**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 277

**Held at :**

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

Monday, September 8, 2008

**Tenue à:**

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

Lundi, le 8 septembre 2008

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**ERRATA**

**April 28th, 2008**
**Volume 221**

**Page 156, Line 22**

**MR. TREW:** Staff Sergeant Lewis.

Should have read:

**MR. TREW:** Staff Sergeant Willis.

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**September 5th, 2008**
**Volume 276**

Omitted to include rulings on Table of Content page and titles in transcript.

**Page 15, line 22**

Ruling on application for limited standing for Randy Millar by the Commissioner/Décision sur l'application de participation limitée pour Randy Millar par le Commissaire

**Page 18, line 2**

Ruling on application for supplementary funding by the Diocese of Alexandria-Cornwall by the Commissioner/Décision sur l'application pour financement supplémentaire pour le Diocese d'Alexandria-Cornwall par le Commissaire

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**September 5th, 2008**
**Volume 276**

**Page 18, line 11**

"total, I have recommended $1,075 hours of paralegal time,"

Should have read:

"total, I have recommended 1,075 hours of paralegal time,"

**Appearances/Comparutions**

| | |
|---|---|
| Mr. Peter Engelmann | Lead Commission Counsel |
| Ms. Brigitte Beaulne | Registrar |
| Ms. Maya Hamou<br>Ms. Mary Simms | Commission Counsel |
| Mr. Mark Crane | Cornwall Community Police Service and Cornwall Police Service Board |
| Ms. Diane Lahaie | Ontario Provincial Police |
| Mr. Vito Scavetta | Attorney General for Ontario |
| Mr. Peter Chisholm<br>Ms. Michele R.J. Allinotte | The Children’s Aid Society of the United Counties |
| Ms. Helen Daley | Citizens for Community Renewal |
| Me Gisèle Levesque | Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque |
| Mr. Michael Neville | The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald |
| Mr. Mark Wallace | Ontario Provincial Police Association |
| Mr. Frank T. Horn | Coalition for Action |
| Mr. Angelo Towndale | CAS |

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

L'audience débute à 9h45

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

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

Please be seated. Veuillez vous asseoir.

**THE COMMISSIONER:** Thank you. Good morning all.

Mr. Towndale, Mr. Engelmann, good morning.

**MR. ENGELMANN:** Good morning, Mr. Commissioner.

Good morning, Mr. Towndale.

**THE COMMISSIONER:** Have a seat, sir.

**---OPENING REMARKS BY/REMARQUES D'OUVERTURE PAR MR. ENGELMANN:**

**MR. ENGELMANN:** Please have a seat, sir.

I'm just going to be a minute talking about some housekeeping matters before your questions continue.

Sir, to start with I just wanted to speak briefly to the schedule for this week.

**THE COMMISSIONER:** Right.

**MR. ENGELMANN:** We have the cross-examination of Mr. Towndale.

**THE COMMISSIONER:** Yes.

**MR. ENGELMANN:** At some point today my colleague, Ms. Simms, will want to go in camera with you. There are some names from documents that need to be read into the record in an in-camera manner due to publication ban issues.

Sir, we received news this morning that Mr. Lee was unable to attend today ---

**THE COMMISSIONER:** M'hm.

**MR. ENGELMANN:** --- due to illness, so I have spoken to my friends and what Commission counsel is proposing is that everyone go through their cross-examination of Mr. Towndale. There are two institutions who have indicated they would like an opportunity to ask questions of Mr. Towndale after Mr. Lee. That is obviously the CAS and Mr. Crane for the Cornwall Police has said he would have a few brief questions but wanted to maintain a right to go after because of the issues involving Mr. Towndale's role on the Police Services Board.

**THE COMMISSIONER:** Right.

**MR. ENGELMANN:** So with those two exceptions, sir, what we propose is we'll carry through with the cross-examination until it's completed.

Mr. Towndale, I apologize. This may mean you have to come back for a short time because of Mr. Lee's

unavailability today.

**THE COMMISSIONER:** How much time are we going to have for cross-examination today?

**MR. ENGELMANN:** I just canvassed the parties who would proceed before Mr. Lee. I understand from Ms. Daley that it could be as much as 90 minutes to two hours. And Mr. Horn advised me that he would be no more than half an hour.

**THE COMMISSIONER:** M'hm.

**MR. ENGELMANN:** I don't expect any of the other parties to have either any questions or perhaps just short questions, other than Mr. Lee and a few from Mr. Crane and then obviously some from CAS counsel.

So sir, what I propose we do after we get through that is we then deal with the Father MacDonald ODE which you heard briefly about last Friday.

**THE COMMISSIONER:** Yes.

**MR. ENGELMANN:** My understanding is that will be ready to be filed today and read in. Then, sir, Commission counsel could proceed with the chief of Mr. Carriere and we'll get a progress report from Mr. Lee and his colleagues either later today or first thing tomorrow.

**THE COMMISSIONER:** All right.

**MR. ENGELMANN:** So we'll see where that goes.

We also have Geraldine Fitzpatrick as the witness after Mr. Carriere.

**THE COMMISSIONER:** Okay.

**MR. ENGELMANN:** Sir, a couple of other housekeeping matters. We have an articling student here from the Ministry of the Attorney General, Vito Scavetta, who is just behind me, sir.

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

**MR. SCAVETTA:** Good morning.

**MR. ENGELMANN:** And sir, I would be remiss if I didn’t announce that our clerk, Julie Gauthier, had her baby this weekend so we won’t be seeing her for a while.

**(LAUGHTER/RIRES)**

**THE COMMISSIONER:** A healthy bouncing baby boy, I’m told.

**MR. ENGELMANN:** Yes, yes.

So with that said, sir, I think my time is spent and I’m on my way.

**THE COMMISSIONER:** Oh.

**MR. ENGELMANN:** Oh, I apologize. There’s two other things that I wanted ---

**THE COMMISSIONER:** Mr. Carroll -- I’m sorry, Mr. Wallace was -- his partner, yeah. Mr. Wallace was here.

**MR. ENGELMANN:** Well, just before I turn it over I just wanted to mention we have two motions that we want to schedule for this week.

**THE COMMISSIONER:** Yes.

**MR. ENGELMANN:** We've received one in writing already and this is from the Diocese of Alexandria-Cornwall.

**THE COMMISSIONER:** Yes.

**MR. ENGELMANN:** It's with respect to Monsignor McDougald.

**THE COMMISSIONER:** M'hm.

**MR. ENGELMANN:** It's a motion to excuse him from testifying.

We also have or I hope to have a motion -- further evidence on the Ron Lefebvre matter because we've been waiting for that now for some time.

And sir, I did want to say one other thing and that was with respect to the Diocese, a motion for supplementary funding.

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

**MR. ENGELMANN:** I was advised by counsel for the Diocese that there may have been an oversight with the retroactivity date which should have been March of this year, not July as indicated, and I believe the date was March 27th of 2008.

So I just wanted to bring that to your attention.

**THE COMMISSIONER:** So for the record my order will be amended to reflect the earlier date. It's simply an oversight and certainly they are entitled to my recommendation that they be paid retroactive to the date that they have suggested.

**MR. ENGELMANN:** And that was the date that was indicated in their written materials.

**THE COMMISSIONER:** Exactly.

**MR. ENGELMANN:** So I'll turn it over to Mr. Wallace. Thank you.

**THE COMMISSIONER:** Mr. Wallace, good morning, sir.

**MR. WALLACE:** Good morning, Mr. Commissioner.

As things stand right now I don't have any questions for Mr. Towndale but I'd like to reserve the right if something comes up in Mr. Lee's cross-examination to ask some questions.

**THE COMMISSIONER:** Fair enough. Thank you.

Okay. So Ms. Daley; the floor is yours.

**MS. DALEY:** Thank you.

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

**THE COMMISSIONER:** Mr. Towndale, you

understand you are still under oath, sir?

**MR. TOWNDALE:** I understand, sir.

**THE COMMISSIONER:** Okay. So the water -- the glasses are behind the water jug.

**MR. TOWNDALE:** Okay.

**THE COMMISSIONER:** No, water jug behind there if you need water.

**MR. TOWNDALE:** Okay.

**THE COMMISSIONER:** And the same conditions apply, all right?

**MR. TOWNDALE:** Thank you, sir.

**THE COMMISSIONER:** Thank you.

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

**MS. DALEY:** Good morning, Mr. Towndale. How are you today?

**MR. TOWNDALE:** I'm fine. How are you?

**MS. DALEY:** Good, thank you.

My name is Helen Daley and I'm counsel for the Citizens for Community Renewal, and that is a local citizens group whose mandate is institutional reform, principally directed to the better protection of children.

And let me start by asking you some questions. And my general theme is to explore with you how the CAS was governed during the time you were an employee,

during that roughly 30-year span of time between the ‘60s and the mid-‘90s, all right?

**MR. TOWNDALE:** Okay.

**MS. DALEY:** And sir, I take it that throughout that time the actual running of the agency’s operation was done by the executive director and that was his responsibility?

**MR. TOWNDALE:** That’s correct, yes.

**MS. DALEY:** And just to attach names, initially that was Mr. O’Brien and latterly Mr. Abell. Correct?

**MR. TOWNDALE:** When I started in ’65 it was Mr. René Charbonneau.

**MS. DALEY:** So he preceded Mr. O’Brien?

**MR. TOWNDALE:** That’s correct, yes.

**MS. DALEY:** And then it was Mr. O’Brien?

**MR. TOWNDALE:** That’s correct.

**MS. DALEY:** And then Mr. Abell?

**MR. TOWNDALE:** That’s correct, yes.

**MS. DALEY:** And obviously there was a board of directors associated with your Children’s Aid Society. Correct, sir?

**MR. TOWNDALE:** That’s correct, yes.

**MS. DALEY:** And in terms of who had authority to hire or fire employees that was the executive

director's responsibility; was it not, sir?

**MR. TOWNDALE:** That's the executive director's, yeah.

**MS. DALEY:** All right.

So as with most non-profit boards the way this worked is that the day-to-day decisions, including hiring and firing, were within the authority of the executive director. Correct?

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

**MS. DALEY:** And the executive director was supervised by the board; is that correct, sir?

**MR. TOWNDALE:** The board of directors sets policy.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** And the executive director has to carry out that policy and the board sets the policy under the *Child Welfare Act.*

**MS. DALEY:** Yes.

**MR. TOWNDALE:** It cannot deviate from the Act.

**MS. DALEY:** All right.

So the core function of the board is to generate policies that are consistent with the statute. Correct?

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

**MS. DALEY:** And the core function of the executive director is to manage the organization on a day-to-day basis?

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

**MS. DALEY:** Including hiring and firing of employees, right?

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

**MS. DALEY:** Now, at the time you were an employee of the CAS I take it the ministry that had overall responsibility was for the most part Ministry of Consumer -- sorry, Ministry of -- I've forgotten ---

**MR. TOWNDALE:** Community and Social Services.

**MS. DALEY:** Thank you -- Community and Social Services.

And did the Ministry of Community and Social Services ever have any of its personnel on your board?

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

**MS. DALEY:** Did the Ministry in any fashion contribute to the setting of policy for the local CAS that you were a part of?

**MR. TOWNDALE:** I cannot recall the Ministry sending any directives. I was not -- the only time I dealt with the board is a three-month period when I was the acting director.

**MS. DALEY:** All right.

That's helpful, sir. So in that window of time when you were assuming Mr. O'Brien's responsibilities ---

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

**MS. DALEY:** --- you didn't go to the Ministry or receive any input from the Ministry to help you through that situation?

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

**MS. DALEY:** Thank you.

**MR. TOWNDALE:** I would also like to say during that three-month period, I was the Acting Director with that responsibility, as well as I had the responsibility I was carrying as a supervisor.

**MS. DALEY:** I understand.

**MR. TOWNDALE:** In other words, I was doing two jobs at the same time.

**MS. DALEY:** At least two jobs.

**MR. TOWNDALE:** At least two jobs.

**MS. DALEY:** Because a large part of the Acting Director's role, obviously, as you said, was budgeting and preparing for your annual general meeting as well?

**MR. TOWNDALE:** The three-month period between January and March 31st.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** It is setting the budget, which means meeting through the services committee, finance committee, personnel committee and whatnot. Then set a budget, then we –- at that time, the funding was -- 80 percent of the funding came from the Province and 20 percent came from City and the counties, so we had to submit the budgets not only to the Province but at the City and counties as well. Then we have to meet with them, negotiate with them and whatnot.

**MS. DALEY:** And you're personally involved in all of that activity, in addition to trying to deal with the problem at the Second Street Group Home?

**MR. TOWNDALE:** If I may –- if you allow me to add one more thing.

During that period, we have –- according to the statutes, we have to have an annual meeting ---

**MS. DALEY:** Yes.

**MR. TOWNDALE:** --- March –- before March 31st, so I had to work on the annual meeting which is a requirement ---

**MS. DALEY:** Yes.

**MR. TOWNDALE:** --- as well as, the audit –- the auditing has to be done before the annual meeting so we had to work with the auditors as well at the same time.

**MS. DALEY:** So we would be right to take away the impression that you had a lot of responsibilities on your plate, in addition to trying to manage the problem at the Second Street Group Home?

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

**MS. DALEY:** Is that fair?

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

**MS. DALEY:** Now, let me just ask you this question about the Board and Board policies.

Were you aware that the Board had set any policies in the 1970s? Did you know of any Board policies that existed?

**MR. TOWNDALE:** There might have been policies with regard to child care and foster care and whatnot, you know, but to go back to specifically say there was a policy; there must have been policies.

**MS. DALEY:** All right.

**MR. TOWNDALE:** Yes.

**MS. DALEY:** I take it, though, the policies that existed were not directed at the operations of the organization, but at a higher level?

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

**MS. DALEY:** Is that fair?

**MR. TOWNDALE:** Yeah, with regard to –- if it was child care, it would be in regard to children, you

know.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** Yeah, how to deal with foster homes and children ---

**MS. DALEY:** All right.

**MR. TOWNDALE:** --- but I'm speculating at that –- at this time because I cannot go back to the seventies and say what was there. Anyhow, it –- the Board had that responsibility to set policy.

**MS. DALEY:** Yes, and the policies which the Board generated were not operational or detailed. In other words, the Board never created policies about how to run a group home for example?

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

**MS. DALEY:** Understood, thank you.

All right. Let's move to another topic, and I'm trying to see if you can help us with some background information about the Second Street home and the people that worked there and how this all came about. That's generally what I wanted to find out from you.

I understand that one of your Board members at that time was Canon Irwin?

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

**MS. DALEY:** Now, he was the Deacon of the Trinity Anglican Church?

**MR. TOWNDALE:** I think he was called the Rector, I think ---

**MS. DALEY:** The Rector?

**MR. TOWNDALE:** --- I could be wrong, but my –- my recollection is he was called the Rector.

**MS. DALEY:** He presided at Sunday services at the church?

**MR. TOWNDALE:** I don’t know that. I don’t –- I don’t go to that church, but I think that’s what ---

**MS. DALEY:** All right.

**MR. TOWNDALE:** Yeah, okay.

**MS. DALEY:** And I understand that Mr. Tenger, who became the head of the group home initially, was also associated with that church. Is that correct, sir?

**MR. TOWNDALE:** That’s correct, yes.

**MS. DALEY:** Was he the organist in Mr. ---

**MR. TOWNDALE:** Yes.

**MS. DALEY:** --- sorry, Canon Irwin’s church?

**MR. TOWNDALE:** That’s right. That’s right, yes.

**MS. DALEY:** All right.

So Canon Irwin obviously knew Mr. Tenger through that relationship ---

**MR. TOWNDALE:** That’s right.

**MS. DALEY:** --- correct?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** And had Canon Irwin been a long-standing member of the Board in the mid-seventies; do you know, sir?

**MR. TOWNDALE:** I cannot answer that one because I didn't go to Board meetings.

**MS. DALEY:** All right, that's fine.

**MR. TOWNDALE:** Yeah, okay.

**MS. DALEY:** In any event, we know that Mr. Tenger is the organist at the church. Was that a paid position or would you know?

**MR. TOWNDALE:** I wouldn't know that.

**MS. DALEY:** In any event, I understand that Mr. Tenger would be present on Sundays during church services because he would play the organ for the service. You understood that as well?

**MR. TOWNDALE:** Yeah, that's what I ---

**MS. DALEY:** And did you understand that the children in the group home were taken to those services every Sunday?

**MR. TOWNDALE:** I didn't know that.

**MS. DALEY:** All right.

Now, I did understand from you that Mr. Keough, who was another staff at the group home, had a

close personal friendship with Mr. Tenger. You understood that as well?

**MR. TOWNDALE:** I understood that. They were close friends.

**MS. DALEY:** They socialized together?

**MR. TOWNDALE:** They were close friends, but how much socialization -- I'll be speculating if I say, but they were –- Mr. Keough –- Mr. Tenger had a great influence on Bryan Keough.

**MS. DALEY:** I'm sorry, he had?

**MR. TOWNDALE:** Mr. Tenger had a great influence on ---

**MS. DALEY:** All right.

**MR. TOWNDALE:** --- Bryan Keough.

**MS. DALEY:** You could see in their performance of the job that Keough and Tenger were very closely associated?

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

**MS. DALEY:** Thank you. And let me ask about Mr. Tenger first.

Did he have a Bachelor or a Masters of Social Work? Did he have a degree?

**MR. TOWNDALE:** I don't think so, no.

**MS. DALEY:** And do you know how long he'd been with the agency?

**MR. TOWNDALE:** When I joined the agency in 1965, he was there.

**MS. DALEY:** He was there?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** And you mentioned there was a period when he was away and he was asked to ---

**MR. TOWNDALE:** Yeah ---

**MS. DALEY:** --- come back.

**MR. TOWNDALE:** --- he left and then he was asked to come back.

**MS. DALEY:** All right. But as far as you know he didn’t have formal training to do the job. He learned the job on the job?

**MR. TOWNDALE:** That’s correct, yes.

**MS. DALEY:** And what about Mr. Keogh. Did he have any formal training in social work or child care?

**MR. TOWNDALE:** He came with a BA from either Carleton or University of Ottawa. He had a BA; general BA.

**MS. DALEY:** A BA?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** So nothing specific to child care or social work?

**MR. TOWNDALE:** That’s –- that’s right, yeah.

**MS. DALEY:** And ---

**MR. TOWNDALE:** If I may say, most of the

staff during that period of time didn't have social work degrees.

**MS. DALEY:** So, again, like Mr. Tenger, Mr. Keough just learned on the job; he learned by doing the job?

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

**MS. DALEY:** And does it follow when employees of that sort were brought into the agency, did the agency give them any formal child care training or just allowed them to learn on the job?

**MR. TOWNDALE:** There was some training, but it was not any detailed training.

**MS. DALEY:** It was not?

**MR. TOWNDALE:** It was not any detailed training. If I could explain a little bit the situation in the seventies and sixties.

Children's Aid Society covered three counties; Stormont, Dundas and Glengarry, the City of Cornwall and the community of Akwesasne. The population hasn't much changed since then; my understanding it's the same population. Most of the foster homes were in the counties. There were very few in the City of Cornwall.

We take children into care and place in foster homes and this was for parents didn't have any training or anything except they are ordinary people. The

experience they had only what they raising their own children.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** And one foster home finder at that time has to recruit foster parents, screen them and place children.

So if, for example, if a child is placed in Dundas County in Winchester and the worker at that time had two car days, lease cars and two car days, 14 hours a week, if you drive to Winchester to see a child it takes an hour, to come back an hour. So if you go see a child, three hours is gone and workers carried, I don't know, 40 or 50 cases. That's the time period we are talking about.

**MS. DALEY:** I understand ---

**MR. TOWNDALE:** Just to get a picture of it.

**MS. DALEY:** I'm going to allow ---

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** --- you to elaborate on that in some detail because I'm going to have some questions ---

**MR. TOWNDALE:** Yeah, okay.

**MS. DALEY:** --- about how the CCWs were operating.

**MR. TOWNDALE:** Okay.

**MS. DALEY:** But I understand, and I think from what you're saying is the expectation, at that time,

was that just ordinary, human decency would inform what people did with children. In other words, you could trust a foster parent because you knew they had raised their own children and their humanity would allow them to do the right thing by a foster child. Is that what you're trying to say?

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

**MS. DALEY:** And did some of the same attitude also apply to the child care workers that were in the home?

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

**MS. DALEY:** So what was happening is that the Children's Aid Society was bringing people in and was operating on the basis that their integrity, common sense as human beings would allow them to do a good job.

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

**MS. DALEY:** Is that fair?

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

**MS. DALEY:** All right. Now, just going back then to how this group home was organized and who was in place.

I take it that the first person that Tenger reached out to to be a part of the new group home would be his friend and co-worker, Mr. Keough?

**MR. TOWNDALE:** I presume so, yeah.

**MS. DALEY:** All right.

And just help me; do you have a sense of their relative ages? In other words, would Mr. Tenger have been a little bit older than Mr. Keough?

**MR. TOWNDALE:** Oh yeah, much older than him.

**MS. DALEY:** Much older?

**MR. TOWNDALE:** Yeah, yeah. Bryan -- Mr. Keough, when he started, he must have been 21.

**MS. DALEY:** All right.

**MR. TOWNDALE:** And Derry Tenger must have been in his fifties or something.

**MS. DALEY:** All right. So there was almost a generation separating them?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** All right.

**MR. TOWNDALE:** Almost like a father-son age group, yeah.

**MS. DALEY:** You indicated to us that Mr. Tenger had discretion as to who he was going to hire for the group home; correct?

**MR. TOWNDALE:** That’s correct, yes.

**MS. DALEY:** And he exercised that discretion by hiring his daughter and bringing in Mr. Keough and Mr. Keough’s brother? That’s Mike Keough?

**MR. TOWNDALE:** Mike Keough. Bryan Keough -

- I have to clarify -- Bryan Keough ---

**MS. DALEY:** Yes.

**MR. TOWNDALE:** --- he had a caseload at the agency.

**MS. DALEY:** I understand.

**MR. TOWNDALE:** He was going there to help. So in other words, he was not a full-time worker at the group home.

**THE COMMISSIONER:** Was he getting any remuneration?

**MR. TOWNDALE:** No.

**THE COMMISSIONER:** None at all?

**MR. TOWNDALE:** We never gave any remuneration.

**MS. DALEY:** All right.

I hope you can clarify that because that's left some confusion in my mind. I understand he was a case worker and he had children who were in the home, right?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** Jeannette Antoine was one of them, right?

**MR. TOWNDALE:** Yeah, I think so. Yeah.

**MS. DALEY:** All right.

But was he -- did he not also do shifts at the group home?

**MR. TOWNDALE:** That's what -- that's what I understand he did. When some workers were tired or didn't show up, he went and helped.

**MS. DALEY:** He would ---

**MR. TOWNDALE:** To replace.

**MS. DALEY:** He would do shifts?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** And did you ever know that he did overnight shifts in the group home?

**MR. TOWNDALE:** I couldn't tell you that.

**MS. DALEY:** And in response to the Commissioner's question, was he compensated at all for working those shifts?

**MR. TOWNDALE:** No, he was not. As far as I know, he was not compensated.

**MS. DALEY:** All right.

**MR. TOWNDALE:** He had his regular caseload. He was paid to look after that work.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** But when he went there, I don't -- I don't remember he was paid for that.

**MS. DALEY:** All right.

So to the best of your information, he was just volunteering?

**MR. TOWNDALE:** That's correct, yeah, to help

his friend who was running the group home.

**MS. DALEY:** And he was doing that, I take it, because of his friend Mr. Tenger and because his brother was employed there?

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

**MS. DALEY:** All right.

Did you ever turn your mind to this concept, sir -- and I'm not blaming you if you didn't -- but, you know, he's the primary worker for some residents of the home and yet he's also in the home doing shifts. Did there appear to be any kind of conflict in that role or any aspect of playing those two roles that might have been at all concerning?

**MR. TOWNDALE:** He was volunteering there and I took it as -- it didn't come to mind there was any conflict.

**MS. DALEY:** Let me put something forward then. It may be hypothetical, but assuming that he's working in the group home and one of his wards needs discipline and he physically discipline one of his wards, would that -- that wouldn't be consistent with the role you wanted to have as a childcare worker or the worker for that child. Would you agree?

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

**MS. DALEY:** All right. So at least that's

an example in which him playing this dual role could cause a problem?

**MR. TOWNDALE:** I don't know whether we heard about him physically -- corporal punishment was used -- he was using corporal punishment.

**MS. DALEY:** Sorry, you said you don't know that you cared about that?

**MR. TOWNDALE:** No, I didn't know that.

**MS. DALEY:** You didn't know.

But I was putting a hypothetical question to you, sir.

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** I don't say it happened either.

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** I'm just saying if he was a child's worker, he's also working in the home and has to discipline that child. Is there a conflict in that role?

**MR. TOWNDALE:** There will be a conflict. I was not for physical punishment. So there is a conflict. There is a problem with anybody applying physical punishment.

**MS. DALEY:** I understand that.

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** All right.

**THE COMMISSIONER:** Well, I guess the point

is the worker, as a social worker for the ward is -- the avenue of escape for this child over any problem so that if she's having a problem, any child, with the home, she can't go to the worker to report it because he's part of the situation.

**MR. TOWNDALE:** Yeah. Yes, okay, there is a conflict there.

**MS. DALEY:** Can you spend a few moments and help us understand the relationship between a ward of the Children's Aid Society, be it permanent or temporary, and his or her worker? I take it, to start off with, that's a relationship of some dependency because the worker is the child's contact -- prime contact point with the agency. Is that fair?

**MR. TOWNDALE:** The worker is the prime contact, yeah.

**MS. DALEY:** Yes. So the child obviously depends on the worker to look after his or her best interests in terms of a placement setting or dealing with the agency?

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

**MS. DALEY:** Is that how it works?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** And so if a child who was a ward was in a foster home as well, the child also obviously has

a relationship with the foster parents; correct?

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

**MS. DALEY:** But the child can look to the worker as another adult to go to if there's problems with the foster parents or just problems in their life generally. Is that correct?

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

**MS. DALEY:** And I take it the Children's Aid Society expects or hopes that their wards will have that level of trust in the social workers?

**MR. TOWNDALE:** Would you repeat that?

**MS. DALEY:** Yes. The Society thinks it's a good thing or wants to foster a relationship in which the child can trust his or her worker and confide if there's a problem?

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

**MS. DALEY:** And what is the worker then supposed to do if a child raises a problem -- a child in a placement raises a problem with the placement, be it a problem with physical abuse or sexual behaviour and talks to the worker, what's the worker supposed to do with that?

**MR. TOWNDALE:** The worker has to deal with that issue, what is the problem.

**MS. DALEY:** Okay. So the worker should bring the child's issue back to the agency ---

**MR. TOWNDALE:** That's correct, and talk to the supervisor.

**MS. DALEY:** --- and there should be a resolution?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** All right.

And you obviously supervised Mr. Keough for some period of time, sir?

**MR. TOWNDALE:** I did, yes.

**MS. DALEY:** Did he ever bring to you difficulties or problems that his children were having in any placements?

**MR. TOWNDALE:** He must have. I cannot -- we had supervisions and he must have brought difficulties children were having in foster care.

**MS. DALEY:** Do you remember any incident, sir -- and obviously I don't need details or names -- but do you remember any incident where you were concerned enough to move a child as a result of Mr. Keough providing you with information about their placement?

**MR. TOWNDALE:** Where children moved from a foster home to another foster home?

**MS. DALEY:** Yes.

**MR. TOWNDALE:** Oh yeah, that was -- we have moved many children.

**MS. DALEY:** I'm sorry; could you just ---

**MR. TOWNDALE:** We have moved children, yeah.

**MS. DALEY:** All right. Did you move children because -- did you ever have occasion to move a child because Mr. Keough thought a foster parent had abused a child?

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

**MS. DALEY:** Okay. Did you ever have occasion to move a child because Mr. Keough brought to you that there had been some inappropriate sexual behaviour pertaining to a child?

**MR. TOWNDALE:** I don't remember that. We moved children because the foster parents must have requested it or the child says "I want to be moved".

**MS. DALEY:** All right.

Would a child be enabled to ask for a different social worker if he or she ---

**MR. TOWNDALE:** Oh yeah, definitely.

**MS. DALEY:** --- had a problem with the one assigned?

**MR. TOWNDALE:** Definitely, yeah.

**MS. DALEY:** And did any of Mr. Keough's children ever ask for that?

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

**MS. DALEY:** All right.

Now, I want to move into the area that you spoke about, and that's the policy around dealing with children in group home care. And I have a few propositions here which I think I'm fairly sure you will agree with given the nature of the evidence you've given so far.

I take it, sir, that -- well, let me ask you this question. Was there a direct CAS policy against a worker having sex with a child in care?

**MR. TOWNDALE:** No, I don't remember any policy to that, yeah.

**MS. DALEY:** And is that because it was so obvious that it was wrong that a policy was unnecessary?

**MR. TOWNDALE:** We -- it is naïve when I say this statement -- it never got into our mindset that this could happen.

**MS. DALEY:** Right.

**MR. TOWNDALE:** The worker will have ---

**MS. DALEY:** Because it was so extremely wrong ---

**MR. TOWNDALE:** Yes.

**MS. DALEY:** --- it could never be right and you wouldn't need a policy to tell you that. Is that fair?

**MR. TOWNDALE:** That's what -- yes.

**MS. DALEY:** All right.

And, sir, I don't want to upset you, but are

you aware that at least one female resident of the Second Street home asserted that she had had sex on more than one occasion with a worker there?

**MR. TOWNDALE:** We did not -- I did not hear that in the seventies. I heard it only actually when I read the statements taken by Constable Shawn White.

**MS. DALEY:** And you appreciate that one female resident of the home told Constable White ---

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** --- that between the ages of 13 and 15 she'd had sex at least twice with a worker in the home, right?

**MR. TOWNDALE:** Never I heard that until I read that, yeah.

**MS. DALEY:** And I take it that had you -- you would have been appalled to know such a thing in the seventies?

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

**MS. DALEY:** And there would have been no question in your mind that that individual worker should be fired?

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

**MS. DALEY:** Now, I take it, sir, again -- was there a direct policy that the Children's Aid Society had against a physical assault of a child? In other words,

was there a policy said to the effect that, "Do not assault children"?

**MR. TOWNDALE:** That's why in '76 I went to the Personnel Committee and tried to develop a policy. I wasn't successful.

**MS. DALEY:** But walk with me a little bit down this ---

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** --- down this path.

I understood that what you were concerned about or what you thought was an issue at the time was the use of corporal punishment and strapping a child. That was the activity that you knew about at the time that caused you concerns?

**MR. TOWNDALE:** Corporal punishment, yeah.

**MS. DALEY:** All right. Now, what I asked you about was -- and I used a different phrase. I mean, clearly regardless of whether there was a policy or not about corporal punishment, it would never have been acceptable to the Children's Aid Society for a worker to physically assault a child? In other words, to cause an injury to a child.

**MR. TOWNDALE:** Definitely not, yeah.

**MS. DALEY:** All right. So regardless that it was 1976, that would never have been appropriate?

**MR. TOWNDALE:** No, not physical harm. No.

**MS. DALEY:** All right. So, again, is that not a situation where, given the very mandate of the CAS to protect children, you didn't need a policy. It was obvious you couldn't do that. Would you agree?

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

**MS. DALEY:** And in terms of some of the other behaviour, unfortunately, that you learned about at the home, I just want to -- again, I want to just take you to a document that contains some detail about what the children were saying. One moment, please.

Sorry, sir, I just need to find the exhibit. Give me a sec. My apologies. I don't have a hard copy of the document with me but I'm just going to direct you to the exhibit number, and Madam Clerk can show it to you. One second.

It was the report of the Personnel Committee. It was Exhibit 2212 you marked last time. At the document where you said you contributed some information and it outlined some of the details about what had been happening at the home.

**(SHORT PAUSE/COURTE PAUSE)**

**THE COMMISSIONER:** One of the concerns I have, since you've raised the point, is in this Exhibit 2212 it starts off by saying that Mr. Towndale met with

Dave Devlin and Board member Canon Irwin; met with Derry Tenger, director of the group home, and Mike Keough and Bryan Keough, "staff at the group home". So how come he's referred to as a staff member?

**MR. TOWNDALE:** I don't know that one. The only explanation I have, you know, there was a case we discussed last week and Mr. Keough was the worker in that home, in a foster home, and he comes and -- it says he came and talked to me and Mr. Devlin with regard to an issue. So if he was the group home staff, then how can he have a case some place else? That's the only explanation I have.

**MS. DALEY:** Well, when you say how could he, you mean how would he find the time to do all those jobs? Is that what you mean?

**MR. TOWNDALE:** No. He cannot be a staff member in a group home at the same time -- in other words, he would have two full-time jobs.

**MS. DALEY:** Right.

**MR. TOWNDALE:** Yeah, but in this case it says here "staff member". I read that one but I don't think he was a staff member. It could be a mistake.

**MS. DALEY:** Well, I guess we should take it that certainly the Personnel Committee, rightly or wrongly, thought he was a staff at the home. They thought he was associated with the home.

**MR. TOWNDALE:** Yeah, that could be.

**MS. DALEY:** All right.

So, sir, again, I just wanted to take you to some of the information here about how one of the young girls is treated. Obviously, we're not going to raise her name. She received a moniker here; it was C-75 last time.

**MR. TOWNDALE:** Okay.

**MS. DALEY:** But the information here at the bottom of the first page, and then in the balance of the document, suggests a number of things to me and I just want to know if it suggests the same things to you.

Let me just pause for a minute to talk about this particular person and what you would have known about her from your files; all right?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** So, sir, Exhibit -- you might want to have Exhibit 2213 handy as well, just so that you can look at that. And I just picked up some information from the second page of Exhibit 2213 that I take you to.

And, Madam Clerk, if you can go further down the page I'll tell you where to stop. "How child impresses others". Have a look there.

So, sir, what I took from this is the following. C-75 was a physically very developed 15 year-old child who actually appeared to be 18; correct?

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

**MS. DALEY:** And she was sexually active? She was sexually mature?

**MR. TOWNDALE:** Yes, yes.

**MS. DALEY:** And she was slightly below average mentally?

**MR. TOWNDALE:** Yes.

**MS. DALEY:** This isn't suggesting that she has a mental disability but it's clear that she's not developed mentally; she's overdeveloped physically, right?

**MR. TOWNDALE:** Yes, yes.

**MS. DALEY:** All right. So this young girl -- and if I could then take you back to 2122, which outlines some details ---

**MR. TOWNDALE:** Okay.

**MS. DALEY:** --- about what occurred with her.

**MR. TOWNDALE:** Yes.

**MS. DALEY:** On the first page what we have here is information -- and I take it Mr. Keough, by the way, acknowledged to you that this was correct; that in fact he had done what's written down here?

**MR. TOWNDALE:** Yes.

**MS. DALEY:** Correct? He had bodily stripped her clothes off down to her underpants and she'd been tied

and left for the night at the receiving home; correct?

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

**MS. DALEY:** So that's one thing that happened to C-75, but looking on down the page it's an -- there's an indication that she's:

> "...forced to do housework all night in bra and panties in front of staff, and staff take turns."

Do you see that, sir?

**MR. TOWNDALE:** Yeah, I saw that.

**MS. DALEY:** And that would be male staff for the most part, would it not?

**MR. TOWNDALE:** There were -- there was one female there, Heather Tenger there, but ---

**MS. DALEY:** Everybody else was male?

**MR. TOWNDALE:** Yeah, that's right. Yes.

**MS. DALEY:** And do you know if Mr. Keough took turns watching her do housework at night?

**MR. TOWNDALE:** I don't know. Bryan Keough?

**MS. DALEY:** Yes, Bryan.

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

**MS. DALEY:** Possibly his brother did. We're not sure though.

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

**MS. DALEY:** She's also told to take cold

showers every hour during the night.

Now, sir, let me take that -- stopping there just for a second, did it ever come to your attention during this period of time, when the children were talking to you, that staff would insist upon the door being open in the bathroom when the girls were having showers?

**MR. TOWNDALE:** I didn't know that.

**MS. DALEY:** In the discussions you had with Tenger and Bryan Keough and perhaps others, did they ever rationalize the need to do such a thing? In other words, were they saying, "Listen, these girls are so bad they will run away at the drop of a hat. We have to watch them even in when they're in the bathroom"?

**MR. TOWNDALE:** No, never. No discussions like that.

**MS. DALEY:** They never said that?

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

**MS. DALEY:** All right.

Now, sir, just stopping there with what we've learned about C-45 do you not agree with me that treating a 15 year-old girl with her particular issues and problems in this fashion has a sexual dimension to it?

**MR. TOWNDALE:** Yes, yes. Only one thing I should say. I’m not trying -- not taking my responsibility on this one. This child was a temporary ward ---

**MS. DALEY:** Yes.

**MR. TOWNDALE:** --- supervised by another supervisor. Okay. That's why we had to go to court to get extension of a ward ship and whatnot. So I was not supervising this child or the worker at that time. This worker belonged to another supervisor at that time.

**MS. DALEY:** Do you recall who her worker was?

**MR. TOWNDALE:** It's Blaine, Mr. Grundy.

**MS. DALEY:** Grundy, thank you.

**MR. TOWNDALE:** If you read that thing that I just read, it's Mr. Blaine Grundy.

**MS. DALEY:** All right. Okay. Fair enough.

**MR. TOWNDALE:** And the supervisor was Dave Devlin who was also looking after the group home at that time.

**MS. DALEY:** All right. So you never directly supervised C-75's worker?

**MR. TOWNDALE:** No.

**MS. DALEY:** I understand.

**MR. TOWNDALE:** No.

**MS. DALEY:** All right. But you do acknowledge now that we're looking at this information which, you know, I -- you would have had the time, t has a sexual dimension to it.?

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

**MS. DALEY:** And it would be -- well, I don't know if you'll agree with this, this is my own personal view. Is that kind of a treatment of a girl with a mental challenge appalling by the standards of the 1870s, let alone the 1970s?

**MR. TOWNDALE:** I agree with that.

**MS. DALEY:** And, again, is that not conduct that is so obviously wrong, it doesn't need a policy to tell you it's wrong?

**MR. TOWNDALE:** That's right. The only problem I can tell you is, at that time, I am the Acting Director.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** I go to the Board to give some direction. If I fired somebody, there could be lawsuits and whatnot. That's what's going through my mind.

**MS. DALEY:** I understand.

**MR. TOWNDALE:** So I'm getting to get some kind of a confirmation from the Board. They are -- they have the governing authority of the Children's Aid Society even though I make the decisions. If I go -- and I got the feeling discussing with them, they all knew what was going on in that home. So I went there to get some direction, and I didn't get it.

And if I went and -- I had different options at that time. I could have left and said this is not the way I want to handle it. I could have fired everybody and take the consequences of that. These are the options I had.

**MS. DALEY:** I understand that, sir.

**MR. TOWNDALE:** So I went with the option, I took it, but right or wrong at that time my mind was set. I go for direction and I didn't get it. So I left it that way. That's all the explanation I can give it to you.

**MS. DALEY:** I take it, for a variety of reasons, you felt you needed the Board's support ---

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

**MS. DALEY:** --- to act in this situation?

**MR. TOWNDALE:** Yeah. Children's Aid was under immense financial pressure at that time. We never -- Community and Social Services of the Ministry has a very low profile because children has no voice; they have not a power block to get votes; there are no lobbies. I don't have to tell. So this was the least agency which got the money. So if I went and fired somebody -- I was not experienced at that time to make that kind of decision.

I didn't seek for that job at that time. It was forced upon me -- not forced upon me -- I was asked to take it and I took it. If you ask me, I didn't apply for

that job, I was not paid for that job. I did the best I can at that time.

So I went to the governing body and said there is a problem and what do we do? And people were all divided on that issue. So how do I go ahead an fire somebody and -- on principle, maybe I should have done that at that time, but I didn't do it.

**MS. DALEY:** I guess the bottom line would be this, sir. Since you were in an acting capacity ---

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** --- you were seven or eight years at the organization. I mean, perhaps you felt that your own job was at risk if you'd fired these people?

**MR. TOWNDALE:** I was there from '65 to '76, that's 11 years. I was away two years, so you can say I was there 9 years.

**MS. DALEY:** You'd been there about 11 years.

**MR. TOWNDALE:** Nine years, yeah.

**MS. DALEY:** But did you not feel that if you -- or did it occur to you that you needed to have some regard to your own job if you took a radical step?

**MR. TOWNDALE:** Okay. I'm going to say something which I don't know if it's appropriate to say. I came to this country as an immigrant.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** And I didn't you what opportunities I will have, so maybe I might have looked at my own self interest, I don't know that. And I went to the people who were in charge of this governing authority and asked to give me some directions. So I could have fired those people and that may be -- in retrospect, that's what I should have done. That's why my life is traced different because I have to face those issues now; how I failed these kids and it will never be the same for me.

**MS. DALEY:** Should we take a break?

**MR. TOWNDALE:** Thank you.

**THE COMMISSIONER:** We'll take the morning break.

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

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

--- Upon recessing at 10:31 a.m./

L'audience est suspendue à 10h31

--- Upon resuming at 10:49 a.m./

L'audience est reprise à 10h49

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

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

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

**--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. DALEY (cont'd./suite):**

**THE COMMISSIONER:** Thank you, Mr. Towndale.

**MS. DALEY:** Thanks, Mr. Towndale.

And my intent is not to make you feel badly for anything that happened.

**MR. TOWNDALE:** Not at all.

**MS. DALEY:** I hope you understand that.

**MR. TOWNDALE:** I understand where you are coming from.

**MS. DALEY:** All right.

**MR. TOWNDALE:** The only thing that I want to say to you is, when the issue came up, I involve the Personnel Committee, some Board -- Personnel Committee members who are very supportive of me be -- involve them in the investigation of that situation.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** --- consulted with the President of the Board, the issue went to the Personnel Committee; Personnel Committee made a recommendation to the Board. Twenty-one Board members from this community sat on that Board. A single person never said to me, I should have done something different.

And today, 32 years later, I was confronted with the situation. I should have done something

different. That's the issue I am facing now. How come 21 Board members, all distinguished members of this community, couldn't tell me it was wrong? I should be firing. Not a single person ever say that to me.

**THE COMMISSIONER:** All right.

**MR. TOWNDALE:** I had to make that comment.

**THE COMMISSIONER:** I understand that. And I think Ms. Daley wants to go on to other ---

**MR. TOWNDALE:** Yeah.

**THE COMMISSIONER:** All right?

**MR. TOWNDALE:** Yeah.

**THE COMMISSIONER:** Thank you.

**MS. DALEY:** All right.

Yes, I do and I shall, but you did receive certainly some support from some Board members for your position?

**MR. TOWNDALE:** Definitely.

**MS. DALEY:** There were several that were in agreement?

**MR. TOWNDALE:** Several, I admit that one. There were several of them ready to support you all the way through; stood with me.

**MS. DALEY:** And I take it those who supported you did so for the same reason that you felt the way you did, that is to say it offended their sense of

humanity to treat children this way; correct?

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

**MS. DALEY:** And the persons that you recall who supported you in that view included Mrs. Follon?

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

**MS. DALEY:** Who's presently Mrs. Parker of --

**MR. TOWNDALE:** Most support is she was behind me 100 percent; I couldn't expect anything better than from her.

**MS. DALEY:** All right. And that's Mrs. Follon, as she then was, is now Mrs. Parker who is associated with my client who's here today?

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

**MS. DALEY:** And another female supported you as well, that was Mrs. -- is it Labekovski?

**MR. TOWNDALE:** Labekovski.

**MS. DALEY:** Labekovski.

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** And I'm assuming, sir, that there were others as well who felt the same way as those two?

**MR. TOWNDALE:** There were others but I cannot -- these were with me from the very beginning.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** That’s why I appreciated the support and the help they gave. They have no role -- that’s the only time I can think of Board members getting involved in an investigation.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** No other time in my 30 years at the Children’s Aid, there was occasion for using Board members in a situation.

**MS. DALEY:** One of the other aspects of this whole situation that strikes me as unusual is persons in authority at CAS went directly to children and let the children talk about what was happening in the treatment setting. Correct?

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

**MS. DALEY:** And that's an unusual thing to have occurred as well, correct?

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

**MS. DALEY:** And, as you just pointed out, there was never any occasion where the Board was involved in that type of activity.

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

**MS. DALEY:** And what was happening there is that the Board was reaching over the worker, the group home, the head of the group home, and was going directly to

the source to try to find out what had happened. Correct?

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

**MS. DALEY:** And in this instance the Board members who did that work, and you, you believed what the children said was correct?

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

**MS. DALEY:** In part the Board members and you could see evidence of it. You could see bruising, correct?

**MR. TOWNDALE:** I didn't -- I did not examine -- I interviewed only the boys.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** And I didn't see any bruises there, but Mrs. Peggy -- Mrs. Follon and another person, I don't know, could have been Sister Therese Quesnel who interviewed -- said they have seen it, yes.

**MS. DALEY:** So those ladies saw bruising ---

**MR. TOWNDALE:** Yeah, that's right.

**MS. DALEY:** --- on the girls in the group home?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** And again, sir -- now, in that circumstance I take it eventually the workers admitted that what the children said was in fact correct?

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

**MS. DALEY:** So there was no dispute about it?

**MR. TOWNDALE:** No dispute there, no.

**MS. DALEY:** But again it strikes me as interesting that, as you said, there was a general tendency to disbelieve children and to believe adults, but in this circumstance you and other Board members got past that and you actually believed the children.

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

**MS. DALEY:** Correct?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** And you acted based upon what the children had told you?

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

**MS. DALEY:** And to connect that to another instance that you testified about, sir, do you remember who C-14 is or should I give you a little note to remind you ---

**MR. TOWNDALE:** No, I know who ---

**MS. DALEY:** -- of that name?

**MR. TOWNDALE:** I know who that is.

**MS. DALEY:** You know that name?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** That's another instance in which a child in care spoke to you directly about abusive

treatment by foster parents and you believed him.

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

**MS. DALEY:** And you acted on the strength of what he'd told you.

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

**MS. DALEY:** Correct?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** So notwithstanding, I guess, a general feeling at the times that children weren't truthful, you on several of the occasions we've seen here indeed believed what the child was saying.

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

**MS. DALEY:** And I want to explore that idea just a little bit further before I move away from it. Obviously one of the mandates of the agency, the protection mandate, requires the agency workers to investigate abuse and in that context they would talk to a child and perhaps they'd receive reports from a child that he or she is being abused by a parent, and that would be a premise for taking the child into care, correct?

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

**MS. DALEY:** Right, so in that circumstance, in that part of the mandate, obviously the CAS hears and relies upon what children say, amongst other things, so that they can be protected.

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

**MS. DALEY:** Correct? Now, it seems that once a child is removed from an abusive situation, put into care, he or she is now a resident in a foster home, for example, or a group home. Assume that that's what happens.

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

**MS. DALEY:** Right, so now the child is in a treatment setting and perhaps the child is acting out or is showing some behaviour problems. I mean, that's a frequent occurrence, correct?

**MR. TOWNDALE:** The only thing I would say is that group home did not last more than maybe six months. We closed the group home ---

**MS. DALEY:** Right.

**MR. TOWNDALE:** --- in six months' time, so when you mentioned the word "treatment" facility I think you are talking about the group home. That's why I just wanted to clarify.

**MS. DALEY:** Right. So in Cornwall there was only a very brief window of time where a group home was operating?

**MR. TOWNDALE:** It was only six months' time, you know.

**MS. DALEY:** All right.

**MR. TOWNDALE:** That's my ---

**MS. DALEY:** So ---

**MR. TOWNDALE:** Shortly after all this happened, the group home was closed.

**MS. DALEY:** All right. So before and after that -- and normally, if you will -- the primary way of treating children here is through foster placements?

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

**MS. DALEY:** All right. And so, just if you walk down this path with me, say a child has been removed because he or she is being abused physically or sexually and they're put in a foster home setting to be cared for. Correct?

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

**MS. DALEY:** And in that foster home setting some of these kids are going to have behaviour problems. It stands to reason, does it not?

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

**MS. DALEY:** And in fact that's understandable, given their own personal backgrounds and histories. Right?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** Okay, so once a child is in a foster setting and he or she is perhaps acting out, I take it at that point though, the Society's mindset was to perhaps not believe the child and to prefer the word of a

foster parent if there was a conflict?

**MR. TOWNDALE:** The tendency was to believe the foster parents, yes.

**MS. DALEY:** All right. So again, and I'm not -- you know, I'm not, I hope, trying to be cute here but it strikes me that on the one hand, from the protection mandate, the agency believes the words of children but once children are in treatment they have a slightly different attitude about a child reporting abuse, be it physical or verbal or sexual. Would you not agree with that?

**MR. TOWNDALE:** Yes, yeah.

**MS. DALEY:** And just a few more questions to you about the fostering system. You've already said that essentially the people were not trained, but they were also -- they also received compensation for having children in their home?

**MR. TOWNDALE:** Very -- always very inadequate. It has gone up now. At that time the -- I think if you read some of the files where I see foster parents are talking about they're not getting enough money for incidentals and clothing and all that, so what will be paid to the foster parents to compensate at that time was very minimal.

**MS. DALEY:** Was there a *per diem* that was paid to them?

**MR. TOWNDALE:** I think they were given a certain amount once a month. Today, if it places a difficult child they get special rates. They have the foster parents' department -- this is the problem I am facing. I look at today's standards, what is happening.

Today at Children's Aid Society in Cornwall there is a separate department for foster care. There's a supervisor in that department just for that department alone. I think I heard between five and seven workers in that department. If the foster parents have some difficulty, one of the support workers goes and spends the time with the foster parent to help.

The child care worker who has a difficult child today can call get the agency and get case aides to go there and work with this child on a one-to-one basis for a week, two weeks, three weeks, four weeks. At that time we didn't have anything.

So your question was how much the foster parents are paid? Not that much. Today there are moneys given to attract people, and are they paid enough today? I would say no, but they have 24 hours of care of these children.

**MS. DALEY:** And I think the point that you're reminding us about is obviously the resources available today for the foster parenting program are much

more than were available ---

**MR. TOWNDALE:** Much more, yes.

**MS. DALEY:** --- in the past.

**MR. TOWNDALE:** Six people in that department and that, at that time there was only one person working with these parents. The number of foster homes might have been the same number we had at that time.

**MS. DALEY:** And the one person back in the past who was doing this work, was that Mrs. Gratton, the home finder?

**MR. TOWNDALE:** There were two -- the period we are looking at, there were two there. Mrs. Gratton was for a period of time, then she retired and Mrs. Lepage came along and she was the foster home finder for a while, and then somebody else I don't ---

**MS. DALEY:** All right, but just back in that earlier time frame obviously, was there ever any thought at the agency that perhaps, even though the money wasn't very much, money could be a motivation for some people to want to maintain a foster parent status?

**MR. TOWNDALE:** They were not paid that much but if you say to me that was a motivation, whatever they're getting, it could have been, you know, but I could not tell you.

**MS. DALEY:** It could have been, because this

was a pretty depressed community ---

**MR. TOWNDALE:** Very, very little amount was given to them at that time.

**MS. DALEY:** Right.

**MR. TOWNDALE:** That's why you know, that other day, when somebody was -- other day when I was questioned and said why didn't they move children to another home and whatnot, we didn't have a variety of -- lot of homes sitting there waiting.

**MS. DALEY:** I understand.

**MR. TOWNDALE:** Really limited number of homes to move a child from -- to another home.

**MS. DALEY:** So another constraint would be if there was a foster parent who was inappropriate, you had the difficulty of finding the alternative place for a child.

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

**MS. DALEY:** I understand that.

Did you ever turn your mind to this circumstances? And I'm sure you did. C-14 you remember spoke up to you directly but he did that only after he was out of the Barber home.

Do you recall that?

**MR. TOWNDALE:** That’s correct, yes.

**MS. DALEY:** He did that when I believe he

was at the home of the Huberts and he felt that he could now talk about the Barber situation.

**MR. TOWNDALE:** What happened in that situation was after the group home situation, I instructed the foster home finder to send out a questionnaire to all the teens in the foster care system, a confidential questionnaire and asked them to reply to that one. I was trying to get some information.

**MS. DALEY:** Is C-14 the only one who replied?

**MR. TOWNDALE:** That's the only one who replied as far as I know, yeah.

**MS. DALEY:** All right.

**MR. TOWNDALE:** So what happened was shortly after I got that thing I was gone to India because my father was ill. I went there for three weeks. I took seven weeks of holidays but I went for three weeks. Then I came back. Then right after that I went back to India again and spent six weeks or so. I was gone for three to four months from the agency.

**MS. DALEY:** I understand that, sir.

You appreciate the difficulties with child and foster care ---

**MR. TOWNDALE:** I know. I just want to tell what happened from my side.

**MS. DALEY:** No, no, I recall that. But I think you'll agree -- you do appreciate the difficulty that a child in a foster placement has ---

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** --- complaining about abuse by the parents where he is living, right?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** You see that as a difficulty.

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** Let me ask you about the role of the social worker because in C-14's case again that's Brian Keough, right?

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

**MS. DALEY:** And would you not have expected Mr. Keough to have some awareness of the physical abuse that was occurring at the Barber home since he had at least one child who was placed there?

**MR. TOWNDALE:** If you read the recording of Mr. Keough it is clear he says to C-14, "How come I didn't know about it?" He says that to him.

**MS. DALEY:** And C-14 has said here that Mr. Keough did know about it. You appreciate that?

**MR. TOWNDALE:** But in that recording he doesn't say that.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** And he says, you know, "You had occasions to tell and you did not" and then he apologizes to C-14. He says to C-14, "I feel sorry" in that recording there and then he gives him an opportunity to say, "Maybe you should have a new worker" and the recording says C-14 turned him down.

**MS. DALEY:** M'hm.

**MR. TOWNDALE:** I go by what I read in that recording what he said there. But I never interviewed with regard to that aspect of C-14.

**MS. DALEY:** Did you -- after you dealt with C-14's problem, and I appreciate you had other issues in your life as well. You did travel. You travelled; you went back to India, et cetera. I know all of that.

Did you ever have an opportunity to sit down with Mr. Keough and just debrief him about what occurred there or whether he knew or didn't know about the Barber abuse of C-14?

**MR. TOWNDALE:** Not at that time because I was gone. I instructed Mrs. Gratton to speak to Mr. O'Brien and to Brian Keough and I left. So I left it ---

**MS. DALEY:** Do you know if there was any follow up in your absence with Mr. Keough about this?

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

**MS. DALEY:** All right.

I guess it's just a point of consistency, isn't it, because if for example Mr. Keough did know that the Barbers were physical in administering punishment to C-14 that's consistent with what he thought was acceptable at the Second Street Group Home. Correct?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** It's consistent attitude?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** All right.

All right. Moving to a different subject, sir, I want to see if you can help us understand a bit more detail of your case recording system and how it was meant to work and what its purposes were. I thought maybe what I would do is just use an example of a case record to see if -- you know, as the framework for the questions for you.

So Exhibit 2227 -- I don't know if this is the best example but this is ---

**THE COMMISSIONER:** Hang on.

**MS. DALEY:** I think this is a case report of some sort.

**(SHORT PAUSE/COURTE PAUSE)**

**MS. DALEY:** So let me ask you just some general questions first of all and maybe I can -- I'll use this as an example if I need to. But walk us through what was expected of a CAS worker. For starters, how often was

it expected that a childcare worker would do a recording pertaining to his or her wards?

**MR. TOWNDALE:** I think it is annual recordings, once a year.

**MS. DALEY:** Once a year?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** And what's entailed in the recording? Does the worker sit down on an annual basis and into a Dictaphone record everything he remembers from the past year, or just explain how it's supposed to happen.

**MR. TOWNDALE:** If we go back to those years of '70s and '60s, workers made case notes after their visits and whatnot and based on that they will do the recording. At that time we didn't have -- but the treatments were different at that time, the '60s and '70s. People write -- wrote and secretaries typed in a typewriter.

**MS. DALEY:** Yes. So some of these notes would be maybe typed up from handwritten notes ---

**MR. TOWNDALE:** From handwritten. They write the annual report and whatnot in handwriting form.

**MS. DALEY:** All right.

**MR. TOWNDALE:** And give it to the secretaries to type it.

**MS. DALEY:** I had an impression, though, on

an annual basis the expectation is that the worker would think over what's happened in the past year and then dictate a fairly detailed summary of what's been happening with the child in the placement, or am I wrong?

**MR. TOWNDALE:** Yeah. I don't know whether they used Dictaphone at that time or if they used it very few used the Dictaphones there. Mostly the annual thing they will report everything that happened the previous, during the one-year period.

**MS. DALEY:** Okay. So essentially, what might happen is the worker would just hand over his or her notes and an administrative person would type them up and that would become -- excuse me -- the recording for the case?

**MR. TOWNDALE:** Yeah. Just to clarify, you have case notes. After each visit the worker will note what it is.

Then for the annual summary they will take all those notes together and summarize it and give it to the secretaries to type it.

**MS. DALEY:** All right.

**MR. TOWNDALE:** Because you see that were in different headings there.

**MS. DALEY:** What's the purpose of the annual summary, sir?

**MR. TOWNDALE:** Just to look at the plan how the child is doing in the home there, based on whatnot and then have a plan for future, how we are going to look after him.

**MS. DALEY:** Okay. So it helps -- it helps do forward planning about what would be in the child's best interests?

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

**MS. DALEY:** And does it also perform a supervision function in the sense that it allows you as the supervisor or Mr. Devlin to look at each file ---

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

**MS. DALEY:** --- and to ---

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** --- think about the role that's been played by the foster parents or perhaps the worker ---

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** --- from your -- wearing your supervisory hat?

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

**MS. DALEY:** And then I take it, sir, that the document could also be the subject of a supervision session; in other words for example, you might be sitting down with Mr. Keough or another worker and you could talk to him about a case based on the information that was found

in the case record?

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

**MS. DALEY:** And again, you told us that you initial case records when you saw them.

**MR. TOWNDALE:** Can you please repeat that?

**MS. DALEY:** Sorry, I spoke too fast.

In some instances I think we've seen your initials on ---

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

**MS. DALEY:** --- parts of the case record. And you do that to signify that you've reviewed the information?

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

**MS. DALEY:** Now, I'm just wondering, and maybe I'm off base here -- most of these children, maybe not all but certainly the permanent wards -- I guess even the temporary ones -- are with you pursuant to a court order. Correct?

**MR. TOWNDALE:** With me?

**MS. DALEY:** With the CAS.

**MR. TOWNDALE:** With the CAS, yes.

**MS. DALEY:** Right. In other words, there is a court order that relates to their placement with the CAS and perhaps contains requirements but it's a court process?

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

**MS. DALEY:** Now, I wondered if whether or not the case recording system also allowed the agency to ensure that it was complying with court orders and that the right things were happening in accordance with what the court had ordered vis-à-vis any particular child in care.

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

**MS. DALEY:** All right.

Now, sir, in the course of supervising your workers and reading reports of this sort did you ever remember reading any reports that caused you concern about the ability or the propriety of what foster parents were doing with CAS wards?

**MR. TOWNDALE:** If I read it and I saw it, yes. Yeah.

**MS. DALEY:** We're speaking about one particular, Exhibit 2227, which I know is very concerning to you. But you know, if you cast your mind back and reflect upon the seventies and eighties, do you recall reading reports that caused you concern about foster parents, set aside this one?

**MR. TOWNDALE:** There might have been, but I cannot pinpoint anything.

**MS. DALEY:** You can't recall anything specific?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** All right.

I just had a few questions for you about 2227. Maybe you can help me; I don't know. If you look at page number 7 of the document, the Bates number is 406. So if I can -- do you have that handy ---

**MR. TOWNDALE:** Yes.

**MS. DALEY:** --- Mr. Towndale?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** All right.

So I'm just wondering about this. Three-quarters of the way down there is a recommendation that it's a good foster home, et cetera. Have you initialled up that point?

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

**MS. DALEY:** And then the next entry is April 6th, '76, recording on foster home. The worker is Bryan Keough.

**MR. TOWNDALE:** Yes.

**MS. DALEY:** And then he records some really rather dramatic occurrences in the following section. You looked at that the other day, if you recall that, sir?

I'm just wondering this, because the prior entry was dated November 1973. You can see that from page 6?

**MR. TOWNDALE:** Yes, yes.

**MS. DALEY:** And on the face of it, it looks to me like there is a recording gap between November ’73 and April ’76. So that would be a two-and-a -half-year window of time?

**MR. TOWNDALE:** That’s a foster -- this is a foster home file. There are two files. There is a foster home file and there is a childcare file.

**MS. DALEY:** All right.

So we’re looking at the foster home file?

**MR. TOWNDALE:** Foster home file here, yes.

**MS. DALEY:** Were there any standards or rules about recording on foster homes? Like, how often was it to be done?

**MR. TOWNDALE:** It’s an assessment of the foster home -- assessment of the foster home.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** Okay. Yeah.

**MS. DALEY:** Was -- who was responsible for assessing foster homes?

**MR. TOWNDALE:** The foster home finder.

**MS. DALEY:** It was Mrs. Gratton?

**MR. TOWNDALE:** Mrs. Gratton, yeah.

**MS. DALEY:** Would you have expected that there would be something in that two-and-a-half-year window then from Mrs. Gratton concerning what was developing at

the Cieslewiez Foster Home?

**MR. TOWNDALE:** It should have been, but the only thing I could say to you is lack of resources.

**MS. DALEY:** All right.

**MR. TOWNDALE:** She's the only one doing that job, so ---

**MS. DALEY:** Well, help me with this then, sir. Do you have any understanding as to why in April '76, when somebody does look at the foster home, it's Bryan Keough who's recording the allegations of sexual abuse by the foster father? Why is it he who is writing this?

**MR. TOWNDALE:** I think -- I don't know whether this is transferred from the childcare file to this one. I don't know that one. I have to check that one. It's a transfer from the childcare file to the foster home file.

**MS. DALEY:** And Mr. Keough was the worker for at least one of the girls in that home; correct?

**MR. TOWNDALE:** Yes, yeah.

**MS. DALEY:** And on that very -- on that point, sir -- I don't know how much of this you'll be able to recollect, but let me help you with this. If you look at page 11 of the document ---

**MR. TOWNDALE:** Okay.

**MS. DALEY:** --- there is under the second --

in the second paragraph under "Home Finder" there's some information about a girl there who again has an intellectual disability. She has a low IQ. Do you see that?

**MR. TOWNDALE:** Yes.

**MS. DALEY:** This is another resident of the home.

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** My understanding, of course, is that Mr. Keough was her worker?

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

**MS. DALEY:** And ultimately that girl -- if you look at the very last page of this exhibit, sir, there's an entry. It says:

> "October 19, '78 - this individual accused Mr. Cieslewiez in the presence of his wife…"

And then the following day he asks for her to be removed.

So this was Mr. Keough's ward who had a mental disability, who also ultimately said that the foster father had been sexually inappropriate with her?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** All right.

Did you ever understand from Mr. Keough that

he was aware of that?

**MR. TOWNDALE:** I don't recall that.

**MS. DALEY:** One final question about the document, sir. At the very end of the document there's an entry about October 31st, '78, report to Child Welfare Branch.

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** And that's obviously a branch of the Ministry ---

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

**MS. DALEY:** --- of Community and Social Services?

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

**MS. DALEY:** And I assume that report was necessary, why, because of the allegations concerning this foster father and what he'd done?

**MR. TOWNDALE:** We were reporting to the Ministry to keep them informed -- keep them informed, asking for advice what to do, and they suggested, according to a letter we received, report to the Crown Attorney.

**MS. DALEY:** All right.

**MR. TOWNDALE:** You see, if you look at it, and even at that time the Ministry is saying to report to the Crown Attorney. The Ministry is not saying "Report to the police. They should be the one to…" So the only thing

I bring it up is confusion. Even the Crown Attorney, when you report to them, he doesn't say to -- he or she doesn't say to us, "Go to the police; let them investigate."

**MS. DALEY:** Were you personally involved in any of these events that are described here, informing the Crown Attorney and deciding what to do?

**MR. TOWNDALE:** I think, when I was shown the letter the other day, I was the one who called the Ministry, and the program supervisor I spoke to replied to Mr. O'Brien. A letter was shown the other day, advising that we report to the Crown Attorney.

**MS. DALEY:** And the document says:

> "Insufficient evidence to proceed with charges."

**MR. TOWNDALE:** That's what the Crown Attorney said, yes.

**MS. DALEY:** But there wouldn't have been any evidence at all. There just would have been a phone call, I assume, from somebody at your organization to the Crown saying, "We have a problem in a foster home."

**MR. TOWNDALE:** Even if we said that, I presume the Crown Attorney should be saying, "I want to get some facts." I presume. I don't know. To go back and say now -- to say to you what happened there, even if it was a telephone call, I would presume as a Crown Attorney he

should be saying to us, “I need more information, more facts, before I make a decision.” So I presume he must have got enough facts to decide that one.

**MS. DALEY:** That’s fine.

**MR. TOWNDALE:** The only thing I was -- I’d like to repeat again is the confusion. We report to the Ministry. The Ministry must -- should be saying to us at that time -- I’m not blaming; I’m just saying how prevalent the practice was -- should have been saying to us, “Go to the police and report that one. Let them gather information.” We followed their instruction. We reported to the Crown Attorney and they said to us, “There is insufficient evidence.”

**MS. DALEY:** Let me ask this question. Do you think at this point in time -- we’re now in the late seventies -- there’s been, I guess, some changes to your child welfare legislation. So standards are starting to be enhanced. Would your agency or the people in authority at your agency not have seen that in this circumstance where, apart from the other girls, you have a mentally challenged girl who is telling you this happened; did you not see this as a police matter?

**MR. TOWNDALE:** We should have seen it.

**MS. DALEY:** Okay. Just give me a second, sir, so I can get organized.

**(SHORT PAUSE/COURTE PAUSE)**

**MR. TOWNDALE:** If I could just add on to that one, not trying to defend or anything like that, but people like the Crown Attorney who deals with that situation, even though we made a mistake of not doing it, at least the Crown Attorney has an obligation, who handles this kind of case specialized in the area, advising us this is not the way to do it, to help us at least to educate ourselves to do it differently.

**MS. DALEY:** Okay. Moving on then to another area, and that is -- I guess it's -- it's not really a new area because it's taking us back to the group home story but that's when Ms. Antoine comes forward again back in the late 1980s ---

**MR. TOWNDALE:** Okay.

**MS. DALEY:** --- and at that point is telling the agency more detail about what happened, not just to herself but other children at the group home. You recall you gave some evidence about your involvement in that?

**MR. TOWNDALE:** Yes, yes.

**MS. DALEY:** Now ---

**MR. TOWNDALE:** I don't recall she telling about other children at that time. I think she was -- my recollection is she was talking about her situation.

**MS. DALEY:** Let me see if I can help you a

bit with that. I am just not sure how this piece fits in. But if you wanted to have a look at Exhibit 513 just for a second that should be the notes that Suzie Robinson made.

**(SHORT PAUSE/COURTE PAUSE)**

**THE COMMISSIONER:** Five-two-two (522)?

**MS. DALEY:** It should be 513, sir.

**THE COMMISSIONER:** Thank you.

**(SHORT PAUSE/COURTE PAUSE)**

**MS. DALEY:** I don't think you were actually -- you had these notes put in front of you when you were speaking with Ms. Simms but these are the notes of Suzie Robinson that were discussed when you met with Bill Carriere and Mr. O'Brien concerning the Antoine complaint. Do you recognize the notes?

**MR. TOWNDALE:** No, I didn't see the notes.

**MS. DALEY:** Okay.

**MR. TOWNDALE:** At that time -- at that time I had moved on to another position there. I was called in to attend the meeting because I was involved in the group home situation in '76.

**MS. DALEY:** Were you shown Suzie's notes?

**MR. TOWNDALE:** No, I don't -- this is -- I have seen this since I have started preparing for this.

**MS. DALEY:** Okay. But you never saw these notes?

**MR. TOWNDALE:** No, I didn't see it, no.

**MS. DALEY:** Okay. That's helpful. Perhaps then you'll not be able to help me here at all but did you ever have any understanding or did someone explain to you how it is that Suzie Robinson got involved with Ms. Antoine in 1989?

**MR. TOWNDALE:** No, I don't.

**MS. DALEY:** No?

**MR. TOWNDALE:** She was a worker of the agency.

**MS. DALEY:** Okay. But how and why she was talking to Ms. Antoine about the group home events, you have no information about that?

**MR. TOWNDALE:** No idea, yeah.

**MS. DALEY:** All right.

And as you said, you were brought in not to have a detailed involvement but just to provide the context because you were the individual who remembered what had happened back in 1976.

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

**MS. DALEY:** So sir, in that context obviously your frame of mind in 1989 would have been the same as it is here and that what had happened in '76 was really unacceptable?

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

**MS. DALEY:** Correct?

And certainly, at that point in time your frame of mind would have been that there had been unacceptable physical punishments ---

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

**MS. DALEY:** --- going on in the home.

And you knew as we've said before the break, that there had also been treatment of the girls -- it wasn't physical punishment. It wasn't strapping but it was harsh and it was -- it had a sexual connotation to it, right?

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** So you knew about that. Did you bring that forward in your discussions with Mr. Carriere or Mr. O'Brien when Antoine -- Ms. Antoine was complaining in 1989?

**MR. TOWNDALE:** Mr. O'Brien was informed when he returned to the agency right after his leave of absence so he was fully informed about that one.

**MS. DALEY:** He didn't need to hear it from you?

**MR. TOWNDALE:** No, he was aware of it.

**MS. DALEY:** Okay.

Now, in terms of how the agency at that time addressed what Ms. Antoine was bringing forward, let me ask

you this question, sir. We're now in the late 1980s. Were there other instances of this at the time? In other words, was Jeannette Antoine unique or had other former wards come forward at that point and made complaints about the past as well?

**MR. TOWNDALE:** I did not know any. I did not know.

**MS. DALEY:** All right.

So Ms. Antoine was unique at least from your perspective?

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

**MS. DALEY:** I take it, to the best of your understanding of the events the agency itself did not undertake any review of what Ms. Antoine was saying?

**MR. TOWNDALE:** Mr. O'Brien was doing the lead role in that one and Mr. Carriere and I was brought in this and since I moved onto the department I did not involve too much in that.

**MS. DALEY:** So you have limited information?

**MR. TOWNDALE:** Limited information.

**MS. DALEY:** You aren't able to say that any type of internal investigation ---

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

**MS. DALEY:** --- happened?

Do you know if the agency had a policy at

that point in time to conduct an internal investigation if a former ward complained?

**MR. TOWNDALE:** There should have been some policy, yeah. I think in the late ‘80s or early ‘90s if there was allegations made against a staff member we usually ask another agency to investigate. But I couldn’t tell you if that ---

**MS. DALEY:** So for example you could have gone to another CAS?

**MR. TOWNDALE:** Another CAS like Brockville or Ottawa or Plantagenet and ask somebody to investigate. It was there later on but I couldn’t give you a specific time period.

**MS. DALEY:** All right.

In any event you’re not aware if any such thing happened?

**MR. TOWNDALE:** No.

**MS. DALEY:** And I take it again, sir, did you have any dealings with Mr. Keough in late ’89, early ’90 surrounding the allegations of Ms. Antoine? Did you speak to Keough directly about that?

**MR. TOWNDALE:** No, he was at that time supervised by Mr. McLean and he was doing foster parent training. He was also doing training with regard to suicidal prevention workshops and at that time also he was

also -- at some point in time he was also looking after six specialized foster homes.

**MS. DALEY:** Okay. Did you ever learn that at the end or, sorry, let me just be more specific. There's an indication in Exhibit 1505 that at a later time in early '90 Mr. O'Brien speaks to Mr. Keough.

Did you know that Mr. Keough had had some plans about pursuing an adoption?

**MR. TOWNDALE:** Maybe I was at that meeting but I read about he was planning an adoption, yes.

**MS. DALEY:** Okay. Did you know that at the time or that's just something that you've learned from reading the file later?

**MR. TOWNDALE:** That's right, yeah. I don't remember -- I don't have an independent recollection at that time but I read it and if I was at that meeting I don't have an independent recollection.

**MS. DALEY:** Did you come to learn that Mr. Keough upon learning what Ms. Antoine alleged, he just changed his plans? He decided not to proceed with an adoption. Did you learn that?

**MR. TOWNDALE:** When I read this one, yes.

**MS. DALEY:** All right.

And in 1994 if you recall at the beginning of the year Ms. Antoine again becomes an issue because she

comes back to the CAS and she is again renewing her complaints about the group home.

**MR. TOWNDALE:** Yes.

**MS. DALEY:** And I'm not sure that you touched on this ---

**MR. TOWNDALE:** I shouldn't say yes because I don't remember. I was -- I don't think I was involved in '94. I could have been but I don't know.

**MS. DALEY:** Remember Mr. White or Constable White from the Cornwall Police?

**MR. TOWNDALE:** Yeah, yeah, I remember, yeah.

**MS. DALEY:** So he interviews you in '94.

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

**MS. DALEY:** And that seems to be precipitated by Ms. Antoine again returning to the institutions and renewing her complaints.

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

**MS. DALEY:** And I just wondered if you knew that she had gone to the media in early 1994?

**MR. TOWNDALE:** Yes, I did. There was a ---

**MS. DALEY:** You knew about that?

**MR. TOWNDALE:** -- there as a CJOH report or something like that.

**MS. DALEY:** So by this time her complaints are now in the public domain.

**MR. TOWNDALE:** That’s right, yes.

**MS. DALEY:** And do you know whether or not your agency did anything as a direct result of that? We know that Mr. White investigated. Is there any other activity at the CAS that you’re aware of ---

**MR. TOWNDALE:** No, only ---

**MS. DALEY:** --- in response to Ms. Antoine?

**MR. TOWNDALE:** Yeah, until that CJOH report the only thing I can remember is, I called the Ministry and spoke to the program supervisor, Mrs. Lenore Jones. I alerted her there is a report but we were not clear, I wasn't clear at that time, what the situation is. Now, there is -- if I -- when I read this thing it talks about there are some children from Akwesasne and whatnot, you know, so we were not sure.

Then I called Acting Chief Johnston, what is this all about, and he said to me it's about Laurencrest. That's the indication I -- so I reported that back to the program supervisor. That's what I remember about that situation.

**MS. DALEY:** No, and I think ---

**MR. TOWNDALE:** But it was not about Laurencrest. It was about our group home.

**MS. DALEY:** It was in fact about your ---

**MR. TOWNDALE:** Yes.

**MS. DALEY:** So initially there was some confusion ---

**MR. TOWNDALE:** Yes, yes.

**MS. DALEY:** --- about the agencies as to what was being referred to, but that was clarified and your understanding ultimately is that it's Ms. Antoine's experience at the Second Street Group Home that this is all about, right?

**MR. TOWNDALE:** Yeah. One thing I like add is how come -- why I'm calling the Ministry ---

**MS. DALEY:** Yes.

**MR. TOWNDALE:** --- because I'm not in that field there. The only thing I could say to you is most likely Mr. Abell was away.

**MS. DALEY:** Yes.

**MR. TOWNDALE:** And I was just reporting to the Ministry.

**MS. DALEY:** All right, all right. In any event, in that context, were you aware of any specific concerns or sensitivities that the agency had as a result of the fact that this information was in the public?

**MR. TOWNDALE:** I don't recall any specific concerns, no.

**MS. DALEY:** All right.

One of the topics that is of some interest

here is the record-keeping at the Children's Aid Society and what happens when a former ward, as an adult, comes back and wants to have access to his or her records.

So I just want to explore with you briefly whether you know anything about that?

**MR. TOWNDALE:** I don't know anything about that one. The issue you are speaking about happened after I moved on, so I don't have any recollection.

**MS. DALEY:** From your experience and your knowledge of the agency, sir, which employees would be in a best position to talk about record-keeping and how the CAS provides access to wards when they're looking for historic information about their wardship? Who at the CAS would know most about that?

**MR. TOWNDALE:** The issue you are talking about, Mr. -- I understand, from reading it, Mr. Abell was handling that one.

**MS. DALEY:** Okay.

**MR. TOWNDALE:** Am I correct there? But before that, somebody calls and asks for information, we will give the basic information. The intake worker or somebody will give the basic information without giving too much information. There was -- I don't recall any issue, any children asking to see the file. I don't remember that.

**MS. DALEY:** Do you know if there was any policy that related -- so, for example, if an adult, not a child but a full-grown man or woman, comes to you and says, "Listen, I'd like to see my file from when I was in care 30 years ago".

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** Is there a policy about how that's -- how access is given?

**MR. TOWNDALE:** Yeah. When I mentioned about a child, I was talking about the adult, after the child becoming adult and coming back. I used the phrase "child". I don't think there was any policy. I don't remember there is any policy.

**MS. DALEY:** Would the Ministry just -- or, sorry, would the agency just hand over the case recordings, as we've seen them, or would it -- it would not do that?

**MR. TOWNDALE:** No.

**MS. DALEY:** It would give the information in a different format?

**MR. TOWNDALE:** I think the philosophy or the policy of the agency is case files belong to the agency and you can give information that is pertinent, that the child is -- adult is asking.

**MS. DALEY:** So do I take it from that that you -- the agency puts it on almost a need-to-know type of

basis with the former ward?

**MR. TOWNDALE:** That was done while I was there, but what has happened since then I couldn't ---

**MS. DALEY:** All right, yeah, but certainly when you were there the policy would have been to give limited information when someone asks?

**MR. TOWNDALE:** Basic information, yeah.

**MS. DALEY:** That's fine.

One final area, very briefly, I want to discuss with you, and that's the notion that some of the children in your care, in foster homes and other places, are very difficult children to manage, and I think we all understand that, and sometimes kids will act out physically and they'll need to be physically restrained. And there's a technique for that, is there not, that child care workers are taught?

**MR. TOWNDALE:** I don't think so, no.

**MS. DALEY:** Do you know what a holding is?

**MR. TOWNDALE:** Yeah. There must have been restraining techniques were taught on and given later on, but how extensive that was I couldn't tell you. Maybe -- I recall some instance that there was some techniques taught about restraining.

**MS. DALEY:** All right.

**MR. TOWNDALE:** It was not a common practice

of the training at that time.

**MS. DALEY:** But you're aware, as a person who's knowledgeable about this, that there are ways and techniques of ---

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

**MS. DALEY:** --- making sure that a child who's physically acting out is not going to harm ---

**MR. TOWNDALE:** Yeah.

**MS. DALEY:** --- him or herself or anybody else, right?

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

**MS. DALEY:** And there's a way to do that that's very -- that's safe. It doesn't hurt the child, it doesn't hurt the worker?

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

**MS. DALEY:** And were those techniques known in the seventies and eighties at the local CAS?

**MR. TOWNDALE:** I don't remember that, yeah.

**MS. DALEY:** Those are my questions for you. Thank you very much, sir.

**THE COMMISSIONER:** Thank you.

Let's take a short break, Mr. Horn, then we'll come back for you.

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

The hearing will resume at 11:55 a.m.

--- Upon recessing at 11:38 a.m./

L'audience est suspendue à 11h38

--- Upon resuming at 11:58 a.m./

L'audience est reprise à 11h58

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

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

**THE COMMISSIONER:** Good morning, Mr. Horn.

**MR. HORN:** Yes.

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

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

**MR. HORN:** Good morning. My name is Frank Horn, Coalition for Action, and we're a citizens group who is involved in agitating for this Inquiry and disclosing any wrongdoing that had been done.

The one area that I'm really interested in is when a child has been apprehended. Back in the -- let's say in the seventies when you were working for the Children's Aid Society, what legal representation was there for the ward? Was there any lawyer appointed by anybody to represent the child in that situation?

**MR. TOWNDALE:** I don't think so, no.

**MR. HORN:** Now, you were working for the Society from the seventies, eighties and nineties. Now, during that period of time did you see any change in regards to legal representation for the -- some child who was going to be made a Crown ward?

**MR. TOWNDALE:** The parents have the right to get legal representation. In some cases, independent representation is given to children.

**MR. HORN:** Okay. Now, was that done in the seventies?

**MR. TOWNDALE:** I don't -- I cannot answer that. I don't remember.

**MR. HORN:** You don't remember ---

**MR. TOWNDALE:** No.

**MR. HORN:** --- if that was ever done during that period of time ---

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

**MR. HORN:** --- when you first started?

**MR. TOWNDALE:** I started in '65.

**MR. HORN:** Okay.

Now, a lot of the parents that were involved in this type of action would be people who would be requiring legal representation, probably paid for by maybe Legal Aid. Do you know when Legal Aid became prominent in giving lawyers the ability to go against the Children's Aid

Society in court? Do you know what -- did you see that when that was happening?

**MR. TOWNDALE:** When it was happening?

**MR. HORN:** Yes.

**MR. TOWNDALE:** I cannot put a timeframe to that one, when it was, but it was -- Legal Aid was given in the eighties, I think.

**MR. HORN:** Okay. Do you know if there were parents now able to come to court and dispute with the Children's Aid Society in the court?

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

**MR. HORN:** Okay. Did you see that in court? Did you see that?

**MR. TOWNDALE:** The only way I can answer that question is, it was handled by another department of the agency called Protection Department. They are the one takes those kind of cases to court. It was transferred to Child Care Department after the child becomes a Crown ward, so I didn't have any dealings with wardship hearings and things like that.

**MR. HORN:** Okay, so you were never in that area?

**MR. TOWNDALE:** That's correct, yeah, so I couldn't answer the question specifically what was going on.

**MR. HORN:** Okay. But you were with the department for quite a number of years and ---

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

**MR. HORN:** --- you would have known quite a bit about what was really happening within the department though? I mean within the ---

**MR. TOWNDALE:** Yeah.

**MR. HORN:** --- CAS.

**MR. TOWNDALE:** That’s right, yeah.

**MR. HORN:** Without being directly involved, did you know if that was happening in court by just talking with other workers in the CAS?

**MR. TOWNDALE:** Quite –- quite a number of times parents have sought legal aid and they were represented in court, parents; but the children, I don’t –- I don’t know that. Children had legal representation in court, I don’t know that.

**THE COMMISSIONER:** Well, we know that there is an option now through the office of the Children’s Lawyer; right?

**MR. HORN:** That’s right, but I’m just wondering when that came into effect, did you know when a Children’s Lawyer could be appointed? When – was it in the nineties or the eighties; do you know if that started? You would know?

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

**MR. HORN:** You don't know?

**MR. TOWNDALE:** No.

**MR. HORN:** And it's because you were not involved in that area, going to court?

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

**MR. HORN:** Okay. So, as a result, you were not involved in not only the court process, but you were not involved in the apprehension itself?

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

**MR. HORN:** And you would only be involved with a child after the child has gone through the entire legal process and now is a Crown ward; that's when you became involved?

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

**MR. HORN:** And, basically, you didn't have to deal with parents anymore because they'd been cut out?

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

**MR. HORN:** Out of the whole system.

**MR. TOWNDALE:** Unless there is access ordered. Unless the court has ordered access to parents; then the parents can come and visit the children.

**MR. HORN:** Okay.

In the situations that were discussed, like the Antoine situation, was that one, do you know if the

parents had any access rights in those situations?

**MR. TOWNDALE:** I cannot answer that question unless I check that specific –- I don't know.

**MR. HORN:** You don't know?

**MR. TOWNDALE:** No. Yeah, yeah.

**(SHORT PAUSE/COURTE PAUSE)**

**MR. HORN:** There were some questions regarding access to files. That was discussed just prior to my coming forth, but do you know now if there is a legal right for a person to go in and get their entire file that's with the Children's Aid Society?

**MR. CHISHOLM:** Commissioner, I'm not sure if this witness is in a position to ask -- or answer a question that calls for a legal conclusion.

**MR. HORN:** Okay.

**THE COMMISSIONER:** Well, that and he's been gone from the agency. You might want to speak to Mr. Abell or someone like that to ask ---

**MR. HORN:** Okay.

**THE COMMISSIONER:** --- those questions, yes.

**MR. HORN:** Now, are you a member of the Knights of Columbus?

**MR. TOWNDALE:** No.

**MR. HORN:** You're a Roman Catholic?

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

**MR. HORN:** And during the time that you were with the Children's Aid Society, was Ron Adams ever the lawyer for the Society?

**MR. TOWNDALE:** Ron Adams –- Ron Adams was the lawyer. We used him very rarely. The supervisor of the Protection Department handled the cases in those years in the sixties and seventies. Mr. O'Brien, the Director, also handled court cases. We used Mr. Adams only for consultation and also in some contested cases.

**MR. HORN:** And did you know Ron Adams personally?

**MR. TOWNDALE:** I knew him, yeah.

**MR. HORN:** Do you know his son, Sean Adams?

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

**MR. HORN:** Do you know him personally?

**MR. TOWNDALE:** I know him personally, yeah.

**MR. HORN:** Do you know anything about his involvement with Mr. Silmser?

**MR. TOWNDALE:** I was not involved in that case.

**MR. HORN:** You were not involved ---

**MR. TOWNDALE:** No.

**MR. HORN:** --- in that ---

**MR. TOWNDALE:** No.

**MR. HORN:** --- case at all?

**MR. TOWNDALE:** I have nothing to do with that case.

**MR. HORN:** Were you involved in a meeting, though, with Mr. Abell and yourself and Chief Shaver regarding that case?

**MR. TOWNDALE:** Yeah, I was. I was in a meeting at the Children's Aid, yeah.

**MR. HORN:** You were there?

**MR. TOWNDALE:** Yeah, I was there, yeah.

**MR. HORN:** And at that meeting, was it just the two of you and Mr. Shaver?

**MR. TOWNDALE:** In one meeting, yes.

**MR. HORN:** Okay.

Was that a meeting in which Mr. Shaver was very irate and began pounding the desk?

**MR. TOWNDALE:** About that particular meeting, my recollection is not good, but I stated the other day when I was on the witness stand, Mr. Abell took notes for the meetings; he always took notes. I have no question of the accuracy of the notes.

**MR. HORN:** Okay.

Do you remember Mr. Dunlop's name being mentioned in which Mr. Shaver said that he's going to get Mr. Dunlop? Do you remember that said at that meeting?

**MR. TOWNDALE:** He could have said, but I

don't have ---

**THE COMMISSIONER:** Excuse me. Yes, sir?

**MR. CRANE:** Mr. Commissioner, I'm not sure we've heard any evidence to support the foundation for the question.

**THE COMMISSIONER:** About what now, that he was at the meeting?

**MR. CRANE:** That the tenor of the question, I think, Mr. Commissioner, was whether Mr. Shaver was irate and whether he said something about Mr. Dunlop and I'm just not sure we've heard that evidence.

**THE COMMISSIONER:** It's cross-examination. We heard that there had been meetings with Chief Shaver at the CAS and so he can put the question to him. It's cross-examination. So from what I can understand, there was a meeting. I heard evidence in the past that Chief Shaver was irate. It's not the first time we hear something about slamming on the table so I think it's fair game. Thank you.

**MR. CRANE:** Thanks.

**MR. HORN:** At any of those meetings that you attended with Mr. Shaver, do you recall Mr. Dunlop's name being mentioned about that he was going to get him?

**MR. TOWNDALE:** There was a second meeting I attended with Mr. Abell; Chief Shaver was there and Staff

Sergeant Luc Brunet was there. That was the meeting after Chief Shaver and Staff Sergeant Brunet went to see the Papal Nuncio in Ottawa. They came back and told us about that meeting. I don't specifically remember Mr. Dunlop's name was mentioned, I don't recall. But he was only telling us what happened at the meeting with Papal Nuncio. That's my recollection.

**MR. HORN:** Okay.

There's another area that I'm quite interested in and is that the establishment of the Children's Treatment Centre?

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

**MR. HORN:** And you were quite instrumental in getting that set up; weren't you?

**MR. TOWNDALE:** I took the initiative to start that one.

**MR. HORN:** Okay.

So do you know if when a child goes to the Children's Treatment Centre, are they sent there by the Children's Aid Society?

**MR. TOWNDALE:** Most of the cases, I would say about 40 percent of the cases come from the Children's Aid Society.

**MR. HORN:** Okay.

And so when the child goes to the Children's

Treatment Centre, they would then be talking to counsellors.

**MR. TOWNDALE:** That's –- that's correct.

**MR. HORN:** Okay.

And they may divulge information that they wouldn't divulge to anyone else in counsel; right?

**MR. TOWNDALE:** Yeah. Could I answer that question?

**MR. HORN:** Yes.

**MR. TOWNDALE:** We –- we accept children for counselling only if Children's Aid has been completed the investigation. In other words, we don't get involved in counselling children who have been sexually abused until Children's Aid has completed their investigation.

If anybody comes to us and we find out it has not gone to Children's Aid, we will not –- we will refer them to Children's Aid, excuse me, for their investigation.

**MR. HORN:** Okay.

What I'm interested in, though, is if a child goes to the Children's Treatment Centre and during counselling there's allegations of sexual abuse, are you the first agency that becomes privy to that information from the counsellor?

**MR. TOWNDALE:** I think at this point I

should mention to you at the Children's Treatment Centre I'm not involved in counselling children. I have nothing to do with the service part of the Children's Treatment Centre.

**THE COMMISSIONER:** That's good. Thank you.

But the question is if someone is there -- so do you know if there's a policy at the Treatment Centre that if somebody discloses that there has been some sexual abuse, what happens?

**MR. TOWNDALE:** We refer them to the Children's Aid Society and we stop counselling the child until the police and Children's Aid has completed the investigation because we don't want to contaminate the investigation.

**MR. HORN:** Okay. So there is that kind of a working relationship between the Children's Aid and the counsellors that are counselling these youth that are being sent there?

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

**MR. HORN:** And as soon as that comes out, the counselling stops?

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

**MR. HORN:** And then the child is brought in for an investigation by who, the Society or the police?

**MR. TOWNDALE:** We report to the Children's

Aid Society. We give the information to the Children's Aid Society and we will tell the parents we are going to refer to Children's Aid Society.

**MR. HORN:** But if it's an historical abuse, are you still involved because it's not a present abuse? It's something that happened in the past. Are you still involved in that?

**MR. TOWNDALE:** No, we accept children who are under 17 years of age. Anybody over 17, we do not accept.

**MR. HORN:** Okay. No, that's not the question.

The allegations, if they're historical, they happened years before ---

**THE COMMISSIONER:** Yeah, but what he's saying is that if it happened years before and the person is now an adult, they wouldn't be getting treatment at the Child Treatment Centre.

**MR. HORN:** Okay. I understand that, but I'm just saying that if the allegations are by a child of historical ---

**THE COMMISSIONER:** Okay. So a child that's under 16?

**MR. HORN:** That's right, still under your jurisdiction.

**THE COMMISSIONER:** Okay.

**MR. TOWNDALE:** Okay.

**MR. HORN:** They're under your jurisdiction. They're now under the care and guardianship of the Society, and that child comes forward and says there was abuse that took place?

**MR. TOWNDALE:** We will report to Children's Aid.

**MR. HORN:** Pardon?

**MR. TOWNDALE:** We will report that to Children's Aid.

**MR. HORN:** Even though it's historical?

**MR. TOWNDALE:** Yeah. If the child comes and says -- the child is under 17 and comes to us for help and we find out that child has been abused, we will report.

**MR. HORN:** You ---

**MR. TOWNDALE:** When you say historical, if the person -- we don't take adults that come. Historical a little bit confuses me to say that.

**MR. HORN:** Okay. It's not ongoing. It's not ongoing. It's not happening now, but it happened sometime in the past. Do you then hand it over to the police to do the investigation?

**THE COMMISSIONER:** This is a child treatment centre.

**MR. HORN:** Yeah, I know.

They tell you -- at the Children's Treatment Centre a child tells. Now you find out that there was some historical sexual abuse that took place. Do you keep it in-house, keep it within the Children's Aid Society, or do you go outside to the police with that information?

**THE COMMISSIONER:** Wait a minute now. Wait a minute now.

**MR. TOWNDALE:** I'm getting confused.

**THE COMMISSIONER:** You're mixing me up. There's a Child Treatment Centre.

**MR. HORN:** Yes.

**THE COMMISSIONER:** Okay. So the child who is under 16 ---

**MR. HORN:** That's right.

**THE COMMISSIONER:** --- says, "When I was five years old, I was abused". What he's saying is the Child Treatment Centre will refer to the Children's Aid Society.

Then what does the Children's Aid Society do? Is there a policy that they'll phone up the police?

**MR. TOWNDALE:** They will most likely do a joint investigation. That's what they should be doing.

**THE COMMISSIONER:** Okay.

**MR. HORN:** That's what I was interested in.

**MR. TOWNDALE:** Yeah. Yeah.

**MR. HORN:** So there would be -- you would then hand it over -- not just completely hand it over, but you would work with the police department?

**MR. TOWNDALE:** No, we don't work. We stop at that point. We don't want in any way ---

**THE COMMISSIONER:** Who is "we"?

**MR. TOWNDALE:** Children's Treatment Centre.

**THE COMMISSIONER:** Right. Right. He's gone to the Children's Aid Society.

**MR. TOWNDALE:** Oh.

**THE COMMISSIONER:** You've reported -- the Child Treatment Centre has reported it to the Children's Aid Society. The Children's Aid Society embarks on an investigation, maybe jointly with the local police or the police that has jurisdiction. Okay.

**MR. HORN:** Okay. And then once it gets into the criminal system, do you continue to -- let's say the charges are laid now.

**THE COMMISSIONER:** Okay. "You" meaning the Children's Aid Society, because this man has two hats right now.

**MR. HORN:** That's right. Okay. So the Children's Aid Society, yes.

Do they remain involved in the criminal

process?

**MR. TOWNDALE:** The Children's Aid Society?

**MR. HORN:** The Society, yes.

**MR. TOWNDALE:** If the child is under 16, Children's Aid will be involved, yeah.

**MR. HORN:** Because they're like the parent?

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

**MR. HORN:** Because they're the parent?

**THE COMMISSIONER:** Well, because they're acting ---

**MR. HORN:** They're like a parent.

**THE COMMISSIONER:** They're acting under legislation to protect the best interests of the child.

**MR. HORN:** Okay.

**MR. TOWNDALE:** They will also have to give evidence in court what they have gathered investigating that case.

**MR. HORN:** Okay. So if an investigation takes place and the abuse took place as a result of a worker by the Children's Aid Society, will you then get in touch with the police to have that individual charged?

**THE COMMISSIONER:** So ---

**MR. HORN:** I'm talking about one of your own workers.

**THE COMMISSIONER:** So if at the Children's

Treatment Centre the child says, “I was abused historically but by a member of the Children’s Aid Society” ---

**MR. TOWNDALE:** Yes.

**THE COMMISSIONER:** --- then what do you do?

**MR. TOWNDALE:** We will report that to the Children’s Aid Society and to the police, most likely.

**MR. HORN:** Okay. So there would be -- you would then hand it over to the police and have them ---

**MR. TOWNDALE:** And the Children’s ---

**MR. HORN:** --- take it over and charges would be laid? Have you ever seen that, charges laid?

**THE COMMISSIONER:** Well, first of all, there would be a complaint. People don’t charge people.

**MR. HORN:** All right.

**THE COMMISSIONER:** The police charge people.

**MR. HORN:** All right. Okay.

So the complaint by this individual -- I’m talking about the person who is under 16 -- comes forward. He’s made a complaint against one of the workers, the CAS workers, and now it’s become a criminal matter. Do you get totally out of the picture?

**THE COMMISSIONER:** Who’s who?

**MR. HORN:** I’m talking about the Society. Do they get completely out of the picture and leave it to the police?

**MR. TOWNDALE:** Leave it to the police.

**MR. HORN:** Pardon?

**MR. TOWNDALE:** We will leave it to the police to handle it, yeah.

**MR. HORN:** Have you seen anything like that happen while you were at the Society?

**MR. TOWNDALE:** No.

**MR. HORN:** You've never seen it?

**MR. TOWNDALE:** No.

**MR. HORN:** So you're only talking about policy?

**MR. TOWNDALE:** Yeah.

**MR. HORN:** So the policy was established regarding situations like that?

**MR. TOWNDALE:** Yeah, that will be the practice. If something happened, staff is -- it should be -- it will be reported to the police.

**MR. HORN:** Okay. So like the allegations that went against Mr. Tenger and some of the others, was that ever -- get to that point where maybe charges were going to be laid?

**MR. TOWNDALE:** No, they were never reported to the police.

**MR. HORN:** Pardon?

**MR. TOWNDALE:** They were never reported to

the police.

**MR. HORN:** Who was responsible for -- if it was a criminal matter that took place, who was responsible to lay those charges or go to the police to have it taken over by the police? Was it the child in care or the Society?

**MR. TOWNDALE:** The Society.

**MR. CHISHOLM:** I'm not sure that -- the way my friend posed that question, he gave only two possibilities, it being the child in care or the Society. I'm not sure it's such a closed answer.

**THE COMMISSIONER:** The parents could have reported it. The foster parents could have reported it. Friends of the family could have reported it.

**MR. HORN:** Okay. In these situations did it -- was there discussions regarding -- did you -- were you involved in any discussions regarding the possibility of charges being laid against Mr. Tenger?

**MR. CHISHOLM:** I wonder if my friend could specify what situation specifically he's referring to when he puts the question to the witness?

**MR. HORN:** Okay. We're talking about the alleged abuses that took place in the group home that he was involved in with the -- that were mentioned to -- I believe it was to -- let's look at Document 739082.

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

**MR. HORN:** That's right.

**THE COMMISSIONER:** Well, then what's the exhibit number?

**MR. HORN:** Oh, I don't know. I've got the -- 739 -- it's a -- it's an occurrence report done by Constable Sebalj.

**MS. DALEY:** It should be 1285, I think.

**THE COMMISSIONER:** Thank you very much.

**(SHORT PAUSE/COURTE PAUSE)**

**MR. HORN:** Now, on the second page of that report to the police, according to Antoine, beatings became a daily routine.

**THE COMMISSIONER:** Where?

**MR. HORN:** Oh, about eight lines up from the bottom.

**(SHORT PAUSE/COURTE PAUSE)**

**THE COMMISSIONER:** All right. We're there, Mr. Horn.

**MR. HORN:** Yes, I'm just wondering if a situation like that there would be some discussions about following up on the report by the police and working with the police to lay charges. Do you know if there were any discussions along those lines with Ms. Sebalj?

Do you know about this report?

**MR. TOWNDALE:** In 1992 I was not directly involved in cases like that. I think -- I don't know who was handling it at that time. It was most likely Mr. Abell.

**MR. HORN:** What you're saying is you didn't know anything about it?

**MR. TOWNDALE:** I don't know anything about it.

**MR. HORN:** You didn't know anything about it; is that what you're saying?

**MR. TOWNDALE:** No. Yes, that's what I'm saying, yeah.

**MR. HORN:** Because you were not involved in that section of the Children's Aid Society?

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

**MR. HORN:** Do you know who it was that would have been involved in that section?

**MR. TOWNDALE:** I couldn't answer that one. Ninety-two ('92), no.

**MR. HORN:** You don't know who was responsible for an allegation like that coming up, who would be the person? You don't know that?

**MR. TOWNDALE:** Before Mr. O'Brien ---

**MR. CHISHOLM:** Excuse me, sir. I'm just

not sure that the witness understands the question with respect to who is responsible for an allegation like that coming up. I know I don't understand the question. Perhaps my friend could be a little clearer?

**MR. HORN:** Okay, all right.

Who in the Children's Aid Society would be responsible for doing something about an allegation like that? And who would be the one that would have to take steps in order to have not only an investigation but charges laid?

**MR. CHISHOLM:** In fairness to the witness, my friend is putting forth a Cornwall Police Service document. I would submit that if charges were to be laid with respect to any of those allegations contained therein, they are already in the hands of the Cornwall Police Service.

**THE COMMISSIONER:** Mr. Horn?

**MR. HORN:** Yes, if that individual was a ward of the Society they have basically replaced the parents', right, position?

**THE COMMISSIONER:** The Children's Aid Society?

**MR. HORN:** The Children's Aid Society, yes.

Would you have that obligation as the Crown -- the one that has the Crown wardship over that child to

go ahead and make sure that there is a charge laid?

**MR. CHISHOLM:** I'm sorry, sir. I'm not even sure that a parent, a natural parent would have an obligation to ensure that charges are laid in any particular matter.

**THE COMMISSIONER:** That a complaint is filed with the police ---

**MR. HORN:** Or a complaint filed, yes.

**THE COMMISSIONER:** M'hm. So ---

**MR. HORN:** The question I'm interested in is something like this happens. Somebody is -- in the Society. You're the -- these are Crown wards. You're responsible. Something like this happens under your care. Who is the one in the Society that says, "Something had better be done about this? We're going to go to the police and make sure this charge is laid"?

Who is responsible for that?

**MR. CHISHOLM:** When my friend speaks of, "something like this," again, I would ask him to be specific so the witness can understand the question that is being put to him.

**THE COMMISSIONER:** Oh, hang on. There is another person ---

**MR. CRANE:** Just to reiterate since it's come up a few times, it would be the police who would lay

the charge and my friend continues to use the phrase.

**THE COMMISSIONER:** Go ahead, sir.

**MR. HORN:** Okay.

So the police, as my friend -- is that your understanding, that the police are the ones that would lay the charge?

**MR. TOWNDALE:** Yes, the police is the one who is talking to -- if I can use the name -- Ms. Antoine.

**THE COMMISSIONER:** M'hm.

**MR. TOWNDALE:** So it is in the hands of the police to lay a charge or not, you know? It is not up to Children's Aid to do anything.

**MR. HORN:** Okay. So you're saying that basically it's out of your hands? You don't give them all the information that's necessary in order to do that or is it now they investigate?

**MR. CHISHOLM:** Mr. Commissioner, that's not the evidence. That is not what Mr. Towndale said.

**THE COMMISSIONER:** Mr. Horn.

**MR. HORN:** Okay. What I want to know is when an allegation like this comes up ---

**THE COMMISSIONER:** Like this?

**MR. HORN:** --- you get ---

**THE COMMISSIONER:** Like this?

**MR. HORN:** I'm talking about this, the

beatings, daily routine.

**THE COMMISSIONER:** Okay.

**MR. HORN:** Okay. These are happening while the child is in your care. The police become involved. What do you do? Do you give all the information that you have through your own investigation and give it to the police and then they carry it forth or they do their own investigation? Who does the investigation?

**MR. TOWNDALE:** The police does the investigation. The police does the investigation and we give whatever information the police ask for it. Whatever we have we will give it to the police.

And in ’94 they issued a warrant and we turned over everything the police wanted.

**MR. HORN:** Okay. So that’s the way it works in every situation or it worked in this particular situation? Is there a policy in effect on dealing with these sorts of things?

**THE COMMISSIONER:** So what you’re saying -- what you’re asking is, is there a policy where a Crown ward alleges that a social worker from the Children’s Aid Society has abused them.

**MR. HORN:** That’s right.

**THE COMMISSIONER:** What’s the policy; is that the question?

**MR. HORN:** What's the policy, yes.

**THE COMMISSIONER:** When, 1970, '80, '90, 2000?

**MR. HORN:** Well, did it change? In the '70s was it different from the 1980s?

**THE COMMISSIONER:** Did you have a policy in the 1970s that dealt with the situation where a foster child ward made an allegation against a Children's Aid Society worker?

**MR. TOWNDALE:** There was no policy.

**THE COMMISSIONER:** There was no policy because you answered this morning when you were speaking with Ms. Daley that that was so preposterous that you would not have a policy saying "Thou shalt not abuse children in your care"?

**MR. TOWNDALE:** That's correct, sir.

**THE COMMISSIONER:** Okay. But what he's asking now, had it ever happened up until Mr. Keough and Ms. Antoine? Had you in your experience ever seen a ward make a complaint about sexual abuse by a worker?

**MR. TOWNDALE:** Never.

**MR. HORN:** Okay. Let's say it doesn't go -- it's not sexual but it's a physical abuse. Let's say assault causing bodily harm, like a broken wrist.

**THE COMMISSIONER:** So have you ever had in

your experience someone come forward, a ward, and say, “My worker hurt me physically”?

**MR. TOWNDALE:** No.

**THE COMMISSIONER:** Up until Mr. Keough?

**MR. TOWNDALE:** That’s right, yes.

**MR. HORN:** Yes, because I understand Ms. Antoine made allegations that her wrist was broken. Did you know that?

**MR. TOWNDALE:** I didn’t know that.

**MR. HORN:** Okay. If you had known that a wrist was broken what would be the process then, a broken wrist?

**MR. CHISHOLM:** I’m wondering if my friend could put a timeframe of when Mr. Towndale would have, in this hypothetical question, when he would have known that.

**THE COMMISSIONER:** In 1994. Is that the time of the statement, Mr. ---

**MR. HORN:** Yeah.

**THE COMMISSIONER:** She’s giving the statement to Officer Sebalj in 1994.

**MR. HORN:** That’s right, and in it she does mention on page three ---

**THE COMMISSIONER:** That she broke her wrist when she was transferred to a holding receiving home in transit to Milton.

**MR. HORN:** She’s still a ward or she’s under their care.

**THE COMMISSIONER:** M’hm.

**MR. HORN:** Okay.

**THE COMMISSIONER:** Were you ever made aware that Ms. Antoine had broken her wrist in 1994 while she was being transported to -- is it Minden? It's here; Minden.

**MR. CHISHOLM:** Mr. Commissioner, the date of the investigation is 1994. I believe the allegation would certainly pre-date that.

**THE COMMISSIONER:** I understand that but, you see, the police found out in '94. We’re trying to get a timeframe and I said, "Well, look, the investigation was in 1994”. I didn’t get any disagreement from Mr. Horn, so I thought he was looking at what the groundswell would be in 1994.

So the question again is?

**MR. HORN:** Yes. I mean, that's what I'm -- okay, it wasn't sexual but it was an assault causing bodily harm. There was a broken wrist of someone in your care; they're now a Crown ward and they're in your care.

Would you then be responsible to make sure that there was a charge laid for an assault causing bodily harm, as the -- well, not the parents but like parents of that child? You've replaced the parents of the child.

**MR. CHISHOLM:** Mr. Commissioner, we've gone down that road before with respect to whose obligation and responsibility it is to lay a criminal charge and it's, I would submit, not a parent.

**THE COMMISSIONER:** Well, not to lay the criminal charge, but I think it's -- it might be incumbent on the Society if they become aware that a child has broken their wrist and the allegation is that it's a worker, that something should be done.

**MR. HORN:** Well, that's how -- I want to know if, while the child is in your care, the child gets hurt in this way, there's an investigation, maybe an internal investigation; you find out that maybe criminal charges should be laid. What’s the process then? Oh, they might be criminal charges laid against somebody. You then immediately go to the police?

**MR. TOWNDALE:** Report it to the police.

**MR. HORN:** And you give them every -- all the information that you have?

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

**MR. HORN:** Okay, and that information would be available to the -- the child would be then -- not the child but the individual who was charged would be given all that information?

**MR. TOWNDALE:** To the ---

**THE COMMISSIONER:** Whoa, whoa. The person charged, depending on when and ---

**MR. HORN:** If he was represented by a lawyer he would get all that information ---

**THE COMMISSIONER:** It depends ---

**MR. HORN:** --- and discovery and disclosure, right?

**THE COMMISSIONER:** It depends which year, because disclosure has evolved over the years, Mr. Horn.

**MR. HORN:** Okay, so in 1994.

**THE COMMISSIONER:** Okay.

**MR. CHISHOLM:** Sir, I'm not sure that this witness is in a position to answer about how the criminal process works and what the law relating to disclosure would have been at any particular time.

**MR. HORN:** Okay, who at the Society would know this and should answer this?

**THE COMMISSIONER:** Well, first of all ---

**MR. HORN:** Do you know?

**THE COMMISSIONER:** No, no, no, no. As Mr. Chisholm has indicated, if you're talking about what disclosure is going to go to the accused ---

**MR. HORN:** Yeah.

**THE COMMISSIONER:** --- that's a police matter.

**MR. HORN:** Right, okay.

**THE COMMISSIONER:** So I don't know that anybody in CAS would know that.

**MR. HORN:** I think one of the main issues that a lot of not only victims but parents of victims are concerned about is the whole idea of being able to have access to the files that are in your care, in the Society's care. Is there a date in which those files disappear and they are trashed?

**MR. TOWNDALE:** No, I think we have kept files -- we never destroy the files.

**MR. HORN:** You never destroy files?

**MR. TOWNDALE:** No.

**MR. HORN:** So how far back do they go?

**MR. TOWNDALE:** Child care files?

**THE COMMISSIONER:** Which ones, child care or foster care?

**MR. HORN:** Well, it's child care and foster care and -- you know.

**MR. TOWNDALE:** As far as I know, we never destroy the files.

**MR. HORN:** You never destroy any files?

**MR. TOWNDALE:** No, we have not. I left in '95 so I couldn't tell you what happened since '95.

**THE COMMISSIONER:** Will you be much longer,

Mr. Horn?

**MR. HORN:** No, not much longer.

**THE COMMISSIONER:** Okay. Well, it's almost lunchtime.

**MR. HORN:** Okay, I'll be over in a second -- in just a couple of minutes. Just one other area.

Do you know what the legal tenure is of a Director of the Society? Is that an appointment from Cabinet?

**THE COMMISSIONER:** The legal tenure?

**MR. HORN:** Okay, the tenure. Are they appointed by Cabinet and can only be removed by Cabinet, or is it ---

**MR. TOWNDALE:** The Director of Children's Aid Society?

**MR. HORN:** The Society, yes. The Director --

**MR. TOWNDALE:** He's appointed ---

**MR. HORN:** Pardon?

**THE COMMISSIONER:** He's got the question.

**MR. TOWNDALE:** Yeah. The Children's Aid Society Board of Directors appoints the Director.

**THE COMMISSIONER:** Hires.

**MR. TOWNDALE:** Hires, yeah. Not appoint; hires.

**MR. HORN:** They hire them?

**MR. TOWNDALE:** Yeah, yeah, and he's responsible to the Board.

**THE COMMISSIONER:** Or she.

**MR. TOWNDALE:** Or she, okay.

**MR. HORN:** Okay, yeah. So it is not a Lieutenant-Governor and Council appointment for a Director of the Children's Aid ---

**THE COMMISSIONER:** No.

**MR. HORN:** Child welfare.

**MR. TOWNDALE:** No.

**MR. HORN:** It's not?

**MR. TOWNDALE:** No.

**MR. HORN:** That's it, thank you.

**THE COMMISSIONER:** Thank you.

Mr. Neville, will you have any questions?

**MR. NEVILLE:** Very brief, sir.

**THE COMMISSIONER:** All right. Well, we'll take lunch and we'll come back. Oh, Ms. Simms, yes?

**MS. SIMMS:** Mr. Commissioner, I was just going to suggest that perhaps when we come back, we can come back in camera to deal with the publication ban issue?

**THE COMMISSIONER:** If that's what you wish.

**MS. SIMMS:** And then we'll go on to ---

**THE COMMISSIONER:** So how long do you think

we'll be on the in camera so people ---

**MS. SIMMS:** Just 5 or 10 minutes.

**THE COMMISSIONER:** And then there's 5 minutes -- 15 minutes to come back, so maybe those of us who are watching on the Web can come back at 2.30. They can expect that we'll back on 2.30.

**MS. SIMMS:** That should work.

**THE COMMISSIONER:** We're coming back at 2:00 and we'll go in camera. We'll deal with the names and then we'll take a break and keep back and finish off. All right.

**MS. SIMMS:** Thank you.

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

The hearing will resume at 2:00 p.m.

--- Upon recessing at 12:40 p.m./

L'audience est suspendue à 12h40

--- Upon resuming in public at 2:24 p.m. /

L’audience est reprise en public à 14h24

**THE REGISTRAR:** Order; all rise. À l’ordre; veuillez vous lever.

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

**THE COMMISSIONER:** Thank you. Good afternoon, sir.

Mr. Neville, how are you doing today?

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

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

**MR. NEVILLE:** Good afternoon, Commissioner.

Good afternoon, Mr. Towndale. My name is Michael Neville. I represent Father Charles MacDonald and the Estate of Ken Seguin, his brother Douglas and the Seguin family. And I just have a very, very few questions to ask you.

During the events that I'm interested in, in terms of Father MacDonald and/or Mr. Seguin, Mr. Towndale, which is basically from December of '92 through to, let's say, early '94 dealing with the initial Cornwall investigation and the question of the settlement and the like, did you -- and you were on the Police Services Board for two different terms. During your tenure on the Board, did you ever have any direct dealings with Perry Dunlop?

**MR. TOWNDALE:** No.

**MR. NEVILLE:** Okay.

Now, in your evidence in-chief with Commission counsel last week, you were asked about certain meetings in October of 1993 and I think there are the 1st of October, the 8th and the 12th. And you were referred to notes by Mr. Abell?

**MR. TOWNDALE:** Correct.

**MR. NEVILLE:** And I just want to see if I understand what you're telling us and telling, more importantly, the Commissioner.

You've looked through as part of preparation with your own counsel and/or Commission counsel, you looked through Mr. Abell's notes?

**MR. TOWNDALE:** Yes.

**MR. NEVILLE:** All right. Are you telling us that you, yourself, have no independent recollection of the details of those meetings?

**MR. TOWNDALE:** That's what I'm saying, yeah.

**MR. NEVILLE:** Okay.

So for an example, and I'm not going to take up any inordinate time as a result, if we were to look at Mr. Abell's notes say for the meeting with Chief Shaver on the 1st when he indicates you are present, you, yourself, do not recall the details he has recorded?

**MR. TOWNDALE:** That's ---

**MR. NEVILLE:** Is that correct?

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

**MR. NEVILLE:** I think what you're telling the Commissioner, and please correct me if I'm wrong, is that having read them for any of those three days, you accept that what Mr. Abell has written is accurate ---

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

**MR. NEVILLE:** --- as he recalled it. Now, you'll agree with me, of course, that Mr. Abell's notes are not like a court transcript or a transcript that we have here, right? He wasn't taking things down verbatim, word for word like a court reporter?

**MR. TOWNDALE:** No.

**MR. NEVILLE:** Okay. It's his version of those meetings recorded in personal notes?

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

**MR. NEVILLE:** You don't have notes?

**MR. TOWNDALE:** I don't have notes.

**MR. NEVILLE:** All right.

So you're telling the Commissioner that if I were, or any other counsel, to ask you details of what happened on the 1st or the 8th, you yourself couldn't give them, but you agree Mr. Abell may have recorded them, as far as you know, accurately?

**MR. TOWNDALE:** Mr. Neville, would you mind repeating that question again, please?

**MR. NEVILLE:** Yes, certainly.

If we were to look, for example, and I'll just use one quick example ---

**MR. TOWNDALE:** Yeah.

**MR. NEVILLE:** We look, for example -- and,

Commissioner, it's Exhibit 1441, Bates page -- it's Document 721621, Bates page 659, 660 to 661.

**THE COMMISSIONER:** Sorry, 1459?

**MR. NEVILLE:** Fourteen forty-one (1441), Commissioner.

**THE COMMISSIONER:** Sorry.

**MR. NEVILLE:** Seven two one six two one (721621). And the Bates page, sir, for October 1st is 659.

**THE COMMISSIONER:** Yes, okay.

**MR. NEVILLE:** It should have the date October 1 at the top, sir.

Do you have them now, Mr. Towndale?

**MR. TOWNDALE:** October 1, yeah, I have it.

**MR. NEVILLE:** So you see Mr. Abell has recorded the date October 1, a time of 9:15:

> "Chief visits my office. Angelo present."

**MR. TOWNDALE:** Yes.

**MR. NEVILLE:** All right.

And there's a whole page of notes there, right?

**MR. TOWNDALE:** Yeah.

**MR. NEVILLE:** And if you turn to the next page, page -- Bates page 660 ---

**MR. TOWNDALE:** Got it, okay.

**MR. NEVILLE:** Let me give you an example and see if I understand what you're saying. If you look just below the middle of the page, Mr. Abell quotes Chief Shaver as saying the following:

> "He [meaning Shaver] indicated Silmser was of questionable character and motive."

And about four lines down:

> "Chief feels his Force was used by Silmser to get money from the Church."

All right? Now, taking those two points, Mr. Abell has recorded those words in his notes. Are you with me?

**MR. TOWNDALE:** I was trying to find it in this book.

**MR. NEVILLE:** I'm not trying to rush you. Go ahead.

**MR. TOWNDALE:** Do you mind repeating it?

**MR. NEVILLE:** Yes, by all means.

**MR. TOWNDALE:** Yeah.

**MR. NEVILLE:** If you look on the screen --

**MR. TOWNDALE:** Okay.

**MR. NEVILLE:** Are you all right?

**MR. TOWNDALE:** Yeah.

**MR. NEVILLE:** Could you -- yes, if you look at the bottom of the screen, Mr. Towndale, and count up about seven lines, you'll see it says:

"He indicated Silmser was of questionable character and motive."

Right?

**MR. TOWNDALE:** Yes.

**MR. NEVILLE:** And about four lines down:

"Chief feels his Force was used by Silmser to get money from the Church."

Now, let's take those two things that Mr. Abell has recorded.

**MR. TOWNDALE:** Yes.

**MR. NEVILLE:** Do you personally, independently, on your own, recall, for example, those two things being said?

**MR. TOWNDALE:** No, I don't.

**MR. NEVILLE:** All right.

So you are totally reliant on this recollection being recorded by someone else?

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

**MR. NEVILLE:** In that light, Commissioner, I have no further questions.

**THE COMMISSIONER:** Thank you.

Mr. -- no questions from Corrections? Okay.

Mr. Scavetta?

**MR. SCAVETTA:** No questions.

**THE COMMISSIONER:** Okay. Sorry, Ms. Robitaille -- no, that's not you over there. All right.

Mr. Crane?

**MR. CRANE:** Mr. Commissioner, I think Mr. Engelmann indicated to you this morning that I was going to precede -- come after Mr. Lee.

**THE COMMISSIONER:** Okay. Ms. Lahaie.

**MS. LAHAIE:** Likewise, Mr. Commissioner.

**THE COMMISSIONER:** Pardon me?

**MS. LAHAIE:** Same as Mr. Crane's position.

**THE COMMISSIONER:** Okay. Mr. Wallace?

**MR. WALLACE:** Same.

**THE COMMISSIONER:** All right.

And you're waiting, of course. So I guess we're done with this witness for today. And so when are we going to -- any idea of when we can ask him to come back?

**MS. SIMMS:** Mr. Commissioner, I think we are still waiting for an update with respect to the Victims Group.

**THE COMMISSIONER:** M'hm.

**MS. SIMMS:** But I'm hopeful that we'd be able to start again tomorrow.

**THE COMMISSIONER:** All right.

**MS. SIMMS:** So it would probably be prudent to ask him to come back tomorrow and see where we are.

**THE COMMISSIONER:** All right.

Sir, I'm going to ask you to come back tomorrow ---

**MR. TOWNDALE:** Okay.

**THE COMMISSIONER:** --- for 9:30, but in the meantime, make sure your counsel has your phone number so that when we get some news, we can phone you and make sure, if you're going to come back another day, that we don't waste your time coming back and forth.

**MR. TOWNDALE:** Thank you. Thank you, sir.

**THE COMMISSIONER:** All right. Thank you very much, sir.

**MR. TOWNDALE:** Thank you.

**THE COMMISSIONER:** All right. So you may -- you're free to go, sir.

**(WITNESS WITHDRAWS/TÉMOIN SE RETIRE)**

**MS. SIMMS:** So, Mr. Commissioner, we're going to be dealing with an ODE for Father Charles MacDonald this afternoon.

**THE COMMISSIONER:** M'hm.

**MS. SIMMS:** I understand they're just doing the final preparations. I hate to ask you to break again since we've not been back very long, but it does involve

some document preparation.

**THE COMMISSIONER:** All right. Thank you.

So how long do you think it will be?

**MS. SIMMS:** I think 15 minutes.

**THE COMMISSIONER:** All right. Just to give the people on the webcast and people in the spectator's gallery some time.

All right. Let me know when you're ready to go.

**MS. SIMMS:** Thank you.

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

The hearing will resume at 2:50 p.m.

--- Upon recessing at 2:32 p.m./

L'audience est suspendue à 14h32

--- Upon resuming at 3:05 p.m./

L'audience est reprise à 15h05

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

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

**MS. HAMOU:** Good afternoon, Mr. Commissioner.

**THE COMMISSIONER:** Ms. Hamou.

**--- OVERVIEW OF DOCUMENTARY EVIDENCE RELATING TO FATHER**

**CHARLES MacDONALD PRESENTED BY/SURVOL DE LA PREUVE DOCUMENTAIRE CONCERNANT LE PÈRE CHARLES MacDONALD PRÉSENTÉ PAR MS. HAMOU:**

**MS. HAMOU:** This afternoon we're seeking to introduce an Overview of Documentary Evidence, known informally as the ODE, as well as accompanying documents for Father Charles MacDonald.

**THE COMMISSIONER:** Yes.

**MS. HAMOU:** It's Commission counsel's view that Father MacDonald's story is an important aspect to the matters relevant to the mandate of this Inquiry and we are seeking to file the ODE to help provide you with a starting point to review the evidence, to help the parties identify relevant themes to be examined during the institutional response stage, and to allow the public to better follow the information coming before this Inquiry.

In preparing the ODE, counsel have attempted to capture themes and issues that arise in a neutral and thorough fashion. A draft ODE was sent to the parties and we have had communication with various counsel for the parties and received their comments. In many respects, these have been included in the ODE we intend to file today.

The ODE is not intended to be a substitute for Father MacDonald's testimony and we acknowledge that

its evidentiary value is clearly less than the documents used in its preparation.

In case of any conflict between the ODE and the documents, the content of the documents should prevail.

It is possible that additional information may or may not be consistent with the content of the ODE and the documents used in its preparation. If there are inconsistencies, you may, of course, take those into account when weighing the evidence before you.

At this point I'd like to enter the ODE as the next exhibit.

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

**MS. HAMOU:** Now, Mr. Commissioner, I'd just like to caution you the ODE contains some names which are subject to confidentiality measures and criminal publication bans.

**THE COMMISSIONER:** A ban on publication will be ordered on Exhibit 2235 which is the Overview of Documentary Evidence of Father Charles MacDonald.

**--- EXHIBIT NO./PIÈCE NO. P-2235:**

(SUBJECT TO PUBLICATION BAN)

ODE Re: Father Charles MacDonald

**MS. HAMOU:** When reading the ODE on the public record I'll use the monikers that you've assigned to the names.

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

**MS. HAMOU:** The next matter would be to enter the exhibits.

**THE COMMISSIONER:** Yes.

**MS. HAMOU:** And as I mentioned to you, some of these exhibits will also contain some names, and I'll point those to you when we get there.

**THE COMMISSIONER:** Thank you.

**MS. HAMOU:** So the first document I'd like to enter is 110854.

**THE COMMISSIONER:** Thank you. And this is -- Exhibit 2236 is a transcript of -- wait a minute -- examination for discovery of Charles MacDonald on the 11th day of December 1995.

**MS. HAMOU:** And I'd like to ask for a publication ban on this document.

**THE COMMISSIONER:** So ordered.

**--- EXHIBIT NO./PIÈCE NO. P-2236:**

(110854) (SUBJECT TO PUBLICATION BAN)
Transcript of examination for discovery of Charles MacDonald on December 11, 1995

**MS. HAMOU:** The next document is 119311.

**THE COMMISSIONER:** Thank you.

Exhibit 2237 is a letter, it seems, signed by Charles MacDonald and dated February 25th, 1968 to the

Ottawa St. Paul University Seminary.

**--- EXHIBIT NO./PIÈCE NO. P-2237:**

(119311) Letter signed by Charles MacDonald to the Ottawa St. Paul University Seminary dated February 25, 1968

**MS. HAMOU:** The next Document is 119320.

**THE COMMISSIONER:** Thank you.

Exhibit 2238 is a report for the winter of 1969 of Father Charles MacDonald, Diocese of Alexandria.

**--- EXHIBIT NO./PIÈCE NO. P-2238:**

(119320) - Rapport Semestriel dated March 17, 1969

**MS. HAMOU:** The next Document is 119330.

**THE COMMISSIONER:** Thank you.

Exhibit 2239 is a Document, October 17th, 1973, addressed to Reverend Charles MacDonald from Maitre Proulx.

**--- EXHIBIT NO./PIÈCE NO. P-2239:**

(119330) - Letter from Bishop Proulx to Father MacDonald dated October 17, 1973

**MS. HAMOU:** The next Document is 119334.

**THE COMMISSIONER:** Thank you.

Exhibit 2240 is a letter dated February 26th, 1974 addressed to Father Charles MacDonald from Bishop Adolphe Proulx.

**--- EXHIBIT NO./PIÈCE NO. P-2240:**

(119334) - Letter from Bishop Proulx to Father MacDonald dated February 26, 1974

**MS. HAMOU:** The next Document is 119336.

**THE COMMISSIONER:** Exhibit 2241 is a letter dated June 18th, 1975 addressed to Father Charles MacDonald from Bishop Larocque.

**--- EXHIBIT NO./PIÈCE NO. P-2241:**

(119336) - Letter from Bishop LaRocque to Father MacDonald dated June 18, 1975

**MS. HAMOU:** The next Document is 721644.

**THE COMMISSIONER:** Thank you.

And that is Exhibit 2242, notes of Project Blue correspondence material from Malcolm MacDonald.

**--- EXHIBIT NO./PIÈCE NO. P-2242:**

(721644) - Notes of Project Blue Correspondence material from Malcolm MacDonald

**MS. HAMOU:** The next Document is 109523.

**THE COMMISSIONER:** Thank you.

Exhibit Number 2243 is an affidavit of Charles MacDonald, sworn the 26th day of March, 2002.

**--- EXHIBIT NO./PIÈCE NO. P-2243:**

(109523) - Affidavit of Father MacDonald sworn March 26, 2002

**MS. HAMOU:** The next Document is 715780.

**THE COMMISSIONER:** Exhibit 2244 is a letter addressed to Monsignor Eugene Larocque from Michael John from Southdown and it's dated October 22nd, 1993.

**--- EXHIBIT NO./PIÈCE NO. P-2244:**

(715780) - Letter to Bishop LaRocque from Michael John Sy dated October 22, 1993

**MS. HAMOU:** The next Document is 715096.

**THE COMMISSIONER:** Thank you.

Exhibit 2245 is an assessment report of Charles MacDonald, dated October 22nd, 1993.

**--- EXHIBIT NO./PIÈCE NO. P-2245:**

(715096) - Assessment Report dated October 22, 1993

**MS. HAMOU:** The next Document is 119397.

**THE COMMISSIONER:** Thank you.

Exhibit Number 2246 -- I think we've seen these exhibits already -- but 2246 will be a letter from Charles MacDonald to Monsignor Larocque, received October 30th, 1993.

**--- EXHIBIT NO./PIÈCE NO. P-2246:**

(119397) - Letter from Charles MacDonald to Monsignor Larocque, received October 30, 1993.

**MS. HAMOU:** The next Document is 119398.

**THE COMMISSIONER:** Thank you.

Letter dated November 1st, 1993 addressed to Reverend Charles MacDonald from Monsignor Eugene Larocque and Denis Vaillancourt.

**--- EXHIBIT NO./PIÈCE NO. P-2247:**

(119398) - Letter to Father MacDonald from Bishop LaRocque and Chancellor Vaillancourt dated November 1, 1993

**MS. HAMOU:** The next Document is 703636.

**THE COMMISSIONER:** Thank you.

Exhibit Number 2248 is a Document entitled "Project Truth: Timeline re conspiracy to Obstruct".

**--- EXHIBIT NO./PIÈCE NO. P-2248:**

(703636) - OPP Project Truth Timeline

**MS. HAMOU:** The next Document is 724307.

**THE COMMISSIONER:** Thank you.

Exhibit Number 2249 is a letter from the Children's Aid Society dated January 25th, 1994 to Reverend Charles MacDonald.

**--- EXHIBIT NO./PIÈCE NO. P-2249:**

(724307) - Letter from Gregory Bell and William Carriere to Rev. Charles MacDonald dated January 25, 1994 with handwritten notation by C.F. MacDonald dated January 31, 1994

**MS. HAMOU:** The next Document is 724308.

**THE COMMISSIONER:** Thank you.

Exhibit 2250 is a letter to Father Charles MacDonald from Mr. Greg Bell and Ms. Giussepina DeBellis dated March 1st, 1994.

**--- EXHIBIT NO./PIÈCE NO. P-2250:**

(724308) - Letter from Gregory Bell, William Carrière and Ms. Giussepina DeBellis to Father Charles MacDonald dated March 1, 1994.

**MS. HAMOU:** The next Document is 110195 and I'd ask for a publication ban on this Document.

**THE COMMISSIONER:** Publication ban will be issued on Exhibit Number 2251, statement of Father Charles MacDonald, dated the 7th day of June, 1994.

**--- EXHIBIT NO./PIÈCE NO. P-2251:**

(110195) - Statement of Father Charles MacDonald dated June 7, 1994

**MS. HAMOU:** The next Document is 723460.

**THE COMMISSIONER:** Thank you.

Exhibit 2252 is the next exhibit which is a newspaper clipping by Len Hooper, H-O-O-P-E-R, dated November 24th -- I'm sorry, December 24th, 1994.

**--- EXHIBIT NO./PIÈCE NO. P-2252:**

(723460) - Standard Freeholder article dated

December 24, 1994: “No grounds to charge priest: OPP”

**MS. HAMOU:** The next Document is 715077.

**THE COMMISSIONER:** Thank you.

Exhibit Number 2253 is notes with the date of the 16th of August, ’95.

Can you help me whose notes those would be?

**MS. HAMOU:** Constable Bough.

**THE COMMISSIONER:** Thank you.

**--- EXHIBIT NO./PIÈCE NO. P-2253:**

(715077) - Handwritten notes of Constable Bough

**MS. HAMOU:** The next Document is 109520.

**THE COMMISSIONER:** Thank you.

Exhibit 2254 is an exhibit which is an information charging Father Charles MacDonald with a number of charges.

**MS. HAMOU:** And I’d ask for a publication ban on this Document.

**THE COMMISSIONER:** Absolutely, and that information was sworn on the 6th of March, 1996.

**--- EXHIBIT NO./PIÈCE NO. P-2254:**

(109520) - Information against Father MacDonald dated March 6, 1996

**MS. HAMOU:** The next Document is 119252, and

I would ask for a publication ban on this Document.

**THE COMMISSIONER:** Thank you.

And this is Exhibit 2255, which is a transcript of a preliminary inquiry on *Regina v. Charles MacDonald* dated Friday, February 28th, 1997.

**--- EXHIBIT NO./PIÈCE NO. P-2255:**

(111252) - Transcript, *R. v. MacDonald*, Preliminary Inquiry

**MS. HAMOU:** The next Document is 111200, and I would ask for a publication ban on this Document.

**THE COMMISSIONER:** Thank you.

Yes, Exhibit 2256 is transcript of preliminary inquiry of *Her Majesty the Queen v. Charles MacDonald*, Reasons for Committal, on October 24th, 1997.

**--- EXHIBIT NO./PIÈCE NO. P-2256:**

(111200) - Transcript, *R. v. MacDonald*, Reply Submissions and reasons on committal

**MS. HAMOU:** The next Document is 109537, and I would ask for a publication ban.

**THE COMMISSIONER:** Publication ban will issue on Exhibit 2257 which is an indictment of *Her Majesty the Queen v. Charles MacDonald* signed the 30th day of October, 1997.

**--- EXHIBIT NO./PIÈCE NO. P-2257:**

(109537) - Indictment dated October 30, 1997

**MS. HAMOU:** The next Document is 109521, and I would ask for a publication ban.

**THE COMMISSIONER:** Thank you.

Publication ban on Exhibit 2258, which is an information charging Father Charles MacDonald with a number of offences and is not signed by -- wasn't sworn by a justice of the peace.

So what's the date of the information? Don't have it. In any event, it's Exhibit 2258.

**--- EXHIBIT NO./PIÈCE NO. P-2258:**

(109521) - Information against Father MacDonald dated January 26, 1998

**MS. HAMOU:** The next Document is 111217, and I would ask for a publication ban on this Document.

**THE COMMISSIONER:** Publication ban will issue on Exhibit 2259 which is a transcript of proceedings between *Her Majesty and Charles MacDonald* on May 3rd, 1999.

**--- EXHIBIT NO./PIÈCE NO. P-2259:**

(111217) - Transcript, *R. v. MacDona*ld, May 3, 1999

**MS. HAMOU:** The next Document is 109555, and I would ask for a publication ban on this Document.

**THE COMMISSIONER:** Thank you.

This is an indictment. Exhibit 2260 is an indictment of *Her Majesty the Queen v. Charles MacDonald*

and it is dated the 5th of May, 1999.

**--- EXHIBIT NO./PIÈCE NO. P-2260:**

(109555) - Indictment dated May 5, 1999

**MS. HAMOU:** The next Document is 109519, and I would ask for a publication ban.

**THE COMMISSIONER:** Thank you.

Exhibit 2261 will have a publication ban and it is an indictment of *Her Majesty the Queen v. Charles MacDonald* and that is signed the 10th day of September, 1999.

**--- EXHIBIT NO./PIÈCE NO. P-2261:**

(109519) - Indictment dated September 10, 1999 with handwritten notations

**MS. HAMOU:** The next Document is 109522, and I would ask for a publication ban on this Document.

**THE COMMISSIONER:** Thank you.

Exhibit Number 2262, which will have a publication ban, is another information sworn against Charles MacDonald on the 10th day of April, 2000.

**--- EXHIBIT NO./PIÈCE NO. P-2262:**

(109522) - Information against Father Charles MacDonald dated April 10, 2000

**MS. HAMOU:** The next Document is 109231.

**THE COMMISSIONER:** Thank you.

This is -- Exhibit 2263 is a letter to Ms.

Linda LeBlanc, Trial Coordinator, from Shelley Hallett and dated October 18th, 2000.

**--- EXHIBIT NO./PIÈCE NO. P-2263:**

(109231) - Letter from Shelley Hallett to Linda LeBlanc dated October 18, 2000

**MS. HAMOU:** The next Document is 109232, and I would ask for a publication ban on this Document.

**THE COMMISSIONER:** Publication ban will issue on Exhibit 2264, which is another indictment, *Her Majesty the Queen v. Charles MacDonald*, and that's unsigned and undated.

Just a minute. There's a date, the 18th of October, 2000 but it's unsigned.

**--- EXHIBIT NO./PIÈCE NO. P-2264:**

(109232) - Unsigned draft indictment dated October 18, 2000

**MS. HAMOU:** The next Document is 111236.

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

Exhibit Number 2265 is a transcript of an application for adjournment from Her Majesty the Queen and Charles MacDonald and that is on the -- let's see now -- well, it says the 25th of April, 1996 and 1996 is struck out and it says 2001.

**MS. HAMOU:** I believe it's 2001, sir.

**--- EXHIBIT NO./PIÈCE NO. P-2265:**

(111236) - Transcript, *R. v. MacDonald*, Application for adjournment, April 25, 2001

**MS. HAMOU:** The next Document to be entered is 701967.

**THE COMMISSIONER:** Thank you.

Exhibit 2266 is a letter dated January 8th, 2003 to Detective Sergeant Hall from Lorne McConnery. Again, Exhibit 2266.

**--- EXHIBIT NO./PIÈCE NO. P-2266:**

(701967) - Letter from Lorne McConnery to D/Sgt. Hall dated January 8, 2003

**MS. HAMOU:** The next Document is 738218.

**THE COMMISSIONER:** Exhibit 2267 is a letter dated November 4th, 1999 to Mr. Clinton Culic from Brian Saunderson.

**--- EXHIBIT NO./PIÈCE NO. P-2267:**

(738218) - Letter from B. Saunderson to C. Culic dated November 4, 1999

**MS. HAMOU:** The next Document is 738029.

**THE COMMISSIONER:** Thank you.

Exhibit 2268 is a trial brief in the matter of *J.M. and Father Charles MacDonald et al*.

We'll call it that. Okay.

**--- EXHIBIT NO./PIÈCE NO. P-2268:**

(738029) - Trial Brief, *J. M. v. MacDonald*

*et al*

**MS. HAMOU:** The next Document is 737948 and I would ask for a publication ban on this Document.

**THE COMMISSIONER:** Thank you.

A publication ban will issue on Exhibit 2269, which is a trial record of an action between W.R. and Father Charles MacDonald et al.

**--- EXHIBIT NO./PIÈCE NO. P-2269:**

(737948) - Trial Record, W*.R. v. MacDonald et al*

**MS. HAMOU:** The next Document is 737939 and I would ask for a publication ban.

**THE COMMISSIONER:** Yes, publication ban will issue on Exhibit 2270, which is a transcript of an examination for discovery of Charles MacDonald on January 24th, 1996.

**--- EXHIBIT NO./PIÈCE NO. P-2270:**

(737939) - Examination for Discovery Transcript of Charles F. MacDonald, *W.R. v. Father Charles MacDonald et al* and *J.M. v. Father Charles MacDonald et al*

**MS. HAMOU:** The next Document is 737974 and I would ask for a publication ban on that Document.

**THE COMMISSIONER:** Publication ban will issue on Exhibit 2271, which is a motion record of *W.R. v.*

*Charles MacDonald et al.*

**--- EXHIBIT NO./PIÈCE NO. P-2271:**

(737974) - Motion Record, *W.R. v. MacDonald et al*

**MS. HAMOU:** The next Document is 740596 and I would ask for a publication ban on that Document.

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

Exhibit Number 2272 is a letter dated February 20th, 2008 addressed to Michael Neville from Adrienne Kang.

**--- EXHIBIT NO./PIÈCE NO. P-2272:**

(740596) - Letter to Michael Neville from Adrienne Kang

**MS. HAMOU:** The next Document is 101532.

**THE COMMISSIONER:** Thank you.

Exhibit 2273 is a statement of claim of Albert Joseph Lalonde against Charles MacDonald et al.

**--- EXHIBIT NO./PIÈCE NO. P-2273:**

(101532) - Statement of Claim, *Albert Lalonde v. Charles MacDonald et al*

**MS. HAMOU:** The next Document is 101531.

**THE COMMISSIONER:** Thank you.

Exhibit Number 2274 is a statement of claim with the plaintiff being Robert Renshaw and the defendants Charles MacDonald et al.

**--- EXHIBIT NO./PIÈCE NO. P-2274:**

(101531) - Statement of Claim, *Robert Renshaw v. Charles MacDonald et al*

**MS. HAMOU:** Then the last Document is 738028 and this is an excerpt, so the excerpt number is 7161562.

**THE COMMISSIONER:** Thank you.

That will be Exhibit Number 2275 which is a letter dated 16th of September, 1977 addressed to Gilles Métivier and signed Eugene LaRocque.

**--- EXHIBIT NO./PIÈCE NO. P-2275:**

(738028) (7161562)- Charles MacDonald - Lettre Gilles Métiver d'Eugène Larocque datée le 16 septembre 1997

**THE COMMISSIONER:** Is that everything?

**MS. HAMOU:** That's all, Mr. Commissioner.

**THE COMMISSIONER:** Okay.

**MS. HAMOU:** So if I may, I'll proceed with the reading of Exhibit 2235.

**--- OVERVIEW OF DOCUMENTARY EVIDENCE OF CHARLES F. MACDONALD BY/SURVOL DE LA PREUVE DOCUMENTAIRE DE CHARLES F. MACDONALD PAR MS. HAMOU:**

"Charles F. MacDonald was born on January 23rd, 1933 in Glen Norman, Ontario."

Reference, Exhibit 2014.

"Father MacDonald attended Ottawa Teachers'

College from 1957 to 1958. In his examination for discovery on December 11th, 1995, in *D.S. v. Father Charles MacDonald et al* (the Silmser action), Father MacDonald stated that after 10 years of teaching elementary school, he commenced philosophy and theology studies."

Reference, Exhibit 2014 and Exhibit 2236.

"Father MacDonald attended St. Paul Seminary of the University of Ottawa from 1963 to 1969. While at St. Paul University, Father MacDonald met Ken Seguin, a fellow theology student."

Reference, 2014 and 2236.

"The Rector of St. Paul University, Reverend Bellemare, expressed concerns about Father MacDonald's conduct. Reverend Bellemare reported that when confronted about this, Father MacDonald was aggressive. In February 1967, Reverend Bellemare indicated that he was not sure that the seminary would accept Father MacDonald for a further year and in June, 1967, Reverend Bellemare reported that he had advised Father MacDonald that he would prefer that he transfer to another seminary."

Reference, Exhibit 2091 and Exhibit 2092.

"On November 29th, 1967, Reverend Bellemare wrote to Monsignor Adolphe Proulx informing Bishop Proulx that Father MacDonald's attitude had improved since Reverend Bellemare's conversations with him in the spring

and Bishop Proulx's personal intervention during the summer vacation.

Reverend Bellemare advised Bishop Proulx that Father MacDonald wished to receive the last of minor orders on December 10th, 1967 at the Ottawa Cathedral and that Reverend Bellemare supported this request."

Reference, 2093.

"On February 25th, 1968, Father MacDonald wrote to Reverend Bellemare requesting to be promoted to the order of sub-diaconate and deaconate in the next ordination."

Reference, Exhibit 2237.

"Father MacDonald's semester report for the winter of 1969 indicated that there was a unanimous vote in favour of his promotion to the priesthood and that Reverend Bellemare supported the vote and recommended him."

Reference, Exhibit 2238.

"Father MacDonald was ordained on June 14th, 1969 at St. Margaret's Church, Glen Nevis, Ontario by Bishop Proulx."

Reference, Exhibit 2014.

"Father MacDonald was appointed as an assistant priest at St. Columban's Parish commencing June 14th, 1969. He was to work in cooperation with Father McDougald, now Monsignor McDougald, parish priest, and

Father Kevin Maloney, Director of Religious Education.

According to Father MacDonald's examination for discovery, he took over the training of altar servers, probably in June, 1970, and he recalled David Silmser, John MacDonald and C-3 being altar boys at St. Columban's. Father MacDonald was also involved with weekend retreats for some of the youth groups in the church.

Reference, Exhibit 2014, Exhibit 2236.

"In a letter dated October 17th, 1973, Father MacDonald was appointed Spiritual Director of the Catholic Women's League of the Diocese of Alexandria. In a letter dated February 26th, 1974, Bishop Proulx asked Father MacDonald to be responsible for the Cursillo movement in the Diocese of Alexandria."

Reference, Exhibit 2239 and Exhibit 2240.

"Father MacDonald was appointed as pastor of St. Anthony's Parish in Apple Hill and Monkland effective July 10th, 1975. He took up duties there in late August, 1975 and continued until August 11th, 1982. In September 1978, Father MacDonald was (co-responsible for youth among the Anglophones)."

Reference, Exhibit 2241, Exhibit 2014 and Exhibit 2236.

"In a letter dated September 16th, 1977, Bishop Eugène LaRocque advised Gilles Mètivier, Principal

of Tagwi Secondary School, that Father MacDonald had been named the priest responsible for the teaching staff and students."

Reference, Exhibit 2275.

"Beginning August 11th, 1982, Father MacDonald became pastor at St. Mary's Parish in Williamstown. On June 24th, 1983, he was named chaplain of the new Catholic high school at Bishop MacDonell which was scheduled to open that September."

Reference, Exhibit 2094 and Exhibit 2014.

"In his examination for discovery in the Silmser action, Father MacDonald stated that he had disclosed to Seguin that he had broken his vows of celibacy, which may have been during the period of time he was a pastor in Williamstown. Father MacDonald further stated that none of the individuals involved were under the age of 16."

Reference, Exhibit 2236.

"In 1988, Father MacDonald was part-time chaplain at St. Joseph's High School."

Reference, Exhibit 2095.

"By way of a letter dated June 3rd, 1988, Father MacDonald was appointed at St. Andrews Parish of St. Andrews West. He took up his duties on August 1st, 1988 and continued as pastor up to October, 1993."

Reference, Exhibit 2095 and Exhibit 2014.

"From November, 1993 to May, 1994, Father MacDonald was residing at the Southdown Treatment Centre."

Reference, 2242.

"From September 8th, 1994 to late April of 1995, Father MacDonald attended Regis College, a Faculty of Theology at the University of Toronto."

Reference, Exhibit 2236.

"In his examination for discovery, Father MacDonald described the history of his interaction with Silmser as follows.

Silmser was an altar boy at St. Columban's Parish during the period of time that Father MacDonald was appointed there.

Silmser was caught stealing money from St. Columban's Church by the caretaker. Father MacDonald spoke to Silmser alone in his office on one or more occasions with respect to the theft. Silmser continued to steal from the Church and also began stealing from stores or breaking into places. Father MacDonald was a witness for Silmser in court once or twice and visited Silmser in the Cornwall gaol two or three times. He also visited Silmser in Burritts Rapids Institute. Silmser wrote him a letter from a Brampton institution.

The last time Father MacDonald saw Silmser

was in around November, 1975. Silmser had stolen money from his employer. He had used the money to travel and then return to the Cornwall area. He walked into Father MacDonald's place 'with his head hanging low and all very contrite'. At the time a friend of Father MacDonald's was present and they talked Silmser into giving himself up to the police. Father MacDonald drove Silmser to the Ottawa Police Station. The drive to Ottawa was the only time Silmser was ever in one of Father MacDonald's cars. Father MacDonald did not at any time have any sexual contact with Silmser."

Reference, Exhibit 2236.

"On December 9th, 1992 Sergeant Nakic of the Cornwall Police Service received a telephone call from Silmser. Silmser alleged that he had been sexually abused by Father MacDonald when he was an altar boy at St. Columban's Parish. He further alleged that Probation Officer Ken Seguin, a friend of the priest, had also sexually assaulted him."

Reference, Exhibit 293.

"On December 17th, 1992 Father MacDonald met with Monsignor McDougald at the parish house in St. Andrew's. Monsignor McDougald presented Father MacDonald with a letter addressed to Monsignor McDougald from Monsignor Schonenbach dated December 11th, 1992. The

letter summarises Monsignor Schonenbach's meeting with Silmser of December 8th, 1992 wherein Silmser alleged that Father MacDonald sexually assaulted him as a youth."

Reference, Exhibit 2236 and Exhibit 311.

"In his examination for discovery, Father MacDonald stated that at this meeting Monsignor McDougald handed him the letter without much comment. After reading the letter Father MacDonald said, 'Don, I never did any of these things to David Silmser'. According to Father MacDonald, they talked for a little while and Monsignor McDougald said, 'Well, you better find a lawyer'."

Reference, Exhibit 2236.

"According to Father MacDonald's statement at his examination for discovery, that same day Father MacDonald retained Angus Malcolm MacDonald as his lawyer."

Reference, Exhibit 2236.

"According to a letter from Malcolm MacDonald to Monsignor McDougald dated December 21st, 1992, Malcolm MacDonald was present at a meeting between Father MacDonald and Monsignor McDougald on December 17th, 1992. Also in that letter Malcolm MacDonald confirmed that he was retained by Father MacDonald and advised that Father MacDonald was prepared to undergo a polygraph test concerning his response to the allegations."

Reference, Exhibit 1161.

"According to Father MacDonald's statement at his examination for discovery, he became aware that the CPS was investigating Silmser's allegations probably around January or February, 1993. He was never contacted by the CPS. According to Father MacDonald, between December, 1992 and January, 1994 he was not contacted by any police officers."

Reference, Exhibit 2236.

"According to Father MacDonald's examination for discovery, the idea of making a settlement with Silmser was first raised in early summer 1993 when Father MacDonald, Seguin and Malcolm MacDonald were 'sitting around tossing the whole thing back-and-forth and Ken mentioned something about out-of-court settlements, I believe’."

Reference, Exhibit 2236.

"In his examination for discovery Father MacDonald stated that the next time there was any discussion or information brought to him in connection with the idea of settling the case was around late August, 1993. At this time he was contacted by Malcolm MacDonald, who said something to the effect of, 'I think we have a settlement’.

Father MacDonald's initial reaction about the settlement was that it was 'distasteful to me because I

felt it sounds like extortion, against my principles. However, I had to weigh that against my good name that I had all these many years'."

The reference, Exhibit 2236.

"According to Father MacDonald's evidence at the examination for discovery, he agreed to pay $6,000 to Silmser and his understanding of the settlement was that, 'The thing was settled, closed, finished'. He further stated that there was no discussion between himself and Malcolm MacDonald about what would happen to the criminal investigation."

Reference, Exhibit 2236.

"According to Father MacDonald's evidence at the examination for discovery, he never saw the release signed by Silmser. Further, he stated that he did not instruct Malcolm MacDonald to deliver the settlement cheque to Sean Adams to hold until Silmser advised CPS that he did not want to proceed with criminal charges. He stated that he was not aware that Malcolm MacDonald had done so."

Reference, Exhibit 2236.

"On September 2nd, 1993 Silmser wrote a note to the CPS, stating that he had made a complaint concerning Father MacDonald and that he had received a civil settlement to his satisfaction and that he did not wish to proceed further with any criminal charges."

Reference, Exhibit 266.

"On September 30th, 1993 Perry Dunlop, then a CPS officer, provided Richard Abell, Director of the Children's Aid Society, a copy of Silmser's statement."

Reference, Exhibit 262 and Exhibit 1441.

"In his examination for discovery Father MacDonald stated that he had a meeting regarding Silmser's allegation with Bishop LaRocque and Monsignor McDougald in approximately September, 1993. At that meeting the Bishop asked Father MacDonald to go to a treatment centre and Father MacDonald agreed to do so.

In his examination for discovery Father MacDonald further stated that the CPS had suggested he go to a treatment centre."

Reference, Exhibit 2236.

"According to an affidavit sworn by Father MacDonald on March 26th, 2002 in support of his Charter application in *R v. MacDonald*, the Bishop ordered him to leave the parish in which he was working and cease all activities as a priest."

Reference, Exhibit 2243.

"Father MacDonald attended Southdown Treatment Centre for an assessment from October 10th to October 15th, 1993. Bishop LaRocque was provided with a copy of Southdown's assessment report under cover of letter

dated October 22, 1993."

Reference, Exhibit 2244 and Exhibit 2245.

"Father MacDonald signed a document, which was noted received by Bishop LaRocque on October 30th, 1993. The document stated that Bishop LaRocque had announced Father MacDonald's resignation, effective immediately, and that Father MacDonald had asked for 'time for rest and personal renewal before accepting reassignment’."

Reference, Exhibit 2246.

"On November 1st, 1993 Bishop LaRocque and Chancellor Denis Vaillancourt wrote a letter to Father MacDonald, thanking him for his work at St. Andrew's and for his resignation as pastor of that parish."

Reference, Exhibit 2247.

"Father MacDonald entered the residential program at Southdown on November 28th, 1993 and was scheduled to leave the program on May 27th, 1994. In a letter dated May 25th, 1994 Dr. Ruth Droege reported on Father MacDonald's course of treatment to Bishop LaRocque."

Reference, Exhibit 2242.

“On January 6th, 1994, CJOH ran a television news story containing details regarding Silmser and his allegations against Father MacDonald.”

Reference, Exhibit 2248.

“By way of a letter dated January 11th, 1994,

C-3 advised Bishop LaRocque that Father MacDonald had also allegedly abused him during the time he was at St. Columban's parish."

Reference, Exhibit 416.

"On February 16th, 1994, Detective Constable Mike Fagan of the Ontario Provincial Police contacted C-3. C-3 advised that he had communicated with the Bishop and that he did not want to get further involved."

Reference, Exhibit 419.

"On January 25th, 1994, Gregory Bell and William Carrière of the Children's Aid Society wrote a letter to Father MacDonald, requesting that he respond to the question, 'Have you ever sexually abused a child or children under the age of 16?' On January 31st, 1994, Father MacDonald responded in his own handwriting on the body of the letter, 'My answer to the above question number 1 is an emphatic no.'"

The reference is Exhibit 2249.

"On March 1st, 1994, Bell, Carrière and Giussepina DeBellis wrote to Father MacDonald and advised that, 'After a thorough investigation and careful consideration of all available information, the Society had concluded that there is sufficient information to support a finding that you sexually molested Mr. Silmser when he was a child.'"

Reference, Exhibit 2250.

"In his examination for discovery, Father MacDonald states that on the day before he left Southdown Treatment Centre, May 26th or 27th, 1994, Detective Constable Fagan drove up to speak with him. Father MacDonald told Detective Constable Fagan that he wasn't in a position to answer any questions until he had spoken to his lawyer."

Reference, Exhibit 2236.

"According to Father MacDonald's examination for discovery, on June 15th, 1994 he spoke to Detective Constable Fagan in the presence of another officer and Malcolm MacDonald at the OPP detachment in Long Sault and answered his questions."

Reference, Exhibit 2236.

"There is a transcription of an interview of Father MacDonald dated June 7th, 1994. Conducting that interview were Detective Constable Fagan and Constable Norman Hurtubise. Malcolm MacDonald was present as Father MacDonald's lawyer. In the interview Father MacDonald denied all the allegations of sexual conduct made by Silmser and provided the officers with the letter Father MacDonald had received from Silmser."

Reference, Exhibit 2251.

"In mid-November 1994, Regional Director of Crown Attorneys, Peter Griffiths, was provided with a two-

volume Crown brief with respect to the allegations made by David Silmser against Father MacDonald. According to his letter of December 21st, 1994, it was Crown Attorney Griffiths' advice that the evidence did not reach the threshold of objective, reasonable and probable grounds. Mr. Griffiths further advised that absent a subjective belief that reasonable and probable grounds existed, charges could not be laid."

Reference, Exhibit 393.

"On December 24th, 1994, the Standard Freeholder published an article entitled 'No grounds to charge priest: OPP.' The article reported that the OPP had found that there were no grounds to lay criminal charges against a Cornwall priest in the alleged assault."

Reference, Exhibit 2252.

"By way of a letter dated August 11th, 1995, John MacDonald disclosed to Father Maloney of St. Columban's parish allegations that Father MacDonald had abused him when he was an altar boy at St. Columban's parish. On August 21st, 1995, John MacDonald was contacted by Constable Bough of the CPS with respect to his allegations."

Reference, Exhibit 202 and Exhibit 2253.

"On March 5th, 1996, Crown Attorney Robert Pelletier sent a memorandum to Detective Inspector Tim

Smith of the OPP, recommending that charges be laid against Father MacDonald in respect of allegations made by three complainants."

Reference, Exhibit C-394.

"On March 6th, 1996, Detective Constable Fagan swore an information, laying a set of seven charges against Father MacDonald in relation to the three complainants: Silmser, C-3 and John MacDonald."

Reference, Exhibit 2254.

"The preliminary inquiry in *R. v. MacDonald* was commenced February 24th, 1997. On February 26th, 1997, counsel for Father MacDonald applied for an adjournment of the preliminary inquiry due to the recent surfacing of a new complainant, C-8. The application was denied.

On February 28th, 1997, counsel for Father MacDonald renewed his application for an adjournment and advised the Court that he intended to apply for a writ of prohibition. The Court ruled that the matter could not continue until the application for extraordinary remedy was dealt with or at least counsel was given some time to confirm or receive instructions."

Reference, Exhibit 2254.

"The preliminary inquiry resumed on September 8th, 1997 and continued to receive evidence up to and including September 11th, 1997. On October 24th, 1997,

Father MacDonald was committed for trial on the first set of charges. An indictment on the seven charges was signed by Crown Attorney Pelletier on October 30th, 1997."

Reference, Exhibit 2256 and Exhibit 2257.

"On January 26th, 1998, a second set of charges was laid against Father MacDonald in an information sworn by Detective Constable Dupuis of the OPP. There were eight charges relating to five additional complainants: C-4, C-8, Robert Renshaw, C-5 and Kevin Upper."

Reference, Exhibit 2258.

"The preliminary inquiry was heard in March 1999 and on May 3rd, 1999, Father MacDonald was committed for trial on the second set of charges, and Crown Attorney Pelletier signed an indictment enclosing those eight charges on May 5th, 1999."

Reference, Exhibit 2259 and Exhibit 2260.

"On September 10th, 1999, Assistant Crown Attorney Hallett signed and filed a new indictment consolidating all of the charges from the indictment dated October 30th, 1997 and May 5th, 1999.

On September 15th, 1999, the indictment of October 30th, 1997 and May 5th, 1999 were withdrawn and a six-week trial on the September 10th, 1999 indictment was set to commence the week of May 1st, 2000."

Reference, Exhibit 2261.

"On April 10th, 2000, a further information was sworn by Detective Constable Dupuis, laying four additional charges against Father MacDonald with respect to the complainant C-2. A further preliminary inquiry was held in August 2000 and on August 30th, 2000, Father MacDonald was committed for trial on the four charges related to C-4."

Reference, Exhibit 1128.

"On October 18th, 2000, assistant Crown Attorney Hallett provided assistant Crown Attorney Guy Simard of the Cornwall Crown's Office with a draft new indictment, consolidating the charges on the indictment dated September 10th, 1999 with the new charges related to C-2."

Reference, Exhibit 2263 and Exhibit 2264.

"On October 19th, 2000, a four to six-week trial was set for May 28th, 2001."

Reference, Exhibit 2261.

"On April 25th, 2001, Father MacDonald's counsel applied for an adjournment of the May 28th, 2001 trial date because he was tied up with an ongoing homicide trial in Lanark County. The adjournment was granted and the new trial date was set as March 18th, 2002."

Reference, Exhibit 2265.

"The matter was next before the courts on

April 29th, 2002. On that date, Father MacDonald was arraigned and pled not guilty to each of the 19 charges against him. Before the court were two applications brought by the defence: a Charter application pursuant to Section 11(b) and a Charter application pursuant to Section 7. It was agreed that the Court would hear the Section 11(b) application prior to trial."

Reference, Exhibit 183.

"In support of the Section 11(b) Charter application, Father MacDonald swore an affidavit dated March 26th, 2002."

Reference, Exhibit 2243.

"On May 1st, 2002, the Crown withdrew 6 of the 19 counts, Counts 2, 3, 16, 17, 18 and 19 against Father MacDonald on the basis of no reasonable prospect of conviction. The charges withdrawn were in relation to the complainants C-8 and C-2."

Reference, Exhibit 720.

"On May 13th, 2002, Justice Chilcott allowed the Section 11(b) Charter application and stayed all of the remaining charges against Father MacDonald."

Reference, Exhibit 227.

"On January 8th, 2003, Crown Attorney Lorne McConnery wrote a letter to each of Detective Sergeant Hall of the CPS and Detective Sergeant Carroll. In the letters

he wrote that he had reviewed the Crown briefs relating to a further alleged victim of Father MacDonald and advised that the determination by the investigators that reasonable and probable grounds do not exist to lay charges to be 'reasonable and appropriate'.

In his letter, Mr. McConnery also refers to a previous decision not to lay charges in the mid-1990s with respect of the same allegations."

Reference, Exhibit 2266 and Exhibit 1704.

"On April 6th, 1995, Silmser commenced a civil action against Father MacDonald, Bishop Proulx and the Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall in Ontario. Silmser claimed damages arising from alleged sexual, emotional and mental abuse by Father MacDonald."

Reference, Exhibit 1929.

"Counsel for Father MacDonald filed a Statement of Defence and Counterclaim dated May 11th, 1995. In his Counterclaim, Father MacDonald claimed damages from David Silmser for false and malicious accusations and criminal prosecution."

Reference, Exhibit 1929.

"A Reply in Defence to Father MacDonald's Counterclaim dated May 17th, 1995 was filed with the court."

Reference, Exhibit 1929.

"A third-party claim was issued on August 29, 1995 in the Silmser action by Father MacDonald against Malcolm MacDonald and Sean Adams in negligence and breach of contract for their roles in the initial $32,000 settlement."

Reference, Exhibit 1929.

"Malcolm MacDonald entered defences to the main action and the third-party claim dated November 15th, 1995."

Reference, Exhibit 1929.

"Father MacDonald was examined for discovery in the Silmser action on December 11th, 1995."

Reference, Exhibit 2236.

"On November 4th, 1999, counsel for the Diocese and Bishop Proulx wrote a letter reporting that Silmser's action had been dismissed as abandoned."

Reference, Exhibit 2267.

"On October 4th, 1995, John MacDonald commenced a civil action against Father MacDonald, Bishop Proulx and the Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall in Ontario. John MacDonald claimed damages arising from sexual assault -- alleged sexual, emotional and mental abuse by Father MacDonald."

Reference, Exhibit 2268.

"Counsel for Father MacDonald filed a

Statement of Defence to the MacDonald action dated November 3rd, 1995."

Reference, Exhibit 2268.

"John MacDonald also filed an application with the Criminal Injuries Compensation Board. The Board found on October 16, 2003 that there was 'insufficient evidence to conclude on a balance of probabilities that the Applicant was a victim of a crime of violence'."

Reference, Exhibit 229.

"On November 27th, 1995, C-3 commenced a civil action against Father MacDonald, Bishop Proulx and the Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall in Ontario. C-3 claimed damages arising from alleged sexually emotional and mental abuse by Father MacDonald."

Reference, Exhibit 2269.

"Counsel for Father MacDonald filed a Statement of Defence to the C-3 action dated December 20th, 1995."

Reference, 2269.

"Father MacDonald was examined for discovery in the C-3 action and the Father MacDonald action jointly on January 24th, 1996."

Reference, Exhibit 2270.

"On October 7th, 1997, counsel for Father

MacDonald brought a motion in the C-3 action seeking that the action be stayed on the basis that proceedings with the civil action would likely materially prejudice the collateral pending criminal proceeding against Father MacDonald."

Reference, Exhibit 2271.

"On February 13th, 1998, C-3 signed a full and final release, discharging all of the defendants in the C-3 action in consideration of a payment of $20,000 from Father MacDonald."

Reference, Exhibit 2030.

"C-3 also filed an application with the Criminal Injuries Compensation Board. The Board made the following finding on December 28th, 2007: 'The full and final release as signed by the Applicant is broad enough to preclude the Applicant from bringing an application for compensation'."

Reference, Exhibit 2272.

"The two further alleged victims of Father MacDonald issued Statements of Claim against Father MacDonald and the Diocese in early 2005."

Reference, Exhibit 2273 and Exhibit 2274.

**THE COMMISSIONER:** You're all done.

**MS. HAMOU:** That's all for me.

**THE COMMISSIONER:** That's all for you.

Well, I guess we'll call it a day and come back tomorrow morning at 9:30. We'll either do the cross-examination of Mr. Towndale or we'll start a new witness.

**MS. HAMOU:** Perfect.

**THE COMMISSIONER:** Thank you.

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

This hearing is adjourned until tomorrow morning at 9:30 a.m.

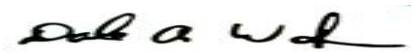
--- Upon adjourning at 3:57 p.m./

L'audience est ajournée à 15h57

C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Dale Waterman, CVR-CM