



COMMISSION OF INQUIRY INTO THE CIRCUMSTANCES
SURROUNDING THE DEATH OF PHOENIX SINCLAIR

The Honourable Edward (Ted) Hughes, Q.C.,
Commissioner

Transcript of Proceedings
Public Inquiry Hearing,
held at the Winnipeg Convention Centre,
375 York Avenue, Winnipeg, Manitoba

TUESDAY, DECEMBER 11, 2012

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MR. R. BUCHWALD, for Ms. D. De Gale

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2 PROCEEDINGS CONTINUED FROM DECEMBER 10, 2012

3

4 THE COMMISSIONER: Good morning, ladies and
5 gentlemen.

6 MS. WALSH: Good morning.

7 MR. OLSON: Good morning.

8 MR. PAUL: Good morning, Mr. Commissioner.

9 For the record, Mr. Commissioner --

10 THE COMMISSIONER: Good morning, Mr. Paul.

11 MR. PAUL: Good morning, Mr. Commissioner. For
12 the record, it's Sasha Paul for Winnipeg Child and Family
13 Services and the department. I'm not echoing, am I?
14 Sorry.

15 I hope you can hear me all right?

16 THE WITNESS: Yes.

17 MR. PAUL: Great.

18

19 **DEBBIE LYNN DE GALE**, previously
20 sworn, testified as follows:

21

22 CROSS-EXAMINATION BY MR. PAUL:

23 Q Ms. De Gale, I take it that if I were to suggest
24 to you that Mr. McKay and Ms. Kematch were convicted of
25 murdering Phoenix, you would accept that information?

1 A Yes.

2 THE COMMISSIONER: Excuse me.

3 MR. PAUL: Sorry.

4 THE COMMISSIONER: I was just telling Commission
5 counsel that my written documents from yesterday are not
6 here.

7 MS. WALSH: Well, someone from the office must
8 have removed them. I'll contact --

9 THE COMMISSIONER: Well, I mean, we'll carry on
10 but get them.

11 MS. WALSH: I'll contact the office.

12 THE COMMISSIONER: Sorry to interrupt you, Mr.
13 Paul.

14 MR. PAUL: Not a problem.

15 THE COMMISSIONER: So put your question again?

16

17 BY MR. PAUL:

18 Q I think that the question and answer, and my
19 learned friend will correct me if I'm wrong, is that if I
20 were to suggest to Ms. De Gale that Mr. McKay and Ms.
21 Kematch were convicted of murdering Phoenix, she would
22 accept that information as accurate.

23 A Correct.

24 Q Correct. And I would take it that you didn't sit
25 in the courtroom during that particular murder trial for

1 any time at all?

2 A No.

3 Q No. And I would take it then, like all other
4 citizens, that you relied on the media to tell you what was
5 happening in that particular murder trial. Would that be
6 fair?

7 A I probably read the media, yeah.

8 Q Okay. And, of course, if we can take us back to,
9 to yesterday, just to recap my understanding, is that in
10 2004 you were a crisis response unit worker?

11 A Yes.

12 Q You were with Winnipeg Child and Family Services?

13 A Yes.

14 Q And, of course, your job there, in essence, was
15 primarily to answer phones that were coming in with
16 referrals?

17 A I also did backup.

18 Q And then to investigate those referrals?

19 A Yes.

20 Q So you would answer phones and sometimes go out
21 on fields?

22 A Yes.

23 Q As part of CRU?

24 A Yes.

25 Q And sometimes part of your investigation, you

1 would make your own phone calls?

2 A Yes.

3 Q Right. And sometimes you would go out on the
4 field to investigate?

5 A Yes.

6 Q And that I think your evidence was that over the
7 years as a CRU worker you would have taken thousands of
8 calls?

9 A Yes.

10 Q And my understanding of your evidence yesterday
11 was that when you got a particular call your practise was
12 to type it up on a Microsoft word document?

13 A Yeah.

14 Q My understanding of the business process, in
15 terms of this, and correct me if I'm wrong, is that these
16 word documents would be uploaded to a computer system
17 called CFSIS. Is that correct?

18 A When I did it?

19 Q Well, just generally, that eventually a word
20 document -- let's take another view, a word document would
21 be uploaded to CFSIS?

22 A Eventually it would be attached to CFSIS.

23 Q Oh, attached would probably be the correct word.
24 My understanding of your evidence, yesterday, is that the
25 person who did that attachment would be a clerical worker

1 at Winnipeg Child and Family Services?

2 A Yes.

3 Q Someone, for example, like Trudy Carpenter, who I
4 believe was administrative or clerical at that time. Are
5 you familiar with Trudy Carpenter?

6 A Yes.

7 Q You're familiar that she is, for the lack of a
8 better term, clerical or administrative?

9 A Yes.

10 Q And you're familiar that Trudy would be the one
11 who would upload these documents on behalf of workers, to
12 CFSIS?

13 A Yes.

14 Q And my understanding was that workers did not
15 upload documents themselves to CFSIS at this time?

16 A Correct.

17 Q It was just the administrative staff?

18 A Right.

19 Q And one of that administrative staff would be
20 Trudy Carpenter?

21 A Or Jolene Skene at the time.

22 Q Or Jolene Skene.

23 THE CLERK: (Inaudible.)

24 THE WITNESS: Pardon?

25 THE CLERK: Could you spell her name? Jolene.

1 THE WITNESS: My surname?

2 THE CLERK: No, the, the person you just said.

3 THE WITNESS: Oh, Skene, Jolene, J-O-L-E-N-E,
4 S-K-E-N-E.

5

6 BY MR. PAUL:

7 Q In terms of the documentation then on file, if I
8 were to suggest to you, and bring up page 37344. If I were
9 to suggest to you that this document, signed by Ms. Verrier
10 is found on the paper file of Steven Sinclair's file, you
11 would accept that?

12 A Yes.

13 Q And if you go then to page 37445, which is the
14 handwritten assessment form. You see that there?

15 A Yes.

16 Q You would accept, also, that it's on Steven
17 Sinclair's protection file, the paper file?

18 A Yes.

19 Q And if we then turn to page 37341, you see the
20 CFSIS case sheet and you would accept that that was on the
21 or that is on the Steven Sinclair paper protection file?

22 A It would have been.

23 Q And then if I were to suggest to you that if you
24 looked at the CFSIS file, family Commission disclosure is
25 240 or 241. And we'll bring them up, Commission disclosure

1 240 and 241 which are the Ms. Samantha Kematch and Steven
2 Sinclair CFSIS files, if I were to suggest to you that the
3 CFSIS case sheet and the safety assessments, these
4 handwritten documents aren't on CFSIS, that wouldn't
5 surprise you either?

6 A That wouldn't surprise me?

7 Q That wouldn't surprise you.

8 A No.

9 Q Because they're handwritten.

10 A Right.

11 Q They're not electronic.

12 A Correct.

13 Q And, at that time, if someone were to take pen to
14 paper, those documents don't get unloaded onto CFSIS?

15 A Not at that time.

16 Q At that time. And the only documents that you
17 would be, those typewritten documents --

18 A Correct.

19 Q -- that get uploaded onto CFSIS?

20 A Correct.

21 Q If we can then turn to page 11535 and if you can
22 scroll down to the bottom of that page, just a little
23 further down to the bottom, it's my understanding that this
24 document is found on the Steven Sinclair CFSIS file. Would
25 you accept that?

1 A It should be.

2 Q And that would you accept that -- sorry, I'm
3 going to hold up the paper but we'll get the point. If I
4 were to suggest to you that the paper Steven Sinclair
5 document, signed by Diane Verrier, and the CFSIS May 11,
6 2004 document is the same in substance, you would accept
7 that?

8 And if you wish I can give you both copies, you
9 can take a look but my understanding is the only difference
10 is that Ms. Verrier signed the paper copy and that the
11 CFSIS version isn't signed.

12 MR. BUCHWALD: Mr. Commissioner, I would ask that
13 she be provided these documents to take a look since she
14 hasn't seen the original file.

15 THE COMMISSIONER: That's very fair.

16 MR. PAUL: And, of course, this is not a memory
17 test and I'm more than happy to do that, Mr. Commissioner.

18 THE COMMISSIONER: Please proceed.

19 MR. PAUL: Can I approach?

20 THE COMMISSIONER: Yes, by all means.

21 Now, you're showing her which, which, which page
22 numbers?

23 MR. PAUL: Yes, the page numbers would be on the
24 bottom.

25 THE COMMISSIONER: Yes. And they are which?

1 THE CLERK: 37344.

2 THE COMMISSIONER: 37344 and?

3 THE CLERK: All the way through 47.

4 THE COMMISSIONER: Yes.

5 MR. PAUL: And the other document?

6 THE CLERK: 11535 through to 38.

7 THE COMMISSIONER: Thank you. And what is your
8 question, Mr. Paul?

9

10 BY MR. PAUL:

11 Q I would simply like the witness to confirm that
12 the paper version of the May 11, 2004 document on the
13 Steven Sinclair file is the same as the CFSIS version of
14 the May 11, 2004 document with the only exception that
15 Diane Verrier has signed the paper copy.

16 A Well, I would say that it's organized a little
17 bit different.

18 Q Sorry?

19 A It's organized a bit different.

20 Q The formatting is different.

21 A Formatted.

22 Q But the words are the same?

23 A It appears that way.

24 Q And, again, again, to be fair to you, the, the
25 difference then is formatting and the signature by Ms.

1 Verrier?

2 A Yes.

3 Q Could I take back my paper?

4 THE COMMISSIONER: Where is Exhibit 18? Do you
5 have it, clerk?

6 THE CLERK: (Inaudible.)

7 MR. PAUL: That, as I recall, is the safety
8 assessment, the handwritten document.

9 THE COMMISSIONER: They'll get them, you carry
10 on.

11 MR. PAUL: Oh, thank you.

12 MS. WALSH: It appears, Mr. Commissioner, that
13 that was taken back to our office by staff, as well,
14 unfortunately. Do you need to see a copy of it --

15 THE COMMISSIONER: No, no, it's all right. This
16 file is not complete as it was yesterday but we'll get --
17 deal with that later.

18

19 BY MR. PAUL:

20 Q It's -- then my information from the CFSIS system
21 that the document that you see on screen, that this May 11,
22 2004 document was uploaded to CFSIS on May 12, 2004 at 8:10
23 a.m. by Trudy Carpenter. I take it you have no way of
24 confirming or denying that?

25 A No.

1 Q And if I were to suggest to you that it was,
2 indeed, Trudy Carpenter who was the one who uploaded the
3 document, could you confirm or deny that?

4 A No.

5 Q You just don't know either way?

6 A No.

7 Q And if I were to suggest to you that Trudy
8 Carpenter entered this on CFSIS on behalf of you, Debbie De
9 Gale, you couldn't confirm or deny that either?

10 A No.

11 Q In terms of page 37447, where I believe your
12 evidence is that Ms. Verrier changed the response time from
13 24 to 48 hours, you see that there?

14 A Yes.

15 Q All right. Is it possible that this change in
16 response time by Ms. Verrier has an innocent explanation?
17 Is that a possibility?

18 A The change in the response time?

19 Q Yes. The one done by Ms. Verrier?

20 THE COMMISSIONER: No, you -- are you -- what are
21 you asking her?

22 MR. PAUL: I'm simply wondering, Mr.
23 Commissioner, if it's possible that there's an innocent
24 explanation for the change in response time.

25 MR. BUCHWALD: I'm going to object to the

1 question, she's being asked to speculate and, and I don't
2 think that that's appropriate.

3 THE COMMISSIONER: Yeah, well, that's why I
4 intervene, how would she know?

5 MR. PAUL: And that's entirely fair. I'll, I'll
6 rephrase the question, I'll go in a different manner.

7

8 BY MR. PAUL:

9 Q If I were to suggest to you that the facts
10 indicate that the CFSIS document of the May 11, '04 was
11 uploaded on May 12 at 8:00 a.m., you would accept that
12 that's, indeed, the case, that almost 24 hours had elapsed
13 from when you took the call from EIA on May 11, 9:30 a.m.
14 to when the document was then uploaded at eight o'clock on
15 May 12th. You would accept that as simple arithmetic?

16 A I don't know when it was uploaded.

17 MR. BUCHWALD: I'm going to object again. Now
18 he's speaking in rhetorics and, and I don't think, again,
19 that it's appropriate to be asking questions of a CFS
20 employee this way. He's making up a timeline and then
21 suggesting that she agree with the timeline.

22 THE COMMISSIONER: Well, the timeline has not
23 been established.

24 MR. PAUL: And simply the predicate of the
25 question is if it is established she would accept --

1 THE COMMISSIONER: That there would be a 24 hour
2 period.

3 MR. PAUL: That -- yeah, essentially, 22.5 hours
4 had elapsed.

5 THE COMMISSIONER: Well ...

6 MR. BUCHWALD: Again, he's creating this timeline
7 and asking her to agree with it.

8 THE COMMISSIONER: Yes.

9 MR. BUCHWALD: I don't see what it's
10 accomplishing.

11 THE COMMISSIONER: No, I, I will -- he's not
12 entitled to ask her if she agrees with a timeline but she
13 can be asked if she agrees with a mathematical calculation
14 between those, those two points of time, there's 22 point
15 whatever hours elapsed but, but she doesn't have to accept
16 that that was --

17 MR. PAUL: And, and I'm not asking her to
18 accept --

19 THE COMMISSIONER: -- downloaded at the time
20 that's in the calculation.

21

22 BY MR. PAUL:

23 Q And you would accept my simple arithmetic?

24 A No. Because I don't know. Unless I was shown
25 something in particular that states that this was the time

1 that it was entered. Once it leaves my hand I have no clue
2 what happens to it after that.

3 Q And Mr. Commissioner --

4 A So --

5 Q -- has, has fairly --

6 A So if --

7 Q -- ruled I can't put certain evidence to you.

8 A Yeah.

9 Q All I'm asking is a simple issue of arithmetic,
10 that if a call comes in at 9:30 and it's uploaded the next
11 day, at 8:00 a.m., 22 and a half hours have elapsed.

12 THE COMMISSIONER: Well, I, I would accept that
13 that's -- your, your mathematics are correct.

14 MR. PAUL: And, and I'm just wondering --

15 THE COMMISSIONER: I take -- I will take --

16 MR. PAUL: -- I'm just wondering if the witness
17 will.

18 THE COMMISSIONER: -- I take notice of that. I,
19 I -- the -- I think your calculation is correct.

20 MR. PAUL: Okay. And so long as the witness
21 adopts that, that's fine. She said no to me, and I just
22 wanted to --

23 THE COMMISSIONER: Well, no, I, I am accepting
24 that your calculation is correct, whether you're, you're --
25 things happened at the time you say they did, is quite

1 another matter.

2 MR. PAUL: I'm (inaudible) so I'll move on.

3 THE COMMISSIONER: I think that's --

4 MR. PAUL: From arithmetic.

5 THE COMMISSIONER: We're at that point.

6 MR. PAUL: Thank you, Mr. Commissioner.

7

8 BY MR. PAUL:

9 Q My understanding of your evidence, Ms. De Gale,
10 was what you told me a couple of moments ago, was that you
11 followed the murder trial of Kematch and McKay in the
12 press. That was something you would be aware of?

13 A I wouldn't say I followed it 100 percent but I
14 read the paper.

15 Q As a reasonably informed citizen you read the
16 paper to find out what's happened; correct?

17 A Like I read everything, yeah.

18 Q Not read everything but you would have been
19 looking, I think as you said before, at the Phoenix
20 Sinclair murder trial?

21 A I would have read the paper.

22 Q Right. And if I were to suggest to you that it
23 was reported in the press, in 2008, that during the
24 coverage of the murder trial Samantha Kematch was telling
25 the cover story that Phoenix Sinclair was in Ontario to

1 cover up the fact that Phoenix Sinclair had died, would you
2 accept that information as being reported in the press?

3 A I don't recall that.

4 Q You don't recall that.

5 MR. BUCHWALD: I'm going to object, again, to
6 this line of questioning. Again, a scenario is being
7 created by my friend here to then put to the witness to
8 agree or disagree with and I don't accept that as being
9 proper.

10 MR. PAUL: I think that was a proper question,
11 Mr. Commissioner, I think we have the answer.

12 THE COMMISSIONER: Well, I, I think the question
13 was all right and, and she says she's doesn't recall
14 reading that in the paper and her answer doesn't surprise
15 me, I might say.

16

17 BY MR. PAUL:

18 Q Um-hum. But you at least would have been aware
19 of the, the events at the murder trial to some degree?

20 MR. BUCHWALD: Excuse me. Again, and I apologize
21 for rising all the time but I --

22 THE COMMISSIONER: No, you're --

23 MR. BUCHWALD: -- I, I wish to advise this
24 inquiry that I will continue to do so as long as this line
25 of questioning persists. She says she didn't read

1 everything, she didn't follow it every day, she read the
2 paper but now she's being given a memory exam as to a
3 murder trial that took place.

4 THE COMMISSIONER: Well, I, I don't think the
5 questions are improper but I am, I am getting the -- I'm
6 hearing the answers that I expected to hear, expect to
7 hear, when you take into account the peripheral knowledge
8 she had of the murder trial from looking at the paper. But
9 if, if you think you're getting somewhere with these
10 questions, I'm not --

11 MR. PAUL: I always hope I'm getting somewhere.

12 THE COMMISSIONER: -- I'm not going to rule them
13 out.

14 MR. PAUL: Thank you, Mr. Commissioner.

15

16 BY MR. PAUL:

17 Q I then don't suppose it would available to you to
18 say whether it was possible that your information about a
19 call from an aunt calling Ontario that this information was
20 mixed up with your understanding of the press coverage on
21 the Phoenix Sinclair murder trial. You wouldn't be able to
22 say either way on that?

23 A No, I don't believe so.

24 Q The possibility doesn't exist?

25 THE COMMISSIONER: Pardon?

1 MR. PAUL: That the possibility doesn't exist.

2 THE COMMISSIONER: I don't think she's agreed
3 with that.

4 MR. PAUL: Okay. No, and that's fair.

5

6 BY MR. PAUL:

7 Q And finally, if we were to look at page 11536.
8 It's my understanding from your evidence, yesterday, and
9 perhaps I misheard her, that when you write Samantha drinks
10 alcohol and smokes rock in front of Phoenix, that that was
11 an error based upon your review of the past reports because
12 the past reports suggested the one who was smoking rock was
13 Samantha's mother. Am I correct in saying that this was an
14 error in your history?

15 A That's possible.

16 Q That is possible? I just didn't hear, sorry.

17 A It's possible.

18 Q So then it's possible that, at least on this
19 point, your history was incorrect? That's possible, yes?

20 A One small piece, maybe.

21 Q One small piece, maybe? And you would agree with
22 me that the history is important for other workers?

23 A It is.

24 Q And it's something that, of course, they rely
25 upon when they go out in the field.

1 A Um-hum.

2 Q And that you would hope, as a CRU worker, that
3 you give the best information you can to --

4 A Right.

5 Q -- the people going out in the fields.

6 A Correct.

7 Q And that errors made in these reports can cause
8 errors in the field. Correct?

9 A Correct.

10 MR. PAUL: Those are my questions, Ms. De Gale.

11 THE COMMISSIONER: Thank you, Mr. Paul.

12 MR. PAUL: Thank you.

13 THE COMMISSIONER: Mr. Gindin?

14 MR. GINDIN: Good morning, Ms. De Gale, my name
15 is Jeff Gindin. I appear for Kim Edwards and Steve
16 Sinclair.

17 THE WITNESS: Good morning.

18

19 CROSS-EXAMINATION BY MR. GINDIN:

20 Q Just have a few general questions, first. You
21 indicated, yesterday, that you tried to meet with your
22 supervisor every second week?

23 A We tried.

24 Q Was that successful?

25 A Sometimes it was impossible, if there were other

1 demands of her time.

2 Q So on occasion, on occasion it was less than
3 every second week?

4 A Pardon?

5 Q On occasion it would be less than every second
6 week that you met?

7 A We, we met fairly regularly.

8 Q All right. You also said that when you were
9 working at CRU and taking calls, that not every call would
10 be recorded. Do you recall --

11 A Correct.

12 Q -- saying that? If a call came in asking for
13 some information, that might not necessarily be recorded.

14 A Correct.

15 Q Correct? And if someone did call asking for
16 information, whether you gave it would depend on who is
17 calling, I presume, to some extent?

18 A I guess to some extent.

19 Q You wouldn't just answer everybody's questions
20 about personal files, it --

21 A Oh, God, no.

22 Q -- would depend on who they were?

23 A No, we --

24 Q Right?

25 A -- wouldn't do that.

1 Q Okay. So some calls that came in weren't
2 recorded for one reason or another?

3 A Right.

4 Q Now, you told us about the phone call that
5 Samantha Kematch made to you and you gave us the reasons
6 why you recalled that phone call. Do you remember that?

7 A Samantha Kematch made a phone call to me or I
8 made a phone call to her?

9 Q Or you spoke on the phone?

10 A I spoke to her on the phone, I called her.

11 Q And you called her because of some of the
12 concerns that you had; correct?

13 A Correct.

14 Q And you recall that phone call because of the
15 tone of her voice, I think you said?

16 A That was one of the things.

17 Q Her, her attitude towards you?

18 A Part of that.

19 Q She swore?

20 A Part of that.

21 Q Yeah. I think you said she ended up hanging up
22 on you?

23 A Pardon?

24 Q She ended up hanging up on you, I think you said?

25 A Yes, she did.

1 Q And based on the information that you were being
2 given by her, you clearly had some doubts about whether it
3 made sense?

4 A Correct.

5 Q And you let her know that?

6 A Yes.

7 Q And she responded in a less than polite manner?

8 A Correct.

9 Q Yesterday it was suggested to you by Mr. Saxberg
10 that you should have asked her perhaps about Wesley McKay
11 or who she was with. You recall him asking you that
12 yesterday?

13 A Yeah, I believe he was saying I should have asked
14 the EIA worker that. When, when compiling the
15 demographics.

16 Q Okay. But after you got the information that you
17 got, your expectation was that it would be referred to
18 intake and people would look into it?

19 A Yes.

20 Q Yeah. And your expectation would be that if
21 someone was going to check out Samantha and where the child
22 was, they would certainly would want to know about who she
23 was with.

24 A If she was with somebody, yes.

25 Q Yeah. And they would want to know, of course,

1 who this person is, that she's with, and what his
2 background is?

3 A Correct.

4 Q That would be a clear expectation of, of yours
5 that that would happen.

6 A Yes.

7 Q When it was passed on; right?

8 A I was never told, at any time, that Mr. McKay was
9 with her.

10 Q Okay. So that wasn't your job to look into that,
11 you didn't even know about that?

12 A That wasn't my job to find out --

13 Q To look into Karl McKay, that wasn't your task
14 here?

15 A It would have been if I had known he was in the
16 picture.

17 Q Yeah. Had you known you would have inquired?

18 A Definitely.

19 Q And I take it by that you mean that other people
20 who became aware of it certainly would inquire about
21 something like that?

22 A They should.

23 Q Yeah. Now, you've told us that you've concluded,
24 based on the information that you had, that this was a high
25 risk situation?

1 A Um-hum.

2 Q Right?

3 A Yes.

4 Q And you had lots of reasons for concluding that?

5 A Yes.

6 Q You were concerned, based on the history that you
7 read, that there was a substance abuse issue, possibly;
8 right?

9 A Yes.

10 Q You also told us you were concerned about
11 neglect?

12 A Yes.

13 Q Right? You were concerned that the child is
14 being placed in various locations?

15 A Yes.

16 Q You indicated you were concerned about unstable
17 relationships, things of that nature; right?

18 A Yes.

19 Q You had lots of reasons to come to the conclusion
20 that you did, that this was a high risk situation?

21 A Yes.

22 Q And your conversation with Samantha didn't reduce
23 the risk, clearly?

24 A It actually increased it.

25 Q Yes. You doubted what, what it was that she was

1 telling you because it didn't make sense?

2 A Correct.

3 Q And that even made it a more serious situation --

4 A Right.

5 Q -- in your mind; right? And then you told us
6 about a call from someone claiming to be Samantha's aunt;
7 correct?

8 A I can't recall whether it was Samantha's aunt or
9 whether it was Steven Sinclair's aunt.

10 Q Okay. A family member, in any event --

11 A Um-hum.

12 Q -- contacted you, and would this be after the
13 phone call you had with Samantha?

14 A No.

15 Q Or before?

16 A It would have been before.

17 Q And do you recall whether it was the same day?

18 A Yes.

19 Q So someone claiming to be an aunt of either Steve
20 or Samantha contacts you; right?

21 A Correct.

22 Q And expresses to you some concerns?

23 A Yes.

24 Q Okay. And tell us, again, your recollection of
25 what you were being told by this person.

1 A They said that they were very concerned about the
2 safety of Phoenix, they hadn't seen her in awhile, that the
3 -- when they tried to check on the child the mother said
4 the child was with the father, the father said that the
5 child was with the mother. And because they hadn't seen
6 them and they knew that they had been mean and neglected
7 her in the past, they were concerned.

8 Q Okay. Now, those were serious comments that were
9 being made to you?

10 A Yes.

11 Q Anyone would conclude that there is a problem
12 here and we don't know where the child is?

13 A Correct.

14 Q We don't like the way the child is being treated?

15 A Correct.

16 Q And this is a call from someone claiming to be a
17 family member?

18 A Correct.

19 Q So all of those things would contribute to your
20 conclusion that this was a high risk situation --

21 A Correct.

22 Q -- which needed a pretty quick response. Right?

23 A Right.

24 Q And that was even before you spoke to Samantha?

25 A Yes.

1 Q And when you spoke to Samantha, that didn't
2 reduce any concerns you had, if anything, it raised them?

3 A Yes.

4 Q Right? And you came to that conclusion not only
5 based on these two phone calls but obviously you, you were
6 familiar with the background, as well?

7 A Yes.

8 Q We've heard evidence here, and I hope I have the
9 name correctly, I believe it was Roberta Dick, who was a
10 person who answered the phone and had to also assess
11 response time, and she testified that sometimes that
12 depended on workload, when someone would make a note of the
13 proper response time. Have you heard of that happening
14 from time to time?

15 A That would be the supervisor's option.

16 Q Yeah.

17 A That would not be how we would assess it.

18 Q Okay.

19 A We would have to assess it based on how we saw
20 the situation.

21 Q Okay. Yeah. So you would have to assess it on
22 what you felt was the true and accurate situation you were
23 faced with?

24 A Correct.

25 Q Whereas someone else, perhaps a supervisor, might

1 have a different opinion.

2 A Yes.

3 Q Which might depend on workload, and I'm not
4 suggesting it should but it might?

5 A They would have to answer to that.

6 Q All right. I take it that it wasn't easy for you
7 to tell us about the document being altered?

8 A No.

9 Q I take it that you would wrestle with that a
10 little bit because you're dealing with people that you've
11 worked with; right?

12 A Wrestled with it in what way?

13 Q It's not an easy thing to bring forward.

14 A No, it's not.

15 Q And I take it you were -- I assume you would be
16 somewhat concerned about repercussions of some kind that
17 might flow your way?

18 A Possible.

19 Q Yeah. But despite your concerns, you've come
20 here under oath to tell us that piece of information;
21 right?

22 A Yes.

23 Q Now, I think you said yesterday that when a
24 supervisor has a look at what you have put in a report,
25 they may well have the authority to disagree; right?

1 A Yes.

2 Q Your complaint or issue is that if that's to
3 happen you feel they should bring it to your attention and
4 tell you --

5 A Correct.

6 Q -- that they're altering something that you had
7 put down?

8 A Yes.

9 Q You've also told us that you discussed that with
10 Diane Verrier sometime after, sometime after you discovered
11 it, or when?

12 A No, I -- it wasn't -- I, I can't say it was this
13 in -- case in particular but I had noticed it on, on a case
14 that I had re-opened --

15 Q I see.

16 A -- and brought it to her attention.

17 Q So you're speaking generally?

18 A Generally.

19 Q Generally there have been discussions about an
20 issue like this where something might be changed by a
21 supervisor and the worker isn't advised?

22 A Right.

23 Q Okay. And I think you said that you weren't the
24 only one who thought there was an issue, there were other
25 people that you talked to about that?

1 A Correct.

2 Q I think you mentioned a few names for us. Can
3 you mention those again? Mr. Buchkowski, I think you said?

4 A Richard Buchkowski --

5 Q Richard Buchkowski.

6 A -- and I discussed it because he, he had brought
7 it to my attention that he noticed some changes on some of
8 his old cases, as well. I know that Shelly Willox, because
9 we shared the same cubicle --

10 Q Um-hum.

11 A -- was there one time, listening, and -- to us
12 complaining about it --

13 Q Um-hum.

14 A -- and Barb Klos also shared our cubicle.

15 Q Okay.

16 A So it's possible she heard it, too.

17 Q Could there be others that you may have discussed
18 this with or heard people perhaps commenting --

19 A It's possible.

20 Q -- about?

21 A It was possible.

22 Q You also testified that not everything was done
23 by the book. I think that was the phrase that you used.

24 A Not everything is done by the book.

25 Q In other words, you don't look at standards and

1 manuals every time you're going to do something and check
2 the various sections?

3 A No, we didn't.

4 Q And because of the nature of your job, I take it
5 that obviously you have to exercise a little bit of
6 discretion on occasion?

7 A On occasion.

8 Q Rather than just see whether something fits into
9 a particular category on a document?

10 A Right.

11 Q Now, if we can have a look at page 37445 which is
12 a -- is the safety assessment with all the various
13 categories, we looked at that yesterday and talked about
14 it.

15 So this is a document with -- where a number of
16 categories are listed; right?

17 A Right.

18 Q And not everything that occurs fits neatly into a
19 category?

20 A No.

21 Q Right? For example, some of the things that you
22 mentioned like substance abuse issues, there's no actual
23 category for that; right?

24 A Right.

25 Q Unstable relationships, there's no category that

1 deals just with that; right?

2 A No.

3 Q Some categories touch on a variety of things but
4 often, I suspect, that it doesn't quite fit exactly what's
5 going on.

6 A No.

7 Q Right? And so when you put down neglect, for
8 example, and then wrote in substance abuse, the important
9 thing is that, at the end of all those categories, then
10 you've got to check off either 24 hours or 48 hours and
11 regardless of what you wrote, or where you put it, that's
12 what you checked off in the end?

13 A Correct.

14 Q And you know someone is going to look at that to
15 see what response time you've put down; right?

16 A Right.

17 Q And I take it, as well, that there came a point
18 in time, I think you mentioned, where meeting with the
19 lawyers and other people, they basically told you that your
20 position about it being altered seemed to be correct?

21 A Yes.

22 Q Yeah. You also told us that although you were
23 ready to or at least knew you were going to be meeting with
24 Mr. Koster, to discuss some things, that never happened?

25 A No.

1 Q And that was on a day that you were working?

2 A Yes.

3 Q Answering calls?

4 A Yes.

5 Q Emergencies coming in, probably?

6 A Correct.

7 Q All day. So while you were maybe given a
8 document, you're not so sure you read it carefully?

9 A I probably didn't look at it very detailed.

10 Q Had you met with Mr. Koster, I presume you might
11 have had a chance to go through it?

12 A I would have before I met him.

13 Q That didn't happen?

14 A No.

15 Q All right. It's been pointed out to you by Mr.
16 Saxberg, and I think Mr. Paul also brought it up, that it
17 appears as though, when you look at the documents, at one
18 point it says: Samantha smoked rock in front of Phoenix.

19 A Um-hum.

20 Q And there's another place where it might -- it
21 say something like Samantha's mother smoked rock in, in
22 front of Phoenix. So either it was the mother smoking rock
23 in front of Phoenix or the grandmother, whichever way you
24 look at those two statements. Both pretty serious?

25 A Yes.

1 Q Either one would cause you great concern?

2 A Right.

3 Q In other words, your risk assessment wouldn't
4 change because it was the grandmother rather than the
5 mother that was smoking rock in front of Phoenix?

6 A No, it wouldn't change.

7 Q You also told us that the information from the
8 aunt who called was taken down by you; right?

9 A Correct.

10 Q And when you looked at your intake form, there
11 was no paragraph about that?

12 A No.

13 Q So there was nothing there about the aunt called,
14 expressed some concerns, and you made some phone calls to
15 follow up on that; right?

16 A No.

17 Q Now, if I can direct you to page 36966, please.

18 Now, I believe this document is a document that
19 essentially you prepared and put in the information that
20 you are aware of; correct?

21 A Pardon?

22 Q This is a document that was prepared by you?

23 A For the most part.

24 Q For the most part. And I think it was suggested
25 to you, well, nothing could be added so easily to a report

1 prepared but if you look at this report you're saying that
2 the, the last paragraph, where it starts with the word
3 based on the above noted information, you've -- that is not
4 a paragraph that you put in there? At least not that
5 wording?

6 A That's usually how I would word, begin word that
7 paragraph, yes.

8 Q But, of course, it's not entirely accurate,
9 you've told us that?

10 A No, not the whole paragraph.

11 Q All right. So there's an example of something
12 that could be added to the document that isn't entirely --

13 A Absolutely.

14 Q -- something that you put in; right?

15 A Yeah.

16 Q If you look a little bit lower in that document,
17 the very last thing on it, it would appear that something
18 is added, signed by Orobko. You see that?

19 A That's correct.

20 Q Well, there's an example of something --

21 A Exactly.

22 Q -- being added to a document?

23 A Yes.

24 Q And I presume if something could be added to a
25 document, something could be taken away from a document?

1 A Yes.

2 Q We've heard about a lot of cutting and pasting
3 going on when documents are prepared. You're, you're
4 familiar with that phrase, as well?

5 A Yes.

6 Q And the issue of whether or not the 24 hour
7 response time that you put down on the document was
8 actually adhered to or not, in terms of action, that's not
9 something you would have control over.

10 A No.

11 Q That would be for somebody else to do?

12 A No, I wouldn't have control over that.

13 MR. GINDIN: No. If I can just have one moment,
14 please?

15 THE COMMISSIONER: Yeah, surely.

16 MR. GINDIN: Thank you, those are my questions.

17 THE COMMISSIONER: Thank you, Mr. Gindin. Any
18 other examination?

19 Just before, Mr. Buchwald, you come on, what is
20 the, the number of that same document that bears the one
21 signature? I just don't have the papers in front of me
22 that I had yesterday.

23 MS. WALSH: 37347.

24 THE COMMISSIONER: All right. Put that up on the
25 screen, please. I have a question to ask Mr. Buchwald and

1 I think I have -- I'll ask it ahead of you so that you know
2 I've asked that question.

3

4 EXAMINATION BY THE COMMISSIONER:

5 Q This is -- that paragraph is the same paragraph
6 that, that was in the document that was just on the screen
7 before --

8 A Yes.

9 Q -- where there were no signatures.

10 A Right.

11 Q And you say that when you handed this document
12 in, it referenced a 24 hour period rather than a 48 hour
13 period.

14 A Correct.

15 Q Did your signature appear on this document that
16 you handed in with the 24 hour reference?

17 A Yes.

18 THE COMMISSIONER: Thank you. Mr. Buchwald?

19

20 CROSS-EXAMINATION BY MR. BUCHWALD:

21 Q Ms. De Gale, Mr. Saxberg, quite forcibly
22 yesterday, wanted you to acknowledge that Ms. Verrier, as
23 your supervisor, had the right to change the response time
24 you had suggested or had the right to make adjustments to
25 your report, and you acknowledged that. I would like you

1 to tell us what the practise was, in that respect, in your
2 experience.

3 A Normally what the normal practise would be, if
4 the supervisor disagreed with my sentiment and wanted it
5 changed they would come to talk to me and then we would
6 discuss it and if we came to an agreement then I would
7 change it but I would also usually include the fact that
8 after consulting with supervisor and put their name, that
9 we came to the agreement that this response time needs to
10 be 48 hours due to these reasons.

11 If, if they didn't come to me then the normal
12 would be, if they wanted the response time changed, then
13 they would make a notation like Mr. Orobko did, after my
14 report, and say this is -- I'm making these changes and
15 these are why and sign it and take responsibility for it.

16 Q And, and can you advise whether or not, since
17 submitting this report and signing it yourself, you've
18 seen the changed version prior to these proceedings, as you
19 discussed?

20 A Yes, I did.

21 Q I'm sorry?

22 A I seen it during the interviews with the lawyers
23 and such.

24 Q Right. And that was the first you had learned of
25 it?

1 A Yes.

2 Q Okay. And how many supervisors have you had
3 while in the CRU position?

4 A Three different supervisors. One twice.

5 Q Okay. And can you tell us how often the, the,
6 the practise of changing your report or your
7 recommendations for response times occurred where you
8 weren't informed about it or it wasn't discussed with you,
9 prior to this happening with Ms. Verrier?

10 A I noticed it a couple of times in reports that I
11 had re-opened or cases I re-opened.

12 Q But can you tell us whether or not that was an
13 exception or the rule?

14 A It wasn't normal.

15 Q Okay. Can we pull up number 36967, please?

16 Yesterday, Mr. Saxberg, counsel for Diana Verrier
17 and several agencies, put this e-mail to you, again rather
18 forcefully, to suggest that, suggest that you were the
19 person that's referred to as "people from the agency are
20 really confusing me." Do you remember him saying that to
21 you?

22 A Yes.

23 Q Okay. Have you ever seen this e-mail before
24 yesterday?

25 A No.

1 Q And can you tell us whether or not the matter of
2 confusing information to the EIA worker was ever raised
3 with you by anyone?

4 A No.

5 Q And can you tell us whether or not, in your
6 conversation with the EIA worker, she ever suggested that
7 you weren't being clear to her?

8 A No.

9 Q And again, and Mr. Gindin just asked you this and
10 just took you through this, but in terms of the question
11 you were asked by Mr. Saxberg, yesterday, about it not
12 being possible to change reports, what do you say to that?

13 A That's not true.

14 Q And if we could look at number 11536. Now, Mr.
15 Saxberg, yesterday, and, and today, Mr. Paul, on behalf of
16 your employer, are asking you about the, the error that it
17 would appear to make -- you appear to have made with
18 respect to who smokes rock in front of Phoenix and there
19 was reference to an earlier document, an earlier report by
20 another worker. Do you remember that?

21 A Um-hum.

22 Q Prior to yesterday, had you seen that earlier
23 report since May of 2004?

24 A No.

25 Q Okay. And again, just picking up on what Mr.

1 Gindin asked you about that, whether or not you had the
2 wrong person smoking rock, that -- your assessment was
3 still the same; correct?

4 A Correct.

5 Q And, in fact, if it was an error, it was an error
6 on the, on the -- erring on the more serious risk side of
7 things; correct?

8 A Correct.

9 Q And if we could just look at 37344. And scroll
10 down, please. I'm sorry, if we can go to the next page.

11 And you see the last sentence on the report that
12 you were -- prepared here, it says -- it, it talks about
13 Phoenix having been placed with Kim and Rohan Stephenson
14 and then you had said here:

15

16 "As this appeared to be an
17 acceptable arrangement, no further
18 action was taken at the time,
19 however, it was noted in the
20 worker's recording that Phoenix
21 would be at risk if the situation
22 changed and she was in
23 her --"

24

25 And it's supposed to be the word "the".

1 "-- care of either parent."

2

3 You wrote that; right?

4 A Yeah.

5 Q So what is one of the things that you learned
6 when you phoned Samantha Kematch?

7 A She claimed to have the child.

8 Q Right. So what did that do with respect to your
9 risk assessment?

10 A That, that made it a 24 hour response, immediate
11 response, because the child was not supposed to be in her
12 care.

13 Q Right. So can you tell us whether or not the
14 issue of who was smoking rock or who else was in the house,
15 factored into your determination of the risk, ultimately?

16 A It wouldn't have made a difference.

17 Q Right. Because Phoenix was purported to be with
18 the mother; correct?

19 A Correct.

20 Q And that was something that was deemed to be a
21 risk?

22 A The biggest factor.

23 Q And as we stand here today, under oath, your
24 determination as to what should happen, in terms of follow
25 up, is what?

1 A Twenty-four response.

2 Q Okay. And on that point, and again Mr. Saxberg,
3 Diana Verrier's counsel, suggested that you got it wrong by
4 checking off intake on the form. And perhaps we can go to
5 page 37448.

6 Now, can you tell us, by checking off case to
7 intake what actually happens at that time?

8 A The report would be given to the supervisor and
9 the, and the supervisor would decide then whether it would
10 go CRU backup or upstairs intake.

11 Q And can you tell us what difference that makes in
12 terms of the 24 hour response that you are recommending?

13 A Neither. It needs to be done in 24 hours,
14 regardless of who is going to follow up.

15 Q So when Mr. Saxberg suggested to you that you
16 gave it a lesser degree of seriousness, if I could use that
17 term, by checking off intake as opposed to CRU, what would
18 you say to that?

19 A That's incorrect.

20 Q And so it doesn't matter whether it says intake
21 or CRU, it's about the response time; correct?

22 A Yes. And I believe that one point in time we
23 were asked not to mark CRU in case they wanted to send it
24 upstairs. So intake is intake, whether it's tier one or
25 tier two.

1 Q Mr. Gindin asked you some questions about the
2 struggle you had to, to speak out about the fact that your
3 report has been changed and the fact that, that these
4 things were made and, and he asked you to talk about the
5 difficulty that was in terms of having to speak about other
6 people you work with. I'm wondering if you can just give
7 us a sense of sort of what it's been like for you at work
8 lately.

9 A I have had a feeling of being isolated.

10 Q Sorry, you said you've had a feeling of being
11 isolated?

12 A Isolated and avoided.

13 Q And, and why do you think that is or why do you
14 -- what makes you feel that way?

15 A Prior to this or prior to that newspaper article
16 that was --

17 MR. MCKINNON: Mr. Commissioner, I rise to object
18 to this. If -- the understanding we've had is if, if
19 information is being raised on re-direct, if it's new
20 information it should go to Commission counsel, Commission
21 counsel can raise it so we can cross-examine on it, point
22 number one. And point number two, my learned friend here
23 objected when the witness was being asked to speculate
24 before, now he's asking the witness to speculate why other
25 people feel particular ways towards this witness. I think

1 it's improper on two grounds.

2 THE COMMISSIONER: I, I understand what you're
3 saying, Mr. McKinnon. Mr. Buchwald -- and I think it's
4 gone far enough and she's made the point and I, I think
5 it's, it's -- I think the point is made.

6 MR. BUCHWALD: Understood, Mr. Commissioner,
7 those are my only questions. Thank you.

8 THE COMMISSIONER: All right. witness, thank you.

9 MS. WALSH: Mr. Commissioner?

10 THE COMMISSIONER: Yes?

11 MS. WALSH: I do have --

12 THE COMMISSIONER: I'm sorry.

13 MS. WALSH: -- one or two questions, just to
14 clear up a few things.

15 THE COMMISSIONER: That is your right, yes.

16 MS. WALSH: In, in my mind.

17 THE COMMISSIONER: Yes.

18 MS. WALSH: Thank you.

19 Can we pull up, please, page 37347? And just
20 take a look at that. Mr. Commissioner, you have a hard
21 copy of that document?

22 THE COMMISSIONER: No. No.

23 MS. WALSH: You should have a hard copy of that,
24 for your ease of reference, from yesterday.

25 THE COMMISSIONER: Well, I had it yesterday but I

1 -- wait a minute now.

2 MS. WALSH: This is from the --

3 THE COMMISSIONER: Wait a minute, I might have
4 it.

5 MS. WALSH: -- intake report.

6

7 RE-EXAMINATION BY MS. WALSH:

8 Q Ms. De Gale, this is from the intake report that
9 you prepared on May 11, 2004 that was in Steve Sinclair's
10 file?

11 A Yes.

12 Q Do you recall it yesterday, I then took you to
13 the one that was -- the, the version of, of your intake
14 report that was ultimately put into Ms. Kematch's file.

15 A Yes.

16 Q And I just want to look at the last page and, and
17 again, we've looked at the last page of that intake report
18 in each file, today, and I just want to, to look at them
19 again for comparison sake.

20 So this document that we're looking at now,
21 that's the one that was in Mr. Sinclair's file, at the time
22 that you were still involved with the file and it shows a
23 paragraph which you say is, is not the paragraph that you
24 wrote, in fact. I believe that was your evidence?

25 A No, not in its entirety.

1 Q Not in its entirety. And there's two lines for
2 signatures, yours and the supervisor's and only the
3 supervisor's signature is there?

4 A Correct.

5 Q And then it says: May 11, slash, '04?

6 A Correct.

7 Q Now, if we go to the last page of this report
8 that was put into Ms. Kematch's file, that's page 36966, it
9 appears there are a number of differences between this page
10 and the page that we just looked at. Would you agree?

11 A With the added comments after my report?

12 Q There's Mr. Orobko's comments.

13 A Yes.

14 Q Even before Mr. Orobko's comments the font looks
15 different.

16 A Yes.

17 Q And there appears to be a line on this page that
18 wasn't on the last page of the intake report that we saw in
19 Mr. Sinclair's file?

20 A Correct.

21 Q And there's no signature from anyone on this
22 page.

23 A Correct.

24 Q And the date is documented differently. On the
25 last one we saw it was -- it said May 11, '04 and this says

1 DD, slash, May 11, '04.

2 A Correct.

3 Q So the last page of your intake report that makes
4 its way into Ms. Kematch's file is not the same as the last
5 page of the report that is in Mr. Sinclair's file?

6 A No.

7 Q I want to confirm the process of your preparing
8 and handing in a report, just so that we're all clear. You
9 type up your intake report -- and, and speaking
10 specifically, the intake report that you prepared on May
11 11, 2004 you typed it?

12 A Correct.

13 Q As a word document?

14 A Yes.

15 Q And then do you save it somewhere? Did you save
16 it somewhere?

17 A We would save it on a drive.

18 Q Was that a shared drive that others --

19 A Yes.

20 Q -- would have access to?

21 A Yes.

22 Q Okay. Then you printed a hard copy?

23 A Yes.

24 Q And you signed the hard copy?

25 A Yes.

1 Q And then you handed it to Ms. Verrier?

2 A Correct.

3 Q Along with the safety assessment form?

4 A Yes.

5 Q Once you handed the document, the intake report,
6 to Ms. Verrier, did you see it again?

7 A No.

8 Q So you didn't see it after she signed it or knew
9 whether she signed it or not?

10 A No.

11 Q And then how did the document get attached to
12 CFSIS?

13 A Once she would approve it then it would go to the
14 admin and the admin would then go into the drive and attach
15 it.

16 Q Before the document went to admin to be added to
17 CFSIS, was it given back to you to look at?

18 A No.

19 Q Just understanding the role of a CRU worker, you
20 said yesterday that you agreed with the program description
21 that I read to you from the intake program description and
22 procedures manual at page 19628 in particular. And that
23 says, in the second paragraph:

24

25 "The CRU and AHU mandate is to

1 process all referrals for service
2 to the Agency, to gather and
3 screen information, to determine
4 the validity of the referrals, and
5 to assign priority levels to
6 referrals to ensure further
7 assessment or investigation occurs
8 if required."

9

10 You told me that you agreed with --

11 A Yes.

12 Q -- that job description. So, as a CRU worker,
13 was it your job to do a full investigation of the concerns
14 that were expressed by a referral?

15 A No.

16 Q So as this document says, your role did involve
17 recommending and ensuring that further assessment and
18 investigation would take place, if necessary?

19 A Yes.

20 Q And that was what you did in this case?

21 A Yes.

22 Q The last question that I have, I realized when,
23 when we were speaking yesterday and you said -- you told us
24 how you came to learn how it was that your document was
25 altered and that there were -- there was a different

1 version of the safety assessment from the version that you
2 handed in, and the intake report from the version that you
3 handed in, and you said you had a meeting with Mr. Paul and
4 Ms. Loepky.

5 A Yeah.

6 Q Who did you understand you were meeting with, at
7 that point?

8 A At that point, I was aware that I would be
9 meeting with Ms. Loepky, the agency lawyer and Trevor Ray
10 and myself.

11 Q Trevor Ray being the union lawyer?

12 A Yes.

13 Q And Ms. Loepky, did you understand that she was
14 representing the department?

15 A Yes.

16 Q Because Winnipeg CFS, your employer, is a branch
17 of the department?

18 A Yes.

19 Q And that's -- Winnipeg CFS is still your
20 employer?

21 A Yes.

22 MS. WALSH: Those are my questions, Mr.
23 Commissioner.

24 THE COMMISSIONER: All right.

25 MS. WALSH: Thank you, Ms. De Gale.

1 THE COMMISSIONER: Now, witness, you are through.
2 Thank you very much for coming --

3 THE WITNESS: Thank you.

4 THE COMMISSIONER: -- and giving us your time.

5

6 (WITNESS EXCUSED)

7

8 MS. WALSH: Mr. Commissioner, we have no further
9 witnesses until the witness who is testifying at 2:00,
10 because they are testifying via video link, because they
11 are out of town, we couldn't move up or change the timing
12 of their evidence, so my apologies for the delay.

13 THE COMMISSIONER: Is that witness likely to be
14 long or?

15 MS. WALSH: They'll certainly take the afternoon,
16 I would imagine.

17 THE COMMISSIONER: Oh, all right, that's -- that
18 was my point, if it was going to be short I would want
19 another witness brought on.

20 MS. WALSH: Right.

21 THE COMMISSIONER: Because it's -- we've had a
22 couple of these but with this recording -- this, this
23 person is out of town, is, is --

24 MS. WALSH: That's correct.

25 THE COMMISSIONER: I see. And, and the

1 arrangements will be made for the recording at two o'clock?

2 MS. WALSH: That's right. It involves the
3 witness attending at a specific place and having the
4 equipment in place so it's just not that easy to, to move
5 their testimony.

6 THE COMMISSIONER: Right. Well, all right,
7 there's -- I have no choice then but to adjourn to two
8 o'clock this afternoon, and I would ask Commission counsel
9 to check this file --

10 MS. WALSH: Certainly.

11 THE COMMISSIONER: -- and get in there what was
12 in yesterday, it's, it's not complete from what it was.

13 MS. WALSH: I'll, I'll see what, what happened to
14 the material.

15 THE COMMISSIONER: Okay.

16 MS. WALSH: Thank you.

17 THE COMMISSIONER: All right. We stand adjourned
18 until two o'clock this afternoon.

19

20 (LUNCHEON RECESS)

21

22 THE COMMISSIONER: Good afternoon.

23 MS. WALSH: Mr. Commissioner, before we begin
24 with this witness, we have been asked by counsel for Ms. De
25 Gale for standing to be able to cross-examine Ms. Verrier.

1 So Mr., Mr. Buchwald has, in accordance with the procedure
2 that we instituted, that counsel advise in advance that
3 they would like standing to be able to cross-examine, he
4 has advised that he would like to have that standing.

5 THE COMMISSIONER: Anybody want to comment on
6 that? All right, if not I'll make the order granting that
7 request.

8 MS. WALSH: Thank you.

9 THE CLERK: Good afternoon, can you see me?

10 THE WITNESS: I can.

11 THE CLERK: Okay. Is it your choice to swear on
12 the Bible or affirm to tell the truth without the Bible?

13 THE WITNESS: The Bible is fine.

14 THE CLERK: Do you have --

15 THE WITNESS: It's right.

16 THE CLERK: You have a Bible? Okay.

17 THE COMMISSIONER: Yes, she has.

18 THE CLERK: State your full name to the court.

19 THE WITNESS: Diana Lynn Verrier.

20 THE CLERK: And just spell me your first name,
21 please? Will you just spell me your first name.

22 THE WITNESS: Oh, my first name, sorry?

23 THE CLERK: Yes.

24 THE WITNESS: D-I-A-N-A.

25 THE CLERK: And your middle name, please.

1 THE WITNESS: L-Y-N-N.

2 THE CLERK: And your last name.

3 THE WITNESS: "V" as in Victor, E-R-R-I-E-R.

4 THE CLERK: Thank you.

5

6 **DIANA LYNN VERRIER,** sworn,

7 testified as follows:

8

9 THE CLERK: Thank you.

10 MR. OLSON: Good afternoon, Ms. Verrier. There
11 seems to be a bit of delay on the microphone. Can you hear
12 me okay?

13 THE WITNESS: I -- every once in awhile it goes
14 out just a touch but I can hear for the most part.

15 MR. OLSON: Okay. Just let me know if, if either
16 you can't hear me or if I -- if the question isn't clear
17 because of the, the delay. Okay?

18 THE WITNESS: Okay.

19

20 DIRECT EXAMINATION BY MR. OLSON:

21 Q You have a BA from the University of Manitoba, a
22 Bachelor of Social Work, also from the University of
23 Manitoba, obtained in 1992 and a Masters of social work
24 from the U of M from 2006. Is that right?

25 A That's correct. That's correct.

1 Q When did you start working in the child welfare
2 field?

3 A I started working in, in and around August of
4 1992 in the afterhours unit.

5 Q Was that just after obtaining your Bachelor of
6 Social Work then?

7 A It was probably a couple, a couple of months
8 later, so I believe I would have graduated in May/June.

9 Q Okay. And when you started, that was in the
10 afterhours unit and what, what were you doing there?

11 A I was a front line social worker, responding --
12 well, taking phone calls as well as responding with fields
13 to any, any child protection concerns that needed to be
14 fielded upon.

15 Q Okay. And for how long did you stay in that
16 unit?

17 A I was in that unit for a number of years. I
18 remained in that unit on a casual basis when I went to a
19 day position so I, I think I was in the unit for
20 approximately oh, eight to 10 years, I think.

21 Q Okay. And when you say you went to a day
22 position, what was that position?

23 A So after, after I went to after hours on a
24 full-time basis I went to the reunification unit in the
25 central area --

1 THE COMMISSIONER: What, what, what --

2 THE WITNESS: -- and so that was about 1999.

3 THE COMMISSIONER: What unit?

4 MR. OLSON: Reunification.

5 THE WITNESS: Re.

6

7 BY MR. OLSON:

8 Q Is that right, reunification unit?

9 A Yes, that's correct.

10 Q And you continued to work in the afterhours unit
11 on a casual basis?

12 A I did.

13 Q Okay. And that's because after hours work is
14 typically after hours or on weekends, after normal business
15 hours; right?

16 A Yes. Yeah.

17 Q And for how long did you stay in the
18 reunification unit as, as a worker?

19 A I, I then moved to the foster care unit in 2000
20 so I was in the reunification unit about a year, a year and
21 a half.

22 Q Okay. Then you moved to the foster care unit and
23 how long did you stay there?

24 A Yes. I moved to CRU in 2003, so I was there
25 about three years.

1 Q Okay. And what was your position at CRU?

2 A I was a CRU supervisor, one of two.

3 Q So when you first started you were a supervisor?

4 A Yes.

5 Q Okay. When you first began as a supervisor in
6 CRU, did you receive any specific training for that
7 position?

8 A I don't recall that far back. I do recall
9 attending a competency based training for supervisors that
10 we had also attended as front line social workers.

11 Q Okay. I just noticed that you seem to be looking
12 down. Are you referring to a paper or something? Do
13 you --

14 A Yes, I'm -- I, I do have, I do have some notes in
15 terms of dates, and yeah, I'm also thinking when I do look
16 down, but I do have some notes.

17 Q Are these notes you, you created for this
18 interview? This testimony?

19 A Yes. They're notes that I, that I wrote down in
20 terms of dates and, and to remind myself of things, yes.

21 Q And you, you shouldn't have anything like that
22 with you at this point. If you can't recall something --

23 A Okay.

24 Q -- you can just let us know.

25 A Okay. So the -- should I have with me the, the

1 case -- or the reports?

2 Q Yes.

3 A That were sent to me?

4 Q Yes, you should.

5 A Okay. Fair enough.

6 Q So you said you started as a supervisor in 2003
7 and you were telling us you received some training for that
8 position?

9 A Yes. Well, the competency based training I do
10 recall, that's, that's the only thing I do recall. And it
11 was competency based training for supervisors.

12 Q Okay. And is that the core training that -- is
13 it the same thing as core training?

14 A So I, I can't decisively say if it was the same,
15 I suspect.

16 Q But it was specifically for supervisors?

17 A Yes, it was a, it was a -- I had to go through
18 it, it was a number of weeks, I don't recall the specifics.

19 Q Okay. For how long were you employed as a
20 supervisor in CRU?

21 A I left the organization in approximately May
22 2005.

23 Q May of 2005?

24 A So -- yeah.

25 Q And then from, from being a supervisor, where did

1 you go after that, after May 2005?

2 A Then I moved -- I left Winnipeg.

3 Q Okay. Did you remain in the child welfare
4 system?

5 A I, I did not, no.

6 Q When you were a supervisor, how many workers were
7 you supervising?

8 A I believe there was six.

9 Q Six workers?

10 A That's correct.

11 Q Was that fairly consistent --

12 A Yes.

13 Q -- be -- over that time period that you were a
14 supervisor, there were six workers?

15 A Yes. I -- the number never changed.

16 Q And we've heard that there were two shifts in CRU
17 so you would be a supervisor of one shift and then there
18 would be a supervisor for another shift?

19 A Yes.

20 Q Who was the other supervisor?

21 A Diva Faria was the supervisor of the other team.

22 Q And was she the supervisor for that same time
23 period that you were supervisor?

24 A No, she was the supervisor of CRU prior to my
25 arrival and she continued on after I left.

1 Q Okay. And who -- as a supervisor, who is it you
2 would report to?

3 A I reported to Rob Wilson.

4 Q And what was his title? Program manager?

5 A Oh, I -- yes, I think that sounds right.

6 Q Or assistant program manager?

7 A Yes. Yeah.

8 Q Now, we've heard some evidence about CRU being
9 one level of intake and that there was another level called
10 tier two intake. Is that, is that correct?

11 A Okay. So I'm not familiar with the terminology
12 tier two, or tier one, but we had CRU and we absolutely
13 then had the intake units and the abuse units, yes.

14 Q Okay. And then there was also ongoing service?

15 A Ongoing -- oh, family services, yes.

16 Q Do you have a document in front of you that's --
17 it should say Commission disclosure 992 on it, starting at
18 page 19624.

19 A 992. So, I don't think I have those numbers but
20 I do have one of two documents which I believe you're
21 referring to.

22 Q It's the Winnipeg Child and Family Services
23 Intake Program Description and Procedures.

24 A I have crisis response unit and after hours unit.

25 Q If you look at --

1 THE COMMISSIONER: What page number?

2

3 BY MR. OLSON:

4 Q Yes, if you look at the bottom of that page, is
5 that page 19628?

6 A Yes.

7 Q Okay, good. So we're looking at the same
8 document then. Is this a document you were familiar with
9 as a supervisor?

10 A I don't recall this document.

11 Q Okay, you don't have a recollection of it?

12 A No.

13 Q Okay. If you look -- have you had a chance to
14 take a look at the document since it was provided to you?

15 A Yes.

16 Q If you look under program description, the second
17 paragraph where it says: "The CRU and AHU mandate." Do
18 you see that?

19 A Yes.

20 Q Can you tell me if this describes the mandate, as
21 you understood it, it says:

22

23 "... to process all referrals for
24 service to the Agency, to gather
25 and screen information, to

1 determine the validity of the
2 referrals, and to assign priority
3 levels to referrals to ensure
4 further assessment or
5 investigation if required occurs.
6 As well, the CRU and AHU would
7 have the primary obligation to
8 ensure the safety and well-being
9 of children at risk ... which may
10 include responding to and
11 investigating allegations of
12 serious physical and/or sexual
13 abuse and/or neglect."

14

15 Was that your understanding of --

16 A Yes.

17 Q It is. Okay.

18 And if you continued on, on that same page, the
19 bullet points list case management decisions that would be
20 made by CRU. So they include things such as:

21

22 "Is the referral eligible ... for
23 Winnipeg Child and Family
24 Services?

25 Are the children safe or in need

1 of protection?

2 What immediacy of response does
3 the referral warrant?"

4

5 Et cetera. Those are all things that CRU would do at the
6 time, assessments CRU would make?

7 A Yes.

8 Q Still looking at that page, there's a heading
9 "Service Provision and Assessment." Do you see that?

10 A Yes, I do.

11 Q And it says:

12

13 "With respect to the
14 day-to-day provision of services
15 the CRU and AHU will ..."

16

17 And if you take a look at (b), it says:

18

19 "Respond to any crisis involving
20 assessing and intervention in
21 situations where a child may be at
22 acute risk of abuse or neglect."

23

24 Then it says:

25

1 "The CRU will respond to all
2 situations where a response is
3 required within 24 hours or within
4 48 hours (on cases not open to
5 other agency units)."

6

7 The, the time there, the "24 hours or within 48
8 hours", what -- first of all, is that accurate, is that
9 what CRU did?

10 A So we would respond to any imminent risk. So
11 within 24 hours would be my understanding, the 48 hours,
12 that is -- I'm not familiar with that.

13 Q You're not familiar with that?

14 A Right. If there was even any imminent danger or,
15 or somebody needed to go on it right away.

16 Q So, so if something that had to be dealt with
17 immediately is what CRU would deal with. Is that ...

18 A Sorry, can you repeat that?

19 Q If, if an issue had to be dealt with immediately,
20 that's something that CRU would deal with, they would go
21 out on the call?

22 A Absolutely.

23 Q Sometimes would that involve going out on a call
24 even if it's after 48 hours?

25 A I'm not sure that I understand what you're asking

1 me. So there's not a risk right now; is that what you're
2 saying?

3 Q Let me put it this way, if, if the risk is
4 assessed to be fairly immediate but it's something that
5 could be done within 48 hours, would CRU sometimes respond
6 to that?

7 A So if, if the -- if we needed to go out on that
8 call right away, CRU would respond to it. I don't know
9 that 48 hours would have been assigned to that sort of risk
10 but if we said we need to go on this right now, that's what
11 CRU would respond to.

12 Q Okay. And so if CRU isn't going to be responding
13 to a call, who would respond to it?

14 A The -- so the call would have come through one of
15 our teams, either through the fax or through the phone and
16 then we would have our second team would be fielding any
17 emergency calls. So it would have been the other team that
18 would have received that to call (inaudible).

19 Q So the call comes into team one, they take, they
20 take the call and do they -- what do they do with that, at
21 that point?

22 A So once they have received a call and they
23 understand or believe that it needs an immediate response,
24 they would bring it to their supervisor. The supervisor
25 would then take it to the, the supervisor of the team that

1 was not on phones. So if my team took the call I would
2 take the, the report to Diva and say we need to field on
3 this and she would assign it to one of her workers.

4 Q And if, and if all Diva's workers are out on
5 calls or for some reason there's no workers available,
6 would there be someone else to handle that call, to go out
7 on it?

8 A I, I think it would depend on the priority of the
9 call and could it wait for one of her workers to come back,
10 could she divert one of the workers? If, if all of them
11 were on, on calls that were requiring immediate -- like,
12 they, they couldn't be diverted to this call if it wasn't,
13 it wasn't higher priority. At that point we could
14 potentially look at if there is someone on the phones that
15 could be used to go on fields, or do we need to call the
16 police to, to do the initial field to the home.

17 Q Okay. Would, would you ever have intake, an
18 intake worker go out and field that call?

19 A I don't recall that ever occurring. I'm not
20 suggesting it didn't, I just don't recall that occurring.

21 Q Okay. Just in terms of the way CRU worked, a
22 call would come in and one of the CRU workers would answer
23 that -- the call, would be on phones. Is that right?

24 A That's -- yeah, so there would be, there would --
25 the entire team would be on phones so there would be six

1 people or so, assuming everyone was present, on the phones
2 and if all of them were on the phone calls, if I remember
3 correctly, the phones would then go to our receptionist who
4 would then keep messages and give them to the CRU workers
5 on the phones.

6 Q Okay. And I take it then the worker that picked
7 up the call would deal with the, the referral. Is that how
8 it worked?

9 A So the, the worker who took the call would
10 absolutely write the report, would gather information that
11 was necessary and, and then would either bring it to their
12 supervisor or would assign it to intake.

13 Q And the worker, when receiving the referral,
14 would you expect them to heck to see if a file was already
15 open or if there was other contact with Child and Family
16 Services?

17 A So when the worker received the call they would
18 do a CFSIS check to determine had there been prior contact
19 or not, and if so, what was on CFSIS.

20 Q Okay. And so they wouldn't have the physical
21 file, at that point, just whatever is on CFSIS?

22 A Right. Yeah, a physical file may or may not be
23 at the same location that they are.

24 Q And at that point, what would you expect the
25 worker to review?

1 A I would expect them to review the entire history
2 that was available to them on CFSIS and to summarize that
3 or put that information into the report, itself.

4 Q We've heard that some workers would look at the
5 last intake that was available on CFSIS and if that was
6 sufficient, use that for their history and their
7 background. Was that, was that the practise in the unit at
8 the time?

9 A I'm not aware of that being a practise.
10 Certainly the expectation would have been a complete
11 summary from CFSIS of the history. But -- and so perhaps
12 they are simply looking at the last contact. The last
13 contact may have had a summary there, but certainly the
14 expectation would have been to summarize the history, in
15 total.

16 Q In total. So whatever history is available on
17 the file -- on CFSIS?

18 A On CFSIS, yes.

19 Q And that's what you would have trained your
20 workers to do?

21 A That would have been the expectation.

22 Q Okay. And then once the worker looks at whatever
23 information is available on CFSIS would they then try to
24 contact collaterals?

25 A They may, it would, it would really depend on

1 what the, what, what the information was that they already
2 had and it would depend on, on the presenting issue. So it
3 would -- they may collect to contact collaterals and they
4 may leave that for intake to do, as well.

5 Q Okay. The worker that was on the phones, they
6 would just be, when they contact collaterals, they don't go
7 out in the field to, to do that, do they? Is it just all
8 done through the phone?

9 A (Inaudible.) Yes, yes. So there -- the, the
10 worker who was on the phone would do all of the phone work.
11 If a field was required we would have the other team do
12 that piece.

13 Q CRU would only handle fields, in your experience,
14 if it was something that was urgent or immediate?

15 A Yes.

16 Q Okay. And then for all other cases they would be
17 either dealt with at CRU, closed or sent up to intake or
18 abuse intake?

19 A What was the first part of that, for all other
20 cases?

21 Q All other cases would have to be closed at CRU or
22 they would be sent up to intake or abuse intake.

23 A Right.

24 Q Who would it be -- sorry, who would make the
25 determination as to whether a file should be closed?

1 A So the worker would make the recommendation and
2 would provide the report to myself or to Diva and we would
3 review it and if we agreed we could sign it off, if we --
4 if I disagreed I would take it back to the worker and let
5 them know what other work needed to be completed.

6 Q Okay. Is that the case, as well, for -- if, if,
7 if a worker decides that a file should go to tier two
8 intake, is it the same process in terms of you reviewing
9 the recommendation they make?

10 A Yes. So if I felt that we needed to go out on a
11 call, I have -- I would say we needed to do it, we need to
12 go out on it. If I agreed that it, it could go, it was
13 appropriate to go to intake, I would sign it off and it
14 would go to intake.

15 Q Do you review the worker's report before a
16 determination is made whether or not another worker has to
17 go out immediately?

18 A Do -- sorry, I didn't catch the last part.

19 Q Well, if the worker who takes the initial call
20 determines that it's --

21 A Yes.

22 Q -- it's something that needs immediate attention,
23 so someone on the other shift is going to go out and, and
24 do a field, at what point do you send the person out to do
25 the field?

1 A So if the, if the person, the person on the phone
2 has come to their supervisor and their supervisor believes
3 the field needs to be complete, they would have brought the
4 -- they would bring it to the other supervisor and if we
5 (inaudible) would send out the, the person who is on the
6 field on the other team.

7 Did I hear your, your --

8 Q Yeah, that's --

9 A -- question correctly?

10 Q That was my question. So would there -- would
11 the worker who took the initial call have provided you with
12 a written report before the person is sent, the other --

13 A Yes.

14 Q -- worker goes out?

15 A Yes. Well, so they would bring that written
16 report to the supervisor before the field was made.

17 Q Okay. And then would you review that report
18 immediately or would you review it with all the other
19 reports from that day?

20 A Immediately. So those would be walked to me and
21 I would -- and they would say this one needs a field and I
22 would review it immediately.

23 Q Okay. And would that be the case if it was a 24
24 hour response time, that was, that was recommended?

25 A I -- yes. It would be, it would be then a

1 immediate response was required and we needed to field out
2 on it. Any report that we didn't need to do an immediate
3 field, they would put in a area where we kept the reports
4 to be reviewed.

5 THE COMMISSIONER: Well, just let me ask this.
6 Is an, an immediate requirement different than one
7 requiring a 24 hours response. Are -- is there a
8 difference between an immediate requirement and a 24 hour
9 requirement?

10 THE WITNESS: I would say yes, there may be
11 instances when we want to go out within 24 hours so meaning
12 the next day but certainly you don't need to go out this
13 very instant so there may be instances where that would be
14 the case certainly with CRU that we need to go out today.

15

16 BY MR. OLSON:

17 Q So in some cases CRU has to go out immediately
18 and in those cases the worker would bring the report
19 directly to you and you would assign someone to go out,
20 provided you agree with that assessment?

21 A So I, I didn't hear the first part, it flicked
22 out a little bit. Could you repeat that?

23 Q So if a worker determines that immediate response
24 is required, that worker would bring the report to you --

25 A Okay.

1 Q -- with the recommendation and you would review
2 it and then send someone out immediately?

3 A Yes.

4 Q Okay. But in other cases where a worker
5 determines that a 24 hour response is sufficient, so within
6 24 hours, the worker would -- would the worker hand in the
7 report immediately then or just at the end of the day?

8 A The worker would hand in the report, they had an
9 ongoing area that they would put their reports and I would
10 make visits throughout the day, I would come and collect
11 the reports. So everything was not left to the end of the
12 day but certainly they would put it -- as opposed to
13 walking it to me they would put it into the report area.

14 Q Okay. And then when you got the report, what
15 would you do with it?

16 A The, the regular report that was from the report
17 area, when I would gather those, I would go back to my
18 office and review them and sign them off and then give them
19 for -- to our admin person to, to process for intake, to
20 get them for intake.

21 Q Okay. And so when the report is first handed in
22 to you by the worker, you said the worker signs off on the
23 report?

24 A Yes, the worker -- yes, there -- they would sign
25 off on the report, yes.

1 Q Okay. And what does that indicate when a worker
2 signs off on the report?

3 A So it really indicates that they have finished
4 their part of the report and so there's ending -- they're
5 ending their part of the report and they're now passing it
6 on to the next, the next team and/or to closing, one of the
7 two but yeah, that they finished their, their work.

8 Q Okay. As a supervisor, was it your expectation
9 that the worker would always sign off on the report?

10 A It was absolutely my preference that they would
11 sign off on their report and there certainly may be
12 instances where, for whatever reason, they did not but it
13 was always my preference that they would sign off.

14 Q Okay. At what point would you sign off on a
15 report?

16 A I would sign off when that -- it was ready to be
17 closed, when I agreed with the closing, or when it was
18 ready to be moved to the next team.

19 Q And so when you sign off on the report, what are
20 you indicating by that?

21 A I'm indicating that I agree with the work that's
22 been done, I agree with the plan, and, and so it's now
23 ready to move to the next step, whatever that step is.

24 Q Are there cases where you wouldn't agree with the
25 plan or the recommendation?

1 A Absolutely. It's -- it was my role as the
2 supervisor to ensure that we were doing the -- we had the
3 plan that we needed to have, we had the response time we
4 needed to have, and to ensure there weren't any mistakes in
5 the report. And so if I did disagree, in terms of we
6 needed to do more work on it, or we needed to open it to
7 intake, at that point I would let the worker know.

8 Q So you would, you would talk to the worker about
9 that?

10 A Certainly if they -- there were instances when I
11 would review reports after the workers had all left but
12 certainly in the majority of instances I would absolutely
13 walk it back to the worker and let them know what my
14 thoughts were.

15 Q And would you do that before signing off on the
16 report?

17 A I would, yes.

18 Q Would you ask the -- sometimes request that the
19 worker change the report after having input from you?

20 A Yes. Certainly if it required a change in plan
21 or if we needed to do more work on it, it would absolutely
22 require the, the change. Those are probably really the,
23 the two instances.

24 Q Okay. And so could the worker go back into the,
25 the report they prepared, I take it they prepared that

1 electronically. Could they go back in and make whatever
2 changes they needed to and then re-submit it to you?

3 A They could, yes.

4 Q Okay.

5 A Yes.

6 Q As a supervisor, did you have access to an
7 electronic document, electronic report?

8 A Yes.

9 Q Okay. Could you also make changes to it, if you
10 wanted to?

11 A If, if I wanted -- if the workers weren't there
12 to change -- to make the changes, I would add a section
13 onto the bottom, stating reviewed -- something like
14 reviewed by supervisor, and then indicate what, what my
15 plan was and then I would sign that off.

16 Q Okay. So you have the ability to do, to do that
17 then, to make the changes?

18 A Yes. Yes. They were all kept in a shared drive
19 so there was, there was a fair bit of access in terms of
20 those reports.

21 Q Okay. And I understand they're not actually
22 entered onto CFSIS until you hand them into the
23 administrator?

24 A So I don't recall the specific process but that
25 makes -- that does seem consistent.

1 Q Okay. So at least any time before that is done,
2 changes can be made to the electronic document?

3 A Sorry, can you repeat that?

4 Q Any, any time before the actual file is attached
5 to CFSIS, changes could be made to the electronic document?

6 A Yes.

7 Q Okay. You said that sometimes you might make
8 changes to a document if a worker was gone -- had gone home
9 for the day. Is that right?

10 A So if I was -- the majority of the time I was
11 reviewing reports would be after all the workers had left.

12 Q Okay.

13 A And so if there was pieces to add to those
14 reports I would do it at that time.

15 Q Okay. And you said you would indicate that
16 somehow. How, how would you do that?

17 A Pardon me?

18 Q You, you said you would --

19 A I would, I would add, I would add a piece at the
20 bottom, saying supervisor reviewed.

21 Q And then would the report be submitted to the
22 administrator to put it on to CFSIS?

23 A Yes.

24 Q Okay. But in that case you would always make
25 some -- you would have some sort of indication that you

1 reviewed it and made a change?

2 A Yes. That -- it would have been a necessary
3 piece to, to either make that change in the plan or, or
4 change in where it was going in terms of it being addressed
5 to.

6 Q Would you ever change a worker's report without
7 either discussing it first with the worker or indicating
8 that you were making a change on the report, itself?

9 A No. There would, there would be absolutely no
10 need to make a change in, in a worker's report. You know,
11 the final, in terms of as the, as the supervisor it's my
12 job to ensure that the report was accurate, there were no
13 mistakes, and to sign off on the plan. And so certainly if
14 I disagreed I would add that piece in there. So no changes
15 would have been made other than in that way.

16 Q Okay. So it would be obvious, you're saying, on
17 the face of the report that the change had been made by
18 you?

19 A Pardon?

20 A If you were going to make a change it would be
21 obvious on the report that you made a change?

22 A Yes.

23 Q Okay.

24 A Yes.

25 Q Would you ever remove any information from a

1 worker's report?

2 A There would be absolutely no reason to remove
3 information from a worker's report. It would be really
4 important that the, that the report have all the necessary
5 information, that it was complete, and that it, it would be
6 unethical to remove any information from the report. So
7 absolutely not. There -- that would not fit with the role
8 of ensuring that we have all the information that we needed
9 to ensure kids were safe.

10 Q Okay. Would it also be unethical to add to a
11 worker's report without indicating you were making a
12 change?

13 A So as the, as the supervisor and as the person
14 who is signing off on that report, and doing the final sign
15 off on the plan, it is absolutely my job to make any
16 additions to the report if I disagree with the plan or if I
17 think more needs to be done.

18 THE COMMISSIONER: But that didn't answer the
19 questions.

20 MR. OLSON: Right.

21

22 BY MR. OLSON:

23 Q The, the question was would it be unethical to
24 make a change to a report without indicating on the report
25 that you had made the change?

1 A Oh, so it would be unethical to change the report
2 without putting the changes on the report, yes.

3 Q Because then it might look like the worker --

4 A Yes.

5 Q -- that the worker had made that report when it
6 was actually -- a portion was made by, by you? Right?

7 A Right. Absolutely. And that's, that's why it
8 was imperative that I wrote that it was reviewed by myself
9 and then it was -- then I wrote that there. Because that,
10 in fact, would be a change on the report that I would want
11 documented.

12 Q Okay. You're aware that Ms. De Gale has
13 indicated she believes you changed her report? That's
14 something you're aware of?

15 MR. SAXBERG: I --

16 THE COMMISSIONER: Well --

17 MR. SAXBERG: -- I, I --

18 THE WITNESS: Yes.

19 MR. SAXBERG: -- I am going to object to that.
20 She, she did not indicate that Ms. Verrier changed her
21 report, she's talking about the safety assessment which she
22 said was changed and in which Ms. Verrier initialled her
23 change. And I asked her specifically who she thinks did
24 it.

25 THE COMMISSIONER: Well, wait a minute.

1 MR. SAXBERG: You will remember that.

2 THE COMMISSIONER: Just a minute now. Is there
3 evidence from De Gale that what changes she thought were
4 made were, in fact, made by this witness?

5 MR. OLSON: I may be mistaken on that.

6 THE COMMISSIONER: I think maybe you are.

7 MR. OLSON: That could be.

8 THE COMMISSIONER: All right, so --

9 MR. OLSON: So I'll withdraw that question.

10 THE COMMISSIONER: All right. You may want to
11 rephrase it without reference to names.

12 MR. OLSON: Okay.

13

14 BY MR. OLSON:

15 Q The, the safety assessment that Ms. De Gale
16 prepared, you're aware that she believes you changed that
17 safety assessment?

18 THE COMMISSIONER: Well, no, is there evidence
19 that, that -- is there, is there evidence that De Gale says
20 that somebody changed it but did she identify who changed
21 it?

22 MR. OLSON: My understanding of the evidence was
23 that the initials beside the change, she believed those
24 were Ms. Verrier's.

25 THE COMMISSIONER: All right.

1 MR. SAXBERG: Just to be clear, Mr. Commissioner,
2 we're making the distinction between that safety assessment
3 form and then the CRU intake report.

4 THE COMMISSIONER: All right. I have them both
5 here. All right, I, I follow you, indicating the identity
6 of the person by virtue of the initials, that's --

7 MR. OLSON: Right.

8 THE COMMISSIONER: -- what you're saying. All
9 right, I follow you.

10

11 BY MR. OLSON:

12 Q We expect to hear evidence from Shelly Willox,
13 otherwise known as Shelly Wiebe. You were her supervisor?

14 A No, I wasn't.

15 Q You weren't. Did you supervise her from time to
16 time?

17 A If, if her supervisor, Diva Faria, was away I
18 would be Diva's backup.

19 Q Okay. We expect to hear evidence from her that
20 there were concerns about reports being changed or altered
21 without consultation first. Is that something you are
22 aware of?

23 MR. SAXBERG: I, I, I have got to object to that
24 because I have never heard that before, that's not in her
25 witness statement. Is that in Shelly Wiebe's?

1 MR. OLSON: Perhaps we could take a five minute
2 break, just ...

3 THE COMMISSIONER: That might help us move it
4 along?

5 MR. OLSON: Yes.

6 THE COMMISSIONER: All right. Witness, we're
7 going to give you a break for five minutes and then
8 we'll --

9 THE WITNESS: Okay.

10 THE COMMISSIONER: -- be back at it, or
11 thereabouts.

12 THE WITNESS: Okay.

13

14 (BRIEF RECESS)

15

16 THE COMMISSIONER: Ready, I think, witness.

17 THE WITNESS: Okay, thanks.

18

19 BY MR. OLSON:

20 Q I just wanted to ask you some questions about
21 your supervision of your workers before we get into the
22 specifics of this file. Can you just tell me whether you
23 had supervision meetings with your workers?

24 A I, I absolutely had. They would consult with me
25 on an ongoing basis while they were doing their work and I

1 would have supervision times with them, as well.

2 Q And were those set supervision times? Was it
3 scheduled?

4 A I remember -- yes, if I remember correctly they
5 were regular and ongoing. I don't remember the specifics
6 but I believe they were regular and ongoing.

7 Q Do you recall whether or not you kept notes of
8 your supervision meetings?

9 A So I did not keep any notes around the specifics
10 of the supervision or any case notes but I certainly had
11 some personal reminders for myself out of those meetings.

12 Q When you say personal reminders, what do you --
13 what, what do you mean by that? Can you give some
14 examples?

15 A So going to be wanting vacation on such and such
16 a time or something going on in terms of a family member in
17 hospital, those sorts of things.

18 Q Something going on with family members being in
19 the hospital you said?

20 A Yes, something -- like something that was going
21 on for the staff person that may impact operations or, or
22 scheduling.

23 Q So concerns that the workers you, you were
24 supervising had, they raised with you in terms of personal
25 issues. Is that ...

1 A Yes. Well, informing me about any personal
2 issues that might impact scheduling or operations, yeah.

3 Q If you were talking specifically with the worker
4 about a file, for example, you know appropriate response
5 time, is that something you would make a note of in
6 supervision?

7 A So that conversation would not be something we
8 would talk about in supervision. Any specifics around
9 cases or files, would have been documented within the
10 report, itself. So the CRU staff and the CRU supervision
11 was different from family service supervision because we
12 didn't have ongoing cases. So none of -- there wouldn't
13 have been any discussion about case specific items during
14 that time.

15 Q So what was the purpose of supervision then?

16 A Supervision was to connect with the, the worker,
17 sort of to have a one-to-one. To check in with how they
18 were doing, to discuss anything that had come up for them
19 in terms of how they were managing workload, those sorts of
20 things. But no case specific discussion for our purposes
21 in CRU.

22 Q Was workload one of the issues that would come up
23 during supervision?

24 A I don't recall specifically. I, I imagine it may
25 have. It was certainly something that the workers were

1 working with on a, on a daily basis.

2 Q Okay. And would that be in terms of complaining
3 about the workload being too high?

4 A I think it would be indicating that at times they
5 certainly felt that there was more work and perhaps a
6 higher level of work in terms of the complexity than maybe
7 they felt they could stay on top of at times, yeah.

8 Q Did you make notes of those sorts of concerns?

9 A I don't recall.

10 Q So you may have made notes about things like
11 that?

12 A I don't recall what I would have made notes about
13 at that time. Certainly we would have had discussion about
14 it.

15 Q Okay. Do you know where your supervision notes
16 are?

17 A So when I -- I don't, I -- when I left the
18 organization I don't believe I had any supervision notes.
19 Anything -- I didn't have any folks who were being
20 performance managed and I didn't have any disciplinary
21 issues. Anything that was specific to an employee was in a
22 personnel -- or the performance evaluation so there wasn't
23 any supervision notes that I can recall.

24 Q So are you saying that during your meetings of
25 supervision with workers you didn't, you didn't keep any

1 notes at all?

2 A I cannot -- I don't recall whether I did or not,
3 I don't believe I did.

4 Q Just in terms of workload and CRU over that
5 period, 2003 to 2005, can you, can you describe what it was
6 like?

7 A It -- so it was a very constant and demanding
8 sort of workload, meaning that the, the workers and, and
9 the team have no control over what was coming through from
10 the phone, the fax, in terms of referrals and so it was a
11 matter of managing what was coming through. The number --
12 I can't speak to the number, specifically, I know it was an
13 extremely busy unit and there was lots of work to be done.

14 Q Okay. We've heard evidence that some days it
15 would be crazy at CRU and other days it would be slow, is
16 that -- was that your experience?

17 A Certainly the, the demand of work came from
18 external to, to the, the organization into the team so
19 certainly there may have been some days that were slower
20 than others. I suspect that there was a fair bit of work
21 constantly but absolutely there would have been busier days
22 than others.

23 Q Did you notice any change in the workload from
24 2003 to 2005?

25 A I don't recall that specifically.

1 Q As a supervisor did you do anything to address
2 workload concerns?

3 A I don't recall, certainly that would have been an
4 ongoing challenge for not just CRU, for probably many teams
5 within the organization and so I don't recall any specific
6 actions that I took.

7 Q Was the workload, while you were there,
8 manageable for your, your staff and yourself?

9 A I think that we certainly managed, I don't know
10 if it was manageable. Certainly we would utilize the
11 resources we had to the best of our ability by using, you
12 know, the team that was on phone, the team that was on
13 fields. I do remember that there were instances when I
14 returned phone calls and did phone intake, so certainly I
15 think we managed the best that we could. I don't know if
16 it was a manageable workload.

17 Q Did, did the workload impact the quality of
18 services you were able to provide?

19 A I don't know that it impacted the quality of
20 service, I think certainly we needed to call -- look at
21 where we could get additional resources at certain times
22 and sometimes that might have been calling the police but
23 certainly I think we managed the best that we could and we
24 prioritized the calls as they needed to be.

25 Q Do you have any independent recollection of being

1 involved with Phoenix Sinclair or her family?

2 A No, I don't.

3 Q I understand you were involved fairly early on.
4 If we can pull up 37107. You should have that document, as
5 well.

6 A I do.

7 Q Okay. So this relates to Phoenix's apprehension
8 in April 24, 2000. You've had a chance to review --

9 A Yes.

10 Q -- the document?

11 A Yes.

12 Q On page 37108, page 37108, underneath Cindy
13 Murdoch's signature.

14 A Yes.

15 Q It says:

16

17 "At 1745 Hrs. workers Diana
18 Verrier and Dan Cianflone attended
19 the hospital and met with Samantha
20 and Steve."

21

22 Is that -- I take it that was you?

23 A That was me.

24 Q Okay. So you were involved in Phoenix's
25 apprehension at birth then?

1 A Yes, as per the report I was the one, along with
2 my partner, who attended the hospital and apprehended
3 Phoenix.

4 Q Do you have any recollection of that?

5 A I do not.

6 Q You became involved in this file again in 2004
7 and I want to take you to the first involvement, page 36969
8 and this is from Samantha --

9 A Okay.

10 Q -- Kematch's file. Do you, do you have it in
11 front of you there?

12 A I do.

13 Q So just, just in terms of understanding the
14 document, itself, if you go to page 36971, which is the
15 last page.

16 A Um-hum.

17 Q There are two signatures here, one is from
18 Barbara Klos, the worker. The other, underneath that,
19 Ferrier -- sorry, Faria.

20 A Yeah.

21 Q Is that --

22 A Diva Faria.

23 Q Diva Faria, sorry. Is that your signature?

24 A So I have -- yes, I have signed it on her behalf.

25 Q Okay. And, and why would you have signed this on

1 her behalf?

2 A So I'm guessing that, that Diva was away and so I
3 was covering for her.

4 Q Okay. And that's something you did from time to
5 time? You would cover for her and she would cover for you?

6 A Yes.

7 Q Go back to the first page, 36969. So this says
8 it's -- this is a form that was prepared by Jacki Davidson
9 from afterhours unit; right?

10 A Yes.

11 Q And so --

12 A Yes.

13 Q -- she dealt with the initial call that came in
14 on the 15th?

15 A Correct.

16 Q So -- and her information --

17 THE COMMISSIONER: That's the 15th of what?

18 MR. OLSON: Of January.

19

20 BY MR. OLSON:

21 Q Is that right?

22 A Correct.

23 Q My understanding is the information she recorded
24 continues to, in the middle of the page of page 36970,
25 where it says --

1 A Right, yeah.

2 Q -- where it says: "For follow up by CRU"? So
3 everything above that would have been prepared by Ms.
4 Davidson. Is that right?

5 A It looks that way, it looks that way, yes.

6 Q And so she's -- as the afterhours worker, she's
7 taking the initial call that obviously came in when CRU
8 wasn't open?

9 A Right.

10 Q And so where it says: "For follow up by CRU" and
11 then it says: "Case opened to Central Area Intake for
12 further assessment", do you, do you know what happened and
13 why, why this note is here?

14 A So it appears, to me, that when that report was
15 received the next morning, that -- January the 16th, that
16 it was determined by Diva, that's her name right there,
17 that it would go to, it would go to intake.

18 Q Okay. So that's something that Ms. Faria would
19 have done?

20 A I'm basing that purely on her name being there
21 with that phrase.

22 Q Do you have any understanding as to why the case
23 would be open to central area intake at that point?

24 A I'm guessing so that would be based on the
25 address and the information within the report, so the

1 presenting problem.

2 Q Okay. And if you continue on we know that, we
3 know that this came back to CRU and you ultimately signed
4 off on the report prepared by Ms. Klos.

5 A Right.

6 Q Right? Why --

7 A Yes.

8 Q Do you know why it came back to CRU?

9 A I, I don't. Short of what it says here, I, I
10 mean, that's really all that I can go on.

11 Q And so here, when you say short of what it says
12 here, you're referring to where it says that prior to the
13 case being assigned by -- to a central intake worker a
14 request was made --

15 A Yes.

16 Q Okay. So there was a quest -- request made to
17 check with EIA to determine where, in fact, Phoenix was
18 actually residing. Was it, was it unusual to get -- to
19 have intake ask CRU to do further checks like this?

20 A It wasn't unusual for reports to come back down
21 to CRU, perhaps for this reason or perhaps for others but
22 yeah, I needed -- it wasn't unusual I would say, yes.

23 Q Was that a concern at all for you as a supervisor
24 of CRU?

25 A It, it would have been a concern. Again, I'm

1 recalling but certainly the belief would have been that
2 once the report was sent up to intake it would have been
3 followed up by that -- by the appropriate unit to do the
4 assessment.

5 Q That didn't happen because it came back to CRU?

6 A Right.

7 THE COMMISSIONER: Was Klos one of your workers,
8 Barbara Klos? Was she --

9 THE WITNESS: No, she was one of, she was one of
10 Diva Faria's workers.

11

12 BY MR. OLSON:

13 Q Would you have had any discussion with Ms. Klos
14 before signing off on this intake?

15 A So there's nothing in here to, to indicate that,
16 that I was consulted by her so without that being present
17 I, I don't recall whether -- I suspect that not, there was
18 no discussion but I, I don't recall.

19 Q So if there was discussion between you and, and
20 her, there would be some indication of that in the report?

21 A If I would have -- I imagine it would say, you
22 know, consulted with supervisor.

23 Q Go to page 36971, which is the last page of the
24 intake report.

25 A Right.

1 Q It indicates that the file was being closed and
2 that the Sinclair file was being reopened. Why, why would
3 that be?

4 A So this would be because the -- it's where the
5 child's -- the guardianship lay, so because the child was
6 under Mr. Sinclair's budget or -- that would have been
7 where the file would be opened under his name and this file
8 would have been closed. That was the practise of, of how
9 we, how it would have been filed.

10 Q Okay. So that was based on information that Ms.
11 Klos received about employment insurance, having Sinclair
12 as a recipient for Phoenix?

13 A Right.

14 Q If we go to page 37356.

15 A Okay, I'm there.

16 Q This is another CRU intake form prepared by Ms.
17 Klos?

18 A Yes.

19 Q And it's dated January 16th, 2004. And this time
20 it's created under Steven Sinclair's name?

21 A Correct.

22 Q And so this is, this is Ms. Klos opening the file
23 for Mr. Sinclair at this point?

24 A Right.

25 Q And if we go to page 37359.

1 A Okay.

2 Q At the bottom there, underneath Diva Faria's
3 signature, is that your signature?

4 A It is.

5 Q Now, still on that page, if you look in the
6 middle of the page, where it says: "Given that the
7 guardianship of Phoenix is with Mr. Sinclair", do you see
8 that?

9 A I do.

10 Q Okay. Up to the end of that paragraph would be
11 identical to what we had looked at in, in the CRU form in
12 the Samantha Kematch file. And in the last two paragraphs
13 there, starting with "Calls were made to Stan Williams,"
14 this would be the additional work that Ms. Klos did on this
15 file; is that, is that your understanding?

16 A That's my understanding.

17 Q So she's written that: "Calls were made to Stan
18 Williams," who was Steve's former family service worker, as
19 well as to the place of safety worker for the Stephensons.
20 "In an attempt to find a more current phone number for the
21 Stephenson family." And "neither was available."

22 Is that something that you would have expected
23 Ms. Klos to do at that point, is to try to get that
24 additional information?

25 A So certainly I think that was just -- that was

1 some work she took on, on her own, just to -- once she
2 determined this information and so beyond accessing the
3 information from Employment and Income Assistance, I, I
4 don't know that I would have expected her to do this, I --
5 it was, it was very good work.

6 Q You didn't expect her to do a field, at this
7 point, to go to anyone's home?

8 A No.

9 Q No. Okay. Then it says:

10

11 "Given that there is a possibility
12 of risk to young Phoenix and with
13 the uncertainty of where the child
14 actually is at this time, it is
15 recommended this file be opened to
16 Northwest Intake for investigation
17 and assessment. Because this
18 situation has been an on-going
19 concern as it would appear from
20 discussion with [source of
21 referral], coupled with the
22 history in both parents' files, a
23 5 day response time is indicated."

24

25 Is that five day response time something you

1 agree with?

2 A I think, based on knowing Barbara Klos as a
3 worker and knowing how diligent and competent she was,
4 certainly if she felt that that was an appropriate response
5 time I would absolutely support that.

6 Q You've had a chance to read over the, the history
7 as recorded by Ms. Klos?

8 A Okay.

9 Q Have you had a chance to do that?

10 A Yes, yes.

11 Q From reading that, as well as from the, the
12 concerns in the referral, did you feel -- do you feel that
13 that five day response time was appropriate?

14 A Certainly the, the history would be something
15 that would not be typical for what we would see on the CRU
16 unit so that was a, you know, a fairly average sort of
17 history, combined with the fact that the child was -- it
18 appeared was with the, the family who had come to pick up
19 the child. Certainly it seemed like it would be a
20 reasonable response time and certainly once intake had
21 received it, if they saw anything differently here they
22 would make their own assessment, as well, and determine
23 whether they agreed or disagreed with us. But it seemed to
24 be a reasonable response time based on what she identified.

25 Q Okay. Based on the information that Ms. Klos

1 had, was it known where Phoenix actually was at this point?
2 Who she was with?

3 A So it appeared that the belief was that a family
4 who had picked her up, prior actually to this referral, if
5 I am correct on the timing, and it was believed that she
6 felt it likely the Stephenson family, the previous place of
7 safety. So it looks to me as though she -- it was believed
8 that the child was with, with them.

9 Q Okay. That's the family she was unable to get in
10 contact with?

11 A Right.

12 Q When you look at the factors that would go into
13 determining the risk in this case, what would be important
14 from this history?

15 A What would be important from this history. The
16 -- can you -- so can you rephrase, I'm not sure what you're
17 asking me.

18 Q Well, when you -- when you're looking at this
19 report as a supervisor, you have to make a determination --

20 A Right.

21 Q -- as to whether or not the five day response
22 time is, is appropriate; right?

23 A Um-hum. Yes.

24 Q What is it that you look at to say yes, it is
25 appropriate and then sign off on it?

1 A Okay. So I would be looking at is there any
2 immediate risk. I would be looking at what if it -- you
3 know, in terms of if -- do we believe we know where the
4 child is. I would be looking at who is the child with. I
5 would be looking at is there anything presently going on
6 that we're aware of with caregivers that would cause us any
7 concern. Those would be probably the top factors.

8 Q And so you're saying when you look at those
9 factors in the context of this report, that would require a
10 five day response time or a five day response time would be
11 adequate -- appropriate?

12 A Yes. Yes. And that, combined with knowing that
13 Barbara Klos is a social worker, and being confident her
14 conversations with, with those that she spoke to and, and
15 having confidence in her assessment.

16 Q Okay. And what, what does a five day response
17 time mean?

18 A So, so just looking at this, it's my personal
19 opinion, because I don't recall specifics, but I would say
20 it would be within five days. So we don't want to be going
21 any later than that, though, within five days.

22 Q When does that five days start to run?

23 A So from -- again this is a personal -- I don't
24 recall the specifics so personally I would say from the day
25 we received the report.

1 Q The day you, you received the report?

2 A The, the day that the report was started.

3 Q And which report are you referring to, the report
4 prepared by the worker?

5 A So the -- I would, I would probably say the
6 report that originally -- again my -- this is my own belief
7 but from when the report originally came in.

8 Q So the, the referral, the, the concern?

9 A The referral date, yeah, that's a better way to
10 put it, sorry.

11 Q When you say you don't -- you're not sure about
12 that, is that something you, you would have been unsure
13 about at the time you were supervising?

14 A I'm unsure about it simply because it's been a
15 number of years and I don't recall a lot of the specifics
16 when it came to -- comes to CRU work.

17 Q And until -- if you turn now to page 37344.

18 A 37344.

19 Q That's the May 11, 2004 report from Ms. De Gale.

20 A Okay. Three, seven -- okay, yeah, I have it.

21 Q Between the day you signed off on Ms. Klos'
22 report and receiving Ms. De Gale's report, did you have any
23 other involvement with this family?

24 A Not that I'm aware of from, you know, the reports
25 here.

1 Q The report by Ms. De Gale was dated May 11th,
2 2004.

3 A Correct, yeah.

4 Q And if you turn to page 37347, is that your
5 signature above your name?

6 A It is.

7 Q And what does, what does your signature here
8 indicate?

9 A It indicates that I've reviewed the report.

10 Q Now, Ms. De Gale's signature isn't present. Do
11 you know why that is?

12 A Correct. I, I don't know why that, why that is.

13 Q So you have no idea, at this point, why her
14 signature is not on the report?

15 A If I could -- no, I don't have any specific
16 reason why, why that would be. It may be she forgot, it
17 may be -- I, I don't know, I would have to speculate but I,
18 I don't know why her, her signature wouldn't be there.

19 I noted the same was the case on the report from
20 Jacki Davidson.

21 Q The report here has just your signature on it.
22 Would you, would you normally sign without having the
23 worker's signature?

24 A If I agreed with the plan and you could -- and,
25 and absolutely, if I reviewed the report, certainly to keep

1 the reports moving and get them to where they needed to be,
2 meaning you know, the next, the next steps for intake in
3 this case, I absolutely would have reviewed it, and if I
4 agreed and signed, signed off.

5 Q Do you have any recollection of this intake?

6 A I do not.

7 Q When did you have -- did you experience Ms. De
8 Gale not signing reports in the past or prior to this, or
9 after this?

10 A I, I don't recall. Certainly not having all
11 reports signed was something that, that did occur, it
12 wasn't a frequent occurrence but I do recall it occurred.
13 I can't speak specifically to, to Debbie De Gale.

14 Q Now, what was the, the concern in this particular
15 intake?

16 A So the, the call -- the concern here was that
17 Samantha had brought a letter from her lawyer to, it looks
18 like Employee Income Assistance, stating that Phoenix was
19 in her care and wanting to put her on her budget.

20 Q Was that it?

21 A So certainly up until that point the child had
22 been on the father's budget and -- so an employee at Income
23 Assistance, I believe was checking to determine should the
24 child be in Samantha's care based on her previous contact
25 she had with the previous worker, the previous Child and

1 Family Services worker.

2 Q It says the previous --

3 A So there was a concern that, there was a concern
4 that the previous CFS worker had stated that the EIA
5 understood that she would be at risk in either her mother
6 or her father's care.

7 Q Was that -- having that sort of concern raised by
8 Employment Insurance was that -- did that happen very
9 often?

10 A I don't recall if it happened that often, I don't
11 recall a lot of the contact with Employment and Income
12 Assistance. I suspect, I suspect this wasn't the only
13 occurrence.

14 Q Before I go through the rest of the intake with
15 you, I would like you take a look at page 37445.

16 A 37445.

17 Q This is the safety, safety assessment.

18 A Three -- this three ...

19 Q It's the safety assessment.

20 A Oh, yes, I've found it. Sorry, yeah.

21 Q Can you just explain what this form is?

22 A So I can but my recollection of this form is
23 limited. But what I would say is it's a tool that was used
24 to identify what a safety -- a response time would be,
25 based on the safety assessment.

1 Q Was it a form that workers were always required
2 to fill out?

3 A So it was a form that was filled out, yes, when
4 the initial referral was taken and it was filled out by all
5 CRU workers.

6 Q When you say when the initial referral was taken,
7 is that when the call comes in?

8 A Yes.

9 Q What's the purpose of the form?

10 A So again, my, my recollection is limited but it's
11 to, to assist the worker and identifying what an
12 appropriate response time would be.

13 Q We know that in this case Ms. De Gale did some
14 calling around and some other investigation. Would, would
15 you expect she would have filled out a safety assessment
16 prior to doing that?

17 A I would have expected that she would fill in the
18 safety assessment once she was completed her work and was
19 going to the next, the next step. So she would have done
20 all that and then completed it.

21 Q So would that be at the same time that she was
22 preparing the report to submit to you as her supervisor?

23 A Yes. Well, it -- yes, it may be. It would be in
24 and around the same time.

25 Q When you come up -- when the report has a

1 recommended response time, if you go to page 37447.

2 Sorry, maybe start on --

3 A All right.

4 Q -- 37446 first.

5 A Okay.

6 Q This is Section B, it says: "Safety Decision".

7 A Am I on the same page as you, 37447 did you say?

8 Q Yeah. If you go one page before that, 37446.

9 A Okay, yeah.

10 Q You see this is Section B, it says: "Safety
11 Decision."

12 A Right.

13 Q And then when you look at that there's a check
14 mark for immediate response, 24 hours response, 48 hours
15 response, within five days response and more than five
16 days?

17 A Right.

18 Q Were those response times -- first of all, who
19 were they intended for?

20 A I don't, again, recall if it's limited but I
21 would suspect that it was to inform the next team taking
22 over what the response time was that was recommended.

23 Q So whoever would handle the referral after the
24 CRU worker?

25 A Yes. That's just my -- that, again, that's might

1 be my view but that's how I interpret it.

2 Q Did these response times typically match whatever
3 the worker recommended in, in his or her report to you?

4 A Yes.

5 Q Was the response time that you and the worker
6 agree upon, was that, was that -- was the next level
7 required to follow that recommendation?

8 A I -- that I can't speak to, I'm not sure what the
9 expectations were of intake, in terms of response times.

10 Q Did you give workers any direction in terms of
11 filling out the safety assessment, how to properly fill it
12 out?

13 A I don't, I don't recall the -- when I came in
14 onto the team this practise was already in place and all
15 the workers on the team were already in place so I don't
16 recall but because they were there prior to me arriving I'm
17 going to guess that that would have taken place prior to my
18 arrival.

19 Q All right. On page, on page 37447.

20 A Yes?

21 Q The 24 hour response time has a line through it.
22 It's a long line and then there's some --

23 A Right.

24 Q -- it looks like it's been marked out. And there
25 are some initials beside it. Are those your initials?

1 A They, they may be, they certainly, certainly look
2 they could be. I don't recall doing it but I certainly --
3 they look like they could be my, my initials.

4 Q Ms. De Gale has a recollection of, of marking the
5 24 hour response time and it being later changed. Do you
6 recall that?

7 A I do not, however, when I look at what she has
8 checked off on the, on the safety assessment, the two items
9 that -- the one she's written in and the one she's checked
10 off, fall under the 48 hour response. So it looks, to me,
11 like it was a mistake that was corrected.

12 Q Now, when you're saying it was corrected, you
13 mean you would have corrected the mistake?

14 A I don't know if I would have corrected it and put
15 my initials or if I would have seen the correction and
16 noted that there were no initials there and put mine beside
17 it. I can't speak to which it would it be but clearly it
18 was a mistake, it was an obvious mistake that was
19 corrected.

20 Q And you're saying that based on the check mark
21 being under 48 hour response, starting at page 37445, on
22 the next page under neglect?

23 A Right. As well as the additional writing by
24 other, yes.

25 Q Is that the sort of correction you would make as

1 a supervisor?

2 A So certainly one of the roles or one of the
3 pieces of my job was, in fact, was to correct obvious
4 mistakes and so this would be an example of that.

5 Q Would you have had a discussion with Ms. De Gale
6 before assuming it was a mistake?

7 A So when I look at what she's written in the
8 report, and when I look at what she's checked off on the,
9 the safety assessment, it is clear to me that it was a 48
10 hours response that she was -- it's indicated in the report
11 and it's indicated in her check marks.

12 THE COMMISSIONER: What was your question, Mr.
13 Olson?

14 MR. OLSON: Whether or not she would have
15 discussed this with Ms. De Gale before making a change. If
16 it was her making the change.

17 THE WITNESS: Right. So I, I suspect that it
18 would have depended on whether Debbie De Gale was present
19 or whether this was occurring after the workers had already
20 left. Certainly the matter would have been more important
21 to get that up to intake and get it -- getting it assessed
22 so certainly I can't speak to that.

23

24 BY MR. OLSON:

25 Q Go back to Ms. De Gale's report --

1 A Okay.

2 Q -- that's the one -- that's the May 11th, 2004
3 report, beginning at page 37344.

4 A Right. Okay.

5 Q Page 37347. The last paragraph there. As a
6 "safety assessment is assessed to be within a 48-hour
7 follow up response."

8 A Right.

9 Q You see that?

10 A Yeah.

11 Q First of all, based on, based on the presenting
12 problem that was identified, would that 48 hour response be
13 appropriate, in your view?

14 A It would, absolutely. Certainly based on what
15 was being presented and the information that Debbie De Gale
16 was able to, to gather, it would be an appropriate response
17 time.

18 Q Ms. De Gale believes that her initial report,
19 that this, that this report had been modified, particularly
20 that last paragraph, to change the response time from 24
21 hours to 48 hours. Are -- is that something you have any
22 knowledge about?

23 A I, I don't. Certainly when I look at the report
24 and I look at the response time, it fits and so certainly
25 the work and the recommendation here makes sense to me,

1 they're, they're reasonable, based on what's presented.

2 Q As a supervisor would you ever change the, the
3 report of a worker to change the response time?

4 A No. If I disagreed with that response time I
5 would have added a section below it.

6 Q So you would have indicated that somehow?

7 A Yes.

8 Q Ms. De Gale also recalls that there may have been
9 more information in her report that has been removed.
10 Would you ever remove information from a worker's report?

11 A Absolutely not. There would be nothing to be
12 gained by removing information from a report and certainly
13 that would not be an appropriate practise, so yeah, there,
14 there would be no need to remove information.

15 Q Ms. De Gale recalled having some discussion with
16 you, possibly in a supervision section, about concerns
17 about your changing portions of her documents. Do you have
18 any recollection of that conversation or that concern?

19 A I don't, I don't have any recollections. It
20 seems to me it's a conversation that I would recall but I
21 have absolutely no recollection of that occurring.

22 Q Is that something you would have made notes of
23 in, in supervision?

24 A I can't speak to that being that it was so long
25 ago but yeah, so I don't recall.

1 Q If you could take a look at the history in the
2 intake at page 37344. You've read that over before, this
3 history?

4 A Yes.

5 Q And was there anything unusual about this history
6 in terms of other files you've, you've dealt with or your
7 workers would deal with?

8 A This was a very -- again, a very typical history
9 that came through on, on various files through CRU.

10 Q This is a very typical history?

11 A Yes.

12 Q Ms. De Gale testified that she saw this as a, as
13 a high risk situation. First, do you agree with that, that
14 this was a high risk situation for Phoenix?

15 A I don't know that I would agree that it's a high
16 risk situation, there certainly were risks.

17 Q She identified her concerns as being issues of
18 neglect, substance abuse, I think she said prostitution.
19 The story that Ms. Kematch was giving her didn't make
20 sense. Phoenix was of a young age and particularly that
21 the past worker indicated that Phoenix would be at risk if
22 found with either Samantha Kematch or Steve Sinclair. Are
23 those all factors that would go into a risk assessment?

24 A Those are all factors that would go into the risk
25 assessment and that were considered in that 48 hour

1 response. Absolutely.

2 Q And forgetting a minute about whether it's 24
3 hours or 48, would it still be -- would, would those
4 factors not suggest it was a high risk situation?

5 A So certainly those factors would suggest that
6 there was a risk, however, at the time none of those
7 factors were known to be occurring, in fact, Samantha had
8 seen the EIU worker, Debbie De Gale had spoken to Samantha
9 on the phone, and so certainly there was nothing imminent
10 or currently causing immediate risk but an assessment did
11 need to take place about should Phoenix be in Samantha's
12 care or where should she be.

13 Q When you mention that Ms. De Gale spoke with
14 Samantha on the phone, one the things that Ms. De Gale
15 mentioned was Samantha's tone with her really increased the
16 level of risk, in her mind. Is that something, is that
17 something that a worker -- that you would expect your
18 workers to do when talking with a client, is --

19 A I -- so when we're, when we're speaking with
20 clients, it's not unexpected or -- that they're going to be
21 upset when questioned and so I think we absolutely would
22 expect that people may get upset with us and that, in and
23 of itself, would not be something that would necessarily
24 escalate a risk.

25 Certainly it would inform it, but it would not

1 necessarily escalate it.

2 Q Based on the information that was here, do you
3 agree that someone needed to get out there quickly to
4 assess the situation?

5 A I, I agree that, that the situation needed to be
6 assessed and I do believe that the response time was
7 appropriate but it needed to be definitely not today but it
8 absolutely needed to be assessed and so 48 hours would have
9 been the appropriate on it, within 48 hours.

10 Q Within 48 hours from receiving the initial
11 referral?

12 A Right.

13 Q And is that what you would have expected the next
14 worker who received the file to do, was to make that
15 contact within that time?

16 A That would have been my preference. Again not
17 being my team, I'm not sure if I would have had an
18 expectation but certainly my belief would have been that
19 the next team would have followed up within, you know, that
20 timeframe.

21 Q At the point that Ms. De Gale wrote this, it was
22 still unclear as to where Phoenix actually was; is that
23 right? Is that your understanding?

24 A No, it looks like Phoenix was in Samantha's care,
25 if I'm reading this correctly. And had been since November

1 of '03.

2 Q So you were -- that was based on what Samantha
3 would have told Ms. De Gale?

4 A Correct.

5 Q What about the statement made by the previous
6 worker that Samantha -- Phoenix would be at risk if found
7 with either Samantha or Steve? Would that have, would that
8 have increased the risk significantly?

9 A That certainly would have informed the risk but
10 by virtue of the fact that a permanent plan if there is --
11 that the child had been placed with a place of safety and
12 that the file was no longer open would mean that that would
13 need to be investigated a little bit more. So that would
14 inform the risk but I don't think it would have,
15 necessarily -- it wasn't a direct this and that. So it
16 would have informed.

17 Q Okay. Where -- when you -- after you signed off
18 on this file, where did you expect that it would go?

19 A To intake.

20 Q And when you say intake, would that mean the, the
21 next level intake, the tier two?

22 A Yes. So, so it was -- like it was addressed to
23 Northwest intake, so a specific intake team and that would
24 have been the, the -- not CRU but the next level which
25 would have been intake.

1 Q If you look -- just want to take you back to the
2 safety assessment, page 37448.

3 A Okay.

4 Q Under Section D, resulting case action taken.

5 A Right.

6 Q Where it says: Case 2 and intake is checked off?

7 A Yes.

8 Q Ms. De Gale testified that was her habit to
9 select intake most times, whether it was going to go to a
10 CRU worker to go check on the situation or upstairs to tier
11 two. Do you recall that being the case?

12 A So I don't but I do know that CRU is one of the
13 check boxes there so we did refer to CRU and intake as two
14 separate teams.

15 Q And did some workers occasionally or did some
16 workers always check intake and leave it up to you, as a
17 supervisor, to determine whether to send it upstairs or
18 keep it at CRU?

19 A I don't recall but I don't, I don't see how that
20 would happen or why that would occur being that there is
21 the option there. So I, I don't recall but it, it
22 definitely -- it's also addressed to Northwest intake and
23 it's a 48 hour response so all of that is, is really
24 reasonable and, and makes sense.

25 Q And just so it's, it's clear, when you say it's

1 addressed to Northwest intake, you're referring to page
2 37344?

3 A Correct.

4 Q And this is under the two, where it says
5 Northwest intake?

6 A Right, so that was a specific team.

7 Q And is that, is that, is that normally determined
8 by the worker filling out the report?

9 A It is, yeah.

10 Q Okay.

11 A Between the (inaudible) on the address and, and
12 the worker fills it in.

13 Q There is another intake -- can you hear me still?
14 It looks like we have technical problems.

15 THE COMMISSIONER: Is our technician in the
16 house?

17 MS. WALSH: I just sent an e-mail to, I just sent
18 an e-mail to Ms. Ewatski asking for technical assistance.

19 MR. OLSON: Perhaps it might --

20 MR. SAXBERG: She's just, she's just texted me
21 and let me know that she's been disconnected on her end, as
22 well.

23 THE COMMISSIONER: That what?

24 MR. SAXBERG: Diana has just texted me, has told
25 me that she's disconnected on her end, as well.

1 MR. OLSON: I wonder if it might be a good time
2 to take a short break until we can get this worked out.

3 THE COMMISSIONER: All right. We'll hope it's
4 not longer than 10 minutes but we'll, we'll rise till we
5 get it straightened out.

6

7 (BRIEF RECESS)

8

9 MR. OLSON: So we have not been able to get the,
10 the witness back on the monitor. She is scheduled to
11 return to testify on January 10th.

12 THE COMMISSIONER: Well, this is unfortunate and,
13 and blame it on technology, I guess, accept that.

14 I, I don't like the idea of leaving the windup of
15 this witness on this part of her testimony that long. I
16 would -- I know we have a witness scheduled all day
17 tomorrow and on Thursday morning and I notice you then have
18 a witness that starts on Thursday afternoon and continues
19 on Monday. I -- if, if it can be arranged, I would like to
20 see this witness back on Thursday afternoon. Do you think
21 -- would that be possible, Mr. Saxberg? You don't know, I
22 suppose?

23 MR. SAXBERG: Is, is she on the line right now?

24 MS. WALSH: She's not.

25 THE CLERK: No.

1 MR. OLSON: Do we --

2 THE COMMISSIONER: Well --

3 MR. SAXBERG: She lives, as you know, she lives
4 in Alberta and works in a completely different field, with
5 a completely different employer, who isn't as aware of this
6 inquiry as, as people are in Manitoba and so, yes, she'll
7 have to make arrangements. So I don't know whether she can
8 or not but I can certainly ask her to try.

9 THE COMMISSIONER: Well, I, I would ask Mr. Olson
10 and Mr. Saxberg to confer and endeavour to, to have her
11 continue her testimony on, on Thursday afternoon. That
12 would be my preference.

13 If that's not possible then we'll have to put her
14 over to January. I gather she's going to give testimony on
15 another -- something else all together?

16 MR. OLSON: Yes. Well, she had other involvement
17 in the file and she'll be testifying about that.

18 THE COMMISSIONER: Well, I'd like, I'd like to
19 keep it in a separate compartment, if we could, but I was
20 wondering about next week but next week is the week before
21 the week she's due back anyway so -- but I would like to
22 make an effort to get her here Thursday.

23 Mr. Ray, I see you're on your feet?

24 MR. RAY: Oh, no, just getting some exercise.

25 THE COMMISSIONER: Oh, okay, I thought you, I

1 thought you wanted to say something.

2 MR. RAY: Just the start of it.

3 THE COMMISSIONER: I thought you wanted to say, I
4 thought you wanted to say something.

5 MR. RAY: No, thank you.

6 THE COMMISSIONER: All right. Well, look, we'll,
7 we'll adjourn until 9:30 tomorrow morning and I would ask
8 you to see if it's possible we can continue her evidence on
9 Thursday afternoon, if not we'll have to do for the, for
10 the January arrangements.

11 MR. OLSON: We can certainly try.

12 THE COMMISSIONER: All right.

13 MR. OLSON: Thank you.

14 THE COMMISSIONER: We're, we're adjourned now
15 till tomorrow morning.

16

17 (PROCEEDINGS ADJOURNED TO DECEMBER 12, 2012)