

# NSW POLICE SERVICE

Local Area Command, Lower Hunter.



Investigations Unit  
Maitland Police Stn  
Ph : 4934 0310  
27 April 2004.

## ISSUE.

Ombudsman notification involving Father James Patrick FLETCHER & AH

## BACKGROUND.

It is alleged by AH that over a 6 years period from 1989 to 1995 Catholic Priest Father James Patrick FLETCHER sexually abused him. These assaults were alleged to have occurred in & about the Maitland Diocese when the victim was aged 12 to 18 years. Following the offences the victim led a very turbulent & volatile life marked by excessive drinking of alcohol, failed relationships & suicide attempts. In 2000 he first began to disclose aspects of his abuse to members of his family, which culminated in his reporting the matter to Police in mid 2002.

## COMMENT.

On the night of the 2<sup>nd</sup> of June 2002 AH watched a '60 Minutes' programme on Archbishop George PELL & child abuse within the Catholic Church in Australia. He became distraught & telephoned his father, BI & mother BJ (Who were separated) disclosing to them that he had endured similar abuse to that depicted on the programme. He then made an abusive telephone call to Father FLETCHER at the Branxton Presbytery.

The following day (3<sup>rd</sup> June 2002) AH spoke to a family friend (Crown Barrister with the Newcastle DPP Wayne CREACY) who in turn spoke to myself & requested I investigate the matter. AH attended my office on Tuesday the 4<sup>th</sup> of June 2002 to officially commence the police investigation. (It should be indicated that AH's family had encouraged him to report the abuse earlier & wheels had been put in motion for this to occur prior to the 60 Minutes Programme). At the time, AH briefly outlined his allegation to myself & it was recorded on COPS entry No. E 14348559 & a case created being C 16128387.

1. BJ advised me the following week that she had been contacted by Bishop MALONE on the evening of Wednesday the 5<sup>th</sup> of June 2002. I was at home & answered the call about 6.15pm. I had previously had contact with the Bishop over the years in relation to AH's job. He said, "BJ: it's Bishop Michael here." I said, "Hello." I didn't know why he was ringing me & he then said, "How are you?" I said, "I have been better." He said, "I can understand your feelings. BJ has told me about AH & his allegations concerning Father Jim FLETCHER. Firstly I want to convey my sympathy for the pain that you are no doubt experiencing & I am ringing to offer help for whatever you need to help you through the difficult & long time ahead." I was stunned that BI had spoken to the Bishop about this issue & didn't quite know what to say. He said, "I have been up to see Father Jim this afternoon. He denied that he has anything to answer for & is understandably very upset." I said, "Of course he would deny any allegations." He said, "For what I know of paedophiles they lie through their teeth when confronted. It is important to believe AH & as AH's parents it is yours & AH's role to do so. I have put Jim in touch with Father's BURSTON, HARRIGAN & SAUNDERS to support him through this time. From now on I will be stepping back & waiting." I remember thinking why had he forewarned Father Jim. I decided to say nothing about this, I didn't think it would achieve anything at that time. The damage had obviously already been done. He then said, "People are innocent until proved guilty. BI had spoken to me about Father Jim last year."
2. We then talked of the night of AH's suicide attempt when AH was very upset & BI had taken him up to Branxton Presbytery. I believe the Bishop had raised this subject & ne

told me that BJ had spoken to him regarding this. He said, "I am very sad for you all. I will offer you any support both from inside & outside the church that we can." I said, "I will need help." He said, "I will ring you back in a day or two after I organise something with regard to counselling. God bless you & I will pray for you."

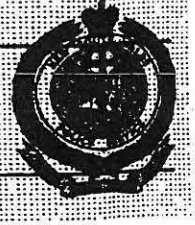
3. The call ended & I was still stunned. I was very angry with BJ for having told the Bishop what was happening. I don't know his reasons for doing this but I don't believe it was malicious. I was angrier with Bishop MALONE for having gone near Father FLETCHER & alerting him to what was going on. He had no legitimate reason to tell Father FLETCHER. I didn't accept he just approached Father Jim as pastoral support, Father Jim didn't know about the allegations at that time so I didn't believe he needed any support. I feel that this was the guise to tell Father FLETCHER & the three other priests what was going on.

### RECOMMENDATION.

Peter R Fox  
Detective Sergeant  
Lower Hunter

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Ombudsman notification involving Father James Patrick FLETCHER & AM

### BACKGROUND.

It is alleged by AM that over a 6 years period from 1989 to 1995 Catholic Priest Father James Patrick FLETCHER sexually abused him. These assaults were alleged to have occurred in & about the Maitland Diocese when the victim was aged 12 to 18 years. Following the offences the victim led a very turbulent & volatile life marked by excessive drinking of alcohol, failed relationships & suicide attempts. In 2000 he first began to disclose aspects of his abuse to members of his family, which culminated in his reporting the matter to Police in mid 2002.

### COMMENT.

On Sunday the 2<sup>nd</sup> of June 2002: AM spoke to a family friend (Crown Barrister with the Newcastle DPP Wayne CREAECY) to commence action regarding this abuse. That night he watched a '60 Minutes' programme on Archbishop George PELL & child abuse within the Catholic Church in Australia. He became distraught & telephoned his father, BI & mother BJ (Who were separated) disclosing to them that he had endured similar abuse to that depicted on the programme. He then made an abusive telephone call to Father FLETCHER at the Branxton Presbytery.

The following day (3<sup>rd</sup> June 2002) I was contacted by Wayne CRAECY who requested I investigate AM's matter. AM attended my office on Tuesday the 4<sup>th</sup> of June 2002 to officially commence the police investigation. At the time AM briefly outlined his allegation to myself & it was recorded on COPS entry No. E 14348559 & a Case created being C 16128387.

BJ advised me the following week that she had been contacted by Bishop MALONE on the evening of Wednesday the 5<sup>th</sup> of June 2002. In that call he advised her that he had spoken to BI & as a result approached Father FLETCHER. In his conversation with Father FLETCHER he disclosed the police investigation & the name of the complainant. BJ then goes on to say in her statement,

"The call ended & I was still stunned. I was very angry with BI for having told the Bishop what was happening. I don't know his reasons for doing this but I don't believe it was malicious. I was angrier with Bishop MALONE for having gone near Father FLETCHER & alerting him to what was going on. He had no legitimate reason to tell Father FLETCHER. I didn't accept he just approached Father Jim as pastoral support, Father Jim didn't know about the allegations at that time so I didn't believe he needed any support. I feel that this was the guise to tell Father FLETCHER & the three other priests what was going on."

I spoke to members of the AM family the following week & learned of the Bishop's contact with Father FLETCHER. As a consequence I contacted the Bishop by phone & a meeting was organized in the Maitland-Newcastle Diocese Office at 11.30am on Thursday the 20<sup>th</sup> of June 2002. I attended that meeting with Detective Senior Constable Ann JOY & met with Bishop MALONE & the Vicar General, James SUANDERS. (A statement of my conversations is attached hereto.)

In summary I expressed my disappointment in having not been contacted by the church prior to Father FLETCHER being approached. This action seriously impacted on the police investigation & denied investigators a number of options in relation to Father FLETCHER I also strongly requested that Father FLETCHER be removed from his parish duties & contact with children until investigations were concluded. Despite this request I learned that Father FLETCHER remained in his position until just prior to his arrest this year.

Mr John DAVERON of the Catholic Church Abuse Unit contacted myself in Early September 2002. (I later discovered this call was probably was in response to him having been contacted by RJ (days earlier.) He inquired as to the progress of the investigation & we briefly discussed Father FLETCHER remaining in his pastoral position & his continued contact with catholic schools & children. I relayed my discussion on this subject with Bishop MALONE & again conveyed my professional opinion that he should be removed until the investigation was complete. Mr DAVERON appeared to be sympathetic to this proposal & told me he would discuss the matter with Bishop MALONE. I did not make any direct record of that conversation.

AM undertook extensive counseling prior to commencing his statement in November 2002. About the 26th of February 2003, just prior to the completion of AM statement John DAVERON again contacted me to inquire as to the progress of the investigation. I simply advised him that I expected the matter to be concluded within two to three months & that charges would probably be preferred against Father FLETCHER. Little more was discussed at that time.

A further similar call took place between Mr DAVERON & myself on the 17<sup>th</sup> of March 2003. I indicated that the case could be completed within six weeks. On this date I also contacted the Ombudsman's Office after being advised by BL that he believed there was an obligation by the church to report the matter & he believed they had failed to do so. I understand that Mr DAVERON has since retired from his employment with the church.

I was advised the following week by both the Ombudsman's Office & Mr Michael McDONALD of the Catholic Church Employment Relations Unit that Father FLETCHER had been 'stood down' from his position in the parish until the investigation was resolved. I remained in contact with Mr McDONALD over following weeks. On the 30<sup>th</sup> of April I told Mr McDONALD that the interview of Father FLETCHER would probably occur within the next two weeks. On the 7<sup>th</sup> of May I again spoke to Mr McDONALD & requested he personally approach Father FLETCHER to organise for that persons attendance at the Maitland Police Station on the 14<sup>th</sup> of May 2003. He later confirmed to myself that this had been done & Father FLETCHER would be attending at 9.00am with a solicitor Eric CRANEY. On the 13<sup>th</sup> of May 2003 Mr McDONALD again contacted myself & inquired if Father Jim SAUNDER's would be permitted to attend as a support persons for Father FLETCHER. This was agreed to & those persons all attended at the arranged time & place.

On the 14<sup>th</sup> of May 2003 Father James FLETCHER was charged with a total of 8 offences of sexual assault following a 2hr 45minute ERISP interview. A transcript of this interview has not been received but will be forwarded in due course. Father FLETCHER denied all allegations. He further stated that he first became aware of a Police Investigation in June after being told of this by Bishop MALONE. He also indicated that Bishop MALONE had also been the person to inform him of the identity of the person making the allegation.

In the week following the charging of Father FLETCHER statements were taken from five members of the Catholic Church. I spoke to Father Robert SEARLE by phone on the 16<sup>th</sup> of May 2003. I discussed briefly with him an incident some years ago when AM had yelled abuse at him outside the Nelson Bay presbytery. He commented to me, "He seemed to be angry with the world that night & in light of what has now come out that may be understandable." When interviewed by Detective BROWN on Monday the 19<sup>th</sup> of May 2003 he backed away from his former statements recalling only that AM had made comments of, "Nobody loves me." This resulted in him threatening to call the police & telephoning AM's father BL This might be considered

extreme for a drunken young man yelling that he was unloved.

On Tuesday the 17<sup>th</sup> of May 2003 I obtained statements from Fathers HARRIGAN & BURSTON. Both statements were remarkable for their poor recollection of important conversations & events surrounding Father FLETCHER in the weeks following the 2<sup>nd</sup> of June 2002. The little conversation that was eventually recorded was anything but free flowing. Father HARRIGAN recalled telephoning the Vicar General (Father SANDERS) soon after AH's abusive call. (Stated but declined to place in statement 'possibly the Monday afternoon or Tuesday morning')

Father SUANDERS in his statement remembers the phone call from Father HARRIGAN but was again unable to recall the exact conversation other than the original call was abusive & alleged Father FLETCHER was a child molester. Despite being the second highest-ranking official in the diocese & working closely with the Bishop he was unsure if he conveyed information about Father FLETCHER's call to Bishop MALONE, even after Bishop MALONE informed him of BI's conversation concerning FLETCHER.

Bishop MALONE stated that at no time does he recall Father SAUNDERS or any other person telling him of Father HARRIGAN's phone call. In view of BI's conversation with the Bishop on the 3<sup>rd</sup> of June 2002 this seems incredible to say the least.

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**AH** undertook extensive counseling prior to commencing his statement in November 2002. About the 26th of February 2003, just prior to the completion of **AH**'s statement John DAVERON again contacted me to inquire as to the progress of the investigation. I simply advised him that I expected the matter to be concluded within two to three months & that charges would probably be preferred against Father FLETCHER. Little more was discussed at that time.

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In the week following the charging of Father FLETCHER statements were taken from five members of the Catholic Church. Both Detective BROWN & myself were left with a very strong impression that there had been collusion between these persons & although each could assert they 'cooperated with police' little beyond this was volunteered.

I spoke to Father Robert SEARLE by phone on the 16<sup>th</sup> of May 2003. I discussed briefly with him an incident some years ago when AH had yelled abuse at him outside the Nelson Bay presbytery. He commented to me, "He seemed to be angry with the world that night & in light of what has now come out that may be understandable." At the time he was sympathetic & seemed more than happy to speak to investigators & assist. When interviewed by Detective BROWN on Monday the 19<sup>th</sup> of May 2003 he backed away from his former statements recalling only that AH had made comments of, "Nobody loves me." This resulted in him threatening to call the police & telephoning AH's father BL. This might be considered extreme actions following a drunken young man yelling that he was unloved.

On Tuesday the 17<sup>th</sup> of May 2003 I obtained statements from Fathers HARRIGAN & BURSTON. Both statements were remarkable for their poor recollection of important conversations & events surrounding Father FLETCHER in the weeks following the 2<sup>nd</sup> of June 2002. The little conversation that was eventually recorded was anything but free flowing. Father HARRIGAN recalled telephoning the Vicar General (Father SANDERS) soon after AH's abusive call. (Stated but declined to place in statement 'possibly the Monday afternoon or Tuesday morning')

Father SANDERS in his statement remembers the phone call from Father HARRIGAN but was again unable to recall the exact conversation other than being told the original call was abusive & alleged Father FLETCHER was a child molester. Despite being the second highest-ranking official in the diocese & working closely with the Bishop he was unsure if he conveyed this important information about Father FLETCHER's call to Bishop MALONE. This did not alter even after Bishop MALONE informed him of BI's conversation concerning FLETCHER.

Bishop MALONE stated that at no time does he recall Father SANDERS or any other person telling him of Father HARRIGAN's phone call (regarding FLETCHER's abusive call). In view of BI's conversation with the Bishop on the 3<sup>rd</sup> of June 2002 this seems incredible to say the least.

Since that time I have been advised from two sources that the victim's name has become public knowledge in the regional catholic community through the 'grapevine'. These persons have expressed concern for the victim as they feel that factions loyal to Father FLETCHER will attempt to slur the name of the victim & his family. It has not been suggested that the church is not perpetuating this but nevertheless may have long-term consequences.

BI has contacted myself & asked if Father BURSTON had mentioned to myself a conversation had between them shortly after the 2<sup>nd</sup> of June 2002 in which BURSTON told him that Father FLETCHER had denied the allegation of abusing AH. More importantly Father BURSTON told him that Father FLETCHER had denied that AH had ever stayed at the Branxton Presbytery (Allegation of the last assault). BI told him that was a lie as he had personally driven AH to the Presbytery that night & spoke to Father FLETCHER himself. He had returned the following morning & took AH home. Father BURSTON allegedly recalled Father FLETCHER having mentioned something about this some time ago & agreed with AH.

Father BURSTON made no mention of this to myself, however Father FLETCHER readily recalled in his interview with myself that AH did stay at the Presbytery. In view of this it would appear that Father FLETCHER thought about the matter & changed his mind or was possibly told by BURSTON that BI could substantiate his son's assertion. I am to obtain a further statement from BI next week & will again speak to Father BURSTON regarding this issue.

In a recent discussion with Bishop MALONE BI was told, "The matter has to go to the DPP yet & they may decide not to proceed with this case." This may have just been an understanding of processes but BI was concerned that there may have been a hidden suggestion in this comment. I have since spoken to Jillian KELTON of the Newcastle DPP & she has been made aware



I made a general record of this meeting in my duty book & the COPS case. I clearly recall the conversation. After introductions & formalities

I said, "As you are aware I am investigating sexual abuse allegations made by **AH** against Father FLETCHER of Branxton."

He said, "Yes this is a very difficult situation. I have offered the church's support to both **AH** parents. You know **BI** works for us here at the diocese office as the

I said, "Yes."

He said, "That is how I learned of this matter. **BI** came to me when he became aware that **AH** had gone to the Police with his allegation. He felt that it was his duty to inform me of the matter. I understand it is a very difficult situation for him here whilst at the same time being the father of a young man who has made this allegation. I have offered him & his family the church's full support."

I said, "Other than to say that I am investigating sexual abuse allegations against Father FLETCHER I am not able to disclose any specifics of the allegations."

He said, "Yes I understand that. You must do your job of course."

I said, "Have you ever had concerns about Father FLETCHER prior to this incident?"

He said, "No, not before **BI** approached me."

I said, "I have learned through **BI** that you met with Father FLETCHER to discuss this allegation."

He said, "Yes, I telephoned her after my meeting with Father FLETCHER to offer my sympathy & the church's assistance through any difficult times ahead. She welcomed my offer of support & the church will be organising some counselling for her."

I said, "I am pleased to hear that, however I am more concerned about the actual meeting with Father FLETCHER."

He said, "The church must be concerned for all parties involved. Father Jim was offered our support as well. He has not been a well man. He suffered a stroke a number of years ago & I spoke to him about this & asked how he was going. I have put him in touch with some fellow priests for support through this time."

I said, "What did he say to you in regard to the allegation that he had sexually abused **AH**?"

He said, "Very little other than to deny the allegation. I don't know much of the allegation myself & we did not go into detail about it."

I said, "Did you tell him that the matter had been reported to the police & there was an investigation?"

He said, "Yes. This was only done because of our concern for his welfare."

I said, "That may be so, but you have by your actions alerted Father FLETCHER to what is going on. The element of surprise is a legitimate investigative tool & your visit has effectively negated any advantage we had in that regard."

He said, "I am sorry but that was not our intention."

SAUNDERS said,  
"We were concerned about the police arriving on his doorstep & taking him without anyone knowing. He is not very well & this would have a very bad effect on his health. You have to understand he has been a very ill man."

I said, "We are not like the Gestapo arriving in the middle of the night & dragging him off to a cell somewhere. That is not how we do things. I am aware of his poor health & something like that would not have occurred. It was & remains my intention to contact this office or someone within the church when it is time to speak with Father FLETCHER to arrange support for him. I would welcome someone being present when I speak to him & that is a mandatory option open to him. However this may not occur for some time yet."

Bishop MALONE said,  
"So you will let us know when you go to speak with Father FLETCHER?"

I said, "Yes."

Father SAUNDERS placed his hands together & made a short prayer.

Bishop MALONE said,  
"Do you know when that might be?"

I said, "We have a lots to do first. I would not expect that to happen for some weeks or even months. I assure you that we will make some contact with the church around that time so that we can deal with Father FLETCHER in as compassionate a manner as possible."

He said, "I thank you for that."

I said, "Had you approached the Police Service or myself before speaking to Father FLETCHER this would have been explained to you. Unfortunately you didn't give us that opportunity. I would have preferred you speak to me before you did anything & I could have explained all this."

He said, "We were just trying to act in the best interest for all concerned."

I said, "In your conversation was Father FLETCHER aware of a Police Investigation before you raised the subject with him?"

He said, "No. I don't believe so."

- I said, "In view of that would it not have been wiser to not mention the investigation to him?"
- He said, "Sorry?"
- I said, "If you had not told him there was a Police Investigation he may not have been upset or distressed & therefore negate any need for concern over his welfare in the first place?"
- He said, "I see what you mean. I did not mean for that to occur, our concern was for his welfare."
- I said, "Yes but that also had the effect of telling Father FLETCHER that there was a police investigation. If someone like Richard CARLTON was to interview you I doubt that he would be as accepting of that explanation. It could be suggested that the purpose of your visit had the effect of warning Father FLETCHER. Having been forewarned, he then had the opportunity to get his story sorted out before the Police arrived to speak to him."
- He said, "I hope no one would view it that way. That was not our intention."
- I said, "I understand what you are saying but can you understand that this could be the perception?"
- He said, "I am sorry if that is how it is viewed."
- I said, "I will probably need to get a statement from you at some stage in relation to your conversation with Father FLETCHER. Whatever he told you is admissible at court & may have to be given in evidence."
- He said, "I understand & am happy to do that. Just contact me when you need that to happen."
- I said, "Thank you. Just before we finish I would like to discuss with you what is to occur with Father FLETCHER whilst this investigation continues."
- He said, "I was going to ask him to take a period of leave."
- I said, "I would ask that the church give consideration to removing Father FLETCHER from his position until we resolve what is to occur."
- He said, "How long would you expect that to take?"
- I said, "As I said earlier this could be a matter of months. I cannot put a time on it at this stage."
- He said, "Do you have concerns for other persons?"
- I said, "I don't have any information that he is committing any offences at the present time. The allegations I am investigating are very serious & relate to when this complainant was a child. There may not be any further complaints now but how would you feel if another incident arises during our investigation? Sometimes there is just the one

victim but we know from incidents like Vince RYAN that there is often many victims. I am concerned in that respect. I know Father FLETCHER is still in the Braxton Parish & as such has contact with the Catholic School there & probably other children's groups. I would feel better if he was removed from the Parish & placed into an office role here at the diocese or somewhere else where he would have a minimum of contact with children."

He said, "Your saying you feel he should be relieved of his position?"

I said, "I would. I cannot force you to do that. I don't have that power but I would strongly suggest it to you. Ultimately it is a decision for you & the church to consider."

He said, "There is a presumption of innocence until proven guilty."

I said, "Absolutely, but there is also a duty of care to the community & your parish. I would hate for something adverse to occur whilst this matter is still being examined. I can tell you that I have charged a Police Officer for a sexual offences & he was removed from general policing duties in the community & confined to a station until the matter was resolved at court. I have also charged schoolteachers with sexual offences & the Department of Education in each case removed them to the District Head Office to perform administration duties away from children until it was resolved. These are standard practices for most government departments. On each of those occasions there was a presumption of innocence but the safety & welfare of the community had to take precedence. I can only ask you to consider doing the same."

He said, "Very well."