

IN THE MATTER OF:

Commission of Inquiry into the Circumstances
Surrounding the Death of Phoenix Sinclair

CROSS-EXAMINATION OF: SHIRLEY ANNE COCHRANE

CROSS-EXAMINATION BY: MR. J. KROFT and
MR. J. GINDIN

CROSS-EXAMINATION DATE: THURSDAY, MAY 24, 2012

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ORIGINAL

The Cross-examination on Affidavit of **SHIRLEY ANNE COCHRANE**, viva voce, on oath, had and taken by Jill Proctor, an Official Examiner in this Honourable Court, at the offices of Aikins Law, in the City of Winnipeg, Province of Manitoba, on Thursday the 24th day of May 2012 at 10:01 a.m.

APPEARANCES:

On behalf of the Witness:	Ms J. Jardine, Mr. H. Khan, Mr. J. Benson
On behalf of the Media Group:	Mr. J. Kroft, Ms. B. Chisick
On behalf of Kim Edwards And Steve Sinclair:	Mr. J. Gindin, Mr. D. Ireland
On behalf of the Department Of Family Services and Consumer Affairs:	Ms T. Welsh
On behalf of CFS General, North, South, ANCR:	Mr. L. Bernas

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EXHIBITS:

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EXHIBIT # 1 - AFFIDAVIT.

1

1 THURSDAY, MAY 24, 2012 10:01 A.M.

2
3 **SHIRLEY COCHRANE, BEING FIRST DULY**
4 **AFFIRMED, TESTIFIED AS FOLLOWS:**

5
6 **CROSS-EXAMINATION**

7
8 **BY MR. KROFT:**

9 1 Q Ms Cochrane, just before, actually, we
10 will start by taking a look at your affidavit,
11 just so that we can mark it for the record.
12 So I am going to show you a copy, just so you
13 can verify that, in fact, it is your affidavit.

14 As you are crawling across the table to get it?

15 A Yes. It is.

16 **MR. KROFT:** Yes, it is. So we will mark
17 that as the first exhibit, please.

18 **EXHIBIT # 1 - AFFIDAVIT.**

19
20 **BY MR. KROFT:**

21 2 Q I have a few questions that I think your
22 counsel may be more comfortable answering than
23 you, I have no problem with that. Ms Jardine,
24 how many applicants is your firm representing?
25

2
1 **MS JARDINE:** How many applicants?

2 **MR. KROFT:** Yes, how many people are
3 seeking to have this order applied to them?

4 **MS JARDINE:** Just one, ICFS. How many
5 individual witnesses are you talking about?

6 **MR. KROFT:** Correct.

7 **MS. JARDINE:** The only witnesses that we
8 are aware of at this point are, there are three.
9 Three all together. How many is it going to affect?
10 Because Shirley would be the third one so it would be
11 two.

12 **MR. KROFT:** Two. Maybe we can go off the
13 record.

14 **(DISCUSSIONS HELD OFF THE RECORD)**

15
16
17 **MR. KROFT:** So there are two witnesses that
18 you represent, that, are going to be affected by the
19 order you are seeking?

20 **MS JARDINE:** Correct.

21 **MR. KROFT:** And, I take it that you are
22 expecting that those two witnesses will be called at
23 the inquiry?

24 **MS JARDINE:** Yes. That is based on the
25 witness list that we received thus far.

3
1 **MR. KROFT:** Both of those people are
2 currently employees of ICFS, are they?

3 **MS JARDINE:** Correct.

4 **MR. KROFT:** Ms Cochrane is anticipated as
5 well to be a witness?

6 **MS JARDINE:** Correct.

7 **MR. KROFT:** Are you seeking this order to
8 apply to her as well?

9 **MS JARDINE:** No.

10 **MR. KROFT:** Just allow me to put on the
11 record that as a result of arrangements that we made
12 at the last Commission meeting to accelerate these
13 processes, I have advised that I will bringing some
14 motions to strike out portions of the affidavits. I
15 am not going to, I have taken the position, and
16 advised the Commissioner I wouldn't take the position
17 that I would bring those motions beforehand, I will
18 simply argue them as part of the main hearing, and I
19 am doing this without prejudice to those motions.

20 **MS. JARDINE:** That is understood.

21 **MR. KROFT:** Are you putting Ms Cochrane
22 forward as an expert witness?

23 **MS. JARDINE:** No.

24 **BY MR. KROFT:**

25 3 Q All right. Ms Cochrane, I expect you

4
1 have been feeling ignored.

2 A Somewhat. Yes.

3 4 Q Let's talk then about the case. At the
4 time of the death of Phoenix Sinclair, were all
5 or both of the two ICFS employees that this
6 affects working out of the same ICFS office?

7 A No. One was working out of our Winnipeg
8 outreach office and the other was working in
9 our main office in Fisher River.

10 5 Q And are both of those people still
11 employees of ICFS?

12 A Yes, they are.

13 6 Q Are they both in the same offices?

14 A Yes. They are. At this time, yes.

15 7 Q Did any of the two people that are the
16 subject of this particular motion that ICFS has
17 brought come forward by themselves to ask to
18 testify, or were both of them identified by
19 Commission counsel as being witnesses?

20 A From my understanding, both were
21 identified.

22 8 Q And without giving me any details right
23 now, did the Commission advise ICFS and these
24 people as to why the Commission feels that they
25 have evidence that is relevant to the death of

5

1 Phoenix Sinclair?
 2 A Can you repeat that?
 3 9 Q Yes.
 4 A I don't understand your question.
 5 10 Q Has ICFS been advised by the Commission as
 6 to why it is taking the position that the two
 7 people we are talking about have knowledge,
 8 that is relevant to the facts of the Phoenix
 9 Sinclair death? Don't tell me what it is,
 10 just tell me yes or no for now?
 11 A No.
 12 11 Q You don't know why they are being
 13 called --
 14 A I am sorry, I misunderstood, yes, we have
 15 an idea as to why they are being called based
 16 on.
 17 **MS. JARDINE:** Just for clarification, we
 18 have an idea, but we haven't been officially,
 19 formally told what it is they are specifically
 20 seeking.
 21 **BY MR. KROFT:**
 22 12 Q But, you understand, at least generally,
 23 why Commission counsel feels that these two
 24 particular people might have something to add
 25 to the discussion about the death?

6

1 A Yes.
 2 13 Q Now, without naming the people, because, I
 3 am assuming your counsel will object to that.
 4 **MS. JARDINE:** Yes.
 5 **BY MR. KROFT:**
 6 14 Q Can you give me an understanding of the
 7 nature of the connection between the two
 8 inquiry witnesses, and the events that are the
 9 subject of the inquiry?
 10 A Yes. One of the staff received the
 11 initial first call that came to Intertribal in
 12 regards to the disclosure. The other had
 13 contact with, how can I say family, family
 14 contact on the Fisher River Cree Nation.
 15 15 Q Family you mean the Sinclair family?
 16 A No. I mean the -- I am unsure if I can
 17 name --
 18 16 Q When you say family connection, do you
 19 mean a personal relative?
 20 A No.
 21 17 Q You mean they provided services to people
 22 who might have been related to Phoenix
 23 Sinclair?
 24 A Yes.
 25 18 Q I understand. Just to be clear, these

7

1 two witnesses are expected to be called in
 2 respect of Phase I of the inquiry, correct?
 3 A Yes.
 4 19 Q And, Ms Jardine, are you representing
 5 anyone as being potentially subject to this
 6 order, who is proposing to give evidence not
 7 specifically about the incidents of the death
 8 of Phoenix Sinclair, but generally on public
 9 policy matters?
 10 A No.
 11 20 Q Does anyone in your community already know
 12 that these two people may be called in the
 13 inquiry?
 14 A I am not aware of that.
 15 21 Q You don't know one way or the other?
 16 A No.
 17 22 Q Is anyone in the community already aware
 18 that these two individuals had some connection
 19 to Phoenix Sinclair or her family, or the
 20 incidence of her death?
 21 A No, I am not aware of that.
 22 23 Q When you say you are not aware of that,
 23 you are saying you don't know one way or the
 24 other?
 25 A Yes.

8

1 24 Q You are the most senior employee at ICFS?
 2 A Yes, I am.
 3 25 Q And ICFS is a full party to this inquiry,
 4 right?
 5 **MS. JARDINE:** Yes.
 6 **THE WITNESS:** Yes.
 7 **BY MR. KROFT:**
 8 26 Q And in order to get that role, ICFS had to
 9 make an application to do that?
 10 A Yes.
 11 27 Q And I take it that would have, you would
 12 have had something to do with instructing
 13 counsel to make that decision to apply?
 14 A Yes.
 15 28 Q When you did that, you were, of course,
 16 aware that it wouldn't be a secret that ICFS
 17 would be a party to the inquiry?
 18 A Yes.
 19 29 Q You knew it was going to be public?
 20 A Yes.
 21 30 Q In, if you could look at paragraph 17 of
 22 your affidavit, please? In paragraph 17, you
 23 are referring to comments that have been made
 24 by members of the public to you, and to your
 25 staff about a connection between ICFS, and the

1 death of Phoenix Sinclair?
 2 A Yes.
 3 31 Q And I take it that the people who made
 4 these comments made them to you, or to your
 5 staff understanding that you and the staff work
 6 at ICFS?
 7 A Yes.
 8 32 Q Were any of the staff who received the
 9 comments in paragraph 17 of your affidavit
 10 staff who will be testifying at the inquiry?
 11 A Yes.
 12 33 Q Were other staff also the recipients of
 13 these kind of comments or was it just those
 14 two?
 15 A No, it was staff, the overall staff of
 16 Intertribal.
 17 34 Q How many incidents are you referring to?
 18 A Well throughout the past six years it is
 19 really hard to determine. But it was more or
 20 less quite often. It was in the course of
 21 being in the community as well as doing their
 22 job and interacting with our community that
 23 comments were made in respect to perception
 24 that Intertribal was involved with Phoenix
 25 Sinclair.

1 35 Q This is the community interacting with
 2 staff of ICFS generally?
 3 A Yes.
 4 36 Q Can you tell me how many incidents there
 5 were?
 6 A I -- it is really hard to determine,
 7 maybe not every time a staff would have
 8 interactions with the public, but maybe on the
 9 average of maybe six or seven statements within
 10 a week, or, you know, it was quite often.
 11 37 Q Consistently for the past --
 12 A Not consistently. There were times where
 13 it was quiet. But I really can't honestly
 14 determine the amount of times that staff were
 15 subjected to comments.
 16 38 Q Did you have any system in place to keep
 17 track of the comments?
 18 A No. We didn't.
 19 39 Q So, this is really a comment you are
 20 making based on your perception, but not on any
 21 records you kept or monitoring you did,
 22 correct?
 23 A Yes. And this was given to me by the
 24 staff themselves. Of comments that were said
 25 when they were out in the field.

1 40 Q But there was no, there was no system in
 2 place to get those comments?
 3 A No.
 4 41 Q This would just be people who mentioned
 5 things to you.
 6 A Mh-hmm.
 7 42 Q And you are now mentioning to us in the
 8 affidavit?
 9 A Yes.
 10 43 Q And, in paragraph 20, you also refer to
 11 some interactions that occurred between your
 12 staff and this time families who were receiving
 13 services?
 14 A Yes.
 15 44 Q Did you have a system in place for
 16 recording these incidents?
 17 A I don't, I don't think we had a system in
 18 place to track those incidents, verbal
 19 statements.
 20 45 Q So, was this sort of a similar situation,
 21 where people mentioned to you that some
 22 comments had been made, and now you are
 23 reporting that to us?
 24 A Yes.
 25 46 Q When were these types of comments made?

1 A The majority of the comments were made
 2 when workers were apprehending children from
 3 families. And it was mostly the protection
 4 files that the subject of Phoenix came into
 5 play and statements were made to our workers
 6 that we were somewhat responsible for Phoenix,
 7 and we were -- unfortunate, but very,
 8 statements made to the staff that we were baby
 9 killers. And it was, you know, just really
 10 terrible situations of those statements.
 11 47 Q Okay. I was asking you when in the sense
 12 of chronology?
 13 A I think that right from '06, that the
 14 public, the members of our community, when they
 15 are facing contact with agency, when an agency
 16 is apprehending and placing a child, that is
 17 when they would make those comments.
 18 48 Q Has it been consistent from '06 to the
 19 present day?
 20 A Somewhat consistent.
 21 49 Q And in paragraph 20, you say that the
 22 comments were made essentially that ICFS, and
 23 its staff were responsible for the death?
 24 A Yes.
 25 50 Q And was ICFS or any of its staff

1 responsible for the death of Phoenix Sinclair?
 2 A No.
 3 51 Q And I take it that your view on that point
 4 is based on all of the information that you
 5 have gathered over these years?
 6 A Yes.
 7 52 Q And I take it you have made a careful
 8 inquiry, as much as you could get from the
 9 information available, as to what happened?
 10 A Yes.
 11 53 Q Are you afraid facts are going to come out
 12 at the inquiry, that will change your mind
 13 about whether ICFS and its staff were
 14 responsible for the death of Phoenix Sinclair?
 15 A No.
 16 54 Q You are confident there is nothing?
 17 A Yes.
 18 55 Q Can I suggest to you then that what is
 19 bothering you, at least what comes through to
 20 me from your affidavit, is that you believe
 21 people are under a misconception about the true
 22 involvement of ICFS and the death of Phoenix
 23 Sinclair; isn't that right?
 24 A Yes.
 25 56 Q I take it that you don't take the position

1 that your community is not capable of
 2 understanding the accurate facts if they are
 3 allowed to have them, that is not your
 4 position, is it?
 5 A No, it isn't.
 6 57 Q Does ICFS object to the community knowing
 7 the truth about the circumstances surrounding
 8 Phoenix Sinclair's death?
 9 A No. We don't.
 10 58 Q Would it be fair to say that you are
 11 confident in your community, that if it has the
 12 truth it will come to fair and rational
 13 conclusion?
 14 A Yes.
 15 59 Q Now, the people who received the comments
 16 that you are recounting in paragraph 20 of your
 17 affidavit.
 18 A Yes.
 19 60 Q Those people received the comments because
 20 people knew they were staff of your agency,
 21 right?
 22 A Yes.
 23 61 Q Can you take a look at paragraph 15 of
 24 your affidavit, please. Fifteen, one five.
 25 In paragraph 15, you suggest that there was

1 feelings of guilt?
 2 A Mh-hmm.
 3 62 Q On the part of your staff, in relation to
 4 Phoenix Sinclair?
 5 A Yes.
 6 63 Q Guilt about what?
 7 A Just by association of the traumatic event
 8 that occurred in our community.
 9 64 Q Are you saying that the staff felt that
 10 they did something wrong?
 11 A No. No. I am not saying that.
 12 65 Q So, they didn't themselves feel guilty?
 13 A No.
 14 66 Q And at whom were they angry?
 15 A They were angry at, I guess mostly at the
 16 involvements of the parents of Phoenix, and
 17 being angry towards that. As well as being
 18 angered by the media, and the comments in the
 19 media, I refer to affidavit Exhibit "A". In
 20 regards to the assumption there is a statement
 21 there that there was a First Nation agency
 22 involved. And we are, by, in our community,
 23 we are the only First Nation involved.
 24 67 Q And what angered them, because, it wasn't
 25 true?

1 A Yes.
 2 68 Q And they felt that people should know the
 3 truth?
 4 A Yes.
 5 69 Q Okay. Then resentment, you say that your
 6 staff felt resentment, resentment against whom?
 7 A Resentment against the media, and the
 8 portrayal of the media's sensationalizes the
 9 story itself. As well that that sense of
 10 resentment from the powers of authority, in
 11 regards to the authority, and not supporting
 12 the agency. With --
 13 70 Q I am, try that again, I didn't follow the
 14 second point?
 15 A I guess the sense of resentment that we
 16 didn't have the support from our, our, how
 17 would I say monitoring bodies of which was the
 18 Southern Authority.
 19 71 Q So, the Southern Authority didn't step to
 20 the plate to defend the agency as you feel it
 21 should have?
 22 A Yes.
 23 72 Q And you refer to your staff feeling
 24 betrayed?
 25 A Yes.

1 73 Q And, whom did they believe betrayed them?
 2 A Betrayed from, betrayal from the, from the
 3 overall system, I guess, and betrayal from the
 4 media, the sensationalizing, sensationalizing
 5 of the story itself. And.
 6 74 Q Go ahead, I am sorry.
 7 A And the betrayal that the community wasn't
 8 there, and that the community would backlash,
 9 or have some sort of resentment to the agency
 10 for failing Phoenix. And we felt that
 11 betrayal that, we couldn't express openly
 12 during that time that we as a First Nation
 13 agency were not responsible in the overall. I
 14 don't know, if I answered your question.
 15 75 Q I think, I think you did. I will just
 16 ask for a little bit of clarification. I am
 17 going to go backwards. See if I remember what
 18 you said.
 19 A Mh-hmm.
 20 76 Q The betrayal by the community was the
 21 community didn't stand behind the agency?
 22 A Yes.
 23 77 Q And, in part you attribute that to the
 24 fact that the community didn't have all of the
 25 facts?

1 A Yes.
 2 78 Q And assumed a connection that you felt
 3 didn't exist?
 4 A Mh-hmm.
 5 79 Q And I have to get you to say yes or no
 6 because mh-hmms don't work on the transcript.
 7 A Yes. Mh-hmm.
 8 80 Q Now, betrayal by the media, and you
 9 referred to sensationalism.
 10 A Yes.
 11 81 Q Would its also be fair to say, that there
 12 was concern that the media didn't have the
 13 right facts?
 14 A Yes.
 15 82 Q You, your staff and you aren't suggesting
 16 that the media shouldn't be reporting on the
 17 death of Phoenix Sinclair?
 18 A No, we are not.
 19 83 Q That was a very important event in
 20 Manitoba?
 21 A Yes. It was.
 22 84 Q And particularly important to your
 23 community?
 24 A Yes.
 25 85 Q And, certainly, something that warrants

1 important and thoughtful public debate?
 2 A Yes.
 3 86 Q Can I take you to paragraph 21 of your
 4 affidavit. Here you are, I guess, repeating
 5 staff concerns?
 6 A Yes.
 7 87 Q And looking at 21(a). Does your staff
 8 believe that if accurate facts are known, your
 9 staff will appear incompetent in the eyes of
 10 the community?
 11 A Can you rephrase that?
 12 88 Q Yes, is your staff concerned that if the
 13 true facts are known, they will appear to your
 14 community to be incompetent?
 15 A No.
 16 89 Q I take it you understand that members of
 17 your community, regardless of what happens with
 18 this application, will be free to attend?
 19 A Yes.
 20 90 Q And from your affidavit, I take it that
 21 members of your community have a particular
 22 interest in attending?
 23 A Yes.
 24 91 Q And so you would assume that a number of
 25 them will attend?

1 A Yes.
 2 92 Q You are not seeking to somehow prevent
 3 them from talking to their friends, or
 4 neighbors, are you?
 5 A No, I am not.
 6 93 Q Or their families?
 7 A No. I am not.
 8 94 Q You understand that regardless of what the
 9 media publishes, once the inquiry starts, and
 10 your community members attend, they will be
 11 free to talk about all of the things that go on
 12 in the hearing room?
 13 A Yes.
 14 95 Q And your community knows the social
 15 workers who are part of your community?
 16 A Yes, they do.
 17 96 Q You mentioned a few moments ago, that one
 18 of the feelings of anger, and betrayal was that
 19 at the time of Phoenix Sinclair's death, or at
 20 the time it was discovered and announced, ICFS,
 21 and its staff couldn't respond to what you
 22 perceived to be misperceptions in the
 23 community?
 24 A Yes.
 25 97 Q And I take it just from reading your

1 affidavit that you were asked at the time of
 2 the investigation not to talk a lot about it,
 3 you were asked by the police?
 4 A Yes.
 5 98 Q But that time has long since passed?
 6 A Yes.
 7 99 Q Have you, or your agency done anything to
 8 try to correct any of those misperceptions in
 9 the community yourself since the investigation
 10 was completed?
 11 A I think what we have done, in our
 12 community is to meet with our resources, and to
 13 work towards fully understanding of
 14 Intertribal's involvement without disclosing a
 15 lot of confidential information. And just
 16 providing the statements that we did not have
 17 an open protection file on Phoenix Sinclair,
 18 however, you know the agency had an impact,
 19 because this was, happened in our jurisdiction
 20 that we provide services for. So, we have
 21 been doing a lot of info sessions with our
 22 community leaders, as well as our community
 23 resources.
 24 100 Q Who has been conducting those info
 25 sessions?

1 A Myself as executive director of the
 2 agency. As well as the workers, when they are
 3 doing workshops, they present some information
 4 in regards to how does the agency work.
 5 101 Q In those sessions, do they specifically
 6 refer to the Phoenix Sinclair case, and the
 7 misperceptions that you feel were spreading?
 8 A No, not specifically to those. It is
 9 more or less an understanding as to the
 10 responsibility of Child and Family. And the
 11 responsibility of collaterals, that they are
 12 important to us. And we wanted to have a
 13 positive relationship because of the media's
 14 reports, and the perception that we were
 15 involved.
 16 102 Q And, once you have made those
 17 explanations, and given them the true facts,
 18 are they receptive to that?
 19 A Yes.
 20 103 Q Can I presume then, that since you have
 21 been able to discuss the true facts, those
 22 difficult situations have been at least
 23 somewhat mitigated?
 24 A Somewhat. Yes.
 25 104 Q Just getting back to the efforts you have

1 made to deal specifically with the
 2 misperceptions relating to the death of Phoenix
 3 Sinclair, I want to make sure that I understand
 4 your evidence. I think you told me that it was
 5 only you who were conducting workshops, on that
 6 specific issue, not anyone else?
 7 A No, not workshops. It was more or less
 8 like when we network, we have meetings we
 9 discuss our program areas. That is --
 10 105 Q But in terms of what happened in the
 11 Phoenix Sinclair case, and your perception that
 12 that wasn't properly understood by the
 13 community and the public?
 14 A Mh-hmm. Yes.
 15 106 Q Has there been any effort made since the
 16 police lifted their restriction, has there been
 17 any effort made by you, or your staff to
 18 correct the record specifically with respect to
 19 Phoenix Sinclair's case?
 20 A No, not at this point.
 21 107 Q No.
 22 A No.
 23 108 Q It is true, is it not, that your agency
 24 posts the names of its staff on the public
 25 website?

1 A Yes.
 2 109 Q Including the functions that they perform?
 3 A Yes.
 4 110 Q I would like to take you to paragraph 34
 5 of your affidavit, please. And in paragraph
 6 34, you talk about the importance of a
 7 relationship of trust with the community?
 8 A Yes.
 9 111 Q Now, is it your position, and the position
 10 of your agency that withholding information
 11 from the community, is a good way to foster
 12 trust?
 13 A No.
 14 112 Q And if you move down to paragraph 37 where
 15 you talk about the confidence that family has
 16 in your staff?
 17 A Yes.
 18 113 Q I take it you are not suggesting that
 19 accurate facts should be withheld from the
 20 families so that they will have confidence in
 21 you?
 22 A No. No, I am not.
 23 114 Q And confidence is, requires openness, and
 24 sharing of the true facts?
 25 A Yes.

1 115 Q And if the families in your community had
 2 the true facts, you are not concerned they
 3 would not have confidence in you, are you?
 4 A I am not.
 5 116 Q I am sorry, I didn't hear you?
 6 A No, I am not.
 7 117 Q Let me take you to paragraph 44. Are you
 8 aware that in Manitoba, there have been more
 9 than a few inquests held into the deaths of
 10 children in care of family service agencies?
 11 A Yes, I am.
 12 118 Q And, those inquests into the death of
 13 children in care are held in public?
 14 A Yes.
 15 119 Q You are aware of that?
 16 A Yes.
 17 120 Q And you are aware that -- I can't tell you
 18 I have looked at every single one, but that in
 19 many, many of them the social workers are
 20 named?
 21 A Yes.
 22 121 Q There is no publication ban that you can
 23 point me to, or anything like that that you are
 24 aware of?
 25 A Yes, I am aware of that.

1 122 Q You are aware there is not?
 2 A Yes.
 3 123 Q When you are instructing your social
 4 workers, you don't suggest otherwise to them,
 5 do you?
 6 A No, I don't.
 7 124 Q And so anyone who has got experience with
 8 the system understands that if there is a death
 9 of a child in care, their name may be in court
 10 documents, and in the public, right?
 11 A Yes.
 12 125 Q Now in that same paragraph, paragraph 44,
 13 you talk about the, the stress associated with
 14 the profession of social work. You would
 15 agree with me that social work isn't the only
 16 helping profession where there is stresses
 17 involved?
 18 A Yes, I am aware of that.
 19 126 Q You would agree police have similar
 20 challenges?
 21 A Yes.
 22 127 Q And fire fighters?
 23 A Yes.
 24 128 Q And doctors?
 25 A Yes.

1 129 Q And nurses?
 2 A Yes.
 3 130 Q And those people have to deal with the
 4 same sorts of people that your staff has to
 5 deal with?
 6 A Yes.
 7 131 Q Is it the position of your agency that
 8 social workers should be entitled to special
 9 protections beyond what the other helping
 10 professions are entitled to?
 11 A No.
 12 132 Q Let's take a break for a moment. I am
 13 pretty much done. And I want to speak with my
 14 colleague.
 15 **MS. JARDINE:** Sure.
 16 **(CROSS-EXAMINATION RECESSED BRIEFLY)**
 17 **MR. KROFT:** I have no more questions, Mr.
 18 Gindin has a few.
 19 **(CROSS-EXAMINATION RECESSED BRIEFLY)**
 20 **BY MR. GINDIN:**
 21 133 Q Ms Cochrane, I have a few question for
 22 you. Now, from looking at your affidavit, I
 23 believe you have made it clear in there that
 24 your agency had no real involvement with
 25 Phoenix Sinclair?

1 A Yes.
 2 134 Q And that, in fact, based on everything
 3 that you know about the various workers
 4 involved, there is really nothing that you have
 5 to hide?
 6 A Yes.
 7 135 Q All right. And I take it that your
 8 concern about the pressure people feel over
 9 misconceptions and that kind of thing have
 10 resulted in you being quite anxious for this
 11 inquiry to begin so that you can come out?
 12 A Yes.
 13 136 Q You told us about some of these criticisms
 14 that came your way, and also to other social
 15 workers, and directly to you, as well, correct?
 16 A Yes.
 17 137 Q Now, I take it that you would respond in
 18 some way when people come to you and say we
 19 think you are responsible, or whatever. Would
 20 you respond in some fashion?
 21 A No, I didn't respond to those.
 22 138 Q You said nothing, and left?
 23 A I said I am sorry, that is your opinion,
 24 and I just left.
 25 139 Q The other workers, when they would receive

1 criticism, I take it you don't really know how
 2 they would respond?
 3 A I have no sense of how they would have
 4 responded.
 5 140 Q They may well have tried to straighten out
 6 the matter a bit?
 7 A Yes.
 8 141 Q And defended the agency since you have
 9 nothing to hide?
 10 A Yes.
 11 142 Q There are no notes about these various
 12 comments being made, when they were made, by
 13 who, you kept no notes?
 14 A No, we didn't. Unfortunately, we didn't.
 15 143 Q You mentioned something about this feeling
 16 of betrayal that Mr. Kroft asked you about in
 17 one of your paragraphs, and I think you said
 18 the Southern Authority didn't step to the plate
 19 as they should have. That was one of the
 20 things that kind of bothered you? Not sure
 21 what you meant by stepped to the plate. What
 22 do you think they should have done, or what did
 23 they do?
 24 A I guess based on the media report, and
 25 helping us make some sort of statement at the

1 beginning may have stopped the criticism of our
 2 agency when we had the first initial story.
 3 And that sense of betrayal, not able to do that
 4 was --
 5 144 Q You felt they weren't able to do that for
 6 some reason?
 7 A Yes.
 8 145 Q You would have liked them to come forward
 9 to the media, and help straighten out the
 10 misperceptions, right?
 11 A Yes.
 12 146 Q And of course, now, when the inquiry
 13 starts, that opportunity will be there, for the
 14 truth to come out?
 15 A Yes.
 16 **MR. GINDIN:** That is all I have. Thank
 17 you.
 18 **MS. JARDINE:** Just a couple of questions in
 19 redirect.
 20 **BY MS JARDINE:**
 21 147 Q Both Mr. Kroft, and Mr. Gindin made
 22 reference to the truth coming out. And, the
 23 community's ability to process that truth.
 24 Are you confident that the community will be
 25 told the truth?

1 A Yes, I am.
 2 148 Q And what about the media?
 3 A What do you mean, in regards to the media?
 4 149 Q Right.
 5 A In regards to the media, I am not trusting
 6 the media to be accurate, is another concern.
 7 150 Q What do you base that mistrust of the
 8 media on?
 9 A Based on, on comments through the
 10 newspapers, the assumption, and statements in
 11 the news articles.
 12 151 Q And the articles you are referencing are
 13 where?
 14 A Part of my affidavit, Exhibit "A" and "B".
 15 152 Q And another comment that Mr. Kroft asked
 16 you about was, and I think Mr. Gindin as well
 17 asked you about, was what efforts had been made
 18 to correct the perception in the community,
 19 specifically about Phoenix Sinclair, and you
 20 said you had not done anything specific. Why
 21 not?
 22 A I think part of not doing that, was that
 23 we didn't have the resources, to speak to the
 24 community at large, and telling our
 25 involvement, and telling our story.

1 153 Q How about speaking to them individually?
 2 A We felt that we couldn't do that at that
 3 point because of just recently that, you know
 4 had has been a high profile case, and you know
 5 we were waiting, patiently waiting for the
 6 inquiry to start, and at that point we will
 7 tell our story of our involvement of the
 8 agency.
 9 154 Q But why not tell it before the inquiry
 10 starts?
 11 A I guess part of that, was the community
 12 does not know the extent. There is no
 13 knowledge out there of the true involvement of
 14 our agency, that we had minimum involvement.
 15 More or less the perception out there was
 16 already there that the agency was responsible,
 17 and we didn't want to inform the community of
 18 our minimum involvement because it was already
 19 out there that there was mistrust. We were
 20 more or less responsible for Phoenix,
 21 responsible for failing Phoenix, in all of the
 22 articles as well as the media's reports.
 23 155 Q And another question that Mr. Kroft asked
 24 you was with regards to inquests, and the
 25 knowledge of the social workers about their

1 potential involvement, of publication of
 2 inquests, is that something you discuss with
 3 them during their interviewing process, when
 4 they are hired?
 5 A No, I don't.
 6 156 Q So, when you said you know that, what were
 7 you basing that on?
 8 A Basing it on the, what is happening today.
 9 And when workers are into the field of social
 10 worker it is unknown as to when you would be
 11 subject to an inquest, or subject to an
 12 inquiry. Because of the nature of our jobs.
 13 157 Q So, do you have any firsthand knowledge of
 14 your workers that you hire having knowledge
 15 about this potential to be published?
 16 A No, I don't.
 17 158 Q Do you have any knowledge of why the
 18 Southern Authority didn't make a statement on
 19 your behalf? Has that ever been something --
 20 I don't want you to speculate, just anything
 21 you know directly?
 22 A No.
 23 159 Q How does publication of statements by ICFS
 24 normally work? Is it something you can do on
 25 your own, or does it have to be vetted through

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 7 **REPORTER'S CERTIFICATE**
 8
 9
 10 I, Jill Proctor, Official Court Reporter, hereby
 11 certify that the foregoing pages are a true and
 12 accurate transcript of the proceedings taken
 13 down by me in shorthand and transcribed to the
 14 best of my skill and ability.
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1 the Southern Authority or others?
 2 A Somewhat it has to be vetted through the
 3 Authority.
 4 **MS. JARDINE:** Those are all of my
 5 questions. Thanks.
 6
 7 **(CROSS-EXAMINATION CLOSED).**
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