

**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 280

Held at :

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

Thursday, September 11, 2008

Tenue à:

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

Jeudi, le 11 septembre 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Suzanne Sinnamon	Commission Counsel
Mr. Mark Crane	Cornwall Community Police
Mr. Peter Manderville	Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Vito Scavetta	
Mr. Peter Chisholm	The Children's Aid Society of
Ms. Michele R.J. Allinotte	the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Ms. Allison Thiele-Callan	Victims' Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
Mr. William Carriere	CAS

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
WILLIAM CARRIERE, Resumed/Sous le même serment	1
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann(cont'd/suite)	1
Submissions by/Représentations par Mr. Peter Engelmann	142
Cross-Examination by/Contre-interrogatoire par Ms. Helen Daley	145

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-2325	(721653) -Team Conference Minutes 'Project Blue' 93-94	42
P-2326	(115857) - Letter from Patricia Garrahan to Richard Abell dated 07 Feb 94	112
P-2327	(115806) -Memo from Richard Abell to Elizabeth MacLennan dated 04 Mar 94	115
P-2328	(115814) - Casenote of William Carriere dated 17 Mar 94	116
P-2329	(115809) - Case Documentation System Service Record of William Carriere dated 30 Mar 94	120
P-2330	(115805) - Casenote of William Carriere dated 11 Apr 94	126
P-2331	(115811) - Casenote of William Carriere dated 19 Apr 94	129
P-2332	(115819) - Documentation System Preliminary Report dated 18 May 94	131
P-2333	(708447) - OPP Interview Report of Tannis Girard dated 28 Jan 99	166
P-2334	(115415) - Documentation System Termination Report dated 10 and 18 May 99	185
P-2335	(733629-7132033) - Officer Notes of D/C Dupuis dated 25 Oct 01	195
P-2336	(703597) - Project Blue Agency Position working notes	235

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

2 L'audience débute à 9h37

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning, Mr.
10 Engelmann.

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

13 Good morning, Mr. Carriere.

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

15 **MR. ENGELMANN:** Mr. Commissioner, the
16 majority of what I have left is dealing with Exhibit 2324.
17 I'd like to start there and these are the notes that Mr.
18 Bell had prepared during the work on Project Blue and there
19 are numerous references to supervisions he has with Bill
20 Carriere throughout so he is hoping ---

21 **THE COMMISSIONER:** Three ---

22 **MR. ENGELMANN:** Two-three-two-four (2324).
23 Counsel, it's Document Number 721672.

24 **WILLIAM CARRIERE, Resumed/Sous le même serment:**

25 ---EXAMINATION IN-CHIEF BY/EXAMINATION EN-CHEF PAR MR.

1 **ENGELMANN :**

2 **MR. ENGELMANN:** And when we left off
3 yesterday, Mr. Carriere, I was dealing with a meeting that
4 took place on October 22nd where you, Elizabeth MacLennan
5 and Jacques Leduc were meeting to discuss this matter and
6 that meeting is described on Bates page 873, 874, and 875.

7 I believe yesterday we talked about some of
8 the material that Mr. Leduc would have presented to you.

9 **MR. CARRIERE:** Yes.

10 **MR. ENGELMANN:** And we see that set out on
11 page 873 and then he indicated several things to you, some
12 of which you may have already known, but for example the
13 point number one at the bottom of 873, some of Father
14 MacDonald's activities of youth in the church.

15 **MR. CARRIERE:** Yes.

16 **MR. ENGELMANN:** And that he was going to get
17 back to you with some information about the ages of youth
18 involved?

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** Correct?

21 **MR. CARRIERE:** Yes.

22 **MR. ENGELMANN:** He confirmed again Father
23 MacDonald's denial of sexual activity with children.

24 **MR. CARRIERE:** Yes.

25 **MR. ENGELMANN:** He also confirmed that the

1 Diocese didn't know about the other alleged victims, the
2 ones that were known to the police.

3 MR. CARRIERE: Yes.

4 MR. ENGELMANN: Correct?

5 MR. CARRIERE: Yes.

6 MR. ENGELMANN: He talked a little bit about
7 some notes of Father Vaillancourt from a meeting they had
8 had with David Silmsner and he talks about the fact that the
9 CAS will be provided with a copy of a report from Southdown
10 later when the Diocese gets it. That's their intention?

11 MR. CARRIERE: Yes.

12 MR. ENGELMANN: And sir, he also indicates
13 that Father MacDonald is going to be gone for some time,
14 that the treatment at Southdown will be four to six months.

15 MR. CARRIERE: Yes.

16 MR. ENGELMANN: All right.

17 So you were probably aware that he had gone
18 for a week for an assessment and now he was going to be
19 away for a considerable period of time?

20 MR. CARRIERE: Yes.

21 MR. ENGELMANN: And it says here that he was
22 going to Southdown to be treated due to stress.

23 MR. CARRIERE: Yes.

24 MR. ENGELMANN: Now, is that what you had
25 been informed by the Bishop or can you recall?

1 **MR. CARRIERE:** I can't recall, sir.

2 **MR. ENGELMANN:** Because when the Bishop was
3 here he talked about being treated for alleged sexual
4 misconduct. He also mentioned an assessment on pedophilia.
5 I'm just wondering if you can recall whether this term had
6 been used before.

7 **MR. CARRIERE:** I recall not that
8 specifically. I recall the Bishop saying that he was at a
9 treatment facility. He may have said Southdown but I don't
10 remember if the Bishop indicated why he was there.

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

12 He also indicated on Bates page 875 that no
13 one from the Diocese had communicated with the police
14 presumably about this issue, these matters?

15 **MR. CARRIERE:** I see that noted there.

16 **MR. ENGELMANN:** Yeah? And he said that
17 after Mr. Silmsen was paid by the Diocese that his mother
18 had called the Diocese and told him that it was a terrible
19 thing to pay off her son and that they should have gone
20 after Father MacDonald for what he had done.

21 **MR. CARRIERE:** Yes, I can see that.

22 **MR. ENGELMANN:** Do you recall that at all,
23 sir?

24 **MR. CARRIERE:** No, I don't even recall the
25 meeting, sir, so I don't recall that.

1 **MR. ENGELMANN:** All right.

2 **MR. CARRIERE:** But again, Greg is -- my
3 experience with Greg is that he is very careful in note
4 taking.

5 **MR. ENGELMANN:** All right.

6 And this was a meeting, sir, that he says
7 you were at.

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

9 **MR. ENGELMANN:** With Ms. MacLennan and Mr.
10 Leduc.

11 **MR. CARRIERE:** Yes, and I don't dispute
12 that.

13 **MR. ENGELMANN:** All right.

14 Now, it indicates right after that -- it
15 says:

16 "W. Carriere indicated, as did
17 Elizabeth MacLennan, that we are even
18 more concerned having met yesterday
19 with the police..."

20 **MR. CARRIERE:** "That children..."

21 **MR. ENGELMANN:** This is yesterday again.

22 "...that children have..."

23 **MR. CARRIERE:** "...been at risk and would
24 continue to be if Father MacDonald
25 returned to active duties in any

1 setting involving children or young
2 people."

3 **MR. ENGELMANN:** All right.

4 So it would appear that some of this
5 information made both you and Ms. MacLennan even more
6 concerned.

7 **MR. CARRIERE:** Yes.

8 **MR. ENGELMANN:** Do you have some sense as to
9 what that might have been at that time?

10 **MR. CARRIERE:** Yes. The previous day Greg
11 Bell and I had gone to the Cornwall Police Service and, as
12 I think I was indicating yesterday, I think at one point
13 because we were allowed to see material and at a certain
14 point we realized -- we weren't allowed to have copies of
15 it and we started out, I think, writing it out and then
16 realized that we probably would be there for a very long
17 period of time.

18 So I'm quite certain that Staff Sergeant
19 Brunet was quite helpful in going to get tape recorders and
20 we ended up taping what we had read.

21 What I recall are three particular
22 statements that stood out to me as concerning. One was an
23 individual who talked about knowing Father Charlie
24 previously I believe at St. Columban's and then I believe
25 Father Charlie had moved to a parish in the counties and

1 I'm not sure which one.

2 But there had been an episode where Father
3 Charlie had driven him home after spending some time with
4 him and they were parked in a car outside the child's home,
5 18-year old's home, and Father Charlie had put his hand on
6 his groin and the youth was quite uncomfortable with that
7 and Father Charlie had said something to him like, "Does
8 this make you feel uncomfortable or make you feel
9 comfortable?" and the youth said "no" and got out of the
10 car and left and had no further contact with Father
11 Charlie.

12 There was another situation where another
13 youth who I believe knew Father Charlie, perhaps at St.
14 Columban's, and he talked about a much more elaborate
15 detailed situation of molestation where he had stayed
16 overnight at Father Charlie's and Father Charlie had
17 sexually molested him and I think it involved -- well, not
18 think; it did. It involved Father Charlie masturbating him
19 and Father Charlie had him in bed and masturbated him and
20 then Father Charlie masturbated and the child stayed,
21 cleaned himself up and then came back to the bed and then I
22 guess was feeling uncomfortable, left the bed and went to
23 sleep on the couch and then the next day went home. I
24 don't believe that youth had any further contact with him
25 as well.

1 There was a third statement that actually I
2 think was perhaps the most profound for me, and it was one
3 where a young -- I think it was an adult actually at this
4 point who is, I believe, trying to write a letter of
5 support to Father -- for Father Charlie and saying that he
6 was a good priest and that he was a good person. But in
7 his report he describes -- and I think this is when Father
8 Charlie is at St. Columban's. He talks about how he and
9 another fellow who is -- and they are about 11 or 12 years
10 old and he says this happens to both of them. It happens
11 with both of them and it happens separately where Father
12 Charlie shows them what is described as soft pornographic
13 magazines which Father Charlie keeps under the bed.

14 I guess I came away from that with sort of
15 two questions. One is what would they be doing in Father
16 Charlie's bedroom and why would Father Charlie be showing
17 them pornographic magazines? And if they weren't in Father
18 Charlie's bedroom how would they know that these magazines
19 were kept under the bed? I mean, either they saw them
20 there or they were told that they were kept under the bed,
21 and one almost seems as bad as the other.

22 But again the sort of the thrust of this
23 letter is this person saying Father Charlie is a good
24 person; he's never molested me; there are other priests --
25 and he talks about another priest that he doesn't name, and

1 it reads like a letter of support for him. And I remember
2 thinking that that thing stood out as being the most
3 profound, somebody who wasn't trying to get Father Charlie
4 but somebody who was trying to support him but talked about
5 something that I found quite worrisome.

6 And I think that's what we're talking about

7 ---

8 **MR. ENGELMANN:** All right.

9 **MR. CARRIERE:** --- when you talk about
10 having -- sorry, that's rather longwinded but that's what I
11 think we're referring to the next day.

12 **MR. ENGELMANN:** And this is all information
13 you glean by looking at files of the Cornwall Police
14 Service?

15 **MR. CARRIERE:** Yes, yes. And there were --
16 and again I can't recall all of the details. I know that
17 there were definitely whether they're reports or statements
18 from other individuals which clearly didn't accuse Father
19 Charlie of anything but I don't remember reading those but
20 I can definitely -- though I do believe that we did but I
21 don't have recollections, but there's definitely ones that
22 said that he had not caused any harm.

23 **MR. ENGELMANN:** Yes. Okay.

24 Now, on the following page, 876, there's a
25 reference to a review meeting and a plan for the following

1 week, and I think we looked at this. This is where there's
2 a reference to attempting to meet with David Silmsler and
3 also beginning to plan for meeting with parents of altar
4 servers and this is where there's a reference to bringing
5 Pina DeBellis in; correct?

6 **MR. CARRIERE:** Yes.

7 **MR. ENGELMANN:** And we see the name Project
8 Blue appear.

9 **MR. CARRIERE:** Yes.

10 **MR. ENGELMANN:** Okay. Then we have at Bates
11 page 879 this would appear to be a strategy that Mr. Bell
12 has set out for how he's going to approach Mr. Silmer.

13 **MR. CARRIERE:** I think this is something
14 that Greg and I talked about ---

15 **MR. ENGELMANN:** All right.

16 **MR. CARRIERE:** --- in terms of how could we
17 try to introduce ourselves to Mr. Silmsler in a way that
18 would encourage him to meet with us.

19 **MR. ENGELMANN:** All right.

20 So just very briefly to cover it:

21 "Call by phone. Explain we believe his
22 allegations. Explain his potential
23 role in perhaps helping protect other
24 children. Revealing possible other
25 victims and can indicate were aware of

1 other victims without giving identity.
2 If he's unwilling to meet ask if he'd
3 consider reflecting on the request
4 before deciding. Indicate concern
5 relates to Ken Seguin as well and other
6 possible victims and/or people at
7 risk."

8 MR. CARRIERE: Yes.

9 MR. ENGELMANN: All right.

10 MR. CARRIERE: I'm not sure -- I mean, these
11 are Greg's notes and it's possible that in terms of the
12 second point explain that we believe his allegations, my
13 tendency is to say that his allegations have elements of
14 credibility. I don't know whether Greg translated that
15 into terms of believing him. I think there's a difference
16 between believing someone and seeing elements of
17 credibility.

18 MR. ENGELMANN: There's some reference to
19 that in the child sexual abuse protocol about to accept, at
20 least initially, the person's statement to you ---

21 MR. CARRIERE: Yes, yes.

22 MR. ENGELMANN: --- when you're taking the
23 statement from the child.

24 MR. CARRIERE: Yeah, I think we were -- when
25 that protocol was first -- when we first started to talk

1 about it we were coming out of an era where children
2 weren't necessarily believed and I think it was important
3 to say that in the absence of any other information we
4 should at least accept that what they may be telling has
5 credibility.

6 **MR. ENGELMANN:** At face value?

7 **MR. CARRIERE:** Yes.

8 **MR. ENGELMANN:** Now, it appears, sir, if we
9 jump ahead a few pages, Bates page 889 and 890 ---

10 **THE COMMISSIONER:** And I think it's
11 important to also understand that when you say you're going
12 to take the child's word for it that isn't the same thing -
13 - it's a far cry from the criminal standard ---

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

15 **THE COMMISSIONER:** --- and the purpose --
16 the window from which you're looking at is protection of a
17 child ---

18 **MR. CARRIERE:** Yes.

19 **THE COMMISSIONER:** --- and therefore the
20 standard should be lower at the beginning, in any event,
21 until you get to the bottom of the story.

22 **MR. CARRIERE:** Yes. I've always tried in my
23 practice to have an open mind about situations and
24 certainly that was the training that Dr. John Yuille would
25 -- he would say that you really should be looking at these

1 situations with various possibilities; that's it's happened
2 as it's described; it hasn't happened; or it's happened and
3 it could involve another person.

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

5 **MR. CARRIERE:** He would be -- you know, that
6 was one of the things that he really felt was really
7 important is the people come to it with an open mind.

8 **MR. ENGELMANN:** Sir, what I wanted to turn
9 to next was I believe it's a call that he has with Mr.
10 Silmsler, and that's on Bates page 889. Do you have that
11 page, sir?

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

13 **MR. ENGELMANN:** There's an indication that
14 he phones Mr. Silmsler at 16:12 that day ---

15 **MR. CARRIERE:** Yes.

16 **MR. ENGELMANN:** --- and I note -- and we see
17 this commonly -- he has a supervision with you almost
18 immediately thereafter at 16:35.

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** Do you see that ---

21 **MR. CARRIERE:** Yes.

22 **MR. ENGELMANN:** --- on the next Bates page?

23 **MR. CARRIERE:** Yes.

24 **MR. ENGELMANN:** And what he has set out here
25 is that -- just one moment -- first of all explaining the

1 purpose of the call and then it appears that Mr. Silmser's
2 first concern was how did the CAS know about this.

3 **MR. CARRIERE:** Yes.

4 **MR. ENGELMANN:** And I think we see that
5 repeat itself. He's concerned ---

6 **MR. CARRIERE:** Yes.

7 **MR. ENGELMANN:** --- about how you knew.

8 **MR. CARRIERE:** Yes.

9 **MR. ENGELMANN:** He's asking essentially who
10 told you and Mr. Bell is saying, "I can't go there. I
11 can't disclose that."

12 **MR. CARRIERE:** Yes.

13 **MR. ENGELMANN:** Correct?

14 **MR. CARRIERE:** Yes, that's true.

15 And in my experience as a child protection
16 worker that's very, very common.

17 **MR. ENGELMANN:** All right.

18 His next concern was that he couldn't speak
19 because it might involve him giving back money because of
20 his settlement.

21 **MR. CARRIERE:** Yes.

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

23 And then there's an explanation about how
24 you have the legal right to do this under Section 15 of the
25 *Child and Family Services Act* and there's an indication as

1 well at the bottom of the page that he initially only wants
2 to be interviewed by one person ---

3 MR. CARRIERE: Yes.

4 MR. ENGELMANN: --- and only after they deal
5 with the legalities of whether or not he can actually do
6 this.

7 MR. CARRIERE: Yes.

8 MR. ENGELMANN: So there seems to be some
9 reluctance on his part to speak to your officer or your
10 worker ---

11 MR. CARRIERE: Yes.

12 MR. ENGELMANN: --- because of the
13 settlement.

14 MR. CARRIERE: Yes.

15 MR. ENGELMANN: And that was relayed to you,
16 sir, was it not?

17 MR. CARRIERE: I'm sure it was.

18 MR. ENGELMANN: All right.

19 And it appears, sir, the following day there
20 is a planning meeting and we see the regular attendees:
21 Rick Abell, yourself, Elizabeth MacLennan, Pina DeBellis
22 and Greg Bell.

23 MR. CARRIERE: Right.

24 MR. ENGELMANN: And so there's some
25 discussion about where you're going from there and some

1 planning.

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: And it indicates that one of
4 the things that has to be done is to follow up with Jacques
5 Leduc.

6 MR. CARRIERE: Yes.

7 MR. ENGELMANN: Get copies of reports from
8 Southdown. There's the issue about the settlement and
9 whether he'll have to forfeit.

10 MR. CARRIERE: Right. Yes.

11 MR. ENGELMANN: And I note on the next page
12 there's the note:

13 "Can we have a copy of their agreement
14 with David Silmser?"

15 MR. CARRIERE: Yes.

16 MR. ENGELMANN: So it appears that's one of
17 the things that's going to be followed up with Jacques
18 Leduc ---

19 MR. CARRIERE: Yes.

20 MR. ENGELMANN: --- to see if the Diocese
21 will give you a copy of the settlement.

22 MR. CARRIERE: Yes.

23 MR. ENGELMANN: And there's a note if David
24 Silmser can call him directly to confirm he will not be
25 made to forfeit his settlement ---

1 MR. CARRIERE: Yes.

2 MR. ENGELMANN: --- or words to that effect.

3 All right?

4 MR. CARRIERE: Yes.

5 MR. ENGELMANN: And then there is a
6 reference to a call from Jacques Leduc as well on that
7 page.

8 MR. CARRIERE: Yes.

9 MR. ENGELMANN: And this again is on the 29th
10 of October and it appears what's being related is that the
11 Southdown report is not yet in.

12 MR. CARRIERE: Yes.

13 MR. ENGELMANN: He doesn't know if there
14 will be more than one report. He assumes Father MacDonald
15 will consent, and there's a note there:

16 "He will not give CAS a copy of the
17 Agreement of Settlement between David
18 Silmsler and the Diocese. He related,
19 'It's confidential.'"

20 Can you see that?

21 MR. CARRIERE: Yes, I do see that.

22 MR. ENGELMANN: And, sir, do you recall that
23 there was some delay, at least in your CAS, obtaining a
24 copy of this settlement?

25 MR. CARRIERE: Yes. I think we eventually

1 get the copy from Malcolm MacDonald.

2 MR. ENGELMANN: Correct, from Father
3 MacDonald's lawyer?

4 MR. CARRIERE: Yes, that's correct.

5 MR. ENGELMANN: Not from the Diocese?

6 MR. CARRIERE: No, not from the Diocese.

7 MR. ENGELMANN: All right.

8 Now, I'm just wondering, you've had a
9 meeting with Mr. Leduc back earlier, October 18th. It's
10 actually Bates page 867 of these notes, and at that time
11 he'd advised that Mr. Silmsler had received a financial
12 compensation of approximately \$30,000 and also that the
13 agreement indicated that he could not make any further
14 civil claim.

15 I'm just wondering, given the information
16 that Mr. Leduc would have already provided, you know, a
17 couple of weeks earlier, whether you or others at the CAS
18 were surprised that he was not willing to part with the
19 settlement documents? He's already essentially disclosed
20 some of the terms.

21 MR. CARRIERE: I don't have any recollection
22 of that, Mr. Engelmann.

23 MR. ENGELMANN: All right.

24 Now, sir, at Bates page 892 there's a
25 reference to the fact that Mr. Silmsler attends for an

1 interview.

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: And that's with Greg Bell
4 and Pina DeBellis?

5 MR. CARRIERE: Yes.

6 MR. ENGELMANN: And it indicates that it was
7 audiotaped?

8 MR. CARRIERE: Yes.

9 MR. ENGELMANN: All right.

10 And it indicates as the purpose, "Interview
11 David Silmser with respect to his abuse and possible other
12 victims and victimisation."

13 MR. CARRIERE: Yes.

14 MR. ENGELMANN: Correct?

15 MR. CARRIERE: Yes.

16 MR. ENGELMANN: And there was, of course, a
17 taped interview of him ---

18 MR. CARRIERE: Yes.

19 MR. ENGELMANN: --- that day.

20 Mr. Commissioner, it's Exhibit 270.

21 We just want to touch upon this briefly, Mr.
22 Carriere, if we can.

23 MR. CARRIERE: Yes.

24 THE COMMISSIONER: What exhibit,

25 Mr. Engelmann?

1 **MR. ENGELMANN:** Two seven zero (270), sir.

2 Sir, just before we go into the document, if
3 you look at Greg Bell's notes, the discussion of the
4 interview starts at Bates page 892. He has fairly
5 extensive notes. They run until Bates page 899.

6 **MR. CARRIERE:** Yes.

7 **MR. ENGELMANN:** Then he has sort of a
8 checklist that I think he was following to make sure he
9 covered issues.

10 **MR. CARRIERE:** Yes.

11 **MR. ENGELMANN:** And then it appears at Bates
12 page 901 that at 11:10 on that day he has a supervision
13 with you.

14 **MR. CARRIERE:** Yes.

15 **MR. ENGELMANN:** And it says:

16 "Updated Bill on interview with D.
17 Silmser."

18 **MR. CARRIERE:** Yes.

19 **MR. ENGELMANN:** Okay. And if you look at
20 Exhibit 270, it indicates the audiotape starts at 9:59 in
21 the morning and then it ends at 10:45.

22 **MR. CARRIERE:** Yes.

23 **MR. ENGELMANN:** So it's just shy of an hour.

24 **MR. CARRIERE:** Yes.

25 **MR. ENGELMANN:** And Mr. Bell is in your

1 office minutes later ---

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: --- giving you a debriefing.

4 MR. CARRIERE: Yes.

5 MR. ENGELMANN: So this was again consistent
6 with a standard practice?

7 MR. CARRIERE: Yes.

8 MR. ENGELMANN: All right.

9 MR. CARRIERE: I mean, I -- Greg didn't come
10 -- as you can see throughout his case notes, he didn't come
11 after every task that he performed, but Greg was good in
12 terms of keeping me informed.

13 MR. ENGELMANN: But it would appear that
14 after significant tasks ---

15 MR. CARRIERE: He would.

16 MR. ENGELMANN: --- he tried to meet with
17 you as soon as he could thereafter?

18 MR. CARRIERE: Yes, yes.

19 MR. ENGELMANN: All right.

20 And we're looking at 270 and, sir, as he's
21 indicated on his checklist, from about page 16, which is
22 Bates page 012, until Bates page 018, he discusses ---

23 MR. CARRIERE: Sir, I'm sorry, which binder
24 are we in at this moment?

25 MR. ENGELMANN: We're at Exhibit 270.

1 **MR. CARRIERE:** Are we back --- okay, sorry.
2 I'm sorry. And what were the Bates pages again?

3 **MR. ENGELMANN:** If you start at Bates page
4 012.

5 **MR. CARRIERE:** Yes, okay, I've got it now.
6 Thanks.

7 **MR. ENGELMANN:** He starts to describe the
8 alleged abuse by Father Charles MacDonald.

9 **MR. CARRIERE:** Yes.

10 **MR. ENGELMANN:** And this carries on for
11 several pages, right up until Bates page 018 and certainly
12 017.

13 **MR. CARRIERE:** Yes.

14 **MR. ENGELMANN:** And then on the following
15 page he describes, as well, an allegation concerning Ken
16 Seguin?

17 **MR. CARRIERE:** Yes.

18 **MR. ENGELMANN:** And as well he mentions a
19 school teacher by the name of Marcel Lalonde.

20 **MR. CARRIERE:** Yes.

21 **MR. ENGELMANN:** And that's on 018.

22 And, sir, would this have been the first
23 time you'd been made aware of a possible allegation against
24 a school teacher?

25 **MR. CARRIERE:** Yes.

1 **MR. ENGELMANN:** Because up until this
2 interview you were only aware of allegations against Father
3 MacDonald and Ken Seguin?

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

5 **MR. ENGELMANN:** All right.

6 Now, we've heard through some of the
7 evidence that was called during the Cornwall Police Service
8 institutional response that one of their constables, a
9 fellow by the name of Malloy, investigated allegations of
10 sexual abuse by Marcel Lalonde back in 1989.

11 Do you know, sir, if you or your colleagues
12 at the CAS would have been informed about that by the
13 Cornwall Police Service?

14 **MR. CARRIERE:** I don't believe we were, sir.

15 **MR. ENGELMANN:** All right.

16 So to your knowledge, this is the first time
17 that the CAS is hearing about Marcel Lalonde as an alleged
18 perpetrator of children?

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** You can put that exhibit
21 away, sir.

22 **MR. CARRIERE:** Okay.

23 **MR. ENGELMANN:** Let's go back to Mr. Bell's
24 notes, and I was at Bates page 902. Now, there's a
25 reference -- and I'm not sure if you can explain it to us -

1 - there's a reference there, sir, to some kind of a cross-
2 reference check on Marcel Lalonde.

3 **MR. CARRIERE:** Yes, that's just basically a
4 record check. It's really no different than any other
5 record check that we would do. It just means that the
6 individuals who do our record check would be asked to --
7 would be provided the name Marcel Lalonde, and would our
8 records indicate if we knew a Marcel Lalonde?

9 **MR. ENGELMANN:** All right.

10 So when you say a record check you're
11 talking about an internal check?

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

13 **MR. ENGELMANN:** So you'd look at your
14 internal registry?

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

16 **MR. ENGELMANN:** And ---

17 **MR. CARRIERE:** I think it revealed that we -
18 - there was no record found for someone.

19 **MR. ENGELMANN:** All right.

20 So you would expect, if you'd been contacted
21 in the late eighties by the Cornwall Police Service about
22 this fellow, that there would have been some positive
23 record check?

24 **MR. CARRIERE:** I think it would depend on
25 the circumstances and what would have been reported, and

1 whether or not we had opened a file.

2 **MR. ENGELMANN:** Fair enough.

3 Now, at that particular time it doesn't
4 appear in the notes, at least, that there is any effort to
5 pass this information on, at least then, to the Cornwall
6 Police Service ---

7 **MR. CARRIERE:** No, there isn't.

8 **MR. ENGELMANN:** --- about Marcel Lalonde.

9 **MR. CARRIERE:** No, no, there wasn't. We had
10 very little information about Marcel Lalonde.

11 **MR. ENGELMANN:** Yes.

12 **MR. CARRIERE:** And as you -- I think you'll
13 -- anyway, you've got that ---

14 **MR. ENGELMANN:** We had what we saw in that
15 statement.

16 **MR. CARRIERE:** Yes, that's it. Yes.

17 **MR. ENGELMANN:** All right.

18 **THE COMMISSIONER:** But isn't this the type
19 of information you would pass on to the police more out of
20 -- for intelligence purposes, if you know what I mean, so
21 that they can have something on their radar screen?

22 **MR. CARRIERE:** I think that that's a good
23 idea, sir. We didn't think of that at the time but I think
24 you know a closer liaison between two agencies and sharing
25 information, I think it's a good idea.

1 **MR. ENGELMANN:** And sir, you had just met
2 with Staff Sergeant Brunet and I think you indicated he had
3 been cooperative in allowing you to review ---

4 **MR. CARRIERE:** Yes.

5 **MR. ENGELMANN:** --- their investigation on
6 the Silmsler allegations?

7 **MR. CARRIERE:** Yes.

8 **MR. ENGELMANN:** So certainly that could have
9 been followed up?

10 **MR. CARRIERE:** It could have been.

11 **MR. ENGELMANN:** Now on November 4th at the
12 bottom of Bates page 902 there's a reference to a
13 supervision with you.

14 **MR. CARRIERE:** Yes.

15 **MR. ENGELMANN:** And at this point you're
16 noting that Malcolm MacDonald has indicated to Rick Abell,
17 "he will be fully cooperative with our investigation." And
18 therefore you're devising a plan as to how to approach him.

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** And the plan that's set out,
21 and there's a number of points that start at Bates page 902
22 explaining that he's the case worker, that they've been
23 advised that there's going to be full cooperation and
24 therefore, if we look at the following page, there's a
25 number of documents that you're going to be requesting.

1 MR. CARRIERE: Yes.

2 MR. ENGELMANN: And one of them, right at
3 the top, is a copy of the agreement ---

4 MR. CARRIERE: Yes.

5 MR. ENGELMANN: --- between Mr. Silmsen and
6 the Diocese as this is relevant to the serious allegations
7 against Father Charles MacDonald and the person making
8 them.

9 MR. CARRIERE: Yes.

10 MR. ENGELMANN: Do you see that?

11 MR. CARRIERE: Yes, I do.

12 MR. ENGELMANN: And also copies of Southdown
13 material.

14 MR. CARRIERE: Yes.

15 MR. ENGELMANN: And also copies of any or
16 all correspondence, material that he might have received
17 from the CPS.

18 MR. CARRIERE: Yes.

19 MR. ENGELMANN: So this is a plan that Mr.
20 Bell comes to you with and you agree on this plan of
21 action.

22 MR. CARRIERE: I think it's probably a plan
23 that we developed together.

24 MR. ENGELMANN: Together?

25 MR. CARRIERE: Yes.

1 **MR. ENGELMANN:** Fair enough. And there's a
2 reference to meeting with Father Bob MacDonald. As I
3 understand it he was the priest who had taken over the
4 parish in St. Andrew's?

5 **MR. CARRIERE:** Yes.

6 **MR. ENGELMANN:** All right. And you're going
7 to work out with him how to approach some of these altar
8 servers and their parents.

9 **MR. CARRIERE:** Yes.

10 **MR. ENGELMANN:** And then, sir, at Bates page
11 904 there's a reference to a call to Father MacDonald?

12 **MR. CARRIERE:** Yes.

13 **MR. ENGELMANN:** Sorry, Malcolm MacDonald. I
14 apologize. Counsel for Father MacDonald.

15 **MR. CARRIERE:** Yes.

16 **MR. ENGELMANN:** And again as per the plan
17 Mr. Bell notes that he tells him he's the worker. Malcolm
18 MacDonald indicates or confirms he's acting for Father
19 Charles MacDonald.

20 **MR. CARRIERE:** Yes.

21 **MR. ENGELMANN:** He stated about what Rick
22 Abell had told him about full cooperation and this was
23 confirmed by Malcolm MacDonald, and he asked for the
24 information that you had developed in your plan.

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

1 **MR. ENGELMANN:** All right. And if we look
2 at Bates page 905 it appears that Malcolm MacDonald agreed
3 to furnish all these materials though he didn't seem sure
4 of any material sent from Southdown.

5 He related that he'd received material from
6 the CPS, two letters from two individuals about Father
7 MacDonald.

8 **MR. CARRIERE:** Yes.

9 **MR. ENGELMANN:** At point 7 he says he's only
10 got a verbal report from Southdown at this point. And he
11 says:

12 "Which indicates that Father MacDonald
13 is not a pedophile."

14 **MR. CARRIERE:** Right.

15 **MR. ENGELMANN:** And that he'd been at
16 Southdown for a couple of weeks, would be going back for
17 months of treatment. And again it says for "stress and
18 overwork."

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** That's what's being related
21 to you.

22 **MR. CARRIERE:** Yes. Well, that's what I
23 read. I ---

24 **MR. ENGELMANN:** Yeah, okay. He also, if I'm
25 reading correctly, indicates he was pretty straightforward

1 with Father Charles, cross-examined him to see if his
2 denial was true, told him what could happen if he later
3 pleaded guilty; more serious sentence.

4 Related that he believed Father Charles'
5 denial as being true and he also said that he'd known him
6 for a long time and that he's a very good friend, and then
7 indicated very good acquaintance.

8 MR. CARRIERE: Yes.

9 MR. ENGELMANN: All right. And this
10 information is being provided, at least according to these
11 notes, to Mr. Bell on November 4th, 1993.

12 MR. CARRIERE: That's correct.

13 MR. ENGELMANN: Now, it appears there's a
14 number of -- there's several actions on this file on that
15 day. But there's a reference to a call as well to Mr.
16 Silmser. And that's at the bottom of page 906.

17 MR. CARRIERE: Yes.

18 MR. ENGELMANN: And on to page 908.

19 MR. CARRIERE: Yes. I think if I can just
20 speak to that briefly. I think that what happened after
21 Greg and Pina interviewed David Silmser on the 2nd of
22 November it was pretty clear that were some areas that
23 needed to be further pursued specifically with respect to
24 Ken Seguin and Marcel Lalonde, and so it was the reason
25 that they got back to him so quickly was to try to arrange

1 another meeting with him.

2 MR. ENGELMANN: All right. And again, sir -

3 --

4 MR. MANDERVILLE: Mr. Commissioner, I'm
5 sorry to interrupt my friend. At Bates 905 that we were
6 just looking at I would suggest point out a little bit of
7 the folly of asking Mr. Carriere to give evidence
8 concerning Mr. Bell's notes.

9 THE COMMISSIONER: M'hm.

10 MR. MANDERVILLE: And it records a
11 conversation with Malcolm MacDonald and suggests that the
12 letters of support for Father Charlie MacDonald came from
13 the Cornwall Police.

14 And we know from the letters themselves
15 having looked at them that in fact they were given to
16 Malcolm MacDonald from the authors of the letters. They
17 were sent to him directly and not by my client.

18 And so I just want to sound a note of
19 caution about our reliance on these notes as being
20 factually accurate and particularly seeking to put them in
21 through Mr. Carriere.

22 THE COMMISSIONER: Thank you. Mr.
23 Engelmann?

24 MR. ENGELMANN: Well, the letters were
25 addressed to Heidi Sebalj; both the letters from these two

1 individuals. So -- and they're written to her there.
2 There were copies provided to Malcolm MacDonald but the
3 letters themselves were addressed to her.

4 **MR. MANDERVILLE:** And cc'd to Malcolm
5 MacDonald by the writer of the letter, not from the
6 Cornwall Police.

7 **THE COMMISSIONER:** Okay, well, that's
8 something for argument but I understand your point, sir.

9 Mr. Engelmann what about the -- you know the
10 thought has gone through my mind that this gentleman is
11 saying look it I have very little recollection about a lot
12 of this stuff and we're putting in things -- you're
13 suggesting to him that these notes are correct.

14 **MR. ENGELMANN:** Well, I'm trying to get him
15 to confirm as best he can ---

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

17 **MR. ENGELMANN:** --- his knowledge of the
18 notes at the time and the fact that they're correct.

19 There are some health issues with Mr. Bell.

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

21 **MR. ENGELMANN:** Consequently we have not
22 been able to meet with him.

23 **THE COMMISSIONER:** Right.

24 **MR. ENGELMANN:** He's unable to read so could
25 not read these notes and then talk to us about them, so

1 that's why I'm doing what I'm doing.

2 **THE COMMISSIONER:** So necessity?

3 **MR. MANDERVILLE:** I apologize, Mr.

4 Commissioner, I didn't hear what you just said. I was
5 speaking with Mr. Chisholm about another matter.

6 **THE COMMISSIONER:** I think Mr. Engelmann was
7 saying that there's some aspect of necessity in the sense
8 that Mr. Bell may not be in a position because of serious
9 health concerns to testify. And so he's trying to get as
10 much as he can out of this witness.

11 If that's the case, I can tell you that I am
12 going to take the evidence knowing full well that these are
13 just notes. That we've seen in some of the notes that
14 months were mistaken, that people corrected what they had
15 to say and so I'm very much alive to the issue that you
16 have ---

17 **MR. MANDERVILLE:** Thank you, sir. I suppose
18 it remains to be seen whether the necessity test has been
19 met.

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

21 **MR. MANDERVILLE:** And certainly we can't
22 really vouch for the reliability.

23 **THE COMMISSIONER:** The reliability of?

24 **MR. MANDERVILLE:** Of these notes.

25 **THE COMMISSIONER:** No, you're right. Thank

1 you.

2 **MR. ENGELMANN:** As my friend knows, we
3 obviously has the same issue with Ms. Sebalj and her notes
4 so what we've tried to do in those cases is put questions
5 to people about them, and in this case wherever I can I'm
6 trying to see if the witness has a -- has any kind of
7 memory and whether it's refreshed and I have noted with him
8 on several occasions -- you will note yourself, sir -- that
9 almost immediately after these notes or on the same day
10 there is a meeting with Mr. Carriere.

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

12 **MR. ENGELMANN:** In fact, some of the notes
13 clearly indicate Mr. Carriere is present in part of the
14 planning. So I'll do what I can.

15 **THE COMMISSIONER:** No, that's fine, and I
16 think the point was taken on both sides.

17 **MR. ENGELMANN:** Yes.

18 **THE COMMISSIONER:** That's the way I've been
19 looking at things since the beginning, but maybe it's a
20 good matter to refresh everybody's mind on that.

21 **MR. ENGELMANN:** Well, this is the situation
22 we have with a number of police notes ---

23 **THE COMMISSIONER:** Absolutely.

24 **MR. ENGELMANN:** --- and some of the CAS
25 notes at the time.

1 **THE COMMISSIONER:** Yes, sir.

2 **MR. ENGELMANN:** Sir, the next reference I
3 wanted to bring to your attention was a call to Mr. Silmser
4 and it's indicated at the bottom of the page and, as I
5 said, onto Bates page 908. This appears to have been
6 something Mr. Bell did on his own; correct? There is no
7 reference to you?

8 **MR. CARRIERE:** Again, that's what the notes
9 say, but I have no ---

10 **MR. ENGELMANN:** Right.

11 **MR. CARRIERE:** --- instant recollection of
12 it.

13 **MR. ENGELMANN:** The notes also indicate, Mr.
14 Carriere, that at 1340 on that date ---

15 **MR. CARRIERE:** What page?

16 **MR. ENGELMANN:** --- if you turn to Bates
17 page 909.

18 **MR. CARRIERE:** Yes, okay.

19 **MR. ENGELMANN:** It says:

20 "Supervision with William Carriere,
21 with Pina DeBellis. I shared details
22 of conversations with Malcolm MacDonald
23 and David Silmser."

24 So he has a call with Malcolm MacDonald. We
25 have gone through that, and that's just before lunch. Then

1 he has a call with David Silmsers starting at 1326 according
2 to the notes, and it would appear from the notes he is on
3 the phone with him for several minutes and then he is
4 meeting with you, with Pina DeBellis at 1340.

5 MR. CARRIERE: Yes.

6 MR. ENGELMANN: Do you see that?

7 MR. CARRIERE: Yes, I do.

8 MR. ENGELMANN: And just to summarize
9 briefly, the note appears to indicate, the note of the call
10 with Mr. Silmsers, it says:

11 "His lawyer told him he shouldn't speak
12 further to us at this point because
13 other things are going on."

14 Now, were you aware, sir -- can you recall
15 any difficulty in following up with Mr. Silmsers because his
16 lawyer was giving him some advice to that effect? We also
17 have the issue about the settlement. I'm just wondering if
18 you are aware of that or can remember that?

19 MR. CARRIERE: Not specifically, sir.

20 MR. ENGELMANN: All right.

21 Were you aware that his lawyer, at least
22 occasionally at that point in time, in '93, was a fellow by
23 the name of Sean Adams?

24 MR. CARRIERE: I don't know that I did, sir.
25 Well, I don't recall, I should say.

1 **MR. ENGELMANN:** All right.

2 Was Mr. Adams known to you, sir, at that
3 time?

4 **THE COMMISSIONER:** Mr. Sean Adams?

5 **MR. ENGELMANN:** Yes.

6 **MR. CARRIERE:** Yes. No, I don't believe
7 that I knew Sean Adams.

8 **MR. ENGELMANN:** All right.

9 **THE COMMISSIONER:** Well, do we know that the
10 advice he was getting was from Sean Adams?

11 **MR. ENGELMANN:** At that time, yes. Well,
12 again, I don't want to -- we knew what the independent
13 legal advice retainer was, but we do know there were a
14 couple of calls right around this time with the police and
15 Mr. Adams and apparently with Mr. Silmser and Mr. Adams.

16 There is an indication that there is an
17 audit of the way the CPS has handled his case to see if
18 it's been properly handled. That's at point two.

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

20 **MR. ENGELMANN:** Would you have been aware of
21 that, sir, that Staff Sergeant Derochie was doing some work
22 on that?

23 **MR. CARRIERE:** No. No, I wouldn't have
24 known that. Sorry, I misunderstood your question.

25 **MR. ENGELMANN:** All right.

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

2 **MR. ENGELMANN:** All right.

3 Well, maybe perhaps we will just ask Mr.
4 Abell about that because I think he was aware.

5 **MR. CARRIERE:** Okay.

6 **MR. ENGELMANN:** There is a reference on
7 Bates page 908 at point 4 that Jacques Leduc, the lawyer
8 for the Diocese "put the screws to him" and that "Mr. Leduc
9 can't be trusted. He can be very nice and then stab you in
10 the back."

11 Do you recall any information of that nature
12 at or about that time Mr. Silmsler had concerns about
13 counsel for the Diocese?

14 **MR. CARRIERE:** No, I don't -- I don't recall
15 it specifically.

16 What I recall, Mr. Engelmann, is Greg and
17 Pina having the interview with David Silmsler and then
18 almost immediately, and I guess it would be, you know,
19 within two days, like we're kind of off the rails, like
20 he's upset and we're not -- the idea of having a follow-up
21 meeting with him, you know, immediately almost seems to be
22 in jeopardy.

23 But the specifics of why things seem to be
24 off the rails, I don't have a recollection of.

25 **MR. ENGELMANN:** Well, that isn't what this

1 note would seem to indicate, at least the note of November
2 4th. He seems to be giving them quite a bit of information.

3 **MR. CARRIERE:** He is giving them
4 information, but I guess what I'm trying to say is that he
5 is agitated. You know, he's telling -- he's going -- it
6 seems like a lot is going on with him and -- I guess, you
7 know, the sense that -- the idea that we are going to be
8 able to do a follow-up meeting somehow seems like it's in
9 jeopardy.

10 **MR. ENGELMANN:** Okay. Well, I'm going to
11 suggest to you that perhaps that happens a bit later.

12 **MR. CARRIERE:** Okay.

13 **MR. ENGELMANN:** But the issue about
14 agitated, he seems to be agitated at least about counsel
15 for the Diocese here?

16 **MR. CARRIERE:** Yes.

17 **MR. ENGELMANN:** And at the next point he
18 seems to be agitated about the Cornwall Police Service,
19 saying that he's been waiting nine months for the police to
20 do something about this?

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

22 **MR. ENGELMANN:** Again, any recollection of
23 some concern about how they were dealing with him?

24 **MR. CARRIERE:** I don't recall, sir.

25 **MR. ENGELMANN:** All right.

1 And it does say:

2 "I asked him, since he seemed concerned
3 about speaking further with us, about
4 what speaking further with us might do,
5 if he would have his lawyer call me or
6 if I could call him."

7 **MR. CARRIERE:** Yes.

8 **MR. ENGELMANN:** And again explaining that
9 cooperation with the CPS shouldn't jeopardize ---

10 **MR. CARRIERE:** With the CAS.

11 **THE COMMISSIONER:** With the CAS.

12 **MR. ENGELMANN:** CAS, sorry.

13 Again, there is this concern about the
14 settlement, I guess, and whether it would jeopardize it.

15 **MR. CARRIERE:** Yes. Well, yes, and I guess
16 the point that I was trying to make earlier, sir, was that,
17 you know, even in the first bullet, that his lawyer told
18 him that he shouldn't speak further to us at this point
19 because there are things going on. I guess that's what I
20 was trying to say in terms of feeling like we were in
21 jeopardy in terms of whether or not we were going to meet
22 with him again.

23 **MR. ENGELMANN:** All right.

24 **MR. CARRIERE:** That was my point.

25 **MR. ENGELMANN:** And it appears that there

1 was some discussion with him about Ken Seguin and Marcel
2 Lalonde. If we look at the bottom of the ---

3 **MR. CARRIERE:** Yes.

4 **MR. ENGELMANN:** --- page:

5 "I spoke of the need to know more about
6 Ken Seguin and the teacher, Marcel
7 Lalonde. He indicated both still
8 working as far as he knew and he even
9 gave Mr. Bell information about where
10 Marcel Lalonde was teaching."

11 **MR. CARRIERE:** Yes.

12 **MR. ENGELMANN:** All right.

13 And there was some indication that, at least
14 on his part, that if there was a child being abused, that
15 he would be willing to talk further ---

16 **MR. CARRIERE:** Yes.

17 **MR. ENGELMANN:** --- presumably about those
18 two.

19 **MR. CARRIERE:** Yes, and, you know, the way
20 it's phrased here, he related that if we have a child being
21 abused he'd talk further with us.

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

23 **MR. CARRIERE:** So it's kind of like "Go find
24 the child and then I'll talk to you".

25 **MR. ENGELMANN:** All right.

1 I guess my point is there is no indication
2 that he's not going to talk to you at that point? There is
3 some caution but ---

4 MR. CARRIERE: Yes, yes.

5 MR. ENGELMANN: All right.

6 MR. CARRIERE: No, he's not saying, you
7 know, categorically "I'm never talking to you again." It's
8 just there is a concern that's emerged.

9 MR. ENGELMANN: Now, there is an indication
10 of a team meeting or a review meeting ---

11 MR. CARRIERE: Yes.

12 MR. ENGELMANN: --- On November 4th, '93.

13 MR. CARRIERE: Yes.

14 MR. ENGELMANN: I'll just be a moment.

15 THE COMMISSIONER: M'hm.

16 (SHORT PAUSE/COURTE PAUSE)

17 MR. ENGELMANN: I'm wondering if the witness
18 could be shown -- it's Document Number 721653?

19 (SHORT PAUSE/COURTE PAUSE)

20 THE COMMISSIONER: Thank you. Exhibit
21 Number 22 -- no, sorry -- 2325 is Team Conference Minutes
22 12168 Silmser, "Project Blue".

23 --- EXHIBIT NO./PIÈCE NO. P-2325:

24 (721653) Team Conference Minutes 'Project
25 Blue' 93-94

1 **MR. ENGELMANN:** Sir, if you could turn to
2 Bates page 345, and if you still have the previous exhibit
3 open at Bates pages 909 and 910 ---

4 **MR. CARRIERE:** Yes.

5 **MR. ENGELMANN:** --- this would appear to be
6 Project Blue minutes or notes of that same meeting as
7 described.

8 **MR. CARRIERE:** Yes.

9 **MR. ENGELMANN:** Correct?

10 **MR. CARRIERE:** Yes, it would appear to be.

11 **MR. ENGELMANN:** And, sir, for example, if we
12 look at that page -- and again, sir, you have no
13 independent recollection of this meeting?

14 **MR. CARRIERE:** I don't.

15 **MR. ENGELMANN:** You're clearly in
16 attendance?

17 **MR. CARRIERE:** It would suggest I was.

18 **MR. ENGELMANN:** Anything about Mr. Abell's
19 notes that you disagree with here, sir?

20 **MR. CARRIERE:** No, and I recall that
21 Mr. Abell would make these notes as the meeting would go
22 on.

23 **MR. ENGELMANN:** All right.

24 **MR. CARRIERE:** He wouldn't do the notes
25 after. He would do them while the meeting was going on.

1 **MR. ENGELMANN:** All right. Because he does
2 reference in the notes at item 3 that there was the
3 interview of Silmser. It says:

4 "More to tell. Silmser said it could
5 take two days. Greg offered him any
6 time he wanted. Called Friday re
7 possibility of a further interview.
8 Called today. Mentioned Pina as a
9 neighbour of his mom. Wanting to hold
10 off (on legal advice). Greg will call
11 Sean Adams."

12 **MR. CARRIERE:** Yes.

13 **MR. ENGELMANN:** So again it appears that CAS
14 officials, including yourself, were aware that there might
15 have to be a call to Silmser's lawyer to see if you could
16 talk further.

17 **MR. CARRIERE:** Yes.

18 **MR. ENGELMANN:** All right, and there's also
19 reference to discussions with Malcolm MacDonald and Jacques
20 Leduc.

21 Now, there's no reference in here, sir, to
22 this new revelation that there's a third alleged
23 perpetrator, and I'm just wondering if you have any
24 explanation for that. There's no reference to Marcel
25 Lalonde.

1 **MR. CARRIERE:** No, I don't have any
2 explanation for it.

3 **MR. ENGELMANN:** There's no reference ---

4 **MR. CARRIERE:** There actually doesn't appear
5 to be -- there actually doesn't even appear to be a
6 discussion of the interview with David Silmsen generally.

7 **MR. ENGELMANN:** No, it's just a brief
8 reference to it, and again that appears to be the same when
9 we look at his notes, Exhibit 2324, where it says "review
10 meeting." There's no reference there to this new
11 revelation about Marcel Lalonde that I could find on Bates
12 pages 909 or 910.

13 **MR. CARRIERE:** No.

14 **MR. ENGELMANN:** All right. And this was a
15 significant fact though, was it not, a third alleged
16 perpetrator?

17 **MR. CARRIERE:** Yes, yes. Yes, it was
18 considered to be significant.

19 **MR. ENGELMANN:** And someone who is a current
20 schoolteacher ---

21 **MR. CARRIERE:** Yes.

22 **MR. ENGELMANN:** --- at a junior high school
23 here in Cornwall?

24 **MR. CARRIERE:** Yes. I think -- well, our
25 plan obviously was to have David Silmsen back in quite

1 quickly to get further information, and I'm confident that
2 that information related to Ken Seguin and Marcel Lalonde.

3 **MR. ENGELMANN:** And, sir, to your knowledge
4 there were no steps taken at that time to contact either
5 the Cornwall Police Service or anybody from the school
6 board or school in question?

7 **MR. CARRIERE:** No.

8 **MR. ENGELMANN:** And the school in question,
9 Bishop Macdonell, is here in the City of Cornwall?

10 **MR. CARRIERE:** Yes, it is.

11 **MR. ENGELMANN:** So there's no question on
12 jurisdiction of either the CAS or the CPS in dealing with
13 that school?

14 **MR. CARRIERE:** No.

15 **MR. ENGELMANN:** All right.

16 Sir, if we could jump ahead a few pages;
17 Bates page 915. There's reference to another call with Mr.
18 Silmser. Correct?

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** And apparently this is a
21 call on November 9th and they're setting up an interview for
22 the 16th.

23 **MR. CARRIERE:** Yes.

24 **MR. ENGELMANN:** And apparently what's being
25 related is that he has had a discussion with his lawyer and

1 there's no problem with him speaking to the CAS further, as
2 long as he's not speaking publicly about his abuse.

3 **MR. CARRIERE:** That's what's written here,
4 yes.

5 **MR. ENGELMANN:** All right. And there's a
6 note here that says:

7 "His lawyer advised him to call Malcolm
8 MacDonald and indicate he will be
9 speaking to CAS but not publicly."

10 Which he did do.

11 **MR. CARRIERE:** I see that.

12 **MR. ENGELMANN:** Any recollection of being
13 informed about that; that Mr. Silmsler would have indicated
14 that his lawyer, Mr. Adams, is asking him to call the
15 priest's lawyer, Mr. MacDonald, re permission to speak with
16 you?

17 **MR. CARRIERE:** I have no recollection of it.

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

19 At paragraph 3, the bottom of Bates page
20 915, there's a reference. He says:

21 "He believes Malcolm MacDonald will
22 defend Father Charles MacDonald and
23 probably Ken Seguin. He didn't
24 indicate why he believed this at the
25 time."

1 Was that something you were made aware of,
2 sir, at the time, or can you recall being made aware of the
3 fact that Malcolm MacDonald was acting for both of these
4 alleged perpetrators?

5 **MR. CARRIERE:** I don't recall, Mr.
6 Engelmann.

7 **MR. ENGELMANN:** There's an indication on
8 Bates page 916. I think it reads that he, "didn't think
9 Constable Sebalj took this seriously." Do you see that?
10 Point number 5. Any recollection, sir, of being advised of
11 that concern?

12 **MR. CARRIERE:** I have no recollection.

13 **MR. ENGELMANN:** At point number 9 there's a
14 comment that:

15 "You are the first people to say this
16 is wrong and that makes me feel a
17 little good."

18 Do you recall any indication from Mr. Bell
19 that Mr. Silmsen is saying your agency is making him feel
20 good, or the way you're dealing with him?

21 **MR. CARRIERE:** I can't say that I
22 specifically recall it from back then. I remember reading
23 this, though I can't say that I knew that then.

24 **MR. ENGELMANN:** And, sir, when would you
25 have first read these notes?

1 **MR. CARRIERE:** Within the last year.

2 **MR. ENGELMANN:** Okay. So you were not
3 reading them at the time?

4 **MR. CARRIERE:** No, I was not.

5 **MR. ENGELMANN:** Sir, do you recall -- if we
6 look at 921, for example, Bates page. There's the name
7 Helen Dunlop that appears and there's a telephone number,
8 and then on the following Bates page there's a note,
9 "Supervision with William Carriere." This is on Bates page
10 922 and it says, "He related," so this would be William
11 Carrier:

12 "...we should call Helen Dunlop to
13 interview as she seems to have at least
14 hearsay material."

15 And there's a telephone number.

16 **MR. CARRIERE:** Yes. I don't have any
17 recollection of that, sir.

18 **MR. ENGELMANN:** The note appears to suggest
19 that either the call came in to you or you were at least
20 the one who indicated to Greg Bell that he should call
21 Helen Dunlop. You have no recollection of passing that on?

22 **MR. CARRIERE:** You know, the recollection
23 that I have with this, and I could be wrong, is that
24 somehow the idea is passed on to me from Richard Abell.

25 **MR. ENGELMANN:** All right.

1 **MR. CARRIERE:** But I don't know the basis of
2 that recollection, sir.

3 **MR. ENGELMANN:** Okay. Well, do you recall
4 at some point there being some interaction between Helen
5 Dunlop and your Project Blue investigators?

6 **MR. CARRIERE:** Oh, I do remember that.

7 **MR. ENGELMANN:** All right.

8 **MR. CARRIERE:** But I don't remember the
9 actual meetings. I do know that they -- yes.

10 **MR. ENGELMANN:** And do you recall that they
11 also would have had some interaction with Perry Dunlop?

12 **MR. CARRIERE:** Yes, I do. I do recall that
13 as well.

14 **MR. ENGELMANN:** All right.

15 In fact, sir, if we move ahead to Bates page
16 927, there's a reference to a CAS visit with Helen Dunlop?

17 **MR. CARRIERE:** Yes.

18 **MR. ENGELMANN:** It's indicating that it's at
19 10:40 on November 15th, 1993?

20 **MR. CARRIERE:** Yes.

21 **MR. ENGELMANN:** And again, sir, if you move
22 ahead to Bates page 930, there's a reference to:

23 "Supervision with William Carriere,
24 later including Elizabeth MacLennan."

25 **MR. CARRIERE:** Yes.

1 **MR. ENGELMANN:** And it says:

2 "Told him about interview with Helen
3 Dunlop."

4 Do you see that?

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

6 **MR. ENGELMANN:** So it would appear that Mr.
7 Bell has a visit with Mrs. Dunlop and reports to you about
8 it that same day?

9 **MR. CARRIERE:** It would appear to be the
10 case, yes.

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

12 So you have a recollection that he met with
13 her?

14 **MR. CARRIERE:** I have a recollection that he
15 met with her.

16 **MR. ENGELMANN:** All right.

17 And then he would have reported to you about
18 that?

19 **MR. CARRIERE:** I don't recall that part,
20 sir. And in terms of the specific date, I mean, I don't
21 recall that he specifically met with her that day. I do
22 recall -- I mean, part of the body of knowledge I have
23 about this case is that he met with Helen Dunlop and Perry
24 Dunlop.

25 **MR. ENGELMANN:** All right.

1 There's a caption there. She seems to be
2 providing all sorts of information about the physical
3 layout of the church and the manse at St. Andrew's West.

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

5 **MR. ENGELMANN:** Do you recall Mr. Bell
6 talking to you about getting information of that nature
7 from Mrs. Dunlop?

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

9 **MR. ENGELMANN:** All right.

10 And then it would appear -- and I don't want
11 to get into it, but she's repeating a number of rumours
12 that's she's heard, and this is where that term "hearsay"
13 comes up. Do you have any recollection that the
14 information that would have been received was of a general
15 nature, in the nature of rumours, et cetera?

16 **MR. CARRIERE:** That's the sense that I had.
17 I think he -- sorry, excuse me, I think she provided some
18 names of people that she felt were people that Greg might
19 want to speak with that might know something.

20 **MR. ENGELMANN:** All right.

21 There's an indication in the notes, sir --
22 this is on Bates page 929.

23 **MR. CARRIERE:** Yes.

24 **MR. ENGELMANN:** I'm looking at the
25 second-last paragraph:

1 "She also indicated her husband would
2 know things from a different
3 perspective and that he was actually a
4 little disappointed I was not calling
5 to speak with him. I indicated it
6 sounds as though I should do so and
7 would look into this."

8 And then again, sir, there's a reference at
9 930 in the supervision with you:

10 "Okay to interview Perry Dunlop."

11 Do you recall this being related back to you
12 that Mrs. Dunlop wanted you and your team to speak to her
13 husband?

14 **MR. CARRIERE:** I don't have a recollection.

15 **MR. ENGELMANN:** All right.

16 Now, sir, it appears at least from the notes
17 at page 931 that again Mr. Bell has a plan of what he wants
18 to cover with Mr. Silmsler at their next interview?

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** I don't know if you have any
21 recollection of the specifics, but would he perhaps have
22 briefed you on this or you'd have some input into this?

23 **MR. CARRIERE:** I mean, I don't recall this,
24 but I suspect that this -- the points that are listed here
25 would have been points that we would have discussed earlier

1 when there was a briefing of the interview with David
2 Silmsers, for instance.

3 **MR. ENGELMANN:** Right.

4 **MR. CARRIERE:** So as Greg is getting closer
5 to -- I think he actually does this the date of the set
6 interview -- he's just mapping out what he wants to cover.
7 It's pretty much Greg's style of doing things, yeah.

8 **MR. ENGELMANN:** All right.

9 And there's a reference on the following
10 pages to a number of calls he makes to Mr. Silmsers and the
11 fact that he doesn't show up for the interview.

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

13 **MR. ENGELMANN:** And that would have been
14 reported back to you?

15 **MR. CARRIERE:** I think at some point it
16 would have been. It's the kind of thing that I suspect
17 Greg would tell me about. I don't have a recollection of
18 it, but I would suspect he would.

19 **MR. ENGELMANN:** Well, sir, if we move ahead
20 to Bates page 948, it's a reference -- this is the next
21 discussion that Mr. Bell notes having with Mr. Silmsers. It
22 indicates:

23 "Purpose: learn why appointment of
24 November 16th, '93 was missed and to set
25 another."

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

2 **MR. ENGELMANN:** And what's written is:

3 "He related that he's having a bad week
4 and he chickened out."

5 Do you see that?

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

7 **MR. ENGELMANN:** "He's having a bad week
8 over this. It's all coming down on
9 him. I offered to help him in any way
10 I could and that Pina DeBellis would as
11 well. Told him I was worried about
12 him. I told him I believe the things
13 he has to tell us will be vital to
14 protecting children and asked if we
15 could still meet to talk. He said yes,
16 he'll call me next week."

17 And he says at the end of it, and this is on
18 the next page:

19 "I didn't seek to make an appointment
20 this time as I felt he might feel too
21 pressured."

22 **MR. CARRIERE:** Yes.

23 **MR. ENGELMANN:** Sir, do you recall ---

24 **MR. CARRIERE:** Mr. Engelmann, could we take
25 a brief break please?

1 **MR. ENGELMANN:** Yes, absolutely.

2 **THE COMMISSIONER:** Thank you.

3 **MR. CARRIERE:** Thank you.

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

6 The hearing will resume at 11:00 a.m.

7 --- Upon recessing at 10:42 a.m./

8 L'audience est suspendue à 10h42

9 --- Upon resuming at 11:08 a.m./

10 L'audience est reprise à 11h08

11 **THE REGISTRAR:** Order; all rise. À l'ordre;
12 veuillez vous lever. The hearing is now resumed. Please
13 be seated. Veuillez vous asseoir.

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

15 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE IN-CHEF PAR**

16 **MR. ENGELMANN (cont'd/suite):**

17 **MR. ENGELMANN:** Mr. Carriere, when we left
18 off I was about to take you to another contact with
19 Mr. Silmsen, and you'll find it at Bates page 974. This is
20 the next contact with Mr. Silmsen that's noted in these
21 notes.

22 **MR. CARRIERE:** Okay.

23 **MR. ENGELMANN:** And it's a call from him on
24 November 26th at 10 o'clock in the morning. And I note,
25 sir, after that, Mr. Bell notes a call from Jacques Leduc

1 at 10:26, and that's on Bates page 975, and then there's a
2 team review meeting at 10:30. And again, it indicates,
3 just to point out, under the team review meeting, at Bates
4 page 975, that he discussed the telephone call from
5 Mr. Silmsner and the suicide of Mr. Seguin. All right?

6 MR. CARRIERE: Yes.

7 MR. ENGELMANN: So again significant events.

8 MR. CARRIERE: Yes.

9 MR. ENGELMANN: A meeting with you and/or
10 the team almost immediately thereafter.

11 MR. CARRIERE: Yes.

12 MR. ENGELMANN: And just by a couple of
13 things that Mr. Silmsner is indicating, at least in
14 accordance with these notes, that "Ken Seguin has hung
15 himself last night," he's referencing that he has some kind
16 of civil action against Ken Seguin. That's what he's
17 suggesting, that he called him on Wednesday, the 24th, to
18 ask when he's going to settle the suit. Told him if he
19 didn't he would hire an Ottawa lawyer, I believe.

20 MR. CARRIERE: Yes.

21 MR. ENGELMANN: And thus far, that he had
22 not had counsel. Again he's indicating a reference that
23 Malcolm MacDonald is acting for Ken Seguin and he says that
24 he "called Malcolm today" and Malcolm told him if he hadn't
25 called Ken on the Wednesday, the 24th that he'd still be

1 alive -- he, Ken, would still be alive.

2 **MR. CARRIERE:** Yes.

3 **MR. ENGELMANN:** And then Mr. Bell notes
4 something like:

5 "I pointed out this was an unfair
6 comment."

7 And after that there's an indication that:

8 "David Silmsen indicates regarding our
9 speaking further about his abuse and
10 particularly with respect to the
11 teacher, Marcel Lalonde, that he wants
12 to take a week or two to settle his
13 head. Doesn't want any other suicides
14 on his conscience."

15 Do you see that?

16 **MR. CARRIERE:** Yes.

17 **MR. ENGELMANN:** And it says:

18 "I tried to dissuade him from accepting
19 Ken's suicide as his responsibility."

20 Sir, I just -- again, there's a meeting with
21 you that morning. Do you have a recollection of Greg Bell
22 meeting with you and others, reporting Mr. Seguin's
23 suicide?

24 **MR. CARRIERE:** I don't remember, sir.

25 **MR. ENGELMANN:** All right.

1 That's a significant event, is it not?

2 **MR. CARRIERE:** I can remember actually the
3 earlier part of the morning in terms of -- I think I'm
4 advised by Elizabeth MacLennan about Mr. Seguin's suicide,
5 yes.

6 **MR. ENGELMANN:** All right.
7 So you would have known about it before the
8 team meeting?

9 **MR. CARRIERE:** Oh, yes. Yes, I did, yes.

10 **MR. ENGELMANN:** All right.

11 **MR. CARRIERE:** But I don't remember the team
12 meeting but I do remember being advised by Elizabeth
13 MacLennan.

14 **MR. ENGELMANN:** All right.

15 And do you recall being advised at all that
16 Mr. Silmsler was reluctant to meet and talk about Marcel
17 Lalonde because of concern about another possible suicide?

18 **MR. CARRIERE:** I don't have a recollection
19 of that, sir.

20 **MR. ENGELMANN:** All right.

21 Sir, if we could flip ahead then to Bates
22 page 983 and there is a reference there to a CAS visit with
23 Perry Dunlop "unplanned" and it says with Pina DeBellis.

24 **MR. CARRIERE:** Yes.

25 **MR. ENGELMANN:** And again, sir, this would

1 appear to be taking place at 1405 on the 29th of November.

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: And if we turn to Bates page
4 985 it appears that both Mr. Bell and Ms. DeBellis are
5 coming to report to you about this immediately afterwards,
6 1433.

7 MR. CARRIERE: Right.

8 MR. ENGELMANN: It says:

9 "Updated Bill on discussion with Perry
10 Dunlop."

11 MR. CARRIERE: Yes.

12 MR. ENGELMANN: So just on that you
13 indicated to us you were aware that there had been a
14 meeting or meetings with Perry Dunlop by your team?

15 MR. CARRIERE: Yes.

16 MR. ENGELMANN: And in this one here, sir,
17 he is indicating that he and his wife attend St. Andrew's
18 Parish from time to time, number one? And I'm looking at
19 Bates page 93.

20 MR. CARRIERE: Yes, yes.

21 MR. ENGELMANN: Two:

22 "That in the next few weeks further
23 information will come to light
24 regarding other perpetrators."

25 MR. CARRIERE: Yes.

1 **MR. ENGELMANN:** Number three, that:

2 "Randy Millar and Chris MacDonnell of
3 the OPP in Lancaster are investigating
4 Ken Seguin's suicide and a possibility
5 of whether there was extortion."

6 **MR. CARRIERE:** Yes.

7 **MR. ENGELMANN:** That:

8 "Randy Millar will be speaking to Pina
9 and Greg about the investigation they
10 are doing."

11 **MR. CARRIERE:** Yes.

12 **MR. ENGELMANN:** And that David Silmsner has
13 given them a statement that they will be giving to the CAS?

14 **MR. CARRIERE:** Yes.

15 **MR. ENGELMANN:** That:

16 "There were other perpetrators involved
17 in a ring and that this includes
18 Malcolm MacDonald."

19 And he said that he will come in and review
20 his notes. There is an indication that he has some notes
21 but he wants to wait until after you've spoken to Randy
22 Millar, and he asked for a letter from the CAS to Staff
23 Sergeant Derochie confirming that there is clearance that
24 he can be interviewed as a police officer. All right?

25 **MR. CARRIERE:** Yes, I see that, yes.

1 **MR. ENGELMANN:** So there is a number of
2 things that Perry Dunlop is relating to Greg Bell,
3 according to these notes, and I just want to ask you a
4 couple of questions.

5 Did you have some knowledge that Mr. Dunlop
6 and his wife were at least part-time attendees at St.
7 Andrew's West Parish where Father MacDonald had been
8 preaching?

9 **MR. CARRIERE:** I don't have any
10 recollection, sorry.

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

12 Were you aware that information was coming
13 in to you about the fact that officers from the OPP and
14 Lancaster were investigating Ken Seguin's suicide and a
15 possible extortion?

16 **MR. CARRIERE:** I don't recall.

17 **MR. ENGELMANN:** All right.

18 What about the fact that Mr. Dunlop alleged
19 there were other perpetrators, that there was some kind of
20 a ring, and that Malcolm MacDonald himself was an alleged
21 perpetrator?

22 **MR. CARRIERE:** I don't recall -- I do recall
23 that in terms of -- in the sense that Mr. Dunlop -- sorry,
24 Officer Dunlop talked about this going beyond Father
25 Charlie and Ken Seguin and I don't know, but that there

1 were more people involved as perpetrators. I don't have a
2 specific recollection of Malcolm MacDonald but just that
3 there were more perpetrators and that he was going to get
4 back to us and he was going to tell us about that.

5 **MR. ENGELMANN:** All right.

6 **MR. CARRIERE:** But the name Malcolm
7 MacDonald doesn't -- I don't recall that.

8 **MR. ENGELMANN:** All right.

9 It would be fairly significant that a police
10 officer is meeting with your team and suggesting there are
11 other perpetrators?

12 **MR. CARRIERE:** Oh, it is significant.

13 **MR. ENGELMANN:** All right.

14 **THE COMMISSIONER:** So do you recall that?
15 You know, I'm just thinking on an emotional plane, you
16 know, you're doing your work and then this whole thing
17 starting with Dunlop. Has it become public yet on the 25th
18 of November? Oh, yeah.

19 **MR. CARRIERE:** I think it would be, yes.

20 **MR. ENGELMANN:** Oh, very much so.

21 **MR. CARRIERE:** Yeah.

22 **MR. ENGELMANN:** So when you're sitting there
23 and you've got this controversy and then someone walks in
24 and says, "Oh, by the way, Dunlop is telling us that it's
25 bigger than what you think." Do you recall that?

1 **MR. CARRIERE:** Yeah. Well, I think you said
2 it well, sir, in terms of on an emotional level. That's
3 how I think I remember it, actually that -- you know, that
4 there is more people involved and Perry Dunlop has some
5 information on it and we're going to -- he's going to tell
6 us about that.

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

8 **MR. CARRIERE:** Yeah. But you know the
9 specifics of it I don't but I think --

10 **THE COMMISSIONER:** Right.

11 **MR. ENGELMANN:** Sir, at that time, I'm not
12 sure about what's become public. I mean we still have the
13 settlement that isn't known. We don't have the widespread
14 publicity in the community until January '94.

15 **THE COMMISSIONER:** Right, right.

16 **MR. ENGELMANN:** This is late November. We
17 have Ken Seguin's suicide. So there are more people
18 knowing more information than the broader public know.

19 **THE COMMISSIONER:** What I meant was there is
20 a lot of excitement going on. And I don't mean excitement
21 in a good way. In a sense that from a Children's Aid
22 Society perspective ---

23 **MR. CARRIERE:** Yes.

24 **THE COMMISSIONER:** --- you've got an
25 allegation against a priest and a probation officer.

1 You've got an officer coming in to tell you things.

2 I mean first of all, you must have known at
3 the beginning that -- when he gave the document to Abell?

4 **MR. CARRIERE:** Fairly quickly I found out,
5 yes.

6 **THE COMMISSIONER:** Right.

7 **MR. CARRIERE:** Yes.

8 **THE COMMISSIONER:** So you're ahead of the
9 game with respect to the rest of the public on that one.

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

11 **THE COMMISSIONER:** All right.

12 **MR. CARRIERE:** Yes.

13 **THE COMMISSIONER:** And so it's growing.

14 You've got a special team set up.

15 **MR. CARRIERE:** Yes.

16 **THE COMMISSIONER:** And then you keep getting
17 more and more information like this.

18 **MR. CARRIERE:** More and more hints of
19 information.

20 **THE COMMISSIONER:** Right.

21 **MR. CARRIERE:** Yes.

22 **THE COMMISSIONER:** More and more hints,
23 okay.

24 **MR. ENGELMANN:** Well, sir, just on Bates
25 page 985 -- and this is in the supervision immediately

1 after ---

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: --- Mr. Bell's and Ms.
4 DeBellis' meeting with Perry Dunlop, there's a reference
5 that says:

6 "We will welcome opportunity to
7 exchange information with OPP Lancaster
8 and indicate that we conference this
9 case at the beginning with Constable
10 Ron Wilson."

11 MR. CARRIERE: M'hm.

12 MR. ENGELMANN: And this is after,
13 presumably, Mr. Bell is talking to you about the fact that
14 Randy Millar and Chris MacDonnell are working on this.

15 MR. CARRIERE: Yes, yes.

16 MR. ENGELMANN: So it would appear that at
17 least at the meeting you're having that you're all
18 welcoming an opportunity to work with them.

19 MR. CARRIERE: Yes.

20 MR. ENGELMANN: Do you recall some
21 recollection of it's not just Ron Wilson at Lancaster,
22 there were other officers from the OPP that you're going to
23 be working on this or that have an interest?

24 MR. CARRIERE: I don't have the recollection
25 of it, sir.

1 **MR. ENGELMANN:** All right.

2 **MR. CARRIERE:** Don't dispute it but I don't
3 have the recollection of it.

4 **MR. ENGELMANN:** Sir, then there is an
5 indication -- and it's Bates page 992, there is a reference
6 to a visit with Malcolm MacDonald at 1457 on November 30th.
7 And this is with Mr. Bell and Ms. DeBellis.

8 **MR. CARRIERE:** Yes.

9 **MR. ENGELMANN:** And there is a meeting the
10 following morning noted at 1154 on Bates page 996:

11 "Meeting with Abell, MacLennan,
12 Carriere and DeBellis..."

13 And there is some discussion about documents
14 that have been obtained from Malcolm MacDonald the day
15 before. And I just want to ask you about the meeting with
16 Malcolm MacDonald that is reported on Bates page 992, and
17 there is a reference to the fact that he indicated he'd:

18 "...like the CAS to sign an undertaking
19 in which the Society agrees to keep the
20 material he is about to provide
21 confidential within the Society, and as
22 well to return the material to him once
23 it has served the Society's purpose."

24 And of course we're talking about some of
25 the materials that surround the settlement.

1 **MR. CARRIERE:** Yes.

2 **MR. ENGELMANN:** It's noted:

3 "I indicated before signing such a
4 document I would need to consult with
5 Elizabeth MacLennan, CAS counsel."

6 And after that he provides some documents
7 that are listed there, including a report from Southdown;
8 these letters that were indicated earlier to Heidi Sebalj
9 of the CPS from a couple of individuals, and then a copy of
10 the full release and undertaking not to be disclosed, the
11 settlement document, including six, a certificate of
12 independent legal advice signed by Sean Adams and David
13 Silmser. And then there's a description apparently by Mr.
14 MacDonald about the sequence of events and how the
15 settlement money came about.

16 It goes on saying essentially he could
17 defend Father Charlie in his sleep. And then there's some
18 questions at the end, Father MacDonald's at Southdown for
19 treatment; will be there for four to six months; resigned
20 as pastor though he retained status of priest; at Southdown
21 he's not in a position of authority with any children under
22 16, not in contact with them, and that Southdown is
23 essentially belonging to the Catholic Church. Okay?

24 **MR. CARRIERE:** Yes.

25 **MR. ENGELMANN:** So a number of things that

1 are passed on.

2 You were aware, sir, were you not, that
3 Malcolm MacDonald was the person who provided the
4 settlement documents?

5 **MR. CARRIERE:** You mean to us, you mean?

6 **MR. ENGELMANN:** Yes.

7 **MR. CARRIERE:** Yes. Yes, I was aware of
8 that.

9 **MR. ENGELMANN:** All right.

10 So you recall that ---

11 **MR. CARRIERE:** Yes.

12 **MR. ENGELMANN:** --- maybe not when it was
13 but that he did do that?

14 **MR. CARRIERE:** Yes, I do recall.

15 **MR. ENGELMANN:** And do you have, sir, any
16 understanding about an issue concerning confidentiality of
17 those documents?

18 **MR. CARRIERE:** I don't -- I can't think back
19 to the time and recall that, sir, but I certainly, from
20 reading the documents more recently, am aware of it.

21 **MR. ENGELMANN:** Do you have any recollection
22 of the notes that I've just read to you being referred to
23 you at that time?

24 **MR. CARRIERE:** I don't, sir. Sorry, with
25 one exception.

1 **MR. ENGELMANN:** Yes.

2 **MR. CARRIERE:** And I wouldn't have been able
3 to perhaps state it as is worded here, but I have the
4 recollection of Malcolm MacDonald saying something about
5 how easily he could have defended Father Charlie.

6 **MR. ENGELMANN:** All right.

7 Now, there's a reference to a meeting with
8 you. It's on Bates page 000. It's a supervision with Bill
9 Carriere -- William Carriere at 1600 hours on December 1st.

10 **MR. CARRIERE:** Yes.

11 **MR. ENGELMANN:** Do you have that?

12 **MR. CARRIERE:** I do, yes.

13 **MR. ENGELMANN:** And there seems to be some
14 scenarios written out:

15 "If David Silmser indicates..."

16 **THE COMMISSIONER:** If he calls.

17 **MR. CARRIERE:** Yes.

18 **MR. ENGELMANN:** Calls.

19 **THE COMMISSIONER:** Indicate that ---

20 **MR. ENGELMANN:** "...indicate that
21 regarding Ken Seguin, we would only
22 want information regarding anyone who
23 he abused who is still under 16 years
24 of age."

25 Am I reading that correctly?

1 **MR. CARRIERE:** Well, that's what's written
2 there. Yes, that's correct.

3 **MR. ENGELMANN:** "Regarding anyone else
4 such as Marcel Lalonde (teacher) anyone
5 ever abused who was under 16 years of
6 age at the time of the abuse."

7 Do you see that?

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

9 **MR. ENGELMANN:** "If nothing further is
10 learned regarding Marcel Lalonde we
11 will have to meet..."

12 **THE COMMISSIONER:** "...to decide what
13 if any..."

14 **MR. ENGELMANN:** "...any information is
15 shared with the school board."

16 **MR. CARRIERE:** Yes. Yes.

17 **MR. ENGELMANN:** So there seems to be this
18 difference in approach with respect to possible victims of
19 Ken Seguin and then others, such as possible victims of
20 Marcel Lalonde.

21 **MR. CARRIERE:** Yes.

22 **MR. ENGELMANN:** Do you recall that
23 distinction and why that distinction might have been made?

24 **MR. CARRIERE:** What I recall is meeting with
25 Greg and definitely feeling at the time that we were about

1 to lose contact with David Silmsler; that it had reached the
2 point where he wasn't going to be dealing with us anymore.

3 I don't know if I stated this as Greg has
4 written it. Frankly I hope I didn't because I'm not sure
5 that I can make a lot of sense in terms of why we would do
6 things differently.

7 I know that what I was trying to do at the
8 time was trying to narrow the focus that if David Silmsler
9 had anything to report that he would provide us with that
10 information. Because I had the sense that having a long
11 discussion with him or an extensive review of the situation
12 was unlikely to happen and so it was trying to be more
13 focused with him. At least if you have something at least
14 give us that. But, I mean, if I presented it like this to
15 Greg, then it seems like kind of a jumble to me.

16 **MR. ENGELMANN:** Well, you don't have any
17 reason to dispute what's written here?

18 **MR. CARRIERE:** I have no reason to dispute
19 it.

20 **MR. ENGELMANN:** And was it perhaps a
21 distinction made because Mr. Seguin was dead and Mr.
22 Lalonde was alive and teaching?

23 **MR. CARRIERE:** It's possible, sir. Yes,
24 it's possible.

25 **MR. ENGELMANN:** And clearly at this point

1 the CAS has not contacted either the school or the school
2 board?

3 MR. CARRIERE: No, we had not.

4 MR. ENGELMANN: And you were aware though
5 that Mr. Silmsler had -- I know there weren't great details
6 about this, but had alleged abuse by a teacher?

7 MR. CARRIERE: Yes, and there weren't great
8 -- there weren't details actually.

9 MR. ENGELMANN: Right. But were you at
10 least aware or did you at least confirm that this fellow
11 was a teacher at Bishop MacDonell and that he taught grade
12 eight students?

13 MR. CARRIERE: No, we didn't do that.

14 MR. ENGELMANN: Didn't even check to make
15 sure he was an actual person and that he was still
16 teaching?

17 MR. CARRIERE: We didn't take any action,
18 sir.

19 MR. ENGELMANN: All right.

20 MR. CARRIERE: Mr. Silmsler had said that he
21 was still the teacher and we ---

22 MR. ENGELMANN: Yes.

23 MR. CARRIERE: But we didn't explore that.

24 MR. ENGELMANN: Then if we could jump ahead
25 to Bates page 018. There's a reference to another

1 supervision with you, sir. I'll just be a moment. And if
2 I'm correct it says:

3 "We must try to complete interviews
4 with altar service by the end of this
5 week."

6 **MR. CARRIERE:** Yes.

7 **MR. ENGELMANN:** And you're giving some
8 instruction and this is now December 7th that you want them
9 to wrap this up?

10 **MR. CARRIERE:** Yes. It's taking --
11 obviously this investigation is important, but it's the
12 only investigation that Greg Bell is working on and Pina,
13 as you know, was involved in the Laundromat or in helping
14 with this and other investigators like Carol Beamer and
15 Geraldine Fitzpatrick and I can't remember who else are,
16 but they're carrying the rest of the weight and it's a
17 tough go for them. So anyway I am pushing to get this
18 completed.

19 **MR. ENGELMANN:** All right.

20 So you agree that you were pressuring Greg
21 Bell to get it done?

22 **MR. CARRIERE:** Yes. Oh, I would -- yes.
23 Pressure may be too strong of a word but I -- encouraging
24 and saying "Let's get this finished."

25 **MR. ENGELMANN:** Well, you're his boss.

1 **MR. CARRIERE:** I'm his boss.

2 **MR. ENGELMANN:** And you're telling him you
3 want it wrapped up.

4 **MR. CARRIERE:** Yes.

5 **MR. ENGELMANN:** And was that pressure
6 internal only or was there also some external pressure?
7 Were you getting some feedback from the Diocese that they
8 wanted to have this wrapped up as well?

9 **MR. CARRIERE:** There had been discussions
10 with the Diocese in the past earlier on about them hoping
11 that this would get completed quickly but certainly not at
12 this time. This is internal. I'm needing Greg for other
13 things.

14 **MR. ENGELMANN:** All right.

15 And the next point that's listed there in
16 the supervision is:

17 "Okay to contact Randy Millar, OPP
18 Lancaster, and indicate we understand
19 he wanted to speak to us about this
20 case."

21 **MR. CARRIERE:** Yes. Yes, we haven't heard
22 from Randy Millar at this point so this is my direction to
23 Greg to contact Randy and ---

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

25 So you want that communication with the OPP

1 ongoing?

2 **MR. CARRIERE:** Yes. Well, we understand
3 that they had some information.

4 **MR. ENGELMANN:** Or to get going?

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

6 **MR. ENGELMANN:** Okay.

7 **MR. CARRIERE:** Well, sorry, we are led to
8 believe they have information.

9 **MR. ENGELMANN:** And that was as a result of
10 information from Mr. Dunlop?

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

12 **MR. ENGELMANN:** All right.

13 And if we could jump ahead, we have a team
14 meeting on the 10th of December, and that's listed at Bates
15 page 027.

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

17 **MR. ENGELMANN:** And it appears, at least
18 from the note, if I'm reading it correctly, noted trying to
19 speak with Staff Sergeant Brunet ---

20 **MR. CARRIERE:** Yes.

21 **MR. ENGELMANN:** --- to learn names of
22 persons A and B.

23 **MR. CARRIERE:** Yes.

24 **MR. ENGELMANN:** Those are the two other
25 alleged victims that you're aware of?

1 MR. CARRIERE: Yes.

2 MR. ENGELMANN: Or two ---

3 MR. CARRIERE: Yes. M'hm.

4 MR. ENGELMANN: And why would it have been
5 important for you to obtain those names at that time?

6 MR. CARRIERE: I think at this point there's
7 some discussion about actually meeting with those people to
8 get details from them.

9 MR. ENGELMANN: Now there's some contact
10 with the Cornwall Police Service we'll come to, but it's my
11 understanding that those names are never provided?

12 MR. CARRIERE: No, they're not.

13 MR. ENGELMANN: All right.

14 And you make two, three or four requests for
15 them.

16 MR. CARRIERE: I can't the actual number,
17 sir, but ---

18 MR. ENGELMANN: All right.

19 There's a reference as well, sir, at point
20 number 3 on Bates page 028:

21 "Write to Malcolm MacDonald with
22 respect to requesting interview with
23 Father Charles MacDonald."

24 MR. CARRIERE: Yes.

25 MR. ENGELMANN: Do you recall at or about

1 this time in December that you were having some discussion
2 about having an interview with Father Charles MacDonald?

3 **MR. CARRIERE:** I can't pinpoint it in time,
4 but I definitely am aware of discussions of, you know,
5 trying to set up a meeting with Father MacDonald, yes.

6 **MR. ENGELMANN:** And was that the procedure
7 or practice pursuant to your protocol, to actually have an
8 interview at some point ---

9 **MR. CARRIERE:** Yes.

10 **MR. ENGELMANN:** --- with the alleged
11 perpetrator.

12 **MR. CARRIERE:** Yes. Yes, towards the end or
13 at the end.

14 **MR. ENGELMANN:** Again there's a reference to
15 a call with Staff Sergeant Brunet that very day, December
16 10th on Bates page 028?

17 **MR. CARRIERE:** Yes.

18 **MR. ENGELMANN:** And there's again a
19 reference there that they would not release the names for
20 those individuals, A and B.

21 **MR. CARRIERE:** Right.

22 **MR. ENGELMANN:** And he's essentially
23 referring your investigator to Ron Wilson of the OPP for
24 further information?

25 **MR. CARRIERE:** I'm sorry, I'm not -- is that

1 still on the ---

2 MR. ENGELMANN: Down at the bottom of the
3 page.

4 MR. CARRIERE: Oh, yes. I see it now. Yes,
5 thank you. Yes, I see that.

6 MR. ENGELMANN: Would you have been advised
7 of this that the Cornwall Police Service, first of all,
8 wasn't going to give you these names?

9 MR. CARRIERE: I don't recall, sir. I would
10 think that would be something that Greg would discuss with
11 me, but ---

12 MR. ENGELMANN: Okay. Well, you were aware
13 you didn't get them?

14 MR. CARRIERE: I'm aware that we didn't get
15 them. And I mean, I'd be certain that that would be
16 something that Greg would discuss with me, but I don't have
17 the recollection of the discussion with him.

18 MR. ENGELMANN: Okay. There's also a
19 reference now to a call from Randy Millar on the next page,
20 Bates page 029. The notes indicate, first of all, the
21 call, the fact that he indicates he became involved over
22 Mr. Seguin's death and the connection to Father MacDonald
23 came up. There's a reference to the case has now gone to
24 Ron Wilson, OPP Long Sault.

25 MR. CARRIERE: Yes.

1 **MR. ENGELMANN:** There's a reference to
2 another statement that David Silmsler gave. And, sir, were
3 you aware of the fact that there was another statement that
4 Mr. Silmsler had given but this time to the OPP?

5 **MR. CARRIERE:** I don't recall.

6 **MR. ENGELMANN:** All right.

7 But you're not able to tell us whether the
8 CAS made any efforts to obtain that statement?

9 **MR. CARRIERE:** I don't think we did, but I
10 can't recall.

11 **MR. ENGELMANN:** There's also a reference at
12 the bottom of that page that Mr. -- Officer Millar knows
13 from the CPS that there are two other alleged victims of
14 Father Charles, but the CPS will not give them the names.
15 So he's saying "We're not getting the names from them
16 either." Are you aware of that at all, sir?

17 **MR. CARRIERE:** No.

18 **MR. ENGELMANN:** There's a reference, sir, at
19 Bates page 035 to a call Mr. Bell receives from Constable
20 Ron Wilson.

21 **MR. CARRIERE:** Yes.

22 **MR. ENGELMANN:** His report that essentially
23 Mr. Silmsler is refusing to have anything to do with them or
24 the CPS indicating they've not done right by him; secondly,
25 that he's not heard any mention of the teacher, Marcel

1 Lalonde. And point number 5:

2 "It's okay to proceed with interviewing
3 Father Charles. There's no further
4 police action contemplated at this
5 point."

6 Do you know if that was something that you
7 would have instructed your team to do, to check with the
8 police before interviewing Father Charles to make sure you
9 weren't interfering in anything they might be doing?

10 **MR. CARRIERE:** I think if we go back to the
11 original plan that was developed it was -- I think it said
12 something "as per protocol", and definitely the protocol
13 would be check with the police before you proceed with an
14 interview of an alleged perpetrator.

15 **MR. ENGELMANN:** And, sir, on the following
16 page there's a reference to contacting Malcolm MacDonald.
17 Do you see that?

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

19 **MR. ENGELMANN:** And there's a reference to
20 inviting Father Charles to come to the CAS to give his
21 version or his account of events?

22 **MR. CARRIERE:** Yes.

23 **MR. ENGELMANN:** And you were aware that that
24 was in the works, that he was being invited?

25 **MR. CARRIERE:** Yes, I was.

1 **MR. ENGELMANN:** All right.

2 There are a number of references to calls
3 with Malcolm MacDonald about trying to set something up
4 with Father MacDonald.

5 You were aware that he's in Southdown which
6 is outside of this jurisdiction?

7 **MR. CARRIERE:** Yes, we knew that.

8 **MR. ENGELMANN:** You were informed of that?

9 **MR. CARRIERE:** Yes, I was aware of that.

10 **MR. ENGELMANN:** And I note on Bates page
11 2043 -- sorry, 043 -- again there's a reference to another
12 call with Malcolm MacDonald -- from Malcolm MacDonald on
13 December 21st, 1993.

14 **MR. CARRIERE:** Yes.

15 **MR. ENGELMANN:** And there's a supervision
16 with you later that day also noted on that page.

17 **MR. CARRIERE:** Yes.

18 **MR. ENGELMANN:** And in the call what's noted
19 is inquiring with respect to whether Father Charles will be
20 coming to the CAS for an interview. And he's relating
21 that's next to impossible for someone to leave Southdown
22 before their treatment is complete.

23 **MR. CARRIERE:** Yes.

24 **MR. ENGELMANN:** And there's a reference
25 understanding he will not come in. Malcolm MacDonald

1 indicating city police submitted something in writing to
2 him, Malcolm MacDonald, and he went to Southdown to draft a
3 reply with Father Charles.

4 He -- and then he talks about vacations, et
5 cetera. And down on the page in the supervision with you,
6 it's reported -- at least Bell reports that he tells you
7 that Father Charlie is not coming to CAS for an interview.

8 **MR. CARRIERE:** Yes.

9 **MR. ENGELMANN:** And there's a decision that
10 "We should write a letter."

11 **MR. CARRIERE:** Yes.

12 **MR. ENGELMANN:** Do you recall having been
13 given that advice and forming that plan of action with Mr.
14 Bell?

15 **MR. CARRIERE:** I can definitely recall that
16 we -- that I became aware that he -- that Father Charles
17 would not be coming for an interview and that we had to
18 find another way to communicate with him and that we were
19 going to do that in writing.

20 Specific dates and stuff like that I -- this
21 -- like, for instance, this specific date I wouldn't
22 recall, but I knew that was the strategy.

23 **MR. ENGELMANN:** All right.

24 And, sir, if we could take a look very
25 briefly at Exhibit 2249?

1 **THE COMMISSIONER:** Two two four nine (2249).

2 **(SHORT PAUSE/COURTE PAUSE)**

3 **MR. ENGELMANN:** Sir, this is a letter that's
4 written to Reverend Charles MacDonald on January 25th, 1994.
5 It appears to be signed by both Mr. Bell and yourself and
6 there was a copy sent to Malcolm MacDonald.

7 **MR. CARRIERE:** Yes.

8 **MR. ENGELMANN:** Is this the letter with
9 written questions that would have been sent to Father
10 Charles MacDonald?

11 **MR. CARRIERE:** Yes, I believe it is.

12 **MR. ENGELMANN:** All right.

13 And it appears that he wrote a very brief
14 response on the letter?

15 **MR. CARRIERE:** Yes.

16 **THE COMMISSIONER:** Is this normal that you
17 would do this to -- if somebody didn't want to come in?

18 **MR. CARRIERE:** Yes. Yes, we would write
19 them a letter.

20 **THE COMMISSIONER:** And I'm wondering about
21 the question. I mean, do we really think that somebody
22 would say, "Yes, I have sexually abused a child or children
23 under the age of 16"?

24 **MR. CARRIERE:** I remember thinking about how
25 we were going to put this together, and I remember thinking

1 do we do a really detailed letter or do we just get to the
2 point?

3 And I think the other thing,
4 Mr. Commissioner, is that I was aware at the time that
5 Malcolm MacDonald had stated that he would help draft a
6 response, and I remember thinking are we actually going to
7 get something that is coming from Father MacDonald or are
8 we going to be getting something that's coming from Malcolm
9 MacDonald?

10 I can also tell you that at a certain point
11 in time I -- and I'm not sure whether this was communicated
12 to the team, but a sort of feeling that I had at the time
13 was that I began to wonder whether or not in fact any of
14 this, any of the information that we were discussing with
15 Malcolm MacDonald was in fact going to Father Charles
16 MacDonald. I've no reason to -- you know, I've no evidence
17 to suggest that it wasn't, but I remember thinking I'm just
18 wondering is this stuff in fact going to Father Charles?

19 **THE COMMISSIONER:** I was just thinking out
20 loud that question number 1 might have been, "Have you been
21 in a situation with a child under the age of 16 ---

22 **MR. CARRIERE:** Yes.

23 **THE COMMISSIONER:** --- where someone may say
24 that you touched them?" or, you know, something like that.

25 **MR. CARRIERE:** Yes.

1 **THE COMMISSIONER:** Because obviously
2 somebody is going to say, "No, I'm not going to admit to
3 that."

4 **MR. CARRIERE:** Yes.

5 **THE COMMISSIONER:** Whereas if you give them
6 a grey area you might be ---

7 **MR. CARRIERE:** Yes, yes. I have to admit
8 that we didn't expect a different response than we
9 received, but I wasn't sure how we were going to be
10 successful, regardless of what we had written.

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

12 So you ---

13 **MR. CARRIERE:** Sorry, I should say that I
14 did expect more information than the simple "no". I
15 thought that there would be some outline as to why this
16 couldn't be possible and why it was a false allegation.

17 **MR. ENGELMANN:** And I note that this was a
18 general allegation.

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** It wasn't specific to Mr.
21 Silmsen how you've set it out.

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

23 **MR. ENGELMANN:** Because certainly you could
24 have asked whether he had ever had Mr. Silmsen as an altar
25 boy.

1 MR. CARRIERE: Yes.

2 MR. ENGELMANN: Questions of that nature.

3 MR. CARRIERE: Yes.

4 MR. ENGELMANN: And some questions about
5 some of the other information that you had gleaned.

6 MR. CARRIERE: Yes. The letter could have
7 taken many forms. There's no question about that.

8 MR. ENGELMANN: But one of your concerns
9 about detailed or specific questions was you thought they
10 may be answered by the lawyer?

11 MR. CARRIERE: Definitely.

12 MR. ENGELMANN: All right.

13 MR. CARRIERE: Well, he said that -- we saw
14 earlier about, you know, he would draft a response and I --
15 again I think I've already made my point.

16 MR. ENGELMANN: Yeah. All right.

17 Now, there appears to be in the notes many,
18 many calls; many -- five or six calls by your team, trying
19 to meet with Perry Dunlop.

20 MR. CARRIERE: Yes.

21 MR. ENGELMANN: There's references on Bates
22 page 2038, December 15th; 2042, December 17th; 2043, December
23 21st; 2046, December 24th; 2047, January 10th. A number of
24 efforts to try and speak with him, wanting to follow up
25 with him?

1 **MR. CARRIERE:** Yes.

2 **MR. ENGELMANN:** All right?

3 **MR. CARRIERE:** Yes.

4 **MR. ENGELMANN:** And at 2049 messages are
5 left and there doesn't seem to be a call back.

6 **MR. CARRIERE:** No.

7 **MR. ENGELMANN:** There is, however, something
8 indicated at 2049:

9 "Set interview meeting with Constable
10 Dunlop. He related he would like to
11 get back to me in a couple of weeks as
12 there are currently some issues for him
13 which need to be resolved. I indicated
14 we understood from the last meeting
15 with him that there were other
16 perpetrators in a ring which relates to
17 children still at risk. He indicated
18 yes. He related he'd call me back in
19 about two weeks when some things are
20 settled."

21 So was your team giving you some feedback
22 that they were having difficulty in setting up a meeting
23 with Constable Dunlop?

24 **MR. CARRIERE:** I think I was aware that they
25 were having difficulty, yes.

1 **MR. ENGELMANN:** All right.

2 It doesn't indicate any reason for not
3 getting back in this note. Do you know if you or they were
4 ever given a reason for these delays?

5 **MR. CARRIERE:** Not that I'm aware of.

6 **MR. ENGELMANN:** Then at Bates page 054 ---

7 **MR. CARRIERE:** Sir, just before we go there,
8 could I just note that on 050 I would say it's about eight
9 minutes after Greg has a conversation with Perry Dunlop.
10 He obviously is discussing the matter with me ---

11 **MR. ENGELMANN:** Yes.

12 **MR. CARRIERE:** --- and I tell him to phone
13 Perry back right away -- sorry, Constable Dunlop back right
14 away and to outline the obligations under the *Child and*
15 *Family Services Act*.

16 **MR. ENGELMANN:** Yeah, the duty to report.

17 **MR. CARRIERE:** The duty to report, yes.

18 **THE COMMISSIONER:** Do you know if during
19 this time he's having any conversations with Mr. Abell?

20 **MR. CARRIERE:** I don't believe that he is,
21 actually, no. But I wouldn't know, but I don't think he
22 is.

23 **THE COMMISSIONER:** I'm saying are you aware
24 of any?

25 **MR. CARRIERE:** No, I'm not aware.

1 **THE COMMISSIONER:** How was Mr. Abell in all
2 of this? You know, this came through him. Everything has
3 hit the fan now.

4 **MR. CARRIERE:** Yes.

5 **THE COMMISSIONER:** Is he acting any
6 differently on this case than any other ones, as far as you
7 can tell?

8 **MR. CARRIERE:** Well, he's definitely more
9 involved in this case than he normally would be, but this
10 is an important case and, you know, it's -- yeah, he's more
11 involved in this than he would normally be, but I think
12 it's just given the importance of the case. Well, not
13 "think"; that's my belief.

14 **THE COMMISSIONER:** Thank you.

15 **MR. ENGELMANN:** All right.

16 Again, just under 20 -- sorry, 50.

17 **MR. CARRIERE:** Yes.

18 **MR. ENGELMANN:** The second point is:

19 "See if we can have him disclose
20 relevant information to us now through
21 appropriate channels in keeping with
22 *CFSA*, section 72."

23 **MR. CARRIERE:** Yes.

24 **MR. ENGELMANN:** And that's the duty to
25 report section.

1 MR. CARRIERE: Yes.

2 MR. ENGELMANN: All right.

3 And that's how it started with Constable
4 Dunlop back in September?

5 MR. CARRIERE: Yes.

6 MR. ENGELMANN: And you're hoping that he'll
7 come through with more information because he says he has
8 it.

9 MR. CARRIERE: Yes.

10 MR. ENGELMANN: And then, sir, 051 there's a
11 reference to another call for Constable Dunlop and
12 apparently Mr. Bell gets Helen Dunlop and not him.

13 MR. CARRIERE: Yes.

14 MR. ENGELMANN: And again mentions the
15 purpose, to address disclosure as per supervision with you.

16 "Expected back later. Left message to
17 call me back."

18 Then, sir, the next day, January 13th, and
19 this is Bates page 054, there's another attempt to call Mr.
20 Dunlop?

21 MR. CARRIERE: Yes.

22 MR. ENGELMANN: And this time he's reached?

23 MR. CARRIERE: Yes.

24 MR. ENGELMANN: And the note says:

25 "To address disclosure to CAS as per

1 supervision..."

2 So in other words, setting out the duty to report, section
3 72?

4 **MR. CARRIERE:** Right, as we've discussed.

5 **MR. ENGELMANN:** And what he says there is:

6 "I explained that if he has information
7 relating to other perpetrators not yet
8 known to CAS that relate to children at
9 risk now, we should know about this as
10 soon as possible. I read from section
11 72 of the *CFSA* regarding the duty to
12 report and the protections provided
13 thereunder for the reporting
14 individual."

15 Correct?

16 **MR. CARRIERE:** Yes, and Greg has actually --
17 -

18 **MR. ENGELMANN:** Is that what you would have
19 asked him to do, sir?

20 **MR. CARRIERE:** Well, Greg has actually taken
21 it a step further because I hadn't -- I had talked to him
22 about the duty to report, and I guess wisely Greg had
23 realized some of the difficulties with Mr. Dunlop in the
24 past -- sorry, Constable Dunlop in the past -- and he talks
25 about he protections under 72(7), so that was ---

1 **MR. ENGELMANN:** And apparently what's
2 related back to him is that he, Officer Dunlop, will have
3 to make some inquiries before getting back to me.

4 **MR. CARRIERE:** Right.

5 **MR. ENGELMANN:** All right.

6 Now, sir, I've reviewed the notes as they
7 carry on until the end of Project Blue and it doesn't
8 appear that Constable Dunlop ever did get back and provide
9 some of the information that he was being asked to provide.

10 **MR. CARRIERE:** No, he didn't.

11 **MR. ENGELMANN:** Now, sir, we've heard here
12 from several witnesses about this matter coming into the
13 public light in early January of 1994.

14 **MR. CARRIERE:** Yes.

15 **MR. ENGELMANN:** There was something on
16 television, a fellow by the name of Greenwell from CJOH in
17 Ottawa ---

18 **MR. CARRIERE:** Yes.

19 **MR. ENGELMANN:** --- broadcasting the Silmser
20 statement and other details.

21 **MR. CARRIERE:** Yes.

22 **MR. ENGELMANN:** And you were familiar with
23 that, sir?

24 **MR. CARRIERE:** Yes, I was familiar with it.

25 **MR. ENGELMANN:** And you were aware, sir,

1 were you not, that Mr. Silmsers contacted Mr. Abell and he
2 was very upset about the release of his statement?

3 **MR. CARRIERE:** Yes.

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

5 **MR. CARRIERE:** Yes, I was aware of that.

6 **MR. ENGELMANN:** And, sir, were you also
7 aware that there was a further contact with Mr. Silmsers by
8 Mr. Bell? And that's at Bates page 051.

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

10 **MR. ENGELMANN:** It says under "Purpose":

11 "I've related I'm calling back to
12 follow up about the details you offered
13 to share with us about other
14 perpetrators. At this point he said,
15 'Do you think anyone is going to come
16 forward now and tell you anything?' He
17 remarked that his statement had been
18 shown on TV and was shown again on TV
19 last night. He related he doesn't know
20 who to believe about how it got to the
21 press. He related, 'The police gave us
22 a copy and then it shows up on the
23 TV.' "

24 **THE COMMISSIONER:** And who is talking now?

25 **MR. ENGELMANN:** This is presumably Mr.

1 Silmser to Mr. Bell.

2 THE COMMISSIONER: This is Silmser to Bell,
3 okay.

4 MR. ENGELMANN: Yeah.

5 THE COMMISSIONER: Right.

6 MR. ENGELMANN:

7 "I tried to reassure him we did not
8 give this to the press as well as the
9 fact it's appropriate for the police to
10 provide CAS with this information on
11 which I believe that a child may have
12 suffered abuse is based. And he says I
13 quoted from CFSA section 72. He became
14 quite angry, saying he doesn't know who
15 to trust and eventually hung up the
16 phone."

17 Would Mr. -- and according to this, this
18 call is at 1315 and then at 1334 it says:

19 "Supervision with William Carriere:
20 Shared details of conversation with
21 David Silmser."

22 So this appears to be -- and again, the
23 final discussion with Mr. Silmser -- and was this reported
24 back to you that he was very upset about his statement
25 getting out in the public domain?

1 **MR. CARRIERE:** I don't recall specifically
2 Greg coming to me and telling me this, but I'm certainly
3 aware of this thing happening at that time and the damage
4 that it caused.

5 **MR. ENGELMANN:** Sir, you were not advised
6 that Mr. Silmsler was displeased, shall we say, with the
7 Children's Aid Society and thought that you might have had
8 a hand in disclosing this?

9 **MR. CARRIERE:** Oh, no. No, I did know that,
10 sir.

11 **MR. ENGELMANN:** You did?

12 **MR. CARRIERE:** Oh, yes, absolutely.

13 **MR. ENGELMANN:** All right.

14 **MR. CARRIERE:** I meant do I remember the
15 specific discussion? I don't.

16 **MR. ENGELMANN:** All right.

17 **MR. CARRIERE:** But I definitely know that he
18 was really angry with many people, us included.

19 **MR. ENGELMANN:** All right.

20 And after this, as I understand it, sir,
21 there was no further contact with him or no further
22 cooperation?

23 **MR. CARRIERE:** No. No, we ended up having
24 to communicate through his lawyer.

25 **MR. ENGELMANN:** And at that point he had a

1 new lawyer, a fellow by the name of Bryce Geoffrey?

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

4 MR. ENGELMANN: Now, there is a reference at
5 Bates page 2055 to a team meeting and it says at least,
6 again:

7 "R. Abell, W. Carriere, E. MacLennan
8 and G. Bell present."

9 MR. CARRIERE: Yes.

10 MR. ENGELMANN: And it talks about:

11 "Update letter to Charles MacDonald,
12 sent copy to Malcolm MacDonald as his
13 lawyer."

14 And we've seen that with the questions.

15 MR. CARRIERE: Yes.

16 MR. ENGELMANN: We have some interviews.

17 "We examined issues which will be taken
18 in consideration when verification
19 review is conducted. Decided not to
20 pursue further attempts to have
21 Constable Perry Dunlop provide us with
22 the additional information he indicated
23 he has. This is consideration of the
24 fact he has not responded to our
25 requests thus far. We will address

1 later how to deal with the allegation
2 by David Silmser that he was sexually
3 abused by his former teacher, Marcel
4 Lalonde."

5 MR. CARRIERE: Yes.

6 MR. ENGELMANN: And, sir, I think Mr. Abell
7 has some notes of that meeting and we've looked at them
8 briefly, and I'm just going to find that exhibit again.
9 It's 2325. It won't -- well, maybe it's already filed.
10 It's one of the last. I think it's the last one we looked
11 at.

12 MR. CARRIERE: Oh, sorry.

13 (SHORT PAUSE/COURTE PAUSE)

14 THE COMMISSIONER: Twenty-three-twenty-five
15 (2325)?

16 MR. ENGELMANN: Twenty-three-twenty-five
17 (2325).

18 THE COMMISSIONER: Yes, okay, good. Thank
19 you.

20 MR. ENGELMANN: Again, this would appear to
21 be the same -- it's just different notes ---

22 MR. CARRIERE: Yes, yes.

23 MR. ENGELMANN: --- of that same meeting.

24 MR. CARRIERE: Yes.

25 MR. ENGELMANN: This time Mr. Abell ---

1 **MR. CARRIERE:** I'm sorry, which Bates page
2 is it?

3 **MR. ENGELMANN:** I'm sorry. It starts at
4 Bates page 1331.

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

6 **MR. ENGELMANN:** So we've got the review of
7 contact with a lawyer for David Silmsen regarding release
8 of his statement to the police. So that's an issue that's
9 in play. Fair enough?

10 **MR. CARRIERE:** Yes.

11 **MR. ENGELMANN:** We have the update on the
12 letters to Father Charles MacDonald and Malcolm MacDonald?

13 **MR. CARRIERE:** Yes.

14 **MR. ENGELMANN:** We have a reference to the
15 fact that Mr. Silmsen is not going to speak with you
16 further.

17 **MR. CARRIERE:** Right.

18 **MR. ENGELMANN:** And the reference that no
19 further contact from Perry Dunlop "decision not to pursue
20 him".

21 **MR. CARRIERE:** Right.

22 **MR. ENGELMANN:** Then you've got a review of
23 the recent media disclosures; correct?

24 **MR. CARRIERE:** Yes.

25 **MR. ENGELMANN:** And then you've got:

1 "Greg will follow up by phone with
2 Malcolm MacDonald re response from
3 Father Charlie."

4 **MR. CARRIERE:** Right.

5 **MR. ENGELMANN:** And this is January 31st,
6 '94. Then you've got "Agency position" and then we've got
7 a number of points here.

8 "(a) Written police statement,
9 sufficiently credible, not to be
10 dismissed;

11 (b) interview with D. Silmsler;

12 (c) Msgr. S."

13 I guess that's Schonenbach in correspondence
14 dated. It states:

15 "D.S. appears to be a credible person;

16 (d)..."

17 And there seems to be a reference from the
18 Silmsler personal statement consistent with the written
19 statement provided substantially earlier and also Silmsler's
20 personal presentation:

21 "...agency staff was highly
22 consistent."

23 I guess the word "with" is missing:

24 "...with our experience of disclosure,
25 behaviours of other verified victims of

1 sexual abuse;

2 (e) considerable financial settlement

3 was made to the alleged victim, a

4 sizeable portion of which was

5 contributed by the accused.

6 (f) Diocese has stated it made the

7 financial settlement to meet the

8 treatment needs of the alleged victim,

9 suggesting that they recognize the

10 validity of his claim and then

11 liability for same;

12 (g) there are other statements relating

13 sexual assaults of young men by Father

14 Charles MacDonald;

15 (h) Father Charles MacDonald has

16 admitted to having sexual relations

17 with young males;

18 (i) we have been informed by Monsignor

19 McDougald that the Diocese received an

20 anonymous allegation against Father

21 MacDonald of an alleged sexual

22 impropriety which was denied by Father

23 Charles."

24 What do we have here when you say "Agency

25 position"? What is this?

1 **MR. CARRIERE:** What we're doing is pulling
2 together the information that we have from the
3 investigation of the allegation that Father Charles
4 sexually molested David Silmsen and we're looking at the
5 various pieces of information that would tell us on the
6 balance of probabilities whether that happened or didn't
7 happen. So we're just listing kind of the evidence.

8 **MR. ENGELMANN:** All right.
9 So was this in essence a verification
10 review?

11 **MR. CARRIERE:** Yes.

12 **MR. ENGELMANN:** All right.

13 And those were some of the considerations --
14 -

15 **MR. CARRIERE:** Yes, they were.

16 **MR. ENGELMANN:** --- that you took into
17 account?

18 **MR. CARRIERE:** And we were aware as well of
19 Father MacDonald's denial.

20 **MR. ENGELMANN:** Right, yes.

21 **MR. CARRIERE:** Yes. As we would know as
22 well that we didn't verify any abuse with any of the altar
23 servers.

24 **MR. ENGELMANN:** The current ---

25 **MR. CARRIERE:** Current altar servers.

1 **MR. ENGELMANN:** --- altar servers from St.
2 Andrew's Parish?

3 **MR. CARRIERE:** Yes, that's right.

4 **MR. ENGELMANN:** And, sir, you did not as
5 part of Project Blue, go back and deal with former altar
6 servers from St. Columban's?

7 **MR. CARRIERE:** No, we didn't.

8 **MR. ENGELMANN:** Nor from Williamstown?

9 **MR. CARRIERE:** No.

10 **MR. ENGELMANN:** Or Apple Hill?

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

12 **MR. ENGELMANN:** Sir, at the end of the
13 meeting, there is a reference about addressing later this
14 allegation of sexual assault or abuse by the former
15 teacher.

16 **MR. CARRIERE:** Yes.

17 **MR. ENGELMANN:** So are you able to tell us
18 at all what options were being considered at that time?

19 **MR. CARRIERE:** I actually don't know whether
20 or not this just reflected that we didn't have time to
21 continue with that discussion or whether it actually got
22 into it. I simply don't know.

23 **MR. ENGELMANN:** I'll just be a moment, sir.

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

25 **MR. ENGELMANN:** Now, on Bates page 056

1 there's a reference to the fact that Mr. Bell is meeting
2 with Officers MacDonnell and Genier.

3 **MR. CARRIERE:** Yes.

4 **MR. ENGELMANN:** And there's an exchange of
5 information that's noted there, and the investigation into
6 possible extortion and that there's an Inspector Smith of
7 OPP Toronto CIB in charge of an investigation of David
8 Silmser's allegations against Father Charles MacDonald.

9 **MR. CARRIERE:** Yes.

10 **MR. ENGELMANN:** Right, so you're being
11 informed of this information, or at least Mr. Bell is?

12 **MR. CARRIERE:** Yes, and I must have been. I
13 can't imagine that I wouldn't be told about this.

14 **MR. ENGELMANN:** All right. So they are
15 commencing some form of an investigation. You're being
16 advised that there's some form of investigation being
17 commenced about Father MacDonald?

18 **MR. CARRIERE:** Yes.

19 **MR. ENGELMANN:** And, sir, on February 11th
20 there appears to be a follow-up meeting, Bates page 061; a
21 meeting at the CAS with the two OPP officers again.
22 There's a question about their review of your file material
23 and at the end I think Constable Genier is asking
24 essentially for all of the notes, and there's a reference
25 that you're going to have to check with the lawyer about

1 what to do with this.

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: And in fact there's a
4 meeting right after. There's a supervision with you about
5 this and then a meeting on this issue and, as I understand
6 it, there was a decision to copy case notes entries where
7 Mr. Seguin was mentioned and to provide them?

8 MR. CARRIERE: Yes.

9 MR. ENGELMANN: And this was all based on
10 legal advice at the time?

11 MR. CARRIERE: Yes.

12 MR. ENGELMANN: And there was a reference
13 and I'm noting with respect to -- in the supervision with
14 you as to whether or not there should be a reference to
15 Malcolm MacDonald, and then there's a decision made that
16 that should be blanked out because it makes no reference to
17 Ken Seguin.

18 MR. CARRIERE: Yes.

19 MR. ENGELMANN: This is the allegation vis-
20 à-vis Malcolm.

21 MR. CARRIERE: Yes. I expect that that was
22 very much -- having just met with our counsel earlier in
23 the day and her view of what could be shared, I'm confident
24 that that's why that decision was made.

25 MR. ENGELMANN: All right. So you have some

1 recollection that that was in fact done?

2 MR. CARRIERE: I don't have the recollection
3 of it, sir, but I trust that it was done.

4 MR. ENGELMANN: All right.

5 And there's a reference, finally, at Bates
6 page 066, to a team meeting.

7 MR. CARRIERE: Yes.

8 MR. ENGELMANN: Is that the 17th of February,
9 '94, sir?

10 MR. CARRIERE: Sorry, the 17th of February?

11 MR. ENGELMANN: Yes.

12 MR. CARRIERE: Ninety-four ('94), yes.

13 MR. ENGELMANN: All right, and if we turn
14 over to the next Bates page, it's again referencing that
15 same meeting, and I just wanted to ask you -- there's a
16 note there:

17 "Verification. Verify that Father
18 Charles MacDonald SA..."

19 MR. CARRIERE: That's sexually assaulted.

20 MR. ENGELMANN: Sexually assaulted or
21 sexually abused:

22 "...David Silmser and sexually
23 assaulted two other adolescents"?

24 MR. CARRIERE: Yes. I think I mis-spoke
25 earlier in terms of saying that we had had the information,

1 the answer from Father Charles, in that first verification
2 review. There is no indication that Father Charles has
3 said that he hasn't and I think by this time we do have his
4 response.

5 **MR. ENGELMANN:** Yes, all right.

6 And there's a reference, sir, to -- just at
7 the end. It says:

8 "Police but not employer to be told
9 about David Silmser's allegations
10 against teacher Marcel Lalonde."

11 Do you see that?

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

13 **MR. ENGELMANN:** And why was that decision
14 made, sir? Do you recall that decision being made?

15 **MR. CARRIERE:** I don't recall it being made
16 but I think I can explain why it was made.

17 **MR. ENGELMANN:** All right.

18 **MR. CARRIERE:** We felt -- well, I think I
19 have to go back even further.

20 One of the things that emerged from our work
21 with Ross Dawson, and I think it's even in his review, he
22 was critical of the Agency launching investigations without
23 sufficient grounds to do so, and felt that agencies could
24 be liable if they launched investigations without the
25 grounds.

1 In this particular situation we had -- all
2 we had was like a partial sentence with respect to Marcel
3 Lalonde, and we had made numerous efforts to obtain
4 information with respect to Marcel Lalonde from
5 Mr. Silmsen, but that information was never amplified and
6 at this point in time we did not believe that we had the
7 grounds to go to his employer to advise them but we felt
8 that the police should know, just in case there was
9 something that could be of assistance to them.

10 **MR. ENGELMANN:** All right. You had a lot
11 less information than you had for Bernie Campbell and Earl
12 Landry, Jr., for example?

13 **MR. CARRIERE:** I think we had part of a
14 sentence, sir, for Mr. Lalonde.

15 **MR. ENGELMANN:** And who was the police force
16 that you were going to be reporting this to? That would
17 have been the Cornwall Police Service or the OPP?

18 **MR. CARRIERE:** That's a good question. I
19 don't know the answer to it, actually, at this point. It
20 may emerge later on in the documents but at this point I
21 can't recall.

22 **MR. ENGELMANN:** Well, the school was in the
23 City of Cornwall.

24 **MR. CARRIERE:** Yes. I would think we would
25 tell the City but also the OPP are involved in an

1 investigation but, yeah, it would make sense that it would
2 be the City.

3 **MR. ENGELMANN:** All right.

4 There's a reference, sir, at Bates page 069
5 to a meeting on March 1st, 1994 and there's a discussion
6 about correspondence relating to finalisation of this case.
7 There's reference to, "Re letter to David Silmsen..."

8 **MR. CARRIERE:** Yes.

9 **MR. ENGELMANN:** "...to the Diocese, to the
10 CPS," et cetera.

11 **MR. CARRIERE:** Yes.

12 **MR. ENGELMANN:** And it appears you're
13 setting out what's going to be in this correspondence, and
14 this is, "the belief that Mr. Silmsen was sexual assaulted
15 by Father Charles MacDonald," et cetera?

16 **MR. CARRIERE:** Yes.

17 **MR. ENGELMANN:** And correspondence to that
18 effect was sent to these parties?

19 **MR. CARRIERE:** I believe it was. I've seen
20 correspondence on file, yes.

21 **MR. ENGELMANN:** Right.

22 And Mr. Abell would have sent that out under
23 his signature?

24 **MR. CARRIERE:** I'd have to see the
25 correspondence to ---

1 **MR. ENGELMANN:** All right. We'll deal with
2 him on that.

3 **MR. CARRIERE:** Sure.

4 **MR. ENGELMANN:** So those were the questions
5 I had with respect to Project Blue. I have a very few
6 questions about a couple of other matters, if I may.

7 I want to ask you about your involvement and
8 the CAS involvement in allegations involving a fellow by
9 the name of Milton MacDonald ---

10 **MR. CARRIERE:** Yes.

11 **MR. ENGELMANN:** --- that came to light in
12 1994.

13 **MR. CARRIERE:** Yes.

14 **MR. ENGELMANN:** And if the witness could be
15 shown Document Number 115857.

16 **MR. CARRIERE:** Mr. Engelmann, I wonder if I
17 could just go back to comment on something just very
18 briefly?

19 **MR. ENGELMANN:** Certainly.

20 **MR. CARRIERE:** You asked me earlier whether
21 or not I was aware of the allegations with respect to
22 Malcolm MacDonald and him being part of a ring. I find it
23 difficult to think that I would have known that and
24 continued to have Greg work through Malcolm MacDonald to
25 Father Charlie knowing that information and not discussing

1 it with the Diocese, for instance. It just -- it seems
2 like it was like business as usual with Malcolm MacDonald,
3 and knowing that information I can't see how I would think
4 it would be business as usual with that allegation.

5 **MR. ENGELMANN:** One of the reasons I asked
6 that is we've gone through some notes of Staff Sergeant
7 Derochie's with respect to this information coming to
8 light, at least from a couple of sources, in very early
9 November of 1993.

10 **THE COMMISSIONER:** Was it not mentioned in
11 Mr. Bell's notes?

12 **MR. CARRIERE:** It is in his notes.

13 **THE COMMISSIONER:** Yeah.

14 **MR. CARRIERE:** Yes, it's in his notes. And
15 Greg -- you know, as ---

16 **MR. ENGELMANN:** I noticed that in the notes
17 actually, sir.

18 **MR. CARRIERE:** Oh, no, it's definite ---

19 **THE COMMISSIONER:** Yeah, you were there this
20 morning.

21 **MR. ENGELMANN:** No, but -- yes. Yes.
22 Sorry.

23 **MR. CARRIERE:** Well, you know, and I don't
24 want to suggest that Greg didn't tell me, I just -- if he
25 told me it didn't register and it should have registered.

1 I just can't see how we would have continued business as
2 usual with Malcolm MacDonald with that information.

3 Anyway I just thought I wanted to share
4 that.

5 **MR. ENGELMANN:** Well, you did know later on
6 that as a result of Project Truth he was charged?

7 **MR. CARRIERE:** Oh, I definitely knew that,
8 yes. Yes.

9 **MR. ENGELMANN:** All right.

10 So let's go back to Milton MacDonald ---

11 **MR. CARRIERE:** Yes.

12 **MR. ENGELMANN:** --- if we can. If the
13 letter from Patricia Garrahan to Richard Abell dated
14 February 7th, 1994 could be the next Exhibit, sir.

15 **THE COMMISSIONER:** Yes, 2326.

16 --- **EXHIBIT NO./PIÈCE NO. P-2326:**

17 (115857) - Letter from Patricia Garrahan to
18 Richard Abell dated 07 Feb 94

19 **MR. ENGELMANN:** Sir, the letter does contain
20 some names that -- in fact, one or two individuals who
21 become complainants in a criminal process and then
22 confirmed victims through a criminal process.

23 **THE COMMISSIONER:** Very well. There will be
24 a publication ban I think on the names of the victims
25 contained in the letter, Exhibit 2326.

1 **MR. ENGELMANN:** Sir, this -- we've seen this
2 name before, Patricia Garrahan.

3 **MR. CARRIERE:** Yes.

4 **MR. ENGELMANN:** She's an intake worker.

5 **MR. CARRIERE:** Yes.

6 **MR. ENGELMANN:** And she's apparently brought
7 something to Mr. Abell's attention some time in January.

8 **MR. CARRIERE:** Yes.

9 **MR. ENGELMANN:** And she's then doing it
10 formally in a letter.

11 **MR. CARRIERE:** Yes.

12 **MR. ENGELMANN:** And would you have been
13 advised of this at the time that this was happening?

14 **MR. CARRIERE:** I can't recall but I believe
15 I probably supervised Patricia around this time so I may
16 very well have.

17 **MR. ENGELMANN:** All right.

18 And in the letter there's a concern that
19 there may be as many as 12 boys in this -- in the Lancaster
20 area that were -- that had been abused.

21 **MR. CARRIERE:** Yes. Yes. Historically,
22 yes.

23 **MR. ENGELMANN:** Yes. All right.

24 And do you have some sense, sir, as to why
25 it was that Mr. Abell was asking her to put this in

1 writing?

2 MR. CARRIERE: I don't know that he was
3 asking her to put it in writing.

4 THE COMMISSIONER: Oh, yeah.

5 MR. CARRIERE: I think ---

6 MR. ENGELMANN: That's what it says right at
7 the beginning in the letter, sir.

8 THE COMMISSIONER: Well, right at the back
9 it says:

10 "I'm providing you this information
11 pursuant to your explicit request and
12 pursuant to Section 68."

13 MR. CARRIERE: Well, ---

14 MR. ENGELMANN: Off the hand ---

15 MR. CARRIERE: --- I don't then. I don't
16 know why he would ask her to put it in writing.

17 MR. ENGELMANN: Well, we'll speak to Mr.
18 Abell about that.

19 MR. CARRIERE: Yes.

20 MR. ENGELMANN: All right.

21 MR. CARRIERE: Sorry, I thought that it was
22 something that Patricia had done just to capture it, so
23 excuse me for being mistaken.

24 MR. ENGELMANN: All right.

25 Then, sir, if the witness -- Madam Clerk, if

1 the witness could be shown Document Number 115806.

2 **THE COMMISSIONER:** Thank you.

3 Exhibit 2327 is a memo to Elizabeth
4 MacLennan and copied to Mr. Carriere from Richard Abell
5 March 4th, 1994.

6 --- **EXHIBIT NO./PIÈCE NO. P-2327:**

7 (115806) - Memo from Richard Abell to
8 Elizabeth MacLennan dated 04 Mar 94

9 **MR. ENGELMANN:** Sir, it appears clear from
10 at least this note that you're being brought into the loop
11 by Mr. Abell.

12 **MR. CARRIERE:** Yes.

13 **MR. ENGELMANN:** And at this point in time
14 you're not taking -- you discuss the further community
15 rumours; that you continue to feel --

16 "...at this point we have nothing more
17 than vague unsubstantiated rumours.
18 I'd like to review the status of this
19 matter when you return in order to
20 strike a formal position."

21 So you want to review it with your in-house
22 lawyer when she's back.

23 **MR. CARRIERE:** Yes, that's what this says,
24 yes.

25 **MR. ENGELMANN:** All right.

1 Then, sir -- if we could have a look, Madam
2 Clerk at Document Number 115814.

3 **THE COMMISSIONER:** Thank you.

4 Exhibit number 2328 is a case note from Bill
5 Carriere March 17th, 1994.

6 **--- EXHIBIT NO./PIÈCE NO. P-2328:**

7 (115814) - Case note of William Carriere re
8 MacDonald dated 17 Mar 94

9 **MR. ENGELMANN:** I don't believe the
10 individual mentioned here is one of the persons who is
11 later involved.

12 **THE COMMISSIONER:** Sorry?

13 **MR. ENGELMANN:** There's an individual
14 mentioned here in The Sun of individuals ---

15 **THE COMMISSIONER:** The newspaper boy?

16 **MR. ENGELMANN:** I don't believe he's one of
17 the people who's confirmed later.

18 **THE COMMISSIONER:** Right.

19 **MR. ENGELMANN:** Out of an abundance of
20 caution perhaps ---

21 **THE COMMISSIONER:** We'll go with a
22 publication ban.

23 **MR. ENGELMANN:** I'll speak to this in camera
24 with respect to these names, sir.

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

1 **MR. ENGELMANN:** Or one of my colleagues
2 will.

3 All right. So it appears, Mr. Carriere,
4 that you and Mr. Abell decide that you should speak to the
5 OPP.

6 **MR. CARRIERE:** Yes.

7 **MR. ENGELMANN:** I don't know if you're
8 hearing more things but you decide that you're going to
9 advise the OPP of the information that you have with
10 respect to Milton MacDonald.

11 **MR. CARRIERE:** Yes.

12 **MR. ENGELMANN:** And was he known to you,
13 sir, to you and/or Mr. Abell?

14 **MR. CARRIERE:** No. I can't speak for Mr.
15 Abell but I did not know Milton MacDonald.

16 **MR. ENGELMANN:** And it appears that in the
17 second paragraph you're saying that:

18 "A Milton MacDonald, currently residing
19 in the Lancaster area, allegedly had
20 sexually molested a number of children
21 many years ago. The victims are now
22 adults and thus out of our mandate to
23 investigate. I also indicated that we
24 have no information indicating that any
25 children were currently at risk."

1 So you're essentially saying this isn't in
2 our mandate ---

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

4 **MR. ENGELMANN:** --- because there are no
5 children currently at risk but we want you to look at this
6 and investigate.

7 **MR. CARRIERE:** Well, we want to tell you
8 about it.

9 **MR. ENGELMANN:** Right.

10 **MR. CARRIERE:** Yes.

11 **MR. ENGELMANN:** And you indicate in the
12 third paragraph:

13 "We also indicated that we'd heard
14 rumours that the OPP were investigating
15 Milton MacDonald and we believe that
16 our information might possibly be of
17 some interest to them."

18 **MR. CARRIERE:** Yes.

19 **MR. ENGELMANN:** Do you see that?

20 **MR. CARRIERE:** Yes.

21 **MR. ENGELMANN:** So not only do you have
22 rumours from the community but you have rumours that the
23 OPP were actually looking into this?

24 **MR. CARRIERE:** Yes.

25 **MR. ENGELMANN:** All right.

1 **MR. ENGELMANN:** Well, they were part of the
2 rumours I think in the community was that the OPP were
3 involved.

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

5 And there's a reference in the next
6 paragraph:

7 "Sergeant Hurlbutt indicated the OPP
8 did not have any information at the
9 present time that indicated that anyone
10 currently under the age of 16 had been
11 sexually molested. Sergeant Hurlbutt
12 assured us that if any information
13 concerning a child under the age of 16
14 came to light they would advise us
15 immediately."

16 All right?

17 **MR. CARRIERE:** Yes.

18 **MR. ENGELMANN:** So you had an exchange of
19 information ---

20 **MR. CARRIERE:** Yes.

21 **MR. ENGELMANN:** --- and they were telling
22 you that if something came to light they would be in touch
23 with you forthwith?

24 **MR. CARRIERE:** They -- as this reads, yes.

25 **MR. ENGELMANN:** Right. And you would expect

1 that?

2 **MR. CARRIERE:** Yes.

3 **MR. ENGELMANN:** All right.

4 Sir, then if we could look at Document
5 Number 115809.

6 **THE COMMISSIONER:** Thank you.

7 Exhibit 2329 is a case note from Bill
8 Carriere re: Milton MacDonald. The first indication is
9 30th/04/94.

10 --- **EXHIBIT NO./PIÈCE NO. P-2329:**

11 (115809) - Case Documentation System Service
12 Record of William Carriere dated 30 Mar 94

13 **MR. ENGELMANN:** Sir, this will need a stamp.
14 There's a mention right at the end of it of a confirmed
15 victim.

16 Sir, it appears that as a follow up to your
17 meeting with the OPP -- these are your notes, are they not?

18 **MR. CARRIERE:** Yes, they are.

19 **MR. ENGELMANN:** And do you have some
20 recollection of some of the dealings you had with respect
21 to Milton MacDonald?

22 **MR. CARRIERE:** I have some recollection.
23 There's actually some notes that went into the Father
24 Charles and David Silmsers file by mistake of my contacting
25 -- of hearing something on either TV or radio about an OPP

1 investigation taking place in the Lancaster area and I
2 speak to OPP in Lancaster about that. I think that would
3 predate any of this.

4 My other recollection of this particular
5 matter relates more to discussions with the Child Abuse
6 Register or communication with the Child Abuse Register.

7 **MR. ENGELMANN:** Into the matter?

8 **MR. CARRIERE:** Yes.

9 **MR. ENGELMANN:** And ---

10 **MR. CARRIERE:** The in between piece I don't
11 recall.

12 **MR. ENGELMANN:** All right.

13 I think I know the note you're indicating
14 that might have gotten into the ---

15 **MR. CARRIERE:** Yes.

16 **MR. ENGELMANN:** --- Project Blue issue?

17 **MR. CARRIERE:** Yes.

18 **MR. ENGELMANN:** But I think I can find it.

19 **MR. CARRIERE:** Okay.

20 **MR. ENGELMANN:** So you're getting
21 information here from the OPP?

22 **MR. CARRIERE:** Yes.

23 **MR. ENGELMANN:** Correct?

24 **MR. CARRIERE:** Yes.

25 **MR. ENGELMANN:** And there is a Constable

1 Beattie that's calling you?

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: And he's indicating that he
4 did not have specific details to share at this time but it
5 appears that the incident may have occurred when the child
6 was 13 years old. The child is currently 14.

7 MR. CARRIERE: Yes.

8 MR. ENGELMANN: The child was a paperboy.

9 MR. CARRIERE: Yes.

10 MR. ENGELMANN: So ---

11 THE COMMISSIONER: Hang on a second there,
12 Mr. Engelmann. Do we have a problem with the interpreters?

13 Okay, there we go.

14 MR. ENGELMANN: The microphone -- I'm not
15 speaking into the microphone?

16 THE COMMISSIONER: No, no, well that too.

17 MR. ENGELMANN: Speaking too fast, no doubt.

18 THE COMMISSIONER: She hasn't said anything
19 about that yet. No, it was more the computer being on the
20 screen.

21 MR. ENGELMANN: Oh, all right.

22 THE COMMISSIONER: For the interpreters.

23 MR. ENGELMANN: All right.

24 THE COMMISSIONER: Mr. Engelmann, you should
25 be winding down for lunch shortly.

1 **MR. ENGELMANN:** I really want to finish if I
2 can, sir?

3 **THE COMMISSIONER:** No, we're closing at
4 12:30.

5 **MR. ENGELMANN:** All right.

6 **MR. CARRIERE:** Mr. Engelmann, you know that
7 there's a name in this document ---

8 **MR. ENGELMANN:** Yes, I have indicated that.

9 **MR. CARRIERE:** All right. I'm sorry.

10 **MR. ENGELMANN:** Yeah, all right.

11 So in any event you're now being given some
12 information that there is a reason why your jurisdiction
13 may be involved?

14 **MR. CARRIERE:** Yes.

15 **MR. ENGELMANN:** All right.

16 And sir, you referenced the fact that you
17 had some notes on this as well that might have gotten into
18 the Project Blue notes?

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** If we could look at 2322,
21 Bates page 106?

22 **MR. CARRIERE:** Do I have that?

23 **MR. ENGELMANN:** Twenty-three-twenty-two
24 (2322). It should be in the most recent binder.

25 **MR. CARRIERE:** Okay.

1 **MR. ENGELMANN:** It had been filed yesterday
2 afternoon, sir.

3 Bates page 106.

4 **THE COMMISSIONER:** I'm sorry, page what?

5 **MR. ENGELMANN:** One-oh-six (106), sir.

6 **THE COMMISSIONER:** Exhibit 1322?

7 **MR. ENGELMANN:** Exhibit ---

8 **THE COMMISSIONER:** Twenty-three-twenty-two
9 (2322).

10 **MR. ENGELMANN:** Twenty-three-twenty-two
11 (2322).

12 **THE COMMISSIONER:** Yeah, and what Bates
13 page?

14 **MR. ENGELMANN:** Bates page 106.

15 **THE COMMISSIONER:** No, you're missing
16 something. Oh, no, you're not. Okay, right at the end.
17 Okay.

18 **MR. ENGELMANN:** This is the notes of others
19 that Greg Bell has in his Project Blue materials?

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

21 **MR. ENGELMANN:** These are your notes, sir?

22 **MR. CARRIERE:** Yes, they are.

23 **MR. ENGELMANN:** Are they the notes you were
24 indicating because I note they reference:

25 "March 4th telephone call from Constable

1 Chris MacDonnell, OPP Lancaster, in
2 response to earlier call from me. I
3 advised Constable MacDonnell if he had
4 heard the newscast where Charlie
5 Greenwell of CJOH had indicated that
6 the child sexual abuse investigation
7 involving the Church had expanded to
8 the Lancaster area and that a Lancaster
9 man had been advised by his lawyer to
10 enter an Ottawa hospital..."

11 Et cetera?

12 **MR. CARRIERE:** Yes, this is the ---

13 **MR. ENGELMANN:** Are these the notes you were
14 referring to?

15 **MR. CARRIERE:** Yes, these are the notes I
16 was referring to.

17 **MR. ENGELMANN:** And sir, these notes were
18 with respect to rumours you heard ---

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** --- with respect to Milton
21 MacDonald?

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

23 **MR. ENGELMANN:** Okay, all right.

24 Sir, if we could then go back quickly to
25 Document Number -- just one moment -- it's Document Number

1 115805 and I'll end with this, sir, if I can.

2 **THE COMMISSIONER:** Sure.

3 **MR. ENGELMANN:** It's a case note of Bill
4 Carriere, dated April 11th, 1994.

5 **THE COMMISSIONER:** Thank you. Exhibit 2330
6 is a case note from Bill Carriere dated April 11th, 1994.

7 --- **EXHIBIT NO./PIÈCE NO. P-2330:**

8 (115805) - Case note of William Carriere re
9 MacDonald dated 11 Apr 94

10 **MR. ENGELMANN:** Again, sir, this will need a
11 publication stamp.

12 **THE COMMISSIONER:** Yes.

13 **MR. ENGELMANN:** And sir, you're getting more
14 information about the one individual out of several who is
15 still a child?

16 **MR. CARRIERE:** Yes.

17 **MR. ENGELMANN:** And this is being provided
18 to you by the OPP from Long Sault?

19 **MR. CARRIERE:** Yes, from the statement it
20 indicates that.

21 **MR. ENGELMANN:** And there is a reference to
22 the fact that in the third paragraph he reported -- this
23 being the sergeant -- that he had:

24 "...advised the family of the
25 obligation to report the matter to the

1 CAS."

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: And there were some concerns
4 about how to proceed on the part of the CAS.

5 MR. CARRIERE: Yes.

6 MR. ENGELMANN: And that he was going to
7 give you a copy of the statement of this one individual.

8 MR. CARRIERE: Yes.

9 MR. ENGELMANN: But he indicated earlier
10 down:

11 "They were providing us with a list of
12 alleged victims. He was requesting
13 that we cross-reference the names to
14 see whether Milton MacDonald's name
15 appeared in any files that might be in
16 existence."

17 MR. CARRIERE: Yes.

18 MR. ENGELMANN: They are asking you to look
19 at your internal register ---

20 MR. CARRIERE: Yes.

21 MR. ENGELMANN: --- with respect to this
22 individual and your existing files?

23 MR. CARRIERE: Yes.

24 MR. ENGELMANN: And you do that and report
25 back at least with respect to another man that they ask you

1 to look into?

2 **MR. CARRIERE:** Yes.

3 **MR. ENGELMANN:** All right.

4 And we'll leave it there.

5 **THE COMMISSIONER:** Thank you.

6 Come back at two. Thank you.

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

9 The hearing will resume at two p.m.

10 --- Upon recessing at 12:30 p.m. /

11 L'audience est suspendue à 12h30

12 --- Upon resuming at 2:04 p.m./

13 L'audience est reprise à 14h04

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

16 The hearing is now resumed. Please be
17 seated. Veuillez vous asseoir.

18 --- **WILLIAM CARRIERE:** Resumed/Sous le même serment

19 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE IN-CHEF PAR**

20 **MR. ENGELMANN (cont'd./suite):**

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

22 **MR. ENGELMANN:** Good afternoon,

23 Mr. Commissioner.

24 **THE COMMISSIONER:** Yes, sir.

25 **MR. ENGELMANN:** Afternoon, Mr. Carriere.

1 **MR. CARRIERE:** Good afternoon,
2 Mr. Engelmann.

3 **MR. ENGELMANN:** I'm happy to tell you that
4 we've a few minutes left.

5 **MR. CARRIERE:** I'm happy to hear that.

6 **(LAUGHTER/RIRES)**

7 **MR. ENGELMANN:** If the witness could be
8 shown Document Number 115811. It is case notes prepared by
9 Bill Carriere, dated April 19th, 1994.

10 **THE COMMISSIONER:** Thank you.

11 Exhibit 2331 is a document with a message on
12 -- a phone message, April 19th, 1994.

13 **--- EXHIBIT NO./PIECE NO. P-2331:**

14 (115811) Case note of William Carriere dated
15 April 19, 1994

16 **MR. ENGELMANN:** Sir, again that has the name
17 of ---

18 **THE COMMISSIONER:** Publication ban will be
19 stamped on it.

20 **MR. ENGELMANN:** Yes.

21 Mr. Carriere, this is another note that you
22 would have written concerning the Milton MacDonald matter?

23 **MR. CARRIERE:** Yes.

24 **MR. ENGELMANN:** And it appears that you've
25 had another call with Sergeant Dave Hurlbutt of the OPP?

1 **MR. CARRIERE:** Yes.

2 **MR. ENGELMANN:** Earlier on, we looked at a
3 note where they were going to provide you with a list of
4 names of alleged victims to cross-reference?

5 **MR. CARRIERE:** Yes.

6 **MR. ENGELMANN:** And are you now being told
7 that that's not going to be provided?

8 **MR. CARRIERE:** Yes, that appears to be
9 what's stated here.

10 **MR. ENGELMANN:** All right. Do you have any
11 recollection, sir, about this?

12 **MR. CARRIERE:** No, I don't, sir.

13 **MR. ENGELMANN:** All right.

14 Apparently, according to the note, in any
15 event there was another possible victim who at that time
16 was under the age of 16 and they were going to follow up on
17 that and get back to you?

18 **MR. CARRIERE:** Sir, what paragraph would
19 that be?

20 **MR. ENGELMANN:** Oh, I'm sorry. No, the date
21 of birth is there. I apologize. All right, there's just
22 the one individual that they're going to be giving you a
23 statement on.

24 **MR. CARRIERE:** Oh, I see. Yes, okay.

25 **MR. ENGELMANN:** And that he's mentioned in

1 the fifth paragraph. This is the statement ---

2 MR. CARRIERE: Yes, I'm sorry.

3 MR. ENGELMANN: --- of the fellow who was --

4 -

5 MR. CARRIERE: Excuse me, now I see it.

6 MR. ENGELMANN: --- 14 at the time?

7 MR. CARRIERE: Yes. Thank you.

8 MR. ENGELMANN: All right.

9 And then if we could take a look at one more
10 document; 115819.

11 THE COMMISSIONER: Thank you.

12 Exhibit 2332 is a preliminary report from
13 the Children's Aid Society and there's a date of the 18th of
14 May, 1994.

15 --- EXHIBIT NO./PIÈCE NO. P-2332:

16 (115819) Documentation System Preliminary
17 Report dated May 18, 1994

18 MR. ENGELMANN: Again the youth is
19 mentioned, sir.

20 THE COMMISSIONER: Publication ban stamp
21 will be put on.

22 MR. ENGELMANN: And, sir, this is a
23 preliminary report done on this matter and it references
24 the one family whose child you have some concerns for?

25 MR. CARRIERE: Yes.

1 **MR. ENGELMANN:** And, again, he's one of
2 several, at this point, alleged victims?

3 **MR. CARRIERE:** Yes.

4 **MR. ENGELMANN:** But he's the only one you're
5 aware of who's under the age of 16 at that time?

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

7 **MR. ENGELMANN:** And, sir, as I understand
8 the report here, what you've done is you've set out reasons
9 why you're not going to get involved?

10 **MR. CARRIERE:** I'd have to read the report,
11 sir.

12 **MR. ENGELMANN:** Well, if you look at the
13 bottom of the page, it says:

14 "This is an extra-familial abuse
15 allegation and the individual's parents
16 are aware, willing and able to protect
17 him. He does not appear to be in need
18 of protection under the provision of
19 the CFSA."

20 **MR. CARRIERE:** Yes.

21 Sir, we were involved in this, but what this
22 refers to is that he's not in need of protection because
23 his parents are protecting him.

24 **MR. ENGELMANN:** Yes.

25 **MR. CARRIERE:** Yes.

1 **MR. ENGELMANN:** And the one allegation you
2 were aware of was -- occurred when he was working as a
3 paperboy ---

4 **MR. CARRIERE:** Yes.

5 **MR. ENGELMANN:** --- and had been invited
6 into the perpetrator's home?

7 **MR. CARRIERE:** Yes. We did investigate
8 that, though, sir.

9 **MR. ENGELMANN:** Yeah, okay. All right.
10 Now, sir, I understand that after this --
11 and it's mentioned on the second page of the document we've
12 just looked at. It says:

13 "If appropriate, carry out CAR
14 registration and associated tasks."

15 **MR. CARRIERE:** Yes.

16 **MR. ENGELMANN:** And that's the Child Abuse
17 Registry?

18 **MR. CARRIERE:** Yes, it is.

19 **MR. ENGELMANN:** And in fact, sir, as I
20 understand it, just to follow this through -- and I don't
21 think we need documents -- the individual, Milton
22 MacDonald, there was an attempt to verify or have the
23 verification reviewed?

24 **MR. CARRIERE:** Yes.

25 **MR. ENGELMANN:** It's my understanding that

1 he denied the allegations during the course of your review?

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: Despite that, he went
4 through a criminal process, I think plead guilty to abusing
5 several young people?

6 MR. CARRIERE: Yes.

7 MR. ENGELMANN: And after that it's my
8 understanding that your Agency tried to have him placed on
9 the Child Abuse Register?

10 MR. CARRIERE: That's correct.

11 MR. ENGELMANN: And that took place over
12 several years?

13 MR. CARRIERE: Yes.

14 MR. ENGELMANN: And eventually the Child
15 Abuse Register would not accept your registration?

16 MR. CARRIERE: That's correct.

17 MR. ENGELMANN: And can you just briefly
18 tell us why that was?

19 MR. CARRIERE: Initially, I think they had
20 two difficulties with it. One was that they did not
21 perceive Mr. Milton MacDonald as being in charge of, as a
22 caregiver, despite the fact that the boy had gone into his
23 house.

24 The other difficulty that they had was
25 because this particular family, and in particular the child

1 victim, did not want his name on the register, we attempted
2 to have put -- complete the registration by simply
3 providing non-identifying information; things like his age
4 and like that -- sex. That was not accepted by the
5 register. They wanted the name.

6 I exchanged letters and correspondence with
7 the Child Abuse Register, outlining why -- the dilemma that
8 we were in; one, wanting to fulfil our responsibilities to
9 report to the register but, on the other hand, not wanting
10 to victimize a person who had already been victimized.

11 In the end, it ended up that they required
12 the name and we determined that we would not go ahead with
13 the registration.

14 **MR. ENGELMANN:** That's one of the issues you
15 expressed a concern about earlier?

16 **MR. CARRIERE:** Yes.

17 **MR. ENGELMANN:** About your concern, having
18 to identify the victim?

19 **MR. CARRIERE:** Yes. If that were to happen,
20 if we were to put the person's name on the register, the
21 family in question would have the opportunity to ask for an
22 expungement hearing with the Ministry, with the Child Abuse
23 Register, and I don't think it's the spirit of the Child
24 Abuse Register that they want victims and the families of
25 victims to have to go an expungement; to the point where

1 there's an expungement hearing to get the victim's name
2 off.

3 **THE COMMISSIONER:** So the registry is only
4 for abusers that are in a position of responsibility?

5 **MR. CARRIERE:** Yes. They have to be in
6 charge of; seen to be in charge of.

7 **MR. ENGELMANN:** And in the situation in
8 question, it was extra-familial and we have that fine line
9 between -- obvious at either end and it's a question as to
10 whether that's above or below the line you talked about.

11 **MR. CARRIERE:** Yes. I think our agency has
12 taken the position that if someone invites -- allows a
13 child into their home, they are taking responsibility and
14 should be held accountable for their behaviour.

15 **MR. ENGELMANN:** Mr. Carriere, there was one
16 other individual I wanted to ask you about, and this was a
17 case involving a school principal here by the name of -- I
18 believe it was Labelle?

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** We've heard some evidence
21 from two -- well, one former officer of the Cornwall Police
22 Service and one officer who's still with them, and somewhat
23 conflicting about whether or not you had been provided some
24 information in this, and the issue was whether or not
25 victims' names were going to be provided to the Children's

1 Aid Society so that you could commence an investigation of
2 your own.

3 MR. CARRIERE: Yes.

4 MR. ENGELMANN: And do you have any
5 recollection of any discussions you might have had with
6 either a Constable Brian Paiement or former Chief Shaver
7 about the Labelle matter?

8 MR. CARRIERE: No, I don't, sir.

9 MR. ENGELMANN: All right.

10 Mr. Carriere, then what I'd like to do --
11 and you know why we're here.

12 MR. CARRIERE: Yes.

13 MR. ENGELMANN: We're looking at
14 institutional response to allegations of historical abuse
15 against youth -- against young people. Two things we have
16 asked; sometimes three, but two things we have asked as
17 someone who works in this area, whether this has had a
18 personal effect on you and/or your colleagues, this concept
19 of vicarious trauma, et cetera, and if you'd want to
20 comment on that and; secondly, sir, you've already given us
21 a few recommendations but if you have other recommendations
22 I know the Commissioner would like to hear from you.

23 MR. CARRIERE: Thank you very much.

24 There are a few things that I would like to
25 say, sir. Diane Lahaie some time ago said that if I cried

1 she'd have to slap my hand so I'm going to try not to cry.

2 This has had a profound impact on me and my
3 family and I'm not going to go beyond saying that that has
4 been the case. And undoubtedly it has had a profound
5 impact on my colleagues, some of whom will have to testify
6 here as well.

7 I guess the second thing that I would like
8 to say, sir, is that throughout this entire -- from the
9 first day of my involvement with the Inquiry I've been
10 treated with the utmost respect and courtesy by everyone
11 associated with the Inquiry, and that includes staff,
12 yourself and all of the other people representing the
13 various parties. In a difficult situation people have
14 treated me very well.

15 And I particularly want to thank the staff
16 of the Inquiry. All of the ones that I have encountered
17 have been very professional and treated me very well.

18 **THE COMMISSIONER:** It's nice to hear on
19 occasion.

20 **MR. CARRIERE:** The other thing that I'd like
21 to do before I go into my recommendations, and I do have 11
22 recommendations and I've tried to keep them fairly concise
23 because I know that you don't have a lot of time.

24 I think how I'd like to start this is sort
25 of acknowledging, particularly -- and I know that

1 throughout my career this has been the case, but I really
2 want to acknowledge the Ministry of Children and Youth
3 Services and their predecessor, the Ministry of Community
4 and Social Services. Particularly in the last 10 years
5 there have been -- those ministries have put a vast amount
6 of money into child welfare and I know that there is a
7 deep-rooted interest in the wellbeing of children.

8 So you know, I want to thank them and
9 acknowledge them for that huge financial increase. They
10 have increased the responsibilities but they have also put
11 a lot of money into child welfare and child protection.

12 The other thing that I think they need to be
13 acknowledged for is the fact that they have really turned
14 to the field of professionals and the experts who are
15 actually doing child welfare work. They have really
16 encouraged them to be part of the process of making
17 services better and I know a number of topnotch people in
18 the field have been seconded to positions in the Ministry
19 to develop important programs. And I think the Ministry
20 really has to be acknowledged too for reaching out and
21 recognizing that expertise.

22 So I wanted to say that because I want
23 everyone to understand that the recommendations that I'm
24 about to make are meant in the spirit of making a very good
25 -- what I see to be a very good service better. So here

1 are my recommendations. I have tried to make my
2 recommendations practical as opposed to theoretical so that
3 things can actually be done.

4 The first one is that joint training for
5 police and CAS similar to the investigation of sexual
6 offences against children -- similar to the Investigation
7 of Sexual Offences Against Children course which previously
8 existed be created and funded by the appropriate ministries
9 in collaboration with OACAS and that this course includes
10 material related to historical abuse.

11 Number two is that the fast track checks for
12 applicants for foster care, adoption, and CAS positions,
13 including volunteers and board members be conducted with
14 the consent of the individuals.

15 Third, that an appropriate committee be
16 formed to determine if the Child Abuse Register still
17 serves the useful purpose.

18 Four, should it be determined that the Child
19 Abuse Register continues to serve a useful purpose, that
20 the names of victims are excluded from the Child Abuse
21 Register forms and monikers used instead. Where the
22 parents or caregivers of the child victim are not the
23 verified abusers, monikers be similarly used.

24 Five, that information pertaining to
25 individuals registered on the Child Abuse Register be

1 allowed to be shared with appropriate organizations such as
2 police, Crown attorneys, probation and parole officers,
3 employers as deemed necessary by the Children's Aid
4 Societies.

5 I think I'm at six.

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

7 **MR. CARRIERE:** That the Ministry provide
8 appropriate funding in order that each Children's Aid
9 Society can create sufficient staffing positions to
10 properly operate quality assurance programs.

11 Seven, that sufficient funds be provided to
12 every Children's Aid Society to ensure that record
13 disclosure be provided within a reasonable timeframe.

14 I think I'm at eight ---

15 **THE COMMISSIONER:** Yes.

16 **MR. CARRIERE:** --- or nine. Should have
17 written these down.

18 That the Commissioner provide guidance with
19 respect to the issue of notifying employers when child
20 protection matters arise or that the Commissioner
21 recommends that a provincial group be formed to address the
22 issue with guidance to follow.

23 Nine, that the Commissioner recommends that
24 the number of cases that a CAS worker can effectively
25 manage be examined by a committee comprised of staff from

1 CAS, the Ministry, OACAS and other qualified professions.

2 Ten, that every Children's Aid Society be
3 provided with adequate funding to create sufficient
4 staffing positions to ensure that orientation and training
5 needs are properly addressed on an ongoing basis.

6 And finally, that the term "caregiver" be
7 reviewed and additional guidance provided with respect to
8 the definition of the term.

9 Those are my recommendations and thank you
10 for the time and the opportunity to testify and present
11 them.

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

13 **MR. ENGELMANN:** Thank you very much, Mr.
14 Carriere.

15 A number of lawyers here will have some
16 questions for you. As you know, we are only going to go
17 through two of them today and then you'll be back the week
18 of the 7th to finish.

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** I just wish to thank you
21 again for your evidence.

22 **MR. CARRIERE:** Thank you, Mr. Engelmann.

23 **THE COMMISSIONER:** Thank you.

24 Ms. Daley -- so have you canvassed how long?

25 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:

1 **MR. ENGELMANN:** Oh, I apologize. There were
2 two things that I -- a couple of things I wanted to
3 confirm.

4 Yes, my understanding is ---

5 **THE COMMISSIONER:** Ms. Daley?

6 **MR. ENGELMANN:** --- Ms. Daley, yeah,
7 approximately an hour and I understand Mr. Paul
8 approximately half an hour. I understand that my
9 colleague, Pierre Dumais, is ready to proceed at that time
10 around four ---

11 **THE COMMISSIONER:** Yeah.

12 **MR. ENGELMANN:** --- with the next witness,
13 so we get her started. That's Geraldine Fitzpatrick.

14 **THE COMMISSIONER:** Fine.

15 **MR. ENGELMANN:** As you may recall, sir, we
16 had spoken earlier this week and I've been asked some
17 questions about this from my friends. Mr. Towndale, Angelo
18 Towndale will be here at nine o'clock tomorrow.

19 **THE COMMISSIONER:** Nine o'clock.

20 **MR. ENGELMANN:** We anticipate that carrying
21 on with him just to finish his evidence may take about an
22 hour.

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

24 **MR. ENGELMANN:** That's a broad guess. I
25 haven't really canvassed that with my friends but that was

1 the last determination.

2 Then you have a motion from the Diocese.
3 You have a report from the counsel for the CPS with respect
4 to the medical report and/or motion from them, and then you
5 have, sir, the continuation of the evidence of Geraldine
6 Fitzpatrick.

7 **THE COMMISSIONER:** Okay.

8 **MR. ENGELMANN:** And when we come back we
9 could carry on with the cross-examination of William
10 Carriere on the 7th of October.

11 **THE COMMISSIONER:** At one?

12 **MR. ENGELMANN:** One o'clock.

13 **THE COMMISSIONER:** One o'clock.

14 **MR. ENGELMANN:** One last housekeeping
15 matter, sir, I had advised counsel earlier this week that
16 we would be tendering reports that have been prepared by
17 experts. This was called Phase 1 research.

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

19 **MR. ENGELMANN:** We have four reports. There
20 was some -- with each one of these reports we have had
21 executive summaries done in the French language so that
22 they are available in a bilingual format. They will be
23 tendered by one of my colleagues tomorrow morning.

24 **THE COMMISSIONER:** Terrific.

25 **MR. ENGELMANN:** Thank you, sir.

1 **THE COMMISSIONER:** Thank you.

2 Ms. Daley.

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

4 **DALEY:**

5 **MS. DALEY:** Hello there, Mr. Carriere. You
6 know my name and I think you're also aware that the party
7 that I have the privilege to represent here is also
8 interested, as is the CAS, in the protection of children.

9 **MR. CARRIERE:** Yes.

10 **MS. DALEY:** The first area that I want to
11 speak to you about has to do with the resource issue which
12 you from time to time mentioned in your testimony in-chief.
13 And as we understand it here, sir, I think you've testified
14 to this effect, as has Mr. Towndale, the Children's Aid
15 Society in this community grew from a staff of
16 approximately 20 from the time you started in the '70s to a
17 present staff of approximately 125; correct?

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

19 **MS. DALEY:** So that represents a six-fold
20 increase in human resources.

21 **MR. CARRIERE:** Yes.

22 **MS. DALEY:** Correct?

23 **MR. CARRIERE:** Yes.

24 **MS. DALEY:** And Mr. Towndale made the point,
25 with which I think you'll agree, that the population served

1 by your Society did not itself increase over that 30-year
2 period, the population has remained static; correct?

3 MR. CARRIERE: Yes, that's correct.

4 MS. DALEY: All right.

5 Now, what I'd like to understand from you is
6 this, over the 30-year window when did the additional
7 staffing start to come on-line? Was that as a result of
8 the Dawson Review or when did that start to come about?

9 MR. CARRIERE: I think that it's been a
10 gradual thing. I don't know that there have been
11 particular events that have caused us to have a huge leap
12 in terms of the increase in staff.

13 At various points in time it would become
14 evident that the number of cases that a particular
15 department would be carrying would become beyond what a
16 reasonable person or staff could carry and we would then
17 create -- it would also get to the point where you would
18 have, for instance, a supervisor might start off with five
19 staff members and then suddenly, as I did in 1988, suddenly
20 realize that you have 10 and you can't manage. And so at
21 that point you'd have the creation of two departments and
22 then you'd have -- you might have like two people with five
23 each and then that would grow and it was more that kind of
24 thing.

25 Also there would be events where we would

1 realize that we needed to provide service in a more
2 effective manner and the only way that you could do that
3 would be creating new departments that would focus on those
4 specific areas.

5 But, you know, I think it's a combination of
6 things. I mean, certainly if I can even use like what Mr.
7 Towndale was talking about in terms of foster care, you
8 know, you start off -- when I started off with one person
9 in foster care who did everything or was supposed to do
10 everything and then you realize it can't be done and you
11 begin to grow.

12 So I don't know if that answers your
13 question.

14 **MS. DALEY:** Well, help me with this. The
15 impression I take from what you just said is that the
16 growth was somewhat steady over time ---

17 **MR. CARRIERE:** Yes.

18 **MS. DALEY:** --- and it occurred as -- on an
19 as-needed basis.

20 **MR. CARRIERE:** Yes.

21 **MS. DALEY:** So in other words the line staff
22 would grow to meet the needs as the needs increased.

23 **MR. CARRIERE:** Yes.

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

25 **MR. CARRIERE:** Yes, I think that's fair,

1 yes.

2 MS. DALEY: So by the time we're in the
3 1990s, and in particular the mid-'90s ---

4 MR. CARRIERE: Yes.

5 MS. DALEY: --- which is one area of
6 interest here for obvious reasons, were you close to the
7 120 staff compliment that you're at now?

8 MR. CARRIERE: Oh, no.

9 MS. DALEY: Do you know roughly what your --
10 -

11 MR. CARRIERE: Yes.

12 MS. DALEY: --- staff would have been?

13 MR. CARRIERE: Well, I do remember that in
14 1995 we had approximately 60 staff. And the reason I
15 remember that is because in 1995 due to -- for budgetary
16 reasons we had to reduce the staff and we went down to 39.

17 I think Mr. Towndale talked about -- and
18 that was the time when he retired. I think, and somebody
19 might want to follow up this with Mr. Towndale because he
20 talked about the number of staff positions that were
21 eliminated but I don't think he mentioned the contract
22 positions that went at the time, and that was essentially a
23 third of the staff disappeared.

24 So mid-1995 we're at about 60 staff.

25 MS. DALEY: All right.

1 **THE COMMISSIONER:** Ms. Daley, I was going to
2 say I don't mean to interrupt but I will interrupt just to
3 clear one thing up.

4 **MS. DALEY:** Go ahead.

5 **THE COMMISSIONER:** I don't know that we
6 should leave it with the public that since -- with the
7 impression that we have a static population. We've got 20
8 people and then 30 years later we've got 120. It should
9 not be necessarily a reflection that the people of Cornwall
10 are in great need of Children's Aid Society.

11 I think is it fair to say that this has been
12 a phenomenon that has gone on throughout the province?

13 **MR. CARRIERE:** I think that's a good point,
14 Mr. Commissioner.

15 There's definitely been a very large growth
16 in the size of Children's Aid Societies across the
17 province.

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

19 **MR. CARRIERE:** Yes.

20 **MS. DALEY:** But just to sort of help me
21 better understand the resources you have available during
22 some of the times we're interested in, would it be right to
23 say then that between the mid-'90s and the time you retired
24 in '06 you had almost a doubling?

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

1 **MS. DALEY:** Because then you go from 60 back
2 up to the 120 mark?

3 **MR. CARRIERE:** Yes. Yes, actually within a
4 year we're almost back to where we were.

5 **MS. DALEY:** All right.

6 **MR. CARRIERE:** Yes.

7 **MS. DALEY:** All right; that's helpful.

8 So we have an incremental addition of line
9 staff coming into the Agency throughout the mid-'90s to the
10 mid-2000s.

11 One concept that you mentioned in your
12 testimony in-chief that I just want to visit with you
13 briefly was the concept of accreditation.

14 **MR. CARRIERE:** Yes.

15 **MS. DALEY:** And I take it that this is a
16 process whereby the Ministry accredits local Children's Aid
17 Societies?

18 **MR. CARRIERE:** It's actually not a Ministry
19 initiative. It's something that the Ontario Association of
20 Children's Aid Societies introduced.

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

22 So I was wondering whether, for example, the
23 Dawson Report exercise that we talked about, that obviously
24 is something that your parent Ministry directed to take
25 place; correct?

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

2 **MS. DALEY:** And your parent Ministry
3 obviously expected that those recommendations be
4 implemented?

5 **MR. CARRIERE:** They expected us to work on
6 them, yes. Yes, and implement them where we could. And
7 some of the recommendations pertained to the Ministry as
8 well.

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

10 I just wondered whether or not the
11 implementation of those changes had any bearing upon your
12 accreditation with the overarching umbrella group of
13 Children's Aid Societies?

14 **MR. CARRIERE:** Actually I don't think the
15 accreditation process was in effect at that time.

16 **MS. DALEY:** Oh, I see.

17 **MR. CARRIERE:** Yes, I think that comes
18 later.

19 **MS. DALEY:** All right.

20 So now let me move to another area. What I
21 -- the label I put on this is how your Society protects
22 kids in situations that are known to be high risk, because
23 you've given some evidence today that relates to that.

24 **MR. CARRIERE:** Okay.

25 **MS. DALEY:** And what I want to talk to you

1 about and then compare to a later case is the case that
2 precipitated the review of Dawson, and that's the Locey
3 matter.

4 MR. CARRIERE: Yes.

5 MS. DALEY: You remember that?

6 MR. CARRIERE: Yes, I do.

7 MS. DALEY: And I don't intend to dwell on
8 the exhibit but if you want to have it handy just for your
9 own reference it's 2277.

10 THE COMMISSIONER: Two-two seven-seven
11 (2277)?

12 MS. DALEY: I think that's correct, yes.

13 THE COMMISSIONER: And that's supposed to be
14 a ---

15 MS. DALEY: If I'm right, is that not the
16 Locey document that you testified about in-chief, sir?

17 MR. CARRIERE: It is. Yes, it is.

18 MS. DALEY: It goes through the entire
19 family history.

20 MR. CARRIERE: It's the file recording, yes.

21 MS. DALEY: It's the file report.

22 THE COMMISSIONER: Okay.

23 MS. DALEY: So I'm just directing you there
24 as I say not to pour over it but at a high level I want to
25 extract some of the problems that existed here

1 ---

2 MR. CARRIERE: Yes.

3 MS. DALEY: --- that Dawson was meant to
4 address.

5 MR. CARRIERE: Yes.

6 MS. DALEY: And these are my words so feel
7 free to disagree. But it seems to me obvious from
8 reviewing that exhibit that this case, this family, as soon
9 as it became known that Mr. Locey was involved the family
10 was seen as a high-risk situation ---

11 MR. CARRIERE: Yes.

12 MS. DALEY: --- by your Society ---

13 MR. CARRIERE: Yes, we did.

14 MS. DALEY: --- always, right?

15 MR. CARRIERE: Yes, for sure.

16 MS. DALEY: And upon his first release from
17 jail for serving his first term of incarceration for sexual
18 offences, the Society formulated a plan for how to protect
19 his children; correct?

20 MR. CARRIERE: I'm not as familiar with the
21 early part of this, Ms. Daley, the early -- in terms of the
22 ---

23 MS. DALEY: Page 19 of the document suggests
24 that the Society had a plan that it was going to put in
25 place to try to protect his daughter.

1 **MR. CARRIERE:** Yes, okay, I see that now.

2 **MS. DALEY:** Do you see ---

3 **MR. CARRIERE:** Sure.

4 **MS. DALEY:** And what I took from that was
5 that the intent was to create almost a contract with the
6 Loceys and the Society, key elements being that he should
7 stay away from his family. I mean, that's item number one.

8 **MR. CARRIERE:** Yes.

9 **MS. DALEY:** That he's going to stay away
10 from his family until you have the satisfaction of
11 significant treatment gains?

12 **MR. CARRIERE:** Yes.

13 **MS. DALEY:** That's one of the core terms of
14 his contract. And the way this was to work is that should
15 the contract be broken, then you'd go -- the Society would
16 go to court and would protect the daughter; correct?

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

18 **MS. DALEY:** All right. So that was the
19 overall intent, right?

20 **MR. CARRIERE:** Yes, I agree with that.

21 **MS. DALEY:** Now, I think you would agree
22 that the problem was that notwithstanding that good plan,
23 that plan didn't get implemented?

24 And what I'm suggesting is it seems if you
25 read the following page, that Ron Locey, Mr. Locey, got

1 back together with his family right away. So he broke the
2 contract, but the Society, for whatever reason, didn't go
3 to court and try to take the daughter away. Is that the
4 gist of it?

5 **MR. CARRIERE:** Well, again, unless I read it
6 now -- I read this some days ago, and it wasn't a period of
7 time where I was involved, so I can't refer back to it, but
8 I take your word for it that that's what happened.

9 **MS. DALEY:** I took that from around page 24.
10 It seems that when the worker then follows up, because the
11 worker certainly does a lot of home visits, but Mr. Locey
12 has broken the contract ---

13 **MR. CARRIERE:** Okay.

14 **MS. DALEY:** --- because he's back with his
15 family right away?

16 **MR. CARRIERE:** All right. Then that would
17 be a violation of it, yes.

18 **MS. DALEY:** So the problem there is you had
19 a good plan, but it didn't get followed up.

20 **MR. CARRIERE:** Right.

21 **MS. DALEY:** Correct?

22 **MR. CARRIERE:** Yes.

23 **MS. DALEY:** And the result of that is that
24 the young daughter, who was then 12 years old, eventually
25 tells a worker that he's tried to molest her on three

1 occasions, right?

2 MR. CARRIERE: Yes.

3 MS. DALEY: And then he's charged and he's
4 out of the family, so problem temporarily solved, right?

5 MR. CARRIERE: Yes.

6 MS. DALEY: You spoke to this in your
7 testimony in-chief, at pages 39 and 40. When he comes back
8 to the family after that incarceration, there was a breach
9 of his parole terms because he's in contact with the young
10 girl?

11 MR. CARRIERE: Yes.

12 MS. DALEY: And ultimately that contact
13 gives him the opportunity to sexually assault her again.

14 MR. CARRIERE: Yes.

15 MS. DALEY: Right?

16 MR. CARRIERE: That's correct.

17 MS. DALEY: Okay. So again, same theme;
18 there are rules that have been put around Mr. Locey. Your
19 -- the Society's worker is aware that he's broken the rules
20 but doesn't enforce the Society's interest in protecting
21 the child at that time; correct?

22 MR. CARRIERE: Yes, that's correct.

23 MS. DALEY: And indeed I believe you said in
24 your testimony in-chief that the tragedy of this situation
25 was that you hadn't read the worker's notes to realize that

1 he had broken his parole conditions and he was again in
2 contact with his stepdaughter?

3 MR. CARRIERE: That's correct.

4 MS. DALEY: All right.

5 So if I could put a label to the problem
6 then, the Locey problem, is the worker knows, evidently,
7 that things are unfolding contrary to the best interest of
8 the young girl, but for whatever reason, the worker doesn't
9 do an intervention. Is that fair?

10 MR. CARRIERE: That's correct, yes.

11 MS. DALEY: And I suppose you would say that
12 part of the problem perhaps that you would accept some
13 ownership of is that supervision didn't catch the worker's
14 failure to do the right thing to protect the child?

15 MR. CARRIERE: I would say that's ---

16 MS. DALEY: Fair enough?

17 MR. CARRIERE: That's fair.

18 MS. DALEY: And perhaps it's that reason
19 that one of the Dawson recommendations is more supervisors
20 and a smaller supervisor to supervisee ratio; correct?

21 MR. CARRIERE: Yes.

22 MS. DALEY: All right.

23 So we've correctly diagnosed the Locey
24 problem. It's -- as I would say it, it's reasonable plans
25 that are not implemented by workers and an inability of the

1 supervisor to ensure that the worker implements the plan.
2 Is that a fair way to put it?

3 **MR. CARRIERE:** I think that that's a fair
4 way to put it.

5 The only piece that I would add is that
6 caseloads for each worker have to be of a size that they
7 can effectively work with families. If you have very large
8 caseloads, you can have the best-laid plans, but one of the
9 difficulties -- one of the features of Child Welfare is
10 what I call -- you have concurrent cases. So when you have
11 a caseload, you are responsible for all of those cases, the
12 well-being for all of those children on that caseload at
13 the same time.

14 Some counselling services, you may have 10
15 families that work with, and when you finish with one, you
16 add a new one. Child Welfare doesn't have that.

17 So it has to be a manageable size caseload.

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

19 The impression I took from this exhibit,
20 sir, in fairness to your worker, is that -- your worker,
21 and I can't even remember who it was at this point,
22 probably more than one person -- but they have substantial
23 contact with the family, don't they?

24 **MR. CARRIERE:** They have many contacts with
25 the family, yes.

1 **MS. DALEY:** Exactly. So the problem here is
2 not the worker's inability to go out and find out what's
3 happening with the Loceys, is it?

4 **MR. CARRIERE:** That's right. No, it's not.

5 **MS. DALEY:** Okay.

6 **MR. CARRIERE:** No, for sure it's not.

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

8 **THE COMMISSIONER:** Isn't there another
9 overriding principle -- well, another philosophy at that
10 time that we stuck to the principle that a child should
11 remain, if at all possible, with the family?

12 **MR. CARRIERE:** Yes.

13 **THE COMMISSIONER:** And that has evolved over
14 time where now we're saying more it's really the best
15 interests of the child.

16 **MR. CARRIERE:** You're correct.

17 **THE COMMISSIONER:** Is that a fair comment?

18 **MR. CARRIERE:** You're correct, yes.

19 **THE COMMISSIONER:** So that maybe, you know,
20 the worker and the -- what's the word -- the mentality at
21 that time was, we have to work with the family?

22 **MR. CARRIERE:** To a certain degree that
23 would be true with this one. I don't think there's any
24 doubt that we see Mr. Locey as a really bad guy and that he
25 should not be in the picture.

1 **MS. DALEY:** Locey is an extreme case, and
2 the second time he sexually assaults the daughter, there's
3 an immediate intervention. He's out of the house, because
4 you've gone to the police ---

5 **MR. CARRIERE:** Yes.

6 **MS. DALEY:** --- and you've removed him,
7 right?

8 **MR. CARRIERE:** Yes.

9 **MS. DALEY:** Of course, she stays with her
10 mother.

11 **MR. CARRIERE:** Yes.

12 **MS. DALEY:** Which is what she wants to do.

13 **MR. CARRIERE:** The other lesson that I think
14 -- if I can just add this piece, that -- and I can't recall
15 my discussions with this particular worker, but I've seen
16 this happen in other instances.

17 It's very possible that this worker and
18 myself had discussions and we thought we were saying the
19 same thing. And so if I would say something to her like,
20 "Is Mr. Locey abiding by his conditions?", she may say,
21 "Yes, yes, he is". But if she understood that he could
22 have contact as long as he wasn't alone and I'm thinking he
23 can't have any contact at all, we could have a supervision
24 session where we both walk away feeling like we've had a
25 good supervision session and we see each other.

1 **MS. DALEY:** And I think you -- sorry, I
2 didn't mean to cut you off.

3 **MR. CARRIERE:** I think this kind of thing, I
4 think I would learn from as a supervisor, to be very exact
5 in terms of the language with the worker to make sure that
6 they understand without any question what the conditions
7 are.

8 **MS. DALEY:** And I suppose one way to
9 facilitate that would -- in this particular instance would
10 have been to make sure you had Mr. Locey's probation order
11 attached to the front of your file?

12 **MR. CARRIERE:** Absolutely.

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

14 **MR. CARRIERE:** We should have met with the
15 Probation Office right at the beginning. I mean, I think
16 you've touched on something earlier. This was a very
17 conscientious worker, somebody who worked hard with
18 families, tried to introduce different services but, you
19 know, missed a key piece and I missed a key piece as well.

20 **MS. DALEY:** Certainly with the Locey family,
21 on my reading of this exhibit, there's no lack of attention
22 by the worker?

23 **MR. CARRIERE:** No, there's no lack of
24 attention.

25 **MS. DALEY:** Plenty of attention, but there's

1 a very, very unfortunate outcome?

2 MR. CARRIERE: Yes, I can't argue with that
3 and I won't argue with that.

4 MS. DALEY: And perhaps, as you say, the
5 outcome also comes from maybe an intellectual failure on
6 someone's part to understand exactly what was not
7 permitted, right?

8 MR. CARRIERE: Yeah. And I will take that
9 responsibility. It was my job to make sure that she
10 clearly understood what the -- and I think it's my job in
11 supervision to go back to the -- in a case like this, it's
12 my job to go back each time to the critical pieces and make
13 sure that they're still in place. And I don't recall
14 specifically my discussions with her, but I know that a
15 terrible thing happened at the end.

16 MS. DALEY: All right.

17 So just putting a line under Locey for a
18 second, if I understood your evidence, there was an initial
19 critique of the case pre-Dawson?

20 MR. CARRIERE: Yes.

21 MS. DALEY: And I thought the three elements
22 of that critique, at least the ones you recalled, included
23 a tighter risk management plan?

24 MR. CARRIERE: Yes, yes.

25 MS. DALEY: Secondly, more face-to-face

1 work. In other words, sitting down -- the worker sitting
2 down in front of people to ensure either compliance or
3 understanding of what was happening?

4 **MR. CARRIERE:** Yes. By that I think I mean
5 a schedule where it's laid out that we are going to meet
6 each other in this timeframe, and if there are any
7 emergencies that come up in the meantime, you deal with
8 that, but it isn't like -- the schedule of meeting isn't
9 free-floating; it's fixed.

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

11 **MR. CARRIERE:** "I'm going to see you very
12 week and we're going to discuss these conditions every week
13 and make sure that they're in place." That's what I meant
14 by that.

15 **MS. DALEY:** So the emphasis there is the
16 regularity, with the face-to-face nature of what's going
17 on?

18 **MR. CARRIERE:** Yes, having face-to-face.

19 **MS. DALEY:** All right.

20 And the third thing that you did mention --
21 and I'm not trying to beat you over the head -- but it's
22 the lack of supervision component of the problem?

23 **MR. CARRIERE:** I'm not going to dispute
24 that.

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

1 So these are lessons learned from Locey in
2 the late eighties?

3 **MR. CARRIERE:** Yes.

4 **MS. DALEY:** I want to move now to a
5 contrasting or a comparable situation, at least somewhat
6 comparable, and that's the Jean-Luc Leblanc problem, when
7 he re-enters the community in 1994, right?

8 **MR. CARRIERE:** Yes.

9 **MS. DALEY:** Again, I would ask you this
10 question. It's 1994 that you're first aware of the
11 possibility of Mr. Leblanc having contact with young kids?

12 **MR. CARRIERE:** Yes.

13 **MS. DALEY:** And so just to put a time frame
14 around it, that is approximately eight years after the
15 Locey problem and about six years after Dawson?

16 **MR. CARRIERE:** Yes.

17 **MS. DALEY:** Okay. I don't know that you
18 commented on this, but did the Society have any information
19 to the effect that Mr. Leblanc had received any form of
20 treatment?

21 **MR. CARRIERE:** The only information that we
22 had came from Fran Lepage's contact with Probation, who
23 indicated that that was one of the conditions of his -- I'm
24 not sure what it was, not his condition, of his release.

25 **THE COMMISSIONER:** Probation.

1 **MR. CARRIERE:** Of his probation. Thank you.
2 And I think we assumed that that must have
3 happened if it was a condition but we didn't get any
4 information as to what it consisted of.

5 **MS. DALEY:** All right. So it was a term of
6 his probation but you didn't attempt to verify whether or
7 not it actually happened?

8 **MR. CARRIERE:** No, or the quality of it
9 either.

10 **MS. DALEY:** I'm sorry?

11 **MR. CARRIERE:** Or the quality of it either.

12 **MS. DALEY:** All right.

13 Now, his conviction in 1986 for the Burgess
14 assaults and the Tyo assault was in the press, wasn't it?

15 **MR. CARRIERE:** I'm assuming it was but I
16 don't know.

17 **MS. DALEY:** Give me one second, please.
18 Madam Clerk, could you show the witness
19 708447?

20 **THE COMMISSIONER:** Can you give us a
21 document number?

22 **MS. DALEY:** The big doc is 708447.

23 **THE COMMISSIONER:** And what document is it?

24 **MS. DALEY:** It's an interview report of
25 Tannis Girard, who was the principal who reported the

1 Leblanc matter. It was dated ---

2 **THE COMMISSIONER:** That was the second
3 occasion?

4 **MS. DALEY:** Yes. She's interviewed by the
5 OPP in January of 1999 and this is her interview report.

6 **THE COMMISSIONER:** Yeah, I'm wondering --
7 can you put it on? All right, so this will be -- wait a
8 minute now. That's okay. So this will be Exhibit Number
9 2333. It's an interview report of -- is this someone we
10 should be naming?

11 **MS. DALEY:** No.

12 Sir, you can help us here. This lady is the
13 principal of the school?

14 **MR. CARRIERE:** Yes.

15 **THE COMMISSIONER:** Okay, so Tannis Girard.

16 **MS. DALEY:** She gave you the intake, right?

17 **MR. CARRIERE:** I guess I would have ---

18 **THE COMMISSIONER:** Okay.

19 **MS. DALEY:** She's the one that calls up Mrs.
20 Lepage?

21 **MR. CARRIERE:** Yes, I believe so.

22 **THE COMMISSIONER:** Okay. So for the
23 purposes of the exhibit, it is an interview report of
24 Tannis Girard on the 28th of January, 1999.

25 --- **EXHIBIT NO./PIÈCE NO. P-2333:**

1 (708447) Interview report of Tannis Girard
2 dated 28 Jan 99

3 **MS. DALEY:** And if you could just scroll to
4 the first question and answer, please?

5 And she's asked -- just to help you out,
6 sir, this is now Project Truth time and they're
7 investigating allegations against Mr. Leblanc and Tannis --
8 sorry, Ms. Girard is asked what, if anything, she can tell
9 them, and she says:

10 "I read the paper about the person by
11 the name of Jean-Luc Leblanc being
12 charged and I believe it to be the same
13 person. One of my students talked
14 about..."

15 And we have mentioned this fellow's name,
16 but you recognise that name.

17 "...had talked about Jean-Luc from
18 Newington."

19 Right?

20 **MR. CARRIERE:** Yes. It was in the paper,
21 yes.

22 **MS. DALEY:** It clearly was in the paper, and
23 the person who contact the worker, Fran Lepage, knew the
24 last name, did she not?

25 **MR. CARRIERE:** I ---

1 **MS. DALEY:** She believed it to be the same
2 person that [REDACTED] was receiving gifts from?

3 **MR. CARRIERE:** I'm not sure that she knew
4 the last name with respect to when she was working -- when
5 she was connected to the principal. I thought that's when
6 the family members of the Burgess family had phoned, unless
7 I'm confused with something, because was it not ---

8 **MS. DALEY:** No, we're past Burgess. We're
9 in 1994 and we're talking about [REDACTED].

10 **MR. CARRIERE:** Yes. No, I understand that
11 but I thought when she was communicating -- the principal
12 was communicating with Fran Lepage, she was only able to
13 provide the name of Jean-Luc. She wasn't able to provide
14 the last name.

15 **MS. DALEY:** Fair enough. That's what
16 Ms. Lepage's notes indicate.

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

18 **MS. DALEY:** But it would appear from this
19 question and answer that perhaps she was speculating but
20 Ms. Girard remembered the name Jean-Luc Leblanc from the
21 press earlier.

22 **MR. CARRIERE:** Yes.

23 **MS. DALEY:** She knew a man named Jean-Luc,
24 54 years of age, who she thought was homosexual -- I'll
25 take you to that -- and was hanging around with one of her

1 students.

2 MR. CARRIERE: Right.

3 MS. DALEY: In her mind she thought there
4 could have been a connection.

5 MR. CARRIERE: Yes, yes.

6 MS. DALEY: And that motivated her, I
7 presume, to call the Children's Aid Society because she's
8 worried.

9 MR. CARRIERE: And when does she phone the
10 Children's Aid? Sorry, is this the -- maybe I'm missing
11 something here, I'm sorry. In '94, do you mean?

12 MS. DALEY: Yes, in '94.

13 MR. CARRIERE: But this is '99, isn't it?

14 MS. DALEY: That's right, yeah. That's
15 right. I'm looking at an interview report.

16 THE COMMISSIONER: That's an OPP ---

17 MR. CARRIERE: Yes, yes.

18 MS. DALEY: Right.

19 MR. CARRIERE: Can you maybe repeat the
20 question to me? I'm not sure that I'm following you.

21 MS. DALEY: It just appears to me, from
22 reading her OPP interview report, that she has herself
23 connected ---

24 MR. CARRIERE: Connected, yes.

25 MS. DALEY: --- the fellow she's worried

1 about with the fellow who she read about being convicted in
2 the press.

3 MR. CARRIERE: Yes. Okay.

4 MS. DALEY: It seems she made that
5 connection.

6 MR. CARRIERE: Yes, okay. Yes, I agree with
7 that. Okay.

8 MS. DALEY: And on the following -- sorry.
9 Madam Clerk, can you show the witness and
10 ourselves Bates 244, the top question and answer? She's
11 now referring to her contact with Ms. Lepage.

12 MR. CARRIERE: Yes.

13 MS. DALEY: And she says:

14 "I believe she talked to both Ms.
15 Lepage and a supervisor by the name of
16 Bernie."

17 That was Mr. Lamarche?

18 MR. CARRIERE: Yes.

19 MS. DALEY: "And I kept them up to date on
20 the matter by phone."

21 She says:

22 "They never came out to the school to
23 talk to me."

24 MR. CARRIERE: Right.

25 MS. DALEY: And again that's consistent with

1 what we've seen from Ms. Lepage's notes.

2 MR. CARRIERE: Yes.

3 MS. DALEY: She didn't go interview Ms.
4 Girard?

5 MR. CARRIERE: That's right.

6 MS. DALEY: Now, obviously, sir, Mr.
7 Leblanc's 1986 conviction for child abuse was within the
8 institutional knowledge of your Children's Aid Society.

9 MR. CARRIERE: Yes.

10 MS. DALEY: You knew it had happened?

11 MR. CARRIERE: Yes. M'hm.

12 MS. DALEY: You knew both the fact of the
13 conviction, of course, and the name of the offender?

14 MR. CARRIERE: Yes.

15 MS. DALEY: Again I don't want to -- I'm not
16 inviting you to speculate but when I looked at this
17 interview report from the principal, I wondered whether or
18 not any thought had been given to going to talk to her
19 about it, because at a later time she seems to have
20 connected dots. She connected the dots back to
21 Mr. Leblanc.

22 THE COMMISSIONER: I'm sorry, and I might be
23 getting the same moment here. When were the second charges
24 laid for Monsieur Leblanc?

25 MS. DALEY: I think the second charges were

1 laid as a result of Project Truth in '99 or 2000.

2 THE COMMISSIONER: Okay. Yeah, I don't know
3 that ---

4 MS. DALEY: Is that your -- sorry, am I
5 roughly right about that, sir, or do you know?

6 MR. CARRIERE: Yes. Actually I think the
7 dots are unconnected back in 1994. I guess that's what I
8 was trying to say earlier, is that Fran -- and maybe it's
9 '95 -- is that Fran is communicating with Tannis Girard,
10 the principal, who is telling her about a Jean-Luc.

11 MS. DALEY: Right.

12 MR. CARRIERE: At the same time she's
13 received a referral from the Nadeau family -- sorry, not
14 the -- yes, the Nadeau family concerning a Jean-Luc
15 Leblanc, but she's not taking those two pieces and putting
16 them together.

17 MS. DALEY: I understood.

18 MR. CARRIERE: Yeah, okay.

19 MS. DALEY: I understood that.

20 MR. CARRIERE: Yeah, and I think if she
21 would have, then it would have made a profound difference.
22 The name Jean-Luc in this area would not be an uncommon
23 name.

24 MS. DALEY: I appreciate that.

25 MR. CARRIERE: So, yeah.

1 **MS. DALEY:** I appreciate that. I'm just --
2 if you disagree, that's fine; it just struck me, reading
3 this, that Ms. Girard connected two dots. Okay?

4 **MR. CARRIERE:** Yes.

5 **MS. DALEY:** She connected the Jean-Luc
6 Leblanc who she'd read about in the press as an abuser ---

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

8 **MS. DALEY:** --- with the Jean-Luc who may be
9 showering gifts on one of her students.

10 **MR. CARRIERE:** Yes.

11 **MS. DALEY:** Right? And my only suggestion
12 is that perhaps if she'd been interviewed or visited at
13 that time in 1994, when Ms. Lepage was trying to find out
14 who Jean-Luc was she could have offered this information to
15 the Society. Correct?

16 **MR. CARRIERE:** Yes, that's true. If it
17 would have been pursued, ultimately I think we -- well, it
18 was pursued to a certain degree but they -- she refused --
19 the family refused to provide the last name of Jean-Luc ---

20 **MS. DALEY:** Understood.

21 **MR. CARRIERE:** --- which could have raised a
22 red flag.

23 **MS. DALEY:** And so on that very point what
24 occurred to me is this. Obviously, as you say, the worker
25 visits the mother. She gets stonewalled about the name,

1 right?

2 MR. CARRIERE: Yes, yes.

3 MS. DALEY: And you learn at about that time
4 that this is a very impoverished home, right?

5 MR. CARRIERE: Yes, yes. Yes.

6 MS. DALEY: In desperate financial straits?

7 MR. CARRIERE: Yes.

8 MS. DALEY: And you've also learned, or Ms.
9 Lepage has, that Jean-Luc is supplying material goodies to
10 , right?

11 MR. CARRIERE: Yes.

12 MS. DALEY: And those are things that the
13 family clearly can't afford.

14 MR. CARRIERE: Yes.

15 MS. DALEY: And, again, I'm not trying to
16 suggest that I have perfect hindsight here, but wouldn't
17 Fran Lepage been sceptical about what was going on when the
18 mother won't give up the name, the son is benefiting in a
19 situation where maybe the mother has a reason not to give
20 up the name; she wants the goodies to keep coming?

21 MR. CHISHOLM: I'm not sure if this witness
22 can answer what Ms. Lepage would have been speculating to.

23 MS. DALEY: I don't need you to go inside
24 her mind, sir, but would that have been kind of a red flag
25 scenario for a childcare worker at this time?

1 **MR. CARRIERE:** Well, when you look -- the
2 difficulty is kind of looking back and knowing what
3 happened and separating knowing what happened from what was
4 happening then.

5 Again, I can only say from knowing Fran
6 Lepage, very conscientious, responsible person, it didn't
7 happen for her.

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

9 And in your supervision of -- for which I
10 guess I appreciate you don't recall very much of -- it
11 didn't really happen for you either?

12 **MR. CARRIERE:** With respect to -- I wasn't
13 responsible for the Tannis Girard part. That was ---

14 **MS. DALEY:** Were you supervising Ms. Lepage
15 in relation to the Derochie family?

16 **MR. CARRIERE:** No. That was ---

17 **MS. DALEY:** Oh, I'm sorry.

18 **MR. CARRIERE:** That was Bernie Lamarche.

19 **MS. DALEY:** Thank you. You're absolutely
20 right.

21 All right. Now ---

22 **THE COMMISSIONER:** So you've got suspicions,
23 some suspicions, about this fellow, this Jean-Luc guy ---

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

25 **THE COMMISSIONER:** --- and the parents don't

1 want to divulge the name. Could you not wonder, well, is
2 this child in need of protection and not threaten but hint
3 that if you don't give me the name you might have to take
4 other steps?

5 **MR. CARRIERE:** I think it might cause the
6 Agency to consider remaining involved with the family.

7 **THE COMMISSIONER:** Yeah.

8 **MR. CARRIERE:** And, you know, developing --
9 excuse me -- a plan that would include meeting the child
10 regularly and reviewing what's happening with the child,
11 meeting the parents regularly, finding out what happened
12 and then, you know, if there is something that's happening
13 hope that that comes out, asking to meet with this
14 individual. Yes, that's not unreasonable.

15 **MS. DALEY:** Right now, in terms of the ---

16 **MR. CARRIERE:** Can I just add a piece to
17 that?

18 **MS. DALEY:** Sure.

19 **MR. CARRIERE:** Sometimes we're faced in
20 Child Welfare with situations that I would describe as
21 being worrisome but you don't necessarily have the grounds
22 to have a protection application unless you can actually
23 offer something that's concrete.

24 If the family says, "Thanks for your concern
25 but I don't want you to come back to my home", you have the

1 choice of closing the file or going to court and you have
2 to look at, well, what evidence would I have?

3 And sometimes I know that our Agency has
4 been in situations where we go to court -- and this doesn't
5 happen often -- but we go almost expecting to lose but at
6 least we're going to make an effort. This might have been
7 one of those situations.

8 **MS. DALEY:** Apart from, I guess, being
9 potentially concerned about the role that the mother is
10 playing here, it could nonetheless have given rise to
11 efforts to further investigate this Jean-Luc Leblanc, even
12 if this young boy never did want to become a complainant or
13 have any further help, right?

14 **MR. CARRIERE:** Yes, I wouldn't disagree with
15 you on that.

16 **MS. DALEY:** Because clearly the problem with
17 the Jean-Luc Leblancs of this world is that they have
18 multiple victims, not just one.

19 **MR. CARRIERE:** Yes.

20 **MS. DALEY:** Right?

21 **MR. CARRIERE:** And they find the right
22 families to do that.

23 **MS. DALEY:** They tend to be very good at
24 finding places where they can get away with it, right?

25 **MR. CARRIERE:** That's true.

1 **MS. DALEY:** Now, when Mr. Leblanc was
2 convicted in 1986, you did report him as an abuser to the
3 Child Abuse Register; correct?

4 **MR. CHISHOLM:** I don't know if the witness
5 can lawfully answer that question.

6 **THE COMMISSIONER:** If he can lawfully? It
7 is confidential. Do you recall a recent decision of the
8 Court of Appeal when I wanted to have it non-confidential?

9 **MS. DALEY:** It's in the materials. I didn't
10 realize I was stepping on a landmine here. We have talked
11 a lot about putting people or not putting people on the
12 Register.

13 Does the Society not keep a log of names who
14 are reported on the Register?

15 **MR. CARRIERE:** We do.

16 **MS. DALEY:** All right. If his name is
17 reported, his name would be on your log, right?

18 **THE COMMISSIONER:** Not necessarily.

19 **MS. DALEY:** Would it not?

20 **THE COMMISSIONER:** It depends if it falls --

21 **MR. CARRIERE:** Can I answer?

22 **THE COMMISSIONER:** Well, just a second, sir.

23 **MR. CARRIERE:** Sorry, excuse me, sir.

24 **THE COMMISSIONER:** One at a time.

25 **MR. CARRIERE:** Yes, excuse me.

1 **THE COMMISSIONER:** It depends if he was in a
2 providing situation.

3 **MS. DALEY:** As to whether he can be
4 registered, I understand that.

5 **THE COMMISSIONER:** Right.

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

7 **MR. CARRIERE:** Ms. Daley, can I answer your
8 question in a hypothetical way?

9 **MS. DALEY:** Sure.

10 **MR. CARRIERE:** If somebody is registered on
11 the Child Abuse Register, we do keep records at the Agency
12 of all of the people that we put on the Child Abuse
13 Register.

14 **MS. DALEY:** You do?

15 **MR. CARRIERE:** We do.

16 **MS. DALEY:** Right. So those records are
17 available to consult and in the event that there is a
18 repeat concern about a name, right?

19 **MR. CARRIERE:** Yes, yes, for sure they are.

20 **MS. DALEY:** Okay, all right.

21 And do you know if Ms. Lepage ever consulted
22 that list while she was attempting to deal with the
23 information she had in 1994?

24 **MR. CARRIERE:** Which matter?

25 **MS. DALEY:** The family that we've been

1 talking about.

2 MR. CARRIERE: Yes. She didn't have the
3 last name so she wouldn't have checked the ---

4 MS. DALEY: Was the list so long that
5 looking by first name wouldn't have been helpful?

6 MR. CARRIERE: It would have been in
7 multiple binders. Information is in multiple binders.
8 Also, there isn't an allegation at that point of abuse.

9 MS. DALEY: Meaning you wouldn't expect her
10 to go look there?

11 MR. CARRIERE: It wouldn't necessarily have
12 been a step.

13 MS. DALEY: All right.

14 Once a person then is not only verified by
15 your Agency as an abuser but convicted by the court, as is
16 this gentleman ---

17 MR. CARRIERE: Yes.

18 MS. DALEY: --- in relation to Burgess and
19 Tyo at this point, is there nothing that the Agency does to
20 flag the name for posterity so that your radar can be up
21 for that name?

22 MR. CARRIERE: Are we talking then or now?

23 MS. DALEY: Let's talk about the 1994
24 timeframe for starters.

25 MR. CARRIERE: Yes, that name could have

1 been -- that name could have been identified.

2 **MS. DALEY:** Is there a fairly simple process
3 that would have allowed that to happen?

4 **MR. CARRIERE:** Again, talking in a
5 hypothetical sense, one could go to the logbook and at that
6 time there was a list of suspected and verified abusers.
7 One could go to those two sources for the information.

8 **MS. DALEY:** As far as we know, Ms. Lepage
9 may not have done that?

10 **MR. CARRIERE:** Well, she didn't have the
11 last name so she probably didn't do that.

12 **MS. DALEY:** And first name search wouldn't
13 have been helpful?

14 **MR. CARRIERE:** She'd probably have to go
15 through page by page to do that and that would have taken
16 some time.

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

18 **THE COMMISSIONER:** Can we take a break?

19 **MS. DALEY:** Absolutely, yeah.

20 **THE COMMISSIONER:** Thank you.

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

23 The hearing will resume at 3:15.

24 --- Upon recessing at 3:02 p.m. /

25 L'audience est suspendue à 15h02

1 --- Upon resuming at 3:18 p.m. /

2 L'audience est reprise à 15h18

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

5 The hearing is now resumed. Please be
6 seated. Veuillez vous asseoir.

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

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

9 **DALEY (cont'd./suite):**

10 **MS. DALEY:** Sir, just staying with Mr.
11 Leblanc back in the community in the mid-nineties
12 obviously, as you also told us, Ms. Lepage was hearing from
13 families of his first set of victims that they were having
14 sightings of him; correct?

15 **MR. CARRIERE:** Yes.

16 **MS. DALEY:** But the difficulty from that --
17 in that instance was no address?

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

19 **MS. DALEY:** A complete name, knowledge of
20 who he was and the risk he posed, but no address?

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

22 **MS. DALEY:** Is it available to the CAS to do
23 a driver's licence check?

24 **MR. CARRIERE:** We could have asked the
25 police and I think they could decide whether or not they

1 would do it.

2 **MS. DALEY:** I'm just thinking that it must
3 be perhaps not unusual you find yourself in a position
4 where you know someone is posing a risk, you don't know
5 where he is, going to the police for a driver's licence
6 check would be an option; correct?

7 **MR. CARRIERE:** It is.

8 One of the things actually that -- again one
9 of the purposes that I've trying to serve by being at the
10 Inquiry is to learn from mistakes, and one of the things in
11 this particular instance using actually this case I've
12 recommended to the Society that they arrange to meet with
13 police departments to look at different ways in which they
14 can find people that otherwise can't be found. I think
15 we've heard at the Inquiry, well, for lack of a better
16 word, some creative ways that the police use to find
17 people. And what I've suggested to the Society is that
18 they develop a list of measures that could be taken to find
19 people.

20 **MS. DALEY:** All right.

21 **MR. CARRIERE:** But that could have been one
22 in the past and it wasn't taken.

23 **MS. DALEY:** Surely there would have been no
24 reluctance to go to the CPS back in the mid-'90s and asked
25 for that type of service?

1 **MR. CARRIERE:** No, there wouldn't have been
2 any reluctance, no.

3 **MS. DALEY:** All right.

4 **MR. CARRIERE:** We had asked the police if
5 they had any knowledge about him but we could have said to
6 them at the time are there ways; yes, you don't seem to
7 have any information on him, are there ways that you --
8 that they could pursue, that they could come up with the
9 address. I don't know what the police would say and also I
10 don't know in terms of the legalities for them of doing
11 that. But it's something that again as I said that I've
12 recommended to the Society that they talk to the police
13 about.

14 **MS. DALEY:** Because my 1995 and at a later
15 time as well the Society has information that the police
16 don't necessarily have. You know he's out there
17 associating ---

18 **MR. CARRIERE:** Yes.

19 **MS. DALEY:** --- with young children and
20 that's the concerning factor, right?

21 **MR. CARRIERE:** Yes.

22 I can tell you that we do have situations --
23 and I think your -- the question that you're posing the
24 answer is yes, we can get that information. Because
25 sometimes what we hear from referral services is that

1 somebody will witness something in a parking lot, say in a
2 shopping centre or in a store, and they will follow the
3 people to the car and they will write down their licence
4 number, and that's all they have, and then it gets reported
5 to us and we are able to track the people from the licence
6 number, and we do do that.

7 **MS. DALEY:** Now, again, sir, in this
8 instance, we've dealt with '94, '95, and you gave evidence
9 that the mother of the Burgess boys came back again in '98
10 with another sighting of this man, right?

11 **MR. CARRIERE:** Yes.

12 **MS. DALEY:** Ultimately though what happens
13 here is that this becomes a Project Truth Inquiry; correct?

14 **MR. CARRIERE:** Yes, it does.

15 **MS. DALEY:** And if you look at Document
16 115415 -- I think I might be in the original materials that
17 Commission counsel dealt with. Possibly the last one I
18 gave you is there too.

19 **THE COMMISSIONER:** Thank you.

20 Exhibit 2334 is a termination report; file
21 name is Jean-Luc Leblanc, May 10th and 18th, 1999.

22 --- **EXHIBIT NO./PIÈCE NO. P-2334:**

23 (115415) - Documentation System Termination
24 Report dated 10 and 18 May 99

25 **MS. DALEY:** Sir, you weren't taken to this

1 document in-chief but take a moment to familiarize yourself
2 with it if you need to.

3 **THE COMMISSIONER:** We should maybe put a
4 stamp on this?

5 **MS. DALEY:** Yes, most definitely.

6 **THE COMMISSIONER:** Thank you.

7 **MR. CARRIERE:** I've looked at it recently,
8 Ms. Daley.

9 **MS. DALEY:** Okay. By May of 1999 obviously
10 Project Truth is in operation and they are communicating
11 information to Ms. DeBellis about Mr. Leblanc's unfortunate
12 activities.

13 **MR. CARRIERE:** Yes, there's communication
14 going back and forth.

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

16 And what you're now being told in the second
17 paragraph is the existence of a number of new potential
18 victims; correct?

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

20 **MS. DALEY:** Some of whose name we've
21 mentioned, others we haven't mentioned here.

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

23 **MS. DALEY:** Now, it seems to me that at
24 least four of those victims or potential victims were known
25 to the CAS because she's included the file number. Is that

1 correct?

2 **MR. CARRIERE:** That's correct, yes.

3 **MS. DALEY:** And that would signify that they
4 were either wards of the CAS or that they were in some
5 fashion receiving CAS services or their family was?

6 **MR. CARRIERE:** Or it could have been that
7 they were receiving services in the past. The file number
8 had been created for them. But, yes, there have been CAS
9 involvement.

10 **MS. DALEY:** At some point, past or present,
11 they've been serviced by your Agency?

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

13 **MS. DALEY:** And I'd understood you to say
14 that one of these individuals had in fact been in a foster
15 home and he'd been running away from the foster home to see
16 Mr. Leblanc.

17 **MR. CARRIERE:** Yes.

18 **MS. DALEY:** Correct?

19 **MR. CARRIERE:** Yes.

20 **MS. DALEY:** All right.

21 Now, that circumstance suggests that perhaps
22 on the childcare side of the Agency some information that
23 should have been captured was missed?

24 **MR. CARRIERE:** That information was in the
25 childcare file. Actually it was the foster mother who

1 determined that this was happening, advised the worker who
2 -- and I don't know the exact sequence, but got connected
3 to the OPP; the OPP interviewed the child; the child said
4 yes, he had been going there but no, he had never been
5 harmed by him.

6 MS. DALEY: I see. All right.

7 So the Agency had knowledge that that child
8 was associating with Mr. Leblanc?

9 MR. CARRIERE: He had found out about that,
10 yes, and acted on that.

11 MS. DALEY: But the child denied?

12 MR. CARRIERE: The child made no disclosure.

13 MS. DALEY: And I guess that's not an
14 unusual circumstance. We've seen a number of instances of
15 that now.

16 MR. CARRIERE: That's right.

17 MS. DALEY: Correct?

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

19 MS. DALEY: And perhaps that's sometimes
20 because a child might feel stigmatized if he says this has
21 happened?

22 MR. CARRIERE: It could very well be.

23 The child continued to be in care and ---

24 MS. DALEY: Yes.

25 MR. CARRIERE: --- actually this particular

1 child received some specialized treatment after. Anyway, I
2 won't go too -- anyway, yes.

3 MS. DALEY: Just to remind you of another
4 fact here. In the case of the Burgess children ---

5 MR. CARRIERE: Yes.

6 MS. DALEY: --- they felt they were going to
7 get in big trouble with their mother by telling about what
8 had happened ---

9 MR. CARRIERE: Oh, absolutely.

10 MS. DALEY: --- if you remember that?

11 MR. CARRIERE: Yes, we do, yes.

12 MS. DALEY: So it's not highly unusual that
13 a child won't disclose in the first instance?

14 MR. CARRIERE: I think it's quite common.

15 MS. DALEY: Now, I was curious about -- this
16 file seems to be opened in the name of the offender with a
17 file number attached to it.

18 MR. CARRIERE: Yes.

19 MS. DALEY: And I'm not quite sure I can
20 understand the content of her third paragraph. She's
21 saying:

22 "Our records aren't set up to identify
23 any of our intervention by alleged
24 offenders named..."

25 Et cetera, but this very file, of course, is

1 in the name of an alleged offender; correct?

2 MR. CARRIERE: I think what she is referring
3 to is originally the file was set up -- files were set up
4 under the names Burgess and Tyo and there was not
5 originally a separate file for Jean-Luc Leblanc. A file
6 subsequently is created for him because of the 1994
7 referral.

8 So I don't know if that answers your
9 question.

10 MS. DALEY: Well, can I understand it this
11 way, sir; if the Society has need to do an investigation
12 and has a concern it can open a file in a suspected
13 abuser's name, right?

14 MR. CARRIERE: And it did in this case.

15 MS. DALEY: And it did in this case.

16 MR. CARRIERE: But originally it was not the
17 case.

18 MS. DALEY: I understand that, and that's
19 because you only learn about him because you're providing
20 service to children in another instance, right?

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

22 MS. DALEY: Okay. In any event, at this
23 point in time, as this exhibit indicates, the file is
24 terminated.

25 MR. CARRIERE: Yes. We communicated quite a

1 bit with the police and one of the things that we wanted to
2 determine, were there any protection concerns for the
3 children with their families and also had treatment
4 services been offered to the family and the OPP assured us
5 that there were no protection concerns and treatment
6 services had been made available to them or the families
7 had been informed. And as you see in some cases the
8 children -- well at least with respect to one child, that
9 child was in our care. And we were aware of the
10 circumstances.

11 **MS. DALEY:** And unfortunately he was abused
12 in your care. He was abused by Mr. Leblanc.

13 **MR. CARRIERE:** He wasn't.

14 **MS. DALEY:** He was not?

15 **MR. CARRIERE:** No, no this is the child that
16 we interviewed and said he hadn't been that we were just
17 discussing a minute ago.

18 **MS. DALEY:** Were charges not ultimately laid
19 in this instance?

20 **MR. CARRIERE:** Not with respect to that
21 child, no. He was identified as a potential victim but he
22 was not.

23 **MS. DALEY:** Thank you. Thank you. One
24 final document on this subject that I -- you weren't
25 presented in-chief. It's Exhibit 346.

1 **THE COMMISSIONER:** Three forty-six (346).

2 So these are notes in 2002?

3 **MS. DALEY:** That's correct. M'hm. Have you
4 seen these recently, sir? I'm going to take you to the
5 note of October 21, '01.

6 **MR. CARRIERE:** I'm sorry, what ---

7 **MS. DALEY:** Do you have Exhibit 346?

8 **MR. CARRIERE:** Yes. And October ---

9 **MS. DALEY:** Sorry, Bates page 033.

10 **THE COMMISSIONER:** No, this isn't the
11 document.

12 **MR. CARRIERE:** No.

13 **THE COMMISSIONER:** Exhibit 346?

14 **MS. DALEY:** Yes. The document number I have
15 is 733629.

16 **THE COMMISSIONER:** Yeah.

17 **MS. DALEY:** And you do not have notes of
18 October 25, '01 ---

19 **THE COMMISSIONER:** No.

20 **MS. DALEY:** --- relative to ---

21 **THE COMMISSIONER:** It says probably -- no we
22 have an excerpt. Exhibit 346 is an excerpt.

23 **MS. DALEY:** Yes.

24 **THE COMMISSIONER:** And it's 7132094, 95, 96,
25 97.

1 **MS. DALEY:** You don't have -- all right.

2 Any chance of finding that document on the screen, Madam
3 Clerk, 733629 and I'll give you a Bates page.

4 Do you have that? Bates -- the last digits
5 would be 696. That identifies the book that it's from; the
6 booklet of Officer Dupuis.

7 **THE COMMISSIONER:** Well, hold on a minute
8 now.

9 **MS. DALEY:** I hope. Seven three three six
10 two nine (733629).

11 **THE COMMISSIONER:** No, but 733629 is I have
12 -- oh, that's the document, sorry.

13 **MS. DALEY:** That's the document number,
14 sorry.

15 **THE COMMISSIONER:** Right.

16 **MS. DALEY:** Could you show him Bates
17 7132033? Thank you. I'm sorry. I apologize for my
18 documentary dysfunction.

19 **THE COMMISSIONER:** So okay, is this already
20 an exhibit?

21 **MS. DALEY:** I understood it was part of 346,
22 sir.

23 **THE COMMISSIONER:** No, no, 346 is an
24 excerpt.

25 **MS. DALEY:** All right. So then I'm wrong

1 and it should be marked as a separate exhibit. My friend
2 says this should be Exhibit C-403.

3 **THE COMMISSIONER:** Four oh three (403).
4 That's going to be a C exhibit. So am I going to have it?
5 Yeah, I have it. I have it. I don't know if the witness
6 has it though. So you might want to ---

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

8 **THE COMMISSIONER:** So Exhibit C-403 we're
9 looking at notes of who now?

10 **MS. DALEY:** This -- these are notes of
11 Detective Constable Dupuis of the OPP who's a Project Truth
12 investigator. And the face page of his notebook would
13 suggest he's investigating one of the names found in the
14 document we just marked as an exhibit, 2334.

15 **THE COMMISSIONER:** No, this isn't the
16 document. This document still has notes of February 26th,
17 '02. Do we have it on the screen, Madam Clerk? I don't
18 have it.

19 **MS. DALEY:** It was momentarily I thought.
20 But ---

21 **THE COMMISSIONER:** It was. Is this the
22 document you want?

23 **MS. DALEY:** That's the one.

24 **THE COMMISSIONER:** And how many pages of
25 that document will you be referring to?

1 **MS. DALEY:** Just that first passage that
2 Madam Clerk has up.

3 **THE COMMISSIONER:** All right. So Madam
4 Clerk, could you just scroll up, please? Is there a Bates
5 page on this thing?

6 **MS. DALEY:** Yes, there is.

7 **THE COMMISSIONER:** All right. So Exhibit --
8 what's the next exhibit number, Madam Clerk? Two three
9 three five (2335) will be a one-page document which is
10 Bates page 7132033 which are notes of Officer Dupuis of
11 OPP.

12 **MS. DALEY:** Yes.

13 **THE COMMISSIONER:** And the first date on the
14 document is 25th of October, '01.

15 **---EXHIBIT NO./PIECE NO. P-2335:**

16 (733629-7132033) - Officer notes of D/C
17 Dupuis dated 25 Oct 01

18 **MS. DALEY:** To try and help situate you,
19 sir, this -- Officer Dupuis you recollect was one of the
20 Project Truth Officers.

21 **MR. CARRIERE:** Yes.

22 **MS. DALEY:** And your office dealt with him.

23 **MR. CARRIERE:** Yes.

24 **MS. DALEY:** And what he's doing here is
25 investigating or continuing with the investigation of one

1 of the names that we saw in the previous exhibit, 2334.

2 MR. CARRIERE: Yes.

3 THE COMMISSIONER: Madam Clerk, can you
4 switch it -- slide it over so I can read it, please? Thank
5 you.

6 MS. DALEY: He appears to be reporting a
7 conversation with yourself, sir, about Jean-Luc Leblanc.

8 MR. CARRIERE: Yes.

9 MS. DALEY: And the top two lines identify
10 that that's the subject matter of what you're talking
11 about, correct?

12 MR. CARRIERE: That's correct.

13 MS. DALEY: If I read his -- if I can
14 attribute his handwriting correctly he's indicating that
15 "They," presumably CAS:

16 "...will not give police any info out
17 of the file. They stated that they
18 fear being sued by Leblanc if they give
19 info."

20 MR. CARRIERE: That's what's stated there,
21 yes.

22 MS. DALEY: "Carriere also advised that
23 all the info came from police source
24 but will not advise what police force
25 or when they got info, other than file

1 is dated 1988."

2 **MR. CARRIERE:** Yes.

3 **MS. DALEY:** Do you recollect having such a
4 conversation with this officer, sir, pertaining to Mr.
5 Leblanc?

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

7 **THE COMMISSIONER:** So -- just a minute, it
8 must be getting late. This note is Dupuis' notes. He's
9 saying he's talked to you and you're telling him that
10 you're not going to cooperate with him by giving him these
11 documents?

12 **MR. CARRIERE:** That's what the note says.

13 **THE COMMISSIONER:** That's what the note
14 says. No, no I understand that. I understand that. Do
15 you remember that?

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

17 **THE COMMISSIONER:** Would you have ever said
18 something like that to him?

19 **MR. CARRIERE:** I've read this recently, sir,
20 it's probably the only section of material that has been
21 provided by the OPP that I would dispute.

22 I'm wondering about the wording of it and
23 I'm wondering whether or not it's worded in a way that he
24 has one meaning and it reads like something else.

25 I have worked with Constable Dupuis in the

1 past and even on this particular -- this is in 2001.

2 THE COMMISSIONER: Yeah.

3 MR. CARRIERE: He was in, in I believe 1997,
4 and read the file. This is very contrary to my practice.
5 I can't see myself doing that. I may have said to him, "I
6 can't give you anything out of the file unless you provide
7 me with a subpoena", but I certainly would have let him see
8 it. There'd be no reason why he couldn't see it. There
9 would be no reason why I would not tell him the police
10 force and the date is the wrong date.

11 MS. DALEY: Well, let me help you. This may
12 be helpful.

13 His next entry is October 29, '01 and he's
14 explaining what he's working on. He's working on Jean-Luc
15 Leblanc long-term offender application.

16 MR. CARRIERE: Yes.

17 MS. DALEY: You know what that means?

18 MR. CARRIERE: Yes, yes.

19 MS. DALEY: All right.

20 MR. CARRIERE: Yes.

21 MS. DALEY: So it's in that context one
22 might presume that he's asking you for information that the
23 CAS has?

24 MR. CARRIERE: Yes.

25 MS. DALEY: Does that ring any bell with

1 you, that he was working on a long-term offender
2 application?

3 **MR. CARRIERE:** No, it doesn't actually, no.

4 I certainly -- again, I can only, you know,
5 relate to what my practice would be. I would have told him
6 to come in and see the file if he wanted to see the file,
7 but if he actually wanted to take material, our practice is
8 that you have to have a warrant for the material.

9 I will say this. If I said that, as he has
10 written it, if it is correct, then I owe him an apology and
11 the OPP an apology, but that is very contrary to my
12 practice.

13 **MS. DALEY:** What he's recorded here -- I
14 appreciate you dispute it, but the notion that the CAS has
15 some fears about being sued by Leblanc if they give up
16 information. Was that ever a fear that the Agency
17 entertained?

18 **MR. CARRIERE:** There would only be a fear if
19 we gave -- there could only be potentially a problem if we
20 gave material without the warrant.

21 **THE COMMISSIONER:** No, well, just a minute.
22 I don't know, unless I'm seeing this differently.

23 There is no confidentiality for an abuser.
24 You know, unless he was -- unless you open a file. I can
25 see if you were saying, "Give me the file about some

1 family"; there you owe them a duty.

2 MR. CARRIERE: M'hm.

3 THE COMMISSIONER: But to an offender, where
4 in Heaven's name would we have any possibility of Mr.
5 Leblanc -- well, he can sue all he wants but he's not ---

6 MR. CARRIERE: Yeah. Sir, I think I would
7 just be relying on the advice that our lawyer would have
8 given over time in terms of what our practice should be in
9 terms of the police accessing material.

10 THE COMMISSIONER: Oh no, no.

11 MR. CARRIERE: I didn't really deviate from
12 that. I have no recollection of this but all I can say is
13 that this, as it is worded, is very contrary to the
14 practice.

15 MS. DALEY: All right.

16 MR. CARRIERE: And I think you would see in
17 other documents I've been -- I was quite open with the
18 police to come and look at material.

19 MS. DALEY: That's why I just wanted to get
20 your testimony about this because, again, it looks like in
21 2001 there is contact between your Agency and Police Force
22 concerning Mr. Leblanc.

23 MR. CARRIERE: Yes, yes. That's for sure.
24 There's no question about that.

25 MS. DALEY: All right. The content of the

1 conversation I appreciate you disagree with?

2 MR. CARRIERE: Yes, I do.

3 MS. DALEY: So let me just then try again to
4 put a line under where we're at now.

5 The Agency has had concern about Leblanc in
6 one fashion or another since 1994. Fair?

7 MR. CARRIERE: Yes, yes. Well, I would even
8 take it back to '86.

9 MS. DALEY: Clearly you had concerns then.

10 MR. CARRIERE: But '94, yes, is the more
11 modern version. Yes.

12 MS. DALEY: Now in the modern era, post the
13 first charge?

14 MR. CARRIERE: Yes.

15 MS. DALEY: So since '94, the Agency has
16 perceived him as a risk to re-offend; correct?

17 MR. CARRIERE: Yes, that's correct.

18 MS. DALEY: Or posing a risk to children?

19 MR. CARRIERE: Yes.

20 MS. DALEY: And some information has flowed
21 into the Agency about that in '94 and '95 as we've
22 discussed; correct?

23 MR. CARRIERE: Yes, that's correct.

24 MS. DALEY: And there were some unfortunate
25 failures and there was no investigation undertaken?

1 **MR. CARRIERE:** From -- yes. No, there
2 wasn't an investigation. Are you talking about when we
3 didn't have the address?

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

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

6 And obviously in a better world the CAS
7 would have been able to investigate Leblanc in the '94-'95
8 timeframe; correct?

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

10 **MS. DALEY:** Had they done so, perhaps could
11 have prevented some of the occurrences that gave rise to
12 the Project Truth charges?

13 **MR. CARRIERE:** Well, it would be
14 speculating, but ---

15 **MS. DALEY:** It's a possibility?

16 **MR. CARRIERE:** Yeah, anything is possible.
17 Yes.

18 **MS. DALEY:** Because we know ---

19 **MR. CARRIERE:** He could have said at that
20 point-in-time, "I'm not going to meet with you", you know,
21 and unless -- we had no -- we had no names of victims, and
22 unless we had some other evidence, I don't know that we
23 could have persisted with him.

24 **MS. DALEY:** Presumably that's why you
25 investigate?

1 **MR. CARRIERE:** That's why we would want to
2 meet with him. If we could have met with him ---

3 **MS. DALEY:** Right.

4 **MR. CARRIERE:** -- and said, you know, "We'd
5 like to get more information about you".

6 **MS. DALEY:** Right.

7 **MR. CARRIERE:** "You've been sighted. Have
8 you been treated? If we see you in the company of children
9 and we find out who they are, we will go to their parents
10 and present the concerns, and I'm sure you don't want to
11 ruin your reputation, Mr. Leblanc."

12 Yes, we could have done something.

13 **MS. DALEY:** All those things were
14 possibilities?

15 **MR. CARRIERE:** All of those things were
16 possible.

17 **MS. DALEY:** Unfortunately, they didn't
18 happen?

19 **MR. CARRIERE:** They didn't happen.

20 **MS. DALEY:** All right.

21 The end result is that by 1999, Project
22 Truth is here and is now, as we saw in an earlier exhibit,
23 presenting roughly 28 charges that relate to Mr. Leblanc;
24 correct?

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

1 **MS. DALEY:** And some of those charges, by
2 the time they're laid in 1998, are a little old. In other
3 words, the offences would have pre-dated the charges;
4 correct?

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

6 **MS. DALEY:** And that's what we've been
7 calling historic abuse allegations.

8 **THE COMMISSIONER:** Well, I think you've mis-
9 spoken yourself there. You said that the events would have
10 pre ---

11 **MS. DALEY:** Preceded the charges.

12 **THE COMMISSIONER:** Preceded the charges.

13 **MS. DALEY:** Yes.

14 **THE COMMISSIONER:** Well ---

15 **MS. DALEY:** Obviously in some instances by
16 some period of time?

17 **MR. CARRIERE:** Yes.

18 **THE COMMISSIONER:** Yeah, but how can the
19 charges ever precede the acts?

20 **MS. DALEY:** They can't, but I'm referring to
21 the time gap between the occurrence and the laying of the
22 charge.

23 **THE COMMISSIONER:** Okay, okay, okay. Now I
24 get it.

25 **MS. DALEY:** Sorry, I didn't put it well.

1 **THE COMMISSIONER:** Okay.

2 **MS. DALEY:** In the charges that Project
3 Truth ended up laying, it was your understanding that in
4 some of those cases the actual occurrence preceded by
5 several years the laying of the charges?

6 **MR. CARRIERE:** Yes, yes. Yes, I understood
7 you. Yes, yes.

8 **MS. DALEY:** And that's what we've been
9 calling historical sexual abuse?

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

11 **MS. DALEY:** Right?

12 **MR. CARRIERE:** I think there can be
13 different definitions of that, but that would be certainly
14 one of them.

15 **MS. DALEY:** Certainly one of the police
16 officers who testified here from the CPS -- I think it was
17 Mr. Paiement -- said that he considered that if there was a
18 gap of three or four years it was an historic case.

19 **MR. CARRIERE:** It could -- I mean,
20 everything is historical. It's just how far you want to go
21 back.

22 I think other people use the definition of
23 "historical" meaning that the person is no longer a child;
24 it's now an adult. Other people say it's an event that
25 happened some time ago, and I think people use different

1 benchmarks for that time.

2 MS. DALEY: All right. So let's not argue
3 about language. Let's just acknowledge that in 1999 the
4 charges Project Truth laid had preceded by several years --
5 -

6 MR. CARRIERE: That's correct.

7 MS. DALEY: The occurrence was ---

8 MR. CARRIERE: Yes, for sure.

9 MS. DALEY: --- somewhat remote in the past
10 by that time?

11 MR. CARRIERE: Yes, and I would call those
12 historical.

13 MS. DALEY: You would agree that those are
14 historic cases?

15 MR. CARRIERE: Yes, I would call that --
16 yes.

17 MS. DALEY: And you appreciate -- I know
18 you're not in law enforcement but you've been here
19 throughout the Inquiry -- you appreciate that prosecuting
20 successfully an historic case is difficult?

21 MR. CARRIERE: Definitely.

22 MS. DALEY: It has added difficulties to it,
23 right?

24 MR. CARRIERE: Definitely. Truly.

25 MS. DALEY: And someone might look at this

1 situation, as I did, and say to themselves, if certain
2 agencies had been more proactive in 1994 and '95 the
3 charges perhaps wouldn't have been historic. In other
4 words, we wouldn't have been at a point where there are
5 historic charges to lay by the time Project Truth comes to
6 town.

7 Would you agree with that?

8 **MR. CARRIERE:** I can't disagree with that.

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

10 I want to just talk to you briefly about the
11 relationship between your Society and Probation and Parole
12 in Cornwall.

13 **MR. CARRIERE:** Yes.

14 **MS. DALEY:** Because that did play a little
15 bit of an element in the Leblanc matter.

16 Is it routine to have a worker liaise with a
17 probation officer in cases where there is a sex offender
18 against children who is or has been on probation?

19 **MR. CARRIERE:** It's not uncommon, yes.

20 **MS. DALEY:** Is it a standard expectation?

21 **MR. CARRIERE:** It's a difficult question to
22 answer because without sort of the circumstances of the
23 case it's hard to say how much communication and
24 interaction they would have.

25 For instance, somebody could be on probation

1 but they're no longer a member of the family and they no
2 longer associate with the family, and so the degree of
3 communication and interaction between the two services is
4 likely to be less.

5 If the person is in some position where they
6 could have access to children, then you would expect a lot
7 more interaction between the two services.

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

9 Mr. Leblanc didn't fall -- well, he didn't
10 fall comfortably into the family relationship?

11 **MR. CARRIERE:** No, he didn't.

12 **MS. DALEY:** He was sort of a bit of a danger
13 at large, if you will?

14 **MR. CARRIERE:** That's exactly ---

15 **MS. DALEY:** A bit of a predator?

16 **MR. CARRIERE:** That's exactly right, yes.

17 **MS. DALEY:** And that's a circumstance where
18 you would have thought that contact with the Probation
19 Office to the extent he is on probation is a worthwhile
20 thing to have?

21 **MR. CARRIERE:** Contact with the Probation
22 Office would have been helpful, for sure, but again he's
23 not a member of a family. One might want to know what his
24 conditions were, whether or not he was participating, for
25 instance if there was any treatment; was he participating

1 in that?

2 I think one might want to have an
3 understanding with Probation that if they received any
4 information to suggest that children could be in danger;
5 for instance, he stopped going to treatment, he seemed to
6 be linked with a family that they would advise the agency,
7 those kinds of things. But again, it's different when you
8 have an extra-familial situation as opposed to a familial
9 one.

10 **MS. DALEY:** Is that likely because you don't
11 know where the individual is? You don't know where he is
12 residing? He could be anywhere, right?

13 **MR. CARRIERE:** That's true, yes.

14 **MS. DALEY:** Precisely the problem that
15 Leblanc presented?

16 **MR. CARRIERE:** Yes, that's true. Yes, he's
17 one of -- actually, one of the more difficult people to
18 manage because he isn't linked to a particular family.

19 **MS. DALEY:** All right.

20 So sir, up until the time -- and I'm sorry.
21 I know I've belaboured this quite a bit with you and it'll
22 soon be over here.

23 But up until the time that Project Truth
24 gets involved, does investigations and really does find
25 that he has been offending again, it appears to me what

1 your agency is doing is receiving information, some
2 expressions of concern from citizens.

3 MR. CARRIERE: Yes.

4 MS. DALEY: Right?

5 MR. CARRIERE: Yes.

6 MS. DALEY: But unfortunately not initiating
7 an investigation.

8 MR. CARRIERE: That's correct.

9 MS. DALEY: Now, in order to try and label
10 this circumstance, because I'm comparing it back to Locey,
11 right?

12 MR. CARRIERE: Yes.

13 MS. DALEY: Going way back there and
14 comparing it.

15 MR. CARRIERE: Yes.

16 MS. DALEY: How would you label this? Do
17 you think that there is some failure of supervision that
18 brought about this problem?

19 MR. CARRIERE: Yes.

20 MS. DALEY: Do you think there are other
21 ways to label the problem? Do you think there was perhaps
22 a failure of understanding on the part of the workers as to
23 resources and things that were available to them?

24 MR. CARRIERE: I don't think it's a problem.
25 I don't think it's a problem with the worker. I think it's

1 a problem of me and my management of it actually. I should
2 have been more thorough beginning with Mrs. Lepage. There
3 may have been other things that we could have explored that
4 you've identified to, you know, to try and find him and
5 maybe we would have found him. So there is that particular
6 period.

7 And then when the matter opens up with Lise
8 Stanley, the mistake that I made there is assigning it to
9 her. I mean it was fine that she received the referral. I
10 think I mentioned in terms of the Dawson Review that Dawson
11 -- Ross Dawson indicated, you know to us, "You're not
12 making enough use of your office. You have too many
13 workers going out and travelling. You're using time on the
14 road when you should be using your offices."

15 In this case, as in both instances, we have
16 no children identified so really we have to deal with him.
17 So the original idea of having him come in is not a bad one
18 but it needed to be dealt with immediately and I should
19 have said, if I was going to keep it with that worker, you
20 know, "You have to get in touch with him today and you have
21 to get him in and if he doesn't do that I need to know
22 today and we'll make other arrangements."

23 But that didn't happen. The wiser thing for
24 me to do would have been to give it to someone who would be
25 classified as an investigator who could actually go out and

1 do it, and I didn't do that.

2 MS. DALEY: Like a Greg Bell type of person.

3 MR. CARRIERE: A Greg Bell type of person,
4 yes.

5 MS. DALEY: All right.

6 Let's move on. I want to talk about the
7 working relationship with the local police, the Cornwall
8 Police Service.

9 MR. CARRIERE: Yes.

10 MS. DALEY: And sir, obviously you started
11 in protection back in the mid '70s and the Chief of Police
12 at that time was Earl Landry, Sr., right?

13 MR. CARRIERE: Yes.

14 MS. DALEY: And you would have, in your
15 capacity as a protection worker, have been working with the
16 Cornwall Police, I assume, between the mid '70s and the
17 time you had become a supervisor?

18 MR. CARRIERE: Yes.

19 MS. DALEY: And did you ever have occasion
20 to work with Mr. -- with the Chief or did you meet with the
21 Chief, had dealings with the Chief?

22 MR. CARRIERE: Not that I recall actually,
23 no.

24 MS. DALEY: All right.

25 But it is clear, sir, is it that in 1985 you

1 knew that Earl Landry, Sr. was the recently retired Chief
2 of the Cornwall police?

3 **MR. CARRIERE:** I likely knew that, yes.

4 **MS. DALEY:** All right.

5 And his immediate successor was Mr. Shaver?

6 **MR. CARRIERE:** Yes.

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

8 **MR. CARRIERE:** Yes.

9 **MS. DALEY:** And did your agency experience
10 any difficulties working with the Cornwall Police during
11 Mr. Shaver's tenure that you have personal knowledge of or
12 can speak to?

13 **MR. CARRIERE:** No, actually, I think it was
14 a period of time where -- I'm thinking about the time where
15 I became a supervisor which was in 1985. Our contact with
16 the Cornwall Police Services actually increased
17 considerably. It was also, you know, a period of time
18 where more and more referrals related to sexual abuse were
19 being made to the agency and guys like Brian Paiement and
20 Ron Lefebvre we might as well have given them an office at
21 the Children's Aid. Our workers interacted with them all
22 of the time and Kevin Malloy -- they would come to our --
23 we had Christmas get-togethers and stuff like that. We had
24 a really good relationship with them.

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

1 Now, sir, again I want to pull two things in
2 contrast.

3 **MR. CARRIERE:** Yes.

4 **MS. DALEY:** Juxtapose two things and compare
5 them here, and I want to compare how you deal with Bernie
6 Campbell versus how you deal with Earl Landry, Jr.

7 **MR. CARRIERE:** Yes.

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

9 Now, it was principally Mr. Towndale who
10 testified about Bernie Campbell but you were here to hear
11 his evidence so you have a recollection of what occurred?

12 **MR. CARRIERE:** Yes. Yes, I was a supervisor
13 actually for that case.

14 **MS. DALEY:** You were supervising?

15 **MR. CARRIERE:** Jean Dupuis on the Bernie
16 Campbell matter.

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

18 So you had direct involvement?

19 **MR. CARRIERE:** Yeah, very direct.

20 **MS. DALEY:** Okay. So we -- to lay out
21 Bernie Campbell in the first instance, and I'll try to do
22 this as quickly as I can, in that case immediately upon
23 being notified of potential abuse, your worker, Mr. Dupuis,
24 spoke to the police, correct?

25 **MR. CARRIERE:** Yes.

1 MS. DALEY: Within a day?

2 MR. CARRIERE: Yes.

3 MS. DALEY: And he attended the next day
4 with the child victims and they gave police statements?

5 MR. CARRIERE: Yes.

6 MS. DALEY: And charges obviously were very
7 quickly laid after that attendance?

8 MR. CARRIERE: Yes.

9 MS. DALEY: Correct? And as early -- well,
10 again, within days of the complaint you and he, I guess,
11 were consulting your in-house counsel, Ms. MacLennan, and
12 making a decision about notifying Parks and Rec where he
13 was employed, right?

14 MR. CARRIERE: That's right.

15 MS. DALEY: And indeed, you did that within
16 probably 48 hours of learning of the complaint, right?

17 MR. CARRIERE: I don't remember the
18 specifics but I I'll take your word for it. We did it
19 quickly.

20 MS. DALEY: Within days?

21 MR. CARRIERE: Yes.

22 MS. DALEY: And you satisfied yourself that
23 Si Miller who was responsible for that facility did
24 everything possible to keep Mr. Campbell away from
25 children, right?

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

2 **MS. DALEY:** And unfortunately Mr. Campbell
3 had somehow snuck into the tent, if you know what I mean --
4 if you know what I mean by ---

5 **MR. CARRIERE:** I think I understand.

6 **MS. DALEY:** --- that he was a CAS volunteer
7 and he was accessing children, right?

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

9 **MS. DALEY:** So obviously you reacted very,
10 very quickly.

11 **MR. CARRIERE:** Yes.

12 **MS. DALEY:** And he was charged and convicted
13 by March of 1986.

14 **MR. CARRIERE:** I won't dispute that.

15 **MS. DALEY:** So by way of contrast, we're
16 agreed that in 1985 when Mr. Dupuis receives information
17 about Earl Landry, Jr. unfortunately there's no
18 investigation, right?

19 **MR. CARRIERE:** I'm sorry, when?

20 **MS. DALEY:** In 1985.

21 **MR. CARRIERE:** Yes, right. There isn't.

22 **MS. DALEY:** No investigation ---

23 **MR. CARRIERE:** No.

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

25 **MR. CARRIERE:** Because we don't view Mr.

1 Landry as being in a caregiving role.

2 MS. DALEY: How do you know that? How do
3 you know that's why there is no investigation?

4 THE COMMISSIONER: Any CAS investigation?

5 MS. DALEY: Yes.

6 MR. CARRIERE: Because he is just presented
7 as being a caretaker in the park. He is not presented as
8 someone who is a caregiver. I think that brings -- you
9 know, one of the recommendations that I made was in terms
10 of defining what a caregiver is and in 1985 that's how --
11 we felt that Gary Seguin, who was referred at the same
12 time, fit the criteria as a caregiver and we didn't feel
13 that Earl Landry did.

14 MS. DALEY: Do you know if Mr. Dupuis ever
15 asked the child any questions about Mr. Landry, Jr.?

16 MR. CARRIERE: I don't have his case notes,
17 but I know that -- I'm aware -- I'm not aware. I know that
18 Mr. Dupuis would have received a report from Dr. Park which
19 indicated that he had -- the child had been sexually
20 assaulted by Earl Landry, Jr. But I don't know -- not
21 having the case notes, I don't know what the interview
22 consisted of.

23 MS. DALEY: Is it the fact, sir, that the
24 case notes no longer exist, we -- they can't be located?

25 MR. CARRIERE: They can't be located, yeah.

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

2 **MR. CARRIERE:** That wasn't the practice back
3 then and it's regrettable that it wasn't the practice to
4 keep them.

5 **THE COMMISSIONER:** So was there any thought
6 given that we've got one guy who works for Parks and Rec;
7 the other guy works at the arena, that there may be some
8 connection between the two abusers?

9 **MR. CARRIERE:** I think, sir, that in the
10 Landry file, I think that's where the name Bernie Campbell
11 came up.

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

13 **MR. CARRIERE:** And I think there must have
14 been some thought about that, although I don't have a
15 specific recollection of that. Certainly in the Earl
16 Landry, Jr. file there's a page which lists all of the
17 Bernie Campbell victims. So some consideration was given
18 about that.

19 **THE COMMISSIONER:** Okay.

20 **MR. CARRIERE:** And I think I had mentioned
21 yesterday, because I had this recollection of wondering at
22 the time whether or not one of the victims was actually
23 confusing the two individuals, but it's also possible that
24 we were wondering whether or not there was a connection
25 between the two perpetrators, that they were working

1 together.

2 MS. DALEY: Sir, in order to develop any
3 intelligent view as to whether he's a caregiver or not,
4 wouldn't you have to know the child's interactions with
5 him?

6 MR. CARRIERE: That makes sense, yes.

7 MS. DALEY: Doesn't it?

8 MR. CARRIERE: Yes.

9 MS. DALEY: Because care giving is
10 contextual, right?

11 MR. CARRIERE: Yes, yes.

12 MS. DALEY: And you had no difficulty
13 clearly saying that Mr. Campbell, who was working at the
14 park doing some coaching and activities like that, he's a
15 caregiver, right?

16 MR. CARRIERE: Yes, yes.

17 MS. DALEY: But you need to know the context
18 to make the assessment?

19 MR. CARRIERE: Yes.

20 MS. DALEY: And if I've understood your
21 testimony correctly, there was -- there was no information
22 on the table about Mr. Landry, Jr. in 1985 or his
23 interactions with C-51?

24 MR. CARRIERE: I think what happens is that
25 we learn, through Dr. Park's report, that Mr. Landry is

1 taking the boys into the clubhouse where the sexual
2 molestation is taking place.

3 MS. DALEY: Yes.

4 MR. CARRIERE: You know, I'm not sure how
5 that's -- I'm just posing this as a contrast; I'm not sure
6 how that's different than some stranger or someone taking a
7 child in the car and molesting them in the car. There
8 isn't an expectation that a caretaker in a park is
9 responsible for children, say, as a program leader in a
10 park would be.

11 MS. DALEY: Okay. Well, maybe ---

12 MR. CARRIERE: In 2008, today, my view --
13 and this may be something that I would have put in my
14 recommendations -- is that with the struggle of trying to
15 identify what a caregiver is, it seems to me that somebody
16 might want to give some thought in terms of whether certain
17 locations should be -- not that there should be certain
18 places where you're allowed to abuse kids, but that certain
19 places be, regardless of who harms the child, that if an
20 adult harms a child in one of those places, then they fit
21 as a caregiver.

22 So if an electrician who was doing some work
23 on a post happens to harm a child in a park, he's a
24 caregiver because parks should be safe for kids and schools
25 should be safe for kids and libraries should be safe for

1 kids. We just didn't see him as a caregiver at the time.

2 My thinking has evolved.

3 **MS. DALEY:** It's late and I'm tired, but let
4 me just try this again. The information you have -- let's
5 forget the label.

6 **MR. CARRIERE:** Yes.

7 **MS. DALEY:** He's molested a child, right?

8 **MR. CARRIERE:** He's sexually ---

9 **MS. DALEY:** You've got that information from
10 ---

11 **MR. CARRIERE:** He sexually assaulted a
12 child.

13 **MS. DALEY:** He sexually assaulted a child.

14 **MR. CARRIERE:** Yes.

15 **MS. DALEY:** And that's of concern to you
16 whether he's a caregiver or not; correct?

17 **MR. CARRIERE:** It should be, yes.

18 **MS. DALEY:** And what we're dealing with here
19 in terms of the label "caregiver," we're not now at the
20 level where we're talking about registering with a Child
21 Abuse Registry; we're talking about whether you should be
22 investigating a circumstance; correct?

23 **MR. CARRIERE:** Well, again, what's critical
24 to that is whether or not the person is in charge of the
25 victim or the child ---

1 **MS. DALEY:** But that ---

2 **MR. CARRIERE:** --- because that's what the
3 eligibility -- again, if I can -- the eligibility spectrum
4 didn't exist then, but if you look at the eligibility
5 spectrum now, you can have a situation where if the person
6 is not a family member and they're not a caregiver, it
7 falls below the line for a Children's Aid Society to
8 investigate. And that's why the definition of a caregiver
9 and in charge of is so critical.

10 **MS. DALEY:** So it's your evidence that in
11 '85 or indeed the present time, with the same facts before
12 you, the Children's Aid Society might properly decide not
13 to investigate Earl Landry, Jr. or someone in that role?

14 **MR. CARRIERE:** I think in 2000 -- I'm going
15 to say the present time -- the fact that the person worked
16 in a park and worked for Parks and Recreation, I would
17 investigate today, yes, I would. And I think the
18 eligibility spectrum would probably guide us to do that as
19 well.

20 **MS. DALEY:** All right.

21 In any event, clearly there's no
22 communication about any concern about this gentleman at any
23 time by your agency to Parks and Rec where he's employed,
24 right?

25 **MR. CARRIERE:** No, there isn't.

1 **MS. DALEY:** And nor is there any reporting
2 of him at any time or registration of him at any time on
3 the Child Abuse Registry?

4 **MR. CARRIERE:** No, there isn't.

5 **MS. DALEY:** And instead how you explain the
6 situation is that when you did eventually start looking at
7 this potential offender, you became distracted
8 unnecessarily by trying to see if C-51 could, in the
9 present day, identify him by name?

10 **MR. CARRIERE:** Yes, we did.

11 **MS. DALEY:** And that notwithstanding, of
12 course, that he made a prior positive identification of
13 Earl Landry, Jr.?

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

15 **MS. DALEY:** Now, let me ask you this
16 question. Did you at any time consult with Mrs. MacLennan
17 or Ms. MacLennan and get her advice as to whether that was
18 a necessary thing to be focused on?

19 **MR. CHISHOLM:** I think that question might
20 go into an area of privilege.

21 **THE COMMISSIONER:** We'll get to that. I
22 don't think there's any problem in her asking did you think
23 or did you consult.

24 **MR. CARRIERE:** I believe that Mrs. MacLennan
25 was present in some of the risk management meetings where

1 that was discussed.

2 MS. DALEY: All right.

3 Again, I'm just trying to compare to Mr.
4 Campbell because there you sought out her advice.

5 MR. CARRIERE: Yes.

6 MS. DALEY: Do you remember seeking out
7 advice on that issue which, as you say, became your tunnel
8 vision problem as to whether you've really given everything
9 that was in the context? You had to continue to see if C-
10 51 would name Earl Landry, Jr.?

11 MR. CARRIERE: I don't know that
12 specifically -- I don't have a recollection of that
13 specifically. I don't -- I don't recall going to or
14 speaking with Ms. MacLennan and saying, you know, "How
15 critical is this and what should we be doing to get it?"
16 And frankly, I don't think that that conversation actually
17 would have occurred.

18 MS. DALEY: All right.

19 Was the Society afraid somehow that Landry,
20 Sr. would push back on behalf of his son if you took any
21 step?

22 MR. CARRIERE: No, not at all.

23 MS. DALEY: All right.

24 Now, one other point of contrast between the
25 Campbell situation and Earl Landry, Jr. is this one. In

1 Campbell the documents would suggest that you did a joint
2 investigation with the CPS.

3 MR. CARRIERE: Yes.

4 MS. DALEY: Is that correct?

5 MR. CARRIERE: Yes.

6 MS. DALEY: Obviously in Earl Landry, Jr.
7 there was no joint investigation conducted with the CPS?

8 MR. CARRIERE: That's right. The person who
9 had phoned us didn't provide his name and was unwilling to
10 contact the police to provide the details of his alleged
11 abuse.

12 MS. DALEY: And, sir, again to contrast and
13 compare the role that these men are playing with children,
14 Mr. Campbell is a driver and he's got CAS children in the
15 car with him; correct?

16 MR. CARRIERE: Yes, yes.

17 MS. DALEY: But Mr. Landry, Jr., by the time
18 you do open a file, is a foster parent; correct?

19 MR. CARRIERE: Yes.

20 MS. DALEY: So he's in an even more intimate
21 and proximate relationship to a CAS ward than Mr. Campbell?

22 MR. CARRIERE: Yes, he is.

23 THE COMMISSIONER: But he hadn't taken on
24 any wards except for that one person?

25 MR. CARRIERE: That's correct.

1 **THE COMMISSIONER:** It was a ward-specific
2 application?

3 **MR. CARRIERE:** Yes, it was. Yes, it was.

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

5 **MR. CARRIERE:** A provisional foster home,
6 yes.

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

8 And the youngster living, I think C-54, was
9 a Crown ward?

10 **MR. CARRIERE:** Yes, he was.

11 **THE COMMISSIONER:** Did you feel that the
12 Cornwall Police were disinterested in the Leblanc matter in
13 '85?

14 **MR. CARRIERE:** You mean the Landry matter,
15 sir?

16 **THE COMMISSIONER:** Landry, yes.

17 **MR. CARRIERE:** No, not at all. Well, I
18 shouldn't say that. I don't recall it but I don't -- when
19 -- it doesn't stand out to me that as a memory that they
20 weren't interested.

21 I don't remember the involvement, but I
22 think I would remember something like that if ---

23 **MS. DALEY:** To take it back to the 1985
24 timeframe, which is the first time that your Agency hears
25 about allegations against him. And, again, if I could put

1 the Commissioner's question to you in that context.

2 Did you have an awareness or did your Agency
3 know that they, in fact, laid no charges against him?

4 **MR. CARRIERE:** I don't know. I don't
5 remember that and I don't know.

6 **MS. DALEY:** You don't remember ---

7 **MR. CARRIERE:** I might have known at the
8 time but I don't remember now.

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

10 I'd like you briefly to look at Exhibit
11 1637, please, sir.

12 Sir, I apologize because I'm going slower
13 than I had told you I would. What are your wishes in terms
14 of how late we stay at this?

15 **THE COMMISSIONER:** Five-fifteen.

16 **MS. DALEY:** This is Mr. Dupuis' statement of
17 December 19th, 2000 concerning the subject we're talking
18 about, sir.

19 **MR. CARRIERE:** Yes. I read it recently.

20 **MS. DALEY:** You've seen this recently have
21 you?

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

23 **MS. DALEY:** All right. And on the second
24 page he's referring to the Dr. Park evidence and he says:

25 "I am not able to provide any

1 explanation as to why this information
2 was not investigated."

3 And stopping there, I mean, I think -- I
4 guess we have to take him at his word there. He's not
5 offering any explanation himself is he, sir, as to why
6 there's no investigation?

7 **MR. CARRIERE:** I think in the second last
8 paragraph he goes back to -- he sort of I think touches on
9 that a bit ---

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

11 **MR. CARRIERE:** --- with respect to the ---

12 **MS. DALEY:** Certainly even if that were the
13 rationale of the day, he also notes that he is not able to
14 say that he gave that information to Cornwall Police.

15 **MR. CARRIERE:** Right.

16 **MS. DALEY:** Correct?

17 **MR. CARRIERE:** But he, in the next sentence,
18 says the normal procedure would have been to share all
19 relevant information with the police.

20 **MS. DALEY:** Right.

21 **MR. CARRIERE:** And knowing -- having
22 supervised him, I would say that would be his normal
23 practice.

24 **MS. DALEY:** I don't doubt that, but in this
25 case there's no evidence that's ever emerged that the

1 Cornwall Police had the document from Dr. Park.

2 MR. CARRIERE: Yes, I understand that. Yes.

3 MS. DALEY: All right.

4 So even if it were justifiable for your
5 Agency not to investigate, clearly it was a police matter
6 and clearly the Dr. Park document was evidence on its face
7 of an offence; correct?

8 MR. CARRIERE: Yes.

9 MS. DALEY: Which should have been given to
10 the police?

11 MR. CARRIERE: yes, I would agree with that.

12 MS. DALEY: All right.

13 MR. CARRIERE: Shown to the police.

14 MS. DALEY: Shown to the police.

15 MR. CARRIERE: Yes.

16 MS. DALEY: All right.

17 Now, during the time that, as you say you,
18 the Agency was inappropriately focussed on C-51's
19 difficulty saying the name Earl Landry, Jr.

20 MR. CARRIERE: Yes.

21 MS. DALEY: Did Officer Lefebvre or anyone
22 else at the Cornwall Police ever tell you that in June of
23 1985 in fact, as a child, C-51 had made a positive photo
24 identification of Mr. Landry, Jr.?

25 MR. CARRIERE: I don't recall that other

1 than what I've read in the material and I thought that
2 Sergeant Lefebvre had said that there was an identification
3 problem.

4 **MS. DALEY:** Nobody ever told you that he had
5 a photo -- he had surreptitiously taken a photo that the
6 child had identified ---

7 **MR. CARRIERE:** I don't recall that ---

8 **MS. DALEY:** --- Earl Landry?

9 **MR. CARRIERE:** --- actually.

10 **MS. DALEY:** Would it have been helpful to
11 you in the deliberations you were having to have known
12 that?

13 **MR. CARRIERE:** Yes, it would have added for
14 sure.

15 **MS. DALEY:** That would have maybe got you
16 over the hump you were at of trying to get C-51 at a later
17 age to recall the name?

18 **MR. CARRIERE:** It would have, and
19 particularly if they still had the photo, that would have
20 been helpful.

21 **THE COMMISSIONER:** Oh, yes. Mr.
22 Manderville.

23 **MR. MANDERVILLE:** Mr. Commissioner, I think
24 this needs to be clarified. I'm not sure where my friend
25 is -- let me restart.

1 I don't know what my friend is referring to
2 when she suggests that there is some evidence that there
3 was a positive identification.

4 **THE COMMISSIONER:** No, I think I'm at the
5 point where I'm coming back where they went out and had a
6 picture taken of Mr. Leblanc but then I don't recall what
7 happened after that.

8 **MR. MANDERVILLE:** I agree with -- I agree
9 that there is evidence that a picture was taken ---

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

11 **MR. MANDERVILLE:** --- and then it gets
12 somewhat hazy at this point as to whether there was ever a
13 positive identification or a problem with the photograph or
14 a problem with identification.

15 **THE COMMISSIONER:** So I don't -- we'd have
16 to -- I guess that's homework for you and Mr. Manderville
17 tonight, to look up and find out what the facts are before
18 me at this point-in-time.

19 **MS. DALEY:** Well, I stand corrected if I'm
20 wrong. I had ---

21 **THE COMMISSIONER:** Oh, no, I'm not saying
22 you're wrong.

23 **MS. DALEY:** --- from what I read that the
24 child said, yeah, that's him. And that's why they brought
25 him in for questioning.

1 **THE COMMISSIONER:** We'll see.

2 **MR. MANDERVILLE:** Certainly that's not my
3 recollection, Mr. Commissioner. And in this day and age as
4 you know there's a concern about the amount of homework
5 being given out.

6 **THE COMMISSIONER:** There is, absolutely.
7 Absolutely. But in your case, I'm willing to make an
8 exception.

9 **(LAUGHTER/RIRES)**

10 **MS. DALEY:** All right. Now, in terms of the
11 ultimate victims.

12 **MR. CARRIERE:** Yes.

13 **MS. DALEY:** and I can use that word because
14 we know there were convictions of Earl Landry's victims.

15 **MR. CARRIERE:** Yes.

16 **MS. DALEY:** Did you ever turn your mind to
17 the fact that some of his ultimate victims were victimized
18 after July of 1985?

19 In fact, sir, I believe C-54 is the one who
20 was.

21 **MR. CARRIERE:** Yes. Yes.

22 **MS. DALEY:** We agree with that, correct?

23 **MR. CARRIERE:** Yeah, trying -- yes, if C-54
24 is who I think he is, yes.

25 **MS. DALEY:** So the person who had been

1 abused in his first family who was taken in by Mr. Landry,
2 Jr. and his wife in a provisional foster home was in fact
3 abused by him after July of '85 when C-51 had first made an
4 allegation?

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

6 **MS. DALEY:** All right. And you didn't --
7 sorry, I'll move on from there. All right.

8 Now, final area I want to talk to you about
9 is this -- and that's how -- again, I'm just labelling it
10 for you -- try to examine how CAS responded to historical
11 abuse allegations of children.

12 **MR. CARRIERE:** Okay.

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

14 And Project Blue is of course the biggest
15 example we have of that.

16 **MR. CARRIERE:** Yes.

17 **MS. DALEY:** Correct?

18 **MR. CARRIERE:** Yes.

19 **MS. DALEY:** And the key elements -- one
20 second please ---

21 **THE COMMISSIONER:** We might -- I don't know.
22 Let me see. We might give word out to whoever -- to the
23 witness that's waiting that she won't be reached tonight,
24 so we can excuse ---

25 **MS. SINNAMON:** Advise, Mr. Commissioner,

1 that Mr. Dumais has let that witness go and has asked her
2 to come back tomorrow morning at 10:00 a.m.

3 **THE COMMISSIONER:** There you go.

4 **MS. DALEY:** Do you want another break this
5 afternoon or shall we just ---

6 **THE COMMISSIONER:** I don't know. Do you
7 folks want a break?

8 **MS. DALEY:** You'll let me know.

9 **MR. CARRIERE:** I'm fine.

10 **MS. DALEY:** Let's keep going.

11 I'm just trying to understand why you
12 perceived the David Silmsler situation to merit the
13 investigation you gave it. And one document that sets out
14 your position, the Agency's position, in a very nice,
15 concise way is 703597.

16 **THE COMMISSIONER:** While we're waiting for
17 that, if a victim of sexual abuse, a youngster ---

18 **MR. CARRIERE:** Yes.

19 **THE COMMISSIONER:** --- 12 years old, verified
20 and the whole bit, the person pleads guilty, can that
21 person in that family come to the Children's Aid Society
22 and ask for services?

23 **MR. CARRIERE:** Yes. Yes, they can.

24 Depending on what they were looking for, our
25 Agency might be able to provide it but our Agency should be

1 able to. If we don't provide that service, we should be
2 helpful to direct them to the appropriate service.

3 And the Children's Treatment Centre would be
4 -- in that instance would be the perfect service.

5 **MS. DALEY:** I'm just going to focus on items
6 "A" through "H" because this -- sir, you have the document
7 handy?

8 **MR. CARRIERE:** Yes.

9 **THE COMMISSIONER:** It's Exhibit 2336.

10 I was just wondering if it was made an
11 exhibit yesterday.

12 **MS. DALEY:** To my knowledge, unless it's
13 part of another document, sir, I don't think so.

14 **THE COMMISSIONER:** Okay. So Exhibit 2336 is
15 a Project Blue document and it's called "Agency Position."

16 --- **EXHIBIT NO./PIÈCE NO. P-2336:**

17 (703597) - Project Blue Agency Position
18 working notes

19 **MS. DALEY:** And I need to just unpack some
20 of this reasoning with you, sir, all right?

21 **MR. CARRIERE:** Okay.

22 **MS. DALEY:** Because the facts as you had
23 them was that of course Silmsner was abused as a child but
24 of -- he's an adult now ---

25 **MR. CARRIERE:** Yes.

1 **MS. DALEY:** --- by the time you're dealing
2 with him, right?

3 **MR. CARRIERE:** Yes.

4 **MS. DALEY:** You consider it likely that
5 other children have been sexually abused by Father Charles
6 in the past, right?

7 **MR. CARRIERE:** Yes.

8 **MS. DALEY:** And just stopping there, you're
9 making that -- you're thinking along those lines because
10 you know from your experience in this field that abusers
11 are rarely one-off -- it's really one-off behaviour;
12 correct?

13 **MR. CARRIERE:** Yes.

14 **MS. DALEY:** So that's why you've inferred
15 that.

16 You also know in this circumstance that two
17 other youths, 16-plus, have been sexually assaulted.
18 They're not directly inside your mandate though; correct?

19 **MR. CARRIERE:** Right.

20 **MS. DALEY:** And again you make the deduction
21 that if that's so then it's likely others were too.

22 **MR. CARRIERE:** Right.

23 **MS. DALEY:** Right?

24 **MR. CARRIERE:** Yes.

25 **MS. DALEY:** And you go on to say that he's

1 made no admission. He's had no treatment.

2 MR. CARRIERE: Right.

3 MS. DALEY: And Item G I think is a
4 conclusion that you draw that he therefore presents an
5 ongoing threat to re-abuse children who are in contact with
6 him.

7 MR. CARRIERE: Yes.

8 MS. DALEY: That's the conclusion.

9 MR. CARRIERE: Yes.

10 MS. DALEY: It flows from everything you've
11 said about him.

12 MR. CARRIERE: Yes.

13 MS. DALEY: And not only he's an ongoing
14 threat to re-abuse children but perhaps also youths.

15 MR. CARRIERE: Yes.

16 MS. DALEY: And is it that -- it's that
17 chain of reasoning, is it, sir, that allows you to see that
18 even though this is an historic case and you don't have
19 present evidence of under 16 being abused, you need to
20 investigate this?

21 MR. CARRIERE: Yes.

22 MS. DALEY: And ---

23 MR. CARRIERE: That was the logic, yes.

24 MS. DALEY: That's your logic?

25 MR. CARRIERE: Yes.

1 **MS. DALEY:** And indeed, as we've seen in
2 Project Blue, your Agency devotes substantial resources,
3 human resources to investigate that ---

4 **MR. CARRIERE:** Yes.

5 **MS. DALEY:** --- based on those facts and
6 that reasoning, right?

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

8 **MS. DALEY:** Now, your intent in doing the
9 investigation you did, sir, I gather, was to determine, I
10 guess amongst other things, whether there were any current
11 children being abused; correct?

12 **MR. CARRIERE:** Yes.

13 **MS. DALEY:** Because that indeed is your
14 mandate.

15 **MR. CARRIERE:** Yes.

16 **MS. DALEY:** That's why you investigate.

17 **MR. CARRIERE:** Yes.

18 **MS. DALEY:** You investigate in circumstances
19 not where you know necessarily that children are being
20 abused but where you think you have a reasonable basis to
21 think they might be, right?

22 **MR. CARRIERE:** Yes, if somebody's in a care
23 giving role with them, yes. In charge of, yes.

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

25 No one at this time though, at the time you

1 embarked on Project Blue, had made you aware of any current
2 child under 16 who was in contact with Charles?

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

4 **MS. DALEY:** And indeed, as you say, Charles
5 is in a care giving role. Charles is in a position of
6 trust, vis-à-vis children and youths?

7 **MR. CARRIERE:** Yes.

8 **MS. DALEY:** Now, I'm trying to help myself
9 understand why Project Blue focused on Father Charles and
10 not on Ken Seguin. And I appreciate that by November 25th,
11 '93 Mr. Seguin is dead so obviously you wouldn't be
12 devoting resources to investigating.

13 **MR. CARRIERE:** Yes.

14 **MS. DALEY:** But that was two months into
15 Project Blue and you obviously had a statement about Mr.
16 Seguin and you knew that it was Mr. Silmsen's assertion
17 that he abused in his capacity as a probation officer, i.e.
18 a role of trust.

19 **MR. CARRIERE:** Yes.

20 **MS. DALEY:** And again you would follow the
21 same reasoning, would you not, that if Mr. Seguin had done
22 that vis-à-vis Mr. Silmsen, there was a likelihood he had
23 done it on more than one occasion?

24 **MR. CARRIERE:** Yes, but I think that's the
25 point where -- again I want to go back to something that I

1 believe I said this morning with respect to -- or perhaps I
2 said it this afternoon, with respect to the advice or the
3 direction that Ross Dawson had provided to us, where part
4 of his review -- his findings indicated that we were not --
5 we were launching investigations with insufficient
6 information, and in some instances he says, "You're calling
7 things abuse that you don't have a right to call abuse and
8 in other instances you're doing investigations where you
9 don't have the grounds to do investigations and there's a
10 liability doing that."

11 Our view with Mr. Seguin was that we had
12 some information but we didn't have sufficient details to
13 proceed with an investigation or proceed with all of the
14 steps in the investigation and what we needed to do was
15 obtain more information from Mr. Silmsler to determine
16 whether or not we would take those additional steps.

17 Additionally there was some information that
18 Mr. Silmsler had provided to us which we believed to be at
19 the time incorrect and unlikely to be true. Examples of
20 that were that he said that he was collecting welfare when
21 he was about 13 or 14 years old. I'm pretty certain that
22 that would not be true. That also that he was living alone
23 in an apartment when he was that age. I think that that
24 would be unlikely to be true.

25 So we felt that given that we had very

1 little information and that some of that information
2 appeared to be untrue, we needed to meet with Mr. Silmsner
3 further to get further details before we could proceed
4 further.

5 **MS. DALEY:** Was the information you
6 suspected to be untrue somehow relative to his complaint
7 about Ken Seguin?

8 **MR. CARRIERE:** Yes, because he was saying
9 that these incidents were happening with Mr. -- he was
10 connecting that information to Mr. Seguin.

11 **MS. DALEY:** All right.

12 So your reasoning was you were hoping to
13 develop more information from Silmsner before you directed
14 Project Blue to look at Ken Seguin ---

15 **MR. CARRIERE:** Exactly.

16 **MS. DALEY:** --- but he died before that
17 happened?

18 **MR. CARRIERE:** Exactly.

19 **MS. DALEY:** Otherwise you would have devoted
20 the same resources to Seguin, if it appeared a credible
21 allegation, as you did to Charles?

22 **MR. CARRIERE:** One thing that we knew at the
23 time was that Mr. Seguin was not a probation officer for
24 children under the age of 16. We would have very -- with
25 more information we would have gone to the proper place,

1 likely his employer, perhaps the Ministry, perhaps both,
2 and said "We have information to suggest that he's a risk
3 to children, to young people that he has on probation."

4 **MS. DALEY:** All right.

5 But the gist of what you're telling me is
6 that you had some doubts about Mr. Silmser's story in that
7 respect and you waited for clarification?

8 **MR. CARRIERE:** We worked hard to get
9 clarification.

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

11 Now ---

12 **MR. CARRIERE:** And if I can add, it was --
13 we had even less information on Marcel Lalonde.

14 **MS. DALEY:** From Mr. Silmser?

15 **MR. CARRIERE:** Yes.

16 **MS. DALEY:** Because ---

17 **MR. CARRIERE:** A partial statement from him.

18 **MS. DALEY:** Understood. Understood.

19 Now, initially you gave some testimony
20 earlier today about Milton MacDonald ---

21 **MR. CARRIERE:** Yes.

22 **MS. DALEY:** --- in 1994.

23 **MR. CARRIERE:** Yes.

24 **MS. DALEY:** Which is the same time as
25 Project Blue is operating; correct?

1 **MR. CARRIERE:** Yes. In fact we mixed up the
2 information.

3 **MS. DALEY:** I'm sorry?

4 **MR. CARRIERE:** We mixed up the information
5 thinking that some information related to Milton MacDonald
6 was in fact connected to Charles MacDonald.

7 **MS. DALEY:** Initially I took it that your
8 feeling about -- one second, please.

9 Initially, sir, I'd understood that your
10 feeling about the Milton MacDonald situation was that you
11 had no present evidence of a child under 16 being abused by
12 him; correct?

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

14 **MS. DALEY:** And that what -- you were going
15 to deal with the situation by liaising with the police and
16 waiting for them to tell you if any evidence developed,
17 right?

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

19 **MS. DALEY:** And initially, I take it, I
20 would say -- sorry, back up. The Milton MacDonald
21 allegations were also somewhat historic, in the sense that
22 the child -- the alleged incidents had happened in the
23 past, the ones that you were hearing rumours about in the
24 community, right?

25 **MR. CARRIERE:** Yes, but quite many years

1 ago, yes.

2 MS. DALEY: Quite in the past?

3 MR. CARRIERE: Yes.

4 MS. DALEY: So again those are allegations
5 of an historic nature.

6 MR. CARRIERE: Yes.

7 MS. DALEY: The complainants are adults by
8 the time the rumours are current.

9 MR. CARRIERE: Yes.

10 MS. DALEY: And there's no information in
11 front of your Sgency that this individual is abusing a
12 child.

13 MR. CARRIERE: Yes.

14 THE COMMISSIONER: Hold it, hold it a
15 second. No, no, no, no. It wasn't with -- we're talking
16 about Milton MacDonald?

17 MS. DALEY: Yes.

18 MR. CARRIERE: Yes.

19 THE COMMISSIONER: Didn't the charges come
20 forward because it was a child that was 13, now 14, who
21 came forward, and then the rest came forward?

22 MR. CARRIERE: Not originally, sir. I think
23 what happened was that we were hearing rumours and we
24 contacted the -- ultimately contacted the OPP that we are
25 hearing rumours about Milton MacDonald. We put out the

1 message to the OPP that if they had any information about a
2 child under the age of 16, to let us know. They ultimately
3 did discover a case that fit that category and referred it
4 to us.

5 **THE COMMISSIONER:** All right. That was a
6 paperboy?

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

8 **THE COMMISSIONER:** Right.

9 **MS. DALEY:** Just to help us all clarify
10 that, sir, and hopefully this won't be too cumbersome, but
11 Exhibit 2326 that Mr. Engelmann discussed with you was Ms.
12 Garrahan's initial letter to Mr. Abell, and it's clear what
13 she's talking about there are rumours in the community that
14 go way, way back in time.

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

16 **MS. DALEY:** Correct?

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

18 **MS. DALEY:** Okay.

19 That was 2326, sir.

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

21 **MR. CARRIERE:** Do you want me to look at
22 that document?

23 **MS. DALEY:** No, no, no.

24 **MR. CARRIERE:** Okay.

25 **MS. DALEY:** I just wanted to bring it to the

1 Commissioner's attention.

2 And again in Exhibit 2328, which was your
3 note ---

4 **MR. CARRIERE:** Yes.

5 **MS. DALEY:** --- on the subject; turn it up
6 if you wish but the point you're making there is that the
7 suspected victims are now adults, they're not in your
8 mandate, and there's no information that you have at that
9 time of a current child at risk, and therefore you don't
10 think it's necessary to commence an investigation until you
11 get that information.

12 **MR. CARRIERE:** That's correct, and that
13 would be consistent with what the standards were of the
14 day; the Ministry standards.

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

16 And ultimately, as you point out, the police
17 work generates information about a child.

18 **MR. CARRIERE:** It does, yes.

19 **MS. DALEY:** And that triggers your
20 involvement?

21 **MR. CARRIERE:** It does.

22 **MS. DALEY:** And again, to contrast that with
23 Project Blue, the ultimate outcome of Project Blue is that
24 resources are devoted and all of the present altar boys in
25 Father MacDonald's parish are interviewed. Correct?

1 **MR. CARRIERE:** Yes.

2 **MS. DALEY:** And you satisfy yourself that
3 none of them are victims of abuse?

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

5 **THE COMMISSIONER:** You satisfy yourself that
6 they've answered that they haven't been.

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

8 **MR. CARRIERE:** That's correct. Yes. We get
9 no reports.

10 **THE COMMISSIONER:** No reports. There we go.
11 That's better.

12 **MS. DALEY:** The pointed edge of Project
13 Truth, if you will, was to find out if there are any
14 children presently at risk, and your findings at the end
15 were no children reported anything abusive by Father
16 Charles?

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

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

19 I think perhaps Nelson Barque; we also spoke
20 about Nelson Barque as an example as well, and just to give
21 you the elements of that, Nelson Barque comes to your
22 attention in '94, so again that's the same time as Project
23 Blue is unfolding, and the information that's brought to
24 you is that an Albert Roy was abused as a 16-year-old by a
25 probation officer.

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

2 **MS. DALEY:** And again you have no
3 information of any child currently at risk from Mr. Barque?

4 **MR. CARRIERE:** Yes.

5 **MS. DALEY:** As best you can determine.

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

7 **MS. DALEY:** And no information of any youth
8 at risk either.

9 **MR. CARRIERE:** Right.

10 **MS. DALEY:** So you don't feel it incumbent
11 to commence an investigation on Barque?

12 **MR. CARRIERE:** Well, as I indicated
13 yesterday when I testified on that, I don't have a
14 recollection of it and I can only go back to my notes, and
15 I can only reconstruct from my notes and I'm not sure I'm
16 supposed to do that, but there was some discussion that
17 took place with Staff Sergeant Brunet about them talking to
18 the school board about the matter, but it wasn't like it
19 was not going to be proceeded with, but I don't have any
20 recollection of it, sorry.

21 **MS. DALEY:** I appreciate that and I remember
22 that evidence. The focus of my question is you considered,
23 with that step taken, that it wasn't necessary to
24 investigate, for you to put resources into finding out if
25 he has present victims.

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

2 **MS. DALEY:** Correct?

3 **MR. CARRIERE:** Yes.

4 **MS. DALEY:** And the same decision was made
5 with respect to Milton MacDonald in '94.

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

7 **MS. DALEY:** Right?

8 **MR. CARRIERE:** Yes.

9 **MS. DALEY:** Okay.

10 So it leaves me to wonder, because I see
11 similarities between Silmsner on the one hand and these
12 other two historic cases on the other.

13 Was your Executive Director, Richard Abell,
14 really instrumental in ensuring that Project Blue was
15 brought forward?

16 **MR. CARRIERE:** Richard wrote up the referral
17 for it.

18 **MS. DALEY:** Okay.

19 **MR. CARRIERE:** So that to me was a strong
20 indication that this was a matter we were going to
21 investigate, and I remember him coming and saying, "We're
22 going to investigate this."

23 **MS. DALEY:** And it was his decision that the
24 -- to devote the Agency resources to Project Blue? I guess
25 it follows ---

1 **MR. CARRIERE:** Yes. Oh absolutely, yes.

2 **MS. DALEY:** All right. Because I -- and
3 again, I don't want to prolong it but I've seen references
4 in some of his notes to physical resources, secretarial
5 resources, human resources, so he has made the decision to
6 put these eggs in this basket, if you will. Correct?

7 **MR. CARRIERE:** Yes. He's not getting
8 opposition from it -- for it.

9 **MS. DALEY:** No, no, I appreciate that.

10 **MR. CARRIERE:** But yes, yes, I would say he
11 was a leader, yes.

12 **MS. DALEY:** And he made that decision, I
13 take it, as a result of receiving Mr. Silmsen's statement
14 from Officer Dunlop?

15 **MR. CARRIERE:** Yes.

16 **MS. DALEY:** And Project Blue itself spanned
17 a considerable period of time, did it not, sir?

18 **MR. CARRIERE:** It did.

19 **MS. DALEY:** You didn't quite take us to the
20 end of the time in your testimony in-chief but it went into
21 1995, did it?

22 **MR. CARRIERE:** Yes. At least, yes. It
23 might have been -- yes, it did. Yes.

24 **MS. DALEY:** And as I said to you a while
25 ago, your ultimate finding was no children presently at

1 risk from Father MacDonald.

2 MR. CARRIERE: That's correct.

3 MS. DALEY: But to coin a bad phrase, you
4 left no stone unturned in arriving at that finding because
5 you interviewed every single altar boy, or all the ones
6 from his present parish.

7 MR. CARRIERE: We interviewed every single
8 altar boy that agreed to be interviewed. There were some
9 families that would not allow their children to be
10 interviewed.

11 MS. DALEY: Fair enough.

12 MR. CARRIERE: And we had no reason to
13 believe that they were not protective of their children.

14 MS. DALEY: But over a period of many months
15 Project Blue took place and consumed resources and that was
16 the outcome?

17 MR. CARRIERE: Tremendous resources.

18 MS. DALEY: At a time when your Agency was
19 stretched for resources?

20 MR. CARRIERE: Yes. People like Carol
21 Beamer and Geraldine Fitzpatrick carried a very heavy load
22 and worked very hard and I have a lot of respect for what
23 they did during that period of time. They took on a lot
24 more than they -- it was really a tough period for us.

25 MS. DALEY: Now, at one point, sir, as you

1 said in-chief, your working group was of the impression,
2 through hearing from Perry Dunlop, that there was a ring of
3 paedophiles, and he identified three people in the ring.
4 Do you recall that?

5 **MR. CARRIERE:** Who would the three people
6 be, just to make sure that I understand?

7 **MS. DALEY:** I think Greg's notes indicated
8 Malcolm MacDonald, Father MacDonald, Mr. Seguin.

9 **MR. CARRIERE:** Yes, I wouldn't disagree with
10 that.

11 **MS. DALEY:** All right. And unfortunately,
12 although you persisted in trying to get further details of
13 that, they were not received from Officer Dunlop?

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

15 **MS. DALEY:** Was there ever a time when
16 Mr. Abell, the Executive Director, commented to you on
17 that, or to the team?

18 **MR. CARRIERE:** I don't recall specifically.
19 The sense that I had, and I may be incorrect, is that I
20 knew that Mr. Abell -- after the matter was reported to us
21 I realized that there was a friendship between Mr. Abell
22 and Mr. Dunlop.

23 I got the impression that, as we moved into
24 the fall and were experiencing difficulties in getting
25 information from Mr. Dunlop, that that relationship had

1 drifted apart and they were -- they may no longer be
2 friends. I don't recall Mr. Abell ever telling me that but
3 I sensed that somehow the situation was different.

4 **MS. DALEY:** Apart from his personal
5 relationship with Officer Dunlop did Mr. Abell appear to
6 you to become perhaps somewhat disillusioned with the
7 project as a whole, because it had been initiated to
8 hopefully ferret out abuse, if there was, but -- and it had
9 heard some rather concerning allegations from Officer
10 Dunlop but there was nothing to support it? Did you get
11 the feeling that Mr. Abell was perhaps a little bit
12 disillusioned about the work he'd embarked on?

13 **MR. CARRIERE:** I don't know that I could
14 come to that conclusion. I don't know that I could read
15 that into what he was feeling at the time, honestly.

16 **MS. DALEY:** Did you become disillusioned a
17 little bit?

18 **MR. CARRIERE:** I think I became -- again,
19 Mr. Commissioner mentioned this morning about sort of an
20 emotional -- you know, if you can remember things on an
21 emotional level.

22 I can remember a period of time around when
23 we had asked for the information from Mr. Dunlop and it
24 wasn't forthcoming and wondering what was going on. Like
25 we seemed to have started off on a, you know, good footing

1 with Mr. -- I'm sorry. I keep saying Mr. Dunlop. Constable
2 Dunlop.

3 **THE COMMISSIONER:** It's okay.

4 **MR. CARRIERE:** Okay.

5 Mr. Dunlop. We seemed to start off really
6 well with him and actually, I think, Greg's case notes
7 reflect that Helen Dunlop had said, you know, you guys are
8 doing a good job and some positive statement.

9 It just seemed like not long after that that
10 we were worlds apart. You know, here we are. I'm
11 instructing Greg to phone him and kind of read the riot act
12 to him about, you know, you have to read to him, and that's
13 specifically what I said, "You have to tell him about the
14 duty to report". And I may have said, you know, tell him
15 about the protection that he would have around the duty to
16 report, and may not having Greg, you know, wisely thought
17 of it.

18 It just seemed like at that point there was
19 no connection with him. I know that -- I mean, I got asked
20 a question in terms of preparing the outline of my
21 evidence, like why we actually wrote, you know, that we
22 wouldn't continue to contact him and that was deliberate
23 because we didn't want to leave it that this kind of thing
24 drifted away.

25 You know, we felt like we had made it clear

1 to him that if he had information he should tell us that
2 information. He should tell us that information now, he
3 had an obligation under the Act. It was protection under
4 the Act and it never happened.

5 **MS. DALEY:** Did that cause you to doubt the
6 veracity of the information he had given?

7 **MR. CARRIERE:** The past information?

8 **MS. DALEY:** Yes.

9 **MR. CARRIERE:** I don't think it caused us to
10 doubt the past information but it caused us to wonder about
11 what was going on with him at the time, you know, whether
12 or not this thing was taking on another dimension.

13 I mean, in hindsight or retrospect looking
14 back on it, I realize that he was, for lack of a better
15 word, in a battle with the Cornwall Police Services and
16 somehow this was how he was perhaps dealing with it. But I
17 didn't know that at the time, frankly. I just didn't
18 understand kind of why it had fallen apart.

19 We started off, I thought, on the right foot
20 and nothing to my mind that we had done should have changed
21 that. I mean, we had pursued the investigation. I think
22 we were doing it in a professional manner. We weren't
23 questioning him. Just suddenly it dissolved.

24 **MS. DALEY:** So you got the opposite reaction
25 from the logical reaction you would have expected from

1 someone who was concerned to ensure that this was being
2 investigated appropriately and children protected?

3 **MR. CARRIERE:** Yes, exactly, because I
4 think, you know, we were doing what I think he thought was
5 the right thing with the original information and we hadn't
6 given any indication that we were doing a bad job of it.
7 You'd think you'd want to give us more of the same stuff if
8 you had it.

9 **MS. DALEY:** Understood, understood.

10 **THE COMMISSIONER:** Unless of course he
11 thought that you people had leaked it to the press.

12 **MR. CARRIERE:** But wasn't that much later?
13 Wasn't that in January of 1994?

14 **MS. DALEY:** That was in January '94.

15 **MR. CARRIERE:** Yeah, at that point I think I
16 thought we were on good terms, you know. I mean, I didn't
17 have any dealings with Officer Dunlop but I thought we were
18 on good terms.

19 **THE COMMISSIONER:** What did Mr. Abell -- did
20 he talk about, in that early period, about a conspiracy
21 that Dunlop thought and believed that the Cornwall Police
22 was covering up?

23 **MR. CARRIERE:** I don't recall that, sir. I
24 don't remember the early discussions with Mr. Abell but --
25 excuse me -- it would seem to me that if there was that

1 discussion, it seems to me that that's the kind of thing
2 that I would remember because that would really stand out
3 to me that there's, you know, there's a big thing happening
4 here and agencies are conspiring to harm children or to
5 protect it.

6 **THE COMMISSIONER:** Well ---

7 **MR. CARRIERE:** Yeah, I just don't have that
8 recollection.

9 **MS. DALEY:** Short of elevating it to a
10 conspiracy platform, was there ever any discussion at the
11 beginning or into Project Truth, between yourself and Abell
12 or the team, as to why this information hadn't come through
13 normal police channels to you? In other words, why Mr.
14 Silmsner's allegations had not come to you in the ordinary
15 course?

16 **MR. CARRIERE:** We may have but I don't
17 recall it, actually. You know, I think at that time I was
18 just kind of focussed on doing the job and I also had all
19 of the other -- all of the other issues to deal with. I
20 mean, at the same time that the Earl Landry, Jr. thing is
21 happening and I've got fewer staff and I've got to deal
22 with it.

23 Frankly, I think some of the -- for lack of
24 a better word, the politics of it or the other dimensions,
25 I just frankly didn't have the time for it, you know. And

1 not that it wasn't important. Just, you know, sometimes
2 you just have to do the meat and potatoes thing and I was
3 doing meat and potatoes things.

4 **MS. DALEY:** All right.

5 Just a few questions on something the
6 Commissioner just mentioned, and that's when this situation
7 then becomes vetted in the press ---

8 **MR. CARRIERE:** Yes.

9 **MS. DALEY:** --- in the early months of 1994.
10 Mr. Silmsner's statement is in the press. The press is
11 perhaps giving rise to the thought that this has been
12 covered up; there has been a cover up by the church.
13 Perhaps there is a cover up by the police and other
14 institutions -- just to take you to that ---

15 **MR. CARRIERE:** Yes.

16 **MS. DALEY:** --- to that unfortunate
17 circumstance.

18 I take it it wasn't your role at the CAS to
19 develop communications policy or public relations
20 statements or anything of that nature?

21 **MR. CARRIERE:** No. I mean, I did a lot of -
22 - I was asked very frequently to do presentations in the
23 community but not as a communications person.

24 **MS. DALEY:** I wonder if the Society ever
25 gave thought to this possibility. You had conducted

1 Project Truth. You ultimately found there were no present
2 children at risk. That probably -- that would have been
3 information perhaps well received by the community because
4 by this point there were community fears; correct?

5 MR. CARRIERE: Yes, yes.

6 MS. DALEY: You appreciate as a member of
7 this community, apart from your professional role, that the
8 community was very inflamed by this information and was
9 very afraid?

10 MR. CARRIERE: Yes. I think there is -- you
11 know, there's that on the one hand and the other is that,
12 you know, the practice of the Children's Aid and I think
13 this is not restricted to our agency and just in terms of
14 the privacy of the information.

15 MS. DALEY: All right.

16 So because of the privacy constraints, you
17 don't believe the Society could have made any statement to
18 the effect that, we've done an investigation, we don't see
19 a cause for concern -- a present cause for concern?

20 MR. CARRIERE: I probably would have to
21 think about that more in terms of whether or not that was
22 something we should have done or could have done.

23 MS. DALEY: Thanks very much, sir.

24 MR. CARRIERE: Thank you.

25 THE COMMISSIONER: Thank you.

1 Mr. Paul, how long do you think you're going
2 to be?

3 **MR. PAUL:** About 45 minutes.

4 **THE COMMISSIONER:** We'll do that tomorrow
5 then. Thank you.

6 We'll start at nine tomorrow, sir.

7 **MR. CARRIERE:** Yes, thank you.

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

10 This hearing is adjourned until 9:00 a.m.
11 tomorrow morning.

12 --- Upon adjourning at 4:48 p.m. /

13 L'audience est ajournee à 16h48

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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