

News / Crime

Children's Aid did not report sex crime, court told

The CCAS didn't report the fact a 15-year-old girl in its care had become pregnant by an adult 35 years ago, court hears.

By: **Peter Small** City Courts reporter, Published on Tue Jan 29 2013

A former TTC employee impregnated a 15-year-old girl in the care of the Catholic Children's Aid Society 35 years ago, but the agency never reported the incident to police, a court has heard.

Howard Smith, 61, admitted Tuesday in Ontario Superior Court to having full intercourse three or four times with the girl in 1978 without using a condom, thus impregnating her when he was in his late 20s.

The CCAS became aware of the pregnancy and placed the girl in a home for unwed mothers.

"The CCAS never reported these incidents to any police service," said Crown prosecutor Johnathan Smith, as he read out an agreed statement of facts.

Catholic Children's Aid Society spokesperson Gehna Singh said she could not comment Tuesday because it would take a day to locate the file.

The defendant Smith (no relation to the Crown) stood beside his lawyers John Collins and Robert Warren and pleaded guilty Tuesday to having intercourse with a female under age 16 and another related charge.

It is expected the Crown will withdraw a rape charge when he returns for sentencing March 7.

The prosecutor said he will seek more than two years in prison, while the defence is expected to ask for a conditional sentence.

Both Crown and defence confirmed Smith once worked for the Toronto Transit Commission, but could not say in what role.

The victim was in and out of the society's care from the time she was 6, leaving her in an emotionally fragile state, the prosecutor told Ontario Superior Court Justice Jane Kelly.

The victim, now 49, sobbed and shook in court.

She kept the baby and raised her, initially on her own, and subsequently with a partner. The daughter believed her biological father was the partner until the victim told her the truth when she was a teenager.

In April 2010, the victim contacted police with the allegations.

Toronto police subsequently asked Smith if he would provide a DNA sample. He consented and subsequent tests showed he was the father of the girl.

Police arrested and charged him.

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RETIRED TORONTO TRANSIT SUPERINTENDENT PLEADS GUILTY TO SEXUAL ASSAULT OF TEEN

STRAIGHT TALK

MICHELE MANDEL

Retired Toronto transit superintendent pleads guilty to sexual assault of teen

8:46 pm, January 29th, 2013



THE VICTIM IN THE HOWARD SMITH TRIAL AT 361 UNIVERSITY AVE BREAKS DOWN LEAVING THE COURTHOUSE AFTER SMITH PLEAD GUILTY TO A SEXUAL ASSAULT CHARGE. Credits: Craig Robertson/Toronto Sun/QMI

MICHELE MANDEL | QMI AGENCY

TORONTO – She thought she was finally home.

Shunted about in the care of the Catholic Children's Aid Society from the time she was six years old, bounced around more than 22 different foster homes in the previous two years alone, the young teen was relieved when they placed her in the Scarborough home of Howard Smith and his family.

He was a rising star at the TTC, she was given her own room in their four-bedroom house and was initially treated as well as the couple's two children. She thought she was safe at last.

But in reality, the 14-year-old had been placed in a hornet's nest. And by the time the CCAS finally heeded her pleas and rescued her, she was 15 and pregnant with Smith's child.

Now 35 years later, Smith, the retired TTC general superintendent for surface routes, has pleaded guilty to sexually assaulting a girl between 14 and 16 and having illicit sexual intercourse with a foster daughter between April 26, 1978, and July 13, 1978.

In the downtown courtroom, his victim sat huddled in the corner of the first row, her frail body bent in on itself as she shook with sobs. She has lost so much to this man and finally, after so long, he was admitting to what he did to her.

But not to everything.

Smith, 61, was also charged with rape, but that count on the indictment is to be withdrawn at his sentencing as part of the plea agreement, though Crown attorney Jonathan Smith hastened to clarify outside the courtroom that "there's no suggestion that it was consensual."

And still, she wanted that rape conviction most of all.

"But it doesn't matter what I think," she said bitterly when she learned the plea bargain would stand despite her objection. "What matters to them is getting it done and over with."

If she feels let down, it is nothing new.

At 49, she has been on disability for the last decade with post-traumatic stress disorder and other ailments she traces back to a foster father stealing her virginity while she was in his care. "Everyone thinks he's a pillar of the community. Everyone looks at him and sees Mr. Wonderful," she explained in an interview. "I'm the one who sees the wolf in sheep's clothing. He's what my nightmares are made of."

The assaults began after he was injured in a car accident and they were home alone together. "I couldn't move, I was frozen," she wept as she recalled the sexual assaults.

Her CCAS worker ignored her pleas to be moved. "Nobody would believe me over Mr. TTC inspector at the time," she recalled. "They told me it was either

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there or the street."

That quickly changed when they discovered she was pregnant. The CCAS yanked her out of Smith's house and placed her in a home for unwed mothers. Court heard that the shameful child welfare agency never reported Smith to the police.

They failed her at every turn. She says her social worker even warned her that if she listed Smith as the father on the baby's birth certificate, they'd ensure her daughter was given to him. Terrified, she agreed to list paternity as "unknown" because no one was going to take away her baby.

"I raised the child of a man I absolutely despised. But she was my lifeline. I got to love someone who loved me back. Without her, I wouldn't have seen my 16th birthday."

If they hadn't done enough, she says a CCAS supervisor laughed at her in 1998 and told her she couldn't bring charges against Smith because there was a statute of limitations. It was only while talking to a lawyer friend three years ago that she learned there is no such thing.

So in April 2010, she went to the police and DNA tests confirmed the horrible story that for so long no one would believe -- that Smith got her pregnant when she was his 15-year-old foster child.

She has never been the same since.

"For two years I used to take two showers a day with bleach, I couldn't get him off me," she wept. "I was just a 14-year-old kid and he took my entire life."

Smith is to be sentenced March 7.

8 comments

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Jamie Paranuik · Top Commenter · Electrician at IBEW

These kinds of stories are horrible. I think we should hold the CCAS workers that knew about it just as responsible. How many other stories like this go untold? It reminds me of the stories we hear about scouts, the church, and that recent story about the teacher (<http://www.sunnewsnetwork.ca/sunnews/canada/archives/2013/01/20130128-220538.html>). I can't imagine covering anything like this up, why do they do it? Sad story.

Reply · 8 · Like · January 29 at 6:14pm



Geoffrey Delves Broughton · Aurora, Ontario

A bully at work and obviously at home as well!

Reply · 8 · Like · January 30 at 7:35am



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Who is it?

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Jane Trollope-Geddes · Toronto, Ontario

Howard Smith, I've heard his name from the old farts!

Reply · 2 · Like · January 30 at 7:42am



Kristin I

Attention seeking low life that has nothing better to do with her life!

Reply · Like · March 29 at 1:35am

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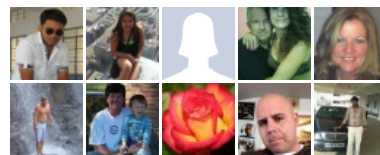
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'Judge let me down' woman impregnated by foster father says after he's sentenced to two years of house arrest



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Superior Court in Toronto

Brett Gundlock / National Post

A Toronto man who impregnated his foster daughter three decades ago has been sentenced to two years of house arrest.

Howard Smith, 61, must also spend three years on probation performing community service to atone for his “monstrous error in judgment,” Superior Court Justice Jane Kelly ruled Thursday.

The decision came as a blow to Smith’s victim, who sobbed throughout the hearing and stormed out as the judge reviewed Smith’s otherwise “good character.” The victim, who cannot be named, was just 15 years old and living under Smith’s roof when he began making sexual advances.

“I felt that the judge not only let me down, but I felt the judge let down all the future victims of the Children’s Aid Society,” said the woman, now 50. In light of Thursday’s verdict, she says she is planning a civil action against Smith and child services in Toronto and London, alleging they repeatedly brushed her off when she attempted to lodge complaints about Smith over the years. His 1978 crime was only revealed three years ago, when DNA testing confirmed he had fathered her child.

“I’m extremely shocked and appalled at this whole situation... It’s heart-wrenching,” the victim said.

Judge Kelly acknowledged her decision was extremely difficult, noting Smith, a former TTC supervisor who managed thousands of staff, was otherwise a well-respected member of the community.

“These offences have rocked the worlds of two families,” Judge Kelly said in her 14-page ruling.

The judge cited a number of aggravating factors, including that Smith was in a position of “trust and authority” over the victim, who had already been bounced among two dozen foster homes before landing in his care.

The court has heard that after learning the victim was pregnant, the Catholic Children’s Aid Society placed her in a home for unwed

mothers, but did not report the incident to police.

In an impact statement, the victim said Smith's crime ignited her lifelong battle with depression, noting she tried to wash herself with bleach in an attempt to cleanse the lingering memories.

"Trust is not a part of my world and never has been since I was violated," she said.

The Crown had asked for a prison sentence of at least two years for Smith.

But in ordering a conditional sentence, the judge also cited a number of mitigating factors, including Smith's otherwise unblemished record and his expressions of remorse.

"It is obvious that the conduct of Mr. Smith must be denounced [but] no sentence can give [the victim] back the stability she felt in the Smith home before being violated," Judge Kelly said.

Smith, who apologized to the court at a previous hearing, admitted he had "let everyone down," particularly his former foster daughter.

"I would like her to know how deeply sorry I am and for the pain that it has caused her over these years," he said. "Sorry seems like such a small word, but it's all I have."



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Ex-TTC superintendent sentenced in sexual abuse case

By Sola DaSilva | Posted: Mar 30 2013 4:22 pm

A Scarborough man, Howard Smith, 61, was sentenced on March 28 for having intercourse with his foster child.

Smith pleaded guilty in January to having sexual intercourse with the child placed under his care by the Catholic Children's Aid Society in his early 20s. As a result of Smith's crime, the victim, a 15-year-old at the time, became pregnant.

Smith, who served as a surface transport superintendent with the TTC, will serve a two-year conditional sentence under house arrest, followed by three years of probation and 360 hours of community service.

About this article:

By: Sola DaSilva

Posted: Mar 30 2013 4:22 pm

Edition: Scarborough

Filed in: News, News Briefs

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Former TTC superintendent sentenced in sexual abuse case

Judge says it is an understatement to describe the victim as a broken woman

By Sola DaSilva | Posted: Apr 5 2013 2:17 pm

More than three decades after violating his foster daughter, a Scarborough man is facing justice.

Howard Smith, 61, was sentenced on March 28 for having had sexual intercourse with his foster daughter and impregnating her. Smith worked for the TTC for 36 years. By the time he left the commission, he had been promoted 17 times and had become the general superintendent of transportation for Toronto.

Today, Smith is facing a conditional sentence.

The victim, now a 50-year-old woman with

Howard Smith case timeline

1978: Howard Smith and his wife become foster parents.

Between spring 1978 and mid-July 1978, Smith had sex with his foster daughter.

April 2010: the victim, now an adult woman, reported the incident to the London Police.

After DNA testing proved Smith as the father of the victim's child, he was charged and arrested.

January 2013: Smith pleads guilty to having sexual intercourse with his foster daughter.

March 28, 2013: Smith is sentenced to two years house arrest followed by three years probation and 360 community service hours.

grandchildren, quietly sobbed as the Ontario Superior Court judge read out the ruling.

“It is trite to say that these offences have rocked the worlds of two families,” Justice Jane Kelly said in her ruling. “To describe her appearance as that of a broken woman would be an understatement.”

The victim was 14 when Smith and his wife agreed to take her into their home. Until the spring of 1978, when the victim moved into the Smiths’ home, she had lived in 22 different foster homes.

According to court documents, the victim was in a fragile state. It was at the Smiths’ home that she felt she was in a “stable environment” for the first time since being under the care of the Catholic Children’s Aid Society (CCAS).

Shortly after the victim moved in, Smith was involved in a car accident that kept him homebound. It was during this period that Smith started making sexual advances toward her.

Between late spring and mid-July of 1978, Smith had intercourse with his 14-year-old foster daughter, three to four separate times. As a result, she became pregnant.

“When I told my CAS worker after the first time I was violated, I was lectured by the worker for lying,” the victim said in her impact statement before the court. “I was left in the care of Mr. Smith who now knew he could continue, which did result in myself getting pregnant.”

When the CCAS became aware the victim

was pregnant, she was removed from the Smiths' home and placed in a home for unwed mothers.

It took 32 years for Smith's crime to be reported to the police. Back in 1978, even though the victim reported the crime to the CCAS and they were aware she had become pregnant, the CCAS never reported the incidents to any police service. In April 2010, the victim contacted the London Police Service, reporting what happened to her when she was a teenager.

The Toronto Police Service took over the victim's case and conducted further investigations. After the TPS contacted Smith and informed him of the allegations against him, he consented to providing a DNA sample. With the DNA test confirming Smith as the father of the victim's child, police arrested and charged him.

Smith pleaded guilty in January to having sexual intercourse with a female under the age of 16 and a related charge. Smith's sentence: house arrest for two years, followed by three years of probation, during which he is to perform 360 hours of community service.

Despite the fact that Smith had sex with and impregnated his foster daughter, the judge said she believes the conditions of Smith's sentence are "onerous and can provide significant denunciation and deterrence."

The victim was not pleased. While the judge read out Smith's sentence, she stormed out of the court. She described the sentence as "a gold medal" and a "kiss on the cheek."

“I left the courtroom because I felt that the judge not only let me down, but I felt the judge let down all the future victims of the Children’s Aid Society, all the current victims of the CCAS,” the victim told reporters outside the court house. “I was a kid that was raped by my foster father and nobody would help me... I feel that the judge basically let them know that it was okay to cover it up for 35 years. I don’t think the judge set a very good precedent for all of the victims now. No other victim is going to feel comfortable coming forward.”

The fact that Smith pleaded guilty and consented to a DNA test were among the mitigating factors Kelly considered in her ruling.

“Mr. Smith pleaded guilty to the offences, which is a sign of remorse,” Kelly’s sentence says. “He asked to take the witness stand during the sentencing hearing so that he could face [the victim] and apologize to her personally.”

Aside from Smith’s apology, the judge was moved by letters of support written by his family and friends, especially that of his wife.

“If he had to do it over again, he certainly would have acted more responsibly,” Smith’s wife said in her letter to the court. “His actions were certainly inconsistent with his character. He feels deep anguish for letting [the victim] down and leaving her to raise the child.”

And what does the Catholic Children’s Aid Society have to say about all this?

“We condemn the sexual abuse of any child

and in particular, a child that is in the care of the Society,” Mary McConville, executive director of the CCAS of Toronto, wrote in an email.

“The Society is reviewing its records to identify other children, who were placed in [the Smiths' home as] their foster home, to attempt to determine if they came to any harm. Since the early 80s, the children’s aid societies of the province have been required by the Government of Ontario to have a joint protocol for the investigation of child physical and sexual abuse. Today, a case such as this would be subject to the joint protocol which is designed to recognize the role of police in providing assistance to child protection workers.”

Outside the courtroom, the victim told reporters that she intends to sue Smith and the Catholic Children’s Aid Society.

About this article:

By: Sola DaSilva

Copy editor: SeYoung Park

Posted: Apr 5 2013 2:17 pm

Edition: Scarborough

Filed in: News

Tagged: Howard Smith, Toronto Police Service

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Ex-TTC boss asks judge to spare him from jail for impregnating foster daughter

Catholic Children's Aid called a 15-year-old girl a liar when she told them her foster dad got her pregnant, a sentencing judge is told.

By: **Peter Small** City Courts reporter, Published on Thu Mar 07 2013

A once high-ranking TTC manager in charge of 5,000 employees is a loving family man in ill health who should be spared jail for impregnating his foster daughter 35 years ago, a lawyer says.

Howard Smith, 61, was in his mid-20s when he had unprotected sex three or four times with a 15-year-old girl he and his then-wife foster parented in their Scarborough home.

"He is the first to tell you about how his actions at the time were totally inexcusable," his lawyer, Robert Warren, told Ontario Superior Court Justice Jane Kelly Thursday.

Warren read from more than 20 letters of support for Smith, many by friends and family who crowded into court. He is recovering from cancer and has diabetes, thyroid problems and high blood pressure, the lawyer said.

The visibly upset victim, now 49, walked out during Warren's submissions.

In her victim impact statement, she said it feels like it happened yesterday. "He took advantage of his position as a (Catholic) CAS foster parent and took away my virginity," she wrote.

"My life and my future ended 35 years ago."

When she reported what happened to children's aid workers, they called her a liar and made her stay in Smith's house, she said. He subsequently got her pregnant.

Catholic children's aid put her in a home for unwed mothers and never reported anything to police, according to agreed facts.

When she decided to raise the girl herself, children's aid harassed her mercilessly, trying to take the child away, she said.

She is left with depression, eating disorders and post traumatic stress disorder, she said.

Defence lawyer John Collins called for house arrest and at least 250 hours of community service for Smith, who claims he never knew about the pregnancy.

He pleaded guilty in January to intercourse with a girl under 16 and a related charge.

Crown prosecutor Jonathan Smith (no relation to the accused) called for 2½ years imprisonment.

The then-teenager was particularly vulnerable, having bounced from foster home to foster home, he said. "She was abandoned by the system."

Catholic Children's Aid Society executive director Mary McConville has confirmed one of Smith's foster children became pregnant in his home and her "allegations were not reported to police."

A Catholic CAS spokesperson could not immediately say Thursday whether the workers responsible still work for the society or were disciplined.

Smith told the judge he deeply regrets his mistake. He said he would like the victim "to know how sorry I am for the pain I have caused."

Outside court, the victim said his apology means "absolutely nothing." He forced himself on her and knew she got pregnant, despite his denials, she said.

Smith will be sentenced March 28.