: And again, sir -- now, in that
23 circumstance I take it eventually the workers admitted that
24 what the children said was in fact correct?

25 MR. TOWNDALE: That's correct, yes.

1 **MS. DALEY:** So there was no dispute about
2 it?

3 **MR. TOWNDALE:** No dispute there, no.

4 **MS. DALEY:** But again it strikes me as
5 interesting that, as you said, there was a general tendency
6 to disbelieve children and to believe adults, but in this
7 circumstance you and other Board members got past that and
8 you actually believed the children.

9 **MR. TOWNDALE:** That's right, yes.

10 **MS. DALEY:** Correct?

11 **MR. TOWNDALE:** Yeah.

12 **MS. DALEY:** And you acted based upon what
13 the children had told you?

14 **MR. TOWNDALE:** That's right, yes.

15 **MS. DALEY:** And to connect that to another
16 instance that you testified about, sir, do you remember who
17 C-14 is or should I give you a little note to remind you --
18 -

19 **MR. TOWNDALE:** No, I know who ---

20 **MS. DALEY:** -- of that name?

21 **MR. TOWNDALE:** I know who that is.

22 **MS. DALEY:** You know that name?

23 **MR. TOWNDALE:** Yeah.

24 **MS. DALEY:** That's another instance in which
25 a child in care spoke to you directly about abusive

1 treatment by foster parents and you believed him.

2 MR. TOWNDALE: That's right, yes.

3 MS. DALEY: And you acted on the strength of
4 what he'd told you.

5 MR. TOWNDALE: That's right.

6 MS. DALEY: Correct?

7 MR. TOWNDALE: Yeah.

8 MS. DALEY: So notwithstanding, I guess, a
9 general feeling at the times that children weren't
10 truthful, you on several of the occasions we've seen here
11 indeed believed what the child was saying.

12 MR. TOWNDALE: That's right, yes. Correct.

13 MS. DALEY: And I want to explore that idea
14 just a little bit further before I move away from it.
15 Obviously one of the mandates of the agency, the protection
16 mandate, requires the agency workers to investigate abuse
17 and in that context they would talk to a child and perhaps
18 they'd receive reports from a child that he or she is being
19 abused by a parent, and that would be a premise for taking
20 the child into care, correct?

21 MR. TOWNDALE: That's right, yes.

22 MS. DALEY: Right, so in that circumstance,
23 in that part of the mandate, obviously the CAS hears and
24 relies upon what children say, amongst other things, so
25 that they can be protected.

1 **MR. TOWNDALE:** That's right.

2 **MS. DALEY:** Correct? Now, it seems that
3 once a child is removed from an abusive situation, put into
4 care, he or she is now a resident in a foster home, for
5 example, or a group home. Assume that that's what happens.

6 **MR. TOWNDALE:** That's right, yes.

7 **MS. DALEY:** Right, so now the child is in a
8 treatment setting and perhaps the child is acting out or is
9 showing some behaviour problems. I mean, that's a frequent
10 occurrence, correct?

11 **MR. TOWNDALE:** The only thing I would say is
12 that group home did not last more than maybe six months.
13 We closed the group home ---

14 **MS. DALEY:** Right.

15 **MR. TOWNDALE:** --- in six months' time, so
16 when you mentioned the word "treatment" facility I think
17 you are talking about the group home. That's why I just
18 wanted to clarify.

19 **MS. DALEY:** Right. So in Cornwall there was
20 only a very brief window of time where a group home was
21 operating?

22 **MR. TOWNDALE:** It was only six months' time,
23 you know.

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

25 **MR. TOWNDALE:** That's my ---

1 MS. DALEY: So ---

2 MR. TOWNDALE: Shortly after all this
3 happened, the group home was closed.

4 MS. DALEY: All right. So before and after
5 that -- and normally, if you will -- the primary way of
6 treating children here is through foster placements?

7 MR. TOWNDALE: That's correct, yes.

8 MS. DALEY: All right. And so, just if you
9 walk down this path with me, say a child has been removed
10 because he or she is being abused physically or sexually
11 and they're put in a foster home setting to be cared for.
12 Correct?

13 MR. TOWNDALE: That's right, yes.

14 MS. DALEY: And in that foster home setting
15 some of these kids are going to have behaviour problems.
16 It stands to reason, does it not?

17 MR. TOWNDALE: That's right, yes.

18 MS. DALEY: And in fact that's
19 understandable, given their own personal backgrounds and
20 histories. Right?

21 MR. TOWNDALE: Yeah.

22 MS. DALEY: Okay, so once a child is in a
23 foster setting and he or she is perhaps acting out, I take
24 it at that point though, the Society's mindset was to
25 perhaps not believe the child and to prefer the word of a

1 foster parent if there was a conflict?

2 MR. TOWNDALE: The tendency was to believe
3 the foster parents, yes.

4 MS. DALEY: All right. So again, and I'm
5 not -- you know, I'm not, I hope, trying to be cute here
6 but it strikes me that on the one hand, from the protection
7 mandate, the agency believes the words of children but once
8 children are in treatment they have a slightly different
9 attitude about a child reporting abuse, be it physical or
10 verbal or sexual. Would you not agree with that?

11 MR. TOWNDALE: Yes, yeah.

12 MS. DALEY: And just a few more questions to
13 you about the fostering system. You've already said that
14 essentially the people were not trained, but they were also
15 -- they also received compensation for having children in
16 their home?

17 MR. TOWNDALE: Very -- always very
18 inadequate. It has gone up now. At that time the -- I
19 think if you read some of the files where I see foster
20 parents are talking about they're not getting enough money
21 for incidentals and clothing and all that, so what will be
22 paid to the foster parents to compensate at that time was
23 very minimal.

24 MS. DALEY: Was there a *per diem* that was
25 paid to them?

1 **MR. TOWNDALE:** I think they were given a
2 certain amount once a month. Today, if it places a
3 difficult child they get special rates. They have the
4 foster parents' department -- this is the problem I am
5 facing. I look at today's standards, what is happening.

6 Today at Children's Aid Society in Cornwall
7 there is a separate department for foster care. There's a
8 supervisor in that department just for that department
9 alone. I think I heard between five and seven workers in
10 that department. If the foster parents have some
11 difficulty, one of the support workers goes and spends the
12 time with the foster parent to help.

13 The child care worker who has a difficult
14 child today can call get the agency and get case aides to
15 go there and work with this child on a one-to-one basis for
16 a week, two weeks, three weeks, four weeks. At that time
17 we didn't have anything.

18 So your question was how much the foster
19 parents are paid? Not that much. Today there are moneys
20 given to attract people, and are they paid enough today? I
21 would say no, but they have 24 hours of care of these
22 children.

23 **MS. DALEY:** And I think the point that
24 you're reminding us about is obviously the resources
25 available today for the foster parenting program are much

1 more than were available ---

2 MR. TOWNDALE: Much more, yes.

3 MS. DALEY: --- in the past.

4 MR. TOWNDALE: Six people in that department
5 and that, at that time there was only one person working
6 with these parents. The number of foster homes might have
7 been the same number we had at that time.

8 MS. DALEY: And the one person back in the
9 past who was doing this work, was that Mrs. Gratton, the
10 home finder?

11 MR. TOWNDALE: There were two -- the period
12 we are looking at, there were two there. Mrs. Gratton was
13 for a period of time, then she retired and Mrs. Lepage came
14 along and she was the foster home finder for a while, and
15 then somebody else I don't ---

16 MS. DALEY: All right, but just back in that
17 earlier time frame obviously, was there ever any thought at
18 the agency that perhaps, even though the money wasn't very
19 much, money could be a motivation for some people to want
20 to maintain a foster parent status?

21 MR. TOWNDALE: They were not paid that much
22 but if you say to me that was a motivation, whatever
23 they're getting, it could have been, you know, but I could
24 not tell you.

25 MS. DALEY: It could have been, because this

1 was a pretty depressed community ---

2 MR. TOWNDALE: Very, very little amount was
3 given to them at that time.

4 MS. DALEY: Right.

5 MR. TOWNDALE: That's why you know, that
6 other day, when somebody was -- other day when I was
7 questioned and said why didn't they move children to
8 another home and whatnot, we didn't have a variety of --
9 lot of homes sitting there waiting.

10 MS. DALEY: I understand.

11 MR. TOWNDALE: Really limited number of
12 homes to move a child from -- to another home.

13 MS. DALEY: So another constraint would be
14 if there was a foster parent who was inappropriate, you had
15 the difficulty of finding the alternative place for a
16 child.

17 MR. TOWNDALE: That's correct, yes.

18 MS. DALEY: I understand that.

19 Did you ever turn your mind to this
20 circumstances? And I'm sure you did. C-14 you remember
21 spoke up to you directly but he did that only after he was
22 out of the Barber home.

23 Do you recall that?

24 MR. TOWNDALE: That's correct, yes.

25 MS. DALEY: He did that when I believe he

1 was at the home of the Huberts and he felt that he could
2 now talk about the Barber situation.

3 **MR. TOWNDALE:** What happened in that
4 situation was after the group home situation, I instructed
5 the foster home finder to send out a questionnaire to all
6 the teens in the foster care system, a confidential
7 questionnaire and asked them to reply to that one. I was
8 trying to get some information.

9 **MS. DALEY:** Is C-14 the only one who
10 replied?

11 **MR. TOWNDALE:** That's the only one who
12 replied as far as I know, yeah.

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

14 **MR. TOWNDALE:** So what happened was shortly
15 after I got that thing I was gone to India because my
16 father was ill. I went there for three weeks. I took
17 seven weeks of holidays but I went for three weeks. Then I
18 came back. Then right after that I went back to India
19 again and spent six weeks or so. I was gone for three to
20 four months from the agency.

21 **MS. DALEY:** I understand that, sir.
22 You appreciate the difficulties with child
23 and foster care ---

24 **MR. TOWNDALE:** I know. I just want to tell
25 what happened from my side.

1 **MS. DALEY:** No, no, I recall that. But I
2 think you'll agree -- you do appreciate the difficulty that
3 a child in a foster placement has ---

4 **MR. TOWNDALE:** Yeah.

5 **MS. DALEY:** --- complaining about abuse by
6 the parents where he is living, right?

7 **MR. TOWNDALE:** Yeah.

8 **MS. DALEY:** You see that as a difficulty.

9 **MR. TOWNDALE:** Yeah.

10 **MS. DALEY:** Let me ask you about the role of
11 the social worker because in C-14's case again that's Brian
12 Keough, right?

13 **MR. TOWNDALE:** That's right, yes.

14 **MS. DALEY:** And would you not have expected
15 Mr. Keough to have some awareness of the physical abuse
16 that was occurring at the Barber home since he had at least
17 one child who was placed there?

18 **MR. TOWNDALE:** If you read the recording of
19 Mr. Keough it is clear he says to C-14, "How come I didn't
20 know about it?" He says that to him.

21 **MS. DALEY:** And C-14 has said here that Mr.
22 Keough did know about it. You appreciate that?

23 **MR. TOWNDALE:** But in that recording he
24 doesn't say that.

25 **MS. DALEY:** Yes.

1 **MR. TOWNDALE:** And he says, you know, "You
2 had occasions to tell and you did not" and then he
3 apologizes to C-14. He says to C-14, "I feel sorry" in
4 that recording there and then he gives him an opportunity
5 to say, "Maybe you should have a new worker" and the
6 recording says C-14 turned him down.

7 **MS. DALEY:** M'hm.

8 **MR. TOWNDALE:** I go by what I read in that
9 recording what he said there. But I never interviewed with
10 regard to that aspect of C-14.

11 **MS. DALEY:** Did you -- after you dealt with
12 C-14's problem, and I appreciate you had other issues in
13 your life as well. You did travel. You travelled; you
14 went back to India, et cetera. I know all of that.

15 Did you ever have an opportunity to sit down
16 with Mr. Keough and just debrief him about what occurred
17 there or whether he knew or didn't know about the Barber
18 abuse of C-14?

19 **MR. TOWNDALE:** Not at that time because I
20 was gone. I instructed Mrs. Gratton to speak to Mr.
21 O'Brien and to Brian Keough and I left. So I left it ---

22 **MS. DALEY:** Do you know if there was any
23 follow up in your absence with Mr. Keough about this?

24 **MR. TOWNDALE:** I don't know that.

25 **MS. DALEY:** All right.

1 I guess it's just a point of consistency,
2 isn't it, because if for example Mr. Keough did know that
3 the Barbers were physical in administering punishment to C-
4 14 that's consistent with what he thought was acceptable at
5 the Second Street Group Home. Correct?

6 MR. TOWNDALE: Yeah.

7 MS. DALEY: It's consistent attitude?

8 MR. TOWNDALE: Yeah.

9 MS. DALEY: All right.

10 All right. Moving to a different subject,
11 sir, I want to see if you can help us understand a bit more
12 detail of your case recording system and how it was meant
13 to work and what its purposes were. I thought maybe what I
14 would do is just use an example of a case record to see if
15 -- you know, as the framework for the questions for you.

16 So Exhibit 2227 -- I don't know if this is
17 the best example but this is ---

18 THE COMMISSIONER: Hang on.

19 MS. DALEY: I think this is a case report of
20 some sort.

21 (SHORT PAUSE/COURTE PAUSE)

22 MS. DALEY: So let me ask you just some
23 general questions first of all and maybe I can -- I'll use
24 this as an example if I need to. But walk us through what
25 was expected of a CAS worker. For starters, how often was

1 it expected that a childcare worker would do a recording
2 pertaining to his or her wards?

3 **MR. TOWNDALE:** I think it is annual
4 recordings, once a year.

5 **MS. DALEY:** Once a year?

6 **MR. TOWNDALE:** Yeah.

7 **MS. DALEY:** And what's entailed in the
8 recording? Does the worker sit down on an annual basis and
9 into a Dictaphone record everything he remembers from the
10 past year, or just explain how it's supposed to happen.

11 **MR. TOWNDALE:** If we go back to those years
12 of '70s and '60s, workers made case notes after their
13 visits and whatnot and based on that they will do the
14 recording. At that time we didn't have -- but the
15 treatments were different at that time, the '60s and '70s.
16 People write -- wrote and secretaries typed in a
17 typewriter.

18 **MS. DALEY:** Yes. So some of these notes
19 would be maybe typed up from handwritten notes ---

20 **MR. TOWNDALE:** From handwritten. They write
21 the annual report and whatnot in handwriting form.

22 **MS. DALEY:** All right.

23 **MR. TOWNDALE:** And give it to the
24 secretaries to type it.

25 **MS. DALEY:** I had an impression, though, on

1 an annual basis the expectation is that the worker would
2 think over what's happened in the past year and then
3 dictate a fairly detailed summary of what's been happening
4 with the child in the placement, or am I wrong?

5 **MR. TOWNDALE:** Yeah. I don't know whether
6 they used Dictaphone at that time or if they used it very
7 few used the Dictaphones there. Mostly the annual thing
8 they will report everything that happened the previous,
9 during the one-year period.

10 **MS. DALEY:** Okay. So essentially, what
11 might happen is the worker would just hand over his or her
12 notes and an administrative person would type them up and
13 that would become -- excuse me -- the recording for the
14 case?

15 **MR. TOWNDALE:** Yeah. Just to clarify, you
16 have case notes. After each visit the worker will note
17 what it is.

18 Then for the annual summary they will take
19 all those notes together and summarize it and give it to
20 the secretaries to type it.

21 **MS. DALEY:** All right.

22 **MR. TOWNDALE:** Because you see that were in
23 different headings there.

24 **MS. DALEY:** What's the purpose of the annual
25 summary, sir?

1 **MR. TOWNDALE:** Just to look at the plan how
2 the child is doing in the home there, based on whatnot and
3 then have a plan for future, how we are going to look after
4 him.

5 **MS. DALEY:** Okay. So it helps -- it helps
6 do forward planning about what would be in the child's best
7 interests?

8 **MR. TOWNDALE:** That's right, yeah.

9 **MS. DALEY:** And does it also perform a
10 supervision function in the sense that it allows you as the
11 supervisor or Mr. Devlin to look at each file ---

12 **MR. TOWNDALE:** That's right, yes.

13 **MS. DALEY:** --- and to ---

14 **MR. TOWNDALE:** Yeah.

15 **MS. DALEY:** --- think about the role that's
16 been played by the foster parents or perhaps the worker ---

17 **MR. TOWNDALE:** Yeah.

18 **MS. DALEY:** --- from your -- wearing your
19 supervisory hat?

20 **MR. TOWNDALE:** That's right, yes.

21 **MS. DALEY:** And then I take it, sir, that
22 the document could also be the subject of a supervision
23 session; in other words for example, you might be sitting
24 down with Mr. Keough or another worker and you could talk
25 to him about a case based on the information that was found

1 in the case record?

2 MR. TOWNDALE: That's right, yes.

3 MS. DALEY: And again, you told us that you
4 initial case records when you saw them.

5 MR. TOWNDALE: Can you please repeat that?

6 MS. DALEY: Sorry, I spoke too fast.

7 In some instances I think we've seen your
8 initials on ---

9 MR. TOWNDALE: That's right, yeah.

10 MS. DALEY: --- parts of the case record.

11 And you do that to signify that you've reviewed the
12 information?

13 MR. TOWNDALE: That's right, yes.

14 MS. DALEY: Now, I'm just wondering, and
15 maybe I'm off base here -- most of these children, maybe
16 not all but certainly the permanent wards -- I guess even
17 the temporary ones -- are with you pursuant to a court
18 order. Correct?

19 MR. TOWNDALE: With me?

20 MS. DALEY: With the CAS.

21 MR. TOWNDALE: With the CAS, yes.

22 MS. DALEY: Right. In other words, there is
23 a court order that relates to their placement with the CAS
24 and perhaps contains requirements but it's a court process?

25 MR. TOWNDALE: That's right, yes.

1 **MS. DALEY:** Now, I wondered if whether or
2 not the case recording system also allowed the agency to
3 ensure that it was complying with court orders and that the
4 right things were happening in accordance with what the
5 court had ordered vis-à-vis any particular child in care.

6 **MR. TOWNDALE:** That's right, yes. Yeah.

7 **MS. DALEY:** All right.

8 Now, sir, in the course of supervising your
9 workers and reading reports of this sort did you ever
10 remember reading any reports that caused you concern about
11 the ability or the propriety of what foster parents were
12 doing with CAS wards?

13 **MR. TOWNDALE:** If I read it and I saw it,
14 yes. Yeah.

15 **MS. DALEY:** We're speaking about one
16 particular, Exhibit 2227, which I know is very concerning
17 to you. But you know, if you cast your mind back and
18 reflect upon the seventies and eighties, do you recall
19 reading reports that caused you concern about foster
20 parents, set aside this one?

21 **MR. TOWNDALE:** There might have been, but I
22 cannot pinpoint anything.

23 **MS. DALEY:** You can't recall anything
24 specific?

25 **MR. TOWNDALE:** Yeah.

1 **MS. DALEY:** All right.

2 I just had a few questions for you about
3 2227. Maybe you can help me; I don't know. If you look at
4 page number 7 of the document, the Bates number is 406. So
5 if I can -- do you have that handy ---

6 **MR. TOWNDALE:** Yes.

7 **MS. DALEY:** --- Mr. Towndale?

8 **MR. TOWNDALE:** Yeah.

9 **MS. DALEY:** All right.

10 So I'm just wondering about this. Three-
11 quarters of the way down there is a recommendation that
12 it's a good foster home, et cetera. Have you initialled up
13 that point?

14 **MR. TOWNDALE:** That's right, yes.

15 **MS. DALEY:** And then the next entry is April
16 6th, '76, recording on foster home. The worker is Bryan
17 Keough.

18 **MR. TOWNDALE:** Yes.

19 **MS. DALEY:** And then he records some really
20 rather dramatic occurrences in the following section. You
21 looked at that the other day, if you recall that, sir?

22 I'm just wondering this, because the prior
23 entry was dated November 1973. You can see that from page
24 6?

25 **MR. TOWNDALE:** Yes, yes.

1 **MS. DALEY:** And on the face of it, it looks
2 to me like there is a recording gap between November '73
3 and April '76. So that would be a two-and-a-half-year
4 window of time?

5 **MR. TOWNDALE:** That's a foster -- this is a
6 foster home file. There are two files. There is a foster
7 home file and there is a childcare file.

8 **MS. DALEY:** All right.
9 So we're looking at the foster home file?

10 **MR. TOWNDALE:** Foster home file here, yes.

11 **MS. DALEY:** Were there any standards or
12 rules about recording on foster homes? Like, how often was
13 it to be done?

14 **MR. TOWNDALE:** It's an assessment of the
15 foster home -- assessment of the foster home.

16 **MS. DALEY:** Yes.

17 **MR. TOWNDALE:** Okay. Yeah.

18 **MS. DALEY:** Was -- who was responsible for
19 assessing foster homes?

20 **MR. TOWNDALE:** The foster home finder.

21 **MS. DALEY:** It was Mrs. Gratton?

22 **MR. TOWNDALE:** Mrs. Gratton, yeah.

23 **MS. DALEY:** Would you have expected that
24 there would be something in that two-and-a-half-year window
25 then from Mrs. Gratton concerning what was developing at

1 the Cieslewicz Foster Home?

2 MR. TOWNDALE: It should have been, but the
3 only thing I could say to you is lack of resources.

4 MS. DALEY: All right.

5 MR. TOWNDALE: She's the only one doing that
6 job, so ---

7 MS. DALEY: Well, help me with this then,
8 sir. Do you have any understanding as to why in April '76,
9 when somebody does look at the foster home, it's Bryan
10 Keough who's recording the allegations of sexual abuse by
11 the foster father? Why is it he who is writing this?

12 MR. TOWNDALE: I think -- I don't know
13 whether this is transferred from the childcare file to this
14 one. I don't know that one. I have to check that one.
15 It's a transfer from the childcare file to the foster home
16 file.

17 MS. DALEY: And Mr. Keough was the worker
18 for at least one of the girls in that home; correct?

19 MR. TOWNDALE: Yes, yeah.

20 MS. DALEY: And on that very -- on that
21 point, sir -- I don't know how much of this you'll be able
22 to recollect, but let me help you with this. If you look
23 at page 11 of the document ---

24 MR. TOWNDALE: Okay.

25 MS. DALEY: --- there is under the second --

1 in the second paragraph under "Home Finder" there's some
2 information about a girl there who again has an
3 intellectual disability. She has a low IQ. Do you see
4 that?

5 MR. TOWNDALE: Yes.

6 MS. DALEY: This is another resident of the
7 home.

8 MR. TOWNDALE: Yeah.

9 MS. DALEY: My understanding, of course, is
10 that Mr. Keough was her worker?

11 MR. TOWNDALE: I think so, yeah. Yeah.

12 MS. DALEY: And ultimately that girl -- if
13 you look at the very last page of this exhibit, sir,
14 there's an entry. It says:

15 "October 19, '78 - this individual
16 accused Mr. Cieslewicz in the presence
17 of his wife..."

18 And then the following day he asks for her
19 to be removed.

20 So this was Mr. Keough's ward who had a
21 mental disability, who also ultimately said that the foster
22 father had been sexually inappropriate with her?

23 MR. TOWNDALE: Yeah.

24 MS. DALEY: All right.

25 Did you ever understand from Mr. Keough that

1 he was aware of that?

2 MR. TOWNDALE: I don't recall that.

3 MS. DALEY: One final question about the
4 document, sir. At the very end of the document there's an
5 entry about October 31st, '78, report to Child Welfare
6 Branch.

7 MR. TOWNDALE: Yeah.

8 MS. DALEY: And that's obviously a branch of
9 the Ministry ---

10 MR. TOWNDALE: That's right, yes.

11 MS. DALEY: --- of Community and Social
12 Services?

13 MR. TOWNDALE: That's correct, yes.

14 MS. DALEY: And I assume that report was
15 necessary, why, because of the allegations concerning this
16 foster father and what he'd done?

17 MR. TOWNDALE: We were reporting to the
18 Ministry to keep them informed -- keep them informed,
19 asking for advice what to do, and they suggested, according
20 to a letter we received, report to the Crown Attorney.

21 MS. DALEY: All right.

22 MR. TOWNDALE: You see, if you look at it,
23 and even at that time the Ministry is saying to report to
24 the Crown Attorney. The Ministry is not saying "Report to
25 the police. They should be the one to..." So the only thing

1 I bring it up is confusion. Even the Crown Attorney, when
2 you report to them, he doesn't say to -- he or she doesn't
3 say to us, "Go to the police; let them investigate."

4 **MS. DALEY:** Were you personally involved in
5 any of these events that are described here, informing the
6 Crown Attorney and deciding what to do?

7 **MR. TOWNDALE:** I think, when I was shown the
8 letter the other day, I was the one who called the
9 Ministry, and the program supervisor I spoke to replied to
10 Mr. O'Brien. A letter was shown the other day, advising
11 that we report to the Crown Attorney.

12 **MS. DALEY:** And the document says:
13 "Insufficient evidence to proceed with
14 charges."

15 **MR. TOWNDALE:** That's what the Crown
16 Attorney said, yes.

17 **MS. DALEY:** But there wouldn't have been any
18 evidence at all. There just would have been a phone call,
19 I assume, from somebody at your organization to the Crown
20 saying, "We have a problem in a foster home."

21 **MR. TOWNDALE:** Even if we said that, I
22 presume the Crown Attorney should be saying, "I want to get
23 some facts." I presume. I don't know. To go back and say
24 now -- to say to you what happened there, even if it was a
25 telephone call, I would presume as a Crown Attorney he

1 should be saying to us, "I need more information, more
2 facts, before I make a decision." So I presume he must
3 have got enough facts to decide that one.

4 **MS. DALEY:** That's fine.

5 **MR. TOWNDALE:** The only thing I was -- I'd
6 like to repeat again is the confusion. We report to the
7 Ministry. The Ministry must -- should be saying to us at
8 that time -- I'm not blaming; I'm just saying how prevalent
9 the practice was -- should have been saying to us, "Go to
10 the police and report that one. Let them gather
11 information." We followed their instruction. We reported
12 to the Crown Attorney and they said to us, "There is
13 insufficient evidence."

14 **MS. DALEY:** Let me ask this question. Do
15 you think at this point in time -- we're now in the late
16 seventies -- there's been, I guess, some changes to your
17 child welfare legislation. So standards are starting to be
18 enhanced. Would your agency or the people in authority at
19 your agency not have seen that in this circumstance where,
20 apart from the other girls, you have a mentally challenged
21 girl who is telling you this happened; did you not see this
22 as a police matter?

23 **MR. TOWNDALE:** We should have seen it.

24 **MS. DALEY:** Okay. Just give me a second,
25 sir, so I can get organized.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. TOWNDALE: If I could just add on to
3 that one, not trying to defend or anything like that, but
4 people like the Crown Attorney who deals with that
5 situation, even though we made a mistake of not doing it,
6 at least the Crown Attorney has an obligation, who handles
7 this kind of case specialized in the area, advising us this
8 is not the way to do it, to help us at least to educate
9 ourselves to do it differently.

10 MS. DALEY: Okay. Moving on then to another
11 area, and that is -- I guess it's -- it's not really a new
12 area because it's taking us back to the group home story
13 but that's when Ms. Antoine comes forward again back in the
14 late 1980s ---

15 MR. TOWNDALE: Okay.

16 MS. DALEY: --- and at that point is telling
17 the agency more detail about what happened, not just to
18 herself but other children at the group home. You recall
19 you gave some evidence about your involvement in that?

20 MR. TOWNDALE: Yes, yes.

21 MS. DALEY: Now ---

22 MR. TOWNDALE: I don't recall she telling
23 about other children at that time. I think she was -- my
24 recollection is she was talking about her situation.

25 MS. DALEY: Let me see if I can help you a

1 bit with that. I am just not sure how this piece fits in.
2 But if you wanted to have a look at Exhibit 513 just for a
3 second that should be the notes that Suzie Robinson made.

4 (SHORT PAUSE/COURTE PAUSE)

5 THE COMMISSIONER: Five-two-two (522)?

6 MS. DALEY: It should be 513, sir.

7 THE COMMISSIONER: Thank you.

8 (SHORT PAUSE/COURTE PAUSE)

9 MS. DALEY: I don't think you were actually
10 -- you had these notes put in front of you when you were
11 speaking with Ms. Simms but these are the notes of Suzie
12 Robinson that were discussed when you met with Bill
13 Carriere and Mr. O'Brien concerning the Antoine complaint.
14 Do you recognize the notes?

15 MR. TOWNDALE: No, I didn't see the notes.

16 MS. DALEY: Okay.

17 MR. TOWNDALE: At that time -- at that time
18 I had moved on to another position there. I was called in
19 to attend the meeting because I was involved in the group
20 home situation in '76.

21 MS. DALEY: Were you shown Suzie's notes?

22 MR. TOWNDALE: No, I don't -- this is -- I
23 have seen this since I have started preparing for this.

24 MS. DALEY: Okay. But you never saw these
25 notes?

1 **MR. TOWNDALE:** No, I didn't see it, no.

2 **MS. DALEY:** Okay. That's helpful. Perhaps
3 then you'll not be able to help me here at all but did you
4 ever have any understanding or did someone explain to you
5 how it is that Suzie Robinson got involved with Ms. Antoine
6 in 1989?

7 **MR. TOWNDALE:** No, I don't.

8 **MS. DALEY:** No?

9 **MR. TOWNDALE:** She was a worker of the
10 agency.

11 **MS. DALEY:** Okay. But how and why she was
12 talking to Ms. Antoine about the group home events, you
13 have no information about that?

14 **MR. TOWNDALE:** No idea, yeah.

15 **MS. DALEY:** All right.

16 And as you said, you were brought in not to
17 have a detailed involvement but just to provide the context
18 because you were the individual who remembered what had
19 happened back in 1976.

20 **MR. TOWNDALE:** That's right, yes.

21 **MS. DALEY:** So sir, in that context
22 obviously your frame of mind in 1989 would have been the
23 same as it is here and that what had happened in '76 was
24 really unacceptable?

25 **MR. TOWNDALE:** That's right, yeah.

1 **MS. DALEY:** Correct?

2 And certainly, at that point in time your
3 frame of mind would have been that there had been
4 unacceptable physical punishments ---

5 **MR. TOWNDALE:** That's right, yes.

6 **MS. DALEY:** --- going on in the home.

7 And you knew as we've said before the break,
8 that there had also been treatment of the girls -- it
9 wasn't physical punishment. It wasn't strapping but it was
10 harsh and it was -- it had a sexual connotation to it,
11 right?

12 **MR. TOWNDALE:** Yeah.

13 **MS. DALEY:** So you knew about that. Did you
14 bring that forward in your discussions with Mr. Carriere or
15 Mr. O'Brien when Antoine -- Ms. Antoine was complaining in
16 1989?

17 **MR. TOWNDALE:** Mr. O'Brien was informed when
18 he returned to the agency right after his leave of absence
19 so he was fully informed about that one.

20 **MS. DALEY:** He didn't need to hear it from
21 you?

22 **MR. TOWNDALE:** No, he was aware of it.

23 **MS. DALEY:** Okay.

24 Now, in terms of how the agency at that time
25 addressed what Ms. Antoine was bringing forward, let me ask

1 you this question, sir. We're now in the late 1980s. Were
2 there other instances of this at the time? In other words,
3 was Jeannette Antoine unique or had other former wards come
4 forward at that point and made complaints about the past as
5 well?

6 **MR. TOWNDALE:** I did not know any. I did
7 not know.

8 **MS. DALEY:** All right.

9 So Ms. Antoine was unique at least from your
10 perspective?

11 **MR. TOWNDALE:** That's right, yes.

12 **MS. DALEY:** I take it, to the best of your
13 understanding of the events the agency itself did not
14 undertake any review of what Ms. Antoine was saying?

15 **MR. TOWNDALE:** Mr. O'Brien was doing the
16 lead role in that one and Mr. Carriere and I was brought in
17 this and since I moved onto the department I did not
18 involve too much in that.

19 **MS. DALEY:** So you have limited information?

20 **MR. TOWNDALE:** Limited information.

21 **MS. DALEY:** You aren't able to say that any
22 type of internal investigation ---

23 **MR. TOWNDALE:** I have no idea, no.

24 **MS. DALEY:** --- happened?

25 Do you know if the agency had a policy at

1 that point in time to conduct an internal investigation if
2 a former ward complained?

3 **MR. TOWNDALE:** There should have been some
4 policy, yeah. I think in the late '80s or early '90s if
5 there was allegations made against a staff member we
6 usually ask another agency to investigate. But I couldn't
7 tell you if that ---

8 **MS. DALEY:** So for example you could have
9 gone to another CAS?

10 **MR. TOWNDALE:** Another CAS like Brockville
11 or Ottawa or Plantagenet and ask somebody to investigate.
12 It was there later on but I couldn't give you a specific
13 time period.

14 **MS. DALEY:** All right.

15 In any event you're not aware if any such
16 thing happened?

17 **MR. TOWNDALE:** No.

18 **MS. DALEY:** And I take it again, sir, did
19 you have any dealings with Mr. Keough in late '89, early
20 '90 surrounding the allegations of Ms. Antoine? Did you
21 speak to Keough directly about that?

22 **MR. TOWNDALE:** No, he was at that time
23 supervised by Mr. McLean and he was doing foster parent
24 training. He was also doing training with regard to
25 suicidal prevention workshops and at that time also he was

1 also -- at some point in time he was also looking after six
2 specialized foster homes.

3 **MS. DALEY:** Okay. Did you ever learn that
4 at the end or, sorry, let me just be more specific.
5 There's an indication in Exhibit 1505 that at a later time
6 in early '90 Mr. O'Brien speaks to Mr. Keough.

7 Did you know that Mr. Keough had had some
8 plans about pursuing an adoption?

9 **MR. TOWNDALE:** Maybe I was at that meeting
10 but I read about he was planning an adoption, yes.

11 **MS. DALEY:** Okay. Did you know that at the
12 time or that's just something that you've learned from
13 reading the file later?

14 **MR. TOWNDALE:** That's right, yeah. I don't
15 remember -- I don't have an independent recollection at
16 that time but I read it and if I was at that meeting I
17 don't have an independent recollection.

18 **MS. DALEY:** Did you come to learn that Mr.
19 Keough upon learning what Ms. Antoine alleged, he just
20 changed his plans? He decided not to proceed with an
21 adoption. Did you learn that?

22 **MR. TOWNDALE:** When I read this one, yes.

23 **MS. DALEY:** All right.

24 And in 1994 if you recall at the beginning
25 of the year Ms. Antoine again becomes an issue because she

1 comes back to the CAS and she is again renewing her
2 complaints about the group home.

3 MR. TOWNDALE: Yes.

4 MS. DALEY: And I'm not sure that you
5 touched on this ---

6 MR. TOWNDALE: I shouldn't say yes because I
7 don't remember. I was -- I don't think I was involved in
8 '94. I could have been but I don't know.

9 MS. DALEY: Remember Mr. White or Constable
10 White from the Cornwall Police?

11 MR. TOWNDALE: Yeah, yeah, I remember, yeah.

12 MS. DALEY: So he interviews you in '94.

13 MR. TOWNDALE: That's right, yeah.

14 MS. DALEY: And that seems to be
15 precipitated by Ms. Antoine again returning to the
16 institutions and renewing her complaints.

17 MR. TOWNDALE: That's right, yes.

18 MS. DALEY: And I just wondered if you knew
19 that she had gone to the media in early 1994?

20 MR. TOWNDALE: Yes, I did. There was a ---

21 MS. DALEY: You knew about that?

22 MR. TOWNDALE: -- there as a CJOH report or
23 something like that.

24 MS. DALEY: So by this time her complaints
25 are now in the public domain.

1 **MR. TOWNDALE:** That's right, yes.

2 **MS. DALEY:** And do you know whether or not
3 your agency did anything as a direct result of that? We
4 know that Mr. White investigated. Is there any other
5 activity at the CAS that you're aware of ---

6 **MR. TOWNDALE:** No, only ---

7 **MS. DALEY:** --- in response to Ms. Antoine?

8 **MR. TOWNDALE:** Yeah, until that CJOH report
9 the only thing I can remember is, I called the Ministry and
10 spoke to the program supervisor, Mrs. Lenore Jones. I
11 alerted her there is a report but we were not clear, I
12 wasn't clear at that time, what the situation is. Now,
13 there is -- if I -- when I read this thing it talks about
14 there are some children from Akwesasne and whatnot, you
15 know, so we were not sure.

16 Then I called Acting Chief Johnston, what is
17 this all about, and he said to me it's about Laurencrest.
18 That's the indication I -- so I reported that back to the
19 program supervisor. That's what I remember about that
20 situation.

21 **MS. DALEY:** No, and I think ---

22 **MR. TOWNDALE:** But it was not about
23 Laurencrest. It was about our group home.

24 **MS. DALEY:** It was in fact about your ---

25 **MR. TOWNDALE:** Yes.

1 **MS. DALEY:** So initially there was some
2 confusion ---

3 **MR. TOWNDALE:** Yes, yes.

4 **MS. DALEY:** --- about the agencies as to
5 what was being referred to, but that was clarified and your
6 understanding ultimately is that it's Ms. Antoine's
7 experience at the Second Street Group Home that this is all
8 about, right?

9 **MR. TOWNDALE:** Yeah. One thing I like add
10 is how come -- why I'm calling the Ministry ---

11 **MS. DALEY:** Yes.

12 **MR. TOWNDALE:** --- because I'm not in that
13 field there. The only thing I could say to you is most
14 likely Mr. Abell was away.

15 **MS. DALEY:** Yes.

16 **MR. TOWNDALE:** And I was just reporting to
17 the Ministry.

18 **MS. DALEY:** All right, all right. In any
19 event, in that context, were you aware of any specific
20 concerns or sensitivities that the agency had as a result
21 of the fact that this information was in the public?

22 **MR. TOWNDALE:** I don't recall any specific
23 concerns, no.

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

25 One of the topics that is of some interest

1 here is the record-keeping at the Children's Aid Society
2 and what happens when a former ward, as an adult, comes
3 back and wants to have access to his or her records.

4 So I just want to explore with you briefly
5 whether you know anything about that?

6 **MR. TOWNDALE:** I don't know anything about
7 that one. The issue you are speaking about happened after
8 I moved on, so I don't have any recollection.

9 **MS. DALEY:** From your experience and your
10 knowledge of the agency, sir, which employees would be in a
11 best position to talk about record-keeping and how the CAS
12 provides access to wards when they're looking for historic
13 information about their wardship? Who at the CAS would
14 know most about that?

15 **MR. TOWNDALE:** The issue you are talking
16 about, Mr. -- I understand, from reading it, Mr. Abell was
17 handling that one.

18 **MS. DALEY:** Okay.

19 **MR. TOWNDALE:** Am I correct there? But
20 before that, somebody calls and asks for information, we
21 will give the basic information. The intake worker or
22 somebody will give the basic information without giving too
23 much information. There was -- I don't recall any issue,
24 any children asking to see the file. I don't remember
25 that.

1 **MS. DALEY:** Do you know if there was any
2 policy that related -- so, for example, if an adult, not a
3 child but a full-grown man or woman, comes to you and says,
4 "Listen, I'd like to see my file from when I was in care 30
5 years ago".

6 **MR. TOWNDALE:** Yeah.

7 **MS. DALEY:** Is there a policy about how
8 that's -- how access is given?

9 **MR. TOWNDALE:** Yeah. When I mentioned about
10 a child, I was talking about the adult, after the child
11 becoming adult and coming back. I used the phrase "child".
12 I don't think there was any policy. I don't remember there
13 is any policy.

14 **MS. DALEY:** Would the Ministry just -- or,
15 sorry, would the agency just hand over the case recordings,
16 as we've seen them, or would it -- it would not do that?

17 **MR. TOWNDALE:** No.

18 **MS. DALEY:** It would give the information in
19 a different format?

20 **MR. TOWNDALE:** I think the philosophy or the
21 policy of the agency is case files belong to the agency and
22 you can give information that is pertinent, that the child
23 is -- adult is asking.

24 **MS. DALEY:** So do I take it from that that
25 you -- the agency puts it on almost a need-to-know type of

1 basis with the former ward?

2 MR. TOWNDALE: That was done while I was
3 there, but what has happened since then I couldn't ---

4 MS. DALEY: All right, yeah, but certainly
5 when you were there the policy would have been to give
6 limited information when someone asks?

7 MR. TOWNDALE: Basic information, yeah.

8 MS. DALEY: That's fine.

9 One final area, very briefly, I want to
10 discuss with you, and that's the notion that some of the
11 children in your care, in foster homes and other places,
12 are very difficult children to manage, and I think we all
13 understand that, and sometimes kids will act out physically
14 and they'll need to be physically restrained. And there's
15 a technique for that, is there not, that child care workers
16 are taught?

17 MR. TOWNDALE: I don't think so, no.

18 MS. DALEY: Do you know what a holding is?

19 MR. TOWNDALE: Yeah. There must have been
20 restraining techniques were taught on and given later on,
21 but how extensive that was I couldn't tell you. Maybe -- I
22 recall some instance that there was some techniques taught
23 about restraining.

24 MS. DALEY: All right.

25 MR. TOWNDALE: It was not a common practice

1 of the training at that time.

2 **MS. DALEY:** But you're aware, as a person
3 who's knowledgeable about this, that there are ways and
4 techniques of ---

5 **MR. TOWNDALE:** Yeah, yeah.

6 **MS. DALEY:** --- making sure that a child
7 who's physically acting out is not going to harm ---

8 **MR. TOWNDALE:** Yeah.

9 **MS. DALEY:** --- him or herself or anybody
10 else, right?

11 **MR. TOWNDALE:** That's right, yeah.

12 **MS. DALEY:** And there's a way to do that
13 that's very -- that's safe. It doesn't hurt the child, it
14 doesn't hurt the worker?

15 **MR. TOWNDALE:** That's right, yes.

16 **MS. DALEY:** And were those techniques known
17 in the seventies and eighties at the local CAS?

18 **MR. TOWNDALE:** I don't remember that, yeah.

19 **MS. DALEY:** Those are my questions for you.
20 Thank you very much, sir.

21 **THE COMMISSIONER:** Thank you.

22 Let's take a short break, Mr. Horn, then
23 we'll come back for you.

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

1 The hearing will resume at 11:55 a.m.

2 --- Upon recessing at 11:38 a.m./

3 L'audience est suspendue à 11h38

4 --- Upon resuming at 11:58 a.m./

5 L'audience est reprise à 11h58

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

8 The hearing is now resumed. Please be
9 seated. Veuillez vous asseoir.

10 **THE COMMISSIONER:** Good morning, Mr. Horn.

11 **MR. HORN:** Yes.

12 **ANGELO TOWNDALE:** Resumed/Sous le même serment

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

14 **MR. HORN:**

15 **MR. HORN:** Good morning. My name is Frank
16 Horn, Coalition for Action, and we're a citizens group who
17 is involved in agitating for this Inquiry and disclosing
18 any wrongdoing that had been done.

19 The one area that I'm really interested in
20 is when a child has been apprehended. Back in the -- let's
21 say in the seventies when you were working for the
22 Children's Aid Society, what legal representation was there
23 for the ward? Was there any lawyer appointed by anybody to
24 represent the child in that situation?

25 **MR. TOWNDALE:** I don't think so, no.

1 **MR. HORN:** Now, you were working for the
2 Society from the seventies, eighties and nineties. Now,
3 during that period of time did you see any change in
4 regards to legal representation for the -- some child who
5 was going to be made a Crown ward?

6 **MR. TOWNDALE:** The parents have the right to
7 get legal representation. In some cases, independent
8 representation is given to children.

9 **MR. HORN:** Okay. Now, was that done in the
10 seventies?

11 **MR. TOWNDALE:** I don't -- I cannot answer
12 that. I don't remember.

13 **MR. HORN:** You don't remember ---

14 **MR. TOWNDALE:** No.

15 **MR. HORN:** --- if that was ever done during
16 that period of time ---

17 **MR. TOWNDALE:** That's right, yes.

18 **MR. HORN:** --- when you first started?

19 **MR. TOWNDALE:** I started in '65.

20 **MR. HORN:** Okay.

21 Now, a lot of the parents that were involved
22 in this type of action would be people who would be
23 requiring legal representation, probably paid for by maybe
24 Legal Aid. Do you know when Legal Aid became prominent in
25 giving lawyers the ability to go against the Children's Aid

1 Society in court? Do you know what -- did you see that
2 when that was happening?

3 MR. TOWNDALE: When it was happening?

4 MR. HORN: Yes.

5 MR. TOWNDALE: I cannot put a timeframe to
6 that one, when it was, but it was -- Legal Aid was given in
7 the eighties, I think.

8 MR. HORN: Okay. Do you know if there were
9 parents now able to come to court and dispute with the
10 Children's Aid Society in the court?

11 MR. TOWNDALE: That's correct.

12 MR. HORN: Okay. Did you see that in court?
13 Did you see that?

14 MR. TOWNDALE: The only way I can answer
15 that question is, it was handled by another department of
16 the agency called Protection Department. They are the one
17 takes those kind of cases to court. It was transferred to
18 Child Care Department after the child becomes a Crown ward,
19 so I didn't have any dealings with wardship hearings and
20 things like that.

21 MR. HORN: Okay, so you were never in that
22 area?

23 MR. TOWNDALE: That's correct, yeah, so I
24 couldn't answer the question specifically what was going
25 on.

1 **MR. HORN:** Okay. But you were with the
2 department for quite a number of years and ---

3 **MR. TOWNDALE:** That's correct, yes.

4 **MR. HORN:** --- you would have known quite a
5 bit about what was really happening within the department
6 though? I mean within the ---

7 **MR. TOWNDALE:** Yeah.

8 **MR. HORN:** --- CAS.

9 **MR. TOWNDALE:** That's right, yeah.

10 **MR. HORN:** Without being directly involved,
11 did you know if that was happening in court by just talking
12 with other workers in the CAS?

13 **MR. TOWNDALE:** Quite -- quite a number of
14 times parents have sought legal aid and they were
15 represented in court, parents; but the children, I don't --
16 I don't know that. Children had legal representation in
17 court, I don't know that.

18 **THE COMMISSIONER:** Well, we know that there
19 is an option now through the office of the Children's
20 Lawyer; right?

21 **MR. HORN:** That's right, but I'm just
22 wondering when that came into effect, did you know when a
23 Children's Lawyer could be appointed? When -- was it in the
24 nineties or the eighties; do you know if that started? You
25 would know?

1 **MR. TOWNDALE:** I don't know.

2 **MR. HORN:** You don't know?

3 **MR. TOWNDALE:** No.

4 **MR. HORN:** And it's because you were not
5 involved in that area, going to court?

6 **MR. TOWNDALE:** That's right, yes.

7 **MR. HORN:** Okay. So, as a result, you were
8 not involved in not only the court process, but you were
9 not involved in the apprehension itself?

10 **MR. TOWNDALE:** That's correct, yes.

11 **MR. HORN:** And you would only be involved
12 with a child after the child has gone through the entire
13 legal process and now is a Crown ward; that's when you
14 became involved?

15 **MR. TOWNDALE:** That's correct, yes.

16 **MR. HORN:** And, basically, you didn't have
17 to deal with parents anymore because they'd been cut out?

18 **MR. TOWNDALE:** That's right, yeah.

19 **MR. HORN:** Out of the whole system.

20 **MR. TOWNDALE:** Unless there is access
21 ordered. Unless the court has ordered access to parents;
22 then the parents can come and visit the children.

23 **MR. HORN:** Okay.

24 In the situations that were discussed, like
25 the Antoine situation, was that one, do you know if the

1 parents had any access rights in those situations?

2 MR. TOWNDALE: I cannot answer that question
3 unless I check that specific -- I don't know.

4 MR. HORN: You don't know?

5 MR. TOWNDALE: No. Yeah, yeah.

6 (SHORT PAUSE/COURTE PAUSE)

7 MR. HORN: There were some questions
8 regarding access to files. That was discussed just prior
9 to my coming forth, but do you know now if there is a legal
10 right for a person to go in and get their entire file
11 that's with the Children's Aid Society?

12 MR. CHISHOLM: Commissioner, I'm not sure if
13 this witness is in a position to ask -- or answer a
14 question that calls for a legal conclusion.

15 MR. HORN: Okay.

16 THE COMMISSIONER: Well, that and he's been
17 gone from the agency. You might want to speak to Mr. Abell
18 or someone like that to ask ---

19 MR. HORN: Okay.

20 THE COMMISSIONER: --- those questions, yes.

21 MR. HORN: Now, are you a member of the
22 Knights of Columbus?

23 MR. TOWNDALE: No.

24 MR. HORN: You're a Roman Catholic?

25 MR. TOWNDALE: That's correct, yes.

1 **MR. HORN:** And during the time that you were
2 with the Children's Aid Society, was Ron Adams ever the
3 lawyer for the Society?

4 **MR. TOWNDALE:** Ron Adams -- Ron Adams was
5 the lawyer. We used him very rarely. The supervisor of
6 the Protection Department handled the cases in those years
7 in the sixties and seventies. Mr. O'Brien, the Director,
8 also handled court cases. We used Mr. Adams only for
9 consultation and also in some contested cases.

10 **MR. HORN:** And did you know Ron Adams
11 personally?

12 **MR. TOWNDALE:** I knew him, yeah.

13 **MR. HORN:** Do you know his son, Sean Adams?

14 **MR. TOWNDALE:** I do, yeah.

15 **MR. HORN:** Do you know him personally?

16 **MR. TOWNDALE:** I know him personally, yeah.

17 **MR. HORN:** Do you know anything about his
18 involvement with Mr. Silmsner?

19 **MR. TOWNDALE:** I was not involved in that
20 case.

21 **MR. HORN:** You were not involved ---

22 **MR. TOWNDALE:** No.

23 **MR. HORN:** --- in that ---

24 **MR. TOWNDALE:** No.

25 **MR. HORN:** --- case at all?

1 **MR. TOWNDALE:** I have nothing to do with
2 that case.

3 **MR. HORN:** Were you involved in a meeting,
4 though, with Mr. Abell and yourself and Chief Shaver
5 regarding that case?

6 **MR. TOWNDALE:** Yeah, I was. I was in a
7 meeting at the Children's Aid, yeah.

8 **MR. HORN:** You were there?

9 **MR. TOWNDALE:** Yeah, I was there, yeah.

10 **MR. HORN:** And at that meeting, was it just
11 the two of you and Mr. Shaver?

12 **MR. TOWNDALE:** In one meeting, yes.

13 **MR. HORN:** Okay.

14 Was that a meeting in which Mr. Shaver was
15 very irate and began pounding the desk?

16 **MR. TOWNDALE:** About that particular
17 meeting, my recollection is not good, but I stated the
18 other day when I was on the witness stand, Mr. Abell took
19 notes for the meetings; he always took notes. I have no
20 question of the accuracy of the notes.

21 **MR. HORN:** Okay.

22 Do you remember Mr. Dunlop's name being
23 mentioned in which Mr. Shaver said that he's going to get
24 Mr. Dunlop? Do you remember that said at that meeting?

25 **MR. TOWNDALE:** He could have said, but I

1 don't have ---

2 **THE COMMISSIONER:** Excuse me. Yes, sir?

3 **MR. CRANE:** Mr. Commissioner, I'm not sure
4 we've heard any evidence to support the foundation for the
5 question.

6 **THE COMMISSIONER:** About what now, that he
7 was at the meeting?

8 **MR. CRANE:** That the tenor of the question,
9 I think, Mr. Commissioner, was whether Mr. Shaver was irate
10 and whether he said something about Mr. Dunlop and I'm just
11 not sure we've heard that evidence.

12 **THE COMMISSIONER:** It's cross-examination.
13 We heard that there had been meetings with Chief Shaver at
14 the CAS and so he can put the question to him. It's cross-
15 examination. So from what I can understand, there was a
16 meeting. I heard evidence in the past that Chief Shaver
17 was irate. It's not the first time we hear something about
18 slamming on the table so I think it's fair game. Thank
19 you.

20 **MR. CRANE:** Thanks.

21 **MR. HORN:** At any of those meetings that you
22 attended with Mr. Shaver, do you recall Mr. Dunlop's name
23 being mentioned about that he was going to get him?

24 **MR. TOWNDALE:** There was a second meeting I
25 attended with Mr. Abell; Chief Shaver was there and Staff

1 Sergeant Luc Brunet was there. That was the meeting after
2 Chief Shaver and Staff Sergeant Brunet went to see the
3 Papal Nuncio in Ottawa. They came back and told us about
4 that meeting. I don't specifically remember Mr. Dunlop's
5 name was mentioned, I don't recall. But he was only
6 telling us what happened at the meeting with Papal Nuncio.
7 That's my recollection.

8 MR. HORN: Okay.

9 There's another area that I'm quite
10 interested in and is that the establishment of the
11 Children's Treatment Centre?

12 MR. TOWNDALE: Correct, yes, yes.

13 MR. HORN: And you were quite instrumental
14 in getting that set up; weren't you?

15 MR. TOWNDALE: I took the initiative to
16 start that one.

17 MR. HORN: Okay.

18 So do you know if when a child goes to the
19 Children's Treatment Centre, are they sent there by the
20 Children's Aid Society?

21 MR. TOWNDALE: Most of the cases, I would
22 say about 40 percent of the cases come from the Children's
23 Aid Society.

24 MR. HORN: Okay.

25 And so when the child goes to the Children's

1 Treatment Centre, they would then be talking to
2 counsellors.

3 MR. TOWNDALE: That's -- that's correct.

4 MR. HORN: Okay.

5 And they may divulge information that they
6 wouldn't divulge to anyone else in counsel; right?

7 MR. TOWNDALE: Yeah. Could I answer that
8 question?

9 MR. HORN: Yes.

10 MR. TOWNDALE: We -- we accept children for
11 counselling only if Children's Aid has been completed the
12 investigation. In other words, we don't get involved in
13 counselling children who have been sexually abused until
14 Children's Aid has completed their investigation.

15 If anybody comes to us and we find out it
16 has not gone to Children's Aid, we will not -- we will
17 refer them to Children's Aid, excuse me, for their
18 investigation.

19 MR. HORN: Okay.

20 What I'm interested in, though, is if a
21 child goes to the Children's Treatment Centre and during
22 counselling there's allegations of sexual abuse, are you
23 the first agency that becomes privy to that information
24 from the counsellor?

25 MR. TOWNDALE: I think at this point I

1 should mention to you at the Children's Treatment Centre
2 I'm not involved in counselling children. I have nothing
3 to do with the service part of the Children's Treatment
4 Centre.

5 **THE COMMISSIONER:** That's good. Thank you.

6 But the question is if someone is there --
7 so do you know if there's a policy at the Treatment Centre
8 that if somebody discloses that there has been some sexual
9 abuse, what happens?

10 **MR. TOWNDALE:** We refer them to the
11 Children's Aid Society and we stop counselling the child
12 until the police and Children's Aid has completed the
13 investigation because we don't want to contaminate the
14 investigation.

15 **MR. HORN:** Okay. So there is that kind of a
16 working relationship between the Children's Aid and the
17 counsellors that are counselling these youth that are being
18 sent there?

19 **MR. TOWNDALE:** That's correct, yeah.

20 **MR. HORN:** And as soon as that comes out,
21 the counselling stops?

22 **MR. TOWNDALE:** That's right.

23 **MR. HORN:** And then the child is brought in
24 for an investigation by who, the Society or the police?

25 **MR. TOWNDALE:** We report to the Children's

1 Aid Society. We give the information to the Children's Aid
2 Society and we will tell the parents we are going to refer
3 to Children's Aid Society.

4 **MR. HORN:** But if it's an historical abuse,
5 are you still involved because it's not a present abuse?
6 It's something that happened in the past. Are you still
7 involved in that?

8 **MR. TOWNDALE:** No, we accept children who
9 are under 17 years of age. Anybody over 17, we do not
10 accept.

11 **MR. HORN:** Okay. No, that's not the
12 question.

13 The allegations, if they're historical, they
14 happened years before ---

15 **THE COMMISSIONER:** Yeah, but what he's
16 saying is that if it happened years before and the person
17 is now an adult, they wouldn't be getting treatment at the
18 Child Treatment Centre.

19 **MR. HORN:** Okay. I understand that, but I'm
20 just saying that if the allegations are by a child of
21 historical ---

22 **THE COMMISSIONER:** Okay. So a child that's
23 under 16?

24 **MR. HORN:** That's right, still under your
25 jurisdiction.

1 **THE COMMISSIONER:** Okay.

2 **MR. TOWNDALE:** Okay.

3 **MR. HORN:** They're under your jurisdiction.
4 They're now under the care and guardianship of the Society,
5 and that child comes forward and says there was abuse that
6 took place?

7 **MR. TOWNDALE:** We will report to Children's
8 Aid.

9 **MR. HORN:** Pardon?

10 **MR. TOWNDALE:** We will report that to
11 Children's Aid.

12 **MR. HORN:** Even though it's historical?

13 **MR. TOWNDALE:** Yeah. If the child comes and
14 says -- the child is under 17 and comes to us for help and
15 we find out that child has been abused, we will report.

16 **MR. HORN:** You ---

17 **MR. TOWNDALE:** When you say historical, if
18 the person -- we don't take adults that come. Historical a
19 little bit confuses me to say that.

20 **MR. HORN:** Okay. It's not ongoing. It's
21 not ongoing. It's not happening now, but it happened
22 sometime in the past. Do you then hand it over to the
23 police to do the investigation?

24 **THE COMMISSIONER:** This is a child treatment
25 centre.

1 **MR. HORN:** Yeah, I know.

2 They tell you -- at the Children's Treatment
3 Centre a child tells. Now you find out that there was some
4 historical sexual abuse that took place. Do you keep it
5 in-house, keep it within the Children's Aid Society, or do
6 you go outside to the police with that information?

7 **THE COMMISSIONER:** Wait a minute now. Wait
8 a minute now.

9 **MR. TOWNDALE:** I'm getting confused.

10 **THE COMMISSIONER:** You're mixing me up.
11 There's a Child Treatment Centre.

12 **MR. HORN:** Yes.

13 **THE COMMISSIONER:** Okay. So the child who
14 is under 16 ---

15 **MR. HORN:** That's right.

16 **THE COMMISSIONER:** --- says, "When I was
17 five years old, I was abused". What he's saying is the
18 Child Treatment Centre will refer to the Children's Aid
19 Society.

20 Then what does the Children's Aid Society
21 do? Is there a policy that they'll phone up the police?

22 **MR. TOWNDALE:** They will most likely do a
23 joint investigation. That's what they should be doing.

24 **THE COMMISSIONER:** Okay.

25 **MR. HORN:** That's what I was interested in.

1 **MR. TOWNDALE:** Yeah. Yeah.

2 **MR. HORN:** So there would be -- you would
3 then hand it over -- not just completely hand it over, but
4 you would work with the police department?

5 **MR. TOWNDALE:** No, we don't work. We stop
6 at that point. We don't want in any way ---

7 **THE COMMISSIONER:** Who is "we"?

8 **MR. TOWNDALE:** Children's Treatment Centre.

9 **THE COMMISSIONER:** Right. Right. He's gone
10 to the Children's Aid Society.

11 **MR. TOWNDALE:** Oh.

12 **THE COMMISSIONER:** You've reported -- the
13 Child Treatment Centre has reported it to the Children's
14 Aid Society. The Children's Aid Society embarks on an
15 investigation, maybe jointly with the local police or the
16 police that has jurisdiction. Okay.

17 **MR. HORN:** Okay. And then once it gets into
18 the criminal system, do you continue to -- let's say the
19 charges are laid now.

20 **THE COMMISSIONER:** Okay. "You" meaning the
21 Children's Aid Society, because this man has two hats right
22 now.

23 **MR. HORN:** That's right. Okay. So the
24 Children's Aid Society, yes.

25 Do they remain involved in the criminal

1 process?

2 MR. TOWNDALE: The Children's Aid Society?

3 MR. HORN: The Society, yes.

4 MR. TOWNDALE: If the child is under 16,
5 Children's Aid will be involved, yeah.

6 MR. HORN: Because they're like the parent?

7 MR. TOWNDALE: Yeah, yeah.

8 MR. HORN: Because they're the parent?

9 THE COMMISSIONER: Well, because they're
10 acting ---

11 MR. HORN: They're like a parent.

12 THE COMMISSIONER: They're acting under
13 legislation to protect the best interests of the child.

14 MR. HORN: Okay.

15 MR. TOWNDALE: They will also have to give
16 evidence in court what they have gathered investigating
17 that case.

18 MR. HORN: Okay. So if an investigation
19 takes place and the abuse took place as a result of a
20 worker by the Children's Aid Society, will you then get in
21 touch with the police to have that individual charged?

22 THE COMMISSIONER: So ---

23 MR. HORN: I'm talking about one of your own
24 workers.

25 THE COMMISSIONER: So if at the Children's

1 Treatment Centre the child says, "I was abused historically
2 but by a member of the Children's Aid Society" ---

3 MR. TOWNDALE: Yes.

4 THE COMMISSIONER: --- then what do you do?

5 MR. TOWNDALE: We will report that to the
6 Children's Aid Society and to the police, most likely.

7 MR. HORN: Okay. So there would be -- you
8 would then hand it over to the police and have them ---

9 MR. TOWNDALE: And the Children's ---

10 MR. HORN: --- take it over and charges
11 would be laid? Have you ever seen that, charges laid?

12 THE COMMISSIONER: Well, first of all, there
13 would be a complaint. People don't charge people.

14 MR. HORN: All right.

15 THE COMMISSIONER: The police charge people.

16 MR. HORN: All right. Okay.

17 So the complaint by this individual -- I'm
18 talking about the person who is under 16 -- comes forward.
19 He's made a complaint against one of the workers, the CAS
20 workers, and now it's become a criminal matter. Do you get
21 totally out of the picture?

22 THE COMMISSIONER: Who's who?

23 MR. HORN: I'm talking about the Society.

24 Do they get completely out of the picture and leave it to
25 the police?

1 MR. TOWNDALE: Leave it to the police.

2 MR. HORN: Pardon?

3 MR. TOWNDALE: We will leave it to the
4 police to handle it, yeah.

5 MR. HORN: Have you seen anything like that
6 happen while you were at the Society?

7 MR. TOWNDALE: No.

8 MR. HORN: You've never seen it?

9 MR. TOWNDALE: No.

10 MR. HORN: So you're only talking about
11 policy?

12 MR. TOWNDALE: Yeah.

13 MR. HORN: So the policy was established
14 regarding situations like that?

15 MR. TOWNDALE: Yeah, that will be the
16 practice. If something happened, staff is -- it should be
17 -- it will be reported to the police.

18 MR. HORN: Okay. So like the allegations
19 that went against Mr. Tenger and some of the others, was
20 that ever -- get to that point where maybe charges were
21 going to be laid?

22 MR. TOWNDALE: No, they were never reported
23 to the police.

24 MR. HORN: Pardon?

25 MR. TOWNDALE: They were never reported to

1 the police.

2 MR. HORN: Who was responsible for -- if it
3 was a criminal matter that took place, who was responsible
4 to lay those charges or go to the police to have it taken
5 over by the police? Was it the child in care or the
6 Society?

7 MR. TOWNDALE: The Society.

8 MR. CHISHOLM: I'm not sure that -- the way
9 my friend posed that question, he gave only two
10 possibilities, it being the child in care or the Society.
11 I'm not sure it's such a closed answer.

12 THE COMMISSIONER: The parents could have
13 reported it. The foster parents could have reported it.
14 Friends of the family could have reported it.

15 MR. HORN: Okay. In these situations did it
16 -- was there discussions regarding -- did you -- were you
17 involved in any discussions regarding the possibility of
18 charges being laid against Mr. Tenger?

19 MR. CHISHOLM: I wonder if my friend could
20 specify what situation specifically he's referring to when
21 he puts the question to the witness?

22 MR. HORN: Okay. We're talking about the
23 alleged abuses that took place in the group home that he
24 was involved in with the -- that were mentioned to -- I
25 believe it was to -- let's look at Document 739082.

1 **THE COMMISSIONER:** Is that an exhibit
2 already?

3 **MR. HORN:** That's right.

4 **THE COMMISSIONER:** Well, then what's the
5 exhibit number?

6 **MR. HORN:** Oh, I don't know. I've got the -
7 - 739 -- it's a -- it's an occurrence report done by
8 Constable Sebalj.

9 **MS. DALEY:** It should be 1285, I think.

10 **THE COMMISSIONER:** Thank you very much.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **MR. HORN:** Now, on the second page of that
13 report to the police, according to Antoine, beatings became
14 a daily routine.

15 **THE COMMISSIONER:** Where?

16 **MR. HORN:** Oh, about eight lines up from the
17 bottom.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **THE COMMISSIONER:** All right. We're there,
20 Mr. Horn.

21 **MR. HORN:** Yes, I'm just wondering if a
22 situation like that there would be some discussions about
23 following up on the report by the police and working with
24 the police to lay charges. Do you know if there were any
25 discussions along those lines with Ms. Sebalj?

1 Do you know about this report?

2 MR. TOWNDALE: In 1992 I was not directly
3 involved in cases like that. I think -- I don't know who
4 was handling it at that time. It was most likely Mr.
5 Abell.

6 MR. HORN: What you're saying is you didn't
7 know anything about it?

8 MR. TOWNDALE: I don't know anything about
9 it.

10 MR. HORN: You didn't know anything about
11 it; is that what you're saying?

12 MR. TOWNDALE: No. Yes, that's what I'm
13 saying, yeah.

14 MR. HORN: Because you were not involved in
15 that section of the Children's Aid Society?

16 MR. TOWNDALE: That's correct, yeah.

17 MR. HORN: Do you know who it was that would
18 have been involved in that section?

19 MR. TOWNDALE: I couldn't answer that one.
20 Ninety-two ('92), no.

21 MR. HORN: You don't know who was
22 responsible for an allegation like that coming up, who
23 would be the person? You don't know that?

24 MR. TOWNDALE: Before Mr. O'Brien ---

25 MR. CHISHOLM: Excuse me, sir. I'm just

1 not sure that the witness understands the question with
2 respect to who is responsible for an allegation like that
3 coming up. I know I don't understand the question.
4 Perhaps my friend could be a little clearer?

5 **MR. HORN:** Okay, all right.

6 Who in the Children's Aid Society would be
7 responsible for doing something about an allegation like
8 that? And who would be the one that would have to take
9 steps in order to have not only an investigation but
10 charges laid?

11 **MR. CHISHOLM:** In fairness to the witness,
12 my friend is putting forth a Cornwall Police Service
13 document. I would submit that if charges were to be laid
14 with respect to any of those allegations contained therein,
15 they are already in the hands of the Cornwall Police
16 Service.

17 **THE COMMISSIONER:** Mr. Horn?

18 **MR. HORN:** Yes, if that individual was a
19 ward of the Society they have basically replaced the
20 parents', right, position?

21 **THE COMMISSIONER:** The Children's Aid
22 Society?

23 **MR. HORN:** The Children's Aid Society, yes.
24 Would you have that obligation as the Crown
25 -- the one that has the Crown wardship over that child to

1 go ahead and make sure that there is a charge laid?

2 **MR. CHISHOLM:** I'm sorry, sir. I'm not even
3 sure that a parent, a natural parent would have an
4 obligation to ensure that charges are laid in any
5 particular matter.

6 **THE COMMISSIONER:** That a complaint is filed
7 with the police ---

8 **MR. HORN:** Or a complaint filed, yes.

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

10 **MR. HORN:** The question I'm interested in is
11 something like this happens. Somebody is -- in the
12 Society. You're the -- these are Crown wards. You're
13 responsible. Something like this happens under your care.
14 Who is the one in the Society that says, "Something had
15 better be done about this? We're going to go to the police
16 and make sure this charge is laid"?

17 Who is responsible for that?

18 **MR. CHISHOLM:** When my friend speaks of,
19 "something like this," again, I would ask him to be
20 specific so the witness can understand the question that is
21 being put to him.

22 **THE COMMISSIONER:** Oh, hang on. There is
23 another person ---

24 **MR. CRANE:** Just to reiterate since it's
25 come up a few times, it would be the police who would lay

1 the charge and my friend continues to use the phrase.

2 **THE COMMISSIONER:** Go ahead, sir.

3 **MR. HORN:** Okay.

4 So the police, as my friend -- is that your
5 understanding, that the police are the ones that would lay
6 the charge?

7 **MR. TOWNDALE:** Yes, the police is the one
8 who is talking to -- if I can use the name -- Ms. Antoine.

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

10 **MR. TOWNDALE:** So it is in the hands of the
11 police to lay a charge or not, you know? It is not up to
12 Children's Aid to do anything.

13 **MR. HORN:** Okay. So you're saying that
14 basically it's out of your hands? You don't give them all
15 the information that's necessary in order to do that or is
16 it now they investigate?

17 **MR. CHISHOLM:** Mr. Commissioner, that's not
18 the evidence. That is not what Mr. Towndale said.

19 **THE COMMISSIONER:** Mr. Horn.

20 **MR. HORN:** Okay. What I want to know is
21 when an allegation like this comes up ---

22 **THE COMMISSIONER:** Like this?

23 **MR. HORN:** --- you get ---

24 **THE COMMISSIONER:** Like this?

25 **MR. HORN:** I'm talking about this, the

1 beatings, daily routine.

2 **THE COMMISSIONER:** Okay.

3 **MR. HORN:** Okay. These are happening while
4 the child is in your care. The police become involved.
5 What do you do? Do you give all the information that you
6 have through your own investigation and give it to the
7 police and then they carry it forth or they do their own
8 investigation? Who does the investigation?

9 **MR. TOWNDALE:** The police does the
10 investigation. The police does the investigation and we
11 give whatever information the police ask for it. Whatever
12 we have we will give it to the police.

13 And in '94 they issued a warrant and we
14 turned over everything the police wanted.

15 **MR. HORN:** Okay. So that's the way it works
16 in every situation or it worked in this particular
17 situation? Is there a policy in effect on dealing with
18 these sorts of things?

19 **THE COMMISSIONER:** So what you're saying --
20 what you're asking is, is there a policy where a Crown ward
21 alleges that a social worker from the Children's Aid
22 Society has abused them.

23 **MR. HORN:** That's right.

24 **THE COMMISSIONER:** What's the policy; is
25 that the question?

1 **MR. HORN:** What's the policy, yes.

2 **THE COMMISSIONER:** When, 1970, '80, '90,
3 2000?

4 **MR. HORN:** Well, did it change? In the '70s
5 was it different from the 1980s?

6 **THE COMMISSIONER:** Did you have a policy in
7 the 1970s that dealt with the situation where a foster
8 child ward made an allegation against a Children's Aid
9 Society worker?

10 **MR. TOWNDALE:** There was no policy.

11 **THE COMMISSIONER:** There was no policy
12 because you answered this morning when you were speaking
13 with Ms. Daley that that was so preposterous that you would
14 not have a policy saying "Thou shalt not abuse children in
15 your care"?

16 **MR. TOWNDALE:** That's correct, sir.

17 **THE COMMISSIONER:** Okay. But what he's
18 asking now, had it ever happened up until Mr. Keough and
19 Ms. Antoine? Had you in your experience ever seen a ward
20 make a complaint about sexual abuse by a worker?

21 **MR. TOWNDALE:** Never.

22 **MR. HORN:** Okay. Let's say it doesn't go --
23 it's not sexual but it's a physical abuse. Let's say
24 assault causing bodily harm, like a broken wrist.

25 **THE COMMISSIONER:** So have you ever had in

1 your experience someone come forward, a ward, and say, "My
2 worker hurt me physically"?

3 **MR. TOWNDALE:** No.

4 **THE COMMISSIONER:** Up until Mr. Keough?

5 **MR. TOWNDALE:** That's right, yes.

6 **MR. HORN:** Yes, because I understand Ms.
7 Antoine made allegations that her wrist was broken. Did
8 you know that?

9 **MR. TOWNDALE:** I didn't know that.

10 **MR. HORN:** Okay. If you had known that a
11 wrist was broken what would be the process then, a broken
12 wrist?

13 **MR. CHISHOLM:** I'm wondering if my friend
14 could put a timeframe of when Mr. Towndale would have, in
15 this hypothetical question, when he would have known that.

16 **THE COMMISSIONER:** In 1994. Is that the
17 time of the statement, Mr. ---

18 **MR. HORN:** Yeah.

19 **THE COMMISSIONER:** She's giving the
20 statement to Officer Sebalj in 1994.

21 **MR. HORN:** That's right, and in it she does
22 mention on page three ---

23 **THE COMMISSIONER:** That she broke her wrist
24 when she was transferred to a holding receiving home in
25 transit to Milton.

1 **MR. HORN:** She's still a ward or she's under
2 their care.

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

4 **MR. HORN:** Okay.

5 **THE COMMISSIONER:** Were you ever made aware
6 that Ms. Antoine had broken her wrist in 1994 while she was
7 being transported to -- is it Minden? It's here; Minden.

8 **MR. CHISHOLM:** Mr. Commissioner, the date of
9 the investigation is 1994. I believe the allegation would
10 certainly pre-date that.

11 **THE COMMISSIONER:** I understand that but,
12 you see, the police found out in '94. We're trying to get
13 a timeframe and I said, "Well, look, the investigation was
14 in 1994". I didn't get any disagreement from Mr. Horn, so
15 I thought he was looking at what the groundswell would be
16 in 1994.

17 So the question again is?

18 **MR. HORN:** Yes. I mean, that's what I'm --
19 okay, it wasn't sexual but it was an assault causing bodily
20 harm. There was a broken wrist of someone in your care;
21 they're now a Crown ward and they're in your care.

22 Would you then be responsible to make sure
23 that there was a charge laid for an assault causing bodily
24 harm, as the -- well, not the parents but like parents of
25 that child? You've replaced the parents of the child.

1 **MR. CHISHOLM:** Mr. Commissioner, we've gone
2 down that road before with respect to whose obligation and
3 responsibility it is to lay a criminal charge and it's, I
4 would submit, not a parent.

5 **THE COMMISSIONER:** Well, not to lay the
6 criminal charge, but I think it's -- it might be incumbent
7 on the Society if they become aware that a child has broken
8 their wrist and the allegation is that it's a worker, that
9 something should be done.

10 **MR. HORN:** Well, that's how -- I want to
11 know if, while the child is in your care, the child gets
12 hurt in this way, there's an investigation, maybe an
13 internal investigation; you find out that maybe criminal
14 charges should be laid. What's the process then? Oh, they
15 might be criminal charges laid against somebody. You then
16 immediately go to the police?

17 **MR. TOWNDALE:** Report it to the police.

18 **MR. HORN:** And you give them every -- all
19 the information that you have?

20 **MR. TOWNDALE:** That's right, yeah.

21 **MR. HORN:** Okay, and that information would
22 be available to the -- the child would be then -- not the
23 child but the individual who was charged would be given all
24 that information?

25 **MR. TOWNDALE:** To the ---

1 **THE COMMISSIONER:** Whoa, whoa. The person
2 charged, depending on when and ---

3 **MR. HORN:** If he was represented by a lawyer
4 he would get all that information ---

5 **THE COMMISSIONER:** It depends ---

6 **MR. HORN:** --- and discovery and disclosure,
7 right?

8 **THE COMMISSIONER:** It depends which year,
9 because disclosure has evolved over the years, Mr. Horn.

10 **MR. HORN:** Okay, so in 1994.

11 **THE COMMISSIONER:** Okay.

12 **MR. CHISHOLM:** Sir, I'm not sure that this
13 witness is in a position to answer about how the criminal
14 process works and what the law relating to disclosure would
15 have been at any particular time.

16 **MR. HORN:** Okay, who at the Society would
17 know this and should answer this?

18 **THE COMMISSIONER:** Well, first of all ---

19 **MR. HORN:** Do you know?

20 **THE COMMISSIONER:** No, no, no, no. As
21 Mr. Chisholm has indicated, if you're talking about what
22 disclosure is going to go to the accused ---

23 **MR. HORN:** Yeah.

24 **THE COMMISSIONER:** --- that's a police
25 matter.

1 **MR. HORN:** Right, okay.

2 **THE COMMISSIONER:** So I don't know that
3 anybody in CAS would know that.

4 **MR. HORN:** I think one of the main issues
5 that a lot of not only victims but parents of victims are
6 concerned about is the whole idea of being able to have
7 access to the files that are in your care, in the Society's
8 care. Is there a date in which those files disappear and
9 they are trashed?

10 **MR. TOWNDALE:** No, I think we have kept
11 files -- we never destroy the files.

12 **MR. HORN:** You never destroy files?

13 **MR. TOWNDALE:** No.

14 **MR. HORN:** So how far back do they go?

15 **MR. TOWNDALE:** Child care files?

16 **THE COMMISSIONER:** Which ones, child care or
17 foster care?

18 **MR. HORN:** Well, it's child care and foster
19 care and -- you know.

20 **MR. TOWNDALE:** As far as I know, we never
21 destroy the files.

22 **MR. HORN:** You never destroy any files?

23 **MR. TOWNDALE:** No, we have not. I left in
24 '95 so I couldn't tell you what happened since '95.

25 **THE COMMISSIONER:** Will you be much longer,

1 Mr. Horn?

2 MR. HORN: No, not much longer.

3 THE COMMISSIONER: Okay. Well, it's almost
4 lunchtime.

5 MR. HORN: Okay, I'll be over in a second --
6 in just a couple of minutes. Just one other area.

7 Do you know what the legal tenure is of a
8 Director of the Society? Is that an appointment from
9 Cabinet?

10 THE COMMISSIONER: The legal tenure?

11 MR. HORN: Okay, the tenure. Are they
12 appointed by Cabinet and can only be removed by Cabinet, or
13 is it ---

14 MR. TOWNDALE: The Director of Children's
15 Aid Society?

16 MR. HORN: The Society, yes. The Director -
17 --

18 MR. TOWNDALE: He's appointed ---

19 MR. HORN: Pardon?

20 THE COMMISSIONER: He's got the question.

21 MR. TOWNDALE: Yeah. The Children's Aid
22 Society Board of Directors appoints the Director.

23 THE COMMISSIONER: Hires.

24 MR. TOWNDALE: Hires, yeah. Not appoint;
25 hires.

1 **MR. HORN:** They hire them?

2 **MR. TOWNDALE:** Yeah, yeah, and he's
3 responsible to the Board.

4 **THE COMMISSIONER:** Or she.

5 **MR. TOWNDALE:** Or she, okay.

6 **MR. HORN:** Okay, yeah. So it is not a
7 Lieutenant-Governor and Council appointment for a Director
8 of the Children's Aid ---

9 **THE COMMISSIONER:** No.

10 **MR. HORN:** Child welfare.

11 **MR. TOWNDALE:** No.

12 **MR. HORN:** It's not?

13 **MR. TOWNDALE:** No.

14 **MR. HORN:** That's it, thank you.

15 **THE COMMISSIONER:** Thank you.

16 Mr. Neville, will you have any questions?

17 **MR. NEVILLE:** Very brief, sir.

18 **THE COMMISSIONER:** All right. Well, we'll
19 take lunch and we'll come back. Oh, Ms. Simms, yes?

20 **MS. SIMMS:** Mr. Commissioner, I was just
21 going to suggest that perhaps when we come back, we can
22 come back in camera to deal with the publication ban issue?

23 **THE COMMISSIONER:** If that's what you wish.

24 **MS. SIMMS:** And then we'll go on to ---

25 **THE COMMISSIONER:** So how long do you think

1 we'll be on the in camera so people ---

2 **MS. SIMMS:** Just 5 or 10 minutes.

3 **THE COMMISSIONER:** And then there's 5
4 minutes -- 15 minutes to come back, so maybe those of us
5 who are watching on the Web can come back at 2.30. They
6 can expect that we'll back on 2.30.

7 **MS. SIMMS:** That should work.

8 **THE COMMISSIONER:** We're coming back at 2:00
9 and we'll go in camera. We'll deal with the names and then
10 we'll take a break and keep back and finish off. All
11 right.

12 **MS. SIMMS:** Thank you.

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

15 The hearing will resume at 2:00 p.m.

16 --- Upon recessing at 12:40 p.m./

17 L'audience est suspendue à 12h40

18 --- Upon resuming in public at 2:24 p.m. /

19 L'audience est reprise en public à 14h24

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

22 This hearing is now resumed. Please be
23 seated. Veuillez vous asseoir.

24 **THE COMMISSIONER:** Thank you. Good
25 afternoon, sir.

1 Mr. Neville, how are you doing today?

2 **ANGELO TOWNDALE:** Resumed/Sous le même serment

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

4 **NEVILLE:**

5 **MR. NEVILLE:** Good afternoon, Commissioner.

6 Good afternoon, Mr. Towndale. My name is
7 Michael Neville. I represent Father Charles MacDonald and
8 the Estate of Ken Seguin, his brother Douglas and the
9 Seguin family. And I just have a very, very few questions
10 to ask you.

11 During the events that I'm interested in, in
12 terms of Father MacDonald and/or Mr. Seguin, Mr. Towndale,
13 which is basically from December of '92 through to, let's
14 say, early '94 dealing with the initial Cornwall
15 investigation and the question of the settlement and the
16 like, did you -- and you were on the Police Services Board
17 for two different terms. During your tenure on the Board,
18 did you ever have any direct dealings with Perry Dunlop?

19 **MR. TOWNDALE:** No.

20 **MR. NEVILLE:** Okay.

21 Now, in your evidence in-chief with
22 Commission counsel last week, you were asked about certain
23 meetings in October of 1993 and I think there are the 1st of
24 October, the 8th and the 12th. And you were referred to
25 notes by Mr. Abell?

1 **MR. TOWNDALE:** Correct.

2 **MR. NEVILLE:** And I just want to see if I
3 understand what you're telling us and telling, more
4 importantly, the Commissioner.

5 You've looked through as part of preparation
6 with your own counsel and/or Commission counsel, you looked
7 through Mr. Abell's notes?

8 **MR. TOWNDALE:** Yes.

9 **MR. NEVILLE:** All right. Are you telling us
10 that you, yourself, have no independent recollection of the
11 details of those meetings?

12 **MR. TOWNDALE:** That's what I'm saying, yeah.

13 **MR. NEVILLE:** Okay.

14 So for an example, and I'm not going to take
15 up any inordinate time as a result, if we were to look at
16 Mr. Abell's notes say for the meeting with Chief Shaver on
17 the 1st when he indicates you are present, you, yourself, do
18 not recall the details he has recorded?

19 **MR. TOWNDALE:** That's ---

20 **MR. NEVILLE:** Is that correct?

21 **MR. TOWNDALE:** That's correct, yeah.

22 **MR. NEVILLE:** I think what you're telling
23 the Commissioner, and please correct me if I'm wrong, is
24 that having read them for any of those three days, you
25 accept that what Mr. Abell has written is accurate ---

1 **MR. TOWNDALE:** That's right.

2 **MR. NEVILLE:** --- as he recalled it. Now,
3 you'll agree with me, of course, that Mr. Abell's notes are
4 not like a court transcript or a transcript that we have
5 here, right? He wasn't taking things down verbatim, word
6 for word like a court reporter?

7 **MR. TOWNDALE:** No.

8 **MR. NEVILLE:** Okay. It's his version of
9 those meetings recorded in personal notes?

10 **MR. TOWNDALE:** That's right.

11 **MR. NEVILLE:** You don't have notes?

12 **MR. TOWNDALE:** I don't have notes.

13 **MR. NEVILLE:** All right.

14 So you're telling the Commissioner that if I
15 were, or any other counsel, to ask you details of what
16 happened on the 1st or the 8th, you yourself couldn't give
17 them, but you agree Mr. Abell may have recorded them, as
18 far as you know, accurately?

19 **MR. TOWNDALE:** Mr. Neville, would you mind
20 repeating that question again, please?

21 **MR. NEVILLE:** Yes, certainly.

22 If we were to look, for example, and I'll
23 just use one quick example ---

24 **MR. TOWNDALE:** Yeah.

25 **MR. NEVILLE:** We look, for example -- and,

1 Commissioner, it's Exhibit 1441, Bates page -- it's
2 Document 721621, Bates page 659, 660 to 661.

3 **THE COMMISSIONER:** Sorry, 1459?

4 **MR. NEVILLE:** Fourteen forty-one (1441),
5 Commissioner.

6 **THE COMMISSIONER:** Sorry.

7 **MR. NEVILLE:** Seven two one six two one
8 (721621). And the Bates page, sir, for October 1st is 659.

9 **THE COMMISSIONER:** Yes, okay.

10 **MR. NEVILLE:** It should have the date
11 October 1 at the top, sir.

12 Do you have them now, Mr. Towndale?

13 **MR. TOWNDALE:** October 1, yeah, I have it.

14 **MR. NEVILLE:** So you see Mr. Abell has
15 recorded the date October 1, a time of 9:15:

16 "Chief visits my office. Angelo
17 present."

18 **MR. TOWNDALE:** Yes.

19 **MR. NEVILLE:** All right.

20 And there's a whole page of notes there,
21 right?

22 **MR. TOWNDALE:** Yeah.

23 **MR. NEVILLE:** And if you turn to the next
24 page, page -- Bates page 660 ---

25 **MR. TOWNDALE:** Got it, okay.

1 **MR. NEVILLE:** Let me give you an example and
2 see if I understand what you're saying. If you look just
3 below the middle of the page, Mr. Abell quotes Chief Shaver
4 as saying the following:

5 "He [meaning Shaver] indicated Silmser
6 was of questionable character and
7 motive."

8 And about four lines down:

9 "Chief feels his Force was used by
10 Silmser to get money from the Church."

11 All right? Now, taking those two points,
12 Mr. Abell has recorded those words in his notes. Are you
13 with me?

14 **MR. TOWNDALE:** I was trying to find it in
15 this book.

16 **MR. NEVILLE:** I'm not trying to rush you.
17 Go ahead.

18 **MR. TOWNDALE:** Do you mind repeating it?

19 **MR. NEVILLE:** Yes, by all means.

20 **MR. TOWNDALE:** Yeah.

21 **MR. NEVILLE:** If you look on the screen --

22 -

23 **MR. TOWNDALE:** Okay.

24 **MR. NEVILLE:** Are you all right?

25 **MR. TOWNDALE:** Yeah.

1 **MR. NEVILLE:** Could you -- yes, if you look
2 at the bottom of the screen, Mr. Towndale, and count up
3 about seven lines, you'll see it says:

4 "He indicated Silmsers was of
5 questionable character and motive."

6 Right?

7 **MR. TOWNDALE:** Yes.

8 **MR. NEVILLE:** And about four lines down:

9 "Chief feels his Force was used by
10 Silmsers to get money from the Church."

11 Now, let's take those two things that Mr.
12 Abell has recorded.

13 **MR. TOWNDALE:** Yes.

14 **MR. NEVILLE:** Do you personally,
15 independently, on your own, recall, for example, those two
16 things being said?

17 **MR. TOWNDALE:** No, I don't.

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

19 So you are totally reliant on this
20 recollection being recorded by someone else?

21 **MR. TOWNDALE:** That's right.

22 **MR. NEVILLE:** In that light, Commissioner, I
23 have no further questions.

24 **THE COMMISSIONER:** Thank you.

25 Mr. -- no questions from Corrections? Okay.

1 Mr. Scavetta?

2 **MR. SCAVETTA:** No questions.

3 **THE COMMISSIONER:** Okay. Sorry, Ms.

4 Robitaille -- no, that's not you over there. All right.

5 Mr. Crane?

6 **MR. CRANE:** Mr. Commissioner, I think Mr.
7 Engelmann indicated to you this morning that I was going to
8 precede -- come after Mr. Lee.

9 **THE COMMISSIONER:** Okay. Ms. Lahaie.

10 **MS. LAHAIE:** Likewise, Mr. Commissioner.

11 **THE COMMISSIONER:** Pardon me?

12 **MS. LAHAIE:** Same as Mr. Crane's position.

13 **THE COMMISSIONER:** Okay. Mr. Wallace?

14 **MR. WALLACE:** Same.

15 **THE COMMISSIONER:** All right.

16 And you're waiting, of course. So I guess
17 we're done with this witness for today. And so when are we
18 going to -- any idea of when we can ask him to come back?

19 **MS. SIMMS:** Mr. Commissioner, I think we are
20 still waiting for an update with respect to the Victims
21 Group.

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

23 **MS. SIMMS:** But I'm hopeful that we'd be
24 able to start again tomorrow.

25 **THE COMMISSIONER:** All right.

1 **MS. SIMMS:** So it would probably be prudent
2 to ask him to come back tomorrow and see where we are.

3 **THE COMMISSIONER:** All right.

4 Sir, I'm going to ask you to come back
5 tomorrow ---

6 **MR. TOWNDALE:** Okay.

7 **THE COMMISSIONER:** --- for 9:30, but in the
8 meantime, make sure your counsel has your phone number so
9 that when we get some news, we can phone you and make sure,
10 if you're going to come back another day, that we don't
11 waste your time coming back and forth.

12 **MR. TOWNDALE:** Thank you. Thank you, sir.

13 **THE COMMISSIONER:** All right. Thank you
14 very much, sir.

15 **MR. TOWNDALE:** Thank you.

16 **THE COMMISSIONER:** All right. So you may --
17 you're free to go, sir.

18 **(WITNESS WITHDRAWS/TÉMOIN SE RETIRE)**

19 **MS. SIMMS:** So, Mr. Commissioner, we're
20 going to be dealing with an ODE for Father Charles
21 MacDonald this afternoon.

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

23 **MS. SIMMS:** I understand they're just doing
24 the final preparations. I hate to ask you to break again
25 since we've not been back very long, but it does involve

1 some document preparation.

2 **THE COMMISSIONER:** All right. Thank you.

3 So how long do you think it will be?

4 **MS. SIMMS:** I think 15 minutes.

5 **THE COMMISSIONER:** All right. Just to give
6 the people on the webcast and people in the spectator's
7 gallery some time.

8 All right. Let me know when you're ready to
9 go.

10 **MS. SIMMS:** Thank you.

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

13 The hearing will resume at 2:50 p.m.

14 --- Upon recessing at 2:32 p.m./

15 L'audience est suspendue à 14h32

16 --- Upon resuming at 3:05 p.m./

17 L'audience est reprise à 15h05

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

20 The hearing is now resumed. Please be
21 seated. Veuillez vous asseoir.

22 **MS. HAMOU:** Good afternoon, Mr.
23 Commissioner.

24 **THE COMMISSIONER:** Ms. Hamou.

25 --- OVERVIEW OF DOCUMENTARY EVIDENCE RELATING TO FATHER

1 **CHARLES MacDONALD PRESENTED BY/SURVOL DE LA PREUVE**
2 **DOCUMENTAIRE CONCERNANT LE PÈRE CHARLES MacDONALD PRÉSENTÉ**
3 **PAR MS. HAMOU:**

4 **MS. HAMOU:** This afternoon we're seeking to
5 introduce an Overview of Documentary Evidence, known
6 informally as the ODE, as well as accompanying documents
7 for Father Charles MacDonald.

8 **THE COMMISSIONER:** Yes.

9 **MS. HAMOU:** It's Commission counsel's view
10 that Father MacDonald's story is an important aspect to the
11 matters relevant to the mandate of this Inquiry and we are
12 seeking to file the ODE to help provide you with a starting
13 point to review the evidence, to help the parties identify
14 relevant themes to be examined during the institutional
15 response stage, and to allow the public to better follow
16 the information coming before this Inquiry.

17 In preparing the ODE, counsel have attempted
18 to capture themes and issues that arise in a neutral and
19 thorough fashion. A draft ODE was sent to the parties and
20 we have had communication with various counsel for the
21 parties and received their comments. In many respects,
22 these have been included in the ODE we intend to file
23 today.

24 The ODE is not intended to be a substitute
25 for Father MacDonald's testimony and we acknowledge that

1 its evidentiary value is clearly less than the documents
2 used in its preparation.

3 In case of any conflict between the ODE and
4 the documents, the content of the documents should prevail.

5 It is possible that additional information
6 may or may not be consistent with the content of the ODE
7 and the documents used in its preparation. If there are
8 inconsistencies, you may, of course, take those into
9 account when weighing the evidence before you.

10 At this point I'd like to enter the ODE as
11 the next exhibit.

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

13 **MS. HAMOU:** Now, Mr. Commissioner, I'd just
14 like to caution you the ODE contains some names which are
15 subject to confidentiality measures and criminal
16 publication bans.

17 **THE COMMISSIONER:** A ban on publication will
18 be ordered on Exhibit 2235 which is the Overview of
19 Documentary Evidence of Father Charles MacDonald.

20 --- **EXHIBIT NO./PIÈCE NO. P-2235:**

21 (SUBJECT TO PUBLICATION BAN)

22 ODE Re: Father Charles MacDonald

23 **MS. HAMOU:** When reading the ODE on the
24 public record I'll use the monikers that you've assigned to
25 the names.

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

2 **MS. HAMOU:** The next matter would be to
3 enter the exhibits.

4 **THE COMMISSIONER:** Yes.

5 **MS. HAMOU:** And as I mentioned to you, some
6 of these exhibits will also contain some names, and I'll
7 point those to you when we get there.

8 **THE COMMISSIONER:** Thank you.

9 **MS. HAMOU:** So the first document I'd like
10 to enter is 110854.

11 **THE COMMISSIONER:** Thank you. And this is -
12 - Exhibit 2236 is a transcript of -- wait a minute --
13 examination for discovery of Charles MacDonald on the 11th
14 day of December 1995.

15 **MS. HAMOU:** And I'd like to ask for a
16 publication ban on this document.

17 **THE COMMISSIONER:** So ordered.

18 **--- EXHIBIT NO./PIÈCE NO. P-2236:**

19 (110854) (SUBJECT TO PUBLICATION BAN)
20 Transcript of examination for discovery of
21 Charles MacDonald on December 11, 1995

22 **MS. HAMOU:** The next document is 119311.

23 **THE COMMISSIONER:** Thank you.

24 Exhibit 2237 is a letter, it seems, signed
25 by Charles MacDonald and dated February 25th, 1968 to the

1 Ottawa St. Paul University Seminary.

2 --- EXHIBIT NO./PIÈCE NO. P-2237:

3 (119311) Letter signed by Charles MacDonald
4 to the Ottawa St. Paul University Seminary
5 dated February 25, 1968

6 MS. HAMOU: The next Document is 119320.

7 THE COMMISSIONER: Thank you.

8 Exhibit 2238 is a report for the winter of
9 1969 of Father Charles MacDonald, Diocese of Alexandria.

10 --- EXHIBIT NO./PIÈCE NO. P-2238:

11 (119320) - Rapport Semestriel dated March
12 17, 1969

13 MS. HAMOU: The next Document is 119330.

14 THE COMMISSIONER: Thank you.

15 Exhibit 2239 is a Document, October 17th,
16 1973, addressed to Reverend Charles MacDonald from Maitre
17 Proulx.

18 --- EXHIBIT NO./PIÈCE NO. P-2239:

19 (119330) - Letter from Bishop Proulx to
20 Father MacDonald dated October 17, 1973

21 MS. HAMOU: The next Document is 119334.

22 THE COMMISSIONER: Thank you.

23 Exhibit 2240 is a letter dated February 26th,
24 1974 addressed to Father Charles MacDonald from Bishop
25 Adolphe Proulx.

1 **--- EXHIBIT NO./PIÈCE NO. P-2240:**

2 (119334) - Letter from Bishop Proulx to
3 Father MacDonald dated February 26, 1974

4 **MS. HAMOU:** The next Document is 119336.

5 **THE COMMISSIONER:** Exhibit 2241 is a letter
6 dated June 18th, 1975 addressed to Father Charles MacDonald
7 from Bishop Larocque.

8 **--- EXHIBIT NO./PIÈCE NO. P-2241:**

9 (119336) - Letter from Bishop LaRocque to
10 Father MacDonald dated June 18, 1975

11 **MS. HAMOU:** The next Document is 721644.

12 **THE COMMISSIONER:** Thank you.

13 And that is Exhibit 2242, notes of Project
14 Blue correspondence material from Malcolm MacDonald.

15 **--- EXHIBIT NO./PIÈCE NO. P-2242:**

16 (721644) - Notes of Project Blue
17 Correspondence material from Malcolm
18 MacDonald

19 **MS. HAMOU:** The next Document is 109523.

20 **THE COMMISSIONER:** Thank you.

21 Exhibit Number 2243 is an affidavit of
22 Charles MacDonald, sworn the 26th day of March, 2002.

23 **--- EXHIBIT NO./PIÈCE NO. P-2243:**

24 (109523) - Affidavit of Father MacDonald
25 sworn March 26, 2002

1 **MS. HAMOU:** The next Document is 715780.

2 **THE COMMISSIONER:** Exhibit 2244 is a letter
3 addressed to Monsignor Eugene Larocque from Michael John
4 from Southdown and it's dated October 22nd, 1993.

5 **--- EXHIBIT NO./PIÈCE NO. P-2244:**

6 (715780) - Letter to Bishop LaRocque from
7 Michael John Sy dated October 22, 1993

8 **MS. HAMOU:** The next Document is 715096.

9 **THE COMMISSIONER:** Thank you.

10 Exhibit 2245 is an assessment report of
11 Charles MacDonald, dated October 22nd, 1993.

12 **--- EXHIBIT NO./PIÈCE NO. P-2245:**

13 (715096) - Assessment Report dated October
14 22, 1993

15 **MS. HAMOU:** The next Document is 119397.

16 **THE COMMISSIONER:** Thank you.

17 Exhibit Number 2246 -- I think we've seen
18 these exhibits already -- but 2246 will be a letter from
19 Charles MacDonald to Monsignor Larocque, received October
20 30th, 1993.

21 **--- EXHIBIT NO./PIÈCE NO. P-2246:**

22 (119397) - Letter from Charles MacDonald to
23 Monsignor Larocque, received October 30,
24 1993.

25 **MS. HAMOU:** The next Document is 119398.

1 **THE COMMISSIONER:** Thank you.

2 Letter dated November 1st, 1993 addressed to
3 Reverend Charles MacDonald from Monsignor Eugene Larocque
4 and Denis Vaillancourt.

5 **--- EXHIBIT NO./PIÈCE NO. P-2247:**

6 (119398) - Letter to Father MacDonald from
7 Bishop LaRocque and Chancellor Vaillancourt
8 dated November 1, 1993

9 **MS. HAMOU:** The next Document is 703636.

10 **THE COMMISSIONER:** Thank you.

11 Exhibit Number 2248 is a Document entitled
12 "Project Truth: Timeline re conspiracy to Obstruct".

13 **--- EXHIBIT NO./PIÈCE NO. P-2248:**

14 (703636) - OPP Project Truth Timeline

15 **MS. HAMOU:** The next Document is 724307.

16 **THE COMMISSIONER:** Thank you.

17 Exhibit Number 2249 is a letter from the
18 Children's Aid Society dated January 25th, 1994 to Reverend
19 Charles MacDonald.

20 **--- EXHIBIT NO./PIÈCE NO. P-2249:**

21 (724307) - Letter from Gregory Bell and
22 William Carriere to Rev. Charles MacDonald
23 dated January 25, 1994 with handwritten
24 notation by C.F. MacDonald dated January 31,
25 1994

1 **MS. HAMOU:** The next Document is 724308.

2 **THE COMMISSIONER:** Thank you.

3 Exhibit 2250 is a letter to Father Charles
4 MacDonald from Mr. Greg Bell and Ms. Giussepina DeBellis
5 dated March 1st, 1994.

6 **--- EXHIBIT NO./PIÈCE NO. P-2250:**

7 (724308) - Letter from Gregory Bell, William
8 Carrière and Ms. Giussepina DeBellis to
9 Father Charles MacDonald dated March 1,
10 1994.

11 **MS. HAMOU:** The next Document is 110195 and
12 I'd ask for a publication ban on this Document.

13 **THE COMMISSIONER:** Publication ban will be
14 issued on Exhibit Number 2251, statement of Father Charles
15 MacDonald, dated the 7th day of June, 1994.

16 **--- EXHIBIT NO./PIÈCE NO. P-2251:**

17 (110195) - Statement of Father Charles
18 MacDonald dated June 7, 1994

19 **MS. HAMOU:** The next Document is 723460.

20 **THE COMMISSIONER:** Thank you.

21 Exhibit 2252 is the next exhibit which is a
22 newspaper clipping by Len Hooper, H-O-O-P-E-R, dated
23 November 24th -- I'm sorry, December 24th, 1994.

24 **--- EXHIBIT NO./PIÈCE NO. P-2252:**

25 (723460) - Standard Freeholder article dated

1 December 24, 1994: "No grounds to charge
2 priest: OPP"

3 **MS. HAMOU:** The next Document is 715077.

4 **THE COMMISSIONER:** Thank you.

5 Exhibit Number 2253 is notes with the date
6 of the 16th of August, '95.

7 Can you help me whose notes those would be?

8 **MS. HAMOU:** Constable Bough.

9 **THE COMMISSIONER:** Thank you.

10 --- EXHIBIT NO./PIÈCE NO. P-2253:

11 (715077) - Handwritten notes of Constable
12 Bough

13 **MS. HAMOU:** The next Document is 109520.

14 **THE COMMISSIONER:** Thank you.

15 Exhibit 2254 is an exhibit which is an
16 information charging Father Charles MacDonald with a number
17 of charges.

18 **MS. HAMOU:** And I'd ask for a publication ban
19 on this Document.

20 **THE COMMISSIONER:** Absolutely, and that
21 information was sworn on the 6th of March, 1996.

22 --- EXHIBIT NO./PIÈCE NO. P-2254:

23 (109520) - Information against Father
24 MacDonald dated March 6, 1996

25 **MS. HAMOU:** The next Document is 119252, and

1 I would ask for a publication ban on this Document.

2 **THE COMMISSIONER:** Thank you.

3 And this is Exhibit 2255, which is a
4 transcript of a preliminary inquiry on *Regina v. Charles*
5 *MacDonald* dated Friday, February 28th, 1997.

6 --- **EXHIBIT NO./PIÈCE NO. P-2255:**

7 (111252) - Transcript, *R. v. MacDonald*,
8 Preliminary Inquiry

9 **MS. HAMOU:** The next Document is 111200, and
10 I would ask for a publication ban on this Document.

11 **THE COMMISSIONER:** Thank you.

12 Yes, Exhibit 2256 is transcript of
13 preliminary inquiry of *Her Majesty the Queen v. Charles*
14 *MacDonald*, Reasons for Committal, on October 24th, 1997.

15 --- **EXHIBIT NO./PIÈCE NO. P-2256:**

16 (111200) - Transcript, *R. v. MacDonald*,
17 Reply Submissions and reasons on committal

18 **MS. HAMOU:** The next Document is 109537, and
19 I would ask for a publication ban.

20 **THE COMMISSIONER:** Publication ban will
21 issue on Exhibit 2257 which is an indictment of *Her Majesty*
22 *the Queen v. Charles MacDonald* signed the 30th day of
23 October, 1997.

24 --- **EXHIBIT NO./PIÈCE NO. P-2257:**

25 (109537) - Indictment dated October 30, 1997

1 **MS. HAMOU:** The next Document is 109521, and
2 I would ask for a publication ban.

3 **THE COMMISSIONER:** Thank you.

4 Publication ban on Exhibit 2258, which is an
5 information charging Father Charles MacDonald with a number
6 of offences and is not signed by -- wasn't sworn by a
7 justice of the peace.

8 So what's the date of the information?
9 Don't have it. In any event, it's Exhibit 2258.

10 --- **EXHIBIT NO./PIÈCE NO. P-2258:**

11 (109521) - Information against Father
12 MacDonald dated January 26, 1998

13 **MS. HAMOU:** The next Document is 111217, and
14 I would ask for a publication ban on this Document.

15 **THE COMMISSIONER:** Publication ban will
16 issue on Exhibit 2259 which is a transcript of proceedings
17 between *Her Majesty and Charles MacDonald* on May 3rd, 1999.

18 --- **EXHIBIT NO./PIÈCE NO. P-2259:**

19 (111217) - Transcript, *R. v. MacDonald*, May
20 3, 1999

21 **MS. HAMOU:** The next Document is 109555, and
22 I would ask for a publication ban on this Document.

23 **THE COMMISSIONER:** Thank you.

24 This is an indictment. Exhibit 2260 is an
25 indictment of *Her Majesty the Queen v. Charles MacDonald*

1 and it is dated the 5th of May, 1999.

2 --- EXHIBIT NO./PIÈCE NO. P-2260:

3 (109555) - Indictment dated May 5, 1999

4 MS. HAMOU: The next Document is 109519, and
5 I would ask for a publication ban.

6 THE COMMISSIONER: Thank you.

7 Exhibit 2261 will have a publication ban and
8 it is an indictment of *Her Majesty the Queen v. Charles*
9 *MacDonald* and that is signed the 10th day of September,
10 1999.

11 --- EXHIBIT NO./PIÈCE NO. P-2261:

12 (109519) - Indictment dated September 10,
13 1999 with handwritten notations

14 MS. HAMOU: The next Document is 109522, and
15 I would ask for a publication ban on this Document.

16 THE COMMISSIONER: Thank you.

17 Exhibit Number 2262, which will have a
18 publication ban, is another information sworn against
19 Charles MacDonald on the 10th day of April, 2000.

20 --- EXHIBIT NO./PIÈCE NO. P-2262:

21 (109522) - Information against Father
22 Charles MacDonald dated April 10, 2000

23 MS. HAMOU: The next Document is 109231.

24 THE COMMISSIONER: Thank you.

25 This is -- Exhibit 2263 is a letter to Ms.

1 Linda LeBlanc, Trial Coordinator, from Shelley Hallett and
2 dated October 18th, 2000.

3 --- EXHIBIT NO./PIÈCE NO. P-2263:

4 (109231) - Letter from Shelley Hallett to
5 Linda LeBlanc dated October 18, 2000

6 MS. HAMOU: The next Document is 109232, and
7 I would ask for a publication ban on this Document.

8 THE COMMISSIONER: Publication ban will
9 issue on Exhibit 2264, which is another indictment, *Her*
10 *Majesty the Queen v. Charles MacDonald*, and that's unsigned
11 and undated.

12 Just a minute. There's a date, the 18th of
13 October, 2000 but it's unsigned.

14 --- EXHIBIT NO./PIÈCE NO. P-2264:

15 (109232) - Unsigned draft indictment dated
16 October 18, 2000

17 MS. HAMOU: The next Document is 111236.

18 THE COMMISSIONER: Yes, thank you.

19 Exhibit Number 2265 is a transcript of an
20 application for adjournment from Her Majesty the Queen and
21 Charles MacDonald and that is on the -- let's see now --
22 well, it says the 25th of April, 1996 and 1996 is struck out
23 and it says 2001.

24 MS. HAMOU: I believe it's 2001, sir.

25 --- EXHIBIT NO./PIÈCE NO. P-2265:

1 (111236) - Transcript, *R. v. MacDonald*,
2 Application for adjournment, April 25, 2001
3 **MS. HAMOU:** The next Document to be entered
4 is 701967.

5 **THE COMMISSIONER:** Thank you.
6 Exhibit 2266 is a letter dated January 8th,
7 2003 to Detective Sergeant Hall from Lorne McConnery.
8 Again, Exhibit 2266.

9 --- **EXHIBIT NO./PIÈCE NO. P-2266:**
10 (701967) - Letter from Lorne McConnery to
11 D/Sgt. Hall dated January 8, 2003

12 **MS. HAMOU:** The next Document is 738218.

13 **THE COMMISSIONER:** Exhibit 2267 is a letter
14 dated November 4th, 1999 to Mr. Clinton Culic from Brian
15 Saunderson.

16 --- **EXHIBIT NO./PIÈCE NO. P-2267:**
17 (738218) - Letter from B. Saunderson to C.
18 Culic dated November 4, 1999

19 **MS. HAMOU:** The next Document is 738029.

20 **THE COMMISSIONER:** Thank you.
21 Exhibit 2268 is a trial brief in the matter
22 of *J.M. and Father Charles MacDonald et al.*

23 We'll call it that. Okay.

24 --- **EXHIBIT NO./PIÈCE NO. P-2268:**
25 (738029) - Trial Brief, *J. M. v. MacDonald*

1 *et al*

2 **MS. HAMOU:** The next Document is 737948 and
3 I would ask for a publication ban on this Document.

4 **THE COMMISSIONER:** Thank you.

5 A publication ban will issue on Exhibit
6 2269, which is a trial record of an action between W.R. and
7 Father Charles MacDonald *et al*.

8 --- **EXHIBIT NO./PIÈCE NO. P-2269:**

9 (737948) - Trial Record, W.R. v. *MacDonald*
10 *et al*

11 **MS. HAMOU:** The next Document is 737939 and
12 I would ask for a publication ban.

13 **THE COMMISSIONER:** Yes, publication ban will
14 issue on Exhibit 2270, which is a transcript of an
15 examination for discovery of Charles MacDonald on January
16 24th, 1996.

17 --- **EXHIBIT NO./PIÈCE NO. P-2270:**

18 (737939) - Examination for Discovery
19 Transcript of Charles F. MacDonald, W.R. v.
20 *Father Charles MacDonald et al* and *J.M. v.*
21 *Father Charles MacDonald et al*

22 **MS. HAMOU:** The next Document is 737974 and
23 I would ask for a publication ban on that Document.

24 **THE COMMISSIONER:** Publication ban will
25 issue on Exhibit 2271, which is a motion record of W.R. v.

1 *Charles MacDonald et al.*

2 --- EXHIBIT NO./PIÈCE NO. P-2271:

3 (737974) - Motion Record, *W.R. v. MacDonald*
4 *et al*

5 **MS. HAMOU:** The next Document is 740596 and
6 I would ask for a publication ban on that Document.

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

8 Exhibit Number 2272 is a letter dated
9 February 20th, 2008 addressed to Michael Neville from
10 Adrienne Kang.

11 --- EXHIBIT NO./PIÈCE NO. P-2272:

12 (740596) - Letter to Michael Neville from
13 Adrienne Kang

14 **MS. HAMOU:** The next Document is 101532.

15 **THE COMMISSIONER:** Thank you.

16 Exhibit 2273 is a statement of claim of
17 Albert Joseph Lalonde against Charles MacDonald et al.

18 --- EXHIBIT NO./PIÈCE NO. P-2273:

19 (101532) - Statement of Claim, *Albert*
20 *Lalonde v. Charles MacDonald et al*

21 **MS. HAMOU:** The next Document is 101531.

22 **THE COMMISSIONER:** Thank you.

23 Exhibit Number 2274 is a statement of claim
24 with the plaintiff being Robert Renshaw and the defendants
25 Charles MacDonald et al.

1 --- EXHIBIT NO./PIÈCE NO. P-2274:

2 (101531) - Statement of Claim, *Robert*
3 *Renshaw v. Charles MacDonald et al*

4 **MS. HAMOU:** Then the last Document is 738028
5 and this is an excerpt, so the excerpt number is 7161562.

6 **THE COMMISSIONER:** Thank you.

7 That will be Exhibit Number 2275 which is a
8 letter dated 16th of September, 1977 addressed to Gilles
9 Métivier and signed Eugene LaRocque.

10 --- EXHIBIT NO./PIÈCE NO. P-2275:

11 (738028) (7161562)- Charles MacDonald -
12 Lettre Gilles Métivier d'Eugène Larocque
13 datée le 16 septembre 1997

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

15 **MS. HAMOU:** That's all, Mr. Commissioner.

16 **THE COMMISSIONER:** Okay.

17 **MS. HAMOU:** So if I may, I'll proceed with
18 the reading of Exhibit 2235.

19 --- OVERVIEW OF DOCUMENTARY EVIDENCE OF CHARLES F.

20 MACDONALD BY/SURVOL DE LA PREUVE DOCUMENTAIRE DE CHARLES F.

21 MACDONALD PAR MS. HAMOU:

22 "Charles F. MacDonald was born on January
23 23rd, 1933 in Glen Norman, Ontario."

24 Reference, Exhibit 2014.

25 "Father MacDonald attended Ottawa Teachers'

1 College from 1957 to 1958. In his examination for
2 discovery on December 11th, 1995, in *D.S. v. Father Charles*
3 *MacDonald et al* (the Silmser action), Father MacDonald
4 stated that after 10 years of teaching elementary school,
5 he commenced philosophy and theology studies."

6 Reference, Exhibit 2014 and Exhibit 2236.

7 "Father MacDonald attended St. Paul Seminary
8 of the University of Ottawa from 1963 to 1969. While at
9 St. Paul University, Father MacDonald met Ken Seguin, a
10 fellow theology student."

11 Reference, 2014 and 2236.

12 "The Rector of St. Paul University, Reverend
13 Bellemare, expressed concerns about Father MacDonald's
14 conduct. Reverend Bellemare reported that when confronted
15 about this, Father MacDonald was aggressive. In February
16 1967, Reverend Bellemare indicated that he was not sure
17 that the seminary would accept Father MacDonald for a
18 further year and in June, 1967, Reverend Bellemare reported
19 that he had advised Father MacDonald that he would prefer
20 that he transfer to another seminary."

21 Reference, Exhibit 2091 and Exhibit 2092.

22 "On November 29th, 1967, Reverend Bellemare
23 wrote to Monsignor Adolphe Proulx informing Bishop Proulx
24 that Father MacDonald's attitude had improved since
25 Reverend Bellemare's conversations with him in the spring

1 and Bishop Proulx's personal intervention during the summer
2 vacation.

3 Reverend Bellemare advised Bishop Proulx
4 that Father MacDonald wished to receive the last of minor
5 orders on December 10th, 1967 at the Ottawa Cathedral and
6 that Reverend Bellemare supported this request."

7 Reference, 2093.

8 "On February 25th, 1968, Father MacDonald
9 wrote to Reverend Bellemare requesting to be promoted to
10 the order of sub-diaconate and diaconate in the next
11 ordination."

12 Reference, Exhibit 2237.

13 "Father MacDonald's semester report for the
14 winter of 1969 indicated that there was a unanimous vote in
15 favour of his promotion to the priesthood and that Reverend
16 Bellemare supported the vote and recommended him."

17 Reference, Exhibit 2238.

18 "Father MacDonald was ordained on June 14th,
19 1969 at St. Margaret's Church, Glen Nevis, Ontario by
20 Bishop Proulx."

21 Reference, Exhibit 2014.

22 "Father MacDonald was appointed as an
23 assistant priest at St. Columban's Parish commencing June
24 14th, 1969. He was to work in cooperation with Father
25 McDougald, now Monsignor McDougald, parish priest, and

1 Father Kevin Maloney, Director of Religious Education.

2 According to Father MacDonald's examination
3 for discovery, he took over the training of altar servers,
4 probably in June, 1970, and he recalled David Silmser, John
5 MacDonald and C-3 being altar boys at St. Columban's.
6 Father MacDonald was also involved with weekend retreats
7 for some of the youth groups in the church.

8 Reference, Exhibit 2014, Exhibit 2236.

9 "In a letter dated October 17th, 1973, Father
10 MacDonald was appointed Spiritual Director of the Catholic
11 Women's League of the Diocese of Alexandria. In a letter
12 dated February 26th, 1974, Bishop Proulx asked Father
13 MacDonald to be responsible for the Cursillo movement in
14 the Diocese of Alexandria."

15 Reference, Exhibit 2239 and Exhibit 2240.

16 "Father MacDonald was appointed as pastor of
17 St. Anthony's Parish in Apple Hill and Monkland effective
18 July 10th, 1975. He took up duties there in late August,
19 1975 and continued until August 11th, 1982. In September
20 1978, Father MacDonald was (co-responsible for youth among
21 the Anglophones)."

22 Reference, Exhibit 2241, Exhibit 2014 and
23 Exhibit 2236.

24 "In a letter dated September 16th, 1977,
25 Bishop Eugène LaRocque advised Gilles Mètivier, Principal

1 of Tagwi Secondary School, that Father MacDonald had been
2 named the priest responsible for the teaching staff and
3 students."

4 Reference, Exhibit 2275.

5 "Beginning August 11th, 1982, Father
6 MacDonald became pastor at St. Mary's Parish in
7 Williamstown. On June 24th, 1983, he was named chaplain of
8 the new Catholic high school at Bishop MacDonell which was
9 scheduled to open that September."

10 Reference, Exhibit 2094 and Exhibit 2014.

11 "In his examination for discovery in the
12 Silmsler action, Father MacDonald stated that he had
13 disclosed to Seguin that he had broken his vows of
14 celibacy, which may have been during the period of time he
15 was a pastor in Williamstown. Father MacDonald further
16 stated that none of the individuals involved were under the
17 age of 16."

18 Reference, Exhibit 2236.

19 "In 1988, Father MacDonald was part-time
20 chaplain at St. Joseph's High School."

21 Reference, Exhibit 2095.

22 "By way of a letter dated June 3rd, 1988,
23 Father MacDonald was appointed at St. Andrews Parish of St.
24 Andrews West. He took up his duties on August 1st, 1988 and
25 continued as pastor up to October, 1993."

1 Reference, Exhibit 2095 and Exhibit 2014.

2 "From November, 1993 to May, 1994, Father
3 MacDonald was residing at the Southdown Treatment Centre."

4 Reference, 2242.

5 "From September 8th, 1994 to late April of
6 1995, Father MacDonald attended Regis College, a Faculty of
7 Theology at the University of Toronto."

8 Reference, Exhibit 2236.

9 "In his examination for discovery, Father
10 MacDonald described the history of his interaction with
11 Silmsers as follows.

12 Silmsers was an altar boy at St. Columban's
13 Parish during the period of time that Father MacDonald was
14 appointed there.

15 Silmsers was caught stealing money from St.
16 Columban's Church by the caretaker. Father MacDonald spoke
17 to Silmsers alone in his office on one or more occasions
18 with respect to the theft. Silmsers continued to steal from
19 the Church and also began stealing from stores or breaking
20 into places. Father MacDonald was a witness for Silmsers in
21 court once or twice and visited Silmsers in the Cornwall
22 gaol two or three times. He also visited Silmsers in
23 Burritts Rapids Institute. Silmsers wrote him a letter from
24 a Brampton institution.

25 The last time Father MacDonald saw Silmsers

1 was in around November, 1975. Silmsers had stolen money
2 from his employer. He had used the money to travel and
3 then return to the Cornwall area. He walked into Father
4 MacDonald's place 'with his head hanging low and all very
5 contrite'. At the time a friend of Father MacDonald's was
6 present and they talked Silmsers into giving himself up to
7 the police. Father MacDonald drove Silmsers to the Ottawa
8 Police Station. The drive to Ottawa was the only time
9 Silmsers was ever in one of Father MacDonald's cars. Father
10 MacDonald did not at any time have any sexual contact with
11 Silmsers."

12 Reference, Exhibit 2236.

13 "On December 9th, 1992 Sergeant Nakic of the
14 Cornwall Police Service received a telephone call from
15 Silmsers. Silmsers alleged that he had been sexually abused
16 by Father MacDonald when he was an altar boy at St.
17 Columban's Parish. He further alleged that Probation
18 Officer Ken Seguin, a friend of the priest, had also
19 sexually assaulted him."

20 Reference, Exhibit 293.

21 "On December 17th, 1992 Father MacDonald met
22 with Monsignor McDougald at the parish house in
23 St. Andrew's. Monsignor McDougald presented Father
24 MacDonald with a letter addressed to Monsignor McDougald
25 from Monsignor Schonenbach dated December 11th, 1992. The

1 letter summarises Monsignor Schonenbach's meeting with
2 Silmser of December 8th, 1992 wherein Silmser alleged that
3 Father MacDonald sexually assaulted him as a youth."

4 Reference, Exhibit 2236 and Exhibit 311.

5 "In his examination for discovery, Father
6 MacDonald stated that at this meeting Monsignor McDougald
7 handed him the letter without much comment. After reading
8 the letter Father MacDonald said, 'Don, I never did any of
9 these things to David Silmser'. According to Father
10 MacDonald, they talked for a little while and Monsignor
11 McDougald said, 'Well, you better find a lawyer'."

12 Reference, Exhibit 2236.

13 "According to Father MacDonald's statement
14 at his examination for discovery, that same day Father
15 MacDonald retained Angus Malcolm MacDonald as his lawyer."

16 Reference, Exhibit 2236.

17 "According to a letter from Malcolm
18 MacDonald to Monsignor McDougald dated December 21st, 1992,
19 Malcolm MacDonald was present at a meeting between Father
20 MacDonald and Monsignor McDougald on December 17th, 1992.
21 Also in that letter Malcolm MacDonald confirmed that he was
22 retained by Father MacDonald and advised that Father
23 MacDonald was prepared to undergo a polygraph test
24 concerning his response to the allegations."

25 Reference, Exhibit 1161.

1 "According to Father MacDonald's statement
2 at his examination for discovery, he became aware that the
3 CPS was investigating Silmsler's allegations probably around
4 January or February, 1993. He was never contacted by the
5 CPS. According to Father MacDonald, between December, 1992
6 and January, 1994 he was not contacted by any police
7 officers."

8 Reference, Exhibit 2236.

9 "According to Father MacDonald's examination
10 for discovery, the idea of making a settlement with Silmsler
11 was first raised in early summer 1993 when Father
12 MacDonald, Seguin and Malcolm MacDonald were 'sitting
13 around tossing the whole thing back-and-forth and Ken
14 mentioned something about out-of-court settlements, I
15 believe'."

16 Reference, Exhibit 2236.

17 "In his examination for discovery Father
18 MacDonald stated that the next time there was any
19 discussion or information brought to him in connection with
20 the idea of settling the case was around late August, 1993.
21 At this time he was contacted by Malcolm MacDonald, who
22 said something to the effect of, 'I think we have a
23 settlement'.

24 Father MacDonald's initial reaction about
25 the settlement was that it was 'distasteful to me because I

1 felt it sounds like extortion, against my principles.
2 However, I had to weigh that against my good name that I
3 had all these many years'."

4 The reference, Exhibit 2236.

5 "According to Father MacDonald's evidence at
6 the examination for discovery, he agreed to pay \$6,000 to
7 Silmser and his understanding of the settlement was that,
8 'The thing was settled, closed, finished'. He further
9 stated that there was no discussion between himself and
10 Malcolm MacDonald about what would happen to the criminal
11 investigation."

12 Reference, Exhibit 2236.

13 "According to Father MacDonald's evidence at
14 the examination for discovery, he never saw the release
15 signed by Silmser. Further, he stated that he did not
16 instruct Malcolm MacDonald to deliver the settlement cheque
17 to Sean Adams to hold until Silmser advised CPS that he did
18 not want to proceed with criminal charges. He stated that
19 he was not aware that Malcolm MacDonald had done so."

20 Reference, Exhibit 2236.

21 "On September 2nd, 1993 Silmser wrote a note
22 to the CPS, stating that he had made a complaint concerning
23 Father MacDonald and that he had received a civil
24 settlement to his satisfaction and that he did not wish to
25 proceed further with any criminal charges."

1 Reference, Exhibit 266.

2 "On September 30th, 1993 Perry Dunlop, then a
3 CPS officer, provided Richard Abell, Director of the
4 Children's Aid Society, a copy of Silmsers statement."

5 Reference, Exhibit 262 and Exhibit 1441.

6 "In his examination for discovery Father
7 MacDonald stated that he had a meeting regarding Silmsers
8 allegation with Bishop LaRocque and Monsignor McDougald in
9 approximately September, 1993. At that meeting the Bishop
10 asked Father MacDonald to go to a treatment centre and
11 Father MacDonald agreed to do so.

12 In his examination for discovery Father
13 MacDonald further stated that the CPS had suggested he go
14 to a treatment centre."

15 Reference, Exhibit 2236.

16 "According to an affidavit sworn by Father
17 MacDonald on March 26th, 2002 in support of his Charter
18 application in *R v. MacDonald*, the Bishop ordered him to
19 leave the parish in which he was working and cease all
20 activities as a priest."

21 Reference, Exhibit 2243.

22 "Father MacDonald attended Southdown
23 Treatment Centre for an assessment from October 10th to
24 October 15th, 1993. Bishop LaRocque was provided with a
25 copy of Southdown's assessment report under cover of letter

1 dated October 22, 1993."

2 Reference, Exhibit 2244 and Exhibit 2245.

3 "Father MacDonald signed a document, which
4 was noted received by Bishop LaRocque on October 30th, 1993.
5 The document stated that Bishop LaRocque had announced
6 Father MacDonald's resignation, effective immediately, and
7 that Father MacDonald had asked for 'time for rest and
8 personal renewal before accepting reassignment'."

9 Reference, Exhibit 2246.

10 "On November 1st, 1993 Bishop LaRocque and
11 Chancellor Denis Vaillancourt wrote a letter to Father
12 MacDonald, thanking him for his work at St. Andrew's and
13 for his resignation as pastor of that parish."

14 Reference, Exhibit 2247.

15 "Father MacDonald entered the residential
16 program at Southdown on November 28th, 1993 and was
17 scheduled to leave the program on May 27th, 1994. In a
18 letter dated May 25th, 1994 Dr. Ruth Droege reported on
19 Father MacDonald's course of treatment to Bishop LaRocque."

20 Reference, Exhibit 2242.

21 "On January 6th, 1994, CJOH ran a television
22 news story containing details regarding Silmsler and his
23 allegations against Father MacDonald."

24 Reference, Exhibit 2248.

25 "By way of a letter dated January 11th, 1994,

1 C-3 advised Bishop LaRocque that Father MacDonald had also
2 allegedly abused him during the time he was at St.
3 Columban's parish."

4 Reference, Exhibit 416.

5 "On February 16th, 1994, Detective Constable
6 Mike Fagan of the Ontario Provincial Police contacted C-3.
7 C-3 advised that he had communicated with the Bishop and
8 that he did not want to get further involved."

9 Reference, Exhibit 419.

10 "On January 25th, 1994, Gregory Bell and
11 William Carrière of the Children's Aid Society wrote a
12 letter to Father MacDonald, requesting that he respond to
13 the question, 'Have you ever sexually abused a child or
14 children under the age of 16?' On January 31st, 1994,
15 Father MacDonald responded in his own handwriting on the
16 body of the letter, 'My answer to the above question number
17 1 is an emphatic no.'"

18 The reference is Exhibit 2249.

19 "On March 1st, 1994, Bell, Carrière and
20 Giussepina DeBellis wrote to Father MacDonald and advised
21 that, 'After a thorough investigation and careful
22 consideration of all available information, the Society had
23 concluded that there is sufficient information to support a
24 finding that you sexually molested Mr. Silmsler when he was
25 a child.'"

1 Reference, Exhibit 2250.

2 "In his examination for discovery, Father
3 MacDonald states that on the day before he left Southdown
4 Treatment Centre, May 26th or 27th, 1994, Detective Constable
5 Fagan drove up to speak with him. Father MacDonald told
6 Detective Constable Fagan that he wasn't in a position to
7 answer any questions until he had spoken to his lawyer."

8 Reference, Exhibit 2236.

9 "According to Father MacDonald's examination
10 for discovery, on June 15th, 1994 he spoke to Detective
11 Constable Fagan in the presence of another officer and
12 Malcolm MacDonald at the OPP detachment in Long Sault and
13 answered his questions."

14 Reference, Exhibit 2236.

15 "There is a transcription of an interview of
16 Father MacDonald dated June 7th, 1994. Conducting that
17 interview were Detective Constable Fagan and Constable
18 Norman Hurtubise. Malcolm MacDonald was present as Father
19 MacDonald's lawyer. In the interview Father MacDonald
20 denied all the allegations of sexual conduct made by
21 Silmser and provided the officers with the letter Father
22 MacDonald had received from Silmser."

23 Reference, Exhibit 2251.

24 "In mid-November 1994, Regional Director of
25 Crown Attorneys, Peter Griffiths, was provided with a two-

1 volume Crown brief with respect to the allegations made by
2 David Silmser against Father MacDonald. According to his
3 letter of December 21st, 1994, it was Crown Attorney
4 Griffiths' advice that the evidence did not reach the
5 threshold of objective, reasonable and probable grounds.
6 Mr. Griffiths further advised that absent a subjective
7 belief that reasonable and probable grounds existed,
8 charges could not be laid."

9 Reference, Exhibit 393.

10 "On December 24th, 1994, the Standard
11 Freeholder published an article entitled 'No grounds to
12 charge priest: OPP.' The article reported that the OPP had
13 found that there were no grounds to lay criminal charges
14 against a Cornwall priest in the alleged assault."

15 Reference, Exhibit 2252.

16 "By way of a letter dated August 11th, 1995,
17 John MacDonald disclosed to Father Maloney of
18 St. Columban's parish allegations that Father MacDonald had
19 abused him when he was an altar boy at St. Columban's
20 parish. On August 21st, 1995, John MacDonald was contacted
21 by Constable Bough of the CPS with respect to his
22 allegations."

23 Reference, Exhibit 202 and Exhibit 2253.

24 "On March 5th, 1996, Crown Attorney Robert
25 Pelletier sent a memorandum to Detective Inspector Tim

1 Smith of the OPP, recommending that charges be laid against
2 Father MacDonald in respect of allegations made by three
3 complainants."

4 Reference, Exhibit C-394.

5 "On March 6th, 1996, Detective Constable
6 Fagan swore an information, laying a set of seven charges
7 against Father MacDonald in relation to the three
8 complainants: Silmser, C-3 and John MacDonald."

9 Reference, Exhibit 2254.

10 "The preliminary inquiry in *R. v. MacDonald*
11 was commenced February 24th, 1997. On February 26th, 1997,
12 counsel for Father MacDonald applied for an adjournment of
13 the preliminary inquiry due to the recent surfacing of a
14 new complainant, C-8. The application was denied.

15 On February 28th, 1997, counsel for Father
16 MacDonald renewed his application for an adjournment and
17 advised the Court that he intended to apply for a writ of
18 prohibition. The Court ruled that the matter could not
19 continue until the application for extraordinary remedy was
20 dealt with or at least counsel was given some time to
21 confirm or receive instructions."

22 Reference, Exhibit 2254.

23 "The preliminary inquiry resumed on
24 September 8th, 1997 and continued to receive evidence up to
25 and including September 11th, 1997. On October 24th, 1997,

1 Father MacDonald was committed for trial on the first set
2 of charges. An indictment on the seven charges was signed
3 by Crown Attorney Pelletier on October 30th, 1997."

4 Reference, Exhibit 2256 and Exhibit 2257.

5 "On January 26th, 1998, a second set of
6 charges was laid against Father MacDonald in an information
7 sworn by Detective Constable Dupuis of the OPP. There were
8 eight charges relating to five additional complainants: C-
9 4, C-8, Robert Renshaw, C-5 and Kevin Upper."

10 Reference, Exhibit 2258.

11 "The preliminary inquiry was heard in March
12 1999 and on May 3rd, 1999, Father MacDonald was committed
13 for trial on the second set of charges, and Crown Attorney
14 Pelletier signed an indictment enclosing those eight
15 charges on May 5th, 1999."

16 Reference, Exhibit 2259 and Exhibit 2260.

17 "On September 10th, 1999, Assistant Crown
18 Attorney Hallett signed and filed a new indictment
19 consolidating all of the charges from the indictment dated
20 October 30th, 1997 and May 5th, 1999.

21 On September 15th, 1999, the indictment of
22 October 30th, 1997 and May 5th, 1999 were withdrawn and a
23 six-week trial on the September 10th, 1999 indictment was
24 set to commence the week of May 1st, 2000."

25 Reference, Exhibit 2261.

1 "On April 10th, 2000, a further information
2 was sworn by Detective Constable Dupuis, laying four
3 additional charges against Father MacDonald with respect to
4 the complainant C-2. A further preliminary inquiry was
5 held in August 2000 and on August 30th, 2000, Father
6 MacDonald was committed for trial on the four charges
7 related to C-4."

8 Reference, Exhibit 1128.

9 "On October 18th, 2000, assistant Crown
10 Attorney Hallett provided assistant Crown Attorney Guy
11 Simard of the Cornwall Crown's Office with a draft new
12 indictment, consolidating the charges on the indictment
13 dated September 10th, 1999 with the new charges related to
14 C-2."

15 Reference, Exhibit 2263 and Exhibit 2264.

16 "On October 19th, 2000, a four to six-week
17 trial was set for May 28th, 2001."

18 Reference, Exhibit 2261.

19 "On April 25th, 2001, Father MacDonald's
20 counsel applied for an adjournment of the May 28th, 2001
21 trial date because he was tied up with an ongoing homicide
22 trial in Lanark County. The adjournment was granted and
23 the new trial date was set as March 18th, 2002."

24 Reference, Exhibit 2265.

25 "The matter was next before the courts on

1 April 29th, 2002. On that date, Father MacDonald was
2 arraigned and pled not guilty to each of the 19 charges
3 against him. Before the court were two applications
4 brought by the defence: a Charter application pursuant to
5 Section 11(b) and a Charter application pursuant to Section
6 7. It was agreed that the Court would hear the Section
7 11(b) application prior to trial."

8 Reference, Exhibit 183.

9 "In support of the Section 11(b) Charter
10 application, Father MacDonald swore an affidavit dated
11 March 26th, 2002."

12 Reference, Exhibit 2243.

13 "On May 1st, 2002, the Crown withdrew 6 of
14 the 19 counts, Counts 2, 3, 16, 17, 18 and 19 against
15 Father MacDonald on the basis of no reasonable prospect of
16 conviction. The charges withdrawn were in relation to the
17 complainants C-8 and C-2."

18 Reference, Exhibit 720.

19 "On May 13th, 2002, Justice Chilcott allowed
20 the Section 11(b) Charter application and stayed all of the
21 remaining charges against Father MacDonald."

22 Reference, Exhibit 227.

23 "On January 8th, 2003, Crown Attorney Lorne
24 McConnery wrote a letter to each of Detective Sergeant Hall
25 of the CPS and Detective Sergeant Carroll. In the letters

1 he wrote that he had reviewed the Crown briefs relating to
2 a further alleged victim of Father MacDonald and advised
3 that the determination by the investigators that reasonable
4 and probable grounds do not exist to lay charges to be
5 'reasonable and appropriate'.

6 In his letter, Mr. McConnery also refers to
7 a previous decision not to lay charges in the mid-1990s
8 with respect of the same allegations."

9 Reference, Exhibit 2266 and Exhibit 1704.

10 "On April 6th, 1995, Silmsers commenced a
11 civil action against Father MacDonald, Bishop Proulx and
12 the Roman Catholic Episcopal Corporation for the Diocese of
13 Alexandria-Cornwall in Ontario. Silmsers claimed damages
14 arising from alleged sexual, emotional and mental abuse by
15 Father MacDonald."

16 Reference, Exhibit 1929.

17 "Counsel for Father MacDonald filed a
18 Statement of Defence and Counterclaim dated May 11th, 1995.
19 In his Counterclaim, Father MacDonald claimed damages from
20 David Silmsers for false and malicious accusations and
21 criminal prosecution."

22 Reference, Exhibit 1929.

23 "A Reply in Defence to Father MacDonald's
24 Counterclaim dated May 17th, 1995 was filed with the court."

25 Reference, Exhibit 1929.

1 "A third-party claim was issued on August
2 29, 1995 in the Silmsers action by Father MacDonald against
3 Malcolm MacDonald and Sean Adams in negligence and breach
4 of contract for their roles in the initial \$32,000
5 settlement."

6 Reference, Exhibit 1929.

7 "Malcolm MacDonald entered defences to the
8 main action and the third-party claim dated November 15th,
9 1995."

10 Reference, Exhibit 1929.

11 "Father MacDonald was examined for discovery
12 in the Silmsers action on December 11th, 1995."

13 Reference, Exhibit 2236.

14 "On November 4th, 1999, counsel for the
15 Diocese and Bishop Proulx wrote a letter reporting that
16 Silmsers' action had been dismissed as abandoned."

17 Reference, Exhibit 2267.

18 "On October 4th, 1995, John MacDonald
19 commenced a civil action against Father MacDonald, Bishop
20 Proulx and the Roman Catholic Episcopal Corporation for the
21 Diocese of Alexandria-Cornwall in Ontario. John MacDonald
22 claimed damages arising from sexual assault -- alleged
23 sexual, emotional and mental abuse by Father MacDonald."

24 Reference, Exhibit 2268.

25 "Counsel for Father MacDonald filed a

1 Statement of Defence to the MacDonald action dated November
2 3rd, 1995."

3 Reference, Exhibit 2268.

4 "John MacDonald also filed an application
5 with the Criminal Injuries Compensation Board. The Board
6 found on October 16, 2003 that there was 'insufficient
7 evidence to conclude on a balance of probabilities that the
8 Applicant was a victim of a crime of violence'."

9 Reference, Exhibit 229.

10 "On November 27th, 1995, C-3 commenced a
11 civil action against Father MacDonald, Bishop Proulx and
12 the Roman Catholic Episcopal Corporation for the Diocese of
13 Alexandria-Cornwall in Ontario. C-3 claimed damages
14 arising from alleged sexually emotional and mental abuse by
15 Father MacDonald."

16 Reference, Exhibit 2269.

17 "Counsel for Father MacDonald filed a
18 Statement of Defence to the C-3 action dated December 20th,
19 1995."

20 Reference, 2269.

21 "Father MacDonald was examined for discovery
22 in the C-3 action and the Father MacDonald action jointly
23 on January 24th, 1996."

24 Reference, Exhibit 2270.

25 "On October 7th, 1997, counsel for Father

1 MacDonalld brought a motion in the C-3 action seeking that
2 the action be stayed on the basis that proceedings with the
3 civil action would likely materially prejudice the
4 collateral pending criminal proceeding against Father
5 MacDonalld."

6 Reference, Exhibit 2271.

7 "On February 13th, 1998, C-3 signed a full
8 and final release, discharging all of the defendants in the
9 C-3 action in consideration of a payment of \$20,000 from
10 Father MacDonalld."

11 Reference, Exhibit 2030.

12 "C-3 also filed an application with the
13 Criminal Injuries Compensation Board. The Board made the
14 following finding on December 28th, 2007: 'The full and
15 final release as signed by the Applicant is broad enough to
16 preclude the Applicant from bringing an application for
17 compensation'."

18 Reference, Exhibit 2272.

19 "The two further alleged victims of Father
20 MacDonalld issued Statements of Claim against Father
21 MacDonalld and the Diocese in early 2005."

22 Reference, Exhibit 2273 and Exhibit 2274.

23 **THE COMMISSIONER:** You're all done.

24 **MS. HAMOU:** That's all for me.

25 **THE COMMISSIONER:** That's all for you.

1 Well, I guess we'll call it a day and come
2 back tomorrow morning at 9:30. We'll either do the cross-
3 examination of Mr. Towndale or we'll start a new witness.

4 **MS. HAMOU:** Perfect.

5 **THE COMMISSIONER:** Thank you.

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

8 This hearing is adjourned until tomorrow
9 morning at 9:30 a.m.

10 --- Upon adjourning at 3:57 p.m./

11 L'audience est ajournée à 15h57

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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