

**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 289**

**Held at :**

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

Friday, October 17, 2008

**Tenue à:**

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

Vendredi, le 17 octobre 2008

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Suzanne Sinnamon	Commission Counsel
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Jodie-Lynn Waddilove	Attorney General for Ontario
Mr. Peter Chisholm Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Mr. Juda Stawczynski	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Ian MacLean	CAS

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

2 L'audience débute à 9h45

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you. Good morning,  
10 all. Good morning, Mr. MacLean. Mr. Lee.

11 **MR. LEE:** Good morning, sir.

12 **THE COMMISSIONER:** Good morning.

13 **IAN MacLEAN, Resumed/Sous le même serment:**

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

15 **MR. LEE (cont'd/suite):**

16 **MR. MacLEAN:** Mr. Commissioner, I would like  
17 to make a correction or a clarification to a point that was  
18 made yesterday.

19 **THE COMMISSIONER:** Yes.

20 **MR. MacLEAN:** Could I have that permission  
21 to do so?

22 **THE COMMISSIONER:** Sure, sure.

23 **MR. MacLEAN:** It was a point, Mr. Lee, that  
24 you had drawn my attention to a document, "Principles of  
25 Care for Children."

1                   **MR. LEE:** Yes.

2                   **MR. MacLEAN:** Dated 1978 or something like  
3 that; '79. And the questions proceeded to whether or not  
4 this was a general philosophy that was carried on in this  
5 community. I had said yes, I believe, and then you said  
6 Belleville and I had said yes. And I think you led me to  
7 the group home, where I said, "In the group home that I was  
8 supervisor of in Belleville."

9                   **MR. LEE:** Yes.

10                  **MR. MacLEAN:** And I think I led you to  
11 believe that there had been no corporal punishment used in  
12 that group home, and I want to stand corrected this  
13 morning. In '71, one incident that I'm aware of where a  
14 child was strapped and on the open hand.

15                  **MR. LEE:** The focus of my questions on that  
16 -- first, I appreciate the clarification. The focus of my  
17 question on that wasn't to go back and try to scrutinize  
18 what happened in Belleville, because I'm not ---

19                  **MR. MacLEAN:** I realize that. I had gone  
20 on, I believe.

21                  **MR. LEE:** The gist of my question was --  
22 it's Exhibit 27, Tab 42, and that's where we had the  
23 definition of spanking.

24                  **MR. MacLEAN:** Yes.

25                  **MR. LEE:** And it read that:

1 "Spanking does not mean hitting the  
2 child on the face or head."

3 **MR. MacLEAN:** That's right.

4 **MR. LEE:** "It is only permissible if used  
5 on the hands or buttocks and should  
6 never be so severe as to result in  
7 bruising..."

8 **MR. MacLEAN:** That's correct.

9 **MR. LEE:** "...and spanking cannot be done  
10 with anything but the open palm of the  
11 hand."

12 **MR. MacLEAN:** Yes.

13 **MR. LEE:** And I think the question I put to  
14 you was: Going back to your time in Belleville in 1970, if  
15 you put yourself in that frame of mind as a manager there  
16 with responsibility for staff who would be -- have some  
17 responsibility for either condoning or not condoning  
18 corporal punishment, would you have condoned any of the  
19 things that we now know were happening in the Second Street  
20 Group Home in the mid-1970s such as ---

21 **MR. MacLEAN:** No, I would not have.

22 **MR. LEE:** And I think the proposition I put  
23 to you, that it's not really a close call. None of those  
24 things that ever happened in the Second Street Home would  
25 have ---

1                   **MR. MacLEAN:** No.

2                   **MR. LEE:** --- would have come close to being  
3                   permissible in 1970 ---

4                   **MR. MacLEAN:** No.

5                   **MR. LEE:** --- when you were running a home  
6                   in Belleville.

7                   **MR. MacLEAN:** That's right. That's correct.

8                   **MR. LEE:** Okay.

9                   **MR. MacLEAN:** Thank you, sir.

10                  **MR. LEE:** As I noted at the end of the day  
11                  yesterday, I represent Roberta Archambault, formerly  
12                  Roberta Judd, and I have some questions about her for you.

13                  Mr. Engelmann in-chief took you to a number  
14                  of references on the file to possible sexual misbehaviour  
15                  and to Mrs. Hubert's fear of promiscuity.

16                  **MR. MacLEAN:** Yes.

17                  **MR. LEE:** Do you recall that?

18                  **MR. MacLEAN:** Yes.

19                  **MR. LEE:** And when Mr. Keough was here he  
20                  was taken to another section in his notes that referred to  
21                  lying and cruelty to animals; that she could be  
22                  manipulative and she could be outright bull-headed at  
23                  times. Those are entries in his notes.

24                  And what you told us in-chief is that you  
25                  would have had a transfer conference with all of the

1 involved parties at the time that Mary Miller took over the  
2 Archambault -- or the Judd file.

3 **MR. MacLEAN:** Yes.

4 **MR. LEE:** And you would have had an  
5 opportunity to review the file, as well as to discuss the  
6 matter with the previous supervisor and with the previous  
7 worker; Mr. Keough?

8 **MR. MacLEAN:** Yes.

9 **MR. LEE:** And you conceded to Mr. Engelmann  
10 in-chief that it would have been prudent to get Ms.  
11 Archambault some kind of psychological help or counselling  
12 at that time. What I wasn't clear on is why that didn't  
13 happen.

14 **MR. MacLEAN:** I don't have recollection of  
15 that, Mr. Lee.

16 **MR. LEE:** Would there have been resources in  
17 place at the time?

18 **MR. MacLEAN:** There would have been a few  
19 through the general hospital. There may have been some --  
20 I know we did a lot of tripping back and forth to Ottawa,  
21 which again was a cost factor and time factor. I have no  
22 recollection of why that didn't happen then.

23 **MR. LEE:** And if I can take you to the Judd  
24 child file; it's Exhibit 2393, please.

25 **MR. MacLEAN:** Yes.

1                   **THE COMMISSIONER:** Yes.

2                   **MR. LEE:** And if you can start at page 634,  
3 please. That's a Bates page, Mr. MacLean. Are you there,  
4 sir?

5                   **MR. MacLEAN:** Yes, I am.

6                   **MR. LEE:** And you'll see just above the  
7 centre of the page we have a Transfer Summary dated  
8 December of 1980, and then in January '81 we have an update  
9 on file completed by Bryan Keough. Do you see that?

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

11                  **MR. LEE:** And if you turn over the page, the  
12 second line begins with the word "plan" underlined, and it  
13 goes on to set out a plan. Do you see that?

14                  **MR. MacLEAN:** Yes.

15                  **MR. LEE:** And a couple of lines down it  
16 speaks of placement as a group home time span for six  
17 months to a year, and it then speaks of development of a  
18 programme geared to, first of all, identifying the major  
19 problems, i.e. promiscuity, stealing, manipulation, and it  
20 goes on to list other ones. And then it concludes with:

21                                 "And planned steps or actions to  
22                                 correct such."

23                                 Do you see that?

24                  **MR. MacLEAN:** Yes.

25                  **MR. LEE:** When Mr. Keough was here I asked

1 him about this plan and whether or not he had taken steps  
2 to ensure that it was implemented, and his answer was  
3 essentially that he was no longer the worker; that he  
4 developed the plan but it was then turned over to Mary  
5 Miller, and he doesn't know what happened from there. He  
6 didn't have ongoing contact.

7 So my question for you is do you know  
8 whether Mary Miller ever went about implementing this plan?  
9 Let me start with that. Do you know whether Ms Miller ever  
10 went out about implementing this?

11 **MR. MacLEAN:** Well, certainly the plan would  
12 be partially implemented by the move into the Lapensée  
13 home, where the Lapensées were a couple that would be very  
14 open to youth, sitting down and talking with them and  
15 allowing them to speak about their problems and their  
16 issues.

17 But as far as psychological, I know that  
18 came later, as far as more professional counselling outside  
19 of what Mary Miller and the Lapensées would have done.

20 **MR. LEE:** You spoke in-chief of the eventual  
21 suicide attempt by Ms. Judd and the fact that she then was  
22 referred to, I think ---

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

24 **MR. LEE:** --- it was Dr. Managat.

25 **MR. MacLEAN:** Yes.

1                   **MR. LEE:** And I think there were ---

2                   **MR. MacLEAN:** And on to counselling then  
3 following that.

4                   **MR. LEE:** --- further things after that.  
5 I'm talking about before that time ---

6                   **MR. MacLEAN:** I realize.

7                   **MR. LEE:** --- at the time of the move to the  
8 Lapensée home. Do you have any recollection in your mind  
9 of either -- of discussions with Mary Miller about  
10 counselling or formal treatment, or discussions with  
11 Roberta about any of that?

12                   **MR. MacLEAN:** Not any more, other than what  
13 was happening through the interaction with the foster --  
14 with the group home parents and Ms. Miller herself.

15                   **MR. LEE:** I take it the Lapensées weren't,  
16 to the best of your knowledge, trained in social work or  
17 counselling or anything like that?

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

19                   **MR. LEE:** They were ---

20                   **MR. MacLEAN:** No, it was more normalization,  
21 and just the listening ear and responding. Mr. Lapensée in  
22 particular was excellent in this area.

23                   **MR. LEE:** Do you have an independent  
24 recollection of the Lapensées and of the Lapensée home?

25                   **MR. MacLEAN:** Yes, I do.

1                   **MR. LEE:** One of the things that I noticed  
2                   in the file was that the group home that was being run by  
3                   the Lapensées was also staffed by members of that family.

4                   **MR. MacLEAN:** Yes.

5                   **MR. LEE:** So we obviously had Ed and Alice,  
6                   obviously, who were in charge.

7                   **MR. MacLEAN:** Yes, I believe ---

8                   **MR. LEE:** Do you recall that there were also  
9                   a Larry and Carol Lapensée as employees of that group home?

10                  **MR. MacLEAN:** That's correct, their second  
11                  oldest, and I believe Carol was their third oldest.

12                  **MR. LEE:** So the natural children of the  
13                  Lapensées?

14                  **MR. MacLEAN:** Children, yes.

15                  **MR. LEE:** Looking back on it, do you think  
16                  it was potentially problematic, given that the major  
17                  problem in the home was one of the Lapensée children, in  
18                  having the people managing the home members of that family?

19                  **MR. MacLEAN:** Yes. It's something that I  
20                  likely wouldn't do today.

21                  **MR. LEE:** And I take it that's because it's  
22                  not very difficult to imagine a family member having a  
23                  blind spot in relation to other ---

24                  **MR. MacLEAN:** That's correct. I worked on  
25                  abuse protocol through churches and various organizations

1       like that, and it's wise to not have family members  
2       directly under the responsibility of other family members.

3               **MR. LEE:** It puts them in an awkward  
4       situation doesn't it?

5               **MR. MacLEAN:** It certainly does.

6               **MR. LEE:** Can we turn to Exhibit 2401,  
7       please?

8               This is the Lapensée home file, sir.

9               **THE COMMISSIONER:** Sorry, what exhibit  
10       again?

11              **MR. LEE:** Two-four-zero-one (2401).

12              **THE COMMISSIONER:** Yeah. Thank you.

13              **MR. LEE:** And this is the document -- if you  
14       flip towards the end, sir, where you have your -- I guess  
15       it's not a closing summary -- your final comments on the  
16       Lapensées, I suppose, that were entered in 1985. You see  
17       that on Bates page 903B?

18              **MR. MacLEAN:** Yes.

19              **MR. LEE:** This is the January 4<sup>th</sup>, 1985 entry  
20       where you sort of summarize the problems that had happened  
21       in the home.

22              **MR. MacLEAN:** Yes.

23              **MR. LEE:** And Mr. Engelmann asked you in-  
24       chief about the large gap in time because the previous  
25       entry is dated August of 1973. Do you see that?

1                   **MR. MacLEAN:** Yes.

2                   **MR. LEE:** So we have about 11 and-a-half  
3 years with no entries on the home file at all.

4                   And one of the things that you speak to in  
5 your closing comments on the file, at the top of page 904,  
6 is the incident in 1979 when Brian left the home with a 16  
7 year-old ward who became pregnant by him. Do you see that?

8                   **MR. MacLEAN:** Yes.

9                   **MR. LEE:** I'd like to -- we don't have very  
10 much detail here but what we do have is the child file for  
11 that ward.

12                   **MR. MacLEAN:** Yes.

13                   **MR. LEE:** And I'd like to take a look at  
14 some of the details in that, please. It's a new document  
15 Mr. Commissioner. It's 200027.

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

17                   **MR. LEE:** And, Mr. Commissioner, once you  
18 have it, obviously this person was a ward at the time.

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

20                   **MR. LEE:** We're here discussing allegations  
21 of sexual misconduct against somebody she was involved  
22 with. I think it would be appropriate to have -- I'm not --  
23 - I'll leave it to your discretion whether or not we need a  
24 moniker but I think at least some protection of her  
25 identity would be in order.

1                   It's 200027. I don't believe this was late  
2 notice. This was ---

3                   **THE COMMISSIONER:** It matters not.

4                   **MR. LEE:** Okay. Can we just put it up on  
5 the screen then, Madam Clerk?

6                   **THE COMMISSIONER:** Well, okay. Then we'll  
7 file it later?

8                   Just let me -- once we get it on the screen,  
9 I'll give it an exhibit.

10                   **(SHORT PAUSE/COURTE PAUSE)**

11                   **MR. LEE:** Let me give you the first Bates  
12 page, maybe I have the wrong document number. It's  
13 7173126. That's it.

14                   **THE COMMISSIONER:** All right. So you want  
15 that whole file to be an exhibit?

16                   **MR. LEE:** I do. It's not terribly lengthy,  
17 sir.

18                   **THE COMMISSIONER:** No, it's just for  
19 purposes of the record.

20                   **MR. LEE:** Yeah. It's six pages.

21                   **THE COMMISSIONER:** So the next exhibit  
22 number, Madam Clerk?

23                   **THE REGISTRAR:** Two-four-zero-six (2406).

24                   **THE COMMISSIONER:** So 2406 will be an  
25 Admission Social History and the child's name -- there will

1 be ban on publication of that child's name and the date of  
2 admission for purposes of -- date of recording we'll see on  
3 the top was April 10<sup>th</sup>, 1979.

4 ---EXHIBIT NO./PIÈCE NO. P-2406:

5 (200027) - Admission Social History - dated  
6 September 15, 1977

7 MR. LEE: Thank you, sir.

8 THE COMMISSIONER: Thank you.

9 Yes?

10 MR. CHISHOLM: Good morning, sir.

11 The -- I see there are names of other  
12 siblings in there. I wonder if there can be -- the ban can  
13 apply to the other family members that are identified in  
14 the file as well.

15 THE COMMISSIONER: Yes, may as well. Thank  
16 you.

17 MR. LEE: So, Mr. MacLean, you see the  
18 child's name towards the top of the screen?

19 MR. MacLEAN: Yes, I do.

20 MR. LEE: And we'll be careful not to  
21 mention ---

22 MR. MacLEAN: Yes.

23 MR. LEE: --- the name at all.

24 So the information we have is the date of  
25 admission being September 15<sup>th</sup>, 1977 and you're noted as the

1 child care worker and the family service worker. Do you  
2 see that?

3 **MR. MacLEAN:** That's correct.

4 **MR. LEE:** Do you have a recollection of this  
5 girl?

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

7 **MR. LEE:** And we can turn over, Madam Clerk,  
8 to page 4, please, of the document?

9 And if you can highlight the second  
10 category, "Replacement". Thank you.

11 So we have an entry, November 16, 1979. Do  
12 you see that, sir?

13 **MR. MacLEAN:** Yes, I do.

14 **MR. LEE:** "That this girl left with Brian  
15 Lapensée for Lethbridge, Alberta; exact  
16 whereabouts are unknown. It is  
17 understood through Brian Lapensée, who  
18 since returned home, that she's living  
19 with her mother in Edmonton. However,  
20 since court (sic) mailed to that  
21 address has been returned."

22 **MR. MacLEAN:** Yes.

23 **MR. LEE:** "And prior to her departure, she  
24 had just exposed her relationship with  
25 Brian Lapensée and was giving Mr. and

1 Mrs. Lapensée a very difficult time,  
2 being very bold and defiant of the  
3 house rules, stating she felt they were  
4 not understanding of Brian's feelings  
5 and her feelings for each other and  
6 were being unfair. Mr. Allard sensed  
7 this relationship earlier and had moved  
8 Brian out briefly and shortly after his  
9 return home and when his worker  
10 confronted him about the relationship,  
11 they left."

12 Do you see that?

13 **MR. MacLEAN:** Yes, I do.

14 **MR. LEE:** And I take it "they left" means  
15 the girl and Brian?

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

17 **MR. LEE:** And we have below that, under the  
18 court hearing and orders, the fact that she was made a  
19 Crown ward on October 17<sup>th</sup>, 1979, so about a month before  
20 she left the Lapensée home. Do you see that?

21 **MR. MacLEAN:** Yes.

22 **MR. LEE:** And if you look down at the bottom  
23 of the screen under "Child as an individual," I think -- if  
24 you can read that to yourself for a moment?

25 **MR. MacLEAN:** Yes.

1                   **MR. LEE:** The last line reads:

2                               "Seeing that she was determined to be a  
3                               success and complete her education  
4                               towards a career, she was a very mature  
5                               young lady. She preferred to be  
6                               considered a part of the family rather  
7                               than a part of the group home."

8                   **MR. MacLEAN:** Yes.

9                   **MR. LEE:** Is it your recollection that this  
10                   young girl, at least prior to the incident described in  
11                   November of 1979, was doing quite well in the home?

12                   **MR. MacLEAN:** Yes. We had used her that  
13                   summer at one of our camps -- at our only camp, I should  
14                   say, and a sort of a young counsellor.

15                   **MR. LEE:** This was a good kid wasn't it,  
16                   sir?

17                   **MR. MacLEAN:** Yes.

18                   **MR. LEE:** Can we turn over, Madam Clerk, to  
19                   page 5?

20                               It speaks of late August of that year, how  
21                               she apparently fell madly in love with Brian Lapensée and  
22                               there is some speculation about whether or not she may have  
23                               used the relationship in an effort to get transportation  
24                               back to her mother. Do you see that?

25                   **MR. MacLEAN:** Yes, I do.

1                   **MR. LEE:** And it goes on to describe again  
2                   what's described on the previous page in terms of them  
3                   leaving together on November 16<sup>th</sup>, '79. And the next line  
4                   states:

5                                   "The young girl has not been heard from  
6                                   since."

7                   Do you see that?

8                   **MR. MacLEAN:** Yes.

9                   **MR. LEE:** And on the final page, it speaks -  
10                   - in the middle paragraph, Madam Clerk, thank you -- of the  
11                   girl and Brian having lived together and Brian eventually  
12                   abandoning that plan and moving back home. Do you see  
13                   that?

14                   **MR. MacLEAN:** Yes.

15                   **MR. LEE:** And finally the wardship was  
16                   terminated on June 18<sup>th</sup>, 1980?

17                   **MR. MacLEAN:** It's correct.

18                   **MR. LEE:** So, based on the description in  
19                   this file, I take it you would agree with me that this is a  
20                   significant issue, not just in terms of the pregnancy but  
21                   in terms of this girl essentially runs away from a home  
22                   while a ward and the CAS loses touch with her entirely?

23                   **MR. MacLEAN:** Yes.

24                   **MR. LEE:** And I take it that's a grave  
25                   concern to the CAS?

1                   **MR. MacLEAN:** It was a great concern. I  
2                   don't believe it was uncommon at that time, but it was --  
3                   and I'm not saying that it happened in many cases, but it  
4                   wasn't totally unusual, not for a young lady or a young  
5                   gentleman to leave care early to, you know, to have a  
6                   pregnancy.

7                   **MR. LEE:** This young woman was born in the  
8                   fall of 19 -- sorry, in the spring of 1963 and she's made a  
9                   Crown ward in the fall of 1979, so after her 16<sup>th</sup> birthday  
10                  she's made a Crown ward?

11                  **MR. MacLEAN:** That may be, yes.

12                  **MR. LEE:** Can we take from that that on  
13                  October 17<sup>th</sup>, 1979 when she was made a Crown ward, that  
14                  there was a good reason for doing that?

15                  **MR. MacLEAN:** She certainly was wanting to  
16                  remain in care. They'd always been a difficulty between,  
17                  as I recall now and I may be mistaken but between her and  
18                  her father. The relationship was on and off there with him  
19                  and that's why I said in my recording that it is possible  
20                  that she used this relationship to go back to -- to get  
21                  back to her mother which she desperately wanted to do as  
22                  well.

23                  **MR. LEE:** Would you agree with me that the  
24                  fact that she's made a Crown ward on October 17<sup>th</sup>, '79 and  
25                  that she leaves the province, leaving the CAS not knowing

1 her exact whereabouts, one month later is concerning?

2 MR. MacLEAN: It certainly -- was a very  
3 reverse of her behaviours and, yes.

4 MR. LEE: But none of this is reflected in  
5 the Lapensée home file? You'll recall there is a mention  
6 of the pregnancy.

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

8 MR. LEE: Her name isn't mentioned?

9 MR. MacLEAN: No.

10 MR. LEE: There is no description of the  
11 details in this file?

12 MR. MacLEAN: No.

13 MR. LEE: There is no entry for years  
14 surrounding this period of time. Why would that be, sir?

15 MR. MacLEAN: I believe I said yesterday my  
16 delay, my own personal delay in getting it down and the  
17 workloads that we were under at that time.

18 MR. LEE: Should this information have -- I  
19 won't hold you to every bit of information here but should  
20 some detail, including this ward's name, have gone into the  
21 Lapensée home file?

22 MR. MacLEAN: Certainly, if we were doing it  
23 today, again, that would be included and it should have  
24 been included then.

25 MR. LEE: I take it at very least the name

1 of the ward or the file number should have been in the  
2 Lapensée home file so that anybody reviewing it after the  
3 fact could cross-reference?

4 **MR. MacLEAN:** Yeah, a cross-reference should  
5 have been done.

6 **MR. LEE:** Mr. Engelmann asked you in-chief  
7 whether or not in your opinion the home should have been  
8 closed in 1979 following this incident and you told him, as  
9 I understood it, with your knowledge and training now  
10 perhaps that would be the case.

11 What I want to know is whether or not the  
12 1979 version of the CAS should have closed the home at this  
13 point, in your opinion.

14 **MR. MacLEAN:** It certainly didn't come up in  
15 my supervision with my superiors at that time. I mean the  
16 suggestion of having it closed, to my recollection. Again,  
17 we were in the process of replacing beds for the closure,  
18 to replace the beds for the closure of the group home on  
19 Second Street. Whether I was focused in that and  
20 neglectful there, in hindsight I certainly would have done  
21 it differently today.

22 **MR. LEE:** Are you aware, sir -- we've  
23 obviously spent a lot of time talking about Brian Lapensée.  
24 Are you aware that Brian was not the first Lapensée son to  
25 have a sexual relationship with a ward in the Lapensée

1 home?

2 **MR. MacLEAN:** I became aware of that two  
3 nights ago.

4 **MR. LEE:** And I take it that was courtesy of  
5 your counsel providing a document to you that I had given  
6 late notice of?

7 **MR. MacLEAN:** That's correct.

8 **MR. LEE:** Mr. Commissioner, I'd like to file  
9 the document.

10 Madam Clerk, you'll be happy to hear this is  
11 the only late notice document I'll be handing to you for  
12 this witness.

13 **THE COMMISSIONER:** You'll be okay, sir?  
14 Would you like a break?

15 **MR. MacLEAN:** Yes.

16 **THE COMMISSIONER:** Thank you. Let's take a  
17 short break.

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

20 The hearing will resume at 10:20.

21 --- Upon recessing at 10:09a.m. /

22 L'audience est suspendue à 10h09

23 --- Upon resuming at 10:31 a.m. /

24 L'audience est reprise à 10h31

25 **THE REGISTRAR:** Order; all rise. À l'ordre;

1           veuillez vous lever.

2                           This hearing is now resumed. Please be  
3 seated. Veuillez vous asseoir.

4                           **THE COMMISSIONER:** Mr. Lee.

5           **IAN MacLEAN, Resumed/Sous le même serment:**

6           **--- CROSS-EXAMINATION BY/COURTE-INTERROGATOIRE PAR MR. LEE,**  
7 **(cont'd/suite):**

8                           **MR. LEE:** Madam Clerk, just before the break  
9 I handed up Document 20008 and I'd like that to be an  
10 exhibit, please.

11                           **THE COMMISSIONER:** I take it there should be  
12 a publication ban on this document?

13                           **MR. LEE:** There should. I think if we  
14 phrase it name and identifiers that would catch -- for  
15 example, grandparents or siblings.

16                           **THE COMMISSIONER:** Sure, absolutely. And  
17 that's well understood, I suppose, but there will be a ban  
18 on publication of the name of the child and any of the  
19 relatives or any indication that could give rise to  
20 identifying this young person who was a young person at the  
21 time in Exhibit 2407, which is an admission social history.  
22 The first date is May 2<sup>nd</sup>, 1974.

23           **--- EXHIBIT NO./PIÈCE No. P-2407:**

24   (200008) - Admission Social History dated 02  
25   May 74

1                   **MR. LEE:** And that's Exhibit 2407?

2                   **THE COMMISSIONER:** Yes.

3                   **MR. LEE:** Thank you.

4                   Mr. MacLean, do you have that document?

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

6                   **MR. LEE:** And as you stated before the  
7 break, you had an opportunity to review this a couple of  
8 nights ago?

9                   **MR. MacLEAN:** Yes.

10                  **MR. LEE:** And do you -- does the child's  
11 name on this document mean anything to you?

12                  **MR. MacLEAN:** No, it doesn't.

13                  **MR. LEE:** No recollection of that name at  
14 all?

15                  **MR. MacLEAN:** No, none at all.

16                  **MR. LEE:** Do you have any reason to believe  
17 that you were ever involved in this girl's care in any way?

18                  **MR. MacLEAN:** None at all.

19                  **MR. LEE:** Do you recall ever -- we see the  
20 name Cam Copeland as the care worker and service worker  
21 throughout the document. Do you have any recollection of  
22 ever having a discussion with Cam Copeland about this girl?

23                  **MR. MacLEAN:** None at all.

24                  **MR. LEE:** You know where I'm going with  
25 this, obviously. Do you have any recollection of any of

1 the matters being referred to in this document?

2 **MR. MacLEAN:** Nothing at all.

3 **MR. LEE:** Nothing that came up as you went  
4 through the Lapensée?

5 **MR. MacLEAN:** Nothing.

6 **MR. LEE:** Okay. If we can look -- you'll  
7 see the child's name that we're not going to name obviously  
8 born in Cornwall and the date in 1959. If we flip, please,  
9 to the fourth page of the document we have a readmission  
10 and reopening recording by Cam Copeland on January 31<sup>st</sup>,  
11 1977. Do you see that?

12 **MR. MacLEAN:** That's correct.

13 **MR. LEE:** And if you look at replacement it  
14 speaks of this girl having been returned to the care of the  
15 CAS and placed in the foster home of the Lapensées in late  
16 December 1974.

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

18 **MR. LEE:** Do you see that? So we have some  
19 note keeping issues again here with the three -- slightly  
20 more than two-year period being summarized all at once.

21 **MR. MacLEAN:** Yes.

22 **MR. LEE:** But that aside, what we can tell  
23 from this is that the girl was 15 years old at the time she  
24 was placed in the Lapensée home.

25 **MR. MacLEAN:** Yes.

1                   **MR. LEE:** Okay. And if we go down towards  
2 the bottom of that page -- well, hold on, I guess. Right  
3 above where it says readmission and reopening we have  
4 initials that look to me to be "DJD."

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

6                   **MR. LEE:** Dave Devlin?

7                   **MR. MacLEAN:** Dave Devlin.

8                   **MR. LEE:** Dave Devlin and we see that. The  
9 last entry in the document again is DJD, Dave Devlin.

10                  **MR. MacLEAN:** That's correct.

11                  **MR. LEE:** Does it make sense that Mr. Devlin  
12 could have been the supervisor of Cam Copeland during this  
13 period?

14                  **MR. MacLEAN:** He was the supervisor of Cam.

15                  **MR. LEE:** Okay. So on page 4 we have a  
16 title "Relationships," do you see that?

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

18                  **MR. LEE:** The third-last heading on page 4?

19                  **MR. MacLEAN:** Yes, I do.

20                  **MR. LEE:** And the second sentence reads:

21                                "During late 1975 and '76 this girl  
22 developed a crush on the second-oldest  
23 boy of the foster home, Gary, and ended  
24 up becoming pregnant by him."

25                                Do you see that?

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

2                   **MR. LEE:** I need to ask you to jump over to  
3 the Lapensée file for a minute. Keep that document handy  
4 but we just need to clear up something, if we could.

5                   It is Exhibit 2401.

6                   **MR. MacLEAN:** I have it.

7                   **MR. LEE:** And that's the Lapensée file. Do  
8 you have that, sir?

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

10                  **MR. LEE:** If we can look at the third page,  
11 Bates page 887?

12                  **MR. MacLEAN:** Yes.

13                  **MR. LEE:** This is under the entry -- did you  
14 call it a home study? Is that essentially what it is when  
15 a home finder ---

16                  **MR. MacLEAN:** Yes, this is a -- would be a  
17 home study.

18                  **MR. LEE:** It's titled "Social History" but  
19 it looks to me like it's essentially ---

20                  **MR. MacLEAN:** It's a home study.

21                  **MR. LEE:** And so on the third page we have  
22 the children of the Lapensée family noted and the second  
23 oldest is noted as being Larry, not Gary.

24                  **MR. MacLEAN:** That's correct, yes.

25                  **MR. LEE:** And you'll see there is no Gary

1 listed there; is that right?

2 MR. MacLEAN: That's correct, yes.

3 MR. LEE: Do you recall ever hearing of a  
4 Gary Lapensée?

5 MR. MacLEAN: Pardon me?

6 MR. LEE: Do you recall ever hearing of a  
7 Gary Lapensée?

8 MR. MacLEAN: Not Gary, no.

9 MR. LEE: The second-oldest child was Larry  
10 Lapensée; is that right?

11 MR. MacLEAN: Larry, yes.

12 MR. LEE: Okay. If we flip then, please, to  
13 Exhibit 2407, I think we can presume that we have just an  
14 error in Mr. Copeland's entry here and that's it not Gary;  
15 it's in fact Larry. Would you agree with that?

16 MR. MacLEAN: That's correct.

17 MR. LEE: And what we saw at the other  
18 exhibit is that Larry was born in September of 1955 so  
19 during the period of late 1975 or '76 he's 20 years old at  
20 that time. Okay?

21 MR. MacLEAN: It would appear that, yes.

22 MR. LEE: And if you turn to the last page  
23 of the document we have a title "PREGNANCY." Do you see  
24 that?

25 MR. MacLEAN: Yes.

1                   **MR. LEE:** We have that all in capital  
2           letters and it reads:

3                                "In late June 1976, Mr. and Mrs.  
4                               Lapensée became suspicious about the  
5                               girl's weight and it was discovered  
6                               that she had become pregnant by their  
7                               son Gary. Initially they did not know  
8                               who the father was, but when they  
9                               discovered it they asked us to have the  
10                              girl removed as soon as possible."

11                   And then there's a replacement note that  
12           says she was moved to a home for unwed mothers where she  
13           had the baby.

14                   Do you see that?

15                   **MR. MacLEAN:** That's correct.

16                   **MR. LEE:** I take it you would agree that  
17           what's described in this file is a problem for the CAS?

18                   **MR. MacLEAN:** Indeed it is.

19                   **MR. LEE:** And it should have been taken  
20           rather seriously at the time it occurred?

21                   **MR. MacLEAN:** Yes.

22                   **MR. LEE:** And you didn't know anything about  
23           this at the time you were dealing with the Lapensée's. Is  
24           that correct?

25                   **MR. MacLEAN:** It was not told to me by Mr.

1 and Mrs. Lapensée or by Mr. Devlin or by Mr. Copeland.

2 **MR. LEE:** And would you agree with me, the  
3 fact that this son of the Lapensée's had developed a  
4 relationship with a ward, that she had become pregnant,  
5 suggests some serious supervision problems on the part o  
6 the Lapensées?

7 **MR. MacLEAN:** I can't comment on that. I  
8 don't know what the relationship was, where the  
9 relationship happened. They were both living in the home.  
10 Well, I'm not even sure whether Larry was in the home at  
11 that time. He was part of the Lapensée family. I have no  
12 knowledge of this piece at all.

13 **MR. LEE:** I take it I'm safe in assuming  
14 there was no written policy at the time that spoke to  
15 romantic or sexual relationships with natural children of  
16 foster parents and wards of the CAS?

17 **MR. MacLEAN:** I don't ever recall seeing  
18 anything, no.

19 **MR. LEE:** Would it also be fair for me to  
20 say that commonsense, even at that time, and certainly the  
21 attitude of the CAS would have been one of zero tolerance  
22 when it came to ---

23 **MR. MacLEAN:** Yes.

24 **MR. LEE:** --- wards of the CAS sleeping with  
25 members of the foster family?

1                   **MR. MacLEAN:** That was not the intention of  
2                   care.

3                   **MR. LEE:** So when we now have this more  
4                   complete picture of the Lapensée home, what happens in 1979  
5                   with Brian is the second time that a boy from the Lapensée  
6                   family impregnates a ward entrusted in the care of the  
7                   Lapensées?

8                   **MR. MacLEAN:** That's correct.

9                   **MR. LEE:** Based on that information would  
10                  you agree with me that in 1979 when this happened with  
11                  Brian, that home should have been closed?

12                  **MR. MacLEAN:** I would certainly agree. I  
13                  really question whether if I had this information when I  
14                  was considering the Lapensées in 1977 whether I would have  
15                  even considered them at that point.

16                  **MR. LEE:** And this wasn't known to you in  
17                  1982, as you've stated, and the home remains open, and you  
18                  looked in-chief at then another incident that happens in  
19                  1982 relating to Brian this time?

20                  **MR. MacLEAN:** Yes, and in that course we --  
21                  there was the development of the second home that was  
22                  removed from where the boys were living -- or at least  
23                  where Brian was living at that time -- and there was a  
24                  division and we felt that that would be the control that we  
25                  would have and there would be a safe place for the girls in

1 the Martintown home.

2 MR. LEE: Before I leave the Larry Lapensée  
3 issue I should bring you back to something I asked you  
4 earlier in my cross-examination about the Lapensées running  
5 the group home.

6 MR. MacLEAN: Yes.

7 MR. LEE: And what we now know is that Larry  
8 Lapensée was a supervisor in the group home.

9 MR. MacLEAN: He was a staff member.

10 MR. LEE: And so not only did you not have  
11 the information about his earlier activities in relation to  
12 assessing the Brian Lapensée situation, you certainly  
13 didn't know about that in terms of assessing Larry's ---

14 MR. MacLEAN: No, I didn't.

15 MR. LEE: --- reliability as a worker?

16 MR. MacLEAN: No, I did not.

17 MR. LEE: You told us yesterday in-chief  
18 about how badly Roberta Judd wanted a family.

19 MR. MacLEAN: That's correct.

20 MR. LEE: Do you have an independent  
21 recollection of that even today?

22 MR. MacLEAN: As I reviewed the file in  
23 preparation for this it came back to me, that there was a -  
24 - that she desperately wanted a family. And I remember her  
25 statement in the -- I believe it was in the interview that

1 we had done at the hospital after the overdose, that she  
2 was afraid to reveal too much of what her activity was with  
3 Brian because she didn't want to hurt the Lapensées and  
4 because she wanted them as her parents.

5 MR. LEE: I'll take you to that.

6 MR. MacLEAN: I'm sorry.

7 MR. LEE: I know exactly the note you're  
8 speaking of.

9 If we can -- but you, with the benefit of  
10 having had the file to refresh your memory, do have a  
11 recollection that that was, as you said, sort of a  
12 desperate concern for Roberta ---

13 MR. MacLEAN: Yes.

14 MR. LEE: --- to have a family and to  
15 belong?

16 MR. MacLEAN: And it was a constant concern.  
17 It was a real concern.

18 MR. LEE: And can we look at her child file,  
19 please, Exhibit 2393?

20 THE COMMISSIONER: What page?

21 MR. LEE: Six-three-six (636) please.

22 And if I can bring you back in time, we have  
23 the issue with Brian Lapensée in November of 1982 and we  
24 have where he's exposed as having made these advances, and  
25 in December of 1982 Roberta is put back in the Lapensée

1 home. But before that happens she's asked about -- or  
2 she's essentially told of what's happened with Brian and is  
3 asked whether or not anything had ever happened to her.

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

5 **MR. LEE:** Is that your recollection?

6 **MR. MacLEAN:** Yes.

7 **MR. LEE:** If you look at the very bottom of  
8 the page, in the last paragraph, six lines from the bottom  
9 it begins:

10 "The end result of this was that Brian  
11 was forbidden from having any contacts  
12 with the group home residents and that  
13 no CAS ward was to make any visits to  
14 the Lapensée farm home where Brian  
15 resided."

16 And it goes on:

17 "This upset Birdie..."

18 Which was Roberta's nickname?

19 **MR. MacLEAN:** Yes.

20 **MR. LEE:** "...considerably, as she denied  
21 Brian had ever made any advances  
22 towards her and also because she had  
23 returned to the group home planning  
24 that she could eventually 'graduate' to  
25 the Lapensée family home and from there

1 find a sense of family belonging."

2 Do you see that?

3 **MR. MacLEAN:** Yes.

4 **MR. LEE:** Do you recall at the time that  
5 Roberta was making these feelings known, having considered  
6 whether her desire to graduate to the Lapensée home and her  
7 desperate desire to belong to a family may have had some  
8 impact on what she was saying about Brian? Did that cross  
9 your mind at all?

10 **MR. MacLEAN:** Yes, I believe it did. I  
11 believe she held back that information because she wanted  
12 the -- she didn't want to hurt Alice and Ed.

13 **MR. LEE:** But it was your impression at that  
14 time that -- I mean, the picture we have painted here of  
15 Brian is of somebody who wasn't all that picky. I mean, he  
16 was -- if there was a girl in that home he was making  
17 advances, and many girls were coming forward. And did it  
18 seem out of place to you that this one girl would have said  
19 "Oh, no, nothing ever happened to me" at the time?

20 **MR. MacLEAN:** It seemed out of place but she  
21 was very definite, she was very clear.

22 **MR. LEE:** And then you have what you were  
23 referring to, two pages over at page 638, the third-last  
24 paragraph on the page:

25 "While she had been repeatedly

1                   approached by Brian Lapensée for many  
2                   months she did not admit this until  
3                   April '83, stating that she felt she  
4                   would handle the situation on her own,  
5                   also because she felt that revealing  
6                   this would hurt Ed and Alice and result  
7                   in her rejection by them. This, in  
8                   fact, is exactly what did happen."

9                   And I take it your understanding of that  
10                  note when it speaks of her rejection by them means she  
11                  wouldn't be able to be part of that family?

12                  **MR. MacLEAN:** That's correct.

13                  **MR. LEE:** Do you know whether or not the  
14                  wards -- the female wards of the CAS in the Lapensée group  
15                  home in late 1982 were advised of the new rules relating to  
16                  Brian?

17                  **MR. MacLEAN:** I can't independently recall  
18                  that.

19                  **MR. LEE:** Do you know whether or not the  
20                  wards, as an example, were advised to report any contacts  
21                  they had with Brian to the CAS worker or to the CAS office  
22                  rather than the Lapensée family?

23                  **MR. MacLEAN:** You see, Ms. Miller was the  
24                  key worker in that home now with the girls and I believe  
25                  there was a Ms. Kate Powers as well that was involved, and

1           they may have had independent discussions with the girls.

2                           I certainly wasn't involved in going in to  
3           any kind of a meeting and saying these are the new rules.

4                           **MR. LEE:**   Okay.   And you have no  
5           recollection of then being asked to advise the CAS directly  
6           of any breach of the rules?

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

8                           **MR. LEE:**   You were asked in-chief about the  
9           decision to permit Roberta to spend Christmas in 1982 at  
10          the Lapensée home.

11                          **MR. MacLEAN:**   Yes.

12                          **MR. LEE:**   And I want to be clear that when  
13          that decision was made the CAS understood that Brian  
14          Lapensée would be at the home for Christmas.

15                          **MR. MacLEAN:**   We knew that he was going to  
16          be home.

17                          **MR. LEE:**   And you made a point of telling us  
18          in-chief that Roberta was 17 and a half years old at that  
19          time.   Do you recall that?

20                          **MR. MacLEAN:**   Yes, I do.

21                          **MR. LEE:**   Roberta was also a ward of the CAS  
22          at that time, wasn't she?

23                          **MR. MacLEAN:**   Yes, she was.

24                          **MR. LEE:**   And she was under the care of the  
25          CAS?

1                   **MR. MacLEAN:** Yes.

2                   **MR. LEE:** And by that point in time I take  
3 it she was still desperate to have a family?

4                   **MR. MacLEAN:** Yes.

5                   **MR. LEE:** And you understood that?

6                   **MR. MacLEAN:** Yes.

7                   **MR. LEE:** I asked you a little while ago  
8 about resources that the CAS had in place in terms of  
9 counselling and treatment and things of that nature. Can  
10 you describe for us, let's say in the early 1980s, what  
11 resources the CAS would have had to make available to its  
12 wards?

13                   **MR. MacLEAN:** Starting in the school system  
14 there was the guidance counsellors, and I remember in  
15 particular a Mrs. Fraser that was at the Tagwi High School,  
16 but in various schools there were guidance counsellors that  
17 helped and counselled children that we would refer to them,  
18 if they were in that particular school, for career choices  
19 and various things like that.

20                   At the Cornwall General Hospital there was,  
21 I believe, a children's or adolescent counsellor that --  
22 and I don't recall whether there was more than one at the  
23 general hospital.

24                   Outside of that I don't believe that -- we  
25 had developed the -- but this was a residential. We had

1 developed the Community Family Care Programme that was just  
2 coming into play. There was the psychological counselling  
3 and testing, I believe, through the school board and at the  
4 hospital.

5 **MR. LEE:** Were there sufficient resources in  
6 the early 1980s for the CAS to be able to refer wards in  
7 trouble?

8 **MR. MacLEAN:** I would say there wasn't.

9 **MR. LEE:** Do you recall, at any time in the  
10 early 1980s, having a ward who needed help and where help  
11 was just not available?

12 **MR. MacLEAN:** Not specifically, no.

13 **MR. LEE:** Do you have any recollections of  
14 the CAS globally, whether you or the Executive Director or  
15 whoever, making any efforts to have funding increased to  
16 meet the needs of the wards in that area or to have access  
17 to qualified counsellors made available?

18 **MR. MacLEAN:** Certainly there was also a  
19 need being expressed, and either to the Ministry or to the  
20 -- specifically I have no recollection but I can't say that  
21 we were mute on that. We were certainly open and active.

22 **MR. LEE:** Do you have any recollection, as  
23 an example, of a discussion relating to perhaps counsellors  
24 or psychiatrists, or whatever was necessary, coming from  
25 Ottawa twice a month to service CAS wards or anything along

1 those lines?

2 MR. MacLEAN: That would have happened much  
3 later in the nineties and early 2000.

4 MR. LEE: You don't recall any discussion of  
5 that at the time?

6 MR. MacLEAN: No.

7 MR. LEE: The final area I would like to ask  
8 you about relates to one of my clients, C-14. Do you  
9 recall who that is?

10 MR. MacLEAN: Yes, I do.

11 MR. LEE: Are you certain? Because we can  
12 show you the name if you need it.

13 MR. MacLEAN: No, I remember.

14 MR. LEE: Okay.

15 MR. MacLEAN: And I want to start with the  
16 screening of the Barber home.

17 Do you recall, from your review of the file,  
18 that Mrs. Barber was originally Mrs. Lewis?

19 MR. MacLEAN: Yes, I do.

20 MR. LEE: And that she and her first  
21 husband, Mr. Lewis, were foster parents?

22 MR. MacLEAN: From the file. I was not here  
23 when that home was opened.

24 MR. LEE: From the file.

25 MR. MacLEAN: But I reviewed the file.

1                   **MR. LEE:** And you've reviewed these files  
2 recently, haven't you?

3                   **MR. MacLEAN:** Yes, I have.

4                   **MR. LEE:** Their time as foster parents, the  
5 Lewis family, ended in 1965 because Mr. Lewis died  
6 suddenly. Do you recall that?

7                   **MR. MacLEAN:** I can't without it in front of  
8 me, no, but I reviewed it and it was in that era; yes.

9                   **MR. LEE:** Madam Clerk, can we look at  
10 Document 114458 please? Hold on, Madam Clerk, please don't  
11 bother with that. Can we have instead Document 114648;  
12 114648 please?

13                   **THE COMMISSIONER:** Thank you. Exhibit 2408  
14 is a foster home study of the Lewis family and it's dated -  
15 - the home visit was on April 3<sup>rd</sup>, 1956.

16 --- **EXHIBIT NO./PIÈCE NO. P-2408:**

17                   (114648) Foster Home - Boarding Lewis  
18                   (Barber) dated 24 Feb 56

19                   **MR. LEE:** Mr. Commissioner, this originally  
20 begins as essentially the Lewis home file.

21                   **THE COMMISSIONER:** Yes.

22                   **MR. LEE:** And it becomes the Barber home  
23 file because Mrs. Lewis/Barber is sort of the constant in  
24 that equation. So it begins, as you said, with the home  
25 study of the Lewis family, and then we'll see there's a

1 home study of the Barbers appended to it and it goes on  
2 from there.

3 I believe certainly C-14 is mentioned in  
4 this document, so we'll need a publication ban stamp.

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

6 **MR. LEE:** And I would imagine there will be  
7 other wards mentioned in this document but, from my review,  
8 I don't see any having any issues relating to allegations  
9 of abuse or anything like that. I don't know whether or  
10 not we're interested in protecting the names of the wards -  
11 --

12 **THE COMMISSIONER:** Yes.

13 **MR. LEE:** --- simply by virtue of being  
14 wards.

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

16 **MR. LEE:** In which case I suppose the  
17 standard publication ban.

18 **THE COMMISSIONER:** Publication ban will  
19 extend on 2408 to any of the wards mentioned in this  
20 document, and the reason for that being is that it's a  
21 matter of confidentiality with respect to the wards. They  
22 have no implication whatsoever in this Inquiry and it  
23 serves no useful purpose to publish their names at this  
24 point. Okay.

25 **MR. LEE:** Thank you, sir.

1                   And Mr. MacLean, if you can flip over to  
2                   page 782, please. That's page 5 of the document. The  
3                   second-last paragraph on the page is under a title,  
4                   "Relationship Between Worker and Foster Parents," and it  
5                   reads, "Mr. Lewis died suddenly on August 7, '64." Do you  
6                   see that?

7                   **MR. MacLEAN:** Yes.

8                   **MR. LEE:** If we flip over a couple of pages  
9                   to page 784, which is page 7 of the document.

10                  **MR. MacLEAN:** Yes.

11                  **MR. LEE:** The closing summary by the home  
12                  finder at that time reads:

13                                 "Although this has been a good home in  
14                                 the past it is felt that now, due to  
15                                 the absence of a father figure, it  
16                                 would be best to close this foster  
17                                 home."

18                  Do you see that?

19                  **MR. MacLEAN:** I'm sorry, I missed that.

20                  **MR. LEE:** Page 7 of the document.

21                  **MR. MacLEAN:** Page 7, yes.

22                  **MR. LEE:** And in the middle of the paragraph  
23                  there's a sentence that begins, "Although this..."

24                  **MR. MacLEAN:** I have found it, yes.

25                  **MR. LEE:** So essentially Mr. Lewis died,

1           there was therefore no father figure in the home and so  
2           they closed the home. Is that correct?

3                   **MR. MacLEAN:** That's correct.

4                   **MR. LEE:** And that would have been fairly  
5           typical for the time, I would think.

6                   **MR. MacLEAN:** No.

7                   **MR. LEE:** No?

8                   **MR. MacLEAN:** Today we would have given an  
9           opportunity of grieving and would have come back to the  
10          home and would have asked if the foster mother would be  
11          considering to continue on fostering ---

12                   **MR. LEE:** Okay.

13                   **MR. MacLEAN:** --- and give her the  
14          opportunity to do that. We would give support to her  
15          through either removal of the children temporarily or  
16          through extra support through our child and youth care  
17          workers during her time of grieving.

18                   **MR. LEE:** Okay.

19                   If you turn over to the next page, page 8,  
20          we have -- the closing summary was in December of '65 and  
21          now we have a new entry in July of 1969 by a worker named  
22          Jane Anderson. Do you see that?

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

24                   **MR. LEE:** And it notes that Mrs. Lewis is  
25          remarried and she's now Mrs. Barber.

1                   **MR. MacLEAN:** Yes.

2                   **MR. LEE:** Do you see that? And it states  
3 there's a child in the home, and we've had evidence about  
4 this child. His name is Arthur Sypes. Do you see that?

5                   **MR. MacLEAN:** Yes.

6                   **MR. LEE:** And the period summarizes from  
7 July of '69 to May of 1970. Do you see that?

8                   **MR. MacLEAN:** Yes.

9                   **MR. LEE:** And it speaks in the middle of  
10 that paragraph, in relation to Mr. Sypes, that:

11                                 "The Barbers have been kind enough to  
12                                 offer him a permanent home and there's  
13                                 some question that since Arthur is  
14                                 going to be 18 in September that he may  
15                                 have termination of wardship..."

16                   You see that?

17                   **MR. MacLEAN:** Yes.

18                   **MR. LEE:** "...and may thereafter make  
19                                 different provisions for his care".

20                   But certainly the information in the file  
21 suggests that in -- for this period it says, "last summer"  
22 so that presumably would be the summer of 1968, given the  
23 note is in 1969. He moved in with the Barbers and at the  
24 time he's under 18 and he's still a ward.

25                   You agree with me that that's the

1 information we have there?

2 **MR. MacLEAN:** It seems that that's clear,  
3 yes.

4 **MR. LEE:** And the evaluation of the home is  
5 that they've done well by Arthur and that it should be  
6 considered a permanent home on a permanent basis for him.

7 **MR. MacLEAN:** Yes.

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

9 **MR. MacLEAN:** Yes.

10 **MR. LEE:** And then we have a reassessment of  
11 the foster home, the date is very difficult to make out,  
12 but it looks to me like November 27<sup>th</sup>, 1970. And the foster  
13 home finder is Mrs. Gratton. Do you see that?

14 **MR. MacLEAN:** Yes, I do.

15 **MR. LEE:** Now, this is a bit of a unique  
16 situation where we have an approved foster family in the  
17 Lewis's who are operating a foster home with apparently no  
18 problems. The husband dies and the home is closed and four  
19 years later -- three years later rather, a new ward is put  
20 into the home with a new husband in the home.

21 So my question for you is whether or not the  
22 CAS would have needed to reassess the home at that point or  
23 would they simply reopen it given the familiarity with Mrs.  
24 Barber?

25 **MR. MacLEAN:** I believe there should have

1           been a reassessment and I think that's what Mrs. Gratton is  
2           doing it seems in her recording.

3                   **MR. LEE:** Can we pull up Exhibit 27, Tab 13,  
4           please?

5                   **THE COMMISSIONER:** Twenty-seven (27)?

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

7                   **THE COMMISSIONER:** Thank you.

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

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

10                   **MR. LEE:** And I don't know what we should  
11           make of the date of this document. If you look at the  
12           first page, it's a job description for a social worker in  
13           the home finding unit and that continues on to page 2.

14                   And then on page 3, at the bottom, we have  
15           the fact that this was approved by the director of  
16           resources and the director of personnel on July 26<sup>th</sup>, 1977.  
17           Do you see that?

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

19                   **MR. LEE:** And then the next page is dated or  
20           is stamped number 4 and we begin into a long document  
21           setting up policies and things along those lines.

22                   Are you familiar with these types of  
23           documents and, more specifically, would you think that we  
24           should take the date of the rest of this document as also  
25           being July 26<sup>th</sup>, '77?

1                   **MR. MacLEAN:** Mr. Lee, this document was  
2                   confusing for me as well.

3                   **MR. LEE:** Okay.

4                   **MR. MacLEAN:** You see, I -- wait a minute --  
5                   at the bottom of page 3, it's got approved by director of  
6                   resources ---

7                   **MR. LEE:** Yes.

8                   **MR. MacLEAN:** --- director of personnel and  
9                   job description committee.

10                  **MR. LEE:** Yes.

11                  **MR. MacLEAN:** I never knew the local agency  
12                  in '77 to be organized in that fashion.

13                  My thinking is, which happened occasionally  
14                  amongst CAS's, that this was possibly a borrowed document  
15                  from another agency. And if you go over to -- not to say  
16                  that this wasn't in practice at that time but ---

17                  **MR. LEE:** Sure.

18                  **MR. MacLEAN:** --- as far as dates and where  
19                  it was developed and who did it, I go over to page 6 and it  
20                  would appear under "Area: all applicants must be within"  
21                  and it looks as if SD&G area is printed in there  
22                  differently.

23                  **MR. LEE:** Yes.

24                  **MR. MacLEAN:** So I don't know where the  
25                  document came from but it would have been adopted by --

1           because it has our Society at the top.

2                       **MR. LEE:** Okay. That's helpful, thank you.

3                       **MR. MacLEAN:** Thank you.

4                       **MR. LEE:** Can we turn over to page 14 which  
5           is Bates page 501?

6                               I can give you the full Bates page -- that's  
7           it, no, back a couple, page 14, please? There it is.

8                               And in the middle of the page, we have the  
9           title, "Reopening of Homes". Do you see that?

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

11                      **MR. LEE:** And it reads:

12                               "Applicants who have previously  
13                               fostered for our Society are assigned  
14                               directly from intake in consultation  
15                               with the supervisor. The worker reads  
16                               previous study and completes at least  
17                               one home visit using the regular home  
18                               study outline as a guide. If the home  
19                               has been closed for two years, a new  
20                               application form and at least one new  
21                               character reference and a medical  
22                               report will need to be obtained and the  
23                               regular home study format as followed  
24                               in recording the study."

25                      **MR. MacLEAN:** Yes.

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

2                   **MR. MacLEAN:** Yes.

3                   **MR. LEE:** Do you have any idea whether these  
4 guidelines would have been in place in 1970?

5                   **MR. MacLEAN:** In the '70s or in 1970?

6                   **MR. LEE:** Nineteen seventy (1970) is --  
7 well, I mean, I guess I'm asking late sixties, early 1970,  
8 when the Barber home takes in Mr. Sypes and is then  
9 reassessed. Is this what should have happened at that time  
10 is that I'm asking?

11                   **MR. MacLEAN:** I have no recollection of  
12 that. I wasn't in this area at that point.

13                   **MR. LEE:** Speaking more generally I suppose.

14                   **MR. MacLEAN:** A reopening of a home would  
15 require at least one visit and information, if there was a  
16 new partner in the home or if the home had been closed for  
17 more than a couple of years, that there would need to be,  
18 you know, who are the children in the home? Had any  
19 children left the home?

20                   Those would be the questions that I'd be  
21 asking. Now, this is again, coming from somebody that  
22 worked in the field in '78 and '79 in -- around foster  
23 homes.

24                   **MR. LEE:** And, in particular, the fact, as  
25 you said, there's a new partner in the home?

1                   **MR. MacLEAN:** Yes.

2                   **MR. LEE:** This isn't the same home anymore.

3                   This is ---

4                   **MR. MacLEAN:** No, this is a new ---

5                   **MR. LEE:** --- new dynamic entirely, new  
6                   situation.

7                   **MR. MacLEAN:** Yes.

8                   **MR. LEE:** If you turn back -- I'm done with  
9                   that exhibit -- if you can turn back to Exhibit 2408 which  
10                  is the Lewis/Barber file.

11                  **MR. MacLEAN:** Yes.

12                  **MR. LEE:** And, again, at page 8, we have the  
13                  reassessment of the foster home. Do you see that?

14                  **MR. MacLEAN:** Yes.

15                  **MR. LEE:** So the first questions would be,  
16                  it would appear from the information in the note about  
17                  Arthur Sypes that he was placed in the home the summer of  
18                  1968. There's then a recording by Jane Anderson updating  
19                  the file about a year later. And then about a year and-a-  
20                  half later, we have a reassessment of the foster home.

21                  Would you agree with me that it certainly  
22                  isn't ideal to have a reassessment of the foster home  
23                  almost two and-a-half years after a ward's in the home?

24                  **MR. MacLEAN:** That's correct, yes.

25                  **MR. LEE:** I mean, ideally I take it, the

1 reassessment of a foster home would be done before you put  
2 a ward in the home?

3 **MR. MacLEAN:** It should be before, unless  
4 it's a provisional home. I don't know what the  
5 circumstances or whether there were even provisional foster  
6 homes at that time.

7 **MR. LEE:** And as I said, we then have the  
8 reassessment of the foster home by Mrs. Gratton and she  
9 goes on to describe, as you would expect, the location of  
10 the home, the physical layout of the home and things along  
11 that line. And on page 9, which is Bates page 786, we have  
12 a long paragraph that begins "Mr. Kenneth Barber". Do you  
13 see that?

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

15 **MR. LEE:** And if you read through that --  
16 and you can hopefully take my word for the fact that this  
17 is the only reference specifically to Mr. Barber and sort  
18 of an assessment of him -- there's nothing in there about  
19 references being checked or about medical tests or about  
20 anything like that. Will you agree with me?

21 **MR. MacLEAN:** No. I agree.

22 **MR. LEE:** So, essentially, what we have is  
23 one paragraph where there appears to have been a meeting  
24 with the Barbers where there was some discussion with Mr.  
25 Barber and, in the end, we know the home remains open?

1                   **MR. MacLEAN:** That's correct.

2                   **MR. LEE:** Would you have expected by 1970  
3 for a reassessment of a home where there's a new partner to  
4 have been a little more in depth than this?

5                   **MR. MacLEAN:** I would expect references on  
6 him.

7                   **MR. LEE:** Now ---

8                   **MR. MacLEAN:** The detail of that is what was  
9 common, what we see in our records in that year.

10                  **MR. LEE:** Generally, there should be some  
11 checking up on these?

12                  **MR. MacLEAN:** There should be.

13                  **MR. LEE:** Now, you told us in-chief that you  
14 would have reviewed the entire C-14 file when you took over  
15 as his worker in 1978?

16                  **MR. MacLEAN:** Yes.

17                  **MR. LEE:** And you also told us that you  
18 would have likely met with Bryan Keough?

19                  **MR. MacLEAN:** Yes ---

20                  **MR. LEE:** Do you have any specific  
21 recollection of having met with Bryan Keough?

22                  **MR. MacLEAN:** No, I don't.

23                  **MR. LEE:** You just -- that was your general  
24 practice ---

25                  **MR. MacLEAN:** Yes.

1                   MR. LEE: --- and assumed you would have?

2                   MR. MacLEAN: That's correct.

3                   MR. LEE: And regardless of how -- all of  
4 the various sources of information, would you have been  
5 aware at the time you took over the file that C-14 had  
6 alleged physical abuse by the Barbers?

7                   MR. MacLEAN: I believe I was at that time.

8                   MR. LEE: And that was kind of the big deal  
9 with ---

10                  MR. MacLEAN: Yes.

11                  MR. LEE: --- C-14 at the time, wasn't it?

12                  MR. MacLEAN: Yes, it was.

13                  MR. LEE: And ---

14                  MR. MacLEAN: And for Mr. Keough.

15                  MR. LEE: And C-14 had alleged severe abuse.  
16 This wasn't ---

17                  MR. MacLEAN: Yes.

18                  MR. LEE: --- a spanking every now and then.  
19 He was alleging being kicked with steel-toe boots and being  
20 beaten about the head and things like. You recall that?

21                  MR. MacLEAN: That's correct, yes.

22                  MR. LEE: And he actually -- when he went to  
23 his next home, the Hubert's home, Mrs. Hubert saw bruises  
24 and scars and things like that and became involved. Do you  
25 remember that?

1                   **MR. MacLEAN:** I remember reading that, yes.

2                   **MR. LEE:** And what else -- we also know from  
3 the file that C-14 complained of headaches, and my question  
4 for you is whether or not you recall C-14 being sent for  
5 medical treatment to specifically assess whether or not he  
6 had any health issues at the time you took over the file?

7                   **MR. MacLEAN:** I can't recall that. I know  
8 that on admission and there would be an -- or on admission  
9 there's a medical and there would be an annual medical  
10 after that. I don't recall specifically going for a  
11 medical concerning headaches.

12                   **MR. LEE:** You also told us in-chief -- well,  
13 Mr. Engelmann suggested to you in-chief that you had taken  
14 over the file, the supervision of C-14, in May of 1978.

15                   Can I have you take a look, please, at  
16 Document -- or sorry, it's Exhibit 524.

17                   **(SHORT PAUSE/COURTE PAUSE)**

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

19                   **MR. MacLEAN:** Yes, I do.

20                   **MR. LEE:** This is a Child Care Face Sheet.  
21 Do you see that?

22                   **MR. MacLEAN:** Yes.

23                   **MR. LEE:** And if you turn over to the third  
24 page of the document, at the bottom of the page the names  
25 of his social workers are listed there. Do you see that?

1                   **MR. MacLEAN:** Yes.

2                   **MR. LEE:** And it has your name with the  
3                   dates, "March 8, 1978 to October 31, 1978". Do you see  
4                   that?

5                   **MR. MacLEAN:** Yes.

6                   **MR. LEE:** So March, not May, and what we  
7                   know is that March 8, '78 was the day that C-14 was  
8                   transferred to the Lapensée home. So would it make sense  
9                   that you would have taken over this file on March 8<sup>th</sup> when  
10                  he was transferred rather than a couple of months later?

11                  **MR. MacLEAN:** I can't comment on the  
12                  difference in those dates, Mr. Lee.

13                  **MR. LEE:** I think the confusion may be that  
14                  the case recordings for C-14, the transfer summary is dated  
15                  May 16<sup>th</sup>, 1978, which wouldn't necessarily have been  
16                  completed on the day that ---

17                  **MR. MacLEAN:** But it may have been that  
18                  there was an overlap where Mr. Keough had carried it on,  
19                  unless I see something else.

20                  **MR. LEE:** You have no independent  
21                  recollection either way?

22                  **MR. MacLEAN:** No.

23                  **MR. LEE:** You're relying on the documents  
24                  for this?

25                  **MR. MacLEAN:** Yes.

1                   **MR. LEE:** And the file notes that in June of  
2                   1978, C-14 ran away from the Lapensée home and was placed  
3                   temporarily in the Cieslewicz home?

4                   **MR. MacLEAN:** Yes.

5                   **MR. LEE:** Do you have any independent  
6                   recollection of that event?

7                   **MR. MacLEAN:** Yes, I do.

8                   **MR. LEE:** And is it possible that Bill  
9                   McNally could have been the one who transported C-14 to the  
10                  Cieslewitz home that day?

11                  **MR. MacLEAN:** It is possible. As I think I  
12                  said, that I did not recall whether he was picked up by --  
13                  when he ran, he was gone for a few days and whether he was  
14                  picked up in the evening after hours -- and Mr. McNally may  
15                  have been on night duty.

16                  **MR. LEE:** It's possible at least?

17                  **MR. MacLEAN:** It is possible. I cannot  
18                  recall placing him in the Cieslewicz home.

19                  **MR. LEE:** Exhibit 538 is the C-14 child file  
20                  and Mr. Engelmann took you to Bates page 610 Back.  
21                  So it's page 16 of the notes. And this is -- below the  
22                  middle of the page this is the entry about Mr. Frank  
23                  Rolland. Do you see that?

24                  **MR. MacLEAN:** Yes.

25                  **MR. LEE:** And I wasn't clear from your

1 evidence in-chief whether you have an independent  
2 recollection of having met any point with Frank Rolland or  
3 whether you're presuming you must have?

4 **MR. MacLEAN:** No, no. I met with him in the  
5 CAS office.

6 **MR. LEE:** And you recall that?

7 **MR. MacLEAN:** Yes.

8 **MR. LEE:** Do you recall the timeline for  
9 that meeting, specifically whether it was before or after  
10 the trip to Montreal?

11 **MR. MacLEAN:** It could be before.

12 **MR. LEE:** And I take it your reasoning there  
13 is because you would have had to give him a form?

14 **MR. MacLEAN:** Yes.

15 **MR. LEE:** And you have a specific  
16 recollection of having given him that form?

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

18 **MR. LEE:** Do you recall any other contact  
19 you had personally with Frank Rolland other than that one  
20 meeting in the CAS office?

21 **MR. MacLEAN:** On his return -- well, before  
22 his death, he asked for a meeting with me and that's where  
23 he talked about some of the behaviours of C-14.

24 **MR. LEE:** So the information encapsulated in  
25 this paragraph would have come from meeting with Mr.

1 Rolland following the trip to Montreal?

2 **MR. MacLEAN:** Yes.

3 **MR. LEE:** And you suggested in-chief with  
4 Mr. Engelmann that it was your understanding that C-14 had  
5 gone to Montreal with Mr. Rolland three or four times?

6 **MR. MacLEAN:** Yes.

7 **MR. LEE:** And Mr. Engelmann told you that  
8 when C-14 was here, he testified that he had only gone with  
9 Mr. Rolland once to Montreal.

10 And my question for you is whether or not  
11 you have a specific recollection of there having been  
12 multiple trips to Montreal or whether it's possible that  
13 Mr. Rolland visited the MacIntosh home on a few occasions  
14 but only took him to Montreal once?

15 **MR. MacLEAN:** It was my understanding that  
16 he would take him for the weekend to his home when he had  
17 those visits. I may have misunderstood, but that was my  
18 understanding and my recollection of my understanding as  
19 well.

20 **MR. LEE:** It's at least possible you're  
21 mistaken on that?

22 **MR. MacLEAN:** It's possible, yes.

23 **MR. LEE:** And you agreed in-chief yesterday  
24 that the only suggestion of sexualized behaviour in the  
25 entire C-14 file is this one paragraph?

1                   **MR. MacLEAN:** To my recollection.

2                   **MR. LEE:** And I've reviewed it rather  
3 carefully and I can tell you I haven't seen anything else.

4                   **MR. MacLEAN:** No.

5                   **MR. LEE:** And what it says here is that C-14  
6 was exposing himself and masturbating within sight of Mr.  
7 Rolland. He often struck Mr. Rolland when disagreements  
8 occurred. Do you see that?

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

10                  **MR. LEE:** And this information must have  
11 come as quite a shock to you when you received it?

12                  **MR. MacLEAN:** Certainly the sexual piece  
13 did. The aggression did not.

14                  **MR. LEE:** There's a difference, sir, between  
15 aggression and C-14 often striking Mr. Rolland when  
16 disagreements occurred. Mr. Rolland was in his 60's?

17                  **MR. MacLEAN:** Yes, yes.

18                  **MR. LEE:** Are you suggesting there is some  
19 history in C-14's past where he would physically assault  
20 adults?

21                  **MR. MacLEAN:** Not physically assault but  
22 there would be certainly anger outbursts.

23                  **MR. LEE:** Swearing?

24                  **MR. MacLEAN:** Yes, and ---

25                  **MR. LEE:** Yelling?

1                   **MR. MacLEAN:** Fists in the air, this kind of  
2                   thing.

3                   **MR. LEE:** It's a far cry from physically  
4                   assaulting somebody, wouldn't you agree?

5                   **MR. MacLEAN:** It is, yes. It's a step  
6                   forward.

7                   **MR. LEE:** It seems to me that when you  
8                   received this information from Mr. Rolland you had one of  
9                   two choices. The first one is to believe Mr. Rolland and  
10                  the second one is to disbelieve Mr. Rolland.

11                  Now, if you believe Mr. Rolland, would you  
12                  not agree with me that you would have had to have been  
13                  concerned that C-14 was a very disturbed young man?

14                  **MR. MacLEAN:** I wouldn't say "very disturbed  
15                  young man". He was a young man presenting difficulties and  
16                  issues, one that I still felt that could certainly live in  
17                  a foster family and be able to benefit from the love and  
18                  care of a family home.

19                  **MR. LEE:** He would have been right around  
20                  his 16<sup>th</sup> birthday at this time?

21                  **MR. MacLEAN:** He was, yes.

22                  **MR. LEE:** And he's allegedly exposing  
23                  himself and masturbating within the sight of a man that  
24                  he's recently met and he's striking this man when  
25                  disagreements occur. I think that qualifies as disturbed,

1 does it not, based on this allegation?

2 **MR. MacLEAN:** If it was a single event, but  
3 I'd hesitate to call that disturbed behaviour.

4 **MR. LEE:** You believed Mr. Rolland at the  
5 time? You took this allegation at face value?

6 **MR. MacLEAN:** I did, yes.

7 **MR. LEE:** You told us in-chief that you  
8 didn't consider that Mr. Rolland may have had anything to  
9 do with the alleged behaviour reported by him because it  
10 was not his character and that he was a very mild-mannered  
11 man. Do you recall that?

12 **MR. MacLEAN:** I said that, yes.

13 **MR. LEE:** How many times had you met this  
14 man by the time you reported this behaviour? It was the  
15 second meeting?

16 **MR. MacLEAN:** It was the second meeting.

17 **MR. LEE:** Would you agree with me that  
18 having met with this man only once before sending C-14 out  
19 of the province with him overnight was not enough to form  
20 any kind of opinion as to his character or his suitability  
21 for having been entrusted with the care of a child?

22 **MR. MacLEAN:** I had the words and the  
23 discussion with Mr. and Mrs. MacIntosh that this was a  
24 friend. We had trust in the MacIntosh family in  
25 assessment.

1                   They were a foster parent. I accepted their  
2 view and that was common in that day, and I saw this man as  
3 an appropriate man that would possibly become a big brother  
4 for this C-14.

5                   **MR. LEE:** Based on your two meetings, you're  
6 not in a position to comment on Mr. Rolland's character,  
7 are you?

8                   **MR. MacLEAN:** Not in depth but I had the  
9 assessment from the -- and the comments from the  
10 MacIntoshes and my own view, and they didn't -- they  
11 weren't contrary. If I'd seen something else other than  
12 what was the characteristics of the MacIntosh foster home,  
13 red flags would have been raised.

14                   **MR. LEE:** You were asked about a meeting  
15 that C-14 had with Diane Latreille.

16                   **MR. MacLEAN:** Yes.

17                   **MR. LEE:** And can we agree that the  
18 appointment with Diane Latreille and the meeting with Diane  
19 Latreille had absolutely nothing to do with the allegations  
20 made by Mr. Rolland?

21                   **MR. MacLEAN:** That's correct, because the  
22 meeting was scheduled back in May or June following the --  
23 before the run, and it was when C-14 had started wandering  
24 around the house and found -- in the middle of the night  
25 and had turned on the burners of the stove and things like

1 that, and that was a safety issue, number one, and a  
2 concern that he wasn't settling.

3 MR. LEE: I understand the reason he was  
4 sent to Latreille. I just want to have it clear on the  
5 record that it had nothing to do with the Rolland  
6 allegations.

7 MR. MacLEAN: Correct.

8 MR. LEE: Okay.

9 And page 611, front of the file, suggests  
10 that another appointment has been set with Diane Latreille  
11 for November 10<sup>th</sup> of 1978. Do you see that?

12 MR. MacLEAN: Yes, I do.

13 MR. LEE: And would you agree with me  
14 there's no information in any of the documents to suggest  
15 that meeting ever took place?

16 MR. MacLEAN: That's correct.

17 MR. LEE: And we also see reference down  
18 below, "If necessary have C-14 seen by Dr. Khan." Do you  
19 see that?

20 MR. MacLEAN: Yes.

21 MR. LEE: And Dr. Khan, was he a  
22 psychiatrist in town?

23 MR. MacLEAN: He was a child psychiatrist.

24 MR. LEE: Child psychiatrist. And you've  
25 seen nothing in the file to suggest that such a meeting

1 ever took place?

2 MR. MacLEAN: No.

3 MR. LEE: Will you concede that in  
4 hindsight, having received the information you did from  
5 Frank Rolland, you should have brought it to C-14's  
6 attention?

7 MR. MacLEAN: The complaint of Mr. Rolland?

8 MR. LEE: Yes.

9 MR. MacLEAN: I should have, and I have no  
10 recollection that I did or didn't.

11 MR. LEE: C-14 has a very explicit  
12 recollection that you did not.

13 MR. MacLEAN: Did not.

14 MR. LEE: He knew nothing of the allegation  
15 by Frank Rolland until he got access to his file.

16 MR. MacLEAN: Okay.

17 MR. LEE: And my question for you is would  
18 you agree with me that it's quite possible that the course  
19 of history relating to C-14 could have been changed had you  
20 gone to him at that time and had he vigorously denied the  
21 allegations of Frank Rolland? Because had that happened,  
22 you would have had a duty to follow up on that, would you  
23 not?

24 MR. MacLEAN: If he would have declared that  
25 Frank Rolland had harmed him, yes.

1                   **MR. LEE:** Well, had he declared that Frank  
2 Rolland had harmed him or had he declared that Frank  
3 Rolland had flatly lied to you.

4                   **MR. MacLEAN:** Certainly, yes. Sorry.

5                   **MR. LEE:** Do you have a specific  
6 recollection of handing Frank Rolland the form that would  
7 have permitted him to bring C-14 to Montreal?

8                   **MR. MacLEAN:** Not a specific recollection  
9 but that was the purpose of him -- as well as me getting to  
10 meet him.

11                   **MR. LEE:** Mr. Engelmann entered a document  
12 into evidence when he was questioning you that was an  
13 example of what that form might be, but we don't have a  
14 file copy of any such form relating to C-14.

15                   **MR. MacLEAN:** I realize that.

16                   **MR. LEE:** Would you have expected that to be  
17 on the file?

18                   **MR. MacLEAN:** That should have been on the  
19 file. Usually a copy was made.

20                   **MR. LEE:** In relation to Frank Rolland,  
21 you've told us that you relied on conversations you had  
22 with the MacIntoshes as well as a meeting with him. Did  
23 you ask for any references outside of that?

24                   **MR. MacLEAN:** No, I didn't.

25                   **MR. LEE:** Did you do a search within the

1 local CAS to see whether his name came up?

2 MR. MacLEAN: No, I didn't.

3 MR. LEE: Did you contact the CAS in  
4 Montreal where he lived?

5 MR. MacLEAN: No, I didn't.

6 MR. LEE: Did you contact the police, either  
7 here or in Quebec?

8 MR. MacLEAN: No. That was not the  
9 practice.

10 MR. LEE: Thank you, sir. Those are my  
11 questions.

12 THE COMMISSIONER: Thank you.

13 Mr. Horn.

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

15 MR. HORN:

16 MR. HORN: My name is Frank Horn, Coalition  
17 for Action, and I'll be asking a few questions in regards  
18 to your knowledge in relationship to, particularly, the  
19 Antoine situation.

20 Now, prior to coming to Cornwall I see that  
21 you had some experience in Toronto and Belleville.

22 MR. MacLEAN: That's correct.

23 MR. HORN: And while you were there you were  
24 -- either you were working with group homes or you were  
25 running group homes. Is that right?

1                   **MR. MacLEAN:** That's correct.

2                   **MR. HORN:** Now, your experience in that  
3 regard, was it one where you were there with the people  
4 that were placed there by the agencies that you were  
5 working for?

6                   **MR. MacLEAN:** In my professional career I  
7 was a supervisor of a therapeutic staff-operated group home  
8 in Belleville.

9                   **MR. HORN:** Okay.

10                   Now, are these group homes run by the  
11 Agency, the CAS, or were they independent organizations  
12 that were putting children in your care?

13                   **MR. MacLEAN:** They were run and owned by the  
14 CAS.

15                   **MR. HORN:** And it was in both cases the same  
16 thing; Toronto and Belleville?

17                   **MR. MacLEAN:** No, not in Toronto. I didn't  
18 work in a group home in Toronto. I lived in a group home  
19 in Toronto.

20                   **MR. HORN:** Okay.

21                   **MR. MacLEAN:** I was with the -- my wife and  
22 I were -- my wife was employed as a house mother for the  
23 Salvation Army in their Nest on -- in Toronto, and that was  
24 for two years.

25                   **MR. HORN:** Okay, so the ---

1                   **MR. MacLEAN:** I worked as a caseworker in  
2                   the Children's Aid Society of ---

3                   **MR. HORN:** In Toronto?

4                   **MR. MacLEAN:** East Branch, yes.

5                   **MR. HORN:** Okay.

6                   So in these situations that you were  
7                   involved in, how many children would you say you had dealt  
8                   with in the past when you were in Belleville?

9                   **MR. MacLEAN:** In Belleville there were ---

10                  **MR. HORN:** Belleville, yeah.

11                  **MR. MacLEAN:** There were eight children in  
12                  the home at any one point. I was there for four years in  
13                  that particular home.

14                  **MR. HORN:** And did they involve child abuse,  
15                  sexual abuse?

16                  **MR. MacLEAN:** I don't recall ever handling a  
17                  case of sexual abuse in the group home, and that was 1970  
18                  to '74. It wasn't on the radar at that point in child  
19                  welfare, in a great sense anyway.

20                  **MR. HORN:** Okay, so ---

21                  **MR. MacLEAN:** And I'm not saying that some  
22                  of the children had not been abused, but they had not been  
23                  identified as being abused.

24                  **MR. HORN:** So in your experience prior to  
25                  coming to Cornwall, the group home that you were involved

1 with would have had -- would the group home itself be kind  
2 of an independent group home, and only if there's a problem  
3 they would go to the CAS and maybe to the Board?

4 **MR. MacLEAN:** The group home was operated --  
5 owned and operated by the Children's Aid Society or the  
6 Family and Children's Services of Hastings County, and I  
7 was a supervisor hired by that Society, and the home was  
8 owned by that Society.

9 **MR. HORN:** Okay, but I'm just interested in  
10 if there was a problem in the group home; would you be  
11 required to go to your management in CAS or would the Board  
12 become involved in administering the difficulties that  
13 could occur in these group homes?

14 **MR. MacLEAN:** No, I would have gone to my  
15 immediate supervisor.

16 **MR. HORN:** Okay. Were you in the position  
17 where you might be the one that would eventually have -- if  
18 there was a problem, to have to go out to the Board?

19 **MR. MacLEAN:** I don't recall the Board in  
20 the -- Hastings County Board being directly involved with  
21 the home. It wasn't until -- I don't think I ever  
22 presented the report to that Board. I attended on  
23 invitation a Board meeting occasionally.

24 **MR. HORN:** And was it to do with problems or  
25 just generally you had to go there once in a while to

1 report on how well you're doing?

2 MR. MacLEAN: Yes, or on what's happening,  
3 what I'm doing and not necessarily problem directed,  
4 oriented.

5 MR. HORN: And the board in Belleville, was  
6 it similar to, let's say, here in Cornwall where there  
7 would be people on the board from other different agencies  
8 like police departments and maybe churches and so forth?

9 MR. MacLEAN: I would think that would  
10 characterize the board in Belleville at that time, yes.

11 MR. HORN: So when you were -- when you came  
12 to Cornwall, you were -- you had already had experience in  
13 dealing with this kind of a set-up when you came to  
14 Cornwall with a board, management and a group home?

15 MR. MacLEAN: Yes, I was.

16 MR. HORN: Pardon?

17 MR. MacLEAN: Yes, I was.

18 MR. HORN: And so that when you had this  
19 experience, what made you make the decision to leave that  
20 job and come to Cornwall?

21 MR. CHISHOLM: I'm not sure what the  
22 relevance of that question is to the Inquiry?

23 THE COMMISSIONER: Mr. -- what's the  
24 relevance?

25 MR. HORN: I think it's very relevant.

1                   **THE COMMISSIONER:** That's good. Tell me  
2 why.

3                   **MR. HORN:** Okay. The fiasco of the Second  
4 Street Group Home had just occurred prior to him coming  
5 here.

6                   **MR. CHISHOLM:** I don't know if we need to  
7 use that terminology to describe the Second Street Group  
8 Home -- a fiasco.

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

10                  **MR. HORN:** Okay. Early in 1976, there was a  
11 problem in Cornwall with the Second Street Group Home.

12                  **THE COMMISSIONER:** Yes.

13                  **MR. HORN:** And he was hired right after this  
14 situation and he was put in a position where he had a lot  
15 to do with that group home after it was -- had this  
16 problem.

17                  **THE COMMISSIONER:** Yes.

18                  **MR. HORN:** And he was brought -- he came in  
19 from Belleville here.

20                  **THE COMMISSIONER:** Yes.

21                  **MR. HORN:** I just want to know if he came  
22 specifically because he had the experience to deal with  
23 group homes and that's why he was brought in.

24                  **THE COMMISSIONER:** How would he know?

25                  **MR. HORN:** Pardon?

1                   **THE COMMISSIONER:** That should be asked of  
2                   the employers. How would he know if he was specifically  
3                   brought in?

4                   **MR. HORN:** Well, he might have been asked if  
5                   he was interested in a job.

6                   **THE COMMISSIONER:** Well, obviously he was --  
7                   he responded. How else would he have known? Somebody must  
8                   have communicated to him. He read it someplace.

9                   How did you find out about this job?

10                  **MR. MacLEAN:** It's a story. In ---

11                  **THE COMMISSIONER:** Well ---

12                  **MR. MacLEAN:** Very brief. In 1967 -- I was  
13                  raised and born in Osnabruck Township. In 1967 at Expo I  
14                  came into the Children's Aid Society with the intention of  
15                  finding employment sometime in my career in the Cornwall  
16                  area because I wanted to return to the farm where I was  
17                  born.

18                  **THE COMMISSIONER:** All right. Yes?

19                  **MR. MacLEAN:** In March or after that, I was  
20                  told to put my application in and that would be in '67-'68.  
21                  I put my application in. I updated it occasionally with  
22                  Mr. Towndale over a period of years and in March of '76 I  
23                  got a call from Mr. Towndale asking me if I was still  
24                  interested in coming to Cornwall. I was jumping over the  
25                  phone to come to Cornwall to come back to the farm.

1                   **MR. HORN:** Okay. So you came into the area  
2 for personal reasons?

3                   **MR. MacLEAN:** That's correct.

4                   **MR. HORN:** And you came in -- I think I  
5 understand it was June ---

6                   **MR. MacLEAN:** June 26, 1976.

7                   **MR. HORN:** Okay. And you became involved  
8 with the group home almost immediately?

9                   **MR. MacLEAN:** That was my assignment, yes.

10                  **MR. HORN:** Okay. And the problems that  
11 occurred have occurred only a few months before?

12                  **MR. MacLEAN:** In my understanding.

13                  **MR. HORN:** Okay. And so you're coming here  
14 had nothing to do with you being called in to deal with a  
15 problem?

16                  **MR. MacLEAN:** Absolutely not.

17                  **MR. HORN:** Pardon?

18                  **MR. MacLEAN:** Absolutely not.

19                                It was a job opening. I knew Mr. Rabey. I  
20 went to his funeral, I believe. I would have come down. I  
21 ushered at his wedding. And when he passed away, I sort of  
22 anticipated that I might be called. I'm laying all of the  
23 cards on the table. And that was it. I got my call.

24                  **MR. HORN:** Oh, you anticipated when he died  
25 you might be taking over the group home?

1                   **MR. MacLEAN:** Yes, because Mr. Towndale knew  
2 my experience in running a group home and ---

3                   **MR. HORN:** Okay. So when you came into the  
4 situation and you took over the group home, did you do it  
5 in the manner living right there at the group home or ---

6                   **MR. MacLEAN:** No.

7                   **MR. HORN:** --- being there daily?

8                   **MR. MacLEAN:** I wasn't there daily, no, and  
9 I wasn't living there.

10                  **MR. HORN:** Okay. Oh, I'm sorry. I don't  
11 think people live at the group homes but you would have  
12 been there like on as a staff?

13                  **MR. MacLEAN:** Mr. Rabey lived in a group  
14 home, I believe. No, that's hearsay.

15                  **MR. HORN:** So when you came in, in June, was  
16 that -- that was your first assignment?

17                  **MR. MacLEAN:** After orientation, I spent  
18 some time in the main office on 27 York. Then I would have  
19 come up and had a tour of the home. I met Mrs. Pelkey. I  
20 think Mrs. Pelkey was the first one. She was the cook that  
21 I met first. That was likely the day that I had the tour  
22 of the group home. And then I met the staff.

23                  **MR. HORN:** From the time of Mr. Rabey's  
24 death till you came in, did you have any idea of what had  
25 happened in between?

1                   **MR. MacLEAN:** Not at all until I arrived,  
2                   and then I was briefed very briefly that there had been  
3                   excessive discipline issues and some staff were let go.

4                   Prior to that in -- I believe it was in  
5                   early June before I moved, Mr. Towndale phoned me and said  
6                   that -- because I was initially offered a supervisor's job  
7                   -- and he said to me that the Society had changed from  
8                   having me be a supervisor to having me be, for the first  
9                   while, a liaison worker in the group home. And I accepted  
10                  that and I came on those terms.

11                  **MR. HORN:** So you came in around June. The  
12                  group home was closed early -- late that year or early '77,  
13                  was it?

14                  **MR. MacLEAN:** The group home was closed -- I  
15                  believe I brought the recommendations to the Board in  
16                  January, or I had prepared material. I don't know whether  
17                  I went to that Board meeting and the group home was closed  
18                  in February of '77.

19                  **MR. HORN:** Did you know anything about the  
20                  firing of Mr. Tenger and his staff?

21                  **MR. MacLEAN:** Not at that time -- well, that  
22                  they were let go, yes.

23                  **MR. HORN:** Pardon?

24                  **MR. MacLEAN:** Names were not given to me but  
25                  there was -- the staff that had replaced Mr. Rabey had been

1 let go.

2 MR. HORN: And the ---

3 MR. MacLEAN: Names were not given to me.

4 MR. HORN: The names were not given to you?

5 MR. MacLEAN: No, not that I recall.

6 MR. HORN: What about the children that were  
7 there during that period of time? Did you have any  
8 knowledge of the particular children that were there?

9 MR. MacLEAN: No, no. There were -- I  
10 believe there was one or two children that were still there  
11 whenever I came into the home, but that is -- the new staff  
12 had been there from I believe it was March or April. So  
13 whether those -- I didn't have full knowledge of that. I  
14 may have become aware of it then after I got in there that  
15 they were there.

16 MR. HORN: And Mr. Keough did you get to  
17 know him, working in the same agency?

18 MR. MacLEAN: Mr. Bryan Keough?

19 MR. HORN: Bryan Keough.

20 MR. MacLEAN: Yes, I did.

21 MR. HORN: Okay, and so you would have been  
22 working with him for what, about 13 years?

23 MR. MacLEAN: He was a peer from '76 to 1980  
24 and then I supervised him. I saw very little of him in  
25 that period of time because, again, he was -- he had his

1 caseload, I had my caseload and the liaison work with the  
2 Second Street Home. He had his other assignments.

3 I knew he existed, I saw him at staff  
4 meetings. I didn't really to get to know Mr. Keough in a -  
5 - well, it was in my supervisory capacity after November of  
6 1980 when I became supervisor, so he was assigned to my  
7 caseload.

8 **MR. HORN:** So during the time you really  
9 didn't get to know him personally, but did you have any  
10 discussions regarding the group home?

11 **MR. MacLEAN:** None.

12 **MR. HORN:** Was it something that was known  
13 generally within the Agency as to why the group home was  
14 closed?

15 **MR. MacLEAN:** It may have been.

16 **MR. HORN:** No, I'm talking about what you  
17 knew.

18 **MR. MacLEAN:** Oh, what I knew?

19 I knew the general fact that the staff had  
20 been let go and that there -- because of excessive use of  
21 discipline or excessive discipline procedures, yes.

22 **MR. HORN:** Did they give any descriptions of  
23 the type of discipline it was?

24 **MR. MacLEAN:** I only found that out in  
25 reading the reports in the ninety -- investigation in '92;

1 I'm not sure when that was.

2 MR. HORN: So prior to that you really only  
3 heard that it was discipline problems, or over -- excessive  
4 use of discipline?

5 MR. MacLEAN: Yes.

6 MR. HORN: That was it?

7 MR. MacLEAN: That was it.

8 MR. HORN: And when you were making your  
9 recommendations to the Board, or -- to have the place  
10 closed, was any of this part, knowledge of the history of  
11 that house -- was that part of your report?

12 MR. MacLEAN: Not at all.

13 MR. HORN: So your recommendations and  
14 anything that went to the Board really never took into  
15 account any of the history of that bad period ---

16 MR. MacLEAN: No.

17 MR. HORN: --- for two months?

18 MR. MacLEAN: My recollection, it was  
19 strictly financial. I had requested two female staff to be  
20 part of the full-time staff, bringing it to five plus  
21 myself and Mrs. Pelkey. And that overpriced, overcosted it  
22 for the Agency, and there was a -- at that time, I mean, I  
23 had the discussions with Mr. O'Brien as to that issue, and  
24 I threw in, "Have you considered the idea of parent-model  
25 group homes and specialized foster homes?"

1                   We talked about that and my experience,  
2                   again from Belleville, because I did that from '74 to '76  
3                   in Belleville, and he thought that was a good idea; asked  
4                   me to explore that, put a plan into effect and bring it to  
5                   him and he'd -- I think I went to a committee of the Board.  
6                   Whether I went to the direct Board I'm not sure.

7                   **MR. HORN:** So looking back to the progress  
8                   of your involvement with that particular group home and  
9                   then the situation reappearing again later, thinking back  
10                  do you think you would have been better off if you had been  
11                  told the true story?

12                  **MR. MacLEAN:** What situation?

13                  **MR. HORN:** I'm talking about really -- the  
14                  allegations that were -- of what really happened at that  
15                  group home.

16                  **MR. CHISHOLM:** I'm not sure if the witness  
17                  understands the question, because I have a hard time  
18                  understanding what Mr. ---

19                  **MR. HORN:** Okay.

20                  **MR. CHISHOLM:** --- Mr. Horn is specifically  
21                  speaking about. Perhaps ---

22                  **THE COMMISSIONER:** Okay, let me try this.

23                  You now know that you were kept -- some  
24                  facts were kept from you with respect to the details of  
25                  what had happened to the home.

1                   **MR. MacLEAN:** Yes, sure.

2                   **THE COMMISSIONER:** Given what you know now,  
3 do you feel that they not having given you those facts  
4 impeded you in any way in completing the tasks that you  
5 were given?

6                   **MR. MacLEAN:** It was an all-new staff. Yes,  
7 as far as the -- as far as my involvement with the youth  
8 and the children in that home, it would have been very  
9 helpful to have that information. It was a brand-new  
10 staff. There were no allegations at that point against any  
11 of those staff.

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

13                   **MR. MacLEAN:** So, I mean, there was no  
14 information as far as the staff, but it would be around  
15 those two or three children that I could have used some  
16 additional information.

17                   **MR. HORN:** Okay, so you're coming into a --  
18 you came into the situation, you were kept in the dark ---

19                   **THE COMMISSIONER:** Whoa, whoa, whoa,  
20 Mr. Horn. He was kept in the dark? You can't just boldly  
21 say that. He was kept in the dark as to ---

22                   **MR. HORN:** The allegations.

23                   **THE COMMISSIONER:** --- the allegations.

24                   **MR. HORN:** That's right, the allegations.

25                   **THE COMMISSIONER:** Specific allegations.

1                   **MR. HORN:** As we know that there are many  
2 other sources of -- I mean, how many people are involved  
3 with a child who is placed in a group home?

4                   **THE COMMISSIONER:** You mean from ---

5                   **MR. HORN:** I'm talking about workers. There  
6 would be a CAS worker who would be assigned to the child.

7                   **MR. MacLEAN:** Yes.

8                   **MR. HORN:** There would be the staff that  
9 worked at the group home.

10                   **THE COMMISSIONER:** They wouldn't be assigned  
11 necessarily.

12                   **MR. HORN:** Okay, well, they would be working  
13 with the child.

14                   **MR. MacLEAN:** They would be the live-in  
15 parents, yes.

16                   **MR. HORN:** Okay, and ---

17                   **MR. MacLEAN:** The staff.

18                   **MR. HORN:** --- if any of the other  
19 individuals that were there, or the children that were  
20 there, if they had problems with the courts, let's say they  
21 got in trouble and they'd been charged, then there would be  
22 probation officers would be involved; right?

23                   **MR. MacLEAN:** Yes.

24                   **MR. HORN:** Pardon?

25                   **MR. MacLEAN:** Yes, there would have been.

1 I'm not -- I don't recall any having probation officers.

2 MR. HORN: Did you become aware of a fact  
3 that Mr. Ken Seguin was the probation officer of  
4 Ms. Antoine?

5 MR. MacLEAN: I was not -- never her case --  
6 I never met that lady, that young lady. I'm not -- I was  
7 not knowledgable about that.

8 MR. HORN: So you don't know anything about  
9 that relationship?

10 MR. MacLEAN: Not at all.

11 MR. HORN: Okay.

12 And so you came in 1976 and things started  
13 happening in -- near the end of the eighties. During that  
14 period of time ---

15 THE COMMISSIONER: What started happening?

16 MR. HORN: I'm talking about the allegations  
17 that were being unearthed again by Ms. Antoine; that was in  
18 the late eighties.

19 THE COMMISSIONER: M'hm.

20 MR. HORN: During that period of time --  
21 13 years go by.

22 MR. MacLEAN: Yes.

23 MR. HORN: Did you ever become interested in  
24 going a little bit deeper as to exactly what happened at  
25 that group home?

1                   **MR. MacLEAN:** There was no reason for me to  
2 do that and I was too busy, frankly, I mean to go outside  
3 of my tasks and roles at that point.

4                   **MR. HORN:** Okay, I know. But, you know,  
5 like let's say you're at the water cooler having coffee  
6 with other workers and ---

7                   **MR. MacLEAN:** I wasn't ---

8                   **MR. HORN:** --- talk that was going around.  
9 I mean, there must have been talk. There's got to be talk  
10 in an organization.

11                   **MR. MacLEAN:** I was one that tended to  
12 remove myself if there was talk and if it was certainly in  
13 that light. I enforced -- and later on as -- in the  
14 supervisory and management capacity in later years, the  
15 whole idea of sharing information on a need-to-know basis,  
16 and that was very prevalent and, as I sit here today, I  
17 realize it was prevalent then too, and some information  
18 that should have been shared with me was not.

19                   But I did not want to get involved in gossip  
20 and hearsay at all. That was my practice.

21                   **THE COMMISSIONER:** Okay. Can we go on, Mr.  
22 Horn?

23                   **MR. HORN:** Yes, I just -- okay. So when you  
24 -- when Sergeant Derochie suggested in his report -- let's  
25 go to Document Number 739110.

1                   **THE COMMISSIONER:** Is that an exhibit  
2 already?

3                   **MR. HORN:** I'm sure it is. I don't know  
4 what the exhibit number is. I can ---

5                   **THE COMMISSIONER:** Well, you know when  
6 you're preparing ---

7                   **MR. HORN:** Yes.

8                   **THE COMMISSIONER:** --- try to find the  
9 exhibit numbers.

10                  **MR. HORN:** Yes.

11                  **THE COMMISSIONER:** Madam Clerk, can you help  
12 us out?

13                                 How long are you going to be, Mr. Horn?

14                  **MR. HORN:** I shouldn't be that much longer.

15                  **THE COMMISSIONER:** Okay. Thank you.

16                                 Pardon me?

17                  **MR. HORN:** It shouldn't be much longer.

18                  **THE COMMISSIONER:** Madam Clerk.

19                  **THE REGISTRAR:** One-two-eight-six (1286).

20                  **THE COMMISSIONER:** One-two-eight-six (1286)  
21 is the exhibit number.

22                                 What page, sir?

23                  **MR. HORN:** Page 10.

24                  **THE COMMISSIONER:** Bottom right-hand corner,  
25 sir.

1                   **MR. HORN:** That would be page 11 at the  
2 bottom. At the top it's page 10.

3                   **THE COMMISSIONER:** Okay, 649 are the last  
4 three numbers of the Bates pages?

5                   **MR. MacLEAN:** Yes.

6                   **THE COMMISSIONER:** Okay. Go ahead.

7                   **MR. HORN:** Now, if we read the -- say,  
8 number one -- at the -- near the bottom there's a couple of  
9 -- a set of headings of number one and two.

10                  **MR. CHISHOLM:** I wonder if it might be  
11 helpful to give some context to the witness as to what this  
12 document is.

13                  **MR. HORN:** Okay. There's a police officer,  
14 Sergeant Derochie, ---

15                  **MR. CRANE:** Just to be clear, Mr.  
16 Commissioner, it's Staff Sergeant Derochie.

17                  **MR. HORN:** Oh, sorry, Staff Sergeant.

18                  **THE COMMISSIONER:** Okay.

19                  **MR. HORN:** Staff Sergeant Derochie.

20                                If you see on ---

21                  **THE COMMISSIONER:** No, no, no, just a  
22 minute.

23                  **MR. HORN:** Yes. He was ---

24                  **THE COMMISSIONER:** This is a report to the  
25 Acting Chief.

1                   **MR. HORN:** He was asked to do an  
2 investigation because of these allegations that had been  
3 going on. It was a report that he had to do to the Acting  
4 Chief, Carl Johnston, and he was asked to look into these  
5 allegations that had arisen.

6                   And during his investigation he gave some  
7 interesting analysis of the situation, but one of the  
8 things that he came up with was a suggestion that the  
9 problems that occurred and why the investigation was not --  
10 didn't go forth the way it should have was because there  
11 were many prominent people who were sitting on the Board of  
12 Directors ---

13                   **THE COMMISSIONER:** Okay.

14                   **MR. HORN:** --- of the Children's Aid  
15 Society.

16                   **THE COMMISSIONER:** Hold on.

17                   What it says, sir, is:

18                    "In order to ensure that all details of  
19 this matter are considered, the writer  
20 will play the devil's advocate in  
21 making the following observations."

22                   All right? And what Mr. Horn is saying is  
23 that in paragraph one, the third paragraph in that:

24                    "The CAS Board of Directors elected not  
25 to inform the police and to deal with

1                   it internally. The CAS Board of  
2                   Directors was made up of prominent  
3                   members of the community. The CAS  
4                   ought to have advised the police of the  
5                   allegations so that they could have  
6                   been investigated thoroughly."

7                   **MR. HORN:** Okay. The question -- okay, the  
8                   question I have is this ---

9                   **THE COMMISSIONER:** No, no, let me finish.

10                  **MR. HORN:** I'm sorry.

11                  **THE COMMISSIONER:** Then he goes through the  
12                  analysis, and so he's playing the devil's advocate on the  
13                  issue of whether or not there is a cover-up. So he says:

14                         "If one wanted to make a case for a  
15                         cover-up certainly there are more than  
16                         enough elements in this incident to  
17                         work with. However, it is the writer's  
18                         opinion that there was no such cover-up  
19                         in this instance. Mistakes were made,  
20                         case management supervision was non-  
21                         existent and there may even have been a  
22                         degree of incompetence involved but not  
23                         a cover-up."

24                  Okay, ask your question.

25                  **MR. HORN:** There may not have -- he's saying

1 that there may not have been a cover-up but he still made  
2 the suggestion that because of the make up of the Board of  
3 Directors that this was a problem, this was a problem that  
4 did exist. Do you agree that this is a problem by having  
5 this type of Board of Directors?

6 **MR. CHISHOLM:** Before the witness answers  
7 the question, I'm not sure that it's suggested in this  
8 report that the make up of the Board of Directors was a  
9 problem. It reads:

10 "The CAS Board of Directors elected not  
11 to inform the police and to deal with  
12 it internally. The CAS Board of  
13 Directors was made up of prominent  
14 members of the community."

15 Staff Sergeant Derochie is not suggesting  
16 that the composition of the Board was a problem, the way I  
17 read that. So I don't think it's a fair question the way  
18 it's been posed to the witness.

19 **THE COMMISSIONER:** Mr. Horn, do you wish to  
20 reply?

21 **MR. HORN:** The CAS Board of Directors was  
22 made up of prominent members of the community. There must  
23 have been a reason why Sergeant Derochie would put those --  
24 that in and make sure that it was part of his report. To  
25 say that, he's making some suggestion, and I'm suggesting

1 that it was because it was made up of prominent members ---

2 **THE COMMISSIONER:** No.

3 **MR. HORN:** --- that it held up the  
4 investigation.

5 **THE COMMISSIONER:** Mr. Horn, you couldn't be  
6 more wrong. What he is saying is, "Look at, I'll play the  
7 devil's advocate".

8 **MR. HORN:** Well, I don't know what that  
9 means. What does the devil's advocate mean?

10 **THE COMMISSIONER:** Then I'm going to take a  
11 break -- you look it up -- and we'll come back.

12 Thank you.

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

15 This hearing will resume at 12:10 p.m.

16 ---Upon recessing at 11:54 a.m./

17 L'audience est suspendue à 11h54

18 ---Upon resuming at 12:18 p.m./

19 L'audience est reprise à 12h18

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

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

24 **IAN MacLEAN, Resumed/Assertment:**

25 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. HORN

1 (Cont'd/Suite):

2 THE COMMISSIONER: So, Mr. Horn, you looked  
3 up devil's advocate?

4 MR. HORN: Yes, I did.

5 THE COMMISSIONER: Yes.

6 MR. HORN: And I'll frame my question in a  
7 way which is more general and hopefully it will solve some  
8 of the problem. I'm just going to ask him his opinion on  
9 the effect of the Board's -- upon actions that are done by  
10 CAS and workers. I just want to know what his opinion is.

11 MR. CHISHOLM: I'm sorry; I didn't hear what  
12 Mr. -- I don't know that I heard what Mr. Horn said. Is it  
13 pawn action?

14 THE COMMISSIONER: I don't know.

15 MR. HORN: Upon the actions.

16 MR. CHISHOLM: Upon the actions.

17 MR. HORN: Upon the actions, yes.

18 I just want to know just one thing. If you  
19 have a Board made up of members of the local church,  
20 different churches, members that are from the Crown  
21 Attorney's office, from the police department, and you have  
22 that kind of Board overseeing a CAS, does that affect the  
23 ability for something to be investigated which may be an  
24 embarrassment to the Board and to the CAS?

25 MR. CHISHOLM: I object to the question. It

1 calls for an opinion first of all. This witness is not  
2 qualified to give that opinion.

3 **THE COMMISSIONER:** Mr. Horn?

4 **MR. HORN:** I think that he has indicated  
5 that he has had experience in dealing with boards in  
6 Belleville. He came here, has been working with the  
7 Children's Aid Society, has been working with boards, and I  
8 think that he has the experience to be able to give his  
9 idea of what the effect is upon the working of a Children's  
10 Aid Society. Does it have an effect upon it, on these  
11 types of situations?

12 **THE COMMISSIONER:** And I will not permit the  
13 question. It's irrelevant.

14 **MR. HORN:** Pardon?

15 **THE COMMISSIONER:** I will not permit the  
16 question. It's irrelevant. It's outside his knowledge.  
17 And it's just opinion.

18 **MR. HORN:** Okay.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. HORN:** Did you know what the make up of  
21 the children -- of the Board was during the time of the  
22 closure of the group home?

23 **MR. MacLEAN:** No, I did not.

24 **THE COMMISSIONER:** He wasn't there.

25 **MR. HORN:** You weren't there?

1                   Did you know the make up of the Board in  
2                   1989 at the time of the revelations of the Antoine  
3                   allegations?

4                   **MR. MacLEAN:** I can't recall.

5                   **MR. HORN:** Pardon?

6                   **MR. MacLEAN:** I can't recall.

7                   **MR. HORN:** You don't know anything about the  
8                   Board?

9                   **THE COMMISSIONER:** You asked him if he knew  
10                  who was on the Board in 1989. He says he doesn't recall.  
11                  It doesn't mean he doesn't know anything about the Board or  
12                  how it works, that kind of stuff. But you want to know who  
13                  was on the Board in 1989?

14                  **MR. HORN:** Well, who was on the Board, does  
15                  he know who was in ---

16                  **THE COMMISSIONER:** He doesn't recall.

17                  **MR. MacLEAN:** I can't recall.

18                  **THE COMMISSIONER:** He does not recall.

19                  **MR. HORN:** Okay. Do you know if it was made  
20                  up of people who were from the Crown Attorney's office,  
21                  from the church ---

22                  **THE COMMISSIONER:** Whoa, whoa, whoa. Do you  
23                  know if anybody from the Crown Attorney's Office was on it  
24                  in 1989?

25                  **MR. MacLEAN:** No, I don't know.

1                   **MR. HORN:** Do you know if there was anybody  
2 there from the Police Department?

3                   **MR. MacLEAN:** I couldn't tell you.

4                   **MR. HORN:** Do you know if there was anybody  
5 that was there from the church?

6                   **MR. MacLEAN:** I'm not aware.

7                   **MR. CHISHOLM:** Just for the purpose of the  
8 record, perhaps Mr. Horn can specify which church he is  
9 referring to?

10                  **MR. HORN:** Okay, the Roman Catholic Church?

11                  **MR. MacLEAN:** I'm not aware.

12                  **MR. HORN:** Do you know if there was any from  
13 any other denomination?

14                  **MR. MacLEAN:** No, Mr. Horn, I don't.

15                  **MR. HORN:** Were you dealing with the Board  
16 at that point directly?

17                  **THE COMMISSIONER:** What point?

18                  **MR. HORN:** In 1989?

19                  **THE COMMISSIONER:** In what way was he  
20 dealing with them?

21                  **MR. HORN:** Were you dealing with them on  
22 issues that would arise where you had to speak directly to  
23 the Board or you had to do it through upper management?

24                  **MR. MacLEAN:** Anything at that time would  
25 have gone through senior management.

1                   **MR. HORN:** Okay. So you were not dealing  
2 directly then with the Board?

3                   **MR. MacLEAN:** Not at all, unless I was asked  
4 for a report, and I can't recall that I was in that period  
5 of time.

6                   **MR. HORN:** Do you know if Ron Adams was the  
7 Chairman of the Board -- of the Police Commission at that  
8 time?

9                   **MR. MacLEAN:** I don't know and I've never  
10 met Mr. Adams.

11                   **MR. HORN:** You didn't know Mr. Adams?

12                   **MR. MacLEAN:** I never met Mr. Adams.

13                   **THE COMMISSIONER:** Mr. Horn, he doesn't  
14 know.

15                   **MR. HORN:** When Bryan Keough made an  
16 application to adopt a child, did you have direct dealings  
17 with Mr. Keough in talking to him?

18                   **MR. MacLEAN:** I was his supervisor.

19                   **MR. HORN:** Pardon?

20                   **MR. MacLEAN:** I was his supervisor.

21                   **MR. HORN:** Okay. And you were -- you  
22 directly dealt with him then in this process?

23                   **THE COMMISSIONER:** In the adoption process,  
24 did you deal with Mr. Keough in the adoption process?

25                   **MR. MacLEAN:** He disclosed to me that he was

1 applying to adopt.

2 MR. HORN: Pardon?

3 MR. MacLEAN: He disclosed to me that he was  
4 applying to adopt a particular child.

5 MR. HORN: And when he was refused to adopt,  
6 did you have anything to do with ---

7 MR. CHISHOLM: I don't believe that's the  
8 evidence, sir.

9 MR. HORN: Oh, he withdrew his application.  
10 When he withdrew his application, did you have any input as  
11 to -- for him to make that decision? Did you discourage  
12 him?

13 MR. MacLEAN: Not at all. He came and  
14 disclosed to me that he was withdrawing his application,  
15 period.

16 MR. HORN: Was Mr. Keough confiding with you  
17 in any way about his intentions?

18 THE COMMISSIONER: What's the relevance,  
19 sir?

20 MR. HORN: Of leaving the province and going  
21 to Saskatchewan?

22 THE COMMISSIONER: What's the relevance?

23 MR. HORN: Very relevant.

24 THE COMMISSIONER: Tell me.

25 MR. HORN: Relevant that he was -- at the

1 time these allegations were coming up, he suddenly moves  
2 out of the province, he goes elsewhere.

3 **THE COMMISSIONER:** The evidence so far is  
4 that he had applied before. He had been accepted before he  
5 found out about the allegations.

6 **MR. HORN:** He still was out. He's out of  
7 this area. He was -- he removed himself from this  
8 jurisdiction, didn't he?

9 **MR. MacLEAN:** Mr. Keough had told me before  
10 that he was interested sometime to go into the ministry.

11 **MR. HORN:** Did you have any discussions in  
12 that regard because you also have had training in a Bible  
13 school too, didn't you?

14 **MR. MacLEAN:** I believe he asked questions  
15 about the Toronto Bible College that I had attended. That  
16 was ---

17 **MR. HORN:** Pardon?

18 **MR. MacLEAN:** He was just inquiring about  
19 the Toronto Bible College that I attended. And I would  
20 have shared information about that.

21 **MR. HORN:** Was there -- did he -- okay, I'm  
22 just going to ask you, did he leave the jurisdiction  
23 because of the problems that were here?

24 **MR. CHISHOLM:** Objection. How can this  
25 witness speak to the reasons behind Mr. Keough's departure

1 from the jurisdiction?

2 MR. HORN: He could have told him. He could  
3 have talked -- he could have confided with him.

4 THE COMMISSIONER: Did Mr. Keough tell you  
5 that he was leaving the jurisdiction because he felt he was  
6 under pressure and under investigation for sexual assault?

7 MR. MacLEAN: No, he did not.

8 MR. HORN: Thank you.

9 THE COMMISSIONER: M'hm.

10 MR. HORN: Do you think that if he would  
11 have been here and stayed here that it would have been more  
12 of a problem to the CAS?

13 MR. CHISHOLM: Objection.

14 THE COMMISSIONER: Yes. Irrelevant; no, you  
15 can't ask that question.

16 MR. HORN: Do you -- you don't believe that  
17 he was pressured to leave the province?

18 THE COMMISSIONER: Mr. Horn, I will not  
19 allow that question. You've asked. He told you. That's  
20 it.

21 MR. HORN: Thank you.

22 That's all my questions. Thank you.

23 THE COMMISSIONER: Thank you.

24 Mr. Rose?

25 MR. ROSE: No questions, sir.

1                   **THE COMMISSIONER:** Ms. Waddilove?  
2                   **MS. WADDILOVE:** No questions, sir.  
3                   **THE COMMISSIONER:** Mr. Crane?  
4                   **MR. CRANE:** Nothing, thank you.  
5                   **THE COMMISSIONER:** Thank you.  
6                   Mr -- Madame Lahaie?  
7                   **MS. LAHAIE:** No questions, thank you.  
8                   **THE COMMISSIONER:** Mr. Wallace?  
9                   **MR. WALLACE:** No, thank you.  
10                  **THE COMMISSIONER:** Thank you.  
11                  Mr. Chisholm?  
12                  **MR. CHISHOLM:** I'm sorry, I don't, but Ms.  
13                  Allinotte will.  
14                  **THE COMMISSIONER:** Oh, I'm sorry. Thank  
15                  you, yes.  
16                  --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**  
17                  **ALLINOTTE:**  
18                               **MS. ALLINOTTE:** I'll try and be brief.  
19                               Good morning, Mr. MacLean. We've met  
20                               before, but for the record, I'll introduce myself as  
21                               Michelle Allinotte, counsel for the Children's Aid Society  
22                               of the United Counties of Stormont, Dundas and Glengarry.  
23                               I do have a few questions for you and as I  
24                               said, I'll try and be brief.  
25                               First off, I wanted to speak about your

1 experience before joining the agency in Cornwall. In the  
2 previous CAS agencies that you worked for, what training  
3 was available at the time to deal with sexual abuse?

4 **MR. MacLEAN:** None whatsoever that I recall.

5 **MS. ALLINOTTE:** None. So you wouldn't have  
6 had any training. And would you have had any experience  
7 dealing with sexual abuse?

8 **MR. MacLEAN:** Not prior to coming.

9 **MS. ALLINOTTE:** And, in fact, the ---

10 **MR. MacLEAN:** I believe I had one case in  
11 Toronto but that was ---

12 **MS. ALLINOTTE:** One case. And the Act at  
13 that time didn't define sexual abuse ---

14 **MR. MacLEAN:** No, it didn't.

15 **MS. ALLINOTTE:** --- until '78. All right.

16 And then when you came to Cornwall, Mr. Lee  
17 asked you about what resources were available in terms of  
18 psychological counselling, et cetera for children. And you  
19 indicated there wasn't a whole lot available.

20 We have seen in some of the files discussed  
21 in your testimony that Diane Latreille met with some of the  
22 children. What was her role?

23 **MR. MacLEAN:** She was a psychologist with  
24 the children's mental health I believe through the  
25 hospital.

1 MS. ALLINOTTE: M'hm.

2 MR. MacLEAN: I don't exactly know her  
3 title. And offered counselling as well as the testing.

4 MS. ALLINOTTE: Okay. And who was Claudette  
5 Johnson? Her name comes up in the Roberta Judd file and I  
6 just wasn't sure what her role was?

7 MR. MacLEAN: Again, from the record, if I  
8 recall, she was another counsellor through the hospital.

9 MS. ALLINOTTE: Okay.

10 MR. MacLEAN: Through the same children's --

11 -

12 MS. ALLINOTTE: And at the time in the late  
13 '70s, early '80s, what was the general philosophy regarding  
14 children who might have some issues? Was it automatically  
15 that they get an assessment or how was that dealt with?

16 MR. MacLEAN: It wasn't automatic. We  
17 needed to see a pattern. We tried to normalize behaviours,  
18 I think the term was at that point, and deal with them in  
19 as normal and straightforward a fashion as possible.

20 MS. ALLINOTTE: Okay. And how would that  
21 compare to the philosophy regarding assessments of children  
22 today?

23 MR. MacLEAN: I think they're much -- we're  
24 much quicker at getting assessments done today and there  
25 are many more resources and we have access to formal

1 agreements with Ottawa and the -- I forget the name of the  
2 hospital and the department in Ottawa that would be doing  
3 some of this.

4 **MS. ALLINOTTE:** Okay. And Mr. Lee also  
5 asked you about what CAS did to ask for more resources for  
6 services that we're talking about to children and  
7 adolescents. One response would have been the Family  
8 Sexual Abuse program; would it not?

9 **MR. MacLEAN:** Certainly, yes, that was  
10 developed. There was a community family care program as  
11 well that was residential. In '82 and I believe it lasted  
12 until '83 there was surplus funds in that program and we  
13 developed -- I forget the name of the program but it was  
14 sort of a family action plus program that dealt with  
15 families in the community whose children were becoming out  
16 of control. And so with that money we hired a worker that  
17 worked intensely with this family, going into their homes,  
18 meeting with the child; opening communication between  
19 parent and child. And that lasted for about two years  
20 before the funding became non-existent.

21 **MS. ALLINOTTE:** Okay.

22 Onto the Second Street Group Home, there was  
23 a discussion with Mr. Englemann about restraint. Can you  
24 just define exactly what a restraint is or when it's used -  
25 - excuse me.

1                   **MR. MacLEAN:** Yes, when a child -- restraint  
2                   can be used if a child is totally out of control and will  
3                   bring harm to himself or to others. It used to be that if  
4                   he was going to harm the surroundings as well but we've  
5                   shied away from that or tried to stay away from that  
6                   because there are other means of controlling that.

7                   **THE COMMISSIONER:** What we're talking about  
8                   ---

9                   **MR. MacLEAN:** Yes.

10                  **THE COMMISSIONER:** When you say child we're  
11                  not just talking about a two-year old or a three-year old?

12                  **MR. MacLEAN:** No, no.

13                  **THE COMMISSIONER:** We're talking about  
14                  adolescents as well.

15                  **MR. MacLEAN:** Right through to adolescence.

16                  **THE COMMISSIONER:** All right.

17                  **MR. MacLEAN:** In particular I don't call the  
18                  holding of a four and five-year old control the same as at  
19                  10 and 12 or a 15-year old.

20                  **THE COMMISSIONER:** Right.

21                  **MS. ALLINOTTE:** M'hm. So it's not a method  
22                  of discipline?

23                  **MR. MacLEAN:** It's not a method of  
24                  discipline. It's a method of control.

25                  **MS. ALLINOTTE:** And for safety reasons?

1                   **MR. MacLEAN:** Yes.

2                   **MS. ALLINOTTE:** Okay. So Dave Devlin was  
3 your supervisor when you were the liaison for the group  
4 home?

5                   **MR. MacLEAN:** He was, as well as I had  
6 indicated earlier Mr. Towndale and Mr. Devlin and then --  
7 and I don't know when I was directed to report only to Mr.  
8 Devlin.

9                   **MS. ALLINOTTE:** At some point?

10                  **MR. MacLEAN:** And I would think that would  
11 be likely by the end of summer of '77 -- '76; '76.

12                  **MS. ALLINOTTE:** Okay. And you spoke with  
13 Mr. Horn about what you were -- what you originally thought  
14 the job was and what it ended up being. Do you know why  
15 sort of your job description changed from the time you  
16 talked about it till the time you started?

17                  **MR. MacLEAN:** I believe the explanation from  
18 Mr. Towndale was that they wanted more hands-on control at  
19 that point and they were asking me to be a liaison and  
20 reporting to them rather than being a supervisor. And in  
21 later years I can understand why.

22                  **MS. ALLINOTTE:** Can you ballpark how many  
23 hours a week you would have spent in the group home?

24                  **MR. MacLEAN:** I would say I was there -- at  
25 the beginning -- it varied and so in the first -- in the

1 first part because I was taking -- until I got the female  
2 staff on duty I was taking some shifts. I don't recall  
3 ever staying an overnight shift but I would be there for a  
4 morning or sometimes afternoon, evening as well as -- so  
5 ballpark figure a minimum of 10 hours a week.

6 **MS. ALLINOTTE:** In the beginning or  
7 consistently?

8 **MR. MacLEAN:** Very consistently.

9 **MS. ALLINOTTE:** Okay.

10 **MR. MacLEAN:** I would say on average.

11 **MS. ALLINOTTE:** Sorry, I didn't mean to  
12 backtrack but I forgot to ask you one follow-up question to  
13 the reasons why your role changed. Did the Board have any  
14 involvement in the running of the group home at that time?

15 **MR. MacLEAN:** I would say they did. And the  
16 reason I would say that they did was one evening I was on  
17 shift and a member of the Board came into the group home.  
18 I had not been introduced to her at that point and so I  
19 immediately questioned who this individual was coming into  
20 a home that I was operating or in charge of. And it was  
21 explained to me that that was a member of the Board and  
22 they were doing pop-in visits, and that was the only one  
23 that I recall. Coming to the Board I would have to say,  
24 yes, they were very involved in the operation of that group  
25 home.

1                   **MS. ALLINOTTE:** Okay. So back to how often  
2 you were at the group home, did you see a lot of  
3 interaction between children and workers?

4                   **MR. MacLEAN:** Between children and workers  
5 or between children and staff?

6                   **MS. ALLINOTTE:** Children and staff, excuse  
7 me.

8                   **MR. MacLEAN:** Okay. The staff -- when I  
9 would be on duty I would see the interaction with the other  
10 chap that was on duty with me.

11                   **MS. ALLINOTTE:** And you said you developed a  
12 rapport with some of the wards because one of them, I  
13 believe, was on your caseload?

14                   **MR. MacLEAN:** There were one or two that was  
15 assigned to me at that time, yes.

16                   **MS. ALLINOTTE:** So did you speak to them  
17 alone often?

18                   **MR. MacLEAN:** I would have, yes, whether it  
19 was there or in the office, yes.

20                   **MS. ALLINOTTE:** Okay. How often -- sorry --  
21 how often would you have read the logbook?

22                   **MR. MacLEAN:** I certainly would have read it  
23 every time I came into the group home.

24                   **MS. ALLINOTTE:** Okay. And how many staff  
25 meetings a week would you have, or a month?

1                   **MR. MacLEAN:** I would have one or possibly  
2                   two in the first, again, until we got a working  
3                   relationship established and I would have one or two  
4                   meetings with the lads at the beginning of the shift. The  
5                   way I recall it, the shifts running, the evening staff saw  
6                   the children off -- the overnight staff that came on at 11  
7                   o'clock saw the children off to school the next morning and  
8                   Mrs. Pelkey, the cook, was there that if any child had to  
9                   come home or there was any reason that they had to stay at  
10                  home because of illness she would oversee that.

11                  **MS. ALLINOTTE:** Okay.

12                  **MR. MacLEAN:** The afternoon shift then would  
13                  come on at three o'clock and work till eleven. That's when  
14                  I would -- to avoid overtime and various -- I would invite  
15                  them to come in at one o'clock and periodically we had  
16                  meetings in the morning as well ---

17                  **MS. ALLINOTTE:** Okay.

18                  **MR. MacLEAN:** --- when we were doing the  
19                  planning and ---

20                  **MS. ALLINOTTE:** So was that once or twice a  
21                  week or once a twice a month?

22                  **MR. MacLEAN:** In the beginning it would be  
23                  twice a week.

24                  **MS. ALLINOTTE:** Okay. So we've already  
25                  talked about some of the issues that concerns you with John

1 Primeau. Did you have any other issues that raised any red  
2 flags?

3 **MR. MacLEAN:** No, they've all been  
4 addressed.

5 **MS. ALLINOTTE:** Okay. And generally how did  
6 John Primeau conduct himself with relation to you?

7 **MR. MacLEAN:** I would say always in a  
8 distant relationship. He never openly denied my presence  
9 but I never felt -- and I have said this before -- I've  
10 never felt that he was a working member of the team or a  
11 committed member to the team.

12 **MS. ALLINOTTE:** So did he accept your  
13 authority, the limited authority that you had?

14 **MR. MacLEAN:** Anything that -- well, like we  
15 established the practice that no individual male worker  
16 would accompany a female child and I would come in and read  
17 in the book that in fact he had done that. And that would  
18 have happened likely a couple of times, two or three times.  
19 It was enough for me to make a concern ---

20 **MS. ALLINOTTE:** Was that the only thing he  
21 didn't follow or were there other things?

22 **MR. MacLEAN:** There may have been other  
23 things but they are more minor.

24 **MS. ALLINOTTE:** Okay.

25 **MR. MacLEAN:** You know, what time kids got

1 up on Saturday morning or, you know, that kind of thing.  
2 They were more minor.

3 **MS. ALLINOTTE:** And you brought your  
4 concerns about John Primeau to your supervisor, David  
5 Devlin?

6 **MR. MacLEAN:** Yes, I did.

7 **MS. ALLINOTTE:** And what happened following  
8 that?

9 **MR. MacLEAN:** I believe the issues for  
10 concern were heard but I don't know that anything happened.  
11 I mean, this was observations in July and August. In early  
12 September we were having the female staff. That was going  
13 to add another whole dimension and assistance in that.

14 And I think the issue -- my understanding,  
15 the issue had disappeared when the female staff had come  
16 on.

17 **MS. ALLINOTTE:** Okay.

18 **MR. MacLEAN:** In reading the reports,  
19 obviously it didn't.

20 **MS. ALLINOTTE:** Okay. Did you recall ever  
21 speaking to any of the workers of the children in the home  
22 about your concerns?

23 **MR. MacLEAN:** No, I wouldn't have done that.

24 **MR. ALLINOTTE:** Okay. So aside from the  
25 problems that you had with Mr. Primeau, you didn't see any

1 other problems with the home?

2 MR. MacLEAN: Not at all.

3 MS. ALLINOTTE: So did you have any reason  
4 to believe that any of the wards of that home were being  
5 physically or sexually abused?

6 MR. MacLEAN: None at all.

7 MS. ALLINOTTE: Were there any other  
8 indicators that the children might have been suffering from  
9 abuse such as running away?

10 MR. MacLEAN: There was only one young lady  
11 that took off one weekend with her boyfriend and we managed  
12 to find her.

13 MS. ALLINOTTE: Okay. What would you have  
14 done if there was a suspicion that somebody was being  
15 abused?

16 MR. MacLEAN: I certainly would have dealt  
17 with it and brought it to the attention and seen that that  
18 individual would have been removed. I wouldn't have had  
19 him on duty.

20 MS. ALLINOTTE: And you would have followed  
21 up if there was a victim?

22 MR. MacLEAN: Yes.

23 MS. ALLINOTTE: Okay.

24 MR. MacLEAN: Yes.

25 MS. ALLINOTTE: You've reviewed Shawn

1 White's Crown brief, which is Exhibit 2210. I don't need  
2 to take it to you right now, but you've reviewed that?

3 **MR. MacLEAN:** Yes.

4 **MS. ALLINOTTE:** How did you feel after  
5 reading that document?

6 **THE COMMISSIONER:** Well, ---

7 **MS. ALLINOTTE:** Well, did you know all of  
8 what was contained in that document before you read it?

9 **MR. MacLEAN:** No, I didn't. That was news  
10 to me and very disturbing news.

11 **MS. ALLINOTTE:** Did you have any inkling of  
12 some of the allegations that were made in there?

13 **MR. MacLEAN:** None whatsoever.

14 **MS. ALLINOTTE:** So there was no reason for  
15 you to go ---

16 **MR. MacLEAN:** Other than the excessive  
17 discipline I knew, but the details of it no, I didn't.

18 **MS. ALLINOTTE:** Because that was before your  
19 time. But in terms of what happened while you were working  
20 at the home?

21 **MR. MacLEAN:** No. No.

22 **MS. ALLINOTTE:** So there was no reason for  
23 you to have gone to the police at the time because ---

24 **MR. MacLEAN:** Not at all.

25 **MS. ALLINOTTE:** --- you had no inkling?

1                   **MR. MacLEAN:** No.

2                   **MS. ALLINOTTE:** Okay. On to C-14; in his  
3 evidence -- I don't need to bring you to it; I can if you  
4 like. C-14 indicates that you didn't speak to him alone  
5 but you only spoke with him in the presence of the foster  
6 parents. Do you have any recollection of speaking to him  
7 alone?

8                   **MR. MacLEAN:** I have recollection of  
9 speaking to him alone when I dealt with his -- on two  
10 occasions at least, and that was dealing with his treatment  
11 of the little dog that he came from the Cieslewicz foster  
12 home. And that wasn't -- I'd put -- maybe used the strong  
13 words in the -- but it was not feeding the dog properly and  
14 not caring for the dog, leaving the dog outside, various  
15 things. And I remember going into the living room, I  
16 remember the layout of that home, and I had met at the  
17 kitchen table with Mrs. MacIntosh and then after that I  
18 went into the living room and sat down with C-14.

19                   **MS. ALLINOTTE:** Okay. Onto the Lapensée  
20 Group Home; I don't know that it's quite clear in the  
21 evidence, what was the Carenick home and what was the  
22 difference between the existing foster home that the  
23 Lapensées had?

24                   **MR. MacLEAN:** In 1977 the Lapensées owned a  
25 small farm, hobby farm, east of Martintown. It had a large

1 home and could accommodate 8-10 kids. That was the home  
2 that we started the group home in, in '77.

3 In 1980 I believe it was or '79 they would  
4 have purchased a home in Martintown and after renovations -  
5 - and we were working together on that in the development  
6 of it as a group home. And the intention was to develop a  
7 home for girls only. It was co-ed in the farmhouse. To  
8 develop a home for the girls only and it would be staffed -  
9 - Ed and Alice were going to take turns sleeping there and  
10 there was no awake staff, but it was -- and then they would  
11 hire assistants to help.

12 **MS. ALLINOTTE:** Okay.

13 **MR. MacLEAN:** So that was the separation.

14 **MS. ALLINOTTE:** And Brian Lapensée was never  
15 on staff ---

16 **MR. MacLEAN:** No, he wasn't.

17 **MS. ALLINOTTE:** --- at the Carenick Group  
18 Home?

19 **MR. MacLEAN:** No, he wasn't.

20 **MS. ALLINOTTE:** Would he have been  
21 considered a caregiver at that time?

22 **MR. MacLEAN:** No, he wasn't.

23 **MS. ALLINOTTE:** On to the allegations  
24 regarding that home; did you have any training or were  
25 there any procedures on how to deal with the issues you

1           faced?

2                           **THE COMMISSIONER:** Which issues?

3                           **MS. ALLINOTTE:** Excuse me.

4                           The issues regarding the allegations -- the  
5           initial allegation in '79 -- excuse me -- in '82, the  
6           initial investigation on Brian Lapensée?

7                           **MR. MacLEAN:** I don't recall training but I  
8           do recall the discussion that we had to, number one, get as  
9           clear a statement and not allow interaction between the  
10          people involved.

11                          And so we brought the entire family in. I  
12          did not reveal to them why they were coming in but I asked  
13          for all the parties to be brought in, and I think there was  
14          only one girl that stayed at home because she had a flu or  
15          something was going on. And we had them all sit in the  
16          kitchen staffroom of the Agency, and we had another  
17          individual that was standing by to ensure that there was no  
18          -- like here we could talk about the weather but we weren't  
19          going to be talking about what was going on in the foster  
20          home. And we took the young ladies and the individuals,  
21          Mr. and Mrs. Lapensée, and Brian later, in individually  
22          into the boardroom where we conducted the interviews.

23                          And after those interviews were done they  
24          went and sat in another room, or possibly went outside.  
25          I'm not sure. But they did not go back to the staffroom

1 kitchen.

2 So we felt that we were gathering as clear  
3 and as accurate a picture of exactly what happened in that  
4 process.

5 **MS. ALLINOTTE:** So you felt you were being  
6 thorough?

7 **MR. MacLEAN:** Yes, I was.

8 **MS. ALLINOTTE:** And then you reported that  
9 serious occurrence to the Ministry?

10 **MR. MacLEAN:** I immediately wrote that up  
11 the following day and prepared it and presented it to Mr.  
12 O'Brien and it was prepared to be sent to the Ministry as  
13 well. And I'm sure there was a call to the Ministry even  
14 on the day that we were doing it. I don't know whether  
15 there is a record of that but that would be the practice,  
16 alerting them that this was happening.

17 **MS. ALLINOTTE:** Okay. And Exhibit 2396 -- I  
18 don't know if you'll want to review it or not, but that's  
19 the letter from the Ministry to Mr. O'Brien on December  
20 14<sup>th</sup>, 1982.

21 **MR. MacLEAN:** Yes.

22 **MS. ALLINOTTE:** The second paragraph says:  
23 "I'm satisfied on the basis of your  
24 reports that the children in the  
25 Lapensée home are no longer at risk and

1                                   thank you very much for your prompt  
2                                   action taken."

3                                   **MR. MacLEAN:** Yes.

4                                   **MS. ALLINOTTE:** So the Ministry didn't take  
5 any issues with how you handled the situation?

6                                   **MR. MacLEAN:** Not at all.

7                                   **MS. ALLINOTTE:** When things come to light  
8 later on at the Lapensée home does the Ministry ever  
9 express disapproval with how you handled things the first  
10 time around?

11                                   **MR. MacLEAN:** Not at all.

12                                   **MS. ALLINOTTE:** And from this point until  
13 the allegations in '83, in April of '83, were there ever  
14 any other complaints regarding Brian Lapensée?

15                                   **MR. MacLEAN:** No, there wasn't.

16                                   **MS. ALLINOTTE:** Did you have any other  
17 reason to be concerned?

18                                   **MR. MacLEAN:** No.

19                                   **MS. ALLINOTTE:** As far as you knew the  
20 conditions outlined following the first serious occurrence  
21 ---

22                                   **MR. MacLEAN:** Were being followed.

23                                   **MS. ALLINOTTE:** Okay. If there was any  
24 contact between Brian and one of the wards it should have  
25 been in the log of the home?

1                   **MR. MacLEAN:** It should have been, yes.

2                   **MS. ALLINOTTE:** Do you know who was in  
3 charge of monitoring that log?

4                   **MR. MacLEAN:** Both -- if I ever visited the  
5 home I would have a look at it, and that would be -- I was  
6 more administrator at that point, in the '80s; I was  
7 supervisor. And certainly the workers would have access to  
8 that when they would visit.

9                   **MS. ALLINOTTE:** So did anyone ever tell you  
10 that there had been a breach of that agreement?

11                   **MR. MacLEAN:** No, they hadn't.

12                   **MS. ALLINOTTE:** And you never saw anything  
13 to indicate that yourself?

14                   **MR. MacLEAN:** No.

15                   **MS. ALLINOTTE:** Okay. The second Serious  
16 Occurrence Report is Exhibit 131. Again, I don't know if  
17 you want to go to it or not. I just wanted to confirm that  
18 one of your recommendations at the end of that Serious  
19 Occurrence at Bates page 7170821 is -- excuse me -- sorry,  
20 that's correct -- is to contact the police or the Crown  
21 Attorney.

22                   **MR. MacLEAN:** This was in '83?

23                   **MS. ALLINOTTE:** Yes. It's on the screen.  
24 It's Item Number 2.

25                   **MR. MacLEAN:** Yes.

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**MS. ALLINOTTE:** Number 2:

"The police or Crown Attorney will again be consulted on the recommendation of Mr. Robert Nadon regarding Brian Lapensée."

**MR. MacLEAN:** That's correct.

**MS. ALLINOTTE:** And that's -- Robert Nadon is from the Ministry?

**MR. MacLEAN:** Yes, he is.

**MS. ALLINOTTE:** Okay.

And Exhibit 133 is a letter to the Crown from Mr. O'Brien and Exhibit 132 is a letter -- I don't know if you need to go to all of them.

Exhibit 132 is a letter from the Ministry to Mr. O'Brien. It does indicate to speak with the Crown. These are all happening on the same day.

**MR. MacLEAN:** Yes, that's correct.

**MS. ALLINOTTE:** And you do speak to the Crown or Mr. O'Brien speaks to the Crown. Both Serious Occurrence Reports indicate that the Crown was spoken to; Tom O'Brien was advised ---

**THE COMMISSIONER:** You can canvass that with Mr. O'Brien, please.

**MS. ALLINOTTE:** Okay.

Was there ever a recommendation by you that

1 the police should not be involved?

2 MR. MacLEAN: Never.

3 MS. ALLINOTTE: Did the Ministry ever  
4 recommend that you notify the police?

5 MR. MacLEAN: Never.

6 MS. ALLINOTTE: Did the Crown ever suggest  
7 that you go to the police?

8 MR. MacLEAN: Never.

9 MS. ALLINOTTE: Did the Crown ever suggest  
10 it was inappropriate to be going to them and not the  
11 police?

12 MR. MacLEAN: Never.

13 MS. ALLINOTTE: Okay.

14 And just on to -- actually excuse me.

15 We gave late notice on this document. It's  
16 Exhibit 25, Tab 14, Document 600099. I've given the  
17 witness a copy. Do you have -- I have a copy.

18 THE COMMISSIONER: No, it's okay. I prefer  
19 the exhibit itself.

20 What tab?

21 MS. ALLINOTTE: Tab 14 I believe. It's the  
22 *Child Welfare Act 1965*.

23 THE COMMISSIONER: It is. What page?

24 MS. ALLINOTTE: The second page.

25 THE COMMISSIONER: Yes.

1 MS. ALLINOTTE: Section 41.

2 THE COMMISSIONER: M'hm.

3 MS. ALLINOTTE: Do you have that,

4 Mr. MacLean?

5 MR. MacLEAN: Yes, I do. I have it here. I  
6 do.

7 MS. ALLINOTTE: Okay.

8 Section 41 subsection (1) is the duty to  
9 report section that existed at the time. Who does it say  
10 the information should be reported to?

11 MR. MacLEAN: To a Children's Aid Society or  
12 to the Crown Attorney.

13 MS. ALLINOTTE: Okay, and this is in 1965.

14 MR. MacLEAN: Yes.

15 MS. ALLINOTTE: I didn't give notice; the  
16 subsequent versions of the section are in that exhibit.  
17 It's Tab 16. That's the *Child Welfare Act* in 1978.

18 THE COMMISSIONER: M'hm.

19 MS. ALLINOTTE: Section 49 subsection (1).  
20 The duty to report is changed with this Act.

21 MR. MacLEAN: That's correct.

22 MS. ALLINOTTE: And what's the difference?

23 MR. MacLEAN: It's to be reported to the  
24 Society.

25 MS. ALLINOTTE: And no longer to the Crown.

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

2                   **MS. ALLINOTTE:** So that changed happened in  
3                   1978.

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

5                   **MS. ALLINOTTE:** I know you can't say what  
6                   Mr. Tom O'Brien was thinking but would that have any  
7                   bearing on the fact that he went to the Crown with these  
8                   allegations?

9                   **MR. MacLEAN:** It very possibly could have  
10                  been.

11                  **MS. ALLINOTTE:** Okay.

12                  **THE COMMISSIONER:** But that's intended to  
13                  the general public. You can either go to the Children's  
14                  Aid Society or to the Crown Attorney's Office.

15                  **MR. MacLEAN:** Yes.

16                  **THE COMMISSIONER:** I think it's a different  
17                  issue as to whether or not -- once the Children's Aid  
18                  Society has an issue as to whether or not the legal process  
19                  should be engaged, I don't know that that would necessarily  
20                  bring it to the Crown Attorney.

21                  **MS. ALLINOTTE:** Well, let's ask Mr. O'Brien  
22                  about that. I just wanted to draw attention to the section  
23                  so that it was relevant. I'm almost finished.

24                  Just quickly on Earl Landry, Jr., your role  
25                  in that whole matter was not as an investigator; right?

1                   **MR. MacLEAN:** No, I was the supervisor of  
2 Ms. Raymond, who was the home finder.

3                   **MS. ALLINOTTE:** Okay.

4                   **MR. MacLEAN:** Or was the individual assigned  
5 to do the home study.

6                   **MS. ALLINOTTE:** And in your evidence in-  
7 chief with Mr. Engelmann you spoke about what a provisional  
8 foster home was.

9                   **MR. MacLEAN:** That's correct.

10                   **MS. ALLINOTTE:** Can you just clarify that  
11 definition because I don't know that it was clear?

12                   **MR. MacLEAN:** In this case the applicant  
13 came forward with a child in mind, a relative, and they  
14 were applying to become a foster parent solely for that  
15 child. They would not be taking any other children into  
16 their home. So it's called a provisional; provisional only  
17 for that child.

18                   And they were -- the standards at that time  
19 did not require the pre-service training but the home study  
20 procedure was exactly the same, I believe.

21                   **MS. ALLINOTTE:** Okay.

22                   You also spoke about the fact that your  
23 department and the investigations department were in  
24 different buildings.

25                   **MR. MacLEAN:** We were.

1                   **MS. ALLINOTTE:** Would that have impacted on  
2 record searching?

3                   **MR. MacLEAN:** It certainly meant that in  
4 searching records we had to leave our building and go over  
5 and find the in-file room and do the record search.

6                   **MS. ALLINOTTE:** Okay.

7                   And in the Earl Landry situation the father  
8 of Earl Landry, Jr. provided a reference. You indicated  
9 that family members are still allowed to give references.  
10 What's the reason for that?

11                   **MR. MacLEAN:** It's now a requirement. It's  
12 in the new Home Study Programme that they're -- it's called  
13 SAFE, and don't ask me for the meaning of that, S-A-F-E. I  
14 can understand the reason for that because we have -- I  
15 remember one specific case where we did a home study, and  
16 had completed the home study and opened the home. We felt  
17 that it was a very satisfactory home and we had not made  
18 contact with the adult children in the home. One came back  
19 a couple of years later and had declared to us that she  
20 would have had concerns.

21                   However, it wasn't a practice at that time.  
22 Now it is a requirement for all adult children to be  
23 contacted -- listed and contacted as references, along with  
24 friends, business associates, individuals that they know in  
25 the community, as well as their medicals and police checks,

1 et cetera.

2 **MS. ALLINOTTE:** Okay. And one last  
3 question, which may end up being more than one question.

4 There's a number of documents that we have  
5 based on -- showing what is done now when a foster parent  
6 applies. I don't know that we need to go to all of them.

7 **THE COMMISSIONER:** No.

8 **MS. ALLINOTTE:** Can you just explain the  
9 differences between how foster parents were screened with  
10 the Lapensée home and with the Earl Landry, Jr., and what  
11 would happen now, as briefly as you can?

12 **MR. MacLEAN:** Certainly in the seventies and  
13 up until 1985 the home study was a much different looking  
14 home study than it is today and it was limited to a minimum  
15 of one -- in the early time, one visit to the home. That  
16 visit just looked at the cleanliness, the surroundings. It  
17 was a very basic check to make sure that the child had a  
18 room, a bed, et cetera.

19 The references were there. We required  
20 references. We required a police -- not a police check;  
21 that didn't come until later but we required the  
22 references. The interviews were held between the worker  
23 doing the home study and the individual, the father and the  
24 mother, and then they would be done together as well, so  
25 likely a maximum of three interviews. They were brief as

1 well, looking at past history, when the couple met.  
2 Marriage certificates would be explored, that kind of  
3 thing.

4 Today -- well, in 1990 we had a lady by the  
5 name of Ms. Joyce Cohen and she was a professor at the  
6 Toronto University, the University of Toronto School of  
7 Social Work, and she came to this area. A group of  
8 Children's Aid Society resource people met -- contracted  
9 with her to do training in home studies and she introduced  
10 the McMaster model, which included the -- and it gave us a  
11 guideline to go in very much to the inner workings of the  
12 family: Who made the decisions? Who is the one that would  
13 get angry first or upset first or who would be the one that  
14 would -- is the more -- what is the style of communication  
15 in the home? What is the style of handing out discipline?  
16 And would they agree with the discipline policy? And if  
17 they didn't agree with the discipline policy, we didn't  
18 open. It was clear.

19 And it went on. It was much more in-depth  
20 looking at the inner workings and the relationship between  
21 the parties, et cetera.

22 The safe program is just another step beyond  
23 that and I can't speak to the specifics of that, but it  
24 combines the home study and training which would be the  
25 equivalent to the phase 1 or the pre-service training that

1 we had before. Much more in-depth, much more dealing with  
2 the issues that we deal with today, discipline, sexual  
3 abuse, physical, all of that piece, and how to relate to  
4 children that had come to them in that fashion.

5 So that the training and the home study go  
6 hand-in-hand. They'll be a package of training, then the  
7 person doing the home study will do a sit-down session with  
8 the parents, and then another session of training until  
9 it's completed; much more in-depth and ---

10 **MS. ALLINOTTE:** And what is the difference  
11 in the way criminal records are checked? I guess, I mean,  
12 they were checked for Earl Landry, how would they be  
13 checked now?

14 **MR. MacLEAN:** Certainly there's a -- we have  
15 -- and there are documents that I made available for City  
16 Police and OPP to release information concerning a much  
17 broader criminal record or police involvement or there's  
18 another one concerning any history of sexual abuse. So  
19 that is asked up front to -- for the police and for the --  
20 both departments to report back to us.

21 **MS. ALLINOTTE:** So the intent to catch any  
22 police involvement not just a criminal ---

23 **MR. MacLEAN:** That's exactly, yes.

24 **MS. ALLINOTTE:** Okay. Do you have any other  
25 comments to add on any of the questions that I've asked you

1 or any of my friends have asked you?

2 **MR. MacLEAN:** No, I believe that sums it up.

3 **MS. ALLINOTTE:** Okay.

4 **THE COMMISSIONER:** Thank you very much.

5 **MS. ALLINOTTE:** Thank you very much, Mr.

6 MacLean.

7 **THE COMMISSIONER:** Thank you.

8 Ms. Sinnamon, anything in reply?

9 **MS. SINNAMON:** I have no questions, sir.

10 I just want to thank Mr. MacLean for coming

11 to give his evidence for the last couple of days.

12 Thank you.

13 **MR. MacLEAN:** Thank you.

14 **THE COMMISSIONER:** Mr. MacLean, thank you  
15 very much for your evidence. Second time around is good  
16 but I don't think there'll be a third time.

17 Thank you.

18 **MR. MacLEAN:** Thank you very much, Your  
19 Honour.

20 **THE COMMISSIONER:** Thank you very much.

21 Let's close court.

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

24 This hearing is adjourned until Monday  
25 morning at 9:30 a.m.

1 --- Upon adjourning at 1:04 p.m. /  
2 --- L'audience est ajournée à 13h04  
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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.



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Dale Waterman, CVR-CM