- 1 Commission counsel's question so just before Mr. Leskiw
- 2 answers perhaps he could repeat the question.
- THE COMMISSIONER: Can you repeat your question?
- 4 MR. OLSON: Sure.
- 5 MR. RAY: Thank you.

6

7 BY MR. OLSON:

- 8 Q Sure. It's just whether or not the history that
- 9 was -- that's recorded in the form would inform how you
- 10 viewed a call, an abuse call like this.
- 11 A Well, I'm just sort of reviewing the history to
- 12 see how it, you know, relates to this particular referral.
- 13 Q Right. And that's --
- 14 A Yeah. I mean, the history is important with
- 15 respect to how one proceeds on, on a matter that comes to
- 16 the attention of the agency. This particular history
- 17 doesn't have anything with respect to any prior history of
- 18 abuse that I can see. Or, you know, a prior history of
- 19 blocking a child in a room.
- 20 Q And what about in the history -- maybe we'll,
- 21 we'll come -- I'll come back to that. Before, before I go
- 22 through that, I wanted to ask you about your involvement in
- 23 another related file and that would be DOE#3 DE#3
- 24 file.
- 25 A Sure.

- 1 If you can turn, please, to page -- it's
- 2 Commission disclosure 0781. Page reference is 17781.
- 3 Have you had a chance to see this document before
- 4 today?
- 5 A Yes, I have.
- 6 O Did you create this document?
- 7 A I would have created this, yes.
- 8 Q Okay. And can you just explain for the
- 9 Commissioner what, what it is?
- 10 A Well, this was an intake report with respect to
- 11 -- I mean, there's not much here. It -- with respect to
- 12 some matter.
- 13 O A lot of it has been redacted.
- 14 A Yes.
- 15 Q Where were you working at the time you generated
- 16 this? Was that in CRU?
- 17 A That's correct.
- 18 Q Had you had any involvement with WE#3.
- 19 before this call that you're aware of?
- 20 A I may have.
- 21 Q You may have. Are you able to recall whether or
- 22 not you did?
- 23 A No.
- Q Okay. Now, knowing that you were involved in the
- 25 provision of services to Phoenix, in March, are you able to

- 1 tell me whether or not you would have been able to make the
- 2 connection between **DE#3** and Phoenix at this point
- 3 or at the point you were involved with Phoenix?
- A No, I wouldn't have made any connection there.
- 5 Q And why, why is that?
- 6 A Well, I guess because there is no indication of
- 7 -- well, for one thing, I probably would have had very
- 8 little information provided to me at the time that I was
- 9 following up with the matter as a backup worker for Mr.
- 10 Zalevich and now that I've seen both reports I don't recall
- 11 that there was any reference to a Karl McKay in that
- 12 particular report. In this report, the -- I am assuming
- 13 that the connection between the two would be Karl McKay is,
- 14 is what you are referring to.
- 15 Q Right, right.
- 16 A And in this case Karl McKay is the source of
- 17 referral in the matter. Even if, even if I was aware that
- 18 Karl McKay was involved in the other matter, I don't know
- 19 whether I would have had enough information to have said
- 20 that this Karl McKay, and that Karl McKay, were one and the
- 21 same.
- 22 Q Right. So a few, few reasons that you wouldn't
- 23 have made the connection is because there wasn't a
- 24 reference to Karl McKay when you went out to investigate
- 25 with respect to Phoenix; right?

- A And even if there was, I may not have been aware
- 2 of that either.
- 3 O And you made not have been aware of it?
- 4 A That, that information may not have been provided
- 5 to me at that time.
- 6 Q Okay. That's because you said you were, you were
- 7 performing a backup function?
- 8 A Yes.
- 9 Q And I'm going to ask you about that in a minute.
- 10 Just when it comes to -- so I'm done with that, that
- 11 document now. When it comes to your involvement in
- 12 Phoenix's matter, do you have any independent recollection
- 13 of being involved?
- 14 A No, I don't.
- Okay. Can you tell us why you don't have a
- 16 recollection? Are you able to do that?
- 17 A Well, I can attempt to explain why. At the time
- 18 when we were performing this, this function, in 2005, as
- 19 indicated in previous testimony there were two teams at
- 20 that time. There were two teams of six which ideally would
- 21 mean that there could be three teams of workers that would
- 22 go out on fields if, if a worker required a backup.
- 23 At that time it wasn't a mandatory requirement
- 24 as, as indicated in Mr. Buchkowski's testimony, he, I
- 25 believe, went, I assume on his own, there was no indication

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1
              MR. KHAN: Thank you.
              THE COMMISSIONER: Mr. Khan, I don't think we'll
 2
    be starting another witness today, given the hour. Do you
 3
    want to break for 10 minutes and get your point clarified?
              MR. KHAN: Sure, I would. Thank you.
 5
              THE COMMISSIONER: All right. We'll come back --
    we will reconvene this afternoon and deal with whatever it
    is, and Mr. Ray and any re-examination but that will do it
 8
    for the day.
 9
10
              MR. KHAN: Thank you, Mr. Commissioner.
              THE COMMISSIONER: So we'll rise for 10 minutes.
11
12
13
                   (BRIEF RECESS)
14
              THE COMMISSIONER: Yes, Mr. Khan.
15
              MR. KAHN: Thank you, Mr. Commissioner.
16
17
18
    CROSS-EXAMINATION BY MR. KHAN:
19
         O
            Mr. Leskiw.
20
        Α
            Yes.
21
         Q
             My name is Hafeez Khan, I'm counsel for
22
    Intertribal Child and Family Services. If the court can
    bring up CD779 it's page 17767. I don't think it will be
23
24
    in your documents but it's on your screen. Do you see the
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25

document?

- 1 A Yes.
- 3 A I recognize my name on the document, I recognize
- 4 that it is a document that would be generated by the early
- 5 intervention program.
- O Do you have any recollections of dealing with Ms.
- 7 Stevenson?
- 8 A No.
- 9 Q No? And if the clerk can just scroll to -- four
- 10 pages down. There. Sorry. Now, at the top of the, the
- 11 document it writes the "mother has recently adopted plans
- 12 to have 100 # 1 stay with his birth dad, Karl McKay for the
- 13 upcoming summer."
- Now, I note that the worker on the file was -- is
- 15 Bryan Emond and the supervisor is Eleanor Payne. Is this
- 16 something that you would have been involved with or would
- 17 that have been only Bryan Emond?
- 18 A Well, the nature of my involvement I would
- 19 suspect was likely with regards to a document I looked at
- 20 earlier where I generated a CRU report with respect to this
- 21 family and likely I had forwarded it to an intake unit.
- I would suspect that the intake unit may have
- 23 forwarded the matter on to the community arm of the agency
- 24 at that time, which is the type of work that Mr. Emond and,
- 25 and Ms. Payne would, would be doing.