

Public Service Staff
Relations Act



Before the Public Service
Staff Relations Board

BETWEEN

VIRGINIA O'CONNELL

Grievor

and

TREASURY BOARD
(Solicitor General Canada - Correctional Service)

Employer

Before: [J. Barry Turner, Board Member](#)

For the Grievor: Derek Dagger, Counsel, Public Service Alliance of Canada

For the Employer: André Garneau, Counsel

Heard at Edmonton, Alberta,
February 25 to 28 and July 8 to 10, 1997.

DECISION

Virginia O'Connell, formerly a Correctional Officer, CX II level, Correctional Service Canada (CSC), Grande Cache Institution (GCI), Grande Cache, Alberta, is grieving an eighteen day suspension without pay, her subsequent termination of employment and, finally, the removal of her enhanced reliability status.

1. The first grievance dated July 9, 1996 reads:

I grieve my suspension without pay of eighteen (18) working days.

The letter of suspension signed by F. Wilson, A/Warden, on June 10, 1996 reads:

Please be advised that effective immediately, a Disciplinary Investigation into your alleged misconduct is being conducted by Mr. D. Ling, A/Unit Manager.

The allegations against you include:

- a) alleged sharing/release of confidential/protected information to inmates and the public*
- b) alleged bringing of contraband into the institution for inmates*
- c) alleged unprofessional/unauthorized relationship and involvement with inmate LAKING*
- d) alleged action of you advising/warning inmate LAKING that he was going to be placed in segregation*

Please be advised that although employees are not entitled, as a legal or contractual right, to union representation during an investigation, you will be permitted such representation. You must also be aware that your representative may act solely as an observer.

Due to the seriousness of the alleged misconduct, I am suspending you without pay effective today at 1500 hours, pending the outcome of the investigation.

As a result of this investigation, disciplinary action up to and including termination of employment, may result.

You will be notified in the near future of the time and date for a disciplinary interview.

The requested corrective action reads:

I request that I be reinstated with full back pay and benefits. That all prejudicial records regarding this grievance be struck from my personal file, and that I have Union representation at all levels.

2. The second grievance also dated July 9, 1996 reads:

I grieve my termination of employment effective July 8, 1996.

The letter of termination signed by F. Wilson for W. Headrick, Warden, on July 8, 1996 reads:

I have now completed a full review of the evidence pertaining to your misconduct. I have taken into consideration the comments which you have provided pursuant to the disciplinary hearing which was held on Tuesday, July 2, 1996.

Based on the evidence gathered, I find that you have brought contraband into the Institution, and entered into a relationship with an offender that is not in keeping with the professional manner that is expected of a Correctional Officer. I also find that you shared protected/confidential information with offenders. This is a breach of the Security Policy of the Government of Canada. Any one of the above infractions, in and of itself, would constitute grounds for termination.

After careful consideration of the evidence before me, as well as your employment record, I have concluded it is necessary to terminate your employment. Your behaviour has resulted in a situation in which I, as well as your other superiors and co-workers, no longer have the confidence in your ability to maintain professional relationships with offenders.

By the authority delegated to me, I hereby terminate your employment with the Correctional Service of Canada effective July 8, 1996. Your enhanced reliability status is under review, due to your breach of the Security Policy of the Government of Canada, and you will be advised of the outcome of this review as soon as possible.

You have the right, in accordance with your collective agreement, to present a grievance relating to this action directly to the final level of the procedure.

The requested corrective action reads:

I request that I be reinstated with full pay and benefits. That all prejudicial records regarding this grievance be struck from my personal file, and that I have Union representation at all levels.

3. The third grievance dated August 8, 1996 reads:

I grieve the removal of my Enhanced Reliability Status.

The letter removing the grievor's enhanced reliability status (Exhibit E-13) signed by Rémi Gobeil, July 19, 1996 reads:

Your Warden indicated to you in your disciplinary hearing on July 2, 1996, and in his memo to you dated July 8, 1996, that your enhanced reliability status was under review, due to your breach of the Security Policy of the Government of Canada. You were afforded an opportunity to provide additional information to the Warden, for our consideration, and you provided no rebuttal with respect to our review of your enhanced reliability status.

This letter is to inform you that the review of your enhanced reliability has been completed. As a Correctional Officer, you have an obligation to protect the sensitive information and assets to which you have access. The manner in which information is created, transmitted, stored and destroyed is governed by the Security Policy of the Government of Canada. It is my opinion, that you have breached the Security Policy of the Government of Canada, by failing to safeguard offender information. As a result of this serious breach of security, I am removing your enhanced reliability status. As the enhanced reliability status is a condition of employment with the Correctional Service of Canada, you cannot be employed with the Correctional Service of Canada.

You have the right, to present a grievance relating to this action directly to the Commissioner of the Correctional Service of Canada.

The requested corrective action reads:

I request that my Enhanced Reliability Status be reinstated, and that I be made whole. That all prejudicial records regarding this grievance be struck from my personal file, and that I have Union representation at all levels.

I am being asked to decide if the employer's decisions were justified.

The hearing lasted seven days with twenty witnesses testifying and thirty-five exhibits submitted into evidence. The parties agreed that all the evidence and testimony would apply to the three grievances.

A request for the exclusion of witnesses was made and granted.

Summary of Evidence

1. Wendell Headrick became Warden at GCI, a medium security prison, in February 1996. Until July 1995, the prison had previously been a provincial institution. The majority of the employees transferred from the provincial to the federal government. He testified the grievor asked him if she could attend chapel programs with inmates. He told her he had no problems with this as long as it was on her own time and was not part of her duties as a Correctional Officer. He explained the main functions of a Correctional Officer: 1) the security and safety of the institution; and 2) case work with certain inmates. When the institution was under the provincial jurisdiction, Correctional Officers had much less case work and less interaction with inmates than they now do. The grievor had worked at GCI since 1985.

The Warden identified two Security Intelligence Reports (SIR) (Exhibits E-1 and E-2) written by the Institution Preventive Security Officer (IPSO) Mr. Beagle, that dealt with threats to an inmate/staff involvement.

Mr. Dagger objected that Exhibits E-1 and E-2 were strictly hearsay.

Witness Headrick testified he was concerned the grievor was spending a lot of time with inmates in particular inmate LaKing, discussing the bible and religious matters and that inmates were spending a lot of time in the correctional office near the central control area or pod for Units 5/6. He identified a handwritten letter To Whom It May Concern dated June 4, 1996 by inmate Burke (Exhibit E-3), that he received through internal mail. The Warden decided to do an investigation to find out what was really going on regarding the grievor and her relationship with inmates. Mr. Headrick identified a memorandum sent to him by Correctional Officer Pasemko dated June 7, 1996 (Exhibit E-4) that expressed concerns regarding the grievor as well.

Mr. Dagger objected to Exhibit E-4 as hearsay.

The witness testified that Exhibit E-4 caused him more concern. He initiated a disciplinary investigation into the grievor's actions. Warden Headrick identified partial results of the disciplinary investigation by A/Warden Wilson (Exhibit E-5) dated June 10, 1996 that resulted in the grievor being suspended without pay on the 10th of June 1996 by A/Warden Wilson pursuant to CSC policy. He said that a further investigation was undertaken by Acting Unit Manager D. Ling. He received a copy of Mr. Ling's investigation report (entered later as Exhibit E-10) after which there was a disciplinary hearing on Tuesday, July 2, 1996 during which he gave Mrs. O'Connell a copy of Mr. Ling's report. Warden Headrick testified that at this disciplinary hearing the grievor was asked to review the report and to give him her feedback. He said she took the report but he never received a rebuttal from the grievor.

Warden Headrick identified his termination letter to the grievor dated 8 July 1996 (Exhibit E-7). He said that contraband is anything that an inmate is not allowed to have or anything that is not authorized to enter the institution. He identified as Exhibits E-8 and E-9 the Standards of Professional Conduct, and Code of Discipline for CSC. He said one of his main concerns was the religious tapes that were found in the possession of inmate LaKing, as well as the fact that there were few if any entries in inmate LaKing's file by the grievor who had spent so much time with him. He concluded the grievor had been in an unprofessional relationship with inmate LaKing.

I allowed the entry of Mr. Ling's investigation report as Exhibit E-10, for the purpose of demonstrating that an investigation was conducted and not for the truth of all the matters recounted therein since much of it was deemed to be hearsay according to Mr. Dagger's objection. It was agreed that the report would be reviewed in greater detail as more witnesses testified.

Witness Headrick identified a directive from the CSC Commissioner (Exhibit E-11 similar to Exhibit E-9) in particular the definition of *infractions* c), d) and f) on page 7 that he felt the grievor had breached. These read as follows:

Infractions

An employee has committed an infraction, if he or she:

...

- c. enters into any kind of personal or business relationship not approved by his or her authorized superior with an offender or ex-offender, or the offender's or ex-offender's friends or relatives;*
- d. gives, or receives, any gift, gratuities, benefits or favours, or engages in personal business transactions with an offender or ex-offender or the offender's or ex-offender's friends or relatives;*
- ...
- f. gives to, or receives from any offender or ex-offender, or the offender's or ex-offender's friends or relatives, either directly or indirectly, any contraband;*
- ...

He testified that giving contraband to an inmate could lead to a blackmail situation of a Correctional Officer. Warden Headrick also referred to Exhibit E-9, the Code of Discipline, in particular item number 4, page 8, that also speaks of the same infractions noted above. The witness concluded that such activity could put an employee in a compromising situation that would allow him or her to be manipulated by an inmate.

Witness Headrick also added that sharing information regarding another inmate with an inmate could have serious repercussions in the prison since it could jeopardize the safety of another inmate.

Regarding the removal of the grievor's enhanced reliability status, Warden Headrick testified that he contacted Bonnie Davenport, Headquarters, Ottawa, to ask that the grievor's status be reviewed. Rémi Gobeil sent a written request to that effect, detailing the basis for the employer's concern regarding the grievor (Exhibit E-12).

Mr. Dagger objected that this was hearsay evidence since the witness was not the author of the report. Mr. Garneau argued that this was an official record of the department and that it should be admissible. I allowed the entry of Exhibit E-12 but I reserved my decision as to what weight, if any, I would give to it. Warden Headrick identified Rémi Gobeil's reply to the grievor regarding the removal of her enhanced reliability status as Exhibit E-13. At this point, Mr. Headrick's involvement in the matter ended.

During cross-examination, Warden Headrick said he reviewed parts of Mr. Ling's investigation report with the grievor during their meeting on July 2, 1996, at which Crystal Humby, the grievor's shop steward was also present. He said they agreed he would get a response from Mrs. O'Connell to this report by July 4th even though he advised the grievor and her representative that he would be on vacation on July 4th. When asked if he had spoken to Ms. Humby on the phone on July 4th regarding the response, Witness Headrick could not recall speaking to her. When asked again if he in fact remembered a discussion on July 4th with Ms. Humby when she indicated to him that a response to the report by telephone was offensive, unethical and unprofessional, Mr. Headrick said that there were some discussions but he would have to think about it since he had not made a specific note of this discussion. Warden Headrick could also not recall discussing with Crystal Humby religious tapes that had been brought into the prison through Captain Velva Dean, the prison Chaplain. The witness became confused at this point regarding who had said what to whom during the July 4th telephone conversation, particularly regarding bringing in religious tapes. Witness Headrick said he knew a Pastor McLaughlin was bringing in religious tapes through Velva Dean. The witness reiterated that he never saw any written rebuttal from the grievor or her representative to the investigation report.

When asked by Mr. Dagger if the warden told the grievor and Ms. Humby on July 2nd that they should call him in Edmonton on July 4th, Warden Headrick responded: "I'll accept that." Warden Headrick could not recall Crystal Humby telling him on July 4th that the grievor did not do anything to put any inmate's life in danger; nor did he recall Ms. Humby indicating that it was not factually possible for the grievor to have spent all the time with inmate LaKing that she was alleged to have spent, since during part of this period, inmate LaKing was working with the contractors inside the prison. Warden Headrick had not checked on this.

He reiterated that not all contact with inmates is recorded; however, although Officer O'Connell had spent so much time with inmate LaKing, there were few notes on his file to reflect this. Warden Headrick would have preferred a written response from the grievor regarding Mr. Ling's investigation report.

When pressed again by Mr. Dagger regarding what witness Humby had said on the telephone on July 4th, Warden Headrick responded: "Yes, it is possible this is what

happened on the phone. We spoke of tapes and some confusion that was surrounding them.” When asked if he recalled Ms. Humby saying that he had relied on a report that was made up of secondary or hearsay information and that this was a serious concern, Warden Headrick responded: “Yes.”

When asked if he recalled the fact that Mr. Ling had told the grievor early in 1996 that she was doing a good job, the witness did recall this but added: “Sometimes staff cross the line.”

Regarding the removal of enhanced reliability status, when asked if other officers had disclosed information and not being fired for it, Warden Headrick responded: “Yes.” When asked if he could have moved the grievor to another unit, the witness responded he could have.

During re-examination, Warden Headrick testified that the religious tapes found in the possession of some inmates had not gone through the chaplain, Velva Dean.

2. Kristina Kiszkiel, Manager, Corporate Services, Departmental Security Officer, National Headquarters, identified a Treasury Board Security manual for Personnel Screening Standards (Exhibit E-14). She testified that personnel with access to certain information in the Public Service must be reliable, but the benchmark used for Correctional Services Canada is an enhanced reliability status. Part of her role is to be satisfied there is a security breach. If there is one, she can endorse such a breach or she can ask for more information concerning an investigation. She received Mr. Gobeil’s request for a review of the grievor’s enhanced reliability status (Exhibit E-12). Witness Kiszkiel testified she responded to Mr. Gobeil with a memorandum dated July 17, 1996 supporting the assessment that the grievor’s enhanced reliability status be revoked (Exhibit E-15). She referred to an extract from the Departmental Security Procedures Manual (Exhibit E-16) with regard to security breaches under section 29 on page 18 and concluded that the grievor’s actions from Exhibit E-12 had in fact been a breach of security. Section 29 reads in part:

29. BREACHES AND VIOLATIONS

Breaches

A breach of security has occurred when any classified or designated information or asset has been the subject of unauthorized access. This includes:

- *unauthorized disclosure;*
- *theft;*
- *loss; or*
- *exposure in circumstances that make it likely a breach has occurred.*

During cross-examination, witness Kiszkiel said the Deputy Commissioner is the individual who actually determines the removal of enhanced reliability status. When asked if she attempted to confirm the factual accuracy of Exhibit E-12, she responded she had not, particularly since she felt the reference by the IPSO on page 2 satisfied her that it was indeed correct.

3. Floyd Wilson has been Deputy Warden at GCI since July 1995, and has known the grievor since July 1995. There was a three week condensed training program during July and August 1995 for Correctional Officers who transferred from the provincial to the federal level. Mr. Wilson explained that Correctional Officers are basically in charge of the prison during the evening and night shifts and report to a supervisor. A Correctional Officer reports to a Correctional Supervisor who in turn reports to one of three GCI Unit Managers. Witness Wilson explained that under the provincial system there was very little case management work done with inmates, whereas under the federal system it was quite different. Case management is an important function of Correctional Officers and Case Management Officers (CMOs). A CMO delegates case work to Correctional Officers such as daily documentation, progress reports, or helping to write a correction plan with the CMO for a particular inmate. Correctional Officers were given training to deal with case management. Most learn by coaching on the job. Some also had computer training.

Deputy Warden Wilson testified he first had a complaint about the grievor regarding her professional conduct from Correctional Supervisor Lucie Keating in January 1996. He testified that supervisor Keating called him at home on a number of occasions with the following complaints regarding the grievor: she spent too much time with inmates; she shared food with inmates; inmate LaKing was assisting her on her unit rounds; she was sharing information with inmates from the files. Mr. Wilson said he advised Ms. Keating to discuss these concerns with the grievor. He said after a

couple of months he asked for a written statement from Lucie Keating and received Exhibit E-10(a) dated March 18, 1996. Mr. Wilson never observed the grievor during a shift before March 1996, but added that his assessment was that staff felt she was being set up by inmates. Staff wanted her to be safe and inmates to be safe.

He met with the grievor for a counselling session on Monday, March 18, 1996 (Exhibit E-10(b)) to discuss some of the recent complaints he had received. He said the grievor told him that she felt her 12 years of provincial correctional experience with inmates would not allow her to be set up. Deputy Warden Wilson felt that the signs were beginning to show she was in fact doing things that might have allowed inmates to set her up.

Regarding a photograph with inmate LaKing, her husband and herself on the day that LaKing was baptized, the witness said that the grievor in fact asked the IPSO to shred it because she felt that it was inappropriate. Mr. Wilson concluded that after the meeting, on March 18, the grievor recognized and understood the dangers that were involved. He hoped that their meeting would have ended matters, but felt that she still needed monitoring.

Mr. Wilson received a call on March 23, 1996 when he was at home regarding the grievor's conduct. He went to the institution and observed the grievor in the correctional office with two inmates and felt that she was behaving in a very relaxed manner since she had the top button on her shirt undone and her tie clipped to her left pocket; one inmate was sitting on a desk and one behind the desk near a credenza. Mr. Wilson went to the pod main control area, asked the inmates to leave, and spoke to the grievor about her behaviour. He said that she told him she did not think that she was behaving in an unprofessional manner. Witness Wilson thought that she was and discussed this with her. He added that on March 25th around 3:00 p.m., the grievor came to his office and apologized for her earlier behaviour on March 23rd.

Mr. Wilson became aware of threats to a variety of inmates in particular because of the amount of time the grievor was spending with some of them, especially with inmate LaKing. He therefore authorized an investigation by the IPSO to look into these alleged threats. He identified Exhibits E-1 and E-2, the SIR reports by the IPSO, and

testified that Correctional Officer Pasemko was very upset by the grievor's behaviour. The letter from the inmate Burke (Exhibit E-3) concerned Mr. Wilson as well.

Mr. Wilson felt the proper way to resolve all of his concerns was to do a full investigation into the actions of the grievor. He therefore signed Exhibit E-5, the grievor's suspension without pay, pending the outcome of a disciplinary investigation by Mr. D. Ling, an Acting Unit Manager. He said at the time inmate LaKing was put into segregation. Mr. Wilson signed the termination letter (Exhibit E-7) on behalf of Warden Headrick.

During cross-examination, witness Wilson testified that he felt the situation with the grievor could have been rectified in March 1996, and that is why he met with her for a counselling session. He was aware of the concept of progressive discipline. Mr. Wilson agreed that Exhibits E-1 and E-2, that is the SIRs, related to allegations a) to d) in the suspension letter (Exhibit E-5). He reiterated the fact that the day he observed the grievor in the correctional office she had at least two buttons undone on her shirt. He added however she would see other officers with their ties undone. Regarding the understanding by Correctional Officers with respect to their new level of interaction with federal inmates, Mr. Wilson said he expected all Officers to know the exact level of contact that they should have with inmates. There are 180 Correctional Officers at GCI and it was understood by them that contact with inmates had changed significantly from the provincial level. Mr. Wilson was aware of the problems concerning the grievor from March 18 onwards but did not impose discipline on her. Her Supervisor and Unit Manager had counselled her, as he had done on March 18th. Mr. Wilson felt that the grievor was placing herself in a situation where she could be set up by the inmates; the impact on the security of the institution now came into play.

During re-examination, Mr. Wilson said that he did not condone guards not wearing their tie during summer periods.

4. Gordon Beagle, the IPSO at GCI, who has worked for private investigations, for the military police, and was a special constable doing investigations, said his role as IPSO was to investigate incidents in the institution and report to Correctional Operations or sometimes the Warden or Deputy Warden. He identified the SIRs he wrote as Exhibits E-1 and E-2, and added that during the course of collecting

information for his intelligence reports, he spoke to the grievor particularly regarding her alleged relationship with inmate LaKing since she was Mr. LaKing's Case Management Officer. He made it clear to the grievor at the time in the presence of her shop steward, Crystal Humby, that this was not a disciplinary investigation but that he was just collecting information. Mr. Wilson asked all who were involved in the SIRs not to divulge any information in order to protect the institution, officers and inmates. Mr. Wilson said he told Mr. Ling that he thought there was a low level of threat at this point in the process but that the grievor should be monitored since she was spending two to three hours of her shift with inmate LaKing.

Regarding the photograph of inmate LaKing with the grievor and her husband in the chapel on the day LaKing was baptized (Exhibit E-17), IPSO Beagle said he was asked to destroy the photograph by the grievor. He did not, but kept it since he believed the O'Connell defence of the hugging incident after the baptism was rehearsed.

IPSO Beagle testified that the grievor denied passing on any information from inmate files to other inmates; however, she admitted that she looked at files that were not on her case load out of curiosity. He added she had no direct need to know what was in other inmate files other than those who were on her case load. IPSO Beagle said he gave copies of his SIR reports to Mr. Ling for his investigation. He said that during the investigation a number of tapes and a walkman were seized as contraband in inmate LaKing's cell since they were not on his property sheet. A bag of tapes and a walkman were eventually given to me and labelled as Exhibit G-2.

When asked if there was a rule that said Correctional Officers could not look in other inmate's files, IPSO Beagle said that he could not comment on that but he questioned an Officer ever doing this. Regarding the photograph (Exhibit E-17), IPSO Beagle was not aware of how many copies may have been made, but he explained approval for such pictures must go through his office.

5. David Ling has been Acting Unit Manager at GCI since August 1995. Mr. Ling was aware that the grievor had worked at GCI when it was a provincial institution and that she had done basically security work before transferring to the federal level where she became involved in case management work as well as security. During the summer

of 1995, there was a three week training program for Correctional Officers at GCI that dealt with security measures, weapons, writing reports and case management training. In January 1996, they had a seminar to discuss case management work and expectations by Correctional Officers in this area. The grievor attended this seminar and also had training in the fall of 1995. Mr. Ling felt therefore that the grievor had been properly trained with respect to her new duties, other than a need for improved training on how to use the computer.

Mr. Ling said the grievor asked him in the fall of 1995 how much time she should spend with inmates. He told her a fair amount or as much as she could. He said she told him that her peers felt she was spending too much time on the unit. Mr. Ling explained at the hearing that all Correctional Officers are expected to do case management work during their shifts, but that they also have to do rounds, work in the pod, do searches and inspections as well. Mr. Ling reiterated the fact that he encouraged all Correctional Officers in his unit to do their case work under the new federal system. He liked the fact that Mrs. O'Connell worked in the unit and he supported her doing this.

Mr. Ling testified that Floyd Wilson briefed him on Lucie Keating's report concerning the grievor (Exhibit E-10(a)). He also said he had seen a copy of the counselling session that took place with the grievor and Deputy Warden Wilson on March 18, 1996. Mr. Ling said that even after hearing some complaints about the grievor he: "felt she was always dealing with offenders on our unit". Mr. Ling had mixed feelings about the concerns expressed regarding the grievor since he had told her to be on the unit as much as possible. He added the grievor did know what the proper dress was and what her behaviour should be when on duty.

Mr. Ling said that the allegation in Exhibit E-10(b) to the effect that the grievor was found sitting on an inmate's bed surprised and alarmed him since he knew she had a lot of experience and should know better, even though she admitted to him it was only for a brief second. Mr. Ling also testified that he did not believe it was the grievor's normal behaviour to have asked Supervisor Keating to put in writing that she was not supposed to talk to inmates. He also commented that, if the grievor had in fact brought pamphlets into the institution and a newspaper, it would have been very

serious and would have alarmed him. He said if she did this it was a rookie move because she is experienced.

Witness Ling received the SIR reports done by IPSO Beagle (Exhibits E-1 and E-2) only after he was asked to do his investigation. Mr. Ling said that he went over all of the reports and notes and letters that he had received including inmate Burke's letter (Exhibit E-3) and the report from Officer Pasemko (Exhibit E-4). He made a list of staff that he wished to interview and questions that he wished to ask and went to see IPSO Beagle to discuss what kind of information he could or could not share during his investigation. He met on June 11, 1996 with Mrs. O'Connell, gave her full disclosure of what he had received to date, and reviewed the allegations that were made against her. Officer Ling said that he taped all of the interviews he had with all the persons listed on Exhibit E-18; some were staff, some were offenders. Mr. Ling said he interviewed some staff and then spoke to the grievor again on June 13, 1996. He added that inmate LaKing had been moved to segregation and that tapes confiscated from his cell were not on his property sheet. Mr. Ling identified Exhibits E-10(c) and E-10(d) as copies of the interviews he had with the grievor on June 11, 1996 and June 13, 1996 respectively. He said the grievor denied all allegations against her regarding bringing in tapes to inmate LaKing or any other contraband. The grievor identified one of the tapes as belonging to Pastor McLaughlin. Witness Ling identified as Exhibit E-10(e) the transcript of his interview with the grievor's shop steward, Crystal Humby. Mr. Ling identified notes of another interview with the grievor (Exhibit E-10(f)), that on page 5 has a discussion regarding 10 tapes that the grievor brought in to give to Captain Velva Dean, the Chaplain. He interviewed Chaplain Dean on June 12, 1996 (Exhibit E-10(g)). Mr. Ling testified he was well aware that anything that came into the prison had to be properly authorized, and that Chaplain Dean was responsible for any religious material that may have come into the prison. He added there is some leniency in the prison regarding religious material that may be on loan to an inmate, but not for something that would actually be given to an inmate to keep. He was not concerned with any specific tape but with the fact that tapes had been brought into the prison.

He and the grievor discussed the amount of time she was spending with inmate LaKing. She agreed it was at least a couple of hours per shift discussing family problems and religious matters. Mr. Ling added that he felt two or three hours per shift was a lot of time to spend with one offender and that his "bells went off on this

issue.” Mr. Ling added it is acceptable to participate in some initiatives with inmates and that normally an officer would do this during his or her off hours particularly for religious programs. Mr. Ling concluded however that two to three hours per shift with one particular inmate in his opinion would be all the time that an officer could spend with all of the inmates on their case load because of other duties that they also have to perform.

Regarding the discussion he had with the grievor on page 8 of Exhibit E-10(f) concerning the sharing of food with inmate LaKing, Mr. Ling testified that the grievor denied this. With respect to Exhibit E-10(f) page 10, the discussion that took place between Mr. Ling and the grievor regarding some allegations of threats from inmate Fanning and Farsiyan, the grievor denied that she had any involvement in any of these alleged threats between inmates.

Mr. Ling concluded in the summary of his investigation (Exhibit E-10) on page 4, that there was some reason to believe the allegation that the grievor had been sharing information with inmates, particularly since the IPSO believed that the information provided by inmates Stewart and Fanning was accurate, that Correctional Officer Harsch believed this, as did June Evans, the grievor’s Case Management Officer. Mr. Ling identified as Exhibit E-10(h), a memorandum from June Evans sent to him dated June 13, 1996, regarding the fact that she noticed the grievor was working with another inmate's file while inmate LaKing was in the correctional office and could have read the file. Mr. Ling said this was not appropriate, was a direct violation of policy, and in fact was very serious if an inmate was to learn about the crime of another inmate in this manner. Such information could result in harm coming to another inmate.

Mr. Ling also identified as Exhibit E-10(i), a memorandum sent to him by June Evans, explaining that there had been no entries made into inmate LaKing’s file since March 29, 1996 by the grievor, and that entries Ms. Evans had made were gone.

Regarding the cassette tapes that were found in inmate LaKing’s cell, Mr. Ling said, since there was no record of these tapes coming into the prison at the gate, they were contraband in his mind. He said he spoke to Chaplain Dean regarding the tapes going through her. She denied that this had happened.

Regarding the allegation of an unauthorized relationship that Mrs. O'Connell was having with inmate LaKing, Mr. Ling said that no one came forward during his investigation to say they saw any physical contact between the grievor and inmate LaKing, but Mr. Ling was informed that the time they spent together was well beyond a couple of hours per day and there was no documentation on LaKing's file to substantiate this time as professional work. This led him to believe there was more going on than just a professional relationship between an inmate and a guard. Mr. Ling said the grievor told him she spent two to three hours a day with inmate LaKing and this was substantiated by inmate LaKing himself, but staff had told him that up to 80 percent of her time was spent with inmate LaKing doing her rounds and, yard walks, all of which led him to believe that something was going on between the two of them. Mr. Ling concluded this relationship had evolved to such an extent, that one offender was monopolizing the grievor's time while she was on duty.

During cross-examination, Mr. Ling said the grievor was never disciplined when GCI was a provincial institution. His main concern was the time the grievor would have had left to spend with other inmates since she was spending so much time with offender LaKing. He did not check the files of the other seven offenders that the grievor was also responsible for. He reiterated that he told the grievor he liked the time she was spending with offenders, and in fact, recalled saying to her: "You're doing OK."

With respect to Exhibit E-10(d), one interview with the grievor, page 6, Mr. Ling agreed that the grievor admitted she had a very good rapport with inmate LaKing and that Mr. Ling had never seen any inappropriate behaviour between the two of them. With respect to the same interview, the grievor denied bringing in any tapes to the prison. On the same day, during a second interview (Exhibit E-10(f)), the grievor admitted she had brought in tapes to Captain Dean. During a June 12, 1996 interview with Captain Dean, she admitted she was not sure or could not recall if the grievor had ever brought religious tapes to her to give to inmates. Mr. Ling subsequently concluded that the grievor did not bring in any tapes to inmates through Captain Dean. Mr. Ling said he had never seen the grievor with an open file on her desk that another inmate could see; he never saw the grievor sharing food with anyone, or bringing tapes into the institution, or putting herself in a compromising situation with inmate LaKing.

6. Captain Velva Dean, served with the Anglican Church Army at GCI from June 1994 until August 1996 as the chaplain. She testified the grievor only came to see her once in her office. She recalled being questioned by Mr. Ling during his investigation regarding any kind of material being brought into the prison. Captain Dean testified that it would be rare for a correctional officer to get involved in bringing in cassettes or books or pamphlets or videos for religious purposes. When asked if any cassettes were brought to her to distribute to inmates, she responded: "No sir." When asked if cassettes had been brought to her to give to inmates to listen to, she also responded: "No sir." After refreshing her memory by reading the transcript of her interview with Mr. Ling on June 12, 1996 (Exhibit E-10(g)), Captain Dean said that she could not recall if tapes were passed to her by the grievor.

During cross-examination, Captain Dean testified that the grievor did not attend her chapel services but that she was there when Pastor McLaughlin did his Pentecostal services. She said Mr. and Mrs. O'Connell introduced Pastor McLaughlin to GCI. Pastor McLaughlin wanted to come to the prison more often but the Warden said no. She added that any religious material introduced to the prison should go through her and not through him. She said the grievor and her husband brought in Pastor McLaughlin to do full immersion baptisms with some inmates, and went over her head to the Acting Warden at the time to get permission to do this. This made her angry since they were going to baptize some inmates she had already baptized. Witness Dean said that Pastor McLaughlin never gave her any tapes, and that they did not get along very well since he was pushing to come into the prison every Saturday. Witness Dean could not recall if Mr. O'Connell ever brought her any tapes. She added she did not get along with Mrs. O'Connell since there was a rumour going around the grievor was dissuading inmates from going to Velva Dean's service. She had about 35 inmates coming to her service and, after Pastor McLaughlin was there for a while, she only had six or seven people left at her service.

7. Lucie Keating, an Acting Correctional Supervisor at GCI since February 5, 1996, began to work at the institution in October 1995 as a CX-2. The grievor served on her shift sometimes but the witness had no line responsibility for her. Witness Keating added that, shortly after she became Acting Correctional Supervisor, she had complaints regarding the grievor from Correctional Officers Harsch, Pasemko and McKinnon, to the effect that the majority of the grievor's shift was spent in the

correctional office or in inmates cells and she was not participating in the normal running of the unit. She testified that inmate LaKing was constantly in the office from mid-February 1996 onwards. Ms. Keating spoke to the grievor about doing all of her duties as a CX-2 to which Mrs. O'Connell responded that, if anyone had a problem with how she was performing her duties, he or she should put it in writing. Ms. Keating dropped the issue at that point. She said complaints continued and there were always numerous inmates in the correctional office with the grievor. She spoke to Mrs. O'Connell again about the dress code since during the winter officers must have a tie on. Witness Keating said the grievor told her Mr. Ling had said she was doing her duties fine and that everything was OK. Ms. Keating was confused when she heard this so she went to see Deputy Warden Wilson with her concerns. Mr. Wilson told her he would need complaints from staff in writing. Ms. Keating asked for these but the staff were reluctant to give them to her. She said she got some comments in writing, kept them, and wrote to Deputy Warden Wilson on March 18, 1996 (Exhibit E-10(a)).

The witness testified that the following week after she wrote Exhibit E-10(a), she called Deputy Warden Wilson at his home to come to the prison one evening so that he could see for himself what was going on in Units 5/6 when the grievor was on shift. They saw the grievor in the correctional office with one or two inmates. After about an hour, Mr. Wilson said he had seen enough and left. Witness Keating said she spoke to the grievor about some of her concerns; she reminded her to read the Correctional Officers' duties; Ms. Keating suggested that the grievor take the anatomy of a set up course because she felt the grievor was being set up and was being isolated from co-workers since some inmates were becoming her buddies. The grievor took the course. When asked how many times she actually observed the grievor in her work, witness Keating responded: "Numerous times. I do not think I ever saw her in the pod twice. I saw her the majority of time in the correctional office with one, two or three inmates at a time."

During cross-examination, witness Keating testified that in the pod there are usually one or two Correctional Officers at one time. It is proper to have at least one in the pod at all times. Witness Keating also testified that, when a Correctional Officer does yard walks, this should be noted in the log book. She did not look in the log books to see if the grievor had done yard walks, nor did she check the files of any other inmates to see what notations the grievor may have put in them.

Witness Keating described the pod as about 8 feet by 12 feet, with a phone, t.v. screens, two counters, and a chair with a view that looks down the ranges at the various cell blocks. Part of the pod work is to open and close the doors in the various prison units. She described the Correctional Officers' office as a little smaller than the pod with a desk, a phone, a computer with a keyboard, a mouse, a chair, and a filing cabinet. She drew Exhibit G-1 to demonstrate the general layout of the correctional office. She testified that inmate Fanning was sitting on top of the cabinet and leaning on a chair at one point, in February or March 1996.

8. June Evans worked at GCI when it was a provincial institution. In 1995 she became a Case Management Officer with a case load of approximately 32 inmates. She would try to develop a case plan within 60 days of an inmate arriving at GCI. Each inmate has a unit file, and all contact with inmates should be noted in the file. The staff have unit meetings to discuss inmates and make recommendations regarding their progress. She would therefore give instructions to Correctional Officers as to how they should be doing their case reports. She said the grievor took over the case load of Officer Crystal Humby of six to eight inmates. Ms. Evans became the grievor's functional manager regarding case work. Witness Evans testified inmate LaKing was a problem for the grievor's case load because every time the witness went to the unit he was around Mrs. O'Connell or around the correctional office and not in his own area. Witness Evans testified that she saw the grievor offer potato chips to inmate LaKing; she said this should not be done. Witness Evans told the grievor about the chip incident and indicated to the grievor that she thought that she was putting herself in a position to be set up. She said the grievor responded to her at the time that she felt she was too smart for that to happen to her. Witness Evans had seen smarter people than Virginia O'Connell get set up. She felt inmate LaKing was very manipulative; she told the grievor she was spending too much time with inmate LaKing and that he was "using Christianity as a crutch". Witness Evans felt excluded from the case management of Mr. LaKing. She testified she spoke to the grievor in late March or early April and expressed her concern about how inmate LaKing "appeared to be drawing her in." She added that the grievor told her that inmate LaKing did not like Captain Velva Dean's church services. Ms. Evans felt that the grievor was not listening to her advice and that the relationship she was building with inmate LaKing could cause jealousy among other inmates and set her up. She advised the grievor to log every contact she

had with inmates. Mr. Ling had asked her to look at inmate LaKing's file to see if the grievor had made some entries. She did so in March and saw that some had been made and felt satisfied at that point in time. In June 1996 she looked into the file again with Mr. McKinnon and saw nothing recorded since March 19, 1996. She added that some information she had put into inmate LaKing's file had also disappeared.

Witness Evans also testified that during a parole hearing for inmate LaKing, the grievor acted as his advisor or assistant while Mrs. O'Connell was on one of her days off. This surprised Ms. Evans since it was certainly unusual that a Correctional Officer would do this. The grievor spoke about the Christian aspects of inmate LaKing's life during the parole hearing.

Witness Evans identified Exhibits E-10(h) and 10(i) as the two memoranda she wrote to Mr. Ling, and reiterated the fact that when she went into the correctional office Mr. LaKing was there with the grievor. There was an inmate's file sitting on the desk that she felt "inmate LaKing could have read upside down."

During cross-examination, witness Evans testified Mr. Ling was her supervisor. He had once told her the grievor was doing her job correctly. When asked by Mr. Dagger regarding the chip sharing incident, why the witness did not include this in her comments to Mr. Ling during her interview with him on June 13, 1996 (Exhibit E-10(k)), Ms. Evans said this incident came to her mind when the investigation was over and after the grievor's discharge, probably in the fall of 1996. She said at the time, she did not think it was worth bringing the chip incident to management's attention. Witness Evans underlined the fact that inmate LaKing had become involved in the Christian faith as part of his healing process.

During re-examination, witness Evans said that she had the chip incident in mind when she recommended the grievor take the anatomy of a set up course.

9. Greg Harsch began as a Correctional Officer in 1986 and transferred to the GCI federal institution in September 1995. The grievor was assigned to his unit in January 1996 when she took over Officer Humby's case load. He had worked 30 to 40 times with the grievor before she was assigned to his unit. Witness Harsch testified that around the end of February 1996 he became concerned that the grievor was spending an excessive amount of time with inmate LaKing. He said she would come on shift and

spend “pretty well the duration of her shift in the correctional office”. He also observed other inmates in the office with the grievor at the same time, in particular, inmates Henry, Burke, Fanning, and Farsiyan. Inmate Henry told him he was receiving religious counselling from the grievor. Witness Harsch told Mr. Henry that this was the role of the chaplain. Mr. Harsch also said that inmate LaKing went with the grievor quite a bit of the time when she did her yard walks; it would be more advisable to be with another officer for safety reasons. He saw the grievor do this between 15 and 30 times.

Witness Harsch said he went into the correctional office on one occasion and saw the grievor looking at inmate Sutherland’s file who was not on her case load. She quickly closed the file and left. He often saw inmate LaKing waiting outside the correctional office looking in the window.

He testified he believed it was during the 1996 Easter weekend when he saw inmate LaKing and the grievor sharing a hamburger during a social barbecue. He said: “You do not accept anything from offenders since this could be interpreted as a bribe. You get or bring your own lunch.” Mr. Harsch also testified that sometimes on weekends, the grievor would order in outside food like pizza. He once saw inmates Fanning and LaKing walk out of the correctional office with a piece of pizza.

Mr. Harsch testified that after the 10:00 p.m. count he would lose sight of the grievor quite a bit and would not know where she was since she was out of the correctional office and was not in sight of cameras or in the common areas. He said he went to see where she was and usually found her in an inmate’s cell with others around. He felt she was socializing with the inmates.

Officer Harsch testified he was in the pod once when Correctional Officer Pasemko went out to a unit. Officer Harsch heard an inmate yell out: “Six” which is a code word to identify when an officer is coming on to a range. He then noticed some inmates come out of a cell where the grievor was located when Mr. Pasemko went near that area. Mr. Harsch also testified that he saw the grievor giving out religious material from her bag to inmates and that some of these pamphlets or booklets were found in inmates’ cells by himself and Mr. Pasemko. He testified no one can hand out material to inmates without authority.

With respect to the dress code, Mr. Harsch testified that he would often see the grievor with her tie off and buttons undone and her shirt down at her bra line. He and Officer Pasemko saw the grievor in inmate LaKing's cell sitting on a stool once with her feet on his bed, shoes off getting a foot massage. He saw this from the pod where he could see inmate LaKing's cell. He could have videotaped this incident but decided not to because of the ramifications it might have caused. He brought this incident up with the grievor by telling her this was not professional behaviour after which she became agitated and said she had been there for 11 years. Mr. Harsch was not happy with this and felt it was a breach of security. Mr. Harsch testified that Supervisor Keating had observed some similar incidents and that Ms. Keating talked to the grievor about some of her concerns as well. Mr. Harsch testified that on one occasion, Deputy Warden Wilson showed up at the unit, walked around, saw the grievor with inmates in the correctional office, went into the office, asked them all to leave and stayed there with the grievor for about 40 minutes. Mr. Harsch also witnessed on a Sunday during a full gospel assembly, the grievor, her husband and inmate LaKing sitting together. Mr. Harsch also testified that during a course together while discussing the anatomy of a set up, risk assessment and family violence, the grievor told him she felt that this was all stupid and a waste of time.

During cross-examination, witness Harsch identified a transcript of the interview he had with Mr. Ling on June 12, 1996 as Exhibit E-10(l). He did not discuss any of his testimony before coming to the hearing with Officer Pasemko but admitted that they spoke of dates, that he and Officer Pasemko were friends, and that they sometimes visit each others homes. He added he and the grievor began to work in Units 5/6 in January 1996 and then moved to Units 7/8 at the end of March 1996.

With respect to Exhibit E-10(l), and the question from Mr. Ling regarding sharing protected information with other inmates, Mr. Harsch said that he had no hard evidence of this allegation, but that he had seen the grievor give out religious material to inmates from her purse. He filed a report regarding this but it has disappeared. Regarding the barbecue and sharing of hamburgers, Mr. Harsch reiterated that inmate LaKing offered food to the grievor when she was sitting in the correctional office once. The witness did not fill out a report regarding this hamburger sharing incident but he did tell Supervisor Keating about it. When asked by Mr. Dagger if his comment from June 12, 1996 to Mr. Ling regarding the grievor spending 90 percent of her time with

inmates was true or not, Mr. Harsch said yes that it was and that he had told Mr. Ling about this but Mr. Ling said she was doing her job. When asked by Mr. Dagger whether his comments regarding the grievor and her buttons being undone on her shirt was a “flight of fancy in his mind” Mr. Harsch responded: “No.” He did not recall exactly when the alleged foot massage incident took place. He believed it was in March 1996. When asked why there was no mention of the alleged foot massage incident during his interview with Mr. Ling on June 12, 1996 (Exhibit E-10(l)), Mr. Harsch said he did not mention it then and that there are “lots of things not in my report.” Mr. Harsch said that he and some other officers were upset that Mr. Ling did the investigation into the allegations against the grievor. He added that after Officer Humby left the unit, Mrs. O’Connell was the only female left in the unit. He said: “We did not have to complain about her. All saw her actions.”

Mr. Garneau entered as Exhibit E-19, a copy of Officer Harsch’s attendance shift for April 1996 that showed he was on day shift on April 6, 1996, the same day as the social event (Exhibit E-20).

10. Mike McCormick, a Correctional Officer at GCI, has known the grievor since 1985. He testified that between January and June 1996 he worked five or six times with the grievor doing regular duties in Units 5/6 and Units 7/8. He said on March 1, 1996 the grievor should have done a quick round of the units and then come back to the pod. She did not return so he went back to see where she was. He found the grievor sitting on inmate LaKing’s bed with her back to the wall and her feet on the bed, her shoes were off, the top buttons undone on her shirt, and an inmate was sitting on a stool. He was shocked since this is not appropriate behaviour. He did not recall exactly what he said to her at the time. He discussed this incident with Officer Harsch and reported it to Supervisor Keating who said to leave it in her hands.

On another occasion, the witness thought the grievor was in the correctional office and he went out to do a round of the unit and observed the grievor in inmate Henry’s cell where she was lying on his bed stretched out with a couple of buttons undone on her shirt and inmate Henry sitting on a stool. He mentioned to her that he was checking the effectiveness of the Personal Protection Apparatus (P.P.A.) at which point the grievor sat up and pushed her P.P.A.; it functioned properly and then she lay

down again. He told Mr. Harsch and Supervisor Keating a few days later what he had observed.

He further testified every time he was on duty with the grievor, she spent most of her time with inmate LaKing including doing rounds together and yard walks. This kind of behaviour was in his estimation unheard of in a Correctional Officer. He said the grievor was demonstrating “no team concept support”; the witness was concerned about the safety of officers, inmates and the institution. He told Supervisor Keating about this again.

He testified that during a barbecue for inmates on May 18, 1996, inmate LaKing told him that he had obtained some tickets for the grievor for the barbecue. On another occasion, he saw the grievor spending time with inmate Farsiyan in his cell. This was also not appropriate since she could have met with the inmate in the correctional office. Witness McCormick said he also reported this to Supervisor Keating but did not discuss these concerns with the grievor.

During cross-examination, witness McCormick testified the grievor would normally wear what is called institutional dress to work. He said an officer should not go beyond the threshold of a door into an inmate’s cell; in his years of experience, he did not find many Correctional Officers who wanted to go into inmates’ cells because it poses a security problem. He reiterated he saw the grievor on an inmate’s bed but did not fill out an incident report when he saw the grievor on inmate LaKing’s bed or on inmate Henry’s bed. He was concerned that this might be interpreted as harassing Mrs. O’Connell since there was an investigation going on. Mr. McCormick added: “I know what I saw.” When asked by counsel for the grievor if he was good friends with other Correctional Officers, the witness responded he did not see Mr. Harsch outside of the prison, had never been to his home but that he had socialized with Mr. Pasemko. He added that he, Mr. Pasemko and Mr. Harsch do not just sit in the pod; they do their rounds and paper work as well.

During re-examination, witness McCormick reiterated that Supervisor Keating told them that she would document the incidents that he had reported to her, and that he and his colleagues had concerns of possible harassment against Mrs. O’Connell.

Mr. Dagger objected again that this was strictly hearsay evidence.

11. Darryl Burke was an inmate at GCI from November 1995 until August 1996 when he was transferred to the Rockwood Institute in Manitoba. He had previously served time in Prince Albert, Saskatchewan, before going to GCI. He knew inmate LaKing from the Saskatchewan Penitentiary. They moved to GCI together. With respect to his handwritten notes dated June 4, 1996 (Exhibit E-3) concerning various events surrounding the grievor and other inmates, inmate Burke testified that he wrote this voluntarily of his own free will. He said it was spurred one day when the grievor came to work with a black eye. Inmates LaKing, Farsiyan and Henry and the witness all spoke to her a lot about religious matters and were concerned about her black eye. He said the grievor helped them answer a lot of questions about Christianity and the bible. The grievor told them that the black eye was a result of her banging into a tool of her husband's. Inmate Burke wrote in Exhibit E-3 that inmate LaKing told him Mr. O'Connell was abusive towards Mrs. O'Connell and that the black eye she had was from her husband.

Inmate Burke said he saw inmate LaKing and the grievor together quite a lot, more with LaKing than with himself. He said they would talk in the correctional office or in his cell or walking in the unit together or going to the administration building or in the yard. He did not think this was anything bad, but he added that inmate LaKing "was like obsessed with her and he was a different guy when she was not around." Inmate Burke said he told inmate LaKing that he was concerned about the relationship he seemed to be developing with Officer O'Connell and that Mr. Burke promised if they discussed inmate LaKing's feelings towards her he would never tell anyone. Inmate Burke said that they did speak about the grievor and that inmate LaKing wanted her to go where he would be residing when he gets outside of prison. The witness added that inmate LaKing told him, if he ever told anyone this, LaKing would kill him.

Regarding the reference to cassettes tapes in Exhibit E-3, inmate Burke said LaKing's cell was near his, and the witness asked once where Mr. LaKing got the tapes because he wanted to borrow some. He testified that inmate LaKing told him he got three or four country gospel music tapes from the grievor. Inmate Burke said he reported this to the warden.

Inmate Burke further testified that the grievor asked him if he had said something to anybody about anything, to which he told her “no”, and she responded: “someone had been talking about what was going on in the unit”.

Inmate Burke testified that the grievor handed him a tape out of her shirt pocket while standing in his cell door one day, and that she was behaving in a peculiar manner as if no one was to know that this had happened. Inmate Burke said he asked Captain Dean if this tape had been approved for him. She told him it had not been approved. He felt that Officer O’Connell had lied to him but he looked up to her. He said Captain Dean is a pretty good lady and that if she said she had not approved the tapes he believed her. Mr. Burke added: “I knew they (the tapes) were given to me secretly.”

Inmate Burke added as he wrote on page 2 of Exhibit E-3, that inmate LaKing was very protective of the grievor in that he would wait for her and escort her. Regarding the possibility of the grievor leaving her husband to join Mr. LaKing, as he also mentioned in Exhibit E-3, inmate Burke said LaKing told him he searched scripture regarding marriage breakup.

Inmate Burke also testified with respect to a “shanking incident” referred to in Exhibit E-3 where LaKing had a knife and was threatening to use it on inmate Fanning or inmate Stewart. Mr. Burke told him that this was very serious and that he should not do this. He testified that inmate LaKing was angry because inmate Fanning had been “shooting his mouth off” about the grievor. Inmate Burke added that rumours would go around the prison that Burke was saying things and that he had run-ins with Officer Humby as did others. He said that he was scared since some officers were loose lipped and that he would have heat put on him if he had said anything to anyone. He said: “I’m not stupid just because I am in jail.” He testified that in the beginning, the grievor did not know about his comments in Exhibit E-3, and that at the time, he wondered if he was doing the right thing but he added: “I have to answer to Him (God).” With reference to Exhibit E-10(m) that is the interview that inmate Burke had with investigator Ling on June 12, 1996, inmate Burke reiterated his comments on page 2 of Exhibit E-10(m), that he had seen opened files in the correctional office when Mrs. O’Connell was in there and when inmate LaKing was there as well. He remembered seeing one with the name inmate Schmidt written on it as an opened file with inmate

LaKing sitting there. He added that inmate LaKing and Mrs. O'Connell were in the office a lot together and that papers and files were always out on the desk.

During cross-examination, inmate Burke testified that he had been in prison during periods of the last 17 years for armed robbery, narcotics possession, fraudulent use of credit cards, impaired driving, breaking and entering with intent. He moved to the Rockwood Institute in Manitoba after he wrote Exhibit E-3. His cell had been burned and he lost his bible in the fire. He wrote Exhibit E-3 alone after Warden Headrick asked for it. The Warden did not say it would help him regarding his transfer to Rockwood. He reiterated that the grievor had given him tapes, that he received one in the mail from the United States, that he could not recall Pastor McLaughlin giving him any tapes, nor could he recall receiving any from Mr. O'Connell. Inmate Burke added: "She (the grievor) passed me a tape once in the door of my cell around April 1996 after I had had a conversation with LaKing in the sports field. You can believe what you want." With respect to his comment in Exhibit E-3 regarding leaving her husband, inmate Burke said that inmate LaKing was only looking in the bible to see if a woman could leave her husband. Inmate Burke testified that he spoke to Warden Headrick about going to a minimum security prison long before the burning incident occurred in his cell. He said: "When the crap hit the fan, I told him (Headrick) I wished to go to Rockwood."

12. Pierre Bosdet has been a Correctional officer at Grande Cache since October 1990. He has known the grievor only since late 1995 or early 1996 when they worked together in Units 5/6. He added he recalled working for one full rotation in March 1996 for seven days, on day shift he believed, with the grievor. He added that during this shift the grievor spent approximately 50 of 56 hours in the correctional office with inmates or in inmate LaKing's cell. He added this ordinarily would not have disturbed him but at times there were four, five or six inmates in the office one of whom was on his case load, inmate Park.

Witness Bosdet testified he found the grievor in inmate Park's cell, stretched down on his bed with her head towards the window and inmate Park sitting there on a stool. He said he told her he needed her at the pod and she then proceeded to the pod. He said he and one of his colleagues then went to get inmate Fanning. When he came back to the pod, inmate LaKing was at the door of the pod with his foot inside it. He

then asked the grievor to open one particular cell door but she opened the whole unit instead. He added that he told Scott Ritchie he felt very uneasy about leaving the grievor in charge of the pod and the units when Mr. Bosdet was not around.

On another occasion, he testified the grievor went to talk to inmate Royer in his cell during a count and, after she entered the cell, inmate LaKing entered as well and they were both in the cell with her. Witness Bosdet added: "LaKing dogged her all the time." He said he reported these observations within a few days to Supervisor Keating.

During cross-examination, witness Bosdet testified that inmate Park was one of the inmates on his case management load, but that he had no problem with inmates talking to other Correctional Officers. He added sometimes he is more inclined to stay and work in the pod but he also went outside to the t.v. room, to cell doors, in the halls to shoot the breeze with inmates, did rounds and marked this in the book to keep record of who did rounds. The witness reiterated the incident in the cell with inmate Park was around March 16th or 17th, 1996 and said: "Park was on a stool and Mrs. O'Connell was stretched on her right side on his bed looking at the stool."

Witness Bosdet added that most of his partners in the Canadian Armed Forces and in the provincial and federal prisons have been women and that he has had no problems with this. He served 20 years in the Canadian Armed Forces as a Corporal in many parts of Canada, Germany and the Middle East. Witness Bosdet added that, during the week he worked with the grievor, inmate LaKing was also working with the contractor but when he came in from work he would go straight to the grievor or wait for her. The witness then corrected himself and said that his shift may have been in the afternoons and not days as he had said earlier. He added that, when inmate LaKing was not working with the contractor, he was with Mrs. O'Connell. When asked by Mr. Dagger if inmate LaKing followed her into a small cell, would they not be bumping into each other, the witness responded: "I do not know sir." Witness Bosdet added when the grievor was in the cell with inmate Royer and after inmate LaKing entered, he felt that she could have called out or yelled if she had had a problem; therefore he did not do anything since he did not feel she was in any danger.

13. Crystal Humby has worked at GCI since 1985. She and the grievor have been friends for 18 years. Ms. Humby supervised the grievor for four years when GCI was in

the provincial system. Ms. Humby is now a shop steward in the bargaining unit for Correctional Officers. When asked to describe the grievor's work performance and her style when she was in the provincial institution, the witness responded: "She was abrupt and had little interaction with inmates but got along well with staff and supervisors." Ms. Humby said that when the institution transferred to federal jurisdiction there were a lot of changes, particularly regarding inmate interaction. She said there was more emphasis on the inmates' rights and during a week of orientation, the Correctional Officers were told bonding with inmates would be the norm. Ms. Humby said that she was moved out of the unit in the prison that she worked in in mid-January 1996 after she requested a voluntary demotion to a guard level. She no longer wished to take the "garbage that came with the case load work".

She and the grievor used to work together on shifts and did rounds together. Inmate LaKing was on the grievor's work load. She testified that inmate LaKing used to wait for the grievor in the mall area and say hello to her and give her a hard time but he was not a concern. She said she and the grievor worked on the units a lot because they preferred to be there to learn more about what was going on in the prison. When asked if she had ever lain on an inmate's cot, she responded: "No it is not your job to do that and I've never seen any officer do that." She testified that the grievor never spoke to her about lying on a bed but that she once told her she had sat on one but Deputy Warden Wilson was informed of this and dealt with it.

Witness Humby said the grievor was always cold and she always wore a shirt and sweater and did not wear her tie very often because few employees did. When asked why she did not like to work in the pod, witness Humby responded that some officers were less than pleasant; they would burp, fart, and smell up the pod and look at your breasts and not your eyes; therefore she preferred to work outside the pod area. She added that she never saw the grievor bring any food in for inmates. Mrs. O'Connell would bring in her own food and did not eat institutional food very often. She was aware of the grievor's religious beliefs, that she was a strong Christian (Pentecostal) and listened a lot to religious tapes at her home. The witness testified she had been at the grievor's home often and that her marriage was fine.

Witness Humby added that she sometimes attended religious services at the prison but she would check with the warden first. She never went to any of the

services while she was on duty. She added that she had seen the grievor at church services for inmates with the grievor's husband and that their behaviour was the same as anyone else. Mr. LaKing would participate in these ceremonies but nothing was out of the ordinary. When asked if she was in the habit of logging all inmate contacts while on the unit, witness Humby responded: "No, I'm not paid to sit on my butt and write all day." When asked if the grievor ever sat anywhere with her shirt unbuttoned, witness Humby responded that she did not, and said: "No one knows this lady." She said that the grievor adds lace inserts to her dresses because she is very conservative. She described the grievor as an excellent friend, thoughtful, a wonderful person with a strong moral code. When asked by Mr. Dagger if she could imagine the grievor sitting on a bed with her shirt opened and her legs apart, witness Humby responded: "Not unless she was a hostage with a gun at her head."

During cross-examination, witness Humby said she worked on different shifts with different people and that she did rounds as other witnesses had described in Units 5/6 and then in Units 7/8. She said she always worked with two other officers; she did not work much in the pod because she preferred to do rounds and case work in the correctional office. She asked for a demotion to get off case work because she wanted security duties only. She testified that she and the grievor worked together on many shifts starting in October 1995 but this ended in January 1996. When asked if it was correct never to go into an inmate's cell, the witness responded: "Right, it is not something you do." She added when she was working together with the grievor they did not have a lot of inmates at that time. Inmates were interviewed in the correctional office when they first arrived in the prison. She said she would talk to an inmate only at the door of his cell and that she did rounds with Officer Pasemko if the grievor was not there. She had never seen the grievor lie on a bed. She believed she did sit on a bed once in inmate LaKing's cell but that the grievor quickly realized that this was the wrong thing to have done and reported it to Deputy Warden Wilson.

During re-examination, Ms. Humby said that she did not believe the grievor would have had all the trouble that she had if Ms. Humby had been there to help. She added: "The guys were ganging up on her and two women are better off working together. It was the old boys' place for a long time but it's less so now." She added that, when staff complaints began about Mrs. O'Connell, she was not too concerned since Mr. Wilson had earlier told her the grievor was doing her job.

14. Pastor James McLaughlin first met the O'Connells in Dawson Creek, Alberta in December 1993 at the United Pentecostal Church. In December 1995, the grievor called him at his home and asked him if he would be willing to go to GCI to talk about spiritual matters especially with inmate LaKing. He was advised by the grievor what procedures he had to go through; he applied to do this and was approved. He said he made contact with Chaplain Velva Dean and they spoke about him going in once a month on Saturdays to do a service in the evening and that there would be occasion to go every second Tuesday. Pastor McLaughlin said he first went to the institution in January 1996 and that on March 9, 1996 inmate LaKing was baptized along with eight other inmates. During the baptismal program Captain Dean participated by speaking to the inmates and she played the piano. He added that every second Tuesday they did bible studies with inmates LaKing, Farsiyan, Burke, Park, Henry, Auger and others as time went on. When asked if he brought in any material to the institution, such as tapes or pamphlets, he responded that the grievor told him he had to go through the proper channels to do so. He said he sent in some tapes under the Spirit of Freedom auspices and brought approved pamphlets in via Captain Dean. He added that Mr. O'Connell took some tapes once to give to Captain Dean for the inmates. Pastor McLaughlin identified a collection of tapes that were in an evidence bag as Exhibit G-2. After examining the tapes, he said there were two only that he could remember and he identified them. He then identified two others for a total of four. That left about eighteen or nineteen tapes that were not properly identified by the pastor. Pastor McLaughlin added that the grievor told him for security reasons, it was not proper to put your arms around inmates or to physically touch them or to hug them. He observed inmate LaKing with the grievor on occasion and he felt she had a very professional relationship towards him. Inmate LaKing was in turn, very respectful towards her. Pastor McLaughlin learned that inmate LaKing needed someone to care for him; the witness gave him his home phone number and accepted some collect calls from Mr. LaKing once in a while. The witness said that he never heard inmate LaKing refer to the fact that he and Mrs. O'Connell would be getting together when he got out of prison. He felt that Mr. and Mrs. O'Connell and inmate LaKing had a good relationship, and the O'Connells had a wonderful marriage. He had been to their home.

During cross-examination, the witness said he had participated in various events at the prison from the period January 1996 until April 1997. His work at the

institution was suspended at one point because of the problems Mrs. O'Connell was having and because of volunteer night confusion. He met with Warden Headrick to discuss some of the problems of communication that Pastor McLaughlin was having with Velva Dean. The Warden told him that he thought the pastor was trying to take over volunteer night for which Pastor McLaughlin said he apologized to Velva Dean, to the Warden and to a Mr. Berg who also worked in the prison. He said his motivation was right in that he wished to help the inmates and that this confusion arose in May or June 1996. He felt Captain Dean may have been intimidated at first by his presence in the prison. He added that the suspension for about a month of his volunteer efforts in the prison was a little disappointing and upset him a bit. Pastor McLaughlin identified Exhibit E-17, a copy of the photograph of the grievor, her husband, and inmate LaKing on the day the inmate was baptized in March 1996.

Pastor McLaughlin said that after the baptismal service the grievor told him that hugging people was a "no no". He added that someone apparently must have said something after the baptismal service. There were many photographs taken during this service but he had not seen any more. Inmates confided in him and said that they wanted him to come to the prison more often. Inmates Burke, Park and Henry called him often.

During re-examination, Pastor McLaughlin said during the baptismal ceremony a lot of emotions were shown and this is probably what led to the hugging. At subsequent baptisms there was no more hugging.

15. Darryl Park was released from GCI in December 1996 and is on full parole now selling fitness equipment. He served in the GCI Units 5/6. When he was moved to Units 7/8 due to construction in the spring of 1996, he was double bunked with inmate Henry. He added that the grievor treated him fairly and that he had had discussions with her in front of the pod or in the correctional office. He said his Case Management Officer was Peter Bosdet, but he had a comfort zone with the grievor since she was "a voice that listened".

He added the grievor sometimes came to his cell to speak to him and would enter into his cell only two or three feet or stand in the doorway. She never sat on his bed even though there was a rumour going around the institution that she was in a cell

once with her blouse undone. He said her conduct was very professional, that she wore her uniform with a shirt, tie and pants. He testified she always had her tie on. When asked if the grievor ever gave him anything like tapes or magazines, he responded: "No, but we could pick up such things from the Chaplain's office."

Sometimes other inmates were in the correctional office with him and the grievor, but there were no files around. The grievor never talked to him about what was in other inmates' files.

He saw inmate LaKing talking to her but inmate LaKing's action was no different than his own. He never saw the grievor give any tapes to inmates and he never saw inmates follow her on rounds. Witness Park could not recall if he had ever seen inmate LaKing follow the grievor; she would occasionally do her rounds alone. He added he would discuss religious questions with the grievor and attend religious services with her. Pastor McLaughlin baptized him. This was the best thing that ever happened to him when he was at GCI. He added that afterwards, he had problems with guards and was put in the Special Handling Unit (SHU) once about a month after his baptism. When asked why this had happened, he was told that an anonymous letter had been written to the IPSO by an inmate that referred to him. Witness Park said he spoke to Officer Bosdet to go over his case management reports since he was his Correctional Officer but Mr. Bosdet was not the best communicator. He added he never shared food with Mrs. O'Connell nor did he see her share food with any other inmates.

16. Glen LaKing, an inmate at GCI since November 7, 1995, was initially in Units 5/6 and moved to Units 7/8 during the construction period in the spring of 1996. Mrs. O'Connell was his Correctional Officer. He and the grievor spoke a lot about the bible, about his relationship with his mother, and his plans when he got out of prison to get support on the street. He had no plans to be with Mrs. O'Connell when he got out of prison. When asked by Mr. Dagger if he had ever shared food with the grievor, inmate LaKing said he had shared a bag of chips once with her and a piece of chicken at a food sale. When asked if the grievor had ever gone inside his cell, he responded that she had stepped inside the door once to see how he was doing. When asked if she ever sat or lay on his bed, inmate LaKing said: "Not that I can recall." He added the grievor always dressed in her uniform without a jacket. In the summer she did not wear a tie but in the winter she did.

When asked if the grievor ever gave him tapes or other material, the witness responded: "No. I got tapes from Pastor McLaughlin through Velva Dean but none from Mrs. O'Connell." The witness examined the tapes that were in front of him (Exhibit G-3) and said that he collected some of these tapes from other inmates as far back as his days in Springfield Institution, Nova Scotia. He believed Pastor McLaughlin gave him one tape - Raised from the Ruins. There was a walkman in the bag of tapes that he said was his. He obtained it from another inmate in Grande Cache. Witness LaKing admitted he had told Mr. Ling another story regarding the walkman, and that he lied to Mr. Ling to protect an inmate because he had to live in the institution. He later told Mr. Ling he had lied about where he got the walkman from.

He added that he had talked to Mrs. O'Connell in the correctional office but that he had never seen any inmates' files or discussed inmates' files with the grievor. Inmate LaKing said that the grievor never told him why any other inmates had been incarcerated, and that he had never threatened any other inmates. He was placed in isolation for an alleged threat.

He never "sixed" for Mrs. O'Connell, nor was he aware of anyone else ever doing this.

During the period of renovation in the prison, he said he worked with the contractor during the day shift and sometimes worked later in the evenings.

Inmate LaKing added he went to Pastor McLaughlin's church services and was baptized by Pastor McLaughlin in March 1996. He also attended the Tuesday evening services. He admitted that he knew Mr. O'Connell through religious meetings. Regarding Exhibit E-17, the photograph with the O'Connells, Mr. LaKing said he just wanted to have his picture taken with them.

When asked if he ever followed Mrs. O'Connell, he said: "No, but I would sometimes walk up the hallway with her to just finish my conversation." On his birthday in December 1995, the grievor never gave him anything, nor had she ever kissed him. He recalled having cheese and crackers and watching a hockey game with some inmates on his birthday.

During cross-examination, when asked if he remembered the investigation and his interview with Mr. Ling in the summer of 1996, inmate LaKing said he did but that he did not know the interview was being taped. He agreed that he told Mr. Ling that during the course of a day he would spend two to three hours with Mrs. O'Connell. They would talk about the bible, his mother, and his future plans. This was always done in the correctional office but not on every shift. Inmate LaKing said the walkman that was found in his cell was in fact on his property sheet, but he had never received any tapes from Mrs. O'Connell.

Warden Headrick later confirmed with me that in fact the walkman was on inmate LaKing's property sheet.

17. Alex Farsiyan, an inmate at GCI, was transferred there in October 1995 from the Edmonton Institution. He first went into Units 5/6 but moved to Units 7/8 during construction and bunked with inmate LaKing. He was assigned to the grievor's case management load. They would speak about his crimes and his background in the correctional office, in front of the pod, or in the doorway of his cell. He added the grievor never sat in his cell, nor did she ever lie on his bed. He also denied ever "sixing" for the grievor or anyone else; he maintained that she had never given him any tapes. He got religious tapes from Pastor McLaughlin. He had tapes he had received from other inmates. When asked if he was ever in the correctional office with other inmates, the witness said: "Yes, with four or five inmates sometimes since we needed someone to talk to and the grievor was a good listener." They had respect for Mrs. O'Connell. He never saw an inmate share food with the grievor, nor did he ever see any inmate files when he was in the office with her.

Inmate Farsiyan saw the grievor chat sometimes with inmate LaKing but he thought this was just a normal relationship. He added the grievor never spoke to him about what other inmates were in prison for but that inmates were able to find out who did what through various sources.

Inmate Farsiyan was baptized the same day as inmate LaKing.

He identified the walkman in the package of tapes (Exhibit G-3) and thought it was Glen LaKing's that he had brought with him from Prince Albert. The witness added Pastor McLaughlin gave him a tape once but he never saw Mrs. O'Connell give

tapes to anyone. Inmate Farsiyan never threatened an inmate to stay away from Mrs. O'Connell, but he did say he would punch out a couple of inmates because of a shoe selling incident that he was aware of.

During cross-examination, inmate Farsiyan said he and the grievor would talk about the bible in the correctional office fairly often over a six month period during sessions that lasted between a half hour to an hour. He added inmate LaKing did not spend more time in the correctional office with the grievor than he did. He sometimes saw the grievor and inmate LaKing walking in the hallway to the mall but never in the yard. The witness added that he got religious tapes from other inmates and left them in his cell to be shared with his cell mate, inmate LaKing.

18. Cecil McIntyre has been at GCI since 1985, and was the grievor's supervisor during a portion of her time under provincial jurisdiction. He described her as an average worker who did her job. As a supervisor now at GCI, he had occasion to supervise the grievor and described her work under the federal prison as: "average, normal, she did her rounds, she worked in the pod." When asked if he would expect her ever to lie on inmates' beds with three or four buttons undone on her shirt, witness McIntyre responded: "No. She was always overdressed at the provincial and federal levels because she was always cold." The witness said he had never had a written or verbal report of the grievor lying on an inmate's bed, or sharing food with inmates, or disclosing inmate information and therefore never had cause to discipline her.

During cross-examination, Supervisor McIntyre said he had some overlapping shifts with the grievor from January 1996 to June 1996 and that he observed her doing her regular duties.

19. Virginia O'Connell began working at GCI in 1985 when it was a provincial institution. She had a clear disciplinary record. When asked how she felt about the allegations against her, she responded: "I was shocked, hurt, and always had a good reputation at work. There is no truth to these allegations."

The grievor admitted that she took some tapes from Pastor Dean to some inmates once, but maintained that she has never shared protected information with inmates and had no relationship with inmate LaKing.

When she transferred from the provincial to the federal institution, she had a week's orientation course regarding how to deal with long term versus short term inmates. She added she was also told CO's were to treat inmates as human beings, that they were correctional friends, and that she was told to strengthen her bonding with inmates. She was also trained on family violence and on an anatomy of a set up, that is how not to get involved with an inmate.

The grievor said she changed her work style from the provincial level to the federal level because she would now be interacting more with inmates. She worked in Units 5/6 in October 1995 and part of her duties was to open doors for inmates, to do unit rounds, and to do paper work, case plans, yard walks, dining hall work. Sometimes she did her rounds by herself or with another officer. She had little training on the computer.

She would talk with inmates in the correctional office more than she did when she was on rounds, and often inmates would just "pop in". Supervisor Keating told her she was talking to inmates who were not on her case load and she should not do this. Warden Headrick told her that this was nonsense and that she could talk to all inmates. She admitted quite frankly that she did not know there was a problem until the investigation started since Mr. Ling had told her she was doing her job to the fullest. The grievor testified that she spoke to inmate LaKing on a daily basis when she was in the prison. He spoke to all guards. She spent a lot of time in the units wearing a full uniform including a sweater, even in warmer weather because she was usually cold.

The grievor testified that Pastor McLaughlin came to be at the Institution through the wish of inmate LaKing who wanted to be baptized. She added that the opportunity for Pastor McLaughlin to come to the prison was cleared with the authorities, including Captain Velve Dean, the Chaplain. Mrs. O'Connell attended various religious services in the Institution on her own time with permission, and after the baptisms were finished, the Warden told her: "Keep up the good work." The grievor recalled Exhibit E-17, the photograph with her husband and inmate LaKing, and testified that a day or two after it was taken, she asked the IPSO to destroy it because she felt uncomfortable with the photograph and did not want an inmate to have it in his cell. She also told Pastor McLaughlin after the baptism that there was a policy, especially for volunteers, that they were not to hug inmates for any reason.

With respect to cassettes tapes, the witness said ministry tapes were given to her by Pastor McLaughlin in a bag that she gave to Velva Dean to have distributed to certain inmates. Mrs. O'Connell said she never gave a tape to an inmate directly but gave out some that Velva Dean had approved. When she was in the pod once, she gave one to inmate Burke.

The grievor admitted that during a food drive, inmate LaKing gave her a piece of chicken that had come in from outside the prison as was explained in Exhibit E-20. She did not think this was appropriate and would not do it again; however, she pointed out that officers were told to treat the inmates as human beings. She admitted that she took a chip one day from inmate LaKing in front of the pod. She believed it was on the same day she was given the chicken. She did not normally eat institutional food and never shared any food with inmates that she ordered from outside the institution.

Regarding working in the pod, the grievor said she tried to work there as little as possible particularly since it was not necessary to have three Officers in the pod. She tried to be on the floor as much as she could. Deputy Warden Wilson told her her work was better done on the floor in the units.

The grievor testified that she had never worked at GCI beyond December 15 until the beginning of the new year because this was always the time that she took vacation. She therefore missed inmate LaKing's birthday in December 1995. When asked if she had ever kissed inmate LaKing, the grievor responded: "No." She had no idea where inmate LaKing's walkman had come from. As far as she knew he had always had it. The grievor denied ever taking mail out of the prison or bringing anything to inmate LaKing. She also testified that she would look in inmates' files only for information that was required for her case work, and never told another inmate what was in anyone else's file. She added that, if she had files on the desk in the correctional office when an inmate entered, she would close them.

When asked how she got a black eye, the witness said she had walked into one of her husband's tools at home. Everyone was suspicious when she came to work with the black eye. She believed she told inmate Royer how she got it.

The grievor admitted she had seen Exhibit E-4 before the hearing, that is Officer Pasemko's memorandum to Warden Headrick dated June 7, 1996 with a number of

concerns noted. With respect to concern number (a), spending time in an inmate's cell for hours on end, the grievor testified that she only went a little past the door on occasion; (b) having more than one inmate in the office at a time, the grievor agreed that this had happened for a short period but that she was told by Mr. Ling that this should happen; (c) an inmate lying across the desk in the officer's office, the grievor said this could not happen since the desk was too small and had a computer and a phone on it; (d) an officer in an inmate's cell with her legs up on the bed while the inmate is stretched out and the officer's feet are at the inmate's chest area, the grievor said no, she had never done this; (e) bringing in religious materials and handing them out to the inmates without prior authorization or clearance from security, the grievor said she had never done this either and all materials that came from Pastor McLaughlin or from her husband were given out in the chapel; (f) sharing food with inmates, (giving or receiving) (from the outside), she said yes she did this once; (g) improper security procedures, she did not know what this meant; (h) having inmates sitting for Officer O'Connell when an officer enters the unit, she said this never happened; (i) carrying unit keys on herself (O'Connell) when walking through the court yard to another unit, she said the keys are hers for the day and all officers do this. And finally, the grievor denied that inmate LaKing had become obsessed with her.

The grievor was not cross-examined by Mr. Garneau.

I asked the grievor, if after hearing all of the testimony and seeing all of the evidence, she felt that the issue before me was a "fairy tale" and that all of the employer's witnesses were lying she responded: "Yes. None of the allegations against me are true."

20. Patrick O'Connell, the grievor's husband, testified that he attended religious services with Captain Dean and Pastor McLaughlin in the Institution. When asked if he ever took tapes to Captain Dean for distribution he responded: "Yes. I went to the main counter at GCI once, called Captain Dean and gave her tapes for the guys and a bible for an inmate. They were brought into the prison through Mr. Berg.". He denied ever giving tapes directly to an inmate.

Argument for the Employer

Mr. Garneau argued it appears it is not disputed that any of the allegations against the grievor is a serious matter for a Correctional Officer. Any allegation could justify termination of the grievor's employment in and of itself. He said the only question I have to determine is whether or not the evidence against the grievor is true. He facetiously suggested to me that since the grievor denied everything, all of the evidence and testimony should be looked upon as a conspiracy by the employer, and that Crystal Humby testified the entire situation before me was a frame up by the old boys' place.

He argued Officer Bosdet testified he observed inmate LaKing following the grievor every where during a period of a seven day shift that Officer Bosdet and the grievor spent together, and that out of 56 hours on that shift, he estimated the grievor spent 50 of them with inmate LaKing. He argued Officer Bosdet also saw the grievor in inmate Park's cell once sitting on his bed, with her feet on a stool, and that he also saw her in inmate Royer's cell and saw inmate LaKing enter the cell as well. Officer Bosdet reported all of this to Supervisor Keating.

He argued Officer McCormick who shared some shifts with the grievor in March 1996, saw her on inmate LaKing's cell bed with her shirt undone; according to Officer McCormick, inmate LaKing was constantly with the grievor even doing yard walks. He added Officer McCormick saw the grievor on inmate Henry's bed with her top buttons undone while he was checking the P.P.A. He said she checked her P.P.A. and continued to stay on the bed. Mr. McCormick reported this to Supervisor Keating as well.

Mr. Garneau argued that Officer Harsch, who performed 30 to 40 shifts with the grievor until the end of February 1996, was quite concerned about the time she was spending with inmate LaKing in the correctional office, and that inmate LaKing had done yard walks with the grievor as well. He argued Officer Harsch went to the correctional office on one occasion when inmate LaKing was there and saw an open file for inmate Sutherland that the grievor closed quickly and then she left the room.

He reminded me that during a barbecue social, inmate LaKing shared food with the grievor. This was not something that should be done in the prison. He argued that Officer Harsch testified the grievor ordered food from outside the prison and shared it

with inmate LaKing. He reminded me Officer Harsch said that sometimes he could not find the grievor after 10:00 p.m. and found her in cells with other inmates, and that Mr. Harsch discussed this concern with her. He reminded me Officer Harsch said he once saw the grievor in inmate LaKing's cell getting a foot massage, and that he reported this to Supervisor Keating.

Mr. Garneau argued that June Evans, a Case Management Officer who had worked in the provincial and federal system, testified that she was also concerned since she always found inmate LaKing with the grievor when Ms. Evans went to the unit. He reminded me that Ms. Evans saw the grievor and inmate LaKing sharing something once and thought it was a bag of chips, and that Ms. Evans told the grievor that she was concerned about this since inmate LaKing was manipulative and might set her up. Counsel reminded me that witness Evans told the grievor to log all inmate contact in the file regarding case management. When she checked inmate LaKing's file, there were no comments by the grievor between March and June with respect to inmate LaKing although they had had considerable contact during this period. Mr. Garneau reminded me that witness Evans was very surprised the grievor acted as an assistant to inmate LaKing during his parole hearing. Mr. Garneau argued with respect to Ms. Evans' memorandum to Mr. Ling on June 13, 1996 (Exhibit E-10(h)), that inmate LaKing was in the correctional office once in such a position that he could have read parts of an inmate's file, an inmate who was not on the grievor's case load but was a sex offender.

Mr. Garneau argued that Supervisor Lucie Keating started getting complaints regarding the grievor around February 1996 that she was spending the majority of her shift in the correctional office or in inmates' cells and that her other duties were not being done. When she spoke to the grievor regarding some of these complaints, the grievor dismissed them and told her that they should be put on paper. Supervisor Keating said the complaints continued, and she in fact saw for herself, inmates in the correctional office and the grievor behaving very informally with them. He reminded me that Supervisor Keating told Deputy Warden Wilson of these complaints and subsequently wrote Exhibit E-10(a) on March 18, 1996, a handwritten confidential information report regarding some of her concerns about the grievor. Mr. Garneau reminded me that witness Keating said she saw inmate Fanning sprawled on the desk once in the correctional office with the grievor in the office. He said these complaints

continued, and one Saturday evening, witness Keating called Deputy Warden Wilson who came to the prison to observe for himself what was going on.

Counsel argued that Deputy Warden Wilson met with the grievor after he had seen Exhibit E-10(a) from Lucie Keating and subsequently wrote his own note to file after he discussed some of these concerns with the grievor on Monday, March 18, 1996 (Exhibit E-10(b)). Mr. Wilson described this meeting as a “counselling session” for the grievor. Mr. Garneau asked me to read very closely the responses from the grievor to the concerns expressed by Deputy Warden Wilson. Mr. Garneau reminded me that Crystal Humby said the grievor told her about the incident of sitting on the bed, and Mrs. O’Connell realized that this was a mistake, but when asked by Mr. Dagger if she had ever sat on an inmate’s bed, she responded that she had never done that. Mr. Garneau noted it was interesting in Exhibit E-10(b) at the top of page 2, that Mr. Wilson wrote the grievor appeared to twist the conversation around to put the blame on Supervisor Keating and that this can only be interpreted as a strong sense of denial by the grievor.

Concerning testimony by IPSO Beagle, who was asked to do a threat assessment against inmate LaKing because of possible harm to him due to his relationship with the grievor, Mr. Garneau referred me to Exhibit E-2, an SIR report by IPSO Beagle that indicates inmate LaKing admitted he spent two to three hours per shift with the grievor. This was subsequently supported by Mrs. O’Connell. This surprised IPSO Beagle. Inmate LaKing was subsequently put in the special handling unit (SHU). When inmate LaKing’s cell was searched, tapes were found that were not on his personal fact sheet.

Counsel reminded me that inmate Burke testified he wrote Exhibit E-3, his handwritten summary of various concerns regarding the grievor of his own free will, and that he spoke honestly and openly when interviewed by Mr. Ling on June 12, 1996 (Exhibit E-10(m)). He argued inmate Burke testified, that his cell mate LaKing, spoke to him about his relationship with the grievor and that inmate Burke expressed concern to Mr. LaKing about what this might do to the grievor’s husband. Mr. Garneau added that Mr. Burke testified he had asked the grievor for a tape and that she gave it to him in a secret manner and told him it had been approved by Captain Dean. However, inmate Burke found out from Captain Dean that she had not approved it. He reminded me

inmate Burke said he saw inmate LaKing and the grievor often together even in their cell, and that inmate LaKing was defensive of the grievor, to such an extent that he threatened he would kill inmate Burke if he told anyone what he knew about their relationship. Inmate Burke also testified regarding a shank that inmate LaKing had and was going to use on inmate Stewart, because Stewart told the authorities about the grievor and inmate LaKing. With respect to Exhibit E-10(m), counsel reminded me inmate Burke said he once saw an open file of inmate Schmidt on the desk when he was in the correctional office with the grievor.

Counsel argued Mr. Ling testified he interviewed the grievor twice on June 13, 1996 (Exhibits E-10(d) and E-10(f)). Mr. Garneau asked me to read Exhibit E-10(d) very closely particularly the references to bringing tapes into the institution and the time spent with inmate LaKing by the grievor. Counsel asked me also to read closely Exhibit E-10(f), in particular page 5, where the grievor admitted to Mr. Ling on June 13, 1996 that she brought in ten tapes to Captain Dean whereas in an earlier interview, she was unclear or denied bringing in any tapes to the prison.

Finally Mr. Garneau asked me to look closely at Exhibit E-10(g), the interview with Captain Velva Dean and Mr. Ling on June 12, 1996 in particular page 3, where Captain Dean denied ever receiving any tapes from the grievor.

Mr. Garneau concluded that everyone in the end reported to the Warden, and that Warden Headrick concluded there were three infractions that took place, especially the question of tapes coming into the prison as contraband. He concluded the grievor breached CSC security policy when she had inmates' information opened on the desk in the correctional office and that she was therefore terminated for these activities. She eventually had her enhanced reliability status removed.

Argument for the Grievor

Mr. Dagger argued the Warden was clearly remiss in his duties since a number of witnesses had testified completely to the contrary regarding what the grievor is alleged to have done. He called this a vexing case because of the issue of credibility, not just the issue of evidence. Counsel began his arguments by referring me to Exhibit E-12, the request to review the enhanced reliability status of the grievor, made by Rémi Gobeil. He argued there is absolutely no evidence before me with respect to inmate

Fanning and that I should therefore disregard any reference to him in Exhibit E-12. He went on to argue, that the next allegation in Exhibit E-12, is based on suspicion by Officer Harsch, and that there is no clear, cogent and convincing evidence before me on this issue either. And lastly, Mr. Dagger argued there is no direct evidence before me from inmate Stewart and that Exhibit E-12 is strictly hearsay. He concluded therefore that the removal of the enhanced reliability status was based on Exhibit E-12 and there is no reason to support this decision, none whatsoever. To substantiate his arguments that what is before me in Exhibit E-12 is hearsay, Mr. Dagger referred me to the hearsay references in Canadian Labour Arbitration, page 3-50, paragraph 3:4310. Mr. Dagger argued that I could listen to and I can weigh hearsay evidence accordingly, but I cannot base my decision upon hearsay as was demonstrated in *Re Girvin et al. and Consumers Gas Co.* (1973), 40 D.L.R. (3d) 509. Mr. Dagger also referred me to *Re Brewster Transport Co. Ltd. and Amalgamated Transit Union, Local 1374* (1992), 26 L.A.C. (4th), 240 that concludes that an arbitrator need not only hear the hearsay evidence, but rather needs direct evidence in order to substantiate a decision.

Mr. Dagger argued that there may be no grand conspiracy on the part of the employer's witnesses but it was strange, to say the least, that Mr. Ling told the grievor she was doing good work; that she should keep it up; that she was performing good interaction; that other officers should get out of the pod and work in the units as the grievor was doing, on the one hand, and on the other, Supervisor Keating said she should only talk to inmates when doing case work. He asked the question, whom should the grievor have believed; Mr. Ling who was the more senior supervisor or Lucie Keating.

Mr. Dagger asked me to imagine the grievor sitting in a cell with some buttons on her shirt undone with other correctional officers watching this. He said he found this impossible to believe; rather the employer's witnesses fabricated this evidence.

Mr. Dagger asked the question, why did the employer wait until June 1996 to do something, if in fact this was an incredible security breach as the employer would have me believe today. Counsel added there was not one single report filed in a timely manner regarding the grievor sitting on a cot or a bed or a stool. Mr. Dagger argued if Officer Harsch could actually see into inmate LaKing's cell from the pod, and if he saw the grievor there with her shirt undone getting a foot massage within full view of the

pod, why did Mr. Harsch not get on the phone to a supervisor or someone else to come and witness this. He said the employer was more worried about the grievor sharing a piece of chicken with inmate LaKing than a serious situation in an inmate's cell.

He argued some officers simply did not like how she did her work; Officer Bosdet was jealous because she had one of his inmates speaking to her about personal matters. Mr. Dagger added that the officers who testified for the employer were three old time prison guards who are used to the old provincial way of dealing with inmate and not the new federal way of bonding more closely with them. He also argued that Mr. Garneau did not cross-examine some of his witnesses and, because of this, there is an assumption that I must accept what I was hearing.

Mr. Dagger argued that parolee Park, who came from Calgary to testify on behalf of the grievor, had nothing to gain and was very forthright particularly when he denied the grievor had been in his cell. Mr. Park testified regarding the grievor's relationship with Mr. LaKing and said that she was there for all of the inmates and that they could talk to her since she was interacting on the unit as Mr. Ling had told her to do. Mr. Dagger reminded me it was absurd for Lucie Keating to say that the grievor should log all contacts with inmates. He argued Officer Harsch testified that he saw the grievor violate confidentiality of inmate information but yet he took no action on this. Mr. Dagger also argued Officer Bosdet implicated himself by not reporting what he had seen in inmate Royer's cell when inmate LaKing went in there allegedly with the grievor as well. For Officer Bosdet not to do anything was a breach of security. Mr. Dagger reminded me that Officers Pasemko and McKinnon did not testify before me. Mr. Dagger argued with respect to the allegations of sitting on inmates' beds, the grievor admitted she sat on a bed once and told this to Mr. Ling in his report, and that she realized it was not something she should have done and reported this to Deputy Warden Wilson in March 1996. He also reminded me that the grievor admitted she shared a piece of chicken with inmate LaKing once and a chip from a bag of chips. He argued that the grievor was very frank when she admitted she took tapes in to Velva Dean but she did not give tapes directly to inmates. Mr. Dagger argued that Exhibit E-10(g), the interview between Mr. Ling and Velva Dean, shows that Velva Dean could not recall and was not sure Mrs. O'Connell had actually brought her some religious tapes to give to offenders. Mr. Dagger argued that Velva Dean may have had a convenient lapse of memory in her testimony before me.

Mr. Dagger concluded that what we have is a complete failure to manage the Institution properly. If an inmate was obsessed with an officer, the inmate should have been moved somewhere else or the officer moved somewhere else, but the officer should not be punished for working closely with an inmate. Counsel reminded me that inmate Farsiyan who was rooming with inmate LaKing, said the grievor was someone whom they could relate to, but he never said anything inappropriate in terms of her behaviour. Counsel argued that inmate LaKing, who was not cross-examined, testified about doing contract work during the day shift, and wondered how he could have spent so much time with the grievor as well. Counsel argued that by risking coming to testify on behalf of the grievor inmate LaKing and inmate Farsiyan could be ticking off three Correctional Officers who are still working in the prison. Counsel wondered why these inmates would risk doing this if they did not strongly believe what they said.

Mr. Dagger argued that inmate Burke was transferred to the minimum security institution of Rockwood, Manitoba, shortly after he wrote Exhibit E-3 and was therefore motivated to make the IPSO happy because he hoped he would never be going back to Grande Cache Institution. He called inmate Burke a real con man, very smooth and a skilled liar compared to the members of the bargaining agent who testified. He reminded me that parolee Park had no motive to lie before me but came to stand up for what he knew and for what he believed in. Mr. Garneau did not cross-examine him; therefore he must have believed parolee Park.

Mr. Dagger argued that perhaps the Warden should not have allowed the grievor to attend chapel with the inmates since this may have added to the rivalry between guards and the grievor. He reminded me the grievor was very forthright when she did something or when she testified, particularly with respect to Exhibit E-17, the photograph with inmate LaKing that she asked to have destroyed. Mr. Dagger reminded me that Unit Manager Ling had told the grievor to build up support and rapport with the inmates. She was just trying to do that as much as possible. If there were serious violations by the grievor, why did the employer not do something about it in a more timely manner?

With respect to the allegation of bringing in tapes to inmates, Mr. Dagger reminded me that prisons love to record things, and that if Chaplain Dean had listened to the tapes and then distributed them, there was no record of this being done. There

was also no personal recording of this on the inmates' personal sheets. Counsel therefore found this difficult to believe and complete hearsay. Mr. Dagger argued that Exhibit E-4, that is Mr. Pasemko's memorandum, is not something that I can give any weight to since Mr. Pasemko did not testify.

In conclusion, Mr. Dagger argued that what is before me was a new federal prison system, with allegations concerning the grievor only with no action taken, and no chance to defend herself. He said it is a difficult case to prove since there is no concrete evidence before me. He asked me to consider seriously the testing tool of cross-examination that was not used properly by the employer during the hearing. He argued it would be very hard for me to conclude that Mrs. O'Connell could ever participate in what she allegedly did. He asked me therefore to grant her grievances.

During rebuttal argument, Mr. Garneau argued all of the evidence he summarized today was testified to during the hearing and is therefore not hearsay. With respect to sharing information, he reminded me that Officer Harsch saw the Sutherland file on the grievor's desk, that June Evans saw an inmate's file opened on the desk, and that inmate Burke saw the Schmidt file opened on the desk. He reminded me regarding the excessive time the grievor spent with inmate LaKing, that witnesses Keating, Evans and Wilson all brought this up with the grievor and counselled her accordingly. Mr. Garneau argued it is the nature of the interaction between the grievor and inmates that is the issue before me, not the interaction itself. He argued that Mr. Ling made it quite clear that two to three hours per shift with one particular inmate is not the right way to interact. Mr. Garneau concluded by saying the grievor obviously had developed a special relationship with inmate LaKing, was counselled on it, and even now still denies it. He asked me therefore to deny all three grievances.

Decision

The CSC Commissioner's Directive (Exhibit E-11), very similar to the Code of Discipline (Exhibit E-9), reads in part under Infractions:

Infractions

An employee has committed an infraction, if he or she:

...

- c. *enters into any kind of personal or business relationship not approved by his or her authorized superior with an offender or ex-offender, or the offender's or ex-offender's friends or relatives;*
- d. *gives, or receives, any gift, gratuities, benefits or favours, or engages in personal business transactions with an offender or ex-offender or the offender's or ex-offender's friends or relatives;*
- ...
- f. *gives to, or receives from any offender or ex-offender, or the offender's or ex-offender's friends or relatives, either directly or indirectly, any contraband;*
- ...

A breach of any of the above could result in the termination of employment.

Warden Headrick wrote in his letter of termination dated July 8, 1996 to the grievor, the following paragraph:

Based on the evidence gathered, I find that you have brought contraband into the Institution, and entered into a relationship with an offender that is not in keeping with the professional manner that is expected of a Correctional Officer. I also find that you shared protected/confidential information with offenders. This is a breach of the Security Policy of the Government of Canada. Any one of the above infractions, in and of itself, would constitute grounds for termination.

After reviewing all of the evidence and testimony, I have concluded that under the circumstances, the Warden's decision was the correct one. I hasten to add as Mr. Dagger said, this is a vexing case because of the issue of credibility, and my decision was not arrived at easily.

Mr. Dagger objected a number of times at the beginning of the hearing to hearsay evidence, in particular, Exhibits E-1 and E-2, the IPSO's SIR's, and Exhibit E-4, Mr. Pasemko's memorandum to Warden Headrick. He argued they were inadmissible, or should at best, be given little weight.

I allowed their entry and have given little weight to Exhibits E-1 and E-2 even though their author IPSO Beagle did testify, and no weight to Exhibit E-4, since

Mr. Pasemko did not testify. For the most part however, I agree with Mr. Garneau, that the evidence he summarized was testified to before me.

As far as the allegation of entering into a relationship with an inmate is concerned, I am satisfied that this indeed happened. For whatever reasons, personal, professional, religious, compassionate or otherwise, Mrs. O'Connell 'crossed the line' as Warden Headrick indicated, and developed an unprofessional relationship with inmate LaKing that put her in a compromising situation, an infraction under CSC guidelines. Officers Bosdet, McCormick and Harsch confirmed this when they all testified that the grievor was constantly with inmate LaKing as McCormick said, or with him even doing yard walks, as Harsch said, or with Mr. LaKing fifty out of fifty-six hours as Bosdet said. Mr. Bosdet told A/S Keating that Mr. LaKing "dogged Mrs. O'Connell all the time." Officer Harsch felt the grievor was socializing with inmates and even spoke to her about being in an inmate's cell. CMO June Evans said the grievor and inmate LaKing were together a lot, and testified that Mrs. O'Connell even spoke on his behalf at his parole hearing, something Ms. Evans found to be quite unusual. Acting Supervisor Lucie Keating called in Deputy Warden Wilson once to see for himself what was going on and she wrote Exhibit E-10(a), that showed how much time the grievor and inmate LaKing were together. Witnesses Evans and Keating can not be described as members of the "old boys' place" as witness Humby would have me believe. It is noted Ms. Humby did not work with the grievor after mid-January 1996. Most of the criticisms of the grievor's actions began in the February/March 1996 period.

Ms. Evans, Ms. Keating and Mr. Wilson, as early as March 18, 1996 (Exhibit E-10(b)), and on March 23, 1996, all counselled the grievor regarding some of her transgressions. Ms. Keating suggested the grievor take the anatomy of a set-up course. She did. Mr. Wilson noted in Exhibit E-10(b) written on March 18, 1996, that the grievor tried to twist the situation around to put the blame on Ms. Keating. He described this as a sense of denial by Mrs. O'Connell, the same sense I observed from her when I asked her if she thought all of what was before me was a fairy tale. She thought it was. I do not.

IPSO Beagle determined from Mr. LaKing that he spent two to three hours per day with the grievor on the grievor's shift, a period that was not denied by Mrs. O'Connell. This is in my opinion an inordinate amount of time for an officer to

spend with an inmate on a daily basis. Even inmate Burke testified that he expressed concern to his cell mate LaKing, who was protective of the grievor, that LaKing was developing a relationship with Officer O'Connell. Mr. Burke went so far as to say Mr. LaKing was "obsessed with her (Mrs. O'Connell)."

Deputy Warden Wilson testified that case management work was done differently in the federal institution, and that the grievor was trained in this regard in the summer of 1995 and in early 1996. The grievor knew she was to spend more time with inmates, bonding with them and treating them like human beings. However, even though Mr. Ling encouraged her in these efforts, he also told her to do other work as well. When the grievor told him she spent a couple of hours per shift with Mr. LaKing, Mr. Ling testified that his "bells went off on this" since he felt it was excessive.

IPSO Beagle testified that the baptismal photo of the O'Connell's with inmate LaKing should never have been taken, something Mr. Ling described as a rookie move. He added the admission of food sharing and sitting on Mr. LaKing's bed, even for a brief moment, were activities the grievor should have resisted. If looked at alone, these three activities would probably have little or no impact on the issue before me. Taken collectively, they strengthen the allegation that the grievor had developed a relationship with inmate LaKing beyond a normal officer/inmate professional relationship.

Even though parolee Park and inmate Farsiyan described the grievor as a "voice that listened" and "a good listener", they along with inmate LaKing all agreed that they spent a lot of time discussing the bible, religious questions and religion with Mrs. O'Connell. The grievor was a correctional officer in a medium security prison. She was not the chaplain and therefore was not empowered to bring religion to inmates. In doing so, she entered into an unprofessional relationship, especially with inmate LaKing. This relationship compromised her position and posed a potential threat to the security of the institution, and therefore to other inmates and herself. In fact, inmate Burke's testimony that Mr. LaKing threatened to kill him if he spoke of these matters is indicative of inmate LaKing's protectiveness of the grievor and the degree to which their relationship had developed.

I recognize that Mrs. O'Connell had a long unblemished disciplinary record from her days in the provincial institution and that she denied most allegations before her in July 1996 and before me. I also recognize that Mrs. O'Connell may have been somewhat confused regarding her unprofessional conduct, since Mr. Ling had advised her early on under the new federal approach to inmates regarding her efforts to spend more time with offenders, that she was "doing OK". However, I believe that she got carried away with her efforts to interact with the inmates and to bring religion to inmates, especially inmate LaKing. She said she did not even know there was a problem, yet Wilson, Keating, Evans, Harsch had all counselled her, or at the very least, discussed their concerns about her behaviour with her. I do not believe that the grievor did not know there was a problem. Her denial was clearly clouded by her inability to see that she had crossed the line from a professional to an unprofessional relationship. I also do not believe the grievor is a bad person. On the contrary, I believe her intentions were good and she was well meaning.

However, as an experienced Officer, she behaved in a manner not in keeping with what was expected of her. This error alone was a serious breach of the CSC Code of Conduct that warranted termination and not a lesser penalty in my opinion, especially since her workplace was a federal medium security prison. This is unfortunate since Grande Cache is a small community with limited job opportunities.

Regarding the alleged breach of security by sharing protected/confidential information with offenders that led to the removal of her enhanced reliability status (ERS), I believe the following. I agree with Mr. Dagger that most of page one of Exhibit E-12 is hearsay with respect to inmates Fanning and Stewart and I have given these references no weight. Page two however reads in part:

Breach of security is defined in the Treasury Board manual as occurring when sensitive information and assets have been compromised. Without restricting its scope, a breach may include compromise in circumstances that make it probable that a breach has occurred.

The optimal reference is "in circumstances that make it probable that a breach has occurred". Officer Harsch testified that he saw an inmate's file on the desk in the correctional office with the grievor in the presence of another inmate. CMO Evans had a similar experience regarding an inmate's file that she felt inmate LaKing could have

read, and inmate Burke with another inmate's file. Based on their testimony, on the fact that the grievor offered no rebuttal in July 1996 with respect to the employer's view of her ERS, I too conclude, based on the balance of probabilities, that it is probable a breach has occurred and therefore her ERS should not be restored.

With respect to bringing in contraband to inmates, my decision is far less clear. Even Mr. Ling could not conclude that the grievor was responsible for providing some religious tapes found in inmate LaKing's cell. Chaplain Dean's testimony on this issue was confusing at best. Inmate Burke said the grievor secretly gave him a tape. She denied it. I can not conclude from this that it happened. Inmate LaKing also denied getting tapes from the grievor as did parolee Park.

In the future, I trust the management and officers of GCI will behave more diligently by documenting any or all breaches of security as well as professional indiscretions when they occur.

For the above reasons, these grievances are denied.

**J. Barry Turner,
Board Member.**

OTTAWA, August 19, 1997.