

Royal Commission of Inquiry into the Response of the Newfoundland Criminal Justice System to Complaints

Volume Two: Appendices

The Honourable S.H.S.
Hughes, Q.C.
Commissioner

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Introduction

I retired as a judge of the Supreme Court of Ontario according to the Constitution on the seventy-fifth anniversary of my birth, or October 24, 1988, and late in March 1989 I was approached indirectly and later directly by the Honourable Lynn Verge, Q.C, Minister of Justice and Attorney General of Newfoundland and Deputy Premier in the Government of Newfoundland and Labrador, to undertake the inquiry which is the subject of this report. The appointment of counsel and other matters were settled between us and David C. Day, Q.C. of the bar of Newfoundland and Clay M. Powell, Q.C. of the bar of Ontario decided upon. A minute of the Order in Council appointing these gentlemen and myself was dated on April 14, 1989. Thereafter our dealings were with the Deputy Minister of Justice, Ronald J. Richards, Q.C. and his officers as the minister became increasingly preoccupied with the general election campaign. Mr. Powell and I flew from Toronto on April 18 to confer with Mr. Day and with Herbert A. Vivian, Executive Secretary designate to the Royal Commission, a senior officer of the Department of Justice and former member of the Royal Canadian Mounted Police. The date for the first organization meeting of the commission was set for May 8, 1989. Mr. Powell and I returned to Toronto on April 20 at which time the government of the day was defeated at the polls.

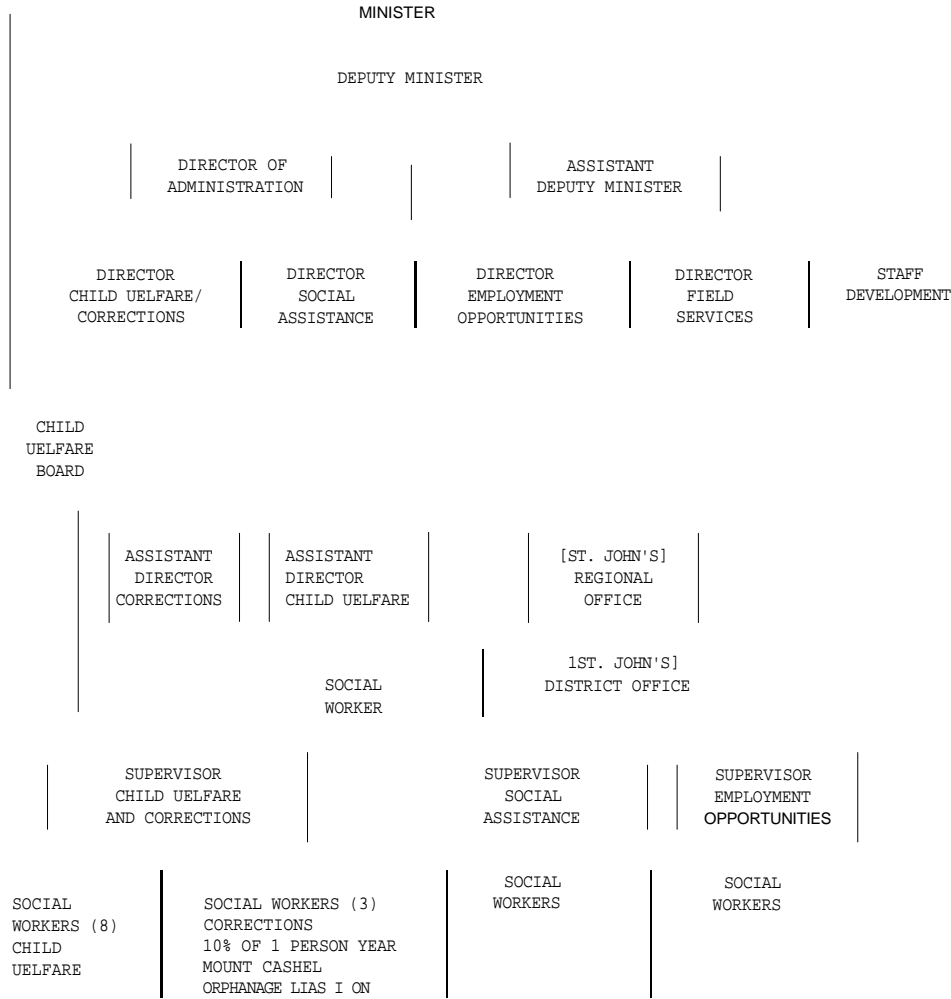
The new ministry was as committed as its predecessor to the establishment of an inquiry into the response of the administration of justice and social services to complaints emanating from residents of Mount Cashel Orphanage and other sources, and indeed pledged to enlarge its scope, but

Appendix A

1975 Organization Charts

Appendix A, chart 1

**ORGANIZATION
OF
DEPARTMENT OF SOCIAL SERVICES [1975]
(HEADQUARTERS AND ST. JOHN'S DISTRICT)**



Appendix A, chart 2

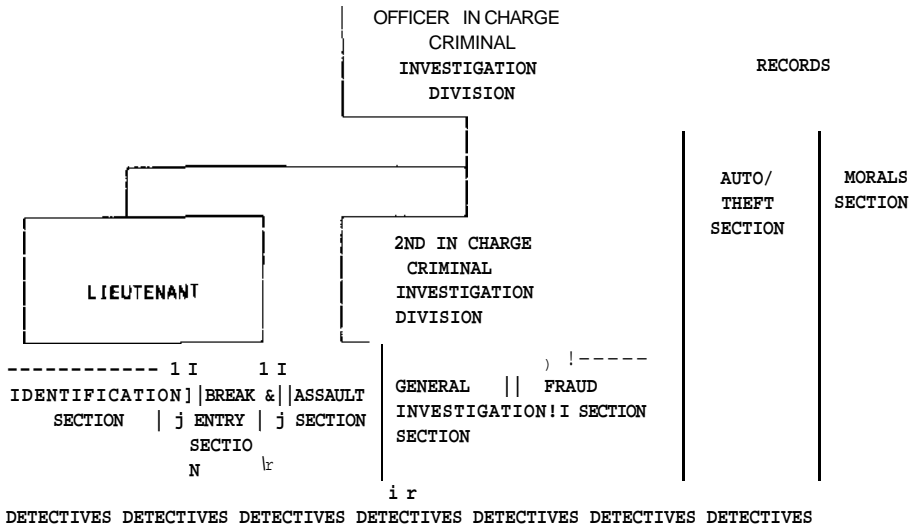
ORGANIZATION
OF
THE NEWFOUNDLAND CONSTABULARY
(CRIMINAL INVESTIGATION DIVISION)

[1975]

CHIEF
OF POLICE

DEPUTY
ASSISTANT
CHIEF

ASSISTANT
CHIEF



J L

Appendix A, chart 3

**ORGANIZATION
OF
ST. JOHN'S ROMAN CATHOLIC
SCHOOL BOARD**

[1975]

MINISTER

CATHOLIC
EDUCATION
COMMITTEE

ROMAN CATHOLIC BOARD

NOMINEES BY
SCHOOLS AND PARISHES (18)

NOMINEES BY
ARCHBISHOP (3)

SUPERINTENDENT

Appendix A, chart 4

ORGANIZATION [1975]
OF
ROMAN CATHOLIC EDUCATION COMMITTEE
(TEACHERS CERTIFICATION)

DEPARTMENT
OF
EDUCATION

TEACHERS
CERTIFICATION
COMMITTEE

ROMAN CATHOLIC EDUCATION	
COMMITTEE	
ARCHBISHOP	(1)
BISHOPS	(3)
BOARDS	(12)
APPOINTMENTS	(10)
EXECUTIVE SECRETARY	(1)

EXECUTIVE
SECRETARY

BOARD OF EXAMINERS
(RECOMMENDED BY THE
CATHOLIC EDUCATION
COMMITTEE)

EXECUTIVE
OFFICER

Appendix A, chart 5

**ORGANIZATION OF
DEPARTMENT OF EDUCATION
(TEACHER'S CERTIFICATION)**

[1975]

MINISTER
OF
EDUCATION

DEPUTY MINISTER
OF
EDUCATION :

ASSISTANT DEPUTY
MINISTER -
ACADEMIC

DIRECTOR
ADMINISTRATION

ASSISTANT DEPUTY |
MINISTER | VOCATIONAL-
TECHNICAL!

REGISTRAR -TEACHERS
CERTIFICATION

Appendix A, chart 6

ORGANIZATION OF
DEPARTMENT OF JUSTICE

[1978]

MINISTER

DEPUTY MINISTER

LEGISLATIVE
COUNSEL

J L

ASSISTANT
DEPUTY MINISTER

| DIRECTOR OF
j PUBLIC PROSECUTIONSj
I _____ " _____ "1

SOLICITORS

DIRECTOR OF
ADMINISTRATIVE
SERVICES

SOLICITORS

CROWN
PROSECUTORS

RECORDS

Appendix B

Commissioner's ruling delivered on
October 17, 1989

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Application by Douglas Kenny to determine
procedure before the Royal Commission October
17, 1989

John Lavers for the applicant

M. Francis O'Dea, Q.C., for the Christian
Brothers of Ireland in Canada

George Horan, for the Government of
Newfoundland and Labrador

John Harris, for former residents of
Mount Cashel Orphanage

Philip Buckingham, for the Roman Catholic
Episcopal Corporation

Gwen Mercer, in person

David C. Day, Q.C. and
Clay M. Powell, Q.C, for the Royal Commission

THE COMMISSIONER (orally):

During argument I have referred to Mr. Lavers' request as a motion. I think that is probably giving it too much of the character of a proceeding in court. It is really an application to have me state at this time, well into the proceedings of this commission, what should be decided or what evidence should

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be produced in the future. Of course, the danger is that in our ignorance of the evidence that may be given or of what may be disclosed, it is difficult to provide limits to the exercise of my discretion which I take from the case of *Nova Scotia (Attorney General) v. Nova Scotia (Royal Commission Into Marshall Prosecution)* ([1989] 2 S.C.R. 788, at p. 794), I am entitled to do. I avoid the use of the word 'parameter' because of its special technical mathematical meaning which has been overlooked and abused by people who find it a convenient expression - or should I say synonym? - for limits. Mr. Lavers specifically asks for a direction that certain witnesses, who made complaints as to the making of which this commission is bound to inquire into, must be confined to what they told the police - the Royal Newfoundland Constabulary - in 1975, in the first place; and in the second place, that the proposed order of witnesses regarding which counsel to this commission have to some extent changed their original position, should be adhered to, and that Mr. Robert Hillier, formerly of the Royal Newfoundland Constabulary, should be called at this time and that his first report and the statements which were taken by him and under his direction that are appended to it should be introduced into evidence now. Commission counsel have said that they changed their mind about this; wishing, in the interests of complainants who have been located by the commission and the protection of them as witnesses, that each one should be called and his statement should be put to him and then in due course Mr. Hillier should be called to describe from his stand-point how the statements were taken and how he was motivated, to use a word of doubtful coinage, to proceed with them.

I have no difficulty with adopting the view of commission counsel in this matter. I am particularly concerned for the

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protection of witnesses who may have to give a painful narrative and again, particularly, because of what use or abuse may result from the release at this point of the statements as a whole. In this connection, although I certainly have no complaint about what we commonly call nowadays the media, the task of a commission is to a great extent complicated by the visual dissemination of its proceedings over a large part of the community and indeed, in the event of this commission, the national community. Such was not always the case and indeed there was some resistance to television in the courtrooms and in connection with commissions of this type. I confess that I was fully opposed to transactions of courts and commissions of inquiry being photographed and disseminated in this way. I am permitted, I hope, to change my mind, but I confess to having resisted this for reasons which I thought good and sufficient in the past. Now the question has been decided and commissions of this type have acceded to the arguments for access by the media and I would be doing myself and everybody else an injustice if I sought to revive feelings, strong though they were, that I had maintained in the past.

Speaking about the past, I want to make some comment first of all on what Mr. O'Dea said about his concern and astonishment that the rule of law did not seem to prevail in the case of Royal Commissions. As to that I can only say that, in my respectful view and in the sense used by him, it never has, except as to the power, and the growing power, of the courts to review judicially the transactions of a commission when an application has been made. But inquiries of this type are, as has been said, consecrated by antiquity and nowadays dictated by necessity. It does not need any demonstration by me to show that Royal

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Commissions certainly antedate any form of parliamentary government, and any form of curial or court procedure that we now enjoy. Through much of their history they have been regarded as instruments of tyranny, and such I hope and trust is not the case today. They are, except as I have mentioned, outside the normal legal process and the administration of justice. They are an emanation of the executive and in that connection I must say I have read with interest and admiration what Mr. Lavers furnished me with yesterday and that is the Honourable Mr. Justice Mahoney's Report as commissioner of inquiry into the *Purchasing Procedures Of The Department of Public Works & Services* in the Province of Newfoundland, in connection with which he reported to the government on March 31, 1981. He adopted what fell from Mr. Justice Laidlaw in his dissenting judgment in *Re The Ontario Crime Commission, Ex parte Feeley And McDermott*. (I do not insert the reference to the law report because I have not got it before me and he does not use it. He puts in a footnote which refers, I suppose, to the citation for the decision of Mr. Justice Laidlaw in a part of his report with which I was not furnished; subsequently ascertained by me to be: [1962] O.R. 872 (C.A.) at pages 875 and 876.) The statement has become a classic and is as quoted by Mr. Justice Mahoney:

... the investigation of the matters into which the Commissioner was appointed to examine does not resemble in any way a trial in a Court of law. A hearing by the Commission has none of the attributes of a trial. There is no charge or accusation of wrongdoing and there is no right in question affecting "the purse, person, or property" of any person. ... There is no *lis inter*

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partes and there are no parties to the proceedings. There is no contest in any matter and there are no litigants before the Commissioner. The inquiry is purely investigative in character. It is a search for facts and the truth or otherwise respecting allegations of malfeasance, misfeasance or nonfeasance in the administration of certain public affairs.

After full investigation with the aid of Commission counsel ... it becomes the duty of the Commissioner to make findings of fact and to report upon the matters which were the subject of investigation. It is not any part of his duty to determine any right or the guilt or innocence of any person. He does not exercise the functions of a Judge or jury and does not act in a judicial capacity except in the sense that he must be honest, fair and impartial in the conduct of the inquiry and in the report to be made by him. He does not pronounce judgment as between the Crown and subject or between subject and subject and his report has no legal consequence although it is possible that action might be taken thereafter and by reason thereof.

Mr. Justice Mahoney said, "I concur with Mr. Justice Laidlaw's analysis", and indeed it could hardly be more plainly stated. That does not mean, in my respectful view, that a commissioner has no business considering the credibility of evidence and making findings of fact based

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thereon. The difficulty here is to what extent limiting his function to merely listening to statements made to the police can and will impair his ability to decide whether the investigation was necessary in the first place or whether the Department of Justice in this instance decided with reason that the whole complaint was a mare's nest inspired by malice and without truthfulness. That is possibly an extreme projection of what might be the result of saying that I, as commissioner here, should not make findings as to whether the complaints were of substance or were so trivial that the suspension or termination of any inquiry, which has been suggested has happened, might be justified. All these things require, it seems to me, under my terms of reference the calling of evidence on which the substance of a complaint made can be tested.

Proceeding from there, although commission counsel initially attempted to compartmentalize and did in fact compartmentalize the evidence into various phases, there is no question that any evidence given can apply to any phase, and even, I should say, evidence which I am entitled to receive by way of memorial and not attested to on oath in the hearings of the commission. That, it seems to me, is trite law, although we wish to be as open as possible. With the professional backgrounds of so many of us, as Mr. O'Dea has emphasized, we tend to analogize these proceedings to those in court. The fact is that there is no obligation for a commissioner to insist on having all forms of evidence given from the witness box. Nonetheless it is desirable, and indeed it makes sense, to test by the traditional methods which have grown up over the generations in court as much of the evidence as it is possible to get and possible to hear.

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Now, my terms of reference have been much in issue in this application and I must say there are some features which may or may not be due to draughtsmanship that might have been different on second thoughts, and one must remember that though we are bound by the terms of reference, they are also the result of human agency and although we must comply, we may make observations that perhaps other things were intended. That, I think, applies to the recitals of the constating instrument, and the preliminary to paragraph I of the document signed by His Honour on the first day of June, 1989.

Counsel have invited me to consider the meaning of the words preliminary to paragraph I, these being the words immediately following those appointing me:

... to be a Commissioner to hold an Inquiry into the matters following, without limiting the generality of the foregoing, and any other matters associated therewith, that is to say:

and then paragraph I, which reads:

I. to inquire into an investigation by the Royal Newfoundland Constabulary into a complaint or complaints of child abuse alleged to have been committed at Mount Cashel Orphanage in St. John's which culminated in two police reports, which were prepared and dated December 18, 1975, and March 3, 1976, respectively, and in particular to determine:

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As you all have said, you are familiar with the specific matters which follow, in a list, in paragraph I.

What is "foregoing"? Am I right in thinking that whether or not you take the view that this expression "without limiting the generality of the foregoing" should have appeared after the words: "and in particular to determine", at the foot of paragraph I, and before the specific (a), (b), (c), (d) and (e), and the rest of the subparagraphs listed, the recitals from the first "whereas" must all be taken into account when deciding that point? I can only find that the words: "without limiting the generality of the foregoing" must refer to the words: "to be a Commissioner to hold an inquiry into the matters following". So all those matters must be taken into account. "The matters following" present a problem which I would like to give more thought to, but I shall endeavour to resolve it in the course of the remainder of these reasons.

It has been pointed out that paragraphs I (c), (e) and (i) militate against any construction of the terms of reference as sought by Mr. Lavers, supported by Mr. O'Dea and Mr. Buckingham. Yesterday, during the course of counsel's arguments, I said that the language of subparagraph (e) of paragraph I,

... whether either or both police reports contained sufficient information to cause the Royal Newfoundland Constabulary to swear informations alleging breaches of the Criminal Code against any person or persons;...

requires me to receive any evidence as to whether the statements as drawn by the police and signed by the complainants in 1975 told the whole story, and any attempt to

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confine the evidence to what is contained in four or five lines, as in some of the statements, would derogate from the application of that subparagraph in so far as it requires me to make a finding as to whether there was sufficient information tendered to those members of the police and the Department of Justice who had discretion as to whether prosecutions should be undertaken. I do not attempt at this point to suggest that discretion was either non-existent or not properly employed.

It has also been pointed out that subparagraph (i) of paragraph I

... whether any report of child abuse was made to a Social Worker, the Director of Child Welfare, or any other official of the Department of Social Services by any person in accordance with the requirements of *The Child Welfare Act*, and if not, why not; if so, was it acted upon?

changes the direction of the terms of reference as begun in paragraph I and Mr. Powell and Mr. Day argue that it is linked, not to the provisions of paragraph I in so far as they confine the investigation to or appear to confine the investigation to the police reports of 1975 and 1976, but to the provisions of paragraph II which begin as follows:

To inquire into the then prevailing policy or practices of the Department of Justice and the Department of Social Services with respect to allegations of physical or sexual abuse of children and, in particular,...

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and it goes on. I will not read the particulars at this point.

I think it must be said that contention is right in part, and that the contention that is made by the applicant is right in part in the sense that paragraph I must refer to reports of child abuse made at the time material to the police investigation contemplated by paragraph I, or at times preceding it or following it at a reasonable interval, and that it can be and must be linked with the provisions of paragraph II.

Let me say also about compartmentalizing the proceedings that the commission cannot be bound by what counsel say in their opening statements unless those statements are translated into rulings by the commissioner, nor should counsel to the commission or any participant be bound by what they have said unless it is something which deceived other participants to their detriment. If it were so the inquiry would be frustrated on the occasion of any unexpected turn of events revealed by the evidence or by the investigation of the commission's officers which is an on-going proceeding and which may and indeed has turned up unexpected evidence. For instance I think Mr. O'Dea referred - certainly Mr. Day did - to the occasion where there was an inadvertent naming and the wearer of that name was allowed to testify and deny the accusation. I do not remember anybody objecting at the time to that evidence on the grounds that the commissioner was not concerned with the truth of the statements or the guilt or innocence or any particular party. That is by the way. Too rigid an adherence to that view would have prevented that sort of appearance, and are we now to say that the allegations that have been made against some members of the Congregation of the Christian Brothers must be received in silence because the commission is not interested in whether

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they are true or not? I think that would be adhering rigidly to what counsel may have said before any of this evidence was called, and any of the subsequent developments revealed.

I am convinced that there is danger in giving *a priori* directions at this time. Mr. Lavers is quite justified in suggesting that it would be convenient if he did not have to rise and protest every time there was what he considered to be an irrelevancy, and I am certainly in sympathy with that view, but because I am unaware of the nature of the evidence that is to be called, I would be quite wrong, in my view, in setting limitations as to what may be given at this time or indeed at any time, although I would not exclude the possibility of doing so at the beginning of an inquiry, and I am glad I was not asked to do so.

What we are to proceed with is the evidence of witnesses who made complaints. I am convinced that for their protection it should be given on the basis that commission counsel have outlined, and that the evidence of Mr. Hillier and the production of his report to which written records of the complaints are attached should be postponed to hearing evidence of those who made complaints in the course of which I understand that the individual statements will be presented to the complainants and they will be asked to remember in fact.

Earlier in proceedings of the commission I have spoken about the tricks of memory, and particularly as to events that take place in the childhood of people who have now reached the prime of life. I do not know whether I will be offered any evidence from professional witnesses as to what those tricks may be, but I think our common experience suggests that memory is sometimes fallible, and I would say almost notoriously misleading in the case of recollection of adults as

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to what transpired in their infancy. If, as I think, I must from time to time make findings of fact which are of relevance to the terms of reference of the inquiry, I hope it will be agreed that the recollections of these witnesses must be very closely examined as to what statements were given and as to any other relevant evidence they give.

Finally, I apologize for the discursive nature of these reasons which are given, of course, as shortly as possible after the arguments to which I listened. I think that the public interest must be taken into account and any appearance of concealment should be avoided, subject to the protection of the rights of witnesses and participants. The applicant here may be assured of my own sympathy and concern with unnecessary accusations unsupported by credible evidence and with consequential injurious reflections on the characters of people named. I have said before in another ruling (and I think it was a ruling made on 11 September 1989 as to the entitlement of the Estate of the late Judge McCarthy to participate in the hearing) that in times past and times not very long past, there was no question that there were no "participants" in a commission of inquiry, that the inquiry was purely investigative, that the function of the commissioner was purely fact-finding, and that any evidence brought forward was through commission counsel only. That was certainly the case in *The Royal Commission Appointed To Inquire Into The Failure of Atlantic Acceptance Corporation Limited* (July 1965 to September 1969) of which I have personal knowledge. Then, as a result of judicial review, particularly by the Supreme Court of Canada, which is binding on us here, we find participants with the right to call evidence to combat any conclusions that they feel might be arrived at by the commissioner as a result of evidence called.

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As I said at the time (11 September 1989) to Mr. Chalker, Q.C. who is representing that Estate, the applicant here can always be present and seek the assistance of commission counsel to ask protective questions. I also then said that I was prepared, even though it was not provided for in the *Public Enquiries Act* of Newfoundland (S.N. 1970, c.314), to give effect to what is in the *Inquiries Act of Canada* (R.S. 1985, c.I-13) and public inquiries acts in some other provincial jurisdictions, to recognize the right of participants or anybody against whom a reflection adverse to their reputation is made to call witnesses or as the case may be. I do not resile from that if it is so required. I may say that in the case of the 'Atlantic Acceptance Inquiry', where the evidence lasted for two years and I was not obliged, as the law then stood, to allow anybody but commission counsel to call evidence, I made provision for hearing counsel of people affected to make representations and to call witnesses, and at the end of two years nobody showed up. That may have been the process of attrition - I do not know - but it was unfortunate in a way.

I must tell you therefore that the application, in so far as it is an application, is dismissed and I, like Mr. Harris and Ms. Mercer, agree with the representations made by commission counsel in this case.

Appendix C

**Police report dated December 18, 1975
(edited version)**

The following police report of December 18, 1975 was accompanied by handwritten statements as received and a typewritten version thereof. Because of some inaccuracies in the transcription, the printed statements contained in this appendix have been copied direct by commission staff from the handwritten statements. Excluded from the copied versions are the statements provided by witnesses who appeared before the Royal Commission *in camera*.



NEWFOUNDLAND CONSTABULARY

ST. JOHN'S, NEWFOUNDLAND

DIVISION C.I.D.

DATE December 15, 1975

SUBJECT Re i Ho-iosexual acts and Child abuse at Mount
Cashel Orphanage, Torbay Road, St.
John's. Hfld.

Ref. 7855

Sir:-

I respectfully report that I was detailed by Det. Inspector C. Xetman to investigate a complaint made by Mrs Carol Earle, 360 Duckworth Street. Det. n. Pitcher assisted me with the investigation both with interviews and interrogations,

Mrs Carol Earle has two Sons at Mount Cashel Orphanage namely, Shane age 9 years and William age 11 years. Mrs Earle states that on Sunday, Dec., 7th., 1975 it was brought to her attention by a Chesley Rich, (Whom she does not know) that her Son Shane, had been beaten by a Brother at the Orphanage and as a result left bruises on his back side. She also told her that sexual passes had been made by a brother toward her Son William. As a result of these alleged Statements made by Mr. Rich, Mrs Earle took her two boys from the Orphanage until an investigation was carried out by the Police.

During the investigation I contacted Mr. Rich by telephone for the purpose of getting together with him for an interview but he refused to come to my office and also failed to keep two appointments, for me to interview him outside of Police Headquarters. To date I have not discussed this matter with him in person. He stated by telephone that he knew what was going on at the Orphanage and said it's up to the Police to do something about it. He said he was a volunteer worker at the Orphanage.

I went to the home of Mrs Earle and interviewed Shane Earle. He stated that he was beaten on the back side with a stick by Brother Burke. I examined Shane and noticed several bruise marks on his back side. The more pronounced bruises were on the right side. The bruises according to the boy occurred after a beating given him by Brother Burke on Saturday, Dec, 6th, 1975. My interview with the boy was on Dec, 9th., 1975, three days after the boy was alleged to have been beaten. Mrs Earle took Photographs of her Son's back side showing bruise marks. The boy was also examined by a Doctor who will be forwarding a report on his findings. The boy appeared to be very bright for his age and when asked if he wished to go back to the Orphanage he replied, "no", he would rather be home because he was afraid of the Brothers. A written statement was not taken from him due to his age.

Appendix C

Kill lam jfarle was Interviewed and a written Statement taken from blow He states he has been bothered by Brother English who on several occasion* has toole William's hand and foroed It In-sLde his shorts and made him feel his (Brother English) bird. He said during the past year he has been bothered by Brother Ralph whom he said visits him practlclally every night after he goee to bed. He tells him to turn In to the wall and then he puts his hand inside the boys pyjamas and feels his bird. Terry Brinston, age 16 years witnessed Brother Ralph doing this with the boy. This boy also referred to Brother Kenny and mentioned how Brother Kenny kisses hlmaon the lips and asks him to bite his neck. He made special mention of an oooaalon with Brother Kenny when working at the swimming pool.

From information received it appeared necessary to Interview the following boys. Written statements were obtained from those ten years of age and ov*r»

Leo Gerald /lice Terry age 13 years
Joseph Brinston age 17 years
age 16 years
Johnny Williams age 15 years
Andre Walsh*- age 1? years
age lit years
Jerek O'Brien age 11 years
Gregory Preahyon age 17 years age ill years age 13
Peter Brown years age 12 years *8 13 years
Hobert Connors age 0 years age 9 years age 11
Gerald Nash years age 12 years age 10 year a
age 9 years sg^ 9 years age II4.
years age 12
years age II4. years age 12 years
Gregory Connors age 11 years

B«BM Written [redacted] statements were not taken
from the three last named, [redacted] Malcolm Balrd, iidward

Ian Pumphrey Strickland and Prank Baird. These three are brothers and are now at home with their Mother Mrs John Pumphrey Carol Balrd, #[4.6 Donovan Street, lit. Pearl. The K-alcolm Balrd boys were taken from the Orphanage by their Mother Edward Strickland because she was told by her Son Malcolm of Brother Frank Balrd English who was feeling.him up when he was In bed at night.

On this date Deo., 17th., 1975 I Interviewed both Brothers Ralph and Brother English,

- (1) Brother Alan Ralph
Age 31 years, D.O.B. Oct., 22, 19U4
Holy Cross, Patriok Street.
- (2) Edward Patrick English
Age 27 years, D.U.B. Aug., 15th., 19U8
Mount St, Franois, Merrymeeting Road.

Both Brothers Ralph and English were interviewed Individually end were given the Police Caution, which they etated they understood. Brother Ralph gave a written statement but Brother EngliBh did not wish me to write It down but verbally he admitted questions that I asked him.

During my Interview with Brother Englelh I made particular referenee to statements given me by the following boys, namely, Andre Walsh, Johnny Williams, Leo Gerard Rice and I-.aloolm Baird. Brother English was questioned considerably on these statements and he admitted that what these boys have stated Inthelr statements Is true. He also admitted to having been Involved with the following boys and states that he has been Involved with them as they have stated In their statements. William farle, WWW> Robert Connors, Peter Brown, ^HM^* J4Bfti ^MIBfr PflHBBa>, Ian Pumphrey, IBMBfc B^SBBV) Gregory Connors and f^*> O^BH^>

Brother Ralph' admitted to feeling up four boys and names them in

hile Statement. Reference was made by me, to the atatementa given by the boys and he admitted the boys were telling the truth.

hention wan made la some of the statements taken from the boya concerning the following Brothers*

Brother Kenny
Brother Burke
Brother Short.

Brother Kenny waa mentioned by some boys who was displeased with the way in which they were being kissed by htm. They alao stated they have made complaints to Brother Kenny about the way they have been treated by other Brothers and he would not look into the matter and instead would apparently try to cover It up by telling the boya to say nothing about It.

Brother Burke was mentioned by three boys namely, Shane Earle, Robert Connora and Gregory Connora who states they have been beaten by hlu with a stick which on occasions has caused blistering to their baak aides.

Brothei^Shert who Is now at St. Pats use to relieve the Brothers about two years ago by filling in for them on Saturdays, Leo Gerald Rice, age 17 years, states that about two years ago Brother Short got him to masturbate hip three or four times when at Mount Oashel Orphanage.

Slrt Neither Brothers, Kenny, Burke or Short has been interviewed by me concerning these incidents end at thla time the investigation is discontinued, pending further instructional

fr^gK^

R. Hillier

Detective

Respectfully submitted,

C.^etman, Dot.
Inspeot

J.F. Lawlor, Esq., J.P.
Chief of Police

Statement of Carol Earle

I am 34 years of age and reside at 360 Duckworth St. I have been divorced for about one and a half years. I am the mother of seven children, three boys and four girls. Three of the girls are on Bell Island in a foster home. One girl is with her grandmother, one boy is with the father, William Earle and the two other boys namely Shane and William are at the Mt. Cashel Orphanage. Shane is nine years of age and William is eleven years of age.

On Sunday past, Dec. 7th, 1975 Ches Rich came to my home at 360 Duckworth St. At this time he had with him both children from Mt. Cashel, Shane and William. This was about 3:00 pm and Mr. Rich stated that the brothers at the orphanage had mistreated Shane and had used a belt on him. I examined Shane and found bruises on his back side. Ches Rich also stated that sexual passes had been made toward Billy.

I had never met this Mr. Rich before except to speak with him between three and five weeks previous to this incident. At that time Mr. Rich had taken my two children to Bell Island to visit their sisters and on his return to St. John's he dropped the children off at my home for supper.

My older son Ricky, who is now 16 yrs. of age was also in the Mt. Cashel Orphanage over seven years ago and since he has got out he has told me that the brothers in the orphanage was a bunch of queers.

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I would like to have the matter investigated to find out if my children have been abused by the brothers at the orphanage. I wishes also to find out what Mr. Richs involvement is with the orphanage to have the children out and doing what he like with them.

My two children are now home with me and I intend to keep them with me until the investigation is completed by the Police.

Sgn. Carol Earle

Witness:

R. Hillier Det.

Dec 10th/75 at 8:25 PM

Statement of [name deleted] B.

I am 12 years of age D.o.b. March 12th, 1963 and reside at Mt. Cashel Orphanage.

I have been at the orphanage for about a year and I like it. The only problem I have is with Brother English. He is always feeling me up with his hands. On many occasions he has been lying on my bed and has called me and told me to feel his leg. I told him no but had to do it as he would call me back if I left. He would take my hand and move it on his bird outside his pants. Many times when I've been in the carpet room he has come up behind me when I been watching TV. He catches my hand and puts it behind my back. He then moves it on his bird and starts moving his body. He is always putting his hand inside my pants and puts it on my bird, on one occasion in Holyrood we were swimming and he did it.

Sgn: [name deleted] B.

Witness:

R. Hillier Det.

Dec. 12th/75 at 10:30 AM

R. Pitcher Det.

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Statement of Ian Pumphrey

I am 9 yrs of age D.o.b. May 9th, 1966 and reside at Mount Cashel Orphanage.

I have been at the orphanage for about four or five months and have two brothers there as well, Shawn and John. At the home its pretty good but Brother English and Brother Ralph does things to me that I don't like. About four or five times Brother Ralph puts his hand inside my pants and felt me. once Brother Ralph came to my bed and put his hand inside my pyjamas. At this time he did not touch my private parts.

Brother English is the worse one as he is always putting his hand inside my pants and inside my shirt once he put my hand on his stomach. When I am running around he grabs me and makes out he is fooling around and he then puts his hand inside my pants.

Sgn. [not signed]

Witness:

R. Hillier Det.

Dec. 12th at 11:00 AM,

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Statement of Robert Connors

I am 12 yrs of age, D.o.b. Oct. 22th, 1963 and reside at Mount Cashel Orphanage.

I have been living at the orphanage for the past five or six years. Ever since I've been in there Brother English has been feeling around me. He puts his hands inside my pants but he don't touch my bird. I know he also goes after other boys. On several occasions Brother English has come to my bed during the night and put his hand on my back side and felt me up.

Brother Ralph also used to come to my bed during the night and standing by my bed he used to put his hands underneath the bedcloth and then put his hand inside my pyjamas and rub my back-side.

We have a name on Brother English because he feels the boys up. We calls him "jigger".

I do not have any trouble with any of the other brothers.

Sgn. Bobby Connors

Witness:

R. Hillier Det.

Dec. 12th, 1975 at 11:20 AM

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Statement of Gregory Connors

I am 11 yrs old d.o.b. Nov. 26 - 1964. I have been at Mount Cashel Orphanage for about five years. I am happy at the orphanage except for Brother Burke, Brother Ralph and Brother English. I don't like Brother Burke because he beats me for every little thing he beats me across my bare backside with a stick about three days ago Brother Burke took me into a closet and made me pull down my pants he hit me five or six times across my back side with a stick. He beat me because I threw a after shave tin into the garbage can it made a noise and Brother Burke was watching T.V. both Brother Ralph and Brother English on seven or eight times have caught a hold of me and have felt my legs and felt my bird. Sometimes this has happened when I have been in bed. Brother Ralph would sit down on the bed and feel my bird inside my pyjama pants. Most times Brother English would feel my bird when I was in the dining Hall he would do it sometimes when I was in bed.

Sgd. Greg Connors

Witness R. Pitcher Det. 12-
12-75 11:25 A/M

Appendix C

Statement of [name deleted] P.

I am 9 yrs of age D.o.b. Aug. 28th 1966 and lives at Mount Cashel Orphanage.

I have been at the orphanage for about a year and a half. Ever since I've been at the orphanage I have been having trouble with Brother English. He feels me up all the time and puts his hands inside my pants. He tells me to play Doctor with him and when I do he puts my hand inside his pants and makes me play with his bird. He tells me to fool with the hairs and to move my fingers on his thing. I does this for him because I'm afraid he will hit me if I don't do it.

Today dinner hour Brother Kenny called me in a room at the orphanage and questioned me. He asked me if I had any trouble with any of the Brothers and I told him "yes" and told him that it was brother English. I did not tell him what trouble I had with Brother English. He told me not to discuss it with anyone.

[not signed]

Witness:

R. Hillier Det.

Nov. 12th at 2:05 PM

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Statement of Peter Brown

I am 13 years of age D.o.b. Jan. 11th, 1961 and I live at the Mount Cashel Orphanage.

I have been living at the orphanage for about a year and a half. I like it at the orphanage except for Brother English. Brother English has never bothered me sex wise but he is continuously trying to come up with an excuse to hit me. Every time I sees him I turns and gets away from him. He has beaten me on several occasions for nothing at all and I don't know why he is like that. He calls me names such as bastard, bitch and tells me he is going to kick the shit out of me. At this time I am in his dormetry and am requesting to get out of it. My mother is dead and my dad visits me regular. I goes home every Sunday with my dad & I told him what brother English has been calling me. Dad talked to Brother English about it and he denied that he used to say it to me. I am very disturbed and I'm upset at the orphanage all because of Brother English. I don't have any trouble with anyone else.

When I first went to the orphanage Brother English used to feel around my legs and a little while after my friends told me about him and now I keeps away from him.

At the orphanage there is a lot of bad stories around about things Brother English has been doing.

Witness
R. Hillier Det.
Dec. 12th, 1975 at 2:40 PM.

Sgn. Peter Brown

R. Pitcher Dec.
12th, 1975
2:35 P/M.

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Statement of [name deleted] J.

I am 10 years old, d.o.b. March 13 1965 and I am at the mount Cashel Orphanage for the past four years. I am happy being in the orphanage except for Brother English. Since last year a lot of times Brother has got me to feel his bird. Sometimes when [name deleted] P. & I are together Brother English would get the two of us to feel his legs and his bird outside his pants, some nights when I am in bed Brother English tells me to turn into the wall then he comes over and stands by my bed and begins feeling my bird, he does this inside my pyjama pants.

when [name deleted] and I are watching T.V. Brother English won't let us watch it he always wants us to feel his bird for him. I am quite happy in the Orphanage except for Brother English. Today Brother Kenny called me into his office and asked me if I had any problems with any of the Brothers. I told him about what Brother English was doing. Brother Kenny told us not to tell anyone about it.

[name deleted] J.

Witness

Det R Pitcher Dec 12/75

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Statement of William Earle

I am 11 years of age, D.o.b. March 14th, 1964 and reside at Mount Cashel Orphanage. I am presently staying with my mother Carol at 360 Duckworth St.

For the past two years I have been at the orphanage. The first year at the orphanage I was in the dormetry with Brother English. Brother English bothered me three or four times when I was watching TV. There was other boys around when he used to take my hand and push it inside his shorts and make me feel his bird. He used to keep my hand there with his hand by holding on to me.

When I went to the Dormetry with Brother Ralph he wasn't very nice. Pretty well every night during the past year he would come to my bed after I got in bed and asked me to turn in. He would then put his hand inside my pyjamas and feel my bird. He would have his hands all over me. on one time a boy Jerry Brinston caught Brother Ralph feeling me up and the next morning Brinston told me to tell Brother Burke about it. He told me not to tell Brother Kenny because he is also a bit like it. I told Brother Burke about it and he told me not to mention any more about it and not to tell the rest of the boys. I was afraid to tell Brother Kenny because he might hit me.

About two weeks ago I was at the Swimming Pool at Mt. Cashel with Brother Kenny. There was no one else around and Brother Kenny started kissing me on the lips. He told me

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to bite his neck and I did it once. He said it was good. He told me to do it again. Another time I went to his office to get some money from my bank and he again kissed me on the lips. I didn't like it but I did it because I thought he might say something to me if I didn't do it.

Sgn. Billy Earle

Witness:

R. Hillier Det.

Dec. 13th, 1975 at 11:30 AM

R. Pitcher Det

Dec. 13th 1975 at 11:30 A/M

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Statement of Roy O'Brien

I am 12 yrs, of age D.o.b. Feb. 14th, 1963 and reside at Mt. Cashel Orphanage.

Since I have been at Mt Cashel in the past two years everything has been pretty good except for Brother English. The first two weeks I was at Mt. Cashel is when Brother English used to be at me. He one time held on to my hand real hard and forced it down inside his pants. I tried hard to keep from doing it but he kept forcing me. My hand went down and touched his private parts. I got away from him and ran. Another day he tried to make me do it and I wouldn't go near him and I went and told my older Brother Derek who is also in the orphanage. Derek waited for awhile and he went and asked Brother English about it. I am in Brother English's dorm and I saw him feeling up Malcolm Baird in a cloth closet one night. A while after I heard Brother English tell Malcolm he wanted to see him that night and in the same place.

Brother English and Brother Kenny both have big rubber straps and quite often boys are strapped for nothing and often the brothers are wrong. Both Brothers Kenny and English straps very hard. Billy Noseworthy and Ronnie O'Brien who is

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my brother both had blisters on their hands and up their arms. Brother Kenny strapped me for running away and left blisters on my hands. Brother English tried to stop us from telling anybody about the strappings.

Sgn: Roy O'Brien

Witness:

R. Hillier Det.

Dec. 13th, 1975 at 2:30 PM.

R. Pitcher Det.

Dec. 13th, 1975 at 2:30 P/M

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Gregory Connors

Further to my statement on Dec. 12th, 1975: About three or four times I've been in Brother Kennys office when he asked me to bite his neck. I bite his neck when he asked me too and I also saw two other boys biting his neck. The two others who did it were [name deleted] R. and Craig English. Brother Kenny didn't do anything else to me.

Sgn. Greg Connors

Witness:

R. Hillier Det.

Dec. 13th, 1975 at 2:55 PM.

R. Pitcher Det.

Robert Connors

Further to statement dated Dec. 12th, 197 at 11:20 AM.

About four months ago Brother Kenny was fixing the swimming pool and he asked me to come over and Clean the floors in the dressing room. About twenty minutes after I went to the dressing room, Brother Kenny sat down on the stools to take a rest. He Called me to Come over and take a rest. I sat two or three feet away from him and he moved closer to me. He told me to bite his tongue which I did about three times. He also put his tongue in my mouth. He told me to bite the tip of his tongue. He also kissed me several times on the mouth the same day. The day before this again in the same place he told me to bite his neck which I did. I didn't want to do anything like this but I was afraid he would get mad if I refused.

Last Saturday Brother Burke hit me six times with a leather belt on the back side with my pants up. He then took me into a closet and made me take my clothes down including my shorts. With a round stick about a foot long he hit me on my bum. The same night when I was getting ready to go swimming the other boys told me I had blisters on my bum which was caused by the stick. (There is a stick got written on it, "OUCH" and he have also hit me with this one once before). He hit me twice with that one. I have heard the brothers are not allowed to have these things.

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Other boys at Mount Cashel also have been beaten with these sticks and strap. One is Brian English.

Sgn.

Witness:
R. Hillier Det.
Dec. 13th, 1975 at 3:30 PM

Bobby Connors.

Statement of Jerry Joseph Brenston

I am 16 yrs old d.o.b. Nov. 14th, 1959. I have been at Mount Cashel orphanage for the past two years. I don't like it at the orphanage because there is too much going on. Sometime in September or October Brother Kenny got me in Brother Thome's office where he hit me several times in the face and stomach he grabbed my by the hair and began slapping my face with his hand, one time this summer he swore on us he told us to get on the "fucking bus", he told us to "pack our God dam bags and get out through the Jesus gate", he Chastise us for swearing, then he swears on us himself. I have heard stories about Brother Kenny and Jimmy Fahey being together a lot. [name deleted] who is left the Orphanage now told me him and Brother Kenny were out in the barn on the back of the Orphanage and Brother Kenny was feeling him up and doing things to him.

About three weeks ago I received a beating across my back side with a leather strapp he put marks on my backside he did this because I was smoking, one time this summer, Brother thorne hit me with a piece of board across my backside, he also hit me with a strap. He did this because I spoke to one of my friends that was in the sick room.

Sometime in October month I went into St. Stands dormetory at about 8:45 p/m. I caught Brother Ralph with Billy Earle on the bed Brother Ralph had his hand inside Billy's pants feeling him up. When Brother Ralph saw me he pulled out his hand. The next day I told Billy to tell Brother Burke about it because he is the only one I trust after hearing stories about Brother Kenny I don't trust him.

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The first week I was at the orphanage I was out in the poarch, when Brother English came he put his hand inside my pants and began to feel me up. he wanted me to put my hand inside his pants which I did. At this time another boy came and he stopped, a little while after Brother English got me to go out to the Goulds with him to bring out some tapes on the way out Brother English began feeling me up he asked me to give him a blow, he forced my head down on his penis and I took it in my mouth. I don't believe he came as a car came and he got up. I was after smoking some dope before this but he didn't know it. I am still smoking some dope but the Brothers don't know about it. Malcolm Baird, one of the boys told me Brother English did the same thing to him a little while ago just before Malcolm left the Orphanage.

The incident with Brother English and I took place in by an overpass by a Drive-in. I was 14 yrs old when this took place, that was the first week at the orphanage.

Jerry Brinston

Witness Det. R
Pitcher Dec. 13th,
1975 3:50 P/M.

R. Hillier Det.

Statement of Dereck O'Brien

I am 17 years old d.o.b. Oct. 2, 1958 and I have been at Mount Cashel Orphanage for the past two years. I like it at the Orphanage. I have never had any problems myself I feel that I am to big for the Brothers to try any thing with me. I have a younger brother Roy at the orphanage, he is 10 yrs old. About the first two weeks we were there Roy came to me and told me Brother English got him in the dorm and wanted him to give Brother English a blow. I told Roy if Brother English tried it again to let me know, as far as I know it didn't happen again. My other Brother Ronnie age 13 yrs came to me because he was hit by Brother English I looked at Ronnie's back and I saw marks across his back like they were made by a broom handle. I went to Brother English and told him not to hit Ronnie again. I went to Brother Kenny about it but he didn't do any thing about it as far as I know. Ronnie wasn't hit after that. One time last year I saw Brother English and [name deleted] in the Carpet Room Brother English was feeling [name deleted] up. they then went upstairs to the dorm, myself and some other boys went to the dorm and looked in. I saw Brother English going right to town on [name deleted], he was kissing him he had [name deleted]'s pants down to his knees. Brother English was doing Homosexual acts on little [name deleted]. [Name deleted] heard us and told Brother English some one was comming so we beat it down stairs and acted as if nothing was going on. another time I saw Brother English with [name deleted] B. on his lap in one of the TV Room I saw Brother English take [name deleted] B.'s hand inside his pants, its a common occurance to see Brother English with his

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hands inside the smaller boys pants. I've heard stories about Brother Ralph but I don't know if they are true or not, Billy Earles and Bobby Connors told me Brother Ralph did the same thing to them a couple of times.

About a year and a half ago Johny Williams come to me about a beating he got. I saw his back, it was a mess, his back was beaten to pieces, a little while after Johny Williams sister Brenda and Johny went to the welfare on Harvey Road where they reported the beating but nothing was done about it.

Sgd.

Dereck O'Brien

Witness

Det. R Pitcher
Dec. 14th, 1975
10:10 p/m

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Statement of Andre Walsh:

I am 14 years of age D.o.b. Oct. 26th, 1961 and live at Mount Cashel Orphanage.

I have been at the orphanage about eight years. Since I've been there I have found it pretty good. I got beaten a number of times but most times I deserved it but once I got beaten about a year ago by Brother English who strapped me on the hands with a leather strap. He hit me on the hands about sixty times and I begged for mercy but he wouldn't stop. This was just because I called a friend out of his name. My hands were really bruised and just above my hands on my wrist they were really beaten up as a result of the strap. Both of my hands are continuously peeling and cracks open since these strappings. My hands are now in a mess and I have to put vaseline on them to keep them from drying up.

There is a lot of stories going around at the orphanage about the brothers having sex with the boys but they have not bothered me, in any way. Its about time that someone do something about some of the brothers, especially Brother English.

Sgn: Andre Walsh

Witness:

R. Hillier Det.

Dec. 14th, 1975 at 10:30 AM

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Dec. 14th, 1975, 10:50 AM

Gerald Nash
Age 13 years, D.o.b. Dec. 6th, 1962
Mount Cashel Orphanage

He saw Brother English grab, John Pumphrey between the legs.

Other things stated was hear-say.

He received some beatings as did others. R. Hillier

Bro Ralph has a stick he beats the boys with.

R. Hillier

[not signed]

Statement of Leo Gerard Rice

I am 17 d.o.b. March 19 - 58 and I have been at Mount Cashel Orphanage for the past nine years. I like it at the orphanage except for what Brother English is doing. I believe Brother English came there the past two years. After Brother came, two or three times he grabbed me in the condor and would put his hand inside my pants and feel me up. about three months ago Brother English got me in his room. He was in bed and he got me to get in bed with him. both of us had our clothes off. Brother English tried to kiss me but I kept pulling away from him. he got on top of me I was face up. he had put his penis between my legs he was going in and out. he then took it out and put it on my stomach and he "came" on my stomach, he tried to pull me "off" but I din't want to so I left.

About three weeks ago Brother English took me for a ride one night he went out by the new Arterial Road, he pulled down his pants he kept putting my head down to his penis for to take it in my mouth. After a while I stopped resisting and took his penis into my mouth at this time he was trying to pull me off. but I din't want to. He din't come when I had it in my mouth so I gave him a few pulls, he then got horny and lid on top of me and he "came" on my stomach. I din't like what Brother English was doing but I din't feel like telling any one about it.

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About four years ago another Brother, Brother Short who is at St. Pats now. got me to pull him off three or four times when he was at Mt Cashel. giving the other Brothers a break on Saturdays.

Sgd. Leo Rice

Witness
Det R Pitcher
Dec 14th/75
11 A/M.

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[name deleted] R. Age 9
yrs. Oct. 31st, Mt. Cashel
Orphanage.

Bro Ralph is always going to beds after the boys. I saw Bro Ralph one night by Greg Connors bed and he had his hand inside Greg's pyjamas and was rubbing up and down Greg's leg. All the boys were watching him and we were having a big laugh.

Bro English is he same but I haven't seen him at it. The boys around the orphanage is saying they are both left and I hope they are.

Bro Kenny is alright, he only asks me to kiss his nick.

[not signed]

Witness Dec. 14th, 1975, 11:20 AM

Bro English used to feel the boys up and then give them the gift from the corn flakes box.

R. Pitcher Dec.
14th, 1975 11:20
A/M

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Craig English

Age 8 yrs Dec 13th - 1966 been in the orphanage for two years. I have heard other boys talking about how Brother English was feeling their birds, he has never done any thing to me. I have heard some of the boys calling Brother English a Homo but I don't know what it means. I have heard [name deleted] J. and [name deleted] P. talking about Brother English. I have heard some of the bigger boys talking about Brother English.

[not signed]

Further: Dec 14th/75

Not every day but often Bro Kenny asks him to bite his neck. He does it for Bro Kenny when they are alone most times in Bro Kenny's office. Bro Kenny kisses him on the cheeks and on the lips.

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Statement of [name deleted] D.

I am 11 yrs old d.o.b. Sept. 22 1964. I have been at Mount Cashel Orphanage for the past nine months. I don't like the Orphanage very much. Since I have been in the Orphanage Brother English have been doing dirty things, one time when I was out in Placentia for a long week end Brother English got me on the floor and held my arms, he took my hands and began rubbing them against his privates, he then would be going in and out on my hands. Several times in the Orphanage Brother English has rubbed my privates with his hands and has taken my hands and rubbed against his privates. Brother English grabbs me and squeezes me close to him and he goes in and out with his body. I have see Brother English doing this to lots of boys at the Orphanage but I cant remember who they were. I told my father about this, he told me to stay away from Brother English.

Sgd. [name deleted] D.

10.50 A/M

R. Pitcher
Dec. 15th/75

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Statement of John Pumphrey

I am 14 yrs old D.o.b. Sept. 16-61. I have been at Mount Cashel Orphanage for the past four months. I like it at the Orphanage, except for Brother English. Last week in the night while I was in bed Brother French came to my bed he sat down on my bed he put his hand under neath the clothes and tried to put his hand inside my pyjama pants until he felt my under wear, he asked me what I was doing with my under wear on and he took his hand out.

About two weeks ago I was in the reading room watching Brother English correct the adverages Brother reached over and tried to get his hand inside my pants but I knocked it away. About a month & a half ago my brother Ian also in the Orphanage came and told Dad that Brother English had put his hand down inside his pants. The only problem I have is with Brother English and Brother French.

Sgd. John Pumphrey

Witness
Det R Pitcher
Dec. 15th/75

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Statement of Johnny Williams

I am 15 yrs old d.o.b. Sept. 3 - 60 and I have been at the Mount Cashel Orphanage for the past Eight years. I am happy at the orphanage except for what Brother English is doing. Last Halloween night I was getting ready for bed when Brother English told me to hurry on. I told him I was dressing as fast as I could. Brother English then grabbed me and hit me across my back with his hand. I was bruised for two weeks. I showed these bruises to my cousin Brenda Lundrigan at #37 Quidi Vidi Road. Brenda took me to the Welfare office on Harvey Road where Brenda reported it to a man there. I also told Brother Kenny about it, he told me to get out of his office.

one time Brother English took me for a drive out side the City he put his hand on my leg and tried to feel me up but I pulled away from him. he offered me a coke to lie on top of him but I din't do it.

Sgd. John Williams

Witness
Det R Pitcher
Dec. 15th 1975

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Malcolm Baird
Age 14 yrs D.o.b. Nov. 23rd, 1961
46 Donovan St.

He was in the orphanage about two months. Brother English used to go to his bed-side occasionally and feel him up. He use to put his hands inside Malcolms clothes and fool around with his private parts.

Edward Strickland [not signed]
Age 12 yrs 46
Donovan St.

Frankie Baird
Age 11 yrs 46
Donovan St.

Appendix C

Dec. 17th, 1975
Statement of Brother Alan Ralph

Cautioned:

I am 31 years of age D.o.b. Oct 22nd, 1944 and presently residing at Holy Cross, Patrick St. I have been a brother for the past twelve years and has been staying at Mount Cashel Orphanage since September 1974. About October 1975 I became involved with a boy Robert Connors one night while he was in bed. All I did with him was rub his backside. This has been done by me with Robert on several occasions since October. I have also been involved with boys namely, Robert Connors, Ian Pumphrey, Gregory Connors and William Earle. I did not become involved with the boys as far as homosexually is concerned. All I did was rub their back sides, except for Billy Earle I did touch his pinus. I did not hurt either of the boys sexually. I know that I was seen by two boys namely, Jerry Brinston and [name deleted] R. when involved with the other boys.

Physically I have not injured any of the boys at the orphanage at any time, on occasions when I felt it necessary to punish a boy I did use the strap on the hands or back-side. I usually have faith in what I am doing and at not time has told them to cover it up by refraining to tell anyone about it.

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I have never used a stick on the children in a physical way. I have had a stick for chastising the boys but never beat them with it.

Sgn. Br. Alan Ralph

Witness:
R. Hillier Det.
Dec. 17th, 1975 at 10:35 AM

Ralph Pitcher
Dec. 17th, 1975 at 10:35 A/M

Appendix D

**Police report dated March 3, 1976
(edited version)**

The following police report of March 3, 1976 was accompanied by handwritten statements as received and a typewritten version thereof. Because of some inaccuracies in the transcription, the printed statements contained in this appendix have been copied direct by commission staff from the handwritten statements.



NEWFOUNDLAND CONSTABULARY

■•T. JOHN'S. NEWFOUNDLAND

DIVISION C.I.D.

DATE March 3rd 1976.

AP/ep Ref.
#7855

SUBJECT Re: Further to my report dated December 18th 1975 concerning
"Corrupting of Children" at Mount Cashel Orphanage,
Torbay Road, St. John's, Newfoundland. (Refer Br. Sec.
168(l) C.C.C.)

Sir

I respectfully report that as requested by the Minister of Justice I am forwarding this report on child abuse regarding assaults on a number of children by Christian Brothers at Mount Cashel Orphanage.

The following is a run down on the Brothers and the children with whom they have been involved, concerning child abuse!

1. Brother Edward Patrick English
Aged 27 years (D.O.B. August 15th 1948)

Brother English was involved with the following boys, namely!

- (a) WALSH, Andre - Aged 14 years
- (b) BRJWI., Peter - Aged 13 years
- (c) O<MMYs^~ Aged 12 years

These boys gave written statements to the effect that they have been beaten with a leather strap on a number of occasions by Brother English. Andre Walsh had his hands badly bruised when he received about sixty straps on one occasion. He said he cried for mercy for him to stop and he refused to do so. His hands were beaten up and blisters occurred above the wrists on both hands. This boy's hands at the time of my interview were obviously abnormal as they were peeling and cracked. Since the strapping he has to use vaseline on his hands to keep them from drying up. This boy cried as he held his hands out for me to view.

Peter Brown states he has been beaten on several occasions for no reason. He said Brother English is always trying to come up with an excuse to hit him. This boy shows his feelings very much and it is my opinion he is in bodily fear of Brother English. He has been called names such as bastard and bitch and tells Peter he is going to kick the shit out of him. This boy reported the matter to his father, who visits him regularly and his father asked Brother English about it but Brother English denied having said or done either things and this has made the boy more nervous.

^states he has been strapped by Brother Kenny a number of times and Brother English has tried to stop him from telling anybody about the strappings. He said Brother English had a large leather strap and he strapped the boys very hard. He said Brother English often strapped him for nothing.

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In reference to Brother Engoish I have interviewed eighteen boys who gave statements in which they tell of some frightening experiences they have gone through during the past two years. These statements are attached to my original report and the complete contents are not covered in this report. On December 17th 1975 accompanied by Detective R. Pitcher I interviewed Brother English. He was questioned concerning statements obtained from the boys and he admitted verbally that the boys did tell the truth.

- 2. Brother Alan Ealph
Aged 31 years (D.O.B. October 22nd 1944)

Four complaints were received from boys at the Orphanage pertaining to sex offences on the boys. None of the boys complained of having been beaten in any way by Brother Ealph. He admits in a statement attached to my original report of having been involved with the boys sexually. He also states he has used a leather strap on the boys hands and back side and also has been in possession of a stick, but only for chastising purposes* He has not beaten the boys with the stick.

- 3. Brothers Kenny, Burke and Short have also been mentioned by the following boys at the Orphanage

- (a) BRUJSTOH, Terry Joseph
- (b) ~~ffHV~~, Craig
- (c) JACfflJiii, William
- (d) **ipp Kenny**
- (e) CONNORS
- (f) COHilORS, Robert
- (g) Gregory
- (h) RICE, Leo Gerald
- (i) EARLE, William

These boys gave written statements which are attached to my original report. In their statements five of the boys tell of how they are displeased about Brother Kenny, who has been kissing them on the lips and having them bite his neck and the tip of his tongue. Terry prinston tells how he has been hit in the face and stomach by Brother Kenny and also slapped around by the hair of his head. Brinston tells of a beating he received across his back with a leather strap and as a result marks were left on his back side.

Robert Cnnors states he was beaten by Brother Burke who struck him several times with a leather belt. He was then put into a closet used to punish boys, told to take off his clothes and his bare back side was beaten with a round stick about a foot long. From this stick he received blisters to his back side as he was told by other boys in the Orphanage. The stick had written on it the following "OUCH."

Gregory Cnnors also complains of having being beaten by Brother Burke with a round stick and again this took place in a closet and the boy had off his clothes.

Brothers Kenny, Burke and Short were not interviewed by me concerning these incidents due to a slowdown in the investigation as requested by both the Chief of Police, J.F. Lawlor and Assistant Chief J.R. Norman.

■ Jhlfj jnvrp'HfTa^lpn-fJrfittnok place as a result of a comjVlalnT'r-' Mrs. Q^TT,-) Earle, 360 DuckwoxthStreetj5ttZ-^t the "time, had taken her~two so^sTWilliam and Shane^ouL cITee QrpEanageTlthe younger boy, Shane, aged nine years complained of beatings by Brother burke and William complained of sexual passes by the Brothers. Photographs of bruises on Shane's back side were taken by Mrs. Earle and are now available and attached hereto. At the time of the complaint Mrs ^_Ualters» ^hild Social Worker was called by Mrs. Earle who came and viewed the bruises on the child.

However, since my original report was forwarded, I checked out information given me by two boys, whose statements are attached to my original report. These statements are of Derek O'Brien and Johnny Williams, ^{mo ar « b)} now at Mount Cashel. Both boys stated they reported about child abuse to the Child Welfare about a year and a half prior to my previous report. They also stated they were accompanied by Brenda Lundrigan, who is a cousin to Johnny Williams. I obtained two statements from Brenda Lundrigan, in which she tells of how she reported the matter of Johnny having been beaten by Brothers at the Orphanage and nothing WBB done about it. A check at Child Welfare showed that this report had been made by Miss Lundrigan and apparently the information passed on to the Department of Child Welfare at Confederation Building.

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- 3 -

Since my original report, informed sources tell me that people of the Human Rights have taken reports from some boys at Mount Cashel Orphanage and have taped conversations they have had with the boys. TheBe tapes were done for the purpose of revesling the matter to the public. This information was given me by a lady who is presently very active with the Human Rights in Hewfiundland and she 1B awaiting the decision of the Justice Department on this matter*

A report of Dr. Paul Patey la attached showing results of ecramination of Shane Earle, whose photograph is attached.

To date I have not gone to the Mount Ciuhel Orphanage for the purpOBe of carrying out an investigation. The boys were conveyed to my office for interviewed. The straps and sticks mentioned in my report were not confiscated and this will await further instructions from Headquarters.

K. HILLIEk
Detective

Respectful submitted,

C. J. LAWLOR
BEffICTIVE EjjifECTOH i/c
Criminal Investigation Division.!

J.?. Lawlor, Esq., J.P., Chief of
Police.

Appendix D

Statement of Brenda Ann Marie Lundrigan

I am 18 years of age D.o.b. Aug 22nd, 1957 and reside at 75 St. Claire Ave with my parents. I am a first cousin to two boys who are presently residing at Mount Cashel Orphanage, namely Johnny and Jerome Williams. Both these boys has been at the orphanage for the past eight or nine years. I have been visiting these boys at the orphanage since 1970 or 1971. During the past year I haven't visited them very much, as I didn't have time. I was away for a while and also I've been working night time. About a year and a half ago I visited the Orphanage quite often and I used to go out with one of the older boys at the orphanage, namely Derrick O'Brien.

About a year and a half ago when I lived on Goodview St. I went to Mount Cashel Orphanage. This evening when at the orphanage, Johnny showed me bruises on his back, leg and along his side. There was also one or two bruises on his arm. At the time I saw the bruises they were four or five days old. I cannot remember if he told me what he was beaten with but I recall him telling me that it was Brother English who beat him. The bruises were quite noticeable and were bad bruises. A couple of days later I said something to Brother English about it. He said he didn't hit Johnny. During this time, I was attending school. The following day I stayed out of school and went to the Orphanage and took Johnny to the Child Welfare on Harvey Rd. where I reported the matter to a man who looked after the affairs at Mt Cashel. At the time, Derek O'Brien went with me to verify that what we were telling them was true. This man informed us that there was nothing he could do about it and he would have to pass it along to the head man at Confederation Building. The

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bruises on Johnny was shown to this man at the Child Welfare, Harvey Rd. He told us they had no control over the way in which the Brothers handle the boys.

Another time while at Mt Cashel I was going to speak to Jerome Williams. I was'nt visiting at the time but was swimming at Mt Cashel when I decided to drop along and see him. When I went in, I saw Jerome in the hallway with Brother Kenny. Jerome was crying at the time. I asked Jerome what was the matter, but he wouldn't say anything. I asked Bro Kenny what was wrong, and he said nothing was wrong. Bro Kenny then said it was none of my business what was wrong. I told him it was my business and told him I wanted to know but he wouldn't tell me. He kept Jerome from talking with me and drove him to bed. From talking with the boys at Mt Cashel I am convinced that the boys are treated bad by the Brothers. My mother, Veronica also believes the boys are treated bad. Most of my family is aware of what has been going on at Mt. Cashel. I am as well as others, aware of other things thats going on and if the Police did an investigation they would find out about it.

If anything comes up and the Police wishes a witness then I am available at any time.

Witness:

Sgn. Brenda Lundrigan

R. Hillier Det.

Jan. 11th, 1976 at 12:20 PM

A. Thistle, Det.

Appendix D

Statement of Brenda Ann Marie Lundrigan

I am 18 years of age D.o.b. Aug. 22nd, 1957 and reside at 75 St. Claire Ave. Further to my previous statement I am aware of homosexual acts taking place at Mt Cashel Orphanage. I have not witnessed these things but was told by boys at Mt. Cashel. Johnny Williams, who is my first cousin and who lives at Mt. Cashel told me that he saw a fellow Jimmy whose last name I forget, with brother English. The words he used was that one night while the rest of the boys were asleep he saw Jimmy "jerking off" Brother English near his bedside.

There is also other boys involved with homosexual acts. The boys are in a position whereby there is very little they can do about whats happening but a lot of people knows about it now and something should be done to help them.

Witness:

R. Hillier Det.

Jan. 11th, 1976 at 12:20 pm

Sgn.

Brenda Lundrigan

A. Thistle Det.

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MEDICAL REPORT

NAME: Shane Earlo
Date of Birth: June 5, 1966
Date Examined: December 8, 1975

The patient was examined at the request of Mrs. Alice Winters, Child Welfare Social Worker, and the child's mother. He was examined in his mother's presence at the Janeway Children's Hospital between 7:00 and 8:00 P.M. on December 8, 1975.

Examination showed a normal co-operative, calm, nine year old boy. There were no abnormalities of the internal organs evident on examination. There was no evidence of bony injury or bony abnormality. The skin was clean. His hair was clean.

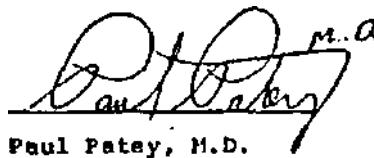
He had a 1 cm. diameter bruise on the medial aspect of the left calf. This appeared to be a week or more old.

On his buttocks there were several superficial bruises. The skin was intact. There was minimal swelling. These bruises were approximately an inch in circumference but had a linear extension from them. They were red with very slight green coloration suggesting more than one but less than five day old bruises.

There were more on the right than the left side.

These bruises could have resulted from pressure from a flexible strip of material between one and two inches in diameter; the bruises occurring when the skin was contacted by the tip and adjacent three or four inches on the strip. Six blows could have accounted for all the bruises on his buttocks. Other possible mechanisms of injury cannot be excluded.

No medical treatment was required. Spontaneous healing can be expected without leaving any permanent damage.


Paul Patey, M.D.

PP/cc
cc. Mrs. Alice Winters
Child Welfare Social Worker
Det. R. Pitcher; C.I.D.

Appendix E

Commissioner's ruling delivered on
November 8, 1989

Appendix E

Application by Canadian Newspapers Co. Ltd.
and the Canadian Broadcasting Corporation for
access to video and audio tapes recording *in*
camera evidence of a witness November 8, 1989

Kenneth A. Templeton for Canadian Newspapers
Co. Ltd and
T.R. Kendell and Donna L. Strong for
Canadian Broadcasting Corporation,
applicants

John Harris, for the witness

M. Francis O'Dea, Q.C, for the
Christian Brothers of Ireland in Canada

George Horan, for the Government of
Newfoundland and Labrador

David C. Day, Q.C. for the Royal Commission

[J. Derek Green, Q.C. for Douglas Kenny
furnished submissions in writing]

THE COMMISSIONER read the following reasons:

On October 20, 1989 and after hearing statements by counsel
to the commission (Mr. David Day, Q.C.,) and for a prospective
witness (Mr. John Harris) I was satisfied that the evidence of the
said witness should be heard *in camera* on the

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grounds that if it were to be received in a public hearing it would not be possible to obtain thorough, truthful and complete testimony in accordance with the express authority conferred on me in the Letters Patent establishing the commission and appointing me as commissioner. As a result the public and those members of it representing the press were excluded and the evidence was given before me, counsel for the commission and for those participants who were represented at the time. The evidence given *in camera* occupied the balance of Friday, October 20, 1989 and part of Monday, October 23, 1989.

Subsequently, the Canadian Newspapers Company Limited, publisher of the St. John's Evening Telegram and the Toronto Globe and Mail, and the Canadian Broadcasting Corporation through their solicitors advised the commission that they wished to apply for access to the tape-recording of the evidence designed to reproduce the whole transaction audibly and pictorially in combination, and constituting the transcript of the commission's proceedings on the days in question. It goes without saying that this record has not been released for public listening or viewing to anyone outside the staff of the commission.

The applicants were granted standing limited to the presentation of their arguments and October 31, 1989 was set aside for this purpose. I was furnished with photostatic copies of numerous cases dealing with freedom of the press and the necessity of proceedings in courts of law being heard in public - two principles about which there is no dispute. The lack of any case in any court dealing with the same circumstances as have here occurred convinces me that this is a case of first impression. From *Scott (otherwise Morgan) and Another v. Scott*, [1913] A.C. 417, where the House of

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Lords exorcised the ghosts of the Ecclesiastical Courts and discountenanced the continuing practice of hearing *in camera* evidence of sexual incontinence and perversion, to *The Minister of National Revenue v. Coopers and Lybrand*, [1979] S.C.R. 495 where Dickson J. (as he then was) gave guidelines for the interpretation of Section 28 of the Federal Court Act (R.S.C. 1970, 2nd Supp., c.10) in respect of the distinction between judicial or quasi-judicial decisions and those of a purely administrative nature, nothing except by analogy, and far-fetched analogy at that, is apposite to the matter raised by the applicants.

In the *Scott* case it was said that the "inveterate rule" of the common law was that trials were to be held in public and that every subject of the King had access to his Courts. Commissions of inquiry constituted by Letters Patent are not courts, nor are their proceedings trials. There is no *lis*: *Re The Ontario Crime Commission, Ex parte Feeley And McDermott*, [1962] O.R. 872 (C.A.) and the adversary process is not involved: *The Minister of National Revenue v. Coopers and Lybrand, supra* at page 504. For the purpose of entertaining an application for relief under the Canadian Charter of Rights and Freedoms the commission is not a court of competent jurisdiction.

Although the principle of *stare decisis* has no application to the transactions of commissions of inquiry, much instruction can be derived from decisions and reports of commissioners who have taken the trouble to reflect upon their own process. Chief among these is, in my respectful view, the reasons of D.C. McDonald J. in *Re Commission Of Inquiry Concerning Certain Activities Of The Royal Canadian Mounted Police (1978)*, 94 D.L.R. (3d) 365 on behalf of the commissioners of that inquiry, and the report of the Honourable Mr. Justice

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Mahoney on *Purchasing Procedures Of The Department Of Public Works & Services* (Newfoundland, 1981) in which the distinctions drawn above are stated and applied.

In light of the terms of reference embodied in the Letters Patent issued in Her Majesty's name by the Lieutenant Governor of the province of Newfoundland under the Great Seal of the Province on the 1st day of June, 1989, the validity of the order made by me on October 20, 1989 can hardly be gainsaid. Specifically I am charged as follows:

AND WE DO, by these Presents, authorize you, the said Commissioner, to adopt such procedures and methods as you, the said Commissioner, may from time to time deem expedient for the proper conduct of the Inquiry, and to sit at such times and places in public forum as you may from time to time decide PROVIDED HOWEVER that express authority is hereby given to hold in camera hearings where, but only where, you deem it necessary to obtain thorough, truthful and complete testimony from witnesses.

It will be noted that the authority is express. It is not derived from custom nor is there anything inherent about it. On October 20, 1989 I listened to statements by commission counsel and by counsel for the witness proposed to be called, noted the existence of a psychological problem and the opinion of a psychiatrist and exercised my discretion according to law. Into the long line of hearings for which the utmost in publicity has been afforded, not only to listeners and viewers in Newfoundland, a day and a half of silence intervened.

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I have gone thus far because, although the applicants maintain that they are now interested only in access to the record of the *in camera* hearing and the exhibits filed in the course of it, they must necessarily advance the view that the order setting it up was unlawful in order to obtain that access forthwith. But they make an alternative claim, on its face more reasonable, that the effect of the order, which amounts in practice to a ban on dissemination, be temporary and of short duration. Here I should point out that any attempt to edit the transcript by the use of pseudonyms as was approved by the British Columbia Court of Appeal in *Re Hirt and College Of Physicians and Surgeons Of British Columbia* (1985), 17 D.L.R. (4th) 472 and release it in amended form, would lead quickly to the disclosure of the identity of the witness.

A principle other than that involved in the making of the order must here be considered.

The witness whose identity and evidence has been withheld, testified, as is generally agreed, secure in the belief that the protection afforded him would be maintained and not incontinently withdrawn once the commission had received his testimony. The applicants rely on what fell from their lordships in the *Scott* case as to an order for a hearing *in camera* "not being effective to enjoin perpetual silence on all persons with regard to what took place at the hearing of the suit" as the headnote puts it or as Lord Halsbury said at page 12 of the report: "As to the injunction of perpetual secrecy there is not a fragment of authority to justify it". What was there being considered was an injunction by the trial judge in aid of this secrecy in a nullity suit and can only give comfort to those who pin their faith to judicial pronouncements taken out of context.

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I may be forgiven for citing a recent case in which I was myself involved because it was much discussed on the argument. It is reported as *Re Canadian Newspaper (sic) Co. Ltd. and Isaac et al* (1988), 63 O.R. (2d) 698 (Div. Ct.). Mr. Justice Campbell gave the principal judgement in the Divisional Court of Ontario in which he dealt faithfully with the claim of Mr. Kendell's client in these proceedings that the freedom of the press as guaranteed by subparagraph 2(b) of the *Canadian Charter of Rights and Freedoms* was infringed, giving his opinion that the application for a declaration to that effect because at an inquest a witness had been permitted to testify anonymously as Mr. 'X', and ancillary relief compelling disclosure of his identity, should be dismissed. Mr. Justice Austin and I agreed with our brother Campbell's reasons and the result but we would have rested our judgement solely on the grounds that, however unjustifiable was the coroner's procedure in law, requiring the name of the witness to be disclosed after his testimony had been given under a promise of anonymity would bring the administration of justice into disrepute, a view held *inter alia* by our learned brother although not relied on entirely by him in his reasons for judgement.

If in the present circumstances the freedom of the press and other media of communication was really at stake it might be necessary to try to balance its importance against the desirability of keeping faith with a witness who has testified under similar assurances, but I am not persuaded that it is. Throughout the commission's proceedings the greatest latitude has been vouchsafed to the applicants with provision for observation not ordinarily or necessarily provided, nor has there on either hand been any complaint as to what has been provided by the commission and how it has been used by the

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applicants. A minor exception in the case of the brief *in camera* hearing which led to these applications has provoked a reaction as sharp as to lead the Canadian Broadcasting Corporation to "demand" redress. This cannot be provided, unless circumstances change or agreement is reached, during the life of the commission. When that expires the confidentiality of the evidence and the identity of the witness will rest in other hands. As matters now stand I am persuaded by counsel for the commission, the Congregation of Christian Brothers, for certain individual members of the order and for wards of the Director of Child Welfare once committed to the Director's care, as well as counsel for the Government of Newfoundland and Labrador, that the applications must be dismissed.

Appendix F

Completing the 1975 Mount Cashel Investigation:
Efforts by Royal Newfoundland Constabulary
15 February 1989 to 14 March 1990

Appendix F

COMPLETING THE 1975 HOUNT CASHEL INVESTIGATION:
 EFFORTS BY ROYAL NEWFOUNDLAND CONSTABULARY
 15 FEBRUARY 1989 TO 14 MARCH 1990

SUMMARY OF INVESTIGATION
 [CONTACTS/INTERVIEWS]

									II	MAR 14 '90				
MAR 14 '89	APR 14 '89	MAY 14 '89	JUN 14 '89	JUL 14 '89	AUG 14 '89	SEPT 14 '89	OCT 14 '89	NOV 14 '89	DEC 14 '89	JAN 14 '90	FE 14 '9			
CUMULATIVE SUMMARY OF INVESTIGATION [CONTACTS/INTERVIEWS]														
127	27 14		15	28	30	18	32	19	24	37	46	47	66	79
					30	18	32	19	24	37	46	47	66	79

Appendix G

Table of Young Persons who resided at
Mount Cashel Boys' Home and Training School,
St. John's, Newfoundland for part or all of December 1975

Name

Table Of Young Persons Who Resided At Mount Cashel Boys' Home & Training School
St. John's, Newfoundland For Part Or All Of December 1975

	Date & Place Of Birth	Probable Period(s) Of Residence & Legal Status At Mount Cashel	Contact(s) By R.M.C. 1975, 1989 To March 1990	Contact(s) By Commission Investigators
	Baird, 23/11/61 William Malcolm St. John's, NF	08/10/75 to 06/12/75 non-ward agreement	Cd.u/k)/12/75 25/04/89 29/10/89 08/01/90	25/10/89
	R.2 30/09/60 Stephenville Crossing NF	08/10/75 to 26/06/78 permanent child welfare ward extended care	07/03/90	11/11/89
	R.3 18/06/66 St. Lawrence, NF	14/01/75 to 02/08/76 non-ward agreement		12/11/89
	Mr. "B" ¹ 17/09/63 St. Lawrence, NF	14/01/75 to 02/08/76 non-ward agreement	12/12/75 27/02/89	15/10/89
	R.5 14/12/61 Burin Peninsula, NF	14/01/75 to 02/08/76 non-ward agreement	12/12/75 27/02/89	20/10/89

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1. The information contained in this table has been extracted from records available to the commission up to and including March 1990.
2. Factors precluding a person's name being a matter of public record include:
 - (a) did not wish to testify,
 - (b) stated not physically or sexually abused,
 - (c) not called as a witness before the commission, or
 - (d) was an *in camera* witness.

Name	Date & Place Of Birth	Probable Period(s) Of Residence & Legal Status At Mount Cashel	Contact(s) By R.N.C. 1975, 1989 To March 1990	Contact(s) By Commission Investigators
R.	04/05/59 St. Lawrence. NF	14/01/75 to d. u/k after 12/01/76 non-ward agreement	07/03/90	03/10/89
Brinston, R.	14/11/60 Gerard Joseph Burin Peninsula, NF 27/08/64 St. John's, NF	28/09/73 to 30/07/76 permanent child welfare ward	13/12/75 29/03/89 01/05/89 09/05/89	23/08/89
		28/08/74 to 19/06/76 (approx.) temporary child welfare ward de facto ward permanent child welfare ward	23/01/90	14/11/89
-J Brown, Robert	11/01/62 Peter St. John's, NF			
		28/08/74 to 19/06/76 (approx.) temporary child welfare ward de facto ward permanent child welfare ward	12/12/75 21/03/89	20/10/89
R.10	25/10/61 St. John's, NF			
		19/03/69 to 13/04/77 non-ward agreement temporary child welfare ward de facto ward permanent child welfare ward	28/03/89 23/01/90	12/11/89
R.11	24/07/58 St. George's, NF			
		30/10/70 to 06/05/77 non-ward agreement extended care	08/03/90	
R.12	21/10/62 Admirals Beach, NF		09/03/90	27/11/89

Name	Date & Place Of Birth	Probable Period(s) Of Residence & Legal Status At Hount Cashel	Contact(s) By R.H.C. 1975, 1989 To March 1990	Contact(s) By Commission Investigators
R.13	06/05/64 Admirals Beach, NF		09/03/90	29/11/89
Connors, Vincent	06/12/65 Darren St. John's, NF	19/04/71 to 14/03/80 non-ward agreement	24/07/89 31/07/89	11/08/89
Connors, Gregory Patrick	26/11/64 St. John's, MF	19/04/71 to d. u/k 05/80 non-ward agreement 13/09/82 to 20/03/84 extended care	12/12/75 13/12/75 11/03/89 23/10/89 04/12/89 02/02/90	08/08/89
-J ^ Connors, Robert Michael	22/10/63 St. John's, NF	19/04/71 to d. u/k 05/80 non-ward agreement 28/01/81 to d. u/k 07/73 extended care	12/12/75 13/12/75 12/03/89 02/02/90	09/08/89
R.17	14/04/64 St. John's, NF	10/10/74 to 31/10/84 permanent child welfare ward extended care	23/01/90 05/03/90	13/11/89
R.18	18/09/56 St. John's, NF	27/04/65 to d. u/k after 1975 temporary child welfare ward de facto ward permanent child welfare ward	25/10/89 05/03/90	13/11/89
Mr. "D"	22/09/64 St. John's, NF	21/02/75 to 16/06/78 non-ward agreement	15/12/75 03/04/89	31/10/89

Name	Date & Place Of Birth	Probable Period(s) Of Residence & Legal Status At Hount Cashel	Contact(s) By R.N.C. 1975, 1989 To March 1990	Contact(s) By Commissi on Investigators
EarLe, Michael	05/06/66 Shane St. John's, NF	04/04/73 to 07/12/75 temporary child welfare ward de facto ward	08/12/75 16/02/89 03/05/89 01/09/89 03/09/89	08/10/89
EarLe, William Ronald R.22	14/03/64 William Ronald St. John's, NF	09/11/72 to d. u/k in 1973 temporary child welfare ward	13/12/75 20/03/89	14/09/89
	26/08/64 St. John's, NF	04/04/73 to 07/12/75 temporary child welfare ward de facto ward permanent child welfare ward		
English, Edward R.24	13/12/66 Craig St. John's, NF (Mr. "E") 15/03/62	07/04/76 to d. u/k 04/77 permanent child welfare ward		
	St. John's, NF	26/04/74 to 26/04/76 de facto ward temporary child welfare ward		08/08/89
		26/04/74 to 26/12/76 de facto ward temporary child welfare ward	14/12/75 07/03/90	08/06/89 11/03/90
		26/04/74 to 26/04/76 de facto ward temporary child welfare ward	08/03/90 21/03/90	07/08/89

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Name	Date & Place Of Birth	Probable Pen'od(s) Of Residence & Legal Status At Hount Cashel	Contact(s) By R.N.C. 1975, 1989 To March 1990	Contact(s) By Commission Investigators
R.25	21/04/61 Stephenville, NF			
R.26	07/12/59 Stephenville, NF	30/05/75 to 16/06/77 non-ward agreement extended care	11/10/89 13/10/89	11/10/89
	Ghaney, 28/08/61 James Frederick Colliers, NF	30/05/75 to 08/10/76 non-ward agreement extended care	26/01/90	02/12/89
R.28	08/12/58 St. John's, NF	17/11/66 to d. u/k 04/78 permanent child welfare ward	20/03/89 31/07/89 05/12/89	09/08/89
	11/06/64 St. John's, NF			
R.30	21/05/63 St. John's, NF	01/03/71 to d. u/k after 01/01/76 non-ward agreement	23/01/90	12/11/89
R.31	29/10/57	01/03/71 to 09/12/80 non-ward agreement	23/03/89 22/01/90 ..03/90	12/11/89
R.29	St. John's, NF			
R.32	10/08/63 Marystown, NF	01/03/71 to d. u/k after 15/01/78 non-ward agreement	23/03/89	24/08/89
R.33	06/06/66 St. John's, NF	01/03/71 to 27/04/76 non-ward agreement	23/01/90	12/11/89
		04/10/74 to 28/09/77 non-ward agreement		24/11/89
		18/1.1/73 to d. u/k after 31/08/77 non-ward agreement extended care	02/03/90	24/11/89

Name	Date & Place Of Birth	Probable Penod(s) Of Residence & Legal Status At Mount Cashel	Contact(s) By R.N.C. 1975, 1989 To March 1990	contact(s) By Comission Investigators
Mr. "J"	13/03/65 St. John's, NF	16/06/71 to 03/09/79 permanent child welfare ward 20/08/81 to 30/09/82 extended care	12/12/75	30/10/89
R.35	24/12/58 Windsor, NF	24/11/66 to 01/07/77 non- ward agreement permanent	23/01/90	11/11/89
R.36	06/08/59 Placentia, NF 25/02/60 St. John's, NF	child welfare ward extended care 03/01/75 to 23/06/76 permanent child welfare ward	03/09/90	03/09/90
R.37		01/10/67 to d. u/k 08/84	14/12/75	16/10/89
R.38	14/06/58 St. John's, NF	non-ward agreement	17/02/89 21/03/89 06/04/89 04/12/89	
Lahey, Michael	16/01/62 Wayne Placentia, NF	01/10/67 to 12/02/76 non-ward agreement	23/01/90	23/11/89
		01/10/67 to 02/08/78 non-ward agreement	22/11/89	12/11/89
R.40	25/12/64 Stephenville Crossing, NF	21/07/75 to 30/10/81 non-ward agreement	09/03/90 13/03/90	

Name	Date & Place Of Birth	Probable Period(s) Of Residence & Legal Status At Mount Cashel	Contact(s) By R.M.C. 1975, 1989 To March 1990	Contact(s) By Commission Investigators
R.49	06/12/65 St. John's, NF	20/06/75 to 02/12/82 permanent child welfare ward	30/03/89	27/11/89
O'Brien, John Dereck	02/10/59 St. John's, NF	03/01/74 to 18/06/76 permanent child welfare ward	14/12/75 03/04/89 16/11/89	26/09/89
O'Brien, Ronald Patrick	09/06/61 St. John's, NF	03/01/74 to 05/08/76 permanent child welfare ward	17/11/89 19/11/89	01/10/89
O'Brien, Roy Joseph (Mr. "O")	14/02/63 St. John's, NF	04/03/74 to 18/05/78 permanent child welfare ward	13/12/75	21/11/89
Mr. "P"	28/08/66 St. John's, HF	22/08/78 to 29/10/79 permanent child welfare ward	12/12/75	03/11/89
R.54	08/10/61 Placentia, NF	d. u/k 07/72 to 15/08/81 non-ward agreement	12/12/75	03/11/89
Preshyon, Joseph	13/02/60 Gideon Flat Bay, NF	20/07/72 to d. u/k after 1975 temporary child welfare ward	09/03/73 to 01/06/79 permanent child welfare ward	17/11/89 19/11/89
Preshyon, Gregory James	05/12/61 Flat Bay, NF	03/09/73 to d. u/k in 1980 permanent child welfare ward	d. u/k 12/75 22/02/89 30/11/89	27/09/89

Name	Date & Place Of Birth	Probable Period(s) Of Residence & Legal Status At Mount Cashel	Contact(s) By R.N.C. 1975, 1989 To March 1990	Contact(s) By Commission Investigators
Pumphrey, Ian Cameron	22/05/66 St. John's, NF	25/08/75 to 24/06/77 non-ward agreement	12/12/75 30/10/89	25/10/89
Pumphrey, John Dwyer R.59	16/09/61 St. John's, NF K/03/59	25/08/75 to 22/12/77 non-ward agreement	15/12/75 12/03/89	19/10/89
Rice, Leo Gerard	St. John's, NF 19/03/58	15/08/66 to d. u/k 06/76 permanent child welfare ward	23/01/90	12/11/89
R.61	19/05/57	15/08/66 to 30/07/77 permanent child welfare ward	14/12/75 28/03/89 30/03/89 30/10/89	04/10/89
Mr. "R"	St. John's, NF 31/10/66	20/12/68 to 20/06/77 non-ward agreement	23/01/90 29/01/90	11/11/89
R.63	Grand Falls , 24/02/66	23/10/70 to summer of 1976 temporary child welfare ward	14/12/75 23/02/89	29/10/89
R.64	St. John's, NF 19/07/68	04/05/78 to 01/03/83 non-ward agreement		
	St. John's, NF	01/03/75 to 10/12/76 non- ward agreement permanent child welfare ward		15/11/89
		01/03/75 to 11/02/77 permanent child welfare ward	08/02/90	15/11/89

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Name	Date & Place Of Birth	Probable Period(s) Of Residence & Legal Status At Mount Cashel	Contact(s) By R.H.C. 1975, 1989 To March 1990	Contact(s) By Commission Investigators
R.65	06/12/62 St. John's, NF	01/03/75 to 11/02/77 permanent child welfare ward 20/06/77 to 30/09/84 permanent child welfare ward	23/02/90 06/03/90	15/11/89
Simms, Alvin Joseph	11/07/59 Flat Bay, NF	10/07/74 to 01/04/77 permanent child welfare ward	20/07/89 31/07/89	09/08/89
R.67	08/03/62 Flat Bay, NF	25/03/74 to 16/04/77 permanent child welfare ward	07/02/90	12/11/89
R.68	21/07/60 Flat Bay, NF	10/07/74 to 08/04/77 permanent child welfare ward	23/01/90	12/11/89
OOON R.69	29/04/64 Flat Bay, NF	25/03/74 to 16/04/77 permanent child welfare ward	25/01/90 31/01/90 15/02/90	12/11/89
R.70	01/04/57 St. John's, NF	10/09/65 to 14/01/77 non-ward agreement	23/01/90 29/01/90	03/11/89
R.71	05/02/65 St. John's, NF	20/05/75 to 13/07/78 19/08/78 to 28/08/78	02/02/90	11/11/89
R.72	30/03/64 St. John's, NF	08/10/75 to 07/12/75 non-ward agreement	d. u/k 12/75 03/03/89 28/02/90 08/03/90	13/10/89

Name	Date & Place Of Birth	Probable Period(s) Of Residence & Legal Status At Mount Cashel	Contact(s) By R-H.C. 1975, 1989 To March 1990	Contact(s) By Conmrission Investigators
Strickland, (Baird) Francis Patrick	30/03/65 St. John's, NF	07/10/75 to 04 or 06/12/75 non-ward agreement	d. u/k 12/75 07/03/89 08/02/90	06/11/89
Tobin, Derek George	22/09/63 Fleur de Lys, NF	19/04/75 to 17/06/76 temporary delinquent ward non-ward agreement	27/11/89 04/01/90	26/11/89
Tobin, Robert	25/01/59 James St. John's, NF	06/02/66 to 27/06/78 non-ward agreement temporary child welfare ward	09/03/90	08/11/89
R.76	25/03/58 St. John's, NF	15/03/72 to 18/06/76 permanent child welfare ward	23/01/90	23/11/89
R.77	09/01/58 St. John's, NF	06/02/66 to 23/06/76 non-ward agreement	09/03/90	08/11/89
R.78	26/09/68 St. John's, NF	07/09/74 to 30/09/89 non-ward agreement	27/11/89 03/01/90	22/11/89
R.79	26/09/68 St. John's, NF		17/02/90	
Ualsh, Andre Joseph	26/10/61 St. Lawrence, NF	07/09/74 to 01/07/88 non-ward agreement	30/01/90 06/02/90	22/11/89
		05/11/68 to d. u/k after 09/77 permanent child welfare ward	14/12/75 27/03/89 23/10/89 08/01/90 09/01/90	07/08/89

		At Mount Cashel	To March 1990	Investigators
	R.81	13/11/57 St. Lawrence, NF	05/11/68 to d. u/k after 1975 permanent child welfare ward	23/01/90 13/11/89
	R.82	04/08/66 St. Lawrence, NF	24/09/71 to 31/08/82 permanent child welfare ward	15/11/89
	R.83	13/07/60 St. Lawrence, NF	05/11/68 to d. u/k after 1975 permanent child welfare ward	21/11/89 25/11/89 19/11/89
	R.84	23/06/60 Stephenville Crossing, NF	11/09/73 to d. u/k in 1976 non-ward agreement	20/03/89 14/11/89
	R.85	25/02/61 St. Lawrence, NF	24/09/71 to 31/08/77 permanent child welfare ward	14/11/89
OO	R.86	29/06/65 St. Lawrence, NF	24/09/71 to 28/10/88 permanent child welfare ward	14/11/89
OO	R.87	12/11/61 Stephenville Crossing, NF	11/09/73 to d. u/k in 1976 non-ward agreement	30/01/90 15/11/89
	R.88	15/10/61	10/04/75 to 08/07/77 permanent child welfare ward	
	R.89	d. u/k 09/58		

Name	Date & Place Of Birth	Probable Period(s) Of Residence & Legal Status At Mount Cashel	Contact(s) By R.N.C. 1975, 1989 To March 1990	Contact(s) By Comrission Investigators
Ui Uiams, John CyriI	03/09/60 PLacentia, NF	11/12/67 to 15/12/77 non-ward agreement	15/12/75 17/02/89 03/04/89 07/12/89	11/09/89 19/10/89
R.91	03/09/60 PLacentia, NF	11/12/67 to d. u/k after 07/04/78 non-ward agreement	07/03/90	

SO

Commissioner's ruling delivered on
June 1, 1990

Application by Sergeant Douglas Hamlyn,
R.C.M. Police, for the re-attendance of
himself and Superintendent Emerson Kaiser,
R.C.M. Police to testify before the Royal
Commission June 1, 1990

Robert Regular, for the applicant

Keith Rose, for the R.C.M. Police

George Horan for the Government of
Newfoundland and Labrador

Clay M. Powell, Q.C. for the Royal
Commission

THE COMMISSIONER (orally):

The issue which I propose to deal with this morning was derived from representations made by Mr. Regular on behalf of Sergeant Hamlyn. It will be recalled that Sergeant Hamlyn gave evidence here in connection with "Child Welfare/Criminal Investigation Profile No. 13, 1986 To 1990", dealing, in fact, with one aspect of the early life of the last witness before us this morning whose concerns as a foster-child had been reported by Social Services to the Holyrood detachment of the Royal Canadian Mounted Police on 29 July 1988. Sergeant Hamlyn was preceded as a witness by Superintendent Kaiser, called by Ms. Sandra Burke, assistant counsel to the commission, and he gave evidence

generally about a bulletin in relation to the Operational Manual of the R.C.M. Police, which is in evidence as exhibit C-0479, that deals with the classification of offences, or alleged offences, including that described in the bulletin as

high profile case where professional person commits sexual assault i.e. doctor, clergy, dentist, school teacher, custodian(s) of foster home or day care centre, etc.

Then, I think I am right, the evidence that he gave had nothing to do with profile no. 13. After Sergeant Hamlyn had testified as to how the investigation described in profile no. 13 was handled by the Holy rood detachment of which he was in charge, Superintendent Kaiser came back to the commission and, dealing specifically with this investigation, he said it was his absolute opinion that the wrong decision had been made and that decisive steps in the form of apprehension and charge should have been taken at the time when - on 29 July 1988 -the complaint had been made, or shortly after. Now, it is understandable, I suppose, that with this evident difference of opinion or be it, perhaps, deriving more substance because the disagreement is being expressed by a senior officer in relation to the activities of an investigation by an officer junior to him, Sergeant Hamlyn, on the application of his counsel, Mr. Regular, wants to give further testimony. I am not sure that Corporal Raymond Wayne Griffith is associated with this, is he?

MR. POWELL:

No he is not, Mr. Commissioner.

THE COMMISSIONER:

No. In order to explain or explore and explain the difference of opinion with a view, as far as I can make out, to persuading me that he was right and that Superintendent Kaiser is wrong in the opinion that he currently expresses I think I should point out that all of this happened a year and a half ago, almost two years ago, and I therefore declined to deal with the matter of this application yesterday. At once I wanted to look at my notes of the evidence and the documents which are contained in exhibit "RR". Perhaps I should translate that into the unedited version for the benefit of the record.

MR. VIVIAN:

Exhibit 474, Mr. Commissioner.

THE COMMISSIONER:

Thank you Executive Secretary. Exhibit C-0474. The immediate cause of Mr. Regular's application is the realization that a document was not included in exhibit C-0474 and it is maintained that this document, which has since been received in evidence as exhibit "RR1" in unedited form, exhibit C-0474A in edited form, is of significance and would tend to explain and perhaps justify the actions of the Holyrood detachment which dealt with the complaint.

The first document that I want to refer to is at page 66 of exhibit C-0474. That is the report by Sergeant Hamlyn from the Holyrood detachment, sent by telex, I believe, as to a complaint by a social worker of the Department of Social Services made to the R.C.M. Police on 29 July 1988 based upon information given some two years before, originally to a

nurse in the Janeway Hospital, in connection with sexual abuse at a foster-home. This telex report, directed to the Officer-In-Charge of Criminal Operations for St. John's Subdivision of "B" Division, dated the 17th of August 1988, outlined the complaint, and said as follows: "A statement was provided to this office on 88-08-17" - August 17th, 1988 - "concerning the allegation" and then, after identifying the alleged offender, proceeds: "Matter is presently being investigated and suspect will be interviewed." Sergeant Hamlyn's communication to the Officer-In-Charge of Criminal Operations at the St. John's Subdivision concluded: "Incident reported to Division HQ as per requirement of B Div OM Bulletin OM333. Possible high profile case involving foster-parent. Please advise if further report required." Now that communication was dated August 17th, 1988, the day the complainant who had previously resided at the foster-home was interviewed in relation to the complaint reported by a social worker to the R.C.M. Police on 29 July 1988.

MR. POWELL:

Mr. Commissioner, that telex might have been August 30th. The date is somewhat obscured.

THE COMMISSIONER:

Well, that is right. That is the one in the margin is it? I agonized over that date. August 30th, right.

So then we have the document which I have referred to as exhibit "RRI" which is the Transmittal & Diary Date Request from Criminal Operations, B Division, and it has been agreed that it was dated September 2nd, 1988 and reached the Holyrood detachment on September 6th, 1988. It reads - and indeed it originated with a reader who is an officer who

peruses files and assigns extension and diary dates if he thinks the request is justified - "No further reporting required here, at this time". Now, by the time it reached the detachment the investigating officer, Constable Griffith, had arranged to interview the suspect, a foster-father, who was to come in on the following day, September 7, 1988, with his wife to detachment headquarters for that purpose. In fact, on that following day he left the house and was followed by a foster-child who was then in residence at his house, and what happened subsequently is well known and resulted in the apparent suicide, officially the suicide, of that foster-child, and the arrest of the foster-father.

Now, Mr. Powell I must get this date right. At page 77 of exhibit C-0474, inquiries emanated, not from the complaint of the foster-child regarding the foster-home arising two years before and complained of by a social worker on 29 July 1988, perhaps as much as from the death on September 7, 1988 of the foster-child who was then residing in the same foster-home, which I have referred to.

MR. POWELL:

Yes Mr. Commissioner, I believe the telex at page 77 is responding to the telex at page 76 of Superintendent Kaiser.

THE COMMISSIONER:

Yes, you are quite right. It is the one I have tabbed. I have turned over two pages. A telex at page 76, dated 09 September 1988 from the Acting Officer-In-Charge of Criminal Operations in "B" Division raises questions as to the complaint originating at the Janeway Hospital and being dealt with on the basis of the statement taken from the complainant on the 17th of August, 1988; points out that while the

complaint had originally been received at the Holyrood detachment on July 29th, 1988 the interview was undertaken on August 17th, 1988, and says: " ... due to some complications the victim was not interviewed until 88.08.17" -that statement relating to the complaint received on July 29th, 1988 - and then refers to the Holyrood detachment's report in the following words: " ... it would appear that" - the foster-father is here named - "was not approached until 88.09.06 at which time he declined to be interviewed as he wished to consult legal counsel" and then the telex proceeds: "Given the date of the original complaint, the profile of sexual abuse investigations and the fact that you were aware that a foster-home was involved could you advise reasons for delay from date of statement until" - here again the foster-father is named - "was approached. Secondly could you elaborate reason why" - here again the foster-father is named -"not arrested on 88.09.06". The next sentence says: "I am not suggesting he should or should not have been; simply wish to know your rationale for briefing purposes." This telex message proceeds from the Acting Officer-In-Charge of the Criminal Operations in the St. John's Subdivision. The rest of the memorandum deals with the events of September 7th, 1988 involving the death of the foster-child who had then been living in the foster-home.

I have already expressed, I think, my disinclination to have this commission become a stage for the resolution of an internal dispute among officers of the Royal Canadian Mounted Police and, given the circumstances and great publicity which the process here ensures, I am still less inclined to do so unless there are compelling reasons. It seems to me, in just dealing with the documents, that R.C.M. Police Headquarters was assured that the suspect would be

interviewed and on the basis of that assurance I think that the document which we received in evidence as exhibit "RR1" dated 02 September 1988 is of no particular help; certainly not to me. It does not say "no further action required"; it says "No further reporting required" and it can only be understood in terms of the assurance given by the Holyrood detachment that the suspect would be interviewed. Subsequent inquiries, reflected in the telex communication from Criminal Operations to the detachment dated 09 September 1988, arise naturally, without any reversal it seems of opinion - I won't say policy - at Criminal Operations and do not represent any change of what would be the normal position.

First of all there is an assurance given that there would be an interview and then it turned out that the interview, as contemplated, was never given and naturally provoked a request. Of significance, of course, are the other words proceeding from the acting officer-in-charge in his memorandum dated 9 September 1988: "I am not suggesting he should or should not have been; simply wish to know your rationale for briefing purposes." Now, I have heard two officers of the then Holyrood detachment - Sergeant Hamlyn and Corporal Griffith - give their evidence, and I have heard Superintendent Kaiser give his, and the fact that the superintendent now feels that what transpired at the Holyrood detachment and under the control of the detachment was not the proper course does not help me in my understanding of the facts of the investigation of 1988. For that reason alone I am disinclined to hear any more evidence on the point. Well, perhaps, I should not say that. If there was some evidence other than the reader's memorandum of September 2nd, 1988 I might have to reconsider. But just to hear a further

expression of opinion based on the documents and the recollection available, as disclosed by the evidence in this matter thus far, advances my purpose not at all.

And the second reason is that although Mr. Regular assures me that this is not a matter where discipline is involved, I certainly have not received any assurance on that point from Mr. Rose, although he may well agree as to the current situation. But I am reasonably certain that if these officers return to give evidence, and they can only return voluntarily, but if they return and thrash the matter out again before this commission, it may very well become a matter of internal discipline in the force and it is idle to say that because it was not a matter of internal discipline I had jurisdiction to deal with the matter, and after it becomes one of discipline, then our position will be a false one and indeed forbidden by the highest court without any possibility of doubt. As to an individual offence and an investigation by the R.C.M. Police pursuant to their contract with the Government of Newfoundland and Labrador, I am satisfied that this commission has jurisdiction to receive evidence to the facts and even as to the opinions as far as we have gone. But in the case of an open conflict between officers not of the same level of seniority I might reasonably expect that it would become a matter of discipline and, therefore, I am impressed with the necessity of refusing Mr. Regular's application.

At the same time, I am sure he was justified in making it and I am sure Mr. Powell acted properly in dealing with the fact that the record was incomplete to the extent of overlooking the reader's memorandum. By the way, the receipt of the reader's memorandum was too late for any effect that it could possibly have had on the procedure of the investigation. It merely expresses the opinion of someone

who was in the fortunate or unfortunate position of ruminating over someone else's work and really is of very little significance.

Appendix J

Summary of child welfare profiles
prepared by
David C. Day, Q.C.
Commission Co-Counsel

Appendix J

Glossary

The summaries of profiles employ the following compendiums:

application	application to a Judge or Justice under The Child Welfare Act, 1972 for a judicial investigation and an Order committing a child either temporarily or permanently to the Director's care and custody or making the child subject to the Director's supervision;
child in need of protection	term describing, from 14 July 1981, a child whose welfare requires state intervention under The Child Welfare Act, 1972;
Child Welfare Act, 1972, The	the principal child welfare statute of the Province of Newfoundland, The Child Welfare Act, 1972, S.N. 1972, c. 37 replaced The Child Welfare Act, R.S.N. 1970, c. 37 that, in turn, was a consolidation of The Child Welfare Act, 1964, S.N. 1964, No. 45 and its amendments;

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committed to the Director as a child whose custodian is charged/is committed for trial/is bound over to keep the peace towards the child

result of an Order of committal of a child to the care of the Director of Child Welfare under section 35 of The Child Welfare Act, 1972 to age 17 years or an earlier age;

committed to the Director's supervision as a juvenile delinquent

result of an Order of committal of a person under age 17 years, following conviction on a charge of delinquency to the care and custody of the Director of Child Welfare either temporarily or permanently (to age 17 years) under section 20 of The Welfare of Children Act;

committed to the child/as a child in need of protection

result of an Order of committal, Director as a neglected following a judicial investigation, to the care and custody of the Director of Child Welfare under section 15 of The Child Welfare Act, 1972, either temporarily (for periods not exceeding 12 months each, to a maximum of 36 months), or permanently (to age 16 years);

Constabulary

The Constabulary Force of Newfoundland, to 04 December 1981;

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	The Royal Newfoundland Constabulary, from 04 December 1981;
Court of Appeal	established as part of the Supreme Court of Newfoundland on 25 July 1975;
Director	Director of Child Welfare, Department of Social Services (and predecessor departments);
Director's headquarters representative	social worker employed by the Department of Social Services at departmental headquarters, usually located at Confederation Building, St. John's;
Director's District representative	social worker employed by the Department of Social Services in a District;
District	District office of the Department of Social Services;
District social worker	social worker employed by the Department of Social Services in a District;

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regular foster home for a child or children operated by a person(s) licensed by the state for that purpose;

Department of Health at departmental headquarters, usually located at Confederation Building, St. John's;

magisterial enquiry conducted under authority of The Summary Jurisdiction Act, from 31 March 1949 to 03 November 1980;

judicial inquiry conducted under authority of The Summary Proceedings Act, from 03 November 1980;

The Royal Commission Of Inquiry into The Response Of The Newfoundland Criminal Justice System to Complaints (although the statute establishing the Inquiry is entitled The Public Enquiries Act);

Dr. Charles A. Janeway Child Health Centre, St. John's;

Magistrate, to 14 December 1979;

Provincial Court Judge, from 14 December 1979;

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Justice	Department of Justice at departmental headquarters, usually located at Confederation Building, St. John's; or Judge of the Court of Appeal, Trial Division or Unified Family Court of the Supreme Court of Newfoundland;
Justice solicitor	solicitor employed by Department of Justice at departmental headquarters, usually located at Confederation Building, St. John's;
made subject to the Director's supervision as a juvenile delinquent	result of an Order requiring a child to be returned to his/her parents or guardians or to another person(s) under The Welfare of Children Act subject to the Director's supervision under section 20 of the Act either temporarily (no maximum period expressed in the Act) or permanently (to age 17 years);
made subject to the Director's supervision as a neglected child/	result of an Order requiring a child to be returned to his/her parents or guardians or to another person(s)

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as a child in need of protection	subject to the Director's supervision under section 15 of The Child Welfare Act, 1972 either temporarily (no maximum period expressed in the Act) or permanently (to age 16 years);
Mount Cashel	Mount Cashel Orphanage, from 1898 to about 29 December 1969; Mount Cashel Boys' Home and Training School, from about 29 December 1969 to 30 June 1990;
neglected child	term describing, to 14 July 1981, a child whose welfare required state intervention under The Child Welfare Act, 1972 and its predecessor, The Child Welfare Act, 1964;
Provincial Court	Magistrate's Court, to 15 July 1974; Provincial Court, from 15 July 1974;
R.C.M.P.	Royal Canadian Mounted Police, "B" Division, Newfoundland;

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School of Social Work	Memorial University of Newfoundland, St. John's Campus;
Social Services	Department of Public Welfare, from 28 July 1949 to 07 July 1970; Department of Social Services and Rehabilitation, from 07 July 1970 to 01 April 1973; Department of Social Services, from 01 April 1973;
social worker	welfare officer, from 30 December 1944 to 20 December 1974; social worker, from 20 December 1974;
St. John's Family Court	Court established under The Family Court Act which was authorized to sit on cases involving some family matters from St. John's and area from 22 June 1951 until replaced by Unified Family Court on 18 June 1979, and authorized to sit on juvenile delinquency prosecutions from St. John's and area from 22 June 1951 to 02 April 1984. The only family court established under the Act was at St. John's;

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Trial Division	established as part of the Supreme Court of Newfoundland on 25 July 1975;
Unified Family Court	part of the Supreme Court of Newfoundland, established on 18 June 1979, whose jurisdiction includes the limited number of family law matters that, until then, had been heard by the Judge of the St. John's Family Court (but not juvenile delinquency prosecutions) and, in addition, most other family law matters. The Court serves St. John's and a larger area surrounding St. John's than the St. John's Family Court had served. (Note: Outside St. John's and area, family law matters are now heard by the Trial Division of the Supreme Court and by the Provincial Court);
Welfare of Children Act, The	formerly Part II of R.S.N. 1952, c.60 and Part I of R.S.N. 1970, c.190, this was the juvenile delinquency statute of the Province of Newfoundland and was repealed 02 April 1984 with the coming into force on that date of the federal Young Offenders Act.

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: 01

PROFILE TITLE: The Shane Earle Wardship
Proceeding, St. John's, 1976

PROFILE EXHIBITS: C-0281A C-0281B

PRINCIPAL
RELATED EXHIBITS: C-0037 C-0039

C-0040 C-0041

C-0066 C-0238

Memorandum Of Evidence [10]
(dated 30 September 1990)

Memorandum Of Evidence [49]
(dated 30 September 1990)

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

Justice

Child Welfare Profile Number 01

SUMMARY:

An Order made 18 March 1976 by the Family Court Judge committed a boy (born 05 June 1966) permanently, as a neglected child, to the Director whose District representative, with the consent of the boy's mother, placed the boy on 07 April 1976 at Mount Cashel where he resided until 10 September 1987.

The boy's previous departure from Mount Cashel, on 07 December 1975, contributed to commencement next day of the 1975 Mount Cashel investigation by the Constabulary.

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: 02

PROFILE TITLE: The Francis Strickland
Wardship Proceeding,
St. John's, 1976

PROFILE EXHIBITS: C-0288 C-0288A
C-0288B

PRINCIPAL
RELATED EXHIBITS: C-0115 C-0116
C-0116A C-0284
C-0292

Memorandum Of Evidence [49]
(dated 30 September 1990)

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

Justice

Child Welfare Profile Number 2

SUMMARY:

A boy (born 30 March 1965) was apprehended by a St. John's District social worker at the Janeway on 17 March 1976, 17 days after his admission there. The application for his temporary committal to the Director as a neglected child was, on 08 July 1976, denied by the Family Court Judge.

While awaiting hearing of the application, the boy's mother alleged in April 1976 to the social worker who apprehended her son and in June 1976 to a psychiatrist who examined both mother and son that while he lived at Mount Cashel for part of the fourth quarter of 1975 he and his two brothers there and then living with him had been physically and sexually abused. No evidence was located of any response (regarding these allegations) by Social Services or Justice, to both of which the allegations had been communicated by June 1976.

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: 03

PROFILE TITLE: Complaints From Mount Cashel Residents, St. John's, 1982

PROFILE EXHIBITS: C-0294 (unedited Exhibit S) including, at pages 34 to 36 of both,
unedited Exhibit P
C-0294A C-0294B
C-0294C C-0294D

PRINCIPAL RELATED EXHIBITS: C-0201 C-0202
C-0203 C-0204
C-0204A C-0205
C-0206 C-0207
C-0208 C-0209
C-0210 C-0237

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PRINCIPAL RELATED

EXHIBITS: C-0276 C-0277
 C-0280 C-0330
 C-0348

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

Constabulary

Justice

Appendix J

Child Welfare Profile Number 3

SUMMARY:

In response to complaints in 1982 from a number of young persons residing at, or recently departed from, Mount Cashel, made to a civilian, a District social worker and the Mount Cashel superintendent, investigations were undertaken by the Constabulary, the Bell Island and St. John's East Districts and Social Services which produced 12 written reports collectively alleging that from 1976 to and including 1982 a total of 19 young persons and two adults (one civilian and one Christian Brother) - most of whom were residing at Mount Cashel in 1982 - had participated in or witnessed or otherwise knew about sexual activity among young persons at Mount Cashel.

The investigations resulted in one criminal charge covering several indecent acts by the Christian Brother with a 15-year-old male resident at Mount Cashel over a period of approximately one year. On 19 November 1982 the Christian Brother plead guilty to and was convicted of the charge for which he was sentenced to serve four months' imprisonment and made subject to the conditions of a probation Order for three years. On 01 December 1982 the Court of Appeal varied his imprisonment to time served and the conditions of his probation to require his submission to "such psychiatric and other rehabilitative measures as deemed necessary by the Brother Provincial in the Order of Christian Brothers."

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Of the 19 young persons involved in or informed about the sexual activity, one of them who had recently departed Mount Cashel was not required to return; two were returned to their father; and one was placed in another foster environment. There was no other response by Social Services or Justice, to both of which all 12 investigative reports were sent in timely manner.

Child Welfare Profile Number 4

SUMMARY:

Thirteen days after his placement, on 10 January 1984, in the Home for Boys at Whitbourne, Newfoundland by a District social worker, a boy (permanently committed to the Director on 01 January 1984 as a juvenile delinquent; that is, to his 17th birthday on 04 February 1984), eloped from the Home. Some 23 hours later - at about 10:00 a.m. on 24 January 1984 - after a search by two School staff had been abandoned, the boy was found by a railway employee, dead due to hypothermia, three and a half miles east of Whitbourne beside a railway track.

Among the findings of a judicial inquiry by a Judge sitting at Whitbourne over five days in May, June, August and October 1984, were the following: although the two Home staff who undertook the search for the boy could not personally be faulted given the guidelines under which they were required to operate, not enough was expected of them; the resulting search by the Home staff was inadequate; the Home was uncertain as to the role of its staff in relation to the police when a boy eloped, and the Home had never adequately addressed the question of safety, generally, of eloping boys.

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: **05**

PROFILE TITLE: Temporary/Permanent
Wardship Proceedings
Gander, St. John's, 1972
To 1978

PROFILE EXHIBITS: C-0422 (unedited Exhibit W)

PRINCIPAL RELATED EXHIBITS: C-0418
C-0417 C-0419 C-
C-0420
0444

RESPONDENTS TO COMPLAINTS EXAMINED: Social Services
Justice

Child Welfare Profile Number 5

SUMMARY:

Born in Nova Scotia on 23 January 1972 to a spinster mother, a male child was taken in April 1972 by his mother and her future husband (whom she met in October 1971 while carrying the child) to Newfoundland where they married on 28 June 1972. On 29 November 1972 at Central Newfoundland Hospital, Grand Falls the child presented with 19 separate fractures and other injuries for which he was admitted and treated at the Hospital, next at the Janeway, and again at the Hospital upon discharge from which on 16 February 1973 he was apprehended by a District social worker.

The application of the Director, whose representative was not legally trained, for temporary committal of the boy to him was opposed by the boy's mother and dismissed by a Judge sitting at Gander on 16 March 1973. The boy was then returned to his mother. The Director's appeal from the Judge's dismissal was allowed on 22 June 1973 by the Newfoundland Supreme Court which temporarily committed the boy as a neglected child to the Director for six months.

As a result of a succession of subsequent Orders by the Judge at Gander, the boy remained in the Director's care and custody: temporarily until 11 October 1974 and permanently from that date. In 1978, the boy was adopted in Alberta.

No request was made to the R.C.M.P., the responsible police force, to conduct a criminal investigation into the circumstances of the boy's injuries.

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: 06

PROFILE TITLE: Foster Home Care,
Mount Pearl, 1965 To 1975

PROFILE EXHIBITS: C-0447 (unedited Exhibit Y)

PRINCIPAL RELATED EXHIBITS: C-0070 C-0121

C-0121A C-0145

C-0145A C-0437
(unedited Exhibit X)

C-0438 C-0445

C-0481
(unedited Exhibit SS)

RESPONDENTS TO COMPLAINTS EXAMINED: Social Services

Child Welfare Profile Number 6

SUMMARY:

A married couple living at Mount Pearl, Newfoundland with their legally-adopted grandson (whose spinster mother was their sole offspring) was licensed to operate a regular foster home: for a maximum of two children, on 26 March 1965; four children on 21 July 1967, and six children on 27 October 1969, although there were occasions subsequently when as many as 12 children committed to the Director or under his supervision were living there. Reports from 12 June 1967 to 20 July 1973 by St. John's District social workers described the home as providing satisfactory foster care. The couple had accommodated a total of 46 children, 35 of them boys, during the nine years and 11 months licensed for foster care when, on 26 February 1975, the last foster child was removed. The decision was by then made by Social Services to discontinue placing children there because of accumulating reservations of a St. John's District social worker employed in her first District position since April 1973 who had begun carrying a child welfare caseload in December 1973.

Three of the foster children were brothers who lived there together from 23 June 1965 to 31 July 1969 and the youngest of whom (born 14 February 1963) continued to live there until 06 July 1972 and again from 02 March 1973 to 10 October 1973. The two older brothers (born 02 October 1959 and 09 June 1961) complained of being severely physically and emotionally mistreated by the couple - particularly the

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wife - while they resided there. They made the complaints during a meeting in April 1973 with a rural District social worker who summarized the complaints in a report she prepared to Social Services regarding the suitability of the two older boys for adoption (which did not materialize). The complaints were never acted upon by Social Services or communicated to the R.C.M.P., the responsible police force, for criminal investigation.

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: **07**

PROFILE TITLE: Guardianship Proceedings
Punctuality, 1980 To 1982

PROFILE EXHIBITS: C-0471 (unedited Exhibit PP)

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

CROSS REFERENCES: Child Welfare Profile Number
08

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Child Welfare Profile Number 7

SUMMARY:

Six siblings - three of them sisters - were apprehended on 13 March 1980 from their parents in a rural community in central Newfoundland by a District social worker and committed to the Director temporarily or made subject to his supervision as neglected children until 22 January 1982 by a series of Orders of a Judge. During this 20-month period the Director's District representatives ensured that on the seven occasions required the initial Orders temporarily committing the six children to the Director were punctually renewed or replaced (that is, prior to the previous Orders expiring); punctuality infrequently evident in Social Services and District child welfare files opened from 1965 to 1990 that the Commission examined.

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: 08

PROFILE TITLE: PROFILE [1980 - 1981]

EXHIBITS:
C-0457 (unedited Exhibit BB)

PRINCIPAL RELATED
EXHIBITS:
None

RESPONDENTS TO
COMPLAINTS EXAMINED
Social Services

CROSS REFERENCES:
R.C.M.P.
Child Welfare Profile
Number 07

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Child Welfare Profile Number 8

SUMMARY:

Because of recurring mental illness, a spinster mother (born to parents aged 60 and 67 years) was unable to parent her three children; a son born in 1974 and daughters born in 1980 and 1981. By arrangement of the Director's representatives the son went to live with his maternal grandmother and the daughters were eventually adopted by two other families.

The Director's representatives ensured the judicial Orders of the Unified Family Court Justice committing the daughters temporarily to the Director as children in need of protection were punctually renewed by the Justice as required until the daughters were permanently committed to the Director and adopted.

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: 09

PROFILE TITLE: [1972 - 1989]

PROFILE EXHIBITS: C-0458 (unedited Exhibit CC)

C-0458A C-0458B

PRINCIPAL RELATED EXHIBITS: None

RESPONDENTS TO COMPLAINTS EXAMINED: Social Services

CROSS REFERENCES: Child Welfare Profile Number 16

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Child Welfare Profile Number 9

SUMMARY:

Due to their parents' chronic personal problems, two children, both boys, received frequent state attention from their respective birth dates (1972 and 1973) until 1989.

The mother required at least three admissions to a mental health facility (in 1972, 1974 and 1976). The father was once convicted of and served an imprisonment sentence for the criminal offence of sexual assault on a young girl (1986), and was accused by the mother of physically abusing her. Family shelter and nutrition were inadequate. Like the parents, the older child was emotionally unstable; having contemplated suicide (1986) and alleged physical mistreatment of him in a foster home where he was subsequently placed. Parental supervision of both boys was sometimes delegated to relatives and on other occasions was entirely overlooked.

In response the Director and his District representatives made non-ward agreements with one or another of the parents (1972, 1974); convinced the parents to place the younger boy in day care so that he could be closely supervised (1979); referred the mother to a family crisis centre (1979); obtained Orders temporarily committing both boys to the Director as children in need of protection (commencing in 1981) or authorizing their supervision by the Director while they resided in their own home (commencing 1983); apparently made a contract with the mother (and, perhaps, the father) intended to improve the parents' health, behaviour, and parenting of their two boys.

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There is no indication of responses by or on behalf of the Director to concerns the boys' school guidance counsellor said he expressed to the Director about the family in 1979 or to concerns from a faculty member of the School of Social Work in 1981 about the School's social work students being assigned, during field placements in the responsible District, to deal with this multi-problem family.

A perennial difficulty of the Director and his representatives in formulating responses to concerns regarding parental care of the two boys (by no means peculiar to this matter or to the Province of Newfoundland) is stated in a letter dated 04 May 1981 from a District social worker who dealt with the family:

we have a case where there are several problem areas and yet we have nothing definite that we could use in court. Even at present, with the children in care, we will have difficulty in obtaining sufficient evidence to warrant keeping the children in care. We can't prove there are family and marital problems or psychiatric problems and even though ... [the mother] shared a lot of her problems with us when she placed the boys in care, she is now denying them all.

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: 10

PROFILE TITLE: [1976 - 1989]

SUMMARY:
PROFILE EXHIBITS: C-0459 (unedited Exhibit DD)

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

Child Welfare Profile Number 10

SUMMARY:

A rural District, becoming concerned about the quality of care provided by a widowed father to his son (born 1965) and daughter (born 1969), sought direction in April 1976 from the Director who referred the District for advice to its Regional Office; a course of action the District does not appear to have adopted. In May 1976 both children were apprehended by a District social worker and on 25 May 1976 committed temporarily - for one year - to the Director as neglected children, with the father's consent, by a Judge at Baie Verte, Newfoundland. On 21 June 1976 the Director's District representative placed the son in Mount Cashel and the daughter with relatives.

During the next 11 months, the Director's District representative prepared and sent the Director two progress reports on the daughter. No progress reports were prepared regarding the son by the Director's District representatives or by Mount Cashel staff.

On 16 May 1977 the Judge committed both son and daughter permanently (that is, to age 16 years) to the Director. Both children continued to live in the Director's extended care (that is, beyond age 16 years) until age 19.

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PROFILE CATEGORY:	Child Welfare
PROFILE NUMBER:	11
PROFILE TITLE:	Guardianship Proceedings: Reciting The Facts, 1979
PROFILE EXHIBITS:	C-0469 (unedited Exhibit NN)
PRINCIPAL RELATED EXHIBITS:	None
RESPONDENTS TO COMPLAINTS EXAMINED	Provincial Court

Child Welfare Profile Number 11

SUMMARY:

A rural Judge, in response to the Director's application for permanent committal of the five children of a spinster wife (fathered by the man with whom she cohabited for 10 years, and from whom she and the children separated in 1977), conducted a judicial investigation required by The Child Welfare Act, 1972. As a result of his investigation, heard on 27 March and 04 April 1979, he declared the five siblings to be neglected children and ordered them returned to their mother subject, indefinitely, to the Director's supervision, and subsequently gave a written recitation of the facts insofar as he ascertained them from his investigation. (This was one of only three judicial investigations from 1965 to 1990 in which the Commission located a recitation of facts required by The Child Welfare Act, 1972 and its predecessor, The Child Welfare Act, 1964.)

On advice of the Justice solicitor who represented the Director on his permanent committal application, the Judge's written recital was relied upon to avoid, in future, certain irregularities in the conduct of Social Services and a rural District in handling this neglected children proceeding.

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: 12

PROFILE TITLE: Guardianship And Adoption
Proceedings: 1979 To 1985

PROFILE EXHIBITS: C-0470 (unedited Exhibit OO)

PRINCIPAL RELATED
EXHIBITS: Memorandum Of Evidence [53]
(dated 16 October 1990)

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

Justice

Child Welfare Profile Number 12

SUMMARY:

Shortly after birth on 31 May 1979 in an urban Newfoundland community, a girl took up residence with her spinster mother at the residence of the mother's parents and of six brothers and sisters of the mother ranging in age from 14 to 27 years (all save one of whom were under medical treatment and none of whom were employed). Although a Judge, on 16 February 1981, committed the girl permanently to the Director (whose request to Justice for legal assistance in making the committal application was not answered), the girl continued to reside with her maternal grandmother (the grandfather having died on 15 June 1980 and her mother having left in October 1980 to cohabit with a man). When the grandmother began frequenting beverage parlours, the girl was parented by one of her mother's teenage sisters.

On 29 January 1981 the mother made a non-ward agreement with the Director regarding the girl and on 16 January 1981 a Judge committed the girl permanently to the Director.

Not until 14 May 1982, however, when the urban District learned of attempted incestuous conduct involving other persons in the home where the girl was continuing to live, did a District social worker apprehend the girl and place her in a

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foster home. Shortly following, the District recommended adoption of the girl by the couple operating the placement foster home and on 09 August 1982 the Director signed a Consent To Adoption for that purpose. However, the Director and the rural District did not take steps to facilitate finalization of the adoption for another 32 months; namely, on 17 May 1985.

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ppendix J PROFILE

Child Welfare

CATEGORY:

13

PROFILE NUMBER:

Institutional Foster Care -
Waterford Hospital; Girls
Home And Training School

PROFILE TITLE:

C-0499 (unedited Exhibit ZZ)

PROFILE EXHIBITS:

Memorandum Of Evidence [13]
(dated 30 September 1990)

None

PRINCIPAL RELATED
EXHIBITS:

RESPONDENTS TO

COMPLAINTS EXAMINED: health care professionals

Social Services

Health

Justice

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Child Welfare Profile Number 13

SUMMARY:

While a resident of the Girl's Home and Training School in the Pleasantville area of St. John's, Newfoundland where she had been placed on 29 April 1976 by the Director's District representative following her permanent committal to the Director as a juvenile delinquent by a Judge sitting at Placentia, a girl born 21 September 1960 submitted to a tubal ligation at a St. John's hospital without the Director's consent. This event prompted responses from Social Services, Justice and Health as well as health care professionals; responses which did not resolve legal questions about circumstances requiring, and responsibility for giving, consent for a tubal ligation.

Prior to living in the Home, she had been placed in foster homes, at Waterford Hospital, and in her parents' home under the Director's supervision; all of them placements which had proven futile as efforts to improve either her attitude or behaviour. Subsequent to leaving the Home she was imprisoned in a federal women's penal institution upon sentencing for a criminal offence.

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: 14

PROFILE TITLE: Group Home Resident's
Complaints Regarding Two
School Teachers, 1989 To 1990

PROFILE EXHIBITS: C-0532 (unedited Exhibit JJJ)

PRINCIPAL RELATED
EXHIBITS: C-0504 (unedited Exhibit CCC)
C-505 (unedited Exhibit DDD)
C-0511

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

CROSS REFERENCES: Criminal Investigation Profile
Number 02

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Child Welfare Profile Number 14

SUMMARY:

A boy (born 25 September 1975) living in a group foster home in St. John's, where the Director (to whom he had been committed) had placed him, complained through his group home supervisors to a St. John's West District social worker in May 1989 that he had been assaulted earlier the same month by a male teacher at the school he was then attending at St. John's. The advice of a District social worker to her District supervisors, in late August or early September 1989, to notify the Constabulary was not accepted. In the event -on 18 January 1990 - the worker, herself, notified the Constabulary without first consulting her superiors.

The Constabulary conducted an investigation to ascertain whether there were grounds for criminal charges (Criminal Investigation Profile Number 02).

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PROFILE CATEGORY: Child Welfare

PROFILE NUMBER: 15

PROFILE TITLE: Foster Home Caring For
Handicapped Children
1971 To 1988

PROFILE EXHIBITS: C-0628 (unedited Exhibit PPP)

PRINCIPAL RELATED
EXHIBITS: C-0501 (unedited Exhibit AAA)

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

CROSS REFERENCES: Criminal Investigation Profile
Number 04

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Child Welfare Profile Number 15

SUMMARY:

Licensed by Social Services on 01 November 1971 to operate a regular foster home for a maximum of six children and by 06 March 1972 licensed for a maximum of nine children, a rural Newfoundland couple was, in 1975, accommodating at their residence (to the relief and with the gratitude of Social Services) children who in the main were physically or mentally challenged; some of them children who had lived in or were awaiting admission to Exon House, a home for severely handicapped young persons operated by Social Services at St. John's.

Three of the concerns regarding the foster home which presented to the Director and his District representatives were: (a) the justification for placing a female child (born 31 July 1967) under treatment for cystic fibrosis (an hereditary disease affecting pancreas and lungs) in this foster home on 19 October 1971 and maintaining her there until 24 March 1983 (concern not explained); (b) the child's allegation that while living there she was physically mistreated by her foster mother and sexually mistreated by the foster mother's visiting brother (concern not resolved), and (c) arrangements for religious observance by the female child and some of the other children staying in this foster home (concern not resolved).

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appendix J PROFILE Child Welfare

CATEGORY: 16

PROFILE NUMBER: Extra-Judicial Arrangements
 Regarding Children In Need Of
PROFILE TITLE: Protection

 Memorandum Of Evidence [03]
 (dated 30 September 1990)

PROFILE EXHIBITS:

PRINCIPAL RELATED C-0458 (unedited Exhibit CC),
EXHIBITS: pages 134 to 135

 C-0460 (unedited Exhibit EE),
 pages 70 to 74

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

CROSS REFERENCES: Child Welfare Profile
 Number 09

 Child Welfare/Criminal
 Investigation Profile
 Number 04

SUMMARY:

At least three types of extra-judicial arrangement have been made in place of or supplementing an Order committing a child to the Director.

One type of arrangement was a written agreement between a parent having custody, care and control of his or her child and a person not legally permitted to receive a child under The Child Welfare Act, 1972, subsection 45(1) (that is, someone other than a person authorized by law or of the same blood as the spinster mother of a child or of the same blood of the married parents of a child) under which that person agreed to receive and care for the parent's child for a specified or indefinite period.

A second type of arrangement was a written agreement between the Director's District representative and a parent of a child who was the subject of an Order committing the child temporarily to the Director, which specified steps a parent must take to improve the prospects of having his or her child returned (for example, following a doctor's advice; keeping appointments with a social worker; not frequenting beverage rooms, and attending parent effectiveness training programs).

The third type of arrangement was an understanding between (a) parents of a child subject to a temporary committal Order, (b) the Director's District representative and (c) a Justice solicitor which provided that notwithstanding the committal Order the affected child or children would be reunited with parents before expiry of the term of the committal Order.

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PROFILE CATEGORY: Child Welfare/Criminal
Investigation

PROFILE NUMBER: 01

PROFILE TITLE: 1985 To 1989

PROFILE EXHIBITS: C-0423

PRINCIPAL RELATED
EXHIBITS: C-0432

RESPONDENTS TO
COMPLAINTS EXAMINED : Social Services

Constabulary

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Child Welfare/Criminal Investigation
Profile Number 01

SUMMARY:

Three siblings - sisters born 10 March 1977 and 02 July 1978 and a brother born 31 March 1979 - were placed in an urban home by the Director's representative on 02 June 1984 with a married couple and on 08 February 1985 were adopted by them. The existing family of the couple (married February 1978) comprised two boys - born on 12 March 1972 and 03 December 1974 - of the husband's previous marriage.

No apprehension by the Director or reporting to the Constabulary, the responsible police force, resulted from the youngest child presenting on 22 May 1985 at the local urban hospital with burns to about 20 per cent of his body; injuries which the adoptive father attributed to the child having "jumped into a hot bath" and which were reported to the District manager.

A complaint of abuse of the five children residing with the couple received by a District social worker on 06 February 1987 resulted in her apprehending them on 09 February 1987 from the schools they were then attending, after which they were medically examined, placed in foster care and, on 19 February 1987, committed by a Judge for six months to the Director as children in need of protection. However the District manager sent to the Director reports regarding the matter prepared by herself instead of those of the District social worker involved.

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On 10 February 1987 the Constabulary was informed of the injuries sustained in May 1985 by the youngest boy and at or about the same time was apprised of circumstances pertaining to the apprehension of the five children on 09 February 1987. The Constabulary's resulting criminal investigation ultimately produced 10 charges of assault against the mother, all save one of which related to the three adopted children. Justice proceeded with five charges - all regarding the youngest of the three adopted children, a boy. The prosecution resulted in four convictions for which the mother was sentenced to fines in the total sum of \$800.00 (\$100.00, \$150.00, \$250.00 and \$300.00) imposed by a Trial Division Justice sitting at Wabush, Newfoundland. One of the Crown's four appeals from the sentences was allowed by the Court of Appeal on 31 July 1989 which substituted six weeks' imprisonment for the \$300.00 fine.

Internal inquiries at Social Services regarding the competence of the District manager's superintendence of the affected family and responses to complaints to the District regarding parenting in the family from a number of sources independent of District social workers, were inconclusive.

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PROFILE CATEGORY: Child Welfare/Criminal
Investigation

PROFILE NUMBER: **02**

PROFILE TITLE: Rural Community, 1972
To 1973;

Rural Community And St. John's,
1982 To 1984

PROFILE EXHIBITS: Volume 1 - C-0449 (unedited Exhibit
Z)

Volume 2 - C-0449A (unedited
Exhibit Z.1)

Volume 3 - C-0449B (unedited
Exhibit WW)

PRINCIPAL RELATED
EXHIBITS:

C-0453 C-0487

Memorandum Of Evidence [14]
(dated 30 September 1990)

Memorandum Of Evidence [28]
(dated 30 September 1990)

Memorandum Of Evidence [30]
(dated 30 September 1990)

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

health care professionals

R.C.M.P.

Justice

Appendix J

Child Welfare/Criminal Investigation
Profile Number 2

SUMMARY:

On the strength of receiving an allegation from a female student on 29 November 1982 that the student's father had, earlier the same day, physically assaulted her for not "making her bed" and observing marks on the student's person, her homeroom teacher made a report to the visiting school guidance counsellor who lodged a complaint with a District social worker.

The same day, the social worker apprehended the student (born 17 April 1968) - the first of two daughters in her family - and placed her in Presentation House (a receiving home for temporary care of recently-apprehended children) at 50 Bonaventure Avenue, St. John's. From there, on 21 December 1982, the student was moved by a St. John's District social worker into the care of a rural Newfoundland couple licensed to operate a regular foster home.

By this date, both her father and mother had been criminally charged by the R.C.M.P. On 07 December 1982 the father was charged for having assaulted his first born daughter causing her bodily harm. In the course of the investigation which preceded that charge, the R.C.M.P. reinvestigated the circumstances of death of the second daughter (born 29 May 1969). Her death, on 03 April 1972 at the Janeway (to which she was transferred on 31 March 1972 from a rural Newfoundland hospital where she was admitted on 29 March 1972 presenting multiple fractures - in

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various stages of healing - to much of her person) had been the subject of an R.C.M.P. investigation in 1972 and a Magisterial enquiry in 1973; both of which were inconclusive.

The reinvestigation in 1982 resulted in the father being further charged by the R.C.M.P. on 20 December 1982, in company with the mother, for criminal negligence causing the second born daughter's death.

On 25 January 1983, the Unified Family Court Justice committed the first born daughter temporarily as a child in need of protection - until 30 June 1983 - to the Director. She subsequently continued to be subject to temporary committal Orders to age 16 years and beyond then was in the Director's extended care until 31 August 1986 when she was 18 years old.

Although the two male children of the family (born 05 October 1971 and 15 August 1974) were committed to the Director as children in need of protection on 13 June 1983 by the Unified Family Court Justice until final disposition of the Director's committal application to Court regarding them, the Director permitted them to continue residing with the father and mother until 07 October 1983, prior to and on which date all criminal charges against the parents were resolved.

On that date the mother was sentenced to two years imprisonment (reduced to six months with three years probation by the Court of Appeal on 26 January 1984) for the lesser and included offence of assault in respect of the deceased second born daughter; charges against the father in respect of the deceased daughter and the surviving first born student daughter having in effect been abandoned on 31 August 1983.

Crown counsel testified at the Inquiry that, in his judgment, (a) the nature and manner of health care of the deceased

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daughter warranted prosecution of the mother for the lesser and included offence; (b) that consideration, and the repudiation of her statement to the R.C.M.P. by the only person to incriminate the husband on the charge against him regarding the deceased daughter justified his not being prosecuted, in that regard, on any charge, and (c) the refusal of the surviving daughter to testify against her father justified his not being prosecuted for the charge of assaulting her.

By authority of a series of Orders of the Unified Family Court Justice the first born son remained committed to the Director's care to age 16 years and was in the Director's extended care until 01 March 1990 when he was eighteen years old. For most of 1988 he was treated in Mount Cashel Manor, an assessment and stabilization centre for young persons operated by Mount Cashel, due in part to having continued to live with his parents after they were criminally charged. The second born son continued to be committed to the Director under Orders of the Unified Family Court Justice when public hearings of the Inquiry concluded on 29 June 1990.

(By 30 June 1990, Mount Cashel Manor, and Coach House operated by Social Services, the only two assessment and stabilization centres in the Province of Newfoundland, had closed.)

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PROFILE CATEGORY: Child Welfare/Criminal
Investigation

PROFILE NUMBER: 03

PROFILE TITLE: St. John's, 1976 To 1982

PROFILE EXHIBITS: C-0455 (unedited Exhibit AA)

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO
COMPLAINTS EXAMINED : Social Services health care
professionals Justice
Constabulary

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Child Welfare/Criminal Investigation
Profile Number 03

SUMMARY:

A mother of two children (born January 1973 and August 1975) -a third child having died in 1970 at six years of age - placed the older child in the Director's care under a non-ward agreement made 02 December 1976, after 18 months of deviant spousal conduct (such as compelling her to kneel on the deceased son's grave and promise the husband fidelity), obdurate behaviour by the older child, and several medical reports attributing the misbehaviour of the older child to the mother's parenting inadequacies. During much of the next 50 months - until January 1981 - the older child was subject to the Director's care pursuant to non-ward agreement (the first made in December 1976) and seven judicial Orders by the St. John's Family Court Judge or (from 18 June 1979) by the Unified Family Court Justice (two of which, made on 27 September 1977, were in conflict; one continuing, the other terminating, the boy's committal).

On 13 January 1981 a child psychiatrist concluded in a written report that the older child's condition at the time "cannot be directly related to possible maternal inadequacies in the past." However, during the following 14 months three additional committal Orders by the Unified Family Court Justice continued the Director's responsibility for the older child, the third of which, made 17 May 1982, committed him permanently to the Director. By now he had been living for

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five months at Mount Cashel under placement by the Director's representative.

In December 1976 - the month the mother first placed the older child with the Director - an internal hospital report stated that the father had left the family "to live with" a 13-year-old girl; a report that came to the attention of Justice which, on 12 January 1977, requested the Constabulary to investigate. Dissatisfied with the Constabulary's resulting investigative report dated 18 February 1977, a Justice solicitor requisitioned a more complete Constabulary investigation. There is no evidence the request was responded to by the Constabulary or followed up by Justice.

Notwithstanding her turbulent adult domestic life, the mother was continuing to parent the younger boy on 17 March 1982, the date to which the Inquiry examined the matter.

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PROFILE CATEGORY: Child Welfare/Criminal
Investigation

PROFILE NUMBER: 04

PROFILE TITLE: [1978 - 1983]

PROFILE EXHIBITS: C-0460 (unedited Exhibit EE)

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services
Constabulary
Justice

CROSS REFERENCES: Child Welfare Profile
Number 16

Child Welfare/Criminal Investigation
Profile Number 04

SUMMARY:

During investigation of an allegation received on 16 February 1978 that a father of four children had publicly exposed himself, the Constabulary learned from the father's mother-in-law and three of his four children (girls born in 1961 and in 1972, and a boy born in 1963) that the father was mistreating the three children who, in turn, were concerned the father was mistreating the fourth child (a boy born in 1971). Unable to secure satisfactory evidence identifying the father as the exhibitionist, the Constabulary's investigative report dated 09 March 1978 did not recommend charging the father but stated that "something should be done with regards to his children." The report was received on or shortly after 16 March 1978 by Justice which, on 21 March 1978, copied the Director and promised the Constabulary a reply following what Justice described as a separate Social Services' investigation and (perhaps) a case conference between Justice and Social Services "to determine a plan which we believe to be in the best interests of the children."

There is no evidence of such an investigation, case conference or a response by Justice to the Constabulary. However, the Director's District representatives apprehended the two younger children while the two older children took up temporary residence with relatives. On 08 August 1978, the youngest child was committed temporarily (to 30 June 1979)

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PROFILE CATEGORY: Child Welfare/Criminal
Investigation

PROFILE NUMBER: 05

PROFILE TITLE: [1980 - 1984]

PROFILE EXHIBITS: C-0461 (unedited Exhibit FF)

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

R.C.M.P.

Justice

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Child Welfare/Criminal Investigation
Profile Number 05

SUMMARY:

In the twelfth year of marriage - specifically, on 10 March 1980 - a wife was admitted to a mental health facility and, while a patient there, confessed to a facility social worker that she had physically abused the youngest of the three children of her marriage, a girl (born in 1976); information the social worker reported to Social Services whose Director's District representative visited the mother's home on 11 March 1980 and interviewed her husband who admitted he had physically abused all three children, including another girl (born in 1969) and a son (born in 1974). On behalf of the Director the children were apprehended on the same day and by Orders of the Unified Family Court Justice were, on 26 March 1980, committed temporarily - for six months - to the Director. On 09 April 1980 the three children were returned to their parents and the Orders committing them, effective until 26 September 1980, were rescinded on 21 January 1981.

Thirty-two months to the day following the childrens' return to the parents - namely on 09 December 1982 - the older daughter alleged to her school guidance counsellor that while in foster care in 1980 (under committal to the Director), her foster father had sexually abused her; conduct, she said, was subsequently duplicated in her own home against her by a babysitter and against her and her sister by her father. The same day the counsellor reported the allegation to the local District. On 11 December 1982 the three children were again

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apprehended by a District social worker and committed to the Director temporarily - for one year - on 11 January 1983 by the Unified Family Court Justice. By now the wife had separated from her husband and moved to another province where, in April 1983, the Director placed the three children with her.

On the complaint of the elder daughter's school guidance counsellor to them on 10 December 1982, members of the R.C.M.P. undertook a criminal investigation that resulted in a report dated 04 March 1983 (a) recommending no charges against the babysitter (because charging him was now statute-barred) and no charges against the father, and (b) promising to pursue the investigation against the foster father.

Upon receipt of the R.C.M.P. report, Justice copied Social Services and accepted the report's recommendations. The Commission found no evidence that Justice sought to ascertain the outcome of the continuing R.C.M.P. investigation of the elder daughter's complaint against her foster father.

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PROFILE CATEGORY: Child Welfare/Criminal Investigation

PROFILE NUMBER: 06

PROFILE TITLE: [1974 - 1979]

PROFILE EXHIBITS: C-0462 (unedited Exhibit GG)

PRINCIPAL RELATED EXHIBITS: None

RESPONDENTS TO COMPLAINTS EXAMINED: Social Services

teachers

health care professionals

R.C.M.P.

Provincial Court

Child Welfare/Criminal Investigation
Profile Number 06

SUMMARY:

One of the two female children born (in 1960 and 1962) to a spinster mother prior to her marriage (in 1964) - a marriage of which she was delivered of five more children - was apprehended by a District social worker on 09 February 1974 upon a complaint the child had been severely physically abused by her stepfather - the mother's husband - and was placed in a foster home. The medical doctor who examined the female child shortly after apprehension medically confirmed the complaint and notified the R.C.M.P. which investigated and criminally charged the stepfather.

On 28 February 1974 the apprehended child (born in 1960) was committed for six months to the Director and the stepfather, convicted of assaulting the child, was sentenced by a Judge to six months imprisonment and probation for two years. The remaining six children of the marriage continued to live with their mother.

Twice following, on 16 September 1974 and on 25 September 1975, the committal to the Director of the female child was extended for one year. On 23 November 1976, her committal was extended in these terms: "to sixteenth birthday, and with consent to seventeen years of age."

The stepfather returned home on 29 June 1974, upon release from prison. On 06 July 1977 - now 17 years old -the female child returned home.

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While the female child had been in care and after her return home in 1977 the responsible District had continued following the family; formally until the child reached 16 years of age in 1976, and afterwards, informally.

On 23 July 1979 the female child again left home - this time of her own volition - because, upon her mother's complaint, the stepfather had been criminally charged with assaulting the mother.

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PROFILE CATEGORY: Child Welfare/Criminal
Investigation

PROFILE NUMBER: 07

PROFILE TITLE: 1976 - 1977

PROFILE EXHIBITS: C-0631
(unedited Exhibit HH)

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO
COMPLAINTS EXAMINED school counsellor

Social Services

R.C.M.P.

Justice

St. John's Family Court

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Child Welfare/Criminal Investigation
Profile Number 07

SUMMARY:

A female child (born 12 September 1960) arrived at school on 02 April 1976 exhibiting numerous bruises. The school counsellor contacted a rural District social worker who went to the school and accompanied the female child to the Janeway where physical examination confirmed extensive physical injuries due to child abuse. (Photographs of the injuries were not taken because the female child's stepfather declined the Janeway's request to do so.) On the same day the female child was apprehended by a District social worker and placed in the Girl's Home and Training School.

The female child was one of two daughters (the other having been born in 1958) of the first marriage of her mother who was, following her divorce and before her marriage in 1967 to the stepfather, delivered of a son in 1965.

The other female child, living away from home, alleged to a District that there had been a history of physical abuse of the three stepchildren (the two daughters and the son) and of the mother, by the stepfather. After the District, on 15 April 1976, responded to this allegation by requesting access to the son to have him medically examined, his mother and stepfather responded by sending him to New Brunswick to live with his maternal grandmother.

A report to Justice dated 02 May 1976 of an R.C.M.P. investigation concluded the female child's injuries resulted from the stepfather's excessive punishment of the girl. The

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report suggested Justice would agree to R. C. M. P. representations regarding the place of trial if the stepfather (a member of the R.C.M.P.) was criminally charged, but added that a Justice solicitor representing the interests of Social Services told the R.C.M.P. that Social Services was not as interested in seeing a criminal charge preferred as it desired the stepfather to receive professional help.

The stepfather was ultimately charged by the R.C.M.P. with assault of the female child causing bodily harm, a charge of which, on 22 September 1976, he was found guilty at St. John's Family Court (although he resided in a rural area serviced by a Provincial Court) and for which he was discharged on the conditions of a probation Order for a term of two years, namely (a) to keep the peace toward the female child he had assaulted; (b) keep psychiatric appointments, and (c) return to Court on 31 March 1977 for determination by the Court of progress in his psychiatric treatment based on a report he was required to have his psychiatrist file with the Court by that date.

On the same date, the female child was committed to the Director to age 17 years under section 35 of The Child Welfare Act, 1972. While committed to the Director his District representatives permitted her to visit her home.

The investigation of a complaint by the female child to a District on 21 October 1976 that during one home visit she observed the stepfather physically assault the boy who had returned in September 1976 from New Brunswick, was commenced but never concluded (the stepfather having, in the course of the investigation, ordered a District social worker from his home).

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In May 1977, a request from Social Services to Justice for advice on the prospects of obtaining a supervision Order regarding the boy was not answered.

On 18 July 1977, upon bringing the boy to hospital for admission, his mother and stepfather reported that the boy had a brief history of committing arson and self-inflicting injuries. A psychiatrist who there and then examined the boy recommended to Social Services that the boy be committed to the Director, the response to which, if any, is not documented.

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PROFILE CATEGORY: Child Welfare/Criminal
Investigation

PROFILE NUMBER: 08

PROFILE TITLE: 1980 - 1983

PROFILE EXHIBITS: C-0632
(unedited Exhibit MM)

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

R.C.M.P.

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Child Welfare/Criminal Investigation
Profile Number 08

SUMMARY:

A widowed mother of two daughters (born in 1963 and 1966 of her first marriage) remarried and (in 1974) gave birth to a third daughter.

On at least five occasions from 1973 to 1981 the mother resorted to Social Services for assistance; on 28 September 1973 when she found herself without shelter after taking up with a married man (who eventually became her second husband); on 20 November 1980 when she complained her second husband had beaten her and her second born daughter throughout the previous four years; and in early 1981, in July 1981 (on two occasions) and in August 1981 for the same reason. The R.C.M.P, were twice contacted; first in July 1981 (to investigate the stepfather's alleged assault of two of the three daughters) and secondly, in August 1981 (to assist a District social worker remove one daughter from her home where the stepfather was detaining her).

In addition to several extra-judicial measures employed by the District to address these domestic crises, the two older daughters were committed for one year to the Director on 15 August 1974 (rescinded 16 June 1975) as a result of the September 1973 contact with the District; the second born daughter was made subject to the Director's supervision on 04 February 1981 for one year (as a result of the early 1981 contact); the youngest daughter was committed to the Director for one year on 06 October 1981 (as a result of the August

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1981 contact) which was extended for six months on 17 November 1982 and again extended for six months on 24 May 1983 (rescinded 01 September 1983).

The R.C.M.P. concluded in 1981 that there was insufficient evidence to charge the stepfather with assault of any of the children.

Child Welfare/Criminal Investigation
Profile Number 09

SUMMARY:

Suspicious that his daughter (born in 1972) had been sexually assaulted by his wife's 16-year-old brother, a juvenile, who "babysat" the daughter while he and his wife went out on 31 May 1980, a husband complained to the R.C.M.P. on 11 June 1980. Upon further reflection, the father opposed criminal prosecution of his wife's brother; a position he expressed to the R.C.M.P. during its investigation of his complaint.

By now the father had submitted his daughter to examination by a medical doctor. When Social Services and the R.C.M.P. learned of this examination, both requested all records the doctor made as a result of the examination of the daughter. Pending receipt of a search warrant or parental consent, neither of which he ever received, the doctor declined the requests. Apprised by Social Services of his duty to report, he verbally stated he found no evidence of sexual abuse of the daughter after expressing the concern that he did not want to "get slapped with a libel suit."

The R.C.M.P. completed a criminal investigation at the request of Justice that resulted in the wife's brother being convicted of the juvenile delinquency of indecent assault defined by the Criminal Code and being made subject to the conditions of a probation Order for one year.

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PROFILE CATEGORY: Child Welfare/Criminal
Investigation

PROFILE NUMBER: 10

PROFILE TITLE: [1980 - 1982]

PROFILE EXHIBITS: C-0464 (unedited Exhibit KK)

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services
Justice
R.C.M.P.

Child Welfare/Criminal Investigation
Profile Number 10

SUMMARY:

A District social worker whose investigation indicated a child born in 1964 had been sexually abused by her stepfather nonetheless recommended in her resulting report to the Director dated 26 November 1980 that because the child, her three siblings and her mother had separated from the stepfather and left the area for which the District was responsible, and because of the potential aggravation to the affected child of legal proceedings, police need not be contacted and the Director should take no legal action.

As a result of the Director copying the social worker's report to Justice, a Justice solicitor instructed the R.C.M.P. to investigate and report to Justice which would then decide whether criminal charges were warranted.

The Justice response to the resulting R.C.M.P. investigative reports, in a letter dated 24 April 1981, was that "no charges be laid against ... [the stepfather], but ... if any similar instances arise ... report them to me immediately for purposes of a prosecution." To now prosecute, the Justice solicitor explained, might interfere with the child's continuing rehabilitation from the trauma of her stepfather's alleged misconduct toward her.

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PROFILE CATEGORY: Child Welfare/Criminal Investigation

PROFILE NUMBER: 11

PROFILE TITLE: [1980 - 1985]

PROFILE EXHIBITS: C-0465 (unedited Exhibit LL)

PRINCIPAL RELATED EXHIBITS: None

RESPONDENTS TO COMPLAINTS EXAMINED: Social Services

health care professionals

teachers

R.C.M.P.

Justice

CROSS REFERENCES: Child Welfare/Criminal Investigation Profile Number 20

Child Welfare/Criminal Investigation
Profile Number 11

SUMMARY:

What was described by a medical doctor as "poor impulse control" by a stepfather during a domestic dispute with his wife resulted on 12 June 1980 in him striking the second born (in 1976) and only female among his wife's three children by a former marriage. The girl was taken to the local District by her paternal grandmother, and to a medical clinic by her mother where the medical doctor identified bruises on her face and buttocks indicative to him of physical child abuse for which the child was immediately hospitalized. The two male children in the family, who were also examined, presented no indications of being abused.

Following a District assessment of the family (during which the stepfather, himself a victim of child abuse by his account, expressed contrition for having caused the girl's injuries and agreed to submit to psychiatric treatment) the girl, upon discharge from hospital on 20 June 1980, was permitted to return home without formal intervention (such as by apprehension) by the District.

Informal involvement of the District with the family, including visits to the family, continued during the ensuing 20 months. A further assessment of the family resulted in a report dated 06 April 1981 which concluded that the stepfather's conduct was an "isolated incident resulting from a loss of temper." Because the District social worker conducting visits to the family was not convinced of their efficacy she arranged in January 1982 for a public health

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nurse and the children's school teachers to assist with their supervision.

A public health nurse subsequently observed bruising on the left temple and around the left eye of the female child which she reported to the District. In response the District interviewed the mother on 24 February 1982 (and learned from her that the stepfather habitually beat the three children); had the three children examined by a public health nurse on 25 February 1982; accompanied the three children and their parents (with assistance from the R.C.M.P.) on 27 February 1982 to the local cottage hospital for medical examination (where the physician on call declined to examine), and therefore had the three children admitted to another hospital on the same date.

There, on 01 March 1982, the hospital doctor concluded that because she could not then find any evidence of physical abuse of the children and due to the mother's reluctance to say who was responsible for alleged mistreatment of the children, there was no evidence to support criminal charges. She felt, however, that the three children should be apprehended because they were presenting emotional problems.

The same date, when the stepfather sought to remove the children from hospital before medical testing was completed, a District social worker apprehended them. However, following a case conference on 04 March 1982 of the area's child abuse team -attended by a regional co-ordinator, two doctors, a psychologist, the local district manager and a district social worker - the children were returned home without resort to a judicial investigation subject, however, to District supervision (including monthly medical examinations

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of all children and monthly psychiatric examinations of both the mother and stepfather).

An R.C.M.P. investigative report dated 16 March 1982 concluded there was insufficient evidence to institute criminal prosecution of the stepfather.

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PROFILE CATEGORY: Child Welfare/Criminal
Investigation

PROFILE NUMBER: 12

PROFILE TITLE: Improper Placement Of Child
For Parenting, 1981 To 1982

PROFILE EXHIBITS: C-0472 (unedited Exhibit QQ)

PRINCIPAL RELATED
EXHIBITS: Memorandum Of Evidence [15]
(dated 30 September 1990)

RESPONDENTS TO

COMPLAINTS EXAMINED: Social Services

Provincial Court

R.C.M.P.

Justice

Child Welfare/Criminal Investigation
Profile Number 12

SUMMARY:

Having given birth to a female child on 16 March 1981, the mother signed a Consent To Adoption of the child and, to provide for the child's care until placed for adoption by the Director, made a non-ward agreement with the Director. When the mother subsequently departed hospital, her child remained behind.

Several days later the mother returned to hospital, removed the child and placed her with a married couple with whom she was barely acquainted and of whose place of residence she was unaware. The husband and wife had, for at least a year, wanted to adopt an infant child without waiting their turn in Newfoundland's adoption program.

Upon learning of these developments a District social worker apprehended the child from the husband and wife and placed her with a couple licensed to operate a regular foster home.

The subsequent judicial investigation resulted in an Order of a Judge on 28 May 1981 that declared the child neglected and committed her permanently to the care and custody of the husband and wife with whom the mother had originally placed her. Although characterizing the Judge's decision as "preposterous", a Justice solicitor chose not to appeal from this Order; being of the view the couple with whom the mother placed her child were "well intentioned."

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The R.C.M.P., in response to a Justice request on 10 June 1981 to determine whether provincial offences had been committed contrary to Newfoundland child welfare and adoption legislation, concluded in an investigative report dated 18 September 1981 that despite the availability of sufficient evidence to charge " ... it is felt a charge at this point would serve no useful purpose" On 08 July 1982 Justice concurred with this conclusion.

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PROFILE CATEGORY: Child Welfare/Criminal Investigation

PROFILE NUMBER: 13

PROFILE TITLE: 1986 To 1990

PROFILE EXHIBITS: C-0474 (unedited Exhibit RR)
C-0474A (unedited Exhibit RR.1)

PRINCIPAL RELATED EXHIBITS: None

RESPONDENTS TO COMPLAINTS EXAMINED: Social Services

CROSS REFERENCES: Criminal Investigation Profile Number 04

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Child Welfare/Criminal Investigation
Profile Number 13

SUMMARY:

A husband and wife, parents of one child (born in 1970) had since 25 February 1981 been licensed to operate their rural community residence as a regular foster home. One of the foster children for whom they provided was a girl who had come from an 11-year placement in another foster home (Child Welfare Profile Number 15) and who lived with them from 24 March 1983 until 01 September 1986. Two other foster children they sheltered were sisters (Criminal Investigation Profile Number 04); the older sister having been born on 09 November 1972 and the younger sister born in 1974, both of whom were placed in the foster home shortly after 01 September 1986. Reports of the responsible District from 1981 to 1987 described content foster children being cared for by capable foster parents in this foster home.

Several developments in August and September 1988 - allegations on 17 August 1988 from the foster girl who left the foster home on 01 September 1986 of having, while placed there, been sexually abused by the foster father; allegations on 06 September 1988 by the older of the foster sisters then living there that the foster father had been sexually engaged with her for the past year, and the older sister's suicide on 07 September 1988 - resulted in withdrawal of the foster license, divorce of the foster parents, and a sentence of two years imprisonment for the foster father upon his conviction of having sexually assaulted the foster girl who left the home on 01 September 1986.

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PROFILE CATEGORY: Child Welfare/Criminal Investigation

PROFILE NUMBER: 14

PROFILE TITLE: 1973 To 1974

PROFILE EXHIBITS: C-0482 (unedited Exhibit TT)

PRINCIPAL RELATED EXHIBITS: None

RESPONDENTS TO COMPLAINTS EXAMINED : health care professionals

Social Services R.C.M.P.

Justice Provincial Court

Appendix J

Child Welfare/Criminal Investigation Profile Number 14

SUMMARY:

A husband who agreed on 01 March 1973 to "babysit" the out-of-wedlock daughter born to the wife before 1970 (by another man) and the son born 06 October 1972 of the marriage (in September 1970) of the husband and wife, assaulted his son with his hands and a lighted cigarette during his wife's absence of several hours. Upon returning home, the wife took the son to the Jane way where he was admitted. A Janeway physician notified the Director. The Director contacted Justice which requisitioned a criminal investigation. Upon the Director's application a Judge sitting at Holy rood on 29 March 1973 committed the daughter and son to the Director temporarily, for one year, as neglected children.

Charged with the criminal offence of assault causing bodily harm to the boy, the husband was convicted on 29 October 1973 by the Holyrood Judge, following a trial, and was sentenced on 15 November 1973 to imprisonment for one year.

On 28 March 1974 the committal to the Director of the daughter and son, still living in foster care, was extended by the Holyrood Judge for a further one year period.

While the husband was imprisoned, his wife began living with another man and, on 18 February 1974, was delivered of a second son, fathered by the husband while awaiting trial in 1973.

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The husband was released on parole from prison on 20 July 1974. At 2 p.m. on 01 August 1974, he acceded to his wife's request to attend her place of residence and "babysit" the second son while, she said, she, her cohabitant and the cohabitant's male friend went grocery shopping. When they failed to return by midnight, the husband brought the second son to a District social worker who placed him in a foster home. On the Director's application the second son was temporarily committed to him on 30 September 1974 for one year.

On 20 May 1975, the daughter and both sons (including the younger son temporarily committed to the Director for one year on 30 September 1974) were committed to the Director permanently.

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PROFILE CATEGORY: Child Welfare/Criminal Investigation

PROFILE NUMBER: 15

PROFILE TITLE: 1974

PROFILE EXHIBITS: C-0484 (unedited Exhibit UU)

PRINCIPAL RELATED EXHIBITS: None

RESPONDENTS TO COMPLAINTS EXAMINED: Social Services

Justice

R.C.M.P.

Provincial Court

Child Welfare/Criminal Investigation
Profile Number 15

SUMMARY:

The son of licensed foster parents (with his mother's knowledge) and the oldest of three foster children (born 09 November 1959) living in the foster parents * home administered buttock burns by means of a stove damper handle upon another of the foster children (a boy born 07 May 1968). The incident occurred about February 1974.

The boy and his sister (born 22 June 1969) were moved to another foster home on 30 April 1974 because the foster mother reported she was pregnant and in poor health. Eight days later the woman licensed to operate the new foster home in which the brother and sister were placed reported to a District her suspicion that the boy had been abused. The resulting District report to the Director was copied by him to Justice which requested an R.C.M.P. investigation.

On 03 July 1974, after repeated efforts, an alternate home for the oldest foster child was found with her married sister. On 12 November 1974 both her and the son of the foster parents were convicted by a Judge sitting in a rural Provincial Court of the juvenile delinquency of assault defined by the Criminal Code for which each was sentenced to a fine of \$25.00 and adjudged to be a "juvenile delinquent" under The Welfare of Children Act (Newfoundland legislation replaced on 02 April 1984 by the federal Young Offenders Act).

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PROFILE CATEGORY: Child Welfare/Criminal Investigation

PROFILE NUMBER: 16

PROFILE TITLE: Adoption/Guardianship Proceedings, 1979 To 1981

PROFILE EXHIBITS: C-0485 (unedited Exhibit VV)

PRINCIPAL RELATED EXHIBITS: None

RESPONDENTS TO COMPLAINTS EXAMINED: health care professionals

Social Services

Justice

Child Welfare/Criminal Investigation
Profile Number 16

SUMMARY:

Into the home of a husband and wife, professional persons employed full-time outside the home and parents of a daughter about a year old, a male child born 19 January 1979 was placed for adoption by the Director's representative on 23 March 1979. A babysitter came to the home by day to supervise the girl and boy when the couple worked. In May 1979, that is, during the six month pre-adoption probationary period, the boy was hospitalized - in the urban community where he was living, then in another province, and finally at the Janeway - for the same unexplained physical injuries.

Following his discharge, he was brought for two outpatient follow-up visits to the Janeway; the first time with the wife; the second time with the husband. On the second follow-up, in November 1979, the husband expressed to a Janeway staff pediatrician his concern about the manner in which his wife was handling the boy. Available evidence, unclear regarding whether the couple's adoption of the boy in November 1979 was finalized before or after the second medical follow-up, established that Social Services was not informed of the husband's concerns until early in March 1980.

On 01 March 1980 the boy was again hospitalized at the Janeway for physical injuries (six fractures) that, in the opinion of a Janeway staff pediatrician, constituted "a suspected case of child abuse." In communicating this conclusion to the Director on 02 March 1980 the pediatrician

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added that when he had seen the boy with the husband in November 1979 "we were both a bit concerned about the mother's relationship with the child which was not good."

The boy was apprehended on 04 March 1980 at the Janeway by the Director's representative and on 25 March 1980, upon the Director's application, was committed to the Director for six months by the Unified Family Court Justice presiding over the judicial investigation into the boy's apprehension. (Whether influential in determining the place for the court hearing is unclear; however, the father asked the Director's representative to arrange the hearing in St. John's "as he felt if the matter was dealt with ... [in the community where the family lived] it would be very damaging to their personal lives." Special foster home care for the boy, recommended by a pediatrician who testified during the judicial investigation, was not provided by the Director or the responsible District.

In the months following the boy's discharge from the Janeway on 13 June 1980 there was debate within Social Services as to the degree of future supervision the boy and his family required and as to where the supervision would occur; the father having accepted employment in another urban Newfoundland community and being concerned any possibility of public knowledge there regarding supervision would be detrimental to the family's future. In the result the committal of the boy was terminated by the Unified Family Court Justice on 18 August 1980 at the Director's request, following which the family was once visited in the urban community to which they had relocated in September 1980, and remaining supervision was done by Social Services and the Janeway at St. John's until May 1981 with the parents' cooperation.

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Notwithstanding (a) the extent of the injuries the boy presented with at the Janeway on 01 March 1980, (b) the staff pediatrician's immediate suspicion the injuries were the result of abuse, and (c) the mother's admission to the Janeway and the responsible District of having caused the injuries, Justice regarded as unnecessary the completion of the R.C.M.P. investigation commenced in March 1979 on the complaint of an urban District; that being advice given on 01 October 1980 by a Justice solicitor (subsequently professing little if any knowledge of criminal law) to the Associate Deputy Attorney General, who concurred in that view in his reply to the Justice solicitor on 02 October 1980. Moreover, on 03 October 1980 a St. John's East District social worker stated, in a letter to the R.C.M.P., that she did not feel "prosecution or further police investigation is warranted or necessary".

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PROFILE CATEGORY: Child Welfare/Criminal Investigation

PROFILE NUMBER: 17

PROFILE TITLE: Institutional Foster Care - Exon House, 1971 To 1988

PROFILE EXHIBITS: Volume 1 - C-0496 (unedited Exhibit XX)
Volume 2 - C-0496A

PRINCIPAL RELATED EXHIBITS: C-0539 C-0540
C-0541

RESPONDENTS TO COMPLAINTS EXAMINED: health care professionals
Constabulary
Justice
Social Services

Child Welfare/Criminal Investigation
Profile Number 17

SUMMARY:

In accordance with a non-ward agreement made on 06 October 1971 between the mother of a mentally-challenged girl (born 05 November 1968) and the Director, the girl was delivered by her mother into the care of the Director and lived under the Director's supervision until 01 February 1988 at Exon House, St. John's, administered by Social Services as a home for severely mentally- and physically-challenged children, about a one hour drive from the girl's home. Subsequent parental contact with the girl (by the mother only) was sporadic and, by parental choice, ceased on 19 February 1975.

A routine examination of the girl by a medical doctor practising at St. John's, about 9 a.m. on 26 March 1979, disclosed minimal bruising around the forehead, probably a result of what Exon House staff reported as the girl having banged her head repeatedly the previous weekend; information which prompted the doctor to recommend to Exon House that the girl be "observed closely during the day." Whether the doctor's recommendation was honoured could not be ascertained by the Commission.

Eleven hours later - at 8 p.m. on 26 March 1979 - the girl was admitted to the Janeway from Exon House. During initial examinations by two Janeway staff pediatricians over the next 19 hours the girl presented with swelling and bruising of scalp, forehead, face, behind both ears, and around neck and eyes. On 29 March 1979 the Janeway notified both the Director and the Constabulary.

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When discharged from the Janeway on 10 April 1979 the girl was returned on the Director's behalf to Exon House where her records made no mention of the fact of or reasons for her Janeway admission on 26 March 1979. The Commission located no evidence that (a) the Director's proposals to the administratrix of Exon House, in a letter dated 04 April 1979, that she totally assess the situation in Exon House in light of the foster girl's injuries and then meet the Director and a Justice solicitor to discuss, ever materialized, or that (b) the Director otherwise ever determined the manner of the girl's injuries (that is, assault, dereliction of supervision, accident, or self-infliction) or that (c) he directed special precautions be taken for the girl's future supervision.

The Constabulary's criminal investigation produced two reports. The first, dated 23 August 1979, received at Justice about 05 December 1979, though inconclusive as to laying criminal charges, pointed to opinions of Janeway pediatricians that the foster girl's injuries were not self-inflicted. The request on 14 December 1979 of a Justice solicitor for further investigation of the matter produced the second Constabulary report dated 06 June 1980, received by Justice about 18 June 1980, which concluded that the Constabulary could not "find evidence to suggest who was responsible for the alleged assault on ... [the foster girl], if indeed she was assaulted"; a conclusion with which a Justice solicitor agreed in the following note: "I have read this carefully. There does not appear to be sufficient to proceed with charges - Inquiry ??." The solicitor did not specify what type of inquiry he had in mind and no inquiry of any nature was subsequently held.

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PROFILE CATEGORY: Child Welfare/Criminal Investigation

PROFILE NUMBER: 18

PROFILE TITLE: Guardianship/Parenting Proceedings 1976 To 1978

PROFILE EXHIBITS; C-0497 (unedited Exhibit YY)

Memorandum Of Evidence [19] (dated 30 September 1990)

PRINCIPAL RELATED EXHIBITS: None

RESPONDENTS TO COMPLAINTS EXAMINED: health care professionals

Social Services

St. John's Family Court

Constabulary

Justice

Appendix J

Child Welfare/Criminal Investigation
Profile Number 18

SUMMARY:

Upon divorcing a father and mother in 1977 a Trial Division Justice granted the father custody of the three children of the family. Two of the children were boys born 12 November 1965 and 23 September 1969. The older boy, born to the mother by another man prior to the marriage (in 1967), had been adopted into the marriage of the father and mother.

Older Boy. As a result of the adoptive father's efforts to discipline the older boy by striking him with a belt the boy left home on 30 March 1978 and went to the residence of his grandmother who brought him on the same day to the Janeway where and when he was admitted, treated, and apprehended on behalf of the Director who commenced in St. John's Family Court, but inexplicably did not proceed with, an application for a judicial investigation to have the boy committed to him or made subject to his supervision. Moreover the St. John's Family Court Judge did not press the Director to do so. Instead, the Director placed the boy at Mount Cashel upon his discharge from the Janeway on 07 April 1978 (perhaps on the basis of an Order the St. John's Family Court Judge made on or about 24 May 1978 authorizing the Director to detain the boy until the judicial investigation (that never occurred) was completed.

The result of a District social worker's contact with the Constabulary on 04 May 1976 was a criminal investigation by

the Constabulary which produced a report dated 23 May 1978 that concluded there were grounds to lay a criminal charge. On 25 May 1978 the Director of Public Prosecutions noted on the report: "No criminal charges warranted" and on 30 May 1978 a Justice solicitor accordingly notified the Constabulary.

The mother, by now living in Ontario where she remarried on 04 February 1978, learned of the older boy's departure from home and applied to vary the custody Order (made in the 1977 divorce proceeding) to obtain custody of the older boy. In a Judgment granting her application, filed 06 September 1978, a Trial Division Justice described the father's treatment of the boy, albeit recognized as being isolated, as "a savage attack." On 23 September 1978 the mother removed the older boy from Mount Cashel and brought him to Ontario to live with her and her second husband.

Younger Boy. On 24 May 1985 the younger boy was brought to the attention of a social worker at St. John's West District as a result of a telephone call from the boy's school counsellor suggesting that the father was unreasonable in his attempts to discipline the younger boy.

Consequent District inquiries and interviews resulted, on 05 June 1985, in the boy being apprehended by a District social worker and placed in a home licensed under subsection 45(2) of The Child Welfare Act, 1972, and being committed by Order of the Unified Family Court Justice on 15 August 1985 to the Director until 23 September 1985 when the younger boy would cease to be a "child" as defined by subparagraph 2(a) of the Act. Commencing 23 September 1985, the boy lived in the Director's extended care until 01 July 1989. Meantime, the boy had no contact with his father or his father's cohabitant.

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PROFILE CATEGORY:	Child Welfare/Criminal Investigation
PROFILE NUMBER:	19
PROFILE TITLE:	1974 To 1990
PROFILE EXHIBITS:	C-0502 (unedited Exhibit BBB)
PRINCIPAL RELATED EXHIBITS:	None
RESPONDENTS TO COMPLAINTS EXAMINED:	health care professionals Social Services Justice Constabulary

Child Welfare/Criminal Investigaiton
Profile Number 19

SUMMARY:

Two days after a male child (born 09 June 1974) was admitted to the Janeway on 13 January 1975, for the second time in one month, on this occasion presenting with secondary burns to the abdomen, pin prick puncture wounds of the small of the right foot and some small bruises and scarring from a previous burn of digits of the right hand, a Janeway pediatrician contacted the Director. He, in turn, on 21 January 1975 contacted St. John's District, a social worker from which apprehended the child the same day. The boy, who never resumed living with either parent, was committed to the Director pursuant to a series of Orders by the St. John's Family Court Judge; temporarily from 21 February 1975, and permanently from 03 May 1978.

A request on 29 April 1975 from Justice to the Constabulary to investigate the circumstances of the child's injuries resulted in a written report dated 19 December 1975 -about seven and a-half months later, a time lapse its author, a Constabulary detective, explained in his Inquiry testimony -received by Justice on 24 December 1975. Justice wrote to Social Services on 30 December 1975, advising that the report did not disclose the basis for any criminal charge and expressing the hope the report "may, however, be helpful in determining the matter of wardship."

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From his perspective, the report's author testified, he regarded his role as two-fold: assist St. John's District and, if and when the mother disclosed all she knew regarding the circum-stances of her son's injuries (which never occurred), to criminally charge the person(s) alleged to be responsible.

ppendix J PROFILE A
Child Welfare/Criminal
Investigation

CATEGORY: 20

PROFILE NUMBER: Response By Social Services,
R.C.M.P., Medical Practitioner
PROFILE TITLE: And Justice To Complaint Of
Mistreatment Of Children,
1982

Memorandum Of Evidence [44]
(dated 30 September 1990)

PROFILE EXHIBITS:

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO COMPLAINTS
EXAMINED: Justice

CROSS REFERENCES: Child Welfare/Criminal
Investigation Profile
Number 11

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PROFILE CATEGORY: Criminal Investigation

PROFILE NUMBER: 01

PROFILE TITLE: Royal Newfoundland
Constabulary, St. John's, 1989

PROFILE EXHIBITS: C-0335

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO
COMPLAINTS EXAMINED: Constabulary

Appendix J

Criminal Investigation Profile Number 01

SUMMARY:

A 16-year-old boy committed permanently to the Director as a juvenile delinquent, while serving at Torbay Youth Centre, St. John's, Newfoundland a sentence of closed custody imposed under the Young Offenders Act, complained on 10 October 1989 to a member of the Constabulary that as a resident of Mount Cashel from 20 March 1983 to 30 September 1984 he was frequently beaten there by Christian Brothers, causing him severe physical injury including loss of several second teeth.

The Constabulary responded by conducting a criminal investigation that failed to locate any witness to the boy's complaints but indicated that the boy's second teeth were in place when he entered Mount Cashel and on 10 October 1989 when he complained. The Constabulary's file on the complaint was closed, without any charges being laid, on 11 December 1989.

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PROFILE CATEGORY: Criminal Investigation

PROFILE NUMBER: 02

PROFILE TITLE: Royal Newfoundland
Constabulary, St. John's, 1990

PROFILE EXHIBITS: C-0336

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO
COMPLAINTS EXAMINED: Constabulary

CROSS REFERENCES: Child Welfare Profile
Number 14

Appendix J

Criminal Investigation Profile Number 02

SUMMARY:

In responding to a complaint from a social worker at St. John's West District regarding a 14-year-old boy living in a group home (Child Welfare Profile Number 14) that he had been assaulted by a male teacher in May 1989 the Constabulary identified an additional complaint that in February 1989 he had been assaulted by another male teacher at the same school.

The Constabulary decided against criminal charges because the February 1989 complaint - alleging sexual assault - was not supported by sufficient evidence (a grab was allegedly made for the boy's leg without contact being made with him) and the laying of a charge for the May 1989 complaint -alleging physical assault - was statute-barred as of November 1989, some two months before receipt of that complaint in January 1990 by the Constabulary.

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PROFILE CATEGORY: Criminal Investigation

PROFILE NUMBER: 03

PROFILE TITLE: Ronald Hubert Kelly,
Corner Brook, 1979

PROFILE EXHIBITS: C-0337

PRINCIPAL RELATED
EXHIBITS:

C-0309 C-0310

C-0340 C-0340A

C-0342 C-0344
(unedited Exhibit U)

C-0370

RESPONDENTS TO
COMPLAINTS EXAMINED: R.C.M.P.

Justice

Provincial Court

Social Services

Appendix J

Criminal Investigation Profile Number 03

SUMMARY:

A Roman Catholic priest (born 05 January 1943) was on 15 May 1979 convicted by a Judge sitting at Corner Brook, Newfoundland of having, from 20 August 1977 to 16 April 1979 committed ten criminal offences of indecent assault at De Gras and Cape St. George, two communities about 60 miles to the south, against five male persons who, when offended, ranged in age from 13 to 17 years, for which passing of sentences was suspended and he was made subject to the conditions of a probation Order for two years. Crown appeals against the sentences on 30 November 1979 were, on the same date, dismissed by the Court of Appeal. There was no indication (a) the parents of the five offended male persons, (b) the R.C.M.P. who investigated the criminal offences, (c) either Crown counsel or (d) counsel for the priest, (e) the trial Judge, (f) members of the Roman Catholic church acquainted with the prosecution of the priest, (g) or anyone else familiar with the investigation or prosecution of the priest reported to Social Services the priest's misconduct towards the teenaged male persons.

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PROFILE CATEGORY: Criminal Investigation

PROFILE NUMBER: 04

PROFILE TITLE: 1985 To 1986

PROFILE EXHIBITS: Volume 1 - (unedited Exhibit
EEE)

Volume 2 - (unedited Exhibit
FFF)

Volume 3 - (unedited Exhibit
GGG)

Volume 4 - C-0524 (unedited
Exhibit HHH)

PRINCIPAL RELATED
EXHIBITS: C-0477 C-0479

RESPONDENTS TO
COMPLAINTS EXAMINED: Social Services

R.C.M.P.

CROSS REFERENCES: Child Welfare Profile
Number 15

Child Welfare/Criminal
Investigation Profile
Number 13

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Criminal Investigation Profile Number 04

SUMMARY:

There resided together in a rural Newfoundland community a family comprised of a father and mother, a daughter, and a son and his wife. Three other sons and their families occupied three adjoining properties. Two of these three sons and their respective wives were licensed to operate their residences as regular foster homes.

Foster Homes 1 and 2. On 10 January 1974, eight and a half months after being licensed, one of the brothers and his wife received into their home (home 1) as a foster child a girl born 05 July 1967 and in the Director's care under a non-ward agreement, who resided with them intermittently until 05 April 1984.

On 24 March 1983 the other licensed brother and his wife received into their home (home 2) a girl born 31 July 1967 and permanently committed to the Director since 20 May 1974, who had previously resided in a foster home where, she alleged, her foster mother and foster mother's visiting brother mistreated her (Child Welfare Profile Number 15). She resided in home 2 until 01 September 1986.

The foster girl in home 1 and the foster girl in home 2 became friends and exchanged concerns about the sexual mistreatment each alleged enduring from their respective foster fathers (in home 1 and home 2).

Foster Home 1. On 05 April 1984, pregnant by her boyfriend, the foster girl in home 1 left there and went to Calgary. Upon returning to Newfoundland on 07 June 1974

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she began residing in St. John's where her daughter, L., was born on 10 September 1984 and placed for adoption. Placing L. for adoption necessarily brought the former foster girl into contact with a St. John's District, during which she stated she had been sexually mistreated by her foster father in home 1 (the proprietors of which had, by now, chosen to cease operating).

On 14 August 1985 a rural District received a complaint from a couple to the effect that while recently visiting (what had been) home 1, the husband residing there had sexually abused their three-year-old daughter.

On 16 August 1985 a Social Services representative notified the R.C.M.P. of the two complaints against the same adult male. During resulting criminal investigations, the R.C.M.P. interviewed the former foster girl in September 1985 and January 1986. In June 1986 the R.C.M.P., concluding there was insufficient evidence to swear any criminal charge, closed its files on complaints regarding the three-year-old girl and from the former foster girl.

Foster Home 2. At a camp she attended in the summer of 1986, the foster girl in home 2 confided to a nurse involved in operating the camp that her foster father in home 2 had sexually assaulted her.

On 01 September 1986 the foster girl in home 2 left there. On the several occasions she subsequently returned to fetch her belongings she met two new foster children living there. They were sisters; one born on 09 November 1972 and the other born in 1974.

In July 1988, the nurse who received the confidence in 1986 told a co-worker - a social worker employed at the hospital where the nurse worked - about the allegations of the foster girl who had lived in home 2. The hospital social

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worker, in turn, informed the appropriate District, one of whose social workers, coincidentally, had handled complaints regarding home 1.

On 27 July 1988 the District reported these allegations of sexual abuse in home 2 to the R.C.M.P. which, upon subsequently being provided with the complainant's name, obtained particulars from her on 17 August 1988. At this time, the two sisters the complainant had met in home 2 in 1986 were continuing to reside there.

As of 06 September 1988 the R.C.M.P. had not performed further investigation of the home 2 complaint, and inquiries by the District (including interviews with both foster parents) had not, in the view of its staff, yielded evidence to warrant closing home 2. On that date the older of the two sisters told her foster mother of her ongoing sexual relationship with the foster father. When confronted by the foster mother, the foster father left home. The older sister followed him. A judicial inquiry determined she committed suicide on 07 September 1988 by jumping 50 feet into the ocean near her foster home (home 2).

Responses. In the wake of this foster girl's death, (a) Social Services withdrew the foster licence of the couple in home 2 and (b) the husband of the foster couple was charged by the R.C.M.P. with the criminal offence of sexual assault on the foster girl who left home 2 on 01 September 1986. In February 1990 he was convicted of the offence and sentenced to two years' imprisonment by a Trial Division Justice presiding at Brigus, Newfoundland.

After disclosure at public hearings of this Inquiry of the complaint of the foster girl who had resided in former foster home 1, the husband in that home was also charged with the offence of sexual assault.

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PROFILE CATEGORY:

Criminal Investigation

PROFILE NUMBER:

05

PROFILE TITLE:

Allegation Of Obtaining
Benefits By False Pretenses
Under The Social Assistance
Act 1975 To 1977

PROFILE EXHIBITS:

C-0534 (unedited Exhibit KKK)

PRINCIPAL RELATED
EXHIBITS:

C-0118C-0181

RESPONDENTS TO

COMPLAINTS EXAMINED: Social Services

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Criminal Investigation Profile Number 05

SUMMARY:

In consequence of a report dated 22 April 1977 by a St. John's District social worker to the St. John's Regional office to the effect a social assistance recipient (mother of nine children) on her caseload may have over the immediately-previous several months received social assistance to which she was not entitled, a special investigator employed by Social Services was tasked on 27 April 1977 by Regional office to make inquiries. His written response dated 28 April 1977 expressed no conclusion regarding the subject he was requested to investigate but stated that "there isn't any doubt of her being gone [from Newfoundland] ... nothing further can be done at the present. Because the police are not carrying her back [to Newfoundland] I do prefer to let that matter rest until she returns if she should." The investigation was not further pursued either then or in July 1982 when social assistance was paid by the District at Harbour Grace, Newfoundland for the mother, four of her children and a male adult unrelated by blood or marriage to her.

A former Minister of Social Services, in his Inquiry testimony, denied having ever known or met with the social assistance recipient who, in her Inquiry testimony, alleged that as Minister he had suggested to her that her interests were best served by leaving Newfoundland to avoid investigation of her entitlement to assistance benefits she was receiving.

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PROFILE CATEGORY: Criminal Investigation
PROFILE NUMBER: 06
PROFILE TITLE: Curtis Academy Fire,
St. John's, 1975
PROFILE EXHIBITS: - (unedited Exhibit Q)
PRINCIPAL RELATED EXHIBITS:
C-0233C-0234
- (unedited Exhibit R)
C-0236 C-0374
RESPONDENTS TO
COMPLAINTS EXAMINED: Constabulary
Justice

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Criminal Investigation Profile Number 06

SUMMARY:

Fire on 27 September 1975 destroyed Curtis Academy, a school in St. John's, Newfoundland with a resultant \$4-million loss. The Constabulary arrested three female persons - two of them juveniles (that is, under age 17 years) -and charged them with the criminal offence of arson (the two juveniles being charged with the offence as a delinquency). The three accused were released from custody pending further criminal proceedings (the adult having first spent a 30-day period at Waterford Hospital, ordered by a Judge, for examination to determine her mental competence to stand trial).

The Constabulary sent a report dated 09 January 1976 on its investigation of the fire to Justice. The Justice solicitor assigned to prosecute the charges, being dissatisfied with the report, complained feistily on 02 February 1976 by Memorandum to the Minister of Justice who responded on 06 February 1976 by Memorandum to the Chief of the Constabulary. The Minister's Memorandum concluded that

there has not been adequate investigation ... The suggestion [by the Justice solicitor] that an innocent [adult] person was arrested and subsequently held in custody is very grave [and that he understood from the solicitor and

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another Justice solicitor] sufficient evidence is not yet available to allow the Crown to proceed with the cases against [the] two juveniles

and directed the Chief (a) to give the investigation

top priority until the Crown Prosecutor, or Crown Prosecutors, have been provided with adequate evidence to enable them

to prosecute or otherwise proceed, and (b) in effect, to work in co-operation with the R.C.M.P. in future arson investigations until Constabulary expertise in such investigations otherwise warranted.

Subsequent Constabulary investigation did not produce sufficient additional evidence to warrant prosecution of any of the three persons charged.

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PROFILE CATEGORY: Criminal Investigation
PROFILE NUMBER: 07
PROFILE TITLE: "M/V Shirley Blanche"
PROFILE EXHIBITS: C-0265
PRINCIPAL RELATED EXHIBITS: C-0235 C-0236
C-0251 C-0442
C-0443

RESPONDENTS TO
COMPLAINTS EXAMINED: R.C.M.P.

Justice

Criminal Investigation Profile Number 07

SUMMARY:

Following default in payment of a mortgage on security of a motor vessel, the mortgage holder sold the motor vessel to two men who, upon legal advice, took possession of the vessel on 20 July 1974. The mortgage defaulter then charged the two men with theft of the motor vessel in a private criminal prosecution. No criminal investigation was ever requested from or performed by the R.C.M.P., the responsible police force. The accused elected trial by judge and jury and, following a preliminary inquiry before a Judge at Lewisporte, were committed to trial.

The effect of the opinions of a Justice solicitor (on 31 January 1975); the Director of Public Prosecutions (on the same date); a student-at-law doing articles in Justice (on 08 July 1976) and the Assistant Deputy Minister of Justice (on 15 September 1976) militated against continuing prosecution of the accused. For his part, the Minister of Justice wrote to the Deputy Minister on 04 February 1975

"It must be assumed that [the] Magistrate ... would not have committed the accused to stand trial if the evidence taken at the Preliminary Hearing did not indicate a probable cause of action. My filing a nolle prosequi at this time would undoubtedly be interpreted as stopping a case where there is evidence to indicate a crime may have been committed."

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The Director of Public Prosecutions was consistently and steadfastly opposed to continuing the prosecution.

In February 1975, however, the Deputy Minister of Justice instructed the solicitor retained by the mortgage defaulter to undertake the private prosecution (and who, to the Crown's knowledge, may have had a personal pecuniary interest in the motor vessel), to continue with the prosecution on behalf of the Crown. By June 1975 a Justice solicitor carried the Crown brief, preferred the Bill of indictment charging both accused with theft, and offered the Crown's case to a Grand Jury which endorsed "No Bill" on the Indictment, thus bringing further prosecution of both accused to conclusion.

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PROFILE CATEGORY: Criminal Investigation

PROFILE NUMBER: 08

PROFILE TITLE: Ms. Gwen Mercer

Relevant Documents

PROFILE EXHIBITS: C-0514 C-0514A

PRINCIPAL RELATED

EXHIBITS: C-0513 C-0515

C-0516

RESPONDENTS TO

COMPLAINTS EXAMINED: Constabulary

Justice

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Criminal Investigation Profile Number 08

SUMMARY:

A female person, born 11 October 1944, was married 20 March 1965, delivered of three children of the marriage, separated from her husband 29 September 1982, and was divorced from him 07 June 1984. Upon her complaint on 10 February 1988, the Constabulary, without any further investigation, arrested her former husband and on 11 February 1988 charged him with having, between 01 January 1965 and 30 September 1982, committed the summary conviction criminal offence of assault against the complainant. The Crown, after correspondence and discussions with counsel for the former husband, withdrew the charge on 05 April 1988 without first notifying the complainant of the Crown's intention to do so.

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PROFILE CATEGORY: Criminal Investigation

PROFILE NUMBER: 09

PROFILE TITLE: Royal Newfoundland
Constabulary - Response To
Complaint Regarding Which
Complainant Opposed
Prosecution, 1989

PROFILE EXHIBITS: Memorandum Of Evidence [43]
(dated 28 September 1990)

PRINCIPAL RELATED
EXHIBITS: None

RESPONDENTS TO
COMPLAINTS EXAMINED: Constabulary

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Criminal Investigation Profile Number 09

SUMMARY:

A young person born in 1971, who had been placed in Mount Cashel in 1982 on behalf of the Director, was continuing to live there in the Director's extended care in 1989 when he alleged in a written statement to the Constabulary that for about eight months in 1982 he had been sexually assaulted by another boy - older than him - then living in Mount Cashel in foster care; an allegation he qualified with requests that his allegation not be investigated and that no charges be sworn.

The young person had initially expressed his allegation in 1989 to a Christian Brother at Mount Cashel who informed a social worker then operating from an office at Mount Cashel. She had notified the Constabulary which interviewed the young person.

In deference to the young person, no police report was prepared or sent "through channels" within the Constabulary and no legal advice sought by the Constabulary from **Justice** regarding the relevance, if any, of the complainant* opposition to investigation and prosecution of the subject the complaint.

Appendix K

Recommendations Received from
Participants and Others, 1990

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1. Provincial Advisory Council on the Status of Women:¹

Education and Training

1. That the Department of Justice conduct, or provide funding to the appropriate agency to conduct well-developed educational programs for members of the police force, Crown attorneys, and judges on the subject of sexual assault, and that these programs include a gender awareness component.
2. That the Department of Justice divide the Criminal Investigation Division of the Royal Newfoundland Constabulary so that a special section be formed to deal with sexual offences, and that the following terms and conditions be met:
 - a) that members of this special section be trained intensively and be given regular counselling to deal with the issue of sexual assault;
 - b) that members of this special section be restricted to an appointment of two years to limit the effects of stress and burnout which result from being a front line worker;
 - c) that the special section be monitored by an external auditor to ensure that biases do not interfere with the delivery of justice.

Exhibit C-0551.

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3. That the Department of Education include in the mandatory health education curriculum information on sexual assault/abuse, and that part of this information address gender awareness and teach boys and girls how to treat each other with respect, and that similar information be included in materials for students in Levels One through Three.

Victim Services and Support

4. That the Provincial Government make long-term commitment to services for survivors of rape, sexual assault and incest throughout the province, and that this commitment take the form of an agency which:
 - a) will be funded by the provincial government, but remain at arms length to ensure impartiality*
 - b) will be directed by an advisory board with the assistance of an executive director and a team of regional co-ordinators;
 - c) will act as a contractor to community groups for the provision of necessary victim support services (including, but not restricted to, sexual assault survivor groups, rape crisis centres, and victim advocates);

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- d) will have a mandate and budget for research and public education on sexual abuse and sexual assault.
- 5. That the Department of Justice collect and publish in an annual report any relevant information on all sexual assault complaints, including:
 - a) numbers of initial reports, arrests, convictions, and sentences;
 - b) statistical breakdowns of rates of sexual assault, sexual abuse, incest and date rape;
 - c) statistical breakdowns according to age, sex, socio-economic status and marital status.
- 6. That the Department of Justice and the police forces develop guidelines for investigative interviewing of female victims of sexual assault, and that these guidelines include information on victim behaviour and response to trauma, interviewing techniques, and a checklist for collecting important information.

2. **Working Group on Child Sexual Abuse:**²

- 1. The development of a public awareness campaign on Child Sexual Abuse (its nature and consequences) and the legal issues surrounding reporting.

Exhibit C-0552

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2. Continued emphasis within the provincial government on developing conjoint policy on responding to child abuse issues.
3. A substantial improvement in the numbers of professionals available to respond, treat, and rehabilitate in this area. This increase in staff must be based on a planning process which considers the needs of all departments dealing with all aspects of abuse (i.e. victims and offenders, training and awareness).
4. The development of adequate provincial victim services within the Department of Justice.
5. An immediate multi-disciplinary review of the potential benefits to children of providing sufficient technical resources to fully implement the provisions of Bill C-15 and the training required to do so.
6. The development of a provincial strategy for dealing with sex offenders from the stages of identification through to relapse prevention.
7. That the provincial government support core funding to organizations whose primary function includes advocacy on behalf of children and protect the continued existence of such organizations.

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3. The Interagency Committee on Violence Against Women:³

Training and Sensitization

1. That the Department of Justice ensure that each member of the criminal justice system, who could have contact with the victims of a sexual assault or wife assault, have training in the special dynamics of these types of crimes.
2. That the Department of Justice should select some police officers to receive additional training to become specialists in child abuse, sexual assaults and wife assaults.
3. That the Department of Justice solicit input from police officers and other front line workers concerning the kind of training needed and provided for those involved in the delivery of services to victims of violence.
4. That the Department of Justice discuss any change in police policy (especially with regard to child abuse, sexual assault and wife assault) with the police officers who are expected to enforce it.

³ Exhibit C-0550.

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5. That the Department of Justice ensure that all training and sensitization programs be reviewed regularly with respect to maintaining positive attitudes.
6. That the Department of Justice should have all proposed training vetted by a group of survivors of violence.
7. That the Department of Justice provide supports for police officers who work with victims of violence.

Victim/Witness Services

8. That the Department of Justice ensure that in every part of the justice system crimes against persons should be given priority over crimes against property.
9. That the Department of Justice establish victim\ witness services throughout the province.
10. That the Department of Justice delegate personnel to keep the victim informed.
11. That the Department of Justice delegate personnel to act as advocate for the victim and make the court process more humane.
12. That the Department of Justice ensure that there are enough sensitized crown prosecutors available, and

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that there be time allotted to them to meet the witness before the court date.

13. That the Department of Justice provide guidelines to police officers, crown prosecutors, defence lawyers, judges on what are considered unacceptable attitudes towards victims/witnesses.
14. That the Department of Justice take measures to ensure there aren't any unnecessary delays in the judicial process, especially in cases of violent crime committed by someone known to the victim.
15. That the Department of Justice ensure that information on the policies of the police and government departments is readily available and accessible to the community.
16. That Corrections Canada take responsibility for informing victims of the release date of their assailant.
17. That the Department of Justice provide video equipment for each courtroom in the province.
18. That the Government of Newfoundland and Labrador adopt a co-ordinated, multi-disciplined approach with respect to policy planning, training, service delivery and prevention on the issue of violence against women and children.

Prevention

19. That the Department of Justice provide a public education program on violence that places the onus for prevention on potential abusers, not potential victims.
20. That the Department of Education include prevention of violence as an essential part of the core curriculum from kindergarten through post-secondary education.
21. That the Department of Justice and Education ensure that any public education programs designed to prevent violence are honest about risk situations and that these programs employ realistic strategies for dealing with them.
22. That the Department of Justice recognize the importance of consulting regularly and constructively with all those concerned with the issue of violence, and that this consultative process be an integral part of the department's efforts to coordinate services that will make prevention of violence more effective.

4. Gwen Mercer

1. That all professionals and care givers working with and caring for victims of abuse at present, be specifically trained immediately by especially

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trained abuse counsellors, and that all others be trained prior to taking the positions.

2. That a special abuse unit be set up by the police forces sufficiently staffed by especially trained investigators in all forms of abuse.
3. That a victim court worker, specially trained in abuse trauma and flashbacks, court jargon and legal tactics be assigned to each victim, accompanying the victim in the court room and remaining consistently assigned to the case to its conclusion.
4. That a screen be permitted in the court room blocking visual contact between the victim and the abuser while testifying but maintaining full vision for all parties for the judge.
5. That there be specialty training for sexual abuse specifically for persons on staff within the special abuse unit of the police forces and at the court.
6. That judges and lawyers be given sensitized education on abuse trauma, flashbacks and post crisis syndrome to better enable each case to be humanely as well as justly heard for both the abuser and the victim.
7. That all forms of abuse be acknowledged including physical, mental, emotional, nutritional, sexual, financial and subtle street abuse, and that

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appropriate remuneration and sentencing be awarded to the victim.

8. That there be a referral system set up from the victim court worker to access the appropriately trained in all forms of abuse, a psychologist and support networks such as Alcoholics Anonymous, Alateen, Alanon, Adult Children of Alcoholics, and Canadian Association for Separated, Divorced and Widowed Catholics that all provide structured programs for healing and not socializing.
9. That one investigator from the special abuse unit of the police force be assigned exclusively to each victim to establish a trust base to interview alone in the room with the victim, but to have behind a privacy window in another room where the interview can be heard and seen, the psychologist specialized in all abuse forms and assigned on twenty-four hour access to the special abuse unit, and the mental health victim support worker that will proceed to court if necessary and also on call twenty-four hours.
10. That adequate video equipment and anatomically correct dolls be supplied to the special abuse unit of the police forces for specialized use by a specialty abuse trained psychologist only.
11. That mental health victim support workers be placed on staff to work jointly with the police forces and the court on twenty-four hour basis.

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12. That a specialty trained in abuse psychologist be placed on staff to work jointly with the police forces and the courts on a twenty-four hour call basis to assist victims and officers to prevent burnout.
13. That the psychologist interview the victim of abuse on video after the initial police interview to prevent mental blocking by the victim of critical information, and that the psychologist be considered the prime interviewer but working corroboratively with the specialty investigator and the mental health support worker.
14. That more promotion be given by police, lawyers, courts, hospital emergency and psychiatric units, doctors, schools and the media concerning the availability and success rate of the self-help support groups such as CASDWC, ACOA, AA, ALATEEN, ALANON, in reference to the healing process for victims.
15. That more indepth investigation must be requested by Crown attorneys before throwing out a case labelled 'insufficient' evidence.
16. That more positions be allocated to speed up the investigative processes necessary before proceeding to court in the areas of police abuse unit, victim mental health court workers, Crown attorneys and judges.

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That victim's stories be given credibility and sensitized advocacy by police and judges.

That a victim's advocacy agency be set up to ensure that appropriate action by the system and the public has been executed expeditiously.

That the police officer taking the original and subsequent complaints from the victim so as to enable appropriate flexible charges to be laid, enabling the Crown to apply 'reasonable doubt' for the victim as equally as for the alleged perpetrator.

That police officers be prohibited from prejudging each complaint of abuse as to its ability to stand up in court so as to permit the victim reasonable doubt and the right to fight in court for its own justice with the assistance of the victim support worker; thereby enabling the judge to witness and evaluate all behaviours put before him.

That Legal Aid be an independent body separate from government and lawyers with outside interests that may conflict with financially qualified applicants interests, enabling a victim of abuse or any other applicant to seek justice without fear of cover up or indiscriminate, discretionary power or prosecutorial discretion.

That there be included in the mandate of the victim's advocacy agency investigatory powers to monitor

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proper and just behaviour of all professionals, authority figures and government ministers and executives.

23. That a separate court be established for abuse cases to reduce the lengthy delays between court appearances and final decisions, the court being adequately staffed with consistent judges and victim mental health court workers so as to promote trust, specialized in abuse and adequate relief of the staff to prevent burnout.
24. That the fee structure for Legal Aid lawyers for services rendered to victims be issued from this separate specialty court (as above) paid from the Crimes Compensation Board.
25. That more education and awareness of the process of law and legal access be given commencing from kindergarten to the secondary school system and public service messages, enabling such information so accessible that it become common knowledge for all people.
26. That all lawyers refrain from delaying immediate action both privately and in court where abuse cases are a consideration.
27. That all abuse cases be heard initially within twenty-four hours of the arrest and that each case be completed within thirty days.

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28. That a universal Canadian license and permission to practice law be implemented countering the necessity to qualify provincially to give service, and that access be given thusly to any documentation necessary for the courts or final ruling of a case.
29. That cases of abuse fall under the jurisdiction of mental health and justice rather than social services. Abuse is a health problem resulting from criminal acts. Social services should be merely involved within their mandate such as assisting the victim to find adequate food, shelter and clothing.
30. That the Child Welfare Act be mandated under the supervision and responsibility of the departments of Justice, Health, Education and Social Services jointly as a speciality unit so as to remove so much power from one person being mandated; and that all cases of abuse be forwarded by this unit to each of their respective Ministers to monitor appropriate action.
31. That there be a position allocated within the police forces for an on staff lawyer, accessible at all times when laying charges in abuse cases.
32. That there be a police commission set up to monitor police activity both internally and externally for the public; and to be used in the event when indecision occurs between police and justice regarding the laying of appropriate charges. This commission is to be an independent body from police and Justice.

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33. That the statute of limitations be dropped in abuse cases.
34. That the client/solicitor privilege be considered as being prohibitive when full disclosure in an abuse case is barred from being heard thus disallowing full justice for the victim versus the perpetrator; and that the privilege, abuse, be seen as aiding and abetting causing obstruction.
35. That all child abuse cases be reported initially to police special abuse unit for consistency, where the psychologist and victim mental health court worker are also brought in on the case, and then reported to the Child Welfare Act unit described earlier; all to be done within twenty-four hours and where appropriate counselling and support networks can be implemented for the victim by referral immediately in an interdisciplinary team approach for the victim not the system.
36. That the concept of Youth Place and Hotline be funded and implemented immediately as public awareness, educational, preventative and curative program for runaways, drop outs, youth addictions, child prostitution and suicide attempts as a result of child abuse.
37. That a step by step written policy be implemented describing the exact procedures to be taken in all abuse cases and a course on acting humanely toward

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a victim of abuse; that this exacting procedure begin with how to detect the abusive acts, to the actual reporting of abuse and to whom the procedure in getting it into court, the hearing, court process and what to do with the victim impact and street abuse and consequent breaches of the court orders, and the need for counselling by support networks.

38. That all clergy be educated and sensitized about abuse detection, the dysfunctional behaviour, co-dependent behaviour and the impact left on victims so that more realistic counselling may be given when victims seek their guidance and God's forgiveness for breaking the marriage vows and that clergy be made more aware of the proper referral for counselling from support groups.
39. That a screening process be set up by each organization that hires professionals, care givers, and people in positions of trust that will delve into the family history to the level of grandparents to rule out paedophilia, addictions and any other abuse related activity to prevent further abusive acts; and that this same screening be done for premarital counselling which may also include functional attitudes in money 'street' management, relationship compatibility and functional caring for children.
40. That Ministers in government and their deputys be trained as soon as they take office about the total functions and responsibilities of their departments

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preventing poor communication within the ranks and abuse of power by the lower ranks; and that ministers take full power by implementing necessary changes to enhance the system rather than demonstrate inaction and non-advocacy which may contribute to negligence and abuse at subsequent time.

41. That the victim's independent advocacy agency be the 'watchdog' for any inappropriate activity by the government members or their representatives.
42. That the Chief of police be mandated with the sole authority for the police force answerable to the police commission rather than the Justice department.
43. That the department of social services be reduced in size, decentralized and broken down into other jurisdictions staffed on a yearly renewable contract basis by appropriately trained professionals with their own individualized mandates, but to include liaisons for the purposes of inter communications with the existent community resources and the allocated Ministers.
44. That layman's language be used by all professionals and street people when presenting evidence before a court of law to prevent misunderstanding and improper judgements; and that judgements be written in layman's language to remove any doubt to all concerned so as to enhance quality of life.

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45. That adequate court preparations such as orientation to the court room and court times and delays be done for all victims of abuse, youth or adult, by the mental health victim court worker and that the victim and the perpetrator be given separate waiting areas and counselling privacy with confidentiality.
46. That all court assigned assessment of families be kept from access of the perpetrator to prevent attempts by the perpetrator to infiltrate any areas that may be perceived as being the victim's vulnerability.
47. That there be more definite wording done by the court when ruling on bonds used for the protection of victims when being threatened or harassed by the abuser.
48. That abuse be classified as a criminal offense and have criminal status not civil status.
49. That failure to act to stop an abusive act by any professional, person in a position of trust and/or lay person is considered as contributing to the abuse and in trying to keep the peace with the dysfunctional abusive act and/or behaviour is committing a criminal offense punishable without being statute barred and to the full extent of the crime with sentence.

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50. That more extensive investigation be done into someone who has been labelled an alcoholic or drug addict to discover if the erratic behaviour is chemical induced or causative through a basic dysfunctional personality so as to enable more indepth counselling, research and consequent prevention of dysfunctional based abusive acts.
51. That the police, Crown attorneys, judges and lawyers and the courts acknowledge financial abuse, subtle abuse on the street or behind private family doors, and mental/emotional abuse as equally significant forms of abuse as is physical and sexual abuse, when laying information for charges and arrests and when judgements are handed down for sentencing, conviction and remuneration for the victim.
52. That existing laws be better interpreted when cases of abuse are heard in court and that new laws be drafted to reflect the severity of abuse acknowledging all forms of abuse.
53. That Exhibit C-0603 be revised and redrafted to reflect the law rather than philosophy.
54. That the Divorce agreement as stated in Exhibit C-0514, page 1 be properly enforced rather than maintain its present inactive status.
55. That the status of the Divorce Act for Family Law be placed in law to reflect criminal status where

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cases of abuse are involved and incompatibility, when attempting to deal with a dysfunctional personality, be investigated to rule out abuse before giving final ruling for visitation.

56. That in the cases where abuse is suspected in separation and divorce cases, there be no future attempts to enter into private agreement or private contract by social workers for the perpetrator to visit or have contact with the victim, children or spouse, as in Exhibit C-0458, page 134; and that all parties be protected under a well delineated bond for the protection of all.
57. That access by phone by the abuser to the victim children or spouse or Foster/Group Home set-up, be prohibited.
58. That custody of the victim children must not be given to the abusive parent because that parent has remarried or is demonstrating financial stability more so than the unmarried and/or less financially stable non-abusive parent.
59. That the alleged perpetrator be removed from the scene within twenty-four hours of the report of abuse and that the victims be permitted to remain in their own familiar surroundings.
60. That the alleged perpetrator be held in the lockup until the first appearance and then be transferred to a residential detention home until case has been given

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final ruling; thusly eliminating the practise of punishing the victim instead by placing a child and/or non-abusive parent in Foster/Group or Transitional homes to live, leaving the abusive parent to live in the marital home or free to live elsewhere to continue the abusive acts on the street, subtly.

61. That the laying of charges be the responsibility of the police rather than that of the victim so as to offset further abuse to the victim by the abuser in either the 'honeymoon' stage or in the violent stage for punishment for exposure of the abuser; and to aid the victim to be more assertive when attempting to overcome the co-dependent stage of ownership of the victim by the abuser.
62. That all complaints of suspected abuse be taken whether it be from the victim source or from a third party who may be acting as an advocate for a weakened victim.
63. That more secure detention centres be created for alleged perpetrators for the purposes of holding over for trial or for further investigation as opposed to attempting to create more placements for victims of abuse.
64. That the alleged perpetrator be prohibited from returning to the home of the victims, after the initial complaint or arrest and subsequent apprehension of

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the perpetrator, so as to prevent further compromise to life for all concerned.

65. That more detention centres for alleged perpetrators be created with specialty trained mental health counsellors on staff well versed in abuse/dysfunctional behaviour and management; to be operated through funding and counselling through the departments of Health and Justice rather than social services.
66. That more detention centres be created with a specialty program for retraining, detox and behaviour modification in a well controlled environmental setting mandated by law to be run by the departments of Justice and Health, including staff well qualified for rehabilitation such as dysfunction behavioural psychologists and mental health professionals.
67. That agencies mandated to assist victims of abuse be given more power and training in advocacy to fight an abusive system or family without being at risk of losing government funding to operate.
68. That labels placed on victims of abuse such as 'rough and tough family*', 'simple-minded mother', 'slow learner' in school may be reflective of that person being previously battered into submission by the abuser and is now too weak to fight for itself and it may further demonstrate the strain of the survival of the warped paranoid thinking of a dysfunctional

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abusive personality for many combined twenty-four periods of time where there was no help obtained because of disbelief by the system or well meaning friends and family; thusly these labels must be dropped and the victims be given immediate advocacy assistance and retribution.

69. That the 'hanging tough' policy of social workers be eliminated in that it aggravates and badgers the abuser making it a more volatile environment in which the victim attempts to survive; also the act invades the privacy of the victim especially when it is done over a long period of time.
70. That the alleged perpetrator be removed from the victim's place of living before the weekend approaches so as to prevent further abusive acts upon the victim during the weekend, when facts have been presented to prove that abuse is more prevalent on holidays and weekends either because there is an increase in chemical consumption by the dysfunctional personality and/or abuser and the availability of the victims having vacated structural controls such as school, etc.
71. That there be more emergency twenty-four hour on call mental health professionals and special abuse unit police allocated to include the weekends and holidays, when there are no inhibitors and behaviours are more relaxed contributing to the increase of abusive incidents, so as to enable

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immediate protection and apprehension of the perpetrator.

72. That there be twenty-four hour access to social workers for the purposes of providing food and shelter to victims of abuse, running from their assailant after business working hours; and to provide emergency access to single parents with young children for food and medical supplies which could not be obtained during regular working hours because of the unavailability of any social workers despite the many efforts from Monday to Friday to obtain one; and that it be acknowledged that one social worker with a beeper is inadequate to provide critical emergency services after hours, thereby allocating more funds for more workers with beepers that are accessible immediately.
73. That there be more consistency in assignment of the same social worker to one victim of abuse to enable the development of appropriate and expedient resolve of each victims needs; and that it be so assigned that it will prevent further abuse to each victim in its constant repetition of the abuse stories in an attempt to obtain aide for food, shelter and clothing.
74. That there be provided to the children of single parents coming from dysfunctional environments, homemaker and daycare and/or babysitting services aimed at providing specialty trained care givers who understand the confused behaviours of abused

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children while in the healing process; thus enabling the single parent to work outside the home reassured that the children are in a protective, empathetic, healing environment with a reduction of stress both on the child (who may fear abandonment by the surviving parent's absence) and on the parent (who fears the street abuse of the child by the abuser parent).

75. That a specialty trained, sensitive-to-abuse babysitting service be provided to single parents twice weekly to enable the parent to attend to personal needs of the family such as groceries and recreation time, thus eliminating confinement from the outside world causing isolation and depression due to lack of educational and recreational stimulation.
76. That it be acknowledged by prosecutors, defense lawyers, police and judges that the victim has a misplaced love for the abusive parent or guardian, in that it only sees the craved for but never-to-be-gotten love of the abusive parent, and cannot lay charges in the hope that that parent or spouse or significant other may sometime give the love so craved; thus out of kindness to the victim, charges must be laid by the police to enable rehabilitation of all concerned.
77. That the Child Welfare Act, Section 49 be amended to include that there must be action to remove the

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abuser from the victim within twenty-four hours of the initial complaint of abuse.

78. That management of human services must be done on an individual basis, not generalized or universal policy.
79. That intake be eliminated by Social Services department in that it is non-confidential, inhumane, counterproductive, dehumanizing, demoralizing, belittling and abusive.
80. That social workers be seen by appointment only and not on a wait in line for hours in an overcrowded room deal.
81. That each appointment time with a social worker be honoured by both parties with respect and with professionalism on the part of the social worker.
82. That where transportation is a problem for the victim of abuse and/or single surviving parent, the consistently assigned to the case social worker either visit the person in need of assistance or transportation be provided to and from the social workers office at the scheduled time.
83. That there be appropriate sections put in place for those receiving financial assistance from the Social Services Department that will provide more confidential handling of each case, instead of the present system which herds a person like cattle

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into a room full of all social problems from dysfunctionals to functionals, and where youth are made to witness along with the abused survivor/victim so much added depersonalization; thus these divisions will provide mini departments within the department with their own classifications of recipients.

84. That more money be allocated to provide more mental health professionals on a private practitioner basis so as to give victims access to private confidential counselling free of charge; each practitioner to be licensed by the Department of Health and funded by the same.
85. That there be uniformity in training of new skills and educational fields within the profession from the top ranks to the front lines.
86. That people chosen for positions of leadership within the professions, especially those dealing with human responsibility, be qualified not only academically, but have a complete knowledge, experience and background of the front lines and the 'street', and certainly without exclusion, coming from functional ancestry.
87. That this commission's recommendations be mandated by law.
88. That a public inquiry be conducted into the abuse by government of our homeowners and subsequently

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our dependent and vulnerable young adults and senior citizens. This must include investigation into placement tactics by social workers in off hours to hide patients who are inappropriately placed in private nursing homes, special care homes, foster homes and group homes as well as some unlicensed and licensed boarding homes.

89. That there be an assertive mandate to implement Section 102 of the Criminal Code of Canada when failing to do the job as assigned so as to endeavour to promote workers in the area and/or the field to report negligence or be considered part of it, and to eliminate the excuse that heavy workloads are the main reason to hide behind for lack of assertive and accountable advocacy for vulnerable people.
90. That the practise of hiring social workers by private Boards be considered as conflict of interest for the advocacy and protection of the residents or patients when suggestions of improper care are initiated for investigation into the place.
91. That the practise of apprehending children from their own abusive environments be stopped and the perpetrators removed instead; and that just because it is easier to remove the child (for the system), does not mean that it places the child away from abuse. Therefore, be it acknowledged and acted upon that child apprehension causes double victimization and punishment for acts not committed by the child.

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92. That post crisis syndrome be classified as life threatening for victims and treated thusly by all professionals immediately.
93. That financial compensation be awarded to victims to accommodate loss of opportunity to develop to their full potential in education, work and in creative needs, for their loss of functional childhood development and their loss of time and money in rehabilitation and healing.
94. That victims of abuse be consulted when setting up training and rehabilitation programs so that these will be effective on an individual basis rather than done in a generalized impersonal and possibly ineffective way.
95. That maintenance payments settled in judgement be collected and dispersed by the court, so as to assist the abused from further contact with the perpetrator.
96. That financial counselling re: reality living and single parent living be done through the court process by specialty trained in abuse impact counsellor, who understands the mourning process financial needs.
97. That credit restoration be granted to victims who have been financially abused by extortion within a dysfunctional setting and/or abusive marriage; and that safeguards be implemented after settlements and final judgements re: matrimonial property and

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disbursements, bad debts paid off, and bad credit rating forgiven so as to prevent future loss of credit rating, causative of breakdown in these judgements again.

98. That financial counselling and monitoring be done by the court process for a ceiling of two years to enable victim/survivor stability and to gain substantiated data toward research for future programs and safeguards.
99. That victims of abuse be financially supported through the Crimes Compensation Board funding rather than through the department of social services welfare department and that each case be treated individually re: needs, not generally as an impersonal commodity, reducing the compounding of financial abuse.
100. That it be part of the court process to refer victims of abuse to not only various support groups and counsellors, but also to the Crimes Compensation Board for access to application for funds.
101. That the terms of payment and classification of types of crimes and victims to be compensated, be broadened to include those who have been victimized by subtle street abuse, mental abuse, sexual abuse and financial abuse; and that children be compensated for loss of potential in maturity, education, self esteem and creativity caused by preoccupation and depression.

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102. That victims of abuse shall be assisted and monitored through the justice system at court legally, financially and rehabilitatively and not through Social Services jurisdiction.
103. That victims of abuse be monitored while receiving counselling through the court process for over medication by prescription drugs.
104. That within twenty-four hours of becoming homeless as a runaway victim of abuse, reputable shelter, food, clothing, protection, safety and believability be given each victim in crisis and, as part of the rehabilitative process, and crisis intervention by police, social workers and the courts, each victim be referred immediately to the court process of the mental health victim support worker for counselling for psychological, financial and legal needs within that same twenty-four hours to keep them off the 'street'.
105. That funds paid to victims of abuse from the Crimes Compensation Board through court process referral shall be paid to each victim for a ceiling period of two years at which time, or as deemed necessary by the court financial advisors before that ceiling of expiry, receipt of funds shall be paid by the department of Social Services to that victim if lump sum payment for compensation has not been allotted otherwise.

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106. That all victims of abuse be treated with respect rather than a number by the department of Social Services and that they not be treated with contempt or disbelief.
107. That the proposed youth place and hotline with its program be implemented (program not included with present proposal).
108. That more indepth investigation into a family be done when a youth becomes a runaway and 'homeless' by choice.
109. That 'homeless' youth and those caught in the gap of the system between the ages of sixteen to eighteen years of age be granted independent status and be treated with their own guidelines and policies excluded from the status of Child Welfare and of an adult under social assistance, but including portions of same that are applicable to each, but general, needs.
110. That extended care be awarded to only those cases who need consistency in their present financial and educational continuance and not a change in responsibility or lifestyle.
111. That extended care be automatically extended in the above case instead of having delays and interruptions of lifestyle and education for its approval.

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112. That since institutionalization renders a person dependent and discourages that person from taking responsibility for its life, and since foster/group homes confine independent persons from their responsible freedom, and since many boarding homes are inappropriate for functional independent youth (e.g. housing alcoholics and/or ex-inmates), independent living with independent status be given to both 'homeless by choice' youth and those between the ages of sixteen to eighteen who request it either in writing or verbally.

113. That independent status and living include that a youth can not be arrested on behalf of the parents for running away and then brought to the abusive parents home for that youth to be abused again; that the youth be given residence living quarters with the concept of housemother to ensure that the environment is conducive to study and free of drugs or alcohol; that a program of rehabilitation be mandated to prevent seeding abusers and done by a mental health professional; that the youth does not have to utilize the welfare system to be granted status; that the youth be given signing power for its own utilities, own rental contract, and own medical permission; that money allotments be given from the Crimes Compensation Board, if the youth is not working, to permit that youth to stay in school; that each youth be taught by the housemother how to be responsible with paying bills, purchasing clothing and food, and rebuilding self esteem and to assist that youth to make educated choices about choosing

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a career and where to get proper training; that the youth learn to live interdependently within the community.

114. That money which would have been paid out for possibly years to welfare recipients who are single parents and victims of abuse be transferred to the Crimes Compensation Board for controlled disbursement thus alleviating needless long term spending from Social Services pocket for years; the rehabilitation program from the court process for victims of abuse will eventually in a ceiling of two years help that victim to be an independent survivor having settled with the Board for damages.
115. That long term housing be provided for victims of abuse and single parents on a fixed rental amount each month and not done by percentage of monthly income; thus eliminating incentive not to get higher paying job for fear of having to pay higher rent; thus enabling transitional homes to be shelters (not long term homes because there is no alternative long term housing for placement away from transitional home).
116. That suitable long term housing be provided to those single parents who were forced into having large families either by the church or by rape from husband. This will prevent the 'jungle effect' living conditions which seeds violence and law breaking; and that those receiving such housing be

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mandated by the court process of rehabilitation to enter that counselling plan.

117. That it be considered as contributing to abuse that insufficient social services welfare payments are paid to victims of abuse and single parents; and that guidelines, policies, and rules be so enhanced to permit those individuals given long term assistance, if the court process rehabilitation plan has been completed, to attain the basic standard of living.
118. That more extensive follow-up be done by diversion to ensure that each youth has been directed toward a structured program of counselling and rehabilitation for self esteem building, and provided with education and recreation to enable responsible choices.
119. That a massive educational publicity be implemented that will teach people by role play (somewhat similar to the Mormon ads) about self esteem, self value, how to report abuse to police, how to react to belittlement constructively, what our human rights are, and how to access appropriate legal counsel for abuse by influential people who feel they are above the law.
120. That there be mandatory courses given by all schools without charge from kindergarten to post secondary levels on the following topics (then if the parents do not know these things, the youths will):
 - (a) self esteem building

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- (b) self work and values
- (c) daily living skills
- (d) relationship building
- (e) interpersonal family building and self respect
- (f) aptitude skills testing for career preparation
- (g) reality daily money management (h)
- 'street reality'
- (i) human rights
- (j) legal rights
- (k) abuse and healing
- (l) adapting what is learned in curriculum to reality living (m) elimination of 'slow learner' label (n) introduction of gifted children method of teaching (o) improved method of teaching math (p) transitional teaching of life reality for career and responsible living interdependently within the community before leaving grade twelve.

121. That there be implemented in grades ten, eleven and twelve a course in psychology which will include books of historical nature to describe methods of survival of our ancestry and self help books that teach the basics of functional living, such as recommended by Gwen Mercer.
122. That service units for abuse victims remain so labelled so as to identify blatantly what the service unit is working for, rather than identifying a lifetime of hurt with police, subtle names whenever the

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system feels uncomfortable with its job of ignoring abuse victims.

123. That professionals and care givers be screened when treating abuse victims, especially if from a culture whose social values differ from those of the victim (in some countries it is acceptable for males to beat their wives and to have sex with children).
124. That home correspondence programs be offered to those single parents who have been emotionally disabled by abuse and cannot leave their homes temporality due to crisis, but who are able to take advantage of educational upgrading to prepare them for future independence and development.
125. That funds be set aside for teaching those who are illiterate in Newfoundland to learn what their human rights are and to value themselves enough so as to be equally provided for so they no longer fear being assertive and their own self advocates to achieve their own basic needs.
126. That the interdenominational system be introduced to prevent further inappropriate spending and false religious self values.
127. That 'prosecutorial discretion' be discouraged when the question of protecting position, money and religion are the influence; that the unlawful or dysfunctional abusive act be judged along with the behaviour rather than the individual or institute.

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128. That 'prosecutorial discretion' used to get a volatile situation 'out of our hair' as John Kelly testified, or to have the Brother 'silenced', be considered as contributing to the abuse by aiding and abetting the perpetrator, so therefore considered a crime.
129. That it be considered neglect by the system and contributing to abuse by failing to act when 'discretion' is used when the system is glad to rid of anyone who poses a problem, when that person suggests leaving the province because it has been made too abusive to stay due to the system's inaction; and that the system nor the abuse victim take no further action because it has all become too cumbersome and wearing on everyone to pursue it anymore.
130. That sentence duration be revised to reflect the seriousness of the crime of abuse when the impact stays for a lifetime with each victim and for each repeated act of abuse done to the victim.
131. That since a dysfunctional abuser can appear very remorseful and superficially caring when before the judge in court and that that same person can display such remarkably convincing self condemnation for its abusive acts, be it so deemed that conditional discharges and probation with no counselling or justice confinements, be discontinued and more reflective judgements of the crime of abuse be handed down.

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132. That there be a program of sex education in the schools and by the media to promote self values and respect of others re: forcing a female to have sex by either gratitude for an evening of entertainment or out of guilt for not giving something for an evening out (better labelled as date rape) and that it be so deemed as a criminal offence to coherse and blackmail the victim, male or female, into having sex against one's will.
133. That Supreme Court Judges be elected every three years rather than be given a lifetime tenor enabling better awareness of the evolvment of societal changes, so ruling to reflect same.
134. That the conflicting positions of Minister of Justice and the Attorney General be mandated to cease and that these positions be effected by two people (male or female).
135. That better conditions and salaries be implemented for those professionals who are so aware and educated to the point whereby they have more than gone the extra mile to assist and protect the victim of abuse, but who have been abused by the system for doing so and that the issue of 'head hunters' be evaluated immediately so as to prevent further loss of our professionals to outside provinces and countries because they are tired of the lack of appreciation and caring given to them by this dysfunctional system.

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John W. McGrath:⁴

1. No information involving an indictable or dual offence be sworn to without examination and discussion with a Crown Prosecutor.
2. Part time prosecutors with less than five (5) years of criminal law experience be prohibited from acting as agents on behalf of the Attorney General Department.

Wayne Dymond:⁵

1. That the Provincial Department of Justice, immediately abolish the use of police agents as prosecutors on all dual and summary conviction offences under the Criminal Code and more serious provincial offences.
2. That the Attorney Generals Department minimize the use of private agents and only use them on an emergency basis so as to allow the appearance of prosecutorial independence to come forward.
3. That the Department of Justice enact legislation governing the role and scope of the duties of the

⁴ Exhibit C-0546.

⁵ Exhibit C-0547.

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Crown Attorney pursuant to a new Crown Attorneys Act.

4. That there be put into place a standardized process for discovery and guidelines pursuant to the Crown Attorneys Act so as to outline the full discovery process to allow defence counsel to be provided with copies of all witness statements, with the right of the prosecution to edit statements relating to informants and other sensitive areas in the same manner as trial judges on wiretap applications.
5. That all charges of a dual nature or of an indictable nature be screened by a crown attorney before the charge is laid before a justice of the peace. The review process may result in unfounded charges being removed and persons not having to incur unnecessary legal costs where charges are not warranted.

7. Canadian Mental Health Association:⁶

Service Delivery

1. The department of social services must increase the number of social workers so that they will be able to manage their caseload effectively and will be able to respond to the needs of victims and their families quickly and with sensitivity.

Exhibit C-0543

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2. For those children and young people experiencing abuse who must leave their homes for their own protection, the Department of Social Services should develop a range of alternate living arrangements that provide a supportive environment specific to individual and age-appropriate needs. This will mean an allocation of funds as well as on-going support and training for these care providers.
3. The Department of Social Services should increase permanent funding to existing community agencies which provide services to women and children victimized by violence. These include emergency shelters, counselling and follow-up services, Rape Crisis centres, and Women's Centres. In addition, there are many communities which lack these essential services. An effort should be made to assess the gaps and allocate funding as needed.
4. Sex offenders frequently begin their pattern of sexual abuse as adolescents. The Department of Social Services (Youth Corrections) must provide specialized treatment programs for adolescents who have been convicted of sex offenses.
5. The Department of Health must provide adequate funding to existing health services throughout the province so that they can provide appropriate social and psychological intervention to victims and families in cases of abuse.

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6. The Canadian Mental Health Association strongly supports the development of province-wide community-based and board operated mental health services. These services must be available for children and their families as well as for adults. The Department of Health must allocate funds for this development so that victims and survivors will have access to adequate treatment that will meet their individual needs.
7. The Department of Education must review its allocation ratio (currently 1000:1) of counsellors in the school system. A lower ratio is essential in order for children to have access to counselling in the schools.
8. Funds must be allocated through the Department of Justice for the development of Victim Services to provide crisis counselling, referral, support and advocacy for victims and families who are dealing with the justice system.
9. The Department of Justice must develop treatment services for convicted offenders both in custody and upon their release. These services could be connected to existing organizations such as the John Howard Society and Emmanuel House. These treatment services must be developed in coordination with the services delivered to victims and their families.

Training

10. Memorial University must take responsibility for evaluating the existing professional training that prepares students for working with victims of violence in the disciplines of medicine, nursing, social worker, psychology and education.
11. The Department of Justice must evaluate the training of police forces in Newfoundland and Labrador with particular emphasis on the role of police in the investigation of cases of child sexual abuse.
12. The Judiciary should take responsibility for ensuring their education about the dynamics and impact of violence on victims with particular respect to child victims.
13. The Department of Justice, Health, Social Services and Education should develop and promote ongoing staff training in the area of child abuse for their professional staff at all levels.
14. The Provincial Government should ensure that those appointed to positions of authority regarding children be appropriately qualified.

Coordination

15. In order to provide effective service to victims, families and offenders, inter-departmental and inter-

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agency coordination is essential at all levels of service delivery. The Departments of Health, Social Services, Education and Justice should evaluate the effectiveness of the existing inter-departmental committees and allocate resources so that these committees can implement their own recommendations, and so that the departments can have adequate representation on the inter-agency committees.

Public and Community Education

16. The Department of Education must ensure that school curriculums include, not only personal safety programs, but on-going education on sexuality and personal relationships.
17. It is not enough for the schools to provide programs that teach personal safety because children often do not have the power to keep themselves safe from abuse. The general public must be educated about the nature of abuse, appropriate responses to abusive situations over and above the responsibility to report, and the need for treatment and prevention strategies. The Departments of Education, Social Services, Health and Justice must work together with community agencies to develop a long-term, comprehensive education approach, using multi-media techniques. Education must be aimed at reducing victim stigma and must emphasize the community's responsibility for stopping abuse.

Accountability

We recommend:

18. That the Hughes Commission identify the specific departments and organizations, and the positions within these, responsible for action on the above recommendations and others made by community groups.
19. That the mandate for action include required Public Forum follow-up on progress towards implementation of the recommendations, at one year, three year and five year intervals. It is crucial that the accountability for action be held in public, so that the general community can be assured that the progress towards goals is steady and intentional.

8. The St. John's Status of Women Council:⁷

1. The practise of removing the victim from the home should be eliminated. Instead, a policy be established whereby the assailant is removed from the home and expressly forbidden to return while the incident is being investigated.
2. Officials in the legal system, i.e. police officers, lawyers, court judges, etc., should be required to

⁷ Exhibit C-0544

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participate in an extensive and indepth training program on the issue of sexual, physical and emotional abuse of women and children and the cycle of violence.

3. The inequalities of gender in the legal system be addressed immediately by speeding up affirmative action programs to reach the needed goal of equal representation of women in the legal system.
4. The length of time it takes for cases involving personal injury to finally reach the courts is a major cause of non-reporting by victims of abuse. These cases must be given priority and the actual court process be speeded up.

9. **Newfoundland Association of Social Workers:**⁸

1. That the government of Newfoundland act with dispatch to enable the Newfoundland Association of Social Workers to exercise control over the title "social worker" and social work practice.
2. That government departmental guidelines confirm a commitment to ensure that social work clinical decisions and plans for care (in the best interest of the child) are not subordinated to the expediencies of bureaucratic or political decision standards.

Exhibit C-0545.

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3. That government departmental guidelines confirm a commitment to supporting professional autonomy in clinical decision making and in professional action.
4. That the decision-making structure, as designed by the departments of government that employ social workers, ensure that the highest level of social work clinical decision is made by a senior social worker.
5. That non-social worker managers have clear direction to not take responsibility for either clinical social work judgements or clinical intervention decisions.
6. With the introduction of control of title, that the government take no action, such as declassification or reclassification, that would allow non-social workers to occupy a non-social work position, while carrying out social work duties such as psychosocial assessment, investigations or psychosocial counselling and therapy.
7. That the government expand its support for untrained workers and the school of social work in the interest of upgrading all those who are acting in social work roles, to enable them to qualify for the title "social worker" and to practice as social workers.
8. That the government and the department of social services establish a clear policy that the minimum

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qualification required to carry out social work responsibilities be that of a B.S.W.

9. That the government and the department of social services expand their support for untrained social service staff for whom the completion of a B.S.W. would facilitate the improvement of services to the public.
10. That the government and the department of social services expand their support for the school of social work at Memorial University, in order that it may increase its service to those untrained workers needing upgrading.
11. That the department of social services recognize that the post-B.A. B.S.W. programme at M.U.N, was designed, largely, to accommodate the department to enable upgrading of experienced social services workers who did not have benefit of professional education; it was not designed to give novices a shortened degree route - when compared to the norm - and it should not be permitted to be used in this fashion.
12. That as the province has done with respect to nursing (within health), that some remuneration enrichment programme be instituted to attract professionally qualified social workers to the department of social services.

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13. That the government expand its incentives to attract professional social workers to rural and northern areas of the province and enhance options to support the professional education of rural, northern and native people, who are more likely to return to their home regions.
14. That the public services commission, and the department of social services actively and personally recruit social work students before they graduate.
15. That if public services unions refuse to support such constructive efforts, that professional social workers pursue an independent union - not only in their interest but also in the best interest of the child.
16. That professional social workers be assigned specialized child protection caseloads (similar to the unit established in St. John's) such that they may concentrate their learning, their experience and their strengths to the benefit of the client/victim (the existing child abuse unit is not sufficient to meet the need throughout the province).
17. That professional social workers be assigned child abuse, child sexual abuse caseloads such that they may concentrate their learning experience and strengths, to the benefit of the client/victim.

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18. That, given the above, child protection caseloads be limited, by policy, to a maximum of twenty-three active protection cases, and ten "inactive protection cases" (for a maximum of thirty-three and that complexity of a caseload be taken into account and defined by a professional social worker clinical supervisor (as opposed to a management supervisor).
19. That clinical social work supervision be required, by policy, at levels sufficient to provide adequate worker support, a continuum of professional development, and to ensure early error correction -a maximum ratio of one clinical supervisor for six front line workers, is recommended (supervision in social work is similar, conceptually, to the expectation that the general practice physician will have access to consultation from a specialist.).
20. That only professionally trained social workers be assigned child protection/child abuse/child sexual abuse cases, and the supervision thereof (no person without adequate professional training should be assigned such cases).
21. That the social policy committee of cabinet ensure [reduced child protection caseloads are made possible through new monies and other resources, in the department of social services' budget, and that smaller caseloads for some social workers not be expected to be "purchased" at the expense of yet higher caseloads for other social workers - and thus

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reduced services for other categories of disadvantaged clients (such as mental retardation cases or young offenders).

22. That new social work positions be created and filled with professional social workers and that such positions be additional, and not be "left unfilled" in order to meet other "fiscal" goals while creating the illusion that there are more professional social work positions than there are in functional reality.
23. That the alleged practice of management keeping some social work positions "vacant", in order to save money and to balance departmental budgets, be stopped - as it is not in the best interest of the child (some who were consulted argued that this practice gave the public a false and manipulated impression of the total number of functional social work positions available in the department, as well as further exacerbating the problems created by large caseloads, as well as creating confusion for clients when they have their primary social worker changed "continually").
24. That the deputy minister of social services be made responsible for an effective recruitment programme to attract new professional social workers to the department.
25. That the minister of social services be responsible for arranging through the social policy committee of cabinet, resources designated to facilitate the

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expansion of the social work programme at Memorial University, to meet the province's immediate and possibly short term need for more properly educated and trained social workers.

26. That the department of social services, in consultation with the public service commission, establish effective procedures for proactive recruitment of professionally trained social workers.
27. That the department of social services managers and the minister of social services be held accountable, in policy, to demonstrate the ways and means that they have ensured quality professional standards of child protection and care are being maintained when they have made an administrative decision to:
 - a. require protection caseloads above the standard recommended 33, and/or;
 - b. not make adequate provision for competent and adequate clinical social work supervision, and/or;
 - c. to hire persons without benefit of sufficient professional education: to attempt to make professional individualized treatment plans; to attempt to manage a case with adequate knowledge regarding standards of care; to attempt to engage the client in complex counselling and therapy; to attempt to

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distinguish between management's needs and the client's needs - while resisting the displacement of the latter.

28. That, in policy, social workers be given the right and responsibility to formally record their professional assessment, without fear of punishment, when their professional judgement is subordinated by administrative decision, and that when administrators demand action that the social worker judges is counterindicated, that such action be recorded and that administrators be held fully accountable.
29. That the provincial government revise educational legislation or guidelines to facilitate early detection and early intervention by enabling professional social workers to provide services to abused children, their teachers and their families, from within the school system.
30. That, given the above, teachers and school administrators be made aware of policies, procedures and practices for the effective use of professional social workers for purposes of prevention and early detection, assessment, investigation, and advocacy.
31. That more new resources be designated for the development and continuation of programmes aimed at prevention and early intervention.

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32. That, given the above, the school of social work at Memorial University, design a support course for social work within the school system.
33. That, given the above, social workers employed by school boards, in positions entitled "school social worker" and that school social workers be accountable to a chief school social worker employed by the department of education.
34. That, given the above, persons employed as school social workers have, at a minimum, a B.S.W. degree.
35. That all social services managers that have decision responsibility for client service have, at a minimum, a B.S.W. and relevant experience.
36. That clinical/social work practice goals and objectives be given priority in both policy and practice, by the department of social services, over administrative goals and objectives.
37. That when an administrator who is not a professional social worker overrides a clinical assessment, protection plan or treatment plan, recommended by a professional social worker, the social worker of record have access to an appeal body and process.
38. That a clinical case conference team, made up of decision makers who are senior and experienced

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social work clinicians, a physician and a lawyer, be responsible for making final judgements and decisions, based, in part, on clinical/professional social work practice criteria, be established to manage all cases where an administrator wishes to override the recommendations of the professional social worker of record.

That in cases where any administrator, including the minister, overrides a professional recommendation:

- a. that the department administrator must become the service worker of record and must assume responsibility for the case and the service.
- b. that the professional social worker who had her/his recommendations for professional action and service rejected or displaced, have the right and the responsibility to officially record and file her/his professional assessment and professional judgement, without threat or prejudice.

That in the event that the action taken by administrators is not effective in protecting and/or otherwise serving the child or youth (proves to be not in the best interest of the child), that a professional social worker with such knowledge may request to appear/reappear before a case conference team to advocate on behalf of the child or youth.

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41. That the department confirm its commitment to norms of care and service, and go on record that administrative expedience and political expedience are to be avoided and that when they do not appear that they may be challenged in an official and formal clinical case conference.
42. That managers or administrators who do not have clinical social work education, not provide or attempt to provide clinical supervision.
43. That the department continue its programme of professional development for supervision, with special reference to clinical supervision.
44. That the services, care, and supervisory, management and administrative policies and practices of the department be reviewed by a team of consultants who are social workers with human services management training and experience.
45. That decision making regarding service, care and protection, be kept very close to front line social worker, the client and the worker's supervisor and be consultative in orientation.
46. That, given the above, in cases where the best decision is in doubt, that front line social worker and clinical supervisor have ready access to a formal clinical case conference opportunity.

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47. That, given the above, clear rules for authority and accountability be established that reflect the realities of clinical practice, in the best interest of child protection and treatment.
48. That large institutions (such as Mount Cashel) be abandoned as they pose too many difficulties in the provision and monitoring of care - this includes child and youth protection and youth corrections.
49. That foster home and group home (residential care) programmes be designed in consultation with senior professional social workers, based on protection, treatment, support and care goals and objectives.
50. That all foster homes, recruited, be assessed completely and carefully, by a professional social worker, before being selected and before children or youth are placed in such care.
51. That, if under emergency conditions, a child must be placed in a foster care opportunity where a home has not been assessed, then such evaluation must begin within 72 hours.
52. That such emergency placements not be permitted to become ends in themselves; they should represent a small proportion of placements, with due respect to regional differences.
53. That all foster parents receive training and supervision by a professional social worker to

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ensure that expectations for care are understood and agreed to and that individual differences in need are respected.

54. That administrative expectations be kept to a minimum and occupy the foster parent no more than 30 minutes per week.
55. That monitoring, evaluation and re-contracting, by a professional social worker, be based primarily on standards of individualized care, with the achievement of administrative expectations being considered as being tertiary.
56. That the department support the time resources and personnel, as judged necessary by a clinical social work supervisor, to ensure that complete assessment, monitoring and evaluation, by a professional social worker, is feasible.
57. Assuming the above, that the social worker be responsible for an individualized treatment plan that accounts for the needs of the child or youth (primary), the needs of the foster parent (secondary), and the administrative requirements of the department (tertiary).
58. That if a social worker has any reason to suspect that a child, or youth is being neglected or that his/her biopsychosocial well-being is threatened, then the social worker use his/her authority to remove the child/youth from a foster-home, group home, or

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other institution and that management respect that the decision is a clinical decision that is correctly biased in the direction of over inclusion.

59. If any threat to the child/youth placed is suspected, then the child/youth should be interviewed on neutral ground, away from the foster-home or residential care setting, by a social worker with an arms-length relationship with the foster parents, group home, or institution.
60. That the department establish a receiving home in, at least, each service region.
61. That the department recognize that investigating neglect or abuse in a family is not the same as investigating abuse in a foster home, group home or other out of home care, and that an independent, arms length, professional services panel be established to investigate complaints coming from within government child welfare services. Such a panel should include a senior social worker, a lawyer and a physician.
62. That there be a social worker assigned to attend to the children and youth placed in group homes - one social worker for every two or three group homes.
63. That as the expansion of the youth corrections facility at Whitbourne, is counterindicated (argued by our association in a brief to the current minister), and as the province has moved toward more

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deinstitutionalization of care in other areas, that plans be abandoned for the expansion.

64. That, as too many youth are being placed in custody, that a review be conducted with respect to how the young offenders act is being implemented in the province with special attention to the correlative abuses to youth.
65. That the department of social services increase the number of social workers capable of carrying out the longer term counselling and therapy needed, by victims of abuse, after the confrontation, protection, assessment and court process.
66. That the department of social services launch a feasibility study, to determine if a child protection and family services commission model, similar to the alcohol and drug dependency commission structure, could provide an arms length child and family social service in an efficient and effective manner.
67. That such a feasibility study be conducted by professional social workers who have expertise in child abuse, child sexual abuse and family services - including family counselling and therapy.
68. That the department of social services review its mandate and goals within the areas of promotion of family well-being, child welfare, and psychosocial services for families.

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69. That the department of social services be renamed "the department of family and social services".
70. That the department of social services reduce caseload size such that longer term supportive counselling and psychosocial therapy may be provided, with due respect to continuity of professional social work counselling and therapy.
71. That the department of social services establish a generous and consistent policy that will permit their social workers to refer department of social services clients who are victims and survivors, for private professional counselling and therapy when no other knowledgeable, skilled, trained and effective therapist is readily available through other public services.
72. That the department establish a list of acceptable private practice professionals educated, experienced and capable of carrying out long-term psychosocial counselling and therapy with persons who have been victims of physical abuse, sexual abuse, incest, neglect and emotional abuse, as children, youth or adult survivors.
73. To enable early and rapid intervention and/or investigation, that caseload sizes be reduced significantly, that decision-making power be decentralized more to the supervisory level, and that special education and training be available beyond

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general practice for, at least, professional social workers, police and physicians.

74. To improve the quality of psychosocial assessments with respect to abuse, that the general professional education of social workers be supplemented with specialized education regarding abuse assessment and investigation and that caseload sizes enable complete investigation and assessment.
75. To improve protection response, related investigations and assessments, establish standards of clinical practice for social work and police investigation, based on existing models, but adapted to the Newfoundland reality.
76. To reduce the further victimization of those abused by ensuring that those social workers assigned to investigation and assessment and those police officers assigned to investigation, are properly trained to complete abuse investigations, including sexual abuse.
77. That physicians receive increased medical training to surface, treat medical problems and to refer patients for protection and psychosocial counselling.
78. That the philosophy of least intrusive intervention be applied or ignored based on clinical decision criteria.

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79. That the criminal justice disclosure and testimony process for children be reviewed with respect to establishing procedures that reduce the further victimization of the child.
80. That when evidence is too weak for conviction, that alternate protection measures be instituted, possibly under the authority of the family court:
 - a. voluntarily removal of the alleged offender;
 - b. seek an order of supervision, by a professional social worker;
 - c. seek an order for restricted access;
 - d. seek a restraining order.
81. That expulsion from the province not be permitted to be defined as either a "punishment" or as justice.
82. That investigations of abuse, psychosocial assessments, treatment plans and long-term treatment of victims/survivors, be carried out by professionally trained social workers.
83. That in cases of doubt that a clinical case conference model be used, chaired by a senior social work clinician, with a lawyer and physician to complete the panel.

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84. That in cases where an abuse may have been perpetrated by a person within out-of-home care, or a youth correction service, or any other care-giving institution, then the investigation, assessment and disposition should be made by a professional team made up of a senior clinical social worker, a lawyer and a physician, who put forward their decision to the director of child welfare, and who are accountable to a minister other than social services, health or justice.
85. That two-level reporting and follow-up, be required in abuse cases, even if criminal proceedings are unlikely, and that a case management team be established with a clinical social worker as case manager, to ensure that the child/youth does not fall through the cracks.
86. That the school of social work at Memorial University:
 - a. establish a programme beyond the general practice degree, for continuing professional education with respect to all aspects of child protection.
 - b. establish a basic certificate course for social workers and one for police to prepare each to conduct sensitive investigation interviews.
 - c. establish an infrastructure to complete clinical and policy research with respect to:

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promoting family well-being; prevention of child abuse and neglect; abuse investigation and biopsychosocial assessment; alternative protection measures; impact of abuse; victimization by the justice process; protection in rural and northern communities; long-term counselling and therapy; institutional abuse; and administrative obstructions to clinical practice.

d. that some resources from Mount Cashel be set aside to establish a permanent chair for the study of child protection and child abuse, within the school of social work, that would act as a permanent memorial to the victims of Mount Cashel.

87. That the victims of Mount Cashel receive needed long term and competent psychosocial counselling at the expense of the public and the individual and institutional perpetrators.

10. Memorial University School of Social Work:⁹

1. That the government of Newfoundland act with dispatch to enact an effective act to control the title "social worker" and practice of social work, including psychosocial assessment, counselling and therapy.

⁹ Exhibit C-0545A.

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2. With the introduction of control of title, that the government take no action, such as declassification or reclassification, that would allow non-social workers to occupy a non-social work position, while carrying out social work duties such as psychosocial assessment, investigations or psychosocial counselling and therapy.
3. That the government expand its support for untrained workers and continue to support the school of social work in the interest of upgrading all those who are acting in social work roles, to enable them to qualify for the title "social worker" and to practice as professional social workers.
4. That the government and the department of social services establish a clear policy that the minimum qualification required to carry out social work responsibilities be that of a B.S.W.
5. That the government and the department of social services expand their support for untrained social service staff for whom the completion of a B.S.W. would facilitate the improvement of services to the public.
6. That the government and the department of social services expand their support for the school of social work at Memorial University, in order that it may increase its service to those untrained workers needing upgrading as well as to other professionals and para-professionals.

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7. That the government expand its incentives to attract professional social workers to rural and northern areas of the province, and enhance options to support the professional education of rural, northern and native people, who are more likely to return to their home regions.
8. That the public service commission, and the department of social services actively and personally recruit social work students before they graduate.
9. That the school of social work negotiate increased resources to:
 - a. establish an undergraduate course focused on "counselling with victims of abuse and neglect";
 - b. establish a graduate course on "clinical social work supervision";
 - c. establish a post-baccalaureate diploma programme in "counselling and therapy for child abuse";
 - d. establish institutes to educate professionals and para-professionals in focused skill areas related to child protection and offender therapy, and to certify knowledge and skill attainment,

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and

- e. develop a proposal to establish a research chair on child abuse and survivor treatment, for the Memorial University school of social work, to act, in part, as a memorial to the victims of Mount Cashel and other survivors of abuse.
10. That professional social workers be assigned specialized child protection and child abuse and sexual abuse caseloads such that they may concentrate their continuing professional education, their experience and their strengths.
11. That, given the above, child protection caseloads be limited, by policy, to a maximum of twenty-three active protection cases, and ten "inactive protection cases" (for a maximum of thirty-three) and that complexity of caseload be taken into account and defined by a professional social worker clinical supervisor (as opposed to a management supervisor).
12. That clinical social work supervision be required, by policy, at levels sufficient to provide adequate worker support, a continuum of professional development, and to ensure early error correction - a maximum ratio of one clinical supervisor for six front line workers, is recommended.

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- e. develop a proposal to establish a research chair on child abuse and survivor treatment, for the Memorial University school of social work, to act, in part, as a memorial to the victims of Mount Cashel and other survivors of abuse.
10. That professional social workers be assigned specialized child protection and child abuse and sexual abuse caseloads such that they may concentrate their continuing professional education, their experience and their strengths.
 11. That, given the above, child protection caseloads be limited, by policy, to a maximum of twenty-three active protection cases, and ten "inactive protection cases" (for a maximum of thirty-three) and that complexity of caseload be taken into account and defined by a professional social worker clinical supervisor (as opposed to a management supervisor).
 12. That clinical social work supervision be required, by policy, at levels sufficient to provide adequate worker support, a continuum of professional development, and to ensure early error correction - a maximum ratio of one clinical supervisor for six front line workers, is recommended.

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13. That only professionally trained social workers be assigned child protection/child abuse/child sexual abuse cases, and the supervision thereof.
14. That the school of social work and the department of social services establish ways and means to:
 - a. provide professional social work education to untrained workers within the department.
 - b. provide opportunities for specialized education for professional social workers in the area of:
 - i) child protection
 - ii) treating survivors of abuse and their families
 - iii) treating the offender
 - iv) clinical supervision for child protection, survivor therapy and offender therapy.
15. That the department create additional new social work positions to be filled with professional social workers.
16. That the department of social services, in consultation with the public service commission and

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the school of social work, establish effective procedures for proactive recruitment of professionally trained social workers.

17. That the provincial government revise educational legislation or guidelines to facilitate early detection and early intervention by enabling professional social workers to provide services to abused children, their teachers and their families, from within the school system.
18. That, given the above, teachers and school administrators be made aware of policies, procedures and practices for the effective use of professional social workers for purposes of prevention and early detection, assessment, investigation, and advocacy.
19. That more new resources be designated for the development and continuation of programmes aimed at prevention and early intervention.
20. That, given the above, the school of social work at Memorial University, design a support course for social work within the school system.
21. That, given the above, social workers employed by school boards, in positions entitled "school social worker" and that school social workers be accountable to a chief school social worker employed by the department of education.

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22. That, given the above, persons employed as school social workers have, at a minimum, a B.S.W. degree.

Administration of Social Services

23. That all department of social services managers that have decision responsibility for client service have, at a minimum, a B.S.W. and relevant experience.
24. That clinical/social work practice goals and service objectives be given priority in both policy and practice, by the department of social services, over administrative goals and objectives.
25. That when an administrator who is not a professional social worker overrides a clinical assessment, protection plan or treatment plan, recommended by a professional social worker, then the social worker of record have access to an appeal body and process.
26. That a clinical case conference team, made up of decision makers who are senior and experienced social work clinicians, a physician and a lawyer, be responsible for making final judgements and decisions, based, in part on clinical/professional social work practice criteria, be established to manage all cases where an administrator wishes to override the recommendations of the professional social worker of record.

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27. That managers or administrators who do not have clinical social work education, not provide or attempt to provide clinical supervision or to make clinical decisions.
28. That the department continue its programme of professional development for supervision, with special reference to supportive clinical supervision.
29. That the services, care and supervisory, management and administrative policies and practices of the department be reviewed by a team of consultants who are social workers with human services management training and experience.
30. That decision making regarding service, care and protection, be kept very close to front line social worker, the client and the worker's supervisor and be consultative in orientation.
31. That, given the above, in cases where the best decision is in doubt, that front line social worker and clinical supervisor have ready access to a formal clinical case conference opportunity.
32. That, given the above, clear rules for authority and accountability be established that reflect the realities of clinical practice, in the best interest of child protection and treatment.
33. That professors within the school of social work who have a management and management

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consultation background put forward a proposal to assist the department of social services to complete an internal review.

34. That large institutions (such as Mount Cashel) be abandoned as they pose too many difficulties in the provision and monitoring of care - this includes child and youth protection and youth corrections.
35. That foster home and group home (residential care) programmes be designed in consultation with senior professional social workers, based on protection, treatment, support and care goals and objectives.
36. That all foster parents receive training and supervision by a professional social worker to ensure that expectations for care are understood and agreed to and that individual differences in need are respected.
37. That the department support the time resources and personnel, as judged necessary by a clinical social work supervisor, to ensure that complete assessment, monitoring and evaluation, by a professional social worker, is feasible.
38. That the department establish a receiving home in, at least, each service region.
39. That the department recognize that investigating neglect or abuse in a family is not the same as investigating abuse in a foster home, group home or

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other out of home care, and that an independent, arms length, professional services panel be established to investigate complaints coming from within government child welfare services. Such a panel should include a senior social worker, a lawyer and a physician.

40. That the department of social services increase the number of social workers capable of carrying out the longer term of counselling and therapy needed, by victims of abuse, after the confrontation, protection, assessment and court process,
41. That the department of social services launch a feasibility study, to determine if a child protection and family services commission model, similar to the alcohol and drug dependency commission structure, could provide an arms length child and family social service in an efficient and effective manner.
42. That such a feasibility study be conducted by professional social workers who have expertise in child abuse, child sexual abuse and family services - including family counselling and therapy.
43. That the department of social services review its mandate and goals within the areas of promotion of family well-being, child welfare, and psychosocial services for families.

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44. That the department of social services be renamed "the department of family and social services".
45. That the department of social services reduce caseload size such that longer term supportive counselling and psychosocial therapy may be provided, with due respect to continuity of professional social work counselling and therapy.
46. That the department of social services establish a generous and consistent policy that will permit their social workers to refer department of social services clients who are victims and survivors, for private professional counselling and therapy when no other knowledgeable, skilled, trained and effective therapist is readily available through other public services.
47. To enable early and rapid intervention/investigation, that caseload sizes be reduced significantly, that decision-making power be decentralized more to the supervisory level, and that special education and training be available beyond general practice for, at least, professional social workers, police and physicians.
48. To improve the quality of psychosocial assessments with respect to abuse, that the general professional education of social workers be supplemented with specialized education regarding abuse assessment and investigation and that caseload sizes enable complete investigation and assessment.

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49. To improve protection response, related investigations and assessments, establish standards of clinical practice for social work and police investigation, based on existing models, but adapted to the Newfoundland reality.
50. To reduce the further victimization of those abused by ensuring that those social workers assigned to investigation and assessment and those police officers assigned to investigation, are properly trained to complete abuse investigations, including sexual abuse.
51. That physicians receive increased medical training to surface, treat medical problems and to refer patients for protection and psychosocial counselling.
52. That the philosophy of least intrusive intervention be applied or ignored based on clinical decision criteria.
53. That the criminal justice disclosure and testimony process for children be reviewed with respect to establishing procedures that reduce the further victimization of the child.
54. That when evidence is too weak for conviction, that alternate protection measures be instituted, possibly under the authority of the family court; these could include:

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- a. seeking voluntary removal of the alleged offender;
 - b. seeking an order of supervision, by a professional social worker;
 - c. seeking an order for restricted access;
 - d. seeking a restraining order.
55. That expulsion from the province not be permitted to be defined as either a "punishment" or as justice.
56. That investigations of abuse, psychosocial assessments, treatment plans and long-term treatment of victims/survivors, be carried out by professionally trained social workers.
57. That in cases of doubt that a clinical case conference model be used, chaired by a senior social work clinician, with a lawyer and physician to complete the panel.
58. That in cases where an abuse may have been perpetrated by a person within out-of-home care, or a youth correction service, or any other care-giving institution, then the investigation, assessment and disposition should be made by a professional team made up of senior clinical social worker, a lawyer and a physician, who put forward their decision to the director of child welfare, and who are

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accountable to a minister other than social services, health, or justice.

59. That two-level reporting and follow-up, be required in abuse cases, even if criminal proceedings are unlikely, and that a case management team be established with a clinical social worker as case manager, to ensure that the child/youth does not "fall through the cracks".
60. That the school of social work at Memorial University:
 - a. establish a programme beyond the general practice degree, for continuing professional education with respect to all aspects of child protection.
 - b. establish a basic certificate course for social workers and one for police to prepare each to conduct sensitive investigation interviews.
 - c. establish an infrastructure to complete clinical and policy research with respect to:
promoting family well-being; prevention of child abuse and neglect; abuse investigation and biopsychosocial assessment; alternative protection measures; impact of abuse; victimization by the justice process; offender therapy; protection in rural and northern communities; long-term counselling and therapy; institutional abuse; and

administrative-obstructions to clinical practice.

- d. negotiate with the community to ensure resources be set aside to establish a permanent chair for the study of child protection, survivor treatment, within the school of social work, that would act as a permanent memorial to the victims of Mount Cashel and other survivors who have come before the Commission.

11. Women's Legal Education and Action Fund (L.E.A.F.):¹⁰

1. The criminal justice system must meet the constitutional standards articulated in the charter. LEAF respectfully submits that the criminal justice system promote the equality of women and children who are victims of physical and sexual abuse through an interpretation and application of those who are vulnerable to victimization. To do otherwise is inconsistent with the Charter.
2. The experiences of women and children, experiences which have been traditionally silenced and trivialized, be afforded legitimacy and respect. Treating victims of violence with respect can take many forms: sensitive police response to

Exhibit C-0548

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allegations of abuse, adequate and appropriate prosecution of crimes involving women and children, reflective criminal sentences in proportion to the crime, and financial and institutional support for social service agencies which provide essential services for survivors of sexual and physical assaults.

3. To further break down the myths and stereotypes which remain around child sexual abuse and violence against women, the actors in the criminal justice system must be further sensitized and educated about the dynamics and effects of abuse of disadvantaged members of Newfoundland, and Canadian, society. LEAF applauds the initiatives which have been undertaken in this regard in Newfoundland and encourages further education of police officers, Crown Attorneys, Judges, and the general public.

12. Children in Care Alumni Inc.:¹¹

1. We request that the Royal Commission of Inquiry make recommendations which address the issue of how judicial and Child Welfare Systems can be held accountable for their procedures and practices in caring for children of the State.

Exhibit C-0549.

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2. Establishment of a Children's Ombudsman with investigative powers and directly accessible to children in care to hear the concerns of such children.
3. Education of children entering State care to make them aware of their rights and the obligations of the State as the parental care giving substitute.
4. Clearly defined policies, standards of practice and procedures with adequate resources for their implementation to provide appropriate placements with consistent monitoring and follow up supervision to ensure safety and adequate care giving.
5. Training and systematic supervision of State care givers to reflect the positive parenting standards advocated by the State for all Canadian children and their families.
6. Criminal record checks of all persons working directly with children in care and a national registry of child abusers because sexual offenders with a preference for children are more likely to seek those employment opportunities and social environments which bring them into closer contact with potential victims.
7. Treatment programs for victims of abuse as well as offenders to break the cycle of inter-generational abuse.

13. Canadian Civil Liberties Association:¹²

"We believe, therefore, that there will not be adequate public confidence in the Newfoundland justice system until there is in place a well-funded and properly empowered investigative and review agency which is independent of all police forces and governments. Such an agency should be available not only to investigate and process the complaints of aggrieved civilians but also to conduct ongoing audits of police and prosecutorial activity."

14. The Brother T.I. Murphy Centre:¹³

Process towards solutions:

1. Finding a Will to Change:

To determine whether there is a will within the province to work towards solutions will depend on who "buys-in" to the process. The process should begin in several places at the same time, with influential support to help get it underway. Community leaders in government (political and bureaucratic), business, labour, church and support service groups should come together in an open and candid forum to express their will to seek solutions. It is

¹² Exhibit C-0570.

¹³ Exhibit C-0620.

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necessary to include all government departments including education, health, economic development, etc., because what affects the victim, in turn also affects all aspects of community life. Since the problems are interconnected, so are the solutions. No longer can we say that this problem is for justice or social services, we must accept and work with the linkages that operate within society.

2. Claiming Ownership of the Problems

Hopefully the climate of change can be established through step 1 and the problems can now be dealt with at the local level. Unless the community claims ownership of the problems, then there is no likelihood of finding solutions. The community can be a municipality, or a larger or smaller area as the problem is defined. The myriad of leaders and interested persons then begins the process of tackling the problem by identifying the issues, admitting ownership and exploring solutions.

Appendix L

Note by the Commissioner on
"Reasonable (and Probable) Grounds"
March 15, 1991

Reasonable (and Probable) Grounds

The expression "reasonable and probable grounds" as the basis of belief that an offence has been committed justifying the laying of an information before a justice of the peace is of venerable authority and has held its place in the *Criminal Code of Canada* since that statute was first enacted in 1892. To go no further back than the *Revised Statutes of Canada, 1970* the section in question first as 453, and later as 455 reads:

"455.(1) Any one who, upon reasonable and probable grounds, believes that a person has committed an indictable offence may lay an information in writing and under oath before a justice, and the justice shall receive the information where it is alleged that

(a) the person has committed, anywhere, an indictable offence that may be tried in the province in which the justice resides, and that the person

- (i) is or is believed to be, or
- (ii) resides or is believed to reside,

within the territorial jurisdiction of the justice;

(b) the person, wherever he may be, has committed an indictable offence within the territorial jurisdiction of the justice;

(c) the person has anywhere unlawfully received property that was unlawfully obtained within the territorial jurisdiction of the justice; or

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(d) the person has in his possession stolen property within the territorial jurisdiction of the justice.

(2) An information that is laid under this section may be in Form 2. 1953-54, c.51,s.439."

The relevant section in the Revised Statutes of 1985 is section 504 and is unchanged in effect except for the removal of the words "and probable" from the first line and subsection (2). It is reproduced here for the reader's greater certainty.

"504. Any one who, on reasonable grounds, believes that a person has committed an indictable offence may lay an information in writing and under oath before a justice, and the justice shall receive the information, where it is alleged

- (a) that the person has committed, anywhere, an indictable offence that may be tried in the province in which the justice resides, and that the person
 - (i) is or is believed to be, or
 - (ii) resides or is believed to reside,
- (b) that the person, wherever he may be, has committed an indictable offence within the territorial jurisdiction of the justice;
- (c) that the person has, anywhere, unlawfully received property that was unlawfully obtained within the territorial jurisdiction of the justice; or
- (d) that the person has in his possession stolen property within the territorial jurisdiction of the justice. R.S., c. C-34, s.455; R.S., c.2(2nd Supp.), s.5."

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Between the 1970 and 1985 revisions the *Statute Revision Act*, S.C. 1975 - 75 - 76, c.20, s.1 was enacted establishing a commission composed of three employees of the Department of Justice "appointed thereto, from time to time, by the Minister". The commission by section 5 thereof was directed to "arrange, revise and consolidate the public general statutes of Canada", empowered to omit therefrom such enactments as might have expired or been repealed or had a local connotation, including such local or private acts as might impose duties or limit rights affecting the public, and to alter numbering and arrangement of the statutes apparently at will, although paragraph (e) provides limitation in the following terms by authorizing the commission to:

"(e) make such alterations in the language of the statutes as may be required to preserve a uniform mode of expression, without changing the substance of any enactment;"

The commissioners, I am advised, had contemplated removal of the words "and probable" wherever they occurred in the Criminal Code in conjunction with "reasonable grounds", and in the sense which is here considered. Although imperfectly done considering that "reasonable and probable grounds" still appears in section 234(1) of the Criminal Code contained in R.S.C. 1985 c.48 it must be presumed that the steps required by the *Statute Revision Act* and summarized in the recitals in chapter 48 as to the Minister of Justice laying drafts before committees of the Senate and House of Commons were complied with and the attention of their members called to the change prior to the reporting of the bill and its enactment as S.C. 1987, c.48. I

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must here acknowledge the candour and co-operation of the commission in advising Mr. Clay M. Powell, Q.C., co-counsel to this commission, of their view that the change effected was not one of substance, and I do not think it inaccurate to assume that their view was put forward in any explanation that was given to Parliament or its committees at the time. *Omnium praesumuntur rite ac solemniter esse acta*. The commissioners, as I am told, considered the views of His Honour Judge O'Hearn of the Nova Scotia County Court expressed in *Regina v. Jewers* 15 C.R.N.S. 65. This was a case where, upon investigating a motor accident, a constable found that the driver of one car, admittedly the owner, had a "strong smell of liquor on his breath and that his eyes were bloodshot and watery". On appeal, evidently *de novo*, although offering no evidence, the appellant raised *inter alia* the objection that the constable did not have reasonable and probable grounds to demand a breathalyser test because the appearance of the appellant's eyes could be explained by a blow on the nose as a result of the collision. The appeal was dismissed, but in the course of his reasons the learned county court judge addressed the question of any distinction existing between "reasonable and probable grounds" and "reasonable grounds". Although these reasons are fortified by copious references to cases perhaps the biggest gun brought to bear was a quotation from Winfield on the Law of Tort (2nd edition) at p.671 reading:

"There does not appear to be any distinction between 'reasonable' and 'probable'. The conjunction of these adjectives is a heritage from the redundancies in which the old pleaders delighted, and although it has been said that reasonable cause is such as would operate on the mind of a discreet man while probable cause is such as would operate on the mind of a reasonable

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man, this does not help us much for it is difficult to picture a reasonable man who is not discreet."

The judge actually found that the constable had "reasonable and probable grounds" for his belief that the ability of the appellant was impaired, and since the strong smell of alcohol was present it might be thought that his observation on the etymology of the question was simply a *tour de force*, particularly since on further appeal to the Appeal Division of the Nova Scotia Supreme Court, McKinnon C.J.N.S., giving the judgment of the court dismissing it, did not advert to the corresponding ground of the appeal since he considered it a question of fact. Judge O'Hearn's judgment was rendered in June 1971 and that of the Appeal Division in February 1972.

I have referred to the fact that the attack on the words "and probable" misfired in the case of section 234 at least where they were allowed to remain to preserve "reasonable and probable grounds" in the case of a demand for a breath sample by the police although successful in the case of section 34 (self defence) and 504 itself. Of even greater interest is the fact that the 1st supplement to the *Revised Statutes of Canada, 1985* by chapter 27, section 82 thereof successfully replaced the expression in subsection one of section 512 which reads as of the time of writing:

"82. All that portion of subsection 512(1) of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

'512(1) A justice may, where the justice has reasonable and probable grounds to believe that it is necessary in the public interest to issue a summons or a warrant for the arrest of the accused, issue a summons or warrant, notwithstanding that.'

Astonishingly the French version of section 82 of chapter 27 of the 1st supplement does no such thing and reads:

"Le passage du paragraphe 512(1) de la meme loi qui precede l'alea a) est abroge et remplace par ce qui suit:

512(1) Un juge de paix peut, lorsqu'il est necessaire d'agir de la sorte dans l'intérêt du public, decerner une sommation ou un mandat pour l'arrestation du prevenu meme dans les cas suivants."

The latest advice received from Ottawa is that there is now in contemplation a bill designed to remove all occurrences in the Code of the phrase "reasonable and probable grounds" in favour of "reasonable grounds". It is to be hoped that the following engages the attention of Parliament.

Is the change in the wording of "reasonable and probable grounds" by removing the element of probability a change in substance? The statute revision commissioners evidently thought not, and as I have said above one must presume that their opinion was offered to Parliament in those cases where the change was made by the *Revised Statutes of Canada, 1985 Act*, although it would be interesting to know what explanation was offered in the case of section 512 when the 1st supplement was introduced. I have been furnished with the reasons for judgment of the Honourable Mr. Justice Hugesson of the Federal Court of Appeal giving the judgment of that court in *Baron et al. v. The Queen et al.* dated November 28, 1990 and at the time of writing unreported. The court was considering subsection (3) of section 231.3 of the *Income Tax Act* and allowed an appeal from the decision

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of the trial judge who had found that this subsection, providing for search and seizure and containing the provision for reasonable and probable grounds, did not offend against the provisions of section 8 of the *Charter of Rights and Freedoms* as being unreasonable in the case at bar.

In the course of giving reasons allowing the appeal and striking down the impugned subsection the learned justice of appeal turned aside from his principal theme to consider argument raised only by the/successful appellants at page 17 of the typescript:

"It will be recalled that the standard set by subsection 231.3(3) is that of "reasonable grounds to believe". The appellants argue that this is not good enough. The minimum standard must be "reasonable and probable grounds". The appellants' focus on the following passage from the decision in *Southam* (above):

In cases like the present, reasonable and probable grounds, established upon oath, to believe that an offence have (*sic*) been committed and that there is evidence to be found at the place of the search, constitutes the minimum standard, consistent with s.8 of the Charter, for authorizing search and seizure.

(At page 168)

By eliminating the word "probable" from the legislative standard, it is argued, Parliament has suppressed the "more likely than not" standard of proof to be applied by the issuing judge. I do not agree.

In the first place, it seems to me that, as a matter of simple linguistic construction, the word "probable" in the phrase "reasonable and probable grounds to believe" adds nothing. In this connection, it is convenient to refer

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to the standard dictionary definition in both official languages.

The Shorter Oxford dictionary gives the following modern meaning:

"Probable"

2. Such as to approve itself to the mind; worthy of acceptance or belief; rarely in bad sense, specious, colourable. (Now merged in 3.) - 1872. 3. Having an appearance of truth; that may reasonably be expected to happen or prove true: likely 1606. (Emphasis added)

Even more interesting is Robert's indication of an archaic definition for the French "probable":

"Probable"

1. Vx. Opinion probable, qui sans exclure la possibility d'une autre opinion, ne presente cependant rien de contraire a la raison. - Relig. Opinion probable: opinion fondee sur des raison serieuses quoique non decisives. (Emphasis added)

This may very well explain how the word has come to be associated historically by lawyers with the word "reasonable". Like the second member of such other hallowed English legal phrases as "null and void", "good and valid", "last will and testament" etc, it does nothing."

Mr. Justice Hugesson went on to quote a passage preceding by a few lines the one quoted above in the judgment of the Supreme Court of Canada in *Hunter et al v. Southam Inc.* 14 C.C.C. (3d) 97, in which Mr. Justice Dickson, as he then was, gave the judgment of the court holding that section 10(1) and (3) of the

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Combines Investigation Act was inconsistent with section 8 of the Charter and of no force and effect. I quote the whole of the passage as delivered by Mr. Justice Dickson which was split into two parts in the reasons of Mr. Justice Hugesson. As reproduced at pp. 114 - 115 of the report in the *Canadian Criminal Cases*, they are virtually contiguous:

"Anglo-Canadian legal and political traditions point to a higher standard. The common law required evidence on oath which gave "strong reason to believe" that stolen goods were concealed in the place to be searched before a warrant would issue. Section 443 of the Criminal Code authorizes a warrant only where there has been information upon oath that there is "reasonable ground to believe" that there is evidence of an offence in the place to be searched. The American Bill of Rights provides that "no warrants shall issue but upon probable cause, supported by oath or affirmation . . .". The phrasing is slightly different but the standard in each of these formulations is identical. The State's interest in detecting and preventing crime begins to prevail over the individual's interest in being left alone at the point where credibly-based probability replaces suspicion. History has confirmed to appropriateness of this requirement as the threshold for subordinating the expectation of privacy to the needs of law enforcement. Where the State's interest is not simply law enforcement as, for instance, where State security is involved, or where the individual's interest is not simply his expectation of privacy as, for instance, when the search threatens his bodily integrity, the relevant standard might well be a different one. That is not the situation in the present case. In cases like the present, reasonable and probable grounds, established upon oath, to believe that an offence has been committed and that there is evidence to be found at the place of the search,

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constitutes the minimum standard, consistent with s.8 of the Charter, for authorizing search and seizure. In so far as s.10(1) and (3) of the Combines Investigation Act do not embody such a requirement, I would hold them to be further inconsistent with s.8."

It will be observed that Mr. Justice Dickson first compares the language of section 443 of the Criminal Code - "reasonable ground to believe" - to that of the American Bill of Rights - "upon probable cause" - and finds these expressions identical as to standard but goes on to prescribe the element of probability.

With the greatest respect I am doubtful about the effect of Mr. Justice Hugesson's observations on the point in *Baron's* case. In the first place the argument as to the essential quality of probability was raised by the successful appellants and the fact that it was rejected by the learned judge did not affect the result of the appeal. Therefore what fell from him is a classic case of *obiter dictum*; although the Supreme Court of Canada always speaks *ex cathedra* and cannot be heard to do so *obiter*, no other court in Canada in my respectful view is accorded the like deference and in the case of others such digressions are without authority. In the second place I also consulted the *Shorter Oxford English Dictionary* to see what is left if the word "reasonable" remains alone and unqualified. The relevant entries for "reasonable" are as follows:

- "1. endowed with reason (now rare)
2. having sound judgement; sensible, sane, also not asking for too much; requiring the use of reason.
3. agreeable to reason, not irrational, absurd or ridiculous.

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"a prosecution, preferred maliciously, without reasonable or probable cause; the remedy is an action on the case in which damages may be recovered. Damages must be pleaded and proved (*Berry v. British Transport Commission* [1962] 1 Q.B. 306). The allegation of want of reasonable and probable cause must be expressly proved and cannot be implied; it is for the judge not the jury to determine upon it."

The *Oxford Companion To Law* (Clarendon Press, 1980) compiled by David M. Walker, Regius Professor of Law at the University of Glasgow defines "reasonable cause" as:

"a ground or justification for doing something which commends itself to an individuals reason. In legal context it is frequently combined in the phrase reasonable and probable cause, *probable cause being grounds which are capable of proof*. The question arises in such problems as an action for malicious prosecution or for false imprisonment, where the absence of reasonable and probable cause is an essential of success in the former and its existence is a defence in the latter. Whether there is reasonable and probable cause is a question of law."

The italics are mine.

Although "reasonable and probable cause" may be derived from the civil actions for malicious prosecution and false imprisonment, the framers of the Criminal Code (of which Sir James Fitzjames Stephen was generally credited to be the chief) thought fit to apply the standard which it imports to the action of laying an information of the commission of an indictable offence. Presumably if the informant or the justice were challenged as to the propriety of their actions in relation to the standard to be observed it would be a question of law

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for a judge to be decided upon principle and authority. To say that such alteration as has happened here is not a₁₄ matter of substance is a question for debate.

I am indebted to Mary Dawson, Q.C. chairman of the Statute Revision Commission and Associate Deputy Minister (Public Law) of the Department of Justice at Ottawa for drawing to my attention the special procedure for bringing into force the supplements to the Revised Statutes of Canada in the following terms:

"Section 13 of the Revised Statutes of Canada, 1985 Act, chapter 40 (3rd Supp.) require that a supplement to the Revised Statutes be deposited in the office of the Clerk of the Parliaments by the Governor General and brought into force by order of the Governor in Council. This system does not call for the parliamentary procedure referred to in section 7 of the *Statute Revision Act*.

This observation may serve to reinforce the thrust of my concluding sentence.

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Uncited Rulings by
the Commissioner

[N.B. Only those rulings which
required extended reasons are reproduced.]

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Application by Shane Michael Earle for
funding for himself and others June 29,
1989

Shane Michael Earle, applicant, in person

John McCarthy, for the Government of
Newfoundland and Labrador

David C. Day, Q.C. and Clay M. Powell, Q.C., for
the Royal Commission

THE COMMISSIONER (orally):

I have now to determine the question as to whether the application of Mr. Shane Michael Earle and others for funding, in other words, for the provision of funds for a lawyer to represent him and others whose names are affixed to exhibit C-0007 - that being a letter in which Mr. Harry Kopyto, a barrister and solicitor practising in Toronto has, over the names of the affected parties, made what is tantamount to a demand for a recommendation on my part, to the government of Newfoundland and Labrador that funds should be provided to enable him to represent Mr. Earle and the other people whose names are listed in that exhibit which is dated June 28, 1989, should be granted.

First of all, I should say that I accept the views of Mr. Day and Mr. Powell as to my lack of jurisdiction to order the reimbursement of any costs or the provision of any funds for any party with standing, or anybody else. There is simply nothing in the commission's terms of reference which provides me with any such jurisdiction. As to the

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recommendations that may be made, I take it that the terms of reference are wide enough to permit a recommendation in due course. At this stage of the proceedings, however, there is nothing on which a recommendation could be based. No doubt, the proceedings of this commission, which amount to an exercise in fact-finding, will be useful to anybody who either has already launched an action against government or contemplates an action against government and will be an economical way of obtaining discovery. Just to what extent Mr. Earle and his associates can be of help to the fact-finding process that this commission has embarked upon is concealed and can only be ascertained as investigation unfolds.

There are precedents for making recommendations. But I entirely agree with what Mr. McCarthy - who has just informed me that his instructions from the provincial government are to the effect that there is no plan to provide funding of this type - has said, which is that the services of commission counsel can be of the greatest help and may be all that are necessary to assist parties with standing before this commission.

In fact I can well remember the days when I first became involved in investigations of this type, that it was the inflexible rule that only commission counsel could put questions to witnesses; that they were available to put such questions, as might be suggested to them, if they thought they were appropriate. At the end of the day, provision was made for applications by people who were affected by the evidence to appear with counsel and make submissions after all the evidence was in. Then, as the years passed, various courts and, I should say, particularly perhaps in the Province of Ontario, found that people with standing should be allowed to cross-examine witnesses called by commission counsel. That,

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in my opinion, had the regrettable effect of introducing an adversarial aspect to the deliberations of these commissions. However, I think that it no longer can be successfully maintained that the old practice is still supported by authority.

Nonetheless, the position taken by Mr. McCarthy is useful, I think, and consistent with original practice, and I am not bound by any of the decisions that have been made, conceivably by none, in any case, but at least I can say that I am not bound to follow any of the decisions in any other province except those that have fallen from the Supreme Court of Canada and have been decided in the Province of Newfoundland.

On these grounds, and in light of what Mr. McCarthy has communicated, I decline to make any recommendation at this time; particularly under circumstances which could fairly be called premature, before any of the evidence which commission counsel may call has been heard and the imponderables of the situation which might affect the exercise of my discretion are revealed.

So the application for a recommendation in this sense is refused.

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Application by Harry Kopyto to
appear as agent for nine persons
granted standing by the Royal
Commission August 14, 1989

Harry Kopyto, applicant, in person

James R. Chalker, Q.C., for the Law
Society of Newfoundland

David C. Day, Q.C. and Clay M. Powell, Q.C. for
the Royal Commission

THE COMMISSIONER (orally):

At the commencement of proceedings this morning, at this organizational meeting, Mr. Chalker, Q.C. appeared for the Law Society of Newfoundland to speak to an application for standing brought by Miss Hoegg, the Legal Director of the Law Society, in connection with a number of matters arising from the terms of reference of the commission, some of which were undisclosed - and I think that is quite proper before the public hearings of the commission begin - and one of which was disclosed at the conclusion of a number of applications for standing made on the application of the persons involved and recommended by commission counsel. There was indeed no difficulty about giving standing to the Law Society in view of the recommendation of commission counsel and, in due course, all the applications recommended by commission counsel - and indeed that was all the applications - were granted.

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In due course, Mr. Harry Kopyto, a barrister and solicitor of the Province of Ontario, advised me that for at least nine or ten of the eleven applications he proposed to appear as counsel at this commission's hearings. Mr. Chalker made it clear that the Law Society was not opposing Mr. Kopyto's appearance on this occasion - not being a hearing of the commission but being an adjourned and resumed organizational meeting. Mr. Kopyto went comprehensively into the situation which arises from the fact that although he has made an application for an occasional appearance certificate under the Law Society's Rules, that has not yet been granted. I am advised that in the normal course it will not be considered by the Law Society until September the 18th, probably a week after the commission's hearings begin. The position of the Law Society was then disclosed by Mr. Chalker and it turns upon the interpretation of *The Law Society Act, 1977*, which is Chapter 77 of the Statutes of that year for this Province, and the relevant portions of Section 85 read like this

85.(1)No person shall, unless he is a member in good standing of the Society

- (a) practise or act as a barrister or as a solicitor;
- (b) act as a barrister or a solicitor in any court;

Mr. Kopyto spent some time in his argument in urging me to find that the words "in any court" must be interpreted as they read and that the word "court" excludes what is proposed

here, that Mr. Kopyto should appear as a barrister before this commission. I think that if that was the sole provision this matter would be fairly clear. But Mr. Chalker relies on subsection (a), which says "practise or act as a barrister or as a solicitor" and, although it might be reasonably argued that appearance before this commission was not practising law in this province, it certainly constitutes acting as a barrister on any occasion which might arise in the proceedings before me. Mr. Kopyto commented with disfavour upon the rules enacted pursuant to the provisions of the *Law Society Act* and in particular Rule 7.05, which deals with occasional appearances by members of another bar, and reads as follows, referring to the first subsection

- (1) A member in good standing of the Bar of any other province or territory of Canada may, by application in writing addressed to the Secretary apply for permission to appear as counsel in a court in the Province of Newfoundland in a particular cause or matter and any proceeding incidental thereto.

And he reserved his strongest objections for the third provision. I should say that in Subsection (2) the requirements are set out as to what should be contained in the application for the certificate, and they deal generally with insurance and other matters and the presentation of a Certificate of Good Standing from the governing body of the bar of which the applicant is a member and the provision for a fee of \$500.00 returnable if the application is refused. Then subsection (3) says

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- (3) Notwithstanding that they are satisfied that the provisions of this Rule have been complied with, and that the circumstances are so extraordinary as to warrant such permission, the Benchers may, in their absolute discretion, grant or refuse permission to the applicant to appear as counsel in the cause or matter specified in the application and any proceeding incidental thereto.

Mr. Kopyto says that this statutory provision is not merely unreasonable but unlawful, and if I had to decide that question I perhaps would be urged to say that if the matter ever came before a court it is possible, perhaps probable, that the exercise of that discretion should be made judicially or quasi-judicially and that the untrammelled discretion, in spite of the Benchers being satisfied that all the provisions had been complied with, is perhaps a rather strong, conceivably indefensible, provision. But I do not think I am confronted with that problem.

I was greatly helped by counsel's arguments, Mr. Kopyto, Mr. Chalker and, if I may say so without drawing any invidious distinctions, particularly the lucid argument of Mr. Day, who pointed out that there were at least three ways that seem to be acceptable in proceeding to represent, at least in a court and before this commission, an interested party. First of all there is the right of any interested party given standing to appear on his own behalf and examine and cross-examine witnesses; secondly, to be represented for this purpose by a barrister or solicitor of this province, and thirdly, to be represented by a barrister or solicitor of some foreign jurisdiction holding the certificate of occasional appearance to

which I have referred. Then he pointed out, as indeed Mr. Kopyto had pointed out at great length, that in addition to these alternatives Mr. Kopyto had said that an agent, presumably a lay agent, certainly one not qualified in accordance with the statute and the rules I have referred to, could represent the parties who had been given standing. Mr. Kopyto said that he knew of no statute which prohibited this practice but was unable to say when I asked him if he knew of any statute that authorized the appearance of an agent before a Royal Commission, and indeed I know of none and he did not direct my attention to any one. I can say as a matter of my own experience, having conducted two commissions of this type in my own province, that I never had any application for such an appearance and indeed no interested party ever appeared except by himself or by counsel. The right to counsel of course is to counsel of the choice of the party appearing by counsel and is so well recognized as not to require any further dissertation by me. It is trite law that an interested party can appear by himself or herself or by counsel. In an attempt not to be misinformed or misled by what the word 'counsel' implies, I resorted to that indispensable authority, *Lord Jowitt's Dictionary of English Law* in which the definition of 'counsel' reads as follows

a general name for practising barristers, used especially in certain locutions. Thus, we speak of "instructing counsel," of "giving a brief to counsel," of "the plaintiff's counsel," and so on, meaning that the instructions or brief are given to a barrister, that the plaintiff in a certain case is represented by a barrister, etc.

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Then I went to Stroud's well-known dictionary and apparently the learned editors considered the matter so plain that they did not define 'counsel' at all, except in the sense of the use of the word as in the phrase 'counsel and procure' which is clearly not appropriate to this problem.

Mr. Kopyto also said, urged upon me, that this was an independent Royal Commission, that I was not bound by any provisions of the laws of the province of Newfoundland and that, in the federal sphere at least, he was confident that an agent could appear; a proposition which I find hard to accept on the basis of the information contained in other counsel's arguments. And I say this about the position of this commission. I have already referred on a previous occasion to the fact that it was constituted by royal authority and I now add to that that it is royal authority exerted in the right of the province of Newfoundland and its feet, although it may be free-standing, its feet are solidly planted in the customary and conventional and legal soil of this province. Even were this not the case, I am persuaded by Mr. Day's argument that the authorization of representation by agents would create a condition approaching anarchy and there would be no guarantee that the general efficiency and dispatch of our proceedings would not be threatened by uninstructed, unqualified, and unauthorized personnel. I have no doubt, therefore, that even in the absence of authority I am in a position to find, as one in control of the process of this commission, that it would be undesirable to allow agents to appear and I do find that. And I find that as early as possible in view of the urgency of the matter, although as I have said to counsel in the course of the argument I would like to have had much more time and to have been able to do more research in the matter. However, I have reached this

conclusion on the question of the agents without any real reservations or doubts.

As I have said, Mr. Kopyto and Mr. Chalker both advised me that Mr. Kopyto had made an application for the occasional appearance certificate and that in the normal course, and I will be corrected I hope by Mr. Chalker if I am wrong, the matter would not be considered until September the 18th. Is that correct Mr. Chalker?

MR. CHALKER:

I think that is the next regular meeting of the Benchers.

THE COMMISSIONER:

Yes.

MR. CHALKER:

But I understood from Mr. Roil (John F. Roil, Q.C., Treasurer of the Law Society) that there may be an opportunity to call an extraordinary meeting of the Benchers of the Law Society to consider Mr. Kopyto's application prior to the 18th.

THE COMMISSIONER:

Yes, I think you did mention that. Thank you. Mr. Chalker reminds me that it is possible and may be favourably considered that a special meeting might be called in advance of the date of the hearings which is at present set at September 11th before this commission. It would certainly be helpful, particularly to Mr. Kopyto and indirectly to this commission, if the matter were settled before that time.

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Generally speaking I hold that the provisions of section 85 of the *Law Society Act* must be complied with and only persons qualified, either as members of the Law Society in good standing or as a member of the bar of a foreign jurisdiction armed with the occasional appearance certificate, alone can act as a barrister before this commission.

Application by Mary Mandville Executrix of
the Last Will of the Honourable Vincent P.
McCarthy for standing before the Royal
Commission September 11, 1989

James R. Chalker, Q.C, for
Mary Mandville, applicant

David C. Day, Q.C. and
Clay M. Powell Q.C. for
the Royal Commission

THE COMMISSIONER (orally):

It is a peculiarity of the common law of which we are all so proud that any writer or speaker can traduce the dead without suffering any of the penalties or indemnities that the law would impose upon anybody who similarly traduced a living person at the instance of that person. This must be borne in mind in considering the application of Mrs. Mary Mandville, represented by Mr. Chalker, Q.C, executrix of the last will of the Honourable Vincent P. McCarthy, sometime Deputy Minister of Justice and Deputy Attorney General of the province of Newfoundland and subsequently judge of the District Court of that province, now deceased. What appears to be an anomaly and certainly is a *lacuna* in the law has something to be said for it. Certainly from a personal standpoint I have sympathy - and older members will forgive me if I say nobody has more sympathy than I - with the position of the applicant here in trying to maintain or protect the reputation of a forebear, but for reasons that have

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been given by Mr. Powell I think the application must be rejected. There is no legal interest really involved. Recognizing the right of a legal representative to protect something that the law does not protect would involve the establishment of a dangerous precedent in my view, and I have not really been advised as to any particular aspect of the law which might be applied and give Mrs. Mandville the interest that she would like.

In the *Inquiries Act* of Canada (R.S. 1985, c.I-13, s.13) there has for a long time been a provision that if a commissioner intends to make a finding, or contemplates making a finding, of misconduct or some activity which is discreditable then he must give notice to the person affected and allow that person, either in person or through his or her counsel, to make representations and, if necessary, to call evidence in a contrary sense. That provision was observed by Mr. Justice Spence in the 'Munsinger Inquiry', as I remember. It has since been introduced through the 'McRuer Report'¹⁵ into the *Public Inquiries Act* of Ontario (R.S.O. 1980, c. 411, s. 5) and I think that it may well be in Alberta's inquiries legislation too (*Public Inquiries Amendment Act, 1983, S.A. 1983, c. 95, s. 2, enacting s. 12 of the Public Inquiries Act of Alberta*). But such a provision does not appear in the *Public Enquiries Act* of this province¹⁶. But I am quite prepared to allow, or make provision for, such a course of conduct in this inquiry, subject to whatever objections may be made at the material time. Of course the applicant here can always be present and seek the assistance of commission counsel to ask protective questions. As far as

¹⁵ February 7, 1968, Report No.1, vol.1, c.36, pp. 463 to 481.

¹⁶ R.S.N. 1970, c.314.

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that is concerned Mr. Chalker can always attend with a watching brief. But the status of an interested party, as generally understood as involving the role of a participant, as Mr. Day has said, cannot in my opinion be granted in this case.

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Renewed application by Mary Mandville
Executrix of the Last Will of the Honourable
Vincent P. McCarthy for standing before the
Royal Commission November 29, 1989

James R. Chalker, Q.C, for Mary
Mandville, applicant

George Horan, for Government of
Newfoundland and Labrador

Richard Rogers for some former residents
of Mount Cashel Orphanage

David C. Day, Q.C. and
Clay M. Powell Q.C. for
the Royal Commission

THE COMMISSIONER (orally):

On September 11th of this year I made the last of the preliminary rulings on the application by Mrs. Mary Mandville, the executrix for the estate of the Honourable Vincent P. McCarthy, deceased, for standing. At that time, I gave short reasons for rejecting it. I note that at an early stage of those reasons I said this:

... for reasons that have been given by Mr. Powell I think the application must be rejected.

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I went on to attempt to redeem myself for any appearance of servile compliance with Mr. Powell's opinions - which almost always follows his expression of them - by adding a few reasons of my own. Mr. Chalker, who represented the estate on that occasion, then wrote to commission counsel David C. Day, Q.C. on November 7, 1989 in which he gave a very complete and interesting argument as to why I should reconsider that ruling. His argument was largely based upon a combination of Section 5 of the *Public Inquiries Act* of Ontario (R.S.O. 1980, c.411) which says in its first subsection

a commission shall accord to any person who satisfies it

and goes on to mention standing, and the *Interpretation Act* of this Province (R.S.N. 1970, c.182, s.26 (w)) which defines, as indeed the *Interpretation Act of Ontario* (R.S.O. 1980, c.219) does too, a "person" as including

a corporation and the heirs, executors, administrators or other legal representatives of the person;

At the time I was doubtful whether this argument was perhaps not a trifle too ingenious to satisfy me on the main point as to whether an estate can have standing in an inquiry of this kind. Taking that, together with Mr. Powell's submission here this morning in which he urges upon me the propriety of doing what the *Royal Commission on the Donald Marshall, Jr. Prosecution* did in Nova Scotia, which was to give standing to the estate of one Donald C. MacNeil, Q.C, I must reconsider the matter, especially as that commission, the decisions of

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which are not really binding upon me, are nonetheless entitled to very great respect because of the fact its chairman was the Chief Justice of the Trial Division of this Province, and his colleagues were Associate Chief Justice Lawrence A. Poitras of Quebec and the former Chief Justice of the High Court in Ontario, Mr. Justice Gregory T. Evans. He was my chief and colleague for many years.

Taking all these matters into consideration it seems to me that I would be, at this point, somewhat rigid in adhering to my view expressed back at the beginning - I believe on the first day of public hearings of this commission on September 11, 1989. So, I am very glad to be able to say that in the absence of any expression of opinion to the contrary or unfavourable opinion by participants here present or represented, I shall change my mind, as I think I am entitled to do under changed circumstances. The estate of Vincent P. McCarthy who, at the time material to this commission's terms of reference was Deputy Minister of Justice of this province, will be granted standing. I thank Mr. Chalker for his attendance.

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Reasons for judgment of the
Honourable Mr. Justice Noel
dated September 27, 1989

and

Reasons for judgment of the
Court of Appeal

FILED SEP 27 1989

1989 Nos. 2269, 2272, 2284, 2491
and 2492 St. J.

IN THE SUPREME COURT OF NEWFOUNDLAND
TRIAL DIVISION

BETWEEN:

EDWARD ENGLISH
ALLAN RALPH
DOUGLAS KENNY
EDWARD FRENCH AND "
KEVIN SHORT

APPLICANTS

DAVID ORR, Esq. DAVID
HURLEY, Esq. DANIEL W.
SIMMONS, Esq.

GERALD F. O'BRIEN, Esq.

for tho Applicants

AMD:

HER MAJESTY THE QUEEN
THE ATTORNEY GENERAL OF
NEWFOUNDLAND, AND THE
PROVINCIAL COURT OF
■NEWFOUNDLAND

RESPONDENTS

WAYNE GORMAN, Esq.

for the RESPONDENTS

Hearing: 21 September 1909

Judgment Delivered:
27 September 1989

ISSUE of abuse of process and tho Canadian
Chartor of Rights and Fraodoma aa par
Judgment of Noel, J.

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DECISION OF HORL. J.

The applicants have applied for relief, in the nature of prohibition and stay of proceedings, in respect of Informations laid against them. The grounds relied upon include the grounds that, because of inordinate pre-charge delay, the laying of the informations was an abuse of process and contrary to sections 7 and 11 of the Canadian charter of Rights and Freedoms.

At the request of all parties, to reduce the likelihood of prejudice in the event of a trial, an order was made restricting publication of evidence and, for the same reason, this decision will state only those facts which are necessary to explain and support it.

In December 1975, a report of child abuse at Mount Cashel Orphanage, which was operated by the Congregation of Christian Brothers and of which congregation the applicants were members, was made to the police. Detective Robert Millier was assigned to investigate, but the investigation was soon stopped, upon orders of the Chief of Police, J.F. Lawlor, and the Assistant Chief of Police, J.R. Norman.

A handwritten signature in black ink, appearing to read "Robert Millier", with a long horizontal stroke extending to the right.

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On 18 December 1975, after the investigation was stopped, Detective Hillier gave his report to the Chief of Police. It recorded the result of his investigation and listed matters which had not been done. Twenty-four boys had been taken from the orphanage to the police station to be interviewed and two of the applicants had been questioned. The report contained direct evidence of criminal misconduct on the part of the applicants.

The Provincial Superior of the Canadian Province of Christian Brothers, Gerard K. McHugh, was notified by Brother D.F. Nash, his representative in this province, that the investigation had begun; and he came to St. John's in December 1975 and met with the Chief of Police, with whom he was already acquainted. He and his representative also met with the Deputy Minister of Justice, Vincent P. McCarthy, and they discussed the subject matter of the investigation. It was agreed that two of the applicants would be removed from the province, and they were. The Provincial Superior testified that the Deputy Minister did not give a commitment that charges would not be laid, but the agreement to remove the two applicants from the province indicates, at least, an understanding that charges would not be laid against the applicants.

Nash

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On 23 January 1976, the Provincial Superior wrote to the Deputy Minister a letter (exhibit 6) which included these paragraphs!

"I wish to keep you informed of the community's action concerning Brothers Ralph and English ..

I thank you sincerely for giving Br. Nash and myself the opportunity to discuss the Mount Cashel situation with you. Whenever it is appropriate, I will appreciate hearing from you."

On 3 March 1976, Detective Hillier, pursuant to order, prepared a second report of his investigation for the attention of the Minister of Justice; he was instructed concerning its content. He reported that his investigation had not been completed, on the orders of the Chief of Police and Assistant Chief of Police, and he listed things not done. That report was given to the Chief of police and sent to the Department of Justice.

A memorandum, dated 18 March 1976, to the Provincial Superior from Brother D.F. Mash (exhibit 2) contained these paragraphs!

"At the most recent meeting with the Deputy Minister of Justice, Mr. McCarthy, the following points were raised. I have already communicated such to you by phone and am including such again as reminders re situation at Mt. Cashelt

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1. Brs. Ted English and Gerry Ralph are not to return to the Province of Newfoundland .
2. Brs. Kenny and Short are not to be assigned to Mt. Cashel.

There seems to be a need (strongly expressed) that the Congregation make public in some form the fact that the Mt. Cashel scene is very definitely under change and review. This will serve to assure all (friends and otherwise) that the "situation" at Mt. Cashel is definitely at an end and that definite action has been taken."

On 25 January 1977, the Chief of Police, J.F. Lawlor, having retired, the Deputy Minister wrote his successor, Chief of Police, John R. Browne, (exhibit 4)t

"I return herewith your reports dated September 18, 1975, and March 3, 1976, respecting child abuse at Mount Cashel.

I also enclose copies of letters received from Brother McHugh and Reverend Dr. Thomas A. Kane which are self-explanatory. In view of the action taken by the Christian Brothers further police action is unwarranted in this matter."

The reports were for the Department of Justice and, in the usual course, should have been kept in its records. Their return to the Chief of Police was an unusual event.



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In conformity with the opinion of the Deputy Minister, expressed in exhibit 4, and the orders of the Chief of Police and Assistant Chief of Police, the investigation was not completed. No further action was taken in the matter until February 1999 when it was brought to the attention of Associate Deputy Attorney General, Robert Hyslop, and he ordered that the investigation be completed. As a result, the subject informations were laid.

A fair assessment of the facts stated leads to the conclusion that the inordinately long delay in laying the informations resulted from arrangements made between the Provincial Superior and the Deputy Minister/ and that the decision to terminate the investigation and to take no further action was not made, in good faith, without fear, favour or affection in the administration of justice but for other reasons. It is also fair to find that these arrangements were acquiesced in by the Chiefs of Police and that the applicants were aware of the investigation, their involvement in it, and the arrangements made for their benefit. The pleadings contain general allegations of prejudice, but no evidence of specific prejudice relating to proof of the guilt or innocence of the applicants has been given.

In R. v. Kalan-tt R. v. Plon (1989), 96 H.R. 191, The Supreme Court of Canada, by majority, decided that in considering the

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right of an accused person to be tried within a reasonable time, as required by s. 11(b) of The Canadian Charter of Rights and Freedoms, pre-information delay is not a factor to be considered. McIntyre, J., for the majority said, at p. 207:

■S. 11 limits its operation to the post-information period. Prior to the charge the rights of the accused are protected by the general law and guaranteed by ss. 7, 8, 9 and 10 of the Charter."

In conformity with that ruling, the applicants submitted that they are entitled to the protection of the general law, which gives relief against abuse of process, and s. 7 of the Canadian Charter of Rights and Freedoms which provides:

"Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with ' the principles of fundamental justice."

In considering the applicants' submission that the laying of the informations was an abuse of process, it is necessary to bear in mind that, generally speaking, no limitation period applies to the laying of an information and, consequently, delay is not, of itself, an abuse of process. In Rourke v. The Queen (1977), 35 C.C.C. (2d) 129, Pigeon, J., for the majority, said, at p. 145:

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"I cannot find any rule in our law that prosecutions must be instituted promptly and ought not to be permitted to be proceeded with if a delay in instituting them may have caused prejudice to the accused. In fact, no authority was cited to establish the existence of such a principle which is at variance with the rule that criminal offences generally are not subject to prescription except in the case of specific offences for which a prescription time has been established by statute. I have to disagree with the view expressed by McIntyre, J.A. , that there could be factual situations giving to a trial Judge discretion to stay proceedings for delay. For the reasons I gave in R. v. Osborn (1970), 1 C.C.C. (2d) 482, I cannot admit of any general discretionary power in Courts of criminal jurisdiction to stay proceedings regularly instituted because the prosecution is considered oppressive, in fact, I think the correct view is that which was expressed as follows by Viscount Dilhorne in Director of Public Prosecutions v. Humphreys, [1976 J 2 All E.R. 497 at pp. 510-lt "

The final paragraph of the quotation attributed to Viscount Dilhorne and adopted by Pigeon, J., reads:

"If there is the power ... to stop a prosecution on an indictment in limine, it is in my view a power that should only be exercised in the most exceptional circumstances."

In R. v. Jewitt, [1985] 2 S.C.R. 128, at p. 136, Dickson, C.J.C.,
r the Court, adopted and confirmed the conclusion of the



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Ontario Court of Appeal in R. v. Young (1984), 40 C.R. (3d) 269,
that i

"There is a residual discretion in a trial court judge to stay proceedings where compelling an accused to stand trial would violate those fundamental principles of justice which underlie the community's sense of fair play and decency and to prevent the abuse of a court's process through oppressive or vexatious proceedings"; and added the caveat thati "this is a power which can be exercised only in the clearest of cases".

The applicants have shown that there was a long delay between the commencement of the investigation and the laying of the informations, but it has been explained, and there is no evidence of any exceptional circumstance which would lead a reasonable person, with knowledge of all the facts, to find that the laying of the informations was adverse to the community's sense of fair play and decency or oppressive or vexatious. It was not an abuse of process.

In relying upon s. 7 of the Charter, the applicants submitted that the laying of the informations was not in accordance with the principles of fundamental justice because they have been deprived of the right to make a full answer and defence, but no evidence was given to support that submission, other than .evidence of the delay. A finding of the alleged breach of s. 7

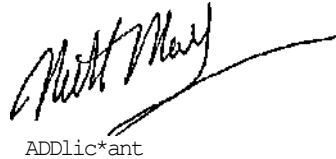
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cannot be founded upon speculation as to what might or might not arise at a trial. Bearing in mind that the prosecution would, if the informations lead to a trial, have the burden of proving guilt beyond a reasonable doubt, the submission under s. 7 is premature. The trial judge will have responsibility to ensure compliance with 8. 7 and the Criminal Code, should the occasion arise.

There was also an allegation that the informations were defective in form and substance but counsel made no submissions with respect to it. That, too, is a matter for another forum at another time.

The applications are dismissed.

A handwritten signature in black ink, appearing to read "Matt May", with a long horizontal flourish extending to the right.

ADDlic*ant

David Orr, Esq., solicitor for Edward English, David Hurley, Esq., solicitor for Allan Ralph, Applicant Daniel W. Simmons, Esq., solicitor for Douglas Kenny, Applicant Gerald F. O'Brien, solicitor for Edward French and

Kevin French, Applicants. Wayne Gorman, Esq., solicitor for the Respondents.

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FILED SEP 26 1990

1989 NOB. 170, 174, 176, 177, 179

IN THE SUPREME COURT OF NEWFOUNDLAND
COURT OF APPEAL

SETJ4EN.:

tr«r EDWARD ENGLISH, DOUGLAS KENNY,
ALLAN RALPH, EDWARD FRENCH AND
KEVIN SHORT APPELLANTS

ANJ2:

HER MAJESTY THE QUEEN

RESPONDENT

Coram: Mifflin, Morgan and Gushue, JJ.A.

September 10 & 11. 1990

JUDGMENT OF THE COURT
^delivered by Morgan. J.A.I

This appeal is taken from the decision of Noel, J. refusing an application by each of the appellants for relief in the nature of prohibition and judicial stay of proceedings in respect of Informations laid against them.

Separate Informations dated April 14, June 11, June 27 and August 11, 1989 charged each of the appellants with having committed acts of indecent assault on and gross indecency with certain named males. Most of the offenses were stated to have

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2 been committed at some time during a specified time period prior to 1976. Several of the appellants were also charged with assault causing bodily harm, committed within the same time frames.

After election by some of the appellants to be tried by Judge and Jury and by others to be tried by Judge alone, the Provincial Court Judge set the date of each preliminary enquiry. Before any of the preliminary enquiries commenced, each of the appellants applied to the Trial Division for the relief referred to above and they were heard together. Viva voce evidence from a number of witnesses was heard in support of the applications.

The appellants contended before Noel, J. that by reason of the inordinate delay by the Crown in laying the charges and by proceeding against them at this time their rights to make full answer and defence had been seriously prejudiced and that the inordinate delay constituted an abuse of process under the general principles of Canadian law. They further argued that the inordinate delay in laying charges and the subsequent proceedings on the Informations were contrary to sections 7, 11(a) and 11(d) of the Canadian Charter of Rights and Freedoms.

Noel, J. dealt with the applications on the basis that the Court was a court of competent jurisdiction to hear and determine the applications for relief under s. 24(1) of the Charter. He examined the evidence adduced in some detail and concluded that the

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3 long delay between the commencement of the investigation and the laying of the charges had been explained and there was no evidence of any exceptional circumstances to warrant a finding "that the laying of the Informations was adverse to the community's sense of fair play and decency or oppressive or vexatious. It was not an abuse of process". Me further held that the evidence before him did not support the appellants' submissions that their rights under the Charter had been infringed or violated. He accordingly dismissed the applications. Although Noel, J. did not deal specifically with the question of prohibition, it is implicit in his findings that, in his view, prohibition did not lie in the particular circumstances. He assume that the arguments in respect of relief sought under the Charter and the prohibition sought under the common law were so intermingled as to be inseparable.

The question was not raised before Noel, J. as to whether the applications for Charter relief were properly before the Supreme Court, Trial Division when none of the appellants had been committed for trial in that court. Nor was it argued on appeal. Accepting but not deciding that the court was a court of competent jurisdiction to hear the applications for charter relief, there is no statutory right of appeal from the refusal of the Charter relief sought. As stated by Hclntyre, J. in Hills v. The Queen [1986] 1 S.C.R. 663 at p. 959 and restated by him, speaking for a unanimous Court, in Hlltaer v. The Queen [1989J 1 S.C.R 1764 at p 1774:

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The question has been raised as to whether there can be something in the nature of an interlocutory appeal in which a claimant for relief under s. 24(1) of the Charter may appeal immediately upon a refusal of his claim and before the trial is completed. It has long been a settled principle that all criminal appeals are statutory and that there should be no interlocutory appeals in criminal matters.

on appeal, the appellants appeared to accept that position. They maintained, however, that part of the relief sought was an order by way of prohibition and s. 784 of the criminal Code provides a statutory right of appeal from the refusal of such an order. While the applications included a claim for non-prerogative relief under the Charter, an appeal under s. 784 can only apply to the prerogative portions of the applications. That is the only matter before us.

The appellants contend that, in appropriate circumstances, prohibition may lie against an inferior court to prevent it from continuing proceedings that constitute an abuse of process. No authority has been cited where an order was made prohibiting proceedings by way of a preliminary enquiry into criminal charges regularly instituted and in respect of which the accused had elected trial in a superior court, other than on jurisdictional grounds. The order of prohibition sought in this case can only be directed to the preliminary hearing judge. That matter is now academic in respect of the appeals of English, Ralph, French and Short. All of them have since been conuaitted to stand trial and

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5 Indictments have been preferred against them in the Trial Division. It arises, however, in the appeal of Kenny whose preliminary enquiry is still continuing.

The principles governing a judicial stay of proceedings for abuse of process have been clearly stated by the Supreme court of Canada.

In Kevowski v. R [1988] 1 S.C.R. 657, Wilson, J., speaking for the Court, stated at p. 658

The availability of a stay of proceedings to remedy an abuse of process was confirmed by this court in n. v. Jewlitt (1985), 21 C.C.C. (3d) 7, 20 D.L.R. (4th) 651, [1985] 2 S.C.R. 128. On that occasion the court stated that the test for abuse of process was that initially formulated by the Ontario Court of Appeal in R. v. Young (1984), 13 C.C.C. (3d) 1, 46 O.R. (2d) 620, 40 C.R. (3d) 289. A stay should be granted where "compelling an accused to stand trial would violate those fundamental principles of justice which underlie the community's sense of fair play and decency", or where the proceedings are "oppressive or vexatious" (21 C.C.C. (3d) at p. 14, 20 D.L.R. (4th) 651 at p. 658, [1985] 2 S.C.R. at pp. 136-7). The court in Jewlitt also adopted "the caveat added by the Court in Young that this is a power which can be exercised only in the 'clearest of cases'" (p. 14 C.C.C, p. 659 D.L.R., p. 137 S.C.R.).

In the case at bar, the Informations laid charged the appellants with having committed the alleged offences some 14 or 15 years earlier. In their applications for relief, including

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inter alia an order of prohibition, the appellants stated that the charges now laid against them relate to allegations which were the subject of a police investigation in 1975 and sufficient evidence had been obtained to warrant the laying of charges. A decision, however, was made at that time not to proceed. The appellants contended that the inordinate delay in the laying of charges constituted an abuse of process.

Inordinate delay in the laying of charges is not, of itself, sufficient to establish abuse of process. If, however, it is established that the passage of time has prejudiced an accused in his ability to make full answer and defence, the delay in initiating the proceedings is an important factor to be taken into consideration. That, however, is for the trial judge to decide and the determination of the prejudicial effect of the delay to the accused, if any, must be made in light of the viva voce testimony adduced.

In this case, viva voce evidence was given before Noel, J. touching an alleged undertaking by the Crown that no charges would be laid. Such evidence is relevant in support of an application for relief under the Charter, or on an application for judicial stay of proceedings as an abuse of process under the common law. It cannot, however, form part of the record in respect of the application for prerogative relief. Even if it did fall for consideration in this case, it does not meet the test for abuse of

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7 process formulated by the Ontario Court of Appeal in Young, supra, and adopted by Wilson, J. in Keyowskj, supra. The evidence led does not substantiate any undertaking by the Crown not to prosecute the appellants. It does not disclose any benefit accruing to the Crown as a result of the termination of the investigation in 1976. Indeed, the only persons to benefit therefrom were the appellants and the religious Order to which they belonged and no real as opposed to apprehended prejudice to the appellants has been shown. Moreover, it is not apparent that the rights of the children involved were given any consideration. In short, the rejection of the applications for prohibition is sustainable on the ground that it has not been demonstrated that the circumstances surrounding the laying of the charges were such as to oust the jurisdiction of the preliminary hearing judge.

Only at trial will all of the circumstances surrounding the laying of the charges be fully explained and analyzed. The trial judge will be in the best position to determine from the evidence precisely what happened and what prejudice, if any, the appellants have suffered thereby. It is at that stage that any injury to the appellants can be redressed.

fff

The appeal is accordingly dismissed.

Mr. David Orr representing Edward English.
Derek Green, Q.C. representing Douglas Kenny
David Hurley representing Allan Ralph
Gerald O'Brien representing Edward French & Kevin Short
Wayne Gorman representing Her Majesty the Queen.

I concur in the dismissal cr/t
Per curiam: J.A. [Signature]

Appendix O

Participants granted standing
with Counsel (or as otherwise represented)
before the Royal Commission

Appendix O

Participant	Represented by
Brinston, Gerard Joseph	
Burke, Joseph	Marvin R.V. Storrow, Q.C.
Congregation of the Christian Brothers in Canada	M. Francis O'Dea, Q.C.
Connors, Darren Vincent	John J. Harris
Connors, Gregory Patrick	John J. Harris
Connors, Robert Michael	John J. Harris
Earle, Shane Michael	John J. Harris
Earle, William Ronald	
French, Edward	Gerald F. O'Brien, Q.C.
Ghaney, James Frederick	John J. Harris George P.
Government of Newfoundland and Labrador	Horan
Interagency Committee on Violence Against Women	Jennifer Mercer
Kenny, Douglas	J. Derek Green, Q.C. John
Mac Isaac, John Earl	J. Harris

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Participant	Represented by
Mercer, Gwen	
Roman Catholic Episcopal Corporation of St. John's	Thomas J. O'Reilly, Q.C.
Short, Kevin	Gerald F. O'Brien, Q.C.
Simms, Alvin Joseph	
The Estate of Vincent P. McCarthy, Q.C.	James R. Chalker, Q.C.
The Law Society of Newfoundland	Lois R. Hoegg
The Provincial Advisory Council on the Status of Women, Newfoundland and Labrador	Ann Bell
Working Group on Child Sexual Abuse - Community Services Council	Darlene Scott

Appendix P

Persons who appeared as witnesses
before the Royal Commission

Appendix P

Name	Affiliation	Date(s) Appeared
Alexander, Karen Wanda	employee, Department of Social Services, Newfoundland	13 February 1990 14 February 1990 17 May 1990 18 May 1990
Anderson, Mabel	employee, Department of Social Services, Newfoundland	01 March 1990
Atkins, Samuel Cyril	former employee, Department of Social Services, Newfoundland	14 June 1990
Baird, Carol Anne	mother of former residents of Mount Cashel Orphanage	30 October 1989
Baird, Francis Patrick	former resident, Mount Cashel Orphanage	14 November 1989
Baird, William Malcolm	former resident, Mount Cashel Orphanage	30 October 1989
Barbour, Roy Edison	employee, Department of Social Services, Newfoundland	07 May 1990
Barnes, Kelvin Eugene	former member, Royal Newfoundland Constabulary	31 May 1990
Barron, John Francis	former Christian Brother and superintendent, Mount Cashel Orphanage	30 April 1990
Bellows, Brother Gordon Raphael	member of General Council, Congregation of Christian Brothers, Rome; former teacher; former director of education for Canada-West Indies Province of of Christian Brothers; former Provincial Superior	29 January 1990

Appendix P

Name	Affiliation	Date(s) Appeared
Boone, Elizabeth Ann	former employee, Department of Social Services, Newfoundland	02 February
Boulding, David Gary	employee, Department of Social Services, Newfoundland	1990 15 June
Bradbury, Robert Barry	former employee, Department of Social Services, Newfoundland	1990
Brett, Roy Charles	former minister, Department of Social Services, Newfoundland	18 September 1989 19 September 1989 22 September 1989 12 October 1989 08 December 1989
Brinston, Gerard Joseph	former resident, Mount Cashel Orphanage	14 March 1990
Brothers-Hodder, Mary	employee, Department of Social Services, Newfoundland	26 October 1989
Brown, Peter Robert	former resident, Mount Cashel Orphanage	28 February 1990
Bucher, Brother Henry Louis	former superintendent, Mount Cashel Orphanage	20 October 1989
Buckingham, Brother Gordon John	former teacher, Pius X School, St. John's; former member of Mount Cashel community of Irish Christian Brothers	22 February 1990
Buckingham, Herbert Joseph	former barrister and solicitor, Department of Justice, Newfoundland	29 September 1989
		31 January 1990

Appendix P

Name	Affiliation	Date(s) Appeared
Burry, Kathryn	relative of the Earle family	25 October 1989
Burse, Marion Pearl	former employee, Department of Justice, Newfoundland	22 January 1990
Burt, Ivey Jeannette	employee, Department of Social Services, Newfoundland	05 April 1990
Burt, Liska Lou	employee, Department of Social Services, Newfoundland	05 June 1990
Butt, Tammy	former resident of a foster home, Newfoundland	12 June 1990
Byrne, John Patrick	crown attorney, Department of Justice, Newfoundland	22 January 1990
Callahan, Sharron Anne	employee, Department of Social Services, Newfoundland	22 September 1989 25 September 1989 12 October 1989 30 January 1990 26 March 1990 27 March 1990
Caule, Sister Helen Patricia	social worker, Department of Health, Newfoundland	22 January 1990
Chancey, Brenda Marie	former employee, Department of Justice, Newfoundland	05 December 1989 30 January 1990
Chaulk, Dean Jeffrey	member, Royal Newfoundland Constabulary	10 April 1990
Clowe, Leonard Gerard	member, Royal Newfoundland Constabulary	01 December 1989 15 March 1990
Coady, Edward Joseph	chief of police, Royal Newfoundland Constabulary	11 April 1990 12 April 1990
Coady, Elizabeth Noreen	employee, Department of Social Services, Newfoundland	26 March 1990

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Name	Affiliation	Date(s) Appeared
Connors, Darren Vincent	former resident, Mount Cashel Orphanage	16 November 1989 17 Number 1989
Connors, Gregory Patrick	former resident, Mount Cashel Orphanage	24 October 1989
Connors, John Thomas	former director of public prosecutions, Department of Justice, Newfoundland	16 January 1990 17 January 1990
Connors, Robert Michael	former resident, Mount Cashel Orphanage	25 September 1989 20 October 1989
Cooke, Colleen	employee, Department of Justice, Newfoundland	17 January 1990
Cooper, Dr. Austin Richard	pediatrician; microbiologist; associate professor of pediatrics and pathology School of Medicine, Memorial University of Newfoundland	12 June 1990
Cosgrove, Carolyn Joan	former employee, Department of Social Services, Newfoundland	09 April 1990
Crawford, Elizabeth	employee, Department of Social Services, Newfoundland	11 September 1989 04 April 1990
Crawford, Hugh Stead	employee, Department of Social Services, Newfoundland	14 February 1990
Crewe, Alice (Walters)	former employee, Department of Social Services, Newfoundland	12 October 1989 07 December 1989
Croke, Patricia Ann	employee, Department of Social Services, Newfoundland	01 March 1990
Dalton, Zita Margaret	member, Royal Newfoundland Constabulary	14 March 1990
Davis, Ferdinand Anthony	former employee, Department of Social Services, Newfoundland	01 November 1989

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Name	Affiliation	Dale(s) Appeared
Delaney-Smith, Paulette Marie	member, Royal Canadian Mounted Police, formerly stationed in Newfoundland	07 June 1990 08 June 1990
Devine, Brendan	former employee, Department of Social Services, Newfoundland	01 November 1989 02 November 1989
Devine, Sheila	former assistant director of child welfare and assistant deputy minister, Department of Social Services, Newfoundland	24 January 1990 15 February 1990 10 April 1990 14 May 1990
Dingwell, Lillian	employee, Department of Justice, Newfoundland	15 January 1990
Dinn, Reverend John Michael	relative of foster parents, St. John's, Newfoundland	16 May 1990
Dominic, Dr. Rufus Gerard	pediatrician, Dr. Charles A. Janeway Child Health Centre; consultant to other hospitals in St. John's; clinical assistant professor of pediatrics, Memorial University of Newfoundland	25 May 1990
Driscoll, Ruby Bertha	former administrator, Pleasantville Youth Centre, St. John's, Newfoundland	31 May 1990
Dunne, Roberta Joyce	employee, Department of Social Services, Newfoundland	05 April 1990
Durdle, Cynthia Muriel	former resident of a foster home in Newfoundland	01 June 1990
Dwyer, Allen Earle,	former chief of police, Royal Newfoundland Constabulary	04 December 1989
Donna Christine Earle,	employee, Department of Social Services, Newfoundland	06 June 1990
Richard Gerard	former resident, Mount Cashel Orphanage	28 September 1989

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Name	Affiliation	Date(s) Appeared
Earle, Shane Michael	former resident, Mount Cashel Orphanage	17 October 1989 18 October 1989 14 November 1989
Earle, William Michael	father of former residents of Mount Cashel Orphanage	15 September 1989 18 September 1989
Earle, William Ronald	former resident, Mount Cashel Orphanage	22 September 1989 27 September 1989 11 October 1989 23 October 1989
English, Craig Edward Fahey,	former resident, Mount Cashel Orphanage	22 March 1990
Raymond Joseph Faour,	former barrister and solicitor, Department of Justice, Newfoundland	08 December 1989
Alphonsus Edward Ford,	former barrister and solicitor, Department of Justice, Newfoundland	04 April 1990
Lloyd Alexander Foster,	member, Royal Newfoundland Constabulary	10 April 1990
Catherine Fradsham, Dr.	former social worker, Department of Health, Newfoundland	31 January 1990
Boyce Tennyson Ghaney,	assistant deputy minister, Department of Education, Newfoundland	14 September 1989
James Frederick Goodyear,	former resident, Mount Cashel Orphanage	02 November 1989 04 December 1989
Cyril James	former associate deputy attorney general and director of public prosecutions, Department of Justice, Newfoundland	27 February 1990
Gray, David Stephen	member, Royal Newfoundland Constabulary	06 June 1990
Greene, Cyril Joseph	former deputy minister, Department of Justice, Newfoundland	30 April 1990

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Name	Affiliation	Date(s) Appeared
Griffith, Raymond Wayne	member, Royal Canadian Mounted Police, Newfoundland	22 May 1990
Guilbeault, Deidre Ann	private citizen, Labrador	09 April 1990
Haire, Terrence	employee, Department of Social Services, Newfoundland	08 December
Hamilton, Neil Michael	employee, Department of Social Services, Newfoundland	07 December 1989 25 January 1990 30 January 1990 31 January 1990 15 February 1990 02 May 1990
Hamilton, Patrick	employee, Department of Social Services, Newfoundland	07 December 1989
Hamlyn, Douglas Murray	member, Royal Canadian Mounted Police, Newfoundland	22 May 1990 23 May 1990
Hatch, Christopher James	former teacher, Pius X School, St. John's, Newfoundland	20 September 1989 22 September 1989
Hatcher, Peggy Marjorie	employee, Department of Social Services, Newfoundland	28 February 1990
Hepditch, Brother Francis Gerard	Brother Provincial, Canada-West Indies Province of Christian Brothers	11 September 1989 12 September 1989
Herder, Roma	former social worker, Dr. Charles A. Janeway Child Health Centre, Newfoundland	31 January 1990
Hickey, Thomas Valentine	former minister, Department of Social Services, Newfoundland	23 March 1990 26 March 1990
Hickman, Chief Justice Thomas Alexander	former minister, Department of Justice, Newfoundland	29 March 1990 30 March 1990

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Name	Affiliation	Date(s) Appeared
Higgins, Dr. Gordon Andrew	medical doctor who formally attended to residents of Mount Cashel Orphanage	12 February 1990
Hill, John Barry Hillier,	former barrister and solicitor, Department of Justice, Newfoundland	15 January 1990 16 January 1990
Robert	former member, Royal Newfoundland Constabulary	21 November 22 November 12 June 1990
Hobeika, Dr. Chaker Ferguson	pediatrician; Dr. Charles A. Janeway Child Health Centre, Newfoundland	12 February 1990
Hollett, Vernon Harold	former deputy minister, Department of Social Services, Newfoundland	26 February 1990
Home, George Frederick	investigator, Royal Commission Of Inquiry Into The Response Of The Newfoundland Criminal Justice System To Complaints	19 January 1990 09 April 1990
Hutton, Dr. Charles Joseph	clinical associate professor, School of Medicine, Memorial University of Newfoundland; chief provincial forensic pathologist, Newfoundland; former director of laboratories, Dr. Charles A. Janeway Child Health Centre, Newfoundland	3 May 1990 4 May 1990
Hyslop, Judge Robert Buchanan	former assistant deputy attorney general, Department of Justice, Newfoundland	13 December 1989
Ivey, Gordon Edward	relative of former resident of Mount Cashel Orphanage	15 November 1989
Jago, Allan Stuart	member, Royal Canadian Mounted Police, Newfoundland	27 March 1990
Jewell, Mary Loretta	former crown attorney, Department of Justice, Newfoundland	27 March 1990

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Name	Affiliation	Date(s) Appeared
Kaiser, Emerson Havelock	superintendent, Royal Canadian Mounted Police, Newfoundland	15 May 1990 23 May 1990 26 June 1990
Kashyap, Dr. Omesh Kelly,	psychiatrist, St. John's, Newfoundland	01 February 1990 12 February 1990
John Geoffrey Kelly,	former director of public prosecutions, Department of Justice, Newfoundland	23 January 1990
William Patrick Kennedy,	former journalist, The Evening Telegram, St. John's, Newfoundland	30 November 1989
Francis Louise Kielly,	relative of former residents of Mount Cashel Orphanage	15 November 1989
Alexander Thomas Lahey,	lieutenant, Royal Newfoundland Constabulary	29 March 1990
Wayne Michael Lawlor,	former resident, Mount Cashel Orphanage	17 November 1989
John Francis	former chief of police, Royal Newfoundland Constabulary	29 November 30 November 1989 23 January 1990
LeBreton, Kenneth Francis	member, Royal Canadian Mounted Police, Newfoundland	15 March 1990
LeDrew, Austin Azariah	former member, Royal Newfoundland Constabulary	28 November 1989
Leonard, Brian Patrick	former resident, Mount Cashel Orphanage	30 October 1989
Lundrigan, Brenda Ann Marie	relative and friend of former resident of Mount Cashel Orphanage	20 September 1989 19 October 1989
Lynch, Brother John Barry	superintendent, Mount Cashel Orphanage	03 May 1990

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Name	Affiliation	Date(s) Appeared
Macaulay, George Bewick	former barrister and solicitor and deputy minister, Department of Justice, Newfoundland	18 January 1990
Mac Isaac, John Earl	former resident, Mount Cashel Orphanage	30 October 1989
Maclean, Brian Anthony	member, Royal Canadian Mounted Police, Newfoundland	07 June 1990
Mahoney, Mr. Justice John W.	former minister and attorney general, Department of Justice, Newfoundland	20 March 1990
Mallard, Carl Edward	former resident of a foster home in Newfoundland	02 May 1990
Martin, Gerard Joseph	barrister and solicitor, Corner Brook, Newfoundland	10 April 1990
Martin, Peter Damian	member, Royal Canadian Mounted Police, Newfoundland	30 November 1989
McCarthy, Dr. Francis Paul	physician in family practice formerly serving at Wabush Clinic and Captain Memorial Hospital, Labrador	09 April 1990 William Jackman
McGrath, John Wilfred	former barrister and solicitor, Department of Justice, Newfoundland	06 December 1989
McGuire, Gerald Thomas	member, Royal Canadian Mounted Police, Newfoundland	19 September 1989
McHugh, Brother Gerard Gabriel	superior general, Congregation of Christian Brothers; former Brother Provincial, Canada-West Indies Province of Christian Brothers	14 December 1989 15 December 1989
Mercer, Gwen	participant, St. John's, Newfoundland	05 June 1990

Appendix P

Name	Affiliation	Date(s) Appeared
Mercer, Keith James	former barrister and solicitor and assistant deputy minister, Department of Justice, Newfoundland	06 December
Mills, Thomas Gerard	crown attorney, Department of Justice, Newfoundland	22 March 1990
Mitchell, Helen Marie	employee, Department of Justice, Newfoundland	17 January 1990
Molloy, Diane	employee, Department of Social Services, Newfoundland	12 March 1990
Molloy, Father Kevin	priest, Roman Catholic Archdiocese of St. John's, Newfoundland	25 October 1989
Monaghan, Michael Joseph Patrick	barrister and solicitor, Corner Brook, Newfoundland	10 April 1990
Moore, Gerald Samuel	writer, journalist and former owner of a monthly magazine called The Town Crier St. John's, Newfoundland	29 May 1990
Morris, Sylvia Sandra	employee, Department of Social Services, Newfoundland	28 February 1990
Murphy, Anthony Joseph	former minister, Department of Social Services, Newfoundland	13 March 1990
Murphy, Doctor Brian	private medical practitioner, formally in Grand Falls, Newfoundland	29 May 1990
Myers, Bernadette	employee, Department of Social Services, Newfoundland	01 March 1990 23 May 1990
Nash, Gerald Edward	former resident, Mount Cashel Orphanage	26 October 1989
Noel, Albert John	barrister and solicitor, Department of Justice, Newfoundland	06 December 1989

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Name	Afniiation	Date(s) Appeared
Noonan, Madam Justice Mary Elizabeth	former barrister and solicitor, Department of Justice, Newfoundland	20 February 1990 21 February
Noonan, Patrick	former member, Royal Canadian Mounted Police, Newfoundland	13 June 1990
Norberg, Leonard Leroy	former employee, Department of Social Services, Newfoundland	01 November 1989
Norman, Terrence Leo	member, Royal Canadian Mounted Police, Newfoundland	11 June 1990
Nurse, Noel Herbert	member, Royal Canadian Mounted Police, Newfoundland	08 June 1990
O'Brien, Dianne Eileen	private citizen, Newfoundland	16 January 1990
O'Brien, JohnDereck	former resident, Mount Cashel Orphanage and foster homes in Newfoundland	20 September 1989 26 September 1989 27 September 1989 28 September
O'Brien, Ronald Patrick	former resident, Mount Cashel Orphanage and foster homes in Newfoundland	16 November 1989
O'Driscoll, William Joseph	executive officer, Cathol ic Education Council, St. John's, Newfoundland	14 Septenberr989
O'Flaherty, Frances	former director of social work, Dr. Charles A. Janeway Child Health Centre; present director of social work, Waterford Hospital, St. John's, Newfoundland	31 January 1990
O'Keefe, Doctor Dermot	priest of the Roman Catholic Archdiocese of St. John's; former secretary to the Roman Catholic Archbishop of St. John's; former vicar general of the Roman Catholic Archdiocese of St. John's, Newfoundland	13 June 1990

Appendix P

Name	Affiliation	Date(s) Appeared
O'Regan, Mr. Justice Seamus Bernard	former crown attorney, Department of Justice, Newfoundland	07 May 1990
Orser, Weldon Harold	investigator, Royal Commission Of Inquiry Into The Response Of The Newfoundland Criminal Justice System To Complaints	26 September 1989 12 October 1989 17 November 1989 20 November 1989 4 December 1989 5 December 1989 7 December 1989 8 December 1989 11 December 1989 19 January 1990 22 January 1990 26 January 1990 29 January 1990 31 January 1990 12 February 1990 13 February 1990 15 March 1990 21 March 1990 5 April 1990 6 April 1990 04 May 1990 24 May 1990 13 June 1990
Ouellette, Michael Leo	member, Royal Canadian Mounted Police, Newfoundland	7 June 1990
Patey, Dr. Paul	aproviderof diversified family practice services (including the Dr. Charles A. Janeway Child Health Centre); professor of family practice, Memorial University of Newfoundland; former assistant and associate professor at Memorial University of Newfoundland	13 October 1989
Patten, Ardith Louise (Dunford)	former employee, Department of Justice, Newfoundland	23 February 1990

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Name	Affiliation	Date(s) Appeared
Pearcey, Robert William	former member, Royal Newfoundland Constabulary	15 January 1990 13 June 1990
Peet, Elaine Susan	employee, Department of Justice, Newfoundland	05 December 1989
Penney, John Joseph	former resident, Mount Cashel Orphanage	13 June 1990
Penney, Ronald Giles	former deputy minister, Department of Justice, Newfoundland	06 December 1989 21 March 1990
Penney, Wayne Joseph	employee, Department of Social Services, Newfoundland	10 April 1990
Pike, Arthur	former member, Royal Newfoundland Constabulary	23 November 1989
Pike, Derek	member, Royal Newfoundland Constabulary	13 October 1989
Pike, Gilbert Kenneth	former deputy minister, Department of Social Services, Newfoundland	13 March 1990
Pitcher, Ralph	member, Royal Newfoundland Constabulary	13 October 1989 16 October 1989 16 January 1990
Pittman, Edgar Arthur	former chief of police, Royal Newfoundland Constabulary	01 December 1989
Pope, George	former assistant deputy minister, Department of Social Services, Newfoundland	26 February 1990
Powell, Frederick Kenneth	employee, Department of Social Services, Newfoundland	07 May 1990 08 May 1990
Power, Carol Anne	employee, Royal Newfoundland Constabulary	23 November 1989

Appendix P

Name	Affiliation	Dale(s) Appeared
Power, Gerald Alphonsus	former social worker, Department of Social Services; former employee, Mount Cashel Orphanage	20 March 1990
Power, Leonard Patrick	superintendent, Royal Newfoundland Constabulary	12 September 1989 13 September 1989 14 March 1990 21 March 1990 22 March 1990
Preshyon, Gideon Joseph	former resident, Mount Cashel Orphanage	17 November 1989
Preshyon, Gregory James	former resident, Mount Cashel Orphanage	28 September 1989
Pumphrey, Ian Cameron	former resident, Mount Cashel Orphanage	25 October 1989
Pumphrey, John Dwyer	former resident, Mount Cashel Orphanage	19 October 1989
Pumphrey, Ronald Joseph	father of former residents of Mount Cashel Orphanage	25 October 1989
Quilty, Shirley Louise	employee, Department of Social Services, Newfoundland	06 June 1990
Quinlan, Jerome	employee, Department of Social Services, Newfoundland	11 December 1989
Randell, Edwin Donald	former chief of police, Royal Newfoundland Constabulary	28 November 1989
Rice, Leo Gerard	former resident, Mount Cashel Orphanage	20 November 30 October 1989
Richards, Ronald James	former crown attorney and deputy minister, Department of Justice, Newfoundland	11 December 1989

Appendix P

Name	Affiliation	Date(s) Appeared
Riche, Chesley	former volunteer worker, Mount Cashel Orphanage	15 September 1989
Roberts, Patricia	employee, Department of Social Services, Newfoundland	14 November 1989 01 February 1990 02 May 1990 03 May 1990
Roche, Judge William Michael	former crown attorney, Department of Justice, Corner Brook, Newfoundland	15 March 1990 16 March 1990
Roche, Richard James Rogers, Clarence Walter	former chief of police, Royal Newfoundland Constabulary	04 December 1989
	former executive assistant to the minister, Department of Justice, Newfoundland	06 December 1989
Rosales, Dr. Teodoro O.	associate professor, Department of Pediatrics, Faculty of Medicine, Memorial University of Newfoundland; clinic geneticist/pediatrician; former chief resident of pediatrics, Dr. Charles A. Janeway Child Health Centre, Newfoundland	05 April 1990 06 April 1990
Ruelokke, Violet Dorene	former executive director, Association Registered Nurses of Newfoundland	14 June 1990 of
Seabright, Gordon Wilburn	former provincial court judge, Newfoundland	28 March 1990
Seymour, Phyllis Louise	social worker consultant, Department of Social Services, Newfoundland	14 March 1990
Seymour, Sandra	employee, Department of Social Services, Newfoundland	28 February 1990
Simms, Alvin Joseph	former resident, Mount Cashel Orphanage	04 December 1989

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Name	Affiliation	Date(s) Appeared
Simms, Frank John	former director of child welfare, Department of Social Services, Newfoundland	11 October 1989 15 February 1990 16 February 1990 19 February 1990 20 February 1990 05 April 1990
Sinclair, Catherine (Cahill)	former employee, Department of Social Services, Newfoundland	26 September 1989 30 January 1990
Smith, Gerald Wright	former employee, Department of Justice, Newfoundland	12 December 1989
Somerton, Kimberley Lillyian Ann	former resident of foster homes in Newfoundland	11 June 1990
Squires, Frederick George	former employee, Department of Justice, Newfoundland	05 December 1989
Stapleton, Margaret Geraldine	employee, Department of Social Services, Newfoundland	13 October 1989 30 January 1990
Stapleton, Terrence Joseph	employee, Department of Social Services, Newfoundland	12 March 1990 13 March 1990
Strickland, Veronica	mother of former residents of Mount Cashel Orphanage	15 November 1989
Summers, Carol Anne(Earle)	mother of former residents of Mount Cashel Orphanage	29 September 1989 20 October 1989
Tabor, Gerald Gordon	sergeant, Royal Canadian Mounted Police, Newfoundland	20 March 1990
Taylor, William John	superintendent, Royal Newfoundland Constabulary	30 November 1989
Thistle, Allan	deputy chief of police, Royal Newfoundland Constabulary	29 November 1989 08 May 1990

Appendix P

Name	Affiliation	Date(s) Appeared
Tizzard, Ronald Patrick	chairman of the board of a child welfare group home in Newfoundland	04 June 1990
Tobin, Derek George	former resident, Mount Cashel Orphanage	27 November 16
Tobin, James Robert	former resident, Mount Cashel Orphanage	November 1989 27
Traverse, Shirley	mother of former residents of Mount Cashel Orphanage	November 1989
Turner, Brother Timothy Patrick	assistant superintendent of Mount Cashel Orphanage; superior of Mount Cashel community of Irish Christian Brothers, Newfoundland	12 March 1990
Twyne, Freeman J.	lieutenant, Royal Newfoundland Constabulary	29 March 1990
Urquhart, Murray Donald	member, Royal Canadian Mounted Police, Newfoundland	20 March 1990
Vivian, Herbert Alan	executive secretary, Royal Commission Of Inquiry Into The Response Of The Newfoundland Criminal Justice System To Complaints	26 January 1990 04 April 1990 28 May 1990
Wakeham, Robert Joseph	former journalist, The Evening Telegram, St. John's, Newfoundland	30 November 1989
Wallis, Carolann Mary	employee, Department of Justice, Newfoundland	22 January 1990
Walsh, Andre Joseph	former resident, Mount Cashel Orphanage	24 October 1989
Walsh, John	former employee, Department of Justice, Newfoundland	08 December 1989

Appendix P

Name	Affiliation	Date(s) Appeared
Walsh, Rita Angela	nurse, formerly with the Dr. Charles A. Janeway Child Health Centre; former volunteer worker, Mount Cashel Orphanage	28 May 1990
Wells, Jean	former employee, Department of Social Services, Newfoundland	23 October 1989 21 March 1990 09 April 1990
Wheeler, Cynthia Lois	former resident of foster homes in Newfoundland	17 May 1990
Whelan, William	superintendent, Roman Catholic School Board, St. John's	13 September 1989 14 September 1989
White, Shirley Julia (Stephenson)	employee, Department of Social Services, Newfoundland	13 February 1990
Whitten, Catherine Michelle	employee, Department of Social Services, Newfoundland	24 May 1990
Williams, John Cyril	former resident, Mount Cashel Orphanage	19 September 1989 20 September 1989 27 September 1989 23 October 1989
Wiseman, Eric Colin	former member, Royal Newfoundland Constabulary	29 November
Witness - In Camera	former member, Royal Newfoundland Constabulary	20 October 1989 23 October 1989
Witness - In Camera		27 November
Woodrow, Raymond Anthony	employee of a child welfare group home in Newfoundland	04 June 1990
Yetman, Chesley		24 November 1989

Appendix Q

Persons participating in panels
before the Royal Commission

Appendix Q

20 June 1990: Investigation and Prosecution of Complaints:

Flynn, Colin Joseph	director of public prosecutions, Department of Justice, Newfoundland
Kaiser, Superintendent Emerson Havelock	officer in charge, criminal operations, "B" Division, Royal Canadian Mounted Police
Power, Superintendent Leonard Patrick	officer in charge, criminal investigation division, Royal Newfoundland Constabulary

20 June 1990: Identifying the Complainant and Complaint:

Ulsh, Corporal Lillian R.	member of Fredericton City Police Department, youth and victim and witness sections; adviser, organizer, coordinator and lecturer on child abuse investigations
Wells, Mary	official of the Institute for the Prevention of Child Abuse, Training Division, Toronto; former private practitioner, North Toronto Counselling Services; former coordinator of support counselling programs, Metropolitan Toronto Special Committee on Child Abuse; former social worker; author and lecturer on child abuse investigations, treatment and other related subjects

Appendix Q

Yuille, Dr. John C. professor of experimental psychology, history of psychology, forensic psychology, University of British Columbia; researcher, forensic psychology, victim and witness memory, suspect memory, child sexual abuse, interview techniques, learning and memory, psychological profiling; consultant and author in related and other fields

21 June 1990: Recruitment and Training:

Dr. Dennis Kimberley associate professor, school of social work, Memorial University of Newfoundland; clinical practitioner including professional services to youth and adult victims of physical and sexual abuse; consultant and author; former executive director of the Canadian Association of School of Social Work

Lynch, Frederick instructor, Atlantic Police Academy and Justice Institute, Holland College, Charlottetown, Prince Edward Island

Pike, Gilbert Kenneth chairman, Newfoundland Public Service Commission; former deputy minister, Department of Social Services, Newfoundland

Thompson, D.A. Rollie associate professor of law, Dalhousie Law School, Nova Scotia; researcher and author; principal consultant,

Appendix Q

Department of Community Services, assisting in the preparation of the Report of the Department of Community Services Legislation Committee In Respect To *The Childrens Services Act*; former member of committee responsible for drafting a new *Children and Family Services Act*, Nova Scotia

22 June 1990: State Response (No. 1)

- | | |
|---------------------|--|
| Clarke, Mary | chairman of board of directors of a St. John's child welfare group home; organizer and instructor with youth groups; former operator of a childrens' day care centre |
| Lee, George Norbert | president, Provincial Foster Parents Association; foster parent, Newfoundland |
| Rabinowitz, Melba | program director, Daybreak Parent Child Centre in St. John's; former private practitioner - behaviour management interventions for behaviourally disordered children; former consultant, coordinator, instructor in related fields |

22 June 1990: Study of Child Sexual Abuse in Canada

- | | |
|----------------|--|
| Rogers, Rix G. | special adviser to the Minister of National Health and Welfare on child sexual abuse in Canada; author of the report <i>Reaching For Solutions</i> , |
|----------------|--|

Appendix Q

(Ministry of Supply and Services Canada, 1990); former national chief executive officer of the Y.M.C.A.

25 June 1990: Judicial Response

- | | |
|------------------------------|---|
| Avis, Nick | barrister and solicitor; member and past president of the committee on family violence, Corner Brook, Newfoundland |
| Collins, Q.C.,
William A. | barrister and solicitor, St. John's, member of the Canadian Human Rights Commission; former member and president of the Newfoundland Human Rights Association |
| Lundrigan, Wanda Gail | chief adult probation officer, Department of Justice, Newfoundland |
| Smyth, James Joseph | barrister and solicitor, St. John's, Newfoundland |

25 June 1990: Social Services Response

- | | |
|-------------------------------|---|
| Cooper, Dr. Austin
Richard | physician, Dr. Charles A. Janeway Child Health Centre; pediatrician, microbiologist; associate professor of pediatrics and pathology, School of Medicine, Memorial University of Newfoundland |
| McCormack, Marilyn | supervisor, Children's Protection Services Unit, Department of Social Services, Newfoundland |

Appendix Q

- Snow, Sergeant Elizabeth Constance member, Royal Newfoundland Constabulary, Criminal Investigation Division
- Spracklin, Q.C., Lynn E. barrister and solicitor, Department of Justice; counsel for Department of Social Services, Newfoundland

26 June 1990: State Response (No.2)

- Greene, Jocelyn Denise social worker, Waterford Hospital; residential counsellor, Emmanuel House, providing individual and group counselling to residents including survivors of childhood sexual abuse; former probation officer; former assistant director, Department of Social Work, Dr. Charles A. Janeway Child Health Centre; member of board of directors for Newfoundland Association of Social Workers
- McConnell, Susan program supervisor for adolescent program, Dr. Thomas Anderson Centre; chairperson of Social Action Committee, Canadian Mental Health Association; former counselling coordinator, Kirby House - a shelter for battered women and children

Appendix Q

Morris, Richard J. counsellor and member of management committee, St. John's Adolescent Health Counselling Services; private practice counsellor and mental health consultant; former counsellor with Unified Family Court

26 June 1990: R.C.M. Police Training

Kaiser, Superintendent officer in charge,
Emerson Havelock criminal operations, "B" Division,
Royal Canadian Mounted Police,
Newfoundland

Appendix R

List of Exhibits

Appendix R

Exhibit Number	Date Entered	Description
C-0001	28.06.89	Letters Patent constituting the Royal Commission dated 01 June 1989
C-0001A	23.01.89	Minutes of Executive Council containing a change in the terms of reference
C-0002	28.06.89	public notice of Commission's organizational meeting
C-0003	28.06.89	affidavit confirming publication of notice in newspapers
C-0004	28.06.89	notice of Commission's organizational meeting - Newfoundland Gazette, Vol.64, No.24, dated 16 June 1989
C-0005	28.06.89	application for standing by the Government of Newfoundland and Labrador
C-0006	28.06.89	application for standing by the Congregation of The Christian Brothers in Canada
C-0007	28.06.89	application for standing by Shane Earle

Appendix R

Exhibit Number		Description
C-0008		application for standing by Joseph Burke
C-0009	Date Entered	application for standing by the Provincial Advisory Council on the Status of Women
	28.06.89	application for standing by the Interagency Committee on Violence Against Women
	28.06.89	letter dated 20 June 1989 to Shane Earle from Newfoundland Legal Aid Commission
C-0010	28.06.89	application for standing by the Roman Catholic Episcopal Corporation of St. John's
C-0011	28.06.89	
C-0012	14.08.89	
C-0013	14.08.89	application for standing by Douglas Kenny
C-0014	14.08.89	application for standing by Darren Connors
C-0015	14.08.89	application for standing by John Maclsaac
C-0016	14.08.89	application for standing by James Ghaney
C-0017	14.08.89	application for standing by Alvin Simms

Appendix R

Exhibit Number	Date Entered	Description
C-0018	14.08.89	application for standing by The Law Society of Newfoundland
C-0019	14.08.89	application for standing by Gerard Brinston
C-0020	14.08.89	application for standing by Robert Connors
C-0021	14.08.89	application for standing by Gregory Connors
C-0022	11.09.89	notice of public hearings by the Commission - Newfoundland Gazette, Vol.64, No.35, dated 01 September, 1989
C-0023	11.09.89	affidavit containing publication of notice of public hearings in newspapers
C-0024D	25.09.89	printed copy of Exhibit C-0024E
C-0024E	25.09.89	overhead transparency of chart captioned "Organizational Chart for the Department of Social Services, St. John's District Office, 1975"
C-0025	11.09.89	annual report for the calendar year 1975, Department of Social Services
C-0026	11.09.89	annual report for the calendar year 1976, Department of Social Services

Appendix R

Exhibit Number	Date Entered	Description
C-0027B	12.09.89	printed copy of Exhibit C-0027C
C-0027C	12.09.89	overhead transparency of chart captioned "Organizational Chart for Mount Cashel Orphanage, 1975"
C-0028D	13.09.89	printed copy of Exhibit C-0028E
C-0028E	13.09.89	overhead transparency of chart captioned "Organizational Chart for the Newfoundland Constabulary, 1975"
C-0029	12.09.89	annual report for the calendar year 1975, Newfoundland Constabulary
C-0030	12.09.89	annual report for the calendar year 1976, Newfoundland Constabulary
C-0031	13.09.89	application for standing by Edward French and Kevin Short
C-0032B	14.09.89	printed copy of Exhibit C-0032C
C-0032C	14.09.89	overhead transparency of chart captioned "Organizational Chart for the St. John's Roman Catholic School Board, 1975"
C-0033B	14.09.89	printed copy of Exhibit C-O033C

Appendix R

Exhibit Number	Date Entered	Description
C-0033C	14.09.89	overhead transparency of chart captioned "Organizational Chart for the Roman Catholic Education Committee (Teacher's Certification), 1975"
C-0034	14.09.89	constitution of Roman Catholic Education Council, 1969
C-0035	14.09.89	constitution of Roman Catholic Board of Examiners
C-0036	14.09.89	printed copy of Exhibit C-0036A
C-0036A	14.09.89	overhead transparency of chart captioned "Organizational Chart for the Department of Education (Teacher's Certification), 1975"
C-0037	15.09.89	order of temporary wardship for Shane Earle dated May 10, 1973
C-0038	15.09.89	order of permanent wardship for William Ronald Earle dated 20 November 1973
C-0039	15.09.89	decree absolute between William Michael Earle, petitioner, and Carol Ann Earle, respondent dated 11 September 1974
C-0040	15.09.89	letter dated 06 February 1976 to William Earle from Mrs. G. Stapleton, Department of Social Services

Appendix R

Exhibit Number	Date Entered	Description
C-0041	15.09.89	order of permanent wardship for Shane Earle dated 18 March 1976
C-0042	18.09.89	circular No. 28 '73, Department of Social Services, "Re: Organizational Structure - Department of Social Services" dated 13 April 1973
C-0043	18.09.89	circular No. 29 '73, Department of Social Services "Re: Guidelines Relating to Child Abuse" from F.J. Simms dated 13 April 1973
C-0044	18.09.89	circular No. 24 '74, Department of Social Services "Re: Mount Cashel, An Institution For The Care of Roman Catholic Boys" from F.J. Simms dated 04 March 1974
C-0045	18.09.89	letter dated 24 September 1974 to F.J. Simms from Miss C. Cahill
C-0046	18.09.89	letter dated 13 September 1974 to Miss C. Cahill from F.J. Simms
C-0047	18.09.89	manual of policy and procedures, chapter two, "Child Welfare" June 1974 to December 1975, Department of Social Services

Appendix R

Exhibit Number	Date Entered	Description
C-0048	18.09.89	appendices "A" to "F" (August 1970) to Exhibit C-0047 (consisting of various form letters regarding licensing of foster homes and the boarding of children), Department of Social Services
C-0049	18.09.89	letter dated 23 October 1975 "Re: Mount Cashel" to F.J. Simms from Robert Bradbury and Mrs. S. Callahan
C-0050	19.09.89	notes dated 07 December 1975 by Cpl. G.T. McGuire concerning a visit to the home of Carol Earle and a complaint of physical abuse of Shane Earle
C-0051	19.09.89	constitution of The Roman Catholic Educational Committee adopted 24 October 1989 and as amended in 1975
C-0052	19.09.89	letter dated 18 September 1975 to F.J. Simms from Robert Bradbury - "Re: Clothing Requirement - Mount Cashel Orphanage"
C-0053	19.09.89	circular No. 84 dated 14 August 1974, Department of Social Services "Re: Child Care Caseload Report Form 8-609 - Revised 7-73"
C-0054	26.09.89	printed copy of Exhibit C-0054A

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Exhibit Number	Date Entered	Description
C-0054A	26.09.89	overhead transparency of chart captioned "Table 1 - The Child Welfare Act , 1972 - Apprehension/Wardship of Child - Principle Time Requirements [May, 1972 to December, 1976]"
C-0055	26.09.89	compilation of documents - "From the Mount Cashel file kept at Social Services Headquarters, Confederation Building, from February, 1952 to February 5, 1975" [note: others were added during the day and have been attached to back cover of bound volume]
C-0055A	26.09.26	a 1971 report to the Department of Social Services, Province of Newfoundland and Labrador from Ms. Ramona Nelson, a federal child welfare & youth services consultant, concerning the administration and management of Mount Cashel Orphanage
C-0056	12.10.89	case record from Department of Social Services on Shane Earle dated 08 December 1975 and 09 December 1975
C-0057	13.10.89	annual reports for year ending 31 December 1975, Newfoundland Constabulary, Criminal Investigation Division 1975

Appendix R

Exhibit Number	Date Entered	Description
		- dated 02 March 1976, signed Chesley Yetman
		- dated 15 January 1976, signed Eric Avery and Chesley Yetman
		- dated 26 February 1976, signed F. Cahill and Chesley Yetman
		- dated 13 January 1976, signed Jerome J. Corcoran and Chesley Yetman
		- dated 12 January 1976, signed E.H. Saint and Chesley Yetman
		- dated 26 February 1976, signed Arthur Pike and Chesley Yetman
		- dated 26 February 1976 (second report), signed Arthur Pike and Chesley Yetman
		- dated 24 February 1976, signed Robert Hillier and Chesley Yetman
		- dated 07 January 1976, signed Ralph Pitcher and Chesley Yetman
		- dated 25 February 1976, signed Allan Thistle and Chesley Yetman
		- dated 26 January 1976, signed Frank Cahill and Chesley Yetman
		- dated 06 February 1976, signed Edwin Miller and Chesley Yetman
		- dated 29 January 1976, signed E. Miller and Chesley Yetman

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Exhibit Number	Date Entered	Description
		- dated 16 January 1976, signed L.P. Power and Chesley Yetman
		- dated 06 January 1976, signed Kelvin E. Barnes and Chesley Yetman
		- dated 15 January 1976, signed Gordon Clarke and Chesley Yetman
		- dated 09 January 1976, signed Bert Nash and Chesley Yetman
		- dated 09 January 1976, signed Clyde Gill and Chesley Yetman
		- dated 06 January 1976, signed Clyde Gill and Chesley Yetman
		- dated 09 January 1976, signed George Simmons and Chesley Yetman
		- dated 07 January 1976, signed Alex Kielly and Chesley Yetman
		- dated 26 January 1976, signed P. Waterman and Chesley Yetman
		- dated 26 January 1976, signed S.H. Wentzell and Chesley Yetman
		- dated 12 January 1976, signed William Taylor and Chesley Yetman
C-0058	13.10.90	curriculum vitae of Dr. Paul Patey

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Exhibit Number	Date Entered	Description
C-0059	13.10.89	out-patient medical examination report from The Dr. Charles A. Janeway Child Health Centre concerning Shane Earle (signed by Dr. Paul Patey on 08 December 1975)
C-0060	13.10.89	original cellophane tracings of the buttocks of Shane Earle made by Dr. Paul Patey
C-0060A	13.10.89	overhead transparency of cellophane tracings of the buttocks of Shane Earle
C-0060B	13.10.89	printed copy of cellophane tracings of the buttocks of Shane Earle
C-0061	13.10.89	copy of medical report concerning Shane Earle by Dr. Paul Patey dated 08 December 1975
C-0062	13.10.89	typewritten medical report concerning Shane Earle dated 08 December 1975 as received by the commission from Royal Newfoundland Constabulary (second copy)
C-0063	13.10.89	selected photocopies of Newfoundland Constabulary occurrence reports July to December 1975 - extracts from bound ledger
C-0064	13.10.89	sample of citizen complaint form, Newfoundland Constabulary

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Exhibit Number	Date Entered	Description
C-0065	13.10.89	occurrence ledger July to December 1975, Newfoundland Constabulary (source of Exhibit C-0063)
C-0066	17.10.89	summary of adolescent care of Shane Earle with related Social Services documentation
C-0067	18.10.89	edited Mount Cashel child progress reports concerning Shane Michael Earle
C-0068	18.10.89	edited written statement dated 17 February 1989 given by Shane Michael Earle to Royal Newfoundland Constabulary
C-0069	18.10.89	copy of editorial from The Sunday Express, dated 12 March 1989 - entitled "Miscarriage at Mount Cashel: Where was the rule of law?"
C-0070	19.10.89	summary of adolescent care of John Dereck O'Brien
C-0071	19.10.89	written statement dated 14 December 1975 given by Dereck O'Brien to Newfoundland Constabulary

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Exhibit Number	Date Entered	Description
C-0072	19.10.89	publication for the Catholic Children's Aid Society of Metropolitan Toronto captioned Now we're in care! What are our Rights and Responsibilities? - A Guide for Children and Teens in Residential Care (Queens Printer, Ontario, 1988)
C-0073	19.10.89	publication by Ontario Ministry of Community and Social Services entitled Children's Rights and Responsibilities under The Child and Family Services Act - A Guide for Residential Caregivers (Queens Printer, Ontario, 1988)
C-0074	19.10.89	written statement dated 11 January 1976 given by Brenda Ann Marie Lundrigan to Newfoundland Constabulary
C-0075	19.10.89	second written statement dated 11 January 1976 given by Brenda Ann Marie Lundrigan to Newfoundland Constabulary
C-0076	19.10.89	summary of adolescent care of John Dwyer Pumphrey
C-0077	19.10.89	written statement dated 15 December 1975 given by John Pumphrey to Newfoundland Constabulary

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Exhibit Number	Date Entered	Description
C-0078	20.10.89	written statement dated 10 December 1975 given by Carol Earle to Newfoundland Constabulary
C-0079	20.10.89	summary of adolescent care of William Ronald Earle with related Social Services documentation
C-0080	20.10.89	summary of adolescent care of Robert Michael Connors
C-0080A	23.10.89	amendment to page 1 of Exhibit C-0080
C-0081	20.10.89	written statement dated 12 December 1975 given by Robert Connors to Newfoundland Constabulary
C-0082	20.10.89	written statement dated 13 December 1975 given by Robert Connors to Newfoundland Constabulary
C-0083	20.10.89	written statement dated 12 December 1975 given by Peter Brown to Newfoundland Constabulary
IC-0084	20.10.89	in camera exhibit
IC-0085	23.10.89	in camera exhibit
IC-0086	23.10.89	in camera exhibit
IC-0087	23.10.89	in camera exhibit

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Exhibit Number	Date Entered	Description
IC-0088	23.10.89	in camera exhibit
C-0089	23.10.89	written statement dated 13 December 1975 given by William Earle to Newfoundland Constabulary
C-0090	23.10.89	written statement dated 15 December 1975 given by John Williams to Newfoundland Constabulary
C-0091	24.10.89	list of superintendents of Mount Cashel from 1964 to 1975 & selected pages from Exhibit C-0055
C-0092	24.10.89	document entitled "Assignments at Mount Cashel - Information from Brother Hepditch" (as provided to Royal Newfoundland Constabulary on 02 March 1989)
C-0093	24.10.89	summary of adolescent care of Andre Joseph Walsh with related Social Services documentation
C-0094	24.10.89	written statement dated 14 December 1975 given by Andre Walsh to Newfoundland Constabulary
C-0095	24.10.89	summary of adolescent care of John Cyril Williams with related Social Services documentation

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Exhibit Number	Date Entered	Description
C-0096	24.10.89	summary of adolescent care of Gregory Patrick Connors with related Social Services documentation
C-0097	24.10.89	written statement dated 12 December 1975 given by Gregory Connors to Newfoundland Constabulary
C-0098	24.10.89	written statement dated 13 December 1975 given by Gregory Connors to Newfoundland Constabulary
C-0099	24.10.89	one page unsigned (incomplete) written statement by Gregory Connors as requested on 11 March 1989 by Lieutenant Freeman Twyne, Royal Newfoundland Constabulary
C-0100	25.10.89	sample of statement form (RNC-026), Royal Newfoundland Constabulary
C-0101	25.10.89	written statement dated 06 April 1989 given by Kathryn Burry to Royal Newfoundland Constabulary
C-0102	25.10.89	summary of adolescent care of Ian Cameron Pumphrey with related Social Services documentation
C-0103	25.10.89	written statement dated 12 December 1975 given by Ian Pumphrey to Newfoundland Constabulary

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Exhibit Number	Date Entered	Description
C-0104	26.10.89	summary of adolescent care of Jerry (Gerard) Joseph Brinston with related Social Services documentation
C-0105	26.10.89	written statement dated 13 December 1975 given by Jerry Joseph Brinston to Newfoundland Constabulary
C-0106	26.10.89	summary of adolescent care of Gerald Edward Nash with related Social Services documentation
C-0107	26.10.89	notes of interview by Detective R. Hillier, Newfoundland Constabulary, with Gerald Nash dated 14 December 1975
C-0108	30.10.89	summary of adolescent care of Leo Gerard Rice with related Social Services documentation
C-0109	30.10.89	written statement dated 14 December 1975 given by Leo Gerard Rice to Newfoundland Constabulary
C-0110	30.10.89	extracts from publication entitled "Christian Brothers of Ireland 75th Anniversary" (see Exhibit C-0133)
C-0111	30.10.89	summary of adolescent care of William Malcolm Baird with related Social Services documentation

Appendix R

Exhibit Number	Date Entered	Description
C-0112	30.10.89	summary of adolescent care of John Earl Maclsaac with related Social Services documentation
C-0113	01.11.89	extracts from Exhibit C-0055
C-0114A	04.12.89	summary of adolescent care of James Frederick Ghaney with related Social Services documentation
C-0115	14.11.89	letter dated 14 April 1976 to F.J. Simms from Mrs. P. Roberts "Re: Carol Baird"
C-0116	14.11.89	summary of adolescent care of Francis Patrick Baird with related Social Services documentation
C-0116A	15.11.89	amendment to page one of Exhibit C-0116
C-0117	14.11.89	notes (undated) of interview by Detective R. Hillier, Newfoundland Constabulary, with Malcolm Baird
C-0118	15.11.89	documentation concerning placement/adoption/ward agreements for Lundrigan children
C-0119	16.11.89	summary of adolescent care of James Robert Tobin with related Social Services documentation

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Exhibit Number	Date Entered	Description
C-0120	16.11.89	summary of adolescent care of Darren Connors with related Social Services documentation
C-0120A	17.11.89	amendment to page 1 of Exhibit C-0120
C-0121	16.11.89	summary of adolescent care of Ronald Patrick O'Brien with related Social Services documentation
C-0121A	27.11.89	amendment to Exhibit C-0121
C-0122	17.11.89	medical records from The Dr. Charles A. Janeway Child Health Centre concerning Wayne Lahey
C-0123	17.11.89	summary of adolescent care of Gideon Joseph Preshyon with related Social Services documentation
C-0124	20.11.89	edited written statement dated 12 December 1975 given by Mr. "B" to Newfoundland Constabulary
C-0125	20.11.89	edited written statement dated 12 November (year not indicated) given by Mr. "P" to Newfoundland Constabulary
C-0126	20.11.89	edited written statement dated 12 December 1975 given by Mr. "J" to Newfoundland Constabulary

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Exhibit Number	Date Entered	Description
C-0127	20.11.89	edited written statement dated 13 December 1975 given by Mr. "O" to Newfoundland Constabulary
C-0128	20.11.89	edited written statement dated 14 December 1975 given by Mr. "E" to Newfoundland Constabulary
C-0129	20.11.89	edited written statement dated 15 December 1975 given by Mr. "D" to Newfoundland Constabulary
C-0130	20.11.89	edited written statement dated 14 December 1975 given by Mr. "R" to Newfoundland Constabulary
C-0131	20.11.89	summary of adolescent care of Wayne Lahey with related Social Services documentation
C-0132	20.11.89	book entitled Christian Brothers Jubilee , 1876-1926, 50th anniversary publication (Robinson and Company, St. John's, Newfoundland, 1926)
C-0133	20.11.89	book entitled Christian Brothers of Ireland , 1876-1951, 75th anniversary publication (Guardian Press, St. John's, Newfoundland, 1952)

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Exhibit Number	Date Entered	Description
C-0134	20.11.89	commemorative booklet entitled Journey into a New Century published in 1976 by the Coordinating Centennial Committee, illustrating the history of the Apostolate of the Irish Christian Brothers in Canada
C-0135	20.11.89	book entitled The Brothers are Coming , a post-centennial publication by the Christian Brothers ex-pupils centennial committee (Robinson-Blackmore, St. John's, Newfoundland, 1978)
C-0136	20.11.89	document entitled " The Christian Brothers of Ireland in Canada"
"L"	21.11.89	unedited report dated 18 December 1975 prepared by Detective Robert Hillier, Newfoundland Constabulary, with copies of written statements provided by Mount Cashel residents
C-0137	21.11.89	edited version of Exhibit "L"
"M"	21.11.89	unedited report dated 03 March 1976 prepared by Detective Robert Hillier, Newfoundland Constabulary
C-0138	21.11.89	edited version of Exhibit "M"

Appendix R

Exhibit Number	Date Entered	Description
C-0139	21.11.89	chart outlining sequence of events commencing with complaint by Chesley Riche regarding Shane Earle on 07 December 1975 to original report prepared on 18 December 1975 by Detective Robert Hillier, Newfoundland Constabulary
C-0140	23.11.89	excerpts from transcript of oral judgment by Magistrate J. Leclair, "Between Her Majesty The Queen & Thomas Farrell" dated 08 February 1979
C-0141	23.11.89	transcript of oral judgment by Magistrate J. Leclair, "Between Her Majesty The Queen & Thomas Farrell" dated 08 February 1979
C-0142	23.11.89	transcript of in camera evidence given by Arthur Pike on 10 April 1979 at the " Public Inquiry Into Release and Publication of Police Reports into Fire at Elizabeth Towers, St. John's" (Volume IV/A, April 10, 1979)
C-0143	27.11.89	summary of adolescent care of Edward Gerard Baird with related Social Services documentation
C-0144	27.11.89	summary of adolescent care of Mr. "E" with related edited Social Services documentation

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Exhibit Number	Date Entered	Description
C-0144A	22.03.90	amendment to Exhibit C-0144
C-0145	27.11.89	summary of adolescent care of Mr. "O" with related edited Social Services documentation
C-0145A	02.05.90	summary of adolescent care of Roy Joseph O'Brien
C-0146	27.11.89	summary of adolescent care of Mr. "B" with related edited Social Services documentation
C-0147	27.11.89	summary of adolescent care of Mr. "R" with related edited Social Services documentation
C-0148	27.11.89	summary of adolescent care of Mr. "D" with related edited Social Services documentation
C-0149	27.11.89	summary of adolescent care of Mr. "P" with related edited Social Services documentation
C-0150	27.11.89	summary of adolescent care of Mr. "J" with related edited Social Services documentation
IC-0151	27.11.89	in camera exhibit
IC-0152	27.11.89	in camera exhibit

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Exhibit Number	Date Entered	Description
C-0153	28.11.89	summary of service of Austin Azariah Bishop LeDrew
C-0154	28.11.89	copy of two photographs depicting the location in September 1945 of Newfoundland Constabulary offices at Fort Townshend, St. John's
C-0155	28.11.89	overhead transparency captioned "Complaints/ Investigations Newfoundland Constabulary 1975-1976" showing the route of certain complaints to receipt from a citizen; to an investigator; to the Chief of Police; to arrival at the Department of Justice.
C-0155A	28.11.89	printed copy of Exhibit C-0155
C-0156	29.11.89	summary of service of Eric Colin Wiseman
C-0157	29.11.89	memorandum dated 13 October 1987 from Chief of Police E.J. Coady, Royal Newfoundland Constabulary, to all divisions concerning "Duty Assignments for Deputy Chiefs F.E. Flemming and A. Thistle"
C-0158	29.11.89	documentation from Royal Newfoundland Constabulary dated 08 November 1989 detailing the total strength and vacancies of the force

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Exhibit Number	Date Entered	Description
C-0159	29.11.89	memorandum dated 16 January 1989 from Deputy Chief, A. Thistle, Royal Newfoundland Constabulary, to all divisions concerning "Directive No. 1.126 - Police Notebooks"
C-0160	29.11.89	memorandum dated 02 May 1989 from Deputy Chief, A. Thistle, Royal Newfoundland Constabulary, to all divisions concerning "Police Procedures for laying charges and bringing matters before the courts"; together with related letter from Robert Hyslop, Assistant Deputy Minister, Department of Justice, dated 25 April 1989, and a copy of Chapter 3 of the " Prosecutor, An Inquiry Into the Exercise of Discretion" by Brian Grosman
C-0161	29.11.89	summary of service of John Lawlor
C-0162	30.11.89	letter dated 11 June 1987 from Chief E.J. Coady, Royal Newfoundland Constabulary, to Robert B. Hyslop, Assistant Deputy Minister, Department of Justice "Re: Destruction of Criminal Records, Royal Newfoundland Constabulary"

Appendix R

Exhibit Number	Date Entered	Description
C-0163	30.11.89	transit slip from Royal Canadian Mounted Police dated 10 June 1987, with attachments, to Deputy Chief Coady, Royal Newfoundland Constabulary, concerning record destruction policy
C-0164	01.12.89	publication entitled The Newfoundland Constabulary by Arthur Fox (Robinson Blackmore Printing and Publishing Limited, Newfoundland, 1971)
C-0165	01.12.89	selected readings concerning the Newfoundland legal system and policing in Newfoundland
C-0166	01.12.89	example of a criminal index form, Royal Newfoundland Constabulary
C-0167	01.12.89	example of a file charge-out card (form R.N.C. 047), Royal Newfoundland Constabulary
C-0168	04.12.89	summary of service of Allan Dwyer
C-0169	04.12.89	medical records on James F. Ghaney from St. John's General Hospital
C-0170	04.12.89	edited written statement dated 31 July 1989 given by James Frederick John Ghaney to Royal Newfoundland Constabulary

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Exhibit Number	Date Entered	Description
C-0171	04.12.89	summary of adolescent care of Alvin Joseph Simms with related Social Services documentation
C-0172	04.12.89	summary of adolescent care of Peter Robert Brown with related Social Services documentation
C-0173	04.12.89	summary of adolescent care of Derek George Tobin with related Social Services documentation
C-0174	04.12.89	summary of service of Edwin Donald Randell
C-0175	04.12.89	summary of service of Leonard Clowe
C-0176	04.12.89	edited statement dated 12 December 1975 given by (person's name deleted) to Detective Robert Hillier, Newfoundland Constabulary
C-0177	05.12.89	document entitled "Young Persons Residing at Mount Cashel Orphanage - December 1975"
C-0178	05.12.89	edited transcript of testimony given by a witness during in camera hearings on 27 November 1989 before the Royal Commission

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Exhibit Number	Date Entered	Description
C-0179	05.12.89	file captioned "Mount Cashel - Re: Child Abuse" (included in the file are three letters - one to Chief of Police Browne, Newfoundland Constabulary, from Deputy Minister Vincent P. McCarthy dated 26 January 1977; one to Deputy Minister McCarthy from Brother G. G. McHugh dated 23 January 1976 and one letter dated 15 January 1976 to Brother McHugh from Rev. Fr. Thomas A. Kane of House of Affirmation Inc. - an international therapeutic center for clergy)
C-0179A	05.12.89	letter dated 26 January 1977 to Chief of Police, Newfoundland Constabulary, from Vincent P. McCarthy, Deputy Minister of Justice
C-0179B	05.12.89	letter dated 23 January 1976 to Vincent McCarthy from Brother G. G. McHugh
C-0179C	05.12.89	letter dated 15 January 1976 to Brother Gerard McHugh from Thomas A. Kane
C-0180	05.12.89	memorandum dated 10 July 1975 to Vincent P. McCarthy, Deputy Minister of Justice, from F.G. Squires "Re: Organization Charts" (Department of

Appendix R

Exhibit Number	Date Entered	Description
		Justice) with related charts and memorandum dated 24 July 1975 from George B. Macaulay, Assistant Deputy Minister
C-0181	07.12.89	copies of edited correspondence dated 30 December 1976 to J. Quinlan from Jean Wells "Re: Louisa Lundrigan child of Mrs. Veronica (Tobin) Lundrigan; letter dated 05 January 1976 to Jean Wells from J. Quinlan; letter dated 11 January 1977 to William Dyke from C. R. Payne; letter dated 14 January 1977 to Jerome Quinlan from Neil Hamilton; letter to J. Quinlan from Jean Wells (duplicate of above with note from S. Devine); letter dated 20 January 1977 to Calvin Payne from Andrew Moriarity; letter dated 01 February 1977 to W. Dyke from C.R. Payne
C-0182	07.12.89	overhead transparency of chart captioned "Allegation 5"
C-0182A	07.12.89	printed copy of Exhibit C-0182
C-0182B	08.12.89	printed copy of page 2 of Exhibit C-0182

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Exhibit Number	Date Entered	Description
C-0183	07.12.89	copy of edited letter dated 25 July 1975 to F.J. Simms from Alice Walters, (as obtained from Social Services District Office, St. John's)
C-0184	07.12.89	copy of edited letter dated 25 July 1975 to F.J. Simms from Alice Walters (as obtained from Social Services Headquarters Office, Confederation Building)
C-0185	07.12.89	copy of letter dated 12 August 1975 to T. Haire, Social Services District Administrator, St. John's, from Neil Hamilton
C-0186	07.12.89	overhead transparency of chart captioned "Allegation 3"
C-0186A	07.12.89	printed copy of Exhibit C-0186
C-0187	07.12.89	overhead transparency of chart captioned "Letter dated 25 July 1975"
C-0187A	07.12.89	printed copy of Exhibit C-0187
C-0188	07.12.89	overhead transparency of chart captioned "Letter dated 25 July 1975, Letter dated 12 August 1975; Requested Report"
C-0188A	07.12.89	printed copy of Exhibit C-0188

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Exhibit Number	Date Entered	Description
C-0189	07.12.89	overhead transparency of chart captioned "Allegation 1"
C-0189A	07.12.89	printed copy of Exhibit C-0189
C-0189B	08.12.89	printed copy of page 2 of Exhibit C-0189 (Examined Sources)
C-0190	07.12.89	overhead transparency of chart captioned "Allegation 2"
C-0190A	07.12.89	printed copy of Exhibit C-0190
C-0190B	08.12.89	printed copy of page 2 of Exhibit C-0190 (Examined Sources)
C-0191	07.12.89	overhead transparency of chart captioned "Allegation 4"
C-0191A	07.12.89	printed copy of Exhibit C-0191
C-0191B	08.12.89	printed copy of page 2 of Exhibit C-0191
C-0192	07.12.89	letter dated 06 December 1989 to Commission Investigator, Weldon Orser, from P.L. Hamilton, Director of Personnel, Department of Social Services, "Re: Mr. Frank J. Simms - Leave Records - 01 April 1975 to 31 December 1975"

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Exhibit Number	Date Entered	Description
C-0193	07.12.89	letter dated 06 December 1989 to Commission Investigator, Weldon Orser, from P.L. Hamilton, Director of Personnel, Department of Social Services, "Re: Appointment of Ms. Sharron Callahan and Ms. Cathy Cahir
C-0194	07.12.89	summary of adolescent care of Carlo James, Diono Francesco, and Dino Rocco Santucciono with related Social Services documentation
C-0195	07.12.89	summary of service of Neil Hamilton
C-0196	08.12.89	record of date of commencement and termination of employment of Robert Bradbury, Department of Social Services, and summary of leave for calendar year 1975
C-0197	08.12.89	floor plan of the Department of Justice offices, Confederation Building, as of December 1975
C-0198	11.12.89	circular no. 15-75, Department of Social Services dated 24 February 1975 from H.D. Hollett "Re: Reorganization of Field Services"

Appendix R

Exhibit Number	Date Entered	Description
C-0199	11.12.89	extracts from selected records of Department of Social Services Registry of Child Abuse covering period from 01 April 1975 to 31 March 1976
C-0200	11.12.89	example of form used by Department of Social Services Registry of Child Abuse to record details of reported incidents of child abuse
C-0201	11.12.89	edited report by Detective Sgt. Leonard Power, Royal Newfoundland Constabulary concerning "David Jerome Burton, Breach of Section 156 C.C.C. or 24(1), Welfare of Children Act "
C-0202	11.12.89	copy of file cover from Department of Justice captioned " David Jerome Burton, Br. Sec. 156 or Br. 24(1) W.C.A." with various handwritten notations
C-0203	11.12.89	copy of letter dated 02 November 1982 to R.J. Roche, Chief of Royal Newfoundland Constabulary, Attention: Detective Sgt. Leonard Power from Ronald J. Richards, Senior Crown Attorney, "Re: David Jerome Burton"

Appendix R

Exhibit Number	Date Entered	Description
C-0204	11.12.89	volume I of transcript of evidence - "Her Majesty The Queen vs. David Jerome Burton" - heard in Provincial Court, St. John's on 17, 18, 19, November 1982
C-0204A	11.12.89	volume II of Exhibit C-0204
C-0205	11.12.89	memorandum dated 10 November 1982 from Robert B. Hyslop, Assistant Director of Public Prosecutions, to Mary Noonan, Solicitor for Department of Justice, "Re: Mount Cashel Orphanage Investigation - R. v. David Burton"
C-0206	11.12.89	copy of edited letter dated 15 December 1982 to F.J. Simms, Director of Child Welfare, from Karen Alexander
C-0207	11.12.89	copy of crown attorney's case report dated 19 November 1982 to Royal Newfoundland Constabulary from R. J. Richards "Re: David Jerome Burton"
C-0208	11.12.89	copy of notice of application dated 19 November 1982, "for leave to appeal from conviction and sentence in the matter of David Jerome Burton"

Appendix R

Exhibit Number	Date Entered	Description
C-0209	11.12.89	copy of Supreme Court of Newfoundland, Court of Appeal, (1982 No.228) oral judgment by Mifflin, C.J.N, on 01 December 1982 (Coram: Mifflin, C.J.N., Gushue and Mahoney, J.J.A.) - "Between Her Majesty The Queen, respondent, and David Jerome Burton, appellant"
C-0210	11.12.89	letter dated 09 December 1982 to R.J. Roche, Chief of Police of Royal Newfoundland Constabulary, from Ronald J. Richards, Senior Crown Attorney, "Re: David Jerome Burton"
C-0211	13.12.89	copy of article from the Daily News on 17 May 1979 concerning testimony given at the " Soper Inquiry" by Detective Sgt. Arthur Pike, Royal Newfoundland Constabulary
C-0212	13.12,89	copy of article from The Evening Telegram on 17 May 1979 entitled "In Camera Testimony released by the Judge"
C-0213	13.12.89	letter to Joyce King, Secretary, Department of Justice, from Robert Hyslop, dated 14 February 1989; note to file from Robert Hyslop dated 14 February, 1989; 3 page letter to Chief E.J. Coady from Robert Hyslop dated

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Exhibit Number	Date Entered	Description
		14 February 1989 "Re: Alleged cover-up by the Department of Justice - charges involving Mount Cashel Orphanage, 1975-1976"; 2 page letter to Honourable Lynn Verge from Robert Hyslop dated 14 February 1989 "Re: Complaint of Homosexual Acts and Child Abuse at Mount Cashel"; press release; note to file from Robert Hyslop dated 17 February 1989; 4 page statement of Robert B. Hyslop, Associate Deputy Attorney General, Department of Justice, dated 17 February 1989, note to file from Robert Hyslop, dated 22 February 1989
C-0214	14.12.89	brief history of Mount Cashel Orphanage prepared in mid 1974 and entered in evidence during testimony of Brother G.G. McHugh (authorship not shown)
C-0215	14.12.89	report entitled "Mount Cashel Advisory Board Report To Delegates of Provincial Chapter, July 30, 1977"
C-0216	14.12.89	copy of letter dated 18 November 1974 to Honourable A. Murphy, Minister of Department of Social Services, from Brother G.G. McHugh

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Exhibit Number	Date Entered	Description
C-0217	14.12.89	letter to Honourable A.J. Murphy from Brother G.G. McHugh dated 20 November 1974; letter to Rev. Brother G.G. McHugh from A.J. Murphy dated 13 February 1975; letter to Rev. Brother G.G. McHugh from T.M. Doyle dated 04 September 1975; letter to Honourable T.M. Doyle, M.H.A. from G.G. McHugh dated 10 September 1975; letter to Mr. M.F. Jackman from Br. R.L. MacKenzie dated 22 September 1975
C-0218	14.12.89	copy of letter dated 10 January 1976 to Rev. Br. D.F. Nash from G.G. McHugh
C-0219	14.12.89	copy of report of a preliminary meeting on 08 March 1976 of the Mount Cashel Advisory Board
C-0220	14.12.89	notice of a meeting of Mount Cashel Advisory Board to be held on 11 March 1976 together with agenda, list of participants, and a copy of the terms of reference for the board
C-0221	14.12.89	copy of memorandum dated 18 March 1976 to Br. G.G. McHugh from Br. D.F. Nash "Subject - Reminders Mount Cashel"

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Exhibit Number	Date Entered	Description
C-0222	14.12.89	letter dated 10 April 1976 - "Dear Dip" (Brother D. Kenny) from "Gabe" (Brother G. McHugh)
C-0223	14.12.89	minutes of Mount Cashel Advisory Board meeting held on 12 April 1976 as recorded by Brother Gale, Secretary
C-0224	14.12.89	letter dated 26 May 1979 "Dear Gabe" (Brother G. McHugh -unsigned)
C-0225	15.01.90	summary of service of Robert William Pearcey
C-0226	15.01.90	copies of Royal Newfoundland Constabulary in-service training material "Re: General Reporting and Recording, effective January 1, 1981"
C-0227B	17.05.90	staff calendar 1975-1976, Department of Justice
C-0228	15.01.90	summary of service of John Richard Browne (deceased)
C-0229	15.01.90	summary of service of John Norman (deceased)
C-0230	15.01.90	summary of service of John Barry Hill
C-0231B	16.01.90	printed copy of Exhibit C-0231C

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Exhibit Number	Date Entered	Description
C-0231C	16.01.90	overhead transparency of chart captioned "Organization of Department of Justice, 1975"
C-0232	15.01.90	copy of article from The Evening Telegram on 07 January, entitled - "24 Sex charges laid against 12 young men"; copy of article from the Daily News on 07 January 1976 entitled - "12 Youths face 27 sex charges"; newspaper articles (source and date not shown) entitled "Committed sex offences - Two men receive short jail terms", "Pleads guilty to sexual offence; man sentenced to 40-day term", "Two pleaded guilty, jailed for rape"
C-0233	15.01.90	memorandum dated 02 February 1976 to Honourable T. Alex Hickman, Minister of Justice, "Re: Curtis Academy Fire - Arson", from Barry J. Hill, Solicitor
C-0234	16.01.90	copy of letter dated 06 February 1976 to Chief of Police John F. Lawlor, Newfoundland Constabulary, from T. Alex Hickman, Minister of Justice, "Re: Curtis Academy Fire"
C-0235	17.01.90	copy of memorandum dated 31 January 1975 to the Honourable the Minister of Justice from John T. Connors "Re: Hurley and Maher alleged theft of the

Appendix R

Exhibit Number	Date Entered	Description
		vessel, the Shirley Blanche"; memorandum dated 31 January 1975 to John T. Connors from John T. Kelly, Solicitor, "Re: Weir vs. Hurley theft of Shirley Blanche"; memorandum dated 04 February 1975 to Vincent P. McCarthy, Q.C. from T. Alex Hickman "Re: Hurley and Maher - alleged theft of the vessel - Shirley Blanche"; letter dated 21 February 1975 to Aylward, Crosbie & Collins from Vincent P. McCarthy "Re: Michael Maher et.al. alleged theft of motor vessel Shirley Blanche"; memorandum dated 26 June 1975 to the Honourable the Minister of Justice from G.G. Sweezey "Re: The Queen against John Hurley and Michael Maher - theft of the Shirley Blanche Section 294(a) C.C.C."
C-0236	17.01.90	pages 6, 7, 338, 339, 340 and 341 from Martin's Criminal Code, 1975
C-0237	17.01.90	memorandum dated 16 December 1982 to Deputy Minister, Department of Social Services, from (Mrs.) E. P. Noonan "Re: Her Majesty The Queen vs. David Jerome Burton"; with copy of Exhibit C-0209
C-0238	17.01.90	memorandum dated 19 March 1976 to Deputy Minister, Department of Social Services, Attention: F.J. Simms, from

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Exhibit Number	Date Entered	Description
		H.J. Buckingham, Solicitor, Department of Justice, "Re: Shane Michael Earle, son of William & Carol Earle, File No. 214-551"
C-0239	17.01.90	record of deposition of Jerome Joseph Corcoran dated 17 January 1990 together with an edited copy of Social Services case record concerning Shane Earle
C-0240	17.01.90	summary of service of Jerome Corcoran
C-0241	17.01.90	record of deposition of Elizabeth Hilda Garland dated 16 January 1990
C-0242	17.01.90	record of deposition of Joan Lorraine Hibbs dated 16 January 1990
C-0243	17.01.90	record of deposition of Christina Marie Murphy dated 16 January 1990
C-0244	17.01.90	record of deposition of Mona Ann Pearce dated 16 January 1990
C-0245	17.01.90	record of deposition of Clyde Cyril Pretty dated 16 January 1990
C-0246	17.01.90	record of deposition of Carol Nellie Prosser dated 16 January 1990
C-0247	17.01.90	record of deposition of Jean Stewart Ryan dated 16 January 1990

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Exhibit Number	Date Entered	Description
C-0248	17.01.90	record of deposition of Gayle Allison Sparkes dated 16 January 1990
C-0249	17.01.90	record of deposition of Carolann Mary Wallis dated 16 January 1990
C-0250	18.01.90	copy of memorandum dated 02 October 1969 to Deputy Minister of Justice from George B. Macaulay, Senior Counsel, "Re: Criminal Work"; Minute of Council 827-'70 dated 05 November 1970 concerning appointment of Mr. Vincent P. McCarthy as Deputy Minister of Justice; memorandum dated 28 November 1972 to Honourable Minister of Justice from George B. Macaulay; Minute of Council 161-'73 dated 13 February 1973 concerning executive pay plan; Minute of Council 889-76 dated 30 March 1976 concerning retroactive salaries to Vincent P. McCarthy and George B. Macaulay; copy of statement made by The Honourable T. Alex Hickman, Q.C., to the House of Assembly on 24 February 1977 concerning appointments of officials in Department of Justice; copy of letter dated 15 September 1979 to the Honourable Gerald R. Ottenheimer from George Macaulay

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Exhibit Number	Date Entered	Description
C-0251	18.01.90	memorandum dated 29 April 1975 to Minister of Justice from George B. Macaulay "Re: Motor vessel Shirley Blanche"; memorandum dated 16 August 1976 to Honourable John C. Crosbie, Acting Minister of Justice, from George B. Macaulay "Re: Shirley Blanche"; letter dated 17 August 1976 to Mr. John Hurley from George B. Macaulay "Re: Schooner Shirley Blanche"
C-0252	18.01.90	copy of memorandum dated 24 April 1974 to Deputy Minister of Social Services from George Macaulay
C-0253	19.01.90	profile of Eileen Maloney (deceased)
C-0254	19.01.90	profile of Francis P. McLoughlin
C-0255A	26.01.90	profile of Alexander Luther Moore
C-0256	19.01.90	profile of James W. Ryan
C-0257	19.01.90	deposition of Alastair Murray dated 19 January 1990
C-0258	19.01.90	deposition of Joan Elizabeth Saul dated 16 January 1990
C-0258A	26.01.90	revised cover page for Exhibit C-0258
C-0259	19.01.90	profile of Elizabeth Maud Cook 436

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Exhibit Number	Date Entered	Description
C-0260	19.01.90	volume I of document entitled "Working Relationship between Government of Newfoundland and Labrador (Departments of: Social Services, Justice, Education,, Health) and the Christian Brothers of Ireland in Canada ("Mount Cashel", St. John's, Newfoundland) 1952-1989"
	19.01.90	volume II of Exhibit C-0260
	22.01.90	copy of letter dated 06 April 1987 to Neil Hamilton from Brother J. B. Lynch, Superintendent of Mount Cashel
		copy of letter dated 09 March 1989 to Ms. Sheila Devine from Brother T. Turner
C-0260A		copy of letter dated 17 March 1989 to Brother T. Turner from Sheila Devine
C-0260B		profile of Sister Helen Patricia Caule
C-0260C	31.01.90	copy of Minute of Council 209-'76 dated 03 March 1976 concerning appointment of John G. Kelly as Director of Public Prosecutions.
C-0260D	31.01.90	copy of Minute of Council 310-'77 dated 06 April 1977 concerning appointment of John Kelly as Director of Public Prosecutions
C-0261	22.01.90	
C-0262	23.01.90	
C-0263	23.01.90	

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Exhibit Number	Date Entered	Description
C-0264	23.01.90	copy of volume IV/A, pages 329-332, of transcript of in camera evidence given on 10 April 1979 at the "Public Inquiry Into Release and Publication of Police Reports into Fire at Elizabeth Towers, St. John's"
C-0265	23.01.90	document entitled "M/V Shirley Blanche"
C-0266	24.01.90	summary of service of Sheila Devine
C-0267	24.01.90	printed copy of Exhibit C-0267A
C-0267A	24.01.90	overhead transparency captioned "Floor Plan in 1975 for Department of Social Services, Confederation Building"
C-0268	25.01.90	copy of flow chart captioned "Summary of Social Services/Mount Cashel Committee/Board Meetings 1975 to date"
C-0269	25.01.90	copy of 1977 Survey and Recommendations of Newfoundland - Labrador Human Rights Association concerning Children in Foster Care in Newfoundland
C-0270	25.01.90	copy of 1978 Survey and Recommendations of Newfoundland - Labrador Human Rights Association concerning Children in Institutions

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Exhibit Number	Date Entered	Description
C-0271	25.01.90	copy of letter dated 02 March 1989 to Neil Hamilton from Peggy Hatcher; letter dated 15 March 1989 to William Cook from Neil Hamilton; letter dated 18 April 1989 to William Cook from Neil Hamilton; memorandum dated 28 April 1989 to Neil Hamilton from William Cook "Re: Child Protection Caseload"
C-0272	25.01.90	copy of letter dated 22 November 1989 to William Cook from Neil Hamilton "Re: Mount Cashel"
C-0273	26.01.90	record of deposition of Linda Hunt Black dated 25 February 1990
C-0274	26.01.90	record of deposition of Betty (Stacey) Lapp dated 19 January 1990
C-0275	26.01.90	record of deposition of Ruth Maureen (Wood) Foster dated 16 January 1990
C-0276	26.01.90	edited cautioned statement dated 19 October 1982 given by (person's name deleted) to Detective Sgt. Leonard P. Power, Royal Newfoundland Constabulary

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Exhibit Number	Date Entered	Description
C-0277	26.01.90	edited cautioned statement dated 11 November 1982 given by (person's name deleted) to Detective Sgt. Leonard P. Power, Royal Newfoundland Constabulary
C-0278	26.01.90	document entitled " Newfoundland - Profile of History, Government and Society", dated 26 January 1990
C-0279	29.01.90	profile of Brother Gordon R. Bellows
C-0280	29.01.90	sworn affidavit of Gordon R. Bellows dated 10 November 1982 concerning David Jerome Burton
C-0281A	30.01.90	document entitled " Child Welfare Profiles: No. 01 - The Shane Earle Wardship Proceeding, St. John's, 1976"
C-0281B		supplement to Exhibit C-0281A
C-0282		1975 diary of receipt of mail in Department of Justice Registry from 02 January 1975 to 31 December 1975
	20.02.90	copies of selected pages from Exhibit C-0282 covering period 01 December 1975 to 31 December 1975
	30.01.90	
C-0282A	30.01.90	original 1976 diary of receipt of mail in Department of Justice Registry from 02 January 1976 to 31 December 1976
C-0283	30.01.90	

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Exhibit Number	Date Entered	Description
C-0283A	30.01.90	copies of selected pages from Exhibit C-0283 covering period 01 January 1976 to 30 April 1976
C-0284	30.01.90	copy of letter dated 21 April 1976 to Mary Noonan, Department of Justice, from Raymond J. Halley "Re: Carol Baird"; memo dated 21 April 1976 to Deputy Minister of Justice Attention: Mrs. M. Noonan from H. V. Hollett "Re: Francis Strickland - child of Carol Baird, St. John's, File No. 671-152"
C-0285	30.01.90	volume 1, 1977 diary of receipt of mail in Department of Justice Registry from 04 January 1977 to 09 November 1977
C-0285A	30.01.90	volume II, 1977 diary of receipt of mail in Department of Justice Registry from 10 November 1977 to 30 December 1977
C-0285B	30.01.90	copies of selected pages from Exhibit C-0285 covering periods 04 January 1977 to 31 March 1977
C-0286	30.01.90	summary of service of Geraldine M. Stapleton

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Exhibit Number	Date Entered	Description
C-0287	31.01.90	copy of an article from The Evening Telegram on 21 January 1990 entitled " Mount Cashel Complaints Still Handled Differently"
C-0288	31.01.90	document entitled " Child Welfare Profiles: No. 02 - The Francis Strickland Baird Wardship Proceeding, St. John's, 1976"
C-0288A	20.02.90	supplement to Exhibit C-0288
C-0288B	21.02.90	document entitled "Typed Version of Handwritten Notes Contained in Exhibit C-0288"
C-0289	02.02.90	document entitled " Newfoundland - Labrador Human Rights Association"
C-0290	02.02.90	book entitled Human Rights and Social Policy in Newfoundland 1832-1982 Search for a Just Society , by Stuart R. Godfrey (Harry Cuff Publications Limited, St. John's, Newfoundland, 1985)
C-0291	02.02.90	document entitled "Private and Public Child Welfare in Newfoundland"
C-0292	12.02.90	copy of letter dated 07 June 1976 to Dr. Omesh Kashyap from Raymond J. Halley "Re: Mrs. Carol Baird"

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Exhibit Number	Date Entered	Description
C-0293	12.02.90	copy of edited medical history record of (person's name deleted) by Dr. G. Higgins
"S"	12.02.90	unedited document entitled "Child Welfare Profiles: No. 03 - Complaints from Mount Cashel Residents, St. John's, 1982", dated 12 February 1990
C-0294	13.02.90	edited version of Exhibit "S"
C-0294B	23.02.90	amendment to page S00041 to Exhibit C-0294
C-0294C	13.03.90	amendment to page S00042 to Exhibit C-0294
C-0294D	13.03.90	document entitled "Table of Investigations Mentioned in Text of Summary In Exhibit C-0294"
C-0295	15.02.90	summary of service of Frank J. Simms
C-0296	19.02.90	letter dated 09 March 1989 to Superintendent L. Power, Royal Newfoundland Constabulary, from Frank J, Simms
C-0296A	19.02.90	statement dated 21 March 1989 given by Frank John Simms to Superintendent Leonard Power, Royal Newfoundland Constabulary

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Exhibit Number	Date Entered	Description
C-0296B	19.02.90	statement dated 28 June 1989 given by Frank John Simms to Superintendent Leonard Power, Royal Newfoundland Constabulary
C-0297	20.02.90	resume of Madam Justice Mary Elizabeth Noonan
C-0298	21.02.90	copy of transcript of viva voce evidence of John Kelly on 23 January 1990 before the Royal Commission
C-0299	21.02.90	copy of transcript of viva voce evidence of His Honour Judge Robert Hyslop on 13 December 1989 before the Royal Commission
C-0300	21.02.90	copy of 1982 diary for receipt of mail by the Department of Justice Registry for Friday, 26 November 1982
C-0301A	23.02.90	profile of Brother Louis Bucher
C-0302	22.02.90	copy of an article from The Evening Telegram on 20 October 1989 entitled "Earle Testimony Contained Inaccuracies, Distortions Brother Says"
C-0303	23.02.90	summary of service of Ardith (Dunford) Patten
C-0304	26.02.90	profile of George Pope

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Exhibit Number	Date Entered	Description
C-0305	26.02.90	document entitled "Table of Occasions When Allegations Made By Or Regarding Mount Cashel Residents"
C-0306	26.02.90	extract from Department of Social Services field services policy manual (Revision No. 208 - February 1975)
C-0307	26.02.90	profile of Vernon Hollett
C-0308A	12.03.90	profile of Cyril James Goodyear
C-0309	27.02.90	crown prosecutor's case report dated 18 May 1979; notice of application for leave to appeal from sentence; affidavits of service of said application; affidavit of service of said application; letter to Cyril J. Goodyear from W. Michael Roche; letter dated 22 October 1979 to W. Michael Roche from C.J. Goodyear; judgment of the court delivered orally by Gushue, J.A. on 30 November 1979
C-0310	27.02.90	letter dated 04 July 1979 to Magistrate C.J. Goodyear from Magistrate G.W. Seabright
C-0311	28.02.90	summary of service of Sandra Morris
C-0312	28.02.90	summary of service of Sandra Seymour

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Exhibit Number	Date Entered	Description
C-0313A	12.03.90	summary of service of Peggy Marjorie Hatcher
C-0314	28.02.90	copy of handwritten notes by Peggy Hatcher dated 01 December 1989 concerning "Boys Being Interviewed on Saturday"
C-0315	01.03.90	summary of service of Patricia Ann Croke
C-0316	01.03.90	document entitled "Statistics for Mount Cashel May 1989 to February 1990", showing Mount Cashel resident population
C-0317	01.03.90	printed copy of Exhibit C-0317A
C-0317A	01.03.90	overhead transparency captioned "Mount Cashel 1990", showing persons participating in coordinating committee and project team
C-0318A	12.03.90	summary of service of Mabel Anderson
C-0319	12.03.90	summary of service of Mary Brothers-Hodder
C-0320	12.03.90	summary of service of Diane Molloy
C-0321	12.03.90	copy of Mount Cashel directive dated 16 May 1989 concerning "Role for Wanda Crocker and Patricia Croke"

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Exhibit Number	Date Entered	Description
C-0322	12.03.90	undated copy of policy directive " Information and Procedures on Reporting Child Abuse" for social workers employed at Mount Cashel Orphanage
C-0323	12.03.90	profile of Brother Timothy Turner
C-0324	12.03.90	document entitled "Adult Staff, Mount Cashel: 1982 to 1989"
C-0325	12.03.90	copy of draft "R.C. School Board for St. John's - Child Abuse Policy and Procedures", dated January 1990
C-0326	12.03.90	summary of service of Terrence Joseph Stapleton
C-0327	13.03.90	report entitled "Child Sexual Abuse Intervention - A Training Program for Child Welfare Practitioners in Newfoundland and Labrador", by J.W. Dickson, Consultant to Child and Family Services, October, 1989
C-0328	13.03.90	profile of Gilbert Pike
C-0329	13.03.90	circular no. 146-'77, Department of Social Services, dated 04 November 1977, "Re: Policy Manual Revision No. 328 - November 1977 (Neglected Children)"

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Exhibit Number	Date Entered	Description
C-0330	13.03.90	copy of Exhibit C-0237
C-0331	14.03.90	profile of R. Charles Brett
C-0332	14.03.90	profile of Phyllis Louise Seymour
C-0333	14.03.90	profile of Leonard Patrick J. Power
C-0334A	15.03.90	profile of Zita Margaret Dalton
C-0335	14.03.90	edited document entitled "Criminal Investigation Profiles: No. 01, Royal Newfoundland Constabulary, St. John's, 1989"
C-0336	14.03.90	edited document entitled "Criminal Investigation Profiles: No. 02, Royal Newfoundland Constabulary, St. John's, 1990"
C-0337	15.03.90	edited version of Exhibit "T"
C-0337A	23.11.90	replacement cover page to Exhibit C-0337
C-0338	15.03.90	summary of service of Kenneth Francis LeBreton
C-0339	15.03.90	profile of His Honour Judge W. Michael Roche

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Exhibit Number	Date Entered	Description
"T"	15.03.90	unedited document entitled "Regina versus Ronald Hubert Kelly: Department of Justice File, Corner Brook, 1979"
"T-P"	23.11.90	replacement cover page to Exhibit "T" entitled "Criminal Investigation Profiles No. 03: Ronald Hubert Kelly, Corner Brook, 1979"
C-0340	15.03.90	digest of important cases since 1970, Sentencing in Newfoundland, as edited by Brian Casey, 1988
C-0340A	16.03.90	extracts from Exhibit C-0340
C-0341	20.03.90	summary of service of Murray Donald Urquhart
"U"	20.03.90	copy of unedited version of "Personal Daily Diary and Police Notebook - Entries by Constable Murray Donald Urquhart"
C-0342	20.03.90	edited typed version of Exhibit "U"
C-0343	20.03.90	summary of service of Gerald Gordon Tabor
C-0344	20.03.90	excerpt from the RCMP operations manual dated 29 January 1979 entitled Child Welfare Act

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Exhibit Number	Date Entered	Description
C-0345	20.03.90	profile of Mr. Justice John W. Mahoney
C-0346A	22.03.90	summary of service of Jean Wells
C-0347	21.03.90	letter dated 12 March 1990 to David Day, Q.C. from Patrick L. Hamilton "Re: Mrs. Jean Wells - Attendance"
C-0348	21.03.90	copy of page from the daily diary of Ronald Penney for Friday, 12 November 1982
C-0349	21.03.90	document entitled "Volume I - Correspondence and Memoranda Completing the 1975 Mount Cashel Investigation: Efforts by Royal Newfoundland Constabulary, 15 February 1989 to 14 March 1990"
C-0349A	21.03.90	volume II (Contacts/Interviews) of Exhibit C-0349
C-0349B	21.03.90	bar chart dated 21 March 1990 (addition to Exhibit C-0349)
C-0349C	22.03.90	volume III (Criminal Charges) of Exhibit C-0349
C-0350	22.03.90	copy of operational directive No. 1.129 dated 13 November 1985, Royal Newfoundland Constabulary

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Exhibit Number	Date Entered	Description
C-0351	22.03.90	undated copy of policy manual - Part 3 - Specialized Investigations - Chapter "A", "Child Abuse", Royal Newfoundland Constabulary
C-0352	22.03.90	memorandum dated 08 June 1983 to all divisions, (Royal Newfoundland Constabulary) from Deputy Chief D. Randell "Re: Transmission of Police Reports to Department of Social Services", together with copy of memorandum dated 02 June 1983 from Robert B. Hyslop, Assistant Director of Public Prosecutions
C-0353	23.03.90	profile of Thomas V. P. Hickey
C-0354	23.03.90	copy of preliminary (unedited) transcript, Newfoundland House of Assembly proceedings, Wednesday, 16 May 1979
C-0355	23.03.90	copy of Government of Newfoundland and Labrador memorandum form dated 31 August 1982 to the Honourable Mr. T.V. Hickey from Stead Crawford (attachment to Exhibit "V")
"V"	23.03.90	unedited copy of letter dated 08 August 1982 to F.J. Simms from Stead Crawford

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Exhibit Number	Date Entered	Description
C-0356	23.03.90	copy of memorandum dated 28 February 1980 to Executive Council (S.S. 6-'80) from T.V. Hickey, Minister of Social Services "Re: Redundant Position, Whitbourne School for Boys"
C-0357	23.03.90	handwritten notes of meeting held at Social Services on 30 January 1984 as made by Sharron Callahan
C-0358A	26.03.90	document entitled "Child Welfare Profiles: No. 04 - Alonzo Corcoran - Mary stown/Whitbourne"
C-0359	23.03.90	letter dated 11 August 1983 to Mr. John Legge, Administrator Whitbourne School for Boys from F.J. Simms; letter dated 07 October 1983 to Mr. John Legge from F.J. Simms "Re: Overtime Costs"
C-0360	23.03.90	copy of press release dated 03 February 1984 by Honourable T.V. Hickey, Minister of Social Services
C-0361	23.03.90	memorandum dated 10 November 1983 to Mr. F.J. Simms from Sharron Callahan "Re: The Whitbourne School for Boys"

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Exhibit Number	Date Entered	Description
C-0362	23.03.90	notice dated 14 March 1984 under The Summary Proceedings Act , from Ronald J. Richard, Associate Deputy Attorney General, directing an inquiry into the sudden death of Alonzo Gerard Corcoran
C-0363	23.03.90	handwritten note dated 27 May 1984 to Mrs. Sharron Callahan from "F.J.S." (F.J. Simms) concerning "Alonzo Corcoran"
C-0364	26.03.90	document entitled "Significant Events Relating to the Judicial Inquiry Into the Death of Alonzo Corcoran"
C-0365	26.03.90	letter dated 02 February 1984 to Mr. G. Pope, Assistant Deputy Minister, Department of Social Services, from F.J. Simms; letter dated 02 February 1984 to Mrs. Sharron Callahan from Roma Bridger; letter dated 08 February 1984 to Ms. Roma Bridger from Sharron Callahan
C-0366	26.03.90	findings and recommendations of Provincial Court Judge G.J. Barnable at the judicial inquiry into the death of Alonzo Corcoran
C-0367	26.03.90	letter dated 31 January 1984 to Frank J. Simms from Brian Miller, Acting Administrator, Whitbourne School for

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Exhibit Number	Date Entered	Description
		Boys, together with statements of Maxwell Reid and Thomas M. Hickey
C-0368	27.03.90	volume I of transcript of proceedings at the judicial inquiry into the death of Alonzo Corcoran
C-0368A	27.03.90	volume II of Exhibit C-0368
C-0369	28.03.90	profile of Gordon W. Seabright
C-0370	28.03.90	letter dated 17 June 1977 to Magistrate E.J. Langdon, President Newfoundland Magistrates' Association from George B. Macaulay, Deputy Minister of Justice "Re: Legally Trained Magistrates - Admission to the Bar"; letter dated 09 November 1978 to Magistrate C.J. Goodyear, Chief Magistrate, from G.W. Seabright "Re: Articles"; letter dated 14 November 1979 to Magistrate G.W. Seabright from C.J. Goodyear, Chief Magistrate "Re: Articles"; letter dated 27 June 1979 to Magistrate G. Seabright from C.J. Goodyear, Chief Magistrate; letter dated 28 June 1979 to His Honour Judge Lloyd P. Soper from C.J. Goodyear; letter dated 06 August 1979 to Magistrate G. Seabright from C.J. Goodyear; confidential memorandum dated 03 June 1980 to "Articling Provincial Court Judges and those

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Exhibit Number	Date Entered	Description
		Judges who may article in the future" from C.P. Scott; memorandum dated 16 January 1981 to Mrs. Lillian Dingwell, Coordinator of Personnel Services, Department of Justice, from C.P. Scott "Re: Articling - Provincial Court Judges Seabright & Davis"
C-0371	29.03.90	summary of service of Alexander Thomas Kielly
C-0372	29.03.90	summary of service of Freeman J. Twyne
C-0373	30.03.90	profile of Chief Justice Thomas Alexander Hickman
C-0374	30.03.90	edited memorandum dated 12 February 1976 to the Honourable Minister of Justice from J.F. Lawlor "Re: Curtis Academy Fire - Arson"; report dated 10 February 1976 to Chief of Newfoundland Constabulary, J.F. Lawlor from Detective Sgt. Arthur Pike "Re: Communications from Mr. Barry Hill, Solicitor, Department of Justice dated 02 February 1976 concerning the fire at Curtis Academy School"; edited police report dated 10 February 1976 to Chief of Newfoundland Constabulary from Detective R. Hillier "Re: Communication from Mr. Barry Hill,

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Exhibit Number	Date Entered	Description
		Solicitor, Department of Justice dated 02 February 1976 concerning the fire at Curtis Academy School"
C-0374A	22.11.90	edited Newfoundland Constabulary report dated 09 January 1976 by Detective R. Hillier concerning Curtis Academy fire
C-0375	04.04.90	record of deposition of John Cummings dated 06 March 1990
C-0376	04.04.90	record of deposition of Ian Gibson Gray dated 21 March 1990
C-0377	04.04.90	record of deposition of Francis Patrick McLoughlin dated 27 March 1990
C-0378	04.04.90	record of deposition of James Nesbitt dated 23 February 1990
C-0379	04.04.90	record of deposition of Ardith Louise Patten dated 05 March 1990
C-0380A	17.05.90	document entitled "Department of Social Services (Child Welfare Division) Staff - Calendar 1975, 1976"
C-0381	04.04.90	record of deposition of Patricia Bridget Byrne dated 06 February 1990
C-0382	04.04.90	record of deposition of Margaret Catherine Cody dated 06 February 1990

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Exhibit Number	Date Entered	Description
C-0383	04.04.90	summary of service of William Fox (deceased)
C-0384	04.04.90	record of deposition of Beverley Ann Hodder dated 08 February 1990
C-0385	04.04.90	record of deposition of Irene Kean dated 06 February 1990
C-0386	04.04.90	record of deposition of Sheila Marie (Hatch) Murphy dated 08 February 1990
C-0387	04.04.90	record of deposition of Jean Ann Rose dated 09 February 1990
C-0388	04.04.90	record of deposition of Lois Jardine Rowsell dated 11 February 1990
C-0389	04.04.90	record of deposition of Carol (Bartlett) Tobin dated 16 February 1990
C-0390A	17.05.90	document entitled "Mount Cashel Boys Home and Training School - Lay Staff - Calendar 1975, 1976"
C-0391	04.04.90	record of deposition of Dennis Francis Aylward dated 31 March 1990
C-0392	04.04.90	record of deposition of Doris Elizabeth Harte dated 06 March 1990

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C-0393	04.04.90	record of deposition of Bride Kinsella dated 06 February 1990
C-0394	04.04.90	record of deposition of Leo Alloysious Mahon dated 07 March 1990
C-0395	04.04.90	record of deposition of Mary Theresa Martin dated 06 March 1990
C-0396	04.04.90	record of deposition of Sarah Sexton dated 05 March 1990
C-0397	04.04.90	record of deposition of Delores Mary Squires dated 06 March 1990
C-0397A	17.05.90	amendment to cover page of Exhibit C-0397
C-0398	04.04.90	record of deposition of Mary Isabelle Whitten dated 07 March 1990
C-0399	04.04.90	record of deposition of Ambrose James McCrowe dated 20 March 1990
C-0400	04.04.90	profile of Vincent Patrick McCarthy (deceased)
C-0401	04.04.90	profile of Alphonsus Edward Faour
C-0402	04.04.90	"note to file" dated 09 June 1989 by A. Faour captioned "1430-208 Shane Earle"
C-0403	04.04.90	memorandum dated 31 March 1990 to Sheila Devine from Elizabeth Crawford

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Exhibit Number	Date Entered	Description
C-0404	05.04.90	document entitled "History of Administration of Justice in Newfoundland: 1729 to date"
C-0405	05.04.90	book entitled Appearing for the Crown - A legal and historical review of criminal prosecutorial authority in Canada , by Philip C. Stenning (Brown Legal Publications Incorporated, Cowansville, Quebec, 1986)
C-0406	05.04.90	document entitled "Public Hearings: Phase 2 Evidence -Opening Statement (by) D.C. Day, Q.C., Commission co-counsel"
C-0407	05.04.90	series of 6 charts outlining "types of living arrangements of children alleged to have been abused; primary sources of documents generated by allegations of child abuse; filing and storage arrangements for such documents in the Department of Social Services; the district organization of Department of Social Services; filing and storage arrangements for documents generated in the Department of Justice by allegations of child abuse; the Royal Commission's system for cataloguing, filing and storing documents; organizational chart, 1990, for Criminal Investigation Division, Royal Newfoundland Constabulary;

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Exhibit Number	Date Entered	Description
		organizational chart, 1990, for Royal Canadian Mounted Police in Newfoundland; and, organizational chart, 1990, for Child Welfare Division, Department of Social Services"
C-0408	05.04.90	excerpts from annual report 1970-71, Department of Social Services
C-0409	05.04.90	excerpts from annual reports 1983-84 to 1987-88, Department of Social Services
C-0410	05.04.90	annual report 1988-89, Department of Social Services
C-0411	05.04.90	document entitled "General Population, Housing, Household, Family and Labour Force Data, 1971 Census of Canada, Census Divisions and Subdivisions - Newfoundland" (Statistics Canada)
C-0412	05.04.90	document entitled "General Population, Housing, Household, Family and Labour Force Data, 1976 Census of Canada - Newfoundland" (Statistics Canada)
C-0413	05.04.90	document entitled "Census Divisions and Subdivisions, Newfoundland, Part 1, 1986" (Statistics Canada)

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Exhibit Number	Date Entered	Description
C-0413A	05.04.90	part 2 of Exhibit C-0413
C-0414	05.04.90	Child Welfare policy manual (October 1989), Department of Social Services
C-0415	05.04.90	excerpts from Royal Newfoundland Constabulary policy and procedures manual
C-0415A	12.06.90	amended cover page to Exhibit C-0415 showing title " Royal Newfoundland Constabulary: Policy and Procedures- Volume II Manual 1990"
C-0416	05.04.90	profile of Dr. Teodoro O. Rosales
"W"	05.04.90	unedited document entitled "Child Welfare Profiles: No. 05 - Wardship Proceedings - Gander, St. John's, 1972 - 1978"
C-0417	06.04.90	paper entitled The Battered Child Syndrome as contained in Volume 181, No.1, Journal of American Medical Association, July 1962
C-0418	06.04.90	paper entitled "Child Abuse" submitted by C. Rosales to Memorial University of Newfoundland, Extension Services, for nurses' re-entry program

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Exhibit Number	Date Entered	Description
C-0419	06.04.90	paper entitled "Child Abuse in Newfoundland - A Review of Cases Presented to the Child Protection Team of the Janeway Child Health Centre - January to June 1980", by Ellen Wood, M.D.
C-0420	06.04.90	reasons for judgment of His Honour Judge Litsky in the Juvenile Court of Calgary, Alberta - "In the Matter of The Child Welfare Act , being Chapter 39 of the Revised Statutes of Alberta - 1955, and Amendments thereto; and In the Matter of an alleged neglected child in need of protection, Rita Laurie Dunlop also known as Rita Laurie Ernest"
C-0421	06.04.90	record of deposition of Betty T. Allan dated 05 April 1990
C-0422	09.04.90	edited version of Exhibit "W"
C-0423	09.04.90	document entitled "Child Welfare/Criminal Investigation Profiles: No. 01 - 1985 to 1989"
C-0424	09.04.90	profile of Francis Paul McCarthy
C-0425	09.04.90	profile of Deidre Anne Guilbeault
C-0426	09.04.90	profile of Carolyn Cosgrove

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Exhibit Number	Date Entered	Description
C-0427	10.04.90	profile of Michael Joseph Patrick Monaghan
C-0428	10.04.90	profile of Gerard Joseph Martin
C-0429	10.04.90	summary of service of Dean Jeffrey Chaulk
C-0430	10.04.90	profile of Lloyd Alexander Ford
C-0431	10.04.90	profile of Wayne Joseph Penney
C-0432	10.04.90	chart captioned "Organization of Department of Social Services (Wabush District), 1990
C-0433	11.04.90	summary of service of Edward Joseph Coady
C-0434	11.04.90	Agreement between Her Majesty in Right of Newfoundland and the Police Brotherhood of the Royal Newfoundland Constabulary signed on 11 December 1986, expiring 31 October 1987
C-0435	11.04.90	Agreement between Her Majesty in Right of Newfoundland and the Royal Newfoundland Constabulary Association, expiring 30 April 1990
C-0436	30.04.90	profile of John Francis Barron

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Exhibit Number	Date Entered	Description
'X'	30.04.90	unedited record of deposition of Roy Joseph O'Brien dated 20 April 1990
C-0437	30.04.90	edited version of Exhibit "X"
C-0438	30.04.90	record of deposition of Roy Joseph O'Brien dated 21 April 1990
C-0439	30.04.90	profile of Cyril Joseph Greene, Q.C.
C-0440	30.04.90	volume I of document entitled "Relationship of Police and Crown Counsel in Criminal Investigations and Prosecutions - Canada"
C-0441	30.04.90	volume II of Exhibit C-0440 (England and Wales)
C-0442	30.04.90	record of deposition of Gilmour G. Swezey dated 05 February 1990
C-0443	30.04.90	copy of verbatim report of the Thirty Seventh General Assembly of Newfoundland for Tuesday, 30 March 1976 (Volume I, 1st Session, Number 40)
C-0444	02.05.90	record of deposition of Rhoda Pelley dated 28 April 1990

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Exhibit Number		Description
C-0445	Date Entered 02.05.90	edited Department of Social Services and Rehabilitation child progress reports dated 05 October 1972 and 09 May 1978 concerning Dereck O'Brien and Roy O'Brien
C-0446	02.05.90	volume I of document entitled "Reporting Information of Child Mistreatment - Legislation, Reports, Circulars, Memoranda, Forms, Statistics, and Guidelines"
C-0446A	02.05.90	volume II of Exhibit C-0446 entitled "Reporting of Information of Child Mistreatment - Summary of records of The Central Recording System of Child Abuse, Child Welfare Division, Department of Social Services, made from 1973 to 1987"
'Y'	02.05.90	unedited document entitled "Child Welfare Profiles: No. 06 - Foster Home Care, Urban Community - 1960 to 1975"
		edited version of Exhibit "Y"
		profile of Brother Barry Lynch
C-0447	02.05.90	
C-0448	03.05.90	

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Exhibit Number	Date Entered	Description
"Z"	03.05.90	unedited volume I of document entitled "Child Welfare/ Criminal Investigation Profiles: No. 02 - Rural Community 1972 - 1973; Rural Community and St. John's 1982 - 1984"
"Z.1"	03.05.90	unedited volume II to Exhibit "Z"
C-0449	03.05.90	edited version of Exhibit "Z"
C-0449A	03.05.90	edited version of Exhibit "Z.1"
C-0449B	25.05.90	edited volume III of Exhibit "WW"
C-0450	03.05.90	profile of Dr. Charles Joseph Hutton
C-0451	07.05.90	profile of Mr. Justice Seamus B. O'Regan
C-0452	07.05.90	summary of service of Roy Edison Barbour
C-0453	07.05.90	annual report for the year ended 31 March 1972, Department of Social Services and Rehabilitation
C-0454	07.05.90	summary of service of Frederick Kenneth Powell
"AA"	08.05.90	unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 03 - St. John's, 1976 - 1982"

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Exhibit Number	Date Entered	Description
C-0455	08.05.90	edited version of Exhibit "AA"
C-0456	08.05.90	position description for Deputy Chief of Police (Operations), Royal Newfoundland Constabulary
"BB"	08.05.90	unedited document entitled "Child Welfare Profiles: No. 08 - 1980 - 1981"
C-0457	08.05.90	edited version of Exhibit "BB"
"CC"	08.05.90	unedited document entitled "Child Welfare Profiles: No. 09 - 1972 - 1989"
C-0458	08.05.90	edited version of Exhibit "CC"
C-0458A	09.05.90	supplement to Exhibit C-0458 entitled "Child Welfare Profiles: No. 09 - Intervention and Supervision by Department of Social Services of Child 1 and Child 2"
C-0458B	09.05.90	supplement to Exhibit C-0458 entitled "Child Welfare Profiles: No. 09 - Wardship of Child 1 and Child 2"
"DD"	09.05.90	unedited document entitled "Child Welfare Profiles: No. 10 - 1976 - 1989"
C-0459	09.05.90	edited version of Exhibit "DD"

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Exhibit Number	Date Entered	Description
"EE"	09.05.90	unedited document entitled " Child Welfare/Criminal Investigation Profiles: No. 04- 1978 - 1983"
C-0460	09.05.90	edited version of Exhibit "EE"
"FF"	10.05.90	unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 05 - 1980 - 1984"
C-0461	10.05.90	edited version of Exhibit "FF"
"GG"	10.05.90	unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 06 - 1974 - 1979"
C-0462	10.05.90	edited version of Exhibit "GG"
"HH"	10.05.90	unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 07- 1976- 1981"
"JJ"	11.05.90	unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 09- 1980- 1981"
C-0463	11.05.90	edited version of Exhibit "JJ"
"KK"	11.05.90	unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 10 - 1980 - 1982"
C-0464	11.05.90	edited version of Exhibit "KK"

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Exhibit Number	Date Entered	Description
"LL"	11.05.90	unedited entitled "Child Welfare/Criminal Investigation Profiles: No. 11 - 1980- 1985"
C-0465	11.05.90	edited version of Exhibit "LL"
"MM"	14.05.90	unedited document entitled " Child Welfare/Criminal Investigation Profiles: No. 08 - 1980 - 1983"
C-0466	15.05.90	
C-0467	15.05.90	profile of Superintendent Emerson H. Kaiser RCMP flow chart showing the steps from the laying of a complaint by a citizen to the Crown proceeding with prosecution
C-0468	16.05.90	profile of Reverend John Michael Dinn
"NN"	16.05.90	unedited document entitled "Child Welfare Profiles: No. 11 - Guardianship Proceedings - Reciting the Facts -1979"
C-0469	16.05.90	edited version of Exhibit "NN"
"OO"	16.05.90	unedited document entitled "Child Welfare Profiles: No. 12 - Guardianship and Adoption Proceedings - 1979- 1985"
C-0470	16.05.90	edited version of Exhibit "PP"

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Exhibit Number	Date Entered	Description
"PP"	16.05.90	unedited document entitled " Child Welfare Profiles: No. 07 - Guardianship Proceedings - Punctuality - 1980 - 1982"
C-0471	16.05.90	edited version of "PP"
"QQ"	16.05.90	unedited document entitled " Child Welfare/Criminal Investigation Profiles: No. 12 - Improper Placement of Child for Parenting - 1981 - 1982"
C-0472	16.05.90	edited version of Exhibit "QQ"
C-0473	17.05.90	record of deposition of Charles Coffey dated 21 April 1990
"RR"	17.05.90	unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 13 - 1986 - 1990"
"RR.1"	31.05.90	unedited supplement to Exhibit "RR"
C-0474	17.05.90	edited version of Exhibit "RR"
C-0474A	31.05.90	edited version of Exhibit "RR.1" and supplement to Exhibit C-0474
C-0475	17.05.90	resume of Karen Wanda Alexander
C-0476	22.05.90	profile of Corporal Raymond Wayne Griffith

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Exhibit Number	Date Entered	Description
C-0477	22.05.90	portion of map of Newfoundland showing the area of jurisdiction of the Holyrood detachment of the Royal Canadian Mounted Police
C-0478	22.05.90	summary of service of Douglas Murray Hamlyn
C-0479	23.05.90	copy of Royal Canadian Mounted Police Operational Manual Bulletin No. OM-333 concerning "Reporting Requirements", dated 27 March 1987
C-0480	23.05.90	summary of service of Bernadette Mary Myers
"SS"	23.05.90	unedited document entitled "Attempting Placement of the O'Brien Brothers for Adoption, 1973"
C-0481	23.05.90	edited version of Exhibit "SS"
"T'T ¹ "	23.05.90	unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 14 - 1973 - 1974"
C-0482	23.05.90	edited version of Exhibit "TT"
C-0483	24.05.90	summary of service of Catherine Michelle Whitten

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Exhibit Number	Date Entered	Description
"UU"	24.05.90	unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 15 - 1974"
C-0484	24.05.90	edited version of Exhibit "UU"
"VV"	24.05.90	unedited document entitled " Child Welfare/Criminal Investigation Profiles: No. 16 - Adoption/Guardianship Proceedings - 1979 - 1981"
C-0485	24.05.90	edited version of Exhibit "VV"
C-0486	25.05.90	profile of Dr. Rufiis Dominic
"WW"	25.05.90	unedited volume III of Exhibit "Z" , "Contents of file No. 72-13, Dr. Charles A. Janeway Child Health Centre regarding a female child born 29 May 1969 and died 03 April 1973"
C-0487	25.05.90	copies of The Summary Jurisdiction Act , Sections 128-130; The Summary Proceedings Act , Newfoundland, and The Fatality Enquiries Act , Manitoba
C-0488	28.05.90	profile of Rita Angela Walsh C-
0489	28.05.90	profile of Herbert Alan Vivian

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Exhibit Number	Date Entered	Description
C-0490	28.05.90	document entitled "Report on Certain Matters Regarding the Bradbury Report dated 23 October 1975"
C-0491	29.05.90	profile of Gerald Samuel Moore
C-0492	29.05.90	profile of Dr. Brian Murphy
C-0493	29.05.90	copy of edited letter dated 29 June 1989 to Department of Social Services from Dr. B.K. Murphy; letter dated 05 October 1989 to Honourable John Efford, Minister of Social Services from Dr. B.K. Murphy; edited letter dated 30 October 1989 to Honourable John Efford from Dr. B.K. Murphy; letter dated 21 November 1989 to Dr. Brian Murphy from Chris Decker, Minister of Health; edited letter dated 13 December 1989 to Dr. B.K. Murphy from R. John Efford
C-0494	29.05.90	document entitled "Provincial Council of Canada - West Indies Province of Christian Brothers of Ireland -Minutes of Meetings 1969 to 1982; 1989"
C-0495	30.05.90	record of deposition of Brother Dermot Pearce Nash given on 12 May 1990 (version 1)
C-0495A	30.05.90	version 2 of Exhibit C-0495

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Exhibit Number	Date Entered	Description
"XX"	30.05.90	volume I of unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 17 - Institutional Foster Care - Exon House - 1971 - 1988"
C-0496	30.05.90	edited version of Exhibit "XX"
C-0496A	30.05.90	volume II of Exhibit C-0496 (photographs)
"YY"	31.05.90	unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 18 - Guardianship/ Parenting Proceedings, 1976 - 1978"
C-0497	31.05.90	edited version of Exhibit "YY"
C-0498	31.05.90	profile of Kelvin Eugene Barnes
"ZZ"	31.05.90	unedited document entitled "Child Welfare Profiles: No. 13 - Institutional Foster Care - Waterford Hospital - Girls Home and Training School"
C-0499	31.05.90	edited version of Exhibit "ZZ"
C-0500	31.05.90	summary of service of Ruby Bertha O'Driscoll
"AAA"	01.06.90	unedited summary of adolescent care of Cynthia Muriel Durdle together with unedited related Social Services documentation

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Exhibit Number	Date Entered	Description
C-0501	01.06.90	edited version on Exhibit "AAA"
"BBB"	04.06.90	unedited document entitled "Child Welfare/Criminal Investigation Profiles: No. 19 - 1974 - 1990"
C-0502	04.06.90	edited version of Exhibit "BBB"
C-0503	04.06.90	summary of service of Ronald Tizzard
"CCC"	04.06.90	unedited chronological report of events concerning a young male group home resident allegedly being abused
C-0504	04.06.90	edited version of Exhibit "CCC"
"DDD"	04.06.90	unedited material concerning a male group home resident allegedly being abused
C-0505	04.06.90	edited version of Exhibit "DDD"
C-0506	04.06.90	profile of Raymond Anthony Woodrow
C-0507	04.06.90	document entitled - Responding to Allegations of Child Mistreatment; Sexual Offences Against Children - Volume I; Report of the Committee on Sexual Offences Against Children and Youth - Chapter 1; Work of the Committee -Chapter 29; Intervention Strategies (Canada, 1984)

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Exhibit Number	Date Entered	Description
C-0508	04.06.90	document entitled - Responding to Allegations of Child Mistreatment - Volume II; Child Sexual Abuse Protocol -Guidelines and Procedures for a Coordinated Response to Child Sexual Abuse in Metropolitan Toronto , 2nd edition (Toronto, 1986)
C-0509	04.06.90	document entitled - Responding to Allegations of Child Mistreatment - Volume III; Inter-Ministry Child Abuse Handbook - An Integrated Approach to Child Abuse and Neglect (British Columbia, 1988 edition)
C-0510	04.06.90	document entitled - Responding to Allegations of Child Mistreatment - Volume IV; Guidelines for Protecting Child Victims of Abuse and Neglect , manual in 8 parts (New Brunswick, 1990)
C-0511	05.06.90	material concerning group homes in Newfoundland and in particular St. Francis Foundation Group Home
C-0512	05.06.90	summary of service of Liska Lou Burt
C-0513	05.06.90	profile and summary regarding Gwendolyn Mercer
C-0514	05.06.90	document entitled "Ms. Gwen Mercer - Relevant Documents"

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Exhibit Number	Date Entered	Description
C-0514A	06.06.90	letter dated 18 April 1988 to Colin Flynn, Assistant Director of Crown Prosecutors, from Thomas G. Mills, Crown Attorney "Re: George Parady Br. Sec. 245(a) CCC File # 88-04490"
C-0515	05.06.90	publication entitled ABC of Child Abuse , edited by Roy Meadow (British Medical Journal, London, 1989)
C-0516	05.06.90	compilation of articles written by Gwen Mercer "The Right Action?" "No-Win Abuse" and "Rebirth of Potential Through Courts"
C-0517	06.06.90	summary of service of Shirley Lorraine Quilty
C-0518	06.06.90	summary of service of Donna Christine Earle
"EEE"	07.06.90	unedited volume I of document entitled "Criminal Investigation Profiles: No. 04 - 1985 - 1986"
"FFF"	07.06.90	unedited volume II of Exhibit "EEE"
"GGG"	07.06.90	unedited volume III of Exhibit "EEE"
C-0519	07.06.90	summary of service of Michael Leo Oullette

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Exhibit Number	Date Entered	Description
C-0520	07.06.90	summary of service of Brian Anthony MacLean
C-0521	07.06.90	profile of Paulette Marie Delaney-Smith
C-0522	08.06.90	summary of service of Noel Herbert Nurse
C-0523	11.06.90	summary of service of Terrence Leo Norman
"HHH"	11.06.90	unedited volume IV of Exhibit "EEE"
C-0524	11.06.90	edited version of Exhibit "HHH"
C-0524A	23.11.90	edited version of Exhibit "EEE"
C-0524B	23.11.90	edited version of Exhibit "FFF"
C-0524C	23.11.90	edited version of Exhibit "GGG"
C-0525	12.06.90	document entitled "Royal Newfoundland Constabulary - Policy and Procedures Volume I: Directives, 1977 to 1989 [Excerpts]"
C-0526	12.06.90	profile of Dr. Austin R. Cooper
C-0527	12.06.90	document entitled - Responding to Allegations of Child Mistreatment - Volume V; A Blueprint for Action; The Report of the Working Group on

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Exhibit Number	Date Entered	Description
		Child Sexual Abuse - (1); The Report (St. John's, Newfoundland, 1986)
C-0528	12.06.90	document entitled - Responding to Allegations of Child Mistreatment - Volume VI; A Blueprint for Action - The Report of the Working Group on Child Sexual Abuse - (2); Background papers (St. John's, Newfoundland, 1986)
C-0529	12.06.90	document entitled - Responding to Allegations of Child Mistreatment - Volume VII; An Inventory of Services and Resources - The Report of The Working Group on Child Sexual Abuse (St. John's, Newfoundland, 1987)
C-0530	12.06.90	document entitled - Responding to Allegations of Child Mistreatment - Volume VIII; The Other Side of the Mountain - Working Together on Domestic Violence Issues, Report I - Summary (Ottawa, December 1988)
C-0531	13.06.90	document entitled "List of Profiles as of 13 June 1990"
"JJJ"	13.06.90	unedited document entitled "Child Welfare Profiles: No. 14 - Group Home Complaint regarding Two School Teachers - 1989 to 1990"

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Exhibit Number	Date Entered	Description
C-0532	13.06.90	edited version of Exhibit "JJJ"
C-0533	13.06.90	document entitled "List of Profiles - Phase 3 as of 13 June 1990"
"KICK"	13.06.90	unedited document entitled "Response to Allegations of Misconduct (Other than Child Mistreatment) - Profiles No. 04 - Allegation of Obtaining Benefits by False Pretenses under The Social Assistance Act - 1975 - 1977"
"KKK-1"	23.11.90	replacement cover page to Exhibit "KKK" entitled "Criminal Investigation Profiles No. 05: Allegations of obtaining benefits by false pretenses under the Social Assistance Act - 1975 to 1977"
		edited version of Exhibit "KKK"
C-0534	13.06.90	replacement cover page to Exhibit C-0534
C-0534A	23.11.90	
'LLL'	13.06.90	unedited document entitled "Documents from Records of Roman Catholic Archdiocese of St. John's"
		edited version of Exhibit "LLL"
C-0535	13.06.90	record of deposition of John Penney as given on 13 October 1989 and 13 June 1990
C-0536	13.06.90	

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Exhibit Number	Date Entered	Description
'MMM"	13.06.90	unedited card containing five (5) names with reference to the testimony of John Penney
"NNN"	13.06.90	unedited document entitled "Documents from Records of the Department of Justice (Newfoundland)"
C-0537	13.06.90	edited version of Exhibit "NNN"
C-0538	14.06.90	summary of service of Violette Dorene Ruelokke
C-0539	14.06.90	document entitled "Press Release and Newspaper Excerpts -15 April 1977 to 28 September 1977, regarding Exon House - from records of Association of Registered Nurses of Newfoundland"
C-0540	14.06.90	excerpts from volume I and II of "People and Communities - The Report of a Review and Evaluation of Institutional and Related Community Based Services for Developmentally Delayed Citizens within the Province of Newfoundland and Labrador as presented to the Minister of Social Services, July 1981"
C-0541	14.06.90	working paper entitled "A Plan for the Development of Community Living Arrangements and Related Support Services for Developmentally Delayed

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Exhibit Number	Date Entered	Description
		Persons in Newfoundland and Labrador as a Practical Alternative to Institutionalization, January 1982"
C-0542	14.06.90	profile of Samuel Cyril Atkins
C-0543	14.06.90	written submission from the Canadian Mental Health Association, Newfoundland Division
C-0544	14.06.90	written submission from St. John's Status of Women Council
C-0545	14.06.90	written submission from the Newfoundland Association of Social Workers
C-0545A	29.06.90	written submission from School of Social Work, Memorial University of Newfoundland
C-0546	15.06.90	written submission from John W. McGrath
C-0547	15.06.90	written submission from Wayne Dymond
C-0548	15.06.90	written submission from Women's Legal Education and Action Fund (LEAF)
C-0549	15.06.90	written submission from Children In Care Alumni Inc., Winnipeg, Manitoba

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Exhibit Number	Date Entered	Description
C-0550	18.06.90	written submission from The Interagency Committee On Violence Against Women
C-0551	18.06.90	written submission from The Provincial Advisory Council on the Status of Women, Newfoundland and Labrador
C-0552	18.06.90	written submission from The Working Group on Child Sexual Abuse
"OOO"	19.06.90	unedited document entitled "Documents from Records of Roman Catholic Archdiocese of St. John's - Parts 2 and 3"
C-0553	19.06.90	edited version of Exhibit "OOO"
C-0554	19.06.90	document entitled "History of Ownership of Property Commonly known as 'Mount Cashel' - 21 January 1875 to date"
C-0555	19.06.90	volume III of document entitled "Relationship of Police and Crown Counsel in Criminal Investigations and Prosecutions - Newfoundland 1989; 1990"
C-0556	19.06.90	document entitled "Interdepartmental Statement on Child Abuse - 05 January 1987"

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Exhibit Number	Date Entered	Description
C-0557	19.06.90	copy of Children and Family Services Act (Nova Scotia, 1990)
C-0558	20.06.90	publication entitled Reaching for Solutions - The Summary Report of the Special Advisor to the Minister of National Health and Welfare on Child Sexual Abuse in Canada, 1990
C-0558A	20.06.90	publication entitled Reaching for Solutions - The Report of the Special Advisor to the Minister of National Health and Welfare on Child Sexual Abuse in Canada, 1990
C-0559	20.06.90	profile of Colin Joseph Flynn
C-0560	20.06.90	copy of Royal Newfoundland Constabulary "Routine Order -Subject: Sexual Offence Unit - Major Crime Section", dated 06 June 1990
C-0561	20.06.90	curriculum vitae of Lillian R. Ulsh
C-0562	20.06.90	curriculum vitae of Mary Wells
C-0563	20.06.90	curriculum vitae of John C. Yuille
C-0564	20.06.90	part I Training Model - Final report (of the) Federal-Provincial Project on Child Abuse Investigations submitted to Federal Department of Justice by Chairperson, Mary Elizabeth Beaton,

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Exhibit Number	Date Entered	Description
		Assistant Director of Public Prosecutions - Family Law, Fredericton, New Brunswick
C-0565	20.06.90	report entitled "Interviewing In Child Sexual Abuse Investigations", prepared by John C. Yuille
C-0566	20.06.90	written presentation by Ms. Mary Wells to the Honourable Samuel H.S. Hughes, Commissioner
C-0567	20.06.90	document entitled "Materials filed in support of the Presentation (to the Commissioner) by Mary Wells"
C-0568	20.06.90	publication entitled What's My Job In Court - an answer and activity book for kids who are going to court, (Ontario Ministry of the Attorney General, 1989)
C-0569	20.06.90	publication entitled So You Have To Go To Court , by Wendy Harvey, LL.B. and Anne Watson-Russell, Ph.D. (Butterworths, Canada, 1986)
C-0570	20.06.90	written submission from the Canadian Civil Liberties Association
C-0571	21.06.90	curriculum vitae of D.A. Rollie Thompson
C-0572	21.06.90	resume of E. Frederick Lynch

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Exhibit Number	Date Entered	Description
C-0573	21.06.90	course calendar for September 1989 - June 1990, Newfoundland Public Service Commission
C-0574	21.06.90	document entitled "Public Service Commission Staff Training and Development Division" (Newfoundland)
C-0575	21.06.90	document entitled "Department of Social Services Staff Training and Development Program Outline" (Newfoundland Public Service Commission)
C-0576	21.06.90	document entitled "Atlantic Police Academy - Course Training Standard - Police Science - (Cadet) Program April 1989"
C-0577	21.06.90	document entitled "Course Training Standard - Atlantic Police Academy February 1983 to June 1987 - General Police Science Course II"
C-0578	21.06.90	chapter XXXI of the Course Training Standard from the Justice Institute of British Columbia covering child sexual abuse
C-0579	21.06.90	document entitled "Police Recruit Training Competition Information for Applicants" (prepared by Newfoundland

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Exhibit Number	Date Entered	Description
		Public Service Commission and the Royal Newfoundland Constabulary)
C-0580	21.06.90	document entitled " The New Children and Family Services Act, Bill 89 - A Guide To The New Act ", prepared by Rollie Thompson, Dalhousie Law School
C-0581	21.06.90	document entitled " Children and Family Services Act Procedures - An Overview - Investigation and Alternatives to Protection Proceedings" by D.A. Rollie Thompson
C-0582	22.06.90	profile of Melba Rabinowitz
C-0583	22.06.90	profile of Mary Rebecca Clarke
C-0584	22.06.90	profile of George Norbert Lee
C-0585	22.06.90	document entitled "Report of Survey - Submitted to Department of Social Services by the Newfoundland and Labrador Foster Parents Association - 04 May 1989"
C-0586	22.06.90	document entitled "Group Homes Policy and Procedures by Mennonite Central Committee (Canada) - St. John's"

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Exhibit Number	Date Entered	Description
C-0593	22.06.90	copy of Government of Newfoundland and Labrador advertisement for foster parents as contained in The Evening Telegram on 20 January 1990
C-0594	22.06.90	foster parents handbook, Department of Social Services, entitled " Caring is Sharing"
C-0595	22.06.90	draft proposal dated 17 January 1990 to Department of Social Services by Newfoundland and Labrador Provincial Foster Parents Association to "access funding for operating budget"
C-0596	22.06.90	an example of a foster home agreement dated February 1990 between Newfoundland foster parents and the Director of Child Welfare
C-0597	25.06.90	report entitled To be on our own with no Direction from Home - concerning the special needs of youth leaving the care of the child welfare system prepared on behalf of the National Youth In Care Network, by Brian Raychaba, 1988
C-0598	25.06.90	profile of James Joseph Symth
C-0599	25.06.90	profile of Nick Avis
C-0600	25.06.90	profile of William A. Collins

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Exhibit Number	Date Entered	Description
C-0601	25.06.90	profile of Wanda Gail Lundrigan
C-0602	25.06.90	document entitled "Province of Newfoundland and Labrador Department of Justice Adult Corrections Division Victim Impact Statements - Policy and Procedures - May 1990"
C-0603	25.06.90	copy of An Act Respecting the Establishment of Services for Victims of Crime , Chapter 56, Statutes of Newfoundland 1988
C-0604	25.06.90	resume of Marilyn McCormack
C-0605	25.06.90	summary of service of Elizabeth Constance Snow
C-0606	25.06.90	profile of Lynn Elizabeth Spracklin
C-0607	26.06.90	profile of Susan McConnell
C-0608	26,06.90	curriculum vitae of Richard J. Morris
C-0609	26.06.90	resume of Jocelyn Denyse Greene
C-0610	26.06.90	document entitled "Certain Royal Canadian Mounted Police Policies and Procedures dealing with Child Abuse" (in Newfoundland)

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Exhibit Number	Date Entered	Description
C-0611	26.06.90	document entitled "Questions submitted to The Royal Canadian Mounted Police by Commission Co-counsel" (and written answers)
C-0612	26.06.90	booklet entitled "Royal Canadian Mounted Police Basic Recruit Training - Applied Human Behaviour Course Training Standard"
C-0613	26.06.90	booklet entitled "Royal Canadian Mounted Police Recruit Field Training Program Course Training Standard - Contract"
C-0614	26.06.90	booklet entitled "Royal Canadian Mounted Police In-Service Investigators Course Training Standard"
C-0615	26.06.90	copy of memorandum dated 25 June 1990 to Officer in Charge of Criminal Operations (Royal Canadian Mounted Police) from Chief Reviewer/Analyst concerning "Family Violence and Sexual Assault Related Courses and Workshops"
C-0616	26.06.90	booklet entitled "Royal Canadian Mounted Police Policies and Procedures dealing with Audits and Review"

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Exhibit Number	Date Entered	Description
C-0617	26.06.90	booklet entitled "Royal Canadian Mounted Police - "H" Division - Nova Scotia - Policies and Procedures dealing with child abuse"
C-0618	26.06.90	pamphlet entitled Public Complaints against the RCMP (RCMP Communications and Media Relations Directorate, Canada, 1988)
C-0619	26.06.90	handbook entitled RCMP Member Assistance Program (RCMP Public Relations Branch, Canada, 1986)
C-0620	27.06.90	written submission from The Advisory Board of The Brother T.I. Murphy Learning Resource Centre (Murphy Centre) -St. John's, Newfoundland
C-0621	27.06.90	record of deposition of Peter Harrington dated 25 June 1990
C-0622	27.06.90	record of deposition of Robert Bradbury dated 26 June 1990
C-0623	29.06.90	affidavit dated May 1990 filed by Crown Prosecutor, Cathy Knox, in the Supreme Court of Newfoundland, Court of Appeal, outlining the status of the criminal prosecutions arising from Mount Cashel Orphanage police investigations

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Exhibit Number	Date Entered	Description
C-0624	29.06.90	profile of Rix G. Rogers
"PPP"	29.06.90	unedited document entitled "Child Welfare Profiles: No. 15 - Foster Home Care for Handicapped Children - 1971 -1988"
C-0625	29.06.90	unedited document entitled "Legal Opinions and Other Communications to Department of Social Services from Department of Justice relating to Child Welfare, Corrections and other matters, 1974- 1985"
C-0626	29.06.90	volume I and II of a report dated March 1987 entitled "External Review into Matters Relating to the System of Dealing with Child Abuse in Winnipeg - Final Report"
C-0627	03.07.90	record of deposition of Senator Gerald Ottenheimer, Q.C. as taken on 28 and 29 June 1990
C-0628	03.07.90	edited version of Exhibit "PPP"
C-0629	03.07.90	edited version of Exhibit C-0625
C-0630	10.12.90	edited version of Exhibit "V"
C-0631	10.12.90	edited version of Exhibit "HH"
C-0632	10.12.90	edited version of Exhibit "MM"

Appendix S

Persons who provided depositions to
the Royal Commission

Appendix S

Name	Affiliation	Date Entered
Allan, Betty T.	former employee, Mount Cashel Orphanage	06 April 1990
Aylward, Dennis Francis	former employee, Mount Cashel Orphanage	04 April 1990
Black, Linda (Hunt)	former solicitor, Department of Justice, Newfoundland	26 January 1990
Bradbury, Robert Barry	former employee, Department of Social Services, Newfoundland	27 June 1990
Byrne, Patricia Bridget	former employee, Department of Social Services, Newfoundland	04 April 1990
Cody, Margaret Catherine	employee, Department of Social Services, Newfoundland	04 April 1990
Coffey, Charles	former resident, Mount Cashel Orphanage	21 April 1990
Corcoran, Jerome Joseph	former member, Royal Newfoundland Constabulary	17 January 1990
Cummings, John	solicitor, Department of Justice, Newfoundland	04 April 1990
Foster, Ruth Maureen (Wood)	former employee, Department of Justice, Newfoundland	26 January 1990
Garland, Elizabeth Hilda	employee, Department of Justice, Newfoundland	17 January 1990
Gray, Ian Gibson	former solicitor, Department of Justice, Newfoundland	04 April 1990

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Name	Affiliation	Date Entered
Harrington, Peter	former director of Consumer Social Action Centre; former editor of a monthly newspaper called The Town Crier, St. John's, Newfoundland	27 June 1990
Harte, Doris Elizabeth	employee, Mount Cashel Orphanage	04 April 1990
Hibbs, Joan Lorraine	former employee, Department of Justice, Newfoundland	17 January 1990
Hodder, Beverly Ann	former employee, Department of Social Services, Newfoundland	04 April 1990
Jardine-Rowse, Lois	former employee, Department of Social Services, Newfoundland	04 April 1990
Kean, Irene	former employee, Department of Social Services, Newfoundland	04 April 1990
Kinsella, Bride	former employee, Mount Cashel Orphanage	04 April 1990
Lapp, Betty (Stacey)	former employee, Department of Justice, Newfoundland	26 January 1990
Mahon, Leo Alloysious	employee, Mount Cashel Orphanage	04 April 1990
Martin, Mary Theresa	former employee, Mount Cashel Orphanage	04 April 1990
McCrowe, Ambrose James	former employee, Department of Social Services, Newfoundland; former employee Mount Cashel Orphanage	04 April 1990
McLoughlin, Francis Patrick	former solicitor, Department of Justice, Newfoundland	04 April 1990
Murphy, Christina Mary	former employee, Department of Justice, Newfoundland	17 January 1990

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Name	Affiliation	Date Entered
Murphy, Sheila Marie (Hatch)	employee, Department of Social Services, Newfoundland	04 April 1990
Murray, Allastair	former solicitor, Department of Justice, Newfoundland	19 January 1990
Nash, Brother Dermod Pearce	former superintendent, Mount Cashel Orphanage	29 May 1990 30 May 1990
Nesbitt, James	former solicitor, Department of Justice, Newfoundland	04 April 1990
O'Brien, Roy Joseph	former resident of foster homes in Newfoundland and Mount Cashel Orphanage	30 April 1990
Ottenheimer, Senator Gerald Ryan	former minister, Department of Justice, Newfoundland	03 July 1990
Patten, Ardith Louise (Dunford)	former employee, Department of Justice, Newfoundland	04 April 1990
Pearce, Mona Ann	employee, Department of Justice, Newfoundland	17 January 1990
Pelley, Rhoda	private citizen	02 May 1990
Penney, John	former resident, Mount Cashel Orphanage	13 June 1990
Pretty, Clyde Cyril	former employee, Department of Justice, Newfoundland	17 January 1990
Prosser, Carol Nellie	employee, Department of Justice, Newfoundland	17 January 1990
Rose, Jean Ann	employee, Department of Social Services, Newfoundland	04 April 1990
Ryan, Jean (Stewart)	former employee, Department of Justice, Newfoundland	17 January 1990

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Name	Affiliation	Date Entered
Saul, Joan Elizabeth	employee, Department of Justice, Newfoundland	19 January 1990
Sexton, Sarah	former school teacher, Mount Cashel Orphanage	04 April 1990
Sparkes, Gayle Allison	former employee, Department of Justice, Newfoundland	17 January 1990
Squires, Delores Mary	employee, Mount Cashel Orphanage	04 April 1990
Swezey, Gilmour G.	former solicitor, Department of Justice, Newfoundland	30 April 1990
Tobin, Carol (Bartiett)	employee, Department of Social Services, Newfoundland	04 April 1990
Wallis, Carolann Mary	employee, Department of Justice, Newfoundland	17 January 1990
Whitten, Mary Isabelle	former employee, Mount Cashel Orphanage	04 April 1990