

**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 281

Held at :

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

Friday, September 12, 2008

Tenue à:

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

Vendredi, le 12 septembre 2008

Appearances/Comparutions

Ms. Brigitte Beaulne	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Mr. Mark Crane Mr. Peter Manderville	Cornwall Community Police 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. Peter Chisholm Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Ms. Allison Thiele-Callan	Victims' Group
Mr. David Sherriff-Scott M ^e Gisèle Levesque	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn Mr. Ian Paul	Coalition for Action
Mr. William Carriere	CAS
Ms. Geraldine Fitzpatrick	CAS
Mr. Angelo TownDale	CAS

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1 --- Upon commencing at 9:06 a.m./

2 L'audience débute à 9h06

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you.

10 Good morning.

11 Maître Dumais?

12 ---OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR.MR.

13 **DUMAIS:**

14 **MR. DUMAIS:** Good morning Mr. Commissioner.
15 Mr. Towndale is back. You can take your seat, Mr.
16 Towndale.

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

18 **THE COMMISSIONER:** Yeah. Go ahead. Thank
19 you.

20 **MR. DUMAIS:** Thank you.

21 Just one preliminary matter before we
22 continue with the cross-examination. One issue came up
23 while Mr. Towndale was being examined in-chief by Ms.
24 Simms. And it's a comment that you had made Commissioner.
25 You'd indicated or you had noticed that the Society would

1 have prepared a full report dealing with the investigation
2 into the Cieslewitz foster home matter.

3 **THE COMMISSIONER:** Yes.

4 **MR. DUMAIS:** We have searched our documents
5 and found the reports. I'd like to file these two reports.
6 The first one is Document Number 114425.

7 **THE COMMISSIONER:** Thank you.

8 Exhibit 2337 is a letter dated October 31st,
9 1978 addressed to Mr. Barry Dalby from Thomas O'Brien.

10 **---EXHIBIT NO./PIÈCE NO P-2337:**

11 (114425) - Letter from Thomas O'Brien to
12 Barry Dalby dated 21 Oct 78

13 **MR. DUMAIS:** I believe Commissioner there is
14 one issue that we should deal with. If you look at the
15 third paragraph -- and I'd ask Madam Clerk not to put that
16 on the screen just yet -- there is a mention of a foster
17 child ---

18 **THE COMMISSIONER:** Yes.

19 **MR. DUMAIS:** --- that had been placed in the
20 home. As far as we know, charges have never been laid.
21 The matter has never come out publicly. We've never spoken
22 to her. So certainly, I think the test of Dagenais/Mentuck
23 has been met and I've been -- there's no need to refer to
24 the name specifically so no need for a moniker but simply
25 ask that there be a publication ban on that exhibit.

1 **THE COMMISSIONER:** Any comments?

2 No. There will be a ban on publication of
3 the name of the ward that is contained in the third
4 paragraph.

5 **MR. DUMAIS:** And the second document is
6 Document Number 114423.

7 **THE COMMISSIONER:** Thank you.

8 Exhibit Number 2338 is a letter dated
9 November 1st, 1978 to Mr. Barry Dalby from Thomas O'Brien.

10 **---EXHIBIT NO./PIÈCE NO P-2338:**

11 (114423) - Letter from Thomas O'Brien to
12 Barry Dalby dated 01 Nov 78

13 **MR. DUMAIS:** And there's no issue with any
14 names in that document.

15 **--- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. DUMAIS:**

16 **MR. DUMAIS:** So Mr. Towndale, briefly, if I
17 can just have you look at the first document which is the
18 letter dated October 31st, 1978.

19 **MR. TOWNDALE:** Okay.

20 **MR. DUMAIS:** Do you recognize that document?
21 Have you ever seen that document before?

22 **MR. TOWNDALE:** I don't recognize that
23 document.

24 **MR. DUMAIS:** And if you can look then at the
25 second exhibit which I filed this morning, the letter dated

1 November 1st, 1978. Do you recognize that document? Have
2 you ever seen it before?

3 **MR. TOWNDALE:** I don't.

4 **MR. DUMAIS:** All right.

5 Well, these are my only questions for Mr.
6 Towndale this morning.

7 And obviously, if the parties have any
8 questions that follow my filing of these exhibits,
9 certainly they should be permitted to put them to Mr.
10 Towndale.

11 So if I can ask then the Victim's Group
12 lawyer to proceed with her cross-examination.

13 **THE COMMISSIONER:** Yes, thank you.

14 Ms. Thiele-Callan?

15 Good morning.

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

17 **THIELE-CALLAN:**

18 **MS. THIELE-CALLAN:** Good morning Mr.
19 Commissioner. Good morning Mr. Towndale.

20 **MR. TOWNDALE:** Good morning.

21 **MS. THIELE-CALLAN:** My name is Allison
22 Thiele-Callan. I'm here as counsel for the Victims' Group
23 this morning.

24 Mr. Towndale, I just wanted to thank you for
25 your patience. Mr. Lee had been prepared to cross-examine

1 earlier this week but unfortunately has been ill. So thank
2 you.

3 **THE COMMISSIONER:** Can you bring the
4 microphone down a little bit?

5 Perfect.

6 **MS. THIELE-CALLAN:** Thank you.

7 **THE COMMISSIONER:** Thank you.

8 **MS. THIELE-CALLAN:** I just want to clarify
9 with you a few details regarding supervision. When you
10 started in 1965, who was the child care supervisor at that
11 time?

12 **MR. TOWNDALE:** Mr. O'Brien.

13 **MS. THIELE-CALLAN:** And the protection
14 supervisor?

15 **MR. TOWNDALE:** Steve Charko.

16 **MS. THIELE-CALLAN:** And they were the only
17 two supervisors at that time?

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

19 **MS. THIELE-CALLAN:** Who was the next person
20 to become a supervisor?

21 **MR. TOWNDALE:** After Mr. O'Brien became the
22 Director; the person who became the supervisor is Fredda --
23 I don't remember. Her first name is Fredda; F-R-E-D-D-A.

24 **MS. THIELE-CALLAN:** That's a long time ago;
25 isn't it?

1 **MR. TOWNDALE:** It could be Pedon; P-E-D-O-N.

2 But I don't -- I cannot ---

3 **THE COMMISSIONER:** Mr. Chisholm, could you
4 help out there?

5 No, okay.

6 **MR. CHISHOLM:** Not right now. I don't
7 recognize that name.

8 **THE COMMISSIONER:** That's fine. It's okay.
9 We'll get to it later. Thanks, Mr. Chisholm.

10 **MS. THIELE-CALLAN:** Do you recall, sir, at
11 what time the CAS added to the two supervisors?

12 **MR. TOWNDALE:** Those two supervisors were
13 there when I joined the Agency.

14 **MS. THIELE-CALLAN:** Okay. And when you
15 became a supervisor -- at what point after you became a
16 supervisor were there more than two; at what point did the
17 CAS expand its management?

18 **MR. TOWNDALE:** It could be in the '80s.

19 **MS. THIELE-CALLAN:** Eighties ('80s).

20 **MR. TOWNDALE:** I replaced Ms. Pieden as a
21 supervisor.

22 **MS. THIELE-CALLAN:** When you started off as
23 a supervisor, what exactly did supervision of a worker
24 entail?

25 **MR. TOWNDALE:** The worker had every week

1 certain time, an hour, hour and a half, to see the
2 supervisor to discuss cases. And also the social workers
3 can go to the supervisor and discuss any emergencies. But
4 supervisions always regularly did not happen because of
5 emergencies, whatever it is.

6 **MS. THIELE-CALLAN:** We've also been told
7 about yearly formal reporting? You would review that on an
8 annual basis each file?

9 **MR. TOWNDALE:** That was the policy, yes.

10 **MS. THIELE-CALLAN:** That was policy.

11 Were the case notes that the worker kept to
12 compile the formal recordings ever reviewed by you?

13 **MR. TOWNDALE:** No.

14 **MS. THIELE-CALLAN:** They weren't attached to

15 ---

16 **MR. TOWNDALE:** No.

17 **MS. THIELE-CALLAN:** --- the formal
18 recordings when you received them?

19 **MR. TOWNDALE:** No.

20 **MS. THIELE-CALLAN:** Did you ever review the
21 case notes of a worker?

22 **MR. TOWNDALE:** I don't remember.

23 **MS. THIELE-CALLAN:** Did you ever conduct,
24 say, random audits of the notes?

25 **MR. TOWNDALE:** No, that was not the policy

1 at that time.

2 **MS. THIELE-CALLAN:** Okay. Would you ---

3 **MR. TOWNDALE:** Part of the reason is the
4 time. Time factor was one of the reasons we didn't have
5 the time to do those kinds of things.

6 **MS. THIELE-CALLAN:** Would you agree, sir,
7 that if a worker -- case worker was engaged in misconduct
8 that it's not likely to be in the formal report?

9 **MR. TOWNDALE:** I don't know how to answer
10 that question. If it was known to us, then we will check
11 into that. But the worker doesn't tell and doesn't put it
12 there, there is no way. I don't know how to answer that.

13 **MS. THIELE-CALLAN:** So similarly, if a case
14 worker didn't report a misconduct of a foster parent; you'd
15 have no way of following-up if it wasn't in the recording?

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

17 **MS. THIELE-CALLAN:** Okay. And also if a
18 case worker received complaints from a child that they
19 didn't intent to act upon, that likely wouldn't be in the
20 recording and therefore you would not likely have knowledge
21 of that.

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

23 **MS. THIELE-CALLAN:** So you appreciate that a
24 worker's notes or formal recordings maybe can't be relied
25 on to be completely accurate and informing you of what's

1 going on?

2 MR. TOWNDALE: Yeah. We trusted the workers
3 that they will do faithfully carry out their duties. But
4 if they did not do that one, there's no way to check upon
5 that one.

6 MS. THIELE-CALLAN: Okay. So supervisors
7 would never visit random homes with the workers for
8 example?

9 MR. TOWNDALE: It's very difficult even
10 today with the staff the supervisors have -- Children's Aid
11 have. I don't think the supervisors are visiting homes to
12 check on child.

13 So when you back to the seventies with two
14 supervisors it's almost impossible to check it when -- it's
15 impossible to check that.

16 MS. THIELE-CALLAN: So the time constraints,
17 but also you would not be able to speak to the children
18 directly given your workload?

19 MR. TOWNDALE: Unless the child requests to
20 see the supervisor.

21 MS. THIELE-CALLAN: In that occasion they
22 would?

23 MR. TOWNDALE: Yeah.

24 MS. THIELE-CALLAN: Did foster children --
25 was it made known to them that they could approach a

1 supervisor if they had concerns with their worker?

2 MR. TOWNDALE: I don't -- I don't think so,
3 no.

4 MS. THIELE-CALLAN: So foster children
5 weren't provided information on who they could contact if
6 they had a problem with a worker or in the home?

7 MR. TOWNDALE: I don't think they were
8 notified, no.

9 MS. THIELE-CALLAN: No? So no written
10 information or telephone number?

11 MR. TOWNDALE: No.

12 MS. THIELE-CALLAN: So was there any system
13 set-up at all to help kids more comfortable in reporting
14 misconduct by CAS workers?

15 MR. TOWNDALE: The only thing I can report
16 is in '70 -- I think it was in '77 I -- '77, I talked to
17 the foster home finder and asked to send a confidential
18 questionnaire. That's the only one I can think of that was
19 an independent approach was used to get some feedback from
20 children directly.

21 MS. THIELE-CALLAN: Okay.

22 MR. TOWNDALE: That's the only time I can
23 think of.

24 MS. THIELE-CALLAN: So were any systems put
25 in place after the Second Street Group Home concerns arose?

1 **MR. TOWNDALE:** With regard to reporting?

2 **MS. THIELE-CALLAN:** Were any systems put in
3 place for children who were in care of CAS to approach a
4 supervisor if they were having problems with a worker?

5 **MR. TOWNDALE:** No, I don't remember that,
6 no.

7 **MS. THIELE-CALLAN:** After C-14's
8 allegations, was anything put in place?

9 **MR. TOWNDALE:** No, I don't remember that,
10 no.

11 **MS. THIELE-CALLAN:** And the Cieslewicz
12 situation, was anything put in place?

13 **MR. TOWNDALE:** I don't remember anything.

14 **MS. THIELE-CALLAN:** Do you agree that maybe
15 there were some issues with the supervision that you had
16 available to you at that time in allowing children to
17 report issues that they might have had with a foster parent
18 or with a foster worker?

19 **MR. TOWNDALE:** Would you please repeat that
20 for me, please?

21 **MS. THIELE-CALLAN:** I apologize.

22 **MR. TOWNDALE:** No problem.

23 **MS. THIELE-CALLAN:** Would you agree that
24 there were perhaps some problems with the supervision
25 practices in place at that time?

1 **MR. TOWNDALE:** Problems with supervision,
2 you mean? Problems of supervision of foster homes you
3 mean?

4 **MS. THIELE-CALLAN:** Yes, if there was
5 misconduct or if there was a problem in being able to
6 follow up on that.

7 **MR. TOWNDALE:** Yeah. If you are asking me
8 whether we noticed that there is a supervision problem with
9 foster homes, I don't remember if we noticed that or took
10 any action.

11 **MS. THIELE-CALLAN:** Maybe if I can go back
12 and clarify as well.

13 So approximately -- particularly prior to
14 the '80s you testified that -- you know, at that time
15 children were not necessarily believed. Foster children
16 were thought, you know, to be maybe disturbed and prone to
17 lie. Was that -- is my understanding correct?

18 **MR. TOWNDALE:** Well, what I would say about
19 that was the tendency is to believe the adult rather than
20 the child. That was the tendency.

21 **MS. THIELE-CALLAN:** That there was a great
22 deal of faith put into the goodness of the foster parents?

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

24 **MS. THIELE-CALLAN:** And we discussed that
25 records might not reflect if there was an issue with a case

1 worker or with a foster parent and the supervisor didn't
2 believe that there was a concern?

3 **MR. TOWNDALE:** There was no concern at that
4 time but today when you look back, when you ask me those
5 kinds of questions, maybe there is a point. At that time
6 it was not the mindset to think that way.

7 **MS. THIELE-CALLAN:** All right.

8 So then on top of that would you agree that
9 if misconduct had become known, we've seen that there have
10 been no real repercussions, particularly for foster parents
11 who have engaged in this conduct?

12 **MR. TOWNDALE:** If there was misconduct, some
13 action will be taken if misconduct was discovered.

14 **MS. THIELE-CALLAN:** We haven't seen, for
15 example, during that time period allegations against foster
16 parents being reported to the police or police action?

17 **MR. TOWNDALE:** Yeah, it was -- it was not
18 the practice at that time.

19 **MS. THIELE-CALLAN:** And also at that time
20 we've seen, for example, foster parents -- foster homes
21 being merely closed and not extensive investigations being
22 undertaken as to what had happened?

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

24 **MS. THIELE-CALLAN:** Okay.

25 If we could just turn now to Cathy

1 Sutherland?

2 You may be aware that Cathy Sutherland
3 testified at the Inquiry that she had been sexually abused
4 by her foster father, Carl Virgin. She also testified that
5 she had notified her worker at the time, Blaine Grundy,
6 about the abuse and that there had been no follow-up.

7 She also stated that she had informed other
8 persons including a later social worker, Derry Tenger, of
9 these allegations as well.

10 If we could just turn to Exhibit 479 at
11 Bates page 7173657?

12 (SHORT PAUSE/COURTE PAUSE)

13 THE COMMISSIONER: What page, please?

14 MS. THIELE-CALLAN: Bates page 657.

15 THE COMMISSIONER: Thank you.

16 MS. THIELE-CALLAN: Okay?

17 THE COMMISSIONER: Yeah.

18 MS. THIELE-CALLAN: Sir, we see in the file
19 that from approximately 1971 to '73 that Derry Tenger was
20 the worker for Cathy. Do you know if you were the
21 supervisor of Derry Tenger during that period?

22 MR. TOWNDALE: 1971 to '73?

23 MS. THIELE-CALLAN: Yes.

24 MR. TOWNDALE: Yes, I was the supervisor,
25 yes.

1 **MS. THIELE-CALLAN:** And those are your
2 initials there on Bates page 657?

3 **MR. TOWNDALE:** Six-five-seven (657)?

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MR. TOWNDALE:** I think so, yeah.

6 **MS. THIELE-CALLAN:** Yes? And we also see on
7 several other pages that you have initialled as well?

8 **MR. TOWNDALE:** Yes.

9 **MS. THIELE-CALLAN:** That you have reviewed
10 the formal reporting there?

11 **MR. TOWNDALE:** Yeah.

12 **MS. THIELE-CALLAN:** Sir, Ms. Sutherland
13 testified that during the 1980s she had disclosed the abuse
14 to Mr. Tenger. Did Mr. Tenger ever, in the course of your
15 supervision, raise any of these issues with you?

16 **MR. TOWNDALE:** Except for Mr. Blaine Grundy.
17 I was not the supervisor for Blaine Grundy.

18 **THE COMMISSIONER:** No, she's talking about
19 Mr. Tenger now.

20 **MR. TOWNDALE:** Yeah, Derry Tenger, I
21 supervised him. I don't remember he ever telling me about
22 this allegation.

23 **MS. THIELE-CALLAN:** And so you're aware that
24 in the file we don't have any reports of these allegations?

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

1 **MS. THIELE-CALLAN:** But Ms. Sutherland did
2 testify in the eighties that she did share this information
3 with Mr. Tenger.

4 **MR. TOWNDALE:** I don't remember.

5 **MS. THIELE-CALLAN:** Is this something that
6 if it had been disclosed should have been put in the formal
7 recording?

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

9 **MS. THIELE-CALLAN:** And this is something
10 that should have been discussed with you as a supervisor?

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

12 **MS. THIELE-CALLAN:** Sir, another person who
13 testified that they had disclosed abuse to someone who you
14 may have been supervising is Roberta Archambault.

15 **THE COMMISSIONER:** No, Archambault.

16 **MS. THIELE-CALLAN:** Archambault. Thank you,
17 sir.

18 That in or about 1980 that she would have
19 disclosed mental and physical abuse to Bryan Keough.

20 If we could bring up Document 738529? I
21 don't believe that this is an exhibit.

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

23 **MS. THIELE-CALLAN:** Sir, I believe there's
24 some medical information in this document. I'm not sure if
25 any confidentiality measures need to be taken into account.

1 Bates page 7170630. Thank you.

2 Sir, do you believe that you would have ---

3 **THE COMMISSIONER:** Whoa, I don't have the
4 exhibit. Okay, so what document is this so we can enter it
5 as an exhibit? Is this the first page of the exhibit? Can
6 you go back to the first page, please?

7 **MR. CHISHOLM:** It will be the CAS file with
8 respect to Ms. Archambault, then known as Ms. Judd.

9 **THE COMMISSIONER:** All right. So what's the
10 name of the exhibit please? What's the number?

11 **THE REGISTRAR:** Two three three nine (2339).

12 **THE COMMISSIONER:** Two three three nine
13 (2339) is the next exhibit and it will be the CAS file of
14 Roberta Judd (Archambault).

15 --- **EXHIBIT NO./PIÈCE NO. P-2339:**

16 (738529) CAS file - Roberta Judd
17 (Archambault)

18 **MS. THIELE-CALLAN:** Sir, in or about 1980
19 would you have been the supervisor of Mr. Keough?

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

21 **MS. THIELE-CALLAN:** And see at Bates page
22 630 it looks like that's your initial on the page there.

23 **MR. TOWNDALE:** Page 17, yes.

24 **MS. THIELE-CALLAN:** Do you have any
25 recollection of Mr. Keough coming to you with concerns of

1 physical abuse disclosed by Roberta?

2 MR. TOWNDALE: I don't.

3 MS. THIELE-CALLAN: In the course of your
4 supervision would you have received any such knowledge of
5 allegations?

6 MR. TOWNDALE: No.

7 MS. THIELE-CALLAN: Sir, if I could just
8 turn now to ask you some questions about C-14.
9 Mr. Towndale, you've previously ---

10 THE COMMISSIONER: Just a second.

11 Do you know who C-14 is?

12 MR. TOWNDALE: Yes, yes.

13 THE COMMISSIONER: Okay, thanks.

14 MS. THIELE-CALLAN: You've previously
15 testified and mentioned today that sometime in late 1977
16 you had prepared a questionnaire and sent it out to
17 teenagers who were Crown wards.

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

19 MS. THIELE-CALLAN: And one of the reasons
20 you gave for sending out the questionnaire was because of
21 what had happened at the Second Street Group Home?

22 MR. TOWNDALE: That was one of the reasons,
23 yes.

24 MS. THIELE-CALLAN: And you had concerns
25 about the physical punishments that had taken place in the

1 home?

2 **MR. TOWNDALE:** I was trying to get an idea
3 what's going on in the foster homes, yes.

4 **MS. THIELE-CALLAN:** And that one person,
5 namely the individual we're referring to as C-14,
6 responded?

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

8 **MS. THIELE-CALLAN:** Sir, would you have,
9 when you received that questionnaire -- would that be
10 something you would have put in C-14's file?

11 **MR. TOWNDALE:** It should have been put on C-
12 14's file, yes.

13 **MS. THIELE-CALLAN:** I know we don't have
14 that questionnaire but we have gotten an indication of the
15 abuse that C-14 had disclosed. If we could turn to Exhibit
16 538 at Bates page 1072607, and we see there that C-14
17 discloses that during -- "the six years at the Barbers were
18 sheer hell on earth."

19 **THE COMMISSIONER:** Where do you see that?

20 **MR. CHISHOLM:** Sir, I'm told that C-14's
21 name is on the public screen right now.

22 **THE COMMISSIONER:** Thank you.

23 All right, so hold on a second now. So
24 you're on page 607? Okay, the last three numbers on the
25 Bates page?

1 **MS. THIELE-CALLAN:** I have, sir, in my book
2 here -- it appears I have -- on page 9 it says 607 and then
3 if you turn the page, the page number 10 of the document --
4 appears to be 607 that I have on mine. If you look on
5 that, approximately halfway down, it says, "The following
6 were some of his accusations," right in the middle there.

7 **THE COMMISSIONER:** Right, okay. Thank you.

8 **MS. THIELE-CALLAN:** It says:

9 "That the six years at the Barbers were
10 sheer hell on earth, that he was often
11 physically abused, beaten, horse-
12 whipped, kicked with steel-toe boots.
13 Further, he says, that some of the
14 scars on his back were a direct result
15 of not being able or allowed to receive
16 medical attention; that he often had
17 bruises on his back as a result of some
18 beatings, which the following foster
19 parents, the Huberts, verified that
20 they had seen on his arrival in their
21 home."

22 As a result of this, and the information on
23 the questionnaire, you had indicated that you had contacted
24 C-14.

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

1 **MS. THIELE-CALLAN:** And you told him that
2 the Barber residence would be closed?

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

4 **MS. THIELE-CALLAN:** And you told him that
5 you believed what he had said?

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

7 **MS. THIELE-CALLAN:** Did you have any further
8 conversation with C-14 about what had happened in the home?

9 **MR. TOWNDALE:** No, I did not, because I was
10 gone for a while after that telephone conversation.

11 **MS. THIELE-CALLAN:** So when he called, you
12 never asked him for any further details or further
13 information from him?

14 **MR. TOWNDALE:** No. I had conversation about
15 what happened and whatnot, and I said to him I believe him
16 and that the foster home will be closed. Then I had a
17 second telephone with him at the same time and asked his
18 permission to share information, and I told the foster home
19 finder to report to Mr. O'Brien and speak with Mr. Keough,
20 and I was gone after that for a period of time.

21 **MS. THIELE-CALLAN:** Sir, were you aware that
22 C-14 testified at the Inquiry that he was also sexually
23 abused by a person residing in the Barber residence?

24 **MR. TOWNDALE:** I did not know that.

25 **MS. THIELE-CALLAN:** In your experience as a

1 social worker would you say that it can be difficult, at
2 least for some children, to disclose sexual abuse?

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

4 **MS. THIELE-CALLAN:** Do you think that
5 possibly if you had interviewed C-14 further he might have
6 been able to disclose further what had happened in the
7 home?

8 **MR. CHISHOLM:** I'm not sure that the witness
9 is able to answer that question. It calls for speculation
10 on his part.

11 **THE COMMISSIONER:** Yes.

12 You want to try rephrasing it?

13 **MS. THIELE-CALLAN:** Sure.

14 Sir, basically you did not have any further
15 conversation about the details of the sexual abuse that had
16 occurred in the home?

17 **MR. TOWNDALE:** I did not know that there was
18 sexual abuse.

19 **MS. THIELE-CALLAN:** Okay, there was no
20 further discussions with C-14 on that.

21 You also mentioned previously that you had
22 called C-14 a second time in order to get permission to
23 show the questionnaire to others within the agency; I
24 believe the Executive Director.

25 Why did you feel that the consent was

1 necessary to show that to the Executive Director?

2 **MR. TOWNDALE:** Because when we sent the
3 questionnaires we somewhat promised that we will keep the
4 information confidential, because I wanted that information
5 -- children to divulge that information without fear of any
6 consequences. That's why we made an assurance it will be
7 kept confidential, so in order to break that I felt I had
8 to go back and tell him that I needed the permission.
9 That's my recollection.

10 **MS. THIELE-CALLAN:** Were you concerned more
11 of perhaps workers gaining knowledge of the questionnaire,
12 or what was the concern?

13 **MR. TOWNDALE:** I don't know. I thought if
14 he gave that assurance to the child, the child will speak
15 freely, you know.

16 **MS. THIELE-CALLAN:** Okay.

17 And you've stated before that following your
18 conversation with C-14 and possibly after you left for
19 India that Mr. Keough commenced an investigation into the
20 home?

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

22 **MS. THIELE-CALLAN:** And you had simply asked
23 before you left that the home be closed; that the Barber
24 residence foster home be closed.

25 **MR. TOWNDALE:** I -- I directed to the home

1 finder before I left that that home will be closed and she
2 agreed with me that she will be -- it will be closed.

3 **MS. THIELE-CALLAN:** So as this was 1977;
4 this would have been following the CAS's investigation into
5 the Second Street Group Home.

6 **MR. TOWNDALE:** Yes.

7 **MS. THIELE-CALLAN:** At that point, you would
8 have had some awareness of Bryan Keough and that he had
9 participated or certainly had knowledge of physical
10 punishments on youth that were occurring in the group home?

11 **MR. TOWNDALE:** I don't know at that time I
12 knew Bryan actually participated. He was supporting
13 physical punishment at that time, but did he do anything?
14 I don't remember I heard that.

15 **MS. THIELE-CALLAN:** Would it be fair to say
16 that he had been doing some work in the home and you were
17 aware that there had been corporal punishment?

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

19 **MS. THIELE-CALLAN:** And that you had some
20 concerns about the use of corporal punishment at the Second
21 Street Group Home?

22 **MR. TOWNDALE:** I was always opposed to
23 corporal punishment.

24 **MS. THIELE-CALLAN:** After hearing of C-14's
25 concerns, did this cause you to have any, perhaps, further

1 concern about Bryan Keough and his belief in the
2 appropriateness of corporal punishment of youth?

3 **MR. TOWNDALE:** Speak about Bryan Keough,
4 Bryan Keough was -- Mr. Tenger had a great influence on
5 Bryan Keough. When he joined the agency, I think in '71,
6 Derry Tenger -- Mr. Tenger was the -- and they were very
7 good friends. After Tenger left in '76, I started to see a
8 change in Mr. Keough.

9 **MS. THIELE-CALLAN:** Perhaps, sir, if we
10 could go to Document 741078.

11 **(SHORT PAUSE/COURTE PAUSE)**

12
13 **MS. THIELE-CALLAN:** If we could go to Bates
14 page ---

15 **THE COMMISSIONER:** Whoa, whoa, whoa, whoa --

16 -

17 **MS. THIELE-CALLAN:** Sorry.

18 **THE COMMISSIONER:** --- hold on. Is this an
19 exhibit?

20 **MS. THIELE-CALLAN:** No, it's not, sir,
21 sorry.

22 **THE COMMISSIONER:** Well, hold on. Do we
23 have the document? No, okay, and how come we don't have
24 the document?

25 Okay, so Exhibit 2340 is a document called

1 "Evaluation" and this is an evaluation of Bryan Keough; is
2 it?

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

4 **THE COMMISSIONER:** All right.

5 And the employment date is May 5th, 1971. I
6 don't know if that's the date of the evaluation, but, all
7 right, let's go.

8 --- **EXHIBIT NO./PIÈCE NO. P-2340:**

9 (741078) - Evaluation of Bryan Keough - May
10 1980

11 **MR. CHISHOLM:** Sir, you'll see in the back
12 page, a date of May 1980.

13 **THE COMMISSIONER:** Thank you. That's the
14 advantage of having the hard copy. Now I can't read the
15 document unless I'm in the hands of Madam Clerk. Thank you
16 very much.

17 All right; so you want to ask him some
18 questions about this evaluation?

19 **MS. THIELE-CALLAN:** Yes, sir. If we could
20 turn to Bates page 042; the bottom paragraph there.

21 Sir, this was an evaluation conducted by
22 yourself in 1980; is that correct?

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

24 **MS. THIELE-CALLAN:** And in that paragraph
25 you state:

1 "Areas in Mr. Keough's work which could
2 be improved are Mr. Keough is a firm
3 believer in corporal punishment even
4 with older children."

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

6 **MS. THIELE-CALLAN:** You do note that there,
7 however, seems to be some change in his attitude regarding
8 this.

9 **THE COMMISSIONER:** Well, in fairness, it
10 says, "However, there seems to be a great change." You
11 have to be careful to read it correctly.

12 **MS. THIELE-CALLAN:** So at that point in
13 time, you still had some concerns about his belief in
14 corporal punishment and that is a continuing issue to work
15 on.

16 **MR. TOWNDALE:** What I remember what I am
17 saying there is, Mr. Keough, at that time, has taken the
18 position that he's opposed to physical punishment on foster
19 children, but he still believed, at that time, if I
20 remember correctly, the natural parents should have the
21 option if they wish so he's changing from one to the other.

22 And later on, if you read the statement he
23 gave to Constable -- I forgot the name -- he made a
24 statement to the -- one of the constables and he said that
25 he was -- he told the foster parents absolutely no physical

1 punishment -- the constable who did the investigation in
2 '94 from the Cornwall Police Services.

3 **MS. THIELE-CALLAN:** So you didn't do any
4 follow-up with Mr. Keough regarding the concern, maybe, of
5 the use of corporal punishment in the home?

6 **MR. TOWNDALE:** No, I think he has taken the
7 position he's opposed to physical punishment on foster
8 children, but he's -- but he hasn't changed his position
9 with regard to natural parents using physical punishment on
10 their children.

11 **MS. THIELE-CALLAN:** So if we go back to C-
12 14, you didn't do any follow-up with Mr. Keough or
13 instruct, for example, the Executive Director to follow-up
14 before you left to India?

15 **MR. TOWNDALE:** I didn't see Mr. O'Brien to
16 instruct, but I left it with the foster home finder to do
17 it because I was leaving.

18 **MS. THIELE-CALLAN:** Did you personally or
19 did you instruct any other CAS worker to notify the police
20 of the allegations by C-14?

21 **MR. TOWNDALE:** No, I did not.

22 **MS. THIELE-CALLAN:** Did you see to it that
23 C-14 saw a doctor to assess the injuries he may have
24 incurred as a result of the physical abuse in the house?

25 **MR. TOWNDALE:** No, my recollection is I was

1 leaving at that time so I did not do that. No, I did not
2 do that.

3 **MS. THIELE-CALLAN:** And so similarly then,
4 you would have left to see that C-14 had any counselling
5 with the staff?

6 **MR. TOWNDALE:** No.

7 **MS. THIELE-CALLAN:** With the other staff?
8 Did you do any follow-up in relation to the
9 situation when you returned from India?

10 **MR. TOWNDALE:** When I returned from India, I
11 checked on that file and it was found that Mr. Keough has
12 investigated the situation and nothing else was done, no.

13 **MS. THIELE-CALLAN:** Thank you.

14 If we could go back to Exhibit 538, please?

15 **THE COMMISSIONER:** You had that, sir.

16 **MR. TOWNDALE:** I have it.

17 **THE COMMISSIONER:** It should be in the book
18 that you've just opened.

19 **MR. TOWNDALE:** Okay, okay.

20 **THE COMMISSIONER:** Five three eight (538).

21 **MR. TOWNDALE:** Okay.

22 **THE COMMISSIONER:** What page in Exhibit 538?

23 **MS. THIELE-CALLAN:** Bates page 549.

24 **THE COMMISSIONER:** No.

25 **MS. THIELE-CALLAN:** Oh, I'm sorry, 610.

1 **THE COMMISSIONER:** Six ten (610), all right.

2 **MS. THIELE-CALLAN:** Sir, you testified
3 previously that you had been the supervisor through C-14's
4 entire wardship?

5 **MR. TOWNDALE:** I -- would you repeat please?
6 I didn't hear that.

7 **MS. THIELE-CALLAN:** You were the supervisor
8 of the workers for C-14 during his care.

9 **MR. TOWNDALE:** During this period you mean,
10 eh? In 1978 you mean?

11 **MS. THIELE-CALLAN:** Maybe I'll just read
12 this and I'll go through this if that's okay, sir.

13 Approximately three-fourths of the way down
14 the page, it says:

15 "C-14 made a good relationship with the
16 beekeeper, a friend of the MacIntoshes,
17 Mr. Frank Rolland from Montréal. Mr.
18 Rolland had C-14 spend several weekends
19 with him this summer ..."

20 **THE COMMISSIONER:** Hold it, hold it, hold
21 it. Where are you reading from; 610?

22 **MS. THIELE-CALLAN:** That's correct.

23 **THE COMMISSIONER:** Ah, 610 back. Do you
24 have that, sir? It's page 16 on top.

25 **MR. TOWNDALE:** Sixteen (16) top.

1 **THE COMMISSIONER:** See if you see --- right
2 in the middle of the page it says "16 top".

3 **MR. TOWNDALE:** Page 16, top, yeah.

4 **THE COMMISSIONER:** Right. Are you there?

5 **MR. TOWNDALE:** Yeah.

6 **THE COMMISSIONER:** Okay. So if you look,
7 the beekeeper thing is three paragraphs from the bottom of
8 the page.

9 **MR. TOWNDALE:** Okay.

10 **THE COMMISSIONER:** All right.

11 **MS. THIELE-CALLAN:** So he indicated that Mr.
12 Frank Rolland from Montreal had a relationship with C-14?

13 **MR. TOWNDALE:** Correct.

14 **MS. THIELE-CALLAN:** "Mr. Rolland had C-14
15 spend several weekends with him in the
16 summer and had spoken to a worker about
17 C-14 and his problems; that C-14 was
18 often exposing himself and masturbating
19 within sight of Mr. Rolland. However,
20 Mr. Rolland wanted to continue
21 befriending him and having him in his
22 family for visits. Unfortunately, this
23 relationship ended in late August when
24 Mr. Rolland was killed after being hit
25 by a car."

1 Sir, were you aware of this information?

2 MR. TOWNDALE: Aware of this man befriending
3 C-14, you mean?

4 MS. THIELE-CALLAN: Yes, correct.

5 MR. TOWNDALE: I don't remember that being
6 discussed with me but I see -- I must have read the file,
7 but I don't remember any discussion with me with regard to
8 this man befriending.

9 MS. THIELE-CALLAN: And if we turn the page
10 to 611.

11 MR. TOWNDALE: Yes.

12 MS. THIELE-CALLAN: Is that your initial
13 there on that report?

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

15 MS. THIELE-CALLAN: Meaning you've reviewed
16 the file?

17 MR. TOWNDALE: Yes.

18 MS. THIELE-CALLAN: So if what Frank Rolland
19 is telling you is true, would you agree that C-14 has some
20 major problems and that something needs to be looked into?

21 MR. TOWNDALE: When I read this one he was
22 already dead, but whether the worker interviewed C-14, I
23 don't remember that.

24 MS. THIELE-CALLAN: But C-14 might need
25 some, for example, counselling if this was true; that he

1 had some serious behaviour issues possibly?

2 MR. TOWNDALE: Yes, yes.

3 MS. THIELE-CALLAN: And if what Frank
4 Rolland is saying is not true would that also be a concern?

5 MR. TOWNDALE: Yes, that's right, yes.

6 MS. THIELE-CALLAN: Either way there should
7 probably be follow-up?

8 MR. TOWNDALE: Yes.

9 MS. THIELE-CALLAN: Are you aware that there
10 was any follow-up?

11 MR. TOWNDALE: I don't remember.

12 THE COMMISSIONER: Well, if we look at 611
13 under "Psychological", there is a psychological report on
14 file, then another appointment has been set-up for Friday,
15 November 10th, 1978. So he was under the care of
16 psychologist.

17 MS. THIELE-CALLAN: I believe, sir, that he
18 had seen a psychometric -- not actually a psychologist --
19 at some point.

20 MR. TOWNDALE: When I read this -- writes --
21 "if necessary can see Dr. Khan". He is a child
22 psychiatrist in Cornwall.

23 MS. THIELE-CALLAN: So if necessary the
24 follow-up was to have C-14 seen by Doctor ---

25 MR. TOWNDALE: Khan, yes.

1 **THE COMMISSIONER:** Do you know what the
2 report on file talks about -- the one, the psychological
3 assessment?

4 **MS. THIELE-CALLAN:** Sir, I'm not sure that
5 that document was ---

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

7 **MS. THIELE-CALLAN:** At the very least, sir,
8 this was a concerning situation of a child to be engaging
9 in such behaviours ---

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

11 **MS. THIELE-CALLAN:** And maybe needed follow-
12 up.

13 Sir, if I could just ask you a couple of
14 questions about the Second Street Group Home. If you could
15 turn to Exhibit 2210?

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

17 **MS. THIELE-CALLAN:** If we could turn to
18 Bates page 377?

19 **THE COMMISSIONER:** Yes, what portion?

20 **MS. THIELE-CALLAN:** Well, at the top there
21 we see, sir, that on July 13th a search warrant was obtained
22 to search the premises of the CAS for July 14th, 1994?

23 **MR. TOWNDALE:** Yes.

24 **MS. THIELE-CALLAN:** And about halfway down
25 the page we see:

1 "That the police did not locate the
2 following items which were named in the
3 search warrant."

4 **THE COMMISSIONER:** Where do you see that?

5 **MS. THIELE-CALLAN:** Just under number 5
6 there.

7 **THE COMMISSIONER:** Yeah, okay.

8 **MS. THIELE-CALLAN:** And number 2, one of the
9 items is a day-to-day logbook for the group home?

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

11 **MS. THIELE-CALLAN:** Sir, were you aware of
12 the logbook at the group home?

13 **MR. TOWNDALE:** I was not aware of it, no.

14 **MS. THIELE-CALLAN:** If we could turn to
15 Bates page 352 at the last paragraph? And Officer White
16 while interviewing Michael Keough:

17 "Mr. Keough also confirmed that a daily
18 log was kept in the group home which
19 included a record of all incidences
20 that required discipline as well as the
21 form of discipline that was
22 administered."

23 **MR. TOWNDALE:** Yeah, I read that there. I
24 see that.

25 **MS. THIELE-CALLAN:** Would you have any

1 awareness that such a log was kept?

2 MR. TOWNDALE: I was not aware of it.

3 MS. THIELE-CALLAN: It wasn't seen during
4 your follow-up investigation or looking into the incidents
5 at the Second Street Group Home?

6 MR. TOWNDALE: After the group home staff
7 was let go, we put new staff there for a period of time and
8 this information was never brought to my attention and I
9 was not -- I don't remember I was supervising that home.
10 It was Mr. Devlin was supervising the home, but this
11 logbook information is new to me. I didn't hear about that
12 one at that time.

13 MS. THIELE-CALLAN: And Mr. Devlin would
14 have been responsible for the filing of that or would have
15 had control of that?

16 MR. TOWNDALE: No, it was kept in the group
17 home. And what did the group home staff do, the new group
18 home staff do with regard with that information? I don't
19 know whether it was turned over to the Children's Aid
20 Society office or what. I couldn't -- I don't know.

21 MS. THIELE-CALLAN: So you're not aware if
22 Mr. Devlin would have had access to that file?

23 MR. TOWNDALE: I don't remember.

24 MS. THIELE-CALLAN: Thank you.

25 If we could now just switch to another topic

1 about the Second Street Group Home, if we could turn to
2 Bates page 345, please, 7175345?

3 Sir, I'm hoping I can do this without
4 referring to the individuals by referring to them
5 generally. I'm not sure if we would need a moniker here.
6 I'm going to be dealing with two youths who were in CAS
7 care.

8 **THE COMMISSIONER:** So which ones do you --
9 do we have to go in camera or what are we doing to do? Mr.
10 Dumais, help us out here.

11 **MS. THIELE-CALLAN:** I think I can refer to
12 it generally without referring to the names, sir.

13 **THE COMMISSIONER:** All right.

14 **MS. THIELE-CALLAN:** If that's any easier.

15 **THE COMMISSIONER:** That would be the easiest
16 way.

17 **MR. DUMAIS:** Yes, exactly, Mr. Commissioner,
18 and just on that point something that was brought up
19 earlier on by Mr. Chisholm with respect to one of the
20 documents being put on the screen, if there is a
21 publication ban the document can be put on the screen.
22 It's only if the document is filed as a "C" exhibit.

23 **THE COMMISSIONER:** Yeah.

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

25 **THE COMMISSIONER:** Okay. So let's try to

1 get through it without naming names and if not then we'll
2 see where we go.

3 **MS. THIELE-CALLAN:** Sir, on this page there
4 is a reference to an interview ---

5 **THE COMMISSIONER:** Okay, I'm sorry, what
6 page again, 45?

7 **MS. THIELE-CALLAN:** Three-four-five (345).

8 **THE COMMISSIONER:** Thank you, okay.

9 **MS. THIELE-CALLAN:** This is in reference to
10 an interview conducted by Officer White with an individual
11 who had resided in the residence at the group home during
12 Derry Tenger's tenure.

13 Officer White states that he checked this
14 individual's file and that there had been a notation that
15 this individual ---

16 **THE COMMISSIONER:** Where on the page?

17 **MS. THIELE-CALLAN:** About halfway down, sir.

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

19 **MS. THIELE-CALLAN:** He said "writer checks".

20 **THE COMMISSIONER:** Okay. So do you have
21 that, sir?

22 **MR. TOWNDALE:** Yeah, I do.

23 **THE COMMISSIONER:** Okay.

24 **MS. THIELE-CALLAN:** "Officer White states
25 that he had checked this individual's

1 file and that there was a notation that
2 this individual had been charged with
3 sexual assaults on a nine-year-old
4 female in 1975."

5 And then, sir, if we could go to Bates page
6 413.

7 **MR. CHISHOLM:** Sir, was there a question at
8 the ---

9 **THE COMMISSIONER:** I don't know. What was
10 the question?

11 **MS. THIELE-CALLAN:** Perhaps I'll lead up to
12 this and just explain the scenario, if I can, sir?

13 **THE COMMISSIONER:** Okay. So where are we
14 now?

15 **MS. THIELE-CALLAN:** Sir, this is a statement
16 given by an individual who resided in the home as well.

17 **THE COMMISSIONER:** No, no, is this a new
18 exhibit?

19 **MS. THIELE-CALLAN:** This is still part of
20 the Exhibit 2210 that we ---

21 **THE COMMISSIONER:** Okay, right.

22 **MS. THIELE-CALLAN:** Sorry, sir.

23 **THE COMMISSIONER:** So what page are we going
24 to now? Four-one-three (413)?

25 **MS. THIELE-CALLAN:** That's correct, sir.

1 **THE COMMISSIONER:** Okay. Now, what part of
2 413?

3 **MS. THIELE-CALLAN:** If we go down to the
4 second paragraph there, she states:

5 "When I was eight years old I was sent
6 to a CAS group home located on Second
7 Street West in Cornwall."

8 **THE COMMISSIONER:** Yes, okay.

9 **MS. THIELE-CALLAN:** And near the final --
10 the end of the page there, it states:

11 "The individual in question indicates
12 that she was sexually abused in the
13 basement of the home."

14 And if we could just turn to Bates page 373,
15 the middle of the page:

16 "However, the similarities in the *modus*
17 *operandi* with the indecent assault on a
18 nine-year-old female that the male ward
19 committed in March 1975 and the ones
20 experienced by the young girl in the
21 group home were almost identical.
22 Furthermore, the male ward had received
23 probation for his 1975 conviction and
24 did not receive any therapy for the
25 factors responsible for his deviant

1 **MR. TOWNDALE:** That's right, yes, but I
2 don't know who this person is we are talking about in 1975.

3 The group home was started only -- Rod Rabey
4 was running the group home in '75 up to December and I
5 don't think he hired anybody to work there. It was he and
6 his wife who were running the place there, so I don't know
7 if '75 -- in seven days, I don't know.

8 **MS. THIELE-CALLAN:** Do you have any
9 explanation of how this could have happened?

10 **MR. TOWNDALE:** I have no idea.

11 **MS. THIELE-CALLAN:** Who at the time would
12 have been responsible for making the decision as to who
13 would be placed in a group home?

14 **MR. TOWNDALE:** It will be the workers
15 bringing the names up and discussing with the person
16 responsible for the group home, to see whether that child
17 will fit in there.

18 **MS. THIELE-CALLAN:** So an individual-type
19 decision?

20 **MR. TOWNDALE:** Between the child, child's
21 worker and the group home parent.

22 **MS. THIELE-CALLAN:** Do you agree that this
23 was a mistake that should not have been made?

24 **MR. TOWNDALE:** Still I have difficulty to
25 understand in '75 who was that person. Without any names I

1 don't know who are we talking about.

2 **THE COMMISSIONER:** I don't know that the '75
3 is all that relevant to the cross-examination, in the sense
4 that that's done; he's been convicted of sexually
5 assaulting a nine year-old.

6 **MR. TOWNDALE:** Okay.

7 **THE COMMISSIONER:** So I don't know that we
8 need to know a heck of a lot about that.

9 **MR. TOWNDALE:** Okay.

10 **THE COMMISSIONER:** It's just that when we
11 get into 1984 ---

12 **MR. TOWNDALE:** Okay.

13 **THE COMMISSIONER:** So, you know, if you knew
14 that, why would someone place this person with -- in a
15 group home with little girls of that similar age?

16 I think that's where you're going. Is that
17 right?

18 **MS. THIELE-CALLAN:** Yes, sir.

19 **MR. TOWNDALE:** Mr. Commissioner, would you
20 repeat that question?

21 **THE COMMISSIONER:** All right. I think what
22 the question really is is, look, in 1975 you have a ward
23 who was found guilty of sexually abusing a nine year-old
24 girl.

25 **MR. TOWNDALE:** Okay.

1 **THE COMMISSIONER:** All right.

2 So then where do we put this young man?

3 Well, it seems that a few years later we put him back in a
4 group home with a young girl that's nine years-old.

5 **MR. TOWNDALE:** Okay. I got the question
6 now, yeah.

7 **THE COMMISSIONER:** Okay.

8 **MR. TOWNDALE:** It should not have happened.

9 **MS. THIELE-CALLAN:** Are you aware of whether
10 the CAS has followed up with the alleged victim about this?

11 **MR. TOWNDALE:** I don't remember.

12 **MS. THIELE-CALLAN:** Sir, I just have one
13 other area to ask you.

14 You testified on the first day that
15 Mr. Tenger supervised four children who moved to North Bay?

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

17 **MS. THIELE-CALLAN:** And that he kept
18 supervision of them out of Cornwall, even after he moved
19 because he didn't want to transfer their care to someone in
20 North Bay?

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

22 **MS. THIELE-CALLAN:** And you took this as a
23 sign that he was dedicated and caring?

24 **MR. TOWNDALE:** At that point we took it as a
25 -- the worker and the foster parents had good relationship

1 and we took it as a sign of continuity for the child to
2 have the same worker.

3 That was the philosophy or theory at that
4 time, not to change too many people in the child's life,
5 whether it is foster parents or the worker; minimum change
6 in the life of a child in order to develop trust in adults.
7 So that was the philosophy at that time.

8 **MS. THIELE-CALLAN:** Perhaps though, sir, in
9 hindsight, given some of the concerns that we've heard
10 about Mr. Tenger, was there any -- did anyone ever follow-
11 up on the file?

12 **MR. TOWNDALE:** Concerns came only in '76.
13 Until that point, we did not have any concerns about
14 Mr. Tenger. In '76 in the group home we disagreed with
15 what he was doing there, but before that we didn't have any
16 idea about Mr. Tenger -- many concerns about Mr. Tenger at
17 that time.

18 **MS. THIELE-CALLAN:** Did it ever occur to you
19 that one reason to keep a file to yourself might be to
20 avoid any other worker from talking to the children?

21 **MR. TOWNDALE:** I'm only speculating at this
22 point. Knowing what happened in '76 we can speculate now,
23 but at that time there was no concern about that one,
24 mainly to -- not to have too many changes in that child's
25 life, you know.

1 **MS. THIELE-CALLAN:** But given the concerns
2 we've heard of opportunities for children to come to a
3 supervisor or to the agency if they have problems with a
4 worker, that that might have been a concern?

5 **MR. TOWNDALE:** Yeah. Another reason is, you
6 know, the foster parents at that time were well known to
7 the Children's Aid and we had regular contacts with these
8 foster parents and we knew the foster parents, and when
9 they moved the proposal was made and it was approved to go
10 and do that.

11 **MS. THIELE-CALLAN:** Thank you, sir. Those
12 are all of my questions.

13 **THE COMMISSIONER:** Thank you.

14 All right, so where were we in the line-up
15 here?

16 **MR. DUMAIS:** My understanding is that some
17 of the parties had reserved the right to cross-examine
18 after the cross-examination of -- so that's one issue.

19 The second is whether or not the parties
20 have any cross-examination following the filing of the two
21 documents earlier this morning.

22 **THE COMMISSIONER:** Okay. So should we start
23 off?

24 Ms. Daley do you have any further questions
25 arising?

1 **MS. DALEY:** No, Mr. Commissioner.

2 **THE COMMISSIONER:** Thank you.

3 Mr. Paul, do you have any questions arising?

4 **MR. PAUL:** No, Mr. Commissioner.

5 **THE COMMISSIONER:** Thank you.

6 Mr. Neville is not here.

7 Mr. Neuberger?

8 **MR. NEUBERGER:** No, thank you very much.

9 **THE COMMISSIONER:** Mr. Kloeze?

10 **MR. KLOEZE:** Mr. Commissioner, I'd like --
11 notice was given on those documents when I was on my way to
12 Cornwall yesterday. So I haven't actually seen them. I
13 don't believe I have any questions. Certainly there's been
14 no evidenced related to the settlement.

15 **THE COMMISSIONER:** Thank you.

16 Mr. Crane -- I'm sorry, the Diocese, Ms.
17 Levesque, do you have any questions? No.

18 Mr. Crane?

19 **MR. CRANE:** Yes, sir. I have some
20 questions. None on the document submitted by Mr. Dumais
21 this morning. But I believe my friend from the Diocese may
22 have some questions for Mr. Towndale globally on his
23 evidence.

24 **THE COMMISSIONER:** Is that correct?

25 **UNIDENTIFIED SPEAKER:** (Inaudible).

1 **THE COMMISSIONER:** No, no, I'm sorry. Okay,
2 not on these documents.

3 No. Well then I guess my question was two-
4 pronged in the sense that does anybody have any further
5 questions? So I think the Diocese had reserved the right
6 to cross-examine. So let me just go through that?

7 How long do you think you're going to be,
8 Ms. Levesque?

9 **MS. LEVESQUE:** Ten minutes.

10 **THE COMMISSIONER:** Okay. And then Mr.
11 Crane, do you have any questions?

12 **MR. CRANE:** I do, sir, 15 minutes
13 approximately.

14 **THE COMMISSIONER:** All right.
15 Ms. Lahaie?

16 **MS. LAHAIE:** No questions at this time, Mr.
17 Commissioner.

18 **THE COMMISSIONER:** Mr. Carroll?

19 **MR. CARROLL:** Not at this time, thank you.

20 **THE COMMISSIONER:** All right. Good.

21 All right. Let's finish this off, then
22 we'll take a break.

23 So Mr. --- I mean Ms. Levesque?

24 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**
25 **LEVESQUE:**

1 **MS. LEVESQUE:** Good morning Mr. Towndale.

2 **MR. TOWNDALE:** Good morning.

3 **MS. LEVESQUE:** My name is Gisele Levesque; I
4 represent the Diocese of Alexandria-Cornwall.

5 **MR. TOWNDALE:** Okay.

6 **MS. LEVESQUE:** I just have very few
7 questions for you this morning. They relate to the Project
8 Blue and the treatment centre.

9 **MR. TOWNDALE:** Right, okay.

10 **MS. LEVESQUE:** If I can start with the
11 Project Blue. So there were three meetings in October.

12 **MR. TOWNDALE:** Three meetings, yes.

13 **MS. LEVESQUE:** If you recall, one with Chief
14 Shaver on October 1st.

15 **MR. TOWNDALE:** If I may correct, I will say,
16 if it is with regard to that issue, there were four
17 meetings. One between Mr. Abell and myself, just two of --
18 -

19 **MS. LEVESQUE:** Yes.

20 **MR. TOWNDALE:** That's the first meeting I
21 had. Then after that, there were three other meetings.

22 **MS. LEVESQUE:** Three subsequent meetings.

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

24 **MS. LEVESQUE:** The first of which would have
25 been with Chief Shaver and Mr. Abell and yourself on

1 October 1st?

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

3 **MS. LEVESQUE:** Which was a Friday and then
4 you agreed to meet the following Friday on October 8th. And
5 there was a subsequent meeting with yourself, Mr. Abell,
6 Chief Shaver, and Staff Sergeant Brunet?

7 **MR. TOWNDALE:** I didn't take any notes so I
8 have to rely on Mr. Abell's notes. So I don't question
9 that.

10 **MS. LEVESQUE:** Yes, I understand that.
11 Subsequent to that, it was agreed that you'd contact the
12 Bishop -- Mr. Abell would call the Bishop on Tuesday. And
13 there was a subsequent meeting on October 12th ---

14 **MR. TOWNDALE:** There was a meeting with the
15 Bishop.

16 **MS. LEVESQUE:** --- which was a Tuesday. And
17 that's the minutes -- that's the notes I'd like to take you
18 to ---

19 **MR. TOWNDALE:** Okay.

20 **MS. LEVESQUE:** --- very briefly. So it's
21 Exhibit 1441 and it is at Bates page 653.

22 So it starts off with 2:30 p.m.

23 **MR. TOWNDALE:** That's right yes.

24 **MS. LEVESQUE:** Then it says:

25 "Visit Bishop in his office (with

1 Angelo, Bill Carriere)."

2 MR. TOWNDALE: That's right.

3 MS. LEVESQUE: It's the next entry that I'm
4 interested in. It says, "Bishop" and then it says:

5 "I want to work with you."

6 MR. TOWNDALE: Yes.

7 MS. LEVESQUE: And then it says:

8 "I tell him our issue as present,
9 recent abuse of children."

10 MR. TOWNDALE: Yes.

11 MS. LEVESQUE: He says he understands our
12 role and "What can I do to help?" And then if I can take
13 you to Bates page 655 which is page number 3 in that
14 document.

15 MR. TOWNDALE: Okay.

16 MS. LEVESQUE: If you go down to the third
17 paragraph or the second hyphen in that document?

18 MR. TOWNDALE: Okay.

19 MS. LEVESQUE: It says:

20 "Bill will take over the investigation;
21 deal with Father McDougald of St.
22 Raphael's."

23 MR. TOWNDALE: That's right.

24 MS. LEVESQUE: "Bishop 'step back.'"

25 And then the next entry there says:

1 "We agree. He will get names of altar
2 boys to us. We speculate on how far
3 back to go."

4 And then it says:

5 "Years back/past parishes. We agree to
6 start in St. Andrew's."

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

8 **MS. LEVESQUE:** Okay. So in your evidence
9 before -- in-chief with Ms. Simms, when she asked you if
10 you had any other involvement in Project Blue, you
11 indicated to her that a priest had spoken to you in the
12 hallway and had given you a list of names. Do you remember
13 that?

14 **MR. TOWNDALE:** Yeah, I said that, yes.

15 **MS. LEVESQUE:** Okay. And you told her that
16 that occurred in the fall of 1993; correct?

17 **MR. TOWNDALE:** Around that time but ---

18 **MS. LEVESQUE:** Around that time.

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

20 **MS. LEVESQUE:** Okay. So if I can take you
21 then to another page within that exhibit. It's Bates page
22 649. There's an entry there, at 11:00 a.m.

23 **MR. TOWNDALE:** Yeah.

24 **MS. LEVESQUE:** Okay.

25 **MR. TOWNDALE:** Yes.

1 **MS. LEVESQUE:** It says:
2 "Father McDougald comes to office to
3 see Angelo T..."
4 **MR. TOWNDALE:** Yeah.
5 **MS. LEVESQUE:** "...and drop off list of
6 names of present altar boys in St.
7 Andrew's."
8 **MR. TOWNDALE:** That's right, yew.
9 **MS. LEVESQUE:** Okay. And now if I could
10 take you to one last document. It's Document 721641 and
11 it's Bates page 7081224 through 26 for which I have
12 provided copies to Madam Registrar.
13 **THE COMMISSIONER:** Thank you.
14 Exhibit 2341 are -- what are these?
15 **MS. LEVESQUE:** It's an except, Mr.
16 Commissioner.
17 **THE COMMISSIONER:** Excerpt of ---
18 **MS. LEVESQUE:** From Document Number 721641.
19 **THE COMMISSIONER:** Thank you.
20 **MS. LEVESQUE:** And it's ---
21 **THE COMMISSIONER:** And it will be ---
22 **MS. LEVESQUE:** --- Bates pages 7081244 (sic)
23 through 226.
24 **THE COMMISSIONER:** Thank you.
25 ---EXHIBIT NO./PIÈCE NO P-2341:

1 (721641 -7081224) - List of Names of Altar
2 Servers for St. Andrews Parish

3 **MS. LEVESQUE:** So if we look -- if you look
4 at this document Mr. Towndale, you see that it's -- it has
5 Monseigneur Donald McDougald, St. Raphael's Parish,
6 Williamstown.

7 **MR. TOWNDALE:** Yes.

8 **MS. LEVESQUE:** There's a date there that
9 says October 14, '93.

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

11 **MS. LEVESQUE:** And then if you turn to the
12 next page, it has a list of names and at the top it's
13 headed, "Here is a list of altar servers for St. Andrew's
14 Parish."

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

16 **MS. LEVESQUE:** And at the top, there's some
17 handwriting and it says, "Received by G. Bell, 14/10/93."

18 **MR. TOWNDALE:** Yes.

19 **MS. LEVESQUE:** Fourteen (14) October '93.
20 The last page has Father McDougald's name. Would this be
21 Mr. Towndale the list that the priest provided to you in
22 the hallway of names? Do you ---

23 **MR. TOWNDALE:** Yes. That's the names that
24 he gave to me, yeah.

25 **MS. LEVESQUE:** That were given to you?

1 **MR. TOWNDALE:** The only thing I will say is
2 I don't know Father McDougald was coming to see me. I was
3 in the hallway at that time and he just gave it to me. But
4 actually he was coming to see -- I don't know that, you
5 know.

6 **MS. LEVESQUE:** Okay.

7 **MR. TOWNDALE:** I happened to be in the
8 hallway and he gave it to me.

9 **MS. LEVESQUE:** He gave it to you and ---

10 **MR. TOWNDALE:** And I gave it to Mr. O'Brien
11 -- Mr. Abell.

12 **MS. LEVESQUE:** Mr. Abell, yes, you evidence
13 said the ---

14 **MR. TOWNDALE:** Yeah.

15 **MS. LEVESQUE:** --- with Ms. Simms was that
16 you either gave it to Mr. Abell or Mr. Carriere; so you
17 recall giving it to Mr. Abell after you received it?

18 **MR. TOWNDALE:** I couldn't be definite at
19 that point. I don't know. I gave it to one of them, yeah.

20 **MS. LEVESQUE:** Okay. So you'd agree with me
21 that the Bishop cooperated. You asked for the list of
22 altar servers on October 12th and on October 14th, you were
23 provided with a list of altar servers?

24 **MR. TOWNDALE:** He did cooperate, yes.

25 **MS. LEVESQUE:** Thank you.

1 The next item I wanted to cover with you is
2 the children treatment centre.

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

4 **MS. LEVESQUE:** Which you founded and is
5 still operating today, in '96.

6 **MR. TOWNDALE:** I don't want to say I found
7 it; I took the initiative to start it and there were other
8 people involved in starting it.

9 **MS. LEVESQUE:** A group of people.

10 **MR. TOWNDALE:** Yeah.

11 **MS. LEVESQUE:** If I could take you to
12 Document 123360.

13 Pardon me?

14 No, it's one of your other ---

15 **THE COMMISSIONER:** Is this a newspaper
16 clipping?

17 Do we have the exhibit, Madam Clerk?

18 So we don't have a hard copy is what you're
19 telling me.

20 **MS. LEVESQUE:** It's on the screen.

21 **THE COMMISSIONER:** I know it's on the
22 screen. The problem is that we're getting bogged down to
23 start off with, the monikers and now if we don't have the
24 document here we're starting to have a lot of things
25 floating around. Now, folks are pretty good about getting

1 photocopies in but I'm just trying to avoid that.

2 All right. Madam Clerk, what exhibit will
3 this be?

4 **THE REGISTER:** Two-three-four-two (2342).

5 **THE COMMISSIONER:** Two-three-four-two (2342)
6 is a newspaper clipping, January 25th, 1996 of -- I don't
7 know -- Standard Freeholder.

8 Okay, go ahead.

9 --- **EXHIBIT NO./PIÈCE NO. P-2342:**

10 (123360) - Standard Freeholder article,
11 "Catholic Diocese pledges \$20,000 for new
12 abuse treatment centre"

13 **MS. LEVESQUE:** Okay.

14 **MR. TOWNDALE:** I see that, yeah.

15 **MS. LEVESQUE:** You see, first of all, the
16 children treatment is a centre for victims of sexual and
17 physical abuse in the Cornwall region.

18 **MR. TOWNDALE:** Cornwall, the counties and
19 Akwesasne.

20 **MS. LEVESQUE:** Okay. You see the heading on
21 the Standard Freeholder article says, "Catholic" --

22 **MR. TOWNDALE:** Yeah.

23 **MS. LEVESQUE:** "... Diocese pledges \$20,000
24 for new abuse treatment centre."

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

1 **MS. LEVESQUE:** Okay. And if you go to the
2 fourth column in the article, first paragraph -- Madam
3 Clerk is just going to blow it up so we can read it -- it
4 says:

5 "Towndale said the centre's operating
6 budget for 1996 is \$133,000."

7 **MR. TOWNDALE:** That's correct. That's for
8 six months at that time.

9 **MS. LEVESQUE:** Okay. And the Diocese had
10 pledged \$20,000?

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

12 **MS. LEVESQUE:** You were pleased with that
13 contribution?

14 **MR. TOWNDALE:** Extremely pleased, yeah.

15 **MS. LEVESQUE:** That was a substantial
16 contribution?

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

18 **MS. LEVESQUE:** It represented 15 percent of
19 your operating budget?

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

21 **MS. LEVESQUE:** And do you have any
22 understanding if the Diocese had committed to -- had made
23 annual commitments to the centre?

24 **MR. TOWNDALE:** My recollection is the
25 Diocese gave \$20,000 every year at least for the next five

1 years and since then we have been receiving \$10,000 a year.

2 **MS. LEVESQUE:** Okay. Thank you, Mr.

3 Towndale. Those are my questions.

4 **THE COMMISSIONER:** Thank you.

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

6 **THE COMMISSIONER:** Mr. Crane.

7 **MR. CRANE:** Good morning, Mr. Commissioner.

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

9 **--- CROSS-EXAMINATION BY-CONTRE-INTERROGATOIRE PAR MR.**

10 **CRANE:**

11 **MR. CRANE:** Mr. Towndale, good morning, sir.

12 **MR. TOWNDALE:** Good morning.

13 **MR. CRANE:** You know who I am and who I
14 represent at this Inquiry?

15 **MR. TOWNDALE:** I do.

16 **MR. CRANE:** I've got a few areas to canvass
17 with you this morning, Mr Towndale, and they primarily
18 relate to your experiences on the Cornwall Police Services
19 Board. So that will form the framework of most of my
20 questions for you this morning.

21 **MR. TOWNDALE:** Okay.

22 **MR. CRANE:** Okay.

23 I want to start by just confirming the
24 timelines of your experiences on the Board, okay? And I
25 understand, Mr. Towndale, that your first experience --

1 your first term began in September of 1991. That's when
2 you were first appointed?

3 MR. TOWNDALE: That was when I was
4 appointed, yes.

5 MR. CRANE: And that ran through September
6 of 1995.

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

8 MR. CRANE: And although you were appointed
9 at the end of September of 1991 I understand you didn't
10 attend meetings until either late in 1991 or early in 1992.
11 Is that consistent with your memory?

12 MR. TOWNDALE: Yes, it might have been in
13 '92.

14 MR. CRANE: And during that first four years
15 on the Board you were a provincial appointee?

16 MR. TOWNDALE: That's right.

17 MR. CRANE: And you explained to Ms. Simms a
18 week ago last Friday that you found that experience to be -
19 - you enjoyed yourself and it was a good experience?

20 MR. TOWNDALE: It was a good experience for
21 me, yes.

22 MR. CRANE: And you therefore applied to
23 return as a Board member in 1998?

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

25 MR. CRANE: And in this case you were

1 appointed as a municipal appointee?

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

3 MR. CRANE: And again, your first semester
4 you were -- your first experience was as a provincial
5 appointee?

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

7 MR. CRANE: And I want to talk to you for a
8 few minutes, Mr. Towndale, about the statutory regime of a
9 police services board as it existed in the 1990s, okay?

10 MR. TOWNDALE: Yes.

11 MR. CRANE: And I understand from the early
12 1990s in a community the size of Cornwall, that a municipal
13 police services board was to consist of five members.

14 MR. TOWNDALE: That's right.

15 MR. CRANE: And three of those members were
16 to be provincially appointed?

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

18 MR. CRANE: And two were to be -- well, one
19 was to be municipally appointed and the fifth seat was to
20 be occupied by the mayor of the city.

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

22 MR. CRANE: And when you first arrived on
23 the board during your first term the mayor was Mayor
24 Martelle?

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

1 **MR. CRANE:** And you discussed with Ms. Simms
2 some of the tensions and some of the issues that you as a
3 Board member and some of the others experienced with Mayor
4 Martelle?

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

6 **MR. CRANE:** Do you recall that?

7 **MR. TOWNDALE:** I do, yeah.

8 **MR. CRANE:** And I want to go through some of
9 those with you and try and put them into context.

10 **MR. TOWNDALE:** Okay.

11 **MR. CRANE:** Now, we've heard evidence at
12 this Inquiry that Mayor Martelle was of the view that the
13 municipal appointees to the Police Services Board ought to
14 hold the balance of power over the provincial appointees.
15 And was this your recollection?

16 **MR. TOWNDALE:** Yeah, he -- that was his
17 opinion, yes.

18 **MR. CRANE:** And he was passionate about this
19 belief?

20 **MR. TOWNDALE:** Very much so, yeah.

21 **MR. CRANE:** And he set out to change it, in
22 fact.

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

24 **MR. CRANE:** And I understand that this
25 formed some of the tension as between Mayor Martelle and

1 the other Board members including the provincially
2 appointed Board members?

3 **MR. TOWNDALE:** That was, yes.

4 **MR. CRANE:** In addition to his frustration
5 with the statutory framework, Mayor Martelle also had some
6 differing views on some issues being addressed by the Board
7 during your first four -- roughly four years on the Board,
8 and the last day with Ms. Simms you mentioned employment
9 equity and pay equity as two issues.

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

11 **MR. CRANE:** And was Mayor Martelle generally
12 in favour or opposed to these initiatives?

13 **MR. TOWNDALE:** Opposed to it.

14 **MR. CRANE:** And in contrast, the other Board
15 members were in favour of it?

16 **MR. TOWNDALE:** Other four were for it, yes.

17 **MR. CRANE:** And I understand that Mayor
18 Martelle resigned from the Police Services Board in 1994?

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

20 **MR. CRANE:** For a period of roughly one
21 year?

22 **MR. TOWNDALE:** One year, yes.

23 **MR. CRANE:** Madam Clerk, if we can pull up
24 Exhibit 1514?

25 Mr. Towndale, I'm going to show you the

1 OCOPS report that Ms. Simms canvassed with you the last
2 day.

3 (SHORT PAUSE/COURTE PAUSE)

4 THE COMMISSIONER: What page?

5 MR. CRANE: Bates page 032. Do you have
6 that in front of you, Mr. Towndale?

7 MR. TOWNDALE: Would you repeat that number?

8 MR. CRANE: Zero-three-two (032).

9 MR. TOWNDALE: Zero-three-two (032) okay.

10 MR. CRANE: And just before I ask you
11 anything specific, I understood your evidence with Ms.
12 Simms to be that the provincial appointees and Acting Chief
13 Johnston at the time approached the Solicitor General out
14 of concerns in relation to Mayor Martelle's continued
15 presence on the Board.

16 MR. TOWNDALE: Acting Chief and Mr.
17 Courville, yes.

18 MR. CRANE: Right.

19 MR. TOWNDALE: Yes.

20 MR. CRANE: Thank you.

21 And to put it in context Mayor Martelle --
22 well, why don't we just read for a moment?

23 Madam Clerk, if we can scroll down to the
24 third-last paragraph on Bates page 032?

25 Mr. Towndale, it says here in the third-last

1 paragraph:

2 "In 1993 the Ministry conducted a
3 detailed inspection of the operations
4 of both the Board and the Service. The
5 report was completed in November of
6 1993."

7 **MR. TOWNDALE:** Yes.

8 **MR. CRANE:** "It made a total of 48
9 recommendations for improvement."

10 **MR. TOWNDALE:** Yes.

11 **MR. CRANE:** "The majority of these
12 recommendations have either been
13 addressed or in the process of being
14 implemented to the satisfaction of the
15 Ministry."

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

17 **MR. CRANE:** The one exception relates to the
18 presence of Mayor Martelle on the Board.

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

20 **MR. CRANE:** And so if I can unpack this for
21 a moment, you went through the chronology of the 1993
22 inspection with Ms. Simms last day.

23 **MR. TOWNDALE:** Yes.

24 **MR. CRANE:** And the inspection did reveal 48
25 recommendations?

1 MR. TOWNDALE: Yes.

2 MR. CRANE: And you spoke about Acting Chief
3 Johnston coming in to implement these recommendations?

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

5 MR. CRANE: And is it your recollection that
6 he was indeed implementing these 48 recommendations to the
7 satisfaction of the Ministry?

8 MR. TOWNDALE: He was implementing those
9 recommendations.

10 MR. CRANE: And save for the presence of
11 Mayor Martelle on the Board?

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

13 MR. CRANE: And if we continue reading where
14 I left off:

15 "This recommendation appearsto
16 have arisen from a series of
17 incidents and complaints and there
18 initially resigned his position in
19 January of 1994 but resumed his
20 seat in early 1995 following his
21 re-election as Mayor of Cornwall."

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

23 MR. CRANE: And so Mayor Martelle resigned
24 and then he came back in early 1995?

25 MR. TOWNDALE: Yes.

1 **MR. CRANE:** And then shortly thereafter in
2 1995 was the initiative to the Solicitor-General ---

3 **MR. TOWNDALE:** Yes.

4 **MR. CRANE:** --- which yielded this report of
5 July of 1995?

6 **MR. TOWNDALE:** Mr. Crane, I think I
7 mentioned that the last -- in my testimony, three of the
8 Board members went to Toronto, but only Mr. Courville was -
9 - had the opportunity to speak to the Solicitor-General.

10 **MR. CRANE:** You did, yes. Thank you.

11 And I take it -- is it fair to say that it
12 was the issue relating to an outstanding recommendation
13 from the inspection that was one of the motivations for
14 this initiative?

15 **MR. TOWNDALE:** That was the reason. That
16 was the main reason, yes.

17 **MR. CRANE:** And if I can -- Madam Clerk, if
18 we can scroll over to Bates page 037 and focus in on the
19 Conclusions and Recommendations portion towards the bottom
20 of the page.

21 Mr. Towndale, it reads from the third-last
22 paragraph:

23 "In summary, we are satisfied that the
24 Cornwall Police Services Board is
25 performing its governance function and

1 that the delivery of police service to
2 the community is not compromised."

3 And was this your recollection of the
4 conclusion reached?

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

7 **MR. CRANE:** The Board, despite the presence
8 of Martelle, was performing its governance function?

9 **MR. TOWNDALE:** They were carrying out the
10 functions, yes.

11 **MR. CRANE:** And through your eyes the
12 delivery of police -- or through the eyes of the inspectors
13 ---

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

15 **MR. CRANE:** --- the delivery of policing
16 services was not compromised?

17 **MR. TOWNDALE:** Mr. Crane, if I may also say,
18 in each of the motions that were passed at the Board
19 meetings, you will see there were always four. Most
20 motions were passed for four members. There was only one
21 dissenting voice, you know. It could be a provincial
22 appointee or it could be the municipal representative. You
23 cannot say the Board was dysfunctioning. The other Board
24 members cooperated.

25 **MR. CRANE:** Mr. Towndale, a few questions

1 about the Social Contract.

2 MR. TOWNDALE: Okay.

3 MR. CRANE: And, Madam Clerk, if we can pull
4 up Document 128758.

5 THE COMMISSIONER: Is this Jean Jacques
6 Rousseau's Social Contract?

7 MR. CRANE: I'm sorry?

8 THE COMMISSIONER: Jean Jacques Rousseau's -
9 --

10 MR. CRANE: This is from the early 1990s, to
11 put it in context, Mr. Commissioner.

12 And, again, Mr. Towndale, in the context of
13 the Social Contract that was negotiated while you were a
14 member of the Police Services Board.

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

16 MR. CRANE: Madam Clerk will put it up on
17 the screen for you but it's going to be a Board minute.

18 THE COMMISSIONER: Thank you.

19 Exhibit 2343. It's Open Session Minutes of
20 the Cornwall Police Services Board, September 21st, 1993.

21 --- EXHIBIT NO./PIÈCE NO. P-2343:

22 (128758) Cornwall Police Services Board
23 'Open Session Minutes' dated September 21,
24 1993

25 MR. CRANE: Do you have that in front of

1 you, Mr. Towndale?

2 **MR. TOWNDALE:** Yes, I do.

3 **MR. CRANE:** And you can see you were in
4 attendance on September 21st of 1993?

5 **MR. TOWNDALE:** Yes.

6 **MR. CRANE:** And if I can draw your attention
7 to item number 3, it states:

8 "The Chair noted that the press was not
9 present yet and therefore decided to
10 move on to agenda items before
11 releasing a joint press release to the
12 media re local agreement between the
13 Board and the Association pursuant to
14 the Social Contract."

15 This is consistent with your memory of when
16 this negotiation would have been finalized?

17 **MR. TOWNDALE:** It is consistent with my
18 memory.

19 **MR. CRANE:** Is it fair to say that this
20 would have been a negotiation that would have taken some
21 time to come to an agreement on?

22 **MR. TOWNDALE:** I agree with that, yes.

23 **MR. CRANE:** Would have gone back some number
24 of months?

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

1 **MR. CRANE:** And the hours dedicated by the
2 Board members and the Association would have been
3 significant?

4 **MR. TOWNDALE:** Yes, I do.

5 **MR. CRANE:** And what implication,
6 Mr. Towndale, did the social contract have on the overtime
7 pay of the officers? Do you recall?

8 **MR. TOWNDALE:** I think the focus was not to
9 reduce the number of police, the staff complement, so we
10 had to work around that and had to put a cap on overtime.
11 That's my recollection, yes.

12 **MR. CRANE:** A cap was placed on overtime?

13 **MR. TOWNDALE:** Overtime, yes.

14 **THE COMMISSIONER:** And I see in the notes
15 that -- and you may or may not disagree with this -- that
16 they couldn't claim the money. They had to claim it as
17 time off?

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

19 **MR. CRANE:** Mr. Towndale, a few questions
20 about the duty to report.

21 **MR. TOWNDALE:** Yes.

22 **MR. CRANE:** I'm going to change your focus
23 and take you back to 1993 and you're wearing two hats.
24 You're still employed at the Children's Aid Society?

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

1 **MR. CRANE:** And you are a member of the
2 Police Services Board?

3 **MR. TOWNDALE:** Yes.

4 **MR. CRANE:** I want you to consider your
5 recollection, your memory of the duty to report during that
6 time period.

7 To your knowledge, did there exist any
8 policies as between the Cornwall Police Service and the
9 Children's Aid Society relating to an adult complainant of
10 a historical sexual complaint?

11 **MR. TOWNDALE:** I don't remember there was
12 any policy, yes.

13 **MR. CRANE:** Any protocols dealing with the
14 matter?

15 **MR. TOWNDALE:** I don't remember any
16 protocols.

17 **MR. CRANE:** I take it that due to the lack
18 of clarity or policies on this issue, that different people
19 within the CAS may have had different expectations of what
20 should be reported?

21 **MR. TOWNDALE:** Yes.

22 **MR. CRANE:** Mr. Towndale, those are my
23 questions for you and I want to thank you for re-attending
24 this morning.

25 **MR. TOWNDALE:** Thank you.

1 **THE COMMISSIONER:** Mr. Chisholm, how long do
2 you expect to be?

3 **MR. CHISHOLM:** Close to an half-hour, sir;
4 perhaps a little less.

5 **THE COMMISSIONER:** All right.
6 We'll take the break then and come back.
7 Thank you.

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

10 The hearing will resume at 10:45 a.m.

11 --- Upon recessing at 10:33 a.m./

12 L'audience est suspendue à 10h33

13 --- Upon resuming at 10:50 a.m./

14 L'audience est reprise à 10h50

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

17 The hearing is now resumed. Please be
18 seated. Veuillez vous asseoir.

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

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

21 **MR. CHISHOLM:**

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

23 **THE COMMISSIONER:** Good morning, Mr.
24 Chisholm.

25 **MR. CHISHOLM:** You enquired about a name

1 earlier during Mr. ---

2 THE COMMISSIONER: Yes.

3 MR. CHISHOLM: It's Freda, F-R-E-D-A, Peden,
4 P-E-D-E-N.

5 THE COMMISSIONER: There we go.

6 MR. CHISHOLM: I am told.

7 THE COMMISSIONER: Thank you.

8 MR. CHISHOLM: Good morning, Mr. Towndale.

9 MR. TOWNDALE: Good morning.

10 MR. CHISHOLM: We know each other.

11 MR. TOWNDALE: We do.

12 MR. CHISHOLM: You know who I act for? The
13 CAS.

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

15 MR. CHISHOLM: If I could take you, please,
16 to your CV, which is Exhibit number 2208. Do you have that
17 in front of you, Mr. Towndale?

18 MR. TOWNDALE: I do.

19 MR. CHISHOLM: It's coming up on the screen.
20 You're 71 years old at present,

21 Mr. Towndale?

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

23 MR. CHISHOLM: And if I look at your
24 employment history, the Cook County Department of Public
25 Aid.

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

2 MR. CHISHOLM: You were a caseworker there?

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

4 MR. CHISHOLM: And were you performing
5 social work in that position?

6 MR. TOWNDALE: Social work in the sense of
7 determining eligibility for assistance for people who
8 cannot pay the hospital bill.

9 MR. CHISHOLM: Financial assistance.

10 MR. TOWNDALE: Financial assistance, yes.

11 MR. CHISHOLM: So you were dealing with
12 people who were in financial difficulties generally?

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

14 MR. CHISHOLM: And by 1969 you'd completed
15 your Master of Social Work degree at the University of
16 Toronto. Is that right?

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

18 MR. CHISHOLM: In the 1960s were there any
19 minimum standards with respect to becoming a child
20 protection worker in the Province of Ontario that you were
21 aware of?

22 MR. TOWNDALE: Could you repeat that?

23 MR. CHISHOLM: In the 1960s ---

24 MR. TOWNDALE: Yes.

25 MR. CHISHOLM: --- were you aware of any

1 minimum standards with respect to the qualifications for a
2 child protection worker?

3 MR. TOWNDALE: No.

4 MR. CHISHOLM: If I could get you to turn on
5 to page 2 of your CV, there's a reference in 1972 to Big
6 Brothers of Cornwall and the Big Sisters of Cornwall. In
7 1973 you were instrumental in launching both of those
8 organizations. Is that correct?

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

10 MR. CHISHOLM: And why did you set-up the
11 Big Brothers and Big Sisters in Cornwall?

12 MR. TOWNDALE: The history was, while I was
13 in Toronto during a field placement with regard to my
14 studies, I tried to get a Big Brother for one of the boys I
15 was working with. I wasn't successful. So when I came to
16 Cornwall I thought about starting it and that was how.

17 MR. CHISHOLM: You saw a need?

18 MR. TOWNDALE: Need, yes.

19 MR. CHISHOLM: If I could take you to page 5
20 of your CV, please the number of awards that you have
21 listed in 1990, citizen of the year; is that citizen of the
22 year in the City of Cornwall?

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

24 MR. CHISHOLM: And then 1993, you were named
25 an honorary Big Brother of the year; is that right?

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

2 **MR. CHISHOLM:** Nineteen ninety-eight (1998)
3 the President's Award; what can you tell us about that?

4 **MR. TOWNDALE:** That was given at the
5 Children's Treatment Centre annual meeting to a person who
6 has contributed to -- a lot to the centre.

7 **MR. CHISHOLM:** And in 2000, you received the
8 Paul Harris Award; what is that about?

9 **MR. TOWNDALE:** The (unintelligible) above
10 Cornwall recognized my contribution.

11 **MR. CHISHOLM:** In 2002, you received the
12 Queen's Golden Jubilee Medal?

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

14 **MR. CHISHOLM:** What is that awarded for?

15 **MR. TOWNDALE:** That's the jubilee year-end
16 the MP at that time, Mr. Kilga, selected people in the
17 community to give special awards. I don't know how many.
18 There could have been, I don't know, 50 people, maybe,
19 selected. I don't know the exact number. In other words,
20 it was given to a group of ---

21 **THE COMMISSIONER:** Very selected recipients.

22 **MR. CHISHOLM:** Thanks, sir. It's hard to
23 get that out of Mr. Towndale some days.

24 Sir, in 2002, I see your records ---

25 **THE COMMISSIONER:** Actually, I should tell

1 Governors of St. Lawrence College selected me to receive
2 the award in recognition of the contribution I have made to
3 different organizations in Cornwall.

4 **MR. CHISHOLM:** Now, if I could take you on
5 to another topic that being Children's Treatment Centre,
6 you were instrumental in founding that organization in
7 1996; is that correct?

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

9 **MR. CHISHOLM:** And the Children's Treatment
10 Centre is a distinct entity and is separate and apart from
11 the Children's Aid Society; is that right?

12 **MR. TOWNDALE:** It is entirely different. It
13 has its own Board of Directors, yes.

14 **MR. CHISHOLM:** And your first attempt to
15 create the Children's Treatment Centre would have been in
16 1992; is that right?

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

18 **MR. CHISHOLM:** And if I understand your
19 evidence correctly, you were able to raise \$100,000 from
20 the community; is that right?

21 **MR. TOWNDALE:** That -- that group of people,
22 the Board of Directors, raised \$100,000.

23 **MR. CHISHOLM:** And the plan was at that time
24 to approach the province of Ontario to obtain matching
25 funds; is that right?

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

2 **MR. CHISHOLM:** And that's where the
3 difficulties arose the first time around ---

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

5 **MR. CHISHOLM:** --- you were not successful
6 in getting the matching funds; is that right?

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

8 **MR. CHISHOLM:** I'm looking at page 5 of your
9 CV; let me just take you back there for a second. Under
10 Children's Treatment Centre, the third bullet states:

11 "Responsible to raise the total
12 operating funds which are over \$406,000
13 in 2008."

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

15 **MR. CHISHOLM:** That's an accurate number?

16 **MR. TOWNDALE:** That's an accurate number,
17 that's the budget this year.

18 **MR. CHISHOLM:** And today, in 2008, under
19 your current regime is all that money raised in the
20 community?

21 **MR. TOWNDALE:** All the money is not raised.
22 There is a -- there is a -- one fundraising is going to
23 happen in October 31st, the Celebrity Walk and Breakfast
24 which last year raised \$183,000.

25 **MR. CHISHOLM:** Okay.

1 When I say raised in the community, does
2 your centre rely upon any support from the government with
3 respect to ---

4 **MR. TOWNDALE:** There is no money coming in
5 from the government, not even a dollar.

6 **MR. CHISHOLM:** And would that be a
7 difference in the funding model that you proposed in 1992
8 versus what you came out with in 1996 when the Children's
9 Treatment Centre was founded?

10 **MR. TOWNDALE:** That's right. What happened
11 was the experience of '92 taught me that the best way to go
12 is go to the community and see whether the community will
13 come forward and support it.

14 **MR. CHISHOLM:** If I could take you, please,
15 to Exhibit 2085 and I'm interested in the second page which
16 would be Bates page 1006967.

17 **THE COMMISSIONER:** Two zero eight five
18 (2085)?

19 **MR. CHISHOLM:** Two zero eight five (2085) is
20 the exhibit and the Bates page would be 6967 would be the
21 second page of the package, I believe, sir.

22 **THE COMMISSIONER:** Yes, it's a letter ---

23 **MR. CHISHOLM:** Dated November 7, 1991 from
24 Mr. Gilles Métivier to Bishop LaRocque. If Madam Clerk,
25 it's Bates page 6967.

1 Mr. Towndale, I'll just have you review the
2 first paragraph while we wait for Madam Clerk to get the
3 document up on the screen.

4 Two zero eight five (2085), Madam Clerk, and
5 one more page in the first paragraph.

6 Do you see, Mr. Towndale, the third line
7 down, it states:

8 "Due to financial constraints, the
9 Children's Aid Society has been obliged
10 to terminate its treatment program, the
11 family sexual abuse treatment program."

12 **MR. TOWNDALE:** That's what it is.

13 **MR. CHISHOLM:** What exactly was the family
14 sexual abuse treatment program?

15 **MR. TOWNDALE:** It was a program for children
16 who are sexually and physically abused. It was run at the
17 Children's Aid Society and there were two workers -- social
18 workers involved and a supervisor was also involved.

19 **MR. CHISHOLM:** And do you recall the year
20 that that would have started up?

21 **MR. TOWNDALE:** It could have been four years
22 earlier; '86 maybe.

23 **MR. CHISHOLM:** Eighty-six (86)?

24 **MR. TOWNDALE:** Yeah.

25 **MR. CHISHOLM:** And you said there were two

1 workers and a supervisor?

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

3 MR. CHISHOLM: Do you recall who the workers
4 were?

5 MR. TOWNDALE: I don't remember the workers,
6 no.

7 MR. CHISHOLM: Robert ---

8 MR. TOWNDALE: He was the supervisor --
9 supervisor of that program.

10 MR. CHISHOLM: Robert Smith was the
11 supervisor?

12 MR. TOWNDALE: Yes, yes.

13 MR. CHISHOLM: And who was it within the CAS
14 that developed the family sexual abuse treatment program?

15 MR. TOWNDALE: I -- I couldn't answer that
16 question, no.

17 MR. CHISHOLM: If I could keep you in
18 Exhibit 2085, if I could bring you to Bates page 6969. It's
19 just a couple over, Mr. Towndale; community proposal.

20 MR. TOWNDALE: Yes.

21 MR. CHISHOLM: Last week, when Ms. Simms was
22 going through this with you, you mentioned the name -- at
23 least it's in the transcript -- Father Kevin Maloney and
24 I'm looking at the Board of Directors on Bates 6969 ---

25 MR. TOWNDALE: Yes.

1 **MR. CHISHOLM:** --- and I see the name Kelvin
2 Maloney ---

3 **MR. TOWNDALE:** Yeah, they are two different
4 people. It was Kelvin with an "l".

5 **MR. CHISHOLM:** Kelvin?

6 **MR. TOWNDALE:** Yeah.

7 **MR. CHISHOLM:** So this document is the
8 actual person you were ---

9 **MR. TOWNDALE:** That's the actual person.

10 **MR. CHISHOLM:** --- contains Kelvin's name
11 and it's Kelvin you're referring to, not Kevin?

12 **MR. TOWNDALE:** No, I was referring to Kelvin
13 with an "l".

14 **MR. CHISHOLM:** Okay.

15 You referred to Kelvin last week. It may be
16 an error in the transcript?

17 **MR. TOWNDALE:** Did I say Kevin at that time?

18 **MR. CHISHOLM:** I'm not sure what you said,
19 but the transcript reads "Kevin."

20 **MR. TOWNDALE:** If I said "Kevin" -- "Father
21 Kevin," it was wrong. It should be Father Kelvin, K-e-l --

22 -

23 **MR. CHISHOLM:** --- v-i-n ---

24 **MR. TOWNDALE:** Yeah.

25 **MR. CHISHOLM:** Thank you.

1 And if I can bring you, please, to Bates
2 page 6972 and the first paragraph is what I'm interested
3 in. I'll just read it:

4 "It became apparent..."

5 You have that, Mr. Towndale?

6 **MR. TOWNDALE:** Yeah, I do, yeah.

7 **MR. CHISHOLM:** "It became apparent to the
8 Children's Aid Society in 1986 of a
9 social trend of increasing awareness
10 and sexual abuse would resolve in a
11 continuing high level of referrals."

12 Those, sir, would be referrals related to
13 sexual abuse. Is that right?

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

15 **MR. CHISHOLM:** And reading on in that first
16 paragraph:

17 "In an attempt to meet the service
18 needs, the Agency launched the Family
19 Sexual Abuse Treatment Program."

20 **MR. TOWNDALE:** Yes.

21 **MR. CHISHOLM:** "The program was entirely
22 funded by the Agency which allotted one
23 social worker full-time for program
24 coordination, as well as providing
25 social workers on a part-time basis to

1 do individual group and DYAD
2 treatment."

3 That's accurate in terms of what the -- how
4 the program appeared at the Children's Aid Society?

5 **MR. TOWNDALE:** Yeah.

6 **MR. CHISHOLM:** If I could take you down to
7 the last paragraph on that page, it reads:

8 "As part of the budget deficit
9 reduction plan, the Children's Aid
10 Society was obliged to terminate a
11 number of specialized treatment
12 programs, including FSATP, with the
13 goal of operating within its base
14 budget."

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

16 **MR. CHISHOLM:** And that would be the Family
17 Sexual Abuse Treatment Program that's referred to there?

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

19 **MR. CHISHOLM:** And that was terminated in
20 1991. Is that right, Mr. Towndale?

21 **MR. TOWNDALE:** Yeah. I thought it was 1990
22 but it could have been '91.

23 **MR. CHISHOLM:** And you may be right.

24 **MR. TOWNDALE:** Yeah.

25 **MR. CHISHOLM:** Or around that time?

1 **MR. TOWNDALE:** Around that time, yes.

2 **MR. CHISHOLM:** If I could take you, please,
3 to Bates 973?

4 You've seen these figures before, Mr.
5 Towndale? These are the number of clients and families
6 served by the Family Sexual Abuse Treatment from 1986 to
7 1990?

8 **MR. TOWNDALE:** Yes, I have seen it.

9 **MR. CHISHOLM:** Okay. And if I read this do
10 I understand -- is looking in the first line:

11 "The number of families served from
12 September of '86 to September of 1990
13 would have been 351."

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

15 **MR. CHISHOLM:** And looking at the bottom of
16 that table, total number of clients served individually and
17 in groups would be 266. Is that right?

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

19 **MR. CHISHOLM:** And do I understand these
20 figures to be the number of families and individuals
21 serviced by the program when it was within the Children's
22 Aid Society?

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

24 **MR. CHISHOLM:** If I can switch topics now
25 and take you to another exhibit. It'll be Exhibit 2215.

1 **THE COMMISSIONER:** It would be in ---

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

3 **MR. CHISHOLM:** Mr. Towndale, these are the
4 minutes of the annual meeting, the CAS annual meeting held
5 on March 24th, 1976. That's the document that you have?

6 **MR. TOWNDALE:** That's right, yeah. That's
7 the document I have.

8 **MR. CHISHOLM:** And if I could take you to
9 the third page of that document, which would be Bates page
10 820.

11 **MR. TOWNDALE:** Yes.

12 **MR. CHISHOLM:** The first paragraph states:
13 "Following the business meeting, a
14 panel discussion was held on the use of
15 corporal punishment and the
16 disciplining of children."

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

18 **MR. CHISHOLM:** And then it sets out who the
19 moderator was and the panel members. Is that right?

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

21 **MR. CHISHOLM:** And you spoke of that during
22 your evidence in-chief about the panel discussions that you
23 had. Is that right?

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

25 **MR. CHISHOLM:** Can you tell us, sir, in

1 1976, in March of 1976, why was it necessary to have a
2 panel discussion on the use of corporal punishment to
3 discipline children?

4 **MR. TOWNDALE:** That was an issue at that
5 time, came out of the group home and the Personnel
6 Committee discussed that issue and it was before the
7 committee and the Board. So we thought instead of bringing
8 in a guest speaker, to have a panel discussion on the pros
9 and cons of physical punishment, for the purpose of
10 educating people.

11 **MR. CHISHOLM:** In the year 2008 would you
12 ever see the need to have such a panel discussion on that
13 topic?

14 **MR. TOWNDALE:** No.

15 **MR. CHISHOLM:** And why is that, sir?

16 **MR. TOWNDALE:** It is not an acceptable form
17 of punishment on children. I should say discipline form.

18 **MR. CHISHOLM:** And if I could take you
19 towards the bottom of 820. It's the third-last paragraph
20 if you count the last one being:

21 "The meeting was adjourned."

22 Do you see the paragraph that reads:

23 "This was the most controversial topic
24 and sparked a great deal of response
25 from the audience."

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

2 **MR. CHISHOLM:** You were in attendance at
3 that meeting, sir?

4 **MR. TOWNDALE:** I was, yeah.

5 **MR. CHISHOLM:** Can you recall any of the
6 discussion from the audience or the panel members?

7 **MR. TOWNDALE:** I think it was -- there were
8 two sides to that discussion. I cannot tell, you know,
9 when the people who attend there were supporting this
10 position or that position, I cannot answer that.

11 **MR. CHISHOLM:** So there are two sides. Some
12 were pro and some were ---

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

14 **MR. CHISHOLM:** --- against corporal
15 punishment for the purpose of disciplining children. Is
16 that accurate?

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

18 **MR. CHISHOLM:** And that paragraph that I put
19 to you does that conform with your recollection of how the
20 meeting unfolded?

21 **MR. TOWNDALE:** That's my recollection, yes.

22 **MR. CHISHOLM:** And then looking at the
23 second-last paragraph, it states:

24 "In summing up..."

25 **MR. TOWNDALE:** Yes.

1 **MR. CHISHOLM:** "...Father Villeneuve..."

2 -- who was the moderator, right?

3 **MR. TOWNDALE:** Yes.

4 **MR. CHISHOLM:** "...remarked that corporal
5 punishment has been used by a large
6 majority of our society in the raising
7 of children?"

8 **MR. TOWNDALE:** Yes.

9 **MR. CHISHOLM:** "And it will take a great
10 deal of education as to its harmfulness
11 before it is seen as a practice of the
12 past."

13 Do you recall Father Villeneuve stating
14 that?

15 **MR. TOWNDALE:** Yeah, Father Villeneuve now
16 has a Doctorate in Sociology and Social Work. He has also
17 taught at the University of Ottawa, so he is familiar with
18 social issues and whatnot. I remember those statements,
19 yes.

20 **MR. CHISHOLM:** As far as you know that's an
21 accurate reflection of what Father Villeneuve said?

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

23 **MR. CHISHOLM:** You've been following along
24 with respect to some of the evidence you've heard over the
25 course of the last -- or that the Commissioner has heard

1 over the last couple of years. Is that fair to say?

2 MR. TOWNDALE: A few, not that much; no, but
3 a few I have.

4 MR. CHISHOLM: Do you read the newspaper
5 from time-to-time?

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

7 MR. CHISHOLM: Back in June of 2007,
8 Jeannette Antoine testified before this Inquiry?

9 MR. TOWNDALE: Yes, I watched that one.

10 MR. CHISHOLM: You watched that?

11 MR. TOWNDALE: Yes, at least most of it.

12 MR. CHISHOLM: Part of it?

13 MR. TOWNDALE: Most of it, yes.

14 MR. CHISHOLM: Ms. Antoine testified that
15 she suffered abuse at the Looyen foster home and that she
16 reported the abuse to you in March of 1976.

17 What would you have to say with respect to
18 that evidence?

19 MR. TOWNDALE: I did not interview Ms.
20 Antoine. I don't remember speaking to her.

21 THE COMMISSIONER: You know, after they had
22 run away from the home and they came back, did you not
23 speak to some children?

24 MR. TOWNDALE: I spoke to some children but
25 the girls were interviewed by Ms. Peggy Follon and Mrs.

1 Labekovski, I think. They were the two people that
2 interviewed.

3 **THE COMMISSIONER:** Okay.

4 **MR. CHISHOLM:** During the course of her
5 evidence, Ms. Antoine testified that after running from the
6 Second Street Group Home she was taken to the CAS office
7 and placed in the trunk of a car by Bryan Keough. Did Ms.
8 Antoine ever make that allegation to you?

9 **MR. TOWNDALE:** No.

10 **MR. CHISHOLM:** Did you ever hear of that
11 allegation?

12 **MR. TOWNDALE:** Did I hear at that time, you
13 mean?

14 **MR. CHISHOLM:** Yes.

15 **MR. TOWNDALE:** No. Mr. Keough was not in
16 the building at that time. When this interview happened he
17 was in the ---

18 **MR. CHISHOLM:** He was not there?

19 **MR. TOWNDALE:** No.

20 **THE COMMISSIONER:** Did you ever hear of a
21 practice where some social workers would put children in
22 the trunk when they were transporting them because they
23 were afraid they'd run away?

24 **MR. TOWNDALE:** I never heard that.

25 **THE COMMISSIONER:** I take it you'd

1 disapprove of that?

2 MR. TOWNDALE: Definitely.

3 MR. CHISHOLM: Do you recall the moniker C-
4 75, Mr. Towndale? Don't tell us the name.

5 MR. TOWNDALE: Who ---

6 MR. CHISHOLM: You may not remember who C-75
7 is. Do you know?

8 MR. TOWNDALE: C-75?

9 MR. CHISHOLM: Yes, do you know?

10 THE COMMISSIONER: The clerk will show you
11 the name.

12 MR. CHISHOLM: Just a moment, Mr. Towndale,
13 and Madam Clerk is going to write out -- I believe write
14 out the monikered name.

15 (SHORT PAUSE/COURTE PAUSE)

16 THE COMMISSIONER: Does that name mean
17 anything to you, sir?

18 MR. TOWNDALE: She could be one of the girls
19 who resided in the group home.

20 MR. CHISHOLM: Yes.

21 MR. TOWNDALE: Yes.

22 MR. CHISHOLM: During Ms. Antoine's
23 evidence she testified that in March of '76 she was present
24 in the CAS conference room, along with C-75, the person
25 you've just seen, and 20 CAS employees, including you, when

1 Bryan Keough smacked C-75 in the back of the head and not
2 one worker did anything.

3 Do you recall hearing that evidence?

4 **MR. TOWNDALE:** I heard that evidence, yes.

5 **MR. CHISHOLM:** And what would you say with
6 respect to that evidence?

7 **MR. TOWNDALE:** I was in the building but
8 there were not 20 staff there. That's the first thing I
9 want to say to you. The only people who were there in the
10 building at that time was Mrs. Peggy Follon, Mrs. Parker
11 and Mrs. Labekovski, Sister Therese Quesnel and Mr. Dave
12 Devlin. As far as I remember only those, including myself,
13 were the only people in the building at that time. There
14 was nobody else in that building.

15 **MR. CHISHOLM:** Did you observe C-75 or
16 anyone getting hit in the back of the head by Mr. Keough or
17 anyone else?

18 **MR. TOWNDALE:** No, I did not.

19 **MR. CHISHOLM:** Ms. Antoine testified that in
20 March of 1976, while at the CAS office, she pulled down her
21 pants and showed you bruises on her butt. Do you
22 understand what I mean when I say "butt"?

23 **MR. TOWNDALE:** Yes.

24 **MR. CHISHOLM:** What would be your position
25 with respect to that evidence?

1 **MR. TOWNDALE:** That's wrong. I did not
2 interview Ms. Antoine, so I had no opportunity. The only
3 thing I can say is she is mistaken, she's wrong.

4 **MR. CHISHOLM:** With respect to the presence
5 of Thomas O'Brien at the CAS in March of 1976, what can you
6 tell us with respect to whether he would have been present
7 at that time?

8 **MR. TOWNDALE:** Mr. O'Brien was on sick leave
9 and he was away for three months from the office. I didn't
10 see him during those three-months period. He never came to
11 the office and I didn't even speak to him over the phone.

12 **MR. CHISHOLM:** Moving on to another
13 witness's testimony; C-14. Do you know that name?

14 **MR. TOWNDALE:** C-14, yes.

15 **MR. CHISHOLM:** Don't tell us who it is.

16 **MR. TOWNDALE:** Yes.

17 **MR. CHISHOLM:** Just keep that in your mind,
18 please.

19 C-14 testified in June of 2007, June the
20 29th, and he testified that during a telephone conversation
21 that he had with you he told you that Bryan Keough
22 encouraged one of C-14's foster mothers to knock C-14's
23 teeth down his throat.

24 First of all, did you hear any of C-14's
25 evidence?

1 **MR. TOWNDALE:** No, I did not. No.

2 **MR. CHISHOLM:** And do you understand how
3 I've relayed his evidence to you; what he's saying he told
4 you? That Bryan Keough told his foster mother to knock C-
5 14's teeth down his throat.

6 **MR. TOWNDALE:** Okay, the question is did C-
7 14 tell me that?

8 **MR. CHISHOLM:** Yes. What's your evidence on
9 that?

10 **MR. TOWNDALE:** I don't remember that.

11 **MR. CHISHOLM:** If I could take you to 1995,
12 this would be about the time that you would have retired
13 from the Children's Aid Society.

14 **MR. TOWNDALE:** Yes.

15 **MR. CHISHOLM:** You spoke about the decisions
16 being made in December of 1995 to cut positions within the
17 CAS.

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

19 **MR. CHISHOLM:** You said the decision was
20 made to cut seven social workers, two secretaries and a
21 supervisor. Right?

22 **MR. TOWNDALE:** One supervisor, yes.

23 **MR. CHISHOLM:** One supervisor.

24 Did the number of people that you gave to us
25 -- would they have included contract workers or were you

1 speaking ---

2 **MR. TOWNDALE:** No, it was all -- the only
3 social worker and secretaries were unionised, members of
4 the union.

5 **MR. CHISHOLM:** Were there further cuts with
6 respect to the contract positions?

7 **MR. TOWNDALE:** I think there was a number of
8 contract positions. I don't know exactly how many.

9 **MR. CHISHOLM:** So you can't tell us how many
10 contract positions were terminated in addition to what
11 you've told us about at the beginning ---

12 **MR. TOWNDALE:** No, I was talking about
13 permanent staff or -- permanent staff members, yes.

14 **MR. CHISHOLM:** We have the advantage of
15 having you here today and being able to tell us how things
16 were in the Children's Aid Society in 1965 versus how they
17 were in 1995 when you left. Can you tell us what you think
18 the biggest change would have been during the course of
19 your career at the Children's Aid Society?

20 **MR. TOWNDALE:** One of the biggest problems
21 Children's Aid faced -- I don't know now what the situation
22 is -- during my time was budgetary problems. Children's
23 Aid always faced budgetary problems.

24 If you look back in '89, the Dawson Report,
25 he recommended -- he says there supervisor-worker ratio was

1 10 and 12 but he says the ideal number was six, he says.
2 Then in '88 we added a supervisor; that reduced to eight.

3 Then as a result of the Dawson Report there
4 are two positions created, Clinical Director and Manager of
5 Human Resources, and one of the recommendations he made at
6 that time was the budgetary situation should be resolved
7 because when the Children's Aid starts planning a budget
8 for the new year, Children's Aid doesn't know what the
9 budget was last year because it is not approved. So there
10 is a problem of budgetary process.

11 So Mr. Dawson comes along and makes this
12 recommendation. We hire a Clinical Director and a Manager
13 of Human Resources. Two years later we cut a program of
14 social worker. In '92-'93 the Clinical Director is gone.
15 That position is gone. That is the centrepiece of this
16 Dawson Report, and in '95, two years later, we lay off
17 seven social workers, a supervisor, two clerical staff.

18 At that time I volunteered to retire and I
19 continued to work at the Children's Aid on a voluntary
20 basis for a period of time, at the same time trying to
21 start the treatment centre.

22 So what I'm trying to say is during all
23 these years one of the problems Children's Aid faced is
24 budgetary problems. They don't know -- '95 layoff was as a
25 result of cash flow problem. There is no money to pay for

1 people, so drastic steps have to be taken. That's what was
2 happening in '95.

3 During the '60s when I started it might have
4 been 25 total staff, if you take the secretarial staff,
5 accountant, receptionist and whatnot and we have 14 social
6 workers. In the '80s I saw increasing staff. That created
7 another problem of where do you put these people?

8 We eliminated the boardroom first to put the
9 staff there. Then we put staff in the staffroom. That
10 became a union issue. They were saying we are supposed to
11 provide for the staff to eat their lunch and breaks and
12 whatnot. We are putting people in a small office, two
13 people. That became a safety issue.

14 So in '85-'86, I was tasked with the task of
15 the building extension, about \$400,000. The Province gave
16 \$100,000. So we had to go and raise the rest of the money.
17 So we had to apply for federal grants to hire unemployed
18 people to work in the building construction.

19 So what I'm trying to say is it is okay to
20 say standards should be kept and whatnot, but we had to
21 look at it as there is an extension needed to staff the
22 people, but there is no money to put the staff there.

23 And prior to that, there was another
24 extension which cost maybe about \$100,000. We extended by
25 about four offices. Within a year, we found that space was

1 not enough too.

2 I don't know that I answered your question.

3 **MR. CHISHOLM:** I think you've set out the
4 biggest concern that you've seen over the years. I'd like
5 to thank you very much for your time, Mr. Towndale.

6 I understand you have an annual campaign to
7 get back to for more fundraising, so I won't take up any
8 more of your time. Mr. Dumais may have some questions for
9 you.

10 Thank you very much.

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

12 **MR. DUMAIS:** I have nothing further, Mr.
13 Towndale. Thank you very much.

14 **THE COMMISSIONER:** Mr. Towndale, I'd like to
15 thank you for coming and your patience for coming back on
16 short notice. Your evidence has been very interesting and
17 I certainly will consider it and your recommendations when
18 the time comes.

19 **MR. TOWNDALE:** Thank you, Mr. Commissioner.

20 **THE COMMISSIONER:** Thank you very much.
21 You're free to go, sir.

22 **MR. TOWNDALE:** Thank you very much.

23 **THE COMMISSIONER:** Thank you.

24 **(WITNESS IS EXCUSED/TÉMOIN EST LIBÉRÉ)**

25 **THE COMMISSIONER:** Okay. Yes, sir?

1 ---SUBMISSIONS RE MOTION BY/REPRÉSENTATION RE REQUÊTE PAR
2 MR. DUMAIS:

3 MR. DUMAIS: Mr. Commissioner, we have two
4 motion matters. The first one, if we can deal with the
5 matter -- the motion from the Diocese?

6 THE COMMISSIONER: Certainly.

7 MR. DUMAIS: Mr. David Sherriff-Scott served
8 us, Mr. Commissioner, with motion material ---

9 THE COMMISSIONER: M'hm.

10 MR. DUMAIS: --- and some authorities as
11 well. The Motion Record should be filed as part of the
12 Motion Exhibit. I'm assuming that Mr. Sherriff-Scott will
13 be requesting that the medical reports be made
14 confidential. I'll let him make the argument. So it
15 should be CM-16-A1.

16 THE COMMISSIONER: What's CM-16 -- what's
17 the Motion Record number?

18 MR. DUMAIS: It's the Motion Record of the
19 Diocese of Alexandria-Cornwall regarding the testimony of
20 Monsignor McDougald.

21 THE COMMISSIONER: And that's going to be an
22 exhibit?

23 MR. DUMAIS: That's going to be an exhibit.

24 THE COMMISSIONER: Okay. So what's the
25 exhibit?

1 **THE REGISTRAR:** Two-three-four-four (2344).

2 **THE COMMISSIONER:** Two-three-four-four
3 (2344). And I understand the exhibits are all in here, are
4 they not, as part of this motion?

5 **MR. DUMAIS:** Yeah. And I think the Exhibit
6 Number should be C-M16-A1, actually. We have a separate
7 exhibit directory for motion materials, Mr. Commissioner.

8 **--- EXHIBIT NO./PIÈCE NO. C-M16-A1:**
9 Motion Record of the Diocese of Alexandria-
10 Cornwall regarding the testimony of
11 Monsignor McDougald

12 **THE COMMISSIONER:** And what's the "C" for?

13 **MR. DUMAIS:** Well, interim "C". I guess
14 I'll let Mr. David Sherriff-Scott make the argument on --
15 -

16 **THE COMMISSIONER:** No, I know that, except
17 the problem I have is if they're all tabbed together,
18 they're all going to be one exhibit, right?

19 **MR. DUMAIS:** Correct. It's the Motion
20 Record.

21 **THE COMMISSIONER:** Right. So why should we
22 have the -- why should we put everything under "C" when
23 it's just the two ---

24 **MR. DUMAIS:** Fair enough, Mr. Commissioner,
25 and you're probably right. We can probably ---

1 **THE COMMISSIONER:** Probably?

2 **MR. DUMAIS:** You're likely right. Perhaps
3 only the medical reports should be part of it.

4 I've got another issue with respect to this
5 motion material as well. You'll note that Mr. Sherriff-
6 Scott filed an Affidavit of Paul Taylor. As part of
7 exhibits to this affidavit, there is a draft ODE that's
8 been prepared by Commission counsel that was given to Mr.
9 Sherriff-Scott to review a number of weeks ago. I think it
10 was sometime this summer. It's obviously in draft form.
11 He had reviewed the material, provided us with some
12 comments and it essentially stayed there.

13 I'm objecting to the filing of this draft
14 ODE through this affidavit for a number of reasons.
15 Firstly, one, it's in a draft form. So it's not in a
16 proper format.

17 Secondly, prior to the disclosure of this
18 motion material, it had not been disclosed to anyone, and I
19 don't mean only publicly. It had not been disclosed to any
20 of the parties either. So it is not in a proper format to
21 disclose to them.

22 Thirdly, my concern is that we're filing an
23 ODE in evidence on this motion prior to having made the
24 decision as to whether or not, one, Monsignor McDougald
25 should be excused and, two, prior to deciding whether or

1 not an ODE should be filed. So I just think it's
2 inappropriate.

3 My suggestion is that it can simply be
4 removed from the affidavit, and I think Mr. Sherriff-Scott
5 has some comments on that as well.

6 There are, as well, three authorities that
7 had been circulated. The first case is *Queen v. Osolin*.
8 That should be Exhibit M16-A2.

9 --- EXHIBIT NO./PIÈCE NO. M16-A2:

10 Queen v. Osolin

11 MR. DUMAIS: The second, which is a case
12 from the Supreme Court of British Columbia, *Regina v.*
13 *Kralik*, that should be Exhibit M16-A3.

14 --- EXHIBIT NO./PIÈCE NO. M16-A3:

15 Regina v. Kralik

16 MR. DUMAIS: And the third authority is
17 *Style Furniture v. Zurich Insurance Company*, and that
18 should be M16-A4.

19 --- EXHIBIT NO./PIÈCE NO. M16-A4:

20 Style Furniture v. Zurich Insurance Company

21 MR. DUMAIS: Those are my comments for now.

22 THE COMMISSIONER: Thank you.

23 Mr. Sherriff-Scott.

24 --- MOTION FROM THE DICOESE PRESENTED BY/REQUÊTE PAR LE
25 DIOCÈSE PRÉSENTÉE PAR MR. SHERRIFF-SCOTT:

1 **MR. SHERRIFF-SCOTT:** Yes, thank you. Good
2 morning, sir.

3 **THE COMMISSIONER:** Good morning.

4 **MR. SHERRIFF-SCOTT:** With respect to the
5 document to which my friend takes exception, my comments
6 are as follows.

7 First of all, the document is not
8 confidential and it was not given to me on that footing,
9 and there's no evidence to suggest that it is.

10 The document was complete from the point of
11 view of my comments, which is referred to in Mr. Taylor's
12 Affidavit and, as I understand it, complete from the point
13 of view of the Commission.

14 Third, the availability of alternative
15 evidence is part of the analysis, I submit, on these
16 motions which you need to go through. You need to see if
17 there are other means by which documentary evidence can be
18 obtained and, I suggest, possibly to look at it.

19 There is alternative evidence. It has been
20 summarized, in fact, to the satisfaction of your counsel in
21 the ODE. The document contains extensive references to all
22 pertinent documents by Begdoc Number which shows that the
23 evidence is available and in the database as well as the
24 document is descriptive of that evidence.

25 I'm not filing it as the ODE. I'm filing it

1 to show you the nature, extent and type of alternative
2 evidence that is available in fact. Were I to decide to
3 file it as the ODE, I would submit that I would be entitled
4 to do so, at least to make the request that that be done
5 pursuant to section 5 of the Order-in-Council which allows
6 any party to file a factual overview.

7 I submit you need to know and see about what
8 the alternative evidence is. The document provides that
9 summary. It gives you references to all of the individual
10 documents that are pertinent in the database, statements,
11 interview notes, et cetera. That's why it's there.

12 **THE COMMISSIONER:** Does anybody wish to make
13 any further comments on that part of it? None?

14 Mr. Horn?

15 --- **SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. HORN:**

16 **MR. HORN:** Yes. As always, the main concern
17 in all of these situations ---

18 **THE COMMISSIONER:** Whoa, whoa, Mr. Horn?

19 **MR. HORN:** Yes?

20 **THE COMMISSIONER:** I'm just asking you on
21 whether or not we should consider the ODE that's inside
22 this Motion at this point? Do you have any comments on
23 that?

24 **MR. HORN:** I'm going to comment on that.

25 **THE COMMISSIONER:** That's all I want you to

1 do for now.

2 **MR. HORN:** Yeah. Okay. All right.

3 **THE COMMISSIONER:** Then we'll go back to the
4 merits.

5 **MR. HORN:** I think that our position is that
6 as my friend, Mr. Dumais, indicated that this document has
7 not been circulated to the other parties and, as a result,
8 it is being presented all of a sudden with us having no
9 opportunity to even observe it or look at it. And as a
10 result, it will be -- it's being foisted upon us suddenly
11 now, today, to make comments on without ---

12 **THE COMMISSIONER:** No, no. He's not asking
13 you to make comments. I think all he's putting it in for
14 is to show us -- show me that, as an example, that "Look,
15 if Father McDougald can't testify, look, you've got this
16 document, it's here, it's ready. And it's something that
17 we've used in the past."

18 **MR. HORN:** Okay. I understand that, but he
19 could have used another document. He didn't have to use
20 that particular document which has not been shown to the
21 other parties.

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

23 **MR. HORN:** He could have shown -- used
24 another document similar as an ODE of something that has
25 already been looked at by the other parties. But to put

1 something in which hasn't even been seen by the parties is,
2 I think, inappropriate.

3 **THE COMMISSIONER:** All right. Thank you.
4 Mr. Sherriff-Scott, anything else on that
5 issue.

6 **MR. SHERRIFF-SCOTT:** On that issue, no sir.

7 **THE COMMISSIONER:** Thank you.

8 I think that while strictly speaking ---

9 **MR. SHERRIFF-SCOTT:** Mr. Horn took my binder
10 though. He's reading it here.

11 **(LAUGHTER/RIRES)**

12 **THE COMMISSIONER:** Just pull out the cheque
13 book while you're there, Mr. Horn.

14 **--- RULING BY THE COMMISSIONER/DÉCISION PAR LE COMMISSAIRE:**

15 Sir, you know, what I have to say about this
16 is that I find that it's not very useful to be in there
17 and, more importantly, is that if there's been a culture of
18 developing ODEs amongst parties that, while it isn't marked
19 "Confidential", it is marked "Draft" and I find that it's
20 unfortunate that it's in there.

21 I think that what you could have said is
22 simply, "Look, we have used the practice of having ODEs.
23 They've been used for everyone else and, in this case,
24 Commission counsel have been working on one. There's a
25 draft around and it's similar to the others." And I think

1 that would have been enough to make your point.

2 So I would say that I'm not going to be
3 referring to the Draft Overview of Documentary Evidence.

4 **MR. SHERRIFF-SCOTT:** Are you not accepting
5 it for filing, sir?

6 **THE COMMISSIONER:** No, no, no.

7 **MR. SHERRIFF-SCOTT:** That's your ruling?

8 **THE COMMISSIONER:** That's my ruling.

9 **MR. SHERRIFF-SCOTT:** Thank you.

10 All right.

11 **THE COMMISSIONER:** I don't know -- is there
12 anyone opposed to Mr. Sherriff-Scott's Motion that Father
13 McDougald should not be called to testify because of his --
14 of the items put out there?

15 Is there anybody objecting to that?

16 Mr. Horn?

17 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. HORN:**

18 **MR. HORN:** As in all situations in the past,
19 the biggest problem with a document is that it doesn't give
20 opportunity for any kind of in-depth cross-examination.
21 And I think that our position is that if there's any
22 alternative format that could be used, we would want
23 something more than just a document.

24 We want something in which there will be
25 questions that would be coming from the parties that would

1 be presented to the individual, Mr. MacDon -- McDougald.

2 **THE COMMISSIONER:** McDougald, Father
3 McDougald.

4 **MR. HORN:** So we would be -- Father
5 McDougald, I'm sorry.

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

7 **MR. HORN:** So that maybe -- that would be
8 like an alternative form of cross-examination, where the
9 questions that we would propose would then be put to him in
10 another setting where he would not be put under the stress
11 of coming here personally.

12 It could be done maybe on a video with the
13 questions that we would submit and propose that these are
14 the ones he should be answering, in another setting, much
15 quieter setting, where he would be able to do it without
16 the kind of stress that would be imposed on him if he were
17 to come here.

18 So if there's any kind of alternative
19 arrangement that could be made which would accommodate him,
20 I think the cross-examination maybe we wouldn't do it
21 directly but it could be done the way I'm suggesting.

22 **THE COMMISSIONER:** Thank you.

23 Mr. Sherriff-Scott?

24 I just need to hear from you on that
25 argument; on the alternative.

1 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. SHERRIFF-SCOTT:

2 MR. SHERRIFF-SCOTT: I don't think that
3 responds to the evidence in the medical -- the medical
4 evidence in any way, sir.

5 THE COMMISSIONER: No.

6 MR. SHERRIFF-SCOTT: And that's my only
7 comment on that.

8 THE COMMISSIONER: All right.

9 So what exhibits should we be putting as
10 confidential? There's Dr. Khan's of August 22 ---

11 MR. SHERRIFF-SCOTT: Two of Dr. Khan's
12 reports, sir, the first is Exhibit "A" and the second is
13 Exhibit "B". They follow each other in the record and they
14 should both be marked confidential.

15 THE COMMISSIONER: Thank you.

16 MR. SHERRIFF-SCOTT: I'm assuming there's no
17 contest on that issue.

18 THE COMMISSIONER: No, I've asked.

19 MR. SHERRIFF-SCOTT: Thank you.

20 THE COMMISSIONER: So, sir, other than for
21 that little thing about the ODE ---

22 MR. SHERRIFF-SCOTT: Yes?

23 THE COMMISSIONER: --- the material is
24 excellent.

25 MR. SHERRIFF-SCOTT: Thank you.

1 **THE COMMISSIONER:** It's prepared and I've
2 reviewed it, and I can advise you that I shall be giving
3 you a ruling but the ruling will be that Father McDougald
4 need not be in attendance, that he will be excused, again,
5 for the reasons that I'll give in due course.

6 **MR. SHERRIFF-SCOTT:** Thank you, sir.

7 I do apologize for the lateness of the
8 filing the case as Mr. Engelmann notified me Wednesday
9 night about the return date. I didn't expect to be here
10 today. But that's fine. Thank you very much, sir.

11 **THE COMMISSIONER:** Thank you.

12 **MR. DUMAIS:** Mr. Manderville.

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

14 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. MANDERVILLE:**

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

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

18 **MR. MANDERVILLE:** I've alerted Commission
19 council to this.

20 I've now received word that Officer
21 Lefebvre's medical specialist will be able to provide us
22 with a follow-up report within a couple of weeks time. And
23 I know what you set out last time.

24 **THE COMMISSIONER:** Where's your client?

25 **MR. MANDERVILLE:** Pardon me?

1 THE COMMISSIONER: Where's your client?

2 MR. MANDERVILLE: He is aware of what is to
3 transpire today and he would be available within 20 minutes
4 time. I don't feel that it's necessary to go that route.
5 If that is what you are inclined to do then I guess I have
6 to consider my options; one of which, of course, would be
7 to seek judicial review of the rulings. And in the
8 meantime, we'll have a medical report that is intended to
9 address all of your concerns.

10 THE COMMISSIONER: Say that again?

11 MR. MANDERVILLE: I said that I don't
12 believe -- I know what you told us.

13 THE COMMISSIONER: What did I tell you?

14 MR. MANDERVILLE: That this would be
15 returnable today.

16 THE COMMISSIONER: M'hm.

17 MR. MANDERVILLE: That as of today, I should
18 either have a medical report to show you or one of Officer
19 Lefebvre or his medical specialist to appear.

20 THE COMMISSIONER: M'hm.

21 MR. MANDERVILLE: Officer Lefebvre has been
22 advised of what you had said and that today is the day.

23 THE COMMISSIONER: M'hm.

24 MR. MANDERVILLE: We also talked about if
25 circumstances arose that caused problems for today and

1 having things finished for today, that I could apprise you
2 of those.

3 And as I mentioned to you last time, Doctor
4 -- Officer Lefebvre's medical specialist was in the
5 Caribbean, that a hurricane was preventing him from
6 returning; he was delayed in his return. He has now ---

7 **THE COMMISSIONER:** Hold on. How long has he
8 been back?

9 **MR. MANDERVILLE:** He's been back since last
10 week.

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

12 **MR. MANDERVILLE:** And I've now been advised
13 by him as of yesterday that he would have a report for me
14 within two weeks time.

15 **THE COMMISSIONER:** I'd like to see your
16 client here.

17 **MR. MANDERVILLE:** Well, he can be here
18 within 20 minutes time, sir, but as I said, I don't believe
19 it to be necessary for him to get in the witness box.

20 **THE COMMISSIONER:** Oh, did anybody say that
21 he was going to be in the witness box? I just want -- I
22 ordered that you had one of three things here; either the
23 motion to continue; your attending physician; or your
24 client. That's what I asked you to do.

25 **MR. MANDERVILLE:** Correct.

1 **THE COMMISSIONER:** And you have neither. So
2 I'm saying -- and you say your client is available. I'd
3 say, ask him to come here, I think we have to have a chat.

4 **MR. MANDERVILLE:** What do you mean when you
5 say chat, Mr. Commissioner?

6 **THE COMMISSIONER:** We'll see when I -- he's
7 not going to testify today. I'm not going to force him to
8 testify, but I think he should be here.

9 **MR. MANDERVILLE:** I will call.

10 **THE COMMISSIONER:** Pardon me?

11 **MR. MANDERVILLE:** I will call him.

12 **THE COMMISSIONER:** Thank you.

13 All right. So have him here -- well, what
14 time do you think he'll be here?

15 **MR. MANDERVILLE:** I can expect him to be
16 here around noon, given the time now.

17 **THE COMMISSIONER:** Okay. Well, will you
18 want to speak to him a little bit?

19 **MR. MANDERVILLE:** Yes.

20 **THE COMMISSIONER:** Okay.

21 So what can we do in the meantime?

22 **MR. DUMAIS:** Perhaps I can file the research
23 papers, Mr. Commissioner?

24 **THE COMMISSIONER:** Sure.

25 **MR. DUMAIS:** As we've previously indicated,

1 the research papers are ready and we've also received the
2 executive summaries, which have been translated. I propose
3 now to file these papers.

4 Dealing with the first one, which is titled
5 A Historical Review of the Evolution of Police Practices,
6 Policies and Training Regarding Child Sexual Abuse. It's
7 been prepared by Mr. Harnick and Chelsea Morris.

8 I'm asking that it be filed as Exhibit 2341-
9 A. I think that's the next exhibit, Madam Clerk. Sorry,
10 2345-A then. And 2345-B would be the executive French
11 summary.

12 The next paper is titled Policies and ---

13 **THE COMMISSIONER:** Hang on just a second.

14 So this is Exhibit Number 2345-A, A
15 Historical Review of the Evolution of Police Practices,
16 Policies and Training Regarding Child Sexual Abuse.

17 --- **EXHIBIT NO./PIÈCE NO. P-2345A:**

18 Phase 1 Research papers, 'A Historical
19 Review of the Evolution of Police Practices,
20 Policies and Training Regarding Child Sexual
21 Abuse'

22 **THE COMMISSIONER:** And 2345-B is the French
23 executive summary.

24 **MR. DUMAIS:** Correct.

25 **THE COMMISSIONER:** Okay.

1 **--- EXHIBIT NO./PIÈCE NO. P-2345B:**

2 Executive summary French translation,
3 research papers, 'A Historical Review of the
4 Evolution of Police Practices, Policies and
5 Training Regarding Child Sexual Abuse'

6 **MR. DUMAIS:** So the second paper is entitled
7 Policies and Practices of Child Welfare Agencies in
8 Response to Complaints of Child Sexual Abuse From 1960 to
9 2006.

10 I'm asking that it be filed as Exhibit 2346-
11 A, and again the executive summary as the 2346-B.

12 **THE COMMISSIONER:** Thank you. So ordered.

13 **--- EXHIBIT NO./PIÈCE NO. P-2346A:**

14 Phase 1 Research papers, 'Policies and
15 Practices of Child Welfare Agencies in
16 Response to Complaints of Child Sexual Abuse
17 From 1960 to 2006'

18 **--- EXHIBIT NO./PIÈCE NO. P-2346B:**

19 Executive summary translated to French of
20 'Policies and Practices of Child Welfare
21 Agencies in Response to Complaints of Child
22 Sexual Abuse From 1960 to 2006'

23 **THE COMMISSIONER:** Okay, and the third one?

24 **MR. DUMAIS:** Is entitled Survey of Policies
25 and Practices in Respect to Responses by Religious

1 Institutions to Complaints of Child Sexual Abuse and
2 Complaints by Adults of Historical Child Sexual Abuse From
3 1960 to 2006, and again the executive summary has been
4 translated. It should be filed as the next exhibit, A and
5 B.

6 **THE COMMISSIONER:** Thank you. So ordered.

7 --- **EXHIBIT NO./PIÈCE NO. P-2347A:**

8 Phase 1 Research papers, 'Survey of Policies
9 and Practices in Respect to Responses by
10 Religious Institutions to Complaints of
11 Child Sexual Abuse and Complaints by Adults
12 of Historical Child Sexual Abuse From 1960
13 to 2006'

14 --- **EXHIBIT NO./PIÈCE NO. P-2347B:**

15 Executive summary translated to French of
16 'Survey of Policies and Practices in Respect
17 to Responses by Religious Institutions to
18 Complaints of Child Sexual Abuse and
19 Complaints by Adults of Historical Child
20 Sexual Abuse From 1960 to 2006'

21 **MR. DUMAIS:** And, finally, Mr. Commissioner,
22 the last one is entitled A Survey of Policies and Practices
23 of Government Agencies Involved in the Administration of
24 Youth Justice and Custodial Care with Respect to Complaints
25 of Child Sexual Abuse and Complaints by Adults of

1 Historical Child Sexual Abuse Who Were Provided with
2 Government Services Whether by Employees of the Government
3 or by Volunteers.

4 And, again, if that could be the next
5 exhibit, and the executive summary has been translated as
6 well.

7 **THE COMMISSIONER:** Thank you. So ordered.

8 **--- EXHIBIT NO./PIÈCE NO. P-2348A:**

9 Phase 1 Research papers, 'A Survey of
10 Policies and Practices of Government
11 Agencies Involved in the Administration of
12 Youth Justice and Custodial Care with
13 Respect to Complaints of Child Sexual Abuse
14 and Complaints by Adults of Historical Child
15 Sexual Abuse Who Were Provided with
16 Government Services Whether by Employees of
17 the Government or by Volunteers'

18 **--- EXHIBIT NO./PIÈCE NO. P-2348B:**

19 Executive summary translated to French of 'A
20 Survey of Policies and Practices of
21 Government Agencies Involved in the
22 Administration of Youth Justice and
23 Custodial Care with Respect to Complaints of
24 Child Sexual Abuse and Complaints by Adults
25 of Historical Child Sexual Abuse Who Were

1 Provided with Government Services Whether by
2 Employees of the Government or by
3 Volunteers'

4 **MR. DUMAIS:** And just for the record,
5 Mr. Commissioner, these I believe will be available on our
6 website.

7 **THE COMMISSIONER:** They should be, yeah.

8 **MR. DUMAIS:** Now, the next matter is the
9 cross-examination of Mr. Bill Carriere.

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

11 **MR. DUMAIS:** The Coalition, I believe, is
12 prepared to proceed with that.

13 **THE COMMISSIONER:** Okay. Why don't we take
14 a short break? I'll deal with the Lefebvre matter and then
15 we can deal with that.

16 **MR. DUMAIS:** All right, thank you.

17 **THE COMMISSIONER:** Thank you.

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

20 The hearing will resume at 12:00 noon.

21 --- Upon recessing at 11:47 a.m./

22 L'audience est suspendue à 11h47

23 --- Upon resuming at 12:04 p.m./

24 L'audience est reprise à 12h04

25 **THE REGISTRAR:** Order; all rise. À l'ordre;

1 veuillez vous lever.

2 The hearing is now resumed. Please be
3 seated. Veuillez vous asseoir.

4 **THE COMMISSIONER:** Thank you.

5 **MR. MANDERVILLE:** Officer Lefebvre is here,
6 Mr. Commissioner.

7 **---STATEMENT BY THE COMMISSIONER/DÉCLARATION PAR LE**
8 **COMMISSAIRE:**

9 **THE COMMISSIONER:** Monsieur Lefebvre, is
10 that you? Good morning, sir.

11 It seems that your counsel misunderstood my
12 -- no, no, you may sit down, sir.

13 First of all, let me say that I must
14 apologize for this situation; not because I think that --
15 well, in any event, sir, I don't mean to cause you any
16 discomfort or stress.

17 I had asked your lawyer to either have the
18 motion here, the doctor here or you here, and your lawyer
19 chose not to have anyone here and so I thought we'd remedy
20 that by asking you to come here today.

21 Now, my understanding is that the medical
22 specialist was away and that I had asked that the report or
23 something happen today. Obviously it hasn't, but it seems
24 that the medical specialist is prepared to prepare a report
25 that would be due when, sir?

1 **MR. MANDERVILLE:** We anticipate receiving it
2 on or before the 24th of September.

3 **THE COMMISSIONER:** All right. So then I
4 want it filed here by the 27th.

5 **MR. MANDERVILLE:** That's a Saturday, sir.

6 **THE COMMISSIONER:** Then we'll make it -- you
7 gain two days; 29th.

8 The reason why I want it before then it so
9 that it can be distributed to other parties so that we can
10 properly assess this and get this done properly and once
11 and for all.

12 **MR. MANDERVILLE:** That was certainly our
13 intention, sir.

14 **THE COMMISSIONER:** Yeah. Next time when I
15 ask somebody to come here, they should be here. Thank you.

16 **MR. MANDERVILLE:** Is that it? Is that it,
17 Mr. Commissioner?

18 **THE COMMISSIONER:** You may sit down, sir.

19 Mr. Lefebvre, I would certainly ask you to
20 quarterback this, if I can use that expression, to make
21 absolutely sure that that report is here on time.
22 Sometimes patients and clients get lost in the shuffle.

23 **MR. MANDERVILLE:** I will quarterback it,
24 sir, and I will make sure that it happens.

25 **THE COMMISSIONER:** He's the client. I was

1 speaking to him. And if he wants to give you those
2 instructions, that's fine with me.

3 **MR. MANDERVILLE:** And that's something he
4 will decide to do and I will quarterback that. Thank you
5 very much.

6 **THE COMMISSIONER:** Well, if you want to be
7 that way, then I will tell you then that the next time we
8 come back and we hear this motion and when you set it down,
9 it will be peremptory. Is that understood?

10 **MR. MANDERVILLE:** Certainly, sir.

11 **THE COMMISSIONER:** Thank you.

12 **MR. MANDERVILLE:** I wouldn't have had it any
13 other way.

14 **THE COMMISSIONER:** Sit down.

15 Mr. Paul? You're free to go, Monsieur
16 Lefebvre. You're free to go. Thank you.

17 **MR. DUMAIS:** If we can call back
18 Mr. Carriere, Mr. Commissioner, and if I can be excused?

19 **THE COMMISSIONER:** Certainly.

20 **MR. DUMAIS:** Thank you.

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

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

23 **MR. PAUL (cont'd/suite):**

24 **THE COMMISSIONER:** Mr. Carriere, good
25 morning.

1 **MR. CARRIERE:** Good morning, sir.

2 **THE COMMISSIONER:** You understand you're
3 still under oath?

4 **MR. CARRIERE:** I do, sir.

5 **THE COMMISSIONER:** Thank you.

6 What we'll do -- Mr. Paul, how long do you
7 think you're going to be?

8 **MR. PAUL:** I'm expecting about 45 minutes.

9 **THE COMMISSIONER:** Okay, so we should have
10 time to finish that.

11 **MR. CARRIERE:** Thank you, sir.

12 **MR. PAUL:** Mr. Commissioner, Mr. Carriere,
13 on behalf of the Coalition I have a number of areas to
14 cover. I'll probably be focussing on the areas surrounding
15 the Silmsler matter, Ms. Antoine and Earl Landry, Jr.

16 Just one area before I get into those areas,
17 I'd like to ask a few questions about -- in the area of
18 your recommendations.

19 **MR. CARRIERE:** Yes.

20 **MR. PAUL:** And I understand that one of your
21 recommendations dealt with these disclosure issues where
22 there were some instances where there were individuals who
23 perhaps had complaints about the length of time to getting
24 their files?

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

1 **MR. PAUL:** And I think one of your
2 recommendations was that these disclosures or materials be
3 produced in a reasonable period of time?

4 **MR. CARRIERE:** Yes.

5 **MR. PAUL:** You would agree that the idea of
6 the wording of "reasonable period of time" is certainly
7 something that could be open to a lot of interpretation?

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

9 **MR. PAUL:** And do you also understand that
10 perhaps not with respect to the Children's Aid Society but
11 some other government entities have access to information
12 laws that mandate definite time periods? You understand
13 that?

14 **MR. CARRIERE:** Actually, I didn't but I --
15 thank you for informing me. I don't know those time
16 periods, but yes.

17 **MR. PAUL:** Are you also aware that even
18 under the *Child and Family Services Act* -- that's your
19 governing legislation; correct?

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

21 **MR. PAUL:** Under that Act there was some
22 form of regime that has not ever been proclaimed in force?

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

24 **MR. PAUL:** And under the Act there was
25 actually a mandatory 30-day period to respond to an

1 individual for certain type of information; correct?

2 MR. CARRIERE: Because it had not been
3 proclaimed, it's not a section I'm that familiar with,
4 Mr. Paul.

5 MR. PAUL: All right. But you understand
6 there is a regime. It was 30 days and there's an appeal to
7 a board and that was never proclaimed.

8 MR. CARRIERE: That's my understanding.

9 MR. PAUL: So what I wanted to ask you, do
10 you not think it would be -- meet the needs of individuals
11 dealing with Children's Aid in a better way if there were
12 mandatory periods similar to other government agencies, for
13 example 30 days, that there has to be a response?

14 MR. CARRIERE: I think the idea of fixing a
15 time period is not a bad idea.

16 MR. PAUL: And the idea of -- I would
17 understand at this point there are no time periods at all.

18 MR. CARRIERE: Presently there are not that
19 I'm aware of.

20 MR. PAUL: And if an individual is
21 dissatisfied is your only real remedy to go through the
22 complaint process to the Director?

23 MR. CARRIERE: Essentially, yes. Well, they
24 would work their way up from the worker to a supervisor to
25 the Director and then to the services committee of the

1 Board and then it can go to the Ministry.

2 MR. PAUL: Do you think it would be feasible
3 to have a criteria such as, for example, mandatory 30 days
4 unless the particular worker gets an extension from the
5 Director, for example a very large file?

6 MR. CARRIERE: That sounds like a good idea,
7 having some flexibility in terms of a very large file or,
8 you know, unique circumstances or something like that but
9 something where there is a review process with the
10 Director.

11 MR. PAUL: Now, the other area ---

12 MR. CARRIERE: Or someone designated by the
13 director.

14 MR. PAUL: The other general area I wanted
15 to ask you about is am I correct in assuming that
16 Children's Aid Society workers are not specialized in the
17 sense of having particular workers who would only deal with
18 sexual assault files or are there specialized ---

19 MR. CARRIERE: No, there -- well, there is a
20 forensic unit in the agency now that does investigations of
21 that nature and then I believe they are actually carrying
22 ongoing cases as well. Things have changed in the last
23 couple of years and probably I need a refresher at the
24 Agency. But there's a forensic team that would do that
25 kind of investigation.

1 **MR. PAUL:** Now, you heard the evidence with
2 respect to, for example, the Cornwall police where they
3 have a unit called SACA.

4 **MR. CARRIERE:** Yes, it would be similar to
5 that actually.

6 **MR. PAUL:** Do you have an equivalent where
7 you have Children's Aid Society workers who only do sexual
8 assault cases and development expertise?

9 **MR. CARRIERE:** Yes, that's the forensic
10 team.

11 **MR. PAUL:** All right.
12 And that didn't exist back in, what, the
13 '70s and '80s?

14 **MR. CARRIERE:** Not that specialized, no.

15 **MR. PAUL:** So presumably by doing that it
16 would be easier to develop a knowledge of offenders and
17 cross-reference it?

18 **MR. CARRIERE:** Exactly, and that was one of
19 the things that I had -- I think when I did my corporate --
20 well, not think when I did my corporate presentation. When
21 I did my corporate presentation I indicated at that time
22 that the agency was looking at forming a team of that
23 nature and in fact that did happen.

24 **MR. PAUL:** I'd like to move now to the area
25 of the Silmsler investigation.

1 **MR. CARRIERE:** Yes.

2 **MR. PAUL:** And there is a reference and a
3 document I'd like to ask Mr. Carriere about. It's Document
4 125646.

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

6 **MR. CARRIERE:** Mr. Paul, maybe if I could
7 just add while they're looking for that document that one
8 of the things that I know the forensic team is doing is
9 that they meet very regularly with the Children's Treatment
10 Centre, that program for sexually abused children, and also
11 regular meetings with the police as well.

12 **MR. PAUL:** Yes.

13 **THE COMMISSIONER:** So Exhibit 2344 is a
14 document entitled "Timeline of the Cornwall Scandal." And
15 who prepared this?

16 **MR. PAUL:** I believe it's page 6. I believe
17 it appeared to me to be an internet document.

18 **MR. CHISHOLM:** What it would suggest is it's
19 from projecttruth.com, I believe, sir.

20 **THE COMMISSIONER:** From projecttruth.com?

21 **MR. CHISHOLM:** Sorry, .ca.

22 **THE COMMISSIONER:** .ca. So this isn't a
23 Project Truth document?

24 **MR. CHISHOLM:** I don't think so, sir.

25 **THE COMMISSIONER:** I know they are not --

1 they're not participating at this time in the morning. Oh,
2 but here comes Mr. Neville to the rescue.

3 **MR. NEVILLE:** Sir, may I suggest that you
4 take a moment and look through it and I'm going to object
5 to it's being used at all, certainly with it being made an
6 exhibit. And I invite you to look at it and you'll see
7 why.

8 I think it's most unfortunate this document
9 has been sighted and even attempted to be used.

10 **THE COMMISSIONER:** Hold on a second now.
11 What part of it did you want to have used,
12 Mr. Paul?

13 **MR. PAUL:** The part is -- I think you can
14 recall, Mr. Commissioner, yesterday my friend, Ms. Daley
15 made reference to Mr. Abell and asked questions about
16 whether he became disillusioned ---

17 **THE COMMISSIONER:** Right.

18 **MR. PAUL:** --- with Mr. Dunlop. There's a
19 claim in this internet document that there was some kind of
20 visible attack on Mr. Abell and ---

21 **THE COMMISSIONER:** Well, first of all, there
22 is objections so don't tell me about -- just tell me where
23 in this document.

24 **MR. PAUL:** It's page 6, the 1st of March
25 entry.

1 (SHORT PAUSE/COURTE PAUSE)

2 THE COMMISSIONER: I'm sorry, page 6?

3 MR. PAUL: I'm sorry. I don't have a copy
4 on the screen. My copy -- I don't have a copy on the
5 screen, my copy at page 6.

6 THE COMMISSIONER: And the first paragraph,
7 "The Board of Inquiry"?

8 MR. PAUL: It was 1st of March entry was the
9 timeline.

10 MR. CHISHOLM: Bates page 137, sir.

11 THE COMMISSIONER: One-three-seven (137),
12 okay.

13 Is that the only reference you want to do?

14 MR. PAUL: That's the only reference I want
15 to make, yeah.

16 THE COMMISSIONER: So why do we need the
17 document?

18 MR. PAUL: I can ask the question without
19 the document. That's fine.

20 THE COMMISSIONER: With that ---

21 MR. CHISHOLM: I suppose Mr. Paul can start
22 by asking if Mr. Carriere is the author of that document,
23 if he's seen it before, if he ---

24 THE COMMISSIONER: No, no, we're not
25 planning on using the document. I think that if -- so try

1 it that way. Why don't you ask ---

2 **MR. CHISHOLM:** I'm not sure that Mr. Paul
3 even needs to make reference to this document.

4 **THE COMMISSIONER:** Oh, no, that's what I'm
5 saying, yeah.

6 **MR. CHISHOLM:** Thank you.

7 **THE COMMISSIONER:** So do you really need
8 this document?

9 **MR. PAUL:** No, I don't think I need the
10 document.

11 **THE COMMISSIONER:** There you go. It won't
12 be an exhibit at this point.

13 **MR. PAUL:** I'd like to ask you if you're
14 aware whether at some point, perhaps in 1994, Mr. Abell
15 suffered any attack, physical attack?

16 **MR. CARRIERE:** Yes, I'm aware of that.

17 **MR. PAUL:** Okay. And was that in early
18 1994? Do you recall the date?

19 **MR. CARRIERE:** I remember it was in the
20 spring.

21 **MR. PAUL:** And was that an attack by unknown
22 assailants?

23 **MR. CARRIERE:** Yes.

24 **MR. PAUL:** And was he hospitalized?

25 **MR. CARRIERE:** I think he was treated and

1 released immediately but, you know, I don't know the
2 specifics of that.

3 MR. PAUL: Was there any police
4 investigation into that matter?

5 MR. CARRIERE: I don't recall. I suspect
6 there was but ---

7 MR. PAUL: You don't know what police force
8 was investigating?

9 MR. CARRIERE: The incident happened in the
10 City of Cornwall so I'm assuming the Cornwall Police
11 Services.

12 MR. PAUL: And in terms of the attack on Mr.
13 Abell were the motives and the persons -- was that unsolved
14 or was there ever any connection established to the Project
15 Truth type situation?

16 MR. CARRIERE: My discussion ---

17 MR. CHISHOLM: Sorry, I'm not sure what my
18 friend means by "Project Truth type situations;" can he
19 clarify the question?

20 THE COMMISSIONER: Okay.

21 MR. PAUL: Well, I'm referring to anything
22 surrounding particularly the Project Blue matters or any of
23 the rings suggested by Mr. Dunlop.

24 THE COMMISSIONER: Okay.

25 MR. CARRIERE: In my discussions with Mr.

1 Abell at the time I had no understanding that it was that.
2 What Mr. Abell told me at the time was that he was walking
3 on the street, I believe returning home from work, and
4 there were a couple of teenage boys walking on the other
5 side of the street. They crossed over onto Mr. Abell's
6 side of the street and were just about to pass him when two
7 of them jumped him. He wasn't aware that that was going to
8 happen and I believe proceeded to punch and kick him.

9 I can't remember whether they took his
10 wallet or not. Anyway, he received quite a beating. I
11 remember seeing him shortly thereafter. He had a lot of
12 facial injuries. But I never heard from him that he in any
13 way thought that it was work related.

14 **MR. PAUL:** Now, you were asked yesterday if
15 Mr. Abell became disillusioned by Mr. Dunlop's approach to
16 him at any point. Was there any change in his attitude at
17 all after that incident, the physical attack?

18 **MR. CARRIERE:** I didn't sense anything.
19 Actually, I remember there was an article in the news. He
20 was interviewed in the newspaper and I remember he said --
21 I remember what he said in the article was that he wished
22 that he had the opportunity to meet with the boys to find
23 out what was troubling them. It was not a revenge kind of
24 thing. It was just anybody that would do that kind of
25 thing he sort of -- I mean I'm going to use the expression

1 "his heart went out to them" which is probably maybe not
2 accurate but he was sort of more concerned that what would
3 trouble somebody to do something like that.

4 MR. PAUL: I'd like to move to another area
5 of the Silmsler investigations, specifically surrounding Mr.
6 Ken Seguin.

7 MR. CARRIERE: Yes.

8 MR. PAUL: And would I understand that in
9 terms of the investigation it was a fairly short period
10 from the point that you become involved until his death.
11 Correct?

12 MR. CARRIERE: That's correct.

13 MR. PAUL: And that somewhere around the end
14 of September or on the 30th of September to the 25th of
15 November?

16 MR. CARRIERE: Yes.

17 MR. PAUL: So you're talking about almost
18 two months that you're actively involved investigating him
19 until he dies?

20 MR. CARRIERE: That's correct, yes.

21 MR. PAUL: I realize it's a short period
22 butm nevertheless, you'd agree that even in a short period
23 of time, if there is some possibility of risk to children,
24 you'd want to act quickly; correct?

25 MR. CARRIERE: Yes.

1 **MR. PAUL:** And I understand that you did
2 indicate that there was some form of -- yesterday, you
3 indicated that there was some form of knowledge that Mr.
4 Seguin dealt with adult probation clients as opposed to
5 youths.

6 **MR. CARRIERE:** We -- we were aware of that,
7 yes.

8 **MR. PAUL:** Now, your knowledge of that was
9 that -- I take it, it wasn't through directly contacting
10 Probation at that time because you didn't?

11 **MR. CARRIERE:** Yeah. No, it didn't come
12 from there, and I'm actually not sure of the source of it,
13 but my sense was that it might have come from Elizabeth
14 McLennan, our lawyer, but I -- you know, I'm not certain.

15 **MR. PAUL:** Now, at the time, did you have a
16 certainty as to whether Mr. Seguin would not, perhaps, have
17 the opportunity to occasionally deal with youths even if
18 his main focus was on adults?

19 **MR. CARRIERE:** I think we were fairly
20 certain that he didn't deal with youths. Yes, I think we
21 were fairly certain that he didn't.

22 **MR. PAUL:** And you're certain, for example,
23 that probation officers always dealt with only adults, that
24 they didn't deal with both if they were going to a
25 satellite area in Alexandria or Morrisburg. Was that

1 checked out?

2 MR. CARRIERE: I don't believe that it was
3 checked out.

4 MR. PAUL: Was it checked out whether
5 someone like Mr. Seguin could be transferred back-and-forth
6 to fill in or whether the roles were distinct between youth
7 and adult?

8 MR. CARRIERE: No.

9 MR. PAUL: So is there -- notwithstanding
10 the information you had, was there -- was it left in a
11 situation where it wasn't 100 percent conclusive whether he
12 could, perhaps, have opportunity to deal with some youths?

13 MR. CARRIERE: I think that that's fair.

14 MR. PAUL: Now, I have an understanding ---

15 MR. CARRIERE: We -- Mr. Paul, we were still
16 dealing with the information that Mr. Silmsner gave ---

17 MR. PAUL: Right.

18 MR. CARRIERE: --- determining whether or
19 not in fact we had the grounds to proceed on an
20 investigation.

21 MR. PAUL: Right, and you had to follow-up
22 with Mr. Silmsner?

23 MR. CARRIERE: That's correct.

24 MR. PAUL: Which as of, I believe, early
25 November you would have done by some form of video

1 statement or a recorded statement?

2 MR. CARRIERE: An audio statement, yes.

3 MR. PAUL: And in that statement, it's --
4 originally, you have only the written statement that was
5 given by Perry Dunlop; correct?

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

7 MR. PAUL: As of late September ---

8 MR. CARRIERE: That's correct.

9 MR. PAUL: --- by early November, you also
10 have your own statement.

11 MR. CARRIERE: We do, yes.

12 MR. PAUL: Yes. And it's clear -- be clear
13 in that -- in the statements that you're dealing with an
14 allegation against Mr. Seguin that would have been
15 allegedly while Mr. Silmsers around 13 or 14?

16 MR. CARRIERE: I think there was some
17 confusion about the specific dates that it would have
18 happened and that's in part the reason that we wanted to
19 meet with Mr. Silmsers again because, as I mentioned
20 yesterday, he testified about collecting welfare when he
21 was, like, 13 or 14 and I don't believe that would be
22 possible. He talked about living alone in an apartment
23 when he was approximately that age and I doubt that that
24 would have been possible either.

25 MR. PAUL: What was the age he was giving?

1 Was it 13 to 14 with respect to the abuse by Mr. Seguin?

2 MR. CARRIERE: I -- I don't think we were
3 clear in that; what -- what that -- that was and again that
4 was part of the reason we wanted to see him.

5 MR. PAUL: I know in terms of -- there may
6 be confusion by the reference to welfare. Did he give an
7 age of 13 or 14 or ---

8 MR. CARRIERE: I -- I can't recall, Mr.
9 Paul. No, I can't recall.

10 MR. PAUL: Perhaps I'll refer him to the
11 document, Mr. Commissioner.

12 THE COMMISSIONER: Sure.

13 MR. PAUL: It's Exhibit 270 at page 22.

14 THE COMMISSIONER: What exhibit number?

15 MR. PAUL: I have it as 270 ---

16 THE COMMISSIONER: Thank you.

17 MR. PAUL: --- Document 721635, I believe.

18 (SHORT PAUSE/COURTE PAUSE)

19 THE COMMISSIONER: What page?

20 MR. PAUL: Page 22 towards the middle.

21 MR. CARRIERE: Yes, I see.

22 MR. PAUL: And I think there's a reference
23 to "13 or 14. I forget what age it was".

24 MR. CARRIERE: Yes, okay.

25 MR. PAUL: So there's some lack of knowledge

1 or some indication of not being certain, but the number is
2 also given as 13 or 14?

3 MR. CARRIERE: Yes, I see that, yes.

4 MR. PAUL: All right.

5 And that's in the audio interview of the
6 Children's Aid in early November?

7 MR. CARRIERE: Yes, it is, yes.

8 MR. PAUL: And it also gives as the
9 location, Mr. Seguin's house?

10 MR. CARRIERE: Yes, I see that.

11 MR. PAUL: So do you have some evidence that
12 it might be roughly within the Children's Aid mandate of
13 under 16?

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

15 MR. PAUL: And you'd also have some
16 connection to a -- this all stems originally from a report
17 from a police officer, being Perry Dunlop?

18 MR. CARRIERE: That's correct.

19 MR. PAUL: And, in addition, what were the
20 views of the time in terms of this being an individual
21 who's under the charge of an adult with respect to whether
22 the probation status or the involvement of the residents
23 would it ultimately have caused Children's Aid to believe
24 that it qualifies as a person in charge?

25 MR. CARRIERE: Yes, I would have interpreted

1 it that way at the time. Yes, if he's required to report
2 to a probation officer, that probation officer is in charge
3 of him.

4 **MR. PAUL:** So a combination of events of a
5 person under charge of another under the age roughly 13 or
6 14 or thereabouts and the report being from a police
7 officer, the combination of those factors gives rise to the
8 application of the Child Abuse Register regulations and the
9 investigation of that?

10 **MR. CARRIERE:** Not so much the child abuse
11 register regulations, but the *Child and Family Services Act*
12 ---

13 **MR. PAUL:** Right.

14 **MR. CARRIERE:** --- and this -- and at that
15 time it would have been the revised standards, yes. It
16 would fit -- it would fit in.

17 **MR. PAUL:** It would fit into the *Child and*
18 *Family Services Act* requirement in certain circumstances of
19 Society -- if Society do an investigate a report?

20 **MR. CARRIERE:** Yes.

21 **MR. PAUL:** And it's your understanding that
22 there's a mandatory requirement to investigate?

23 **MR. CARRIERE:** Yes and we -- we were
24 proceeding with that investigation and that step was to get
25 more information from Mr. Silmser.

1 **MR. PAUL:** And in terms of the extent of the
2 investigation, I think you expressed some concern about
3 civil liability in terms of when the employer is contacted?

4 **MR. CARRIERE:** I'm sorry, could you repeat
5 the question?

6 **MR. PAUL:** In terms of, for example, contact
7 with Mr. Seguin's employer, the Probation office, you had
8 some concern because of the Dawson Report and potential
9 civil liability?

10 **MR. CARRIERE:** Mr. Dawson definitely felt,
11 as part of his review, that we were launching
12 investigations without sufficient grounds to do so and that
13 more effort needed to be put into obtaining information
14 from referral sources or -- or -- well, in this case would
15 be people like Mr. Silmsler before we would -- before we
16 should proceed with an investigation.

17 **MR. PAUL:** All right.

18 In that regard, I just wanted to ask you, at
19 the time were you familiar with any statutory protections
20 for Children's Aid Society workers who were acting in good
21 faith investigating a report; any provisions of the *Child*
22 *and Family Services Act* that would bar a civil action?

23 **MR. CARRIERE:** Yeah, I believe that they
24 were, but I think that you have to -- I think the language
25 suggests that you had to have the grounds to do it and if

1 you -- anyway, yeah, I believe that I was aware of that.

2 **MR. PAUL:** You were aware that if workers
3 were acting in good faith, it would be difficult for there
4 to be civil liability?

5 **MR. CARRIERE:** Yes.

6 **MR. PAUL:** All right.

7 And did you not think that perhaps a good
8 faith action would have been contacting the employer just
9 to verify for certainty that there would not be any access
10 to minors while the investigation is being conducted?

11 **MR. CARRIERE:** I think the other issue that
12 would have come into play at that time, sir, was without
13 determining whether or not we had sufficient information to
14 go to the employer could potentially destroy someone's
15 career and we felt that we needed sufficient information
16 before we could proceed.

17 **MR. PAUL:** All right.

18 **MR. CARRIERE:** This is a small community and
19 word travels very quickly, and sometimes people don't
20 recover from these things.

21 **MR. PAUL:** Right. And you didn't have
22 confidence that a supervisor at Probation could keep the
23 matter confidential until the results were in?

24 **MR. CARRIERE:** The difficulty is that you
25 face is that when the information gets into the hands of

1 another party, you cannot control it. We can't go over and
2 say, you know, you can't let this information leak out.
3 It's out of our control.

4 **MR. PAUL:** You don't agree that that's part
5 of the natural process of investigating a report, that part
6 of the natural process is in order to investigate, some
7 information often will get out?

8 **MR. CARRIERE:** It's part of the natural
9 process, but it's a process that you want to control as
10 much as you can. We don't want to create unnecessary harm
11 to people.

12 **MR. PAUL:** Did you see the Probation Office
13 during that short, roughly two-month period as perhaps a
14 source of information to determine whether there were any
15 similar allegations or any concerns at the Probation
16 Office?

17 **MR. CARRIERE:** We could have -- we very
18 likely would have proceeded with that once we had
19 clarification from Mr. Silmser.

20 **MR. PAUL:** I just want to ask you ---

21 **MR. CARRIERE:** The other -- I should add to
22 that, Mr. Paul is that if we determined after contact with
23 the Probation Office that Mr. Silmser had -- sorry; excuse
24 me -- Mr. Seguin had no contact with children under the age
25 of 16, the matter may have been left with them after we had

1 informed them.

2 MR. PAUL: At any point during that short
3 roughly two-month period, was there any reluctance or
4 apprehension to go directly to Probation because of the
5 fact that it was a probation officer?

6 MR. CARRIERE: No, not at all.

7 MR. PAUL: Was there any -- do you recall if
8 there was any knowledge at that time that Mr. Seguin -- as
9 to whether Mr. Seguin had been involved with Jeannette
10 Antoine as a probation officer?

11 MR. CARRIERE: I didn't know that until
12 preparing for this Inquiry when that piece of information
13 came up.

14 MR. PAUL: Now, moving forward from Mr.
15 Seguin's situation somewhat later as Project Blue unfolds,
16 I just wanted to ask you if the -- would it be fair to say
17 that the main focus of Project Blue would have been on
18 Father Charles MacDonald?

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

20 MR. PAUL: And the main focus would have
21 been looking at altar boys, other altar boys and
22 investigating in that manner?

23 MR. CARRIERE: Yes, that was certainly a
24 component of it.

25 MR. PAUL: Now, did you hear Mr. Towndale's

1 evidence with respect to a suggestion that, for example, in
2 the 1970s allegations by minors against foster parents were
3 not necessarily taken as seriously as today?

4 **MR. CARRIERE:** I started to work in the
5 early '70s and Angelo Towndale worked before me, and from
6 what I have read in the literature, I would think that that
7 phenomenon was likely true.

8 **MR. PAUL:** Would you think that if there had
9 been any old allegations, fairly dated, with respect to
10 probation officers or priests that there would be a
11 possibility that they might be taken less seriously the
12 longer ago they were?

13 **MR. CARRIERE:** I wouldn't know that, sir.

14 **MR. PAUL:** I'm just wondering in terms of
15 the Project Blue mandate, was there consideration in going
16 back either to old files or old Children's Aid Society
17 officers and asking them if there were any concerns with
18 respect to certain individuals going back to the '70s or
19 '80s?

20 **MR. CARRIERE:** No, the focus was more on the
21 present.

22 **MR. PAUL:** Do you think that would have been
23 something worthwhile to do at the time?

24 **MR. CARRIERE:** Well, you would be dealing
25 with individuals who were no longer children and, of

1 course, I think we're all concerned about the wellbeing of
2 all human beings regardless of their age, but at the same
3 time, you have to look at what your mandate is and what
4 your resources are, and it was a struggle for us as a
5 Society to deal with the David Silmser/Father MacDonald
6 matter and cope with the other cases as well.

7 So I wouldn't have had the resources to go
8 back into old CAS files to deal with matters. I just
9 simply wouldn't have had the resources.

10 **MR. PAUL:** I realize the issue about old
11 files, but in terms of Children's Aid workers, at least
12 ones that were still there, couldn't that simply be done by
13 a memorandum circulated asking for information on certain
14 areas, and that wouldn't necessarily take much time?

15 **MR. CARRIERE:** It wasn't considered at the
16 time, Mr. Paul.

17 **MR. PAUL:** All right.

18 Another area I'd like to ask you a few
19 questions on would be Bishop LaRocque. I believe you were
20 involved in a meeting which I believe was around the 12th of
21 October '93?

22 **MR. CARRIERE:** Yes.

23 **MR. PAUL:** And I just wanted to ask you
24 generally; do you have any recollection of Bishop
25 LaRocque's demeanour as to whether he ever looked worried

1 or concerned about the events, or do you have a
2 recollection?

3 **MR. CARRIERE:** He was clearly distressed.
4 As I think I said yesterday or the day before, I would
5 expect him to be. This was a very difficult situation in
6 the life of the Diocese. You know, it was an unpleasant
7 time for him. So if he had looked otherwise, I probably
8 would have been more concerned, actually.

9 **MR. PAUL:** All right.

10 Did he look that way, distressed, throughout
11 the meeting?

12 **MR. CARRIERE:** I couldn't tell you, sir. I
13 mean, it was not a pleasant meeting. There was time in
14 that meeting did anybody present become jovial, you know.

15 **MR. PAUL:** Did he say anything during the
16 meeting suggesting that he wanted the investigation done
17 very quickly?

18 **MR. CARRIERE:** Yeah, he wanted -- I think he
19 gave us a two-week timeline in terms of Father MacDonald
20 being back in the Church, and as I think I might expect.
21 If I were in his position, I would want it done quickly and
22 I would want it done well and I would want it done
23 thoroughly, but I don't think it's in anyone's interest to
24 have it drag.

25 **MR. PAUL:** The two weeks, was that seen by

1 yourself as perhaps too little time?

2 **MR. CARRIERE:** I know that when that was
3 said that -- I knew that it wasn't going to be finished in
4 two weeks. I don't think we got into a debate with him at
5 the time. I just remember thinking that's a bridge we're
6 going to cross at some point because we're not going to get
7 this done in two weeks.

8 **MR. PAUL:** Now, Southdown came up at some
9 point in the meeting? Was that discussed?

10 **MR. CARRIERE:** Yes, I think he said that
11 Father Charles was at Southdown at the time.

12 **MR. PAUL:** Now, did you ever have any
13 concern that Father Charles going to Southdown might make
14 it more difficult for the investigation to take place if
15 you wanted to deal with him -- or if he would consent to
16 deal with him directly?

17 **MR. CARRIERE:** I don't think that that was
18 our concern at the time. I think that we felt that any
19 interview with Father Charles was likely some time off and
20 the fact that he was currently in Southdown was really not
21 a factor for us.

22 **MR. PAUL:** Now, at some point -- would it be
23 not at this point but later on with Mr. Leduc that you
24 asked for the settlement documents?

25 **MR. CARRIERE:** Yes, at some point. I don't

1 recall my involvement with Mr. Leduc, but when I read the
2 documents, Mr. Bell's notes, I'm aware that we did ask Mr.
3 Leduc for the documents.

4 **MR. PAUL:** But the settlement documents are
5 only obtained from Malcolm MacDonald, not from the Diocese?

6 **MR. CARRIERE:** That's my understanding, yes.

7 **MR. PAUL:** And while you don't get the
8 settlement documents from the Diocese, do you recall at the
9 meeting with Bishop LaRocque, did he voluntarily give
10 information, his position on the settlement, for example,
11 suggesting that he was opposed to it at some point and it
12 was a nuisance settlement? Do you recall any comments of
13 that nature?

14 **MR. CARRIERE:** I don't recall. I'm not --
15 if Mr. Abell's notes say that that was discussed, I
16 wouldn't dispute them, but I -- there's only certain things
17 that I remember from that particular meeting with Bishop
18 LaRocque, and that's not one of them.

19 **MR. PAUL:** All right.

20 The meeting with Bishop LaRocque, was the
21 conversation surrounding only Mr. Silmsler or was there ever
22 any information volunteered about any other complainants
23 other than Mr. Silmsler?

24 **MR. CARRIERE:** My recollection is that he
25 said that there had been a call that had come in at some

1 point in time, and it may have been the Apple Hill call. I
2 thought that he said that at that meeting, but -- yeah, I
3 think so.

4 MR. PAUL: Okay. Do you recall any details
5 of that?

6 MR. CARRIERE: I don't.

7 MR. PAUL: There were letters of reference
8 provided as well, two letters?

9 MR. CARRIERE: At that particular meeting or
10 at some point?

11 MR. PAUL: Were they provided at that
12 meeting or at a later point?

13 MR. CARRIERE: At some point in time we
14 received two letters of -- I would say letters supporting
15 Father Charles MacDonald. I'm not sure whether they come
16 from Malcolm or they come from Jacques Leduc, but I think
17 they come from Malcolm MacDonald.

18 MR. PAUL: Was there any offer by Bishop
19 LaRocque to provide any documents surrounding their own
20 investigative steps such as any documentation from the
21 committee such as notes of Jacques Leduc?

22 MR. CARRIERE: I don't recall that at all.

23 MR. PAUL: All right.

24 At that point did you know of the existence
25 of the committee?

1 **MR. CARRIERE:** I don't believe I did.

2 **MR. PAUL:** Do you recall if you were offered
3 the opportunity to look at a letter from a priest from
4 Ottawa by the name of Schonenbach?

5 **MR. CARRIERE:** I think we -- my recollection
6 is that we were allowed to read the letter. I believe we
7 asked for a copy of the letter and we were told that it was
8 confidential and we couldn't have a copy.

9 **MR. PAUL:** Okay. And ---

10 **MR. CARRIERE:** This was at the meeting with
11 the Bishop, yes.

12 **MR. PAUL:** Yes. And is that the letter that
13 made some comment, positive, about Mr. Silmsers
14 credibility?

15 **MR. CARRIERE:** Yes, it was.

16 **MR. PAUL:** So you were allowed to read it
17 but not given a copy?

18 **MR. CARRIERE:** Yes.

19 **MR. PAUL:** Do you recall if Bishop Larocque
20 at the same meeting made some -- any negative comments
21 about Mr. Silmsers, about him being in and out of jail?

22 **MR. CARRIERE:** I don't recall, Mr. Paul.

23 **MR. PAUL:** I want to ask you a few questions
24 about the aspect of reporting of this incident, how it came
25 forward.

1 Now, I understand that it originally
2 obviously came forward from Mr. Dunlop approaching Mr.
3 Abell?

4 **MR. CARRIERE:** That's my understanding, yes.

5 **MR. PAUL:** And at meetings involving your
6 counsel, you came away with the conclusion that it was a
7 reportable matter?

8 **MR. CARRIERE:** Yes.

9 **MR. PAUL:** Now, but did you recognize that
10 there was some grey area or uncertainty or did you believe
11 it was clear cut?

12 **MR. CARRIERE:** For us it was clear cut.

13 **MR. PAUL:** So in terms of it being an
14 historic matter, you still felt that it should be
15 reportable?

16 **MR. CARRIERE:** Yes.

17 **MR. PAUL:** In terms of whether the police
18 need some kind of probable grounds first before they have
19 to report, was that analyzed as to whether you felt there
20 were sufficient -- a level with a statement to be a
21 probable grounds to report? Is that where your statement
22 analysis come into ---

23 **MR. CARRIERE:** Well, no, I think the line is
24 that if somebody -- basically the position is that if
25 someone forms a suspicion that a child is in need of

1 protection, they have a requirement to report it to the
2 Children's Aid Society. It's really the requirement of the
3 Children's Aid Society to decide whether or not there are
4 the grounds to investigate.

5 So in this particular instance, I am aware
6 that Officer Dunlop felt that he had grounds to suspect
7 that a child or children were in need of protection and he
8 reported it to us, and when we looked at the statement we
9 felt that it was a situation that warranted investigation.

10 **MR. PAUL:** Now, even if the police feel they
11 still have not yet formed grounds to believe an offence had
12 occurred, do you still want them to contact you to advise
13 you that they are in the process of trying to the formulate
14 grounds, to give you a heads-up?

15 **MR. CARRIERE:** What I've done throughout my
16 career, and I think I've testified -- I think I've said
17 this already.

18 I've done many, many community
19 presentations, both to members of the public and to
20 professionals, and one of the things that I would say over
21 and over again is if people were not certain about whether
22 or not it was reportable, the wise thing to do is to
23 contact the Children's Aid, run the situation by us, even
24 if you don't provide a name, and we will give you some
25 guidance as to whether or not we think it's reportable,

1 with the proviso that sometimes simply giving us the name
2 may change our answer.

3 **MR. PAUL:** Now, given the situation
4 involving Mr. Silmsers's statement involved a number of
5 individuals including a probation officer, a teacher, and a
6 priest, did it cause concern that the matter surfaced late
7 '92 early '93, that period, and you don't hear about it
8 until the fall of '93?

9 Was it a concern to the Society that there
10 was that delay in terms of finding out about it?

11 **MR. CARRIERE:** As I think I said yesterday,
12 Mr. Paul, I was so busy with other -- like trying to keep
13 the ship afloat that I was less concerned about the
14 politics around the referral and more concerned about
15 getting an investigation team together.

16 We were also dealing with the Earl Landry
17 matter at the same time and I had a diminished number of
18 investigation staff to deal with all of the other
19 referrals.

20 So it would not be -- in fairness to the
21 Cornwall Police Service, it's not the first time that I
22 think agencies have been confused about reporting. And,
23 you know, we've dealt with a number of agencies around
24 reporting issues and people sometimes misunderstand the
25 mandate or, you know, I've always felt that people have

1 been professional about it.

2 **MR. PAUL:** Did you ever think taking too
3 strong a position -- the Society took too strong a position
4 objecting to delays to the police, that that might
5 jeopardize the close relationship that existed between the
6 Cornwall Police and the Children's Aid?

7 **MR. CARRIERE:** I felt, I guess, on a
8 personal level I wasn't concerned about that because I felt
9 like I had a very good relationship with the city police as
10 I felt like I had with the OPP. And there were time-to-
11 time -- from time-to-time we didn't see eye to eye on
12 things and I always felt that we had the ability to work it
13 out and we did work it out.

14 So I would have no difficulty talking about,
15 you know, matters of this nature with them and somehow, you
16 know, we weren't going to be able to work together in the
17 future.

18 **MR. PAUL:** Was there ever any consideration
19 that given the working relationship between Cornwall Police
20 and Children's Aid and some overlapping terms of membership
21 on boards, that there was ever any consideration to having
22 another Children's Aid Society investigate the matter,
23 whether there was any issue of conflict?

24 **MR. CARRIERE:** It was never an issue for me,
25 sir.

1 **MR. PAUL:** Now, you did indicate that Mr.
2 Dunlop related information about an allegation of a
3 pedophile ring and there's various efforts to contact Mr.
4 Dunlop after that?

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

6 **MR. PAUL:** And they are unsuccessful?

7 **MR. CARRIERE:** He doesn't contact us again.

8 **MR. PAUL:** Now, is it ever followed up with
9 -- some of these are telephone calls to his residence, such
10 as his wife?

11 **MR. CARRIERE:** Yes and messages are left.

12 **MR. PAUL:** Now, was it ever followed up with
13 a letter or a personal visit?

14 **MR. CARRIERE:** No. In hindsight, after Mr.
15 Bell phoned Mr. Dunlop and spoke to him and informed him of
16 his duty to report and the protection that he would have in
17 reporting, I regret that we didn't follow that up with a
18 letter to him. That would have -- that probably would have
19 been a better step, but I certainly didn't come away from
20 my discussions with Greg Bell having the sense that somehow
21 Mr. Dunlop didn't know what to do.

22 **MR. PAUL:** Did you have any understanding
23 whether Mr. Dunlop, around that time, was facing any
24 internal difficulty in terms of discipline over releasing
25 information?

1 **MR. CARRIERE:** I can't tell you, Mr. Paul,
2 because I can't recall when I would have learned of that
3 information and, again, my focus was more on just trying to
4 do the job and not on internal matters in another
5 organization. I may have known it, but ---

6 **MR. PAUL:** Now you mentioned something about
7 not wanting to get involved in the politics of matters
8 early in your evidence with me and I just want to ask you.

9 Mr. Dunlop originally gives information to
10 Children's Aid Society. In terms of any discipline issues
11 he faced with the Police Force over releasing information,
12 did the Society take the position of openly supporting him
13 or was there a conscious decision to stay back and avoid
14 what was viewed as the internal politics of the Police
15 Force?

16 **MR. CARRIERE:** I think that Mr. Abell had a
17 more -- had a stronger role in that matter and I think Mr.
18 Abell was of the view that Mr. Dunlop had done the right
19 thing in terms of reporting to the Children's Aid Society
20 and he may have had some -- I know that he had some
21 discussions with the Chief of Police, you know, around the
22 time that the matter was reported, but again I'm not
23 involving myself at that time in these things.

24 **MR. PAUL:** All right. So in terms of who
25 presented the position and how it was presented to the

1 Cornwall Police, it would be Mr. Abell?

2 MR. CARRIERE: I think that he's the person
3 to speak with.

4 MR. PAUL: Just another point on this --
5 attempts to contact Mr. Dunlop.

6 Was there any attempt to contact his
7 supervisor, even the Chief of Police, to ask that they make
8 him available and request that he come and see Children's
9 Aid? I mean during the time period where there was
10 difficulty.

11 MR. CARRIERE: No, there wasn't actually at
12 that time. In, you know -- later, and even as I'm
13 preparing for this Inquiry, I was thinking in terms of what
14 else could we have done with Mr. Dunlop, or Officer Dunlop,
15 and the only two things that I could think of were to send
16 the letter to him and the other was to contact his
17 supervisor and say this is what's been happening. He tells
18 us that he's got more information and he is not forthcoming
19 with that information. Is there any way that you can
20 assist us in that regard? Those are the only two things
21 that I could think of.

22 MR. PAUL: What I'm suggesting perhaps is
23 that the Society may not have contacted the Chief of Police
24 or the Police Department because perhaps that might be
25 viewed as something that would get the Children's Aid

1 involved in the politics of the Cornwall Police and
2 possibly strain the relationship between the two agencies?

3 **MR. CARRIERE:** I don't think our concern was
4 about straining the relationship. I think we were aware
5 and I think it's reflected in Greg Bell's notes that we
6 didn't want to cause any harm to Mr. Dunlop. One of the
7 things that I know that we did was, and I'm not sure, I
8 think it was Greg that may have spoken to Staff Sergeant
9 Garry Derochie in terms of getting permission to speak to
10 Mr. Dunlop.

11 We -- I guess, we -- to answer a question
12 you posed earlier, were we aware that the difficulties that
13 Mr. Dunlop was having with the police -- with his police
14 department at the time?

15 We must have been aware of it because we
16 wanted to get clearance from the Cornwall Police Services
17 that in talking to Mr. Dunlop further, we were not going to
18 be jeopardizing him in any way. And Staff Sergeant
19 Derochie was helpful in saying, you know, he had clearance
20 to talk to us.

21 **MR. PAUL:** Those are all my questions on the
22 Silmsler matter.

23 I have two other areas, one is, I mentioned
24 earlier, Earl Landry, Jr.

25 **MR. CARRIERE:** Yes.

1 **MR. PAUL:** And would I be correct in
2 understanding your evidence would be that while, at the
3 time, it was believed that Earl Landry, Jr. was not within
4 the Children's Aid mandate; today you would deal it
5 differently?

6 **MR. CARRIERE:** Yes.

7 **MR. PAUL:** It would be under the mandate?

8 **MR. CARRIERE:** Yes, today, we would deal
9 with it differently.

10 **MR. PAUL:** And that's because you define the
11 idea of a person in charge or care is a bit wider today?

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

13 **MR. PAUL:** Would you also agree that in
14 terms of the general scope of the *Child and Family Services*
15 *Act*, which I believe refers to a paramount objective of
16 looking out for the interest of children, that this sort of
17 a preamble of the Act could give you sort of a wider power
18 than was used in the Landry case as well?

19 **MR. CARRIERE:** I prob ---

20 **MR. CHISHOLM:** Sir, I'm not sure that this
21 witness -- a lay witness is able to comment on the
22 legislation and what it empowered him to do.

23 **THE COMMISSIONER:** Well, I don't know about
24 that. It's not strictly a legal question. It's -- are you
25 aware of the preamble of the Act?

1 **MR. CARRIERE:** I'm aware of the preamble but
2 if you ask me any questions on it, I probably have to need
3 it -- I'd probably need it in front of me.

4 **THE COMMISSIONER:** Okay.

5 **MR. CARRIERE:** And I'd need to compare the
6 two and say one was more restrictive than the other.

7 **THE COMMISSIONER:** Thank you.

8 **MR. PAUL:** Would you -- is your general
9 recollection that you'd apply the preamble as a sort of
10 general thing that would apply to the duties of a
11 Children's Aid worker? Or is it taken into account when
12 Children's Aid workers are acting not only the specific
13 sections but the preamble, the general purpose of the Act?

14 **MR. CARRIERE:** Again, Mr. Paul, I'm assuming
15 that that's correct but I almost have to look at it to say
16 -- to answer your question properly.

17 **MR. PAUL:** Another question I had in terms
18 of contacting the employer, Parks and Recreation, at least
19 in 1985, the complainant and the family were supportive of
20 the police investigation; is that fair to say? And the
21 Children's Aid investigation?

22 **MR. CARRIERE:** In '85 or '95; I'm sorry?

23 **MR. PAUL:** In '85.

24 **MR. CARRIERE:** In '85, yes, they were
25 supportive of the investigation.

1 **MR. PAUL:** And they actually made a
2 complaint, it wasn't ---

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

4 **MR. PAUL:** There was a later case where I
5 believe Dr. Nadler refers the matter that ---

6 **MR. CARRIERE:** Yes.

7 **MR. PAUL:** --- is not necessarily as
8 supportive of action; correct?

9 **MR. CARRIERE:** Dr. Nadler was dealing with a
10 patient who was having a great deal of difficulty at that
11 time. I wouldn't say that he was not supportive of an
12 investigation; he was just not healthy enough to
13 participate in it.

14 **MR. PAUL:** I just want to ask you, was there
15 anything at the time stopping from -- the Children's Aid
16 from suggesting to the complainant's family that they could
17 make their own complaint directly to the City Hall?

18 **MR. CARRIERE:** I'm sorry, which timeframe
19 are we talking about, sir?

20 **MR. PAUL:** We're talking about 1985.

21 **MR. CARRIERE:** Eighty-five ('85); that would
22 have been a good suggestion to make ---

23 **MR. PAUL:** Because ---

24 **MR. CARRIERE:** --- had it been thought of.
25 And that would have been a good suggestion in '95 as well.

1 **MR. PAUL:** Because presumably if you have
2 someone who's ready to go to the police, they probably
3 would have been willing to go City Hall.

4 **MR. CARRIERE:** Yes. Yes. And the other day
5 when the Commissioner was talking about why didn't we just
6 take the individual over to the Parks and Recreation, one
7 or the other. And I said, "Well, you know, in hindsight,
8 I've got 10 different solutions."

9 One of the things I should have thought of
10 and wish I would have thought of at the time, was asking Dr.
11 Nadler's patient who was willing to talk to us on the
12 phone, would he be willing to talk to Parks and Recreation
13 on the phone without identifying himself. And I didn't
14 think of it at the time. But that probably would have been
15 really helpful.

16 **MR. PAUL:** Another question I had. There
17 was, of course, a project called Project Blue later on in
18 Silmser. Is there any reason why a project such as that, a
19 larger project, would have been considered in the case of
20 the Earl Landry, Jr. case?

21 **MR. CARRIERE:** No particular reason. I
22 don't think that we felt that the Earl Landry, Jr. case was
23 going to be as complex as the Project Blue case was going
24 to be.

25 **MR. PAUL:** I just want to confirm. In the

1 Earl Landry, Jr. case, you talked about dealing with
2 Cornwall police officers; I just want to confirm which ones
3 you dealt with because there were a number of ones. You
4 dealt with Sergeant Lefebvre?

5 MR. CARRIERE: This is Project Blue?

6 MR. PAUL: Sorry, I'm talking about still on
7 the Landry, Jr. in terms of which Cornwall police officers
8 ---

9 MR. CARRIERE: I'm relying totally on my
10 memory from reading the records. The records tell me that
11 Sergeant Lefebvre was involved, yes.

12 MR. PAUL: Did you ever speak Chief Shaver
13 about that investigation?

14 MR. CARRIERE: I certainly didn't. And I
15 don't believe that the worker assigned did either.

16 MR. PAUL: And do you have any recollection
17 if you every dealt with Inspector Trew or Staff Sergeant
18 Willis?

19 MR. CARRIERE: With respect to that matter
20 or in general?

21 MR. PAUL: On that specific matter.

22 MR. CARRIERE: No, I don't. I had no
23 dealing with them and I doubt that the worker did either.

24 MR. PAUL: Last area, Ms. Antoine, I've got
25 a couple of questions. First of all, in terms of the

1 investigations of -- later on in terms of around '93, you
2 understand that Ms. Fitzpatrick was doing some
3 investigations?

4 **MR. CARRIERE:** I understand presently -- I
5 learned that in preparing for the Inquiry.

6 **MR. PAUL:** I would understand that -- mean,
7 presumably it's already investigated in some way or looked
8 at two times before Ms. Fitzpatrick looks at it?

9 **MR. CARRIERE:** I believe so, yes.

10 **MR. PAUL:** It first arises in the '70s when
11 the Board and other people are involved when it first
12 arises.

13 **MR. CARRIERE:** Yes.

14 **MR. PAUL:** And then I believe around 1989,
15 Constable Malloy is involved, I believe?

16 **MR. CARRIERE:** Yes, yes. And then I believe
17 Constable White -- oh is later, yes, excuse me. Sorry.

18 **MR. PAUL:** Yes.

19 So Constable White would be after Ms.
20 Fitzpatrick; right?

21 **MR. CARRIERE:** Yes.

22 **MR. PAUL:** Okay. So we have two
23 circumstances before Ms. Fitzpatrick; correct?

24 **MR. CARRIERE:** Yes.

25 **MR. PAUL:** And, to your knowledge, both of

1 those first two circumstances went up to fairly high levels
2 in the Children's Aid and the police force branch?

3 MR. CARRIERE: Yes.

4 MR. PAUL: Except in terms of the police
5 force, the second time, it gets up fairly high in the
6 police forces, high maybe at least the Deputy Chief?

7 MR. CARRIERE: Yes.

8 MR. PAUL: The first time -- police aren't
9 involved the first time?

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

11 MR. PAUL: And I'm just wondering, in terms
12 of Ms. Fitzpatrick's involvement, is that unauthorized or
13 is there any supervisors -- are there any supervisors aware
14 of what she's doing?

15 MR. CARRIERE: No, not at the time. I
16 think, from my reading of the notes, and my awareness of
17 Ms. Fitzpatrick, she is someone that has always struck me
18 as being very child-focused and someone who wants to be
19 helpful. My understanding, and I would believe this, that
20 she was asked to participate in this by Constable Sebalj.

21 And then, after, as I've read, no -- I'm
22 sorry, yes?

23 THE COMMISSIONER: No.

24 MR. CARRIERE: I'm going off course.

25 MR. PAUL: I just want to say, in terms of -

1 - to your knowledge, when Constable Sebalj and Ms.
2 Fitzpatrick do their investigation I believe in the fall of
3 '93, do any superiors or managers in the Cornwall Police or
4 Children's Aid take exception or object to them re-
5 investigating that?

6 **MR. CARRIERE:** Well, I don't -- I certainly
7 didn't know that Geraldine Fitzpatrick was conducting the
8 investigation. And to the best of my knowledge, nobody
9 else at the Children's Aid in a managerial role was aware
10 of it either.

11 **MR. PAUL:** I guess my question was, does
12 anybody take exception to what's being done, given that
13 superiors at some level were involved, the high levels
14 before you get to people who are not involved in management
15 seemed to be doing something that could be interpreted as
16 challenging their earlier findings?

17 **MR. CARRIERE:** When you say "take
18 exception," what timeframe are you talking about?

19 **MR. PAUL:** Well, when they did conduct the
20 investigation in 1993 ---

21 **MR. CARRIERE:** Yes.

22 **MR. PAUL:** --- at some point, does
23 management in either the Children's Aid or police find out
24 about it and object to it?

25 **MR. CARRIERE:** I found out about it in 2007.

1 **MR. PAUL:** All right. You had no knowledge
2 back then?

3 **MR. CARRIERE:** No. And I don't believe that
4 anyone at the Children's Aid knew about it before.

5 **MR. PAUL:** All right.

6 **MR. CARRIERE:** I only found out about it
7 reading Staff Sergeant Garry Derochie's report.

8 **MR. PAUL:** You're not aware of anybody else
9 in Children's Aid knowing about it earlier?

10 **MR. CARRIERE:** I've no knowledge of that at
11 all. No one has ever said anything to me that would
12 suggest that they knew about it.

13 **MR. PAUL:** Another point I want to ask you
14 about in terms of Ms. Antoine's case. Going back first of
15 all to Earl Landry, Jr., at some point there is an issue or
16 concern that the Society had about whether a complainant
17 could recall the name of Earl Landry, Jr.

18 **MR. CARRIERE:** Yes.

19 **MR. PAUL:** And Earl Landry, Jr. you're aware
20 is the son of a former, now deceased, Chief of Police?

21 **MR. CARRIERE:** Yes.

22 **MR. PAUL:** Do you recall part of the
23 evidence -- I don't know if you recall part of the evidence
24 in relation to Ms. Antoine's case that there was some
25 suggestion, I believe from correspondence from Crown to

1 Senior Crown, that there were difficulties with
2 Ms. Antoine's evidence because of not being able to provide
3 the names of Children's Aid Society workers at the home?
4 Do you recall anything about that?

5 MR. CARRIERE: In her evidence here, you
6 mean, or ---

7 MR. PAUL: Not in her evidence; in the
8 evidence, I believe, of the -- in terms of the evidence of
9 Mr. Malloy, I believe; Kevin Malloy. You don't recall
10 that?

11 MR. CARRIERE: I'm not quite sure that I
12 understand your question; I'm sorry.

13 MR. PAUL: First of all, did you have any
14 knowledge back at the time when Ms. Antoine's matters were
15 being investigated at any point that there was any concern
16 about the strength of her case because she couldn't
17 remember the names of people at the group home?

18 MR. CARRIERE: I think I only became aware
19 of that, Mr. Paul, in reading documents preparing for the
20 Inquiry.

21 MR. PAUL: Would you agree that the fact
22 that a complainant can't remember -- either can't remember
23 or doesn't know a name of someone shouldn't, in normal
24 circumstances, stop an investigation? There should be some
25 pursuit of who the person is with ---

1 **MR. CARRIERE:** I wouldn't disagree with you
2 on that.

3 **MR. PAUL:** And Ms. Antoine's case probably
4 would not be that difficult -- probably not difficult to
5 track down names. The Society had the names of all the
6 people at the group home?

7 **MR. CARRIERE:** Well, the records of that
8 particular group home are virtually non-existent, but
9 certainly there might have been people around that we
10 should have been able to piece together, and I think we
11 have pieced together, who was working there.

12 **MR. PAUL:** Another thing I want to ask you
13 is that to your knowledge was there ever any practice by
14 authorities or the Children's Aid or police or prosecution
15 to use a failure to give a name as an excuse to give
16 leniency to certain persons, such as relatives of police or
17 Children's Aid staff at a group home? Is there any -- to
18 your knowledge is there any practice or habit of using that
19 as an excuse to give leniency?

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

21 **MR. PAUL:** I want to ask about one final
22 area with Ms. Antoine. Are you aware that in the evidence
23 of Ms. Antoine there's some suggestion of a broken wrist at
24 some point?

25 **MR. CARRIERE:** I'm only aware of that from

1 hearing her testimony here and perhaps reading about it in
2 documentation.

3 MR. PAUL: Is your understanding that the
4 broken wrist is the allegation that would have happened
5 perhaps at some point en route to Minden, the new location?

6 MR. CARRIERE: I can't recall, sir.

7 MR. PAUL: Is it your understanding that at
8 Minden there's some suggestion that there's a medical
9 examination when she enters and there's evidence of a
10 broken wrist?

11 MR. CARRIERE: I just -- I don't recall. If
12 there were documents that I could be shown I might recall
13 reading them but I -- I remember something about a broken
14 wrist but I can't situate it in time or place.

15 MR. PAUL: If the broken wrist were to have
16 occurred en route but not within counties of SD&G, is it
17 still within the Children's Aid mandate if it's a -- if
18 Children's Aid in this area is transporting the person, or
19 is it beyond the ---

20 MR. CARRIERE: You mean if it doesn't happen
21 in our area? If the child is being transported and
22 something happens and they break their wrist?

23 MR. PAUL: Well, if they're still being
24 transported by staff from this area but they're actually
25 being delivered, is it something that this Society is

1 responsible for or is the Society in the receiving area, or
2 do you know?

3 **MR. CHISHOLM:** Could my friend clarify when
4 he says "responsible for" in terms of investigating, or
5 what he means by that?

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

7 **MR. PAUL:** Yes, in terms of investigating,
8 whose responsibility if it's staff from this area
9 transporting but an actual injury occurs outside the
10 counties? Is this area still responsible because it's one
11 of their staff?

12 **MR. CARRIERE:** Are you trying to situate it
13 in a particular time frame? Do you want to know what would
14 happen today or do you want to know what would happen back
15 then?

16 **MR. PAUL:** Either would be of interest.

17 **MR. CARRIERE:** Okay. Well, there was a
18 point in time where there was no protocol or any practice
19 with neighbouring or other Children's Aid Societies or
20 other societies to do investigations concerning allegations
21 against staff with respect to children.

22 I can tell you today that if a child was
23 being transported to Minden and suffered an injury that
24 they said was caused by a staff person, we would contact a
25 neighbouring Children's Aid Society and ask them to conduct

1 the investigation. It's unlikely that we would ask the
2 Children's Aid Society in the area where the accident --
3 sorry, the injury -- occurred to do it because they would
4 say, "Well, they're just passing through our area."

5 So, for instance, it's very likely that we
6 would call upon the Children's Aid Society of Ottawa or the
7 Children's Aid Society of Leeds-Grenville to carry out that
8 investigation and we would not participate in it, other
9 than be helpful in terms of giving them the names of the
10 police that they should contact to address the matter.

11 **MR. PAUL:** Thank you. Those are my
12 questions.

13 **MR. CARRIERE:** Thank you.

14 **THE COMMISSIONER:** Thank you. I guess it's
15 time to leave, so we'll -- no, Ms. Sinnamon?

16 **MS. SINNAMON:** I think in light of the time
17 that the plan is to break for the day, sir, and recommence
18 on October 7th with Mr. Carriere's continued cross-
19 examination, starting at 1:00 p.m.

20 **THE COMMISSIONER:** Thank you, Mr. Carriere.

21 **MR. CARRIERE:** Thank you.

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

24 This hearing is adjourned until Tuesday,
25 October 7th at 1:00 p.m.

1 --- Upon adjourning at 1:07 p.m. /
2 L'audience est ajournée à 13h07

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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