

**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 286

Held at :

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

Tuesday, October 14, 2008

Tenue à:

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

Mardi, le 14 octobre 2008

Appearances/Comparutions

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

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1 --- Upon commencing at 1:19 p.m./

2 L'audience débute à 13h19

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, and good
10 afternoon, all.

11 I apologize for the delay. It seems we had
12 a windstorm in Sudbury that kept us on the tarmac for 45
13 minutes or so.

14 **MR. ENGELMANN:** I advised counsel, sir, that
15 you would be a few minutes late.

16 **THE COMMISSIONER:** Good of you. Thank you.

17 **MR. ENGELMANN:** Mr. Commissioner, I realize
18 that we're in the midst of Mr. Carriere's cross-examination
19 by counsel.

20 **THE COMMISSIONER:** Yes.

21 **MR. ENGELMANN:** I have advised the parties,
22 and obviously they're aware of this, we've received some
23 disclosure from the CAS.

24 **THE COMMISSIONER:** Yes.

25 **MR. ENGELMANN:** Subsequent to the questions

1 I put to Mr. Carriere.

2 THE COMMISSIONER: M'hm.

3 MR. ENGELMANN: And rather than wait until
4 the end of the cross-examination and asking questions about
5 them then on my part, I thought it best to ask your
6 permission to reopen my chief to put a few more questions
7 to him with these new documents.

8 THE COMMISSIONER: And how is that request
9 met with your ---

10 MR. ENGELMANN: I have not heard any
11 opposition, sir, but ---

12 THE COMMISSIONER: Is there anyone in
13 opposition?

14 Everybody on election day wants to be on the
15 right side so there we go.

16 MR. ENGELMANN: All right.

17 THE COMMISSIONER: Good afternoon, sir.

18 MR. CARRIERE: Good afternoon, Mr.
19 Commissioner.

20 THE COMMISSIONER: You understand you're
21 still under oath?

22 MR. CARRIERE: I do.

23 THE COMMISSIONER: Thank you very much.

24 WILLIAM CARRIERE: Resumed/Sous le même serment

25 ---RE-EXAMINATION BY/RÉ-EXAMINATION PAR MR. ENGELMANN:

1 **MR. ENGELMANN:** Mr. Carriere, I have not
2 reviewed any of these documents with you but I understand
3 that this new disclosure has been brought to your attention
4 by your counsel, by counsel for the CAS?

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

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

7 And, Mr. Commissioner, I wish to go in
8 camera sometime this afternoon.

9 **THE COMMISSIONER:** Yes.

10 **MR. ENGELMANN:** With respect to some names
11 that I have requested publication bans for. These are new
12 names so they need to be put on the record in camera.

13 **THE COMMISSIONER:** Sure.

14 **MR. ENGELMANN:** The new documents refer to a
15 victim of Jean-Luc Leblanc.

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

17 **MR. ENGELMANN:** And I think it'll be easier
18 if we give this individual a moniker just because he is
19 referred to throughout the documents.

20 **THE COMMISSIONER:** Sure.

21 **MR. ENGELMANN:** Again, this is a name that I
22 will go into in camera later this afternoon if we can.

23 **THE COMMISSIONER:** We'll do that at the end
24 of the day.

25 **MR. ENGELMANN:** So the first document that

1 I'd like to refer the witness to is Document Number 742173.

2 (SHORT PAUSE/COURTE PAUSE)

3 THE COMMISSIONER: All right. Thank you.

4 Exhibit Number 2361 is a document called
5 "Module Number 2: Referral or Change in Circumstances".

6 --- EXHIBIT NO./PIÈCE NO. P-2361:

7 (742173) - CAS Referral or Change in
8 Circumstances - September 3, 1998

9 THE COMMISSIONER: And is the first name on
10 that, the file opening name ---

11 MR. ENGELMANN: That is the family name,
12 sir.

13 THE COMMISSIONER: Right.

14 MR. ENGELMANN: And the first name for the
15 individual is found right at the bottom after the word
16 "Newington".

17 THE COMMISSIONER: After?

18 MR. ENGELMANN: The word Newington on the
19 last line.

20 THE COMMISSIONER: All right.

21 So those are -- that's the name you want to

22 ---

23 MR. ENGELMANN: Yes.

24 THE COMMISSIONER: Okay.

25 MR. ENGELMANN: I'd like to give that a

1 moniker, sir, if we could?

2 THE COMMISSIONER: Sure.

3 MR. ENGELMANN: I believe it may be C-81.

4 THE COMMISSIONER: So C-81 will be the name,
5 the family name that shows on file opening name. I'm
6 describing this in case some media outlets want to use this
7 document before the end of the day. Be careful, that
8 that's the name we're going to grant a confidentiality
9 measure.

10 MR. ENGELMANN: Sir, do you have the
11 Document 2361, Document Number 742173?

12 MR. CARRIERE: Yes, I do.

13 MR. ENGELMANN: All right.

14 Do you have a recollection, sir, of this
15 family file?

16 MR. CARRIERE: No, I don't.

17 MR. ENGELMANN: All right.

18 In this particular document it is recorded
19 that the child in question, C-81, has been in Newington for
20 the last five days living in a backyard in a tent and that
21 he has no money or clothes; correct?

22 MR. CARRIERE: That's correct.

23 MR. ENGELMANN: And at Bates page 7192433
24 there is a note that indicates which backyard that is, that
25 a house has been located and it explains where that house

1 is and how to get there?

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: And at Bates page 7192436,
4 three or four pages further, you are listed as the
5 supervisor consulted. Is that correct?

6 MR. CARRIERE: That's correct.

7 MR. ENGELMANN: Do you have any recollection
8 of this incident?

9 MR. CARRIERE: I don't, sir.

10 MR. ENGELMANN: All right.

11 Did you fill out what we see at the top of
12 Bates page 7192436? Is that your handwriting?

13 MR. CARRIERE: Yes, it is.

14 MR. ENGELMANN: All right.

15 It indicates a required response marked as
16 12 hours, and the rationale because the child was on his
17 own and does not appear to have been harmed but is possibly
18 at risk of harm; correct?

19 MR. CARRIERE: That's right.

20 MR. ENGELMANN: All right.

21 And so you don't have any recollection about
22 the response to this?

23 MR. CARRIERE: No, I don't.

24 MR. ENGELMANN: All right, sir. And you'll
25 note even though it appears from your note that this is

1 occurring on or about September 3rd of 1998. Is that
2 correct?

3 **MR. CARRIERE:** It appears to be, yes.

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

5 Then if we could -- this has been stamped
6 with a publication ban.

7 **THE COMMISSIONER:** It should. Yes, it will;
8 a publication ban. So there will be a ban on publication
9 of the name that we will identify in camera and any
10 identifiers that would tend to identify him, shall not be
11 published or broadcast in any way pursuant to a court order
12 on his case *Regina v. Leblanc*.

13 **MR. ENGELMANN:** Okay.

14 Sir, the next document that I'd like to show
15 Mr. Carriere is Document Number 742174. It's entitled
16 "Investigation Service Log". It refers to that same family
17 name. The date of referral is indicated as September 3rd,
18 1998.

19 **THE COMMISSIONER:** Okay.

20 Exhibit 2362, again, is an investigation
21 service log, file number 9501.

22 --- **EXHIBIT NO./PIÈCE NO. P-2362:**

23 (742174) - CAS Investigation Service Log,
24 File Number 9501 - dated September 3, 2008

25 **MR. ENGELMANN:** If that again could be

1 stamped with a publication ban?

2 THE COMMISSIONER: Publication ban, sure.

3 MR. ENGELMANN: And, again, Mr. Carriere,
4 there's a social worker indicated. This is the same
5 individual, C-81 again; correct?

6 MR. CARRIERE: Yes.

7 MR. ENGELMANN: And the social worker
8 indicated is B. McIntosh?

9 MR. CARRIERE: Yes, Brian MacIntosh.

10 MR. ENGELMANN: Brian MacIntosh?

11 MR. CARRIERE: Yes.

12 MR. ENGELMANN: Again, you're listed as the
13 supervisor?

14 MR. CARRIERE: Well, I was the supervisor
15 who handled the intake, the referral.

16 MR. ENGELMANN: Yes.

17 MR. CARRIERE: But I don't believe I was the
18 supervisor after that.

19 MR. ENGELMANN: I just wanted to ask you
20 that because on the second page someone else is listed as a
21 supervisor.

22 MR. CARRIERE: Yes.

23 MR. ENGELMANN: So if we turn it over to the
24 next page, Bates page 7192440, we have next to the name B.
25 MacIntosh at the bottom, a Bernie Lamarche, I believe?

1 **MR. CARRIERE:** That's correct, yes.

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

3 So how does this work?

4 **MR. CARRIERE:** I think at that point-in-time
5 I may have been the Coordinator of Services and part of my
6 role at that time was to supervise the phone intake staff.

7 A referral would have come in, been received
8 by Gilles Groulx which was on the original document that
9 you showed me. Mr. Groulx would have brought that to my
10 attention. We would have reviewed it and determined that
11 some immediate action or fairly immediate action was
12 required. I would have written up the plan. I would have
13 assigned the case to Brian MacIntosh.

14 **MR. ENGELMANN:** Okay.

15 **MR. CARRIERE:** I would have a roster of
16 people to assign. Brian was likely on what was known as
17 emergency response that day. I would have given him the
18 case and then ---

19 **MR. ENGELMANN:** And once he gets the case,
20 it's supervised by Mr. Lamarche?

21 **MR. CARRIERE:** Yes, Mr. Lamarche was his
22 normal -- was his regular supervisor.

23 **MR. ENGELMANN:** Well, sir, it would appear
24 at least from looking at the bottom of that first Bates
25 page, that there was contact made with the child that same

1 day?

2 MR. CARRIERE: Yes, it would be.

3 MR. ENGELMANN: And it would appear if we
4 flip over the page onto the last page there was contact
5 made with the mother as well?

6 MR. CARRIERE: Yes.

7 MR. ENGELMANN: All right.

8 MR. CARRIERE: Didn't make contact that day
9 but did make contact with her.

10 MR. ENGELMANN: Oh, that's right, yes.

11 MR. CARRIERE: Yes.

12 MR. ENGELMANN: Right, okay. In fact, it's
13 several days later?

14 MR. CARRIERE: Yes.

15 MR. ENGELMANN: About eight days later?

16 MR. CARRIERE: Yes.

17 MR. ENGELMANN: All right.

18 It says under Comments, "allegation
19 unsubstantiated." Do you see that?

20 MR. CARRIERE: Yes, I do.

21 MR. ENGELMANN: Do you have any idea what
22 the allegations were, sir?

23 MR. CARRIERE: Well, only from reading this
24 document recently, Mr. Engelmann. I think what we saw at
25 the time that it was referred was a child that may not be

1 properly cared for; appeared to be living on his own, going
2 from door to door asking for food, living in a tent in a
3 backyard. Those were the allegations that were referred to
4 us.

5 MR. ENGELMANN: So it was, in effect, an a
6 neglect allegation ---

7 MR. CARRIERE: Yes.

8 MR. ENGELMANN: --- if I can use that term?

9 MR. CARRIERE: Yes.

10 MR. ENGELMANN: All right. Should that
11 usually be noted on the form, sir?

12 MR. CARRIERE: Well, I think, Mr. Engelmann,
13 going back to the original document that you gave me, the
14 very last page -- it would be 7192437 ---

15 MR. ENGELMANN: Yes.

16 MR. CARRIERE: --- I think you will see that
17 certain things are highlighted on that page ---

18 MR. ENGELMANN: Yes.

19 MR. CARRIERE: --- circled. Inadequate
20 supervision, physical harm by -- I'm not sure whether -- I
21 think the physical harm by omission is a 11(f) coding, and
22 I think that may relate to the mother's partner, and some
23 risk of -- he was identified as being a dangerous person,
24 so that may have been identified. But the omission of harm
25 I think probably is another way of saying -- harm by

1 omission, excuse me, is another way of saying neglect.

2 MR. ENGELMANN: One of the things that's
3 clear, and I know you weren't directly involved at the
4 time, at least after the intakes ---

5 MR. CARRIERE: Yes.

6 MR. ENGELMANN: One of the things that's
7 clear is there is no allegation about a concern vis-à-vis
8 the fellow who -- where his tent is.

9 MR. CARRIERE: No, he's not mentioned. No.

10 MR. ENGELMANN: And this is Jean-Luc
11 Leblanc?

12 MR. CARRIERE: That's right.

13 MR. ENGELMANN: All right.

14 So if we could then turn to the next
15 document, sir, which is Document Number 742200, and this is
16 a Case Documentation System Service Record, again a date of
17 September 3rd, 1998.

18 THE COMMISSIONER: Thank you. Exhibit 2363,
19 Case Documentation System Service Record with the date of
20 the 3rd of the 9th month, '98.

21 --- EXHIBIT NO./PIÈCE NO. P-2363:

22 (742200) - Case Documentation System Service
23 Record dated 03 Sep 98

24 MR. ENGELMANN: And again, sir, if that
25 could have the publication ban stamp?

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

2 **MR. ENGELMANN:** Mr. Carriere, in the last
3 document we looked at we noted that the worker had made
4 contact with the child in question on that very day,
5 September 3rd.

6 **MR. CARRIERE:** Yes.

7 **MR. ENGELMANN:** And that is what's being
8 referred to here, is it not?

9 **MR. CARRIERE:** Yes.

10 **MR. ENGELMANN:** And in fact it says:

11 "Knocked at door. Indicated on intake.
12 C-81 answered. Has been staying with
13 Jean-Luc Leblanc, friend. C-81 also
14 visiting. Parents know he's there.
15 Has food/money."

16 **MR. CARRIERE:** Right.

17 **MR. ENGELMANN:** See that?

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

19 **MR. ENGELMANN:** And so the worker asks the
20 child -- and this child is 12 or 13, as I understand it.

21 **MR. CARRIERE:** I believe that's correct,
22 yes.

23 **MR. ENGELMANN:** So he asks the child and the
24 child indicates to him that everything is okay,
25 essentially. Fair enough?

1 **MR. CARRIERE:** Yes.

2 **MR. ENGELMANN:** All right, and we know that
3 the worker doesn't contact the mother until so many days
4 later -- from the document. The previous document ---

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

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

8 And did you, sir, at that time -- and by the
9 way, sir, there are notes -- I don't know if we really have
10 to go there but there are additional notes which indicate
11 Jean-Luc Leblanc's name and the fact that this is his
12 address and his phone number. All right?

13 **MR. CARRIERE:** Yes.

14 **MR. ENGELMANN:** There's no concern about
15 that?

16 **MR. CARRIERE:** I don't think there's any
17 dispute over that.

18 **MR. ENGELMANN:** All right. So did you have
19 any knowledge of this visit on that day, sir, to Jean-Luc
20 Leblanc's house?

21 **MR. CARRIERE:** No. I would have expected,
22 in assigning the referral to Brian with a within 12-hour
23 response, that Brian would have gone out on it, but I
24 wouldn't have expected Brian to come back and speak to me.
25 I would have expected him to follow up with his supervisor.

1 **MR. ENGELMANN:** All right. But we know,
2 sir, that this name, Jean-Luc Leblanc, was known to the CAS
3 earlier; correct?

4 **MR. CARRIERE:** Yes, yes. That's correct.

5 **MR. ENGELMANN:** In fact we know that the CAS
6 was involved in an investigation of him in 1986.

7 **MR. CARRIERE:** Yes.

8 **MR. ENGELMANN:** And that that -- and further
9 that he was convicted of sexual offences involving children
10 at that time?

11 **MR. CARRIERE:** Yes.

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

13 We know as well that in 1994 there was a
14 complaint from a school principal about a 54-year-old man
15 who was hanging around with a child, a school student,
16 buying gifts for this young boy, and that that man's name
17 was Jean-Luc.

18 **MR. CARRIERE:** Yes.

19 **MR. ENGELMANN:** We had gone through it
20 earlier.

21 **MR. CARRIERE:** Yes, yes, we discussed that.

22 **MR. ENGELMANN:** And we also had some
23 discussion about a referral to the CAS in early 1995, a
24 concern again ---

25 **MR. CARRIERE:** Yes.

1 **MR. ENGELMANN:** --- at that time about Jean-
2 Luc Leblanc.

3 **MR. CARRIERE:** Yes.

4 **MR. ENGELMANN:** But we didn't have an
5 address for him then, I believe.

6 **MR. CARRIERE:** In '95 I -- yes, there were
7 several referrals. One we didn't have an address, one we
8 did.

9 **MR. ENGELMANN:** All right. And there was
10 another referral right around this time in 1998, in
11 September.

12 **MR. CARRIERE:** Yes, yes, that's the one.

13 **MR. ENGELMANN:** And we looked at that.

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

15 **MR. ENGELMANN:** Not with respect to C-81 but
16 with respect to someone else?

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

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

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** So we're in 1998. We've got
21 a CAS worker, Mr. MacIntosh, who's been told by the child
22 in question, C-81, that he's staying with Jean-Luc Leblanc,
23 and it would appear that this worker, Mr. MacIntosh,
24 doesn't know who Jean-Luc Leblanc is or anything about his
25 background.

1 **MR. CARRIERE:** It doesn't suggest that he
2 does, no.

3 **MR. ENGELMANN:** Well, if he did, you would
4 have expected much different action.

5 **MR. CARRIERE:** Yes.

6 **MR. ENGELMANN:** Fair enough?

7 **MR. CARRIERE:** Yes, that's fair.

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

9 And it would appear that the worker -- and
10 I'm looking at 2363 again -- went to the mother's home at
11 2:30 that day but no-one was home. So he would have left a
12 note?

13 **MR. CARRIERE:** Oh yes, that's correct. Yes.

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

15 Now, sir, you've got this concern. You've
16 got this 12-hour turnaround, you've got this being assigned
17 to someone, and all you've really got at this point is the
18 fact that the child has told your worker that it's okay
19 that he be there, and there's been no contact at all with
20 the parent.

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

22 **MR. ENGELMANN:** There was an attempt to but

23 ---

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

25 **MR. ENGELMANN:** In those circumstances at

1 that time was that considered acceptable practice?

2 **MR. CARRIERE:** Obviously it would have been
3 ideal if Mr. MacIntosh would have made contact with the
4 mother that day or shortly thereafter to verify that this
5 arrangement was suitable. But in the absence of any report
6 from the child -- and I gather there was no report from the
7 child that he was being harmed in any way, and his needs
8 were being met and that this was a temporary measure, to
9 stay there while his mother and her partner relocated --
10 and I guess in the absence of any apparent child protection
11 issues, it's not an unreasonable response.

12 I don't know that -- well, I think I can
13 state it more clearly. There would not have been grounds
14 to apprehend him from that situation in the absence of any
15 report from the child or any obvious child protection
16 concerns. But as I said earlier in this, it would have
17 been better if he had contact with the mother sooner.

18 **MR. ENGELMANN:** Now, was there any system in
19 place so that Mr. MacIntosh could go back to the office and
20 check to see if this individual he was staying with might
21 be a cause of some concern?

22 **MR. CARRIERE:** At this point in time in 1998
23 there would have been a record for Mr. Leblanc. Had Mr.
24 MacIntosh gone back and done a record check, he would have
25 found that there was a file for him. That would have

1 obviously been helpful.

2 It's a judgment call in terms of the worker,
3 in terms of whether or not that record check is required.
4 In this instance I don't think Mr. MacIntosh has any
5 information -- again I'm repeating myself from what I said
6 a minute ago -- that suggests that Mr. Leblanc is causing
7 harm. The boy is not reporting that, so I guess it's a
8 question on the part of the worker whether or not he would
9 go back and check the person's name.

10 **THE COMMISSIONER:** So what kind of effort
11 would it have required?

12 **MR. CARRIERE:** Very little. Just simply go
13 back and ask a secretary to do the record check, or ask
14 someone in intake to do the record check. It wouldn't have
15 been complicated.

16 **THE COMMISSIONER:** So today would that be an
17 automatic?

18 **MR. CARRIERE:** You know, definitely more
19 names are checked, simply because the system is so much
20 easier. It's so much easier to check. But, you know, I
21 guess where I'm hesitating is that you can have situations
22 where many names might be given to an individual in the
23 course of an action, and the worker I think has to decide,
24 how pertinent is it for me to get information with respect
25 to that individual, and I think as they become less and

1 less sort of central to the issue, you probably have less
2 likelihood that the worker is going to check the name.

3 **MR. ENGELMANN:** Okay, but in this particular
4 ---

5 **MR. CARRIERE:** In this case, given that the
6 boy was living there, I think there's a much greater
7 likelihood today that the worker will go back again because
8 the system -- you know, it works so quickly. I think
9 there's a greater likelihood the name would be checked.

10 **MR. ENGELMANN:** And the worker was not able
11 to reach a parent. So wouldn't that be another factor that
12 would perhaps indicate to the worker that they should check
13 just to make sure, especially if it's not much effort, sir?

14 **MR. CARRIERE:** Yeah; no, I -- you know, I
15 can't dispute that, Mr. Engelmann.

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

17 Well, let's look at 742199 and, again, it's
18 a case documentation system service record. It's again
19 dated September 3rd, 1998, and if it could be the next
20 exhibit, sir.

21 **THE COMMISSIONER:** Publication ban needed?

22 **MR. ENGELMANN:** Yes.

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

24 Exhibit 2364 is a case documentation system
25 service record, with the date being the 3rd of September,

1 1998.

2 --- EXHIBIT NO./PIÈCE NO. P-2364:

3 (742199) - Case Documentation System
4 Service Record dated September 3, 1998
5 at 16:33hrs

6 MR. ENGELMANN: And, sir, it would appear
7 from this document that Mr. Leblanc actually called and
8 would have called through to the CAS; correct?

9 MR. CARRIERE: Yes, m'hm.

10 MR. ENGELMANN: And is it clear who he's
11 speaking to here?

12 MR. CARRIERE: I believe he's speaking to
13 Gordon Lanctôt.

14 MR. ENGELMANN: I'm sorry, to?

15 MR. CARRIERE: To Gordon Lanctôt. He's
16 phoning our after-hours service ---

17 MR. ENGELMANN: All right.

18 MR. CARRIERE: --- in making this call.

19 MR. ENGELMANN: So he calls and he says that
20 the social worker has been speaking with C-81. He
21 identifies him as a 13 year-old boy and he states that C-81
22 and his 14 year-old friend, who is listed there, had
23 permission to camp in his yard?

24 MR. CARRIERE: Yes.

25 MR. ENGELMANN: And, sir, this is the boy

1 that -- and the boy's family that CAS got a complaint about
2 back in late 1994?

3 **MR. CARRIERE:** Yes.

4 **MR. ENGELMANN:** Correct?

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

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

7 Again, sir, either by checking the name of
8 the alleged perpetrator, Jean-Luc Leblanc, or perhaps
9 checking the name of the other boy, there could have been
10 some connection made to this previous concern that the
11 principal had raised back in '94; correct?

12 **MR. CARRIERE:** If either one of those checks
13 had been done, that would have happened, but I wouldn't
14 expect our after-hours worker to do that.

15 **MR. ENGELMANN:** All right. Well, the
16 information taken by the after-hours worker would have been
17 given to the social worker?

18 **MR. CARRIERE:** Yes. Oh, yes, it was.
19 That's why it's written up in this form.

20 **MR. ENGELMANN:** Right. And that's something
21 the social worker would have had available to him the very
22 next day?

23 **MR. CARRIERE:** I'm assuming the next day.
24 I'm not sure -- yes, I believe the next day.

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

1 "C-81 is there because he likes to hang
2 around with another child in the
3 community..."

4 And this is the other boy named; correct?

5 **MR. CARRIERE:** Yes. Yes.

6 **MR. ENGELMANN:** And he's saying that C-81
7 has not been abandoned. The mother left him -- the boy
8 with him, Jean-Luc Leblanc. And he's also indicating the
9 mother picked him up last night.

10 So this is Mr. Leblanc in conversation with
11 Mr. MacIntosh?

12 **MR. CARRIERE:** Yes.

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

14 And presumably -- well, we know there's been
15 no contact with the mother, this is five days later, and we
16 also know or I assume we know that this worker has not put
17 two and two together with respect to Jean-Luc Leblanc?

18 **MR. CARRIERE:** I would -- I think that's
19 correct.

20 **MR. ENGELMANN:** Right.

21 **MR. CARRIERE:** It does look -- it does
22 appear that at the end of this 7192489 that Mr. MacIntosh
23 tried the numbers that Mr. Leblanc had provided.

24 **MR. ENGELMANN:** Right.

25 **MR. CARRIERE:** Yes.

1 **MR. ENGELMANN:** And didn't get an answer.

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

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

4 So if we look at the next case notes,
5 742201. Again, sir, we'll require a publication ban. If
6 that could be Exhibit 2366.

7 **THE COMMISSIONER:** Thank you.

8 Exhibit 2366, again, is notes, Case
9 Documentation System Service Record and the first date is
10 08 -- is that 29 -- sorry, 09 '98.

11 --- **EXHIBIT NO./PIÈCE NO. P-2366:**

12 (742201) - (PUBLICATION BAN) Case
13 Documentation System Service Record -
14 dated September 8 and 11, 1998

15 **MR. ENGELMANN:** So, again, we have Mr.
16 MacIntosh's notes; correct?

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

18 **MR. ENGELMANN:** And we note on September
19 11th, the worker is speaking with the mother?

20 **MR. CARRIERE:** Yes.

21 **MR. ENGELMANN:** And she's upset that someone
22 is suggesting that C-81 had been abandoned?

23 **MR. CARRIERE:** Yes.

24 **MR. ENGELMANN:** She's saying that that's not
25 true, right?

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

2 **MR. ENGELMANN:** And, sir, this is the same
3 day, I believe, or perhaps the day after that the CAS
4 receives a call from Vivian Burgess who's reporting that
5 Jean-Luc Leblanc has been seen with young boys. Do you
6 remember that?

7 **MR. CARRIERE:** I remember it.

8 **MR. ENGELMANN:** September 10th and September
9 11th?

10 **MR. CARRIERE:** I remember it, but I take
11 your word for it in terms of the day.

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

13 **MR. ENGELMANN:** I am reminded, sir, that the
14 source of the information to the CAS was through the
15 Cornwall Police Service, through a constable there.

16 We would have gone through that previously
17 with Mr. Carriere's evidence.

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

19 **MR. ENGELMANN:** Thank you, Mr. Kozloff.

20 And, in fact, at that time -- if I could
21 just have a moment, sir?

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

23 **MR. ENGELMANN:** So, sir, we have information
24 that one CAS worker is receiving information about a known
25 perpetrator named Jean-Luc Leblanc from the Cornwall Police

1 Service ---

2 MR. CARRIERE: Yes.

3 MR. ENGELMANN: --- originally from a Mrs.
4 Burgess, that he has been seen with young boys.

5 We have another CAS worker who is aware that
6 young boys are staying with this man, Jean-Luc Leblanc?

7 MR. CARRIERE: Yes.

8 MR. ENGELMANN: All at the same time?

9 MR. CARRIERE: Yes.

10 MR. ENGELMANN: But no one is putting that
11 together, fair?

12 MR. CARRIERE: That's correct.

13 MR. ENGELMANN: Sir, we could then look at
14 Document Number 742177.

15 THE COMMISSIONER: Thank you.

16 Exhibit 2367 is a documentation system;
17 again, the file number is 9501 and the date is September
18 19th, 1998.

19 MR. ENGELMANN: Again, sir, a publication
20 ban stamp.

21 THE COMMISSIONER: Yes, sir.

22 --- EXHIBIT NO./PIÈCE NO. P-2367:

23 (742177) CAS Documentation System -
24 dated September 14, 1998

25 MR. ENGELMANN: So again, we have Mr.

1 MacIntosh's notes. If I'm not mistaken, it's September 14th
2 1998?

3 MR. CARRIERE: Yes.

4 MR. ENGELMANN: And he is reporting that the
5 12 year-old, C-81, living in a tent in Newington had been
6 abandoned and was begging for food and it says:

7 "C-81 is staying with family friend,
8 Jean-Luc Leblanc. The family is in
9 temporary accommodations..." et cetera.

10 And later on:

11 "Mother knew where child was; had
12 mother's permission to be there."

13 Okay?

14 MR. CARRIERE: Yes.

15 MR. ENGELMANN: So those are his notes and
16 essentially the plan then is to close the file?

17 MR. CARRIERE: Yes.

18 MR. ENGELMANN: And, again, there would be
19 no indication of any cross-reference to the other concern
20 that was raised with the CAS at the time?

21 MR. CARRIERE: No.

22 (SHORT PAUSE/COURTE PAUSE)

23 MR. MANDERVILLE: Sorry, Mr. Commissioner.
24 I'm just trying to clarify exhibit numbers. I apologize.

25 MR. ENGELMANN: And, sir, then if we could

1 look at Document Number 742179.

2 And this is another referral or change in
3 the circumstance document form. Again, we have the family
4 name of C-81 referenced.

5 **THE COMMISSIONER:** Sure. All right. So
6 Exhibit 2368 is a document with the date of referral of
7 99/01/7.

8 --- **EXHIBIT NO./PIÈCE No. P-2368:**

9 (742179) - Referral or Change in
10 Circumstances dated 07 Jan 99

11 **MR. ENGELMANN:** You're going to stamp
12 publication on it.

13 **THE COMMISSIONER:** Yes.

14 **MR. ENGELMANN:** So Mr. Carriere, this is now
15 the following year, 1999. Early in the year, the CAS
16 become aware of the fact that Jean-Luc Leblanc is arrested
17 for allegedly sexually abusing a number of children early
18 in January of 1999.

19 **MR. CARRIERE:** Yes, it appears that's the
20 case.

21 **MR. ENGELMANN:** All right.

22 And this would appear to be a referral, sir.
23 I'm looking at 2368. A worker at the Children's Aid
24 Society has read an article in the paper about his arrest
25 for sexual assault as a result of Project Truth.

1 MR. CARRIERE: Yes.

2 MR. ENGELMANN: And does that happen from
3 time to time where a worker will read something in the news
4 or hear something in the news and then ---

5 MR. CARRIERE: Yes.

6 MR. ENGELMANN: --- do a referral for it?

7 MR. CARRIERE: Yes, yes.

8 MR. ENGELMANN: All right.

9 And it says that -- I'm looking about four
10 or five lines down:

11 "The Children's Aid Society was aware
12 that C-81 had stayed in Mr. Leblanc's
13 residence for several weeks the
14 previous summer."

15 MR. CARRIERE: Yes.

16 MR. ENGELMANN: Do you see that?

17 MR. CARRIERE: Yes, I do.

18 MR. ENGELMANN: And it was thought that the
19 police should be contacted about that?

20 MR. CARRIERE: Yes.

21 MR. ENGELMANN: And when they were, your
22 worker was advised that the police were already aware of
23 this information?

24 MR. CARRIERE: That's what it says here,
25 yes.

1 **MR. ENGELMANN:** And apparently at the time
2 the child was first interviewed, he did not disclose abuse?

3 **MR. CARRIERE:** That's what it says, yes.

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

5 **THE COMMISSIONER:** What's the first word
6 under -- just underneath the date? It says "Referral data
7 completed by" and there's a word and then "CAS."

8 **MR. CARRIERE:** It says, "previous CAS worker
9 after reading paper."

10 **THE COMMISSIONER:** Okay.

11 **MR. ENGELMANN:** And, sir, I understand there
12 was a risk management conference as a result of this
13 referral?

14 **MR. CARRIERE:** Yes.

15 **MR. ENGELMANN:** And if you could look at
16 Document number 742180 and the case name is the name of C-
17 81, sir. So if the document could be given a stamp?

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

19 Thank you. Exhibit 2369 is the risk
20 management conference minutes, File Number 9501 dated
21 January 11th, 1999.

22 **--- EXHIBIT NO./PIÈCE No. P-2369:**

23 (742180) - Risk Management Conference
24 Minutes dated 11 Jan 99

25 **MR. ENGELMANN:** Sir, you're indicated as

1 being present at this meeting?

2 MR. CARRIERE: It appears that I was, yes.

3 MR. ENGELMANN: Yeah. You do not have any
4 independent recollection of this?

5 MR. CARRIERE: I don't.

6 MR. ENGELMANN: Any recollection at all?

7 MR. CARRIERE: None whatsoever.

8 MR. ENGELMANN: All right.

9 The minutes indicate there was a discussion
10 about asking the police if they have a problem with the CAS
11 contacting the parents, receiving their assurance there
12 will be no further contact between the child and Mr.
13 Leblanc.

14 MR. CARRIERE: Yes.

15 MR. ENGELMANN: Do you see that?

16 MR. CARRIERE: Yes.

17 MR. ENGELMANN: Why would this need to be
18 run by the police, sir?

19 MR. CARRIERE: More in terms of not wanting
20 to jeopardize any investigation. The wording may not be
21 ideal. It would be more in terms of working with the
22 police and communicating with the police in terms of their
23 involvement with this family, but it's just not trying to
24 step into something that might cause some harm.

25 MR. ENGELMANN: All right. Because you're

1 not going to be speaking directly to the child; so that
2 concern is not there. This is a warning to the parents, is
3 it not?

4 MR. CARRIERE: Yes, yes.

5 MR. ENGELMANN: All right.

6 MR. CARRIERE: And I think it would go from
7 there in terms of the discussion with the parents. There
8 may be some decision around meeting with the child,
9 depending on what one heard from the parents.

10 MR. ENGELMANN: All right.

11 THE COMMISSIONER: Well, if the parents were
12 showing nonchalance or endorsement of Mr. Leblanc, for
13 example, ---

14 MR. CARRIERE: Yes, that would be a problem.

15 THE COMMISSIONER: --- and were not
16 promising to keep him away, then you would either be forced
17 to apprehend or get a court order for supervision.

18 MR. CARRIERE: Yes, absolutely, yes.

19 THE COMMISSIONER: Okay.

20 MR. ENGELMANN: Again, so you'd agree that
21 this is another aspect of the Jean-Luc Leblanc matter that
22 should have been handled somewhat better by the CAS at the
23 time?

24 MR. CARRIERE: Well, one wishes that there
25 had been a connection made. None of the individuals from

1 the Children's Aid Society intentionally didn't connect the
2 dots here.

3 **MR. ENGELMANN:** Sir, just to be clear, I
4 wasn't suggesting that anything was done intentionally.

5 **MR. CARRIERE:** No, but I find this one a
6 difficult one to call, Mr. Engelmann. Again, it goes back
7 to, you know, in a perfect world you'd want to check every
8 name but so many names go by a Children's Aid Society
9 worker in the course of a day that a considerable amount of
10 time could be spent in terms of checking names. The actual
11 process of doing it is quite simple but like most tasks,
12 they stretch out.

13 There was no information, as I said earlier,
14 available to Mr. MacIntosh to suggest that Jean-Luc Leblanc
15 had harmed this child, was going to harm this child, or
16 anything about Jean-Luc Leblanc that -- as we know about
17 him. The child wasn't reporting any harm. The information
18 from the mother subsequently didn't suggest anything that
19 she was upset about.

20 Having said all of that, do I wish that we
21 had detected Jean-Luc Leblanc's name? Do I wish that we
22 had connected the dots? Of course, I do.

23 **MR. ENGELMANN:** Sir, we know that one of
24 these two boys was reported to the CAS four years earlier
25 in late 1994.

1 **MR. CARRIERE:** Yes.

2 **MR. ENGELMANN:** In a concern by a school
3 principal about him being with Jean-Luc, a 54-year-old man
4 showering him with gifts, et cetera, et cetera.

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

6 **MR. ENGELMANN:** We have information that the
7 CAS was told in early 1995 about a concern about Jean-Luc
8 Leblanc. We have information that at the very same time as
9 this is being brought to a CAS worker, that the CAS is
10 being told by the Cornwall Police about another concern
11 about Jean-Luc Leblanc and we know that the CAS knew about
12 Jean-Luc Leblanc back in 1986 when Mr. Duncan did his
13 investigation.

14 **MR. CARRIERE:** M'hm, yes.

15 **MR. ENGELMANN:** So what I'm suggesting to
16 you, sir, is that I believe this might be another example
17 where the CAS could have done better.

18 **MR. CARRIERE:** Well, I'm not sure how to
19 answer that, Mr. Engelmann.

20 **MR. ENGELMANN:** All right; fair enough.

21 **THE COMMISSIONER:** More importantly, and I
22 guess somewhere along the road we're going to talk about
23 how could this have been avoided. Is there anything to be
24 learned from this? And maybe it's check every name.

25 **MR. CARRIERE:** Short of doing that, Mr.

1 Commissioner, I'm not sure that there would be any way to
2 prevent this kind of thing from happening. You'd have to
3 check every name and ---

4 **THE COMMISSIONER:** What's the use of having
5 computers and this easy way of doing it if we're not going
6 to use it?

7 **MR. CARRIERE:** There's certainly certain
8 situations where names should be checked. I think you have
9 to have some guidelines as to when those names be checked
10 because there might be circumstances where one might say,
11 "I'm not sure that a name needs to be reviewed."

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

13 **MR. CARRIERE:** But perhaps if someone is --
14 you know, fair enough, it may be that if someone is -- if a
15 referral has been opened, someone is staying with a
16 substitute caregiver, that that be an automatic in terms of
17 those names to be checked.

18 **THE COMMISSIONER:** So back to the risk
19 management conference minutes, does that mean that in
20 January 11th, somebody realized that, "whoops, we had this
21 guy under foot all this time"?

22 **MR. CARRIERE:** Yes, somebody realized
23 through the newspaper that Jean-Luc Leblanc -- the worker -
24 - what I suspect happened, Mr. Commissioner, is that Brian
25 MacIntosh, I think it suggests here, the previous worker

1 must have seen the newspaper and said:

2 "Okay, I'm putting two and two
3 together. C-81 was a child that I
4 worked with. Jean-Luc Leblanc is
5 identified as an offender. The dots
6 are connected at that point in time."

7 **THE COMMISSIONER:** Right. But during this
8 risk management meeting is there a collective, "Oh-oh, did
9 we miss the boat here?" Was there a discussion during
10 those -- that risk management about that?

11 **MR. CARRIERE:** I don't remember the meeting,
12 sir, so I don't know if there was that kind of response.

13 **MR. ENGELMANN:** Mr. Carriere, during your
14 examination in-chief I would have asked you a number of
15 questions about the disclosure of a particular file or
16 particular files and one of the individuals involved with
17 the file disclosure was a former CAS ward by the name of
18 Cathy Sutherland.

19 **MR. CARRIERE:** Yes.

20 **MR. ENGELMANN:** And you may recall that I
21 asked you some questions about disclosure in her case?

22 **MR. CARRIERE:** Yes.

23 **MR. ENGELMANN:** And in particular, I would
24 have asked you about a letter that was sent to Cathy
25 Sutherland. Perhaps we can give it to the witness at this

1 time. It's Exhibit 471.

2 Counsel, it's Document 120959.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. ENGELMANN: Just waiting for it to come
5 up on the screen. All right.

6 And Mr. Carriere, I believe when I asked you
7 about this letter you indicated that someone had signed it
8 on your behalf.

9 MR. CARRIERE: Yes.

10 MR. ENGELMANN: All right.

11 And I would have then shown you a document
12 which is now Exhibit 2321, if we could have that as well,
13 and at the time I would have asked you whether or not this
14 was the enclosure with Exhibit 471.

15 And in fairness, sir, I believe your answer
16 was you weren't sure, and one of the reasons you weren't
17 sure was because you hadn't signed this letter.

18 (SHORT PAUSE/COURTE PAUSE)

19 MR. ENGELMANN: Twenty-three twenty-one
20 (2321).

21 I think one of the things that was noted,
22 and Mr. Carriere, I don't recall if you had noted this or I
23 had but one of us had noted that the numbers that are
24 referred to in Exhibit 471 ---

25 MR. CARRIERE: Yes.

1 **MR. ENGELMANN:** --- the coding: Number one,
2 identity of a third party; number two, address of a third
3 party; and number three, information about a third party
4 were not indicated on what is now Exhibit 2321; correct?

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

6 **MR. ENGELMANN:** So this morning we received
7 some new disclosure from the CAS and I believe may have
8 located the document that was attached to Exhibit 471, the
9 letter that was sent to Ms. Sutherland.

10 I'm just going to pass three copies up to
11 the clerk. I've just handed this out to my friend, sir,
12 because this couldn't go through super gravity in the
13 normal course Ms. McArthur has assigned it a new document
14 number. It is Document Number 200305.

15 I'm not sure if we have it on the screen
16 already.

17 **THE COMMISSIONER:** One thing at a time
18 there.

19 --- **EXHIBIT NO./PIÈCE NO. P-2370:**

20 (200305) - Child Care Face Sheet

21 **MR. ENGELMANN:** Fair enough.

22 If Document Number 200305, which is entitled
23 "Childcare Face Sheet Number" the name, family name
24 Donnelly.

25 **THE COMMISSIONER:** Thank you.

1 Okay. So what you're saying is Exhibit 2370
2 was subject to Mr. Carriere identifying it as being what
3 was enclosed in Exhibit 471; is that what you're saying?

4 **MR. ENGELMANN:** I'm not sure if he'll be
5 able to positively identify it, sir.

6 But sir, Mr. Carriere, do you note some of
7 the coding references that are referred to in Exhibit 471
8 on this document?

9 **MR. CARRIERE:** I do.

10 **THE COMMISSIONER:** Okay.

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

12 And Mr. Commissioner, I just wanted to do
13 this to correct the record.

14 **THE COMMISSIONER:** Yeah.

15 **MR. ENGELMANN:** And clarify it. I've had
16 discussions with CAS counsel this morning.

17 There was another document that was
18 disclosed to us which I will provide to counsel also in
19 hard copy form. I don't intend to ask Mr. Carriere any
20 questions about it.

21 Those are the questions that I had for Mr.
22 Carriere that arose out of new disclosure.

23 **THE COMMISSIONER:** All right.

24 So where are we -- I guess we should reopen
25 the cross from the beginning on the issues that you have

1 raised now.

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

3 We had only two that had gone before. They
4 were the CCR and the Coalition.

5 **THE COMMISSIONER:** All right.

6 And CCR is absent today. So Mr. Paul, do
7 you have any questions arising out of this new material?

8 **MR. PAUL:** No, I don't.

9 **THE COMMISSIONER:** Thank you.

10 So Mr. Lee?

11 **MR. ENGELMANN:** Sir, I'm just going to pass
12 out that other new document just as Mr. Lee is starting.

13 **MR. LEE:** Mr. Commissioner, I may want to
14 put this to the witness but I suspect we'll need a break
15 before that time comes.

16 **THE COMMISSIONER:** Oh? How long do you
17 expect to be?

18 **MR. LEE:** I won't be brief, let's put it
19 that way. I have a number of areas I'd like to go into
20 with Mr. Carriere. I've done my best to try to set this up
21 in a way that I can be efficient.

22 **THE COMMISSIONER:** I'm sure you have.

23 **MR. LEE:** And I should mention right off the
24 bat, sir, that a couple of areas arose during Mr.
25 Carriere's examination in-chief that I thought needed to be

1 expanded on in questions you raised so I gave some
2 supplementary Rule 38 notices relating to that and some
3 others I frankly just missed the first time around and
4 provided notice. It's been a couple of weeks now because
5 of the lengthy break but you'll notice that Madam Clerk and
6 I have quite a system worked out here for getting the
7 documents and all of the parties have been provided copies.

8 **THE COMMISSIONER:** Terrific.

9 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:**

10 **MR. LEE:** Mr. Carriere, how are you?

11 **MR. CARRIERE:** I'm fine, thank you.

12 **MR. LEE:** I would like to start with a
13 couple of questions on the *Child and Family Services Act*
14 and what I essentially want to do, dealing specifically
15 with Section 72 which is the duty to report ---

16 **MR. CARRIERE:** Yes.

17 **MR. LEE:** --- there are a couple of things
18 in that section that confuse me a little bit and I
19 essentially want to pick your brain in terms of whether or
20 not you agree with a couple of improvements that I think
21 maybe make sense and I want to draw on your experience to
22 see whether or not you agree with me.

23 **MR. CARRIERE:** Okay.

24 **MR. LEE:** So if we can look at the -- we
25 don't seem to have the current version of the *Child and*

1 **MR. LEE:** So you're looking at Chapter 2, an
2 act to amend?

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

4 **MR. LEE:** Okay. And if you -- essentially,
5 what this is it's an act that amends the *Child and Family*
6 *Services Act*. So if you turn the page over one you'll see
7 Section 22 of the amending act reads that Subsection
8 72(1)(2) and (3) of the Act were repealed and the following
9 substituted. Do you see that, sir?

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

11 **MR. LEE:** So what we have there is the exact
12 wording of the current Section 72 of the Act, okay?

13 **MR. CARRIERE:** Yes.

14 **MR. LEE:** And this sets out the duty to
15 report a child in need of protection. And you're familiar
16 with this section, sir?

17 **MR. CARRIERE:** Yes.

18 **MR. LEE:** And if you flip through the
19 section you'll see that the wording is always "the child."
20 The child has suffered physical harm, the child has been
21 sexually molested; there is a risk that the child was
22 likely -- do you see that?

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

24 **MR. LEE:** And what we don't ever see in here
25 is the phrase "a child", okay?

1 **MR. CARRIERE:** Yes.

2 **MR. LEE:** And so my question for you is,
3 would you agree with me that when you read this section the
4 term "the child" could be interpreted as meaning that you
5 must be able to identify a specific child in need of
6 protection in order to be bound by the duty, whereas the
7 term "a child" is broader and might suggest that the duty
8 is triggered when you have reason to believe that any
9 child, if you can't specifically name one, is in need of
10 protection?

11 **MR. CARRIERE:** I can see how that can be
12 confusing to some people.

13 **MR. LEE:** Do you recall at any point any
14 discussion of the language of that, whether at a conference
15 or within your own CAS?

16 **MR. CARRIERE:** Not that I'm aware of,
17 Mr. Lee.

18 **MR. LEE:** Off the top of your head, can you
19 think of any concerns you would have if the section were
20 amended to read "a child" rather than "the child"?

21 **MR. CARRIERE:** Not offhand, no. Nothing
22 jumps out at me as ---

23 **MR. LEE:** Is your understanding of this
24 section that your duty is to report any child in need of
25 protection?

1 **MR. CARRIERE:** Yes. I mean, I think there
2 are situations, for example -- I think I may have even
3 given this -- where someone comes out of a store and -- or
4 witnesses something that happens in a store, and doesn't
5 know the identity of the child, follows the family to the
6 car, gets the licence plate number. That's reported to us.
7 We follow up on it.

8 There isn't an expectation in that situation
9 that the person who is reporting it should know who the
10 child is. They just know that a child has suffered harm or
11 could have suffered harm.

12 **MR. LEE:** I take it the Children's Aid
13 Society would receive referrals under the duty to report
14 that don't actually fit under the section. Some people
15 adopt "a better safe than sorry" approach?

16 **MR. CARRIERE:** Can you give me an example of
17 that? I think I agree with you, but just to make sure.

18 **MR. LEE:** Well, I mean, I can picture an
19 example where the CAS receives a referral where the caller
20 indicates that, "I understand generally that I have a duty
21 to report and I think there might be a problem".

22 **MR. CARRIERE:** Okay.

23 **MR. LEE:** And when the information is set
24 out to the CAS, it's not within the CAS's mandate.

25 **MR. CARRIERE:** Oh, yes.

1 **MR. LEE:** When it's actually nothing to do
2 with a child in need of protection.

3 **MR. CARRIERE:** Absolutely, yes. Yes, that's
4 definitely true.

5 **MR. LEE:** My interest isn't so much in
6 ensuring that the CAS knows exactly what the duty to report
7 means, but rather a professional in the community, for
8 example, reading the Act has a clear understanding.

9 **MR. CARRIERE:** Yeah, I understand.

10 **MR. LEE:** When you last testified here
11 during the contextual evidence, I asked you about how this
12 CAS deals with people who are found to have failed in their
13 duty to report, and what you told me at that time is that
14 the CAS did not have a policy in place but that the
15 practice had been to contact the person who failed to
16 report and to educate them in their responsibilities. You
17 recall that?

18 **MR. CARRIERE:** Yes.

19 **MR. LEE:** Has that changed in the last
20 couple of years since you last testified?

21 **MR. CARRIERE:** Well, I retired about a year
22 later, so I would not be aware of what happened in the last
23 year and 10 months, but I'm not aware of any situations
24 that a change in practice would have been called for.

25 **MR. LEE:** Are you aware of any current

1 policy relating to how to deal with a breach of Section 72?

2 MR. CARRIERE: I'm not actually, no.

3 MR. LEE: Are you aware of any guidance or
4 direction from the Ministry on that issue?

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

6 MR. LEE: Are you aware of any discussions
7 locally about how that should be dealt with?

8 MR. CARRIERE: Not that I'm aware of.

9 MR. LEE: The reason that I ask, and we went
10 to it the last time you testified here, is within this
11 section we have built in an offence provision ---

12 MR. CARRIERE: Yes.

13 MR. LEE: --- where professionals are
14 guilty of an offence if they fail -- and my understanding
15 from the last time you were here is that the local CAS has
16 never made use of that provision. Is that correct to the
17 best of your knowledge?

18 MR. CARRIERE: To the best of my knowledge
19 we haven't.

20 I think, Mr. Lee, I may have said -- and I
21 stand to be corrected if I didn't -- I think there have
22 been situations where we believed that people could have
23 reported matters earlier but felt that they didn't have the
24 grounds to do so or they were -- felt that certain measures
25 that they could take would resolve the situation. I can't

1 think of, offhand, a situation where someone clearly knew
2 something, knew that they were required to report, and just
3 decided that they weren't going to report.

4 MR. LEE: Does the CAS have a practice of
5 investigating cases like that to determine whether there
6 was intent?

7 MR. CARRIERE: No.

8 MR. LEE: During your time at the CAS at
9 least, the best you can tell us is that the attitude was
10 that it was an opportunity for education?

11 MR. CARRIERE: I think that's correct.

12 MR. LEE: You spoke during your evidence in-
13 chief about the eligibility spectrum?

14 MR. CARRIERE: Yes.

15 MR. LEE: I'm fairly certain that I
16 understand what happens when the CAS has all of the facts
17 relating to a situation and you then apply the spectrum and
18 decide whether or not to intervene.

19 MR. CARRIERE: Yes.

20 MR. LEE: Okay. So I want to move closer to
21 the edge, I suppose ---

22 MR. CARRIERE: Okay.

23 MR. LEE: --- and look at some of the cases
24 where it's not so clear.

25 MR. CARRIERE: Sure.

1 **MR. LEE:** What I'm not clear about is what
2 the CAS is supposed to do when it has nothing more than an
3 allegation of abuse without a full range of facts.

4 So I take it you would agree with me that
5 it's possible that the CAS could receive a referral where
6 it would not immediately be apparent whether the alleged
7 abuser had been a caregiver at the time of abuse?

8 **MR. CARRIERE:** It's possible, yes.

9 **MR. LEE:** CAS doesn't always get all of the
10 facts?

11 **MR. CARRIERE:** No, no, that's very true.

12 **MR. LEE:** And you may similarly not know
13 from the referral whether or not the alleged abuser is
14 currently a caregiver?

15 **MR. CARRIERE:** That's true.

16 **MR. LEE:** Or about whether he has access to
17 children?

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

19 **MR. LEE:** In a situation where a person is
20 alleged to have abused children in the past, how closely
21 does the CAS scrutinize whether that past abuse occurred in
22 a caregiver or non-caregiver role, for the purposes of
23 assessing the current need to protect children? So in
24 other words -- I think I could break that down.

25 **MR. CARRIERE:** I think I understand what

1 you're saying, but go ahead.

2 **MR. LEE:** What I was going to say, if the
3 referral you receive is that X abused his own children in
4 the past, where it's clearly in a caregiving role as
5 opposed to Y abused kids on the street that he had never
6 met before ---

7 **MR. CARRIERE:** Right. Yes.

8 **MR. LEE:** --- for the purposes of your
9 current analysis of the risk and the need to protect
10 children, is there any difference between the two?

11 **MR. CARRIERE:** Not really, because I think
12 you can definitely have situations in the past where an
13 individual has harmed children that he would not
14 necessarily be considered the caregiver of or in charge of
15 those children, but the current situation would be is that
16 person in charge of children now? Does he have
17 responsibility for children now? That would be of interest
18 to the Children's Aid.

19 **MR. LEE:** I take it the fact that somebody
20 has abused children, whether caregiver or not in the past -
21 --

22 **MR. CARRIERE:** Yes, yes, that's right.

23 **MR. LEE:** --- brings a CAS concern, whether
24 or not he has access to children now?

25 **MR. CARRIERE:** Yes.

1 **MR. LEE:** When you were here in-chief -- or
2 in cross rather, you agreed with Ms. Daley that the
3 determination of who is a caregiver is contextual and that
4 you need facts to figure it out. You recall that?

5 **MR. CARRIERE:** I may have.

6 **MR. LEE:** Whether you recall ---

7 **MR. CARRIERE:** It sounds like something that
8 I would say.

9 **MR. LEE:** Do you agree with that idea, that
10 in order to determine who is a caregiver you need the
11 facts?

12 **MR. CARRIERE:** Yes. I think to make that
13 determination you'd need some facts, yes.

14 **MR. LEE:** And you told us in-chief that
15 today, in 2008, the CAS would err on the side of caution in
16 trying to determine whether to investigate a referral
17 because it needs to explore whether there's a risk?

18 **MR. CARRIERE:** I think our general practice
19 has been to err on the side of caution.

20 **MR. LEE:** Would you agree with me that the
21 CAS must investigate a referral in order to determine where
22 the situation falls on the eligibility spectrum?

23 **MR. CARRIERE:** It depends on how you
24 interpret the word "investigate". Certainly at the
25 referral stage you would expect your intake person to ask

1 questions to round out the information available. Included
2 in that would be whether or not the person is currently in
3 a caregiving role.

4 So, yes. I mean, there's investigation that
5 happens really right at the beginning when a referral is
6 made.

7 **MR. LEE:** I guess what I'm asking you is, in
8 order to turn to the eligibility spectrum to determine
9 whether the CAS should intervene, you need to be able, on a
10 solid factual footing, to determine whether or not the
11 person is a caregiver?

12 **MR. CARRIERE:** Yes, I think that's correct.

13 **MR. LEE:** As opposed to -- and the flip side
14 that I'm thinking of is to take the allegation as it comes,
15 with facts or without facts, and apply to the eligibility
16 spectrum right away and make a decision?

17 **MR. CARRIERE:** I don't know how you would do
18 that. I mean, if you had no information I don't know how
19 you would apply the eligibility spectrum.

20 **MR. LEE:** Earl Landry, Jr. is the caretaker
21 of a park and he abuses kids.

22 **MR. CARRIERE:** Okay.

23 **MR. LEE:** Full stop. What do you with that,
24 with the eligibility spectrum?

25 **MR. CARRIERE:** I think today, different than

1 1985 and 1986, we would see someone who worked in a park as
2 having as described -- as we know with respect to Earl
3 Landry, I would say that we would see that as fitting. In
4 1985, we didn't have the benefit of the eligibility
5 spectrum.

6 There would be -- I have to say there would
7 be people who would argue what I have just -- the position
8 that I've taken. They would say a caregiver in a park is
9 not in charge of them.

10 I can give you examples of situations where
11 I felt that a person was a caregiver and we've sent off
12 reports to the Child Abuse Register and they've responded
13 by saying, "We don't see how this person is in charge of" -
14 - so, you know, it's not everyone agrees on this.

15 **MR. LEE:** What I'm confused about is how
16 much work the CAS needs to do before it determines whether
17 a matter is within the mandate or whether a matter is
18 outside of the mandate.

19 And the proposition that I'm hoping you'll
20 agree with is that before the CAS can make a decision one
21 way or the other ---

22 **MR. CARRIERE:** Yes.

23 **MR. LEE:** --- it needs to have the facts and
24 it needs to be able to look at the situation, perhaps not
25 fully, but to a fairly significant extent to be able to

1 satisfy itself whether or not it's within the mandate or
2 not.

3 **MR. CARRIERE:** Yeah, I guess I might use a
4 different word, Mr. Lee, than facts. I think I might use
5 the -- I might rather use the word "information" because
6 sometimes at the very early stage of referral you don't
7 know whether something is a fact, but you do have -- you
8 could have information which you may later substantiate or
9 you may later determine not to be a fact, not to be correct
10 at all.

11 **MR. LEE:** I think that's a very valid
12 distinction and I'll use "information".

13 What confuses me, if we go back to 1985, so
14 pre-eligibility spectrum ---

15 **MR. CARRIERE:** Sure.

16 **MR. LEE:** --- and you're dealing with Earl
17 Landry, Jr. and the information you have is that he's a
18 caretaker at a park at that time.

19 **MR. CARRIERE:** Yes.

20 **MR. LEE:** And the thinking at the CAS at
21 that time is, well, a caretaker in a park is not a
22 caregiver?

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

24 **MR. LEE:** He's not a parent; he's not a
25 teacher?

1 **MR. CARRIERE:** Yes.

2 **MR. LEE:** You know?

3 **MR. CARRIERE:** Yes.

4 **MR. LEE:** So the decision is made at that
5 point, based on that information, that it's not within the
6 mandate of the CAS. Is that correct?

7 **MR. CARRIERE:** That's correct. That was
8 correct, yes.

9 **MR. LEE:** Sitting here now looking back on
10 the situation, do you see that as problematic given that --
11 I think we now know and I'll take you to a document -- that
12 there were other facts behind the scenes that may have led
13 to a different decision?

14 **MR. CARRIERE:** There's always the potential
15 for a problem with every decision that you make.

16 So, for instance, the Children's Aid Society
17 may receive a referral that -- the referral sort of says
18 the children in question are 17 years-old and it doesn't
19 fit within our mandate. It may subsequently turnout that
20 the children look like they were 17 but, in fact, they were
21 15 and nothing was done.

22 **MR. LEE:** Madam Clerk, one of my
23 supplementary documents is 129595.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. LEE:** Mr. Commissioner, the person

1 referred to in this statement is C-53.

2 **THE COMMISSIONER:** Thank you. Publication
3 ban stamp should go on.

4 Thank you. This document is called a Will
5 Say Statement produced by a ---

6 **MR. LEE:** It's Bryan Snyder of the Cornwall
7 Police.

8 **THE COMMISSIONER:** Right, and the date, June
9 10th, 1997.

10 --- **EXHIBIT NO./PIÈCE NO. P-2371:**

11 (129595) - Will Say Statement taken by Brian
12 Snyder dated June 10, 1997

13 **MR. LEE:** Do you have that document, Mr.
14 Carriere?

15 **MR. CARRIERE:** I do.

16 **MR. LEE:** Suppose I said in the first line
17 of the statement you see the person's name?

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

19 **MR. LEE:** He's referred to here as C-53?

20 **MR. CARRIERE:** Yes, thank you.

21 **MR. LEE:** And as Mr. Commissioner said, this
22 was taken in June of 1997 when C-53 was 26 years old?

23 **MR. CARRIERE:** Okay.

24 **MR. LEE:** In the first paragraph, he advises
25 that he was born in one end of the city and lived there

1 until he was 10 or 11 years old and then he moved close to
2 King George Park where he started going to the park and
3 that's where he met Earl Landry, Jr.

4 And if you continue on, it talks about Mr.
5 Landry, Jr. taking him for a ride in his nice looking
6 sporty car and buying the kids popsicles and things like
7 that. And if you look at the paragraph below the middle of
8 the page that begins:

9 "Myself and two to three of my
10 friends..."?

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

12 **MR. LEE:** So he says that:

13 "Myself and two or three of my friends
14 once were invited to go and swim at
15 Earl's house. I replied I had to go
16 home and get some shorts to swim in.
17 He told me we were leaving right away
18 and told me that it was not necessary
19 to wear shorts, I could go in my
20 underwear because the pool was in his
21 backyard and then nobody would see us.
22 A friend of mine who lived across the
23 street from the park let me borrow some
24 shorts. When we arrived at the house
25 on Amelia, near CCDS, it was a white

1 house with cedar trees in the front."

2 Do you see that, sir?

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

4 **MR. LEE:** And if you continue on down near
5 the bottom of the page, the middle of the second line, he
6 speaks of the "first real awkward moment for me when Earl
7 began to change" in front of him and it made him feel
8 uncomfortable?

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

10 **MR. LEE:** And over the next page, he speaks
11 of being uncomfortable with the way that Earl Landry, Jr.
12 would greet him in terms of slapping him on the behind and
13 he says:

14 "Knowing what I know now, I feel he had
15 ulterior motives."

16 And on the next line he says:

17 "One day in what I believe to be 1983
18 or 1984...

19 And he goes on to describe an incident of
20 abuse. Do you see that, sir?

21 **MR. CARRIERE:** I think you lost me at that
22 point but ---

23 **MR. LEE:** If you look on the second page of
24 this Will Say to the second paragraph:

25 "One day in what I believe to be '83-

1 '84..."

2 MR. CARRIERE: Yes, I see that. Yes, thank
3 you.

4 MR. LEE: And so this is occurring -- this
5 interview is taking place in '97, but he is describing an
6 incident ---

7 MR. CARRIERE: Yes, yes.

8 MR. LEE: --- of abuse that happened pre-
9 '85. Do you see that?

10 MR. CARRIERE: Yes, I do.

11 MR. LEE: And if you turn over the last
12 page, the second full paragraph, he says:

13 "I always figured it was always Earl's
14 word against mine and with his father's
15 authority as being one's chief of
16 police, I figured I did not have any
17 proof of his guilt and I would be
18 accused of lying. After all, nobody
19 knew I was in that back kitchen with
20 Earl."

21 MR. CARRIERE: Right.

22 MR. LEE: And the back kitchen refers to not
23 at the home but somewhere else?

24 MR. CARRIERE: Yes.

25 MR. LEE: And what I'm wondering is, had the

1 CAS held off on the decision of whether or not this would
2 have been the mandate, it's possible that it would have
3 come across C-53 and it would have interviewed him and it
4 would have learned about the kids being taken to Earl
5 Landry, Sr.'s house, which is the home on Amelia Street,
6 and about the swimming and about the awkward -- you know,
7 the suggestion that you don't need swimming trunks to swim
8 with me.

9 MR. CARRIERE: Sure.

10 MR. LEE: And the changing in front of him
11 and everybody else.

12 MR. CARRIERE: Yes.

13 MR. LEE: And what I'm wondering, sir, is if
14 you go back to 1985, if the CPS had this information is it
15 likely that Earl Landry, Jr. would have been treated in the
16 same way that Gary Seguin was or Milton MacDonald, with
17 kids coming into the home and being invited there?

18 MR. CARRIERE: If the CAS had this
19 information would it ---

20 MR. LEE: Yes.

21 MR. CARRIERE: Based on this information we
22 would have responded differently.

23 MR. LEE: And so getting back to the point I
24 was trying to discuss with you, is this not an illustration
25 of a situation where an investigation of information, as

1 you say not necessarily facts and going behind the curtain
2 a little bit more, may well have led to a situation where
3 the CAS discovered that this was within their mandate?

4 **MR. CARRIERE:** I think that's true. I think
5 it's fair.

6 **MR. LEE:** And when I put the Earl Landry,
7 Jr. example to you earlier, you said based solely on the
8 information that he's a caretaker in a park likely today
9 that would rise above the cut-off line on the eligibility -
10 --

11 **MR. CARRIERE:** I think there would be more
12 questions asked today about -- first of all, I think his
13 presence in the park would change many things. I think
14 there would be more questions asked today than I believe
15 likely were asked in '85 about who is Earl Landry, Jr., and
16 that may have led to the file being treated differently
17 back then.

18 Mr. Lee, I think one of the things that -- I
19 think it's not restricted to this particular Children's Aid
20 Society and I think if we even saw it in the testimony of
21 Dr. David Wolfe the first day. I think if you look at the
22 transcripts, Dr. David Wolfe talks about intra-familial and
23 extra-familial and he says extra-familial situations are
24 handled by the police.

25 Back in 1985 you not only had, I think, the

1 phenomena of whether the person was a caregiver but you
2 have the phenomena in terms of whether or not it was intra-
3 familial and extra-familial. And I think it resulted in
4 the police dealing with certain situations that didn't
5 involve the Children's Aid Society. I think if you look at
6 the period of time where I become a supervisor in -- I
7 think it's in '85 -- I think I begin to change that by
8 saying we need to look at these situations and determine --
9 handle them in a different way, handle them together, as
10 opposed to this belongs to us and that belongs to you.

11 But that's not -- I don't believe that's
12 unique to this particular Children's Aid Society.

13 I don't know if that helps or not. I'm just
14 trying to put some context in terms of the time.

15 **MR. LEE:** I think you may be selling this
16 particular CAS a little bit short though because around
17 that same time we have Gary Seguin.

18 **MR. CARRIERE:** Yes.

19 **MR. LEE:** Who is recognised as a caregiver?

20 **MR. CARRIERE:** Yes.

21 **MR. LEE:** Milton MacDonald?

22 **MR. CARRIERE:** Yes, and I think that's what
23 I'm saying, Mr. Lee, is I think we took -- and I'm not
24 trying to do this in a boastful way -- I think the time was
25 right for reinterpreting it. I think it was happening

1 across the province. I certainly was talking to colleagues
2 across the province, where I think what fit under the
3 umbrella was expanded. There was a whole lot more
4 information coming out about sexual abuse as well. Gary
5 Seguin was one of my early cases.

6 **THE COMMISSIONER:** So can we just identify
7 Exhibit 2371 again.

8 It's a Statement from Brian Snyder dated
9 June -- taken by Sergeant Snyder the 10th of June '97.

10 **MR. LEE:** And that will have a publication
11 ban stamp?

12 **THE COMMISSIONER:** Sure does.

13 **MR. LEE:** During your evidence in-chief, Mr.
14 Carriere, you went in some detail into analysis of
15 caregiver or not caregiver.

16 **MR. CARRIERE:** Yes.

17 **MR. LEE:** And if I can summarise, we had
18 Bill McKinnon was a caregiver because he was inviting kids
19 into the home?

20 **MR. CARRIERE:** I think we were using that as
21 one of the criteria, yes.

22 **MR. LEE:** Milton MacDonald, similar
23 situation where he is inviting kids into the home?

24 **MR. CARRIERE:** Yes.

25 **MR. LEE:** And what you told us was that an

1 adult ---

2 MR. CARRIERE: Mr. Lee, can I just stop you
3 there?

4 MR. LEE: Sure.

5 MR. CARRIERE: And show you -- and just to
6 maybe give you an example.

7 In 2000, one of the individuals -- and I
8 won't obviously use any names -- a report that we gave to
9 the Child Abuse Register was an uncle who his niece came
10 over on at least a dozen occasions and on two or three of
11 those occasions, he put -- he allegedly put his hands down
12 the front of her pants and fondled her. And we
13 subsequently reported that to the Child Abuse Register and
14 what came back to us was they didn't see how the uncle was
15 in charge of her.

16 Now, it happened in his home. There's
17 obviously a relationship between these people, that this is
18 an uncle and this is a niece. It happens on more than one
19 occasion. The act is clearly sexual, but the bottom line
20 was they didn't see how he was in charge of her. So -- and
21 this is in 2000.

22 MR. LEE: The Child Abuse Register had some
23 issues, and you've discussed that in-chief, and there are
24 things about that registry you would surely change if you
25 could. Is that right?

1 **MR. CARRIERE:** I think I've made some
2 recommendations about that, yes.

3 **MR. LEE:** But I take it you would agree with
4 me that the actions of this CAS in determining when to
5 intervene or not intervene are not dictated by whether or
6 not ultimately the situation can be reported to the Child
7 Abuse Register?

8 **MR. CARRIERE:** No. No.

9 **MR. LEE:** And I take it, in that specific
10 case, you are talking about the fact that the Child Abuse
11 Register wouldn't accept -- it didn't change in any way the
12 fact that CAS saw itself as having an obligation to protect
13 that child?

14 **MR. CARRIERE:** That's right, and we
15 persisted in that case and they came around.

16 **MR. LEE:** The Register?

17 **MR. CARRIERE:** Yes.

18 **MR. LEE:** And one of the things you told us
19 in-chief was that an adult who invites a child into his
20 home is a caregiver because he's taking responsibility and
21 will be held accountable for his behaviour?

22 **MR. CARRIERE:** Yes.

23 **MR. LEE:** That's your view?

24 **MR. CARRIERE:** I think that's -- yes, I
25 would agree with that.

1 **MR. LEE:** And you spoke in-chief about Gary
2 Seguin, who took it one step further in the sense that he
3 was not only inviting kids in the home, but he was
4 employing them?

5 **MR. CARRIERE:** Yes.

6 **MR. LEE:** And is that a little bit -- for
7 lack of a better term -- a little bit worse as far as you
8 see it? There is sort of an added layer of concern there?

9 **MR. CARRIERE:** Well, it adds another
10 dimension to it, yes.

11 **MR. LEE:** And in terms of Gary Seguin, if
12 that situation were to arise today, clearly he would be
13 within the mandate of the CAS?

14 **MR. CARRIERE:** Yes. Yes.

15 **MR. LEE:** And that was your feeling in the
16 mid-1980s when that came up?

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

18 **MR. LEE:** What about neighbours?

19 When you were here in 2006, you suggested
20 that a neighbour, by virtue of being a neighbour, could be
21 in a trust position.

22 **MR. CARRIERE:** I think it depends on their
23 actions. For instance, if a neighbour that the child is
24 familiar with; normally would interact with; normally trust
25 them; has no reason to be fearful; if that neighbour

1 invites them into the home or invites them into their car
2 or takes them some place and harms them, I'm going to take
3 the view that they were in charge of them there.

4 If it's a -- I think the situation changes a
5 little bit if the child says, "Well, I had no idea who the
6 person was. I live in a building where 300 families live
7 and I went into that apartment but, no, I don't know who
8 the person is."

9 I think that's different.

10 **MR. LEE:** There needs to be some
11 interaction?

12 **MR. CARRIERE:** There needs to be some
13 interaction. There needs to be some, I would say,
14 knowledge. There's always going to be an interaction if
15 harm takes place, but there has to be some knowledge of
16 each other, and I would say some reason to believe that the
17 child should feel safe with that person and normally does
18 feel safe with that person.

19 **MR. LEE:** Do you recall meeting with OPP
20 Officers Tim Smith and Pat Hall in May of 1998 and being
21 advised that charges were pending against Jacques Leduc.

22 **MR. CARRIERE:** I don't remember it. I read
23 it recently, Mr. Lee, but I don't remember the meeting. I
24 remember a number of meetings with Tim Smith and Pat Hall
25 and I can't isolate this particular one.

1 **MR. LEE:** I'm going to take you to a
2 document. Madam Clerk, I think this is one that was
3 flagged originally. It's Document 727747. These are
4 Officer Notes of Pat Hall. It should just be a Bates page
5 excerpt.

6 It looks like, Madam Clerk, page 7109828 was
7 flagged originally.

8 Do we have hard copies of page 828, Madam
9 Clerk?

10 **THE COMMISSIONER:** Is this an exhibit?

11 **MR. LEE:** Not yet.

12 **THE COMMISSIONER:** Not yet. Okay, where is
13 the ---

14 **MR. LEE:** What I would like to do, I think I
15 perhaps should have brought the two preceding pages in hard
16 copy, but I didn't. This one should have been flagged.

17 What I would like is the Bates page range
18 826, 827, and 828 to be made the next exhibit, and I think
19 we may need to look at least at a couple of those on the
20 screen, Mr. Commissioner.

21 **THE COMMISSIONER:** Okay. So the next
22 exhibit will be pages ---

23 **MR. LEE:** Seven-one-zero-nine-eight-two-six
24 (7109826), 9827, and 9828; and these are notes of Pat Hall.

25 **THE COMMISSIONER:** And any confidentiality

1 measures to be taken?

2 MR. LEE: I don't believe so from these
3 notes. There are ---

4 THE COMMISSIONER: Okay.

5 MR. LEE: What I'm concerned about is the
6 notes I'm not concerned -- I'll take a look as we go
7 through these, sir.

8 Madam Clerk, if you can pull up Bates page
9 828, the one you just had on the screen.

10 And, Mr. Carriere, I'm just trying to show
11 you the date here, and I need to do a little bit of running
12 around to do it.

13 If you see in the middle of that page, you
14 have "Friday, 22 May '98"?

15 MR. CARRIERE: Yes, I do.

16 MR. LEE: Madam Clerk, if you can go back
17 two pages to 826. We have in the middle of the page,
18 "Thursday", and then we have some redacted information. It
19 looks like perhaps the redaction caught the date. So I
20 believe from that we can assume that this was Thursday, May
21 21st, '98 that these notes were made. Do you see what I am
22 referring to, sir?

23 MR. CARRIERE: Yes, I do.

24 MR. LEE: And now if we go to the middle of
25 page 627 please, Madam Clerk, down to the entry at 1615 at

1 the bottom of the page. I believe it reads:

2 "Attended CAS office, meet with Richard
3 Abell and Bill Carriere."

4 Over to the next page:

5 "Detective Inspector Smith outlines
6 some aspects of our investigations,
7 notified about Jacques Leduc and
8 Richard Hickerson, discussed pending
9 charges."

10 Do you see that, sir?

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

12 **MR. LEE:** And then, Madam Clerk, if we go on
13 to the following day. Is this page 627 still, Madam Clerk?

14 We go to 627 and the entry of -- no, it must
15 be the following page. Sorry, Madam Clerk. And if you can
16 blow up the middle of the page, please? That's fine.

17 You see the 0800 call from Bill Carriere and
18 something to do with Bernie Campbell?

19 **MR. CARRIERE:** Yes.

20 **MR. LEE:** And then below that, it looks
21 like:

22 "Call to Bill C. on Leduc Big Brothers;
23 doesn't know for sure..."

24 And there is some -- there's a word I can't
25 read followed by "picture in paper..."

1 **MR. CARRIERE:** "...thought saw picture in
2 paper".

3 **MR. LEE:** "...and no way of checking
4 without divulging name."

5 Do you see that, sir?

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

7 **MR. LEE:** Do these notes refresh your memory
8 at all about your contacts with these officers?

9 **MR. CARRIERE:** The only thing that I have a
10 whisper of a memory about, and I could be wrong with this,
11 Mr. Lee, is the thing about the Big Brothers, but I ---

12 **MR. LEE:** The first note suggests that the
13 officers met with you and notified about pending charges
14 against Jacques Leduc and Richard Hickerson?

15 **MR. CARRIERE:** Yes. I don't recall it at
16 all but I see that for sure.

17 **MR. LEE:** And so you have no recollection
18 whether or not these officers were informing you pursuant
19 to the duty to report of these charges?

20 **MR. CARRIERE:** I don't have -- I don't have
21 a recollection that that's what they were doing.

22 **MR. LEE:** Do you have any recollection of
23 receiving any information relating to -- I'm not concerned
24 about Mr. Hickerson at this point but rather Mr. Leduc --
25 about receiving any information about the nature of the

1 charges that were to be filed against Mr. Leduc?

2 **MR. CARRIERE:** I don't, Mr. Lee. I don't
3 know what information was shared with us that day and,
4 clearly, I'm aware of information with respect to Mr. Leduc
5 now as a result of being part of this Inquiry, but I don't
6 know if that was shared back then or I just learned it
7 subsequently. I really don't recall this meeting at all.

8 **MR. LEE:** This meeting was May 21st, '98 and
9 what we know from other documents is that Mr. Leduc was
10 charged with numerous offences relating to two complainants
11 about a month later on June 22nd, 1998.

12 **MR. CARRIERE:** Yes.

13 **MR. LEE:** Madam Clerk, can the witness be
14 shown the monikers C-16 and C-17, please?

15 You recognize those two names I take it?

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

17 **MR. LEE:** At the very least from your
18 involvement in this Inquiry?

19 **MR. CARRIERE:** I think I recognized them
20 beginning with the Inquiry. I don't think I knew those
21 names before.

22 **MR. LEE:** If we back up for a moment.

23 OPP officers investigating allegations of
24 historical sexual abuse have come upon information that the
25 complainants were under 16 years-old at the time of the

1 abuse. Would they have an obligation to report that to the
2 CAS, in your view?

3 **MR. CARRIERE:** Are the complainants now over
4 16?

5 **MR. LEE:** Now over 16; historical cases.

6 **MR. CARRIERE:** I don't think they'd have an
7 obligation to report it unless they believe children
8 currently were at risk.

9 **MR. LEE:** So unless they had some knowledge
10 ---

11 **MR. CARRIERE:** The standard -- the standard
12 that -- I mean, nothing prevented them -- nothing would
13 prevent them from doing it but I don't know that they'd
14 have an obligation to.

15 **MR. LEE:** Unless they had some information
16 about the alleged perpetrator ---

17 **MR. CARRIERE:** Yes.

18 **MR. LEE:** --- that suggested that he may
19 still have access?

20 **MR. CARRIERE:** Yes.

21 **MR. LEE:** And that could come from the
22 complainants. It could come from other means of
23 investigation?

24 **MR. CARRIERE:** It could, yes, yes.

25 **MR. LEE:** And Section 72 of the Act, the

1 duty to report section presuming that there was a duty,
2 suggests that you must report the information on which the
3 suspicion is based.

4 MR. CARRIERE: Yes.

5 MR. LEE: What do you understand to be meant
6 by "the information on which it is based"?

7 MR. CARRIERE: I think that that's something
8 that gets debated, but that it's reasonable to expect that
9 enough information will be provided to a Children's Aid
10 Society that it can inform itself as to whether or not it
11 fits within the mandate, so that some details be provided
12 so that the Children's Aid has a sense of what this matter
13 is about.

14 MR. LEE: Have you come across any notes
15 that you would have made about this meeting?

16 MR. CARRIERE: I don't believe I made any
17 notes, Mr. Lee.

18 MR. LEE: Do you recall seeing any notes
19 that Mr. Abell may have taken during the course of your
20 preparation?

21 MR. CARRIERE: Not that I recall, no.

22 MR. LEE: And you've told us that as you sit
23 here now, you can't recall what information you were or
24 were not provided about Mr. Leduc?

25 MR. CARRIERE: No, I can't recall.

1 **MR. LEE:** I want to -- we have a number of
2 documents here, as you know, and some of what we have are
3 interview reports relating to the two complainants who
4 eventually ---

5 **MR. CARRIERE:** Okay.

6 **MR. LEE:** --- which led to charges. I want
7 to take you through some of these. I'll try not to do it
8 in excruciating detail, but I want to take a look at what
9 the OPP would have known at that time and see if you have a
10 recollection of any of that information being shared with
11 you.

12 **MR. CARRIERE:** Okay.

13 **MR. LEE:** So if we can start with Document
14 704900. And this relates to C-16.

15 **THE COMMISSIONER:** Exhibit 2372 is an
16 interview report of C-16 dated 7th of May, 1998.
17 Publication ban.

18 --- **EXHIBIT NO./PIÈCE No. P-2372:**

19 (704900) - Interview Report of C-16 dated
20 May 7, 1998

21 **MR. LEE:** Do you have that, sir?

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

23 **MR. LEE:** You'll see the date of the
24 interview was May 7th, 1998?

25 **MR. CARRIERE:** Yes.

1 **MR. LEE:** So two weeks before your meeting
2 with ---

3 **MR. CARRIERE:** Yes.

4 **MR. LEE:** --- Officers Smith and Hall.

5 And if you look at page 1 at the first
6 answer, the question is simply, "What can you tell me?" and
7 the answer refers to Jacques Leduc and it says:

8 "When I did start working for him, I
9 was 15; the summer I was 15..."

10 Then "(tears)" which I suppose means that
11 the person being interviewed is crying.

12 "I don't know. The first time he tried
13 was before I got my licence because I
14 remember after that he wanted to take
15 me for my licence as soon as he turned
16 16."

17 Do you see that?

18 **MR. CARRIERE:** Yes.

19 **MR. LEE:** So it seemed from that very first
20 answer he gives that he's been working for Leduc, so he's
21 an employee, and that he's alleging that abuse began before
22 he was 16 years-old.

23 Do you see that?

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

25 **MR. LEE:** And he speaks of a specific point-

1 in-time being that this was before he got his driver's
2 licence.

3 Do you see that?

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

5 **MR. LEE:** Do you recall being provided with
6 that information by the OPP officers?

7 **MR. CARRIERE:** Mr. Lee, I don't recall the
8 meeting at all.

9 **MR. LEE:** If you don't recall, so be it.
10 I'm hoping perhaps something here will jog your memory, but
11 if it doesn't, that's fine.

12 **MR. CARRIERE:** Well, in preparation for it,
13 I realized these documents were given to me as
14 supplementary ones and I read it and it doesn't -- they
15 don't bring back this meeting at all.

16 **MR. LEE:** Not ringing a bell for you at all?

17 **MR. CARRIERE:** No, not at all.

18 **MR. LEE:** If you turn to page 2, again, and
19 I understand your answer, sir, but you appreciate that we
20 have OPP officers coming to testify as well.

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

22 **MR. LEE:** I want to be able to put these
23 things to you so that I can then put it to them.

24 **MR. CARRIERE:** I understand, yes.

25 **MR. LEE:** And so I'll try to do this as I

1 can, and let me know as we go through whether or not any of
2 this brings back a memory of information you may have been
3 given at that time; okay?

4 **MR. CARRIERE:** Yes, I will.

5 **MR. LEE:** The first answer on page 2
6 describes how C-16 met Mr. Leduc where he says:

7 "I met him, me and my friends met him
8 at the corner store and he asked if we
9 wanted to work for him during the
10 summer."

11 Do you see that?

12 **MR. CARRIERE:** Yes.

13 **MR. LEE:** And he speaks towards the middle
14 of the page of the first incident where he talks about
15 pornography and being touched.

16 Do you see that?

17 **MR. CARRIERE:** I see that, yes.

18 **MR. LEE:** If you turn to page 3, in the very
19 centre of the page we have an answer where he says:

20 "Every time I went to work, he would
21 always either grab my butt or my front
22 and he would always talk about
23 something sexual."

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

25 **MR. LEE:** Towards the bottom of the page, he

1 speaks to having worked for Mr. Leduc for three and-a-half
2 to four years and he says that here were incidents of this
3 nature every time he went to work. He would always say
4 something or do something?

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

6 **MR. LEE:** And over to page 5, please.

7 He's asked in the middle of the page whether
8 or not Mr. Leduc paid him for his work and he answers:

9 "Yeah, plus he'd always lend me one of
10 his vehicles and he would take me on
11 trips."

12 He goes on to explain, to Toronto and to
13 Florida?

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

15 **MR. LEE:** Do you see that?

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

17 **MR. LEE:** And over at page 8, sir, the top
18 question and answer on -- one more page, Madam Clerk.

19 The person being interviewed gives some
20 information about Mr. Leduc having access currently to a
21 child under 16 years old?

22 **MR. CARRIERE:** Yes.

23 **MR. LEE:** Do you recall being provided with
24 any of those details we've just gone through, sir?

25 **MR. CARRIERE:** Again, Mr. Lee, I don't

1 remember the meeting.

2 MR. LEE: Okay.

3 Page 9, below the middle of the page, we
4 have a question:

5 "Did you ever tell Jacques what you
6 thought?"

7 And the answer is:

8 "No, I was so scared that he wouldn't
9 give me the car or anything, or that I
10 wouldn't have any money."

11 And below that, he's asked how much he is
12 paid, and he tells him six dollars an hour. Do you see
13 that?

14 MR. CARRIERE: Yes, I do.

15 MR. LEE: And the last page in this
16 document, page 13 please.

17 MR. CARRIERE: Yes.

18 MR. LEE: He's asked at the second question
19 on the page, "What would you like the police to do?" and
20 his answer is:

21 "Good question. I don't know because I
22 don't want the same thing to happen to
23 whoever else works for him."

24 Do you see that?

25 MR. CARRIERE: Yes, I see it.

1 **MR. LEE:** So there's some concern expressed
2 about others working for him and the same thing not
3 happening to them?

4 **MR. CARRIERE:** Yes.

5 **MR. LEE:** Four days later, sir, the OPP
6 interviews C-16 again, and I'd like to briefly go through
7 that with you.

8 Madam Clerk, it's Document 704902.

9 Again, Mr. Commissioner, C-16 is involved so
10 we'll need a publication ban.

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

12 **MR. ENGELMANN:** Sir, if it's going to be
13 more of the same, I am not sure how helpful this is. The
14 witness really doesn't remember.

15 **MR. LEE:** I think I should be entitled to
16 put the information on the record, sir, that the OPP had
17 and that they could have provided to the CAS.

18 We'll get OPP officers who may well tell us
19 that they did provide this information, but I would like to
20 go through this to suggest -- I mean obviously at the end,
21 I am going to ask Mr. Carriere what steps the CAS took and
22 what they did about -- in follow-up to the meeting at
23 least.

24 **THE COMMISSIONER:** Okay.

25 **MR. LEE:** Do you have that document, sir?

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

2 **MR. LEE:** The date of this interview, as I
3 said, is four days after the first, May 11th, 1998; so again
4 about 10 days before the meeting at the CAS?

5 **MR. CARRIERE:** Yes.

6 **MR. LEE:** And on pages -- towards the bottom
7 of page 2 and the top of page 3, C-16 is given his previous
8 statement and asked to review it to see whether or not he'd
9 like to make any changes. And one of the changes he makes
10 towards the bottom of page 3 is to say that he's
11 essentially done some math and that he's changing the time
12 that he began working for Mr. Leduc from when he was 15
13 years old to when he was 13 years old.

14 **MR. CARRIERE:** Right.

15 **MR. LEE:** Do you see that?

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

17 **MR. LEE:** And he explains how he came to
18 realize his mistake on that.

19 Over on page 4, he again speaks of the
20 driver's licence address -- issue as being a time post that
21 he can tie things to, and says that he had known Mr. Leduc
22 for around three years at that time. So again, putting him
23 back to 13 years old?

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

25 **MR. LEE:** And over on page 5, he confirms

1 that he believes the first incident of abuse was
2 approximately one year after he first met him. So if we do
3 the math that he was 13 when he first met him, the first
4 incident of abuse was around 14 and certainly when he was
5 less than 16?

6 **MR. CARRIERE:** Yes.

7 **MR. LEE:** On page 6, we have confirmation
8 that the incident occurred at ---

9 **THE COMMISSIONER:** Can we use the word
10 "allegation" because Monsieur Leduc has been ---

11 **MR. LEE:** What did I say, sir?

12 **THE COMMISSIONER:** Well, you're stating them
13 as facts.

14 **MR. LEE:** I didn't intend to state them --
15 in fact, I am stating them as what was reported to the
16 police by C-16.

17 **THE COMMISSIONER:** Okay.

18 **MR. LEE:** Obviously, we know that charges
19 were laid, that there was no conviction.

20 **THE COMMISSIONER:** Okay.

21 **MR. LEE:** So on page 6, we have an
22 allegation that the first incident occurred at Mr. Leduc's
23 residence and that it is walking distance from his parents'
24 place, just around the block. Do you see that?

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

1 **MR. LEE:** So they live in the same
2 neighbourhood?

3 **MR. CARRIERE:** Yes.

4 **MR. LEE:** And if we flip ahead to page 27.

5 **MR. CARRIERE:** To page 27?

6 **MR. LEE:** Twenty seven (27), yes.

7 He had been asked earlier about being paid
8 for work and now he's asked for some details about the
9 timing of that and essentially, if you read page 27, the
10 timing is allegedly that Mr. Leduc would take the money and
11 put it on his night stand. Mr. Leduc would then go and
12 have a shower and that this would always happen after sex.
13 Do you see that?

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

15 **MR. LEE:** On page 31, he again speaks of
16 rewards and details a number of things that Mr. Leduc
17 purchased for him.

18 **MR. CARRIERE:** Thirty one (31)?

19 **MR. LEE:** Thirty one (31) and 32.

20 **MR. CARRIERE:** Okay.

21 **MR. LEE:** I'm sorry, sir, I'm trying to go a
22 little bit quickly.

23 **MR. CARRIERE:** Yes, I understand.

24 **MR. LEE:** He speaks of having purchased a
25 \$300 jacket and cowboy boots and shirts, and things along

1 those lines. He mentions at one point that he paid for
2 orthodontics for him.

3 **MR. CARRIERE:** Okay.

4 **MR. LEE:** You see that, sir?

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

6 **MR. LEE:** And if you look at page 33, the --
7 Officer Seguin asks:

8 "Okay, did he ever say why he bought
9 you these things or why he would do
10 that?"

11 And C-16 says:

12 "Yeah, he was sitting with my parents
13 and talking in my parents' house. It
14 was just him by himself and he
15 mentioned that him and Josette always
16 wanted a big family and he always
17 wanted a son. He said he couldn't..."

18 for a reason stated there

19 "...after he had his daughter. He said
20 they would be more like family for him
21 if he could pay for it."

22 Do you see that, sir?

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

24 **MR. LEE:** And then down below, "C-16 states
25 that he believes that these gifts were being given both for

1 friendship and for sexual things."

2 MR. CARRIERE: Yes, I see it.

3 MR. LEE: And again at page 36, towards the
4 top of the page, there's reference to the fact that
5 Mr. Leduc has access to a child under 16 years old.

6 MR. CARRIERE: Yes.

7 MR. LEE: So if we take those two statements
8 together, we have allegations by C-16 that he was sexually
9 abused when he was under 16 years old; that Mr. Leduc was
10 his employer; that the abuse took place in Leduc's home;
11 that he was a neighbour of Leduc; that Leduc told his
12 parents that he'd always wanted a son and that helping C-16
13 made them closer.

14 He was being paid cash, sometimes by having
15 it left on the nightstand after sex. He's receiving other
16 perks and believed they are being given for both friendship
17 and sex, and he's scared of losing those perks.

18 MR. CARRIERE: M'hm.

19 MR. LEE: So in 1998, had you been provided
20 with that information in that amount of detail, would Mr.
21 Leduc have been considered a caregiver for CAS purposes?

22 MR. CARRIERE: I think he would have, yes.

23 MR. LEE: And we have -- you were given the
24 names of C-16 and C-17 a moment ago?

25 MR. CARRIERE: Yes.

1 **MR. LEE:** And C-17 -- perhaps what I'll do,
2 Mr. Commissioner, just to speed things up, is file the
3 statements.

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

5 **MR. LEE:** And I will suggest to the witness
6 that within those statements are various pieces of
7 information, and we'll ask him again whether or not -- if
8 that information is, indeed, what's reflected in the
9 statements -- whether or not he would be a caregiver.

10 So if we can first look, Madam Clerk, at
11 Document 704908.

12 Mr. Commissioner, can I have the exhibit
13 number on the May 11th statement, the last document we
14 looked at?

15 **THE COMMISSIONER:** Two-three-seven-three
16 (2373).

17 **MR. LEE:** Thank you.

18 **--- EXHIBIT NO./PIÈCE NO. P-2373:**

19 (704902) - Videotaped Interview Report
20 of C-16 dated 11 May 98

21 **THE COMMISSIONER:** Thank you. Exhibit 2374
22 is a videotaped Interview Report of C-?

23 **MR. LEE:** Seventeen (17).

24 **THE COMMISSIONER:** C-17 dated the 13th of May
25 1998.

1 --- EXHIBIT NO./PIÈCE NO. P-2374:

2 (704908) - Videotaped Interview Report of C-
3 17 dated 13 May 98

4 **MR. LEE:** And if at the same time, Madam
5 Clerk, we can ---

6 **THE COMMISSIONER:** Publication ban stamp on
7 that as well.

8 **MR. LEE:** At the same time, Madam Clerk,
9 705079 is the other document relating to C-17.

10 **THE COMMISSIONER:** Thank you.

11 Exhibit 2375 again is an Interview Report of
12 C-17 taken on the 9th day of June 1998.

13 --- EXHIBIT NO./PIÈCE NO. P-2375:

14 (705079) - Interview Report of C-17 dated 09
15 June 98

16 **MR. LEE:** So Mr. Carriere, in the interests
17 of saving time, these two statements together disclose some
18 information that I think may be relevant to the CAS.

19 Rather than taking you through it, I'll summarize and just
20 ask you again whether or not Mr. Leduc likely would have
21 been considered a caregiver if that information were -- so
22 the information provided by C-17 is that Mr. Leduc was his
23 employer; that he was a neighbour of Mr. Leduc; that the
24 abuse took place in Mr. Leduc's home as well as at a family
25 member's home; that he was paid sometimes after sex; that

1 he received other perks from Mr. Leduc; that there was
2 drinking involved at one point; and that the first reported
3 activities of concern took place when he was 15 years old.

4 Based on that information, had you known at
5 the time, would Mr. Leduc likely have been considered a
6 caregiver?

7 **MR. CARRIERE:** Yes.

8 **MR. LEE:** And you told us you have no
9 recollection of this initial meeting on ---

10 **MR. MANDERVILLE:** Mr. Commissioner, Mr.
11 Leduc's solicitor isn't here as you know.

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

13 **MR. MANDERVILLE:** I just want to voice a
14 general concern that we know these statements in the eyes
15 of the law were not proven and in the eyes of the law the
16 statements therefore were not proven to be true.

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

18 **MR. MANDERVILLE:** Yet the witness is being
19 asked to assume that someone had reasonable grounds to
20 believe a child was in need of protection based on
21 statements which have never been proven to be true.

22 **THE COMMISSIONER:** Oh, but ---

23 **MR. MANDERVILLE:** There is a concern.
24 That's all.

25 **THE COMMISSIONER:** Your criminal law thing

1 is coming in and that has nothing to do with what he's
2 trying -- what Mr. Lee, I think, has articulated, a
3 reasonable reason to put certain facts -- facts, in the
4 sense of things that were in the knowledge of the police at
5 the time and see how they would have reacted. And, of
6 course, the Children's Aid Society will not accept that as
7 the Bible truth, all of those allegations, but they are
8 allegations.

9 **MR. MANDERVILLE:** My only concern, Mr.
10 Commissioner, and obviously my client is not implicated in
11 this in any way, my only concern is that we be careful with
12 the way this evidence is put in and handled and so forth.

13 **THE COMMISSIONER:** Well, in fairness, I
14 think I've already indicated to Mr. Lee that these were
15 only allegations, that Mr. Leduc was never found guilty of
16 anything and his rights were protected under the Charter.
17 He agreed with that and so far I don't see anything in
18 there that doesn't -- so what you're showing is some
19 prejudicial value to Mr. Leduc in saying, "Well" -- and so
20 I've warned everyone that these are not facts. These are
21 just things that were there in the knowledge of the police,
22 and all he is asking is if that knowledge had been given to
23 the Children's Aid Society, would they have reacted. All
24 right?

25 **MR. MANDERVILLE:** Nothing to add, sir.

1 **THE COMMISSIONER:** Okay, thank you.

2 Mr. Lee, have you finished with this area
3 because it's time for a break or do you ---

4 **MR. LEE:** I ---

5 **THE COMMISSIONER:** Finish up on this area.

6 **MR. LEE:** Thank you. I'll finish up on
7 this.

8 You told us that you have no recollection of
9 the May 21st meeting. Do you have any recollection of any
10 subsequent contact with the OPP, either a meeting or a
11 telephone call or correspondence, relating to them
12 providing you further information in relation to Mr. Leduc
13 or the allegations against him?

14 **MR. CARRIERE:** I think the only thing, Mr.
15 Lee, and, again. I want to qualify this in that I could be
16 wrong, is that I have this vague recollection of talking to
17 someone about -- I think related to the Big Brothers and my
18 recollection of that was -- the Big Brothers and Big
19 Sisters organization -- and I'm not sure if they continue
20 to do it now -- but for many years had something that was
21 called a bowlathon and teams participated in that. It was
22 a fundraising event and the newspaper would publish all of
23 the names of people who participated.

24 I have this vague recollection that the law
25 firm that Mr. Leduc was in was one of the teams in this

1 bowlathon but that's -- and again, I could be wrong with
2 that.

3 But in terms of the actual meeting, I have
4 no recollection of the meeting.

5 **MR. LEE:** Oh, I appreciate that.

6 Mr. Commissioner, I have -- there is a third
7 complainant against Mr. Leduc. I have two interview
8 reports I would like to enter and then two minutes worth of
9 questions to wrap this area up.

10 **THE COMMISSIONER:** Sure.

11 **MR. LEE:** Madam Clerk, we have two
12 documents, 704975 and 705022.

13 And these relate to, Mr. Commissioner, to C-
14 22.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **THE COMMISSIONER:** Thank you.

17 Exhibit number -- hang on. Let me do --
18 2376 will be the next exhibit. It's an interview report of
19 C-22, you say?

20 **MR. LEE:** Yes, sir.

21 **THE COMMISSIONER:** Right, taken the 30th of
22 July, 1988.

23 --- **EXHIBIT NO./PIÈCE NO. P-2376:**

24 (704975) - Interview Report dated July 30,
25 1998

1 **THE COMMISSIONER:** And 2377 is a videotaped
2 interview report of the same witness taken the 24th of
3 November, 1998. And that was a videotaped interview report
4 at that point.

5 **--- EXHIBIT NO./PIÈCE NO. P-2377:**

6 (705022) - Videotaped Report dated November
7 24, 1998

8 **MR. LEE:** Sorry, sir, one more in relation
9 to C-22 and that's the last one.

10 The document number on that last one, sir,
11 is 705068.

12 **THE COMMISSIONER:** Thank you.

13 And that will be Exhibit 2378, again, a
14 statement -- a videotaped interview report, the same
15 witness, on the 24th of March, 1999.

16 **--- EXHIBIT NO./PIÈCE NO. P-2378:**

17 (705068) - Videotaped Report dated March 24,
18 1999

19 **MR. LEE:** Publication ban, sir, on that as
20 well.

21 **THE COMMISSIONER:** Yes, on all of them.

22 **MR. LEE:** And so, again, sir, just to
23 summarize the relevant facts as I took them out of these
24 three documents, the allegations are that Mr. Leduc became
25 C-22's lawyer when he was 14 years old. He soon thereafter

1 became his employer. The abuse took place in Mr. Leduc's
2 home and began when he was under 16 years old. He received
3 free clothing and legal services and that he describes Mr.
4 Leduc as being "a father figure" in his life.

5 Had the CAS received those allegations is it
6 likely that it would have considered Mr. Leduc a caregiver
7 in relation to C-22?

8 **MR. CARRIERE:** Yes.

9 **MR. LEE:** And in relation to C-16, C-17 and
10 C-22, you have no specific recollection of receiving any or
11 all of that information?

12 **MR. CARRIERE:** I don't recall, Mr. Lee.

13 **MR. LEE:** Now, we can presume, I think,
14 given that the officer's notes state that on May 21st, '98
15 there was a meeting to specifically inform the CAS of
16 upcoming pending charges against Hickerson and Leduc; that
17 there must have been some discussion at least of the fact
18 that these charges related to sexual abuse?

19 **MR. CARRIERE:** There must have been some
20 discussion for sure.

21 **MR. LEE:** Do you have any recollection of
22 the CAS taking any actions whatsoever in relation to Mr.
23 Leduc?

24 **MR. CARRIERE:** I don't know whether or not
25 we would have done a record check on him, but beyond that I

1 know that there was no file opened on him and no particular
2 -- no steps were taken.

3 MR. LEE: Sorry, there was no file open?

4 MR. CARRIERE: No.

5 MR. LEE: The CAS never met with any of C-
6 16, C-17 or C-22?

7 MR. CARRIERE: I don't believe, Mr. Lee,
8 that we were provided those names.

9 MR. LEE: Okay, what about with Mr. Leduc?

10 MR. CARRIERE: No, there wasn't a meeting
11 with Mr. Leduc that I'm aware of.

12 MR. LEE: As far as you know, the CAS didn't
13 -- I mean, can we just sum it up and say the CAS, in
14 relation to whatever information it received, didn't do
15 anything with that information?

16 MR. CARRIERE: I think that that's fair.
17 Yes, I think that's fair.

18 MR. LEE: And do you have any knowledge of
19 the CAS having opened a file in relation to Mr. Leduc or
20 any complainant who made allegations against him
21 thereafter?

22 MR. CARRIERE: Not that I'm aware of, but I
23 don't know.

24 MR. LEE: As far as you know there is -- the
25 CAS has never looked into the Leduc matter?

1 **MR. CARRIERE:** Not that I'm aware of, no.

2 **MR. LEE:** I'm done with Mr. Leduc here.

3 **THE COMMISSIONER:** All right. Let's take
4 the afternoon break.

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

7 The hearing will resume at 3:25 p.m.

8 --- Upon recessing at 3:08 p.m. /

9 L'audience est suspendue à 15h08

10 --- Upon resuming at 3:36 p.m. /

11 L'audience est reprise à 15h36

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

14 This hearing is now resumed. Please be
15 seated. Veuillez vous asseoir.

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

17 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE**
18 **(cont'd/suite):**

19 **MR. LEE:** Mr. Commissioner, before the break
20 I took the witness to a three-page excerpt of Pat Hall's
21 notebook that we had to view on the screen. It turns out I
22 did have copies and Madam Clerk tells me it was not made an
23 exhibit at the time, so I'd like to give her that and have
24 it marked, please?

25 **THE COMMISSIONER:** Thank you.

1 Exhibit 2379 is Bates pages 7109826 through
2 to 28. Thank you. And they are which officer's notes?

3 **MR. LEE:** Pat Hall.

4 **THE COMMISSIONER:** Pat Hall; thank you.

5 --- **EXHIBIT NO./PIÈCE NO. P-2379:**

6 (727747) - Notes of Officer Pat Hall dated
7 May, 1998

8 **MR. LEE:** Mr. Carriere, I'm done with that
9 part. We can put that aside.

10 We know that the CAS will become involved
11 where a child is abused by a family member or a caregiver.
12 I'm wondering whether you see any role for the CAS where an
13 adult abuses children but where he or she is not a family
14 member or caregiver?

15 **MR. CARRIERE:** Well, there could be a role
16 if the family failed to protect the child from the person
17 that harmed them or there could be a role if, after the
18 event took place, the family failed to provide support or
19 arrange for treatment for the -- necessary treatment for
20 the child, if that's what -- I'm not sure I'm ---

21 **MR. LEE:** Can you envision an example, a
22 situation where, as an example, there's a -- let me give
23 you an example where there's a stranger in the community
24 assaulting children ---

25 **MR. CARRIERE:** Yes.

1 **MR. LEE:** --- who hasn't been caught. They
2 don't know who it is, they don't know -- nobody knows.

3 **MR. CARRIERE:** Okay.

4 **MR. LEE:** The police are obviously handling
5 it. Is there any role there for the CAS generally in
6 trying to protect children, or is the mandate specific and
7 you leave that to the police?

8 **MR. CARRIERE:** I guess I'm trying to think
9 of situations where that occurred and where -- what, if
10 anything, we might have done. Nothing comes to mind that
11 specifically. I know that we have definitely in the past,
12 and I think are still doing it currently -- involved in a
13 program in school around teaching kids around protecting
14 themselves, and I think that kind of thing extends beyond
15 just to people who are in the family or are caregivers, but
16 to anyone in general.

17 I can't think of anything offhand, Mr. Lee,
18 that ---

19 **MR. LEE:** Okay, moving on to a different
20 topic.

21 When Mr. Towndale was here he explained that
22 in the sixties and seventies the CAS covered the three
23 counties, SD&G, the City of Cornwall and Akwesasne and that
24 he explained that most of the foster homes were in the
25 counties, with very few in the City of Cornwall. Was that

1 your experience when you came to the CAS, with most foster
2 homes being in rural areas?

3 **MR. CARRIERE:** I think it was my impression.
4 When I think about the children that I had in care, I can
5 think of very few homes within the city that I would go to,
6 and I can think of -- you know, readily think of a number
7 of homes in the counties that I went to. But that's just
8 my general impression. Certainly I wouldn't dispute what
9 Mr. Towndale was saying.

10 **MR. LEE:** And many times we've seen that
11 children in care were placed on farms.

12 **MR. CARRIERE:** Yes.

13 **MR. LEE:** Did the CAS have any policies in
14 place relating to the work children could be expected to do
15 in a home?

16 **MR. CARRIERE:** I don't know that there were
17 policies in place with respect to that.

18 **MR. LEE:** Any rules relating, for example,
19 to the amount of time in a given day that could be devoted
20 to chores or anything like that?

21 **MR. CARRIERE:** Not that I'm aware of,
22 Mr. Lee.

23 **MR. LEE:** What about the type of chores that
24 children could be expected to perform?

25 **MR. CARRIERE:** Again, if you're talking

1 about something in writing, I don't recall that. I don't
2 think -- I mean I certainly don't have any recollection or
3 any kind of -- any recollection of, you know, the foster
4 children would be asked to do anything that natural
5 children wouldn't be asked to do.

6 I think part of what you hope happens in a
7 foster home is the children are integrated into the family
8 and made to feel like they're part of the family, and being
9 responsible for things is part of being a family.

10 **MR. LEE:** No policies or rules or
11 regulations on any of that you can recall?

12 **MR. CARRIERE:** Not that I recall.

13 **MR. LEE:** Do you recall who C-14 refers to?

14 **MR. CARRIERE:** Oh yes, I do.

15 **MR. LEE:** You do. You were asked in-chief
16 about contact you had with the Ottawa Police Service in
17 relation to threats allegedly made by C-14 ---

18 **MR. CARRIERE:** Yes.

19 **MR. LEE:** --- against the CAS. Do you
20 recall that?

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

22 **MR. LEE:** And you told Mr. Engelmann that
23 the CAS received a telephone call from a social worker in
24 Ottawa in early 2000, alleging that C-14 had made threats
25 to bomb the CAS.

1 **MR. CARRIERE:** That was my recollection,
2 yes.

3 **MR. LEE:** And you told us that you discussed
4 the matter with Richard Abell and that a decision was made
5 to contact the Ottawa police directly in March of 2000.

6 **MR. CARRIERE:** The only thing that I might
7 want to qualify is that I have a recollection that
8 Mr. Abell was away at the time and that I was in charge
9 because I was designated as the person in charge, and that
10 I may have taken that action on my own and then advised Mr.
11 Abell after the fact. But I could be wrong with that as
12 well.

13 **MR. LEE:** Do you recall contacting the
14 Ottawa police?

15 **MR. CARRIERE:** Vaguely.

16 **MR. LEE:** And there was some kind of an
17 issue, as I understand it. The CAS had to contact the
18 police directly because the social worker wasn't willing
19 to? Is that ---

20 **MR. CARRIERE:** I think so, yes.

21 **MR. LEE:** And is it your understanding that
22 the matter was investigated?

23 **MR. CARRIERE:** You know, I don't know. My
24 recollection was that it wasn't investigated because they
25 couldn't get the information from the social worker.

1 **MR. LEE:** Do you recall at the very least
2 that the CAS was notified at one point that charges would
3 not be laid?

4 **MR. CARRIERE:** I believe so, yes.

5 **MR. LEE:** And you have no knowledge of C-14
6 ever harming or attempting to harm anyone related to the
7 CAS?

8 **MR. CARRIERE:** No. Beyond that, no, I
9 don't.

10 **MR. LEE:** And almost as an afterthought, in-
11 chief, to that discussion you came back and you told Mr.
12 Engelmann that you thought that C-14 had been suing the CAS
13 around that time and that he may have been angry that he
14 didn't win the law suit, and you said very much, "I'm not
15 sure but that's something that comes to mind." I've
16 checked the file and the claim was dismissed on September
17 26th, 2000 as a result of C-14's lawyer at the time failing
18 to file a Settlement Conference Memorandum, and we have a
19 document that shows that the CAS was notified in April of
20 2000, so a few months earlier, that charges would not be
21 laid.

22 **MR. CARRIERE:** Okay.

23 **MR. LEE:** Given that timeline, you would
24 agree?

25 **MR. CARRIERE:** Yes, yes. Yes, I don't

1 dispute that at all.

2 MR. LEE: I'd like to turn for a moment to
3 Jean-Luc Leblanc and you'll recall that I represent the
4 three Burgess siblings and Jason Tyo, all of whom have
5 testified here?

6 MR. CARRIERE: Yes, I do.

7 MR. LEE: And you told us that you were
8 Bruce Duncan's supervisor in 1986 when the allegations came
9 to the attention of the CAS.

10 MR. CARRIERE: I was.

11 MR. LEE: So as I understand it then, you
12 weren't the frontline worker in the home interviewing
13 children or parents or anybody else. You were the
14 supervisor.

15 MR. CARRIERE: That's right.

16 MR. LEE: You understand now that Cindy
17 Burgess was not identified during that initial
18 investigation as having been a victim?

19 MR. CARRIERE: Yes, I know that.

20 MR. LEE: She was identified years later ---
21 MR. CARRIERE: Yes.

22 MR. LEE: --- as the result of a Project
23 Truth investigation.

24 MR. CARRIERE: Yes.

25 MR. LEE: And were you present when Cindy

1 testified here?

2 MR. CARRIERE: Yes, I was.

3 MR. LEE: And you'll recall that her
4 evidence was that in 1986, at the time that this was going
5 on, she was still living at home with her parents and her
6 brothers?

7 MR. CARRIERE: Yes.

8 MR. LEE: And we know that Scott and Jody,
9 her brothers, both of whom testified, were identified at
10 that time as victims of abuse.

11 MR. CARRIERE: Yes.

12 MR. LEE: And ---

13 MR. CARRIERE: Yes.

14 MR. LEE: --- steps were taken in relation
15 to them.

16 During your evidence in-chief you suggested
17 that it would not have been a bad idea for Bruce Duncan to
18 interview all of the children in the home but that intra-
19 familial cases and extra-familial cases are different.
20 What did you mean by that distinction you were drawing?

21 MR. CARRIERE: Well, you know the difference
22 between intra-familial and extra-familial? I don't have to
23 ---

24 MR. LEE: I understand the difference there.

25 MR. CARRIERE: Okay.

1 **MR. LEE:** I'm more interested in why that
2 would affect Bruce Duncan's response.

3 **MR. CARRIERE:** Well, let me speak. With
4 intra-familial situations generally you're talking about
5 the harm coming from within the home. So if you have a
6 family of seven children and the harm is coming from within
7 the home, it makes sense that you would interview all of
8 those children, as capable as those children would be to be
9 interviewed.

10 When you're talking about an extrafamilial
11 situation the harm is coming from outside of the home, so
12 it may be that not all of the children within that family
13 are being harmed or living with a person who potentially
14 could cause harm. So that's what the distinction would be.

15 **MR. LEE:** So in an intra-familial case where
16 two brothers are being abused by somebody in the home and
17 there are other children in the home, I take it 100 percent
18 of the time, without exception, you would interview all of
19 those children?

20 **MR. CARRIERE:** Well, what -- I think what
21 you're responsible to do -- the Children's Aid is
22 responsible to do -- is to consider all of the children in
23 that home. And as you've described it, it would be pretty
24 hard to imagine that all of the children wouldn't be
25 interviewed or examined, say, with very young children.

1 You'd have to have some pretty compelling
2 reasons to not interview the children in that situation.

3 **MR. LEE:** Would you expect those reasons to
4 be reflected in recordings?

5 **MR. CARRIERE:** In the current recording
6 module, yes, you'd have to do that. Again, in the
7 recording module -- the recording package that existed in
8 1985 or '86, whenever that case was current with us, was
9 very, very different.

10 **MR. LEE:** During your evidence in-chief, you
11 fully conceded you were speculating on the point, but
12 you've suggested that it's possible that Mr. Duncan asked
13 whether or not anybody else in the family was in harms way
14 and you reasoned that that seems like a possibility because
15 other children outside of the home were identified as
16 victims of abuse and so ---

17 **MR. CARRIERE:** Yes.

18 **MR. LEE:** --- as you see it, somebody must
19 have been asked about something.

20 **MR. CARRIERE:** Certainly somebody posed the
21 question or information was volunteered about other
22 victims.

23 **MR. LEE:** The suggestion I took from your
24 answer to that question in-chief was that possibly some
25 blame should be placed on the parents or on Cindy's

1 brothers or on Cindy herself for not explicitly telling ---

2 MR. CARRIERE: No.

3 MR. LEE: --- the CAS worker or the police
4 that she was engaging with Jean-Luc Leblanc of that she was
5 a victim of Jean-Luc Leblanc.

6 MR. CARRIERE: If I left anyone with that
7 impression, then I apologize. That was a crisis for that
8 family and I don't blame anyone for what happened or didn't
9 happen at that point in time.

10 MR. LEE: Were you present for Scott
11 Burgess' testimony?

12 MR. CARRIERE: Yes.

13 MR. LEE: And what he told us was that he
14 had never been asked about whether Cindy was a victim of
15 Jean-Luc Leblanc and had he been asked, he would have
16 answered truthfully. Do you recall that?

17 MR. CARRIERE: I recall that, but I also
18 recall Mr. Engelmann that he didn't even remember being --
19 sorry -- Mr. Lee -- he didn't even remember being
20 interviewed.

21 MR. LEE: He -- there were some definite
22 memory issues with this ---

23 MR. CARRIERE: Yes.

24 MR. LEE: --- with Mr. Burgess. Is that
25 right?

1 And you've told us you were here when Cindy
2 testified. And do you recall her evidence generally about
3 being shy and about being withdrawn and about some of the
4 issues she's had discussing these and specifically about
5 the trouble she faced when the OPP came to her door because
6 she tried so hard to keep these things hidden?

7 **MR. CARRIERE:** I don't recall specifically,
8 but I have no reason to dispute what you're saying. I
9 would also -- it seems to make sense that someone that
10 would hold on to this information for as long as she did
11 obviously had reasons to do that.

12 **MR. LEE:** She also testified here that Mr.
13 Leblanc told her that this was "our little secret" and that
14 she didn't appreciate that what he had done was wrong until
15 she was in her later teenage years; and about how she
16 wanted to keep the whole thing hidden.

17 And I take it, given your experience dealing
18 with these issues, that none of those reactions is
19 surprising for a victim of abuse as a child?

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

21 **MR. LEE:** And can we look briefly at Exhibit
22 C-99 please, Madam Clerk?

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **THE COMMISSIONER:** Thank you.

25 **MR. LEE:** Page 069, sir, please. This is an

1 Opening and Transfer Summary and the worker is Bruce
2 Duncan. If you look at page 069, the third paragraph under
3 the "Situation as Presented by Clients and/or Collaterals",
4 it begins:

5 "A home visit was made..."

6 **MR. CARRIERE:** Yes.

7 **MR. LEE:** Do you see that?

8 **MR. CARRIERE:** Yes.

9 **MR. LEE:** It reads:

10 "A home visit was made and the parents
11 were informed of what happened at the
12 home of Jean-Luc Leblanc. They were
13 shocked and reported that one of their
14 older..."

15 And it goes on. Do you see that?

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

17 **MR. LEE:** So it would appear from Mr.
18 Duncan's recording here that the parents were shocked which
19 suggests that they had no prior knowledge of the abuse and
20 of Mr. Leblanc; is that correct?

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

22 **MR. LEE:** And so it would seem to me that we
23 have a number of persons involved here. We have Scott, and
24 we have Jody and we have Cindy, all of whom are later
25 proven to be victims of Jean-Luc Leblanc?

1 **MR. CARRIERE:** Yes.

2 **MR. LEE:** And we have the parents who were
3 learning that two of their sons at this point were victims
4 of abuse and were shocked. And we have a CAS worker and we
5 have a police officer investigating the matter.

6 So would you agree with me that the
7 responsibility and any blame that needs to be placed for
8 Cindy not being identified as a victim of abuse has to rest
9 with the two professionals dealing with that matter, being
10 a CAS worker and a police officer?

11 **MR. CARRIERE:** I don't know that I would
12 agree, Mr. Lee, the blame had to be given to anyone in this
13 situation.

14 **MR. LEE:** Would you agree with me, sir,
15 based on the facts as we know them, specifically the fact
16 that Scott and Jody were identified as victims; Cindy was
17 living in that home and we now know, it turns out, was
18 abused at the very same time as her brothers? It was at
19 that house Jean-Luc Leblanc had access to her?

20 It's inexcusable to look back on this and
21 see that Cindy was not identified at that time?

22 **MR. CARRIERE:** I wasn't there, Mr. Lee. So
23 I don't know what probing Bruce Duncan did with respect to
24 trying to identify other victims.

25 **MR. LEE:** The evidence we have from Cindy is

1 she was never asked. She had never met ---

2 MR. CARRIERE: No, I understand that.

3 MR. LEE: --- with the police. She had
4 never met with the CAS.

5 MR. CARRIERE: No, no, I am not arguing that
6 but ---

7 MR. LEE: This isn't a situation where she
8 was flatly asked whether she had been to Jean-Luc Leblanc's
9 house or whether she was a victim of abuse. She was never
10 asked; she was never asked.

11 MR. CARRIERE: No, I understand that.

12 MR. LEE: She was never spoken to.

13 MR. CARRIERE: I'm not disputing that.

14 MR. LEE: Would you agree with me that that
15 should have happened?

16 MR. CARRIERE: Mr. Lee, I think I -- when
17 during the examination in-chief, I said that, you know,
18 when one finds out that a child has been harmed, one always
19 kind of wishes that they could have done something to help
20 them either to prevent it or to deal with it after the
21 fact.

22 So do I have regrets about Cindy not being
23 interviewed? Of course I do in light of what happened.

24 But as I mentioned to you, you know, a few
25 minutes ago, in terms of dealing with extra-familial

1 situations, they're handled differently, and we did get --
2 we were given names of other people. The family gave us
3 the children. The boys gave us names of other people and I
4 know that they were followed up. And I don't know if Bruce
5 specifically said to either Jody or Scott, "Did anyone else
6 in your family -- was anyone else in your family involved
7 or harmed?"

8 I don't know that, but I think the
9 opportunity must have been given because we wouldn't have
10 received the names of the other victims.

11 **MR. LEE:** I understand your position on
12 that.

13 **MR. CARRIERE:** Okay.

14 **MR. LEE:** Let's move on to Cathy Sutherland,
15 please.

16 I want to talk about file disclosure issues,
17 and when you were last here Mr. Engelmann took you through
18 all of the correspondence back and forth between Cathy and
19 the CAS ---

20 **MR. CARRIERE:** Yes.

21 **MR. LEE:** --- relating there were efforts to
22 get disclosure. Do you recall that?

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

24 **MR. LEE:** I am not going to go back through
25 that with you. It began, as you recall, in 1987 when Cathy

1 signed a consent to a medical professional, Vincent Murphy,
2 and the CAS responded back, ---

3 MR. CARRIERE: We don't ---

4 MR. LEE: --- "We just don't have the file."

5 MR. CARRIERE: Yes.

6 MR. LEE: And what you told us that was an
7 error. You can't explain it. You don't know what
8 happened?

9 MR. CARRIERE: I don't know what happened.

10 MR. LEE: So the next thing we have is in
11 1995, and we have some correspondence back and forth with
12 Cathy being asked to send in identification to make sure
13 that she is who she says she is. And eventually, what she
14 gets is Exhibit 454, which is the August '95 summary
15 prepared by Mark Boisvenue.

16 MR. CARRIERE: Yes.

17 MR. LEE: And signed by you?

18 MR. CARRIERE: Yes.

19 MR. LEE: Or signed by Rick Abell on your
20 behalf.

21 MR. CARRIERE: Yes.

22 MR. LEE: So can we turn up Exhibit 454
23 please?

24 (SHORT PAUSE/COURTE PAUSE)

25 THE COMMISSIONER: We don't seem to have

1 your copy handy. Could you read it on the screen, please?

2 MR. CARRIERE: Yes, yes, that's fine.

3 THE COMMISSIONER: Thank you very much.

4 MR. LEE: So you have 474 there, sir -- 454
5 up on the screen.

6 So at the time Mr. Boisvenue would have
7 prepared this, he was working in the CAS offices here in
8 Cornwall?

9 MR. CARRIERE: He was working as an
10 investigator.

11 MR. LEE: So presumably he would have had
12 access to any materials that the CAS had access to relating
13 to Cathy Sutherland?

14 MR. CARRIERE: Yes.

15 MR. LEE: So as I understand it, the first
16 document he would have access to is her child file?

17 MR. CARRIERE: Yes.

18 MR. LEE: And he also would have had access
19 to her family's file?

20 MR. CARRIERE: Yes.

21 MR. LEE: So her birth parents would have
22 had a file at the CAS?

23 MR. CARRIERE: Yes, yes.

24 MR. LEE: Because she became a ward; right?

25 MR. CARRIERE: Yes.

1 **MR. LEE:** In those documents or in those
2 files, rather, we would have case recordings, but there
3 would also be letters perhaps of doctors or schools or
4 foster parents or things like that?

5 **MR. CARRIERE:** Yes.

6 **MR. LEE:** Often these files are court
7 documents?

8 **MR. CARRIERE:** Yes, I think they were, yes.

9 **MR. LEE:** Sometimes even transcripts as an
10 example of brief proceedings?

11 **MR. CARRIERE:** Yes, I think so. Yes.

12 **MR. LEE:** And obviously the CAS would also
13 have files relating to every foster home that any child had
14 been into? So as an example for Cathy ---

15 **MR. CARRIERE:** Yes.

16 **MR. LEE:** --- the Virgin foster home.

17 **MR. CARRIERE:** Yes.

18 **MR. LEE:** Which you know later becomes an
19 issue.

20 **MR. CARRIERE:** Yes.

21 **MR. LEE:** Mr. Boisvenue would have had
22 access to that file as well?

23 **MR. CARRIERE:** He would have, yes.

24 **MR. LEE:** Would it have been expected that
25 when Mr. Boisvenue was preparing his summary, that he would

1 have accessed all of those files?

2 MR. CARRIERE: I don't think so, Mr. Lee. I
3 think he would have been directed to the child's file, to
4 her childcare file for the information.

5 MR. LEE: Let's back up. Is there a policy
6 or protocol dictating what he should be examining in order
7 to put together ---

8 MR. CARRIERE: Not that I'm aware of, no.

9 MR. LEE: Would you not expect that he would
10 go to every source of information the he can find?

11 MR. CARRIERE: I don't think we expected him
12 to at the time, no.

13 MR. LEE: So I can tell you in this case he
14 did. We know that because some of the information he has
15 isn't in the child file or any other. So he may have gone
16 a little bit above and beyond, but certainly that would
17 have been his prerogative. If he wished to do a thorough
18 job and look at all the files, that would have been okay?

19 MR. CARRIERE: I don't think anyone would
20 have stopped him from doing it, but I don't know that it
21 would have been specifically spelled out.

22 MR. LEE: One of the problems we have here -
23 - well, problem depending on how you look at it I suppose,
24 is that Cathy's child file begins when she's apprehended.

25 MR. CARRIERE: Yes.

1 **MR. LEE:** But the contact and interaction
2 with the family begin several months earlier.

3 **MR. CARRIERE:** Yes.

4 **MR. LEE:** So in this specific case, when you
5 look at the child file, you don't have several months worth
6 of contact.

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

8 **MR. LEE:** And is that typical?

9 **MR. CARRIERE:** I don't consider myself to be
10 an expert in that area, Mr. Lee. I think that -- I think
11 in probably most instances when a former ward asks for some
12 history, background history, I suspect that the bulk of
13 that information comes for their childcare file. I'm not
14 sure how much would come from the family file.

15 **MR. LEE:** In this specific case where -- and
16 I'll take you through some of this to illustrate why ---

17 **MR. CARRIERE:** Sure.

18 **MR. LEE:** --- I'm quite certain that Mr.
19 Boisvenue would have looked at the family file;

20 **MR. CARRIERE:** Yeah.

21 **MR. LEE:** If he -- if during the course of
22 his preparation, his response to the disclosure request he
23 looked at the family file, would you agree that relevant
24 information he saw in the family file should be produced?

25 **MR. CARRIERE:** I think so, yes.

1 **MR. LEE:** And ---

2 **MR. CARRIERE:** Relevant information that
3 she's allowed to -- or the person is allowed to see, yes.

4 **MR. LEE:** Well, yeah, we'll get into what
5 that means.

6 **MR. CARRIERE:** Yeah.

7 **MR. LEE:** Exhibit 454 on the screen, if you
8 look at the first paragraph, second sentence, it reads:

9 "Please be advised that due to
10 confidentiality, we are unable to
11 specifically identify any individual
12 other than yourself."

13 Do you see that?

14 **MR. CARRIERE:** Yes.

15 **MR. LEE:** What is Mr. Boisvenue referring to
16 here? What does he mean by "confidentiality"? And let me
17 be specific. Is he referring to a policy, to a statute, to
18 a rule, to a regulation?

19 **MR. CARRIERE:** I think it's probably more in
20 terms of a practice because I don't believe that at that
21 point in time that there was a policy in place. I think
22 the ---

23 **MR. LEE:** Can we look just very briefly,
24 Madam Clerk, at Document 115397?

25 **(SHORT PAUSE/COURTE PAUSE)**

1 **MR. LEE:** That's the one. We should have
2 hard copies of this. Notice was provided.

3 If I can just -- this relates to C-14, not
4 to Cathy Sutherland.

5 **MR. CARRIERE:** Yes.

6 **MR. LEE:** But if you want -- it's on the
7 screen there, if you want to just ---

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

9 **MR. LEE:** I'm specifically interested in the
10 second paragraph.

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

12 **MR. CARRIERE:** Okay, I've read it.

13 **MR. LEE:** My understanding this wasn't late
14 notice. As I understand it, this was on the original list.

15 Regardless, the only question I want to ask
16 you is, is the middle paragraph ---

17 **THE COMMISSIONER:** Well, just a second. Is
18 this supposed to be made an exhibit now?

19 **MR. LEE:** Ideally, yes.

20 **THE COMMISSIONER:** Okay, just a second.

21 If we don't have it, we'll make it an
22 exhibit now but ---

23 **MR. LEE:** And this one will require a
24 publication ban stamp because it relates to C-14 and his
25 name appears in it.

1 **THE COMMISSIONER:** Sure.

2 All right. So we found the document. The
3 next exhibit will be a letter dated August 30th, 1994
4 addressed to Mr. Mazerolle from Richard Abell, and it's
5 Exhibit 2380 and there's a publication ban on it, stamp on
6 it.

7 **---** **EXHIBIT NO./PIÈCE No. P-2380:**

8 (115397) - Letter from Richard Abell to
9 Michel Mazerolle dated 30 Aug. 94

10 **MR. LEE:** Mr. Carriere, as I said, this
11 doesn't relate to Cathy Sutherland, but this is a letter
12 sent from Mr. Abell in late August '94.

13 **MR. CARRIERE:** Right.

14 **MR. LEE:** And it's in relation to -- Michel
15 Mazerolle was a lawyer who was hired by C-14 in an attempt
16 to get some disclosure.

17 **MR. CARRIERE:** Yes.

18 **MR. LEE:** And the middle paragraph reads:

19 "Given the often extensive amount of
20 documentation held in these files and
21 the restrictions placed on us by
22 provincial statute and ministry policy,
23 we have developed a practice of
24 providing file summaries to clients and
25 past clients requesting personal

1 information."

2 So Mr. Abell is referring to restrictions
3 placed on the CAS by provincial statute and ministry
4 policy.

5 Do you know what he's talking about there?

6 **MR. CARRIERE:** I don't, Mr. Lee.

7 **MR. LEE:** Do you know of any legislation
8 governing the CAS that required confidentiality?

9 **MR. CARRIERE:** Well, my understanding is
10 that that section of the Act has never been proclaimed. So
11 I'm not sure what Mr. Abell is referring to here.

12 **MR. LEE:** There seems to be a lot of that
13 with the *Child and Family Services Act* with sections being
14 drafted and ready to go but not being proclaimed.

15 **MR. CARRIERE:** I think there's just one
16 section that hasn't, but I don't consider myself to be a
17 CFSA expert by any means.

18 **MR. LEE:** Dealing with document issues
19 though?

20 **MR. CARRIERE:** Yes, yes, I think that's
21 correct.

22 **MR. LEE:** Do you know of any specific
23 written policy or law that prohibits the CAS from telling a
24 former ward the names of her former foster parents as an
25 example?

1 **MR. CARRIERE:** I wouldn't know.

2 **MR. LEE:** Or the names of workers in a
3 receiving home?

4 **MR. CARRIERE:** I'm not aware of any.

5 **MR. LEE:** Do you know of any policy or
6 legislative reason that somebody like Cathy Sutherland
7 would not be entitled to know the names of foster parents
8 in whose care she was?

9 **MR. CARRIERE:** I think it's probably more an
10 understanding with foster parents of that and there may be
11 something in a foster parent agreement that their names
12 will not be shared as part of a records disclosure. But in
13 terms of, you know, being able to find that, I'm not aware
14 of it, Mr. Lee.

15 **MR. LEE:** I have to admit I'm confused by --
16 I mean if you have a ward of the CAS who lives in a foster
17 home with foster parents for a year or two years or three
18 years, ---

19 **MR. CARRIERE:** Yes.

20 **MR. LEE:** --- what is the rationale behind
21 denying that person later in life the name of the --
22 essentially the parents in that person's life? I mean has
23 there ever been a discussion on this? Do you have any
24 understanding of why this would be so?

25 **MR. CARRIERE:** I think probably the basis of

1 it is that you don't -- unless one knows -- and there may
2 be instances where that information is shared. There may
3 be some discussion with the foster parent and the foster
4 parent may be asked, "Can we share -- this individual that
5 you had as a foster child has come back. They want some
6 history. Do you mind if we tell them what your name was?"

7 If the foster parent says, "I don't have a
8 problem with that", we likely would share the name. But
9 you could have instances where there were great
10 difficulties in the foster home and the foster child is
11 angry at the foster parent, and providing the name could
12 lead to some trouble for the foster parents.

13 **MR. LEE:** The position of the CAS at least
14 hasn't been that former wards are entitled to know in whose
15 care they were placed?

16 **MR. CARRIERE:** I don't think it has been,
17 no. I can certainly understand -- I understand what you're
18 saying from the perspective of the former ward, what it
19 would feel like to have these blanks. I totally appreciate
20 what you're saying.

21 **MR. LEE:** In relation to Cathy Sutherland as
22 an example, you would have read the correspondence going
23 back and forth and her attempts to articulate exactly how
24 she was feeling and why she needed this information?

25 **MR. CARRIERE:** I think I would have read

1 them all. Certainly, I read them all in preparation for
2 the Inquiry, and I think I probably read them at the time
3 as well, but ---

4 **MR. LEE:** What about medical reports in the
5 file relating to the ward?

6 **MR. CARRIERE:** Relating to the ward?

7 **MR. LEE:** As an example, a letter from the
8 family doctor saying, "On such and such a date, I saw Cathy
9 and here's what was wrong with her and here's what I did".

10 **MR. CARRIERE:** Yeah.

11 **MR. LEE:** Is there a policy that would say
12 you can't produce that document?

13 **MR. CARRIERE:** Well, again, I don't know
14 that there's a policy. I don't know if there was a policy
15 then, but I think it was likely the advice that we received
16 from legal counsel that those -- that the person seeking
17 the information would not be given the information directly
18 but would be advised where they might be able to receive
19 it.

20 **MR. LEE:** Have you -- as part of your
21 preparation for the Inquiry -- can we have Exhibit 454 back
22 on the screen, Madam Clerk? That's the August 22nd, '95.

23 This is the Boisvenue summary that starts
24 with a medical history and then has a couple of pages of a
25 -- it's not on our screen yet, Madam Clerk. Four five -

1 the screen is black at this point -- 454. Would you have,
2 in preparation for your testimony, done a fairly detailed
3 comparison of this summary as compared to the CAS files?

4 **MR. CARRIERE:** No, I wouldn't have, Mr. Lee.

5 **MR. LEE:** Mr. Commissioner, this is somewhat
6 unusual but I'm going to ask for some direction from you.
7 What I would like to do and what I intend to do unless you
8 tell me otherwise, is to go through this summary I suppose
9 we'll call it, in a fair amount of detail. And the reason
10 I want to do that is I want to take a statement from the
11 summary. As an example if you look on your screen it says:

12 "With regards to your concerns about
13 sexual abuse, I can advise you that I
14 was unable to find any information
15 within your files which would indicate
16 this."

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

18 **MR. LEE:** I am proposing that I take Mr.
19 Carriere through the various files we have and point him to
20 several different portions where there is some suggestion,
21 I think, of sexual abuse or perhaps an inference can be
22 drawn or perhaps at least in 1995 when this was being put
23 together the worker surely would have looked at it and
24 thought this suggests sexual abuse.

25 This is a fairly lengthy summary and,

1 frankly, I take issue with the vast majority of it. There
2 aren't very many sentences in the summary that I cannot
3 find something to contradict it in these files. My clients
4 have been of the view that this is best done on the record
5 and that we take our time and that we go through this and
6 that we illustrate some of the issues we have with
7 disclosure and Cathy Sutherland is the file I've chosen out
8 of a few different ones from clients I represent to
9 illustrate the concerns that we have. It occurs to me,
10 given the concerns with timing and everything else, that I
11 may wear on people's nerves fairly shortly into this thing.
12 I expect it's a bit of a lengthy process.

13 The direction I'm hoping you can help me
14 with is whether or not this would be something that would
15 assist you to go through this whether or not fairness
16 dictates I go through this in some detail with the witness;
17 whether this is better left for submissions, perhaps. I
18 want to be very clear. I intend to start at sentence one
19 and take him to five references in the documents that
20 contradicts sentence one and then I'll move onto sentence
21 two.

22 So I mean we're looking at a fairly lengthy
23 exercise and I don't want to do it if it's not helpful to
24 you.

25 **THE COMMISSIONER:** How much time do you

1 think it would take?

2 MR. LEE: I mean I could do it as quickly as
3 possible but I can't see anyway it could possibly be less
4 than an hour.

5 THE COMMISSIONER: M'hm. And the goal is to
6 show that the disclosure given to the now-adult ward is
7 defective?

8 MR. LEE: If we take Cathy Sutherland as an
9 example, it's one thing for Cathy to come and testify here
10 that she wasn't satisfied with the summary.

11 THE COMMISSIONER: M'hm.

12 MR. LEE: And you have the summary and you
13 have the files that Mr. Boisvenue would have had to make
14 the summary. It's quite another to have an opportunity to
15 take you through it the way we see it, bit by bit, piece by
16 piece. And again, I'm seeking some direction and if what
17 you're telling me is that's your job and at the end of the
18 day you're going to go through these and you're going to
19 compare them and I can save this for submissions then maybe
20 that's the answer. But if you think there is some value in
21 me going through this methodically then that's what I
22 propose to do.

23 THE COMMISSIONER: Any assistance, Mr.
24 Engelmann?

25 MR. ENGELMANN: It's proper cross-

1 examination, sir. However, I'm wondering if there is a way
2 that it could be done more quickly. Perhaps we don't have
3 to go through each and every example. Maybe just a couple
4 of examples and if the witness agrees then we can move on.

5 I appreciate Mr. Lee suggesting that he's
6 not going to do it for his other clients and he just wants
7 to illustrate it with Cathy Sutherland but I'm hopeful that
8 instead of five questions about one sentence maybe two
9 cites would be enough.

10 **THE COMMISSIONER:** I think, Mr. Lee, again I
11 commend you for doing that. What about if you give me a
12 flavour? I can assure you that I am going to go through
13 this because disclosure to former wards is an area of
14 interest to me. I think Ms. Sutherland's journey to get
15 her file and what she got is very interesting and will be
16 reviewed by me as part of the report.

17 So perhaps if you can just give me a couple
18 of examples where you say that -- and once I've got that
19 then maybe perhaps I can stop you and we can talk some
20 more.

21 **MR. LEE:** Sure.

22 **THE COMMISSIONER:** All right.

23 **MR. LEE:** Mr. Carriere, we're going -- we
24 can leave that one up, please, Madam Clerk, 454, if we can
25 leave that on the screen?

1 As I noted a moment ago, the middle
2 paragraph begins:

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

8 Okay?

9 **MR. CARRIERE:** Mr. Lee, I'm wondering
10 whether or not it would be helpful as well to -- I know
11 that Mr. Boisvenue had a phone conversation with Ms.
12 Sutherland in advance of doing the work, and I wonder if it
13 might be helpful in terms of she identified specific things
14 -- that may be helpful in terms of whether or not we met
15 what she -- these are Mr. Boisvenue's words. I wouldn't
16 mind looking at what ---

17 **MR. LEE:** You -- I can likely -- if you give
18 me a minute, I can likely find what you're referring to but
19 I'm wondering if you also recall Ms. Sutherland very
20 explicitly stating that the fact that she has provided
21 specific questions upon request does not in any way take
22 away from her original request for full disclosure.

23 **MR. CARRIERE:** Right, yes.

24 **MR. LEE:** And I don't know, do you recall in
25 reviewing the documents and in hearing from Ms. Sutherland

1 here that her request was always full and complete?

2 MR. CARRIERE: Yeah. No, I don't dispute
3 that.

4 MR. LEE: And if ---

5 MR. CARRIERE: I guess, with respect to the
6 sexual abuse, I thought when Mr. Boisvenue spoke with her
7 she said that she wondered if it had been investigated, so
8 ---

9 MR. LEE: I think the easiest way to do that
10 is when I sit down I will go through these documents. I
11 will find them. I'll let your counsel know anything I find
12 and he can go back to it with you.

13 MR. CARRIERE: Okay.

14 MR. LEE: Just I don't have my finger on it
15 right now.

16 MR. CARRIERE: Yeah, no. I understand what
17 you're saying.

18 THE COMMISSIONER: And I agree. Let's go.

19 MR. LEE: Okay.

20 So the first paragraph is there is nothing
21 in the file -- no information in the files that would
22 indicate sexual abuse. Do you see that?

23 MR. CARRIERE: Yes, I see that.

24 MR. LEE: Can we start then, Madam Clerk,
25 with Exhibit 479?

1 **THE COMMISSIONER:** It's in the same -- oh,
2 it's in the same book. So just a second. We'll get you
3 the hard copy as well.

4 **MR. CARRIERE:** Which binder?

5 **THE COMMISSIONER:** It's in Binder 479. It's
6 Exhibit 479.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **THE COMMISSIONER:** Okay, what page?

9 **MR. LEE:** Page 637.

10 **THE COMMISSIONER:** Six-three-seven (637),
11 okay, we'll need to put that on.

12 It might be better on the screen as well,
13 Madam Clerk, here so from my ---

14 **MR. LEE:** Six-three-seven (637), yes.

15 **THE COMMISSIONER:** Seven-one-seven-three-
16 six-three-seven (7173637).

17 **MR. CARRIERE:** What page is it?

18 **THE COMMISSIONER:** Six-three-seven (637).

19 **MR. LEE:** It's page 9 of the case recordigs.
20 Madam Clerk has it on the screen there. I'm interested in
21 the top paragraph.

22 And sir, this is a June 18th, 1959 entry. By
23 this point in time Cathy had been removed from her family
24 home and was with a foster home being -- the mother was
25 Mrs. Wood. And the CAS had initiated visits back home with

1 the birth family.

2 MR. CARRIERE: Yes.

3 MR. LEE: So the first paragraph reads:

4 "We learned today upon visiting Cathy
5 and Mrs. Wood that Cathy's last visit
6 to her mother's home had been somewhat
7 short of successful. She said that the
8 child came back to her a little
9 stranger. She elaborated on this by
10 saying that Cathy did not act or behave
11 normally, was not interested in her
12 toys and even lost her sense of
13 balance. Cathy did not seem to hear
14 them when they would speak to her
15 unless they did so sharply. She would
16 walk around the room bumping into the
17 furniture and seemed to be in a daze.
18 The strange behaviour lasted about
19 three days. Previous to this visit,
20 Cathy had been fully toilet trained but
21 after the visit she began to soil her
22 clothing both during the day and at
23 night. She even began to masturbate.
24 Mrs. Wood was so upset about the
25 condition that the child was in on her

1 return that she suggested to me that it
2 might be better to move Cathy to a
3 place closer to Morrisburg where she'd
4 be near her mother, especially if
5 everyone insists on this type of
6 visitation."

7 Do you see that?

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

9 **MR. LEE:** And if you turn over to page 642,
10 July 26th, '61 entry towards the bottom of the last
11 paragraph midway ---

12 **THE COMMISSIONER:** Hold on. Okay. So
13 you're saying at the bottom?

14 **MR. LEE:** The bottom of the page, halfway
15 through the paragraph you'll see a sentence that begins:

16 "We discussed shortly..."

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

18 **MR. LEE:** You see how there is a little
19 checkmark beside it, sir?

20 **MR. CARRIERE:** I do see it, yes.

21 **MR. LEE:**

22 "We discussed shortly Cathy's problem
23 of masturbation and she said Cathy had
24 been practising this less lately..."

25 And then it goes on to describe some advice

1 that was given.

2 MR. CARRIERE: Sure.

3 MR. LEE: Do you see that?

4 MR. CARRIERE: I do see it, yes.

5 MR. LEE: "We discussed shortly Cathy's
6 problem with masturbation and she said Cathy had been
7 practising this less lately," and then it goes on to
8 describe some advice that was given.

9 MR. CARRIERE: Sure.

10 MR. LEE: Do you see that?

11 MR. CARRIERE: Yes, I do.

12 MR. LEE: And if we look two pages over at
13 page 644 -- right about the middle of the page, Madam Clerk
14 -- we have a November 24, 1967. Second paragraph it says,
15 "Ms. C. advised." Madam Clerk has a pointer there.

16 MR. CARRIERE: Yes. M'hm.

17 MR. LEE: "... advised this past summer
18 Catherine's parents complained to the
19 FBS [maybe] about Catherine's
20 behaviour. Apparently she masturbates
21 excessively and is not getting along in
22 school or with peers. She gives every
23 indication of being disturbed."

24 Do you see that?

25 MR. CARRIERE: M'hm. Yes, I do.

1 **MR. LEE:** In 1995, at the time that
2 Mr. Boisvenue was reading this file and putting together
3 her summary, would you not agree with me that these
4 sections I've read out, and in particular the first one,
5 would at least raise a concern of sexual abuse in the mind
6 of a 1995 worker?

7 **MR. CARRIERE:** It could. I mean
8 masturbation can be an indicator of sexual abuse. It also
9 can be an indicator of other problems as well, Mr. Lee.

10 **MR. LEE:** "She came back a little,
11 stranger, no interest in her toys, lost
12 her sense of balance. Had to speak to
13 her sharply to be heard. Was bumping
14 into the furniture. Was no longer
15 toilet trained and began to
16 masturbate."

17 **THE COMMISSIONER:** This was in -- she was
18 born in '55?

19 **MR. LEE:** Nineteen fifty five (1955). June
20 of 1955, so she's still -- at this point she's about to
21 turn four.

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

23 **MR. LEE:** In 1995, sir, any social worker
24 reading that paragraph would think sexual abuse.

25 **MR. CARRIERE:** I don't know that I could

1 agree with you, Mr. Lee. One doesn't know what happened on
2 that access visit. All kinds of things could have happened
3 on that access visit that could have caused this particular
4 problem. To narrow it down to say all of these behaviours
5 are only indicative of sexual abuse I think is a much too
6 narrow focus.

7 **MR. LEE:** I am not suggesting that this
8 paragraph proves that Cathy Sutherland was sexually abused.

9 **MR. CARRIERE:** Okay.

10 **MR. LEE:** Or that that is the only
11 conclusion to be drawn. I'm asking you in 1995 whether you
12 would agree with me that having read that, Mark Boisvenue
13 could not honestly have written:

14 "With regards to your concerns about
15 sexual abuse, I can advise you that I
16 was unable to find any information
17 within your file which would indicate
18 this."

19 **MR. CARRIERE:** Mr. Lee, I think I have to go
20 back to what I said, you know, several minutes ago. I
21 don't know whether Mark Boisvenue is attempting to answer a
22 very specific question that Ms. Sutherland posed to him
23 about whether or not the allegations were investigated,
24 because if that's what he's thinking then he doesn't have a
25 bigger playing field to work with.

1 I think it's reasonable to say that if that
2 information is accurate, as presented by the foster parent,
3 something happened on that access visit which had an impact
4 on that child.

5 MR. LEE: Mr. Commissioner, there's another
6 sentence in Exhibit 454 that I won't take the time to go
7 through with you. The sentence suggests that Cathy gained
8 some weight after her admission into care but it appeared
9 that she remained underweight throughout her childhood.
10 One of the issues I have is that the files seem to indicate
11 that when she's in the care of her mother she's chronically
12 underweight; when she's in foster care she's the exact
13 opposite.

14 Can we go to -- back to Exhibit 454, the
15 Boisvenue letter?

16 THE COMMISSIONER: And I take it that these
17 parts of the report were not given to Ms. Sutherland -- of
18 her case history?

19 MR. LEE: At the time she received the
20 Exhibit 454, August 22, '95, she received just this
21 summary. She received no accompanying material, no
22 redacted copies of the file, no photocopies, nothing like
23 that. It was just the summary and then she persisted --
24 you'll recall there's a huge string of correspondence going
25 back and forth, and eventually she gets another letter.

1 The next step in the chain is a letter from Mr. Abell
2 answering some questions.

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

4 **MR. LEE:** And then you'll recall she's --
5 the file is -- part of the file is sent to Hamilton and it
6 goes on and it goes on. At the time this is sent, this is
7 the information she has.

8 **THE COMMISSIONER:** Was this information ever
9 finally disclosed to her though? Those passages in the --
10 about the -- when she went for a visit and she came back?

11 **MR. LEE:** That is an excellent question and
12 I'm afraid I can't answer for you. The CAS had not been
13 able to find the redacted file that was sent to Hamilton,
14 or the file that Mr. Engelmann entered into evidence today,
15 until this weekend. So I was disclosed it as I came into
16 the hearing room; haven't had a chance to review it and I
17 don't know ultimately -- what I intend to do is essentially
18 stop my examination of Mr. Carriere at this document and
19 leave the rest for Mr. Abell once I've had a chance to
20 review the documents, because they both seem to have been
21 involved.

22 I think -- I mean certainly -- you know,
23 sitting here in 2008, Cathy has seen it all because I've
24 shown her, but I don't exactly have in my mind clear
25 exactly what she saw in Hamilton and exactly what she saw

1 when they sent her the final letter with the coding numbers
2 1, 2 and 3 above the redactions.

3 On page 295 of Exhibit 454 in the fourth
4 paragraph, Madam Clerk, a couple of pages forward, please.
5 There in the fourth paragraph that begins, "As you
6 indicated to me by telephone":

7 "... you are aware of having been
8 burned as a child. Our records
9 indicate that on March 7, 1958 you had
10 sustained third-degree burns on both
11 feet, particularly on the left foot,
12 which were accompanied by an infection.
13 You were hospitalized on March 8, 1958
14 where you remained until April 14, 1958
15 on which time you were taken into care.
16 It was indicated at that time by a
17 family member that the burns were the
18 result of being exposed to scalding
19 water in a bathtub incident."

20 Do you see that, sir?

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

22 **MR. LEE:** And you've read this file
23 recently?

24 **MR. CARRIERE:** Sorry, read ---

25 **MR. LEE:** Have you read the Sutherland ---

1 **MR. CARRIERE:** I read it some time ago.

2 **MR. LEE:** If you look at Exhibit 479, that's
3 the child file again, at page 646 -- 7173646. The first
4 full paragraph, the "On March 8, 1958":

5 "On March 8, 1958 Dr. Robinson
6 hospitalized Catherine after
7 establishing that she had suffered from
8 third-degree burns which had resulted
9 in an infection in one foot and that
10 she was developing bronchial pneumonia.
11 It was his opinion that it would take a
12 most incompetent person not to have
13 recognized the need for medical
14 assistance with the burns. It was
15 later learned that the burns were
16 caused by hot water in the tub but it
17 was not clearly established whether the
18 child turned on the tap herself or
19 whether the mother may have caused it
20 deliberately."

21 See that, sir?

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

23 **MR. LEE:** And if we turn to the family file,
24 Exhibit 482, as I said, Cathy's family file doesn't fully
25 reflect what happened before she was apprehended, so we

1 need to go to the other file. Bates page, Madam Clerk, is
2 7173486.

3 You see down at the bottom of the page, the
4 last half of the page, we have a Transfer Summary dated
5 July 1st, 1960 so this is after she's been taken into care.
6 And if you look right in the middle of that paragraph, the
7 line begins "would have been dead," right where the cursor
8 is now on the screen. You see that, sir?

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

10 **MR. LEE:** The next sentence begins:

11 "She had also suffered third-degree
12 burns from negligence on her mother's
13 part, and it was evidence from her
14 mother's relatives and her local family
15 doctors to substantiate the fact that
16 these accidents were not really
17 accidents."

18 You see that?

19 **MR. CARRIERE:** Actually no. It's not easy
20 to read.

21 **THE COMMISSIONER:** If you look at the
22 cursor.

23 **MR. CARRIERE:** Yes, I am.

24 **THE COMMISSIONER:** Okay.

25 **MR. LEE:** If you begin at, "She has also

1 suffered," and read that sentence.

2 **MR. CARRIERE:** Yes. No, I've seen it. Yes.

3 **MR. LEE:** The last document on this point is
4 a letter in the file from Dr. Robertson. Madam Clerk, it's
5 Document Number 738672. I think this is another one best
6 put up on the screen. It's a little difficult to read.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **THE COMMISSIONER:** It's on the screen now, I
9 think.

10 **MR. LEE:** It's a lengthy letter and it's a
11 little bit awkward to read on the screen.

12 The gist of it, Mr. Commissioner, is that
13 Dr. Robertson reports that Cathy had been burned two days
14 before being seen by a doctor; that the mother refused to
15 call her doctor so the CAS called instead; that the husband
16 has an active case of tuberculosis but the mother has
17 refused the public health nurse's request to have Cathy
18 tested and x-rayed; that the grandmother reports
19 intentional mistreatment; that Cathy is given inadequate
20 food while the brothers are given plenty; that the mum
21 strikes the child forcibly and frequently; that she hit her
22 so hard as a one-year old that her nose bled; that she
23 doesn't give her medications for epilepsy because she
24 "didn't want her systems to get used to them". The doctor
25 finds that there has been neglect and malnutrition and

1 finds that this is not a result of ignorance as the boys
2 are healthy.

3 So, Mr. Carriere, those are the documents
4 that Mr. Boisvenue has at his disposal. And when he writes
5 to Cathy he doesn't share the content of Dr. Burns' letter.
6 He makes no mention in the summary of the concerns of the
7 CAS and family members that this was intentional. His
8 summary gives no indication whatsoever to the reader and,
9 specifically in this case, Cathy who has stated she has no
10 recollection of these events, that this was something more
11 than an accident. This was intentional mistreatment.

12 Would you not agree with me that what we've
13 just read would qualify as medical information?

14 **MR. CARRIERE:** I wouldn't dispute that.

15 **MR. LEE:** And what you told us is that
16 medical information generally is given a priority and
17 that's something that the CAS would endeavour to provide a
18 former ward.

19 **MR. CARRIERE:** Yes, but I think I'm speaking
20 about a different circumstance, Mr. Lee. I'm talking about
21 somebody who was just about to go for a test or may have
22 been diagnosed with something and they're wondering if
23 there is a history. I think this is serving a different
24 purpose.

25 **MR. LEE:** And it would have been known at

1 the time that this request was coming in from Cathy that
2 she was trying to essentially go back and put her life
3 together?

4 MR. CARRIERE: Yes.

5 MR. LEE: Put pieces together?

6 MR. CARRIERE: I think that's fair.

7 MR. LEE: And you can appreciate that it may
8 have been difficult for Cathy who, as she told us here, had
9 an inkling of all these problems to reconcile what she was
10 feeling with what's reflected in this summary?

11 MR. CARRIERE: I'm sorry. Could you say
12 that again, please?

13 MR. LEE: The problem that my client has
14 with the summary is she's sitting there feeling that her
15 childhood was a complete disaster, feeling that it was
16 horrible, feeling that her mother was horrible, and then
17 she gets a summary from the CAS that says nothing of it
18 despite the fact that the file sets it out so clearly.

19 So can you help me understand why this
20 summary is so watered down and why it leaves out all these
21 relevant details that you have a client specifically asking
22 for?

23 MR. CARRIERE: Well, I don't know that I
24 have an answer for that, Mr. Lee. I know that, you know,
25 Mr. Boisvenue normally doesn't do this kind of work. He's

1 providing a summary.

2 It's very obviously very different than what
3 all of the information that's contained within the file.
4 There is more information in the file and in some instances
5 that it doesn't match perhaps what Mr. Boisvenue is -- what
6 might be implied for Mr. Boisvenue's summary.

7 **THE COMMISSIONER:** Is it fair to say -- and
8 I'll just throw this out -- that the Children's Aid Society
9 is always trying to -- and at the risk of being a little
10 paternalistic -- protect its wards of information they feel
11 might have a negative impact on them?

12 **MR. CARRIERE:** Yeah. I don't believe that's
13 the case, sir. I think the problem here, and I'm trying to
14 say this without making excuses, my guess is that Marc
15 Boisvenue in doing this summary did not have a great deal
16 of time to do this. I believe I supervised Marc at the
17 time and my guess is that he had an active caseload of
18 investigations. He normally doesn't do this.

19 To expedite things, I'm fairly certain that
20 we went to Marc and said, "Marc, can you do this and can
21 you do it as quickly -- can you put -- make it a priority"
22 so Marc did it. My guess is that he probably read the file
23 fairly quickly, made some notes and then produced the
24 summary of it. And probably the root of the problem is
25 there as opposed to protecting people.

1 I don't think there is ever an intention to
2 deliberately hurt people with information, but I think the
3 root of the problem is just the time and the resources that
4 we had to give to it.

5 **THE COMMISSIONER:** I have your flavour.

6 **MR. LEE:** We're not -- I was about -- I
7 mean, I'm having a difficult time.

8 **THE COMMISSIONER:** Mr. Sherriff-Scott is
9 rising. Maybe he's ---

10 **MR. SHERRIFF-SCOTT:** I have no objection,
11 sir. I was just wondering if I might have your indulgence
12 to ask a question.

13 I didn't know how late you intended to sit
14 today and I know that my friend here has some time left.

15 **THE COMMISSIONER:** Yes.

16 **MR. SHERRIFF-SCOTT:** And Mr. Neville is
17 ahead of me in queue and I have a personal appointment at
18 6:30 I'm not supposed to miss. And I just wondered whether
19 or not in the circumstances I could be excused to the
20 morning to do my half-an-hour with Mr. Carriere?

21 **THE COMMISSIONER:** Sure.

22 **MR. SHERRIFF-SCOTT:** Thank you very much.

23 **THE COMMISSIONER:** Thank you.

24 We'll go to 5:00. What time is it now?

25 **MR. LEE:** What I was going to say, Mr.

1 Commissioner, is that there are a number of areas I'm
2 interested in here. I'm going to end up putting this into
3 submissions for you anyways and summarizing this for you.

4 **THE COMMISSIONER:** Thank you.

5 **MR. LEE:** Mr. Carriere, the Commissioner
6 asked you a moment ago whether or not the CAS is -- the CAS
7 may be a little bit paternalistic in whether or not they
8 may seek to protect former wards from information that, I
9 think you'll agree, can sometimes be potentially
10 devastating.

11 **MR. CARRIERE:** Yeah, I guess I was -- in
12 responding to his question, I think that there are
13 instances that things are phrased in a way that doesn't
14 cause harm to them. But I guess I don't want to leave you
15 with the impression that that's the overriding thing, that
16 that's the number one priority, that we're not going to
17 cause harm to them.

18 **THE COMMISSIONER:** M'hm. Well, it should, I
19 think at some point, be a concern.

20 **MR. CARRIERE:** Oh, it is a concern, yeah.
21 And I think there's evidence where we've done that.

22 **MR. LEE:** Is it possible that the overriding
23 concern for the CAS in creating these summaries and in
24 providing minimal information is not getting itself sued?

25 **MR. CARRIERE:** It's never been my -- it's

1 never been my practice, Mr. Lee, nor have I ever been
2 directed by anyone to act in a fashion that would prevent
3 that.

4 **MR. LEE:** Have you ever -- do you know of a
5 discussion or have you been part of a discussion
6 surrounding disclosure to a former ward that questioned
7 whether or not litigation was a possibility?

8 **MR. CARRIERE:** If I was, I don't recall but
9 -- I don't recall, Mr. Lee.

10 **MR. LEE:** Have you ever discussed the
11 prospect of litigation with an executive director during
12 the course of putting together and responding to a
13 disclosure request?

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

15 **MR. LEE:** What about with CAS counsel?

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

17 **MR. LEE:** Madam Clerk, can we look at
18 Document 115260, please?

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. LEE:** While Madam Clerk is getting this,
21 I take it there have been situations where you receive a
22 disclosure request directly from a ward and other times
23 where you receive a disclosure request from somebody acting
24 on behalf of a ward, perhaps a doctor in some cases?

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

1 **MR. LEE:** And perhaps a lawyer in some
2 cases?

3 **MR. CARRIERE:** Yes.

4 **MR. LEE:** And I take it that -- I take it
5 typically once litigation has commenced you wouldn't
6 necessarily be dealing with disclosure requests? The
7 lawyer would be dealing with disclosure requests, the CAS's
8 lawyer?

9 **MR. CARRIERE:** Mr. Lee, I don't know that --
10 and I stand to be corrected with this -- I don't know that
11 I've been involved in any situations where that's happened.

12 **MR. LEE:** Where what has happened?

13 **MR. CARRIERE:** Where litigation has
14 developed as a result of the records disclosure and I'm
15 still involved in it.

16 **MR. LEE:** Not necessarily as a result of
17 records -- you know there has been litigations?

18 **MR. CARRIERE:** Yes, oh, yes.

19 **MR. LEE:** And as part of that process there
20 would be documents going back and forth?

21 **MR. CARRIERE:** Yes.

22 **MR. LEE:** And I take it that would be
23 managed by the lawyers?

24 **MR. CARRIERE:** Oh, yes, for sure.

25 **MR. LEE:** What I'm saying is, in some

1 situations pre-litigation you would receive -- the CAS
2 would receive communication from a lawyer?

3 **MR. CARRIERE:** Yes.

4 **MR. LEE:** We looked at the C-14 case as an
5 example?

6 **MR. CARRIERE:** Yes. Yes, I understand.
7 Yes, that's correct.

8 **THE COMMISSIONER:** Exhibit 2381 is a memo to
9 Rick Abell from Elizabeth MacLennan, dated November 15th,
10 1996 and there will be a stamp put on for a ban on
11 publication.

12 --- **EXHIBIT NO./PIÈCE NO. P-2381:**

13 (115620) - Letter from Elizabeth MacLennan
14 to R. Abell dated November 15, 1996

15 **MR. LEE:** Yes, for C-14. Thank you.
16 Who was Elizabeth MacLennan, sir?

17 **MR. CARRIERE:** She is the senior legal
18 counsel for the agency.

19 **MR. LEE:** This relates, as I said, to C-14
20 and to -- if I summarize, it appears that he's hired a
21 lawyer in Ottawa who is seeking disclosure of documents.
22 There's been no lawsuit filed at this point and so Ms.
23 MacLennan is writing to Mr. Abell with some advice and to
24 summarize the conversation she's had with a CAS worker in
25 Ottawa who is used to dealing with this lawyer.

1 If you look at the second last paragraph on
2 this page that begins "With respect."

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

4 **MR. LEE:** "With respect to situations
5 where there is no ongoing litigation,
6 Heidi..."

7 Who is the CAS worker in Ottawa --
8 "...agrees with me that we are not
9 under any obligation to provide a copy
10 of anything to counsel who may be
11 contemplating litigation. If the
12 litigation is commenced, then the
13 discovery process kicks in and they can
14 gain access in that manner."

15 Do you see that?

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

17 **MR. LEE:** So we have a distinction being
18 drawn that when litigation is commenced, they're going to
19 get production because it deals with discovery, but pre-
20 litigation essentially, as I read this, you don't have to
21 give him anything.

22 **MR. CARRIERE:** That's what I read.

23 **MR. LEE:** I read this, sir, as if somebody
24 might sue us, don't give them any. Isn't that your reading
25 of this?

1 **MR. CARRIERE:** Well, I'm not sure. I think
2 it says that we're not under any obligation to provide a
3 copy of anything to counsel who are contemplating
4 litigation. I don't see it as a direct -- directive to me
5 that ---

6 **MR. LEE:** Does this advice, as encapsulated
7 in this paragraph, reflect your understanding of the CAS
8 position relating to disclosure?

9 **MR. CARRIERE:** This advice has never been
10 said to me, articulated to me.

11 **MR. LEE:** Sorry, I ---

12 **MR. CARRIERE:** No one has ever said this to
13 me and I've never been guided within the Agency to provide
14 records disclosure in a way that would avoid a lawsuit.

15 **MR. LEE:** I'm going to leave the rest of the
16 Cathy Sutherland disclosures for Mr. Abell because, as I
17 said, I need to review the files we have received.

18 The only other client who I want to discuss
19 with you in terms of file disclosure is Roberta
20 Archambault.

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

22 **MR. LEE:** And you'll recall originally known
23 as Roberta Judd.

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

25 **MR. LEE:** And you were here when she

1 testified?

2 MR. CARRIERE: Yes.

3 MR. LEE: And you were asked in-chief about
4 her request for disclosure and you told Mr. Engelmann about
5 some of the delays in getting information to wards. And
6 one of the things you told him is that the issues that the
7 CAS had with disclosure in these cases is completely
8 related to the resources that we have.

9 MR. CARRIERE: Yes.

10 MR. LEE: And you told us that given the
11 resource issues, it's easier for the CAS to respond to
12 specific questions.

13 MR. CARRIERE: It is.

14 MR. LEE: As opposed to general requests for
15 information.

16 MR. CARRIERE: Yes.

17 MR. LEE: And what we saw in Roberta's case
18 was that her file was summarized into a five-page summary
19 and that's at Exhibit 127. I don't need you to turn it up.

20 My question for you is, would it not have
21 been considerably more time efficient to simply produce her
22 file rather than summarizing it into five pages?

23 MR. CARRIERE: It would be if you could
24 disclose everything that was in the file. Like if it's
25 just a matter of photocopying it, clearly, you know, it

1 would be very fast to do it. It would be as fast as your
2 photocopier basically could work.

3 But the difficulty is that there's
4 information within the file that may not be -- you may not
5 be allowed to give to the client and then that results in
6 the worker going through it line by line trying to
7 determine what is allowed and what's not allowed.

8 And then that usually means consultation
9 with either a supervisor or a lawyer or both. So it's time
10 consuming.

11 **MR. LEE:** I'm still having a hard time
12 understanding where you're getting this idea that there's
13 information in the file that they're not entitled to.

14 **MR. CARRIERE:** If it's information about
15 other people, then I don't believe they're entitled to that
16 information without the consent of those other people.

17 **MR. LEE:** Who; the foster parents; CAS
18 workers; natural parents?

19 **MR. CARRIERE:** Yes.

20 **MR. LEE:** Where does that principle come
21 from that they're not entitled to that information?

22 **MR. CARRIERE:** I'm not sure that I
23 understand what you mean by principle. I can talk about it
24 in terms of practice that we try -- that we try to -- that
25 people don't necessarily want their information about

1 themselves shared with other people and we try to protect
2 that. And I've seen plenty of instances, Mr. Lee, when
3 information gets out within the family and you get this
4 barrage of phone calls in with people saying, "What right
5 did you have to tell, you know, my daughter or my son or my
6 husband, ex-husband this information?"

7 **MR. LEE:** Would it not be easier and more
8 efficient and helpful to simply have a policy setting out
9 exactly what the rationale is and exactly what the rules
10 are?

11 **MR. CARRIERE:** Yes.

12 **MR. LEE:** And I don't mean this as a
13 criticism of you personally but rather ---

14 **MR. CARRIERE:** No, I'm not taking it
15 personally.

16 **MR. LEE:** --- of the local CAS as a whole?

17 **MR. CARRIERE:** No, I understand that, sure.

18 **MR. LEE:** It seems like the CAS is making
19 this up as they go along.

20 **MR. CARRIERE:** Well, there are policies and
21 procedures now, Mr. Lee, but, you know, perhaps those --
22 and I know for a fact I have made a recommendation to the
23 Children's Aid Society that they need to re-examine those
24 policies and procedures to make sure that they are
25 effective and serve the needs of clients.

1 **MR. LEE:** When a former ward was requesting
2 disclosure in the past, in the pre-policy days, ---

3 **MR. CARRIERE:** Yes,

4 **MR. LEE:** --- would the CAS have provided
5 the information on consent? So as an example, if the ward
6 came in, the former ward came in with signed consents from
7 the birth parents, would the CAS have produced the files
8 relating to the birth parents?

9 **MR. CARRIERE:** Just turn the files over to
10 them you mean or copies of the file? No, ---

11 **MR. LEE:** The information.

12 **MR. CARRIERE:** --- as far as I am aware, Mr.
13 Lee, that's never been the practice.

14 **MR. LEE:** So ---

15 **MR. CARRIERE:** They would undoubtedly get
16 more information but, you know, it wasn't just simply
17 photocopied and turned over to them.

18 **MR. LEE:** If in a given ward's file there
19 appeared her own name and three other names and that was it
20 in the entire file, ---

21 **MR. CARRIERE:** Yes.

22 **MR. LEE:** --- if she came in with signed
23 consents from those three people, ---

24 **MR. CARRIERE:** Yes.

25 **MR. LEE:** --- would she get the file?

1 **MR. CARRIERE:** It would seem to me that she
2 would be entitled to the information.

3 **MR. LEE:** In its entirety?

4 **MR. CARRIERE:** You know, we're talking
5 hypothetical here. I can't see why she wouldn't, given as
6 you've described it.

7 **MR. LEE:** Was it the CAS' practice to advise
8 people making disclosure requests of that option?

9 **MR. CARRIERE:** I think it's hard to speak
10 for each and every client but I think most clients were
11 probably told that there's information concerning
12 themselves that they would be entitled to, but information
13 concerning other people they may not be -- they may not
14 have access to.

15 **MR. LEE:** I'm interested in the next step,
16 but if you really want it, go and get a consent and we'll
17 be happy to give it.

18 **MR. CARRIERE:** I don't know, Mr. Lee,
19 honestly, whether or not they were -- they were given that
20 kind of direction.

21 **MR. LEE:** Thank you for your patience today.
22 Those are my questions.

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

24 **THE COMMISSIONER:** Okay. So can we get some
25 idea of how much time is left for this witness?

1 Mr. Neville?

2 **MR. NEVILLE:** About an hour, sir, at the
3 most; perhaps three-quarters.

4 **THE COMMISSIONER:** Right.

5 Mr. Chisholm? I'm just going down the list
6 here.

7 **MR. CHISHOLM:** Forty-five minutes, sir.

8 **THE COMMISSIONER:** Mr. Rose?

9 **MR. ROSE:** Perhaps five minutes.

10 **THE COMMISSIONER:** M'hm. And I'm sorry, is
11 it Ms. Cole?

12 **MS. WADDILOVE:** Waddilove, sir.

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

14 **MS. WADDILOVE:** Waddilove.

15 **THE COMMISSIONER:** Right.

16 **MS. WADDILOVE:** Probably 15 minutes.

17 **THE COMMISSIONER:** Thank you.

18 Oh, yes, I'm sorry. There you are. Mr.
19 Sherriff-Scott said half an hour.

20 Mr. Manderville?

21 **MR. MANDERVILLE:** Probably just half an
22 hour, Mr. Commissioner.

23 **THE COMMISSIONER:** Okay. Mr. Kozloff?

24 **MR. KOZLOFF:** Probably shorter than Mr.
25 Rose.

1 (LAUGHTER/RIRES)

2 THE COMMISSIONER: Okay. So Mr. Engelmann,
3 we haven't started off the week by saying what we were
4 going to do for the rest of the week. So this gentleman
5 should be off the stand sometime tomorrow.

6 MR. ENGELMANN: Yes. Mr. MacLean is next.

7 THE COMMISSIONER: Right.

8 MR. ENGELMANN: He's an individual who has
9 lot of experience with the foster home issue.

10 THE COMMISSIONER: Right.

11 MR. ENGELMANN: I don't have my list in
12 front of me. I think it's Mr. O'Brien after that and there
13 are some health issues there.

14 THE COMMISSIONER: Right.

15 MR. ENGELMANN: And there are accommodation
16 issues that counsel is aware of that will need to be dealt
17 with.

18 THE COMMISSIONER: Sure.

19 MR. ENGELMANN: After that, we had hoped to
20 go to Mr. Bell but I think we may be going to Mr. White
21 next because we've had some difficulty getting some
22 documents out.

23 THE COMMISSIONER: Right.

24 MR. ENGELMANN: So it would Shawn White and
25 then it would be Greg Bell and then it would Rick Abell.

1 We're not -- we would probably only get done Mr. White this
2 week at best.

3 **THE COMMISSIONER:** All right. Okay. Why
4 don't we call it a day? We'll come back tomorrow and then
5 we can finish off with your testimony.

6 **MR. CARRIERE:** Thank you.

7 **THE COMMISSIONER:** Thank you.

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

10 This hearing is adjourned until tomorrow
11 morning at 9:30 a.m.

12 --- Upon adjourning at 4:47 p.m. /

13 L'audience est ajournée à 16h47

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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