



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

THURSDAY, JANUARY 10, 2013

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MR. W. GANGE and **MS. K. BOMACK**, SOR #6 and SOR #7

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2 PROCEEDINGS CONTINUED FROM JANUARY 9, 2013

3

4 THE COMMISSIONER: We have our witness back --

5 MS. WALSH: Morning, Mr. --

6 THE COMMISSIONER: -- and you're --

7 MS. WALSH: -- Commissioner.

8 THE COMMISSIONER: -- ready to proceed, Ms.

9 Walsh?

10 MS. WALSH: I am. Are you able to see the

11 witness? Is the witness --

12 THE COMMISSIONER: Yes.

13 MS. WALSH: -- there?

14 THE COMMISSIONER: Yes, she, she's just --

15 MS. WALSH: Witness, can you hear me?

16 THE COMMISSIONER: -- she's just getting in,

17 into --

18 THE WITNESS: Yes.

19 MS. WALSH: Are you ready to start?

20 THE WITNESS: Yes.

21 MS. WALSH: Okay. Thank you. Thank you for

22 coming back today.

23 THE COMMISSIONER: Pardon?

24 MS. WALSH: I just thanked the witness for coming

25 back today. Mr. Commissioner, are you ready to, to

1 begin?

2

3 **SOR #6**, previously affirmed off
4 the record, testified as follows:

5

6 DIRECT EXAMINATION BY MS. WALSH:

7 Q So, yesterday, you told us that you saw Phoenix
8 on two occasions. You told us about the first time you saw
9 her, in 2004, when the weather was nice and she played with
10 your son; remember talking to us about that?

11 A Yes, I do.

12 Q Yes. And when was the second time that you saw
13 Phoenix?

14 A I think it was sometime in March.

15 Q Of 2005?

16 A Yes.

17 Q Can you describe to us the visit, when you saw
18 Phoenix in 2005, starting right at the beginning?

19 A Well, I walked into Sam's apartment and I was
20 just over where I was sitting at the table, kitchen table
21 and, and Sam brought Phoenix out from the bedroom and
22 Phoenix went to sit in front of the TV and she was sitting
23 cross-legged in front of the TV. She looked kind of
24 nervous, if that's, far as I could describe.

25 Q Nervous, did you say?

1 A Yeah. And she, I just remember she was sitting
2 very straight and she would glance to me in the kitchen
3 and, but she didn't say anything and didn't, didn't move or
4 anything, just, just sat there and ...

5 Q Do you remember what Phoenix was wearing?

6 A Well, I took a picture that day and that's what I
7 gave to, to you, I believe.

8 Q Let, let's pull that picture up then.

9 Can we pull up Exhibit 7 please?

10 Do you have this picture now on your screen?

11 A Yes.

12 Q Is that the picture that you took of the -- when
13 you saw Phoenix in March of 2005?

14 A Yes.

15 Q And is that how she was dressed when you saw her
16 at Sam's apartment?

17 A Yes.

18 Q Wearing the hat?

19 A She was wearing the hat, yes.

20 Q This picture was taken at a different apartment;
21 right?

22 A Yes.

23 Q So tell us about how you, you got to that
24 apartment. You, you were telling us about the visit with
25 Phoenix in '05 and you said you started at Samantha's

1 apartment and you saw Phoenix sitting, watching TV; and
2 then what happened?

3 A Well, I, I guess they were going out, so the
4 visit wasn't very long at Sam's apartment and I guess Sam
5 was going to her friend, Becky's (phonetic) and I told,
6 like, I just said, I'll, I'll walk with you over that way,
7 because I was heading that way anyways.

8 Q Okay.

9 A So I walked with them over that way.

10 Q Now, who all went to Becky's?

11 A It was just me, Sam and Phoenix and Sam's baby.

12 Q Do you remember -- and how did you get there?
13 Did you ...

14 A We walked.

15 Q Do you remember what Phoenix wore on her feet?

16 A She wore the blue boots.

17 Q The boots that you had seen previously in the
18 apartment, when you'd been --

19 A Yes.

20 Q -- there before?

21 A Yes.

22 Q How far was the walk from Samantha's apartment to
23 Becky's apartment?

24 A Well, it was quite a few blocks actually. We had
25 our -- we walked up, I think the street's Maryland, up to

1 Sargent and all the way down Sargent to Balmoral, I believe
2 that's the street.

3 Q So --

4 A So Balmoral and Sargent was where the apartment
5 was.

6 Q -- so a 15 minute walk, 20 minute walk? Or more,
7 maybe?

8 A Yeah, yes.

9 Q Did Phoenix walk the whole way?

10 A She did, yes.

11 Q Did Samantha hold her hand?

12 A No, she didn't.

13 Q Did Samantha walk with Phoenix?

14 A When we started leaving, Phoenix's boots, they
15 weren't on properly, they weren't, like, buckled up, like,
16 I think they were Velcro and that's, she just left the
17 boots like that, for her to walk like that. So I had to
18 fix them for Phoenix and when I tried to hold her hand,
19 because Samantha was already, already, like, down the
20 alley, like, already almost to the end and she was yelling
21 back at us, not to hold her hand and that she needs to
22 learn to walk on her own, or some sort like that, some sort
23 of words like that.

24 Q So did you walk with Phoenix then?

25 A Yeah, I did.

1 Q What did you do when you got to Becky's
2 apartment?

3 A Well, I, I just, I didn't stay very long, but I
4 had my camera with me and, because I was going to a concert
5 that evening.

6 Q Which concert was that?

7 A It was a Rod Stewart concert.

8 Q A Rod Stewart Concert?

9 A Yes.

10 Q In March of 2005?

11 A Yes.

12 Q So that's why you had your camera with you?

13 A Yes.

14 Q And you took the photo of Phoenix that we see on
15 the screen?

16 A Yes.

17 Q Did you also take a picture of Samantha's baby?

18 A I did, yes.

19 Q Did you ask Samantha's permission before you took
20 the pictures of Phoenix and the baby?

21 A I did, yes.

22 Q What did Samantha say?

23 A Well, the first picture I took, I asked if I
24 could take one of Sam's baby and she seemed very happy and
25 proud and she was giving her baby, like, hugs and kisses

1 and yeah, she laid her on the bed and, and then I took a
2 picture.

3 Q What did you, what did Samantha say when you
4 asked to take a picture of Phoenix?

5 A She didn't seem very happy about it. She --
6 basically what I remember is something about, like, why
7 would you want to, why do you want her picture? Or some
8 sort like that, those types of words. And then she said,
9 yeah, go ahead. And then I went to the bedroom and I took
10 a picture.

11 Q This visit was in March of 2005 and the last time
12 that you had seen Phoenix before this visit was in 2004,
13 when the weather was still nice; right?

14 A Yes.

15 Q How did Phoenix seem, on this visit in 2005,
16 compared to the visit in 2004?

17 A Well, at the apartment, she, she seemed very
18 reserved, compared to the last time I seen her and she
19 didn't say much. She didn't, didn't really talk much,
20 so --

21 Q Was that --

22 A -- (inaudible).

23 Q -- different?

24 A Yeah, yeah, I found it different.

25 Q Was this visit in 2005, the last time that you

1 saw Phoenix?

2 A Yes.

3 Q Samantha's baby, the baby that you've been
4 talking about, was born November 30th, 2004; did you see
5 Sam with her baby more often than you saw Sam with Phoenix?

6 A Yes.

7 Q How did Sam treat the baby?

8 A She seemed like she was proud of her baby and
9 cared about the baby.

10 Q And did she treat Phoenix the same way?

11 A It didn't look like it, from the last visit that
12 I seen Phoenix.

13 Q How was there a difference in the way that Sam
14 treated the baby and Phoenix?

15 A There was no affection.

16 Q At some point, Samantha and Wes moved to Fisher
17 River; did you know that they were going to leave Winnipeg?

18 A I didn't know when, but I, I remember something
19 about her saying that on the phone, but I don't know
20 exactly when she's, was going to leave.

21 Q Did she tell you why she was leaving?

22 A No.

23 Q Do you remember whether she said that Wes wanted
24 to move?

25 A I don't remember, no.

1 Q Did Samantha tell you where they were moving to?

2 A I believe she did.

3 Q So did you know they were going to Fisher River?

4 A Well, I knew, yeah, she was leaving to -- that
5 was where, I just didn't know when.

6 Q Did you know who was going with her?

7 A No. I, I believe it was all of them. I, I'm
8 assuming.

9 Q All of them, Samantha, Wes, Phoenix and the baby?

10 A Yeah, because well, they are a family, so I, I
11 would assume they would go together.

12 Q Right. Sure. Did you have any contact with
13 Samantha after she moved to Fisher River?

14 A No, she didn't really contact me at all until, I
15 believe it was late in the year. I got one phone call,
16 probably, like, September or October. I think it was
17 October.

18 Q We're still in 2005; right?

19 A Yes.

20 Q Did she phone you from the reserve, or was she
21 somewhere else?

22 A I don't know where she was phoning from. I, I'm
23 not sure if she was in the city, or she was up there
24 phoning, but she did phone.

25 Q Do you remember what she was phoning about? Or

1 was it, was it just a conversation?

2 THE COMMISSIONER: She's just thinking through.

3 THE WITNESS: I, I'm not too sure what -- like, I
4 just remember -- I, I don't really remember much of that
5 conversation, just about, asking about the baby and
6 Phoenix.

7

8 BY MS. WALSH:

9 Q You asked about the baby and Phoenix?

10 A Yeah, I did.

11 Q And did she say anything about how the baby was,
12 when you asked about the baby?

13 A Yeah, she, well, she just basically told me,
14 sounded like she said, like, like, the baby was fine and
15 that -- I honestly can't really remember too much. But I
16 know that there was a conversation about the baby and, and
17 then when I asked about Phoenix, she, she went quiet and
18 she didn't really say much.

19 Q Then did you see Samantha when she moved back to
20 Winnipeg permanently?

21 A No, I didn't, no.

22 Q I wanted to briefly go back to some of the things
23 we were talking about yesterday. On the day that you were
24 at Samantha's apartment and you said you heard moaning in
25 the bedroom, you remember that --

1 A Yes.

2 Q -- that visit? You said you and Samantha and her
3 baby had gone out to the store; right?

4 A Yes.

5 Q And you said Samantha locked the bedroom door
6 before leaving the apartment?

7 A Yes.

8 Q And then she locked the apartment door?

9 A Yes.

10 Q Had you asked her, that day, where Phoenix was?

11 A I, I believe I did and I, I think that's why I
12 was kind of shocked to hear somebody in the bedroom,
13 because I didn't think anybody was there when we left. I
14 mean, she would have said something, I'm assuming she would
15 have. Well, I would think anybody would. I, I -- she
16 didn't say that Phoenix was there.

17 Q Now, this visit, was this before you and SOR 5
18 called CFS?

19 A I don't know. I don't know if it was, I think it
20 was, yeah, I think it was after that visit.

21 Q That you called CFS?

22 A Yeah, I just, I don't remember exact times --

23 Q Sure.

24 A -- or dates.

25 Q Let me ask you this, was this one of the

1 things -- you said you had concerns and that's why you and
2 SOR 5 called CFS; was this one of the reasons for concern,
3 this visit?

4 A Yes.

5 Q And was this one of the reasons that you spoke to
6 SOR 7?

7 A Yes.

8 Q And was your concern that Samantha was locking
9 the bedroom door?

10 A Yeah, yes.

11 Q And what else concerned you about that?

12 A Just that we never seen her and just all the
13 stuff that [redacted] -- I mean, SOR 5 said too.

14 Q You said you spoke on the phone with Samantha
15 possibly more often than you saw her, in the winter of
16 2004/2005?

17 A Yes.

18 Q Did she ever tell you anything about her
19 relationship with Wes?

20 A Yes, she did.

21 Q What did she tell you?

22 A I just remember that their, their relationship
23 wasn't -- well, she, she complained a lot that they weren't
24 sexually active.

25 Q Okay. Did Samantha ever complain --

1 A Yeah.

2 Q -- sorry, did you -- did I cut you off?

3 A No.

4 Q It's hard when I can't see you. Did, did
5 Samantha ever complain to you about any problems that she
6 was having with Phoenix when she talked to you on the
7 phone?

8 A Oh, yes, she did. That was another concern. She
9 told, she used to tell me and SOR 5 that, that Phoenix
10 would have a lot of accidents, like, like, soiling herself
11 and having bowel movements on her and, on herself, I guess.
12 And I think that's, that's, I think that's basically,
13 basically all that I remember from that, that she told me
14 and SOR 5 about that.

15 Q What did you think about that, when you heard
16 that Phoenix was having these accidents?

17 A Well, well, I was kind of, well, yeah, I was, I
18 was concerned and, and Sam seemed, like, very, I guess,
19 frustrated and upset. And I, I know me and SOR 5 asked her
20 a few times if she needed a break and if we could, you
21 know, baby-sit for her sometimes, to help her out and she
22 said no, so --

23 Q She said no to your offers?

24 A Yes.

25 Q Phoenix was four, four and a half, almost five by

1 March of '05; did you expect that she would have been
2 toilet trained?

3 A Well, usually, I guess usually, yeah, around two,
4 two, three, I guess, is when usually toddlers, like, start
5 to get toilet trained.

6 Q Um-hum.

7 A So yeah, I found it a little odd that she wasn't
8 and, and that was occurring.

9 Q So that was another concern for you?

10 A Yes.

11 Q You told us that Samantha told you CFS was at her
12 house twice?

13 A Yes.

14 Q Do you remember what she said about them being
15 there twice?

16 A Yeah, she was, she was angry and upset on the
17 phone when she called me and she had thought it, thought it
18 was the lady down the hall. I, I don't know why she
19 thought it was the woman down the hall that phoned on her.

20 Q Did she tell you whether someone from CFS
21 actually visited with her twice?

22 A No, she didn't. I don't -- I just remember she
23 said they came to her door twice.

24 Q You don't recall whether she said, whether or not
25 she actually saw them or met with them twice?

1 A No, I don't.

2 Q How did you find out about Phoenix's death?

3 A Well, I saw it on the news.

4 Q Did the RCMP contact you?

5 A Yeah, they did, but I think it was -- well, they
6 had contacted me, it was, I, I, my mother who had phoned
7 them, to, for me to go talk to them, I guess, or speak to
8 them about, about this information.

9 Q So did you say your mother contacted the RCMP?

10 A Yeah, she just, I think she just told them that I
11 had some information to tell them and then they phoned us
12 back.

13 Q When you say your mother, do you mean SOR 7? Or,
14 or your --

15 A No, my, my paternal mother.

16 Q Right, your birth mother?

17 A (Inaudible).

18 Q Okay.

19 A Yeah.

20 Q And so then you went and met with the RCMP?

21 A Yes.

22 Q Did anyone from Child and Family Services contact
23 you after the death was discovered?

24 A No.

25 Q Do you remember being interviewed by a man named

1 Andrew Koster? Andy?

2 A I don't, I'm sorry, I don't.

3 Q Mr. Koster prepared a report for the, the
4 Department of Family Services. He did it through the
5 office of the Children's Advocate. He would -- he has
6 notes that I'll show you, of having met with someone who
7 appears to be you and that would either have taken place at
8 the offices of the Child and Family Services agency, or the
9 offices of the Children's Advocate. Does that familiar to
10 you, a meeting in either of those places?

11 A No, I'm sorry, it doesn't.

12 Q That's fine.

13 Let's pull up please, page 59. This is from
14 Commission disclosure number 1.

15 Do you have this page in front of you?

16 A Yes.

17 Q You'll see at the, the first paragraph, in bold,
18 it says:

19

20 "Interview with Client who had
21 talked to the foster parent"

22

23 I'm going to read out the paragraph to you and
24 then ask you a question.

25

1 "The client indicated that she was
2 the person who had spoken to the
3 foster parent. She had known her
4 from the past. She had called her
5 and told her that something was
6 not right with ... Samantha home
7 and with Phoenix in particular.
8 She thought that she had heard
9 something, and although she was
10 terrified to come forward herself
11 she asked the foster mother to do
12 so because she was concerned. She
13 did not know the exact address,
14 only the block where the apartment
15 was. She felt that something
16 terrible was going to happen. She
17 said that she had phoned into the
18 agency as well. In addition she
19 mentioned that she had a friend
20 who had also been an open Winnipeg
21 CFS who had called in and also
22 told her worker."

23
24 Now, does that help to, to jog your memory as to
25 whether you met and were interviewed by someone from CFS,

1 or the office of the Children's Advocate?

2 A No, I'm sorry, no.

3 Q You were never given a copy of this page?

4 A I --

5 Q Before you met --

6 A -- I'm sorry --

7 Q -- with me?

8 A -- I don't think so.

9 Q Does what I read out to you sound like something
10 you would have said?

11 A I mean, it sounds, you know what, it sounds
12 similar.

13 Q Does it seem accurate, with respect to your
14 actions?

15 A Well ...

16 THE COMMISSIONER: Do you understand that --

17 THE WITNESS: Well --

18 THE COMMISSIONER: -- do you understand that
19 question, witness?

20

21 BY MS. WALSH:

22 Q Is it, is it an accurate description of what you
23 did and how you felt?

24 A I, well, I know that, like, I didn't phone, like,
25 any myself. I was with [redacted].

1 Q Right.

2 A I mean, SOR 5, sorry.

3 Q It's okay. You did speak to your foster parent;
4 right?

5 A Yeah, I did.

6 Q And you did call her to tell her you had
7 concerns?

8 A I did, yes.

9 Q Okay. You did think you heard something?

10 A In the bedroom?

11 Q Yes.

12 A Yes.

13 Q And is it fair to say when, when the document
14 says she, meaning the person who spoke to the foster
15 parent:

16

17 "... was terrified to come forward
18 herself she asked the foster
19 mother to do so because she was
20 concerned."

21

22 Is that accurate, in terms of what you did and
23 how you felt?

24 A Yes.

25 Q Okay. And is it true that you didn't know the

1 exact address, but only the block where the apartment was?

2 A Yes.

3 Q And is it true to say that you felt something
4 terrible was going to happen?

5 A Well, I didn't know if, like, I didn't know what
6 was going on, but I, I was concerned. I, but I didn't know
7 if anything terrible was going to happen.

8 Q But that's why you were raising your concerns?

9 A Yes. Yeah, I wanted them to, I wanted CFS to
10 check and make sure that Phoenix was okay and everything
11 was okay in that, in that household.

12 Q All right. Now, you said you didn't make the
13 call to CFS yourself; right?

14 A No, well, I was with [redacted] but --

15 Q Right.

16 A -- [redacted] was on the phone.

17 Q You were with SOR 5 when she made the call to
18 CFS; right?

19 A Yes.

20 Q And you asked SOR 7 to call CFS?

21 A Yes.

22 Q Can you, can you explain to us why you didn't
23 make the call to CFS yourself?

24 A Guess I was just scared and, and because I didn't
25 actually see anything. I, I wasn't -- and she was a friend

1 and I just wasn't sure.

2 Q What were you scared of?

3 A I was just scared that Sam, that Sam would find
4 out.

5 Q Were you also, did you also have any concerns
6 about CFS knowing that you were the person who was calling?

7 A Well, well, I didn't want to give my name to
8 them.

9 Q And that was because you didn't want Sam to know
10 it was you calling?

11 A Yes.

12 Q Any other reason?

13 A No, that's the only reason. I just didn't,
14 didn't feel comfortable giving my name and I just didn't
15 want Sam to find out that we were phoning CFS on her.

16 MS. WALSH: Thank you, those are all of my
17 questions. There will now be other lawyers who are going
18 to ask you some questions.

19 THE COMMISSIONER: Now, witness, are, are you all
20 right to continue for half an hour, or would you like a 10
21 minute break now?

22 THE WITNESS: No, I can continue.

23 THE COMMISSIONER: All right. Thank you.

24 Mr. Gindin, please?

25

1 CROSS-EXAMINATION BY MR. GINDIN:

2 Q Good morning, ma'am, my name is Jeff Gindin, I
3 appear -- I represent Kim Edwards and Steve Sinclair. I
4 just have a few questions for you. We've heard from SOR
5 number 5 and I understand that you were with her when she
6 made the call to CFS; right?

7 A Yes.

8 Q Now, I take it that after that call, she would
9 have filled you in on what took place during the phone
10 call; right?

11 A Yes, she, she most likely did, I just don't
12 remember much of it.

13 Q But both of you felt the same way, that you
14 didn't want to give your names to CFS; right?

15 A Yes.

16 Q And I guess number 5 and you discussed calling
17 CFS before you did it. She told you some things that she
18 was aware of; correct? Things that she had seen that
19 troubled her?

20 A I, I believe so.

21 Q And after that phone call, you obviously knew
22 that you didn't really get anywhere because your names
23 weren't given; correct?

24 A Yes, yes.

25 Q One of the reasons that you spoke to your foster

1 mother, to ask her to call CFS, you've given us one of the
2 reasons already: You didn't want to do it because Samantha
3 was your friend. But you also thought that SOR number 7,
4 your foster mother, because she was employed by CFS,
5 perhaps they'd listen to her; right?

6 A Yes.

7 Q Was one of the reasons you didn't call because
8 you had a bit of a mistrust about CFS? You've told us
9 already that you didn't think they'd listen to you guys --

10 A Well, yeah, we, we didn't think that they would
11 listen, because it didn't sound like they would when SOR
12 number 5 had contacted them.

13 Q Okay. You also said you were, didn't want Sam to
14 find out that you had called; were you afraid of Sam a
15 little bit as well?

16 A Yeah.

17 Q Um-hum. Now, the concerns that you had, and I
18 won't go through them again, the concerns that number 5
19 had, as a result, both of you offered to help her with
20 Phoenix; correct? And she refused that help; right?

21 A She did, yes.

22 Q And you also found out that she wasn't very happy
23 about CFS coming over (inaudible) when they did come over a
24 couple of times --

25 A Yes.

1 Q -- right?

2 A Yes.

3 Q And number 5 told you a number of things about
4 what she observed, also told you about the phone call with
5 CFS where, where you didn't really get anywhere. But she
6 also told you that she, that is, number 5, had told her
7 social worker about these concerns and was advised to call
8 intake herself; correct?

9 A I don't remember about that (inaudible) such
10 (inaudible) such a long time ago.

11 Q You don't recall that happening?

12 A I don't recall, I'm sorry.

13 Q Now, you told us about a conversation you had
14 in/around September or October of '05, on the telephone and
15 you recall you asked about the newborn and you got an
16 ordinary type of response, that she was fine. And then you
17 asked about Phoenix and you could tell a difference in
18 Samantha's voice, she was kind of quiet and didn't say
19 much; right?

20 A Yeah, yes.

21 Q Obviously, at that time, you thought Phoenix was
22 alive; right?

23 A Well, yeah, yes.

24 Q Was that the last time you spoke to Samantha?

25 A Yes.

1 MR. GINDIN: Those are my questions, thanks.

2 THE COMMISSIONER: Thank you, Mr. Gindin.

3 Mr. McKinnon?

4 MR. MCKINNON: Thank you, Mr. Commissioner.

5

6 CROSS-EXAMINATION BY MR. MCKINNON:

7 Q Witness, my name is Gordon McKinnon, I'm the
8 lawyer for the Department and Winnipeg CFS. Got a few
9 questions for you as well. Just going to take a minute to
10 organize my papers.

11 Now, as I understand your evidence, witness, you
12 recall actually seeing Phoenix on only two occasions. One
13 would have been the one you described as being -- these are
14 my words -- in the summer, because it, it was warm. So it
15 was in 2004, when it was warm?

16 A Um-hum. Yes.

17 Q And my understanding is that you didn't observe
18 anything particularly concerning about Phoenix at that
19 time? Her behaviour was normal?

20 A Yes.

21 Q And just so that I'm clear, in, in preparing
22 yourself to give evidence to this inquiry, did you have an
23 opportunity to review the statement you gave to the RCMP?
24 The police statement?

25 A Yes.

1 Q Yes, you did?

2 A I believe I did, yes.

3 Q Okay. And, and you have a lawyer sitting here at
4 the table with you, I assume he would have given you that
5 to look at?

6 A Um-hum.

7 Q And so the --

8 A Yes.

9 Q -- the evidence you've given today and yesterday
10 is your best recollection, including after having reviewed
11 your police statement; that fair?

12 A Yes.

13 Q Okay. So, in terms of the first time you saw
14 Phoenix, you didn't see anything concerning. And the
15 second time you saw Phoenix was in March of 2005 and you've
16 described that in some detail to Commission counsel this
17 morning --

18 A Um-hum.

19 Q -- correct?

20 A Yes.

21 Q Now, you say it was around -- in fact, it was the
22 same day as the Rod Stewart concert and we're able to look
23 that up, with the wonders of the, the internet and see that
24 that was March 18th of 2005; does that sound about right to
25 you?

1 A Yes.

2 Q Okay. And that's the day you went to Samantha's
3 apartment and Samantha brought Phoenix out of the bedroom
4 and Phoenix sat in front of the television. And as I
5 recall your evidence, it was -- she sat there quietly, she
6 glanced at you a few times, that kind of thing?

7 A Yes --

8 Q And --

9 A -- um-hum.

10 Q -- and then you walked from Samantha's apartment
11 to Becky's apartment and Phoenix walked that whole way?

12 A Yes.

13 Q And other than the fact that she seemed to not
14 have her boots done up, which you kindly took care of for
15 Phoenix, she was able to walk without any limps, or, or, or
16 visible signs of a problem walking?

17 A Well, she walked all that way, I mean --

18 Q And by my calculation, looking at the map, using
19 the tools on Google map, that's over a kilometre. So she
20 walked over a kilometre from Samantha's apartment to
21 Becky's apartment, on her own?

22 A Um-hum, yeah.

23 Q Sound about right?

24 A Yeah.

25 Q Okay. And you took that photograph, which is now

1 exhibit 7.

2 If it could be brought up?

3 And what we see here, can you see that photograph
4 now?

5 A Yeah.

6 Q And what appears, to us, to be a happy little
7 girl with a smiling face?

8 A Um-hum. Yeah.

9 Q And you weren't concerned, at that point, about
10 any signs of physical abuse?

11 A Well, I didn't see any, so no.

12 Q No, and, this was a happy occasion, that's why
13 you were taking that photograph?

14 THE COMMISSIONER: Do you understand the
15 question, witness?

16 THE WITNESS: I just had my camera there. I
17 don't know if it was a happy occasion, but, I just thought
18 I would take pictures of my friends and (inaudible) baby --

19

20 BY MR. MCKINNON:

21 Q That's fair enough but you --

22 A -- (inaudible) baby.

23 Q -- you weren't taking pictures because you were
24 concerned?

25 A Because I was concerned?

1 Q You were not taking pictures because you were
2 concerned? This was just an occasion and you took a
3 picture?

4 A Yes.

5 Q Okay. Now, we've heard evidence that -- or will
6 hear, be hearing evidence that, on March 9th, 2005, CFS
7 worker did knock on the door of Samantha Kematch's
8 apartment. So we're able to conclude then that this
9 photograph was taken nine days after CFS attended the
10 apartment --

11 A Okay.

12 Q -- were you aware of that?

13 A No.

14 Q And when you gave evidence to Ms. Walsh, you were
15 describing some changes in behaviour that you witnessed in
16 Phoenix between 2004 and 2005 and I didn't make a complete
17 list of them, but you were talking she was a, a little bit
18 more reserved and a little bit more quiet than she had been
19 in '04; is that fair?

20 A Yeah.

21 Q And would you agree with me that a stranger,
22 seeing Phoenix in 2005, who hadn't seen her in 2004, would
23 have a pretty difficult time detecting those changes in
24 behaviour?

25 MR. GANGE: Mr. Commissioner, I'm going to object

1 to Mr. McKinnon's questioning. Quite frankly, how could
2 this witness know what somebody else would be seeing, in
3 terms of changes of behaviour, from 2004 to 2005? It
4 presumes that somebody would have known what the behaviour
5 was in 2004. So I think, I, I, I, I can understand that
6 Mr. McKinnon can make the comment in his closing
7 submission, but in terms of putting the question to the
8 witness, it's an unfair question.

9 MR. MCKINNON: Fair comment, Mr. Commissioner.

10

11 BY MR. MCKINNON:

12 Q Let me rephrase that question, witness. Would
13 you agree with this, that someone who was just observing
14 Phoenix, who hadn't, who didn't know anything else about
15 Phoenix, would not have seen anything unusual on March 18th
16 of 2005?

17 A I, yeah, I guess.

18 Q Okay. Thank you. And just to confirm, in terms
19 of what SOR 5 said when she phoned CFS, you have no
20 recollection of that? That's my understanding of your
21 evidence yesterday?

22 THE COMMISSIONER: Well, I think she told us --

23 THE WITNESS: Yes.

24 THE COMMISSIONER: -- she was there.

25

1 BY MR. MCKINNON:

2 Q She was there, but she -- you, you -- and, and
3 you, but you couldn't really hear what she said; is that
4 fair?

5 A I can't, I CAN'T remember.

6 Q Or, you can't recall what --

7 A I can't really --

8 Q -- she said?

9 A Yes.

10 Q Okay. And you can't recall whether SOR 5 told
11 you that she told anything to her social worker; that
12 fair?

13 A That's fair, yes.

14 Q And in terms of what you told your foster mother,
15 you don't have a clear recollection of that, but you did
16 tell her you were concerned and you wanted someone to check
17 this family; is that fair?

18 A Yes, that's fair.

19 MR. MCKINNON: I think I'm done,
20 Mr. Commissioner, just let me review my
21 notes.

22 THE COMMISSIONER: Yes, take your time.

23 MR. MCKINNON: Thank you, witness, those are my
24 questions and we appreciate very much your coming
25 forward.

1 THE COMMISSIONER: All right. Any other
2 questions to be asked?

3 Seeing none, I guess, Mr. Gange, any questions
4 you have?

5 MR. GANGE: I, I, I don't have any questions. I
6 think that the witness' evidence has gone in the way that
7 it was expected and I don't need to expand on it. Thank
8 you.

9 THE COMMISSIONER: Ms. Walsh?

10 MS. WALSH: I just have one question.

11

12 RE-EXAMINATION BY MS. WALSH:

13 Q The hat that we see Phoenix wearing in the
14 photograph, do you still have that photograph in front of
15 you? Do you have the photograph on the screen in front of
16 you?

17 THE COMMISSIONER: She's having an emotional
18 time. I think --

19 MS. WALSH: We're almost done.

20 THE COMMISSIONER: Witness, I think there's just
21 one or two questions at the most.

22 She, she ... I, I, I, witness, I think there'll
23 just be one or two questions and then you're going to be
24 all finished and we're going to thank you very much for all
25 that you've contributed to this inquiry.

1 So the question was what about the hat?

2

3 BY MS. WALSH:

4 Q You said that you saw Phoenix wearing that hat
5 when you walked into Samantha's apartment?

6 A Yeah, I did.

7 Q Did you ever see Phoenix take the hat off on that
8 visit?

9 A No, I didn't.

10 Q Did you think anything about that?

11 A I don't, I just found it a little odd that
12 (inaudible).

13 Q Did you see Phoenix's hair that day?

14 A No, I didn't.

15 MS. WALSH: Those are all my questions. I thank
16 you very much for your participation.

17 THE COMMISSIONER: Yes, witness, we're,
18 we're, we're all finished asking you questions and, as I
19 said a moment ago, we thank you very much for coming
20 forward and, to the best of your recall abilities, telling
21 us what you remember. So this is the end of your
22 appearance here and as I say, thank you for, for being
23 present for us. You, you can take your leave and go your
24 way.

25 THE WITNESS: Okay.

1 THE COMMISSIONER: Thank you. All right.

2

3 (WITNESS EXCUSED)

4

5 MS. WALSH: Thank you, Mr. Commissioner. Our
6 next witness will be Della Fines.

7 Is she here ready to go?

8 THE CLERK: Can you please state and spell your
9 full name for the record?

10 THE WITNESS: Yes, first name Della, D-E-L-L-A,
11 second name, Mary, M-A-R-Y, third name Louise, L-O-U-I-S-E,
12 and my last name is Fines, F-I-N-E-S.

13 THE CLERK: Would you like to swear on the Bible,
14 or affirm to tell the truth?

15 THE WITNESS: The Bible.

16

17 **DELLA MARY LOUISE FINES, sworn,**

18 testified as follows:

19

20 DIRECT EXAMINATION BY MR. OLSON:

21 Q Ms. Fines, you currently work at Selkirk Mental
22 Health Centre?

23 A That is correct.

24 Q When did you begin your employment there?

25 A I believe it was 2006.

1 Q That was following the devolution process?

2 A After the devolution process, I was seconded to
3 Animikii Ozoson.

4 Q Okay. You are a social worker?

5 A That is right.

6 Q And when did you obtain your Bachelor of Social
7 Work?

8 A In 1996.

9 Q Was that from the University of Manitoba?

10 A Correct.

11 Q Following that, you were employed as a front line
12 child protection worker for approximately five years?

13 A That is right.

14 Q That was with Winnipeg Child and Family Services?

15 A Yes.

16 Q For how long did you stay in that position, as a
17 front line worker?

18 A Until my secondment, mid-2005.

19 Q And you said that was to Animikii?

20 A Correct.

21 Q What is Animikii?

22 A Animikii Ozoson is an agency other, under the
23 Southern Authority, which services folks, particularly
24 those that came from (inaudible).

25 Q Okay. And your position at Animikii was as a

1 social worker?

2 A Correct.

3 Q Did you obtain core competency training when you
4 began your work as a social worker?

5 A With Child and Family?

6 Q With Child and Family.

7 A Yes, I did.

8 Q And what did that consist of?

9 A It, it consisted of four cores. I do not recall
10 the, the dates I attended those cores and I'm sorry, I
11 don't recall the length of time each core took. But it was
12 training with respect to the work we'd be doing with Child
13 and Family Services, the policies, protocols and
14 responsibility of a social worker under that employ.

15 Q Would that be fairly early on in your career as a
16 social worker that you would have taken that core
17 competency training?

18 A I do believe it was within around, about the
19 first year, yes.

20 Q Okay. Aside from that training, that you just,
21 just described, did you receive any other training as a
22 social worker?

23 A Well, of course, my university degree.

24 Q Right.

25 A There was all sorts of policy manuals and

1 material to which we were given to read.

2 Q Did you -- had you received any training on those
3 manuals, or other material?

4 A Other than the core competencies, no, not, not
5 formalized training. There were, there were a lot of peer-
6 to-peer training and advice and case consults and, and
7 stuff of that nature. We were a very, very tight unit. We
8 worked --

9 Q What --

10 A -- well together. We shared information. We
11 advised each other.

12 Q -- so what you're describing to me sounds more
13 like a on-the-job, learning as you go, type of thing, with
14 consultation with others; is that fair?

15 A Absolutely, yes.

16 Q Were you given any formalized training on the,
17 the standards, provincial standards?

18 A The provincial standards manual was certainly
19 part of our library. I was advised to review it. Any
20 questions were brought to the supervisor and team leaders,
21 if you will. I did review the standards --

22 Q Was that self, self review? In other words --

23 A Yes.

24 Q -- it wasn't formalized training, it was --

25 A Other, other than what was covered in the core

1 competencies, yes, that would have been self-review.

2 Q I just want to ask you about your caseload when
3 you were with Winnipeg Child and Family Services in 2005.
4 Do you recall what your caseload, caseloads were like?

5 A In 2005, I, I don't know if the caseload was
6 really representative of what was happening prior,
7 remembering that we were preparing our cases for transfer.
8 We were preparing for the devolution. Cases were being,
9 were being summarized and, and transferred and really,
10 that, that started to occur at the beginning of
11 (inaudible), so my caseload was diminishing as, as the year
12 progressed, prior to my secondment.

13 Q Now, there's a difference between caseload and
14 workload; right? Do you have, do you have an understanding
15 of that?

16 A I, I believe I know what you're talking about.
17 The caseload would be the census numbers and the workload
18 would be duties attached (inaudible) those numbers.

19 Q Right. How would you describe your workload in
20 that period of time?

21 A It was, it was a very busy time and a very
22 stressful time, not only with respect to the work we were
23 doing, but the emotions surrounding the devolution and what
24 was happening (inaudible). It was, it was, it was a big,
25 big part of our lives, yes.

1 Q In your view, did that have any impact on the
2 services you were able to deliver to the clients of Child
3 and Family Services?

4 A I think, I think that the devolution impacted us
5 and, and it was an emotional time. I would hope that the
6 workers conducted themselves as they always did, but for
7 certain, when you're under emotional stress, it impacts the
8 way you're managing your caseload and your lives.

9 Q And when it comes to your personal experience,
10 which is what I'm mostly interested in, how did the things
11 that were going on at the time impact your ability to, to
12 deliver services to clients?

13 A I know that I was very busy transferring,
14 closing, summarizing files. I'm sorry, I don't have a
15 recollection of, of how it -- or, or whether there were any
16 changes in, in my, in my workload. I don't -- I believe I
17 conducted myself as I always have.

18 THE COMMISSIONER: Think you're asking about
19 performance, aren't you?

20

21 BY MR. OLSON:

22 Q Really about performance, yes.

23 A I don't think my performance was impacted to a
24 degree that I recall in any case (inaudible).

25 Q So, in other words, and you'll correct me if I'm

1 wrong in my understanding, but what you're saying is, even
2 though the caseload, or workload is fairly high, it didn't
3 have an impact on the, on the, your ability to perform as a
4 worker, in terms of delivering services to clients; is that
5 what you're saying?

6 A Yes, it is. I believe I continued to meet the
7 standards.

8 Q And when you moved over to Animikii, did anything
9 change, in terms of your ability to deliver services to
10 clients?

11 A No, the big issue with moving to Animikii, that
12 too was a very busy time, because when I was with Child and
13 Family, I was familiar with all my cases. Moving to
14 Animikii, I was handed twenty some cases, I can't remember
15 the exact number, I'm sorry --

16 THE COMMISSIONER: New cases?

17 THE WITNESS: -- but I was handed a bunch of new
18 cases and getting to know them, getting up to speed, very
19 busy, very stressful time, yes.

20

21 BY MR. OLSON:

22 Q I'm sorry, when did you say you moved to
23 Animikii? What was the date?

24 A I'm, I apologize, I don't know the exact date.
25 It would have been April, I believe.

1 Q Of 2005?

2 A Correct.

3 Q You were the child protection worker for the
4 witness we know as SOR 5; right?

5 A That is correct.

6 THE COMMISSIONER: Just one moment, Mr. McKinnon
7 is --

8 MR. MCKINNON: It just might be helpful to the
9 witness, if I reminded her that the May 5th was what we
10 called the go live date for the transfer of files. So
11 that, that may --

12 THE WITNESS: Okay.

13 MR. MCKINNON: -- orient her to when, when it
14 started. Okay. And Mr. Saxberg is telling me that it was
15 a brand new agency that may have started a month before the
16 go live date. So those two factors may help the witness,
17 orient her to the time.

18 THE COMMISSIONER: Thanks, Mr. McKinnon.

19 MR. OLSON: Thank you.

20 THE WITNESS: Thank you.

21

22 BY MR. OLSON:

23 Q And does that, does that help you, in terms of
24 determining when you would have moved over to Animikii?

25 A Yes, I believe my secondment occurred beginning

1 of April.

2 Q Beginning of April 2005?

3 Now, we were moving into your work as a, the
4 child protection worker for SOR 5; I understand she was a
5 client of yours at Winnipeg Child and Family Services?

6 THE COMMISSIONER: Who, who was?

7 MR. OLSON: SOR 5.

8 THE WITNESS: SOR 5 was one of the files on my
9 desk when I began in December 2000 --

10

11 BY MR. OLSON:

12 Q So one --

13 A -- with Child and Family Services.

14 Q -- so one of the first files you picked up as a
15 social worker?

16 A Correct. She, at that point, was a child-in-care
17 and a young mom.

18 Q And she remained your client for how long?

19 A She was my client throughout my time with Child
20 and Family Services and she opted to transfer to Animikii
21 Ozoson. So she --

22 Q So she stayed on with you when you transferred to
23 the new agency?

24 A She did.

25 Q Did any other clients of yours do the same thing?

1 A No.

2 Q So she was the only one?

3 A That is right.

4 Q Was that at her request, or your request?

5 A That certainly wasn't at my request. I wouldn't
6 have made such a request. She requested to transfer to
7 Animikii. At Animikii Ozoson, my supervisor let me know
8 that she had transferred and they had their, her file. He
9 gave me the option of continuing with her, or transferring
10 her to another worker.

11 Q Okay. And you chose --

12 A And --

13 Q -- to --

14 A -- and I told --

15 Q -- continue?

16 A -- I told him that because of the relationship I
17 had forged with this client, I saw this as, as a positive
18 working relationship and I told him that I would be, I
19 would be agreeable to continuing to be her social worker.

20 Q Okay. And when you told me a few moments ago,
21 you seemed fairly adamant that you, you would not have made
22 the request to take this particular client with you. Was
23 there, was there anything, in particular, you meant by
24 that?

25 A Yeah, it, it certainly was not -- I would not

1 have led a client into making a decision as to which agency
2 she chose.

3 Q I see.

4 A I told her that I would be leaving Child and
5 Family Services and that I was seconded to an agency under
6 the Southern Authority, which was her rightful authority
7 and she chose to continue to, she chose to go to Animikii
8 and she had told me that that decision was based on our
9 relationship and her desire to keep me on as her social
10 worker.

11 Q I see. And that was agreeable to you; is that
12 right?

13 A That is right.

14 Q So you didn't, you weren't unhappy with the fact
15 that she came with you to the new agency?

16 A No, I was not.

17 Q Can you -- I, I had the impression that she had a
18 certain degree of, degree of trust in the relationship; is
19 that your view as well?

20 A I think that that's evident in the choice she
21 made, yes.

22 Q Can you just describe for us what the
23 relationship was like between you and her in that time
24 period?

25 A During that time period, she was doing quite

1 well, just prior to the devolution, she had, she had made
2 significant changes in her life and her and her family were
3 getting on quite well. Throughout my work with her,
4 however, there were times that our work was quite
5 confrontational, in that I was in a position where I would
6 let her know that her children were very close to being
7 apprehended because of the issues in her home. Her, her
8 child, rather -- let me back up a bit. When I first began
9 with her, she had an infant child and that child was
10 apprehended by me and brought into care. Working with her,
11 she -- that child was returned to her care at a point. Two
12 more children were born to her. There were lots of issues
13 in her home and yes, my relationship with her, at times,
14 was such that I would let her know that her children were
15 very close to being apprehended and that things needed to
16 change. A lot of fluctuation with regard to how she did in
17 her parenting role. She would do well, she would do very
18 poorly. Helping maintain her home and working as a social
19 worker on this file was a tremendous responsibility.

20 Q We've heard evidence previously that the
21 apprehension of a child is a pretty serious matter and
22 it's, it's a traumatic matter for mothers and families.
23 Was that the case with respect to SOR 5?

24 A Absolutely.

25 Q And that being the case, and, and what you've

1 described as sort of an up and down relationship with her,
2 despite that, she still followed you to Animikii as a, as a
3 client; did that suggest to you that she had a, a
4 significant degree of trust in you as her worker?

5 A Yeah, again, I, I believe that she did trust me,
6 yes.

7 Q In 2004, late 2004, and early 2005, how often
8 would you see SOR 5?

9 A In late 2004, there were -- and, and I have had
10 opportunity to review my notes, roundabouts October there
11 was a lot of concerns in the home.

12 THE COMMISSIONER: Lot of what?

13 THE WITNESS: Concerns. I was out there quite
14 often.

15

16 BY MR. OLSON:

17 Q This is October 2004?

18 A Oh, yes, if I said five, I'm sorry.

19 Q No, that -- I just wanted to be sure.

20 A In October 2004, there were concerns. I was out
21 there quite often. In early 2005, she had cleaned up her
22 act. We had a support person in who was, who was aiding
23 her in her parenting role, reports were good and my
24 interaction with SOR 5 was minimal in the beginning of
25 2005.

1 Q You said you were basing that on your notes?

2 A Yes.

3 Q Do you record all of the meetings you had -- did
4 you record all of the meetings you had with her in your
5 notes?

6 A That would have been my practice, yes.

7 Q You said you reviewed your notes before today and
8 you know that there is, SOR 5 reports -- actually told you
9 something about Phoenix Sinclair, probably in the period of
10 February 2005; you're aware --

11 A I'm --

12 Q -- you're aware --

13 A -- I'm --

14 Q -- of that?

15 A -- I'm aware of what, sorry?

16 Q You're aware of what SOR had, SOR 5 has reported,
17 in terms of giving you some information about Samantha and
18 Phoenix in early 2005?

19 A I heard her testify that she believes she
20 reported to me some concerns, yes. I'm -- yes.

21 Q And you said you've checked your notes to see
22 whether or not you had meetings with Ms., with Ms. --
23 sorry, with SOR 5; is that, is that right?

24 A I've reviewed my notes and my notes would
25 indicate, during February, I didn't have any meetings with

1 her.

2 Q Okay.

3 A February of 2005. Is that your question? I'm
4 sorry?

5 Q Yes, that's my question. You've answered the
6 question. Based on your notes then, having no record of a
7 meeting with SOR 5, does that tell you, you did not meet
8 with her in person?

9 A Yes.

10 Q So it couldn't be that you met with her and
11 didn't record it?

12 A I don't believe that would be true. I don't
13 believe that I would meet with her and not record it.

14 Q But is it possible that happened?

15 A I don't believe so.

16 Q And what about your practice, in terms of phone
17 calls? If you were to have a phone discussion with her,
18 would you always record that?

19 A Phone calls were recorded, yes.

20 Q But would --

21 A I would, I would -- phone calls are actually
22 easier to record than fields, in that I'm sitting at my
23 computer during the phone call and, and it would go into
24 the computer, yes.

25 Q So are you saying then that, that you would

1 record all of your phone conversations with this client?

2 A Yes.

3 Q So if -- would it be possible that you would have
4 had a phone conversation with her and not have recorded it?

5 A It would be my practice to record phone calls. I
6 believe that, had I had a phone call with her, it would be
7 in my notes.

8 Q The evidence that we've heard from SOR 5 is that
9 she told you, in a meeting, and I believe she, she thought
10 it was an in person meeting, in early 2005, some, somewhere
11 around her birthday, which was in late February, that she
12 was worried about Phoenix because she -- Phoenix was
13 spending a lot of time with Mr. McKay, who was not her
14 father; do you recall any of that?

15 A No.

16 THE COMMISSIONER: Did you, do you, did you know
17 who Phoenix was at that point in time?

18 THE WITNESS: No, sir. I've had, I've had no
19 contact, nor had I heard the name.

20 THE COMMISSIONER: Nor Samantha, I take it?

21 THE WITNESS: That is correct.

22

23 BY MR. OLSON:

24 Q And you said you didn't recall hearing anything
25 about Samantha or Phoenix?

1 A I'm sorry, I don't know if you said did or
2 didn't? Would you --

3 Q Did, did not, do not recall hearing anything from
4 SOR 5 about Samantha or Phoenix?

5 A I do not recall ever hearing those names prior to
6 the case hitting the news, no.

7 Q I just want to be sure that -- when you say you
8 do not recall hearing that, are you saying you did not --
9 she did not tell you -- give you any information about
10 either Samantha or Phoenix?

11 A I believe that this information never came to me
12 as a social worker, correct. I believe that she never gave
13 me this information, or reported concerns to me.

14 Q Why is it you say that? In other words, what's
15 the basis for your saying you believe you never received
16 this information?

17 A Because I don't recall it.

18 Q Is there anything else, any other reason? You --
19 it's just because you simply don't recall the information?

20 A What information are you -- like, like, what --

21 Q Any information about Samantha Kematch or Phoenix
22 Sinclair.

23 A Had any information come to me on any person that
24 would allude to child endangerment or abuse of a child, I
25 was fully aware of what my responsibilities were with

1 regard to reporting said information. Had information come
2 to me which indicated child endangerment or abuse, I
3 certainly would have ensured that intake be contacted. I
4 did not call intake with regard to information of this
5 nature. And therefore, because it was my practice to do
6 so, I'm confident that the information never came to me.

7 Q Okay. We heard evidence from SOR 5 that she had
8 made similar reports about other people in the community,
9 in terms of concerns about their parenting --

10 A You said similar reports.

11 Q -- similar, raised similar concerns as to what
12 she said she raised about Ms. Kematch. Not necessarily the
13 type of concerns, but concerns about potential issues in
14 families and that she, she brought this to your attention
15 with respect to other families; is that, was that your
16 experience with her? She would complain about other
17 families?

18 A SOR 5 was, is a very emotional person. In my
19 contact with her, as we were dealing with the issues
20 presenting themselves in her home and regarding her
21 parenting, she would, quite often, let me know things like
22 I'm doing so much better than my mom did. I'm doing so
23 much better than a, a lot of people in the community. I'm
24 doing this and I'm doing that and, and specific concerns,
25 specific issues with regard to parenting of other folks

1 were never brought to me by this ...

2 Q You're, you're saying that did not happen? She
3 did not disclose --

4 A She --

5 Q -- specific concerns about other people?

6 A -- that would be absolutely correct. She would
7 not disclose specific concerns. She would disclose that
8 she is doing better than neighbours, that, that she is --
9 I'm sorry, it's difficult to explain what, what happens
10 with a client who is trying to deflect the work I'm doing
11 with her. She doesn't want, she didn't want to deal with
12 the fact that there was issues in her home. She wanted to
13 move the conversation away from there. She would try to
14 convey to me that she believed that she was doing okay and
15 she would let me know that people in the community -- that,
16 that my focus should be on other people in the community,
17 rather than her.

18 Q That was your --

19 A (Inaudible) --

20 Q -- are you saying that was your interpretation of
21 when she would raise concerns about others, she would be
22 deflecting from her own situation? Is, is that what you're
23 saying?

24 A Almost. When you say raise concerns about
25 others, she didn't raise specific concerns and that, that

1 is what I need to convey here. She would, she would let me
2 know that she believed that she was superior to her peers.
3 But in which ways? I, I never, I never heard that, no.

4 Q When you're, when you're talking about she
5 wouldn't raise specific concerns, can you just help me
6 understand what you mean by that? What do you mean by
7 specific concerns?

8 A Repeat please?

9 Q When you, when you said she wouldn't tell you,
10 wouldn't raise specific concerns about other people in the
11 community, neighbours or whatever, what do you mean when
12 you say specific concerns? As opposed to general concerns?

13 A I am talking, I guess, about hearing person X is,
14 is doing, is engaging in this behaviour, which I would
15 interpret as abuse, or child endangerment, concerns of that
16 nature. I never heard, from this client, any indicators
17 that she had information related to child endangerment or
18 abuse of any of her peers.

19 Q Okay. And I, I want to be very fair to you, so
20 what I would like to do is you, you, you recall giving a
21 statement to the police in connection with this matter?

22 A I do.

23 Q And you've reviewed it before coming here today?

24 A I did.

25 Q You, I believe you have it in front of you, it's

1 from Commission disclosure 113.

2 THE COMMISSIONER: Page number?

3 MR. OLSON: Page number is 5096.

4 THE COMMISSIONER: Nine six.

5 THE WITNESS: I'm sorry, you said 113?

6

7 BY MR. OLSON:

8 Q The disclosure number, the number on the tab in
9 front of you should be one, 113.

10 A I'm sorry, sir, I don't see a tab saying 113.

11 THE COMMISSIONER: Why don't you go to the page,
12 it's down in the right hand corner, at the bottom, 5096.

13 THE WITNESS: I'm sorry, Commissioner, I don't
14 see a page number indicating --

15 MR. OLSON: It --

16 THE WITNESS: -- 5096.

17 MR. OLSON: -- it, it might help -- it's just
18 your RCMP statement. So if you just page through it, you
19 should see it in that binder of documents you have.

20 THE COMMISSIONER: Who put the manual together?

21 THE WITNESS: I, I feel really silly, but --

22 THE COMMISSIONER: That's, that's, that's my
23 copy, see?

24 MR. OLSON: I'm sorry, you may not -- that -- I'm
25 just advised that your counsel didn't provide that binder.

1 So that may not be a binder that pertains to your evidence.
2 I assumed it was, but I, I guess it's not. So you might
3 have to just look on the screen in front of you. Are you
4 okay with that?

5 THE WITNESS: Yes.

6

7 BY MR. OLSON:

8 Q Okay. In your statement, at the top of the page
9 -- sorry, just to put this in context, if we go to the
10 previous page, 5095, the last question --

11 A Um-hum.

12 Q -- is:

13

14 "Alright. In those five ..."

15

16 THE COMMISSIONER: Well, just a minute.

17 Do you recall being interviewed by a Constable
18 Rouire?

19 THE WITNESS: I do.

20 THE COMMISSIONER: And that was on the 20th of
21 March 2006?

22 THE WITNESS: I'm sure that was the date, it
23 sounds right.

24 THE COMMISSIONER: That's what's recorded here
25 and you would agree that that's probably the correct date?

1 THE WITNESS: Thank you, Commissioner,
2 yes.

3 MR. OLSON: Thank you.

4 THE COMMISSIONER: All right, Mr. Olson.

5 MR. OLSON: Thank you.

6

7 BY MR. OLSON:

8 Q The constable asked:

9

10 "In those five years, at any time
11 did she give you any information
12 about, ah, Samantha, [concerning,
13 sorry] concerns regarding Phoenix
14 or Samantha or Wes or Karl? Okay."

15

16 UNIDENTIFIED PERSON: Sorry, we, we don't see it
17 on the screen.

18 MR. OLSON: It should be 5095, at the bottom of
19 the screen, please.

20 THE COMMISSIONER: This is his question.

21 MR. OLSON: Five zero nine five. Bottom of the
22 page. Oh, you, you went too far. Right there.

23 THE COMMISSIONER: Stop there.

24 MR. OLSON: Thank you.

25

1 BY MR. OLSON:

2 Q Do you see it on the bottom of the page there?

3 A I'm sorry, do I see what on the bottom of the
4 page?

5 Q The question I just wrote -- read out that the
6 constable asked you? The last question there --

7 A Yes.

8 Q -- those, those five years, do you see that?

9 A Yes.

10 Q And then your answer --

11 THE COMMISSIONER: Move the screen up then.

12

13 BY MR. OLSON:

14 Q -- is on the next page, first, first answer --

15 THE COMMISSIONER: Wait a minute.

16 MR. OLSON: Five-o-nine six.

17 THE COMMISSIONER: We need the top of 5096.

18 There you -- oh, stop there.

19 MR. OLSON: Perfect.

20

21 BY MR. OLSON:

22 Q Now, you see your reply there?

23 A Um-hum.

24 Q So you say:

25

1 "No ... from time to time, [SOR 5]
2 has given me information regarding
3 ... people she knew ...
4 neighbours. You know, she'd ...
5 say [say] things like she's really
6 concerned about ... the way
7 certain people treat their
8 children. And my advice to [her]
9 was always, ah, 'Call intake.
10 Here's the number.' And I would
11 provide it to her."
12

13 A Um-hum.

14 Q And then you have the number there, being 944-
15 4200?

16 A That would be the number I'd give her, yes.

17 Q Okay.

18
19 "And I would explain to her that
20 as a social worker at Winnipeg
21 Child and Family, I [have] only
22 have authority to work with people
23 who are assigned to me. ... if
24 there are concerns with people who
25 are not on my caseload, those

1 concerns would have to be
2 addressed to our intake
3 department."

4

5 A That is correct.

6 Q Okay. And that, are you saying that's consistent
7 with what you were just telling me about the types of
8 concerns that she would bring to your attention?

9 A Like I said, her concerns were never specific.
10 She would, she would never give me an incident where she
11 would say anything that would relate to child endangerment.
12 She would say that I should go and investigate other
13 people, that, that I should be concerned about how other
14 people treat her children, not her, I shouldn't be
15 concerned about her, she's doing great. But specific
16 allegations, or specific incidents were never raised by
17 this comment.

18 THE COMMISSIONER: Witness, do you acknowledge
19 that that would have been the answer you gave to the
20 constable, to the question he put to you?

21 THE WITNESS: It, it sounds like something I'd
22 say --

23 THE COMMISSIONER: Yes.

24 THE WITNESS: -- Commissioner.

25 THE COMMISSIONER: Thank you.

1 MR. OLSON: Thank you.

2

3 BY MR. OLSON:

4 Q When the constable, if you look on the page, he,
5 he goes on to ask the question I asked a few minutes ago,
6 about whether or not you ever recall her mentioning the
7 name Samantha Kematch, or Samantha Sinclair, et cetera.
8 And you say you knew it through the newspaper; right? You
9 knew that name through the newspaper?

10 A Yes.

11 Q And then you say:

12

13 "... if she would have mentioned
14 these names and concerns [your
15 advice to her would have been]
16 that would have been [your] advice
17 to her."

18

19 Is that to call the intake line? Is that what
20 you meant?

21 A I certainly would have asked her to call intake,
22 yes, if she gave me specific concerns that relate to,
23 again, abuse, I would have followed up on that and
24 depending on what was said, I would have called intake
25 myself, which I have done previously in other instances.

1 Q Okay. With this particular client? With SOR 5?

2 A There is one, one incident, early on in our
3 working together, that I recall making a phone call to
4 ensure services were delivered to a relative of hers.

5 Q And that was based on a report from her about
6 concerns?

7 A Not particularly her raising concerns, but her
8 telling a story of something which was going to happen in
9 the future. She didn't have concerns regarding this.
10 Based on information which I had, I had concerns about
11 this. I, I can explain further if you wish. I don't know
12 how detailed you want --

13 Q No, I don't think that's necessary. I'd just
14 like it if you could help with just the next portion of
15 this statement, where the constable asked you, it's in the
16 middle of the page, it says:

17

18 "So you wouldn't, if someone would
19 [give you] give you the
20 information, you wouldn't make the
21 calls for her, you would have
22 her ..."

23

24 Then your answer is:

25

1 "There, there have been times that
2 ... Now, I'm not sure if this
3 occurred with [SOR 5] but it did
4 occur with, with other clients of
5 mine where they would give me some
6 information [that I felt, I'm
7 sorry] that I had felt was
8 extraordinarily grave and I wanted
9 to ensure that follow-up took
10 place, I would call intake myself
11 and give them the information that
12 I had."

13

14 A Yes.

15 Q Do you recall giving that answer?

16 A I recall reading this. I -- that would be in
17 keeping with something I would say. I regret using the
18 term "extraordinarily grave". I was overstating, I was
19 overstating. As I say, you know, I regret using that term.
20 I think, more appropriately, I should have said something
21 like severe, or information related to child endangerment
22 or abuse. It's, it's regrettable that I used such a strong
23 term.

24 Q Just in terms of the, the timing of what Ms.,
25 sorry, what SOR 5 reports she told you with respect to

1 Samantha Kematch, or Phoenix Sinclair, you said you looked
2 at your, your, your book for February 2004; right? Sorry,
3 2005.

4 A Yes.

5 Q Did you also look into March 2005?

6 A Yes.

7 Q And were there any recordings of any visits with
8 SOR 5?

9 A No. Again, we had a support worker in and I was
10 receiving reports from the support worker, which are in the
11 notes. Again, I was preparing transfer summaries during
12 that time. It was very busy. I prepared SOR 5's transfer
13 summary by the end of January. At that time, I had
14 assessed that it was medium risk and my records would
15 indicate that I was not in her home during that period.

16 Q SOR 5 told us yesterday that not more than two
17 months would go by without having contact with her, between
18 you and her; is that --

19 A I believe that --

20 Q -- accurate?

21 A -- would be true, yes.

22 Q And I think, at certain points in time, it was
23 more frequent than that, on, maybe on a weekly basis?

24 A Absolutely, yes.

25 Q And throughout your relationship, at times, you

1 would just drop by, sometimes with groceries, or, or other
2 things?

3 A Yes.

4 Q Okay. Would you always make a note of those
5 types of visits as well? When you'd just drop by, maybe
6 with groceries?

7 A I believe so.

8 Q You don't sound quite as certain about that, but
9 -- so I want to explore that with you. Is that -- are you
10 certain that you would make a note, or not?

11 A Throughout my five or six years with her, I think
12 that it is very possible that I would visit her and negate
13 making the note. Yes, that is possible. During this
14 period, however, the workload was very large. I would have
15 had a support worker in. She's indicated that things are
16 going well in the home. Knowing my practice and knowing
17 what was going on in the agency, I have no reason to
18 believe that I made a field then which wasn't recorded.

19 Q Okay. You have no reason to believe you made a
20 field that wasn't recorded, is what you're saying?

21 A Based on the information on the file, that is
22 right.

23 Q But is it possible that you, that that had, in
24 fact, did occur?

25 A I don't believe so. Not -- what I, what I want

1 to say is that not based on the information I have
2 regarding what was going on in her home. A support worker
3 was in there. A support worker is indicating that
4 everything is going well. There's no triggers that would
5 have me attend her home. And my notes reflect that,
6 so ...

7 Q This --

8 A If, if I attended her home, I would have a reason
9 to attend her home and there -- based on the notes, there
10 doesn't appear to be a reason for me to go.

11 Q Okay. Just in terms of the types of concerns
12 that you are obligated to, to report when, as a social
13 worker --

14 A Yes.

15 Q -- there is a child protection and a, and child
16 abuse manual. It's at page 28058.

17 THE COMMISSIONER: Are you through with the RCMP
18 document?

19 MR. OLSON: I am, yes, I am.

20 THE COMMISSIONER: I'm wondering if this is a
21 time to take our mid-morning break then?

22 MR. OLSON: Oh, certainly.

23 THE COMMISSIONER: I think we're at that point.
24 So we'll take a 15 minute break. Stand adjourned.

25

1 (BRIEF RECESS)

2

3 THE COMMISSIONER: That was a long 15 minutes. I
4 assume the time was spent productively, Mr. Olson?

5 MR. OLSON: It was time well, it was time well
6 spent, Mr. Commissioner.

7 THE COMMISSIONER: I accept that.

8

9 BY MR. OLSON:

10 Q I, I want to go back to some questions I had for
11 you previously with respect to what SOR 5 indicated she
12 told you. The, the specific concern, and this is what she
13 testified to, I believe, yesterday, was that she was pretty
14 sure she told you she was concerned with Phoenix being
15 around Wes so much, as Wes was not her father, wasn't her
16 dad. If that was the -- if she had raised that concern
17 with you, would you -- was that the type of concern you
18 would have said, well, call, call intake and, and let them
19 know you're concerned? Or would you do something with it?

20 A Had she told me that a four year old child was
21 spending time with a stepfather, that would have prompted
22 me to ask some more questions, because that, in itself, was
23 not a concern to me. It would have prompted more
24 questions. I didn't ask those questions and I have no
25 reason to believe that, that I wouldn't. It would have

1 been my practice to want information of that.

2 Q And if there was no more information given to
3 you, what, what would, do you know what you would do with
4 that sort of a concern?

5 A That a four year old child is spending time with
6 his stepfather?

7 Q Right.

8 A I would have provided her intake's number. I
9 would have asked her to call intake. On that information
10 alone, no, sir, I would not have called intake with that.

11 Q Okay. And just, just based on that, is it -- and
12 I know you say -- and I think your evidence was that you
13 don't think she told you this, that you're fairly sure she
14 didn't tell you this, but is it possible she did give you
15 that kind of information and you said, like you had done
16 with other clients, call intake? Is that possible?

17 A I don't believe it's possible, because I didn't
18 ask further questions. Had that information come to me in
19 the manner in which you're suggesting, it would have
20 prompted me to ask further questions and that conversation
21 never occurred.

22 Q Earlier on, you said something to the effect that
23 SOR 5 didn't share any information of this nature with you,
24 as a social worker. I think that, those are the words you
25 used. And I just want to be sure you weren't suggesting

1 that maybe she gave you information otherwise then, as a
2 social worker?

3 A I had no, no interactions with SOR 5 outside of
4 my role as her social worker.

5 Q I wanted to ask you a few more questions about
6 what you were saying earlier, with respect to devolution
7 and its impact on you, as a worker, and on the agency and
8 your co-workers; okay?

9 A Um-hum.

10 Q You said it was a difficult period?

11 A Um-hum.

12 Q What, what was it about it that made it
13 difficult?

14 A Well, certainly uncertainty of our careers, jobs.
15 I was being seconded to an agency. I was going from what
16 was a permanent, full-time job, to a job I had no idea how
17 long it would last, what was in my future when that job
18 ended, preparing cases for transfer and --

19 Q What was --

20 A -- (inaudible).

21 Q -- what was involved in preparing cases for
22 transfer?

23 A Well, there would have been, there would have
24 been interviews, there would have been case review. There
25 would have been summarizing. There would have been a lot

1 of thought to the process and ensuring that the, that
2 transfer summaries, the information that was necessary was
3 in the transfer summaries. A lot of case review, a lot of
4 history, ensuring the facts are correct and this sort of
5 thing, double checking. Although the information is in
6 your head, dates and such may not be, so you'd be reviewing
7 to ensure that that information made it to the summary.
8 It, it was a lot of work. A summary was quite often from
9 five pages to 15 pages, depending on, on the, on the case.

10 Q In terms of -- I take it that was beyond your
11 normal workload, normal work you were doing with clients;
12 is that --

13 A Absolutely, yes.

14 Q So this was an added responsibility to you, as a
15 social worker, at the time?

16 A Yes.

17 Q In terms of the time you would spend working on
18 preparing cases for transfer, what would that represent, in
19 terms of time spent doing that, as opposed to your regular
20 social work, during that period. And I, I understand you
21 couldn't tell me exactly, but just roughly?

22 A Well, it, it -- I don't know how to answer that.
23 It was, it was a lot of work, you know? Doing, as I said,
24 doing the reviews. With respect to time consumed on that,
25 there was, there was overtime, there was --

1 Q Were you aware of any added supports made by
2 Child and Family Services to assist you in, in the added --

3 A I never utilized any supports. I don't recall.

4 Q So for you, at least, nothing had changed, in
5 terms of the expectations on you with your regular case
6 files?

7 A I don't -- I'm sorry, repeat that question? I
8 was distracted for a second.

9 Q For you, at least, had -- and I think you said
10 you didn't utilize any extra resources; right?

11 A That's correct.

12 Q So in terms of your obligations, as a worker,
13 those continued to be the same as they were before you
14 started doing the --

15 A Yes.

16 Q -- case transfers?

17 A Yes.

18 Q Even though you didn't utilize any, any
19 assistance, did you -- were you aware of the availability
20 of assistance?

21 A I don't recall, I'm sorry, I, I don't, I don't
22 recall what assistance was there. I, I, I don't believe
23 that I utilized any assistance.

24 Q Can you describe the morale in the agency, and,
25 and your particular area of the agency at the time, that

1 is, devolution being rolled out?

2 A In my office, there were quite a few workers who
3 had less time than, than I did. I was fortunate enough
4 that I had begun with the agency at a time when I was
5 guaranteed a position. CFS had said everyone starting
6 prior to this time would be guaranteed a job and that gave
7 me comfort, obviously. There were several workers who
8 weren't covered by that agreement and the morale and
9 concern for our co-workers was, was -- let me rephrase
10 that. Our concern for our co-workers was -- we had concern
11 for our co-workers who weren't covered by that agreement.
12 The morale was low, you know? Our, our agency was de-
13 evolving and there was a lot of uncertainty with regard to
14 what things were going to look like under the new, under
15 the new authorities and what jobs were going to be out
16 there for us.

17 Q As a, as a worker, working in an agency, at that
18 time, what was your perspective as to how the rollout of,
19 of the devolution process was handled by the agency? Are
20 you able to comment on that?

21 A I think we were concerned about our clients. We
22 had relationships with our clients. They were being
23 transferred and we obviously knew what was entailed in, in
24 receiving a full caseload and having to get up and running
25 on that. We were concerned with, with the amount of work

1 that, that, that we were asked to do and getting on with
2 doing that. It was a very busy, hectic, hectic time of
3 year.

4 Q You went on to work at Animikii, were you able to
5 observe what the communication was like between that agency
6 and, and Child and Family Services, with respect to clients
7 coming in, in from the authority to Animikii?

8 A I'm sorry?

9 Q Well, you went on to work at Animikii; right?

10 A I did, I did.

11 Q And clients were in the process of being
12 transferred from Winnipeg Child and Family Services to
13 Animikii; is that right?

14 A Yes.

15 Q Are you able to comment on how that transfer of
16 clients was? How -- what sort of impact did that have --

17 A (Inaudible) --

18 Q -- in terms of services to clients --

19 A -- (inaudible) --

20 Q -- generally?

21 A -- you mean the clients that I received once I,
22 once I came to Animikii and what impact it had on --

23 Q Right.

24 A -- those clients?

25 Q Right.

1 A Well, I was a new worker to all of them, except
2 SOR 5. So being a new worker to all of them, they wanted
3 to -- they were obviously concerned with what my practice
4 would be, who I was, developing relationships. I'm sure it
5 was a stressful time for them as well.

6 Q Just have one, one more area to review with you
7 very quickly. Commission disclosure 1 is the report -- a
8 special case review in regard to the death of Phoenix
9 Sinclair. You've seen this report in connection with your
10 participation in this inquiry; do you know the one I'm
11 referring to? It's on page 2.

12 A I'm sorry, I, I don't know which report you're
13 referring to (inaudible).

14 Q We'll have it up on the screen. That's the cover
15 page of the report --

16 A Yes.

17 Q -- this is the one prepared by Mr. Koster.

18 A I, I have reviewed this report, yes.

19 Q Now, page 59, under interview with second client,
20 you see that --

21 A Yes.

22 Q -- the paragraph there?

23 A Yes.

24 Q The second paragraph of that, under that
25 heading --

1 A Um-hum.

2 Q -- says:

3

4 "A telephone call to the worker
5 who has since left the agency (May
6 10, 2005 indicated that she had no
7 remembrance of any such
8 conversation with her client. She
9 does remember that the client on a
10 number of situations would deflect
11 her own situation by eluding that
12 others around her needed to be
13 investigated. On those occasions
14 she had told her to call intake at
15 the number that she [had]
16 provided."

17

18 A Yes.

19 Q Do you recall -- did you speak with Mr. Koster in
20 connection with this report?

21 A I believe it was a telephone -- actually, I know
22 it was a telephone conversation, yes.

23 Q And is this the information that you would have
24 given him, essentially?

25 A That does sound like him summarizing our

1 telephone conversation, yes.

2 THE COMMISSIONER: Which paragraph did you read,
3 Mr. Olson?

4 MR. OLSON: This is the paragraph right in the
5 middle of the page, Mr. Commissioner, it starts with: "A
6 telephone call ..."

7 THE COMMISSIONER: Oh, that five line paragraph?

8 MR. OLSON: Yeah --

9 THE COMMISSIONER: All right.

10 MR. OLSON: -- that's it.

11

12 BY MR. OLSON:

13 Q And with respect to what's reported here, did
14 you, did you have any comments, or anything you wanted to
15 say about it?

16 A No, I think it's in keeping with, with, with what
17 I've told you so far, sir. She would allude that others
18 around her needed to be investigated. Go investigate
19 someone else, leave me alone, I'm doing just fine.

20 Q And when you're saying she, obviously you're
21 talking about SOR 5?

22 A That is correct.

23 MR. OLSON: Those are my only questions for you.
24 The other counsel will have questions.

25 THE COMMISSIONER: All right. Mr. Gindin,

1 please.

2

3 CROSS-EXAMINATION BY MR. GINDIN:

4 Q Good morning, my name is Jeff Gindin. I
5 represent Kim Edwards and Steve Sinclair. I have some
6 questions for you.

7 We've heard many social workers come here and
8 tell us that they don't really have an independent
9 recollection of their involvement because of the time that
10 has passed, sometimes 10 years, sometimes eight, seven
11 years and they would have to look at their notes,
12 essentially, to remember things; is that the same with you?

13 A I've had the opportunity to review my notes
14 (inaudible) --

15 Q Right. But the question was whether you have any
16 independent recollection of those events, without the use
17 of your notes?

18 A Well, I never worked on the case of Phoenix
19 Sinclair.

20 Q I'm talking about the events of February or March
21 of 2005, almost eight years ago now and some of the things
22 that you've been telling us about. That's what I'm
23 referring you to. I'm suggesting --

24 THE COMMISSIONER: Mr., Mr. Gindin, Mr. Saxberg,
25 apparently, has a concern.

1 MR. SAXBERG: I, I'm just wondering if he could
2 be specific about the event. I, I presume you're, you're
3 talking about the alleged -- the meeting?

4 THE COMMISSIONER: Well, I, I, I don't, I'm sure
5 he'll get there, if that's where he --

6 MR. GINDIN: Yeah.

7 THE COMMISSIONER: -- wants to go.

8 MR. GINDIN: I'm talking about what we've been
9 talking about all morning here.

10 THE COMMISSIONER: I don't think his question was
11 inappropriate.

12 MR. GINDIN: Yeah.

13

14 BY MR. GINDIN:

15 Q You've been telling us about February,
16 particularly, of 2005, your involvement with SOR number 5
17 and certainly your involvement in the years prior to that
18 even; right?

19 And I'm suggesting to you that that's about eight
20 years ago now and I'm asking you whether you have --

21 THE COMMISSIONER: You have to answer, witness.

22

23 BY MR. GINDIN:

24 Q -- an independent --

25 THE COMMISSIONER: You can't just nod, you go to

1 answer.

2 MR. GINDIN: Yeah.

3 THE WITNESS: I'm, I'm waiting for him to finish,
4 Mr. Commissioner, yes, I'm happy to answer his question.

5

6 BY MR. GINDIN:

7 Q So you understand what I'm asking you and who I'm
8 talking about and what I'm talking about?

9 A Yes, I believe your question is, do I have a
10 recollection of January, February, March, perhaps, of
11 2005 --

12 Q An independent recollection without looking at
13 your notes?

14 A Let me begin by saying please that I remember SOR
15 5 very well. I remember behaviours. I remember attitudes.
16 I certainly remember her, her home and the care that she
17 bestowed upon her children and, and issues of that nature
18 are, are very strong in my memory, yes, sir.

19 I remember preparing for the devolution and
20 moving to Animikii.

21 With respect to specific visits, or issues of a
22 more specific nature, no, sir, I don't have specific
23 recollection of that.

24 Q Right. And for example, specific conversations
25 that you may have had, those are the kinds of things, it

1 would be nice to look at your notes, to refresh your
2 memory; correct?

3 A That would be true, yes.

4 Q And if you find, by looking at your notes, that
5 there's nothing on a particular subject, then you're
6 assuming that nothing took place that required you to make
7 a note?

8 A That is true. But also, I know my practice and I
9 certainly know that to go out and visit a client, during
10 that time, I would, I would have had a reason to go out to
11 visit that client. I knew a support, I know a support
12 worker was in there and I knew things were going well in
13 her home. I know that my file transfer was done at the end
14 of January and it certainly makes sense to me that my notes
15 are not negating any visit.

16 Q Your notes are not negating any visit? I'm not
17 sure what you mean?

18 A Okay. My, my notes --

19 Q There's no notes of a visit, is what you're
20 saying?

21 A There are no notes of a visit --

22 Q Right.

23 A -- and there would be no reason for a visit at
24 that time and therefore, I believe my notes are accurate.

25 Q Okay. January of '05, can you recall if you had

1 any communication with SOR number 5 at all?

2 A Specifically, in January, I think things were
3 going well for [redacted], or things were beginning to go
4 well. I believe I had contact (inaudible) at that time.

5 Q And sometimes it might be by phone; correct?

6 A Yes.

7 Q Possible? And your recollection would depend on
8 whether or not you happened to record a particular phone
9 call or visit; right?

10 A Yes.

11 Q You told us that SOR number 5 would sometimes
12 mention other families and, to deflect from her own
13 situation and that this was something that you noticed
14 occurring over the years that you were connected with her;
15 right?

16 A That is correct.

17 Q And that happened, when those things would
18 happen, would you always write that down?

19 A That she was deflecting?

20 Q Yeah. The, the conversation that she had with
21 you, the fact that she was mentioning a certain other
22 family, or a certain name, or trying to put the blame
23 somewhere else, would you always write that conversation
24 down?

25 A Please understand that I don't have any

1 recollection of her ever mentioning a specific family. Her
2 conversation, as, as -- that you're -- her conversations
3 that you're referring to, would have been brought to me in
4 a very angry manner, a very emotional manner. There would
5 be tears, there would be yelling. There would be
6 vulgarity. What are you investigating me for? I'm doing
7 so much better than my mom ever did. My kids have it so
8 much better than I do. You should go and investigate
9 someone else. It was that sort of material that she would
10 bring to me.

11 Q And you heard that a number of times, that kind
12 of thing?

13 A Chronically.

14 Q Yeah. And then perhaps you turned a blind ear to
15 it on occasion, because you heard it so often? Like the
16 boy who cried wolf, kind of?

17 A If she would have mentioned a concern that
18 related to, again, child endangerment or abuse, I certainly
19 would not have turned a blind ear to that, sir.

20 Q But if she said something in a vague way, you
21 might not have recorded it, or remembered it?

22 A I, I'd need you to be more specific about a vague
23 way, because --

24 Q Well, I understand that when she did mention
25 other people, she would often just use their first name,

1 for example; isn't that so?

2 A I have no recollection of even a first name.
3 I -- she may have done that. I, I'm sorry, I don't recall
4 any first names, so --

5 Q Do you recall ever saying that to anybody? That
6 when she would mention other families, often it would just
7 be a first name?

8 A I may have said something like that.

9 Q Now, in early 2005, you didn't know who Wes McKay
10 was?

11 A No, I did not.

12 Q You didn't know who Samantha Kematch was?

13 A No, I did not.

14 Q You didn't know who Phoenix Sinclair was?

15 A No.

16 Q So that even if something was mentioned about
17 them, you had no knowledge of them?

18 A Well, that's true.

19 Q I just want to direct you to your RCMP statement
20 that you've already been referred to. At page 5096, I'm
21 not sure if we have that up yet, you have that there? I
22 just want to go over that first paragraph with you again.

23 A Yeah.

24 Q

25 "... from time to time, [SOR 5]

1 has given me information regarding
2 ... people she knew ...
3 neighbours."

4

5 A Um-hum.

6 Q

7 "You know ... she'd say things
8 like she's really concerned about
9 ... the way certain people treat
10 their children."

11

12 Let me stop there for a moment. Now, that seems
13 somewhat specific, use of the word "certain people";
14 correct?

15 A Yes, sir.

16 Q And this statement was made by your in March of
17 '06 --

18 A Yes.

19 Q -- which is seven years ago --

20 A Yes.

21 Q -- when your memory would be better of those
22 events than today --

23 A Um-hum.

24 Q -- correct?

25 A Yeah.

1 Q So you're, you're saying there that she made
2 complaints about certain people sometimes; right? And your
3 advice, you go on for a moment.

4 A Um-hum.

5 Q

6 "And my advice ... was always ...

7 'Call intake. Here's the number.'"

8

9 Right?

10 A Yes.

11 Q Okay. Now, SOR #5 tells us that she -- and she's
12 somewhat vague about what she told you, I admit that, but
13 that she told you some concerns she had about Sam,
14 Samantha, somebody you wouldn't even know; right, at the
15 time?

16 A (Inaudible) --

17 Q And, and says that you then would give her this
18 number and have her call intake, which is something, you
19 admit here, that you might do --

20 A Yes.

21 Q -- correct? All right. And then you said,
22 further in that paragraph:

23

24 "And I would explain to her that

25 as a social worker at Winnipeg

1 Child and Family, I only have
2 authority to work with people who
3 are assigned to me."

4

5 Q Right?

6 A Um-hum.

7 Q So that if she mentioned something about
8 Samantha, or even gave you a name, it would have been clear
9 that that wasn't one of your client's; right?

10 A Samantha was not one of my --

11 Q Right.

12 A -- right.

13 Q And you're, you're mentioning here that you:

14

15 "... only have authority to work
16 with people who are assigned to
17 me."

18

19 A Um-hum.

20 Q Had she mentioned a name to you that you were
21 familiar with, that was someone that you had a file on,
22 it's more likely you'd remember that and perhaps deal with
23 it at some point; right?

24 A Yes.

25 Q Yeah. If there -- and just going on with your,

1 your answer here:

2

3 "... if there are concerns with
4 people who are not on my caseload,
5 those concerns would have to be
6 addressed to our intake
7 department."

8

9 Right?

10 A Yes.

11 Q So if, in fact, something like, someone like
12 Samantha was mentioned, someone you didn't even know about
13 at the time, who wouldn't have been in your caseload, then
14 you would have, might have at least said to her, well, call
15 intake and let them deal with it; right? That's something
16 you would do, according to the answer you gave here?

17 A Unless it was of the nature, or unless it was
18 abusive in nature --

19 Q If it was --

20 A -- in which I would follow up on it, yeah.

21 Q Yeah. If it was a, a more specific type of
22 concern that rose to a certain level, then you would have
23 taken it up yourself?

24 A I would have.

25 Q If it wasn't, and was a little more vague,

1 perhaps, you would have simply told them, well, call
2 intake?

3 A I --

4 Q I'm not suggesting you shouldn't, I'm just
5 suggesting that's what you would likely do, as you say in
6 your answer here?

7 A Yes. What I heard you say, if it was a little
8 bit vague --

9 Q Yeah.

10 A -- if it was a little bit vague, but triggered
11 something that would relate to abuse, I would ask for
12 clarification on that vagueness. I would have asked her
13 for more information. That would have been my practice.

14 Q But another of your practices would be, when you
15 weren't certain of the serious nature of what you had been
16 told, you would simply refer them to call intake on their
17 own and provide the information they had, which is what
18 you've told us and what you said then?

19 A Yes.

20 Q All right. And I think you went on in your
21 statement there to say that you knew the name Samantha from
22 eventually reading it in the newspaper?

23 A At that point in time --

24 Q Yeah.

25 A -- it had hit the paper and, and yeah.

1 Q About a year earlier, it's not a name that you
2 were even familiar with and it wouldn't have meant much to
3 you?

4 A Unless information was coming to me with regard
5 to abuse or --

6 Q I'm just talking about the name now --

7 A The name?

8 Q -- I'm not talking about the information.

9 A No, the name would not have, the name, in itself,
10 would not have triggered anything in me, no.

11 Q And the name that you might have been given, for
12 example, if you were, might have simply been Samantha or
13 Sam, because often you were given first names only; right?

14 And you wouldn't have known who that was?

15 A I would not know who Sam was, no.

16 Q I think you told, as well, that in around that
17 time, February, March of 2005, that SOR 5 was doing fairly
18 well --

19 A Yes.

20 Q -- right? And you, based on the things that were
21 happening around that time, were quite busy?

22 A Correct.

23 Q And you described it as an emotional time for
24 you?

25 A Yes.

1 Q I think you also told us that you had quite an
2 involvement with her for, I think five years you said?

3 A From December 2000 --

4 Q Um-hum.

5 A -- through to the time I left CFS and then went
6 to Animikii, yes.

7 Q And you felt that --

8 THE COMMISSIONER: That was when?

9 THE WITNESS: I beg your pardon, Commissioner?

10 THE COMMISSIONER: You had her for two, you said
11 from 2000 until when?

12 THE WITNESS: To the time I left Child and Family
13 Services first of all, which would have been in April 2005
14 and then --

15 THE COMMISSIONER: Okay.

16 THE WITNESS: -- I picked her up again, once I
17 transferred to Animikii, until I left Animikii in early
18 2006.

19

20 BY MR. GINDIN:

21 Q So you had been connected with her and her file
22 for around five years or more?

23 A Yes, sir.

24 Q And I think you told us that she trusted you,
25 that was clear?

1 A I think that she had to speak to that and I think
2 she did, yes.

3 Q Yeah. And in fact, she requested that her file
4 continue on with you --

5 A She did.

6 Q -- so I think we can assume she felt comfortable
7 with you and trusted you; correct?

8 A Yeah.

9 Q And obviously would feel that she could confide
10 in you?

11 A I beg your pardon?

12 Q Obviously would feel she could confide in you,
13 tell you things?

14 A I, I believe that was the nature of or
15 relationship --

16 Q Yeah.

17 A -- yeah.

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

19 THE COMMISSIONER: Thank you, Mr. Gindin.

20 Mr. Paul?

21 MR. PAUL: Good afternoon, Ms. Fines. Sorry, I'm
22 losing track. My name is Sacha Paul, I'm a lawyer for the
23 Department and Winnipeg Child and Family Services.

24 Mr. Commissioner, I'll apologize to you in
25 advance, because while the witness has not heard these

1 questions, you surely have, on a number of occasions.

2

3 CROSS-EXAMINATION BY MR. PAUL:

4 Q Let me begin just with, with background, again,
5 to clarify where we are in time. You are the social worker
6 for SOR number 5?

7 A That is right.

8 Q You are not the social worker for Samantha
9 Kematch?

10 A No, I was not her, Samantha Kematch's social
11 worker.

12 Q And not for Phoenix Sinclair?

13 A No, I was not.

14 Q And, and not for Steven Sinclair?

15 A No, I was not.

16 Q And if we can look really at the time that I
17 believe we're all trying to talk about here, I want to
18 direct your attention to February and March of 2005; okay?

19 A Yes.

20 Q Okay. My understanding, again, is that you are
21 working at Winnipeg Child and Family Services at that time
22 and that you then leave Winnipeg for Animikii and I'll,
23 I'll -- I'm not sure my notes are right on this, but it's
24 around April 2005?

25 A That is right.

1 Q Right. And so, for February and March, also
2 January, you'd be working on transfer summaries as part of
3 the, the devolution process?

4 A Absolutely, yes.

5 Q My understanding, now, I'll, I'll, I'll see if
6 you agree on this point, is that from January 2005 to May
7 2005, there was a mechanism put in place by the department
8 in Winnipeg, so that family service units wouldn't be
9 taking new referrals, so they could do their transfer
10 summaries; are you aware of that?

11 A Yes, I am.

12 Q And you'd be, of course, what I call a
13 beneficiary of that, because you were in one of those
14 family service units?

15 A Yes, I received no new files during that time
16 period.

17 Q Right. Right. And of course, again, just, the
18 structure always -- even though I've been on this file for
19 awhile, the structure always confuses me. Of course,
20 there's CRU, then there's tier 2 intake and then it's you,
21 as family service workers; correct?

22 A That -- yes.

23 Q Right. And again, January 2005 to May 2005, your
24 unit is not taking any new referrals at that time?

25 A By May, I had transferred to Animikii.

1 Q Okay. So at least during this period of time,
2 January, February, March, you are not taking any new
3 referrals?

4 A Correct.

5 Q Right. Are you aware that at this time, that the
6 preservation and reunification units at Winnipeg are the
7 ones taking the new referrals, as you were doing your
8 transfer summaries and the like?

9 A I knew that we weren't receiving any referrals --

10 Q And if you don't now, I, I'm not, I'm not asking
11 you to know the unknowable. If you don't know, that's,
12 that's entirely fine.

13 A -- I, I knew that we weren't accepting or
14 receiving any of, any referrals. Until you just told me
15 that it was the reunification and preservation, I had
16 forgotten that piece of information.

17 Q Okay. And would you be aware, again, if you're
18 not, that's fine, that the Department of Winnipeg had staff
19 from the community program volunteer to assist in the
20 transition at this time? Are you aware of that?

21 A I do not recall that, no.

22 Q Would you be aware that, at this time, part-time
23 staff had been asked to increase their hours during the
24 transition and many did so?

25 A I'm sure they did, yes.

1 Q Would you be aware that social workers were --
2 pardon me, social work students were approached to do work
3 on a casual basis during this period?

4 A I have no recollection of that.

5 Q Were you aware that recent retirees had been
6 asked to come back and assist in this process at this time?

7 A I have no recollection.

8 Q Are you aware that at this period of time,
9 additional administrative support staff was hired to assist
10 in the transition?

11 A Again, the, that sort of work was, I'm sure,
12 being done. I, I had no recollection or involvement with
13 that.

14 Q And, and, and that's fair. My understanding,
15 with respect to the issue of employment is that everyone
16 was guaranteed to have a job after the devolution process,
17 with the exception of term workers; would you agree with
18 that?

19 A No, that isn't my understanding. I do believe
20 that everyone who was hired prior to, I believe it was
21 October or November of the year 2000, was guaranteed a
22 position, but those people, even the full time people that
23 were hired after said date, and I can't remember the day,
24 I'm sorry, were not guaranteed a position. I was very
25 fortunate in that I had been hired -- the reason that day

1 is specific -- or, or, or is as specific as it is for me,
2 is because I was hired only a month prior to that cutoff
3 date.

4 Q And again, this process of devolution is
5 occurring after this alleged call of February and March?
6 You transitioned out in April --

7 A Yes.

8 Q -- correct? And if the evidence suggests
9 something otherwise, with respect to the term employees,
10 then that'd be something for the Commissioner to, to
11 assess; fair?

12 Those are my questions.

13 THE COMMISSIONER: Thank you, Mr. Paul.

14 MR. PAUL: Thank you.

15 THE COMMISSIONER: Anybody else before Mr. --
16 yes? Mr. Gange?

17 MR. GANGE: Mr. Commissioner, I understand that I
18 have an obligation to ask permission to ask questions of
19 Ms. Fines. I believe that it would be clear to Mr. Saxberg
20 and to everybody here that, that I have an interest as, as
21 counsel to SOR 5, to ask certain questions. I, I will not
22 be long and I will attempt not to duplicate.

23 THE COMMISSIONER: I, I think that's a reasonable
24 request and I grant it.

25

1 CROSS-EXAMINATION BY MR. GANGE:

2 Q Ms. Fines, thank you. I, I believe you were here
3 yesterday and so you're aware that my name is Bill Gange
4 and I am counsel to a number of people, including SOR
5 number 5; is that correct?

6 A I wasn't aware of your name. I had forgotten it,
7 Mr. Gange, but yes.

8 Q Okay. I --

9 THE COMMISSIONER: You may never forget it after
10 today.

11

12 BY MR. GANGE:

13 Q With, with any luck you will and you'll all, be
14 all the better. Ms. Fines, these events, the one thing
15 that it does appear to me and I made this comment yesterday
16 with response, or with regards to something that SOR 5 was
17 being asked about, it happens a long time ago. We're
18 talking about 2004. At, at, at best, memories are, are
19 strained at this point; you'd agree with me on that?

20 A I would.

21 Q And what you've been doing is attempting to give
22 your best recollection of events that did happen an awfully
23 long time ago; that's correct?

24 A Yes, Mr. Gange.

25 Q Thank you. And Mr. Gindin made this -- or, or

1 alluded to this, I believe that Mr. Olson alluded to it,
2 the, the -- and, and you heard yesterday, SOR number 5,
3 talking about the fact that, that, that she felt that she
4 had a very good relationship with you; you heard that?

5 A Yes, I did.

6 Q And, and, and you have said that it was your
7 understanding, you believed that she was a person that
8 trusted you and, and, and felt comfortable with you?

9 A She would trust me. Would she always feel
10 comfortable with me? That would not be evident in her
11 behaviour --

12 Q It --

13 A -- a lot of the time.

14 Q -- yes, but -- and I'm sorry, I don't mean to cut
15 you off and, and it's a terrible habit that I have and if I
16 do, just give me a cuff on the side of the head and, and
17 I'll stop. But the -- although on, on certain occasions
18 she was not comfortable with you, she would always kiss and
19 make up and, and, and, and get back, in terms of being on,
20 on, on good grounds with you; isn't that correct?

21 A I think the nature of the work with her would,
22 would have me coming in and shaking my finger at her, we
23 have to do this, we have to do that. And when I would come
24 back to see her work done, she was proud of herself and we
25 would, we would talk about her accomplishments and that

1 sort of thing. So yeah, my work with her went from
2 confrontational and adversarial, to praising and
3 supportive. A whole gambit (sic) of emotions were,
4 and, and feelings were, were involved in my work with
5 her.

6 Q This is a young woman that, we heard yesterday,
7 she was 14 when she had her first child. When you were
8 dealing with her, she was 20 years old and had several
9 children; is that correct?

10 A When I began working with her, would have been in
11 2000, so she would have been 16. She was both a child-in-
12 care and a protection case on my caseload. So yeah, I
13 worked with her from the time she was 16, until the time
14 she was 21, just turning 22, I believe.

15 Q Yes, thank you. And, and, and in fact, I think
16 that you mentioned that, that she was the only client that
17 you had, in the old agency, that moved with you to the
18 agency?

19 A That is right.

20 Q And, and that was at her request; was it not?

21 A I believe -- yes --

22 Q Yes.

23 A -- actually, yes.

24 Q And, and when I heard that, I have to say that,
25 that my sense was that she would not have asked for that,

1 for you to continue on, unless she felt that she had a
2 strong bond with you; did you feel that same way back then,
3 that gee, this is somebody that's, that's asked that I
4 continue on in the new agency with her, with her?

5 A Yes.

6 Q Okay. Just a couple of questions. The -- SOR 5
7 has a recollection, and you heard that yesterday, that at
8 some point, she had a conversation with you about Phoenix
9 Sinclair, Samantha Kematch and, and Wes McKay. And, and
10 her recollection is that you told her to call intake; you
11 heard her say that yesterday?

12 A Yes, I did.

13 Q Okay. And your statement to the RCMP, at page
14 5096, you've seen it a couple of times --

15 A Um-hum.

16 Q -- during this process and right at the top of
17 that page, it, it, it talks about how:

18

19 "[SOR 5] has given me information
20 regarding ... people she knew ...
21 neighbours. You know, she'd ...
22 say things like she's really
23 concerned about ... the way
24 certain people treat their
25 children. And my advice to [SOR

1 5] was always, 'Call intake.'"

2

3 Now, there's just a couple of questions that I
4 have on that. When, when you say that it -- so this is a
5 year after the -- what, what she recalls. So this is in
6 2006. She recalls the conversation with you in 2005 and
7 your recollection, at that time, to the RCMP was that she
8 was, she would, she had concerns regarding neighbours. I,
9 I don't understand this, how would you know that they were
10 neighbours, unless she told you that?

11 A I think probably because as she was talking, she
12 was pointing out the window. I think that the word
13 "neighbours" was a word I used in assumption. I could have
14 said peers, I could have said other parents. I think I
15 just chose to use the word "neighbours". At -- interesting
16 enough, I think, is that Samantha Kematch wasn't a
17 neighbour.

18 Q Correct, yes. Now, you also say that she would
19 say things like she's really concerned about the way
20 certain people treat their children. You said, in your
21 testimony to Mr. Olson, that if something came up, your
22 training would be such that you would then ask questions
23 for further information; do you recall saying that?

24 A Yes.

25 Q Do you recall when, when, when SOR 5 raised these

1 things, saying that she had concerns about the way certain
2 people treat their children, that you would say okay, SOR
3 5, what are those concerns? Would you go into the details
4 of them?

5 A If I may, if we look at the sentence:

6

7 "You know, she'd ... say ..."

8

9 And, and I'm quoting, in quotes:

10

11 "You know, she'd ... say ...
12 things like she's really concerned
13 about ... the way certain people
14 treat their children."

15

16 I'm trying to encapsulate many visits in a brief
17 sentence, certainly not have been the correct word. I'm,
18 I'm saying she, she would express to me that she is a good
19 mom and that other people around her are doing a worse job
20 as her (sic). Would she give me specifics as to what that
21 meant? No. It was said in an angry fashion, it was sent,
22 said with yelling and screaming. It was said with, with
23 vulgarity and very high emotion. Why are you investigating
24 me? She had ordered me out of her house on several
25 occasions. We'd calm things down. Go investigate someone

1 else, I'm a good mom. There are a lot of worse parents
2 than me out there. I'm encapsulating all of this in a
3 sentence. When I say certain, I am not meaning to negate
4 names. I'm not trying to allude something more specific.
5 It's a sentence. It's, it's an encapsulation.

6 Q And, and, and believe me, I don't, I don't mean
7 to be attempting to say that's the entirety of, of what you
8 meant, which is why I've asked the question, do you recall
9 -- and that's, and I'm going to go back to the same
10 question --

11 A (Inaudible).

12 Q -- which is, do you recall, at any time, during
13 those conversations -- and you, you used the word
14 "chronically", that she would chronically refer to others
15 and I just need to know, Ms. Fines, if, if, at any time,
16 you stopped and said, okay, SOR 5, tell me about what those
17 concerns are about what you're yelling about; do you recall
18 doing that?

19 A No.

20 Q Okay. And, and at page 59, which is Mr. Koster's
21 commentary --

22 A Um-hum.

23 Q -- and, and, and Mr. Olson took you through that,
24 your -- it would appear that his summary of your telephone
25 call is, the summary is quite consistent with what you said

1 to the RCMP and that is that, that:

2

3 "... on a number of situations
4 [SOR 5] would deflect her own
5 situation by eluding that others
6 around her needed to be
7 investigated."

8

9 And, and, and, and that's consistent with what
10 you said to the RCMP. It's also consistent where you
11 say:

12

13 "On those occasions [you indicated
14 that she should] call [the] intake
15 [people]."

16

17 So, and that was consistent. It's also
18 consistent with exactly what SOR 5 says that your response
19 was, that -- because yesterday she said that your response
20 was call, call intake. So that, that, that her response to
21 what you would have said and your response to what you
22 would have said are consistent; we're in agreement with
23 that?

24 A We are.

25 MR. GANGE: Thank you, those are my questions.

1 Thank you, Mr. Commissioner.

2 THE COMMISSIONER: Thank you, Mr. Gange.

3 MR. GANGE: Thank you, Ms. Fines.

4 THE COMMISSIONER: All right. Anyone else before
5 Mr. Saxberg?

6 Apparently not. Mr. Saxberg, your turn.

7 MR. SAXBERG: I have no questions.

8 THE COMMISSIONER: Thank you. Mr. Olson?

9 MR. OLSON: I have no additional questions.

10 THE COMMISSIONER: All right. That -- witness,
11 you're finished, thank you very much for your appearance.

12 THE WITNESS: Thank you, Mr. Commissioner.

13

14 (WITNESS EXCUSED)

15

16 THE COMMISSIONER: Now, this afternoon, there are
17 two witnesses listed, I believe, SOR 7 and Ms. Strople?

18 MR. OLSON: We will only be hearing from SOR 7
19 this afternoon, Mr. Commissioner.

20 THE COMMISSIONER: Ms. Strople will not be here?

21 MR. OLSON: She will not be here.

22 THE COMMISSIONER: All right. So we'll adjourn
23 until two o'clock to await that witness.

24 MR. OLSON: Good.

25

1 (LUNCHEON RECESS)

2

3 MS. WALSH: Good afternoon, Mr. Commissioner.
4 Our next witness is also a source of referral, so I'm going
5 to ask everyone but the witness' counsel and Commission
6 counsel and of course, you, to leave the room while we have
7 the witness either sworn in or affirmed.

8 THE COMMISSIONER: Fine. I think most people
9 know the routine now.

10 MS. WALSH: They do.

11 You can find out which they're going to do and
12 then go off the record.

13 THE CLERK: Would you like to swear on the Bible,
14 or affirm to tell the truth?

15 THE WITNESS: I'll swear on the Bible. I'd like
16 to hear you a little louder. I don't -- that is really a
17 little bit quiet.

18 MS. WALSH: Do you have a Bible? Do you have a
19 Bible?

20 THE WITNESS: Yes.

21 MS. WALSH: Okay. So the clerk's going to come
22 around to this microphone.

23 THE CLERK: So we're off record?

24 MS. WALSH: Off record.

25

1 (PROCEEDINGS OFF THE RECORD)

2

3 THE CLERK: Back on record.

4 MS. WALSH: So, for the record, the witness was
5 duly sworn, in the presence of the Commissioner, her
6 counsel and Commission counsel.

7 Witness, you are known, in these proceedings, as
8 SOR 7; you understand that?

9 THE WITNESS: Yes.

10 MS. WALSH: And can you hear me all right?

11 THE WITNESS: Yes.

12 MS. WALSH: And can you see me?

13 THE WITNESS: Yes.

14 MS. WALSH: Okay. And to my left is your
15 counsel; can you see him?

16 THE WITNESS: Yes.

17 MS. WALSH: Good. The -- we can all hear you.
18 The only person in the room who can see you, however, is
19 the Commissioner, who has his own monitor on his desk.

20 THE WITNESS: Okay.

21 MS. WALSH: Do you also understand that, in these
22 proceedings, there are two other individuals, known as SOR
23 5 and SOR 6?

24 THE WITNESS: Yes.

25 MS. WALSH: SOR 6 has been identified as your

1 foster daughter; you understand who I'm referring to then?

2 THE WITNESS: Yes.

3 MS. WALSH: And SOR 5 is, has been identified as
4 her friend?

5 THE WITNESS: Yes.

6 MS. WALSH: Those -- that's the way that we're
7 going to refer to those individuals.

8 And again, I will put on the record, for all
9 those in attendance, that the Commission's SOR protocol
10 applies to the evidence of this witness and that this
11 witness' identity should not be disclosed in any way.

12

13 **SOR #7**, sworn off the record,
14 testified as follows

15

16 DIRECT EXAMINATION BY MS. WALSH:

17 Q All right. Let's start with your background. I
18 understand that you have a university degree in physical
19 education from the U of M, University of Manitoba?

20 A Yes.

21 Q You obtained that in 1994?

22 A Yes.

23 Q You began working for Child and Family Services
24 in Winnipeg in October of 1995?

25 A Yes.

1 Q In what capacity? What did you do?

2 A I'm a childcare support worker.

3 Q Have you continued to work for Child and Family
4 Services?

5 A Yes.

6 Q In the same job description, or have you held
7 other positions?

8 A Same job.

9 Q I understand you have also been a foster parent
10 since 1998?

11 A Yes.

12 Q And as I just identified, you were the foster
13 parent for a witness who we know, in these proceedings, as
14 SOR 6?

15 A Yes.

16 Q How long have you known SOR 6?

17 A Since late summer/early fall of 1998. Don't
18 remember the actual date.

19 Q Okay. And how would you describe her, as a
20 person?

21 A Sweet and timid and a little downtrodden,
22 extremely socially smart, very intuitive.

23 Q Intuitive, was that your last word?

24 A Yes.

25 Q I understand that when SOR 6, we have heard

1 evidence that she was in a facility known as Oshki-Ikwe,
2 with her baby. And I understand that when she left
3 Oshki-Ikwe, she and her baby came to live with you; is that
4 right?

5 A Yes.

6 Q Were you a foster parent to both SOR 6 and her
7 baby?

8 A Yes, until she turned 18.

9 Q Okay. And then did you remain a foster parent to
10 the baby?

11 A For a short time, yes.

12 Q Were you aware that SOR 6 had been friendly with
13 Samantha Kematch?

14 A Yes.

15 Q Do you know where it was they met?

16 A At the mother's and babe's facility that you
17 referenced, Oshki-Ikwe.

18 Q Okay. Have you ever met Samantha Kematch
19 yourself?

20 A Yes.

21 Q When was that?

22 A During the time that SOR 6 resided with us.

23 Q And when was that, when -- how long did, did SOR
24 6 live with you?

25 A Only a few months.

1 Q Was that, was it in those few months that you met
2 Samantha Kematch?

3 A Yes.

4 Q Okay. Did you have an opportunity to form an
5 impression of Ms. Kematch?

6 A Yes.

7 Q And what was that impression?

8 A My impression was that she was a very broken
9 young woman who had a very negative influence on SOR 6 and
10 who had associations and behaviours that were of pretty
11 grave concern.

12 Q Can you give us an example?

13 A Well there are many instances where she discussed
14 her friendships and activities in a very offhanded way, but
15 one instance was, she was allowed to be in our home when we
16 were out, my husband and I, and the younger children were
17 also out of our home, but SOR 6 was allowed to have her
18 over for the evening. We came home early, to find that she
19 had invited a lot of fairly dangerous folks over. There
20 was a bit of a, bit of a party ensuing and when we pulled
21 up to the house, there were individuals in the street,
22 firing Roman candles into the open door of my home.

23 Q And when was that?

24 A I can't recall.

25 Q So was that when, when SOR 6 was still living

1 with you?

2 A Yes.

3 Q So sometime -- 1999 when we heard she left
4 Oshki-Ikwe, so some time in 1999?

5 A It must have been, yes.

6 Q Did you know anything about Samantha Kematch's
7 history with her children, her history as a mother?

8 A A little bit.

9 Q What did you know?

10 A Well, when SOR 6 came to live with us with her
11 child, Samantha Kematch had left the same residence without
12 her child. Her child had been apprehended, I, I believe,
13 directly from there. I could be wrong on that score.

14 Q How did you feel about SOR 6 maintaining a
15 friendship with Samantha Kematch?

16 A I had huge concerns about it that I expressed to
17 her regularly.

18 Q To SOR 6?

19 A Yes.

20 Q Did you ever know that Samantha had a baby, named
21 Phoenix, in 2000?

22 A I knew that she had had other children after the
23 one that been apprehended from Oshki-Ikwe, but I didn't
24 know the name of any of her children until SOR 6 called me,
25 asking me to help her to seek protection for Phoenix.

1 Q Okay. So let's, let's talk about that. We have
2 heard evidence, from SOR 6, that she told you about some
3 concerns she had about Phoenix, at some point; do you
4 remember her telling you concerns about Phoenix?

5 A Yes.

6 Q Do you recall when that was?

7 A No.

8 Q Can you give me an approximate time?

9 A She stated to me that the child was five years
10 old. So at the time that Phoenix was about five years old.

11 Q Okay. So in -- Phoenix was born in April of
12 2000, so she would have been five in April 2000. So was,
13 was, was it in 2000 -- sorry, 2005 she would have
14 been --

15 A 2005.

16 Q -- five. Do you remember --

17 A It, it might, it might have been that, that
18 spring, it might have been -- I really couldn't say if that
19 was that spring, summer or fall, but it was stated to me
20 that she was five years old.

21 Q Okay. Do you remember how SOR 6 communicated her
22 concerns to you? In other words, did she speak with you in
23 person, or on the phone?

24 A She called me.

25 Q What did she tell you?

1 A She told me that she was worried about Samantha
2 Kematch's daughter, Phoenix, that she wanted me to call CFS
3 because she felt that she couldn't do it and she wouldn't
4 be believed. She asked me to call because she, she had
5 been going out with Samantha, hanging out with her a little
6 bit. She was reluctant to even tell me that, but she did.
7 And she said that on one occasion they were leaving the
8 house, the apartment, rather and Samantha had locked the
9 door to one of the bedrooms when she was leaving and SOR 6
10 thought that she heard noises from behind the door. She
11 might have used the word "whimpering". So she was
12 concerned that Samantha Kematch might be locking Phoenix up
13 and she had concerns that she might be abusing her and
14 trying to hide it.

15 Q Do you remember whether SOR 6 ever told you about
16 anything that Samantha said about Phoenix to her?

17 A Only after, after we learned that Phoenix had
18 been murdered, only then did I hear a little bit more
19 detail about how Samantha was with Phoenix.

20 Q So you say that in 2005, SOR 6 phoned you and
21 told you she was concerned about Phoenix, Samantha
22 Kematch's daughter?

23 A Yes.

24 Q And she said she was concerned because she saw
25 Samantha lock a bedroom door?

1 A Yes.

2 Q And because she heard whimpering?

3 A She may have used that word.

4 Q Okay.

5 A To be -- all I can be certain of is she said she
6 heard sounds coming from behind the door and she thought it
7 might have been Phoenix.

8 Q Did she say -- I'm sorry, I can't recall what you
9 said, did she say whether or not she was worried about
10 Phoenix being abused?

11 A She was worried that she might have been hurting
12 her, is what I believe she said.

13 Q Okay. And what was your understanding as to why
14 SOR 6 was telling you these things?

15 A My understanding was that she was terrified to
16 come forward for a variety of reasons and that she thought
17 that I would be believed, because I was a foster parent and
18 because I worked in the system, she thought that I would be
19 heard.

20 Q Heard?

21 A Yes, listened to.

22 Q Um-hum. You said that you thought SOR 6 was
23 terrified for a variety of reasons; what would those, what
24 were those reasons?

25 A Well, I've described her personality and it

1 stands in sharp contrast to Samantha Kematch's, which is to
2 say that Samantha was her friend, but she was fearful of
3 her as well. That was one reason.

4 Q Any other reasons?

5 A Her own upbringing. I had pretty detailed
6 knowledge about her attitudes towards the child welfare
7 system, leading up to the apprehension of her own child and
8 I've witnessed the way that she was perceived and responded
9 to in the system and I knew that she did not trust social
10 workers generally.

11 Q So what did you do after you spoke with SOR 6 on
12 the phone?

13 A I immediately called Winnipeg Child and Family
14 Services after hours.

15 Q Okay. What was it that prompted you to call CFS?

16 A SOR 6 had all kinds of knowledge of all kinds of
17 things and it was the only time that she ever asked me to
18 do anything like that.

19 Q Did you have any reason to question whether SOR 6
20 was sincere in her concerns that she expressed to you?

21 A None. I trusted her judgment on it completely.

22 Q And do you know what phone number you called,
23 when you said you called CFS?

24 A 944-4200.

25 Q How did you know what number to call?

1 A It wasn't the only time I called that number. I
2 worked in the system and I lived in the inner city and had
3 need of it. Sorry.

4 Q Take, take your time. So you made the call. Did
5 you take down the name of the person that you spoke to on
6 the phone?

7 A I was not provided with their name.

8 Q So please tell the Commissioner what happened
9 when you phoned CFS?

10 A I started to tell the woman on the phone the
11 concerns that had been related to me and I didn't get very
12 far before I was told, I'll have to stop you right there.
13 I can't accept this information, because it is third hand.

14 Q Because it was third hand?

15 A Um-hum.

16 Q Now, how much information had you provided to the
17 worker, at the point where the worker told you to stop?

18 A I had probably only told her that a former foster
19 child was relating concerns to me regarding the care of a
20 child. I don't know if I had stated the name at that point
21 or not.

22 Q The name of the child about whom you were
23 calling, you mean?

24 A Yeah, I don't know if I had given Phoenix's name
25 at that juncture in the phone call or not.

1 Q So you said the worker told you to stop and just
2 tell me again, what was your understanding as to why the
3 worker wanted you to stop?

4 A Because I was not a firsthand witness to
5 anything. Because the information came to me from someone
6 who suspected something.

7 Q What was your response when the worker on the
8 phone told you this?

9 A Well, I got pretty angry with her.

10 Q And what did you say?

11 A I told her that she would have to accept the
12 information from me, because it was valid and important
13 information. I don't know if I used those exact words, but
14 I told her that was the only way she was going to get that
15 information and that she needed to have it, because this
16 child was in need of protection.

17 Q Did you say anything else to the worker?

18 A I can't recall everything that I said, but I did
19 give her information about, I gave the mother's first and
20 last name. I stated that they lived behind the Maryland
21 Hotel. I gave the first name of the child, Phoenix. I
22 stated that my former foster child had concerns that she
23 was hurting her, because she was locking the bedroom door
24 when she was leaving and that she heard sounds from behind
25 that door.

1 Q Did you tell --

2 THE COMMISSIONER: So, so when she told --

3 MS. WALSH: -- you, you told the that --

4 THE COMMISSIONER: -- when she told you, you had
5 to stop, early on, I gather, from what you're telling us
6 now, you did, in fact, continue on with your story; is that
7 correct?

8 THE WITNESS: Yeah, I forced the issue.

9 THE COMMISSIONER: Thank you, carry on then.

10

11 BY MS. WALSH:

12 Q So the phone call proceeded and that's when you
13 told the worker the things that you've just identified for
14 us?

15 A That's when I got her to listen to more detail.
16 I also remember insisting that she must have this woman
17 somewhere in her system, because she -- it wasn't her first
18 involvement with child welfare, that she, you know, she
19 must have her somewhere and I indicated that -- sorry. I
20 can't remember my exact words, but I indicated that it
21 wasn't shocking that she might be hurting the child, what
22 was shocking was that somebody had placed a child with her.
23 That there had been somewhere, along the line, a grave
24 error made.

25 Q You said you told the worker that you were a

1 foster parent?

2 A Yes.

3 Q Did you also tell them that you worked for Child
4 and Family Services?

5 A I believe that I did.

6 Q Did you tell them how old Phoenix was?

7 A Yes.

8 Q Is there any other source from which you would
9 have obtained this information about Samantha and Phoenix
10 with respect to Samantha locking Phoenix in the bedroom
11 door, other than from SOR 6?

12 A No, she was my only connection to Samantha
13 Kematch.

14 Q Okay. You said that you identified to the
15 worker, the CFS worker, that Ms. Kematch had a CFS record
16 herself?

17 A I think I said something to the effect that she
18 must have a file a mile along, or a metre deep, or
19 something like that, that she must, somewhere in her
20 resources, have access to information to find that address.
21 Because she was trying to say that they couldn't go because
22 they wouldn't, didn't have the address.

23 Q In terms of resources to find out information
24 about Samantha, did you have any idea as to how CFS might
25 be able to access Samantha Kematch's CFS record, if she had

1 one?

2 A They're supposed to have a CFS information
3 service, a database --

4 Q Okay.

5 A -- accessible to them. That was my
6 understanding.

7 Q Okay. At the time that you made the call to CFS,
8 do you recall whether you used the word "abuse"?

9 A I don't recall. I don't recall whether I said
10 abuse or hurt.

11 Q Okay. How long did the call last?

12 A I can't say for sure, five, 10 minutes maybe, not
13 longer.

14 Q At the end of the call, were you satisfied that
15 CFS was going to look into your concerns?

16 A I hoped that they would. I told her that, told
17 her that if anything happened to that child, I would hold
18 her personally responsible.

19 MS. WALSH: I'm going to ask for a document to be
20 pulled up please, page 36926.

21 Witness, you should have a screen in front of
22 you. We're pulling up page 36926; do you have that in
23 front of you?

24 THE WITNESS: Yes.

25 MS. WALSH: Mr. Commissioner, have you got a, a

1 hard copy of that as well, 36926?

2 THE COMMISSIONER: Yes, I have.

3

4 BY MS. WALSH:

5 Q Okay. So this is a CRU intake and AHU form,
6 dated March 5, 2005/March 7, 2005. This is from Samantha
7 Kematch's CFS protection file, which, in our proceedings,
8 is Commission disclosure 1795.

9 Turn, please, to page 36927. Scroll down,
10 please, to where it says: Presenting Problem/Intervention.
11 Good. Thank you.

12 Witness, do you have that in front of you, a
13 heading: Presenting Problems/Intervention?

14 A Yes.

15 Q I'm going to read this into the record. This is
16 what the CRU worker who took the call recorded of your
17 conversation. Your name has been redacted, as has SOR 6's
18 name. So:

19

20 "[Source of, source of referral]
21 spoke to an ex foster child today.
22 She refused to provide me with the
23 person's name. This person told
24 [SOR] that she suspects that
25 Samantha Kematch is abusing her

1 daughter Phoenix. [SOR] does not
2 have any details as to what this
3 alleged abuse might be. Also this
4 person suspects that Samantha may
5 be locking Phoenix in her bedroom.
6 I explained that we need to speak
7 directly to [the other source of
8 referral], but despite being an
9 agency foster home she refused to
10 disclose the name. [SOR] does not
11 have an address or phone number
12 for Samantha other than she lives
13 in apartment one beside the ..."

14

15 Can we go to the next page please?

16

17 " ... beside the Maryland hotel.
18 I explained that without an
19 address we will be unable to
20 follow up. The last address on
21 CFSIS [the last address on CFSIS]
22 is on McGee.
23 For consideration by CRU."

24

25 Now, is this an accurate reflection of the

1 conversation you had with this CFS worker you called?

2 A Can we scroll back?

3 Q Can we scroll back --

4 A About what I --

5 Q -- to the previous page please?

6 A -- it's a, it's a very distilled version of the
7 conversation I had with her.

8 Q Can you just elaborate on that for us, please?

9 A Well, I don't remember everything that went on, I
10 just know that I was on the phone for a lot longer than
11 (inaudible) and I, I, I, I mean, I don't see anything
12 inaccurate. I think it's just very condensed.

13 Q Is there anything that is missing from this
14 recording, in terms of information that you provided?

15 A The only inconsistency I can really see is that
16 I, I remember saying behind the Maryland Hotel, but I could
17 be wrong on that, behind, beside.

18 Q (Inaudible) --

19 A And apartment 1, I don't remember that, but it,
20 it's possible that I had that detail on that date.

21 Q Okay. But you described it just now as a
22 distilled version of your phone call. So what, what has
23 been distilled out, if you, to use your words? What, if
24 anything, is missing from this, in this recording, from
25 your conversation?

1 A The lengths that I went to, to get her to even
2 take the complaint.

3 Q Okay. Anything else?

4 A No.

5 Q Did -- you told me about reasons why you said SOR
6 6 did not want to make the call herself; do you recall
7 whether you said anything to the CFS worker, as to why SOR
8 6 was not making the call herself?

9 A Yes, I told her that she didn't trust them and
10 that if I did give her name up and she would call her, she
11 would get nothing from her. And I don't know if I
12 disclosed it to her or not, but my concern was that any
13 flow of information that might be there would dry up if I
14 gave her name up. She was adamant about asking me not to
15 give her name.

16 Q Did you know whether SOR 6 and SOR 5 had ever
17 attempted to contact CFS themselves?

18 A I don't believe that I knew that on the day that
19 I made the call.

20 Q Okay.

21 A I learned that since, but I can't say for sure
22 when.

23 Q Okay. Looking at what the CFS after hours worker
24 recorded of your conversation, is there anything else that
25 you want to tell us, in terms of information that has been

1 not recorded, but that you, nonetheless, provided to the
2 worker?

3 A I just remember arguing with her. I remember
4 trying to convince her that although it wasn't firsthand
5 information, that she needed to trust this girl's
6 intuition, that her judgment about these things wouldn't,
7 wouldn't be off, that it wasn't, it wasn't a game. Don't
8 remember using those words, but I remember working to
9 convince her that it was a real concern.

10 Q Okay.

11 A Sorry.

12 MS. WALSH: Can we pull up page 53 please?

13 This is from CD number 1, Mr. Commissioner, Mr.
14 Koster's report.

15 THE COMMISSIONER: Page what?

16 MS. WALSH: Page 53.

17

18 BY MS. WALSH:

19 Q Witness, do you have page 53 on the screen in
20 front of you?

21 A Yeah.

22 Q Now, this is a portion of a report that was
23 prepared by Andrew Koster and Billie Schibler, through the
24 offices of the Children's Advocate. It's entitled: The
25 Child Welfare Report, in Regard to Phoenix Sinclair,

1 Submitted Under Section 4 of the Child and Family Services
2 Act. Do you remember being interviewed, or speaking with
3 Andrew Koster?

4 A Not in detail. I remember that he called me at
5 my workplace.

6 Q Did you speak with him on the phone then?

7 A Yes.

8 Q You never met with him in person?

9 A No.

10 Q Did he ever send you copies of notes of the
11 conversation that you had with him?

12 A I don't recall.

13 Q Do you recall how long you spoke with him?

14 A No, I, I don't want to start guessing at it, so
15 no, I don't.

16 Q Fair enough. I'm going to read, into the record,
17 what he wrote about his interview with you:

18

19 "Interview with the Foster Parent
20 who called in the March 5, 2005
21 Referral

22 She indicated that she told the
23 worker that the referent had heard
24 a noise like whimpering. She
25 indicated that the agency did not

1 want to take the call because it
2 was not the direct person who had
3 the information of the alleged
4 abuse. They did not ask for the
5 name of the former foster child.
6 She said that 'they wanted me to
7 get her to call. The girl will
8 not because of her experiences
9 with Winnipeg CFS and her fear
10 that she would [lose] her own
11 children if she was
12 seen to be causing trouble'.
13 She also said that the initial
14 person with the concern had talked
15 to her worker separately. I asked
16 the foster parent for the name of
17 the client and she gave it to me
18 and said that she would ask the
19 person to call my phone number
20 collect. The client did call me
21 and her account is in the next
22 section."

23
24 Now, my understanding is that Mr. Koster prepared
25 his report in 2006 and so that that's when he would have

1 spoken with you; does that seem right, by your
2 recollection?

3 A Yeah, I think that, that would be about right.

4 Q And is what Mr. Koster has written, is that an
5 accurate reflection of information that you had and that
6 you would have told him?

7 A I'm sorry, it's been a very long time and I see
8 here that they didn't ask the name. They wanted me to get
9 her to call and that -- this was much closer to the actual
10 event and is probably more accurate than what I'm
11 remembering now about that conversation. So I, I don't, I
12 don't know for sure if they were demanding her name, or if
13 they just wanted her to call.

14 Q Okay.

15 A But I knew that I couldn't give her name and I
16 knew that she wouldn't call if I asked her to.

17 Q Okay. The last paragraph, where it says:

18

19 "She also said that the initial
20 person with the concern had talked
21 to her worker separately."

22

23 Is the initial person that's being referred to,
24 is that SOR 5?

25 A Yes.

1 Q Is that information --

2 A (Inaudible) --

3 Q -- that you had -

4 A -- (inaudible) --

5 Q Sorry?

6 A -- SOR 6. I don't think that I had knowledge of
7 SOR 5 talking to her worker.

8 Q Okay.

9 A But I, I can't be sure because the only time I
10 discussed any of this with SOR 5 was the day that we went
11 together to the RCMP and, and I can't remember everything
12 about that day.

13 Q Okay. And did you give Mr. --

14 A I, I don't -- sorry, what I should say is I, I
15 don't remember knowing this, but it's possible that I did
16 know this then, because it's closer to the, to the
17 events.

18 Q Okay. Is this information that you would have
19 known at the time you made the call to CFS?

20 A No.

21 Q So at some point --

22 A (Inaudible) --

23 Q -- you, after you made the call to CFS, you had a
24 further discussion with SOR 6?

25 A I had a discussion with SOR 6 the day she asked

1 me to make the call and the next time I remember speaking
2 to her, it was when the news hit that this child had been
3 murdered. And it was only after that time that I learned
4 of SOR 5's involvement in anything. And we made
5 arrangements, at that time, to go speak to the RCMP
6 together, but prior to then, I didn't know about SOR 5. I,
7 I don't believe I knew about SOR 5 until we went to the
8 RCMP.

9 Q Who all went to the RCMP together?

10 A Myself, SOR 5 and SOR 6.

11 MS. WALSH: Let's pull up page 52 now please,
12 still in CD1.

13 Do you have page 52 in front of you?

14 THE COMMISSIONER: Is this the same report?

15 MS. WALSH: Yes, it is. So it's just the
16 previous --

17 THE COMMISSIONER: Oh, just the previous page?

18 MS. WALSH: Yes.

19

20 BY MS. WALSH:

21 Q You have page 52 in front of you?

22 A Yes.

23 Q You see the heading: Supervisor Interview for
24 the March 5, 2005 referral?

25 A Yes.

1 Q I'm going to read that first paragraph:

2

3 "The Supervisor indicated that the
4 referral was second hand
5 information that there were abuse
6 allegation and that the child was
7 locked in her room. This was
8 second hand information, not
9 provided with original source,
10 with no details on the
11 allegations. The Worker pursued
12 the foster parent to get her to
13 tell but she would not. The
14 worker believed that [that] was
15 problem number one because it did
16 not then meet the criteria for
17 acceptance either by intake or for
18 the abuse intake unit."

19

20 Now, the only thing that I want to ask you about
21 is the comment that the worker pursue, pursued you to
22 provide information on the allegations you were phoning
23 about, but that you would not provide those details?

24 A I remember that she insisted she would have to
25 call herself and I remember insisting that she wouldn't,

1 that she would have to take the information from me. To be
2 honest, I don't remember whether she insisted that I get
3 her to call, or whether she insisted on knowing who she
4 was, or having a phone number. I don't remember what she
5 was demanding of me. I just remember insisting that this
6 was the only way she was going to get this information.

7 MS. WALSH: Those are my questions for you,
8 witness. Thank you very much. There will be other lawyers
9 who will be asking you questions.

10 THE COMMISSIONER: All right. Is there any
11 indication who's, would like to go first?

12 Mr. McKinnon?

13 MR. MCKINNON: May I suggest just a five minute
14 break, so we can determine who's going to examine, in what
15 order?

16 THE COMMISSIONER: Yes. Witness, they're going
17 to adjourn, we're going to just take 10 minutes off, so
18 they can decide the order of questioning. So you just have
19 a glass of water and relax there and we'll be back on the
20 screen no, no less than 10 minutes. Or no more than 10
21 minutes.

22

23 (BRIEF RECESS)

24

25 THE COMMISSIONER: All right. What did we

1 resolve? Are you going first, Mr. McKinnon?

2 MR. MCKINNON: I'm, I'm coming to tell you,
3 having taken the time to reflect and confer, I don't have
4 any questions and I don't believe any of the counsel have
5 questions.

6 THE COMMISSIONER: All right.

7 MR. MCKINNON: So there's no cross-examination of
8 this witness.

9 THE COMMISSIONER: Thank you.

10 MR. GANGE: Thank you, Mr. Commissioner, I have
11 no questions for the witness either.

12 THE COMMISSIONER: So there's obviously no re-
13 examination?

14 MS. WALSH: Exactly.

15 THE COMMISSIONER: So witness, there are no
16 further questions. I thank you very much for the time and
17 attention you've given to this matter in being present
18 today. So you can, you can now leave your location.

19 MS. WALSH: Thank you.

20 THE WITNESS: Thank you.

21

22 (WITNESS EXCUSED)

23

24 MS. WALSH: We don't have any other witnesses
25 scheduled for today, Mr. Commissioner.

1 THE COMMISSIONER: All right. So that means we
2 stand adjourned until Monday morning?

3 MS. WALSH: That's right.

4 THE COMMISSIONER: And what about the one witness
5 that was to have been on the list for this afternoon? We
6 may be able to resolve that with an agreement as to facts
7 between counsel.

8 THE COMMISSIONER: I see. All right. So that's
9 it for today then and for this week and we'll see everybody
10 on Monday morning.

11 MS. WALSH: Thank you.

12

13 (PROCEEDINGS ADJOURNED TO JANUARY 14, 2013)