

IN THE MATTER OF: Commission of Inquiry into the Circumstances
Surrounding the Death of Phoenix Sinclair

AFFIDAVIT OF CHERYL REGEHR
SWORN/AFFIRMED THE 30th DAY March, 2012

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I, CHERYL REGEHR, of the City of Toronto, in the Province of Ontario,

MAKE OATH AND SAY AS FOLLOWS:

1. I am presently the Vice-Provost of Academic Programs for the University of Toronto and was formerly Dean of the Factor-Inwentash Faculty of Social Work. I am a professor in the Factor-Inwentash Faculty of Social Work, and have cross-appointments to the Faculty of Law and the Institute for Medical Sciences at University of Toronto.

2. My previous practice background includes over 20 years of direct service in forensic social work and emergency mental health and in the administration of mental health programs, specializing in civil litigation and criminal court assessments of trauma victims and violent offenders, and organizationally based trauma interventions. My program of research has two intersecting components: 1) competency in professional practice; and 2) examining aspects of recovery from trauma in such diverse populations as victims of rape, firefighters, police and paramedics witnessing traumatic events and child welfare workers.

3. My current funded research includes examining the factors influencing clinical decision making in social workers with respect to suicide risk assessment. My publications address measurement of competency, trauma, and the interface between the law and mental health.

4. Attached hereto and marked as **Exhibit "A"** is a copy of my Curriculum Vitae.

5. I have conducted research in the area of public inquiries into deaths of children in the care of child welfare. As such, I have personal knowledge of the facts and/or matters set out in this affidavit, except where I indicate that such facts and/or matters are based on information and belief, in which case I believe them to be true.

6. The research I conducted in the area of public inquiries into the deaths of children in care followed two major events in Ontario. The first was the Child Mortality Task Force established in April 1996 that was mandated to review deaths of children who were under the care of child welfare services during 1994 and 1995.

7. The second event was the 1997 death of five week old Jordan Heikamp who was living in a shelter for homeless women with his mother Renee Heikamp. Child welfare social worker Angie Martin was charged with criminal negligence causing death. Madam Justice Mary Hogan of the Ontario Court of Justice found that there was no evidence that Ms. Martin's acts or omissions were a contributing cause of Jordan's death by chronic starvation and she was acquitted. Nevertheless, much of the press remained negative towards Ms. Martin, the child welfare agency that employed her and social workers as a group throughout the coroner's inquest into the death that followed.

8. My research project on the impact of public inquiries into deaths of children in care began in 2002. This research was conducted with the Children's Aid Society of Toronto. Our paper describing the research, entitled "Inquiries into Deaths of Children in Care: The Impact on Child Welfare Workers and their Organization", was published in 2002 in a journal called *Children and Youth Services Review*, at Volume 24, No. 11, pp. 641-644. The article is attached hereto and marked as **Exhibit "B"**.

9. The participating agency in the research had been subject to two coroner's inquests into the deaths of children in recent years. Data collection involved both qualitative and quantitative methods. The quantitative survey was distributed to all staff resulting in 175 returned questionnaires from front line, clerical and management staff, representing approximately 1/3 of the total staff.

10. Of the total sample, 38 individuals, or 22% indicated that they had been involved in a formal review of a child death. Sixty percent of the respondents indicated that they had colleagues who had been involved in formal reviews of child deaths. Fifty people (29%) indicated that there had been media coverage of an event in which they had been involved and 23 (13%) characterized this coverage as “extensive”. Twenty people (11.5%) indicated that there had been coverage of the postmortem review and 12 (7%) felt this exposure was extensive. Eleven people (6%) had media stories relating directly to them, two of whom (1%) felt the coverage was extensive.

11. Our research found that the death of a child is the most emotionally distressing critical event encountered by child welfare workers, ranking above being physically assaulted and personally threatened. Participants in the qualitative component of the study reported difficulties with sleeping, nightmares and preoccupation with thoughts of the child’s death. Workers also identified that apprehending a child is also highly distressing, often resulting in threats and assaults against the worker, feelings of betrayal regarding the parent, and exposure to emotional reactions of both parents and children.

12. The inquiry process was identified by participants in the qualitative component of this study as highly stressful resulting in repeated exposure to highly distressing memories, criticism of their professional integrity, and a sense of isolation. This distress was not only experienced by workers undergoing the review but also radiated to others in the organization.

13. The media attention was viewed by these workers as intensifying the distress of workers that were subjects of the review as well as others in the organization. There was a sense that media reports weakened public support for child welfare services, had far reaching impacts on the personal lives of workers, and in the end resulted in workers choosing to leave the field – thereby undermining the delivery of child welfare services in general.

14. Further analysis of the dataset from the study reported in 2002 revealed that the degree of media coverage of a critical event was significantly associated with the level of post-traumatic stress symptoms as evidenced by the total score on the Impact of Event Scale ("IES") ($r = 0.21$, $p \leq 0.05$). The IES is a tool used in the field to measure the subjective response to a specific traumatic event.

15. Subsequently, I, along with colleagues, conducted a study aimed at examining the impact of workplace trauma and traumatic stress symptoms on clinical decision-making in child welfare workers. This research has been reported and published in a number of papers and journals on the topic, including in an article entitled "Confidence and Professional Judgment in Assessing Children's Risk of Abuse" published in a journal called *Research in Social Work Practice* at 20(6), pages 621-628. The article is attached hereto and marked as **Exhibit "C"**.

16. While not reported in the literature, this research was conducted with 96 child welfare workers across Ontario and included similar questions about critical events, post-mortem reviews and media coverage to the study reported in 2002. It should be noted that this study did not follow a high profile inquiry into deaths of children in care; nevertheless, the percentages of people reporting media coverage were similar to those in the earlier study. In analyzing this data set, there was no correlation between media coverage and level of post traumatic stress disorder symptoms on the IES-Revised (a revised version of the original IES).

17. Taken together, the strongest evidence of the impact of public inquiries and the corresponding media coverage on child welfare organizations and child welfare workers in my research is from qualitative interviews that are corroborated by one quantitative finding in the first study.

18. I have also conducted research that investigated the impact of post-mortem reviews and media coverage on firefighters and paramedics (Regehr, C. (2003) "Public Inquiries into Deaths in Care: Effects on Emergency Responders", *Australasian Journal*

of Disaster and Trauma Studies 2003-1; and Regehr, C., Hill, J., Goldberg, J. & Hughes, J. (2003) "Postmortem Inquiries and Trauma Responses in Paramedics and Firefighters", *Journal of Interpersonal Violence*, 18(6) 607-622). These articles are attached hereto and marked as **Exhibits "D" and "E"** respectively.

19. I have also conducted research that investigated the impact of post-mortem reviews and media coverage on police officers (Regehr, C., Johanis, D., Dimitropoulos, G., Bartram, C. & Hope, G. (2003) "The Police Officer and the Public Inquiry", *Brief Treatments and Crisis Intervention*, 3(4) 383-396). The article is attached hereto and marked as **Exhibit "F"**.

20. This research found that firefighters and paramedics involved in postmortem reviews of events had significantly higher scores on the Impact of Event Scale than those who did not. Multiple regression analyses revealed that when a variety of factors were taken into account including social support, personality characteristics, and review factors, the length of the review was the best predictor of IES scores, accounting for 19% of the variance in scores. A subsequent analysis of the data revealed that individuals who reported media coverage directly related to themselves had significantly higher levels of avoidance symptoms on the Impact of Event Scale ($t = -2.46$, $p \leq 0.015$) but not on the overall scale.

21. Qualitative interviews with police officers, firefighters and paramedics revealed a sense that post-mortem reviews made workers feel that they were "guilty until proven innocent", that the process was aimed at discrediting workers, and that even if no finding of negligence was found, their name remained tarnished in the process. Respondents indicated that community members passed judgment on them based on media coverage – which was often viewed by respondents as biased or one sided. Respondents also indicated that the impact of media attention was not confined to them alone but also impacted family members, including children of the worker who were confronted at school about the media coverage.

22. I have also conducted a review of the relevant recent literature related to the impact of public inquiries and media coverage of tragic events in child welfare. This literature focuses on content analysis of media reports, reviews of policies and qualitative interviews and I have provided a summary of my findings below.

23. In his article "The Vicious Cycle: Recurrent Interactions Among the Media, Politicians, the Public and Child Welfare Services Organizations", *Journal of Public Child Welfare*, 5, 167-184, David Chenot presents an analysis of the impact of media coverage on child welfare workers, agencies and policies. A phenomenon termed the vicious cycle is discussed in this article. The vicious cycle is described as a sequence of events including interactions among the media, politicians, the public, and child welfare services organizations in the United States, in response to grievous incidents of child maltreatment. The article notes that the interactions have a profound impact on child welfare services organizations and those who work for them. It explores the impact of the cycle on child welfare services agencies (including media coverage and public relations problems, and politicians and child welfare services), and the effects of the cycle within child welfare services, including its effects on organizational climate and culture, the workforce and the services provided. The article is attached hereto and marked as **Exhibit "G"**.

24. Chenot describes the use of "sensationalistic stories" and reporting aimed at "castigating agency personnel for allowing grievous events to unfold". He points to media coverage creating a heightened sense of fear, dread and danger about the safety of children and a subsequent climate of mistrust concerning child welfare agencies in the eyes of the public.

25. He further suggests that such reporting can lead to increased numbers of children taken into care, defensive and evasive postures by administrators and generalized low morale and reduced commitment within agencies.

26. Similarly, in the 2011 article "Thinking Goudge: Fatal child abuse and the problem of uncertainty", published in the journal *Current Sociology*, 59(3) 362-378, G. Cradock concludes that "while naming and shaming professionals in the child abuse field may provide benefits, its effects on individuals and professions can be corrosive". The article is attached hereto and marked as **Exhibit "H"**.

27. In the 2001 article "Child Protection and the Media: Lessons from the Last Three Decades", *British Journal of Social Work*, 31, 887-901, P. Ayre explores the contribution of the media to the creation of the climate of fear, blame and mistrust regarding the field of child protection in Britain. The article suggests that damaging distortions have been introduced into the child protection system as a result of the defensive responses of the relevant authorities at both national and local level to the media onslaught. The article is attached hereto and marked as **Exhibit "I"**.

28. Ayre's analysis of the impact of media reports on child welfare services suggests that media reports are not intended to record events but rather are focused on selling news. Ayre cites a number of examples from British and Welsh media coverage that depict child welfare social workers as "child stealers", "abusers of authority, hysterical and malignant" and "motivated by zealotry rather than facts".

29. In 2009's "The case of 'Baby P': Opening up spaces for debate on the transformation of Children's Services?" *Critical Social Policy*, 29(3) 533-547, Paul Michael Garrett describes a high profile case in Ireland in which media sought to mobilize "our army of outraged readers to join our crusade to have these workers kicked out of their jobs." According to Garrett, the newspaper also provided contact information for workers. Threats were subsequently made that one employee's daughters would be killed; the same employee received communications suggesting that she should commit suicide. The article is attached hereto and marked as **Exhibit "J"**.

30. In 2007's "A qualitative study of 369 child welfare professionals' perspectives about factors contributing to employee retention and turnover", *Children and Youth Services Review*, 29, 264-281, Ellett, A., Ellis, J., Westbrook, T. & Dews, D conducted a qualitative study of 369 child welfare workers in the United States. Important factors that were identified as contributing to employee turnover were "an atmosphere and organizational culture of tension and fear" related in part to criticisms from the media, courts, public, other professionals and clients; second guessing case decisions of child safety; fear for personal safety; fear of dismissal and of criminal and civil liability for doing their jobs. Individual employees further identified "fear and anxiety related to legal liabilities and ruining one's personal and professional reputation and career in high profile cases". The article is attached hereto and marked as **Exhibit "K"**.

31. Other negative outcomes described by authors focus on the system of child welfare services. In his aforementioned article, Ayre described a cycle consisting of the aggressive public pillorying in the mass media of those agencies deemed responsible, the publication of ever more detailed recommendations to welfare agencies, and the issuing by central government of increasingly detailed practice guidance.

32. A content analysis of media coverage of child welfare services in the United States was conducted by L. Cooper and reported upon in 2005 in "Implications of media scrutiny for a child protection agency", *Journal of Sociology and Social Welfare*, 32(3) 107-121. The article suggests "that media sources are usually very critical of the agencies that are responsible for protecting children, often implying that they are not accountable". The author suggests that this creates a vicious circle in which the work environment becomes more restrictive, employees become angry and frustrated by what they cannot do to serve clients, and ultimately results in more media sensationalization. He concludes that this cycle undermines the quality of services provided. Chenot similarly described the vicious cycle of media attention, inquiries and policy reform that in the end do not improve services. The article is attached hereto and marked as **Exhibit "L"**.

33. In summary, there is strong support from qualitative research conducted by myself and others that media coverage of tragic events and post-mortem reviews of child protective services produces a variety of negative outcomes. These include increased distress in workers, decreased commitment to the job, and negative impacts on the personal lives of workers and their families. Further, qualitative evidence points to increased bureaucracy, damaged morale, and weakened public support as a result of persistently negative media attention.

34. To my knowledge, my research provides the only quantitative data on the impact of media attention on the emotional well-being of child welfare workers. My initial child welfare study found an association between media attention of critical events and symptoms of posttraumatic stress in workers. However, this finding was not replicated in the second study on child welfare workers. Findings regarding the association between media coverage and posttraumatic stress are supported by a study I conducted with firefighters and paramedics. That study determined that media coverage was significantly associated with avoidance symptoms, one of the three clusters of post-traumatic stress symptoms in firefighters and paramedics.

35. I make this affidavit in good faith.

SWORN/AFFIRMED before me in)
the City of Toronto, in the Province)
of Ontario, on the 30th day of)
March, 2012)
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A Commissioner for taking Affidavits in
and for the Province of Ontario

"P. Voula Kotoulas"

LSUC No.: 54797T



Cheryl Regehr