

**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 275

Held at :

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

Thursday, September 4, 2008

Tenue à:

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

Jeudi, le 4 septembre 2008

Appearances/Comparutions

Ms. Julie Gauthier Ms. Brigitte Beaulne	Registrar
Ms. Maya Hamou Ms. Mary Simms	Commission Counsel
Mr. Mark Crane Ms. Reena Lalji	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Kevin Hille	Attorney General for Ontario
Mr. Peter Chisholm Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. David Bennett	The Men's Project
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
Mr. Angelo Towndale	Mr. Angelo Towndale

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
ANGELO TOWNDALE, Sworn/Assermenté	2
Examination in-Chief by/Interrogatoire en-chef par Ms. Mary Simms	2

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-2208	CV of Angelo Towndale	3
P-2209	(129992) Minutes of the CAS Board of Directors - 11 Feb, 76	30
P-2210	(739043) Crown brief re: Bryan Keough - 1994	36
P-2211	(129993) Minutes of the Board of Directors of the CAS - 02 Mar, 76	51
P-2212	(123621) Report of Personnel Committee - 01 Apr, 76	60
P-2213	(130102) Admission Social History - Mar, 76	85
P-2214	(739156) Notes of Shawn White - 18 Jan, 94 to 03 Nov, 94	95
P-2215	(129994) Minutes of Annual Meeting - 24 Mar, 76	102
P-2216	(739097) Letter from Sidney Irwin to Angelo Towndale - 26 Mar, 76	104
P-2217	(129995) Minutes of the board of directors of the CAS - 01 Apr, 76	106
P-2218	(741082) Letter from Angelo Towndale to Admissions Office - 17 Jan, 98	120
P-2219	(739248) Note of Angelo Towndale - 21 Jan, 94	124
P-2220	(739353) Memo from Richard Abell to Joan Archambault and Angelo Towndale - 26 Jan, 94	126
P-2221	(739249) Letter from Shawn white to Richard Abell - 23 Mar, 94	128

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-2222	(739242) Letter From Angelo Towndale to Shawn White - 12 Apr, 94	129
P-2223	(739293) Notes of Richard Abell re: Antoine suit - 02 Nov, 94	140
P-2224	(739268) Notes from Angelo Towndale to Richard Abell - 25 Nov, 94	142
P-2225	(739269) Notes of Angelo Towndale re: Jeannette Antoine - 25 Nov, 94	143

1 --- Upon commencing at 11:33 a.m./

2 L'audience débute à 11h33

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you.

10 Good morning, Ms. Simms.

11 **MS. SIMMS:** Good morning, Mr. Commissioner.

12 **THE COMMISSIONER:** Yes?

13 **MS. SIMMS:** Today we're commencing with the
14 institutional response of the Children's Aid Society.

15 **THE COMMISSIONER:** Yes?

16 **MS. SIMMS:** And over the next several weeks,
17 we intend to call approximately nine witnesses with respect
18 to their institutional response. And we are commencing
19 today with Mr. Angelo Towndale.

20 **THE COMMISSIONER:** Yes. Would you come
21 forward, sir?

22 **MS. SIMMS:** Mr. Towndale was employed with
23 the Children's Aid Society from 1965 to 1995.

24 **THE COMMISSIONER:** Okay. Thank you. Could
25 you swear him in, please? Thank you.

1 --- ANGELO TOWNDALE, Sworn/Assermenté:

2 THE COMMISSIONER: Thank you.

3 Have a seat, sir. Good morning again.

4 Welcome to the Inquiry. Just a few ground rules. You have
5 some water in the pitcher and some fresh glasses. The
6 microphone I'd ask you to speak into at all times. There
7 is a speaker here where you can adjust the volume, that
8 little box there, if you need to. Yeah. And there is a
9 screen where we'll show you some documents either in hard
10 copy or on the screen.

11 More importantly, I want you to listen to
12 the questions as best you can; give me the best answer that
13 you have. If you don't recall, that's okay. If you don't
14 understand the questions, please stop someone and ask them
15 to repeat it or to explain it.

16 If at any time, you feel uncomfortable or
17 you'd like to take a break, just talk to me about it and
18 I'll make sure that we can take good care of you.

19 MR. TOWNDALE: Thank you.

20 THE COMMISSIONER: Thank you.

21 Miss Simms?

22 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.

23 SIMMS:

24 MS. SIMMS: So Mr. Towndale, we're going to
25 start today with some questions about your background.

1 MR. TOWNDALE: Okay.

2 MS. SIMMS: Then I'm going to discuss with
3 you some cases that you were involved with at the
4 Children's Aid Society.

5 MR. TOWNDALE: Okay.

6 MS. SIMMS: And then finally, I will have
7 some questions for you in the context of your role as a
8 board member with the Cornwall Police Service.

9 MR. TOWNDALE: Good. Okay.

10 MS. SIMMS: Okay?

11 So let's start with your background. I
12 understand you prepared a résumé.

13 MR. TOWNDALE: That's correct, yeah.

14 MS. SIMMS: And I will ask Madam Clerk to
15 provide you with a copy of that.

16 THE COMMISSIONER: Thank you. Exhibit
17 Number 2208 is a CV of Angelo Towndale.

18 ---EXHIBIT NO./PIÈCE NO P-2208:

19 CV of Angelo Towndale

20 MS. SIMMS: So Mr. Towndale, I understand
21 you were born and raised in India?

22 MR. TOWNDALE: That's correct, yeah.

23 MS. SIMMS: And you studied there between
24 1954 and 1958?

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

1 **MS. SIMMS:** What were you studying?

2 **MR. TOWNDALE:** I took a B.A. and it is
3 economics and politics.

4 **MS. SIMMS:** And ---

5 **MR. TOWNDALE:** Major in economics and
6 politics.

7 **MS. SIMMS:** Okay. You spent one year at law
8 school and then you went to Chicago to study your Masters
9 in social and industrial relations?

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

11 **MS. SIMMS:** And I understand that's not a
12 social work field?

13 **MR. TOWNDALE:** That's correct. It's labour
14 relations.

15 **MS. SIMMS:** When did you become interested
16 in a career in social work?

17 **MR. TOWNDALE:** What happened in Chicago was
18 I came as a student and after my studies, I could stay for
19 18 months to get training. I tried to get training in
20 labour relations and I couldn't get it. So the dean of the
21 college recommended me to Cook County Hospital. So I
22 started to work at Cook County Hospital as a caseworker.

23 **MS. SIMMS:** And that was a position in the
24 social work field?

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

1 **MS. SIMMS:** And I note you have that
2 recorded on your résumé here from 1962 to 1964.

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

4 **MS. SIMMS:** And how was it you came to join
5 the Children's Aid Society in Cornwall?

6 **MR. TOWNDALE:** What happened was, after I
7 finished my placement at Cook County Hospital, I tried to
8 stay in Chicago as a student again but I was not allowed to
9 stay. I was asked to go home. So I went to India and I
10 came back a year later. I got admission at Loyola
11 University again.

12 While I was enrolled, a priest from Chicago,
13 a friend of mine came to Cornwall and he happened to talk
14 to somebody in Cornwall, another priest. And he was on the
15 board of the Children's Aid Society. And he recommended
16 me.

17 **MS. SIMMS:** And what was the name of that
18 priest who was on the board?

19 **MR. TOWNDALE:** Monsignor Rudy Villeneuve.

20 **THE COMMISSIONER:** I'm sorry?

21 **MR. TOWNDALE:** Monsignor Rudy Villeneuve.

22 **MS. SIMMS:** Villeneuve.

23 **MR. TOWNDALE:** Villeneuve.

24 **THE COMMISSIONER:** Oh yes, yes. Thank you.

25 **MS. SIMMS:** So Mr. Towndale, did you have

1 any previous connections with Cornwall prior to ---

2 MR. TOWNDALE: No connection at all.

3 MS. SIMMS: --- to this?

4 So you came to Cornwall then in 1965?

5 MR. TOWNDALE: That's correct.

6 MS. SIMMS: And commenced with the
7 Children's Aid Society?

8 MR. TOWNDALE: That's correct, yes.

9 MS. SIMMS: And who was the executive
10 director at that time?

11 MR. TOWNDALE: When I joined, executive
12 director was René Charbonneau. Mr. Charbonneau left and
13 Mr. O'Brien became the director.

14 MS. SIMMS: And that was shortly after you
15 joined?

16 MR. TOWNDALE: Maybe about six -- my
17 recollection is about six months after.

18 MS. SIMMS: And I take it the Children's Aid
19 Society was a much smaller institution at that time?

20 MR. TOWNDALE: It was much smaller. My
21 recollection is maybe about 19 staff at that time.

22 MS. SIMMS: Nine staff?

23 MR. TOWNDALE: Nineteen (19).

24 MS. SIMMS: Nineteen (19)?

25 MR. TOWNDALE: Yeah.

1 **MS. SIMMS:** Okay. Your position is listed
2 as caseworker on your résumé?

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

4 **MS. SIMMS:** Was it in the protection area or
5 in the child care area or a mixture of those?

6 **MR. TOWNDALE:** When I started at the
7 Children's it was early in 1965, it was in child care.

8 **MS. SIMMS:** Okay. And child care, if you
9 can help us, is dealing with?

10 **MR. TOWNDALE:** With children in foster care;
11 mainly children who are Crown wards.

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

13 **MR. TOWNDALE:** So that was ---

14 **MS. SIMMS:** And another area that the
15 Children's Aid Society dealt with was protection issues?

16 **MR. TOWNDALE:** Yeah. There is another
17 department called Protection Department.

18 **MS. SIMMS:** And that would be dealing with
19 investigations?

20 **MR. TOWNDALE:** Those workers dealt with
21 investigations and if children came into care, temporary
22 wards, we call it ---

23 **MS. SIMMS:** Temporary wards?

24 **MR. TOWNDALE:** Temporary wards, we get to
25 watch it for six months, we can keep a child in on a

1 temporary basis for two years. After two years, we have to
2 -- only way we can keep is going for Crown wardship.

3 MS. SIMMS: And in that case, a child care
4 worker like yourself would take over the file?

5 MR. TOWNDALE: That's correct, yeah.

6 MS. SIMMS: Okay. So we have you listed in
7 that position until September of 1967. And I understand at
8 that time, you commenced your Masters of Social Work at U
9 of T.

10 MR. TOWNDALE: That's correct, yeah.

11 MS. SIMMS: So you took a leave of absence
12 from the Children's Society?

13 MR. TOWNDALE: I resigned and went to
14 Toronto to study.

15 MS. SIMMS: And during your studies you were
16 also employed as a caseworker with the Catholic Children's
17 Aid Society in Toronto?

18 MR. TOWNDALE: It was a summer employment
19 for three months.

20 MS. SIMMS: And was that in child care or
21 protection?

22 MR. TOWNDALE: That was in protection, if I
23 recall it.

24 MS. SIMMS: And following the completion of
25 your Masters, you returned to Cornwall?

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

2 **MS. SIMMS:** So you were re-hired at that
3 time?

4 **MR. TOWNDALE:** What happened was during my
5 second year at the university, Children's Aid gave me
6 something like a bursary, \$100.00 a month for 10 months and
7 I had to sign a contract to come back.

8 **MS. SIMMS:** So you had to come back?

9 **MR. TOWNDALE:** I had to come back.

10 **MS. SIMMS:** And at that time, you are again
11 listed as caseworker for a short period of time. And that
12 was in child care; was it?

13 **MR. TOWNDALE:** It was in Protection
14 Department.

15 **MS. SIMMS:** And then, in October of 1969,
16 you were promoted to a supervisor?

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

18 **MS. SIMMS:** And what was -- what were the
19 areas that you were supervising?

20 **MR. TOWNDALE:** It was child care, adoption,
21 foster home finding, and single parents department.

22 **MS. SIMMS:** How many supervisors would there
23 have been at the Children's Aid Society?

24 **MR. TOWNDALE:** At that time, we had two
25 supervisors.

1 MS. SIMMS: Okay.

2 MR. TOWNDALE: And a director.

3 MS. SIMMS: Okay. So there was one
4 supervisor for the areas that you covered?

5 MR. TOWNDALE: Yeah.

6 MS. SIMMS: And a second supervisor for
7 protection?

8 MR. TOWNDALE: Protection Department.

9 MS. SIMMS: Okay. Now we'll discuss this in
10 more detail but I understand, for a period of time, you
11 were also acting director of the Children's Aid Society?

12 MR. TOWNDALE: That's correct. If I may
13 add; the protection worker also handled court cases. We
14 didn't have a lawyer on staff at that time.

15 THE COMMISSIONER: M'hm.

16 MS. SIMMS: In terms of your supervision,
17 when you were a supervisor, which is for some period of
18 time, was there a formal process of supervision at the
19 Society? Did you have regular meetings with the
20 caseworkers?

21 MR. TOWNDALE: The process was every week
22 one and a half hours is set aside to supervise the workers.

23 MS. SIMMS: So you'd have ---

24 MR. TOWNDALE: Every week, there is a time
25 set aside for each worker.

1 **MS. SIMMS:** One and a half hours for each
2 worker?

3 **MR. TOWNDALE:** Each worker. Each week for
4 each worker, correct.

5 **MS. SIMMS:** And in addition to those
6 meetings, would you also meet informally with the
7 caseworkers?

8 **MR. TOWNDALE:** If there is an emergency and
9 a social worker wants to talk to the supervisor, always
10 available.

11 **MS. SIMMS:** And during your formal meetings,
12 did that involve a review of documents as well as a
13 discussion?

14 **MR. TOWNDALE:** What will happen -- what I
15 was doing was the workers would be allowed to bring cases
16 they want to discuss. After that is done, if there is time
17 allowed, we go to the other cases. So every month, all
18 cases are reviewed.

19 **MS. SIMMS:** And in addition, I take it the
20 case workers made notes with respect to their files?

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

22 **MS. SIMMS:** And they also made more formal
23 recordings on a regular basis?

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

25 **MS. SIMMS:** And one of your responsibilities

1 as a supervisor would be to review those recordings?

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

3 MS. SIMMS: Okay. And as we'll see, I think
4 you have initialled many of them?

5 MR. TOWNDALE: That's correct, yes.

6 MS. SIMMS: Okay. So when we see a
7 recording with an initial at the bottom, that's an
8 indication the supervisor has reviewed that recording?

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

10 MS. SIMMS: The next position that you held
11 was from the fall of '81 to '89 as Assistant Director and
12 Supervisor?

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

14 MS. SIMMS: So did you maintain your
15 supervisor duties that you had before?

16 MR. TOWNDALE: Some of the duties I
17 retained. I had Adoption, Single Parents Department, and
18 also I was involved with volunteers. We developed a
19 volunteer program around sometime in the eighties.

20 MS. SIMMS: And you were responsible for
21 developing that program?

22 MR. TOWNDALE: We didn't have any volunteers
23 program there and we were getting more and more court-
24 ordered access visits for children and whatnot. So we
25 needed volunteers to drive kids.

1 **MS. SIMMS:** And that was in the early
2 eighties, was it, that started?

3 **MR. TOWNDALE:** It might be in '82-'83,
4 something like that.

5 **MS. SIMMS:** And was that your initiative,
6 Mr. Towndale?

7 **MR. TOWNDALE:** That was my initiative. We
8 didn't have any money in the budget, so we started a bingo
9 to raise money to hire this temporary part-time volunteer
10 coordinator.

11 **MS. SIMMS:** Okay. And were you supervising
12 the volunteer coordinator?

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

14 **MS. SIMMS:** Okay. So what was your role as
15 Assistant Director?

16 **MR. TOWNDALE:** As Assistant Director, in
17 addition to supervising those staff members, I also helped
18 with human relations, labour relations. I assisted the
19 Director with regard to budgets. There is a part --
20 narration has to be done, so I helped him with that one. I
21 helped with organizing the annual meetings and also during
22 that period there were increases in staff that happened in
23 the eighties. So we had two building extensions. One was
24 a small one and the second one was a large one, and it cost
25 about over \$400,000 and most of the monies had to be raised

1 locally. We got \$100,000 from the Province and some money
2 from the City, but a good portion has to be raised locally,
3 and that was my -- one of my responsibilities.

4 **MS. SIMMS:** So you were fundraising for
5 those building expenses?

6 **MR. TOWNDALE:** Yes, that's the idea.

7 **MS. SIMMS:** Thank you.

8 And during that period of time, Tom O'Brien
9 remained the Executive Director?

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

11 **MS. SIMMS:** Your next position is Manager of
12 Human Resources commencing in the fall of 1989?

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

14 **MS. SIMMS:** And can you explain what that
15 position is?

16 **MR. TOWNDALE:** What happened was in '89, the
17 job I was doing as Assistant Director was split into two.
18 A new position was created, Manager of Human Resources, and
19 I got that job.

20 **MS. SIMMS:** And the other job ---

21 **MR. TOWNDALE:** And that one was called a
22 Clinical Director, mainly responsible for clinical
23 services.

24 **MS. SIMMS:** And I understand Mr. Bill
25 Carriere took that position in an acting capacity?

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

2 **MS. SIMMS:** And then Mr. Richard Abell was
3 hired to fill that role?

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

5 **MS. SIMMS:** So in December of 1995 you ended
6 your career at the Children's Aid Society?

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

8 **MS. SIMMS:** Can you explain to us what led
9 to your retirement?

10 **MR. TOWNDALE:** What happened was there were
11 cutbacks at that time and we had to reduce the staff. So
12 one day there was a meeting. Mr. Abell was at that
13 meeting. I was there as a human resource person, as well
14 as the business manager.

15 At that meeting, a decision was made to cut
16 seven social workers, two secretaries and one supervisor.
17 I accepted that at that time, as the position there, and I
18 had second thoughts, and the next day I approached Mr.
19 Abell and said, "We are cutting too many frontline people,
20 only one supervisor", and I offered to retire.

21 **MS. SIMMS:** And he accepted your offer and
22 you retired in December of 1995?

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

24 **MS. SIMMS:** Did you have any continuing
25 involvement with the Children's Aid Society?

1 **MR. TOWNDALE:** One thing I should mention is
2 I didn't have the 90 factor to get the full pension at that
3 time, but I took the retirement.

4 At that time I also offered to Mr. Abell
5 that I will continue to do the labour relations on a free,
6 voluntary basis.

7 **MS. SIMMS:** So you continued to negotiate on
8 behalf of the Children's Aid Society on a voluntary basis?

9 **MR. TOWNDALE:** All the issues that were
10 coming up, I was dealing with that one. Then I also
11 negotiated two contracts at a certain period of time and I
12 was compensated for that work.

13 **MS. SIMMS:** And the next thing listed is
14 your role with the Children's Treatment Centre.

15 **MR. TOWNDALE:** Correct.

16 **MS. SIMMS:** I'm going to ask you some more
17 detailed questions about that. So let's come back to that.
18 But that's where you moved to in addition to the work you
19 were doing still with the Children's Aid Society?

20 **MR. TOWNDALE:** Yeah.

21 **MS. SIMMS:** You were working on the
22 Children's Treatment Centre?

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

24 **MS. SIMMS:** Now, the next pages of your
25 résumé, Mr. Towndale, deal with your community involvement

1 in Cornwall, which is quite extensive.

2 MR. TOWNDALE: Okay.

3 MS. SIMMS: So I'm just going to briefly
4 mention some things from that portion.

5 MR. TOWNDALE: Okay.

6 MS. SIMMS: I note that you were involved in
7 founding the Big Brothers and Big Sisters of Cornwall?

8 MR. TOWNDALE: That's correct, yes.

9 MS. SIMMS: And we will discuss the
10 Children's Treatment Centre.

11 MR. TOWNDALE: Okay.

12 MS. SIMMS: You were also involved in
13 establishing a couple of foundations ---

14 MR. TOWNDALE: Yes.

15 MS. SIMMS: --- to raise funds?

16 MR. TOWNDALE: That's correct, yeah.

17 MS. SIMMS: You were involved in an attempt
18 to found something called a Men's Centre in 2004?

19 MR. TOWNDALE: That's correct, yeah.

20 MS. SIMMS: And you were involved -- were
21 you involved in fundraising in that respect?

22 MR. TOWNDALE: The Men's Centre, what
23 happened was at one point in 2002 -- I don't know the year;
24 I think it was 2002 -- what happened was -- the history of
25 that one is at one point-in-time, Bishop Durocher

1 approached me whether we could provide counselling to
2 adults who were child abuse victims. I discussed it with
3 a couple of board members and we felt we don't have the
4 funds to get into counselling.

5 **MS. SIMMS:** Which board are you speaking of?

6 **MR. TOWNDALE:** I'm talking about the
7 Children's Treatment Centre Board, whether we could also
8 provide counselling to adult victims.

9 Later on what happened was I watched a
10 documentary with regard to victims of child abuse, the
11 effects it's having on a person. The next day, I went to
12 see Milton Ellis, the publisher, and said "I want to start
13 this centre for ---

14 **MS. SIMMS:** Sorry, what was the name?

15 **MR. TOWNDALE:** Milton Ellis.

16 **MS. SIMMS:** Okay.

17 **MR. TOWNDALE:** He's the publisher of the
18 Standard Freeholder, and he said he will serve on the
19 committee. Then I formed a board and I got in touch with
20 Mr. Rick Baldwin from -- not Rick Baldwin, Rick Goodwin --
21 -

22 **THE COMMISSIONER:** Goodwin.

23 **MR. TOWNDALE:** Rick Goodwin from Ottawa, and
24 he came and assisted. I went to the Diocese and asked the
25 Bishop, "I need \$2,000" and he gave me \$2,000. And part of

1 the money was given as a consultant fee, and he also
2 prepared a proposal that we could give to the Ministry.

3 **THE COMMISSIONER:** What year about is this?

4 **MR. TOWNDALE:** I think it was in 2004.

5 **THE COMMISSIONER:** Okay.

6 **MR. TOWNDALE:** Finally, we prepared a
7 proposal. Mr. Goodwin, Milton Ellis, Brian Sylvester and I
8 met with the local MPP, Jim Brownell, and presented the
9 proposal. We were very specific at that time. We said,
10 "We are not asking for money indefinitely. We are asking
11 only for six years." And I thought -- we thought we could,
12 for six years, provide counselling to these victims. So we
13 thought if it is a limited period of time, there is a
14 better chance of getting the money, but we were not
15 successful. The elaborate bylaws, the \$1,000 that was
16 left, we wanted to use it for incorporation, and that never
17 happened and we returned the money to the Diocese.

18 **MS. SIMMS:** Mr. Towndale, on page 3 and 4
19 you have a fuller list of your involvement in some of these
20 organizations we've been discussing.

21 **MR. TOWNDALE:** Okay.

22 **MS. SIMMS:** Including Big Brothers and Big
23 Sisters and some healthcare facilities, and we will discuss
24 the Cornwall Police Service Board service.

25 **MR. TOWNDALE:** Okay.

1 **MS. SIMMS:** And you also mention at the end
2 of page 4 that you were a committee member on the
3 Commissioner's Advisory Committee on Visible Minorities --
4 -

5 **MR. TOWNDALE:** Correct.

6 **MS. SIMMS:** --- for the RCMP?

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

8 **MS. SIMMS:** Was that a local RCMP or
9 national?

10 **MR. TOWNDALE:** No, national.

11 **MS. SIMMS:** So that was in Ottawa?

12 **MR. TOWNDALE:** That's in Ottawa, yes.

13 **MS. SIMMS:** And on page 5 there's also a
14 list of some of the awards that you've received for your
15 community service over the years?

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

17 **MS. SIMMS:** Now, with respect to the
18 Children's Treatment Centre, I understand your involvement
19 in that initiative goes back some time?

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

21 **MS. SIMMS:** To when you were still a member
22 of -- or an employee with the Children's Aid Society?

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

24 **MS. SIMMS:** That's right? So how did you
25 first become involved in attempting to set up a Children's

1 Treatment Centre?

2 MR. TOWNDALE: Children's Aid Society had a
3 program for children who were abused. We ran that program
4 four, five years. In 1990, due to cutbacks, that was one
5 of the programs that was cancelled.

6 We had two social workers working with
7 children, so for a period of two years there was nothing.
8 We had to send children to Ottawa to get the counselling.
9 So in 1992 I brought a group of people together and said
10 let us start a centre.

11 And the plan at that time was to raise half
12 of the money locally and to go to the Province and say --
13 ask the Province to give the rest of the money. You want
14 me to continue?

15 MS. SIMMS: Sure. And just to clarify, Mr.
16 Towndale ---

17 MR. TOWNDALE: Yes.

18 MS. SIMMS: --- you were doing this in your
19 role with the Children's Aid Society or ---

20 MR. TOWNDALE: No, I was doing as a
21 volunteer. Nobody asked me to do it. I took it upon
22 myself and ---

23 MS. SIMMS: So this wasn't a Children's Aid
24 Society initiative?

25 MR. TOWNDALE: It was not.

1 **MS. SIMMS:** So you went to the Province to
2 seek funding?

3 **MR. TOWNDALE:** Yes. We raised \$100,000
4 locally and then went to Province and asked whether they
5 could match the funds and they refused it, and we retained
6 all the funds raised to the dollar.

7 **MS. SIMMS:** I think we have seen a document,
8 Mr. Towndale, maybe you can have a quick look at it. It's
9 Exhibit 2085, Document Number 101466.

10 Now, Mr. Towndale, this appears to be a
11 collection of some documents; a memo and some letters?

12 **MR. TOWNDALE:** Okay.

13 **MS. SIMMS:** And I'd ask you to refer to
14 Bates page 1006969.

15 **THE COMMISSIONER:** So those -- if we talk
16 about a Bates page, it's on the top left-hand corner of
17 every page.

18 **MR. TOWNDALE:** Okay.

19 **THE COMMISSIONER:** All right. And so the
20 three last numbers are 969. So it would be the community
21 proposal.

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

23 **THE COMMISSIONER:** All right.

24 **MR. TOWNDALE:** I got it. Yes. I got it.

25 **MS. SIMMS:** Do you recognize this document,

1 Mr. Towndale?

2 MR. TOWNDALE: Yes, I recognize that one,
3 yes.

4 MS. SIMMS: Was this prepared at that time
5 we've been discussing when you were attempting to start a
6 treatment centre?

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

8 MS. SIMMS: Were you involved in preparing
9 this document?

10 MR. TOWNDALE: I was involved and also I had
11 help of someone else because the supervisor who was doing
12 the -- supervising the program at Children's Aid, he helped
13 me to prepare.

14 MS. SIMMS: Was that Robert Smith?

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

16 MS. SIMMS: Okay. So when we see this list
17 of names these are -- you mentioned getting a group of
18 people together?

19 MR. TOWNDALE: That's correct.

20 MS. SIMMS: Are these some of the people you
21 got together?

22 MR. TOWNDALE: That's what -- these are the
23 people I got together, yes.

24 MS. SIMMS: Okay. And there's some names
25 that are familiar to us. I know Robert Smith was your

1 colleague.

2 **MR. TOWNDALE:** Okay.

3 **MS. SIMMS:** Father Kevin Maloney?

4 **MR. TOWNDALE:** Yes.

5 **MS. SIMMS:** Mr. Gilles Métivier?

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

7 **MS. SIMMS:** Mr. Shaver?

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

9 **MS. SIMMS:** Were these all individuals that
10 you knew in the community?

11 **MR. TOWNDALE:** That's correct, yes. I
12 wanted a wide range of people there, that's why. When Mr.
13 Métivier was elected -- at that time he was retiring -- and
14 we thought he may have more time to spend and he was the
15 Director of Education at that time.

16 **MS. SIMMS:** And you knew prior to initiating
17 this, you knew Mr. Shaver, who was then Chief of Police?

18 **MR. TOWNDALE:** Yes, I knew him because he
19 was involved at Children's Aid. He was the chair of the
20 bike-a-thon for the Children's Aid, a fundraising since '98
21 on I think.

22 **MS. SIMMS:** And that was something you were
23 involved with as well?

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

25 **MS. SIMMS:** And what about Father Maloney,

1 was that someone you knew through the church?

2 MR. TOWNDALE: I was a member of that parish
3 at that time.

4 Do you want me to explain how he came along
5 or do you want me to stop it at that?

6 MS. SIMMS: Well, let's just -- I just
7 wanted to take you to a couple of things in this proposal -
8 --

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

10 MS. SIMMS: --- very briefly. It outlines
11 the history you've just explained to us. So I won't go
12 through that.

13 MR. TOWNDALE: Okay.

14 MS. SIMMS: But I take it this was prepared
15 for the purposes of your fundraising?

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

17 MS. SIMMS: Okay. And it has some general
18 comments with respect to prevalence of sexual abuse ---

19 MR. TOWNDALE: Yes.

20 MS. SIMMS: --- in society.

21 MR. TOWNDALE: Correct.

22 MS. SIMMS: Right? And some statistics from
23 the Children's Aid Society?

24 MR. TOWNDALE: Correct, yes.

25 MS. SIMMS: And Robert Smith helped you with

1 those?

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

3 MS. SIMMS: And it also refers to the idea
4 that many cases are not reported and that there's under-
5 reporting?

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

7 MS. SIMMS: And those -- that's your
8 understanding as well from your experience with the
9 Children's Aid Society?

10 MR. TOWNDALE: That's correct, yes.

11 MS. SIMMS: Now, I understand this
12 initiative didn't go through and that you again, following
13 your retirement, sought to initiate a treatment program?

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

15 MS. SIMMS: So what happened the second time
16 around?

17 MR. TOWNDALE: The second time, a couple of
18 days after I retired, I met with Mr. Jim Dilamarter. He
19 was the Director of Education for the public school board.

20 So I met with him one day and I said I have
21 this plan to start the centre and this time we are going to
22 do it without government funding. And I said to him that
23 he has to trust me, it can be done.

24 It was -- he wasn't sure it was going to
25 succeed. He said he will support me and work with me.

1 **MS. SIMMS:** So again you brought a group of
2 individuals together?

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

4 **MS. SIMMS:** And fundraised for this project?

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

6 **MS. SIMMS:** And this time were you
7 successful in raising the funds to commence operation?

8 **MR. TOWNDALE:** Within six months we were
9 able to raise a \$100,000 or something like that and we were
10 able to start the program.

11 **MS. SIMMS:** And I understand the program
12 still continues today?

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

14 **MS. SIMMS:** And are you still actively
15 involved in the program?

16 **MR. TOWNDALE:** I'm -- I have the title of
17 Project Coordinator. I'm responsible for all the
18 fundraising. We have to raise \$400,000 for the operation
19 in 2008.

20 And also I do the -- all the administration,
21 so the executive director can concentrate or devote his
22 time for clinical services. That's his expertise.

23 **MS. SIMMS:** Okay.

24 Mr. Towndale, I'm going to ask you to go
25 back in time now and discuss some earlier cases at the

1 Children's Aid Society?

2 MR. TOWNDALE: Okay.

3 MS. SIMMS: So I'd like to ask you some
4 questions about the Second Street Group Home ---

5 MR. TOWNDALE: Okay.

6 MS. SIMMS: --- in 1995, 1996 -- or sorry,
7 1975, 1976.

8 MR. TOWNDALE: Okay.

9 MS. SIMMS: Thirty (30) years ago. And I
10 understand from our discussion that, at that time, you
11 would have held the position of Assistant Director and
12 Supervisor?

13 MR. TOWNDALE: Nineteen-seventy-five (1975),
14 no, I was a supervisor.

15 MS. SIMMS: A supervisor?

16 MR. TOWNDALE: Yes.

17 MS. SIMMS: So were you involved in the
18 discussions around founding a CAS-operated group home?

19 MR. TOWNDALE: I was involved in the
20 discussion, yes.

21 MS. SIMMS: And what was the rationale?

22 MR. TOWNDALE: We were having a number of
23 teenagers with difficult behaviour issues and they were not
24 able to stay in foster homes; foster home breakdowns. And
25 changes in foster homes affect children, so we thought if

1 it is a staff-run group home, we might be able to provide
2 more stability for these children.

3 **MS. SIMMS:** So prior to this, the CAS did
4 not operate any group homes that they staffed on their own?

5 **MR. TOWNDALE:** There was one for girls on
6 Lisieux Street. It was mainly to prepare girls for
7 independence. That was the only one.

8 **MS. SIMMS:** And that was staffed by CAS
9 workers?

10 **MR. TOWNDALE:** It was, yes.

11 **MS. SIMMS:** Okay. And that was around 1974,
12 was it?

13 **MR. TOWNDALE:** Seventy-four ('74), '75 or
14 something like that, yes.

15 **MS. SIMMS:** Right.

16 I'm going to -- well, just before we get
17 there, I also understand that during this period of time --
18 and we're dealing with Second Street Group Home -- you were
19 Acting Director at the CAS for a period of about three
20 months?

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

22 **MS. SIMMS:** That's right?

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

24 **MS. SIMMS:** And just in terms of timing, I'd
25 ask you to refer to a document that is Document Number

1 129992.

2 Mr. Commissioner, these are minutes from the
3 CAS Board of Directors dated February 11th, 1976.

4 **THE COMMISSIONER:** Thank you. Exhibit
5 Number 2209 are the minutes of the Board of Directors of
6 the Children's Aid Society of February 11th, 1976.

7 --- **EXHIBIT NO./PIÈCE NO. P-2209:**

8 (129992) Minutes of the CAS Board of
9 Directors dated 11 Feb 76

10 **MS. SIMMS:** So, Mr. Towndale, you're noted
11 to be in attendance at this meeting.

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

13 **MS. SIMMS:** And on the second page of the
14 document at the very bottom, the last two paragraphs state
15 a Dr. Miller -- and he was the President of the Board?

16 **MR. TOWNDALE:** He was the President of the
17 Board, yeah.

18 **MS. SIMMS:** "Dr. Miller informed the Board
19 that Mr. O'Brien will be on sick leave
20 for three months according to policy.
21 Motion by Canon Irwin [et cetera] that
22 Mr. A. Towndale be appointed acting
23 local Director in the absence of Mr.
24 O'Brien."

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

1 **MS. SIMMS:** So you assumed the role on
2 February 11th or was it even prior to that?

3 **MR. TOWNDALE:** I don't have a recollection
4 of the exact date.

5 **MS. SIMMS:** Okay, but at least by ---

6 **MR. TOWNDALE:** Around that time, yeah.

7 **MS. SIMMS:** Okay. And you maintained your
8 regular duties as well as the role of acting Director?

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

10 **MS. SIMMS:** Okay.

11 **MR. TOWNDALE:** Mr. Dave Devlin offered to
12 assist me if I had -- if I couldn't see any other workers,
13 if they needed a consultation.

14 **MS. SIMMS:** Sorry, Mr?

15 **MR. TOWNDALE:** Dave Devlin was the other
16 supervisor.

17 **MS. SIMMS:** Right.

18 **MR. TOWNDALE:** He assisted me.

19 **MS. SIMMS:** Okay. And was there major
20 issues to deal with in your role of Acting Executive
21 Director at that time?

22 **MR. TOWNDALE:** That's correct, yeah. The
23 budget has to be prepared end of March, and budget has to
24 be submitted to the province, and we were getting 20
25 percent of the money at that time from city and the

1 counties, so 80 percent from the province and 20 percent
2 from the city and the counties.

3 In order to prepare the budget we had to
4 have meetings with various committees -- Services
5 Committee, Personnel Committee, Finance and all that, so
6 various meetings had to be held to prepare the budget.

7 **MS. SIMMS:** So it was a very busy time for
8 you, yep. And during this time period was Mr. O'Brien
9 available to you for consultation or advice?

10 **MR. TOWNDALE:** No, he was not.

11 **MS. SIMMS:** So I'm going to ask you some
12 questions about the group home and I'm going to ask you to
13 refer to a document, and that's Document Number 739043.

14 Mr. Commissioner?

15 **THE COMMISSIONER:** Yes.

16 **MS. SIMMS:** This document is a Crown brief
17 that was prepared by Shawn White at the Cornwall Police
18 Service when he did an investigation into allegations by
19 Jeannette Antoine in 1994.

20 **THE COMMISSIONER:** Yes.

21 **MS. SIMMS:** There is a mention of a name of
22 a person who is already subject to confidentiality
23 measures.

24 **THE COMMISSIONER:** Right.

25 **MS. SIMMS:** C-14.

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

2 **MS. SIMMS:** So on that basis we'd ask that
3 it be marked Subject to Publication Ban.

4 **THE COMMISSIONER:** Yes.

5 **MS. SIMMS:** In addition there are names and
6 statements taken from a number of people who were children
7 at the time of the events and have allegations of sexual or
8 physical abuse recounted in here.

9 **THE COMMISSIONER:** Were they wards or ---

10 **MS. SIMMS:** I think they were associated
11 with the CAS and I think most of them were actually wards
12 at the time.

13 **THE COMMISSIONER:** All right.

14 **MS. SIMMS:** So there's quite a few of them;
15 approximately 19 names.

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

17 **MS. SIMMS:** We will be seeking a publication
18 ban on those names.

19 **THE COMMISSIONER:** Right.

20 **MS. SIMMS:** But what I'd suggest is we
21 compile those names, discuss with counsel and come back in
22 an in-camera meeting to deal with that issue.

23 **THE COMMISSIONER:** All right, so what you're
24 asking for is an interim ban on publication of all of the
25 names that are included in that document as they relate to

1 children who were in the care of the Children's Aid
2 Society.

3 **MS. SIMMS:** That's correct.

4 **THE COMMISSIONER:** Is there anyone who
5 objects to this procedure? I wouldn't think so, and the
6 names aren't relevant to this Inquiry?

7 **MS. SIMMS:** No, I'm not going to be putting
8 the names to ---

9 **THE COMMISSIONER:** Fine.

10 **MS. SIMMS:** --- Mr. Towndale. There ---

11 **THE COMMISSIONER:** Sorry, go ahead.

12 Well, so first of all, a ban on publication,
13 that would be number 1. And rather than have -- so if
14 there's a ban on publication that means someone coming to
15 the desk could go through and look at and find then names
16 of these children. So is there something -- are we
17 satisfied with the ban on publication?

18 **MS. SIMMS:** I think that would be
19 appropriate but perhaps Mr. Chisholm wants to say
20 something.

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

22 **THE COMMISSIONER:** Good morning.

23 **MR. CHISHOLM:** That would be appropriate in
24 the circumstances. I would note that at least one of the
25 names in that Crown brief has already testified openly at

1 this hearing, so there may be an exception we would want to
2 consider with respect to the publication ban for that name.

3 **THE COMMISSIONER:** Of course.

4 **MR. CHISHOLM:** But apart from that ---

5 **THE COMMISSIONER:** And who is that?

6 **MR. CHISHOLM:** Ms. Antoine.

7 **THE COMMISSIONER:** Ms. Antoine, okay, sure.

8 All right.

9 **MR. CHISHOLM:** Apart from that, sir,
10 counsel's position sounds quite reasonable.

11 **THE COMMISSIONER:** Very well.

12 **MR. CHISHOLM:** Thank you, sir.

13 **THE COMMISSIONER:** So in the circumstances I
14 think there is no public value in having those names of
15 children who were wards at the time, who have nothing to do
16 with this Inquiry, to be published or to be known, and for
17 that reason I will impose the publication ban.

18 **MS. SIMMS:** Thank you, Commissioner.

19 Mr. Towndale, do you have that?

20 **THE COMMISSIONER:** Oh no, we're getting to
21 it now.

22 **MS. SIMMS:** Okay.

23 **THE COMMISSIONER:** So Exhibit Number 2210 is
24 called the Crown Brief and the accused's name is Bryan
25 Keough. So there we are, Exhibit 2210.

1 **---** EXHIBIT NO./PIÈCE NO. P-2210:

2 (739043) Crown Brief re: Bryan Keough,
3 subject to publication ban - 1994

4 **MR. CHISHOLM:** So that's what the indicates,
5 the accused's name. I point out that Mr. Keough was never
6 charged. But you're right, sir, that's what the document -
7 --

8 **THE COMMISSIONER:** No, but I don't think
9 he's subject to any ---

10 **MR. CHISHOLM:** No, no. His name has been
11 mentioned previously.

12 **THE COMMISSIONER:** Yes.

13 **MR. CHISHOLM:** But I would just point out,
14 for those who are here today or are watching, if we refer
15 to him as the accused, some may be under the impression
16 that he had been charged.

17 **THE COMMISSIONER:** Good. Thank you very
18 much.

19 **MR. CHISHOLM:** Sir.

20 **MS. SIMMS:** So, Mr. Towndale, I understand
21 you gave a written statement to Constable White in the
22 course of his investigation in 1994.

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

24 **MS. SIMMS:** Right. So I'd ask you to refer
25 to that statement in this brief. It's at Bates page number

1 7175443.

2 THE COMMISSIONER: So it's near the end.

3 MS. SIMMS: Near the end, yes.

4 THE COMMISSIONER: Do you have it, sir?

5 MR. TOWNDALE: I have it, yes.

6 THE COMMISSIONER: Thank you.

7 MS. SIMMS: So this is the statement that
8 was prepared by yourself, Mr. Towndale?

9 MR. TOWNDALE: That's correct, yeah.

10 MS. SIMMS: Okay, and you provided this to
11 Constable White in approximately September 23rd, 1994?

12 MR. TOWNDALE: That's correct, yeah.

13 MS. SIMMS: Okay. Now this -- you've
14 reviewed your statement?

15 MR. TOWNDALE: I reviewed it, yeah.

16 MS. SIMMS: You'll note it contains some of
17 the background that we were just discussing.

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

19 MS. SIMMS: That a group home had been
20 founded for teenage girls on Lisieux Street.

21 MR. TOWNDALE: That's correct, yeah.

22 MS. SIMMS: And that in 1975 -- well, you
23 note that in 1975 "we" -- and that's being the CAS --
24 "rented two homes on Second Street."

25 MR. TOWNDALE: That's correct, yeah.

1 **MS. SIMMS:** And again you mentioned you were
2 part of that decision to attempt to operate group homes to
3 house children whose foster care was breaking down.

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

5 **MS. SIMMS:** Okay. And you mention in your
6 statement that one of these homes was the children -- the
7 teenage girls were transferred into that group home ---

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

9 **MS. SIMMS:** --- on Second Street.

10 **MR. TOWNDALE:** Yeah.

11 **MS. SIMMS:** And the second home was the new
12 enterprise where you were seeking to house children who
13 were having trouble in foster care.

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

15 **MS. SIMMS:** Okay. So -- and I'm just going
16 to refer to that home as the Second Street Group Home.
17 Okay?

18 **MR. TOWNDALE:** Okay.

19 **MS. SIMMS:** So you were involved, as a
20 senior manager, on the decision to open up this group home?
21 Is that right?

22 **MR. TOWNDALE:** I was involved in the
23 discussions, yeah.

24 **MS. SIMMS:** And Mr. Rod Rabby -- Rabey?

25 **MR. TOWNDALE:** Rabey, yeah.

1 **MS. SIMMS:** Rabey was initially selected to
2 be in charge of the Second Street Group Home?

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

4 **MS. SIMMS:** And was he a worker who was
5 under your supervision?

6 **MR. TOWNDALE:** He was a worker at the
7 Children's Aid at that time. Not my supervision; it was in
8 the Protection Department.

9 **MS. SIMMS:** He's ---

10 **MR. TOWNDALE:** With Mr. Devlin, yeah.

11 **MS. SIMMS:** Okay, and were you involved in
12 the decision to select Mr. Rabey to take that position?

13 **MR. TOWNDALE:** I must have. I have no --
14 yeah.

15 **MS. SIMMS:** And I understand that the home
16 commenced operations approximately in the fall of 1975.

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

18 **MS. SIMMS:** Do you recall hearing of any
19 complaints or concerns with respect to the children's
20 treatment at that home in the fall of 1975?

21 **MR. TOWNDALE:** I didn't hear none. I didn't
22 hear any complaints.

23 **MS. SIMMS:** Did you hear any positive
24 feedback?

25 **MR. TOWNDALE:** Positive, yeah.

1 **MS. SIMMS:** How -- do you -- can you tell us
2 how that group home was supervised by the Children's Aid
3 Society?

4 **MR. TOWNDALE:** Rod Rabey and his wife were
5 running the group home. My recollection is that it was
6 Dave Devlin who was supervising that home at that time.
7 Social workers can place children there and they will
8 continue to be the worker. That's my recollection.

9 **MS. SIMMS:** So in a foster home situation,
10 if there would be a childcare worker assigned to a child
11 and that childcare worker would follow the child through
12 their placement at a foster home. Is that right?

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

14 **MS. SIMMS:** And so was it your understanding
15 that the same situation was in place for the group home,
16 that if a child was placed in a group home, their childcare
17 worker would continue to follow them?

18 **MR. TOWNDALE:** Yeah. I would clarify
19 protection workers, who have temporary wards, at that time
20 carried temporary wards. Their plan is to unite the
21 children with parents as soon as possible. So they carry
22 the family's case as well as the child's case.

23 With regard to children who are Crown wards,
24 there were childcare workers because the contact with
25 parents were terminated in most cases at that time.

1 **MS. SIMMS:** So you weren't directly involved
2 in supervising the home in the fall of 1975?

3 **MR. TOWNDALE:** No.

4 **MS. SIMMS:** Okay. And I understand that Mr.
5 Rabey passed away suddenly in December of 1975?

6 **MR. TOWNDALE:** That's my recollection,
7 around Christmastime.

8 **MS. SIMMS:** And do you recall what steps the
9 CAS took to respond to that situation?

10 **MR. TOWNDALE:** Children's Aid was placed
11 with a situation. We had a number of children in the home
12 and we didn't have anybody to place -- to look after the
13 case. So we looked around the staff and we looked at Mr.
14 Derry Tenger as the person to supervise, to take over.

15 **MS. SIMMS:** So he was immediately selected
16 to become the Director?

17 **MR. TOWNDALE:** I don't know whether we
18 called that person Director, but I'm prepared to accept
19 that one, yeah. I don't know what -- in charge of the
20 group home.

21 **MS. SIMMS:** In charge of the group home.
22 Okay.

23 **MR. TOWNDALE:** Yeah.

24 **MS. SIMMS:** And had Mr. Tenger worked under
25 your supervision previously?

1 **MR. TOWNDALE:** Mr. Tenger, when I came to
2 Children's Aid in '65, he was already working and he was --
3 I was not supervising him at that time, but later on, I
4 started to supervise him.

5 **MS. SIMMS:** Was he in the Childcare
6 Department?

7 **MR. TOWNDALE:** At first I think he was in
8 the Protection Department and then came to Childcare.

9 **MS. SIMMS:** So when he was in Childcare he
10 would have been under your supervision?

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

12 **MS. SIMMS:** Okay. So prior to his placement
13 at Second Street, had you had any concerns about his views
14 on corporal punishment?

15 **MR. TOWNDALE:** I had no concerns about that
16 one. As a matter of fact, when I came up from Toronto
17 after my studies, he was gone at that time. He was gone to
18 the States someplace.

19 When a vacancy came in 1970 -- 1969-'70 --
20 we contacted him and asked him to come back.

21 **MS. SIMMS:** So this ---

22 **MR. TOWNDALE:** He rejoined the agency.

23 **MS. SIMMS:** Okay.

24 **MR. TOWNDALE:** What I'm trying to say is we
25 didn't have any concerns about -- we considered him as a

1 good worker.

2 MS. SIMMS: Okay. Now, in your statement
3 you mentioned Mr. Tenger was selected because of the
4 interest he'd shown in establishing facilities ---

5 MR. TOWNDALE: Yeah.

6 MS. SIMMS: --- such as Laurencrest. So he
7 was involved in establishing that?

8 MR. TOWNDALE: Yeah. Laurencrest was
9 established in -- between -- around '67, '69, and he was a
10 key person who was involved in starting that one.

11 MS. SIMMS: And also at the bottom of that
12 first page you mention that Mr. Tenger asked Mr. Bryan
13 Keough, also a social worker at the agency and a close
14 personal friend of his, to assist?

15 MR. TOWNDALE: That's correct, yeah.

16 MS. SIMMS: To which the agency agreed?

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

18 MS. SIMMS: So what was Mr. Keough's role
19 with respect to Second Street Group Home?

20 MR. TOWNDALE: My recollection is Bryan
21 Keough remained as a social worker at the Children's Aid.
22 He had a regular caseload, but he was assisting on a need
23 basis. Mr. Tenger and Bryan Keough were very close
24 friends.

25 MS. SIMMS: And Mr. Keough at that time

1 would have been a childcare worker as well?

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

3 MS. SIMMS: So under your supervision?

4 MR. TOWNDALE: That's correct, yeah.

5 MS. SIMMS: You also mentioned that Mr.
6 Tenger hired other staff members to help in the group home?

7 MR. TOWNDALE: That's correct, yeah.

8 MS. SIMMS: Do you recall if those staff
9 members were -- if the Children's Aid Society was involved
10 at all in the hiring of the other staff members?

11 MR. TOWNDALE: We were not directly
12 involved. He hired them and we accepted his staff he
13 hired.

14 MS. SIMMS: Okay. So do you know if -- what
15 the application process was or the screening process?

16 MR. TOWNDALE: I couldn't tell you that. I
17 think he selected and we accepted. One person was his
18 daughter, Heather. Another person was Bryan Keough's
19 brother, Michael, and the third person Jerry MacGillis. I
20 can't tell who that is now.

21 MS. SIMMS: Because presumably at times the
22 children would be solely under the care of the staff at the
23 group home?

24 MR. TOWNDALE: That's correct, yeah.

25 MS. SIMMS: Without Mr. Tenger being

1 present?

2 MR. TOWNDALE: That's correct, yeah.

3 MS. SIMMS: So -- but they were not screened
4 by the CAS with respect to references or interviews or ---

5 MR. TOWNDALE: CAS was not, but it was given
6 to Mr. Tenger as the person in charge to hire the staff he
7 needed, yeah.

8 MS. SIMMS: And you don't know what he might
9 have done to screen that staff?

10 MR. TOWNDALE: I don't know that.

11 MS. SIMMS: So we've mentioned already that
12 Mr. O'Brien went on sick leave in February of 1976?

13 MR. TOWNDALE: That's correct, yeah.

14 MS. SIMMS: And you assumed the role of
15 Acting Executive Director?

16 MR. TOWNDALE: Correct, yes.

17 MS. SIMMS: Okay. Now, we're on the second
18 page of your statement, Mr. Towndale. It ends with 444,
19 and on the third paragraph you say:

20 "The first indications of concern came
21 to my attention at a staff meeting in
22 February of 1976."

23 MR. TOWNDALE: Yeah.

24 MS. SIMMS: Can you tell us what concerns
25 came to your attention?

1 **MR. TOWNDALE:** We had a staff meeting and we
2 had one of the program supervisors from the Ministry came
3 to that meeting, and we asked the board members, whoever
4 wants to come, as well as all the staff to come. Derry
5 Tenger and some other staff came.

6 What was noticed was Derry Tenger always
7 dresses -- black dress and a black shirt, but some other
8 staff are also dressed in black. So a concern was raised
9 by some of the people there, "What is that all about?"

10 **MS. SIMMS:** Was that all there was to it,
11 that they were dressed in black?

12 **MR. TOWNDALE:** Yeah, that's all. There was
13 nothing to it.

14 **MS. SIMMS:** So you note that you made
15 inquiries following this meeting?

16 **MR. TOWNDALE:** Yeah.

17 **MS. SIMMS:** And who did you make inquiries
18 of?

19 **MR. TOWNDALE:** My recollection is I talked
20 to Dave Devlin to ask what was it, you know, asked him to
21 check into that.

22 **MS. SIMMS:** So you asked Mr. Devlin to check
23 into things?

24 **MR. TOWNDALE:** Yes.

25 **MS. SIMMS:** And so he reported back to you?

1 **MR. TOWNDALE:** He reported back to me and he
2 didn't have much to say about the dress code, but some
3 issues came about some of the punishments in the group home
4 at that time.

5 **MS. SIMMS:** And you mention in your
6 statement things about moving snow from one pile to another
7 ---

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

9 **MS. SIMMS:** --- washing the floor with a
10 toothbrush ---

11 **MR. TOWNDALE:** Yeah.

12 **MS. SIMMS:** --- kneeling on beads and some
13 other -- and some corporal punishment?

14 **MR. TOWNDALE:** Yeah.

15 **MS. SIMMS:** And was that referring -- was
16 this "some corporal punishment" referring to?

17 **MR. TOWNDALE:** Could you repeat that?

18 **MS. SIMMS:** What information did you receive
19 about corporal punishment?

20 **MR. TOWNDALE:** Children are sometimes -- did
21 the strapping. That's what I heard.

22 **MS. SIMMS:** So was this information that
23 Dave Devlin already had that he had communicated to you or
24 did he go and speak to Derry Tenger about it?

25 **MR. TOWNDALE:** I think he spoke to the --

1 Mr. Tenger and got the information back to me.

2 MS. SIMMS: And what was your views on the
3 information that you received?

4 MR. TOWNDALE: I told Derry Tenger that I am
5 opposed to corporal punishment, and he challenged me to
6 say, "Show the policy" and we didn't have a policy.

7 MS. SIMMS: Okay. So I take it the -- you
8 found the information you received was unacceptable
9 behaviour or what was your -- what was your impression of
10 the information that you heard from Dave Devlin about what
11 was happening at the group home?

12 MR. TOWNDALE: It was unacceptable
13 behaviour. That was indicated to them that the punishment
14 was not appropriate.

15 MS. SIMMS: And at the time, the Children's
16 Aid Society didn't have any formal policy about corporal
17 punishment?

18 MR. TOWNDALE: That's correct. There was no
19 policy at all.

20 MS. SIMMS: So I take it you had a
21 difference of opinion with Mr. Tenger about whether his
22 actions at the group home were appropriate or not?

23 MR. TOWNDALE: I told him that it's not
24 appropriate.

25 MS. SIMMS: And he disagreed with you?

1 **MR. TOWNDALE:** Disagreed with me. Then he
2 came one day to see me with one board member ---

3 **MS. SIMMS:** Okay. Let's -- well, let's move
4 to that.

5 **MR. TOWNDALE:** Okay.

6 **MS. SIMMS:** I guess I just wanted to ask you
7 some general questions about this issue.

8 **MR. TOWNDALE:** Okay.

9 **MS. SIMMS:** The Children's Aid Society is
10 tasked with the care of children?

11 **MR. TOWNDALE:** Correct.

12 **MS. SIMMS:** And I assume one of the issues
13 you deal with, and dealt with then, was whether children
14 were being abused physically, sexually and other ways?

15 **MR. TOWNDALE:** Correct, yeah.

16 **MS. SIMMS:** So was there any accepted
17 standard at the Children's Aid Society at that time with
18 respect with what kind of corporal punishment was
19 acceptable or not acceptable?

20 **MR. TOWNDALE:** There were no standards.

21 **MS. SIMMS:** Okay. So there were different
22 attitudes among the different workers?

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

24 **MS. SIMMS:** Okay. And was there any
25 guideline or practice to what -- with respect to what

1 physical discipline of children was acceptable or not?

2 MR. TOWNDALE: No, I don't recall any
3 specific guidelines, yeah.

4 MS. SIMMS: So, just in a general sense then
5 with respect to investigations of abuse or assessing foster
6 homes, I take it those -- the assessment of whether the
7 physical treatment of the children was acceptable or not
8 would be up to the individual caseworker?

9 MR. TOWNDALE: Social workers, yeah.

10 MS. SIMMS: Okay. And the social workers at
11 the time would have differing views?

12 MR. TOWNDALE: That's correct, yeah.

13 MS. SIMMS: So I know there's a series of
14 things that happened in March and so we're going to go
15 through it. A lot happens in a couple of weeks. And I
16 know you recognized at the time, or did you recognize at
17 the time that there was a number of different opinions on
18 this issue within the Children's Aid Society?

19 MR. TOWNDALE: That's correct, yeah.

20 MS. SIMMS: And I'm going to refer you again
21 briefly to some minutes that are at Tab -- oh, sorry,
22 Document Number 129993.

23 THE COMMISSIONER: So before you get into
24 the events there, I think we'll have to break for lunch.

25 MS. SIMMS: Sure.

1 **THE COMMISSIONER:** Do you want to enter this
2 document?

3 **MS. SIMMS:** Yes.

4 **THE COMMISSIONER:** Thank you.

5 Exhibit Number 2211 is Minutes of the Board
6 of Directors of the Children's Aid Society held on Tuesday,
7 March 2nd, 1976.

8 **--- EXHIBIT NO./PIÈCE NO. P-2211:**

9 (129993) Minutes of the CAS Board of
10 Directors Meeting - March 2, 1976

11 **MS. SIMMS:** So, Mr. Towndale, you're
12 identified as attending that meeting as the Acting
13 Director?

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

15 **MS. SIMMS:** And if you could look at the
16 second page, towards the bottom, it's a bit cut off, but it
17 says -- I believe it says "Annual Meeting"?

18 **MR. TOWNDALE:** Correct, yeah.

19 **MS. SIMMS:** And so this is on March 2nd,
20 1976, and it says that there will be a -- the annual
21 meeting will be changed to March 24th, there will be a panel
22 discussion with a moderator and four panel members and the
23 topic will be discipline?

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

25 **MS. SIMMS:** Did you -- was that topic chosen

1 by you?

2 MR. TOWNDALE: I chose that topic, yes.

3 MS. SIMMS: And was that related to the
4 concerns you had with respect to the Second Street Group
5 Home?

6 MR. TOWNDALE: Corporal punishment; group
7 home as well as maybe other foster homes too, yeah.

8 MS. SIMMS: Okay.

9 There's also reference, just under that
10 paragraph, to -- it states:

11 "Mr. Towndale informed the Board that
12 Mr. Steve Charko of the Children's
13 Services Bureau, Toronto, would be at
14 the agency at 9:15 a.m. on Thursday,
15 March 4th."

16 MR. TOWNDALE: That's correct.

17 MS. SIMMS: Is this a different meeting than
18 the staff meeting you referenced?

19 MR. TOWNDALE: That's the meeting I was
20 talking about.

21 MS. SIMMS: This is the meeting you were
22 talking about?

23 MR. TOWNDALE: This is the meeting, yeA.

24 MS. SIMMS: Okay. So there weren't -- this
25 is the first and only meeting where Steve Charko was in

1 attendance?

2 **MR. TOWNDALE:** There could have been other
3 meetings. At that time, there were four or five area
4 supervisors, so they moved ---

5 **MS. SIMMS:** Okay.

6 **MR. TOWNDALE:** --- different places, you
7 know, so he doesn't come to Cornwall that often.

8 **MS. SIMMS:** I guess what I'm asking is that
9 you thought the staff meeting where concerns were raised
10 was in February of 1976?

11 **MR. TOWNDALE:** The only concern that was
12 raised was these people came dressed in black, that was the
13 concern -- that prompted asking what -- why they're all
14 dressed in black?

15 **THE COMMISSIONER:** Did they ever answer that
16 question? Did you ever ask?

17 **MR. TOWNDALE:** I didn't ask, Dave Downing
18 asked.

19 **THE COMMISSIONER:** I'm sorry?

20 **MR. TOWNDALE:** The other supervisor asked.

21 **THE COMMISSIONER:** Yes. And what was the
22 answer, do you know?

23 **MR. TOWNDALE:** That is we like to dress that
24 way. There was nothing else; that's my understanding.

25 **MS. SIMMS:** I take it some people found the

1 appearance intimidating ---

2 MR. TOWNDALE: Yeah.

3 MS. SIMMS: --- partly due to that ---

4 MR. TOWNDALE: That's correct, yeah.

5 MS. SIMMS: And raised some concerns with
6 you about that?

7 MR. TOWNDALE: Yes, right.

8 MS. SIMMS: So I just wanted to ask about
9 this March 4th meeting. Was it related to the issue at
10 Second Street Group Home?

11 MR. TOWNDALE: No, nothing to do with that
12 one. He goes to different places and he came and ---

13 MS. SIMMS: Was it -- sorry?

14 MR. TOWNDALE: We like to know what is
15 happening with the Ministry so he could explain what was
16 happening at the ---

17 MS. SIMMS: Did you take that opportunity to
18 speak with him about the issues you had with Second Street
19 Group Home?

20 MR. TOWNDALE: I didn't know at that time
21 with regard to physical punishment at the group home.

22 MS. SIMMS: Well, Mr. Towndale, so you're
23 arranging at that time a panel discussion with respect to
24 discipline?

25 MR. TOWNDALE: Yeah, because I was having

1 discussions with Mr. Tenger with regard to use of corporal
2 punishment. He's challenging me, "That's your philosophy,
3 show me the policy". And I don't have a policy to give
4 him.

5 **MS. SIMMS:** All right.

6 **MR. TOWNDALE:** So I -- should I go ---

7 **THE COMMISSIONER:** Yeah, go ahead, go ahead.

8 **MR. TOWNDALE:** Go ahead? So I wanted
9 everybody to be educated with the regard to physical
10 punishment and I thought this would be an opportunity
11 because all the board members will be there. So they will
12 get a chance to see the effects of physical punishment on
13 children.

14 **MS. SIMMS:** So, just so I'm clear, was this
15 an issue that you raised at the time with the Ministry,
16 Steve Charko or someone else, to seek advice about the
17 issue of corporal punishment and your lack of policy on
18 corporal punishment?

19 **MR. TOWNDALE:** I don't think I raised with
20 Mr. Steve Charko but I called a couple of agencies. One
21 that comes to my mind is Plantagenet I called and asked
22 whether they have any policy and they told me, no, they
23 didn't have any policy.

24 **MS. SIMMS:** Sorry? Which agency?

25 **MR. TOWNDALE:** Plantagenet.

1 **THE COMMISSIONER:** Plantagenet?

2 **MR. TOWNDALE:** Yeah.

3 **MS. SIMMS:** Perhaps we can break for lunch,
4 Mr. Commissioner.

5 **THE COMMISSIONER:** All right. We're going
6 to break for lunch now, sir. So if you can come back for
7 two o'clock or a little bit before?

8 **MR. TOWNDALE:** Thank you.

9 **THE COMMISSIONER:** Thank you.

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

12 This hearing will resume and 2:00 p.m.

13 --- Upon recessing at 12:31 p.m. /

14 L'audience est suspendue à 12h31

15 --- Upon resuming at 2:03 p.m./

16 L'audience est reprise à 14h03

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

19 This hearing is now resumed, please be
20 seated. Veuillez vous asseoir.

21 **THE COMMISSIONER:** Merci.

22 **MS. SIMMS:** Good afternoon.

23 **THE COMMISSIONER:** Good afternoon, Ms.
24 Simms.

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

1 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.
2 SIMMS (cont'd./suite):

3 MS. SIMMS: Mr. Towndale, just before lunch,
4 we were discussing concerns that came to your attention in
5 February or early March of 1976, and you had mentioned a
6 meeting you had with Derry Tenger?

7 MR. TOWNDALE: Yes.

8 MS. SIMMS: On the issue?

9 MR. TOWNDALE: Right. That's correct.

10 MS. SIMMS: And were you referring to a
11 meeting you had with Derry Tenger and Canon Irwin, Bryan
12 Keough; that's what you were referring to?

13 MR. TOWNDALE: That's correct, yeah.

14 MS. SIMMS: Okay. So did you speak to Derry
15 -- do you recall if you spoke to Derry Tenger one-on-one on
16 this issue prior to that ---

17 MR. TOWNDALE: I did speak to him before,
18 yes.

19 MS. SIMMS: Okay. So you knew at that time
20 what his position was with respect to corporal punishment?

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

22 MS. SIMMS: Okay.

23 So I am going to take you to that second
24 meeting in just a moment, but first I'm going to ask you to
25 refer to Exhibit 2210, which was the Crown brief we

1 entered. Madam Clerk can help you.

2 Mr. Towndale, I am going to ask you to turn
3 to Bates page ending 450, right near the end of the brief.

4 **MR. TOWNDALE:** Four-five-zero (450)?

5 **MS. SIMMS:** Four-five-zero (450).

6 It's a witness statement by Sidney Irwin.

7 **MR. TOWNDALE:** Yes -- 450. Okay.

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **MS. SIMMS:** Mr. Towndale, do you have in
10 front of you a witness statement by Sidney Irwin?

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

12 **MS. SIMMS:** Okay. Can you tell us who
13 Sidney Irwin is?

14 **MR. TOWNDALE:** Canon Irwin used to be the
15 rector of Trinity Anglican Church in Cornwall.

16 He was a Board member at that time.

17 **MS. SIMMS:** In 1976?

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

19 **MS. SIMMS:** Okay. Now, this appears to be a
20 statement that he gave to Constable White, and he mentions
21 in here that he knew Derry Tenger previously?

22 **MR. TOWNDALE:** Yeah.

23 **MS. SIMMS:** And you were aware of that?

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

25 **MS. SIMMS:** Okay. I'm going to ask you to

1 flip to the second page of his statement.

2 MR. TOWNDALE: Okay.

3 MS. SIMMS: And the first full paragraph
4 says:

5 "I remember Derry Tenger and Bryan
6 Keough showing up at my cottage in
7 Barrie, Ontario. They wanted me to go
8 to the CAS Board and plead their case
9 because I think they were afraid they
10 were going to lose their jobs because
11 of the way they ran the group home."

12 Were you aware of any visit between Derry
13 Tenger, Bryan Keough and Canon Irwin, as he describes here?

14 MR. TOWNDALE: No, I don't recall.

15 MS. SIMMS: You didn't know?

16 MR. TOWNDALE: I don't know anything about
17 that one, no.

18 MS. SIMMS: Okay, but you do recall there
19 being a meeting with yourself, Derry Tenger, Bryan Keough
20 and Canon Irwin?

21 MR. TOWNDALE: Yeah. The three of them came
22 to the office to talk to me.

23 MS. SIMMS: Okay. I'm going to ask you to
24 look at another document, which is a report. It's Document
25 Number 123621.

1 Mr. Commissioner, this is a report of the
2 Personnel Committee from April 1st, '76.

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

4 **MS. SIMMS:** And it refers to some of the
5 same names that we discussed in the brief.

6 **THE COMMISSIONER:** All right. So what we
7 will do is a ban on the publication of all of the names
8 included in that report that would be in the care of the
9 Children's Aid Society, and we'll do that again there. We
10 will confirm all of those in camera at one point. Yes,
11 publication ban.

12 Thank you, Exhibit 2212.

13 **--- EXHIBIT NO./PIÈCE NO P-2212:**

14 (123621) Report of Personnel Committee -
15 April 1, 1976 (Publication Ban)

16 **MS. SIMMS:** Do you recognise this document,
17 Mr. Towndale?

18 **MR. TOWNDALE:** I do. I do, yes.

19 **MS. SIMMS:** Okay. And it's titled, "Report
20 of Personnel Committee April 1st, 1976".

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

22 **MS. SIMMS:** Were you involved in preparing
23 this document?

24 **MR. TOWNDALE:** No, I was -- oh ---

25 **MS. SIMMS:** Do you recall if you were

1 involved?

2 **MR. TOWNDALE:** Yeah, I -- what happened, I
3 don't think I ever prepared this report, but I think at the
4 Personnel Committee meeting I gave a report.

5 **MS. SIMMS:** So you contributed information
6 that's ---

7 **MR. TOWNDALE:** Yeah, that's correct, yeah.

8 **MS. SIMMS:** --- now in this report?

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

10 **MS. SIMMS:** Okay. And do you know for what
11 purpose this report was prepared?

12 **MR. TOWNDALE:** There was no policy with
13 regard to corporal punishment. When Mr. Tenger approached
14 me for permission, I said no, and he was challenging me
15 about that one, and I thought we had to develop a policy.

16 So I talked to two people on the Board.
17 They were very supportive of me. One was Mrs. Labekovski.
18 I think she was the Chair of Personnel at that time, and
19 the second Board member was Mrs. Peggy Follon. So I talked
20 to them about it and eventually we ---

21 **MS. SIMMS:** Well, we'll go to the events
22 that then transpired.

23 **MR. TOWNDALE:** Okay, yes.

24 **MS. SIMMS:** Were there Board members who
25 were not supportive of your position?

1 **MR. TOWNDALE:** It was a divided Board.

2 **MS. SIMMS:** It was a divided Board?

3 **MR. TOWNDALE:** Yes, yes. But these two were
4 very supportive of me.

5 **MS. SIMMS:** Okay. So we were discussing a
6 meeting that you had, and I note that the first paragraph
7 of the Personnel Committee deals with a meeting between
8 yourself, Dave Devlin, Canon Irwin, Derry Tenger, Mike
9 Keough and Bryan Keough?

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

11 **MS. SIMMS:** And that was the meeting you
12 were referring to?

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

14 **MS. SIMMS:** And this is not the first time
15 you had spoken to Derry Tenger on this subject?

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

17 **MS. SIMMS:** And can you explain what
18 happened at this meeting?

19 **MR. TOWNDALE:** That meeting was to discuss
20 the -- I think they were approaching me permission to use
21 corporal punishment.

22 **MS. SIMMS:** Well, there's certainly a
23 meeting noted on March 8th where they appear to be
24 approaching you to ask if they can use corporal punishment
25 ---

1 MR. TOWNDALE: Yeah.

2 MS. SIMMS: --- with respect to three girls.
3 So do you think it was the same sort of discussion on that
4 ---

5 THE COMMISSIONER: That's right, yeah.

6 MS. SIMMS: Okay. And the note or the
7 report has the conclusion of that March 5th meeting that Mr.
8 Tenger was told to be extremely careful in the use of
9 corporal punishment until a policy was developed by the
10 Personnel Committee.

11 MR. TOWNDALE: That's correct, yeah.

12 MS. SIMMS: And is that how you recall the
13 meeting concluded?

14 MR. TOWNDALE: That was the meeting about.

15 MS. SIMMS: Okay. So there's a timeline of
16 events in this report, Mr. Towndale.

17 MR. TOWNDALE: Okay.

18 MS. SIMMS: And I'll just ask you if it is
19 the same as your recollection.

20 MR. TOWNDALE: Okay.

21 MS. SIMMS: Okay?

22 So the next event noted there is Sunday,
23 March 7th, that three girls ran way from the group home?

24 MR. TOWNDALE: That's correct, yeah.

25 MS. SIMMS: Okay, and you would have been

1 made aware of that at the time?

2 MR. TOWNDALE: I would have been, yes.

3 MS. SIMMS: And following their return to
4 the group home, there's another entry dated Monday, March
5 8th.

6 MR. TOWNDALE: Yeah.

7 MS. SIMMS: And that note states that Derry
8 Tenger and Mike Keough approached you for permission to
9 strap the three girls?

10 MR. TOWNDALE: That's correct, yeah.

11 MS. SIMMS: Do you recall that happening?

12 MR. TOWNDALE: That's -- I remember that
13 happening.

14 MS. SIMMS: And, again, was your position
15 the same as it had been previously?

16 MR. TOWNDALE: My position was firm on that
17 one. My position was firm. I was not for corporal
18 punishment, yeah.

19 MS. SIMMS: Okay. And the note again refers
20 to the Personnel Committee. So was it a concern of yours
21 to get a policy in place as soon as possible?

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

23 MS. SIMMS: Now, that same day, the note
24 says that you felt you should talk to the children at the
25 group home?

1 MR. TOWNDALE: Correct.

2 MS. SIMMS: Before the Personnel Committee?

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

4 MS. SIMMS: And what was your thinking in
5 that respect?

6 MR. TOWNDALE: When I spoke to Mrs.
7 Labekovski, she arranged to have a Personnel Committee
8 meeting on the 9th, I remember, and I thought before I go do
9 the meeting, I wanted to get some feedback from children
10 what is happening in that -- in the group home, whether
11 physical punishment is used and what other -- what is going
12 on; just to get a picture because I'll be asked at the
13 Personnel Committee meeting.

14 MS. SIMMS: So you thought you should take a
15 personal role in ---

16 MR. TOWNDALE: That's right.

17 MS. SIMMS: --- speaking to the children?

18 MR. TOWNDALE: Correct, yeah.

19 MS. SIMMS: Okay, and it appears that you
20 and Mrs. Gratton interviewed the boys who were residents at
21 the group home?

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

23 MS. SIMMS: And Sister Quesnel and Mrs.
24 Follon interviewed the girls?

25 MR. TOWNDALE: That's correct, yeah.

1 **MS. SIMMS:** Was there a reason for these
2 particular people to do the interviews?

3 **MR. TOWNDALE:** No particular reason because
4 at that time we had a very limited number of staff, and I
5 thought it is better that Mrs. Follon showed interest in
6 the -- on the issue there and I thought she will be a good
7 person to interview the girls. And Therese Quesnel was
8 working in Single Parents Department at that time, and I
9 asked her to help too, and Mrs. Gratton was the foster home
10 finder.

11 **MS. SIMMS:** And were the interviews held at
12 the CAS offices?

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

14 **MS. SIMMS:** And did you interview the
15 children individually or in a group?

16 **MR. TOWNDALE:** Individually, yeah.

17 **MS. SIMMS:** So you would have only spoken to
18 the boys?

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

20 **MS. SIMMS:** And I take it the information
21 from the girls' interviews was relayed to you?

22 **MR. TOWNDALE:** They were going to be, yes.

23 **MS. SIMMS:** Now, you note a following -- a
24 number of incidents being reported?

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

1 **MS. SIMMS:** And are these incidents that you
2 recall being reported that night in the interviews with the
3 children?

4 **MR. TOWNDALE:** That we found out at that
5 meeting, yeah.

6 **MS. SIMMS:** Okay. And the first one is with
7 respect to a ward who is picked up at the OPP Long Sault by
8 Bryan Keough?

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

10 **MS. SIMMS:** Do you see that? And I take it
11 what follows is her allegations of what happened after she
12 was picked up by Mr. Keough?

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

14 **MS. SIMMS:** So she -- you wouldn't have
15 heard this directly? You would have heard this through the
16 people who interviewed her?

17 **MR. TOWNDALE:** Yep, yeah.

18 **MS. SIMMS:** Okay. And basically the
19 allegation was that she had to remove her clothing and she
20 was tied to a bed too?

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

22 **MS. SIMMS:** Now, is it possible -- I noted
23 in your statement in your Crown brief that you mentioned
24 this particular incident, and I don't know if it's easy for
25 you to get there again, Mr. Towndale, but it's the Crown

1 brief and I can just read it to you.

2 MR. TOWNDALE: Yeah, yeah.

3 MS. SIMMS: It's Exhibit 2210 and it's at
4 Bates page 445, and you mention this incident in the third
5 paragraph.

6 MR. TOWNDALE: Okay.

7 MS. SIMMS: "One incident of inappropriate
8 and unacceptable behaviour which came
9 to light from Bryan Keough himself,
10 whereby he'd placed a runaway girl in a
11 foster home and had to strip her to her
12 bra and panties in order to prevent her
13 from running away again."

14 MR. TOWNDALE: Yes.

15 MR. CHISHOLM: Is it on the screen, Mr.
16 Towndale? Your document, is it on the screen now?

17 MR. TOWNDALE: No.

18 MS. SIMMS: All I really wanted to ask you -
19 --

20 THE COMMISSIONER: I don't have mine, no,
21 Madam Clerk. I don't know what's going ---

22 MS. SIMMS: It's Exhibit ---

23 THE COMMISSIONER: It's okay, let's keep
24 going.

25 MS. SIMMS: It's Exhibit 210 (sic).

1 **THE COMMISSIONER:** But it's on everybody
2 else's screen? It's not on your screen yet? Okay.

3 **THE REGISTRAR:** The Bates page?

4 **MS. SIMMS:** Four-four-five (445). Thank
5 you.

6 So it's the paragraph starting, "One
7 incident", the last paragraph that's showing on the screen.

8 **MR. TOWNDALE:** Yes.

9 **MS. SIMMS:** Okay?

10 **MR. TOWNDALE:** Yeah.

11 **MS. SIMMS:** And just what I wanted to ask
12 you about that is, you say in that statement it came to
13 light from Bryan Keough himself, so I was just wondering if
14 this was the first time you'd heard of these allegations or
15 if you'd previously heard from Bryan Keough that this had
16 occurred?

17 **MR. TOWNDALE:** Yeah.

18 **MS. SIMMS:** Do you recall?

19 **MR. TOWNDALE:** Bryan Keough spoke to me. He
20 reported to me that part. The reason I say that one is I
21 went to the court to advise the lawyer who was representing
22 the case at that -- there was a hearing at that time, the
23 next day; going to court, you know.

24 **MS. SIMMS:** I guess what ---

25 **MR. TOWNDALE:** I'm not clear on that.

1 **MS. SIMMS:** Okay, that's -- if you don't
2 remember, it's fine.

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

4 **MS. SIMMS:** I just wanted to know ---

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

6 **MS. SIMMS:** --- if this was the first you
7 would have heard of this incident, or if you'd heard it
8 previously through Dave Devlin or Bryan Keough. You don't
9 recall that?

10 **MR. TOWNDALE:** No, no.

11 **MS. SIMMS:** And we can discuss you going to
12 court, but as you continue down the page and on to page 2,
13 there's another list of information that you received from
14 the children with respect to their treatment?

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

16 **MS. SIMMS:** Okay. And it's basically
17 information regarding punishments received, such as forced
18 to do housework all night in bra and panties with staff
19 watching; had to take cold showers. There's allegations
20 about shovelling snow back and forth; stoppings. Are
21 these the allegations, as you recall them, that you were
22 advised of?

23 **MR. TOWNDALE:** That's right, that was them.

24 **MS. SIMMS:** Okay. And do you recall being
25 advised -- hearing from the children or being advised that

1 allegations were made of sexual abuse at the group home?

2 **MR. TOWNDALE:** No, never heard any
3 allegations of sexual abuse.

4 **MS. SIMMS:** Do you know if the children were
5 asked about sexual abuse or sexual misconduct during their
6 interviews?

7 **MR. TOWNDALE:** I did not ask.

8 **MS. SIMMS:** Okay. So you were focussed on
9 the issue of the corporal punishment?

10 **MR. TOWNDALE:** Physical punishment, yeah.

11 **MS. SIMMS:** So you've now received this
12 information, these allegations, I take it. What was your
13 view of the treatment as it was reported to you by the
14 children?

15 **MR. TOWNDALE:** It is very disappointing for
16 me to hear that. It's demeaning, quite harsh and
17 unacceptable.

18 **THE COMMISSIONER:** Sorry, I want to be
19 clear.

20 **MR. TOWNDALE:** Yeah.

21 **THE COMMISSIONER:** One of the things that
22 we're looking at is, of course, that these things happened
23 in 1975.

24 **MR. TOWNDALE:** Seventy-six (76).

25 **THE COMMISSIONER:** Seventy-six (76), all

1 right.

2 MR. TOWNDALE: Seventy-six (76), yeah.

3 THE COMMISSIONER: And so I think we've come
4 a long way since then, and from today's perspective it
5 would be very serious ---

6 MR. TOWNDALE: That's correct.

7 THE COMMISSIONER: --- bordering maybe even
8 on a criminal activity.

9 So back in 1976, using how you felt in those
10 days as a child protection person, you're saying, based on
11 those -- the way we thought in 1976, this was still very
12 harsh?

13 MR. TOWNDALE: It is very inappropriate.

14 THE COMMISSIONER: Very inappropriate.

15 MR. TOWNDALE: Inappropriate, yeah.

16 THE COMMISSIONER: Okay.

17 MR. TOWNDALE: Yes.

18 THE COMMISSIONER: All right.

19 So were you shocked? Like how did you feel
20 when you read and you found out about all this?

21 MR. TOWNDALE: I was disappointed they will
22 do to kids -- you know, these are kids.

23 THE COMMISSIONER: Yes.

24 MR. TOWNDALE: I don't want to use the word
25 "normal" but these kids have problems.

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

2 **MR. TOWNDALE:** So in that way human dignity
3 and conduct of human beings, you know.

4 **THE COMMISSIONER:** Right. So and the fact
5 that it was two CAS workers that were doing or overseeing
6 all of this, how did that make you feel?

7 **MR. TOWNDALE:** It was basically one person,
8 Derry Tenger.

9 **THE COMMISSIONER:** Okay.

10 **MR. TOWNDALE:** Another was supporting. So I
11 was disappointed in Derry Tenger doing that, you know.

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

13 **MR. TOWNDALE:** It was very hurtful because I
14 have known the man for many years.

15 **THE COMMISSIONER:** M'hm

16 **MR. TOWNDALE:** And he knows my feelings
17 about that.

18 **THE COMMISSIONER:** Right. Did -- and maybe
19 I'm getting ahead a little bit, but after Mr. Tenger left,
20 did you look into his files to see if other children -- or
21 how he had acted with the children he was dealing with
22 before he started to run the group home?

23 **MR. TOWNDALE:** We did not look into that.

24 **THE COMMISSIONER:** Had you had any prior
25 complaints about him elsewhere he worked?

1 **MR. TOWNDALE:** No complaints about him, no.

2 **THE COMMISSIONER:** Okay, thank you. Go
3 ahead.

4 **MR. TOWNDALE:** But if I may add something.

5 **THE COMMISSIONER:** Yes.

6 **MR. TOWNDALE:** He showed to me genuine
7 interest in the children.

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

9 **MR. TOWNDALE:** One thing that sticks in my
10 mind is there were four children in one foster home. The
11 foster parents left Cornwall and went to Barrie -- not
12 Barrie, North Bay.

13 **THE COMMISSIONER:** North Bay, yeah.

14 **MR. TOWNDALE:** North Bay, and he insisted he
15 wants to keep in touch with the kids. He didn't want to
16 transfer the supervision to another agency. So every two
17 months he will go there to supervise the kids.

18 He thought that relationship he had with the
19 kids is important and whatnot. He had a genuine interest
20 in the children, but his methods ---

21 **THE COMMISSIONER:** Methods.

22 **MR. TOWNDALE:** --- of getting are not
23 acceptable.

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

25 **MS. SIMMS:** Just along the lines of the

1 timeframe, I just asked if you had questioned the children
2 about any allegations of sexual abuse and, again, this is
3 1976. Was that an issue that would have been on the
4 forefront of your mind in the CAS in 1976?

5 **MR. TOWNDALE:** It was not, and I didn't ask
6 and I never asked the other two people whether they asked.
7 So I cannot answer that one because it was not at the
8 forefront. Physical abuse, physical punishment was at that
9 time.

10 **MS. SIMMS:** So you've now received this
11 information. In 1976, at the time, did you, at the
12 Children's Aid Society, have in place any policy with
13 respect to what you do about allegations against staff
14 members or other ---

15 **MR. TOWNDALE:** We didn't have any policy.

16 **MS. SIMMS:** Okay. So now you're in receipt
17 of this information. You were making decisions about what
18 to do without the guidance of any policy to help you make
19 your decisions, right?

20 **MR. TOWNDALE:** Yeah.

21 **MS. SIMMS:** Did you -- you were unable to
22 seek the advice of Tom O'Brien?

23 **MR. TOWNDALE:** No, he was away.

24 **MS. SIMMS:** And I think you told us you
25 didn't seek the advice of anyone in the Ministry about this

1 issue?

2 MR. TOWNDALE: I did not, no.

3 MS. SIMMS: And you mentioned you did speak
4 to another agency?

5 MR. TOWNDALE: It was about physical
6 punishment. I contacted the next-door agency.

7 MS. SIMMS: And that was to see what their
8 policy was?

9 MR. TOWNDALE: It was the policy.

10 MS. SIMMS: Okay. So back to the report
11 that you had in front of you -- it was Exhibit 2212.

12 MR. TOWNDALE: Okay.

13 MS. SIMMS: Following -- you were speaking
14 to the children on the evening of Monday, March 8th?

15 MR. TOWNDALE: Correct, yeah.

16 MS. SIMMS: And on Tuesday, March 9th,
17 there's a note of a Personnel Committee ---

18 MR. TOWNDALE: Meeting.

19 MS. SIMMS: --- meeting?

20 MR. TOWNDALE: Yeah.

21 MS. SIMMS: Okay. And there's also in
22 attendance some other board members?

23 MR. TOWNDALE: That's correct. They added a
24 couple of more members to that committee.

25 MS. SIMMS: So you had arranged this meeting

1 prior to the interview with Children's Aid?

2 MR. TOWNDALE: That's correct; yeah.

3 MS. SIMMS: And you had arranged to have
4 some speakers attend at the meeting?

5 MR. TOWNDALE: That's correct, yeah.

6 MS. SIMMS: So can you tell us what happened
7 at the Personnel Committee meeting?

8 MR. TOWNDALE: I invited Mr. John Mackay,
9 who was the Director of Laurencrest. That's a facility for
10 youth.

11 MS. SIMMS: Laurencrest is a youth facility.

12 MR. TOWNDALE: Youth facility.

13 MS. SIMMS: But it's not -- it's independent
14 of the Children's Aid Society?

15 MR. TOWNDALE: That's correct, yeah. It is
16 funded by the government directly. They had a policy --
17 they use behaviour modification. So I invited him to come
18 and speak to the Personnel Committee about behaviour
19 modification.

20 I also invited our lawyer, Ron Adams, to
21 come and speak to the criminal aspect of it.

22 MS. SIMMS: And that would be potential
23 liability?

24 MR. TOWNDALE: Correct, yeah.

25 MS. SIMMS: Okay. So as I read the notes

1 about this meeting, it starts, in fact, with a report of
2 the children's interviews being read?

3 **MR. TOWNDALE:** As necessary, yes.

4 **MS. SIMMS:** Okay. And then you had your
5 presentations?

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

7 **MS. SIMMS:** And the staff of the group home
8 were not in attendance for that portion?

9 **MR. TOWNDALE:** No, they joined later.

10 **MS. SIMMS:** Okay. And what was the response
11 of the Board to that first part of the meeting?

12 **MR. TOWNDALE:** The Board's response?

13 **MS. SIMMS:** To the information with respect
14 to the children? Was it divided?

15 **MR. TOWNDALE:** It was divided, yeah.

16 **THE COMMISSIONER:** Divided in the sense that
17 some people thought that the discipline being given was
18 appropriate?

19 **MR. TOWNDALE:** They thought difficult
20 children and children need discipline, yeah.

21 **THE COMMISSIONER:** Okay.

22 **MS. SIMMS:** All right.

23 And then the next thing that happened at
24 that meeting, according to this report, was that Mr.
25 Tenger, Michael Keough and Bryan Keough joined the meeting?

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

2 **MS. SIMMS:** Do you recall that?

3 **MR. TOWNDALE:** I remember that, yeah.

4 **MS. SIMMS:** And there was a discussion at
5 that point?

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

7 **MS. SIMMS:** The report of the children's
8 interviews that was read, do you recall whether it
9 contained basically the allegations that are listed in this
10 report?

11 **MR. TOWNDALE:** Yeah, that's correct.

12 **MS. SIMMS:** Okay. Do you know -- I'm asking
13 you because there is a mention in the discussion about them
14 discussing these allegations. So it's basically the same
15 information that the Board had?

16 **MR. TOWNDALE:** Same information, yeah.

17 **MS. SIMMS:** Okay. And how did this meeting
18 conclude?

19 **MR. TOWNDALE:** The staff felt that this
20 discipline is needed and there is improvement in children
21 and all that. Then there was a motion by the Personnel
22 Committee asking the staff to refrain from physical
23 punishment and asked to use isolation no longer than 24
24 hours.

25 **MS. SIMMS:** The report says "Refrain from

1 strapping children."

2 MR. TOWNDALE: Yeah.

3 MS. SIMMS: Is that your understanding of --

4 -

5 MR. TOWNDALE: Refrain from strapping, yeah.

6 MS. SIMMS: Okay. And did you agree with
7 this conclusion?

8 MR. TOWNDALE: I felt it was not strong.
9 Refrain, to me, was not strong enough and 24-hour isolation
10 was too long.

11 MS. SIMMS: So there's a conclusion of that
12 meeting in the notes on page 3. It says:

13 "The Personnel Committee felt this was
14 a much bigger issue than originally
15 thought and that further investigation
16 of policies were required, and we also
17 felt that we should talk with the
18 entire staff at the group home to
19 discuss their ideas about punishment."

20 MR. TOWNDALE: That's correct, yeah.

21 MS. SIMMS: And that was a discussion you
22 had with the Personnel Committee?

23 MR. TOWNDALE: That was the decision of the
24 Personnel Committee at that time, the need for further
25 discussion, yeah.

1 **MS. SIMMS:** So then there is -- I understand
2 that a number of children ran away again?

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

4 **MS. SIMMS:** Okay. And one of them being
5 Jeannette Antoine, who we've heard from?

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

7 **MS. SIMMS:** And they eventually came to the
8 CAS ---

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

10 **MS. SIMMS:** --- and then were returned again
11 to the home?

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

13 **MS. SIMMS:** Did you have any concerns during
14 this time period about returning those children to the
15 group home? Just at the time, were you thinking -- did it
16 come to your mind that maybe they shouldn't be placed back
17 with the same staff?

18 **MR. TOWNDALE:** That should have been the
19 right decision.

20 **MS. SIMMS:** And it's not a long timeframe,
21 but -- you also mention that there was the one ward who was
22 appearing in court?

23 **MR. TOWNDALE:** Correct, yeah.

24 **MS. SIMMS:** And you mentioned you attended
25 court?

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

2 **MS. SIMMS:** And it's noted here in this
3 report on page 4.

4 **MR. TOWNDALE:** Yeah.

5 **MS. SIMMS:** And the report says that she had
6 voiced her intention to tell the judge of her mistreatment
7 at the home and that you had attended to speak to her
8 father prior to court?

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

10 **MS. SIMMS:** Do you recall going to the
11 courthouse on that issue?

12 **MR. TOWNDALE:** I remember going to the
13 court, yeah.

14 **MS. SIMMS:** And did you speak -- who did you
15 speak to?

16 **MR. TOWNDALE:** I speak to Mr. Adams.

17 **MS. SIMMS:** Your lawyer?

18 **MR. TOWNDALE:** The lawyer.

19 **MS. SIMMS:** Okay. And ---

20 **MR. TOWNDALE:** And asked him to convey to
21 the father ---

22 **MS. SIMMS:** What were you wanting to convey
23 to the father?

24 **MR. TOWNDALE:** That it was inappropriate
25 treatment of the child and I felt that the father should

1 know from us than from somebody else. That's why I was
2 trying to be upfront.

3 **MS. SIMMS:** Okay. And did you stay for the
4 hearing? Do you recall ---

5 **MR. TOWNDALE:** I didn't stay for the
6 hearing.

7 **MS. SIMMS:** Okay. Because she apparently
8 had voiced her intention to tell the judge. Do you know --
9 did you get a report back from your lawyer that it had
10 become an issue at the hearing?

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

12 **MS. SIMMS:** Okay.

13 Mr. Commissioner?

14 **THE COMMISSIONER:** Yes.

15 **MS. SIMMS:** The name that we've been
16 referring to was subject to the interim publication ban we
17 discussed.

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

19 **MS. SIMMS:** And I would like to ask if we
20 could assign an interim moniker to this particular name?

21 **THE COMMISSIONER:** And what name would ---

22 **MS. SIMMS:** I can direct you to it and I ---

23 **THE COMMISSIONER:** Sure. Again, that will
24 have to be confirmed in the ---

25 **MS. SIMMS:** And we will confirm it in the

1 in-camera session.

2 THE COMMISSIONER: Sure.

3 MS. SIMMS: If you look at Exhibit 2210
4 which is the Crown brief.

5 THE COMMISSIONER: Yeah.

6 MS. SIMMS: The Bates page ending 319.
7 There's a list of witnesses there.

8 THE COMMISSIONER: Right.

9 MS. SIMMS: And on the first page of that
10 list Sidney Irwin, who we just discussed, is sort of
11 halfway down the page.

12 THE COMMISSIONER: Yes.

13 MS. SIMMS: And the name below that is the
14 name of the person I'll be seeking the moniker for.

15 THE COMMISSIONER: All right. So do you
16 know -- do you see the name of the person we're referring
17 to, sir?

18 MR. TOWNDALE: No.

19 THE COMMISSIONER: Okay, well the Clerk will
20 help you out. So the moniker number for that person will
21 be?

22 THE REGISTRAR: C-75.

23 THE COMMISSIONER: C-75. So can you go and
24 show the witness who C-75 is going to be?

25 All right. So that person will be referred

1 to as C-75.

2 MR. TOWNDALE: C-75. Okay.

3 MS. SIMMS: Just with respect to this court
4 hearing, I wanted to refer you to one further document and
5 it is C-75's file. So it's Document Number 130102.

6 THE COMMISSIONER: Thank you.

7 Exhibit Number 2213 is a document dated
8 March 1976, Admission/Social History of C-75.

9 ---EXHIBIT NO./PIECE NO. P-2213

10 (130102) Admission/Social History - March,
11 1976

12 MS. SIMMS: Do you have that?

13 MR. TOWNDALE: Yeah.

14 MS. SIMMS: Now, we discussed how this is --
15 you recognize this as case recordings on a child's file?

16 MR. TOWNDALE: Yeah, I do. Yeah.

17 MS. SIMMS: And we discussed how supervisors
18 would initial these recordings?

19 MR. TOWNDALE: That's correct.

20 MS. SIMMS: And if you look at the very last
21 page, page 4 ---

22 MR. TOWNDALE: Correct, yeah.

23 MS. SIMMS: --- there are initials there at
24 the bottom of the page?

25 MR. TOWNDALE: That's correct.

1 MS. SIMMS: Do you recognize those?

2 MR. TOWNDALE: Yeah.

3 MS. SIMMS: They're Dave Devlin's?

4 MR. TOWNDALE: That's correct, yeah.

5 MS. SIMMS: Okay. And I just wanted to
6 bring this to your attention because the second paragraph
7 on that last page notes that C-75 was placed in a group
8 home on February 28th, 1976?

9 MR. TOWNDALE: That's correct.

10 MS. SIMMS: On March 10th, '76, C-75 left the
11 group home.

12 MR. TOWNDALE: Correct.

13 MS. SIMMS: She was present at court on this
14 date and due to extreme disciplinary measures the judge
15 recommended that we terminate wardship?

16 MR. TOWNDALE: That's what it says, yeah.

17 MS. SIMMS: Were you aware of the issue of
18 the disciplinary measures -- I think I've asked you this
19 before, but does this refresh your memory of this being an
20 issue in the court?

21 MR. TOWNDALE: I don't remember that, no.

22 MS. SIMMS: And just on review of this --
23 it's a very brief recording -- she spent a very brief time
24 in care, but I don't see, aside from that reference, any
25 description of the events at the Second Street Group Home

1 or the allegations she made.

2 MR. TOWNDALE: Yeah.

3 MS. SIMMS: Now, was it your understanding
4 that that information should -- would be included in the
5 children's files or was that information to be kept
6 separately?

7 MR. TOWNDALE: It should have been in the
8 file but it is not there.

9 MS. SIMMS: It's not in this file?

10 MR. TOWNDALE: Yeah.

11 MS. SIMMS: You agree? Right.

12 Mr. Towndale, perhaps we can just go back to
13 the chronology from the report, which is Exhibit 2212.

14 So can you tell us -- if you can turn to
15 page 4 of the report.

16 MR. TOWNDALE: Okay.

17 MS. SIMMS: You were just discussing C-75
18 being in court and the following entry on this report is
19 dated Thursday, March 11th?

20 MR. TOWNDALE: That's correct, yeah.

21 MS. SIMMS: Okay. Can you explain to us
22 what happened on Thursday, March 11th?

23 MR. TOWNDALE: March 11th I decided to move
24 Derry Tenger from the group home and he was asked to return
25 to his former position at the Children's Aid. And he

1 didn't want to return. That's why I gave him a week to
2 consider it.

3 **MS. SIMMS:** And his former position was as a
4 childcare worker?

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

6 **MS. SIMMS:** Had you considered taking any
7 other disciplinary action aside from removing him from his
8 position?

9 **MR. TOWNDALE:** I didn't think about it
10 because I wanted the Board to come with a policy. Since
11 there was no policy, I couldn't discipline him with regard
12 to any of the actions he did, so I temporarily -- I moved
13 him, then going to the Board again, Personnel Committee.

14 **MS. SIMMS:** All right. So, I mean, surely
15 policy or no, there are certain standards of behaviour you
16 expected from the Children's Aid Society employees?

17 **MR. TOWNDALE:** I did, yeah.

18 **MS. SIMMS:** And was it your view that he had
19 met those standards in the way he was operating that group
20 home?

21 **MR. TOWNDALE:** Punishments were hard but I
22 was always challenged with regard to physical punishment,
23 with regard to there is no policy, and I speak to the Board
24 members, I'm not getting the full support.

25 So if I fired him, what will do to me with

1 the Board there? That was -- if the Board was behind me
2 supporting me, I could have fired him.

3 **MS. SIMMS:** So at this point-in-time, Mr.
4 Tenger had left and you had given him a period of one week
5 to think of his options?

6 **MR. TOWNDALE:** Yeah.

7 **MS. SIMMS:** And that's on March 11th, and had
8 you replaced Mr. Tenger with another staff member?

9 **MR. TOWNDALE:** Yes, with another staff
10 member. What happened was then the staff also got upset.
11 So I moved then the staff out of that group home.

12 **MS. SIMMS:** Was that around the same time?

13 **MR. TOWNDALE:** The same time, yeah.

14 **MS. SIMMS:** Okay.

15 **MR. TOWNDALE:** And the group home -- it says
16 here:

17 "When the group staff was informed,
18 they were really upset and showed
19 hostility. Towndale felt that they
20 should leave the group home as well."

21 So I moved the entire staff and put new
22 people from the office.

23 **MS. SIMMS:** And was that when -- who was the
24 replacement for Derry Tenger? Do you recall?

25 **MR. TOWNDALE:** Dick Mulligan.

1 **MS. SIMMS:** Okay. So the next notice from
2 March 17th and it's regarding a meeting between the
3 Personnel Committee and the group home staff.

4 **MR. TOWNDALE:** Correct, yeah.

5 **MS. SIMMS:** Did you attend that meeting?

6 **MR. TOWNDALE:** I attended that meeting.

7 **MS. SIMMS:** You did?

8 **MR. TOWNDALE:** Yeah.

9 **MS. SIMMS:** And can you tell us what
10 occurred at that meeting?

11 **MR. TOWNDALE:** Could I read and refresh my
12 memory?

13 **THE COMMISSIONER:** Sure.

14 **(SHORT PAUSE/CAUTE PAUSE)**

15 **MR. TOWNDALE:** They felt that punishment was
16 helping them and removing privileges and whatnot, they were
17 pretty cool, like patting a boy, bad boy or bad girl, you
18 know, so there were ---

19 **MS. SIMMS:** Was this an emotional meeting?

20 **MR. TOWNDALE:** It was an emotional meeting,
21 yeah.

22 **MS. SIMMS:** And were you involved in
23 discussing this issue with the staff or was it the
24 Personnel Committee that were discussing ---

25 **MR. TOWNDALE:** I was -- I think there was

1 concern that we should give them the opportunity to come
2 and express the so this was an opportunity for them to come
3 and tell what -- their philosophy about the punishment and
4 other matters of discipline and whatnot. And they seemed
5 to be not interested.

6 MS. SIMMS: So from this meeting, you felt
7 they weren't interested in employing different methods ---

8 MR. TOWNDALE: That's right, yeah.

9 MS. SIMMS: Okay. And it was the decision
10 of the Personnel Committee at that time that ---

11 MR. TOWNDALE: That's correct.

12 MS. SIMMS: --- the staff should resign?

13 MR. TOWNDALE: Yep. They felt that this
14 staff couldn't work with the new director and decided to
15 ask them to tender their resignations.

16 MS. SIMMS: And they did so?

17 MR. TOWNDALE: They did so.

18 MS. SIMMS: And what happened with Derry
19 Tenger?

20 MR. TOWNDALE: Derry Tenger resigned too.

21 MS. SIMMS: It was following this meeting?

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

23 MS. SIMMS: He didn't attend this meeting?

24 MR. TOWNDALE: He didn't come to the
25 meeting.

1 **MS. SIMMS:** Okay. And what happened with
2 Bryan Keough in terms of his involvement with the group
3 home?

4 **MR. TOWNDALE:** He was only helping the group
5 home. I had discussions with him and I told him in no
6 uncertain terms what I thought about it. Do you want me to
7 tell exactly what I told?

8 **MS. SIMMS:** M'hm.

9 **THE COMMISSIONER:** Sure. Yes.

10 **MR. TOWNDALE:** I told Bryan I feel sorry for
11 these kids. I said to him, "I don't treat my dog like
12 those kids." Those were my words to him.

13 **THE COMMISSIONER:** M'hm. But he wasn't
14 fired?

15 **MR. TOWNDALE:** He wasn't fired.

16 **THE COMMISSIONER:** And why is that?

17 **MR. TOWNDALE:** I took it as a decision of
18 the Personnel Committee. I reported to them.

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

20 **MR. TOWNDALE:** I had a choice. Maybe I
21 could have disagreed with them. I could have resigned
22 myself.

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

24 **MR. TOWNDALE:** If I went, it was a divided
25 board, couldn't get a complete board to agree with

1 something. There were board members supporting ---

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

3 **MR. TOWNDALE:** --- and others felt -- it was
4 the time of '75, physical punishment was somewhat accepted,
5 strapping and whatnot. I was always opposed to physical
6 punishment.

7 **THE COMMISSIONER:** Did the -- was there ever
8 any thought about reporting this to the police?

9 **MR. TOWNDALE:** No.

10 **THE COMMISSIONER:** And why is that?

11 **MR. TOWNDALE:** It was not the practice at
12 that time. I don't remember any case reporting to the
13 police at that time.

14 **MS. SIMMS:** Perhaps this would be a good
15 time for a moment ---

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

18 Thank you.

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

21 The hearing will resume at 3:00 p.m.

22 --- Upon recessing at 2:46 p.m. /

23 L'audience est suspendue à 14h46

24 --- Upon resuming at 3:03 p.m. /

25 L'audience est reprise à 15h03

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

3 The hearing is now resumed. Please be
4 seated. Veuillez vous asseoir.

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

6 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

7 **SIMMS (Cont'd/suite):**

8 **THE COMMISSIONER:** Ms. Simms?

9 **MS. SIMMS:** Mr. Commissioner. Mr. Towndale.
10 Just keep in mind there is a microphone in
11 front of you there.

12 **MR. TOWNDALE:** Okay.

13 **MS. SIMMS:** So when you're talking, speak
14 right into it so we can all hear you.

15 **MR. TOWNDALE:** Okay.

16 **MS. SIMMS:** Okay?

17 **MR. TOWNDALE:** Okay.

18 **MS. SIMMS:** We were -- the Commissioner was
19 just asking you with respect to you reporting the matter to
20 the police. I thought this might be a good time to take
21 you to some other comments that are in Constable White's
22 notes when he interviewed some other members of the
23 Children's Aid Society in 1994, and there are some general
24 comments made about allegations and investigations back in
25 this time period.

1 **MR. TOWNDALE:** Okay.

2 **MS. SIMMS:** So I'm going to ask you to look
3 at another document, which is Document Number 739156, and
4 again these are Constable White's notes, so they should be
5 marked Subject to Publication Ban.

6 **THE COMMISSIONER:** Thank you. Exhibit 2214
7 are notes of -- called Project Antoine II - Investigation
8 into Physical Abuse Allegations - CAS group home.

9 **---EXHIBIT NO./PIÈCE NO P-2214:**

10 (739156) Notes of Shawn White - 18 Jan, 94
11 to 03 Nov, 94

12 **THE COMMISSIONER:** And what page you want to

13 ---

14 **MS. SIMMS:** I'm on -- the Bates page is --
15 ends with 079.

16 **THE COMMISSIONER:** Is it a 6 -- yeah, it
17 must be the 609?

18 **MS. SIMMS:** Six -- yeah, sorry, 6079.

19 **THE COMMISSIONER:** Six zero seven nine
20 (6079).

21 **MS. SIMMS:** It's a little more than half way
22 through the brief ---

23 **THE COMMISSIONER:** I've got it.

24 **MS. SIMMS:** --- or the document.

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

1 MS. SIMMS: Are you there, Mr. Towndale?

2 MR. TOWNDALE: I'm here, yeah.

3 MS. SIMMS: Okay. So these are notes of a
4 meeting with Tom O'Brien.

5 MR. TOWNDALE: Correct, yeah.

6 MS. SIMMS: And they appear to be notes
7 prepared by Constable Shawn White.

8 MR. TOWNDALE: Okay.

9 MS. SIMMS: And you can see that he notes
10 having interviewed Mr. O'Brien in the course of his
11 investigation.

12 MR. TOWNDALE: Okay.

13 MS. SIMMS: And I just -- I want to -- if
14 you just turn the page over to the Bates page that ends at
15 081.

16 MR. TOWNDALE: Okay.

17 MS. SIMMS: And they're discussing the
18 incidents that we've been referring to this afternoon.

19 MR. TOWNDALE: Okay.

20 MS. SIMMS: And at the bottom of the page
21 there's a note by Constable White that says:

22 "No policy on what discipline should
23 exist in a group home. The group home
24 leader would have -- very flexible as
25 to what discipline was appropriate."

1 MR. TOWNDALE: Correct.

2 MS. SIMMS: See that?

3 MR. TOWNDALE: That's right.

4 MS. SIMMS: That's your understanding at the
5 time as well?

6 MR. TOWNDALE: That's my understanding,
7 yeah.

8 MS. SIMMS: And then at the bottom of that
9 second page, the page that ends 082 ---

10 MR. TOWNDALE: Okay.

11 MS. SIMMS: --- he mentions Dave Devlin ---

12 MR. TOWNDALE: Okay.

13 MS. SIMMS: --- was a supervisor of
14 Protection Department that investigates complaints ---

15 MR. TOWNDALE: Of abuse ---.

16 MS. SIMMS: --- of abuse.

17 MR. TOWNDALE: --- yeah.

18 MS. SIMMS: Right. And then his notes
19 state:

20 "Complaint about physical abuse or
21 sexual would be investigated himself,
22 which consisted of speaking to the
23 child, then speaking to the worker or
24 the foster parent. If there were
25 possibility, then the child was simply

1 moved out of the home. CAS was under
2 no obligation to report to police, by
3 law, the act."

4 Do you see that?

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

6 **MS. SIMMS:** Was that your understanding
7 about generally how the Society responded to complaints
8 back in '76?

9 **MR. TOWNDALE:** That's my understanding, yep.

10 **MS. SIMMS:** Okay. And he goes on to say, at
11 the bottom of that page where the notes say, "O'Brien
12 states" -- this is right at the bottom ---

13 **MR. TOWNDALE:** Correct, yeah.

14 **MS. SIMMS:** --- five lines up.

15 "O'Brien states that in 1970s, it was
16 prevalent to take the word of worker or
17 the foster parent. They just didn't
18 report allegations to police and he
19 doesn't know why."

20 Is that ---

21 **MR. TOWNDALE:** It's my understanding.

22 **MS. SIMMS:** --- your understanding as well?

23 **MR. TOWNDALE:** Yeah.

24 **MS. SIMMS:** And if you can look at Bates
25 page one five -- sorry, where is it? Bates page 6154, and

1 at the bottom of that page there are notes regarding a
2 meeting with Ian MacLean. See that? You know Ian MacLean
3 as an employee of the CAS?

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

5 **MS. SIMMS:** And he, in fact, took over the
6 group home following Dick Mulligan?

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

8 **MS. SIMMS:** And -- sorry?

9 **MR. TOWNDALE:** Six one four four (6144)?

10 **THE COMMISSIONER:** Six one five four (6154).

11 **MR. TOWNDALE:** Yeah, I see it, yeah.

12 **MS. SIMMS:** Okay. So there are notes here
13 of him being interviewed by Constable White.

14 **MR. TOWNDALE:** Yeah.

15 **MS. SIMMS:** On the next page, the second
16 half of the page, he discusses sexual abuse reporting and
17 it appears to be what the CAS procedure would be in 1990's;
18 that there be a risk management conference, et cetera.

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

20 **MS. SIMMS:** And we'll hear more of that from
21 other witnesses, but on the following page, which is ending
22 156?

23 **MR. TOWNDALE:** Got it, yeah.

24 **MS. SIMMS:** Again, there appear to be
25 comments about what the CAS response was to allegations

1 prior. There's a word that says "prior" underlined?

2 MR. TOWNDALE: Yeah.

3 MS. SIMMS: Okay. And the notes read:

4 "Worker would go in a mediate -- not a
5 written report."

6 Comments on the new Act in '85 and then
7 there's notes that read:

8 "He talked about the atmosphere of
9 time, sexual abuse was still in the
10 closet in mid-1970s. It wasn't
11 believed that these things could
12 happen. Secondly, it was believed that
13 these were troubled kids who would have
14 a tendency to lie. This is not the
15 assumption today."

16 Do you have any comment on that?

17 MR. TOWNDALE: I agree with that comment.

18 MS. SIMMS: And we were discussing that a
19 little bit in terms of whether you spoke to these children
20 about sexual abuse?

21 MR. TOWNDALE: Yes, I ---

22 MS. SIMMS: I take it that -- well ---

23 THE COMMISSIONER: Can we look a little down
24 this page; it says -- I'm sorry, 156, right at the bottom:

25 "Discussed the investigative procedure;

1 confirms that they received a number of
2 complaints a year about sexual abuse
3 either by a foster parent or worker.
4 He could not explain why our records do
5 not indicate in any investigations
6 reaching the police level."

7 So do you recall, sir, during your stay at
8 the Children's Aid Society in the -- and we are talking
9 about the 1980s now -- whether or not there were reports of
10 sexual abuse by children at the hands of either foster
11 parents or workers?

12 **MR. TOWNDALE:** Eighties or seventies?

13 **THE COMMISSIONER:** Eighties.

14 **MR. TOWNDALE:** Eighties; Yes, '80s we
15 started to look at -- it was becoming an issue in the
16 eighties. In the seventies, it was not.

17 **THE COMMISSIONER:** Go ahead, I'm sorry. I'm
18 probably getting ahead of you.

19 **MS. SIMMS:** No, that's quite all right. And
20 I think we might ---

21 **MR. TOWNDALE:** I think the standards came
22 into effect sometime in late '79 or something like that.

23 **MS. SIMMS:** What impact did the standards
24 have?

25 **MR. TOWNDALE:** Pardon me?

1 **MS. SIMMS:** Sorry. What impact did the
2 standards have with respect to investigations of sexual
3 abuse?

4 **MR. TOWNDALE:** How to handle issues of
5 abuse, you know.

6 **MS. SIMMS:** Okay.

7 So one of the things you had done in
8 response to some of these issues, and we referred to it way
9 back, when it was arranged an annual meeting where the
10 topic was discipline?

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

12 **MS. SIMMS:** You remember discussing that?
13 And I would just ask you to look at a Document Number
14 129994.

15 **THE COMMISSIONER:** That's a new one, sir.
16 It's okay.

17 Thank you. Exhibit Number 2215 is the
18 Minutes of the Annual Meeting held Wednesday, March 24th,
19 1976. That is the annual meeting of the Children's Aid
20 Society.

21 **--- EXHIBIT NO./PIÈCE NO. P-2215:**

22 (129994) Minutes of Annual Meeting, CAS -
23 March 24, 1976

24 **MS. SIMMS:** So this was the Annual Meeting?

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

1 **MS. SIMMS:** That I have discussed
2 previously, and on the last page of the minutes, it notes a
3 panel discussion regarding the use of corporal punishment
4 in the disciplining of children?

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

6 **MS. SIMMS:** Yes. And, again, you arranged
7 for this panel to attend?

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

9 **MS. SIMMS:** And you picked the speakers?

10 **MR. TOWNDALE:** I did pick the speakers, yes.

11 **MS. SIMMS:** And, again, the Board -- well, I
12 guess, was this an open meeting with Board members and
13 others?

14 **MR. TOWNDALE:** And the public can attend;
15 anybody can attend. Usually the -- usually there is
16 advertisement in the paper about the Annual Meeting.

17 **MS. SIMMS:** So your staff members would
18 attend?

19 **MR. TOWNDALE:** Yes.

20 **MS. SIMMS:** Okay. And, again, it's noted as
21 the most controversial topic that sparked a great deal of
22 response?

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

24 **MS. SIMMS:** So they're bringing different
25 opinions on the subject then?

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

2 **MS. SIMMS:** What happened with the -- the
3 staff had now resigned, Derry Tenger has resigned -- what
4 happened with the issue of a policy with respect to
5 corporal punishment?

6 **MR. TOWNDALE:** As far as I know, nothing
7 happened.

8 **MS. SIMMS:** Okay. So do you know if the
9 Board was attempting to formulate a policy on that issue or
10 not?

11 **MR. TOWNDALE:** At that time, I tried and I
12 didn't succeed and I took it partly I was an Acting
13 Director and the Board was not taking me seriously. I
14 don't know.

15 **MS. SIMMS:** Okay.
16 I'm going to ask you to look at another
17 document, Mr. Towndale. It's Document Number 739097.

18 **THE COMMISSIONER:** Thank you.
19 Exhibit 2216 is a document dated March 26th,
20 1976 to "Dear Angelo" and it's from Sidney Irwin.

21 **--- EXHIBIT NO./PIÈCE NO. P-2216:**
22 (739097) Letter from Sidney Irwin to Angelo
23 Towndale - March 26, 1976

24 **MS. SIMMS:** Do you recall receiving this
25 letter, Mr. Towndale?

1 **MR. TOWNDALE:** I do.

2 **MS. SIMMS:** And do you know what sparked
3 this letter?

4 **MR. TOWNDALE:** After that meeting, Canon
5 Irwin was nominated to the Board and he -- after that, he
6 didn't want to be considered on the Board. Then we had to
7 get a replacement and Father Gary Ostler was approached by
8 the nomination committee to replace him.

9 I got a call from Father Gary Ostler asking
10 me why Canon Irwin doesn't want to serve on the Board. I
11 told Father Ostler, "Let me close the door".

12 And I closed the door and explained to him
13 what happened. Father Ostler went and reported to Canon
14 Irwin what I said.

15 That prompted this letter for him to write.

16 **MS. SIMMS:** And the letter, as I read it,
17 did you take this letter as being him taking objection to
18 the way you had handled the matter?

19 **MR. TOWNDALE:** I do.

20 **MS. SIMMS:** Was this an issue with respect
21 to any other Board members? Did the rest of the Board
22 continue?

23 **MR. TOWNDALE:** Would you repeat that,
24 please?

25 **MS. SIMMS:** Were there any other Board

1 members who left about this ---

2 MR. TOWNDALE: No. No other Board members
3 left, no.

4 MS. SIMMS: Okay.

5 So shortly after this, there's a Board
6 meeting. After this letter, there is a Board meeting held
7 where the events are discussed?

8 MR. TOWNDALE: Okay.

9 MS. SIMMS: And that's the Board meeting of
10 April 1st, the same date as the report we just looked at.

11 MR. TOWNDALE: Okay.

12 MS. SIMMS: And I'll just take you to the
13 minutes of that meeting. It's Document Number 129995.

14 THE COMMISSIONER: Thank you.

15 Exhibit Number 2217 is a Special Meeting of
16 the Board of Directors of the Children's Aid Society held
17 April 1st, 1976. So Exhibit 2217.

18 --- EXHIBIT NO./PIÈCE NO. P-2217:

19 (129995) Minutes of Special Meeting of the
20 Brd. of Directors of CAS, April 1, 1976

21 MS. SIMMS: So on April 1st, Mr. Towndale,
22 you were still the Acting local Director?

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

24 MS. SIMMS: And on the second page of this
25 report, there's minutes entitled "Personnel Committee"?

1 MR. TOWNDALE: Yes.

2 MS. SIMMS: And it notes that Mrs. Fullon
3 read a report of the Personnel Committee with regard to
4 actions taken by them?

5 MR. TOWNDALE: Okay.

6 MS. SIMMS: A copy of the report is held in
7 the group home file.

8 MR. TOWNDALE: Good idea.

9 MS. SIMMS: And the Board approved the
10 decision of the Personnel Committee ---

11 MR. TOWNDALE: Yeah.

12 MS. SIMMS: --- and there's a motion by
13 Father Gary Ostler that the Service Committee be directed
14 to establish a policy.

15 MR. TOWNDALE: Yes. That's right, yeah.

16 MS. SIMMS: And was that policy with respect
17 to how the group homes be operated in terms of staffing,
18 et cetera? Do you know what type of policy they're
19 referring to there?

20 If you don't know, that's fine.

21 MR. TOWNDALE: I don't remember, no.

22 MS. SIMMS: Okay. So I understand that --
23 do you recall when Mr. O'Brien returned to his role as
24 Executive Director?

25 MR. TOWNDALE: He did return.

1 MS. SIMMS: Yes. Was it shortly after this
2 or ---

3 MR. TOWNDALE: He came in sometime in April.

4 MS. SIMMS: Sometime in April?

5 MR. TOWNDALE: Yeah, middle of April maybe.

6 MS. SIMMS: And did you brief Mr. O'Brien --

7 -

8 MR. TOWNDALE: I did.

9 MS. SIMMS: --- on the events that had
10 happened?

11 MR. TOWNDALE: I did. I did.

12 MS. SIMMS: Okay, and what was his response?

13 MR. TOWNDALE: I think he was surprised what
14 went on in the group home, and I apprised about the
15 difficulties I had with the Personnel Committee; they
16 divided, couldn't get the policy, those kinds of things.

17 MS. SIMMS: He was surprised that there
18 couldn't be a policy developed?

19 MR. TOWNDALE: Surprised at what went on in
20 the group home.

21 MS. SIMMS: Okay.

22 MR. TOWNDALE: And I also reported to him my
23 attempt to develop the policy didn't work out.

24 MS. SIMMS: Okay.

25 MR. TOWNDALE: So I left it ---

1 MS. SIMMS: You left it in his hands?

2 MR. TOWNDALE: Yes.

3 MS. SIMMS: Okay. And was he satisfied with
4 the way you had handled this situation?

5 MR. TOWNDALE: That's the impression I had.

6 MS. SIMMS: That was the impression you had?

7 MR. TOWNDALE: He -- critical of anything I
8 have not done.

9 MS. SIMMS: Okay. And to your knowledge,
10 was there a policy with respect to corporal punishment
11 developed by your Board at any point in time following
12 this? If you don't know ---

13 MR. TOWNDALE: No. I don't think it was
14 done -- maybe at a later date. I don't know when that will
15 be. I couldn't have answered that question.

16 MS. SIMMS: You don't know? Okay.

17 Now, Second Street Group Home continued on -
18 --

19 MR. TOWNDALE: Yes.

20 MS. SIMMS: --- with first Dick Mulligan
21 heading the group home and then Ian MacLean. Is that ---

22 MR. TOWNDALE: Taking over ---

23 MS. SIMMS: Yes.

24 MR. TOWNDALE: --- supervision of it, yes.

25 MS. SIMMS: And I take it new staff were

1 hired?

2 MR. TOWNDALE: Yes, they did.

3 MS. SIMMS: Okay, and were they -- was it
4 staffed by CAS workers or again was it Ian MacLean who
5 picked his staff?

6 MR. TOWNDALE: Ian MacLean picked out the
7 staff, yeah.

8 MS. SIMMS: Okay. And ---

9 MR. TOWNDALE: He was supervising the home.
10 He was not staying in the home.

11 MS. SIMMS: Okay. And again, so were there
12 workers staying in the home at the time?

13 MR. TOWNDALE: Staying in the home, yes.

14 MS. SIMMS: And those were workers who Ian
15 MacLean hired himself; is that correct?

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

17 MS. SIMMS: Okay. So do you recall any
18 complaints -- were you supervising that home? Were you
19 supervising Ian MacLean with respect to that home?

20 MR. TOWNDALE: I don't remember, it was
21 myself or Dave Devlin supervising ---

22 MS. SIMMS: Okay.

23 MR. TOWNDALE: --- Ian at that time.

24 MS. SIMMS: Do you recall at that time any
25 complaints coming to your attention?

1 MR. TOWNDALE: I didn't hear any complaints.

2 MS. SIMMS: Okay.

3 MR. TOWNDALE: Things changed after Ian took
4 over.

5 MS. SIMMS: Okay. Well, I mention it
6 because there are in the Crown brief some allegations ---

7 MR. TOWNDALE: Mentioned, okay.

8 MS. SIMMS: --- made in 1994 when Constable
9 White goes back and interviews ---

10 MR. TOWNDALE: Yes, yeah.

11 MS. SIMMS: --- the children that were in
12 the second installation of the Second Street Group Home.

13 MR. TOWNDALE: I read that, yes.

14 MS. SIMMS: You've read that?

15 MR. TOWNDALE: Yes.

16 MS. SIMMS: But you didn't hear those ---

17 MR. TOWNDALE: I didn't hear any complaints.

18 MS. SIMMS: And I understand that the Second
19 Street Group Home was closed?

20 MR. TOWNDALE: Correct.

21 MS. SIMMS: Was that around January of '77,
22 or do you recall when it was closed down?

23 MR. TOWNDALE: I couldn't tell you that,
24 when it was closed, but it was closed down.

25 MS. SIMMS: And why is that?

1 **MR. TOWNDALE:** It was difficult to manage
2 with the staff, and we felt it was -- to place children in
3 outside institutions. And also there was -- I think Ian
4 MacLean started to develop specialised foster homes, maybe
5 taking one or two kids and giving training to them and what
6 not, rather than group.

7 **MS. SIMMS:** So is the concept of specialised
8 foster home a foster home that receives more training, and
9 they would take children who had had more problems
10 previously? Is that -- the same kind of children that were
11 ---

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

13 **MS. SIMMS:** --- into group homes.

14 **MR. TOWNDALE:** Ian MacLean worked in
15 Belleville and Toronto and came with some experience in
16 that area. That's why he was specifically hired at that
17 time to develop that kind of homes.

18 **MS. SIMMS:** So prior to the specialised
19 foster homes, did the foster parents have any training from
20 the CAS?

21 **MR. TOWNDALE:** No.

22 **MS. SIMMS:** Now, I understand that the
23 matter of the treatment of the wards at the Second Street
24 Group Home arose again in 1989, at the Children's Aid
25 Society ---

1 **MR. TOWNDALE:** Okay.

2 **MS. SIMMS:** --- when some workers had
3 received a complaint from Jeannette Antoine.

4 Why don't I ask you to look at a document?
5 It's Exhibit 1505. It's Document Number 739308.

6 Do you have the document, Mr. Towndale?

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

8 **MS. SIMMS:** Okay. This document appears to
9 be a transcription of Tom O'Brien's recordings about events
10 in 1989?

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

12 **MS. SIMMS:** Okay. And at that time,
13 information had been received from some caseworkers from
14 Jeannette Antoine?

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

16 **MS. SIMMS:** And she had made allegations
17 about her treatment when she was a ward at the Second
18 Street Group Home.

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

20 **MS. SIMMS:** And at other times.

21 **MR. TOWNDALE:** Yes.

22 **MS. SIMMS:** So do you recall being involved
23 in discussions about how to respond to those complaints?

24 **MR. TOWNDALE:** Mr. O'Brien involved me in
25 those discussions.

1 **MS. SIMMS:** Mr. O'Brien involved you?

2 **MR. TOWNDALE:** Yes, yeah.

3 **MS. SIMMS:** And what was your position at
4 this time? Were you Assistant Director?

5 **MR. TOWNDALE:** I was -- '89. August '89, I
6 was still the Assistant Director, but late -- but I was
7 moving on to my new position at that time.

8 **MS. SIMMS:** So were you being -- were you
9 involved because of your involvement back in 1976? Is that
10 ---

11 **MR. TOWNDALE:** That could be, yes.

12 **MS. SIMMS:** You don't know?

13 **MR. TOWNDALE:** That's it, yeah.

14 **MS. SIMMS:** There are notes of a meeting
15 with yourself and Bill Carriere on page 2, the entry dated
16 September 8th, 1989.

17 **MR. TOWNDALE:** Yeah, September 8th. Yes.

18 **MS. SIMMS:** Do you recall having a
19 discussion about what the response of the CAS should be to
20 the complaint on that day?

21 **MR. TOWNDALE:** I don't have an independent
22 recollection, but I ---

23 **MS. SIMMS:** You don't have an independent
24 recollection?

25 **MR. TOWNDALE:** Yeah, but I could read this

1 and see whether I remember or not.

2 MS. SIMMS: Okay. That's okay. The note
3 appears to say that the decision is to advise the
4 President.

5 MR. TOWNDALE: Yes.

6 MS. SIMMS: And to ask for a meeting with
7 the police and the Crown Attorney?

8 MR. TOWNDALE: Correct, yes.

9 MS. SIMMS: Okay. So was that unusual in
10 1989, for the CAS to report such a matter to the police or
11 had things changed with respect to CAS ---

12 MR. TOWNDALE: It is changed; it is changed
13 at that time.

14 MS. SIMMS: And were you involved in the
15 meeting on September 25th with the Crown Attorney and the
16 city police?

17 MR. TOWNDALE: I don't have an independent
18 recollection about those -- that meeting.

19 MS. SIMMS: There is a note dated September
20 -- I'm assuming you don't have an independent recollection
21 of each of these meetings?

22 MR. TOWNDALE: Yeah.

23 MS. SIMMS: Okay. I'm going to ask you to
24 look at the meeting dated September 29th, 1989.

25 MR. TOWNDALE: When I read this in, I have a

1 vague recollection, but if you ---

2 MS. SIMMS: Okay.

3 MR. TOWNDALE: --- if I don't read it, I
4 don't have it.

5 MS. SIMMS: Well, if you could look at the
6 entry on September 29th, 1989.

7 MR. TOWNDALE: Yes.

8 MS. SIMMS: It says:

9 "I met again with Bill Carriere and
10 Angelo Towndale. It was agreed we
11 should very quickly contact the police
12 again, giving them copies of
13 Jeannette's notes, Susie's notes..." --
14 and Susie is a worker at the CAS?

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

16 MS. SIMMS: "...the minutes of different
17 Personnel Committee meetings..."

18 MR. TOWNDALE: M'hm.

19 MS. SIMMS: And those are some of the
20 minutes we've just referred to?

21 MR. TOWNDALE: Yes, we did.

22 MS. SIMMS: Just speak up into the
23 microphone.

24 MR. TOWNDALE: Yes, okay, okay.

25 MS. SIMMS: And the second paragraph says:

1 paragraph says:

2 "The main reason for going back to
3 police would not be because of the
4 issue of corporal punishment but rather
5 because of information contained in
6 Suzy Robinson's notes which suggest
7 inappropriate sexual behaviour by our
8 staff while the group home was in
9 operation."

10 **MR. TOWNDALE:** Yeah.

11 **MS. SIMMS:** Okay. So were you privy to that
12 information in these meetings?

13 **MR. TOWNDALE:** In the -- these meetings came
14 out about sexual.

15 **MS. SIMMS:** Had you heard any allegations
16 about inappropriate sexual behaviour by the staff of the
17 group home prior to this?

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

19 **MS. SIMMS:** And the decision was made to go
20 back to police and in fact, Mr. O'Brien did go back to the
21 police. Did you have any further involvement with respect
22 to this complaint in this investigation?

23 **MR. TOWNDALE:** I don't recall.

24 **MS. SIMMS:** Okay. Do you recall ever being
25 interviewed by Constable Malloy about ---

1 **MR. TOWNDALE:** No, he did not interview me,
2 no.

3 **MS. SIMMS:** Now, from these recordings, it
4 appears that Mr. O'Brien went back to the police and the
5 police were to commence an investigation. Do you recall
6 any discussion of the CAS commencing its own internal
7 investigation with respect to these allegations?

8 **MR. TOWNDALE:** No, I don't recall that.

9 **MS. SIMMS:** Because some of the individuals
10 involved would still be workers at the Childrens' Aid
11 Society at the time, in particular Bryan Keough.

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

13 **MS. SIMMS:** Okay. But you don't recall
14 there being an internal ---

15 **MR. TOWNDALE:** Investigation, no.

16 **MS. SIMMS:** And do you recall at this time
17 there being any internal policy, any CAS policy with
18 respect to conducting internal investigations or ---

19 **MR. TOWNDALE:** If it is today, we'll be
20 calling other agencies to come and do an internal
21 investigation.

22 **MS. SIMMS:** And that wasn't the case then?

23 **MR. TOWNDALE:** No, it was not.

24 **MS. SIMMS:** Mr. O'Brien's recordings also
25 note, on page four, he notes under the October 3rd entry

1 "Updating our program supervisor on what has occurred."

2 MR. TOWNDALE: Okay.

3 MS. SIMMS: Is that someone from the
4 ministry?

5 MR. TOWNDALE: That's right, yeah.

6 MS. SIMMS: And at this time were you -- was
7 there an obligation to advise the ministry of any
8 allegations you might receive?

9 MR. TOWNDALE: I don't know whether there
10 was a policy but there was certain occasions or issues we
11 have reported to the program supervisor.

12 MS. SIMMS: Okay. Now, there's some
13 discussion in these notes with respect to Bryan Keough.
14 And I don't believe you're involved in the discussions but
15 not long after this, I believe Mr. Keough made the decision
16 to leave the Childrens' Aid Society?

17 MR. TOWNDALE: Correct, yeah.

18 MS. SIMMS: All right. And you were -- did
19 you discuss that with him, his decision to leave? Was that
20 part of your human resources role?

21 MR. TOWNDALE: He was leaving and -- to
22 study theology. I have no recollection of discussing with
23 him with regard to -- that was his intention to leave. If
24 you're asking me whether I tried to discourage, no.

25 MS. SIMMS: You don't recall having

1 conversation with him about that decision?

2 **MR. TOWNDALE:** No, he told me that he was
3 planning to leave, yeah.

4 **MS. SIMMS:** And I understand you wrote a
5 reference letter for him when he left?

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

7 **MS. SIMMS:** And that's -- if we could get
8 Document Number 741082. That could be the next exhibit.

9 **THE COMMISSIONER:** Thank you. Exhibit 2218
10 is a letter dated January 17th, 1990 to the admissions
11 office of the Canadian Theological Seminary and signed by
12 Angelo Towndale.

13 **---EXHIBIT NO./PIECE NO. P-2218:**

14 (741082) Letter from Angelo Towndale to
15 Admissions Office - 17 Jan '98

16 **MS. SIMMS:** So Mr. Towndale this is the
17 letter you wrote for Mr. Keough.

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

19 **MS. SIMMS:** And it's a positive reference.

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

21 **MS. SIMMS:** And this is 14 years after the
22 events at Second Street but did you have any concerns at
23 this time with Mr. Keough and his conduct?

24 **MR. TOWNDALE:** I mentioned in this letter,
25 this letter I based on the last 10 years; so late '80 to

1 '90. Bryan Keough during that period I noticed tremendous
2 change.

3 **MS. SIMMS:** You noticed -- pardon?

4 **MR. TOWNDALE:** A tremendous change in his --
5 -

6 **MS. SIMMS:** Tremendous change.

7 **MR. TOWNDALE:** Yeah. Yeah. He was in
8 charge of six -- the community family program which was a
9 six-bed program for specialized kids. He was also doing
10 foster parent training. He was doing suicidal prevention
11 program.

12 And this reflects the change I noticed in
13 him; I gave that letter. But before I gave the letter, I
14 told him that I'm going to give him a letter for his
15 admission to this theology seminary.

16 But that is based on the man he is at that
17 time, the changes he has made. But if any information --
18 any facts came contrary to that, I would be reporting to
19 the seminary.

20 **MS. SIMMS:** So if you learned of any new
21 information, is that ---

22 **MR. TOWNDALE:** Anything came contrary to
23 what I am saying, you know.

24 **THE COMMISSIONER:** Well, wasn't he -- hadn't
25 the Antoine matter come up again and was there not a

1 question of him being investigated by the police?

2 **MR. TOWNDALE:** That's when I mentioned to
3 him any information -- any facts came contrary to what I am
4 saying, I will report to the theological seminary.

5 **MS. SIMMS:** So were you referring to the
6 outcome of the investigation?

7 **MR. TOWNDALE:** Yes, something came out,
8 yeah. He was -- he wanted to leave, he wanted to pursue a
9 new career. And the changes that happened in him, I
10 thought I should do this letter. I am a social worker, I
11 believe in the ability of people to change.

12 If I don't believe in it; what am I doing
13 social work. So based on his changes I noticed, I gave the
14 letter but at the same time I warned him that I'll be
15 taking -- if anything came contrary to what I am saying,
16 that information will be passed on.

17 **MS. SIMMS:** And I take it from there on out
18 the matter of the investigation was followed by Tom
19 O'Brien.

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

21 **MS. SIMMS:** And subsequently by Richard
22 Abell when he assumed the role of executive director.

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

24 **MS. SIMMS:** So Mr. Towndale, were you
25 advised of the outcome of the investigation in '89 or '90 -

1 - '89/'90? If you don't recall ---

2 MR. TOWNDALE: Yeah, my recollection is
3 nothing happened.

4 MS. SIMMS: I understand the issue arose
5 again in early 1994, Jeannette Antoine's allegations?

6 MR. TOWNDALE: Yeah.

7 MS. SIMMS: Do you recall that?

8 MR. TOWNDALE: I remember that.

9 MS. SIMMS: And do you recall there being
10 media reports in January of 1994?

11 MR. TOWNDALE: That's correct, yeah.

12 MS. SIMMS: At that time you would have been
13 the manager of human resources?

14 MR. TOWNDALE: That's correct, yeah.

15 MS. SIMMS: So did you have any involvement
16 in responding to those media reports?

17 MR. TOWNDALE: I remember calling the
18 program supervisor ---

19 MS. SIMMS: I think actually -- maybe I'll
20 refer you to a document in that respect.

21 MR. TOWNDALE: Okay. Yeah.

22 MS. SIMMS: It's Document Number 739348.
23 And this is a note dated January 21st, 1994 signed by Mr.
24 Towndale.

25 THE COMMISSIONER: Thank you. Exhibit

1 Number 2219 is a memo dated Friday, January 21st, 1994
2 signed by Mr. Towndale.

3 --- EXHIBIT NO./PIÈCE NO. P-2219:

4 (739248) Note of Angelo Towndale - 21 Jan,
5 94

6 MS. SIMMS: Is this what you were referring
7 to, Mr. Towndale?

8 MR. TOWNDALE: Yeah, that's the one I was
9 referring to, yeah.

10 MS. SIMMS: Okay. So what happened on this
11 day?

12 MR. TOWNDALE: I think there was a CJOH
13 newscast talking about six children in a group home in
14 Cornwall.

15 MS. SIMMS: And why were you dealing with
16 this matter?

17 MR. TOWNDALE: The reason I'm dealing with
18 that one, my recollection is Mr. Abell was away and I
19 thought I should keep the program supervisor informed of
20 critical issues.

21 MS. SIMMS: So had you been aware of media
22 reports prior to this date?

23 MR. TOWNDALE: No, it was only -- it was
24 seen on CJOH News, yep.

25 MS. SIMMS: Okay. And did you have any

1 continuing involvement with respect to the media and
2 liaising with the Ministry on this matter?

3 **MR. TOWNDALE:** No. Only I was acting
4 because Mr. Abell wasn't there.

5 **MS. SIMMS:** Okay. And did you -- the report
6 -- you describe the report in your note, the media report.
7 Had you watched that media report?

8 **MR. TOWNDALE:** No, it was mentioned to me by
9 somebody. I didn't see it.

10 **MS. SIMMS:** Okay.

11 **MR. TOWNDALE:** In the morning when I went to
12 the office, it was mentioned to me.

13 **MS. SIMMS:** And did you have any knowledge
14 about the facts that were being reported personally?

15 **MR. TOWNDALE:** No. This is the information
16 I got from the staff at the office.

17 **MS. SIMMS:** Okay. Around this same time,
18 Mr. Towndale, we've been referring to Constable White's
19 investigation and in January of 1994 Mr. -- or Constable
20 White commenced that criminal investigation. And I
21 understand that you had some contact with Mr. -- with
22 Constable White in the course ---

23 **MR. TOWNDALE:** Correct.

24 **MS. SIMMS:** --- of his investigation.

25 I'll ask you to look at Document 739353, the

1 next exhibit.

2 **THE COMMISSIONER:** Thank you. Exhibit 2220
3 is a memo to Joan Archambault and Angelo Towndale from
4 Richard Abell dated January 26, 1994.

5 **--- EXHIBIT NO./PIÈCE NO. P-2220:**

6 (739353) Memo from Richard Abell to Joan
7 Archambault and Angelo Towndale - 26 Jan, 94

8 **MS. SIMMS:** Is this when you were first
9 advised of the reopening of the investigation?

10 **MR. TOWNDALE:** Yeah, that's right. Yeah.

11 **MS. SIMMS:** Okay. And Mr. Abell has asked
12 you to be his alternate?

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

14 **MS. SIMMS:** That's his alternate contact
15 with Constable White?

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

17 **MS. SIMMS:** And you have a number of
18 contacts with Mr. -- or Constable White with respect to
19 information on current and former employees of the
20 Children's Aid Society?

21 **MR. TOWNDALE:** Correct.

22 **MS. SIMMS:** Okay. And that -- was that
23 partly through your role as Manager of Human Resources?

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

25 **MS. SIMMS:** Okay. And was there an issue

1 from the Children's Aid Society point of view regarding
2 providing that information to the CPS?

3 **MR. TOWNDALE:** Only personnel files, freedom
4 of information there was concern about. You know, we want
5 some kind of a legal protection.

6 **MS. SIMMS:** Sorry, you were concerned about
7 release of a personnel file?

8 **MR. TOWNDALE:** Freedom of information on
9 personnel files, yeah.

10 **MS. SIMMS:** Okay. Do you -- were you privy
11 to what other kind of information the Children's Aid
12 Society had provided the police; access to the children's
13 files? Were you involved in any of that?

14 **MR. TOWNDALE:** I don't remember that, no.

15 **MS. SIMMS:** Okay.

16 **MR. TOWNDALE:** I was involved mainly about
17 personnel files.

18 **MS. SIMMS:** And what do you recall the
19 Children's Aid Society position being with respect to those
20 personnel files?

21 **MR. TOWNDALE:** My understanding at that time
22 was we need a search warrant.

23 **MS. SIMMS:** They would need a search
24 warrant?

25 **MR. TOWNDALE:** Yeah. Yeah.

1 **MS. SIMMS:** Okay. And I understand
2 initially, in fact, there's some correspondence about just
3 providing names and personal information ---

4 **MR. TOWNDALE:** Okay.

5 **MS. SIMMS:** --- notwithstanding the
6 personnel file.

7 And there's Document Number 739249. If we
8 could enter that as the next exhibit? It's a letter from
9 Constable White to Richard Abell.

10 **THE COMMISSIONER:** Thank you. Exhibit
11 Number 2221 is a letter to Mr. Richard Abell dated March
12 23rd, 1994 from Shawn White -- Constable Shawn White.

13 --- **EXHIBIT NO./PIÈCE NO. P-2221:**

14 (739249) Letter from Shawn White to Richard
15 Abell - 23 Mar, 94

16 **MS. SIMMS:** So did Mr. Abell pass this
17 letter on to you, Mr. Towndale, to respond to, or do you
18 recall?

19 **MR. TOWNDALE:** I don't recall.

20 **MS. SIMMS:** Because he appears to be asking
21 for names with respect to employees, workers or staff.

22 **MR. TOWNDALE:** Correct, yeah.

23 **MS. SIMMS:** Okay. You don't recall seeing
24 this letter?

25 **MR. TOWNDALE:** I don't remember that, yeah.

1 **MS. SIMMS:** Okay. And there is what appears
2 to be a letter or a copy of a letter of response, which is
3 Document Number 739242.

4 **THE COMMISSIONER:** Thank you. Exhibit
5 Number 2222 is a letter dated April 12th, 1994 to Constable
6 Shawn White from Angelo Towndale.

7 **--- EXHIBIT NO./PIÈCE NO. P-2222:**

8 (739242) Letter from Angelo Towndale to
9 Shawn White - 12 Apr, 94

10 **MS. SIMMS:** It appears from -- do you
11 recognize this letter, Mr. Towndale?

12 **MR. TOWNDALE:** I remember, yeah.

13 **MS. SIMMS:** Did you send this to Constable
14 White?

15 **MR. TOWNDALE:** Correct, yeah.

16 **MS. SIMMS:** And did you provide information
17 with respect to staff or former staff ---

18 **MR. TOWNDALE:** I did, yeah.

19 **MS. SIMMS:** --- to Constable White? Okay.
20 And that took place without a search
21 warrant?

22 **MR. TOWNDALE:** Yeah.

23 **MS. SIMMS:** And the issue -- was there still
24 an outstanding issue then with respect to personnel files?

25 **MR. TOWNDALE:** I would have to see. Is that

1 information about some -- I don't know what information I
2 gave.

3 MS. SIMMS: You don't recall what
4 information you gave?

5 MR. TOWNDALE: No. What I gave, you know.
6 Is it just the addresses or did I call them to get their
7 permission? I don't know.

8 MS. SIMMS: Okay.

9 MR. TOWNDALE: Yeah.

10 MS. SIMMS: Okay. So the -- do you recall
11 the police executing a search warrant at the Children's Aid
12 Society offices?

13 MR. TOWNDALE: I do, yeah.

14 MS. SIMMS: Okay. And was that -- do you
15 recall what led up to that search warrant? Were you
16 involved in any discussions about what materials they were
17 seeking or ---

18 MR. TOWNDALE: I don't remember. I wasn't
19 involved in any discussions at that time.

20 MS. SIMMS: Okay. I'm going to ask you to
21 look at Exhibit 2214, which hopefully you still have up
22 there with you; 2214. They are Constable Shawn White's
23 notes.

24 THE COMMISSIONER: That would still be in
25 the -- oh, it's the big -- that's the one, yes.

1 **MS. SIMMS:** And towards the end, Mr.
2 Towndale, with Bates page ending 6160.

3 **MR. TOWNDALE:** Okay.

4 **MS. SIMMS:** Did you find that page?

5 **MR. TOWNDALE:** I found that one.

6 **MS. SIMMS:** Okay. And again, these are
7 Constable White's notes and they appear to be of July 13th,
8 1994, and he has a note that says:

9 "I advised Angelo Towndale of the CAS
10 that we were in the process of
11 obtaining a search warrant..."

12 **MR. TOWNDALE:** Yeah.

13 **MS. SIMMS:** "...for tomorrow..."

14 **MR. TOWNDALE:** Yes.

15 **MS. SIMMS:** "...and that we'd appreciate if
16 he could have someone available and
17 that he could...legal representation to
18 oversee the search, if they so
19 desired."

20 **MR. TOWNDALE:** I see that, yes.

21 **MS. SIMMS:** Do you recall receiving a call
22 from Constable White about a search warrant?

23 **MR. TOWNDALE:** Yeah.

24 **MS. SIMMS:** Do you know why he was speaking
25 to you on the issue?

1 **MR. TOWNDALE:** Because Richard Abell asked
2 that I will be the contact person. He didn't know ---

3 **MS. SIMMS:** Right.

4 **MR. TOWNDALE:** I think that's why he's
5 calling me.

6 **MS. SIMMS:** Okay. Do you know if Mr. Abell
7 was present in the office at this time?

8 **MR. TOWNDALE:** I don't know whether he was
9 there or not. I don't remember.

10 **MS. SIMMS:** Do you know what materials -- do
11 you recall knowing what materials the police were looking
12 for?

13 **MR. TOWNDALE:** Personnel files. I mean,
14 they might have turned all the minutes of the meetings,
15 Personnel Committee meetings.

16 **MS. SIMMS:** Constable White's notes of the
17 execution of the search warrant follow along on that page.
18 There's an entry for Thursday, the 14th of July 1994.

19 **MR. TOWNDALE:** Okay.

20 **MS. SIMMS:** Okay, and then he has this
21 note:

22 "Met with Angelo Towndale and Elizabeth
23 McLennan in boardroom."

24 **MR. TOWNDALE:** Yes.

25 **MS. SIMMS:** Ms. McLennan was your counsel?

1 **MR. TOWNDALE:** She's the counsel, yes.

2 **MS. SIMMS:** And on the following page, she
3 has notes of the number of things that were turned over.
4 Some personnel files?

5 **MR. TOWNDALE:** Yes.

6 **MS. SIMMS:** Some additional historical
7 notes; Board minutes. And following that, he has notes
8 regarding searching your office?

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

10 **MS. SIMMS:** Do you recall that?

11 **MR. TOWNDALE:** I recall that, yes.

12 **MS. SIMMS:** Was that unusual?

13 **MR. TOWNDALE:** That's the first time I
14 recall anybody searched my office, yes.

15 **MS. SIMMS:** Was there ---

16 **THE COMMISSIONER:** Excuse me. No, no, it
17 happens to people that police search their offices.

18 **MR. TOWNDALE:** Yes, but that was the first
19 time it happened to me.

20 **MS. SIMMS:** Well, I would think because of
21 the confidential information ---

22 **MR. TOWNDALE:** Yeah.

23 **MS. SIMMS:** --- you hold at the Children's
24 Aid Society. From time-to-time you might request a search
25 warrant before you release things. Is that fair?

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

2 **MS. SIMMS:** Has that happened before?

3 **MR. TOWNDALE:** Yeah -- not personally.

4 **MS. SIMMS:** That you'd have to ---

5 **MR. TOWNDALE:** I maybe -- I have no
6 knowledge about that.

7 **MS. SIMMS:** Okay. Because I -- all right, I
8 won't ask you if you have no knowledge of that.

9 But you recall the search being conducted?

10 **MR. TOWNDALE:** That's right, yes. I left my
11 office, and he went through my filing cabinet, two filing
12 cabinets.

13 **MS. SIMMS:** Was there some question that you
14 were -- the CAS was not willingly turning over documents to
15 the police with respect to this?

16 **MR. TOWNDALE:** I don't know about that. I
17 don't know what documents ---

18 **THE COMMISSIONER:** Did you feel that when
19 the police came in that they felt that you were giving them
20 a hard time?

21 **MR. TOWNDALE:** No. No. I left my office,
22 and my filing cabinets were open to him and he went through
23 it.

24 **MS. SIMMS:** And his notes indicate that they
25 also searched the vault of the CAS?

1 MR. TOWNDALE: Yes.

2 MS. SIMMS: Is that where you keep
3 historical ---

4 MR. TOWNDALE: That's where our closed files
5 are kept.

6 MS. SIMMS: Okay. And also Mr. Abell's
7 office?

8 MR. TOWNDALE: Yes.

9 MS. SIMMS: With Mr. Abell involved in -- do
10 you know if Mr. Abell was involved in discussions with the
11 police about what access they could have to your documents?

12 MR. TOWNDALE: I don't remember that.

13 MS. SIMMS: Just referring again to these
14 notes, just briefly, Mr. Towndale, if you can look at Bates
15 page 6171; sorry.

16 MR. TOWNDALE: Okay.

17 MS. SIMMS: Okay? So these appear to be
18 notes of Constable White meeting with you on September 15th?

19 MR. TOWNDALE: Okay.

20 MS. SIMMS: Do you recall meeting with
21 Constable White?

22 MR. TOWNDALE: I met with him, yes.

23 MS. SIMMS: Okay. And this is prior to you
24 providing your written statement?

25 MR. TOWNDALE: Correct, yes.

1 **MS. SIMMS:** Okay. And I think much of the
2 information is the same as we've heard from you here today.

3 If you could look on the next page ending
4 172, towards the bottom of that page, you are discussing
5 Mr. Keough, and the notes state:

6 "Keough stayed on and became a better
7 worker without the influence of Derry
8 Tenger."

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

10 **MS. SIMMS:** And we discussed that. That was
11 your view?

12 **MR. TOWNDALE:** Yes. Derry was a great
13 influence on him.

14 **MS. SIMMS:** Were they very close?

15 **MR. TOWNDALE:** They were very close.

16 **MS. SIMMS:** And then at the bottom of the
17 page:

18 "Discussed how sexual abuse was
19 something that was still not openly
20 talked about."

21 **MR. TOWNDALE:** Yes.

22 **MS. SIMMS:** And again are you talking about
23 in the time period of the Second Street Group Home?

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

25 **MS. SIMMS:** And then the bottom of the next

1 page ending 173 shows you coming in to provide your
2 handwritten statement?

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

4 **MS. SIMMS:** Right. And you provide a few
5 other documents to Constable White in this investigation?

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

7 **THE COMMISSIONER:** Actually, it's called a
8 "typewritten statement".

9 **MS. SIMMS:** Did I refer to it as a
10 handwritten statement?

11 **THE COMMISSIONER:** But it's a ---

12 **MS. SIMMS:** I apologize.

13 **THE COMMISSIONER:** No, no, no. It's just I
14 had never heard of a typewritten statement.

15 **MS. SIMMS:** Mr. Towndale, did you have any
16 further involvement in the investigation as it was ongoing,
17 aside from what we've described here?

18 **MR. TOWNDALE:** I don't remember any further
19 involvement.

20 **MS. SIMMS:** Okay. The final note in
21 Constable White's note, the very last page, it ends with
22 Bates page 6179.

23 **MR. TOWNDALE:** Yes.

24 **MS. SIMMS:** So he has a note there of
25 meeting with Chief Johnston, Inspector Trew, himself

1 Constable White, meeting with Rick Abell and Angelo
2 Towndale, Children's Aid Society.

3 MR. TOWNDALE: Correct, yes.

4 MS. SIMMS: And his note says:

5 "We are advised of our findings in the
6 case."

7 Do you have a recollection of that meeting?

8 MR. TOWNDALE: Vaguely, that's all. I -- so
9 I don't want to speculate.

10 MS. SIMMS: You have a vague recollection?

11 MR. TOWNDALE: Yes.

12 MS. SIMMS: You have now reviewed Shawn
13 White's -- sorry, the Crown brief that was prepared by
14 Shawn White that we discussed. And you would have noticed
15 that there's a number of allegations in there, aside from
16 Jeannette Antoine's allegations?

17 MR. TOWNDALE: Yeah.

18 MS. SIMMS: There are a number of
19 allegations made by former wards about abuse while they
20 were in care -- and you agree with me on that?

21 MR. TOWNDALE: I agree with you on that.

22 MS. SIMMS: Do you recall being advised of
23 those other allegations in the course of this meeting?

24 MR. TOWNDALE: I don't remember.

25 MS. SIMMS: You don't remember ---

1 **MR. TOWNDALE:** Yes. It's basically I have
2 only a very vague recollection, so I cannot answer that
3 question.

4 **MS. SIMMS:** Okay. So you don't know if you,
5 the CAS, in that meeting were advised that there were other
6 allegations made outside of Jeannette Antoine?

7 **MR. TOWNDALE:** I don't remember that.

8 **MS. SIMMS:** You don't remember?

9 **MR. TOWNDALE:** No.

10 **MS. SIMMS:** Okay. What was -- you vaguely
11 recollect the meeting. Can you tell us what your
12 impression was of the results of this investigation?

13 **MR. TOWNDALE:** The only thing I can think of
14 and again I cannot confirm it, that they will not be
15 proceeding with any charges.

16 **MS. SIMMS:** Okay.

17 Do you recall being shown a letter from the
18 Crown at that meeting?

19 **MR. TOWNDALE:** I don't remember that, no.

20 **MS. SIMMS:** You remember that.

21 **MR. TOWNDALE:** No, yeah.

22 **MS. SIMMS:** And at that point-in-time, Bryan
23 Keough had left?

24 **MR. TOWNDALE:** Yeah, he was gone, yes.

25 **MS. SIMMS:** Jeannette Antoine commenced a

1 civil action against the Children's Aid Society. Do you
2 recall that?

3 MR. TOWNDALE: No.

4 MS. SIMMS: You don't recall that?

5 MR. TOWNDALE: I don't recollect, I have no
6 recollection of that.

7 MS. SIMMS: I am just going to ask you very,
8 very briefly ---

9 MR. TOWNDALE: Yes?

10 MS. SIMMS: --- there's a document, Document
11 Number 739293.

12 THE COMMISSIONER: Thank you.

13 Exhibit 2223 is a document entitled Antoine
14 Suit. The first date is November 2nd, 1994.

15 --- EXHIBIT NO./PIÈCE NO. P-2223:

16 (739293) Notes of Richard Abell re: Antoine
17 Suit - November 2, 1994

18 MS. SIMMS: Do you recognize these as Mr.
19 Abell's notes, Mr. Towndale?

20 MR. TOWNDALE: I saw the documents I got,
21 this one, the other day, but I don't -- I have no
22 recollection of this one.

23 MS. SIMMS: Okay. That's fine.

24 MR. TOWNDALE: Yeah.

25 MS. SIMMS: Are these -- does this look to

1 you like Mr. Abell's notes?

2 **MR. TOWNDALE:** Yeah, these are Mr. Abell's
3 notes. Yeah.

4 **MS. SIMMS:** Okay.

5 **MR. TOWNDALE:** I recognize his handwriting.

6 **MS. SIMMS:** Right. And he mentions
7 documents were hand delivered.

8 **MR. TOWNDALE:** Yeah.

9 **MS. SIMMS:** And "Angela brought them to my
10 office; reviewed them with Elizabeth McLennan and Angelo
11 Towndale."

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

13 **MS. SIMMS:** But you don't have any
14 recollection of that?

15 **MR. TOWNDALE:** No.

16 **MS. SIMMS:** So you were to -- you were
17 involved in an ongoing way with consulting with your
18 lawyers?

19 **MR. TOWNDALE:** I don't remember I was
20 involved, no.

21 **MS. SIMMS:** Okay. And I'm going to ask you
22 to look at two other documents. The first one is Document
23 Number 739268.

24 **THE COMMISSIONER:** Thank you. Exhibit 2224
25 is a note to Richard Abell from Angelo Towndale, November

1 25th, 1994.

2 ---EXHIBIT NO./PIÈCE NO P-2224:

3 (739268) Note from Angelo Towndale to
4 Richard Abell - 25 Nov, 94

5 MS. SIMMS: So, Mr. Towndale, is this a note
6 that you prepared?

7 MR. TOWNDALE: That's correct, yeah.

8 MS. SIMMS: Okay. And it was prepared after
9 you had spoken to Bryan Keough?

10 MR. TOWNDALE: That's right, yeah.

11 MS. SIMMS: Okay. And where -- do you know
12 for what purpose you were speaking to Mr. Keough?

13 MR. TOWNDALE: The best I can recall is Mr.
14 Abell must have asked me to get this information for him,
15 because as a human resource person, I'm contacting the ---
16 Bryan Keough to get that information.

17 MS. SIMMS: Okay. And do you recall if this
18 was related to the civil action? You don't recollect?

19 MR. TOWNDALE: Could be. I don't know.

20 MS. SIMMS: Okay. And this is you reporting
21 on what Bryan Keough told you ---

22 MR. TOWNDALE: Told me, yeah.

23 MS. SIMMS: --- in a conversation?

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

25 MS. SIMMS: Okay. Mr. Towndale, do you know

1 why Jeannette Antoine was sent to Minden back in '76?

2 **MR. TOWNDALE:** I think they were closing --
3 she was in a group home, Second Street Group Home, and we,
4 I think, were in the process of closing it. So she was
5 sent to an outside peer institution.

6 **MS. SIMMS:** Okay. Was that -- are you
7 making an assumption or do you recall that being the
8 decision?

9 **MR. TOWNDALE:** I think that was the
10 decision, yeah.

11 **MS. SIMMS:** Okay. And if I can ask you to
12 look at 739269?

13 **THE COMMISSIONER:** Thank you. Exhibit
14 Number 2225, again a document called "Notes" from Angelo
15 Towndale, November 25th, 1994.

16 **---EXHIBIT NO./PIÈCE NO P-2225:**

17 (739269) Notes of Angelo Towndale re:
18 Jeannette Antoine - 25 Nov, 94

19 **MS. SIMMS:** This looks like the same sort of
20 thing Mr. Towndale. It's your notes with respect to a call
21 by ---

22 **MR. TOWNDALE:** Yeah.

23 **MS. SIMMS:** --- Bill McNally?

24 **MR. TOWNDALE:** Yeah.

25 **MS. SIMMS:** And again, you think this was

1 requested by Mr. Abell?

2 MR. TOWNDALE: That's correct, yeah.

3 MS. SIMMS: And was Bill McNally Jeannette's
4 worker at some point?

5 MR. TOWNDALE: I think he was looking after
6 the outside peer institutions. That's my recollection. He
7 was ---

8 MS. SIMMS: Okay. And ---

9 MR. TOWNDALE: There is a worker assigned
10 for looking after children in outside-paid institutions.

11 MS. SIMMS: And Minden would have been an
12 outside-paid institution?

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

14 MS. SIMMS: Okay.

15 MR. TOWNDALE: Because we had no control on
16 that institution.

17 MS. SIMMS: Did you have any further
18 involvement with respect to Jeannette Antoine following
19 November of 1994?

20 MR. TOWNDALE: No, I didn't have any.

21 MS. SIMMS: We're going to switch topics,
22 Mr. Towndale.

23 MR. TOWNDALE: Okay.

24 MS. SIMMS: And I'm going to ask you about a
25 person who has a moniker ---

1 MR. TOWNDALE: Okay.

2 MS. SIMMS: --- at the Inquiry. And the
3 moniker is C-14.

4 THE COMMISSIONER: Madam Clerk ---

5 MS. SIMMS: And if I can just -- I could
6 refer you to the first document; it'll have his name on it.

7 THE COMMISSIONER: Okay.

8 MS. SIMMS: It's Document Number 114 -- or
9 sorry, it's Exhibit 538, Document 114549.

10 THE COMMISSIONER: If we could rap things up
11 for 4:30?

12 MS. SIMMS: Certainly.

13 THE COMMISSIONER: Thank you.

14 MS. SIMMS: Mr. Towndale?

15 MR. TOWNDALE: Okay.

16 MS. SIMMS: Okay. So this is a recording on
17 a childcare case?

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

19 MS. SIMMS: Yes?

20 MR. TOWNDALE: Yes, yes.

21 MS. SIMMS: And the individual child we
22 refer to in these proceedings is C-14.

23 MR. TOWNDALE: C-14, yeah.

24 MS. SIMMS: Okay. So if you could remember
25 it.

1 MR. TOWNDALE: C-14, yeah.

2 MS. SIMMS: Now, we've discussed before
3 these are recordings that are made at regular intervals by
4 the case worker?

5 MR. TOWNDALE: That's correct, yeah.

6 MS. SIMMS: And initialed by the supervisor
7 who's reviewing them?

8 MR. TOWNDALE: That's right, yeah.

9 MS. SIMMS: Okay. And I note there are some
10 initials at page 3 of the recordings. It appears to be
11 initialed by Tom O'Brien; is that right?

12 MR. TOWNDALE: That's his initials, yeah.

13 MS. SIMMS: It's ---

14 MR. TOWNDALE: That's Mr. O'Brien's
15 initials, yeah.

16 MS. SIMMS: Okay. And ---

17 MR. TOWNDALE: R.R. stands for Rod Rabey, I
18 think.

19 MS. SIMMS: And he's the worker?

20 MR. TOWNDALE: That's the worker, yeah.

21 MS. SIMMS: Okay. And there is a -- if you
22 can turn to page 6?

23 MR. TOWNDALE: Yes.

24 MS. SIMMS: Again, you can see Rod Rabey's
25 initials.

1 MR. TOWNDALE: Yeah.

2 MS. SIMMS: And is that Dave Devlin's
3 initials?

4 MR. TOWNDALE: That's Dave Devlin, yeah.

5 MS. SIMMS: And the final notation right
6 above those initials says:

7 "The case is now transferred to
8 Childcare Department."

9 MR. TOWNDALE: That's correct, yeah.

10 MS. SIMMS: Okay. So in -- these recordings
11 start when C-14 is apprehended, right?

12 MR. TOWNDALE: Yes, I think. Correct, yeah.

13 MS. SIMMS: And that's when a child's file
14 is opened on the matter?

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

16 MS. SIMMS: And the recordings that we just
17 looked at that are dated September '74 state the case is
18 now transferred to Childcare?

19 MR. TOWNDALE: That's correct, yeah.

20 MS. SIMMS: And is that because he has
21 become a ward?

22 MR. TOWNDALE: A Crown ward maybe.

23 MS. SIMMS: A Crown ward?

24 MR. TOWNDALE: Yeah.

25 MS. SIMMS: And Childcare, was that the

1 department that you were supervising?

2 MR. TOWNDALE: That's correct, yeah.

3 MS. SIMMS: Okay. Because I didn't notice
4 your initials going forward in this document.

5 MR. TOWNDALE: Yeah.

6 MS. SIMMS: But you would have received and
7 reviewed these recordings?

8 MR. TOWNDALE: Yes, I would have, yeah. I
9 don't know why I didn't initial it.

10 MS. SIMMS: So back on page 6, right after
11 it's transferred to the Childcare Department, the child's
12 worker is Bryan Keough?

13 MR. TOWNDALE: Correct, yeah.

14 MS. SIMMS: And there is a recording dated
15 March 1st, 1976.

16 MR. TOWNDALE: March ---

17 MS. SIMMS: It's on page 6, right below
18 those initials.

19 MR. TOWNDALE: Page 6, yeah, March, yeah.

20 MS. SIMMS: Yeah.

21 MR. TOWNDALE: March '76, yeah.

22 MS. SIMMS: Right. And it's an annual
23 summary.

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

25 MS. SIMMS: Okay. So this file would have

1 been transferred to Bryan Keough because workers are --
2 files are transferred when a child moves to the Child
3 Department?

4 **MR. TOWNDALE:** Childcare, yeah.

5 **MS. SIMMS:** Okay. And I note March '76 is
6 also the time period of the Second Street Group Home ---

7 **MR. TOWNDALE:** Correct, yeah.

8 **MS. SIMMS:** --- occurrences; correct?

9 So this appears to be Mr. Keough's first
10 recording.

11 **MR. TOWNDALE:** Correct, yeah.

12 **MS. SIMMS:** And I note on -- towards the end
13 of the recording at page 8 ---

14 **MR. TOWNDALE:** Correct, yeah.

15 **MS. SIMMS:** --- under "Role of placement
16 resource" ---

17 **MR. TOWNDALE:** Yeah.

18 **MS. SIMMS:** --- it mentions that:

19 "The foster parents are very fair,
20 loving, firm foster parents. This is
21 not always to [C-14]'s advantage, at
22 least immediate advantage, especially
23 when he gets a good slap. However, it
24 is geared to his positive progress.
25 They need agency support and backing

1 and have a low breaking point."

2 Do you see that?

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

4 **MS. SIMMS:** Okay. Now, is there something
5 about that recording that would raise concerns to you?

6 **MR. TOWNDALE:** Low breaking point, yeah.

7 **MS. SIMMS:** Yeah?

8 **MR. TOWNDALE:** Yeah.

9 **MS. SIMMS:** And is this -- and it also
10 mentions a good slap in the ---

11 **MR. TOWNDALE:** Yeah, that's right.

12 **MS. SIMMS:** And do you recall reading this
13 recording at all? This was a long time ago, I know.

14 **MR. TOWNDALE:** Yeah. I must have read it.

15 **MS. SIMMS:** Because you do recall there
16 being issues subsequently about C-14's treatment in the
17 foster home?

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

19 **MS. SIMMS:** Okay. And in fact the next
20 recording, on page 8, dated March or, sorry, maybe it's May
21 16th, '78. It's a transfer recording prepared by Mr.
22 Keough?

23 **MR. TOWNDALE:** Yeah.

24 **MS. SIMMS:** And in this recording, he refers
25 to the allegations that came up with respect to C-14's

1 treatment at that Barber foster home.

2 Now, what he's done here, Mr. Towndale, it
3 appears to me, and you can confirm for me, is he started a
4 transfer recording at the bottom of page 8?

5 **MR. TOWNDALE:** Yeah.

6 **MS. SIMMS:** And then he's excerpted into the
7 child's file a summary from the foster home recordings. Is
8 that correct?

9 **MR. TOWNDALE:** That's -- yeah.

10 **MS. SIMMS:** Because there is ---

11 **MR. TOWNDALE:** It looks like that, yeah.

12 **MS. SIMMS:** --- a foster home file that has
13 recordings with respect to the foster home.

14 **MR. TOWNDALE:** Yeah.

15 **MS. SIMMS:** And there's a child file, okay.

16 Now, how do you recall the issues with
17 respect to C-14's treatment at the Barber foster home
18 coming to your attention?

19 **MR. TOWNDALE:** In 1977, sometime September,
20 October, I asked Mrs. Gratton, the foster home finder, to
21 send a questionnaire to all the teenagers in care, to ask -
22 - and I mentioned to her to make it confidential, that it
23 will be shared -- it will not be shared with anybody.

24 So she prepared a -- she and I prepared a
25 questionnaire that was sent out to all the teenagers, how

1 the kids were treated in foster care. And we got -- C-14
2 replied and Mrs. Gratton spoke to me about it, and she
3 wanted to see me one day and we met. She gave me that
4 confidential report to me. I read it and I was upset when
5 I read that report.

6 I told Mrs. Gratton we should call C-14 and
7 I told her, based on what I read, we cannot use that foster
8 home any more.

9 She made a telephone call, talked to the
10 foster mother and then she gave me the phone to me, and I
11 spoke to C-14. I told C-14 that I believed him and the
12 treatment he got was -- cannot be justified, and I assured
13 him that foster home will not be used.

14 And then I encouraged him to speak with Mr.
15 Keough about it. Then, after I finished my conversation, I
16 asked -- told Mary Gratton -- because I was going on
17 holidays. I was going to -- not holidays -- I was going to
18 India to see my father, who was ill.

19 So I told her that we should close the home
20 and speak to Mr. O'Brien and Mr. Keough. Then I remembered
21 we made an assurance to him this will be confidential.

22 **MS. SIMMS:** C-14?

23 **MR. TOWNDALE:** C-14. I told C-14 it will be
24 confidential. So I said to Mrs. Gratton, "We have to call
25 him back to get his permission to share the information."

1 So I made a second call that day and asked
2 his permission to share the information, and he gave me the
3 permission.

4 **MS. SIMMS:** And did you have any further
5 involvement? I understand you left just a couple of days
6 later to India.

7 **MR. TOWNDALE:** I went to India for three
8 weeks; then I came back. I went alone at that time and
9 then I went -- I came back and I wanted to go back again
10 with my wife. So we left again, that time for six weeks.

11 **MS. SIMMS:** What sparked you to send that
12 questionnaire around?

13 **MR. TOWNDALE:** I was trying to assess, get a
14 feel about what's happening in the foster care system with
15 regard to children; how they are treated and what not.

16 **MS. SIMMS:** Was it based on any specific
17 concern that had come to your attention?

18 **MR. TOWNDALE:** One of the reasons in what
19 happened in the group home is a concern about physical
20 punishment; is it happening any other place? Are the
21 workers seeing the children alone to get their information
22 about those? So I was trying to get a feel about what's
23 going on in the foster care system.

24 **MS. SIMMS:** So do you recall the nature of -
25 - well, with respect to the information you received from

1 C-14, did you receive any allegations of sexual abuse?

2 MR. TOWNDALE: No. There was nothing
3 mentioned about sexual abuse, no.

4 MS. SIMMS: And I understand you spoke to
5 him on the phone, and I heard what you mentioned, but was
6 he interviewed by yourself in any length about what his
7 allegations were?

8 MR. TOWNDALE: No, basically what I told him
9 was I read this thing and the treatment he got. I was
10 upset with that, and I accepted what he said. I believed
11 in him, and I said that foster home -- he was already moved
12 from that foster home. He's in a new foster home now.

13 MS. SIMMS: Right.

14 MR. TOWNDALE: The foster home he has been
15 before will not be used.

16 MS. SIMMS: And that's the instruction you
17 gave to Mrs. Gratton?

18 MR. TOWNDALE: Mrs. Gratton, yeah.

19 MS. SIMMS: Okay. The recording made by Mr.
20 Keough ---

21 MR. TOWNDALE: Yeah.

22 MS. SIMMS: --- with respect to the foster
23 home starts at page 9, and you would have reviewed -- would
24 you have reviewed this recording at some point when you
25 were back in Cornwall?

1 **MR. TOWNDALE:** Yeah, I did. Yeah.

2 **MS. SIMMS:** Okay. So he talked about some
3 of the allegations made by C-14 with respect to physical
4 discipline or abuse at the foster home.

5 **MR. TOWNDALE:** Correct, yeah.

6 **MS. SIMMS:** And he refers to receiving that
7 information on November 22nd, 1977?

8 **MR. TOWNDALE:** Yeah.

9 **MS. SIMMS:** That's recorded at page 10.

10 **MR. TOWNDALE:** Yeah.

11 **MS. SIMMS:** And again what's recorded here
12 aren't -- there aren't any allegations of sexual abuse
13 recorded in these notes.

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

15 **MS. SIMMS:** And then on the top of page 11,
16 in that first full paragraph, ---

17 **MR. TOWNDALE:** Yes.

18 **MS. SIMMS:** --- Mr. Keough notes that C-14
19 informed him that you, Mr. Towndale, had already been aware
20 of the accusation ---

21 **MR. TOWNDALE:** Correct, yeah.

22 **MS. SIMMS:** --- and already communicated
23 with him. And it appears that Mr. Keough is not very happy
24 that he wasn't advised from you about these ---

25 **MR. TOWNDALE:** Yeah.

1 **MS. SIMMS:** --- allegations. Do you have a
2 reason why he wasn't directly advised?

3 **MR. TOWNDALE:** When the information came,
4 that was my last day of work. And what was happening at
5 that time, I had 17 weeks of holidays, and Mr. O'Brien was
6 pressuring me to take all the holidays because of
7 liability. So I assured him that I will take seven weeks
8 that year, and I was leaving, so I directed to Mrs. Gratton
9 to inform Mr. Keough and Mr. O'Brien.

10 **MS. SIMMS:** So ---

11 **MR. TOWNDALE:** I didn't get ---

12 **MS. SIMMS:** Sorry?

13 **MR. TOWNDALE:** I didn't get a chance to tell
14 him that.

15 **MS. SIMMS:** Okay. Mr. Keough goes on in the
16 next paragraph to say that he informed C-14 that he had not
17 been aware of the agency's knowledge.

18 **MR. TOWNDALE:** M'hm.

19 **MS. SIMMS:** But that he could be "assured
20 that I would investigate the matter thoroughly".

21 **MR. TOWNDALE:** Yes.

22 **MS. SIMMS:** And then the report goes on to
23 outline his investigation, including reviewing past
24 recordings and speaking to some former wards.

25 **MR. TOWNDALE:** Correct, yeah.

1 **MS. SIMMS:** So had this investigation been
2 directed by you?

3 **MR. TOWNDALE:** No, I did not direct any
4 investigation, no.

5 **MS. SIMMS:** Is it your understanding that he
6 did this on his own initiative?

7 **MR. TOWNDALE:** That's my understanding.

8 **MS. SIMMS:** Okay. Was that unusual? It
9 just ---

10 **MR. TOWNDALE:** Yeah.

11 **THE COMMISSIONER:** And it ---

12 **MR. TOWNDALE:** He should have ---

13 **THE COMMISSIONER:** Sorry; go ahead.

14 **MR. TOWNDALE:** He should have maybe turned
15 to the Protection Department or another department to do
16 the investigation.

17 **THE COMMISSIONER:** Should he not have
18 received instructions from the supervisor before going on?
19 Sorry; my understanding of the situation is
20 that Keough finds out from C-14 ---

21 **MR. TOWNDALE:** C-14, yeah.

22 **THE COMMISSIONER:** --- right, that you know
23 about what's going on?

24 **MR. TOWNDALE:** Yeah.

25 **THE COMMISSIONER:** And so now he's aware of

1 what C-14 has said. So would he not have had to report to
2 a supervisor saying, "Look, this is the situation; this is
3 the course of action I would like to take," and the
4 supervisor signs off on it?

5 **MR. TOWNDALE:** That's right. Yeah, he
6 should have come back and reported to the supervisor.

7 **THE COMMISSIONER:** And who was his
8 supervisor at the time?

9 **MR. TOWNDALE:** I was the one.

10 **THE COMMISSIONER:** Yeah, but you were gone
11 on holidays?

12 **MR. TOWNDALE:** Yeah.

13 **THE COMMISSIONER:** So ---

14 **MR. TOWNDALE:** So it would have been either
15 Mr. O'Brien or Mr. Dave Devlin should have done that.

16 **THE COMMISSIONER:** Okay.

17 **MS. SIMMS:** In any case, it appears he does
18 do some amount of investigation and his conclusions are on
19 page 13 of the report ---

20 **MR. TOWNDALE:** Yes.

21 **MS. SIMMS:** --- where he states, "There's a
22 lot" -- under Worker's Assessment and Recommendation:

23 "There's a lot that one must give and
24 take from [C-14]'s accusations.

25 However, I conclude that [C-14] did, at

1 times, receive treatment that was far
2 too harsh and could be labelled a
3 beating. I further believe that at
4 such time, [C-14] had driven the foster
5 parents to a point where they lost
6 control and later would regret their
7 actions."

8 And he goes on to recommend that the CAS
9 place no more children in their home.

10 **MR. TOWNDALE:** Correct, yeah.

11 **MS. SIMMS:** And you've told us you had
12 already given that ---

13 **MR. TOWNDALE:** Yes, I decided -- gave the
14 direction to Mrs. Gratton to close it anyhow.

15 **MS. SIMMS:** And the following entry is in
16 fact a closing summary ---

17 **MR. TOWNDALE:** By the foster home finder,
18 yeah.

19 **MS. SIMMS:** --- by the foster home finder,
20 Mrs. Gratton?

21 **MR. TOWNDALE:** Yeah.

22 **MS. SIMMS:** And she refers to Mr. Keough's
23 recording on file.

24 **MR. TOWNDALE:** Yeah.

25 **MS. SIMMS:** And to some harsh treatment?

1 **MR. TOWNDALE:** Yes.

2 **MS. SIMMS:** And on the following page she
3 says -- page 14:

4 "One wonders if [C-14]'s accusations
5 may have been greatly exaggerated. In
6 any case, it is just as well that Mrs.
7 Barber had decided that she will no
8 longer take foster children into her
9 home as there would have to be a very
10 thorough investigation of their methods
11 of correcting misbehaviour and their
12 general attitudes towards fostering.
13 Home closed."

14 **MR. TOWNDALE:** Yeah.

15 **MS. SIMMS:** So she doesn't make any
16 reference to the instructions -- your instructions to close
17 the home in this recording.

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

19 **MS. SIMMS:** And in fact she suggests that if
20 the foster parents had not decided on their own that they
21 didn't want to take further children, that there would have
22 to be a very thorough investigation into the home,
23 suggesting that it would not necessarily be closed. Is
24 that how you read that statement, Mr. Towndale?

25 **MR. TOWNDALE:** Yeah. That's what I read,

1 yeah.

2 **MS. SIMMS:** But you clearly recollect asking
3 for the home to be closed?

4 **MR. TOWNDALE:** Yeah.

5 **MS. SIMMS:** The recording on this page, page
6 14, following the closing summary, the way I read this is
7 the next paragraphs are continuations of Mr. Keough's
8 transfer summary in the child's file.

9 **MR. TOWNDALE:** Yes.

10 **MS. SIMMS:** So we've completed the excerpt
11 from the foster home file and now we're returning to the
12 transfer summary.

13 **MR. TOWNDALE:** Okay.

14 **MS. SIMMS:** And it appears that there are
15 continuing problems in the new foster home.

16 **MR. TOWNDALE:** Yes, yeah.

17 **MS. SIMMS:** And just to remind you, this
18 transfer summary would have been covering the period of
19 time from May 1st, '76 until March 8th, '78. During that
20 period of time you would have been supervising Mr. Keough?

21 **MR. TOWNDALE:** I must have been, yep.

22 **MS. SIMMS:** So this transfer summary seems
23 to be prepared because the file is being transferred to Ian
24 MacLean and C-14 is moving to a group home?

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

1 **MS. SIMMS:** Okay. And Mr. Keough says, with
2 respect to "Relationship" at the bottom of page 14:

3 "It now seems that I was totally off
4 base in my previous recording re [C-
5 14]'s relationship with the Barkers and
6 myself. As with the Huberts, [C-14]
7 indicated he had become quite close to
8 the foster parents in the home.
9 However, at the same time, he went out
10 of his way to make life miserable for
11 everyone. Quite honestly, at this
12 point I am at a loss in determining how
13 sincere [C-14]'s relationships are with
14 others."

15 Do you know what Mr. Keough is suggesting in
16 terms of the previous allegations? Was it ever raised to
17 you that there was any change in Mr. Keough's opinion with
18 respect to C-14's treatment at the Barber home?

19 **MR. TOWNDALE:** Could I read this? Could I
20 read that, please?

21 **MS. SIMMS:** Yes, of course.

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

23 **MR. TOWNDALE:** He's talking about his
24 relationship with the foster parents and himself, and he's
25 talking about that he thought they were close, but he -- C-

1 14 made himself -- liked to make life miserable.

2 MS. SIMMS: Okay. But do you recall Mr.
3 Keough ever reporting to you that he had changed his
4 opinion with respect to the investigation he conducted back
5 in '77?

6 MR. TOWNDALE: I don't.

7 MS. SIMMS: Okay. Just very quickly, the
8 next recording is done by Ian MacLean.

9 MR. TOWNDALE: Yeah.

10 MS. SIMMS: This is the recording on page
11 15.

12 MR. TOWNDALE: Correct, yeah.

13 MS. SIMMS: And this is the period of time
14 when C-14 is in a different foster home?

15 MR. TOWNDALE: Correct, yes.

16 MS. SIMMS: And I note your initials are at
17 the end of this recording on page 17.

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

19 MS. SIMMS: So you were supervising Ian
20 MacLean?

21 MR. TOWNDALE: Ian MacLean, yeah.

22 MS. SIMMS: Okay. And there's a paragraph
23 about -- on page 16 ---

24 MR. TOWNDALE: Yes.

25 MS. SIMMS: --- about C-14 made a good

1 relationship with a beekeeper friend of the MacIntosh's.

2 MR. TOWNDALE: Yes.

3 MS. SIMMS: Were you aware that while you
4 were supervising Ian MacLean that C-14 had been allowed to
5 spend weekends with this friend of the foster family?

6 MR. TOWNDALE: I don't remember.

7 MS. SIMMS: You don't remember?

8 MR. TOWNDALE: Remember, yeah.

9 MS. SIMMS: Was there a process for how
10 someone other than a foster parent -- sorry, let me just --
11 if the child is a ward of the CAS ---

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

13 MS. SIMMS: --- it's the CAS who decides
14 whether someone can take the child for a weekend?

15 MR. TOWNDALE: Correct, yes.

16 MS. SIMMS: I would presume.

17 So would there have been a process to
18 determine whether this individual could or could not take a
19 child away from the foster home for a weekend visit?

20 MR. TOWNDALE: I cannot recall of a process
21 there. Most likely the worker must have talked to the
22 foster parents and the foster parents must have recommended
23 this person.

24 MS. SIMMS: Okay. And did you ever hear any
25 allegations with respect to sexual abuse of C-14 by this --

1 -

2 MR. TOWNDALE: I never heard that.

3 MS. SIMMS: Okay. And I understand that not
4 very long after this the Crown wardship was terminated with
5 respect to C-14?

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

7 MS. SIMMS: You remained the supervisor
8 through his entire wardship?

9 MR. TOWNDALE: I think so, yeah. Yep.

10 MS. SIMMS: I was going to move on to later
11 events with respect to C-14, so maybe ---

12 THE COMMISSIONER: We'll call it a day.
13 We'll come back tomorrow morning at 9:30, sir.

14 MR. TOWNDALE: Okay.

15 THE COMMISSIONER: Thank you.

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

18 This hearing is adjourned until tomorrow
19 morning at 9:30 a.m.

20 --- Upon adjourning at 4:31 p.m./

21 L'audience est ajournée à 16h31

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter inthe 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, Marc Demers, 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.



Marc Demers, CM