

# **IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY**

The Honourable G. Normand Glaude, Commissioner

## **CLOSING SUBMISSIONS OF THE VICTIMS GROUP**

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## **EXECUTIVE SUMMARY**

### **Introduction**

The Victims Group is comprised of individuals whose traumatic and life-altering experiences when they were children constitute the very subject matter of the Inquiry; they are victims of sexual abuse who have suffered long-lasting detrimental effects to their own lives and the lives of those around them. Every one of these people has been failed by a public institution being examined at the Cornwall Public Inquiry; many have been failed by several.

The word “victim” was chosen as part of our group’s name as not every one of our members considers him or herself a survivor – yet. We have always been and remain hopeful that the work of this Inquiry will bring answers to this community. We, like other parties, are concerned about truth and about dispelling hurtful assumptions. We, to that end, hope that the report issued by Commissioner Glaude will finally make it impossible for anyone in Cornwall to continue to deny that people in positions of trust and authority abused their power and that institutions failed to protect the vulnerable.

While the Cornwall Public Inquiry was called so that its Commissioner could make recommendations to improve future institutional responses to help ensure that history does not repeat itself and that no other young persons are harmed, its mandate also requires him to inquire in to and report on the past. The Commissioner’s findings will finally make clear what happened in Cornwall and who is to blame. The time to recognize Cornwall’s problems is long overdue. Until public institutions are held publicly responsible for their actions, true healing is not possible.

The Inquiry began with contextual evidence from many witnesses who laid out the frameworks within which the public institutions being examined operated. The Commission must be careful, however, to not simply focus on

policies and procedures. If every action within these institutions required a formal written policy, nothing would ever get done. There is always room within any organization for its people to act in accordance with principles of common sense, compassion and decency. Sexual abuse was as wrong 40 years ago as it is today and no formal written policy has ever been required to make it so. Society's understanding of issues relating to child abuse informs the sophistication of the response, but not the basic requirement that children must be protected and that perpetrators of abuse must be stopped.

### **The Devastating Effects of Childhood Sexual Abuse**

The effects of childhood sexual abuse on its victims are truly devastating. David Wolfe and Peter Jaffe testified early in the Inquiry process about how lives are forever changed by abuse and how abuse by persons in positions of trust and authority is particularly catastrophic.

The acute and initial symptoms of child sexual abuse can include a number of stress-related problems, such as sleep disruptions, loss of appetite, headaches, and regressive problems. Those can give way to secondary symptoms, which involve the factors that affect a child's mental health over time. The nature of child sexual abuse is that it interferes with the ongoing development of the child, which makes it more difficult for the child to adjust or adapt. Without supportive relationships, family stability, and personal coping resources, the consequences of child sexual abuse for later mental health and adjustment are substantial.

The typical outcomes of child sexual abuse set out by David Wolfe, the Inquiry's first witness, proved to be all too familiar to the former and current residents of Cornwall who told their stories of abuse to the Commission. These outcomes included difficulty trusting others, life-long feelings of guilt, self-doubt, self-blame, conflict with employers and difficulties maintaining gainful employment. Victim witnesses also testified to an inability to trust the institutions that are highly valued within the community, problems with

authority figures and a loss of their religious faith. Substance abuse problems, troubles with the law, anxiety and mood problems and suicidal ideation were also commonly referred to by witnesses. In short, the emotional and psychological costs of childhood sexual abuse are incalculable.

### **Perry Dunlop**

Perry Dunlop filled a hole created by inept, ineffective, incompetent and corrupt public institutions in Cornwall. He emerged as a trusted figure to whom victims of abuse could turn in the hopes that someone would listen with compassion and understanding. The fact that victims of abuse flocked to disclose their abuse to Dunlop, having never reported to the police or any other agency, should be taken as a scathing indictment of those institutions that lost the public's faith long before Perry Dunlop's name meant anything to them. Perry Dunlop's greatest affront to any of the institutions being examined at the Cornwall Public Inquiry is not that he caused problems, but rather that he exposed them.

The Victims Group has throughout the Inquiry resisted the attempts of many parties to turn it in to an examination of Dunlop and his activities. It is apparent that, for some parties, the best defence was deemed to be distraction. By shifting the focus to Dunlop, parties hoped that their own inadequacies and failings would somehow escape the full scrutiny of the Commissioner and the public. We are hopeful that it has become apparent that those efforts have failed.

We are also hopeful and confident that the Commission will carefully consider and reflect upon why the community embraced Dunlop as it did and the position he found himself in as his own police force pursued him more aggressively at times than it did alleged abusers. The reasons that Dunlop and the community lost faith in their institutions and the effects of that lost faith are the real issues.

## **The Institutions**

### **MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES**

The MCSCS has a mandate to ensure that Ontario's communities are supported and protected by law enforcement and public safety systems that are safe, secure, effective, efficient and accountable. However, despite overwhelming evidence of inappropriate behaviour and several key events that should have prompted the exposure of two predatory employees within the Cornwall Probation office, the Ministry as a whole, local management and workers in the office consistently failed to act in a way that would protect and serve its clients and the community at large.

Instead of striving to leave no stone unturned when it came to uncovering the truth within the office, more than two decades of willful blindness and the desire to always take the most expedient route, rather than the most thorough, ensured that many stones remained undisturbed.

Over the last 25 years, there were several key events that should have triggered a full-scale, thorough investigation of the Cornwall Probation office, its employees and its practices. Specifically, the 1982 investigation of Nelson Barque, the 1993 complaint by David Silmser and the 2000 administrative review by investigator Paul Downing uncovered so many red flags that it is unconscionable that the Ministry did not take steps to investigate each situation as aggressively as possible. To say that many workers in the Cornwall Probation office ought reasonably to have known that Barque and Seguin were contravening Ministry rules, as Downing concluded in his 2000 administrative review, is a gross understatement.

The prevalent poor management and tension within the office that deterred information-sharing and disclosures contributed to an environment where Barque and Seguin could go undetected for much, much longer than they should have. Most disturbing is the refusal, even after so many years have

passed, of the employees and management of the probation office to accept any responsibility for their failings.

### **CHILDREN'S AID SOCIETY**

Society has become much more vigilant in protecting children from harmful environments and more sensitive to the care of children in every way since the 1950s, 60s and 70s.

That is cold comfort to Cathy Sutherland, C-14, Roberta Archambault and many others whose childhood horrors were only exacerbated by the Children's Aid Society's intervention. These individuals faced physical, emotional and sexual abuse that was just as wrong decades ago as it is now based on our 21st century sensibilities. To say, 'We didn't know any better back then' is much too little and much too late to heal the wounds created by disbelief and inaction.

Unfortunately, a measure of re-victimization occurred in adulthood when something as simple as gaining access to his or her files and personal histories was thwarted by years of non-disclosure and self-protectionism. The former wards were searching for closure, but instead had doors slammed in their faces.

### **CORNWALL COMMUNITY POLICE SERVICE AND ITS BOARD**

The CPS was throughout the relevant time period being scrutinized by the Cornwall Public Inquiry a force that was not lacking in resources; the size of the force compared favourably to forces in communities of a similar size and officers had amongst the highest salaries in the province.

Despite the resources that were available to the CPS, however, numerous inspection reports set out that the force was an organization in trouble. There were longstanding issues with leadership and with morale, there is abundant evidence of dissention, and the quality of policing as it related to the investigation of allegations of historical sexual abuse was often abysmal, to

put it kindly. While these factors alone would have impacted on the CPS' ability to appropriately investigate allegations of historical sexual abuse, the situation must be viewed from a wider perspective.

The issues facing the CPS went beyond poor management. Any understanding of widespread mistrust within the force must begin with an examination of the force's leader throughout much of the relevant period, Chief of Police Claude Shaver. Some of the more remarkable situations relating to Shaver include that:

- He was asked to resign by his own senior management;
- His Deputy Chief testified that he counseled Shaver to change, that there were vicious rumours about Shaver while Chief, that they had a blow up and that Shaver reacted to criticism from the Deputy Chief by threatening to lay *Police Service Act* charges against him for taking his concerns outside the chain of command;
- The City and Mayor Ron Martelle investigated Shaver and ultimately offered him a hefty compensation package to retire early;
- He was later investigated by his own force in relation to obstruction of justice in the Earl Landry Jr matter; and
- He was investigated by other police forces for obstruction of justice in relation to the David Silmser matter.

The evidence presented during the CPS institutional response phase set out the strict chain of command structure within the force. Deputy Chief St. Denis clearly explained that it was his role to oversee operational matters and investigations, not Shaver's. Despite this clear hierarchy and the well-known roles of the players, Chief Shaver involved himself in important investigations, by-passing the chain of command almost entirely at times. Shaver's interference in at least two historic sexual abuse cases led to disastrous results in both.

The incompetence and interference of Chief Shaver and the pervasive distrust of the man's abilities by the men and women of his own force became more and more apparent, but no less shocking, throughout the testimony of the various CPS witnesses. Shaver's own shameful performance as a witness at the Inquiry closed a sad chapter in this community's history.

### **DIOCESE OF ALEXANDRIA-CORNWALL**

The Commission's examination of the Roman Catholic Diocese of Alexandria-Cornwall's institutional response to allegations of sexual abuse against young people exposed recurrent themes of secrecy, obstruction and non-compliance. It is now clear that there has been a culture of sexual abuse within the DAC and that it did not have just one or two fallen priests; rather, sexual abuse was a systemic problem.

The DAC, being a Roman Catholic Diocese, was subject to the Roman Catholic Church's internal legal framework that is built around secrecy and a pre-disposition to work against the victim and in favour of accused priests. That framework shaped the DAC's own institutional policies and culture with respect to allegations of sexual abuse by clergy and its treatment of the victims.

As explained by Father Francis Morrissey, part of the Church's motivation for silence is the fear of scandal. The belief is that the Church is a moral authority in society and when there is public knowledge of a priest sexually abusing a child or youth it has a negative impact on the Church as a whole. However, precisely because the Church sells itself as a moral authority, the silence and intentional avoidance of scandal is all the more concerning. The cover-up of the horrific actions of offender priests would seem to be the antithesis of the Church's own teachings, yet it is a central and pervasive practice. Secrecy was a key factor in the DAC's response to numerous allegations of sexual abuse against their priests examined at this Inquiry.

One aspect of secrecy is obstruction, where Diocesan actors work in order to prevent matters of sexual abuse by a priest from becoming public knowledge. This is most frequently demonstrated in the transferring of offender priests from jurisdiction to jurisdiction in order to prevent the matter from becoming public and to avoid prosecution of the priest. The movement of priests by the Church to avoid scandal contributed to these priests reoffending in many instances as the priests were not given any assistance and were transferred to a new jurisdiction where there were no safeguards put into place to prevent the further sexual abuse of minors. This Inquiry examined several instances in the history of the DAC where priests were transferred as a result of engaging in sexual misconduct with youth.

Another concern is the Church's failure to report matters to secular authorities or to assist secular authorities when they become involved in dealing with sexual offences by priests. The priority has been to protect the priest, rather than to assist the victims, the police and other institutions in effectively dealing with these crimes. There are no known examples of officials from the DAC notifying the police of reports or allegations of sexual abuse of minors in their jurisdiction, despite having a documented history of priests engaging in such behaviour. When the police did become involved, the DAC either refused to provide assistance or attempted to be seen as cooperating while in fact sheltering relevant information not specifically requested by investigators who could not possibly know of its existence.

An examination of individual cases, the priests and Bishops involved, and the DAC's responses to allegations of sexual abuse revealed disturbing patterns and shocking complicity at the highest levels.

### **ONTARIO PROVINCIAL POLICE**

The OPP and the Project Truth team's involvement in investigating allegations of sexual abuse, cover-up and conspiracy in Cornwall was disappointing and failed to live up to expectations or promises. The people of Cornwall and region were assured that they would get a thorough and

complete investigation of the allegations that gripped the community and the media for years. They trusted that all leads would be followed, all evidence would be gathered and that the officers would make honest and objective assessments about what they learned. The OPP consistently and repeatedly failed to deliver on its promises.

Despite the intense examination of the OPP's work in Cornwall by this Commission, it remains difficult to understand why things went wrong as they did. In the end, what is clear is that the allegations of conspiracy that have plagued this community for more than a decade have still never been properly investigated by any police force. While the community has little choice but to move on given the passage of time and the death of so many witnesses and perpetrators who could have shed light on what really happened here, the OPP's failure to follow through on its promise of a full investigation will not soon be forgotten.

### **MINISTRY OF THE ATTORNEY-GENERAL**

The Commission examined the work of many different Crown attorneys in relation to many different investigations, some of which resulted in charges, others that did not. Throughout this examination, it became apparent that Crowns after the turn of the millennium continued to make the same mistakes that their predecessors were making in the 1980s and earlier. This repetition of mistakes evidences failed policies and training that point to systemic problems with how Crown attorneys in Ontario interact with police officers and victims of crime, how they interpret their roles in the justice system, and how they manage prosecutions, both complex and seemingly straightforward.

While the failings of many other institutions infuriated victims and outraged the community, the failed prosecutions that were mishandled and botched by the Ministry of the Attorney General were the final insults that compelled the community and the government to action. When Jacques Leduc, like Father Charles MacDonald before him, had serious charges of sexual abuse of young

persons stayed because of the inexcusably long time it took to bring him to trial, it was obvious that a public inquiry was necessary and long overdue.

### **UPPER CANADA DISTRICT SCHOOL BOARD**

The Inquiry heard emotional and compelling testimony from three victims of school teacher Robert Sabourin: Alain Seguin, Andre Lavoie and C-112. These men described how they were first befriended by Sabourin and then sexually abused. Although only one school board witness working at the time of Sabourin's abuses testified at the inquiry, his testimony when coupled with statements taken from former principal Jeanine Seguin clearly demonstrates the very major failings of yet another one of Cornwall's public institutions to adequately respond to allegations of historical sexual abuse.

### **Conclusion**

In order to truly "uncover the truth", the Commission must report on not only the allegations of sexual abuse and the responses thereto, but also on all factors influencing those responses. The Victims Group submits that should the evidence lead the Commissioner to the conclusion that the responses in question were inappropriate or improper, he should be prepared and willing to report on whether the failings were the result of naïveté, ignorance, incompetence, or something more sinister.